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SENATE—*Monday, April 12, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, ultimate Ruler of this world, Lord of all nations and the One to whom all leaders are accountable for the realms of responsibility entrusted to them by You, we return to the work of this Senate in the midst of an international crisis. Like Senates before us in history, we face soul-sized issues with profound humanitarian implications. Bless the Senators as they seek to determine the extent of our Nation's further involvement in finding a solution to the seemingly insolvable problems caused by the bloody civil war in Kosovo. O Dear God, we come to You for guidance and then for the strength and fortitude to act with courage. You are Lord of Serbs and Kosovars, and the nations of NATO. Intervene to bring an end to the merciless persecution, the suffering of homeless refugees, the hate-motivated slaughter of people. Cleanse from Slobodan Milosevic's heart the evil practice of ethnic cleansing in Kosovo. And since the United States now is so strategically involved in this crisis, show the Senators and the administration the way to finish the work that has been begun in a just a righteous way that brings peace to that troubled part of the world. In Your all-powerful name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Nebraska is recognized.

Mr. HAGEL. I thank the Chair.

SCHEDULE

Mr. HAGEL. Mr. President, this morning the Senate will be in a period of morning business until 2 p.m., with Senators permitted to speak up to 10 minutes each. Following morning business, the Senate may consider any legislative or executive items cleared for action. The leader has announced that there will be no rollcall votes during today's session. So any votes ordered today will be postponed to occur on Tuesday at a time to be determined by the two leaders. It is hoped that the conferees on the budget resolution will be able to complete their work early this week so the Senate may begin consideration of the budget conference report and have a final vote by Thursday.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m.

MEASURES PLACED ON CALENDAR—S. 754 and S. 755

Mr. HAGEL. Mr. President, I understand there are now two bills at the desk due for their second readings.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 754) to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building".

A bill (S. 755) to extend the period for compliance with certain ethical standards for Federal prosecutors.

Mr. HAGEL. Mr. President, I will object to further consideration of these measures at this time.

The PRESIDENT pro tempore. The bills will be placed on the calendar.

Mr. HAGEL. I thank my colleagues, Mr. President, for their attention. Since there are no other Senators in the Chamber, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 763 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Anthony Blaylock and Shannon Hamm be granted the privilege of the floor for the day.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

KOSOVO

Mr. DORGAN. Mr. President, as the Senate reconvenes from a 2-week Easter recess, I am sure a number of my colleagues will be coming to the floor to discuss the challenges and the difficulties and the circumstances that exist now with respect to the action being taken in Kosovo. I am one of those who voted to support airstrikes in Kosovo. We voted to give the President the authority to commit U.S. troops and airplanes to conduct airstrikes only, along with our NATO allies, to respond to the ethnic cleansing and the genocide that has been occurring in Kosovo.

I believe it is in our national interest to respond in these circumstances when we see genocide being committed. When we see ethnic cleansing on the scale as has been committed in Kosovo, we have a responsibility as a community of nations to respond to it, to try

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

to help and to save the lives of those poor, innocent people who are being repressed and in a good many cases murdered, and certainly in hundreds of thousands of cases removed from their homeland, by a tyrant, by someone who does not respect international law. Over 630,000 refugees have been forced from their homes in Kosovo, 25,000 of them loaded on trains in scenes that are reminiscent of the late stages in World War II, sending of the folks to the death camps in the Second World War. Reports of mass executions, burned villages, rapes and robberies—all of this is rampant.

I supported the airstrikes as part of a NATO response to stop this ethnic cleansing in Kosovo. The United States is doing this as a part of NATO, but the United States shoulders the bulk of the burden of the airstrikes in that region. There are 400 U.S. war planes, 400 U.S. aircraft involved in this operation, and about 200 aircraft from the allied nations. During the first week of the war, the United States flew about 90 percent of the sorties. In other words, 90 percent of the pilots and about 90 percent of the airplanes during the first week of that war were U.S. planes and pilots.

I expect we will have briefings this week about the consequences of the airstrikes that have been launched. We have seen substantial television coverage. There has been a great deal of news analysis of all of this, and I think probably everyone here in the Senate is concerned and nervous about what is happening. There is discussion now about whether ground troops ultimately will be needed in that region in order to complete the mission of NATO. I do not know the answer to that, but I do feel very strongly that the introduction of U.S. forces on the ground in the Balkans could be a very, very significant mistake.

The NATO allies, it seems to me, the NATO countries, particularly the European countries, have a greater responsibility, especially in their neighborhood, in their area of the world, to do what is necessary to make the commitment if ground troops are necessary to support this effort. We do not know the consequences of NATO action. We know the consequences of taking no action. That would be the continuation and perhaps the finality of ethnic cleansing in Kosovo, perhaps the murder of tens of thousands of additional people, certainly the displacement of hundreds of thousands and more from Kosovo to refugee camps and to other places in the world.

That is unacceptable. None of us want 5 and 10 years from now to look back and say, "What shame has been wrought upon this world with this ethnic cleansing and this genocide that we did nothing about it." That is the reason I think this country and the NATO allies decided we will not allow this to stand; we must take action. So we took action with airstrikes, and those airstrikes continue.

The next decision, I think, will be, Will there be ground troops needed? I will just say, speaking for myself, I am very concerned about the introduction of U.S. ground forces in the Balkans. I believe very strongly that the NATO countries, particularly the European countries, must bear a greater responsibility of that burden. If ground troops are needed for intervention in the Balkans, then I believe that the European countries ought to commit under NATO those ground troops. But I would be very concerned about a decision to commit U.S. ground troops in the Balkans.

Those of us in leadership on the Republican and Democratic side, both in the Senate and in the House, have been invited to meet with President Clinton tomorrow at the White House late in the morning. We will be discussing this issue, I suspect, in greater detail: What have the airstrikes accomplished? What is the mission? How does that mission now continue toward some kind of conclusion, and what might we expect that conclusion to be?

I do not agree with my colleagues at all who say our mission must be to be successful; our mission must be to win with respect to the goals we have established in this area. But no one should mistake that this is a very difficult set of circumstances. We acted because we had to, but this remains a very difficult set of circumstances for this country and for the NATO allies.

It is my hope that very soon Mr. Milosevic will understand that he cannot continue, that this country and many of us in this body view him as a war criminal. I am one who believes he should be tried as a war criminal in front of an international tribunal. I know some are reluctant to do that because then they say you are negotiating ultimately with a war criminal if you negotiate an end to the hostilities.

The fact is, because genocide is being committed, we are persuaded to go in to stop it. By definition, when we began this process, we decided this person was a war criminal at the start. Why are we reluctant now, at anyplace along this process, to ask an international tribunal to brand him, try him in absentia, if necessary, as a war criminal?

There will be much more to discuss on the subject of Kosovo in the coming days. I will be interested, as well, in the views of my colleagues and interested in the meeting with President Clinton tomorrow with the joint leadership of the House and the Senate.

Mr. President, I ask unanimous consent to speak on a different subject, the subject of family farming and agriculture, for another 8 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FAMILY FARMING AND AGRICULTURE

Mr. DORGAN. Mr. President, I urge my colleagues to join me, as we turn towards the agenda before the Senate, from now perhaps until the Fourth of July, to understand that we face an urgent situation in rural America. Family farmers today, in my State and your State, if you represent the farm belt, went to the bank and were told that their investments, all of their 20 or 30 years invested in their farm are gone. They will not be able to plant the ground and raise a crop this year because they are out of money.

I want to read a letter I received from a woman. I talked to her by phone this morning. I was so struck by it, because she represents so well the dilemma and the urgency that we face in family farming.

This is a woman named, Susan Jorgenson, who is from North Dakota. Her husband died last August. She said that he had diabetes. She writes:

> . . . what I really feel caused his death was trying to make a living as a farmer.
>
> I had an auction last week to sell the [farm] machinery, so that I can pay off some of the debt that [we] incurred after 26 years of farming. I have a 17 yr. old son who would not help me prepare for this auction and did not get out of bed the day of the [auction] sale, because he is so heartbroken that he can not continue [to farm] this land.
>
> My husband was an excellent manager and fully educated.

He had a masters degree.

> He chose to farm rather than to live in Phoenix where he had a job with Motorola [early on], because he wanted to raise his children in a place with clean air, no crime and good schools. He worked very hard, physically and emotionally to make this farm work and its failure was . . . no fault of his own.

What do we say to families who live on America's farms when prices collapse for the product they produce? And when they take a truckload of grain to the elevator, that elevator operator says, "Well, the grain market for this grain you produced has no value"? The farmer who worked to plant and harvest the crops, risked the money to farm to get that grain to the elevator thinks, "Gosh, that's a strange set of circumstances. I'm told my crop has no value, and yet much of the world goes to bed with an ache in their belly because they don't have enough to eat."

People are starving in other parts of the world. We have images of old women climbing trees scavenging for leaves to eat because there is nothing else to eat. We had a report recently noting a country with a million to a million and a quarter people on the abyss of starvation, and our farmers are told their crops have no value.

The challenge for us in this Congress is to decide whether family farmers matter in our country.

I have a chart that shows all of those counties in America, shown in red, where they have lost more than 15 percent of their population. Largely, it shows in the center part of our country, the farm belt, that people have moved out. Our farm belt is being depopulated.

A century ago we had the Homestead Act to persuade people to come out and begin farming. If you moved out there, the Federal Government gave you 160 acres of land. You were a homesteader; you farmed the land. And we populated the farm belt.

Now look at what has happened: The farm belt is being depopulated for a good number of reasons, the most important of which, in my judgment, is we have a farm program that does not work. The farm program says, "You're on your own. When market prices collapse, we're not going to provide decent support prices."

We need to reconnect with decent price supports. We need a Fair Price Plan for Family Farmers, and we need it soon. This Congress has a responsibility, in my judgment, between now and the July 4 recess, to address this urgent situation on America's family farms and to say to family farmers, "You matter, the products you produce make a difference, they have value, and this country stands behind what you represent in our country."

We need to do a number of things. We need to pass a better Farm Bill, as I said, a Fair Price Plan. We need meat labeling that will help our ranchers. Let people know what they are eating and where it came from. We need price reporting. Let's see fair prices and full price reporting on livestock prices. Let's break up some of the monopolies that exist in the slaughterhouses. Eighty-seven percent of America's fat steers go to four slaughterhouses to be slaughtered. What that means is, you pass that monopoly pricing back on family farmers. They are the ones who are already losing money.

Isn't it interesting that every firm in this country who touches what a farmer produces, whether it is a steak or a bushel of wheat or a bushel of corn, is making money. The railroads are making record profits hauling it. The cereal manufacturers are making record profits crisping and puffing it, putting it into a box and selling it as cereal. The folks that slaughter the beef, the pork, the poultry, and the sheep are making record profits. It is the farmer who rises to do the chores, to plant the ground, to harvest the crops, who is going broke because they are told their commodities have no value.

That is a bankrupt approach for this economy. The economy, if it rewards hard work and the production of things people in this world need, will do well. But we decided that the all-star economic producers in America, the American family farmers, don't matter and we passed a farm bill that says, you're on your own; you deal with the marketplace and we don't care what the marketplace looks like. The farm bill is stacked against you, it favors monopolistic businesses, it presses its heavy boot upon you and you can't do anything about it. That is tough luck because it says we don't need you anymore, we don't need family farmers, all we need are giant agribusinesses. If that is the position that is taken in this country, this country will have taken a giant step backwards.

So I am saying that in the coming 2 or 3 months we must recognize the urgency of the situation on the family farm. Farmer after farmer after farmer in State after State are going broke, through no fault of their own. This young boy, who could not bear to attend the auction sale at his own farm, because it broke his heart not to be able to farm that land that his dad and his granddad and great-granddad farmed, this boy ought to hear from this Congress that we stand ready to help, that we care about preserving families on America's farms, that the decentralization of food production, a network of family farms dotting this country's prairies, strengthens America, that producing food that a hungry world needs is something that is an asset in this country, not a liability.

So I hope in the next 2 to 3 months those who care about family farmers will join those of us who come from the farm belt to pass aggressive, good, strong legislation dealing with concentration, monopolies, price reporting, meat labeling, and a decent price support—all of those issues and more—that will finally say to family farmers, you have a decent opportunity to make a living on America's family farms.

Mr. President, I yield the floor. But before I do, I thank my colleague from Maine for waiting patiently.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 765 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, April 9, 1999, the Federal debt stood at $5,661,252,699,346.90 (Five trillion, six hundred sixty-one billion, two hundred fifty-two million, six hundred ninety-nine thousand, three hundred forty-six dollars and ninety cents).

One year ago, April 9, 1998, the Federal debt stood at $5,542,953,000,000 (Five trillion, five hundred forty-two billion, nine hundred fifty-three million).

Fifteen years ago, April 9, 1984, the Federal debt stood at $1,486,873,000,000 (One trillion, four hundred eighty-six billion, eight hundred seventy-three million).

Twenty-five years ago, April 9, 1974, the Federal debt stood at $472,761,000,000 (Four hundred seventy-two billion, seven hundred sixty-one million) which reflects a debt increase of more than $5 trillion—$5,188,491,699,346.90 (Five trillion, one hundred eighty-eight billion, four hundred ninety-one million, six hundred ninety-nine thousand, three hundred forty-six dollars and ninety cents) during the past 25 years.

TRIBUTE TO KYLE MANGINI

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to an extraordinary young man from Blandford, Massachusetts. Kyle Mangini is a 13-year-old Boy Scout who, while on vacation with his family, saved his 16-year-old cousin, Santiago Garcia, from drowning.

Santiago was swimming and suddenly began to drown, sinking to the bottom of the pool. Kyle saw his cousin and immediately realized that he was in great danger. He leaped into the pool and pulled his older, much larger cousin out of the water.

Kyle's quick reaction saved precious seconds and probably saved Santiago's life. Santiago was successfully resuscitated by an emergency medical technician. It was Kyle's lifesaving training as a Boy Scout that prepared him for the emergency. Had it not been for Kyle's brave and timely rescue, his cousin Santiago could have suffered serious brain damage or death.

Kyle Mangini is a credit to the Boy Scouts and a true profile in courage for the State of Massachusetts. It is an honor to pay tribute to him today, and I ask unanimous consent that an article on his action be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Country Journal, Apr. 1, 1999]

QUICK-THINKING BLANDFORD BOY SCOUT SAVES COUSIN'S LIFE

(By Mary Kronholm)

Not every vacation is an adventure, nor is every vacation fraught with life-threatening incidents. But vacations are supposed to have happy endings.

Kyle Mangini was enjoying the last day of his Christmas vacation with his father, Dan Mangini, on Nevis, an island in the West Indies. His cousin, Santiago Garcia from Manchester, Conn. was with him.

The boys had become accustomed to visiting the beach and pool at the next door resort, Nesbit Plantation, and went for a final swim. As usual, the boys tested themselves to see how long they could hold their breath under water. Kyle, 13 years old, told Santiago he was going to get his towel and suggested a breather. When Kyle returned from the family spot on the beach, about five yards away, he saw that Santiago was still at the game, and underwater.

A poolside bystander made the observation to Kyle that his friend was now pretending to be an underwater crab.

As Kyle watched, Santiago turned over, still at the bottom of the pool, in five feet of water. "His arm was twitching and his mouth was open," said Kyle, who realized at that moment that something was terribly wrong.

"I jumped in, swam to the bottom, put my arm under his and pulled him to the top," he said.

As Kyle brought Santiago to the side of the pool, bystanders helped pull him out. Someone went to call for an ambulance, while others asked if anyone knew CPR. While Kyle does know how to administer CPR, an Emergency Medical Technician was staying at the resort, and stepped in to help.

According to Dan, the wait for the ambulance was about a half-an-hour. "The ambulance went to the wrong place and had to be redirected," he said.

"As the EMT performed CPR, Santiago was convulsing, and it was necessary, to hold his body down," said Dan. Kyle said that initially there was no pulse, but as soon as the CPR started, Santiago began breathing again. It was several hours later, accompanied by much medication, that the boy's body relaxed, and it was several more hours before anyone knew what shape Santiago was in.

"No one knows just exactly how long Santiago was under water," said Dan, who said the doctors at the Nevis Hospital were most concerned about possible brain damage.

"We went to visit him that evening, but the next morning, he had no recollection of our visit," said Dan.

On successive visits to the hospital, Kyle asked questions of Santiago, assuring, from his answers, that all was well.

Santiago was in the hospital for five days. His aunt, Maria, Kyle's stepmother, stayed with him throughout the days to help with feeding and necessary exercises, essential to restore lung capacity and breathing.

Kyle said that a doctor at the hospital told him that if he had gone to get help instead of pulling Santiago out himself, the boy would not have survived, as his lungs would have been completely filled with water.

As it was, according to Dan, it was almost 24 hours before anyone knew what the prognosis was going to be. Santiago has since been seen by his own physician and a neurologist, and been given a clean bill of health.

Mary Mangini, Kyle's mother, is proud of her son because just as Kyle was so quick to react to the situation, he is quite a bit lighter than his cousin.

Santiago, at 16 years old, weighs 180 pounds, and is about five feet 9 inches. "He's very big," said Kyle, who weighs 85 pounds and measures five feet tall.

Kyle attributes his ability to act quickly to his knowledge of lifesaving acquired as part of his merit badge work while taking lifesaving at the Moses Boy Scout Camp in Russell.

". . . and that's how I knew what to do," Kyle said.

Kyle's scout leader, David Olzewski, said that Kyle has been participating in the scouting program since he was Cub Scout age, about nine-years-old. "He's a good kid, and one of the oldest scouts in the troop," he said, adding that Kyle is the troop guide.

This is not Kyle's first successful rescue. A few years ago, he and neighbor John Mulligan came upon a Herrick Road neighbor, Harold Wyman, who had fallen in his icy walkway and was not able to get up. Kyle reacted in the same, quick, responsive manner, by sending John to the telephone and dialing 911, while he found blankets for Mr. Wyman, and comforted him until help arrived.

Kyle is an eighth grade student at Gateway Regional Middle School and next year will attend Pioneer Valley School of Performing Arts, in Hadley, a charter school. He plays the guitar and enjoys acting and was most recently seen as Will Scarlett in the middle school production of the musical, Robin Hood.

MILLENNIUM DIGITAL COMMERCE ACT—S. 761

Statements on the bill, S. 761, introduced on March 25, 1999, did not appear in the RECORD. The material follows:

By Mr. ABRAHAM (for himself, Mr. MCCAIN, Mr. WYDEN, and Mr. BURNS):

S. 761. A bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MILLENNIUM DIGITAL COMMERCE ACT

• Mr. ABRAHAM. Mr. President, I rise to introduce the Millennium Digital Commerce Act, a bill to promote the use of electronic authentication technologies and enhance the Internet's capacity to serve as a business tool. I am joined in introducing this bill by Senator JOHN MCCAIN, the chairman of the Senate Commerce Committee, Senator RON WYDEN, and Senator CONRAD BURNS. This legislation builds on the Government Paperwork Elimination Act, a bill I sponsored to promote the use of electronic signatures by the Federal Government, which was signed into law by the President as part of the Omnibus Appropriations Act.

The Internet has experienced almost exponential growth since its inception. Where once the Internet was a medium limited to the sharing of ideas between scientists and educators, it is now a tool which allows every person with a computer to access more information than is contained in any single library, communicate with friends for a fraction of the cost of phone service, or purchase goods from retailers located all over the world. Electronic commerce is clearly booming. But in order to realize its full potential, we must enact Federal and State legislation to enable, enhance, and protect the next generation of Internet usage.

The Internet is poised to serve as an efficient new tool for companies to transact business as never before. The development of electronic signature technologies now allow organizations to enter into contractual arrangements without ever having to drive across town or fly thousands of miles to personally meet with a client or potential business partner. The Internet is prepared to go far beyond the ability to buy a book or order apparel on-line. It is ready to lead a revolution in the execution of business transactions which may involve thousands or millions of dollars in products or services; transactions so important they require that both parties enter into a legally binding contract.

This capability is provided by the development of secure electronic authentication methods and technologies. These technologies permit an individual to positively identify the person with whom they are transacting business and to ensure that information being shared by the parties has not been tampered with or modified without the knowledge of both parties. While such technologies are seeing limited use today, the growth of the application has out-paced government's ability to appropriately modify the legal framework governing the use of electronic signatures and other authentication methods.

Mr. President, the Millennium Digital Commerce Act is designed to promote the use of electronic signatures in business transactions and contracts. At present, the greatest barrier to such transactions is the lack of a consistent and predictable national framework of rules governing the use of electronic signatures. Over forty States have enacted electronic authentication laws, and no two laws are the same. This inconsistency deters businesses from fully utilizing electronic signature technologies for contracts and other business transactions. The differences in our State laws create uncertainty about the effectiveness or legality of an electronic contract signed with an electronic signature. Of course, certainty is the basis for commerce, and contracts provide that certainty. Parties enter into contracts understanding that they will be bound by the terms of the agreement. However, the fear is that a business located in a State with different electronic authentication rules may be able to escape contractual obligations agreed to through electronic signatures. This legal uncertainty limits the potential of electronic commerce, and, thus, our nation's economic growth.

The needs for uniformity in electronic authentication rules is not only recognized by the business community, but by the States as well. For the past two years, the National Conference of Commissioners on Uniform State Law, an organization comprised of e-commerce experts from the States, has been working to develop a uniform system for the use of electronic signatures for all fifty States. Their product, the Uniform Electronic Transactions Act, or UETA, is in the final stages of review and the drafters expect to have the Act completed by October. Assuming the UETA is finished as scheduled, and I believe it will be, it will then fall on each State legislature to enact the legislation and establish the uniformity necessary for the interstate use of electronic signatures.

But agreement on the final language of the UETA proposal is not the same as enactment. Uniformity will not occur until all fifty States actually enact the UETA. Because some State legislatures are not in session next year and other States have more pressing legislative items, it could take three to four years for forty-five or fifty States to enact the UETA. With the rapid state of development in the high-technology sector, four years is an eternity.

The Digital Millennium Commerce Act is an interim measure to provide relief until the States adopt the provisions of the UETA. It will provide companies the baseline they need until a national baseline governing the use of electronic authentication exists at the State level.

First, the legislation provides that the electronic records produced in the execution of a digital contract shall not be denied legal effect solely because they are electronic in nature. This provision assures that a company will be able to rely on an electronic contract and that another party will not be able to escape their contractual obligations simply because the contract was entered into the Internet or any other computer network. By granting such certainty, this bill will reduce the likelihood of dissatisfied parties attempting to escape electronic contractual agreements and transactions.

Mr. President, let me stress that this Federal preemption of State law is designed to be an interim measure. It provides relief until the States enact uniform standards which are consistent with those contained in the Uniform Electronic Transactions Act and this legislation. Simply put, once States enact the UETA or other legislation governing the use of electronic signatures which is consistent to the UETA, the Federal preemption is lifted.

I consider myself a Federalist. I believe strongly in States rights and view with great caution proposals which call for the preemption of State law. After considerable study, it is my option that the need for a national baseline for the use of electronic signatures justifies a temporary, Federal action until such time as the States can enact a uniform standard.

Second, the bill grants parties to a transaction the freedom to determine the technologies and business methods to be used in the execution of an electronic contract. In essence, this assures that the Federal baseline will extend to the various aspects of State law governing authentication including such matters as registration and certification requirements, liability allocations, maintenance of revocation lists, payment of fees and other legal and regulatory concerns.

Third, this legislation sets forth the principles for the international use of electronic signatures. In the last year, U.S. negotiators have been meeting with the European Commissioners to discuss electronic signatures in international commerce. In these negotiations, the U.S. Department of Commerce and the State Department have worked in support of an open system governing the use of authentication technologies. Some European nations oppose this concept. For example, Germany insists that electronic transactions involving a German company must utilize a German electronic signature application. I applaud the Administration for their steadfast opposition to that approach. In an effort to bolster and strengthen the U.S. position in these international negotiations, this legislation lays out a series of principles to govern the use of electronic signatures in international transactions. These principles included the following:

One, paper-based obstacles to electronic transactions must be eliminated.

Two, parties to an electronic transaction should choose the electronic authentication technology.

Third, parties to a transaction should have the opportunity to prove in court that their authentication approach and transactions are valid.

Fourth, the international approach to electronic signatures should take a nondiscriminatory approach to electronic signature. This will allow the free market—not a government—to determine the type of authentication technologies used in international commerce.

Mr. President, these principles will bolster the U.S. convention that the Departments of State and Commerce are advocating abroad, and, hopefully, increase the likelihood of an open, market-based international framework to electronic commerce.

Finally, the bill directs the Department of Commerce and Office of Management and Budget to report on Federal laws and regulations that might pose barriers to e-commerce and report back to Congress on the impact of such provisions and provide suggestions for reform.

Mr. President, as with any legislation seeking to affect both Federal and State law, drafting this bill has been a challenging balancing act. During the drafting process, my office has received invaluable support from the Technology Division of the State of Massachusetts. Governor Paul Cellucci's staff have provided indispensable counsel on existing State law governing the use of electronic signatures and the manner in which Federal law can bolster or hamstring State contract law. Of course, the business and technology sectors have also been crucial in helping to craft this bill. Representatives from the Information Technology Association of America, the U.S. Chamber of Commerce, Microsoft, Hewlett-Packard and the National Association of Manufacturers have each lent their time and expertise to this effort. I appreciate their contributions and look forward to continuing this effort to ensure that we develop the best approach possible to promote use of electronic signatures in business transactions.

I urge my colleagues to support the Millennium Digital Commerce Act. Mr. President, I ask that the text of this legislation be placed in the RECORD.

The bill follows:

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Millennium Digital Commerce Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transaction, and that such a foundation should be based upon a simple, technology neutral, non-regulatory, and market-based approach.

(4) The nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing their proven role as laboratories of innovation for quickly evolving

areas of public policy, provided that States also adopt a consistent, reasonable national baseline to eliminate obsolete barriers to electronic commerce such as undue paper and pen requirements, and further, that any such innovation should not unduly burden inter-jurisdictional commerce.

(5) To the extent State laws or regulations do not currently provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent national baseline and eliminate said burden, but that absent such lack of a consistent, reasonable national baseline or such undue burdens, the best legal system for electronic commerce will result from continuing experimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

(7) Industry has developed several electronic signature technologies for use in electronic transactions, and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication technologies that are appropriate as practicable as between private parties and in use with State agencies.

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to permit and encourage the continued exepansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of writing and signing requirements imposed by law;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the terms and conditions on which they use and accept electronic signatures and electronic records; and

(5) to promote the development of a consistent national legal infrastructure necessary to support of electronic commerce at the Federal and state levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC.—The term "electronic" means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) ELECTRONIC RECORD.—The term "electronic record" means a record created, stored, generated, received, or communicated by electronic means.

(3) ELECTRONIC SIGNATURE.—The term "electronic signature" means a signature in electronic form, attached to or logically associated with an electronic record.

(4) GOVERNMENTAL AGENCY.—The term "governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentaility of the Federal government or of a State or of any country, municipality, or other political subdivision of a state.

(5) RECORD.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) SIGN.—The term "sign" means to execute or adopt a signature.

(7) SIGNATURE.—The term "signature" means any symbol, sound, or process executed or adopted by a person or entiry, with intent to authenticate or accept a record.

(8) TRANSACTION.—The term "transaction" means an action or set of actions occurring between 2 or more persons relating to the conduct of commerce.

SEC. 5. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

(a) IN GENERAL.—To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transaction:

(1) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law (UNCITRAL).

(2) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(3) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(4) Take a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

SEC. 6. INTERSTATE CONTRACT CERTAINTY.

(a) INTERSTATE COMMERCIAL CONTRACTS.—A contract relating to an interstate transaction shall not be denied legal effect solely because an electronic signature or electronic record was used in its formation.

(b) METHODS.—Notwithstanding any rule of law that specifies one or more acceptable or required technologies or business models, including legal or other procedures, necessary to create, use, receive, validate, or invalidate electronic signatures or electronic records, the parties to an interstate transaction may establish by contract, electronically or otherwise, such technologies or business models, including legal or other procedures, to create, use, receive, validate, or invalidate electronic signatures and electronic records.

(c) NOT PREEMPT STATE LAW.—Nothing in this section shall be construed to preempt the law of a State that enacts legislation governing electronic transactions that is consistent with subsections (a) and (b). A State that enacts, or has in effect, uniform electronic transactions legislation substantially as reported to State legislatures by the National Conference of Commissioners on Uniform State Law shall be deemed to have satisfied this criterion, provided such legislation as enacted is not inconsistent with subsections (a) and (b).

(d) INTENT.—The intent of a person to execute or adopt an electronic signature shall be determined from the context and surrounding circumstances, which may include accepted commercial practices.

SEC. 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.

(a) BARRIERS.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or be electronic means. Such barriers include, but are not limited to, barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency to plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

(b) REPORT TO CONGRESS.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove any existing barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

(c) CONSULTATION.—In preparing the report required by this section, the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

(d) INCLUDE FINDINGS IF NO RECOMMENDATIONS.—If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on March 31, 1999, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 193. An act to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System.

H.R. 171. An act to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes.

H.R. 705. An act to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives.

H.R. 1212. An act to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on March 31, 1999, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

S. 754. A bill to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building."

S. 755. A bill to extend the period for compliance with certain ethical standards for Federal prosecutors.

Pursuant to the order of August 4, 1977, the following bills were discharged from the Committee on the Budget and placed on the calendar:

S. 92. A bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 557. A bill to provide guidance for the designation of emergencies as a part of the budget process.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 26, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 643. An act to authorize the Airport Improvement Program for 2 months, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2382. A communication from the Acting Secretary of State, transmitting, pursuant to law, the Department's annual report on voting practices at the United Nations for 1998; to the Committee on Foreign Relations.

EC–2383. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the texts of international agreements other than treaties entered into the United States (99–32 to 99–35) received on March 22, 1999; to the Committee on Foreign Relations.

EC–2384. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, a draft of proposed legislation entitled "The Foreign Relations Authorization Act, Fiscal Years 2000 and 2001"; to the Committee on Foreign Relations.

EC–2385. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, certification of a proposed export license relative to technical assistance agreements with Russia involving Proton rocket satellite launch services (DTC–39–98); to the Committee on Foreign Relations.

EC–2386. A communication from the Assistant Secretary for legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on minorities in the Foreign Service Officer Corps; to the Committee on Foreign Relations.

EC–2387. A communication from the Secretary of Defense, transmitting, pursuant to law, the Department's report on the Airborne Laser program; to the Committee on Armed Services.

EC–2388. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, the Department's report on the establishment of an appeals process for TRICARE Claimcheck denials; to the Committee on Armed Services.

EC–2389. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment Procedures" (RIN0720–AA48) received on March 22, 1999; to the Committee on Armed Services.

EC–2390. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Single Process Initiative" (Case 97–D014) received on March 22, 1999; to the Committee on Armed Services.

EC–2391. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Purchase Through Other Agencies" (Case 98–D311) received on March 22, 1999; to the Committee on Armed Services.

EC–2392. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Employment Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies" (Case 97–D020) received on March 22, 1999; to the Committee on Armed Services.

EC–2393. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's annual report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–2394. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–2395. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the Authority's report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–2396. A communication from the Executive Director of the Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to the Committee's Procurement List dated March 17, 1999; to the Committee on Governmental Affairs.

EC–2397. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–23, "Apostolic Church of Washington, D.C., Equitable Real Property Tax Relief Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC–2398. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–22, "Real Property Tax Reassessment and Cold Weather Eviction Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC–2399. A communication from the Deputy Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, the Department's report on the State of Fair Housing in America; to the Committee on Banking, Housing, and Urban Affairs.

EC–2400. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report on the Office of Thrift Supervision's 1999 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–2401. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Insurance coverage and Rates" (RIN3067–AC96) received on March 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2402. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR 67) received on March 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2403. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (FEMA Docket No. 7281) received on March 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2404. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (64 FR 11386) received on March 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2405. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (64FR 11384) received on March 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2406. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (64FR 11382) received on March 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2407. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (64FR 11380) received on March 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2408. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (64FR 7505) received on March 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2409. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (Docket FEMA–7708) received on March 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2410. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxation of Fringe Benefits" (Rev. Rul. 99–12) received on March 22, 1999; to the Committee on Finance.

EC–2411. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 99–15) received on March 22, 1999; to the Committee on Finance.

EC–2412. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Funds Transfer—Temporary Waiver of Failure to Deposit Penalty for Certain Taxpayers" (Notice 99–12) received on March 23, 1999; to the Committee on Finance.

EC–2413. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 99–20) received on March 23, 1999; to the Committee on Finance.

EC–2414. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rulings and Determination Letters" (Rev. Proc. 99–22) received on March 23, 1999; to the Committee on Finance.

EC–2415. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Change in Accounting Method for Deferred Compensation" (Notice 99–16) received on March 11, 1999; to the Committee on Finance.

EC–2416. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of Certain Transfers to Foreign Partnerships and Foreign Corporations" (RIN1545–AV70) received on March 11, 1999; to the Committee on Finance.

EC–2417. A communication from the Director of the National Institute on Aging, Department of Health and Human Services, transmitting, pursuant to law, the Institute's report entitled "Progress Report on Alzheimer's Disease, 1998"; to the Committee on Health, Education, Labor, and Pensions.

EC–2418. A communication from the Deputy Executive Secretary of the Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Over-The-Counter Human Drugs; Labeling Requirements; Final Rule" (RIN0910–AA79) received on March 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2419. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Nutrient Content Claims; Definition of Term: Healthy; Extension of Partial Stay" (Docket No. 96P–0500 and 91N–384H) received on March 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2420. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Serving Sizes; Reference Amount for Baking Powder, Baking Soda, and Pectin" (Docket No. 94P–0240) received on March 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2421. A communication from the Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Preparing Tomorrow's Teachers to Use Technology" (CFDA No. 84.342) received on March 24, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2422. A communication from the Acting General Counsel, National Senior Service Corps, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "Foster Grandparent Program" (RIN3045–AA18) received on March 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2423. A communication from the Acting General Counsel, National Senior Service Corps, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "Senior Companion Program" (RIN3045–AA17) received on March 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2424. A communication from the Acting General Counsel, National Senior Service Corps, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "Retired and Senior Volunteer Program" (RIN3045–AA19) received on March 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2425. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's report entitled "Combined Thirty-Ninth through Forty-Third Quarterly Reports to Congress on the status of Exxon and Stripper Well Oil Overcharge Funds" (April 1, 1997 through June 30, 1998); to the Committee on Energy and Natural Resources.

EC–2426. A communication from the Secretary of Energy, transmitting, notice of the Department of Energy's intent to begin shipping non-mixed transuranic waste to the Waste Isolation Pilot Plant on March 25, 1999; to the Committee on Energy and Natural Resources.

EC–2427. A communication from the Assistant Secretary for Water and Science, Department of the Interior, transmitting, a draft of proposed legislation regarding appropriations pertaining to California Bay Delta Environmental Enhancement; to the Committee on Energy and Natural Resources.

EC–2428. A communication from the Director of the Office of Insular Affairs, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, the Department's report entitled "Impact of the Compacts of Free Association on the United States Territories and Commonwealths and on the State of Hawaii"; to the Committee on Energy and Natural Resources.

EC–2429. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Chief Financial Officer, Department of Energy, transmitting, pursuant to law, a report entitled "Department of Energy Accounting Handbook"; to the Committee on Energy and Natural Resources.

EC–2430. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Hearings and Appeals, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Criteria and Procedures for DOE Contractor Employee Protection Program; Department of Energy Acquisition Regulations" (RIN1901–AA78) received on March 22, 1999; to the Committee on Eenergy and Natural Resources.

EC–2431. A communication from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation; Department of Energy Management and Operating Contracts and Other Designated Contracts" (RIN1991–AB32) received on March 22, 1999; to the Committee on Energy and Natural Resources.

EC–2432. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Abandoned Mine Land Reclamation Program; Pennsylvania Regulatory Program" (SPATS No. PA–121–FOR) received on March 22, 1999; to the Committee on Energy and Natural Resources.

EC–2433. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quinclorac; Pesticide Tolerances" (FRL6069–5) received on March 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2434. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenbuconazole; Extension of Tolerance for Emergency Exemptions" (FRL6069–4) received on March 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2435. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Pesticide Tolerances for Emergency Exemptions" (FRL6066–4) received on March 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2436. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Arsanilic acid [(4-aminophenyl) arsonic acid]; Time-Limited

Pesticide Tolerance"(FRL6069–7) received on March 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2437. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding changes to the Utah State Air Quality Implementation plan with respect to definitions of "Sole Source of Heat" and "Emissions Standards" (FRL6314–8) received on March 23, 1999; to the Committee on Environment and Public Works.

EC–2438. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District and South Coast Air Quality Management District" (FRL6307–1) received on March 23, 1999; to the Committee on Environment and Public Works.

EC–2439. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; El Dorado County Air Pollution Control District" (FRL6313–4) received on March 23, 1999; to the Committee on Environment and Public Works.

EC–2440. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District" (FRL6309–9) received on March 23, 1999; to the Committee on Environment and Public Works.

EC–2441. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for the State of New Jersey" (FRL6313–9) received on March 23, 1999; to the Committee on Environment and Public Works.

EC–2442. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Environmental Protection Agency: Underground Injection Control Program Revision; Aquifer Exemption Determination for Portions of the Lance Formation Aquifer in Wyoming" (FRL6316–4) received on March 23, 1999; to the Committee on Environment and Public Works.

EC–2443. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Performance Plan for fiscal year 2000; to the Committee on Commerce, Science, and Transportation.

EC–2444. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Designation of Contracts for Notification to the Government of Actual or Potential Labor Disputes" received on March 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2445. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plan" (I.D. 010899B) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2446. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 56 to the Fishery Management Plan for Groundfish of the Gulf of Alaska and Amendment 56 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area" (I.D. 101498C) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2447. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program" (I.D. 030999C) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2448. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Fishery Cooperatives" (I.D. 031599A) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2449. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" (I.D. 030999B) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2450. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (I.D. 031199A) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2451. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (I.D. 031299A) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2452. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Navigable Waters Within the First Coast Guard District" (Docket 01–98–151) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2453. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Refugio, Texas" (Docket 98–165) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2454. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Long Beach and Shallotte, North Carolina" (Docket 98–149) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2455. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: West Tisbury, Massachusetts" (Docket 98–235) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2456. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Manhattan, Montana" (Docket No. 98–233) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2457. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fort Dodge, IA" (Docket 98–ACE–61) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2458. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fort Dodge, IA" (Docket 98–ACE–61) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2459. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Colombus, NE" (Docket 98–ACE–62) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2460. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allied Signal Avionics, Inc. Models GNS–X1s and GNS–X1 Flight Management System" (Docket 97–CE–07–AD) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2461. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS–332C, L, and L1, and L2

Helicopters" (Docket 98-SW-01-AD) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2462. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation, Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS-365N, N1, and N2 Helicopters" (Docket 97-SW-64-AD) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2463. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29487) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2464. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Gulf of Mexico High Offshore Airspace Area" (Docket 97-ASW-24) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2465. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29488) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2466. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amend Controlling and Using Agencies for Restricted Area R-2908, Pensacola, FL" (Docket 98-ASO-19) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2467. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace and Modification of Class E Airspace; Bozeman, MT" (Docket 98-ANM-19) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2468. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change of Using Agency for Prohibited Area P-56, District of Columbia" (Docket 98-AWA-4) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2469. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Alliance, NE" (Docket 98-ACE-54) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2470. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace, Revision of Class D Airspace; Torrance, CA" (Docket 98-AWP-34) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2471. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Existence of Airworthiness Design Standards for Acceptance Under the Primary Category Rule" received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2472. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglass Model DC-9 and DC-9-80 Series Airplanes, Model MD-88 Airplanes, and C-9 (Military) Series Airplanes" (Docket 96-NM-203-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2473. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes" (Docket 99-CE-03-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2474. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-76C Helicopters" (Docket 99-SW-22-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2475. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328-100 Series Airplanes" (Docket 98-NM-198-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2476. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes" (Docket 99-NM-33-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2477. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 97-NM-296-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2478. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnel Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes" (Docket 97-NM-929-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2479. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International CFM56-5 Series Turbofan Engines" (Docket 98-ANE-56-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2480. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400, -400D, and -400F Series Airplanes" (Docket 96-NM-171-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2481. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-31, PA-31-300, PA-31-325, PA-31-350, and PA-31P-350 Airplanes" (Docket 97-CE-152-AD) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2482. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes" (Docket 98-CE-78-AD) received on March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2483. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. (Agusta) Model A109E helicopters" (Docket 99-SW-10-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2484. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes" (Docket 98-CE-92-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2485. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes" (Docket 98-CE-102-AD) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2486. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated March 1, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources, and to the Committee on Foreign Relations.

EC–2487. A communication from the Principal Deputy Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on a violation of the Antideficiency Act by Air Force personnel at the 149th Fighter Wing, Kelly Air Force Base, Texas, during fiscal year 1996; to the Committee on Appropriations.

EC–2488. A communication from the Principal Deputy Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on a violation of the Antideficiency Act by Air Force personnel at the 66 Civil Engineering Squadron, Hanscom Air Force Base, Massachusetts, during fiscal year 1994; to the Committee on Appropriations.

EC–2489. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on a deliberate violation of the Antideficiency Act by the Comptroller/Director, Resource Management Division, Naval Air Station, Key West, Florida, during fiscal years 1994 and 1995; to the Committee on Appropriations.

EC–2490. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the adoption of a legally binding instrument establishing the International Dolphin Conservation Program; to the Committee on Commerce, Science, and Transportation.

EC–2491. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Buxton, North Carolina" (Docket 98–144) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2492. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Rio Grande City, Texas" (Docket 98–186) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2493. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Malvern and Bryant, Arkansas" (Docket 98–53) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2494. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Belzoni and Tehula, Mississippi" (Docket 97–243) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2495. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: New Martinsville, West Virginia" (Docket 97–129) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2496. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Pauls Valley and Healdton, Oklahoma" (Docket 98–75) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2497. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Knox City, Texas" (Docket 98–236) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2498. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Augusta, Wisconsin" (Docket 98–234) received on March 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2499. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Internal Programmatic Approval Documentation" received on March 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2500. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands" (I.D. 030399B) received on March 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2501. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (I.D. 030399B) received on March 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2502. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (I.D. 031999A) received on March 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2503. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 1999 Harvest Guideline" (I.D. 022599B) received on March 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2504. A communication from the Chief Counsel of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Anchorage, Alaska, Terminal Area" (Docket 29029) received on March 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2505. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Williams International, L.L.C. FJ44–1A Turbofan Engines" (Docket 98–ANE–36–AD) received on March 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2506. A communication from the Deputy Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's annual report under the Fair Debt Collection Practices Act for 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–2507. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Transition Rule for Ohio Investment Advisers" (RIN3235–AH60) received on March 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2508. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Availability of Funds and Collection of Checks" (Docket R–1027) received on March 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2509. A communication from the Deputy Assistant Secretary of the Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Entity List: Addition of Russian Entities; and Revisions to Certain Indian and Pakistani Entities" (RIN0694–AB60) received on March 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2510. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Removal of Commercial Communications Satellites and Related Items from the Department of Commerce's Commerce Control List for Retransfer to the Department of State's United States Munitions List" (RIN 0694–AB84) received on March 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2511. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law in the report of a rule entitled "Section 8 Certificate and Voucher Program Conforming Rule: Technical Correction" (RIN2577–AB63) received on March 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2512. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Benefits for Spouses, Mothers, Fathers, and Children" (RIN0960–AD83) received on March 25, 1999; to the Committee on Finance.

EC–2513. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Last-in, First-out Inventories" (Rev. Rul. 99-19) received on March 25, 1999; to the Committee on Finance.

EC-2514. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (Docket ND-035-FOR) received on March 11, 1999; to the Committee on Energy and Natural Recoucese.

EC-2515. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL6315-9) received on March 26, 1999; to the Committee on Environment and Public Works.

EC-2516. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List the Flat Woods Salamander as a Threatened Species" (RIN 1018-AE38) received on March 26, 1999; to the Committee on Environment and Public Works.

EC-2517. A communication from the Acting Assistant Secretary of Defense for Force Management Policy, transmitting, pursuant to the Department's annual report on waivers granted to aviators who fail to meet operational flying duty requirements for fiscal year 1998; to the Committee on Armed Services.

EC-2518. A communication from the Secretary of Defense transmitting, pursuant to law, the Department's report on the program for the development and demonstration of technologies for the demilitarization and disposal of conventional munitions, rockets, and explosives; to the Committee on Armed Services.

EC-2519. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated March 22, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, and to the Committee on Foreign Relations.

EC-2520. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notice that the Farm Services Agency, Salaries and Expenses Appropriation has been apportioned on a deficiency basis; to the Committee on Appropriations.

EC-2521. A communication from the Chairman of the Board of Directors of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporations annual report for fiscal year 1998; to the Committee on Health, Education, Labor and Pensions.

EC-2522. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Funding Priorities for Fiscal Years 1999-2000 for Certain Centers" received on March 31, 1999; to the Committee on Health, Education, Labor and Pensions.

EC-2523. A communication from the Secretary of Agriculture, transmitting, pursuant to law, report under the Federal Vacancies Reform Act regarding Department of Agriculture vacancies in the positions of Assistant Secretary for Administration and Assistant Secretary for Congressional Relations; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2524. A communication from the Administrator of the Rural Utilities Service Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Distance Learning and Telemedicine Loan Grant Program" (RIN0572-AB31) received on March 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2525. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Table Grapes (European or Vinifera Type); Grape Standards" (Docket FV-98-302) received on March 31, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2526. A communication from the Chairman of the Farm Credit Administration Board, transmitting, pursuant to law, the report of a rule entitled "Organization; Disclosure to Shareholders; FCS Board Compensation Limits" (RIN 3052-AB79) received on March 31, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2527. A communication from the Congressional Review Coordinator, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis. Procedures for Retaining Class Free State Status" (Docket 98-060-2) received on March 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2528. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a proposed credit guarantee to support the sale of various capital goods and services to Bariven S.A., Caracas, Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC-2529. A communication from the Secretary of Defense, transmitting, pursuant to law, the Department's report on defense purchases from foreign entities in fiscal year 1998; to the Committee on Armed Services.

EC-2530. A communication from the Principal Deputy to the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the Department's report on a "Plan for Improved Demilitarization of Excess and Surplus Defense Property"; to the Committee on Armed Services.

EC-2531. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report on the Department's plan for the inventory management of in-transit items; to the Committee on Armed Services.

EC-2532. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, the Department's interim report on the methods of selection of members of the Armed Forces to serve on courts-martial; to the Committee on Armed Services.

EC-2533. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The National Defense Authorization Act for Fiscal Years 2000 and 2001"; to the Committee on Armed Services.

EC-2534. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department's report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-2535. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Department's annual report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC-2536. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to and deletions from the Committee's Procurement List dated March 25, 1999; to the Committee on Governmental Affairs.

EC-2537. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's annual report for fiscal year 1998; to the Committee on Governmental Affairs.

EC-2538. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation; Small Business Subcontracting Program" (RIN3090-AG96) received on March 26, 1999; to the Committee on Governmental Affairs.

EC-2539. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's report on a new mileage reimbursement rate for Federal employees who use privately owned automobiles while on official business; to the Committee on Governmental Affairs.

EC-2540. A communication from the Chairman of the Board of Directors, Federal Prison Industries, Inc., Department of Justice, transmitting, pursuant to law, the Corporation's annual report for fiscal year 1998; to the Committee on Governmental Affairs.

EC-2541. A communication from the Chief Financial Officer of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's annual report under the Chief Financial Officers Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-2542. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Commission's annual report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC-2543. A communication from the Vice President of the Federal Financing Bank, transmitting, pursuant to law, the Bank's annual report under the Chief Financial Officers Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-2544. A communication from the Director of Financial Management, Assistant Comptroller General of the United States, transmitting, pursuant to law, the fiscal year 1998 annual report of the Comptrollers' General Retirement System; to the Committee on Governmental Affairs.

EC-2545. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Yolo-Solano Air Quality Management District, Monterey Bay Unified Air Pollution Control District, South Coast Air Quality Management District, Santa Barbara County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, and Kern County Air Pollution Control

District" (FRL6235-8) received on March 29, 1999; to the Committee on Environment and Public Works.

EC-2546. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, notice that funding for the emergency declared on January 8, 1999, regarding record snow in the State of Illinois will exceed 5 million dollars; to the Committee on Environment and Public Works.

EC-2547. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, notice that funding for the emergency declared on January 27, 1999, regarding record snow in the State of Michigan will exceed 5 million dollars; to the Committee on Environment and Public Works.

EC-2548. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the notice that funding for the emergency declared on January 15, 1999, regarding record snow in the State of Indiana will exceed 5 million dollars; to the Committee on Environment and Public Works.

EC-2549. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, notice that funding for the emergency declared on September 28, 1998 regarding the impact of Hurricane Georges on the State of Alabama will exceed 5 million dollars; to the Committee on Environment and Public Works.

EC-2550. A communication from the Assistant Commissioner (Examination), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue; All Industries, Health Insurance Deductibility for Self-Employed Individuals" (UIL 162.35-02) received on March 29, 1999; to the Committee on Finance.

EC-2551. A communication from the Assistant Commissioner (Examination), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue; All Industries; Retroactive Adoption of an Accident and Health Plan" (UIL 105.06-05) received on March 29, 1999; to the Committee on Finance.

EC-2552. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Addition of Brazil to the List of Nations Entitled to Reciprocal Exemption from the Payment of Special Tonnage Taxes" (T.D. 99-32) received on March 31, 1999; to the Committee on Finance.

EC-2553. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Warehouse Withdrawals; Aircraft Fuel Supplies; Pipeline Transportation of Merchandise in Bond" (T.D. 99-33) received on March 31, 1999; to the Committee on Finance.

EC-2554. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's annual report on the Strategic Petroleum Reserve for calendar year 1998; to the Committee on Energy and Natural Resources.

EC-2555. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Accident Investigation" (DOE O 225.1A) received on March 1, 1999; to the Committee on Energy and Natural Resources.

EC-2556. A communication from the President of the United States, transmitting, pursuant to law, notice of the President's decision to send certain U.S. forces to Macedonia; to the Committee on Foreign Relations.

EC-2557. A communication from the President of the United States, transmitting, pursuant to law, a report on the Strategic Concept of NATO; to the Committee on Foreign Relations.

EC-2558. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, a draft proposed legislation authorizing appropriations for U.S. international broadcasting, and to amend the United States International Broadcasting Act; to the Committee on Foreign Relations.

EC-2559. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, certification of a proposed license for the export of certain radar systems to the Government of Norway (DTC 63-99); to the Committee on Foreign Relations.

EC-2560. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the initiation of danger pay for USG civilian employees serving in Eritrea; to the Committee on Foreign Relations.

EC-2561. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's annual report under the Support for East European Democracy Act for fiscal year 1998; to the Committee on Foreign Relations.

EC-2562. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the Department's intent to obligate funds for additional Nonproliferation and Disarmament Fund activities; to the Committee on Foreign Relations.

EC-2563. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendments to the International Traffic in Arms Regulations; Control of Commercial Communications Satellites on the United States Munitions List" received on March 17, 1999; to the Committee on Foreign Relations.

EC-2564. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report of the Maritime Administration for fiscal year 1998; to the Committee on Commerce, Science, and Transportation.

EC-2565. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 1998; to the Committee on Commerce, Science, and Transportation.

EC-2566. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea" (I.D. 021299B) received on March 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2567. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (I.D. 032399C) received on March 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2568. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Amendment 7 to the Atlantic Sea Scallop Fishery Management Plan" (I.D. 110998F) received on March 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2569. A communication from the Procurement Executive, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Commerce Acquisition Regulation; Agency Protest Procedures" (RIN0605-AA15) received on March 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2570. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('Appliance Labeling Rule')" received on March 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2571. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review—Review of International Common Carrier Regulations" (Docket 98-118) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2572. A communication from the Chief Counsel of the Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights Within the Territory and Airspace of Serbia-Montenegro" (RIN2120-AG78) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2573. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pilot Responsibility for Compliance With Air Traffic Control Clearances and Instructions" received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2574. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29502) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2575. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29501) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2576. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Restricted Area R-5704 Hermistaon, OR" (Docket 98-AMN-23) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2577. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Bryan, OH" (Docket 98-AGL-68) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2578. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Jet Route J-42" (Docket 97-AEA-29) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2579. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Toledo, OH" (Docket 98-AGL-71) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2580. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Adrian, MI" (Docket 98-AGL-66) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2581. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Steubenville, OH" (Docket 98-AGL-65) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2582. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Shelbyville, IN" (Docket 98-AGL-80) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2583. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Maquoketa, IA" (Docket 98-ACE-50) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2584. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Burlington, IA" (Docket 98-ACE-56) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2585. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Belle Plaine, IA" (Docket 98-ACE-51) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2586. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Napoleon, OH" (Docket 98-AGL-72) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2587. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Tiffin, OH" (Docket 98-AGL-70) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2588. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lima, OH" (Docket 98-AGL-69) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2589. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kelleys Island, OH" (Docket 98-AGL-74) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2590. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Grand Rapids, MI" (Docket 98-AGL-77) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2591. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Port Clinton, OH" (Docket 98-AGL-73) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2592. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Defiance, OH" (Docket 98-AGL-67) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2593. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Glencoe, NM" (Docket 98-AGL-76) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2594. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Washington, IA" (Docket 99-ACE-18) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2595. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change in Using Agency for Restricted Areas, FL" (Docket 98-ASO-21) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2596. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA—Group Aerospatial Model TBM 700 Airplanes" (Docket 99-CE-AD) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2597. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant law, the report of a rule entitled "Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P-180 Airplanes" (Docket 98-CE-97-AD) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2598. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA.315B Helicopters" (Docket 98-SW-57-AD) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2599. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3201 Airplanes" (Docket 98-CE-91-AD) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2600. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DR.Ing.h.c.F Porsche Aktiengesellschaft (Porsche) 3200N01, N02, and N03 Reciprocating Engines" (Docket 99-ANE-09-AD) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2601. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes" (Docket 96-NM-256-AD) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2602. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA330J Helicopters" (Docket 97-SW-42-AD) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2603. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Series Airplanes" (Docket 99-NM-39-AD) received on March 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2604. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Pauls Valley and Wynnewood, Oklahoma" (Docket 98-140) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2605. A communication from the President of the United States, transmitting, pursuant to law, the report concerning developments in Kosovo and the region, particularly Macedonia and Albania; to the Committee on Foreign Relations.

EC-2606. A communication from the President of the United States, transmitting, pursuant to law, the report concerning the decision to deploy additional United States forces to Albania; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of March 25, 1999, the following reports of committees were submitted on March 26, 1999:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 148: A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds (Rept. No. 106-36).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 331: A bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes (Rept. No. 106-37).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 380: A bill to reauthorize the Congressional Award Act (Rept. No. 106-38).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 574: A bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System (Rept. No. 106-39).

By Mr. HELMS, from the Committee on Foreign Relations, with amendments:

S. Res. 26: A resolution relating to Taiwan's Participation in the World Health Organization.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 461: A bill to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment:

S. Con. Res. 17: A concurrent resolution concerning the 20th Anniversary of the Taiwan Relations Act.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 763. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes; to the Committee on Armed Services.

By Mr. THURMOND (for himself and Mr. HATCH):

S. 764. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. TORRICELLI):

S. 765. A bill to ensure the efficient allocation of telephone numbers; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. ROBB, Mr. HELMS, and Mr. FEINGOLD):

S. 766. A bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. COVERDELL (for himself, Mr. LEVIN, Mr. MCCAIN, Mr. TORRICELLI, Mrs. HUTCHISON, and Mr. CLELAND):

S. 767. A bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing; read the first time.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 763. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes; to the Committee on Armed Services.

SBP BENEFITS IMPROVEMENT ACT OF 1999

Mr. THURMOND. Mr. President, today, as our Armed Forces are engaged in operations over Yugoslavia, I am introducing legislation that corrects a long-standing injustice to the widows of our military retirees. My bill would immediately increase for survivors over the age 62 the minimum Survivor Benefit Plan annuity from 35 percent to 40 percent of the Survivor Benefit Plan-covered uniform services retired pay. The bill would provide a further increase to 45 percent of covered retired pay as of October 1, 2004.

Mr. President, I expect every member of the Senate has received mail from military spouses expressing dismay that they would not be receiving the 55 percent of their husband's retirement pay as advertised in the Survivor Benefit Plan literature provided by the military. The reason that they do not receive the 55 percent of retired pay is that current law mandates that at age 62 this amount be reduced either by the amount of the Survivors Social Security benefit or to 35 percent of the SBP. This law is especially irksome to those retirees who joined the plan when it was first offered in 1972. These service members were never informed of the age-62 reduction until they had made an irrevocable decision to participate. Many retirees and their spouses, as the constituent mail attests, believed their premium payments would guarantee 55 percent of retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these men and women who so loyally served the Nation in troubled spots throughout the world undergo when they learn of the annuity reduction.

Mr. President, uniformed services retirees pay too much for the available SBP benefit both, compared to what we promised and what we offer other federal retirees. When the Survivor Benefit Plan was enacted in 1972, the Congress intended that the government would pay 40 percent of the cost to parallel the government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the government's cost sharing has declined to about 26 percent. In other words, the retiree's premiums now cover 74 percent of expected long-term program costs versus the intended 60 percent. Contrast this with the federal civilian SBP, which has a 42 percent subsidy for those personnel under the Federal Employees Retirement System and a 50 percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the federal civilian retiree.

Mr. President, two years ago, with the significant support from the Members of the Senate Armed Services Committee, I was successful in gaining approval from the Congress in enacting the Survivor Benefit Plan benefits for the so-called Forgotten Widows. This is the second step toward correcting the Survivors Benefit Plan and providing the surviving spouses of our military personnel earned and paid for benefits. I urge that the Senate act promptly on this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SBP Benefits Improvement Act of 1999".

SEC. 2. COMPUTATION OF SURVIVOR BENEFITS.

(a) Increased Basic Annuity.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the SBP Benefits Improvement Act of 1999, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.".

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "Computation of annuity.—".

(b) Adjusted Supplemental Annuity.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the SBP Benefits Improvement Act of 1999, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.".

(c) Recomputation of Annuities.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) Recomputation of Retired Pay Reductions for Supplemental Survivor Annuities.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

By Mr. THURMOND (for himself and Mr. Hatch):

S. 764. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

THE FREEDOM FROM UNION VIOLENCE ACT

Mr. THURMOND. Mr. President, today, I am introducing legislation to close a long-standing loophole in our Nation's labor laws. The purpose of the bill is to make clear that violence conducted in the course of a strike is illegal under the Federal extortion law, the Hobbs Act. I am pleased to have Senator Hatch, Chairman of the Judiciary Committee, join me once again in introducing this important measure.

Violence has no place in our society. As I have said many times before, I would, if it were in my power to do so, put an absolute stop, without any compromise, to the disruption of commerce in this country by intimidation and violence, whatever its source.

Unfortunately, corrupt union officials have often been the source of such violence. Encouraged by their special Federal exemption from prosecution, corrupt union officials have routinely used intimidation and violence over the years to achieve their goals. Since 1975, the Institute for Labor Relations Research has documented over 9,000 reported incidents of union violence in America.

Let me make clear that I agree that the Federal government should not get involved in minor, isolated physical altercations and vandalism that are bound to occur during a labor dispute when emotions are charged and tempers flare. Action such as this is not significant to commerce. However, when union violence moves beyond this and becomes a pattern of violent conduct or of coordinated violent activity, the Federal government should be empowered to act. State and local governments sometimes fail to provide an effective remedy, whether because of a lack of will, a lack of resources, or an inability to focus on the interstate nature of the conduct. It is during these times that Federal involvement is needed to help control and stop the violence.

Let me also note that this legislation has never been an effort to involve the Federal government in a matter that traditionally has been reserved for the states. Labor relations are regulated on a national basis, and labor management policies are national policies. There is no reason to keep the Federal Government out of serious labor violence that is intended to achieve labor objectives. Indeed, the Congress intended for the Hobbs Act to apply to the conduct we are addressing in this legislation today. The decision to keep the Federal government out was not made by the Congress. Rather, it was made by the Supreme Court in the United States versus Enmons decision in 1973, when the Supreme Court found that the Hobbs Act did not apply to a lawful strike, as long as the purpose of the strike was to achieve "legitimate labor objectives," such as higher wages. Such an exception does not exist in the words of the statute. The Court could only create this loophole through a strained interpretation of the statute and a selective reading of its legislative history. In his dissent, Justice Douglas aptly criticized the majority for, "achieving by interpretation what those who were opposed to the Hobbs Act were unable to get Congress to do."

More specifically, the Enmons decision involved the Hobbs Anti-Racketeering Act which is intended to prohibit extortion by labor unions. It provides that: "Whoever in any way . . . obstructs, delays, or affects commerce in the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires to do so or commits or threatens physical violence to any person or property . . ." commits a criminal act. This language clearly outlaws extortion by labor unions. It outlaws violence by labor unions.

Although this language is very clear, the Supreme Court in Enmons created an exemption to the law which says that as long as a labor union commits extortion and violence in furtherance of legitimate collective-bargaining objectives, no violation of the act will be found. Simply put, the Court held that if the ends are permissible, the means to that end, no matter how horrible or reprehensible, will not result in violation of the act.

Let me discuss the Enmons case. In that case, the defendants were indicted for firing high-powered rifles at property, causing extensive damage to the property owned by a utility company—all done in an effort to obtain higher wages and other benefits from the company for striking employees. The indictment was, however, dismissed by the district court on the theory that the Hobbs Act did not prohibit the use of violence in obtaining legitimate union objectives. On appeal, the Supreme Court affirmed.

The Supreme Court held that the Hobbs Act does not proscribe violence committed during a lawful strike for the purpose of achieving legitimate collective-bargaining objectives, like higher wages. By its focus upon the motives and objectives of the property claimant who uses violence or force to achieve his or her goals, the Enmons decision has had several unfortunate results. It has deprived the Federal Government of the ability to punish significant acts of extortionate violence when they occur in a labor management context. Although other Federal statutes prohibit the use of specific devices or the use of channels of commerce in accomplishing the underlying act of extortionate violence, only the Hobbs Act proscribes a localized act of extortionate violence whose economic effect is to disrupt the channels of commerce. Other Federal statutes are not adequate to address the full effect of the Enmons decision.

The Enmons decision affords parties to labor-management disputes an exemption from the statute's broad proscription against violence which is not available to any other group in society. This bill would make it clear that the Hobbs Act punishes the actual or threatened use of force and violence which is calculated to obtain property without regard to whether the extortionist has a colorable claim to such property, and without regard to his or her status as a labor representative, businessman, or private citizen.

In short, the Enmons decision is an unfortunate example of judicial activism, of a court interpreting a statute to reach the policy result the court favors rather than the one the legislature intended. This is a problem that has concerned many of us in the Senate for many years. We have held numerous hearings on this matter in the Judiciary Committee since the Enmons decision. Our most recent hearing was in the last Congress after the UPS strike.

It is time we closed the loophole on union violence in America. It is my hope that this year we will be successful.

By Ms. COLLINS (for herself and Mr. TORRICELLI):

S. 765. A bill to ensure the efficient allocation of telephone numbers; to the Committee on Commerce, Science, and Transportation.

AREA CODE CONSERVATION ACT

Ms. COLLINS. Mr. President, on behalf of Senator TORRICELLI and myself, I am pleased to introduce today the Area Code Conservation Act. This legislation is designed to spare American businesses and households the expense and inconvenience of unnecessary changes in their area codes.

Mr. President, our current system for allocating numbers to local telephone companies is woefully inefficient. It leads to the exhaustion of an area code long before all the telephone numbers covered by that code are actually in use. My legislation will take steps to stop this wasteful practice and to bring some measure of sanity to our system of allocating telephone numbers.

When area codes were first introduced in 1947, 86 area codes covered all of North America. During the three-year period beginning on January 1, 1998, it is estimated that we will add 90 new area codes in the United States alone. In short, Mr. President, in only three years, we will add more codes than were originally required to cover the entire continent. And there does not seem to be an end in sight.

To the extent that additional area codes are needed to bring new telecommunications services to existing users or existing services to new users, they are a price we must pay. To the extent they are the result of inefficient practices, however, they are a price we must avoid. Unfortunately, the latter is far too frequently the case, as I shall explain.

The problem addressed by my legislation stems from a very simple fact. When a new carrier wishes to provide competitive telephone service in a community, it must obtain at least one central office code. Because it contains its own unique three-digit prefix within an area code, each central office code—and herein lies the crux of the problem—includes 10,000 telephone numbers. Thus, even if a telephone carrier expects to serve only five hundred customers in the community, it will exhaust 10,000 phone numbers in the process. And the ultimate effect of this occurring on a repeated basis is to exhaust all of the numbers in the area code, thereby requiring that a new area code be created.

Let me illustrate this further. Let's assume that a town of 12,000 households, each with one telephone line, is served by a single telephone carrier. The carrier will be able to meet the demand with only two central office codes and still have about 8,000 numbers for new customers. Assume further that three new competitors enter the market, which would be a welcome development and one that the 1996 Telecommunications Act was enacted to promote. Since central office codes are not shared by carriers, each new competitor would need its own code consisting of 10,000 telephone numbers. As you can see when you do the math, we would go from exhausting 20,000 numbers to exhausting 50,000 numbers to serve our town of just 12,000 households.

My own home state of Maine dramatically reflects the problem inherent in the current system. With a population of about 1.2 million people, we have 5.7 million unused telephone numbers out of the roughly 8 million usable numbers in our area code 207. However, more than 3 million of the unused numbers are within central office codes that have already been assigned, making them unavailable for other carriers. Thus, despite the fact that more than 70% of the telephone numbers in the 207 area code are not in use, Maine has been notified by the North American Numbering Plan Administrator that it will be forced to create a new area code by the Spring of the year 2000.

As one Maine commentator noted, even if every moose in Maine had a telephone number, we would still have plenty of numbers left over. Yet, we are told we will soon need another area code, something that probably make as much sense to our moose as to our people.

Mr. President, this paradigm of inefficiency in the midst of America's telecommunications revolution might almost be amusing were it not for the fact that it causes real hardships for many small businesses. With its great beauty, the Maine coast relies heavily on tourism for its economic health. We have heard from businesspeople throughout our coastal communities—a gallery owner in Rockport, an innkeeper in Bar Harbor, and a schooner captain in Rockland—who are among those who are rightly concerned about the cost of updating brochures, business cards, and other promotional literature, all of which will be necessitated by having a new area code. And as the innkeeper also told my office, it takes as long as 2 years to revise some guide books, the biggest source of information for many of his guests. Changing the area code could therefore lead to a significant loss of business and unneeded expenses for these small businesses.

Along with the economic cost, new area codes create tremendous disruption and confusion for consumers. With geographically split area codes, States, counties, and cities are split apart, creating new territorial boundaries that only serve to divide citizens. With overlay area codes, even more confusion can result. Just imagine having to dial up a different area code in order to order a pizza from a delivery service just down the street.

The legislation I am introducing today will resolve these problems and bring common sense to the process of allocating telephone numbers. The Area Code Conservation Act will set a date certain by which the Federal Communications Commission must develop a plan for the efficient allocation of telephone numbers. Consistent with the provisions of the Telecommunications Act of 1996, the plan must include measures to ensure that telephone numbers will be portable when customers change carriers and that unassigned numbers in a central office code will not be the exclusive property of a single carrier.

The Area Code Conservation Act would also give decision-making authority to the States, where officials know the best policies to promote competition while minimizing costs and confusion to businesses and consumers. Specifically, the Act would authorize State public utility commissions to implement area code conservation measures while the FCC is developing its plan and, I would hope, before a new area code is needlessly forced on the State. These conservation measures could include minimum fill rates for central office codes, mandatory 1,000-block pooling, individual number pooling, and interim unassigned number porting.

The legislation would also allow State commissions to require the return of unused or underused central office codes to the numbering administrator.

In developing this legislation, I received valuable assistance and technical advice from the Maine Public Utilities Commission. I have every confidence in the ability of the Maine PUC and, indeed, State commissions throughout this country to develop the best policy in this area.

The people of Maine welcome technological change and accept that it may come with a price. They are prepared to pay for innovation and progress, but they object—indeed, they should object—when they are asked to pay for inefficiency. When one looks behind its technical subject matter, this bill is about nothing more complicated than stopping a form of government waste. Such waste should not be tolerated by Members of this body, whether they come from States like Maine with a single area code or from States with cities already divided into different area codes.

I urge my colleagues to support my efforts to bring an end to this inefficiency and the unnecessary cost and inconvenience it will impose on our citizens, particularly our small businesses.

By Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. ROBB, Mr. HELMS, and Mr. FEINGOLD):

S. 766. A bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

Mr. LEVIN. Mr. President, I am pleased to introduce, with Senators ABRAHAM, ROBB, HELMS, and FEINGOLD, the Federal Prison Industries Competition in Contracting Act. This bill, if enacted, would eliminate the requirement for Federal agencies to purchase products made by Federal Prison Industries and require FPI to compete commercially for Federal contracts. It would implement a key recommendation of the Vice President's National Performance Review, which concluded that we should "Take away the Federal Prison Industries' status as a mandatory source of federal supplies and require it to compete commercially for Federal agencies' business." Most importantly, it would ensure that the taxpayers get the best possible value for their federal procurement dollars.

Mr. President, Federal Prison Industries has repeatedly claimed that it provides a quality product at a price that is competitive with current market prices. Indeed, the Federal Prison Industries statute requires them to do so. That statute states, and I quote, that FPI may provide to Federal agencies products that "meet their requirements" at prices that do not "exceed current market prices."

Indeed, FPI would appear to have a significant advantage in any head-to-head competition, since FPI pays inmates less than $2 an hour, far below the minimum wage and a small fraction of the wage paid to most private sector workers in competing industries.

The taxpayers also provide a direct subsidy to Federal Prison Industries products by picking up the cost of feeding, clothing, and housing the inmates who provide the labor. There is no reason why we should provide an indirect subsidy as well, by requiring Federal agencies to purchase products from FPI even when they are more expensive and of a lower quality than competing commercial items.

Yet, FPI remains unwilling to compete with the private sector, or even to permit Federal agencies to compare their products and prices with those available in the private sector. Indeed, FPI recently published a proposed rule which would expressly prohibit Federal agencies from conducting market research, as they would ordinarily do, to determine whether the price and quality of FPI products is comparable to what is available in the commercial marketplace. Instead, federal agencies are required to contact FPI, which will act as the sole arbiter of whether the product meets the agency's requirements. The proposed rule states:

> A contracting activity should not solicit bids, proposals, quotations, or otherwise test the market for the purpose of seeking alternative sources to FPI. . . . the contracting officer or activity should contact FPI, and FPI will determine . . . whether an agency's requirement can be met by FPI.

The reason for FPI's position is obvious: it is much easier to gain market share by fiat than it is to compete for business. Under FPI's current interpretation of the law, it need not offer the best product at the best price; it is sufficient for it to offer an adequate product at an adequate price, and insist upon its right to make the sale. Indeed, FPI currently advertises that it offers federal agencies "ease in purchasing" through "a procurement with no bidding necessary."

The result of the FPI's status as a mandatory source is not unlike the result of other sole-source contracting: the taxpayers frequently pay too much and receive an inferior product for their money. When FPI sets its prices, it does not even attempt to match the best price available in the commercial sector; instead, it claims to have charged a "market price" whenever it can show that at least some vendors in the private sector charges as high a price. As GAO reported in August 1998, "The only limit the law imposes on FPI's price is that it may not exceed the upper end of the current market price range."

Yet, FPI appears to have had difficulty providing even this minimal protection for the taxpayer. GAO compared FPI prices for 20 representative products to private vendors' catalog or actual prices for the same or comparable products and found that for 4 of these products, FPI's price was higher than the price offered by any private vendor. Moreover, for five of the remaining products, FPI's price was at the "high end of the range" of prices offered by private vendors—ranking sixth, seventh, eighth, and ninth of the ten vendors reviewed, respectively. In other words, for almost half of the FPI products reviewed, the FPI approach appeared to be to charge the highest price possible, rather than the lowest price possible, to the Federal customer.

One example of FPI overpricing was presented in a December 19, 1997 letter that I received from a frustrated vendor. The vendor stated:

> If the Air Force would purchase a completed unit as described in UNICOR's solicitation directly from a . . . . manufacturer we estimate the cost will be approximately $6,500.00. UNICOR is going to purchase a kit for $9,259.00 and add their assembly and administrative costs to the unit. If UNICOR only adds $1500.00 to the total cost of the unit, it will cost the Air Force $10,759.00. This is 66 percent higher than the current market price. If the Air Force purchases 8,000 units over the next five years it will cost the taxpayers an additional $34,072,000.00 over what it would cost if they dealt directly with a manufacturer.

A second frustrated vendor reported a similar experience to me. The vendor's letter stated:

> [FPI] bid on this item and simply because [FPI] did, I was told that the award had to be given to [FPI]. [FPI] won the bid at $45 per unit. My company bid $22 per unit. The way I see it, the government just overspent my tax dollars to the tune of $1,978. The total amount of my bid was less than that. Do you seriously believe that this type of procurement is cost-effective?
>
> I lost business, and my tax dollars were misused because of unfair procurement practices mandated by federal regulations. This is a prime example, and I am certain not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition, with the full support of federal regulations and the seeming approval of Congress. It is far past the time to curtail this 'company' known as Federal prison Industries and require them to be competitive for the benefit of all taxpayers.

This kind of overpricing has a real and dramatic impact on the ability of the Department of Defense to purchase the products that they need to provide for the national defense and for the welfare of our men and women in uniform. For example, the Master Chief Petty Officer of the Navy testified before the House National Security Committee on July 30, 1996, and the FPI monopoly on government furniture contracts has undermined the Navy's ability to improve living conditions for its sailors. Master Chief Petty Officer John Hagan stated, and I quote:

> Speaking frankly, the [FPI] product is inferior, costs more, and takes longer to procure. [FPI] has, in my opinion, exploited their special status instead of making changes which would make them more efficient and competitive. The Navy and other Services need your support to change the law and have FPI compete with [private sector] furniture manufacturers [under GSA contracts]. Without this change, we will not be serving Sailors or taxpayers in the most effective and efficient way.

Mr. President, I do not consider my self to be an enemy of Federal Prison Industries. I am a strong supporter of the idea of putting federal inmates to work. I understand that a strong prison work program not only reduces inmate idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to product society upon their release.

However, I believe that a prison work program must be conducted in a manner that is sensitive to the need not to unfairly eliminate the jobs of hard-working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its workforce by continuing to displace private sector jobs in its traditional lines of work. For this reason, I have been working since 1990 to try to help Federal Prison Industries to identify new markets that it can expand into without displacing private sector jobs.

Mr. President, avoiding competition is the easy way out, but it isn't the right way for FPI, it isn't the right way for the private sector workers whose jobs FPI is taking, and it isn't the right way for the taxpayer, who will continue to pay more and get less as a result of the mandatory preference for FPI goods. We need to have jobs for prisoners, but can no longer afford to allow FPI to designate whose jobs it will take, and when it will take them. Competition will be better for FPI, better for the taxpayer, and better for working men and women around the country.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 30

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 30, a bill to provide contercyclical income loss protection to offset extreme losses resulting from severe economic and weather-related events, and for other purposes.

S. 59

At the request of Mr. THOMPSON, the names of the Senator from Missouri (Mr. BOND) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 162

At the request of Mr. BREAUX, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 162, a bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis.

S. 218

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 218, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 250

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 250, a bill to establish ethical standards for Federal prosecutors, and for other purposes.

S. 296

At the request of Mr. FRIST, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mr. MOYNIHAN), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 385

At the request of Mr. ENZI, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Nebraska (Mr. HAGEL), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 385, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 443

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 443, A bill to regulate the sale of firearms at gun shows.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 459, supra.

S. 484

At the request of Mr. CAMPBELL, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Illinois (Mr. FITZGERALD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. DURBIN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Delaware (Mr. ROTH), the Senator from South Dakota (Mr. DASCHLE), the Senator from New York (Mr. MOYNIHAN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Virginia (Mr. ROBB), the Senator from Florida (Mr. GRAHAM), the Senator from Wyoming (Mr. ENZI), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Washington (Mr. GORTON), the Senator from Tennessee (Mr. FRIST), the Senator from Rhode Island (Mr. REED), the Senator from Missouri (Mr. ASHCROFT), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 542

At the request of Mr. ABRAHAM, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 542, a bill to amend the Internal Revenue Code of

1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 579

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 579, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia.

S. 595

At the request of Mr. DOMENICI, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 660

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 675

At the request of Mr. DASCHLE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 675, a bill to increase market transparency in agricultural markets domestically and abroad.

S. 692

At the request of Mr. KYL, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. BOND), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 692, a bill to prohibit Internet gambling, and for other purposes.

S. 693

At the request of Mr. HELMS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 731

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 731, A bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries.

S. 755

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 755, a bill to extend the period for compliance with certain ethical standards for Federal prosecutors.

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. MURKOWSKI, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of Senate Concurrent Resolution 17, a concurrent resolution concerning the 20th Anniversary of the Taiwan Relations Act.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. CONRAD), and the Senator from Montana (Mr. BURNS) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 54

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 54, a resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

AMENDMENT NO. 157

At the request of Mr. SPECTER the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Ohio (Mr. DEWINE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 157 proposed to S. Con. Res. 20, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

AMENDMENTS SUBMITTED ON MARCH 25, 1999

EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN CUBA

GRAHAM (AND MACK) AMENDMENT NO. 245

Mr. GRAHAM (for himself and Mr. MACK) proposed an amendment to the resolution (S. Res. 57) expressing the sense of the Senate regarding the human rights situation in Cuba; as follows:

On page 2, strike lines 9 and 10 and insert: "Whereas such abuses violate internationally accepted norms of conduct enshrined by the Universal Declaration of Human Rights".

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

HATCH AMENDMENT NO. 246

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 20, supra; as follows:

In the matter proposed to be inserted by Amendment Number 167, strike the matter proposed to be inserted, and insert the following:

SEC. . SENSE OF THE SENATE ON REAUTHORIZING STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) as of December, 1998, the Community Oriented Policing Services (COPS) Program had awarded grants for the hiring or redeployment to the Nation's streets of more than 92,000 police officers and sheriffs' deputies;

(2) according to the Bureau of Justice Statistics of the United States Department of Justice, the Nation's violent crime rate declined almost 7 percent during 1997, and has fallen more than 21 percent since 1993;

(3) enhanced community policing, state enactment of truth in sentencing laws requiring violent criminals to serve at least 85 percent of their sentences, and increased reliance on new crime detection and crime solving technology have significantly contributed to this decline in the violent crime rate;

(4) the policies and priorities of recent Congresses and the Nation's governors have provided significant increases in law enforcement funding and have enacted legislative initiatives that have given federal and state prosecutors and judges the tools to detect, prosecute, and punish violent criminals;

(5) foremost among these federal funding initiatives have been the Local Law Enforcement Block Grant, the Violent Offender Incarceration and Truth in Sentencing Incentive Grant program, and the Juvenile Offender Accountability Incentive Block Grant program, which have distributed nearly $5.7 billion in funding to State and local governments since fiscal year 1996; and

(6) The President's FY 2000 budget provides zero funding for each of the three crucial programs.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Local Law Enforcement Block Grant Program, the Juvenile Accountability Incentive Block Grant Program, the Community Oriented Policing Services (COPS) Program, the Violent Offender Incarceration and Truth in Sentencing Incentive Grants Program, the State Criminal Alien Assistance Program, and the Byrne Memorial Grant program should be reauthorized; and

(2) the COPS Program should be reauthorized and improved in order to provide continued federal funding for the hiring, deployment, and retention of community law enforcement officers, to provide greater flexibility to state and local authorities to purchase capital equipment, and to provide greater incentives to state and local law enforcement to invest in zero tolerance and crime tracking strategies used successfully in New York City and elsewhere.

COLLINS (AND OTHERS) AMENDMENT NO. 247

Mr. DOMENICI (for Ms. Collins for herself, Mr. Jeffords, Mr. Reed, Mr. Dodd, Mr. Kennedy, and Mr. Lieberman) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

Amend section 315 to read as follows:

SEC. 315. SENSE OF THE SENATE ON NEED-BASED STUDENT FINANCIAL AID PROGRAMS.

(a) Findings.—The Senate finds that—

(1) public investment in higher education yields a return of several dollars for each dollar invested;

(2) higher education promotes economic opportunity for individuals, as recipients of bachelor's degrees earn an average of 75 percent per year more than those with high school diplomas and experience half as much unemployment as high school graduates;

(3) higher education promotes social opportunity, as increased education is correlated with reduced criminal activity, lessened reliance on public assistance, and increased civic participation;

(4) a more educated workforce will be essential for continued economic competitiveness in an age where the amount of information available to society will double in a matter of days rather than months or years;

(5) access to a college education has become a hallmark of American society, and is vital to upholding our belief in equality of opportunity;

(6) for a generation, the Federal Pell Grant has served as an established and effective means of providing access to higher education for students with financial need;

(7) over the past decade, Pell Grant awards have failed to keep pace with inflation, eroding their value and threatening access to higher education for the nation's neediest students;

(8) grant aid as a portion of all students financial aid has fallen significantly over the past 5 years;

(9) the nation's neediest students are now borrowing approximately as much as its wealthiest students to finance higher education; and

(10) the percentage of freshmen attending public and private 4-year institutions from families below national median income has fallen since 1981.

(b) Sense of the Senate.—It is the sense of the Senate that within the discretionary allocation provided to the Committee on Appropriations of the Senate for function 500—

(1) the maximum amount of Federal Pell Grants should be increased by $400;

(2) funding for the Federal Supplemental Educational Opportunity Grants Program should be increased by $65,000,000;

(3) funding for the Federal capital contributions under the Federal Perkins Loan Program should be increased by $35,000,000;

(4) funding for the Leveraging Educational Assistance Partnership Program should be increased by $50,000,000;

(5) funding for the Federal Work-Study Program should be increased by $64,000,000;

(6) funding for the Federal TRIO Programs should be increased by $100,000,000.

MICROLOAN PROGRAM TECHNICAL CORRECTIONS ACT OF 1999

KERRY AMENDMENT NO. 248

Mr. ENZI (for Mr. Kerry) proposed an amendment to the bill (H.R. 440) to make technical corrections to the Microloan Program; as follows:

On page 2, strikes lines 7 through 20, and insert the following:

(1) in paragraph (7), by striking subparagraph (B) and inserting the following:

"(B) Allocation.—

"(i) Minimum allocation.—Subject to the availability of appropriations, of the total amount of new loan funds made available for award under this subsection in each fiscal year, the Administration shall make available for award in each State (including the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa) an amount equal to the sum of—

"(I) the lesser of—

"(aa) $800,000; or

"(bb) 1⁄55 of the total amount of new loan funds made available for award under this subsection for that fiscal year; and

"(II) any additional amount, as determined by the Administration.

"(ii) Redistribution.—If, at the beginning of the third quarter of a fiscal year, the Administration determines that any portion of the amount made available to carry out this subsection is unlikely to be made available under clause (i) during that fiscal year, the Administration may make that portion available for award in any 1 or more States (including the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa) without regard to clause (i)."; and

AVIATION WAR RISK INSURANCE PROGRAM

THOMPSON AMENDMENT NO. 249

Mr. ENZI (for Mr. Thompson) proposed an amendment to the bill (H.R. 98) to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program; as follows:

Strike section 2.

Amend the title so as to read: "An Act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program.".

CONVEYANCE OF CERTAIN LANDS IN SAN JUAN COUNTY, NM, TO SAN JUAN COLLEGE

DOMENICI (AND BINGAMAN) AMENDMENT NO. 250

Mr. ENZI (for Mr. Domenici for himself and Mr. Bingaman) proposed an amendment to the bill (S. 293) to direct the Secretaries of Agriculture and Interior and to convey certain lands in San Juan County, NM, to San Juan College; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) Conveyance of Property.—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the "Old Jicarilla Site" located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30).

(b) Description of Property.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) Terms, Conditions, and Reservations.—

(1) Notwithstanding exceptions for application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for ingress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b) above, shall be revoked simultaneous with the conveyance of the property under subsection (a).

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1999

DASCHLE (AND JOHNSON) AMENDMENT NO. 251

Mr. ENZI (for Mr. DASCHLE for himself and Mr. JOHNSON) proposed an amendment to the bill (S. 243) to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Perkins County Rural Water System Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(2) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101-294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation; and

(3) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project.

SEC. 3. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term "Corporation" means the Perkins County Rural Water System, Inc., a nonprofit corporation established and operated under the laws of the State of South Dakota substantially in accordance with the feasibility study.

(2) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.", as amended in March 1995.

(3) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(4) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of the water supply system by the Corporation.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(6) WATER SUPPLY SYSTEM.—The term "water supply system" means intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines operated by the Perkins County Rural Water System, Inc., to the point of delivery of water to each entity that distributes water at retail to individual users.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the Corporation for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The Corporation shall be operated on a not-for-profit basis.

(2) The Corporation may contract to purchase its entire electric service requirements for the water supply system, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the Corporation contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Corporation;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the Corporation, except that the power supplier of the Corporation shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 8. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 9. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—At the request of the Corporation, the Secretary may provide the Corporation assistance in overseeing matters relating to construction of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $15,000,000 for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Monday, April 12, 1999, at 3 p.m. in open and closed session, to receive testimony on alleged Chinese espionage at Department of Energy laboratories.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled, "Buried

Alive: Small Business Consumed By Tax Filing Burdens." The hearing will begin at 1 p.m. on Monday, April 12, 1999, in room 428A Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO RALPH BOLING

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Ralph Boling for his service to the state of Kentucky and the people of Hancock County. Ralph recently completed a special five-year term as Hancock County's Judge/Executive, during which he led the county through a remarkable period of growth and progress.

Before beginning his political career, Ralph was a farmer and businessman in Hancock County, working as an oil field driller, farmer, Hancock County Road Foreman and as the Hawesville Water Superintendent. His work outside of public service gave him the advantage of having first-hand knowledge of the struggles of working families, and shaped his desire to make a difference in the Hawesville community.

Following in his father's footsteps, Ralph's first endeavor in politics was a run for Hancock County Sheriff. He ran successfully in 1969, and again in 1977, serving two terms as Sheriff. In the final months of his second term, President Ronald Reagan appointed Ralph as a United States Marshal for the Western district of Kentucky. He excelled as a U.S. Marshal and received a second appointment under President Reagan and a third appointment under President George Bush. During his 12 years of service, Ralph received two of the highly distinguished "Awards for Excellent Performance."

While Ralph was honored to work in the Marshal's service, and loved his work under both President Reagan and President Bush's administrations, after his third term he decided it was time to exclusively serve the people of Hancock County. Ralph ran for Hancock County Judge/Executive and was elected to serve a special five-year term. Ralph always had the best interest of the county at heart, and encouraged the fiscal court to work together as a team despite political differences.

During his term as Judge/Executive, Ralph made great strides for Hancock County. He successfully led the effort to close the county landfill and was instrumental in assuring the construction of a new Emergency Services Building. The county also built a new fire station, and purchased additional fire trucks and police cruisers for increased public safety.

One of Ralph's achievements as Judge/Executive was his successful effort to build and repair many county roads. During Ralph's last two years as Judge, the fiscal court spent $2 million on Hancock roads, and obtained state funding to pave roads to Commonwealth Aluminum and Willamette and build bridges on Indian Hill and Goernig Road. He also helped establish the Hancock County Career Center. Ralph envisioned a bright future for Hancock County's workers and businesses, and he believed this center would be to the long-term benefit of the county.

Ralph's term as Judge/Executive has ended, but Hancock County will feel the effects of his accomplishments for years to come. His motto was "Together we can make a difference," and he has certainly proven this to be true. Ralph worked together with local law enforcement, state government, the U.S. Marshal's service and the Fiscal Court to make tremendous differences in people's lives. My colleagues and I thank you, Ralph, for your many years of service to Hancock County, the State of Kentucky and the United States.•

TRIBUTE TO RUBY COHEN

• Mr. DODD. Mr. President, I rise today to pay special tribute to a unique and wonderful person who graced the State of Connecticut and who recently passed away at the age of 87, Mr. Rubin H. "Ruby" Cohen.

Ruby hailed from Colchester, Connecticut. He accomplished a great many things during his exceptional life. The son of Jewish immigrants, Ruby made his mark at an early age. At 15 years old, after quitting school, Ruby went to work at a local hot dog stand called Harry's Place in Colchester. Then at the age of 18, with $300 borrowed from relatives, Ruby Cohen purchased Harry's Place, which eventually became a popular stopping point for travelers making their way between Connecticut and the Rhode Island beaches in the summer.

Soon, Governors, State Legislators, and politicians were stopping in for a bite to eat. It is at Harry's Place that my father, Thomas Dodd, came to meet and befriend Ruby Cohen. My father deeply valued this very special man who was always honest with his opinions and supportive throughout their many years of friendship.

However, politicians did not go to Harry's Place simply to enjoy a hot dog, but to rub elbows with one of Connecticut's most influential lawmakers. Unassuming in his presence, Ruby Cohen was, in fact, considered a powerful political insider. He began his political career in 1942 when he was first elected to the state House of Representatives. His popularity with the voters of Colchester earned him 14 more terms in office during which he became the first Democrat in 85 years to become the House Chairman of the Appropriations committee, a position he held for 12 years.

It was during his tenure as Chairman that Ruby Cohen distinguished himself as a legislator and also aided a cultural renaissance in my hometown of East Haddam. Back in 1959, The Goodspeed Opera House, which sits quietly on the Connecticut River just a short distance from my home, was a dilapidated state-operated garage in dire need of repairs. When Ruby Cohen was approached by one of his colleagues in the House who expressed a desire to renovate the structure, Ruby seized an opportunity to enhance a community. He drafted a bill appropriating $10,000 for the repair of the building's roof, successfully beginning the creation of the Opera House. Today, the Goodspeed Opera House is a nationally renowned theater with a reputation for excellence in the arts. We have Ruby Cohen to thank for recognizing the value and importance of the arts within a community and for providing this quiet Connecticut town with an artistic outlet.

Ruby will also be remembered for his commitment to preserving Connecticut's open spaces well before it became an issue of national importance. He played an integral role in the establishment of one of Connecticut's better-known refuges, Gay City State Park in Hebron. He spearheaded the restoration of the Comstock Bridge in East Hampton. Also on his list of accomplishments is the preservation of the Gelston House, a historic hotel which stands next to the Goodspeed Opera House.

Mr. President, Ruby Cohen was an honest man from meager beginnings who went on to establish a reputation in Connecticut as a respected lawmaker and friend. His death is a difficult loss for those who relied on his political wisdom and personal support. Even with his passing, we all may be comforted in the thought that his spirit and memory may be found in so many ways throughout a state he held so dear. He is survived by his two sons, David and Max, three daughters, Susan, Margaret, and Mary Ann, nine grandchildren, and one great-granddaughter. I offer my heartfelt condolences to each of them.•

TRIBUTE TO PAUL SLATER OF LONDONDERRY, NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize and congratulate Paul Slater of Londonderry, New Hampshire for his outstanding volunteerism and for being selected to serve as President of the Londonderry Lions Club for the next year.

Paul Began his volunteer work with the Londonderry Lions Club in September 1995. His unwavering commitment to the organization, its mission, and its activism within the community propelled hi to the club's Board of Directors during the summer of 1996. Today, Paul serves as both the Treasurer and Secretary of the Londonderry Lions Club.

Dedicated to social and humanitarian causes, Lions Club International is the world's largest service organization. With its primary focus on the needs of the blind and visually impaired, the mission of Lions Club International also extends to the needs of each chapter's respective communities. In addition to advancing the club's mission by organizing yearly yard sales and fundraising dinners, Paul continuously works towards the betterment of his community and state.

Every year since his induction as a member of the Londonderry Lions Club, Paul has helped organize and distribute Christmas and Thanksgiving baskets to those who are less fortunate in the Town of Londonderry. His biggest contribution to the organization and the people of New Hampshire, however, has been through his tireless effort towards improving Lions Camp Pride. Camp Pride, located in New Durham, New Hampshire, is a summer camp for children and adults with mild through profound special needs. In cooperation with the Londonderry Police and Fire Departments, Paul has been instrumental in insuring that the proceeds from the annual Police-Fire softball game are contributed to Lions Camp Pride.

Having served as an honorary member of the Lions Camp Pride Board, I recognize the importance and the value of Paul's work and I would like to thank him for his commitment to Lions Camp Pride.

Furthermore, Paul has continuously exhibited his unselfish dedication to the community as the Chairman of the Londonderry Lions Club High School Scholarship Committee. As a strong believer in education and equal opportunity, Paul has worked hard to insure that students with financial hardship who work hard and strive for academic excellence can still pursue college and technical educations.

Mr. President, Paul Slater has devoted his time and his heart to serving the Londonderry Lions Club, the Town of Londonderry, and the people of New Hampshire. It is people like Paul that make New Hampshire a special place to live, and it is an honor to represent him in the United States Senate.●

LOYOLA UNIVERSITY MOOT COURT VICTORY

● Ms. LANDRIEU. Mr. President, I rise today to congratulate the Loyola University, New Orleans Law School's Moot Court team for their performance in the American University Burton D. Wechsler First Amendment Competition. The competition is designed to showcase the dedication and talent of law school students from across the country, and the Loyola students displayed a great deal of both in their victorious efforts.

Moot Court Competitions are an opportunity for law school students to demonstrate their talents as advocates in an appellate court setting. They tackle a difficult legal problem in a written brief and then are subject to the grueling ordeal of probing and questioning by a panel of appellate court judges. The Burton Wechsler First Amendment Competition asked competitors to argue the complex question of the use of languages other than English while conducting government business. I am proud to say that our team from Loyola University took this challenge and used it as an opportunity to excel.

The team of Steven Griffith, Gaven Dall Kammer, Christopher Alfieri, Elisia Shofstahl, and faculty advisor, Prof, Mitch Crusto, took overall first place honors in the competition. Loyola defeated five highly-regarded opponents on their way to the title. Other honors garnered by the Loyola team included first place "Best Brief" and the "Runner-Up Best Oralist" award, won by Elisia Shofstahl. Loyola's fine performance in this prestigious national competition represents the very best in effort and education.

The team's impressive victory is a testament to the hard work and inherent skill of Loyola's fine law students. Such effort and success is worthy of our admiration and praise. Again, I congratulate the members of Loyola's Moot Court Team on their victory at American University's First Amendment Competition, and wish them the best of luck in their future competitions and careers.●

TRIBUTE TO PATRICIA BARR

● Mr. JEFFORDS. Mr. President, today I rise to pay tribute to an outstanding Vermonter, Patricia Barr, of North Bennington, Vermont. Pat's commitment to improving the health status of Vermonters and all Americans, serves as a model to us all. She is a stunning example of how one person can have a positive effect on many others.

Over the course of her life, she has been an advocate and strategic planner for breast cancer research and ethical issues. Pat has tirelessly championed these causes and for that, we are forever grateful.

Pat has served on the national Breast Cancer Coalition Board, and currently serves as President of the Breast Cancer Network, which she founded in 1993. Her devotion to health, medical and ethical issues has landed her numerous other roles and responsibilities, including positions on the Center for Disease Control's Breast and Cervical Cancer Early Detection and Control Advisory Committee, the Human Genome Project's Task Force on Genetic Testing, and the National Cancer Institute's (NCI) Breast Cancer Progress Review Group. She has also served on NCI's Cancer Genetics Working Group, and the National Action Plan on Breast Cancer's Biological Resources Working Group Subcommittee on Ethical Issues. In these and in other capacities, Pat has made numerous presentations in Vermont, throughout the Nation, and even outside of the country, regarding ethical and cancer issues.

Through word and action, Pat has touched, and improved, the lives of many individuals. Of all those who have crossed my path over the years, few individuals have such a distinguished and proven track record of commitment to breast cancer and related issues. By helping to educate, promote and advocate for change through newsletters, grant programs, support groups, projects such as the Ladies First Program, and lobbying public officials, Pat's involvement helped blaze the trail for success.

We have been well served by Pat and look forward to her continued leadership. Vermonters, and all Americans, owe her a debt of gratitude for her passionate, steadfast work on these vitally important issues.●

MEASURE READ THE FIRST TIME—S. 767

Mr. VOINOVICH. Madam President, I understand that S. 767, which was introduced earlier by Senator COVERDELL, is at the desk, and I ask that it be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 767) to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing.

Mr. VOINOVICH. Madam President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. VOINOVICH. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 25 and 26. I finally ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations appear in the RECORD, that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Thomas Lee Strickland, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

Carl Schnee, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CONGRESSIONAL OPPOSITION TO UNILATERAL DECLARATION OF A PALESTINIAN STATE

Mr. VOINOVICH. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 44, House Concurrent Resolution 24.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 24) expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 24) was agreed to.

Mr. VOINOVICH. Madam President, I ask unanimous consent that the preamble be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

20TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

Mr. VOINOVICH. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate Concurrent Resolution 17, which was reported by the Foreign Relations Committee.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 17) concerning the 20th anniversary of the Taiwan Relations Act.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. VOINOVICH. I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The amendment to the preamble was agreed to.

The resolution (S. Con. Res. 17), as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 17

Whereas April 10, 1999, will mark the 20th anniversary of the enactment of the Taiwan Relations Act, codifying in public law the basis for continued commercial, cultural, and other relations between the United States and democratic Republic of China on Taiwan;

Whereas the Taiwan Relations Act was advanced by Congress and supported by the executive branch as a critical tool to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the United States and Taiwan;

Whereas the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979;

Whereas, when the Taiwan Relations Act was enacted, it reaffirmed that the United States decision to establish diplomatic relations with the People's Republic of China is based upon the expectation that the future of Taiwan will be determined by peaceful means;

Whereas officials of the People's Republic of China refuse to renounce the use of force against Taiwan;

Whereas the defense modernization and weapons procurement efforts by the People's Republic of China, as documented in the February 1, 1999, report by the Secretary of Defense on "The Security Situation in the Taiwan Strait", could threaten cross-strait and East Asian stability and United States interests in the East Asia region;

Whereas the Taiwan Relations Act provides explicit guarantees that the United States will make available defense articles and defense services in such quantities as may be necessary for Taiwan to maintain a sufficient self-defense capability;

Whereas the Taiwan Relations Act requires timely reviews by United States military authorities of Taiwan's defense needs in connection with recommendations to the President and Congress;

Whereas Congress and the President are committed by section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)) to determine the nature and quantity of what Taiwan's legitimate needs are for its self-defense;

Whereas Taiwan routinely makes informal requests for defense articles and defense services to United States Government officials, which are discouraged or declined informally by United States Government personnel;

Whereas it is the policy of the United States to reject any attempt to curb the provision by the United States of defense articles and defense services legitimately needed for Taiwan's self-defense;

Whereas it is the current executive branch policy to limit most high-level dialog regarding regional stability with Taiwan senior military officials;

Whereas the Taiwan Relations Act sets forth the policy to promote extensive commercial relations between the people of the United States and the people on Taiwan, and that policy is advanced by membership in the World Trade Organization;

Whereas Taiwan completed its bilateral market access negotiations with the United States on February 20, 1998, and all countries which asked to negotiate bilateral agreements with Taiwan have concluded those agreements, although Canada has reopened negotiations on certain products;

Whereas the human rights provisions in the Taiwan Relations Act helped stimulate the democratization of Taiwan;

Whereas Taiwan today is a full-fledged, multiparty democracy that fully respects human rights and civil liberties and, as such, serves as a successful model of democratic reform for the People's Republic of China;

Whereas it is the policy of the United States to promote extensive cultural relations between the United States and Taiwan, ties that should be further encouraged and expanded;

Whereas any attempt to determine Taiwan's future by other than peaceful means, including boycotts or embargoes, would be considered as a threat to the peace and security of the Western Pacific and of grave concern to the United States;

Whereas the Taiwan Relations Act established the American Institute in Taiwan to carry out the programs, transactions, and other relations of the United States with respect to Taiwan; and

Whereas the American Institute in Taiwan has played a successful role in sustaining and enhancing United States relations with Taiwan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should reaffirm its commitment to the Taiwan Relations Act and the specific guarantees of provision of legitimate defense articles to Taiwan contained therein;

(2) the Congress has grave concerns over China's growing arsenal of nuclear and conventionally armed ballistic missiles adjacent to Taiwan, and the effect that the buildup may have on stability in the Taiwan Strait, and United States government officials should continue to raise these concerns with officials of the People's Republic of China;

(3) the President should seek from the leaders of the People's Republic of China a public renunciation of any use of force, or threat to use force, against democratic Taiwan;

(4) the President should provide annually a report detailing the military balance on both sides of the Taiwan Strait, including the impact of procurement and modernization programs underway;

(5) the Secretary of Defense should make available to the appropriate committees of Congress the annual military requirements list submitted by Taiwan;

(6) it should be United States policy to encourage the participation of Taiwan in a high-level regional dialog on the best means of ensuring stability, peace, and freedom of the seas in East Asia; and

(7) it should be United States policy, in conformity with the spirit of section 4(d) of the Taiwan Relations Act (22 U.S.C. 3303(d)), to publicly support Taiwan's admission to

the World Trade Organization forthwith, on its own merits, and consistent with the bilateral market access agreement with the United States.

TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ORGANIZATION

Mr. VOINOVICH. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate Resolution 26, which was reported by the Foreign Relations Committee.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 26) relating to Taiwan's participation in the World Health Organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. VOINOVICH. I ask unanimous consent that the committee amendments be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The resolution (S. Res. 26), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

(The parts of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.)

S. RES. 26

Whereas good health is a basic right for every citizen of the world and access to the highest standards of health information and services is necessary to help guarantee this right;

Whereas direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS and Hong Kong bird flu through increased trade and travel;

Whereas the World Health Organization (WHO) set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people;

Whereas in 1977 the World Health Organization established "Health for all by the year 2000" as its overriding priority and reaffirmed that central vision with the initiation of its "Health For All" renewal process in 1995;

Whereas Taiwan's population of 21,000,000 people is larger than that of ¾ of the member states already in the World Health Organization and shares the noble goals of the organization;

Whereas Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, the first Asian nation to be rid of polio, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas prior to 1972 and its loss of membership in the World Health Organization, Taiwan sent specialists to serve in other member countries on countless health projects and its health experts held key positions in the organization, all to the benefit of the entire Pacific region;

Whereas the World Health Organization was unable to assist Taiwan with an outbreak of enterovirus 71 which killed 70 Taiwanese children and infected more than 1,100 Taiwanese children in 1998;

Whereas Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas in recent years both the Republic of China on Taiwan's Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but have ultimately been unable to render such assistance;

Whereas the World Health Organization allows observers to participate in the activities of the organization;

Whereas the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas in light of all of the benefits that Taiwan's participation in the World Health Organization could bring to the state of health not only in Taiwan, but also regionally and globally: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Taiwan and its 21,000,000 people should have appropriate and meaningful participation in the World Health Organization;

(2) the Secretary of State should report to the Senate Foreign Relations Committee by **[**April 1, 1999,**]** *April 20, 1999*, on the efforts of the Secretary to fulfill the commitment made in the 1994 Taiwan Policy Review to more actively support Taiwan's membership in international organizations that accept non-states as members, and to look for ways to have Taiwan's voice heard in international organizations; and

(3) the Secretary of State shall report to the Senate Foreign Relations Committee by **[**April 1, 1999,**]** *April 20, 1999*, on what action the United States will take at the May 1999 World Health Organization meeting in Geneva to support Taiwan's meaningful participation.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The text of H. Con. Res. 68, a concurrent resolution setting for the congressional budget for the United States Government for fiscal years 2000 through 2009, as passed by the Senate on March 25, 1999, follows:

H. CON. RES. 68

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2000 and that the appropriate budgetary levels for fiscal years 2001 through 2009 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2000 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,408,500,000,000.
Fiscal year 2001: $1,435,300,000,000.
Fiscal year 2002: $1,456,300,000,000.
Fiscal year 2003: $1,532,600,000,000.
Fiscal year 2004: $1,584,100,000,000.
Fiscal year 2005: $1,651,000,000,000.
Fiscal year 2006: $1,684,400,000,000.
Fiscal year 2007: $1,733,200,000,000.
Fiscal year 2008: $1,802,800,000,000.
Fiscal year 2009: $1,867,500,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$9,800,000,000.
Fiscal year 2002: −$52,000,000,000.
Fiscal year 2003: −$30,700,000,000.
Fiscal year 2004: −$50,000,000,000.
Fiscal year 2005: −$59,900,000,000.
Fiscal year 2006: −$106,300,000,000.
Fiscal year 2007: −$138,200,000,000.
Fiscal year 2008: −$153,400,000,000.
Fiscal year 2009: −$178,200,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,600,000,000.
Fiscal year 2001: $1,456,100,000,000.
Fiscal year 2002: $1,487,300,000,000.
Fiscal year 2003: $1,558,300,000,000.
Fiscal year 2004: $1,611,700,000,000.
Fiscal year 2005: $1,665,600,000,000.
Fiscal year 2006: $1,697,000,000,000.
Fiscal year 2007: $1,752,200,000,000.
Fiscal year 2008: $1,813,800,000,000.
Fiscal year 2009: $1,874,400,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,100,000,000.
Fiscal year 2001: $1,435,300,000,000.
Fiscal year 2002: $1,455,100,000,000.
Fiscal year 2003: $1,532,500,000,000.
Fiscal year 2004: $1,583,900,000,000.
Fiscal year 2005: $1,638,600,000,000.
Fiscal year 2006: $1,666,400,000,000.
Fiscal year 2007: $1,715,900,000,000.
Fiscal year 2008: $1,781,200,000,000.
Fiscal year 2009: $1,841,300,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2000: $400,000,000.
Fiscal year 2001: $0.
Fiscal year 2002: $1,200,000,000.
Fiscal year 2003: $100,000,000.
Fiscal year 2004: $200,000,000.
Fiscal year 2005: $12,400,000,000.
Fiscal year 2006: $18,000,000,000.
Fiscal year 2007: $17,300,000,000.
Fiscal year 2008: $21,600,000,000.
Fiscal year 2009: $26,200,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,627,700,000,000.
Fiscal year 2001: $5,707,700,000,000.
Fiscal year 2002: $5,791,500,000,000.
Fiscal year 2003: $5,875,000,000,000.
Fiscal year 2004: $5,954,800,000,000.
Fiscal year 2005: $6,019,600,000,000.
Fiscal year 2006: $6,075,400,000,000.
Fiscal year 2007: $6,128,700,000,000.
Fiscal year 2008: $6,168,100,000,000.
Fiscal year 2009: $6,198,100,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2009 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $288,800,000,000.
(B) Outlays, $276,600,000,000.
Fiscal year 2001:
(A) New budget authority, $303,600,000,000.
(B) Outlays, $285,900,000,000.
Fiscal year 2002:
(A) New budget authority, $308,200,000,000.
(B) Outlays, $291,700,000,000.
Fiscal year 2003:
(A) New budget authority, $318,300,000,000.
(B) Outlays, $303,600,000,000.
Fiscal year 2004:
(A) New budget authority, $327,200,000,000.
(B) Outlays, $313,500,000,000.
Fiscal year 2005:
(A) New budget authority, $328,400,000,000.
(B) Outlays, $316,700,000,000.
Fiscal year 2006:
(A) New budget authority, $329,600,000,000.
(B) Outlays, $315,100,000,000.
Fiscal year 2007:
(A) New budget authority, $330,900,000,000.
(B) Outlays, $313,700,000,000.
Fiscal year 2008:
(A) New budget authority, $332,200,000,000.
(B) Outlays, $317,100,000,000.
Fiscal year 2009:
(A) New budget authority, $333,500,000,000.
(B) Outlays, $318,000,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $11,200,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2001:
(A) New budget authority, $10,600,000,000.
(B) Outlays, $15,100,000,000.
Fiscal year 2002:
(A) New budget authority, $9,800,000,000.
(B) Outlays, $14,400,000,000.
Fiscal year 2003:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $13,600,000,000.
Fiscal year 2004:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $13,300,000,000.
Fiscal year 2005:
(A) New budget authority, $13,700,000,000.
(B) Outlays, $12,900,000,000.
Fiscal year 2006:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $12,600,000,000.
Fiscal year 2007:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $12,400,000,000.
Fiscal year 2008:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $12,200,000,000.
Fiscal year 2009:
(A) New budget authority, $14,000,000,000
(B) Outlays, $12,100,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $18,200,000,000.
Fiscal year 2001:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2002:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2003:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2004:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2005:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2006:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2007:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2008:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2009:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $0.
(B) Outlays, −$700,000,000.
Fiscal year 2001:
(A) New budget authority, −$1,400,000,000.
(B) Outlays, −$3,100,000,000.
Fiscal year 2002:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$1,100,000,000.
Fiscal year 2003:
(A) New budget authority, −$100,000,000.
(B) Outlays, −$1,200,000,000.
Fiscal year 2004:
(A) New budget authority, −$300,000,000.
(B) Outlays, −$1,400,000,000.
Fiscal year 2005:
(A) New budget authority, −$400,000,000.
(B) Outlays, −$1,500,000,000.
Fiscal year 2006:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$1,500,000,000.
Fiscal year 2007:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$1,400,000,000.
Fiscal year 2008:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$1,100,000,000.
Fiscal year 2009:
(A) New budget authority, −$100,000,000.
(B) Outlays, −$1,100,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $22,800,000,000.
(B) Outlays, $22,600,000,000.
Fiscal year 2001:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $22,000,000,000.
Fiscal year 2002:
(A) New budget authority, $22,400,000,000.
(B) Outlays, $21,400,000,000.
Fiscal year 2003:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $22,600,000,000.
Fiscal year 2004:
(A) New budget authority, $23,500,000,000.
(B) Outlays, $23,500,000,000.
Fiscal year 2005:
(A) New budget authority, $23,500,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2006:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $23,500,000,000.
Fiscal year 2007:
(A) New budget authority, $23,700,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2008:
(A) New budget authority, $23,700,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2009:
(A) New budget authority, $24,000,000,000.
(B) Outlays, $23,700,000,000.

(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $13,200,000,000.
Fiscal year 2001:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $11,300,000,000.
Fiscal year 2002:
(A) New budget authority, $11,800,000,000.
(B) Outlays, $10,000,000,000.
Fiscal year 2003:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $10,300,000,000.
Fiscal year 2004:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $10,500,000,000.
Fiscal year 2005:
(A) New budget authority, $10,600,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2006:
(A) New budget authority, $10,600,000,000.
(B) Outlays, $9,100,000,000.
Fiscal year 2007:
(A) New budget authority, $10,700,000,000.
(B) Outlays, $9,100,000,000.
Fiscal year 2008:
(A) New budget authority, $10,800,000,000.
(B) Outlays, $9,200,000,000.
Fiscal year 2009:
(A) New budget authority, $10,900,000,000.
(B) Outlays, $9,200,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $4,500,000,000.
Fiscal year 2001:
(A) New budget authority, $10,600,000,000.
(B) Outlays, $5,800,000,000.
Fiscal year 2002:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $10,200,000,000.
Fiscal year 2003:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $10,900,000,000.
Fiscal year 2004:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $10,400,000,000.
Fiscal year 2005:
(A) New budget authority, $12,700,000,000.
(B) Outlays, $9,400,000,000.
Fiscal year 2006:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $9,100,000,000.
Fiscal year 2007:
(A) New budget authority, $12,700,000,000.
(B) Outlays, $8,900,000,000.
Fiscal year 2008:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2009:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $8,800,000,000.

(8) Transportation (400):
Fiscal year 2000:
(A) New budget authority, $51,800,000,000.
(B) Outlays, $45,800,000,000.
Fiscal year 2001:
(A) New budget authority, $51,000,000,000.
(B) Outlays, $47,700,000,000.
Fiscal year 2002:
(A) New budget authority, $50,800,000,000.
(B) Outlays, $47,300,000,000.
Fiscal year 2003:
(A) New budget authority, $52,300,000,000.
(B) Outlays, $46,800,000,000.
Fiscal year 2004:
(A) New budget authority, $52,300,000,000.
(B) Outlays, $46,300,000,000.
Fiscal year 2005:
(A) New budget authority, $52,300,000,000.
(B) Outlays, $46,100,000,000.
Fiscal year 2006:
(A) New budget authority, $52,300,000,000.
(B) Outlays, $46,000,000,000.
Fiscal year 2007:
(A) New budget authority, $52,400,000,000.
(B) Outlays, $46,000,000,000.
Fiscal year 2008:
(A) New budget authority, $52,400,000,000.

(B) Outlays, $46,100,000,000.

Fiscal year 2009:

(A) New budget authority, $52,400,000,000.

(B) Outlays, $46,100,000,000.

(9) Community and Regional Development (450):

Fiscal year 2000:

(A) New budget authority, $7,400,000,000.

(B) Outlays, $10,700,000,000.

Fiscal year 2001:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $9,100,000,000.

Fiscal year 2002:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $7,000,000,000.

Fiscal year 2003:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $6,100,000,000.

Fiscal year 2004:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $5,500,000,000.

Fiscal year 2005:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,800,000,000.

Fiscal year 2006:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,500,000,000.

Fiscal year 2007:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,400,000,000.

Fiscal year 2008:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,300,000,000.

Fiscal year 2009:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,300,000,000.

(10) Elementary and Secondary Education, and Vocational Education (501):

Fiscal year 2000:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $20,100,000,000.

Fiscal year 2001:

(A) New budget authority, $24,100,000,000.

(B) Outlays, $21,900,000,000.

Fiscal year 2002:

(A) New budget authority, $24,500,000,000.

(B) Outlays, $22,700,000,000.

Fiscal year 2003:

(A) New budget authority, $25,900,000,000.

(B) Outlays, $24,500,000,000.

Fiscal year 2004:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $25,600,000,000.

Fiscal year 2005:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,600,000,000.

Fiscal year 2006:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,800,000,000.

Fiscal year 2007:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,900,000,000.

Fiscal year 2008:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,900,000,000.

Fiscal year 2009:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,900,000,000.

(11) Higher Education, Training, Employment, and Social Services (500, except for 501):

Fiscal year 2000:

(A) New budget authority, $43,300,000,000.

(B) Outlays, $43,500,000,000.

Fiscal year 2001:

(A) New budget authority, $41,400,000,000.

(B) Outlays, $41,900,000,000.

Fiscal year 2002:

(A) New budget authority, $41,200,000,000.

(B) Outlays, $40,900,000,000.

Fiscal year 2003:

(A) New budget authority, $42,700,000,000.

(B) Outlays, $41,900,000,000.

Fiscal year 2004:

(A) New budget authority, $43,000,000,000.

(B) Outlays, $42,300,000,000.

Fiscal year 2005:

(A) New budget authority, $43,900,000,000.

(B) Outlays, $42,900,000,000.

Fiscal year 2006:

(A) New budget authority, $44,600,000,000.

(B) Outlays, $43,700,000,000.

Fiscal year 2007:

(A) New budget authority, $45,500,000,000.

(B) Outlays, $44,500,000,000.

Fiscal year 2008:

(A) New budget authority, $46,500,000,000.

(B) Outlays, $45,500,000,000.

Fiscal year 2009:

(A) New budget authority, $46,500,000,000.

(B) Outlays, $45,500,000,000.

(12) Health (550):

Fiscal year 2000:

(A) New budget authority, $156,200,000,000.

(B) Outlays, $153,000,000,000.

Fiscal year 2001:

(A) New budget authority, $164,100,000,000.

(B) Outlays, $162,400,000,000.

Fiscal year 2002:

(A) New budget authority, $173,300,000,000.

(B) Outlays, $173,800,000,000.

Fiscal year 2003:

(A) New budget authority, $184,700,000,000.

(B) Outlays, $185,300,000,000.

Fiscal year 2004:

(A) New budget authority, $197,900,000,000.

(B) Outlays, $198,500,000,000.

Fiscal year 2005:

(A) New budget authority, $212,800,000,000.

(B) Outlays, $212,600,000,000.

Fiscal year 2006:

(A) New budget authority, $228,400,000,000.

(B) Outlays, $228,300,000,000.

Fiscal year 2007:

(A) New budget authority, $246,300,000,000.

(B) Outlays, $245,500,000,000.

Fiscal year 2008:

(A) New budget authority, $265,200,000,000.

(B) Outlays, $264,400,000,000.

Fiscal year 2009:

(A) New budget authority, $285,500,000,000.

(B) Outlays, $284,900,000,000.

(13) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $208,700,000,000.

(B) Outlays, $208,700,000,000.

Fiscal year 2001:

(A) New budget authority, $222,100,000,000.

(B) Outlays, $222,300,000,000.

Fiscal year 2002:

(A) New budget authority, $230,600,000,000.

(B) Outlays, $230,200,000,000.

Fiscal year 2003:

(A) New budget authority, $250,700,000,000.

(B) Outlays, $250,900,000,000.

Fiscal year 2004:

(A) New budget authority, $268,600,000,000.

(B) Outlays, $268,700,000,000.

Fiscal year 2005:

(A) New budget authority, $295,600,000,000.

(B) Outlays, $295,200,000,000.

Fiscal year 2006:

(A) New budget authority, $306,800,000,000.

(B) Outlays, $306,900,000,000.

Fiscal year 2007:

(A) New budget authority, $337,600,000,000.

(B) Outlays, $337,800,000,000.

Fiscal year 2008:

(A) New budget authority, $365,600,000,000.

(B) Outlays, $365,200,000,000.

Fiscal year 2009:

(A) New budget authority, $394,100,000,000.

(B) Outlays, $394,200,000,000.

(14) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $244,400,000,000.

(B) Outlays, $248,100,000,000.

Fiscal year 2001:

(A) New budget authority, $250,500,000,000.

(B) Outlays, $257,400,000,000.

Fiscal year 2002:

(A) New budget authority, $262,700,000,000.

(B) Outlays, $267,000,000,000.

Fiscal year 2003:

(A) New budget authority, $277,000,000,000.

(B) Outlays, $276,800,000,000.

Fiscal year 2004:

(A) New budget authority, $286,200,000,000.

(B) Outlays, $286,000,000,000.

Fiscal year 2005:

(A) New budget authority, $298,500,000,000.

(B) Outlays, $298,700,000,000.

Fiscal year 2006:

(A) New budget authority, $304,800,000,000.

(B) Outlays, $305,200,000,000.

Fiscal year 2007:

(A) New budget authority, $310,600,000,000.

(B) Outlays, $311,500,000,000.

Fiscal year 2008:

(A) New budget authority, $323,900,000,000.

(B) Outlays, $325,400,000,000.

Fiscal year 2009:

(A) New budget authority, $334,200,000,000.

(B) Outlays, $335,700,000,000.

(15) Social Security (650):

Fiscal year 2000:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $14,300,000,000.

Fiscal year 2001:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $13,800,000,000.

Fiscal year 2002:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $15,600,000,000.

Fiscal year 2003:

(A) New budget authority, $16,300,000,000.

(B) Outlays, $16,300,000,000.

Fiscal year 2004:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,100,000,000.

Fiscal year 2005:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $17,900,000,000.

Fiscal year 2006:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $18,900,000,000.

Fiscal year 2007:

(A) New budget authority, $19,900,000,000.

(B) Outlays, $19,900,000,000.

Fiscal year 2008:

(A) New budget authority, $21,000,000,000.

(B) Outlays, $21,000,000,000.

Fiscal year 2009:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $22,200,000,000.

(16) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $44,700,000,000.

(B) Outlays, $45,100,000,000.

Fiscal year 2001:

(A) New budget authority, $44,300,000,000.

(B) Outlays, $45,000,000,000.

Fiscal year 2002:

(A) New budget authority, $44,700,000,000.

(B) Outlays, $45,100,000,000.

Fiscal year 2003:

(A) New budget authority, $45,900,000,000.

(B) Outlays, $46,400,000,000.

Fiscal year 2004:

(A) New budget authority, $46,200,000,000.

(B) Outlays, $46,700,000,000.

Fiscal year 2005:

(A) New budget authority, $48,800,000,000.

(B) Outlays, $49,300,000,000.

Fiscal year 2006:

(A) New budget authority, $47,300,000,000.

(B) Outlays, $47,800,000,000.

Fiscal year 2007:

(A) New budget authority, $47,800,000,000.

(B) Outlays, $46,200,000,000.

Fiscal year 2008:

(A) New budget authority, $48,500,000,000.

(B) Outlays, $49,000,000,000.

Fiscal year 2009:

(A) New budget authority, $49,100,000,000.

(B) Outlays, $49,700,000,000.

(17) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $23,400,000,000.

(B) Outlays, $25,300,000,000.

Fiscal year 2001:

(A) New budget authority, $24,700,000,000.

(B) Outlays, $25,100,000,000.

Fiscal year 2002:

(A) New budget authority, $24,700,000,000.

(B) Outlays, $24,900,000,000.

Fiscal year 2003:

(A) New budget authority, $24,600,000,000.

(B) Outlays, $24,400,000,000.

Fiscal year 2004:

(A) New budget authority, $26,200,000,000.

(B) Outlays, $26,100,000,000.

Fiscal year 2005:

(A) New budget authority, $26,300,000,000.

(B) Outlays, $26,200,000,000.

Fiscal year 2006:

(A) New budget authority, $26,400,000,000.

(B) Outlays, $26,200,000,000.

Fiscal year 2007:

(A) New budget authority, $26,400,000,000.

(B) Outlays, $26,300,000,000.

Fiscal year 2008:

(A) New budget authority, $26,500,000,000.

(B) Outlays, $26,300,000,000.

Fiscal year 2009:

(A) New budget authority, $26,500,000,000.

(B) Outlays, $26,400,000,000.

(18) General Government (800):

Fiscal year 2000:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $13,500,000,000.

Fiscal year 2001:

(A) New budget authority, $11,900,000,000.

(B) Outlays, $12,600,000,000.

Fiscal year 2002:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,300,000,000.

Fiscal year 2003:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,200,000,000.

Fiscal year 2004:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,200,000,000.

Fiscal year 2005:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $11,900,000,000.

Fiscal year 2006:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $11,800,000,000.

Fiscal year 2007:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $11,900,000,000.

Fiscal year 2008:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $12,100,000,000.

Fiscal year 2009:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $11,900,000,000.

(19) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $275,500,000,000.

(B) Outlays, $275,500,000,000.

Fiscal year 2001:

(A) New budget authority, $271,000,000,000.

(B) Outlays, $271,000,000,000.

Fiscal year 2002:

(A) New budget authority, $267,400,000,000.

(B) Outlays, $267,400,000,000.

Fiscal year 2003:

(A) New budget authority, $265,100,000,000.

(B) Outlays, $265,100,000,000.

Fiscal year 2004:

(A) New budget authority, $263,400,000,000.

(B) Outlays, $263,400,000,000.

Fiscal year 2005:

(A) New budget authority, $261,000,000,000.

(B) Outlays, $261,000,000,000.

Fiscal year 2006:

(A) New budget authority, $258,600,000,000.

(B) Outlays, $258,600,000,000.

Fiscal year 2007:

(A) New budget authority, $257,000,000,000.

(B) Outlays, $257,000,000,000.

Fiscal year 2008:

(A) New budget authority, $254,700,000,000.

(B) Outlays, $254,700,000,000.

Fiscal year 2009:

(A) New budget authority, $252,700,000,000.

(B) Outlays, $252,700,000,000.

(20) Allowances (920):

Fiscal year 2000:

(A) New budget authority, −$8,000,000,000.

(B) Outlays, −$10,100,000,000.

Fiscal year 2001:

(A) New budget authority, −$8,500,000,000.

(B) Outlays, −$12,900,000,000.

Fiscal year 2002:

(A) New budget authority, −$6,400,000,000.

(B) Outlays, −$20,000,000,000.

Fiscal year 2003:

(A) New budget authority, −$4,400,000,000.

(B) Outlays, −$4,800,000,000.

Fiscal year 2004:

(A) New budget authority, −$4,500,000,000.

(B) Outlays, −$5,000,000,000.

Fiscal year 2005:

(A) New budget authority, −$4,500,000,000.

(B) Outlays, −$5,100,000,000.

Fiscal year 2006:

(A) New budget authority, −$4,600,000,000.

(B) Outlays, −$5,200,000,000.

Fiscal year 2007:

(A) New budget authority, −$5,200,000,000.

(B) Outlays, −$5,800,000,000.

Fiscal year 2008:

(A) New budget authority, −$5,300,000,000.

(B) Outlays, −$5,900,000,000.

Fiscal year 2009:

(A) New budget authority, −$5,300,000,000.

(B) Outlays, −$5,900,000,000.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, −$34,300,000,000.

(B) Outlays, −$34,300,000,000.

Fiscal year 2001:

(A) New budget authority, −$36,900,000,000.

(B) Outlays, −$36,900,000,000.

Fiscal year 2002:

(A) New budget authority, −$43,600,000,000.

(B) Outlays, −$43,600,000,000.

Fiscal year 2003:

(A) New budget authority, −$37,000,000,000.

(B) Outlays, −$37,000,000,000.

Fiscal year 2004:

(A) New budget authority, −$37,100,000,000.

(B) Outlays, −$37,100,000,000.

Fiscal year 2005:

(A) New budget authority, −$38,100,000,000.

(B) Outlays, −$38,100,000,000.

Fiscal year 2006:

(A) New budget authority, −$38,800,000,000.

(B) Outlays, −$38,800,000,000.

Fiscal year 2007:

(A) New budget authority, −$40,100,000,000.

(B) Outlays, −$40,100,000,000.

Fiscal year 2008:

(A) New budget authority, −$40,900,000,000.

(B) Outlays, −$40,900,000,000.

Fiscal year 2009:

(A) New budget authority, −$41,800,000,000.

(B) Outlays, −$41,800,000,000.

SEC. 4. RECONCILIATION.

Not later than September 30, 1999, the House Committee on Ways and Means shall report to the House a reconciliation bill that consists of changes in laws within its jurisdiction such that the total level of revenues is not less than: $1,408,500,000,000 in revenues for fiscal year 2000, $7,416,800,000,000 in revenues for fiscal years 2000 through 2004, and $16,155,700,000,000 in revenues for fiscal years 2000 through 2009.

SEC. 5. SAFE DEPOSIT BOX FOR SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) under the Budget Enforcement Act of 1990, the social security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the social security trust funds have been running surpluses for 17 years;

(3) these surpluses have been used to implicitly finance the general operations of the Federal Government;

(4) in fiscal year 2000, the social security surplus will exceed $137 billion;

(5) for the first time, a concurrent resolution on the budget balances the Federal budget without counting social security surpluses; and

(6) the only way to ensure that social security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses.

(b) POINT OF ORDER.—(1) It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year. For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974. In setting forth the deficit level pursuant to such section, that level shall not include any adjustments in aggregates that would be made pursuant to any reserve fund that provides for adjustments in allocations and aggregates for legislation that enhances retirement security or extends the solvency of the Medicare trust funds or makes such changes in the Medicare payment or benefit structure as are necessary.

(2) Paragraph (1) may be waived in the Senate only by the affirmative vote of three-fifths of the Members voting.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) beginning with fiscal year 2000, legislation should be enacted to require any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Government of surplus or deficit totals of the budget of the Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such offices or any other such agency or instrumentality, should exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986; and

(2) legislation should be considered to augment subsection (b) by—

(A) taking such steps as may be required to safeguard the social security surpluses, such as statutory changes equivalent to the reserve fund for retirement security and Medicare set forth in section 6; or

(B) otherwise establishing a statutory limit on debt held by the public and reducing such limit by the amounts of the social security surpluses.

SEC. 6. RESERVE FUND FOR RETIREMENT SECURITY AND, AS NEEDED, MEDICARE.

(a) RETIREMENT SECURITY.—Whenever the Committee on Ways and Means of the House reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted that enhances retirement security, the chairman of the Committee on the Budget may—

(1) increase the appropriate allocations for each of fiscal years 2000 through 2004 and aggregates for each of fiscal years 2000 through 2009 of new budget authority and outlays by the amount of new budget authority provided by such measure (and outlays flowing therefrom) for such fiscal year for that purpose; and

(2) reduce the revenue aggregates for each of fiscal years 2000 through 2009 by the amount of the revenue loss resulting from that measure for such fiscal year for that purpose.

(b) MEDICARE PROGRAM.—Whenever the Committee on Ways and Means or the Committee on Commerce of the House reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted that extends the solvency or reforms the benefit or payment structure of the Medicare Program, including any measure in response to the National Bipartisan Commission on the Future of Medicare, the chairman of the Committee on the Budget may increase the appropriate allocations and aggregates of new budget authority and outlays by the amounts provided in that bill for that purpose.

(c) LIMITATION.—(1) The chairman of the Committee on the Budget may only make adjustments under subsection (a) or (b) if the net outlay increase plus revenue reduction resulting from any measure referred to in those subsections (including any prior adjustments made for any other such measure) for fiscal year 2000, the period of fiscal years 2000 through 2004, or the period of fiscal years 2000 through 2009 is not greater than an amount equal to the projected social security surplus for such period, as set forth in the joint explanatory statement of managers accompanying this concurrent resolution or, if published, the midsession review for fiscal year 2000 of the Director of the Congressional Budget Office. For purposes of the preceding sentence, revenue reductions shall be treated as a positive number.

(2) In the midsession review for fiscal year 2000, the Director of the Congressional Budget Office, in consultation with the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, shall make an up-to-date estimate of the projected surpluses in the social security trust funds for fiscal year 2000, for the period of fiscal years 2000 through 2004, and for the period of fiscal years 2000 through 2009.

(3) As used in this subsection, the term "social security trust funds" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 7. RESERVE FUND FOR PROGRAMS AUTHORIZED UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) IN GENERAL.—In the House, when the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted that provides new budget authority for fiscal year 2000, 2001, 2002, 2003, or 2004 for programs authorized under the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget may increase the appropriate allocations and aggregates of new budget authority and outlays by an amount not to exceed the amount of new budget authority provided by that measure (and outlays flowing therefrom) for that purpose up to the maximum amount consistent with section 611(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(a)(2)).

(b) ADJUSTMENTS.—The adjustments in outlays (and the corresponding amount of new budget authority) made under subsection (a) for any fiscal year may not exceed the amount by which an up-to-date projection of the on-budget surplus made by the Director of the Congressional Budget Office for that fiscal year exceeds the on-budget surplus for that fiscal year set forth in section 2(4) of this resolution.

(c) CBO PROJECTIONS.—Upon the request of the chairman of the Committee on the Budget of the House, the Director of the Congressional Budget Office shall make an up-to-date estimate of the projected on-budget surplus for the applicable fiscal year.

SEC. 8. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 9. UPDATED CBO PROJECTIONS.

Each calendar quarter the Director of the Congressional Budget Office shall make an up-to-date estimate of receipts, outlays and surplus (on-budget and off-budget) for the current fiscal year.

SEC. 10. SENSE OF THE CONGRESS ON THE COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) FINDINGS.—Congress finds that—

(1) persecution of individuals on the sole ground of their religious beliefs and practices occurs in countries around the world and affects millions of lives;

(2) such persecution violates international norms of human rights, including those established in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, and the Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief;

(3) such persecution is abhorrent to all Americans, and our very Nation was founded on the principle of the freedom to worship according to the dictates of our conscience; and

(4) in 1998 Congress unanimously passed, and President Clinton signed into law, the International Religious Freedom Act of 1998, which established the United States Commission on International Religious Freedom to monitor facts and circumstances of violations of religious freedom and authorized $3,000,000 to carry out the functions of the Commission for each of fiscal years 1999 and 2000.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) this resolution assumes that $3,000,000 will be appropriated within function 150 for fiscal year 2000 for the United States Commission on International Religious Freedom to carry out its duties; and

(2) the House Committee on Appropriations is strongly urged to appropriate such amount for the Commission.

SEC. 11. SENSE OF THE HOUSE ON PROVIDING ADDITIONAL DOLLARS TO THE CLASSROOM.

(a) FINDINGS.—The House finds that—

(1) strengthening America's public schools while respecting State and local control is critically important to the future of our children and our Nation;

(2) education is a local responsibility, a State priority, and a national concern;

(3) working with the Nation's governors, parents, teachers, and principals must take place in order to strengthen public schools and foster educational excellence;

(4) the consolidation of various Federal education programs will benefit our Nation's children, parents, and teachers by sending more dollars directly to the classroom; and

(5) our Nation's children deserve an educational system that will provide opportunities to excel.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) the House should enact legislation that would consolidate thirty-one Federal K–12 education programs; and

(2) the Department of Education, the States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our children in their classrooms.

SEC. 12. SENSE OF THE CONGRESS ON ASSET-BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress finds that—

(1) 33 percent of all American households have no or negative financial assets and 60 percent of African-American households have no or negative financial assets;

(2) 46.9 percent of all children in America live in households with no financial assets, including 40 percent of caucasian children and 75 percent of African-American children;

(3) in order to provide low-income families with more tools for empowerment, incentives which encourage asset-building should be established;

(4) across the Nation numerous small public, private, and public-private asset-building initiatives (including individual development account programs) are demonstrating success at empowering low-income workers;

(5) the Government currently provides middle and upper income Americans with hundreds of billions of dollars in tax incentives for building assets; and

(6) the Government should utilize tax laws or other measures to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that any changes in tax law should include provisions which encourage low-income workers and their families to save for buying their first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

SEC. 13. SENSE OF THE CONGRESS ON ACCESS TO HEALTH INSURANCE AND PRESERVING HOME HEALTH SERVICES FOR ALL MEDICARE BENEFICIARIES.

(a) ACCESS TO HEALTH INSURANCE.—

(1) FINDINGS.—Congress finds that—

(A) 43.4 million Americans are currently without health insurance, and that this number is expected to rise to nearly 60 million people in the next 10 years;

(B) the cost of health insurance continues to rise, a key factor in increasing the number of uninsured; and

(C) there is a consensus that working Americans and their families and children will suffer from reduced access to health insurance.

(2) SENSE OF THE CONGRESS ON IMPROVING ACCESS TO HEALTH CARE INSURANCE.—It is the sense of the Congress that access to affordable health care coverage for all Americans is a priority of the 106th Congress.

(b) PRESERVING HOME HEALTH SERVICE FOR ALL MEDICARE BENEFICIARIES.—

(1) FINDINGS.—Congress finds that—

(A) the Balanced Budget Act of 1997 reformed Medicare home health care spending by instructing the Health Care Financing Administration to implement a prospective payment system and instituted an interim payment system to achieve savings;

(B) the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, reformed the interim payment system to increase reimbursements to low-cost providers, added $900 million in funding, and delayed the automatic 15 percent payment reduction for one year, to October 1, 2000; and

(C) patients whose care is more extensive and expensive than the typical Medicare patient do not receive supplemental payments in the interim payment system but will receive special protection in the home health care prospective payment system.

(2) SENSE OF THE CONGRESS ON ACCESS TO HOME HEALTH CARE.—It is the sense of the Congress that—

(A) Congress recognizes the importance of home health care for seniors and disabled citizens;

(B) Congress and the Administration should work together to maintain quality care for patients whose care is more extensive and expensive than the typical Medicare patient, including the sickest and frailest Medicare beneficiaries, while home health care agencies operate in the interim payment system; and

(C) Congress and the Administration should work together to avoid the implementation of the 15 percent reduction in the interim payment system and ensure timely implementation of the prospective payment system.

SEC. 14. SENSE OF THE HOUSE ON MEDICARE PAYMENT.

(a) FINDINGS.—The House finds that—

(1) a goal of the Balanced Budget Act of 1997 was to expand options for Medicare beneficiaries under the new Medicare+Choice program;

(2) Medicare+Choice was intended to make these choices available to all Medicare beneficiaries; and unfortunately, during the first two years of the Medicare+Choice program the blended payment was not implemented, stifling health care options and continuing regional disparity among many counties across the United States; and

(3) the Balanced Budget Act of 1997 also established the National Bipartisan Commission on the Future of Medicare to develop legislative recommendations to address the long-term funding challenges facing Medicare.

(b) SENSE OF THE HOUSE.—It is the sense of the House that this resolution assumes that funding of the Medicare+Choice program is a priority for the House Committee on the Budget before financing new programs and benefits that may potentially add to the imbalance of payments and benefits in Fee-for-Service Medicare and Medicare+Choice.

SEC. 15. SENSE OF THE HOUSE ON ASSESSMENT OF WELFARE-TO-WORK PROGRAMS.

(a) IN GENERAL.—It is the sense of the House that, recognizing the need to maximize the benefit of the Welfare-to-Work Program, the Secretary of Labor should prepare a report on Welfare-to-Work Programs pursuant to section 403(a)(5) of the Social Security Act. This report should include information on the following—

(1) the extent to which the funds available under such section have been used (including the number of States that have not used any of such funds), the types of programs that have received such funds, the number of and characteristics of the recipients of assistance under such programs, the goals of such programs, the duration of such programs, the costs of such programs, any evidence of the effects of such programs on such recipients, and accounting of the total amount expended by the States from such funds, and the rate at which the Secretary expects such funds to be expended for each of the fiscal years 2000, 2001, and 2002;

(2) with regard to the unused funds allocated for Welfare-to-Work for each of fiscal years 1998 and 1999, identify areas of the Nation that have unmet needs for Welfare-to-Work initiatives; and

(3) identify possible Congressional action that may be taken to reprogram Welfare-to-Work funds from States that have not utilized previously allocated funds to places of unmet need, including those States that have rejected or otherwise not utilized prior funding.

(b) REPORT.—It is the sense of the House that, not later than January 1, 2000, the Secretary of Labor should submit to the Committee on the Budget and the Committee on Ways and Means of the House and the Committee on Finance of the Senate, in writing, the report described in subsection (a).

SEC. 16. SENSE OF THE CONGRESS ON PROVIDING HONOR GUARD SERVICES FOR VETERANS' FUNERALS.

It is the sense of the Congress that all relevant congressional committees should make every effort to provide sufficient resources so that an Honor Guard, if requested, is available for veterans' funerals.

SEC. 17. SENSE OF THE CONGRESS ON CHILD NUTRITION.

(a) FINDINGS.—Congress finds that—

(1) both Republicans and Democrats understand that an adequate diet and proper nutrition are essential to a child's general well-being;

(2) the lack of an adequate diet and proper nutrition may adversely affect a child's ability to perform up to his or her ability in school;

(3) the Government currently plays a role in funding school nutrition programs; and

(4) there is a bipartisan commitment to helping children learn.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Committee on Education and the Workforce and the Committee on Agriculture should examine our Nation's nutrition programs to determine if they can be improved, particularly with respect to services to low-income children.

SAN JUAN COLLEGE LAND CONVEYANCE

The text of S. 293, a bill to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College, as passed by the Senate on March 25, 1999, follows:

S. 293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the "Old Jicarilla Site" located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS, CONDITIONS, AND RESERVATIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for ingress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b), shall be revoked simultaneous with the conveyance of the property under subsection (a).

ORDERS FOR TUESDAY, APRIL 13, 1999

Mr. VOINOVICH. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11:30 on Tuesday, April 13. I further ask consent that on Tuesday immediately following the prayer the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 12:30 p.m. under the following limitations:

Senator SESSIONS, 20 minutes; Senator LUGAR and Senator BAYH in control of a total of 20 minutes; Senator DODD and Senator LIEBERMAN in control of a total of 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Madam President, I further ask consent that the Senate stand in recess from 12:30 until 2:15 on Tuesday to allow the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. VOINOVICH. For the information of all Senators, the Senate will reconvene tomorrow at 11:30 a.m. and begin a period of morning business. At 12:30 p.m. the Senate will recess until 2:15 to allow the weekly party caucuses to meet. When the Senate reconvenes at 2:15, it is the leader's intention to begin consideration of the bill introduced earlier today by Senator COVERDELL and others regarding a tax filing extension for certain members of the uniformed services. Therefore, Members should expect rollcall votes during Tuesday's session of the Senate.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. VOINOVICH. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:21 p.m., adjourned until Tuesday, April 13, 1999, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 12, 1999:

FEDERAL MARITIME COMMISSION

DELMOND J.H. WON, OF HAWAII, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2002. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

DAVID L. GOLDWYN, OF THE DISTRICT OF COLUMBIA TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS), VICE ROBERT WAYNE GEE.

DEPARTMENT OF VETERANS AFFAIRS

JOHN T. HANSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS), VICE KATHY ELENA JURADO, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JOHNNY E. BROWN, OF SOUTH CAROLINA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

TERESA J. HOWES, OF VIRGINIA
CHRISTOPHER P. RITTGERS, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

CASEY E. BEAN, OF MARYLAND
RANDALL J. HAGER, OF VIRGINIA

DEPARTMENT OF STATE

THOMAS HARTWELL CARTER, OF NEW YORK
G. KATHLEEN HILL, OF TEXAS
HOWELL HOFFMAN HOWARD, III, OF WASHINGTON
PATRICIA ELLEN PERRIN, OF CALIFORNIA
SUSAN LONGINO REINERT, OF FLORIDA
ANN CODY WHITE, OF VIRGINIA

UNITED STATES INFORMATION AGENCY

MARK LAWRENCE WENIG, OF ALASKA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DOUGLAS R. AUSTIN, OF VIRGINIA
MATEO MARTIN RAMIREZ AYALA, OF TEXAS
THESSALONIKA T. BENNY, OF WASHINGTON
CHRISTOPHER P. BUDAHL, OF THE DISTRICT OF COLUMBIA
WILLIAM T. CARPENTER, OF VIRGINIA
HARMONY ELIZABETH CATON, OF CONNECTICUT
JOHN F. CLIZBE, OF VIRGINIA
JAMES ANDREW COHEN, OF NEW YORK
CAROL ANNE COX, OF WASHINGTON
LOUIS JOHN CRISHOCK, OF VIRGINIA
JOAN MACKLEN CRISTINI, OF NEW YORK
ROBERT WELLS DREESEN, OF WASHINGTON
GREGORY G. GARRAMONE, OF MINNESOTA
ELSA PATRICIA GARZA, OF THE DISTRICT OF COLUMBIA
JOHN TAYLOR GODFREY, OF CALIFORNIA
JAMES BENJAMIN GREEN, OF THE DISTRICT OF COLUMBIA
DIANA J. HABERLACK, OF WASHINGTON
GARTH HANCOCK, OF VIRGINIA
JAYNE ALLISON HOWELL, OF TEXAS
VAL E. HUSTON, OF VIRGINIA
JULIE STANTON JAMIESON, OF VIRGINIA
KAREN M. JANSZEN, OF VIRGINIA
RICKEY L. JASPER, OF VIRGINIA
THOMAS F. JOACHIM, OF VIRGINIA
CHRISTOPHER L. JOHNSON, OF VIRGINIA
ANDREA KABLE, OF VIRGINIA
CHRISTINE MARIE KAGARISE, OF PENNSYLVANIA
KURT G. KESSLER, OF VIRGINIA
MICHAEL FRANKLIN KLEINE, OF THE DISTRICT OF COLUMBIA
RUTH ANN KURZBAUER, OF UTAH
DAO M. LE, OF VIRGINIA
SANGMIN LEE, OF PENNSYLVANIA
CAITLIN A. LUND, OF VIRGINIA
DEEB B. MAALOUF, OF MARYLAND
TIMOTHY P. MEEHAN, OF VIRGINIA
KRISTINIA INDIRA MIDHA, OF ILLINOIS
JAMES R. MILLER, OF VIRGINIA
JENIFER H. MOORE, OF GEORGIA
STEPHEN FRANCIS MORRISSEY, OF VIRGINIA
DAVID W. NELSON, OF VIRGINIA
JILL ALANE NYSTROM, OF NORTH CAROLINA
LINDA S. O'DONOVAN, OF VIRGINIA
ANNE E. OHLRICH, OF TEXAS
DONI MARIE PHILLIPS, OF WYOMING
KATHRYN PONGONIS, OF KENTUCKY
TORYA M. POWELL, OF MARYLAND
CHRISTOPHER R. QUINLIVAN, OF WASHINGTON
KENNETH MICHAEL ROY, OF MICHIGAN
JAMES H. SCHAEFFER, OF VIRGINIA
WILLIAM E. SCHEIBNER, JR., OF CALIFORNIA
JOHN J. SCOTT, OF VIRGINIA
JUDSON DUNCAN FOREMAN SCOTT, OF LOUISIANA
MICHAEL JOHN SEARS, OF CALIFORNIA
JEFFREY A. THIEL, OF VIRGINIA
JON C. TIGHE, OF VIRGINIA
CHLOE CHACONAS TRUSLOW, OF SOUTH CAROLINA
SUSAN MARY TULLER, OF PENNSYLVANIA
ANDREW M. WARREN, OF THE DISTRICT OF COLUMBIA
LAURA B. WATSON, OF VIRGINIA
STEPHEN J. WEED, OF CALIFORNIA
MATTHEW A. WERNER, OF GEORGIA
REGINA I. WEST, OF VIRGINIA
J. BENEDICT WOLF, OF TEXAS
MEE JA YU, OF VIRGINIA

CONFIRMATIONS

Executive Nominations Confirmed by the Senate April 12, 1999:

DEPARTMENT OF JUSTICE

THOMAS LEE STRICKLAND, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS.

CARL SCHNEE, OF DELAWARE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS.

HOUSE OF REPRESENTATIVES—*Monday, April 12, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 12, 1999.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 98. An act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program and to amend the Centennial of Flight Commemoration Act to make technical and other corrections.

H.R. 440. An act to make technical corrections to the Microloan Program.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 243. An act to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes.

S. 278. An act to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico.

S. 291. An act to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

S. 292. An act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

S. 293. An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

S. 334. An act to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii.

S. 356. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

S. 382. An act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

S. 388. An act to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

S. 422. An act to provide for Alaska state jurisdiction over small hydroelectric projects.

S. 756. An act to provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debate. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

MISADVENTURE IN YUGOSLAVIA

Mr. STEARNS. Mr. Speaker, I rise today to speak about the ongoing military action against Yugoslavia and the reservations that many of us have concerning U.S. involvement.

Go back with me for a moment to Carl von Clausewitz, who probably has been quoted as the foremost military strategist in modern history, his writings were published posthumously on military strategy in 1832, one year after death, in a book entitled "On War." One of the key principles advanced by him that I think has relevance today, even though it was written in 1832, was in regard to military action, what is the political objective and, more importantly, in regard to military action against Yugoslavia because he indicated that political objective is a prime organizer for war. He writes, quote:

> The political objective, the original motive for the war, will thus determine both the military objective to be reached and the amount of effort it requires.

What he was saying is that once you state what your political objective is to be, you then tailor your military strategy in order to achieve victory according to the original political objective, and this is the heart of my difficulties with our current military operation.

The President has propagated ever-shifting political objectives. By my own calculations, he has had at least three different stated political objectives in Kosovo.

The first stated objective by the administration was to prevent the ethnic cleansing of the ethnic Albanians in Kosovo by the Yugoslavian Serbs. So what was the military strategy created to achieve a victory by President Clinton? They decided we would bomb the Serbs in order to prevent the wiping out of the Kosovars.

Mr. Speaker, the result has been failure. The administration's plans set the table for failure, and it resulted in the removal of at least 500,000 Kosovars from their homes and the killing of countless men and women and children. The sad fact is that intelligence sources have leaked that they warned the President and the administration beforehand that the likely result of bombing would be to trigger the Serbian assault on the Kosovars.

So, did the President and his advisers take into account the advice of our intelligence services and create a strategy to achieve victory according to his first objective? No. They ignored their advice and began the bombing which resulted in the misery that has enveloped the Kosovars.

Now the second objective, Mr. Speaker, was then to reduce the Serbs' warmaking ability. Again, the strategy was to continue bombing. Well, the results have been mixed. The United States Air Force has successfully punished Serbian forces, destroyed the infrastructure assets, and attacked political objectives such as a foreign ministry building in Belgrade. The bombing has yet, however, to weaken the hold on the power of Milosevic, and it is difficult to tell at this point how much maximum damage has been done to the Serbian Army. They still fully occupy the Kosovar province.

Now the third objective was to repatriate the Kosovars back to their homes. The military strategy to achieve this objective apparently is to continue bombing. Many of us wonder whether bombing will accomplish this last objective.

So the results are still to be determined, and to my knowledge the U.S. Government has not even begun negotiations with the Yugoslav Government to bring about the return of the Kosovars, end the bombing, and create some sort of political solution to give the Kosovars a limited autonomous state.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The lack of diplomacy by this administration during this crisis has been counterproductive, and it has in addition greatly strained our relationship with Russia. The administration has even had a chance to have our three American soldiers released through a limited cease-fire during the Orthodox Good Friday, but the administration refused even to allow any discussions to take place to have our men released.

So finally, Mr. Speaker, many in Congress are probably wondering why people on this side of the aisle are a little hesitant to support the President during this military conflict. We remember the President's lack of military service and his written opinion of his dislike for the American military. Many of us remember when the President denied American soldiers the proper equipment and placed them under non-American command in Somalia, which resulted in the gruesome deaths of 18 young Americans.

So, Mr. Speaker, we are unsure that the President knows how to attain military victory in Kosovo against Yugoslavia.

LAWRENCE NYE STEVENS—UNSUNG HERO OF AMERICAN ENVIRONMENTAL QUALITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, there are many individuals who have led the way to give us progress, framework and choices we now have known as a quest for livable communities. One who has dedicated his professional life to enhancement of the environment and preserving the American quality of life is Lawrence Nye Stevens, who is here with us today in the Capitol with his family and friends, having just celebrated his 84th birthday. We are honored to have him seated with us in the East Gallery. His curiosity, vision and good old American ingenuity to make this a better place have put him years ahead of his time.

His experiences with soil erosion on a cattle ranch in Montana in the 1930's convinced him that something needed to be done to protect the land, and led him to earn a graduate degree in geography that focused on land utilization and soil and water conservation. This training was put to good use during World War II. Commissioned in the U.S. Navy, Larry was in charge of the study of military geography in the European Theater.

After the war, he was Administrative Assistant to the Commissioner of Indian Affairs where he started a long career working in the Department of Interior in various capacities. In 1968, he was recognized by his peers and honored with the Distinguished Service Award by the U.S. Department of Interior.

Under the leadership of Secretary Stewart Udall, Larry Stevens became Deputy Director of the Outdoor Recreation Resources Review Commission. This commission had a profound effect on America's ability to catalogue our resources. For example, in 1966 an Outdoor Recreation Commission report was prophetic. I quote:

> But parks and other recreation areas are only part of the answer. The most important recreation of all is the kind that people find in their everyday life. Do they find enough of it now? Do children have to be driven to school, or can they walk or cycle to it safely over wooded paths? Are there streams for an afternoon's fishing, or have they all been buried in concrete culverts? Are the stands of woods all gone, or are a few left for a picnic or a stroll? What this means, in short, is an environment. Thus our challenge: Can we shape future growth so that recreation is an integral part of it? It will require a fresh approach.

A third of a century ago is the first time that I found the word "environment" used in this fashion. It was the term President Nixon selected in the landmark National Environmental Policy Act.

We sometimes forget the leaders who have shown us the way and the people who provide key research analysis and advocacy like Larry Stevens. He is a man of strong convictions. He has long been concerned about the waste that we see around us, waste of taxpayer money, waste of energy, minerals, food and fiber, and by the loss of prime agricultural land to unwise land use. He has cautioned us throughout his life that we cannot afford a "quick fix" philosophy that increasingly pervades our economy and society. He has truly been a pioneer in the area of planning and smart growth.

He has also been a strong advocate in the use of cycling, and that is how I first met him. He was Executive Director of the Citizens' Advisory Committee on Environmental Quality when that committee authored a publication called "From Rails To Trails." We all owe Larry and the citizens' committee appointed by the President a great debt of gratitude for highlighting this idea.

Recently Larry wrote in the Harvard 50th Anniversary Report that "Each day I try to ride at least a few miles on my 10-speed bicycle, an ingenious and remarkably efficient machine." I agree with Larry and acknowledge his active participation in the creation of the nationwide network of "rails to trails."

We who are in the business of trying to make communities more livable, providing tools for our citizens to thrive in the global economy, where citizens and private institutions work in partnership with government at all levels to ensure safety, economic security and healthy communities, we are all still living with the challenge of how we shape our growth so that recreation is an integral part of it and the preservation of the American heritage is not lost. Larry Stevens is one of those unsung heroes.

It gives me particular pleasure to acknowledge Larry Stevens for his commitment to the environment as a private citizen, as a mentor to many of my friends and a professional public servant. His imagination, commitment to environmental quality and friendship have benefited our quest for more livable communities.

America is in his debt.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that pursuant to clause 7 of rule XVII it is not in order to introduce or bring to the attention of the House occupants of the gallery.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Reverend Douglas Tanner, Executive Director, Faith and Politics Institute, Washington, D.C., offered the following prayer:

Almighty God, we come before You this day aware that the 2 weeks since this House last convened have brought us into a new season. We have gathered with our families to celebrate Passover and Easter. The Tidal Basin has been graced by cherry blossoms and beavers, and buds have broken from the trees. We thank You that even on a cool, cloudy, windy day like this we can trust that in Washington the winter is past and spring has come.

We pray especially today for those in Balkan lands for whom the past 2 weeks have been so different, for those who have lived and continue to live every minute in terror, finding it hard to trust that anything is past except for their dreams, or that anything is coming except for more deprivation, despair, violence, and terror.

As we face this harsh reality, Lord, deliver us from shallowness and pomposity. Grant us the grace to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the Permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 26, 1999 at 11:00 a.m.

that the Senate passed without amendment H.R. 171.

that the Senate passed without amendment H.R. 193

that the Senate passed without amendment H.R. 705

that the Senate passed without amendment H.R. 1212

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolutions on Thursday, March 25, 1999:

H.R. 774, To amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the Women's Business Center program;

H.R. 808, To extend for 6 additional months the period for which Chapter 12 of Title 11, United States Code, is reenacted;

H.J. Res. 26, Providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution;

H.J. Res. 27, Providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution;

H.J. Res. 28, Providing for the reappointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S. 643, To authorize the Airport Improvement program for 2 months, and for other purposes;

And Speaker pro tempore WOLF signed the following enrolled bills on Wednesday, March 31, 1999:

H.R. 171, To authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes;

H.R. 193, To designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System;

H.R. 705, To make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives; and

H.R. 1212, To protect producers of agricultural commodities who applied for a crop revenue coverage plus supplemental endorsement for the 1999 crop year.

APPOINTMENT OF MEMBER TO NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER. Pursuant to 44 U.S.C. 2501, the Chair announces his appointment of the following Member of the House to the National Historical Publications and Records Commission:

Mr. BLUNT of Missouri.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER. Pursuant to 10 U.S.C. 9355(a), the Chair announces his appointment of the following Members of the House to the Board of Visitors to the United States Air Force Academy:

Mr. YOUNG, Florida; and

Mr. HEFLEY, Colorado.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES COAST GUARD ACADEMY

The SPEAKER. Pursuant to 14 U.S.C. 194(a), the Chair announces his appointment of the following Member of the House to the Board of Visitors to the United States Coast Guard Academy:

Mrs. JOHNSON, Connecticut.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to 46 U.S.C. 1295(h), the Chair announces his appointment of the following Member of the House to the Board of Visitors to the United States Merchant Marine Academy:

Mr. KING, New York.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

The SPEAKER. Pursuant to 10 U.S.C. 4355(a), the Chair announces his appointment of the following Members of the House to the Board of Visitors to the United States Military Academy:

Mr. TAYLOR, North Carolina; and

Mrs. KELLY, New York.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER. Pursuant to 10 U.S.C. 6968(a), the Chair announces his appointment of the following Members of the House to the Board of Visitors to the United States Naval Academy:

Mr. SKEEN, New Mexico;

Mr. GILCHREST, Maryland;

Mr. TANNER, Tennessee; and

Mr. HOYER, Maryland.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 12, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of section 4 of the Congressional Award Act (section 803, title 2, United States Code) I herewith appoint the following named persons to the Congressional Award National Board of Directors:

Representative Carlos A. Romero-Barceló of Puerto Rico,

Dolores M. Beilenson of California,

Timothy J. Keating of Pennsylvania,

Robert J. Kelley of Missouri.

Sincerely,

RICHARD A. GEPHARDT,
Democratic Leader.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 25, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Last week I was appointed to the Committee on Government Reform. As a result of this appointment, I hereby resign as a member of the Committee on Small Business.

Thank you for your attention to this request.

Sincerely,

JANICE D. SCHAKOWSKY,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM DAVID M. DELQUADRO, ASSISTANT DIRECTOR, ADMINISTRATION AND INFORMATION DIVISION, CONGRESSIONAL BUDGET OFFICE

The SPEAKER laid before the House the following communication from David M. Delquadro, Assistant Director, Administration and Information Division, Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 30, 19999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I received a subpoena for documents and testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena to the extent that it is consistent with Rule VIII.

Sincerely,

DAVID M. DELQUADRO,
Assistant Director, Administration and Information Division.

CHINESE ESPIONAGE JEOPARDIZES SECURITY OF AMERICA AND ITS CITIZENS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the security of America and its citizens has been seriously jeopardized because of the nuclear weapons and missile transfer of technology to China. The American people deserve to know just how our Nation's goose has been cooked.

Newsweek recently reported that our top nuclear weapons expert practically fainted when briefed by CIA analysts on the preliminary damage assessment from Chinese espionage.

Additionally, I think the American people will also feel faint when they learn that the investigating officials believe that the Chinese spying, even into our most serious secret weapons programs, is described as almost total.

Mr. Speaker, nuclear warhead technology might be hard for most to conceive, but the fact that China could conceivably have the power to kill as many as seven million Americans with one missile is something that I think everyone can visualize.

This Chinese espionage has gone on far too long. I urge the Security Council to release the Cox report because this administration needs to stand up and take responsibility for release of this Top Secret technology, and the American people deserve to fully know what kind of mess we are actually in.

Mr. Speaker, I yield back any secrets we may have.

KOSOVO IS ONE BIG WAR CRIME

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, rape, murder, torture. Kosovo is one big war crime. I say it is time to indict Slobodan Milosevic for his war crimes. I say it is time to arm the opposition forces in Kosovo so they can defend themselves. I say it is time for Europe, yes, Europe, to send in ground troops to help.

And finally, Mr. Speaker, Milosevic has lost all moral and legal authority to rule Kosovo. It is time to support and recognize independence for Kosovo.

Members of Congress, we can pay now or Congress and the world can pay much, much more later.

I yield back all of the crimes of Slobodan Milosevic.

MICROCREDIT LENDING

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to speak about a wonderful program which is transforming the lives of millions of poor families around the world. I am referring to microcredit lending.

Microcredit involves giving small, low-interest, start-up loans to poor but hard-working, aspiring entrepreneurs so that they can start their thriving small businesses known as microenterprises. It is a program which has demonstrated the potential to help the poorest family emerge from poverty and, by extension, to help create a more inclusive global economy. Results in Miami under the leadership of Gail Newman, Kathleen Gordon, and many other volunteers has helped dozens become entrepreneurs.

Microcredit works locally and it can work globally, as well. It is not a handout. It is an opportunity, an investment, an exercise in responsibility and accountability. In developing countries, the rate of repayment to these established programs range from 95 to 99 percent.

Foreign assistance used under the microcredit program is loaned and paid back with interest and is recycled and used for new loans, thus reaching an even greater percentage of the world's poor.

Microcredit is empowerment. It is a tool which builds upon the human spirit. It is the U.S. helping others to help themselves. Microcredit is action in support of our humanitarian instincts and objectives.

I support this program, and when the bill comes to the floor, H.R. 1143, I ask that my colleagues give their strong support. I know that results in Miami works, and it works internationally, as well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

OTAY MOUNTAIN WILDERNESS ACT OF 1999

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15) to designate a portion of the Otay Mountain region of California as wilderness.

The Clerk read as follows:

H.R. 15

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Otay Mountain Wilderness Act of 1999".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The public lands within the Otay Mountain region of California are one of the last remaining pristine locations in western San Diego County, California.

(2) This rugged mountain adjacent to the United States-Mexico border is internationally known for its diversity of unique and sensitive plants.

(3) This area plays a critical role in San Diego's multi-species conservation plan, a national model made for maintaining biodiversity.

(4) Due to its proximity to the international border, this area is the focus of important law enforcement and border interdiction efforts necessary to curtail illegal immigration and protect the area's wilderness values.

(5) The illegal immigration traffic, combined with the rugged topography, also presents unique fire management challenges for protecting lives and resources.

SEC. 3. DESIGNATION.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public lands in the California Desert District of the Bureau of Land Management, California, comprising approximately 18,500 acres as generally depicted on a map entitled "Otay Mountain Wilderness" and dated May 7, 1998, are hereby designated as wilderness and therefore as a component of the National

Wilderness Preservation System, which shall be known as the Otay Mountain Wilderness.

SEC. 4. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, a map and a legal description for the Wilderness Area shall be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. Such map and legal description shall have the same force and effect as if included in this Act, except that the Secretary, as appropriate, may correct clerical and typographical errors in such legal description and map. Such map and legal description for the Wilderness Area shall be on file and available for public inspection in the offices of the Director and California State Director, Bureau of Land Management, Department of the Interior.

(b) UNITED STATES-MEXICO BORDER.—In carrying out this section, the Secretary shall ensure that the southern boundary of the Wilderness Area is 100 feet north of the trail depicted on the map referred to in subsection (a) and is at least 100 feet from the United States-Mexico international border.

SEC. 5. WILDERNESS REVIEW.

The Congress hereby finds and directs that all the public lands not designated wilderness within the boundaries of the Southern Otay Mountain Wilderness Study Area (CA-060-029) and the Western Otay Mountain Wilderness Study Area (CA-060-028) managed by the Bureau of Land Management and reported to the Congress in 1991, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), and are no longer subject to the requirements contained in section 603(c) of that Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

SEC. 6. ADMINISTRATION OF WILDERNESS AREA.

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Area shall be administered by the Secretary in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in such provisions to the effective date of the Wilderness Act is deemed to be a reference to the effective date of this Act; and

(2) any reference in such provisions to the Secretary of Agriculture is deemed to be a reference to the Secretary of the Interior.

(b) BORDER ENFORCEMENT, DRUG INTERDICTION, AND WILDLAND FIRE PROTECTION.—Because of the proximity of the Wilderness Area to the United States-Mexico international border, drug interdiction, border operations, and wildland fire management operations are common management actions throughout the area encompassing the Wilderness Area. This Act recognizes the need to continue such management actions so long as such management actions are conducted in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as the Secretary considers appropriate.

SEC. 7. FURTHER ACQUISITIONS.

Any lands within the boundaries of the Wilderness Area that are acquired by the United States after the date of enactment of this Act shall become part of the Wilderness Area and shall be managed in accordance with all the provisions of this Act and other laws applicable to such a wilderness.

SEC. 8. NO BUFFER ZONES.

The Congress does not intend for the designation of the Wilderness Area by this Act to lead to the creation of protective perimeters or buffer zones around the Wilderness Area. The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness Area shall not, of itself, preclude such activities or uses up to the boundary of the Wilderness Area.

SEC. 9. DEFINITIONS.

As used in this Act:

(1) PUBLIC LANDS.—The term "public lands" has the same meaning as that term has in section 103(e) of the Federal Land Policy and Management Act of 1976.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) WILDERNESS AREA.—The term "Wilderness Area" means the Otay Mountain Wilderness designated by section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Otay Mountains, near the U.S.-Mexico border, are a unique region with diverse natural values. The area has good opportunities for solitude and primitive recreation and is particularly important to the people of San Diego County. The area contains several sensitive species, including the only known U.S. populations of the Mexican flannel bush and Tecate cypress.

In the 1980s, the Bureau of Land Management recommended a large portion of these mountains as wilderness, and this recommendation has received strong public support. The Otay Mountain Wilderness Act of 1999, introduced by our distinguished colleague from California (Mr. BILBRAY), would designate about 18,500 acres of the Otay Mountain region as wilderness to protect its sensitive resources and preserve it for future generations.

During the negotiations and hearings on H.R. 15, several sources expressed concern that wilderness designation in the Otay Mountain region could adversely affect Border Patrol and drug interdiction activities.

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The Border Patrol assured the committee that in light of the fact that the roads in the area were excluded from the wilderness area and given the language in section 6(b) of the bill, border operations would not be adversely affected by wilderness designation. Given these assurances, the committee decided not to amend section 6(b).

I want to emphasize once again that H.R. 15 has widespread support from environmental groups, the BLM, the DEA, the Border Patrol and the people of San Diego County. I commend the gentleman from California for his hard work on this important piece of legislation. This is good legislation that will protect an important area. I urge my colleagues to support H.R. 15.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 15 would designate 18,500 acres of the Otay Mountain area in eastern San Diego County as wilderness. Lands within and around the Otay Mountains are currently managed as wilderness study areas and form part of the U.S.-Mexico border.

Last Congress, in hearings on similar legislation, H.R. 3950, the administration testified in support of the wilderness designation but opposed language in the bill which would have allowed all law enforcement activities and fire management activities to occur without regard to the wilderness designation or without regard to the Wilderness Act of 1964.

The Subcommittee on National Parks and Public Lands, in adopting the bill last Congress, agreed to an amendment to address the problems with the bill. This new language recognized ongoing drug interdiction, border enforcement and fire management and the need to allow these activities to continue as long as they are in accordance with the Wilderness Act and subject to appropriate conditions as determined by the Secretary of the Interior.

H.R. 15 reflects the agreed upon language from the last Congress. While there are some individuals and organizations that would prefer no mention in the bill of border activities or fire activities, we believe the language of the bill is acceptable and will not undermine the administration of the area as wilderness. As such, we support passage of the bill and encourage our colleagues to vote for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. BILBRAY), the sponsor of this piece of legislation.

Mr. BILBRAY. Mr. Speaker, H.R. 15 will designate as wilderness area 18,500 acres of Otay Mountain, a rugged area along the U.S.-Mexico border in southern San Diego County. It is a stunning place, where people can still go and see how the neighborhood looked when Father Serra entered California over 200 years ago.

H.R. 15 is a bipartisan consensus effort made possible by strong support from many different interest groups in an effort to work together. Both local, Federal and State agencies were involved, including the San Diego County Board of Supervisors, the Endangered Habitats League, the California Department of Forestry, the Border Patrol, the Departments of Justice and Interior, and Secretary Babbitt, who toured the area himself and addressed it in December.

I want to specifically thank the gentleman from Utah (Mr. HANSEN), the chairman of the subcommittee, and the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, for their strong support of H.R. 15. I also wish to sincerely thank my colleague from California, Senator FEINSTEIN, whose strong support of the Otay Mountain wilderness area and this legislation has been critical to its success. I look forward to working with her on the bill as it moves to the Senate.

The unique thing, Mr. Speaker, about H.R. 15 is it serves as an example of how we can dovetail two apparently conflicting strategies of State and Federal agencies and make them work together in a cooperative purpose. H.R. 15 gives the Border Patrol the continuing ability to conduct its essential law enforcement mission along the border in this region. This increased enforcement has proven to be a positive if not essential part of preserving the wildlife habitat and the unique natural fauna in this area.

The Border Patrol's increased level of interdictions in this area has resulted in a lessening of the impact on the Otay Mountain itself, fewer illegal trails, trash piles, human waste and campfires which have caused innumerable damage to the area. This includes wildfires that have been purposely set by smugglers as diversionary tactics while they smuggled drugs and illegal aliens into the area.

I have spoken directly with Bill Veale, the regional director of the Border Patrol in this region, and he strongly supports this bill. He assures me that the important task that he has been vested with will continue to be effective, especially with H.R. 15 designation.

Access to Otay Mountain by the Border Patrol, the California Department of Forestry and the public will not be diminished by H.R. 15. It will be guaranteed. The two main truck trails on Otay Mountain are completely excluded, called cherrystemmed, from the wilderness area, and other jeep trails and spur roads are not included within the wilderness boundary of H.R. 15.

Mr. Speaker, H.R. 15 preserves a unique and rugged area of San Diego as wilderness for future generations to enjoy, and specifically ensures that both critical law enforcement activities and public access will continue in the region. It is my hope that this bill will serve as a blueprint for future situations where resource management and law enforcement activities must coexist and hopefully do so in a way that benefits all involved.

Mr. Speaker, this bill can be the blueprint for not only law enforcement and habitat preservation but for this Congress, that we can protect the public and protect the wildlife resources of this Nation.

Mr. Speaker, I urge my colleagues to support H.R. 15.

Mr. Speaker, it gives me great satisfaction to rise in strong support of H.R. 15, the Otay Mountain Wilderness Act of 1999. H.R. 15 will designate as wilderness roughly 18,500 acres of the Otay Mountain region, in southern San Diego County along the U.S.-Mexico border. This is a rugged and stunning place, where people can still go to experience a sense of what this area looked like when Father Junipero Serra first explored it more than two hundred years ago.

H.R. 15 is a common-sense and bipartisan consensus effort, which was built from the ground level up, involving elected officials, agencies, and public interest stakeholders at the local, state and federal level. As a result of working together to address the needs and concerns of all participants, I am happy to be able to tell my colleagues that the broad support for H.R. 15 runs the gamut—from the San Diego County Board of Supervisors and the Endangered Habitats League (a respected local conservation organization), to the California Department of Forestry (CDF) and the Border Patrol, to the Departments of Justice and the Interior, including Secretary Babbitt.

I want to particularly thank Chairman JIM HANSEN and Chairman DON YOUNG, along with all my colleagues on the Resources Committee, for all their assistance to date on this legislation and their willingness to make it a priority. I am also grateful to my California colleague, Senator FEINSTEIN, for her support of this legislation. In the last several years, Senator FEINSTEIN has played a key role in facilitating access by the Border Patrol to Otay Mountain, which has resulted in dramatic reductions in illegal activity in this border region. She deserves a great deal of credit for the progress which has been achieved there to date, and I look forward to working with her as this legislation moves through the Senate.

In addition to protecting as wilderness a particularly unique and rugged area of San Diego County, H.R. 15 is important for the constructive precedent I hope it can set for future resource conservation and land management policy. By working together at all levels, the broad coalition of support for H.R. 15 has demonstrated that wilderness designation is not inherently incompatible with essential law enforcement activities in the same region, and vice versa. Where it is appropriate, we should take these opportunities to demonstrate that different agency missions or operating strategies can be made to complement each other, rather than to exist completely independently from one another, or worse, in conflict.

We have already seen the positive environmental and enforcement results of the Border Patrol's increased access to Otay Mountain and adjoining areas near the border. The reductions in illegal smuggling and immigration there have directly translated into a lessened impact on the resource itself, such as fewer illicit trails beaten through sensitive habitat, less discarded trash and human waste, and greatly lessened risk of damage from warming or diversionary fires set by smugglers, such as devastated much of the mountain several years ago. H.R. 15 will ensure that Border Patrol's access to this region will continue unhindered, with continued resulting benefit to both law enforcement and environmental protection concerns.

In addition to facilitating increased and continued law enforcement and resource protection for Otay Mountain, the ability of the general public to enjoy this beautiful region is maintained. When I first introduced this legislation, several of my colleagues expressed to me their strong interest in maintaining public access, and as this has also been a high priority of mine, H.R. 15 does so.

The two existing access roads on Otay Mountain (the Otay Truck trail and the Minnewawa Truck trail) have been "cherrystemmed" from the wilderness boundaries, to ensure that both the Border Patrol and the CDF will be able to continue their critical law enforcement and fire suppression activities in the region under H.R. 15, and that the history of access by the public to this tremendous resource will continue. Other roads in the vicinity, specifically the Otay Mountain Pack trail and the East and West Spur roads, are not included within the wilderness boundaries and so are not impacted by this legislation.

There may be other regions of extraordinary natural beauty elsewhere in our country, perhaps even in other border regions, where the critical individual missions of various state or federal law enforcement agencies have in the past been (or have been perceived to be) operating at "cross purposes" with equally important missions of resource conservation or environmental protection. It is my hope that H.R. 15 can serve as a blueprint for how a mutually beneficial working relationship can be established among such agencies, in order to best address the needs of a given region. I thank my colleagues for their support of this bipartisan bill, and would issue an open tour invitation for any of you that might like to visit this beautiful and rugged jewel of San Diego.

SAN DIEGO COUNTY BOARD
OF SUPERVISORS,
San Diego, CA, February 17, 1999.

To: Board of Supervisors
Subject: Resolution supporting wilderness area designation for Otay Mountain

Summary

Congressman Brian Bilbray has submitted H.R. 15, the Otay Mountain Wilderness Act of 1999, to the United States House of Representatives Committee on Resources. Otay Mountain possesses critically important natural resources that are unique to the Nation. A wilderness designation would provide long-term protection of this unique ecosystem while creating a comprehensive management framework which will enable the U.S. Border Patrol and the California Department of Forestry and Fire Protection to improve public safety in the region.

Recommendation: Supervisor Jacob

Adopt the attached resolution supporting the Otay Wilderness Act of 1999.

Fiscal impact

None.

Background

Otay Mountain has long been recognized as a unique ecosystem. The mountain is composed of rock with unusual properties that benefit plant growth. As a result, the mountain supports a large number of endangered and sensitive species. Otay Mountain is also home to the world's largest strand of rare Tecate Cypress.

Designation of 18,500 acres on Otay Mountain as part of the National Wilderness Preservation System will ensure long-term protection of valuable natural resources and wildlife and opportunities for public recreation will be established. Furthermore, as this area has experienced extensive resource damage as a result of illegal immigrant activity and wildfires, designation as a Wilderness Area will help in coordinating and improving public safety.

Support of H.R. 15 authored by Congress Brian Bilbray would be consistent with San Diego County's efforts to protect threatened flora and fauna and continue its role as the Nation's leader in habitat planning.

Respectfully Submitted,

DIANNE JACOB,
Supervisor, Second District.

RESOLUTION OF THE BOARD OF SUPERVISORS SUPPORTING THE OTAY WILDERNESS ACT OF 1999

On the motion of Supervisor Horn, seconded by Supervisor Cox, the following resolution is adopted:

WHEREAS, Otay Mountain is a valuable ecosystem, consisting of 18,500 acres of rare, endangered and sensitive flora and fauna that is unique to this region; and

WHEREAS, the important biology existing on Otay Mountain includes the world's largest strand of rare Tecate Cypress; and

WHEREAS, preservation of this land will be consistent with the goals of the County of San Diego to protect its threatened natural resources and wildlife; and

WHEREAS, establishment of a Wilderness Area would create opportunities for public recreation at Otay Mountain; and

WHEREAS, designation of Otay Mountain as a Wilderness Area is supported by the U.S. Border Patrol, the California Department of Forestry and Fire Protection, and the U.S. Attorney's Office;

THEREFORE, BE IT RESOLVED, that the San Diego County Board of Supervisors hereby recommends to the United States Congress that H.R. 15, the Otay Mountain Act of 1999, sponsored by Congressman Brian Bilbray, be adopted designating Otay Mountain as part of the National Wilderness Preservation System.

On motion of Supervisor Horn, seconded by Supervisor Cox, the foregoing Resolution was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on this 17th day of February, 1999, by the following vote:

AYES: Cox, Jacob, Slater, Horn.

ABSENT: Roberts.

State of California, County of San Diego.

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA,
Clerk of the Board of Supervisors.

By Frank Galang, Deputy.

SECRETARY OF THE INTERIOR,
Washington, DC, February 3, 1999.

Hon. BRIAN P. BILBRAY,
House of Representatives,
Washington, DC.

DEAR MR. BILBRAY: Thank you for your letter of December 14, 1998, regarding the proposal to designate Otay Mountain in San Diego County as wilderness.

I regret that you were unable to join me on the Otay Mountain tour. I was pleased to meet the many individuals and local officials committed to preserving the special resources on Otay Mountain.

The conclusion of the group present was that the time was appropriate to designate Otay Mountain as part of the National Wilderness Preservation System. Bureau of Land Management Acting Director Tom Fry will be testifying on February 4, 1999, before the House Resources Subcommittee on National Parks and Public Lands on behalf of the Administration in strong support of H.R. 15.

I look forward to working with you to preserve the unique resources of this area as the legislation makes its way through Congress.

Sincerely,

BILL BABBITT.

ENDANGERED HABITATS LEAGUE,
Los Angeles, CA, February 1, 1999.

Re: Otay Mountain Wilderness Bill HR-15 (Bilbray).

Hon. BRUCE BABBITT,
Secretary,
Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: In 1993, you came to San Diego and announced a dramatic change of policy for the Department of the Interior. Your announcement that Bureau of Land Management holdings within the San Diego region would be managed for conservation consistent with the management directives of the Multiple Species Conservation Program (MSCP) was of fundamental importance. It underscored the fact that management of the biological systems that we are attempting to preserve and restore required regional consistency among agencies and jurisdictions responsible for land use and land management. At that time, however, we did not realize how difficult that would turn out to be on Otay Mountain, the heart of the largest biological core area in the MSCP.

When the combination of illegal immigration and interdiction began to destroy the resources on the mountain we met with you, Ed Hasty and others to consider possible solutions. After much discussion it was agreed that in exchange for our support in moving the interdiction skirmish line down to the border via the development of the spur roads, you would work for and support wilderness designation for the mountain. As we saw last month when we met with you on this site, the interdiction part of the strategy has worked better than any of us expected. The land is recovering, and the loss of human life on the mountain has been reduced dramatically. It is rare that a plan works out as well as this one has.

In our view, wilderness designation was the strongest assurance that the invaluable biological resources of Otay Mountain would be protected in perpetuity. Your handshake agreement with us has been good, and despite concern with section 6(b) of HR-15, we have an acceptable wilderness bill in front of us. We are very appreciative of your leadership on this issue.

The point of contention in section 6(b) has been the special language regarding border interdiction. As you know, the Endangered Habitats League and the Sierra Club have been working with the Wilderness Society and the Natural Resources Defense Council on this important issue. While the special circumstances of this particular border area are acknowledged, there remain concerns about the possibility of weakening The Wilderness Act by establishing a precedent that could be misused elsewhere in the future.

In our judgment, the language in section 6(b) is acceptable for our circumstance in San Diego. While we feel that the appropriate place for this language is in the report accompanying the bill, we are willing to accept its placement in the body of the bill based on our understanding of the last sentence of the section which reads: "This Act recognizes the need to continue such management actions so long as such management actions are conducted in accordance with The Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as the Secretary considers appropriate." We read this to mean that consistency with The Wilderness Act, as written, is mandatory.

We look forward to working with the wildlife agencies, BLM, and border and fire protection agencies on the development of the critically important biological management plan for Otay Mountain. Both the County and City of San Diego have species covered under their subarea plans that are dependent upon that management plan. It is my hope that we can begin the process this year.

The progress that has been made in the last six years for conservation in the South-County has been truly remarkable. The Otay Mountain Wilderness will be the heart of this conservation area and the bedrock of the MSCP. Speaking for myself and the endangered Habitats League, and, if I can presume to speak for the resources, you have our deep appreciation.

Sincerely,

MICHAEL BECK,
San Diego Director.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I also rise in support of H.R. 15, the Otay Mountain Wilderness Act. This area should be designated as a wilderness area so that we can preserve its natural wonders and safeguard the many treasures it has to offer for future generations.

The gentleman from California (Mr. BILBRAY) and I are part of the San Diego congressional delegation that has been working hard with the U.S. Border Patrol, the California Department of Forestry, the California Department of Fish and Game, the City of San Diego, the County of San Diego and the U.S. Attorney's office, all together, to try to make H.R. 15 a reality. All of us have come together despite our differences to make sure that we preserve the pristine beauty of this natural wilderness for our children and our grandchildren. Mr. Speaker, it would be truly a shame if future generations could not enjoy this natural gem.

What does it mean to designate the Otay Mountain region as a wilderness area? It means that the land will be protected by the Federal Government from any activities that could harm the plant and animal life or the landscape in general. This will ensure the protection of this land for all of us, both today and tomorrow.

The Otay Mountain region, which is located in southwestern California near the U.S.-Mexico border, is an extraordinary landscape with many diverse natural, scientific and scenic values. The amazing diversity of this land includes both desert and coastal areas and boasts a number of plant species which can grow only in this area.

In fact, the directory of Federal Natural Areas lists at least 15 plant species that are candidates for Federal listing as Threatened or Endangered Species. The Tecate Cypress, coastal sage shrub, oak woodlands and a number of other vegetative associations are only a few of the plant species which grow only in small isolated populations in California and Mexico. These species play a critical role in San Diego's multi-species conservation plan, a national model for maintaining biodiversity. Not protecting these species would be a travesty.

The Otay Mountain region was designated as the Otay National Cooperative Land and Wildlife Management Area back in 1962, and later, in 1980, two wilderness study areas were designated by the San Diego County Board of Supervisors and the Bureau of Land Management. Many people in our community know and have known for years that the Otay Mountain region is a valuable asset that we cannot lose. My colleagues and I would like to take this a step further by designating it as a wilderness area.

There are other reasons why it is absolutely critical that we preserve this beautiful place in America. Because the area is located near the busy city of San Diego and on the U.S.-Mexico border, the danger of pollution not only from smog and other toxins but also from binational travelers is very real. Moreover, the border location of this region is the focus of important law enforcement and border efforts to curtail illegal immigration. These additional strains can cause very real degradation to our environment. Finally, the area presents unique fire management challenges. The designation as a wilderness area will actually help us to manage all of these issues.

The lands within the Otay Mountain region represent some of the last pristine wilderness areas in western San Diego County, California. There are many benefits to designating this area as a wilderness area. I urge my colleagues to support H.R. 15, the Otay Mountain Wilderness Act.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge all my colleagues to support H.R. 15.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 15.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR COLLECTION OF FEES FOR MAKING OF MOTION PICTURES, TELEVISION PRODUCTIONS, AND SOUND TRACKS IN NATIONAL PARK SYSTEM AND NATIONAL WILDLIFE REFUGE SYSTEM UNITS

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 154) to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes, as amended.

The Clerk read as follows:

H.R. 154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEE AUTHORITY AND REPEAL OF PROHIBITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior (in this section referred to as the "Secretary") may permit, under terms and conditions considered necessary by the Secretary, the use of lands and facilities administered by the Secretary for the making of any motion picture, television production, soundtrack, or similar project, if the Secretary determines that such use is appropriate and will neither impair the values and resources of the lands and facilities nor result in a significant disruption of normal visitor uses.

(2) FEES.—(A) Any permit under this section shall require the payment of fees to the Secretary in an amount determined to be appropriate by the Secretary sufficient to provide a fair return to the government in accordance with subparagraph (B), except as provided in subparagraph (C). The amount of the fee shall be not less than the direct and indirect costs to the Government for processing the application for the permit and the use of lands and facilities under the permit, including any necessary costs of cleanup and restoration, except as provided in subparagraph (C).

(B) The authority of the Secretary to establish fees under this paragraph shall include, but not be limited to, authority to issue regulations that establish a schedule of rates for fees under this paragraph based on such factors as—

(i) the number of people on site under a permit;

(ii) the duration of activities under a permit;

(iii) the conduct of activities under a permit in areas designated by statute or regulations as special use areas, including wilderness and research natural areas; and

(iv) surface disturbances authorized under a permit.

(C) The Secretary may, under the terms of the regulations promulgated under paragraph (4), charge a fee below the amount referred to in subparagraph (A) if the activity for which the fee is charged provides clear educational or interpretive benefits for the Department of the Interior.

(3) BONDING AND INSURANCE.—The Secretary may require a bond, insurance, or such other means as may be necessary to protect the interests of the United States in activities arising under such a permit.

(4) REGULATIONS.—(A) The Secretary shall issue regulations implementing this subsection by not later than 180 days after the date of the enactment of this Act.

(B) Within 3 years after the date of enactment of this Act, the Secretary shall review and, as appropriate, revise regulations issued under this paragraph. After that time, the Secretary shall periodically review the regulations and make necessary changes.

(b) COLLECTION OF FEES.—Fees shall be collected under subsection (a) whenever the proposed filming, videotaping, sound recording, or still photography involves product or service advertisements, or the use of models, actors, sets, or props, or when such filming, videotaping, sound recording, or still photography could result in damage to resources or significant disruption of normal visitor uses. Filming, videotaping, sound recording or still photography, including bona fide newsreel or news television film gathering, which does not involve the activities or impacts identified herein, shall be permitted without fee.

(c) EXISTING REGULATIONS.—The prohibition on fees set forth in paragraph (1) of section 5.1(b) of title 43, Code of Federal Regulations, shall cease to apply upon the effective date of regulations under subsection (a). Nothing in this section shall be construed to affect the regulations set forth in part 5 of such title, other than paragraph (1) thereof.

(d) PROCEEDS.—Amounts collected as fees under this section shall be available for expenditure without further appropriation and shall be distributed and used, without fiscal year limitation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program under section 315 of Public Law 104–134.

(e) PENALTY.—A person convicted of violating any regulation issued under subsection (a) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 6 months, or both, and shall be ordered to pay all costs of the proceedings.

(f) EFFECTIVE DATE.—This section and the regulations issued under this section shall become effective 180 days after the date of the enactment of this Act, except that this subsection and the authority of the Secretary to issue regulations under this section shall be effective on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 154 was introduced by the gentleman from Colorado (Mr. HEFLEY). The gentleman from Colorado is to be commended for the hard work on this bill and his commitment to see this piece of legislation come to fruition.

H.R. 154 is a bipartisan bill which repeals the existing regulatory prohibition on collecting fees for commercial film productions on lands administered by the Department of the Interior, including units of the National Park System and National Wildlife Refuge Areas. H.R. 154 authorizes the Secretary to establish a fee schedule using a number of relevant factors, such as the number of people on-site and the duration of the filming activities. The bill would not affect newsreel or television news activities. Proceeds from these location fees would remain in the unit where the filming occurs as per the Recreational Fee Demonstration Program established under current public law.

This is a good bill which is long overdue. I urge my colleagues to support H.R. 154.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 154 provides for the collection of fees for the making of motion pictures, television productions and sound tracks in the National Park System and the National Wildlife Refuge System.

This legislation is a good government and commonsense approach to an important matter. We should be charging appropriate commercial fees for the use of national parks and refuges, especially when such fees have a long established use on public lands and national forests. The regulation prohibiting movie and television fees for parks and refuges appears to have long outlived any usefulness it may have ever had.

Significant work was done on this legislation in the last Congress. Numerous meetings and discussions were held among Member and committee staffs, representatives of the Department of the Interior, the film industry and other interested parties. The results of these talks were very fruitful and led to the passage of bipartisan legislation last fall that unfortunately was not enacted into law prior to adjournment.

The hearing that was held before the Committee on Resources on H.R. 154 showed that wide support exists for this proposal. This bill is an example of both sides of the aisle, the administration, and interested parties working together to achieve a common good.

Mr. Speaker, everyone agrees that there should be fair and reasonable fees for the use of public resources for filming, including the film industry itself. We are greatly encouraged by the progress that has been made thus far in this bill and we look forward to seeing the legislation enacted into law.

□ 1430

We ask our colleagues to vote for this bill, Mr. Speaker.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, many of the Nation's most famous and profitable motion pictures were filmed on public land. John Ford filmed his classic westerns around Moab, UT, and the opening scenes of "Raiders of the Lost Ark" were filmed on Park Service land in Hawaii.

Before 1948, the Interior Department charged filmmakers market prices for the use of these lands. But in that year, for reasons lost to time, Congress prohibited the Park Service and the Fish & Wildlife Service from collecting fees for commercial film making.

This has resulted in lost revenue. The 16 units of the National Park System most involved with the film industry welcomed 2,800 productions over the past 3 years. At the present time, no requirement for fee collection besides normal special use permits.

The Bureau of Land Management, which operates a film program under its existing permit system has processed approximately 1,000 requests per year. Estimated revenues of $300,000 per year; or about $1,000 to $1,100 per day. In contrast, production companies have paid as much as $8,500 a day to film on private land.

Our bill would repeal this prohibition. Interior would be directed to develop a policy for collecting fees. Eighty percent of those fees would remain in the unit involved for maintenance needs, the remainder for systemwide use.

There are also two Senate bills dealing with this: A. S. 338, Senator CAMPBELL's bill; B. S. 568, by Senator CRAIG THOMAS, which would extend the fee policy to the Forest Service, as well. In our discussions with the Forest Service that agency said it was satisfied with its existing policy and did not wish to be included at this time.

This bill is the result of extensive discussions between my office and Members on both sides of the aisle, the Interior Department and representatives of the film industry. It is as near to a consensus proposal as we are likely to see.

H.R. 154 provides the middle ground between the needs of the Interior Department and those of the film industry while providing our natural resources. The film would like the certainty of a fee schedule based on the number of people or the acreage involved in a production. While Interior would like the flexibility to address these requests, I think this bill does that.

We think our bill offers the chance for a real win-win situation. The Park Service needs the money and the film industry is willing to pay it within reason. Fees will also help balance the use of our parks for filming with protection of the resource. And the more people see our parks through the movies, the more they'll want to visit them. Everyone can benefit if we do this right.

With that I'll close. I urge your support for the measure.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I urge my colleagues to support this piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 154, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1999

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 449) to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes.

The Clerk read as follows:

H.R. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gateway Visitor Center Authorization Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The National Park Service completed and approved in 1997 a general management plan for Independence National Historical Park that establishes goals and priorities for the park's future.

(2) The general management plan for Independence National Historical Park calls for the revitalization of Independence Mall and recommends as a critical component of the Independence Mall's revitalization the development of a new "Gateway Visitor Center".

(3) Such a visitor center would replace the existing park visitor center and would serve as an orientation center for visitors to the park and to city and regional attractions.

(4) Subsequent to the completion of the general management plan, the National Park Service undertook and completed a design project and master plan for Independence Mall which includes the Gateway Visitor Center.

(5) Plans for the Gateway Visitor Center call for it to be developed and managed, in cooperation with the Secretary of the Interior, by a nonprofit organization which represents the various public and civic interests of the greater Philadelphia metropolitan area.

(6) The Gateway Visitor Center Corporation, a nonprofit organization, has been established to raise funds for and cooperate in a program to design, develop, construct, and operate the proposed Gateway Visitor Center.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to enter into a cooperative agreement with the Gateway Visitor Center Corporation to construct and operate a regional visitor center on Independence Mall.

SEC. 3. GATEWAY VISITOR CENTER AUTHORIZATION.

(a) AGREEMENT.—The Secretary of the Interior, in administering the Independence National Historical Park, may enter into an agreement under appropriate terms and conditions with the Gateway Visitor Center Corporation (a nonprofit corporation established under the laws of the State of Pennsylvania) to facilitate the construction and operation of a regional Gateway Visitor Center on Independence Mall.

(b) OPERATIONS OF CENTER.—The Agreement shall authorize the Corporation to operate the Center in cooperation with the Secretary and to provide at the Center information, interpretation, facilities, and services to visitors to Independence National Historical Park, its surrounding historic sites, the city of Philadelphia, and the region, in order to assist in their enjoyment of the historic, cultural, educational, and recreational resources of the greater Philadelphia area.

(c) MANAGEMENT-RELATED ACTIVITIES.—The Agreement shall authorize the Secretary to undertake at the Center activities related to the management of Independence National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Independence National Historical Park.

(d) ACTIVITIES OF CORPORATION.—The Agreement shall authorize the Corporation, acting as a private nonprofit organization, to engage in activities appropriate for operation of a regional visitor center that may include, but are not limited to, charging fees, conducting events, and selling merchandise, tickets, and food to visitors to the Center.

(e) USE OF REVENUES.—Revenues from activities engaged in by the Corporation shall be used for the operation and administration of the Center.

(f) PROTECTION OF PARK.—Nothing in this section authorizes the Secretary or the Corporation to take any actions in derogation of the preservation and protection of the values and resources of Independence National Historical Park.

(g) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "Agreement" means an agreement under this section between the Secretary and the Corporation.

(2) CENTER.—The term "Center" means a Gateway Visitor Center constructed and operated in accordance with the Agreement.

(3) CORPORATION.—The term "Corporation" means the Gateway Visitor Center Corporation (a nonprofit corporation established under the laws of the State of Pennsylvania).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 449 was introduced by the gentleman from Pennsylvania (Mr. BORSKI). Mr. BORSKI has worked hard on this bill which will greatly enhance the visitor experience at Independence National Historical Park.

Mr. Speaker, H.R. 449 is a noncontroversial and bipartisan bill that would authorize the Gateway Visitor Center at Independence National Historic Park. This bill authorizes the Secretary of the Interior to enter into a cooperative agreement with the Gateway Visitor Center Corporation to construct and operate a regional visitor center on Independence Mall. The center would provide information, interpretation, facilities and services for visitors to Independence National Historical Park, its surrounding historical sites and the City of Philadelphia.

Mr. Speaker, private and public funds will be used to develop the visitor center on National Park property, and it is my understanding that approximately $30 million of private funds have already been raised and this project is ready to move forward.

Mr. Speaker, this is a great example of how we can incorporate private enterprise to improve our parks and the experience for our visitors. I urge my colleagues to support H.R. 449.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 449 would authorize the Secretary of the Interior to enter into a cooperative agreement with the nonprofit Gateway Visitor Center Corporation to construct and operate a regional visitor center on National Park Service land within Independence National Historical Park in Philadelphia. Hearings were held on an identical bill, on H.R. 4109, last Congress, and that bill was favorably reported by the Subcommittee on National Parks and Public Lands. Further action was not taken on the measure prior to adjourning.

Unlike the situation at Gettysburg National Military Park, which is considered controversial by many, this proposal is supported by all involved parties. The proposed visitor center is consistent with the general management plan for the park and has the backing of the NPS, the City of Philadelphia and other interested parties.

As such, we have no objection to the legislation, and we beseech our colleagues to vote for this legislation.

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today in strong support of H.R. 449 and ask for all Members to support this legislation. I would like to commend my good friend, Mr. BORSKI, for introducing this bill and would like to thank him for his hard work to bring it to the floor. I would also like to thank Chairman HANSEN, Ranking Member ROMERO-BARCELÓ, Chairman YOUNG and Ranking Member MILLER for all their help in bringing this bill to the floor.

Mr. Speaker, Independence Mall is not only the cornerstone of Philadelphia, it is the cornerstone of democracy. On any day, you can walk down to Independence Mall and find hundreds of tourists and schoolchildren visiting the birthplace of the United States. Each year, more than 3 million people visit the place where we declared our independence and forged a nation based on individual rights.

But the current visitor facilities at Independence Mall are not adequate for this many tourists. Mr. Speaker, it is important that we not only preserve our heritage, but that we keep it accessible to everyone. This bill authorizes the construction of a new Gateway Visitor Center, located at Independence National Historical Park, to provide tourists a convenient, informative and enjoyable visit to the park and the City of Philadelphia. Through exhibits and displays, the Center will not only provide an interpretive presentation on the significance of the Independence National Historical Park, but will also provide information on other historical and cultural attractions throughout Philadelphia.

Mr. Speaker, this bill is not only important to Philadelphia, but to the entire nation as it will keep the site of our independence and the birthplace of democracy easily accessible to everyone. It is a needed addition to the Independence Mall area and will serve our country well in to the next century by preserving and enhancing this national treasure. I urge a unanimous vote on H.R. 449.

Mr. BORSKI. Mr. Speaker, I rise today in support of H.R. 449, a bill to authorize the Gateway Visitors Center at Independence National Historical Park in Philadelphia.

Every year nearly 5 million visitors come to Philadelphia and Independence National Historical Park to visit and learn about the beginnings of this great country and the founding of democracy. I am proud to represent a portion of the Park which many consider the crown jewel of the National Park Service. We must do all we can to preserve the area which houses the Liberty Bell, Independence Hall and is the birthplace of the Declaration of Independence and Constitution of the United States.

Independence National Historical Park is currently the subject of a major renovation project to preserve the park for future generations. Federal, state, and local leaders are working in unison to address the ongoing needs of the Park, ensuring its greatness as an American institution and historical area. The Park Service's completed General Management Plan documents the vision for the future of the park, and the Gateway Visitors Center is an integral part of this plan.

H.R. 449 is imperative to the renovation of the Park included in the National Park's General Management Plan. It is extremely important to Philadelphia and for those who visit the historical area and experience its significance in the development of this nation. The present location of the visitors center is situated in an area with limited public transit access and on a narrow street. The location for the proposed Gateway Visitors Center will preserve history while at the same time improving access and creating a new entrance to the Park. The Gateway Visitors Center would serve as the region's principal point of orientation by providing a range of exceptional services and programs, attracting visitors to the resources offered in and beyond the park.

Mr. Speaker, I am proud to join my colleagues from Pennsylvania who have worked so hard to see this legislation come to fruition. Independence National Historical Park houses two of our nations most prized objects, Independence Hall and the Liberty Bell. This bill is vital to the preservation of these treasured artifacts that represent the ideas upon which our nation was founded, and is the key to our nation's history for millions of Americans.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 449.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous materials on H.R. 15, H.R. 154 and H.R. 449, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

AUTHORIZING ESTABLISHMENT OF DISASTER MITIGATION PILOT PROGRAM IN THE SMALL BUSINESS ADMINISTRATION

Mr. THUNE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 388) to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

The Clerk read as follows:

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISASTER MITIGATION PILOT PROGRAM.

(a) IN GENERAL.—Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended—

(1) in subparagraph (B), by adding "and" at the end; and

(2) by adding at the end the following:

"(C) during fiscal years 2000 through 2004, to establish a predisaster mitigation program to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis), as the Administrator may determine to be necessary or appropriate, to enable small businesses to use mitigation techniques in support of a formal mitigation program established by the Federal Emergency Management Agency, except that no loan or guarantee may be extended to a small business under this subparagraph unless the Administration finds that the small business is otherwise unable to obtain credit for the purposes described in this subparagraph;".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(f) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

"(1) $15,000,000 for fiscal year 2000.

"(2) $15,000,000 for fiscal year 2001.

"(3) $15,000,000 for fiscal year 2002.

"(4) $15,000,000 for fiscal year 2003.

"(5) $15,000,000 for fiscal year 2004.".

(c) EVALUATION.—On January 31, 2003, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of the pilot program authorized by section 7(b)(1)(C) of the Small Business Act (15 U.S.C. 636(b)(1)(C)), as added by subsection (a) of this section, which report shall include—

(1) information relating to—

(A) the areas served under the pilot program;

(B) the number and dollar value of loans made under the pilot program; and

(C) the estimated savings to the Federal Government resulting from the pilot program; and

(2) such other information as the Administrator determines to be appropriate for evaluating the pilot program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Dakota (Mr. THUNE) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking my colleagues on the House Committee on Small Business, particularly the distinguished gentleman from Missouri (Mr. TALENT) for his leadership in moving this measure forward, as well as the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member on that committee, and my friend from Washington (Mr. BAIRD) who is on the floor this afternoon.

Mr. Speaker, S. 388, a measure drafted and introduced by Senator MAX CLELAND, is a commonsense approach to applying the principle of preventive care when coping with natural disasters. S. 388 is substantially identical to H.R. 818, the Disaster Mitigation Act of 1999, which passed the House on March 2 of this year. It is part of the administration's budget request and has substantial bipartisan and bicameral support.

Since 1953, the Small Business Administration has administered the disaster loan program authorized by Section 7(b) of the Small Business Act. This program provides loans to help small businesses to rebuild after natural disasters.

In past years the loan program has spent billions of dollars helping small businesses and homeowners recover from natural disasters. In fiscal year 1998 the SBA lent $728 million for 30,154 disaster loans. In 1997 it lent $1.1 billion for 49,515 disaster loans. In 1994 the SBA's highest demand came when it loaned over $4.1 billion for damage due to the North Ridge earthquake in California.

Mr. Speaker, the cost of disaster assistance has risen over the past several years due to increases in construction and other costs. It is clear that efforts must be made to hold down these costs. Implementing a program to help small businesses use techniques to lessen damage caused by natural disasters offers the potential to save millions of dollars in the future.

The Federal Emergency Management Agency, FEMA, currently manages Project Impact, which works in conjunction with communities and businesses on such mitigation policies and techniques. Passage of S. 388 will complement and further these efforts of mitigation by offering small businesses low-interest loans for disaster mitigation through the Small Business Administration.

S. 388 authorizes the SBA to establish a pilot program to make loans to small businesses for the purpose of mitigating the effects of natural disasters. These loans will be made in support of the mitigation program established at the Federal Emergency Management Agency. These mitigation techniques are varied and include a wide range of activities including building improvements, relocation and others.

S. 388 will authorize SBA to lend up to $15 million each year through 2004 in support of the Disaster Mitigation Pilot Program. These funds will come from existing section 7(b) disaster loan appropriations and will be subject to appropriations available for that program. This bill will not authorize any new Federal spending.

Finally, S. 388 will require the SBA to report to Congress by January 31, 2003. The report will document the number of loans made, the area served by the pilot, and the estimated savings to the government as a result of the program.

Let me again thank my colleagues the gentleman from Missouri (Mr. TALENT) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), and the committee staff for their assistance in moving the measure before us, Mr. Speaker, and I want to urge my colleagues to support S. 388.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my distinguished colleague from South Dakota and also express my gratitude to the chairman of our committee, the gentleman from Missouri (Mr. TALENT) and to the ranking member from New York (Ms. VELÁZQUEZ). Together they have worked to develop this bill which I think has a wonderful potential to help small business owners reduce the cost of disasters before they happen rather than after.

As the gentleman from South Dakota has indicated, the bill before us today is virtually identical to a bill that this House passed on March 2. It establishes a demonstration project at the SBA to make financing available to small businesses so they can make improvements to businesses that just might reduce property loss and could increase worker safety in the event of a natural disaster.

Mr. Speaker, my district in southwest Washington happens to be one of the more disaster-prone in the Nation: We have Mount Saint Helens, we have periodic flooding, and recently in the towns of Kelso and Olympia we have had landslides which have claimed in the case of Kelso more than 140 homes, and in the case of Olympia more than 60 homes have been rendered unstable. I have been working with these good people since before I came to office, and I feel we have to be working more to help people prepare for disasters before they happen as well as cope with disasters after the fact.

That is what this bill does, is helps people prepare for disasters. It authorizes up to $15 million in SBA loans each year for the next 5 years to be used for mitigation efforts so businesses can make structural or interior changes to their businesses that can result in significant savings.

The program runs for five years. It requires a report to Congress on the use and effectiveness of the mitigation loans, so it includes a key and important accountability provision.

This is sensible good government, and it is a costs savings measure. It has been estimated that for every dollar we spend in disaster prevention we could save up to $2 or $3 in disaster recovery.

So I join with my colleague from South Dakota (Mr. THUNE), and I urge all of my colleagues in the House today to support this commonsense legislation and help get this program underway.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentleman from Washington (Mr. BAIRD) for yielding this time to me.

Mr. Speaker, I rise today in strong support of S. 388, the Disaster Mitigation Pilot Program. Traditionally business owners have only been able to get help after a natural disaster has struck and caused damage to their business. For many small businesses this assistance comes too late to save them from economic ruin. The loss of revenue and time needed to recover causes countless businesses to fail. Instead of being able to rebuild, many communities are faced with loss of jobs as many businesses permanently close after a disaster. We have seen this happen again and again over the past few years. Hurricanes, floods and wildfires have threatened the economic stability and future of communities across this Nation.

However, until today businesses have only been able to get help after it is too late. Today's legislation will change this story. Today we are taking an important step in being proactive rather than just reactive to natural disasters.

S. 388 is identical to H.R. 818, which the House passed on March 2 of this year with only a few minor changes in wording. The result is the same. This legislation authorizes $75 million to be used by SBA in cooperation with FEMA over the next 5 years to help businesses in disaster-prone areas take preventive measures to avert or minimize damage should disaster strike.

□ 1445

By enabling businesses to take preventive measures which mitigate the damage caused by floods, hurricanes and other natural disasters, this program will allow them to recover much faster. Therefore, instead of going out of business, they will be able to get back to business much quicker than ever before.

The disaster mitigation program is a common-sense approach to helping businesses cope with disasters. The program also makes fiscal sense. Some estimates show that every dollar spent on mitigation saves $2 in money that would otherwise have to be spent on post-disaster response. Not only will businesses and taxpayers come out ahead, but the American economy will as well.

Finally, I would like to thank the gentleman from Washington (Mr. BAIRD). His constituents face the threat of natural disaster, and his insight and hard work on this legislation have been a great help to all of us. I strongly support S. 388 and I urge my colleagues to vote for this important piece of legislation.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to just offer a couple of closing comments. Let me just briefly reiterate the common sense behind this proposal. It provides low-interest loans up front so small business owners can prepare for disasters before they happen. They can prepare for earthquakes or floods or fires or hurricanes. By spending money up front, through low-interest loans, they will save the taxpayers dollars down the road.

That is why this bill makes so much sense; it will save taxpayers money. It will help small businesses out and it will reduce the overall net cost of disaster response. That is the kind of bill we should be putting forward, and I thank my colleague from South Dakota (Mr. THUNE) for doing so.

Mr. Speaker, I yield back the balance of my time.

Mr. THUNE. Mr. Speaker, I yield myself such time as I may consume for closing.

Mr. Speaker, I want to thank the gentleman from Washington (Mr. BAIRD) and the gentlewoman from New York (Ms. VELÁZQUEZ) for their work on this and again would just simply say that in Washington we are always looking for win/win solutions. I think this really is a win/win. It is a win not only for disaster victims. It is also a win for the taxpayers.

My State of South Dakota has been no stranger to disasters in the last few years, and consistently we find that FEMA is called on to the spot, SBA and other agencies that deal with disaster assistance, but it is always after the fact.

We have an opportunity here to provide a mechanism whereby businesses and others can prepare in advance for disasters and take those steps that are necessary to try and see that the taxpayers are not called upon after an event to deal with it.

I would again urge my colleagues in the House to support this measure. It is a common-sense approach to legislating solutions on disaster assistance, and hopefully, we will be able to take this and work collectively as partners with FEMA and the SBA and others to see that we do the best job we can on the front end to protect disaster victims, as well as to protect the taxpayers from unnecessary needed expense.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to rise in support of S. 388. This bill will establish a pilot program for the implementation of disaster mitigation measures by small businesses to help them to better prepare for natural disasters.

Small businesses from Texas to New York play a vital role in the health of our economy. They account for 99.7 percent of America's employers. In fact, Small businesses employ 53 percent of the private work force, contribute 47 percent of all sales in the country, and are also responsible for 50 percent of the private gross domestic product. Unfortunately, it is a fact that Small Businesses are ill equipped to deal with natural disasters.

Under this bill, the Small Business Administration, in conjunction with the Federal Emergency Management Agency, would begin a 5-year program to provide loans to small businesses to implement mitigation techniques. These loans would provide funds for proactive measures designed to limit damages from natural disasters. These projects include for example elevating a foundation in case of a flood or strengthening walls in case of an earthquake.

Last year natural disasters cost Americans more than $10 billion. This is the third worst year this decade. I am told that the last three years have been the most active period in history for Atlantic hurricanes. Unfortunately the 1999 hurricane season will be active again this year and other natural disasters are going to occur. Small Businesses will and do suffer economically from these natural disasters.

Under this bill, the loans would be made either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis. This program is designed to provide these loans to small businesses in disaster-prone areas that would otherwise be unable to obtain credit for such preventative measures.

This bill will help businesses across this country to better prepare for disasters. I support this bill because it aggressively prepares small businesses located in disaster-prone areas to prepare for disasters. I urge my colleagues to support small businesses by supporting this bill.

Mr. UNDERWOOD. Mr. Speaker, for many people nationwide, Guam is synonymous with a number of things. One of them is certainly natural disasters. Guam's location in the Pacific Ocean's typhoon alley makes it regularly susceptible to annual storms that bring destruction to our community. In this decade alone, Guam has been subjected to at least a dozen typhoons. Even though the destruction brought about by a storm is uncommon, it is a common occurrence for the island of Guam. At one time, five typhoons had hit Guam in the span of 3 months.

As many may recall, the most recent storm, Super Typhoon Paka, devastated the island in December of 1997 and caused property damage of over $100 million. On top of these storms, Guam also became a victim of an 8.2 earthquake in 1994, which has been one of the strongest recorded in the Pacific in this century.

S. 388 is good legislation. It is proactive and it will prepare small businesses for recovery. Most often, disaster related programs are targeted to homeowners and gain the bulk of their popularity in the aftermath of destruction. S. 388 and its companion legislation H.R. 818, passed by the House last month, addresses the concerns of small businesses that do not receive the same type of disaster attention given to homeowners. The recovery of a community in the wake of disaster can be bolstered by the level of preparation to mitigate against damage by our business communities. Small businesses help generate economic activity crucial for the recovery of a stricken community.

Reacting to a storm plagues many communities with confusion. This pilot program aims to empower the business community with information and mitigation activities which will prevent serious losses. An appropriation of $15 million is a very small amount compared to potential losses without this sort of program.

I understand that the territories are full partners in this program. I certainly hope that in coming years the amounts will be expanded and we will do everything we can to make sure this pilot program is a success.

I commend the authors of this legislation from both the House and Senate and encourage my colleagues to vote in favor of this measure.

Mr. THUNE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from South Dakota (Mr. THUNE) that the House suspend the rules and pass the Senate bill, S. 388.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THUNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 388.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

MICROLOAN PROGRAM TECHNICAL CORRECTIONS ACT OF 1999

Mr. PEASE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 440) to make technical corrections to the Microloan Program.

The Clerk read as follows:

Senate Amendment:

Page 2, strike out all after line 6 down to and including line 20 and insert:

(1) in paragraph (7), by striking subparagraph (B) and inserting the following:

"(B) ALLOCATION.—

"(i) MINIMUM ALLOCATION.—Subject to the availability of appropriations, of the total amount of new loan funds made available for award under this subsection in each fiscal year, the Administration shall make available for award in each State (including the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa) an amount equal to the sum of—

"(I) the lesser of—

"(aa) $800,000; or

"(bb) 1/55 of the total amount of new loan funds made available for award under this subsection for that fiscal year; and

"(II) any additional amount, as determined by the Administration.

"(ii) REDISTRIBUTION.—If, at the beginning of the third quarter of a fiscal year, the Administration determines that any portion of the amount made available to carry out this subsection is unlikely to be made available under clause (i) during that fiscal year, the Administration may make that portion available for award in any 1 or more States (including the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa) without regard to clause (i)."; and

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. PEASE) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PEASE).

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking my colleagues, the chairman of the committee, the gentleman from Missouri (Mr. TALENT), and the ranking member of the committee, the gentlewoman from New York (Ms. VELÁZQUEZ). I appreciate their assistance in moving this bill and their help in fashioning it.

Mr. Speaker, this is a technical corrections bill, and though it is important work, it need not occupy a great deal of the House's time. H.R. 440 is the same bill that the House passed on February 9 of this year by an overwhelming margin. H.R. 440 corrects the provisions of the loan loss reserve requirements of the microloan program at the Small Business Administration.

The microloan program was established as a pilot program in 1991 and made permanent in 1997. It provides small loans under $25,000 to the Nation's smallest entrepreneurs. These loans are made through SBA-certified and -approved nonprofit lending and business development intermediaries. These intermediaries borrow funds from the SBA and, in turn, lend those funds to small businesses. In order to protect taxpayer assets, the intermediaries are required to maintain a loss reserve based on the amount of microloans they have outstanding.

Mr. Speaker, the Senate amendment made some clarifications to the House-passed version of the bill. These changes make no substantive changes in the purpose of the bill, but they do tighten the language that provides for some minimum allocation for States with microloan programs. The amendment is necessary to make doubly sure that there is no mistake between congressional intent and agency execution.

The amendment makes clear that subject to appropriations, all State microloan programs shall have access to at least 1/55th of all new funds allocated for the program. This amount will be available until the beginning of the third quarter, at which point all funds will be available to any eligible intermediary.

Mr. Speaker, this bill is not headline material but it is important work nonetheless. It will have a real impact on the very smallest of businesses in this country seeking start-up financing and at the end of the day that is the most important part of our job on the Committee on Small Business.

Let me again thank my colleagues, the gentleman from Missouri (Chairman TALENT) and ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), and the committee staff for their assistance in moving the measure before us.

Mr. Speaker, I urge my colleagues to support H.R. 440.

Mr. Speaker, I reserve the balance of my time

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by thanking the gentleman from Missouri (Chairman TALENT) for working with me to move quickly to pass the Microloan Program Technical Corrections Act. These changes are important for small entrepreneurs because they would allow lenders to make more loans and increase technical assistance.

Everyone agrees that the challenge facing most entrepreneurs is access to capital. Now, consider the special challenges to microenterprises. It is often more difficult, if not impossible, for many microenterprises to get the financing they need. Microborrowers are either start-up or growth-phase businesses which are unable to meet a lender's collateral or credit requirements. For many private lenders, it is simply not feasible to make the small loans that entrepreneurs need to start or expand their business.

To address this problem, the Small Business Administration launched the microloan pilot project in 1992. This program was designed to help underserved start-up and existing small business owners that do not have access to financing. Since its inception, the microloan program has helped countless businesses start up and grow.

Today, with over 100 participating intermediaries, the SBA microloan program is the largest Federal program of its kind. It has a proven record of giving small businesses the support they need to succeed.

One of the most important aspects of the microloan program is its ability to reach women and minorities. Often women and minorities do not have the credit history or necessary capital to get a loan from a bank or other traditional channel. This is where the microloan program steps in and provides the tools to help these business owners achieve the American dream. In fact, the microloan program has become a traditional funding source for women entrepreneurs.

That is why today's legislation is so important. The first thing that the Microloan Program Technical Corrections Act will do is remove the State formula caps. The caps were put in place in order to ensure equitable distribution of funds, but resulted in just the opposite. By removing the cap, we will be ensuring that all States have access to the program.

Additionally, the most recent Senate amendments make sure that every State and territory gets its fair share of microloan funding. Under the latest change, if the program is fully funded, each State will receive an equal part of the full appropriations. In the case that each State receives its $800,000, any extra microloan funding will be distributed by SBA at the administrator's discretion.

I would say to my colleague, by allowing lenders with successful loan portfolios to make more loans and to provide additional technical assistance, today's legislation will only help more microenterprises grow. Providing additional technical assistance to businesses will enable entrepreneurs who are on the threshold of moving forward the opportunity to do so.

The microloan program has proved invaluable in helping America's small businesses grow. I am glad that we are moving quickly to pass this crucial legislation and that we are looking for ways to improve this important program.

Mr. Speaker, I yield back the balance of my time.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to acknowledge again the work of the gentlewoman from New York (Ms. VELÁZQUEZ) and the work of the chairman of our committee, the gentleman from Missouri (Mr. TALENT), on this important piece of legislation. I urge the support of our colleagues for its passage.

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 440.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PEASE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 440.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT TO SENATE AMENDMENTS TO H.R. 98, EXTENSION OF AVIATION WAR RISK INSURANCE PROGRAM

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 135) providing for the concurrence by the House with an amendment in the Senate amendments to H.R. 98.

The Clerk read as follows:

H. RES. 135

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 98, with the amendments of the Senate thereto, and to have—

(1) concurred in the amendment of the Senate to the title; and

(2) concurred in the amendment of the Senate to the text with the following amendment:

At the end of the Senate amendment, add the following:

Page 2, line 3, strike "March" and insert "May".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last month the war risk insurance program was reauthorized by the House, but only through the end of next month. We need to quickly move to reauthorize the program for a longer period of time and do it in a way that is acceptable to the Senate.

This program has operated successfully for over 47 years.

The bill would reauthorize the war risk insurance program through December 31, 2003. Insurance is an essential feature of any commercial airline operation, but ordinary business insurance operations are normally not willing, and certainly not at normal rates, to insure flights to high-risk areas such as countries at war or on the verge of war.

In many cases, flights into these dangerous situations, however, are required to further our Nation's foreign policy or national security objectives. On many occasions in the past, commercial airlines, rather than military planes, have been used to move materiel and troops into war-type areas including, for example, most recently during Desert Storm-Desert Shield operations and other conflicts.

Without the war risk program, commercial airlines would not have flown these military flights, and therefore the Department of Defense would have had to grant or purchase aircraft at a cost to the taxpayers of millions of dollars, if not billions.

Although the program is not currently being used in Kosovo, it could be needed at any time and, therefore, we cannot afford to allow the program to lapse. The bill before the House now is virtually the same as the bill that we passed last February, but the Senate dropped a provision in the bill involving unrelated technical changes to the centennial of flight commission. Therefore, we need to pass this bill and send it back to the Senate. I would urge support for the resolution.

Mr. Speaker, I reserve the balance of my time

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 135, a bill to extend the war risk insurance program through 2003. This program allows the Federal Aviation Administration to issue insurance to airlines flying into war zones when it is in the national interest for the airlines to do so and commercial insurance is not available on reasonable terms.

The war risk insurance program was first authorized in 1951 and it has served the country well. Since 1975, the nonpremium option under the war risk insurance program alone has been activated over 5,000 times. Recently it has been used in support of Operations Desert Shield and Storm in the Middle East, Operation Restore Hope in Somalia, Operation Uphold Democracy in Haiti and Operation Joint Endeavor in Bosnia.

As Members can see from its scope, it has been an active part of our Nation's foreign policy and national security efforts.

In March, we extended this program for only 2 months until May 31, 1999. With the continuing activities in the Persian Gulf and the current situation in Kosovo, it would be unfortunate to allow this program to expire. I would hope that we could quickly pass this legislation to avoid any lapse in this crucial program.

I want to thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from California (Mr. DUNCAN), the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI) for their leadership, and I urge my House colleagues to support H. Res. 135.

Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the resolution, House Resolution 135.

The question was taken.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR OPENING CEREMONIES OF SUNRAYCE 99

Mr. COBLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 48) authorizing the use of the Capitol Grounds for the opening ceremonies of Sunrayce 99.

The Clerk read as follows:

H. CON. RES. 48

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR OPENING CEREMONIES OF SUNRAYCE 99.

The organizers of Sunrayce 99 (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, with solar-powered cars, on the Capitol Grounds on June 20, 1999, or on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, to conduct opening ceremonies for Sunrayce 99.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event authorized by section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event, including arrangements to limit access to First Street between Independence Avenue Southwest and Constitution Avenue Northwest.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. LIMITATION ON REPRESENTATIONS.

(a) IN GENERAL.—The event authorized by section 1 may be conducted only after the Architect of the Capitol and the Capitol Police Board enter into an agreement with the sponsor that prohibits the sponsor—

(1) from representing, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any product or service offered by the sponsor; and

(2) from using any photograph taken at the event for a commercial purpose.

(b) PENALTIES.—The agreement shall provide for financial penalties to be imposed if any photograph is used in violation of this section.

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The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 48 authorizes the use of the Capitol grounds for the Sunrayce '99 solar power car event to be held on June 20th, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution also authorizes the Architect of the Capitol, the Capitol Police Board, and the sponsor of the event to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds.

The event is open to the public and free of charge, and the sponsor will assume responsibility for all expenses and liabilities related to the event. In addition, sales, advertisements, and solicitations are explicitly prohibited on the Capitol grounds for this event.

The Capitol grounds will be used for the opening ceremonies for the solar power car event that will begin at the Capitol and after traversing through five States, conclude in Orlando, Florida. Intercollegiate men and women from all over the United States have taken part in the development of the solar power cars. Scholarship achievement awards will be awarded to participants that display exceptional levels of technical innovation, engineering excellence, artistic excellence, teamwork, and good sportsmanship.

This day will highlight the importance of and help us develop a better understanding for the many different uses of solar energy. I support this resolution, and urge my colleagues to join in support.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 48 authorizes the use of the Capitol grounds for the Sunrayce '99 solar powered car event scheduled to be held on the Capitol grounds on June 20, 1999. During this event, college women and men who have designed and developed their own solar power cars will begin a five-State run from the Capitol grounds to Orlando, Florida.

In addition to highlighting the innovation and ingenuity of design and engineering by the college students, the event will emphasize the power and benefits of solar energy.

General Motors, Electronic Data Systems, and the Energy Department are once again cosponsors of the event. The event's sponsors will assume all responsibility for expenses and liabilities related to the event. As with all Capitol event, sales, advertisements, and solicitations are explicitly prohibited on the Capitol grounds for the event.

I support House Concurrent Resolution 48 and urge its passage.

Mr. SALMON. Mr. Speaker, before I begin, I want to thank Congressman BUD SHUSTER, Chairman of the Transportation Committee, for moving H. Con. Res. 48 through the Committee and to the Floor so expeditiously.

The resolution we are considering today will permit the organizers of Sunrayce 99 to sponsor a public event, with solar-powered cars, on the Capitol Grounds on June 20, 1999, or on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, to conduct opening ceremonies for Sunrayce 99.

As the Chairman and co-founder of the House Renewable Energy Caucus I appreciate the innovation necessary to identify and utilize alternative forms of energy. As we move into the 21st Century, one of the critical environmental challenges facing us is the need to discover the possibilities of sustainable energy development, so that our children, and their families will be able to enjoy the clean air and environment that is so important to the health of our nation.

From June 20–29 the world will watch as up to 40 teams participate in Sunrayce 99 and demonstrate good-spirited competition and innovation at its best. The teams will race through five states, from the start in Washington, DC, to the finish at Epcot at Walt Disney World Resort near Orlando, Florida in the nation's premier solar powered vehicle event.

Sunrayce 99 showcases the imagination, ingenuity and teamwork of graduate and undergraduate teams from North America in the development of highly efficient vehicles powered solely by a viable, renewable and sustainable energy source—the sun. I am proud to note that the University of Arizona has registered a team. General Motors, Electronic Data Systems and the U.S. Department of Energy are the sponsors of this biennial intercollegiate competition.

The top three finishing teams will receive trophies and cash awards. Scholarship achievement awards will also be granted for technical innovation, engineering excellence, artistic talents, teamwork and good sportsmanship.

Sunrayce 99 not only demonstrates the possibilities of sustainable energy development, but also the importance of public/private partnerships. This approach will allow companies to work hand in hand with government in successfully tackling the environmental challenges ahead. I applaud the participants of Sunrayce 99—sponsors, applicants, universities, and administrators—for making innovation a reality.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 48.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR BIKE RODEO TO BE CONDUCTED BY THE EARTH FORCE YOUTH BIKE SUMMIT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution, (H. Con. Res. 49) authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit.

The Clerk read as follows:

H. Con. Res. 49

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF BIKE RODEO ON CAPITOL GROUNDS.

The Earth Force Youth Bike Summit (in this resolution referred to as the "sponsor") shall be permitted to sponsor a bike rodeo (in this resolution referred to as the "event") on the Capitol Grounds on May 5, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event authorized by section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 49 authorizes the use of the Capitol grounds for the "Get Out Spoke'n" to be held on May 5th, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution also authorizes the Architect of the Capitol, the Capitol Police Board, and the sponsor of the event to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds.

The event is open to the public and free of charge, and the sponsor will assume responsibility for all expenses and liabilities related to the event.

In addition, sales, advertisements, and solicitations are explicitly prohibited on the Capitol grounds for this event. The Capitol grounds, Mr. Speaker, will be used for the bicycle summit, which will teach children the proper ways to ride their bikes and honor children who have taken an active role in the national campaign to make America more bike-friendly.

This event will help children to develop habits of active citizenship and environmental stewardship. I would also like to note that this resolution has received wide bipartisan support from the Congressional Bike Caucus. I support the resolution, and urge my colleagues to join in support.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 49 authorizes the use of the Capitol grounds on May 5 for a public program to promote bicycle safety. The program is sponsored by Earth Force, a nonprofit organization for children. The goal of this youth program is to teach children the proper ways to ride bicycles and to encourage safe bicycling programs within our communities.

In 1996, over 350,000 children ages 14 and under were treated for bike-related injuries. It is estimated that collisions with motor vehicles account for 90 percent of all bicycle-related injuries.

Event participants will ride their bikes through a mock city set up on a pavement near the Capitol. During this exercise, they will receive safety tips and instructions on how to make bikes safer.

Mr. Speaker, I support House Concurrent Resolution 49. I thank the gentleman from New Jersey (Mr. FRANKS) and the committee for supporting the resolution.

I would also like to commend the gentleman from Oregon (Mr. BLUMENAUER), a member of the Committee on Transportation and Infrastructure and a founder and active member of the Bike Caucus, for his sponsorship and enthusiastic support for this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER), a sponsor of the concurrent resolution.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, we in Congress can do many things to enhance the livability of our communities, giving a wide range of opportunities, whether it is requiring the Post Office to play by the same rules as the rest of America by following local land use laws and zoning codes, and maybe even having meaningful public input, or having more rational water policies to help protect and renew our communities' waterways.

But no matter where we are in America and how we define livability, there are several visual indicators that will tell us right away whether or not we are in a healthy neighborhood.

If we are in a community that is free from vandalism, it is a sign of a healthy neighborhood. If there are areas that provide access to walkways and sidewalks that are away from the rush of traffic, it shows respect for the residents. We are in a healthy neighborhood.

If we have opportunities to move away from the blight that has been a plague for many communities, and there is renewal of deteriorated property and housing well-being, it is a sign of a healthy community.

I would think the most basic indicator, however, is whether or not our children are able to move safely through their neighborhood. One simple thing we can do today to promote that livability is to support this resolution and the event that it will enable. It will be the culmination of a nationwide cycling education project. It allows for a youth bike summit to take place here within the shadow of the Capitol dome. It will be the final event of a campaign that has been sponsored, as we have heard, by Earth Force, involving children from all over America who will be in our Nation's Capitol for this event.

These children were asked to devise safe bicycling routes through their communities and share their proposals with their peers. Earth Force has worked with Safe Moves, another nonprofit agency, to design the mock city for the children to ride through, and it teaches children in the ages from the fifth grade through the ninth grade about safe biking techniques.

As we have heard the gentlewoman from the District of Columbia (Ms. NORTON) say, 350,000 children 14 and under were treated in hospital emergency rooms for bicycle-related injuries last year. These collisions with motor vehicles account for 90 percent of all bicycle-related deaths, and 10 percent of all non-fatal related injuries.

The nonpartisan Bicycle Caucus supports educating children early in life in safe biking techniques.

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I welcome the support of my colleagues on this resolution and I look forward to working with other Members of Congress on strengthening the Federal partnership in making sure that our communities are made more livable and the promotion of safety for our children should be at the top of our list from every Member of Congress.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 49.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TERRY SANFORD FEDERAL BUILDING

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 911) to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building", as amended.

The Clerk read as follows:

H.R. 911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, shall be known and designated as the "Terry Sanford Federal Building".

SEC. 2. REFERENCES.

Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Terry Sanford Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 911, as amended, designates the Federal building located in Raleigh, North Carolina, as the "Terry Sanford Federal Building."

Senator Sanford was successful in many pursuits during his life. He was the founder of three law firms and held positions on the boards of numerous universities and colleges, and several positions on boards of corporations in the technology industry.

Senator Sanford was also President of Duke University from 1969 to 1984, and continued as President Emeritus from 1995 until his passing in 1998. During his tenure, Governor Sanford presided over Duke, which was and continues to be recognized as a world-renowned center of higher learning. Its medical center is a premier health care facility and research center.

In addition to his pursuits in the private sector, Senator Sanford also was a dedicated public servant. From 1950 to 1953, he served on the North Carolina State Ports Authority. In 1953, he was elected to the North Carolina State Senate and served there until 1955.

In 1961, he was elected Governor of North Carolina for a term, returning to private practice in 1965. After several years out of public office, Senator Sanford returned in 1986 with a successful bid to the United States Senate where he served until 1993.

Mr. Speaker, this is a fitting tribute to a dedicated public servant. I know of no other North Carolinian who has dedicated himself any more fully or honorably in so many endeavors, in law, in public service, in education, and in private pursuits. I support the bill, as amended, and urge my colleagues to the support it as well.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 911 is a bill to designate the Federal building in Raleigh, North Carolina, as the "Terry Sanford Federal Building."

Senator Sanford served his country and his State for over 6 decades and this designation is a fitting acknowledgment of his devoted service.

FBI agent, World War II paratrooper, college president, governor, and United States Senator are all designations given to Terry Sanford.

As Governor of North Carolina from 1961 to 1965, Sanford advocated and supported a number of nationally recognized innovations in education, including establishing technical and vocational schools. He championed State support for performing arts schools and dedication of revenues for public schools and teachers' pay.

His leadership and diligence led Harvard University to name him as one of the most effective governors of the 20th century. Hard work and loyalty to the interests of his constituents distinguish his service in the United States Senate from 1986 to 1992.

Duke University benefited enormously from his tenure as university president. With wisdom and vision, he guided that educational institution to becoming a leader in the fields of medicine and law.

Mr. Speaker, the bill has bipartisan support. The gentleman from North Carolina (Mr. COBLE) and the gentleman from North Carolina (Mr. ETHERIDGE) have been particularly supportive. It is with great pleasure that I join in broad, bipartisan support for H.R. 911 and urge its passage. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE), sponsor of the bill.

Mr. ETHERIDGE. Mr. Speaker, I would like to thank the gentlewoman from the District of Columbia (Ms. NORTON) for yielding me this time, and I also thank my friend, the gentleman from Guilford, North Carolina (Mr. COBLE), for his support in helping get this bill to the floor and for his leadership in this important bipartisan legislation.

Mr. Speaker, I would say that every member of our delegation joins me in support of this important legislation. I would also like to thank the chairman and ranking member of the committee for bringing this bill to the floor in such a timely manner. The number of the bill would indicate that it is receiving expedited treatment to get here, and I thank them for that.

Mr. Speaker, this Sunday, April 18, will mark the 1-year anniversary of the passing of a truly great and courageous North Carolinian and American. Former United States Senator and North Carolina Governor Terry Sanford died last year of complications associated with cancer. Terry Sanford lived a life that has served as a shining example of excellence to an entire generation.

Terry Sanford learned growing up that hard work reaped rewards, that boldness is a requirement of leadership, and that possibilities exist that are only bound by the size of one's imagination.

Throughout his life, he fought to improve education, to promote racial healing, eradicate poverty, promote economic development, promote the opportunity for every person, no matter what their economic background, their creed or color might be, to have economic opportunity.

Known as North Carolina's "Education Governor," Terry Sanford inspired teachers and students to excel with his unrelenting commitment to public education. It was his many contributions to education that led Harvard University to name him as one of the top 10 governors in the 20th century.

As President of Duke University, as we have heard, Terry Sanford challenged a small regional university to dream big and reach for the stars. And reach them it did. When Terry Sanford left Duke University, it became known as the world leader in research and higher education in law, medicine, business, and the arts.

It was his many contributions to create what is generally regarded as the "Harvard of the South" that led Duke University to name its Institute for Public Policy after this great American, known as the Terry Sanford Institute for Public Policy.

Called to serve in the public arena once again, Terry Sanford was elected to the United States Senate in 1986. In its years in the Senate, Terry Sanford distinguished himself as a passionate advocate for public education and for the poor and less fortunate.

In addition to his many vital roles as a statesman, politician, and university president, Terry Sanford served the people of North Carolina and this country in many other ways. He served as a paratrooper in World War II, as an agent with the Federal Bureau of Investigation, as a State senator, and in many other capacities.

He also participated in many charities, too many to cover here today. He was one of North Carolina's leading patrons of the arts. His passion for the arts endured until his death, as he spearheaded efforts to bring a world-class performing arts facility to North Carolina.

Terry Sanford was also a committed husband to Margaret Rose, a devoted father to Terry, Jr., and to Betsy.

Mr. Speaker, Terry Sanford inspired me personally as a student and also in politics. In fact, when I was deciding to run for Congress, I went and sat down and talked with Terry Sanford. His words of encouragement helped me make up my mind, and they continue to inspire me and many others today.

Last year, prior to his passing, I began searching for a way to honor Senator Sanford who has meant so much to me, my family, and so many North Carolinians and Americans. With the help of my colleagues here in Congress, we came up with the idea of naming the Federal building in downtown Raleigh, a stone's throw away from the governor's mansion where Terry Sanford may have made many of his most important contributions to a generation of North Carolinians and a generation of teachers and students who will continue to make a contribution for years and years to come. Naming this building in his honor will allow his influence to be felt by a whole new generation of leaders.

Terry Sanford was more than a great and admired politician. He was one of the most accomplished Americans of our time. His North Carolina values and visionary leadership brought us through some of the most difficult challenges that beset our generation and set us forward in North Carolina on a path of tremendous progress that we enjoy today economically. This gesture is the least we should do for a man who allowed us to view the world from his broad shoulders.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for yielding me this time, and I thank the gentleman from North Carolina (Chairman COBLE) for bringing this bill to the floor and making it possible for us to be here.

I want to rise in a little different capacity. Each one of us has one or two people that played major roles in our life that we can point to as a mentor in a formative stage in our life and development. In my life, I was fortunate enough to have Terry Sanford as one of those people.

As a student at Duke University when Mr. Sanford became the President of Duke, and then having had the privilege of working with him not only as a student but then later in various political undertakings, I had the unique experience of getting to know him and to be affected by him. But my experience is no more unique than that of hundreds, perhaps thousands, of young people and that alone is a testament to why this building is aptly named for Terry Sanford.

Terry Sanford was a progressive governor from 1960 to 1964 in a time when integration and the battle for civil rights was sweeping this Nation. And as some southern governors were standing in schoolhouse doors, Terry Sanford was opening schoolhouse doors. While North Carolina was in many ways the birthplace of the civil rights movement with the Greensboro sit-ins, at the same time it was not gripped by many of the same problems that affected others, and that is because of the leadership of Terry Sanford.

As a college president, this was a college president who involved young people at every level, who challenged us by saying, "You can be involved in whatever level you can rise to." During the late 1960s and early 1970s, there could be no more important leadership coming than that.

He one time said, as some of us were sitting around criticizing someone one time, and he looked at us and he said, "No one is going to be able to say that I did not give everybody a chance." That was what Terry Sanford was about: giving an opportunity.

He was a dark horse presidential candidate and in 1972, we did not go on to the White House. But at the same time, he once again gave hundreds of young people, college students and those just out of college, he gave us a chance to express ourselves in times that were very frustrating and to feel that we were making some difference in what was happening on the national scene.

Finally, of course, as a United States Senator, Terry Sanford provided the leadership that he had always provided reaching out to those of all persuasions, bringing them in.

It is interesting today as we wrestle with concerns about education to meet the challenges of education, we are wrestling with many of the same concerns and areas that Terry Sanford worked on as Governor of North Carolina.

□ 1530

He understood well the role of the public university in his love of the University of North Carolina. At the same time, he guided a private university, Duke University, to all new levels of national prominence.

So as a Governor, as a college president, as a presidential candidate, as a United States Senator, as a father, as a war veteran, as an FBI agent, as a citizen, Terry Sanford was an example to us all. The legacy to Terry Sanford is of course that, across this country, indeed I warrant across this world, there are thousands of young people, young then, much older now, there are thousands of people that directly felt his impact and feel it today and carry that on through their lives.

That is why I thank the majority and the minority for bringing this bill to the floor, so that we can properly honor someone who had such an incredible impact on so many people.

Mr. PRICE of North Carolina. Mr. Speaker, the first political figure with whom I seriously identified was Terry Sanford. Indeed, he was a mentor and an inspiration to many of my generation who came of age politically during his governorship in the early 1960s. He taught us what democratic politics at its best could be. He was a model of energetic and innovative leadership, full of ideas, refusing to be bound by the shackles of the past, possessing a vision of future possibility that inspired and empowered others.

This Sunday marks the one-year anniversary of Terry Sanford's death. Looking around the Triangle region that I represent and all of North Carolina, we must remember that our success story was made possible, in large part, by the vision of Terry Sanford. Our quality of life and our economic success is the legacy of his commitment to public education, to the movement for racial justice, to the development of our community college system, and to the growth of Research Triangle Park. Like Terry Sanford, our area is dynamic, vibrant, and full of hope.

When we look back on the broad sweep of Terry Sanford's life—as an FBI agent, a World War II paratrooper, a state legislator, lawyer, author, university president, governor, and senator—we see a life committed to the greatest movements and deeply involved in the greatest accomplishments in this American century.

I am proud to join the entire North Carolina delegation in sponsoring this bill, and I urge all my colleagues to support this legislation to name the federal building in Raleigh for Terry Sanford, an extraordinary citizen, visionary leader, and son of North Carolina.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill H.R. 911, as amended.

The question was taken.

Mr. COBLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res 48, H. Con. Res. 49, and H.R. 911, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:30 p.m. today.

Accordingly (at 3 o'clock and 32 minutes p.m.), the House stood in recess until approximately 5:30 p.m.

☐ 1752

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. UPTON) at 5 o'clock and 52 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 68. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009.

The message also announced that the Senate insists upon its amendment to the bill (H. Con. Res. 68) "A concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009" and requests a conference with the House on the disagreeing votes of the two Houses thereon.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 68, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 2000

Mr. KASICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of the fiscal years 2001 through 2009, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Spratt moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the concurrent resolution H. Con. Res. 68 be instructed, within the scope of the conference, to insist that the huge and fiscally irresponsible tax cuts set forth in the reconciliation directives in the concurrent resolution be reported at the latest possible date within the scope of the conference, and to require that the reconciliation legislation implementing those tax cuts not be reported any earlier, to provide the Congress with sufficient time to first enact legislation extending the solvency of the social security and medicare trust funds consistent with the sense of the Congress language in section 315(b)(4) and (5) of the Senate amendment and findings in 322(a)(1)–(3) of the Senate amendment and provisions in sections 5 and 6 of the House concurrent resolution because of the preeminent importance of so enhancing retirement security without reducing benefits and because projected budget surpluses should first be reserved for the use of those trust funds consistent with section 315(a)(4) and (5) of the Senate amendment and sections 5 and 6 of the House concurrent resolution rather than dissipated through the resolution's tax cuts which jeopardize the future of both social security and medicare.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) will be recognized for 30 minutes and the gentleman from Ohio (Mr. KASICH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

My motion to instruct conferees demands that Congress deal with the solvency of the Social Security and Medicare trust funds before we enact huge tax cuts that could drain the budget of the very funds that are needed to save, protect and make solvent for the long run Social Security and Medicare.

By our calculation, in the first 5 years this proposed tax cut will take $143 billion out of the resources of the Federal Government. The next 5 years it will be $788 billion. And in the third 5-year period of time, occurring around the year 2009, just when Social Security and Medicare need it most, in that 5-year period of time alone by our calculation, this conference report, if enacted and reconciled, would drain the Treasury of $1.066 trillion and leave Social Security and Medicare high and dry.

The motion we make is similar to a motion I made in committee and it is similar to an amendment that we brought to the House floor. It simply says, let us deal first with Social Security, then with Medicare; let us establish them as priorities.

Mr. Speaker, we have come farther than anyone would have expected since 1993 in eradicating the so-called budget deficit, the year-to-year deficit. We now face the next big challenge. If we can step up to it, we can turn the corner into the next century in better fiscal condition than this country has been in in a long, long time. But we cannot lay claim to that until we have dealt with Social Security and Medicare. We cannot deal with Social Security and Medicare and make them solvent for the long run, assuredly solvent, 50 to 75 years, unless we deal with them first.

If we first pass a tax cut of the magnitude proposed by this budget, we will leave Social Security and Medicare unattended, neglected, and we will leave the budget without the resources necessary to do anything about those programs in the future.

In the well of the House just a couple of weeks ago when this budget resolution passed, I pointed out the fact that I am not opposed to tax reduction. We have got it in our own budget resolution. I think in due course it is very much in order, given the surpluses that we see projected. I think they should materialize before we commit ourselves to a big tax reduction, but their budget, the resolution before us, is fixated on tax reduction to the extent that when it comes to dealing with national defense, they flatten the President's budget out in the last 5-year cycle. In dealing with veterans, they actually cut the allocations for veterans' programs at a time when our World War II veterans are swelling to the point that they need it most. They deal with crop insurance for 5 years and then cut the money off in order to provide for more tax cuts. They say that they are for funding more for the NIH, but they take the function for health in the budget and actually give it less, all in the name of maximizing the tax cut.

What we are saying is, as to these other programs, the time and day will come when we can sort through those priorities, but as to Social Security and Medicare, there is no question that they have primacy, they should come first, they should come before tax reduction. That is the gist of this motion to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

I have just been handed essentially this motion to instruct. In a spirit of just being back from the break that we have been on, I am trying to ignore a lot of the kind of inflammatory language that is contained in this motion to instruct, like the word "irresponsible" tax cut. That, to me, is an oxymoron, an irresponsible tax cut. There is no such thing as an irresponsible tax cut. But, I mean, if the gentleman from South Carolina wants to call this fiscally irresponsible, I do not know that I want to get into a big fight with him about that.

Essentially, the way I read this motion to instruct, it is basically saying that we should take the latest possible date within the scope of the conference and require that the reconciliation legislation implementing those tax cuts not to be reported any earlier. It does not seem as though it has got any real force to it.

□ 1800

The gentleman is just saying, "Can you put off the reconciliation as long as possible?" That is the way I read this. The gentleman from South Carolina, is there something more than that that he is trying to say?

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from South Carolina.

Mr. SPRATT. I am trying to say a lot more than that, Mr. Speaker, but to stay within the scope of what is permissible, I have to say do not do it except as the last act. But I am saying to the gentleman the responsible thing, the responsible thing is not to drain the budget dry so that the resources there are not there to deal with Social Security and Medicare. The responsible thing is to deal with Social Security, deal with Medicare, and then address tax reduction.

Mr. KASICH. All right. I understand.

There is a reason to be thankful for small things like scope is what I can tell the gentleman because what this means is that basically the gentleman is saying that we have got to make sure that we take care and set aside money for Social Security and Medicare and do tax cuts in a way that it does not impact on that, is essentially what the gentleman is saying, and let me just say to the gentleman from South Carolina that it has been fully our intention, of course, to preserve for the first time in, I think, my lifetime, to be able to preserve all the money that gets collected from the payroll taxes for retirement security, and, as my colleagues know, we are going to save at least $1.8 trillion, which is well over a hundred billion dollars more than the President for purposes of being able to transform Social Security and Medicare and not just so that our seniors will get it, but so that the baby boomers and their children will have a retirement program as well, and at the same time I think we made the argument a couple weeks ago for the other part of the surplus that gets produced by the income taxes and all the other taxes that flow into the Federal Government. We have an overcharge right now, and we believe that overcharge will be to the tune of almost $800 billion.

So we have a twofold program, one to save $1.8 trillion for Social Security and Medicare and an additional $780 billion for tax cuts, and if what the gentleman is arguing for is that we ought to make sure our tax cuts do not impinge on Social Security, the fact is our resolution does that.

So, I will preliminarily say that I do not have any objection to the motion to instruct, and some of my colleagues have come to the floor, and I want them to take a look at it, but my initial reading is that I do not really have any objection outside of the inflammatory language that is contained in the resolution with words such as the fiscally irresponsible tax cuts, and I thought there was at least another one of those inflammatory words somewhere, but that is not such a big deal.

Another thing is the huge and fiscally irresponsible tax cuts. I mean any time we can make the government have a little less in its pockets and people have a little bit more, I think that is very good, and at the same time preserving for the first time since I have been in the Congress all the money we collect from Social Security I think is a huge step forward.

So I will reserve the balance of my time at this point and would preliminarily, unless some of my colleagues here object, would accept the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I came to the floor really to thank the gentleman from Ohio. The closer we get to the presidential election, the more common sense really reaches this body.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Ohio.

Mr. KASICH. Be careful, I may have his words taken down.

Mr. RANGEL. Mr. Speaker, there was a time when people used to run around asking for $800 billion tax cuts, and some got closer to a trillion, there was whispering of people meeting in the middle of the night in Michigan asking for 10 percent across the board, and knowing the gentleman from Ohio and his concern about the common folk, and those that drive those milk trucks, and those that are Post Office employees, and just those that make our country so great, I know that when he does come up with a tax cut, and America sure deserves one, that it is going to be equitable, it is going to be fair.

I, of course, have to work more closely with the chairman of my committee, and we may not be able to participate with these formula cuts because we have dedicated ourselves to pull the coat up by the roots, and of course that is a little more complex than just setting aside a trillion dollars. But as we decide how we are going to do it with the gentleman's help, I hope that I heard him say that before we go to the American people to thank them for their productivity, to thank them for the excesses they have had to pay in taxes, especially the payroll tax, that we, as Democrats and Republicans and the House and the Senate, will present to them a secure Social Security system for their children and for their children's children. And even though I know that in the past Medicare has not been a word that the other side likes to talk about much, I am assuming that the same deep-seeded commitment that we have to meet our obligations in the future for Social Security benefits will also repair the Medicare system so that that system will be there too.

So, Mr. Speaker, I do not know what is going to happen in our various conventions, but I know one thing. If I do not hear my side talking as straight talk as the gentleman from Ohio is, if I do not hear that commitment from my side, that we are going to fix the Social Security system for the American people, we are going to fix the Medicare system, and then we are coming back with fair and equitable reduction in people's taxes; that is not a Republican talking, that is a good American.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

I love when a speaker can drip with irony and cynicism about the intentions of what we are doing with our fiscal program, but I would choose not to think that the gentleman from New York (Mr. RANGEL) would be at all cynical about our intentions because I think the gentleman would have to admit, would have to recognize, the fact that for virtually all of the time of my lifetime we have stolen from the Social Security Trust Fund, and we have spent it on other programs, and for the first time we intend to lock up the $1.8 trillion and keep it in reserve, and it will be kept in reserve for purposes of being able to transform the Social Security and the Medicare program, retirement security programs. That is why we have actually saved over a hundred billion dollars in revenues.

I also want to compliment the gentleman for saying that he likes the idea of a tax cut. I wonder if the gentleman may be running for mayor of New York, that he might be giving consideration to that considering the fact that he has made the comment that he likes the idea of tax cuts. I want to compliment the gentleman from New York for coming in our direction.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I think there will be more political opportunities for me in the House, but having said that, the gentleman from Ohio did not say that he was just going to reserve the money for Social Security and Medicare. He said that he was going to fix these programs, and then we get on working together for a tax cut. I thought I heard the gentleman correctly when I came over here.

Mr. KASICH. Mr. Speaker, let me just say to the gentleman that we stand ready, willing and able to be able to move forward on a program that would be able to transform Social Security not just for our parents, but for the baby boomers and their children, and of course we had this opportunity with the Medicare Commission that the President rejected. But I certainly believe that we need to look at creative programs like letting individuals keep 2 percent of the payroll taxes to invest in the American economy, just like Federal employees do, and I think we need to breathe new life into Medicare. I am pleased about the fact that the Republican Congress was able to be significantly involved in terms of extending the life of Medicare.

But let me say to the gentleman what we intend to do is to save all the money that we collect from the payroll taxes and use it at the current time to pay down debt, but we stand willing and able to work with the gentleman from New York (Mr. RANGEL) and the President of the United States to be able to transform those programs and at the same time be able to also give people some of their overcharges back in a tax cut.

So, what the gentleman should anticipate in our budget resolution and what he should anticipate later in the year is saving $1.8 trillion from the payroll taxes to provide the retirement security that our seniors want, and the gentleman should also anticipate a tax cut moving through the United States Congress this year, and that is what I think the game plan is.

So, Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, as my colleagues know, it is one thing to say they are going to put it in the reserve and reduce the Federal debt, and that is good. But I think what we are trying to do here is to get some type of commitment in saying that if we can delay how we are going to handle taxes until after we come together on Social Security and Medicare, that we will be working more closely together. The gentleman may want 100 percent of it to go in investments, private investments, but at least come up with something that we can say that we tried to do Social Security, we tried to do Medicare, and I think that would be better than just saying that we are putting it in reserve.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, as I listened to this discussion, I think maybe we should pass a resolution against dumping irony on this floor. When I hear the chairman of the Committee on the Budget say he does not know what an irresponsible tax cut is, that drips, Mr. Speaker, that drips.

There was a time when we had a President named Ronald Reagan who talked about, as my colleagues know, balancing the budget and all that fiscal stuff and then proceeded to drive the deficit higher than it has ever been in the history of this country by giving tax cuts and spending out of the Social Security money. Now it is for that reason we have this motion on the floor. There are some of us who think it is time now to pay down our credit card debt, and the credit card debt is not only in Social Security, but it is in Medicare.

Now I sat on the Medicare Commission for a year and watched people try and push the idea of privatizing Medicare, and that was the only solution they could come up with. Meanwhile, the President had a proposal laying on the table to put 15 percent of the deficit into strengthening Medicare, and it was not even considered by the Commission.

Now I have been waiting. I sit on the Subcommittee on Health of the Committee on Ways and Means, and I am waiting for the chairman to call a meeting and make a proposal by which he can make any way in saving Medicare. Nothing has happened in this Congress. We are at the 15th of April almost, and everybody is real pleased this year that we have a budget resolution. But nothing is happening on the two biggest issues, and that is why we are concerned, that is why the motion is here, and I think that the gentleman from Ohio has also been very, very careful about the so-called lockbox that he says that he is putting the money into in the Committee on the Budget. That lockbox has a trap door in it that has a key that is possessed by the majority, and they are going to drop that door, and drop the money out and want to give a tax break, and that is the reason we want to make sure that Medicare and Social Security get dealt with before we go and give another tax break like 1986.

I have been in my district, and I have not had a single soul come up to me and say, "When are we going to have a tax break? How big is the tax break?" They all ask about what is happening to Social Security and what is happening to Medicare, and I think this Congress will make a serious error if we do not deal with those things first before we even have a discussion in the Committee on Ways and Means around the discussion of tax breaks.

Mr. KASICH. Mr. Speaker, I reserve the balance of my time.

□ 1830

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this motion to instruct, and I would hope that the chairman of the committee would be listening to this discussion because the major point of this resolution is to make sure that we do preserve and protect Social Security before we have a tax cut that literally explodes in the year 2010 to 2015.

The estimates of the budgets that we are now discussing in the conference between the House and the Senate position, if the tax cuts as currently being discussed go into place, it will mean that there will be a drain on the Treasury in 2010 to 2015 of some $1.7 trillion at exactly the same time that Social Security will be running out of money. That is a point that is being overlooked in this exuberance for a tax cut, and I would sincerely ask the majority to take another look.

We all agree with preserving and protecting by taking the Social Security trust funds and applying them to the debt. That is great policy and everyone agrees to that. But when we have a tax cut that starts small and expands to $1.7 trillion by 2015, exactly the same time that the monies paid into Social Security will no longer be adequate to pay out to the beneficiaries at that time, that is the point of this amendment.

I would much rather, as the gentleman from South Carolina (Mr. SPRATT) has said, have had a more straightforward motion, but this is an excellent motion to set in the general principle that we will fix Social Security before we do anything else to spend any more of the Social Security trust funds than what we have already done.

The gentleman from Ohio (Mr. KASICH) is correct when he says we have been doing this for the last umpteen years. What some of us would like to see now, and I know the Speaker agrees with this point, what some of us would like to do is change that, would change that right now. That is the point of this motion to instruct, and I hope that Members will pay particular attention to it because if we really and truly want to preserve and protect Social Security, this motion must be not only passed but accomplished in the conference and voted through the House.

The SPEAKER pro tempore (Mr. UPTON). Without objection, the gentleman from Connecticut (Mr. SHAYS) will control the time of the gentleman from Ohio (Mr. KASICH).

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, it is nice to be back and listening to the political rhetoric.

I came to the floor because the gentleman from Washington (Mr. McDERMOTT) indicated that as chairman of the Subcommittee on Health I had not held a single meeting talking about making changes in the Medicare program.

We have been holding hearings taking a look at current Medicare and trying to deal with the current issues. Just as at the end of the last Congress we made adjustments in home health, we are looking at current areas. Although I find it ironic, because I also was for a year on the Medicare Commission, and for want of a single vote, we had a plan which in fact took the government entitlement to standard benefit and blended it with the savings in the marketplace.

It was a plan that was going to save a percent, a percent and a half in the outyears. It was a meaningful change. The President announced that none of his appointees were going to go ahead and support the plan, and he said he was going to offer a proposal.

So it seemed to me, based upon his State of the Union message and based upon his going out the day the Medicare Commission voted on a very responsible plan, saying he was going to come up with his own plan, that I thought I would say, let us see it, Mr. President. Because what we did was guarantee Medicare, guarantee prescription drugs integrated into a program in a responsible way and expanding 100 percent coverage to the low and near low income up to 135 percent of poverty.

The President has not laid a plan in front of us that shows us that. The President told his appointees not to agree with that bipartisan, broad-based position. Ten of the seventeen members agreed. The gentleman from Washington (Mr. McDERMOTT) did not agree on the changes in 1997. He did not agree on the commission. I actually am looking forward to trying to find something that he agrees on. He does a great job of coming down and giving speeches in which he is able to point and criticize, but I would love to see a solution which captures a majority; not a single vote, as he was on the 1997 changes, 34 to 1, or in the minority on the Medicare commission. I reach out. Let us try to do something in a real bipartisan way.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me say first of all that I hope the chairman, the distinguished chairman, the gentleman from Ohio (Mr. KASICH), who is not on the floor, does accept this motion to instruct because if one reads the last part of it, it states that we would reserve the surplus rather than have it dissipated throughout the resolution's tax cuts which jeopardize the future of both Social Security and Medicare. That is what this is all about.

We would love to have a bipartisan budget resolution. Having a budget resolution would be a start, compared to last year when we had no budget resolution.

The fact is that the Republican budget really does not do anything for Social Security and Medicare. Sure, it saves the surplus that belongs to Social Security, but it does nothing more, and in fact it does not make up for the incurred liability from the years when the surplus in Social Security was spent. It creates a huge liability of nearly $1.8 trillion over 15 years by locking in tax cuts which are based upon projected surpluses over 15 years, and I think that is a pretty weak basis on which to lock in those tax cuts.

What is going to happen is, when those 15-year projections do not turn out, we will go back to more deficit spending and we will add to the national debt and that will be to the detriment of Social Security, to the detriment of Medicare and to the detriment of the general economy as well.

Finally, this budget uses the old smoke and mirrors. It blows through the pay-go rules, it robs nondefense discretionary spending to pay for defense spending, and it relies on a mythical July CBO update that hopefully will allow us to write the appropriations bills. So it is not a real budget; it is a political document.

Maybe it is better to get one done than getting nothing done like last year, but the fact is, it does nothing for Social Security, and that is what the American people sent us here to do. It does nothing for Medicare. It does not pay down the national debt to the extent that we ought to do. We offered a proposal to do that. It was rejected by the majority. We are eager, when my colleagues want to get serious, to sit down and do that.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS), the vice chairman of the committee.

Mr. CHAMBLISS. Mr. Speaker, I am somewhat encouraged by what I hear from my friends on the other side because I think we have a real opportunity here to work together in a bipartisan fashion to, in fact, save Social Security.

Our budget does exactly that. We do dedicate $1.8 trillion over the next 10 years to Social Security. That will go to pay down debt. That does not mean the program itself is reformed.

The real way that we have got to work together to save Social Security is to come up with true and meaningful reforms. I think we all agree to that.

I am encouraged by what I hear over here. My good friend, the gentleman from Texas (Mr. STENHOLM) who works with me on so many other issues of mutual interest made some good points. My friend, the gentleman from South Carolina (Mr. SPRATT), that I work with on the Committee on the Budget made some excellent points.

and I think it is time that we came together on this issue of the budget, came together on the issue of Social Security, came together on the issue of Medicare, and let us work for meaningful reform. Let us take the numbers that both of us know we are dealing with.

Irrespective of what the gentleman from Texas (Mr. STENHOLM) just said, we know what we are dealing with in the short term, and we have some idea of what we are dealing with in the long term. We can take those numbers and we can make it work, if we will work together. I look forward to working in a bipartisan fashion to truly save Social Security and truly save Medicare, and we thank the Members for wishing to join our team on that.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I stand in favor of this motion to instruct conferees to address the solvency of the Social Security and Medicare trust funds before enacting huge and fiscally irresponsible tax cuts that would drain the budget surplus. Virtually all economists, including the Chairman of the Federal Reserve, Alan Greenspan, have argued that addressing the fiscal challenges posed by the impending retirement of the baby boom generation should take precedence over tax cuts.

Of course, the challenge is not just one facing Social Security but most especially Medicare as well. The Medicare hospital insurance trust fund in fact is projected to become insolvent long before the Social Security trust fund. So a broad consensus has developed that we should address the long-term future of both of these programs, that that really is of the utmost priority on our national agenda.

Nonetheless, here we are about a fourth of the way through this first session of the 106th Congress and we have made no discernible progress on these two issues, which arguably are the most important domestic issues that face us.

Both the Senate and the House versions of the budget resolution would take us down a road that provides no help on extending the solvency of Medicare and Social Security. They do contain across the board as opposed to targeted tax cuts that would certainly grow in the future, in a way that jeopardizes the progress we have made in eliminating the budget deficit.

We did offer an alternative in committee and on the floor, we on the Democratic side of the aisle, an alternative that would buy down more debt and would transfer assets into these trust funds to extend their life. Unfortunately, that alternative was rejected.

At the very least, we should instruct our conferees now to include in the budget resolution provisions to put on hold attempts to enact a large tax cut that will consume the budget surpluses and more into the future.

We should at least put tax cuts off limits until the end of the fiscal year to give us time to seriously address the Social Security and Medicare challenges that face us. So I welcome the prospect of bipartisan cooperation on this and urge passage of the motion to instruct.

Mr. SHAYS. Mr. Speaker, I yield myself 15 seconds just to respond to the gentleman.

Mr. Speaker, this resolution basically is asking us to do what we intend to do and that is save Social Security first and then deal with tax cuts.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, it is interesting listening to the debate on this side of the aisle. Some have said we need to continue our course and others say we need to have a bipartisan agreement on the budget resolution, and I wish that were possible.

However, this side of the aisle balanced the budget. The President wants to increase taxes, wants to spend more money. We fought in the past to continue the concept of welfare reform. The President vetoed welfare reform twice before finally deciding to follow our lead.

We are keeping the budget caps. The President wants to break the budget caps. For the last year, all I have heard from this side of the aisle is, we need to save Social Security.

Where is all the rhetoric now? Obviously one of the Members from the other side got his wish and some of my colleagues were beamed up.

All we have talked about is talk. This side of the aisle wants to set 100 percent aside for Social Security this year alone, $137 billion, and over 10 years $1.8 trillion.

The President wants to save 62 percent and spend this year alone $58 billion on his programs, and over 10 years wants to set only $1.3 trillion aside, compared to our $1.8 trillion.

We provide for Medicare in our budget. The President cuts $11.9 billion over 5 years out of Medicare. This side of the aisle believes working men and women should have a tax cut. The President proposed raising taxes $172 billion over 10 years.

We provided $22 billion for elementary, secondary and vocational education. That is $1.2 billion more than the President proposes.

I wish we could come to a bipartisan agreement.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

□ 1830

Mr. POMEROY. Mr. Speaker, I just came back from conducting town meetings all across the State of North Dakota.

When the people I represent consider the priority in which this body and this Congress ought to move forward in response to the budget surplus, they uniformly come down, in town meeting after town meeting, with a strong consensus to do something about preserving and extending the solvency of the social security trust fund, to do something about extending the solvency of the Medicare trust fund.

The preceding speaker gave an awful lot of statistics, but the bottom line reality is this: The Republican budget resolution passed before the Easter recess by this House does not extend by one day the solvency of the Medicare trust fund, the solvency of the social security trust fund. That is what has led us to this motion to instruct we are offering this afternoon.

Just like the folks I represent think, I bet the folks throughout the country think that we need to take care of the existing responsibilities before we fritter away this surplus. That means doing something to extend trust fund solvency. That means that before tax cuts, we commit the resources to make sure that social security is prolonged and strengthened, that Medicare is prolonged and strengthened.

That is what is before us, Mr. Speaker, two alternatives: the budget resolution, which does not extend by a day the solvency targets for the trust funds, and would instead move the tax cuts forward; or the motion to instruct, which would make it very clear that this Congress, in a bipartisan way, hopefully, believes first things first: First we address the solvencies, then we look at what we can do with tax cuts.

Mr. SHAYS. Mr. Speaker, I yield myself 15 seconds.

I think my colleague on the other side of the aisle voted against the President's proposal. I know few people on the other side of the aisle who voted for it.

We in our budget resolution save social security, and with the surplus that goes above and beyond that, we are able to provide a tax cut instead of spending more, which my colleagues on the other side of the aisle seem to want to do, is to spend more. We do not.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. MARK GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, like so many others here today, I am fresh off a two-week district work period. During that two-week time, I had about a half-a-dozen town hall meetings, all of them on the budget. I had town hall meetings in Green Bay, Sturgeon Bay, Marinette, Appleton.

During that time I outlined what is in the budget resolution that we passed in this body last week. The reaction that I got was universal. The reaction was simply, well, it is about time. It is about time that we set aside the social security surplus for social security.

I have to pause here for a moment. My friend, my colleague, the gentleman from Texas, said, well, this does not do much for social security. It simply sets aside the surplus belonging to social security. I would agree with him philosophically, but it is something that this institution has failed to do for 30 years, so it is something important. It is something historic.

My constituents believe that these principles are long overdue. They believe in setting aside the social security surplus. They believe in paying down the debt. They believe in putting dollars into the programs that this president promised but failed to fund, like valuable money for crop insurance; like important, long overdue money for veterans' health programs. My constituents throughout northeastern Wisconsin want to see these principles implemented as soon as possible.

Today we are establishing a conference committee, and there are good arguments we have heard on both sides, arguments presumably we will hear within the conference committee, but today is not the day to let this deteriorate into partisan bickering. Today is not the day to try to snatch defeat from the jaws of victory.

Today is the day for us to move forward so these principles will be implemented as soon as possible, and on a bipartisan basis, because this is what we have been telling the American people we will do and this is clearly what they want.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, boy, this discussion has been heartening, because what I hear on the other side of the aisle is that they agree with the thrust of the Democratic budget resolution, which is that no net tax cuts or additional spending should be passed until we extend the solvency of social security and Medicare. That is really the only major issue on which we have disagreed.

Now I hear from the other side of the aisle that we really do not disagree on that. That is what this resolution said, and simply, no tax cuts until we extend the solvency.

Now, we are told by independent, objective actuaries, ones that the other side uses as well as we do, that the Republican budget resolution does not extend the solvency of social security or Medicare for even one day. That means that we will go back to the drawing board together and come up with a proposal that we both agree on that will extend the solvency.

This is an intergenerational responsibility. Our parents met that responsibility. Not only did they win a war and ensure freedom for us, but they gave us the foundation of prosperity, which was fiscal responsibility. That is all we are suggesting we should do for the next generation.

Let us not use up all the trust funds for our own purposes. Let us not give ourselves tax cuts that we do not necessarily need, as much as we would like them, until we make sure that the next generation is going to experience as high a standard of living as we are experiencing. That is the least we owe them.

That is all our resolution does is to say, let us do our homework first before we give ourselves a big additional allowance. It is an intergenerational responsibility. It is what America ought to be all about. I am glad that the Republicans agree, no additional tax cuts until we extend the solvency of Medicare and social security. Now we can agree, we can move forward and do the people's business.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are going to save social security, not spend it.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. PAUL RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I think it is very important to go back to the basics and point out what we are actually accomplishing in this budget. For the first time in over 30 years, for the first time in my lifetime, we are proposing to stop the raid on social security. We are proposing to stop taking our FICA taxes, our social security payroll taxes, and spending it on other government programs.

We are saying that for every dollar in social security taxes we pay, that will go to social security. For every dollar of Medicare taxes we pay, that will go to those programs. No longer will this become a slush fund for politicians. This money that we pay in our payroll taxes will go to those programs. That is a sea change.

On the contrary, the President has proposed to raid social security by the tune of $341 billion over the next 10 years. We hear this talk about social security surpluses, non-social security surpluses. What our budget plan is doing is doing this: One hundred percent of social security revenues go to social security.

If we do begin to overpay our income taxes, off of our income taxes, non-social security surpluses, rather than spending that money in Washington, we should get that money back. That is the difference we are talking about here.

The President, in his State of the Union address, did say he was going to extend the life of social security, but what he actually achieved was putting more IOUs in the social security trust fund. We need real reform of social security, not more IOUs. We have to start reforming social security by putting real money in the trust fund, by making sure that our payroll taxes do in fact go to social security, not to fund other government programs.

That is what this is about, honesty in accounting, honesty to the American people, and making sure that our payroll taxes go to the very programs they were designed to go to.

If we begin overpaying our taxes after we have set social security aside, after we have got our debt going down on a downward glide path, we ought to get our money back. Rather than sending more of our income tax dollars here to Washington and letting people sit around and finding different ways to spend it for us, we ought to get our money back.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank him for bringing this resolution out onto the floor, because it makes quite clear in its language, and I read, that huge and fiscally irresponsible tax cuts set forth in the reconciliation directives in the concurrent resolution are in fact jeopardizing our ability to be able to deal with the social security and Medicare crisis in our country.

Now, if the majority, if the Republicans, want to vote for our resolution, then they are essentially now taking that oxymoronic position of being carnivorous vegetarians. They are trying to be both at the same time, which is fine, I guess, for this evening and trying to have it both ways, but the reality is that the Republican budget does not extend the solvency of the Medicare trust fund by one day. Instead, the Republican resolution ignores the dark clouds on the health care horizon and offers an $800 billion tax cut proposal.

This hurricane that will hit the health care system is something that we all know to be real. We have the baby boom generation that is about to hit the retirement system, to start to have all of the health care problems that come with aging.

The Republicans insist on attacking the President's budget. We are not, on the Democratic side, defending the President's budget. We have a different budget on our side, one that does ensure that Medicare and social security is made solvent, that these programs are not cut in any way, and that we ensure that the tax cut of the Republicans does not dip their straws into this revenue and make it impossible for us to take care of ordinary families.

I hope that everyone in the House sincerely supports this Democratic motion. I am afraid that too many are going to pay tribute to it only by the hypocrisy which will be evident by, I am afraid, supporting something that at the end of the day they will never in fact support when the real votes come on the House floor.

Mr. SHAYS. Mr. Speaker, I yield myself 15 seconds to respond to my colleague from Massachusetts.

I would just point out that we set aside more money to save social security than the President does. We do it because we have set aside all the surplus of social security for the next 10 years. We box it in and do not spend it and do not use it as tax cuts.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is easy to hoodwink people who might be listening when we are sort of listening superficially, but I think it should be very clear that the Democrat proposal does not do anything more to save social security than the Republican proposal.

Members can say, well, here is scoring, and here is that. The fact is that we are going to have to come up with the same money to save social security with the Democrat proposal by saying, look, we are either going to cut other spending or we are going to increase taxes someplace. In fact, the Democrats' proposal implies that we are going to have to increase more taxes to save social security.

Look, this is historic. Both sides of the aisle should be supporting this budget, because for the first time in history, for the first time in at least recent history, in the last 40 years, we do not spend any of the social security trust fund money for other government programs.

Let me say it again, none of the social security surplus money is being spent for any other government spending. That is what this Chamber has been doing for the last 40 years. That is what has added to the predicament of social security and Medicare. No tax cuts from social security surpluses next year. That is historic, also.

We have problems, where we go in military spending. Maybe that military spending and supporting what is happening in Kosovo is going to reach into the social security surplus funds before we finish out the end of this year. This is a good start on a budget. Our next step to save social security and Medicare has to be to step up to the plate, for people like the gentleman from Texas (Mr. CHARLIE STENHOLM), people like the gentleman from Arizona (Mr. JIM KOLBE).

Like I and so many others have said, let us face up to what really needs to be done to save social security by making some of those changes, by getting a better return on investment.

I would suggest that the Democrats and Republicans have come a long way in the last several years doing what needs to be done, and that means stop spending the social security surplus money.

Mr. SPRATT. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, we have come a long way, but we are still a long way apart. Number one, there is a major difference between our position and theirs in the two opposing budget resolutions brought to the Floor of the House 2 weeks ago.

First of all, we have a lockbox that works. Theirs has a loose lid and a trap door. We have one that works. It sees that the social security surpluses are used solely for social security.

Secondly, over 15 years, we pay down debt by $474 billion. That in itself reinforces the solvency of social security.

Thirdly, we came to the Floor with a letter from the chief actuary of the Social Security Administration and made it part of the record of that debate, certifying that our proposal would extend the life, the solvency, of social security until 2052. They have no such plan. They have not added one day to the solvency of social security.

□ 1845

And, finally, this is our concern in this resolution. This is our concern that in acting, locking in these huge tax cuts that get bigger and bigger such that in the 5-year period from 2009 until 2014, we will have $1.66 trillion in tax reduction at a time when Social Security will be in duress. What happens if these surpluses do not materialize? What happens to Social Security under the Republican budget? What happens if the surpluses do not materialize and the tax cuts do?

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, the problem, as the honorable gentleman from South Carolina (Mr. SPRATT), ranking member of the Committee on the Budget, knows, is where do we come up with the money when there is not enough money coming in from Social Security to pay those benefits required? And the gentleman is just saying, let us add another giant IOU.

But still the problem comes down to coming up with that money to pay those benefits. That is what needs to be dealt with.

Mr. SPRATT. Mr. Speaker, reclaiming my time, do not take it from me; take it from the chief actuary. Our plan extends the life of Social Security to 2052; the Republican plan does not extend it 1 day.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, listening to the debate that my colleagues just had brings me to where we are today and why we need to move on this motion to instruct conferees. It is a simple request that will have an enormous impact.

Interesting, my good friend on the other side of the aisle never really answered the question, where will those monies come from? That is why Democrats are simply asking that we put on hold, put on hold the large tax cut that is being proposed by Republicans so that it will not consume the surplus that we are trying to focus on, a very crucial issue—saving Social Security and Medicare.

In fact, if we would listen to people like Federal Reserve Chairman Greenspan, who has no ax to grind, he has argued that addressing the fiscal challenges posed by the impending retirement of those in the baby boomer generation should take priority over any tax cut. So in actuality, any suggestion of a tax cut without reasonably responding to how we best support and save Social Security does not make any sense.

Social Security and Medicare are too important to neglect. And without Social Security we will find that the elderly poverty rate would be 48 percent instead of the 11 percent that it is now. Without action to address Social Security, the trust fund will exhaust itself by 2034 and Medicare will exhaust itself by 2015.

The real key to what baby boomers understand and what working Americans understand is that if we do the Democratic plan, we will be able to reduce the debt and thereby interest rates because we will have the monies focused on the trust fund. And at the same time our budget resolution reduces the debt. We understand in black and white what it means to pay this higher interest rate without the reduction of the debt, which results in a lower interest rate on the mortgage payments so many working families have to pay if we do reduce the debt.

This is what Americans clearly understand efforts that will save them from high interest mortgage rates. It simply does not make sense that Republicans will not put a hold on their urgent desire for tax cuts which, in actuality, the 10 percent the preferred tax cut supported by the gentleman from Ohio (Chairman KASICH) of the Committee on the Budget goes mostly to those making over $200,000 a year. Forty-eight million households in the United States will not even see the tax cuts.

So why are the Republicans trying to represent that now we are coming with a bundle of goodies—tax cuts. It is not a bundle of goodies, but a bundle of misconceptions. I urge the House to support this motion to instruct and let us make sure that we deal with the question of saving Social Security, saving Medicare. And further when Americans get the real results in their monthly mortgage payment because the debt is reduced they will see the real difference when they pay less interest on their mortgage payment. That will be the policy upon which we can stand and be united on—saving Social Security and Medicare while reducing the nation's debt.

Mr. Speaker. I rise in support of the motion offered by Ranking Member SPRATT, which instructs the conferees to hold off on filing a report until this body passes legislation that will extend the life of Social Security and Medicare.

When the House version of the Republican Budget was passed just a few short weeks ago, it was heralded by the Majority as the move which saved Social Security. However, that assessment is incomplete, just as was the budget resolution. This is because, unlike the Democratic substitute that was offered at the time, it failed to place our surplus back into the Social Security Trust Fund. While Republicans continued to champion their budget, because it purportedly offered to take 100% of the surplus and put it aside for Social Security, they failed to advise the taxpayers that those funds, while set aside, could still be used for other purposes—like tax cuts for the wealthy.

Furthermore, the Republican Budget fails to do anything to extend the life of Medicare, which is just as important a program for our seniors. The Democratic resolution, on the other hand, would have extended the life of this poverty and life-saving program for another eighteen years. By failing to instruct the conferees to handle this pressing issue today, you are postponing for another year our opportunity to address this issue. By voting for this motion offered by Ranking Member SPRATT, we can send a signal to the American people that we are ready and willing to renew Medicare, and to provide a ready safety net should they suffer catastrophic illness.

We Democrats are not foreign to tax cuts. In fact, we have supported them in our budget resolutions. The difference is that our cuts are focused and disciplined. They benefit families by making childcare more affordable. They do not jeopardize our future for short-term gains, and they preserve our economy, which is enjoying its longest period of sustained growth since World War II.

I urge my colleagues to support the Spratt motion, and to support our efforts to preserve both Social Security and Medicare for our future generations.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Connecticut (Mr. SHAYS) has 9¾ minutes remaining, and the gentleman from South Carolina (Mr. SPRATT) has 4¼ minutes remaining.

Mr. SHAYS. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, the budget resolution that is debated on the floor of the House and in the other body, as well, represents a blueprint, a broad outline of our vision and priorities for the future. And as this is the first budget resolution of the 21st century, it ought to reflect our economic priorities as we move into the next century as well.

Putting together that blueprint at the Committee on the Budget level, we asked some basic questions. First, what do we do about Social Security, one of the most important issues we will face this year? And as the gentleman from Wisconsin (Mr. RYAN) has clearly described, we said, let us end the raid on the trust fund; let us set aside the entire Social Security surplus, 100 percent, exclusively to strengthen Social Security and Medicare. In contrast to the President's budget that only set aside 62 percent of that surplus, and he spent the other 38 percent.

Then we asked the question: What do we do about spending and the growth of the Federal Government? And the answer to that question was: Let us respect the 1997 budget agreement, a bipartisan agreement that controls the rate of growth of government spending. It was put together through lengthy negotiations in 1997 and sets a limit on how large and broad the scope of the Federal Government should be.

Third, we said: Well, what about taxes? And this is an important question, because today taxes are at an all-time high; 20.5 percent of our Nation's economy is being consumed by taxes at the Federal level. And we said once we have set aside every penny of the Social Security surplus, if we have revenues higher than that we ought to give those back to the American people, because there are more of them working today than ever before. They are more productive, they are earning more, and they are paying more in taxes than they ever have before.

Mr. Speaker, we set aside every penny of the Social Security surplus, not 62 percent, as the President suggested. We adhere to the 1997 budget agreement instead of breaking it, as the President's budget does; and we provide for tax relief once we set aside the Social Security surplus, instead of raising taxes by $100 billion.

It has been stated very clearly from the other side of the aisle when we make these comparisons between our budget resolution and the President's budget resolution: But we are not defending the President's budget. Do not force us to defend the President's budget.

Mr. Speaker, the President of the United States is the leader of his party, the leader of the strongest Nation on Earth, and we cannot find a single Member from the other side to defend his budget blueprint, the blueprint that should set the economic priorities for the future of this country, that should set the economic priorities for the first year of the next century, and we cannot find anyone that is willing to defend that budget.

We should support the principles that gave us the first balanced budget in 30 years, that strengthened Medicare, extended its solvency for another 10 years, and that gave the first tax relief in 16 years. Support the Republican principles that are embodied in this budget. Support this rule and let us move forward to economic prosperity.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I was interested to hear the Members on the other side talk about how they are planning to save Medicare. Never has salvation looked so unattractive.

Medicare is today hurting. The people in the State I represent, Massachusetts, used to have prescription drugs through their HMOs. Then the Republicans passed the Medicare bill in 1997 and they lost it. There was a reasonable home health care program in Massachusetts and elsewhere, and then the Republicans "saved Medicare" in 1997 and wrecked home health care along the way.

Hospitals are hurting, hospitals that are teaching hospitals and hospitals that deal with poor people. In 1997, the Republicans gave a capital gains tax cut and paid for it by cutting Medicare. So their notion of saving Medicare comes after they already, in 1997, made serious restrictions.

People listening ought to understand, if they think Medicare is perfect now they can thank Republicans for saving it in that fashion. I find it to be a serious problem.

And then the gentleman from California said, "We are going to fix it." How are they going to fix it in their plan which, fortunately, did not get enough votes? Well, for one thing they were going to raise the age from 65 to 67, so that people who are now working and do not have medical care could wait another 2 years. Some fix. They fix the system by breaking the people.

Then we said, well, prescription drugs. We will provide prescription drugs for people up to 135 percent of poverty, because if they are in poverty they probably can be on Medicaid. Well, what is 135 percent of poverty? For an elderly couple whose income is about $20,000 a year, they get no help with prescription drugs.

So what we have here is a Republican plan to continue the damage with Medicare. And that is one of the most central differences now between the parties. The Republican plan of 1997 already weakened Medicare's ability to provide adequate service. I know very few people in my part of the country who are in the business of either providing or consuming health services who think Medicare is tenable the way it now is. And what they will do is, of course, leave all that damage that they did undone.

Mr. SHAYS. Mr. Speaker, I yield myself 2 minutes just to point out to my colleague that the President came in with an $11 billion cut in Medicare.

And when he did, my colleagues on other side of the aisle said the President had a great budget. They liked his new tax increases. They liked his new spending. They did not seem to complain then about the $11 billion worth of cuts that the President had in his budget.

Now they do not like the President's budget. But what I know is that in 1994 when Republicans got elected, we set out to get our country's financial house in order and balance this financial budget and save Medicare and Social Security, and that is what we are doing. And to move from this welfare state into a society of opportunity. That is what we are doing.

Mr. Speaker, the bottom line is we have set aside $1.8 trillion for Social Security and Medicare. It is $1 billion more than the President set aside. We do not spend it and we do not provide tax cuts. We reserve it, and in our budget resolution we do not allow the national debt to go up; and the President said he would veto it because he wanted to raise the debt ceiling. We are not going to raise the debt ceiling. It is the best way to make sure that we do keep our country's financial house in order and do not make this government larger.

When this President got elected, 17.5 percent of all revenues funded the Federal Government. Now it is 20.5. It has gone up and we are not looking to have it go up any higher.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. KASICH), chairman of the Committee on the Budget.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) is recognized for 4 minutes.

Mr. KASICH. Mr. Speaker, let me, in summation, say that the language in this resolution, while at times bordering, well, not bordering but frankly inflammatory, the orders directed therein are not anything different than what we were planning to do. Boy, that sure sounds like Washington double-talk. We do not think this resolution is a big deal, so I am urging my Members to go ahead and accept it.

Let me just for a second talk about the budget so that Members of this body will clearly understand what we are doing. And it should give us cause for celebration, because at one point we were struggling to try to figure out how to balance the budget. Now we are to the point where we are actually able to go beyond balancing the budget to the point where we are running huge surpluses. And we think the surpluses are a great opportunity to leverage good news into even better news.

The good news on the side of Social Security, and I want to compliment the gentleman from Texas (Mr. STENHOLM), my friend. He has joined with the gentleman from Arizona (Mr. KOLBE) in what I think is a creative opportunity to try to preserve Social Security, not just for the seniors. We know the seniors are going to get their Social Security. But the challenge is what do we do for the baby boomers and their kids? So if mom and dad are listening, mom and dad are going to get their money because there are so many baby boomers. But the arithmetic runs us into trouble because when the baby boomers retire, there are not a lot of workers.

Mr. Speaker, I want to compliment the bipartisan team here in the House for their efforts to try to work together, have some guts. I am very interested in what they are doing. They ultimately get to where they are. I believe that we ought to put 2 percent aside into a private account for people to be able to participate in the economy like Federal workers. But the point is that we are not going to spend that money coming in from Social Security now on other government programs; we are going to lock it up. And we are either going to use it in the transition program to transform Social Security and Medicare or we are going to use it to pay down some debt.

The time will come when we are going to have some people with some guts in all branches of the government who are going to be willing to fix these retirement programs. So, I do want to compliment my friend and colleague from the State of Texas for his efforts.

□ 1900

At the same time, there is going to be somewhere around a $780 billion overcharge in the rest of the taxes we levy on the American people. My fear is that we take that money and we use it to expand the size of government, just the opposite of why we balanced the budget. We balanced the budget to make government less important and people more important, and we ought to proceed on that path.

So what we are going to do is take some of those overcharges we have put on the American people, overtaxes, and we are going to give them a refund. We are going to let them have more money in their pockets. With more money comes more power.

That is why I say, when I hear people say irresponsible tax cuts, I cannot think of a situation where my colleagues want to give people more power and government less where that can be argued in a negative way. I mean, the reverse of that argument is that people ought to be less important and government ought to be more important. I respect my colleagues if they think that way, but I do not agree with them.

I have got to tell my colleagues, when the people understand it that way, they want their money back. They do not want the government to be more important. They want to be more important. Do my colleagues know why? Because when they are more important, they can control their own future, their own destiny. They can go out and do more to support their family and their community. The Speaker here today can go out and buy those Michigan tickets to go to the ball game a little easier.

The fact is that when people have more in their pocket, it is the nature of power; and power is a zero-sum game. When government has more, people have less. When people have more, government has less. That is where I think we ought to be. That is why we are going to have a tax cut. At the same time, we are going to preserve the spending discipline that we put in when we passed the 1997 budget deal.

I have just got to suggest to everybody in this Chamber, this is a budget that everybody ought to be voting for, because we have been able to accomplish things that have not been accomplished before. We do not want to blow the opportunity to return power to people and fundamentally reform our retirement programs for the baby boomers and reform it in such a way that, again, people are handed some more power to be able to do better planning themselves for their future, particularly when they get to be seniors and it becomes some of the most important time in their life.

So I would like to say to my colleagues, they can vote for this, and I would anticipate before the 15th of this month, we will have a budget resolution conference agreement on this floor that will accomplish what I have outlined. I will look forward to broad bipartisan support.

Mr. SPRATT. Mr. Speaker, I yield myself 2¼ minutes, the balance of my time.

Mr. Speaker, the resolution we are about to send to conference does not protect Social Security, and it does not protect Medicare. It does not extend the life of either program or assure the solvency of either by 1 day. It does not rise to the challenge.

Worse still, the enormous tax cuts that it calls for could undercut Social Security and Medicare, especially, Mr. Speaker, if the surpluses projected do not materialize. The tax cuts are locked in: $143 billion the first 5 years, $788 billion the second 5 years, $1.66 trillion the third 5 years. They are a certainty. They are locked in.

The surpluses are economists' constructs. They may happen. I hope they do, but they may not. If they do not, what happens? What happens? How do we run the government when we do not have enough income tax and other tax revenues? We spend the payroll tax revenues.

The problem with that is that the demand upon the Treasury that this bill will make are greatest at the time when Social Security is in greatest need, between 2009 and 2014 when the war babies begin to retire and baby boomers begin to retire.

So this resolution says fix this budget resolution in conference. Save Social Security first, save Medicare as well, and then do tax cuts.

Mr. Speaker, given what the gentleman from Ohio (Mr. KASICH) has said, I would say that everyone who votes with this motion to instruct conferees is making a pledge to follow these priorities, making a pledge to follow these procedures, and specifically making a pledge not to bring a tax bill to the floor of the House for consideration until Social Security is assuredly solvent, until Medicare is assuredly solvent, until both of those things are accomplished and enacted.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPRATT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed until after the votes on the two suspension motions postponed earlier today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules and then on the motion to instruct the conferees on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Res. 135, by the yeas and nays;

H.R. 911, by the yeas and nays; and

H. Con. Res. 68, the motion to instruct conferees, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the second such vote in this series.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT TO SENATE AMENDMENTS TO H.R. 98, EXTENSION OF AVIATION WAR RISK INSURANCE PROGRAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 135.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the resolution, House Resolution 135, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 40, as follows:

[Roll No. 78]

YEAS—392

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—40

Baker
Barr
Barton
Berman
Bishop
Borski
Brown (FL)
Carson
Coburn
Cooksey
Cox
Crane
Cunningham
Danner
Davis (IL)
DeMint
Dingell
Doolittle
Engel
Gordon
Hall (OH)
Hastings (FL)
Hoekstra
Kilpatrick
Lantos
Largent
Lee
McCollum
Mink
Nadler
Neal
Pryce (OH)
Radanovich
Roukema
Taylor (NC)
Thompson (MS)
Tierney
Walsh
Weygand
Woolsey

☐ 1925

So (two-thirds having voted in favor thereof) the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. LEE. Mr. Speaker, on rollcall No. 78, I was unavoidably delayed in the district and was absent from the vote on House Resolution 135. Had I been present, I would have voted "yea."

TERRY SANFORD FEDERAL BUILDING

The SPEAKER pro tempore (Mr. UPTON). The pending business is the question of suspending the rules and passing the bill, H.R. 911, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 911, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 39, as follows:

[Roll No. 79]

YEAS—394

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Baker
Barr
Barton
Berman
Bishop
Borski
Brown (FL)
Carson
Coburn
Cooksey
Crane
Cunningham
Danner
Davis (IL)
DeMint
Dingell
Engel
Gordon
Hall (OH)
Hastings (FL)
Hoekstra
Jefferson
Kilpatrick
Lantos
Largent
Lee
McCollum
Mink
Nadler
Neal
Pryce (OH)
Radanovich
Roukema
Taylor (NC)
Thompson (MS)
Tierney
Walsh
Weygand
Woolsey

□ 1941

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. LEE. Mr. Speaker, on rollcall No. 79, I was unavoidably delayed in the district and was absent from the vote on H.R. 911. Had I been present, I would have voted "yea."

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 68, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 2000

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

The SPEAKER pro tempore (Mr. UPTON). The pending business is the question on the motion to instruct on House Concurrent Resolution 68 offered by the gentleman from South Carolina (Mr. SPRATT), on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 349, nays 44, not voting 40, as follows:

[Roll No. 80]

YEAS—349

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Burr
Callahan
Calvert
Campbell
Canady
Capps
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hastings (WA)
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)

McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thune
Thurman
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—44

Archer
Armey
Bryant
Burton
Buyer
Camp
Cannon
Chabot
Coble
Cubin
Deal
DeLay
Dunn
Ehlers
Ehrlich
English
Goodling
Hansen
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Johnson, Sam
Jones (NC)
Kingston
Linder
McCrery
McIntosh
Packard
Paul
Salmon
Schaffer
Sessions
Shadegg
Smith (MI)
Souder
Stearns
Sununu
Tancredo
Thomas
Thornberry
Tiahrt

NOT VOTING—40

Baker
Barr
Barton
Berman
Bishop
Borski
Brown (FL)
Carson
Coburn
Cooksey
Crane
Cunningham
Danner
Davis (IL)
DeMint
Dingell
Engel
Gordon
Hall (OH)
Hastings (FL)
Hoekstra
Kilpatrick
Lantos
Largent
Lee
McCollum
Mink
Nadler
Neal
Peterson (MN)
Pryce (OH)
Radanovich
Rangel
Roukema
Taylor (NC)
Thompson (MS)
Tierney
Walsh
Weygand
Woolsey

☐ 1949

Mr. HEFLEY and Mr. JONES of North Carolina changed their vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. LEE. Mr. Speaker, on rollcall No. 80, I was unavoidably delayed in the district and was absent from the vote on H. Con. Res. 68. Had I been present, I would have voted "Yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to business in the 15th Congressional District of Michigan, I regret that I was unable to vote on April 12, 1999. If I had been present, I would have voted "aye" on H. Res. 135, "aye" on H.R. 98, "aye" on H.R. 911, and "aye" on the Democratic motion to instruct conferees on H. Con. Res. 68.

The SPEAKER pro tempore (Mr. UPTON). Without objection, the Chair appoints the following conferees:

For consideration of the House concurrent resolution and the Senate amendment, and modifications committed to conference:

Messrs. KASICH, CHAMBLISS, SHAYS, SPRATT, and MCDERMOTT.

There was no objecton.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 111

Mr. WAMP. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 111.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1143, MICROENTERPRISE FOR SELF-RELIANCE ACT OF 1999

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106-85) on the resolution (H. Res. 136) providing for consideration of the bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IN PRAISE OF OUR TROOPS INVOLVED IN THE YUGOSLAV CONFLICT

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, I had the opportunity several days ago to accompany with several other Members of this House and some Members from the other body with Secretary Bill Cohen, the Secretary of Defense, to Brussels and Mons and Aviano and Ramstein, involving the Yugoslav conflict. What I want to say this evening is that I have the highest regard and great praise for the young men and young women in uniform that we saw, in particular at Aviano Air Base, with the pilots, the ground troops, with the personnel, and again at Ramstein where we saw those pilots, and the ground crews and the loaders who are putting the cargo for the refugees onto those airplanes. They are professional, they are working hard, they are dedicated, and every man and woman in this country should be very proud of those in uniform who are doing their duty as they have been given their duty by their superior officers.

Mr. Speaker, I have high praise for them, and I congratulate them on the wonderful job that they are doing for America.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GODSPEED TO OUR TROOPS IN THE BALKANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. GEJDENSON) is recognized for 5 minutes.

Mr. GEJDENSON. Mr. Speaker, I would like to join with my colleague the gentleman from Missouri (Mr. SKELTON). Both of us had the privilege of accompanying Secretary of Defense Cohen into the theater. All of us walked away, one, awestruck by the commitment and spirit of the young men and women who represent us there. Their technical ability, their proficiency is something that is awe-inspiring, as well as their commitment.

Additionally, I think for me and others on the trip the commitment of the other NATO parties was something that struck us, and as we all pray and hope for a quick end to this conflict and the safety and security of our men and women that are in the field, I join with my colleague from Missouri and many others wishing them Godspeed.

CONGRATULATING THE UNIVERSITY OF CONNECTICUT MEN'S BASKETBALL TEAM

Mr. GEJDENSON. Mr. Speaker, I do want to take this first opportunity back from the NCAA for a little bit of bragging rights, and when I was there in Europe I met some other folks from Connecticut, some from my own district, and one of the great things about our State is that our UCONN basketball teams, men and women but this year it is the men's turn, are really the center of attention from an athletic perspective. Our team beat the Duke Blue Devils 77 to 74 for that championship, and with this win UCONN became the first school in New England to win this NCAA since 1947.

It was a great team. They made an incredible effort on that day and through the whole season. What is clear to all of us is that each and every one of the players put their heart and soul and every bit of effort in it, and I congratulate each one of them.

But I want to take a moment in particular for Jim Calhoun and his entire coaching staff. Coach Calhoun, who is a great coach and a great human being, someone that is involved in the community to help good causes, has been at UCONN since 1986 and has built an incredibly impressive record. In 13 seasons his record is 304 wins, 120 losses. Coach Calhoun has taken UCONN basketball from the backwaters to the front edge of competition, and he has succeeded time and time again in the Big East, in the championships, and finally this year in the NCAA.

For all my constituents, those like myself who are graduates of the University of Connecticut and every citizen in our State, this was a truly exciting moment and one that we will revel in for some time.

Congratulations, UCONN, the team, the president and all the folks back at Storrs.

Mr. Speaker, I rise today to congratulate the University of Connecticut men's basketball team for winning the 1999 NCAA Division I National Championship over Duke University. UCONN's 77–74 victory over the Blue Devils culminated years of hard work, dedication and perseverance on the part of the players, coaches and the entire University community. The residents of my state also deserve some of the credit for being among the most loyal, supportive fans in the nation.

The Huskies' "road to the Final Four" has been long, but illustrious. UCONN has been in the NCAA tournament twenty times in school history. Its teams have played in seven "Sweet Sixteen" and four "Elite Eight" games in the 1990s alone. The path to this year's Final Four appearance—the first in school history—included victories over Texas-San Antonio, New Mexico, Iowa and Gonzaga. UCONN bested Ohio State to advance to the championship game. UCONN's win over Duke produced the school's first NCAA Division I men's basketball National Championship and marked the first time since 1947 that a school from New England has won the title.

It goes without saying that basketball is a team sport. This UCONN team is the embodiment of that statement. Game in and game out, this group of extraordinary young men worked together as a unit to achieve their common goal. Every player made a contribution which helped the team win the Big East regular season and tournament championships, advance through the tournament to the Final Four and, ultimately, win the 1999 National Championship.

During the tournament every player made contributions that helped the team to move ever closer to its ultimate goal. Kevin Freeman provided offensive spark throughout the tournament especially in the game against Ohio State and helped to contain national player of the year Elton Brand in the championship game. Ricky Moore, who many people, including this member, believe is the best defensive player in college basketball, demonstrated over and over again why he has earned this title. He played opposite star guards throughout the tournament and made crucial plays against Duke's Trajan Langdon in the final seconds of the championship game which sealed the victory for UCONN. Jake Voskuhl filled the lane throughout the tournament and in the final game played a crucial role in containing Elton Brand. And what more can be said about the contributions of Richard Hamilton and Khalid El-Amin? Hamilton, who was named tournament MVP, scored an average of 24 points in six tournament games capping off the season with a 27 point performance in the final game. El-Amin, the team's floor leader, directed the offense, motivated his teammates and made crucial shots down the stretch in the victories against Ohio State and Duke. Others, including Edmund Saunders, Rashamel Jones and Souleymane Wane, played critical minutes in each game contributing to the team's success.

Coach Jim Calhoun and his assistants—Dave Leitao, Karl Hobbs and Tom Moore—have done a masterful job. Over the past thirteen seasons, Coach Calhoun has built a program that has dominated the Big East, one of the most competitive conferences in NCAA basketball, winning the regular season championship six times and the tournament championship four times. After only two seasons at UCONN, Coach Calhoun led the Huskies to the 1988 National Invitation Tournament championship. His teams have advanced to at least the round of sixteen in the NCAA tournament seven times this decade. Coach Calhoun can be very intense, but he is committed to his players more than anything else.

In Connecticut, UCONN basektball is the state past-time. Every game is sold out and families across the state gather to watch every game on TV or listen on the radio. The Huskies have such phenomenal support because the team has a special relationship, a dedication to one another which is infectious. This commitment produced an extraordinary season.

Mr. Speaker, as a UCONN graduate and the representative of Storrs, I am especially proud of the team's accomplishment. The team achieved its objective due to the extraordinary chemistry between its members, skilled coaching and incredible support from its fans. Once again, congratulations on a great season and enjoy the title—1999 National Champion.

□ 2000

U.S. INVOLVEMENT IN KOSOVO: WHY THIS HUMANITARIAN CRISIS?

The SPEAKER pro tempore (Mr. UPTON). Under a previous order of the House, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 5 minutes.

Mr. GOODLING. Mr. Speaker, I am taking this opportunity to discuss one of the primary reasons I introduced legislation that will prohibit the use of appropriated funds to the Department of Defense from being used for the deployment of U.S. ground troops in Kosovo unless deployment is specifically approved by Congress and authorized by law.

There are many reasons why Members of Congress should support the bill. Issues that need to be discussed include the authority of Congress to declare war, why this region is or is not vital to our national security interests, and whether the human and monetary cost of American involvement in this fight is worth risking American lives.

The President has argued that for humanitarian reasons American intervention is necessary. Why is it more important for us to be involved militarily in Yugoslavia, a country certainly of no real national security threat to the United States, when there are human rights violations occurring in China, a nation that is perhaps our biggest security threat in the new world order?

While we rightly condemn Yugoslav President Milosevic for driving ethnic Albanians from Kosovo, we continue to maintain a strategic partnership, sell highly sensitive satellite information, provide normal trade relationship status to China, a nation that has suppressed and displaced over 128,000 Tibetans and commits some of the most horrific human rights abuses in the world, including forced abortion, sterilization, execution, rape against its own people.

Who is our biggest national threat? A nation the size of the Commonwealth of Kentucky, with a population of 11 million and an active military of 114,000 and 400,000 reserves or a country the size of the United States, with a population of 1.2 billion and an active military of 2.8 million with 1.2 million in reserve under communist control with a nuclear and chemical arsenal that sells weapons technology to rogue nations at odds with the United States?

Civil wars and human rights atrocities are occurring all over the world. According to the 1998 world refugee survey, there are over 3.5 million refugees and asylum seekers worldwide, including 2.9 million in Africa, 5.7 million in the Middle East, 2.2 million in South Central and East Asia and the Pacific.

Let us get back to the question of why Kosovo and not elsewhere is important. In Sudan alone there are 4 million internally displaced persons and over 350,000 refugees. In just the last decade over 1.9 million people in Sudan have died due to war-related causes and famine. In 1998, 2.6 million Sudanese were at risk of starvation due to civil war, drought and government restrictions on relief flights. Why are not we bombing the Sudanese Government and sending in ground troops?

Afghanistan has over 2.6 million refugees and between 1 million and 1.5 million internally displaced persons.

Today the extremist Afghan Taliban government discriminates and completely controls the life of half its population. Women are forbidden to work outside the home and from attending school, may not ride in vehicles unless accompanied by a male relative and are denied health care in many parts of the country. They have left over 2 million dead and 700,000 widows and orphans. Why are not we bombing Afghanistan and sending in ground troops?

What about Angola, Colombia and Sierra Leone? And the list goes on and on and on.

Clearly, we must have a better foreign policy strategy than this. It is quite obvious that the administration does not have a well-thought-out policy regarding Kosovo. Through NATO, the administration seems to be running this war day to day without any master plan or exit strategy.

Despite efforts to keep our troops away from the Kosovo border, we now have three American POWs. To make matters worse, we are now hearing that the administration went against the advice of top Pentagon officials who determined early that we should not even be engaged in a bombing campaign in Yugoslavia.

It is unrealistic to believe that we can intervene for a few months, a year or 3 years and settle this conflict that has raged for centuries.

Four years ago, or 5, when the Secretary of State, Secretary of Defense and the Joint Chiefs came before the Foreign Affairs Committee on which I served, I asked the question, you say you are going into Bosnia for a year? I know that you know the history and know that it all began in the 4th century with the fall of the Roman Empire and was exacerbated in the 10th century with the rise of the Ottoman Empire. What are you going to do in 1 year's time that they could not do in all of these centuries?

Of course, the answer is nothing. Four years, $7 billion, 19,000 troops later, we are still there with the current ground force of 6,200.

I asked the same question when they went into Haiti, asking what is it you are going to do in a year that we did not do the ten times we went in before the last time, staying for 15 years? Of course, the answer is, we did not do anything, other than to spend a billion dollars and send 20,000 troops. We are still there.

There are those who would like to say that this is some comparison with Hitler. That is mixing oranges and apples.

Madam Speaker, I will continue this tomorrow evening.

IF NATO HAS ITS WAY, ALBANIAN KOSOVARS WILL NOT REMAIN PART OF SERBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, the U.S.-NATO war against Serbia is illegal by all standards. Congress has not declared war. Therefore, the President has no authority to wage war. Attacking a sovereign nation violates longstanding international law as well as the NATO and U.N. charters.

NATO's aggression is immoral as well. It forces U.S. citizens and others in Europe opposed to the war to pay for it, and some are even forced to fight in it against their will. If the war expands, we can expect the return of the draft to make sure there are enough soldiers to participate.

As ugly as the Yugoslavian civil war may be in Kosovo, and as heart wrenching as the pictures of mass refugees fleeing their homeland is, one evil can never justify another. If one is disinclined to be persuaded by law and morality and responds only to emotions, propaganda and half-truths, then one must consider the practical failure of compulsive intervention in the affairs of other nations.

Prior to NATO's expanding the war in Yugoslavia, approximately 2,000 deaths in the past year were recorded in Kosovo. As a consequence of NATO's actions, the killing has now escalated and no one can hardly be pleased just because now Serbs, our once-valiant allies against the Nazis, are dying. Those who are motivated by good intentions while ignoring facts cannot be excused for the escalating and dangerous crisis in Yugoslavia.

The humanitarian concerns for Albanian refugees is justified, but going to war because of emotional concerns while ignoring other millions of refugees around the world only stirs the passions of the oppressed, whether they are Kurds, Palestinians, Tibetans, East Timorans or Rwandans.

When NATO talks of returning Albanians to their homes in Kosovo, I wonder why there is no reference or concern for the more than 50,000 Serbs thrown out of their homes in Bosnia, Slovenia and Croatia. Current NATO policy in Yugoslavia will surely encourage more ethnic minorities around the world to revolt and demand independence.

Some in Congress are now saying that although they were strongly opposed to the administration's policy of bombing in Yugoslavia prior to its onset, conditions are now different and an all-out effort to win with ground troops, if necessary, must be undertaken. This, it is said, is required to preserve NATO's credibility.

Who cares about NATO's credibility? Are American lives to be lost and a greater war precipitated to preserve NATO's credibility? Should the rule of law and morality be thrown out in an effort to preserve NATO's credibility? Can something be wrong and misguided before it is started and all of a sudden deserve to be blindly supported?

This reasoning makes no sense.

No one has quite figured out the secret motivation of why this war must be fought, but I found it interesting that evidence of our weapons shortage is broadcast to the world and to the Serbs. Surely one result of the war will be a rapid rush by Congress this year to massively increase the military budget. But a serious discussion of our flawed foreign policy of intervention that has served us so poorly unfortunately will not occur.

Political leaders and pundits are struggling to define an exit strategy for the war. In the old days when wars were properly declared for national security reasons, no one needed to ask such a question. A moral war fought against an aggressor for national security reasons was over when it was won. It has only been since Congress has reneged on its responsibility with regards to war power that it has become necessary to discuss how we exit a war not legitimately entered into and without victory as a goal.

The political wars, fought without declaration, starting with the Korean War to the present, have not enhanced the long-term security and liberty of the American people. Institutionalizing a collective approach to war seems a result of the obsession to save face for NATO. Never before in our history have we Americans accepted so casually the turning over of a military operation to foreign control with non-American spokesmen briefing us each day.

This is a major step in further solidifying the world government approach to all political problems. There is, however, one major contradiction to the internationalist desire to assimilate all countries and ethnic groups and have them governed by a single world government.

Quite ironically, ethnic diversity will surely be the casualty of all of this mischief. NATO and the U.S. are coconspirators and military allies of a Serbian province that is seeking to become a separate ethnic country. Let there be no doubt, if NATO has its way, Albanian Kosovars will not remain part of Serbia.

The US-NATO War against Serbia is illegal by all standards. Congress has not declared war; therefore the President has no authority to wage war. Attacking a sovereign nation violates longstanding international law, as well as the NATO and UN Charters.

NATO's aggression is immoral as well. It forces US citizens and others in Europe, opposed to the war, to pay for it and some are even forced to fight in it against their will. If the war expands we can expect the return of the draft to make sure there are enough soldiers to participate.

As ugly as the Yugoslavian civil war may be in Kosovo and as heart wrenching as the pictures of mass refugees fleeing their homeland is, one evil can never justify another.

If one is disinclined to be persuaded by law and morality and responds only to emotions, propaganda, and half-truths, then one must consider the practical failure of compulsive intervention in the affairs of other nations.

Prior to NATO's expanding the war in Yugoslavia approximately 2,000 deaths in the past year were recorded in Kosovo. As a consequence of NATO's actions the killing has now escalated and no one can hardly be pleased just because now Serbs, our once valiant allies against the Nazi's, are dying. Those who are motivated by good intentions while ignoring facts cannot be excused for the escalating and dangerous crisis in Yugoslavia.

The humanitarian concerns for Albanian refugees is justified, but going to war because of emotional concerns, while ignoring other millions of refugees around the world, only stirs the passions of the oppressed, whether they are Kurds, Palestinians, Tibetans, East Timorans, or Rwandans. When NATO talks of returning Albanians to their homes in Kosovo, I wonder why there's no reference or concern for the more than 500,000 Serbs thrown out of their homes in Bosnia, Slovenia, and Croatia. Current NATO policy in Yugoslavia will surely encourage more ethnic minorities around the world to revolt and demand independence.

Some in Congress are now saying that although they were strongly opposed to the administration's policy of bombing in Yugoslavia prior to its onset, conditions are now different and an all-out effort to win with ground troops if necessary, must be undertaken. This, it is said, is required to preserve NATO's credibility. Who cares about NATO's credibility? Are American lives to be lost and a greater war precipitated to preserve NATO's credibility? Should the rule of law and morality be thrown out in an effort to preserve NATO's credibility? Can something be wrong and misguided before it's started and all of a sudden deserve to be blindly supported? This reasoning makes no sense.

No one has quite figured out the secret motivation of why this war must be fought. But I found it interesting that evidence of our weapons shortage is broadcast to the world and to the Serbs. Surely, one result of the war will be a rapid rush by Congress this year to massively increase the military budget. But, a serious discussion of our flawed foreign policy of intervention that has served us so poorly, unfortunately, will not occur.

Political leaders and pundits are struggling to define an "exit strategy" for the war. In the old days when wars were properly declared for national security reasons, no one needed to ask such a question. A moral war, fought against an aggressor, for national security reasons, was over when it was won. It's only been since Congress has reneged on its responsibility with regards to war power, has it become necessary to discuss how we "exit" a war not legitimately entered into, and without victory as the goal. The political wars fought without declaration, starting with the Korean War to the present, have not enhanced the long-term security and liberty of the American people.

Institutionalizing a collective approach to war seems to be a result of the obsession to "save face" for NATO. Never before in our history have we Americans accepted so casually the turning over a military operation to foreign control with non-American spokesmen briefing us each day. This is a major step in further solidifying the world-government approach to all political problems.

There is, however, one major contradiction to the internationalist's desire to assimilate all countries and ethnic groups and have them governed by a single world government. Quite ironically, ethnic diversity will surely be the casualty of all this mischief.

NATO and the US are co-conspirators and military allies of a Serbian Province that is seeking to become a separate ethnic country. The full force of our efforts, no matter what humanitarian picture is painted to justify our actions, is to make Kosovo an Albanian Muslim state separate from Serbia.

Current NATO and US policy completely contradict the professed goal of multi-ethnicity and assimilation of all people. NATO's operation, by its very nature, is bureaucratically burdened by the effort to appease the political concerns of 19 different countries. This inefficiency and the contradiction of supporting the establishment of an ethnic state will guarantee NATO's deserved demise. The sooner we get out of Yugoslavia the better off everyone will be.

LET US MEASURE UP JUST AT LEAST THIS ONE TIME TO THE GREATNESS OF THE PEOPLE WE REPRESENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes.

Mr. POMEROY. Madam Speaker, today in Kosovo, a baby will die. Three weeks ago, this same little one was healthy and happy. She will not, however, be strong enough to cope with the cold, the hunger, the exposure and the inevitable disease, and today she will die in the arms of a desperate mother who is powerless to keep her daughter safe and well.

Madam Speaker, today in Kosovo, a young woman will be raped. Three weeks ago she was thinking of her studies and her friends, reveling in the beauty and innocence of one who has only celebrated her 16th birthday.

Madam Speaker, today in Kosovo, a loving husband, an adoring father, an affectionate son and a beloved brother will be shot to death as he stands unarmed and unable to comprehend why he is about to die.

Three weeks ago he provided for his family, puttered about his house, attended to those he loved and participated in his community. He lived the life and held the dreams of ordinary folks the world over.

These unspeakable tragedies, Madam Speaker, will repeat themselves hundreds, thousands or very possibly tens of thousands of times as the ethnic cleansing of Kosovo continues to unfold.

As we wrestle with the complexities of the United States's response to this horror, I hope this great House, the people's house, will rise above the partisanship that has all too often characterized debate in this Chamber. For the sake of those whose lives have been abruptly ended, for the sake of those whose families have been destroyed, for the sake of those who have endured life-scarring assaults, let us measure up just at least this one time to the greatness of the people we represent.

☐ 2015

Let us, Madam Speaker, deliberate with wisdom and seriousness of purpose the grave question of how our country should respond to the horrific situation in Kosovo.

RULES OF THE COMMITTEE ON THE BUDGET FOR THE 106TH CONGRESS

The SPEAKER pro tempore (Mrs. NORTHUP). Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Madam Speaker, in accordance with clause 2(a) of Rule XI of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on the Budget for the 106th Congress.

These rules were adopted by the Committee on the Budget by voice vote at an organizational meeting held by the committee on January 20, 1999.

If there are any questions on the Committee Rules, please contact Jim Bates, Chief Counsel of the Budget Committee.

GENERAL APPLICABILITY

Rule 1—Applicability of House Rules

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

MEETINGS

Rule 2—Regular Meetings

(a) The regular meeting day of the committee shall be the second Wednesday of each month at 11 a.m., while the House is in session.

(b) The chairman is authorized to dispense with a regular meeting when the chairman determines there is no business to be considered by the committee. The chairman shall give notice in writing or by facsimile to that effect to each member of the committee as far in advance of the regular meeting day as the circumstances permit.

(c) Regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference.

Rule 3—Additional and Special Meetings

(a) The chairman may call and convene additional meetings of the committee as the chairman considers necessary, or special meetings at the request of a majority of the members of the committee in accordance with House Rule XI, clause 2(c).

(b) In the absence of exceptional circumstances, the chairman shall provide notice in writing or by facsimile of additional meetings to the office of each member at least 24 hours in advance while congress is in session, and at least 3 days in advance when Congress is not in session.

Rule 4—Open Business Meetings

(a) Each meeting for the transaction of committee business, including the markup of measures, shall be open to the public except when the committee in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with house Rule XI, clause 2(g)(1).

(b) No person other that members of the committee and such congressional staff and departmental representatives as the committee may authorize shall be present at any business or markup session which has been closed to the public.

Rule 5—Quorums

A majority of the committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 6—Recognition

Any member, when recognized by the chairman, may address the committee on any bill, motion, or other matter under consideration before the committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

Rule 7—Consideration of Business

Measures or matters may be placed before the committee, for its consideration, by the chairman or by a majority vote of the members of the committee, a quorum being present.

Rule 8—Availability of Legislation

No bill or joint or concurrent resolution shall be considered by the committee unless copies of the measure have been made available to all committee members at least 4 hours prior to the time at which such measure is to be considered. For concurrent resolutions on the budget, this requirement shall be satisfied by making available copies of the complete chairman's mark (or such material as will provide the basis for committee consideration). The provisions of this rule may be suspended by the concurrence of the chairman and ranking minority member.

Rule 9—Procedure for Consideration of Budget Resolution

(a) It shall be the policy of the committee that the starting point for any deliberations on a concurrent resolution on the budget should be the estimated or actual levels for the fiscal year preceding the budget year.

(b) In developing a concurrent resolution on the budget, the committee shall first proceed, unless otherwise determined by the committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters which have already been amended in their entirety.

(c) Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 10—Rollcall Votes

A rollcall of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a rollcall may be had on the request of any member.

HEARINGS

Rule 11—Announcement of Hearings

The chairman shall make public announcement of the date, place, and subject matter of any committee hearing at least 1 week before the hearing, beginning with the day in which the announcement is made and ending the day preceding the scheduled hearing unless the chairman, with the concurrence of the ranking minority member, or the committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the chairman shall make the announcement at the earliest possible date.

Rule 12—Open Hearings

(a) Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may by the same procedure vote to close one subsequent day of hearing.

(b) For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

Rule 13—Quorums

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

Rule 14—Time for Questioning Witnesses

(a) Committee members shall have an amount of time not to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

(b) After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

(c) In questioning witnesses under the 5-minute rule, the chairman and the ranking minority member may be recognized first, after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 15—Subpoenas and Oaths

(a) In accordance with House Rule XI, clause 2(m) subpoenas authorized by a majority of the committee may be issued over the signature of the chairman or of any member of the committee designated by him, and may be served by any person designated by the chairman or such member.

(b) The chairman, or any member of the committee designated by the chairman, may administer oaths to witnesses.

Rule 16—Witnesses' Statements

(a) So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 24 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

(b) To the greatest extent possible, each witness appearing in a nongovernmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the 2 preceding fiscal years.

PRINTS AND PUBLICATIONS

Rule 17—Committee Prints

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

Rule 18—Committee Publications on the Internet

To the maximum extent feasible, the committee shall make its publications available in electronic form.

STAFF

Rule 19—Committee Staff

(a)(1) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be appointed, and may be removed, by the chairman.

(2) Committee staff shall not be assigned any duties other than those pertaining to committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

(3) All committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official committee records, leave, and hours of work.

(4) Notwithstanding paragraphs 1, 2, and 3, staff shall be employed in compliance with House rules, the Employment and Accountability Act, the Fair Labor Standards Act of 1938, and any other applicable Federal statutes.

(b) Associate staff for members of the committee may be appointed only at the discretion of the chairman (in consultation with the ranking minority member regarding any minority party associate staff), after taking into consideration any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Administration under clause 9 of House Rule X. Such staff members shall be compensated at a rate, determined by the member, not to exceed $60,000 per year from the committee's budget. Members shall not appoint more than one person pursuant to these provisions. Members designating a staff member under this subsection must certify by letter to the chairman that the employee is needed and will be utilized for committee work and, to the extent space is available, will spend no less than 10 hours per week in committee offices performing committee work.

Rule 20—Staff Supervision

(a) Staff shall be under the general supervision and direction of the chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule X, clause 9(c)) and job titles, and, in his discretion, arrange for their specialized training.

(b) Staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee, who may delegate such authority as they deem appropriate.

RECORDS

Rule 21—Preparation and Maintenance of Committee Records

(a) An accurate stenographic record shall be made of all hearings and business meetings.

(b) The proceedings of the committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

(c) Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

(d) Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

(e) The chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such a member or witness has been afforded a reasonable time for correction, and that further delay would seriously impede the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

(f) Transcripts of hearings and meeting may be printed if the chairman decides it is appropriate, or if a majority of the members so request.

Rule 22—Access to Committee Records

(a)(1) The chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

(2) Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

(3) Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

OVERSIGHT

Rule 23—General Oversight

(a) The committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject of which is within its jurisdiction.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under clause (1)(e) of rule X of the Rules of the House, and, subject to the adoption of expense resolutions as required by clause 6 of rule X, to incur expenses (including travel expenses) in connection therewith.

(c) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform in accordance with the provisions of clause (2)(d) of House Rule X.

REPORTS

Rule 24—Availability Before Filing

(a) Any report accompanying any bill or resolution ordered reported to the House by the committee shall be available to all committee members at least 36 hours prior to filing with the House.

(b) No material change shall be made in any report made available to members pursuant to section (a) without the concurrence of the ranking minority member or by a majority vote of the committee.

(c) Notwithstanding any other rule of the committee, either or both subsections (a) and (b) may be waived by the chairman or with a majority vote by the committee.

Rule 25—Report on the Budget Resolution

The report of the committee to accompany a concurrent resolution on the budget shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any rollcall vote on any motion to amend or report any measure.

Rule 26—Parliamentarian's Status Report and Section 302 Status Report

(a)(1) In order to carry out its duty under section 311 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b)(1) In order to carry out its duty under section 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

Rule 27—Activity Report

After an adjournment of the last regular session of a Congress sine die, the chair of the committee may file any time with the Clerk the committee's activity report for that Congress pursuant to clause (1)(d)(1) of rule XI of the Rules of the House without the approval of the committee, if a copy of the report has been available to each member of the committee for at least 7 calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

MISCELLANEOUS

Rule 28—Broadcasting of Meetings and Hearings

(a) It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 4.

(b) Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 4.

Rule 29—Appointment of Conferees

(a) Majority party members recommended to the Speaker as conferees shall be recommended by the chairman subject to the approval of the majority party members of the committee.

(b) The chairman shall recommend such minority party members as conferees as shall be determined by the minority party; the recommended party representation shall be in approximately the same proportion as that in the committee.

Rule 30—Waivers

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the chairman may, if practical, consult with the committee members on whether the chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the act by not waiving the applicable points of order during the consideration of such measure.

OPERATIONS IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, the American people understand separation. They understand the tragedy, the human tragedy, of moving families, women and children, and the elderly away from their homes.

One of the things that American people are good at is coming to the aid of those who cannot help themselves. The tragedy in Kosovo over the last weeks and months has developed into an enormous tragedy, like the 13-year-old girl who was moved from her home, started out with her family, came to a fork in the road, and her father and brother went in one direction and she and her mother went another. They came to an encampment or a camp area and she was separated from her mother.

The American people understand that a sustained air strike is imperative if we are to relieve the pain of separation and the crisis that is going on in the former Yugoslavia. This weekend I spent time with my constituents, many of whom expressed extreme concern about this crisis, questioning, of course, what we should do, but being supportive of the idea that Americans had to do something, as we failed to do in Rwanda and Burundi. I think now we are aware that ethnic cleansing, the murder of innocent civilians, has to stop and cannot be tolerated by the world family.

This weekend I joined the clerical community of my city and and prayed for peace. In fact, we have made this week in Houston a week of prayer, and we have asked for the respective institutions of religious concerns to offer up prayers or callings for peace. We did that this weekend, and I enjoyed and welcomed the opportunity to worship at the Wheeler Avenue Baptist Church this past Sunday, along with members of the Muslim community and other faiths, in calling upon and praying for peace.

I believe that as we sustain these air strikes, we should still be calling for return to the peace table. Although we must stand firm in what we require of Mr. Milosevic, and that is, of course, to allow the refugees to return to their homes, to remove the Serbian troops from that area, and to allow for peacekeeping troops to go into that area, we, part of the NATO allies, must not silence our voices from asking for return to the peace tables.

Seven hundred thousand have been removed from Kosovo. We now hear tell of the possibility of enormous atrocities, the killing of very many. But I believe that it is extremely important that we do not give up on the sustained air strikes, that we stay focused and unified; that the American people must be educated and informed about how we need to proceed.

Nothing should be excluded or precluded, but we certainly should not move precipitously into the use of ground troops. We have to recognize the importance of bringing along a unified position against Mr. Milosevic. And certainly we must continue to press for the release of the POWs, three young men who should not have been taken in the first place, who were part of a U.N. peacekeeping operation, who have been taken inappropriately and wrongly by the Serbians.

I would simply say that the American people can rise to the occasion. They have always come to the aid of those in need. This conflict is a serious conflict, and any determination on using ground troops should be one that is done with the support and cooperation of the American people. NATO must remain unified.

I would ask that our NATO allies would engage all of us in the ultimate decisions that are made, and that we, as part of the NATO ally operations, be unified in our discussions so that there is not division, but there is unification and unity.

Most of all, I say, we must protect the children and families. We cannot afford to have the elderly march miles and miles and miles, tormented by being removed from their homes and getting finally to the border and dropping dead, which has happened to many of those refugees who have been sent from their homes. We cannot have the fathers and husbands and brothers being killed randomly, such that they are not even having a decent burial.

America is doing the right thing in joining with its allies in this sustained air strike, and we must stand united together as we move to make determinations, Madam Speaker, that will help bring peace to that region.

But I do say and call upon the national organizations of religion to call for a week of prayer, and also to call for a return to the peace talks so we can have peace in the Balkans.

Madam Speaker, I rise to address the ongoing situation in Kosovo. After 20 days of an intensive air war on Yugoslavia, I am pleased that the campaign is beginning to see results.

In its 20th day, the air war has produced results. Serb troops are beginning to feel the weight of the NATO air strikes. The air war has been successful in hitting both command and control structures and inflicting damage on Serb troops in the field. I feel that this body must stay the course and make Milosevic capitulate the NATO's terms. We must ensure that Milosevic pays a heavy price for his present policy of repression against the Kosovar Albanians, to alter his calculation about continuing on this course; and seriously, diminish his military capacity to exert his will over Kosovo.

This House has sent an invaluable message to Milosevic that aggression does not pay. In using air power we signal our willingness to establish a lasting peace in the region.

Many in this House were critical of the President when he sent our troops to Bosnia for peacekeeping operations. But today I feel that this was one of the best votes I ever made. Bosnia today is a nation on the way to recovery. Its people both Muslim and Christian live in peace and security and this is in tshanks in no small part to the men and women of our armed forces. It takes courage to make tough decisions and stand by one's convictions. We as a nation must be willing to stand against oppression and horrible atrocities being committed in the Balkans.

If this House fails to stay the course it would be interpreted as a vote of no confidence for our foreign policy in the Balkans. It would send confusing signals about our national resolve to persevere to friend and foe alike.

The conflict in Kosovo has caused great human suffering and if left unchecked this conflict threatens the peace and stability of Europe. Already there is evidence of massive graves in Kosovo and I fear that they contain many of the missing ethnic Albanian men.

Tension in this ethnic Albanian region has been increasing since the government of Yugoslavia removed Kosovo's autonomous status. Belgrade's decision came without the approval of the people of Kosovo, which has a population consisting of 90% ethnic Albanians. Several human rights groups report of Serbian forces conducting abductions and summary executions. These reprisal killings and the continued human rights violations confirm many of our fears.

The United States and its allies have taken concrete steps to ensure that this continued violence in the Kosovo region does not spread to Albania, Macedonia, Greece, and Turkey. We must continue the sustained airstrikes to protect the people of Kosovo from this siege of terror by Milosevic.

Madam Speaker, I urge my colleagues to stay the course in our effort to provide a peaceful multi-ethnic democratic Kosovo in which all its people live in security.

THE ADMINISTRATION'S PROPOSAL TO SELL IMF GOLD RESERVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. GIBBONS) is recognized for 5 minutes.

Mr. GIBBONS. Madam Speaker, today I rise to speak against the Clinton administration's recent proposal to dump a large portion of the International Monetary Fund's gold reserve on the open market, just to wipe off the books some of the debt of nations under the Heavily-Indebted Poor Countries initiative, or HIPC.

Since Congress must initially approve such a transaction, I rise to state my clear opposition to such a sale. This proposal is wrong and misguided for at least the following reasons.

First, the IMF gold sales could harm, yes, harm, the very nations it is intended to help. Gold mining is a viable and productive part of the economies of well over half of the 41 countries included in the HIPC initiative. In 10 of those countries, gold mining accounts for between 5 and 40 percent of the exports, and in most of the other identified and indebted countries that currently do not mine gold, there are advanced plans for significant gold development.

It would be unfortunate and, yes, ironic if potential investment in gold mining were deterred by the adverse impact of IMF gold sales on the gold price and the economies of this industry.

Secondly, the sale of IMF gold reserves would further depress the gold price in America. The gold price is at its lowest place in 20 years. Mere discussion of a possible IMF gold sale has already depressed the price of gold by more than 3½ percent in the last 2 weeks, and outright sale would have a devastating impact on gold prices.

Finally, such goal sales would substantially harm the U.S. gold mining industry. Gold is a viable U.S. export commodity that substantially benefits our balance of trade. The gold industry provides thousands of high-paying jobs in this country. In Nevada alone more than a thousand miners have been laid off due to the already depressed gold prices. A further decline would be a serious blow to rural communities in many States, including Nevada, and across this country, since many of them heavily rely on the stable price and production of this commodity.

While I understand the motives of those who support the HIPC initiative, I do not believe that the sale of IMF gold reserves is the best way to be helpful. Gold plays a special and significant role in the economies of this country and those around the globe as well, and this Congress should not take affirmative actions to adversely impact its value.

Accordingly, I oppose any initiative to sell the IMF gold reserve, and strongly urge my colleagues to do the same.

SAVE THE TIDAL BASIN BEAVERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho (Mrs. CHENOWETH) is recognized for 5 minutes.

Mrs. CHENOWETH. Madam Speaker, I would like to identify with the remarks of my colleagues tonight on the very heavy issue of Kosovo. However, Madam Speaker, I am going to turn our attention back clear across to this side of the globe and to Washington, D.C. because, Madam Speaker, it is with great alarm that I ask my colleagues to join me in asking the U.S. Fish and Wildlife Service to provide immediate and emergency protection for the Tidal Basin beaver.

Over 200 years ago General George Washington chopped down a cherry tree. Now, had General Washington had this happen at this time in his life, and a little later on, and if he lived today, he would have been disgraced in the nightly news, his wife trapped and hauled off, with his child being pursued by trappers.

I do not think this is the way to go, Mr. Speaker. It is time that we stand up and stop this pitiful removal of Bucky, the beaver. When you remove an indigenous species the effects are longstanding, and these beaver have made their pilgrimage back to their homeland where their ancestors once frolicked. They built dams and raised their families.

The cherry trees surrounding the Tidal Basin are not even native to the District of Columbia, they were imported from Japan. These beaver are indigenous to this area. This is their natural habitat. These beaver are also an important part of the ecology in the District of Columbia and its unique environment.

Out West it is the policy of the Federal agencies to remove the people, rather than the animals, when there is a conflict between people and wildlife. Now, beaver are members of the Rodentia species, which include rabbits, squirrels, chipmunks, and rats.

Out West, in California, when a farmer accidentally ran over a rat, a kangaroo rat, with his tractor, the farmer was arrested and charged with a criminal taking of an endangered species, and his tractor was impounded so he could not use it anymore.

I just think that we need to bring equality in the way that we handle threatened and endangered species.

Out in Idaho, the Federal Government is reintroducing gray wolves and grizzly bears into and near populated areas. The Fish and Wildlife Service claim this reintroduction will restore the Canadian gray wolf, which never did live in Idaho, and the grizzly to its natural habitat.

Although I think this is debatable, I strongly suggest equal treatment for Bucky the beaver, the Tidal Basin beaver. These little beaver deserve equal rights and protection under the law, if not for the sake of the animal kingdom, Madam Speaker, for the sake of humanity.

If these rugged, pioneering beaver can make it in the polluted and murky conditions of the Potomac and the Tidal Basin, then by goodness, they deserve to be free. This is nature's way of reintroducing the native beaver. It is a natural occurrence, and who are we to fool with Mother Nature?

As the future of the captive victim, Bucky the beaver, lies at the hands of the Fish and Wildlife Service, her mate and offspring are in danger of further separation from each other, their way of life, and the homestead that they were so diligently trying to create.

Gene pool testing will undoubtedly determine that Bucky the beaver is an evolutionarily significant unit. This distinct population segment of the Rodentia family must be saved. If the Canadian gray wolf and the grizzly bear are good for reintroduction in Idaho, then we ought to leave the poor little beaver alone in their native habitat in Washington, D.C.

Madam Speaker, I would like to say that this issue has spread all across the Nation, and even up into Alaska, where today a resolution was introduced in the Alaskan legislature by the majority leader of the Senate, Robin Taylor. I will enter that into the record, as well as a poem about Bucky the beaver, whose lyrics were written by Senator Robin Taylor, and they are very, very good.

I would like to make one last plea that we do all we can to save Bucky the beaver.

The poem and resolution referred to are as follows:

BUCKY BEAVER

[Lyrics By Senator Robin Taylor, Alaska State Senate. To be sung to the tune of Davy Crockett]

Bucky Bucky Beaver
Lets fight to keep him free.
A Potomac flood left him a facin'
Life alone in the Tidal Basin,
He survived right well with the squirrels and the bees
And chewed up a couple of Cherry Trees.
Bucky Bucky Beaver
Let's fight to keep him free.
The Park police now steal his food
Try to trap him and treat him rude,
He's a unique species and proud of that
A livin' on some critical habitat.
Bucky Bucky Beaver
Let's fight to keep him free.
Critters like Bucky sometimes don't fit
The parky plans of the hypocrits.
But he needs our help so one and all
Give Al Gore a personal call . . . tell him
Bucky Bucky Beaver . . . let's fight to keep him free.

CS FOR SENATE JOINT RESOLUTION NO. 20(RES), IN THE LEGISLATURE OF THE STATE OF ALASKA, TWENTY-FIRST LEGISLATURE—FIRST SESSION

(By the Senate Resources Committee)

Sponsor(s): Senator Taylor

A RESOLUTION

Relating to the removal of beaver from Washington, D.C.

Be it Resolved by the Legislature of the State of Alaska:

Whereas the National Park Service is attempting to trap and remove at least two beavers from the vicinity of the Potomac Tidal Basin near the national Mall in Washington, D.C., because the beavers have downed four cherry trees and five white cedar trees; and

Whereas the natural wild and free roaming beaver were trapped to extinction in Washington, D.C., and the Potomac Tidal Basin beaver are only retaking habitat that the species has occupied forever and in which man is the trespasser; and

Whereas the return of beaver to Washington, D.C., will enhance the biological diversity of the nation's capital and the integrity of its residents, as cherry tree eating beavers cannot tell a lie; and

Whereas the unrestrained development of government buildings, highways, and urban sprawl in Washington, D.C. has destroyed beaver habitat, and immediate steps should be taken to halt all major construction projects; and

Whereas human activity in or around the Potomac Tidal Basin will undoubtedly have adverse effects on the new beaver colony; and

Whereas Washington, D.C., and the nation as a whole would benefit from greater efforts on the part of the National Park Service to assist and protect wildlife by excluding people from areas where wildlife is attempting to reestablish a foothold on its natural range in the nation's capital; and

Whereas federal law requires that the Potomac Tidal Basin is now, because of the beavers' pioneering effort, a critical habitat area; and

Whereas critical habitat areas are uniquely rare, and, without immediate enforcement of federal laws, this unique subspecies of Potomac Tidal Basin beaver will again become extinct; and

Whereas we have no information or good science about the habitat of the "Potomac Tidal Basin beaver," and a task force of scientists should immediately be impaneled and all human activity in the tidal basin area halted until a thorough and complete analysis has been completed; and

Whereas the National Academy of Sciences has been studying predator control in Alaska for five years, and the National Park Service has labeled these beavers as very evasive and wily "tree predators"; and

Whereas the federal government is, over objections, reintroducing gray wolves, grizzly bear, and lynx into several western states in order to enhance the biological diversity in those states; and

Whereas the National Park Service is closing Glacier Bay National Park and Preserve to fishing for crabs because the crabs are an essential element of the ecosystem of the park and the long established and sustainable crab fishery is inconsistent with the preservation of natural crab populations; and

Whereas the policy of the National Park Service in Alaska and several other states is to remove the people rather than the animals when there is a conflict between people and wildlife; and

Whereas federal law provides for extensive penalties for harassment of endangered species;

Be it Resolved That the Alaska State Legislature respectfully requests that the National Park Service cease its efforts to remove the beaver from the Potomac Tidal Basin in Washington, D.C., and assist the reestablishment of a healthy beaver population in the nation's capital; and be it

Further Resolved That the Alaska State Legislature respectfully requests the Fish and Wildlife Services to exercise its federal authority and cite, with criminal violations, members and contractors of the National Park Service who harass the Potomac Tidal Basin beavers; and be it

Further Resolved That the Alaska State Legislature respectfully requests the National Park Service to investigate the habitat requirements for beaver in Washington, D.C., and the adaptations that beaver have made to cope with the unique urban environment of Washington, D.C., establish protected beaver habitat areas in Washington, D.C., and use good science in its actions regarding beaver in Washington, D.C.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; to the Honorable Bruce Babbitt, Secretary, U.S. Department of the Interior, to Robert G. Stanton, Director, National Park Service, U.S. Department of the Interior, to Jamie Rappaport Clark, Director, Fish and Wildlife Service, U.S. Department of the Interior; to all members of the U.S. Congress; to the Honorable John Kitzhaber, Governor, State of Oregon; to Paul G. Risser, Ph.D., President, Oregon State University; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

SENDING GROUND TROOPS TO KOSOVO WOULD COMPOUND A HUGE FOREIGN POLICY ERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, several times over the last few days I have heard reports on national networks saying that Members of Congress were getting "antsy" about not committing ground troops to Kosovo. The implication is that all of the Members of Congress want ground troops in there immediately.

I believe it was a terrible mistake to start bombing in the first place, and it certainly would be compounding a huge error to place many thousands of ground troops in there now.

As many columnists have pointed out, the NATO bombings have made this situation much worse than it ever would have been if we had simply stayed out. The very liberal Washington Post columnist, Richard Cohen, wrote, "I believe, though, that the NATO bombings have escalated and accelerated the process. For some Kosovars, NATO has made things worse."

Pat M. Holt, a foreign affairs expert writing in the Christian Science Monitor, wrote, "The first few days of bombing have led to more atrocities and to more refugees. It will be increasing the instability which the bombing was supposed to prevent."

□ 2030

Philip Gourevitch, writing in the April 12 New Yorker Magazine, said: "Yet so far the air war against Yugoslavia has accomplished exactly what the American-led alliance flew into combat to prevent: Our bombs unified the Serbs in Yugoslavia, as never before, behind the defiance of Milosevic; they spurred to a frenzy the 'cleansing' of Kosovo's ethnic Albanians by Milosevic's forces; they increased the likelihood of the conflict's spilling over into Yugoslavia's south-Balkan neighbors; and they hardened the hearts of much of the non-Western world against us—not least in Russia, where passionate anti-Americanism is increasing the prospects for the right-wing nationalists or the Communist Party to win control of the Kremlin and its nuclear arsenal in coming elections."

Many conservative analysts have been very critical. Thomas Sowell wrote: "Already our military actions are being justified by the argument that we are in there now and cannot pull out without a devastating loss of credibility and influence in NATO and around the world. In other words, we cannot get out because we have gotten in. That kind of argument will be heard more and more if we get in deeper.

"Is the Vietnam War so long ago that no one remembers? We eventually pulled out of Vietnam," Mr. Sowell wrote, "under humiliating conditions with a tarnished reputation around the world and with internal divisiveness and bitterness that took years to heal. Bad as this was, we could have pulled out earlier with no worse consequences and with thousands more Americans coming back alive."

Mr. Sowell asks, "Why are we in the Balkans in the first place? There seems to be no clear-cut answer."

William Hyland, a former editor of Foreign Affairs Magazine, writing in the Washington Post said, "The President has put the country in a virtually impossible position. We cannot escalate without grave risks. If the President and NATO truly want to halt ethnic cleansing, then the alliance will have to put in a large ground force or, at a minimum, mount a credible threat to do so. A conventional war in the mountains of Albania and Kosovo will quickly degenerate into a quagmire. On the other hand, the United States and NATO cannot retreat without suffering a national and international humiliation. * * * The only alternative is to revive international diplomacy."

Mr. Hyland is correct, but unfortunately I am afraid that ground troops in Kosovo would be much worse than a quagmire. Former Secretary of State Lawrence Eagleberger was quoted on a national network last week as saying that the Bush administration had closely analyzed the situation in the Balkans in the early 1990s and had decided it was a "swamp" into which we should not go.

NATO was established as a purely defensive organization, not an aggressor force. With the decreased threat from the former Soviet Union, was NATO simply searching for a mission? Were some national officials simply trying to prove that they are world statesmen or trying to leave a legacy?

The U.S. has done 68 percent of the bombing thus far. This whole episode, counting reconstruction and resettlement costs after we bring Milosevic down, will cost us many billions.

If there have to be ground troops, let the Europeans take the lead. Do not commit U.S. ground troops. Let the Europeans do something. The U.S. has done too much already. Humanitarian aid, yes; bombs and ground troops, no.

MEMBERS OF CONGRESS PARTICIPATE IN REENACTMENT OF SELMA-TO-MONTGOMERY CIVIL RIGHTS MARCH

The SPEAKER pro tempore (Mrs. NORTHUP). Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. UPTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. UPTON. Madam Speaker, with me on the House floor I have a number of my colleagues on both sides of the aisle, Republican and Democrat, who experienced a marvelous journey to Selma, Alabama, a few weeks ago to commemorate the 34th anniversary of the great march led by Dr. King and the gentleman from Georgia (Mr. LEWIS) to end racism and bigotry across this country.

We had nearly 20 Members of Congress from both sides of the aisle that traveled to Selma and Birmingham and Montgomery. What I would like to do is ask all of my colleagues who are here to take various stations and we could have a conversation on the floor without the formal proceeding of yielding to other Members.

Madam Speaker, I guess I should first recognize my good friend and brother, the gentleman from Georgia (Mr. LEWIS), elected the same year as I, who helped lead us on that march, as we did last year as well, giving so many of us the experience of walking in the shoes of those that had gone before. It was an experience that I have to say I will never forget.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank the gentleman from Michigan (Mr. UPTON) my friend, my brother, and my colleague, for being the co-leader of this delegation traveling from Washington to Birmingham where we had an opportunity to visit the Civil Rights Museum, the Sixteenth Street Church that was bombed on September 15th, 1963, where the four little girls were killed, and to visit the park where they used the dogs and the fire hoses against little children.

We then traveled, as the gentleman suggested, on to Montgomery and then to Selma. During that entire trip in the State of Alabama, we were in the district of the gentleman from Alabama (Mr. HILLIARD) and we should take the moment to thank him for his hospitality and thank all of our colleagues.

This trip was sponsored by Faith and Politics, a group that comes together here in Washington where we have been meeting for some time discussing the whole question of race, having a dialogue on race. We have been doing it here, in our districts, in our offices, in our homes. We did it on this trip and we are going to continue to do it.

So I want to thank my colleague, the gentleman from Michigan (Mr. UPTON) for bringing us together tonight. Maybe the gentleman from Alabama would have something to say, since we were in his district in Alabama.

Mr. HILLIARD. Madam Speaker, let me first of all thank all of my colleagues for coming to Alabama. I am very happy that we got a chance to participate in the reenactment of the Selma-to-Montgomery march. I hope, and I am certain that it did bring feelings different from what they would have felt elsewhere unless they had been with JOHN LEWIS and others on the actual march.

We still march for equality in this country, and the participation of my colleagues in that march brought forth the idea that there are still things that are imperfect about this country. But the fact that all of my colleagues came and all participated let me know, and hopefully let America know, that all of my colleagues are on the job, that they are trying to make this country a better place, and realize that we still have got a distance to go.

So we were very happy to have our fellow Members of Congress in the State of Alabama, have them participate in the reenactment of something that meant so much to this country and something that had our colleagues of 3 decades ago to look at themselves and reexamine the state of discrimination in this country and make changes. Because we were there, I hope we will reexamine how things are, and any changes that are necessary, we will make them.

Mr. LAHOOD. Madam Speaker, it was obviously a real treat for me to participate. I think of all of the activities, actually being in Selma and being with JOHN LEWIS and the reenactment of the crossing of the Edmund Pettis Bridge is something that I will never forget. I think that was for me the highlight of the trip.

Then also I think recognizing that we serve in the House with so many different personalities and different people. And even though I have known JOHN LEWIS for a period of time, I guess I did not really recognize the kind of hero that he is to so many people in the movement in really striving for better race relations and improving civil rights. To have the opportunity to be with him that weekend and to have him really walk us through what happened during that period I think sensitizes all of us to the importance of those events in terms of really standing on the shoulders of people who were there and sensitizing us to the importance of better race relations and what happened there in terms of the movement.

Then having the opportunity to hear from Mrs. Martin Luther King, who joined us on that Sunday morning, and hearing from her was just an extraordinary experience.

Madam Speaker, I have taken the occasion to actually go back to my own district earlier this week. As a matter of fact, a few days ago I met with the African-American leaders in my own community, the head of the NAACP, the head of a couple of other African-American organizations. I talked to them about our experience and talked to them about what we can do as leaders in our community in Peoria to improve race relations.

So I am really trying to build on the experience that we had, that the gentleman from Georgia (Mr. LEWIS) provided to us, and that all of the folks at Faith and Politics provided.

I think I want to conclude by saying a special thanks to Doug Tanner for really helping to organize these activities. Doug is here in the Chamber with us tonight and has done just an extraordinary job of helping to organize all of us around people like the gentleman from Georgia (Mr. LEWIS) and the gentleman from Michigan (Mr. UPTON) and others to make this happen.

Madam Speaker, it is something I will never forget. I hope to build on it in my own community, and I hope we can build it as Members here in the House. I thank the gentleman from Georgia for his leadership and for the ability of all of us to join him and share the experience that he shared with us. And a special thanks to Doug Tanner for all that he does to sort of enlighten all of us and give us an experience that I know many of us will never forget.

Mr. UPTON. Madam Speaker, this was a great trip in that all of us here, 20 or so that went down on both sides of the aisle, I thought became much stronger friends as we renewed our commitment to end racism and bigotry and discrimination. And as much as we thought we knew each other on the trip, we always learn something new.

I have been in a little prayer group with the gentleman from California (Mr. FILNER), and it was only until we got on the bus and my wife and I were sitting in front of BOB and his wife and we sort of talked about our experiences that I thought when I was in the mid-'60s when this event really happened, I did not know about it. I was in fourth grade. I did not see that on the news. I did not watch the news when I was in the fourth grade.

It came out in the description, as I was listening to the gentleman from California, and he was talking about a variety of different events and seeing different things unfold, that I learned that he had been a student in college and had seen some of the events and actually took it upon himself to come down and become, in essence, one of the Freedom Riders on one of those buses.

I know that it was a marvelous experience for him. He actually spent some time in prison because of it. And this was his first trip back to Alabama since then. I would love to hear a little bit of the gentleman's thoughts firsthand tonight.

Mr. FILNER. Madam Speaker, I thank the gentleman from Michigan, and I thank all of us for being able to put this together. I wish those who were viewing this from their offices and from around the country could see that we are a bipartisan group standing on both sides of the aisle.

Mr. UPTON. We like having the gentleman from California on this side of the aisle. We will keep working on it.

Mr. FILNER. Madam Speaker, seeing the world from the right is a very different perspective. But it is clear that we all see this as not only a bonding experience for all of us, but to come together around the issues of fighting discrimination and ending racism is something that bonds us all together. There is no aisle when it comes to these issues.

And like all of the other Members who were on this incredible weekend pilgrimage, we thank especially JOHN LEWIS for leading us in a religious experience. We were with, I think we all know, an authentic American hero, someone who really changed American history, changed the course of history through his own personal witness, his willingness to stand up for righteousness and for the truth and against racism; who was beaten down, was imprisoned, and yet got up and is here in Congress to lead us into a new understanding.

Madam Speaker, we thank the gentleman from Georgia (Mr. LEWIS), all of us, for reliving those experiences.

The changes that I saw, and I had not been in Alabama for 30 years, were incredible political changes, social changes. It reminded us of the progress that we made, but it also reminded us I think of the ways we have got to go.

We were in Selma, and a small town takes a long time to change. We saw how changes had to be made there. But what struck me as someone who had been there 30 years ago was the incredible courage that was evidenced, the tremendous courage evidenced by the young people and the older people at that time. I got to go back to college after a summer in jail. People had to stay there and take the hardship and the challenge and the threats of death.

Mr. SPRATT. Madam Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Madam Speaker, I did not interrupt the gentleman except for the single purpose of pointing out what he was about to point out himself. The gentleman very correctly recognized JOHN LEWIS as a great American hero. However, the gentleman from California was humble in not pointing out the fact, explicitly I think, that he himself was pretty heroic, a Freedom Rider, 3 months, 6 months in prison in Mississippi. For those of us who grew up in the South, that is a stirring testimonial.

We are proud and I could see when we were down there that he was, I hope, pleased to see that some of the things that he fought for have come to fruition. A long way to go still, but the world is a much greater place because of the sacrifices that he and JOHN LEWIS made.

Mr. FILNER. Madam Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for his remarks.

□ 2045

Mr. UPTON. Madam Speaker, one of the individuals that we had wished had been with us for the full time but was with us for certainly a good part of it was the gentleman from Arkansas (Mr. DICKEY). All of us here participated in many discussions and conferences, not only with the White House but with other folks, not only in this town but across the country. The gentleman from Arkansas has been a special help on this, and his heart is big, and we appreciate that.

Madam Speaker, I yield to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Madam Speaker, the thing that I wanted to point out has a lot to do with the age of the gentleman from Michigan (Mr. UPTON) at the time and my age at the time. He was in the fourth grade. I was 17 years of age when in Arkansas we had the tragedy of Little Rock Central, or the Little Rock High School crisis.

I know that I was going to college during that time and had to pass back and forward through Little Rock exactly during that time. I had a profound lesson that I learned on this trip because of my insensitivity back then. I just started playing it through. I watched as everything happened there and how many brave and heroic young people were leading the attack against bigotry and against hatred, and I thought about my own self.

I was not but about three, two years younger than the gentleman from Georgia (Mr. LEWIS), and there he was. He cared enough to sacrifice. I thought about this as we were going from church to church and where they had their meetings in preparation for the walks, how they never did know, they did not know enough about the society or about the opposition to know whether they were going to survive or not.

They were not interested whether or not they would be successful. They were only interested in proposing and pushing the issue of fairness and civil rights. I thought that was a significant, a significant message that I learned.

I also sat across the street on the bus and looked at the spot that Rosa Parks got on the bus, the very point. We were told that she was not a part of any organized effort. She had just reached the point where she had said enough is enough; I am not going to put up with it anymore. Look what happened. She was not a young person at the time, but she was brave. She was brave because she did not count what the consequences might be.

I mean death was at near hand for all of these people, and that is just hard to understand. I mean here in the United States, it was like battle lines were drawn, and people stepped out and they were beaten like the gentleman from Georgia (Mr. LEWIS) was beaten as he finished crossing the bridge.

I think what it all amounts to and what I learned from it is that these people sacrificed so much so that a person like myself, who was possibly calloused by being from a privileged family, could feel better about ourselves.

I want to thank you for what you did, all of you who sacrificed then, and particularly I want to thank my colleagues for including me in this trip because it did me a lot more good than I ever imagined.

Mr. UPTON. Madam Speaker, one of our great Members that accompanied us was the gentlewoman from North Carolina (Mrs. CLAYTON). I would be happy to hear some of her comments.

Mrs. CLAYTON. Madam Speaker, for me it was an opportunity to reconnect and to be revived. I think sometimes we live through an experience and do not know all the details, but we think we know them.

For me to go back and actually see the places for the first time, as a person who was active in civil rights, not in Alabama but my own little local area, to understand how profound those individuals had to be, how courageous they had to be, and how significant their involvement meant in terms of progress, and how the gentleman from Arkansas (Mr. DICKEY) said that Rosa Parks was an average person who did an extraordinary thing, and how that extraordinary thing on the part of ordinary people meant just a difference in the Americans' response.

I think the other thing that was good for me, and I want to thank the gentleman from Georgia (Mr. LEWIS) and the gentleman from Michigan (Mr. UPTON) as well, is bringing those of us who are more experienced in the civil rights group together and those who never have been involved.

Those of us who think of ourselves as experienced sometimes get a little calloused. We kind of forget the significance of the battles that the gentleman from Georgia (Mr. LEWIS) did or others did or Rosa Parks did. We kind of need to be revived. So for me it was a revival and a motivation.

The thought I had going back home at the 'hood was not so much I need to do it with my white citizens as well, but I needed to do it for my children who are now adults. I needed to do it with my friends, in fact for them to really have an appreciation of what a profound history there is.

My colleagues are right. It was indeed a spiritual awakening. It is a sense that all those kids who were attacked, you know, there is a prophetic history of the divine intervention. There is a whole theory called God of history; and that there is intervention of how the divine uses ordinary people to move people in authority in such a way that could not be moved by people in authority. So in some ways, we need to understand what that means, that ordinary people can make a difference.

I thank my colleagues for including me, and I hope that, if I do not go back the next time, that many of our colleagues will have the experience. But we ought to just share with people the opportunity of having this kind of revival and motivation and appreciation for a sense of history.

Mr. UPTON. Madam Speaker, the gentleman from Arkansas (Mr. BERRY) was an active member with our group going down, and again, for me, was one of the first times I actually had a chance to have lengthy and decent conversations with a naval representative from Arkansas. It was terrific to have him on board, too.

Mr. BERRY. Madam Speaker, all of us that participated in the trip came away with a new appreciation for what happened in Selma, Montgomery, and Birmingham. We are very appreciative of the gentleman from Michigan (Mr. UPTON) and certainly the gentleman from Georgia (Mr. LEWIS) for making it possible for us to experience that.

When I first came to the House, one of the first people that extended the hand of friendship to me was the gentleman from Georgia (Mr. LEWIS). He shook my hand and he said, "Welcome, my friend and my brother." I knew just from the way he shook your hand and the way he said it that he meant it.

Until I went to Selma and walked across the Edmund Pettus Bridge arm-in-arm with the gentleman from Georgia (Mr. LEWIS), I did not really appreciate what he meant or how important it was that he did that.

I suspect, had I been through some of the things that the gentleman Georgia (Mr. LEWIS) and some of the others that were in the nonviolent civil rights movement at that time, I would not even want to be in the same room with a guy like me. I can understand that.

But I think it says so much that we can come together, that we did make this pilgrimage, and it meant an awful lot to all of us. It shows us, not only how far we have come, but how far we have yet to go, and that we must never, ever forget that we cannot go back to what that was.

I just once again want to thank all of my colleagues for their leadership: Doug Tanner; the gentleman from Michigan (Mr. UPTON), and the gentleman from Georgia (Mr. LEWIS).

What a great privilege it was to be with the other leaders of the movement, Bernard Lafayette, many, many others that were there. To hear their experiences firsthand, it gave it all just so much more meaning. I think the term "keep your eye on the prize" certainly will always be much more meaningful to me now, and it points out to us how petty and unimportant some of these things we argue about on this floor are, and that there are things that are more important and that that is what we should be about.

But it was a tremendous experience for me. I think that anyone that has not done it has really missed something.

Mr. UPTON. Madam Speaker, I yield to the gentleman from Ohio (Mr. LATOURETTE) who joined us and helped us in every way.

Mr. LATOURETTE. Madam Speaker, I want to add my voice to thank Doug Tanner and the Faith and Politics Institute for putting this trip together.

I have been, since I have been here, a strong believer in the importance of Members on both sides of the aisle. I would say to the gentleman from California (Mr. FILNER), it is strange over here on the left side of the aisle too for me, as it is for him on the right, but I think when Members of both parties go out and see each other out of this room, good things happen.

So I found it to be an enriching weekend from many standpoints. But just to have the opportunity to talk to Members who are not of my party and to get to know them as people, I think helps us do our work here. I think that is important.

What actually piqued my interest on this trip, I heard the gentleman from California (Mr. FILNER) at the Hershey retreat a couple years ago during the nondenominational church services describe his experience. It is his story, and I am not going to take it from him. But basically there are three Members of his party that were all involved in this movement at the same time in the 1960s, and they had some differences in points of view.

The fact that they not only came together years later to serve in the United States Congress but in the same political party, I think to me that story, I have carried that story with me since he told it, for 3 years, to show that there are no differences that cannot be bridged when one begins to work towards it.

Like the gentleman from Michigan (Mr. UPTON), I knew the gentleman from Georgia (Mr. LEWIS). I would sit as the Speaker pro tempore, and would I see the gentleman from Georgia come to the well and talk every once in a while. A lot of times he was talking about things that I did not agree with, but I did not know his rich history.

To have the chance to walk in the footsteps with a true American hero like JOHN LEWIS was an amazing experience for me, just a kid growing up in Ohio. I will not forget that.

We have all been gone over our Easter break in our districts. I took what I learned that weekend, and I visited a lot of schools because I like to spend time with my young people in my district.

I was able to tell them the story about what some people had to go through to get the right to vote and the fact that JOHN LEWIS and people like JOHN LEWIS were willing to risk their lives, were willing to risk police dogs and fire hoses and everything else that could be thrown at them in the 1960s just to get the right that we all take for granted to go in and cast a ballot in a Presidential race or a congressional race or a city council race.

So I was talking with some high school seniors, and I asked them, because we can register to vote at 18, how many are registered that are 18; and only half of them were. It has given me a powerful incentive and a powerful message to go back and talk to them now about what people before them had to go through to get the right to vote and that they should not squander that opportunity.

I was reminded of how far we have to go, but I was mostly reminded of the fact that we need to do it all together, Republicans and Democrats, black and white, men and women, rich and poor. A lot of times discussion in this Chamber is about dividing rather than bringing together. We need to concentrate more on finding the things that unite us. When we do that, I think that we can move forward.

If the gentleman from Michigan (Mr. UPTON) will permit me, I have one quick story that I was reminded of when we were in Alabama, about one of our Presidents, Harry Truman. We all go door-to-door in our campaigns. As the story goes, he ran into a nasty homeowner one day and stuck out his hand and said, "I am Harry Truman, and I would like your vote." The woman would not come from behind the door. She said, "Mr. Truman, I know exactly who you are, and I would not vote for you if you were Saint Peter himself." Mr. Truman, for a Democrat, he had pretty quick wit. He said, "Madam, with all due respect, if I were Saint Peter, I do not think you would be in my district."

It occurred to me when we were down in Alabama that this is one district, the United States is one district, and we need to figure out what it is that is going to pull us together more than anything else.

So I was very thankful to spend those three days with all of my colleagues, and I was most appreciative to have the chance to spend that time with the gentleman from Georgia (Mr. LEWIS).

Mr. UPTON. Madam Speaker, I yield to the gentleman from North Carolina (Mr. WATT) who was a great fellow to join us with his wife as well on the trip as we crossed the State.

□ 2100

Mr. WATT of North Carolina. Madam Speaker, I was seated here listening to the stories and thinking about what this trip meant to me. Let me start by just thanking the gentleman from Georgia (Mr. LEWIS), our leader, our primary leader, and the gentleman from Michigan (Mr. UPTON), our co-leader on this trip. It was a wonderful, wonderful experience.

My colleagues will probably recall that at the end of the trip when we were at the airport about to board the plane from Alabama, we had a little debriefing, a discussion, and everybody was going around talking about what this trip had meant. And I sat quietly and never said anything because I was still sorting through the emotions I was feeling and the significance of this trip.

And it took me several weeks really to kind of put in perspective some feelings. And this is kind of where I got to at the end of that vexing period.

I was reminded that in 1963, I got a scholarship offer to Talladega University in Alabama. And I came to that fork in the road. I had never been to Alabama. And when I looked at the scholarship offer that I had gotten, I decided that probably the last place in the world I wanted to go was Alabama in 1963.

And I have been true to that up to this trip. I never set foot in Alabama. It was not a place that I ever aspired to go to to visit. I had these images of people being beaten and fire-hosed and dogs sicced on folks. All these years since 1963, those images have lingered in my mind, and I never have wanted to go to Alabama. And I finally got talked into it by the gentleman from Georgia (Mr. LEWIS) and the wonderful people from Faith and Politics, my good friend over here.

Now, another part of me kept saying, well, why did I not want to go to Alabama? I mean, North Carolina, which is where I am from, is in the south also. And I think I came to grips with some fears that I had about going to Mississippi and Alabama and Arkansas, the far southern States, where this movement was taking place. I think I decided that part of the reason that I never wanted to go there was that I was afraid to go there.

I knew that there were battles to be fought in North Carolina, but I felt like the people in North Carolina were more progressive than the people in Alabama and Mississippi. And so I came away from this trip really with an increased amount of admiration for the gentleman from Georgia (Mr. LEWIS).

I wrote him a letter. It took me 3 or 4 weeks to write the letter to him because I wanted to say exactly what I wanted that note to him to say. And what I wanted to say to him was that there were those of us in all areas of the south who were kind of around the margins of the civil rights movement, doing little bits and pieces of things here and there, and then there were those like the gentleman from Georgia (Mr. LEWIS) and Fred Shuttlesworth who were right in the middle of this heated battle and making what very easily could have been the ultimate sacrifice, and was in fact for the young girls in Alabama and for other people who participated in those movements.

I already loved and respected the gentleman from Georgia (Mr. LEWIS). I had read his book. I had heard about him. I had seen him on television. But to be there in Alabama and to walk and ride through that State where I now believe I was fearful of going allowed me to come away with an even greater appreciation for those who are on the firing line and making that ultimate sacrifice.

And so, I want to say publicly and with all sincerity that I thank the gentleman from Georgia (Mr. LEWIS). And I thank all of those thousands of people. I thank the gentleman from California (Mr. FILNER) and all of those people who were not fearful, or even if they were, they overcame those fears and they went and they made that sacrifice, because it has made America what it is today and it has certainly made it possible for us all to stand here and share these experiences, black and white, Republican and Democrat, and to say to America that when it comes to a unity of purpose and all of us being Americans, there is no argument about that anymore. And in those days, there was an argument about it.

We put that argument to rest, and we owe a great debt to the gentleman from Georgia (Mr. LEWIS) for doing that.

Mr. UPTON. Madam Speaker, I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Speaker, I shudder to follow that eloquence.

The gentleman from North Carolina (Mr. WATT) and I grew up 30 miles apart. He is from Charlotte, North Carolina. I am from York, South Carolina. Not Alabama, not Mississippi, but still the segregated south.

I was 12 years old in 1954, about 18, 19, 20 years old when the civil rights movement started. And while York County was not the same as Neshoba, Mississippi, when the gentleman from Georgia (Mr. LEWIS) made his first stop in Rock Hill, South Carolina, 13 miles from where I live on the Freedom Rider bus, he was met by thugs in the bus station who took him on, took him down, and he received the first of I guess many batterings on the head, bloodied up badly.

But here is the profound point about it and the reason this pilgrimage we made is so important to understanding ourselves as a people and understanding what this movement is about. A police officer, as I recall the story, had been standing on the sidelines watching the gentleman from Georgia (Mr. LEWIS) take the beating, and at some point he sort of interceded and asked him, do you want to prefer charges, which he could have done. And he said, no, I do not have anything against him individually. I am against the system, the oppression, the way it affects white people and black people, causes them to do things like this. I did not come down here to get this man in trouble. I came to lift us all out of this oppression.

In that same city of Rock Hill, about the third or fourth series of sit-in strikes developed at the local McCrory's from a small, black Baptist college called Friendship College. It started more or less spontaneously, but they were following what was happening at North Carolina A&T and what was happening at Nashville. And they did the same thing in Rock Hill except they did something different.

When they were taken to the county prison, which, believe me, the prison campus is not a place where anybody of any color would want to be, when they were taken there, they did not post bond; they took their toothbrushes with them and they stayed for the duration, 30 days.

The significance of what they did was not appreciated by those of us who were outside onlookers. It was not appreciated by me until I read Taylor Branch's book. Because SNCC at that point was just about broke, they did not have money to send bail money up to get these young college students out of jail, and they developed a motto that would exonerate SNCC from having to come up with that money: "Jail. No bail."

Now, my colleagues would think that that was just a bunch of hard-headed college kids out to make a point. But the gentleman from Georgia (Mr. LEWIS), when I asked him about the significance of it, told me, no, that helped us show the world that we were not just a bunch of college kids out fighting for our rights, but it was something more profound here.

There is a profoundness of doctrine about civil disobedience, a profoundness of doctrine about nonviolence that we all need to learn in this country today. And that is why this pilgrimage was more than just some symbolic journey. We all need to learn this.

Every school child in America grows up and knows what Lexington Green is. He or she should also know what Kelly Ingram Park in Birmingham is. Every school child in this country grows up and knows what Concord Bridge is in Massachusetts and what happened there. He or she should know what happened at the Edmund Pettis Bridge, too. It is a part of our history.

And the gentleman from North Carolina (Mr. WATT) put it far better than I. For 200 years just about, this country professed to be the greatest constitutional democracy in the world. We lived under a Declaration of Independence which guaranteed all men the pursuit of happiness, equality. But it was not true. The Supreme Court of this country said black people were not even people. The Constitution did not even count them.

That was the kind of lie that this country lived. And these people, the gentleman from Georgia (Mr. LEWIS) and so many others in these places, made America rise up and live out the true meaning of her creed. It was an enormous accomplishment. It was a second American Revolution. No question about it.

Back when the Friendship Nine went to the county prison and stayed there, told SNCC they did not want bail, one of the early organizers of the movement in Nashville, Diane Nash, was in Atlanta; and she was so moved by what they did that she drove her car to Rock Hill and got picked up at McCrory's and taken to the county jail, and she stayed there with them just to give them the spirit to persevere.

She said something about the movement once when someone had made a paean to Dr. King, who was truly an American hero, no doubt about it. She said, do not make him superhuman. Do not enlarge him beyond the point that he is bigger than life itself. Because if you do, she said, you will misunderstand the meaning of the movement.

There were all kinds of people involved in the movement. Rosa Parks stands for the kind of participation that made the movement work, young members like the gentleman from Georgia (Mr. LEWIS), coming out of a small rural community in Alabama and just following their gut instincts. We made the movement. These people made the movement.

And if we understand that, and that is part of what we understand when we go to Selma and Birmingham and Montgomery, if we understand that, we realize that we do not need some big Messianic figure to come lead us down the path to the future; it is our responsibility, all of our responsibilities.

And the abiding message in this experience is, we can change this country for the better and it is a responsibility of each of us to do it.

Mr. UPTON. Madam Speaker, I yield to the gentleman from New York (Mr. FORBES), a very special member of the delegation who has always spoken against discrimination and bigotry.

Mr. FORBES. Madam Speaker, I thank my colleague for yielding. And I thank the gentleman from Georgia (Mr. LEWIS) and the gentleman from Michigan (Mr. UPTON) particularly for leading this delegation. It is an important time for all of us, I think, in this country.

An old adage says that "if you do not remember history, you are bound to repeat it." This is a little bit more than just remembering history, though. This is really asking us to dig deep within our soul, as so many who led the civil rights movement, the gentleman from Georgia (Mr. LEWIS) and some of the others that have been mentioned, Bernard Lafayette, Fred Shuttlesworth, Dr. King, literally hundreds of people who broke with conventional wisdom and said that we should reach deeper into America's soul and make this a better Nation.

□ 2115

For me it was really, going into my fifth year in the Congress, one of the most profound and emotional and important undertakings that I have done since I have been privileged to represent the First District of New York.

During the 1960s, during the height of the civil rights endeavors, I was in my early teens, 11, 12, 13 years of age, and like my friend from North Carolina, I saw what was going on in Alabama and as a youngster I thought, "That's not a place that I would ever want to be." But still it was very remote to me, not unlike unfortunately the images we were seeing in Vietnam. It was horrible. We were outraged. Our hearts were broken. But it was happening somewhere far, far away, and particularly for young people at that time, many who were challenged to move into leadership roles as they grew older themselves. There was a remoteness to that endeavor that I am embarrassed to admit. But I was privileged to be part of this delegation on the 34th anniversary of what happened at the Edmund Pettis Bridge that really was almost the apex of the civil rights struggle. It allowed me as just one Member of Congress to dig deep within my own being and to ask, "Are we doing enough today to continue to correct the wrongs?" We are in this wonderful body and we are all sent here ostensibly to meet the challenges, to make America a better place, to correct the wrongs that we see around us.

I am moved tonight by the bipartisan spirit that engulfed us when we went to Selma, Alabama and Birmingham, Alabama just a couple of weeks ago. It reminds me that as a Member of Congress, I take those lessons and those reminders back with me in a very real way. I am hopeful that as we move forward, that this one Member of Congress, being further sensitized to the need to understand that yes, we have come a long way since even the 1960s but we have not come far enough.

As my friend from Ohio reminded me and all of us, that the key here is that we do it all together, that we figure out a way to meet the remaining challenges in this most wonderful Nation on the face of the earth, where people like JOHN LEWIS and other leaders could challenge the conventional wisdom and say, we can be a better place. And it is not about condemning what we are, it is challenging us to be better as we move forward as a Nation. And so I first of all again want to thank the Faith and Politics Institute, Reverend Tanner, FRED UPTON, my good friend JOHN LEWIS and all of the Members who were part of that delegation, because you really made it a very real and moving experience for me and allowed me to take some valuable lessons from that experience. I will not only return for the 35th anniversary but also hopefully in my daily work as long as I have this privilege to try to be a better Member of Congress and work to meet the other challenges that we face.

In closing, I would like to also thank the gentleman from Alabama (Mr. HILLIARD) for his hospitality, the great way in which he received us and opened up his heart so that we could learn a little bit more about the wonderful Alabama that has come. I thank him for his leadership on this as well.

Mr. HILLIARD. One of the things that I think I learned from this experience was the lessons that we get from being with one another, not in this Chamber but away. I got to know some of you who I had barely spoken to in the four terms that I have been in this body. That gave me an opportunity to learn and to know of you as individuals. That was so gratifying to me, because I know you as persons. I do not see you as just another Congressperson or just as a number, not as a Republican or as a Democrat but as a friend. I really appreciate having that long weekend, spending that long weekend with you and getting to know you as individuals.

I would like to take the opportunity to invite you back for another long weekend for the millennium march. It will be bigger, it will be better, we will have more participants, and hopefully we will have many people who, like you, will see life as it is unfolding in the United States, a better place for all of us because of what JOHN LEWIS and so many others like him did in the past. Thank you for coming and you are welcome back to come in March of the year 2000.

Mr. UPTON. Just prior to the gentleman from Alabama giving his statement there just now, a number of us asked our friend Doug Tanner and some others, I know that based on our pilgrimage, there will be a lot of us that would like to cosponsor legislation to make that little park just across the river by the real start of the Edmund Pettis Bridge a national park, a national shrine.

We are looking for you to lead that effort as it is in your district, congressional courtesy. But if you wait too much longer, you are going to have some other people. We are offering that up, but I know a lot of us here, Republicans and Democrats, would like to cosponsor that effort and help you see that become a reality. As people gave their remarkable tales here on the floor tonight and what it meant to them, for some reason, about a little more than a year ago, JOHN LEWIS and maybe AMO HOUGHTON and a few others, JAY DICKEY, Doug Tanner, sort of had me on a list, and we got together down in a little room in the Capitol, EF–100, and we talked about racism and what we could do. We can always pass the laws, but until something really happens at the grassroots, nothing is really going to happen. We talked about a number of different resolutions that we were offering up. I think the gentleman from Georgia then was in the middle of writing his book and how we could come together. A couple of weeks later, he asked me on the House floor if I might make the pilgrimage to Selma in 1998. When he gave me the weekend, March 6, the first weekend, I knew that I had major commitments back home in Michigan, that I could not do it, but somehow we juggled some things around and I flew down just for the day. I had never been to Alabama, ever. I flew down that Sunday morning, caught the first flight out at National Airport at 6 a.m. or whatever, terrible storm, got down just in time to hear JOHN's sermon in the church. His sermon reflected a little bit on who would have guessed, me, JOHN LEWIS, 33 years later, coming here to preach in the same church where Dr. King had preached and seeing some of the changes but knowing we had so far to go.

We walked across the bridge, we took a bus ride, we had a long discussion about racism and bigotry and what it meant in our own lives. We came back. The gentleman then came back to my district. We had a tough scene this last summer. We had the Klan come to my district for the first time that I can ever remember. They were not welcome. Yet they had the right to come. As you and I both met with a number of leaders in my hometown, we discussed how we ought to deal with it. You went back to really sort of the roots of what you wrote about in your book and your life, about nonviolence, how we ought to make it a nonevent, and we did. And in the end, they canceled their visit the day that they were supposed to come, though they came a few months later, and they found out that there was no welcome wagon out and people for the most part ignored them. The reaction was perfect.

As we thought about this trip this year, and AMO HOUGHTON was the cochair last year, the Republican cochair along with Jim Nicholson, our Republican national chairman and the former governor of Colorado last year as well, I was privileged to be asked to cochair this group and really spend a night or two in Alabama, to have listened to the stories of so many Members last year when they talked about their meeting with Governor Wallace. I can remember SHERROD BROWN and you going to visit him literally in, I do not know if it was a hospital or his room, but he was not doing so well. Of course he has passed away today. And the white Members were not anxious to have their picture taken with him, thinking about all of the efforts that Governor Wallace had done at the schoolhouse door and everyplace else. Yet you had forgiven him, peace in your heart. He knew that he had erred, he had asked for forgiveness and in fact he came around.

As we read your book, JOHN, and listen to your words, your wonderful words about leading the nonviolent effort, to see the courageous struggle that you went through and to visit the sites, whether they be in Montgomery or Birmingham, to see where Rosa Parks was taken off that bus, to look in the church where Dr. King first spoke or first became a minister, to see the shrine in the basement of the four wonderful, beautiful little girls who were killed with a bomb on a Sunday, to go through that wonderful museum in Birmingham, to see really, to touch the jail cell, to see the bombed-out bus that you and others had ridden at some point, to walk through that park, to see the dogs with their fangs out and to learn from Bernard Lafayette that in fact one of the German shepherds had a gold-plated tooth that the police riled up when he charged those kids.

We are so thankful for the work that you did to really help change America for the better. The reason that this pilgrimage was so important was for us to know where we are going, we have got to know where we have been. We know where we have been now, those of us that were not from there, and we know that we never ever want to go back. Yet there is work that we have to do. As Republicans and Democrats, as Members in this Chamber and the other and across the country, we have to make sure that there is no room in our hearts for hatred, for bigotry or racism. It is your footsteps and it is your leadership and it is your grace that allowed us to see the path that you took that helps give us the conviction and the courage and the perseverance to continue that path.

We are so appreciative of that love and of that work, JOHN.

Mr. LEWIS of Georgia. Let me thank my friend and colleague and each of you for all of the kind words and everything that you have said tonight. But you must keep in mind, I was only one participant in a struggle. It was a community of participants, not a leader but just one individual in a community of individuals participating in a movement. I think our trip has brought us closer together.

I ran into Mrs. Martin Luther King, Jr. last Sunday at church. She said to me, "JOHN, I was so moved, I was deeply moved, I can never tell you how moved, to see all those Members of Congress in Selma, Alabama during the first weekend in March."

I think that is why we have to go back. I am glad our colleague, Congressman EARL HILLIARD from Alabama, has extended an invitation for us to come back for the 35th anniversary of the march from Selma to Montgomery. We must go back. Because I think in this process, we help America to become a circle of brothers and sisters, what I like to call, really in the movement what we call a band of brothers and sisters, a circle of trust. We build a sense of community. We move toward that period and that place of laying down the burden of race. I think as we move into the next century, we have to be the leaders, saying that as a Nation and as a people, we must lay down the burden of race. It is too heavy a burden for us to bear. I think what we have displayed tonight with the help of our good friend Doug Tanner and Faith and Politics, that it is something that we can share, not just with each other but back in our districts, in our States and for the whole Nation. If we can build just pockets of the beloved community, here on Capitol Hill, here in Washington, maybe we can build it around America, and maybe we can bring peace to the world community.

□ 2130

Madam Speaker, I think we got to keep it going, and this should not be the end, it should be just the beginning.

Mr. LAHOOD. Madam Speaker, I just want to say I know there are a lot of Members who are sitting in their offices reading mail and probably signing mail and doing all kinds of work, and what I would say:

The invitation has been extended to Members for next year to go to Selma to celebrate the 35th anniversary, and if there are Members who care about race relations in America, and if there are Members who care about improving race relations in America, and if there are Members who care about really improving race relations in their own State, in their own district, I hope they will talk to the gentleman from Georgia (Mr. LEWIS) or any of the rest of us about the opportunity to go to Selma next year and celebrate, commemorate, the 35th anniversary. It is a great opportunity, and it is a great learning experience.

Mr. UPTON. Madam Speaker, I yield to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. I do not want my colleagues to leave yet. But I want to say something. All this talk about the gentleman from Georgia (Mr. LEWIS), it has got some down sides to it, and let me just tell my colleagues what they are.

If we build him up so much, he might choose to come into my district again and campaign against me. So what I want to say, JOHN, is you are invited to come into Pine Bluff, Arkansas, on all of the even-numbered years, but I do not want you coming back again.

And another point: The gentleman from Arkansas (Mr. BERRY), which makes two Arkansans that went on this trip; there was not any other State, is not another State that had two people. Or North Carolina it is? Excuse me. I will have to say that we matched North Carolina. But Marion also campaigned against me in the last election. I do not know what it is that is about me, but I want to be serious about it in this sense: that what we do politically does not matter; what we do with the heart does. And the gentleman from Georgia (Mr. LEWIS) and I are connected in the heart, and I want to thank him for that.

And I wanted to talk to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. There are actually two Members from Ohio, too, just to make sure.

Mr. DICKEY. Is that right?

Mr. LATOURETTE. Actually there were three Members from Ohio. Sherrod Brown, Tom Sawyer and I can tell you what it is about you that gets these guys in your district.

Mr. DICKEY. Just because the gentleman is on that side of the aisle does not allow him to do that.

Mr. LAHOOD. It has something to do with being from Arkansas. I think that is what he was getting at.

Mr. UPTON. We had two Members from the great State of Michigan.

Mr. DICKEY. I just wanted you all to chime in. That is the only reason I brought it up.

I want to get into an exchange with the gentleman from Illinois (Mr. LAHOOD) about how, what he thought of Southerners during this time, and I will chime in as well.

Mr. LAHOOD. We only have 1 minute left, and I am afraid that it would not be enough time for me to explain what I think about Southerners.

Mr. DICKEY. I am talking about at that time. I think we got another hour.

Mr. UPTON. Does the gentleman from Georgia have the next hour? Is that right? I think we do, so we can go a few minutes, could we not?

GENERAL LEAVE

Mr. UPTON. Madam Speaker, I ask unanimous consent that all Members, and we had many Members on the trip that were not here tonight, may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mrs. NORTHUP). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I am by profession an educator and a historian, and from March 5th to March 7th, not only did I become a student of our nation's civil rights history, I saw history come alive during the pilgrimage to Birmingham, Montgomery and Selma. To be led by civil rights leader and my distinguished colleague, Representative JOHN LEWIS, was an honor in itself.

The events which took place in Alabama were pivotal in our nation's civil rights movement. "Letter from a Birmingham Jail," the 16th Street Baptist Church bombing and the Bloody Sunday march were crucial experiences to America's collective psyche. It was Martin Luther King, Jr., and his devoted supporters who forced Americans to acknowledge the injustices committed against our fellow American citizens.

Race relations is extremely, if not more, relevant today. The painful lessons learned in Montgomery, Birmingham and Selma continue to be experienced by minority populations all over the United States. The struggle for political recognition and participation continues not only in the African-American populations, but now in the fast-growing Hispanic American and Asian Pacific Islander American groups. It is only in the past few decades that we have seen the mobilization of Hispanic and Asian Pacific Islander communities, and who knows what racial-oriented movements will awaken at the dawn of the next millennium. My point is that these movements are crucial to our nation's maturity and diversity, they are integral to our constant drive to faithfully implement the democratic principles on which our Constitution is based.

I took my youngest son, Raphael, to Alabama, because I felt that it was crucial for young generations to learn the history of the civil rights struggle. The American people did not achieve the Voting Rights Act or establish the Civil Rights Division in the Department of Justice because these were the "right" things to do to help achieve equality in the United States. Our young adults must understand that it was through the toil, and sometimes blood, of courageous brothers, sisters, mothers, fathers, students and teachers who accomplished these feats.

The people of Guam are going through our own civil rights struggle. We are American citizens, yet we are unable to vote for President. The opportunity to determine vote for our island's future political status has been stymied by numerous political and administrative obstacles.

The Pilgrimage to Alabama would not have been made possible without the leadership of Congressman JOHN LEWIS and Congressman FRED UPTON, without the efforts of Congressman EARL HILLIARD, and without the sponsorship of the Faith and Politics Institute. I take this opportunity to thank them for their diligent efforts in "keeping hope alive."

I encourage my colleagues to continue to learn from the lessons taught in Alabama.

Mr. UPTON. I just want to again thank the Faith in Politics Institute and the wonderful leadership of Doug Tanner and a terrific staff who really planned hours and many weeks to get this thing done the right way, and it was done the right way, and I know that Members will be anxious to go next year and to expand our circles and to do whatever we can to help end the scourge of racism and bigotry across this land.

SUPPORT THE PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, last Friday House Democrats across the country called on the Republican leadership to bring the Patients' Bill of Rights to the floor for a vote. Over a hundred Democrats nationwide held events in their districts to encourage their constituents to sign on to an electronic petition urging the Speaker of the House, DENNIS HASTERT, and Senate Majority Leader TRENT LOTT to take immediate action on the Patients' Bill of Rights. In Washington I joined with a number of my Democratic colleagues from the House in a similar event before boarding a bus to Philadelphia, where we joined President Clinton at a rally in support of the Patients' Bill of Rights. In echoing the call of the House and Senate Democrats, President Clinton encouraged all Americans to log on to the Internet and sign the electronic petition to the Speaker and Senate majority leader. So far 13,600 people have signed this petition.

The reason, Madam Speaker, so many people have already signed the petition I think is clear. The managed care issue was left unfinished in the 105th Congress. On the House side the Patients' Bill of Rights was defeated by just five votes when it came to the floor, and it was considered on the floor as a substitute to the Republican leadership's managed care bill, which did pass and which in my opinion was a very bad piece of legislation. This Republican managed care reform or so-called managed care reform was a thinly-veiled attempt to protect the insurance industry from managed care reform, and not a single Democrat voted for it, and I think it was a show of solidarity on the Democrats' part that none of us voted for that what I consider very unfair bill which would not have done anything to reform managed care.

Last Friday's event illustrates that support amongst Democrats for passing the Patients' Bill of Rights is as strong as ever, and let me assure my colleagues that it needs to be. The Republican leadership in the House has reintroduced a bill that is virtually identical to what it moved last year, and on the Senate side the so-called HELP committee recently approved a sham managed care bill that does not allow patients to sue insurance companies, but does allow insurance companies, not doctors and patients, to define medical necessity.

Attempts to improve this bill were rebuffed by Republicans, who rejected 20 to 22 amendments offered by Democrats. Amendments rejected by Republicans included proposals to expand the access to emergency room care, expand access to specialists, establish minimum hospital stays for women undergoing mastectomies for breast cancer, and to provide access to clinical trials where appropriate for patients with life-threatening conditions.

I wanted to talk a little bit tonight about an editorial that followed up on the Democrats and what the Democrats and the President were emphasizing last Friday. The New York Times made observations in an editorial on Saturday that were very similar to what I said tonight and basically noted just how hollow the Republican approach to managed care reform is, and I would quote from the New York Times editorial on Saturday:

"Just about everyone on Capitol Hill professes interest in producing legislation that protects patients from unfair health practices, reads the editorial," and it goes on, "yet it is the Democratic proposal that more fully reflects the recommendations of a presidential advisory commission to improve health plan quality. The Senate Republican bill is too limited to accomplish this purpose."

Listing the myriad of problems with the Senate Republican bill, the New York Times editorial goes on to note, and I quote, that most of its provisions would apply only to 48 million individuals covered by plans in which large employers act as their insurers, leaving 110 million people in other plans unprotected. And the New York Times notes that the Republicans in the Senate have drawn a completely arbitrary line between people who get their insurance from their employer and people who do not, and for reasons that I cannot explain, Republicans think only people who get their insurance from their employer should be entitled to patient protections.

The protections that are afforded to individuals who qualify, moreover, under the Senate Republican bill constitute no protection at all, and again I refer to the New York Times editorial on Saturday which notes that, quote, "Appeals to an external reviewer will be allowed only when an insurer refused to pay for a procedure on the grounds that it was not medically necessary or is experimental. Because the Republican bill would allow insurance plans to define what treatment is medically necessary, this provision is absolutely meaningless for patients. In fact, it is worse than the current law, because if you set up an external appeals process that uses the plan's definition of medical necessity, that would even make it more difficult to hold health plans accountable for their actions. It basically adds another layer of bureaucracy that patients have to confront before they go to court."

Other shortcomings, and I am not going to go through all them, Madam Speaker, but other shortcomings noted by the New York Times editorial include the Republicans' failure to guarantee access to specialists and the failure to allow patients to sue health plans.

For all of these reasons, this New York Times editorial concludes that the Democrats' Patients' Bill of Rights, quote, "would be substantially stronger in allowing external review of coverage of disputes, in defining medical necessity, and in giving enrollees greater rights to take health plans to court." And the fact of the matter is, Madam Speaker, the Patients' Bill of Rights would be substantially stronger in every other aspect of managed care reform as well.

The point I am trying to make, and I think the point that we, as Democrats, were trying to make on Friday with our press conference and our rally with the President and our petition on the Internet is that there is a pronounced difference between what the Democrats are proposing with the Patients' Bill of Rights and the sham managed care reform that has been brought up by the Republican leadership.

Now given all that, I want to say that the biggest problem we have is of course getting the Patients' Bill of Rights passed, and the obstacles are substantial. The insurance industry is working hand-in-hand with the Republican leadership to duplicate last year's successful effort to kill managed care reform. Industry opponents of the Patients' Bill of Rights recently launched two separate million-dollar advertising campaigns to undercut support for managed care reform, and the House Republican leadership looks like they are just attempting another dog and pony show to somehow indicate that they care about this issue.

The latest information, and this is the thing that most upsets me, the rumors flying around Capitol Hill, are that instead of a comprehensive managed care reform, the Republicans may bring up different patient protections in pieces, bits and pieces over the next 2 years. In other words, instead of bringing the Patients' Bill of Rights to the floor, they would bring a bill that would only deal with emergency room care or external appeals or whatever.

This approach really should concern everyone that supports managed care reform because it is a means by which the Republicans hope to avoid a debate on the significant aspects of managed care reform, like the right to sue, like medical necessity. In other words, they are trying to claim that they are doing something about managed care reform, and they are really not. If this piecemeal approach is adopted, we should be very concerned because I think that the issue of managed care reform is going to be ignored. The issues that the public really cares about will be left off the table essentially.

Madam Speaker, I think it is important that we keep raising this issue, that we cannot deal with managed care reform in a piecemeal way. We have to deal with it in a comprehensive way. That is what the Democrats are doing, that is what we will continue to do as we move forward over the next few weeks and keep pushing to have this bill be brought to the floor.

And I have some of my colleagues that are here joining with me tonight. Some of them were at the rally that we had in Washington and came on the bus. Others had events in their districts on Friday to indicate support and to get people to sign on to the Internet and on to the petition that we have.

I first would yield to the gentlewoman from North Carolina, who has been very active as a cochair of our Democratic Health Care Task Force on this issue.

Mrs. CLAYTON. I thank the gentleman from New Jersey for having this special session where we can discuss and share with the Nation, but also share with our colleagues the significance of our bill.

I just wanted to share with you and those who are listening that I have heard from many of my constituents who have expressed their support for the Patients' Bill of Rights legislation. One told me of a disturbing story. My constituent was suffering with chest pain and needed to go to an emergency room immediately. By having done so without prior approval from his insurance provider, he was forced to pay his bill himself.

Another constituent shared a story about a child who was born with an otherwise preventable disease. The HMO doctor received financial incentive to delay the treatment, resulting in serious repercussion to the infant and his family. Still another told a story of his wife who had mastectomy and then was told she had to leave the hospital the very day, even though the anesthesia had not worn off.

These are really not made-up stories, they are stories that happen over and over again. They are real-life experiences happening to the least among us, happen to ordinary people, the people you would not think of.

We need management care reform now. We need a Patients' Bill of Rights now. Currently managed care is eroding the protection that we are supposed to be guaranteed. What can we in Congress do to restore what we set out to do in the first place? Well, our goal should be to provide health care for all people across this country.

Make no mistake about what we talk about here is not really health care reform, but it is significant, it is significant. This is a national challenge that will grow out of control if we do not begin to at least do what we can do by having managed care.

We need managed care because to make it more accountable and affordable and accessible for all people. We also need health care for those people uninsured, and I want to make sure as we talk about the Patients' Bill of Rights, we should not misunderstand that the number of people who are uninsured has grown since 1994, not less. So the Patients' Bill of Rights is really trying to make sure those of us who are fortunate enough to have insurance, to hold accountable the insurance company.

So, the first step towards this goal must be, indeed the first step at least, the first step should be to pass the Patients' Bill of Rights. That is a congressional challenge. We have an opportunity here.

So H.R. 350 ensures that treatment decisions are made by a patient's doctor, not an insurance company. The insurance company should not tell you that you are able to leave the hospital after an operation. Your doctor should tell you that. With this Patients' Bill of Rights, the insurance company will no longer be able to control the length of stay in the hospital. This bill holds managed care plans accountable when their decision to withhold or limit care injures patients.

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This bill allows patients to seek an outside specialist at no additional cost, whenever the specialists, in their plan, cannot meet their medical needs. This bill extends important protection for women in managed care.

Women will be able to stay in the hospital for more than one day when they have a mastectomy or need to have other procedures that require that. This bill gives women direct access to OB/GYN services without limitation.

Furthermore, patients have the right under this bill to appeal denials on limitations of care to an external independent entity whenever their life or health is jeopardized.

To achieve the type of health care that is suitable to all, we must provide health care efficiently and effectively while continuously minimizing costs.

The Patients' Bill of Rights is a very reasonable proposal for managed care reform. This bill ensures that patients have rights. Patients deserve to have rights.

Other bills being pushed do not address most of the issues contained in H.R. 358, especially not the Patient's Protection Act which was passed in the 105th Congress.

If we are going to support a managed care reform, it should really, truly be reform and we should do it right. Let us not repeat what happened last Congress.

Think about the people, all the people, not just a few.

Health care professionals support the Patients' Bill of Rights. Many consumers and individual groups support the Patients' Bill of Rights. I support the Patients' Bill of Rights and I urge all of my colleagues on both sides to join me in ensuring that patients receive what they deserve. Their constituents throughout America certainly are telling them that.

Let us meet the national challenge. Our challenge is indeed to provide health care for all of our citizens across the country, for those who have insurance coverage, although inadequate and unaffordable and especially those who have no insurance at all. We must give people the rights they deserve. We must give people the rights they deserve and should have. Let us meet our congressional challenge by taking the first step, by passing the Patients' Bill of Rights.

On February 9, when those who were in Washington going to Philadelphia, we began our crusade across the Nation but we began it in North Carolina.

In the First Congressional District, we used a four county telecommunication. I communicated with four people on the Internet. Not the Internet, but information highway, to tell them about the Internet.

I had doctors there, nurses there. I had patients there. On one site I had 45 people. On the other site I had 32 people. On another site, I had 19 people and another site I had only seven people. Not only that, we also talked to doctors' offices at the same time.

We had doctors' offices signing their patients up. We had hospitals signing their patients up. We went to the police department and talked to the chief of police. He had his 78 people sign up. We went to the social services department and asked, are you insured? Do you have health insurance? Do you care about this? Of course they cared about it.

Teachers cared about that. We went to our churches the day following that and said if they did not have a computer there is a computer in the church. Tell your people to sign up. We told them use this technology. Go to your libraries.

It was a tremendous success. My understanding, to date there are more than 13,000, but I want to say I know that in North Carolina we knew at the end of Friday we had over 750 people, so now we ought to have over 1,000.

North Carolina is not the only one in it. It is an easy process. When people understand this, indeed they want to sign on, but we need to do more.

See, this bill represents managed care reform, but we also need health care reform. At least we ought to do this and do it right.

Madam Speaker, I encourage all my colleagues to join me in supporting and ensuring that patients, patients, have a real bill of rights. Apparently that is what the people want and indeed that is what the people deserve.

Mr. PALLONE. Madam Speaker, I wanted to thank the gentlewoman from North Carolina (Mrs. CLAYTON) for her comments.

Let me say, the gentlewoman has said it so well that this is really a common-sense approach. There is nothing miraculous here. If people understand what we are talking about with these patient protections, they want to sign the petition, they agree with us. I think that is what the gentlewoman and so many of our colleagues saw last week when they participated in this petition drive.

The gentlewoman said it so well. There are actually HMOs, good HMOs I should say, who actually support these patient protections. Some of them implemented some of the patient protections. Then there are other bad ones that have not. So we do not want to assume that this is not something that even some of the HMOs support, to be honest. Physicians support it.

One of the interesting things, because I know that the gentlewoman has been involved with the Indian Physicians Association, IPA; they were here a couple of weeks ago, just before our holiday break, and spoke to a lot of us, and it was interesting because some of the physicians and some of the people that were at that Indian physicians day also owned HMOs and they were very supportive of the Patients' Bill of Rights.

So I think, as the gentlewoman points out, if we get the word out, people understand it and they want to support this bill. They want to sign the petition. They want Republicans to bring this bill to the floor.

The other thing I wanted to mention, and I think the gentlewoman is so right when she talks about, we are dealing here with managed care reform, but there is the larger issue of the uninsured and so many people that no longer are insured that even were insured a few years ago. Again, I kind of feel like I am preaching to the choir because the gentlewoman has been involved with our health care task force for a long time now, and we tried to address the problem of the uninsured unfortunately in a piecemeal way.

I do not like piecemeal approaches for managed care reform any more than I do for trying to cover everybody. I would rather have universal health care coverage, but ever since the President brought forth a proposal and the insurance companies fought that so hard and killed it 4 or 5 years ago, we have had to try to deal with coverage in a piecemeal way.

We did the Kennedy-Kassebaum bill. We did the Kids Health Care Initiative. We had the Near Elderly Initiative. I know that the gentlewoman has been involved with all of these things as part of our task force. Those things have had some success, but again they show that a piecemeal approach is not adequate. There really cannot be a piecemeal approach to managed care reform or to health insurance coverage.

But again the political realities set in, so we do the best we can.

So I am glad the gentlewoman mentioned it because it is obviously true. There are more people uninsured today than there were 5 years ago.

Madam Speaker, let me point out that it is the gentlewoman from Connecticut (Ms. DELAURO) who started this whole petition drive that was so successful last Friday. She came up with the idea of having the bus trip to Philadelphia with the President's rally and having our Members around the country deal with this on the Internet so effectively. It was a tremendous success, and I want to congratulate her for doing it.

Ms. DELAURO. Madam Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Madam Speaker, I want to thank my colleague from New Jersey (Mr. PALLONE) for yielding. I am proud to join with the gentleman.

Before my colleague, the gentlewoman from North Carolina (Mrs. CLAYTON) leaves the floor, it was really very exciting. We had Members everywhere doing things, and the use of the technology not only to be on the Internet superhighway, but to use telecommunication or teleconferencing to gather in people just speaks volumes about what it is that we can do to reach out to people in this country.

Mrs. CLAYTON. Madam Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Madam Speaker, I just want to say how the interaction works. My colleague, the gentlewoman from California (Mrs. CAPPS) is on our health task force and she brought up the idea of using the nurses. Well, I want to say in our conference I happened to have one conference on the university campus, so I extended it out to the school of nursing. The dean came over and brought others, and the American Cancer Association. So we were able to use it.

One place we had at a community college where the university people came over. Another place, we had another community college we had relatively very few, about nine people, but they had gone out and gotten 60 names of people who wanted to participate. So those seven people multiplied almost five times.

So I want to thank the gentlewoman for thinking of this idea. I would not have thought of using the nurses if she hadn't mentioned it.

I want to thank the gentlewoman from Connecticut (Ms. DELAURO) for being creative and forcing me to use the technology we have. This is a unique way of getting the grass-roots participation, using technology, democracy at its best, I think, for whatever cause. This certainly is a worthy cause so I thank the gentlewoman for that.

Ms. DELAURO. There were kind of two bites at the apple. One was the old fashioned highway where we get on the bus, which was great. It was a really terrific experience. The press conference here was great. Then using the Internet, and the extent to which our colleagues all over the country participated, it was just the beginning, which is really what is very exciting about it because I think that people understand that they can engage, that they really can be a part of what is happening and their voices can be heard in this body.

I think that that is one way of providing the best of the opportunities for the public to participate in the process of formulating good public policy, which is what essentially we are trying to do here.

I just would make one more point because the other thing, and both of my colleagues, the gentlewoman from North Carolina (Mrs. CLAYTON) and the gentleman from New Jersey (Mr. PALLONE) mentioned this, when one thinks about it, just only a few years ago we were really consumed with the notion of how we were going to insure at that time the 38 million or 39 million people in this country who were uninsured, and today, quite frankly, we are just trying to deal with a holding action for people who do have insurance and making sure that they have the access that they need and are provided with the health care that they are paying for.

We have kind of been sidetracked from looking at folks who do not have any insurance yet, and what we need to be doing is to try to deal with both parts of this equation, because it is so serious.

The whole point of all of this is just to say to patients and to people who have health insurance today that the decisions that are going to be made regarding your health care are decisions that are going to be made by physicians, by doctors, by health providers, in conjunction with you, the patient, and you are going to have a voice in this effort as well. It is not going to be an area in which the bureaucrats are going to have the final say.

My colleagues have gone through all of the parts of this effort and what is involved. This is very simple. It is very basic. It is a common-sense approach to health care, and that is if one needs emergency room care, they can get emergency room care. If one happens to have a specialist and is being treated for an illness and it happens that their employer changes the insurance coverage, that in fact they are guaranteed a continuity of the care that they have received and they can continue to see the physicians that were taking care of them under one particular plan and they can continue that under another plan.

We have all been the recipient of countless numbers of people who have told us the horror stories that they are going through, which is why this piece of legislation enjoys such a breadth of support.

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It enjoys a breadth of support on both sides of the aisle, except that we have found that this body, for some strange reason, and I do not fathom it, and the President commented on it on Friday in Philadelphia, which is the fact that we have to resort to going the route of a petition nationally to get people to make their voices heard, to bring to life that which they believe out there on both sides of the aisle, because illness and health care is not a partisan issue, it affects everyone.

In fact, we have not had the opportunity in this body to be able to debate, to talk about, to in fact have the kind of attention brought to this issue that needs to be brought to it because in some way the leadership of this House has been blocking the passage of the Patients' Bill of Rights, when in fact there is tremendous and strong support for this effort nationwide.

So what we have done is that we kicked off this nationwide online petition drive, and I would just say that now, with the click of a mouse, and in the article that came out about my participation in this effort, the report is wonderful in a sense of the kind of, I should be more technologically competent, but this is a way to get engaged in it. I was fumbling around with the mouse to get it right. My kids, our kids, all of our kids and young people can do this in a heartbeat, but that is what we have to do. We have to take advantage of the opportunities to be able to use this.

We also had people that joined with us on Friday and over the weekend, health care providers. More than 40 medical and patient advocacy organizations took up the call for strong HMO reform, but they put the petition drive on their websites.

I want to urge my colleagues here tonight, those of us who engaged in these efforts, and there were about 80 or more Members who engaged in this effort, that individually we need to sign up and to make our voices heard. We can do that in a very, very easy way. We are thankful to Families USA for allowing us to engage in the website. That is, House Members need to just do www.FamiliesUSA.org, so that we individually can make our voices heard on this issue and sign up.

I want to mention the reason we went to Philadelphia, because I think it is important. There was real symbolism in going to Philadelphia. It is basically where our Bill of Rights was founded, our Declaration of Independence, our Constitution. This is where our Founding Fathers had a vision for this Nation and the laws that this Nation would rest on.

It is unfortunate that our health care system comes up short when it is measured against the standards that were established at the birth of this great Nation. The Republican leadership in this House want to have a Declaration of Independence, but they do not want to have the Constitution as part of it.

The Constitution, we can declare our support for a Patients' Bill of Rights, but we have to establish the laws to make it a reality. That is what our job is here today. That is what we are about, is to try to establish the laws that make this a reality. Without that, we are not going to be successful. Without those laws, that is not what our Founding Fathers wanted, and it is not good enough for our families today.

What we have to do is to take into consideration the health and well-being of the people we represent. That is what this effort is all about. We are going to continue to make the case. We will continue to have our colleagues and their own communities try to use whatever outreach mechanisms they can to engage the people in this country; to say to the people, and as the President said to the folks in Philadelphia, but more to the country, we need to have your voices in this process. That is the way in which our government works. That is what our democracy is about. That is why we have tried to engage in this effort.

I think it was a good effort. We had a lot of fun doing it on Friday, but it was only the beginning and the outset of the process.

I want to thank my colleagues for joining in tonight, and my colleague, the gentleman from New Jersey (Mr. PALLONE) for holding this special order so we could carry on the debate and the discussion. I thank him very much.

Mr. PALLONE. I want to thank the gentlewoman. Let me just say that she made a good point. She talked about the bus and the grass roots effort and the Internet, but she also made the point that it is kind of too bad that we have to do all of this.

The reason, and I am going to be very partisan about it, the reason is because the Republican leadership refuses to bring this bill up. We all remember very well that in the last session of Congress the only way we were able to get a vote on the issue at all was because of a discharge petition. We actually had to get the majority of Members of the House, or close to it, on a discharge petition, because they would not consider the bill in committee. They would not have any discussion or hearings on it. Only through the forced mechanism, if you will, of the discharge petition were we able to bring it up. It is true that there are some Republicans on the other side that support us, but their leadership will not bring it up.

I go back to what we discussed earlier, which is that the reason for that I am convinced is because of the insurance industry. It is the money and the power and the influence of the insurance industry on the Republican leadership that makes it impossible for this to come up, or that is the reason it is not coming up.

I resent the fact that over the last few weeks the industry has doubled its efforts now, with the ads on TV, with the ads in the print media, and basically we are seeing the same thing we saw last year to try to kill this bill.

The thing that is incredible about it, one of the things they were alleging in some of the ads I saw was about the cost. They keep saying that if we have these patient protections, it is going to cost too much.

One of the things that I did not mention about the New York Times editorial, which was right on point, I thought, it was in the next day after our rally, was that they say at the very end, it says, "The insurance lobby is already embarked on a media blitz to defeat any new regulations as too costly. But consumer protections under the Democratic plan would increase the health plan costs by only a tolerable 2.8 percent, according to Congressional Budget Office estimates made last year, or slightly more if lawsuits against ERISA plans are permitted in state court. Health plans should be made to deliver what they promised their enrollees, and held accountable when they fail."

The bottom line is that every indication we have seen in every State that has passed some of these protections on a State level is that it has either no increased costs, or so minimal that it makes it not even relevant. I just resent the fact that this insurance industry advertising campaign and blitz is trying to basically throw out falsehoods about what we are doing here today.

Ms. DELAURO. Just a final comment, because we have so many folks on the floor to speak tonight.

The fact is that with accountability, it is, again, common sense. If there is a particular entity that is going to engage in a medical decision and participate in that decision, and by some manner, by something it goes wrong, where there is an error, and to be a participant in that decision and then to say that you have no responsibility just does not make any sense.

You cannot have it both ways. You cannot be initiating medical decisions, making them on procedures, on prescription drugs, on the whole variety of areas, and then, if something goes wrong, then, my gosh, you can walk away and say, I have no culpability at all, no responsibility. That is not right, and that is, I think, one of the prime reasons why there is so much of a resistance to bringing this effort up.

But people who in good faith are the recipients of those medical decisions, by whomever they are made, need to have an opportunity to redress anything that may go wrong with those decisions.

Mr. PALLONE. I agree.

Madam Speaker, I yield to the gentlewoman from California (Mrs. CAPPS), who again is a member of our task force, and has heightened this issue so many times for us, for her colleagues in the House.

Mrs. CAPPS. I want to thank my colleague, the gentleman from New Jersey (Mr. FRANK PALLONE), and to say what a pleasure it is to be here with fellow colleagues from around the country, really; North Carolina we have heard from, and Connecticut, and we will be hearing from Texas and other places.

Mr. Speaker, last Friday I joined a nationwide effort to build support for the Patients' Bill of Rights. It was a privilege to do this, and to know that I was in concert with our efforts in my district out in the Central Coast of California, where I was in line with and online with those around the country in what we might call an old-fashioned petition drive, democracy in action.

I was at one of the excellent institutions of higher learning in my district, and took advantage of state-of-the-art computer facilities and was able to lead an online grass roots petition drive to encourage students to speak out on the importance of managed care reform.

We went to Santa Barbara City College, and the school of nursing was our host there, and invited other students to join us. We had quite a lively discussion as we logged on, because we began to talk about the fact that this is democracy in action, and this is the way that citizens of all ages, young students as well as middle-aged students and older people, could hear and discuss together the issues, but also make their wishes known to their representatives, not just their individual one, but to the leadership of this House, and to those of us in Congress who are in a position to take action on behalf of these, our constituents.

The computer lab stayed open, as it is available for all students. After our discussion was concluded and we had finished, it only takes a minute to do this, then people could go on their way and spread the word, and others could come in during the day. They talked about going home and telling their families about this opportunity that they would have as well.

So my hat is off to nursing students and my nurse friends there at City College and the other institutions that have allowed this to happen, the Learning Resource Center there.

As we were talking about the need to do this action in Congress, it came up, why? What has happened? How come it is out of whack and out of control the way it is?

In California, managed care has been a way of life for a great number of years. We began to think back, and it came into being, the HMO, as a way to counteract, and I was a nurse there for a long time in the schools, and I recall that all of us as patients, nurses, whatever our role, we are familiar with the high cost of health care, and that it began to rise so exponentially in the seventies and eighties, and there really was a need to curb it. It looked like a good thing was happening.

So as I have tried to get a handle on it and explain it to my student friends the other day, I describe it as a pendulum swung out of control to too high cost, at one point, and then swinging too far the other way as the excesses, really, of managed care have now come

Mr. PALLONE. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Madam Speaker, I want to thank my colleague from New Jersey (Mr. PALLONE) for yielding. I am proud to join with the gentleman.

Before my colleague, the gentlewoman from North Carolina (Mrs. CLAYTON) leaves the floor, it was really very exciting. We had Members everywhere doing things, and the use of the technology not only to be on the Internet superhighway, but to use telecommunication or teleconferencing to gather in people just speaks volumes about what it is that we can do to reach out to people in this country.

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Ms. DELAURO. There were kind of two bites at the apple. One was the old fashioned highway where we get on the bus, which was great. It was a really terrific experience. The press conference here was great. Then using the Internet, and the extent to which our colleagues all over the country participated, it was just the beginning, which is really what is very exciting about it because I think that people understand that they can engage, that they really can be a part of what is happening and their voices can be heard in this body.

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I just would make one more point because the other thing, and both of my colleagues, the gentlewoman from North Carolina (Mrs. CLAYTON) and the gentleman from New Jersey (Mr. PALLONE) mentioned this, when one thinks about it, just only a few years ago we were really consumed with the notion of how we were going to insure at that time the 38 million or 39 million people in this country who were uninsured, and today, quite frankly, we are just trying to deal with a holding action for people who do have insurance and making sure that they have the access that they need and are provided with the health care that they are paying for.

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It enjoys a breadth of support on both sides of the aisle, except that we have found that this body, for some strange reason, and I do not fathom it, and the President commented on it on Friday in Philadelphia, which is the fact that we have to resort to going the route of a petition nationally to get people to make their voices heard, to bring to life that which they believe out there on both sides of the aisle, because illness and health care is not a partisan issue, it affects everyone.

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It is unfortunate that our health care system comes up short when it is measured against the standards that were established at the birth of this great Nation. The Republican leadership in this House want to have a Declaration of Independence, but they do not want to have the Constitution as part of it.

The Constitution, we can declare our support for a Patients' Bill of Rights, but we have to establish the laws to make it a reality. That is what our job is here today. That is what we are about, is to try to establish the laws that make this a reality. Without that, we are not going to be successful. Without those laws, that is not what our Founding Fathers wanted, and it is not good enough for our families today.

What we have to do is to take into consideration the health and well-being of the people we represent. That is what this effort is all about. We are going to continue to make the case. We will continue to have our colleagues and their own communities try to use whatever outreach mechanisms they can to engage the people in this country; to say to the people, and as the President said to the folks in Philadelphia, but more to the country, we need to have your voices in this process. That is the way in which our government works. That is what our democracy is about. That is why we have tried to engage in this effort.

I think it was a good effort. We had a lot of fun doing it on Friday, but it was only the beginning and the outset of the process.

I want to thank my colleagues for joining in tonight, and my colleague, the gentleman from New Jersey (Mr. PALLONE) for holding this special order so we could carry on the debate and the discussion. I thank him very much.

Mr. PALLONE. I want to thank the gentlewoman. Let me just say that she made a good point. She talked about the bus and the grass roots effort and the Internet, but she also made the point that it is kind of too bad that we have to do all of this.

The reason, and I am going to be very partisan about it, the reason is because the Republican leadership refuses to bring this bill up. We all remember very well that in the last session of Congress the only way we were able to get a vote on the issue at all was because of a discharge petition. We actually had to get the majority of Members of the House, or close to it, on a discharge petition, because they would not consider the bill in committee. They would not have any discussion or hearings on it. Only through the forced mechanism, if you will, of the discharge petition were we able to bring it up. It is true that there are some Republicans on the other side that support us, but their leadership will not bring it up.

I go back to what we discussed earlier, which is that the reason for that I am convinced is because of the insurance industry. It is the money and the power and the influence of the insurance industry on the Republican leadership that makes it impossible for this to come up, or that is the reason it is not coming up.

I resent the fact that over the last few weeks the industry has doubled its efforts now, with the ads on TV, with the ads in the print media, and basically we are seeing the same thing we saw last year to try to kill this bill.

The thing that is incredible about it, one of the things they were alleging in some of the ads I saw was about the cost. They keep saying that if we have these patient protections, it is going to cost too much.

One of the things that I did not mention about the New York Times editorial, which was right on point, I thought, it was in the next day after our rally, was that they say at the very end, it says, "The insurance lobby is already embarked on a media blitz to defeat any new regulations as too costly. But consumer protections under the Democratic plan would increase the health plan costs by only a tolerable 2.8 percent, according to Congressional Budget Office estimates made last year, or slightly more if lawsuits against ERISA plans are permitted in state court. Health plans should be made to deliver what they promised their enrollees, and held accountable when they fail."

The bottom line is that every indication we have seen in every State that has passed some of these protections on a State level is that it has either no increased costs, or so minimal that it makes it not even relevant. I just resent the fact that this insurance industry advertising campaign and blitz is trying to basically throw out falsehoods about what we are doing here today.

Ms. DELAURO. Just a final comment, because we have so many folks on the floor to speak tonight.

The fact is that with accountability, it is, again, common sense. If there is a particular entity that is going to engage in a medical decision and participate in that decision, and by some manner, by something it goes wrong, where there is an error, and to be a participant in that decision and then to say that you have no responsibility just does not make any sense.

You cannot have it both ways. You cannot be initiating medical decisions, making them on procedures, on prescription drugs, on the whole variety of areas, and then, if something goes wrong, then, my gosh, you can walk away and say, I have no culpability at all, no responsibility. That is not right, and that is, I think, one of the prime reasons why there is so much of a resistance to bringing this effort up.

But people who in good faith are the recipients of those medical decisions, by whomever they are made, need to have an opportunity to redress anything that may go wrong with those decisions.

Mr. PALLONE. I agree.

Madam Speaker, I yield to the gentlewoman from California (Mrs. CAPPS), who again is a member of our task force, and has heightened this issue so many times for us, for her colleagues in the House.

Mrs. CAPPS. I want to thank my colleague, the gentleman from New Jersey (Mr. FRANK PALLONE), and to say what a pleasure it is to be here with fellow colleagues from around the country, really; North Carolina we have heard from, and Connecticut, and we will be hearing from Texas and other places.

Mr. Speaker, last Friday I joined a nationwide effort to build support for the Patients' Bill of Rights. It was a privilege to do this, and to know that I was in concert with our efforts in my district out in the Central Coast of California, where I was in line with and online with those around the country in what we might call an old-fashioned petition drive, democracy in action.

I was at one of the excellent institutions of higher learning in my district, and took advantage of state-of-the-art computer facilities and was able to lead an online grass roots petition drive to encourage students to speak out on the importance of managed care reform.

We went to Santa Barbara City College, and the school of nursing was our host there, and invited other students to join us. We had quite a lively discussion as we logged on, because we began to talk about the fact that this is democracy in action, and this is the way that citizens of all ages, young students as well as middle-aged students and older people, could hear and discuss together the issues, but also make their wishes known to their representatives, not just their individual one, but to the leadership of this House, and to those of us in Congress who are in a position to take action on behalf of these, our constituents.

The computer lab stayed open, as it is available for all students. After our discussion was concluded and we had finished, it only takes a minute to do this, then people could go on their way and spread the word, and others could come in during the day. They talked about going home and telling their families about this opportunity that they would have as well.

So my hat is off to nursing students and my nurse friends there at City College and the other institutions that have allowed this to happen, the Learning Resource Center there.

As we were talking about the need to do this action in Congress, it came up, why? What has happened? How come it is out of whack and out of control the way it is?

In California, managed care has been a way of life for a great number of years. We began to think back, and it came into being, the HMO, as a way to counteract, and I was a nurse there for a long time in the schools, and I recall that all of us as patients, nurses, whatever our role, we are familiar with the high cost of health care, and that it began to rise so exponentially in the seventies and eighties, and there really was a need to curb it. It looked like a good thing was happening.

So as I have tried to get a handle on it and explain it to my student friends the other day, I describe it as a pendulum swung out of control to too high cost, at one point, and then swinging too far the other way as the excesses, really, of managed care have now come home to hit us, and to hit so many people really personally and tragically, or in serious ways.

Our job is to bring the pendulum back to the center again. Of course, the center is patient care; the need for the consumer, the patient, and that relationship with the doctor or other health care provider that is the heart of what health care is all about. It is a picture, too.

Some of the students said, well, they wanted to institute prevention and have opportunities for learning about taking care of our bodies, and learning about how to really be effective and responsible health care consumers.

Yes, in the beginning we had a lot of this impetus, but again, as the cost-cutting has come into play so strongly it has seemed that many of these good ideas that we saw, and perhaps still do, have fallen by the wayside. Now we hear about only so many visits for physical therapy, or so many opportunities. It is not with the patient's need or well-being in mind, even within the setting of managed costs, but this is really too far into that corner.

I have been hearing from constituents as long as I have been in office, and before that as a nurse in the school district I heard from families, about their real issues and about where these decisions need to be made. These voices of my constituents and others here need to be heard in Congress. We need to take action on behalf of patients and the recipients of health care.

I heard stories on Friday at Santa Barbara City College of even young people already having medical necessity determined by the insurance provider, and seeking redress and not being able to find it. They are frustrated. They want to express their concerns.

Medical decisions need to be made by patients and their doctors. Patients need to have all the information they need to make these critical decisions. There are some plain truths in health care.

Mr. Speaker, this historic measure will guarantee patients basic rights by allowing people to choose their doctor, to end oppressive gag rules so patients have access to all critical treatment options, and to establish medical necessity, to have medical standards for quality of care.

Most importantly, this bill will hold HMOs accountable by giving patients critical legal recourse when insurance companies deny necessary medical coverage. If patients can sue their doctors for poor care, they should be able to sue insurance bureaucrats who determine medical decisions.

Mr. Speaker, last week we saw people all across the country and in my district take part in a movement to restore common sense to health care. These people have often felt isolated from the political process. They could log onto the Internet as a means of raising their voices. So far, thousands of people across the country have logged onto the Families USA website, and this will continue as citizens across the country want to lend their support to the Patients' Bill of Rights.

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The American people have spoken and they are speaking, and now Congress needs to listen to them. I thank the gentleman from New Jersey (Mr. PALLONE) for giving me the opportunity to share my experience.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman and she talked about the preventive nature of these patient protections, and I think that is so true. And I think also one of reasons why we find that they do not increase costs is because they are prevention and ultimately they reduce costs. In fact, even the right to sue, which was mentioned, every time we have looked at this in the States that have implemented these kinds of patient protections and allowed the ability to sue, it even serves as a preventive measure because the HMOs take precautions because they do not want to be sued and they do not want to have huge damages recovered against them.

It is very important for us to keep that in mind, that all of this is preventive and ultimately that is why it does not cost additional money and I think in the long run saves money.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) who has been involved in the Kids Health Care Initiative and Kennedy-Kassebaum and now the Patients' Bill of Rights.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his leadership and the wiseness of this special order and I enjoyed hearing my colleague from North Carolina, my colleague from Connecticut, and now California; and I will soon be hearing from my colleague from Texas. We all must have had some sort of signal on this issue.

I know of the great leadership of the gentlewoman from California (Mrs. CAPPS) and her long years of service as a nurse. In fact, we were so happy to have her involvement and instruction to us on this very important issue even as a newer Member of Congress, and we appreciate it.

The reason why I think we have ESP is that I went to a school of nursing in my district, having been raised by a nurse. My mother was involved in hospital work for many, many years, and I knew that her prime concern was the care of the patient.

This is one of the most common-sense bills I have ever read. And I want all who are listening to know that we who are speaking have read it and believe that it is only fair to put "patient" back in health care and medical care. And that is what the Patients' Bill of Rights does.

It was so refreshing to be at the Prairie View A&M College of Nursing with Dean Brathwaite and Professor Bernard and others and to see 60 or so nursing students, including, I am told, one of the largest classes of male nursing students, talk about their concern about patient care.

So we began the process by educating and discussing these elements, how important it is for these young nurses to have the ability to be part of the decision-making process, to listen to the patient, to share the patient's information with the physician and let that be the prime decider of how their health care should be determined, rather than a bureaucrat sitting behind a desk and, I hate to say it, maybe using the Internet or the computer to say no because we are trying to use the Internet for a good reason. But I have heard from so many of my constituents to say that they just got a cold call saying they cannot have this service, they cannot have this specialty service.

One of the issues that I think is so very important in the Patients' Bill of Rights for women is the direct access to obstetricians and gynecologists. Heretofore, we have had to spend a long time arguing about the importance of the OB/GYN relationship between patient and physician. Unfortunately, this is only made clearer in the Patients' Bill of Rights by way of giving the woman an option of seeing a family physician for general health concern and access to an OB/GYN for routine annual examinations.

One of the most devastating cancers is ovarian cancer, and in a recent article it was determined that there is a new test that could be utilized on a yearly basis for women to catch ovarian cancer early. In the present health structure that would be a distant opportunity or possibility for women now who may not have direct access to their OB/GYN.

This fits very well, this Patients' Bill of Rights, with this new medical find, this new technology, to provide an early detection of ovarian cancer. This works out perfectly because it gives women the access to their OB/GYN.

This idea of not being able to have an immediate review when it has been denied does not make sense. Patients are fishing for someone who they can ask. Their child needs this service, they need a specialist. I think the Patients' Bill of Rights is common sense. It is common sense not to discriminate against someone because of race, color, ethnicity, religion, age, mental or physical disability, sexual orientation, genetic orientation, or source of payment.

The Patients' Bill of Rights answers the concerns of so many Americans who have said they have been denied because they have a prior or previous existing disability; they have been denied because of age, and no one tells them that it is age, but they have a guess that that is the reason why they have been denied; because they live in a certain community, which may be urban or rural; they may come from a certain racial background.

We know in certain racial populations there are histories of high blood pressure. In the African-American community, histories of stroke. And, therefore, these individuals have found themselves being subject to denials for coverage because of certain traits that are obviously not within their power sometimes to change.

So I was very pleased to be able to join with the student nurses at the Prairie View A&M University College of Nursing to join on April 9, Friday, as many were in Philadelphia and Washington. I hope that the gentleman from New Jersey got the word that we were signing on on the Internet. The nursing students could not wait.

We also announced that the Texas Association of Nurses added their name to the list of supporters of the Patients' Bill of Rights along, of course, with the American Medical Association and the National Nursing Association as well. We were so enthusiastic that if the gentleman would beg our pardon, we were going to combine new technology with old fashioned ways.

Friday, this coming week, we are going to announce an effort in our churches so that churches on Sundays will be able to have handwritten petitions. They may not be able to sign up on the computers on Sundays when the members come to church, but we will have handwritten petitions that we will be adding to the superhighway and they are looking forward to doing that in my district. So I welcome that. I do not want to deny anyone the opportunity to sign up and we are going to have that effort.

I thank the gentleman from New Jersey very much for holding this special order. Let me encourage my colleagues in a bipartisan way, in the spirit of Hershey which I participated in, let us ensure that the 61 percent of patients who complained about the decreased amount of time they spend with their doctors get relief. Let us ensure that the 59 percent who complained about the difficulty in seeing medical specialists get relief. And let us ensure that the 51 percent who complained about the decreased quality of health care for the sick get relief.

Mr. Speaker, the way to get relief is if we pass this Patients' Bill of Rights in a nonpartisan or bipartisan manner and respond to the health crisis that is going on in America.

With that, I thank the gentleman again for giving me this opportunity. Certainly, I want to join in acknowledging and thanking the gentlewoman from Connecticut (Ms. DELAURO) for this idea, and hoping that we will see the fruits of our labor very, very soon.

I rise today to add my voice in support of the Patients' Bill of Rights. The Patients' Bill of Rights sets a Federal standard to ensure that Americans will have basic consumer protection in their health care plans.

Last Friday, like many of my Colleagues, I met with the nursing students of the Prairie View A&M University College of Nursing where we discussed the negative imput of the present HMO structure on their ability to give patient care. We must reform managed care so the patients' needs are first priority and not the whines on of an HMO adminsitrator.

Those students and staff along with myself enthusiastically signed onto the Internet to push for their bill to come to the floor. We must pass a Patients' Bill of Rights this session.

I support the Patients' Bill of Rights because I believe Americans deserve quality health care from their managed care plans. I have received many letters from constituents that express their dissatisfaction with the care that they received from HMOs.

Texans and all Americans want a Patients' Bill of Rights because we want quality care from HMOs. A Kaiser Family Foundation study found that 73 percent of voters believe that patients should be able to hold managed care plans accountable for wrongful delays or denials.

The same study also found that 61 percent of patients complained about the decreased amount of time doctors spend with patients; 59 percent complained about the difficulty in seeing medical specialists; and 51 percent decreased the quality of health care for the sick.

There are 13 essential consumer protections contained in the Patients' Bill of Rights. Some of the basic tenets include:

Oversight through Federal and State governments and other entities to monitor the quality of care given to patients. Patients should know that there is active oversight, and not rubber-stamping of the care they receive.

Direct access to Obstetricians and Gynecologists for women. The unique health needs of women should be addressed in any health care plan. Women should have the option to see a family physician for general health concerns and access to an OB/Gyn for routine annual examinations.

Uniform licensing standards for all health plans. All plans should meet national standards of care and should be licensed to operate in the states where they do business.

Nondiscrimination in the delivery of services on the basis of race, color, gender, ethnicity, national origin, religion, age, mental or physical disability, sexual orientation, genetic information, or source of payment. No one should receive substandard care on the basis of these factors.

Ability to make informed choices about the various options and the level of care. Patients should have all of the information necessary to make decisions about their care including alternative treatments.

Unlimited access to emergency care and to specialists when necessary. Emergency care should be available at any time without prior authorization for treatment. If a specialist is needed, patients should be able to receive his/her services.

Additionally, as chair of the Congressional Children's Caucus the HMO system today sometimes hurts health care for children by denying these young patients the specialists care they need. Mental health services are also vital to children and more attention needs to be given to providing such services to children since now ⅔'s of American children do not have access to mental health services or pediatric specialists.

Simply stated, the Patients' Bill of Rights provides consumers with the basic protections that are necessary to ensure that they receive quality care.

The Patients' Bill of Rights should not be controversial for any Member of Congress who is serious about protecting patients from insurance company abuses. The choice is clear. We should stand with patients, families, and doctors, not with the well-heeled special interests that put profits ahead of patients.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman from Texas and assure her that we heard these voices loud and clear on April 9 when so many people signed on to the Internet. As so many of our colleagues said, we are going to keep going and with her help we will keep going.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN) my colleague on the Committee on Commerce who has been so much involved with the health care initiatives that we have made over the last few years, Kids Health Care, Kennedy-Kassebaum and the others.

Mr. GREEN of Texas. Mr. Speaker, I thank my New Jersey colleague for being chair of our Health Care Task Force of the Democratic Caucus, and I think after what happened this last week and the American people have made very clear about what issues they want this Congress to work on. At the top of that list is managed care reform.

Of course, I think we have heard not only that voice but that echo now for a number of years. And last year the Republican leadership failed to make the good-faith effort to pass meaningful HMO reform. In fact, the bill that we passed is what I called a sham bill that did nothing to protect patients.

While it had a good name, the Patient Protection Act really did more to protect the insurance companies than anyone else. And I say that because actually it rolled back the State law in the State of Texas that the State of Texas had passed in 1997. And almost every one of the so-called patient protections had loopholes big enough to drive a car through.

Fortunately, the Senate had enough sense not to force through that partisan bill that did not adequately protect patients, and this year it seems the roles are reversed. This year the Senate "HELP" Committee passed a managed care bill along party lines and rejected 20 out of 22 Democratic amendments. The only amendments they accepted were technical in nature. The 20 amendments designed to protect patients in managed care were voted down one by one.

Now, they did not all deal with allowing patients to sue their health care provider. So 20 of those amendments, Mr. Speaker, were rejected. Republicans rejected amendments that would have protected women who undergo mastectomy for breast cancer and rejected expanding access to emergency room care and access to clinical trials so that patients in the managed care system can have the cutting-edge health care available.

Hopefully, the House will act more responsibly this year and reject the Senate proposal. Our House Committee on Commerce began hearings already, we had one hearing on a promised bipartisan hearing schedule for managed care reform. Certainly, the press releases and the public statements by the House and committee leadership has been encouraging. Let us just hope that they follow through with their commitment to bipartisanship and agree to support real managed care reform like the Patients' Bill of Rights.

That means not just a flashy title or a few catch phrases, but elimination of gag clauses for all physicians and providers and patients; provide timely and binding external appeals; guarantee access to specialists and emergency room care and, again, access to clinical trials so patients can have cutting-edge technology, allow doctors to determine what is medically necessary, and also protect the privacy of medical records.

Most importantly, managed care reform holds the medical decision-maker accountable. Now, the medical decision-maker sometimes may not be that provider. What some people either do not understand or care about is that there is no accountability without liability. There is no accountability without liability. We can pass all the patient protections we want with the best appeals and full access to specialists, but if a health plan cannot be punished for ignoring these medical decisions, they will continue to ignore doctors' treatment decisions and patients will continue to suffer.

Managed care was begun in our country and I understand. Before I was elected to Congress, my job at my company was dealing with insurance companies and negotiating for health care for our employees. And having dealt with them, I know the cost that individual businesses were seeing, and so managed care was created to control those costs.

Again, they have done that. But let us bring that pendulum back and say, we want to control those costs, but we do not want to see the loss of quality for those employees that I used to have to find their insurance for or the people out there who today are trying to find that insurance.

Mr. Speaker, I again thank my colleague from New Jersey for his leadership and also this special order this evening allowing those of us, who all have different ways we talk, to talk about from all across this country how important real managed care reform is for this session of Congress.

Mr. PALLONE. Mr. Speaker, I thank both my colleagues from Texas. As they say, Texas is one of the first States to actually implement these patient protections that we are talking about. But we still need the Federal legislation, because so many people are not covered by State legislation.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE. Mr. Speaker, I agree with the gentleman from Texas (Mr. GREEN), and there was one point that I wanted to add, because I know that he has worked very hard on this issue of children's health.

I think we should really make very plain and clear that the Patients' Bill of Rights is going to enhance the care of children. One of the things negatively that comes out of being denied is the denial of a specialist for a child. Many parents have made mention of the fact that this insurance covers them, it is managed care insurance, their child needs this kind of procedure and this kind of specialist. Yet, when the parent goes to their insurance company to seek it, they are denied.

Mr. Speaker, there is nothing more hurting than a parent who cannot help to provide good health care for their children. So I think that we should not leave tonight without noting how important this is to the children of America, and particularly those children needing mental health services who for so long have been denied access.

Two-thirds of America's children do not have access to mental health services. So I would simply say that we are talking of adults, adults probably signed on the Internet. But this has an enormous reach to the children of America to make sure that they have good health care.

I just wanted to add to the gentleman's comments as well to make sure we did not forget the children in all of this.

Mr. PALLONE. The gentlewoman is absolutely correct. One of the criticisms that we have had of the Republican bill, the leadership bill, is that although sometimes it provides for pediatric care or a pediatric specialist, it does not in any way provide for the subgroups. As we know, today oftentimes children need to go to a specialist other than just the pediatrician, who has almost become a general practitioner. That kind of specialty care is not provided for in the Republican bill.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, in the closing minutes of the special order, I would like to mention what the gentleman from New Jersey said about changing Federal law, because again the gentlewoman from Texas (Ms. JACKSON-LEE) and I are both from Texas, and Texas changed the law in 1997 for those insurance policies that are licensed under State law. I know it is being considered by dozens and dozens of States.

But in Texas I have seen the percentage, that over 60 percent of the health insurance policies in our State are issued under ERISA, under Federal law. So we can have the best laws we want to coming out of our State capitols all across the country, and I think the one in Texas is really revolutionary, so to speak, and I hope other States will follow this on those policies that are licensed by State law; but we have to pass something in Congress to affect Federal law, to affect those multi-State companies that have plans in the gentleman's district, in my district, and yet they come under Federal law.

So we need to deal with the majority of the people. That is why Congress has to take up this standard and follow the lead of States like Texas. I know New Jersey is considering it also. I would hope that we would have that.

That point needs to be made. It is not Congress meddling in States' rights, it is Congress learning from the success that we have had, at least in the State of Texas, and following through. Okay, it has worked in Texas. We have not seen breaking down the courthouse doors with all these lawsuits that have been threatened or at least threatened by the insurance companies.

All it is is trying to manage the field, to make that pendulum come back a little bit so we talk about quality. We have to pass a Federal law to give our constituents, no matter who they work for, whether it is an in-State insurance policy or a multi-State, that same protection. Again, I thank the gentleman for bringing that up.

Mrs. NAPOLITANO. Mr. Speaker, last Friday, Labor Secretary Alexis Herman and my colleague XAVIER BECERRA joined me for a rally and press conference at Los Angeles County+USC Medical Center to unveil the nationwide internet petition calling for a Patients' Bill of Rights.

Based on the enthusiasm of the large crowd that morning, my guess is that this is going to be a popular petition across my State and our Nation.

And there is good reason for it to be popular. The petition, at www.familiesusa.org calls for a meaningful Patients' Bill of Rights—A Patients' Bill of Rights that guarantees:

access to specialists,

choice of health coverage, by offering an alternative to HMO's of that is all an employer can provide.

access to emergency care whenever and wherever it is needed,

the right of patients to hold their HMO accountable,

protection for providers who advocate for patients, and, access to approved clinical trials when no other treatment is available.

The importance of guaranteeing these rights cannot be overstated. Passage of a meaningful Patients' Bill of Rights will save lives.

Last Friday we heard the stories of two victims of HMO practices, Nick Enriquez and Serenity Silen. Both were children who deserved much better care than they received.

The story of Serenity's father's battle with his HMO to save his daughter's life epitomizes why we need a meaningful Patients' Bill of Rights.

Serenity was diagnosed with leukemia, but only after having been misdiagnosed four times because HMO's were not willing to pay for the cost of full medical diagnostic tests, such as a complete blood count.

After about 2 months, Serenity's father had to take her out of his HMO's network to finally get a proper diagnosis.

But it did not end there, when Serenity returned to the HMO for treatment, she received substandard care. At one point, when Serenity went into remission, she could have been given a bone-marrow transplant that would have increased her chances of survival. Instead, the HMO said a transplant procedure was "expensive" and only reserved as a last-ditch effort. But this delay jeopardized any future transplant, and fatally endangered Serenity's life.

After an exhausting struggle with the HMO, Serenity's father found a hospital outside of the HMO network that could provide proper care for her. But it was too late. Because of their focus on cost instead of care, the HMO created a time delay that resulted in irreversible damage to Serenity's health and caused her premature death.

We cannot let this type of practice continue. Health care decisions belong back in the hands of patients and doctors, not insurance company administrators who are only watching the bottom line.

Serenity's father said it best. "Children deserve to live." No child should ever have to go through what Serenity experienced.

Let us, together, do something about this.

Let us bring compassion back to health care.

Let us put patients first.

Let us pass a meaningful Patients' Bill of Rights.

Mr. PALLONE. Mr. Speaker, the gentleman is absolutely right. What we need is comprehensive Federal reform, and the Patients' Bill of Rights is the best and the most comprehensive managed care bill before the Congress.

I am just hopeful that with this electronic petition drive, that we will convince the Republican leadership and make them understand that they should not waste time, and they have to bring the Patients' Bill of Rights to the floor so we can pass it here, pass it in the Senate, and then send it on to the President, who indicated very strongly on Friday at our rally that he would sign this bill when it gets to his desk.

ONGOING KOSOVO CRISIS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for half of the time remaining before midnight.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight in what I hope will be a nightly discussion in this body on what I think is one of the most dangerous involvements of our military in recent time; that is the ongoing situation in Kosovo.

It is my hope that Members on both sides of the aisle will rise on the House floor at the end of each day's session, as we saw to some extent in the 5-minute special orders today, to discuss the current situation, what our plans are, to interact and engage with the administration, not necessarily in a partisan way, but in a way to look for solutions that bring dignity to the people of Kosovo, that bring stability and sense back to the Balkans, and that provide the best possible course of action for the safety of American soldiers and those who are currently involved and those who might be involved in the Balkan Theater.

Let me first of all say that this should be constructive discussion, again, and should not be based on partisan rhetoric or name calling. Now, with our troops deployed in the air assault, should not be the time for us to tear down past actions even though we may disagree with them. But I think two things are certainly clear that we should make at the beginning of each of our discussions, so that no one can misinterpret the debate or the discussion in this country about America's position in Kosovo.

The first is that no one, including Milosevic, should underestimate America's resolve to stop the torture, the ethnic cleansing and the bloodshed that he has perpetrated on the people of his nation and especially the people of Kosovo. He should understand that Republicans and Democrats are united in their resolve to make sure that he is held accountable for the atrocities that he has perpetrated on innocent people. No one should underestimate our resolve in that area.

The second point that we should make clear at the outset is a simple one and one that we all agree on, and that is that we unequivocally support our troops. They are in harm's way right now. They have our full prayers and blessings. Each and every one of our colleagues in this body and the other body are doing everything possible to give our men and women serving on behalf of this Nation all the support, the resources, the tools, and the equipment and protection they need to carry out their mission.

Those two things are unmistakable. Those two things are not in the debate. We are committed to deal with Milosevic as a Congress and as a country, and we are behind the President in that. We are committed to support our troops in their deployment that they are currently pursuing.

But, Mr. Speaker, I am concerned with some of the rhetoric that I am hearing on the talk shows. I have done appearances on the networks and today with CNN. I am listening to some of my colleagues and some of the discussion from the think tank experts inside the beltway here who are moving very rapidly toward the notion that we should prepare or, if not prepare, that we should actually deploy American troops on the ground.

Mr. Speaker, this is a very dangerous decision that we must consider carefully, completely, and thoroughly. Even though I did not agree with the President's initial position to get us involved in a NATO-sponsored air campaign, I do think that we need to have a discussion about where we go from here.

I think all of us listened to the White House tell us that perhaps a short period of time would transpire, when we started the aerial assault, and then Milosevic would in fact give in. Unfortunately, we are now into weeks instead of days, and there does not seem to appear to be a lessening of Milosevic's resolve.

But before we move into the next phase and prepare or actually send in American ground troops, we in this body had better have some very serious discussion and debate about what our policy is and what it should be, because committing ground troops carries heavy burdens.

I think we still have some other options. The ground troops from America should only be committed as a final resort, as a last resort when we have depleted and used up all other options that are available to us. I am convinced that we have not yet reached that point. In fact, I think we have some very serious things that we could be doing, which I will outline in a few moments.

I also want to make the point very clearly, Mr. Speaker, that when our colleagues and when the pundits inside the beltway talk about deploying our troops, they need to understand what that means. It is too easy for Members of Congress to say "send in the troops." These are not robots we are talking about. These are human beings. They are the sons and the daughters and the moms and dads of the American people.

When we commit our young people and our military personnel to go into harm's way, we had better have thought through the actual activity for which they are going to be involved. We better think about the objectives. We better think about the danger to their lives.

In fact, Mr. Speaker, my concern is that some of the people inside of this beltway want to commit our troops too quickly, and that has resulted in a terrible problem that we are not now trying to deal with within the military.

In fact, let me show a chart here, Mr. Speaker, which I think sums up the situation very well. In the years from World War II until 1990 and 1991, all of the commanders in chief during that time period that started with Dwight D. Eisenhower and Harry Truman and then went on to John Kennedy and Lyndon Johnson, Jimmy Carter and Ronald Reagan and George Bush, in all of those years, under all of those Presidents, Republicans and Democrats alike, they committed our troops just 10 times, 10 deployments in 40 years, only where it was absolutely essential to put our troops in harm's way.

From 1991 until today with the Kosovo deployment, we have seen our troops deployed 33 times. Ten times in 40 years, 33 times in the last 8 years.

Mr. Speaker, none of these 33 deployments were budgeted for or paid for in advance. The cost for all of these deployments came out of an already decreasing defense budget. Bosnia up until now has cost the American taxpayers $10 billion. All of that had to be eaten out of other defense requirements and priorities or had to be funded through special supplemental appropriations.

Kosovo, in the short period of time we have been deployed there, has cost the American taxpayer $2 billion, and the daily price tag for Kosovo is increasing exponentially.

Members of Congress and pundits in Washington who are quick to want to commit our troops to this 33rd ground deployment need to understand that we have not identified, first of all, a way to pay for this operation.

But that is not the largest issue involved here, Mr. Speaker. Because we have deployed our troops 33 times in 8 years, because we have sent our troops from Macedonia, to Bosnia, to Somalia, to Haiti, to domestic situations, from Kuwait to now the deployment in Kosovo, the morale among our young people in the military is starting to suffer.

Today, Mr. Speaker, the retention rate for pilots in the Navy and the Air Force is the lowest it has been since World War II. The Army is having such a difficult time recruiting young people to go into the Army that they are now resorting to lowering the threshold. Secretary Caldera has suggested that we should now allow non-high school graduates to sign up for Army service. In fact, we have Navy ships at sea today who are 600 and 700 sailors short from the required optimum strength that they should be carrying in the deployments that they are completing.

These situations are not happening in a vacuum, Mr. Speaker. They are happening because of this deployment rate of committing our troops month after month around the world in a number of situations which requires these young people to be away from their families and children for much longer periods of time.

In addition to morale problems, the cutbacks in our funding necessary to pay for these deployments are causing us to stretch out programs so that we are not modernizing our military the way we should.

I understand that President Clinton will be, or maybe he did today deliver a speech to our B-52 pilots. I am glad he did that. It is important to let them know that we are behind them. But I wish the President would address to them the fact that those B-52s are going to be flying when they are 75 years old because we have not provided the funding to replace those aircraft in a more timely manner.

That is the real tragedy of what we are doing with our rapid deployment, with our increased OPTEMPO rate, and yet not providing the support to maintain the readiness of our troops that they so desperately need.

All of those factors must be considered in the equation of whether or not America should put ground troops into Kosovo. I think it is a very serious challenge that we have ahead of us, Mr. Speaker, in considering whether or not we should support the administration's efforts to move forward with a multinational ground force, especially one that involves U.S. troops.

We need to understand that unless this Congress is prepared to address the issues that are causing morale problems in the services today, that are causing retention rates to be at the lowest point ever, to cause young military personnel to want to leave the service instead of reenlisting, then we have got a major problem.

□ 2245

I would challenge our colleagues, Mr. Speaker, that are so adamant today about committing ground troops. Are they prepared to support the reinstatement of the draft if we continue to have problems with young people not signing up for the military? Are they willing to vote to reinstate the draft, as we did during the Vietnam War, to suck young people in, to force them to go into combat?

That could be the need if we continue to have the problems that we are having because of the deployment of troops today around the world, troops that continue to provide cover in Haiti, continue to be in Bosnia, continue to be in Somalia, continue to be in Kuwait, continue to be in Macedonia, and now may be expected to go into Kosovo perhaps even in large numbers.

Mr. Speaker, I think the Kosovo deployment that is being talked about now by the U.N., whether it is under the title of peacekeeping or a military force, is going to involve conflict, it is going to involve hostile actions, it is going to involve casualties, and it is going to involve loss of life. Before we make that commitment, this Congress needs to make sure that we have explored every other option.

Mr. Speaker, I come to the House floor tonight because I do not think we have explored every other option. I want to present one and I want to challenge the administration tonight to follow through on my suggestion.

Mr. Speaker, as many of our colleagues know, I focus a lot of my time on dealing with Russia. I formed and I chair the congressional initiative between our Congress and the Russian parliament, the State Duma. I have been to Russia a number of times. I host members of the Duma when they come to Washington, and I interact with Duma leaders on a regular basis. In fact, of the 450 members of the State Duma, I know over 150 members personally, including the leaders of all the seven main factions that lead the State Duma in their deliberations.

In fact, I was supposed to speak at Harvard University before the end of April to the visiting class of Duma deputies that Harvard runs a training program for each year to give them the orientation of the way our Congress works in America so that the Russian Duma can learn from our experiences.

Last week, the Russian Duma canceled the next visit that they were planning to make to Harvard. They canceled that visit because of the Kosovo situation. Last week, Mr. Speaker, I talked to my friend in the Duma on the phone, after having met with a couple of Russian leaders in person at a conference last week in Philadelphia.

One of my friends who is a senior leader of the support of the Russian Duma told me that in the 7 years since the reforms in Russia he had never seen the hostile feelings toward America as he is seeing right now because of Kosovo. In fact, he told me that almost every Duma deputy from the radical fringe of the communist and the LDPR's Zhirinovsky faction to the moderate members of the Duma and Yabloko faction, every member of the Duma is expressing outrage, outrage not only at the continual bombing in Kosovo, the bombing of Serbia, but outrage that Russia was not brought into a fuller dialogue in trying to find a way to end this crisis.

In fact, one of my friends told me that it is a dangerous situation in Russia right now. With President Yeltsin having illness problems and, I think, widely acknowledged as not being in total control of what is happening in Russia, there is more and more feeling that Russia may do things that create serious instability between the U.S. and Russia. That would be an international tragedy.

If Russia were to start supplying military equipment to the Serbians or if Russia were to even think about providing support in terms of forces to the Serbs, we would have a very, very dangerous and volatile situation.

We need to understand, Mr. Speaker, that there are some alternatives, and at least one that should be pursued. I understand that the President's initial action through NATO was to have the NATO countries, through a massive air campaign, bomb Milosevic into submission. Up until now, that has not worked. It may work in the future. And according to our President, we are in there for the long haul. That is going to be a terrible price we are going to pay both in terms of destruction to innocent people and buildings, also in terms of dollar investments on the part of the U.S.

My concern is that if we do not think through this process, we could see a situation where Russia could enter this conflict on the other side. I have no doubt that we would be victorious and that we would win any such battle. But, Mr. Speaker, we do not want Kosovo to be the start of a world war or a major conflict involving two nations with very capable nuclear weapons.

On Friday evening, Mr. Speaker, I received a telephone call from two of my friends in Russia who are involved in the State Duma. They had faxed to me earlier that day a memo asking if I would review a preliminary plan that they had put together that would perhaps provide a solution to end the hostilities in Kosovo. I read the document. I talked to the individuals on the telephone. I assessed their feelings about the Duma rallying behind this initiative. And then I called senior leaders in the administration to let them know that this had occurred and that I thought it was worthy of consideration.

Over the weekend, I had additional discussions. Today I talked to Members on both sides of the aisle, senior leaders of both parties, about their thoughts on the ideas presented by the members of the Russian Duma for our consideration. The individuals who called me, Mr. Speaker, asked me to give them my response about whether or not their ideas are realistic to begin a discussion.

Mr. Speaker, I think their ideas are worthy of consideration, and I encourage the administration to move in beginning negotiations which we could assist with in the Congress in terms of supporting, finding a new solution to the hostilities in Kosovo.

First of all, Mr. Speaker, the Russian side proposed to me that Russia would guarantee to the international community that no more ethnic homicide or ethnic cleansing would be carried on in Kosovo. The Russian side would guarantee that to the international community.

The second initiative that was proposed by the Russian side was that Russia would see that Milosevic agreed to the agreements reached at the contact working group of the NATO coalition in Rambouillet. So the Russians were proposing as their second condition that Milosevic come to the table agreeing to the Rambouillet accords, which the President has said are critical.

The one caveat that they mentioned was that they thought that the international peacekeeping force that would be put into Kosovo to guarantee the security and the stability for the Kosovars to make sure that conflict ended and to guarantee the rights of those citizens would not involve the militaries of any of those nations that are today bombing Serbia, that those nations that would make up the ground forces to implement the agreement and the Rambouillet accord would come from nations that are not today involved in direct hostilities against the Serbs.

In fact, the Russians even proposed some example countries. They suggested perhaps that these troops could come from Poland, the Netherlands, Greece, Albania, even Russia itself, and other European nations who have not been involved in the bombing campaign against the Serbs.

Mr. Speaker, I think that makes absolute sense to have a multinational force to enforce the accords that were reached in Kosovo to protect the Kosovars, overseen by troops from countries that are not involved in the hostilities today, who would then report to NATO as to the progress of enforcing the agreed-upon arrangements that were negotiated under NATO's leadership.

The third recommendation that the Russians proposed to me, Mr. Speaker, was that we establish a bilateral commission, a bilateral commission that in fact would be assembled in an informal way to monitor the Albanian Government's compliance, the Serbian Government's compliance with the agreed-upon framework established by NATO so that the parliamentarians of both nations would be involved. Not to set foreign policy, not to overrule or supersede the authority of the one leader we have in America, and that is our President, but to make sure from a parliamentary standpoint that all aspects of both governments, both parties in this country and all seven factions in Russia were, on a daily basis, monitoring the compliance to the peace accords that had been reached, which Milosevic would have agreed to.

Mr. Speaker, I think these initiatives are worthy of discussion. I think these initiatives are the direction that we should be going in terms of dialoguing with Russia about the situation in Kosovo and our relationship with Serbia. I am not saying it is the end-all or the cure-all or a perfect solution. But this is far better to talk about than to talk about preparing Americans to go into a ground war campaign and to look at killing more lives.

Someone at some point in time is going to have to pay to rebuild Serbia and Kosovo. We need to understand that it should be our top priority today to find a peaceful way out of this conflict that allows dignity and respect for NATO, that allows dignity and respect for the process that we use, that allows Russia to regain the dignity in their relationship in the past with Serbia, and that shows Milosevic that neither Russia nor the U.S. nor the allied nations will tolerate the kind of actions that he has perpetrated on the people of Kosovo.

That is the opportunity, Mr. Speaker, that we have right now.

I have offered to my Russian friends to engage them wherever that might take place. They have talked about coming here. If need be, we could go there. But we need to find a way to proactively engage Russia in this solution.

I also think there is one other point that we should make, Mr. Speaker. The American taxpayers each year put approximately $600 million to $1 billion of U.S. tax money into the Russian economy. We do it through the cooperative threat reduction. We do it through economic development assistance through the Department of Commerce. We do it through the Defense Department with joint military programs and exchanges. We do it through the Environmental Protection Agency through environmental initiatives. We do it through a multitude of agencies and operations of the Federal Government.

Not only do I think it is in our interest to have Russia be more involved, I think Russia has a responsibility. America has been very helpful in securing additional funding for the replenishment of the IMF so that Russia can continue to work economically. America has been very aggressive in helping Russia deal with environmental problems, nuclear stabilization. In fact, the President just proposed this year an increase of $1.4 billion over 5 years to further help Russia stabilize its nuclear arsenal.

It is time that we called Russia in, not just through a long distance phone call, but in a real and substantive way, with all factions involved, from the radical left to the radical right, in helping us solve the problem of Kosovo in a way that reduces the risk of losing more lives, of damaging more property, and in a way that could lead to a further escalation of conflict.

□ 2300

So, Mr. Speaker, I rise tonight and I challenge the administration to take up the challenge that was given to me by my Russian friends who want to see us find a peaceful way, a peaceful way out of what is becoming a terrible tragedy and yet a peaceful way that recognizes that Milosevic is dead wrong and must be dealt with in an aggressive, firm way. There is still that possibility. We must take up that effort. And we must stop the talking about a ground war operation, a ground campaign and subjecting young Americans in a way that is going to cost lives and cause serious hardship for American families.

REGARDING THE CRISIS IN KOSOVO

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous order for 5 minutes is vacated and the gentleman from California (Mr. SHERMAN) is recognized for not beyond midnight.

There was no objection.

Mr. SHERMAN. Mr. Speaker, like the gentleman before me who stood before this House, the distinguished gentleman from Pennsylvania, I rise to address this House regarding the crisis in Kosovo, and my speech will echo some of the themes that he addressed, particularly at the end of his presentation.

Mr. Speaker, our actions in Kosovo are motivated by the highest level of idealism. We are willing to spend our treasure and, much more importantly, risk the lives of our men and women, to prevent atrocities and to assure that the Albanian Kosovars will be able to live in peace and with autonomy.

In some foreign capitals, they simply cannot believe this level of idealism. They are scurrying to find some ulterior motive. But those who understand America know that we are in Kosovo motivated by that idealism and certainly not motivated out of a desire to have some interest in some mineral resources less valuable than a single B-2 bomber. We who understand America and understand American idealism, know that that idealism will be expressed through our government.

Yet even in such a great idealistic undertaking, we must establish a realistic strategy. We must make sure that our idealistic motivations do not cloud our judgment. And here, Mr. Speaker, I would like to contrast realism with blinding idealism.

In a more ideal world, Kosovo would be the only place of tragedy and atrocity. But realistically we should note that the government of Sudan has killed 2 million of its African citizens, and that killing continues tonight; that 800,000 Tutsis were killed in Rwanda; and there are continuing mass murders on an enormous scale in the Congo, Myanmar and elsewhere.

In an ideal world, we could hope to easily restore Kosovo as a multiethnic, semiautonomous region. Realistically it is unlikely that Albanians and Serbs will live in harmony in the absence of an outside force. And it is just as unlikely that the Kosovars will renounce their goal of independence.

A blind idealist might see the world as pure good versus pure evil. Yet the Serbs, who we vilify today, were just a few years ago themselves victims of ethnic cleansing. Some 180,000 Serbs who had lived for centuries in Croatia were expelled from that country—while America said nothing, and did nothing. And the Kosovar Albanians, who are pictured today as the embodiment of all ideal virtue—we must remember that they are tragic victims of present circumstance—but they are represented in large part by the KLA, the Kosovo Liberation Army, an organization that the United States Government has described as terrorist, an organization that may have alliances with Iran, with Osama Bin Laden, and even with drug dealers.

Blind idealism would cause us to demand the maximum possible objective and believe that we could achieve that objective with the minimum force. Yet realism requires us to adopt perhaps more limited objectives consistent with the future safety of the Albanian Kosovars. And realism demands that we marshal the substantial force which may be necessary to achieve any realistic objective.

Mr. Speaker, I believe that we should take three steps.

The first echoes the comments of the gentleman from Pennsylvania. I believe that we should involve Russia in the diplomatic efforts to the maximum possible degree. Russia may be able to pull the Serbs to a negotiating position that is more realistic, and more just, than the position that Milosevic insists upon taking at the present time.

Russian involvement in both diplomacy and in peacekeeping offers a face-saving method for Milosevic to make major concessions.

Now, I know that there are those who will stand before this House and who will say we should not be negotiating with Milosevic, we should be seeking to dispose of him. But I would point out that we are still waiting for someone to dispose of Saddam Hussein. And in a realistic world, we must try to bring an end to the mass murder as quickly as possible.

Involving Russia is important beyond the events at hand. Ten years from now, Kosovo may be nearly forgotten if we are successful in bringing peace today, but Russia will continue to be a critical nuclear-armed state, and treating Russia with respect now will be important in our relationship with Russia in the future. And we should remember that 85 years ago, Russia mobilized its army in support of Serbia in events that led immediately to World War I.

Tomorrow, Secretary Albright will meet with Igor Ivanov, the Foreign Minister of Russia. That meeting will take place in Oslo. Hopefully this is the first step toward the maximum possible involvement of Russia in bringing peace to Kosovo.

Second, we should signal now that we are willing to reach peace on the basis that the Rambouillet agreement would apply to roughly 80 percent of Kosovo territory rather than all of Kosovo.

No one denies that the Serbs have rights in Kosovo. They represented over 10 percent of the Kosovo population even today. When I say "today," I mean before the tragic recent events. Kosovo has been part of Serbia for centuries, and Kosovo is the religious and cultural birthplace of the Serbian nation. In fact, the Rambouillet agreement itself seeks to recognize Serb rights by stating that Kosovo would remain part of Serbia.

By leaving Serbs in control of the historically and religiously significant sites, including the original seat of the Serbian Orthodox Church, the most important of the monastery lands, and the battlefield of Kosovo Polje, on which the Serbs fought the Turks in the 14th century, we can make an offer that the Serbs can accept. Or, rather, Russia can make an offer that both sides can accept. In contrast, no Serb government, even one without Milosevic, even after 20 days of bombing, could accept the current Rambouillet agreement which the Serbs, and many other observers, believe would end all Serbian rights in all of Kosovo.

Certainly the Kosovar Albanians who represent roughly 85 percent of the population before the recent tragedy could live far better in roughly 80 percent of Kosovo's territory, protected by NATO troops as compared to asking those same people to live in refugee camps.

Third, we should begin training an army of Kosovar Albanians. This army should be independent of the KLA, and for now U.S. troops should control custody of the weapons while the training proceeds.

Milosevic may not believe that bombing will compel his departure from Kosovo, and he may not believe that NATO troops are willing to risk casualties in ground combat. But if there is an Albanian army being trained, then even Milosevic will know that there will be a ground force willing to absorb combat casualties which could be deployed in a matter of months.

☐ 2310

This will hopefully impel him to negotiate now.

The administration asserts that bombing alone will bring Milosevic to his knees. If this is true, then we can cease the training operation and retain custody of the weapons without affecting the long term future of the Balkans.

There are those who insist that we try to achieve the maximum objective, Rambouillet applied to all of Kosovo with the minimum involvement of the Kosovars themselves. They advise deploying NATO troops while not even training the Kosovars. This approach is not only dangerous for our service men and women, it is also dangerous for our foreign policy. If we deploy NATO troops into hostilities, and if casualties rise to the point where the American public, or the German public, or the French public, or the British public demand the withdrawal of their Nation's soldiers, then the NATO alliance will be broken and Milosevic may prevail. If that occurs, then every tyrant and mass murderer in the world will feel that he can act with impunity. The Vietnam syndrome and the Somalia syndrome will return.

Mr. Speaker, we need the option, sometime in the near future, of being able to deploy a well-trained, well-armed force of Albanians—a force willing to take casualties because they are fighting for their own homes. Hopefully, by negotiating from strength we can achieve an agreement that will eliminate the need to deploy any combatant ground troops, NATO or Kosovar.

In conclusion, the American people have shown a willingness to commit their treasure, and more importantly the lives of their sons and daughters, to preventing atrocities and ameliorating tragedies. If we realistically define our objectives and if we prepare to use all of the tools at our disposal, we will secure a reasonable life for the Kosovars, and we will inspire the American people to support limited, realistic efforts to stopping atrocities in Sudan, Myanmar, the Congo and elsewhere. If instead we devote inadequate resources to an effort to achieve an absolute idealistic objective, we may fail, and that would be a tragedy for those service men and women who die in such an effort. It will be a tragedy for the Kosovars, and it would be a tragedy for the victims of atrocities around the world.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. GEJDENSON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DEAL of Georgia, for 5 minutes, on April 13.

Mr. BURTON of Indiana, for 5 minutes each day, today and on April 13, 14, 15 and 16.

Mr. JONES of North Carolina, for 5 minutes, on April 13.

Mr. GOODLING, for 5 minutes each day, today and on April 13.

Mr. WICKER, for 5 minutes, on April 13.

Mr. PAUL, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, on April 13.

Mrs. CHENOWETH, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 243. An act to authorized the construction of the Perkins Country Rural Water System and authorized financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Resources.

S. 278. An act to direct the Secretary of the Interior to convey certain lands to the country of Rio Arriba, New Mexico; to the Committee on Resources.

S. 292. An act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance; to the Committee on Resources.

S. 293. An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College; to the Committee on Resources.

S. 334. An act to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Commerce.

S. 382. An act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes; to the Committee on Resources.

S. 422. An act to provide for Alaska state jurisdiction over small hydroelectric projects; to the Committee on Commerce.

S. 756. An act to provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year; to the Committee on Agriculture.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles;

On March 26, 1999:

H.R. 774. To amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program.

H.R. 808. To extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

H.J. Res. 26. Providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 27. Providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 28. Providing for the reappointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

On March 31, 1999:

H.R. 171. To authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes.

H.R. 193. To designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System.

H.R. 705. to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives.

H.R. 1212. To protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year.

ADJOURNMENT

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 13, 1999, at 9:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1302. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Table Grapes (European or Vinifera Type); Grade Standards [Docket Number FV–98–302] received March 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1303. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cinnamaldehyde; Exemption from the requirement of a Tolerance; Correction [OPP–300769A; FRL–6069–2] (RIN: 2070–AB78) received March 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1304. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clopyralid; Extension of Tolerance for Emergency Exemptions [OPP–300802; FRL–6066–2] (RIN: 2070–AB78) received March 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Extension of Tolerance for Emergency Exemptions [OPP–300808; FRL 6066–9] (RIN: 2070–AB78) received March 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1306. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Norflurazon; Extension of Tolerance for Emergency Exemptions [OPP-300803; FRL-6063-2] (RIN: 2070-AB78) received March 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1307. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting notification of the 1999 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix; to the Committee on Agriculture.

1308. A communication from the President of the United States, transmitting a report requesting transfers from the Information Technology Systems and Related Expenses account, pursuant to Public Law 105–277 (H. Doc. No. 106—49); to the Committee on Appropriations and ordered to be printed.

1309. A letter from the Director, Administration and Management, Department of Defense, transmitting the calendar year 1998 report on "Extraordinary Contractual Actions to Facilitate the National Defense," pursuant to 50 U.S.C. 1434; to the Committee on Armed Services.

1310. A letter from the Principal Deputy, Under Secretary of Defense, transmitting the Selected Acquisition Reports (SARS) for the quarter ending December 31, 1998, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

1311. A letter from the Director, Congressional Budget Office and Director, Office of Management and Budget, Congressional Budget Office and Office of Management and transmitting a joint report on the technical assumptions to be used in preparing estimates of National Defense Function (050) fiscal year 2000 outlay rates and prior year outlays, pursuant to Public Law 101–189, section 5(a) (103 Stat. 1364); to the Committee on Armed Services.

1312. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting a report on the estimated amount of savings, supporting rationale for allowing restructuring costs, and other information associated with restructurings; to the Committee on Armed Services.

1313. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting a report entitled "Current DOD Demonstration Program to Improve the Quality of Personal Property Shipments of the Armed Forces, Interim Progress Report"; to the Committee on Armed Services.

1314. A letter from the Alternate OSD Federal Register, Liaison Officer, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment Procedures (RIN: 0720–AA48) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1315. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting the authorization for the procurement by the Department of Defense of articles containing para-aramid fibers and yarns manufactured in the Netherlands; to the Committee on Armed Services.

1316. A letter from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting notification that the Department of the Army is pursuing a multiyear procurement for the Longbow Hellfire missile for FY 1999 through FY 2003, pursuant to Public Law 105-261; to the Committee on Armed Services.

1317. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Employment Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies [DFARS Case 97–D020] received March 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1318. A letter from the Comptroller, Department of Defense, transmitting notification that the Department of the Navy is pursuing a multiyear procurement for the E–2C "Hawkeye" aircraft for FY 1999 through FY 2003; to the Committee on Armed Services.

1319. A letter from the Senior Civilian Official, Office of the Assistant Secretary Of Defense, Department of Defense, transmitting an interim report describing the plans for evaluating Year 2000 capabilities of DoD systems within operational environments; to the Committee on Armed Services.

1320. A letter from the Assistant Secretary for Health Affairs, Department of Labor, transmitting a report on the establishment of an appeals process for TRICARE Claimcheck denials, pursuant to Public Law 105–261; to the Committee on Armed Services.

1321. A letter from the Director, Office of Management and Budget, transmitting a report on government-wide spending to combat terrorism, pursuant to Public Law 105–85; to the Committee on Armed Services.

1322. A letter from the Secretary of Defense, transmitting an assessment of the technical and operational aspects of the Airborne Laser Program to the Congress, pursuant to Public Law 105–736; to the Committee on Armed Services.

1323. A letter from the Under Secretary of Defense, transmitting a report regarding the designation of ten "Pilot Programs for Testing Program Manager Performance of Product Support Oversight Responsibilities for Life Cycle of Acquisition Programs."; to the Committee on Armed Services.

1324. A letter from the Secretary of Housing and Urban Development, transmitting notification that it is estimated that the limitation on the Government National Mortgage Association's ("Ginnie Mae's") authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 nt.; to the Committee on Banking and Financial Services.

1325. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Certificate and Voucher Programs Conforming Rule; Technical Amendment [Docket No. FR–4054–C–04] (RIN: 2577–AB63) received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1326. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Real Estate Settlement Procedures Act (RESPA) Statement of Policy 1999–1 Regarding Lender Payments to Mortgage Brokers [Docket No. FR–4450–N–01] (RIN: 2502–AH33) received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1327. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Agency Plans [Docket No. FR–4420–I–01] (RIN: 2577–AB89) received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1328. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flodd Elevation Determinations—received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1329. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7281] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1330. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1331. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7276] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1332. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1333. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—Recieved March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1334. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Insurance Coverage and Rates (RIN: 3067–AC96) received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1335. A letter from the Assistant Secretary for Postsecondary Education, Department of Education, transmitting final priorities and invitation for applications for new awards for fiscal year (FY) 1999, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1336. A letter from the Assistant Secretary of Labor, Department of Labor, transmitting the Department's final rule—Dipping and Coating Operations (RIN: 1218–AB55) [Docket No. S–022] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1337. A letter from the Acting Director, Office of the Acquisition Advocate, Department of Labor, transmitting the Department's final rule—Audit Requirements: Grants, Contracts, and Other Agreements and States, Local Governments, and Non-Profit Organizations (RIN: 1291–AA26 and 1291–AA27) received March 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1338. A letter from the Secretary, Department of Labor, transmitting copies of the 1998 reports of the Department's Advisory Council for Employee Welfare and Pension

Benefit Plans; to the Committee on Education and the Workforce.

1339. A letter from the Secretary, Department of Health and Human Services, transmitting the annual report to Congress on the implementation of the authority and use of fees collected under the Prescription Drug User Fee Act of 1992, pursuant to 21 U.S.C. 379g nt.; to the Committee on Commerce.

1340. A letter from the Associate Administrator, Office of Telecommunication and Information Applications, NTIA, Department of Commerce, transmitting the Department's final rule—Public Telecommunications Facilities Program: Closing Date [Docket No. 990302059–9059–01] (RIN: 0660–ZA07) received March 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1341. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's "Major" final rule—Federal Motor Vehicle Safety Standards; Child Restraint Systems; Child Restraint Anchorage Systems [Docket No. 98–3390, Notice 2] (RIN: 2127–AG50) received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1342. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution From New Motor Vehicles; Compliance Programs for New Light-duty Vehicles and Light-duty Trucks [FRL–6312–9] (RIN: 2060–AH05) received March 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1343. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Yolo-Solano Air Quality Management District, Monterey Bay Unified Air Pollution Control District, South Coast Air Quality Management District, Santa Barbara County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, and Kern County Air Pollution Control District [CA 195–0101a; FRL–6235–8] received March 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1344. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dayton, Washington and Weston, Oregon) [MM Docket No. 98–90, RM–9270] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1345. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Review of International Common Carrier Regulations [IB Docket No. 98–118] received March 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1346. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Serving Sizes; Reference Amount for Baking Powder, Baking Soda, and Pectin [Docket No. 94P–0240] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1347. A letter from the Deputy Executive Secretary, Food and Drug Administration, transmitting the Administration's final rule—Over-The-Counter Human Drugs; Labeling Requirements [Docket Nos. 98N–0337, 96N–0420, 95N–0259, and 90P–0201] (RIN: 0910–AA79) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1348. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Nutrient Content Claims, Definition of Term: Healthy; Extension of Partial Stay [Docket Nos. 96P–0500 and 91N–384H] (RIN: 0910–AA19) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1349. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Policy and Procedure for NRC Enforcement Actions; Interim Enforcement Policy for Generally Licensed Devices Containing Byproduct Material [NUREG–1600, REV.1] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1350. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Transition Rule for Ohio Investment Advisers [Release No. IA–1794; File No. S7–2–99] (RIN: 3235–AH60) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1351. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 99–11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1352. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia [Transmittal No. DTC 39–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1353. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on chemical and biological weapons proliferation control efforts for the period of February 1, 1998 to January 31, 1999, pursuant to Public Law 102–182, section 308(a) (105 Stat. 1257); to the Committee on International Relations.

1354. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Accountability Review Board report and recommendations concerning serious injury, loss of life or significant destruction of property at a U.S. mission abroad, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

1355. A communication from the President of the United States, transmitting his notification directing U.S. Armed Forces to commence a series of air strikes in the Federal Republic of Yugoslavia (FRY) in response to the FRY government's continued campaign of violence and repression against the ethnic Albanian population in Kosovo; (H. Doc. No. 106–42); to the Committee on International Relations and ordered to be printed.

1356. A communication from the President of the United States, transmitting an update on the report submitted on March 26, 1999 with regards to the participation of U.S. military forces in a series of air strikes conducted by NATO in the Federal Republic of Yugoslavia; (H. Doc. No. 106–45); to the Committee on International Relations and ordered to be printed.

1357. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Weapons of Mass Destruction Trade Control Regulations: Implementation of Executive Order 13094—received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1358. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—Direct Investment Surveys: Raising Exemption Level for Annual Survey of Foreign Direct Investment in the United States (RIN: 0691–AA32) received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1359. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendments to the International Traffic in Arms Regulations (ITAR): Control of Commercial Communications Satellites on the United States Munitions List—received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1360. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–23, "Apostolic Church of Washington, D.C. Equitable Real Property Tax Relief Temporary Act of 1999" received March 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1361. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–22 "Real Property Tax Reassessment and Cold Weather Eviction Temporary Amendment Act of 1999" received March 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1362. A letter from the Chairman of the Board, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1363. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List, Additions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1364. A letter from the Director, Division of Commissioned Personnel, Department of Health and Human Services, transmitting transmitting the annual report disclosing the financial condition of the Retirement Plan and Annual Report as required by Public Law 95–595, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

1365. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Service Administration Acquisition Regulation; Small Business Subcontracting Program [APD 2800.12A, CHGE 82] (RIN: 3090–AG96) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1366. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the National Labor Relations Board's (NLRB's) 2000 Performance Plan, pursuant to Public Law 103–62; to the Committee on Government Reform.

1367. A letter from the Chairman, National Transportation Safety Board, transmitting a copy the report of the Consumer Product Safety Commission in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1368. A letter from the Administrator, Small Business Administration, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1997, through September 30, 1997, and the semiannual report of Management's Final Actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1369. A letter from the Chief, Customer Liaison Branch, U.S. General Services Administration, transmitting the annual Federal Procurement Report for fiscal year 1997; to the Committee on Government Reform.

1370. A letter from the Chairman, Federal Election Commission, transmitting 3 recommendations for legislative action, pursuant to 2 U.S.C. 437d(d)(2); to the Committee on House Administration.

1371. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—North Dakota Regulatory Program [ND-035-FOR, Amendment No. XXV] received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1372. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Abandoned Mine Land Reclamation Program; Pennsylvania Regulatory Program [PA-121-FOR] received March 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1373. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the 1997 Section 8 Report on National Natural Landmarks that have been damaged or are likely to be damaged; to the Committee on Resources.

1374. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 981222314-8321-02; I.D. 030599C] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1375. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, transmitting the Service's final rule—Seasonal Closure of the Moose Range Meadows Public Access Easements in the Kenai National Wildlife Refuge (RIN: 1018-AE58) received March 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1376. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, transmitting the Service's final rule—Regulations for Administrative and Visitor Facility Sites on National Wildlife Refuges in Alaska (RIN: 1018-AE21) received March 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1377. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under the Immigration and Nationality, as Amended; Photograph Requirement—received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1378. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting the Administration's final rule—Schedules of Controlled Substances: Placement of Modafinil Into Schedule IV [DEA–17F] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1379. A letter from the Secretary of Transportation, transmitting the National Plan of Integrated Airport Systems (NPIAS), pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

1380. A letter from the Vice President, Government Affairs, Amtrak, transmitting the 1998 Annual Report, and Amtrak's FY 2000 Legislative Report and Grant Request, pursuant to 12 U.S.C. 1701y(f)(2); to the Committee on Transportation and Infrastructure.

1381. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Defiance, OH [Airspace Docket No. 98–AGL–67) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1382. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Lima, OH [Airspace Docket No. 98–AGL–69] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1383. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Tiffin, OH [Airspace Docket No. 98–AGL–70] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1384. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Napoleon, OH [Airspace Docket No. 98–AGL–72] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1385. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Belle Plaine, IA [Airspace Docket No. 98–ACE-51] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1386. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Maquoketa, IA [Airspace Docket No. 98–ACE–50] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1387. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Burlington, IA [Airspace Docket No. 98–ACE–56] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1388. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Pilot Responsibility for Compliance With Air Traffic Control Clearances and Instructions—received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1389. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; BRYAN, OH [Airspace Docket No. 98–AGL–68] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1390. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Jet Route J-42 [Airspace Docket No. 97–AEA–29] (RIN: 2120–AA66) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1391. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Restricted Area R–5704 Hermiston, OR [Airspace Docket No. 98–ANM–23] (RIN: 2120–AA66) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1392. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29501; Amdt. No. 1921] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1393. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 330J Helicopters [Docket No. 97–SW–42–AD; Amendment 39–11092; AD 99–07–07] (RIN: 2120–AA64) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1394. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule—Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and Internatinal Civil Aviation Organization's Technical Instructions [Docket No. RSPA–98–4185 (HM–215C)] (RIN: 2137–AD15) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1395. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Port Clinton, OH [Airspace Docket No. 98–AGL–73] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1396. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Grand Rapids, MI [Airspace Docket No. 98–AGL–77] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1397. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kelleys Island, OH [Airspace Docket No. 98–AGL–74] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1398. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E airspace; Shelbyville, IN [Airspace Docket No. 98–AGL–80] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1399. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Steubenville, OH [Airspace Docket No. 98–AGL–65] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1400. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Toledo, OH [Airspace Docket No. 98–AGL–71] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1401. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Adrian, MI [Airspace Docket No. 98–AGL–66] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1402. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Washington, IA [Airspace Docket No. 99–ACE–18] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1403. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Glencoe, MN [Airspace Docket No. 98–AGL–76] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1404. A letter from the Attorney, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Serbia-Montenegro [Docket No. 29508; Special Federal Aviation Regulation (SFAR) No. 84] (RIN: 2120–AG78) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1405. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe Aerospatiale Model TBM 700 Airplanes [Docket No. 99–CE–08–AD; Amendment 39–11096; AD 99–07–11] (RIN: 2120–AA64) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1406. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Change Using Agency for Restricted Areas; FL [Airspace Docket No. 98–ASO–21] (RIN: 2120–AA66) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1407. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes [Docket No. 98–CE–97–AD; Amendment 39–11095; AD 99–07–10] (RIN: 2120–AA64) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1408. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3201 Airplanes [Docket No. 98–CE–91–AD; Amendment 39–11094; AD 99–07–09] (RIN: 2120–AA64) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1409. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA. 315B Helicopters [Docket No. 98–SW–57–AD; Amendment 39–11093; AD 99–07–08] (RIN: 2120–AA64) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1410. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes [Docket No. 96–NM–256–AD; Amendment 39–11090; AD 99–07–05] (RIN: 2120–AA64) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1411. A letter from the Chief, Regs and Admin Law, USCG, DOT, Department of Transportation, transmitting the Department's final rule—Safety Zone: Chesapeake Bay, Patapsco River, Inner Harbor, Baltimore, Maryland [CGD05–99–009] (RIN: 2115–AA97) received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1412. A letter from the Chief, Regs and Admin Law, USCG, DOT, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; 1D48 Chesapeake Grand Prix Round-the-Buoys Races [CGD 05–99–012] (RIN: 2115–AE46) received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1413. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Perryville, MO [Airspace Docket No. 99–ACE–1] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1414. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Palmyra, NY [Airspace Docket No. 99–AEA–03] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1415. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Mexico, MO [Airspace Docket No. 99–ACE–4] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1416. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Grand Island, NE [Airspace Docket No. 99–ACE–2] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1417. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes, and Model MD–88 Airplanes [Docket No. 98–NM–166–AD; Amendment 39–11099; AD 99–07–14] (RIN: 2120–AA64) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1418. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft-manufactured Model CH–54A Helicopters [Docket No. 97–SW–60–AD; Amendment 39–11102; AD 99–07–16] (RIN: 2120–AA64) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1419. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes [Docket No. 98–NM–219–AD; Amendment 39–11098; AD 99–07–13] (RIN: 2120–AA64) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1420. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes [Docket No. 97–NM–87–AD; Amendment 39–11097; AD 99–07–12] (RIN: 2120–AA64) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1421. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc.-manufactured Model HH–1K, SW204, SW204HP, SW205, SW205A–1, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P Helicopters [Docket No. 98–SW–31–AD; Amendment 39–11101; AD 99–07–15] (RIN: 2120–AA64) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1422. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 98–NM–265–AD; Amendment 39–11100; AD 99–02–18 R1] (RIN: 2120–AA64) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1423. A letter from the Acting Chief, Office of Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Florida [CGD07–98–083] (RIN: 2115–AE47) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1424. A letter from the Acting Chief, Office of Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Safety Zone: Bergen County United Way Fireworks, Hudson River, Manhattan, New York [CGD01–99–018] (RIN: 2115–AA97) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1425. A letter from the Acting Chief, Office of Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ward Cove, Tongass Narrows, Ketchikan, AK [COTP Southeast Alaska 99–001] (RIN: 2115–AA97) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1426. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule—Second Extension of Computer Reservations Systems Regulations [Docket No. OST–99–5132] (RIN: 2105–AC75) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1427. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C, L, L1, and L2 Helicopters and Model SA 330F, G, and J Helicopters [Docket No. 98–SW–46–AD; Amendment 39–11084; AD 99–07–02] (RIN: 2120–AA64) received March 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1428. A letter from the Senior Attorney, Department of Transportation, transmitting the Department's final rule—Disclosure of Change-of-Gauge Services [Docket Nos. OST–1995–177, 47546, 45911, 45912, and 45913] (RIN: 2105–AC17) received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1429. A letter from the Attorney-advisor, Department of Transportation, transmitting the Department's final rule—Revision to Reporting Requirements for Motor Carriers of Property and Household Goods [Docket No. BTS–98–4659] (RIN: 2139–AA05) received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1430. A letter from the Chief, Regs and Admin Law, USCG, DOT, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, Virginia [CGD 05–99–010] (RIN: 2115–AE46) received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1431. A letter from the Chief, Regs and Admin Law, USCG, DOT, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; 1D48 Chesapeake Grand Prix Distance Race [CGD 05–99–013] (RIN: 2115–AE46) received March 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1432. A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting the 1999 Aviation System Capital Investment Plan (CIP), pursuant to 49 U.S.C. 44501(b); to the Committee on Transportation and Infrastructure.

1433. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29502; Amdt. No. 1922] received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1434. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 99–NM–39–AD; Amendment 39–11091; AD 99–07–06] (RIN: 2120–AA64) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1435. A letter from the Attorney, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Anchorage, Alaska, Terminal Area [Docket No. 29029; Amendment 93–77] (RIN: 2120–AG45) received March 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1436. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Dr.Ing.h.c.F.Porsche Aktiengesellschaft (Porsche) 3200N01, N02, and N03 Reciprocating Engines [Docket No. 99–ANE–09–AD; Amendment 39–11089; AD 99–04–15] (RIN: 2120–AA64) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1437. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Williams International, L.L.C. FJ44–1A Turbofan Engines [Docket No. 98–ANE–36–AD; Amendment 39–11088; AD 99–07–04] (RIN: 2120–AA64) received March 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1438. A letter from the Secretary of Transportation, transmitting a report containing safety considerations for transporting hazardous materials via motor carriers in close proximity to Federal prisons; to the Committee on Transportation and Infrastructure.

1439. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Internal Programmatic Approval Documentation—received March 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1440. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Mentor-Protege Program, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1441. A letter from the The Board of Trustees, the Federal Old-Age And Survivors Insurance And Disability Insurance Trust Funds, transmitting the 1999 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 106–48); to the Committee on Ways and Means and ordered to be printed.

1442. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Addition of Brazil to the List of Nations Entitled to Reciprocal Exemption From the Payment of Special Tonnage Taxes (T.D. 99–32) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1443. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Technical Amendment to the Customs Regulations (T.D. 99–24) received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1444. A letter from the Assistant Commissioner, Examination, Internal Revenue Service, transmitting the Service's final rule—Mining Industry Coordinated Issue: Excess Moisture—received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1445. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous (Notice 99–18) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1446. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule—Ruling and determination letters (Revenue Procedure 99–23) received March 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1447. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—All Industries Coordinated Issue: Health Insurance Deductibility for Self-Employed Individuals—received March 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1448. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—All Industries Coordinated Issue: Retroactive Adoption of an Accident and Health Plan—received March 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1449. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 99–20] received March 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1450. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-In, First-out Inventories [Revenue Ruling 99–19] received March 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1451. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Revenue Procedure 99–19] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1452. A letter from the Commissioner, Social Security, transmitting the 1998 Annual Report of the Supplemental Security Income Program; to the Committee on Ways and Means.

1453. A letter from the Acting Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Benefits for Spouses, Mothers, Fathers, and Children (RIN: 0960–AD83) received March 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1454. A letter from the The Board of Trustees, The Federal Hospital Insurance Trust

Fund, transmitting the 1999 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 106–47); to the Committee on Ways and Means and ordered to be printed.

1455. A letter from the Chairman, Federal Reserve System, transmitting the Board's Monetary Policy Report to the Congress pursuant to the Full Employment and Balanced Growth Act of 1978, pursuant to 12 U.S.C. 225a; jointly to the Committees on Banking and Financial Services and Education and the Workforce.

1456. A letter from the Secretary of Health and Human Services, transmitting a recommendation as to whether coverage of portable electrocardiogram transportation should be provided under Part B of title XVIII of the Social Security Act; jointly to the Committees on Commerce and Ways and Means.

1457. A letter from the Administrator, Agency for International Development, transmitting a report on Development Assistance Program Allocations for FY 1999, pursuant to 22 U.S.C. 2413(a); jointly to the Committees on International Relations and Appropriations.

1458. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the proposed fiscal year 2000 budget; jointly to the Committees on Government Reform and Agriculture.

1459. A letter from the Director, Office of Management and Budget, transmitting a report which provides information about the effects of regulation on the economy; jointly to the Committees on Government Reform and Appropriations.

1460. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a report entitled "Attacking Financial Institution Fraud: Fiscal Year 1996 (Second Quarterly Report).," pursuant to Public Law 101–647; jointly to the Committees on the Judiciary and Banking and Financial Services.

1461. A letter from the Administrator, General Services Administration, transmitting the 1998 Report of Activities required by the Architectural Barriers Act, pursuant to 42 U.S.C. 4151; jointly to the Committees on Transportation and Infrastructure and Education and the Workforce.

1462. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the National Transportation Safety Board's appeal letter to OMB regarding the initial determination of the Board's fiscal year 2000 budget request; jointly to the Committees on Transportation and Infrastructure and Appropriations.

1463. A letter from the The Board of Trustees, the Federal Supplementary Medical Insurance Trust Fund, transmitting the 1999 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 106–46); jointly to the Committees on Ways and Means and Commerce, and ordered to be printed.

1464. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Highway Trust Fund quarterly report that appears in the December 1998 issue, pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means and Transportation and Infrastructure.

1465. A communication from the President of the United States, transmitting notification of the President's decision to send cetain U.S. forces to Macedonia to enhance force protection for U.S. and other NATO forces in that nation, to support U.S. and NATO military activities in the region, to deter attacks on U.S. and NATO forces already in Macedonia, and to assist in preparing for a possible NATO peace implementation force in Kosovo, pursuant to Public Law 105–262; (H. Doc. No. 106–41); jointly to the Committees on International Relations, Appropriations, and Armed Services and ordered to be printed.

1466. A communication from the President of the United States, transmitting notification that there have been dramatic and very serious developments in Kosovo and the region, particularly Macedonia and Albania. In the light of these disturbing events, I have directed that additional U.S. forces be deployed to Albania and Macedonia in order to support disaster relief by, among other actitiies, delivering food and essentials, constructing shelter, providing coordination and assisting in onward movement, and when necessary, providing protection for relief supplies and refugees, pursuant to Public Law 105–262; (H. Doc. No. 106–43); jointly to the Committees on International Relations, Appropriations, and Armed Services and ordered to be printed.

1467. A communication from the President of the United States, transmitting a report to inform you of my decision to deploy additional U.S. forces to Albania in support of ongoing NATO air operations to reduce the capacity of the Serbian military and security forces to conduct offensive operations, pursuant to Public Law 105–262; (H. Doc. No. 106–44); jointly to the Committees on International Relations, Appropriations, and Armed Services and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on March 31, 1999]

Mr. BURTON: Committee on Government Reform. Report on Oversight Plans for All House Committees (Rept. 106–78). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on March 25, 1999 the following report was filed on April 7, 1999]

Mr. BLILEY: Committee on Commerce. H.R. 851. A bill to require the Federal Communications Commission to establish improved predictive models for determining the availability of television broadcast signals; with an amendment (Rept. 106–79 Pt. 1).

[Filed on April 12, 1999]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 39. A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; with an amendment (Rept. 106–80). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 769. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes (Rept. 106–81). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 1143. A bill to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes (Rept. 106–82). Referred to the Committee on the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 46. A bill to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty (Rept. 106–83). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 1189. A bill to make technical corrections in title 17, United States Code, and other laws (Rept. 106–84). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 136. Resolution providing for consideration of the bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes (Rept. 106–85). Referred to the House Calendar.

Mr. COBLE: Committee on the Judiciary. H.R. 1027. A bill to provide for the carriage by satellite carriers of local broadcast station signals, and for other purposes; with an amendment (Rept. 106–86 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on April 7, 1999]

H.R. 851. Referral to the Committee on the Judiciary extended for a period ending not later than April 16, 1999.

[Submitted April 12, 1999]

H.R. 1027. Referral to the Committee on Commerce extended for a period ending not later than April 16, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

[Omitted from the Record of March 25, 1999]

By Mr. BARTLETT of Maryland (for himself, Mr. CASTLE, Mr. WELDON of Pennsylvania, Mr. ENGLISH, Mr. SAXTON, Mr. CHAMBLISS, Mr. LINDER, Mrs. JOHNSON of Connecticut, Mr. MARKEY, Mr. EHRLICH, Mr. SPENCE, Mr. BASS, Mr. BLILEY, Mr. MORAN of Virginia, Mr. GOODE, Mr. BOEHLERT, Mr. COBLE, Mr. KENNEDY of Rhode Island, Mr. SAM JOHNSON of Texas, Mrs. CHENOWETH, Mr. LEWIS of Kentucky, and Mr. MARTINEZ):

H.R. 1363. A bill to specify that the legal public holiday known as Washington's Birthday be called by that name; to the Committee on Government Reform.

[Submitted April 12, 1999]

By Mr. ANDREWS:

H.R. 1364. A bill to exclude certain veterans' compensation and pension amounts from consideration as adjusted income for purposes of determining the amount of rent paid by a family for a dwelling unit assisted under the United States Housing Act of 1937; to the Committee on Banking and Financial Services.

By Mr. ANDREWS (for himself and Mr. Payne):

H.R. 1365. A bill to amend the Higher Education Act of 1965 to recognize the time required to save funds for the college education of adopted children; to the Committee on Education and the Workforce.

By Mr. ENGLISH (for himself, Mr. Hefley, Mr. Frank of Massachusetts, Mr. Holden, Mr. Bliley, Mr. Schaffer, Mr. Sam Johnson of Texas, Mr. McInnis, Mrs. Emerson, Mr. Talent, Mr. Nethercutt, and Mr. Sessions):

H.R. 1366. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 1367. A bill to amend section 211 of the Clean Air Act to prohibit the use of the fuel additive MTBE in gasoline; to the Committee on Commerce.

By Mr. GOODLING (for himself, Mr. Blunt, Mr. Tancredo, Mr. Norwood, Mr. Petri, Mr. Ballenger, Mr. Bartlett of Maryland, Mr. Campbell, Mr. Gekas, Mr. Pitts, Mr. Ganske, Mr. Sessions, Mr. Barr of Georgia, and Mr. Wamp):

H.R. 1368. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the United States Armed Forces in Kosovo unless that deployment is specifically authorized by law; to the Committee on Armed Services.

By Ms. KILPATRICK (for herself, Mr. Frost, Mrs. Christensen, Ms. Millender-McDonald, Mr. Davis of Illinois, Mr. Shows, Ms. Jackson-Lee of Texas, Mrs. Jones of Ohio, Mr. Rangel, Mr. Luther, Mr. Thompson of Mississippi, and Mr. Capuano):

H.R. 1369. A bill to authorize the Secretary of Defense to make military helicopters and other equipment available to State and local governments to assist in emergency law enforcement and rescue operations; to the Committee on Armed Services.

By Mr. WAXMAN:

H.R. 1370. A bill to amend the Foreign Corrupt Practices Act of 1977 to prevent persons doing business in interstate commerce from providing financial support to the International Olympic Committee until the International Olympic Committee adopts institutional reforms; to the Committee on Commerce.

By Ms. NORTON (for herself, Ms. Carson, Mr. Conyers, Mr. Farr of California, Mr. Forbes, Mr. Frost, Mr. Frank of Massachusetts, Mr. Gekas, Ms. Jackson-Lee of Texas, Mr. King, Mr. Kennedy of Rhode Island, Mrs. Lowey, Mrs. Meek of Florida, Mr. Payne, Ms. Pelosi, Mr. Shays, Mr. Stark, and Mr. Wynn):

H.R. 1371. A bill to amend the Federal tort claims provisions of title 28, United States Code, to repeal the exception for claims arising outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Ms. DeLauro, Mr. Nadler, Mr. Hinchey, Mr. Rothman, Mr. Payne, and Mr. Gejdenson):

H.R. 1372. A bill to prohibit the Department of the Interior from expending any funds for a mid-Atlantic coast offshore oil and gas lease sale; to the Committee on Resources.

By Mr. SANFORD (for himself and Mr. Goodling):

H.R. 1373. A bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, Ways and Means, the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 1374. A bill to designate the United States Post Office building located at 680 State Highway 130 in Hamilton, New Jersey, as the "John K. Rafferty Hamilton Post Office Building"; to the Committee on Government Reform.

By Mr. STARK:

H.R. 1375. A bill to amend title XVIII of the Social Security Act to reduce the maximum financial risk permitted for physicians participating in Medicare+Choice plans and encourage payment for quality; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H.J. Res. 44. A joint resolution declaring a state of war between the United States and the Government of the Federal Republic of Yugoslavia; to the Committee on International Relations.

By Mr. GILMAN (for himself and Mr. Gejdenson):

H. Con. Res. 81. A Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony in honor of the Fiftieth Anniversary of the North Atlantic Treaty Organization (NATO) and welcoming the three newest members of NATO, the Republic of Poland, the Republic of Hungary, and the Czech Republic, into NATO; to the Committee on House Administration.

By Mr. CAMPBELL:

H. Con. Res. 82. A Concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia; to the Committee on International Relations.

By Mrs. NAPOLITANO (for herself, Mr. Bonior, Mr. Turner, Mr. Rodriguez, Ms. Roybal-Allard, Mr. Hinojosa, Mr. Matsui, Mr. Lampson, Mr. Pallone, Mr. Hoyer, Ms. Pelosi, Ms. Berkley, Mr. Delahunt, Mr. Gejdenson, Mr. Gephardt, Mr. Kennedy of Rhode Island, Mr. Skelton, Mr. Blumenauer, Mr. Kucinich, Mr. Filner, Mrs. Clayton, Mr. Serrano, Mr. Shows, Mr. Taylor of Mississippi, Mr. Capuano, Mr. Weiner, Mr. Frost, Mr. Oberstar, Mr. Rothman, Mrs. Maloney of New York, Mr. Bilbray, Mr. Hayes, Mrs. Meek of Florida, and Ms. Waters):

H. Con. Res. 83. A Concurrent resolution expressing the sense of the Congress that the Government of the Federal Republic of Yugoslavia and its President Slobodan Milosevic release the three illegally detained United States servicemen and abide by the Geneva Convention protocols regarding the treatment of both prisoners of war and innocent civilians; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H. Res. 135. A resolution providing for the concurrence by the House with an amendment in the Senate amendments to H.R. 98; considered and agreed to.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

7. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 21 memorializing the President and Congress to increase funding for full-time National Guard personnel; to the Committee on Armed Services.

8. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly resolution 112, memorializing the United States Congress to increase funding for research by the National Institutes of Health for the treatment and cure of Duchenne and Becker muscular dystrophy; to the Committee on Commerce.

9. Also, a memorial of the Legislature of the State of Wyoming, relative to Senate Joint Resolution 5, urging the President of the United States not to attempt to use federal agencies to initiate strategies to mitigate greenhouse gases until and unless the Kyoto Protocol is amended or otherwise revised so that it is consistent with United States Senate Resolution No. 98 to include specific scheduled commitments for developing countries to mitigate greenhouse gas emissions within the same compliance period required for industrial nations; to the Committee on Commerce.

10. Also, a memorial of the Legislature of the State of Wyoming, relative to a resolution urging the Bureau of the Census to conduct the 2000 decennial census consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create, or in any way adjust the count; to the Committee on Government Reform.

11. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11-26, urging the Office of Insular Affairs to be honest and sincere in its presentation of the facts about the Commonwealth to Congress and the news media; to the Committee on Resources.

12. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 10, petitioning Congress of the United States to propose to the states an amendment to Article I, section 2 of the United States Constitution that would increase the length of the terms of office for members of the House of Representatives from two years to four years with one-half of the members' terms expiring every two years; to the Committee on the Judiciary.

13. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 19, memorializing Congress to provide $5 million in federal

funds for the next stage of project development, as noted hereinabove, for the Trans-Hudson/Midtown Corridor Management/Project Development Initiative; to the Committee on Transportation and Infrastructure.

14. Also, a memorial of the House of Representatives of the State of West Virginia, relative to House Concurrent Resolution No. 14 memorializing the Congress of the United States to make all possible efforts to support and assist the incorporation of the Coalfields Expressway into the Appalachian Development Highway System; to the Committee on Transportation and Infrastructure.

15. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 109 memorializing the Congress of the United States to encact H.R. 1126 of 1997, the "Merchant Mariners Fairness Act of 1997"; to the Committee on Veterans' Affairs.

16. Also, a memorial of the Legislature of the State of Wyoming, relative to Joint Resolution No. 1, memorializing that the Wyoming State Legislature fully supports the antidumping and the countervailing duty petitions against Canada as filed by the Ranchers-Cattlemen Action Legal Foundation; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Ms. PRYCE of Ohio, Mr. GARY MILLER of California, Mr. DICKEY, Mr. GORDON, Mr. BAKER, and Mr. HANSEN.

H.R. 6: Mr. SHIMKUS.

H.R. 8: Mr. EVERETT, Mr. CAMPBELL, Mr. STUMP, Mrs. CLAYTON, Mr. LARGENT, Mr. HUNTER, and Mr. LATHAM.

H.R. 14: Mr. BILBRAY, Mr. KUYKENDALL, Mr. GORDON, and Mr. GARY MILLER of California.

H.R. 17: Mr. TERRY.

H.R. 19: Mr. BLILEY, Mr. GILCHREST, and Mr. CAPUANO.

H.R. 27: Mr. SAM JOHNSON of Texas.

H.R. 39: Mrs. KELLY.

H.R. 40: Mr. WYNN, Ms. LEE, and Ms. BROWN of Florida.

H.R. 44: Mr. PALLONE and Ms. ROYBAL-ALLARD.

H.R. 46: Mr. NETHERCUTT.

H.R. 65: Ms. ROYBAL-ALLARD, Ms. BERKLEY, Mr. LUCAS of Oklahoma, and Mr. PHELPS.

H.R. 72: Mr. BATEMAN, Mrs. WILSON, Mr. DUNCAN, and Mr. POMBO.

H.R. 82: Mr. MALONEY of Connecticut, Mr. GORDON, and Mr. SAWYER.

H.R. 114: Mr. GEJDENSON.

H.R. 116: Mr. LARSON, Mr. WEINER, Mr. DICKS, Mr. CONYERS, Ms. HOOLEY of Oregon, Mr. JEFFERSON, Mr. LIPINSKI, Mr. NEAL of Massachusetts, Mr. ROEMER, Mr. MCDERMOTT, Mr. PETERSON of Minnesota, and Ms. RIVERS.

H.R. 157: Mr. GARY MILLER of California, Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, and Mrs. EMERSON.

H.R. 163: Mrs. JOHNSON of Connecticut, Mr. GARY MILLER of California, Mr. TALENT, and Mr. CAPUANO.

H.R. 175: Mr. DUNCAN, Mr. EHRLICH, Mr. BOEHLERT, Mr. GORDON, Mr. DELAHUNT, Ms. MCKINNEY, Mr. SCHAFFER, Ms. MILLENDER-MCDONALD, Mr. BORSKI, Mr. DINGELL, Mr. CUNNINGHAM, Mr. CONYERS, and Ms. PELOSI.

H.R. 179: Mrs. JOHNSON of Connecticut.

H.R. 192: Mr. FOLEY.

H.R. 206: Ms. BALDWIN.

H.R. 208: Mr. CAPUANO.

H.R. 219: Mr. GARY MILLER of California.

H.R. 220: Mr. GARY MILLER of California and Mr. MORAN of Kansas.

H.R. 274: Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mrs. KELLY, Mr. FRANKS of New Jersey, Mr. ANDREWS, Mr. GILMAN, Mrs. ROUKEMA, Mrs. LOWEY, Mr. BLAGOJEVICH, Mr. WEINER, and Mr. WEXLER.

H.R. 275: Mr. HASTINGS of Washington.

H.R. 282: Mr. HOLDEN.

H.R. 303: Ms. ROYBAL-ALLARD, Mr. YOUNG of Florida, Mr. GREEN of Wisconsin, Mr. HORN, Mr. DELAHUNT, and Mr. OBERSTAR.

H.R. 315: Mr. CAPUANO.

H.R. 323: Ms. BERKLEY, Ms. BALDWIN, Mr. PHELPS, Mr. SPRATT, Mr. SAWYER, Mrs. EMERSON, and Mr. GORDON.

H.R. 329: Mr. ENGLISH, Mr. CAPUANO, and Mr. LAMPSON.

H.R. 351: Mr. MCHUGH, Mr. LAHOOD, Mr. MOORE, Mrs. CUBIN, Mr. CRAMER, and Mr. CRANE.

H.R. 357: Mrs. TAUSCHER, Ms. MCKINNEY, and Mr. BECERRA.

H.R. 383: Mr. NEY, Mr. SANDERS, Mr. BILBRAY, Mrs. MYRICK, Mr. MARTINEZ, Mrs. ROUKEMA, Mr. GANSKE, Mr. GREEN of Texas, Mr. HORN, Mr. BARRETT of Wisconsin, Mr. DEAL of Georgia, Mrs. WILSON, Mr. CRAMER, Ms. KILPATRICK, Mr. QUINN, Mr. GONZALEZ, Mr. GORDON, Ms. JACKSON-LEE of Texas, Mr. GRAHAM, Ms. LOFGREN, Mr. SCOTT, Mr. FOLEY, and Mr. BURTON of Indiana.

H.R. 384: Mr. BARRETT of Wisconsin and Ms. WATERS.

H.R. 390: Ms. BERKLEY, Mr. MCCOLLUM, Mr. BACHUS, Mr. BEREUTER, Mr. GARY MILLER of California, Mr. LAZIO, Mr. TRAFICANT, Mrs. MEEK of Florida, Mr. SHOWS, Mr. GONZALEZ, and Mr. BERMAN.

H.R. 394: Mr. LUTHER, Mr. INSLEE, and Mr. OLVER.

H.R. 395: Mr. LUTHER, Mr. INSLEE, and Mr. OLVER.

H.R. 397: Mr. LUTHER, Mr. INSLEE, and Mr. OLVER.

H.R. 405: Mrs. MALONEY of New York, Mrs. JOHNSON of Connecticut, Mr. RILEY, Mr. HINCHEY, Mr. SWEENEY, and Mr. LAZIO.

H.R. 406: Mrs. EMERSON.

H.R. 407: Mr. HILL of Montana, Mr. BARCIA, Mr. MCINTOSH, Mr. LUCAS of Kentucky, and Mr. HALL of Texas.

H.R. 415: Mr. GONZALEZ.

H.R. 417: Mr. BARRETT of Nebraska, Ms. SCHAKOWSKY, Mr. CAPUANO, and Mr. WISE.

H.R. 423: Mr. NEY, Mr. SHOWS, Mr. LARGENT, and Mr. COX.

H.R. 430: Ms. BERKLEY, Mr. LEWIS of Georgia, Mr. TERRY, and Ms. ROYBAL-ALLARD.

H.R. 443: Mr. HOUGHTON, Mr. DOYLE, Mr. GALLEGLY, and Ms. JACKSON-LEE of Texas.

H.R. 461: Mr. OXLEY.

H.R. 488: Mr. BROWN of California, Mr. MCGOVERN, Mrs. LOWEY, Mr. CAPUANO, and Mr. FRANKS of New Jersey.

H.R. 492: Mr. TANCREDO and Mr. GIBBONS.

H.R. 517: Mr. HYDE.

H.R. 531: Mr. CROWLEY, Mr. BURR of North Carolina, Mr. MALONEY of Connecticut, Mr. DEAL of Georgia, Mr. LARGENT, Mr. SKELTON, Mrs. KELLY, Mr. WEYGAND, Mr. SCHAFFER, Mr. TALENT, Mr. NETHERCUTT, Mr. LAMPSON, Mr. FRANK of Massachusetts, Mr. HALL of Texas, Mr. WEINER, Mr. BARTON of Texas, Mrs. CLAYTON, Mr. FRANKS of New Jersey, and Mr. PAYNE.

H.R. 537: Mrs. CAPPS.

H.R. 541: Mrs. MORELLA, Mr. BAIRD, Mr. GONZALEZ, Mr. LARSON, Ms. HOOLEY of Oregon, Mrs. MEEK of Florida, and Ms. WATERS.

H.R. 548: Mr. CAPUANO.

H.R. 555: Ms. MCKINNEY.

H.R. 576: Ms. BROWN of Florida, Mr. BORSKI, Mr. FOLEY, Mrs. CAPPS, Mr. GONZALEZ, Mr. WEXLER, Mr. WEYGAND, Ms. DANNER, Mrs. KELLY, Ms. SCHAKOWSKY, Ms. PELOSI, Mr. HOLDEN, and Mrs. CHRISTENSEN.

H.R. 607: Mr. MCDERMOTT.

H.R. 637: Mr. SANDERS, Mrs. LOWEY, and Mrs. THURMAN.

H.R. 657: Mr. CAPUANO.

H.R. 664: Ms. ROYBAL-ALLARD, Mr. OBERSTAR, Mr. MARTINEZ, Mr. CAPUANO, and Mr. UDALL of Colorado.

H.R. 670: Mr. GONZALEZ, Mr. RILEY, Mr. DICKS, and Mr. BROWN of California.

H.R. 682: Mr. GARY MILLER of California.

H.R. 684: Mr. CAPUANO, Mr. VENTO, and Mr. BARRETT of Wisconsin.

H.R. 688: Mr. DICKEY, Mr. COX, Mr. NUSSLE, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. GOODLING, Mr. GARY MILLER of California, and Mr. HUTCHINSON.

H.R. 701: Mr. ENGLISH, Mr. BARR of Georgia, and Mr. MILLER of Florida.

H.R. 716: Mr. TAUZIN, Mr. JEFFERSON, Mr. BURTON of Indiana, Mr. MCINTOSH, Mr. EHRLICH, Mr. TIAHRT, Mr. ISAKSON, and Mr. GARY MILLER of California.

H.R. 730: Ms. NORTON, Mr. BROWN of California, and Mr. CAPUANO.

H.R. 750: Mr. LAZIO, Mr. SPRATT, Mr. STENHOLM, Mr. GARY MILLER of California, Mr. GUTIERREZ, and Mr. CAPUANO.

H.R. 756: Mr. DIAZ-BALART and Mrs. CLAYTON.

H.R. 771: Mr. MCGOVERN and Mr. BARR of Georgia.

H.R. 777: Mr. BONIOR.

H.R. 783: Mr. WALDEN of Oregon, Mr. BOUCHER, Mr. TAYLOR of North Carolina, Mr. BISHOP, Mrs. CHRISTENSEN, and Mr. BENTSEN.

H.R. 784: Mr. DINGELL, Mr. LAHOOD, Mr. KENNEDY of Rhode Island, Mr. DUNCAN, Ms. DANNER, and Mr. EVERETT.

H.R. 785: Mrs. MALONEY of New York.

H.R. 786: Mr. HUNTER and Mr. BROWN of California.

H.R. 793: Mr. BARR of Georgia.

H.R. 796: Mrs. FOWLER, Mr. BECERRA, Mrs. CUBIN, Mr. CHAMBLISS, Mr. LEWIS of Georgia, and Mrs. CHRISTENSEN.

H.R. 797: Mr. SHOWS, Mr. STARK, Ms. KILPATRICK, and Mr. GONZALEZ.

H.R. 798: Mr. WEINER, Mr. BROWN of California, Mr. BORSKI, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. DEUTSCH, Mrs. MALONEY of New York, Ms. ROYBAL-ALLARD, Mr. REYES, and Mr. MCNULTY.

H.R. 804: Mr. RAHALL, Mr. DICKEY, and Mr. HINCHEY.

H.R. 827: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BENTSEN, and Mr. BLAGOJEVICH.

H.R. 832: Mr. WISE and Ms. ROYBAL-ALLARD.

H.R. 834: Mr. RUSH and Mr. TAYLOR of North Carolina.

H.R. 835: Mr. WAMP, Mr. GORDON, Mr. CRAMER, Mr. HANSEN, and Mrs. BONO.

H.R. 837: Ms. BROWN of Florida and Mr. CAPUANO.

H.R. 845: Mr. PHELPS.

H.R. 850: Mr. RYAN of Wisconsin and Mr. ETHERIDGE.

H.R. 855: Mrs. MCCARTHY of New York, Mr. PALLONE, and Mr. SAXTON.

H.R. 860: Mr. ANDREWS, Mrs. THURMAN, Mr. SANDLIN, Mrs. JOHNSON of Connecticut, Mr. GORDON, Mr. BROWN of California, and Mr. BROWN of Ohio.

H.R. 878: Mr. TANCREDO.

H.R. 894: Mr. BARCIA, Mr. GOSS, and Mr. OXLEY.

H.R. 902: Mr. MEEHAN, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. BERMAN, Mr. ROTHMAN, Ms. JACKSON-LEE of Texas, and Mr. CAPUANO.

H.R. 903: Mr. PAUL, Mr. ROGAN, Mr. SWEENEY, and Mr. HOLT.

H.R. 904: Mrs. CAPPS, Mr. CAPUANO, and Mr. GORDON.

H.R. 912: Ms. WATERS.

H.R. 927: Mr. CAPUANO.

H.R. 933: Mr. CAPUANO.

H.R. 935: Mr. GRAHAM.

H.R. 937: Mr. GONZALEZ.

H.R. 959: Mr. WEYGAND, Mr. GONZALEZ, Mr. HILLIARD, Ms. WATERS, and Mrs. LOWEY.

H.R. 960: Mr. KUCINICH, Mr. DEUTSCH, Mr. WEINER, and Mr. INSLEE.

H.R. 969: Mr. SHADEGG, Mr. WAMP, and Mr. GARY MILLER of California.

H.R. 979: Mr. FORBES, Mr. WEINER, Mr. RANGEL, Mr. MCNULTY, Mr. ANDREWS, Ms. HOOLEY of Oregon, Mr. LOBIONDO, Mr. REYNOLDS, Mr. ETHERIDGE, Mr. DOYLE, Mr. CROWLEY, Mr. ENGLISH, Mr. VENTO, Mr. KENNEDY of Rhode Island, Mr. STARK, Mrs. CAPPS, Mr. KIND, and Ms. JACKSON-LEE of Texas.

H.R. 984: Mrs. MEEK of Florida, Mr. RUSH, Mrs. CHRISTENSEN, and Mr. MCDERMOTT.

H.R. 985: Mr ALLEN.

H.R. 1003: Mr FROST, Mr. RANGEL, Mr. THOMPSON of Mississippi, and Mrs. MALONEY of New York.

H.R. 1008: Mr. DIAZ-BALART, Mr. KENNEDY of Rhode Island, Mr. BLAGOJEVICH, Mr. UNDERWOOD, Mr. DOYLE, Mr. SMITH of New Jersey, Mr. ROMERO-BARCELO, and Mr. POMBO.

H.R. 1022: Mrs. CLAYTON, Mr. SHOWS, Mr. GONZALEZ and Ms. BERKLEY.

H.R. 1036: Mr BROWN of California.

H.R. 1041: Mr GREEN of Wisconsin and Mr. COBURN.

H.R. 1063: Mr WEINER.

H.R. 1080: Mr. FATTAH.

H.R. 1082: Mr HILLIARD, Mr. DICKS, Mr. UDALL of New Mexico, Mr. HOLT, Mr. UDALL of Colorado, Mr. KLINK, Mr. KIND, Mr. LAFALCE, Ms. SANCHEZ, and Mr. PASCRELL.

H.R. 1083: Mr. WU, Mr. DICKEY, and Mr. METCALF.

H.R. 1084: Mrs. NORTHUP, Mr. NETHERCUTT, and Mr. WALDEN of Oregon.

H.R. 1090: Ms. MCKINNEY, Mr. LOBIONDO, Mr. RANGEL, Mr. FORBES, Mr. BLAGOJEVICH, and Mr. FRANK of Massachusetts.

H.R. 1092: Mr. NEAL of Massachusetts, Mr. WU, Mr. HOUGHTON, and Mr. ROYCE.

H.R. 1095: Mr. CLAY, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Mr. MCGOVERN, Mr. BAIRD, and Mr. FROST.

H.R. 1106: Mr. BERRY, Mr. GILMAN, Mr. WEINER, and Mr. SCARBOROUGH.

H.R. 1108: Mr. SESSIONS, Mr. BECERRA, and Mr. BISHOP.

H.R. 1109: Mr. HINCHEY.

H.R. 1111: Mr. BRYANT, Mr. INSLEE, Mr. FROST, Mr. SHOWS, Mr. SMITH of New Jersey, and Mr. OLVER.

H.R. 1116: Mr. LUCAS of Oklahoma.

H.R. 1138: Mrs. ROUKEMA and Mr. FRELINGHUYSEN.

H.R. 1144: Mr. THOMPSON of Mississippi and Mr. BLUNT.

H.R. 1146: Mr. BARR of Georgia, and Mr. WAMP.

H.R. 1159: Mr. LUCAS of Kentucky, Mr. GORDON, and Mr. OXLEY.

H.R. 1167: Mr. WAXMAN and Mrs. CAPPS.

H.R. 1168: Ms. SCHAKOWSKY, Mr. CAMP, Mr. FILNER, Mr. GONZALEZ, Mrs. JOHNSON of Connecticut, Mr. BROWN of California, Mr. KING, Mr. PHELPS, and Mr. CLYBURN.

H.R. 1202: Mr. MALONEY of Connecticut, Mr. CAPUANO, Mrs. LOWEY, Mr. FRELINGHUYSEN, and Mr. HINCHEY.

H.R. 1213: Mr. GONZALEZ.

H.R. 1218: Mr. PETERSON of Minnesota, Mr. GOODLING, Mr. HAYES, and Mr. WAMP.

H.R. 1233: Mr. PORTER, Mr. FARR of California, Mr. WEINER, and Ms. SCHAKOWSKY.

H.R. 1248: Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, Mr. LOBIONDO, Mr. SPRATT, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. HINCHEY, Mr. CROWLEY, Mr. BORSKI, Ms. WOOLSEY, Mr. KIND, Mr. TOWNS, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. MCGOVERN, Mrs. CAPPS, Mrs. LOWEY, Mr. WEINER, and Ms. BROWN of Florida.

H.R. 1250: Mr. ALLEN, Mr. QUINN, Ms. JACKSON-LEE of Texas, and Mr. MATSUI.

H.R. 1266: Mr. HOUGHTON.

H.R. 1269: Mr. VENTO, Mr. MARKEY, Mr. GEJDENSON, Mr. HINCHEY, Mr. GUTIERREZ, Mr. STARK, and Mr. WEINER.

H.R. 1287: Mr. KING.

H.R. 1317: Mr. SESSIONS and Mrs. THURMAN.

H.R. 1335: Mr. CAPUANO.

H.R. 1344: Mr. LUCAS of Oklahoma, Mr. BALDACCI, Mr. CONDIT, and Mr. CAMP.

H.R. 1349: Mr. SMITH of Washington.

H.R. 1355: Ms. BALDWIN, Mr. BOEHLERT, Mr. CAMPBELL, Mr. CLAY, Mr. DELAHUNT, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. HOUGHTON, Mrs. JOHNSON of Connecticut, Mr. MALONEY of Connecticut, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. PORTER, Ms. RIVERS, Mrs. ROUKEMA, Mr. SERRANO, and Mr. UDALL of Colorado.

H.R. 1358: Mr. CARDIN.

H.J. Res. 21: Mr. FOLEY.

H.J. Res. 25: Mr. LEWIS of California, Ms. BERKLEY, Mr. CUMMINGS, and Mrs. THURMAN.

H.J. Res. 34: Mr. ADERHOLT.

H. Con. Res. 8: Mr. BLAGOJEVICH.

H. Con. Res. 10: Mr. NEY, Mr. HAYWORTH, Mr. MCINNIS, Mr. LEWIS of Kentucky, Mr. BLUMENAUER, Mr. BACHUS, Mr. GARY MILLER of California, Mr. STUMP, and Ms. PRYCE of Ohio.

H. Con. Res. 21: Mrs. KELLY, Mr. CROWLEY, and Mr. KING.

H. Con. Res. 30: Ms. PRYCE of Ohio, Mr. STEARNS, Mr. WAMP, Mr. HAYWORTH, Mr. DICKEY, and Mr. BATEMAN.

H. Con. Res. 74: Mr. ALLEN, Mr. STARK, Mr. FRANK of Massachusetts, Ms. RIVERS, and Mr. UDALL of Colorado.

H. Con. Res. 76: Mr. MCINTOSH, Mr. FOSSELLA, Mr. LIPINSKI, Ms. PRYCE of Ohio, Mr. CRAMER, Mr. GREEN of Texas, Mr. FOLEY, Mr. LAMPSON, Mr. CLEMENT, Mr. SHOWS, Mrs. MYRICK, Ms. JACKSON-LEE of Texas, Mr. CASTLE, Mr. BARRETT of Nebraska, and Mr. POMEROY.

H. Con. Res. 77: Mr. BISHOP, Ms. ROYBAL-ALLARD, and Mr. GONZALEZ.

H. Res. 15: Mr. CAPUANO.

H. Res. 16: Mr. CANADY of Florida.

H. Res. 34: Mr. CUMMINGS, Ms. BERKLEY, Ms. SANCHEZ, and Mr. CAPUANO.

H. Res. 35: Mr. LIPINSKI.

H. Res. 41: Ms. BALDWIN, Mr. BARRETT of Wisconsin, Ms. BERKLEY, Mrs. CHENOWETH, Mrs. CUBIN, Mr. CUMMINGS, Ms. DELAURO, Ms. DUNN, Mr. EVANS, Mrs. FOWLER, Mr. GEJDENSON, Mr. GOSS, Ms. GRANGER, Mr. HASTINGS of Washington, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Ms. LEE, Mr. LEWIS of California, Mr. LINDER, Mrs. MCCARTHY of New York, Mr. MCINTOSH, Mr. MASCARA, Mr. METCALF, Ms. NORTON, Mr. SCARBOROUGH, Mr. SHADEGG, Mr. SOUDER, and Mr. SPRATT.

H. Res. 59: Mr. EHLERS.

H. Res. 95: Mr. TANCREDO and Mr. GARY MILLER of California.

H. Res. 97: Mr. HASTINGS of Florida and Mr. MEEKS of New York.

H. Res. 106: Mr. METCALF, Mr. ROMERO-BARCELO, Mr. EHRLICH, Mr. MALONEY of Connecticut, Mr. CRAMER, Mr. ETHERIDGE, Mr. DEUTSCH, Mr. BONIOR, Ms. RIVERS, Mr. FATTAH, Mr. MCCRERY, Ms. DELAURO, Mrs. CLAYTON, Ms. SCHAKOWSKY, and Mr. WEINER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 111: Mr. WAMP.

EXTENSIONS OF REMARKS

THE 75TH ANNIVERSARY OF THE KIWANIS CLUB OF CALDWELL/WEST ESSEX, COUNTY OF ESSEX, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 75th anniversary of the Kiwanis Club of Caldwell/West Essex.

On April 8, 1999, the Kiwanis Club of Caldwell/West Essex will celebrate 75 years of service to the West Essex Community. Since its start in 1923, the Kiwanis Club members of this chapter have been providing service to the local community. This Club represents a larger, international organization that dedicates itself to allowing men and women the opportunity to become involved in improving the conditions in which we live.

Currently, the Club participates in various service projects such as aiding families during Thanksgiving, contributing to the Kiwanis Oval playground, and working toward the beautification of West Essex communities.

In addition to service, and volunteering time, the Caldwell/West Essex Kiwanis Club contributes financially to many organizations including the Children's Miracle Network, the March of Dimes, Walk-a-thon, the Battered Women's Shelter, and many other deserving organizations. The Kiwanis has continued to pledge its support to the prevention of Iodine Deficiency Disorder—the leading cause of preventable retardation. This organization has displayed its commitments to the youth of West Essex by supporting two little league teams, the Caldwell/West Caldwell Soccer Club, and serves as a sponsor of local youngsters for federal and state leadership development programs.

Mr. Speaker, for the past 75 years, the Kiwanis Club of Caldwell/West Essex has faithfully carried out the objectives of their global service organization. They have continued to provide service and support to the community in which they work and live. Mr. Speaker, I ask you and my colleagues to join me in congratulating all past and present members of the Kiwanis Club of Caldwell/West Essex on this special anniversary.

IN HONOR OF THE PANCYPRIAN ASSOCIATION OF AMERICAN WOMEN'S ISSUES NETWORK (WIN) ON THE OCCASION OF THEIR ANNUAL DINNER DANCE HONORING MS. TITINA LOIZIDES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Women's Issues Network (WIN) division of the Pancyprian Association of America.

WIN was established in the spring of 1996 out of an identified need to bring together women of Hellenic Heritage living in America to provide them with information, services and awareness of social, health, economic and other issues. WIN members assist each other and others in developing opportunities for prosperity and progress in the community and perpetuating and integrating the Hellenic heritage and spirit with the best of American culture and values.

In the past two years WIN has focused on providing support from women to women and their families. Since its inception, it has successfully organized a series of events, lectures and presentations on health, social and economic issues as they relate to women's roles as mothers, daughters, wives, breadwinners and homemakers. This year's special event will be a women's cancer screening for those who do not have insurance.

This year WIN will honor Titina Loizides who grew up in Kyrenia, Cyprus, now occupied by the illegal army of Turkey. Ms. Loizides is a leader in the tourism industry, having been executive secretary of the Cyprus Tourist Guides Association, associate of Cyprus Broadcasting Corporation presenting children's programs on Cyprus history and archaeology, president of Cyprus Tourist Guides, founding member of the "Equal rights—Equal responsibility" movement, coordinator of the action group for the protection of Ayios Andreas neighborhood in Nicosia, first woman Rotarian of the Rotary Club of Kyrenia, member of Women Walk Home, among others. She is married and has two children.

Ms. Loizides came into international prominence when she successfully sued the Turkish Government for rent on her property in Kyrenia. The Cyprus Government referred this case to the European Court of Human Rights.

The court ruling states as of December 1996: The Republic of Cyprus the sole legitimate Government of Cyprus. Turkish Republic of Northern Cyprus has no legal validity. The applicant has not lost title of her property and is the legal owner of her land. The northern part of Cyprus is under the control of Turkish troops. The rights of the applicant to peaceful enjoyment of her possessions under article 1 of protocol 1 have continuously been violated. Within 6 months the applicant and the Turkish government will submit written observations with respect to compensation and costs. Turkey is to pay to the applicant within three months of CYP 300,000 for pecuniary damages, non-pecuniary damages of CYP 20,000, and costs and expenses.

Ms. Loizides is being honored for her determination to fight for her rights and for bringing the Cyprus tragedy to the attention of the world.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Pancyprian Association of American Women's Issues Network, a group of dedicated Hellenic women who have successfully integrated the Hellenic spirit with American ideals and values. I also ask my colleagues to rise in tribute to the Pancyprian Association's Woman of the Year Honoree, Ms. Titina Loizides.

A TRIBUTE TO MARGRIT BERAN KREWSON

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. GEPHARDT. Mr. Speaker, Margrit Beran Krewson has recently retired from the Library of Congress where she has served with great dedication for 30 years. For the past 18 years she was the Library's German/Dutch area specialist in the European Division, and thus the Library's principal liaison with the countries of Austria, Belgium, Germany, The Netherlands, and Switzerland. The author of 18 bibliographic publications, calling to public attention the depth and scope of the Library's Dutch and German-language collections, Mrs. Krewson made one of her responsibilities informing American descendants of European immigrants of their national heritages collected in the Library of Congress. Her bibliographies range from 300 Years of German Immigration to the United States (1983) through The Dutch Collections of the Library of Congress: A Chronology (1990) to German-American Relations: A Selective Bibliography (1995). In addition, she has sponsored over 60 events—lectures, exhibitions, and readings related to the countries for which she is responsible—including in 1996 raising the necessary funds and editing the catalog for the Library's successful exhibition Dresden: Treasures from the Saxon State Library. Her dedicated attention to publications within their countries and her care in maintaining cultural relations has led the governments of the Federal Republic of Germany, the Netherlands, the Republic of Austria, and Belgium to acknowledge her achievements with the award of special decorations—most recently The Commander's Cross of the Order of Merit from Germany in 1996 and the Cross

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of Honor for Science and Art from Austria in 1997.

A TRIBUTE TO O. LEWIS HARRIS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for Lew Harris, a remarkable leader and citizen who this year celebrates 20 years of service to the Forest Hills Community House.

A man of principle, intelligence, and skill, Mr. Harris has helped the Forest Hills Community House grow from a fledgling organization to a pillar of Queens social and community life. Today, the Community House serves some 15,000 people with over 35 programs operating out of 19 locations. What's more, the Forest Hills Community House is now widely regarded as a model to other settlement houses in the region, with a variety and depth of programming second to none.

Lew Harris has also been actively involved in a wide range of other important community activities, including Community Board Six, the Queensboro Council for Social Welfare, the Queens Interagency Council for Aging, the Non-Profit Coordinating Committee of New York, the Council of Senior Centers and Services of New York City, and the New York State Coalition for the Aging.

From leadership positions in these organizations and others, Lew Harris has strengthened human services at every level, making a critical difference in the lives of literally thousands of individuals, with a particular contribution to the opportunities available to older Americans.

We are a better community thanks to Lew Harris' vision and leadership. I am confident that his exceptional example will remain a source of guidance and inspiration to service providers for many years to come.

A TRIBUTE TO OUR COMRADES-IN-ARMS—AUSTRALIAN AND NEW ZEALAND VETERANS ON ANZAC DAY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to our Allied comrades-in-arms, the Australian and New Zealand veterans of the First and Second World Wars, as they celebrate Anzac Day on Sunday, April 25. Anzac Day is a national holiday, very similar to America's Memorial Day, on which citizens in Australia and New Zealand pause to remember those who have fallen in twentieth century combat, in the defense of freedom.

Throughout Australia, one sees many memorials to the Anzacs, the valiant veterans of World War I. The list of those who gave their lives in battle for their nation often is greater than those who currently live in the same districts. Australia suffered a 68% casualty rate in the First World War, the highest in the British Commonwealth.

The Allied soldiers were well received. General William Blackbird of England wrote that the Australians were reckless and debonair, would stick at things no matter what the odds, were proud of their independence, and were proud of dying bravely. He finished by writing that the Australians were gladiators with the eyes of children.

This proud Australian tradition of fighting courageously was continued by the veterans of World War II. As the Axis Powers began to enslave the world in the 1930's, the young Australians responded by preparing for military exodus from home. Knowing that sectors of sparsely-populated Australia would succumb upon overwhelming Japanese invasion, the Australians dismantled direction signs and built serpentine roads to inland airfields. These winding roads were intended by the Australians to be used later to good effect in guerrilla warfare, as the citizens fought to reclaim their nation from enemy occupying forces.

Well aware of the overwhelming might of the nearby Japanese armed forces, and knowing that they would be in Allied military service for an extended period of time, many Australians of fighting age destroyed their prized farm horses, so that the animals would not be used by the enemy against Australia in the future.

Acknowledging the tradition of honoring courage on Anzac Day, I pay particular tribute to one of Australia's Army veterans of World War Two, the former Corporal John Henry Soulsby of the state of Victoria, who exemplifies Australia's fortitude. Jack Soulsby served in the Australian Commonwealth Military Forces from 1940–1948, and was an Army Medic in the jungles of Borneo. He was known affectionately as "Aspro," (Australian slang for aspirin), by other Australian Army veterans, for, at times, all that the young Medic had to give the badly wounded men were aspirin tablets, the sterile bandages which he had made, his constant care, and prayers. Strong, athletic, and blessed with a sunny temperament, Corporal Soulsby boiled and re-used dressings in his innovative drive to help his comrades in the face of scarce medical supplies. Later, Mr. Soulsby exclaimed fervently, "If it weren't for the United States, Australia wouldn't exist today, for America gave us the men and the equipment to fight with!"

This month, on April 25, perhaps we Americans, too, will pause in appreciation of the love of freedom and the devotion of our comrades-in-arms, who will be celebrating Anzac Day in Australia and New Zealand.

IN MEMORY OF DAVE LONGABERGER OF DRESDEN, OHIO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. NEY. Mr. Speaker, I rise today in memory of Dave Longaberger, who passed away on March 17, 1999. Dave was the founder of The Longaberger Company and a man of tremendous vision who never lost his sense of tradition.

He spent his life serving his community and was well loved and respected by all who knew him. He was a man known for his pizzazz and his strength.

Mr. Speaker, it is a privilege for me to pay my last respects to a man who gave so much of himself to his community and his family. Dave will be missed by all whose lives he touched. I am honored to have represented him and proud to call him a constituent.

IN HONOR OF THE LATE MR. JOSEPH F. UNANUE FOR HIS DEDICATION TO THE HISPANIC COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the late Joseph F. Unanue for his extraordinary contributions to the Hispanic Community and for the strides he made for Hispanic businesses.

Born in Santurce, Puerto Rico, Mr. Unanue moved with his family to my home state of New Jersey in his early childhood. Realizing how important and significant cuisine is to culture, Mr. Unanue's grandparents founded a family business in 1936, designed to bring the spices and tastes of their native foods to the New Jersey metropolitan area. In the process, Mr. Unanue's business addressed the needs of a marginalized consumer market and helped build his company into a household name. This business, today known as Goya Foods, is one of the largest Hispanic-owned firms in the nation.

Mr. Unanue continued Goya's commitment to the family and to the Hispanic community as he rose through the ranks to eventually become Executive Vice President. Armed with a master's degree in business administration from the University of North Carolina, Mr. Unanue was critical in introducing the art and flavor of traditional Hispanic dishes into American homes. He spearheaded Goya's marketing project that aimed for the non-Hispanic consumer by implementing an extensive English-language campaign. This campaign played an important role in Goya's multicultural business success and opened Middle America to Hispanic culinary traditions.

Mr. Unanue's contributions went beyond the kitchen and the boardroom and into the realm of art. In 1997, Mr. Unanue sponsored two major exhibits which highlighted the contributions of minority artists. The first was a Picasso exhibit at the Metropolitan Museum of Art, a compilation of 150 engravings, etchings and woodcuts by the renowned Spanish artist dating from 1900 through 1942. The second was an exhibit at Museo del Barrio of Taino artifacts—the indigenous people of the Caribbean. This project proved to be the first comprehensive art exhibit of the ancient Caribbean culture ever presented in North America.

Mr. Unanue's leadership and dedication to promote and support both the Hispanic community and Hispanic business is his legacy. Though he has passed on, his tremendous efforts and contributions remain to remind us of the importance, the necessity, and the benefits of multiculturalism. I am honored and humbled to have the opportunity to publicly praise this man for his many achievements.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 73, I was unavoidably detained. Had I been present, I would have voted "no".

WOMEN'S HISTORY MONTH

SPEECH OF

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. WATT of North Carolina. Mr. Speaker, Dr. Charlotte Hawkins Brown, a granddaughter of slaves and a native of Henderson, North Carolina, was born in June of 1883.

During the time Dr. Brown was born, African-Americans were leaving the south to move north, seeking a more tolerable racial climate and better economic opportunities. Boston was considered a mecca for progressive African-Americans. Dr. Brown's mother moved the family to Cambridge, Massachusetts—a move that was followed by 19 other members of the Hawkins family.

Dr. Brown was a natural leader at an early age: at 12 she organized a kindergarten department at her church and at 14 she was chosen as orator for her minister's 15th anniversary. Dr. Brown went on to attend English High School until she entered Salem Teacher's College in Salem, Massachusetts. She ultimately received a Bachelor's degree from Wellesley College.

In 1901 Dr. Brown returned to North Carolina, teaching at Bethany Institute in Sedalia. When Bethany Institute was forced to close its doors after only one year of operation, Dr. Brown began the difficult process of founding, developing, and operating a school for local rural African American youth. This school would become the Alice Palmer Memorial Institute. Alice Palmer Memorial Institute evolved from an agricultural and manual school to a fully accredited, nationally recognized preparatory school, graduating over 1,000 students during her 50-year presidency.

Dr. Brown was a founding member of the North Carolina State Federation of Negro Women's Clubs, an organization dedicated to the betterment of African-American womanhood. She also served two terms as president for the North Carolina Teachers Association, where she pursued three primary objectives: (1) the upgrading of North Carolina's educational facilities, (2) a higher level of communication between the State of North Carolina and African American teachers and (3) the instillment of a high sense of racial pride in African-American teachers.

Much of Dr. Brown's success can be attributed to the founding of the Palmer Memorial Institute but she was also involved in various community and civic organizations.

When Dr. Brown returned to Sedelia in 1901 only two families owned their farms. By 1930, 95 percent of the families were successful through the Home Ownership Association she founded. Four years later she implemented a movement geared toward "urban-farm" living, a program that encouraged farmers to live off their crops.

Dr. Brown was also instrumental in the survival of Efland Home for Wayward Girls. Recognizing the school's hardship, Dr. Brown requested that the North Carolina General Assembly fund and maintain the home. Ultimately the State granted $50,000 for the establishment of a new facility for the training of disadvantaged African-American girls.

Dr. Brown died on January 11, 1961 in Greensboro, North Carolina after having received numerous accolades for her work in education and civic service, including honorary degrees from Livingstone College, North Carolina Central University, Howard University and a LL.D from Wilberforce University.

In 1987 the Charlotte Hawkins Brown Memorial opened as a state historic site in North Carolina and is the only one to honor an African American.

CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 2000

SPEECH OF

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009:

Mr. FORD. Mr. Chairman, I rise today in support of the Spratt substitute, and in strong opposition to this unfair procedure and this sham Republican budget.

It is unfair that the majority is only permitting 40 minutes of debate on viable budget alternatives; why are we telling the American people that this important resolution deserves such limited debate?

The Republican budget resolution fails in many important areas: it fails to protect Social Security; unrealistically slashes domestic spending; and contains huge tax cuts that will be targeted towards the wealthy and will explode in future years.

I am supportive of the Spratt Alternative for a number of reasons: First, it saves 100% of the Social Security surplus while extending the solvency of the program; it also extends the solvency of the Medicare Trust Fund until 2020. Finally, it provides increases to programs that are a prirotiy for me: class size reduction, child care, Welfare-to-Work, and Urban Empowerment Zones.

The Spratt Alternative also pays down $146 billion more in public debt over 10 years than the Republican resolution.

Let's put this in real terms:

Paying down the debt is the best way to put more money in our taxpayer's pockets. If we pay down the debt, interest rates drop. What does this mean?

A 2% dip in interest rates drops the mortgage payment on a $115,000 home from $844 to $689—a decrease of $155 each month!

For a small business that takes out a five-year, $200,000 loan would save $2,256 per year, and $11,280 over the life of the loan.

This, my friends, is REAL monty and will make a difference to each of our constituents.

In 1998, we spent 14% of our budget on interest payments on our national debt. That money could instead be used to cut taxes, or invest in education.

Let's continue to do the hard work now to secure our future.

Vote "no" on the Republican budget, and support the Spratt alternative.

HONORING THE HARP & SHAMROCK MARCHING BAND FOR OUTSTANDING ACHIEVEMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Ms. DELAURO. Mr. Speaker, I rise to congratulate a group of young women who have honored my district by participating in both the New Haven and Milford annual Saint Patrick's Day Parades. Locally supported by their parents and neighbors, the Harp & Shamrock Marching Band traveled from Ireland to join the New Haven community's celebration.

The Harp & Shamrock Marching Band originated with a music class at the Scoil Bhride girl's primary school and today is organized and run by a dedicated committee of parents and volunteers. With the strong support of their community, and uniforms made by a dedicated group of parents and supporters, I am so proud to join them in their celebration of Ireland's patron saint.

Playing instruments ranging from whistles and accordions to bell lyres and percussions, these forty-three young women keep Irish culture and history alive. These young women, all between the age of 8 and 18, show a rare dedication and commitment to a demanding level of competition. Representing their town, county, province, and country in national events, they continue to proudly promote the Irish culture and tradition. They have been honored for fourteen consecutive years as Offaly Co. Champions in addition to their 1996 All-Ireland Championship. They have also been to London in 1996 and Manchester in 1997 and 1998 to take part in their St. Patrick's Day parades.

I am proud to take this opportunity to thank the Harp & Shamrock Marching Band for joining the New Haven and Milford communities in their Saint Patrick's Day Parades. It was a pleasure to join them at both events and I congratulate them on their hard work and success at bringing the Irish culture to each community they visit.

IN HONOR OF FRANCIS PATRELLE'S THE YORKVILLE NUTCRACKER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a special tribute to Dances . . . Patrelle as it performs another magical holiday performance of The Yorkville Nutcracker.

Dances . . . Patrelle was founded by Francis Patrelle in 1986. Born in Bucks County, Pennsylvania, Francis Patrelle studied ballet in Philadelphia with Jean Williams and at the Pennsylvania Ballet before receiving his B.F.A. from Julliard, where he studied on scholarship with Alfredo Corvino, Jose Limon and Anthony Tudor.

As an undergraduate, Mr. Patrelle created works for the Julliard School, the Joffrey School Concert Group, the Bel Canto Opera and the High School for the Performing Arts.

After Julliard, Mr. Patrelle choreographed for companies around the United States, including: the Santa Fe Opera, Houston's Grand Opera, the Berkshire Ballet Company, the Riverside Dance Festival, the American Opera Center and the Jacob's Pillow Dance Festival.

In 1986, Dances . . . Patrelle premiered at the Riverside Dance festival featuring guest dancers from the New York City Ballet. Dance Magazine declared that "with this concert, Patrelle moves to the front line of young ballet choreographers."

The honors did not stop there. Mr. Patrelle went on to choreograph numerous ballets that won praise from critics and dancers alike: Come Rain/Come Shine, American Dreamer, Reeks with Class!, Beloved Memories, Fuoco e Fiamma, Jazz Fools, Black Forest Carousel, Scottish Fantasy, Red Ellington, Get Happy, BING/LOVE . . . and me!, Country Dances/The Hunt, Clara, Anyone Can . . .!, and The Firebird, among others.

Over the years, Mr. Patrelle has received numerous grants from the Selz Foundation for Dance, the Dance Magazine Foundation and the Harkness Foundations for Dance.

Dances . . . Patrelle premiered the Yorkville Nutcracker in 1986 to critical acclaim. Patrelle's creative adaptation of the traditional children's holiday story, which is set in Olde New York, earned praise from reviewers who called the production "handsome" and declared that "Francis Patrelle knows how to stage a ballet. It looks like The Yorkville Nutcracker is here to stay."

This year's performance features New York City Ballet dancers Lourdes Lopez and Jock Soto, and Patrelle II students from Ballet Academy East.

Mr. Speaker, I am honored to bring to your attention Dances . . . Patrelle and its third season of The Yorkville Nutcracker. It is an honor to have such a creative and artistic ballet company located in my district.

A TRIBUTE TO IVAN BARRETT, COMMUNITY SERVANT

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Mr. Ivan Barrett of Miami, Florida. In his capacity as an Admissions Counselor for the state's Jobs Corps, Mr. Barrett has made tremendous contributions to the strengthening of community life in Miami's African-American neighborhoods, as well as those of Little Haiti and Little Havana.

Mr. Barrett is an admired member of the City of Miami Affirmative Action agency, the second vice president of the Tri-City Community Agency, and is liaison for equal opportunity for affirmative action in the Northside Jobs and Benefits Center, where he works.

Working for the state since 1979, Mr. Barrett continuously has made himself available to aiding Miami's citizens at all hours, both at home and at his office. In counseling at-risk youth over the decades, he has received numerous letters from grateful parents who otherwise would have lost their children to the violence of the city streets.

Mr. Barrett's heartfelt compassion and positive impact upon Miami's vulnerable youth are such that 97% of the young people freely choose to remain at the counseling centers longer than the thirty days' mandatory commitment.

Through his extraordinary respect for others and his committed spirit, Ivan Barrett embodies the ethos of active citizenship. He has made, and continues to make, an indelible impression of fortitude on those who know him.

IN HONOR OF CLYDE MADDOX, ELECTED COMMANDER OF THE DISABLED VETERANS—DEPARTMENT OF CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Ms. SANCHEZ. Mr. Speaker, today, I rise to pay tribute to Clyde Maddox who was recently elected Commander of the 110,000 member Disabled American Veterans—Department of California at the organization's 1998 State Convention at Concord, California. This distinguished Vietnam veteran is one of our countries heros and is rightfully being honored as such.

Clyde Maddox was born in Americus, Georgia where he spent eighteen years of his life. Upon graduating from Sumter County High School, he embarked upon a new career in the United States Marine Corps. After basic training, he served a tour of 13 months in Vietnam and served an additional tour overseas. He served the country with the 3rd Engineering Battalion, 3rd Engineers, and 3rd Marine Division in Vietnam.

Mr. Maddox has been repeatedly honored for his exemplary service in the U.S. armed forces. He was presented with a certificate of good conduct medal on January 28, 1988, and was awarded with a Navy Achievement Award Medal for serving as Ground Supply Chief, 3rd Marine Air Wing Fleet Marine from May, 1979 to July 1982. He also received the admirable Meritorious Service Award during the period of November, 1986 to May, 1989. These are only two of his many achievements to reflect the highest traditions of the Marine Corps and the United States Naval Service.

On January, 1991, Clyde Maddox officially retired with an Honorable Discharge from the Marine Corps and was subsequently employed by the Disabled American Veterans—Department of California as a Department Service Officer at the Jerry L. Pettis Veterans Affairs Medical Center, Loma Linda, California. He was awarded a Certificate of Appreciation on February 4, 1996, and a certificate for Outstanding Service as a Service Officer, showing that he could continue his tradition of excellence through retirement.

Clyde Maddox has shown exemplary leadership and service throughout his life. He is truly one of Americas great heros through his great service to many men and women active and retired from our Armed Services. I ask you to join me today in recognizing this remarkable man who has played a most vital role in the lives of many others less fortunate and helped preserve a vital part of America's community.

IN MEMORY OF MARIE C. HILLYER OF UHRICHSVILLE, OHIO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. NEY. Mr. Speaker, I rise today in memory of Marie C. Hillyer, who passed away on March 25, 1999. Marie was a previous member of Uhrichsville City Council for ten years and a member of the Twin City Republican Women and the Republic Executive Committee. She was also the first female member of the Union Hospital Board of Trustees and a founder of the Uhrichsville Pride Program.

She spent her life serving her community and was well loved and respected by all who knew her.

Mr. Speaker, it is a privilege for me to pay my last respects to a woman who gave so much of herself to her community and her family. Marie will be missed by all whose lives she touched. I am honored to have represented her and proud to call her a constituent.

TRIBUTE TO DICKSON, TN

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. BRYANT. Mr. Speaker, on Thursday, April 22, this year, the day will mark the 100th anniversary of the creation of one of the finest towns in the United States—Dickson, Tennessee.

Dickson was first chartered 1873 after Mr. C. Berringer of Allegheny County, Pa., established a colony of farmers and mechanics, who, like Berringer, were immigrants from Pennsylvania. Berringer first purchased the land in 1857 and began plotting lots and sold them on the real estate market.

The name of the colony, Smeedsville, was eventually changed to Dickson in 1873 when the town was chartered, but that charter was lost and never recovered. A second charter was established on April 22, 1899, which is now being celebrated throughout Middle Tennessee.

At the outbreak of the Civil War in 1861, the eastern branch of the Nashville and Northwestern Rail Line had been completed from Nashville to Kingston Springs. After the Union Army took Fort Donelson in 1862, Gen. Ulysses S. Grant ordered the completion of the line to Johnsonville on the Tennessee River. Gen. Alvah H. Gilliam was placed in charge of that work which was done primarily by black infantry soldiers.

In 1864, W. H. Crutcher is believed to have constructed the first store on North Main Street, as well as the first hotel. By 1870, the town of Smeedsville had grown to a population of 150. With the end of the Civil War and the advent of the railroad, the community grew rapidly over the next 20 years. Dickson developed, as many communities in Tennessee, as a railroad town. Much of the commercial activity that took place was due to the agriculture and timber business. There were many sawmills in and around Dickson. The Dickson Planing Mill operated by the Cowan Brothers was the largest. Tool handles, hardwood flooring and white oak barrels (for oil), and spokes for buggy wheels were some of the products manufactured locally for the retail market. Early 20th Century business included the U.S. Tobacco Company, Henry J. Siegel (HIS) Company, the American Cigar factory and Red Cap Garment Company, which is still in business today.

In 1905, a fire devastated most of the downtown district. The community rebuilt and by the end of the first quarter of the new century, the population had reached almost 3,000. Banks, industrial growth, agriculture and manufacturing all contributed to the substantial growth of the town. General merchandise, hardware, drug and clothing stores, along with restaurants, hotels and other places of business made Dickson a thriving market town. With the advent of the "Great Depression" and then World War II, many businesses suffered greatly. The growth since then has been slow but steady.

The railroad still plays an important part of Dickson's continuous history. Ten to 12 trains run between Memphis and Nashville each day. The depot still serves as a crucial monitoring point along this line.

In 1913, J. T. Halbrook, a local businessman, constructed the hotel directly across from the depot. This facility served rail passengers, railway personnel, farmers, merchants and drummers (traveling salesmen.) The hotel stands today as a reminder of this role in the commercial history and development of Dickson. In 1917, Belle S. Goad, a widow from Scottsville, Kentucky, moved to Dickson and leased the Halbrook Hotel. She ran this facility with the help of her sister, Maybelle. In 1919, Maybelle married Robert S. Clement, who later became a prominent attorney in Dickson County. On June 2, 1920, their son Frank G. Clement was born in the hotel. In 1952, he was elected governor of Tennessee and subsequently served a total of three terms. The Halbrook Hotel is listed on the National Register of Historic Places and owned by the State of Tennessee.

Dickson has blossomed into one of Tennessee's most beautiful metropolitan areas and I am especially proud to be able to honor the city in this way.

RENTAL OF PHYSICIAN OFFICES FOR 'SATELLITE' REHAB FACILITIES: WHY WE NEED PHYSICIAN ANTI-FRAUD LEGISLATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. STARK. Mr. Speaker, recently, one or more companies (for example, Total Health Care Consulting, Inc.) have been writing doctors throughout the United States offering to rent office space from them at $21 a square foot but in some cases in an amount equal to $64 per square foot for the time the space is in use) and this space would be used to house rehab therapists. In some cases, these services are described as satellites of uninspected comprehensive outpatient rehab facilities (CORFs).

The incentive for gross over-utilization of services in these kinds of deals is enormous. Implicit in the deal is, "doctor, you can make a lot of money by renting spare office space to me, but I will have to keep busy . . . through referrals of your patients for rehab and physical therapy."

I forwarded several of these contracts to the HHS Inspector General on the grounds that they violate various laws designed to prevent financial incentives to over-utilize Medicare services.

I include in the RECORD at this point a response to my letter from the HHS IG. I want to thank the many good doctors who were troubled by this scheme and called my attention to it. As in all things, if someone offers you a sweetheart deal that it too good to be true, it either isn't true, or it is cutting a legal corner.

DEPARTMENT OF HEALTH & HUMAN SERVICES, OFFICE OF INSPECTOR GENERAL, WASHINGTON, DC, March 30, 1999.

Re rental of physician office space.
Hon. PETE STARK,
House of Representatives,
Washington, DC.

DEAR MR. STARK: We are writing in response to your letter of March 24, 1999, regarding a contract and other materials describing an arrangement where a physician will allow his office to be used as a "site" for a new comprehensive outpatient rehabilitation facility in exchange for what appears to be inflated rental fees linked to expected referrals.

We have received reports of similar activities from across the country. We share your concern that this activity raises serious questions under the Federal fraud and abuse laws, in particular the anti-kickback statute (42 U.S.C. §1320-7b(b)) and we have forwarded your letter and accompanying materials to our Office of Investigations.

If you have further questions, please feel free to have your staff contact Helen Albert, Director of External Affairs, at (202) 260-8610.

Sincerely,
D. MCCARTY THORNTON,
Counsel to the Inspector General.

TRIBUTE TO DAVID RODERICK

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. MURTHA. Mr. Speaker, I want to make a few comments before the House of Representatives on the occasion of the 75th birthday of a truly outstanding American, Dave Roderick, whose life has been a testimony to the American Dream, the greatness of America and what one individual can accomplish in this country.

Dave grew up on the North Side of Pittsburgh. He never lost sight of his roots or his commitment to where he grew up. Throughout a distinguished career as an international business leader, he always made it a priority to help Pittsburgh, working to stimulate community and economic development of the area.

In addition, he stands as one of our nation's greatest industrialists. As Chairman of U.S. Steel he oversaw the merger of U.S. Steel and Marathon Oil into USX Corporation.

One of his most notable accomplishments was the work he did in the 1970's and 1980's that literally saved the steel industry in the United States. Finding himself in the midst of an international economic war over the "dumping" of foreign subsidized steel, Dave Roderick worked tirelessly through the Ford, Carter and Reagan Administrations, finally succeeding in getting legislation passed which allowed the rebuilding of the American steel industry into the most modern in the world. That legislation, which saved the jobs of millions of American workers, was the only trade-control legislation ever approved by President Reagan.

Dave's personal commitment to our Nation went well beyond his career in industry to include his distinguished service in the Pacific in World War II with the Marine Corps, as well as his commitment to the rebuilding of the Pittsburgh region. His strong work ethic and values were apparent early on as indicated by his work through college to pay for his education and his devotion to his strong and close family.

Dave Roderick is a classic symbol of the indomitable American spirit. He grew up in humble surroundings and through hard work, dedication and commitment became a true hero of industrial America. I congratulate Dave on his 75th birthday and on his outstanding and uniquely American life.

COMMENDING GEORGE CARDINET IN HIS EQUESTRIAN EFFORTS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize George Cardinet as an outstanding citizen in California. On April 10th, a parade, trail ride and dinner was held for George in celebration of his 90th birthday and his 65 years of trail building.

I want to join those individuals in California who held the event last week in thanking George for his lifetime of achievements in trail building. His contributions to trails in California include founding the Tahoe Rim Trail, California Riding and Hiking Trail and being the Founding Father of the DeAnza National Historic Trail. In 1998, he was given a bronze medal and the superior achievement award by the state parks for his volunteer service. George worked that same year with Yosemite National Park and horse organizations to include horses in the Yosemite General Management Plan. He was named "Grandfather of the Trails" by the National Park Service in 1995, and honored as a Life Member of Back Country Horsemen of California for his efforts in preserving campsites and trails for equestrians.

These actions, and many others not mentioned, demonstrate George's leadership and personal love for equestrian issues. I commend George for his work and look forward to many other contributions from him to our state.

CELEBRATION OF THE 125TH ANNIVERSARY OF ST. JOSEPH'S CHURCH OF SPRINGFIELD

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize and celebrate an important milestone in the Diocese of Springfield, Massachusetts. For over one year now, the parish of St. Joseph's Church has been celebrating its 125th Anniversary. This celebration will be formalized with an Anniversary Mass on April 11, 1999 and will be attended by Bishop Thomas Dupre, Bishop Joseph Maguire, current and former parishioners, and the general public.

The importance of ethnically based parishes to the immigrants of the late 18th Century and early 19th Century cannot be overstated. Groups of people from European nations such as France, Ireland, Italy, and Poland made their way to the prosperous shores of America, only to be met with suspicion and discrimination. Laws and practices were instituted to make life more difficult for new immigrants. Their only recourse was to turn to those with whom they shared a heritage.

The focal point for many of these communities was the Roman Catholic Church. The bonds of ethnicity and language were strengthened by bonds of faith. By fostering the language and traditions of the old country, these parishes gave new immigrants something familiar to hold onto in the strange new world in which they had landed. The church offered support, education, and contacts in the business community that the new immigrants would not have had otherwise. The children of the immigrants were taught English as well as their native language, allowing them to assimilate more easily into the society at large.

Springfield, Massachusetts is blessed with a wide variety of ethnic groups, of which the Franco-American community is one. In 1873, the Reverend Louis Guillaume Gagnier, a 43-year-old missionary priest founded St. Joseph's Church in the Diocese of Springfield. From the masses held in parishioners' homes, to the basement of the church building, to the beautiful structure seen today, the mission of St. Joseph's, to faithfully serve its community, has remained the same. The church and the surrounding structures have seen hard times, but they have perservered. The widening of roads, explosions, hurricanes, and floods have rocked the buildings of St. Joseph's Church, but not the faith of its parishioners.

During the first 100 years of St. Joseph's Church, Reverend Gagnier's mission was continued by Reverend Joseph Bissonnette, Reverend Arthur Cayer, Father Albert Aubertin, Father Romeo Rheaume, and Reverend Gerald Lafleur. Throughout all of their tenures, the Pastors were aided by the unyielding support of the Sisters of Saint Joseph and the Sisters of the Holy Cross. The Sisters opened and ran the parish school, thereby fostering a sense of religious and social community in the neighborhood.

Mr. Speaker, historically, spiritually, and socially significant community centers such as Saint Joseph's Church need to be recognized and celebrated. Their contribution to the establishment of cities like Springfield cannot be measured. The effects of Saint Joseph's Church will be felt for many years to come in the Franco-American community and in the society at large. Mr. Speaker, the United States of America needs more positive social centers like Saint Joseph's Church and I hope that its members will continue their faithful service for at least another 125 years.

PAYING DOCTORS FOR QUALITY: INTRODUCTION OF LEGISLATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. STARK. Mr. Speaker, I am today introducing legislation to reduce the ability of Medicare HMO's to use financial incentives to encourage doctors to deny care. Instead of letting HMO's just use the stick of payment denial, my bill encourages managed care plans to use the carrot of bonuses to improve health outcomes and provide more preventive care.

As a result of legislation I first passed nearly 15 years ago, the Secretary of HHS has the authority to limit the amount that an HMO can place a doctor at financial risk if he or she orders tests for a patient, refers to specialists, or otherwise provides extra care. Using this authority, the Secretary has limited the amount that a doctor can be liable for such extra care to 25 percent of compensation.

I have always thought that "25 percent" regulation provided too much power to HMO's to pressure doctors to deny care.

Would you fly on an airline which withheld up to 25 percent of their mechanics' pay if they spent too much time checking out the airplane? No? Well, we allow HMO's to pay doctors that way. My bill reduces the 25 percent amount to no more than 10 percent over a 3-year period.

In recent years, there have been a number of studies and reports that suggest the 25 percent figure is too high. Other reports have suggested that we encourage the payment of HMO doctors for quality of care, for the extent they provide preventive care services, and on how well their patients like the care they receive. These seem like commonsense ideas. They are ideas basic to any service type industry. But unfortunately, it looks like we need legislation to move HCFA and the industry in this direction.

I hope my legislation can be considered as we debate managed care reform proposals, both for Medicare patients and for the general public.

Following are some examples of how the current payment incentives may be bad for our nation's health—and how they can be improved.

> In 1998, 57 percent of primary care physicians in managed-care organizations in California reported feeling pressured to limit referrals. . . . From 1943 to 1985, the duration of the average visit to a physician's office fell from 26 to 17 minutes. Among family practitioners, the average visit in 1985 lasted 14 minutes. Whether or not there have been large reductions in the time physicians spend with patients, 75 percent of primary care physicians in managed-care practices in California reported pressure to see more patients per day.—From "The American Health Care System," by Thomas Bodenheimer, in The New England Journal of Medicine, February 18, 1999.
>
> In all capitation agreements, the amount of overall financial risk or gain based on "withholds" and bonuses should be small and should be structured to avoid unusually intense conflicts of interest in individual clinical decisions. . . . In a survey of managers of health maintenance organizations, nearly half believed that physicians' decisions regarding the ordering of tests, referrals to specialists, and elective hospitalizations could be noticeably affected at individual risk levels ranging from 5 to 15 percent of income [note, the HCFA regulation is 25 percent]. In keeping with these views, and in the absence of empirical data, it seems reasonable to consider an aggregate risk of more than 20 percent for an individual physician—or even a group of physicians—as unacceptably high. Moreover, physicians should not be at risk of losing more money than is being withheld. Bonuses and distributions from withheld surpluses should be paid out in percentages of the targets achieved, in installments, or in other ways to avoid the possibility that the entire payment will depend on the health care costs of a few patients at the end of the contract year.—"Ethical Guidelines for Physician Compensation Based on Capitation," from The New

England Journal of Medicine, September 3, 1998.

Our results suggest that the goal of providing high-quality care may be better approached by the use of limited financial incentives based on the quality of care and patients' satisfaction than incentives that reward physicians for restricting access to specialty care or for squeezing in a greater number of visits per day. Policies that emphasize the former approach may enhance satisfaction with the U.S. health care system on the part of both patients and their physicians.—"Primary Care Physicians' Experience of Financial Incentives in Managed-Care Systems," by Grumbach, et. al., in The New England Journal of Medicine, November 19, 1998.

. . . HMO managers believed that the impact of withhold accounts, bonus payments, and risk pools are subject to thresholds below which little or no effect is expected. For example, more than 90 percent of respondents reported no noticeable effect on the ordering behavior of physicians at risk as individuals if the level of withheld funds is below 5 percent of total HMO payment. Conversely, most respondents (nearly four-fifths) believed that there would be a noticeable effect when withholding represents 5–30 percent of total HMO payment. . . ."—"HMO Managers' Views On Financial Incentives And Quality," by Hillman, et. al., in Health Affairs, Winter 1991.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCING THE MAXIMUM FINANCIAL RISK FOR PHYSICIANS PARTICIPATING IN MEDICARE-CHOICE PLANS.

Section 1852(j)(4)(A) of the Social Security Act (42 U.S.C. 1395w-22(j)(4)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clauses:

"(iii) The organization does not operate the plan in a manner that places a physician or physician group at a financial risk that exceeds 20 percent as of January 1, 2002, 15 percent as January 1, 2002, and 10 percent of January 1, 2003, of potential payments.

"(iv) Potential payments mean the maximum payments possible to physicians or physician groups including payments for services they furnish directly, and additional payments based on use and costs of referral services, such as withholds, bonuses, capitation, or any other compensation to the Physician or physician group.

"(v) Potential payments do not include nuses and other compensation that are based on the quality of care furnished, improved outcomes preventive care rates, patient satisfaction or committee participation.

IN HONOR OF ISAIAH THOMAS AND THE AMERICAN ANTIQUARIAN SOCIETY

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. McGOVERN. Mr. Speaker, I rise today in tribute to Isaiah Thomas, a colonial patriot, printer and publisher on the 250th anniversary of his birth and in tribute to the American Antiquarian Society in Worcester, Massachusetts, an internationally recognized library of American history and culture.

Isaiah Thomas was a leading publisher of his day and was credited with more than 400 titles. The quality of his work received commendation from none other than fellow printer and patriot Benjamin Franklin. Thomas began his career as a printer's apprentice and established a printing operation in Worcester, Massachusetts in 1775 when the British occupation of Boston drove him from that city. He served actively in the War for Independence at Lexington and Concord. Through his newspaper, "The Massachusetts Spy", and numerous other publications, the colonists of New England learned of the events of their day. Through his writings and publications, Isaiah Thomas played an important role in the revolutionary movement by informing and inspiring fellow patriots. Thus, on the occasion of the 250th anniversary of the birth of Isaiah Thomas, we gratefully acknowledge the contributions of this great colonial patriot, printer and publisher.

I also rise to acknowledge the proud history and valuable contribution of the American Antiquarian Society in Worcester, Massachusetts founded in 1812 by Isaiah Thomas. The American Antiquarian Society is both a learned society and a major independent library which is internationally recognized as one of the finest repositories of early American printed materials in the world. The American Antiquarian Society library today houses the largest and most accessible collection of printed media and graphic arts materials printed through 1876 in what is now the United States, as well as manuscripts and other reference materials related to all aspects of American history and culture before the 20th century. As the American Antiquarian Society launches a capital campaign to make possible its continued mission, I rise to gratefully acknowledge its history, valuable contributions to scholarly research and the preservation of our history, and to commend its efforts to make possible similar resources for future generations.

IN RECOGNITION OF OPERATIONSMILE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. PALLONE. Mr. Speaker, I rise today to recognize the efforts of a humanitarian and medical relief organization that is in the midst of the largest-ever worldwide surgical relief—a mission that will enable some of the world's neediest children to smile for the very first time. At the same time, I would like to recognize four members of one of New Jersey's leading associations that have helped to make this mission possible.

The humanitarian organization is OperationSmile, a group of volunteer surgeons and others who focus on correcting cleft lips, cleft palates, and other facial deformities. Their World Journey of Hope '99 is nine-week international mission for 18 developing countries that will transform the lives of more than 5,000 children.

The trip is made possible through the generous contributions of many companies, including four member companies of the Health Care Institute of New Jersey, an organization that promotes awareness of the research-based pharmaceutical and medical technology industry in New Jersey. Two of the companies, Johnson & Johnson and Warner Lambert, are charter sponsors of this mission. Two other companies, Becton Dickinson and Wyeth-Ayerst, contributed surgical supplies for the mission.

Founded in 1982 by cosmetic surgeon William P. Magee, Jr., MD, OperationSmile volunteers have provided free surgery to more than 45,000 children in 17 countries, including the United States. In addition to free medical treatment and aftercare, OperationSmile trains local medical professionals and provides vital medical equipment. Doctors and nurses in these countries continue the efforts after the volunteer team has left.

In addition to performing the miraculous task of transforming lives of children who would often otherwise be doomed to a lifetime of rejection and social cruelty, OperationSmile transform the live of volunteers who receive the gift of knowing that they have truly made a difference and have brought people together around the world.

Similarly, the four companies mentioned earlier who have contributed to this effort have gone beyond the scope of "business as usual" to achieve a larger mission, improving the health and well being of people the globe. They are to be commended for their support of this shared vision: the right of every human being to receive necessary health services.

I am proud to recognized the work of OperationSmile, and I thank Becton Dickinson, Johnson & Johnson, Warner-Lambert, and Wyeth-Ayerst for their role in continuing the work of this wonderful organization.

A TRIBUTE TO FATHER MARCELLIN CHAMPAGNAT

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. DIAZ-BALART. Mr. Speaker, I rise today to recognize the life and achievements of Father Marcellin Champagnat (1789-1840), Founder of the Marist Brothers of the Schools.

Born in France in 1789, Marcellin Champagnat grew up in an isolated rural area, where education was in a sorry state. Remembering his own intellectual deprivation as a child, he insisted to his companions, "We must have Brothers, to catechize poor children and give them a basic education!" That conviction became the driving force in his life and led to the foundation of a new teaching congregation in the Catholic church, the Marist Brother of the Schools.

He began his dream in 1817, with two young parishioners, one that was illiterate and the other only fifteen years old. Dividing his time between his parish duties and his two new disciples he began to succeed little by little and by 1824, he had been released from parish duties in order to devote all his time and energy to the Brother and to the rapidly growing network of Marist Schools in France.

Through it all, Father Champagnat displayed the same attitude as had St. Paul: "We are often troubled, but not crushed; sometimes in doubt, but never in despair; there are many enemies, but we are never without a friend; and though badly hurt at times, we are not destroyed" (2 Cor 4:8–9).

Even after Father Champagnat's death, the Marist family continued to grow. In 1886 they came to the United States, where they now carry on their educational ministry in fourteen states and several overseas missions.

On April 18th, Marcellin Champagnat will be honored by the Catholic Church when he will be canonized in a ceremony at St. Peter's Basilica in Rome.

It is fitting and proper that we, too, honor Father Marcellin Champagnat.

A TRIBUTE TO JOE TORRE

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. HOUGHTON. Mr. Speaker, today I'd like to recognize a hero. His team has won the World Series in two of the last three years (1996 and 1998). Last year he managed perhaps the greatest team in history, winning 114 regular season games (out of 162) and 125 overall. And after these victories, he said, "As far as the hunger and desire, I'll walk away from this game before I think I don't have to work hard." And that man is the New York Yankees' 31st Field Manager, Joe Torre.

But, Mr. Speaker, Joe Torre is a hero in another field as well, in the health arena, as a patient winning his fight against prostate cancer. Prostate cancer is the second leading cause of cancer death among men, with over 80% of all cases occurring in men over 65. African-American men tend to be diagnosed with the disease at later stages and to die from prostate cancer at a higher rate than do white men. Joe Torre was diagnosed by a screening exam that was conducted for the entire Yankee team.

Prostate cancer is the most diagnosed non-skin cancer in the US. In 1999, prostate cancer will kill an estimated 37,000 men in the US. In 1999, 179,000 men will be diagnosed with prostate cancer in the US.

The most important thing to do is to catch the cancer early. Generally, the earlier the stage of cancer at the time of detection, the higher the survival rate. Prostate-specific antigen screening PSA blood test and digital rectal examination (DRE) of the prostate gland are the most common of detection methods. The American Cancer Society recommends annual PSAs and DREs, to men aged 50 and older with at least a ten year life expectancy, and to younger men at higher risk, such as African-American men or men with a strong familial pre-disposition to prostate cancer.

Thankfully, for Joe Torre, this annual screening process detected the disease in its early stages, so he has great chances of defeating this terrible disease. Doctors say they expect a full recovery. On behalf of the men who can be similarly helped, I encourage all men, starting around age 50, to have a regular exam annually. And I'd also like to encourage my colleagues to support the continuation of sufficient funding for research into the causes and cures for prostate cancer.

IN TRIBUTE TO REVA DAUER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. DEUTSCH. Mr. Speaker, South Florida lost a true "citizen" recently, someone who totally immersed herself in our community. Reva Dauer passed away on March 27, 1999, and she will be greatly missed.

A resident of Bal Harbour, Florida, Reva was active in many philanthropic organizations. Her most impressive achievement was the hospital that she and her husband, Maxwell, developed more than 25 years ago. Reva was involved in many aspects of the birth of the Florida Medical Center; she was even involved in the process of selecting the 47-acre site of the Center, which originally opened in 1973 as Lauderdale Lakes General Hospital. Throughout her life, Reva participated in various administrative and day-to-day functions of the hospital. A former owner of the hospital, she was also instrumental in the opening of Lauderdale Lakes General Hospital's open-heart surgery unit, where the first open-heart surgery in Broward County was performed in 1974.

Reva Dauer will also be remembered as someone who worked very hard on behalf of many charitable and civic organizations. She and her family were well known contributors to the University of Miami's Schools of Medicine, Music, and the Ryder Center for Athletics. Exemplary of her extraordinary commitment to the school, in 1993 she gave the University of Miami $1.5 million for a library addition to be named the Maxwell and Reva Dauer Clock Tower. However, the University of Miami was not the only organization which was the beneficiary of Reva Dauer's generosity. In 1995, Reva and her family were instrumental in constructing the University School of Nova Southeastern University Middle School in Coral Springs. Reva also donated much of her time to the Aventura Turnberry Jewish Center in Aventura, as well as Temple Emanu-El in Miami Beach.

Life is very rarely complete without the benefit of having family. Reva Dauer was a loving wife, mother, sister, aunt, and grandmother. Mr. Speaker, I cannot imagine anything more important than that. Reva's family will undoubtedly miss her, and the entire South Florida community will miss her kindness and generosity as well. She was an extraordinary human being, but we are lucky to have so many wonderful memories of her life and work.

TRIBUTE TO JOAN K. ELAM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Joan K. Elam, Principal, James Monroe High School, North Hills, CA., one of ten educators selected from more than 500 applicants to receive the 1999 Readers Digest American Heroes in Education Award.

Joan has dedicated her life to her students. She began her career as a school teacher in the Newhall area and later transferred to the Los Angeles Unified School District where she taught science. She was a school counselor at Holmes Jr. High, Assistant Principal and Counselor at Dorsey High School, and Principal at Sepulveda Middle School prior to coming to James Monroe High School, where she has been the Principal for the last 10 years.

Joan understands the need of students to have stability and was responsible for reopening the school only one week after it sustained severe damage in the 1994 Northridge earthquake. She manifests Readers Digest's challenge of finding new ways to meet the fast-changing needs of students today. She launched ingenious programs at James Monroe High School which serves 4200 students in the Northeast San Fernando Valley. She initiated many vocational classes, including aviation lessons, a class that builds race cars, and police and fire academies approved by the Los Angeles Police and Fire Departments. A day-care center that bears her name provides baby sitting services for the children of students.

Among the school's most creative programs is the Law and Government Magnet, the first of its kind in California, which holds mock trials in the state of the art courtrooms and provides opportunities to explore many professional careers related to the fields of law and government. I am proud that my office has participated in this program for the last eight years. Each semester two students from the program serve for two days a week in my district office assisting my staff with various tasks involving constituents, district projects and federal agency inquiries.

Mr. Speaker, I ask my colleagues to join her students, family and members of the community in saluting Joan Elan. Her dedication and selflessness are an inspiration to us all.

PARKLAND COMMUNITY LIBRARY VOLUNTEERS

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. TOOMEY. Mr. Speaker, I rise today to deliver a Report from Pennsylvania's 15th District.

All across the Lehigh Valley there are so many good people doing good things to make our communities better places to live. So many good people are working day and night to help others.

In my book, these outstanding individuals are Lehigh Valley heroes. Their hard work and dedication have made a difference in lives of thousands of individuals in the Lehigh Valley.

Today, I would like to recognize the dedicated volunteers at the Parkland Community Library in Allentown, Pennsylvania as Lehigh Valley Heroes. I would like to share their efforts with my colleagues and the American people.

In 1973, Parkland Community Library first opened its doors as a grassroots or solely volunteer library. Through twenty-five years of service to the community, the library has truly relied on the efforts of dedicated volunteers.

These hard-working volunteers help everyone in the community who visit the library. Volunteers are at the front desk when you walk though the front door. They are there to help when you need to find a book. They help with the children's programs, assist with bookkeeping, help with data entry, make copies and help with computer work.

All the volunteers at Parkland Community Library have done so much to make a difference. These volunteers are Lehigh Valley Heroes.

Mr. Speaker I would like to single out and commend the following volunteers who have dedicated more than one thousand hours of service at the Parkland Community Library.

Georgia Baldrige, Priscilla Baxter, Alice Bergstein, Gloria Boyer, Cathy Brockington, Carol Caliguiri, Patricia Crawford, Viola Crouthamel, Fredia Csencitz, Mary Jean Doelp, Audrey Elison, Arthur Farrell, Nancy Farrell, Inger Fisher, Brook Fulford, Sherry Geiger, Faith Gensler, Richard Gobrecht, Carrie Gorman, Betty Hallman, Isabel Heffernan, Margaret Krause, Elizabeth Marsden, Elaine Miller, Clifford Moyer, Elaine Moyer, Marie Platner, Ruth Rees, Miriam Romig, Betty Scharfenberg, Barbara Schmidt, Reba Seidel, Eleanor Sheldon, Sally Shelly, Fan Shoemaker, and Doris Vogelsong.

RECOGNITION OF THE LUVERNE, AL, ROTARY CLUB ON ITS 50TH ANNIVERSARY

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. EVERETT. Mr. Speaker, this month marks the 50th anniversary of "Service Above Self" for the Rotary Club of Luverne, AL, in my congressional district.

Over the years since the establishment of the Luverne chapter of Rotary International, its Crenshaw County members have served their community and fellow man in the best tradition of Rotary: To Encourage and Foster the Ideal of Service as a Basis of Worth Enterprise.

Luverne Rotarians continue to embody this noble tradition of community service through many local outreach projects including annual contributions to Operation Santa Claus to benefit local needy children; and, their annual fishing rodeo for young area honor students.

In their golden anniversary year, I wish to congratulate club president William Bell, vice president Chris Johnson, treasurer Ann Tate, secretary Pat Folmar, and all the members of the Luverne Rotary Club. Their many positive contributions to our community and its youth are making a difference in south central Alabama.

MIAMI—DADE COMMUNITY COLLEGE CELEBRATES NURSE DAY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute to Miami-Dade Community College's Medical Center and to the Florida Student Nurse Association which will celebrate Nurse Day on April 12, 1999.

The Medical Center Campus of my alma-mater, Miami-Dade Community College, graduates about 350–400 nursing students each year and adequately prepares them for a successful outcome on their examination for their Registered Nurse license. In addition, the college graduates the highest number of Associates degrees in Allied Health of any other college or university in the entire Nation.

The Nursing profession attempts to assist persons, families and the community to attain the best health status possible. The nursing program offered at Miami-Dade Community College empowers its participants with invaluable knowledge and experience in order to effectively promote good health and serve the infirm of the South Florida community.

I congratulate MDCC's Medical Center for the outstanding accomplishments the nursing program has achieved in our community and I wish the faculty, staff, and all of its graduates perpetual success.

THE INTERNATIONAL OLYMPIC COMMITTEE REFORM ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. WAXMAN. Mr. Speaker, the Olympic Games hold a special place in the hearts of Americans. We all have our favorite Olympic memory. For some, it's Jesse Owens' courageous performance in Nazi Germany in 1936, or Wilma Rudolph's three gold medals in 1960. For others, it's Mark Spitz's incredible 11 swimming medals, or the U.S. hockey team's "Miracle on Ice" in 1980. Sadly, however, the spirit of fair play that epitomizes the Olympic movement has been tarnished by recent controversies involving the International Olympic Committee (IOC).

Over the past few months, we have learned how IOC members have received large sums of cash and lavish gifts from cities vying to host the Olympic Games. These cash payments and gifts were intended to influence how IOC members voted on which cities would be chosen as Olympic hosts. One quarter of IOC members have already been implicated in these allegations. The truly sad aspect of this scandal is that this culture of greed and corruption has been flourishing for years. Those involved in the scandal clearly deserve blame, but so too does the system that allows such a culture to develop.

Since the bribery allegations first surfaced last November, the IOC has shown that it is unwilling to take the necessary steps to reform itself. Consequently, I am introducing "The International Olympic Committee Reform Act." This bill is aimed at restoring the integrity and dignity of the Olympic Games. The process by which cities are selected to host the Olympic Games should be based on which city would be the best host, and not on the amount of money that is spent on gifts for IOC members.

This bill is based on a series of proposals recommended by an independent commission led by former Senate Majority Leader George Mitchell. Among other things, the Mitchell commission recommended that the IOC ban the giving or receipt of gifts of more than nominal value. The commission also recommended that the IOC subject its members and leadership to periodic reelection. The bill I have introduced today would prohibit American corporations from providing any financial support to the IOC until the IOC adopts the Mitchell commission reforms.

I regret that this legislation has to be introduced. I had hoped that the IOC would adopt the necessary reforms on its own accord. It is apparent, however, that the IOC is reluctant to take strong and immediate action. Perhaps, the only thing that will get the IOC's attention is if American corporate money is cut off.

Currently, the IOC derives a substantial portion of its operating revenues from American corporations: NBC has paid $3.5 billion for the television rights for the next five Olympic Games; and nine American corporations each pay $10 million a year for the right to be an official Olympic sponsor. Quite simply, the IOC could not operate without American corporate money.

In recent editorial in the Los Angeles Times, Olympic gold medalist Frank Shorter wrote: "The United States, through corporate sponsors and the funding provided through the [U.S. Olympic Committee]. Is the single largest contributor to the Olympics. Its voice is one the IOC simply cannot ignore."

It is my hope that this bill will be the first step in restoring the legitimacy of the Olympic movement. In the past, Congress has been quick to act when it has disapproved of the activities of foreign countries, international organizations, and multinational corporations. We should be no less willing to act when Olympics are involved. I ask all my colleagues to join me and support this legislation. As Senator Mitchell explained, "The Olympic flame must burn clean once again."

HONORING THE METROHARTFORD CHAMBER OF COMMERCE ON THEIR 200TH ANNIVERSARY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. LARSON. Mr. Speaker, on April 10, 1999, the MetroHartford, CT, Chamber of

Commerce marked its 200th anniversary. I rise today to honor and recognize this momentous occasion.

On July 1, 1799, 43 community merchants and professionals gathered at the home of John Ripley on Main Street and signed their names to a document officially organizing the Hartford Chamber of Commerce. Since its organization, the MetroHartford Chamber of Commerce has tirelessly pursued the goals of civic support and economic promotion to make Hartford a bigger and better industrial and commercial city. For the last 200 years, the Chamber's traditions of business and principles of living have carried the greater Hartford region to the front list of municipalities in the country.

For example, during the First World War, the MetroHartford Chamber of Commerce played a critical community support role, financing an evaporation plant to preserve fruits and vegetables, improving housing conditions for African-Americans moving from southern States to work in Hartford's defense industries, and providing emergency funds for the families of soldiers killed in action in Europe. The Chamber became one of the first organizations to establish a registry and canvass local community businesses to help find work for returning soldiers and disabled veterans.

In the years following the Great Depression, the MetroHartford Chamber of Commerce built plants for companies, secured air mail and passenger service, supported the development of roads and highways, established a Better Business Bureau, advocated for the creation of trade schools, and promoted traffic safety and fire prevention programs. During the 1960's, the MetroHartford Chamber of Commerce organized antipoverty programs such as the Community Renewal Team, and again turned their efforts toward building and rehabilitating housing for community residents who otherwise could not afford it.

Today, we stand on the dawn of the 21st century, and on the heels of one of the worst recessions in history the MetroHartford Chamber of Commerce is once again playing a critical role in the revitalization and economic development of the greater Hartford area. Whether it is working with local communities and businesses on projects such as Riverfront Recapture aimed at reclaiming the history, beauty, and community embodied along the banks of the Connecticut River, or the Adriaen's Landing aimed at making Hartford the showcase city of the new millennium, the MetroHartford Chamber of Commerce stands as a testament to what can be achieved by those who have faith in their community.

INTRODUCTION OF THE RON BROWN TORT EQUALITY ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Ms. NORTON. Mr. Speaker, we are reintroducing the Ron Brown Tort Equality Act today because it is the first opportunity to commemorate the third anniversary of the tragically needless crash of the plane carrying Commerce Secretary Ron Brown and 34 others in Croatia. Congress was out of session on the actual anniversary date, April 3rd of this year. This uniquely poignant accident will be remembered as a singular American tragedy. It is still hard to believe that 33 Americans and two Croatians were killed in a crash that our government could have prevented. The 33 Americans on board that plane were from California, Connecticut, the District of Columbia, Florida, Illinois, Louisiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Texas, Virginia, and West Virginia. Since the crash, my cosponsors and I have regarded it as a solemn obligation to accomplish two purposes: (1) help secure damages for a loss that can never be repaid, and (2) help see that no such accident occurs again.

We reintroduce the bill today spurred on by the vigilance of the families who lost their loved ones in the crash and who are intent on preventing other such tragedies. Since the last introduction of the bill on April 15, 1997, the families have been invaluable allies in helping us gain cosponsors and in keeping this bill alive. Just last week, members of the families met with congressional staff from the offices of cosponsors and me in a valuable strategy session. One result of that meeting and of further consultations with the families is the reintroduction of the Ron Brown tort Equality Act of 1999 today.

The families deserve more than the official funerals, the much deserved tributes, and our continuing grief. They deserve more than the insult to their injury that would remain if the law are not altered in light of the tragedy and families are not fully compensated. I believe that the Congress eventually will do the right thing and that the President will sign the right bill.

The Air Force Accident Investigation Board report was honest and forthcoming. It concluded that the accident resulted from the negligence of federal employees involving three independent causes, "any one of which had it not existed would have prevented the accident." The command gave authorization to flight procedures that had not been properly reviewed and approved; the aircrew made errors in planning and executing the flight; and the approach to the airport was improperly designated. In addition, inadequate training was a substantial contributing factor. When negligence is this pronounced, compensating the victims also has a deterrent effect on those responsible for assuring that such serious negligence is not repeated.

Thus far, however, there have been few indications that federal authorities are serious about assuring that no such tragedy occurs again. Two Article 15 disciplinary actions, two letters of reprimand, and 12 other actions were taken against particular officers. Is this all that our government can do? Following the shocking crash in Croatia, is this the extent of the federal obligation?

First, for the families of civilian federal employees, there is the obligation to do more than grant a few thousand dollars through the Federal Employee Compensation program. Our obligation is to amend the law to reach the very few instances of gross negligence, like this horrendous crash, that may occur. The bill would allow federal civilian employees or their families to sue the federal government but only for gross negligence by its officers or employees. Because there will be few instances where gross negligence can be shown, this is a small change in our law. This change will allow the families of federal employees to seek the compensation they have every right to expect while leaving the integrity of the federal government's worker compensation system intact.

There also were non-federal employees on that fated plane for whom no compensation is possible today. Astonishingly, federal law does not allow compensation when private citizens are killed or injured overseas. The failure of the Federal Tort Claims Act to allow for any compensation for civilians is either callous or an oversight in the law, and I believe that it is in need of correction. After all, private citizens can sue under the Act for the same injuries when they occur in this country. My bill would allow individuals who do not work for the federal government, or their families, to sue the United States for negligent or wrongful acts or omissions that occur in a foreign country.

We also introduce the bill because we know our government would want to deter such accidents in the future. We especially introduce this bill today for the families of those killed with Ron Brown on April 3, 1996, and I urge the Congress to pass this bill this session. The families who lost their loved ones deserve nothing less.

TRIBUTE TO VIRGIL G. LOVITT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. PORTMAN. Mr. Speaker, on March 24, 1999, the city of Sharonville, Ohio, lost one of its finest citizens. Virgil G. Lovitt, a leader in the business world as well as the community, passed away at the age of 63. A great friend to many people, myself included, he did more for Sharonville quietly from behind the scenes than most people will ever know.

A very successful businessman, Mr. Lovitt founded a State Farm insurance agency in 1957. In 1985, he represented Ohio for the annual agents field planning conference at the home office in Bloomington, Illinois. He was a State Farm Millionaire Life agent over 20 times. He was one of the first State Farm agents in Ohio to receive the series 6 security license. At the time of his death, he was national director and a member of Insurance Risk Management and a committee member of the Family Motor Coach Association.

However, when people think of Virgil Lovitt, most will remember his willingness to serve and his desire to improve the lives of those around him. As a result of his commitment to serve the public, he spent 1963–1975 as President of the Sharonville City Council. He was Sharonville's ward chairman for over 20 years. Mr. Lovitt was also a member of the Hamilton County Republican Central Committee and Executive Committee, chairman of the Hamilton County Tax Incentive Review

Board and member of the Sharonville Chamber of Commerce.

Remarkably, he made time to be involved in the civic world as well. He was a past President and Secretary of the Sharonville Kiwanis Club and started its annual Halloween party. He was honored as the Kiwanian of the year as well as Kiwanian of the year for Spiritual Aims. Mr. Lovitt was active in the Sharonville arts and crafts show for 22 years.

Even more important to Virgil was his family. He was married to his wife Marilyn for 44 years and they had two children. Their son Virgil is the mayor of Sharonville, and is married to Tracey; they have three children—Amanda, Glen and Amberly. Their daughter, Vickey Sasser, is married to Dennis and they have two children—Andrea and Andrew. Virgil was a devoted husband, father and grandfather and will be missed the most by his beloved family.

Mr. Speaker, Virgil Lovitt's drive to serve his fellow man can stand as an inspiration to us all. He was a true community leader and his life's work will stand as a constant reminder to me and all who knew him that service to others is a noble call to be answered.

GROUND TROOPS IN KOSOVO

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. GOODLING. Mr. Speaker, today I am introducing a bill that will prohibit the use of Department of Defense funds for the deployment of U.S. ground troops into Kosovo unless authorized by law and approved by Congress. The intent is to require the Executive Branch to seek the advice and consent of Congress before sending our troops into harms way within the borders of Kosovo. It is vital that the will of the American people be heard on this important matter through a formal debate and vote in the United States Congress.

While the President continues to state his intent not to send ground troops to Kosovo saying air strikes are our best option, he is also indicating that troops would only be sent into a "permissive environment." Meanwhile, military experts are questioning whether NATO can realistically end this crisis in Kosovo without sending in ground troops. Others are saying it may be too late to send troops. This confusion and uncertainty is reason enough to have a well though out, studied and deliberate debate and vote on a decision to deploy troops into a combat area.

The deployment of ground troops dramatically changes the dynamics of this crisis because it places our armed forces directly in the middle of a civil war. We should all be mindful of what our nation went through the last time we intervened in a civil war in the 1960's—a war that tore our nation apart both politically and socially, and resulted in the loss of over 58,000 American lives.

Congress must not be derelict in its duty to have a say in this matter. The President must seek the advice of Congress, and Congress must vote up or down on whether to send U.S. ground troops to Kosovo. Our sons and daughters in the military deserve no less.

Many issues demand further discussion. What is Congress' role and authority on the issue of deploying ground troops? Do we have vital national security interests in Yugoslavia? Is this war worth risking American lives? If so, how many? Based on the President's stated goals, it is a winnable war? How many bombs and missiles does it take to significantly "degrade" the military capabilities of the Yugoslavian military forces.

How long will U.S. troops be stationed in this region? Do we have the resources to place our troops in this region for an extended period of time at the expense of more vital and real security threats—including East Asia? As a result of military downsizing, do we still have the manpower and weapons supply to fight a three front war should the event arise in the Middle East, Asia, and the Balkans? How will this mission affect the morale of our armed forces? Is the role of our military a peacekeeping and nation building force or a defense against attack on the United States, its interests, and its citizens?

Mr. Speaker, I strongly urge my colleagues to support this measure. We must consider the "powderkeg" we are getting ourselves into. Let us not enter the 21st Century in the same way we began the 20th Century by getting ourselves involved in a centuries old Balkan conflict for which we cannot and will not resolve now by the introduction of U.S. ground troops.

TRIBUTE TO BRITTON CONGREGATIONAL CHRISTIAN CHURCH IN RECOGNITION OF 150 YEARS OF SERVICE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the Britton Congregational Christian Church, of Britton, MI. It is my pleasure to pay tribute to the fine example its teaching of strong values and simple directness has provided to our District.

On March 28, 1999, Britton Congregational Church, the oldest Christian Union church in Michigan, celebrated its 150th anniversary. The church took its fundamental character from the efforts of its first pastor, Elder Samuel Bradshaw, who stressed the utmost importance of strong family values.

The church completed building its first chapel on January 28, 1850. The congregation moved to a new location in 1880 where it meets today, but the emphasis on family values remained the same. Rev. David Welcome, the current pastor, describes the family atmosphere: "every person is a part of our extended family, with each member helping another when family is needed."

The fact that Britton Congregational Church endures to this day after a century and a half of changing times and surroundings, testifies to the commitment the church has maintained to traditional family values and concern for its members.

I am inspired by this legacy of commitment to the values it was founded upon, and I hold up its long history as a model for other institutions within and outside the district. Congratulations Britton Congregational Christian Church on 150 years of service and dedication. I wish you the opportunity to continue pursuing these ideals for many more years to come.

TRIBUTE TO CHRISTOPH MEILI

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1999

Mr. MALONEY of Connecticut. Mr. Speaker, one of the great privileges afforded Members of Congress is the opportunity to come to the floor of the House of Representatives to relay to not just our colleagues, but to the entire country, significant contributions made to our society by our fellow Americans, I have that privileges and want to pay tribute to Mr. Christoph Meili, currently of West Orange, New Jersey.

In 1997, Mr. Meili, then 29 years of age, was employed as a bank guard in the Union Bank of Switzerland. While performing his appointed duties, he discovered one day several boxes of bank documents that not only dated back to the Holocaust era, but directly related to financial holdings of individuals at that time. These documents were about to be shredded and lost forever. Mr. Meili had recently viewed the epic tale, *Schindler's List.* Drawing inspiration from that film, he removed as many of the documents from the bank as possible, and delivered them to a Jewish organization in Zurich that then gave them to local police.

Mr. Meili's discovery and subsequent removal of the documents created wide controversy—as well as significant embarrassment of Switzerland's largest bank, which had first denied even the relevance of the documents. Upon intense investigation and international scrutiny, the bank not only confirmed that the documents were, indeed, Holocaust related, but that other similar documents had been previously shredded. This investigation further indicated that many of the documents were central to the research of an international panel of historians investigating Switzerland's dealing with the Nazis.

As a result of the brave actions of Christoph Meili, a $1.25 billion settlement was made to Holocaust survivors, their families and Jewish organizations.

Regretfully, Mr. Meili paid a high price for doing the right thing. He and his wife lost their jobs in Switzerland and received multiple death threats, forcing them and their children to flee to the United States where they were granted political asylum by President Clinton. Since coming to America, Mr. Meili has testified before the Senate Banking Committee detailing his important actions of conscience.

Mr. Speaker, today, April 12, 1999, Mr. Meili will be honored by the Jewish Federation of Greater Waterbury and Northwest Connecticut, Inc. during a community-wide Yom HaShoah Commemoration (Commemoration of the Holocaust). As a Member of the Presidential Advisory Commission on Holocaust Assets, I commend Mr. Christoph Meili for his corageous actions, and recognize and thank him for the sacrifices both he and his family have made in the name justice. He is a hero to people of conscience everywhere.

THE ASSASSINATION OF SLAVKO CURUVIJA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, April 12, 1999

Mr. SMITH of New Jersey. Mr. Speaker, yesterday Serbia lost a courageous citizen—one committed to an open society, to a free press, to reporting the truth. Slavko Curuvija was gunned down in front of his Belgrade apartment on Sunday by two men, dressed in black with black face masks. Branka Prpa, who was with him at the time, said that the murderers were certainly professionals. I extend my deepest condolences to her and to all of Slavko's family and friends.

Slavko Curuvija was editor of the independent Serbian newspaper, The Daily Telegraph, as well as the news magazine called The European. Though he had ties with Serbia's establishment, this last year he sought his own independent course, and became a leading critic of the Milosevic regime.

Mr. Speaker, last December Slavko Curuvija testified before the Helsinki Commission which I chair. In his testimony, he said:

> I come from a country where there is no rule of law . . . By making an example out of me, the regime sends a message to all who would oppose it, intimidating and bullying all the independent media in the process . . . The crackdown on my publications and other media organizations has jeopardized the right to free speech in Serbia. The crackdown on the universities jeopardizes another basic human right, freedom of thought. Belgrade University has been deprived of autonomy, its professors have been sacked for failing to sign loyalty oaths, its students jailed for protecting . . . After all his other wars, Slobodan Milosevic appears to be preparing to wage war against his own people in Serbia and Montenegro.

More recently, on March 8, Slavko Curuvija, was sentenced along with two of his journalists to five months in prison by a Belgrade court for "spreading false reports with an intention to endanger public order," dictator-speak for telling the truth. The three remained free on appeal. When Milosevic used NATO's action against his forces as an excuse to eliminate any remaining independent media, Curuvija chose to shut down operations rather than succumb to state censorship. A week ago, according to today's Washington Post, a pro-regime newspaper accused Curuvija of supporting NATO bombing and said that "people like him" will neither be "forgiven nor forgotten."

People like Slavko Curuvija, who act upon their rights and freedoms and promote the protection of those rights, have fought for what is best for their country. Their patriotism is expressed in their opposition to a regime which does not want any independent voice, nor criticism. They see that Serbia only has a future if it becomes a democracy.

I ask the people of Serbia, and Serbs in this country and around the world, to think hard about what has just happened. If this Milosevic regime is willing to do this to an independent thinker in Belgrade, a Serb, why is it not possible that this same regime can be responsible for the genocides in Bosnia and now in Kosovo? Is it worth rallying around Milosevic, who is President of Yugoslavia only through ruthlessly undemocratic means and who brought this upon Serbia? Can't you see that Milosevic, not Curuvija, wants Serbia to be bombed, because he believes this will enhance his power and somehow justify getting rid of those who advocate freedom? I ask the people of Serbia to take a close look around you. Who has isolated you from a Europe more free and united than ever before? Who has caused your living conditions to be so much less than they had been, or could be? The answer should be clear—Slobodan Milosevic. You must no longer allow his propaganda to succeed in convincing you otherwise.

Mr. Speaker, while we may have differences regarding what the U.S. role should be in stopping the genocide in Kosovo, we should be able to agree on one central point: Slobodan Milosevic is the problem, and he must account for his crimes. In my view, the cold-blooded murder of an independent journalist, Slavko Curuvija, is the latest crime to add to the list.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 13, 1999, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 14

9 a.m.
Judiciary
Immigration Subcommittee
To hold hearings on the Kosovo Refugee Crisis.
SD–226

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on education research.
SD–628

Commerce, Science, and Transportation
To hold hearings to examine the published scandals plaguing the Olympics.
SD–106

Energy and Natural Resources
To hold closed oversight hearings to examine damage to the national security from Chinese espionage at the Department of Energy nuclear weapons laboratories.
SH–219

Armed Services
Strategic Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on strategic nuclear forces and policy and the future years defense program.
SR–222

Governmental Affairs
To resume hearings on the future of the Independent Counsel Act.
SH–216

YEAR 2000 TECHNOLOGY PROBLEM
To hold hearings on Federal Government Y2K preparedness.
SD–138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Bureau of Indian Affairs, Department of the Interior.
SD–124

10 a.m.
Finance
To hold oversight hearings on restructuring and reform of the internal revenue service.
SD–215

Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings on the issues relating to the Export Control Process.
SD–538

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on issues relating to the continuing crisis in Afghanistan.
SD–562

11 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Defense, focusing on ballistic missile defense.
SD–192

1:45 p.m.
Indian Affairs
To hold oversight hearings on the implementation of welfare reform for Indians.
SR–485

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the status of financial management within the Department of Defense.
SR–222

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
Business meeting to consider S.J. Res. 14, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.
SD–226

APRIL 15

9:30 a.m.

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the implementation of the Transportation Equity Act for the 21st century.
SD-406

Energy and Natural Resources
To hold hearings on S. 501, to address resource management issues in Glacier Bay National Park, Alaska; and S.744, to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska.
SD-366

Appropriations
Treasury and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of the Treasury, focusing on law enforcement bureaus.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Veterans Affairs.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the U.S. Forest Service, Department of Agriculture.
SD-124

Armed Services
To hold hearings on United States policy regarding Kosovo, and a revised strategic concept fo NATO.
SH-216

10 a.m.

Foreign Relations
To hold hearings on United States vulnerability to ballistic missile attack.
SD-562

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the research and development budget for fiscal year 2000.
SR-253

Judiciary
Business meeting to mark up S. 625, to amend title 11, United States Code.
SD-226

Finance
To hold hearings on issues relating to the complexity of the individual income tax.
SD-215

2 p.m.

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 109, to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; S. 340, to amend the Cache La Poudre River Corridor Act to make technical corrections; S. 582, to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; S. 589, to require the National Park Service to undertake a study of the Loess Hills area in western Iowa to review options for the protection and interpretation of the area's natural, cultural, and historical resources; S. 591, to authorize a feasibility study for the preservation of the Loess Hills in western Iowa; and H.R. 149, to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996.
SD-366

Intelligence
To hold closed hearings on pending intelligence matters.
SH-219

APRIL 20

9:30 a.m.

Energy and Natural Resources
To hold hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.
SD-366

Indian Affairs
To hold oversight hearings on the implementation of the Native American Graves Protection and Repatration Act.
SR-485

Environment and Public Works
To hold hearings on the nomination of George T. Frampton, Jr., of the District of Columbia, to be a Member of the Council on Environmental Quality.
SD-406

10 a.m.

Judiciary
To hold hearings on S.J. Res. 14, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.
SD-226

10:30 a.m.

Governmental Affairs
To hold hearings on the nominations of Eric T. Washington, to be an Associate Judge of the District of Columbia Court of Appeals; Stephen H. Glickman, to be an Associate Judge of the District of Columbia Court of Appeals; and Hiram E. Puig-Lugo, to be an Associate Judge of the Superior Court of the District of Columbia.
SD-342

APRIL 21

9:30 a.m.

Indian Affairs
To hold hearings on S. 401, to provide for business development and trade promotion for native Americans, and for other purposes.
SR-485

Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the readiness of the United States Navy and Marines operating forces.
SR-222

10 a.m.

Governmental Affairs
To hold hearings on S. 746, to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government.
SD-342

2 p.m.

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings to review the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.
SD-366

United States Senate Caucus on International Narcotics Control
To hold hearings on the threat of corruption to United States Law Enforcement along the Southwest border.
SH-216

APRIL 22

10 a.m.

Governmental Affairs
To hold hearings on S. 59, to provide Government-wide accounting of regulatory costs and benefits, and other regulatory reform legislation.
SD-342

Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
Economic Policy Subcommittee
To hold joint hearings on issues relating to the official dollarization in emerging-market countries.
SD-538

2 p.m.

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 441, to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; S. 548, to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; S. 581, to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park; and S. 700, to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.
SD-366

APRIL 27

9:30 a.m.

Energy and Natural Resources

To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.

SD–366

APRIL 28

9:30 a.m.

Indian Affairs

To hold oversight hearings on Bureau of Indian Affairs capacity and mission.

SR–485

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 415, to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; and S. 607, reauthorize and amend the National Geologic Mapping Act of 1992.

SD–366

APRIL 29

9:30 a.m.

Appropriations

Interior Subcommittee

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold joint oversight hearings to review the report of the Government Accounting Office on the Everglades National Park Restoration Project.

SD–366

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on project delivery and streamlining of the Transportation Equity Act for the 21st Century.

SD–406

MAY 4

9:30 a.m.

Energy and Natural Resources

To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.

SD–366

Indian Affairs

To hold oversight hearings on Census 2000, implementation in Indian Country.

SR–485

MAY 5

9:30 a.m.

Indian Affairs

To hold oversight hearings on Tribal Priority Allocations and Contract Support Costs Report.

SR–485

MAY 6

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the results of the December 1998 plebiscite on Puerto Rico.

SH–216

MAY 12

9:30 a.m.

Indian Affairs

To hold oversight hearings on HUBzones implementation.

SR–485

MAY 19

9:30 a.m.

Indian Affairs

To hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

SR–485

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

SENATE—*Tuesday, April 13, 1999*

The Senate met at 11:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of creation, You have written Your signature in the bursting beauty of this magnificent spring morning in our Nation's Capital. The breathtaking splendor of blossoms blankets the city with fairyland wonder. The daffodils and crocus have opened to express Your glory. Now, Lord, tune our hearts to join with all nature in singing Your praise.

We thank You for the rebirth of hope that comes with this season of renewal. You remind us, "Behold, I make all things new!" As the seeds and bulbs have germinated in the earth, so You have prepared us to burst forth in newness of life. We forget the former things and claim Your new beginning for us. Help us to accept Your forgiveness and be giving and forgiving people. Clean out the hurting memories of our hearts so that we may be open communicators of Your vibrant, creative spirit as we tackle problems and grasp the possibilities of this day for our beloved Nation's future. By Your power. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Chair. On behalf of the majority leader, I would like to make a few announcements.

SCHEDULE

Mr. SESSIONS. This morning, the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. to allow the weekly party caucuses to meet, and upon reconvening at 2:15 p.m. the Senate will begin immediate consideration of the appointment of conferees with respect to the budget resolution. Therefore, Members should expect rollcall votes during today's session of the Senate.

The leader has also expressed his intent to consider the budget conference report this week, with the hope of a final vote on that important legislation by Thursday.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, there will now be a period for the transaction of morning business.

MEASURE PLACED ON CALENDAR—S. 767

Mr. SESSIONS. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant (John Merlino) read as follows:

A bill (S. 767) to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date of such filing.

Mr. SESSIONS. I object to further reading of this bill at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

Mr. SESSIONS. I thank my colleagues for their attention.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 768 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

OSHA RESPONSIVENESS HEARING

Mr. SESSIONS. Mr. President, I also will take just a moment to express my personal appreciation to the Chair for chairing a very important subcommittee hearing this morning on OSHA, hearing at that meeting from an individual from Alabama, Mr. Ron Hayes, whose son tragically was killed in a workplace accident and who has made it his personal cause to confront the problems in OSHA, to make sure that agency is responsive to real needs and is really working to improve the workplace and make it safer and not just be involved in bureaucratic paperwork. It was an extraordinary hearing into a very important matter that can protect the lives and health of many people in the workplace and at the same time reduce bureaucracy and paperwork.

I Thank the Senator for his efforts.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE

Mr. THOMAS. Mr. President, I will take a moment to talk a little bit about agriculture.

As the President knows, agriculture is a most important element in Wyoming's economy and to Wyoming's culture. During this past week, I had a chance to visit with many people in Wyoming who are very concerned about agriculture and agricultural markets or the lack thereof. So I want to talk a little bit about my vision of the things we are doing and can be doing in Congress with respect to agriculture in this country.

Certainly our purpose ought to be to strengthen markets so the price for agricultural products is enhanced and so family farmers and family ranchers are able to make a reasonable return on their investment and on their time.

We have had a tough year in agriculture, in crops, and in livestock, and many of us have been working for some time to find some of the things that are appropriate for the Government to do to strengthen the agricultural sector.

One of them, of course, is trade and the idea of reducing the unilateral sanctions we have had in place around the world. Many times in the past, countries such as Pakistan, when they set off the bomb and so on, we immediately then did not trade with them. We have changed some of those unilateral sanctions. They are not useful for any other reason than to penalize our own markets.

We are pushing for stronger enforcement of trade agreements, particularly in NAFTA, for example, where we need to make sure that they are being administered properly, that goods are not being dumped, that goods are not coming in from another country through, in this case, the member of NAFTA that benefited from that, and working to reduce unfair trade barriers which have existed and continue to exist around the world in interesting places, such as the European Union, where the President has just been. These are the kinds of things that seem to me to be totally unfair, where we open our markets to others and, in return, we have market barriers.

I am very pleased with what is happening with regard to the negotiations with China. I am not pleased with all the things that happen in China, of course, but in terms of the WTO negotiations, we find, for example, that we are going to make some arrangements to reduce the 40-percent to probably 10-percent tariff on our meat. That will be a very good forward move.

I am hopeful we can find a way to get the largest potential customer in the world into the WTO so that not only will it open markets but we do not have to deal unilaterally with someone; if we have an agreement, then there is the World Trade Organization to enforce those agreements.

We are talking about the tax relief for agriculture. We had income averaging last year, which is very good because the income of the farmers and ranchers varies very much. We have a proposition to have farm accounts which allow farmers to put the money into sort of an IRA for a period of time and draw it out before they pay taxes on it so that they tend to level out in income.

Estate tax relief: I hope that is one of the things we talk about when we deal with the tax reform—estate tax relief. Currently legislation is there to do that.

Meat labeling: I think we need to have, as we have proposed it here—and will again—meat labeling so that we know what the products are and so buyers, when they go to the grocery store, can determine whether the product is domestic. They need to have an opportunity to do that.

Also, grading: USDA grades are for domestic products, and will be used that way. Again, current legislation is pending.

One of the problems of the livestock industry has been, allegedly—and I agree with it—the concentration of packers. We have the latest figures, and I heard that about four packers kill about 87 percent of the product, which would cause you to think that there may be some legislation on pricing. And we need to do that.

We met with the Attorney General and asked that we, again, take a look at the potential of monopoly activities that may be there and do something about the concentration of packers. If they find again that there is nothing illegal being done, as they have in the past, it seems to me that we ought to take a look at the underlying legislation, the Packers and Stockyards Act, to see if, in fact, that needs to be changed. We need to have more competition. Things like owning the cattle, for example, and then using their own cattle instead of going into the market, which can manipulate the price—that fact, that there is buying without reporting the market price. That is something we need to do.

We are trying to change the inspections for interstate shipment of meat so that State inspections will suffice. We think that will help the market a great deal.

Certainly, in the crop area we need to look at NAFTA to make sure that there is not dumping of wheat and other products in this country. We need to take a look at the Crop Insurance Program, which I think has not worked that satisfactorily, to move the Freedom to Farm, and some of the things that are included in that.

Mr. President, I just think that there are a number of things that need to be done. We have some unique issues, of course, in the West where in a great many of our States—in my State of Wyoming 50 percent, and in the case of Nevada, 87 percent—the land belongs to the Federal Government. Much of the land is grazed. Livestock grazes on much of the land. We need to make that accessible so we can have multiple use of those renewable resources. We need to do something about the permit program so that they are not difficult. It isn't necessary, in my view, to have an environmental impact statement on every unchanged renewal of the grazing permits.

So these are some of the changes that need to be done. I don't think agriculture is looking for subsidies, or looking for a farm program. But they are looking for an opportunity to have the markets—an opportunity to go into the marketplace and get prices that are, in fact, reflective of the costs that go into the product.

This is a basic industry to our country. There will be changes made, of course, as time goes by. There have been tremendous changes in agriculture over the last 50 years. The family farmers are getting larger. They are more mechanized and more efficient. They are also much more expensive. And much more investment is required. When you have a great deal of investment, of course, when you have several years of bad prices, it makes it very, very difficult, which also leads to the need probably for some additional lending capacity and some additional assistance in lending because of the 2 years that we have had.

So, Mr. President, I hope that as we come back in after this recess people will be more aware of the difficulty in agriculture, and that we can address ourselves to the many opportunities that we have to strengthen those markets and to provide more healthy and vigorous agriculture.

I thank you, Mr. President, for the time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, are we still in morning business?

The PRESIDING OFFICER. We are.

KOSOVO

Mr. GORTON. Mr. President, on the Tuesday before the recess, I voted against authorizing the air war in Yugoslavia. I did so because it seemed to me that the goal was a goal not worthy enough, not grave enough to begin what amounts to a war, even though under the President's leadership it has only been half a war.

Our goals were to be permitted to send young American men and women into the midst of a 600-year-old civil strife in order to enforce an agreement that neither side wished. I also voted against that proposition, because it did not seem to me that the means were sufficient to gain even this questionable end. I voted against it, because it did not seem to me that the administration began to foresee the terrible consequences that would ensue if, and as President Milosevic has, accelerated his expulsion of Kosovars from their own homeland, or the refugee problem with which we would be faced. In other words, there were no contingency plans.

At this point, almost 3 weeks later, all of those negative consequences have transpired. We are in the midst of an air war. The air war has not been successful. It is being fought apparently by a President who believes that one can have a war not only without casualties on our side but with few, if any, casualties on the other side. You should not begin a war for reasons that do not justify the use of force, and only the gravest national security reasons do so. And, if you get in one, you should not go into it halfheartedly or without a desire actually to win.

Mr. President, what are the potential outcomes? If we are overwhelmingly successful, we may get sometime in the next week, or the next month, or the next year, exactly the privileges that we sought in the first place—the right to send our soldiers into a now devastated countryside in order to require people to live together who do not wish to live together, and perhaps to enforce an autonomy, which I have already said both sides oppose, or, alternatively, maybe we can get the Russians or someone else to help us reach a negotiated solution in which the Kosovars will be worse off than they were before, and in which the barbarism of Mr. Milosevic will at least have been partially rewarded. Or we may end up sending our own troops into that devilishly difficult part of the Balkans, whether from the south, or the west and the north—and we do not yet know—with an escalation of what will still be a halfhearted war with secondary goals, goals that will not include the removal of the present government in Belgrade and the establishment of a real peace. Or, I suppose it is possible—just remotely possible—that the President and NATO may decide that we want a full-scale war against Serbia until that regime is, in fact, destroyed.

None of these is an appetizing outcome, by any stretch of the imagination. We are left with these alternatives only, I think, because this administration did not seriously consider what it was doing before it began doing it, or seriously consider both the cost and expense in men, material, money, and prestige of the United States for such a dubious goal.

I wish that I had a firm, accurate, and a favorable outcome to look forward to. I wish I could come up with the appropriate means to reach such a goal. However, it seems to me that if we have learned anything in the last several years from other parts of the world, and in the last several weeks from this part of the world, it is that the armed services of the United States should only be used for a vitally important interest of the United States. If they are then to be used, they should be used with a clear and worthy goal, and with a degree of ruthlessness that assures we attain that goal. At this point we have done nothing but worsen our relationships with the Russians and with the neighbors of Kosovo itself at great expense to ourselves and at a horrendous expense to the victims in Kosovo who have been killed, driven from their homes, or driven out of their homeland entirely, without any significant prospect of returning at any time soon.

We do need a serious national debate on the subject and we need a President of the United States who far more clearly articulates our goals and how we are to attain those goals. We have not had that kind of presentation. For that reason, support for the United States efforts is extremely shallow and is almost certain to disappear once the casualty lists begin to be published in this country.

It is time for candor. It is time for clarity. It is time for a clear statement of our goals. In fact, we are well past time for both of those and we have not received them. I think we are faced with an extremely serious challenge with no clear way to that proper and appropriate goal.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:20 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Parliamentary inquiry. What is before the Senate?

The PRESIDING OFFICER. There is no business before the Senate at the moment.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

MOTION TO APPOINT CONFEREES

Mr. DOMENICI. Mr. President, I move that the Chair be authorized to appoint conferees on the part of the Senate with respect to the budget resolution.

The PRESIDING OFFICER. There is 1 hour equally divided on the motion.

Mr. DOMENICI. Thank you, Mr. President. I understand Senator REID has some motions to instruct. I do not think they will be in order unless we yield back the time that has just been announced.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I say to Senator LAUTENBERG that the situation now is that the motion I made to appoint conferees is pending. There is 1 hour on it. I am prepared to yield back time on that if the Senator from New Jersey is, and then he can proceed to his first motion.

Mr. LAUTENBERG. We are OK with that.

Mr. DOMENICI. I yield back the half hour we have.

Mr. LAUTENBERG. And I yield back the time we have on our side.

Mr. DOMENICI. Mr. President, may I ask the distinguished Senator from New Jersey, and the Senate would probably like to know, what he has by way of motions on his side. How many does he think he is going to have this afternoon?

Mr. LAUTENBERG. Since the chairman of the committee asked how many I think, I am free to give an answer. I think there are four, but my guess is that we have to wait to see if there are going to be any more or not.

Mr. DOMENICI. Parliamentary inquiry. Is it not correct, now that the time has been yielded back on the motion to appoint conferees, each motion to instruct carries 30 minutes equally divided and that is all the time available at this point?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Unless and until that is yielded back, another motion is not in order?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Are second-degree amendments to those motions in order?

The PRESIDING OFFICER. Yes; second-degree amendments are in order, and they have 20 minutes.

Mr. DOMENICI. Equally divided?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. Mr. President, I think we will have one that has to do with praising our men in the military which we will attach to this at some point. Substantively, unless Senator LAUTENBERG proposes something that prompts a second-degree amendment of some type or prompts us to make an amendment, we do not have any contemplated at this time.

Mr. LAUTENBERG. It is hard for me to imagine there is anything here——

Mr. DOMENICI. We can accept them; right?

Mr. LAUTENBERG. We will have to kind of slug our way through and see how it goes. I appreciate the introduction that the distinguished chairman of the Budget Committee presented. We are going to offer our motions on instructing conferees.

Mr. President, are we now in a position to go ahead and offer those?

The PRESIDING OFFICER. Yes; the Senator is correct.

Mr. LAUTENBERG. Just to recount, there is a half hour equally divided on the motions themselves?

The PRESIDING OFFICER. That is correct.

MOTION TO INSTRUCT CONFEREES

Mr. LAUTENBERG. Mr. President, I send to the desk a motion to instruct the conferees on H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000.

The PRESIDING OFFICER. The clerk will report.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the motion be dispensed with.

Mr. DOMENICI. I reserve the right to object. Is it very lengthy?

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. DOMENICI. I object, and let's read it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Jersey [Mr. LAUTENBERG] moves to instruct conferees on H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000, to include in the conference report provisions that would reserve all Social Security surpluses only for Social Security, and not for other programs (including other retirement programs) or tax cuts.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Thank you, Mr. President.

The motion is very simple. It instructs the conferees who are going to be reviewing the budget resolution to include in the conference report provisions that will reserve all Social Security surpluses for Social Security and for Social Security only—not other programs, including other retirement programs, as has been suggested, and not for tax cuts.

For years, Democrats have been arguing that our top fiscal priority should be to save Social Security first, and we feel very strongly about that. It is, after all, our party's creation that kicked off Social Security, and we have spent decades since then protecting the program from attack.

In our view, Social Security represents a sacred trust between the Government and the people. It is a trust that should not and must not be violated.

Nearly 44 million Americans now benefit from Social Security, and many of them depend heavily on the program for their survival. For 66 percent of the elderly, Social Security provides half their income. Without Social Security, the poverty rate among the elderly would be 48 percent; roughly 15 million more Americans would be living in poverty than do now. For single, divorced, or widowed elderly women, the poverty rate without Social Security would be 60 percent—60 percent for elderly women.

Unfortunately, Mr. President, under current projections, Social Security is adequately financed only until 2034. At that time, just when millions of baby boomers will be retired and struggling to get by, Social Security may be unable to pay the full benefits to which these Americans are entitled.

We need to act promptly to address this problem. President Clinton has proposed policies which would extend Social Security significantly to the year 2059. Unfortunately, the majority has rejected those policies, and in their place nothing has been proposed. Thus, the budget resolution approved by the Senate included nothing to extend Social Security's solvency by even a single day.

Having said that, while the Senate resolution did nothing to actually help Social Security, it at least seemed to do no harm. The resolution was based on the premise that, at a minimum, Congress should not spend Social Security surpluses on anything else. That would not extend solvency at all, but at least it would not make matters worse.

Unfortunately, we now understand that the Republican leadership has backed off from even this modest commitment. Instead, they reportedly—and we have not really seen the details—have agreed to include in the final version of the budget resolution a provision that could pose a direct and serious threat to Social Security.

Although we have not seen any final language, this provision apparently calls for using Social Security not just for Social Security but for other programs as well. Apparently, the provision would allow Social Security taxes to be diverted to other things that have some connection to retirement security. That could be a catchword. It could mean a new privatized Medicare system. Perhaps it could include civil service or military retirement programs. More likely, I am afraid it could also mean tax cuts for the wealthy that are claimed to somehow affect retirement.

I was stunned when I heard about this provision, and I think it is remarkable that the Republican leadership would even consider using Social Security surpluses for anything other than Social Security. After all, how many times during the debate on the budget did we hear about the Republicans' commitment to preserving Social Security surpluses? That was supposed to be a centerpiece of their whole resolution. But now it appears that when the Republican leadership met behind closed doors, their commitment was overwhelmed with other concerns.

This reversal is especially stunning in light of Republican criticisms about double counting, and now the GOP seems to want to use Social Security surpluses for all sorts of other programs. That sounds like double counting to me, Mr. President. After all, you cannot use a dollar twice. If you use it as a Social Security dollar for Medicaid or tax cuts, that is one less dollar available to pay Social Security benefits.

So we ought to stand up for a simple proposition: that is, to use Social Security surpluses for Social Security. That is the message of this motion to instruct. It is an effort to reverse yesterday's decision and to get the entire Senate on record in support of saving Social Security surpluses for Social Security, and exclusively for Social Security.

I know my friends on the other side of the aisle will establish some type of elaborate lockbox that will protect Social Security. But given the agreement that developed yesterday, it makes one wonder: What will Social Security surpluses be locked up for? Will they be locked up for tax cuts? For other retirement programs? For some new type of program that is given the label "Social Security"? Or will they be locked up to pay guaranteed Social Security benefits, as they are supposed to be?

I think Social Security taxes should be used for Social Security benefits, not for other types of spending or tax cuts that somehow or other can be called retirement security. So I strongly urge the Republican leadership to reverse the decision that was reached last night. Social Security surpluses should be used for Social Security—and I drum the point home—and only Social Security, not other programs, not tax cuts. If we are serious about that principle, let's really make a commitment to it. Let's not endorse open-ended language like retirement security that could encourage future abuses.

I hope and urge that my colleagues will support this motion to instruct to reverse a commitment to language that permits an open-ended use of that money under the umbrella of "retirement security."

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. The Senator has now 14 minutes 55 seconds. The Senator from New Jersey has 7 minutes 47 seconds.

Mr. DOMENICI. Mr. President, let me just make a couple points for everyone. First, I think everybody here understands that when you go to conference, you go to conference with the House. You do not go to conference with yourself. If that were the case, we would rule supreme and there would be no need to go to conference, and whatever the House thought about any of these measures would be totally irrelevant. I think everybody understands that isn't the case. We have to go to conference with them.

Secondly, I would like to make two points about what we do in our budget and what the President did so everybody will understand.

Senator LAUTENBERG talks about the Republican budget and the lockbox that we contemplate and speculates that he does not know what it might be used for. Let me tell everybody so they will understand. For starters, in the first 10 years the Republican budget, and that which will be locked in to be spent as we determine in conference, is $300 billion—you got it, $300 billion—more than the President proposes to set aside for safekeeping for the Social Security trust account.

Why is that the case? Because we say, put 100 percent of the accumulated surplus that belongs in the trust fund in the trust fund. For all the rhetoric about who is saving what, we put $300 billion more in there than the President, because the President concocted a 15-year payout for this trust fund. We have never even had a budget that contemplates 15 years. In fact, the President, when he goes beyond 5, he does not even have the programs enumerated in his budget, but he is telling us all, wait 15 years, and we will put enough money in that trust fund that is supposed to be there for some security. We said, put it in now as it accrues year by year—not 62 percent of it: 100 percent.

In addition, for those who are wondering what we are doing about Social Security and what the President does about it, let me remind you, we do not spend one nickel of Social Security, of their money, for any new program. The President of the United States, in his budget, decided that it was not important to save Social Security by keeping their money. He had contemplated spending out of the Social Security trust fund $158 billion. Let me repeat, we now have a motion by the other side of the aisle, our good Democratic friends, challenging what we are doing, when the President of the United States spent $158 billion, in the first 5 years, out of the Social Security trust fund without any apologies—just said, "Spend it." We say, "Don't spend it. Keep it in the trust fund, and put it in a statutorily created lockbox that will be tied to debt limits so it can never be spent."

Having said that, it is really ironic that the other side of the aisle claims the President is doing so much for Social Security, and they would like to join on his coattails, so much for Medicare, and they would like to join on his coattails, and the facts are what I have just told you. The facts are what I have just told you.

Fellow Senators, you do not have to be worried about whether that Social Security trust fund is going to be used for tax cuts, because we cannot direct that any of that money be used for tax cuts. In fact, go read the resolution. It says tax cuts are to come from a mandated reconciliation pot of money that is called on-budget surplus.

Mr. President, forget all the jargon. It means that tax cuts, if any, come out of surpluses that have nothing to do with the Social Security trust fund, by definition. So tax cuts are going to accrue over a decade, and they will come out of surpluses, not the surplus that is accumulated in the Social Security trust fund.

Having said that, once again, the amendment is calculated to play politics, and I see no reason why we should not accept the instruction. So if the distinguished Senator would like us to accept it, we can get on with our business and we can accept it right now. If he would like a vote on it, we will tell all our people to vote 100 percent for it because, remember, we have to go to conference with the House, and we will do our very best, but we will be glad to accept it.

I reserve the remainder of my time.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The distinguished Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

I am very happy that the chairman of the Budget Committee is going to agree to Senator LAUTENBERG's language, because there is some confusion here, if you read the press reports today. That wouldn't be the first time there would be some confusion. But what it says here is that "[t]he final budget resolution will also contain language allowing the entire $1.8 trillion Social Security surplus over the next 10 years to be used for retirement security. . . ." It could include Medicare, it says.

Here is the nub of the argument that we had in the Budget Committee, of which I am proud to be a member. The Democrats on the committee wanted to see 15 percent of the surplus dedicated to Medicare and 62 percent for Social Security. We had a very good debate, I thought, in the committee about that. And my colleague from New Mexico made the point very clearly that Social Security would be put in a lockbox and would be used only for that. And we really did not get anywhere on the Medicare debate because we did not set aside anything from the surplus. Yes, there is money in there for Medicare at the current level, but there is nothing additional out of the surplus. We wanted to see 62 percent of the surplus for Social Security, 15 percent for Medicare.

Now we read that that 62 percent would be used for Medicare, in other words, stealing that money from Social Security. I am very glad that my colleague from New Mexico is going to accept this language. It will clarify it. I assume that this report is incorrect and that this language will not appear.

I also hope that this newspaper is wrong when it reports that the Dodd-Jeffords language on child care was stripped from the resolution. This was a 59-vote majority in this body, quite bipartisan, to do something about child care.

So I am very pleased that we are going to have agreement on this. I hope when we look at the budget language—and, hopefully, I will be there looking at it with my colleagues—that we will not see such language in the resolution.

I thank you very much and yield back my time to Senator LAUTENBERG.

Mr. LAUTENBERG. Mr. President, I thank the distinguished Senator from California. She is a valuable member of the Budget Committee and works hard in making sure that the commitments we develop are to be met.

I remind my good friend from New Mexico that we are pleased to have his support, that the vagary that develops as a result of this new language "retirement security" is kind of a red flag. It tells us that there is something else. Knowing the distinguished chairman of the Budget Committee as I do, when he says he is going to do this, I know that he is going to do it. I know when he goes to conference again that he is going to make sure that this is held. I am comforted by that notion, as are millions of Americans who are one day to get Social Security as part of their retirement program.

This is kind of a happy day. I hope that all of the Republicans will support this, as will the Senator from New Mexico, chairman of the Budget Committee. I do not see how they can resist.

With that, Mr. President, I ask the distinguished Senator from New Mexico whether he is ready to yield back time?

Mr. DOMENICI. Shall we accept the amendment, or does the Senator want to have a vote?

Mr. LAUTENBERG. I would like a roll call.

Mr. DOMENICI. I am just wondering if we can't stack a few votes.

Mr. LAUTENBERG. That wouldn't be a problem. The question is in terms of whether we have our other amendments.

Mr. DOMENICI. If we don't, we will put in a quorum call. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 9 minutes 49 seconds, and the Senator from New Jersey has 4 minutes 15 seconds.

Mr. DOMENICI. I will yield down to 4½, and then we can both yield back the remainder.

Let me say, first of all, I heard that the Senator from California had recently been to my State. Incidentally, I was quite surprised. I walked into the airport in New Mexico, our international airport. I ran into the Senator and asked her if she was coming all the way to New Mexico to try to defeat the budget that we prepared. She told me, "No. I am here for other purposes." I was kind of glad of that, and I surely didn't want New Mexicans to listen to her about the budget when I worked so hard to try to get them to listen to me. She did not quite do that, because I looked around to see how much she got and it was pretty Democratic, what she did, with a big D.

Anyhow, let me suggest, Senator, that you should be careful when you use these percentages. You say that what we want, speaking for you, we wanted 62 percent that the President wanted to set aside, and then we wanted 15 percent for Medicare. The budget is a big document, big numbers, but I just added those two up, and that is 77 percent.

Mrs. BOXER. That is right, of the surplus.

Mr. DOMENICI. Frankly, we have 100 percent in the first 10 years. So the 15 percent that would have gone to Medicare under the proposal in the committee, added to the percent that the President saved of the Social Security trust fund, is the astronomical percentage of 77 percent of the Social Security trust fund. Guess what we did in our budget resolution. One hundred. Let's do that one. What is the difference there? Twenty-three percent additional accumulated surplus in the first 10 years is in the lockbox as we prescribed in our budget. Having said that, I relinquish the remainder of my time, if the Senator will relinquish his.

Mr. KENNEDY. Mr. President, I strongly support the Lautenberg motion, which would instruct the budget conferees to reserve all Social Security surpluses for Social Security, and for no other purpose. This is what Senate Republicans promised to do in the budget debate just last month. Now, just three weeks later, we are hearing disturbing reports that they are poised to renege on their pledge. The Republican conferees are contemplating a new raid on Social Security. In a move which would reflect a new level of cynicism, the Republican leadership is cutting a trap door in their so-called "Social Security lock-box." Those dollars were raised by payroll taxes expressly dedicated to financing Social Security benefits. However, the Republicans now want to allow that money to be used for any type of "retirement security" plan. I hope such reports are wrong. But I fear they might be accurate.

This would open the door to risky schemes that use the Social Security surplus to finance private retirement accounts at the expense of Social Security's guaranteed benefits. Such a privatization plan could actually make Social Security's financial picture far worse than it is today, necessitating deep benefit cuts. A genuine "lock-box" would prevent any such diversion of funds, but not the Republican version. A genuine "lock-box" would guarantee that all those dollars would be in the Trust Fund when needed to pay benefits to future recipients. The "lock-box" in this budget apparently does not.

It is bad enough that the budget passed by Senate Republicans three weeks ago did not provide even one additional dollar to pay Social Security benefits to future retirees, that it did not extend the life of the Social Security Trust Fund by one more day. To our Republican colleagues, I say: "If you are unwilling to strengthen Social Security, at least do not weaken it. Do not divert dollars which belong to the Social Security Trust Fund for other purposes. Every dollar in that Trust Fund is needed to pay future Social Security benefits."

The Republican "retirement security" scheme could be nothing more than tax cuts to subsidize private accounts disproportionately benefiting their wealthy friends. Placing Social Security on a firm financial footing should be our highest budget priority, not further enriching the already wealthy. Two-thirds of our senior citizens depend upon Social Security retirement benefits for more than 50 percent of their annual income. Without it, half the Nation's elderly would fall below the poverty line.

It appears that the Republicans may be planning to take these Social Security dollars and to use them instead to finance more tax cuts in the guise of "retirement security." If this occurs, there will be no debt reduction. There will be no strengthening of the Social Security Trust Fund to meet the demands of the baby boomers' retirement. Every one of those payroll tax dollars belongs to Social Security, and should be used solely to strengthen the Trust Fund. If our Republican colleagues have no ulterior motive, the wording of the Budget Resolution should state that principle unambiguously. When instead we see language as vague and open-ended as "retirement security," suspicions are understandably raised. If this gaping trap door is not eliminated, the American people will know that the Republican "lock-box" is nothing more than a cynical magician's trick. The millions of senior citizens who depend on Social Security will know that the Republican majority has abandoned them once more.

Mr. LAUTENBERG. I am happy to yield back the remainder of my time.

Mr. DOMENICI. I ask for the yeas and nays on the Lautenberg motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I ask that we not proceed to the vote but, rather, that we have a quorum call now and see if the distinguished Senator can muster up another amendment on his side, and we will just wait for awhile and see.

Mr. LAUTENBERG. Mr. President, before the quorum call is begun, I agree with the Senator's mission here; that is, perhaps we can stack several votes together, but we will work on that during the quorum call.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand that it is in order to send a motion to instruct conferees.

The PRESIDING OFFICER. The Senator is correct. Under the time agreement, the motions to instruct have 30 minutes equally divided.

MOTION TO INSTRUCT CONFEREES

Mr. KENNEDY. Mr. President, I send a motion to instruct on behalf of myself and Senator DASCHLE and others.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

> The Senator from Massachusetts [Mr. KENNEDY] moves to instruct conferees on H. Con. Res. 68, the concurrent resolution on the budget for fiscal year 2000, to include in the conference report provisions that would:
>
> (1) allow targeted tax relief for low-and middle-income working families; and
>
> (2) reserve a sufficient portion of projected non-Social Security surpluses to extend significantly the solvency of the Medicare Hospital Insurance Trust Fund and modernize and strengthen the program, before—
>
> (A) using budget surpluses to pay for tax breaks that would give most of their benefits to the wealthiest Americans, or
>
> (B) enacting new spending above the levels in the Senate-passed version of the budget resolution, unless it is offset in accordance with the Congressional Budget Act of 1974.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Mr. President, I want to take a moment to review the motion to instruct very quickly for the benefit of the Members so they have a keen awareness and understanding of exactly what this motion is to the conferees. This motion is to instruct the conferees to include in the conference report the provisions that would allow the targeted tax relief for low- and middle-income working families which has been presented here during the course of the debate on the budget; and, two, to preserve a sufficient portion of the projected non-Social Security surplus to extend significantly the solvency of the Medicare hospital insurance trust fund and modernize and strengthen the program. We are effectively asking that there be the allocation of resources to extend the solvency of the Medicare program.

I think the percentage that we had identified earlier during the course of the debate on the budget was 15 percent. What we have indicated here is that it would be important to extend the solvency of the trust fund before using any of the budget surplus to pay for the tax breaks which would give most of the benefits to the wealthiest Americans by enacting new spending above the levels in the Senate-passed version of the budget resolution.

Effectively what this instruction is, Mr. President, is very easy to understand. It says given the size and the significance of the budget surplus that we want to have the sufficient allocations of resources for the protection of Medicare. In an earlier instruction on this particular measure, we included an instruction to have sufficient funding set aside for the solvency of the Medicare trust fund before we provide any tax cuts or tax breaks for the American people. That is basically and fundamentally the issue.

We in this body make choices and make decisions. This is certainly one of the most important ones that we will make, not only for just this year, but for future years. We are saying, given the kinds of resources that we have available, that we are going to do two things with regard to this instruction: that is, to set aside sufficient resources for the solvency of the Medicare program, and be serious about taking the steps to ensure that there will be the changes in the Medicare program that are responding to the particular needs of the Medicare program.

Certainly there are a number of ideas about how we can strengthen the Medicare program. I think one of the most important is the addition of a prescription drug proposal. The President of the

United States, in his speech to the American people on the State of the Union, indicated that one of his high priorities with the restructuring of the Medicare system would be for a program to meet the prescription drug needs of the elderly people in this country.

We want to make sure that we are going to have sufficiency in terms of the savings of the projected surpluses, and that then we will have an opportunity in the remainder of this Congress for the Congress to work its will on the floor of the Senate. I hope that one of the first areas of priority would be in the area of prescription drugs.

As has been pointed out on many different occasions, when the Medicare issue was debated in 1964 it lost narrowly here in the Senate in the spring of that year. It became a primary issue in the 1964 election. There was an extraordinary resonance across the country about the importance of Medicare. There were 18 Members of the Senate that voted one way in 1964 and another way in 1965. They had heard the voices of the elderly people in this country in support of the Medicare program. When we adopted the Medicare program we did not include prescription drugs for one very basic and fundamental reason, and that is because about 95 percent of the private programs at that time did not include prescription drugs. Now they do. The need is out there.

We will have an opportunity to do it, and it will be greatly strengthened with this kind of an instruction to the conferees. If we are able to set aside the kind of surplus that was included in the President's recommendations and included in this instruction, then we will know that we will have a sound Medicare system. The Medicare program will have greater solvency, and we will be able to deal with alterations and changes in the Medicare system. And, hopefully, we will be able to address the prescription drug issue.

This issue is so basic and so fundamental that it is really the question of a priority. Do we think having broad kinds of tax cuts for the American people is preferable to ensuring the financial security and solvency of the Medicare system? That is the issue that is incorporated in this particular instruction. It is as basic and fundamental as that. Do you believe that with the scarce but sufficient resources that are in the various surpluses that we are going to say let's put a priority on Social Security and Medicare? This instruction says we are going to give the priority to Medicare. And many of us who are supporting this also give high priority when we are going to have that financial security to make sure there is going to be a prescription drug provision.

I see my friend and colleague. I would be glad to yield for a question.

Mrs. BOXER. Mr. President, I thank the Senator from Massachusetts for yielding for a couple of questions.

First, I thank him for his motion to instruct conferees. As a member of the Budget Committee, I can tell you that the Democrats on that committee fought very, very hard to get the committee to set aside enough funds from the overall surplus that we have to meet the needs of Medicare. And many of us brought out points that the Senator from Massachusetts has brought out before. I just want to ask him a couple of questions.

Does the Senator not agree that Medicare is really the twin pillar of Social Security for our people? In other words, you save Social Security, but if you do not save Medicare, then our seniors will have to spend their Social Security income to pay for their health care. Doesn't the Senator feel that this is the twin pillar of the senior citizens' safety net?

Mr. KENNEDY. The Senator has made an excellent point and one which I agree with completely. If you look at a profile of who the Social Security recipient is, it is a person that is living alone, $12,000 in income, a woman 76 years of age who has at least one chronic disease and is paying some 19 percent of her income in out-of-pocket health care costs. That is 19 percent out of $12,000—paying that percent of her income out of pocket for health care. If the Senator understands the amount that is being paid out of pocket by even those today that are getting Medicare, it is just about what it was at the time of the enactment of Medicare.

So for those that say, well, we really do not have to have this instruction, we are going to be able to consider the Commission's recommendations, that will effectively require $688 billion over the next additional 12 years to get the kind of economic stability that would be included in our particular instruction. And that is only going to be able to be achieved with higher copays, or higher premiums, or higher deductibles. It is going to come out of the pocket or the pocketbook of that senior citizen. I don't understand how we can do that.

Mrs. BOXER. I have one more question that goes to the heart of the Senator's point. What the Republicans are saying is we can reform our way. We don't think we need additional resources. They proposed tax breaks for the wealthiest people in America instead of saving Medicare. What you do is very clearly say, yes, we will support targeted tax relief for low- and middle-class families, but we want to save Medicare before we give back funds to the wealthiest among us, those at the very, very top tier.

The question I wanted to pose to my friend is this: As I look at Medicare and the numbers we have in the Budget Committee, I want to ask my friend if he agrees with these numbers. We are told that the Medicare program provides health care to 39 million Americans today, but by 2032 the number of Medicare beneficiaries will double to 78 million as the baby boomers retire. So the question for the Senator is basically this: We are looking at a program that is very important, and we are looking at some good news. We are living longer. This is good. We all work toward that. We want to live longer. We want to have a good quality of life. But can we just say we can reform our way out of this problem, or do we have to commit some of the surplus to Medicare?

Mr. KENNEDY. The Senator is correct in terms of the size of the Medicare population and correct in terms of allocating these additional resources for Medicare. Let's understand that the amount that we are talking about effectively is money that is being paid in by working families. Those are resources that are being paid in by those working families. All we are saying is that we believe those working families' interests should be protected with the previous instruction on Social Security and this instruction on Medicare before we provide tax breaks for individuals who are not participants in paying into the system like the workers have been in terms of the Medicare system and Social Security.

I withhold the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I apologize to Senator KENNEDY for not being here. I assume it is fair to say that I probably heard his argument as we put the budget through. It is similar to the one he made before. That doesn't mean I shouldn't have been here. But I just couldn't. When the time is up, let me ask if we could get a unanimous consent on stacked votes.

Mr. President, I would like to talk just for a moment about the Republican budget as it pertains to a blueprint for our country's future. When I have used up about 6 minutes of my 15, will the Chair advise me? I appreciate that.

First of all, let me say to those who are listening that we have a situation that is pretty unique in our country, and it is a situation that we ought to look at very carefully to see what the public policy ought to be and what would be best for America's future.

The American taxpayer has received a bonanza in new taxes. As a matter of fact, there is now going to be over the next decade a huge surplus. "surplus" means the taxes collected exceed the expenditures. That is a surplus. We were used to living in a deficit. "Deficit" means the expenditures, the program costs, are more than the taxes that come in.

For a variety of reasons, not the least of which is a sustained recovery; low interest rates, partially attributable to good, sound, budget policies; high productivity, because we have added new machines and equipment to the production of service organizations and what they sell to the American people, we have more money coming in than we are going to spend. Over the decade, it is going to be a very large amount of money.

Where we depart from the Democrats who have been arguing on the floor—not all Democrats—the principal position on our side is that we think we don't need some of that big surplus paid in by the taxpayer, which means they are paying more than we need to run the Government year by year; we think a portion of that should go back to the taxpayer by way of tax changes that will help our taxpayers and will help the economy continue to grow and produce jobs and be a strong economy.

We say there are three very important things to take care of, one of which is to give back some taxes to the American people, who are paying in more than they expected in terms of our Government. There are some who say we shouldn't do that or the budget resolution ought to state exactly how we are going to change those tax laws.

Frankly, in the Congress we do things a little differently. There is a committee that will determine our tax reductions and our tax changes. All we can do is say we are making some money available for doing that. What we do is take all of the Social Security surplus—not 62 percent of it as does the President, but 100 percent of it—and we say that accumulation, that surplus, is set aside and cannot be used for tax cuts. Under our budget resolution, it is to be used for Social Security reform to pay for any additional costs. We think that is very exciting, and we think that is better than what the President has in mind. It is 100 percent of that surplus.

There is a Medicare program which is very important to seniors. We have done three things in this budget regarding Medicare. One, the President cut $20 billion more out of Medicare during the next decade, and we said cut nothing, don't cut any more by way of expenditures out of the Medicare trust fund—$19 billion over 10 years. In addition, our budget plan increases Medicare spending by $200 billion over 10 years, an average of $20 billion a year. Then, starting in the sixth year of this budget, there is an additional $100 billion that does not go to tax cuts, does not go to the Social Security fund, that could be used by Medicare if Medicare needed it. In fact, we believe this is a very, very, ambitious program to make sure Medicare is taken care of.

I remind everyone that a strong, powerful economy is one of the best tools to keep Medicare strong. Just a few weeks ago, the trustees in charge said, because things have been going so well, we have increased the life of the Medicare fund from the year 2008 to 2015. We have added between 7 and 8 years by keeping the economy going with a lot of employment and people paying into the Medicare system.

We believe this budget is good policy for America. We think it is just as important to talk on the floor of the Senate about who pays all these taxes as what programs we ought to spend the money on. We don't want to just discuss how we can spend the money; we want to discuss the taxpayers.

We are saying it is time to fix the Tax Code and make it more fair for married couples, put some other reductions in and return some of those tax dollars to the American people, because we are worried about taxpayers; they deserve our concern.

At the same time, we have adequately provided for Medicare and adequately provided for an assured Social Security; that when the changes are made, and only then, will this trust fund money be used for Social Security.

We are involved in an air war over in Kosovo, Yugoslavia, and we are going to need more money for that war. Everybody understands we are going to do that when we are asked. We will have it. It will change how much can go for taxes and how much can be held in reserve. It will change some of that, but actually that is a very high priority.

I say to Senators and my fellow Americans that in our regular budget we provided for some very significant increases in defense and some significant increases in education. If you add that up, it is a pretty good package. We will go to conference with the House. I don't know what we can get out of them, but we will get a good budget. It will be very much like the one we produced.

Having said that, I reserve the remainder of my time and hope the distinguished Senator from Massachusetts might yield back some of his time at some point.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes 16 seconds.

Mr. KENNEDY. Mr. President, I will use that remaining time so we can move along, then ask for the yeas and nays in accordance with the leadership proposal, and vote.

Mr. President, according to the trustees' report on the Medicare trust fund, this particular measure will add some 7 years to the Medicare trust fund. Now it will be—instead of 2008, in the most recent figures it is 2015. With 15 percent, as we talk about, a substantial increase, it will provide the stability and solvency of the trust fund to the year 2027. That is what this amendment does.

If we do not take this action, then, if we look over a 25-year period, it is going to mean benefit cuts of 11 percent in 25 years, 25 percent in 50 years, and 31 percent in 75 years, to make up for the shortfall.

It seems to me, given the special circumstances, we ought to protect Social Security and protect Medicare. We still have resources, even after that, for individual accounts, as the President suggested—close to $500 billion for individual accounts, for savings and for investment for individuals—and we also have resources that will be available for a tax cut.

But let us say, with regard to Medicare, we are going to provide these additional resources and we are going to commit them to our Medicare system and then in this Congress we are going to get about the possibility of making the alterations or changes in our Medicare system, primarily in the area of enhancing prescription drugs, and also other changes that will strengthen the Medicare system even further. This is a sound, prudent investment.

Finally, the greatest percentage of the surplus was paid in by working families. Working families often become dependent primarily on Social Security and Medicare as they age. Some of them get some pensions from companies they have worked for. But if you look over what is happening, even in terms of the pensions, they are gradually being cut back. They are gradually being reduced every single year. Medicare and Social Security are the rocks on which our elderly and seniors really depend. We have an opportunity to go on record on that measure here today with this amendment, and I hope the Senate will accept it.

Mr. ROBB. Mr. President, I rise to support this motion to instruct the conferees to set aside some of the on-budget surplus for Medicare.

The Budget Resolution approved by this body in March made the correct decision with regard to Social Security by devoting the off-budget, or Social Security, surplus to paying down the publicly held debt. That was the right thing to do, especially if we are not going to come to closure on a true Social Security reform plan that brings down future liabilities.

While the direction on Social security was the correct course, failure to hold some of the on-budget surplus to deal with Medicare takes us down the wrong fiscal path. Medicare's financial problems are not only more acute than Social Security's but also much more difficult to solve. The fact of the matter is that even under the reform plan considered in the Medicare Commission, solvency would not be significantly extended.

Given these facts, it seems to me that the smarter fiscal policy over the long-term would be to leave some of the on-budget surplus to address Medicare.

Using it all for a tax cut significantly reduces our flexibility to prepare for the retirement of the Baby Boom generation and the demands on Social Security, Medicare, and our overall budget that will result from the doubling of beneficiaries eligible for these programs.

Mr. President, I urge my colleagues to support this motion to instruct if they are serious about acting in a fiscally responsible way to shore up Social Security and Medicare.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute 20 seconds.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, on behalf of the leader, I propound the following unanimous consent request, and it has been cleared on both sides. It has nothing to do with the amendment that is pending.

I ask unanimous consent the pending motion and any motions or amendments regarding the appointment of conferees to the budget resolution be stacked to occur in the order in which they were offered at the conclusion or yielding back of time on the motions. I further ask that there be 2 minutes before each vote for the explanation and the votes in the sequence after the first vote be limited to 10 minutes.

Mr. KENNEDY. Were the yeas and nays included, Mr. President? Reserving the right to object—I do not intend to —will the Senator ask it be in order to ask for the yeas and nays at this time for all of those amendments?

Mr. DOMENICI. No, Senator; we want to wait until the time has expired.

You want to get the yeas and nays now?

Mr. KENNEDY. Yes, please.

Mr. DOMENICI. We can still amend. You could not, but we could.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator from Massachusetts has 1 minute.

Mr. KENNEDY. I will be glad to yield it back.

Mr. DOMENICI. If he yields his back, I am going to yield mine back.

Mr. KENNEDY. I yield mine back.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 252 TO THE KENNEDY MOTION TO INSTRUCT CONFEREES

Mr. DOMENICI. Mr. President, at the end of the Kennedy motion add the following: Include in the conference report, No. 1, amendment No. 176, offered by Senators ROTH and BREAUX, regarding Medicare reform; and section 209 of the Senate-passed resolution to the budget offered by Senators SNOWE and WYDEN, regarding the use of on-budget surpluses for prescription drug benefits.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 252 to the Kennedy motion to instruct the conferees.

The amendment follows:

> At the end add the following in the conference report:
>
> (1) Amendment No. 176, offered in the Senate by Senators ROTH and BREAUX, regarding Medicare reform; and
>
> (2) Section 209 of the Senate-passed resolution, offered in the Budget Committee by Senators SNOWE and WYDEN, regarding the use of on-budget surpluses for a prescription drug benefit.

The PRESIDING OFFICER. There are 20 minutes equally divided on the amendment.

Mr. DOMENICI. Mr. President, let me explain to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. We will make a copy of that amendment and distribute it.

What we are going to do with this amendment is simply add to the end of the Kennedy amendment two provisions that were voted on by the Senate during the debate, just as most of his instruction was already voted on. These two sections are essentially as follows: No. 1, the Roth, Breaux, and others amendment regarding a bipartisan proposal on Medicare; and, No. 2, an amendment offered by the Budget Committee in behalf of the distinguished Senator from Maine, Ms. SNOWE, which essentially said that any additional on-budget surplus, non-Social Security money, that existed beyond the tax cut—which is, as I understand, about $102 billion starting 5 years from now—could be available for prescription drugs.

Essentially, what we will then do is we will get a request for the yeas and nays on our amendment. I understand, pursuant to the unanimous consent, when it gets called up in order, we will get an additional 2 minutes, 1 minute per side, to explain it.

So, essentially I am just asking we add to the end of yours, two proposals that have already been adopted by the Senate: One, the Roth-Breaux et al. on the bipartisan Medicare proposal; and, second, the Budget Committee portion, which was Senator SNOWE's amendment, which said any excess surplus beyond the tax cut and Social Security could be used for prescription drugs.

So we will vote on ours first and see what happens to yours.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator to Massachusetts.

Mr. KENNEDY. Mr. President, the Senator obviously is entitled to conform with the Senate rules. But we are as well. So we will continue to go along on this merry chase until we have an opportunity to vote on this measure. We are glad to spend whatever time debating Medicare that the chairman of the committee wants.

You can load this up as the rules permit, but the rules also permit us finally to get a rollcall, and we are going to take full advantage of the rules to make sure we do. I will just let the membership understand that now.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if the distinguished Senator from New Jersey could tell us, were there any other instructions?

Mr. LAUTENBERG. We have potentially two more. The Senator from Connecticut is going to be offering a motion to instruct, and there may be a question about another, which we will find out about in just a few minutes.

Mr. DODD. Mr. President, how does this proceed?

Mr. DOMENICI. Mr. President, I ask Senator KENNEDY if he will yield back time on my amendment. I yield back mine.

The PRESIDING OFFICER. Is the Senator from Massachusetts willing to yield back time?

Mr. KENNEDY. Are you talking about the second-degree amendment?

The PRESIDING OFFICER. Yes; it is the first-degree amendment to your motion.

Mr. KENNEDY. No, not at this time, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, with reference to the issue that is before us, I ask unanimous consent that with respect to votes in order to the motion to appoint conferees, the Domenici amendment No. 252, which I have just described, be considered a separate motion to instruct and the vote occur on, or in relation to, the Domenici motion, to be followed, pursuant to the consent agreement, by a vote in relation to the Kennedy motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Having said that, with reference to mine, I yield back any time I have.

Mr. KENNEDY. I yield back the time.

Mr. DOMENICI. I thank the Senator very much.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. May I inquire of the chairman, I can offer a motion?

Mr. DOMENICI. Yes, indeed.

MOTION TO INSTRUCT CONFEREES

Mr. DODD. Mr. President, I send a motion to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Connecticut [Mr. DODD] moves to instruct conferees on H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000, to include in the conference report the Dodd-Jeffords amendment No. 160, as modified, which passed the Senate on March 25 by 57-40.

Mr. DODD. Mr. President, first, how much time is allowed on this?

The PRESIDING OFFICER. Thirty minutes equally divided, 15 minutes per side. The Senator from Connecticut is recognized.

Mr. DODD. I thank the President.

Let me begin these brief remarks by once again commending my dear friend from New Mexico, the chairman of the committee. We use the word "friend" around here to describe each other with great frequency. On numerous occasions, we actually mean it, and this is one of those instances. He is one of my best friends in the Senate. So it is with a degree of reluctance I rise to offer this motion because this is in regard to an amendment that was passed by a pretty good vote, Mr. President, 57-40, during the consideration of the budget resolution.

Occasionally, there are matters that are bipartisan on these budget resolutions. I argue strongly this is one of them. Child care is an issue that does not have an ideological parent, does not have a partisan parent, if you will. This is an issue of which I believe people all across the country appreciate the importance.

The average cost of child care is $4,000 to $10,000 per child. Even families that have decent incomes and have two or three children can appreciate the cost of child care. One can imagine then, when talking about working families who are struggling to keep food on the table, how important this kind of a proposal is for them.

The amendment that was adopted expands an existing program—it does not create a new program. It was almost a decade ago that my friend from Utah, Senator ORRIN HATCH, and I offered the child care block grant, which was adopted. President Bush, to his credit, supported and accepted the block grant proposal.

For almost 10 years now we have had this child care block grant. And it's only drawback is that it doesn't have enough funding to reach all eligible children—only one in ten can currently receive assistance. So Senator JEFFORDS and I offered, along with 55 other Members of this body—12 members of the majority and 45 members of the minority—a proposal that would increase the child care development block grant by $5 billion over 5 years, about $1 billion a year. It amounts to little more than $12 billion over 10 years. We pay for that by reducing the $780 billion proposed tax cut by the same amount.

We also said in this amendment that it is our preference, if there is a tax cut proposal, that we also do a child care tax cut for all working parents as well as for stay-at-home parents.

Why do we need to add money to the block grant? When we passed the welfare reform package a few years ago to move people from welfare to work, all across the country States took what little money they had for child care and provided it to the welfare recipient as they came off welfare and went to work.

But tragically, what has happened in Idaho, Connecticut, and many other places is, the family that was not on welfare, that was on the margin and working, now loses child care assistance. It is a great irony in a way.

So what Senator JEFFORDS, Senator CHAFEE, Senator COLLINS, Senator SNOWE, Senator ABRAHAM, Senator FRIST, Senator HATCH, Senator DEWINE, Senator ROBERTS, Senator CAMPBELL, Senator SPECTER, Senator WARNER and I, and others, are asking here in this budget resolution is that we ought to try to do something about this.

The people who need this are working people with young children. They need the kind of help this block grant can provide. Some people have mistakenly said, "Well, I don't like this program because it says that a parent couldn't choose a church-based child-care program." That is not true. This money can go to church-based programs, neighborhoods, families. It is not restricted as to the kind of child care setting that a family can choose to use.

This is a good bipartisan proposal. It is with a great degree of reluctance that I offer this motion to instruct. But the reason I have to do it—and, again, I have such great affection for my colleague from New Mexico; and he can straighten me out on this if he cares to; in fact, I wish he would—but I am reading now from this report—the "Daily Report for Executives". "U.S. Budget, Domenici and Kasich agree on final budget." This is dated April 13, Tuesday, today. It says, my friend:

> Domenici and Kasich also said they had stricken from the final budget plan a Senate-passed amendment sponsored by [yours truly] Sens. CHRISTOPHER DODD [of Connecticut] and JAMES JEFFORDS [of Vermont] that would have reduced the size of the tax cut by $10 billion [over 10 years] and made that money available to a child care program.
>
> "What they're going to do is they're going to have some language in there that's going to say that out of the $780 billion tax [cut] some consideration ought to be given to families that have child care needs," Kasich said of the language in the final budget that will replace the Dodd-Jeffords amendment.
>
> "And we'll drop all add-ons like Dodd-Jeffords," Domenici added.
>
> Kasich [then] said they had no intention of creating a new child care entitlement—

This is not new. It is a 10-year program. I am just adding resources to it; no question about that—

> but suggested that the final budget will recommend that the child care-related tax [cut] relief be looked at by the tax-writing committees "because there are needs out there."

I appreciate the last phrase, "because there are needs."

The problem, of course, with just tax writing is that if you pay taxes, you may get the benefit of it. But if you are down at that $20,000-a-year level—this is not a great mystery to anybody—the idea you are going to get a tax break at that income level that can meet the cost of child care is just a fantasy.

So we want to increase the block grant by $12 billion over 10 years nationwide to help these families. I think this body, regardless of which side of the aisle we sit on, ought to be able to find room in our hearts and our budget for this, if we care about these working families.

We understand the pressures, the tremendous pressures, on these families. I was at a child-care center at the Justice Department yesterday here in Washington. It is a magnificent child-care center. As you can well imagine, they have done a good job down there. But that good care costs.

I spoke to a woman who is a lawyer with the Justice Department and has children at the center. Her husband is a public interest lawyer. They have three children in that child-care center, twins and a young child. It cost them $26,000 a year—$26,000 a year. And they are happy just to have a place. The waiting list is a mile long, which is another problem we face here and why I offer this motion.

All over the country we see this scenario replicated—in the State of California the waiting list is some 200,000 children. In Texas and Florida, there are similar lists.

So, Mr. President, again, I would love to hear the members of the Budget Committee say, "Listen, you know, we didn't like this amendment terribly, but we did have a strong bipartisan vote"—that is a pretty strong vote, almost 60-40 here on this amendment; it was sponsored in a bipartisan fashion; it was passed in a bipartisan fashion—"while we weren't enthusiastic about this initially, this is one we are going to take." If that is the case, then I do not want to have our colleagues have to vote twice on something here. I do not like doing that. But when I read here that I am dropped, I am history, I am being kind of written off, then you do not leave me much choice but to defend myself.

I am forced to defend it for the families out there who got excited about the fact that in this budget resolution we had made a place, for the first time in years, to provide some assistance.

So I plead with my colleagues here to not oppose this, in fact even accept this instruction, if you will, and let's see if we can't convince some of those recalcitrant voices who do not want to embrace the idea that this Congress could do something about working families and their children.

With that, Mr. President, I reserve the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time does Senator DODD have?

The PRESIDING OFFICER. Senator DODD has 4 minutes 49 seconds remaining.

Mr. DOMENICI. I say to Senator DODD, let me just put in perspective what we are going through here this afternoon.

I am a mild-mannered guy.

Mr. DODD. Yes, you are.

Mr. DOMENICI. That does not mean I do not get excited about things. Look, everything we are talking about here on the floor we just voted on. You either won or you lost. You happen to have won. Senator KENNEDY has a proposal. That already was voted on. He lost. Let's see, what else do we have? Oh, Senator LAUTENBERG has an instruction. We already voted on that.

It is interesting. I would just put in perspective for the Senators and for those listening, normally—I have been here for a while; I have wrapped up a lot of budget resolutions—we appoint the conferees. That is what we are doing here, this little administrative job of appointing conferees. We normally do it at the same time we pass those resolutions. So if we finish at 10 o'clock at night, by 10:15 this is gone, they have been appointed. Nobody moves to instruct the conferees, because they just voted on it; they already got their instructions through their votes.

We made a mistake. We made a mistake. We should never have seen the press last night. We were not obligated to tell the press we had a meeting. We like to keep them informed. But now, because of everything they said about what we discussed, Senators are saying, "Well, maybe they are not going to do in that conference what the Senate said we should do, so we are coming to the floor and reproposing the whole thing," bringing the issues all back up, even if they lost on them or even, in Senator DODD's case, where he won on them, and we are going to have to vote again.

Actually, everybody should understand, an instruction to the conferees, through the process we are doing this afternoon, is nice. It is a wonderful thing. You should be very pleased if you win. But the House isn't bound by it. That is just the simple truth of it. The conference is not between Senators asking for a second vote which will make their will the law; they are asking that we do something with the House to make them go with us. I am not promising that I can do that. If you win here on the floor, I am not promising that I can do that. As a matter of fact, some Senators think I can, that if we are to vote again on Dodd-Jeffords, I should just go over there and I will win that.

Well, it isn't quite that easy. I do a little better here on the floor sometimes with all these Senators from both sides than I do sometimes in those conferences. I am not going to offer a second-degree. We all understand the issue. If you want to vote, we will have a vote.

I guess I could tell you for myself, I understood very clearly who voted. There were some Republicans who voted with you. I didn't happen to be one. But I am not going to be able to carry any more water with any more assurance or any more power in the water that I carry because we vote again this afternoon than to go to that conference and wrap it up and say, Senator DODD and Senator JEFFORDS won—not that they won this instruction. That would be there. So if you want to save some time, you might just urge me to do it better than the news reports, and I tell you I am going to try. I tell you that if we can't do that, I am going to find some way in the tax instructions to see if we can't do something significant in the area of child care through the Tax Code. But if you would like a vote, that may be an easier way.

I say, though, there is a reason that we do not need to vote in additional money for this program. I will tell you what it is. I do not know the ultimate number, but I understand that almost all the States have a very large surplus in the TANF program, the Temporary Assistance for Needy Families program. That is the successor to the welfare program, Mr. President. When we sent them the money, we sent them a block of money predicated upon a significant caseload and estimates about how much it would be reduced.

It turns out that almost every State has a very large surplus there. What they plan to do with it, not every State but a very large number of them, is to use it for this program. As a matter of fact, I understand the regulations have been approved just yesterday which will authorize the States to use their TANF, Temporary Assistance for Needy Families, excesses for the block grant program, which we would still be funding for child care. So essentially I think we are going to have an expanded child care program. I do not think we need to do this, but I do not go to conference based on that. That is just an explanation to the Senate as to why a number of Senators did not think we needed to vote for that when it first appeared and won.

Now I yield back the remainder of my time.

Mr. DODD. Before my colleague does that, again, I appreciate my colleague from New Mexico, the chairman, has a difficult job. Having served on the Budget Committee for many years with the chairman of the committee, I have a great admiration for his ability and the difficult job he has. I appreciate as well the fact that this is a somewhat unique procedure, although we have used it in the past. It is not uncommon for it to be done. I hope my colleague appreciates, that when I pick up and read that my amendment has been pushed out, before the conference has even met, that it makes it kind of hard on me and hard on those of us who supported that amendment.

So, yes, this is taking advantage of a unique situation here, but maybe, just maybe if we go into that conference—and I know the chairman does not agree with this amendment, but I know he has historically respected the will of the Senate even when he disagrees with it, which is the mark of a good chairman, in my view, and he goes on and says, look, ladies and gentlemen here, not only this crowd in the Senate, over my objection voted for this once, they did it twice. The bipartisan Senate cares about this and thinks it is an important priority. To that extent, it may have some value.

Mr. President, whatever time I have remaining, I see my colleague from Vermont.

Mr. DOMENICI. I just want to say, whatever time Senator JEFFORDS needs, a few minutes, we will make sure he gets them. I would like to tell you, since you indicated that you and I have worked together on a lot of things, do you know what you could do for me that would be the best thing going? Not to have so many votes on budget resolutions. What is happening, we spend so much time voting on them that Senators are wondering what this whole process is all about. This year probably 50 percent of the votes, maybe 60 are all on the budget resolution and the four or five today. My job is getting more difficult because of that. Pretty soon Senators will be saying maybe it is not worth all this trouble.

How much time do you need?

Mr. JEFFORDS. Five minutes.

Mr. DOMENICI. Do you have any left?

Mr. DODD. I don't know if I do or not.

The PRESIDING OFFICER. The Senator from Connecticut has 2 minutes 50 seconds remaining.

Mr. DOMENICI. You yield your 2, and I yield him 3.

Mr. DODD. Absolutely.

Mr. JEFFORDS. Mr. President, I rushed over here in hopes of getting to the floor on time, and I appreciate very much the opportunity to speak on this very important issue.

I have worked with the Senator from Connecticut for years on child care. Every time we think we have a victory, it somehow disappears. Yet the need for quality child care does not disappear. The need continues to increase. We must take advantage of the information we have learned and recognize that the early years of life are so incredibly important in a child's development. The first 3 to 5 years are critical. At this point, we do little or nothing for this age group and these are the most important years of your life in many respects. Fortunately, few babies get totally ignored during that period. But this is the period in time which the brain develops most rapidly. It is the one which can be most damaged by the lack of adequate child care.

I will be introducing on Thursday and I thought it was going to be the filler for what we did on the budget bill. We were all ready to go, and now we are back to ground zero on this issue. Well, I am going to introduce the bill on Thursday in hopes that this issue does not go away and that it will continue to be heard before the conference. We must continue to try to do what must be done for the children of this country.

In addition, we have to look at businesses and do something to give them the incentives to have their own child care. We have to make sure that we take care of the most critical thing and to make sure that we deliver quality child care and learn how to maximize the period of time in a child's life which is so critically important.

I want to do everything I can, and I am sure the Senator from Connecticut joins with me in saying we are not going to let this issue go away. We will do whatever it takes to make sure this country is in a position to allow our children to maximize their opportunities in school by having the best child care possible.

This is an incredibly important issue. I know that the Senator from New Mexico is with us in the sense that he understands the essential aspects of maximizing opportunities during the most critical period in a child's life. In the past, the Senator has been supportive of us, and I hope he continues to do so. At this point, I will close and say, I am going to plow forward. I know we will work with the Senator from Connecticut and we are not going to let this issue go away.

Mr. DODD. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, does the Senator yield back his time?

Mr. JEFFORDS. Yes, I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, that means we have one proposal left, as I understand it.

I yield the floor.

MOTION TO INSTRUCT CONFEREES

Mr. DORGAN. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

> The Senator from North Dakota, Mr. DORGAN, moves to instruct conferees on H. Con. Res. 68, the concurrent resolution on the budget for fiscal year 2000, to include in the conference report provisions that would provide additional funding for income assistance for family farmers above the level provided in the Senate-passed resolution.

Mr. DORGAN. Mr. President, we are dealing with the budget and the naming of conferees, and a number of priorities have been discussed here on the floor of the Senate. That is what a budget is, establishing priorities. I offer this motion to instruct, and it is very simple. The Senator from New Mexico said he would like to take this, and if he does, I will not ask for a recorded vote.

In this motion, I move to instruct the conferees on H. Con. Res. 68, the concurrent resolution on the budget for fiscal year 2000, to include in the conference report provisions that would provide additional funding for income assistance for family farmers above the level provided in the Senate-passed resolution.

Why am I asking for favorable consideration on this motion? Yesterday, I read on the Senate floor a letter from a North Dakota woman that I want to read today. Her name is Susan Jorgenson. She wrote in her letter, describing the plight of family farmers, something that I think everybody listening to this debate should digest. Susan Jorgenson has lost her husband. He died last August. She said he had diabetes, but she said:

> . . .what I really feel caused his death was trying to make a living as a family farmer.

She said:

> I had an auction last week to sell the [farm] machinery so I can pay off some of the debt that [we] incurred after 26 years of farming. I have a 17-year-old son who would not help me prepare for the auction and did not get out of bed the day of the [auction] sale because he was so heartbroken that he could not continue [to farm] this land [that he loved].

She said this of her husband:

> He chose to farm rather than to live in Phoenix where he had a job with Motorola [early on] because he wanted to raise his children in a place with clean air, no crime, and good schools. He worked very hard, physically and emotionally, to make this farm work and its failure was . . . no fault of his own.

That is what this farm wife says about her deceased husband.

What is happening on the family farm? Everybody is making money but them. They raise the crop and give it to a railroad; the railroad makes a record profit hauling it. They raise steer and sell them to the slaughter house; the slaughter house makes a profit and the farmer goes belly up. They raise grain and put it into a cereal manufacturing plant, and they then take that wheat or rice and puff it and send it to a grocery store as puffed wheat or rice. The company that added the puff makes a mint and the farmer goes broke. Everything that touches what the farmer raises makes record profits, and the farmers are going broke in record numbers.

We have a serious emergency on family farms. Here is a headline concerning prairie dogs. Some groups have now decided —including in the Government—that we have a big problem, that we have to save prairie dogs. I don't know if these folks have driven around my part of the country much, but we have lots and lots of prairie dogs. We don't need a Federal program to ensure that we are going to have them in our future. Prairie dogs will take care of themselves, thank you.

What we lack are family farmers. Every day in every way, every week, every month, and every single year, we lose more and more family farmers. Now, we have farmers raising wheat and selling it for Depression-era prices in constant dollars. How would you like to be receiving wages that are Depression-era wages right now in constant dollars?

How about a minimum wage for family farmers? We debate minimum wage here on the floor of the Senate and I always vote for it. I think the folks at the bottom end of the ladder need to be given the chance to raise themselves up a bit.

What about an opportunity to provide a fair price for farmers? Wheat prices and grain prices have collapsed. Cattle prices and pork prices have collapsed. Farmers are having auction sales and 17-year-old boys won't get out of bed because they are so heartsick about losing their farms.

We are told by people around here: Well, that's just the way the market system works. That is not a system that works at all. The system says to those who gas the tractor in the spring, plow the ground, plant the seed, and harvest the crop that their work has no value but the giant agrifactories that make a fortune with it have value. I am saying that this Congress must do something about that. This Congress must decide that family farmers matter in this country's future.

I have watched the chairman of the Budget Committee fight for things that matter to him. I have watched him fight for the National Labs and so many other things that are so important to him and there is no more tenacious of a fighter in the Senate than the Senator from New Mexico about the things that matter to him. I feel the same way about family farmers. That is what matters to me. I am not saying that [farming] doesn't matter to him or anybody else. I am not making a judgment about that. I am just saying that we have a full-blown emergency in rural America.

I held up a chart yesterday that showed the counties in this country which are losing population, which have lost over 15 percent of their population in the last 15 years. What you have is a huge red swath in the middle of America being depopulated—the middle part of our country.

We need a farm program that works. And when we see auction sale posters from wall to wall in small towns, and small town businesses boarded up—so many auction sales that they have to call retired auctioneers out of retirement to handle the sales—we ought to understand that this counts for something in this country and that we need to develop a public policy that says we are going to try to do something to stop the flow of family farmers who are leaving the land and discovering that their hopes and dreams have come to an end.

Every single month, we add a "New York City" in population to this Earth. Every month, a new "New York City" is added in population to this Earth. Yet, farmers are told that the food they produce has no value. The market system says it has no value. That is not logical. Over half of the people on this Earth go to bed with an ache in their belly because they don't have enough to eat.

I have mentioned time and again—and I will do it again—that in Sudan people talk about old women climbing trees to gather leaves to eat because there is nothing to eat. Ask yourselves about the people in refugee camps today and what their needs are. It is food. Somehow this system of ours, in a Byzantine way, says that those who produce the food ought not to get full value for it, but those who make it into cereal, those who haul it, those who add value somehow should achieve record profits. There is something wrong with that system.

I hope this Senate will go on record saying that we need to do more and better. My personal feeling is that we need to take the caps off the loan rates. The farm bill—which I didn't vote for because I didn't think it was a good bill—was saying we will take away with the fine print what we promised to give you in the large print. We promised a loan rate, and we promised that that loan rate would produce $3.25 in wheat, but in the small print it was limited to about $2.58.

Let's take away that provision that limits the amount of support and help farmers during this period of collapsed prices and see if we can give them the opportunity to have a decent income when prices collapse. If we don't build a bridge across those valleys, nobody will do it. We will be left with a country full of giant agrifactories farming from California to Maine. We will get the food all right, but it will be more expensive, and nobody will be living in rural America. We will have lost something very important—family farmers, small towns, main street businesses, and a very special and unique part of this country's character that comes from that part of America.

So I am offering this motion to instruct conferees to ask that money be added above the Senate level for income support for family farmers.

Mr. President, I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, first, I greatly appreciate the kind remarks of my good friend, and I say to him that on some of the issues he cares about, such as agriculture and the problems of the family farm, he has as much tenacity as anybody around here. I compliment him for that.

We are going to accept his motion because it says we ought to try to do better in conference than we did here, and everybody understands that we will do that. If the Senate accepts this, we will try to do that. However, in defense of the budget resolution, I will make two big points that are very important.

The budget resolution increased the mandatory spending, the spending for agriculture, $6 billion over what it would have been but for the change we have made—$2 billion in each year, more or less, in this budget resolution.

At first we decided we would do $4 billion at the behest of some Senators from the middle of the heartland of the agriculture country. They asked for more. We put $2 billion more in. That has been done. Why do I say that? Because the President of the United States, who has his agriculture Secretary traveling all over the United States in agriculture country talking about the needs of the family farm and the needs of the farmers, did not put one penny of increase for agriculture in their budget. I don't know whether they expected that we would come along because we have Senators who really pushed this and we would put the money in.

But I believe for a President of the United States in the midst of an agriculture disaster, more or less, to leave it up to Senators to have to put more money in for agriculture—but you can count on it. They won't be remiss in going out there and talking to the farmer about what they did. They should put up their hand, like this, and say they did zero. At least we put $6 billion new money in for which the distinguished Senator has thanked the Budget Committee when we put it in. And so did his colleague from his State. He thanked the committee. You put in $6 billion. Nobody did at the White House. There was nothing.

So it isn't as if we are not concerned and as if we did nothing. As a matter of fact, we have been spending a very healthy amount of money for agriculture. And we are going through some cyclical problems in agriculture, with parts of the worldwide economy not in very good shape. And they used to buy a lot of our agricultural products. We know that. We are getting better at producing more with less acreage, and there seems to be no limit to that. We get better all the time. In other words, the farmer is producing prolifically in the United States, be it the family farmer or the corporate farm. We are producing large amounts.

Having said that, I don't know ultimately how we resolve this issue, but for now we are going to conference with this proposal saying we ought to do more, if we can. And, frankly, I appreciate the Senator bringing it to all our attention.

It will be accepted now, if he doesn't mind.

I yield any time I have.

Mr. DORGAN. Mr. President, my colleague, Senator CONRAD, wanted to speak for at least 5 minutes. I understand he is on his way. I hope we can wait for just a moment. It appears he could use the remaining 5 minutes of my time.

Mr. DOMENICI. I ask unanimous consent that I be vested back with any time that I had remaining. I thought we would finish. That is why I yielded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Thank you very much. I yield the floor.

Mr. DORGAN. Mr. President, let me take a minute to say that I understand the point the Senator from New Mexico made. I appreciate the additional $6 billion that was added over the 5 years. My point is, it is far short of what we need in terms of income support. It is the case that the administration budget did not do nearly what it needed to do. But there comes a time at some point when the urgency of the situation in rural America really requires us to say this isn't about us or them anymore; it is about what we are going to do together to respond to a real problem of significant consequence to this country. We will simply not have family farmers left unless we together, Republicans and Democrats in Congress, recognize that we have a farm bill that says when market prices collapse, it's response is too bad. That can't be the farm bill response.

When market prices collapse, if we want to save family farmers, we have to build a bridge across those valleys. Only the largest corporate farms will survive a collapse in market prices. They are big enough and strong enough to survive. Family farmers can't and won't. So if we care about having people live out on the land, if we care about the special quality family farms and small towns give this country, then we must reconnect and provide some kind of basic safety net for family farmers.

Again, I see all these headlines about prairie dogs. They are going to save the prairie dog. God bless the prairie dog. There sure are plenty of them in my State. We don't need a special effort to save prairie dogs. We need to save family farmers. That is the message, and that is the urgency, in my judgment, for a public policy debate here in Congress and the establishment of the correct priorities in this budget to say to family farmers, "You matter." Some say we need a national missile defense system. Yes, that might be the priority for some. But I happen to think we need a farm program that works for family farmers. In the absence of it, we are going to see wholesale bankruptcies and more and more auction sales, and this country will have lost something that is very important to its character and its economy.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, let me say to the Senators who are not here but are listening to what is going to be going on on the floor, that in about 6 or 7 minutes, I hope not much longer than that, we are going to start voting. There is already a consent agreement to vote on everything. All votes are stacked this afternoon. That means we will have about five or six votes. After the first one, they will be 10 minutes, with both sides having 2 minutes to explain each proposal, and on each instruction 1 minute on the side. So we ought to be starting by 4:15, and perhaps in an hour we will be finished.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mr. DORGAN. Mr. President, I yield 4 minutes to the Senator from North Dakota, Senator CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague, Senator DORGAN, for offering this motion, and for bringing to the attention of our colleagues in the Senate the disastrous circumstances we face in American agriculture.

I represent North Dakota. I can tell you that in agriculture in our State we are on the brink of a depression. We are the victims of a triple whammy of bad prices, bad weather, and bad policy. Bad prices are the lowest prices for farm commodities in 52 years. The bad policy is the last farm bill that was passed, and some of our trade policy that has left America vulnerable to a very intense effort by our competitors. Mr. President, our chief competitors—the Europeans—are spending 10 times as much to support their farmers as we are spending to support ours. We are, in essence, saying to our farmers, you go out and compete against the French farmer and the German farmer, and, while you are at it, take on the French Government and the German Government as well. That is not a fair fight.

In addition to the bad prices and the bad policy, we are also stuck with bad weather. We have had 5 years of overly wet conditions in North Dakota. The result has been the development of a disease called scab. That is a fungus. It has dramatically reduced production. There are parts of North Dakota that saw their production reduced 40 percent.

So you put all of this together, what do you have? You have an economic calamity, a disaster of its own, with the lowest prices in 52 years and production reduced because of bad weather, and because of an outbreak of disease that is unprecedented in this century, and couple that with the bad policy of a bad farm bill that has been put in place that makes no note of what happens to farm prices but that cuts each and every year the support that is given to American agricultural producers at the exact time our competitors are dramatically increasing what they are doing for their producers.

Mr. President, Members of the Senate, this is an emergency. It is a disaster. It is stunning in its proportion. I just completed a series of meetings across the State of North Dakota. Everywhere I went, producers took me aside and said unless something is done and done quickly, we are faced with a calamity of losing tens of thousands of family farmers across the heartland of America.

I hope very much that our colleagues will support this motion that instructs the conferees to provide additional funding for agricultural policy reform. It is critically needed. It must be done. The consequences could not be more serious. A failure to act will lead to the unraveling of the farm safety net in this country and will mean we will lose literally tens of thousands of farm families this year. We are not talking about sometime in the distant future. We are talking about right now. We are talking about an economic calamity.

Again, I hope my colleagues will support this motion. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I don't believe I need to respond. I gave my response to the principal sponsor. We have agreed to accept the instruction.

I yield back any time I might have and I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. DOMENICI. Mr. President, perhaps we could engage in a parliamentary discussion regarding order. If I am correct, the first vote would be on the Lautenberg Social Security motion.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. There is 1 minute on each side to discuss the motion.

The second vote will be on the Domenici motion. We will explain that when the time comes. Then we will vote on the Kennedy Medicare tax breaks motion. Then we will vote on the motion of Senator DODD.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, for all Senators who might be listening, the first motion to instruct is Senator LAUTENBERG's on Social Security. This is essentially consistent with the budget resolution that we voted for on our side of the aisle. I ask every Senator to vote for it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON LAUTENBERG MOTION TO INSTRUCT

Mr. DOMENICI. Mr. President, I have 1 minute and the Senator from New Jersey has 1 minute. Have the yeas and nays been requested?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. Senators should be on notice we will start this vote in 2 minutes.

This motion to instruct says to the conferees, adopt the language regarding the Social Security trust fund that is in the budget resolution which passed the Senate with every Republican and one Democrat supporting it. Since it is consistent with the budget resolution, and I still have to go to conference with the House under all circumstances, I recommend on our side, at least, that everybody vote for it.

I yield back any time remaining.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this motion is pretty simple. It instructs the conferees on the budget resolution to include in the conference report provisions that would reserve all

Social Security surpluses for Social Security, and only Social Security—no other programs, including other retirement programs, and not for tax cuts.

I hope when the conference is held that the distinguished chairman of the Senate Budget Committee will be there to say, "Here is a vote that is potentially 100-0 or 95-5. This is serious."

It is not part of a scheme to go into conference and say, "Sorry, we are dropping it." We don't want it dropped. I know that the distinguished chairman of the Budget Committee doesn't really want it dropped.

We can differ about the approach, but all of us will make a single statement: If Social Security has a surplus, we want it there for the people who are going to retire when their time comes. It is as simple as that.

I am pleased to have the support of the chairman of the Budget Committee.

The PRESIDING OFFICER. The question is on the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "Aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Roll No. 82 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—2

Moynihan
Warner

The motion was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, if you would get everyone's attention, I will tell everybody where we are going.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. We have three remaining votes. There is 1 minute in between each one. Then we are finished.

I say while many of the Senators are here, I am sorry that we have to vote over again on the same issues we voted on 2 weeks ago, but essentially most of the motions are revoting on what we already voted on. Had we appointed conferees the very night we did this budget resolution, there would not have been any time to have motions to instruct the conferees. So I am trying to hurry through, but I cannot do any better.

VOTE ON DOMENICI MOTION TO INSTRUCT

What is up now is the Domenici motion to instruct. It reaffirms the Senate position on the Roth-Breaux amendment calling for Medicare reform. That really extends solvency.

Mr. WELLSTONE. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will be in order. Will those having conversations in the well cease their conversations. We are not going to be able to proceed until the conversations cease or those having them go somewhere else.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me just finish quickly.

The Domenici instruction takes into consideration the Breaux-Thomas bipartisan plan which includes prescription drugs as part of the reform. And this instruction includes that we adopt the Snowe-Wyden provision which allows budget surpluses not currently allocated to the Social Security trust fund, because it is not needed there for taxes, that those surpluses may be used for major Medicare reform.

I hope we will adopt this motion. It will be followed by a Kennedy motion that I will speak to later.

I yield back any time I might have.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. My friend and colleague, as we could expect, explained correctly what this motion effectively does. If you vote in favor of the motion, effectively you are saying you are not going to use any of the surpluses of the Federal budget for the Medicare system, No. 1, because that is the recommendation of the Commission. And secondly, before we get overly excited about a reserve fund on the prescription drugs, just read page 90 of the report and you will see that the trust fund is not utilized until there is significant extension of solvency for Social Security. That is defined as 9 or 12 years. That comes to either premium increases or cost benefits of some $686 billion. So it is never going to go into effect.

I am all for having an existing fund. But this isn't it. It is right here on page 90, the requirements for the fund.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. And it says it will not go into effect unless there is significant solvency from 9 to 12 years. That is what the trustees say, $686 billion.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Domenici motion to instruct the conferees. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER. (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—57

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg

Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moynihan

The motion was agreed to.

VOTE ON KENNEDY MOTION TO INSTRUCT

Mr. DOMENICI. Mr. President, there are now 2 minutes evenly divided on the Kennedy motion to instruct.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this motion is very simple. It says to devote a portion of the surplus—not all of it, just some of it—to saving Medicare before using it for a tax cut or new spending. This policy is supported by Alan Greenspan and by 100 leading economists because it makes economic sense and because it makes sense for Medicare.

My friend across the aisle has talked at length about how much he and his party care about Medicare, but that budget resolution does not devote one thin dime of new resources to Medicare beyond those required by law. This vote is a test: Tax cuts versus Medicare. That is the issue.

Mr. DOMENICI. Mr. President, the Senate rejected an amendment on this by a vote of 56-43 just a few days ago. It is the identical issue.

Senator KENNEDY would have us believe that the President's approach to putting 15 percent of the surplus into IOUs in the Medicare trust fund will help Medicare become solvent. He also suggests, Mr. President, that leading economists support the President's IOU; that is, we will pay for it later. They support that. They support it because we are not spending the money. But we already save $400 billion more than the President and we would apply it to the national debt, which is what the economists thought was good. Our budget is better than this in that regard and it does not put IOUs into a fund, which in this case is a postdated check that somebody will pay for later on—our kids and grandkids.

I yield the floor.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 17 seconds.

Mr. KENNEDY. Mr. President, the IOU is a payroll tax. This is the full faith and credit of the United States. That is what we are talking about. It is very clear what this issue is. Let's make sure we have solvency in the Medicare system before tax cuts.

I thank the Chair.

Mr. DOMENICI. Mr. President, I move to table the Kennedy motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moynihan

The motion was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON DODD MOTION TO INSTRUCT

Mr. DODD. Mr. President, on behalf of my colleague from Vermont, myself and many others who supported this 2 weeks by a vote of 57-40 I want to express my gratitude to my Republican colleagues for supporting that amendment that day. Unfortunately, the House conferees, or potential conferees, have indicated they intend to drop this amendment which would add over 5 years $5 billion to the existing child care and development block grant, despite the fact that this was a bipartisan amendment supported by a bipartisan coalition of Members here in the Senate.

I would not be asking for this vote except I think it is important we send a clear message out of this Chamber that we care about working families who need child care assistance.

With the few seconds remaining, I yield to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I urge my colleagues on this side of the aisle to vote in favor of this motion. It will keep the issue alive.

Mr. DOMENICI. Mr. President, the Senate voted by a vote of 57 to 40 to approve this amendment when we had the budget resolution. We are going to go to conference and try to work it out. I am not asking anyone to vote against it. In terms of the chairman's position, vote however you wish. I don't think there is a total Republican position because 15 Republicans voted for it last time.

I yield the floor.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote "aye.".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—66

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Coverdell
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—33

Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Cochran
Craig
Crapo
Enzi
Gorton
Gramm
Grams
Gregg
Hagel
Helms
Inhofe
Kyl
Lott
Mack
McConnell
Murkowski
Nickles
Roth
Santorum
Sessions
Shelby
Smith (NH)
Stevens
Thomas
Thompson
Thurmond

NOT VOTING—1

Moynihan

The motion was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the underlying motion to authorize the Chair to appoint conferees.

The motion was agreed to, and the Presiding Officer (Mr. SMITH of Oregon) appointed Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. GORTON, Mr. LAUTENBERG, Mr. CONRAD, Mrs. BOXER and Mrs. MURRAY conferees on the part of the Senate.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRISIS IN KOSOVO

Mr. VOINOVICH. Mr. President, I rise today to vehemently oppose sending American ground forces into Kosovo and to demand that if the President contemplates sending in ground troops, that decision be deliberated and authorized by the Congress of the United States.

I am an American of Serbian-Slovenian ancestry. My father's family is from southern Croatia, which is known as Krijna, and my mother's family is from Ljubljana and Stranje in Slovenia.

I want to make it clear—I don't oppose sending ground troops into Kosovo because I am Serbian. I oppose it because it is bad policy. However, my ethnic heritage does give me a special insight into the situation that someone else might not have.

I have always opposed the leadership of Slobodan Milosevic. Like most Americans, I consider him to be a war criminal.

However, Mr. President, I was 1 of 41 Senators who voted against the bombing because I was concerned that this bombing would not achieve our end of bringing Slobodan Milosevic to the negotiating table as contemplated by the Clinton Administration and NATO.

These negotiations were designed to get Milosevic to sign the Rambouillet agreement or something very similar, thereby guaranteeing the basic human rights of the Albanian Kosovars and avoiding ethnic cleansing.

I also feared the bombing would only solidify Milosevic's leadership with the Serbian people and ruin any chance of cultivating alternative leadership within Serbia.

I have to say that our problem has not been with the Serbian people, but with their ruthless leader.

The main thing this bombing campaign has managed to do is fan the flames of centuries-old Serbian nationalism. Individuals who until the bombing campaign had little support for Milosevic and his activities in Kosovo, now firmly believe their national pride is at stake. They have thrown their support behind Milosevic and have expressed a willingness to follow his leadership and fight for their country.

It is extremely important to remember—this is very important—Kosovo is to the Serbian people what Jerusalem is to Jews, Christians and Muslims. To the Serbians, it is a holy place. It is the scene of the most important event in Serbian history—the battle of Kosovo in 1389 between the Turks and the Serbs, led by Tsar Lazar.

The battle of Kosovo has lived for centuries in Serbian literature. To this day, Serbian children sing songs and read epic poems celebrating this event.

The interesting thing about the battle of Kosovo is how outnumbered the Serbian people were—and they knew it. And even though they lost, it is considered a glorious defeat because they fought valiantly against overwhelming odds. To quote from the epic poem "The Battle of Kosovo":

> Then the Turks overwhelmed Lazar, And the Tsar, Lazar, was destroyed, With him was destroyed his army of seven and seventy thousand soldiers. All was holy, all was honorable and the goodness of God was fulfilled.

History, pride and heritage are deeply-seeded in Serb culture. That's why it is significant that Milosevic started his rise to political power in Kosovo and probably the most important event in his political career was when he spoke to 1 million citizens on the 600th Anniversary of the Battle of Kosovo—at the very site of the battle! I want you to also know, Mr. President, the most sacred Serbian Orthodox monasteries are located in Kosovo.

Considering Serbian history, and where Milosevic started his career, American and NATO leaders should have known that Milosevic couldn't give in without losing face. Especially when he was told "either sign this or we'll bomb you". Unfortunately, the Clinton administration presented Milosevic with an ultimatum which foreclosed all other options that could have led to a negotiated settlement.

Our bombing campaign has given Milosevic cover to move forward expeditiously with his policy of ethnic cleansing—precisely what we were trying to avoid in the first place. Now, because he and his forces are not being tightly monitored—and that's because all the observers were kicked out as soon as the bombing started—they can do as they wish. Therefore, we hear evidence of massacres and rape, and we have witnessed the forced relocation of hundreds of thousands of people and the total devastation of Kosovo.

To me there is no question that the decision to bomb Kosovo and Serbia was a terrible mistake in the first place, but now we face three bad choices—stop the bombing, continue the bombing, or go in with bombing and ground troops.

Although I disagreed with bombing in the first place, of the three, I believe the least objectionable is to continue the bombing campaign in hopes of securing the very negotiated settlement that has eluded us so far.

Many public officials and foreign policy experts are loudly advocating the introduction of ground troops to Kosovo in an effort to force Milosevic to yield his grip on the Kosovar Albanians and to ultimately "win the war". They claim it's the only way.

Let me say that I support the goal of restoring peace and stability to the region, returning to Kosovo those refugees that want to go back, negotiating a new agreement that will guarantee their safety and self-determination and establishing a multinational force to monitor the negotiated settlement. I support all this—but I absolutely oppose the use of American ground troops to implement this goal.

I oppose using American troops in this manner not because I don't think they can get the job done. Far from it. I believe our armed forces have performed magnificently, and I wholeheartedly admire the effort that each of them has been giving during the campaign in Kosovo. They are doing the job we have asked them to do.

However, I see a situation developing in the Balkans that could be just as brutal as that which developed in Vietnam. As opposed to the flat deserts of the Persian Gulf area, the Balkans are a very mountainous region that is ideal for a sustained campaign of guerrilla warfare.

A smaller, and less well-armed force could have the ability to use this natural terrain to impede the progress and mobility of a NATO invasion force for an extended period of time while racking up vast numbers of casualties.

Remember that in World War II, more than 500,000 Nazi soldiers thought that they could just roll through Yugoslavia. They did not, due in large part, to the determination of the Serbian people.

It has been reported that it will take 6 to 8 weeks to even prepare for a ground invasion. And I believe it will probably take even more than that because we don't even have the troops in the region, we haven't even mobilized and we haven't established a staging area.

This will give the Serbs ample time to disperse, fortify defensive works, stockpile their arms, and so on. The steps the Serbs take now will allow them to later harass the invasion force at every conceivable opportunity. It will make it that much more difficult for NATO to secure a victory without incurring heavy losses.

The most important thing I think the American people should know—if we put ground forces in Kosovo, we will go to war with Serbia. Period.

We will have to accept the fact that we will be at war, and that we will have to take out Milosevic. And that means a long, extended war with loss of life and a total destruction of the infrastructure in Serbia, in Kosovo, and what about Montenegro?

And another thing—we have to be seriously concerned about igniting the entire southeast Europe region with our actions. What will the neighboring nations do? What will Russia do? Will NATO's action perhaps cause the radical elements in Russia to come into power?

These are serious questions that may not be of concern now, but the consequences of our actions today may come back to haunt us tomorrow.

We must remember—our goal is to bring peace and stability to this region. I am concerned that the introduction of ground troops may have just the opposite effect and destabilize the region over the long term.

And what happens after we win that war? And it will be won, although at a high cost in terms of lives and infrastructure. What will happen? What will be the disposition of the Kosovar Albanians, hundreds of thousands of whom are now refugees? Are we going to have a greater Albania?

Who will monitor the "peace" and who will pay for the rebuilding of the infrastructure in Serbia and Kosovo? What kind of commitment will NATO have to "Pick up the pieces" and rebuild Serbia? Will it fall on the United States?

Make no mistake: the introduction of ground troops guarantees that we as a nation are committing to be involved for an extended period of time and the expenditure of many billions of dollars. In order to compare, my colleagues should remember that we have already spent—we have already spent—over $12 billion in Bosnia.

I can't help but feel touched at times like these, in the face of situations of national importance, to contemplate the times that I have visited the Vietnam Memorial. All of us who have done that cannot help but be moved. And I know on my part, tears always well up in my eyes.

Seeing the names carved on that wall, knowing that each name represents an individual who had loved ones and friends and had hopes, dreams and aspirations, is a poignant reminder of what it means to send young men and women into harm's way.

But let me just say that while I disagreed with the policy pursued to stop the humanitarian abuses in Kosovo, those abuses cannot be overlooked by the international community. You just can't turn your head and forget about it. This morning, I participated in a commemoration of the Holocaust here in our Nation's Capitol. Let us remember so that we never forget.

I believe that in addition to pursuing our strategic interests and our trade interests, we must not forget that our status as a world power gives us a moral responsibility to defend human rights. I call upon my colleagues and all Americans to work toward a consensus on how we as a nation respond to acts of genocide internationally.

Looking away in Croatia was a failure when 250,000 Serbs were driven out. As President Clinton acknowledged, looking away in Rwanda was a mistake where almost a million people were killed between the Tutsi's and the Hutu's. And what about the Kurds in Iraq and Turkey, and all the other areas of the world where such troubles exist? We have it in many, many places in the world.

Thus far, full engagement through bombing has been a failure in Kosovo. Our moral responsibility is to identify the means and the goals available to us to deal with such incidents before they escalate beyond peaceful resolution. We would be well-served—we would be well-served—to have a coherent policy to guide us in the future as to when we go in and when we do not go in.

Mr. President, what this country does in the name of NATO over the next several weeks in regard to Serbia and Kosovo will have a dramatic impact on this country's future. It is our obligation to the American people to exercise our due diligence before we commit to a course of action from which we cannot extricate ourselves. This is very, very serious business that we are now considering.

We should pray to the Holy Spirit for the enlightenment to make the right decision for our country, for southeast Europe, and for the world. Let us be constantly reminded of Jesus's exhortation on the Sermon on the Mount that "blessed are the peacemakers, for they shall be called the children of God."

Thank you, Mr. President. I yield the floor.

THE MILLENNIUM DIGITAL COMMERCE ACT

Mr. LOTT. Mr. President, I want to recognize the efforts of Senator ABRAHAM who authored and spearheaded the effort to pass the Government Paperwork Elimination Act during the 105th Congress.

This good government measure, which the President signed into law last year, requires federal agencies to automate their forms and allows computer users to complete, electronically sign, and submit government forms online.

Aside from saving thousands of square feet of storage space, this landmark legislation will significantly reduce the amount of time it takes Americans to complete government paperwork. The millions of hours freed up translates into billions of dollars saved over time. This legislation, which was supported by the Administration, will also help the federal government transition to a paperless document management system. One that allows agencies to collect and maintain forms and other records faster, easier, and cheaper.

Mr. President, Senator ABRAHAM, my friend and colleague, has once again demonstrated his leadership on electronic commerce issues by recently introducing the Millennium Digital Commerce Act. This bipartisan measure, which I cosponsored, is a direct outgrowth of and a natural extension to the Government Paperwork Elimination Act. It provides a national framework for online business to business transactions. This important interstate commerce measure provides legal standing for electronic signatures on contracts and other business transactions without preempting state law on intrastate commerce.

Electronic signatures are the equivalent of an online "royal seal." Electronic signatures are highly controlled and are far more secure than manual signatures. As my colleagues are aware, it is not difficult to mimic someone's handwritten "John Hancock." An electronic signature, however, is verifiable and it becomes invalid if any of the data in the electronic document is altered or eliminated. This revolutionary communication tool can also time and date stamp someone's unique electronic signature. It is an emerging technology that will serve as a springboard for electronic commerce.

Over the last few years, states have recognized the importance of authentication technology on trade and have already adopted rules governing its use. However, of the more than forty states that now have laws on the books, none has adopted the same approach. Congress should not allow an electronic signature hodgepodge to thwart the exponential growth occurring in electronic commerce.

In our fast-paced global and highly technical environment, where time is money, companies transacting business across state lines need assurance that electronically signed documents are fully and legally executable. Senator ABRAHAM's Millennium Digital Commerce Act will ensure that businesses located in different states are held to their agreements and obligations even if their respective states have different rules and approaches concerning electronically signed documents.

This much needed and timely legislation is a necessary precursor to state-by-state adoption of the Uniform Electronic Transactions Act (UETA). Once UETA is finalized, its enactment by all fifty states is not expected to occur for several years.

The Millennium Digital Commerce Act is an important interim step towards eventual national uniformity. It merely establishes the legal certainty of electronic signatures when used for interstate business transactions. It strikes a necessary balance between a state's individual interests and the need for reciprocity among and between states. It fosters the expansion of trade on a state-wide, national, and international basis while promoting continued innovation.

The Millennium Digital Commerce Act is technology neutral and allows businesses to determine the methods they want to utilize for executing an online transaction. This legislation also establishes guiding principles for the use of electronic signatures for international transactions. A framework based on open, non-discriminatory standards. Lastly, Senator ABRAHAM's bill requires federal agencies to identify rules or regulations that impede electronic commerce and recommendations for improvements.

Mr. President, the United States cannot lag behind our industrial trading partners. Already, the United Kingdom has called for the legal recognition of electronic signatures.

I look forward to working with Senator ABRAHAM and Chairman MCCAIN as the Commerce Committee gives prompt consideration to this important pro-technology, pro-electronic commerce legislation.

The Millennium Digital Commerce Act will help move our nation's economy forward into the 21st Century. I hope the rest of my colleagues will support this responsible measure which will benefit both American consumers and American businesses.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 12, 1999, the federal debt stood at $5,663,866,732,410.23 (Five trillion, six hundred sixty-three billion, eight hundred sixty-six million, seven hundred thirty-two thousand, four hundred ten dollars and twenty-three cents).

Five years ago, April 12, 1994, the federal debt stood at $4,565,109,000,000 (Four trillion, five hundred sixty-five billion, one hundred nine million).

Ten years ago, April 12, 1989, the federal debt stood at $2,771,368,000,000 (Two trillion, seven hundred seventy-one billion, three hundred sixty-eight million).

Fifteen years ago, April 12, 1984, the federal debt stood at $1,486,599,000,000 (One trillion, four hundred eighty-six billion, five hundred ninety-nine million).

Twenty-five years ago, April 12, 1974, the federal debt stood at $473,967,000,000 (Four hundred seventy-three billion, nine hundred sixty-seven million) which reflects a debt increase of more than $5 trillion—$5,189,899,732,410.23 (Five trillion, one hundred eighty-nine billion, eight hundred ninety-nine million, seven hundred thirty-two thousand, four hundred ten dollars and twenty-three cents) during the past 25 years.

RETIREMENT OF RON KAVULICK

Mr. DASCHLE. Mr. President, while the Senate was in recess for the Easter/Spring break, a member of the Senate family ended his Senate career. Ron Kavulick, the Chief Reporter of Debates, retired.

As a matter of fact, Ron was to have ended his Senate career at the close of the 105th Congress, but remained in his position as the Senate conducted the impeachment trial of the President. Ron's expertise and dedication to detail were needed throughout the tedious proceedings of the trial.

Ron became an Official Reporter of Senate Debates in 1979 and served ably in that capacity until he was elevated to the position of Chief Reporter in 1995.

Ron has a very impressive reporting background. He was an official court reporter in the Air Force's JAG office. While employed with Alderson Reporting Company, Ron had the opportunity to work at the White House. Ron traveled extensively both with President Johnson and President Nixon.

Ron spent many hours and many nights working in the West Wing of the White House providing official White House transcripts of state dinners, press conferences and news briefings. Certainly Ron's experiences at the White House were helpful as he endured many a late night in the Senate.

My staff and I personally cannot thank Ron enough for his service. Since my arrival at the Senate in 1987, I have relied on Ron's institutional memory and unfailing kindness. He has always been available, day or night, for any help that my staff or I needed. It would be impossible for me to count the times that Ron and his very able staff have assisted us. Having said that, no one deserves a rest from the long, sometimes grueling hours of the Senate more than Ron Kavulick. I can attest to the fact that he will be greatly missed here in the Senate.

As Ron goes on to enjoy time with his wife, Pat, his children and granddaughter, Allison, I thank him for his diligence and perseverance in his service to his country and for his friendship to us here in the Senate. My staff joins me in wishing him all the best in the years to come.

Ron, good luck and Godspeed.

TRIBUTE TO ISABEL "BELLA" ROMERO

Mr. CAMPBELL. Mr. President. I would like to take this opportunity to recognize a truly remarkable woman, Mrs. Isabel "Bella" Romero, of Greeley, Colorado. This gallant woman's life was prematurely cut short last year after courageously fighting ovarian cancer for six years. Bella's dedication to improving our world transcends her career as an inspirational middle school principal and educator and as a woman devoted to her family. Her selfless pursuit of bringing out the best in all she came in contact with has made her passing that much greater. She is fondly missed by her friends and family, but her legacy lives on through all those whose lives she touched.

I ask unanimous consent that an article from the Denver Post on this remarkable Coloradan be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Mar. 25, 1999]

BELLA ROMERO'S LIFE DISPLAYED THE ELOQUENCE OF ACTION

(By Tomás Romero)

"In our world of big names, curiously, our heroes tend to be anonymous."—Historian Daniel J. Boorstin

Americans tend to compartmentalize their emotions too much: Feeling patriotic on July 4, remembering the deceased on Memorial Day and putting on a happy face for the holidays.

Hispanics, though, see tragedy and joy as part of an ever-intertwined continuum—so why not acknowledge them concurrently as we do with *Los Dias de Los Muertos?* Thus, just before Christmas, I've chosen to write a belated tribute to one of those anonymous heroes described by Boorstin. After all, what time could be better to celebrate a woman who gave so many gifts to so many people?

My friend Isabel "Bella" Romero of Greeley died this year after an unbelievably valiant six-year battle fought against a cruel, unforgiving foe—ovarian cancer.

Action is eloquence. And the eloquently lovely manner with which Bella Romero conducted her life journey must be remembered: an unmatchable, deliberately executed, constantly positive pattern for living.

She was a loving wife to Ray, a loving mother to Denny, Mark, Juan and Andrea, and a passionate advocate for every school child in need of a good past. As a Longmont middle school principal, Bella knew that a child without a good past couldn't easily aspire to a better future.

Bella was not related to me by blood, but she was my sister in spirit since we were kids together in Brighton. This winsome girl was married and a mother by age 16. She worked in a cannery to help Ray attend the then-Colorado State College in Greeley. It was an experience filed with bare food cupboards, living in dingy basements. Ray became a teacher/university administrator and successful civic leader.

Then it was Bella's turn to bring dreams to fruition. "I've decided to go to college and become a teacher," she announced. Armed with a GED, she began a daily round trip from Brighton to Greeley. Family needs still came first. Only when everyone was asleep would she sit at a kitchen table to study. In three years, Bella received her diploma—with a straight A average. Later she fulfilled another aspiration and became a respected principal—one of the state's best. Probably her greatest skill was being able to defeat an enemy by making them a friend.

Then came sudden, unexpected pain and a doctor's diagnosis of ovarian cancer. Bella's war had begun. With prayer, traditional medicine, visualization, holistic health tactics—and, yes even laughter—Bella beat back her vicious enemy. Tauntingly, cancer would retreat and then return. Bella wept when she was finally forced to give up her position as principal. "'It was six years of increasingly difficult anguish for us and pain for her," husband Ray says.

"Death be not proud," I said in a eulogy. "Bella's intent was never to defeat death—no one does—it was to win at life." Through study and reflection, Ray believes, Bella found a spiritually higher level—a place beyond pain's reach.

She endured beyond our comprehension to understand why she simply didn't just let go. Never did she relinquish personal power or allow physical frailties to become spirit-dominating indignities. University of Northern Colorado President Howard Skinner gladly came to her home when asked to join forces for worthwhile programs. Bella wanted to leave Earth on her terms—"thoroughly used up," as George Bernard Shaw wrote in a poem.

Every grandchild of Bella's received a personal videotaped message. So, too, were family members counseled, parents called from a hospital bed and told goodbye. When visitors came to her, she found strength to console us and offer advice. When we'd been prepared to get on with our lives without her, she left us.

It's been six months since Bella died, and sister Anna Lee still mourns for a best friend.

Bella was Cathy Gleesing's mentor and school principal. Cathy became a valued friend and was always there to offer love and support in time of trying need. Bella "led with elegance, grace and style," Cathy says. "'I wish for Bella when I strive to be excellent in my work, mood and relationships."

In other words, always.

Ray lost a beloved companion, one who at day's end every day for 40 years would join her partner to talk and reinforce *familia* and values.

We have all lost, and during this holiday season we need to learn from her gift.

THANKING KIM KOIVISTO FOR A JOB WELL DONE

Mr. DASCHLE. Mr. President, Today marks the final day of work in the Senate for Kim Koivisto, the associate director to the Democratic Steering and Coordination Committee. I didn't want the day to pass without taking a moment to thank Kim for a job well done.

The Democratic Steering and Coordination Committee is the liaison office between Senate Democrats and a good portion of the rest of the country, including representatives of state, county and local governments and people from every imaginable interest group. The committee is an important part of our caucus's efforts to talk with and listen to Americans from varying perspectives.

Kim has worked as associate director of the committee for the past two years. During that time, she has consistently demonstrated the highest level of commitment, professionalism and creativity. She has worked most intensively on women's, Hispanic and labor issues.

One highlight of Kim's tenure is the creation of a new outreach program to strengthen relations between our caucus and national Hispanic organizations, Latino elected officials and the Congressional Hispanic Caucus. She also used her fluency in Spanish to translated materials into Spanish, and to organize Spanish-language press conferences for Senate and House Democrats.

Kim has also worked closely with labor organizations and women's groups to advance causes that are important to American families—and to Kim personally. Issues she worked especially hard on include closing the pay gap between men and women, raising the minimum wage, and strengthening the federal commitment to breast cancer research. Kim was also active in the fight to retain the Federal Disadvantaged Business Enterprise Program last year as part of TEA-21, the new Federal highway bill.

Kim's immediate plans include traveling through Indonesia. She will attend the Graduate School for Counseling at the University of Maryland in the fall.

On behalf of all Senate Democrats, I'd like to thank Kim for her hard work, and wish her the best of luck in her travel and studies. She will be missed.

TRIBUTE TO RICHARD BAXTER WILSON

Mr. COCHRAN. Mr. President, before the Senate adjourned for the Easter recess, my State of Mississippi suffered the loss of one of its finest citizens, Richard Baxter Wilson, who died on Monday, March 15. He was a national leader in the electric power industry. He served as a member of the board of directors of Middle South Utilities, Inc., the Edison Electric Institute, and the National Association of Electric Companies.

In addition to serving as president and chairman of the board of Mississippi Power & Light Company, he was also a member of many other corporate, charitable, civic, and educational institution boards.

He was a personal friend of mine whose advice and counsel I appreciated and relied upon, to my great benefit. His two children, Richard B. Wilson, Jr. and Miriam Weems, are two of my closest and dearest friends. And I extend to them, and all the members of the family, my sincerest condolences.

I ask unanimous consent that the obituary that appeared in The Clarion-Ledger of Jackson, MS, of March 16 be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the Clarion-Ledger, Mar. 16, 1999]

RICHARD BAXTER WILSON, EX-COMPANY PRESIDENT

MADISON—Richard Baxter Wilson, 93, a former president of Mississippi Power & Light, died of heart failure Monday at his home.

Services are 10:30 a.m. Wednesday at First Presbyterian Church of Jackson. Visitation is 4-6 p.m. today at Wright & Ferguson Funeral Home and 9:30 a.m. Wednesday at the church.

Mr. Wilson was a Yazoo City native. He graduated from the University of Mississippi in 1927.

He began working with Mississippi Power & Light in 1926 and worked in Cleveland before moving to Jackson. He was president of the company from 1954-69 and chairman of the board until his 1976 retirement. MP&L's largest plant in Vicksburg was named after him.

Mr. Wilson also served as chairman of the Jackson Airport Authority, Jackson Planning Board, State National Alliance of Businessmen, Mississippi U.S. Savings Bonds Committee and was national vice president of the American Red Cross. He had helped develop the Jackson Municipal Airport and other projects for Mississippi's economic development office. He was an organizer of the Pearl River Development Association and was chairman of the Jackson Chamber of Commerce Committee that promoted development of the Ross Barnett Reservoir.

He was president of the Jackson Chamber of Commerce, Rotary Clubs of Jackson and Cleveland, the Andrew Jackson Council of Boy Scouts of America, Southeastern Electric Exchange, Beauvoir Foundation and the University of Mississippi Alumni Association. He was a member of the Newcomer Society of North America.

Mr. Wilson chaired several fund drives including the Mississippi Baptist Medical Center and Salvation Army.

He was a member of First Presbyterian Church in Jackson where he was a deacon for nearly 50 years. He was a Mason and a member of the Wahabi Temple of Shriners.

Mr. Wilson was a director and vice-president of Middle South Utilities, Inc. He was a trustee at Deposit Guaranty National Bank, Belhaven College, University of Mississippi Alumni Association, National Association of Electric Companies, Edison Electric Institute, Southeastern Electric Exchange, Mississippi Economic Council, Magna Corporation, Standard Life Insurance Co., Mississippi Agricultural & Industrial Board and Southern Research Institute.

Mr. Wilson had an endowed fellowship at UM in his honor and the First Federal Award for distinguished service to the state. He had received several other distinguished awards.

"No man has expressed greater faith in, or worked harder for the development of Mississippi than Baxter Wilson," said a *Jackson Daily News* editorial in 1970.

Wilson's goal and recurring motif, the editorial said, was "helping build Mississippi."

He was a charter member of Epsilon Xi chapter of the Sigma Nu fraternity at UM and was a member of the Mississippi Society of Professional Engineers. He received from the university the Distinguished Alumnus Award in 1979 and Engineer of Distinction in 1984. He became a Paul Harris Fellow of the Rotary International Foundation in 1987.

He was the widower of Katherine Owen and Edwina Ford Barker.

Survivors include a son, Richard Baxter Wilson Jr., of Jackson; daughter, Miriam Weems of Jackson; and two grandchildren.

Memorials may be made to French Camp Academy, R. Baxter Wilson Fellowship Fund at the University of Mississippi in Oxford or to a favorite charity.

HAPPY BIRTHDAY EUDORA WELTY

Mr. COCHRAN. Mr. President, today one of my State's most famous citizens of all time celebrates her 90th birthday. Eudora Welty is known around the world as a writer of enormous talent and accomplishment. She has lived for most of her life in Jackson, MS, and she enjoys a level of popularity in our State that a politician can envy but not match.

I invite the attention of all Senators to the May issue of Vanity Fair which contains a toast to Eudora by my friend and fellow Mississippian, Willie Morris.

In today's edition of the Jackson Clarion-Ledger, an article describes other activities that will be taking place in our State to honor Miss Welty on her 90th birthday.

I ask unanimous consent that a copy of that newspaper article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Clarion-Ledger, April 13, 1999]

MORRIS' TRIBUTE TO WELTY IN 'VANITY FAIR'—MAGAZINE ARTICLE HONORS JACKSON WRITER ON 90TH BIRTHDAY; CELEBRATION SET

(By Billy Watkins)

Eudora Welty, the Pulitzer Prize-winning author from Jackson, turns 90 years old today.

To help commemorate the occasion, fellow Mississippi author Willie Morris wrote a 4,000-word story about Welty for Vanity Fair magazine's May issue, which is on newsstands now. Morris calls it his "toast to Eudora."

"And I call her Eudora because she's been my friend since I was a little boy," Morris says. "I very strongly support the idea that she is the greatest living American writer. She's full of wackiness and humor and loyalty to her friends. She's just so generous. Always has been."

Morris will participate in a tribute to Welty 5–7 p.m. today at Lemuria Book Store in Jackson. Although Welty will not be able to attend, Morris, along with Mississippi writer Ellen Douglas, will be present at the celebration where two new books will be unveiled.

University Press of Mississippi will release The First Story, a limited edition reprint of Welty's first published short story, Death of a Traveling Salesman. It includes an essay by Welty looking back at that story. Only 500 hardcovers have been printed. They sell for $75 each.

Hill Street Press of Athens, Ga., will debut Eudora Welty: Writers' Reflections Upon First Reading Welty. It includes essays by Morris, Douglas, Barry Hannah, Reynolds Price and others.

John Evans, owner of Lemuria, says Welty books still sell well.

"We sell a lot to out-of-towners and people who just moved here who know about Miss Welty," Evans says. "And I keep her work stocked. I feel like it's our duty that if somebody asks for something by Miss Welty, we should have it."

Morris' piece for Vanity Fair was originally 18,000 words but had to be edited down. "I was pleased with the way it turned out," Morris says. "I'll include the entire story in my next book of essays, which will come out in about two years."

Morris contacted many notable writers—Shelby Foote and William Styron among them—and included their views on Welty. "I sent out more than 30 letters to people who have known her for years," Morris says, "and I got 100 percent response. I think that ways what people think of Eudora, the fact that they took time to respond.

"I really believe most people who love writing will read this story—not because of me, but because of Eudora. She's loved universally. And I was honored to write the story."

Mr. DODD. Will my colleague yield?

Mr. COCHRAN. I am happy to yield.

Mr. DODD. I just say to my colleague from Mississippi, I commend him for his statement recognizing the contributions of Eudora Welty. This Connecticut Yankee loves her writing. And for my birthday present this year I received a first edition copy of one of Eudora Welty's novels.

I prize and cherish her work. She is a Mississippi treasure, but she is also a treasure for this great country of ours. And I associate myself with the remarks of my colleague from Mississippi and commend him for recognizing this remarkable woman who has made such a rich contribution to the literary heritage life of our Nation.

Mr. COCHRAN. I thank the distinguished Senator very much for that.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 15. An act to designate a portion of the Otay Mountain region of California as wilderness.

H.R. 154. An act to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

H.R. 449. An act to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes.

H.R. 911. An act to designate the Federalo building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 48. Concurrent resolution authorizing the use of the Capitol Grounds for the opening ceremonies of Sunrayce 99.

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for the bike rodeo to be conducted by the Earth Force Youth Bike Summit.

The message further announced that the House has passed the following bill, without amendment:

S. 388. An act to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 440) to make technical corrections to the Microloan Program.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KASICH, Mr. CHAMBLISS, Mr. SHAYS, Mr. SPRATT, and Mr. MCDERMOTT as the managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

H.R. 98. An act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program and to amend the Centennial Flight Commemoration Act to make technical and other corrections.

The message further announced that pursuant to 14 U.S.C. 194(a), the Speaker appoints the following Member of the House to the Board of Visitors to the United States Coast Guard Academy: Mrs. JOHNSON of Connecticut.

The message also announced that pursuant to 10 U.S.C. 9355(a), the Speaker appoints the following Members of the House to the Board of Visitors to the United States Air Force Academy: Mr. YOUNG of Florida and Mr. HEFLEY of Colorado.

The message further announced that pursuant to 44 U.S.C. 2501, the Speaker appoints the following Member of the House to the National Publications and Records Commission: Mr. BLUNT of Missouri.

The message also announced that pursuant to 46 U.S.C. 1295(h), the Speaker appoints the following Member of the House to the Board of Visitors to the United States Merchant Marine Academy: Mr. KING of New York.

The message further announced that pursuant to U.S.C. 4355(a), the Speaker appoints the following Members of the House to the Board of Visitors to the United States Military Academy: Mr. TAYLOR of North Carolina and Mrs. KELLY of New York.

The message also announced that pursuant to 10 U.S.C. 6968(a), the Speaker appoints the following Members of the House to the Board of Visitors to the United States Naval Academy: Mr. SKEEN of New Mexico, Mr. GILCHREST of Maryland, Mr. TANNER of Tennessee, and Mr. HOYER of Maryland.

The message further announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker appoints the following Members of the House to the Joint Economic Committee: Mr. STARK of California, Mrs. MALONEY of New York, Mr. MINGE of Minnesota, and Mr. WATT of North Carolina.

The message further announced that pursuant to the provisions of section 4 of the Congressional Award Act (2 U.S.C. 803) the Minority Leader appoints the following named persons to the Congressional Award National Board of Directors: CARLOS A. ROMERO-BARCELÓ of Puerto Rico, Dolores M. Beilenson of California, Timothy J. Keating of Pennsylvania, and Robert J. Kelley of Missouri.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 15. An act to designate a portion of the Otay Mountain region of California as wilderness; the Committee on Energy and Natural Resources.

H.R. 154. An act to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 449. An act to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 48. Concurrent resolution authorizing the use of the Capitol Grounds for the opening ceremonies of Sunrayce 99; to the Committee on Rules and Administration.

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for the bike rodeo to be conducted by the Earth Force Youth Bike Summit; to the Committee on Rules and Administration.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 767. A bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions: Special Report entitled "Report on Legislative Activities of the Committee on Labor and Human Resources during the 105th Congress 1997-1998" (Rept. No. 106-40).

By Mr. McCONNELL, from the Committee on Rules and Administration: Special Report entitled "Review of the Legislative Activities of the Committee on Rules and Administration During the 105th Congress 1997-1998" (Rept. No. 106-41).

By Mr. HATCH, from the Committee on the Judiciary: Report to accompany the bill (S. 247) to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes (Rept. No. 106-42).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SESSIONS (for himself and Mr. DEWINE):

S. 768. A bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States; to the Committee on the Judiciary.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 769. A bill to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for the construction of the bascule gates on the Dickinson Dam; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. MURKOWSKI, Mr. INOUYE, Mr. HARKIN, and Mr. WELLSTONE):

S. 770. A bill to provide reimbursement under the medicare program for telehealth services, and for other purposes; to the Committee on Finance.

By Mr. ROBB:

S. 771. A bill to amend title 38, United States Code, to authorize the memorialization at the columbarium at Arlington National Cemetery of veterans who have donated their remains to science, and for other purposes; to the Committee on Veterans Affairs.

S. 772. A bill to amend section 8339(p) of title 5, United States Code, to clarify the computations of certain civil service retirement system annuities based on part-time service, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BREAUX:

S. 773. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition relating to distributions of stock and securities of controlled corporations; to the Committee on Finance.

S. 774. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Finance.

By Mr. TORRICELLI:

S. 775. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 776. A bill to authorize the National Park Service to conduct a feasibility study for the preservation of the Loess Hills in western Iowa; to the Committee on Energy and Natural Resources.

By Mr. FITZGERALD:

S. 777. A bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI:

S. 778. A bill for the relief of Blanca Echeverri; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. FITZGERALD, Mr. MOYNIHAN, and Mr. SCHUMER):

S. 779. A bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 780. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the participation of the Secretary of the Interior in the America's Agricultural Heritage Partnership, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 781. A bill to amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications that is applicable to telephone communications; to the Committee on the Judiciary.

S. 782. A bill to amend title 18, United States Code, to modify the exception to the prohibition on the interception of wire, oral, or electronic communications to require a health insurance issuer, health plan, or health care provider obtain an enrollee's or patient's consent to their interception, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 783. A bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. Mack, Mr. Frist, Mrs. Feinstein, Ms. Mikulski, Mr. Sarbanes, Mr. Conrad, Mr. Johnson, Mr. Wellstone, Mr. Smith of Oregon, Ms. Collins, Mr. Jeffords, Mr. Moynihan, Mr. Bingaman, Mr. Inouye, Mr. Craig, Mr. Graham, Mr. Kerrey, Mr. Harkin, and Mr. Leahy):

S. 784. A bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. Daschle):

S. 785. A bill for the relief of Frances Schochenmaier; to the Committee on Armed Services.

By Ms. MIKULSKI (for herself, Ms. Snowe, Mr. Sarbanes, Ms. Collins, and Mr. Lott):

S. 786. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. Durbin):

S. 787. A bill to amend the Truth in Lending Act to enhance consumer disclosures regarding credit card terms and charges, to restrict issuance of credit cards to students, to expand protections in connection with unsolicited credit cards and third-party checks, and to protect consumers from unreasonable practices that result in unnecesary credit costs or loss of credit, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS (for himself, Mr. Enzi, and Mr. Craig):

S. 788. A bill to amend the Federal Meat Inspection Act to provide that a quality grade label issued by the Secretary of Agriculture may not be used for imported meat and meat food products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN:

S. 789. A bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees; to the Committee on Armed Services.

By Mr. LAUTENBERG:

S. 790. A bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water to submit annual reports, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself and Mr. Sessions):

S.J. Res. 18. A joint resolution honoring World War II crewmembers of the U.S.S. Alabama on the occasion of the 1999 annual reunion of the U.S.S. Alabama Crewmen's Association; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEFFORDS (for himself, Mr. Gregg, Ms. Collins, Mr. Lott, Mr. DeWine, Mr. Hagel, Mr. Enzi, Mr. Brownback, Mr. Hatch, Mr. Ashcroft, and Mr. Coverdell):

S. Con. Res. 25. A concurrent resolution urging the Congress and the President to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself and Mr. DeWine):

S. 768. A bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committee outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States; to the Committee on the Judiciary.

MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

Mr. SESSIONS. Mr. President, I rise to introduce the Military and Extraterritorial Jurisdiction Act of 1999. This bill will close a legal loophole through which civilians who commit crimes while accompanying the Armed Forces overseas evade punishment. Today, when a civilian accompanies the military outside the United States, whether a relative, a dependent, or a civilian contractor—and there are many—the civilian is not subject to prosecution under the Uniform Code of Military Justice and does not fall under any of the general Federal criminal laws.

These individuals can only be prosecuted for their crimes if the host country chooses to do so. However, there are many circumstances in which the host country does not choose to prosecute. They just often do not have an interest in the case. Additionally, in situations such as Somalia and Haiti, when our troops are rapidly deployed, typically no agreement exists governing how civilians will be prosecuted until months into the operation. Indeed, many times there are no laws in effect really in those countries. So we believe that something must be done in this regard.

There is a glaring deficiency here and it has come to my attention through a tragic incident. A U.S. Army dependent, not a soldier, living on an Army base in Germany, sexually molested two dependent children. The Army investigators found probable cause to believe that the sexual acts had occurred. However, under German law, no action could be taken against this juvenile.

Sometimes prosecutors are restricted by legal prohibitions, and sometimes they just have no interest in prosecuting a case involving Americans.

As of March 31, 1996, there were more than 240,000 family dependents and 96,000 civilian employees overseas. These persons accompany our troops to represent the United States, but many times they are in effect outside the law.

In addition to the sexual molestation incident that I have already mentioned, examples of crimes that have gone unpunished due do this loophole are rape, assault, battery, vandalism, and drug dealing. Although the offenders may receive some sort of administrative punishment, such as being barred from certain areas of the base or monetary fines, these administrative noncriminal penalties are inadequate for the more serious violations.

Because the military continues to rely heavily on civilian assistance and support, the United States must develop an appropriate and effective criminal process to deal with the misbehavior of civilians. It is important to the morale of our military forces that enlisted men and women working outside the United States along with civilian personnel do not believe that civilians who may commit a crime against them are beyond criminal prosecution.

This bill would extend the reach of title 18 of the United States Criminal Code to include those civilians that accompany the military outside the United States. When one of these civilians commits an offense that Congress has established as a maritime crime, the U.S. attorney's office would have the option to exercise jurisdiction and prosecute the offender in the United States. The bill would employ title 18, United States Code section 3238, which provides that an accused be tried in the U.S. district court where the offender first appears when he is brought back to the United States.

Finally, in order to prevent legal conflicts with a jurisdiction recognized by the United States, this bill only applies if the host country has already prosecuted or is in the process of prosecuting the accused.

The need for this legislation was most recently described in a report submitted by the Overseas Jurisdiction Advisory Committee to the Secretary of Defense, the Attorney General, and to this Congress. This panel was established in section 1151 of the 1996 National Defense Authorization Act.

In the act, Congress recognized this jurisdictional loophole needed to be examined so it established this advisory committee to study the problems of civilians who commit criminal acts when accompanying the Armed Forces overseas. This committee was composed of experts in military and civilian law from all branches of the armed services, the Department of Justice, and the State Department. The advisory committee found that this problem was serious enough that "legislation is needed to address misconduct by civilians accompanying the forces overseas in peacetime settings." These experts believed that the jurisdictional void must be closed to "maintain order and discipline."

The American Government must have the authority to discipline people it sends overseas to represent and serve this country. It is inconsistent with the American system of justice that a civilian employee working with service members and dependents of service members not be subject to American criminal laws. This piece of legislation is an important step toward recognizing the changing nature of our Armed Forces and making sure that the Criminal Code is keeping pace with the military's changing dynamic.

As a former U.S. attorney for 12 years myself, and one who has met frequently with victims, nothing can be more frustrating than to see a person or a family victimized by some awful act and have to tell them: There is no law that will vindicate you. Even though under various other circumstances it would be a plain crime, for some technical reason there is not a way to legally right this wrong.

So I believe this is an important bill. It closes a loophole involving more and more Americans each year. We simply do not need to cede away the authority to prosecute criminal acts to nations that may have no interest whatsoever in vindicating the rights of an American service man or woman who has been a victim of a crime.

I believe this is an important act. It has broad support, the support of the military and support of other officials of this Government. We think it is a needed step and I commend it to my fellow Members of the Senate.

I also want to express my appreciation for an Alabama family whose child was a victim of a crime, a sexual act, in a foreign country, who is here in this Capitol today, at the Senate today, and without whose support and encouragement this piece of legislation would not become law and would not have reached this point.

Mr. DEWINE. Mr. President, I rise today with my colleague, Senator SESSIONS, to reintroduce legislation that would close the loopholes that permit civilians accompanying the Armed Forces and those serving with the Armed Forces from evading punishment for crimes they committed while abroad. Under current law, many illegal acts committed abroad by dependents, civilian employees, and those servicing with the Armed Forces go substantially unaddressed by either military or civilian courts. Administrative punishments have proven equally inadequate to address this problem.

When civilians accompany the Armed Services outside the United States, they are not subject to prosecution under Federal criminal law or the Uniform Code of Military Justice. This has proven to be a double-edged sword. While foreign nations frequently have no interest in vindicating crimes committed by American civilians against other Americans, despite the extreme seriousness of the offense, there have been instances where the United States has had to turn over American civilians to host countries for potentially harsh punishment because of the absence of appropriate enforcement action. Unfortunately, this problem is likely to worsen as there are a large number of dependents overseas, and the number of civilian employees of the Armed Services overseas is increasing. As for those serving with the Armed Forces, criminal prosecutions by the military court or administrative alternatives sometimes simply discharge the individual and send them home, rather than imposing any serious punishment for a crime.

The case that has united Senator SESSIONS and me behind this legislation is that of an Ohio resident, Amy McGough, who was stationed in Germany, along with her husband who is from Alabama. Mrs. McGough's 8-year-old son and 5-year-old daughter were repeatedly raped and molested by a neighbor boy who was supposed to be baby-sitting them. While the Criminal Investigations Division of the Army found sufficient facts, neither the Army nor Federal prosecutors had jurisdiction to prosecute the case, and the German government would not intervene because of the age of the perpetrator.

In such cases, our bill would guarantee that civilians, or those serving with the Armed Forces in certain circumstances, who commit an illegal act punishable under the Federal law by more than a year's imprisonment, will be subject to the special maritime or territorial jurisdiction of the United States for prosecution by a military court or for Federal criminal prosecution. Neither civilians connected with the Armed Forces nor those serving with the Armed Forces abroad accused of rape, child molestation or some other serious felony will simply be allowed to resign or leave the foreign country to avoid punishment. They will be subject to Federal prosecution.

We need to make sure that an appropriate criminal process exists in these circumstances. Letting these individuals back on America's streets does little to hold them accountable, and nothing to protect our communities here at home. I appreciate the efforts of my colleague, Senator SESSIONS, who is also a member of the Armed Services Committee, in working with me to introduce this legislation to address our mutual concern.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 769. A bill to provide a final settlement on certain debt owed by the city of Dickinson, ND, for the construction of the bascule gates on the Dickinson Dam; to the Committee on Energy and Natural Resources.

THE DICKINSON DAM BASCULE GATES SETTLEMENT ACT OF 1999

Mr. CONRAD. Mr. President, I rise today to introduce the Dickinson Dam Bascule Gates Settlement Act of 1999 and I am pleased that my colleague from North Dakota, Senator DORGAN, is an original cosponsor of the bill. This legislation would permit the Secretary of the Interior to accept a one-time, lump-sum payment for the city of Dickinson, ND, in lieu of the annual payments required under the city's existing repayment contract for construction of the "bascule gates" on the Dickinson Dam on the Heart River. This bill would resolve a long-standing issue for the city of Dickinson and the Bureau of Reclamation. The Dickinson Dam Bascule Gates Settlement Act is nearly identical to a bill I introduced last June, and it is my hope that the Senate will quickly consider and pass this important piece of legislation.

Mr. President, the history of the bascule gates is long and complex. The Bureau of Reclamation constructed the Dickinson Dam on the Heart River in 1949 and 1950 to supply water to the city of Dickinson, and for flood control, recreation, and other purposes. The reservoir created by this dam was named Patterson Lake in about 1960.

The need for additional water supply for the city was identified in the early 1970's, and the bascule gates were constructed in the early 1980's, to provide additional water storage capacity in Lake Patterson. At the time, the city expressed reservations over the cost of the bascule gates and the viability of the gates, since the city was not aware of any other location in a northern climate in which the gates had been tested or proven. In 1982, shortly after the gates were operational, a large ice block caused excessive pressure on the hydraulic system, causing it to fail. Construction modifications were made to the gate hydraulic system and a deicing system were added in 1982, adding further costs to the project.

In 1991, the city began to receive its municipal water supply from the Southwest Pipeline Project, a project constructed in part with funds provided for North Dakota's statewide water project, the Garrison Diversion project, which is another Bureau of Reclamation project. The Southwest Pipeline brings high-quality water from Lake Sakakawea on the Missouri River to the city of Dickinson and other communities in southwest North Dakota. The water is of much higher quality that the water from the city's previous supply from Lake Patterson, and has helped spur economic development in the region. While the citizens of the area now benefit from a higher quality water supply, the city no longer benefits from the additional water supply provided by the bascule gates. The result is the city is paying for two Bureau of Reclamation projects, while it is using water from only one of those projects for its municipal water supply. The city has repaid more than $1.2 million to the United States for the bascule gates, despite the fact that the gates now provide almost no direct benefit to the city.

The city has previously investigated alternatives to the current situation. The city has discussed the option of assuming title to the dam and bascule gates, as well as attempting to negotiate a new agreement with the Bureau of Reclamation administratively. However, because the terms of the existing contract are outlined statutorily, new legislation is required to make any changes to the current repayment contract.

The legislation I am introducing today would do three primary things. First, it would permit the Interior Secretary to accept a lump-sum payment of $300,000 from the city and terminate the remaining annual payments required under the existing repayment contract. This is an increase from last year's legislation, which called for a $150,000 final settlement. Enacting this legislation would end the issue of paying for the construction of these gates for both the city and the Federal government.

Second, my bill would require the Secretary to reallocate the costs of operation and maintenance for the bascule gates and the Dickinson Dam. The bill does not prescribe any particular reallocation formula, but does require the Secretary to consider the fact that the current benefits of the dam and bascule gates are primarily for flood control, recreation, and fish and wildlife purposes. In my view, operation and maintenance costs should be borne by those who benefit from a particular project.

Finally, my bill would permit the Secretary to enter any appropriate water service contracts in the future if the city or any other entity uses water from Patterson Lake for municipal water supply or for other purposes. It is only fair that if the city benefits in the future from the water stored behind the bascule gates that we preserve an option for recovering additional costs from those beneficiaries.

Mr. President, this legislation represents a win-win situation for the residents of the Dickinson area and for the Federal Government. I hope this Congress will carefully study this issue and quickly pass this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dickinson Dam Bascule Gates Settlement Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than $1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 3. DEFINITIONS.

In this Act:

(1) BASCULE GATES.—The term "bascule gates" means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) CITY.—The term "City" means the city of Dickinson, North Dakota.

(3) DAM.—The term "Dam" means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term "Lake" means the reservoir known as "Patterson Lake" in the State of North Dakota.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

(c) COSTS.—

(1) IN GENERAL.—In consultation with the City and the State of North Dakota, the Secretary shall reallocate responsibility for the operation and maintenance costs of the Dam and bascule gates.

(2) CONSIDERATION OF BENEFITS.—The reallocation of costs shall reflect the fact that the benefits of the Dam and bascule gates are mainly for flood control, recreation, and fish and wildlife purposes.

(d) WATER SERVICE CONTRACTS.—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

Mr. DORGAN. Mr. President, I rise to join my colleague from North Dakota, Mr. CONRAD, in introducing a bill to provide a final settlement on certain debts owned by the City of Dickinson, North Dakota, to the Bureau of Reclamation. The legislation is virtually identical to that introduced during the last Congress.

The Dickinson Dam Bascule Gates Settlement Act will provide long overdue relief to the citizens of Dickinson. Let me briefly explain why the debt liquidation is needed and appropriate. For one thing, the Bureau of Reclamation built a faulty project. The debt was incurred by the City of Dickinson for construction of a dam with gate structures which never worked properly. In addition, the need for the dam to help provide a reliable local water supply was eclipsed by the construction of the Southwest Pipeline, a project of the same Bureau of Reclamation.

The legislation itself is actually quite simple. It would permit the Secretary of the Interior to accept one final payment from the City of Dickinson in place of a series of payments now required by city's current repayment contract.

My colleague has described in some detail the complicated and frustrating story of the dam and bascule gates project. Let me underscore a couple of major points. In 1949 and 1950, the dam was constructed to provide an adequate water supply for the City of Dickinson, as well as some flood control and recreation. The bascule gates were added to augment storage capacity in the reservoir called Patterson Lake. Despite the city's concerns about the use of a gate structure on the dam, which had not previously been used in a northern climate, the gates actually failed in 1982. The ensuing modifications increased the cost of the project.

Another twist in the story is that by 1991 the city no longer needed the Patterson Lake water supply. As noted, it began to receive its water supply from the Southwest Pipeline. This is a major distribution network of the Garrison Diversion Unit, another Bureau of Reclamation project. This system provides both higher quality and more reliable water supplies than the city's previous supply from Patterson Lake.

Consequently, it makes no sense for the City of Dickinson to have two water supply systems when it needs only one—especially when the first system was a faulty one. The city has already repaid more than $1.2 million for the bascule gates, even though they now provide virtually no benefit to the city.

Last year, I was able to pass an appropriations amendment to provide partial relief for the city's debt. Unfortunately, this provision stalled in the conference committee. The North Dakota delegation also added an amendment for more complete debt relief to a package of water management projects, which did not pass in the last days of 1998 session.

Thus, we need to provide authority for Dickinson to settle its debt, to reallocate costs for operation and maintenance of the bascule gates and Dickinson Dam, and to permit the Secretary of the Interior to enter into appropriate water service contracts with the city for any beneficial use of the water in Patterson Lake. The proposed legislation will address those three objectives while also providing a fair settlement for the Federal Government and the City of Dickinson.

I want to commend my colleague from North Dakota for his leadership and cooperation in developing a sound solution to this problem. In term, I urge my colleagues to consider and pass this needed legislation.

By **Mr. CONRAD** (for himself, Mr. DASCHLE, Mr. MURKOWSKI, Mr. INOUYE, Mr. HARKIN, and Mr. WELLSTONE):

S. 770. A bill to provide reimbursement under the medicare program for telehealth services, and for other purposes; to the Committee on Finance.

THE COMPREHENSIVE TELEHEALTH ACT OF 1999

Mr. CONRAD. Mr. President, today, I am pleased to be joined by Senator DASCHLE, Senator WELLSTONE, Senator INOUYE, Senator HARKIN, and Senator MURKOWSKI to introduce legislation to help improve health care delivery in rural and underserved communities throughout America through the use of telecommunications and telehealth technology.

Telehealth encompasses a wide variety of technologies, ranging from the telephone to high-tech equipment that enables a surgeon to perform surgery from thousands of miles away. It includes interactive video equipment, fax machines and computers along with satellites and fiber optics. These technologies can be used to diagnose patients, deliver care, transfer health data, read X-rays, provide consultation and educate health professionals. Telehealth also includes the electronic storage and transmission of personally identifiable health information, such as medical records, test results, and insurance claims.

The promise of telehealth is becoming increasingly apparent. Throughout the country, providers are experimenting with a variety of telehealth approaches in an effort to improve access to quality medical and other health-related services. Those programs are demonstrating that telecommunications technology can alleviate the constraints of time and distance, as well as the cost and inconvenience of transporting patients to medical providers. Many approaches show promising results in reducing health care costs and bringing adequate care to all Americans. For the first time, technological advances and the development of a national information infrastructure give telehealth the potential to overcome barriers to health care services for rural Americans and afford them the access that most Americans take for granted. But it is clear that our nation must do more to integrate telehealth into our overall health care delivery infrastructure.

Because so many rural and underserved communities lack the ability to attract and support a wide variety of health care professionals and services, it is important to find a way to bring the most important medical services into those communities. Telehealth provides an important part of the answer. It helps bring services to remote areas in a quick, cost-effective manner, and can enable patients to avoid traveling long distances in order to receive health care treatment.

We have made progress. The Balanced Budget Act of 1997 includes a provision that provides for some Medicare reimbursement of telehealth services. Unfortunately, however, the Health Care Financing Administration interpreted the legislative language too narrowly and severely limited the services that are covered. This bill clarifies the intent of Congress regarding Medicare reimbursement and thereby increases access to these services in underserved areas.

The first element of my proposal clarifies and expands Medicare reimbursement for telehealth. Medicare reimbursement policy is an essential component of helping to integrate telehealth into the health care infrastructure and is particularly important in rural areas, where many hospitals do as much as 80% of their business with Medicare patients. Because the Secretary defined reimbursable services so narrowly in the BBA, this legislation clarifies that all services that are covered under Medicare Part B if you drive to a doctor's office, are covered via telehealth. In particular, it clarifies that the technology called "store and forward", which is a cost-effective method of transferring information, is included in this reimbursement policy. Finally, this bill expands coverage from health professional shortage areas, as enacted in 1997, to cover all rural areas.

The second element of this proposal asks the Secretary of Health and Human Services to submit a report to the Congress on the status of efforts to ease licensing burdens on practitioners who cross state lines in the course of supplying telehealth services. Currently, consultation by almost any licensed health professional in this situation requires that the practitioner be licensed in both states.

In talking with telehealth providers in my state, and with experts on the Ad Hoc Committee, I have been told repeatedly that this is one of the most significant barriers to developing broad, integrated telehealth systems. More importantly, they tell me states have actively been using licensure to close their borders to innovative telehealth practice. Many states have taken legislative action to ensure that out-of-state practitioners must be fully licensed in their state in order to provide telehealth services, even if they are fully licensed in their own state. During a discussion with a telehealth practitioner from my home state of North Dakota, I was told about a group of telehealth specialists who, among their small group practice, were licensed in more than thirty different states. That means they pay thirty different fees, are responsible for thirty different continuing education requirements, and are overseen by thirty different regulatory bodies. This is a costly and burdensome procedure for many practitioners, but the burden falls particularly heavily on rural practitioners, who face long travel times to acquire continuing education, and who frequently run on lower profit margins than urban practitioners.

While I am not prepared at this time to propose that the federal government get involved with professional licensure, I have asked the Secretary to study the issue and report to Congress yearly on the status of efforts by states and other interested organizations to address this issue. This will allow us to reach out to the states and work together to find solutions to cross-state licensure concerns. As part of this report, I have asked to the Secretary to make recommendations to Congress, if appropriate, about possible federal action to lower the licensure barrier.

A third element of my proposal involves coordination of the Federal telehealth effort. The Department of Health and Human Services has created an informal interagency task force that is examining our federal agency telehealth efforts. This group reported on Federal activities related to telehealth and provided a thorough examination of many of the important issues in telehealth.

My bill attempts to use that task force to inventory Federal activity on telehealth and related technology, determine what applications have been found successful, and recommend an overall Federal policy approach to telehealth. Many departments and agencies of the Federal government are engaged in telehealth activity, including the Veterans Administration, Department of Defense, Department of Agriculture, Office for the Advancement of Telehealth, and many others. The more these agencies work together to coordinate the Federal effort and consolidate Federal resources, the more effective the Federal government will be in contributing to telehealth in a positive way. I believe this is especially important in light of the GAO report calling for an expanded role for this group and more coordination of telehealth issues across the Federal agencies. The efforts of this group, along with the ongoing activities of the Congressional Ad Hoc Steering Committee, will provide a renewed focus for telehealth across the Federal government. Such coordination will also help protect the American taxpayer from unnecessary duplication of effort.

The fourth part of my proposal helps communities build home-grown telehealth networks. It attempts both to build a telehealth infrastructure and foster rural economic development and incorporates many of the most important lessons learned from other grant projects and studies on telehealth from across the Federal government.

Clearly, the scarcity of resources in many rural communities requires that the coordination and use of those resources be maximized. My bill encourages cooperation by various local entities in an effort to help build sustainable telehealth programs in rural communities. It plants seed money to encourage health care providers to join with other segments of the community to jointly use telecommunications resources. Using a unique loan forgiveness program, it rewards telehealth systems that supply appropriate, high-quality care while reducing overall health care costs.

Most importantly, it does not create a system where various technological approaches are imposed upon communities. Rather it enables potential grantees to determine user-friendly approaches that work best for them. This home-grown approach to developing user-friendly telehealth systems, as well as the preference for coordinating resources within communities, will help ensure the long-term viability of such programs after the grant expires.

Mr. President, my proposal continues our national efforts to integrate telecommunications technology into the rapidly evolving health care delivery system. I am very encouraged by the positive feedback I have received from telehealth networks across the country. I have continued to work with telehealth networks and representatives to strengthen this proposal. As a result, I have made several changes in the bill that I believe will make this a stronger proposal. But, as with any complex issue, I understand that some may prefer different approaches. I would like to continue to encourage all interested parties to come forward with creative solutions to these important issues. It is my hope that telehealth legislation can be included in the comprehensive rural health care legislation in this Congress so we can continue to improve access to needed health care services for rural and underserved populations.

By Mr. ROBB:

S. 771. A bill to amend title 38, United States Code, to authorize the memorialization at the columbarium at Arlington National Cemetery of veterans who have donated their remains to science, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS LEGISLATION

Mr. ROBB. Mr. President, late last summer, a Virginian contacted my office to request my intervention in a matter which had brought considerable anguish and frustration to her family.

She informed me that her father, a decorated veteran of World War II and a career civil servant, had recently passed away. Before his death, however, he made two simple requests: one, that his body be donated to science, and two, that his ashes be placed in the Arlington National Cemetery. His widow, now 72, honored the first of those wishes. But in honoring the first request, she found out that the second was precluded.

The family learned that, due to various legal concerns, ashes of organ donors who donate their bodies to science are not returned to the families of the donors. Unfortunately, due to the regulations governing Arlington National Cemetery, veterans cannot be memorialized in the Columbarium unless their remains are actually inurned there. Oddly, it so happens that if his spouse had predeceased him, her remains would already have been inurned in a niche at Arlington, awaiting his remains.

While I can appreciate that limited space at Arlington has necessitated adherence to strict guidelines for burial and memorialization, I cannot see the virtue in denying appropriate recognition for an entitled veteran simply because he has donated his remains to science. In fact, I would like to encourage more veterans to do just that.

All of us recognize the great need for viable remains for both transplantation and for medical study. Veterans who make this courageous commitment should be suitably recognized and their loved ones should know that a grateful nation has made a place for them at one of our country's most sacred memorials.

With that said, I submit this bill which seeks to modify current regulations to allow otherwise qualified veterans, who have donated their remains to science, to be memorialized at the Columbarium in Arlington National Cemetery, notwithstanding the absence of their cremated remains.

Mr. President, I salute these veterans and their devoted families, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEMORIALIZATION AT COLUMBARIUM AT ARLINGTON NATIONAL CEMETERY OF VETERANS WHO HAVE DONATED THEIR REMAINS TO SCIENCE.

(a) AUTHORITY TO MEMORIALIZE.—(1) Chapter 24 of title 38, United States Code, is amended by adding at the end the following:

"§ 2412. Arlington National Cemetery: memorialization at columbarium of veterans who have donated their remains to science

"The Secretary of the Army may honor, by marker or other appropriate means at the columbarium at Arlington National Cemetery, the memory of any veteran eligible for inurnment in the columbarium whose cremated remains cannot be inurned in the columbarium as a result of the donation of the veteran's organs or remains for medical or scientific purposes.".

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following:

"2412. Arlington National Cemetery: memorialization at columbarium of veterans who have donated their remains to science.".

(b) APPLICABILITY.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply to veterans who die on or after January 1, 1996.

By Mr. ROBB:

S. 772. A bill to amend section 8339(p) of title 5, United States Code, to clarify the computations of certain civil service retirement system annuities based on part-time service, and for other purposes; to the Committee on Governmental Affairs.

CIVIL SERVICE RETIREMENT SYSTEM ANNUITIES CLARIFICATION

Mr. ROBB. Mr. President, I rise to introduce legislation that will correct current calculations of federal retirement annuities that unfairly penalizes federal civil servants who switch to part-time service at the end of their careers.

The Congress included provisions in the 1986 Civil Service amendments contained in the Consolidated Omnibus Budget Reconciliation Act that reformed the part-time service calculations for retirement, so that part-time workers would not receive the same annuities as full-time workers. I believe that was a fair and equitable reform. However, after receiving a letter from one of my fellow Virginians, L. David Jones, it is clear that there have been errors in the interpretation of the provision.

Mr. Jones worked for the Naval Research Lab until his retirement in February, 1995. He worked there full-time for 30 years and part-time for five years after his 30 years of full-time service. He elected part-time service at the end of his career to not only to ease into retirement, but to help his colleagues better manage an increased workload. But because of the misinterpretation of the provision, he would have been better off retiring at the end of his 30 years. Instead of being praised for his additional service, his situation now serves as a cautionary tale for others who wish to transition into retirement and help their colleagues: if you switch to part-time service after a long career as a full-time worker, your annuities will be reduced. Clearly, that is not the intent of the provision.

Mr. Jones and his wife sought judicial remedies to no avail. He and his family simply want his annuity calculated accurately. That is why I am introducing this legislation today.

Mr. President, by passing this legislation we will ensure that federal retirees like Mr. Jones and others are not unjustly penalized for working part-time at the end of their careers. I look forward to working with my colleagues on the Government Affairs Committee to ensure its consideration and favorable recommendation as quickly as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CIVIL SERVICE RETIREMENT SYSTEM ANNUITY COMPUTATIONS BASED ON PART-TIME SERVICE.

(a) In General.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(3) In the administration of paragraph (1)—

"(A) subparagraph (A) of such paragraph shall apply to any service performed on a part-time basis before, on, or after April 7, 1986;

"(B) subparagraph (B) of such paragraph shall apply to all service performed on a part-time or full-time basis on or after April 7, 1986; and

"(C) any service performed on a part-time basis before April 7, 1986, shall be credited as service performed on a full-time basis.".

(b) Application.—

(1) In general.—Subject to paragraph (2), the amendment made under subsection (a) shall apply to the computation of any annuity with a date of commencement on or after April 7, 1986.

(2) Annuity payments.—The computation of an annuity based on the amendment made under subsection (a) shall apply only with respect to annuity payments made on or after the first day of the first applicable pay period beginning 90 days after the date of enactment of this Act.

By Mr. BREAUX:

S. 773. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition relating to distributions of stock and securities of controlled corporations; to the Committee on Finance.

AMENDMENT TO INTERNAL REVENUE CODE SECTION 355(B)(2)

Mr. BREAUX. Mr. President, I rise today to again introduce a bill that would make a technical change in the Internal Revenue Code. We often talk about the need to simplify the Tax Code. The change I propose today would do that.

This change is small but very important. It would not alter the substance of current law in any way. It would, however, greatly simplify a common corporate transaction. This small technical change will alone save corporations millions of dollars in unnecessary expenses and economic costs that are incurred when they divide their businesses.

The Treasury Department agrees that there is a technical problem with the drafting of the Tax Code and has agreed to work with me on this proposal. In fact, the President included a similar provision to correct this problem in his budget. I am introducing today the same bill I introduced during the last session of Congress, but expect to work with Treasury to perfect the language and make sure that corporations are not further hampered by this problem.

Corporations, and affiliated groups of corporations, often find it advantageous, or even necessary, to separate two or more businesses. The division of AT&T from its local telephone companies is an example of such a transaction. The reasons for these corporate divisions are many, but probably chief among them is the ability of management to focus on one core business.

At the end of the day, when a corporation divides, the stockholders simply have the stock of two corporations, instead of one. The Tax Code recognizes this is not an event that should trigger tax, as it includes corporate divisions among the tax-free reorganization provisions.

One requirement the Tax Code imposes on corporate divisions is very awkwardly drafted, however. As a result, an affiliated group of corporations that wishes to divide must often engage in complex and burdensome preliminary reorganizations in order to accomplish what, for a single corporate entity, would be a rather simple and straightforward spinoff of a business to its shareholders. The small technical change I propose today would eliminate the need for these unnecessary transactions, while keeping the statute true to Congress's original purpose.

More specifically, section 355 (and related provisions of the Code) permits a corporation or an affiliated group of corporations to divide on a tax-free basis into two or more separate entities with separate businesses. There are numerous requirements for tax-free treatment of a corporate division, or "spinoff," including continuity of historical shareholder interest, continuity of the business enterprises, business purpose, and absence of any device to distribute earnings and profits. In addition, section 355 requires that each of the divided corporate entities be engaged in the active conduct of a trade or business. The proposed change would alter none of these substantive requirements of the Code.

Section 355(b)(2)(A) currently provides an attribution or "lookthrough" rule for groups of corporations that operate active businesses under a holding company, which is necessary because a holding company, by definition, is not itself engaged in an active business. This lookthrough rule inexplicably requires, however, that "substantially all" of the assets of the holding company consist of stock of active controlled subsidiaries. The practical effect of this language is to prevent holding companies from engaging in spinoffs if they own almost any other assets. This is in sharp contrast to corporations that operate businesses directly, which can own substantial assets unrelated to the business and still engage in tax-free spinoff transactions.

In the real world, of course, holding companies may, for many sound business reasons, hold other assets, such as non-controlling (less than 80 percent) interests in subsidiaries, controlled subsidiaries that have been owned for less than five years (which are not considered "active businesses" under section 355), or a host of nonbusiness assets. Such holding companies routinely undertake spinoff transactions, but because of the awkward language used in section 355(b)(2)(A), they must first undertake one or more (often a series of) preliminary reorganizations solely for the purpose of complying with this inexplicable language of the Code.

Such preliminary reorganizations are at best costly, burdensome, and without any business purpose, and at worst, they seriously interfere with business operations. In a few cases, they may be so costly as to be prohibitive, and cause the company to abandon an otherwise sound business transaction that is clearly in the best interest of the corporation and the businesses it operates.

There is no tax policy reason, tax advisors agree, to require the reorganization of a consolidated group that is clearly engaged in the active conduct of a trade or business, as a condition to a spinoff. Nor is there any reason to treat affiliated groups differently than single operating companies. Indeed, no one has ever suggested one. The legislative history indicates Congress was concerned about non-controlled subsidiaries, which is elsewhere adequately addressed, not consolidated groups.

For many purposes, the Tax Code treats affiliated groups as a single corporation. Therefore, the simple remedy I am proposing today for the problem created by the awkward language of section 355(b)(2)(A) is to apply the active business test to an affiliated group as if it were a single entity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF ACTIVE BUSINESS DEFINITION.

(a) IN GENERAL.—Section 355(b)(2) of the Internal Revenue Code of 1986 (defining active conduct of a trade or business) is amended by adding at the end the following: "For purposes of subparagraph (A), all corporations that are members of the same affiliated group (as defined in section 1504(a)) shall be treated as a single corporation."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions or transfer after the date of the enactment of this Act.

By Mr. BREAUX:

S. 774. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Finance.

BUSINESS MEAL DEDUCTION FOR SMALL BUSINESSES

Mr. BREAUX. Mr. President, I rise today to introduce a very important bill for small businesses in Louisiana and throughout our country that I also introduced during the 105th Congress. My bill would restore the 80 percent deduction for business meals and entertainment expenses, thus eliminating a tax burden that has seriously hampered many small businesses in our country.

Small business is a powerful economic engine, both nationwide and in Louisiana. Small businesses have helped to create the prosperity that we have all enjoyed in the last few years. They are leaders in the innovation and technology development that will sustain our economy in the 21st century. Nationwide, small business employs 53 percent of the private work force, contributes 47 percent of all sales in the country, and is responsible for 50 percent of the private gross domestic product.

For these reasons, I believe the tax code should encourage, not discourage, small business development and growth. For the more than 225,000 self-employed and for the thousands of small businesses in Louisiana, business meals and entertainment take the place of advertising, marketing, and conference meetings. These expenses are a core business development cost. As such, a large percentage of these costs should be deductible.

For many years, businesses were allowed to deduct 100 percent of business meals and entertainment expenses. In 1987, this deduction was reduced to 80 percent. The deduction was further reduced in 1994 to 50 percent because of the misconception that these meals were "three martini lunches."

Contrary to this perception, studies show that the primary beneficiary of the business meal deduction is not the wealthy business person. Studies indicate that over two-thirds of the business meal spenders have incomes of less than $60,000 and 37 percent have incomes below $40,000. Low to moderately priced restaurants are the most popular types for business meals, with the average check equaling less than $20. In addition, 50 percent of most business meals occur in small towns and rural areas.

In 1995, just one year after the deduction was reduced to 50 percent, the White House Conference on Small Business established the restoration of the deduction as one of its top priorities for boosting small business. In Louisiana alone, it is expected that the positive economic impact of this proposal could exceed $67 million in industries, such as the travel and restaurant industry, that employ over 120,000 people. I urge my colleagues to support this legislation.

By Mr. TORRICELLI:

S. 775. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes; to the Committee on Environment and Public Works.

THE RIGHT TO KNOW ABOUT AIRPORT POLLUTION ACT

Mr. TORRICELLI. Mr. President, I rise today to introduce the Right To Know About Airport Pollution Act, and ask that my remarks be placed in the RECORD at the appropriate place. This important legislation will allow the Environmental Protection Agency (EPA), in conjunction with the FAA, to conduct a nationwide study of air, water, solid waste and noise pollution generated by airports across the U.S. every day. In addition, the bill will direct the EPA to determine whether current air emission standards are sufficient to protect the environment, and will require airports to be listed under Community Right To Know laws governing the use of hazardous materials.

Many of my colleagues and I hear everyday from constituents who are concerned by the pollution, including noise pollution, created by airports in our states. In 1996, a Natural Resources Defense Council (NRDC) report confirmed that US airports rival smokestack industries in the amount of pollution they release into the environment. This growing problem affects every state in our nation and millions of our constituents. You do not have to be from a state with a large airport to understand that pollution associated with these facilities severely affects the health and impacts the quality of life of our constituents.

While we must recognize that airport expansion is an inevitable by-product of a vibrant economy, and that the government has a responsibility to foster economic growth and jobs, we also have an equal responsibility to mitigate the hazardous affects of pollution and noise on our constituents. The studies produced as a result of this legislation will give us a better idea as to the magnitude of the pollution problem caused by airports, and will allow us to prepare a commensurate response.

Again, I would like to thank my colleagues who have demonstrated interest in this issue and look forward to the passage of this important legislation.

By Mr. FITZGERALD:

S. 777. A bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information; to the Committee on Agriculture, Nutrition, and Forestry.

FREEDOM TO E-FILE ACT

Mr. FITZGERALD. Mr. President, I rise today to introduce legislation to streamline the process our farmers follow when filing paper work with the Department of Agriculture (USDA). Currently, when farmers are required to fill out USDA paper work, they are required to travel to their local USDA county offices, complete the paper work, wait in long lines and file these documents in paper form. This process is very inefficient and time consuming.

The bill that I introduce today simply requires USDA to develop a system for farmers to access and file this paper work over the internet. This legislation entitled the "Freedom to E-file Act" simply makes good common sense. As our society has become more technologically advanced so have our farmers. In fact, a 1998 Novartis survey found that over 72 percent of all farmers with 500 acres or more had personal computers. Overall, over fifty percent of all farmers surveyed had computers.

Our agriculturalists use computers not only for financial management and market information but for sophisticated precision agriculture management systems. These sophisticated small business owners could easily file necessary farm program paperwork from their homes and offices if only this option was available.

Farmers are often frustrated with the long lines at county USDA offices, especially during their most hectic times such as harvest season. Our nation's farmers are clearly overburdened by government-required paperwork. This bill is the first step in the right direction toward regulatory reform for our U.S. food producers.

This legislation is budget neutral and USDA would implement the bill using existing funds. I want to recognize and commend my colleague, Congressman RAY LAHOOD, for championing the companion to this bill in the House of Representatives. This bill should enjoy bipartisan support. I urge my colleagues to join me in co-sponsoring this bill important to our nation's farmers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom to E-File Act".

SEC. 2. ELECTRONIC FILING AND RETRIEVAL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department of Agriculture and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

(b) PROGRESS REPORTS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall report to Congress on the progress made toward implementing subsection (a).

By Mr. ABRAHAM (for himself, Mr. FITZGERALD, Mr. MOYNIHAN, and Mr. SCHUMER):

S. 779. A bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs; to the Committee on Finance.

HOLOCAUST ERA ASSETS TAX EXCLUSION ACT OF 1999

Mr. FITZGERALD. Mr. President, I rise today to introduce the Holocaust Era Assets Tax Exclusion Act of 1999, along with my colleagues Senators MOYNIHAN and SCHUMER. Mr. President, survivors of the Holocaust who had assets withheld from them by Swiss banks or others have finally received justice in the form of a settlement between the banks and the survivor's attorneys in August 1998. The settlement was for $1.25 billion for survivors worldwide. This settlement will finally return the assets to survivors more than fifty years after they first entrusted them to the banks.

In addition to these recipients, there are survivors who are needy and have received one-time payments from the Swiss Humanitarian Fund established by the Swiss government. In both cases, any payment from the Swiss banks or other similar sources like this, should be excluded from taxation because they are receiving back what was rightfully theirs to begin with. The sum total of payments coming to the needy Holocaust survivors in the United States from this fund is $31.4 million.

Moreover, funds are being established by banks and corporations in France, Austria, Italy, and Germany to compensate claimants for wrongfully held bank deposits, insurance policies, slave labor, and other losses.

Survivors who have sued banks, insurance companies, and manufacturers which profited from slave labor during the Holocaust, did so because there was no other way for them to seek justice. Deprived of their assets, or those of their families for over fifty years, survivors fought unsuccessfully until now to receive what belonged to them.

With the average age of Holocaust survivors at 80, there is little time for debate over these payments which will ease life for the survivors in their final years. To tax them for the long overdue receipt of assets would be wrong and immoral. What these survivors will receive from the various funds will be money that is rightfully theirs in the first place.

The survivors of man's greatest inhumanity to man deserve justice. After escaping death at the hands of the Nazis, they were again victimized by European bankers and insurers. Those who endured the tortures of slave labor have never been compensated for their servitude to the Nazis. Now that they have received some measure of justice, let us not make them wait any longer for what is rightfully theirs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NO FEDERAL INCOME TAX ON AMOUNTS RECEIVED BY HOLOCAUST VICTIMS OR THEIR HEIRS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received by an individual (or any heir of the individual)—

(1) from the Swiss Humanitarian Fund established by the Government of Switzerland or from any similar fund established by any foreign country, or

(2) as a result of the settlement of the action entitled "In re Holocaust Victims' Asset Litigation", (E.D. NY), C.A. No. 96-4849, or as a result of any similar action.

(b) EFFECTIVE DATE.—This section shall apply to any amount received before, on, or after the date of the enactment of this Act.

Mr. ABRAHAM. Mr. President, I am pleased to join Senators FITZGERALD, MOYNIHAN, and SCHUMER in introducing this important legislation, which would prevent the federal government from taxing away any monies obtained by Holocaust survivors or their families in a settlement related to thefts by the Nazis or their sympathizers.

The horrors of the Nazi regime and its atrocities remain very much with us. Many people in America and around the world, particularly Jews, must live every day with memories of atrocities suffered or witnessed, either by themselves or by those they love, during the Nazi terror. Ghettoes, death camps and simple murder were the stuff of daily life for millions of innocent people during this terrible time of Nazi power.

Only recently has public attention been properly directed toward another great crime of the Nazi regime and those who cooperated with it: A 1998 study by the Institute of the World Jewish Congress estimates that between $90 billion and $140 billion in today's dollars was stolen from the Jewish populations of countries occupied by the Nazis. In addition to committing outright theft and looting, the Nazis seized liquid assets that could be converted easily into cash, such as insurance policy proceeds and bank accounts. Documents discovered by Risk International Services, Inc., an insurance archaeology firm, show that the Nazis specifically targeted insurance policies held by Jews as a source of funding for their expansionist, totalitarian regime.

Some insurance companies also specifically (and illegally) targeted Jewish families. Knowing that Jewish policy holders soon would be taken to concentration camps, these firms sold specifically tailored policies, taking as much cash as possible up front, with no intention of honoring their obligations.

After the war, Holocaust survivors attempted to collect on their policies, access their bank accounts and/or reclaim assets that had been illegally seized. Unfortunately, governments, banks and insurance companies failed to fulfill their duty to treat Holocaust victims with justice and dignity. Instead, Mr. President, they refused to honor policies or return stolen assets. In this way they compounded crime with crime and denied people who already had suffered more than most of us could bear the rightful means by which to rebuild their lives.

Finally, after over 50 years of injustice, Holocaust survivors and their families are reclaiming what is rightfully theirs. But, even as we support these efforts to reclaim stolen property, I believe we must do our part in protecting the proceeds. Under current law, any money received by Holocaust survivors in their settlements with banks and other organizations that once cooperated with the Nazis would be treated as gross income for federal tax purposes.

Mr. President, I firmly believe that victims of the Holocaust have suffered far too much for any such taxation to be just. These settlements represent but a fraction of what is owed to those who suffered under Nazi tyranny. To treat them as income subject to taxation would be wrong.

This is why this legislation is so important. It will prevent the federal government from taxing away any monies obtained by Holocaust survivors or their families in a settlement related to thefts by the Nazis or their sympathizers. It will prevent yet another injustice from being done to those who survived the brutal Nazi regime. It will also keep our nation firmly on the side of justice.

By Mrs. FEINSTEIN:

S. 781. A bill to amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications that is applicable to telephone communications; to the Committee on the Judiciary.

TELEPHONE PRIVACY ACT OF 1999

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce today the "Telephone Privacy Act of 1999." This legislation would prohibit the recording of a telephone call unless all the parties on the call have given their consent.

I am introducing this bill because our nation's telephone privacy laws are confused and in conflict. We need a national law governing telephone privacy so that telephone users have a uniform standard to rely on.

Currently, thirty-seven states require only the consent of one party to record a phone call. Fifteen states require the consent of all parties to be taped. This jumbled collection of telephone privacy laws leaves most consumers confused about their rights to protect their phone calls from surreptitious taping.

Today, consumers who seek to block surreptitious taping of their phone calls face an incredible burden. The problem is especially acute during interstate calls because the legality of surreptitiously recording a phone call depends on the state where the call is recorded. Thus, when a party makes an interstate call, one's rights may depend on the laws governing taping in other states.

The recent well-publicized taping of Monica Lewinsky's phone conversations by Linda Tripp illustrates this problem. Maryland, where Linda Tripp recorded the conversations, is a state that requires the consent of all parties. However, Washington D.C., where Monica Lewinsky lived at the time, requires only one-party consent. Two people living within a half-hours drive from each other should have the same laws apply to them.

In practice, any person who wants to protect herself against surreptitious recording must know the telephone privacy laws of other states. Our laws cannot reasonably expect a consumer to have this knowledge. People who make lots of interstate calls might be forced into the position of knowing the telephone privacy laws of all 50 states.

Not only will the Telephone Privacy Act of 1999 promote uniformity of laws, it will also create a standard that better protects privacy. The Telephone Privacy Act would require an all-party consent standard for taping phone calls no matter where one lived in the United States. It would end the practice of one-party consent that exists under Federal law and in a number of states.

While surreptitious taping has legitimate uses, such as lawful surveillance by the police, our laws should not reward the practice of surreptitious taping. This practice violates individual privacy and offends common decency.

Phone calls remain one of the few avenues of communication where people still feel safe enough to have intimate conversations. We should protect this expectation of privacy. If a telephone user intends to tape a phone call, the other party on the line ought to be informed.

Moreover, the one-party consent standard is an anachronism. It is inconsistent with other more privacy-respecting provisions of our communication laws. Federal law makes it a felony, for example, for a third party to tap or record a telephone conversation between others. It is also a felony to surreptitiously tape a cellular telephone call.

The bill has been carefully drafted so that it does not affect the rights of law enforcement officials to tape or monitor conversations as they are carrying out their duties.

Nor does it affect the practice of businesses taping customer calls, as long as the customer is notified at the outset that the call is being taped. It also does not affect the right of people to surreptitiously tape threatening or harassing phone calls.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Privacy Act of 1999".

SEC. 2. REVISION OF CONSENT EXCEPTION TO PROHIBITION ON INTERCEPTION OF ORAL, WIRE, OR ELECTRONIC COMMUNICATIONS APPLICABLE TO TELEPHONE COMMUNICATIONS.

Paragraph (d) of section 2511(2) of title 18, United States Code, is amended by striking "unless such communication" and all that follows and inserting "unless—

"(i) such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constutition or laws of the United States or of any State; or

"(ii) in the case of a telephone communication, any other party to such communication has not given prior consent to such interception.".

By Mrs. FEINSTEIN:

S. 782. A bill to amend title 18, United States Code, to modify the exception to the prohibition on the interception of wire, oral, or electronic communications to require a health insurance issuer, health plan, or health care provider obtain an enrollee's or patient's consent to their interception, and for other purposes; to the Committee on the Judiciary.

PATIENTS' TELEPHONE PRIVACY ACT

Mrs. FEINSTEIN. Mr. President, today I introduce a bill to protect the medical privacy rights of patients when they talk to their health care insurers or providers. The bill requires health care insurers and providers to obtain patients' "express consent" before tape-recording or monitoring conversations.

Today, the health insurance industry routinely tape-records and monitors incoming telephone calls of patients with questions about their health insurance coverage. This bill halts that common practice with two simple rules.

First, health insurance companies and health care providers must obtain the patient's "express consent" before tape-recording or monitoring a conversation. Second, health insurance companies and health care providers must give patients the option not to be tape-recorded or monitored.

The bill puts control of medical privacy back where it belongs—in the hands of patients who have no choice but to share personal information with their health insurance and health care providers.

The bill protects all patients—

Whether covered by private or public health plans,

Whether covered by group, individual, or self-insured health plans,

Whether covered by Medicare or Medicaid,

Whether covered by Federal health plans, or

Whether covered by the Children's Health Insurance Plan.

Let me emphasize again who would be subject to the bill—the health insurance and health care industry—a huge industry that necessarily affects all of us. First, the bill would cover communications between patients and health insurers. Second, the bill would cover communications between patients and "health care providers," which includes physicians and other health care professionals.

Federal law now requires that only one party must consent to the tape-recording or monitoring of a telephone conversation. In California, state law provides that all parties must consent before a telephone conversation may be tape-recorded. Nearly a dozen other states have adopted similar two-party consent laws. They include Delaware, Florida, Illinois, Kansas, Maryland, Massachusetts, Michigan, Montana, New Hampshire, Pennsylvania, and Washington.

Even two-party consent laws, however, do not adequately address this problem. Health insurance companies tape-record or monitor patients' calls based on the patient's implied consent. Implied consent arises from the patient talking after hearing the health insurer's recording that the call may be tape-recorded or monitored. In this case, courts have held that consent is given implicitly.

Consequently, merely changing federal law to a two-party consent rule would not solve the problem. The key requirement must be that the health insurer or health care provider obtains the patient's express consent. Only this change will protect individuals when they call their health insurance provider with questions about their health care coverage. When my office contacted the top 100 health insurance providers in this country, we learned from nearly all who responded that they routinely monitor or tape-record calls received from patients.

Let me share with my colleagues some responses that we received. Kaiser Permanente operates in nineteen states and the District of Columbia, and provides care to more than nine million members. Their practice varies from state to state, depending on applicable state laws.

Kaiser Permanente may: Monitor randomly selected calls, in which case it may, or may not, notify patients in advance; or tape-record all or randomly selected calls, in which case it may, or may not, notify patients in advance.

United HealthCare wrote to me that they did not believe that tape-recording or monitoring calls even presents a privacy issue. Their rationale was that they only randomly tape-record calls and only after advising the caller that they may record the call.

Great-West responded that a patient has the option of communicating in writing if the patient does not want a telephone call to be tape-recorded. Let me say simply—that is not good enough for me. Imagine the undue burden the task of writing a letter may place on elderly or seriously ill patients.

Despite the two-party consent rule in California, New York Life Care Health Plans, Inc., asserted that no violation of California law occurs without a "confidential communication." Under California state law, the definition of a "confidential communication" does not include communications where the parties may expect that the may be recorded. New York Life asserted that, since they told patients that their calls could be monitored, their calls were not confidential calls.

New York Life's display of legal bootstrapping shows little, if any, regard for medical privacy rights. Their interpretation of the word "confidential" turns its commonly understood meaning on its head! In the minds of most people, what could be more confidential than matters about one's personal health problems? Surely little, if anything. How many of my colleagues in the Senate would say that communications about their health problems with health insurance or health care providers are not confidential?

Blue Cross Blue Shield of the National Capital Area does not give patients any notice that their calls may be monitored. Their Associate General Counsel responded that, in both Maryland and the District of Columbia, telephone communications in the normal course of business do not meet the definition of an "interception." Thus, consent is not required. Although Virginia law considers a telephone to be an "intercepting device," Virginia follows the one-party consent rule.

Finger Lakes Blue Cross Blue Shield randomly tape-records calls from patients and only now is setting up a front-end recording to inform patients of that practice. New York requires only one party to consent.

None of the health insurance providers who responded to my office gave me a valid reason for tape-recording or monitoring patients' calls. The standard response from health insurers was that they tape-record or monitor patients' calls for so-called "quality control," an ambiguous term at best. Indeed, no one explained what that term means, how tape-recording calls benefits patients, or why tape-recording calls was necessary.

Of course, health insurance providers are not the only business entities that tape-record telephone conversations. How many of us realize that when we call for airline tickets, bank account information, mutual fund transfers, or any myriad of other daily concerns, the other party on the telephone line will be tape-recording the conversation? Yet, personal health information is far more personal in nature and, accordingly, entitled to greater protection. It stands alone as uniquely different from other commercial transactions.

This bill does not attempt to change the consent rule for other business entities. It would apply only to health insurance and health care providers. Most patients today have almost no choice about their health insurer provider or, increasingly, about their health care provider. In turn, the health insurer may give the patient no option except to submit to tape-recording the conversation. An elderly, or seriously ill patient, is simply not going to object.

Admittedly, much disclosure of medical information occurs both with patient consent and for valid medical reasons. For instance, insurance companies receive information from physicians based upon a written consent form signed by the patient at the physician's request. Yet, increasingly, threats to medical health privacy have become less visible and, in that sense, more alarming. Many individuals are left with a false sense of privacy. The potential for misuse of personal health information is real and growing.

A fundamental right to medical privacy is embedded in American society. Most Americans presume that telephone conversations about their health problems are confidential. Sadly, they are wrong.

Conversations with our health insurance and health care providers often contain deeply personal information, including prescription drugs, psychiatric care, alcohol dependency—the list goes on and on. Surely they deserve protection. Traditionally, Americans have relied upon a confidential relationship with their doctors.

Let's restore at least some measure of protection to telephone conversations about our personal health problems. This bill allows health insurance and health care providers to continue their routine practice of tape-recording or monitoring patients' calls—but only with the patient's express consent.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patients' Telephone Privacy Act of 1999".

SEC. 2. MODIFICATION OF EXCEPTION TO PROHIBITION ON INTERCEPTION OF COMMUNICATIONS.

(a) MODIFICATION.—Section 2511(2)(d) of title 18, United States Code, is amended—

(1) by striking "It shall not be unlawful" and inserting "(i) Subject to clause (ii), it shall not be unlawful"; and

(2) by adding at the end the following:

"(ii)(I) With respect to a wire, oral, or electronic communication between a health insurance issuer or health plan and an enrollee of such health insurance issuer or health plan, or between a health care provider and a patient, it shall not be unlawful under this chapter for a health insurance issuer, health plan, or health care provider to intercept such communication only if the patient has given prior express consent to such interception.

"(II) In this paragraph—

"(A) the term 'health insurance issuer' has the meaning given that term in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b);

"(B) the term 'health plan' means a group health plan, as defined in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), an individual or self-insured health plan, the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.), the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of title 10, and a health plan offered under chapter 89 of title 5; and

"(C) the term 'health care provider' means a physician or other health care professional.".

(b) Recording and Monitoring of Communications with Health Insurers.—

(1) Communication without recording or monitoring.—Notwithstanding any other provision of law, a health insurance issuer, health plan, or health care provider that notifies any customer of its intent to record or monitor any communication with such customer shall provide the customer the option to conduct the communication without being recorded or monitored by the health insurance issuer, health plan, or health care provider.

(2) Definitions.—In this subsection:

(A) Health care provider.—The term "health care provider" means a physician or other health care professional.

(B) Health insurance issuer.—The term "health insurance issuer" has the meaning given that term in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b).

(C) Health plan.—The term "health plan" means—

(i) a group health plan, as defined in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b);

(ii) an individual or self-insured health plan;

(iii) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(iv) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(v) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(vi) the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of title 10, United States Code; and

(vii) a health plan offered under chapter 89 of title 5, United States Code.

(c) Effective Date.—The amendments made by this Act shall take effect on the date that is 60 days after the date of enactment of this Act.

By Mrs. FEINSTEIN (for herself, and Mr. SESSIONS):

S. 783. A bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies; to the Committee on the Judiciary.

JAMES GUELFF BODY ARMOR ACT OF 1999

Mrs. FEINSTEIN. Mr. President, I am pleased today to introduce the James Guelff Body Armor Act of 1999.

Currently, Federal law does not limit access to body armor for individuals with even the grimmest history of criminal violence. However, it is unquestionable that criminals with violent intentions are more dangerous when they are wearing body armor.

Many will recall the violent and horrific shootout in North Hollywood, California, just two years ago. In that incident, two suspects wearing body armor and armed to the teeth, terrorized a community. Police officers on the scene had to borrow rifles from a nearby gunshop to counteract the firepower and protective equipment of these suspects.

Another tragic incident involves San Francisco Police Officer James Guelff, for whom this act is named. On November 13, Officer Guelff responded to a distress call. Upon reaching the crime scene, he was fired upon by a heavily armed suspect who was shielded by a kevlar vest and bulletproof helmet. Officer Guelff died in the ensuing gunfight.

Lee Guelff, James Gueff's brother, recently wrote a letter to me about the need to revise the laws relating to body armor. He wrote:

> It's bad enough when officers have to face gunmen in possession of superior firepower . . . But to have to confront suspects shielded by equal or better defensive protection as well goes beyond the bounds of acceptable risk for officers and citizens alike. No officer should have to face the same set of deadly circumstances again.

I couldn't agree with Lee more. Our laws need to recognize that body armor in the possession of a criminal is an offensive weapon. We need to make sure that our police officers on the streets are adequately supplied with body armor, and that hardened-criminals are deterred from using body armor.

The James Guelff Body Armor Act of 1999 has three key provisions to achieve these goals. First, it increases the penalties criminals receive if they commit a crime wearing body armor. Specifically, a violation will lead to an increase of two levels under the Federal sentencing guidelines. Second, it makes it unlawful for violent felons to purchase, use, or possess body armor. Third, this bill enables Federal law enforcement agencies to directly donate surplus body armor to local police.

I will address each of these three provisions.

Enhancing criminal penalties for individuals who wear body armor during the commission of a crime: Criminals who wear body armor during the commission of a crime should face enhanced penalties because they pose an enhanced threat to police and civilians alike. Assailants shielded by body armor can shoot at the police and civilians with less fear than individuals not so well protected.

In the North Hollywood shoot-out, for example, the gunmen were able to hold dozens of officers at bay because of their body armor. This provision will deter the criminal use of body armor, and thus deter the escalation of violence in our communities

Making it unlawful for violent felons to wear body armor: This bill makes it a crime for individuals with a violent criminal record to wear body armor. It is unconscionable that criminals can obtain and wear body armor without restriction when so many of our police lack comparable protection.

The bill recognizes that there may be exceptional circumstances where an individual with a brutal history legitimately needs body armor to protect himself or herself. Therefore, it provides a mechanism for violent felons to obtain specific permission from the Secretary of the Treasury to wear body armor.

This provision has already been codified into law in California. Several other states are also actively considering legislation to restrict violent felons access to body armor.

California police applied the law for the first time earlier this year. Police arrested an individual for wearing body armor who had a violent criminal record. Besides a conviction for second-degree assault in 1993, the suspect is independently facing charges for threatening to kill his ex-girlfriend. He also is facing trial for issuing death threats against security guards at a West Hollywood Nightclub.

Direct donation of body armor: The James Guelff Body Armor Act of 1999 speeds up the procedures by which Federal agencies can donate surplus body armor to local police.

It is disturbing that so many of our local police officers do not have access to bullet-proof vests. The United States Department of Justice estimates that 25% of State, local, and tribal law enforcement officers, approximately 150,000 officers, are not issued body armor.

Getting our officers more body armor will save lives. According to the Federal Bureau of Investigation, greater than 30% of the 1,182 officers killed by guns in the line of duty since 1980 could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest.

Last year, Congress made some inroads into this shortage of body armor by enacting the "Bulletproof Vest Partnership Grant Act of 1998." This act established a $25 million annual fund to help local and State police purchase body armor. The James Guelff Body Armor Act of 1999 will provide a further boost to the body armor resources of local and State police departments.

This legislation has attracted the support of a broad cross-section of the law enforcement community. The Fraternal Order of Police, the National Association of Police Organizations, the National Sheriffs' Association, the National Troopers Coalition, the International Association of Police Chiefs, the Federal Law Enforcement Officers Association (FLEOA), the Police Executive Research Forum, the International Brother of Police Officers, and the National Association of Black Law Enforcement Executives, have all endorsed the legislation.

Richard J. Gallo, President of the Federal Law Enforcement Officers Association notes:

> In the past, FLEOA members have confronted individuals, with prior criminal convictions, wearing body armor and violently resisting arrest. Federal, state and local law enforcement officers, and the public, deserve protection from this, and at the very least, will now know theses felons will receive enhanced sentences for using body armor during the commission of a criminal act.

Robert Stewart, Executive Director of the National Organization of Black Law Enforcement Executives, writes:

> There is a societal obligation to assure the men and women in blue are afforded all the protection they need to maintain public order. Very real fiscal constraints can, however, compromise the ability of local governments to accomplish that critical goal. Hence, NOBLE heartily endorses the James Guelff Body Armor Act of 1999.

I look forward to working with my fellow Senators from both sides of the aisle in turning this bill into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "James Guelff Body Armor Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

SEC. 3. DEFINITIONS.

In this Act:

(1) Body armor.—The term "body armor" means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) Law enforcement agency.—The term "law enforcement agency" means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) Law enforcement officer.—The term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 4. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) Sentencing Enhancement.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) Applicability.—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

SEC. 5. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) Definition of Body Armor.—Section 921 of title 18, United States Code, is amended by adding at the end the following:

"(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.".

(b) Prohibition.—

(1) In general.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Prohibition on purchase, ownership, or possession of body armor by violent felons

"(a) In General.—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

"(1) a crime of violence (as defined in section 16); or

"(2) an offense under State law that would constitute a crime of violence if it occurred within the special maritime and territorial jurisdiction of the United States.

"(b) Exception.—

"(1) Application.—A person who is subject to the prohibition of subsection (a) whose employment, livelihood, or safety is dependent on the ability to possess and use body armor, may file a petition with the Secretary for an exception to the prohibition of subsection (a).

"(2) Action by secretary.—Upon receipt of a petition under paragraph (1), the Secretary may reduce or eliminate the prohibition of subsection (a), impose conditions on reduction or elimination of the prohibition, or otherwise grant relief from the prohibition, as the Secretary determines to be appropriate, based on a determination that the petitioner—

"(A) is likely to use body armor in a safe and lawful manner; and

"(B) has a reasonable need for such protection under the circumstances.

"(3) Factors for consideration.—In making a determination under paragraph (2) with respect to a petitioner, the Secretary shall consider—

"(A) any continued employment of the petitioner;

"(B) the interests of justice;

"(C) any relevant evidence; and

"(D) the totality of the circumstances.

"(4) Certified copy of permission.—The Secretary shall require, as a condition of granting any exception to a petitioner under this subsection, that the petitioner agree to maintain on his or her person a certified copy of the Secretary's permission to possess and use body armor, including any conditions or limitations.

"(5) Rule of construction.—Nothing in this subsection may be construed to—

"(A) require the Secretary to grant relief to any particular petitioner; or

"(B) imply that any relief granted by the Secretary under this subsection relieves any other person from any liability that may otherwise be imposed.

"(c) Immunity From Liability.—

"(1) In general.—An officer or employee of a law enforcement agency who enforces the prohibition specified in subsection (a) against a person who has been granted relief pursuant to subsection (b), shall be immune from any liability for false arrest arising from the enforcement of this section unless the person has in his or her possession a certified copy of the permission granting the person relief from the prohibition, as required by subsection (b)(4).

"(2) Rule of construction.—The immunity from liability described in paragraph (1) shall not relieve any person or entity from any other liability that may otherwise be imposed.".

(2) Clerical amendment.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Prohibition on purchase, ownership, or possession of body armor by violent felons.".

(c) Penalties.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both.".

SEC. 6. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) Definitions.—In this section, the terms "Federal agency" and "surplus property" have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) Donation of Body Armor.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) NOTICE TO ADMINISTRATOR.—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) DONATION BY CERTAIN OFFICERS.—

(1) DEPARTMENT OF JUSTICE.—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) DEPARTMENT OF THE TREASURY.—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

By Mr. ROCKEFELLER (for himself, Mr. MACK, Mr. FRIST, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. SARBANES, Mr. CONRAD, Mr. JOHNSON, Mr. WELLSTONE, Mr. SMITH of Oregon, Ms. COLLINS, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. BINGAMAN, Mr. INOUYE, Mr. CRAIG, Mr. GRAHAM, Mr. KERRY, Mr. HARKIN, and Mr. LEAHY):

S. 784 A bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program; to the Committee on Finance.

MEDICARE CANCER CLINICAL TRIALS COVERAGE ACT

Mr. ROCKEFELLER. Mr. President, I am pleased to be introducing the "Medicare Cancer Clinical Trials Coverage Act of 1999" with my colleague from Florida, Senator MACK. This legislation would establish a demonstration project to assure Medicare beneficiaries with cancer that Medicare will cover their routine patient costs when part of a clinical trial.

I would like to thank Senator MACK for his leadership and dedication on this issue. It has been a pleasure to work with Senator MACK, a tireless champion for cancer patients throughout his years of service in the Senate.

With 1,500 deaths due to cancer each day and 1.3 million new cancer diagnoses this year, there is a clear and urgent need for this legislation. Our senior population is especially at risk—Medicare beneficiaries make up half of all cancer diagnoses and 60% of all cancer deaths. Yet, Medicare's policy toward covering quality cancer care is ambiguous and its enforcement practices are unpredictable.

Our legislation represents a significant step forward in the fight to prevent, detect and treat cancer quickly and effectively. It is based on a very simple premise: given the disproportionate impact that cancer has on older Americans, Medicare should be responsible for the routine patient care costs associated with approved clinical trials.

Cancer clinical trials often represent a cancer patient's best hope for survival, especially when their cancer fails to respond to traditional therapies. Yet, under current law, Medicare beneficiaries can be denied coverage for the routine patient care costs associated with clinical trials. However, if the same care is provided outside of a clinical trial setting, it is covered by Medicare.

It is a tragedy that the costs of participating in a clinical trial are discouraging patients from using what might be their best weapon in a battle with cancer. Medicare beneficiaries who are cancer patients are left with only two choices: pay the costs out of their own pocket, or forgo treatment all together. It is unfair, and unconscionable, that we force cancer patient to make this decision.

There are other compelling reasons to cover these costs. By paying for these routine costs, we provide incentives for researchers to include more Medicare beneficiaries in cancer clinical trials. Researchers know that patients who are at different stages physically, mentally, and emotionally will react very differently to treatments—even if they are fighting the same cancer. But what they don't know is how age and health interact with the safety and effectiveness of new drugs and treatments. Our bill helps them find the answers to those critical questions.

Our bill saves money in the long-run by ensuring the Medicare program pays for treatments that work. Clinical studies can determine which interventions work the best, and when they are the most effective.

Finally, in establishing a demonstration project, this bill will also provide valuable information about the costs and benefits of providing coverage for clinical trials for other life-threatening diseases. We started with cancer first because cancer is a major affliction of Medicare beneficiaries. In addition there is a well-established national clinical cancer trial system to deliver this patient care.

Mr. President, our legislation does not create a new benefit. It merely ensures that patients enrolled in clinical studies receive Medicare coverage for the same type of routine patient care costs, such as hospital and physician fees, that would be covered outside of a trial setting. We are not asking Medicare to pay for the cost of research. These expenses will still be covered by trial sponsors, including pharmaceutical companies.

The "Medicare Cancer Clinical Trials Coverage Act" is a modest proposal, but it has the potential to become a new weapon in the fight against cancer. But we must act now. We have fought for this proposal in previous sessions of Congress, and I believe the momentum is building to get the legislation passed this year. I look forward to working with Senator MACK and others to take an important step forward for cancer patients.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Cancer Clinical Trial Coverage Act of 1999".

SEC. 2. MEDICARE CANCER PATIENT DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—Not later than January 1, 2000, the Secretary of Health and Human Services (in this Act referred to as the "Secretary") shall establish a demonstration project that provides for payment under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) of routine patient care costs—

(1) that are provided to an individual diagnosed with cancer and enrolled in the medicare program under such title as part of the individual's participation in an approved clinical trial program; and

(2) that are not otherwise eligible for payment under such title for individuals who are entitled to benefits under such title.

(b) APPLICATION.—The beneficiary cost-sharing provisions under the medicare program, such as deductibles, coinsurance, and copayment amounts, shall apply to any individual participating in a demonstration project conducted under this Act.

(c) APPROVED CLINICAL TRIAL PROGRAM.—For purposes of this Act, the term "approved clinical trial program" means a clinical trial program that is approved by—

(1) the National Institutes of Health;

(2) a National Institutes of Health cooperative group or a National Institutes of Health center;

(3) the Food and Drug Administration (in the form of an investigational new drug or device exemption);

(4) the Department of Veterans Affairs;

(5) the Department of Defense; or

(6) a qualified nongovernmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants.

(d) ROUTINE PATIENT CARE COSTS.—

(1) IN GENERAL.—For purposes of this Act, "routine patient care costs" shall include the costs associated with the provision of items and services that—

(A) would otherwise be covered under the medicare program if such items and services were not provided in connection with an approved clinical trial program; and

(B) are furnished according to the design of an approved clinical trial program.

(2) EXCLUSION.—For purposes of this Act, "routine patient care costs" shall not include the costs associated with the provision of—

(A) an investigational drug or device, unless the Secretary has authorized the manufacturer of such drug or device to charge for such drug or device; or

(B) any item or service supplied without charge by the sponsor of the approved clinical trial program.

SEC. 3. STUDY, REPORT, AND TERMINATION.

(a) STUDY.—The Secretary shall study the impact on the medicare program under title XVIII of the Social Security Act of covering routine patient care costs for individuals with a diagnosis of cancer and other diagnoses, who are entitled to benefits under such title and who are enrolled in an approved clinical trial program.

(b) REPORT TO CONGRESS.—Not later than January 1, 2004, the Secretary shall submit a report to Congress that contains a statement regarding—

(1) any incremental cost to the medicare program under title XVIII of the Social Security Act resulting from the provisions of this Act; and

(2) a projection of expenditures under the medicare program if coverage of routine patient care costs in an approved clinical trial program were extended to individuals entitled to benefits under the medicare program who have a diagnosis other than cancer.

(c) TERMINATION.—The provisions of this Act shall not apply after December 31, 2004.

Mr. FRIST. Mr. President, I am pleased to join today with my colleagues, Senators ROCKEFELLER and MACK to introduce legislation that will provide Medicare patients who are battling cancer with coverage of their health care costs when they participate in approved clinical trials. For patients suffering from life-threatening illness such as cancer, the opportunity to participate in clinical trials often offers them their best hope for access to the latest and most advanced treatment modalities.

Medicare currently does not pay the costs of patient care associated with clinical trials because they are experimental therapies. Our bill proposes that we begin a demonstration project through Medicare—the nation's largest third party payor—to provide coverage of routine patient costs associated with approved cancer clinical trials. It is a demonstration program because there has been much debate over the costs associated with clinical trials and a clear need exists to gather better cost data. Unfortunately, dispute still exists over how to distinguish between routine patient costs and those associated with the trial. The full impact on health care costs is not yet known.

Thus our bill requires the Secretary of Health and Human Services to conduct this demonstration project to study the feasibility of covering patient costs for beneficiaries diagnosed with cancer and enrolled in clinical trials approved by the National Institutes of Health, the Food and Drug Administration, Department of Defense, and the Department of Veteran Affairs. The Secretary is required to report to Congress concerning the incremental costs attributed to the trial and the advisability of covering other diseases. Once Congress has these data in hand, we will be able to make the determination to enact legislation to make the coverage of routine care costs in clinical trials a permanent part of the Medicare program.

We have spent many years debating this bill and urging the Administration to begin this demonstration project. As a research investigator involved in clinical trials, as a thoracic cancer surgeon, and as co-director of the Thoracic Oncology Clinic at Vanderbilt University Medical Center, I know first-hand the critical importance of clinical trials in determining the very best therapies in our battles against cancer. Only through participation in clinical trials can we advance quality care for patients with cancer.

Since I have come to the United States Senate, I have urged my colleagues to make federal funding for both basic and clinical research a national priority by doubling the budget of the National Institutes of Health over the next five years. Last year we witnessed an historic increase of $2 billion that brought us closer to this goal. But we cannot stop there. If we do not capitalize on this investment by further supporting our clinical research infrastructure and the conduct of clinical trials, we will not reap the full benefits of our investment.

Clinical trials are scientific studies that allow us to investigate how new medicines and clinical treatments work in patients. Patients should recognize that clinical trials are by their nature investigational and therefore are not a magic bullet or without risk. Patients should be fully informed of the potential benefits and, equally important, the potential risks of participating in a clinical investigation. With this in mind, patients should be given the opportunity to participate in clinical investigations which may allow them to receive cutting-edge treatments that may improve their chances of survival. Clinical investigations advance our scientific knowledge and help bring about medical innovations to find better treatments for patients.

We must continue to foster both public and private efforts to support clinical trials. I believe our foremost federal responsibility is to address access to clinical trials in our publicly-financed programs such as Medicare. We must first determine the criteria the Medicare program will use to evaluate which clinical trials are eligible for coverage and which costs will be covered. This has not been an easy task.

We have also been reviewing the proposal to require private health plans and insurers to cover routine costs associated with standard patient care while participating in a clinical trial. The Senate Health and Education Committee, on which I serve, had an informative debate last month on the issue of clinical trials coverage during our consideration of S. 326, "The Patients' Bill of Rights." The amendment we were considering went beyond the Medicare demonstration project by requiring private sector health plans to cover costs associated with clinical trials for patients with any life-threatening or serious illness. Several members of our committee, including myself, expressed concern that before mandating such broad requirements on the private sector, we should first determine what costs would be incurred. In a time of rising health care costs, we must be cautious in our efforts to provide patient protections that do not drive up costs further or we will not be serving patients well.

Therefore, I offered an amendment to have a comprehensive study conducted by the Institute of Medicine to assess patient access to clinical trials and the coverage of routine patient care costs by private health plans and insurers. Our efforts should not end there. That is just the beginning. I am encouraged by recent collaborative efforts between the National Institutes of Health and the American Association of Health Plans to increase participation of patients in clinical trials and to encourage health plans to cover routine patient costs. We need to monitor this effort closely and explore other ways to promote public-private collaboration and to gather the necessary data that will reveal the true impact on health care costs. I will continue to pursue this effort in a systematic way with my colleagues.

We must not wait any longer to launch the Medicare demonstration project that our bill today addresses. The longer we wait, the longer patients are denied access to potentially lifesaving therapies and the longer it will take for new therapies to become standard therapy. And we must continue to address the issue of clinical trial coverage by the private sector to bring about patients' access to new clinical therapies while being mindful of the costs we are imposing. Patients and their families deserve that we give thoughtful consideration to both of these legislative proposals this year.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. SARBANES, Ms. COLLINS, and Mr. LOTT):

S. 786. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY FAMILY PROTECTION ACT

Ms. MIKULSKI. Mr. President, today, I rise to talk about an issue that is very important to me, very important to my constituents in Maryland and very important to the people of the United States of America.

For the third Congress in a row, I am joining in a bipartisan effort with my friend and colleague, Senator OLYMPIA SNOWE, to end an unfair policy of the Social Security System.

Senator SNOWE and I are introducing the Social Security Family Protection Act. This bill addresses retirement security and family security. We want the middle class of this Nation to know that we are going to give help to those who practice self-help.

What is it I am talking about? We have found that Social Security does not pay benefits for the last month of life. If a Social Security retiree dies on the 18th of the month or even on the 30th of the month, the surviving spouse or family members must send back the Social Security check for that month.

I think that is a harsh and heartless rule. That individual worked for Social Security benefits, earned those benefits, and paid into the Social Security trust fund. The system should allow the surviving spouse or the estate of the family to use that Social Security check for the last month of life.

This legislation has an urgency, Mr. President. When a loved one dies, there are expenses that the family must take care of. People have called my office in tears. Very often it is a son or a daughter that is grieving the death of a parent. They are clearing up the paperwork for their mom or dad, and there is the Social Security check. And they say, "Senator, the check says for the month of May. Mom died on May 28. Why do we have to send the Social Security check back? We have bills to pay. We have utility coverage that we need to wrap up, mom's rent, or her mortgage, or health expenses. Why is Social Security telling me, 'Send the check back or we're going to come and get you'?"

With all the problems in our country today, we ought to be going after drug dealers and tax dodgers, not honest people who have paid into Social Security, and not the surviving spouse or the family who have been left with the bills for the last month of their loved one's life. They are absolutely right when they call me and say that Social Security was supposed to be there for them.

That is what our bill is going to do. That is why Senator SNOWE and I are introducing the Family Social Security Protection Act. When we talk about retirement security, the most important part of that is income security. And the safety net for most Americans is Social Security.

We know that as Senators we have to make sure that Social Security remains solvent, and we are working to do that. We also don't want to create an undue administrative burden at the Social Security Administration—a burden that might affect today's retirees. But it is absolutely crucial that we provide a Social Security check for the last month of life.

How do we propose to do that? We have a very simple, straightforward way of dealing with this problem. Our legislation says that if you die before the 15th of the month, you will get a check for half the month. If you die after the 15th of the month, your surviving spouse or the family estate would get a check for the full month.

We think this bill is fundamentally fair. Senator SNOWE and I are old-fashioned in our belief in family values. We believe you honor your father and your mother. We believe that it is not only a good religious and moral principle, but it is good public policy as well.

The way to honor your father and mother is to have a strong Social Security System and to make sure the system is fair in every way. That means fair for the retiree and fair for the spouse and family. That is why we support making sure that the surviving spouse or family can keep the Social Security check for the last month of life.

Mr. President, we urge our colleagues to join us in this effort and support the Social Security Family Protection Act.

By Mr. BURNS (for himself, Mr. ENZI and Mr. CRAIG):

S. 788. A bill to amend the Federal Meat Inspection Act to provide that a quality grade label issued by the Secretary of Agriculture may not be used for imported meat and meat food products; to the Committee on Agriculture, Nutrition, and Forestry.

USDA GRADE RESCISSION ACT OF 1999

Mr. BURNS. Mr. President, I rise today to sponsor a bill on an issue of great importance to my state and the agricultural industry. The issue is that of rescinding the USDA Grade Stamp on foreign meat products coming into America from other countries and unfairly receiving the USDA Grade Stamp.

This language offered today will insure that all meat products imported from a foreign country will not be graded USDA. For years other countries have used the USDA Grade Stamp to their advantage. Particularly, Canada and Mexico ship livestock into the United States and reap the benefits of the premium given for USDA Prime, USDA Choice or USDA Select.

USDA Prime and USDA Choice grades are given a premium price. Competition from foreign countries effectively prevents that same number of American livestock producers from receiving a premium. USDA should mean just that the meat was raised and slaughtered in the United States, and given the stamp by the United States Department of Agriculture.

Currently, boxed beef is not eligible to receive the USDA Grade Stamp. However, agricultural producers across the border ship livestock to the United States and feed them for a short period of time in order to bypass that restriction. The animals are then slaughtered here as United States product. This is not only unfair, it is a betrayal of trust. It is one that we will no longer tolerate. My bill provides for a 90 day feeding period to prevent this from happening, yet maintain the profits light-weight cattle from foreign countries bring to American feeders.

The huge influx of imports from both Canada and Mexico that American agricultural producers are currently faced with has provided an added hardship to the agricultural economy. Additionally, when consumers see the USDA Grade Stamp on a meat product they are under the assumption they are buying U.S. made product. In fact, this is usually not the case. Even though carcasses are required to have a "foreign origin marking", it is trimmed off for marketing purposes.

Essentially, this bill will protect both the American producer and the American consumer. The USDA Grade Stamp on foreign product is a detriment to both. It is a detriment to the producer because foreign countries get the benefit of the grade stamp, without having to pay for it. America's producers need the assurance that the USDA label really means just that—produced in the U.S. It is a detriment to the consumer because they deserve to know that they are buying American. I've said it before and I'll say it again. U.S. consumers deserve to know that they are buying absolutely the safest food supply in the world, which is grown by American farmers and ranchers. With this in mind we then should be informing the American consumer that they really are purchasing American product.

I am proud and very pleased to serve as sponsor of this bill and I look forward to moving it through the legislative process so we may give our consumers and producers the information and advantage of knowing their meat was produced in the USA.

By Mr. MCCAIN:

S. 789. A bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees; to the Committee on Armed Services.

LEGISLATION TO AUTHORIZE SPECIAL PAY FOR SEVERELY DISABLED RETIRED VETERANS

Mr. MCCAIN. Mr. President, I am introducing legislation today to authorize special compensation for severely disabled military retirees who suffer under an existing law regarding "concurrent receipt." As many of my colleagues know, current law requires military retirees who are rated as disabled to offset their military retired pay by the amount they receive in veterans' disability compensation. This requirement is discriminatory and wrong.

Today, America's disabled military retirees—those individuals who dedicated their careers to military service, and who suffered disabling injuries in the course of that service—cannot receive concurrently their military retirement pay, which they have earned through at least 20 years of service in the Armed Forces, and their veterans' disability compensation, which they are owed due to pain and suffering incurred from military service. In other words, the law penalizes the very men and women who have sacrificed their physical or psychological well-being in uniformed service to their country.

The legislation I am introducing today does not provide for full payment to eligible veterans of both the disability compensation and the retired pay they have earned. I regret that such a proposal, which I support in principle, would be far more expensive than many of my colleagues could accept. I learned that lesson the hard way in the course of sponsoring more ambitious concurrent receipt proposals in previous Congresses.

My current legislation would instead authorize special compensation for the most severely disabled retired veterans—those who have served for at least 20 years, and who have disability ratings of between 70 and 100 percent. More specifically, it would authorize monthly payments of $300 for totally disabled retired veterans; $200 for retirees rated as 90 percent disabled; and $100 for retirees with disability ratings of 70–80 percent.

These men and women suffer from disabilities that have kept them from pursuing second careers. If we cannot muster the votes to provide them with their disability pay and retired pay concurrently, the least we can do is authorize a modest special compensation package to demonstrate that we have not forgotten their sacrifices. At $42 million per year, this legislation comes nowhere near approaching the price tag of more expansive concurrent receipt proposals. Moreover, it involves only discretionary, not mandatory, spending.

In short, it is affordable. And it is the right thing to do. But don't take my word for it. The Military Coalition, an organization of 30 prominent veterans' and retirees' advocacy groups, supports my legislation, as do many other veterans' service organizations, including the American Legion and Disabled American Veterans. These highly respected organizations recognize, as I do, that severely disabled military retirees deserve, at a minimum, special compensation for the honorable service they have rendered the United States.

My interest in actively resolving the concurrent receipt issue dates to 1993, when I included a provision in the Fiscal Year 1994 Defense Authorization bill directing the Department of Defense (DoD) to submit a concurrent receipt legislative proposal to the House and Senate Armed Services Committees. When that deadline was not met, I took the opportunity at a Senate Armed Services Personnel Subcommittee hearing to ask the then-Deputy Assistant Secretary of Defense for Military Manpower and Personnel Policy about the status of the concurrent receipt report. Although he replied that Congress would receive it in June 1993, the report arrived seven months late. Clearly, the concurrent receipt issue was not then a DoD priority, nor is it today.

I also worked with the Armed Services Committee to include legislation in the FY 1994 Defense Authorization bill to exempt military retirees who are rated as 100 percent disabled from the requirement to offset their military pay by the amount they receive in veterans' disability pay. Although I had assumed that no one could deny a military retiree with 100 percent disability from receiving both his retirement and his disability pay, my legislation was never enacted into law.

Undeterred, in 1994 I introduced legislation, which was included in the Senate version of the Defense Appropriations bill for FY 1995, directing the Secretary of Defense to authorize the concurrent payment of military retired pay and veterans' disability compensation. Although my amendment had 16 cosponsors and received bipartisan support in the Senate, it was regrettably reduced to just a study by the House of Representatives during conference negotiations on the bill.

This amendment was heralded by more than 30 separate veterans' associations as a means of redressing the unjust offset of retirement pay with disability compensation. It provided for concurrent payment of retirement and disability compensation if the following criteria were met:

(1) the veteran had completed 20 years of military service;

(2) the disability was incurred or aggravated in the performance of duty in military service; and

(3) the disability was rated as 100 percent at the time of retirement or within four years of the veteran's retirement date.

I introduced these concurrent receipt amendments because the existing requirement that military retired pay be offset dollar-for-dollar by veterans' disability compensation is inequitable. I firmly believe that non-disability military retired pay is post-service compensation for services rendered in the United States military. Veterans' disability pay, on the other hand, is compensation for a physical or mental disability incurred from the performance of such service. In my view, the two pays are for very different purposes: one for service rendered and the other for physical or mental "pain and suffering." This is an important distinction evident to any military retiree currently forced to offset his retirement pay with disability compensation.

Concurrent receipt is, at its core, a fairness issue, and present law simply discriminates against career military people. Retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability. This inequity needs to be corrected.

In the 105th Congress, I was proud to have co-sponsored S. 657, a bill sponsored by Senator DASCHLE that would eliminate the offset on a graduated scale based on the inverse of the retiree's disability rating. For instance, a veteran who is 90 percent disabled would have to offset his retirement pay by an amount equal to 10 percent of his total VA disability. This compromise would establish the right of a disabled military retiree to receive at least a portion of his earned military retirement. Unfortunately, the full Congress did not act on this legislation before adjourning in October 1998.

In the past, Congressional attempts to rectify discrimination against disabled career service members have been accompanied by staggering cost estimates, dooming to failure again and again proposed remedies to the concurrent receipt dilemma. The concurrent receipt legislation I supported in the 105th Congress reflected an attempt to ease the offset burden on retired disabled service members while avoiding significant deficit expansion. My current legislation in the 106th Congress is even more conscious of the costs associated with properly compensating disabled military retirees.

Unfortunately, cost concerns must remain a consideration as we seek to promote a system of concurrent receipt that is both equitable and consistent with our balanced budget objective. While I would prefer to implement a system aimed first and foremost at severely disabled veterans, as my earlier legislation proposed, I believe S. 657 represented a step in the right direction and was worthy of Congress' support. Similarly, I believe the special compensation authorized by my current legislation makes progress by targeting the most severely disabled veterans, even if it does not revoke the discriminatory concurrent receipt restrictions that remain in place today.

I continue to hope that the Pentagon, once it finally understands our message that it cannot continue to unfairly penalize disabled military retirees, will provide Congress with a fair and equitable plan to properly compensate retired service members with disabilities. It is hard to disagree with the simple logic that disabled veterans both need and deserve our full support after the untold sacrifices they made in defense of this country.

I look forward to the day when our disabled retirees are no longer unduly penalized by existing limitations on concurrent receipt of the benefits they deserve. In the meantime, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1413. Special compensation for certain severely disabled uniformed services retirees

"(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

"(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

"(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(g) OTHER DEFINITIONS.—In this section:

"(1) The term 'service-connected' has the meaning give that term in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1413. Special compensation for certain severely disabled uniformed services retirees.".

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

By Mr. LAUTENBERG:

S. 790. A bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water to submit annual reports, and for other purposes; to the Committee on Environment and Public Works.

THE BOTTLED WATER SAFETY AND RIGHT-TO-KNOW ACT OF 1999

Mr. LAUTENBERG. Mr. President, I am introducing today the Bottled Water Safety and Right-to-Know Act of 1999. This legislation is designed to ensure that bottled water safety standards protect public health, and to give consumers the right to know about contaminants in their bottled water.

Mr. President, I have been interested in bottled water for several years. Bottled water consumption has doubled in the U.S. since 1987, largely due to the public perception that bottled water is cleaner and safer than tap water. This is especially true in my state, where we hear so often about contamination of tap water. Unfortunately, bottled water today does not have to meet all the same safety standards met by tap water. Nor do consumers have the right to know about the contaminats found in bottled water. Let me discuss each of these issues in more detail.

There is an important disparity between contaminant standards for bottled water and those for tap water. Bottled water is regulated as a food by the Food and Drug Administration (FDA) under the Food, Drug, and Cosmetic Act, while tap water is regulated by the Environmental Protection Agency (EPA). Unfortunately, several contaminants are regulated less stringently in bottled water by the FDA than in tap water by the EPA. In particular, the FDA has no standard for phthalate, a probable human carcinogen which leaches out of some plastic bottles, no ban on fecal coliform of E. Coli, and weaker standards for several other contaminants. In addition, the infrastructure guaranteeing the safety of bottled water is far weaker than the regulatory programs the EPA and its state and local partners have established for tap water.

There is, in addition, a disparity in the transparency of information about the two types of water. Public water systems have long been required to monitor contaminant levels and allow no more than a maximum amount of contamination in their water. Facing only these regulatory requirements, however, water companies had little incentive to provide more than the minimum-required level of drinking water protection. The Safe Drinking Water Act Amendments of 1996 changed that by adding consumer Right-to-Know requirements to the existing regulatory programs. The purpose of the Right to Know requirements is to increase public understanding of drinking water threats, foster public demand for prevention of those threats, and thereby lead water companies and state and local agencies to go beyond the minimum requirements in preventing the threats.

Unfortunately, no equivalent Right to Know exists for bottled water. Customers have no way to know whether the bottled product—hundreds of times more expensive than what comes out of the tap—is the safer, cleaner product. In other words, Mr. President, bottled water is the snake oil of the 1990's—it is sold as a cleaner product purely on the basis of claims and perception, not facts.

The Bottled Water Safety and Right-to-Know Act of 1999 would correct these deficiencies, establishing contaminant standards and Right-to-Know requirements for bottled water at least as stringent as those placed on tap water.

First, the bill would give the FDA two years to make all standards for contaminants in bottled water as protective of public health as the tap water standards established by the EPA, the State of California, the World Health Organization, and the European Union. If the FDA failed to implement this requirement, the bill would transfer regulatory authority over bottled water to the EPA.

Second, the bill would require that bottled water companies list, on their products' labels, the concentration of any regulated contaminant found at levels high enough to cause adverse health effects, and of any other contaminants whose presence in tap water would be disclosed to the public under federal law. Bottled water without contamination would require no such contaminant labelling. In addition, labels would name the source of the water, the type of treatment applied, and whether the treatment meets the EPA's criteria of full protection of immuno-compromised individuals from Cryptosporidium and other microbial pathogens.

Finally, the bill would require bottled water companies to send the FDA information on the contaminants in the water, the source of the water, and type of treatment applied. The FDA would then make the reported information, information on the recent inspection and enforcement history of the relevant bottled water facilities, and other background information available to the public through the Internet and in paper form through a 1-800 number, both of which would be printed on bottle labels.

Mr. President, bottled water consumers have the right to bottled water that is as safe as tap water, and they have the right to know about the contaminants in their bottled water.

I urge my colleagues to co-sponsor this legislation, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Bottled Water Safety and Right to Know Act of 1999''.

SEC. 2. CONSUMER CONFIDENCE REPORTS.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) in subsection (b), by adding at the end the following:

``(5) The Secretary shall—

``(A) not later than 6 months after the date of enactment of this paragraph identify contaminants for which—

``(i) the Administrator has established a national primary drinking water regulation under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1) and the Secretary has not established a standard of quality regulation for such contaminant or has established a standard of quality regulation or monitoring requirement that may be less protective of public health than the national primary drinking water regulation; or

``(ii) the Secretary has established a standard of quality regulation for such contaminant that may be less protective of public health than the standard for such a contaminant issued by the World Health Organization, the European Union, or the State of California; and

``(B) not later than 12 months after that date of enactment, propose an interim standard of quality regulation, for each contaminant identified under subparagraph (A), that contains a standard or monitoring requirement that is at least as protective of public health as the more protective of—

``(i) the national primary drinking water regulation described in subparagraph (A); or

``(ii) a standard issued by the World Health Organization, European Union, or the State of California; and

``(C) not later than 24 months after that date of enactment, issue a final regulation of the standard described in subparagraph (B), for each identified contaminant.

``(6) The Secretary is authorized to award grants to the States for the enforcement of the regulations described in paragraph (5).

``(7)(A) Not later than 24 months after the date of enactment of this paragraph, the Secretary shall publish final regulations as described in paragraph (5) in the Federal Register.

``(B) If the Secretary fails to publish the regulations described in subparagraph (A), then—

``(i) all functions that the Secretary of Health and Human Services exercised before the effective date of this subparagraph (including all related functions of any officer or employee of the Department of Health and Human Services) relating to inspections and enforcement concerning bottled water shall be transferred to the Environmental Protection Agency;

``(ii) all references to the Secretary in paragraph (5), notwithstanding the references in clause (i) and (ii) of subparagraph (A), and all references in paragraph (6) and subsections (c), (d), and (e) shall instead be to the Administrator;

``(iii) except as otherwise provided in this subparagraph, the assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under clause (i), subject to section 1531 of title 31, United States Code, shall be transferred to the Environmental Protection Agency, and unexpended funds transferred pursuant to this subparagraph shall be used only for the purposes for which the funds were originally authorized and appropriated;

``(iv) all orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

``(I) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subparagraph; and

``(II) that were in effect before the effective date of this subparagraph, or were final before the effective date of this subparagraph and are to become effective on or after the effective date of this subparagraph;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator or other authorized official, a court of competent jurisdiction, or by operation of law;

``(v) this subparagraph shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Secretary on the effective date of this subparagraph, with respect to functions transferred by this subparagraph;

``(vi) such proceedings and applications described in clause (v) shall be continued and orders shall be issued in such proceedings and appeals taken from the orders, and payments shall be made pursuant to the orders, as if this subparagraph had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, set aside, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law;

``(vii) nothing in this subparagraph shall be construed to prohibit the discontinuance or modification of any such proceeding described in clause (v) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subparagraph had not been enacted;

``(viii) this subparagraph shall not affect suits commenced before the effective date of this subparagraph, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subparagraph had not been enacted;

``(ix) no suit, action, or other proceeding commenced by or against the Secretary, or by or against any individual in the official capacity of such individual as an officer of the Secretary, shall abate by reason of the enactment of this subparagraph;

``(x) any administrative action relating to the preparation or promulgation of a regulation by the Secretary relating to a function transferred under this subparagraph may be continued by the Administrator with the same effect as if this subparagraph had not been enacted; and

``(xi) a reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

``(I) the Secretary with regard to functions transferred under this subparagraph, shall be deemed to refer to the Administrator; and

``(II) the Department of Health and Human Services with regard to functions transferred under this subparagraph, shall be deemed to refer to the Environmental Protection Agency.

``(C) As used in subparagraph (B), the term 'Federal agency' has the meaning given the term 'agency' by section 551(1) of title 5, United States Code.''; and

(2) by adding at the end the following:

``(c)(1) Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations that require each manufacturer of bottled water to submit reports and display information as required under paragraph (2).

``(2) The regulations issued under paragraph (1) shall require that each manufacturer of bottled water shall—

``(A) not later than 36 months after the date of enactment of this subsection and annually thereafter, prepare and submit in electronic form, on a form provided by the Secretary, an annual report to the Secretary that describes, at a minimum—

``(i) the source of the water purveyed;

``(ii) the type of treatment to which the water has been subjected and whether such treatment meets the Secretary's criteria for full protection of immuno-compromised individuals from cryptosporidium and other microbial pathogens;

``(iii) the amount and range of any regulated contaminant detected in the water during the reporting year, the maximum contaminant level goal for the contaminant, if any, and whether the goal was exceeded during the reporting year; and "(iv) the amount and range of any unregulated contaminant detected in the water during the reporting year that is subject to unregulated contaminant monitoring or notification requirements under sections 1445 or 1414, respectively, of the Safe Drinking Water Act (42 U.S.C. 300j-4; 300g-3), or that the Secretary determines may present a threat to public health; and

"(B) for the second and each subsequent reporting year, display on the labels of the bottled water—

"(i) if the maximum contaminant level goal or lowest health advisory level under the Safe Drinking Water Act (whichever is lower) for a regulated contaminant is exceeded during the preceding reporting year—

"(I) the amount and range of the regulated contaminant in the bottled water;

"(II) the maximum contaminant level goal for the contaminant; and

"(III) a plain definition of 'maximum contaminant level goal' as determined by the Administrator;

"(ii) the amount and range of any unregulated contaminant detected in the water during the preceding reporting year that is subject to unregulated contaminant monitoring or notification requirements under sections 1445 or 1414, respectively, of the Safe Drinking Water Act (42 U.S.C. 300j-4; 300g-3) or that the Secretary has determined may present a threat to public health;

"(iii) the source of the water;

"(iv) the type of treatment, if any, to which the water has been subjected and whether such treatment meets the Secretary's criteria for full protection of immuno-compromised individuals for cryptosporidium and other mircobial pathogens;

"(v) the address for the Internet website described in paragraph (3)(A); and

"(vi) the toll-free telephone number described in paragraph (3)(B).

"(3) Not later than 6 months after the date on which an annual report referred to in paragraph (2) is submitted to the Secretary, the Secretary shall make the report available to the public—

"(A) on an Internet website maintained by the Secretary; and

"(B) in paper form, in English, Spanish, and in any other language determined to be appropriate by the Secretary, upon request made through use of a toll-free telephone number maintained by the Secretary.

"(4) In addition to submitting an annual report under paragraph (2), the manufacturer may also submit a supplement to the Secretary that contains additional information that the manufacturer determines to be appropriate for public education. The Secretary may make the supplement available to the public in the same manner as the annual report is made available to the public under paragraph (3).

"(5) In the same manner as the annual report is made available to the public under paragraph (3), the Secretary shall make the following information available to the public:

"(A) The definitions of the terms 'maximum contaminant level goal' and 'maximum contaminant level'.

"(B) For any regulated contaminant described in paragraph (2)(A), a statement setting forth—

"(i) the maximum contaminant level goal;

"(ii) the maximum contaminant level; and

"(iii) if a violation of the maximum contaminant level has occurred during the reporting year, the potential health concerns associated with such a violation.

"(C) For any unregulated contaminant described in paragraph (2)(A), a statement describing the health advisory or explaining the reasons for determination by the Secretary that the contaminant may present a threat to public health.

"(D) A statement explaining that the presence of contaminants in bottled drinking water does not necessarily create a health risk.

"(E) The date of the last Federal and State inspections of the bottled water facilities relating to the safety of the water.

"(F) A statement describing any violations discovered at the facilities during the inspections described in subparagraph (E) and any enforcement actions that were taken as a consequence of the violations.

"(G) The date of recall of any bottled water and the reasons for the recall.

"(d) Every manufacturer of bottled water who is subject to any requirement of this section shall maintain such records, make such reports, conduct such monitoring, and provide such information as the Secretary may reasonably require by regulation in order to assist the Secretary in establishing regulations under this section, in determining whether the manufacturer has acted or is acting in compliance with this section, in evaluating the health risks of unregulated contaminants, or in advising the public of such risks.

"(e) Not later than 12 months after the date of enactment of this subsection, and annually thereafter, the Secretary shall make available to the public, in the same manner as the annual report is made available under subsection (c)(3), information regarding violations of bottled water regulations relating to inspections, and any enforcement actions taken in regards to such violations. The Secretary shall establish and administer a grant program to fund the gathering of such information.

"(f) In this section:

"(1) The term 'bottled water' means all water sold in the United States that—

"(A) is intended for human consumption;

"(B) is sealed in bottles or other containers; and

"(C) may be still or carbonated, but has no sweeteners or juices added to the water, except for trace levels of flavorings.

"(2) The term 'contaminant' means any physical, chemical, biological, or radiological substance or matter in water.

"(3) The term 'maximum contaminant level' has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

"(4) The term 'maximum contaminant level goal' means a goal established by the Administrator under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1).

"(5) The term 'regulated contaminant' means a contaminant that is regulated under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1).

"(6) The term 'unregulated contaminant' means a contaminant that is not regulated under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1).".

SEC. 3. PROHIBITED ACTS.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(aa) The failure by a manufacturer of bottled water to submit an annual report or display the required information on labels of bottled water in accordance with section 410(c).".

By Mr. SHELBY (for himself and Mr. SESSIONS):

S.J. Res. 18. A joint resolution honoring World War II crewmembers of the USS *Alabama* on the occasion of the 1999 annual reunion of the USS *Alabama* Crewmen's Association; to the Committee on Veterans' Affairs.

JOINT RESOLUTION FOR THE SAILORS OF THE BATTLESHIP USS ALABAMA

Mr. SHELBY. Mr. President, I rise today to honor a number of American heroes. During World War Two, over 6,300 sailors and Marines were members of the crew of the Battleship USS *Alabama*. The ship and crew were instrumental in the defeat of both Germany and Japan. The crew was credited with the downing of 22 enemy aircraft and was awarded numerous citations and medals including the European-African-Middle Eastern Medal and the Asiatic-Pacific Campaign Medal with nine battle stars.

This week, the USS *Alabama* Crewman's Association is holding its annual reunion at Battleship Memorial Park in Mobile, Alabama. I ask the Senate to pass this Joint Resolution which commends and recognizes the gallant crewmen of the USS *Alabama*. To those men I say congratulations and thank you for a job well done.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 18

Whereas the members of the crew of the battleship U.S.S. Alabama (BB-60) during World War II were a courageous group who braved both Arctic chill and Pacific heat to help defend our great country against enemy oppression;

Whereas the U.S.S. Alabama crewed by those men was awarded nine battle stars and shot down 22 enemy aircraft; and

Whereas the U.S.S. Alabama Crewmen's Association is holding its annual reunion on April 15 to 18, 1999: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMENDATION AND RECOGNITION OF CREWMEN OF THE U.S.S. ALABAMA.

The United States honors the 6,300 persons who were members of the U.S.S. Alabama's crew during World War II, commends and thanks them for their sacrifice and service in the defense of the United States, and recognizes those among them who are assembling April 15 to 18, 1999, as the U.S.S. Alabama Crewmen's Association on the occasion of the association's 1999 annual reunion.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 97

At the request of Mr. McCAIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 97, a bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

S. 192

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 192, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 285

At the request of Mr. McCAIN, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 296

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 348

At the request of Ms. SNOWE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 353

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 353, a bill to provide for class action reform, and for other purposes.

S. 380

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 380, a bill to reauthorize the Congressional Award Act.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 459

At the request of Mr. HATCH, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Utah (Mr. HATCH), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 511

At the request of Mr. McCAIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 511, a bill to amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes.

S. 512

At the request of Mr. GORTON, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Florida (Mr. MACK), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oklahoma (Mr. NICKLES), the Senator from Minnesota (Mr. GRAMS), the Senator from Idaho (Mr. CRAPO), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 537

At the request of Mr. LUGAR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 537, a bill to amend the Internal Revenue Code of 1986 to adjust the exemption amounts used to calculate the individual alternative minimum tax for inflation since 1993.

S. 581

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 581, a bill to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

S. 607

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 607, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 628

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 628, a bill to amend titles XVIII and XIX of the Social Security Act to expand and clarify the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 632

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 655

At the request of Mr. LOTT, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from Hawaii (Mr.

INOUYE) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 693

At the request of Mr. HELMS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 706

At the request of Ms. SNOWE, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 706, a bill to create a National Museum of Women's History Advisory Committee.

S. 712

At the request of Mr. LOTT, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Georgia (Mr. CLELAND), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 729

At the request of Mr. CRAIG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 757

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 761

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 761, a bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

S. 767

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing.

At the request of Mr. COVERDELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 767, supra.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. DASCHLE), the Senator from Ohio (Mr. DEWINE), the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mr. HELMS), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. MOYNIHAN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from Nevada (Mr. REID) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Hawaii (Mr. INOUYE), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), the Senator from Wisconsin (Mr. KOHL), the Senator from Idaho (Mr. CRAIG), the Senator from Maine (Ms. SNOWE), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as "National Military Appreciation Month."

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Nebraska (Mr. KERREY), the Senator from Hawaii (Mr. AKAKA), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 72

At the request of Mr. TORRICELLI, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mr. MOYNIHAN), the Senator from Ohio (Mr. DEWINE), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. WARNER), and the Senator from Florida (Mr. MACK) were added as cosponsors of Senate Resolution 72, a resolution designating the month of May in 1999 and 2000 as "National ALS Awareness Month."

SENATE CONCURRENT RESOLUTION 25—URGING THE CONGRESS AND THE PRESIDENT TO FULLY FUND THE FEDERAL GOVERNMENT'S OBLIGATION UNDER THE INDIVIDUALS WITH DISABILITIES ACT

Mr. JEFFORDS (for himself, Mr. GREGG, Ms. COLLINS, Mr. LOTT, Mr. DEWINE, Mr. HAGEL, Mr. ENZI, Mr. BROWNBACK, Mr. HATCH, Mr. ASHCROFT, and Mr. COVERDELL) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 25

Whereas all children deserve a quality education, including children with disabilities;

Whereas Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1247 (E. Dist. Pa. 1971), and Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (Dist. D. C. 1972), found that children with disabilities are guaranteed an equal opportunity to an education under the 14th amendment to the Constitution;

Whereas the Congress responded to these court decisions by passing the Education for All Handicapped Children Act of 1975 (enacted as Public Law 94–142), now known as the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), to ensure a free, appropriate public education for children with disabilities;

Whereas the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

Whereas the Federal Government has provided only 9, 11, and 12 percent of the maximum State grant allocation for educating children with disabilities under the Individuals with Disabilities Education Act in the last 3 years, respectively;

Whereas the national average cost of educating a special education student ($13,323) is more than twice the national average per pupil cost ($6,140);

Whereas research indicates that children who are effectively taught, including effective instruction aimed at acquiring literacy skills, and who receive positive early interventions demonstrate academic progress, and are significantly less likely to be referred to special education;

Whereas the high cost of educating children with disabilities and the Federal Government's failure to fully meet its obligation under the Individuals with Disabilities Education Act drain school budgets, jeopardize the quality of education provided by local schools, and place a significant burden on State and local taxpayers;

Whereas if the appropriation for part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) exceeds $4,924,672,200 for a fiscal year, the State funding formula will shift from one based solely on the number of children with disabilities in the State to one based on 85 percent of the children ages 3 to 21 living in the State and 15 percent based on children living in poverty in the State, enabling States to undertake good practices for addressing the learning needs of more children in the regular education classroom and reduce over identification of children who may not need to be referred to special education;

Whereas the Individuals with Disabilities Education Act has been successful in achieving significant increases in the number of children with disabilities who receive a free, appropriate public education;

Whereas the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education; and

Whereas the Federal Government has failed to appropriate 40 percent of the national average per pupil expenditure per child with a disability as required under the Individuals with Disabilities Education Act to assist States and localities to educate children with disabilities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress and the President—

(1) should, working within the constraints of the balanced budget agreement, give programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) the highest priority among Federal elementary and secondary education programs by meeting the commitment to fund the maximum State grant allocation for educating children with disabilities under such Act prior to authorizing or appropriating funds for any new education initiative; and

(2) should meet the commitment described in paragraph (1) while retaining the commitment to fund existing Federal education programs that increase student achievement.

Mr. JEFFORDS. Mr. President, today, joined by many of my colleagues, I am submitting a Senate concurrent resolution calling for a delay in authorizing or appropriating of funds for new educational initiatives until we fully fund IDEA, the Individuals with Disabilities Education Act. My colleague, Representative GOODLING, is introducing a companion resolution in the House today as well.

In 1975 Congress made a commitment to contribute up to 40 percent of the national average per pupil expenditure (APPE) for each child with a disability being educated by our Nation's schools. We are nowhere close to that target of 40 percent. We are committed to achieving that target, and until we do reach the target, we should refrain from undertaking major new education commitments.

According to the latest estimates from the Department of Education, this school year there are 6.1 million children with disabilities being served by our Nation's schools. States and local communities are spending $72.9 billion of non-federal dollars to educate these children. The federal contribution available to use in this school year is $3.8 billion. That level of funding represents 10.8 percent of the national average per pupil expenditure for each child with a disability. That represents a mere $635.83 per child. It's time to deliver on the missing 29.2 percent.

In a letter of March 24, 1999, the National School Boards Association urges us to increase funding for IDEA by $2.1 billion a year for the next ten years. It reports that 38 cents of every new tax dollar is being spent on special education. Local school districts desperately need our help. If IDEA had been fully funded in fiscal year 1999, my State, Vermont, would have received $20 million more than the $5.7 million it will receive this July 1.

By putting our urge to create and fund new initiatives on hold and by focusing on increased funding for IDEA as our first priority, we will be giving relief to school districts, resources to teachers, hope to parents, and opportunities to children with disabilities.

Please join us in cosponsoring this important resolution.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ESTABLISHING THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT

DOMENICI AMENDMENT NO. 252

Mr. DOMENICI proposed an amendment to the motion to instruct conferees proposed by Mr. KENNEDY to the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009; as follows:

At the end add the following in the conference report;

(1) amendment #176, offered in the Senate by Senator Roth and Breaux, regarding Medicare reform: and

(2) Section 209 of the Senate-passed resolution, offered in the Budget Committee by Senator Snowe and Wyden, regarding the use of on-budget surpluses for a prescription drug benefit.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a closed hearing has been scheduled before the Committee on Energy and Natural Resources. This hearing is titled: "Damage to the National Security from Chinese Espionage at DOE Nuclear Weapons Laboratories."

The hearing will take place on Wednesday, April 14, 1999, at 9:30 a.m. in room 219 of the Hart Senate Office Building in Washington, D.C.

Those who wish further information may write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, April 14, 1999, at 1:45 p.m. to conduct an oversight hearing on welfare reform implementation in Indian country. The hearing will be held in room 485 of the Russell Senate Office Building.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing previously announced has been rescheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing scheduled for Wednesday, April 14, 1999, at 2 in room SD-366 of the Dirksen Senate Office Building in Washington, D.C. has been canceled.

Alternatively, the hearing will take place on Wednesday, April 28, 1999, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 415, a bill to amend the Arizona Statehood and Enabling Act in order to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from the funds, and S. 607, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mike Menge (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, April 13, 1999, in open session, to receive testimony from the unified commanders on their military strategy and operational requirements in review of the fiscal year 2000 Defense Authorization Request and Future Years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 13, 1999, at 2:30 p.m., in closed/open session, to review submarine warfare in the 21st century.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Tuesday, April 13, 1999, at 9:30 a.m. on Telco/Broadband.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, April 13, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 13, 1999 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DOMENICI. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the reductions in force in the Veterans Health Administration (VHA) of the Department of Veterans Affairs.

The hearing will be held on Tuesday, April 13, 1999, at 2:30 p.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to hold a hearing during the session of the Senate on Tuesday, April 13, 1999 at 10 a.m. in room 226 of the Senate Dirksen Office Building, on: "S. 467, the Antitrust Merger Review Act: Accelerating FCC Review of Mergers."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 3:30 p.m. on Tuesday, April 13, 1999, in open session, to receive testimony on Department of Defense land withdrawals and environmental programs in review of the defense authorization request for fiscal year 2000 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Tuesday, April 13, 1999, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO CAL RIPKEN, SR.

• Ms. MIKULSKI. Mr. President, on March 25, the game of baseball experienced a tremendous loss when former Baltimore Orioles' manager, coach and minor-league player Cal Ripken, Sr., passed away at the age of 63.

Cal Ripken, Sr. was a monumental figure in Baltimore's baseball heritage. For nearly four decades, Cal Sr. was the heart of the Baltimore Orioles' organization. He exemplified everything that is good about baseball and about America—hard work, dedication and integrity. He taught his sons, Cal Ripken, Jr. and Bill Ripken, to play baseball when they were young and inspired in them his own legendary love of our national pastime.

In 1987, Cal Sr. was named manager of the Orioles, and became the first father to manage two sons simultaneously at the major league level. Ripken Sr. retired in 1992, having spent 36 years with the Orioles' organization.

I will never forget going to the ball park, year after year, and seeing the competitive fire Cal Ripken, Sr. brought to the Orioles. He knew how to bring out the best in the players he coached and managed.

Cal Ripken, Sr. will be remembered for what he instilled in his family, in Baltimore and in all of us: work hard, show up every day, and always give it everything you've got. His spirit will live forever in the hearts of every Baltimore Oriole and every Oriole fan.•

RECOGNIZING INNOVATIVE EDUCATION AT OAK HARBOR ELEMENTARY SCHOOL

• Mr. GORTON. Mr. President, today I would like to recognize a school in Oak Harbor, Washington for their wonderful success in becoming a 'school of choice.' Oak Harbor Elementary is another shining example for why I began my "Innovation in Education Award" program—to highlight to my colleagues in the good things that are happening in education at the local level.

When Oak Harbor Elementary underwent a massive remodel of its north annex, originally built in 1934, it had the opportunity to add 200 more students to its student body. Rather than change attendance boundary areas, the school board and superintendent saw it as an opportunity to make it a magnet school to draw students from the most crowded schools in the district.

Over the course of a year, Principal Glenda Merwine met with parents and staff to determine what the ideal elementary school could look like. After many meetings, surveys, and discussions, the school chose to make a series of reforms including: requiring uniforms for all students in grades K–5; including curriculum in every classroom about various positive character traits like honesty, generosity and integrity; requiring parent compacts for participation in their children's education; and eventually implementing strong fine arts programs.

With this innovative new structure, Oak Harbor Elementary attracted over 200 student transfers from other schools including private schools and home-schooled children in the area.

The Oak Harbor "school of choice" is now in its second semester under the new plan. Staff and parents are highly enthusiastic over the improved discipline, motivation and achievements of the entire student body. Ms. Merwine said she has seen a dramatic change in the students' attitudes. The student body at Oak Harbor Elementary has increased by 230, yet Ms. Merwine said suspensions and disciplinary incidents decreased dramatically.

She gave one example of how the uniforms have brought down artificial barriers between students. Last year, a kindergartener frequently asked Ms. Merwine or a teacher to play with her, claiming the other children wouldn't. Ms. Merwine eventually observed another student telling the girl she wouldn't play with her because she wasn't wearing the "right brand of jeans." This year, on the first day of school, Ms. Merwine said she saw the same two girls—now in 1st grade and wearing nearly identical uniforms—happily playing in the school yard.

I hope my colleagues will recognize the importance educators like Glenda Merwine, and the exciting things happening in our local schools when they are given the freedom to innovate. I for one, want to do all I can to increase their flexibility and resources so local educators—our parents, teachers, principals, school board members and superintendents—can continue to make the best decisions about the education of our children.•

MICHAEL "MICK" BIRD AND THE TRANS-OCEANIC ROWING EXPEDITION

• Mr. INOUYE. Mr. President, I rise today to bring my colleagues' attention to a very exciting expedition. In September 1998, Mr. Michael "Mick" Bird completed the second leg of an unprecedented 24,000 mile voyage around the world. On August 19, 1997, Mick Bird started rowing out to sea from Fort Bragg, California in his vessel Reach. After 66 days of rowing, on October 23, 1997, Mick arrived in Hilo Bay on the Big Island of Hawaii.

After putting the Reach in drydock in Hawaii, Mick returned to his home base in California to raise support and prepare for the next leg of his historic journey. Mick returned to Hawaii last summer and put to sea in Reach on July 18, 1998 rowing for the Gilbert Islands, about 2,500 miles southwest of Hawaii and halfway point between Hawaii and Australia. On September 22, 1998, 66 days and more than 2,200 miles from Hawaii, Mick made landfall on Majuro in the Marshall Islands, a bit north of his intended destination in the Gilberts. Mick is now happily home in California with his family preparing for his next leg to the north central coast of Australia; another 2,500 mile row.

Mick Bird, a former U.S. Air Force officer, is of Pacific Island descent and has family ties to the State of Hawaii. His voyage is more formally known as Trans-Oceanic, which is the name of the non-profit organization sponsoring this attempt at the world's first solo circumnavigation of the globe by a rowing vessel. The goals of this expedition are, among others, to explore the limits of the human spirit, to raise awareness about ocean ecosystems, to be an example of individual achievement as well as teamwork, and to generate support for the National Tuberous Sclerosis Association. The expedition is also using its World Wide Web sites (www.naau.com and www.goals.com/transrow) to create a direct link between Mick's vessel Reach and educators and students to share experiences and practical applications of math, science and geography.

I would like to congratulate Mr. Bird on his very impressive accomplishments to this point, and to express my good wishes for the safety and success of the rest of this voyage around the world. I also wish to commend him and Trans-Oceanic for enhancing public awareness and education. I encourage my colleagues to have a look at Trans-Oceanic's web sites and share them with educators at home to follow along with this amazing journey.•

TRIBUTE TO EDITH SCHMIDTCHEN ON HER RETIREMENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Edith ("Edie") Schmidtchen on her retirement as the Town Clerk for Bedford, New Hampshire after thirty-five years of service. She has had an exceptionally distinguished career with the Town of Bedford.

Edie began her career in Bedford as the Assistant to the Town Clerk. She was promoted and served as the Deputy Town Clerk and then served as the Town Clerk for twenty-one years. Her dedication to the Town and the State of New Hampshire is truly admirable.

Edie has also been very active in the community during her time in the Town Clerk's office. She has been a volunteer teacher for the Bedford Mother's Club, an active member of the Bedford Presbyterian Church, and Secretary of the Town of Bedford Planning Board. She has also participated in many other activities that have bettered her community.

My thoughts and best wishes are with Edie, her children and her grandchildren for success in their future endeavors. Once again, I congratulate her on her retirement and thank her for her thirty-five years of continual service to the Town of Bedford. It is an honor to represent her in the United States Senate.•

TRIBUTE TO MR. CARL D. SOMMERS

• Mr. TORRICELLI. Mr. President, I rise today to recognize Carl D. Sommers, a true leader and a dedicated spokesman for New Jersey's labor movement. He has served the many members of organized labor in my home state for over 25 years and at his retirement, he is to be honored for his contributions to the Sheet Metal Workers Union.

Born and raised in Lawrence Township, New Jersey, Carol graduated from the Trenton High Vocational Sheet Metal Program. He began his career by serving a four-year apprenticeship with Sheet Metal Workers Local #27, where he has remained a member until this day. He has served his union as a local Union Shop Steward, Trustee, Executive Board Member, and as a member of the Joint Apprenticeship Training Fund. Carl also served as a Trustee of the Education Fund, monitoring and managing the Financial Training Facility and Teacher programs. As a member of the Supplemental Unemployment Fund Board, Carl has helped his union colleagues during periods of unemployment.

Carl was elected as Business Representative of Local 27 in 1990. In this new position, he adeptly represented the concerns and the welfare of his Union in labor disputes and corrected violations of collective bargaining agreements. He was also responsible for the daily work assignments of all Local members and attended labor seminars in an effort to protect the union rights.

He has proudly served his members by serving on the Contract Negotiating Committee, and attending rallies to garner support for pro-labor legislation. He recently became a Trustee of the New Jersey State Labor Council of Sheet Metal Workers, a member of both the Camden County Building Trades Council and the Warren County Building Trades Council. For over two years, Carl has served as Financial Secretary-Treasurer of the Mercer-Burlington Counties and Vicinities Building Trades Council.

On the eve of his retirement, it brings me great pleasure to recognize the accomplishments of Carl Sommers and his actions and efforts should be commended. The New Jersey labor community should be proud to have had Carl as a member and should be assured that he will continue to monitor and participate in the labor movement.•

TRIBUTE TO BRAVE GEORGIAN RESCUERS

• Mr. COVERDELL. Mr. President, I rise today to recognize three Georgians who went above and beyond the call of duty in a daring rescue mission yesterday. We watched with awe as Robert Clines, Larry Rogers and Matt Mosely successfully rescued Ivers Sims, a construction worker who found himself suspended some 180-feet in the air trapped by a raging fire.

Roger Clines, a Georgia Department of Natural Resources pilot, and his navigator Larry Rogers negotiated their helicopter through treacherous wind, smoke and fire, as Atlanta firefighter Matt Mosely dangled on a rope to rescue Mr. Sims—a dramatic and heroic scene.

I want to take a moment to recognize and honor the teamwork, dedication and bravery that resulted in this successful rescue mission. These three men, in the true spirit of heroism, risked their lives for the sake of a fellow human being.

Addtiionally, I would like to take this opportunity to honor and pay tribute to all of Atlanta's firefighters, the Atlanta police officers, Sheriff's deputies, and the Cabbagetown residents themselves, who worked together to fight the massive fire that engulfed the historic cotton mill. Our firefighters, facing shortages of equipment and personnel, heroically fought and contained a fire that could have destroyed an historic neighborhood currently being revitalized. Residents at home during the fire helped by rescuing neighbors' pets, and used garden hoses to extinguished burning debris.

As devastating as it was for residents of Atlanta's Cabbagetown to watch this historic landmark burn, the heroism of the day—like Atlanta's symbol the Phoenix—rose from the ashes. Although we mourn the loss of this historic landmark, it is good to know that we will remember this day not for the tragedy that could have been, but for the heroism that was.•

NATIONAL LIBRARY WEEK

• Mr. SARBANES. Mr. President, this week from April 11–17 we are celebrating the 41st anniversary of "National Library Week." As a strong and vigorous supporter of Federal initiatives to strengthen and protect libraries, I am pleased to take this opportunity to draw my colleagues' attention to this important occasion and to take a few moments to reflect on the significance of libraries to our nation.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the same principle of free and open exchange of ideas as the Constitution itself. Libraries have always been an integral part of all that our country embodies: freedom of information, an educated citizenry, and an open and enlightened society. They are the only public agencies in which the services rendered are intended for, and available to, every segment of our society.

It has been my longstanding view that libraries play an indispensable role in our communities. From modest beginnings in the mid-19th century, today's libraries provide well-stocked reference centers and wide-ranging loan services based on a system of branches, often further supplemented by travelling libraries serving outlying districts. Libraries promote the reading of books among adults, adolescents, and children and provide the access and resources to allow citizens to obtain reliable information on a vast array of topics.

Libraries gain even further significance in this age of rapid technological advancement where they are called upon to provide not only books and periodicals, but many other valuable resources as well. In today's society, libraries provide audio-visual materials, computer services, internet access terminals, facilities for community lectures and performances, tapes, records, videocassettes, and works of art for exhibit and loan to the public. In addition, special facilities libraries provide services for older Americans, people with disabilities, and hospitalized citizens.

Of course, libraries are not merely passive repositories of materials. They are engines of learning—the place where a spark is often struck for disadvantaged citizens who for whatever reason have not had exposure to the vast stores of knowledge available. I have the greatest respect for those individuals who are members of the library community and work so hard to ensure that our citizens and communities continue to enjoy the tremendous rewards available through our library system.

My own State of Maryland has 24 public library systems providing a full range of library services to all Maryland citizens and a long tradition of open and unrestricted sharing of resources. This policy has been enhanced by the State Library Network which provides interlibrary loans to the State's public, academic, special libraries and school library media centers. The Network receives strong support from the State Library Resource Center at the Enoch Pratt Free Library, the Regional Library Resource Centers in Western, Southern, and Eastern Shore counties, and a Statewide database of holdings totalling 178 libraries.

The result of this unique joint State-County resource sharing is an extraordinary level of library services available to the citizens of Maryland. Marylanders have responded to this outstanding service by borrowing more public library materials per person than citizens of almost any other State, with 67 percent of the State's population registered as library patrons.

I have had a close working relationship with members of the Maryland Library Association and others involved in the library community throughout the State, and I am very pleased to join with them and citizens throughout the nation in this week's celebration of "National Library Week." I look forward to a continued close association with those who enable libraries to provide the unique and vital services available to all Americans.•

TRIBUTE TO STANLEY J. CHERRY

• Mr. ABRAHAM. Mr. President, I rise today to honor Stanley J. Cherry, a World War I veteran and extraordinary citizen of Grand Traverse County, Michigan, who was recently awarded France's highest tribute, the Legion of Honor.

A son of Polish immigrants, Stanley Cherry enlisted in the United States Army in May 1918, after which time he was sent to England with the 330th Second Machine Company Battalion where he was trained to operate English Vickers, French Hodgkiss, and American Browning machine guns. He began his service in France in October of the same year where he remained after the signing of the armistice, assigned to secure provisions.

During his 62 year marriage to his wife Lucille, the couple owned and operated a general store in Elmira, Michigan, for over 30 years. In addition to running the store they raised two daughters, Joanne Hawly and Jeanette Galbraith, who both currently live in Traverse City, Michigan.

In commemoration of the 80th anniversary of the signing of the armistice, the French government chose to honor surviving allied war veterans who fought in France to help defeat the German Army. A representative of the French Consulate General office in Chicago was present at the February 19th ceremony to confer upon Mr. Cherry the rank of Chevalier of the National Order of the Legion of Honor. France's highest honor, the Legion of Honor was founded in 1802 by Napoleon as a way of recognizing citizens for their contributions to France.

In addition to the Legion of Honor award, Mr. Cherry was presented a certificate of merit voted by the Michigan Legislature and signed by Governor Engler.

Mr. President, Stanley Cherry is an outstanding American citizen. In April he will be celebrating his 103rd birthday. I salute him for his many remarkable contributions as a veteran and for his commitment to his community and family. I ask my colleagues to join me in honoring him on being conferred the rank of Chevalier of the Legion of Honor.•

HONORING CASSADAGA JOB CORPS

• Mr. SCHUMER. Mr. President, I rise today to honor the Cassadaga Job Corps in Cassadaga, New York, which was recently rated the nation's top job center. The center's director, Andrew Carpenter, and his staff have earned top billing for overall training and job placement performance. In addition to winning national and county recognition, the Cassadaga Job Corps' achievements have also set state records.

Over the past four years, time and money has been invested in upgrading Cassadaga Job Corps facilities, including construction of an academic and training center which opened in 1997. Upcoming projects include dormitory renovations and construction, development of a waste water plant, and remodeling of the nursing education complex.

I would like to express my congratulations to the Cassadaga Job Corps' 120 staffers and 255 students who have earned the privilege of being named the best job training center in the nation, and my thanks to them for their hard work and dedication.•

LATIN-AMERICANS FOR SOCIAL AND ECONOMIC DEVELOPMENT, INC.

• Mr. LEVIN. Mr. President, I rise today to pay tribute to Latin-Americans for Social and Economic Development, Inc. (LA SED.) LA SED, a remarkable organization in my home state of Michigan, will celebrate its 30th Anniversary on May 5, 1999.

For thirty years now, LA SED has served Hispanics and the residents of Southwest Detroit through broad-based social programs. While championing the welfare of the Latino community, it has also addressed the issues that affect the diverse ethnic populations in Southwest Detroit. From education to advocacy and much more, LA SED's far-reaching hand has helped thousands of Detroit's most deserving citizens achieve a higher standard of living.

Over the years, LA SED has grown to become one of Detroit's premier multipurpose social service agencies. As it celebrates this important milestone, I am sure its staff, friends and supporters will have the opportunity to recall its many successes. I am pleased to join with them in thanking LA SED for its efforts while applauding all the hard work and determination that have resulted in its prestigious reputation.

Mr. President, LA SED can take pride in the many important achievements of its first thirty years. I hope my colleagues will join me in saluting the accomplishments of LA SED's first three decades and in wishing it continued success for the future.•

TRIBUTE TO THE RAIMONDO FAMILY

• Mr. TORRICELLI. Mr. President, I rise today to recognize the Raimondo Family as they are honored by the Fort Lee Chamber of Commerce as Family of the Year. The Raimondo name and family are synonymous with the rich history of the Borough of Fort Lee.

Carmelo Raimondo, who emigrated from the Province of Coscenza in Southern Italy, founded Raimondo Construction with his wife Madeline Battaglia in 1923. In 1942, they moved to Fort Lee with their two sons Frank and Charles. Since that time, numerous members of the Raimondo family have helped build Raimondo Construction into the pinnacle of success that it is today. Raimondo Construction has been an integral part of the Fort Lee community, and the Raimondos have helped to make Fort Lee the Borough that it is.

The Raimondo Family is now spread throughout Bergen County and across the country, and every member of the family continues to be active in their community. Whether it is serving the United States in the Navy, caring for the sick as a nurse, or shaping the youth of our nation in the Boy Scouts, the Raimondo Family has contributed a great deal to society. They have worked on behalf of a diverse pool of civic organizations such as Christie Muhaw Scholarship Fund, the New Jersey Symphony, the Church of the Good Shepard, the York Street Project in Jersey City, the Bergen 200 Club, the Police Honor League of New Jersey, the Fort Lee Council of Youth and Community Services, and the Bergen County Catholic Youth Organization. The Raimondo Family has set a standard of community activism that we should all strive to meet.

The story of the Raimondo Family is the story of the American dream. It is the story of Carmelo Raimondo coming to America in search of the opportunity that this great country offers. The success that the Raimondos have experienced is a testament to the fact that America is truly the land of opportunity. My grandparents also came to America in search of opportunity, and it is this common experience that has built a bond between myself and the Raimondo Family.

I am proud to recognize the Raimondos on this occasion.•

THE ROCKVILLE HIGH SCHOOL RAMPAGE

• Ms. MIKULSKI. Mr. President, I rise to congratulate a group of young constituents and journalists at Rockville High School's newspaper, The Rampage. This year, the students on the staff of The Rampage and their journalism teacher, Kevin Keegan, won recognition as the best student newspaper in Maryland for the seventh year in a row. I am proud of these students for putting their minds and their hearts into creating a first-rate newspaper for the Rockville community.

More than 200 years ago, when the Framers of the United States Constitution created the First Amendment, they recognized and enshrined the importance of a free press in a democratic society. With its declaration that no law could abridge the freedom of the press, the First Amendment also bestowed on our Nation's journalists a unique and special role. The Nation has given reporters the awesome responsibility to help communicate the needs of the Nation, report on and analyze the functioning of government, and chronicle the day-to-day events that affect our communities. In return, we hope those journalists recognize the importance of their responsibility and carefully tend their role as stewards of public information.

To maintain this profoundly important and delicate relationship, it is essential that journalists have strong training in writing, investigation, and ethics. That is why I am so proud of The Rampage, its staff, and its advisor. Mr. Keegan is teaching the important fundamentals of journalism, instilling in these young people the power and obligation of a free press, and encouraging them to grow personally and professionally in the process. Along the way, their hard work and commitment has earned these young journalists great respect and renown.

I would like to say a special word of thanks to The Rampage advisor, Mr. Keegan. He is well-known in Rockville and across the state for his commitment to teaching and to his students. As a journalism teacher and advisor for 20 years and coach of Team Maryland, a state all-star academic team, Mr. Keegan embodies all that is great and good about education in America. He inspires students personally, challenges them academically, and donates enormous amounts of energy and time to give kids the extra attention and encouragement they need to succeed. In 1997, he was recognized statewide when Hood College in Frederick honored him with its Maryland Distinguished Teacher award.

Mr. President, I have worked with quite a few journalists in my years of public service. I have been proud that many Maryland reporters and news outlets have earned national reputations and honors. But I am uniquely proud of The Rampage today because they represent great hope for maintaining a strong free press and a strong democratic society. In their ranks we may well find some of the next generation's Pulitzer Prize winners. I congratulate them today on their tremendous accomplishments and wish them all the best for their future endeavors. Maryland is very proud of them.•

MS. ROSA PARKS AND MR. OLIVER W. HILL

• Mr. ROBB. Mr. President, I wanted to say a few words today about two civil rights leaders to whom this nation owes an immense debt of gratitude. Ms. Rosa Parks and Mr. Oliver W. Hill, both, in very distinct ways, took action that has helped make our children more free, our society more enlightened, our culture more enriched.

I was pleased to add my name to the list of cosponsors of S. 531, legislation to award a Congressional Gold Medal to Ms. Rosa Parks, who as everyone knows stood up to segregation by sitting down in the front seats of a city bus in Montgomery, Alabama. It is difficult to adequately put in words the courage it took on the part of Ms. Parks to oppose decades of institutionalized racism. It is also hard to describe the pride we feel today in Ms. Parks' action, and in how our nation's conscience grew, although too slowly, in response to the bus boycott that followed.

Ms. Parks' action set off a 382-day bus boycott by 40,000 people, which in turn led to a federal court challenge and the end of Montgomery's segregated buses. The decade of peaceful protests that followed brought us a string of liberating Supreme Court decisions and the Civil Rights Act of 1964. Today, Ms. Parks, an unassuming seamstress, stands like a giant in the history of the 20th century.

Mr. Oliver W. Hill, an aggressive attorney for the Civil Rights movement, is less well known. But Mr. Hill is no less courageous, and the contributions he made to this country deserve much greater recognition. For that reason, I've asked the President to award him the Presidential Medal of Freedom.

I describe Mr. Hill as "aggressive" because he trained as a warrior in the cause of justice: he went to law school specifically to overturn Plessy v. Ferguson. His training paid off. He prevailed in Alston v. School Board of City of Norfolk to grant equal pay for African American teachers. And he defended the rights of African American students in Davis v. County School Board of Prince Edward County, which was one of the five cases decided as part of Brown v. The Board of Education. Sadly, all this success was not without cost. Mr. Hill remembers the terrible telephone calls to his home, and the cross that was burned on his yard in Richmond.

The courage and accomplishments of this man and this woman are truly historic and important to our nation. I hope we can pass S. 531 quickly to recognize Ms. Parks, and I hope the President will decide very soon to reward Mr. Hill with the Presidential Medal of Freedom.●

DR. CHARLENE R. NUNLEY, PRESIDENT OF MONTGOMERY COLLEGE

Mr. SARBANES. Mr. President, I rise today to commemorate the installation of Dr. Charlene R. Nunley as the new President of Montgomery College. After a national search by the College's Board of Trustees, Dr. Nunley becomes the sixth President of Montgomery College, Maryland's largest community college, founded in 1946.

Dr. Nunley has already contributed enormously to this institution in her former position as Executive Vice President and Chief Administrative Officer, where she was responsible for a $110 million budget, and provided academic leadership for 40,000 credit and noncredit students each year on three different campuses. Dr. Nunley takes over the helm from Robert E. Parilla, whose two-decade tenure was critical to the vision and growth that enabled Montgomery College to become one of Maryland's premier community colleges. Not only was Dr. Nunley Mr. Parilla's personal choice for President, she also has been with Montgomery College even longer than he, beginning her involvement six months prior to the start of the Parilla Presidency. It is, in fact, Dr. Nunley's longevity that is at the root of her deep and personal dedication to this institution. This extensive institutional knowledge also gives her the wisdom and credibility to formulate a clear vision for the future growth of Montgomery College as we approach the new millennium.

Dr. Parilla and the Board of Directors were certainly not the only ones who felt strongly that Nunley was the right person for this job. Corporate securities advisor Gordon Macklin announced that he and his wife would be making a $1.26 million gift to the school after Nunley became President. This gift, announced on January 27, 1999, constitutes the largest single charitable gift to a Maryland community college and will provide for the establishment of the Gordon and Marilyn Mack in Business Institute. The Macklin Institute, expected to open in the fall of 1999, will offer an honors program for second-year students who will be provided with a scholarship, a laptop computer, a summer internship, and a faculty and corporate mentor. Therefore not only does this Institute offer an increased business curriculum and high-tech training to Montgomery College students, but it will encourage strong business students to enroll at Montgomery College, and will promote economic development in the area.

Additionally, on March 24, 1999, Montgomery College received its second historic gift since Nunley was named President on January 4 of this year. Paul Peek, a computer systems manager from McLean, Virginia donated $1.3 million to the College's Humanities Institute and Art Department. This represents the single largest individual gift ever to a Maryland community college, and will be used to support the ongoing work of both the Humanities Institute and the Department of Art. In appreciation for this gift, Montgomery College has named the Humanities Institute and the Rockville Campus's Art Building in Peck's name.

Dr. Nunley was educated at Pennsylvania State University and received a Ph.D. in Educational Policy Studies from George Washington University. Before joining Montgomery College 26 years ago, Dr. Nunley served as Director of Institutional Research at Howard Community College in Columbia, Maryland, and began her career in education at the Potomac State College of West Virginia University.

Mr. President, Dr. Nunley's creativity, effectiveness and dedication have already contributed enormously to Montgomery College, and have significantly furthered the strength of its links with the local government and business communities. I have the utmost confidence in Dr. Nunley's ability to lead Montgomery College into the next century, and look forward to working with her during another successful 20-year tenure.●

TRIBUTE TO MR. MICHAEL A. FERRARA, JR.

● Mr. TORRICELLI. Mr. President, I rise today to recognize Michael A. Ferrara, Jr. as he is honored as an Outstanding Italian American by the Sons of Italy organization. Michael has enjoyed a fruitful legal career, multiple philanthropic endeavors, and a beautiful family.

Michael was born in South Philadelphia to the children of Italian immigrants. His father worked hard for the Pennsylvania Railroad and his mother worked for Wanamakers once Michael and his sister, JoAnn, were grown. He was raised in this city and stayed close after graduating high school, attending Villanova University on a NROTC scholarship. Michael graduated from Villanova with a degree in Mathematics and soon after, began his naval service.

In the Navy, Michael served aboard both a submarine and a destroyer, visiting Ireland, Spain, Italy, Greece, and Tunisia. His service was extended to five years due to the Vietnam War, which is where he spent his last year. While in DaNang, Michael taught English to Vietnamese children for the U.S. Information Agency and helped deliver Marines, tanks, and ammunition to river bases along the demilitarized zone. At the age of 23, Michael was in command of a mini-fleet of 25 boats and 250 men. His service in Vietnam was rewarded with several commendations including the Combat Action Ribbon, Navy Unit Commendations, Vietnam Campaign Medal and Vietnam Service Medal with three bronze stars.

After completing his military service, Michael attended law school at the University of San Diego. After graduation, he began his successful legal career. Michael has been elected President of the Association of Trial Lawyers of America, as well as President of the 2500 member New Jersey Trial Lawyer's Association. He has also served as President of the National Civil Justice Foundation. Recently he was selected, along with four other attorneys, to represent the Attorney General of New Jersey in the lawsuit against the tobacco industry.

In addition to his extensive legal career, Michael has served his community through various philanthropic endeavors, including the March of Dimes and the New Jersey State Aquarium's education program. As a fellow Italian American it gives me great pleasure to recognize Michael Ferrara and his achievements, both in his career and his community. He is a man most deserving of this award and his actions should be highly commended.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COCHRAN. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: The Foreign Service nominee on the Secretary's desk. I finally ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE FOREIGN SERVICE

Foreign Service nomination of Richard Lewis Baltimore III, which was received by the Senate and appeared in the Congressional Record of January 19, 1999

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CONGRESSIONAL AWARD ACT AMENDMENTS

Mr. COCHRAN. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 81, S. 380.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 380) to reauthorize the Congressional Award Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 380) was considered read a third time and passed, as follows:

S. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL AWARD ACT AMENDMENTS OF 1999.

(a) CHANGE OF ANNUAL REPORTING DATE.—Section 3(e) of the Congressional Award Act (2 U.S.C. 802(e)) is amended in the first sentence by striking "April 1" and inserting "June 1".

(b) MEMBERSHIP REQUIREMENTS.—Section 4(a)(1) of the Congressional Award Act (2 U.S.C. 803(a)(1)) is amended—

(1) in subparagraphs (A) and (D), by striking "member of the Congressional Award Association" and inserting "recipient of the Congressional Award" ; and

(2) in subparagraphs (B) and (C), by striking "representative of a local Congressional Award Council" and inserting "a local Congressional Award program volunteer".

(c) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 5(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking "and 1998" and inserting "1998, 1999, 2000, 2001, 2002, 2003, and 2004".

(d) TERMINATION.—Section 9 of the Congressional Award Act (2 U.S.C. 808) is amended by striking "October 1, 1999" and inserting "October 1, 2004".

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 79, S. 148.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 148) to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering S. 148, the Neotropical Migratory Bird Conservation Act of 1999, introduced by Senator ABRAHAM. I am pleased to be a cosponsor of this legislation. The bill would establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds in the United States, Latin America and the Caribbean.

Each autumn, some 5 billion birds from 500 species migrate between their breeding grounds in North America and tropical habitats in the Caribbean, Central and South America. These neotropical migrants—or New World tropical migrants—are birds that migrate between the biogeographic region stretching across Mexico, Central America, much of the Caribbean, and the northern part of South America.

The natural challenges facing these migratory birds are profound. These challenges have been exacerbated by human-induced impacts, particularly the continuing loss of habitat in the Caribbean and Latin America. As a result, populations of migratory birds have declined generally in recent years.

While there are numerous efforts underway to protect these species and their habitat, they generally focus on specific groups of migratory birds or specific regions in the Americas. One program that stands out for its success is Partners in Flight, administered by the National Fish and Wildlife Foundation. Started in 1990, this program has raised more than $41 million for 480 projects for migratory bird conservation in the United States and Latin America.

The program established by S. 148 is intended to support and bolster these existing efforts. It does so by creating a comprehensive program to address the varied threats facing the numerous species of migratory birds across their range. Frequently there is little, if any, coordination among existing programs, nor is there any one program that serves as a link among them. A broader, more holistic approach would strengthen existing efforts, fill the gaps between these programs, and promote new initiatives.

I do not intend that this program would supplant or supersede existing efforts, nor do I expect that Federal funds for implementing S. 148 be diverted from funds going to these existing efforts. New money should go to this new program to assist neotropical migratory birds in new ways.

S. 148 is identical to a bill that was approved by the Senate last year, S. 1970, but was never passed by the House. The bill is based on bipartisan negotiations with the sponsors of the bill, the House Resources Committee, the administration, and the EPW Committee. Numerous groups, including conservation groups and the forest products industry, have supported this bill.

The bill allows for the Secretary to establish an advisory group, and I urge that the Secretary do so. The success of this initiative will depend on close collaboration with public and private organizations involved in the conservation of migratory birds.

I am very pleased with the legislation. I urge my colleagues to support it, and urge its speedy enactment. Thank you, Mr. President. I yield the floor.

Mr. ABRAHAM. Mr. President, today the Senate again will pass legislation to protect the habitat of the broad range of migratory birds which spend the spring and summer months in the United States. This legislation, which I introduced with my distinguished colleagues, Senator DASCHLE and Senator CHAFEE, is designed to protect over 90 endangered species of bird spending certain seasons in the United States and other seasons in other nations of the West Hemisphere. This is actually the second time this legislation has passed the Senate. Last year, after receiving considerable support from the environmental and conservation communities, this legislation passed the Senate by Unanimous consent. Unfortunately, time ran out for equal consideration in the House. Nevertheless, this year we returned with renewed determination and were able to again move this bill.

Every year, Mr. President, approximately 25 million Americans travel to observe birds, and 60 million American adults watch and feed birds at home. Bird-watching is a source of great pleasure to many Americans, as well as a source of important revenue to states, like my own state of Michigan, which attract tourists to their scenes of natural beauty. Bird watching and feeding generates fully $20 billion every Year in revenue across America.

Birdwatching is a popular activity in Michigan, and its increased popularity is reflected by an increase in tourist dollars being spent in small, rural communities. Healthy bird populations also prevent hundreds of millions of dollars in economic losses each year to farming and timber interests. They help control insect populations, thereby preventing crop failures and infestations.

Despite the enormous benefits we derive from our bird populations, many of them are struggling to survive. Ninety species are listed as endangered or threatened in the United States. Another 124 species are of high conservation concern. In my own state we are working to bring the Kirtland's Warbler back from the brink of extinction. A few years ago, the population of this distinctive bird has been estimated at approximately 200 nesting pairs. Since then, a great deal of work has been done by Michigan DNR employees to preserve the Kirtland's Warbler habitat in the Bahamas, where they winter. Thanks in large part to this effort, the number of breeding pairs has recently increased to an estimated 800. This is an easily grasped problem. Since the entire species spends half of the year in the Bahamas, the significant efforts made by Michigan's Department of Natural Resources and concerned residents in Michigan will not be enough to save this bird if its winter habitat is degraded or destroyed.

This situation is not unique, among bird watchers' favorites, many neotropical birds are endangered or of high conservation concern. And several of the most popular neotropical species, including bluebirds, robins, goldfinches, and orioles, migrate to and from the Caribbean and Latin America.

Because neotropical migratory birds range across a number of international borders every year, we must work to establish safeguards at both ends of their migration routes, as well as at critical stopover areas along their way. Only in this way can conservation efforts prove successful.

That is why Senator DASCHLE, Senator CHAFEE and I introduced the Neotropical Migratory Bird Conservation Act. This legislation will protect bird habitats across international boundaries by establishing partnerships between the business community, nongovernmental organizations and foreign nations. By teaming businesses with international organizations concerned to protect the environment we can combine capital with know-how. By partnering these entities with local organizations in countries where bird habitat is endangered we can see to it that local people receive the training they need to preserve this habitat and maintain this critical natural resource.

This act establishes a 4-year demonstration project providing $8 million each year to help establish programs in the United States, Latin America, and the Caribbean. The greater portion of these funds will be focused outside the U.S. Approved programs will manage and conserve neotropical migratory bird populations. Those eligible to participate will include national and international nongovernmental organizations and business interests, as well as U.S. Government entities.

The key to this act is cooperation among nongovernmental organizations. The federal share of each project's cost is never to exceed 33 percent. For grants awarded outside the United States, the non-Federal match can be made with in-kind contributions. This will encourage volunteerism and local interest in communities that lack the financial resources to contribute currency. Since domestic organizations and communities are more financially secure, the matching portion of grants awarded within the United States will be required in cash.

The approach taken by this legislation differs from that of current programs in that it is proactive and, by avoiding a crisis management approach, will prove significantly more cost effective. In addition, this legislation does not call for complicated and expensive bureaucratic structures such as councils, commissions or multi-tiered oversight structures. Further, this legislation will bring needed attention and expertise to areas now receiving relatively little attention in the area of environmental degradation.

This legislation has the support of the National Audubon Society, the Nature Conservancy, the American Bird Conservancy, Defenders of Wildlife, the Ornithological Council, Ducks Unlimited, and the American Forest and Paper Association. These organizations agree with Senator DASCHLE, Senator CHAFEE, and I that, by establishing partnerships between business, government and nongovernmental organizations both here and abroad we can greatly enhance the protection of migratory bird habitat.

I want to take a moment to comment on the contributions of Senator DASCHLE and Senator CHAFEE with respect to this bill. For over a year, my colleagues and their staffs have dedicated a great deal of time and hard work to this legislation. This bill would not have advanced as it has, perhaps would not have moved at all, were it not for their efforts, and I wish to thank them for all they have done.

Mr. President, I yield the floor.

Mr. COCHRAN. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 148) was considered read a third time and passed, as follows:

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neotropical Migratory Bird Conservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species' range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term "Account" means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) CONSERVATION.—The term "conservation" means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) PROJECT APPLICANTS.—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) Project Proposals.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in Latin America, the Caribbean, or the United States;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) Project Reporting.—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of each project shall be not greater than 33 percent.

(2) Non-federal share.—

(A) Source.—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) Form of payment.—

(i) Projects in the united states.—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

(ii) Projects in foreign countries.—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

SEC. 6. DUTIES OF THE SECRETARY.

In carrying out this Act, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;

(2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this Act in accordance with its purposes.

SEC. 7. COOPERATION.

(a) In General.—In carrying out this Act, the Secretary shall—

(1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) Advisory Group.—

(1) In general.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) Public participation.—

(A) Meetings.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) Notice.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) Minutes.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) Exemption from federal advisory committee act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) Establishment.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the "Neotropical Migratory Bird Conservation Account", which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) Deposits Into the Account.—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Account.

(c) Use.—

(1) In general.—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) Administrative expenses.—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 6 percent to pay the administrative expenses necessary to carry out this Act.

(d) Acceptance and Use of Donations.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act $8,000,000 for each of fiscal years 2000 through 2003, to remain available until expended, of which not less than 50 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

APPOINTMENTS BY THE PRESIDING OFFICER

The PRESIDING OFFICER. Pursuant to the provisions of Executive Order No. 12131, the Chair appoint the following Members of the Senate to the President's Export Council: Conrad Burns of Montana; John Ashcroft of Missouri; Mike Enzi of Wyoming; Max Baucus of Montana; Tim Johnson of South Dakota.

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces the appointment of the following Senators on behalf of the Democratic Leader: Pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by Public Law 105-275, adopted October 21, 1998, and further amended by S. Res. 75 adopted March 25, 1999, I hereby appoint the following Senators to serve as members of the Senate National Security Working Group: Robert C. Byrd of West Virginia (Minority Co-Chairman); Carl Levin of Michigan (Minority Co-Chairman); Joseph R. Biden, Jr. of Delaware (Minority Co-Chairman); Edward M. Kennedy of Massachusetts; J. Robert Kerrey of Nebraska; Daniel Patrick Moynihan of New York; Paul S. Sarbanes of Maryland; John F. Kerry of Massachusetts; and Richard J. Durbin of Illinois.

ORDERS FOR WEDNESDAY, APRIL 14, 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. on Wednesday, April 14. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 1 p.m. with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator Kerry of Massachusetts, 30 minutes; Senator Brownback, 20 minutes; Senator Bayh, 10 minutes; Senators Domenici and

WELLSTONE in control of a total of 15 minutes; Senator LEAHY, 15 minutes; and Senator CLELAND, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. Mr. President, it will be the leader's intention following morning business to begin consideration of S. 767, the uniformed services tax filing fairness bill. For the information of all Senators, the Senate will reconvene on Wednesday at 11:30 a.m. and begin a period of morning business until 1 p.m.

Following morning business, the Senate will begin consideration of S. 767, a bill introduced by Senator COVERDELL and others regarding tax filing extensions for certain members of the uniformed services. Following passage of that bill, it will be the leader's intention to begin consideration of the budget resolution conference report. There are 10 hours for debate on the conference report, but it is hoped that a significant portion of that time will be yielded back.

Members should, therefore, expect rollcall votes throughout Wednesday's session of the Senate in relation to the Coverdell bill or any other legislative or executive items cleared for action.

ORDER FOR ADJOURNMENT

Mr. COCHRAN. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the remarks of Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the distinguished Senator for his patience and his forbearance.

The PRESIDING OFFICER. The Senator from Connecticut.

TRIP TO MACEDONIA AND NATO HEADQUARTERS IN BRUSSELS

Mr. DODD. Mr. President, during the recent spring recess, I took the opportunity to travel to Brussels, Belgium, to meet with NATO officials about the situation in Kosovo. Last week, I traveled to Macedonia in order to make a firsthand assessment of the refugee problem confronting that small nation.

While in Brussels, I received an assessment of the ongoing military campaign against Yugoslav military and security forces and strategic installations from Gen. Wesley Clark, commander of our NATO forces. I also discussed NATO's objectives with respect to Kosovo and the more than 600,000 Kosovars now displaced with NATO Secretary General Javier Solana, NATO ambassadors, and NATO military officials.

I found that NATO ambassadors were unified in their resolve to stand up to Slobodan Milosevic. They expressed a willingness to carry on the air campaign for as long as it might take to degrade Serbian military and security forces.

Let me also say how deeply impressed I was with Gen. Wesley Clark, the supreme allied commander of NATO forces, our ambassador to NATO and their staffs. I urge colleagues who have the opportunity to go to Brussels and meet with these NATO officials to do so. At the end of next week, there will be a gathering of the NATO nations' leaders here in Washington to celebrate the 50th anniversary of the most important strategic alliance of the 20th century. I hope that my colleagues will take advantage of the opportunity created by that historic gathering to speak with as many of these ambassadors and NATO staff and personnel as possible about the situation in Kosovo.

After these meetings in Brussels, I traveled to Macedonia on a military aircraft that was bringing urgently needed supplies to the refugee camps. It was a long flight from Ramstein Air Force Base in Germany to Macedonia, and I was deeply impressed by the young crew and their hard work. Before I left Ramstein Air Force Base, General Brady and his staff gave me an excellent briefing on how they are helping to relieve the suffering of the men, women and children displaced from their homes in Kosovo.

In Macedonia, I met with United States Ambassador Chris Hill and his staff. Let me reiterate to our colleagues here how fortunate we are to have someone of Chris Hill's talents and abilities representing us in Macedonia, particularly at a time such as this. He is a career foreign service officer, has spent time in the Balkans, knows the region well and is handling a very difficult and tense situation with a great deal of energy, vision and creativity.

While I was in Macedonia, I also met with U.S. military personnel who are a part of a unit called Able Sentry. A brigadier general and his staff briefed me on their operations. Before hostilities broke out, Able Sentry was intended as the base facility for a peacekeeping force in Kosovo. Now, these American service men and women are leading NATO's efforts to help the refugees on the ground.

I also spent some time with the enlisted personnel who make up the unit to which three young servicemen, Sergeants Ramirez and Stone and Specialist Steven Gonzales were assigned before their illegal capture by Serbian forces.

I wish all of our colleagues could have joined me in that small room last Saturday to hear these young American servicemen talk with great pride about the work of their colleagues Ramirez, Stone, and Gonzales. Ramirez, Stone and Gonzales were professionals doing a commendable job. When they were captured, they were not close to the Serbian border where they would have placed themselves and their units in any jeopardy. When I spoke with this unit of highly competent individuals just three days ago, they were deeply worried that Members of Congress in Washington would misunderstand the role that they were engaged in and the professionalism with which they were conducting their responsibilities. I assured them that my colleagues here, regardless of party, had a deep respect for the job they were doing and admire them immensely. And, like them, I pray for the safe return of their three comrades.

The service men and women I met with are committed to getting the job done, Mr. President. They know why they are there. They understand the seriousness and importance of this issue and are conducting their jobs with a high degree of professionalism.

I wanted to take a moment here on the floor to express my confidence in them and speak their names on the floor of the Senate, as I assured them I would. I urge my colleagues to do likewise and express their support for the hard and commendable job our men and women in uniform are doing.

Mr. President, the efforts of all of these men and women in Macedonia today are focused on alleviating the suffering of the thousands of people who have been forced from their homes by Slobodan Milosevic's reign of ethnic cleansing. I fear that I am not capable of fully describing the scene at the refugee camps. For a generation of us who were born at the end of World War II, the sites of a concentration camp or of the thousands of homeless people in Europe at the end of World War II rest securely in the domain of documentary films and Hollywood depictions.

Most of us in this Chamber have not had occasion to encounter firsthand the kinds of scenes that our fathers and grandfathers witnessed. Senators THURMOND and HOLLINGS of South Carolina, Senator INOUYE, Senator CHAFEE, Senator LAUTENBERG, and others who were veterans of World War II can also speak of personal recollections of those days.

In the past few days, however, the images from documentary films half a century old became a reality for me. I was profoundly struck by the sight of 45,000 people gathered together in makeshift huts or tents in an area only slightly larger than half of the Mall here in Washington. They were lining up for food, water, medicine and other basic necessities, and using open trenches as latrines. Mr. President, it was a sight to which TV film footage, television broadcasts, news descriptions—despite their talent and ability—cannot really do justice. It was a truly compelling sight.

I was deeply impressed with the work being done by the British military forces in this particular camp. It was stunning to learn that in less than 36 hours they had constructed and put up 4,000 tents to accommodate the 45,000 refugees that have poured into this particular part of Macedonia. There is another camp nearby in Brazda with some 12,000 people in it. I am told by the distinguished Ambassador from Macedonia that some 16,000 other Kosovars are living in the homes of people in Macedonia. In total, there are some 120,000 Kosovars in that one small country, geographically the size of Vermont, with only 2 million people. To put it into perspective for Americans, this is equivalent to 5 million people arriving on our shores to seek asylum in a 72 hour period. This influx of refugees represents a tremendous disruption in the economic life of Macedonia as it has in Albania.

Mr. President, as I spent 4 hours or so wandering through the refugee camp walking by rows and rows of families huddled in tents or standing in lines to receive food and water, I noticed on every single tent a homemade sign written on cardboard with ballpoint pen or lipstick or whatever else that family could use. These signs would give a person's name and which town they had live in followed by: If you see or run into my mother, my father, my sister, my brother, or my child who is lost and separated, please tell them where I am. People wander by reading the signs, trying to find members of their own families. Teenagers are caring for small children who have been separated from their parents.

As people cross the border they tell the stories of being brutalized by the Serbian military and police forces in Kosovo. These stories of what they had to endure, how they were evicted from their homes, and separated from their families, Mr. President, are haunting and shocking.

I have seen a lot of hardship in my years. I was a Peace Corps volunteer in Latin America during the 1960s. I lived in countries where there is a great deal of poverty and suffering. I have been to Haiti many times. I have traveled throughout Central and Latin America over the years. But never, Mr. President, have I seen anything quite like the scene that I saw in this camp.

At times, however, there are moments amongst the despair of the present which speak to the potential optimism of the future. In the camp I visited is a field hospital operated by the Israeli military. Since the refugees began arriving, the Israeli doctors and nurses have delivered 6 babies. I pray, Mr. President, that these 6 infants will not know the horrors of ethnic-cleansing and hatred their parents have fled. Rather, may they grow up in the spirit of understanding and respect for each other which drives these Jewish doctors to care for mostly Muslim refugees.

If there is any doubt in anyone's mind about whether or not we were trying to do the right thing as a nation and as a group of nations under the alliance of NATO, I promise my colleagues that had they been with me last Saturday, seen what I saw, and talked to the people that I talked to, there would be absolutely no disagreement in this Chamber about whether or not the United States and NATO were taking the right course of action. Our efforts to restore these people to their rightful home, bring an end to this conflict, and thus save the lives of thousands and prevent the spread of this conflict throughout the Balkans area are most assuredly the right thing to do.

I can only hope that Slobodan Milosevic will hear from this Chamber, from this Congress, and from NATO's member nations in the coming days a unanimous voice of determination to rid Kosovo of his brutal forces and stop to worst ethnic cleansing Europe has seen in decades. Furthermore, we must clearly state that we will not second guess the decisions of this administration, including President Clinton, Secretary of Defense Cohen and General Shelton, of our leaders in NATO, and of our colleagues in the diplomatic wing of NATO.

Mr. President, I think it is critically important that we demonstrate at this juncture as much bipartisan support as we can for NATO's military campaign in Yugoslavia. Once President Milosevic understands that the United States and other NATO countries are resolute in their common determination to continue a military campaign against Serbian targets until NATO's conditions have been met, I am convinced he will back down.

We must also be prepared to make clear that President Clinton has available all necessary means to carry out our mission against Serbian military and security forces. The Governments of Macedonia and Albania, together with international private relief organizations, have been confronted with a sea of refugees and are ill equipped to cope with this problem. International relief efforts to provide food, clothing, shelter, and medicines to the still-growing refugee community must continue—and on an expedited basis, I might add.

The United Nations, and specifically the United Nations High Commission for Refugees, must dramatically step up their efforts to respond to the refugee crisis in Albania and Macedonia.

It is also important to say a few words about the Governments of Albania and Macedonia. These are both poor countries that have been confronted with a situation even a wealthy nation like the United States would find difficult to cope with. While there have been some bumps along the road, I would like the Governments and the peoples of Macedonia and Albania to know that we in the United States appreciate deeply what they are trying to do to assist the Kosovar refugees and we recognize that they need substantial economic assistance to help them cope with this situation.

Macedonia and Albania should receive, in my view, bilateral and multilateral economic assistance including IMF assistance, debt relief in the form of debt forgiveness, trade assistance, in order to address war-related economic dislocation in both countries.

The hundred or so refugees with whom I spoke made it clear that they want to return to their home in Kosovo rather than be relocated throughout the globe. They also expressed deep appreciation of the international community, and specifically the United States, in endeavoring to accomplish certain goals on their behalf. It does not go unnoticed by them that the United States, once again, is standing up for those who have been treated as poorly as these people have. It is in our heritage. It is part of our collective ethic in this Nation to try to help, try to do what is right rather than to be silent and stand by while outrages are perpetrated against innocent people.

I believe that what the United States and NATO are doing reversed the Serbian policy of ethnic cleansing and is a just cause that deserves the support of the Congress and the American people.

I pledge to do all I can to support this effort. Particularly, I want to support our President, our military, and NATO as they endeavor to achieve this worthy goal. I hope before this week is out that we might find some common ideas through some collective work here to express some issues on which we can all agree. There are differences of opinion on various aspects of this crisis, but I happen to believe we share a great deal in common on this issue.

I am confident that, under the leadership of the majority leader, TRENT LOTT, and the Democratic leader, TOM DASCHLE, the chairmen and ranking members of the Armed Services Committee, the Foreign Relations Committee, and the Foreign Operations Subcommittee of the Appropriations Committee, as well as the chairman and ranking member of the Appropriations Committee and other interested Members of this body, we can find some common language and common ideas to send a clear, strong signal this week of how much we appreciate the efforts of our service men and women, of the front-line states, and of the international relief organizations. We must assure them that they do not stand alone and that we are going to do everything we can to ease the pressures and burdens that these poor refugees are facing. I am confident that we will speak with a common voice when we express our determination not to let Slobodan Milosevic's genocidal behavior stand.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. BROWNBACK). The Senate, under the previous order, will stand adjourned until 11:30 a.m., Wednesday, April 14, 1999.

Thereupon, the Senate, at 6:21 p.m., adjourned until Wednesday, April 14, 1999, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 13, 1999:

To be lieutenant general

MAJ. GEN. LESLIE F. KENNE, 0741

CONFIRMATION

Executive nomination confirmed by the Senate April 13, 1999:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

RICHARD LEWIS BALTIMORE, III, OF NEW YORK

HOUSE OF REPRESENTATIVES—*Tuesday, April 13, 1999*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. MICA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 13, 1999.

I hereby appoint the Honorable JOHN L. MICA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

WATER VISION 2000

Mr. BLUMENAUER. Mr. Speaker, since I was elected to Congress I have been focusing on the issue of livable communities and how we create better partnerships between the Federal Government and our citizens.

The livability movement is gaining dramatic momentum nationally as we watch officials from the Vice President, Mr. GORE, to local city and county commissioners champion goals for easing traffic congestion, promoting urban redevelopment and creating more open and green spaces. We have seen fundamental changes in how the Federal Government is approaching transportation once we acknowledged that trying to pave our way out of congestion simply did not work, and just as the ISTEA legislation and the recently-enacted TEA-21 are promoting innovative approaches to transportation problems, I suggest that it is time for us to take a new approach to how we manage water resources. It would begin with a vision and a framework for improving the way the Federal Government approaches water resource problems and management based on the same flexibility that we have seen in transportation.

For too long, Mr. Speaker, we have treated our watersheds and rivers as machines, costing taxpayers billions of dollars as our communities continue to face increased risks from flood, decreasing numbers of fish and growing health risks caused by polluted rivers and streams. Forty percent of our Nation's waterways fail to meet drinking, recreation or fish habitat needs, and that number sadly is growing. Some urban streams and creeks and rivers are so degraded, people consider them dead and beyond recovery.

Yesterday, Mr. Speaker, I joined with the America's Rivers program to announce America's most endangered rivers of 1999, a list of 10 such threatened waterways and what we can do about it. Well, Congress can help right now, and I suggest that we approach water issues in this session with what I would term Water Vision 2000.

It would, first of all, suggest that the Federal Government deal fundamentally with watersheds. We must think more broadly and comprehensively about the missions and how they can work with local communities throughout the entire watershed cycle.

Second, we must focus on increased Federal flexibility. We need more coordination and responsiveness from Federal agencies so local communities can be creative in how they meet their water challenges. In this way we can indeed make sure that we are spending each dollar two or three times over in terms of total benefit, and citizen involvement must be part of the solution and not simply an afterthought of the decision-making process.

We have been using such an approach in Oregon. Last November we brought together over 300 people to deal with a summit on the needs of the Johnson Creek watershed, 54 square miles, to consider 45 separate plans that exist to deal with land use and regulatory issues in this area. It was a beginning for our efforts to deal more comprehensively and creatively together from the Federal level down to the local area.

I have suggested in this Congress three additional legislative proposals. I have already discussed on this floor approaches to the Federal flood control program. I hope ultimately we will have municipal watershed management on Federal lands; and I hope that people will join with me this week in dealing with reforms to the National Flood Insurance Program. High-risk properties for flood insurance right now make up only 2 percent of all the national flood properties, but they claim 40 percent of all Federal flood insurance pay-outs. Over the last 18 years, repetitive losses from these properties have cost the taxpayers over $2.5 billion.

My legislation would deny national Federal flood insurance coverage to people who file two or more claims that total more than the value of their property. It would suggest that people who refuse to use Federal money to take the precaution of flood-proofing their homes or relocating out of harm's way would no longer be entitled to continuous Federal payment. Now is the time that we in this Congress ought to dedicate our efforts at every turn to make sure that the numerous local and Federal water agencies are working comprehensively in the watershed, Mr. Speaker.

The next great advance in livability, if my colleagues will pardon the expression, is to be found on the waterfront, and I call on my colleagues to join me in this Congress in a comprehensive approach to a new vision of water resources.

SPECIFICS OF THE REPUBLICAN AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I thought I would take a few minutes to kind of report on what the last couple weeks were like when I was back home spending time with my constituents during the district work period, conducting 15 town meetings, and I wanted to report today on really the response to the Republican agenda of good schools and low taxes and a secure retirement for all Americans.

I have the privilege of representing a very, very diverse district, the south side of Chicago in the south suburbs of Cook and Will Counties as well as a lot of rural and bedroom communities, and one always listens for the common concerns when they represent a diverse district of cities, suburbs and country.

During the last two weeks I got a pretty good response. People were very supportive of the Republican agenda of strengthening our local schools, of lowering the tax burden for the middle class, of making for a secure retirement for all Americans by strengthening Medicare and Social Security.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I would like to take a few minutes just to talk about some of those specifics of our Republican agenda, and of course let me begin with the Republican efforts to strengthen Social Security and to strengthen Medicare for the next three generations.

Mr. Speaker, I am often asked a common question over the last several years that I have had the privilege of being in the Congress, and that question is: When are you politicians in Washington going to stop raiding the Social Security Trust Fund? I was pleased to tell my constituents that this is the year we are going to do that. This is the year we are going to wall off the Social Security Trust fund and say, "Hands off," and my constituents frankly were pretty shocked when they learned that the Clinton-Gore budget actually raids the Social Security trust fund by $351 billion.

I think it is important to note that when we compare Republican efforts to wall off the Social Security Trust Fund, which means 100 percent of Social Security according to this chart for Social Security versus the Clinton-Gore proposal for 62 percent of the Social Security Trust Fund going to Social Security and the other 38 percent being spent on other things, that is what this means. The President wants to spend 38 percent of Social Security on new government programs. Republicans, of course, want to wall off the Social Security Trust Fund, essentially putting trust back in the trust fund with 100 percent of Social Security for Social Security, and that is a big victory.

Mr. Speaker, I also want to note that the Republican budget sets aside almost $400 billion more than the Clinton-Gore budget for Medicare and Social Security.

Now our second priority in our agenda, of course, is lower taxes for the middle class, and I am one who believes that when the tax burden for the average family in Illinois is about 40 percent of their income going to local, State and Federal Government for taxes, that that tax burden is too high and we need to lower the tax burden, particularly for the middle class. And when we talk about the tax burden, I find that constituents, whether it is at the union hall or the VFW or the local Chamber of Commerce, they tell me that the Tax Code is too complicated, requires too much paperwork, and the majority of people have to hire someone else to fill out the tax forms. And I also point out that the tax burden is really unfair.

As we work this year to lower the tax burden, I believe that our top priority should be to simplify the Tax Code, to address the unfairness in the Tax Code, and of course we need to begin by eliminating the marriage tax penalty. Is it right, is it fair that 21 million married working couples on average pay $1,400 more in higher taxes just because they are married, $1,400 more than an identical couple living together outside a marriage? That is wrong, that our Tax Code punishes marriage.

The Marriage Tax Elimination Act has 230 cosponsors. Let us get it done this year. Let us simplify the Tax Code and eliminate the marriage tax penalty.

Of course the Republican agenda, a secure retirement and lower taxes also includes strengthening our local schools, and we want to strengthen our local schools by empowering our local school boards and our local teachers and our local parents to run their schools and giving them the flexibility, of course, to meet the needs of local communities, and that is an important shift because previously for 30 to 40 years all the power was moving to Washington. And I talk with local school administrators and school board members. They tell me maybe in Illinois 6 percent of our public schools' budget comes from Washington, but so does two-thirds of the paperwork and almost 100 percent of the mandates, micromanaging how our schools are run.

We want to let local schools run themselves and meet the needs of their local communities, and that is why we want to pass the Ed Flex legislation. My hope, it will be on the President's desk fairly soon.

The other concern that local school board members also share with me is they say, as my colleagues know, "You've increased funding at the Federal level by 10 percent, even while you've been balancing the budget, increasing funding for education, but if you look at how those dollars have been spent, only 70 cents of every dollar actually reaches the classroom. Thirty cents is lost in the Washington bureaucracy."

Our goal is to ensure that more dollars get to the classroom, with a goal of 95 cents on the dollar reaching the classroom, and if we compare that to the current cost of delivering those funds to our local schools, that is a 25 percent funding increase above and beyond what they are currently receiving. We are providing $22 billion in Federal funding for our local schools. It is just wrong that 30 cents on the dollar currently is lost in Washington.

Let us help our local schools. Let us lower the tax burden for the middle class. Let us secure retirement by strengthening Medicare and Social Security.

PUERTO RICANS—FIRST CLASS CITIZENS IN TIMES OF WAR, BUT SECOND CLASS CITIZENS IN TIMES OF PEACE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, as we return to our offices from our 2-week Easter recess, many important issues claim our immediate attention, not the least of which is the crisis in Kosovo. The matter is further complicated by our concerns about the three American soldiers being held prisoners by the Serbian government. Our prayers are with them and with their families at this critical period.

Throughout our Nation's history it has been demonstrated that our commitment to democratic values and securing peace and stability throughout the world has in many instances required the mobilization of our armed forces for the common good. During this century, in our dedication to peace and harmony amongst all people, we have opposed the forces of genocide and the inhumanity and cruelty of those who aim to ethnically cleanse a population, and this time it is not any different. The NATO allies stand firmly behind the aim to secure peace in the Yugoslavia region.

And now in this endeavor, just like we have in every other armed conflict throughout the century, the American citizens that reside in Puerto Rico stand shoulder-to-shoulder with their fellow American citizens from every other State, ready and willing to contribute in any way possible to the establishment of justice and freedom. Because we are proud to enjoy the freedoms that our Nation stands for, we have been willing to accept the responsibilities and sacrifices that are demanded. The discharge of this important trust is what patriotism is all about.

Inherent in this quest for freedom is the belief in equality. Only as equals can we join in the common quest.

□ 0945

Our Nation's first elected leader, President George Washington, said it best when he wrote that "the spirit of freedom beats too high in us to submit to slavery."

President Washington's message to the Senate and the House of Representatives of January 8, 1790, underscored this guiding belief in equality. He said, and I quote, "The welfare of our country is the object to which our cares and efforts are to be directed. And I shall derive great satisfaction from a cooperation with you, in the pleasing though arduous task of ensuring to our fellow citizens the blessings which they have a right to expect from a free, efficient and equal government."

What is difficult to understand is how, despite our Nation's adoption of equality as one of the guiding principles of our democracy, we, the American citizens who reside in the territory of Puerto Rico, are not only denied the right to participate as equals in the democratic process but also denied participation in the safety net programs that all other Americans enjoy in the 50 States. Despite our common vision throughout the century, despite the 197,000 Americans from Puerto Rico who have heard the call to defend democracy, and despite the thousands who willingly paid the price of patriotism and sacrificed their own lives, 4 million American citizens are denied the benefits that all others in the Nation take for granted.

Senator MOYNIHAN told us a decade ago that when people fight for a country, they get a claim on that country. His words ring as true today as they were then. We have been equals during times of war and death, and we aspire to be equals in time of peace, prosperity and in life.

Mr. Speaker, I want to encourage my colleagues to remember at this critical time that separate and unequal policies that promote unfairness and discrimination have no place in our Nation. By virtue of living in a territory, American citizens are denied equality that is inherent in the American system of government. This denial betrays our democracy and the men and women who valiantly defend it.

What is more, let us remember that even though our troops face danger equally, they are not all equal citizens because not all of them enjoy the same participation in the health and education programs that benefit all other Americans.

Puerto Ricans are first-class citizens in times of war, but second-class citizens in times of peace. That is un-American.

THE SOLVENCY OF SOCIAL SECURITY

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I come before the Chamber this morning to talk about an important item for this country, and that is the solvency of Social Security.

I have been in Congress 6 years. When I first came to Congress in the 103rd Congress, and subsequently in the 104th Congress, 105th Congress, I have introduced legislation that would keep Social Security solvent.

This year, I am chairman of a bipartisan Budget Committee Task Force on Social Security. The problem of solvency justifies a few minutes of review and comment.

Most workers today look forward to some kind of Social Security when we retire based on the fact that most of us now pay 12.4 percent out of every dollar we earn as a Social Security tax. Most workers anticipate that there is going to be some return on that kind of contribution to the Social Security system.

However, we were told back in 1993 by the Congressional Budget Office, and by the President's Office of Management and Budget, that Social Security would be going broke.

Now, in the last several months, we have been hearing from both sides of the aisle, the Democrats and the Republicans, that paying down the public debt with some of the Social Security surplus would somehow save Social Security. Not so. Not so, Mr. Speaker.

It is good and it is historic that for the first time in recent history we will not be using the Social Security surplus for other government spending programs. So when some have bragged about having a balanced budget in the past, they have been misleading. It has been somewhat of a hoodwinking of the American public, because we have depended all these years on the surplus coming in from Social Security to mask the deficit.

The good news is that this year, for the first time in many, many years, we will not be spending that Social Security trust fund surplus. Now we have got to have the intestinal fortitude, we have got to have the willingness, to face the tough problem of saving Social Security and Medicare. That means a restructuring of the program.

Generally, Mr. Speaker, the problem is based on demographics. There are more and more retirees in relation to the number of workers paying in those taxes. Let me just give you a quick example of why depending on current worker taxes to pay current retiree benefits is a problem.

In 1950, there were 17 people working, paying in their Social Security taxes that was immediately sent out to beneficiaries, 17 to 1. This year there are three workers paying in their Social Security tax for every one retiree, and the estimate is that by 2030 there will be only two workers trying to come up with enough to support their families and one retiree. So there has to be some structural changes in the way the Social Security system works.

It is a tough decision, and that is why politicians have not dealt with it. There are only two ways to save Social Security. That is, either reduce benefits or increase the amount of revenue coming in. One way to increase revenue is private investment. However, that by itself will not fix Social Security.

Let us hope, Mr. Speaker, that we have the gumption, the fortitude, the willingness to step up to the plate to make the hard decisions in order to save Social Security. Let us hope that the American people are willing to learn about the complicated ways Social Security is financed and to encourage their representatives in Congress to move ahead. Let us be clear that even though using the Social Security surplus to pay down the public debt is better public policy than using the money to finance more government spending, it does not save Social Security.

LET US KEEP MEDICARE A SUCCESSFUL PUBLIC PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, we received good news 2 weeks ago when the Medicare and Social Security trustees reported that both programs will be solvent significantly longer than projected. For Medicare, the trustees reported that the Medicare trust fund will remain solvent through at least 2015.

Those in Congress, the think tanks and the Washington pundits who want to privatize Medicare are wringing their hands over the trustees' latest report. They believe these new projections will lead Congress to do nothing towards reforming Social Security and Medicare.

Once again, Medicare privatizers are wrong. The real threat to Medicare is not its alleged pending bankruptcy. The real threat to Medicare is a legislative proposal just rejected by the National Bipartisan Commission on the Future of Medicare which would have privatized Medicare and delivered it to the private insurance market.

Under a proposal soon to be introduced called "premium support," Medicare would no longer pay directly for health care services. Instead, it would provide each senior with a voucher good for part of the premium for private coverage. Medicare beneficiaries could use this voucher to buy into the fee-for-service plan sponsored by the Federal Government or to join a private plan.

To encourage consumer price sensitivity, the voucher would track to the lowest cost private plan; Medicare privatizers tell us that seniors could then shop for the plan that best suits their needs, paying the balance of the premium and extra if they want higher quality care. The proposal would create a new, private system of health coverage but it would abandon Medicare's fundamental principle of egalitarianism.

Today, the Medicare program is income-blind. All seniors have access to the same level of care. The idea that vouchers would empower seniors to choose a health plan that best suits their needs is simply, Mr. Speaker, a myth. The reality is that seniors will be forced to accept whatever plan they can afford.

The goal of the Medicare Commission was to ensure the program's long-term solvency. This proposal will not do that. Supporters of the voucher plan say it would shave 1 percent per year from the Medicare budget over the next few decades. That is still not enough to prevent insolvency, and it is based frankly on overly optimistic projections of private sector performance. Bruce Vladeck, a former administrator of the Medicare program and a commission member, doubted the commission plan would save the government even a dime.

Efforts to privatize Medicare are, of course, nothing new. Medicare beneficiaries have long been able to enroll in private managed care plans. Their experience, however, does not bode well for a full-fledged privatization effort. These managed care plans are already calling for higher government payments. They are dropping out of unprofitable markets and they are cutting back on benefits to America's elderly.

Managed care plans are profit driven and they do not tough it out when those profits are unrealized. We learned this lesson the hard way last year when 96 Medicare HMOs deserted more than 400,000 Medicare beneficiaries, including in Lorain and Trumbull Counties, Ohio, because the HMOs did not meet their profit objectives.

Before the Medicare program was launched in 1965, more than half the Nation's seniors were uninsured. Private insurance was the only option for the elderly, but insurers did not want seniors to join their plans because they knew that seniors would actually use most of their coverage. The private insurance market has changed considerably since then, but it still avoids high risk enrollees and, whenever possible, dodges the bill for high-cost medical services.

The problem is not necessarily malice or greed. It is the expectation that private insurers can serve two masters, the bottom line and the common good. Logically, always looking to the bottom line, our system of private insurance has left 43 million uninsured individuals in the United States. If the private insurance industry cannot figure out how to cover these people, most of whom are middle-income workers and children, how will they treat high-risk, high-cost seniors?

If we privatize Medicare, we are telling America that not all seniors deserve the same level of quality health care. We are betting on a private insurance system that puts its own interests ahead of health care quality and a balanced Federal budget.

The Medicare Commission wisely disbanded without delivering a final product. Premium support proponents must realize that they cannot make Medicare privatization look like an equitable, fair alternative to the public program upon which 36 million seniors in this country depend. Premium support backers also have repeatedly tried to scare America's seniors by predicting that Medicare will go bankrupt.

Congress would not let Medicare go bankrupt any more than it would let the Department of Defense run out of money.

The goal is simple. Let us keep Medicare the successful public program it has always been.

TROOPS TO TEACHERS PROGRAM IMPROVEMENT ACT OF 1999

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Colorado (Mr. HEFLEY) is recognized during morning hour debates for 5 minutes.

Mr. HEFLEY. Mr. Speaker, I am introducing the Troops to Teachers Program Improvement Act of 1999. This legislation will enable retiring military personnel to find rewarding second careers as teachers in our Nation's public schools.

As we all know, our schools and students are in desperate need of more high-quality teachers. This bill, which I am introducing with the support of my colleagues, the gentleman from Texas (Mr. EDWARDS), the gentleman from California (Mr. GALLEGLY) and the gentleman from Indiana (Mr. HILL), will help provide those teachers. This bill not only reauthorizes Troops to Teachers, but also strengthens and improves the enormously successful program.

Troops to Teachers was created in 1994 to assist military personnel who were affected by military downsizing find second careers in which they could utilize their knowledge, professional skills and expertise in our Nation's schools. The program offers counseling and assistance to help participants identify teacher certification programs and employment opportunities.

Since its authorization in 1994, Troops to Teachers has helped over 3,000 active duty soldiers enter our Nation's classrooms and make significant contributions to the lives of our students.

□ 1000

These military personnel turned teachers have established a solid reputation as educators who bring unique real-world experiences to the classroom. They are dedicated, mature, and experienced individuals who have proven to be effective teachers, as well as excellent role models. They are also helping fill a void felt in many public school districts. Over three-quarters of the Troops to Teachers participants are male, compared with about 25 percent in the overall public school system, and over 30 percent of these teachers belong to a minority racial ethnic group.

In addition, a large portion of these teachers are trained in math, science, and engineering, and about half elect to teach in inner city or rural schools. Overall, the retention of these teachers is much higher than the national average.

Not surprisingly, Troops to Teachers is winning glowing reviews from educational administrators, teachers and legislators. Education Secretary Richard Riley praised the program as an new model for recruiting high quality teachers.

School principals and superintendents who have employed Troops to Teachers participants are overwhelmingly supportive of the program. In a 1995–1996 survey, over 75 percent of the principals and superintendents rated Troops to Teachers participants as above average or higher.

The authorization of this successful program is set to expire at the end of this year. My colleagues and I have introduced the Troops to Teachers Program Improvement Act in an effort to reauthorize the program and strengthen some aspects of it so it operates more efficiently and more effectively, and targets the educational needs of our students.

I hope my House colleagues will join me in preserving this education success story by cosponsoring the Troops to Teachers Program Improvement Act.

INDIA MISSILE TEST SHOULD BE SEEN IN CONTEXT OF CHINESE THREAT

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, in light of India's test launch of the Agni missile on Sunday, I want to state today or stress today that the U.S. should look at India's action in light of China's threat to the Indian subcontinent. We should view this step by India in the context of the ongoing threat posed by China, and the fact that Pakistan's missile development program has developed so quickly because of Chinese support.

The weekend's developments further demonstrate the need for a U.S. policy with regard to South Asia that turns away from the current stance of confrontation with India and towards recognition of India's legitimate security needs. We should have increased consideration for the prospects of greater Indo-U.S. cooperation in responding to the threats posed by China.

Mr. Speaker, last week's visit by the Chinese premier to Washington also raised important questions about how China, a potential adversary, and India, a potential partner threatened by China, are treated in terms of U.S. policy.

Last week official Washington witnessed the arrival of Premier Zhu with fanfare and ceremony at the White House, suggesting the visit of an international leader who was a trusted friend and partner. But during the premier's visit, as with other high level meetings between the United States and China, we kept hearing of the need for engagement, despite the fact that China has a terrible human rights record and has actually stepped up the pressure on dissidents; despite the fact that China threatens her neighbors, including Taiwan, and provides missile technology to unstable regimes like Pakistan; and despite, and I stress again, despite the growing evidence of Chinese espionage of American nuclear weapons secrets.

Yet, at the same time, when it comes to our relations with the world's largest democracy, that is India, we keep that country at arm's length, ever wary of their intentions and motives.

If pure economics were the only consideration, our policy double standard with the two Asian giants still would not make any sense, in my opinion, Mr. Speaker, because India's population is almost as large as China's, and will surpass China early in the next century. India offers opportunities for American trade and investment at least comparable to China, and India does not threaten fundamental U.S. interests, which is more than we can say about China.

Furthermore, India, a country that holds regular elections at the national and local levels, is seriously committed to improving her human rights situation and the treatment of all minority communities, again, much more than can be said for China.

I think, Mr. Speaker, we need to shift our focus from simply condemning India for becoming a nuclear power, which whether we like it or not is a reality, to adjusting our thinking to this new reality and working to promote peace, security, confidence-building, and nonproliferation in South Asia.

Within our U.S.-South Asia policy, our narrow India-Pakistan focus overlooks the role of China. I believe that China is the real threat to India, as well as to U.S. interests and to regional security. It is in this context that India's potential role as a partner for peace and stability should be understood. Even if the current climate for partnership is not ideal, at least we should stop seeing India as a threat.

In particular, India has legitimate concerns about China's support for Pakistan's nuclear and missile programs. A Rand study published last year indicated that technical help from China, as well as North Korea, is responsible for the accelerated development of Pakistan's missile program. In addition, China invaded India in 1962, and continues to have designs on Indian territory. Since the U.S. should also view China as a potential adversary, there is a growing convergence of American and Indian objectives for responding to China.

Mr. Speaker, in a previous statement on the Floor of the House of Representatives in February I said that the U.S. should pay attention to the emerging notion of minimum deterrence in the Indian subcontinent, combined with a declared policy of no first use of nuclear weapons.

I have always believed that our goal should be to make India a partner in the American foreign policy goal of minimizing the threat of nuclear war. One way of accomplishing this is to take the long overdue step of accepting India as a permanent member of the U.N. Security Council. While I recognize there is opposition to this step, we must find ways to make India a partner for peace for purposes of confidence-building, and also avoiding the dangers of isolation.

THE VINDICATION OF SUSAN McDOUGAL AND THE CONFIRMATION OF BILL LANN LEE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning there are several things on my mind that I would like to share with this body. In particular, let me acknowledge and congratulate the vindication of Susan McDougal. When asked the question, what happened in that case and how did she feel, she clearly acknowledged the fact that all of us knew would come to light: Susan McDougal told the truth, that there was no substance in Whitewater to attribute illegal activities to the President and First Lady of the United States. During her tenure, truth was not enough for the special prosecutor and the special Independent Counsel, but a jury in Arkansas has vindicated her.

The same thing with the contempt charge for the President. A sad day, a sad occurrence. But it was what we argued in the Committee on the Judiciary, which was this was a civil matter that would be handled by the civil courts. Today that has occurred, or yesterday that has occurred.

Unfortunately, the tragedy of impeachment proceeded because others disagreed and felt that matters that could have been handled by the courts were the responsibility of this body to take on the highest act that this body could take in the impeachment of a president.

I am very happy, however, that the people of the United States saw the facts of this situation, and that this individual, the President of the United States, was not impeached, or was not convicted of these particular acts.

With that, let me also bring to the attention of this body the need to move forward with the confirmation of the Assistant Attorney General for Civil Rights, Bill Lann Lee. This gentleman has served in this position for almost 2 years as the Acting Attorney General. Yet, it has not been seen fit to confirm him by the other body.

He has worked tirelessly and within the laws of the land. He is an outstanding civil rights attorney. He is a first generation Asian American. He has worked in the civil rights area for some 23 years. He has spent his time with his nose to the grindstone. He has in fact worked very hard, but he has not worked viciously, or with vindictiveness.

I have seen him work in my district, coming to Houston and joining me in a town hall meeting on hate crimes after the death of James Barrett, Junior. He has also worked with cases like the shooting death of Pedro Oregon, so he is concerned about law enforcement, but he is also concerned about justice, as well.

Mr. Lann Lee is someone who brings the kind of practical experience and leadership to the Justice Department that is needed. He has maintained a sense of dignity, and realizes that, although when we talk about civil rights there are those who will raise their voices and say, well, we have already crossed that hurdle, America is beyond that, there is no need to address those issues, and of course people will speak without facts, but I can assure them, with the devastating opinions like that in Texas, which has denied access of Hispanics and African-Americans to institutions of higher learning, with job discrimination against women in the work force, with the lack of equal pay for equal work, I can assure Americans that although they may want to turn their heads and may not want to hear about civil rights, it is important for those of us who uphold the law to not turn our heads, to not be afraid of the truth, but go forward and take the higher ground, and work with those of good will and good faith and ensure that this is truly a land of equal opportunity.

Bill Lann Lee does nothing but follow the law. He is not in any way changing the law. He is not interpreting the law, making the law in his own form. He is following the law of the land, which is affirmative action; not quotas, but the outreach to individuals to give them an opportunity, to give them a helping hand, not a handout.

He is following the law on fighting against discrimination of women in the workplace. He is following the law on being against the hate crimes like those perpetrated against James Byrd, Junior. He is following the law when he is investigating the allegations of police brutality that are not a respecter of color, creed, or religion, but happen across the Nation. He is following the law when he protects good law enforcement, as well.

As indicated by Sandy Bernard, who was president or is president of the 150,000 member American Association of University Women, in an editorial in the Houston Chronicle on Monday, April 12, 1999, "For more than a year Lee has done an outstanding job as the Acting Assistant Attorney General, enforcing our Nation's civil rights laws effectively, fairly, and vigorously. His work on behalf of women is impressive, and he is moving forward."

We cannot ask Bill Lann Lee, Mr. Speaker, to change the laws that he has to enforce. What we can simply do is say, do your job. He should be confirmed and confirmed now.

Mr. Speaker, I include for the RECORD a copy of the article in the Houston Chronicle of Monday, April 12, 1999.

The article referred to is as follows:

GET PAST POLITICS, APPROVE BILL LANN LEE NOMINATION

Civil rights laws are designed to protect equal opportunity, but these laws are meaningless without a strong leader to enforce them. That leader is Bill Lann Lee. The Senate must confirm Lee as assistant attorney general for civil rights if we are going to guarantee equal protection for all.

For more than a year, Lee has done an outstanding job as the acting assistant attorney general enforcing our nation's civil rights laws effectively, fairly and vigorously.

His work on behalf of women is impressive. He has challenged public-sector employment practices that have excluded women from many traditionally male jobs. He has enforced Title IX—the law that prohibits discrimination on the basis of sex in education—in many federal training and educational programs.

As chair of the National Task Force on Violence Against Health Care Providers, created after the murder of Dr. Barnett Slepian, he has vigorously protected reproductive health care providers. He has made prevention and prosecution of hate crimes a top priority of the division under his leadership.

Prior to his current position, Lee worked for two decades as a civil rights attorney and a champion of equal opportunity. He negotiated settlements in cases that successfully broke down workplace barriers, especially those that kept women from advancing. Lee made a name for himself by bringing about positive change through the law and building consensus and partnerships—something we need more of in Washington.

So what is the problem? I comes down to politics. In 1997 the Senate, Judiciary Committee held up Lee's nomination though he was clearly qualified for the job. Some senators thought that Lee would support "unconstitutional" affirmative action policies. Yet these policies are the law of the land. In fact, Lee has strictly adhered to recent Supreme Court rulings on affirmative action.

If our elected officials have an issue with the law, they should not take it out on those appointed to uphold the law. Interestingly, recent votes in the House and Senate have been supportive of affirmative action. It seems the Senate Judiciary Committee would rather hold the nation to its own agenda than allow a vote where the outcome may be disagreeable to them.

The American Association of University Women was sure of Lee's ability when he was first nominated a year ago, and we are only more convinced today. Lee's 23-year history of fighting discrimination and working for justice speaks for itself. His excellent work over the past year should be rewarded with a confirmation so he can continue his job.

By confirming Bill Lann Lee, the Senate will demonstrate that it can rise above political pettiness and prove its commitment to advancing civil rights for everyone.

Mr. Speaker, I rise today to inform the nation of a continuing injustice. I rise to tell the nation of an attorney with impeccable credentials and qualifications to be the next Assistant Attorney General for Civil Rights at the United States Department of Justice. I rise today to remind you of the story of Bill Lann Lee.

It is now more than two years since his appointment to fill the position of Assistant Attorney General. Yet, his appointment to be the next Assistant Attorney General for the Civil Rights Division has been frozen for more than two years in the Senate. The Senate has refused to complete the confirmation process.

Mr. Lee is one of the country's leading civil rights attorneys, with a long and distinguished history of defending the rights of all Americans. Mr. Lee's distinguished legal career has spanned more than 23 years. He has tirelessly spent his career seeking equal opportunity for all people and working diligently against discrimination in all forms, including employment, housing, voting and education. Mr. Lee has extensive experience in civil rights law.

Yet despite all these accomplishments, his confirmation remains unfinished. A man whose experience in civil rights law includes extensive work in employment discrimination, health care, prevention of lead poisoning in poor children, access to public transportation, and equal access to education.

I know first hand Mr. Lee brings a reasoned approach to his post. He has served the interests of his client, the American people without hesitation. During the last two years, he has served the nation as the Acting Assistant Attorney General. He has won my respect with his straightforward approach and on many occasions he has responded to the needs of the 18th Congressional District. Mr. Lee came to Houston to participate in a Town Hall Meeting on Hate Crimes.

During his two years as Acting Assistant Attorney General the Civil Rights Division has enforced the laws that prohibit discrimination on the basis of race, color, religion, sex, national origin, disability, and other factors. Known as a skilled consensus builder, he has tirelessly worked to improve civil rights for all Americans.

Bill Lann Lee brings the kind of practical experience and leadership to the Justice Department that is needed. His leadership of the Civil Rights Division has included many issues including the monitoring of elections and investigating the police as well as protecting citizens with disabilities. One needs to look no further than events in Jasper, TX and New York City to see the leadership of Bill Lann Lee.

I praised President Clinton in 1997 when he made this appointment and I continue my support today. It is long past the time that the Senate should have taken action to confirm Bill Lann Lee as the nation's Assistant Attorney General for Civil Rights. I urge my colleagues in the Senate to complete this process. Congress needs to reaffirm its commitment to civil rights and we can send no greater sign than to confirm Bill Lann Lee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are again reminded not to refer to the personal conduct of the President of the United States.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 10 o'clock and 11 minutes a.m.), the House stood in recess until 11 a.m.

☐ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 11 a.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are thankful, gracious God, that with all our differences of tradition and experience, and with the contrasts between us that mark our individuality, we are still bound together by Your creative spirit. We are grateful, O God, this spirit can unite us and make us whole, that this spirit can show us the way to live in harmony and concord, that this spirit can show us the power of faith and hope and love. Breathe into our hearts and souls, O God, this spirit of unity and peace, and may we so learn to live our lives that we testify to the wonder of Your grace. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. COSTELLO) come forward and lead the House in the Pledge of Allegiance.

Mr. COSTELLO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 24. Concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 17. Concurrent resolution concerning the 20th Anniversary of the Taiwan Relations Act.

SUPPORT H.J. RES. 37, REQUIRING TWO-THIRDS VOTE IN CONGRESS FOR PASSAGE OF TAX INCREASES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, on Thursday, the Federal Government will reach out its big hands and its sticky fingers and stick them into the pockets of every hard-working man and woman in this country.

Two days from today, April 15, Mr. Speaker, the tax man comes into every working family's home to collect his dues. Well, enough is enough.

That is why I am supporting H.J. Res. 37, which proposes an amendment to the Constitution and requires the House and the Senate to garner a two-thirds majority vote for passage of any legislation that will result in a tax increase.

At a time when the Republican Party is trying to whittle down the tax bite of the Federal Government, to ease the tax burdens on American families, the least we can do is enact common sense legislation to make it harder to raise taxes.

Taxes are currently too high, and now this country is starting to run a budget surplus. The last thing Congress should do is dig deeper into the pockets of hard-working taxpayers.

We should all support tax cuts, support a constitutional amendment that makes it more difficult to raise taxes, and by doing this we will be supporting America and its future.

Mr. Speaker, I yield back any small change that may be left in our pockets.

CHINA SHOULD NOT BE ADMITTED TO WORLD TRADE ORGANIZATION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last year Members vowed that China would not violate any African trade program we passed. Well, guess what, reports quote Chinese leaders as saying China will set up assembly plants in Africa with Chinese equipment, Chinese technology and, guess what, Chinese workers as well.

To further quote this madness, they said China is determined to circumvent any U.S. quotas on Chinese products.

Disgusting. And after all this, certain Members and certain individuals at the White House still want to admit China to the World Trade Organization. Beam me up. What is next here, a monument to Mao Tse-tung right in Washington?

I yield back a $200 billion trade deficit that threatens every man, woman and child in America, as well as our national security.

VOLUNTEER MIAMI FAIR A SUCCESSFUL VOLUNTEER PROGRAM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, this Saturday, April 17, South Florida will once again become the center of opportunity as the second annual Volunteer Miami fair commences.

At Miami-Dade Community College's Wolfson Campus, hundreds of South Floridians will gather to demonstrate their commitment to their communities and their willingness to serve. At Volunteer Miami we will learn ways in which to utilize our talents and skills and focus our energy on promoting positive, effective change for South Florida.

Martin Luther King stated, "Everybody can be great because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You only need a heart full of grace. A soul generated by love."

In my district, the rewards reaped by volunteerism has been immeasurable.

I thank Dr. Eduardo Padron, David Lawrence and Valerie Taylor for making this service extravaganza possible, and I thank the hundreds of dedicated volunteers who know that, by sharing a little of their time, they can truly make a difference.

I hope that my congressional colleagues will be inspired to organize similar volunteer fairs in their districts to unleash the power behind volunteerism.

CHILD ABUSE PREVENTION MONTH

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I rise to remind the House that April is Child Abuse Prevention Month.

The most recent data compiled by the National Committee to Prevent Child Abuse shows now that more than 3 million cases of child abuse and neglect are reported annually. That number is shocking considering that child abuse is preventable.

Research shows substance abuse and the lack of parenting skills to be the main causes. We can respond by ensuring that alcohol and drug treatment programs and parenting classes are funded and accessible.

Of course, our strongest weapons are knowledge, awareness and compassion. Every responsible adult can help by learning more about the problem, by supporting parents and children at risk in their communities, and by reporting incidents of abuse.

A group of my constituents in Grand Island, Nebraska, has again this year made blue ribbons available to us to acknowledge Child Abuse Prevention Month. It is a small symbol of our commitment to fighting and ending the problem, and I hope all of my colleagues will wear theirs proudly.

AIR WAR IN YUGOSLAVIA NOT SUPPORTED BY AMERICAN PEOPLE, JUST LIBERAL MEDIA

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, last night the Fox Network reported costs of $3 billion for the air war against Yugoslavia, and that was before it was reported that General Clark has now asked for several hundred more U.S. aircraft.

Yesterday, in The Washington Post, Columnist Robert Novak reported that we had bought Russia's neutrality with another $4.6 billion IMF loan. We will spend many billions in addition more on ground troops and reconstruction costs after Milosevic comes down. All of this against a tiny country that was no threat whatsoever to us, and where we made things many times worse by our bombings.

Last week the largest talk radio program in Knoxville asked if we should send ground troops into Kosovo. Only one caller was in favor. Everyone else was strongly opposed.

Our very liberal national media is doing everything it possibly can to escalate this war, so the true story will probably never be adequately reported, and that is that this war is a great miscalculation being carried out at almost obscene expense to the American people.

TORNADO IN SOUTHWEST OHIO

(Mr. PORTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, last Friday a terrible tornado ripped through the heart of the district I represent in Southwest Ohio. Eight hundred homes were destroyed or damaged. The Cities of Blue Ash, Montgomery, and Loveland, Symmes, Sycamore and Deerfield Townships were the hardest hit. Dozens of businesses were damaged and destroyed, four people killed, 34 injured, and hundreds of southwest Ohioans are tonight without a home. Our hearts go out to these families who are now trying to put their lives back together.

The good news is that they are getting help. There has been a remarkable outpouring of support from their neighbors to help people pull their lives back together. I spent the last few days working along with State and local officials, the Red Cross, other volunteers, police and fire fighters, and Federal officials from SBA and FEMA.

People from every neighborhood in our region have come to help. Folks in our area have really rallied behind these hard-hit communities. Our prayers go out to the families, and our thanks and appreciation go out to all the hard-working volunteers, emergency management personnel and local officials who, I believe, have done an outstanding job at a very difficult time.

But we need more help. I urge President Clinton to take prompt action on Ohio Governor Bob Taft's request that Southwest Ohio be declared a Federal disaster area.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken later today.

MADRID PROTOCOL IMPLEMENTATION ACT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 769) to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes.

The Clerk read as follows:

H.R. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Madrid Protocol Implementation Act”.

SEC. 2. PROVISIONS TO IMPLEMENT THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS.

The Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946, as amended (15 U.S.C. 1051 and following) (commonly referred to as the “Trademark Act of 1946”) is amended by adding after section 51 the following new title:

“TITLE XII—THE MADRID PROTOCOL

“SEC. 60. DEFINITIONS.

“For purposes of this title:

“(1) MADRID PROTOCOL.—The term ‘Madrid Protocol’ means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid, Spain, on June 27, 1989.

“(2) BASIC APPLICATION.—The term ‘basic application’ means the application for the registration of a mark that has been filed with an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

“(3) BASIC REGISTRATION.—The term ‘basic registration’ means the registration of a mark that has been granted by an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

“(4) CONTRACTING PARTY.—The term ‘Contracting Party’ means any country or inter-governmental organization that is a party to the Madrid Protocol.

“(5) DATE OF RECORDAL.—The term ‘date of recordal’ means the date on which a request for extension of protection that is filed after an international registration is granted is recorded on the International Register.

“(6) DECLARATION OF BONA FIDE INTENTION TO USE THE MARK IN COMMERCE.—The term ‘declaration of bona fide intention to use the mark in commerce’ means a declaration that is signed by the applicant for, or holder of, an international registration who is seeking extension of protection of a mark to the United States and that contains a statement that—

“(A) the applicant or holder has a bona fide intention to use the mark in commerce,

“(B) the person making the declaration believes himself or herself, or the firm, corporation, or association in whose behalf he or she makes the declaration, to be entitled to use the mark in commerce, and

“(C) no other person, firm, corporation, or association, to the best of his or her knowledge and belief, has the right to use such mark in commerce either in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods of such other person, firm, corporation, or association, to cause confusion, or to cause mistake, or to deceive.

“(7) EXTENSION OF PROTECTION.—The term ‘extension of protection’ means the protection resulting from an international registration that extends to a Contracting Party at the request of the holder of the international registration, in accordance with the Madrid Protocol.

“(8) HOLDER OF AN INTERNATIONAL REGISTRATION.—A ‘holder’ of an international registration is the natural or juristic person in whose name the international registration is recorded on the International Register.

“(9) INTERNATIONAL APPLICATION.—The term ‘international application’ means an application for international registration that is filed under the Madrid Protocol.

“(10) INTERNATIONAL BUREAU.—The term ‘International Bureau’ means the International Bureau of the World Intellectual Property Organization.

“(11) INTERNATIONAL REGISTER.—The term ‘International Register’ means the official collection of such data concerning international registrations maintained by the International Bureau that the Madrid Protocol or its implementing regulations require or permit to be recorded, regardless of the medium which contains such data.

“(12) INTERNATIONAL REGISTRATION.—The term ‘international registration’ means the registration of a mark granted under the Madrid Protocol.

“(13) INTERNATIONAL REGISTRATION DATE.—The term ‘international registration date’ means the date assigned to the international registration by the International Bureau.

“(14) NOTIFICATION OF REFUSAL.—The term ‘notification of refusal’ means the notice sent by an Office of a Contracting Party to the International Bureau declaring that an extension of protection cannot be granted.

“(15) OFFICE OF A CONTRACTING PARTY.—The term ‘Office of a Contracting Party’ means—

“(A) the office, or governmental entity, of a Contracting Party that is responsible for the registration of marks, or

“(B) the common office, or governmental entity, of more than 1 Contracting Party that is responsible for the registration of marks and is so recognized by the International Bureau.

“(16) OFFICE OF ORIGIN.—The term ‘office of origin’ means the Office of a Contracting Party with which a basic application was filed or by which a basic registration was granted.

“(17) OPPOSITION PERIOD.—The term ‘opposition period’ means the time allowed for filing an opposition in the Patent and Trademark Office, including any extension of time granted under section 13.

“SEC. 61. INTERNATIONAL APPLICATIONS BASED ON UNITED STATES APPLICATIONS OR REGISTRATIONS.

“The owner of a basic application pending before the Patent and Trademark Office, or the owner of a basic registration granted by the Patent and Trademark Office, who—

“(1) is a national of the United States,

“(2) is domiciled in the United States, or

“(3) has a real and effective industrial or commercial establishment in the United States,

may file an international application by submitting to the Patent and Trademark Office a written application in such form, together with such fees, as may be prescribed by the Commissioner.

“SEC. 62. CERTIFICATION OF THE INTERNATIONAL APPLICATION.

“Upon the filing of an application for international registration and payment of the prescribed fees, the Commissioner shall examine the international application for the purpose of certifying that the information contained in the international application corresponds to the information contained in the basic application or basic registration at the time of the certification. Upon examination and certification of the international application, the Commissioner shall transmit the international application to the International Bureau.

“SEC. 63. RESTRICTION, ABANDONMENT, CANCELLATION, OR EXPIRATION OF A BASIC APPLICATION OR BASIC REGISTRATION.

“With respect to an international application transmitted to the International Bureau under section 62, the Commissioner shall notify the International Bureau whenever the basic application or basic registration which is the basis for the international application has been restricted, abandoned, or canceled, or has expired, with respect to some or all of the goods and services listed in the international registration—

"(1) within 5 years after the international registration date; or

"(2) more than 5 years after the international registration date if the restriction, abandonment, or cancellation of the basic application or basic registration resulted from an action that began before the end of that 5-year period.

"SEC. 64. REQUEST FOR EXTENSION OF PROTECTION SUBSEQUENT TO INTERNATIONAL REGISTRATION.

"The holder of an international registration that is based upon a basic application filed with the Patent and Trademark Office or a basic registration granted by the Patent and Trademark Office may request an extension of protection of its international registration by filing such a request—

"(1) directly with the International Bureau, or

"(2) with the Patent and Trademark Office for transmittal to the International Bureau, if the request is in such form, and contains such transmittal fee, as may be prescribed by the Commissioner.

"SEC. 65. EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES UNDER THE MADRID PROTOCOL.

"(a) IN GENERAL.—Subject to the provisions of section 68, the holder of an international registration shall be entitled to the benefits of extension of protection of that international registration to the United States to the extent necessary to give effect to any provision of the Madrid Protocol.

"(b) IF UNITED STATES IS OFFICE OF ORIGIN.—An extension of protection resulting from an international registration of a mark shall not apply to the United States if the Patent and Trademark Office is the office of origin with respect to that mark.

"SEC. 66. EFFECT OF FILING A REQUEST FOR EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES.

"(a) REQUIREMENT FOR REQUEST FOR EXTENSION OF PROTECTION.—A request for extension of protection of an international registration to the United States that the International Bureau transmits to the Patent and Trademark Office shall be deemed to be properly filed in the United States if such request, when received by the International Bureau, has attached to it a declaration of bona fide intention to use the mark in commerce that is verified by the applicant for, or holder of, the international registration.

"(b) EFFECT OF PROPER FILING.—Unless extension of protection is refused under section 68, the proper filing of the request for extension of protection under subsection (a) shall constitute constructive use of the mark, conferring the same rights as those specified in section 7(c), as of the earliest of the following:

"(1) The international registration date, if the request for extension of protection was filed in the international application.

"(2) The date of recordal of the request for extension of protection, if the request for extension of protection was made after the international registration date.

"(3) The date of priority claimed pursuant to section 67.

"SEC. 67. RIGHT OF PRIORITY FOR REQUEST FOR EXTENSION OF PROTECTION TO THE UNITED STATES.

"The holder of an international registration with an extension of protection to the United States shall be entitled to claim a date of priority based on the right of priority within the meaning of Article 4 of the Paris Convention for the Protection of Industrial Property if—

"(1) the international registration contained a claim of such priority; and

"(2)(A) the international application contained a request for extension of protection to the United States, or

"(B) the date of recordal of the request for extension of protection to the United States is not later than 6 months after the date of the first regular national filing (within the meaning of Article 4(A)(3) of the Paris Convention for the Protection of Industrial Property) or a subsequent application (within the meaning of Article 4(C)(4) of the Paris Convention).

"SEC. 68. EXAMINATION OF AND OPPOSITION TO REQUEST FOR EXTENSION OF PROTECTION; NOTIFICATION OF REFUSAL.

"(a) EXAMINATION AND OPPOSITION.—(1) A request for extension of protection described in section 66(a) shall be examined as an application for registration on the Principal Register under this Act, and if on such examination it appears that the applicant is entitled to extension of protection under this title, the Commissioner shall cause the mark to be published in the Official Gazette of the Patent and Trademark Office.

"(2) Subject to the provisions of subsection (c), a request for extension of protection under this title shall be subject to opposition under section 13. Unless successfully opposed, the request for extension of protection shall not be refused.

"(3) Extension of protection shall not be refused under this section on the ground that the mark has not been used in commerce.

"(4) Extension of protection shall be refused under this section to any mark not registrable on the Principal Register.

"(b) NOTIFICATION OF REFUSAL.—If, a request for extension of protection is refused under subsection (a), the Commissioner shall declare in a notification of refusal (as provided in subsection (c)) that the extension of protection cannot be granted, together with a statement of all grounds on which the refusal was based.

"(c) NOTICE TO INTERNATIONAL BUREAU.—(1) Within 18 months after the date on which the International Bureau transmits to the Patent and Trademark Office a notification of a request for extension of protection, the Commissioner shall transmit to the International Bureau any of the following that applies to such request:

"(A) A notification of refusal based on an examination of the request for extension of protection.

"(B) A notification of refusal based on the filing of an opposition to the request.

"(C) A notification of the possibility that an opposition to the request may be filed after the end of that 18-month period.

"(2) If the Commissioner has sent a notification of the possibility of opposition under paragraph (1)(C), the Commissioner shall, if applicable, transmit to the International Bureau a notification of refusal on the basis of the opposition, together with a statement of all the grounds for the opposition, within 7 months after the beginning of the opposition period or within 1 month after the end of the opposition period, whichever is earlier.

"(3) If a notification of refusal of a request for extension of protection is transmitted under paragraph (1) or (2), no grounds for refusal of such request other than those set forth in such notification may be transmitted to the International Bureau by the Commissioner after the expiration of the time periods set forth in paragraph (1) or (2), as the case may be.

"(4) If a notification specified in paragraph (1) or (2) is not sent to the International Bureau within the time period set forth in such paragraph, with respect to a request for extension of protection, the request for extension of protection shall not be refused and the Commissioner shall issue a certificate of extension of protection pursuant to the request.

"(d) DESIGNATION OF AGENT FOR SERVICE OF PROCESS.—In responding to a notification of refusal with respect to a mark, the holder of the international registration of the mark shall designate, by a written document filed in the Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person, or mailing to that person, a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.

"SEC. 69. EFFECT OF EXTENSION OF PROTECTION.

"(a) ISSUANCE OF EXTENSION OF PROTECTION.—Unless a request for extension of protection is refused under section 68, the Commissioner shall issue a certificate of extension of protection pursuant to the request and shall cause notice of such certificate of extension of protection to be published in the Official Gazette of the Patent and Trademark Office.

"(b) EFFECT OF EXTENSION OF PROTECTION.—From the date on which a certificate of extension of protection is issued under subsection (a)—

"(1) such extension of protection shall have the same effect and validity as a registration on the Principal Register, and

"(2) the holder of the international registration shall have the same rights and remedies as the owner of a registration on the Principal Register.

"SEC. 70. DEPENDENCE OF EXTENSION OF PROTECTION TO THE UNITED STATES ON THE UNDERLYING INTERNATIONAL REGISTRATION.

"(a) EFFECT OF CANCELLATION OF INTERNATIONAL REGISTRATION.—If the International Bureau notifies the Patent and Trademark Office of the cancellation of an international registration with respect to some or all of the goods and services listed in the international registration, the Commissioner shall cancel any extension of protection to the United States with respect to such goods and services as of the date on which the international registration was canceled.

"(b) EFFECT OF FAILURE TO RENEW INTERNATIONAL REGISTRATION.—If the International Bureau does not renew an international registration, the corresponding extension of protection to the United States shall cease to be valid as of the date of the expiration of the international registration.

"(c) TRANSFORMATION OF AN EXTENSION OF PROTECTION INTO A UNITED STATES APPLICATION.—The holder of an international registration canceled in whole or in part by the International Bureau at the request of the office of origin, under Article 6(4) of the Madrid Protocol, may file an application, under section 1 or 44 of this Act, for the registration of the same mark for any of the goods and services to which the cancellation applies that were covered by an extension of protection to the United States based on that international registration. Such an application shall be treated as if it had been filed on the international registration date or the date of recordal of the request for extension of protection with the International Bureau, whichever date applies, and, if the extension of protection enjoyed priority under section 67 of this title, shall enjoy the same priority. Such an application shall be entitled to the benefits conferred by this subsection only if the application is filed not later than 3 months after the date on which the international registration was canceled, in whole or in part, and only if the application complies with all the requirements of this Act which apply to any application filed pursuant to section 1 or 44.

"SEC. 71. AFFIDAVITS AND FEES.

"(a) REQUIRED AFFIDAVITS AND FEES.—An extension of protection for which a certificate of extension of protection has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be canceled by the Commissioner—

"(1) at the end of the 6-year period beginning on the date on which the certificate of extension of protection was issued by the Commissioner, unless within the 1-year period preceding the expiration of that 6-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Commissioner; and

"(2) at the end of the 10-year period beginning on the date on which the certificate of extension of protection was issued by the Commissioner, and at the end of each 10-year period thereafter, unless—

"(A) within the 6-month period preceding the expiration of such 10-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Commissioner; or

"(B) within 3 months after the expiration of such 10-year period, the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with the fee described in subparagraph (A) and an additional fee prescribed by the Commissioner.

"(b) CONTENTS OF AFFIDAVIT.—The affidavit referred to in subsection (a) shall set forth those goods or services recited in the extension of protection on or in connection with which the mark is in use in commerce and the holder of the international registration shall attach to the affidavit a specimen or facsimile showing the current use of the mark in commerce, or shall set forth that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

"SEC. 72. ASSIGNMENT OF AN EXTENSION OF PROTECTION.

"An extension of protection may be assigned, together with the goodwill associated with the mark, only to a person who is a national of, is domiciled in, or has a bona fide and effective industrial or commercial establishment either in a country that is a Contracting Party or in a country that is a member of an intergovernmental organization that is a Contracting Party.

"SEC. 73. INCONTESTABILITY.

"The period of continuous use prescribed under section 15 for a mark covered by an extension of protection issued under this title may begin no earlier than the date on which the Commissioner issues the certificate of the extension of protection under section 69, except as provided in section 74.

"SEC. 74. RIGHTS OF EXTENSION OF PROTECTION.

"An extension of protection shall convey the same rights as an existing registration for the same mark, if—

"(1) the extension of protection and the existing registration are owned by the same person;

"(2) the goods and services listed in the existing registration are also listed in the extension of protection; and

"(3) the certificate of extension of protection is issued after the date of the existing registration.".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date on which the Madrid Protocol (as defined in section 60(1) of the Trademark Act of 1946) enters into force with respect to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 769, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 769, the Madrid Protocol Implementation Act, and urge the House to adopt the measure.

House Resolution 769 is the implementing legislation for the Protocol Related to the Madrid Agreement on the Registration of Marks, commonly known as the Madrid Protocol. The bill is identical to legislation introduced in the preceding three Congresses, and will send a signal to the international business community, United States businesses, and trademark owners that the 106th Congress is determined to help our Nation, and particularly our small businesses, become part of an inexpensive, efficient system that allows the international registration of marks.

As a practical matter, Mr. Speaker, ratification of the Protocol and the enactment of H.R. 769 will enable American trademark owners to pay a nominal fee to the United States Patent and Trademark Office which will then register the marks in the individual countries that comprise the European Union, or more commonly known as the EU. Currently, American trademark attorneys must hire attorneys or agents in each individual country to acquire protection. This process is both laborious and expensive, and discourages small businesses and individuals from registering their marks in Europe.

Mr. Speaker, H.R. 769 is an important and noncontroversial bill that will greatly help those American businesses and other individuals who need to register their trademarks overseas in a prompt and cost-effective manner. I implore my colleagues to pass the bill today, and want to express my thanks to the gentleman from California (Mr. BERMAN), the ranking member of the subcommittee, and the entire subcommittee membership and staff for that matter, who have worked very cooperatively in getting the bill to this point.

Mr. Speaker, I reserve the balance of my time.

□ 1115

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 769, a bill to implement the Madrid Protocol Agreement providing for an international registration system for trademarks.

I am strongly of the belief that the one-stop shop provided for in the Madrid Protocol whereby trademark applicants can file one application in their own country and in their own language and, in so doing, achieve worldwide protection for their trademarks is in the interest of American businesses.

But while the Protocol took effect 2 years ago, it may never achieve its purpose unless and until the U.S. elects to participate. However, the State Department has not forwarded the treaty to the Senate for ratification because of continuing concerns on the part of the United States regarding the voting rights of intergovernmental members of the Protocol.

In particular, under the Protocol, the European Union receives a separate vote in addition to the votes of its member states. The State Department is concerned that it is a violation of the concept of one vote per country and could set an unfortunate precedent in future international agreements.

While the State Department pursues its concerns with European Commission officials, I believe it is important that we in this body signal our support for the substantive provisions of the Protocol. I know of no opposition to these provisions, nor to this bill. I urge its support.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 769.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS IN TITLE 17, UNITED STATES CODE

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1189) to make technical corrections in title 17, United States Code, and other laws, as amended.

The Clerk read as follows:

H.R. 1189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO TITLE 17, UNITED STATES CODE.

(a) EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS ON EXCLUSIVE RIGHTS.—Section 110(5) of title 17, United States Code, is amended—

(1) by striking "(A) a direct charge" and inserting "(i) a direct charge"; and

(2) by striking "(B) the transmission" and inserting "(ii) the transmission".

(b) EPHEMERAL RECORDINGS.—Section 112(e) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(2) in paragraph (3), as so redesignated, by striking "(2)" and inserting "(1)";

(3) in paragraph (4), as so redesignated—

(A) by striking "(3)" and inserting "(2)";

(B) by striking "(4)" and inserting "(3)";

(C) by striking "(6)" and inserting "(5)"; and

(D) by striking "(3) and (4)" and inserting "(2) and (3)"; and

(4) in paragraph (6), as so redesignated—

(A) by striking "(4)" each place it appears and inserting "(3)"; and

(B) by striking "(5)" each place it appears and inserting "(4)".

(c) DETERMINATION OF REASONABLE LICENSE FEES FOR INDIVIDUAL PROPRIETORS.—Chapter 5 of title 17, United States Code, is amended—

(1) by redesignating the section 512 entitled "**Determination of reasonable license fees for individual proprietors**" as section 513 and placing such section after the section 512 entitled "**Limitations on liability relating to material online**"; and

(2) in the table of sections at the beginning of that chapter by striking

"512. Determination of reasonable license fees for individual proprietors."

and inserting

"513. Determination of reasonable license fees for individual proprietors."

and placing that item after the item entitled

"512. Limitations on liability relating to material online.".

(d) ONLINE COPYRIGHT INFRINGEMENT LIABILITY.—Section 512 of title 17, United States Code, is amended—

(1) in subsection (e)—

(A) by amending the caption to read as follows:

"(e) LIMITATION ON LIABILITY OF NONPROFIT EDUCATIONAL INSTITUTIONS.—"; and

(B) in paragraph (2), by striking "INJUNCTIONS.—"; and

(2) in paragraph (3) of subsection (j), by amending the caption to read as follows:

"(3) NOTICE AND EX PARTE ORDERS.—".

(e) INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION.—Section 1202(e)(2)(B) of title 17, United States Code, is amended by striking "category or works" and inserting "category of works".

(f) PROTECTION OF DESIGNS.—(1) Section 1302(5) of title 17, United States Code, is amended by striking "1 year" and inserting "2 years".

(2) Section 1320(c) of title 17, United States Code, is amended in the subsection caption by striking "ACKNOWLEDGEMENT" and inserting "ACKNOWLEDGMENT".

SEC. 2. OTHER TECHNICAL CORRECTIONS.

(a) CLERICAL AMENDMENT TO TITLE 28, U.S.C.—The section heading for section 1400 of title 28, United States Code, is amended to read as follows:

"§ 1400. Patents and copyrights, mask works, and designs".

(b) ELIMINATION OF CONFLICTING PROVISION.—Section 5316 of title 5, United States Code, is amended by striking "Commissioner of Patents, Department of Commerce.".

(c) CLERICAL CORRECTION TO TITLE 35, U.S.C.—Section 3(d) of title 35, United States Code, is amended by striking ", United States Code".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1189.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1189, to make technical corrections to title 17 of the United States Code and other laws. An amended version of this bill is presented for passage under suspension of the rules.

The amendment to the reported bill makes further technical corrections to title 17 and other laws. As a result of two major copyright bills which were signed in law late in the 105th Congress, several technical errors need to be corrected in order to prevent confusion. H.R. 1189 corrects these errors by making purely technical amendments to the Copyright Act and other laws. H.R. 1189, Mr. Speaker, does not make any substantive changes in the law.

I am unaware of any opposition to this amendment, and I urge a favorable vote on H.R. 1189.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support also of H.R. 1189, a bill making technical corrections in title 17, the Copyright Act. If ever a bill were truly technical, this is it. Our committee labored long, hard, and successfully last Congress to produce landmark legislation in the copyright area. The brevity of the bill before us today is testimony to a job well done by all concerned in that effort, and I commend those people.

I commend this technical corrections bill to my colleagues.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 1189, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1999

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 46) to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty.

The Clerk read as follows:

H.R. 46

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Officer Medal of Valor Act of 1999".

SEC. 2. AUTHORIZATION OF MEDAL.

The President may award, and present in the name of Congress, a Medal of Valor of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, on the advice of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty.

SEC. 3. BOARD.

(a) BOARD.—There is established a permanent Medal of Valor Review Board (hereinafter in this Act referred to as the "Board"). The Board shall—

(1) be composed of 11 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with this Act.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Board shall be appointed as follows:

(A) Two shall be appointed by the Speaker of the House of Representatives.

(B) Two shall be appointed by the minority leader of the House of Representatives.

(C) Two shall be appointed by the Majority Leader of the Senate.

(D) Two shall be appointed by the Minority Leader of the Senate.

(E) Three shall be appointed by the President, one of whom shall have substantial experience in firefighting, one of whom shall have substantial experience in law enforcement, and one of whom shall have substantial experience in emergency services.

(2) PERSONS ELIGIBLE.—The members of the Board shall be individuals who have knowledge or expertise, whether by experience or training, in the field of public safety.

(3) TERM.—The term of a Board member is 4 years.

(4) VACANCIES.—Any vacancy in the membership of the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(5) OPERATION OF THE BOARD.—

(A) MEETINGS.—The Board shall meet at the call of the Chairman and not less than twice each year. The initial meeting of the Board shall be conducted not later than 30 days after the appointment of the last member of the Board.

(B) QUORUM; VOTING; RULES.—A majority of the members of the Board shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the Board's business, if such rules are not inconsistent with this Act or other applicable law.

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among those applications received by the National Medal Office. Not more often than once each year, the Board shall present to the Attorney General the name or names of those it recommends as Medal of Valor recipients. In a given year, the Board is not required to choose any names, but is limited to a maximum number of 6 recipients. The Board shall set an annual timetable for fulfilling its duties under this Act.

(d) HEARINGS.—

(1) IN GENERAL.—The Board may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Board considers advisable to carry out its duties.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out its duties. Upon the request of the Board, the head of such department or agency may furnish such information to the Board.

(f) INFORMATION TO BE KEPT CONFIDENTIAL.—The Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

SEC. 4. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—(1) Except as provided in paragraph (2), each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) All members of the Board who serve as officers or employees of the United States, a State, or a local government, shall serve without compensation in addition to that received for those services.

(b) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 5. DEFINITIONS.

For the purposes of this Act:

(1) PUBLIC SAFETY OFFICER.—The term "Public Safety Officer" has the same meaning given that term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968.

(2) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this Act.

SEC. 7. OFFICE.

There is established within the Department of Justice a national medal office. The office shall staff the Medal of Valor Review Board and establish criteria and procedures for the submission of recommendations of nominees for the Medal of Valor.

SEC. 8. CONFORMING REPEAL.

Section 15 of the Federal Fire Prevention and Control Act of 1974 is repealed.

SEC. 9. CONSULTATION REQUIREMENT.

The Attorney General shall consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Attorney General shall also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 46.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 46 is called the Public Safety Officer Medal Act of Valor. It creates a national medal for public safety officers who exhibit extraordinary valor above and beyond the call of duty. While law enforcement agencies at all levels present their own award and medals to those who demonstrate bravery, the United States Government has no medal in recognition of acts of courage and valor committed by public safety officers. This legislation is an attempt to rectify the failure of the United States to award a prestigious medal for public safety officer heroism.

Every now and then, a police officer or a fire fighter confronts a critical choice that could make the difference between life and death. Such moments are not about duty, they are about acting beyond what duty requires. They are about taking major risks of serious injury or even loss of life for the sole reason of saving another person's life. When our men and women in blue make this heroic choice, they distinguish themselves from the vast majority of the public who will probably never be tested in this way. A national medal is the least we can do to express our appreciation for such devotion.

Mr. Speaker, legislation identical to H.R. 46 passed the House by voice vote in the last Congress, but unfortunately, the Senate failed to act before adjournment. I am hopeful that the Senate will see its way clear to pass this act before National Police Week in May. What better way to express our thanks to our men and women in blue than to pass this legislation creating a national medal, given by the President, in the name of the Congress, honoring extraordinary acts of valor?

I might add, of course, and I said this earlier, this not only would apply to police officers but also fire fighters.

Significantly, this award is not limited only to State and local police officers. Federal agents could certainly be nominated for a medal. State and local fire fighters and emergency personnel will also be eligible. Thus, the bill will encompass all public safety officers at all levels of government.

The selection process established by H.R. 46 is simple and inexpensive. The bill creates a permanent Medal of Valor Review Board, comprised of 11 members serving 4-year terms, who shall review and select recipients of the award each year. The board members must be individuals who have knowledge or expertise in the field of public safety. The board is not required to chose any names in a given year but may select up to six recipients annually.

The legislation also establishes a National Medal Office within the Department of Justice, which will establish criteria and procedures for the submission of names of nominees from the law enforcement community and the public. The National Medal Office will staff the Medal of Honor Review Board.

The Congressional Budget Office has reviewed H.R. 46 and estimates that full implementation of the legislation would cost only about $250,000 annually. I believe this is a very small price for the Federal Government to pay to express its gratitude for our Nation's most heroic public safety officers and to set the example nationally that we need to set to encourage those who perform such acts.

I also want to note that this legislation will not displace the Medal of Honor as our country's most significant award. America's entire system of medals and awards, which has become known as the Pyramid of Honor, was established by an act of Congress in 1918. That act was passed to protect the integrity of the national Medal of Honor, but it had the far-reaching effect of establishing degrees of distinguished service and clearly delineating the type of deed necessary for the awarding of a medal.

H.R. 46 is patterned after the Medal of Honor, but it will not disrupt its place at the top of the pyramid.

Finally, H.R. 46 requires the Attorney General to consult with the Institute of Heraldry, an office housed within the Department of Defense which designs and creates medals and ribbons. The staff at the Institute of Heraldry puts great thought into every aspect of a medal, and every color and detail is significant. To avoid overlapping with a previously established medal, the Attorney General is required to consult with the Institute.

Mr. Speaker, we can never fully know what inspires a person to commit an act of bravery, even to risk his or her own life to save the life of a stranger. Congress must, however, find significant and positive ways to express our thanks and to encourage such acts. I believe that creation of this medal is one way to recognize the frequent and too often unsung acts of valor committed by public safety officers.

This legislation is supported by nearly every national law enforcement association, including the Fraternal Order of Police, the National Association of Police Organizations, the International Brotherhood of Police Officers, the National Troopers Coalition, and the Law Enforcement Alliance of America.

I want to thank the ranking member of the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT), for his support in this legislation and his cooperation in quickly moving the bill to the floor. I look forward to working with my friend from Virginia this Congress to find common ground in the battle against crime.

I also want to thank Nicole Nason on the subcommittee staff for her hard work on this bill. Nicole is leaving the subcommittee, and we will certainly miss her service. We wish to thank her for everything she has done in the past and wish her the best in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague from Florida (Mr. MCCOLLUM) in support of H.R. 46. This bill would establish a Public Safety Officer Medal of Valor to be awarded periodically to a selected public safety officer for extraordinary valor above and beyond the call of duty. It provides for the Department of Justice to solicit, review, and screen nominations from the law enforcement community for the award. Final decisions on the award would be made by a board appointed by the President and congressional leadership from both parties.

I am a cosponsor of the bill, along with the gentleman from Michigan (Mr. CONYERS) and other members of the Committee on the Judiciary.

Mr. Speaker, this bill passed the Committee on the Judiciary by a unanimous vote. It will not only allow members of the law enforcement community to recognize extraordinary heroism within that profession, but will establish a mechanism for calling that extraordinary valor to the attention of the world.

I urge Members to vote for the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak on this important legislation to provide for a national medal for public safety officers who act with extraordinary courage. By passing this legislation, we continue the tradition of honoring those who exhibit great courage and bravery in the line of duty.

I am a proud co-sponsor of this legislation to honor our nation's public safety officers—police officers, firefighters and emergency medical personnel. Each year, the President would award this medal to a worthy public safety officer.

Already in our small towns, counties and cities, local heroes are honored for their acts of bravery. For example in Texas, we honor peace officers and public servants who are injured in the line of duty through the Fleetwood Memorial Foundation.

Here in Congress, we honor the extraordinary heroism and bravery of our citizens through the Congressional Medal of Honor. Members of the armed services are honored with the prestigious Purple Heart and Prisoner of War Medal.

It is important to recognize the public servants of our communities because so often their work is overlooked. We witness the acts of heroism performed by our police officers, firefighters and emergency medical personnel every day.

These Officers make a choice to serve their communities. While feelings toward Law Enforcement vary with each individual, all citizens must realize that the role of a peace officer is an important and necessary one.

By supporting this bill, we salute the choices and sacrifices made by peace officers. This legislation will positively influence the way we view law enforcement and it will remind us of the everyday heroic acts that take place in our communities.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 46.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING EL SALVADOR ON SUCCESSFUL COMPLETION OF FREE AND DEMOCRATIC ELECTIONS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 110) congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999.

The Clerk read as follows:

H. RES. 110

Whereas on March 7, 1999, the Republic of El Salvador successfully completed its second democratic multiparty elections for President and Vice President since the signing of the 1992 peace accords;

Whereas these elections were deemed by international and domestic observers to be free and fair and a legitimate nonviolent expression of the will of the people of the Republic of El Salvador;

Whereas the United States has consistently supported the efforts of the people of El Salvador to consolidate their democracy and to implement the provisions of the 1992 peace accords;

Whereas these elections demonstrate the strength and diversity of El Salvador's democratic expression and promote confidence that all political parties can work cooperatively at every level of government; and

Whereas these open, fair, and democratic elections of the new President and Vice President should be broadly commended: Now, therefore, be it

Resolved by the House of Representatives, That the House—

(1) congratulates the Government and the people of the Republic of El Salvador for the successful completion of democratic multiparty elections held on March 7, 1999, for President and Vice President;

(2) congratulates President-elect Francisco Guillermo Flores Perez and Vice President-elect Carlos Quintanilla Schmidt on their recent victory and their continued strong commitment to democracy, national reconciliation, and reconstruction;

(3) congratulates El Salvadoran President Armando Calderón Sol for his personal commitment to democracy, which has helped in the building of national unity in the Republic of El Salvador;

(4) commends all Salvadoran citizens and political parties for their efforts to work together to take risks for democracy and to willfully pursue national reconciliation in order to cement a lasting peace and to strengthen democratic traditions in El Salvador;

(5) supports Salvadoran attempts to continue their cooperation in order to ensure democracy, national reconciliation, and economic prosperity; and

(6) reaffirms that the United States is unequivocally committed to encouraging democracy and peaceful development throughout Central America.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 110.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

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Ms. ROS-LEHTINEN. Mr. Speaker, I would like to read the statement of the chairman of the Committee on International Relations regarding this bill.

"The chairman of our Subcommittee on the Western Hemisphere, the gentleman from California (Mr. GALLEGLY), introduced this resolution congratulating the Salvadoran people on their most recent free elections. I am pleased to see such a positive, bipartisan expression of support for El Salvador. On March 23, the Senate agreed to a similar measure, Senate Resolution 73, which enjoyed strong bipartisan support.

"It is fitting that we should congratulate the president-elect of this country, Guillermo Flores, and vice president-elect Carlos Quintanilla on their electoral victory. The Farabundo Marti National Liberation Front and its candidates, who secured 29 percent of the vote, were also present. The transformation of the FMLN into a political party competing for power in open democratic elections is one of El Salvador's key achievements.

"It is equally fitting, Mr. Speaker, that we should recognize outgoing President Armando Calderon Sol. President Calderon Sol's quiet leadership has continued El Salvador's successful implementation of the 1992 peace agreement. Faced with the trials of Hurricane Mitch and an economic downturn, he has ably led El Salvador in binding the wounds of more than a decade of civil conflict. Moreover, President Calderon Sol will certainly be remembered for his achievements in privatizing state-owned enterprises, including the historic privatization of El Salvador's pension system.

"I urge my colleagues," the gentleman from New York says, "to unanimously support H. Res. 110."

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 110 which congratulates the government and the people of El Salvador on the successful completion of its second free and democratic election since the signing of the 1992 peace accords. I strongly commend the gentleman from New York (Mr. ACKERMAN), the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from California (Mr. GALLEGLY) for bringing it forward.

It is appropriate to call attention to the democratic process in El Salvador. Just a decade ago, the situation in El Salvador and all throughout Central America was much different than what we see today. Groups on all sides have dropped arms, formed political parties and given the people a fair and just voice. We are right to pause today and commend El Salvador for the stunning transition in the past decade and their successful completion of transparent free and fair elections in which everyone can participate.

Now, this is not to say that all of the problems that led to the violence of the 1980s are resolved. There is still much need for improvement in El Salvador. Turnout was much lower at this election than in the last several in the country, less than 50 percent, because people had a difficult time getting to the polls or actually voting once they arrived at the polls due to disorganization. Many low-income and poor Salvadorans are also questioning whether democracy works for them because inequality and poverty still dominate. It is the role, then, of President-Elect Flores to lead the way in generating more opportunity for Salvadorans so that the benefits of democracy and the motivation to go to the polls is felt by all citizens. We, the United States, need to maintain our commitment to the people of El Salvador.

I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I rise today to congratulate the people of El Salvador on their recent election. Since the signing of the peace accords ended their brutal civil war in 1992, Salvadorans have made great strides toward true democracy, reaching lasting peace, and creating a better life for all Salvadorans.

I am very glad to stand here today and talk about elections and democracy in El Salvador—instead of civil war and death squads. When I first visited El Salvador in the 1980s, political parties only knew how to resolve their problems through war.

Now, instead of firing bullets at one another, political parties argue their differences in the National Assembly, build coalitions with one another, and work together in their common interests.

This election is yet another tremendous accomplishment. I would like to congratulate new President Francisco Flores on his election victory, and congratulate the Salvadoran people for holding a free and fair election. Each election, since the signing of their Peace Accords, has been more open and free—and the recent Presidential election continued in that pattern.

Of course I don't want to paint too rosy a picture here. Many serious problems in El Salvador continue to exist. Crime is at record levels, the tremendous poverty that existed before the war remains alarmingly high, and the judicial system continues to stumble.

Even as we talk about a successful election in El Salvador today, a great deal can be accomplished in that area as well. Better organization, a method of precinct voting, and the establishment of a new election registry are necessary election reforms that must be accomplished.

I challenge the Salvadoran people and their government to work hard to achieve these reforms, erase the poverty and inequality that exists, and continue to work together for the better of the country.

And I believe we should be there to help. I know President Flores has many difficult challenges ahead, and I look forward to working with him to do what I can to help Salvadorans continue to move forward. With that in mind, I also challenge this country—the United States—to temember our role in El Salvador.

As we congratulate Salvadorans on yet another step toward democracy, I believe it is also time we acknowledge some of our errors in the past, and make a stronger commitment to assisting all Salvadoran people in their effort to reach those democratic goals.

Mr. GALLEGLY. Mr. Speaker, as Chairman of the Western Hemisphere Subcommittee, I rise in support of H. Res. 110, a bill which congratulates El Salvador on its recent Presidential elections.

On Sunday, March 7, the people of El Salvador went to the voting polls to choose a new President and Vice-President. This election marked the second successful Presidential election and third general election since the signing of the 1992 Peace Accords which ended 12 years of brutal civil war in that small country.

H. Res. 110, introduced by myself and several members of the Subcommittee, congratulates the government and the people of El Salvador for completing this successful multiparty election which was deemed to be free and fair by an international observer group which included a member of my Subcommittee staff.

This election, in which every registered political party received votes, represented a clear expression of the will of the people of El Salvador; reaffirmed the success of the Peace Accords; and demonstrated the strength and diversity of the democratic process in El Salvador.

Since 1994, current President Armando Calderon Sol has worked tirelessly to ensure that the peace accords have been properly implemented and that El Salvador progressed both politically and economically out of the post-war era.

For that effort, and for the continued cooperation of the opposition FMLN leadership, El Salvador should be commended.

Now, President-elect Francisco Flores will lead a new government into the new century and I am confident he will continue the progress made thus far in national reconciliation and reconstruction.

We wish him well.

Mr. Speaker, I believe the people of El Salvador have made great strides over the past seven years. This election serves to validate a key element of that progress and reaffirms their strong commitment to the democratic process.

I urge passage of this bill.

Mr. BALLENGER. Mr. Speaker, I rise today in support of House Resolution 110, a resolution congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections. On March 7, 1999, El Salvador held free and fair elections for president and vice-president. I would like to take this time to personally congratulate President-elect Francisco Guillermo Flores Perez and Vice President-elect Carlos Quintilla Schmidt on their recent victory and their continued commitment to democracy. This election was yet another milestone in the normalization of the democratic process in El Salvador, and I wish to commend this nation for its efforts.

El Salvador has come a long way since the 1980's, when the nation was in the midst of a terrible civil war. Many of you will recall that the war cost the lives of tens of thousands of Salvadorans and left the country in shambles. Now, the Salvadorans have replaced bullets with ballots. It was the strong leadership and guidance, coupled with courage, demonstrated by former President Alfredo Cristiani that rescued the country and paved the way for El Salvador's future. His successor, President Armando Calderon Sol, elected in a free and fair contest, held the same commitment to democracy and kept this nation moving forward. The stark contrast between war-torn El Salvador and the El Salvador of today is a tribute to its people and its leaders.

In a time where peace and unity are not always the goal of the majority, I believe Americans must continue to show support for our Salvadoran neighbors and their continued progress through this long and fragile process of democratization. I hope you will join me in congratulating El Salvador on this latest and most remarkable accomplishment.

Ms. ROYBAL-ALLARD. Mr. Speaker, as one of the original six cosponsors, I come to the floor in strong support of House Resolution 110. I wish to congratulate the Salvadoran people and President-elect Francisco Guillermo Florez Perez and Vice President-elect Carlos Quintanilla Schmidt on the free and fair conduct of the Presidential elections of March 7, 1999.

Since the signing of the 1992 peace accords, the Republic of El Salvador has conducted two democratic elections for President and Vice President. The peaceful and orderly manner in which these elections have been carried out, with the participation of ten parties representing the entire political spectrum, is proof of El Salvador's commitment to democracy, national reconciliation and reconstruction. Specifically, it demonstrates their ability to implement the provisions of the 1992 peace accords.

The United States must continue to support the efforts of the people of El Salvador to ensure political stability and the strengthening of the democratic process.

This progress however is being threatened in the wake of Hurricane Mitch. It is paramount that the United States take the lead in helping the region recover from the devastation of the hurricane. If it does not, we risk the unraveling of a fragile democracy and a return to the political instability that the region experienced for decades and threatened our national interests.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of this resolution congratulating the people and government of El Salvador on the free and democratic elections held last month.

The people of El Salvador know that the transition to democracy is rarely easy. However, in only a few short years, El Salvador has made great progress. Both international and domestic observers agree that the recent multiparty Presidential and Vice Presidential elections were free and fair.

These elections showed the strength and diversity of El Salvador's new democracy. They showed that political parties can engage in the type of substantive, peaceful debate that would have been unheard of only a few years ago.

But the demands of democracy do not stop with free elections. El Salvador has shown a commitment to democratic ideals by embracing a free press, freedom of religion, and freedom of association. Because there is no government in the world today that couldn't benefit from improvement, I encourage the people and government of El Salvador to seize upon their recent success and work toward improving their new democracy and the rule of law.

Mr. Speaker, dozens of nations are at a crossroads today. Because democracies are not always neat and tidy, many will be tempted to take the easy path. But the easy path leads toward authoritarianism and inevitably to exploitation. The path toward democracy is sometimes difficult and it is often unsightly. But El Salvador's success stands out as an example of what can be accomplished by choosing the path toward democracy.

Today we congratulate those who have made democracy possible in El Salvador.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, House Resolution 110.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING QATAR FOR COMMITMENT TO DEMOCRATIC IDEALS AND WOMEN'S SUFFRAGE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 35) congratulating the State of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999, as amended.

The Clerk read as follows:

H. CON. RES. 35

Whereas His Highness, Sheikh Hamad bin Khalifa al-Thani, the Emir of Qatar, issued a decree creating a central municipal council, the first of its kind in Qatar;

Whereas on March 8, 1999, the people of the State of Qatar held direct elections for a central municipal council;

Whereas the central municipal council has been structured to have members from 29 election districts serving 4-year terms;

Whereas Qatari women were granted the right to participate in this historic first municipal election, both as candidates and voters;

Whereas this election demonstrates the strength and diversity of the State of Qatar's commitment to democratic expression;

Whereas the United States highly values democracy and women's rights;

Whereas March 8 is recognized as International Women's Day, and is an occasion to assess the progress of the advancement of women and girls throughout the world; and

Whereas this historic event of democratic elections and women's suffrage in the State of Qatar should be honored: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends His Highness, Sheikh Hamad bin Khalifa al-Thani, the Emir of Qatar, for his leadership and commitment to suffrage and the principles of democracy;

(2) congratulates the citizens of the State of Qatar as they celebrate the historic election for a central municipal council; and

(3) reaffirms that the United States is strongly committed to encouraging the suffrage of women, democratic ideals, and peaceful development throughout the Middle East.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to enter into the RECORD and say the remarks that the gentleman from New York (Mr. GILMAN), were he here, would be delivering. He is at the White House today. I would like to give his remarks.

Mr. Speaker, the resolution before us today is House Concurrent Resolution 35, a concurrent resolution congratulating the State of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999.

The gentleman from New York is the primary sponsor of this measure and wanted to particularly thank the cochairs of the Congressional Women's Caucus, the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from New York (Mrs. KELLY), for their support for these elections and their cosponsorship of this resolution.

Qatar is a strong ally of the United States in the Persian Gulf and is moving toward the 21st century under the leadership of His Highness, Sheikh Hamad, the Emir of Qatar. That leadership includes expanding the civic contribution to Qatar's governance.

Our colleagues will agree that the United States highly values democracy and women's rights. So we were more than pleased to learn of the successful municipal elections that Qatar had conducted in which women, as well as men, were granted the right to vote and run as candidates.

House Concurrent Resolution 35 applauds the Emir of Qatar for his leadership and commends the citizens of Qatar for participating in this important civic function. Clearly, this election demonstrates the strength and diversity of the State of Qatar's commitment to democratic expression.

House Concurrent Resolution 35 also reaffirms that the United States is strongly committed to encouraging the suffrage of women, of democratic ideals, and peaceful development throughout the Middle East.

We therefore were pleased to learn that the Qatari Government is in the process of drafting a constitution. This document, once adopted, will cause the creation of a Qatari parliament.

Mr. Speaker, in discussions with Qatari officials, they informed us that the State of Qatar considers the Hashemite Kingdom of Jordan as their structural model. Congress therefore looks forward to these developments and to maintaining and strengthening its relationship with Qatar.

House Concurrent Resolution 35 celebrates an important milestone in the development of Qatar, and I urge our colleagues to join me in extending our congratulations to all its citizens by lending their support to this important resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume. I rise in support of House Concurrent Resolution 35, regarding the recent historic elections of a central municipal council in Qatar, and I strongly commend the cochairs of our Women's Caucus, the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from New York (Mrs. KELLY), who traveled to Qatar to monitor these elections.

Mr. Speaker, the decree issued by the Emir of Qatar establishing the central municipal council was the first of its kind. The council was structured to have members from 29 election districts serving 4-year terms. For the first time in Qatar history, open elections were ordered and in an unprecedented decision women were granted the right to participate both as candidates and as voters. While these elections were at the municipal level, they were an important expression of a commitment to democratic ideals and the first step toward advancing women's rights in the region. The elections took place on March 8, 1999, a day also celebrated as International Women's Day, further emphasizing the significance of women's suffrage. It is important for the United States Congress to recognize this historic event and to support it as a turning point towards democracy and equal rights for women in Qatar.

Mrs. MALONEY of New York. Mr. Speaker, I am pleased to be here today in support of H. Con. Res. 35 to honor the State of Qatar and its citizens on the historic elections that took place there on March 8. I am pleased to have this opportunity to share my recent experiences in Qatar.

I had the great honor to travel to this Persian Gulf country as an election observer with my colleague SUE KELLY, with whom I serve as co-chair of the Women's Caucus.

This marks an historic step toward women having seats at all tables, not only the kitchen table, but the peace table, the economic development table, and international affairs table. All of these opportunities begin with full voting privileges for both men and women—a first among the Gulf Cooperation Council countries of the world.

By comparison, Kuwait has an elected parliament which exercises limited legislative and oversight powers, but women are not allowed to vote.

Oman has an elected Consultative Council, however only selected male and female citizens are enfranchised and the Sultan retains the final say over the composition of the Council.

Bahrain had an elected parliament which was dissolved by the Emir in 1975.

The United Arab Emirates (UAE) and Saudi Arabia have no elected institutions.

I congratulate the citizens of Qatar on this important step for women. It took America 145 years to give women the right to vote; it took Qatar only 27 years. It is wonderful to see Qatar giving rights to women while other countries like Afghanistan are taking them away. In Afghanistan, women and girls are not permitted to work or to go to school, and they have limited access to health care or prenatal care.

We live in a world economy and we must recognize that elections and democracy help us in our shared world. An elected government is a more stable government. Qatar's step toward democracy directly benefits the United States because it leads us toward stability and peace. It is important for our nation to support the democratic steps of our allies in the Persian Gulf.

It is important to remember that democracy is a journey, not a destination. With the historic step of allowing both men and women to participate in its first-ever municipal elections, Qatar has taken the first step toward embracing democracy.

The Emir, Sheikh Hamad bin Khalifa al-Thani, is committed to democracy and has even talked of continuing towards democracy by having an elected parliament. He has already made great strides in education and economic development. I was proud to represent the United States and meet with members of Parliament from United Kingdom, France, Germany, Lebanon, Jordan, Morocco, Oman and Kuwait—who came to witness these historic elections.

I was impressed by how carefully planned the election was. Two hundred and forty-two candidates ran in 29 election districts to serve four-year terms on a central municipal council. Six women ran for office. While none of the women won, Dr. Wadha Al Suwaidi came in second in her district by only 28 votes to Nasser Faleh al Dosari.

I had the opportunity to meet with many candidates. They were well educated, and well prepared. Many had very impressive credentials as ambassadors, teachers, and each had prepared a platform of issues on everything from libraries, bridges, and garbage to parks, nurseries, and recycling.

The scene on election day was extraordinary. It looked a lot like an American election, complete with banners, posters and campaign materials. The election was held on a national holiday and schools and many businesses were closed. Many schools were used as polling places, and candidates set up nearby tents to continue campaigning throughout the day.

We saw many long lines in Qatar, and there was a better than 95 percent voter turnout of the registered voters. It reminded me of the long lines seen during South Africa's first election with people standing in lines for hours in the hot sun.

It was a very fair election. They even sealed the ballot boxes with wax during prayer breaks.

I met with many of the candidates. One of the female candidates who I met, Mouza Abdullah Al-Maliki, has been working for the vote for several years. In 1993, she was part of a group that petitioned the previous Emir for the vote. She is very grateful to have the vote. She told me, "It means democracy, it means freedom, it means awareness for women in all aspects of her life."

To celebrate the first ever direct elections in which women have been allowed to participate in the Gulf, it is important that we pass H. Con. Res. 35 congratulating Qatar on its historic elections. I hope that we will be able to move this bill quickly to show America's support for democracy and universal suffrage throughout the world.

ADDITIONAL FACTS

Dr. Wadha al Suwaidi came in second in her district by only 28 votes to Nasser Faleh al Dosari. This is very significant because 50 women in her district didn't vote.

Of the approximately 600,000 people in the country, there are 150,000 Qatari citizens. Of these, about 75,000 are eligible (over age 18 and not a member of the police or military force.) Approximately 23,000 registered, which was split almost 50–50 between men and women.

I saw our American embassy in Qatar, which was recently evacuated. It stood—exposed and vulnerable—right on a busy intersection. Our embassy workers are currently working in makeshift areas, some are even working out of their homes. I hope that work on the new embassy continues, and that our state department personnel will soon be able to work in a safer environment.

In Lebanon, 3 of 128 Members of Parliament are women. One of them is Mouauad Naela whose daughter lives in New York City.

Mrs. KELLY. Mr. Speaker, first I would like to thank Chairman GILMAN, and Ranking Member GEJDENSON for giving me time to share my support for H. Con. Res. 35, as well as observations from my trip to Qatar last month.

I recently visited Qatar with my colleague, CAROLYN MALONEY, to witness their historic election on March 8, and lend encouragement to the process that they are beginning. While we were in Qatar, we had the opportunity to meet with the women candidates and Qatari citizens, as well as the Minister of Municipal Affairs, the Foreign Minister and the Emir's wife, Shaykha Mouza who has been a leader in the effort to bring American institutions of higher education to Qatar in addition to organizing the municipal council elections, which took place on March 8.

In many countries in that region, women lead very sheltered lives and are unable to do many activities that we take for granted. Women are often unable to drive, much less go on to study in college. In Qatar, we saw women doing these things. We saw them everywhere you would expect to see women here in the U.S. interacting in a perfectly normal way, the same way that we do in many instances. This is rather progressive stance for many countries in this region.

On election day, as I traveled with other members of the delegation to the election sites, I was quite pleased to see the widespread support for the elections and the candidates. The election sites were full of life. Campaign materials and supporters were abundant. Qataris were lined up waiting to have their chance to cast their vote. What is more, I think that there are lessons we could learn from the candidates in Qatar as they sat together, sharing coffee with each other, each wishing the other success, even though they were running against one another. They were there together celebrating the beginnings of democracy and representation.

I also thought that the elections were well organized, those who worked at the polling sites did so with the dignity and excitement one would expect for a nation's first endeavor towards democracy.

I realize that there has been concern about the relatively low number of people eligible to vote in the elections. There are approximately 160,000–180,000 citizens in the nation. Just as in the United States there is eligibility criteria for voting. In order to be able to vote, you must be the daughter or son of a father who is a Qatari citizen and was born and raised there. As in the U.S., 18 is the minimum voting age, and the last criteria is, interestingly enough, that the person cannot be a member of the military or be employed by the Ministry of the Interior. The Qataris have concerns about mixing politics and their military forces. The final number of those eligible to vote has not been reported. However, we do know that of the approximate 22,000 people registered to vote, approximately 45% were women.

The queen, Shaykha Mouza spoke to the issue of the careful balance that needs to be struck between the traditional, conservative aspects of their society and the drive to move towards a parliamentary democracy. This is only the first election for a municipal council which is advisory in nature, but it is a valid step. I believe that it is important for us and for Qatar, that we pass this resolution congratulating the Emir's efforts on behalf of his nation.

As we all know, governing is a difficult task. It is a deliberative and often slow process, but the important thing is that the process moves forward. We need to salute and congratulate this nation for their step forward and encourage them to continue on their journey to the great experiment called democracy.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 35, as amended.

The question was taken.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MICROENTERPRISE FOR SELF-RELIANCE ACT OF 1999

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 136 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 136

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1145

The SPEAKER pro tempore (Mr. Ewing). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 136 is an open rule providing for the consideration of H.R. 1143, the Microenterprise for Self-Reliance Act of 1999. The purpose of the legislation is to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries. The rule provides for the customary 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

The rule waives clause 4(a) of rule XIII requiring a 3-day layover of the committee report against consideration of the bill. In addition, the rule provides that the bill shall be read by section. The rule permits the Chair to grant priority in recognition to Members who have preprinted their amendments and considers them as read.

Further, as has become standard practice in this Congress, the Chair is allowed to postpone recorded votes and to reduce the time for electronic voting on postponed votes, and finally the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, to keep with our record of fair rules for the 106th Congress, I am pleased to report that this resolution is yet another open rule that affords any Member the opportunity to offer any germane amendments.

House Resolution 1143 is much needed legislation to enhance credit opportunities for microenterprises in developing countries. These businesses are so small, 10 or fewer employees, and the average loan is so low; most are less than $300; that they are thought of as microenterprises as opposed to small businesses. Microenterprises are the economy of the very poorest segment of the economy in developing countries, and estimates of their number range from one-third to perhaps one-half of the world's businesses.

Microenterprises have been an area of interest for U.S. foreign assistance for many years. In 1994, the USIA, USAID, formally launched the microenterprise initiative in partnership with Congress to expand funding for that department's microenterprise programs. The summit's goal for that year was to target half of the microenterprise resources to serve the poorest with loans under $300.

The ability to obtain credit is one of the most important factors in starting or expanding a microenterprise. Often these loan amounts are so low that a commercial bank would not find them profitable, or an entrepreneur has very little in the way of collateral, so the bank would consider them too risky. Yet most micro-loan institutions boast repayment rates of 97 percent or better, putting them at least on a par with major banks who lend to more affluent and traditional borrowers. I believe that supporting microentrepreneurs is an excellent investment in dramatically improving the quality of life of millions throughout the world. Providing access to loans can help low-income entrepreneurs expand their inventory or even hire additional employees and can truly enhance a person's self-esteem by giving him or her a genuine opportunity in life.

In addition, microfinance can serve as a powerful tool for building a more inclusive financial sector which serves the broad majority of the world's population, including the very poor and women, and thus generates more social stability and prosperity. This legislation states that the United States should coordinate among the G–7 nations to bolster support for the microenterprise sector by leveraging our investment with that of other donor nations.

H.R. 1143 appropriately makes microenterprise development an important component of U.S. foreign economic policy and assistance by expanding on the commitment of the USAID in its 1994 microenterprise initiative. I believe that in improving the access of the poorest, especially women, to much needed financial resources in developing countries will lead to the development of free, open and equitable international economic systems and contribute to the spread of freedom and human dignity in the world.

I would like to commend the gentleman from New York (Mr. GILMAN), the gentlewoman from Florida (Ms. ROS-LEHTINEN), my dear colleague from the Committee on Rules, the gentleman from Ohio (Mr. HALL), and the others who have worked so hard on this legislation for their efforts in bringing this very important bipartisan bill forward. I strongly support H.R. 1143 and urge all of my colleagues to support both this open rule and the underlying important bill.

Mr. Speaker, I urge my colleagues to support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Florida (Mr. DIAZ-BALART), for yielding me the time.

This is an open rule. It will allow for full and fair debate on H.R. 1143 which is called the microenterprise bill for self-reliance. It is an act of 1999 of which I am proud to be an original cosponsor.

As my colleague from Florida has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle, they will have the opportunity to offer germane amendments.

This is a bipartisan bill that reflects broad congressional support.

A microenterprise is a small business with as few as one or as many as ten employees. Loans to these companies or small businesses are among the most cost-effective ways to help the poor lift themselves out of poverty.

I became familiar with the potential of microenterprise to reduce poverty because of the House Select Committee on Hunger, and I used to chair the international task force of the committee, and later I was chairman of the full committee. The Hunger Committee held hearings, we issued reports, we conducted public forums to inform Congress and the public on the importance of microcredit to reducing hunger and poverty around the world. In one report the Hunger Committee concluded that small loans to microenterprises can significantly raise the living standards of the poor, increase food security and bring about sustainable improvements in local economies. The committee further concluded that credit to microenterprises is one way to help end the cycle of poverty and hunger among urban and rural landless poor in developing countries. The bill before us today strengthens and enhances the United States leadership in the field of microenterprise development to fight hunger and poverty in the world.

I want to congratulate the distinguished chairman, the gentleman from New York (Mr. GILMAN), the ranking minority member, the gentleman from Connecticut (Mr. GEJDENSON) of the Committee on International Relations for their commitment to microenterprise and other poverty alleviation programs and for their hard work in bringing this important legislation to the floor. Special thanks is also due to the gentleman from New York (Mr. HOUGHTON) for his instrumental leadership on this issue.

The bill is very similar to a measure that was introduced by the gentleman from New York (Mr. HOUGHTON) and myself in the 105th Congress. An amended version of the bill passed the House on a 393 vote to 21, but it got stalled in the Senate. I am particularly pleased that today's bill very closely resembles the original Amo Houghton bill and Hall bill from the last Congress than the version which passed the House.

No U.S.A. program is more effective in assisting poor people to end their own poverty than microenterprise development. The dollars have a multiplier effect since they are recycled to new beneficiaries when loans are repaid.

This bill is a good bill, and it will improve the lives of many of the world's poor with a minimum of cost. It is an open rule that was adopted by a voice vote of the Committee on Rules. I urge adoption of the rule and of the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I would like to thank my friend from Miami, Florida (Mr. DIAZ-BALART) for yielding me this time.

The underlying bill is vital to the economic growth of developing countries. H.R. 1143 is a bipartisan bill cosponsored by my friend from Dayton, Ohio (Mr. HALL), and a number of others and is designed to provide assistance for programs of credit and other financial services for microenterprises in developing countries.

For a number of years I have been proud to be a supporter of microenterprise programs. I support H.R. 1143 because it moves us forward and sets the direction for the future of microenterprise programs.

One of the most important elements of this legislation is the requirement to increase the amount of assistance devoted to credit activities designed to reach the poorest sector in developing countries and to improve the access to the poorest, particularly women, to microenterprise credit in developing countries. We have been informed by the World Bank that more than 1.2 billion people in the developing world, one-fifth of the world's entire population, subsists on less than $1 a day. Today this Congress sends a message that America not only supports the political and religious freedom of all people, but also advocates the economic freedom of people in nations across this globe. The bill will make microenterprise development an important element of United States economic policy and assistance.

Mr. Speaker, Ronald Reagan once said that part of our foreign policy to maintain peace abroad was to promote market-oriented solutions to international problems, telling the story abroad of America's free enterprise way of life. As the United States leads the way in developing a new global financial architecture, I believe that microenterprise will play an indispensable role in that quest.

Mr. Speaker, I strongly support this rule, and I urge my colleagues to support the legislation as it moves forward.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Ohio very much for yielding this time to me, and I ask to be able to speak for 2 minutes.

Mr. Speaker, let me thank the gentleman from Ohio (Mr. HALL) for this time and join in by applauding this rule and, as well, acknowledging the vitality of the microenterprise program in developing nations. According to the World Bank, more than 1.2 billion people in the developing world, or one-fifth of the world's population, as we have just heard the previous speaker acknowledge, lives on less than $1 a day, and for Americans that is obviously a stark figure and a shocking figure. But at the same time there is hope, there is genuine desire to do better, and particularly for those small businesses and small-opportunity individuals in developing nations.

Wherever one goes and visits, whether or not it is the continent of Africa, whether or not it is in South America that is close to Texas and Central America, they will find those individuals that simply say, "If you'll give me a fishing rod instead of a fish, I can make a difference."

We had an opportunity in the session, the work recess session, to join a presidential mission dealing with the tragedy of HIV AIDS in Africa. Interestingly enough, one would ask how does the microenterprise program deal with the question of HIV AIDS? Mr. Speaker, the real issue along with the tragedy of AIDS, and prevention, and education, the impact on children, the number of offerings that will come about because of the tragedy of AIDS in Africa, is the idea of giving communities an opportunity to self invest and to create businesses where they can stay in these rural areas as opposed to traveling from place to place.

□ 1200

We met, for example, an elderly grandmother who was taking care of a number of her grandchildren due to the tragedy of them losing their parents to HIV/AIDS.

Mr. Speaker, one might find it curious and interesting, but she was making banana beer. Part of her efforts were through the support of USAID. Of course, many of these programs interact, but the enterprise program impacts on giving opportunity to those who have ideas to ensure that there is a return on their investment.

In February 1997, a global microcredit summit was held in Washington to launch a plan to expand access to credit for self-employment to the 100 million of the world's poorest families by 2005. I cannot imagine us in any way doing something more effective, more efficient and more far-reaching than to help those individuals who wish to help themselves in developing nations. One of the points we have heard is that we do want to build our economy.

Mr. Speaker, I would simply say that I support the microenterprise program and hope that we can continue to expand it.

Mr. Speaker, I rise in support of the open rule for H.R. 1143, a bill to assist microenterprises in developing countries. This bill will authorize grant assistance to further the development of microenterprises in developing countries. The grants are to be provided to businesses, governments and other organizations in both the United States and abroad to expand the availability of financial services, credit and training for microentrepreneurs. In this manner these grants will assist the poorest of the poor in their endeavors to expand their incomes and their businesses.

The most recent statistics provided by the World Bank, indicate that 1.2 billion people in the developing world, or one-fifth of the world's population, subsist on less than $1 a day. That is right, they live on less than $1 a day. Women in poverty generally have larger workloads and less access to educational and economic opportunities than their male counterparts. This in turn means that women in these countries lack stable employment and frayed social safety nets.

Many in the developing world turn to self-employment to generate their livelihoods. I know first hand, from my trips to Africa that a large percentage of the workers are self-employed. The poor have shown remarkable courage in the face of poverty and have demonstrated an uncanny ability to expand their incomes and business when they have access to loans at reasonable rates.

It is the unfortunate truth that entrepreneurs are frozen in poverty because they cannot obtain sufficient credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities. It is not unusual for interest rates to be as high as 10 percent per day.

Similar measures have already proven successful in these developing countries. Nongovernmental organization such as the Grameen Bank in Bangladesh, in Kenya, and networks such as Accion International, have been particularly successful in lending to poorest of the poor. This measure helps both the business and the individual to develop a sense of accomplishment.

I urge members to support this open rule which allows for bipartisan debate.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished chairwoman of the Subcommittee on International Economic Policy and Trade of the Committee on International Relations.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time.

Mr. Speaker, I rise in support of the resolution before us, H.R. 1143. As we look at the reports issued by the World Health Organization, which document, as we have heard, that one-fifth of the world's population lives in extreme poverty and that poverty is one of the leading causes of death worldwide, the problem of how to help poor families appears so immense and widespread that it seems impossible to manage.

This, Mr. Speaker, is where microcredit comes in. It is a new vision for ending world poverty and it provides access to credit for the world's poor to convert their ideas into thriving small businesses. People like Salomie Chung and Elisa Crespo from my hometown of south Florida, who with the assistance of Kathleen Gordon of Working Capital Florida and Gail Neumann of Results-Miami no longer need to worry about survival and basic existence because they are now successful entrepreneurs.

These are just a few domestic examples, but microcredit is now at work in some form in over 40 countries.

Overall, the rate of repayment of the more established programs ranges from 95 to 99 percent. Foreign assistance used under the microcredit program is loaned and paid back with interest and is then recycled and used for new loans, thus, reaching even more of the world's poor.

Microcredit is an economically viable program which furthers U.S. development goals and humanitarian purposes, but it needs our unequivocal support to continue its mission and to build on its success.

That is the objective, Mr. Speaker, of the bill before us, House Resolution 1143. It expands upon previous legislation and ensures that at least one-half of overall resources allocated for microcredit within USAID are to be directed to programs serving the poorest of the poor with loans under $300. This could mean that tens of thousands more of the poorest will have the opportunity to empower themselves out of the state of poverty that they are currently in.

The bill before us helps to guarantee the survival of programs which are endangered by crises beyond the control of the programs and of the borrowers. It calls for further action and initiative to be explored to help enhance the development of microcredit institutions.

As H.R. 1143 states, the development of microenterprise is a vital factor in the stable growth of developing countries and in the development of free, open and equitable international economic systems.

It is, therefore, in the best interest of the U.S. and of the United States Congress to support its growth and its expansion. By supporting H.R. 1143 and microcredit in general, we are investing in the human spirit and the desire of the world's poor to use their creativity, their talents and their skills to control their own destiny.

For the future welfare of the men, women and children worldwide who suffer the pain inflicted by poverty, I ask my colleagues to vote in favor of H.R. 1143.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, I, too, rise in support of H.R. 1143, which establishes assistance to microenterprise programs in developing countries. This bill is very important for a number of reasons which we have already heard. It establishes in law our support for microenterprise. Congress has not provided full authorization up until now for microenterprises in developing countries.

Second, this bill sets aside increased resources for microenterprise programs for the next 2 years.

Third, it ensures that half of the funding goes to programs which serve the very poor in loans of $300 or less. I recently saw some of these programs in Petra in Jordan, and in Marrakesh in Morocco.

I have been a longtime supporter of microenterprise lending. Several years ago, my senior legislative assistant went to Bangladesh to view the Grameen Bank and microenterprise at work in that country. As many know, the Grameen Bank was one of the first to establish such a program and to make microloans available to the poorest of the poor.

The premise of the Grameen Bank and other microenterprise programs is that the capitalist system in these countries does not have to be only for the rich, and credit should be seen as a human right. If we are looking for one single action that will enable the poor to overcome their poverty, we should choose credit. Charity and handouts help maintain and deepen poverty by taking away initiative. Human beings thrive on challenges, not on charity.

The Grameen Bank is now owned by the poor people of Bangladesh and it works exclusively with poor people. The less one has, the higher priority one has for loans. If one has nothing, they get the highest priority.

Ninety percent of the shares are owned by the borrowers. The board of directors consists of 13 members, nine of whom are elected by the borrowers and shareholders. It serves over 2.4 million borrowers, and the payback rate is 98 percent, money which can then be re-lent to others. So far, this program has lent out and has been repaid with over $2 billion in Bangladesh alone.

There are many examples of how these microloans have changed the life of the borrower. My legislative assistant spoke to a woman in a village in central Bangladesh. Five years earlier when she was living in complete poverty with her six children starving, she turned with some hesitation to the Grameen Bank.

Five years after her first loan, she graciously invited my assistant into her home, introduced her children who are all in school, and proudly showed off the cow that she had bought and the material she retails to support her family.

The first years were not easy. In fact, she told of selling the milk from her cow when her children were still hungry, but she knew she had to repay the bank loan to get another one and she knew that that was the way out of her poverty.

As my assistant left, she asked for her to pray that there would be no more widows in her village because life for a widow is just too hard.

In a neighboring village, a young woman of 26 owned two goats, one cow, ten hens and two acres of land and was earning twice the national average income. Her son was in the eighth grade in a country where not quite half the children complete the fifth grade. She had had a hard life as she was abandoned at 3 months by her parents, raised by a neighbor, married at 12, abandoned again at 13, this time by her husband when she was pregnant. She had never earned more than $37 a year and owned no land.

After her visit to the Grameen Bank, she began her own career which allowed her children to get to school and her to have a living wage.

Replicated throughout the world and now in the United States also, microcredit programs are working to eliminate poverty worldwide. Working in partnership with groups like Results, they have set a goal of reaching 100 million of the world's poorest families.

This bill is very important. It is a crucial piece that will help us reach our world and national goals. I urge my colleagues to support H.R. 1143.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say that the rule is open and it is a very, very good bill. This bill provides a lot of relief, a lot of help for hundreds of thousands of people across the world. We even do microenterprise very well in some States in our own country. It is a very good policy. I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I fully agree with the gentleman from Ohio (Mr. HALL) and all the speakers who have so eloquently portrayed why the underlying legislation is so important and why we need to move forward with it today. I also support the rule. It is a fully open rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 136 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1143.

☐ 1211

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes, with Mr. EWING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from California (Ms. LEE) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, many of us have heard or seen the phenomenal success of microenterprise programs around the world. These programs reach the poorest of the poor with small loans that help them to work their way out of poverty.

The record of these programs is impressive, with the poorest clients repaying their loans at rates between 95 and 98 percent. Unlike other assistance programs, we do not give funds away. We lend them to people once considered the worst credit risks on earth.

Microenterprise programs proved that with access to credit, the poor can repay their loans and work their way out of poverty.

The bill before the House is a result of almost 4 years of consensus building between the gentleman from New York (Mr. GILMAN) and the ranking Democratic member, the gentleman from Connecticut (Mr. GEJDENSON).

The gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from New York (Mr. GILMAN) and many of us have worked for a number of years on microenterprise development programs from their first beginnings at the Grameen Bank in Bangladesh to today when microfinancing institutions are some of the largest lenders in many developing countries.

The bill also builds on the work in the last Congress, the Houghton-Hall bill. The authors of that legislation will recognize that much of the language in this bill came directly from their bill.

This legislation started as a renewal of our bipartisan cooperative effort with the administration, including AID and the First Lady's office, to strengthen microfinance programs. We will recall the President's visit to Uganda where he visited a microfinance project and declared that this was one of the most successful ways to help the poor in developing countries to work their way out of poverty.

Mr. Chairman, this bill accomplishes several key goals. First, it contains the essential language that half of all microenterprise resources go directly to support programs that provide $300 loans or lower to the poorest of the poor.

This requirement traces back to the highly successful microcredit summit convened by Results to dedicate the international community to reaching half of the world's poor with credit programs by the year 2005.

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The bill adds a new section to the Foreign Assistance Act governing grants to microfinance institutions, authorizing $152 million in appropriations for fiscal year 2000 and $167 million for fiscal year 2001.

I will note that these are consensus figures of the Microenterprise Coalition, advocacy and practitioners alike, and they are not strongly opposed by the administration.

The bill authorizes the micro and small credit program of AID that has helped many microentrepreneurs grow from small- to medium-sized businesses. The bill has also two major new sections that lay the foundation for the future growth of the microfinance sector.

First, at the suggestion of the gentleman from Connecticut (Mr. GEJDENSON), the bill establishes a microfinance loan facility to help rescue institutions which the U.S. taxpayer has supported with liquidity and support to prevent collapse.

We have all witnessed the destruction caused by Hurricane Mitch in Central America. The destruction nearly caused the collapse of several key microfinance institutions that the U.S. helped to build from the ground up. The ad hoc rescue package assembled by Brian Atwood at AID rescued these institutions so they can now head to recovery.

We have also had other near collapses, and the facility will help address these emergencies in a more systematic way.

Secondly, the bill calls for a number of reports by the President to lay out the future growth of these institutions, including a Federal charter. Using these reports, we hope to lay out a road map for the growth of the microfinance section over the next 10 years.

This legislation has 26 original cosponsors and has been endorsed by the Microenterprise Coalition, including RESULTS and FINCA. It is my understanding that the administration has moved mightily and now has only some concerns with the legislation, and does not oppose its adoption today.

The gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from New York (Mr. GILMAN) and I have one amendment that will make some technical changes to the bill, to its loan facility, that were worked out with AID. Other than that, I am not aware of any other amendments that will be offered today.

I urge the support of this legislation. It is a good bill.

Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of H.R. 1143.

Mr. Chairman, this legislation is a product of many years of hard work on behalf of microenterprise. I want to thank the ranking member, the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from New York (Chairman GILMAN) for several years of hard work on this issue.

I would also like to recognize two great leaders who have done so much to advance the cause of microcredit lending to the poor and to empower women in developing countries. First Lady Hillary Rodham Clinton and AID administrator Brian Atwood have worked tirelessly to make sure that the United States takes a leadership role to expand access to credit for self-employment to 100 million of the world's poorest families. One-fifth of the world's population exists on less than $1 a day, and 32,000 children die each day from preventable malnutrition.

I had the opportunity to visit Ghana and South Africa last week, and I met with many women entrepreneurs who were the primary income earners for their families. Access to just a small amount of capital, I was told, would help them raise the standard of living for their entire families.

Many of the poor who do not have access to microenterprise programs are forced to pay interest rates of 10 percent per day to money lenders. In contrast, interest rates on microcredit loans average between 2 percent and 5 percent per week. The return rate on these loans is between 95 percent and 99 percent.

Let me briefly explain what this bill does. It permanently establishes two new sections in statutory law to govern microenterprise grants and loans. Under the grants section, it authorizes grants to support microlending programs. These grants are generally used to start new microlending programs. It authorizes $152 million for fiscal year 2000, and $167 million for fiscal year 2001 for microenterprise programs. It mandates 50 percent of all microenterprise resources to be used for poverty lending, defined as institutions that provide credit and other financial services to the poorest with loans of $300 or less in 1995 dollars.

Currently, 68 percent of loans are $300 or less, and about 47 percent of total resources support poverty lending.

This bill creates a loan facility inside of AID. The facility will provide concessional loans to United States-sponsored microfinance institutions to prevent bankruptcy caused by natural disasters, national wars, civil conflict, or national financial crises. The facility would be supervised by representatives of the Department of the Treasury, AID, and two representatives from the NGO community. It requires the President to prepare a report to Congress on the most cost-effective methods for increasing the access of poor people to credit, other financial services, and related training.

I urge my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I rise today in support of H.R. 1143, the Microenterprise Self-Reliance Act. The low-cost loans and training opportunities provided by this program create unimaginable opportunity and hope for people living in the poorest and most desolate areas of the world.

As a Member who is personally committed to the growth and prosperity of Central and South America, I have witnessed firsthand the benefits of microenterprise and the microcredit programs to the poorest of the poor. Through these programs, the U.S. has been able to encourage economic growth and self-dependency in countries less fortunate than our own.

The minimal cost of the microenterprise program yield great benefits and have a tremendous long-term impact on the future economic and social development of many nations, specifically those in Central America.

I would like to give, if I may, a couple of individuals cases that I personally have seen, first that occurred in El Salvador maybe 10 or 12 years ago. They took us to a tailor shop where this gentleman volunteered to give me a three-piece suit, cut to my standard style and size and everything, for $100. I don't know how the rest of the Members feel, but this was unbelievable.

I found out that this gentleman in his time of need found out that he could get a sewing machine for $100 that he borrowed from the microenterprise. With that $100 and a pair of scissors, he started producing clothes. At the time that I saw him there, he had four sewing machines and the whole operation, and his $100 now had become $3,000 that he was able to invest. That was in El Salvador.

Several years later when we were in Nicaragua we asked, why in the world don't microenterprises come to Nicaragua? In this particular case they took us to a shopping area of downtown Managua and showed us a young lady there who had borrowed $200 to start off with. She put vegetables and flowers and seeds and so forth for sale. After 3 years in that small investment of about $200, I asked her what her inventory was. It was a little grocery store by then. She had $7,000 worth of groceries there.

All of this was done by small loans that were immediately paid back. Their loan qualities were unbelievable the way they paid it back, just as the statistics have already shown. I would just like to recommend highly that this is a wonderful program and we ought to do something about it.

In many impoverished countries there are no secure financial institutions where people can apply for loans, no training facilities to teach people a trade, and no encouraging signs of growth and prosperity. The microenterprise programs make these resources available, and allow people who once had no hope of sustaining a livable wage, it gives them a real chance to become self-sufficient.

As the U.S. continues to promote assistance, as opposed to handouts, I think it is important for us to applaud programs that grant an opportunity for growth. I encourage all my colleagues to vote in favor of this legislation, which has proven to benefit the international community that needs our help most, the poorest of the poor.

Please support the Microenterprise Self-Reliance Act.

Ms. LEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentlewoman from California for yielding time to me.

Mr. Chairman, I am pleased to join with my colleagues in the spirit of bipartisanship to support the goals and the objective of microenterprises in developing countries.

Many of the world's poorest workers are self-employed. These entrepreneurs are trapped in poverty because they cannot obtain credit at a reasonable rate that will allow them to build their assets and expand their businesses.

The global credit program for microenterprises provides funds that will increase the flow of credit from the formal financial sector to the micro entrepreneurs, with a view to improving their productivity, income, and employment level.

Over the past years we have learned firsthand the dramatic impact that microenterprise has had on the lives of millions of the world's poorest families, enabling many of them to pull themselves out of poverty. Our support for microenterprise needs to be strengthened, and our resolve and commitment to ensure that we meet the goals and objectives of microenterprise fortified.

Two examples were shared recently by RESULTS with my office. In Uganda a woman borrowed money to invest in her brick-making company. She was producing 1,000 bricks, and she borrowed money, and she has now increased it to 5,000 bricks. She uses the money to school her children, to allow them to have a better opportunity than herself.

The second example is in El Salvador, a woman borrowed $57 to increase her bread-making business. She has been so successful she has now bought out her supplier.

These examples are indeed proof that this program is a success, not only for the people it is intended for, but also their ability to pay back the loans exceeds that in the private sector.

We must recommit ourselves to ensuring that 100 million of the world's poorest families are afforded the opportunity that many of us take for granted, the opportunity to direct and shape our future by investing our skills, talents, and energy into building, sustaining, and expanding small businesses.

H.R. 1143 grants that opportunity and assurance by authorizing grant assistance of $152 million in the fiscal year 2000, $167 million in fiscal year 2001, to further the development of microenterprise in developing countries. This is a modest investment that can have a powerful impact on the eradication of poverty.

Microcredit is not charity, nor is it big government gone astray, but rather, microcredit is a sound and wise investment that deserves priority and protection. Without a focused effort to empower individuals in the poorest regions of the world, dire poverty will continue to plague our global community, draining our capital resources, sapping our political will, and destroying countless human lives worldwide.

I urge my colleagues to join me in support of this desperately needed legislation.

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. BALLENGER) for the purposes of a colloquy.

Mr. BALLENGER. Mr. Chairman, Section 4(b)5 of the bill states that "Assistance provided under this subsection may only be used to support microenterprise programs and may not be used to support programs not directly related to the purposes described in paragraph (1)."

I would ask the gentleman from New Jersey (Chairman SMITH), do I understand correctly that this language prohibits requirements not directly related to the enterprise for which credit is extended from being imposed on a microcredit beneficiary as a condition on their eligibility for assistance?

Mr. SMITH of New Jersey. Mr. Chairman, if the gentleman will yield, I would say to the gentleman that this is correct.

This colloquy, for the purposes of the record and for my colleagues, has been worked out with the gentleman from New York (Chairman GILMAN) and with his full concurrence.

The answer to the question is, that is correct.

Mr. BALLENGER. Requirements not directly related to the microenterprise cannot be considered as a factor affecting the amount or terms of the assistance that microcredit applicants are eligible to receive?

Mr. SMITH of New Jersey. Yes, that is correct. Funds provided by this bill may be used only to support microenterprise programs. A requirement that a microcredit applicant fulfill some unrelated precondition would constitute support for something other than microenterprise programs. Thus, such requirements are expressly prohibited by section 4(b)5.

Mr. BALLENGER. Thus, to take an extreme example, a program funded by this bill could not require that an applicant be sterilized before she is eligible for microenterprise assistance?

Mr. SMITH of New Jersey. Yes. Section 4(b)5 would prohibit funding of any program that attempted to impose such a condition.

Mr. BALLENGER. I thank the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of the Committee and the chairman of the Subcommittee on Asia and the Pacific.

□ 1230

Mr. BEREUTER. Mr. Chairman, I rise in support of the legislation. I thank the gentleman from New Jersey (Mr. SMITH) for yielding me this time.

I am an original cosponsor and strong supporter of this bill. This Member first became familiar with the microenterprise concept during the 99th Congress. At that time, an organization known by its acronym of FINCA, F-I-N-C-A, worked closely with poverty stricken areas of Latin America and South America. The concept of microenterprises, I think had not had much visibility at all on Capitol Hill or in America until we learned about FINCA's good work.

Having since visited numerous developing countries while serving on the Committee on International Relations, this Member can testify to the utter despair and grinding poverty that is all too commonplace throughout so much of the world and to the hope which microenterprise programs can provide.

Much of the grinding poverty could be redressed by just a few dollars' worth of tools and raw materials. In countries where the average wage may be no more than 50 cents a day, as little as $10 can provide someone with the reed to make straw mats or leather for shoes. Just a few dollars can stock a peddler's cart and allow him or her to rise above helpless poverty.

Microenterprise initiatives will not make anyone rich, but it will pay for tuition for a child's basic education or the cost of a concrete surface to replace an old dirt floor, or a pump where the water is not tainted. Importantly, microenterprise can provide these small luxuries, or I would say basic elements of life, but they come only to those who are willing to combine these small loans with hard work.

Recipients of these loans certainly do work hard. It is reported that recipients repay the principal within the first month in many cases, and 95 to 98 percent of recipients repay the loans on time. Indeed, that repayment rate is incredibly good as compared to commercial banks' repayments. It also serves, I think, as a strong testament to recipients' receptivity to these programs.

The legislation before this body today gives an important boost to existing microenterprise programs like the Grameen Bank in Bangladesh, where microenterprise has had great positive effects for a whole generation of women; or BancoSol, which now has the largest number of clients of any financial institution in Bolivia. This legislation will ensure their survival.

H.R. 1143 sets forth the guidelines to ensure that the needs of the poorest of the poor are addressed. One-half of all microenterprise resources are devoted to loans of $300 or less.

Importantly, the legislation establishes a facility specifically devoted to countries devastated by war or natural disasters. This is a particularly important provision, Mr. Chairman. It means all is not lost when torrential flooding destroys an entire economy, as was the case last year in Bangladesh. It means that people in war-torn regions can return home and try to start life anew, as has been the case in Rwanda and Cambodia.

Mr. Chairman, H.R. 1143 speaks to the best part of our collective conscience. Through this legislation, the U.S. is offering hope to those who have no hope, a helping hand to those who want to make for themselves a better life.

This Member congratulates the author of this initiative, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations. It is largely through his efforts that microenterprise has become such an important part of our foreign assistance efforts.

This Member would also thank the distinguished gentleman from Connecticut (Mr. GEJDENSON), the ranking Democrat on the committee, for his constructive efforts to move this legislation forward.

I thank the gentleman from New Jersey (Mr. SMITH) for yielding me this time and for his support of the legislation.

Ms. LEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, first, to the gentlewoman from California (Ms. LEE), sitting in for the gentleman from Connecticut (Mr. GEJDENSON), I thank her so much for yielding me the time. I thank the gentleman from New York (Chairman GILMAN) as well as the gentleman from Connecticut (Mr. GEJDENSON), our ranking member, and the entire committee for bringing to us such an important bill.

As has been mentioned, whether in Bangladesh, India, Africa, or some other country of the world, including the United States, microcredit, the assistance to small businesses, primarily women I might add, is the difference between success and failure in so many children's lives.

As has been said earlier, the World Bank reports that 1.2 billion people in the world exist on less than $1 a day. That is 20 percent of the world's population exist on less than $1 per day.

This microenterprise legislation provides for the children of these families hope for the future. It provides a way where their parents, in many cases women, can have their own businesses, can earn their own fees and dollars and then send their children to school to receive an adequate education.

I commend the subcommittee, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and all of those who brought this bill to the floor.

I recently returned from overseas and had another first-hand look at some very successful microenterprise operations. They are in fact working. They are the difference between success and failure, not only in the woman's life, who in many cases is the breadwinner, is the nurturer of the family, is the person that instills strength and self-confidence in children, that one can be what one wants to be.

It has been reported that microenterprise, also the loans are repaid at a much higher rate than traditional lending practices; that, not only are the businesses successful, but the payback in large measure has been paid back.

So, Mr. Chairman, let us move H.R. 1143 out of this Chamber and to the signature of the President. It is the difference between success and failure. Microenterprising is a tool not only used in this country but in the poorest of the poor countries of the world to say that this is a wonderful world. When we work together, we can save many children's lives and offer them hope for the future.

Ms. LEE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the very distinguished gentlewoman from California (Ms. LEE) for yielding me this time and for leading the debate on our side of the aisle today and for her support for this program.

This is a neat, wonderful concept, and it is something that we can agree on, which also says a lot as well. We ought to be looking for more of these ideas.

It is a testament to the strength of the human spirit, this program. It has taught a couple of things. One is that poor people would much rather that we give them loans than grants, that we have confidence in their ability to pay money back, that all they really need is a little seed money to get started.

The second thing it teaches us is that the most underused economic resource in this world are the women of the world who have always been doing most of the work but very seldom have they ever had any real control, particularly economic control, over their lives.

So the programs that work are the ones that go out and find the women in the villages that know what is going on and have the fortitude and the determination to provide for their families and give them the resources. Boy, the ideas that they come up with and the kind of effort that they put into these little microenterprise efforts, they are just heartwarming.

It should be known also that these microenterprise banks charge a lot of money in interest, a lot of them, more interest than we would want to pay. Yet, invariably, the vast majority of these loans get paid off. It is just unbelievable what people can do with just a little seed money if given the confidence and the resources.

So I want to thank the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. SMITH) and the gentleman from Nebraska (Mr. BEREUTER) and all the others on the Republican side and certainly the gentleman from Connecticut (Mr. GEJDENSON), our ranking member, and the gentlewoman from California (Ms. LEE), and all of the members of the committee.

We have got a good thing going here. It costs us very little money. The only people that seem to have some reluctance about this is the White House. I read their statement of administration policy, and I cannot really figure out what they are trying to say and what their objection would be. But I am sorry that they do not get fully behind this, because they have done a lot to make microenterprise programs work. They should have endorsed this piece of legislation. But I know that they are going to fully fund it, and they are going to get behind it, particularly USAID, and make it work.

We cannot always control the situations, and we have had some real catastrophes that have prevented people in Third World countries from being able to pay back their loans. Bangladesh comes to mind. So we need some provision to make sure that money is available. This provides that. It ensures that there is going to be this revolving fund available.

This is the right way to do it. We are institutionalizing it. This is going to get a unanimous vote, I hope, and it deserves one. The people of the Third World, to take advantage of this, deserve the little seed money that this provides to them.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank the gentleman from Virginia (Mr. MORAN) for his kind remarks and also for his acknowledgment and recognition of the competence and the tenacity and the commitment of women to economic development and job creation.

Mr. MORAN of Virginia. Mr. Chairman, if the gentlewoman will yield for just a moment, we men have always known that; it is just seldom that we ever admitted it.

Ms. LEE. Mr. Chairman, I thank the gentleman from Virginia for coming out front and talking about it publicly.

Mr. LANTOS. Mr. Chairman, I urge my colleagues to join me in supporting H.R. 1143, the Microenterprise for Self-Reliance Act of 1999. I support this bill because I have witnessed first-hand the uplifting effects of microcredit on the economic and humanitarian conditions of struggling nations around the world. I have closely monitored its enormously positive influence on women and ethnic minorities, those most likely to face discrimination in creating small businesses and establishing social support networks in their communities. H.R. 1143 would allow these essential developments to continue and expand, aiding the stability of new democracies and enabling all citizens a stake in their future directions.

The microcredit program, more than any other government initiative, is founded on the free market ideals central to America's greatness. By providing small amounts of start-up capital to aspiring entrepreneurs, productive businesses can be established which, in a collective manner, change society for the better. For example, when a woman in a small African nation borrows a few dollars to set up a crafts shop, she does far more than better her family's financial situation. She may create employment opportunities for others in her small community, she may held to break generations of poverty in her town, she may generate income that will allow the creation of even more commerce, she may break down age-old stereotypes of women's social roles, and she may make it possible for untold numbers of women to realize the opportunities provided to her by the blessing of microcredit.

As the distinguished Administrator of the U.S. Agency for International Development (USAID), J. Brian Atwood, explained: "Microenterprise is one of our most effective tools to foster bottom-up growth and to give women an opportunity to make a place for themselves in business and in their communities." For only a minimal investment—few loans exceed $300, and the return rate is nearly 100 percent—we can peacefully alter centuries of history, one entrepreneur at a time.

H.R. 1143 will strengthen this much-needed program by authorizing increased funds ($152 million in FY 2000 and $167 million in FY 2001) and ensuring that at least 50 percent of microenterprise resources be used for poverty lending to the neediest participants in Third World economies. Furthermore, H.R. 1143 would permanently establish two new provisions in law to govern grants and loans, and it would create a loan facility inside USAID to help U.S.-sponsored microfinance institutions survive natural disasters, civil wars, and national financial crises.

I applaud these reforms, and I commend International Relations Committee Chairman BENJAMIN A. GILMAN and Ranking Member SAM GEJDENSON for their hard work in working out the provisions of this legislation.

Mr. Chairman, I would also like to recognize the extraordinary commitment of First Lady Hillary Rodham Clinton to the microenterprise program. Since the earliest days of the Clinton Presidency, Mrs. Clinton has used her exceptional brilliance and influence to promote this initiative around the world. Long before other opinion leaders understood the importance of targeted microcredit investments, she was proclaiming the benefits of this program for women and families in a host of nations. I would also like to note the impressive contributions of Administrator Atwood in implementing this essential component of our foreign policy.

Mr. Chairman, I urge my colleagues to support H.R. 1143.

Mr. LUTHER. Mr. Chairman, I rise today in support of H.R. 1143, the Microenterprise for Self-Reliance Act of 1999. Microcredit is the process of providing small loans to very poor people at commercial interest rates for the startup or expansion of small business ventures. It has been successful in promoting economic growth and ending the worst aspects of poverty in some of the most destitute places in the world.

Unfortunately, despite its proven track record, microcredit has not been utilized to its full potential. Funding for microcredit within the U.S. Agency for International Development has not kept pace with the growing capacity to lend. Despite the fact that in 1994 USAID set the goal of directing half of overall microenterprise funds to programs serving the poorest people in loans of $300 or less by the end of 1996, only about 41 percent of these funds are currently reaching this target population.

The Microenterprise for Self-Reliance Act of 1999 calls for $152 million in fiscal year 2000 and $167 million in fiscal year 2001 and designates half of all microenterprise funds as loans of $300 or less for the neediest people in the world. Along with helping the world's poorest people, this legislation increases work skills and improves the economies of the developing nations where microcredit initiatives are in place. Currently, approximately 1.2 billion people—one fifth of the world population—live in extreme poverty. As long as poverty continues to plague so many millions, there will be no lasting peace or stability in our world.

Microcredit is one of the most cost-effective and successful ways to combat poverty and help achieve peace. Therefore, I urge my colleagues to vote for H.R. 1143.

Mr. PORTER. Mr. Chairman, I rise in strong support of this legislation. The concept of microlending has existed for over two decades, created by Muhammed Yunus through the Grameen Bank in Bangladesh. This concept has enjoyed incredible success and has improved the lives of millions of people, especially women. The Grameen Bank has inspired microlending programs in fifty-six other countries and has been copied by 5,000 international institutions. In fact, this system has even been adopted by the Women's Self-Employment Project in Chicago to successfully wean unwed mothers off of welfare.

I am very pleased that the U.S. Congress is not only condoning U.S. participation in the microcredit system but expanding and improving our involvement in these programs with this legislation. I have seen the incredible impact that a small loan can have on a single family in the developing world. A short-term loan of $75 used to be unaccessible for most people in these countries. However, through the Grameen Bank and bilateral microcredit programs, these loans are now available and becoming more widespread. The reason for this success and expansion is due to the unparalleled rate of repayment. In 1997, the Grameen Bank had a 94 percent repayment rate.

Unfortunately, microcredit programs have been drastically impacted by the recent natural disasters and financial crises in various regions of the world. However, these events should not be interpreted as failures in microcredit programs, but as opportunities for expanding the program. Farmers in Nicaragua are in desperate need of a few dollars to replant their crops. Weavers in Thailand have seen their currency plummet and just need a small amount of investment to keep their fledgling businesses stay afloat. While Grameen Bank loan repayment rates plunged to 68 percent immediately after the floods in Bangladesh last year, these rates rebounded to 88 percent in just a few months. H.R. 1143 will expand these credit programs and provided the cushion necessary to enable the financial institutions and other organizations operating these microcredit programs to help those that are in the most desperate need. This legislation provides some of the important infrastructure programs necessary for many countries struggling from recent crises to move from disaster assistance to economic development.

Mrs. ROUKEMA. Mr. Chairman, I rise in support of H.R. 1143, the "Microenterprise for Self-Reliance Act of 1999." H.R. 1143 would provide vital assistance in the form of credit and other financial services to microentrepreneur programs as part of a global approach to aiding the world's poorest individuals.

Many people in this world rely on self-employment as a necessary means for their livelihood. In this regard, the importance of the role of microentrepreneurs in our global economy cannot be overlooked. The general philosophy of the microenterprise industry is to bring new sources of income to segments of the population where job opportunities are low by providing small amounts of credit to those whom have not had access to commercial credit. Microfinance programs are critical to the fight against hunger and poverty. Such programs are a leveraging tool for decreasing dependence on foreign assistance. H.R. 1143 authorizes grants to support microlending programs in the amount of $152 million for FY 2000 and $167 million for FY 2001. Fifty percent of these funds must be used for loans of $300 or less.

Last year, the Financial Times reported that "though Latin American has moved furthest towards the commercialization of microfinance, it is also commonplace in other developing countries, and the World Bank estimates that more than $7 billion of microcredit is outstanding."

A report released by the U.N. last year acknowledges the success of microcredit in Latin America and Asia. However, the report states that "it is not clear if the extent to which microcredit has spread, or can potentially spread, can make a major dent in global poverty." The report based this conclusion on the assertion that "the poorest of the poor" are usually "not in a position to undertake an economic activity partly because they lack business skills and even the motivation for business." While I support H.R. 1143, I make this point for the purpose of impressing upon this Congress the importance of ensuring that the extension of funds to poor microentrepreneurs is in reality contributing to the battle against poverty and hunger.

Innovative ways of bringing economic vitalization to areas of the world that sorely lack any financial sustainability should be a priority for any global financial architecture. H.R. 1143 contributes to that strategy and I urge its passage.

Ms. LEE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by section, and each section shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microenterprise for Self-Reliance Act of 1999".

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

The Congress makes the following findings and declarations:

(1) According to the World Bank, more than 1,200,000,000 people in the developing world, or one-fifth of the world's population, subsist on less than $1 a day.

(2) Over 32,000 of their children die each day from largely preventable malnutrition and disease.

(3)(A) Women in poverty generally have larger work loads and less access to educational and economic opportunities than their male counterparts.

(B) Directly aiding the poorest of the poor, especially women, in the developing world has a positive effect not only on family incomes, but also on child nutrition, health and education, as women in particular reinvest income in their families.

(4)(A) The poor in the developing world, particularly women, generally lack stable employment and social safety nets.

(B) Many turn to self-employment to generate a substantial portion of their livelihood. In Africa, over 80 percent of employment is generated in the informal sector of the self-employed poor.

(C) These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

(D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.

(5)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates.

(B) Through the development of self-sustaining microfinance programs, poor people themselves can lead the fight against hunger and poverty.

(6)(A) On February 2-4, 1997, a global Microcredit Summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world's poorest families, especially the women of those families, by 2005. While this scale of outreach may not be achievable in this short timeframe, the realization of this goal could dramatically alter the face of global poverty.

(B) With an average family size of five, achieving this goal will mean that the benefits of microfinance will thereby reach nearly half of the world's more than 1,000,000,000 absolute poor people.

(7)(A) Nongovernmental organizations, such as those that comprise the Microenterprise Coalition (such as the Grameen Bank (Bangladesh,) K-REP (Kenya), and networks such as Accion International, the Foundation for International Community Assistance (FINCA), and the credit union movement) are successful in lending directly to the very poor.

(B) Microfinance institutions such as BRAC (Bangladesh), BancoSol (Bolivia), SEWA Bank (India), and ACEP (Senegal) are regulated financial institutions that can raise funds directly from the local and international capital markets.

(8)(A) Microenterprise institutions not only reduce poverty, but also reduce the dependency on foreign assistance.

(B) Interest income on the credit portfolio is used to pay recurring institutional costs, assuring the long-term sustainability of development assistance.

(9) Microfinance institutions leverage foreign assistance resources because loans are recycled, generating new benefits to program participants.

(10)(A) The development of sustainable microfinance institutions that provide credit and training, and mobilize domestic savings, are critical components to a global strategy of poverty reduction and broad-based economic development.

(B) In the efforts of the United States to lead the development of a new global financial architecture, microenterprise should play a vital role. The recent shocks to international financial markets demonstrate how the financial sector can shape the destiny of nations. Microfinance can serve as a powerful tool for building a more inclusive financial sector which serves the broad majority of the world's population including the very poor and women and thus generate more social stability and prosperity.

(C) Over the last two decades, the United States has been a global leader in promoting the global microenterprise sector, primarily through its development assistance programs at the United States Agency for International Development. Additionally, the United States Department of the Treasury and the Department of State have used their authority to promote microenterprise in the development programs of international financial institutions and the United Nations.

(11)(A) In 1994, the United States Agency for International Development launched the "Microenterprise Initiative" in partnership with the Congress.

(B) The initiative committed to expanding funding for the microenterprise programs of the Agency, and set a goal that, by the end of fiscal year 1996, half of all microenterprise resources would support programs and institutions that provide credit to the poorest, with loans under $300.

(C) In order to achieve the goal of the microcredit summit, increased investment in microcredit institutions serving the poorest will be critical.

(12) Providing the United States share of the global investment needed to achieve the goal of the microcredit summit will require only a small increase in United States funding for international microcredit programs, with an increased focus on institutions serving the poorest.

(13)(A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microcredit institutions.

(B) These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.

(14) Nongovernmental organizations have demonstrated competence in developing networks of local microfinance institutions and other assistance delivery mechanisms so that they reach large numbers of the very poor, and achieve financial sustainability.

(15) Recognizing that the United States Agency for International Development has developed very effective partnerships with nongovernmental organizations, and that the Agency will have fewer missions to carry out its work, the Agency should place priority on investing in those nongovernmental network institutions that meet performance criteria through the central funding mechanisms of the Agency.

(16) By expanding and replicating successful microcredit institutions, it should be possible to create a global infrastructure to provide financial services to the world's poorest families.

(17)(A) The United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector.

(B) The United States should seek to improve coordination among G-7 countries in the support of the microenterprise sector in order to leverage the investment of the United States with that of other donor nations.

(18) Through increased support for microenterprise, especially credit for the poorest, the United States can continue to play a leadership role in the global effort to expand financial services and opportunity to 100,000,000 of the poorest families on the planet.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to make microenterprise development an important element of United States foreign economic policy and assistance;

(2) to provide for the continuation and expansion of the commitment of the United States Agency for International Development to the development of microenterprise institutions as outlined in its 1994 Microenterprise Initiative;

(3) to support and develop the capacity of United States and indigenous nongovernmental organization intermediaries to provide credit, savings, training and technical services to microentrepreneurs;

(4) to increase the amount of assistance devoted to credit activities designed to reach the poorest sector in developing countries, and to improve the access of the poorest, particularly women, to microenterprise credit in developing countries; and

(5) to encourage the United States Agency for International Development to coordinate microfinance policy, in consultation with the Department of the Treasury and the Department of State, and to provide global leadership in promoting microenterprise for the poorest among bilateral and multilateral donors.

SEC. 4. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) by redesignating the second section 129 (as added by section 4 of the Torture Victims Relief Act of 1998 (Public Law 105-320)) as section 130; and

(2) by adding at the end the following new section:

"SEC. 131. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

"(a) FINDINGS AND POLICY.—The Congress finds and declares that—

"(1) the development of microenterprise is a vital factor in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

"(2) it is therefore in the best interest of the United States to assist the development of microenterprises in developing countries; and

"(3) the support of microenterprise can be served by programs providing credit, savings, training, and technical assistance.

"(b) AUTHORIZATION.—(1) In carrying out this part, the President is authorized to provide grant assistance for programs to increase the availability of credit and other services to microenterprises lacking full access to capital and training through—

"(A) grants to microfinance institutions for the purpose of expanding the availability of credit, savings, and other financial services to microentrepreneurs;

"(B) training, technical assistance, and other support for microenterprises to enable them to make better use of credit, to better manage their enterprises, and to increase their income and build their assets;

"(C) capacity building for microfinance institutions in order to enable them to better meet the credit and training needs of microentrepreneurs; and

"(D) policy and regulatory programs at the country level that improve the environment for microfinance institutions that serve the poor and very poor.

"(2) Assistance authorized under paragraph (1) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

"(A) United States and indigenous private and voluntary organizations;

"(B) United States and indigenous credit unions and cooperative organizations;

"(C) other indigenous governmental and nongovernmental organizations; or

"(D) business development services, including indigenous craft programs.

"(3) In carrying out sustainable poverty-focused programs under paragraph (1), 50 percent of all microenterprise resources shall be used for direct support of programs under this subsection through practitioner institutions that provide credit and other financial services to the poorest with loans of $300 or less in 1995 United States dollars and can cover their costs of credit programs with revenue from lending activities or that demonstrate the capacity to do so in a reasonable time period.

"(4) The President should continue support for central mechanisms and missions that—

"(A) provide technical support for field missions;

"(B) strengthen the institutional development of the intermediary organizations described in paragraph (2);

"(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations; and

"(D) support the development of nonprofit global microfinance networks, including credit union systems, that—

"(i) are able to deliver very small loans through a vast grassroots infrastructure based on market principles; and

"(ii) act as wholesale intermediaries providing a range of services to microfinance retail institutions, including financing, technical assistance, capacity building and safety and soundness accreditation.

"(5) Assistance provided under this subsection may only be used to support microenterprise programs and may not be used to support programs not directly related to the purposes described in paragraph (1).

"(c) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (a)(1), the Administrator of the United States Agency for International Development shall establish a monitoring system that—

"(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

"(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance;

"(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women; and

"(4) provides a basis for recommendations for adjustments to measures for reaching the poorest of the poor, including proposed legislation containing amendments to improve paragraph (3).

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—(A) There are authorized to be appropriated $152,000,000 for fiscal year 2000 and $167,000,000 for fiscal year 2001 to carry out this section.

"(B) Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

"(2) RULE OF CONSTRUCTION.—Amounts authorized to be appropriated under paragraph (1) are in addition to amounts otherwise available to carry out this section.".

SEC. 5. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

"SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

"(a) FINDINGS AND POLICY.—The Congress finds and declares that—

"(1) the development of micro- and small enterprises are a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system; and

"(2) it is, therefore, in the best interests of the United States to assist the development of the enterprises of the poor in developing countries and to engage the United States private sector in that process.

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

"(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

"(2) training programs for lenders in order to enable them to better meet the credit needs of microentrepreneurs; and

"(3) training programs for microentrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

"(c) ELIGIBILITY CRITERIA.—The Administrator of the United States Agency for International Development shall establish criteria for determining which entities described in subsection (b) are eligible to carry out activities, with respect to micro- and small enterprises, assisted under this section. Such criteria may include the following:

"(1) The extent to which the recipients of credit from the entity do not have access to the local formal financial sector.

"(2) The extent to which the recipients of credit from the entity are among the poorest people in the country.

"(3) The extent to which the entity is oriented toward working directly with poor women.

"(4) The extent to which the entity recovers its cost of lending to the poor.

"(5) The extent to which the entity implements a plan to become financially sustainable.

"(d) ADDITIONAL REQUIREMENT.—Assistance provided under this section may only be used to support micro- and small enterprise programs and may not be used to support programs not directly related to the purposes described in subsection (b).

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—(A) There are authorized to be appropriated $1,500,000 for each of the fiscal years 2000 and 2001 to carry out this section.

"(B) Amounts authorized to be appropriated under subparagraph (A) shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under this section.

"(2) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated $500,000 for each of the fiscal years 2000 and 2001 for the cost of administrative expenses in carrying out this section.

"(3) RULE OF CONSTRUCTION.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available to carry out this section.".

SEC. 6. MICROFINANCE LOAN FACILITY.

Chapter 1 of part 1 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by this Act, is further amended by adding the following new section:

"SEC. 132. UNITED STATES MICROFINANCE LOAN FACILITY.

"(a) ESTABLISHMENT.—The Administrator of the United States Agency for International Development is authorized to establish a United States Microfinance Loan Facility (hereinafter in this section referred to as the 'Facility') to pool and manage the risk from natural disasters, war or civil conflict, national financial crisis, or short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.

"(b) SUPERVISORY BOARD OF THE FACILITY.—(1) The Facility shall be supervised by a board composed of the following representatives appointed by the President not later than 180 days after the date of the enactment of Microenterprise for Self-Reliance Act of 1999:

"(A) 1 representative from the Department of the Treasury.

"(B) 1 representative from the Department of State.

"(C) 1 representative from the United States Agency for International Development.

"(D)(i) 2 United States citizens from United States nongovernmental organizations that operate United States-sponsored microfinance activities.

"(ii) Individuals described in clause (i) shall be appointed for a term of 2 years.

"(2) The Administrator of the United States Agency for International Development or his designee shall serve as Chairman and an additional voting member of the board.

"(c) DISBURSEMENTS.—(1) The board shall make disbursements from the Facility to United States-sponsored microfinance institutions to prevent the bankruptcy of such institutions caused by (A) natural disasters, (B) national wars or civil conflict, and (C) national financial crisis or other short term financial movements that threaten the long-term development of United States-supported microfinance institutions. Such disbursements shall be made as concessional loans that are repaid maintaining the real value of the loan to microfinance institutions that demonstrate the capacity to resume self-sustained operations within a reasonable time period. The Facility shall provide for loan losses with each loan disbursed.

"(2) During each of the fiscal years 2001 and 2002, funds may not be made available from the Facility until 15 days after notification of the availability has been provided to the congressional committees specified in section 634A of this Act in accordance with the procedures applicable to reprogramming notifications under that section.

"(d) REPORT.—Not later than 60 days after the date on which the last representative to the board is appointed pursuant to subsection (b), the chairman of the board shall prepare and submit to the appropriate congressional committees a report on the policies, rules, and regulations of the Facility.

"(e) FUNDING.—(1) Not more than $5,000,000 of amounts made available to carry out sections 103 through 106 of this Act for each of the fiscal years 2000 and 2001 may be made available to carry out this section for each such fiscal year.

"(2) Amounts made available under paragraph (1) are in addition to amounts available under other provisions of law to carry out this section.

"(f) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(2) UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION.—The term 'United States-supported microfinance institution' means a financial intermediary that has received funds made available under this Act for fiscal year 1980 and each subsequent fiscal year.".

SEC. 7. REPORT RELATING TO FUTURE DEVELOPMENT OF MICROFINANCE INSTITUTIONS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President, in consultation with the Administrator of the United States Agency for International Development, the Secretary of State, and the Secretary of the Treasury, shall prepare and transmit to the appropriate congressional committees a report on the most cost-effective methods for increasing the access of poor people to credit, other financial services, and related training.

(b) CONTENTS.—The report described in subsection (a)—

(1) should include how the President, in consultation with the Administrator of the United States Agency for International Development, the Secretary of State, and the Secretary of the Treasury, will jointly develop a comprehensive strategy for advancing the global microenterprise sector in a way that maintains market principles while assuring that the very poor, particularly women, obtain access to financial services; and

(2) shall provide guidelines and recommendations for—

(A) instruments to assist microenterprise networks to develop multi-country and regional microlending programs;

(B) technical assistance to foreign governments, foreign central banks and regulatory entities to improve the policy environment for microfinance institutions, and to strengthen the capacity of supervisory bodies to supervise microcredit institutions;

(C) the potential for federal chartering of United States-based international microfinance network institutions, including proposed legislation;

(D) instruments to increase investor confidence in microcredit institutions which would strengthen the long-term financial position of the microcredit institutions and attract capital from private sector entities and individuals, such as a rating system for microcredit institutions and local credit bureaus;

(E) an agenda for integrating microfinance into United States foreign policy initiatives seeking to develop and strengthen the global finance sector; and

(F) innovative instruments to attract funds from the capital markets, such as instruments for leveraging funds from the local commercial banking sector, and the securitization of microloan portfolios.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 8. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AS GLOBAL LEADER AND COORDINATOR OF BILATERAL AND MULTILATERAL MICROENTERPRISE ASSISTANCE ACTIVITIES.

(a) FINDINGS AND POLICY.—The Congress finds and declares that—

(1) the United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector; and

(2) the United States should seek to improve coordination among G-7 countries in the support of the microenterprise sector in order to leverage the investment of the United States with that of other donor nations.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the Administrator of the United States Agency for International Development and the Secretary of State should seek to support and strengthen the effectiveness of

microfinance activities in United Nations agencies, such as the International Fund for Agricultural Development (IFAD) and the United Nations Development Program (UNDP), which have provided key leadership in developing the microenterprise sector; and

(2) the Secretary of the Treasury should instruct each United States Executive Director of the Multilateral Development Banks (MDBs) to advocate the development of a coherent and coordinated strategy to support the microenterprise sector and an increase of multilateral resource flows for the purposes of building microenterprise retail and wholesale intermediaries.

The CHAIRMAN. Are there any amendments?

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey:

Page 3, beginning on line 22, strike “While this scale” and all that follows through line 25.

Page 17, line 15, strike “part 1” and insert “part I”.

Page 19, line 2, strike “, and” and insert “, or”.

Page 19, after line 16, insert the following:

“(d) General Provisions.—

“(1) Policy provisions.—In providing the credit assistance authorized by this section, the board should apply, as appropriate, the policy provisions in this part applicable to development assistance activities.

“(2) Default and procurement provisions.—

“(A) Default provision.—The provisions of section 620(q) of this Act, or any comparable provisions of law, shall not be construed to prohibit assistance to a country in the event that a private sector recipient of assistance furnished under this section is in default in its payment to the United States for the period specified in such section.

“(B) Procurement provision.—Assistance may be provided under this section without regard to section 604(a) of this Act.

“(3) Terms and conditions of credit assistance.—(A) Credit assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the board may determine.

“(B) The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single borrower, may not exceed $30,000,000.

“(C) No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

“(4) Full faith and credit.—All guarantees issued under this section shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations to the extent of the guarantee.

Page 19, line 17, strike “(d)” and insert “(e)”.

Page 19, strike line 23 and all that follows through line 5 on page 20 and insert the following:

“(f) Funding.—(1)(A) Of the amounts made available to carry out this part for each of the fiscal years 2000 and 2001, up to $5,000,000 may be made available for—

“(i) the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to carry out this section; and

“(ii) subject to subparagraph (B), the cost of administrative expenses to carry out this section.

“(B) Of the amount made available under subparagraph (A) to carry out this section for a fiscal year, not more than $500,000 may be made available for administrative expenses under subparagraph (A)(ii).

“(2) Amounts made available under paragraph (1) are in addition to amounts available under any other provision of law to carry out this section.

Page 20, line 6, strike “(f)” and insert “(g)”.

Page 20, line 16, strike “and each” and insert “or any”.

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, this is an amendment that was crafted in conjunction with the gentleman from Connecticut (Mr. Gejdenson) and the administration to fund the microfinance loan facility.

The amendment provides that up to $5 million may be used to leverage up to $30 million to rescue a U.S.-supported microenterprise institution whose financial situation has been undermined by natural catastrophes or other events out of the control of that institution.

We have seen key microfinance institutions undermined in Bangladesh and Central America where it is hard to run a bank after all your clients have been killed or made homeless by a flood or by a hurricane. With the ad hoc rescue packages we have assembled in the past, we have been able to not only prevent the collapse of U.S.-backed microfinance institutions, but to turn them into lending agents of the recovery process, especially in Honduras.

This amendment would help create a microfinance loan facility to ensure that we no longer have to put together ad hoc packages to rescue such institutions. I think it is a good amendment, and I hope it has the full support of the Chamber.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. Smith).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

If not, under the rule, the Committee rises.

□ 1245

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Lewis of Kentucky) having assumed the chair, Mr. Ewing, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes, pursuant to House Resolution 136, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1143, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 1:15 p.m.

Accordingly (at 12 o'clock and 47 minutes p.m.), the House stood in recess until approximately 1:15 p.m.

□ 1337

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Everett) at 1 o'clock and 37 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 46 by the yeas and nays, and H. Con. Res. 35 by the yeas and nays.

The Chair will reduce to 5 minutes the time for the electronic vote after the first vote in this series.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 46.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. McCollum) that the House suspend the rules and pass the bill, H.R. 46, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 2, not voting 19, as follows:

[Roll No. 81]

YEAS—412

Abercrombie
Ackerman
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—19

Aderholt
Armey
Brown (CA)
Brown (FL)
Carson
Cooksey
Davis (IL)
DeLay
DeMint
Goss
Hastings (FL)
Hoekstra
Lantos
Largent
Oberstar
Rangel
Taylor (NC)
Tierney
Wexler

☐ 1401

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GOSS. Mr. Speaker, on rollcall No. 81, I was inadvertently detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Everett). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CONGRATULATING QATAR FOR COMMITMENT TO DEMOCRATIC IDEALS AND WOMEN'S SUFFRAGE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 35, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. Ros-Lehtinen) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 35, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 82]

YEAS—418

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)

Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Aderholt
Brown (CA)
Brown (FL)
Carson
Davis (IL)
DeMint
Goode
Hastings (FL)
Hoekstra
Lantos
Largent
Oberstar
Rangel
Tierney
Wexler

☐ 1413

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1415

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BERMAN. Mr. Speaker, I ask unanimous consent to take the time previously allotted to the gentlewoman from the District of Columbia (Ms. NORTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HEARTBROKEN FAREWELL TO JOYCE CHIANG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BERMAN) is recognized for 5 minutes.

Mr. BERMAN. Mr. Speaker, I am truly heartbroken today to rise to say a final farewell to my friend and former staff member, Joyce Chiang.

On January 9, Joyce vanished from her neighborhood. On April 1, she was found on the shore of the Potomac River in southern Fairfax County. Word yesterday of positive identification brought an end to the long vigil kept by her friends and family, and brought an end to the hope that we would see her bright smile once again.

Joyce was born in Chicago, but she lived in California, and she was a California girl. Bright, beautiful, smart as a whip, she volunteered as an intern in my Los Angeles office when she was still a teenager.

In 1990, while a student at Smith College, she spent January in my Washington office as an LBJ intern. At the end of the month, she had to rush back to Smith, because she was Senate Finance Committee Chair of the Smith College Student Government Association, and she had to plan for budget season. In her senior year, Joyce's fellow students elected her to be president of their student body.

Last year, as my daughter was deciding where she might want to go to college, she sought Joyce's advice and, as a result, she is today a student at Joyce's alma mater, Smith College at Northhampton, Massachusetts.

Joyce graduated from Smith in 1992 and showed up in my office looking for a day job so she could go to law school at night at Georgetown University. I was delighted to give her that job, knowing the benefit was more mine than hers.

True to form, she was a wonderful friend and staffer. In the years from 1992 until 1995, she advanced in responsibility until she became my expert advisor on immigration law. That expertise led the INS to offer her a job as a special assistant to the Director of the Office of Congressional Relations.

Upon her completion of law school, she transferred to the INS office of General Counsel where she was primarily responsible for coordinating and directing the myriad of activities required to implement the 1996 Immigration Act.

Joyce was not only hardworking, bright, and selfless, her personality was so engaging that she literally lit up any room she entered. She was both within and without a beautiful person. That I had the opportunity to know her and work with her will always be a memory of great joy to me.

I cherished her friendship as I do that of her two brothers, Roger and John, and her mother, Judy. I know that they have found some consolation in learning just how many people loved their daughter and sister. Hundreds of her friends from Smith College, from Capitol Hill, from the INS, from Georgetown Law School, and from her community and neighborhoods came together to search for her, to stand vigil in both Washington and Los Angeles, and to pray for her and her family.

I send to Roger, John and Mrs. Chiang my deepest sympathy and love, and pray that they will find comfort in knowing the full extent to which Joyce's life fit the words of the Prophet Micah: "What doth the Lord require of thee, but to do justice, to love mercy and to walk humbly with thy God?"

SUPPORT MILITARY PERSONNEL WHO SACRIFICE THEIR LIVES FOR OUR NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, we as a Congress and as a nation are very concerned about the current conflict in the Balkans. It is sad that too many times we do not think of our military or address the problems they face until they are called to duty. Only then are we reminded of the critical role they play in defending this great country and our interests.

Like so many of my colleagues, I do appreciate and value the service of our

Nation's armed forces, whether at war or at peace. In the Third District of North Carolina, which I am proud to represent, we are fortunate enough to have four military bases.

I have had the opportunity to spend many hours meeting privately, off base, with dozens of military pilots, commanders, and enlisted personnel. These men and women will tell us what many of my colleagues will, our military's quality of life is far below what it should be. In fact, low pay levels have forced almost 12,000 of our enlisted military families to accept food stamps to survive.

Mr. Speaker, this is unacceptable. A junior enlisted soldier at an E1 rank receives approximately $11,500 in basic pay for his service in addition to a housing allowance. But, Mr. Speaker, this same soldier also pays over $3,000 in taxes on that salary.

These are the men and women called upon to defend this Nation. They are placed in harm's way to protect the freedoms my colleagues and I enjoy every day. How can we expect our troops to focus on, or successfully complete, their missions if they are worried about their husbands, wives, and children back home that are struggling to put food on the table?

Our troops accept the ultimate responsibility. They sacrifice their lives for this country, and they accept it voluntarily. Yet, despite the critical job they undertake, many are paid so little they are forced to take on second jobs. Many others are left to rely on government assistance to feed their families.

Last month, I introduced a bill to provide our enlisted military families who are eligible for food stamps with a $500 tax credit. It should not take a conflict like that in Kosovo to remind us of the important part our armed services play in protecting the freedoms of this Nation, but it often does.

Now, as we turn on the evening news and can see our military in action, Congress has an excellent opportunity to show its support for our Nation's troops and work to address the needs of our military. While this $500 tax credit cannot alone guarantee military families will not have to receive food stamps, it can, together with the anticipated increase in basic pay, help show our support and appreciation for our men and women in uniform.

Mr. Speaker, I am thankful for the amount of encouragement we have already received in the House for this bill. But I will be asking each and every one of my colleagues from both parties to join me in support of this effort. Now is the best time to show our military that we value their job and their sacrifice.

I hope my colleagues will join me in supporting our military families and join me in supporting H.R. 1055.

God bless our troops, Mr. Speaker, and God bless America.

CHINESE ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I want to bring to the House's attention again a continuing problem with Chinese illegal immigration in Guam.

This past Tuesday, on April 6, 82 were apprehended while preparing to come on shore. On Wednesday, April 7, nine more Chinese illegal immigrants were discovered by a U.S. naval vessel whose permits to work on Saipan in the Commonwealth of the Northern Marianas Islands, had expired, and they had decided to try their luck on Guam and boarded a small 18-foot boat bound for Guam.

On Friday, April 9, 93 illegal immigrants were apprehended as their boat ran aground on a reef off of Ritidian Point.

On Sunday, April 11, 38 suspected illegal immigrants, including two women, were caught off of Agat where they arrived on the dilapidated wooden boat.

The number of apprehended Chinese illegal immigrants in Guam caught since January of this year is now up to 473. On a per capita basis, this would be like 5,000 illegal immigrants washing up on the shores of Florida.

A couple of weeks ago, I informed this body about the criminal and inhumane ramifications of this wave of illegal immigrants into Guam. The Chinese are smuggled by crime syndicates which charge them anywhere from $10,000 to $30,000 each. They set sail in squalid quarters and are sometimes abused by their smugglers. They travel over the open seas for over 20 days.

Upon successfully completing the trip, they are made indentured servants and have to pay off their debt to the smugglers who brought them to the U.S.

With the arrival this week of almost 200 illegal immigrants, we see the rise of other factors in Guam. Guam is undergoing current economic crisis caused by the Asian downturn, and we have no basis upon which to deal with them. Yet the INS has gone bankrupt and refuses to house these illegal immigrants and refuses to process them into the United States mainland because they have no funds.

So the Government of Guam has taken on the responsibility to house these illegal immigrants at a cost of $97 a day in facilities now holding over 400 occupants when they were designed to hold only about 150.

Unlike other areas inside the U.S. mainland, Guam does not have large charitable organizations capable of handling these people. Another factor has been the environmental cost of the waves of illegal immigrants. The ship which ran into the reef on Friday has leaked fuel into Guam's waters, damaging the reef and killing other marine life.

According to the INS officer in charge on Guam, Mr. David Johnston, the waves of illegal immigrants will not stop unless some action is taken immediately. What I have suggested through H.R. 945 is to change the INA in order not to allow or narrow the gap for claiming political asylum in Guam.

What these Chinese syndicates do is use the political asylum claim on Guam in order to further their efforts and to profit from human misery and then bring them into the U.S.

Another thing that we must do is that there is currently a proposal in the White House which has not seen complete fruition, and that is to form an interagency task force to deal with issues of insular areas. This is a critical need. It is important that the White House immediately, sometime this week, convene an interagency task force meeting involving the Department of Justice, the Department of Transportation with the Coast Guard, the Department of Defense and the Department of State in order to address this crisis in Guam.

U.S. INVOLVEMENT IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 5 minutes.

Mr. GOODLING. Mr. Speaker, last evening I indicated that I would be back to finish today what I started yesterday as to why I introduced legislation that calls on the Congress to be full partners when we determine which civil war we will enter or which we will not. That certainly is the responsibility of the Congress.

□ 1430

My legislation basically says that no DOD money can be used to send ground troops into Kosovo unless approved by the Congress of the United States.

Now, it is right to condemn Milosevic for driving ethnic Albanians out of Kosovo, particularly after the bombing began. And, of course, unfortunately, at the same time, as I mentioned yesterday, we play up to China.

Now, Yugoslavia has 114,000 military and they are the size of Kentucky. China is the size of the United States and they have 2.8 million military. They have another reserve of 1.2 million. They are the worst human rights violators in the world. Their own statistics indicate that they execute more in 1 year than all of the rest of the countries in the world, and yet we play up to them. We know that they send nuclear and chemical arms to rogue nations that we have to deal with.

Again, I hear a lot of people in the well now supporting this issue who were not here when 1.8 million Sudanese found death through either starvation or because of execution. What was the difference? Where were we then? Who was here in the well claiming that somehow or other we should enter that civil war? What about 2.6 million refugees in Afghanistan at the present time, and the other 1.5 million who the Afghan government has dislocated? Who is crying about our involvement there or whether we should be involved?

As I indicated yesterday, when the administration came before us and said we are going into Bosnia for a year, I asked what are we going to do in a year? It began in the 4th Century, the problems in the Balkans. It began in the 4th Century with the fall of the Roman Empire. It was exacerbated in the 10th Century with the rise of the Ottoman Empire. What will we do in a year to undo all the hatred that has been built through all of those centuries? And of course the answer, as we now know it, is nothing. Four years later and $7 billion later we are still there.

And when the White House came before us and said we are going into Haiti for a year, I said this will be the 11th time; the last time we were there 15 years. What will we do differently this time? The answer is nothing, because again we are still there and still spending the money of our taxpayers.

I got to the point where I talked about apples and oranges because people like to somehow or other say this has something to do with Hitler and Nazi Germany. That is nonsense. It has nothing to do with that at all. There is no correlation at all.

What happened at that particular time is the free world did the same stupid thing we do always. After a war, we melt down our defenses. We sat there and we watched Germany build the largest war machine anyone could ever imagine. And so when poor old Chamberlain has to go and try to do a little negotiating to buy time, we blame him as an appeaser. What else could he have done?

We saw a big military buildup in Germany not with the idea of staying within Germany, of course, but with the idea of moving all over the continent, and perhaps all over the world. So there are no similarities in that particular situation.

It is important that we as a Congress be part of this decision-making process when we decide that we are going to enter someone's civil war. Why? Number one, the draft. We positively have to come with the draft. We have spread our forces so thin that the Secretary of the Army last week was out recruiting on his own, trying to get people to join, because we have depleted our forces dramatically. So we better be involved because the draft will be an issue.

We better be involved because body bags will be coming back. We better be involved because, as someone said in an article this weekend, an all-volunteer army is dangerous. It is dangerous because it is used very quickly without much thought. Yes, I am concerned about three GIs. I am also very concerned that GIs would have been where they were. What kind of planning was that? I am also concerned about our raining bombs and missiles on trains carrying passengers who have nothing against us and have not participated in the efforts going on in Kosovo at the present time.

So, again, I call on my colleagues. Join with me and merely say that the Congress of the United States has to be very much involved when we determine which civil war is to our interest and our security and which is not. We will be making decisions, and draft will be one of those decisions, and that will change public opinion dramatically.

RECOGNITION OF DISTINGUISHED U.S. VETERAN JOE P. POE, JR.

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to call to the attention of the Congress a distinguished United States veteran by the name of Joe Poe from Dunn, North Carolina.

As our Nation focuses on the mission of our men and women in uniform in Yugoslavia and other parts of the world, I rise to pay tribute to one who has already served. Joe, his wife Marilyn, and their children suffer from undiagnosed Gulf War related illnesses.

Joe served in the United States Army for 20 years before retiring in 1992. His assignments have included serving in the 82nd Airborne and the 101st Airborne Divisions, as a drill sergeant in Panama in Operation Just Cause. He also served in support of joint special operations, and as a team sergeant for a forward surgical team in Operations Desert Storm and Desert Shield.

During his career, one of Joe's greatest contributions was helping write and implement the Army's doctrine on forward surgical teams. He is the recipient of the Bronze Star, the Meritorious Service Medal, Army Commendation Medal, Armed Forces Expeditionary Medal, and other high honors, decorations and badges.

The Gulf War should have been Joe's last battle, but it was not to be. Following his service, Joe began to experience disabling side effects as a result of his service in the Persian Gulf. Six years later, and thanks to the determination of Joe, his family and the efforts of Kate Darwin, a dedicated social worker on my staff, Joe became designated as 100 percent disabled and became one of the first acknowledged cases of Gulf War related illnesses by the United States Department of Defense. I am grateful to Kate and commend her for her tireless efforts battling the Federal bureaucracy on behalf of Joe and other veterans.

Even though his speech has slowed considerably now, the whole world listens to Joe Poe. He spends countless hours on the internet contacting other Gulf War veterans and lawmakers to organize them to support Gulf War veterans and their causes.

Late last year, with limited time remaining in the legislative session, Joe and other North Carolina veterans arrived in Washington to press lawmakers to pass legislation on behalf of Gulf War Veterans. As a result of their efforts, H.R. 4035, the Drugs and Informed Consent Act, and H.R. 4036, the Persian Gulf Veterans Health Act were passed, thanks to Joe and his boundless determination and his continuous effort.

I learned things from this. Never underestimate Joe Poe and never underestimate the unshakable will of the human spirit.

Mr. Speaker, I provide for the RECORD an article dated September 30, 1997, from the Daily Record of Dunn, North Carolina, on Joe Poe.

ONCE FIGHTING FOR COUNTRY, NOW FIGHTING FOR HIS LIFE

JOE POE WORKS EVERY DAY TO FIND ANSWERS FOR HIM AND OTHERS ABOUT WHAT HAS CAUSED HIS GULF WAR ILLNESS.

(By Andy Rackley)

Talk with Dunn's Joe Poe and it is easy to understand why so many people have rallied around him and feed off his determination.

Visit with Mr. Poe for more than 10 minutes and it is also easy to see why friends, family members and casual acquaintances call him an unsung hero.

Mr. Poe, a 20-year retired Army veteran, was once the lean, mean fighting machine which invokes the spirit of the elite soldiers in the U.S. Army. He tells of numerous military stories with a fire in his eye which keeps even the non-interested drawn into his tales.

However, the final few years of Mr. Poe's service saw him journey to what he thought would be his final battle—less than a year before his retirement—on the desert basin of the Persian Gulf.

Mr. Poe was team sergeant for a forward surgical team during the Gulf War. There were only two such teams. The team was part of a doctrine in which Mr. Poe's brilliant mind helped design.

NOW USES CANE

Now, a little more than six years after Mr. Poe's participation in the Gulf War, Mr. Poe's mind is still beaming with brilliance, however, it has slowed somewhat.

The soldier which used to walk several clicks (kilometer) in an hour with a 60-pound rucksack on his back, now has to walk with the use of a cane and can barely support his own weight. The man who helped rewrite the Army's doctrine on forward surgical teams, now takes about 30 minutes to type a paragraph on a computer. Regardless of the obstacle and the limitations caused by his illness, he gives a smile and carries on in his fight.

According to Mr. Poe and his family, he has Gulf War illness. He has been poked and prodded by numerous hospitals from Fayetteville to Winston-Salem to Washington, D.C. The prognosis is always different. And the prognosis is never Gulf War Syndrome. He suffers from numerous symptoms like migraines, memory loss, concentration problems, balance, speech, vision-loss and others.

Though frustrated sometimes to tears over the government's attitude toward he and other veterans' suffering from an unknown illness, Mr. Poe still arrives at work early in the mornings—except when he just can't seem to make it in—at the family's business. American Artisans on South Clinton Avenue in Dunn. Though he is no longer able to work with the business, he goes there and digs in for a daily battle of researching information on Gulf War illness, developing and linking numerous veterans groups across the state and nation, and being a support link for other veterans.

DEAD ANIMALS FOUND

He is uncertain of how he contracted the disease, but he does tell frightening stories of his time spent in the Gulf War to include dead animals being found near his camp and mysterious colored clouds. Mr. Poe was near the ammunition depot where Iraqi chemical weapons were destroyed.

He said there were more than 1,600 other reports of mysteriously dead animals. "DoD (Department of Defense) said the animals died from a natural occurrence of anthrax," he said. "Maybe one or two or maybe a herd, but not 1,600 different reports of animals dead and the flies on them dead, too. It had to be something more."

He also tells of multiple detections of nerve agents by several units near his camp to include his unit. Mr. Poe was one of the people who gave a report to DoD about the detection of nerve agents. Mr. Poe and his three teammates all suffer from some type of illness.

According to Mr. Poe's wife Marilyn, her husband was already sick by the time he returned from the Gulf. "We—the children and I—knew something was wrong He had numerous problems and symptoms which you could not define as to one sickness. Everything was steady and in slow progression until 1995 when Joe's speech became dramatically affected, he had trouble walking and just getting around. And he has continued to get worse," she said.

FAMILY SHOWING SYMPTOMS

Mrs. Poe and the children have also began to feel signs of the sickness. Mrs. Poe has come down with multiple sclerosis and the children are having problems with their joints. These are the biggest concerns Mr. Poe has. Is his sickness affecting those around him? He has limited his time spent with others in church or eating out with the family because of his fears and concern for others.

"We just want answers," Mrs. Poe said. "I think a lot of the doctors we've seen are also frustrated. A lot of them don't know what is going on or how to help. And those who may know something in the Veterans' hospital may not be able to help because of higher authorities. We just want help before it is too late."

Mr. Poe doesn't have an answer to the illness facing he and fellow veterans, but every day he adds another piece of information to his Gulf War illness collection. Other veterans say Mr. Poe's fight each day is a huge step for all Gulf War veterans.

One of those people who call Mr. Poe a hero is his wife. "One thing about Joe is that he has always done things for the benefit of others whether it was his role as a husband, his role as a father or soldier. He always gave it his all and then some. What amazes me is that even with his situation, he is still thinking of others."

FIGHTING FOR OTHERS

Mike Ange, another local veteran affected with Gulf War Illness, said Mr. Poe is definitely a modern-day hero. "He has a tremendous medical problem that nobody really knows how to fight. Despite that, he gets up every day and spends most of the day fighting not just for himself, but for others as well."

Larry Perry, spokesperson for the Desert Storm Veterans of the Carolinas Association, echoes those remarks. "Joe puts unbelievable amounts of time and energy into this fight. It takes guys like Joe to win this thing. His fight, I hope, will one day lead us to victory."

Mrs. Poe said their fight has been solidified by the great community they live in. "I can't say enough about Dunn. The people believe in Joe's fight and they are very supportive. People like those at First Baptist Church who have gone above and beyond what is normally expected. And U.S. Rep. Bob Etheridge who stands behind Joe and other veterans," she said.

The Poes have sent their blood off to be tested for mycoplasmal infections at the Institute for Molecular Medicine in Irvine, CA. However, the testing procedure has been put on hold until funds can be raised to continue research. The testing of veterans' blood by the medical institute is not financially-supported by the Department of Defense. The Poe's blood samples are two of 500 waiting to be sampled. Out of the 500 samples, 200 of those are from North Carolina.

Mr. Poe and other veterans plan to hold annual meetings to help disseminate up-to-date information on Gulf War Illness.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. ROTHMAN).

SAVE SOCIAL SECURITY AND MEDICARE

Mr. ROTHMAN. Mr. Speaker, I thank my good friend, the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. Speaker, 2 years ago we balanced the budget for the first time in 29 years. Now we must meet our next great challenges, making sure that Social Security and Medicare are there for our children and our grandchildren.

Mr. Speaker, I like tax cuts, I like them as much as the next person, that is why I voted for $95 billion worth of tax cuts in the 1997 Balanced Budget Act. But with Social Security and Medicare set to go broke in the years 2034 and 2015 respectively, it should go without saying that fixing Social Security and Medicare should have first priority over any more tax cuts.

Mr. Speaker, with due respect, my colleagues on the Republican side of the aisle have put together a budget that does not put one penny toward extending the life of either Social Security or Medicare. Instead, in my judgment, my good friends on the Republican side of the aisle are ready to squander $780 billion worth of our surplus on open-ended irresponsible tax cuts.

Mr. Speaker, in my judgment we ought to save Social Security and Medicare first before we spend any more of the surplus on any more tax cuts.

TRIBUTE TO OUTSTANDING PUBLIC SERVANT, DR. PHILLIP GORDEN, DIRECTOR OF NIDDK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. WICKER) is recognized for 5 minutes.

Mr. WICKER. Mr. Speaker, I wanted to take a moment this afternoon to praise a truly outstanding public servant of the Federal Government, someone who has contributed to healthier lives for literally millions of Americans. I speak of Dr. Phillip Gorden, who is stepping down this year after 13 years as head of the National Institute of Diabetes and Digestive and Kidney Diseases.

As a member of the appropriations subcommittee which funds the National Institutes of Health, I have had the opportunity to work with Dr. Gorden for the past 5 years. He is one of the Nation's preeminent health care professionals, and I am proud to say he is a fellow Mississippian. Dr. Gorden's hometown of Baldwyn, Mississippi, is in my congressional district, and I know he maintains close ties to his Mississippi roots. As a matter of fact, Mr. Speaker, he and I are among the few people in Washington, D.C. who subscribe to the Baldwyn News, a small but very informative weekly newspaper in North Mississippi.

After earning an undergraduate degree from Vanderbilt University and then graduating from the Vanderbilt School of Medicine, Dr. Gorden completed residency and a fellowship at Yale University before joining the NIH back in 1966. He began his career as a senior investigator in the clinical endocrinology branch at the NIDDK and later became its clinical director. He assumed the position of NIDDK director in 1986.

I share the strong interest Dr. Gorden has in supporting the NIH's mission to acquire new knowledge to prevent and treat disease and disability. I have seen firsthand the results of his commitment to this important mission. Dr. Gorden's effective leadership has led the institute to great advances in fighting some of the most chronic and debilitating diseases which afflict the American people.

On his watch, Dr. Gorden has seen the National Institute of Diabetes and Digestive and Kidney Diseases grow to become the fifth largest NIH institute, with a budget expected to top $1 billion when NIDDK celebrates its 50th anniversary next year.

The institute's research efforts have brought breakthrough discoveries in the prevention and treatment of diabetes, digestive ailments, nutritional disorders, diseases of the kidney, urological tract and blood.

In his final testimony before our subcommittee this year, Dr. Gorden expressed great optimism about the prospects for the NIDDK as it prepares for the 21st Century. He said we are on the brink of enormous clinical progress and pointed to extraordinary research momentum propelling us toward major medical advances. His leadership has been a key factor in making these advances possible.

Though he will soon leave as head of the institute, Dr. Gorden has charted an ambitious and steady course for the NIDDK as it begins both a new century and its second 50 years of service to the Nation.

Mr. Speaker, it is appropriate for us to recognize outstanding public servants for a job well done. Our thanks today go to Dr. Phillip Gorden for his lifetime commitment to improving the quality of life for his fellow citizens. Millions of Americans are living healthier lives as a result of the research Dr. Gorden and his colleagues have done and continue to do at NIH.

EXPRESSION OF SORROW AT TRAGIC DEATH OF JOYCE CHIANG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, like the distinguished gentleman from California (Mr. BERMAN) who spoke before me, and like the distinguished gentlewoman from California (Mrs. LOIS CAPPS) who will speak after me, I rise to express sorrow at the tragic death and to commemorate the short but inspirational life of Joyce Chiang.

□ 1445

On January 9, Joyce was last seen in Dupont Circle, and she was not seen thereafter. A body was discovered on April 1, and yesterday that body was positively identified as being Joyce.

Joyce lived a life of public service and public involvement, starting with her involvement with the student body government at Smith College, where she served as student body president, continuing here in the House of Representatives on the staff of the gentleman from California (Mr. BERMAN), and continuing to her service at the INS, where she spearheaded the implementation of the 1996 immigration bill.

Joyce never stopped contributing, never stopped involvement in public life. And Joyce was an incredible human being to all who knew her. As everyone who I have talked to says, and we all say the same thing, she lit up a room every time she walked in.

Those who knew Joyce were not surprised at what was an incredible and unprecedented outpouring from her friends when she became missing. I participated in the first of many vigils for Joyce held at Dupont Circle, and hundreds showed up to express their concern and their love of Joyce. And almost immediately, posters of Joyce appeared all over the City of Washington, urging people to contact authorities if they had any knowledge of her whereabouts.

Not only her friends, but also and especially her family missed and worried about Joyce. Her family endured with courage and religious faith the unendurable 3 months knowing that their sister, their daughter was missing.

Our heart goes out to her brother Robert, in Texas, and her brother Roger, who lives here in the District of Columbia and who spent so much time publicizing Joyce's absence in the hope that someone would be able to identify Joyce's whereabouts, hopefully to help us find her, help the authorities find her during her life.

And I am proud to represent and my heart goes out to two residents of the San Fernando Valley, her mother Judy, who has spent so long and prayed so hard for Joyce, and especially to my very close friend, my successor in State government and Joyce's brother, John, who has lived through with his family what I just cannot imagine living through, 3 months of Joyce's absence.

Joyce will be remembered by so many. She was an inspiration to so many, and she will be missed by so many.

Mr. Speaker, I yield to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague from California (Mr. SHERMAN) for yielding.

And with our mutual colleague, the gentleman from California (Mr. BERMAN), I simply want to join on this sad day to remember Joyce Chiang and send my most heartfelt condolences to her family and her many friends, her friends particularly here on Capitol Hill.

As the mother of two grown daughters, I can only imagine the suffering of this family, and the anguish, over the past 3 months. I realize that mere words can be of little consolation at a time like this, but I do hope that the warm memories and very fond recollections that Joyce inspired will provide some comfort over time.

I did not know Joyce like my colleagues, but I feel connected to her through her brother Roger, who has been the family's courageous public voice over these past several weeks. And Roger is from my family, that is, the University of California at Santa Barbara family. He was a student of my husband Walter, an active UCSB alumnus, and is a close friend of many of the young people who worked for Walter and work with me.

To Roger and to the countless others who loved Joyce, my heart is with them today.

KOSOVO REFUGEES: AN EXODUS OF BIBLICAL PROPORTIONS

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, an exodus from Kosovo of biblical proportions is taking place. Thousands upon thousands of refugees stream across the border 24 hours a day.

There was a newspaper headline in Europe that said "Europe's turn in the killing fields." That writer must have seen what I saw, a catastrophe that should have been anticipated. Ethnic Albanian refugees from Kosovo are now paying a heavy price for this poor judgment.

I just returned from a 4-day visit to the Balkans. I went to focus on humanitarian conditions and the massive numbers of refugees flooding out of Kosovo each day. I traveled to Kukes and Morina on the Kosovo-Albania border. And when I left, an estimated 270,000 to 300,000 refugees had crossed the border.

The scene there is heart-wrenching. Our first introduction was the stench, the overpowering smell of urine and feces from refugees with no place to go to the bathroom. In many places the ground was covered with feces. It will not be long before disease breaks out, especially among the people who are already dehydrated, malnourished, and sick. Four cases of measles had been confirmed as of last Tuesday.

Refugees are everywhere, camped on hillsides, along the road, in parks and plazas, and in parking lots. Most arrive as an extended family in carts and trailers being pulled by farm tractors or, in some cases, by horses. Some arrive in cars, but many are on foot, an unending procession of people who had been threatened; and many have been separated from their families.

Everyone had a bad story. There is no need to document the reports, but every report was different: "I lost my husband." "I lost my wife." "I lost my son." "I lost my daughter." And we should now have people documenting that for a war crimes trial but also for history.

The country of Albania has responded admirably to this entire crisis. It is a poor country but it has opened up its heart and its homes. Still, in spite of the tremendous effort of people on the scene, the refugee situation is still a disaster. The Clinton administration, the international community, and NATO were ill prepared to deal with this crisis they should have anticipated. The information was there, but those who decided the course of events, particularly the Clinton administration, did not listen.

People on the ground in Kosovo before the bombing campaign began warned that the Serbs could begin to brutalize ethnic Albanians.

Some comments and suggestions:

The brutality has been taking place for too long. Serbian President Milosevic is the father of the Kosovo tragedy, as he was in Bosnia and even before. Beginning in the fall of 1991, when Serbs shelled and bombed and laid siege to Vukovar, he has continued this pattern of destruction. This is just another chapter.

Two, Milosevic is an evil man who has directly caused nearly a decade of terror and killing. Nine Serb generals have just been warned that they may be named as war criminals. Should Milosevic head the list? And the answer is "yes."

Three, there is a life-and-death crisis in Albania. President Clinton should immediately send a high-level delegation of NSC, State Department, and Defense to go on the scene, people who can make decisions.

Four, massive amounts of infrastructure supplies and communications equipment are needed at the border, along with people to assemble and operate.

Five, there is a huge shortage of food and people are starving today. But once the influx of refugees ends, the problem of sustaining them for a longer period is no less critical.

Six, refugees report that a vast number of houses and buildings and infrastructures have been destroyed. Every family said, "My house had been burned." "My house had been destroyed." We need to help them rebuild, and that will take a long time for them to return.

Seven, it is doubtful that Kosovo can ever again be part of the Yugoslav Federation. It will take a long time to implement workable solutions. In time, Albanians will tire of having to deal with the refugees who infringe upon their normal life. Most Kosovo refugees have no documentation, no identity cards, no medical history, no records. This will take a long time to reconstruct. And everyone I spoke to said they want to go home.

Lastly, we must do everything possible to help the suffering refugees. These victims of war have lost their homes, their livelihoods, and in many cases their identities. Additionally, having witnessed firsthand their struggle to survive and having seen their fear and their tears, I believe our country, the United States of America, and NATO's resolve with our partners must be to stop once and for all the brutality of Serbian leader Slobodan Milosevic.

Mr. Speaker, I include for the RECORD the following report of our visit to Albania:

REPORT BY U.S. REPRESENTATIVE FRANK R. WOLF OF VIRGINIA, VISIT TO ALBANIA: REFUGEES—AN EXODUS OF BIBLICAL PROPORTIONS, APRIL 4-7, 1999

This report provides details of my trip to Albania on April 4–7, 1999. I met briefly with Albanian leaders in Tirana and spent the bulk of my time at the Kosovo-Albanian border near Morina and the nearby town of Kukes. Thousands upon thousands of refugees streamed across the border, 24 hours a day. They desperately need lifesaving care now and will require sustaining aid for a long time until all the problems resolving around Kosovo are solved, and they can once again return home.

An exodus from Kosovo of biblical proportions is taking place, I saw a newspaper headline yesterday, "Europe's turn in the killing fields." That writer must have seen what I saw, a catastrophe that should have been anticipated. Ethnic Albanian refugees from Kosovo are now paying a heavy price for this poor judgment.

I just returned from a four-day visit to Albania—my second since mid-February. I went this time to focus on humanitarian conditions and needs with tens of thousands of refugees streaming across the border from Kosovo each day.

By the time we left on Wednesday, an estimated 270,000–300,000 refugees had cross the border from Kosovo. They have added about 10 percent to the Albanian population in a matter of only a few days.

We arrived in Tirana on Eastern Sunday courtesy of Americares—one of the many non-governmental organizations (NGO's) saving lives, delivering food, water, blankets, medicine and other items desperately needed in large quantities.

Our airplane, a Belgian Air Force C–130 Hercules, seconded to Americares, was loaded with baby food, flour, and other emergency supplies. About 20 passengers were on board, mostly print and TV journalists and Americares staff and volunteers. A few NBC people from the TODAY show were there. We crowded in amid relief supplies, wherever there was room to sit.

The Tirana airport is just beginning to come alive with relief supplies and equipment arriving from many nations. U.S. Air Force personnel, with their positive attitude and "can do" spirit, have set up a tent city to get the planes off-loaded and the goods dispersed. They are doing a great job, and planes do not linger on the ground.

We left Tirana very early the next morning for Kukes, a northern Albania town nearest the border crossing. It is a drive of six to nine hours or more, depending on traffic, weather and luck. We travelled with USAID's Disaster Response Team (DART) which was going to assess and coordinate relief efforts.

It is the only road to Kukes. It is the only road available to transport relief supplies to Kukes. It is the only road for newly arriving refugees to travel out of Kukes to the villages, towns and cities throughout Albania where they will stay, or be moved to other countries.

It is a treacherous road—a dangerous road through mountains and valleys with steep drop-offs of hundreds of feet. It is barely two lanes wide with no barriers to prevent going over the edge. The roadway is dotted with flower adorned memorials to earlier accidents and fatalities.

We bounced from pothole to pothole around tight S curves, dodging traffic going in both directions. Worse, the roadbed in a number of places is being undercut by the passage of heavy trucks. Chunks of road are just falling off. As more and more relief trucks make the trip, the roadway may deteriorate to the point where it is impassable.

Officials are looking at creating an airstrip near Kukes capable of handling up to C–130 Hercules aircraft. They need to hurry.

In Kukes we joined with Catholic Relief Services (CRS). Like other NGO's, CRS is doing a remarkable job with what they have to work with. The overall relief effort was late in getting started, is slow in coming up to speed and, thus far, is overwhelmed by the vast number of refugees.

Our first introduction to the area was the stench—the overpowering smell of urine and feces from the enormous numbers of refugees with no place to go to the bathroom. In many places, the ground was covered with feces. It won't be long before disease breaks out under these conditions, especially among people who are already dehydrated, malnourished and sick. Four cases of measles had been confirmed by Tuesday and the NGO's were trying to arrange a massive inoculation program.

The number of people in Kukes was startling. This is a town of 23,000 inhabitants which is growing by tens of thousands each day. About 30,000 refugees are estimated to cross the border every day, 24 hours a day. Only about 15,000 to 20,000 refugees are transported from Kukes daily to other places. The population continues to swell. The most common estimates are that about 80,000 refugees were in Kukes on Tuesday and Wednesday.

They are everywhere, camped on hillsides, along the road, in parks and plazas, and in parking lots. Most arrive as an extended family in trailers being pulled along by tractors, or in some cases, by horse. Some arrive in cars, but many are on foot. Their only possessions are carried on their back. Our time at the Morina border crossing was an overpowering, emotional experience. We saw an unending procession of people and families, each with a horrific story to tell. Many had been travelling for days under constant threat of being harmed or killed by Serb militia.

Perhaps just reaching the border was an emotional release for them. There were many more women, children and elderly than younger men. Tears were streaming down their faces—many sobbed uncontrollably. We had an interpreter and the tales they told were chilling.

An 18-year-old boy from the village of Blac was randomly pulled out of line and shot to death—in front of his mother and family. They wouldn't even let his mother kiss him goodbye.

An elderly paralyzed woman was given 10 minutes to leave her home. There wasn't even time to get her medicine. As they moved away, the family home was set afire—blazing behind them.

Everyone has a story. Most have had their homes destroyed. There is a need to document these reports while they are still fresh, not only for war crimes, but for history as well.

The refugees have little food, water, shelter, sanitation or medical care. We went with a CRS feeding mission on Monday night. It was scheduled after dark to keep the hungry people from seeing what was going on and getting out of hand at food distribution points. But it didn't work. As soon as the distributors showed up, starving people began clamoring and struggling for food. The trucks were overwhelmed and had to speed away to keep people from being injured. Police were helping as much as they could but they are too few. We saw individual policemen on duty for 24 hours straight. Many Albanian families, and especially some in Kukes, were warm, welcoming and generous. Many opened their homes to refugees they did not know and had no earlier connection with.

I visited two apartments in Kukes to see for myself. In one, the residents vacated their two-room apartment so that a Kosovar family of 17 could have a place to stay. The grandfather was blind and just sat facing a wall. There was a baby girl, just weeks or perhaps a few months old. They had been a thriving family in Kosovo, but now have nothing, not even an idea of what the future holds.

In the next two-room flat, 10 refugees stayed in one room and 17 in the other. The host Kukes residents stayed with them, all sleeping on the floor.

Albania is a poor country in wealth, but rich in generosity.

We also sat in on a coordinating meeting of NGO's who are struggling to cope, many themselves on the edge of exhaustion and sickness. The room was filled with coughing and sneezing—respiratory cases about to happen.

The talk was of how to provide the most help. Who could do what? Who could best ease the shortfall of supplies? The overall conclusion was one of inadequacy, of being overwhelmed, of having too little to share among too many. And the talk was especially about poor logistics and communications.

The refugees situation in Albania, in spite of the tremendous effort of people on the scene, is a disaster. I think the Clinton administration, the international community and NATO were ill-prepared to deal with this crisis they should have anticipated. The information was there, but those who decided the course of events, particularly the Clinton administration, did not listen.

Satellite imagery could detect the large lines of refugees forming along the way to the borders, but this information has not been available to the United Nations High Commissioner for Refugees (UNHCR) with overall coordinating responsibility.

People on the ground in Kosovo before the bombing began warned of the possibility that Serbs would begin to brutalize ethnic Albanians. I visited Kosovo in February, a few days before Rambouillet talks broke down ending hope for a truce with NATO peacekeepers in Kosovo. Many Organization for Security and Cooperation in Europe (OSCE), UNHCR and NGO representatives and diplomats predicted then that ethnic Albanians would be attacked before NATO troops could arrive. In Kosovo, nearly every Serb family is armed, not with Saturday-night specials, but with Kalishnakov automatic rifles. The Serbs Army and Police are heavily armed, too. Real concern existed that, hidden from western observers, helpless and unprotected ethnic Albanians would be brutalized. That is exactly what happened. Had this been anticipated by decision-makers, measures to provide relief and the basis for survival of refugees could have been put in motion. Shiploads, and caches of relief supplies then could have been positioned nearby.

Even now, when it is clear that enormous problems exist, too little is being done. There is much talk of providing for the long run. But people are dying today. Massive amounts of life-giving supplies are needed now.

I would like to close with a few comments and recommendations.

1. This brutality has been taking place for too long. Serbian President Milosevic is the father of the Kosovo tragedy as he was in Bosnia and even before. Beginning in the fall of 1991 when Serbs shelled, bombed and laid siege to Vukovar, Croatia, Milosevic has continued a pattern of destruction. Kosovo is just the latest chapter.

2. Milosevic is an evil man who has directly caused nearly a decade of terror, killing and destruction. Nine Serb generals have just been warned that they may be named as war criminals for their actions in Kosovo. Shouldn't Milosevic head the list?

3. There is a life and death crisis in Albania. President Clinton should immediately send high level people from the National Security Council, State and defense department—people who can make decisions on the scene—to the border crossings in Kukes. A decision-maker/policy person has yet to visit there. And that's where you have to go to see what is really happening. Too many visitors stop briefly in Tirana and quickly move on, thinking they know what is taking place. They don't. Today, the refugee problem is hemorrhaging at the border. That's where the compress now needs to be applied. Once the influx of refugees ends, and they are placed throughout Albania, the same amounts of massive help and support must be re-targeted to provide long-term assistance.

4. Massive amounts of infrastructure supplies and communications equipment are needed at the border along with people to assemble and operate them. It is not enough to ship a load of tents. People to erect them, dig toilets and purify water must be there as well. Equipment alone is insufficient. Operators and technicians must be there, too. When refugees stop coming to the border, these needs will continue throughout Albania where massive numbers of refugees will be housed.

5. There is a huge shortage of food, and people are starving today. Once the influx of refugees ends, the problem of sustaining them for a longer period will be no less critical. Albania can't feed itself. Food is the country's largest component of imports. Albania is going to need help.

6. Albania also has difficulty maintaining law and order, even in Tirana. In many remote areas, police protection is non-existent. Unemployment is very high, and there is no capacity to provide work and economic sufficiency for refugees. The Albanian government will need to be propped up and the economy improved.

7. Refugees report that a vast number of houses, buildings and infrastructure have been destroyed in Kosovo. Rebuilding will take a long time and care for refugees must be worked out while this take place.

8. Little is known about the refugee situation in Montenegro, but it will undoubtedly add to the overall problem.

9. It is doubtful that Kosovo can ever again be a pat of the Yugoslav federation. It will take a long time to implement workable solution. In time, Albanians will tire of having Kosovo refugees to deal with and infringe upon normal life. Most Kosovo refugees have not documentation, no identity cards, medical histories or necessary records. Even the license plates were ripped from cars as they crossed the border. This, too, will take time to reconstruct.

10. And lastly, let me say a word about the press. Without their coverage as refugees began to pile up, it would have taken even longer to recognize the crisis at hand. The press has done a good job of telling the world what is happening and in mobilizing people to come to the aid of hundreds of thousands of the neediest people. Members of the press should be proud of their work.

STILTSVILLE: A COMMUNITY OF STRUCTURES IN SOUTH FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, a writer in one of our hometown newspapers once said that "Miami is two parallel universes of life on water and life on land." She was describing Stiltsville, a community of structures located approximately 1 mile south of Key Biscayne, Florida, part of the Congressional district that I am proud to represent.

It is difficult to describe in words the picturesque and peaceful view that the homes supported by stilts looming above the water makes against the Florida skyline. Stiltsville began in the 1940s with the Quarterdeck Club, a beautiful locale featured in Life magazine for its unique architecture and location on the northernmost extreme of pristine Biscayne National Park.

By 1960, at least 25 structures existed which represented distinctive architectural facades with brightly colored wood frame buildings resting on steel foundations. Stiltsville served for many years as the backdrop for many television shows, movies, books, and advertisements, including the long-running television show "Miami Vice." It has been a favorite of movie makers, of boaters, and tourists alike because of its unique features and its frame against the Miami skyline. Unfortunately, due to the hurricanes that often plague our south Florida shores, only seven of the original 25 structures remain intact today.

Stiltsville homes are privately owned and represent no cost at all to the Florida taxpayers. These seven remaining structures have now been equipped with especially engineered features which have been adapted to meet the rigors of a hurricane-prone area.

The remaining seven homes provide not only aesthetic beauty for the landscape but a haven for fish and other sea life that inhabit the area. For boaters and fishermen, Stiltsville is often used as a navigational guide and as a shelter for many during storms.

For Floridians, Stiltsville symbolizes the Miami of yesterday and the Miami of today. In fact, Florida governors since Governor Leroy Collins have spent time at Stiltsville. Many of our local civic and charity groups have used these homes, including the Boy Scouts, Girl Scouts, the Miami Chamber of Commerce, and the Rotary Club, just to name a few.

For many of our cities across our Nation, there are local historical sites that give our cities character and that make them unique. For south Florida, Stiltsville is one of those places that gives our community flavor and keeps us linked to the history of our great State.

It is unfortunate, however, that in spite of the historical and cultural symbolism that Stiltsville holds for all of Florida, it is looking at the possibility of being demolished by the National Park Service. Its current lease with Biscayne National Park expires on July 1 of this year, and a recent petition for national historic designation was denied even though Stiltsville is regularly a part of the South Florida Historical Association Tours.

The Dade Heritage Trust, which is Miami-Dade County's largest historic preservation society, has worked for almost 30 years to preserve landmarks that enrich the texture of our city's present and future, and the benchmark used by the Dade Heritage Trust for judging structures to be historic is 50 years. Yet an exception has been made for Stiltsville because the members know that the colorful origins of the community itself dating back to the 1930s and 1940s make it a wonderful component of Miami history.

Even the State Historic Preservation Officer of Florida has supported a National Register nomination for Stiltsville. According to noted historian Arva Moore Parks, Stiltsville is a very fragile piece of history worthy of salvage. And certainly many of us in south Florida share that sentiment.

In our district, with the help of dozens of local organizations, such as Save Old Stiltsville, the Florida Department of State, the University of Miami, and the Greater Miami Chamber of Commerce, we have begun an effort to ensure that Stiltsville will remain a part of Miami's history and that future generations will be able to enjoy the beauty that Stiltsville adds to Biscayne Bay.

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Together, we hope to make this dream a very real part of south Florida and our State and our country for years and generations to come.

FORMER SPEAKER GINGRICH VINDICATED—BUT NO ONE KNOWS IT

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I come to correct the record, for a politically motivated injustice. It is titled "Newt Gingrich Vindicated, But No One Knows It," by Brent Bozell. I would like to read and summarize this article for the RECORD on an issue of basic justice.

"The judgement is in. After 3½ years of investigation, the Internal Revenue Service has cleared Newt Gingrich and his allied nonprofit groups of any violation of tax laws in the controversy over his television history course, 'Renewing American Civilization.'

"So after having run countless news reports highlighting the accusations that ultimately forced Newt Gingrich to pay $300,000 in fines," did the media correct the record?

I would like to let my colleagues, maybe for the first time, understand and know what Newt Gingrich was about. In our Republican Conference, the then Speaker, Newt Gingrich, and his lawyers met with the entire conference. They said that he would be exonerated 100 percent in this. There was no chance of him being found guilty. But it would take one or more years of court trials and dragging the Republican Party through this event. The Speaker stood up and said, "I am not going to do this, because we are focusing on a balanced budget, on saving Medicare, on having welfare reform, and having tax relief. And if I go through this court case and don't give the Democrats their pound of flesh by paying this fine, then we will not have a balanced budget or save Medicare or have welfare reform." And he agreed to pay that fine. That is the kind of a gentleman Newt Gingrich was.

Do you think that the news media after this was announced did anything or said one word? Let me quote from the article again.

"ABC, CBS and NBC devoted exactly zero seconds to Newt Gingrich's vindication. Only CNN's Brooks Jackson filed a TV report, on the early-evening show 'Inside Politics.'

"He then showed old footage of Democrats David Bonior of Michigan, in which he said, 'Mr. Gingrich engaged in a pattern of tax fraud,' and John Lewis of Georgia, 'We now have a Speaker under investigation for lying to the outside counsel investigating his involvement in a massive tax fraud.'

"Jackson quoted from the IRS decision: 'The (Gingrich "Renewing American Civilization") course taught principles from American civilization that could be used by each American in everyday life, whether the person is a welfare recipient, the head of a large corporation or a politician. The course was not biased toward particular politicians or a particular party. The facts show the class was much more than a political platform.' Of course, that was clear to anyone who watched the course."

And I quote from Mr. Gingrich: I urge my colleagues, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Georgia (Mr. LEWIS), the gentleman from Michigan (Mr. BONIOR), "I urge my colleagues to go back and read their statements and watch how they said them with no facts, based on nothing more than a desire, and I quote, to politically destroy a colleague."

The article continues. "But the damage wasn't done simply by devious politicians. It was done by the media itself. National Public Radio reporter Mara Liasson justified the event by saying that he only did what Newt Gingrich did to Jim Wright. 'Bonior learned his lesson from him,' she said.

"To appreciate the media's antagonism—then, now and probably forever—toward Newt Gingrich, compare their treatment of him with their coverage of a real crook, Webster Hubbell. They roasted Newt when he was charged and then ignored him when he was cleared. Hubbell was celebrated when he was cleared of tax evasion charges filed by Ken Starr, but when a Federal court reinstated the charges on appeal, the networks aired no coverage.

"Let's get this straight. Webster Hubbell embezzled half a million dollars from his law firm partners in Arkansas. After he resigned from the Justice Department in disgrace, the President's friends paid him almost another million dollars for, quote, supposed jobs that asked for no work, money he pays next to zero taxes on."

I would ask my colleagues to take a look at what they said in this well, and I would ask them to apologize publicly and in writing to the Speaker.

THE FOLLY OF COMMITTING GROUND TROOPS TO KOSOVO

The SPEAKER pro tempore (Mr. GILLMOR). Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, as we approach the decision to send ground troops into the war in Kosovo, it is important for us to look at the historical events surrounding that particular area and to then look at the request that is being made, that will probably be made for this Congress to approve in some fashion or other, a request from the administration to commit American troops to this folly.

During the break, I was given an article that I found quite sobering, from an individual in my district. The title of the article is "Serbia: The lesson of Army Group E." It came off of the net, World Net Daily, Friday, March 26. The author, a gentleman by the name of Joel A. Ruth. And I quote from this article because I think it needs to be widely read and widely heard, again, as we approach this potential decision to send American troops in. It says:

> Before we engage the Serbs in a limited war over Kosovo, it would be wise to review the experiences of the 22 German divisions that were committed to stamping out Serb resistance between 1941 and 1945. While the Germans also had the help of 200,000 Croatian, Slovenian and Bosnian Moslem volunteer auxiliaries, they still could not do the job, and with a combined army of over 700,000 men willing to commit atrocities that the United States and her allies would never contemplate in this, quote, civilized day and age.
>
> In the end, and without direct Allied help, the Serbs succeeded, through extreme human sacrifice and one of the bloodiest partisan wars ever fought in history, in recapturing over half their country by the time the war had ended on all the other fronts.

> Army Group E surrendered to the Serbs and was subsequently force-marched the length and width of Serbia without food until every German soldier had dropped dead by the wayside.
>
> The fate of the Croatian Slovenians and Moslems who had helped the Germans was mass murder; all prisoners were taken, shot and clubbed or tortured to death and dumped in mass graves. Over one half million soldiers and their families were thus exterminated by the Serbs, over 1 million murdered if one counts the victims of the German Army Group E.
>
> After the war the Serbs under Marshal Tito were determined that no outside aggressor would ever enjoy an advantage in occupying any part of Serbia ever again. Therefore, for the next 40 years, a massive system of underground defenses were constructed deep under the mountains, atomic bombproof and capable of maintaining a million-man army underground for several years while guerilla warfare would rage against any future aggressors. These underground facilities contain massive quantities of munitions, field hospitals, food stocks, fuel and consist of thousands of miles of tunnels which can enable a guerilla force to strike and vanish to safety during bombing and artillery strikes.
>
> Believe me, if the Germans who utilized the most brutal tactics could not subdue the Serbs in 5 years when they did not possess such a defensive infrastructure, how much harder is it going to be now that they have spent 50 years in preparing for the next invaders?

The article goes on to claim that any attempt on the part of NATO and this administration to participate in any such venture would be just as full of folly and certainly would be just as bloody. And the idea that we can bomb Milosevic into submission is, of course, if you are taking this at face value, if the information supplied in this particular article is correct, then that theory, that strategy, is idiotic.

For if there is such a system of caverns and caves within Serbia where a million men could be housed and probably are being housed even at the present time, then how can we possibly expect to really cripple him through any amount of bombing that we can possibly do? It will, of course, take armed forces on the ground, and it will, of course, turn into the same sort of bloody situation that preceded us there some 50 years ago.

So I ask my colleagues once again to reconsider, when we are asked to commit American forces to this area, that we consider the lessons of history as it is so often difficult for us to understand. But it is important for us to realize that history does repeat itself, that this is a bad place for us to be with no particular reason for us to be there.

SCHOOL MODERNIZATION INITIATIVE—KEY COMPONENT OF 1999 DEMOCRATIC EDUCATION AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 60 minutes as the designee of the minority leader.

Ms. ROYBAL-ALLARD. Mr. Speaker, one of the priorities of the Clinton administration and congressional Democrats is improving education. Democrats recognize that the future of this country depends upon ensuring that all American children receive a high quality education that prepares them for the jobs of the 21st century. Democrats believe that every public school must be a place where facilities are up to date and in good repair, where classrooms are not overcrowded, where the environment is safe and drug-free, where students have adequate textbooks and computers, and where teachers are well-qualified. This is why Democrats are once again promoting an aggressive, comprehensive agenda to strengthen and improve our Nation's public schools.

This evening, I would like to highlight a key component of the 1999 Democratic education agenda, the school modernization initiative. This initiative will help address the tragic conditions of overcrowded and crumbling American schools. Sadly, Mr. Speaker, thousands of our public school children are trying to learn in schools that are overcrowded and in desperate need of repair. This problem is exacerbated by the fact that our country has the highest number of students in our history and enrollment will continue to grow at a considerable rate for at least the next decade. In order to keep pace with this growth, the Department of Education has estimated that we need to build 6,000 new schools over the next 10 years just to maintain current class size. This crisis is compounded by the fact that in addition to our overcrowded schools, many of our existing schools are in desperate need of repair. According to a 1998 report by the American Society of Civil Engineers, American schools are in worse shape than any other part of our Nation's infrastructure, including our roads, our bridges and our mass transit. Moreover, in 1995, the nonpartisan General Accounting Office, in an in-depth study on the condition of the Nation's public elementary and secondary schools, found that 60 percent of our schools in all regions of the countries are in desperate need of repair. Thirty-eight percent of our urban schools, 30 percent of our rural schools and 29 percent of suburban schools have at least one building in need of a new roof, a new plumbing system, a new floor or a new electrical system. In addition, 58 percent of our Nation's schools face serious environmental problems, such as ventilation, heating, air conditioning and lighting problems, along with environmental hazards such as asbestos, lead in the water and lead-based paint and Radon.

□ 1515

These conditions are dangerous and unacceptable. Leaky roofs, buildings in despair and overcrowded classrooms are not merely annoyances or inconveniences. They are barriers to learning.

This is substantiated by study after study that has produced strong evidence of the link between academic achievement and the condition of our schools. Students who attend class in clean, safe buildings not only do better academically, they also receive a far more positive message about their self worth than students who must attend run-down and overcrowded schools.

That is why President Clinton and the Democrats in Congress have a responsible and realistic blueprint for improving our schools. In order to help States and localities address this critical issue, the President has again included his school modernization initiative in his budget proposal for this year. Democrats in the House and Senate support this much needed proposal and have included it in their family first agenda.

Mr. Speaker, this proposal creates a Federal tax credit to finance the interest on bonds which States and local school districts can issue for school construction and repair. These bonds would generate $22 billion in funding to build and modernize our public schools while costing the Federal Government only 2 to $3 billion over the next five years.

Mr. Speaker, this is not another program leading to federal control over local public schools. Instead under this legislation the Federal Government will be a partner with State and local governments. It will be States and localities that will determine their needs and decide when, where and even if they want to spend Federal funds to modernize their schools, and State and local participation in this program will be totally voluntary.

Most importantly, local school districts around the country are in favor of this proposal.

While it is true that historically States and local districts have shouldered the majority of the responsibility for our schools, this crisis is of such a magnitude, an estimated $12 billion nationally, that States simply cannot solve this problem alone.

Mr. Speaker, this is a national crisis. The education of our children is not only critical to their personal growth, but to our country's ability to compete in the highly technical and global economy of the 21st century. Federal support is essential and in the best interests of our Nation.

In closing I would like to give my colleagues an illustration of the severity of the problem.

This is a picture of Balmont High School in Los Angeles, although it could be anywhere in this Nation. As my colleagues can see, the roof of this gymnasium has multiple leaks, and when it rains, they need to put garbage cans in order to collect the water so that the gym is not completely flooded.

These are pictures of two other schools in Los Angeles, both with extensive water damage which has caused the ceiling tiles to fall off, leaving wiring and piping exposed. It is clearly not a safe environment in which our children can learn.

Mr. Speaker, what message are we sending to our nation's children and their parents if Congress sits idle while our schools continue to fall apart? I urge my colleagues to support the democratic school modernization initiative.

Mr. Speaker, I now yield the remainder of my time to my colleague from Texas (Mr. HINOJOSA), a man who is a champion of education and the chair of the Congressional Hispanic Caucus Task Force on Education and Training.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the gentlewoman's request to give the balance of her time to the gentleman from Texas is agreed to, and the gentleman from Texas is recognized for the balance of the 60 minutes.

Mr. HINOJOSA. Mr. Speaker, I appreciate having this opportunity to help carry the ball on these issues of such importance to our children's education. The work the gentlewoman from California (Ms. Roybal-ALLARD) is doing on behalf of the Congressional Hispanic Caucus is outstanding, and I congratulate her.

Mr. Speaker, as a Member of the House Committee on Education and the Workforce and chairman of the Congressional Hispanic Caucus' Education Task Force, it is my privilege to discuss the caucus' legislative priorities in the area of education for the 106th Congress. Let us start with the unacceptably high hispanic dropout rate.

Simply put, this is an urgent problem that is not getting any better. Over the last 25 years the dropout for both white and African American young adults has declined by almost 40 percent. Hispanic youth, however, have only shared in part of this improvement. Far too many of our students fail to reach their academic potential. Nationwide the percentage of hispanic students dropping out of school is twice the rate of other ethnic groups. Over all, about 38 percent of hispanic young adults have dropped out of high school compared to only 17 percent of African American and only 8½ percent of our white young adults. These figures are simply unacceptable, Mr. Speaker.

As we all know, our current economy, unlike 40 years ago, generates few meaningful jobs for people without a high school education. Because of the restructuring of our Nation's economy, not having a high school diploma or its equivalent poses a much stronger burden than it did decades ago when jobs with social and economic mobility were within reach of these with limited educational background and skills. In our present economy even high school graduation is not enough to pave the way to a middle class life. The good jobs are knowledge intensive.

Throughout the past 2 years the Congressional Hispanic Caucus has focused particular attention on the hispanic dropout crisis, but there remains much work to be done. As a Member of the House Committee on Education and the Workforce, I look forward to working with my colleagues in my Committee on Education and the Workforce and on both sides of the aisle of Congress to eradicate this educational crisis.

On the subject of bilingual education I want to give credit where credit is due. I applaud the congressional leaders who are working to improve educational opportunities for hispanic students such as my good friend, the gentleman from Texas (Mr. REYES) who recently, only 2 weeks ago, presented his ideas regarding excellence in education for limited English proficient students. Congressman REYES has made some excellent points which I agree with and endorse on the complex issue of bilingual education.

The Ysleta Independent School District in El Paso, Texas, is proof that bilingual education works. It is a place where two languages are used without apology and where becoming proficient in both is considered a significant intellectual accomplishment. We need to prepare our limited English proficient students to function, to excel, in a world economy where being bilingual is an asset and a resource. School districts such as Ysleta recognize and understand that bilingualism is an asset, an intellectual accomplishment, and I applaud Congressman REYES and El Paso for their progressive thinking.

Lastly, Mr. Speaker, I would like to address the reauthorization of the Elementary and Secondary Education Act, the largest elementary and secondary federal aid package targeted at low income and low achieving students. Funding for ESEA currently represents an annual $12 billion investment in our Nation's future. ESEA is a vital program to all of the Nation's children. It includes critical funding for many programs aimed at serving the hispanic student population.

As President Clinton has stated, the 30 percent dropout rate of hispanic high school students is a national economic crisis of great urgency. Expansion of exemplary education programs is needed to increase the education attainment level in the hispanic community as well as school modernization, as well as after school programs, class size reduction in Grades K through 3, teacher training and expansion of gear-up programs at the middle schools. These significant issues must be considered in the reauthorization of the ESEA, and I certainly hope we are going to reauthorize ESEA in this Congress as an entire package, not piecemeal.

Mr. Speaker, I now yield to my esteemed colleague from the great State of New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, education is my number one priority since I came to Congress. Providing our children with a good education and a bright future is one of our most effective tools for ending gun violence, drug abuse and poverty in our country. I spend so much time in my schools back on Long Island talking with students, teachers, our principals, superintendents and our parents about how we can make the education system work better. In visiting these schools I see students and teachers who are committed to education, and these are visits that have shown show me what there is in grade schools in my district. But these visits have also shown me what our schools and where they need help. Many of the buildings in which our students learn are inadequate, overcrowded and certainly in poor condition.

As my colleagues have pointed out, building new improved schools must be a top priority. That is why I am delighted the administration has made school construction a top priority. But hand in hand with building more schools is reducing class size.

I was delighted with the administration's initiative to hire a hundred thousand new teachers over the next 7 years to reduce class size in Grades 1 through 3 to a national level of 18 students. I actually would take this down one step further. I happen to believe that we should only have 15 students in every classroom through 1 through 3. We have seen the research that shows 15 in a classroom is where our young students make the most progress. This is simply common sense.

It states that what most parents and teachers already know from experience—smaller class size promotes effective teaching and learning. Smaller class size allows for a smaller manageable work load for the teachers and enable children to receive individual attention. This type of one-on-one attention can solve a lot of the problems before they start.

I am on the the Committee on Education and the Workforce and will be spending most of this year addressing problems like these: teacher training, school construction, reducing class sizes. We reauthorize the Elementary and Secondary Education Act. With all of this, it is so important to make sure our teachers that are in the classroom now also have continuing education so they can come up to the time that we are talking about as far as being able to use computers so they can teach on the Internet. So, I strongly support continuing education for our teachers.

The act which I refer to is ERISA. It deals with all aspects of K through 12 education.

We all know what it will take to improve our educational system: well-prepared teachers, new buildings, less crowded classrooms. It is time that we show our young people that we are committed to their education and to their future.

□ 1530

I am one of those believers that believes education can help our whole country as a whole. The more we educate our young people, certainly the better job opportunities they will have in the future. The better job opportunities they have in the future will help our businesses across this country, and that certainly will keep our economy strong.

We have to look at this as a whole picture. All we have to do is ask anyone, whether it is from Long Island or New York, whether it is California, whether it is New Mexico, what is the number one issue as far as you are concerned? It is education. It is the key to the future of this country.

Mr. HINOJOSA. Mr. Speaker, I yield time to my friend, the gentleman from the great territory of Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Speaker, it never ceases to amaze me how much passion, or more precisely how much hysteria, the issue of language can generate. I use the word "hysteria" because concern and fear about the supposed decline of English language usage in the United States bears no relation to reality.

We are 2 months into the 106th Congress and already three bills and one resolution have been introduced in the House of Representatives to make English the official language of the U.S.

The underlying premise of English-only legislation is expressed in H.R. 123, which says, "Throughout the history of the United States, the common thread binding individuals of different backgrounds has been a common language."

The problem here is that the premise of English as a national glue is faulty. It ignores and, by default, it trivializes the very thing that has made the United States a beacon to the politically and economically oppressed people of the world. Wave upon wave of immigrants have come to the United States not to speak English, for heaven's sake. They have come because they are desperate for freedom. They are desperate to participate in this great democracy. They are eager to participate in the American dream.

The enduring bond between our culturally diverse population is and always has been a shared commitment to the democratic principles of freedom, justice, liberty and equal opportunity for all.

Most immigrants come to the United States to build a better life, and every immigrant knows that in order to make the American dream a personal reality, English fluency is a must. There are immigrants who literally lose sleep to master English.

The issue is not whether immigrants want to learn English. They have more than demonstrated their determination to speak the language. The question is how best to promote fluency and general learning among young immigrant students, and this brings us to the heated controversy over bilingual education.

I endorse bilingual education and I am anxious to see the development of programs and funding to increase the number of bilingual teachers. Last year as a member of the Committee on Education and the Workforce of the House of Representatives, I submitted a proposal to create a scholarship program for students who are proficient in English and Spanish and want to be teachers in the Nation's public school system.

The scholarship would be named after Frank Tejeda, the former Representative from the 28th District of Texas, who died in 1997 while serving his third term in Congress. This proposal was passed by the House, but was not included in the higher reauthorization education bill that came out of conference.

Bilingual education programs need to be applied with flexibility and with an eye to their effectiveness. Students learn in a variety of different ways, and it is the difficult job of educators to balance program structure with the flexibility necessary to address individual needs.

Educators must constantly evaluate the effectiveness of existing and proposed bilingual programs because there is something seriously wrong where minority parents have to sue school districts in order to opt out of bilingual programs which in theory have been established to meet their children's English language needs.

Unfortunately, English-only proposals are simplistic and a reactionary response to the challenges of a multicultural society. Worse, they threaten to deprive minorities of their heritage, their culture and the protections guaranteed to them by the Constitution.

If the free speech provision of the First Amendment does not protect language, what does it safeguard? How does one separate speech from the language that frames it? English-only proponents seem to forget that the very purpose of a democracy is to give people a voice. Congress should have no part in silencing those who cannot articulate their needs, their problems or their issues in English. To do so is definitely un-American.

Mr. HINOJOSA. Mr. Speaker, I yield to my friend, the gentleman from the great State of Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, this year we have an opportunity to reauthorize the Elementary and Secondary Education Act. I, like many of our Members, we are all concerned in terms of the changes that we foresee and some of the things that might happen. One of the things that I would like to do this afternoon is talk about the importance of bilingual education.

One of the main programs the schools rely on is bilingual education. For many of these youngsters and the students in my district, this is not an option but a necessity. This program allows these individuals an opportunity to be able to learn the core items of the curriculum in their native language so that they will be able to function as quickly as possible in the English language.

This program allows our children to feel included in the learning process. From firsthand experience, I can say that I started in the first grade not knowing English, and it took me 5 to 6 years to comprehend what was occurring in the classroom. Now I have learned that language acquisition requires from 5 to 7 years to be able to learn a second language, and so it is important for us to have a good understanding of what it takes to learn a second language.

Programs like bilingual education will allow our students the opportunity to learn not only English but learn basic subjects in the native tongue that are essential for continued growth and development.

As we move to a global economy, more and more languages will be considered a necessary resource. The highly competitive nature of today's global economy underscores the importance of knowing more than one language. America needs bilingual education to produce educated, well-informed citizens.

The Texas Educational Agency commissioner supports this idea by stating, "In the future all children should be trilingual: proficient in their native language, proficient in a second language and proficient in computer literacy. The business community understands the value of trained multilingual employees. We must offer a work force that can meet such demands." This is the commissioner from Texas.

By supporting bilingual education, we are supporting our country and also the importance of learning English, at the same time retaining as much of the native language as possible.

It also is important that through bilingual education and various types of options, the two-way developmental bilingual education programs, for example, English speakers and language minority students are in the same classrooms learning all grade level skills at the same time.

Studies show that the most successful programs, models for language for minority students, as well as for native English speaking, bilingual education is a tool that fosters a successful future for these Americans. Bilingual education is an investment that pays off.

If we are to make changes in bilingual education, I hope that it is to improve in terms of assessing the importance of teacher training. We do need teachers to be well trained, to be able to provide that instruction. We also need the ability of the staff to be evaluated and for those programs to be assessed to see how well they are doing. Also important are the initiatives that include parents in the teaching of their children.

These are drastically needed and we hope that as we look forward that these are some of the things that we will be looking at.

Again, I would also just stress that in the bilingual education we will also see dual language instruction that allows both monolingual English-speaking youngsters as well as monolingual Spanish-speaking and other language youngsters be able to work together and learn both languages at the same time.

As we move forward in the global economy, we all recognize the importance of knowing more than one language, and I hope that as we look forward, we move in this direction. I hope that there is no talk of eliminating bilingual education or thinking that Washington, D.C., is a platform for implementing a national 227 initiative. This is not the place. There will never be a time for it to be addressed.

If we do not continue to support bilingual education, we will do a disservice to our children and our Nation. I encourage everyone to support the program. It is a beautiful program.

Mr. HINOJOSA. Mr. Speaker, I yield to my friend, the gentleman from the great and progressive State of North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I want to thank my friend and colleague from Texas (Mr. HINOJOSA) for putting together this special order this afternoon because it is on a topic that is important not just to our Hispanic students and their families; it is important to every American.

Let me take just a moment to speak as a former State superintendent of the State of North Carolina, a State that is seeing tremendous growth in our enrollment of students of Hispanic background.

Let me also thank the gentleman for his leadership on educational issues as a leader in the Hispanic Caucus, and also as a cochair of the House Education Caucus, the Democratic side, and his work there. He understands the needs not only of Hispanic students and Latinos, but of all children in our public schools; and I thank him for that.

Mr. Speaker, North Carolina has a rapidly growing Latino population, as do many of the other States in this country. They come, as my colleagues who have preceded me to this rostrum today have said, for economic opportunity. They come for a variety of reasons; and, yes, they bring their children and want them to have the same educational opportunity as other children.

As a superintendent, I worked hard to serve the educational needs of our Latino community, because they are an important component of the future of this country. If anyone who is watching today does not understand that, all they need do is read our papers and look at the demographics and how our country is changing and the contributions they are making to our society in so many ways today and will continue to in the future.

The biggest barrier to children, the biggest barrier to their learning, is language. We have just heard that. If a child cannot understand the language, then they have a difficult time understanding math or science or history or whatever they are being taught.

In North Carolina, and in most of the school systems in this country, but I will speak specifically about North Carolina and our needs at the national level to do some of these things, implementing English as a second language has served the Latino community better than anything else.

The reason for that is that young children need to understand the language. As I have said, the number of non-English speaking students, not just Latinos but of all languages coming to our shores, have skyrocketed in North Carolina in recent years. It has increased almost 29 percent; 32 percent last year was the increase in just the Latino numbers in our State.

English as a second language works better for youngsters who are in kindergarten to second grade. Let me say why. It takes only 6 to 18 months for those students at a very early age to be proficient and be able to handle it in the classroom, but for high school students it takes 5 to 7 years to bring them up to speed.

Why? Because we do not have the teachers, we do not have the resources and we are not focusing, in my opinion, as we should.

Let me say of an elementary school in my State, happens to be in my district, in Lee County, in Sanford, where they have an outstanding teacher. She taught Spanish for a number of years. She lived in Spain for about 5. She teaches prekindergarten youngsters.

In just 1 year, in just 1 school year, she can bring those students to proficiency. They can acclimate to the classroom and compete with other students and do an outstanding job. That is an indication of immersing students in English, giving them an opportunity in the second language. They spend a number of hours each day in this class, but they also get to go to their regular classes. That is why English as a second language is so important.

There is not enough funding at the Federal level and not enough at the State level to meet the needs of our students. The Hispanic Caucus is providing tremendous leadership on education, as well as this issue of language barriers. It is not isolated to this caucus because they reach across the lines and work with all the other caucuses, because we have a lot of children in our schools who need this help. I think we have an obligation to put our message and our vote where our mouth is.

□ 1545

It is easy for Members to come to this floor and talk about how important education is, and then they fail to realize if a child cannot understand the language, they cannot learn. Today we have a number of students and others in the gallery. I will guarantee the Members, they would tell us the very same thing.

I want to thank the Caucus for their help, not just on the language issues, but the understanding of the needs of children in classrooms that are overcrowded; in putting more teachers in the classroom, and in helping by voting in support of the 100,000 teachers, as the President proposed.

They have also have also been helpful in supporting H.R. 996, a bill that I introduced, the Etheridge School Construction Act, to fit the needs of these communities that are growing so rapidly. The classrooms are overcrowded. Teachers do not have decent places to teach. That is just not acceptable in a day and time when we have the resources to make it happen.

This bill would provide tax credits to finance local construction bonds across the country in those areas that have great needs. Texas is one of those States. That is one of the second fastest-growing States in America. It will make a difference. I thank them for their help on that. We now have over 100 cosponsors on this bill. I urge the Members of the other body to join us.

Mr. Speaker, again I thank my colleagues from Texas and all those in the Caucus who are working so hard to make education for all children a top priority, but specifically making sure that languages are available for those children who do not understand the English language, to help them to get up to speed so they can become a full player in this economic system of the 21st century, because the future will belong to the educated.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). Members are reminded not to refer to occupants of the gallery.

Mr. HINOJOSA. Mr. Speaker, I yield to the gentlewoman from the great State of California (Ms. SANCHEZ), the most populous State in the Nation.

Ms. SANCHEZ. Mr. Speaker, I would like to speak today a little bit about school construction, and in particular because my colleague who just spoke, the gentleman from North Carolina (Mr. ETHERIDGE) spoke a little bit about the school construction bill, and I would like to tell America and my colleagues, so they will sponsor this bill, a little bit about it.

The Expand and Rebuild America's Schools Act is H.R. 415. I know quite a bit about it because I am the author of that bill. We put it in last year and we did not get it passed. This year we hope that we will be able to do it. What does the bill do? The bill addresses one of the most crucial crises facing this Nation; that is, where do we educate our children?

Now, some people would say that at the Federal level we should not be dealing with school construction. I would say that we deal at the Federal level with those issues that do not get answered at the State or local level. One of the major problems that we have with our schools is where do we educate our children, the room in which we educate our children.

I happen to represent a great area, Anaheim, California, Santa Ana, Garden Grove, Irvine, the central portion of Orange County. In the next 5 years, our school population will grow by over 25 percent. That is almost twice as fast the rate of growth as the five fastest growing States with respect to school population across the Nation.

That means not only is California growing faster in the amount of children who are entering public schools, or Texas, for example, or Florida, or New York, or Illinois, but in central Orange County we are growing at twice that rate.

That means that if we take a look at a school district, for example, Anaheim City School District, an elementary school district, kindergarten through 6th graders go there, there are 17,000 children attending that school district. Every year we grow by more than a thousand children.

I know about this school district because I attended it as a child, and the very same school that I attended with about 500 or 600 children today houses almost 1,000 children. Those other schools that are patterned exactly like the elementary school that I attended in the rest of the district have 1,000, 1,100, 1,200 children attending in the space that was made for 600 children.

How do these kids get there? How is it that we are able to put them in the classrooms? We have portable classrooms. We now have double sessions. That means that some children go early in the morning and others come later in the day, so we have a double session going. We now have year-around school. We do not have the traditional 9 months on and 3 months of the summer off. We actually have 4 different tracks of students going to school at any given time.

Now, imagine if you were a mother and you have two or three children, and let us say one of those children is in the middle school or the high school, and they have their own school program going, where they are going 9 months and then 3 months off. And let us say you have two young children also at home, both attending the elementary school. One could be going at 8 in the morning, and the next one would have to be going to school and starting at 10:15.

Now, imagine, you are a mom at home and you have these three children, and you are trying to take them around to soccer and to school and to the doctor's appointments and all, and all three schedules are not the same. So if you are a mother who wants to take three children at the same time to the same school, you cannot do that any longer in the city of Anaheim. It is very difficult to do.

Then, of course, there are the safety issues of sending our kids like that, kids who go out in the morning because they have a 7:30 or 8 a.m. schedule, and kids who come home late because they are on the late schedule and may be walking home in the dark. Think about the problems that we are creating with respect to the school schedules.

Then, of course, there are the portable classrooms that we are now putting onto that school that houses 600 children so we can house more, so we can house the 900 or the 1,000 or the 1,200 children, portables that sit on blacktop and the green grass, where I used to play: less space, double lunches, children going in at 7:30 in the morning so they can have lunch at 9:30. Think about that. We would not do that to ourselves in the business world.

Let us talk about business, because I am a businesswoman. If I were to start a small business today, let us say out of my home, like so many people are doing today, how many telephone lines would I have coming into my office, that extra room in my house set up as my office? At least three, do we not think?

Let us say it was just you working on a consulting basis or doing things like accounting or what have you. You would have at least three lines. One, you would want to be on the Internet. You would want to have your computer set up; two, you would probably like to have a fax; three, you would probably have a line or maybe two lines where someone could be calling in and you could put them on hold while you talk to somebody else.

Well, in these elementary schools in Anaheim, the entire school has only three phone lines to it. Now imagine, you are the principal. You are calling out. There is one phone line. If your PTA was great and was able to raise funds, you would have a fax machine in your office, and you might be faxing some information out to a colleague or somebody else.

Then, of course, kids get sick, so in the morning parents are calling in to say, my kid is not coming to school. If you are a parent and calling in and there is one line dedicated to the fax and one that the principal is calling out to talk to a parent or to somebody else, that means there is one line, one line to call in and say your kid is sick. Imagine if there are 40 children sick that day out of 1,200. That could be a possibility. Imagine the busy signals that you would get or the inability to get through.

Now, imagine if there was a problem at the school and there was a safety hazard or something was going on and you only had three lines, also. You would not start a business in your own home with less than three lines. Why do we allow elementary schools to have 1,200 children, 10 or 15 staff people, 80 teachers, and only three phone lines? That is the state that our schools are in today. That is why room, the fourth R, is so necessary.

That is why at the Federal level we need to be concerned about the rooms in which we teach our children. They should be modern. They should have the technology of the future. They should have the computers and the Internet and the telephone lines, but more importantly, they should be a space that our children could learn in.

The bill that I am offering is not about taxing people more and sending it to Washington, and then deciding what schools we want to be nice to and sending it back to California or Texas. It is about letting people actually keep the money in their area by not sending it to Washington, by giving tax credits.

Schools that qualify would need to have help, they would have to be on a heavy burden list, one like the city of Anaheim, where we need more classrooms, and we can show that we need the growth. Schools would also be required to work public-private partnerships and have businesses working with them, and maybe the businesses would buy the bonds that the local agency issues.

Third, the responsibility of deciding to issue bonds in order for the interest to be given as a tax credit by the Federal Government would have to be a local decision. That means that on a local level, a community needs to get together and decide that they are willing to pass a bond issue in order to build a school in their area.

Local control, not sending the money to Washington, but giving it back, in a sense, in a tax credit, that is what the Rebuild American Schools Act would do. That is why I hope that when people realize that this is really about putting responsibility on the local level to decide that they are going to do something about it, and the Federal Government stepping in and saying, we are going to help you to do that, we are not going to give it to you, but we are going to help you to solve your problem, that is why this act, this bill, makes a difference and is important.

It is a matter of national security. It is a matter of national security that our children learn in a school environment that is conducive to the 21st century, not in what people have to learn in in Anaheim.

I know because I used to go there as a child. I have seen the closet where the janitor used to push his barrel with his mops and put them away for the night. That closet has been turned into a classroom for six special ed children and their teacher. This is what we are doing to our children, we are putting them in closets so they can learn. How do we expect them to learn? How do we expect people to learn, children to learn, if they do not have the classroom space?

I was talking about portables earlier. The Santa Ana Unified School District, another area that I represent, if we took the portables that sit on its 26 permanent schools and pulled them off and made real permanent schools out of those portable classrooms, there would be 27 new schools built; 26 existing, 27 worth of portable classrooms on those areas.

There is no room to play. There is no room for recess. There is no room for lunch. If it is hot, as it gets in Southern California, there is no shade when you are eating your lunch. If it rains, what do children do? There are even some classes that are taught outside without a classroom.

This is why the Federal Government needs to get involved, and we get involved in a very specific way, with those classrooms that need to be built by the neediest schools all across the Nation, with responsibility at the local level to decide to build them, and with returning money, not sending money to Washington, D.C., but leaving it in the local level to be invested in local communities.

That is why I hope that my colleagues will join me in supporting H.R. 415. I know there are many sponsors already who have spoken today on that bill, and I appreciate the time that they have given me, I say to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I yield to my friend from the great State of Texas (Mr. GENE GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I would like to thank my colleague, the gentleman from Texas, and a member of the Committee on Education and the Workforce for organizing this special order this afternoon.

It is hard to ignore the fact that our country is one of the greatest in the world, Mr. Speaker, and we have crumbling classrooms and overcrowded classrooms. Research has shown that students do not learn well in overcrowded classrooms and schools.

Some schools have problems with ventilation, heating, air conditioning, lighting, water, along with environmental hazards, such as asbestos. Worst of all, many schools do not have access to the Internet. The advantages of the Internet are unlimited. It is one of the most important educational tools, and provides instant access to a wealth of information.

□ 1600

We need to provide the necessary funding to enable local schools not only to modernize and to rebuild their classrooms, but to make sure each student has access to the Internet.

One of these schools could be preparing the first person to land on Mars, cure cancer or AIDS, or halt global warming. In fact, Mr. Speaker, I had the opportunity this last Friday to have an astronaut from the Johnson Space Center, Dr. Franklin Chang-Diaz, to visit a number of middle schools in my district in Houston, Texas.

He looked out over the 8th graders in each of the rooms and said, "You are the generation that will be on Mars." We need to make sure those eighth graders are prepared to make that step onto Mars.

Also last week, Mr. Speaker, during our break, I had a chance to visit the AAMA Learning Center in my district. AAMA is the Association for Advancement of Mexican Americans. They have a charter school in Houston, Texas. They received E-rate funding for their charter school in the amount of a little over $35,000.

I was happy to see this funding was being used to provide counseling in reading and computer training to these youth in my district, but particularly Hispanic youth.

The AAMA school, the George I. Sanchez High School, was established to take dropouts from our public school system and give them that second chance or that opportunity. When charter schools became in vogue, George I. Sanchez had been around for a number of years. When charter schools became in vogue, the George I. Sanchez School became one of those charter schools and is successful today, Mr. Speaker, because of the success. They are benefiting from the E-rate that will help that charter school help educate these students who are the leadership for tomorrow.

We need to make sure that programs like AAMA's have the necessary funding so that all children have access to quality and innovative education to be competitive in this global economy we have.

In addition, we need to finish the job of hiring the 100,000 new teachers to reduce class sizes in the early grades. My wife is a public school teacher in the Aldine district in Texas. Even in high school we have problems with overcrowding in our math classes. It is tougher to teach 35 children algebra, Mr. Speaker.

In Texas, in 1984, the gentleman from south Texas knows because his former elected position was a State Board of Education member in Texas, Texas law changed it to where we had 22-to-1 pupil/teacher ratio in grades K through 4. That is great. The problem is we could not even keep up, and there are a lot of waivers having to be granted because of the need.

We need that 22-to-1 not only on a State level, but we need it to be 20-to-1 or 18-to-1 on a national level, particularly in elementary school grades, because that is where we set the tone for children to be good students.

Of course, before they get to be high school algebra students or science students or English or math, we need to make sure those class sizes are also small. Because if we are preparing our children to take our place not only as astronauts and physicists and Members of Congress, we need to make sure they have every opportunity.

Let us focus our energy on school modernizing initiatives so our children can learn in a safe and clean environment. Let us create a learning environment in our schools that inspires education and imagination. Let us reduce those class sizes so every child gets the attention and the guidance they need.

Finally, let us provide state-of-the-art technology so that each child is prepared for the challenges and demands of the 21st century. These are measures that will make a difference in the education of our children and that will provide for the best learning environment for our children.

I know the gentleman from Texas (Mr. HINOJOSA) has two very attractive and cute little girls, Mr. Speaker, and I have watched them, not only the 2 years he has served and now his third year, his second term in Congress.

I remember my children went to public schools in Texas, and now a daughter who is starting medical school in Texas and a son who is going to graduate school at Texas A&M, they went to public schools. Public schools educate most of the people in our country.

We cannot say that we are going to fail the public schools simply because they have a harder job today than they did when I was in public schools in the 1960s. We need to make sure we give them the resources, the technology, the facilities, the smaller class sizes, and also the qualified teachers to be able to do it.

Mr. Speaker, I thank the gentleman from Texas for allowing me to participate with him today.

Mr. HINOJOSA. Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES), my friend and distinguished member of the delegation from my State.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise to speak about a different but equally important issue affecting education in America. As we prepare to embark upon the 21st century, all of us know that the Technology Age is upon us.

We live in a time when new ideas and innovations impact the way that we live, the way that we learn, the way that we work, and even the way that we play. Today's children cannot remember a time when fax machines, calculators, computers, or the Internet were not a part of their daily lives.

Their world and the future that they will inherit will require not only an understanding of these innovations, but an ability to fully utilize them and integrate them into their work environment. No matter what occupation our children pursue, every American child must be versed in the technology that is permeating our society today.

Mr. Speaker, a program that is making a tremendous impact is the E-rate program. This program through the Schools and Libraries Corporation is providing discounted telecommunication services and Internet access to schools and libraries across the country.

As a nation, we cannot afford to have only the affluent areas access the benefits of technology. Consequently, through this program, the E-rate program, equal opportunity has been provided to minority and poor areas in urban and rural communities.

The demand for this program and the funding is tremendous, as has been indicated by over 30,000 applications requested in the very first year. Fortunately, we were able to fund the majority of these requests through the E-rate fund with a total of almost $1.66 billion committed around the country.

Even so, however, there were many school districts and libraries that were left out. Nearly 500 million in requests went unfunded this year. This means that not all schools and libraries received the necessary resources that they needed. That, Mr. Speaker, is unacceptable.

There is good news and there is bad news. The good news is that there is a round two for the E-rate. The bad news now is that in round two there will be 2,000 more applications than last year. With over 32,000 applications pending, clearly the need for discounted services and internal connections remains very high.

We as a nation have always prided ourselves on giving each and every child the opportunity to receive an education that will benefit them in their future employment. This year as schools and libraries around the country make applications for round two of the E-rate discount, we must make sure that not one child is left out in achieving technical literacy.

I want to encourage every Member of this Congress to stand up for our schools and libraries and encourage that they apply for year two funding. This is just as important as additional teachers, just as important as additional funding and additional pay for teachers, and certainly just as important as school construction and remodeling monies.

Our children's future depends upon the educational tools and skills that we provide them today. We, as a nation, must uphold our commitment to our children. This will determine the solvency and the prosperity of our Nation and secure the future of their children.

Mr. HINOJOSA. Mr. Speaker, I yield to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, one of the most important keys to success to Americans is our education. That is why it is one of the top concerns in the Latino community and a high priority in the Unified Democratic Agenda.

We heard our youth requires increased literacy and more education plus enhanced technological skills. My District in southeastern Los Angeles County is absolutely no stranger to high dropout rates, and I discussed this with all of my school districts. These students leave school and are unable to be good, productive citizens in our area.

There are many types of approaches that the people in my district have come up with to fight the dropout rate and improve education. However, this does not mean that we in Congress and the Federal Government do not have a responsibility to work with them.

There are many types of approaches to fight these dropout rates that we hope to be able to, together, fight for. That is why we need to have more teachers, school modernization, funding for alternative programs that help keep our next generations of Americans in school.

Mr. Speaker, one of the most important keys to success in America is education. That is why education is one of the top concerns in the Latino community and a high priority in the Unified Democratic Agenda.

To succeed in today's economy, our youth require increased literacy, more education and enhanced technological skills. But our schools are overcrowded and need to be equipped with the latest technology; teachers need better training; and we need to address the unacceptably high Latino drop-out rate.

Thirty percent of Latinos 16 to 24 years old have dropped-out of school. The number for African Americans is 13 percent and for non-Hispanic whites it is 7 percent. Among Latinos with limited English proficiency, about 50 percent have dropped out.

My district, in southeastern Los Angeles County, is unfortunately no stranger to high drop-out rates. Just a few weeks ago, I was discussing this very issue with an administrator at Bell Gardens High School, which serves the East Los Angeles and Montebello communities in my district.

At Bell Gardens High School, they have another problem in addition to the traditional drop-out rate as we know it. They have a very high transiency rate—about 30 percent. These are students who leave school and then come back several months or a year later. Their education is interrupted and they have difficulty readjusting to the educational program, which makes them even more likely to leave school again.

Local teachers and school officials have been tackling the drop-out and transiency problems in multiple approaches. One is to increase parent involvement in their children's education, so that the learning experience at school is reinforced at home.

Another approach is to improve libraries. There seems to be a correlation between the size and quality of libraries and the ability to capture students' interest and keep them engaged in the educational process.

A third approach is the Pathways program, which gears students toward a specific career path. This program has been successful at making high school education more relevant to the lives of students who might otherwise not see the necessity of staying in school. When they can link each of their classes to a future job, school suddenly becomes a much higher priority for them.

For those students who are living adult lives, either because they are parents themselves or they have to work full-time hours to support their parents and siblings, Bell Gardens High School has implemented "alternative programs." These are flexible educational programs designed to fit the schedules and demands of these students' lives.

These are the types of approaches that people in my district have come up with to fight the drop-out rate and improve education. Let us not mislead ourselves into thinking that all the solutions to our schools' problems can be found here in Washington. Excellent ideas are developed in the local schools in our districts.

However, this does not mean that there is no role for Congress and the federal government. It is our responsibility, as servants of the people, to ensure that local schools have the resources they need so that special programs, such as those at Bell Gardens High School, succeed. That is why we need to fight for more teachers, school modernization, and funding for alternative programs that help keep our next generation of Americans in school.

Mr. HINOJOSA. Mr. Speaker, I want to take this opportunity to discuss an important, brand-new education program called "Gear Up."

Two weeks ago, I hosted an information workshop in my south Texas congressional district to spread the word to our local teachers, colleges, superintendents and school board members about what a difference the Gear Up program can make in the lives of our junior high school students.

This exciting new initiative is designed to prepare underprivileged students for college. Gear Up is a competitive grant program and supports early college awareness activities at both the local and the State level.

Specifically, this initiative will award multiyear grants to locally designed partnerships between colleges and high-poverty middle schools plus at least two other partners, such as community organizations, businesses, religious groups, State education agencies, parent groups or nonprofit organizations, to increase the number of students going to college among the low-income youth.

Gear Up partnerships will be based on the following proven strategies: working with a whole grade level of students in order to raise the expectations for all students; starting with sixth or seventh grade students and continuing through high school graduation with comprehensive services, including mentoring, tutoring, counseling, and other activities such as after-school programs, summer academic enrichment programs, as well as college visits; promoting rigorous academic coursework based on college entrance requirements; informing students and parents about college options and financial aid, and providing students with a 21st century scholar certificate—an early notification of their eligibility for financial aid.

Mr. Speaker, I strongly urge and encourage all local educational agencies to get involved in applying for this important grant. It is my firm belief that mentoring programs such as Gear Up can make all the difference in the lives of our middle school students.

A mentor may be the person who makes the difference by providing a role model for positive behaviors, like studying hard and staying away from trouble, by helping with academic work, by encouraging the student to take the right college-preparatory courses, or by providing extra moral support and encouragement.

We have a fantastic opportunity to help our local students—their future success depends on our leadership now. They fail if we fail to live up to our responsibility to ensure them the strongest chances for academic success.

Mr. Speaker, expanding after-school opportunities is a top legislative priority for the Congressional Hispanic Caucus.

Our President is committed to triple funding for the 21st Century Learning Center Program, which supports the creation and expansion of after-school and summer school programs throughout the country.

Experts agree that school-age children who are unsupervised during the hours after school are far more likely to use alcohol, drugs, and tobacco, commit crimes, receive poor grades, and drop out of school than those who are involved in supervised, constructive activities.

The program increases the supply of after-school care in a cost-effective manner, primarily by funding programs that use public school facilities and existing resources.

In awarding these new funds, the education department will give priority to school districts that are ending social promotion by requiring that students meet academic standards in order to move to the next grade.

The President's budget includes $600 million in fiscal year 2000 to help roughly 1.1 million children each year participate in after-school and summer school programs.

I have visited many of the schools in my congressional district. I have listened to teachers, principals, supt's, and schoolboard members. I have suggested they try converting schools to "After School Community Centers." After school snacks, tutoring, mentoring, homework, organized sports, theatre, number sense.

I strongly support funding for this program and urge all my colleagues to do the same.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

WOMEN IN BUSINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New York (Mrs. KELLY) is recognized for 60 minutes as the designee of the majority leader.

Mrs. KELLY. Mr. Speaker, I rise today to talk about an issue that is near and dear to my heart, women in business, specifically women-owned small businesses.

As the mother of four and a former small business owner myself, I know just how hard it is to balance the full-time job of being a mother and then adding to it the challenges of owning and running your own business.

From women-owned construction firms to women-owned public relation firms to Donna, Jo-Jo, and Angela who own Donna's Hair Design in my own district town of Chappaqua, New York, all of these women deserve all of the support that we here in Congress can give them.

Everyone needs to remember that small business is the most important sector of our economy. Currently, in the United States, there are approximately 8.5 million women-owned businesses. That is 8.5 million women-owned businesses, 36 percent of all businesses in the United States. These 8.5 million businesses employ 23.8 million employees. These businesses have seen their sales increase from $2.3 trillion to $3.1 trillion in just the last 6 months.

My congratulations to all of the hardworking women who are doing more than their share to contribute to the economy of our Nation.

The number of women-owned small businesses have increased by 89 percent in the last decade. During the same period, these businesses have increased their revenue by 209 percent. Women are a force to be reckoned with in today's economy.

□ 1615

During my life, I have had many roles: The mother of four, a public school teacher, a college professor, a rape crisis counselor, a professional patient advocate, a small business owner, and now a United States Congresswoman.

I have learned countless lessons in these roles and have brought them with me to the House of Representatives. Many of these lessons were learned as a small businesswoman. This has given me some insight as to what women need in order to fully compete with their male counterparts, and for this reason I have devoted my energy to working with the Committee on Small Business to enable small businesses to run more efficiently.

I have introduced legislation again this year that expresses the sense of Congress regarding the need to increase the number of procurement contracts that the government awards to women-owned businesses. The Federal Government is America's largest purchaser of goods and services, spending more than $225 billion each year, and women should have more access to these projects.

In 1994 Congress set a 5 percent procurement goal for women-owned businesses. Five years later, however, the rate of procurement for women-owned businesses is 1.9 percent. This percentage is a poor reflection on the access to these jobs when considering the rate of growth of women-owned businesses.

I want to continue to do what I can to improve the procurement process for women in this Congress, and I am happy to say that a few weeks ago the House passed H.R. 774, The Women's Business Center Amendments Act of 1999. This bill authorized appropriations of $11 million for the expansion of this program in fiscal year 2000.

I want to congratulate the chairman of the Committee on Small Business, the gentleman from Missouri (Mr. JIM TALENT), for his work, as well as the ranking minority member, the gentlewoman from New York (NYDIA VELÁZQUEZ), and many other people who worked to make this accomplishment here on the floor of the House.

Currently, there are 60 centers now operating in 40 States. These centers assist women in many ways, including helping them to focus their business plans through courses and workshops, providing information on capital, as well as helping the women choose their location. The centers have the freedom to tailor their programs based on the needs of the communities in which they work.

Recently I have been able to meet with many women business owners and some of the women who run these centers and heard firsthand the challenges and the successes of these businesses. These are just a few of the issues that women business owners face. There are many others, like tax and regulatory issues, ensuring fair access to capital, that we all need to stay involved with.

I know my colleagues here share my concerns. Let me close by congratulating all of the women businesses in our Nation. I know all too well how difficult their jobs are. They are an important part of our Nation's economy, and I will continue to do what I can to ensure that they are not forgotten.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I am pleased to join my colleagues today in discussing the need for this Congress to help America's working women. I am proud to be a part of the Women's Caucus and I am proud that this caucus is committed to raising and addressing important issues concerning women.

Today, more than ever, working women are no longer the exception, they are the rule. America's working women are redefining the workplace as we know it. They are learning how to balance their dual responsibilities of work and family. In today's business world, women own about 6.5 million companies. That is one-third of all the businesses in America. Today, women are creating businesses at twice the rate of men. In fact, it is estimated that by the year 2000 women will own 40 percent of American companies.

These facts make it vitally important this Congress address the issues and the interests of this growing segment of our economy. Yes, it is becoming increasingly clear that women's issues are economic issues. Jobs, taxes and economic growth are the top issues for today's women.

Since women are creating more jobs than men, they are disproportionately affected by burdensome taxes, rules and regulations, and too often it is too difficult for women-owned businesses to get started. Once started, it is often difficult for women-owned businesses to stay afloat.

According to a 1995 survey of women-owned businesses, 84 percent of women entrepreneurs used their own personal savings to start their businesses. And once underway, women business owners often find themselves dipping into their savings to stay in business.

Mr. Speaker, as a small business owner myself, I have made it a commitment to stand up and speak out and stay focused on the issues that face women-owned businesses. Female entrepreneurs are here to stay, and while it is true that Washington cannot create wealth, it is no less true that we have an obligation to make the business environment as conducive as possible for women.

I believe that excessive government taxation, regulation and litigation hold back our working women by holding up production costs. Government taxes prevent female employers and employees from keeping more of their hard-earned money, and it has often been noted that today taxes consume more of the family income than families spend on food, education and shelter, or anything else. We need to make our tax system flatter and fairer so that our women will not have to work almost half the year to foot government costs. Working women need to be able to keep more of their hard-earned money.

We also need to review our regulations as well. Each year over 100,000 pages of new rules and regulations are produced in Washington, and many of these guidelines overlap and they are repetitive.

Moreover, it has been estimated that regulations cost businesses over $700 billion each year. These regulations impact every single business owned by women. And since businesses often have to raise prices to afford these new regulations, it is estimated that each American family pays an extra $700 per household to cover the cost of regulations.

It has also been estimated that regulations add as much as a third to the cost of building an airplane engine and almost double the price of a new vaccine. Mr. Speaker, we need to be working on ways to increase, not decrease, the number of women in business, and adding cost is not the way to do that.

Moreover, government rules and litigation often subject our small businesswomen to years of legal battles and legal costs. Let us let our working women spend more time in the board room and less time in the courtroom. Only then can we truly create a conducive business environment for women.

Mr. Speaker, today's working women are the pioneers of tomorrow. As they struggle to create more jobs, growth and opportunity, let us make our government work for our women, not against them; stand by their sides, not ride on their backs.

Mr. Speaker, we must never forget that working women have yet another job waiting for them when they get home at night. In our efforts to enhance and encourage the careers of women, I am afraid we sometimes lose sight of the fact that many of our working women are also working mothers. These working mothers need the opportunity to balance their schedules between work and home. After all, meetings with our children are more important than meetings with our staffs.

I was a working mother of three, and I understand there is no price tag put on the time we spend away from our families. That is why when I became Mayor of Fort Worth several years ago, I took an active interest in ensuring our employees had the kind of schedules necessary to take care of their jobs and also take care of their families.

One of the tools we used to help create a family-friendly city hall was comp time. This program allowed workers to choose time off instead of overtime pay. It is extraordinarily popular in the public sector, but it is still not available in the private sector. Let us help our working women by giving workers in the private sector the same choice.

Mr. Speaker, the working women of America are essential to ensuring that our Nation continues on a path of economic growth and personal responsibility. I urge my colleagues to support measures which promote and protect the dual role of American women as leaders in the office and leaders at home.

I want to thank the Women's Caucus for raising awareness about the importance of women's issues.

Mrs. KELLY. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I want to commend my colleague, the gentlewoman from New York, for bringing attention to these important issues that affect women and for drawing attention to the contributions that women business owners have made.

It is true that women business owners now employ more people than the Fortune 500 companies combined in the United States. They have made great strides, but we know that women in the work force still face discrimination in many, many forms, both as business owners and as employees.

Women in the work force today, as we enter into the 21st century, still earn only 74 cents for every dollar that men earn at the very same jobs. This persistent wage gap forces families into poverty and deprives them of the benefits that women would earn if only they were men; that is, if only they were men making more money at the very same jobs.

This discrimination follows women into their retirement. Because they make less money through their working years, they have fewer private pensions and they get fewer Social Security benefits. Often they have less health care coverage during their working years, and so they bring into their retirement years more disease. They are less well.

I want to focus for a minute on the issue of Medicare because now this

Congress is engaged in a great debate on what we are going to do about Medicare. And I would say that while it is important for Congress to ensure Medicare solvency in the future, any proposal must protect women who receive Medicare.

Of course, Medicare is a program that serves both men and women, but women comprise most of the beneficiaries. Elderly women aged 65 outnumber elderly men three to two. There are 20 million elderly women on Medicare and another 2 million women who are on Medicare because they receive Social Security disability benefits. In fact, 58 percent of all elderly beneficiaries are women.

Seventy-one percent of the beneficiaries aged 85 or older are women. That is, of course, because women live longer than men do. Women aged 65 years and older are more than twice as likely as older men to live within 125 percent of the poverty line. That is to say that they are twice as likely as men to have to live on $10,000 a year or less, and we know how hard that is.

Recently, older women were projected to spend over $200 a year more on out-of-pocket health care costs than men. And we know today that the elderly are spending a greater percentage of their income on health care out-of-pocket than they did when Medicare was enacted in 1965. This is a particular burden for women.

One of the proposals that has been on the table that frightens me the most and should frighten older women the most is that of raising the eligibility age for Medicare from 65 to 67. To underscore how dangerous that would be, currently there are a million people between the ages of 62 and 64 without insurance, and three out of five of those are women. So currently the numbers of uninsured people in the older age groups are mostly women already.

Many women are uninsured because they are younger than their already retired husbands who are on Medicare and they do not have employer-based insurance themselves. Raising the eligibility would deny people access to health care during their early 60s and would expand their need for more complicated and expensive treatment in later years.

There are many problems with some of the proposals that are on the table, but the reality of raising the age of eligibility for Medicare is that it would accomplish one thing, and that is, it would increase the numbers of uninsured people. Because employers are not looking for women aged 65 to 67 to hire and to provide health care benefits to, it would dramatically increase the numbers of people who are uninsured, and most of those people would be women.

So I would say if we care about elderly women in the United States, then we want to make sure that we do not agree to any proposal that increases the age of eligibility.

□ 1630

I thank my colleague from New York for allowing me this time to speak on this important issue.

Mrs. KELLY. Mr. Speaker, I yield to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today to salute our Nation's women business owners and to join my colleagues in the Congressional Women's Caucus in bringing to the forefront the impressive contributions women business owners are making to the strength and vitality of our economy.

Over the past 2 decades, women-owned businesses have been amongst the fastest growing areas of our economy. In 1973, when I started my home-based law practice, women owned less than 5 percent of all businesses in the United States. By 1997, that figure jumped to 36 percent. Over the last decade, the number of women-owned firms increased by 89 percent nationwide. Employment nearly tripled and sales nearly doubled.

Who are today's women business owners and how can we help ensure that they are free to grow and prosper? There are more than 8.5 million women-owned businesses in the United States, employing nearly 24 million people. That is more than all of the Fortune 500 companies combined.

Where do we do business? Everywhere. Today, women own businesses in all sectors of the economy, not just in the service sector or the so-called traditional women-owned business areas. In fact, the top growth industries for women-owned businesses in recent years has been in construction, wholesale trade, transportation, communications, agribusiness, and manufacturing.

What is it that motivates women to start their own businesses? The National Foundation for Women Business Owners surveyed women across the country and found that nearly half stated one of two reasons. A great idea for a product or service, or the realization that they could do for themselves what they had previously done for an employer. Frustrations with the corporate environment, including feeling unchallenged and experiencing a glass ceiling were also cited as motivation for women to become entrepreneurs.

The foundation also asked women why they stay in business. Not surprisingly, the greatest reward of business ownership for women is gaining control over their own fate, and the greatest challenge of business ownership for women is being taken seriously.

In my home State of Illinois, the largest and most comprehensive women's business assistance center has thrived for 14 years. The Women's Business Development Center has served over 30,000 women through counseling, training, financial assistance, and new marketing opportunities. Thanks in part to the help of the center, in Illinois there are now over 336,000 women-owned businesses employing 23 percent of all Illinois workers and generating 15 percent of the State's business sales.

But despite the explosive growth in women's business ownership in the United States, we still generate only 18 percent of all business revenues. So there is still much work to be done, and Congress can help accelerate the growth and success of women-owned businesses.

Women need new and more access to market opportunities and to contracts at all levels of government. Women need access to technical assistance to develop and grow their businesses.

Most importantly, like all businesses in the United States, women-owned businesses must be free from excessive regulation and taxation, and they must have access to markets for their products and services abroad.

I thank my colleague for allowing me to participate today on this important issue.

Mrs. KELLY. Mr. Speaker, I yield to my colleague and friend from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to thank my colleagues, and particularly my friend from New York, who put this together tonight and for all who have spoken so eloquently in honor of women and Women's History Month.

I come to the floor of the House today to salute the mothers of Women's History Month, the National Women's History Project, known as "The Project." The Project is from the Sixth Congressional District in California, the district that I am so very proud to represent.

Almost 1 year ago, I traveled to Seneca Falls, New York, with a group of my colleagues to celebrate our Nation's women, the 150th anniversary of the Women's Rights Movement. This was truly a special occasion because Sonoma County, which is where I live, is the birthplace of the National Women's History Project, the organization responsible for the establishment of Women's History Month and a leader in the 150th anniversary of the women's rights celebration.

The Project is a nonprofit educational organization founded in 1980. They are committed to providing educational resources, recognizing and celebrating women's diverse lives and historic contributions to society. Today, The Project is repeatedly cited by educators, by publishers and journalists as the national resource for information on U.S. women's history.

Thanks to The Project's efforts every March, boys and girls across the country recognize and learn about women's struggles and contributions in science, literature, business, politics, and many, many other fields.

As recently as the 1970s, women's history was virtually unknown, left out of schoolbooks and classroom curriculum. In 1978, as chairwoman of the Sonoma County Commission on the Status of Women, I was astounded by the lack of focus on women in our education system. Later, The Project petitioned Congress to expand the national celebration to the entire month of March. Due to their efforts, Congress issued a resolution declaring the month of March to be Women's History Month.

Each year since then, nationwide programs and activities on women's history in schools, in workplaces, and communities have been developed and shared.

Under the leadership of Mary Ruthsdotter and through the hard work of these wonderful women, the celebration of International Women's Day was expanded and declared by Congress to be National Women's History Week.

Together, the women of the Project succeeded in nationalizing the awareness for women's history. I want to acknowledge Molly MacGregor for her thoughtful leadership and Lisl Christy, Cindy Burnham, Jennifer Josephine Moser, Suanne Otteman, Donna Kuhn, Sunny Bristol, Denise Dawe, Kathryn Rankin, and Sheree Fisk Williams. They are the women that are at the Project presently. All of these women serve as leaders in the effort to educate Americans of all ages about the contributions of women in our society.

I also want to pay tribute to the "first lady" of Marin County, California, just across the bridge from San Francisco, part of my district. This woman's name is Vera Schultz. Vera was the first woman on the Mill Valley, California, City Council and the first woman on the Marin County Board of Supervisors.

Vera's career in Marin County during the late 1940's and early 1950's was a pivotal era in Marin's social and political history. As the area grew in population with the opening of the Golden Gate Bridge, Vera had an important vision and dedicated herself to the changing face of Marin County. Vera faced great opposition to reforming an unfair tax structure that would have taxed newcomers at a higher rate, and she also fought hard so that Marin County could have the very best possible civic center.

Vera knew that Marin deserved the best, so she got the best. Due to her persistent prodding, in 1959, Frank Lloyd Wright submitted his plan for the Marin County Civic Center, and in 1960 construction began. Marin County now has another precious treasure to share with our country because of Vera Schultz.

As I pay tribute to Women's History Month, I am truly grateful to Vera Schultz and to all the devoted women at the Project because of their continued commitment and for making an indelible mark on our country. We now understand the importance of women in our history.

Mrs. KELLY. Mr. Speaker, I yield to my friend, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I want to commend my colleague from New York (Mrs. KELLY) for organizing and leading us in this wonderful opportunity to speak here on the floor regarding issues which we can give our attention to, which really do affect women across this country.

It is a real pleasure to hear the wide range of emphases that have been mentioned already today, and we have more coming. But whether it is women in their own businesses, and as they own and participate in business, whether it is the way Social Security affects women and Medicare affects women in all of these areas, there is much to speak about pertaining to women in this recognition of Women's History Month.

I want to rise today, Mr. Speaker, in support of a most important piece of legislation which is among us and at our table in Congress today, and that is the Breast and Cervical Cancer Treatment Act.

Just 2 weeks ago, I joined the gentlewoman from California (Ms. ESHOO) and the gentleman from New York (Mr. LAZIO) in introducing this bipartisan bill, which will help to treat low-income women who have been diagnosed with cancer.

In 1990, Congress took a very important first step to fight breast cancer and cervical cancer by authorizing a screening program for low-income, uninsured, or underinsured women through the Centers for Disease Control; and they called this program the National Breast and Cervical Cancer Early Detection Program, and now it is in place over this past decade in virtually every part of our country.

Now, the problem is that while the program covers screening services, it does not cover treatment for women who are found to be positive and in need of services through this screening program. Thus, these vulnerable, poor women are left to an ad hoc patchwork of providers, volunteers, and charity care programs, making their treatment unpredictable, delayed, and in so many cases incomplete and resulting in really disastrous results for themselves and their families.

Approximately 3,600 women per year are diagnosed through the National Breast and Cervical Cancer Early Detection Program. And now that they are diagnosed, they need services. All the screening in the world will not help if women who are diagnosed with the disease do not have access to quality treatment for their condition.

And so, the Breast and Cervical Cancer Treatment Act, which is before us now, gives States the opportunity and the option to provide Medicaid coverage to uninsured or underinsured women who have been diagnosed through the early detection program but cannot afford treatment.

I was very heartened a couple of weeks ago to notice in our first hearing in the Subcommittee on Health and Environment of the Committee on Commerce that the hearing that we held on this particular issue that there was unanimous, it seemed, and very bipartisan support for enacting this legislation.

And I was pleased that one of my constituents, Dr. John Cox, the Director of Student Services at the University of California at Santa Barbara, was one of the expert witnesses; and the various people who presented were lauded by both sides of the aisle for their recognition that this early detection program is working well. But what it is uncovering is the need for services for these very women.

With that enthusiasm that we felt in the room that day, the gentlewoman from California (Ms. ESHOO) and I and some other members of the committee have set aside Mother's Day as our goal for obtaining 218 cosponsors on the bill to bring it to the floor for a vote. What better way to honor mothers across the Nation this year than by providing this life-saving treatment?

□ 1645

Mr. Speaker, I pledge my commitment to working in a bipartisan manner, and I know my colleagues today will be joining that effort, toward passing the Breast and Cervical Cancer Treatment Act.

This bill is widely supported by women's health groups and is a top priority for the breast cancer community, including the National Breast Cancer Coalition and the California Breast Cancer Coalition.

Over 100 Members of Congress, both Democrats and Republicans, men and women, have already signed on to be original cosponsors. I urge my other colleagues to sign on as well.

I cannot think of a better Mother's Day gift for women across the Nation than to pass this legislation.

Mrs. KELLY. Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. I thank the gentlewoman from New York (Mrs. KELLY) for letting us share this particular special order with America. I do not think there is any week with any more importance or month as significant as Women's History Week. The contributions of women in this country are so outstanding until if every woman in Washington were to be here today, they could not say enough about what women have done. On both the local, State and national level, women have made significant contributions to our society and they will continue to do so. Our role in government is increasing. Our role in the health medical sciences is increasing. Our role in science is increasing. Our role in every facet of American culture is increasing. But most of all, Mr. Speaker, women now are sort of the bedrock of the family. We seek to be the glue to hold it together. Regardless of what phase of life that we participate in, we still feel that we have the family as our most significant contribution. We give, we yield, we culture, we nurture our children and we do our best to have them grow into outstanding individuals.

I came today to talk about a health problem that is so devastating to young women. Many of my colleagues may not have ever heard of this disease. It is called lupus. It kills women in their childbearing years. It cripples them. It maims them. It makes them feel as if they have no life-style at all. When you hear the word again, you will say, that is a devastating disease that is pretty much outstanding in significance and incidence among young women. It is serious, it is inflammatory, and for the past 6 years I have tried to get this bill authorized in the Congress so that the National Institutes of Health would receive at least 20 to $50 million a year for research into lupus. If you could see some of the young women that become seriously impaired by lupus, you would say to the health subcommittee of Labor-HHS, that is a disease that needs to be stopped. The immune system becomes so overreactive that it goes out of control. The antibodies in the woman's body attack her other tissues. This causes inflammation, causes redness, swelling, and it affects women nine times more than it does men. Between 1.4 to 2 million Americans have been diagnosed with this disease. There are so many cases that go undiagnosed and that doctors cannot many times diagnose lupus. Many times the diagnosis for lupus is worse than the treatment, and doctors are not very adept at finding out whether or not a woman has lupus or not. Our body's immune system is known for protecting the body, but if a woman has lupus, the immune system just goes haywire, it loses its ability to tell the difference. It is not infectious, it is not rare, it is not cancerous, but it is not well known. It is more prevalent than AIDS, Mr. Speaker, sickle cell anemia, cerebral palsy, multiple sclerosis and cystic fibrosis combined. So you can see what a devastating disease it is and its impact on women. It is so important that during Women's History Month that I call America's attention to this devastating disease and how much it is leading to the impairment of women.

I can relate to lupus firsthand. I had a sister to die from it. There are so many people here in this Congress who have had relatives. I have had several hearings on lupus. We are losing our children, Mr. Speaker, we are losing our sisters, our mothers, grandmothers and friends. We need to really do something about this deadly disease. We need to say to NIH, look, more research is supposed to be done on this disease. There has to be a cure. American women are at high risk for this deadly and debilitating disease. There is a need for more professional awareness. That is why I am glad that my wonderful colleague gave me this opportunity to come to the floor and speak about lupus because of its significance to women and during Women's History Week. We must fight those diseases that cause morbidity and mortality among the ranks of women.

Mrs. KELLY. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY) the cochairwoman of the House Women's Caucus.

Mrs. MALONEY of New York. I thank the gentlewoman for organizing this special order and for her fine leadership in this body this year and other years in support of women's issues and family issues. I was elected in 1992, the so-called Year of the Woman, when many Americans voted for women candidates not as a slogan but as a force to be reckoned with. We came to Congress. There were 48 of us. Our presence did make a difference in doubling moneys for health care for women and access to clinics, in child care, in education, in many, many areas. And we have made progress since then in the number of women that are elected.

In 1999 there are 89 women who hold statewide offices across this country, and there are other positive signs. There are now three women governors, 58 women in the House, and nine women Senators. In fact, the First Lady might even choose to run for the Senate in New York State. We have women in posts that never have been held before. We have the first woman to ever serve as Secretary of State, Attorney General, Chairman of the Council of Economic Advisers, head of the National Science Foundation, and many, many more.

But I am still concerned that women did not receive the vote until 1920, a right that we should have been born with. In fact, my mother was born without the right to vote. We all owe a great debt to the many women who came before us, on whose shoulders we stand, who worked for and fought for women's rights, Alice Paul, Susan B. Anthony, Lucretia Mott, Carrie Chapman Catt and many, many others, because the vote is so important. The vote is what enables women to be not only at the kitchen table but the peace table, the economic development table, the congressional table. It is important that we as Members of Congress support other women in other countries as they work for and gain the right to vote.

Earlier today, a resolution passed this House authored by the gentlewoman from New York (Mrs. KELLY) and the chairman of the International Relations Committee, the gentleman from New York (Mr. GILMAN). It was supported by every Member of this body. It congratulated Qatar on the first ever election to be held where men and women could vote and where women could stand for that right.

The gentlewoman from New York and I traveled all the way to the tip of the Gulf to be part of this historic and important event. It was held on March 8, International Woman's Day. What better way to celebrate the progress and advancement of women and girls throughout the world than by giving women the right to vote and stand for office in an emerging democracy in the Gulf. The Gulf Cooperation Council, which is in the area, this is the first such election to take place, and we hope it will encourage the movement forward in other countries.

In comparison, Kuwait has an elected parliament which exercises limited legislative and oversight powers, but women are not allowed to vote. In Oman they have an elected consultive council; however, only selected male and female citizens are enfranchised, and the Sultan retains the final say over who is part of that council. Bahrain had an elected parliament which was dissolved by the Emir in 1975, and the United Arab Emirates and Saudi Arabia have no elected institutions. So we hope this historic election in Qatar will be a banner, a leadership step for the region.

We live now in a world economy and we must recognize that democracies help us in our shared world with stable environments and really improved rights for individuals. It was very exciting for the gentlewoman from New York and myself to meet the six women who were running for office. One almost won. She lost by 24 votes, but next time we hope that she will win. It looked very much like an American election, with banners and rallies and meetings, just good plain campaigning.

Any democracy is a journey. It is one that begins with many steps. This was the first step towards a full parliamentary election. It was for an advisory council. But it is an important first step. Seeing the faces of the individuals reminded me very much of the faces that I saw on television of our brothers and sisters in South Africa when they first received the right to vote. It was exciting, it was historic and it was wonderful to be there. But as we work here in Congress, we are working every day to help women and families and children.

Just this week, along with the gentlewoman from New York, we introduced a very important bill that will provide screening and protection for breast cancer and prostate cancer. Roughly 1,500 cancer-related deaths per day take place in our country. Early detection of cancer through screening can extend a patient's life, reduce treatment time and cost, and improve a person's quality of life. The first step we need to take to reduce the number of cancer-related deaths is to increase access to screening exams in the private sector.

In 1997, Congress, through the Balanced Budget Amendment, included a bill that Barbara Vucanovich and I had authored in 1992. Barbara was a survivor of breast cancer. It called for the coverage of annual mammograms for women in Medicare. It was very important that this bill passed and was part of the Balanced Budget Amendment. It will save hundreds of thousands of lives.

The bill we introduced will extend these same benefits to Americans under the age of 65 if they are at risk and if the patient and their doctor know that such a test is needed. Most insurance companies provide coverage for some cancer screening, but that coverage is inconsistent and often does not provide coverage for the appropriate type of screening test given a person's risk level. My office has received comments from not only colleagues and constituents but doctors who talk about plans that do not cover tests that are needed to save lives and to prevent cancer from growing. If it is caught in the beginning, it is a very minor procedure. Yet if it continues to a more life-threatening stage, it is not only costly in terms of suffering but also in terms of medical dollars.

□ 1700

This bill assures that all individuals with health insurance are guaranteed coverage for important cancer screening tests such as mammograms and prostate cancer screening. Science has proven that these screening exams work. If a doctor and patient have decided together that the patient would benefit from a screening exam, insurance companies should not have the right to deny coverage of a potentially lifesaving exam. This bill will save lives and lower the cost of treating cancer by increasing the rates of early detection.

We have worked together on a number of bills, not only in health care, but in child care, in helping women-owned businesses and strengthening educational opportunities for our young people and our people who are displaced from work, and I look very, very much forward to working with my colleagues in the Women's Caucus, especially the gentlewoman from New York (Mrs. KELLY) who has been an outstanding leader in so many issues, particularly those that help women in business, women, children and families.

I want to note that the Women's Caucus has probably been the most successful caucus in a bipartisan way of actually passing and enacting legislation. It was my privilege to work with the gentlewoman from the District of Columbia (Ms. NORTON) last year when we really enacted into law many important measures to help women, children and families, and the gentlewoman from Connecticut (Mrs. JOHNSON) on the other side of the aisle.

So I thank my colleague, the gentlewoman from New York (Mrs. KELLY), for organizing this special order for women's history. We have to realize that we are making history every day as we work here to strengthen the rights that so many women gave their lives for as they worked to gain the right to vote for women in this country. I thank her for going to Qatar with us and being part of that exciting election, and I thank all my colleagues for going on record and voting in support of the elections and the right for women to stand for office in Qatar.

Mrs. KELLY. Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding to me, and I especially thank her for her initiative in organizing this special order.

Mr. Speaker, I am a former Chair of the Equal Employment Opportunity Commission, have spent much of my life working on women's issues. Many of them are discrimination issues, many of them are not, and if you would ask the average woman which of the literally hundreds of women's issues are more important, you would have a hard time coming up with a single answer. But I think you would probably find more women saying that pay today is important than any other issue, and that is because women are out here and have to be out here working.

Senator TOM HARKIN and I simultaneously introduced the Fair Pay Act just before recess because Equal Pay Day, when we would have introduced it, occurred when Congress was out of session. Equal Pay Day is a day that women in the year, usually four months, earn about what men earn during the entire prior year.

Thereafter we had a meeting at the White House with the Chief of Staff, John Podesta. At that meeting I asked that the President use Equal Pay Day to do an event to raise the profile of pay issues because they already high with the people of the United States, and to his credit the President and the First Lady had an event attended by several hundred women leaders on April 7 where, interestingly, they did not lecture us but invited in women, four women, to tell their own pay stories.

Why does pay carry so much weight today? Even women who live in two-parent families, two-thirds of them work. In year-round wages you have women up to somewhere in the 70s. It has bounced between 70 and 75 percent during this decade. The source of the progress we have made in the last 20 years has been largely a thin slice of women at the highly-trained level, and sadly, because of the decline in mens' wages, women are catching up.

There are a number of bills, and I support them all, but I wanted to say just a word about the Fair Pay Act, because if you want to meet the problem of the average woman today who works, it will not even be an equal pay, as much as we still have to do in that. It will be an equivalent pay for equivalent jobs in traditional women's occupations. It is the mainstream women's occupations that are undervalued.

Regardless of their education, the women now get more bachelors degrees, and women finish high school more often than men, women cannot catch up, and it is largely because even when they have working jobs where they have the same skill, effort, responsibility and working conditions as men, they are not paid the same so that if a woman is an emergency services operator and a man is a fire dispatcher, he is going to earn more money even though they both may have 2 years of community college.

The Fair Pay Act therefore says that discrimination in jobs that are equivalent in skill, effort, responsibility and working conditions should be paid the same, and it would add that to the law. Equivalent pay for equivalent jobs is going to be the issue of the next decade, just as the issue of the 1960's when we got the Equal Pay Act was equal pay for equal jobs. The Fair Pay Act does not tamper with the market system because the woman has to show that the reason for the disparity is not market factors but discrimination.

I would like to go through and talk about the women who appeared at the White House on April 7, but in deference to the woman who still may want to speak during this special order, I would like to conclude by saying that I think we are off to a good start and we ought to keep before the House this entire term the importance of women's issues.

I congratulate the gentlewoman from New York (Mrs. KELLY) who organized this special order, and I congratulate her strong partner, the gentlewoman from New York (Mrs. MALONEY), for her work in a bipartisan manner with the gentlewoman from her own home state.

Mrs. KELLY. Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I wanted to make sure that the gentlewoman from the District of Columbia (Ms. NORTON) had completed her sharing with us over the pay equity, which is so important for the full House to understand, so I want to, if I may, yield additional time as she may want to conclude that statement. She was so gracious.

Ms. NORTON. That is very kind of the gentlewoman and very typical of her.

Unless the gentlewoman from New York needs that time, I do think it would greatly illustrate my point to have some examples.

Mrs. KELLY. If the gentlewoman will just manage to fit it in, I think like in 2½ minutes, it is fine. I personally would like to hear the examples, Mr. Speaker, and I would be delighted to have her take that time if she would like to have it.

Ms. NORTON. I very much appreciate it. It will take just a couple of minutes.

These are the women that came. One my colleagues may have read about, a woman from Massachusetts Institute of Technology who is a molecular biologist who is at the top, who never dreamed of herself as a victim of discrimination, at the top at MIT of a tenured professor, the top of the scale. Then she found out that she was making 20 percent less than men who had come at the same time, had done the same amount of work, and she talked to other women, found 14 other tenured women had precisely the same circumstance. To MIT's credit, instead of becoming defensive, MIT said, "Let us do a study. We're scientists, let us study," and have been decided to bring up the women's pay. That is the example, it seems to me, that we want to put forward.

Sanya Tyler who is the head women's coach, basketball coach, at Howard University sued Howard University. She now compliments Howard University because our university has now moved forward to rectify a situation where the only team that was winning was the girls' basketball team, and yet they had disparities in everything from facilities to her own pay. Her pay was brought up, and again the employer has moved forward instead of becoming defensive.

Patricia Higgins, a nurse from Cleveland, Ohio, who testified that her daughter wanted to be a nurse, but the fact is she is a pharmacist. People who are not doing the same job, had no more training, did not work in the high-pressured nursing and high-skilled nursing that she did and yet earned more money, and she expects that she is now in a union organizing drive, and she thinks that AFSCME is simply going to be able to negotiate up the salaries of the nurses so that they are equivalent to the salaries of the pharmacists.

These were three of the most salient examples, and I think when America hears those examples, America wants to do something about it.

I very much thank the gentlewoman from New York, and I particularly thank the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. KELLY. Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON); however I would like to retain 1 minute for myself.

Mrs. CLAYTON. Mr. Speaker, I really wanted to congratulate the gentlewoman from New York (Mrs. KELLY) as well as the gentlewoman who is also from New York, our colleague (Mrs. MALONEY), in holding this special order and allowing me to participate and to thank them for raising issues that are important to women in our communities and in our Nation. I particularly am interested in supporting the effort of encouraging women to take leadership roles in emerging countries. I was pleased to be voting on the bill that allowed that to happen.

I encourage also the whole enterprise effort of women who are now becoming the growing percentage of small business people, so those issues that would allow our families not only to be viable, but also to be businesswomen and to be striving as businesswomen, not just existing.

I just want to bring up one issue, and I will conclude. That is the issue of child care. If we are going to talk about ability for mothers to go out to work, they have to be concerned about child care.

I am introducing a bill where we will provide tax credit not only for child care, but also for the training of child care workers to make sure that we can assure quality child care for mothers who need that so desperately. So issues about income, issues about leadership and issues about our children and child care are very much issues about families, and I want to support that and urge my colleagues also to be ready to support those initiatives that come in.

Mrs. KELLY. Mr. Speaker, I do not think I will take all of the remaining time, but I want to note that many women have spoken here this afternoon, and, as you can see, women's interests in Congress cover a vast array of legislation. One of the positive things about the House Women's Caucus is our ability to recognize that we, working together, can affect the course of legislation in the United States Congress and hopefully, therefore, make life better for all of the families, women and children in the United States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the members of the Women's Caucus for having this Special Order tonight and for allowing me the opportunity to speak. I would like to focus on the issue of Domestic Violence against women. The dynamics of domestic violence can be as subtle as verbal attacks or as overt as murder. Nationwide, one out of every four women of all women has been battered at some point in their lives.

Violence against women destroys families, takes the lives of women and their children, and it traumatizes the young people who witness it. It is a well documented fact that children who witness violence in the home grow up to repeat the same patterns as adults.

The tragedy of violence against women is not just a personal problem, it is a community crisis. It is up to the community to get involved to address this issue.

Domstic violence affects women of all races and socio-economic backgrounds. A high percentage of these victims are women of color. African-American women account for 16% of the women who have been physically abused by a husband or partner in the last five years.

According to the Houston Area Women's Center, over 1100 women in Houston called for counseling services in 1997 for family violence. This counseling included services for women with children and teenagers who have also survived violence.

This figure only accounts for the women who have sought help. There are others who continue to suffer in silence. There were also 102 women in Houston who were killed by their partners in 1997.

We all have heard the stories of women who have suffered abuse. In my district I have heard the personal stories of domestic abuse survivors and I have also heard the tragic accounts of women who lost their lives at the hands of their partners.

One of my staff members recounted for me a story from her days at Legal Aid. A young woman with three children came in for assistance to get permanent custody of her three small children. She had suffered from years of abuse from her husband and she had finally decided to leave him.

Although her husband continued to harass and threaten her, this brave young women came to seek help in defiance of his threats. She declared that she was better off poor and alone than dead. This woman's story is inspiring because she made the decision to speak out about her situation. This means that we must continue our efforts to get domestic violence out in the open.

I hope that domestic violence will continue to be viewed as a serious public health issue that deserves our attention. We must encourage women to speak out and to seek help. As a community, we must provide support, encouragement and compassion.

Mrs. ROUKEMA. Mr. Speaker, I rise to join my Colleague from New York—SUE KELLY for her leadership—and the other Members of the Congressional Caucus on Women's Issues in the special order. As the senior woman in the House, by virtue of seniority, I have been laboring in these vineyards for many years. I am always pleased to have fresh recruits. So I welcome all the Congresswomen to this special order today.

ALL ISSUES ARE WOMEN'S ISSUES

When I first ran for Congress, my experience was that every interview with every reporter started off with the same set of question: "What is your position on the 'women's issues?"

And my response was alway the same: all issues are women's issues. And I still believe that.

But I have to tell you, when I got to Washington, I found that some of the "women's issues—the "family issues"—weren't being addressed by the men in power. Things like child support enforcement and women's health issues and family safety issues. It wasn't that the men were opposed to these issues—they just didn't get it. They were not sufficiently aware of them.

So I realized, in many important areas—if we women in government don't take action, no one else will.

NEED MORE WOMEN

That's why we need more women in Congress.

That's why we need more women State legislators.

That's why we need more women Governors.

That's why we need more women in the County Courthouses, the Township Municipal buildings and the City Halls.

Of course, there are countless issues that have been thrust into the national spotlight due in large part to the efforts of women in Congress—health care, equal pay, family and medical leave, education to name just a few.

I would like to take a moment to examine one issue upon which women lead.

Child support enforcement

The first issue stems from the national epidemic of child support neglect. This epidemic of shame affects over 20 million families where parents ignore both the financial and psychological needs of their children

I have a long history of standing up for child support enforcement, having been a pioneer on child support reforms and having served on the U.S. Commission for Inter-State Child Support Enforcement. It's a national disgrace that our child support enforcement system continues to allow so many parents who can afford to provide for their children's support—both financially and psychologically—to shirk these obligations.

Among those due support,. about 50% received the full amount, about a 25% received partial payment and about 25% received NOTHING. In 1991, of the total $17.7 billion owed for child support, $5.8 billion was not paid! This figure is unconscionable!!

Through the years, Congress has taken many concrete steps to crack down on child support deadbeats. The most recent major reform was contained in the landmark welfare reform legislation we passed in 1996—beacuse after all, child support enforcement reform is welfare prevention.

Now we have another opportunity to strengthen the child support enforcement network.

One of the major unfinished items of business from the last Congress is bankruptcy reform. Indeed the Leadership has indicate that bankruptcy reform will considered in the House in the next few weeks.

I am very pleased that the Bankruptcy Reform Act of 1999, H.R. 833, introduced by Representative GEKAS, strengthens child support enforcement in a bankruptcy proceeding. H.R. 833 does the following: (1) Makes child support payments number one when determining which debts are paid first in a bankruptcy case (2) confirmation and discharge of Chapter 13 plans are made conditional upon the Debtor's complete payment of child support (3) provides that the automatic stay DOES NOT apply to a state child support collection agency trying to recover child support payments.

I will be working with Chairman GEKAS and Representative CLAY SHAW to further refine and improve the language that will eventually be included in the final bill.

It is important to remember that failure to pay child support is not a victimless crime. The children are the first and most important victims. We must ensure that these children are taken care of and I will continue my relentless effort in this pursuit.

Remember, All issues are women's issues", nevertheless, women and children are sometimes victims because of indifference or lack of sensitivity. We pledge here today to give them the sensitivity they need.

Ms. SANCHEZ. What a century this has been for the advancement of women's rights in America. Women vote, we own businesses, we explore outer space. We fight in our nation's armed services, we represent our fellow citizens in our legislature, courts and state houses, and we have a greater role in U.S. public policy than ever before. But first and foremost among these accomplishments is the ability to control our own economic destinies.

I am here tonight to salute women business owners who have helped this remarkable change grow. And in particular, I praise the Women's Economic Summit, one of the first gatherings of its kind. It is planting the seeds for even greater future successes, and I am proud to be a part of that progress.

Women everywhere build their success on that of the women who have gone before them. Tonight I salute women business owners for their work in making the American dream available to our friends and daughters.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. GORTON, Mr. LAUTENBERG, Mr. CONRAD, Mrs. BOXER, and Mrs. MURRAY, be the conferees on the part of the Senate to the bill (H. Con. Res. 68) "A concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009."

OVERWHELMING NEGLECT: THE ARITHMETIC OF FEDERAL AID TO EDUCATION

The SPEAKER pro tempore (Mr. SWEENEY). Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to clearly label my discussion this evening with a topic. I want to call it "Overwhelming Neglect: The Arithmetic of Federal Aid to Education."

Overwhelming Neglect: The Arithmetic of Federal Aid to Education, and I am pleased that this special order has fallen in a period when there may be large numbers of school-going youngsters, students in high school and elementary school and junior high school, awake, and maybe a few will be listening.

□ 1715

I want to address a large part of my remarks to those students, and I assure them that what I have to say will not be complicated. I am not going to talk in terms of complex and abstract ideas. I am going to talk about the simple arithmetic of Federal aid to education, no higher mathematics, no logarithms, no differential equations and calculus, nothing complicated, just simple arithmetic.

I want the students of America out there attending school to join me in trying to educate my colleagues here in the House of Representatives and in the whole Washington decision-making arena. There is something wrong with decision-making in Washington at this point about education, something radically wrong.

I think we need the children, the students, younger minds, to come to the aid of the decision-making circles here. We have some decision-making circles with closed minds. We are hemmed in and smothered by some conventional thinking and we need a breakthrough, and I am going to call on the children of America to help us make this breakthrough.

There is some simple arithmetic we should start with. The arithmetic begins with an allocation of priorities here in terms of time and attention and money based on the priorities that are established by the American people. In other words, we live and die by opinion polls here in Washington. Public opinion polls are very important to the Republicans, they are important to the Democrats, they are important to the White House. Everybody is concerned about what the public thinks and we spend a lot of time and energy discussing public opinion polls.

There are a large amount of resources committed to finding out what is it that the public thinks. The impact of public opinion polls, of course, can be tremendous on public policy. We saw the impact of public opinion on the impeachment proceedings which the Republican Party insisted on going ahead with despite the fact that common sense, as reflected by public opinion, the common sense of the American people dictated that it was a wasteful venture, kind of a silly venture and that is what it turned out to be. So public opinion can sometimes be ignored by powerful forces here that refuse to listen.

Right now we have a war in Kosovo which public opinion, I think, will play a great role in determining what else do we do, where do we go in terms of United States policy.

For good or ill, sometimes public opinion is not so desirable in terms of the results that I think we need. I did not agree with public opinion when we had a dictator, self-imposed Army dictator, in Haiti for 3 years. They got rid of the lawful government and they sat there and they would not move, and negotiations went on and on and on.

I wanted to go in and restore the rightful president of Haiti, elected leader of Haiti, and if it took troops to do that, armed intervention, then I was in favor of that. Two-thirds of the American people said no. Two-thirds of the Congress said no. I am glad that the President did not listen to public opinion in that case. I am glad that he went ahead and took some decisive action and it all worked out in the interest of not only the people of Haiti but in the interest of democracy in this hemisphere.

I am glad that Abraham Lincoln did not listen to the opinion of his cabinet when he signed the Emancipation Proclamation. All the votes were against the Emancipation Proclamation which set the slaves free, but he went ahead and signed it anyhow.

So there are times when public opinion, I admit, I may not agree with it but we do listen to it. We do listen to it.

I want to call upon the decisionmakers in this Congress and in the whole Washington arena to listen to public opinion on the issue of education. Public opinion has been speaking not sporadically but consistently over a long period of time about the priority it assigns to education.

The great majority of the American people say that government assistance to education ranks highest on their list of priorities, and it has been among the top priorities in the last 5 years.

Education consistently, the American people say, needs help. We need government at every level to do more for education and certainly we need the Federal Government to do more because the Federal Government really does very little in terms of dollar value. The Federal Government is responsible for less than 8 percent of the total budget for education in general. That includes college education, where most of the money goes. So the Federal Government should do more. The public keeps saying that.

Just to refresh everyone's memory, let me cite the polls generally. Whether taken by Republicans or Democrats, they are saying that education ranks number one. Seventy-four percent of the American people consider education as a number one priority. We might think it is Social Security because we hear more talk about saving Social Security. Among the elected officials and political leaders of both parties, Social Security is on everybody's lips. So Social Security is important. However, it is the second highest concern. Seventy-one percent rank Social Security as the highest priority.

Crime reduction is the third. Health care reform is the fourth. Eliminating poverty is the fifth. Tax cuts are the sixth. Jobs, number seven; getting rid of the national debt, number eight; campaign finance reform, number nine. Here is a list of priorities with education at the very top.

By the way, I have not mentioned defense. Defense expenditures and increases in government aid for defense does not even score. It is not on the chart. It is not on the chart. It is not ranked. So one would think that the priorities that we set here in Washington would have some relationship to the priorities which public opinion has set. One would think that there would be a correlation between what the American people say they want government to do and what we are actually proceeding to do here in Washington, in the Congress and in the White House.

Is there a priority? Is there a correlation? Well, on the surface, it may seem so because on the surface we have a lot of talk about education. Both Republicans and Democrats have all seized the issue in terms of public relations and spin, in terms of getting out press releases, in terms of posturing. Everybody wants to make it appear that they are concerned with education.

However, when we look at the budget, when we look at the arithmetic, we find that there is a very shallow commitment. When we look at the arithmetic, we will find that education is not a priority. The arithmetic of the budget, the allocation of resources, of dollars, it places education way down on the list of priorities. Defense, which is not even in the top ten, defense is the highest priority for both Democrats and Republicans, if we measure priorities according to the amount of money they are willing to appropriate.

Now, defense we often say is the business of the national government; the Federal Government is defense, so it is natural that defense should be the very highest priority. But why a big increase in defense at a time like this? Why do we have to have a tremendous increase proposed for defense before the arms intervention in Kosovo?

We have to pay separately for that. Most people do not know it, but the defense budget is for something else besides fighting wars. When we went into the Gulf War, we had to have a special appropriation for that. Any special armed intervention, any deployment of our forces in large measure, we have special appropriations. So we are going to have to have a special appropriation for Kosovo. We are already in Yugoslavia, to the tune of $8 billion. Our armed forces are in Yugoslavia, in Bosnia, and part of Croatia and carrying out a peace plan. So we have spent up to $8 billion already. All of that money is appropriated on top of the defense budget.

So let us leave out Kosovo for a moment, although I think that Kosovo is certainly important to what I have to say today, and I am going to mention Kosovo because I think Kosovo is an example of how the military strength of the United States is very important in the present world.

We are the last superpower and Kosovo certainly would not be possible if it were not for the participation of this American superpower in that intervention.

What do I think of that intervention? I think it is very important that the American people support the intervention into Kosovo, just as I thought it was important to intervene in Haiti and to follow up a long list of various efforts that were made to resolve the problem peacefully. We negotiated and we negotiated and we negotiated but the predators in Haiti, the vicious, savage people who were killing people every day and killed nearly 5,000 of their own people, they were not about to back down just via negotiations.

Slobodan Milosevic in Yugoslavia, Serbia, is the same breed of character. He is a sovereign predator. He and his gang are in control of the tanks. They have control of the machine guns. They have control of the arms might of the Nation and they are not about to stop the genocidal destruction of Kosovo. They are not about to stop it via peaceful negotiations.

I want to pause and comment on Kosovo because a strong nation must be strong across the board, and our military strength is very important for now and for the future. Even our military strength is weakened and jeopardized by the fact that we are blind to the need for a greater investment in education. We are blind to the need to make the investment now in order to guarantee that we will not have shortages in the future anywhere, shortages in our military personnel who are capable of running a high tech military operation or shortages in the civilian sector, in any area of the civilian sector, information technology, teachers.

We have a lot of shortages that have been projected as a result of the fact that not enough people are being educated in this country. Not enough people are in the colleges now in various fields that are threatened with great numbers of vacancies. To be specific about the military, the aircraft carrier that we launched recently, the super aircraft carrier like none other in the world, was short of personnel. Almost 300 staff members that they needed for that aircraft carrier, they could not find them. They were short of personnel. They could not fully staff the last great aircraft carrier that was launched by the United States Navy.

Why could they not staff it? We have a Nation of almost 260 million people. In a nation of 260 million people, we cannot find enough people to staff an aircraft carrier? It is because we are not talking about simple bodies. We do not need just a physical body, a man or a woman to stand there and staff the aircraft carrier. We need people who have some orientation, some orientation toward a computerized world and can be trained to run a high tech aircraft carrier. They need a certain kind of people. They still need certain kinds of people.

There are other shortages. Already I mentioned in Kosovo, we have got shortages of fuel tank pilots, tanker pilots. One might have picked that up if they were listening to the news, because it came out in the regular news. One does not have to listen to C–SPAN to get serious things like that. I think I heard it twice. I think I heard it again on C–SPAN, but certainly I heard it on the regular news. Tanker pilots in shortage. They are going to find other shortages soon. In a high tech world where we cannot just take a body, an individual and throw them into an activity and expect them to perform, we need educated people.

So it does not matter where we look. Economic security or military security, whatever, it is threatened by the fact that we are not measuring up to the economic challenge.

☐ 1730

Now, back to Kosovo, do I think we should be in Kosovo? Do I think that should be a challenge that the American superpower should take on, the so-called, what I like to call, in agreement with President Clinton, the indispensable Nation?

We are the indispensable Nation in terms of certain kinds of activities in the world. In this particular instance, I do not think we would be in Kosovo if this indispensable Nation did not play an indispensable role.

I was going to make a statement on the Floor earlier, but did not get a chance today, so I am going to make my statement on Kosovo right here, because I do think it relates to education. It relates to the need for the indispensable Nation to have the most educated population, not only military, but we need more diplomats, we need more people who are able to deal with the details. We need all kinds of specialists to take care of the various kinds of problems of the world which require people who have a great deal of technical competence.

On Kosovo, I call Kosovo a campaign of compassion. It is a campaign of compassion, and this Nation should be proud of the fact that it has provided a leadership role in this campaign of compassion. The U.S.-NATO military intervention in Kosovo is not driven by any vested interests, any financial interests, or any strategic hidden agenda. That is not the case.

There are some cynics who say, well, we would not be over there if it was not for something. Tell me, I would like to know. Are we in Kosovo because we are afraid that the price of oil or gasoline will go up? They used to say that about the Gulf War, that we had to protect our supply of oil, and we had a vested interest. But Kosovo does not have any oil. Yugoslavia does not have any oil or minerals of any great importance to us.

Somebody said in a joke the other day that we are in Yugoslavia to lessen the competition to Ford and General Motors for the building of autos. They were making fun of the Yugoslavian automobile industry. The Yugoslavian automobiles have not caught on in the world.

We have to search very hard to find some vested interest we could pinpoint of the United States in Yugoslavia. We would have to search pretty hard to find a vested interest we could pinpoint with respect to most of the NATO countries. We are not in this by ourselves. It is the NATO countries, including Great Britain and France. France has provided a great deal of moral leadership. I understand the people of France are clearly articulating the reason why they think this is an important intervention.

The NATO nations, the United States and the other nations, are motivated by great moral interests and high standards which require that civilized people never again should tolerate any rationalization for genocide.

I would like to repeat, these NATO nations and the United States are motivated by great moral interests and high standards which require that civilized people never again should tolerate any rationalization for genocide.

Our Nation's generous commitment of resources and the large-scale risks of American lives, and they are already being risked, those pilots are risking their lives. With people over there in the fervor of just getting ready, just loading material and so forth, many people can die by accident in that kind of atmosphere. But certainly people who fly those missions are risking their lives. Even before we move to the level of ground troops, large numbers of lives are being risked. We are doing that already.

The large-scale risk of American lives, not in the pursuit of the usual narrow vital interests, but to protect the sacred lives of human beings that we will never know personally, this action represents a laudable and noble national action.

The Roman empire only dispatched its legions to achieve greater conquest. This American indispensable Nation has deployed its armies in an unprecedented campaign of compassion. This is a campaign of compassion.

Adolph Hitler, Josef Stalin, Saddam Hussein, Idi Amin, the Hutu generals of Rwanda, Slobodan Milosevic, we can call the roll of sovereign predators who have used murderous ethnic scapegoating to seize, to hold, and to expand their powers.

The oldest trick in the world is to scapegoat. Scapegoating even existed where there were no ethnic groups involved. Scapegoating, in fact, the whole description of it is an actual goat. The dead and dried carcass of a goat was used in some villages when there were plagues or hunger and famine, and people were so downtrodden and angry and bitter and hopeless that they would pull together the dead carcass of a goat and they would heap all of their rubbish and stuff, and the symbolism would be that all the evil and all the disease and everything in the town and in the village would be heaped on this thing, and it would be driven out of town or dragged out of town. Scapegoating was done even without having another ethnic group.

But in the history of humankind, scapegoating has become a very convenient vehicle for demagogues. Demagogues throughout time find it easy to come to power. The easiest way to power is to brand somebody as the enemy, and to set yourself up as the savior of your group against that enemy. It has been done repeatedly, and any group that happens to find itself in a minority is likely to be victimized.

It is not because the minority has something wrong with it. African Americans have often absorbed a whole lot of self-hate, and they think that there was something wrong with them, that they allowed themselves to be enslaved for so long, and that it is because of some curse in the Bible, it is because of some genetic inferiority. They believe the white folks who say that African-Americans are inferior. They have taken in a whole lot of guilt and inferiority feelings, and they said, this is the reason why we are persecuted.

No, there have been minorities in history who have been superior, who have been acknowledged as being superior. It does not matter whether you are accused of being inferior or of being superior, but when they are ready, the demagogues are ready to take advantage of a situation and they need scapegoats, they will seize upon and utilize the weakest element of the population. Just being the minority guarantees that you are going to be in the line of victimization.

The Jews in Germany, they were too rich, they were too educated, they were too accomplished in the arts, too accomplished in the sciences, they were despised because they had achieved too much. It did not matter, if it had been just the opposite they would use another kind of excuse. This is the process that demagogues use to come to power.

The most recent demagogue, of course, that we are dealing with is Slobodan Milosevic. People say, well, they have been fighting in the Baltic for years and we cannot do anything about that, because they are going to do that. It is ancient hatreds.

Well, there was a period of several decades where Kosovo was given its autonomy, and the Serbs and the ethnic Albanians lived together in peace. In fact, all of Yugoslavia has been falling apart for the last 15 years, but all of Yugoslavia was united under one banner for several decades.

The answer to that, they say is Tito. Tito was a Communist. He made them do it. I do not pretend to know how it all happened. I am not a historian. I am not a sociologist. I think there ought to be a study made of how did they hold it all together. Even under communism, there are no magic formulas.

But nevertheless, these people, they say, cannot live together in the Balkans. They are always going to fight each other. But they did live together. In Kosovo there was a solution. Slobodan Milosevic wrecked the solution. He took away the autonomy. He started the problem.

We have been negotiating with him for 8 years. How long do you negotiate before you realize that there is no profit to this so-called peaceful negotiation? Slobodan Milosevic is a sovereign predator. He is in the vein of Hitler, Stalin, the Hutu generals, Hutu leaders of Rwanda who massacred the Tutsis. They needed to come to power fast, and they just used the hatred of people to scapegoat and come to power.

From ancient Egypt to Kosovo, the demagogues repeatedly have used the same methods and found a willing mass of supporters. The United States-led resistence to genocide in Kosovo shows that finally we have not only learned a vital lesson in history, but now that knowledge has also provided us with an imperative for painful but effective action.

We are not just looking back at what happened when Hitler killed 6 million Jews and the world stood by and did nothing. We are not just regretting that that happened, but in this particular instance we have been forced to come to grips with a decision.

As a Nation, I am proud of the fact that public opinion in this case is behind the President, who has made a very difficult political decision and moved forward on this venture that becomes more complex and violent every day.

The U.S.-led resistance to genocide in Kosovo shows that finally we have not only learned a vital lesson of history, but now that knowledge also provides an imperative for painful but effective action.

Slobodan Milosevic should have been declared a war criminal 8 years ago. Diplomatic patience has been cleverly manipulated by this sovereign predator. Better late than never, however. We must now declare Slobodan Milosevic a war criminal, and send a clear message to all of his confused civilian followers, now mobilizing in their neighborhoods under misplaced banners of nationalism and patriotism.

For more than 8 years the citizens of Serbia and Yugoslavia have failed to marshal internal sovereign resistance to the genocidal policies of their dictator. Their popular will, majority complicity with evil, is the true cause of the present conflagration in the Balkans. It is not the designs of NATO, it is not the vested interests of the United States, it is not some kind of outside desire to humiliate the people of Yugoslavia and Serbia. It is the majority complicity with evil that has allowed Slobodan Milosevic to stay in power that has led to this conflagration in the Balkans at present.

War is hell, and we extend our prayers to innocent victims on all sides. War is hell. We need to pray for all those people who have been caught up in this.

Most people are innocent, because only a handful control the power, the tanks, the machine guns. But the refusal to watch the repeat of Hitler's death pageant is our duty. It is our duty to refuse to watch a repeat of Hitler's death pageant.

There are some who say that because we cannot stop genocide everywhere, we should refuse to stand against genocide anywhere. People are saying, well, you are not doing anything about Tibet, you were not doing anything about genocide against the Kurds in Iraq, you did not do anything to help the Tutsis in Rwanda, so why are you in Kosovo? Because we cannot stop genocide everywhere, we should refuse to stand against genocide anywhere. That is the logic they have.

We reject that logic. We cannot save them all. We could not save the Tutsis in Rwanda. We cannot save the Kurds in Iraq at this point, the Tibetans in China. But the world can take united action now in Kosovo.

In this clear and present instance, a portion of the civilized world has both the capability and the will to stop genocide. I am certain that the angels in heaven are applauding these bold and brave actions. Since the civilian electorate of Serb-Yugoslavia has not been willing or not been able to save itself from totalitarian disease, and because a minority of military monsters with tanks and machine guns can hold the majority of a Nation hostage, outside intervention is sometimes the only antidote to a spreading poison.

Decades of autonomy was the peaceful solution that Milosevic eradicated. Let the Kosovo campaign of compassion send a message to sovereign predators everywhere. Sovereign predators will not be allowed to savagely devour human rights. Diplomatic condemnation of genocide will always be a certainty, and sometimes military confrontation will also be possible.

I appeal to progressive thinkers everywhere to lay aside their fuzzy-minded analyses and remember the Hitler syndrome. Remember the Hitler syndrome. "Never again" must not be an abstract slogan. Each one of us has a duty to take a forceful position.

We should all be proud of the fact that this indispensable Nation has both the will and the power to reinforce the foundation of a compassionate civilization.

I make this statement in the midst of my discussion of education because I think that, as the indispensable Nation, the last remaining superpower assuming great responsibilities in the world, our citizenry, the people out there, including the students who are still awake and attending high school and grammar school and listening, they certainly ought to understand and know or be stimulated by my remarks to go and do more research, if you wish.

We need to move on all fronts. We need a peace academy in this country that is as big as West Point. We have a peace academy, by the way. Look it up on the Internet, or do some research on the peace academy. We have a budget for a peace academy, a very tiny budget. I know, because it was under the jurisdiction of one of the subcommittees that I served on at one time.

The peace academy is very important, and understanding how to make peace, how to negotiate. What shall we do about the world court at the Hague, which is responsible for trying war criminals, or how significant should that be? It should be given a greater role in the present situation and in our present modern day society.

As we go toward the future, we need to have as much energy and effort put into studying how to make peace as we have in the process of making war.

□ 1745

Education. The Peace Academy would have a big education budget, not as big as West Point maybe, but it needs a big education budget.

So back to my major topic, overwhelming neglect, the arithmetic of federal aid for education. What I am trying to say tonight is we are on the verge of making a great mistake in America. We can act with great nobility and great bravery and courage in emergency situations, and we have done that.

In the case of Kosovo, it is an emergency which the machinery of our government, starting at the White House with the leadership of President Clinton, the machinery of our government has gone into motion to provide support for the foundations of a compassionate civilization. This is a great compassionate crusade to stop genocide in Kosovo.

So while I am applauding the expression of the American people, which is what such an action is, I would also like to caution us and warn our Nation at this point. The way we are responding to the education crisis, there is a crisis, we are not educating the kinds of people, the numbers that we need for the future. We are not educating at a quality level to deal with a complex future.

I think we are going toward a cyber civilization, a cyber civilization, which is very complex. We need not fear it because it has already created miracles. It will continue to create miracles.

There is a future out there which is possible where some of the most difficult problems and burdens that mankind faces will be able to be resolved because of the nature of this cyber civilization that we are going into.

So, as we prepare for that, we have to understand that an investment in education is the one thing we must do. We do not know all of the pitfalls. We cannot project and predict everything that is going to happen. But one thing is clear, we need the most educated population possible, and we need more people educated. We need better education.

Right now we are failing to do that, to respond to the need for that kind of investment. We are failing to respond to the clear clarion call of our own people.

The common sense of America is amazing sometimes, the common sense of American people. They sense, they understand, they feel that education is very important. Across this country, most people have never graduated from college.

But in this Congress, 99 percent of the people have graduated from college. In Washington, all of the decision makers and the bureaucracies, the White House, everyone, they are all graduates from college. They have all benefited from our great education system. Yet they are blind, they are blind to the need to follow the lead of the American people and make education our number one priority.

There are some of my colleagues listening to me who would say, what are we talking about? It is our number one priority. We talked about it in the Democratic Caucus all the time. We talk about it in the Republican Caucus all the time. We have made great statements to our party about how important education is.

It is all a bit strange when this talk adds up to peanuts in the budget. The arithmetic of the budget does not show that we understand that education is important.

Let me give my colleagues a little of that arithmetic. As I said before, it does not take a genius to figure these figures out. The billions and the millions might confuse us sometimes, but this is simple arithmetic.

Defense is not on the list of the American priorities. Highways and transportation are not on the list of American priorities. Remember that as I talk.

Right now the budget for public schools, elementary and secondary schools in America, this Federal Government is giving $22.6 billion in assistance. This is probably less than 5 percent of the total budget for elementary and secondary education assistance because the States and the localities provide most of the money for the education.

The Constitution does not require the Federal Government to assume the responsibility for education. People are always repeating that. Since the Constitution does not require the federal government to assume the responsibility for education, why should we make a great investment at the Federal level in education?

Well, the Constitution does not require the Federal Government to assume responsibility for highways and roads. That really has always been traditionally a State and local function. But we are spending $22.6 billion for public schools, elementary and secondary education, $22.6 billion right now. The budget for highways and transportation, most of which is highways, is $51.3 billion.

Where did we take on the responsibility of roads and highways from the local and State governments? Somewhere down the line, because it was important. I think it is important.

Last year we passed a bill which authorized $218 billion over a 6-year period for highways and transportation, mostly highways again, $218 billion in 6 years. What we are proposing in terms of school construction, however, is $3.7 billion over 5 years.

Listen. Make the comparisons. $22.6 billion is our total education contribution from the Federal Government at this point. But $51.3 billion, more than twice the amount, goes for highways and transportation across the country. Why are we investing more in highways? I have no problem. Let us invest in highways. Let us understand how minuscule our investment is in education.

The President, who is in the leadership on education, and I applaud the White House leadership on education, the White House has proposed to increase the education budget by $697 million this year. The annual increase is $697 million, which is more than the Republicans are proposing. They are proposing $500 million this year although both parties say that they are very concerned about education.

The increases in the case of the Democrats or the President's budget is 5.1 percent. The increase in the case of the Republicans is 3.7 percent. The increase for the highway budget was 12 percent. The increase for the defense budget is staggering. They are proposing $110 billion at the White House, $110 billion or $112 billion, I forget, $120 billion, but no less than the $110 billion, it has sort of been fluctuating, $110 billion for defense when the American people did not say we need anything in terms of increase for defense. Remember, we have got to pay for Kosovo and any emergencies on the side with additional funding anyhow.

Let us take a look at what we are getting per student. The number of enrolled public school students in America is 54.4 million students, 54.4 million students. That means that the Federal expenditure per enrolled student at this point is $415 in annual yearly expenditure for each student enrolled in public school across America is merely $415.

If we take a look at the proposed increase this year on a per-student basis, the President has proposed to increase the budget by $12.80 per student. The Republicans are proposing to increase the budget by $9.20 per student.

When one looks at the number of students we have in the schools out there and one looks at the amount of money being appropriated, one wonders where is the response to the American public opinion polls which said that education is a priority. Think about it.

I have proposed an amendment to the Elementary and Secondary Education Assistance Act, title XI, I have proposed to increase the education budget just for construction, school construction, including modernization, repairs, and basic technology, wiring of the schools for the Internet, et cetera. I am proposing increasing it by $22 billion a year over the next 5 years. I want to get close to the defense budget, $110 billion over 5 years.

Twenty-two billion dollars a year would be an appropriate response to the fact that education is in great need of Federal assistance. It would be an appropriate response to do it in construction because that is the simplest way for the Federal Government to help education.

It would be an appropriate need because that is where we have a need for larger amounts of capital expenditures. It would be an appropriate place for the President and the Federal Government to intervene because it does not involve the Federal Government getting involved in running the schools on an operational basis.

We do not have to get involved in determining what the curriculum should be. We do not have to interfere with the internal workings of the school that is basically the responsibility of the State and the local government.

So to appropriate, and I do not propose doing it in any way except straight appropriation, a straight appropriation of $22 billion a year for the next 5 years would not bring schools equal to highways. Remember, I just said highways get $218 billion over 6 years. So school construction would not come anywhere near the capital outlays for highways.

If we divide the 54.4 million students into the amount of money I propose to spend per year per student, we are talking about school construction expenditures by the Federal Government would be $416 per student.

If there are young people listening, they are going to go to school tomorrow. Talk to your teacher about why is it that the Federal Government cannot spend $416 for each student going to elementary and secondary education schools. Why can we not spend $416 per student?

Why do we say we care about education, that the federal government wants to help, while the Republicans are out peddling their education agenda, saying that they are all for education and want to do something great for education, while the Democrats out there are pushing hard, the President is certainly stressing education in his program, why do they do so little?

The President is out way ahead of the Republicans. He is proposing $3.7 billion for construction. He is not proposing to do it the way I want to do it, that is a direct appropriation, put it in the budget and appropriate it, he is proposing to do it via a tax credit. The Committee on Ways and Means has to approve a tax credit for school construction.

Over a 5-year period, he proposes to make $25 billion available; that is, he allows the States and the local governments to borrow $25 billion. They have to borrow that. In New York, we have to have a bond issue on the ballot. Voters would have to vote to borrow some money in order to qualify for that Federal program because it only provides the interest on the $25 billion. Over a 5-year period, he proposes to pay the interest on $25 billion worth of bonds that local governments and State governments would borrow.

That comes out to $3.7 billion over 5 years, roughly, depending on what the interest rate is. And $3.7 billion over 5 years is the only commitment we have to the school construction, but we have $110 billion over 5 years committed to defense in increases I am talking about, increases.

The defense budget is already $280 billion. We are going to increase it over a 5-year period by an additional $110 billion.

Highways are going to be spending, over a 6-year period, $218 billion. Yet, we propose to spend only $3.7 billion for school construction over a 5-year period.

So take out a pencil and paper and do the addition and the subtraction and the comparison. I am not really going to leave here with my colleagues believing that the President is not trying. He assumes this is all he can pass. I say we need to, from the White House, state the case more clearly and call for what is needed.

The Republican proposed budget for school construction is zero. Zero. Nothing. They do not propose anything for school construction whatsoever over a 1-year period, over a 5-year period, nothing.

If we look at the President's construction budget, the only one on the agenda, the only one on the table, nobody else has it, we must praise him for having a proposal on the table for school construction, but if we look at it closely and we divide the number of students in elementary, secondary education institutions, in schools, the President is proposing $68.50 over a 5-year period for school construction per student, $68.50 per student.

The Republican construction per student of course is zero because if we start with zero, we end up with zero. I am sorry, that is per year, $68.50 per year, per student. My proposal is of course, as I said before, $415 per student, $416 per student when we look at all the students.

My colleagues might say how are we going to evaluate those costs? Is that a lot of money, $416 per student times 54 million students, which comes to about $22 billion a year. Is that a lot of money?

□ 1800

Well, $416 per student, compare that with the cost of one combat rifle. One modern rifle used in our Army costs how much? $835. Twice as much as we are willing to spend, as I propose to spend, per year per student on construction. I mean look at it closely.

Look at this figure, also. The average annual cost per prison inmate in the United States. For each person we put in prison we are spending $24,000. The average is around $24,000 to keep a person in prison, and yet we cannot spend $416 per student for school construction.

The average annual cost of a student in school, in terms of operating cost, is probably somewhere between $8,000 and $10,000. The annual cost per student in our schools, operating costs, ongoing costs, the average, when we take the rich and the poor districts, is between $8,000 and $10,000.

I ask my colleagues to do the arithmetic and take a look at it. Is it in harmony with what we hear being said about the importance of education?

The governors say education is very important. They have all kinds of nickel and dime experiments ongoing that they parade at conferences, and parade around about what they are doing about education, but they are not willing to spend the money. The governor of New York had a $2 billion surplus but he would not spend any money for school construction. The Mayor of New York had a $2 million surplus last year and he would not spend any money for construction in New York City, although New York City has a very serious situation.

In New York City they have large numbers of schools that are overcrowded, where students have to eat lunch at 10 o'clock in the morning because they have three shifts of lunchroom sittings, but also it has 250 schools that are burning coal in their furnaces still, jeopardizing the immediate health of students with pollution, and yet they would not move. Why are all these people talking about education?

One of the programs we hear a lot about is the 21st Century Learning Centers. Now, that is a worthy program. It is an after-school center program, and already we have $200 million committed to that and we are going to raise that over the next 5 years to $600 million. When we have it funded at $600 million, we will serve about 1.2 million students. 1.2 million students will be served by this program.

It is a great program because it deals with the fact that we want to end social promotion and have students move on through school but we will not dump them. We will give them some kind of after-school help, tutorial programs, some summer help. Well, $600 million will only provide help for 1.2 million students at best.

There are 54 million children in elementary and secondary education institutions. About a quarter of them, at least one-fourth of them need help in this area. How will we provide help for one-fourth of the students if all we are willing to appropriate is $600 million?

It is a great program, but it is a very minuscule program. If we did 10 percent, one-tenth of the total students, the 54 million, can we help that many? Even one-tenth? I think my colleagues can understand the dilemma we are facing.

We need to understand that we are the richest country in the history of the world, and at this moment in history we are probably more rich than we have ever been. The country is richer than it has ever been. The government itself has a surplus. The surplus can be used partially to invest in education. We do not have to submit to the stampede to put it all into Social Security.

Again, they are playing the American intellect and the American common sense cheap. They are trying to take advantage of people's concern about Social Security, to whip us all into a frenzy and say that every penny we get in the surplus should go into Social Security.

Well, the President proposed that we use 60 percent of the money we have in surplus for Social Security. That sounds reasonable to me. He proposed to use another part of it for Medicare. That sounds reasonable to me, because Medicare is health security for elderly people. But then we have some left over. We still have a percentage that they are proposing no use for at this point, but we know that most of it will go into defense expenditures if we do not say that we ought to have some for education.

Education is the key to our future's defense. Our national security is all bound up in the educated populace we produce. Education is the key to Social Security. How? Because we want a populace that is working. We want young people who are working, and they must be able to qualify for the high-tech jobs being created every day more and more.

And if we do not have workers, young people who can qualify for those jobs, they will not come out and take the jobs. What we will do is contract with overseas corporations. We will send the work overseas and companies will do the work overseas who do not pay into the Social Security System. The best way to rob the Social Security System is to deny the work force the opportunity to earn the money and pay into the Social Security fund.

There are some other ways we can save Social Security, too, but the present time-honored way we fund Social Security is through the wages of working people. If we have fewer people working, and they have already projected that, we cannot avoid the demographics, we are going to have fewer people working. But how few? Can we avoid wiping out the whole work force because they cannot qualify for high-tech jobs? So many will not be able to qualify for high-tech jobs. We have a real dilemma here.

The kind of greatness and the kind of vision and courage being shown in Kosovo by our national leaders now we need to apply in the sector of education, looking down the road. If we do not do it, we will have a great deficit in major areas. This great indispensable Nation is going to stumble and fall if we do not have as many people educated as possible. Every person that can be educated must be educated.

It is likely that our posterity will pity us. They may even spit on us in the future as they evaluate and analyze our great lack of vision at this critical moment when we have maximum opportunity to go forward in the revision of our education system. We are in danger of becoming the victim of midget minds and tiny spirits. Too much of the planning at the Department of Education is being undertaken by midget minds and tiny spirits.

Too many tiny spirits are guiding our caucuses, both the Republican and the Democratic Caucus. We are not willing to take hold of where we are in modern America and deal with education the way we dealt with the GI bill after World War II. We understood the implications of the need for a more educated population and we had a massive education program in the GI bill.

A Congressman named Morrill, many years ago in the 1800s, around the time of the Civil War, had the vision to see that every State in America needed a land grant university. We dealt with it. A big mind and a big spirit seized the problem.

Thomas Jefferson, who created the first State university, the University of Virginia, had a vision. The model he established inspired Morrill to go on to create land grant colleges and universities all across the country.

The vision of a transcontinental railroad, the Federal Government financed the transcontinental railroad. We had the people in Congress who had the vision to take hold and to do things in a big way.

The gentleman from Pennsylvania (Mr. BUD SHUSTER) is my hero here in Congress. He is a Republican, but he had the vision to take hold of the highway problem, the transportation infrastructure problem, and with a lot of criticism. He was called a big spender, and still called a big spender, but he had the initiative and he used the available power that he had to pass a highway transportation infrastructure bill that is meaningful. We need it. We need it. We need it far more than we need some of the weapon systems that are being proposed. We need it far more than we need some of the other wasteful expenditures taking place presently.

We are in danger of becoming, as I said before, the victims of midget minds and tiny spirits. We seem to possess the cerebral alertness, the statistical understanding that a crisis looms ahead if we do not meet the education emergency at the moment. We understand the trends, the projections, the inevitability of continued inadequacy in our school systems. We comprehend with our heads, but we seem incapable of engaging with our backbones and moving forward with our decision-making feet. In the education arena we need giant minds and great spirits. We need to end the overwhelming neglect of education.

In the minds of our citizens, the concerns related to national defense do not compete with the overwhelming mandate to improve our schools. Nothing in the minds of our citizens, the American electorate, the people who have common sense out there, nothing in their minds competes with education. It is number one. "It is education, stupid." It is education.

Look at the polls, but do not look at the polls and let your eyes blink. Here in Washington, in the Congress, Democrats and Republicans, we need to act on appropriating and vesting real dollars in an education system which will take us into a cyber civilization in the future where everybody needs to be educated.

The dollars that we are willing to appropriate in response to the American people's stated concern about education are minuscule. We are throwing pennies at a problem which requires billions of dollars. We must change our minds.

If the American people are listening, they might help open the eyes and the ears of their own Congressman or Congresswoman. Have them make a survey. Even in the richest districts there are often schools that need help.

I challenge every Member of Congress to make a survey and select a few schools in their districts and go take a look at what they need. There are some places where they need money for wiring for the Internet; there are other places where they need money to fix the roof; there are some places where they need money to tear down old buildings and construct new schools. All over New York City we have schools that need money to put in a new furnace and get rid of the pollution and the asthma-generating coal-burning furnaces.

We need to address these issues in our Education Task Force and the Democratic Caucus, as well as the Committee on Education and the Workforce. Members of the Committee on Education and the Workforce were on the floor before, and I want to applaud what they had to say. They understand the problem, but I do not think that the solutions that are being proposed have yet come to grips with the magnitude of the need.

We need to spend many billions on school construction. School construction is just at the center of the problem, but that is a place to start. If we do not meet the need for adequate buildings, safe buildings, across America, the Congressional Budget Office says we need about $147 billion to just stay even, if we do not meet that need or begin to step forward to move toward meeting that need, then everything else we propose to do in Washington at any level is fraudulent, everything else we propose to do about education.

We are feeding the people a spin on the problem without coming to grips with the reality and the substance. We must go forward and invest in education in order to prepare our education system to take us forward into a new cyber civilization.

COMMUNICATION FROM STAFF MEMBER OF HON. DAN MILLER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Laura Griffin, staff member of the Honorable DAN MILLER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 8, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I received a subpoena for documents and testimony issued by the Circuit Court of the Twelfth Judicial Circuit of Florida In and For Manatee County, Florida.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena to the extent that it is consistent with Rule VIII.

Sincerely,

LAURA GRIFFIN,
Case Manager.

ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I come before the House at this hour to discuss primarily the issue of illegal narcotics and its effects on our young people and our country, but I could not help but hear some of the words of my colleague, the gentleman from New York (Mr. OWENS), who just spoke here and talked about education.

I want to say to my colleagues and to the American people that I too support education. I support anything this Congress can do, anything our Nation can do to enhance educational opportunities for each and every American. However, I do have some differences with the previous speaker.

The previous speaker represents 40 years of trying to get more education power, more education decisions, more education regulation in Washington, D.C.

□ 1815

And I think I represent a new wave of thinking that has come here in the last few years that education decisions, education of our children, and decisions about education policy are best decided at the local level with parents, with local school boards, and through local initiatives.

Then I think we also heard the argument that we are spending money on military defense and others, and this money could be converted into education. I might remind my colleagues in the House that the number one reason that we came together as a Nation to allow us to live a free life in a free society is in fact the principal reason for the formation of the United States, and that is the question of national security.

Without national security, without the ability to defend ourselves, without the ability to have a defense of this Nation, all other things are impossible. And under the Constitution, if we care to look at that document, that is our prime responsibility and all things flow from that level.

So we cannot discard our military, particularly with an administration and folks what want to send our troops to every corner of the Earth and every conflict, at great expense, stretching our limited Federal dollars, and also spend additional funds or take away funds from education. So we cannot have both, but we try to do our best in meeting our Federal obligation.

I might say, and I did not really want to get into this too much tonight, but I just had the opportunity to meet with a couple from Florida, and they were here and heard some of the debate about education in the Congress, and one of these individuals, the wife, was a teacher and she was delighted to hear the philosophy of the new majority relating to education, that the power and the ability to teach and the funds go to the classroom, to the teacher and the student, not to the education bureaucracy in Washington, Atlanta, and is forced at different layers of the education bureaucracy even within the State and in particular in my State of Florida.

Our discussion was quite interesting because we did not identify the problems the way the previous speaker did; we identified the problems I think the way parents do, the way teachers do and local citizens who examine education. And we do not need a Harvard Education Ph.D. to look at American education today and see that teachers are not allowed to teach.

We asked the simple question in our conversation a few minutes ago off the floor with this couple from Florida, "How can you teach, how can you have order in a classroom when you cannot have discipline in a classroom?" And the same well-intended liberal policies from the other side of the aisle have amassed laws and regulations, which, combined with liberal judicial decisions, have handcuffed our teachers so that it is almost impossible to have discipline in the classroom through this maze of Federal regulations, mandates, and court orders. So we have said we want the teacher to have the ability to teach in the classroom.

Now, we also have a unique approach to education because we do not think that the money needs to be in Washington and again the power and the regulations all coming from Washington, but we think that those resources, that those abilities, should be at the local level with the teacher, with the parent, with the local school board, again reversing this trend where everything has come to Washington at a very heavy expense.

Now, let us also for a minute, before I get into this drug discussion, talk about funding of education. My friends and my colleagues, the Federal Government only provides between 4 and 5 cents of every dollar on education, 4 and 5 cents. Now, of course we can provide more. The problem is we provide about 90 percent of the Federal regulations in education. So we provide very little money, but all of the constraints and mandates and regulations that cause teachers instead of teaching, not allowing them to teach, to be filling out papers, to be complying with Federal regulations, and to report to a maze of bureaucracy that now starts at the local level, goes to the State level, goes to the regional level, and ends up at the Federal level.

I was chairman during the past 4 years of the Subcommittee on Civil Service. One thing I learned as chairman of that Subcommittee on Civil Service is where the bodies in the Federal bureaucracy are buried. The first 5,000, if my colleagues ever care to go down to the Department of Education, now imagine, there are 3,000 of 5,000 Federal education employees in the Department of Education here in Washington D.C., or in the close environs, 3,000 people.

Now, we also got into the discussion of changes in education. And we have, as a new majority in the Congress, tried to shift again this responsibility from Washington, the authority, the regulation, and do away with some of the bureaucracy. We started out with some 760 to 780 Federal education programs, all well-intended, but each with its own administrative level, 760 to 780 of those. We have got it pared down to 700.

Quite frankly, we have only begun the paring process. But every one of these programs has turned into lobbying organizations, into special interest activities; and they justify their existence by lobbying the Congress, by telling what a good job they have done. And what, in fact, we have again are 3,000 bureaucrats in Washington D.C., most of them making between $70,000 and $100,000 if we look at the pay schedules.

Now, I am not saying that we should abolish the Department of Education, but I think we could do it with 10 to 20 percent of the personnel that we have just by consolidating the programs.

In fact, there are proposals and there will be proposals before this Congress very shortly to go to a Super EdFlex, where we take the amount of money, we divide it by the student population and other criteria and we send it to the States. This Congress, under this new Republican majority, has tried to reverse the trend in that 80 to 90 percent of the Federal dollars do not get into the classroom, do not get to the teacher. Now, is that what people want with their Federal money, that 80 to 90 percent of this Federal money does not get to the classroom, to the teacher?

Again, we have to allow the teacher to teach and discipline in the classroom, authority, the responsibility, the ability to teach in the classroom. We have to give that first. And secondly, we have to give the Federal money to the student and to the teacher, a unique approach, not to the 700-plus Federal programs, not to the 700-plus administrators.

If we have only three administrators for each program at the Federal level, there are 2,100 that help account for the 3,000 just in Washington, D.C., in the Federal Department of Education. So we have to ask ourselves where we want our dollars to go? Into the classroom? To the teacher?

This Congress, this new Republican majority, said we want those funds to go to the classroom and to the teacher. Then what are we teaching? Again, in my discussion with this couple from Florida, the wife again taught school. My wife was an elementary school teacher. I have a degree in education, although I have never taught other than my school required certification internship.

But we have to ask the question, what is a teacher doing in the classroom? Does she have authority to control the classroom, first of all? Does she have the funds, Federal funds and other funds, coming to the classroom? Then the next question is, what is the teacher teaching?

The answer is, today Federal money goes on everything but basic education. Now, show me a student that has basic education, is able to read, is able to write, is able to conduct basic mathematics, and I will show my colleagues a successful student. But almost all of our Federal education programs go for everything except those basic education fundamental programs.

And what is interesting is that the individuals who suffer the most from this deficit in a Federal approach to education that again has been adopted and culled and now culminates in this bureaucracy from Washington and this sad approach to education as the ones who suffer the most are our most disadvantaged students.

So our disadvantaged students are not learning the basic skills. Those disadvantaged students, because they do not have these opportunities to learn basic educational skills, I will tell my colleagues what has happened. They are our first problem in the classroom. Ask any teacher. They are our discipline problem. And the teacher does not have the right to discipline or have control of her classroom because of the Federal regulations and the bureaucracy that has been created to make certain that a teacher does not have control of the classroom.

So here we have the most disadvantaged, not able to learn the most basic skills that are necessary. They become discipline problems. Then next they become dropout problems. After they are dropout problems, they become societal problems. They do not have a job. Sometimes they get into drugs and into other illegal activities. Just look at the statistics for unemployment among our minority youth. Look at the statistics about dropouts among our minority youth.

So if we really care about education, if we really care about those disadvantaged children, if we really care about getting dollars into the classroom for our students, for our teachers, for basic education, why not adopt a different approach? And that is the EdFlex approach that we have talked about. And we may want to look at Super EdFlex.

As chairman of an oversight subcommittee on education, I intend to conduct hearings in the future on this subject and see why we cannot get more Federal dollars into the classroom, to students, to teachers, to do away with the mass of bureaucracy.

It is interesting now this concept of charter schools. And what does a charter school do? A charter school basically lets a teacher teach, go back to basic education without the mass of regulations, whether they are locally imposed, State imposed, or federally imposed.

So I did not intend to get off on this subject of education, but when I hear those who have helped develop a system that has helped ruin public education, and I am a strong advocate of public education. Again, my wife taught in public schools; I was educated to teach in public schools.

The public schools helped make this country great. The greatest minds of this country, some of them were taught in a one-room public school, and I think we can still achieve greatness in our public schools. And public education has helped make America great, and our public teachers deserve practically a little award of merit, the survivors, those who have managed to survive the mass of bureaucracy passed down from Washington, the mass of regulations that do not allow them to do what they went to an education university or college for, and that is to teach students in a disciplined atmosphere basic and fundamental education and to help develop that policy of working with parents and working with local school board members rather than edicts from some bureaucrat at some level who causes them to do everything but what their original mission was.

So I take great exception when I hear those who have helped create the disaster talk about criticism about this approach to get back to the basics that made American education and public education so great in this Nation. And again, I commend our public teachers, those survivors of this mass of bureaucracy we sent them from Washington and regulations that they must try to deal with every day.

My purpose tonight also is to talk about another issue, an issue that is not on the front page like Kosovo and is not an issue like Iraq. It is an issue that I feel is one of the most critical social issues facing this Congress, this Nation, our young people, and every American in every walk of life now.

□ 1830

It is a social problem that for many years was limited to folks who were the unfortunate victims of illicit narcotics, illicit drugs, sometimes lived in urban areas and became drug junkies or drug addicts and were the castasides of our society. But, ladies and gentlemen of the Congress, there exists in our Nation tonight and today a drug problem that is of serious dimensions and proportions. Last year, over 14,000 Americans lost their lives because of drug-related problems, drug-related deaths; 14,000. Since President Clinton has taken office in 1993, 100,000 Americans have lost their lives. In many instances young people, some of those in the prime of their life, have become victims to illegal narcotics.

Now, this problem is so serious that I want to try to bring it into some understanding to those individuals who represent various locales here in the Congress. But if we took Hattiesburg, Mississippi and we wiped it off the map and its population of approximately 100,000, that would be equal to the number of individuals who have died because of drug-related deaths. If we destroyed Gadsden, Alabama, again close to 100,000 people would vanish from the face of the planet. Iowa City, Iowa would be wiped out, 100,000 died. If we had everyone die now in Iowa City, everyone would be alarmed. In Elmira, New York, again a population approaching 100,000, 95,000 Americans have died, more than 95,000, because of illegal narcotics in this country during this administration. Bangor, Maine would be wiped out. Pine Bluff, Arkansas, the population of that city would be wiped from the face of this country. Cheyenne, Wyoming. I could give a long list of others that are equal in population to those individuals who have lost their lives in this social problem of illegal narcotics, in this criminal enterprise now that is affecting every corner of America.

The cost of illegal narcotics in this country is approaching a quarter of a trillion dollars. In addition to lives that I mentioned, 100,000 over 6 or 7 years, we had 14,000-plus last year, we have a cost to this country estimated at over a quarter of a trillion dollars.

This Congress in our budget debate is debating a number of measures to deal with illegal narcotics just in this next fiscal year. The estimate is somewhere around $18 billion will be expended. We now have in the United States of America 13.9 million Americans who are users of illegal narcotics. Drug use by 12 to 17-year-olds in this period since President Clinton has taken office to now has doubled, has doubled since 1992, drug use by our teenage population. More than 6 percent of Americans have used illegal narcotics in the past 30 days.

What is another dimension of the illegal narcotics problem in this country is the change in the pattern of usage. When I came to Congress, crack and cocaine were the big problem. Today, heroin is a major, major problem, not only in our urban areas but in suburban areas across this land, including my own area, central Florida, from Orlando to Daytona Beach, one of the highest income, highest educated, one of the most prosperous areas in America, and we have experienced an incredible heroin epidemic and particularly again among our young people.

In the United States of America, first-time heroin use surged 875 percent from 1991 to 1996, again under the charge of this administration. Heroin-related emergency room admissions increased from 1989 to 1995 some 80 percent. In Florida, I want to talk about the problem that we have been experiencing again with heroin. Recently, a number of our newspapers featured headlines that said that heroin deaths increased 51 percent in the State of Florida from 1997 to 1998, a 51 percent increase in heroin deaths. Two hundred six deaths in Florida in 1997. Fortunately no Americans have been killed in Kosovo, no Americans have lost their life in the current Iraq crises. Even in the Gulf War, we had fewer than that number of casualties. But just in the State of Florida, we had 206 heroin deaths in 1997, a 51 percent increase from 1997 to 1998.

In Orlando and again central Florida, a very prosperous area that I represent part of, we had 36 deaths, heroin deaths, and we had the highest death rate, we had 3.6 per 100,000 population die from heroin overdoses or heroin-related deaths. Additionally, our cocaine problem still is with us in Florida. We had 1,128 cocaine deaths in Florida in 1998, up from 1,039 in 1997. So we are seeing an incredible epidemic of heroin deaths, particularly among our young people, and even an increase in cocaine deaths.

Now, you might say, how did we get into this situation? Let me review, if I may, for the Congress and for the American people the history of how this administration got us in this situation with these statistics, with an epidemic of heroin, with the continued problems with cocaine, with methamphetamine and designer drugs at epidemic levels in other parts of our Nation.

The first thing this President and this Congress did when it was under the control of the Democrat Party, and I do not mean to say this in a partisan way, it is a matter of fact, but their policy was to eliminate much of the war on drugs. Their policy was to try to just deal with treatment of those who had drug abuse or illegal narcotics problems and put our resources in that area. The first thing this President did as President was to cut the positions in the drug czar's office, and they were slashed dramatically, practically closed down the drug czar's office. This was the very first action, as we may recall.

The second action was to appoint a surgeon general who really said "just say maybe" to the use of illegal narcotics. Now, if you do not think that the chief health officer of the United States, who gives a mixed message to our young population, does not influence that young population in that important position, if you do not think the President of the United States, if he would say that "I didn't inhale" or "if I had it to do over again I would," if you do not think that influences young people, then I think you have another thought coming, particularly when you see the statistics of the dramatic increase in illegal narcotic use from 1993 to today.

Additionally, when the Democrats and the Democratic majority controlled the other body, the Senate, the House of Representatives and the White House, some of their first actions in the Congress in 1993 and 1994 when they controlled the entire governmental operation was to start to slash the efforts of stopping drugs at their source. These are source country programs. We know where 100 percent of the cocaine is coming from in the world. Every bit of it is coming into the United States, or was coming from and comes from today Bolivia, Peru and Colombia. That is it. There are no other locales. We knew where heroin was coming from, and this administration with this majority on the other side slashed the eradication programs, slashed the interdiction.

Now, the most cost-effective way to stop illegal narcotics is at its source, where they are grown, where the supply comes from. The next line of defense is interdiction. What did the administration and this majority in Congress, this past majority in Congress, do? They cut interdiction. They slashed the programs for source countries, to stop drugs at their source cost effectively. Then they stopped interdiction programs. They also stopped the use of the military. They stopped, at least temporarily, the sharing of information with some of the countries in shoot-down policies. Only after a great ruckus in Congress were we able to reinstitute the information sharing policy that allowed us to give assistance and aid to other countries that had shoot-down policies, these principal producing countries, so that they could take action to stop those illegal narcotics from leaving their borders.

So we have seen what this administration has done as far as the military, interdiction, eradication. Another thing that folks do not realize is that the Coast Guard is a great line of defense, particularly for Florida, around Puerto Rico. The Coast Guard has been the first line of defense around Puerto Rico. It stopped under the Bush and Reagan administration most of the illegal narcotics coming into the United States. Puerto Rico is part of the United States and once you get into Puerto Rico, you are into the United States, and the Coast Guard provided that shield.

This Congress under the previous Democrat majority and under the Clinton administration slashed dramatically the budgets of the Coast Guard and particularly the defenses and ability to interdict drugs around Puerto Rico were eliminated.

So this is what this administration had done. We know what the other administration had done. The Bush administration, the previous Reagan administration had put into place programs that cost effectively stopped drugs from coming into our borders, stopped our young people from using drugs, and we actually saw decreases in use of illegal narcotics and drugs coming into our Nation.

□ 1845

Mr. Speaker, I would like to continue on how this administration lost the War on Drugs and how under the control of the previous majority this country lost the effort to interdict drugs cost-effectively at its source. In fact, under this administration and under the previous Democratic majority, they slashed stopping these efforts by funding a percentage that went from 33 percent of all the funds we expended in the drug war down to 12 percent. So basically what they did was gutted by two-thirds the programs to stop drugs at their source. Again, their emphasis was solely on those wounded in battle, treatment of those victims of illegal narcotics.

This administration also decided to have the Department of Defense rank counter-narcotics efforts at the bottom of its priority list. If we look at a priority list developed by this administration in its priorities, previously under again the Reagan and Bush administrations this was a high priority. With DOD, the Department of Defense, it is now a low priority. The President, not learning from experiences of the past, proposed to this Congress through the Office of Drug Control Policy and the Drug Czar a budget to the Congress that is $100 million less this year than last year, and again in the areas that are most important to stop drugs cost effectively at their source, the President also failed to provide adequate proposals for funding of these programs, including again the Coast Guard which plays such a vital role, including the source country interdiction programs, including the use of the military.

In fact, if my colleagues want to look at the budget, in addition to being $100 million less, there is $73 million that is being currently used to relocate our forward drug interdiction efforts in Central and South America. We have previously been stationed at Howard Air Force Base for these efforts, the advanced surveillance activities in our illegal narcotics efforts over the South

American region, again where these drugs come from, again the source of production, the source of transshipment of these drugs. Our eyes and ears and our frontline defense in the War on Drugs is located in Panama at Howard Air Force Base, and $73 million in this budget is to move our operations to locations that will not under any circumstances be as good because this administration, and it is not widely publicized, but basically they blew the negotiating with the Panamanians, and the United States of America is being kicked out lock, stock and barrel from Panama as I speak here.

We have lost $10 billion in assets, lost every one of them. They negotiated without success. We have lost every asset. There we have lost 5,000 buildings, over 5,000 buildings, and we will not be conducting one advanced forward drug surveillance operation there. In fact, we will be paying $73 million out of this budget that has been proposed by the President to make up for the failed negotiations which got us totally kicked out of Panama and giving these assets to the Panamanians is a disastrous consequences, I predict, not to mention that the Panamanians, through a corrupt tender, have given one of the ports to a Chinese group that basically is run by the Chinese Army. So the Chinese will control one of the ports through a corrupt tender, and this is the situation we find ourselves in, and again part of this President's budget is being expended. Even though he has $100 million less than we proposed last year and appropriated last year, additional funds will be paid to correct mistakes by this administration.

So this is the situation we find ourselves in today. We have a very serious drug problem, and I want to, if I may, to put this chart up here and show the drug problem that we have in the United States, and again, as a result of the inactions or lack of proper actions by this administration in the 1990's we see this new pattern of illegal narcotics coming from South America. Again, production of cocaine through Columbia, Peru and Bolivia, and that was the pattern we saw at the beginning, it is the pattern we still see, but we see the drugs now coming through Mexico, and we see them coming from Columbia into the United States, some through Puerto Rico into the northeast United States and other routes, but the two major sources of illegal narcotics coming into the United States are Columbia and Mexico.

Now let us examine, if we can for the record, how we got into the situation where again Peru and Bolivia were the primary producers of cocaine. I could not possibly believe this would be true if someone told me it 5 years ago, but this administration managed to make Columbia the biggest cocaine producer in the world, and they have done that because in the past 5 or 6 years of this administration they have fought every effort by Congress, they have fought every request of Members of Congress, they have fought requests of the Drug Task Force of Congress to get resources to Columbia to stop the production, to stop the trafficking of illegal narcotics from Columbia. This administration has done everything possible to make sure that those resources did not go to Columbia. They stopped helicopters, they stopped ammunition, they stopped resources. Now we have Columbia as the number one producer. It has outstripped Peru and Bolivia and is the number one producer of cocaine.

What is even more incredible is 5 years ago Columbia produced almost no heroin, almost no heroin. Today Columbia is the source of most of the heroin coming into the United States of America.

While this administration blocked equipment and supplies, resources, military and police aid going in to stop the production and transiting, when they blocked this, what happened? The drug dealers began producing, and of course we heard cocaine. Now they are the major producers, but in Columbia they are also now producing heroin, and it is not like the heroin of the 1980's. This is tough stuff. This is high purity, not 10, 12, 15 percent pure; this is 70, 80 percent. This is the heroin that is killing our young people on the streets of Florida and across this Nation.

So again, through the inaction or improper actions or inadequate steps that this administration failed to take, Columbia is now the biggest drug producer on the globe. It is my hope, it is my prayer, it is the intent of almost everyone in the Congress who serves on the subcommittees of jurisdiction, that this administration now will allow helicopters, equipment, resources to get to Columbia.

I met several times with the President of Columbia, President Pastrana. He is committed to the war on drugs. He has a very difficult civil war on his hands. Thousands and thousands of police and military have lost their lives at the hands of drug dealers and narco terrorists and Marxist terrorists in Columbia. We have a very difficult situation, but hopefully now this administration, with the urging again of Congress, will get the resources to stop drugs at their source, which the source is Columbia.

Now the other major source area and problem that we have today is Mexico. Mexico has become the primary source of hard narcotics and marijuana coming into the United States of America. It is the primary source. Some of this is heroin and cocaine being produced in Columbia, but now in concert with the drug dealers in Mexico, and with the cooperation and with the consent in many instances of almost every level of government, corrupt government in Mexico, we see the drugs coming through Mexico into the United States. They are coming into the United States through the largess of this Congress which voted NAFTA, which voted almost an open commercial border between Mexico and the United States of America through again a policy that allowed us to give trade benefits.

Now we have to stop and think. This Congress gave great trade benefits. They are not really an equal trading partner, not when they pay people 25, 35 cents, even $1 an hour. These are not equal trading partners as we did with Canada, which is a very equal trading partner. We gave them a great trade advantage. And what did they give us in return? An unprecedented supply of illegal narcotics transiting across our border. This is a fact; this is incontrovertible.

The DEA administrator, who testified before my subcommittee and on the other side of the Congress, said the corruption among Mexican anti-drug authorities was, and let me quote him, "unparalleled with anything I have seen in 39 years of police work." This is one of the most professional, most dedicated capable administrators we have ever had. He does not buy the administration line even though he is a member of this administration, and he tells it like it is. He has said that the level of corruption in Mexico is absolutely unparalleled.

Now this administration has certified Mexico. Under Federal law we have a certification law that says that every year the President must certify whether countries who deal in illegal narcotics or are the source of illegal narcotics coming into the United States, that the State Department and the President must certify under this Federal law that they are fully cooperating with eliminating both the production and trafficking of drugs under this 1986 law. And this administration has the past several years certified that Mexico is fully cooperating and did so just a few weeks ago.

How can an administration certify that Mexico is cooperating when even this Congress asked 2 years ago, this House of Representatives, simple steps for the Mexicans to take? First, to extradite those who are convicted of illegal narcotics trafficking, and to date I believe they extradited one individual, and that is only under the pressure of decertification, only under the pressure of so many people, from the Minority Leader, the gentleman from Missouri (Mr. GEPHARDT), the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), by a bipartisan majority saying that Mexico must take some steps to show that they are cooperating. But they fail to extradite major drug traffickers, they fail to install radar in the south, they fail to allow our DEA agents to arm themselves, they fail to raise the level, the number of DEA agents in their country that would be adequate to deal with the severe problem that they have, and they fail to enforce laws that they put on the books and have made a mockery of those laws, including the most egregious incident I have ever seen a country take, which was last year in an operation called "Casablanca" in which our Custom officials identified millions and millions, hundreds of millions, of illegal drug dollars going through Mexican banks and some into the United States, and when it was uncovered, the Mexican officials threatened to indict the United States Customs officials rather than cooperate with our officials. What we got in return was a threat against our agents, and only again until we came to the issue of possibly decertifying them through a step of Congress, the House of Representatives and the other body, not this administration who certified them.

The President went a few months ago down and met with President Zedillo, and he met there in the Yucatan Peninsula, this little point here.

□ 1900

We are told by our DEA officials and others in hearings that I conducted that the entire Yucatan Peninsula is corrupt, that it is run by drug lords. It is corrupt from the officer on the street to the governor.

In fact, we knew it was corrupt. We are told the entire Baja Peninsula is corrupt. We are told that entire other regions and states in Mexico are corrupt from the bottom to the top.

We had testimony at a recent hearing, which I conducted as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, that in fact this corruption may go even to the highest offices in Mexico. There were indications that there was as much as a billion dollars that one Mexican official was trying to place from his proceeds of dealing in illegal narcotics.

Now, President Clinton went with President Zedillo and met in the Yucatan Peninsula, one of the, again, centers of corruption, one of the centers of illegal narcotics. We knew that the governor of this state was corrupt. We knew that he was involved in narcotics, but they have a quirk in Mexican law that is interesting, that when you are in office you cannot be charged.

So they were waiting until a few weeks ago when this Mexican governor, we were told, would leave office so they could indict him. That is what we were told.

Then what happened? Under investigation, this is The Washington Post, April 1, April Fool's Day, this would almost be funny if it was not the truth, but this Mexican governor of the Yucatan Peninsula, Quintana Roo is the name of the area, under investigation the headline says, "Mexican disappears; governor may have fled to avoid expected arrest."

Now, that should tickle the conscience of everyone in the Congress to see that the Mexican official that we were told was going to be arrested when he left office fled.

Now, to really rub salt in the wound, this is the Miami Herald story of just a few days ago, missing governor fled to Cuba, paper reports. So here is where the President of the United States, the President of Mexico met. Here is where we were told it was corrupt from the bottom to the top, and now we are told that that official, who was supposed to be arrested, has fled the country and possibly may be in Cuba.

Do they think the Members of Congress are going to ignore this? Do they think the American people are going to be fooled by the actions of this government to fail to take actions against one of the most corrupt officials? Do they believe, in fact, that this Congress will certify that Mexico is fully cooperating when they turn a blind eye on the escape of one of the major drug traffickers and one of the major officials in the Mexican Government?

So this is where we are today. This is the history of the supposed war on drugs by this administration; again, an administration that has almost dissolved the Drug Czar's office; again, an administration that appointed a Surgeon General that sent a mixed message to our children; again, an administration, and the previous majority, the Democrat majority that slashed the programs that stopped drugs cost effectively at their source.

These are, again, the results that we see when we certify that a country is fully cooperating and they make a mockery of the entire process of cooperation, a country that we help with trade, a country that we help with financial assistance. When it was going down the tubes, the United States Government held back the financial instability, that we still back through the International Monetary Fund, through world financial organizations and through the corporations of America.

So I ask tonight, where is the outrage? There is outrage about Kosovo. There is outrage about Saddam Hussein in Iraq. But these folks from Mexico, these corrupt individuals, these illegal narcotics dealers, have killed 100,000 Americans in the last 6 or 7 years of this administration; 14,000 young people, young adults and Americans who lost their lives, a cost of a quarter of a trillion dollars to the American people. Where is the outrage?

If it takes every week, if it takes every night, I will be here on the floor. If it takes 100 more committee meetings to bring this to the attention of the Congress that we need to make certain that we get this effort back on track, we need to make certain that we seek the cooperation and that we seek working with our allies, such as Mexico, to see that the flow of illegal narcotics, the production of illegal narcotics, hard drugs like heroin, cocaine, methamphetamine, that are killing our young people are stopped at their source before they ever reach our border, before they ever imprison our young people and destroy the lives of so many Americans and destroy the lives of their families. So whatever it takes, I will be here.

I see my colleague, the gentleman from Ohio (Mr. PORTMAN), on the floor. The Speaker has appointed myself, the gentleman from Ohio (Mr. PORTMAN) from Ohio, the gentleman from Florida (Mr. MCCOLLUM). The gentleman from Ohio (Mr. PORTMAN) is in charge of working on the demand side and has done a tremendous job in trying to put together community programs which, again, this administration has not adequately funded, to educate our young people, to work in our communities, to work with local organizations. He has done an outstanding job.

The gentleman from Florida (Mr. MCCOLLUM), the Speaker has appointed him another cochair with me to the Speaker's Working Task Force on the Drug Problem for the House of Representatives.

Both have done an excellent job. I commend them. The gentleman from Florida (Mr. MCCOLLUM) chairs the Subcommittee on Crime and works on criminal justice legislation.

So with those comments, I am pleased to conclude my remarks tonight, but I will be back as many times as it takes, as many hearings as it takes, and as much attention as we must give this problem that, again, I believe is the most important social problem facing our Nation, our Congress and the future of all Americans.

VICTIMS OF TORNADOS IN OHIO GET SUPPORT FROM NEIGHBORS AND OTHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, I want to thank the previous speaker for being willing to offer me some time, as well as our next speaker, and also to commend the gentleman from Florida (Mr. MICA), who just gave an explanation of some of the tremendous problems we face fighting drugs in this country and in our hemisphere, for his hard work on this effort.

He chairs the subcommittee and committee that deals with this issue, not only in terms of reducing the supply of drugs into our country but also the demand, which is, as he said, where I focus more. The gentleman from Florida (Mr. MICA) has taken a strong and balanced approach on this that is going to lead, over time, I think, to a much more effective policy to save our young people from the scourge of drugs.

I want to thank him for what he does every day. He could be out enjoying dinner tonight, maybe be with his family. Instead, he is here on the floor, as he is so many evenings, talking about this issue as he does in his committee constantly.

Mr. Speaker, I am here tonight to talk about something else. It has to do with a natural disaster. Last Friday, Mr. Speaker, a tornado ripped through the very heart of my district near where I live, near where my office is. The cities of Blue Ash, Ohio, Montgomery, Ohio, Loveland, Ohio, Symmes and Sycamore Townships were some of the communities hardest hit in Hamilton County where I live; also Deerfield Township and several other townships, Hamilton, Salem and others in Warren County, Addysten in Western Hamilton County, were hit by these high winds and devastating storm.

The damage is extensive. I have spent the last few days visiting the area and meeting with victims and local officials trying to help out. Four people were killed, many injured. It is a miracle that more were not killed when one looks at the devastation.

Hundreds of southwest Ohio residents are tonight without homes. In some areas, entire neighborhoods were virtually wiped out. In other areas, individual houses have been destroyed and then the house right next to it stands unscathed.

Although the damage estimates are still under way, we know that there are about 900 homes that have been damaged by the storm; 200 of them have been so severely damaged that they probably will not be able to be rebuilt or they have been totally destroyed. Another couple of hundred have sustained very extensive damage. Dozens of businesses were damaged or destroyed.

Tonight our hearts go out to those families who are trying to put their lives back together. There are some people who lost everything. We have seen from other natural disasters in our area, particularly the flooding in 1997, how difficult it can be for a community to rebuild after a natural disaster; and our thoughts and prayers are with everyone in these hard-hit communities.

The good news is that the response to this storm has been decisive and quick. Truly, I have been overwhelmed by it. Victims are getting help. Neighbors are helping, friends are helping, total strangers are pitching in, all to get people back on their feet.

I spent the last few days working with local, State and Federal officials, working alongside Red Cross and so many other volunteers, police, fire fighters from every neighborhood in our region. It has been truly heartwarming to see people throughout southwest Ohio rally around these communities.

I had occasion on Saturday to tour some of the areas with the Federal Small Business Administration personnel who were sent in to evaluate the damage, and I asked them after some of our visits what they thought about this disaster and how they would compare it to the many others that they have seen around the country, earthquakes, floods, fires and so on.

They said, well, the big difference we see here is the fact that your community, Congressman, really has pulled together and people are helping in every way they possibly can, businesses, individuals and so on. That, again, was heartwarming for me to hear that in the area where I live, folks have come together in a way that is so effective at helping their fellow persons.

There are too many people to thank, so many people have done this, the police and fire departments in Blue Ash, Montgomery, Loveland; Sycamore and Symmes Townships, Deerfield Township, all the affected areas have been fantastic. I think they have done an outstanding job. The sheriffs' departments in Hamilton and Warren Counties provided rapid response. Emergency management throughout southwest Ohio were well prepared and well organized. Our Governor, Bob Taft, came down to the area immediately. His emergency management agency officials have been excellent, and I want to thank the Governor personally for his interest and personal concern for our area.

The Hamilton County Urban Search and Rescue Task Force, so-called USAR team, has been great. They have been working along with elements of FEMA's Ohio Task Force One and they have really been a Godsend to the communities. They searched about 70 homes the morning of the tornado to make sure there was indeed an accurate count of those damaged and injured and those killed.

They also searched numerous businesses to look for survivors, and they have helped since then to be sure that as the clean-up is proceeding, people are entering these homes and businesses in a safe way. Dozens of other agencies throughout the area have lent their mutual support and assistance to these devastated communities.

The Red Cross, of course, and the Salvation Army have been on the scene since the start, offering help to victims and their families; and all of us owe a tremendous debt of gratitude to untold hundreds of volunteers, people who have come out to these communities, some neighbors again, some friends, some total strangers who have taken time and energy to help these folks who are in distress.

□ 1915

Our prayers go out to the families, and our thanks and appreciation go to all the hardworking volunteers and emergency management personnel and local officials who I think have done an outstanding job at a difficult time.

This clean-up process is going to be long and hard. There is still more we need to do to help families get back on their feet. One area where we have made some progress is getting relief from the April 15th tax filing deadline for tornado victims. Victims have much too much to worry about on their minds right now to worry about whether or not they get their taxes in and to worry about the IRS.

We have worked with the IRS here 2 days before the April 15 deadline to get some relief, to get extensions. The IRS has had officials at my office on Montgomery Road to answer questions and help tornado victims right through April 15. People can stop by my office in Kenwood, or call us at 791–0381 to get filing extension information, to get expedited refund checks from the IRS, or to expedite the process of their tax returns.

We have forms to be able to help people extend their tax filings and also to get expedited refunds. The IRS has also agreed to set up a special phone number for tornado-related problems in Cincinnati. That number is 241-2929, and after hours you can call the IRS Helpline at 1–800–829–1040.

We are making some progress, but we still need a lot more help. The Federal Small Business Administration had a disaster relief team again I joined in the district last week. FEMA officials arrived at the disaster scene to conduct a disaster assessment.

I understand from local and State and Federal officials that the area is likely to meet the threshold to be declared a Federal disaster area, and I urge President Clinton to give prompt consideration to a request that may come from Ohio Governor Bob Taft shortly.

I would also like to thank my colleagues on both sides of the aisle, many of whom have come up to me to express their condolences and support as the area I represent recovers from this devastating storm. Now it is time for all of us to do all we can do to help these victims pull their lives back together.

RULES OF PROCEDURE OF THE COMMITTEE ON THE JUDICIARY FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, Mr. HYDE, is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, pursuant to the Rules, I am submitting a copy of the Rules of Procedure of the Committee on the Judiciary adopted February 4, 1999.

RULES OF PROCEDURE, 106TH CONGRESS, ADOPTED FEBRUARY 4, 1999

Rule I. The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the House is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or subcommittee meeting, each Member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

(d) The Chairman, with such notice to the ranking Minority Member as is practicable, may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(e) Committee and subcommittee meetings for the transaction of business, i.e. meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(g) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

RULE III. HEARINGS

(a) The Committee Chairman or any subcommittee chairman shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chairman of the Committee or subcommittee, with the concurrence of the ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or subcommittee chairman shall make the announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purpose of taking testimony and receiving evidence before the Committee or any subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such times as each Member who so desires has an opportunity to question the witness.

RULE IV. BROADCASTING

Whenever a hearing or meeting conducted by the Committee or any subcommittee is open to the public, those proceedings shall be open to coverage by television, radio and still photography except when the hearing or meeting is closed pursuant to the Committee Rules of Procedure.

RULE V. STANDING SUBCOMMITTEES

(a) The full Committee shall have jurisdiction over the following subject matters: antitrust law, tort liability, including medical malpractice and product liability, legal reform generally, and such other matters as determined by the Chairman.

(b) There shall be five standing subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) Subcommittee on Courts and Intellectual Property: copyright, patent and trademark law, administration of U.S. courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) Subcommittee on the Constitution: constitutional amendments, constitutional rights, federal civil rights laws, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) Subcommittee on Commercial and Administrative Law: bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) Subcommittee on Crime: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, Federal Rules of Criminal Procedure, prisons, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) Subcommittee on Immigration and Claims: immigration and naturalization, admission of refugees, treaties, conventions and international agreements, claims against the United States, federal charters of incorporation, private immigration and claims bills, other appropriate matters as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each subcommittee which such Chairman or ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such subcommittee.

RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

KOSOVO AND THE INVOLVEMENT OF U.S. TROOPS

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I will not take the entire hour, but I do want to continue a discussion that I started last evening, a discussion regarding the situation in Kosovo and the involvement of our troops in the air campaign, as well as the potential involvement of our troops in a ground campaign.

I thought it was especially important to continue this this evening, Mr. Speaker, because, as we both know, there are a number of our colleagues who are this evening sitting in their offices signing mail and responding to constituent concerns and at the same time keeping one eye and perhaps one ear on the discussions taking place here.

I think it is important that we look at all the parameters associated with the status of our military today as we hear increased discussions in the city about committing significantly larger amounts of American troops to Kosovo, and committing a significant amount of American resources to the situation and the ultimate defeat of Milosevic.

Last night, Mr. Speaker, I focused on the need to bring Russia in and to basically have Russia, which is on an ongoing basis a significant beneficiary of American tax dollars, to play a vital and direct role in helping to bring

Milosevic to the table and to agree to negotiated terms to settle the ethnic unrest that has occurred in Serbia, especially with the Kosovars.

As I said last night, we spend between $6 hundred million and $1 billion of taxpayer money on programs to assist Russia. From economic development to stabilization of their nuclear programs to assistance with environmental issues, we are actively engaged in Russia, and I am in the middle of many of those issues as the chairman of the Interparliamentary Commission with the Russian Duma.

Now is the time for us, Mr. Speaker, to let Russia know that we expect, for the assistance that we give them, that they play a significant and vital role in bringing Milosevic, an ally and close confidante of the Russian government and certain Russian leaders, to the table to help us resolve this conflict peacefully.

As I said last evening, I have had discussions with Russian Duma deputies and with leaders in Russia who want to pursue such a course. Make no mistake about it, I think these negotiations should be on our terms, not Russia's. We should set the policy based on the negotiations that we have had with the Contact Group in the past, but Russia has to be part of the process.

I think in the 3 weeks or so that we have been bombing Serbia it is evident that we have not seen Milosevic move, in terms of coming our way in acquiring a peaceful settlement. What we can in fact do is, in continuing to apply pressure on the government there for the NATO alliance, is bring Russia in and give Russia a more prominent role, and basically allow Russia to play I think the kind of middle position they should be playing in bringing Milosevic and his people to somber discussions about how to resolve this situation peacefully.

I encourage the administration to do that. I am heartened that some feedback I have gotten today is that the administration in fact is looking at these options. I think that is critically important for Republicans and Democrats to continue to press the administration and our allies to look at ways that we can solve this problem to our satisfaction, to the satisfaction of NATO, to the satisfaction of the stability of the Kosovars and Kosovo as a Nation, where people can live freely without ethnic intimidation, but we should do that also without having to resort to inserting ground troops and potentially involving ourselves in a major conflict that could involve the world's two major superpowers as opponents.

Tonight, Mr. Speaker, I want to use this opportunity to talk about some other factors that Members must consider as we prepare to either support or not support the administration's policy on moving additional troops and operations and personnel and platforms into Kosovo and the surrounding theater.

Before I do that, however, I want to reiterate two important points that I made last evening. The first is that Milosevic understand in no uncertain terms that all of us in this body are united with the President in demanding that he end his reign of terror on the Kosovars, and that he stop and be held accountable for the atrocities that are now unfolding in Kosovo and Serbia, and that we as Americans will follow through in holding him accountable personally. Let there be no mistake about that.

The second key point I want to make and reemphasize from last evening is that we are solidly behind our military; that we in the Congress are doing everything in our power to give them the tools and the resources they need to allow them to continue the operations that have been outlined for them by the Commander in Chief.

But let me get into the meat of what I would like to discuss this evening, Mr. Speaker. That deals with the need for Members of this body and the other body to understand that deploying our troops in Kosovo, sending our pilots in to conduct aerial campaigns, sending our helicopters, our Apaches in to provide safe ways, is not the same as sending inanimate robots into an area.

These are human beings, and these human beings have need, they have wants. We have not been as supportive as a Nation in providing the backup and financial resources to protect the quality of life and stability of these troops as we should be.

This is an appropriate time for us to outline these concerns, and to use this as part of our discussions as we decide whether or not to move into a phase where ground troops are entered into Kosovo.

Unfortunately, Mr. Speaker, the people in America have been convinced that for some reason we are spending so much more money today on our military than at any point in time in the past. The facts just do not bear that out.

When I talk to my constituents back in Pennsylvania, I use a simple analogy. I do not compare what we are spending on defense to Ronald Reagan, as some would perhaps do. Rather, I go back to the time of John Kennedy.

When John Kennedy was president in the sixties, Mr. Speaker, we were spending 52 cents of every Federal tax dollar coming into Washington on the military. Yet, it was a time of peace. It was after Korea and before Vietnam. Fifty-two cents of every tax dollar was spent on the military. Nine percent of our gross national product was spent on defense back then.

In today's budget, we are spending 15 cents of the Federal tax dollar on defense. We are spending 2.6 percent of our gross national product on the military. The numbers have dropped dramatically. In fact, by any accounting standard, we are spending a significantly smaller portion of our Federal allocation that is available on defense and security than we were back when John Kennedy was the President, even though I would argue that was a more stable time and a time of peace throughout the world.

But some other factors have changed. Back when John Kennedy was president we had the draft. Young people were brought into the military. They served a period of 2 years or more. Then they went on with their lives. They were paid next to nothing.

Today we have an all volunteer force. They are well educated. Many are married, they have children, so we have added health care costs, housing costs, travel costs, so a much larger portion of our smaller defense budget is being spent on the quality of life to get those troops, to get those people, to serve in the military and to keep those troops involved and to stay on beyond one tour of duty.

In fact, quality of life is the overriding driving factor of our defense budget process today, to make sure our troops are happy, that they have the best possible quality of life to raise their families and to continue to serve America.

That was not the case back in the sixties. With the draft, we paid the troops a meager amount of money. Most were not married. We did not have all the associated costs with housing, education, health care, and so forth.

Some other things have changed. Back in John Kennedy's era when we were spending 52 cents of every Federal tax dollar on the military, we were not spending a significant portion of our defense budget on environmental mitigation. In this year's defense budget, $11 billion of the defense budget will go for what we call environmental mitigation. That is money that is not going to provide support for our troops. That is money that is not going to buy new equipment or to replace old equipment, or to repair equipment.

Now $11 billion out of today's budget for defense environmental mitigation, and zero dollars spent during John Kennedy's era for the similar type of situation, a further change from the nineties as compared to the sixties.

But there is even a more fundamental difference that gets at the heart of our problem in sustaining the readiness of our troops today. That is the issue that I also talked about last evening. This issue, Mr. Speaker, I think we have to drive home to Americans and to our colleagues on a daily basis.

During the time from World War II's ending until 1990 and 1991, under the administration of all the presidents that served during that period, starting with Harry Truman and Dwight D. Eisenhower and Richard Nixon and going on through John Kennedy and Lyndon Johnson, and going on through Jimmy Carter and Gerald Ford, and even including Ronald Reagan and George Bush, during all of that time the total amount of deployments by those Commander in Chiefs was 10, 10 deployments in 40 years.

Our troops were only inserted into hostile environments as a measure of last resort by our Republican and Democrat Commander in Chief.

Let us look at the past 8 years, Mr. Speaker. Since 1991, 1990 and 1991, we have had 33 deployments. I had to cross them out, because Kosovo is now the 33rd. There have been 33 deployments of our troops into hostile situations. Each of these 33 deployments, 33 in 8 years, versus 10 in 40 years, each of these deployments cost hundreds of millions or billions of dollars. None of these 33 deployments were budgeted for, not one. None of these deployments were paid for with an up or down vote on the Congress in advance of the deployment of the troops.

The payment of the costs associated with these deployments was made by taking dollars out of an already decreasing defense budget, out of programs of modernizing our aircraft, modernizing our naval fleet, modernizing our platforms, and giving the soldiers, sailors, marines, and corpsmen the kinds of quality of life that they deserve in an era where we have all volunteers.

In fact, the Comptroller of the Pentagon has given us a figure that these 33 deployments cost us $19 billion of unanticipated expenditures. Many of them were paid with supplementals to provide the funding to pay for these operations.

In fact, the irony of these 33 deployments, Mr. Speaker, is that we in the Congress, Democrats and Republicans alike, joining together each year for the past 4 years, plussed up more money to try to replenish some of these funds that were being eaten away for this rapidly increasing deployment rate.

In fact, 4 years ago we gave the Pentagon $10 billion more than what the President asked for. Three years ago we gave the Pentagon $6 billion more than what the Pentagon asked for. Two years ago we gave the Pentagon $3 billion more than what the President asked for.

In each of those years, as we in the Congress tried to replenish the funds to replace money that was being used for these deployments, the President and the administration criticized the Congress for giving the Pentagon more money than they asked for.

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Finally this year, the Pentagon leaders have spoken up and said, "We can take this no longer. The funding problem is so severe in the Pentagon that we have to tell you candidly that we need more money in next year's budget."

The service chiefs came in and testified before the House committees and the Senate committees and said, at a minimum, they need $19 billion more than what President Clinton asked for in the fiscal year 2000 budget.

The President said he would make $11 billion of new funding available. It was a great speech. But when we cut away all of the rhetoric, the actual new money put in by the President in his budget for the next fiscal year is $3 billion. In fact, one of the gimmicks they used was to take $3 billion out of R&D for defense, shift it into acquisition, and call that a $3 billion plus-up in defense spending.

The problem we have today is that the readiness of our troops, the capability to perform in Kosovo, is directly dependent on how much we support our troops. The fact is, Mr. Speaker, we have undermined the capability of our military.

Because of the rapidly increasing level of deploying our troops around the world and because of the rapidly decreasing defense budget, we have unfortunately encountered a mismatch that is affecting the quality of life for our troops, that is affecting the ability for our troops to serve this Nation well in Kosovo, let alone the possibility of asking ground troops to go in to fight what could be a massive war.

Mr. Speaker, let me give my colleagues some examples that are very specific. One of our national defense technical media outlets is running a series of stories that, to me, are embarrassing. They have documents, one of which I will enter into the CONGRESSIONAL RECORD. These are internal memos of the Army where the Army is discussing the need to replace the survival radio gear that we provide the pilots and crew members on aircraft flying over hostile environments.

This gear and equipment is essential because, if a plane is downed, as we saw with the F-117A, those pilots and those crew members have got to have a way to get a signal back so that we can go in and rescue them.

These documents refer to those systems. Unfortunately in the internal memos of the Army, in discussing the availability of these devices to provide for our planes that are flying, not just over Kosovo, but also over Iraq in the peacekeeping role there and protecting the no-fly zone, this is what the Army is saying to those who are asking for these devices to put on these planes to protect our pilots, and I quote: "We do not have any radios available to fill shortages." We do not have any radios available to fill shortages, referring to these devices that are so critically important for pilots that may be downed in either Iraq or in Kosovo from enemy fire.

They go on to discuss the fact that we need to have some kind of protection for the pilots. So further on in the same memo, these are internal Army memos that I have been given by the medial outlets running these stories, this is a directive that has been issued by the Army, "The pilot in command" of the aircraft "will continue to ensure that not less than one fully operational survival radio is on board the aircraft. This does not preclude crew members from carrying additional radios on board the aircraft as assets become available. In addition, the" pilot in charge "will ensure that crew members without radios have other means of signaling", now listen to this, Mr. Speaker, either a "foliage penetration flare kit and/or a signal mirror."

Can we imagine, Mr. Speaker, that we are sending pilots and crew members into a hostile environment, whether it is over Iraq or Kosovo, and we are telling them, because we do not have enough equipment, that they should make sure that they have a signal mirror; that that is the method they are going to use to tell our rescue crews that they have been downed.

In fact, Mr. Speaker, there was another story that ran a week or so ago where one of our Maryland units, I believe it is the 104th Air Reserve Squadron out of neighboring Maryland who is currently flying the missions over Iraq at this very moment, that the commanding officer has been quoted as saying that that unit had to go to local Radio Shack stores and buy GPS devices to give their pilots to carry on board these planes.

Mr. Speaker, this is not some pie-in-the-sky make-believe threatening scenario. This is what is happening today with our military. How can we as the world's most powerful Nation there to provide security and leadership for NATO allow our pilots and their crews to fly combat missions without the appropriate equipment to guarantee the safety of their lives?

Is it no wonder, Mr. Speaker, that the retention rate for our pilots in the Navy and the Air Force is the lowest rate today since World War II? The retention rate for Air Force and Navy pilots flying planes today over Kosovo and Iraq is below 20 percent. In one case, it is 15 percent.

We wonder why these young pilots who we have invested so much money to train do not want to stay in. It is because we are not giving them the equipment they need. It is because their morale is suffering and because they are sick and tired of going from one deployment to the next.

Instead of having time to come back to visit with our families, to visit with our children, they are being dispatched to Haiti, from Haiti to Somalia, from Somalia to Macedonia, from Macedonia to Bosnia, from Bosnia to Kosovo.

The morale is suffering in a dramatic way, and we are seeing the result of that in a level of retention for pilots that we have not seen in the last 50 years. In fact, Mr. Speaker, we are seeing it in the ability to recruit new young people in the services.

The Secretary of the Army just 1 month ago, because of shortages in the Army's ability to bring the new recruits, has proposed that we lower the standard of acceptance, that we now take young people in the Army who do not have high school diplomas.

Here is the irony of that, Mr. Speaker, the Army's number one priority right now, which I fully support, is the digitized battlefield, to give the Army warrior of the 21st century an information technology capability second to none, a computer in the backpack so they have visual imaging, a GPS capability so in their goggles they can see what the pilots in our helicopters and our planes and our radar surveillance planes are seeing.

At a time when we are making our soldiers digitized, able to be operating computers, we are having to lower the standard of acceptance in the Army to well below a high school diploma because we cannot fill the billets, because the morale in the services are suffering unlike any time, including 1970s, since World War II.

In fact, Mr. Speaker, we have ships going out to sea, aircraft carriers short of 600 to 700 sailors from what the required rate of deployment and billets should be for a mission, 600 to 700 sailors short because we cannot provide the number of sailors to man the ships to do the functions that they are required to do in hostile environments.

Mr. Speaker, these are facts. These are not ideas. These are not maybes. These are dependables. These things are happening today. We have a severe problem with our military. We are stretching it to the bone.

Our military was not designed to become the world's police department where every time a conflict occurs, we send in the American troops. These are not robots. These are human beings with families, with loved ones. They deserve to be treated with dignity and respect.

I appreciate President Clinton today or yesterday going down and speaking to the pilots who are flying our B-52s, real heroes for America and real heroes for the world that we are trying to protect. But I wish the President would have addressed one other thing when he spoke to them.

I wish he would have told those pilots what we all know, that those B-52 bombers are going to be 75 years old before we can retire them, 75 years old and flying because we have undermined the base of financial support to provide new aircraft.

That is what is critical to those pilots in those B-52s and those crews. It is not just enough to say they are American heroes. It also requires us to give them the new equipment, the training, the repairs, the kinds of support they need to do the job they are being asked to do.

We are not doing that, Mr. Speaker. We are not modernizing the military because, over the past 6 years, we have cut program after program to put the money in to paying for these deployments because we do not have the dollars necessary to fund these deployments up front.

This means that marines flying in the CH-46 workhorse helicopter that was built during the Vietnam War will be flying those helicopters when they are 55 years old. Those helicopters were designed to be flown for 20 to 25 years.

The marines will have to fly the 46 when it is 55 years old because we have not replaced the 46 with the aircraft that is designed to take it out of service, because we have taken the money from that program and used it to fund these escapades around the world; and that is what they are, escapades.

Critics would say to me, "Well, wait a minute, Congressman Weldon, you are being critical of this President and this administration for all of these deployments. What about President Bush? Wasn't it President Bush back in 1991 in this 33 deployment rate who sent our troops to Desert Storm, a very large conflict?"

The answer is, yes, it was President Bush who sent our troops into Desert Storm. We did have a full and open debate in this body and the other body before those troops were committed to combat.

We did one other thing, Mr. Speaker, or I should not say "we did". The President did. President Bush felt so strongly about the allied commitment in Desert Storm that he personally went to the major world leaders around the world, and he said something very simple to them. "If you cannot send troops, then you must support this operation financially. But if you can send troops, we want your troops involved."

Desert Storm was the largest multinational force that we have seen certainly in this decade. In fact, Mr. Speaker, Desert Storm cost the American taxpayer $51 billion, a huge sum of money. But, Mr. Speaker, President Bush got our allies to reimburse us $52 billion. There was no net cost to our defense budget.

Each of these deployments, the reverse has occurred. Not only are the allies not reimbursing us for our costs, in places like Haiti, we are subsidizing the cost of other nations sending their troops in along with us. In fact, we are using American defense dollars to fund the support, the housing, the food, and the subsidization of other nations to bring their militaries into these deployments that we have become involved with.

Mr. Speaker, the situation is getting grave. We on the Committee on Armed Services are getting ready to mark up our defense authorization bill. We have very serious problems. The Joint Chiefs have said publicly they need $19 billion more than what the President has in fact allocated.

That does not include a pay raise for all the service personnel. That does not include service-wide adjustments to the retirement system that are needed. That does not include missile defenses, which are one of the fastest growing threats that we see emerging in the 21st Century.

The estimate we have come up with is that we are short approximately $25 billion in the next fiscal year just to take care of our ongoing commitments. I say that, Mr. Speaker, because Kosovo has already cost us $2 billion. Where did that money come from? It came out of an already decreasing defense budget. Every major operation in the country has had to put dollars on the table to help fund the Kosovo deployment.

We are going to have to pass a massive supplemental. I saw the report today where the long-term projected cost of Kosovo could exceed $10 billion to $15 billion alone. Mr. Speaker, I ask the question of our colleagues, where is that money going to come from? Where are we going to find that additional $10 billion to $15 billion when we cannot even fund the $19 billion to $25 billion shortfall that has been identified before Kosovo became an issue.

□ 1945

We are in a massive crisis. In fact, Mr. Speaker, as I have spoken around the country, I have made the statement that this period of time, the 1990s, will go down in history as the worst decade in undermining our national security because of our increasing rate of deployment and our massive decreases in defense allocations. The two run in a diametrically opposite way, and we are feeling the crunch today.

With all of these deployments, the Navy is being asked to do more and more assignments around the world. We are now dispatching another carrier over to the Kosovo theater; to the Balkan theater. The Navy at one time had 585 ships. If we listen to our Navy experts today, we are having trouble keeping our Navy at 300 ships, in spite of these massive increases in deployments around the world.

Our fighter squadrons. We have fighter squadrons today, Mr. Speaker, where up to one-third of the planes are grounded because we are using them as spare parts to keep the other two-thirds in the air flying.

Mr. Speaker, how long can this go on before the American people sense that something is terribly wrong? Is it going to take a massive loss of life?

Are we going to have to see another case where soldiers are killed, as we saw 28 young Americans killed in 1991 when that low-complexity SCUD missile hit the barracks in Saudi Arabia that we could not defend against and we brought them home in body bags?

It is a real fact, Mr. Speaker, that 8 years after that attack on our soldiers in Saudi Arabia with that SCUD missile that we have no highly effective system today to deal with the medium-range missiles that Iran and Iraq both now have, that North Korea has now deployed that threatens our troops in South Korea and threatens our troops in Japan. The growth of missile proliferation is providing threats to our troops that we do not have the money to build systems to defend against.

The threat of weapons of mass destruction has caused the President to ask for billions of dollars of additional money to deal with the threats of the potential use of chemical, biological and small nuclear weapons, and I agree with his assessment of the threat. But, Mr. Speaker, we do not have the money.

Mr. Speaker, perhaps the greatest threat, the threat of cyber terrorism, the use by a rogue nation or rogue group with high-performance computers to compromise our smart weapons and our civilian information systems, is requiring a massive increase in new dollars to deal with information warfare, and we do not have the money to put into that process.

Mr. Speaker, I recite these facts because as we, my colleagues and I, are being asked to assess whether or not our troops should be deployed, both our helicopters which are already there and the troops that support them that are already there, and the potential follow-on of a larger group of troops going into Kosovo, we had better consider one very important thing: We had better be prepared to provide every ounce of support for those men and women that they need.

That is going to require a significant new investment of money. That is going to require an effort that breaks the budget caps. It is going to require us to significantly increase the support to replace the Tomahawk cruise missiles, the guns and ammunition, the fuel, the lodging costs, and all those other associated costs that currently are in excess of $2 billion for the Kosovo deployment.

Mr. Speaker, we better be prepared for one other debate as well. If we cannot sustain the level of our troop strength that we need, if we cannot reverse the decline in the retention of our pilots, especially Navy and Air Force pilots, if we cannot turn around the Army's problem of recruitment, the Navy's problem of filling its billets, if we cannot solve those problems, Mr. Speaker, I believe all my colleagues know what that means we will have to debate. That means we have to debate whether or not to consider reinstating the draft. Boy, all of a sudden does that raise eyebrows across the country.

It is easy to say put the troops in. It is easy to say put American kids in harm's way. It is easy to say send planes over. But, Mr. Speaker, we need men and women to fly those planes, to fly those helicopters, to feed those troops. And if morale becomes such a problem because of our lack of support financially for our troops, what then do we do?

If we cannot convince young people to voluntarily serve their country, and that is where we are heading, then, unfortunately, if we are going to see the administration keep this level of deployment up, we have got to find a way to get young people to fill those billets, to sail those ships, to man those helicopters, to fly those B-52s, to fly those F-117As. And if we cannot do that voluntarily, Mr. Speaker, that means we have to force people to serve our Nation to complete these operations that our commander-in-chief has gotten us into.

These are not easy decisions. These are not easy circumstances where we can, sitting in our armchair, decide to send more robots into a theater and risk their lives. We have a problem with our military because we have not funded readiness, we have not funded modernization, we are not even giving the pilots the remote sensing gear they need if they are shot down.

And if we cannot provide the support to keep those volunteers serving our country, then those Members of Congress who are standing before the national media, who are talking about putting our troops in harm's way, who are talking about sending tens of thousands of new troops into Kosovo, they better be prepared to address the issue of where do these young people come from. Because if we cannot provide the bodies, then we have to force young Americans to do what they did prior to the Vietnam War, and that is serve their country as a part of a national conscription effort.

Mr. Speaker, I am not prepared to do that. I do not think we should be thinking about restoring the draft, but I also understand the reality of the situation we are in. We cannot have it both ways. We cannot deploy our troops 33 times, we cannot keep young people in Haiti, Macedonia, Somalia, the Balkans, in Bosnia, and put them in Kosovo, and have them handle floods and tornadoes and earthquakes and unrest in Central America, and rebuilding in Central America, and at the same time not have the bodies to fill those slots. It does not work that way.

Now, Mr. Speaker, we have never heard this President deal with these issues. He has not talked about the need to provide additional support for our troops. He does not want to break the budget caps. He does not want to put the kind of money in that the Joint Chiefs have said publicly they need this year. And he is not willing to talk about the morale problems in the military. These are issues that we in the Congress cannot run away from.

Defense is not a partisan issue. I am the first to admit publicly, Mr. Speaker, that Democrats in this body have been as supportive of defense as have Republicans, and some of our leading supporters of the military are Members of the Democrat party. An overwhelming number of our Republicans are strong supporters of our military.

I want to speak to those other Members of the Congress who want to put our troops in harm's way but who want to cut the defense budget even further than what it is now. Mr. Speaker, we cannot let that happen. Every one of those Members of Congress who goes on national TV, who stands in the well of this body and talks about committing our troops, talks about humanitarian efforts, talks about saving lives and taking people out of wheelbarrows to give them homes, they better be prepared to vote for the money and the support to deal with the morale problems, the readiness problems, the modernization problems that we have in the military today. Because that is what this debate needs to focus on. This is not about undermining the leadership of our country. This is about giving those men and women asked to go into harm's way the tools they need to do their job.

We need to have this debate across America, and I hope, as we get closer to a decision on how to proceed with Kosovo, we continue to understand that every day we are there is costing us, by one estimate I saw, $30 million an hour. Thirty million dollars an hour of U.S. tax money that we do not know where it is coming from. Thirty million dollars an hour that the U.S. is putting up, that we are shouldering the bulk of the responsibility for.

These costs have to come from someplace, and this body needs to find a way to provide the additional resources to pay for those operational costs and not rob other accounts that force us to fly aircraft well beyond their life expectancy, that forces morale to continue to drop, that forces our pilots to want to get out and make money in the private sector, and that forces those people flying those bombing missions and those security missions over Iraq and Kosovo at this very hour to not have the necessary equipment so that if they are shot down they can alert our rescue crews to come in and know where they are to get them out quickly and safely.

Mr. Speaker, the challenges before us are great. This country needs to understand all the dimensions of the Kosovo deployment. This country needs to understand that we cannot afford to be fair weather friends of the brave men and women who serve this country. It is not just enough to stand up and wave the flag and say "I am behind the troops." We must be prepared to take care of all the extra costs that are associated with these 33 deployments, many of which our troops are still involved with around the world today.

I ask my colleagues to consider these facts as we move further into a very nasty and dangerous situation far away from the homes and the towns where these brave Americans live.

RECESS

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0018

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OSE) at 12 o'clock and 18 minutes a.m.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 68, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

Mr. KASICH submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009:

CONFERENCE REPORT (H. REPT. 106–91)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 68), establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, do pass with the following, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the resolution and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

(a) DECLARATION.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 2000 including the appropriate budgetary levels for fiscal years 2001 through 2009 as authorized by section 301 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2000.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social security.
Sec. 103. Major functional categories.
Sec. 104. Reconciliation of revenue reductions in the Senate.
Sec. 105. Reconciliation of revenue reductions in the House of Representatives.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Safe deposit box for social security surpluses.
Sec. 202. Reserve fund for retirement security.
Sec. 203. Reserve fund for medicare.
Sec. 204. Reserve fund for agriculture.
Sec. 205. Tax reduction reserve fund in the Senate.
Sec. 206. Emergency designation point of order in the Senate.
Sec. 207. Pay-as-you-go point of order in the Senate.
Sec. 208. Application and effect of changes in allocations and aggregates.
Sec. 209. Establishment of levels for fiscal year 1999.
Sec. 210. Deficit-neutral reserve fund to foster the employment and independence of individuals with disabilities in the Senate.
Sec. 211. Reserve fund for fiscal year 2000 surplus.
Sec. 212. Reserve fund for education in the Senate.
Sec. 213. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

Subtitle A—Sense of Congress Provisions

Sec. 301. Sense of Congress on the protection of the social security surpluses.
Sec. 302. Sense of Congress on providing additional dollars to the classroom.
Sec. 303. Sense of Congress on asset-building for the working poor.
Sec. 304. Sense of Congress on child nutrition.
Sec. 305. Sense of Congress concerning funding for special education.

Subtitle B—Sense of the House Provisions

Sec. 311. Sense of the House on the Commission on International Religious Freedom.
Sec. 312. Sense of the House on assessment of welfare-to-work programs.

Subtitle C—Sense of the Senate Provisions

Sec. 321. Sense of the Senate that the Federal Government should not invest the social security trust funds in private financial markets.
Sec. 322. Sense of the Senate regarding the modernization and improvement of the medicare program.
Sec. 323. Sense of the Senate on education.
Sec. 324. Sense of the Senate on providing tax relief to Americans by returning the non-social security surplus to taxpayers.
Sec. 325. Sense of the Senate on access to medicare services.
Sec. 326. Sense of the Senate on law enforcement.
Sec. 327. Sense of the Senate on improving security for United States diplomatic missions.
Sec. 328. Sense of the Senate on increased funding for the National Institutes of Health.
Sec. 329. Sense of the Senate on funding for Kyoto protocol implementation prior to Senate ratification.
Sec. 330. Sense of the Senate on TEA–21 funding and the States.
Sec. 331. Sense of the Senate that the one hundred sixth Congress, first session should reauthorize funds for the farmland protection program.
Sec. 332. Sense of the Senate on the importance of social security for individuals who become disabled.
Sec. 333. Sense of the Senate on reporting of on-budget trust fund levels.
Sec. 334. Sense of the Senate regarding South Korea's international trade practices on pork and beef.
Sec. 335. Sense of the Senate on funding for natural disasters.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2000 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,408,082,000,000.
Fiscal year 2001: $1,434,837,000,000.
Fiscal year 2002: $1,454,757,000,000.
Fiscal year 2003: $1,531,512,000,000.
Fiscal year 2004: $1,584,969,000,000.
Fiscal year 2005: $1,648,259,000,000.
Fiscal year 2006: $1,681,438,000,000.
Fiscal year 2007: $1,735,646,000,000.
Fiscal year 2008: $1,805,517,000,000.
Fiscal year 2009: $1,868,515,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: –$7,810,000,000.
Fiscal year 2002: –$53,519,000,000.
Fiscal year 2003: –$31,806,000,000.
Fiscal year 2004: –$49,180,000,000.
Fiscal year 2005: –$62,637,000,000.
Fiscal year 2006: –$109,275,000,000.
Fiscal year 2007: –$135,754,000,000.
Fiscal year 2008: –$150,692,000,000.
Fiscal year 2009: –$177,195,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,720,000,000.
Fiscal year 2001: $1,455,785,000,000.
Fiscal year 2002: $1,486,875,000,000.
Fiscal year 2003: $1,559,079,000,000.
Fiscal year 2004: $1,612,910,000,000.
Fiscal year 2005: $1,666,657,000,000.
Fiscal year 2006: $1,698,214,000,000.
Fiscal year 2007: $1,753,326,000,000.
Fiscal year 2008: $1,814,537,000,000.
Fiscal year 2009: $1,874,778,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,082,000,000.
Fiscal year 2001: $1,434,837,000,000.
Fiscal year 2002: $1,454,757,000,000.
Fiscal year 2003: $1,531,512,000,000.
Fiscal year 2004: $1,583,753,000,000.
Fiscal year 2005: $1,639,568,000,000.
Fiscal year 2006: $1,667,838,000,000.
Fiscal year 2007: $1,717,042,000,000.
Fiscal year 2008: $1,781,865,000,000.
Fiscal year 2009: $1,841,858,000,000.

(4) DEFICITS OR SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the deficits or surpluses are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: $0.
Fiscal year 2002: $0.
Fiscal year 2003: $0.
Fiscal year 2004: $1,216,000,000.
Fiscal year 2005: $8,691,000,000.
Fiscal year 2006: $13,600,000,000.
Fiscal year 2007: $18,604,000,000.
Fiscal year 2008: $23,652,000,000.

Fiscal year 2009: $26,657,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,628,400,000,000.
Fiscal year 2001: $5,708,500,000,000.
Fiscal year 2002: $5,793,500,000,000.
Fiscal year 2003: $5,877,400,000,000.
Fiscal year 2004: $5,956,300,000,000.
Fiscal year 2005: $6,024,600,000,000.
Fiscal year 2006: $6,084,600,000,000.
Fiscal year 2007: $6,136,500,000,000.
Fiscal year 2008: $6,173,900,000,000.
Fiscal year 2009: $6,203,400,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $468,020,000,000.
Fiscal year 2001: $487,744,000,000.
Fiscal year 2002: $506,293,000,000.
Fiscal year 2003: $527,326,000,000.
Fiscal year 2004: $549,876,000,000.
Fiscal year 2005: $576,840,000,000.
Fiscal year 2006: $601,834,000,000.
Fiscal year 2007: $628,277,000,000.
Fiscal year 2008: $654,422,000,000.
Fiscal year 2009: $681,313,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $327,256,000,000.
Fiscal year 2001: $339,789,000,000.
Fiscal year 2002: $350,127,000,000.
Fiscal year 2003: $362,197,000,000.
Fiscal year 2004: $375,253,000,000.
Fiscal year 2005: $389,485,000,000.
Fiscal year 2006: $404,596,000,000.
Fiscal year 2007: $420,616,000,000.
Fiscal year 2008: $438,132,000,000.
Fiscal year 2009: $459,496,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2009 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $288,812,000,000.
(B) Outlays, $276,567,000,000.
Fiscal year 2001:
(A) New budget authority, $303,616,000,000.
(B) Outlays, $285,949,000,000.
Fiscal year 2002:
(A) New budget authority, $308,175,000,000.
(B) Outlays, $291,714,000,000.
Fiscal year 2003:
(A) New budget authority, $318,277,000,000.
(B) Outlays, $303,642,000,000.
Fiscal year 2004:
(A) New budget authority, $327,166,000,000.
(B) Outlays, $313,460,000,000.
Fiscal year 2005:
(A) New budget authority, $328,370,000,000.
(B) Outlays, $316,675,000,000.
Fiscal year 2006:
(A) New budget authority, $329,600,000,000.
(B) Outlays, $315,110,000,000.
Fiscal year 2007:
(A) New budget authority, $330,869,000,000.
(B) Outlays, $313,686,000,000.
Fiscal year 2008:
(A) New budget authority, $332,175,000,000.
(B) Outlays, $317,102,000,000.
Fiscal year 2009:
(A) New budget authority, $333,451,000,000.
(B) Outlays, $318,040,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $12,511,000,000.
(B) Outlays, $14,850,000,000.
Fiscal year 2001:
(A) New budget authority, $11,679,000,000.
(B) Outlays, $15,212,000,000.
Fiscal year 2002:
(A) New budget authority, $10,885,000,000.
(B) Outlays, $14,581,000,000.
Fiscal year 2003:
(A) New budget authority, $12,590,000,000.
(B) Outlays, $13,977,000,000.
Fiscal year 2004:
(A) New budget authority, $13,994,000,000.
(B) Outlays, $13,716,000,000.
Fiscal year 2005:
(A) New budget authority, $14,151,000,000.
(B) Outlays, $13,352,000,000.
Fiscal year 2006:
(A) New budget authority, $14,352,000,000.
(B) Outlays, $13,069,000,000.
Fiscal year 2007:
(A) New budget authority, $14,429,000,000.
(B) Outlays, $12,886,000,000.
Fiscal year 2008:
(A) New budget authority, $14,498,000,000.
(B) Outlays, $12,701,000,000.
Fiscal year 2009:
(A) New budget authority, $14,462,000,000.
(B) Outlays, $12,560,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $17,955,000,000.
(B) Outlays, $18,214,000,000.
Fiscal year 2001:
(A) New budget authority, $17,946,000,000.
(B) Outlays, $17,907,000,000.
Fiscal year 2002:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,880,000,000.
Fiscal year 2003:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,784,000,000.
Fiscal year 2004:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,772,000,000.
Fiscal year 2005:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2006:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2007:
(A) New budget authority, $17,912,000,000
(B) Outlays, $17,768,000,000.
Fiscal year 2008:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2009:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $49,000,000.
(B) Outlays, −$650,000,000.
Fiscal year 2001:
(A) New budget authority, −$1,435,000,000.
(B) Outlays, −$3,136,000,000.
Fiscal year 2002:
(A) New budget authority, −$163,000,000.
(B) Outlays, −$1,138,000,000.
Fiscal year 2003:
(A) New budget authority, −$84,000,000.
(B) Outlays, −$1,243,000,000.
Fiscal year 2004:
(A) New budget authority, −$319,000,000.
(B) Outlays, −$1,381,000,000.
Fiscal year 2005:
(A) New budget authority, −$447,000,000.
(B) Outlays, −$1,452,000,000.
Fiscal year 2006:
(A) New budget authority, −$452,000,000.
(B) Outlays, −$1,453,000,000.
Fiscal year 2007:
(A) New budget authority, −$506,000,000.
(B) Outlays, −$1,431,000,000.
Fiscal year 2008:
(A) New budget authority, −$208,000,000.
(B) Outlays, −$1,137,000,000.
Fiscal year 2009:
(A) New budget authority, −$76,000,000.
(B) Outlays, −$1,067,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $22,820,000,000.
(B) Outlays, $22,644,000,000.
Fiscal year 2001:
(A) New budget authority, $21,833,000,000.
(B) Outlays, $21,879,000,000.
Fiscal year 2002:
(A) New budget authority, $21,597,000,000.
(B) Outlays, $21,223,000,000.
Fiscal year 2003:
(A) New budget authority, $22,479,000,000.
(B) Outlays, $22,579,000,000.
Fiscal year 2004:
(A) New budget authority, $22,992,000,000.
(B) Outlays, $23,003,000,000.
Fiscal year 2005:
(A) New budget authority, $23,036,000,000.
(B) Outlays, $22,929,000,000.
Fiscal year 2006:
(A) New budget authority, $23,066,000,000.
(B) Outlays, $22,966,000,000.
Fiscal year 2007:
(A) New budget authority, $23,167,000,000.
(B) Outlays, $22,925,000,000.
Fiscal year 2008:
(A) New budget authority, $23,158,000,000.
(B) Outlays, $22,861,000,000.
Fiscal year 2009:
(A) New budget authority, $23,541,000,000.
(B) Outlays, $23,238,000,000.

(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $14,331,000,000.
(B) Outlays, $13,160,000,000.
Fiscal year 2001:
(A) New budget authority, $13,519,000,000.
(B) Outlays, $11,279,000,000.
Fiscal year 2002:
(A) New budget authority, $11,788,000,000.
(B) Outlays, $10,036,000,000.
Fiscal year 2003:
(A) New budget authority, $11,955,000,000.
(B) Outlays, $10,252,000,000.
Fiscal year 2004:
(A) New budget authority, $12,072,000,000.
(B) Outlays, $10,526,000,000.
Fiscal year 2005:
(A) New budget authority, $10,553,000,000.
(B) Outlays, $9,882,000,000.
Fiscal year 2006:
(A) New budget authority, $10,609,000,000.
(B) Outlays, $9,083,000,000.
Fiscal year 2007:
(A) New budget authority, $10,711,000,000.
(B) Outlays, $9,145,000,000.
Fiscal year 2008:
(A) New budget authority, $10,763,000,000.
(B) Outlays, $9,162,000,000.
Fiscal year 2009:
(A) New budget authority, $10,853,000,000.
(B) Outlays, $9,223,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $9,664,000,000.
(B) Outlays, $4,270,000,000.
Fiscal year 2001:
(A) New budget authority, $10,620,000,000.
(B) Outlays, $5,754,000,000.
Fiscal year 2002:
(A) New budget authority, $14,450,000,000.
(B) Outlays, $10,188,000,000.
Fiscal year 2003:
(A) New budget authority, $14,529,000,000.

(B) Outlays, $10,875,000,000.
Fiscal year 2004:
(A) New budget authority, $13,859,000,000.
(B) Outlays, $10,439,000,000.
Fiscal year 2005:
(A) New budget authority, $12,660,000,000.
(B) Outlays, $9,437,000,000.
Fiscal year 2006:
(A) New budget authority, $12,635,000,000.
(B) Outlays, $9,130,000,000.
Fiscal year 2007:
(A) New budget authority, $12,666,000,000.
(B) Outlays, $8,879,000,000.
Fiscal year 2008:
(A) New budget authority, $12,642,000,000.
(B) Outlays, $8,450,000,000.
Fiscal year 2009:
(A) New budget authority, $13,415,000,000.
(B) Outlays, $8,824,000,009.
(8) Transportation (400):
Fiscal year 2000:
(A) New budget authority, $51,825,000,000.
(B) Outlays, $45,833,000,000.
Fiscal year 2001:
(A) New budget authority, $50,996,000,000.
(B) Outlays, $47,711,000,000.
Fiscal year 2002:
(A) New budget authority, $50,845,000,000.
(B) Outlays, $47,265,000,000.
Fiscal year 2003:
(A) New budget authority, $52,255,000,000.
(B) Outlays, $46,769,000,000.
Fiscal year 2004:
(A) New budget authority, $52,285,000,000.
(B) Outlays, $46,255,000,000.
Fiscal year 2005:
(A) New budget authority, $52,314,000,000.
(B) Outlays, $46,071,000,000.
Fiscal year 2006:
(A) New budget authority, $52,345,000,000.
(B) Outlays, $46,039,000,000.
Fiscal year 2007:
(A) New budget authority, $52,378,000,000.
(B) Outlays, $46,039,000,000.
Fiscal year 2008:
(A) New budget authority, $52,412,000,000.
(B) Outlays, $46,056,000,000.
Fiscal year 2009:
(A) New budget authority, $52,447,000,000.
(B) Outlays, $46,082,000,000.
(9) Community and Regional Development (450):
Fiscal year 2000:
(A) New budget authority, $6,369,000,000.
(B) Outlays, $10,462,000,000.
Fiscal year 2001:
(A) New budget authority, $4,011,000,000.
(B) Outlays, $8,298,000,000.
Fiscal year 2002:
(A) New budget authority, $3,608,000,000.
(B) Outlays, $5,857,000,000.
Fiscal year 2003:
(A) New budget authority, $3,851,000,000.
(B) Outlays, $4,536,000,000.
Fiscal year 2004:
(A) New budget authority, $3,828,000,000.
(B) Outlays, $3,812,000,000.
Fiscal year 2005:
(A) New budget authority, $3,819,000,000.
(B) Outlays, $3,012,000,000.
Fiscal year 2006:
(A) New budget authority, $3,816,000,000.
(B) Outlays, $2,732,000,000.
Fiscal year 2007:
(A) New budget authority, $3,810,000,000.
(B) Outlays, $2,606,000,000.
Fiscal year 2008:
(A) New budget authority, $3,811,000,000.
(B) Outlays, $2,522,000,000.
Fiscal year 2009:
(A) New budget authority, $3,808,000,000.
(B) Outlays, $2,483,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2000:
(A) New budget authority, $66,347,000,000.
(B) Outlays, $63,806,000,000.
Fiscal year 2001:
(A) New budget authority, $66,030,000,000.
(B) Outlays, $64,574,000,000.
Fiscal year 2002:
(A) New budget authority, $66,476,000,000.
(B) Outlays, $64,847,000,000.
Fiscal year 2003:
(A) New budget authority, $70,963,000,000.
(B) Outlays, $67,460,000,000.
Fiscal year 2004:
(A) New budget authority, $73,277,000,000.
(B) Outlays, $70,162,000,000.
Fiscal year 2005:
(A) New budget authority, $74,093,000,000.
(B) Outlays, $72,672,000,000.
Fiscal year 2006:
(A) New budget authority, $74,858,000,000.
(B) Outlays, $73,843,000,000.
Fiscal year 2007:
(A) New budget authority, $75,762,000,000.
(B) Outlays, $74,748,000,000.
Fiscal year 2008:
(A) New budget authority, $76,773,000,000.
(B) Outlays, $75,738,000,000.
Fiscal year 2009:
(A) New budget authority, $76,680,000,000.
(B) Outlays, $75,688,000,000.
(11) Health (550):
Fiscal year 2000:
(A) New budget authority, $156,181,000,000.
(B) Outlays, $152,986,000,000.
Fiscal year 2001:
(A) New budget authority, $164,089,000,000.
(B) Outlays, $162,357,000,000.
Fiscal year 2002:
(A) New budget authority, $173,330,000,000.
(B) Outlays, $173,767,000,000.
Fiscal year 2003:
(A) New budget authority, $184,679,000,000.
(B) Outlays, $185,330,000,000.
Fiscal year 2004:
(A) New budget authority, $197,893,000,000.
(B) Outlays, $198,499,000,000.
Fiscal year 2005:
(A) New budget authority, $212,821,000,000.
(B) Outlays, $212,637,000,000.
Fiscal year 2006:
(A) New budget authority, $228,379,000,000.
(B) Outlays, $228,323,000,000.
Fiscal year 2007:
(A) New budget authority, $246,348,000,000.
(B) Outlays, $245,472,000,000.
Fiscal year 2008:
(A) New budget authority, $265,160,000,000.
(B) Outlays, $264,420,000,000.
Fiscal year 2009:
(A) New budget authority, $285,541,000,000.
(B) Outlays, $284,941,000,000.
(12) Medicare (570):
Fiscal year 2000:
(A) New budget authority, $208,652,000,000.
(B) Outlays, $208,698,000,000.
Fiscal year 2001:
(A) New budget authority, $222,104,000,000.
(B) Outlays, $222,252,000,000.
Fiscal year 2002:
(A) New budget authority, $230,593,000,000.
(B) Outlays, $230,222,000,000.
Fiscal year 2003:
(A) New budget authority, $250,743,000,000.
(B) Outlays, $250,871,000,000.
Fiscal year 2004:
(A) New budget authority, $268,558,000,000.
(B) Outlays, $268,738,000,000.
Fiscal year 2005:
(A) New budget authority, $295,574,000,000.
(B) Outlays, $295,188,000,000.
Fiscal year 2006:
(A) New budget authority, $306,772,000,000.
(B) Outlays, $306,929,000,000.
Fiscal year 2007:
(A) New budget authority, $337,566,000,000.
(B) Outlays, $337,761,000,000.
Fiscal year 2008:
(A) New budget authority, $365,642,000,000.
(B) Outlays, $365,225,000,000.
Fiscal year 2009:
(A) New budget authority, $394,078,000,000.
(B) Outlays, $394,249,000,000.
(13) Income Security (600):
Fiscal year 2000:
(A) New budget authority, $244,390,000,000.
(B) Outlays, $248,088,000,000.
Fiscal year 2001:
(A) New budget authority, $250,473,000,000.
(B) Outlays, $257,033,000,000.
Fiscal year 2002:
(A) New budget authority, $262,970,000,000.
(B) Outlays, $266,577,000,000.
Fiscal year 2003:
(A) New budget authority, $276,386,000,000.
(B) Outlays, $276,176,000,000.
Fiscal year 2004:
(A) New budget authority, $286,076,000,000.
(B) Outlays, $285,533,000,000.
Fiscal year 2005:
(A) New budget authority, $298,442,000,000.
(B) Outlays, $298,424,000,000.
Fiscal year 2006:
(A) New budget authority, $304,655,000,000.
(B) Outlays, $305,093,000,000.
Fiscal year 2007:
(A) New budget authority, $310,547,000,000.
(B) Outlays, $311,448,000,000.
Fiscal year 2008:
(A) New budget authority, $323,815,000,000.
(B) Outlays, $325,266,000,000.
Fiscal year 2009:
(A) New budget authority, $334,062,000,000.
(B) Outlays, $335,604,000,000.
(14) Social Security (650):
Fiscal year 2000:
(A) New budget authority, $14,239,000,000.
(B) Outlays, $14,348,000,000.
Fiscal year 2001:
(A) New budget authority, $13,768,000,000.
(B) Outlays, $13,750,000,000.
Fiscal year 2002:
(A) New budget authority, $15,573,000,000.
(B) Outlays, $15,555,000,000.
Fiscal year 2003:
(A) New budget authority, $16,299,000,000.
(B) Outlays, $16,281,000,000.
Fiscal year 2004:
(A) New budget authority, $17,087,000,000.
(B) Outlays, $17,069,000,000.
Fiscal year 2005:
(A) New budget authority, $17,961,000,000.
(B) Outlays, $17,943,000,000.
Fiscal year 2006:
(A) New budget authority, $18,895,000,000.
(B) Outlays, $18,877,000,000.
Fiscal year 2007:
(A) New budget authority, $19,907,000,000.
(B) Outlays, $19,889,000,000.
Fiscal year 2008:
(A) New budget authority, $21,033,000,000.
(B) Outlays, $21,015,000,000.
Fiscal year 2009:
(A) New budget authority, $22,233,000,000.
(B) Outlays, $22,215,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2000:
(A) New budget authority, $45,424,000,000.
(B) Outlays, $45,564,000,000.
Fiscal year 2001:
(A) New budget authority, $44,255,000,000.
(B) Outlays, $44,980,000,000.
Fiscal year 2002:
(A) New budget authority, $44,728,000,000.
(B) Outlays, $45,117,000,000.
Fiscal year 2003:
(A) New budget authority, $45,897,000,000.
(B) Outlays, $46,385,000,000.
Fiscal year 2004:

(A) New budget authority, $46,248,000,000.

(B) Outlays, $46,713,000,000.

Fiscal year 2005:

(A) New budget authority, $48,789,000,000.

(B) Outlays, $49,292,000,000.

Fiscal year 2006:

(A) New budget authority, $47,266,000,000.

(B) Outlays, $47,812,000,000.

Fiscal year 2007:

(A) New budget authority, $47,805,000,000.

(B) Outlays, $46,231,000,000.

Fiscal year 2008:

(A) New budget authority, $48,451,000,000.

(B) Outlays, $48,997,000,000.

Fiscal year 2009:

(A) New budget authority, $49,099,000,000.

(B) Outlays, $49,671,000,000.

(16) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $23,434,000,000.

(B) Outlays, $25,349,000,000.

Fiscal year 2001:

(A) New budget authority, $24,656,000,000.

(B) Outlays, $25,117,000,000.

Fiscal year 2002:

(A) New budget authority, $24,657,000,000.

(B) Outlays, $24,932,000,000.

Fiscal year 2003:

(A) New budget authority, $24,561,000,000.

(B) Outlays, $24,425,000,000.

Fiscal year 2004:

(A) New budget authority, $26,195,000,000.

(B) Outlays, $26,084,000,000.

Fiscal year 2005:

(A) New budget authority, $26,334,000,000.

(B) Outlays, $26,221,000,000.

Fiscal year 2006:

(A) New budget authority, $26,370,000,000.

(B) Outlays, $26,249,000,000.

Fiscal year 2007:

(A) New budget authority, $26,403,000,000.

(B) Outlays, $26,285,000,000.

Fiscal year 2008:

(A) New budget authority, $26,450,000,000.

(B) Outlays, $26,346,000,000.

Fiscal year 2009:

(A) New budget authority, $26,481,000,000.

(B) Outlays, $26,368,000,000.

(17) General Government (800):

Fiscal year 2000:

(A) New budget authority, $12,339,000,000.

(B) Outlays, $13,476,000,000.

Fiscal year 2001:

(A) New budget authority, $11,916,000,000.

(B) Outlays, $12,605,000,000.

Fiscal year 2002:

(A) New budget authority, $12,060,000,000.

(B) Outlays, $12,282,000,000.

Fiscal year 2003:

(A) New budget authority, $12,083,000,000.

(B) Outlays, $12,150,000,000.

Fiscal year 2004:

(A) New budget authority, $12,099,000,000.

(B) Outlays, $12,186,000,000.

Fiscal year 2005:

(A) New budget authority, $12,112,000,000.

(B) Outlays, $11,906,000,000.

Fiscal year 2006:

(A) New budget authority, $12,134,000,000.

(B) Outlays, $11,839,000,000.

Fiscal year 2007:

(A) New budget authority, $12,150,000,000.

(B) Outlays, $11,873,000,000.

Fiscal year 2008:

(A) New budget authority, $12,169,000,000.

(B) Outlays, $12,064,000,000.

Fiscal year 2009:

(A) New budget authority, $12,178,000,000.

(B) Outlays, $11,931,000,000.

(18) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $275,486,000,000.

(B) Outlays, $275,486,000,000.

Fiscal year 2001:

(A) New budget authority, $271,071,000,000.

(B) Outlays, $271,071,000,000.

Fiscal year 2002:

(A) New budget authority, $267,482,000,000.

(B) Outlays, $267,482,000,000.

Fiscal year 2003:

(A) New budget authority, $265,200,000,000.

(B) Outlays, $265,200,000,000.

Fiscal year 2004:

(A) New budget authority, $263,498,000,000.

(B) Outlays, $263,498,000,000.

Fiscal year 2005:

(A) New budget authority, $261,143,000,000.

(B) Outlays, $261,143,000,000.

Fiscal year 2006:

(A) New budget authority, $258,985,000,000.

(B) Outlays, $258,985,000,000.

Fiscal year 2007:

(A) New budget authority, $257,468,000,000.

(B) Outlays, $257,468,000,000.

Fiscal year 2008:

(A) New budget authority, $255,085,000,000.

(B) Outlays, $255,085,000,000.

Fiscal year 2009:

(A) New budget authority, $252,968,000,000.

(B) Outlays, $252,968,000,000.

(19) Allowances (920):

Fiscal year 2000:

(A) New budget authority, −$9,833,000,000.

(B) Outlays, −$10,794,000,000.

Fiscal year 2001:

(A) New budget authority, −$8,481,000,000.

(B) Outlays, −$12,874,000,000.

Fiscal year 2002:

(A) New budget authority, −$6,437,000,000.

(B) Outlays, −$19,976,000,000.

Fiscal year 2003:

(A) New budget authority, −$4,394,000,000.

(B) Outlays, −$4,835,000,000.

Fiscal year 2004:

(A) New budget authority, −$4,481,000,000.

(B) Outlays, −$5,002,000,000.

Fiscal year 2005:

(A) New budget authority, −$4,515,000,000.

(B) Outlays, −$5,067,000,000.

Fiscal year 2006:

(A) New budget authority, −$4,619,000,000.

(B) Outlays, −$5,192,000,000.

Fiscal year 2007:

(A) New budget authority, −$5,210,000,000.

(B) Outlays, −$5,780,000,000.

Fiscal year 2008:

(A) New budget authority, −$5,279,000,000.

(B) Outlays, −$5,851,000,000.

Fiscal year 2009:

(A) New budget authority, −$5,316,000,000.

(B) Outlays, −$5,889,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, −$34,275,000,000.

(B) Outlays, −$34,275,000,000.

Fiscal year 2001:

(A) New budget authority, −$36,881,000,000.

(B) Outlays, −$36,881,000,000.

Fiscal year 2002:

(A) New budget authority, −$43,654,000,000.

(B) Outlays, −$43,654,000,000.

Fiscal year 2003:

(A) New budget authority, −$37,102,000,000.

(B) Outlays, −$37,102,000,000.

Fiscal year 2004:

(A) New budget authority, −$37,329,000,000.

(B) Outlays, −$37,329,000,000.

Fiscal year 2005:

(A) New budget authority, −$38,465,000,000.

(B) Outlays, −$38,465,000,000.

Fiscal year 2006:

(A) New budget authority, −$39,364,000,000.

(B) Outlays, −$39,364,000,000.

Fiscal year 2007:

(A) New budget authority, −$40,856,000,000.

(B) Outlays, −$40,856,000,000.

Fiscal year 2008:

(A) New budget authority, −$41,925,000,000.

(B) Outlays, −$41,925,000,000.

Fiscal year 2009:

(A) New budget authority, −$43,039,000,000.

(B) Outlays, −$43,039,000,000.

SEC. 104. RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

Not later than July 23, 1999, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $0 in fiscal year 2000, $142,315,000,000 for the period of fiscal years 2000 through 2004, and $777,868,000 for the period of fiscal years 2000 through 2009.

SEC. 105. RECONCILIATION OF REVENUE REDUCTIONS IN THE HOUSE OF REPRESENTATIVES.

Not later than July 16, 1999, the Committee on Ways and Means shall report to the House of Representatives a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $0 in fiscal year 2000, $142,315,000,000 for the period of fiscal years 2000 through 2004, and $777,868,000,000 for the period of fiscal years 2000 through 2009.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. SAFE DEPOSIT BOX FOR SOCIAL SECURITY SURPLUSES.

(a) Findings.—Congress finds that—

(1) under the Budget Enforcement Act of 1990, the social security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the social security trust funds have been running surpluses for 17 years;

(3) these surpluses have been used to implicitly finance the general operations of the Federal Government;

(4) in fiscal year 2000, the social security surplus will exceed $137 billion;

(5) for the first time, a concurrent resolution on the budget balances the Federal budget without counting the social security surpluses;

(6) the only way to ensure that social security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses; and

(7) Congress and the President should take such steps as are necessary to ensure that future budgets are balanced excluding the surpluses generated by the social security trust funds.

(b) Point of Order.—

(1) In general.—It shall not be in order in the House of Representatives or the Senate to consider any revision to this resolution or a concurrent resolution on the budget for fiscal year 2001, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year.

(2) Deficit levels.—For purposes of this subsection—

(A) a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974; and

(B) in setting forth the deficit level pursuant to section 301(a)(3) of the Congressional Budget Act of 1974, that level shall not include any adjustments in aggregates that would be made pursuant to any reserve fund that provides for adjustments in allocations and aggregates for legislation that enhances retirement security through structural programmatic reform.

(3) Exception.—Paragraph (1) shall not apply if the deficit for a fiscal year results solely from legislation enacted pursuant to section 202.

(4) Budget committee determinations.—For purposes of this subsection, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year shall be determined

on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable.

SEC. 202. RESERVE FUND FOR RETIREMENT SECURITY.

Whenever the Committee on Ways and Means of the House or the Committee on Finance of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted that enhances retirement security through structural programmatic reform, the appropriate chairman of the Committee on the Budget may—

(1) increase the appropriate allocations and aggregates of new budget authority and outlays by the amount of new budget authority provided by such measure (and outlays flowing therefrom) for that purpose;

(2) in the Senate, adjust the levels used for determining compliance with the pay-as-you-go requirements of section 207; and

(3) reduce the revenue aggregates by the amount of the revenue loss resulting from that measure for that purpose.

SEC. 203. RESERVE FUND FOR MEDICARE.

(a) IN GENERAL.—Whenever the Committee on Ways and Means of the House or the Committee on Finance of the Senate reports a bill, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that implements structural medicare reform and significantly extends the solvency of the Medicare Hospital Insurance Trust Fund without the use of transfers of new subsidies from the general fund, the appropriate chairman of the Committee on the Budget may change committee allocations and spending aggregates if such legislation will not cause an on-budget deficit for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) PRESCRIPTION DRUG BENEFIT.—The adjustments made pursuant to subsection (a) may be made to address the cost of the prescription drug benefit.

SEC. 204. RESERVE FUND FOR AGRICULTURE.

(a) ADJUSTMENT.—

(1) IN GENERAL.—Whenever the Committee on Agriculture of the House or the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that provides risk management or income assistance for agriculture producers that complies with paragraph (2), the appropriate Chairman of the Committee on the Budget shall increase the allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).

(2) CONDITION.—Legislation complies with this paragraph if it does not cause a net increase in budget authority or outlays for fiscal year 2000 and does not cause a net increase in budget authority that is greater than $2,000,000,000 for any of fiscal years 2001 through 2004.

(b) LIMITATIONS.—The adjustments to the allocations required by subsection (a) shall not exceed—

(1) $6,000,000,000 in budget authority (and the outlays resulting therefrom) for the period of fiscal years 2000 through 2004; and

(2) $6,000,000,000 in budget authority and outlays for the period of fiscal years 2000 through 2009.

SEC. 205. TAX REDUCTION RESERVE FUND IN THE SENATE.

In the Senate, the Chairman of the Committee on the Budget may reduce the spending and revenue aggregates and may revise committee allocations for legislation that reduces revenues if such legislation will not increase the deficit or decrease the surplus for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2000 through 2009.

SEC. 206. EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are whether it is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) FORM OF THE POINT OF ORDER.—A point of order under this subsection may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.

(h) SUNSET.—This section shall expire on the adoption of the concurrent resolution on the budget for fiscal year 2001.

SEC. 207. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PURPOSE.—The Senate declares that it is essential to—

(1) ensure continued compliance with the balanced budget plan set forth in this resolution; and

(2) continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection the term "applicable time period" means any one of the three following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first five fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the five fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, then it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A).

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget

authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) CONFORMING AMENDMENT.—Section 202 of House Concurrent Resolution 67 (104th Congress) is repealed.

(g) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 2002.

SEC. 208. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) ENFORCEMENT IN THE HOUSE.—In the House, for the purpose of enforcing this resolution, sections 302(f) and 311(a) of the Congressional Budget Act of 1974 shall apply to fiscal year 2000 and the total for fiscal year 2000 and the 4 ensuing fiscal years.

SEC. 209. ESTABLISHMENT OF LEVELS FOR FISCAL YEAR 1999.

The levels submitted pursuant to H. Res. 5 of the 106th Congress or S. Res. 312 of the 105th Congress, and any revisions authorized by such resolutions, shall be considered to be the levels and revisions of the concurrent resolution on the budget for fiscal year 1999.

SEC. 210. DEFICIT-NEUTRAL RESERVE FUND TO FOSTER THE EMPLOYMENT AND INDEPENDENCE OF INDIVIDUALS WITH DISABILITIES IN THE SENATE.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that finances disability programs designed to allow individuals with disabilities to become employed and remain independent if, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase the deficit or decrease the surplus in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

SEC. 211. RESERVE FUND FOR A FISCAL YEAR 2000 SURPLUS.

(a) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST FOR FISCAL YEAR 2000.—Pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the Congressional Budget Office shall update its economic and budget forecast for fiscal year 2000 by July 1, 1999.

(b) REPORTING A SURPLUS.—If the report provided pursuant to subsection (a) estimates an on-budget surplus for fiscal year 2000, the appropriate Chairman of the Committee on the Budget may make the adjustments as provided in subsection (c).

(c) ADJUSTMENTS.—The appropriate Chairman of the Committee on the Budget may make the following adjustments in an amount equal to the on-budget surplus for fiscal year 2000 as estimated in the report submitted pursuant to subsection (a)—

(1) reduce the on-budget revenue aggregate by that amount for fiscal year 2000;

(2) increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 207; and

(3) adjust the instruction in sections 104 and 105 of this resolution to—

(A) reduce revenues by that amount for fiscal year 2000; and

(B) increase the reduction in revenues for the period of fiscal years 2000 through 2004 and for the period of fiscal years 2000 through 2009 by that amount.

SEC. 212. RESERVE FUND FOR EDUCATION IN THE SENATE.

(a) IN GENERAL.—In the Senate, upon reporting of a bill, the offering of an amendment thereto, or the submission of a conference report thereon that allows local educational agencies to use appropriated funds to carry out activities under part B of the Individuals with Disabilities Education Act that complies with subsection (b), the Chairman of the Committee on the Budget of the Senate may—

(1) increase the outlay aggregate and allocation for fiscal year 2000 by not more than $360,000,000; and

(2) adjust the levels used for determining compliance with the pay-as-you-go requirements of section 207.

(b) CONDITION.—Legislation complies with this subsection if it does not cause a net increase in budget authority or outlays for the periods of fiscal years 2000 through 2004 and 2000 through 2009.

SEC. 213. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

Subtitle A—Sense of Congress Provisions

SEC. 301. SENSE OF CONGRESS ON THE PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(2) reducing the Federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comment that debt reduction "is a very important element in sustaining economic growth", as well as President Clinton's comments that it "is very, very important that we get the Government debt down" when referencing his own plans to use the budget surplus to reduce Federal debt held by the public;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009, $417,000,000,000, or 32 percent, more than it would be reduced under the President's fiscal year 2000 budget submission;

(4) further, according to the Congressional Budget Office, that the President's budget would actually spend $40,000,000,000 of the social security surpluses in fiscal year 2000 on new spending programs, and spend $158,000,000,000 of the social security surpluses on new spending programs from fiscal year 2000 through 2004; and

(5) social security surpluses should be used for social security reform, retirement security, or to reduce the debt held by the public and should not be used for other purposes.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall pass legislation which—

(1) reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a point of order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section;

(2) mandates that the social security surpluses are used only for the payment of social security benefits, retirement security, social security reform, or to reduce the Federal debt held by the public and such mandate shall be implemented by establishing a supermajority point of order in the Senate against limits established on the level of debt held by the public;

(3) provides for a Senate super-majority point of order against any bill, resolution, amendment, motion or conference report that would use social security surpluses on anything other than the payment of social security benefits, social security reform, retirement security, or the reduction of the Federal debt held by the public;

(4) ensures that all social security benefits are paid on time; and

(5) accommodates social security reform legislation.

SEC. 302. SENSE OF CONGRESS ON PROVIDING ADDITIONAL DOLLARS TO THE CLASSROOM.

(a) FINDINGS.—Congress finds that—

(1) strengthening America's public schools while respecting State and local control is critically important to the future of our children and our Nation;

(2) education is a local responsibility, a State priority, and a national concern;

(3) working with the Nation's governors, parents, teachers, and principals must take place in order to strengthen public schools and foster educational excellence;

(4) education initiatives should boost academic achievement for all students; and excellence in American classrooms means having high expectations for all students, teachers, and administrators, and holding schools accountable to the children and parents served by such schools;

(5) successful schools and school systems are characterized by parental involvement in the education of their children, local control, emphasis on basic academics, emphasis on fundamental skills and exceptional teachers in the classroom;

(6) the one-size-fits-all approach to education often creates barriers to innovation and reform initiatives at the local level; America's rural schools face challenges quite different from their urban counterparts; and parents, teachers and State and local officials should have the freedom to tailor their education plans and reforms according to the unique educational needs of their children;

(7) the consolidation of various Federal education programs will benefit our Nation's children, parents, and teachers by sending more dollars directly to the classroom; and

(8) our Nation's children deserve an educational system that will provide opportunities to excel.

(b) Sense of Congress.—It is the sense of Congress that—

(1) Congress should enact legislation that would consolidate thirty-one Federal K–12 education programs;

(2) the Department of Education, the States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our children in their classrooms;

(3) increased funding for elementary and secondary education should be directed to States and local school districts; and

(4) decision making authority should be placed in the hands of States, localities, and families to implement innovative solutions to local educational challenges and to increase the performance of all students, unencumbered by unnecessary Federal rules and regulations.

SEC. 303. SENSE OF CONGRESS ON ASSET-BUILDING FOR THE WORKING POOR.

(a) Findings.—Congress finds the following:

(1) 33 percent of all American households and 60 percent of African American households have no or negative financial assets.

(2) 46.9 percent of all children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children.

(3) In order to provide low-income families with more tools for empowerment, incentives which encourage asset-building should be established.

(4) Across the Nation, numerous small public, private, and public-private asset-building incentives, including individual development accounts, are demonstrating success at empowering low-income workers.

(5) Middle and upper income Americans currently benefit from tax incentives for building assets.

(6) The Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) Sense of Congress.—It is the sense of Congress that the provisions of this resolution assume that Congress should modify the Federal tax law to include provisions which encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

SEC. 304. SENSE OF CONGRESS ON CHILD NUTRITION.

(a) Findings.—Congress finds that—

(1) both Republicans and Democrats understand that an adequate diet and proper nutrition are essential to a child's general well-being;

(2) the lack of an adequate diet and proper nutrition may adversely affect a child's ability to perform up to his or her ability in school;

(3) the Government currently plays a role in funding school nutrition programs; and

(4) there is a bipartisan commitment to helping children learn.

(b) Sense of Congress.—It is the sense of Congress that in the House the Committee on Education and the Workforce and the Committee on Agriculture and in the Senate the Committee on Agriculture, Nutrition, and Forestry should examine our Nation's nutrition programs to determine if they can be improved, particularly with respect to services to low-income children.

SEC. 305. SENSE OF CONGRESS CONCERNING FUNDING FOR SPECIAL EDUCATION.

(a) Findings.—Congress makes the following findings:

(1) In the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (referred to in this resolution as the "Act"), Congress found that improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

(2) In the Act, the Secretary of Education is instructed to make grants to States to assist them in providing special education and related services to children with disabilities.

(3) The Act represents a commitment by the Federal Government to fund 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

(4) The budget submitted by the President for fiscal year 2000 ignores the commitment by the Federal Government under the Act to fund special education and instead proposes the creation of new programs that limit the manner in which States may spend the limited Federal education dollars received.

(5) The budget submitted by the President for fiscal year 2000 fails to increase funding for special education, and leaves States and localities with an enormous unfunded mandate to pay for growing special education costs.

(b) Sense of Congress.—It is the sense of Congress that the budgetary levels in this resolution assume that part B of the Individuals with Disabilities Act (20 U.S.C. 1400 et seq.) should be fully funded at the originally promised level before any funds are appropriated for new education programs.

Subtitle B—Sense of the House Provisions

SEC. 311. SENSE OF THE HOUSE ON THE COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) Findings.—The House finds that—

(1) persecution of individuals on the sole ground of their religious beliefs and practices occurs in countries around the world and affects millions of lives;

(2) such persecution violates international norms of human rights, including those established in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, and the Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief;

(3) such persecution is abhorrent to all Americans, and our very Nation was founded on the principle of the freedom to worship according to the dictates of our conscience; and

(4) in 1998 Congress unanimously passed, and President Clinton signed into law, the International Religious Freedom Act of 1998, which established the United States Commission on International Religious Freedom to monitor facts and circumstances of violations of religious freedom and authorized $3,000,000 to carry out the functions of the Commission for each of fiscal years 1999 and 2000.

(b) Sense of the House.—It is the sense of the House that—

(1) this resolution assumes that $3,000,000 will be appropriated within function 150 for fiscal year 2000 for the United States Commission on International Religious Freedom to carry out its duties; and

(2) the House Committee on Appropriations is strongly urged to appropriate such amount for the Commission.

SEC. 312. SENSE OF THE HOUSE ON ASSESSMENT OF WELFARE-TO-WORK PROGRAMS.

(a) In General.—It is the sense of the House that, recognizing the need to maximize the benefit of the Welfare-to-Work Program, the Secretary of Labor should prepare a report on Welfare-to-Work Programs pursuant to section 403(a)(5) of the Social Security Act. This report should include information on the following—

(1) the extent to which the funds available under such section have been used (including the number of States that have not used any of such funds), the types of programs that have received such funds, the number of and characteristics of the recipients of assistance under such programs, the goals of such programs, the duration of such programs, the costs of such programs, any evidence of the effects of such programs on such recipients, and accounting of the total amount expended by the States from such funds, and the rate at which the Secretary expects such funds to be expended for each of the fiscal years 2000, 2001, and 2002;

(2) with regard to the unused funds allocated for Welfare-to-Work for each of fiscal years 1998 and 1999, identify areas of the Nation that have unmet needs for Welfare-to-Work initiatives; and

(3) identify possible Congressional action that may be taken to reprogram Welfare-to-Work funds from States that have not utilized previously allocated funds to places of unmet need, including those States that have rejected or otherwise not utilized prior funding.

(b) Report.—It is the sense of the House that, not later than January 1, 2000, the Secretary of Labor should submit to the Committee on the Budget and the Committee on Ways and Means of the House and the Committee on Finance of the Senate, in writing, the report described in subsection (a).

Subtitle C—Sense of the Senate Provisions

SEC. 321. SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT INVEST THE SOCIAL SECURITY TRUST FUNDS IN PRIVATE FINANCIAL MARKETS.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that the Federal Government should not directly invest contributions made to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) in private financial markets.

SEC. 322. SENSE OF THE SENATE REGARDING THE MODERNIZATION AND IMPROVEMENT OF THE MEDICARE PROGRAM.

(a) Findings.—The Senate finds the following:

(1) The health insurance coverage provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is an integral part of the financial security for retired and disabled individuals, as such coverage protects those individuals against the financially ruinous costs of a major illness.

(2) Expenditures under the medicare program for hospital, physician, and other essential health care services that are provided to nearly 39,000,000 retired and disabled individuals will be $232,000,000,000 in fiscal year 2000.

(3) During the nearly 35 years since the medicare program was established, the Nation's health care delivery and financing system has undergone major transformations. However, the medicare program has not kept pace with such transformations.

(4) Former Congressional Budget Office Director Robert Reischauer has described the medicare program as it exists today as failing on the

following 4 key dimensions (known as the "Four I's"):

(A) The program is inefficient.

(B) The program is inequitable.

(C) The program is inadequate.

(D) The program is insolvent.

(5) The President's budget framework does not devote 15 percent of the budget surpluses to the medicare program. The Federal budget process does not provide a mechanism for setting aside current surpluses for future obligations. As a result, the notion of saving 15 percent of the surplus for the medicare program cannot practically be carried out.

(6) The President's budget framework would transfer to the Federal Hospital Insurance Trust Fund more than $900,000,000,000 over 15 years in new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public, and these new IOUs would increase the gross debt of the Federal Government by the amounts transferred.

(7) The Congressional Budget Office has stated that the transfers described in paragraph (6), which are strictly intragovernmental, have no effect on the unified budget surpluses or the on-budget surpluses and therefore have no effect on the debt held by the public.

(8) The President's budget framework does not provide access to, or financing for, prescription drugs.

(9) The Comptroller General of the United States has stated that the President's medicare proposal does not constitute reform of the program and "is likely to create a public misperception that something meaningful is being done to reform the medicare program".

(10) The Balanced Budget Act of 1997 enacted changes to the medicare program which strengthen and extend the solvency of that program.

(11) The Congressional Budget Office has stated that without the changes made to the medicare program by the Balanced Budget Act of 1997, the depletion of the Federal Hospital Insurance Trust Fund would now be imminent.

(12) The President's budget proposes to cut medicare program spending by $19,400,000,000 over 10 years, primarily through reductions in payments to providers under that program.

(13) The recommendations by Senator John Breaux and Representative William Thomas received the bipartisan support of a majority of members on the National Bipartisan Commission on the Future of Medicare.

(14) The Breaux-Thomas recommendations provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring new IOUs to the Federal Hospital Insurance Trust Fund that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions contained in this budget resolution assume the following:

(1) This resolution does not adopt the President's proposals to reduce medicare program spending by $19,400,000,000 over 10 years, nor does this resolution adopt the President's proposal to spend $10,000,000,000 of medicare program funds on unrelated programs.

(2) Congress will not transfer to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public.

(3) Congress should work in a bipartisan fashion to extend the solvency of the medicare program and to ensure that benefits under that program will be available to beneficiaries in the future.

(4) The American public will be well and fairly served in this undertaking if the medicare program reform proposals are considered within a framework that is based on the following 5 key principles offered in testimony to the Senate Committee on Finance by the Comptroller General of the United States:

(A) Affordability.

(B) Equity.

(C) Adequacy.

(D) Feasibility.

(E) Public acceptance.

(5) The recommendations by Senator Breaux and Congressman Thomas provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(6) Congress should move expeditiously to consider the bipartisan recommendations of the Chairmen of the National Bipartisan Commission on the Future of Medicare.

(7) Congress should continue to work with the President as he develops and presents his plan to fix the problems of the medicare program.

SEC. 323. SENSE OF THE SENATE ON EDUCATION.

It is the sense of the Senate that—

(1) the levels in this resolution assume that—

(A) increased Federal funding for elementary and secondary education should be directed to States and local school districts;

(B) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) should be fully funded at the originally promised level before any funds are appropriated for new education programs;

(C) decisionmaking authority should be placed in the hands of States, localities, and families to implement innovative solutions to local education challenges and to increase the performance of all students, unencumbered by unnecessary Federal rules and regulations; and

(D) the Department of Education, the States, and local education agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our children in their classrooms; and

(2) within the discretionary allocation provided to the Committees on Appropriations of the House and Senate for function 500 that to the maximum extent practicable—

(A) the Federal Pell Grant maximum award should be increased;

(B) funding for the Federal Supplemental Education Opportunity Grants Program should be increased;

(C) funding for the Federal capital contributions under the Federal Perkins Loan Program should be increased;

(D) funding for the Leveraging Educational Assistance Partnership Program should be increased;

(E) funding for the Federal Work-Study Program should be increased; and

(F) funding for the Federal TRIO Programs should be increased.

SEC. 324. SENSE OF THE SENATE ON PROVIDING TAX RELIEF TO AMERICANS BY RETURNING THE NON-SOCIAL SECURITY SURPLUS TO TAXPAYERS.

It is the sense of the Senate that—

(1) the levels in this concurrent resolution assume that the Senate not only puts a priority on protecting social security and medicare and reducing the Federal debt, but also on tax reductions for working families in the form of family tax relief and incentives to stimulate savings, investment, job creation and economic growth;

(2) such tax relief could include an expansion of the 15-percent bracket, marginal rate reductions, a significant reduction or elimination of the marriage penalty, retirement savings incentives, estate tax relief, an above-the-line income tax deduction for social security payroll taxes, tax incentives for education savings, parity between the self-employed and corporations with respect to the tax treatment of health insurance premiums, and capital gains tax fairness for family farmers;

(3) the Internal Revenue Code of 1986 needs comprehensive reform, and Congress should move expeditiously to consider comprehensive tax reform and simplification proposals; and

(4) Congress should reject the President's proposed tax increase on investment income of associations as defined under section 501(c)(6) of the Internal Revenue Code of 1986.

SEC. 325. SENSE OF THE SENATE ON ACCESS TO MEDICARE SERVICES.

It is the sense of the Senate that the levels in this resolution assume Congress should review payment levels in the medicare program to ensure beneficiaries have a range of choices available under the Medicare+Choice program and have access to high quality skilled nursing services, home health care services, and inpatient and outpatient hospital services in rural areas.

SEC. 326. SENSE OF THE SENATE ON LAW ENFORCEMENT.

It is the sense of the Senate that the levels in this resolution assume that—

(1) significant resources should be provided for strong law enforcement and aggressive crimefighting programs and that funding in fiscal year 2000 for critical programs should be equal to or greater than funding for these programs in 1999;

(2) critical programs include—

(A) State and local law enforcement assistance, especially with respect to the development and integration of anticrime technology systems and upgrading forensic laboratories and the information and communications infrastructures upon which they rely;

(B) continuing efforts to reduce violent crime; and

(C) significant expansion of intensive Federal firearms prosecutions projects such as the ongoing programs in Richmond and Philadelphia into America's most crime plagued cities; and

(3) the existence of a strong Federal drug control policy is essential in order to reduce the supplies of illegal drugs internationally and to reduce the number of children who are exposed to or addicted to illegal drugs and this can be furthered by—

(A) investments in programs authorized in the Western Hemisphere Drug Elimination Act and the proposed Drug Free Century Act; and

(B) securing adequate resources and authority for the United States Customs Service in any legislation reauthorizing the Service.

SEC. 327. SENSE OF THE SENATE ON IMPROVING SECURITY FOR UNITED STATES DIPLOMATIC MISSIONS.

It is the sense of the Senate that the levels in this resolution assume that—

(1) there is an urgent and ongoing requirement to improve security for United States diplomatic missions and personnel abroad; and

(2) additional budgetary resources should be devoted to programs within function 150 to enable successful international leadership by the United States.

SEC. 328. SENSE OF THE SENATE ON INCREASED FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH.

It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that—

(1) there shall be a continuation of the pattern of budgetary increases for biomedical research; and

(2) additional resources should be targeted towards autism research.

SEC. 329. SENSE OF THE SENATE ON FUNDING FOR KYOTO PROTOCOL IMPLEMENTATION PRIOR TO SENATE RATIFICATION.

It is the sense of Senate that the levels in this resolution assume that funds should not be provided to put into effect the Kyoto Protocol prior to its Senate ratification in compliance with the requirements of the Byrd-Hagel Resolution and consistent with previous Administration assurances to Congress.

SEC. 330. SENSE OF THE SENATE ON TEA–21 FUNDING AND THE STATES.

It is the sense of the Senate that the levels in this resolution and any legislation enacted pursuant to this resolution assume that the President's fiscal year 2000 budget proposal to change the manner in which any excess Federal gasoline tax revenues are distributed to the States will not be implemented, but rather any of these funds will be distributed to the States pursuant to section 1105 of TEA–21.

SEC. 331. SENSE OF THE SENATE THAT THE ONE HUNDRED SIXTH CONGRESS, FIRST SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

It is the sense of the Senate that the functional totals contained in this resolution assume that the One Hundred Sixth Congress, First Session will reauthorize funds for the Farmland Protection Program.

SEC. 332. SENSE OF THE SENATE ON THE IMPORTANCE OF SOCIAL SECURITY FOR INDIVIDUALS WHO BECOME DISABLED.

It is the sense of the Senate that levels in the resolution assume that—

(1) social security plays a vital role in providing adequate income for individuals who become disabled; and

(2) Congress and the President should take this fact into account when considering proposals to reform the social security program.

SEC. 333. SENSE OF THE SENATE ON REPORTING OF ON-BUDGET TRUST FUND LEVELS.

It is the sense of the Senate that the levels in this resolution assume, effective for fiscal year 2001, the President's budget and the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974 should include an itemization of the on-budget trust funds for the budget year, including receipts, outlays, and balances.

SEC. 334. SENSE OF THE SENATE REGARDING SOUTH KOREA'S INTERNATIONAL TRADE PRACTICES ON PORK AND BEEF.

It is the sense of the Senate that the Senate—

(1) believes strongly that while a stable global marketplace is in the best interest of America's farmers and ranchers, the United States should seek a mutually beneficial relationship without hindering the competitiveness of American agriculture;

(2) calls on South Korea to abide by its trade commitments;

(3) calls on the Secretary of the Treasury to instruct the United States Executive Director of the International Monetary Fund to promote vigorously policies that encourage the opening of markets for beef and pork products by requiring South Korea to abide by its existing international trade commitments and to reduce trade barriers, tariffs, and export subsidies;

(4) calls on the President and the Secretaries of Treasury and Agriculture to monitor and report to Congress that resources will not be used to stabilize the South Korean market at the expense of United States agricultural goods or services; and

(5) requests the United States Trade Representative and the United States Department of Agriculture to pursue the settlement of disputes with the Government of South Korea on its failure to abide by its international trade commitments on beef market access, to consider whether Korea's reported plans for subsidizing its pork industry would violate any of its international trade commitments, and to determine what impact Korea's subsidy plans would have on United States agricultural interests, especially in Japan.

SEC. 335. SENSE OF THE SENATE ON FUNDING FOR NATURAL DISASTERS.

It is the sense of the Senate that the levels in this resolution assume that, given that emergency spending for natural disasters continues to have an unpredictable yet substantial impact on the Federal budget and that consequently budgeting for disasters remains difficult, the Administration and Congress should review procedures for funding emergencies, including natural disasters, in any budget process reform legislation that comes before the Congress.

And the Senate agree to the same.

From the Committee on the Budget:

JOHN R. KASICH,
SAXBY CHAMBLISS,
CHRISTOPHER SHAYS,
Managers on the Part of the House.

PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
SLADE GORTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (House Concurrent Resolution 68), setting forth the congressional budget for the United States for fiscal years 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The Senate amendment struck all out of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment.

DISPLAYS AND AMOUNTS

The contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974.

House Resolution.—The House budget resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which is used to enforce a point of order applicable only in the Senate).

Senate Amendment.—The Senate amendment includes all of the items required under section 301(a) of the Congressional Budget Act. As permitted under section 301(b) of the Congressional Budget Act, Section 102 of the Senate amendment includes advisory levels on debt held by the public.

Conference Agreement.—The Conference Agreement includes all of the items required by section 301(a) of the Congressional Budget Act.

AGGREGATES AND FUNCTION LEVELS

House Resolution
Total Spending and Revenues
(In billions of dollars)

Fiscal year			1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2000-2004	2000-2009
							Summary								
Total Spending		BA...	1,749.1	1,753.6	1,795.6	1,836.8	1,920.5	1,987.0	2,055.1	2,101.7	2,172.7	2,251.9	2,333.9	9,293.5	20,208.8
		O...	1,703.9	1,735.1	1,774.8	1,804.6	1,894.7	1,959.2	2,028.1	2,071.1	2,136.4	2,219.3	2,300.8	9,168.4	19,924.1
	On-Budget	BA...	1,432.8	1,426.6	1,456.1	1,487.3	1,558.3	1,611.7	1,665.6	1,697.0	1,752.2	1,813.8	1,874.4	7,540.0	16,343.0
		O...	1,387.6	1,408.1	1,435.3	1,455.1	1,532.5	1,583.9	1,638.6	1,666.4	1,715.9	1,781.2	1,841.3	7,414.9	16,058.3
	Off-Budget	BA...	316.3	327.0	339.5	349.5	362.2	375.3	389.5	404.7	420.5	438.1	459.5	1,753.5	3,865.8
		O...	316.3	327.0	339.5	349.5	362.2	375.3	389.5	404.7	420.5	438.1	459.5	1,753.5	3,865.8
Revenues	Total		1,816.1	1,876.5	1,923.0	1,962.6	2,059.9	2,134.0	2,227.8	2,286.2	2,361.5	2,457.2	2,548.8	9,956.0	21,837.5
	On-Budget		1,369.9	1,408.5	1,435.3	1,456.3	1,532.6	1,584.1	1,651.0	1,684.4	1,733.2	1,802.8	1,867.5	7,416.8	16,155.7
	Off-Budget		446.2	468.0	487.7	506.3	527.3	549.9	576.8	601.8	628.3	654.4	681.3	2,539.2	5,681.8
Surplus/Deficit (-)	Total		112.2	141.4	148.2	158.0	165.2	174.8	199.7	215.1	225.1	237.9	248.0	787.6	1,913.4
	On-Budget		-17.7	0.4	0	1.2	0.1	0.2	12.4	18.0	17.3	21.6	26.2	1.9	97.4
	Off-Budget		129.9	141.0	148.2	156.8	165.1	174.6	187.3	197.1	207.8	216.3	221.8	785.7	1,816.0
Debt Held by the Public (end of year)			3,626.8	3,501.8	3,369.3	3,227.4	3,076.2	2,918.6	2,733.1	2,531.5	2,319.0	2,092.4	1,855.7	na	na
Debt Subject to Limit (end of year)			5,543.6	5,627.7	5,707.7	5,791.5	5,875.0	5,954.8	6,019.6	6,075.4	6,128.7	6,168.1	6,198.1	na	na
							By Function								
National Defense (050)		BA...	279.0	288.8	303.6	308.2	318.3	327.2	328.4	329.6	330.9	332.2	333.5	1,546.1	3,200.7
		O	273.1	276.6	285.9	291.7	303.6	313.5	316.7	315.1	313.7	317.1	318.0	1,471.3	3,051.9
International Affairs (150)		BA...	34.4	11.2	10.6	9.8	11.6	13.5	13.7	13.9	13.9	14.0	14.0	56.7	126.2
		O...	14.8	14.5	15.1	14.4	13.6	13.3	12.9	12.6	12.4	12.2	12.1	70.9	133.1
General Science, Space, and Technology (250)		BA...	18.8	18.0	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	89.6	179.1
		O...	18.2	18.2	17.9	17.9	17.8	17.8	17.8	17.8	17.8	17.8	17.8	89.6	178.6
Energy (270)		BA...	1.1	0.0	-1.4	-0.2	-0.1	-0.3	-0.4	-0.5	-0.5	-0.2	-0.1	-2.0	-3.7
		O...	0.7	-0.7	-3.1	-1.1	-1.2	-1.4	-1.5	-1.5	-1.4	-1.1	-1.1	-7.5	-14.1
Natural Resources and Environment (300)		BA...	24.2	22.8	22.5	22.4	22.5	23.5	23.5	23.6	23.7	23.7	24.0	113.7	232.2
		O...	23.4	22.6	22.0	21.4	22.6	23.5	23.4	23.5	23.4	23.4	23.7	112.1	229.5
Agriculture (350)		BA...	22.5	14.3	13.5	11.8	12.0	12.1	10.6	10.6	10.7	10.8	10.9	63.7	117.3
		O...	20.4	13.2	11.3	10.0	10.3	10.5	9.9	9.1	9.1	9.2	9.2	55.3	101.8
Commerce and Housing Credit (370)		BA...	1.9	9.7	10.3	13.9	14.5	13.9	12.7	12.6	12.7	12.6	13.4	62.3	126.3
		O...	0.8	4.3	5.5	9.6	10.9	10.4	9.4	9.1	8.9	8.5	8.8	40.7	85.4
	On-budget	BA...	1.9	9.9	10.6	14.5	14.5	13.9	12.7	12.6	12.7	12.6	13.4	63.4	127.4
		O...	0.8	4.5	5.8	10.2	10.9	10.4	9.4	9.1	8.9	8.5	8.8	41.8	86.5
	Off-budget	BA...	0.0	-0.2	-0.3	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1.1	-1.1
		O...	0.0	-0.2	-0.3	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1.1	-1.1

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House Resolution
Total Spending and Revenues

(In billions of dollars)

Fiscal year		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2000-2004	2000-2009
Transportation (400)	BA...	51.3	51.8	51.0	50.8	52.3	52.3	52.3	52.3	52.4	52.4	52.4	258.2	520.0
	O...	44.0	45.8	47.7	47.3	46.8	46.3	46.1	46.0	46.0	46.1	46.1	233.9	464.2
Community and Regional Development (450)	BA...	10.2	7.4	5.3	5.3	5.7	5.6	5.6	5.6	5.6	5.6	5.6	29.3	57.3
	O...	11.4	10.7	9.1	7.0	6.1	5.5	4.8	4.5	4.4	4.3	4.3	38.4	60.7
Elementary and Secondary Education (501)	BA...	16.8	22.0	24.1	24.5	25.9	26.9	26.9	26.9	26.9	26.9	26.9	123.4	257.9
	O...	17.8	20.1	21.9	22.7	24.5	25.6	26.6	26.8	26.9	26.9	26.9	114.8	248.9
Training, Employment and Social Services (502-506)	BA...	44.2	43.3	41.4	41.2	42.7	43.0	43.9	44.6	45.5	46.5	46.5	211.6	438.6
	O...	42.0	43.5	41.9	40.9	41.9	42.3	42.9	43.7	44.5	45.5	45.5	210.5	432.6
Health (550)	BA...	147.5	156.2	164.1	173.3	184.7	197.9	212.8	228.4	246.3	265.2	285.5	876.2	2,114.4
	O...	140.7	153.0	162.4	173.8	185.3	198.5	212.6	228.3	245.5	264.4	284.9	873.0	2,108.7
Medicare (570)	BA...	195.2	208.7	222.1	230.6	250.7	268.6	295.6	306.8	337.6	365.6	394.1	1,180.7	2,880.4
	O...	194.6	208.7	222.3	230.2	250.9	268.7	295.2	306.9	337.8	365.2	394.2	1,180.8	2,880.1
Income Security (600)	BA...	235.2	244.4	250.5	262.7	277.0	286.2	298.5	304.8	310.6	323.9	334.2	1,320.8	2,892.8
	O...	238.2	248.1	257.4	267.0	276.8	286.0	298.7	305.2	311.5	325.4	335.7	1,335.3	2,911.8
Social Security (650)	BA...	390.6	407.2	426.1	445.9	467.0	489.8	514.6	540.9	568.7	599.0	633.6	2,236.0	5,092.8
	O...	390.8	407.3	426.1	445.9	467.0	489.8	514.5	540.9	568.7	599.0	633.6	2,236.1	5,092.8
On-budget	BA...	14.5	14.2	13.8	15.6	16.3	17.1	18.0	18.9	19.9	21.0	22.2	77.0	177.0
	O...	14.7	14.3	13.8	15.6	16.3	17.1	17.9	18.9	19.9	21.0	22.2	77.1	177.0
Off-budget	BA...	376.1	393.0	412.3	430.3	450.7	472.7	496.6	522.0	548.8	578.0	611.4	2,159.0	4,915.8
	O...	376.1	393.0	412.3	430.3	450.7	472.7	496.6	522.0	548.8	578.0	611.4	2,159.0	4,915.8
Veterans Benefits and Services (700)	BA...	43.0	44.7	44.3	44.7	45.9	46.2	48.8	47.3	47.8	48.5	49.1	225.8	467.3
	O...	42.9	45.1	45.0	45.1	46.4	46.7	49.3	47.8	46.2	49.0	49.7	228.3	470.3
Administration of Justice (750)	BA...	26.7	23.4	24.7	24.7	24.6	26.2	26.3	26.4	26.4	26.5	26.5	123.6	255.7
	O...	25.1	25.3	25.1	24.9	24.4	26.1	26.2	26.2	26.3	26.3	26.4	125.8	257.2
General Government (800)	BA...	17.2	12.3	11.9	12.1	12.1	12.1	12.1	12.1	12.2	12.2	12.2	60.5	121.3
	O...	15.7	13.5	12.6	12.3	12.2	12.2	11.9	11.8	11.9	12.1	11.9	62.8	122.4
Net Interest (900)	BA...	229.4	217.7	207.0	196.3	186.4	176.5	165.2	153.3	141.5	128.5	115.4	983.9	1,687.8
	O...	229.4	217.7	207.0	196.3	186.4	176.5	165.2	153.3	141.5	128.5	115.4	983.9	1,687.8
On-budget	BA...	281.8	275.5	271.0	267.4	265.1	263.4	261.0	258.6	257.0	254.7	252.7	1,342.4	2,626.4
	O...	281.8	275.5	271.0	267.4	265.1	263.4	261.0	258.6	257.0	254.7	252.7	1,342.4	2,626.4
Off-budget	BA...	-52.4	-57.8	-64.0	-71.1	-78.7	-86.9	-95.8	-105.3	-115.5	-126.2	-137.3	-358.5	-938.6
	O...	-52.4	-57.8	-64.0	-71.1	-78.7	-86.9	-95.8	-105.3	-115.5	-126.2	-137.3	-358.5	-938.6
Allowances (920)	BA...	0.0	-8.0	-8.5	-6.4	-4.4	-4.5	-4.5	-4.6	-5.2	-5.3	-5.3	-31.8	-56.7
	O...	0.0	-10.1	-12.9	-20.0	-4.8	-5.0	-5.1	-5.2	-5.8	-5.9	-5.9	-52.8	-80.7

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House Resolution
Total Spending and Revenues
(In billions of dollars)

Fiscal year			1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2000-2004	2000-2009
Undistributed Offsetting Receipts (950)		BA ...	-40.1	-42.3	-45.4	-52.7	-46.8	-47.6	-49.4	-50.8	-52.9	-54.6	-56.4	-234.8	-498.9
		O ...	-40.1	-42.3	-45.4	-52.7	-46.8	-47.6	-49.4	-50.8	-52.9	-54.6	-56.4	-234.8	-498.9
	On-budget	BA ...	-32.7	-34.3	-36.9	-43.6	-37.0	-37.1	-38.1	-38.8	-40.1	-40.9	-41.8	-188.9	-388.6
		O ...	-32.7	-34.3	-36.9	-43.6	-37.0	-37.1	-38.1	-38.8	-40.1	-40.9	-41.8	-188.9	-388.6
	Off-budget	BA ...	-7.4	-8.0	-8.5	-9.1	-9.8	-10.5	-11.3	-12.0	-12.8	-13.7	-14.6	-45.9	-110.3
		O ...	-7.4	-8.0	-8.5	-9.1	-9.8	-10.5	-11.3	-12.0	-12.8	-13.7	-14.6	-45.9	-110.3

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FUNCTION SUMMARY -- SENATE-PASSED RESOLUTION
($ billions)

Function		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2000-04	2000-09
050	BA	288.8	303.6	308.2	318.3	327.2	328.4	329.6	330.9	332.2	333.5	1546.0	3200.5
	OT	274.6	285.9	291.7	303.6	313.5	316.7	315.1	313.7	317.1	318.0	1469.3	3049.9
Discr.	BA	290.0	304.8	309.3	319.4	328.1	329.3	330.5	331.8	333.1	334.3	1551.5	3210.5
	OT	275.8	287.1	292.8	304.7	314.4	317.6	316.0	314.6	318.0	318.9	1474.8	3060.0
Mand.	BA	-1.2	-1.1	-1.1	-1.1	-1.0	-0.9	-0.9	-0.9	-0.9	-0.9	-5.5	-10.0
	OT	-1.2	-1.2	-1.1	-1.1	-1.0	-0.9	-0.9	-0.9	-0.9	-0.9	-5.5	-10.0
150	BA	12.5	12.7	12.0	13.6	14.5	14.7	14.8	14.9	15.0	15.0	65.3	139.7
	OT	14.9	15.4	14.8	14.4	14.1	13.8	13.5	13.4	13.2	13.1	73.5	140.4
Discr.	BA	17.7	17.5	17.2	17.0	16.9	16.8	16.7	16.5	16.4	16.3	86.3	169.0
	OT	18.5	19.0	18.2	17.7	17.3	16.9	16.6	16.5	16.3	16.2	90.6	173.1
Mand.	BA	-5.2	-4.7	-5.2	-3.5	-2.4	-2.1	-1.8	-1.6	-1.4	-1.3	-21.0	-29.3
	OT	-3.7	-3.6	-3.4	-3.3	-3.2	-3.1	-3.1	-3.1	-3.1	-3.1	-17.1	-32.7
250	BA	18.0	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	89.6	179.2
	OT	18.2	17.9	17.9	17.8	17.8	17.8	17.8	17.8	17.8	17.8	89.6	178.4
Discr.	BA	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	89.4	178.8
	OT	18.2	17.8	17.8	17.7	17.7	17.7	17.7	17.7	17.7	17.7	89.3	178.0
Mand.	BA	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.4
	OT	0.1	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.4
270	BA	0.0	-1.4	-0.2	-0.1	-0.3	-0.4	-0.5	-0.5	-0.2	-0.1	-2.0	-3.6
	OT	-0.7	-3.1	-1.1	-1.2	-1.4	-1.5	-1.5	-1.4	-1.1	-1.1	-7.5	-14.1
Discr	BA	1.8	0.5	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	8.0	17.5
	OT	2.6	0.8	2.0	1.9	1.9	1.9	1.9	1.9	1.9	1.9	9.3	18.9
Mand	BA	-1.8	-1.9	-2.1	-2.0	-2.2	-2.3	-2.4	-2.4	-2.1	-2.0	-10.0	-21.2
	OT	-3.2	-3.9	-3.2	-3.2	-3.3	-3.4	-3.4	-3.4	-3.1	-3.0	-16.8	-33.0
300	BA	21.7	21.2	20.7	22.5	22.5	22.5	22.6	22.7	22.7	23.0	108.6	222.1
	OT	22.4	21.7	21.0	22.6	22.5	22.4	22.5	22.4	22.4	22.7	110.3	222.7
Discr.	BA	20.9	20.7	20.3	22.0	22.0	22.1	22.1	22.2	22.2	22.2	105.9	216.7
	OT	21.7	21.1	20.6	22.1	22.1	22.1	22.1	22.0	22.0	22.1	107.6	217.9
Mand.	BA	0.8	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.8	2.8	5.4
	OT	0.8	0.7	0.4	0.5	0.4	0.3	0.4	0.4	0.3	0.7	2.7	4.8
350	BA	14.8	13.5	11.3	12.0	12.1	10.6	10.6	10.7	10.8	10.9	63.7	117.2
	OT	13.7	11.3	9.5	10.3	10.5	9.9	9.1	9.1	9.2	9.2	55.3	101.8
Discr.	BA	3.9	3.7	3.7	3.6	3.6	3.6	3.6	3.6	3.6	3.6	18.6	36.8
	OT	4.0	3.8	3.7	3.6	3.6	3.6	3.6	3.6	3.6	3.6	18.7	36.7
Mand.	BA	10.9	9.8	7.6	8.3	8.4	6.9	7.0	7.1	7.1	7.2	45.1	80.4
	OT	9.6	7.5	5.8	6.7	6.9	6.3	5.5	5.5	5.6	5.6	36.5	65.0
370	BA	9.5	10.3	13.8	14.5	13.9	12.7	12.6	12.7	12.6	13.4	62.0	126.0

	OT	4.1	5.4	9.5	10.9	10.4	9.4	9.1	8.9	8.5	8.8	40.4	85.1
Discr.	BA	3.5	2.1	1.7	1.8	1.8	1.8	1.8	1.8	1.8	2.8	11.0	20.9
	OT	3.7	2.2	1.7	1.8	1.7	1.7	1.7	1.8	1.7	2.7	11.2	20.7
Mand.	BA	6.0	8.1	12.1	12.7	12.1	10.9	10.8	10.9	10.8	10.7	51.0	105.1
	OT	0.4	3.2	7.8	9.1	8.7	7.7	7.4	7.1	6.7	6.2	29.2	64.4
400	BA	51.3	51.1	51.5	52.5	52.6	52.6	52.6	52.7	52.7	52.7	259.1	522.4
	OT	45.3	47.7	47.8	46.7	46.2	46.0	46.0	46.0	46.0	46.0	233.7	463.8
Discr.	BA	12.2	11.9	11.3	11.2	11.2	11.2	11.2	11.2	11.2	11.2	57.9	113.9
	OT	43.4	45.4	45.8	44.9	44.5	44.3	44.3	44.3	44.3	44.3	223.9	445.4
Mand.	BA	39.1	39.2	40.2	41.3	41.4	41.4	41.4	41.5	41.5	41.5	201.2	408.5
	OT	1.9	2.3	2.0	1.9	1.7	1.7	1.7	1.7	1.7	1.7	9.8	18.4
450	BA	5.3	2.7	1.9	2.0	2.0	2.0	2.0	2.0	2.0	2.0	14.0	24.1
	OT	10.3	7.5	4.7	3.0	2.1	1.2	0.9	0.8	0.7	0.7	27.5	31.9
Discr.	BA	5.3	2.7	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	14.1	24.1
	OT	10.7	8.0	5.2	3.5	2.6	1.8	1.5	1.4	1.3	1.3	30.1	37.4
Mand.	BA	0.0	-0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-0.1	0.0
	OT	-0.5	-0.5	-0.5	-0.5	-0.5	-0.6	-0.6	-0.6	-0.6	-0.6	-2.5	-5.4
500	BA	67.4	66.5	67.3	73.3	76.6	77.5	78.2	79.1	80.1	80.1	351.2	746.2
	OT	64.0	65.4	66.0	68.5	72.5	75.9	77.2	78.1	79.1	79.1	336.4	725.7
Discr.	BA	52.2	51.2	52.2	56.7	59.7	59.7	59.7	59.7	59.7	58.6	271.8	569.0
	OT	48.7	49.6	50.9	52.3	55.9	58.7	59.2	59.3	59.3	58.3	257.3	552.2
Mand.	BA	15.2	15.4	15.1	16.7	17.0	17.8	18.6	19.5	20.5	21.4	79.4	177.2
	OT	15.3	15.8	15.1	16.3	16.6	17.2	18.0	18.8	19.8	20.7	79.0	173.6
550	BA	156.2	164.1	173.3	184.7	197.9	212.8	228.4	246.3	265.2	285.5	876.2	2114.4
	OT	153.0	162.4	173.8	185.3	198.5	212.6	228.3	245.5	264.4	284.9	872.9	2108.7
Discr.	BA	29.3	27.9	27.7	27.5	27.3	27.0	26.7	26.4	26.1	25.8	139.7	271.7
	OT	28.3	27.4	27.3	27.2	26.9	26.6	26.3	26.0	25.7	25.4	137.1	267.1
Mand.	BA	126.9	136.2	145.6	157.2	170.6	185.8	201.7	219.9	239.1	259.7	736.5	1842.7
	OT	124.7	135.0	146.4	158.1	171.6	186.0	202.0	219.5	238.7	259.5	735.8	1841.6
570	BA	208.7	222.1	230.6	250.7	268.6	295.6	306.8	337.6	365.6	394.1	1180.7	2880.3
	OT	208.7	222.3	230.2	250.9	268.7	295.2	306.9	337.8	365.2	394.2	1180.8	2880.1
Discr.	BA	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	14.9	29.9
	OT	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	14.9	29.8
Mand.	BA	205.7	219.1	227.6	247.8	265.6	292.6	303.8	334.6	362.7	391.1	1165.7	2850.4
	OT	205.7	219.3	227.2	247.9	265.8	292.2	303.9	334.8	362.2	391.3	1165.9	2850.3
600	BA	244.4	250.9	263.6	276.4	285.6	297.9	304.2	310.0	323.3	333.6	1320.8	2889.9
	OT	248.1	257.0	266.6	276.2	285.4	298.1	304.6	310.9	324.8	335.1	1333.3	2906.8
Discr.	BA	28.7	28.3	30.9	34.6	35.2	35.7	36.2	36.7	37.2	37.9	157.6	341.4
	OT	39.4	39.4	39.4	39.3	39.4	39.7	40.0	40.4	40.9	41.4	196.9	399.3
Mand.	BA	215.7	223.6	233.7	242.8	251.4	263.2	269.4	275.3	288.1	297.7	1167.2	2561.0
	OT	208.7	218.3	228.0	237.8	247.0	259.4	266.0	272.4	285.8	295.7	1139.9	2519.1

650	BA	407.2	426.0	445.9	467.0	489.8	514.6	540.9	568.7	599.0	633.6	2235.9	5092.7
	OT	407.3	426.0	445.9	467.0	489.7	514.5	540.8	568.7	599.0	633.6	2235.9	5092.6
Discr.	BA	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	15.8	31.6
	OT	3.3	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	15.9	31.6
Mand.	BA	404.1	422.9	442.7	463.8	486.6	511.4	537.7	565.6	595.8	630.5	2220.1	5061.0
	OT	404.1	422.9	442.7	463.8	486.6	511.4	537.7	565.6	595.8	630.5	2220.1	5061.0
700	BA	46.7	44.3	44.7	45.5	45.9	48.3	46.8	47.4	48.0	48.6	227.1	466.2
	OT	47.1	45.0	45.1	46.0	46.3	48.8	47.4	45.8	48.5	49.2	229.5	469.2
Discr.	BA	22.2	19.1	19.0	19.0	19.0	19.0	18.9	18.9	18.9	18.9	98.4	193.0
	OT	22.4	19.5	19.1	19.1	19.0	18.9	18.9	18.8	18.8	18.8	99.2	193.4
Mand.	BA	24.5	25.1	25.7	26.5	26.9	29.4	27.9	28.5	29.1	29.7	128.7	273.2
	OT	24.6	25.5	26.0	26.9	27.4	29.9	28.5	27.0	29.7	30.4	130.3	275.8
750	BA	23.4	24.7	24.7	24.6	24.5	24.4	24.2	24.1	24.0	23.8	121.8	242.3
	OT	25.3	25.1	24.9	24.4	24.4	24.2	24.1	24.0	23.9	23.7	124.2	244.1
Discr.	BA	23.1	24.4	24.4	24.4	24.4	24.4	24.3	24.3	24.3	24.3	120.8	242.3
	OT	25.1	25.0	24.8	24.4	24.4	24.4	24.3	24.3	24.3	24.3	123.7	245.3
Mand.	BA	0.3	0.2	0.2	0.2	0.1	-0.0	-0.1	-0.2	-0.3	-0.4	1.0	-0.0
	OT	0.2	0.1	0.1	0.0	-0.0	-0.1	-0.2	-0.3	-0.4	-0.5	0.5	-1.1
800	BA	12.3	11.9	12.1	12.1	12.1	12.1	12.1	12.2	12.2	12.2	60.5	121.2
	OT	13.5	12.6	12.3	12.2	12.2	11.9	11.8	11.9	12.1	11.9	62.7	122.3
Discr.	BA	11.4	11.0	11.1	11.1	11.1	11.1	11.1	11.1	11.1	11.1	55.6	111.3
	OT	12.3	11.7	11.4	11.2	11.0	10.9	10.9	10.9	10.9	10.9	57.5	112.0
Mand.	BA	0.9	0.9	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	4.9	10.0
	OT	1.2	0.9	0.9	1.0	1.1	1.0	0.9	1.0	1.2	1.0	5.2	10.3
900	BA	217.9	207.4	196.8	186.9	176.9	165.6	153.9	142.2	129.0	115.7	985.9	1692.3
	OT	217.9	207.4	196.8	186.9	176.9	165.6	153.9	142.2	129.0	115.7	985.9	1692.3
Discr.	BA	--	--	--	--	--	--	--	--	--	--	--	--
	OT	--	--	--	--	--	--	--	--	--	--	--	--
Mand.	BA	217.9	207.4	196.8	186.9	176.9	165.6	153.9	142.2	129.0	115.7	985.9	1692.3
	OT	217.9	207.4	196.8	186.9	176.9	165.6	153.9	142.2	129.0	115.7	985.9	1692.3
920	BA	-10.0	-8.5	-6.4	-4.4	-4.5	-4.5	-4.6	-5.2	-5.3	-5.3	-33.8	-58.8
	OT	-10.1	-12.9	-20.0	-4.8	-5.0	-5.1	-5.2	-5.8	-5.9	-5.9	-52.8	-80.6
Discr.	BA	-10.0	-8.5	-6.4	-4.4	-4.5	-4.5	-4.6	-5.2	-5.3	-5.3	-33.8	-58.8
	OT	-10.1	-12.9	-20.0	-4.8	-5.0	-5.1	-5.2	-5.8	-5.9	-5.9	-52.8	-80.6
Mand.	BA	--	--	--	--	--	--	--	--	--	--	--	--
	OT	--	--	--	--	--	--	--	--	--	--	--	--
950	BA	-42.2	-45.3	-52.8	-47.2	-48.0	-49.8	-51.2	-53.2	-54.9	-56.7	-235.6	-501.4
	OT	-42.2	-45.3	-52.8	-47.2	-48.0	-49.8	-51.2	-53.2	-54.9	-56.7	-235.6	-501.4
Discr.	BA	--	--	--	--	--	--	--	--	--	--	--	--
	OT	--	--	--	--	--	--	--	--	--	--	--	--
Mand.	BA	-42.2	-45.3	-52.8	-47.2	-48.0	-49.8	-51.2	-53.2	-54.9	-56.7	-235.6	-501.4
	OT	-42.2	-45.3	-52.8	-47.2	-48.0	-49.8	-51.2	-53.2	-54.9	-56.7	-235.6	-501.4

Total	BA	1754.0	1795.8	1837.0	1922.7	1987.5	2055.3	2102.0	2173.2	2251.9	2333.5	9297.0	20212.8
	OT	1735.4	1774.7	1804.6	1893.2	1957.3	2027.9	2071.2	2136.5	2218.8	2300.2	9165.2	19919.9
Discr	BA	536.3	541.3	550.4	571.8	583.8	585.0	586.2	587.0	588.2	589.6	2783.5	5719.6
	OT	570.9	571.0	567.0	592.7	603.6	608.0	606.1	603.9	607.0	607.9	2905.3	5938.2
Mand.	BA	1217.7	1255.4	1287.6	1351.9	1404.7	1471.3	1517.3	1588.2	1665.7	1745.8	6517.4	14505.7
	OT	1164.4	1204.3	1238.5	1301.5	1354.7	1420.9	1466.5	1534.4	1613.7	1694.2	6263.5	13993.3
Revenues		1870.0	1923.7	1962.3	2059.3	2135.8	2226.1	2284.6	2365.7	2461.8	2551.8	9951.1	21841.3
Surplus		134.6	149.0	157.6	166.1	178.5	198.2	213.4	229.2	243.0	251.6	785.9	1921.4
On-budget		-6.3	0.7	0.8	1.0	3.9	10.8	16.2	21.6	26.7	29.8	0.1	105.3
Off-budget		140.9	148.3	156.8	165.1	174.6	187.4	197.2	207.7	216.3	221.8	785.8	1816.1

FUNCTION SUMMARY -- CONFERENCE AGREEMENT
($ billions)

Function		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2000-04	2000-09
050	BA	288.8	303.6	308.2	318.3	327.2	328.4	329.6	330.9	332.2	333.5	1546.0	3200.5
	OT	276.6	285.9	291.7	303.6	313.5	316.7	315.1	313.7	317.1	318.0	1471.3	3051.9
Discr.	BA	290.0	304.8	309.3	319.4	328.1	329.3	330.5	331.8	333.1	334.3	1551.5	3210.5
	OT	277.8	287.1	292.8	304.7	314.4	317.6	316.0	314.6	318.0	318.9	1476.8	3062.0
Mand.	BA	-1.2	-1.1	-1.1	-1.1	-1.0	-0.9	-0.9	-0.9	-0.9	-0.9	-5.5	-10.0
	OT	-1.2	-1.2	-1.1	-1.1	-1.0	-0.9	-0.9	-0.9	-0.9	-0.9	-5.5	-10.0
150	BA	12.5	11.7	10.9	12.6	14.0	14.2	14.4	14.4	14.5	14.5	61.7	133.6
	OT	14.9	15.2	14.6	14.0	13.7	13.4	13.1	12.9	12.7	12.6	72.3	136.9
Discr.	BA	17.7	16.4	16.1	16.0	16.4	16.3	16.2	16.0	15.9	15.8	82.7	162.8
	OT	18.5	18.8	18.0	17.3	16.9	16.5	16.2	16.0	15.8	15.7	89.5	169.6
Mand.	BA	-5.2	-4.7	-5.2	-3.5	-2.4	-2.1	-1.8	-1.6	-1.4	-1.3	-21.0	-29.3
	OT	-3.7	-3.6	-3.4	-3.3	-3.2	-3.1	-3.1	-3.1	-3.1	-3.1	-17.1	-32.7
250	BA	18.0	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	89.6	179.2
	OT	18.2	17.9	17.9	17.8	17.8	17.8	17.8	17.8	17.8	17.8	89.6	178.4
Discr.	BA	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	17.9	89.4	178.8
	OT	18.2	17.8	17.8	17.7	17.7	17.7	17.7	17.7	17.7	17.7	89.3	178.0
Mand.	BA	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.4
	OT	0.1	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.4
270	BA	0.0	-1.4	-0.2	-0.1	-0.3	-0.4	-0.5	-0.5	-0.2	-0.1	-2.0	-3.6
	OT	-0.7	-3.1	-1.1	-1.2	-1.4	-1.5	-1.5	-1.4	-1.1	-1.1	-7.5	-14.1
Discr.	BA	1.8	0.5	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	8.0	17.5
	OT	2.6	0.8	2.0	1.9	1.9	1.9	1.9	1.9	1.9	1.9	9.3	18.9
Mand.	BA	-1.8	-1.9	-2.1	-2.0	-2.2	-2.3	-2.4	-2.4	-2.1	-2.0	-10.0	-21.2
	OT	-3.2	-3.9	-3.2	-3.2	-3.3	-3.4	-3.4	-3.4	-3.1	-3.0	-16.8	-33.0
300	BA	22.8	21.8	21.6	22.5	23.0	23.0	23.1	23.2	23.2	23.5	111.7	227.7
	OT	22.6	21.9	21.2	22.6	23.0	22.9	23.0	22.9	22.9	23.2	111.3	226.2
Discr.	BA	22.0	21.3	21.1	22.0	22.5	22.6	22.6	22.7	22.7	22.7	109.0	222.3
	OT	21.9	21.2	20.8	22.1	22.6	22.6	22.6	22.5	22.5	22.6	108.7	221.5
Mand.	BA	0.8	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.8	2.8	5.4
	OT	0.8	0.7	0.4	0.5	0.4	0.3	0.4	0.4	0.3	0.7	2.7	4.8

350	BA	14.3	13.5	11.8	12.0	12.1	10.6	10.6	10.7	10.8	10.9	63.7	117.2
	OT	13.2	11.3	10.0	10.3	10.5	9.9	9.1	9.1	9.2	9.2	55.3	101.7
Discr.	BA	3.9	3.7	3.7	3.6	3.6	3.6	3.6	3.6	3.6	3.6	18.6	36.8
	OT	4.0	3.8	3.7	3.6	3.6	3.6	3.6	3.6	3.6	3.6	18.7	36.7
Mand.	BA	10.4	9.8	8.1	8.3	8.4	6.9	7.0	7.1	7.1	7.2	45.1	80.4
	OT	9.1	7.5	6.3	6.7	6.9	6.3	5.5	5.5	5.6	5.6	36.5	65.0
370	BA	9.5	10.3	13.8	14.5	13.9	12.7	12.6	12.7	12.6	13.4	62.0	126.0
	OT	4.1	5.4	9.5	10.9	10.4	9.4	9.1	8.9	8.5	8.8	40.4	85.1
Discr.	BA	3.5	2.1	1.7	1.8	1.8	1.8	1.8	1.8	1.8	2.8	11.0	20.9
	OT	3.7	2.2	1.7	1.8	1.7	1.7	1.7	1.8	1.7	2.7	11.2	20.7
Mand.	BA	6.0	8.1	12.1	12.7	12.1	10.9	10.8	10.9	10.8	10.7	51.0	105.1
	OT	0.4	3.2	7.8	9.1	8.7	7.7	7.4	7.1	6.7	6.2	29.2	64.4
370 on-budget	*BA*	*9.7*	*10.6*	*14.5*	*14.5*	*13.9*	*12.7*	*12.6*	*12.7*	*12.6*	*13.4*	*63.1*	*127.1*
	OT	*4.3*	*5.8*	*10.2*	*10.9*	*10.4*	*9.4*	*9.1*	*8.9*	*8.5*	*8.8*	*41.5*	*86.2*
Discr.	*BA*	*3.5*	*2.1*	*1.7*	*1.8*	*1.8*	*1.8*	*1.8*	*1.8*	*1.8*	*2.8*	*11.0*	*20.9*
	OT	*3.7*	*2.2*	*1.7*	*1.8*	*1.7*	*1.7*	*1.7*	*1.8*	*1.7*	*2.7*	*11.2*	*20.7*
Mand.	*BA*	*6.1*	*8.5*	*12.7*	*12.7*	*12.1*	*10.9*	*10.8*	*10.9*	*10.8*	*10.7*	*52.1*	*106.2*
	OT	*0.6*	*3.5*	*8.5*	*9.1*	*8.7*	*7.7*	*7.4*	*7.1*	*6.7*	*6.2*	*30.4*	*65.6*
400	BA	51.8	51.0	50.8	52.3	52.3	52.3	52.3	52.4	52.4	52.4	258.2	520.1
	OT	45.8	47.7	47.3	46.8	46.3	46.1	46.0	46.0	46.1	46.1	233.8	464.1
Discr.	BA	12.2	11.9	11.3	11.2	11.2	11.2	11.2	11.2	11.2	11.2	57.9	113.9
	OT	43.4	45.4	45.8	44.9	44.5	44.3	44.3	44.3	44.3	44.3	223.9	445.4
Mand.	BA	39.6	39.1	39.5	41.0	41.1	41.1	41.1	41.2	41.2	41.2	200.3	406.2
	OT	2.4	2.3	1.5	1.9	1.8	1.7	1.7	1.7	1.8	1.8	9.9	18.7
450	BA	6.4	4.0	3.6	3.9	3.8	3.8	3.8	3.8	3.8	3.8	21.7	40.7
	OT	10.5	8.3	5.9	4.5	3.8	3.0	2.7	2.6	2.5	2.5	33.0	46.3
Discr.	BA	6.4	4.1	3.7	3.8	3.8	3.8	3.8	3.8	3.8	3.8	21.7	40.7
	OT	10.9	8.8	6.4	5.1	4.3	3.6	3.3	3.2	3.1	3.1	35.5	51.8
Mand.	BA	0.0	-0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-0.1	0.0
	OT	-0.5	-0.5	-0.5	-0.5	-0.5	-0.6	-0.6	-0.6	-0.6	-0.6	-2.5	-5.4
500	BA	66.3	66.0	66.5	71.0	73.3	74.1	74.9	75.8	76.8	76.7	343.1	721.3
	OT	63.8	64.6	64.8	67.5	70.2	72.7	73.8	74.7	75.7	75.7	330.8	703.5
Discr.	BA	51.1	50.6	51.3	54.3	56.3	56.3	56.3	56.3	56.3	55.2	263.7	544.1
	OT	48.5	48.8	49.7	51.2	53.6	55.5	55.9	55.9	55.9	54.9	251.8	530.0
Mand.	BA	15.2	15.4	15.1	16.7	17.0	17.8	18.6	19.5	20.5	21.4	79.4	177.2
	OT	15.3	15.8	15.1	16.3	16.6	17.2	18.0	18.8	19.8	20.7	79.0	173.6

550	BA	156.2	164.1	173.3	184.7	197.9	212.8	228.4	246.3	265.2	285.5	876.2	2114.4
	OT	153.0	162.4	173.8	185.3	198.5	212.6	228.3	245.5	264.4	284.9	872.9	2108.7
Discr.	BA	29.3	27.9	27.7	27.5	27.3	27.0	26.7	26.4	26.1	25.8	139.7	271.7
	OT	28.3	27.4	27.3	27.2	26.9	26.6	26.3	26.0	25.7	25.4	137.1	267.1
Mand.	BA	126.9	136.2	145.6	157.2	170.6	185.8	201.7	219.9	239.1	259.7	736.5	1842.7
	OT	124.7	135.0	146.4	158.1	171.6	186.0	202.0	219.5	238.7	259.5	735.8	1841.6
570	BA	208.7	222.1	230.6	250.7	268.6	295.6	306.8	337.6	365.6	394.1	1180.7	2880.3
	OT	208.7	222.3	230.2	250.9	268.7	295.2	306.9	337.8	365.2	394.2	1180.8	2880.1
Discr.	BA	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	14.9	29.9
	OT	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	14.9	29.8
Mand.	BA	205.7	219.1	227.6	247.8	265.6	292.6	303.8	334.6	362.7	391.1	1165.7	2850.4
	OT	205.7	219.3	227.2	247.9	265.8	292.2	303.9	334.8	362.2	391.3	1165.9	2850.3
600	BA	244.4	250.5	263.0	276.4	286.1	298.4	304.7	310.5	323.8	334.1	1320.3	2891.8
	OT	248.1	257.0	266.6	276.2	285.5	298.4	305.1	311.4	325.3	335.6	1333.4	2909.2
Discr.	BA	28.7	27.9	30.3	34.6	35.2	35.7	36.2	36.7	37.2	37.9	156.6	340.3
	OT	39.4	39.4	39.4	39.3	39.4	39.7	40.0	40.4	40.9	41.4	196.9	399.3
Mand.	BA	215.7	222.6	232.7	241.8	250.9	262.7	268.4	273.8	286.6	296.2	1163.7	2551.5
	OT	208.7	217.6	227.2	236.8	246.2	258.7	265.1	271.1	284.4	294.2	1136.5	2510.0
650	BA	407.2	426.0	445.9	467.0	489.8	514.6	540.9	568.7	599.0	633.6	2235.9	5092.7
	OT	407.3	426.0	445.9	467.0	489.7	514.5	540.8	568.7	599.0	633.6	2235.9	5092.6
Discr.	BA	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	15.8	31.6
	OT	3.3	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	15.9	31.6
Mand.	BA	404.1	422.9	442.7	463.8	486.6	511.4	537.7	565.6	595.8	630.5	2220.1	5061.0
	OT	404.1	422.9	442.7	463.8	486.6	511.4	537.7	565.6	595.8	630.5	2220.1	5061.0
650 on-budget	*BA*	*14.2*	*13.8*	*15.6*	*16.3*	*17.1*	*18.0*	*18.9*	*19.9*	*21.0*	*22.2*	*77.0*	*177.0*
	OT	*14.3*	*13.8*	*15.6*	*16.3*	*17.1*	*17.9*	*18.9*	*19.9*	*21.0*	*22.2*	*77.0*	*176.9*
Discr.	*BA*	*3.2*	*3.2*	*3.2*	*3.2*	*3.2*	*3.2*	*3.2*	*3.2*	*3.2*	*3.2*	*15.8*	*31.6*
	OT	*3.3*	*3.1*	*3.1*	*3.1*	*3.1*	*3.1*	*3.1*	*3.1*	*3.1*	*3.1*	*15.9*	*31.6*
Mand.	*BA*	*11.1*	*10.6*	*12.4*	*13.1*	*13.9*	*14.8*	*15.7*	*16.7*	*17.9*	*19.1*	*61.1*	*145.4*
	OT	*11.1*	*10.6*	*12.4*	*13.1*	*13.9*	*14.8*	*15.7*	*16.7*	*17.9*	*19.1*	*61.1*	*145.4*
700	BA	45.4	44.3	44.7	45.9	46.2	48.8	47.3	47.8	48.5	49.1	226.6	468.0
	OT	45.6	45.0	45.1	46.4	46.7	49.3	47.8	46.2	49.0	49.7	228.8	470.8
Discr.	BA	20.9	19.1	19.0	19.0	19.0	19.0	18.9	18.9	18.9	18.9	97.1	191.7
	OT	20.9	19.5	19.1	19.1	19.0	18.9	18.9	18.8	18.8	18.8	97.7	191.9
Mand.	BA	24.5	25.1	25.7	26.9	27.3	29.8	28.3	28.9	29.6	30.2	129.4	276.3
	OT	24.6	25.5	26.0	27.3	27.7	30.4	28.9	27.4	30.2	30.9	131.1	278.9

750	BA	23.4	24.7	24.7	24.6	26.2	26.3	26.4	26.4	26.5	26.5	123.5	255.5
	OT	25.3	25.1	24.9	24.4	26.1	26.2	26.2	26.3	26.3	26.4	125.9	257.4
Discr.	BA	23.1	24.4	24.4	24.4	24.4	24.4	24.3	24.3	24.3	24.3	120.8	242.3
	OT	25.1	25.0	24.8	24.4	24.4	24.4	24.3	24.3	24.3	24.3	123.7	245.3
Mand.	BA	0.3	0.2	0.2	0.2	1.8	2.0	2.0	2.1	2.2	2.2	2.7	13.2
	OT	0.2	0.1	0.1	0.0	1.7	1.9	1.9	2.0	2.1	2.1	2.2	12.1
800	BA	12.3	11.9	12.1	12.1	12.1	12.1	12.1	12.2	12.2	12.2	60.5	121.2
	OT	13.5	12.6	12.3	12.2	12.2	11.9	11.8	11.9	12.1	11.9	62.7	122.3
Discr.	BA	11.4	11.0	11.1	11.1	11.1	11.1	11.1	11.1	11.1	11.1	55.6	111.3
	OT	12.3	11.7	11.4	11.2	11.0	10.9	10.9	10.9	10.9	10.9	57.5	112.0
Mand.	BA	0.9	0.9	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	4.9	10.0
	OT	1.2	0.9	0.9	1.0	1.1	1.0	0.9	1.0	1.2	1.0	5.2	10.3
900	BA	217.7	207.1	196.4	186.5	176.6	165.4	153.7	142.0	128.9	115.6	984.3	1689.9
	OT	217.7	207.1	196.4	186.5	176.6	165.4	153.7	142.0	128.9	115.6	984.3	1689.9
Discr.	BA	--	--	--	--	--	--	--	--	--	--	--	--
	OT	--	--	--	--	--	--	--	--	--	--	--	--
Mand.	BA	217.7	207.1	196.4	186.5	176.6	165.4	153.7	142.0	128.9	115.6	984.3	1689.9
	OT	217.7	207.1	196.4	186.5	176.6	165.4	153.7	142.0	128.9	115.6	984.3	1689.9
900 on-budget	*BA*	*275.5*	*271.1*	*267.5*	*265.2*	*263.5*	*261.1*	*259.0*	*257.5*	*255.1*	*253.0*	*1342.7*	*2628.4*
	OT	*275.5*	*271.1*	*267.5*	*265.2*	*263.5*	*261.1*	*259.0*	*257.5*	*255.1*	*253.0*	*1342.7*	*2628.4*
Discr.	*BA*	--	--	--	--	--	--	--	--	--	--	--	--
	OT	--	--	--	--	--	--	--	--	--	--	--	--
Mand.	*BA*	*275.5*	*271.1*	*267.5*	*265.2*	*263.5*	*261.1*	*259.0*	*257.5*	*255.1*	*253.0*	*1342.7*	*2628.4*
	OT	*275.5*	*271.1*	*267.5*	*265.2*	*263.5*	*261.1*	*259.0*	*257.5*	*255.1*	*253.0*	*1342.7*	*2628.4*
920	BA	-9.8	-8.5	-6.4	-4.4	-4.5	-4.5	-4.6	-5.2	-5.3	-5.3	-33.6	-58.6
	OT	-10.8	-12.9	-20.0	-4.8	-5.0	-5.1	-5.2	-5.8	-5.9	-5.9	-53.5	-81.3
Discr.	BA	-9.8	-8.5	-6.4	-4.4	-4.5	-4.5	-4.6	-5.2	-5.3	-5.3	-33.6	-58.6
	OT	-10.8	-12.9	-20.0	-4.8	-5.0	-5.1	-5.2	-5.8	-5.9	-5.9	-53.5	-81.3
Mand.	BA	--	--	--	--	--	--	--	--	--	--	--	--
	OT	--	--	--	--	--	--	--	--	--	--	--	--
950	BA	-42.3	-45.3	-52.8	-46.9	-47.8	-49.8	-51.4	-53.6	-55.6	-57.6	-235.1	-503.1
	OT	-42.3	-45.3	-52.8	-46.9	-47.8	-49.8	-51.4	-53.6	-55.6	-57.6	-235.1	-503.1
Discr.	BA	--	--	--	--	--	--	--	--	--	--	--	--
	OT	--	--	--	--	--	--	--	--	--	--	--	--
Mand.	BA	-42.3	-45.3	-52.8	-46.9	-47.8	-49.8	-51.4	-53.6	-55.6	-57.6	-235.1	-503.1
	OT	-42.3	-45.3	-52.8	-46.9	-47.8	-49.8	-51.4	-53.6	-55.6	-57.6	-235.1	-503.1

950 on-budget	*BA*	-34.3	-36.9	-43.7	-37.1	-37.3	-38.5	-39.4	-40.9	-41.9	-43.0	-189.2	-392.9
	OT	-34.3	-36.9	-43.7	-37.1	-37.3	-38.5	-39.4	-40.9	-41.9	-43.0	-189.2	-392.9
Discr.	*BA*	--	--	--	--	--	--	--	--	--	--	--	--
	OT	--	--	--	--	--	--	--	--	--	--	--	--
Mand.	*BA*	-34.3	-36.9	-43.7	-37.1	-37.3	-38.5	-39.4	-40.9	-41.9	-43.0	-189.2	-392.9
	OT	-34.3	-36.9	-43.7	-37.1	-37.3	-38.5	-39.4	-40.9	-41.9	-43.0	-189.2	-392.9
Total	BA	1753.8	1795.2	1836.4	1921.3	1988.2	2056.1	2102.8	2173.9	2252.7	2334.3	9294.8	20214.7
	OT	1735.2	1774.3	1804.2	1893.7	1959.0	2029.1	2072.4	2137.7	2220.0	2301.4	9166.4	19926.9
Discr.	BA	536.3	541.3	550.4	570.2	582.2	583.4	584.6	585.4	586.6	588.1	2780.4	5708.5
	OT	570.9	571.0	567.0	592.8	603.1	606.6	604.6	602.3	605.4	606.4	2904.9	5930.2
Mand.	BA	1217.5	1253.9	1286.0	1351.1	1405.9	1472.7	1518.2	1588.6	1666.1	1746.2	6514.4	14506.1
	OT	1164.2	1203.2	1237.2	1300.9	1355.9	1422.5	1467.8	1535.3	1614.5	1695.0	6261.5	13996.7
Total on-budget	*BA*	*1426.7*	*1455.8*	*1486.9*	*1559.1*	*1612.9*	*1666.7*	*1698.2*	*1753.3*	*1814.5*	*1874.8*	*7541.4*	*16348.9*
	OT	*1408.1*	*1434.8*	*1454.8*	*1531.5*	*1583.8*	*1639.6*	*1667.8*	*1717.0*	*1781.9*	*1841.9*	*7412.9*	*16061.1*
Discr.	*BA*	*536.3*	*541.3*	*550.4*	*570.2*	*582.2*	*583.4*	*584.6*	*585.4*	*586.6*	*588.1*	*2780.4*	*5708.5*
	OT	*570.9*	*571.0*	*567.0*	*592.8*	*603.1*	*606.6*	*604.6*	*602.3*	*605.4*	*606.4*	*2904.9*	*5930.2*
Mand.	*BA*	*890.4*	*914.5*	*936.5*	*988.9*	*1030.7*	*1083.2*	*1113.6*	*1167.9*	*1227.9*	*1286.7*	*4761.0*	*10640.4*
	OT	*837.1*	*863.8*	*887.7*	*938.7*	*980.7*	*1033.0*	*1063.2*	*1114.7*	*1176.4*	*1235.5*	*4508.1*	*10130.9*
Revenues		1876.1	1922.6	1961.1	2058.8	2134.8	2225.1	2283.3	2363.9	2459.9	2549.8	9953.4	21835.5
On-budget		*1408.1*	*1434.8*	*1454.8*	*1531.5*	*1585.0*	*1648.3*	*1681.4*	*1735.6*	*1805.5*	*1868.5*	*7414.2*	*16153.5*
Surplus		140.9	148.3	156.8	165.1	175.8	196.0	210.8	226.3	239.9	248.5	787.0	1908.6
On-budget		--	--	--	--	1.2	8.7	13.6	18.6	23.7	26.6	1.2	92.4

Economic Assumptions

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is built upon the economic forecasts developed by the Congressional Budget Office and presented in CBO's "The Economic and Budget Outlook: Fiscal Years 2000-2009" (January 1999). A modification was made to near-term real GDP growth, however, to reflect recent economic strength.

House Resolution.—The House modified CBO's economic assumptions to reflect the near-term strength of economy which became evident after CBO completed its winter forecast. The assumption for 1999 real GDP growth was increased from 2.3 percent to 2.4 percent, while the assumption for 2000 real GDP growth was boosted from 1.7 percent to 2.0 percent. In both cases, the modified GDP growth rate assumptions are well below Blue Chip's current forecasts. These changes boosted revenues slightly relative to the CBO baseline in 1999, 2000 and 2001.

Senate Amendment.—CBO's economic assumptions were used.

Conference Agreement.—House economic assumptions were used, with minor technical adjustments.

ECONOMIC ASSUMPTIONS

[By calendar years]

	1999	2000	2001	2002	2003	2004
Percent change, year over year:						
Real GDP	2.4	2.0	2.2	2.4	2.4	2.4
Consumer Price Index	2.5	2.6	2.6	2.6	2.6	2.6
GDP Price Index	1.7	2.0	2.1	2.1	2.1	2.1
Percent, annual:						
Unemployment rate	4.6	5.1	5.4	5.6	5.7	5.7
Three-month Treasury bill rate	4.5	4.5	4.5	4.5	4.5	4.5
Ten-Year Treasury bond rate	5.1	5.3	5.4	5.4	5.4	5.4

Functions and Revenues

FUNCTION 050, NATIONAL DEFENSE

Major Programs in Function.—Function 050, National Defense, totals $270.7 billion in budget authority [BA] and $268.7 billion in outlays for 1999, excluding one time emergencies enacted in the 105th Congress. This budget function includes funding for the Department of Defense (95 percent of function total), defense activities of the Department of Energy (5 percent), and small amounts expended by the Selective Service, the General Services Administration, the Departments of Transportation and Justice, and other federal agencies.

House Resolution.—The House resolution sets forth $288.8 billion in BA and $276.6 billion in outlays in fiscal year 2000; $1,546.1 billion in BA and $1,471.3 billion in outlays over 5 fiscal years; and $3,200.5 billion in BA and $3,051.9 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $288.8 billion in BA and $274.6 billion in outlays in fiscal year 2000; $1,546.0 billion in BA and $1,469.3 billion in outlays over 5 fiscal years; and $3,200.5 billion in BA and $3,050.0 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $288.8 billion in BA and $276.6 billion in outlays in fiscal year 2000; $1,546.0 billion in BA and $1,471.3 billion in outlays over 5 fiscal years; and $3,200.5 billion in BA and $3,051.9 billion in outlays over 10 fiscal years.

FUNCTION 150: INTERNATIONAL AFFAIRS

Major Programs in Function.—Function 150, International Affairs, totals about $13.7 billion in BA and $14.4 billion in outlays for 1999, excluding emergencies and other one-time spending increases including contributions to the International Monetary Fund and arrears to international organizations. This function includes funding for operation of the foreign affairs establishment including embassies and other diplomatic missions abroad, foreign aid loan and technical assistance activities in developing countries, security assistance to foreign governments, activities of the Foreign Military Sales Trust Fund, U.S. contributions to international financial institutions, Export-Import Bank and other trade promotion activities, and refugee assistance.

House Resolution.—The House resolution sets forth $11.2 billion in BA and $14.5 billion in outlays in fiscal year 2000; $56.7 billion in BA and $70.8 billion in outlays over 5 fiscal years; and $126.1 billion in BA and $133.0 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $12.5 billion in BA and $14.9 billion in outlays in fiscal year 2000; $65.3 billion in BA and $73.5 billion in outlays over 5 fiscal years; and $139.7 billion in BA and $140.4 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $12.5 billion in BA and $14.9 billion in outlays in fiscal year 2000; $61.7 billion in BA and $72.3 billion in outlays over 5 fiscal years; and $133.6 billion in BA and $136.9 billion in outlays over 10 fiscal years.

FUNCTION 250: GENERAL SCIENCE, SPACE, AND TECHNOLOGY

Major Programs in Function.—Function 250, General Science, Space & Technology, totals $18.8 billion in BA and $18.2 billion in outlays for 1999. This function includes the National Aeronautics and Space Administration (NASA) civilian space program and basic research programs of the National Science Foundation (NSF) and the Department of Energy (DOE):

House Resolution.—The House resolution sets forth $18.0 billion in BA and $18.2 billion in outlays in fiscal year 2000; $89.6 billion in BA and $89.6 billion in outlays over 5 fiscal years; and $179.2 billion in BA and $178.4 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $18.0 billion in BA and $18.2 billion in outlays in fiscal year 2000; $89.6 billion in BA and $89.6 billion in outlays over 5 fiscal years; and $179.2 billion in BA and $178.4 billion in outlays over 10 fiscal years.

Conference Amendment.—The Conference Agreement sets forth $18.0 billion in BA and $18.2 billion in outlays in fiscal year 2000; $89.6 billion in BA and $89.6 billion in outlays over 5 fiscal years; and $179.2 billion in BA and $178.4 billion in outlays over 10 fiscal years.

FUNCTION 270: ENERGY

Major Programs in Function.—Function 270, Energy, totals about $1.1 billion in BA and $677 million in outlays for 1999. This function includes civilian activities of the Department of Energy, the Rural Utilities Service, the power programs of the Tennessee Valley Authority (TVA), and the Nuclear Regulatory Commission (NRC). Mandatory spending in this function contains large levels of offsetting receipts, resulting in net mandary spending of −$1.8 billion in BA and −$2.6 billion in outlays for 1999. Congress provided $3.0 billion in discretionary BA for 1999.

House Resolution.—The House resolution sets forth $0.0 billion in BA and −$0.7 billion in outlays in fiscal year 2000; −$2.0 billion in BA and −$7.5 billion in outlays over 5 fiscal years; and −$3.6 billion in BA and $14.1 billion in outlays over 10 fiscal years.

Senate Amendment.—The House resolution sets forth $0.0 billion in BA and −$0.7 billion in outlays in fiscal year 2000; −$2.0 billion in BA and −$7.5 billion in outlays over 5 fiscal years; and −$3.6 billion in BA and $14.1 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $49 million in BA and −$0.7 billion in outlays in fiscal year 2000; −$2.0 billion in BA and −$7.5 billion in outlays over 5 fiscal years; and −$3.6 billion in BA and $14.1 billion in outlays over 10 fiscal years.

FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

Major Programs in Function.—function 300, Natural Resources and Environment, totals about $23.9 billion in BA and $23.3 billion in outlays for 1999, excluding emergency and other one-time spending items. This function includes funding for water resources, conservation and land management, recreation resources, and pollution control and abatement. Agencies with major program activities within the function include the Environmental Protection Agency (EPA), the Army Corps of Engineers, the National Oceanic and Atmospheric Administration (NOAA), the Forest Service (within the Department of Agriculture), and the Department of the Interior, including the National Park Service, the Fish and Wildlife Service, the U.S. Geological Survey, the Bureau of Land Management and the Bureau of Reclamation, among others.

House Resolution.—The House resolution sets forth $22.8 billion in BA and $22.6 billion in outlays in fiscal year 2000; $113.7 billion in BA and $112.2 billion in outlays over 5 fiscal years; and $232.2 billion in BA and $229.6 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $21.7 billion in BA and $22.4 billion in outlays in fiscal year 2000; $108.6 billion in BA and $110.3 billion in outlays over 5 fiscal years; and $222.1 billion in BA and $222.7 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $22.8 billion in BA and $22.6 billion in outlays in fiscal year 2000; $111.7 billion in BA and $111.3 billion in outlays over 5 fiscal years; and $227.7 billion in BA and $226.2 billion in outlays over 10 fiscal years.

FUNCTION 350: AGRICULTURE

Major Programs in Function.—Function 350, Agriculture, totals about $16.8 billion in BA and $14.9 billion in outlays for 1999, excluding one-time emergency spending provided for natural disasters and export market losses. This function includes funding for federal programs intended to promote the economic stability of agriculture through direct assistance and loans to food and fiber producers, provide regulatory, inspection and reporting services for agricultural markets, and promote research and education in agriculture and nutrition.

House Resolution.—The House resolution sets forth $14.3 billion in BA and $13.2 billion in outlays in fiscal year 2000; $63.7 billion in BA and $55.3 billion in outlays over 5 fiscal years; and $117.2 billion in BA and $101.7 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $14.8 billion in BA and $13.7 billion in outlays in fiscal year 2000; $63.7 billion in BA and $55.3 billion in outlays over 5 fiscal years: and $117.2 billion in BA and $101.7 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $14.3 billion in BA and $13.2 billion in outlays in fiscal year 2000; $63.7 billion in BA and $55.3 billion in outlays over 5 fiscal years; and $117.2 billion in BA and $101.7 billion in outlays over 10 fiscal years.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

Major Programs in Function.—Function 370, Commerce and Housing Credit, totals about $1.9 billion in BA and $0.8 billion in outlays for 1999. This function includes funding for discretionary housing programs, such as subsidies for single and multifamily housing in rural areas and mortgage insurance provided by the Federal Housing Administration; net spending by the Postal Service; discretionary funding for commerce programs, such as international trade and exports, science and technology, the census, and small business; and mandatory spending for deposit insurance activities related to banks, savings and loans, and credit unions.

House Resolution.—For on-budget amounts, the House resolution sets forth $9.9 billion in BA and $4.5 billion in outlays in fiscal year 2000; $63.3 billion in BA and $41.7 billion in outlays over 5 fiscal years; and $127.4 billion in BA and $86.4 billion in outlays over 10 fiscal years.

Senate Amendment.—For on-budget amounts, the Senate amendment sets forth $9.7 billion in BA and $4.3 billion in outlays in fiscal year 2000; $63.1 billion in BA and $41.5 billion in outlays over 5 fiscal years; and $127.1 billion in BA and $86.2 billion in outlays over 10 fiscal years. For off-budget amounts, the Senate amendment sets forth −$0.2 billion in BA and outlays in 2000; −$1.2 billion in BA and outlays over 5 fiscal years; and −$1.2 billion in BA and outlays over 10 fiscal years.

Conference Agreement.— For on-budget amounts, the Conference Agreement sets forth $9.7 billion in BA and $4.3 billion in outlays in fiscal year 2000; $63.1 billion in BA and $41.5 billion in outlays over 5 fiscal years; and $127.1 billion in BA and $86.2 billion in outlays over 10 fiscal years.

FUNCTION 400: TRANSPORTATION

Major Programs in Function.—Function 400, Transportation, totals $50.8 billion in BA and $43.8 billion in outlays for 1999, excluding one-time emergency spending provided for the Federal Aviation Administration and the Coast Guard. This function includes ground transportation programs, such as the federal-aid highway program, mass transit, and the National Rail Passenger Corporation (Amtrak); air transportation through the Federal Aviation Administration (FAA) airport improvement program, facilities and equipment program, and operation of the air traffic control system; water transportation through the Coast Guard and Maritime Administration; the Surface Transportation Board; the National Transportation Safety Board; and related transportation safety and support activities within the Department of Transportation.

House Resolution.—The House resolution sets forth $51.8 billion in BA and $45.8 billion in outlays in fiscal year 2000; $258.1 billion in BA and $233.8 billion in outlays over 5 fiscal years; and $520.0 billion in BA and $464.1 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $51.3 billion in BA and $45.3 billion in outlays in fiscal year 2000; $259.1 billion in BA and $233.7 billion in outlays over 5 fiscal years; and $522.4 billion in BA and $463.8 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $51.8 billion in BA and $45.8 billion in outlays in fiscal year 2000; $258.2 billion in BA and $233.8 billion in outlays over 5 fiscal years; and $520.1 billion in BA and $464.1 billion in outlays over 10 fiscal years.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

Major Programs in Function.—Function 450, Community and Regional Development, totals about $8.8 billion in BA and $11.7 billion in outlays for 1999, excluding emergency funding and other one-time appropriations. This function includes funding for community and regional development and disaster relief. The function includes the Appalachian Regional Commission (ARC), non-power programs of the Tennessee Valley Authority (TVA), the Federal Emergency Management Agency (FEMA), the Economic Development Administration (EDA) within the Commerce Department, and portions of the Department of Housing and Urban Development, the Bureau of Indian Affairs, and the Department of Agriculture.

House Resolution.—The House resolution sets forth $7.4 billion in BA and $10.7 billion in outlays in fiscal year 2000; $29.3 billion in BA and $38.4 billion in outlays over 5 fiscal years; and $57.3 billion in BA and $60.7 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $5.3 billion in BA and $10.3 billion in outlays in fiscal year 2000; $14.0 billion in BA and $27.5 billion in outlays over 5 fiscal years; and $24.1 billion in BA and $31.9 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $6.4 billion in BA and $10.5 billion in outlays in fiscal year 2000; $21.7 billion in BA and $33.0 billion in outlays over 5 fiscal years; and $40.7 billion in BA and $46.3 billion in outlays over 10 fiscal years.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Major Programs in Function.—Function 500, Education, Training, Employment and Social Services totals about $61 billion in BA and $59.8 billion in outlays for 1999, excluding one-time emergency spending items. This function includes funding for elementary and secondary, vocational, and higher education; job training; children and family services programs; adoption and foster care assistance; statistical analysis and research related to these areas; and funding for the arts and humanities.

House Resolution.—The House resolution sets forth $65.3 billion in BA and $63.6 billion in outlays in fiscal year 2000; $335.0 billion in BA and $325.3 billion in outlays over 5 fiscal years; and $696.3 billion in BA and $681.3 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendments sets forth $67.4 billion in BA and $64.0 billion in outlays in fiscal year 2000; $351.2 billion in BA and $336.4 billion in outlays over 5 fiscal years; and $746.2 billion in BA and $725.7 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $66.3 billion in BA and $63.8 billion in outlays in fiscal year 2000; $343.1 billion in BA and $330.8 billion in outlays over 5 fiscal years; and $721.3 billion in BA and $703.5 billion in outlays over 10 fiscal years. The Conference agreement provides that an additional $0.5 billion is available for funding the Individuals with Disabilities Education Act for fiscal year 2000.

FUNCTION 550: HEALTH

Major Programs in Function.—Function 550, Health, totals about $147.3 billion in BA and $140.6 billion in outlays for 1999, excluding one-time emergency spending. This function covers all health spending except that for Medicare, military health, and veterans' health. The major programs include Medicaid, the State Children's Health Insurance Program, health benefits for federal workers and retirees, the National Institutes of Health, the Food and Drug Administration, the Health Resources and Services Administration, Indian Health Services, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration.

House Resolution.—The House resolution sets forth $156.2 billion in BA and $153.0 billion in outlays in fiscal year 2000; $876.2 billion in BA and $873.0 billion in outlays over 5 fiscal years; and $2,114.4 billion in BA and $2,108.7 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $156.2 billion in BA and $153.0 billion in outlays in fiscal year 2000; $876.2 billion in BA and $872.9 billion in outlays over 5 fiscal years; and $2,114.4 billion in BA and $2,108.7 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $156.2 billion in BA and $153.0 billion in outlays in fiscal year 2000; $876.2 billion in BA and $872.9 billion in outlays over 5 fiscal years; and $2,114.4 billion in BA and $2,108.7 billion in outlays over 10 fiscal years.

FUNCTION 570: MEDICARE

Major Programs in Function.—Function 570, Medicare, totals about $195.2 billion in BA and $194.6 billion in outlays for 1999.

House Resolution.—The House resolution sets forth $208.7 billion in BA and $208.7 billion in outlays in fiscal year 2000; $1,180.7 billion in BA and $1,180.8 billion in outlays over 5 fiscal years; and $2,880.3 billion in BA and $2,880.1 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $208.7 billion in BA and $208.7 billion in outlays in fiscal year 2000; $1,180.7 billion in BA and $1,180.8 billion in outlays over 5 fiscal years; and $2,880.3 billion in BA and $2,880.1 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $208.7 billion in BA and $208.7 billion in outlays in fiscal year 2000; $1,180.7 billion in BA and $1,180.8 billion in outlays over 5 fiscal years; and $2,880.3 billion in BA and $2,880.1 billion in outlays over 10 fiscal years.

FUNCTION 600: INCOME SECURITY

Major Programs in Function.—Function 600, Income Security, totals $234.6 billion in BA and $237.8 billion in outlays for 1999, excluding spending which requires a cap adjustment or is for an emergency. This function contains: 1) major cash and in-kind means-tested entitlements; 2) general retirement, disability, and pension programs excluding Social Security and Veterans' compensation programs; 3) federal and military retirement programs; 4) unemployment compensation; 5) low-income housing programs; and 6) other low-income support programs. Function 600 is the third largest functional category after Social Security and defense. Mandatory programs account for 86 percent of total spending in this function.

House Resolution.—The House resolution sets forth $244.4 billion in BA and $248.1 billion in outlays in fiscal year 2000; $1,320.7 billion in BA and $1,335.3 billion in outlays over

5 fiscal years; and $2,892.8 billion in BA and $2,911.8 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $244.4 billion in BA and $248.1 billion in outlays in fiscal year 2000; $1,324.8 billion in BA and $1,336.8 billion in outlays over 5 fiscal years; and $2,902.4 billion in BA and $2,918.4 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $244.4 billion in BA and $248.1 billion in outlays in fiscal year 2000; $1,320.3 billion in BA and $1,333.4 billion in outlays over 5 fiscal years; and $2,891.8 billion in BA and $2,909.2 billion in outlays over 10 fiscal years. The Conference Agreement assumes $3 billion in new mandatory spending for families with children to cover child care expenditures.

FUNCTION 650: SOCIAL SECURITY

Major Programs in Function.—Function 650, Social Security, totals about $14.5 billion in BA and $14.7 billion in outlays for 1999 for on-budget activities. This function includes Social Security benefits and administrative expenses.

House Resolution.—For on-budget amounts, the House resolution sets forth $14.2 billion in BA and $14.3 billion in outlays in fiscal year 2000; $77.0 billion in BA and $77.0 billion in outlays over 5 fiscal years; and $177.0 billion in BA and $177.0 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $14.2 billion in BA and $14.3 billion in outlays in fiscal year 2000; $77.0 billion in BA and $77.0 billion in outlays over 5 fiscal years; and $177.0 billion in BA and $176.9 billion in outlays over 10 fiscal years. For off-budget amounts, the Senate amendment sets forth $393.0 billion in BA and outlays in 2000; $2,158.9 billion in BA and outlays over 5 fiscal years; and $4,915.7 billion in BA and outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $14.2 billion in BA and $14.3 billion in outlays in fiscal year 2000; $77.0 billion in BA and $77.0 billion in outlays over 5 fiscal years; and $177.0 billion in BA and $176.9 billion in outlays over 10 fiscal years.

FUNCTION 700: VETERANS' BENEFITS AND SERVICES

Major Programs in Function.—Function 700, Veterans Benefits, totals $43.0 billion in BA and $42.9 billion in outlays for 1999. This budget function includes income security needs of disabled veterans, indigent veterans, and survivors of deceased veterans through compensation benefits, pensions, and life insurance programs. Major education, training, and rehabilitation and readjustment programs include the Montgomery GI Bill, the Veterans Educational Assistance Program, and the Vocational Rehabilitation and Counseling program. Veterans can also receive guarantees on home loans. Roughly half of all spending in this function is for the Veterans Health Administration, which is comprised of over 700 hospitals, nursing homes, domiciliaries, and outpatient clinics.

House Resolution.—The House resolution sets forth $44.7 billion in BA and $45.1 billion in outlays in fiscal year 2000; $225.9 billion in BA and $228.3 billion in outlays over 5 fiscal years; and $467.3 billion in BA and $470.3 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $46.7 billion in BA and $47.1 billion in outlays in fiscal year 2000; $227.1 billion in BA and $229.5 billion in outlays over 5 fiscal years; and $466.2 billion in BA and $469.2 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $45.4 billion in BA and $45.6 billion in outlays in fiscal year 2000; $226.6 billion in BA and $228.8 billion in outlays over 5 fiscal years; and $468.0 billion in BA and $470.8 billion in outlays over 10 fiscal years.

FUNCTION 750: ADMINISTRATION OF JUSTICE

Major Programs in Function.—Function 750, Administration of Justice, totals about $26.3 billion in BA and $24.8 billion in outlays for 1999. This function includes funding for federal law enforcement activities, including criminal investigations by the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA), border enforcement and the control of illegal immigration by the Customs Service and Immigration and Naturalization Service (INS), as well as funding for prison construction, drug treatment, crime prevention programs and the federal Judiciary.

House Resolution.—The House resolution sets forth $23.4 billion in BA and $25.3 billion in outlays in fiscal year 2000; $123.5 billion in BA and $125.9 billion in outlays over 5 fiscal years; and $255.5 billion in BA and $257.4 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $23.4 billion in BA and $25.3 billion in outlays in fiscal year 2000; $121.8 billion in BA and $124.2 billion in outlays over 5 fiscal years; and $242.3 billion in BA and $244.1 billion in outlays over 10 years.

Conference Agreement.—The Conference Agreement sets forth $23.4 billion in BA and $25.3 billion in outlays in fiscal year 2000; $123.5 billion in BA and $125.9 billion in outlays over 5 fiscal years; and $255.5 billion in BA and $257.4 billion in outlays over 10 fiscal years.

FUNCTION 800: GENERAL GOVERNMENT

Major Programs in Function.—Function 800, General Government, totals $15.2 billion in BA and $14.8 billion in outlays for 1999, excluding spending which requires a cap adjustment or is for an emergency. This function consists of the activities of the Legislative Branch, the Executive Office of the President, U.S. Treasury fiscal operations (including the Internal Revenue Service), personnel and property management, and general purpose fiscal assistance to states, localities, and U.S. territories. Discretionary spending represents 93 percent of total spending in this function. The Internal Revenue Service accounts for 62 percent of the discretionary total.

House Resolution.—The House resolution sets forth $12.3 billion in BA and $13.5 billion in outlays in fiscal year 2000; $60.5 billion in BA and $62.7 billion in outlays over 5 fiscal years; and $121.2 billion in BA and $122.3 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth $12.3 billion in BA and $13.5 billion in outlays in fiscal year 2000; $60.5 billion in outlays over 5 fiscal years; and $121.2 billion in BA and $122.3 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth $12.3 billion in BA and $13.5 billion in outlays in fiscal year 2000; $60.5 billion in BA and $62.7 billion in outlays over 5 fiscal years; and $121.2 billion in BA and $122.3 billion in outlays over 10 fiscal years.

FUNCTION 900: NET INTEREST

Major Programs in Function.—Function 900, Net Interest, totals $229.4 billion in BA and outlays in 1999. Net interest is a mandatory payment; there are no discretionary programs in Function 900. Net interest includes interest on the public debt after deducting the interest income received by the federal government.

House Resolution.—For on-budget amounts, the House resolution sets forth $275.5 in BA and outlays in fiscal year 2000; $1,342.4 billion in BA and outlays over 5 fiscal years; and $2,626.5 billion in BA and outlays over 10 fiscal years.

Senate Amendment.—For on-budget amounts, the Senate amendment sets forth $275.7 billion in BA and outlays in fiscal year 2000; $1,344.4 billion in BA and outlays over 5 fiscal years; and $2,630.8 billion in BA and outlays over 10 fiscal years.

Conference Agreement.—For on-budget amounts, the Conference Agreement sets forth $375.5 billion in BA and outlays in fiscal year 2000; $1,342.7 billion in BA and outlays over 5 fiscal years; and $2,628.4 billion in BA and outlays over 10 fiscal years.

DEBT LEVELS

The following table compares the levels of debt held by the public and debt subject to limit associated with the Conference Agreement, the President's Budget and the baseline.

Under the Conference Agreement, debt held by the public declines year by year, and by 2009 would be nearly $1.8 trillion below its present level. Debt held by the public under the President's Budget would decline by about $1.4 trillion over the next ten years. After ten years, debt held by the public would be $465 billion lower under the Conference Agreement than under the President's Budget.

The statutory debt limit, which now stands at $5.95 trillion, would not have to be increased until the very end of 2004 under the Conference Agreement. Under the President's Budget, the statutory debt limit would have to be raised sometime in 2001.

Clause 3 of House rule XXIII requires that the joint explanatory statement of managers accompanying a budget resolution provide a statement of the effect of adoption of the concurrent resolution upon the statutory limit on the debt. This resolution will have no direct effect upon the statutory limit on the debt because the House resolution providng for the consideration of H. Con. Res. 68 suspended the automatic engrossment of an increase in the statutory limit upon the adoption of a conference report.

COMPARISON OF CONFERENCE AGREEMENT WITH PRESIDENT'S BUDGET AND BASELINE

[In billions of dollars]

Debt	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Conference agreement:											
Held by Public	3,627.1	3,502.4	3,370.1	3,229.3	3,080.6	2,920.1	2,738.2	2,540.6	2,326.7	2,098.3	1,861.1
Subject to limit	5,543.9	5,628.4	5,708.5	5,793.5	5,877.4	5,956.3	6,024.6	6,084.6	6,136.5	6,173.9	6,203.4

COMPARISON OF CONFERENCE AGREEMENT WITH PRESIDENT'S BUDGET AND BASELINE—Continued

[In billions of dollars]

Debt	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
President's Budget:											
Held by Public	3,629.5	3,564.9	3,491.0	3,395.8	3,302.4	3,188.5	3,055.4	2,891.1	2,709.7	2,522.1	2,323.6
Subject to limit	5,546.3	5,778.6	5,999.8	6,243.0	6,498.4	6,765.1	7,042.9	7,337.9	7,661.1	8,018.6	8,409.0
Baseline:											
Held by Public	3,627.1	3,515.8	3,389.7	3,215.1	3,021.0	2,781.3	2,501.1	2,152.1	1,751.8	1,311.4	823.3
Subject to limit	5,543.9	5,641.7	5,728.1	5,779.2	5,817.8	5,817.6	5,787.5	5,696.1	5,561.6	5,387.0	5,165.7
Conference agreement compared to:											
President's Budget:											
Held by Public	−2.4	−62.5	−120.9	−166.5	−221.8	−268.4	−317.2	−350.5	−383.0	−423.8	−462.5
Subject to limit	−2.4	−150.2	−291.3	−449.5	−621.0	−808.8	−1,018.3	−1,253.3	−1,524.6	−1,844.7	−2,205.6
Baseline:											
Held by Public		−13.3	−19.6	14.3	59.6	138.8	237.1	388.5	574.9	786.9	1,037.8
Subject to limit		−13.3	−19.6	14.3	59.6	138.8	237.1	388.5	574.9	786.9	1,037.8

FUNCTION 920: ALLOWANCES

Major Programs in Function.—Function 920, Allowances, usually displays the budgetary effects of proposals that cannot be easily distributed across other budget functions. In past years. Function 920 has included total savings or costs from proposals associated with emergency spending or proposals contingent on certain events that have uncertain chances of occurring, such as the President's proposal for increased discretionary spending from the Social Security Surplus contingent on Social Security reform.

House Resolution.—The House resolution sets forth −$8.0 billion in BA and −$10.1 billion in outlays in fiscal year 2000; −$31.8 billion in BA and −$52.8 billion in outlays over 5 fiscal years; and −$56.8 billion in BA and −$80.6 billion in outlays over 10 fiscal years.

Senate Amendment.—The Senate amendment sets forth −10.0 billion in BA and −$10.1 billion in outlays in fiscal year 2000; −$33.8 billion in BA and −$52.8 billion in outlays over 5 fiscal years; and −$58.8 billion in BA and −$80.6 billion in outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth −$9.8 billion in BA and −$10.8 billion in outlays in fiscal year 2000; −$33.6 billion in BA and −53.5 billion in outlays over 5 fiscal years; and −$58.6 billion in BA and −$81.3 billion in outlays over 10 fiscal years.

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

Major Programs in Function.—Function 950, Undistributed Offsetting Receipts, totals about $40.1 billion in receipts (BA and outlays) for 1999. This function records offsetting receipts (receipts, not federal revenues or taxes, that the budget shows as offsets to spending programs) that are too large to record in other budget functions. Such receipts are either intrabudgetary (a payment from one federal agency to another, such as agency payments to the retirement trust funds) or proprietary (a payment from the public for some type of business transaction with the government). The main types of receipts recorded as undistributed in this function are: the payments federal agencies make to retirement trust funds for their employees, payments made by companies for the right to explore and produce oil and gas on the Outer Continental Shelf, and payments by those who bid for the right to buy or use the public property or resources, such as the electromagnetic spectrum.

House Resolution.—For on-budget amounts, the House resolution sets forth −$34.3 billion in BA and outlays in fiscal year 2000; −$188.9 billion in BA and outlays over 5 fiscal years; and −$388.4 billion in BA and outlays over 10 fiscal years.

Senate Amendment.—For on-budget amounts, the Senate amendment sets forth −$34.3 billion in BA and outlays in fiscal year 2000; −$189.8 billion in BA and outlays over 5 fiscal years; and −$391.2 billion in BA and outlays over 10 fiscal years. For off-budget amounts, the Senate amendment sets forth −$8.0 billion in BA and outlays in 2000; −$45.8 billion in BA and outlays over 5 fiscal years; and −$110.2 billion in BA and outlays over 10 fiscal years.

Conference Agreement.—The Conference Agreement sets forth −$34.3 billion in BA and outlays in fiscal year 2000; −$189.2 billion in BA and outlays over 5 fiscal years; and −$392.9 billion in BA and −$392.8 billion in outlays over 10 fiscal years.

REVENUES

House Resolution.—For on-budget amounts, the House resolution sets forth $1,408.5 billion in revenues in fiscal year 2000; $7,416.9 billion over 5 fiscal years; and $16,155.8 billion over 10 fiscal years.

Senate Amendment.— For on-budget amounts, the Senate amendment sets forth $1,402.0 billion in revenues in fiscal year 2000; $7,408.3 billion over 5 fiscal years; and $16,147.7 billion over 10 fiscal years.

Conference Agreement.—For on-budget amounts, the Conference Agreement set forth $1,408.1 billion in revenues in fiscal year 2000; $7,414.2 billion over 5 fiscal years; and $16,153.5 billion over 10 fiscal years. The conference agreement assumes that the tax relief provided by this resolution will include tax cuts to help cover the costs of raising a child. Tax cuts for families with children—child care credits—will be no less than $3 billion.

RECONCILIATION

House Resolution.—Section 4 of the House resolution directs the Committee on Ways and Means to report by September 30, 1999, a reconciliation bill that reduces revenues by $142.5 billion for the total of fiscal year 2000 through 2005 and $768.5 billion for fiscal years 2000 through 2009. The House resolution does not reconcile a reduction in the statutory limit on the debt.

Senate Amendment.—Section 104 of the Senate amendment directs the Senate Committee on Finance to report by June 18, 1999, a reconciliation bill that reduced revenues by $138.485 billion for the total of fiscal years 2000 through 2004 and $765.985 billion for the total of the fiscal years 2000 through 2009. The Senate amendment also instructs the Finance Committee to report a reduction in the statutory limit on the debt of $85 billion for fiscal year 2000 only. In anticipation that the budget resolution might be resolved by the adoption of amendments between the Houses, section 105 of the Senate amendment includes reconciliation instructions for the House Committee on Ways and Means to report legislation by June 11, 1999 that reduces revenues and the statutory limit on the debt by the same amounts set out in section 104.

Conference Agreement.—The Conference agreement directs the Committees on Ways and Means and Finance to report by July 16, 1999 and July 23, 1999 respectively, a reconciliation bill that reduces revenues by $0 for fiscal year 2000, $142.3 billion for the total of fiscal years 2000 through 2004 and $777.9 billion for the total of fiscal years 2000 through 2009. The Conference agreement does not include an instruction to reconcile a reduction in the statutory limit on the debt.

ALLOCATIONS

As required in section 302 of the Budget Act, the joint statement of the managers includes an allocation, based upon the conference report, of the levels of total budget authority, total budget outlays among each of the appropriate House and Senate committees.

The allocation for each House consist of a set of two tables for the House and the Senate. The first set of tables shows the allocation for the budget year, fiscal year 2000. The House allocates funding for each fiscal year covered by the budget resolution. The second set of tables shows the amount allocated for the totals of the first five years and the ten years covered by the budget resolution.

The allocations are as follows:

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Appropriations Committee

[In millions of dollars]

Fiscal year 2000	Budget authority	Outlays
General Purpose[1]	531,771	536,700
Violent Crime Reduction[1]	4,500	5,554
Highways[1]	0	24,574
Mass Transit[1]	0	4,117
Total Discretionary Action	536,271	570,945
Current Law Mandatory	321,108	303,938

[1] Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Committees Other than Appropriations

Budget year		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total 2000-2004	Total 2000-2009
Agriculture Committee													
Current Law	BA	11,042	8,795	6,983	2,709	2,579	2,637	2,686	2,743	2,792	3,222	32,108	46,188
	OT	8,134	5,109	3,999	-259	-174	-160	-169	-146	-196	172	16,809	16,310
Reauthorizations	BA	0	0	0	28,391	29,177	29,873	30,549	31,282	31,964	32,701	57,568	213,937
	OT	0	0	0	27,737	29,167	29,864	30,530	31,262	31,945	32,681	56,904	213,186
Total	BA	11,042	8,795	6,983	31,100	31,756	32,510	33,235	34,025	34,756	35,923	89,676	260,125
	OT	8,134	5,109	3,999	27,478	28,993	29,704	30,361	31,116	31,749	32,853	73,713	229,496
Armed Services Committee													
Current Law	BA	49,330	50,977	52,705	54,405	56,367	58,198	60,111	62,038	63,980	66,038	263,784	574,149
	OT	49,415	50,940	52,597	54,315	56,276	58,107	60,018	61,944	63,885	65,942	263,543	573,439
Banking and Financial Services Committee													
Current Law	BA	4,676	5,345	5,319	5,619	4,946	5,303	5,488	5,748	5,924	6,075	25,905	54,443
	OT	-1,839	-675	-169	327	-80	386	235	54	-178	-387	-2,436	-2,326
Committee on Education and the Workforce													
Current Law	BA	4,790	5,222	5,508	5,403	5,154	5,367	5,578	5,807	6,021	6,234	26,077	55,084
	OT	4,188	4,618	4,969	5,016	4,811	4,871	5,070	5,277	5,477	5,668	23,602	49,965
Reauthorizations	BA	0	0	305	305	810	835	859	3,692	3,791	3,893	1,420	14,490
	OT	0	0	58	244	721	831	856	2,846	3,680	3,864	1,023	13,100
Total	BA	4,790	5,222	5,813	5,708	5,964	6,202	6,437	9,499	9,812	10,127	27,497	69,574
	OT	4,188	4,618	5,027	5,260	5,532	5,702	5,926	8,123	9,157	9,532	24,625	63,065
Commerce Committee													
Current Law	BA	10,268	12,255	15,762	16,037	16,327	17,417	17,508	18,551	18,643	18,638	70,649	161,406
	OT	8,365	10,951	16,470	16,962	17,327	17,630	17,849	18,072	18,300	18,335	70,075	160,261
International Relations Committee													
Current Law	BA	9,362	9,171	8,509	7,860	7,734	7,876	7,740	7,721	7,965	7,924	42,636	81,862
	OT	11,984	11,553	11,608	9,397	8,411	8,384	8,018	7,898	8,014	7,992	52,953	93,259
Government Reform Committee													
Current Law	BA	59,501	61,320	63,344	65,557	67,979	70,502	73,076	75,755	78,591	81,514	317,701	697,139
	OT	57,941	59,703	61,674	63,848	66,208	68,662	71,162	73,746	76,482	78,953	309,374	678,379
Committee on House Administration													
Current Law	BA	114	95	93	93	93	94	92	92	92	92	488	950
	OT	289	45	28	57	241	56	30	63	233	98	660	1,140
Resources Committee													
Current Law	BA	2,398	2,301	2,127	2,166	2,098	2,111	2,150	2,190	2,238	2,367	11,090	22,146
	OT	2,271	2,319	2,125	2,191	2,161	2,175	2,247	2,315	2,378	2,444	11,067	22,626
Judiciary Committee													
Current Law	BA	4,759	4,737	4,704	4,773	4,818	3,364	3,445	3,502	3,566	3,647	23,791	41,315
	OT	4,235	4,529	4,620	4,681	4,727	3,283	3,339	3,393	3,449	3,519	22,792	39,775

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Committees Other than Appropriations

Budget year		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total 2000-2004	Total 2000-2009
Transportation and Infrastructure Committee													
Current Law	BA	51,081	50,632	51,684	52,832	15,100	15,178	15,371	15,528	16,091	16,520	221,329	300,017
	OT	16,152	16,151	15,992	15,997	15,694	15,482	15,489	15,537	16,040	16,441	79,986	158,975
Reauthorizations	BA	0	0	0	0	37,673	37,673	37,673	37,673	37,673	37,673	37,673	226,038
	OT	0	0	0	0	104	306	452	538	590	615	104	2,605
Discretionary Action	BA	2,475	2,410	2,410	2,410	2,410	2,410	2,410	2,410	2,410	2,410	12,115	24,165
	OT	0	0	0	0	0	0	0	0	0	0	0	0
Total	BA	53,556	53,042	54,094	55,242	55,183	55,261	55,454	55,611	56,174	56,603	271,117	550,220
	OT	16,152	16,151	15,992	15,997	15,798	15,788	15,941	16,075	16,630	17,056	80,090	161,580
Science Committee													
Current Law	BA	92	83	49	49	49	49	49	49	49	49	322	567
	OT	72	80	80	58	51	49	49	49	49	49	341	586
Small Business Committee													
Current Law	BA	0	0	0	0	0	0	0	0	0	0	0	0
	OT	-155	-140	-125	-110	-95	-75	-55	-35	-20	-10	-625	-820
Veterans' Affairs Committee													
Current Law	BA	1,106	1,058	1,002	1,044	887	813	746	689	629	566	5,097	8,540
	OT	1,377	1,440	1,371	1,481	1,416	1,380	1,358	1,331	1,312	1,280	7,085	13,746
Discretionary Action	BA	394	874	1,367	1,868	2,390	3,132	3,475	4,036	4,610	5,199	6,893	27,345
	OT	360	833	1,325	1,824	2,347	3,132	3,475	3,694	4,562	5,150	6,689	26,702
Total	BA	1,500	1,932	2,369	2,912	3,277	3,945	4,221	4,725	5,239	5,765	11,990	35,885
	OT	1,737	2,273	2,696	3,305	3,763	4,512	4,833	5,025	5,874	6,430	13,774	40,448
Ways and Means Committee													
Current Law	BA	668,250	685,676	697,591	702,427	724,718	754,305	765,945	796,632	822,775	848,116	3,478,662	7,466,435
	OT	663,507	681,335	693,657	701,549	723,463	752,433	764,569	795,241	820,714	846,593	3,463,511	7,443,061
Reauthorizations	BA	0	0	0	19,542	19,542	19,542	19,542	19,542	19,542	19,542	39,084	136,794
	OT	0	0	0	17,559	18,667	19,317	19,967	20,667	21,367	22,117	36,226	139,661
Discretionary Action	BA	0	0	0	0	500	500	500	500	500	500	500	3,000
	OT	0	0	0	0	145	296	500	500	500	500	145	2,441
Total	BA	668,250	685,676	697,591	721,969	744,760	774,347	785,987	816,674	842,817	868,158	3,518,246	7,606,229
	OT	663,507	681,335	693,657	719,108	742,275	772,046	785,036	816,408	842,581	869,210	3,499,882	7,585,163

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2000
(in millions of dollars)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations act	
	Budget Authority	Outlays	Budget authority	Outlays
Appropriations			0	0
General Prupose Discretionary	531,771	536,700	0	0
Violent Crime Reduction Trust Fund	4,500	5,554	0	0
Highways	0	24,574		
Mass Transit	0	4,117		
Mandatory	321,502	304,297	0	0
Total	857,773	875,242	0	0
Agriculture, Nutrition, and Forestry	10,843	7,940	26,696	9,419
Armed Services	49,327	49,433	0	0
Banking, Housing, and Urban Affairs	4,676	(1,843)	0	0
Commerce, Science, and Transportation	8,420	5,774	721	717
Energy and Natural Resources	2,336	2,258	40	63
Environment and Public Works	36,532	2,041	0	0
Finance	683,333	676,384	156,910	157,096
Foreign Relations	9,354	11,976	0	0
Governmental Affairs	59,501	57,941	0	0
Judiciary	4,759	4,235	234	234
Labor and Human Resources	9,023	8,363	1,309	1,309
Rules and Administration	114	289	0	0
Veterans' Affairs	1,106	1,381	23,667	23,540
Indian Affairs	151	150	0	0
Small Business	0	(155)	0	0
Unassigned to Committee	(310,297)	(293,097)	0	0
TOTAL	1,426,931	1,408,292	209,577	192,378

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
5-YEAR TOTAL: 2000-2004
(in millions of dollars)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	40,012	24,704	100,467	52,240
Armed Services	263,769	263,577	0	0
Banking, Housing, and Urban Affairs	31,606	(2,459)	0	0
Commerce, Science, and Transportation	64,653	50,445	3,887	3,868
Energy and Natural Resources	11,023	11,009	200	236
Environment and Public Works	179,132	8,214	0	0
Finance	3,569,039	3,569,977	905,958	909,007
Foreign Relations	42,596	52,913	0	0
Governmental Affairs	317,701	309,374	0	0
Judiciary	23,791	22,792	1,170	1,170
Labor and Human Resources	48,269	45,687	6,784	6,784
Rules and Administration	488	660	0	0
Veterans' Affairs	5,097	7,108	125,438	125,110
Indian Affairs	716	717	0	0
Small Business	0	(625)	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT
TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
10-YEAR TOTAL: 2000-2009
(in millions of dollars)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	75,410	45,523	198,127	117,538
Armed Services	574,119	573,458	0	0
Banking, Housing, and Urban Affairs	88,649	(2,399)	0	0
Commerce, Science, and Transportation	144,512	116,013	8,558	8,519
Energy and Natural Resources	21,822	22,406	400	436
Environment and Public Works	339,303	13,501	0	0
Finance	7,754,731	7,732,409	2,237,130	2,239,681
Foreign Relations	81,782	93,179	0	0
Governmental Affairs	697,139	678,379	0	0
Judiciary	41,315	39,775	2,336	2,340
Labor and Human Resources	101,790	96,528	14,180	14,180
Rules and Administration	950	1,140	0	0
Veterans' Affairs	8,540	13,819	269,182	266,592
Indian Affairs	1,407	1,403	0	0
Small Business	0	(820)	0	0

RULEMAKING AND BUDGETARY PROCEDURES

House Resolution.—Section 5(a) of the House resolution includes findings that Social Security is, by law, off-budget; that Social Security has been running surpluses; that these surpluses have been used to balance the Federal budget; that this resolution, for the first time, balances the budget without counting such surpluses, and that the only way to present the diversion of the surpluses for other purposes is to balance the budget exclusive of the surpluses, and both the Congress and the Administration should take the necessary steps to ensure that future budgets are balanced exclusive of the surpluses.

Section 5(b) of the House resolution prohibits the consideration of any budget resolution that sets forth an on-budget deficit. The intent of this provision is to prevent Congresses from considering future budget resolutions that implicitly use the Social Security surplus to finance other governmental operations. Section 5 is enforced by a point of order that, if sustained, precludes further consideration of the measure. In addition to any budget resolution reported by the Budget Committee, the point of order may be raised against amendments to the budget resolution and accompanying conference reports. Consistent with enforcement of key Budget Act requirements in the House and Senate, section 5 may be waived by a simple majority of those present in the House and three-fifths of those Members voting in the Senate. An exception is provided for legislation enhancing retirement security or reforming Medicare pursuant to section 6 of the House resolution.

Subsection (c)(1) provides a sense of the House that legislation should be enacted that excludes the outlays and receipts of the Social Security trust funds from official budgetary projections of the surplus or deficit. Subsection (c)(2) further provides that legislation should be considered that further safeguards the surpluses, such as modifying pay-as-you-go requirements to permit the enactment of retirement security and Medicare legislation or establishing a statutory limit on debt held by the public that would be reduced by the amount of the Social Security surpluses.

Section 6 of the House resolution establishes a reserve fund for retirement security and Medicare in the House. The Budget Committee chairman is permitted to increase the allocations and aggregates established in the budget resolution for legislation that either enhances retirement security or extends the solvency of the Medicare trust funds or reforms the Medicare benefits or payment structure. The adjustments may be made for bills, amendments, and conference reports.

The sum of the adjustments for all measures considered under this section may not exceed an amount equal to an up-to-date estimate of the Social Security surplus for fiscal year 2000, the total for fiscal years 2000 through 2004, and 2000 through 2009. Furthermore, the chairman is prohibited from making any adjustment if the measure, together with any other measure considered under this section, would exceed the estimated surplus for any of these periods.

For purposes of this section, the projected Social Security surpluses are the levels assumed in the joint statement or the levels set forth in CBO's midsession report. In making this projection, CBO is directed to consult with the Social Security trustees.

Section 7 of the House resolution establishes a reserve fund in the House for special education. The Budget Committee chairman is permitted to increase the budget aggregates and allocations to the Committee on Appropriations for legislation providing appropriations for special education. The adjustments may be made for bills, joint resolutions, amendments, and conference reports. Any adjustments must be made in the amount of BA provided by the measure for that purpose (and the resulting outlays) are subject to two limitations. First, the adjustments may not exceed an up-to-date estimate of the on-budget surplus. Second, the adjustments may not exceed the amount necessary to fully fund special education at its authorize levels.

Section 8 of the House resolution provides that changes in the budgetary aggregates and committee allocations permitted by the resolution shall be made while the measure is pending and upon enactment and shall be published in the Congressional Record. The section also provides that the revised aggregates and allocations shall be, for the purposes of the Congressional Budget Act of 1974, the aggregates and allocations in this resolution.

Section 9 of the House resolution requires the Director of the Congressional Budget Office to update CBO's budgetary projections on a quarterly basis.

Senate Amendment.—In addition to setting forth budgetary levels as called for in the Budget Act, title I of the Senate amendment contains two provisions—the first, to address the fact that Congress did not adopt a fiscal year 1999 budget resolution, and the second, to focus attention on debt held by the public levels. Section 1(a)(2) of the Senate amendment contains language that incorporates the levels in the deeming resolution passed by the Senate at the end of the 105th Congress as the fiscal year 1999 budget resolution. Section 101(6) provides advisory debt held by the public levels in the budget resolution. These debt-held-by-the-public levels reflect the fact that the resolution devotes the entire Social Security surplus to the reduction of debt held by the public.

Title II of the Senate amendment contains ten sections that either modify budget procedures for consideration of legislation or authorize the Chairman of the Budget Committee to alter the levels in the budget resolution to accommodate Senate consideration of certain legislation.

Section 201 of the Senate amendment provides a reserve fund for Agriculture. The Senate amendment ensures that up to $6 billion is made available for legislation that addresses risk management and income assistance to agriculture producers through a reserve fund. If the Senate Agriculture Committee reports legislation that provides risk management and income assistance to agriculture producers, then the Chairman of the Budget Committee is authorized to increase the Agriculture Committee's allocation of budget authority and outlays to accommodate this additional spending. The reserve fund provides that this legislation cannot cause an on-budget deficit. The Senate amendment also permits $500 million (within the $6 billion total) in agriculture spending in fiscal year 2000, but this additional spending must be offset by reductions in direct spending in other programs.

Section 202 of the Senate amendment provides a tax reduction reserve fund which allows the Chairman of the Budget Committee to adjust the spending and revenue limits for legislation that reduces revenues as long as the legislation does not cause an on-budget deficit for the first fiscal year, the sum of the first five fiscal years covered by the budget resolution, and the sum of the ten fiscal years covered by the resolution.

Section 203 of the Senate amendment contains a clarification of the Senate's pay-as-you-go rule make it clear that this rule still applies until the budget is balanced excluding the transactions of the Social Security trust fund. This change would prohibit the expenditure of Social Security surpluses, but would allow on-budget surpluses to be used to offset tax reductions or direct spending increases.

Section 204 of the Senate amendment provides a majority point of order against emergency spending provisions. The Senate amendment would curb the abuse of spending the Social Security surplus on so-called emergencies. Under sections 251(1)(b)(2)(A) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, if Congress and the President designate a provision of legislation an emergency, it is exempt from the statutory limits on appropriations legislation and the pay-as-you-go requirement for all other legislation. Under the Senate amendment, committee reports and any statement of managers accompanying legislation containing emergency spending must contain an analysis whether the proposed emergency spending satisfies all the criteria set out in the resolution. A point of order is available against any emergency spending provision regardless of whether the criteria are met. The Presiding Officer does not determine whether or not the criteria have been satisfied when ruling on the point of order. If a point of order was raised and sustained against an emergency spending provision then the language making the emergency designation and providing the spending would both be stricken from the measure by way of a procedure similar to the Byrd rule (see section 313 of the Congressional Budget Act of 1974).

Section 205 of the Senate amendment provides authority to the Budget Committee chairmen to provide committee allocations. Section 302 of the Budget Act requires the statement of managers accompanying a conference report on a budget resolution to include an allocation of spending authority to committees. At the time the Senate amendment was adapted there existed the possibility that this budget resolution would not go to conference. Therefore, the Senate amendment requires the Chairman of the Budget Committee to file allocations that are consistent with the budget resolution.

Section 206 of the Senate amendment provides a reserve fund for use of Outer Continental Shelf (OCS) receipts. This section would allow committee allocations to be adjusted for legislation providing new or additional direct spending for historic preservation, recreation and land, water, fish, and wildlife conservation efforts to support coastal needs and activities. This reserve fund is intended to accommodate an increase in spending for these programs if the increases are offset by reductions in direct spending. It would not allow revenue increases to offset spending increases.

Section 207 of the Senate amendment provides a reserve fund for Medicare managed care plans. This section permits committee allocations to be adjusted for legislation providing new or additional direct spending for Medicare managed care plans agreeing to serve elderly patients for at least 2 years and whose reimbursement was reduced because of risk management regulations. This reserve fund is intended to accommodate an increase in spending for these programs if they are offset by spending reductions. It would not allow revenue increases to offset spending increases.

Section 208 of the Senate amendment provides a reserve fund for Medicare and prescription drugs. This section permits committee allocations and spending aggregates to be adjusted for legislation that significantly extends the solvency of the Medicare Hospital Insurance (HI) Trust Fund without the use of transfers of new subsidies from the general fund. This reserve fund is designed to accommodate legislation that reforms the Medicare program and extends the solvency of the HI trust fund. It would not allow revenue increases to offset spending increases. This reserve fund does allow committee allocations and spending aggregates to be adjusted to use an on-budget surplus to offset the additional cost of prescription drugs as part of legislation that reforms Medicare and significantly extends the solvency of the HI trust fund.

Section 209 of the Senate amendment contains language regarding the rulemaking authority of each of the Houses of Congress.

Section 210 of the Senate amendment provides a reserve fund to foster the employment and independence of individuals with disabilities so long as the legislation does not increase the deficit or reduce the surplus.

Conference Agreement.—Title II of the Conference agreement includes the rules and procedures for implementing and enforcing the budget resolution.

Section 201 of the Conference agreement creates a safe deposit box for Social Security surpluses and reflects the language in section 5 of the House resolution with modifications. The resolution contains the findings from section 5(a) and creates a majority point of order from section 5(b) with modifications in the House and Senate against a budget resolution which sets forth an on-budget deficit unless the deficit results from legislation enacted pursuant to section 202 of this resolution. The Conference agreement does not contain the sense of Congress provisions set forth in section 5(c).

Section 202 of the Conference agreement provides a reserve fund for retirement security and reflects the language of section 6 of the House resolution with modifications. The reserve fund for retirement security applies in both the House and Senate and permits the Budget Committee chairman to adjust the appropriate budgetary aggregates and allocations for legislation that enhances retirement security through structural programmatic reform. It is the conferees' intention that retirement security includes Medicare.

Section 203 of the Conference agreement provides a reserve fund for Medicare legislation and reflects the language of section 208 of the Senate amendment with modifications. The Conference agreement applies the reserve fund to the House and Senate, requires the legislation to make structural reforms to Medicare and extend the solvency of the Medicare trust fund without the use of intragovernmental transfers, and provides that it may be used for legislation which includes a prescription drug benefit. The conferees do not intend for the reserve fund to encompass legislation making incremental changes to the Medicare system.

Section 204 of the Conference agreement reflects the language of section 201 of the Senate amendment regarding a reserve fund which would increase the allocations by an additional $6 billion for agriculture with modifications. The Senate amendment only applied in the Senate. Although the House does not have a comparable provision, it includes $6 billion in mandatory spending over 5 years for function 350 (Agriculture), and in the allocation to the House Committee on Agriculture. The Conference agreement provides that the reserve fund applies in both the House and the Senate and may be triggered by legislation which provides risk management and/or income assistance to agricultural producers. For the purposes of this section, risk management includes crop insurance.

Section 205 of the Conference agreement reflects the language of section 202 of the Senate amendment regarding a tax reduction reserve fund in the Senate. The House does not have a comparable provision. The House has standing authority under section 302(g) of the Congressional Budget Act of 1974 as amended by the Balanced Budget Act of 1997 to consider legislation reducing taxes in excess of the levels in the budget resolution, if the revenue loss is offset by spending reductions. The Conference agreement retains the Senate language with modifications and only applies in the Senate.

Section 206 of the Conference agreement reflects the language of section 204 of the Senate amendment regarding an emergency designation point of order with modifications. The House does not have a comparable provision. However, according to the Oversight Plan of the House Committee on the Budget, the Budget Committee will consider budget process reform during the spring of 1999 (which will include a codification of a definition of budgetary emergencies and establish a reserve fund for such emergencies). The Conference agreement provides a supermajority point of order in the Senate against language designating a provision as an emergency and includes an exemption for defense spending.

Section 207 of the Conference agreement reflects the language of section 203 of the Senate amendment regarding the application of the Senate's pay-go point of order with a modification. The House does not have a comparable provision (the pay-go point of order is not applicable in the House of Representatives). The Conference agreement restates the entire pay-go point of order with modifications which permit on-budget surpluses to be used for the tax reductions or spending increases. The conferees intend that the on-budget surplus be placed on the Senate's pay-as-you-go scorecard. The baseline on-budget surpluses are shown in the table below:

	Fiscal Year—										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	5 yr.	10 yr.
Baseline on Budget surpluses	....	8.510	54.930	33.301	52.100	72.459	123.375	154.858	174.844	204.332	148.841	878.709

Section 208 of the Conference agreement reflects the language of section 8 of the House resolution regarding the application and effect of changes in allocations and aggregates made pursuant to the resolution with modifications. The Senate does not have a comparable provision. Subsections (a) and (b) of the Conference agreement would be applicable in both the House and Senate. Subsection (d) applies only in the House and provides that only the first fiscal year and the five fiscal year totals of the section 302 allocations will be enforced under section 302 and 311 of the Budget Act.

Section 209 of the Conference agreement clarifies the status of the interim House and Senate levels for fiscal year 1999. The House resolution does not have a comparable provision. However interim budget allocations and aggregates for the House were printed in the Congressional Record pursuant to H. Res. 5. Section 1(a)(2) of the Senate amendment contains language that incorporates the levels passed by the Senate at the end of the 105th Congress as the fiscal year 1999 budget resolution. The conference agreement reflects the Senate amendment with a modification which clarifies that the levels previously submitted by the House and the Senate constitute a concurrent resolution on the budget for fiscal year 1999.

Section 210 of the Conference agreement reflects the language of section 210 of the Senate amendment regarding a reserve fund in the Senate for legislation that finances certain programs to foster the employment and independence of individuals with disabilities with modifications. The House does not have a comparable provision. The Conference agreement adopts the Senate language with technical amendments which conform the reserve fund to the form of other reserve funds set out in the Conference agreement.

Section 211 provides for a reserve fund for a fiscal year 2000 surplus. The Conference agreement calls upon the Congressional Budget Office (CBO) to complete its update of the economic and budget forecast for the 2000 budget by July 1, 1999. If CBO's revised projection shows an on-budget surplus for 2000, this reserve fund allows the Chairman of the Budget Committee to adjust the revenue aggregate, the pay-go balance, and the revenue reconciliation instructions by the amount of the on-budget surplus for 2000.

Section 212 provides for a reserve fund in the Senate for education for legislation that causes an increase in direct spending by virtue of a change in the purpose for which previously appropriated funds may be spent.

Section 213 contains the boilerplate rulemaking authority of the House and the Senate.

Section 7 of the House resolution provides a reserve fund for special education. The Senate amendment does not have a comparable provision. The House recedes to the Senate on this issue.

Section 9 of the House resolution requires the Congressional Budget Office to provide quarterly updates of its projections. The Senate amendment does not have a comparable provision. The House recedes to the Senate on this issue.

Section 205 of the Senate amendment contained authority for the Chairman of the Budget Committee in the Senate to provide committee allocations in the Congressional Record in the event that there was not a statement of managers accompanying a conference report on the budget resolution. The House resolution does not have a comparable provision. The Senate recedes to the House on this issue.

Section 206 of the Senate amendment contained a reserve fund for the use of OCS receipts. The House resolution does not have a comparable provision. The Senate recedes to the House on this issue.

Section 207 of the Senate amendment contained a reserve fund for managed care plans. The House resolution does not have a comparable provision. The Senate recedes to the House on this issue.

Miscellaneous Provisions Regarding Budget Enforcement.—Some interpret a surplus to be a negative deficit. The conferees intend that this interpretation not apply for the purposes of this resolution. More specifically, for the purposes of title II, a reduction in the on-budget surplus is not considered an increase in the on-budget deficit.

Some 301 of the Conference agreement sets forth a sense of the Congress regarding the protection of the Social Security surpluses. The conferees strongly support this language—particularly the language found in subsection (b)(1) and intend that legislation should be enacted that prevents the Social Security surpluses from being used for any purpose other than Social Security, retirement security and the reduction of the federal debt.

SENSE OF CONGRESS, HOUSE AND SENATE PROVISIONS

House Resolution.—The House resolution included the following sense of the House or sense of Congress provisions:

Sense of Congress on the commission on international religious freedom.

Sense of the House on providing additional dollars to the classroom.

Sense of Congress on asset-building for the working poor.

Sense of Congress on access to health insurance and preserving home health services for all Medicare beneficiaries.

Sense of the House on medicare payment.

Sense of the House on assessment of welfare-to-work programs.

Sense of Congress on providing honor guard services for veterans' funerals.

Sense of Congress on child nutrition.

Senate amendment.—The Senate amendment included the following sense of the Senate or sense of the Congress provisions:

Sense of the Senate on marriage penalty.

Sense of the Senate on improving security for United States diplomatic missions.

Sense of the Senate on access to Medicare home health services.

Sense of the Senate regarding the deductibility of health insurance premiums of the self-employed.

Sense of the Senate that tax reductions should go to working families.

Sense of the Senate on the National Guard.

Sense of the Senate on effects of Social Security reform on women.

Sense of the Senate on increased funding for the National Institutes of Health.

Sense of Congress on funding for Kyoto protocol implementation prior to Senate ratification.

Sense of the Senate on Federal research and development investment.

Sense of the Senate on counter-narcotics funding.

Sense of the Senate regarding tribal colleges.

Sense of the Senate on the Social Security surplus.

Sense of the Senate on need-based student financial aid programs.

Findings; sense of Congress on the protection of the Social Security surpluses.

Sense of the Senate on providing adequate funding for United States international leadership.

Sense of the Senate that the Federal Government should not invest the Social Security Trust Funds in private financial markets.

Sense of the Senate concerning on-budget surplus.

Sense of the Senate on TEA-21 funding and the States.

Sense of the Senate that agricultural risk management programs should benefit livestock producers.

Sense of the Senate regarding the modernization and improvement of the medicare program.

Sense of the Senate on providing tax relief to all Americans by returning non-Social Security surplus to taxpayers.

Sense of the Senate regarding tax incentives for education savings.

Sense of the Senate that the One Hundred Sixth Congress, First Session should reauthorize funds for the Farmland Protection Program.

Sense of the Senate on tax cuts for lower and middle income taxpayers.

Sense of the Senate regarding reform of the Internal Revenue Code of 1986

Sense of the Senate regarding Davis-Bacon.

Sense of the Senate regarding access to items and services under medicare program.

Sense of the Senate concerning autism.

Sense of the Senate on women's access to obstetric and gynecological services.

Sense of the Senate on LIHEAP.

Sense of the Senate on transportation firewalls.

Sense of the Senate on funding existing, effective public health programs before creating new programs.

Sense of the Senate concerning funding for special education.

Sense of the Senate on the importance of Social Security for individuals who become disabled.

Sense of the Senate regarding funding for intensive firearms prosecution programs. Honest reporting of the deficit.

Sense of the Senate concerning fostering the employment and independence of individuals with disabilities.

Sense of the Senate regarding asset-building for the working poor.

Sense of the Senate that the provisions of this resolution assume that it is the policy of the United States to provide as soon as is technologically possible an education for every American child that will enable each child to effectively meet the challenges of the twenty-first century.

Sense of the Senate concerning exemption of agricultural commodities and products, medicines, and medical products from unilateral economic sanctions.

Sense of the Senate regarding capital gains tax fairness for family farmers. Budgeting for the Defense Science and Technology Program.

Sense of the Senate concerning funding for the Urban Parks and Recreation Recovery (UPARR) program.

Sense of the Senate on social promotion.

Sense of the Senate on women and Social Security reform.

Sense of the Congress regarding South Korea's international trade practices on pork and beef.

Sense of the Senate regarding support for State and local law enforcement.

Sense of the Senate on merger enforcement by Department of Justice.

Sense of the Senate to create a task force to pursue the creation of a natural disaster reserve fund.

Sense of the Senate concerning Federal tax relief.

Sense of the Senate on eliminating the marriage penalty and across-the-board income tax rate cuts.

Sense of the Senate on important of funding for embassy security.

Sense of the Senate on funding for after school education.

Sense of the Senate concerning recovery of funds by the Federal Government in tobacco-related litigation.

Sense of the Senate on offsetting inappropriate emergency spending.

Findings; sense of Congress on the President's fiscal year 2000 budget proposal to tax association investment income.

Sense of the Senate regarding funding for counter-narcotics initiatives.

Sense of the Senate on modernizing America's schools.

Sense of the Senate concerning funding for the land and water conservation fund.

Sense of the Senate regarding support for Federal, State and local law enforcement and for the Violent Crime Reduction Trust Fund.

Sense of the Senate regarding Social Security notch babies.

Conference Agreements.—Title III of the resolution contains the following non-binding language that expresses the will or intent of either or both Houses of the Congress:

Subtitle A: The Sense of the Congress provisions are as follows:

Sense of the Congress on the protection of the Social Security surpluses.

Sense of the Congress on providing addition dollars to the classroom.

Sense of the Congress on asset-building for the working poor.

Sense of the Congress on child nutrition.

Sense of the Congress concerning funding for special education.

Subtitle B: The Sense of the House provisions are as follows:

Sense of the House on the commission on international religious freedoms.

Sense of the House on assessment of welfare-to-work programs.

Subtitle C: The Sense of the Senate provisions are as follows:

Sense of the Senate that the federal government should not invest the Social Security trust funds in private financial markets.

Sense of the Senate regarding the modernization and improvement of the Medicare program.

Sense of the Senate on education.

Sense of the Senate on providing tax relief to Americans by returning the non-Social Security surplus to taxpayers.

Sense of the Senate on access to Medicare services.

Sense of the Senate on law enforcement.

Sense of the Senate on improving security for United States diplomatic missions.

Sense of the Senate on increased funding for the National Institutes of Health.

Sense of the Senate on funding for Kyoto protocol implementation prior to Senate ratification.

Sense of the Senate on TEA-21 funding and the States.

Sense of the Senate that the one hundred sixth Congress, first session, should reauthorize funds for the farmland protection program.

Sense of the Senate on the importance of Social Security for individuals who become disabled.

Sense of the Senate on reporting of on-budget trust fund levels.

Sense of the Senate regarding South Korea's international trade practices on pork and beef.

Sense of the Senate on funding for natural disasters.

From the Committee on the Budget:

JOHN R. KASICH,
SAXBY CHAMBLISS,
CHRISTOPHER SHAYS,
Managers on the Part of the House.

PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
SLADE GORTON,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 19 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 0102

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OSE) at 1 o'clock and 2 minutes a.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 68, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–92) on the resolution (H. Res. 137) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 472, LOCAL CENSUS QUALITY CHECK ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–93) on the resolution (H. Res. 138) providing for consideration of the bill (H.R. 472) to amend title 13, United States Code, to require the use of postcensus local review as part of each decennial census, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 37, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–94) on the resolution (H. Res. 139) providing for consideration of the joint resolution (H.J. Res. 37) proposing an amendment to the Constitution of the United States with respect to tax limitations, which was referred to the House Calendar and ordered to be printed.

OMISSION FROM THE CONGRESSIONAL RECORD OF MONDAY, APRIL 12, 1999

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today, on account of the death of her mother.

Ms. CARSON (at the request of Mr. GEPHARDT) for today and Tuesday, April 13 on account of a death in the family.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today and Tuesday, April 13 on account of official business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today, on account of business in the district.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. BERMAN, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. CAPPS, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today and April 14.

Mr. CUNNINGHAM; for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today and April 14.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. TANCREDO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PORTMAN, for 5 minutes, today.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 3 minutes a.m.), the House adjourned until today, Wednesday, April 14, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1468. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis; Procedures for Retaining Class Free State Status [Docket No. 98-060-2] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1469. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Quinclorac; Pesticide Tolerance [OPP–300820; FRL–6069–5] (RIN: 2070–AB78) received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1470. A letter from the Chairman, Farm Credit Administration Board, Farm Credit Administration, transmitting the Administration's final rule—Organization; Disclosure to Shareholders; FCS Board Compensation Limits (RIN: 3052–AB79) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1471. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Builder Warranty for High-Ratio FHA-Insured Single Family Mortgages for New Homes [Docket No. FR–4288–I–01] (RIN: 2502–AH08) received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1472. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Certificate and Voucher Programs Conforming Rule; Technical Amendment [Docket No. FR–4054–C–05] (RIN: 2577–AB63) received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1473. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Lead-Based Paint Poisoning Prevention in Certain Residential Structures-Information Collection Approval Numbers; Technical Amendment [Docket No. FR–4444–F–02] received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1474. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—FHA Single Family Mortgage Insurance; Statutory Changes for Maximum Mortgage Limit and Downpayment Requirement [Docket No. FR–4431–F–01] (RIN: 2502–AH31) received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1475. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Builder Warranty for High-Ratio FHA-Insured Single Family Mortgages for New Homes [Docket No. FR–4288–C–02] (RIN: 2502–AH08) received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1476. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Certificate and Voucher Programs Conforming Rule; Technical Amendment [Docket No. FR–4054–C–04] (RIN: 2577–AB63) received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1477. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Deposit Insurance Regulations; Joint Accounts and "Payable-on-Death" Accounts (RIN: 3064–AC16) received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1478. A letter from the Assistant Secretary for Postsecondary Education, Department of Education, transmitting the Department's final rule—Preparing Tomorrow's Teachers to Use Technology (CFDA No. 84.342) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1479. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")—received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1480. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectiviely and for other purposes; to the Committee on Commerce.

1481. A letter from the Assistant Secretary, Bureau of Export Administration, transmitting the Bureau's final rule—Removal of Commercial Communications Satellites and Related Items from the Department of Commerce's Commerce Control List for Retransfer to the Department of State's United States Munitions List [Docket No. 990311067–9067–01] (RIN: 0694–AB84) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1482. A letter from the Deputy Assistant Secretary, Bureau of Export Administration, transmitting the Bureau's final rule—Entity List: Addition of Russian Entities; and Revisions to Certain Indian and Pakistani Entities [Docket No. 970428099–9015–08] (RIN: 0694–AB60) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1483. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Maryland Regulatory Program [MD–045–FOR] received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1484. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Ohio Regulatory Program [OH–244–FOR] received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1485. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a proposed draft of legislation to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Resources.

1486. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 990304063–9063–01; I.D. 033199A] received April 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1487. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 031999A] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1488. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 032399C] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1489. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 961204340–7087–02; I.D. 031599C] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1490. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 56 to the Fishery Management Plan for Groundfish of the Gulf of Alaska and Amendment 56 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area [I.D. 101498C] (RIN: 0648–AJ50) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1491. A letter from the United States Court of Appeals, transmitting an opinion of the court; to the Committee on the Judiciary.

1492. A letter from the United States Court of Appeals, transmitting an opinion of the court; to the Committee on the Judiciary.

1493. A letter from the United States Court of Appeals, transmitting an opinion of the court; to the Committee on the Judiciary.

1494. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Department's final rule—Danger Zone, Chesapeake Bay, Point Lookout to Cedar Point, Maryland—received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1495. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

1496. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for Fiscal years 2000 and 2001 for certain maritime programs of the Department of Transportation, and for other purposes; jointly to the Committees on Transportation and Infrastructure and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. H.R. 208. A bill to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes; with an amendment (Rept. 106–87). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 928. A bill to require that the 2000 decennial census include either a general or targeted followup mailing of census questionnaires, whichever, in the judgment of the Secretary of Commerce, will be more effective in securing the return of census information from the greatest number of households possible (Rept. 106–88). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 1009. A bill to authorize the awarding of grants to cities, counties, tribal organizations, and certain other entities for the purpose of improving public participation in the 2000 decennial census; with an amendment (Rept. 106–89). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 1376. A bill to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of

Yugoslavaia (Serbia/Montenegro) and certain other areas, and for other purposes; with an amendment (Rept. 106-90). Referred to the Committee of the Whole House on the State of the Union.

Filed on April 14 (Legislative day, April 13), 1999]

Mr. KASICH: Committee of Conference. Conference report on House Concurrent Resolution 68. Resolution establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009 (Rept. 106-91). Ordered to be printed.

Mr. LINDER: Committee on rules. House Resolution 137. Resolution waiving points of order against a conference report to accompany the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of the fiscal years 2001 through 2009 (Rept. 106-92). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 138. Resolution providing for the consideration of the bill (H.R. 472) to amend title 13, United States Code, to require the use of postcensus local review as part of each decennial census (Rept. 106-93). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 139. Resolution providing for the consideration of the joint resolution (H.J. Res. 37) proposing an amendment to the Constitution of the United States with respect to tax limitations (Rept. 106-94). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER (for himself, Mr. Rangel, Mr. Crane, Mr. Thomas, Mr. Shaw, Mrs. Johnson of Connecticut, Mr. Houghton, Mr. Herger, Mr. McCrery, Mr. Camp, Mr. Ramstad, Mr. Nussle, Mr. Sam Johnson of Texas, Ms. Dunn, Mr. Collins, Mr. Portman, Mr. English, Mr. Watkins, Mr. Hayworth, Mr. Weller, Mr. Hulshof, Mr. McInnis, Mr. Lewis of Kentucky, Mr. Foley, Mr. Stark, Mr. Matsui, Mr. Coyne, Mr. Levin, Mr. Cardin, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mr. Tanner, Mr. Becerra, Mrs. Thurman, Mr. Doggett, Mr. Fossella, and Mr. Sweeney):

H.R. 1376. A bill to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. Jackson of Illinois, Mr. Hastert, Mr. Crane, Mr. Hyde, Mr. Lipinski, Mr. Porter, Mr. Ewing, Mr. Shimkus, Mr. Evans, Mr. Davis of Illinois, Mr. Blagojevich, Mrs. Biggert, Ms. Schakowsky, Mr. Costello, Mr. Rush, Mr. Gutierrez, Mr. Manzullo, Mr. LaHood, and Mr. Phelps):

H.R. 1377. A bill to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building"; to the Committee on Government Reform.

By Mr. BARTON of Texas (for himself and Mr. Hall of Texas):

H.R. 1378. A bill to authorize appropriations for carrying out pipeline safety activities under chapter 601 of title 49, United States Code; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 1379. A bill to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to an emergency supplemental appropriation for international narcotics control and law enforcement assistance; to the Committee on International Relations.

By Mr. BALLENGER (for himself, Mr. Goodling, Ms. Dunn, Mrs. Fowler, Mr. Stenholm, Mrs. Roukema, Mr. Dooley of California, Mrs. Myrick, Mr. Shays, Ms. Pryce of Ohio, Mr. Campbell, Ms. Granger, Mrs. Northup, Mr. Greenwood, Mrs. Cubin, Mrs. Chenoweth, Mr. Barrett of Nebraska, Mrs. Bono, Mr. Boehner, Mrs. Biggert, Mr. Hoekstra, Mr. McKeon, Mr. Sam Johnson of Texas, Mr. Talent, Mr. Graham, Mr. Norwood, Mr. Schaffer, Mr. Deal of Georgia, Mr. Hilleary, Mr. Knollenberg, Mr. Latham, Mr. Cunningham, Mr. Ehrlich, Mr. Peterson of Pennsylvania, Mr. Burr of North Carolina, Mr. Miller of Florida, Mr. Bartlett of Maryland, Mr. Goodlatte, Mr. Kolbe, Mr. Hansen, Mr. Taylor of North Carolina, Mr. Coble, Mr. Watkins, Mr. Riley, Mr. Weldon of Florida, Mr. Smith of Michigan, Mr. Spence, and Mr. Hastings of Washington):

H.R. 1380. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Education and the Workforce.

By Mr. BALLENGER (for himself, Mr. Goodling, and Mr. Dickey):

H.R. 1381. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee's "regular rate" for purposes of calculating overtime compensation will not be affected by certain additional payments; to the Committee on Education and the Workforce.

By Mr. BATEMAN:

H.R. 1382. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from overtime compensation for firefighters and rescue squad members who volunteer their services; to the Committee on Education and the Workforce.

H.R. 1383. A bill to amend the Internal Revenue Code of 1986 to allow registered vendors to administer refunds of Federal excise taxes on kerosene used in unvented heaters for home heating purposes; to the Committee on Ways and Means.

By Mr. CANNON (for himself, Mr. McInnis, and Mr. Hayworth):

H.R. 1384. A bill to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes; to the Committee on Resources.

By Mrs. EMERSON:

H.R. 1385. A bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin (for himself, Mr. Terry, Mr. Nussle, Mr. Skeen, Mr. Pombo, Mr. Shows, Mr. Metcalf, Mr. Istook, Mr. Nethercutt, Mr. Schaffer, Mr. McHugh, Mr. Hansen, Mrs. Emerson, Mr. Lipinski, Mr. Ney, Mr. Ryun of Kansas, Mr. Hill of Montana, Mr. Ryan of Wisconsin, Mr. Petri, Mr. Sweeney, Mr. Burton of Indiana, Mr. Gilman, and Mr. Hastings of Washington):

H.R. 1386. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale of a family farming business to a family member; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Filner, Mr. Shows, Mrs. Chenoweth, Mr. Olver, Mr. English, Mr. Kennedy of Rhode Island, Mr. McNulty, Mrs. Kelly, Mr. Ney, Mr. McGovern, Mr. Boehlert, Mr. Underwood, Mr. Gutierrez, Ms. Woolsey, Mr. Doyle, Mrs. Morella, Mr. Payne, Mr. Rodriguez, Mr. Faleomavaega, Mr. Strickland, Mr. Wynn, Mr. Davis of Florida, Mr. Clement, Mr. Diaz-Balart, Mr. Jefferson, Ms. Lofgren, Mr. Metcalf, Mr. Hall of Ohio, Mrs. Meek of Florida, Mr. Hill of Montana, Mr. Lampson, Mr. Graham, Mr. Bishop, Mr. Levin, Mr. Wolf, Mrs. Myrick, Mr. Goodling, Mr. Lipinski, Ms. Berkley, Mr. Gonzalez, and Mr. Spratt):

H.R. 1387. A bill to amend title 38, United States Code, to provide for Government furnished headstones or markers for the marked graves of veterans; to the Committee on Veterans' Affairs.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Cardin, Mr. English, Mr. Waxman, Mrs. Thurman, Mr. Salmon, Mr. Towns, Mrs. Kelly, Mr. Oberstar, Mrs. Morella, Mr. McNulty, Mr. Weldon of Pennsylvania, Mr. Shows, Mr. Sanders, Mrs. Maloney of New York, Mr. Frost, Mr. Frank of Massachusetts, Mr. Moore, and Mr. Gonzalez):

H.R. 1388. A bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself, Mr. Matsui, Mr. Taylor of North Carolina, Mr. Ehlers, Mr. Istook, Mr. Stump, Mr. Doolittle, Mr. Condit, Mr. Baldacci, Mr. Gejdenson, Mr. Frank of Massachusetts, Mr. Moran of Kansas, Ms. Woolsey, Mr. Hill of Montana, Ms. Schakowsky, Mr. Filner, Mr. Bachus, Mr. McGovern, Mr. Bilbray, Mr. Brown of California, Mr. Doyle, Mr. Hostettler, Mr. Frost, Mrs. Myrick, Mr. Thornberry, Mr. Sununu, Mr. Salmon, Mr.

Ewing, Mr. Nethercutt, Mr. Green of Texas, Ms. Pryce of Ohio, and Mrs. McCarthy of New York):

H.R. 1389. A bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 1390. A bill to amend the Internal Revenue Code of 1986 to reduce the rates of income tax imposed on indvidual taxpayers by 3 percentage points, to provide for a carryover basis of property acquired from a decedent, and for other purposes; to the Committee on Ways and Means.

By Mr. REGULA (for himself and Mr. Murtha):

H.R. 1391. A bill to require the Administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs and to amend CERCLA regarding the liability of landowners and prospective purchasers; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1392. A bill to amend title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to enter into contracts with providers of services to furnish certain inpatient hospital services at an all-inclusive rate of payment; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATTS of Oklahoma:

H.R. 1393. A bill to provide wage parity for certain Department of Defense employees in Texas and Oklahoma; to the Committee on Government Reform.

By Mr. McCOLLUM (for himself, Mr. Canady of Florida, Mr. Goss, Mr. Young of Florida, Ms. Brown of Florida, Mrs. Meek of Florida, Mr. Foley, Mr. Davis of Florida, Mr. Bilirakis, Mr. Mica, Mr. Weldon of Florida, Mr. Stearns, Mr. Deutsch, Mr. Miller of Florida, and Mr. Hastings of Florida):

H.R. 1394. A bill to provide for the appointment of additional Federal district judges in the State of Florida, and for other purposes; to the Committee on the Judiciary.

By Mr. HUNTER (for himself and Mr. Calvert):

H.R. 1395. A bill to amend the Clean Air Act to suspend the application of certain motor vehicle fuel requirements in areas within the State of California during certain periods in order to reduce the retail cost of gasoline, and for other purposes; to the Committee on Commerce.

By Ms. McKINNEY (for herself, Mr. Leach, Mr. Ackerman, Mr. Andrews, Mr. Forbes, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Lewis of Georgia, Mr. McDermott, Mr. Payne, Mr. Lantos, Mr. Wexler, Mrs. Meek of Florida, Mrs. Jones of Ohio, Mr. Rush, Mr. Clay, Mr. Filner, Mr. Waxman, Mr. Stark, Mr. Luther, Mr. McGovern, Mr. Kleczka, Mr. Dixon, Mr. Markey, Mr. Frank of Massachusetts, Mr. Martinez, Mr. Pascrell, Mr. Barrett of Wisconsin, Ms. Woolsey, Mr. Owens, Ms. Lofgren, Ms. Rivers, Mr. Bonior, Mr. Meeks of New York, Ms. Lee, Mr. Conyers, Mr. Larson, Mr. Kucinich, Mr. Jackson of Illinois, Ms. DeLauro, Mr. Franks of New Jersey, Ms. Waters, Mr. Ford, Mr. Brown of California, Mr. Capuano, Mr. Holt, Mr. Towns, and Ms. Baldwin):

H.R. 1396. A bill to save taxpayers money, reduce the deficit, cut corporate welfare, and protect and restore America's natural heritage by eliminating the fiscally wasteful and ecologically destructive commercial logging program on Federal public lands and to facilitate the economic recovery and diversification of communities dependent on the Federal logging program; to the Committee on Agriculture, and in addition to the Committees on Resources, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING (for himself, Mr. Bass, Mr. Frelinghuysen, Mr. Castle, Mr. McKeon, Mrs. Roukema, Mr. Ballenger, Mr. Boehner, Mr. Hoekstra, Mr. Greenwood, Mr. Graham, Mr. Norwood, Mr. Upton, Mr. Hayworth, Mr. Hilleary, Mr. Salmon, Mr. Tancredo, Mr. Baldacci, Mr. Bilbray, Mr. Blunt, Mr. Boehlert, Mr. Chambliss, Mr. Cunningham, Ms. Dunn, Mr. English, Mr. Ewing, Mrs. Fowler, Mr. Herger, Mr. Hill of Montana, Mrs. Kelly, Mr. McCollum, Mr. Moore, Mr. Moran of Kansas, Mrs. Myrick, Mr. Nethercutt, Mr. Nussle, Mr. Peterson of Pennsylvania, Mr. Ramstad, Mr. Sessions, Mr. Shows, Mr. Sununu, Mr. Thune, Mr. Traficant, and Mr. Weldon of Florida):

H. Con. Res. 84. Concurrent resolution urging the Congress and the President to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

17. The SPEAKER presented a memorial of the Senate of the State of New Hampshire, relative to Senate Resolution No. 4 urging the President and the Congress to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the IDEA to ensure that all children, regardless of disability, received a quality education and are treated with the dignity and respect they deserve; to the Committee on Education and the Workforce.

18. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a memorial urging Congress and the President of the United States to take immediate action to work in unison to pass a Patient's Bill of Rights and confront this impending health care crisis in the best interest of all Americans; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. YOUNG of Alaska introduced a bill (H.R. 1397) for the relief of Herman J. Koehler, III; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. Hastings of Washington and Mr. Nussle.

H.R. 25: Mrs. Lowey, Mr. Capuano, and Mr. Maloney of Connecticut.

H.R. 36: Mr. Dooley of California, Mr. Rush, Mrs. Thurman, Mr. Evans, Mr. Martinez, Mr. McNulty, Mr. Conyers, Ms. DeLauro, Mr. Andrews, and Mr. Blagojevich.

H.R. 40: Mr. Meeks of New York and Mr. Faleomavaega.

H.R. 45: Mr. Davis of Illinois, Mr. Wexler, and Mr. Cunningham.

H.R. 49: Mr. Gonzalez and Ms. Lofgren.

H.R. 53: Mr. Dickey and Mr. Gonzalez.

H.R. 61: Mr. Hinchey.

H.R. 119: Mr. Tancredo, Mr. Whitfield, and Mr. Thune.

H.R. 120: Mr. Gary Miller of California.

H.R. 121: Mr. Shows.

H.R. 152: Mr. Paul.

H.R. 205: Mr. Shows.

H.R. 212: Mr. Cunningham, Mr. Dooley of California, Mr. Moran of Kansas, Mr. John, and Mr. Cummings.

H.R. 216: Mr. Wolf and Mr. Capuano.

H.R. 218: Mr. Jones of North Carolina, Mr. Boucher, Mr. John, Mrs. Cubin, Mr. Andrews, Mr. Dickey, and Mr. Bilirakis.

H.R. 353: Ms. Berkley, Mr. Ehlers, Mr. Klink, Mr. Neal of Massachusetts, Mr. Moakley, Mr. Riley, Mr. Duncan, Mr. Weiner, Mr. Rush, Mr. Traficant, Mr. LaTourette, Mrs. Christensen, and Mr. Dixon.

H.R. 371: Ms. Baldwin, Mr. Hunter, and Mr. Barrett of Wisconsin.

H.R. 372: Mrs. Johnson of Connecticut, Mrs. Emerson, and Mr. Gordon.

H.R. 380: Mrs. Maloney of New York, Mr. Capuano, Mr. Hayes, Mr. Davis of Virginia, Mr. Olver, Mr. Gilman, Mr. Sawyer, and Mr. Holt.

H.R. 382: Mr. Davis of Illinois, Ms. Berkley, and Mr. Frank of Massachusetts.

H.R. 383: Mr. Roemer, Mr. Ackerman, Mr. Serrano, and Ms. Dunn.

H.R. 389: Ms. Berkley.

H.R. 407: Mr. Gibbons.

H.R. 417: Mr. Coyne.

H.R. 443: Mr. Markey.

H.R. 486: Mr. Smith of New Jersey, Mr. Oberstar, Mr. Duncan, Mr. Murtha, Ms. Carson, Mr. Foley, Mr. Sabo, Mr. Gillmor, Mr. Boucher, and Mr. Jenkins.

H.R. 488: Mr. Waxman, Mr. Porter, and Mr. Berman.

H.R. 505: Mr. Frost, Mr. Horn, and Mr. Gonzalez.

H.R. 538: Mr. Cramer.

H.R. 544: Mr. Barrett of Wisconsin.

H.R. 566: Mr. Gonzalez and Mr. Capuano.

H.R. 570: Mr. Ryan of Wisconsin.

H.R. 573: Mr. Bryant, Mr. Bliley, Mr. Walsh, Mr. Forbes, Mr. Riley, Mr. Smith of New Jersey, Mr. Davis of Virginia, Mr. Kuykendall, and Mr. Hulshof.

H.R. 574: Mr. Sessions.

H.R. 583: Mr. Bonior.

H.R. 595: Ms. SLAUGHTER, Mr. BERMAN, Ms. LOFGREN, Mr. BLAGOJEVICH, Mr. COSTELLO, Ms. BROWN of Florida, and Ms. PELOSI.

H.R. 632: Mr. SALMON.

H.R. 655: Mr. KUCINICH, Mr. NEY, Mr. SHOWS, Mr. LEWIS of Georgia, Mrs. CAPPS, Ms. LOFGREN, and Mr. NEAL of Massachusetts.

H.R. 673: Mr. CANADY of Florida and Mrs. MEEK of Florida.

H.R. 681: Mr. GARY MILLER of California.

H.R. 691: Mr. ANDREWS.

H.R. 716: Mr. McDERMOTT.

H.R. 721: Mr. McDERMOTT.

H.R. 732: Mr. WATT of North Carolina, Mr. LUCAS of Kentucky, Mr. BAIRD, Mr. WEXLER, Mr. TOWNS, Mr. DICKS, Mr. WEINER, Mr. BENTSEN, Mr. CUMMINGS, Mr. ABERCROMBIE, Mr. SANDERS, and Ms. WATERS.

H.R. 740: Mr. COYNE, Mr. BONIOR, Mr. VISCLOSKY, Mr. LIPINSKI, Mr. GUTIERREZ, and Mr. STRICKLAND.

H.R. 745: Mr. GONZALEZ.

H.R. 746: Mr. HINCHEY.

H.R. 765: Mr. DICKEY, Mr. MINGE, Mr. HOSTETTLER, and Mr. HINOJOSA.

H.R. 775: Mr. METCALF, Mr. KINGSTON, Mr. SAM JOHNSON of Texas, Mr. BAKER, and Mr. BACHUS.

H.R. 803: Mr. SHOWS, Mr. GUTIERREZ, Mr. HOSTETTLER, Mr. KUYKENDALL, Mr. DICKEY, Mr. GARY MILLER of California, and Mr. RILEY.

H.R. 815: Mr. BAKER, Mr. CONDIT, Mr. BURTON of Indiana, Mr. POMBO, Mr. SHIMKUS, Mr. CALVERT, Mr. RYUN of Kansas, and Mr. DOOLEY of California.

H.R. 833: Mr. COLLINS, Mr. GORDON, Mr. McINTOSH, and Mr. SCARBOROUGH.

H.R. 881: Mr. BRADY of Pennsylvania, Mr. HALL of Texas, Mr. PAUL, and Mr. FOLEY.

H.R. 889: Ms. BERKLEY, Mr. GUTIERREZ, Mr. HINCHEY, Mr. PASCRELL, Mr. PAYNE, Mr. PRICE of North Carolina, and Ms. SLAUGHTER.

H.R. 890: Ms. BERKLEY, Mr. GUTIERREZ, Mr. HINCHEY, Mr. PASCRELL, Mr. PAYNE, Mr. PRICE of North Carolina, and Ms. SLAUGHTER.

H.R. 912: Ms. BALDWIN.

H.R. 914: Mr. FALEOMAVAEGA.

H.R. 925: Mr. FRANK of Massachusetts, Mr. WEXLER, Mr. McGOVERN, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, and Mr. BENTSEN.

H.R. 941: Mr. CAMP and Mr. GONZALEZ.

H.R. 952: Mr. BISHOP.

H.R. 961: Ms. LOFGREN, Mrs. LOWEY, Mr. LEWIS of Georgia, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, and Ms. SLAUGHTER.

H.R. 984: Mr. FOLEY, Mr. DOOLEY of California, and Mr. MORAN of Virginia.

H.R. 989: Mr. FROST, Mr. LoBIONDO, and Mr. SHOWS.

H.R. 991: Mr. DINGELL, Mr. PHELPS, Mr. PALLONE, and Ms. BERKLEY.

H.R. 999: Mr. SHAW and Mr. LoBIONDO.

H.R. 1006: Mrs. JOHNSON of Connecticut.

H.R. 1029: Mr. GEORGE MILLER of California.

H.R. 1040: Mrs. MYRICK and Mr. HEFLEY.

H.R. 1046: Ms. KAPTUR, Mr. JEFFERSON, Mr. WEYGAND, Mr. LAMPSON, Mr. WEXLER, Mr. HILLIARD, Mr. TRAFICANT, Mr. CRANE, Mr. CRAMER, and Mr. SKEEN.

H.R. 1050: Mr. EVANS.

H.R. 1051: Mr. DOYLE and Mr. BRADY of Pennsylvania.

H.R. 1053: Mr. LEWIS of Georgia and Mr. UNDERWOOD.

H.R. 1063: Mr. ALLEN, Mr. STUPAK, Mr. PAYNE, and Mr. POMBO.

H.R. 1070: Mr. MENENDEZ, Mrs. MEEK of Florida, Ms. SCHAKOWSKY, Mr. DAVIS of Florida, Mr. FARR of California, Mr. DIAZ-BALART, Ms. DEGETTE, Mr. BERMAN, Mr. BLAGOJEVICH, Ms. NORTON, Ms. SANCHEZ, Mr. WEINER, Mr. GONZALEZ, Mr. SANDLIN, Mr. MARTINEZ, Mr. BASS, Mr. CAPUANO, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. PHELPS, Mrs. NAPOLITANO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, and Ms. DeLAURO.

H.R. 1080: Mr. FROST.

H.R. 1082: Mr. INSLEE, Mr. CLYBURN, Mr. WU, and Mr. MORAN of Virginia.

H.R. 1084: Mr. SCHAFFER.

H.R. 1085: Mr. GREEN of Texas and Mr. FROST.

H.R. 1086: Ms. NORTON, Ms. BROWN of Florida, and Mrs. CHRISTENSEN.

H.R. 1108: Mr. GEORGE MILLER of California and Mr. ENGLISH.

H.R. 1112: Ms. BERKLEY.

H.R. 1115: Mr. WYNN, Mr. KLINK, Ms. DANNER, Mr. SPRATT, Mrs. MALONEY of New York, and Mr. CAPUANO.

H.R. 1118: Mr. JEFFERSON.

H.R. 1123: Mr. OLVER, Mr. HINCHEY, and Ms. WOOLSEY.

H.R. 1144: Ms. MILLENDER-McDONALD.

H.R. 1145: Mrs. MEEK of Florida.

H.R. 1169: Mr. SERRANO, Mr. GREEN of Texas, Mr. DAVIS of Illinois, Mr. LAFALCE, and Ms. LOFGREN.

H.R. 1170: Mr. SERRANO, Mr. FILNER, and Ms. LOFGREN.

H.R. 1177: Mr. GRAHAM.

H.R. 1178: Mr. LEWIS of Kentucky, Mr. TAYLOR of North Carolina, Mr. WAMP, Mr. MORAN of Kansas, Mr. SIMPSON, Mr. METCALF, Mr. GILLMOR, Mr. ADERHOLT, Mrs. EMERSON, Mr. SCHAFFER, Mr. HEFLEY, Mr. STUMP, Mr. GOODE, Mr. NORWOOD, Mr. SUNUNU, Mr. PETRI, Mr. PICKERING, Mr. RAHALL, Mr. NEY, Mr. RYAN of Wisconsin, Mr. HILL of Montana, Ms. DANNER, Mr. SHIMKUS, Mr. ENGLISH, Mr. Lucas of Kentucky, Mr. PETERSON of Minnesota, Mr. BOUCHER, Mr. HASTINGS of Washington, Mr. HOSTETTLER, Mr. BARCIA, and Mr. CAMP.

H.R. 1180: Mr. DIXON, Mr. CUMMINGS, Mr. POMEROY, Mr. QUINN, Ms. DUNN, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. FROST, and Mr. WALSH.

H.R. 1187: Mr. ABERCROMBIE, Mr. LEWIS of Georgia, Ms. McCARTHY of Missouri, Mr. PASTOR, Mr. DUNCAN, Mr. BLAGOJEVICH, Mr. KILDEE, Mr. DIAZ-BALART, Mr. WU, Mr. HUTCHINSON, Mrs. MINK of Hawaii, Mr. MARTINEZ, Mr. BLUMENAUER, Ms. BALDWIN, Mr. SNYDER, Ms. HOOLEY of Oregon, Mrs. CLAYTON, Mr. KUYKENDALL, Mr. CRAMER, and Mr. HAYWORTH.

H.R. 1193: Mr. DIAZ-BALART, Mr. KENNEDY of Rhode Island, Mr. BAIRD, Mr. CAMPBELL, Mrs. CHRISTENSEN, Mrs. LOWEY, and Mr. SANDLIN.

H.R. 1195: Mr. JOHN, Mr. BAKER, Mr. COOKSEY, Mr. TAUZIN, Mr. GORDON, Mr. TANCREDO, Mr. BARCIA, Mr. HEFLEY, and Mrs. EMERSON.

H.R. 1199: Mr. UNDERWOOD.

H.R. 1221: Mr. KNOLLENBERG, Mr. CAPUANO, Mr. WEYGAND, Mr. BLAGOJEVICH, Mr. EDWARDS, and Mr. PAYNE.

H.R. 1222: Mr. ALLEN and Mr. BRADY of Pennsylvania.

H.R. 1227: Ms. BROWN of Florida.

H.R. 1244: Mrs. EMERSON, Mr. GONZALEZ, and Mr. CRAMER.

H.R. 1250: Mr. KING.

H.R. 1283: Mr. CUNNINGHAM, Mr. SAM JOHNSON of Texas, Mr. McINTOSH, Ms. DUNN, Mr. COMBEST, Mr. PASCRELL, Mr. BARR of Georgia, and Mrs. MYRICK.

H.R. 1285: Mr. GONZALEZ, Mr. LEWIS of Georgia, and Mr. SANDERS.

H.R. 1288: Mr. KANJORSKI, Mr. ACKERMAN, Mr. FROST, and Mr. GRAHAM.

H.R. 1291: Mr. BRYANT, Mr. WISE, Mr. LARGENT, Mr. FILNER, Mr. FORBES, Mr. LUCAS of Kentucky, Mr. PICKERING, Mr. UNDERWOOD, Mr. HOLT, Mr. FRANKS of New Jersey, Mr. WU, Mr. LaTOURETTE, Mr. CASTLE, Mr. TAYLOR of North Carolina, Mr. BURTON of Indiana, Ms. DUNN, Mr. GREEN of Texas, and Mr. FLETCHER.

H.R. 1307: Mr. CUMMINGS, Mr. SANDERS, and Mr. GONZALEZ.

H.R. 1335: Ms. MILLENDER-McDONALD.

H.R. 1342: Mr. PORTER, Mrs. ROUKEMA, Mr. WAXMAN, Mr. PASCRELL, Mr. CASTLE, Mr. FARR of California, Mr. SHAYS, Mr. SHERMAN, Mr. GEORGE MILLER of California, Mrs. MORELLA, Mr. McGOVERN, Mr. WEINER, Mr. BLUMENAUER, Mr. ENGEL, Mrs. LOWEY, Mr. DELAHUNT, Mr. BLAGOJEVICH, Mr. ACKERMAN, Mr. LUTHER, Ms. LOFGREN, and Mr. KENNEDY of Rhode Island.

H.R. 1355: Ms. DeLAURO, Mr. COYNE, Mr. HALL of Ohio and Ms. DEGETTE.

H.R. 1356: Mr. ROHRABACHER and Ms. KILPATRICK.

H.R. 1370: Mr. LAZIO.

H.R. 1371: Ms. ROS-LEHTINEN, Ms. WATERS, and Mr. LAZIO.

H.J. Res. 1: Mrs. NORTHUP.

H.J. Res. 37: Mr. FLETCHER, Mr. ISAKSON, Mr. COBLE, and Mr. SHOWS.

H.J. Res. 41: Mr. SHAYS, Mrs. TAUSCHER, Mr. HINCHEY, Mr. MARKEY, Mr. OLVER, Ms. KILPATRICK, Mr. WEINER, Mr. DeFAZIO, Mr. GEJDENSON, Mrs. CHRISTENSEN, Ms. KAPTUR, Mr. BERMAN, Mr. ALLEN, Mr. BARRETT of Wisconsin, Mr. DIXON, Mr. ABERCROMBIE, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Ms. McKINNEY, Ms. PELOSI, Ms. JACKSON-LEE of Texas, Mr. WEYGAND, and Mrs. JONES of Ohio.

H.J. Res. 44: Mr. GOODLING.

H. Con. Res. 8: Mrs. BIGGERT.

H. Con. Res. 16: Mr. BONILLA and Mr. SUNUNU.

H. Con. Res. 31: Mr. CRAMER, Mr. CAPUANO, and Ms. BROWN of Florida.

H. Con. Res. 35: Ms. DANNER and Mrs. CHRISTENSEN.

H. Con. Res. 39: Mr. LARGENT and Mr. SAM JOHNSON of Texas.

H. Con. Res. 60: Mr. SCARBOROUGH, Mrs. LOWEY, Mr. GOODE, Mr. PETRI, Mr. CUMMINGS, Mr. CONDIT, Mr. WOLF, Mr. MEEHAN, Mr. FRANKS, of New Jersey, Ms. ROYBAL-ALLARD, Mr. STUPAK, Ms. DANNER, Ms. BERKLEY, Mr. CLEMENT, Ms. RIVERS, Mr. OLVER, Mr. GONZALEZ, Mrs. MYRICK, Mr. HOLDEN, Mr. BORSKI, and Mr. OXLEY.

H. Con. Res. 63: Mr. HERGER, Mr. HAYWORTH, and Ms. DUNN.

H. Con. Res. 66: Mr. McKEON.

H. Con. Res. 78: Mr. ALLEN, Ms. KILPATRICK, Mr. McDERMOTT, Mr. OLVER, Mr. WEXLER, Ms. LOFGREN, Mr. GONZALEZ, Mr. MEEHAN, Mr. RUSH, Mr. WYNN, Mr. PAYNE, Mr. McNULTY, and Mr. FROST.

H. Con. Res. 79: Mr. POMEROY, Mr. McINTOSH, Mr. PASCRELL, Mr. CONDIT, Mr. RODRIGUEZ, Mr. RAHALL, Mr. SANDERS, Mr. HILLEARY, Mr. BONILLA, Mr. JENKINS, Mr. WEYGAND, Mr. HILLIARD, Mr. BENTSEN, Mr. MASCARA, Mr. WATTS of Oklahoma, Mr. ALLEN, Mr. FROST, Mr. WAMP, Mr. HOSTETTLER, Mr. SERRANO, Mr. MURTHA, Mr. WISE, Mr. VISCLOSKY, Mr. CRAMER, Mr. HUTCHINSON, and Mr. FATTAH.

H. Con. Res. 82: Mr. GOODLING and Mr. SCARBOROUGH.

H. Res. 41: Mr. BRADY of Pennsylvania, Mr. KLECZKA, Ms. SLAUGHTER, and Mr. WEINER.

H. Res. 55: Mr. NETHERCUTT.

H. Res. 80: Mr. GEKAS.

H. Res. 82: Mr. OLVER and Mr. UNDERWOOD.

H. Res. 89: Mr. LEWIS of Georgia, Mrs. MINK of Hawaii, Mr. CUMMINGS, Mr. BILBRAY, Mr.

BILIRAKIS, Mrs. CAPPS, Ms. HOOLEY of Oregon, Mr. COYNE, Mr. PHELPS, and Mr. WAMP.

H. Res. 94: Mr. CANADY of Florida.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 472

OFFERED BY: MR. MILLER OF FLORIDA

AMENDMENT NO. 3: Page 2, line 7, strike "142" and insert "141". Page 2, line 8, strike "143" and insert "142". Page 4, line 25, strike "142" and insert "141". Page 4, after line 25, strike "143" and insert "142".

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION TO REFORM THE FAIR LABOR STANDARDS ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. BALLENGER. Mr. Speaker, today I am introducing two bills which reflect our continued efforts to make the Fair Labor Standards Act (FLSA) applicable to today's workforce. The FLSA is one of the most outdated workplace regulatory schemes faced by businesses and employees. As the primary statute governing the payment of wages and hours of work, the FLSA has changed little since it was enacted in 1938.

In today's business environment, employers and employees must find ways to compete and meet the challenges of an increasingly competitive and global economy. Government should be user-friendly, less confrontational, and less costly. The regulatory scheme must be designed to be flexible to accommodate different situations and future challenges. The demographics of the workforce and the characteristics of jobs have changed dramatically over the past 60 years. But, the FLSA has not kept pace with these changes and it now stands out as being rigid and inflexible for today's work styles and work arrangements.

The two bills that I am introducing today will update areas of the FLSA which regulate scheduling and compensation. Currently, the FLSA does not allow private sector employers to give their employees the choice of compensatory time off in lieu of overtime wages. The first bill, "The Working Families Flexibility Act of 1999," would give private sector employers and employees an option which Federal, State, and local governments have had for many years—the choice of "comp time" in lieu of overtime pay. The legislation is identical to that which the House passed during the 105th Congress.

The Working Families Flexibility Act answers the call of many workers for increased flexibility and choices in the workplace. Many employees are finding it increasingly difficult to find enough time for important family obligations or outside interests, which makes receiving comp time instead of cash overtime an attractive option.

Many employers who want to be family-friendly find that flexible scheduling can be extremely difficult for employees who are paid by the hour and covered by the overtime provisions in the FLSA. Suppose an employee has a terminally ill parent who lives several states away. Days off with pay can become precious for that employee when a 2-day weekend does not provide enough time to travel and spend time with that parent. When that employee works a few hours of overtime each week, he or she may prefer to be paid with time off rather than with cash wages. If the individual is employed in the public sector, then he or she would have the choice of receiving paid time off in lieu of cash wages for overtime hours worked. However, under current Federal law, if the individual is employed in the private sector then he or she cannot choose paid time off, even if that form of compensation is preferred.

The Working Families Flexibility Act would allow employers to make comp time available as an option for employees. Employees would have the choice, through an agreement with the employer, to take overtime pay in the form of paid time off. As with overtime pay, comp time hours would accrue at a rate of one and one-half hours of comp time for each hour of overtime worked. In response to concerns about employees being coerced by employers into choosing comp time over cash wages, the legislation includes numerous protections to ensure that employees cannot be pressured into one choice or the other.

Employees could accrue up to 160 hours of comp time within a 12-month period. The legislation would require the employer to annually cash-out any unused comp time accrued by the employee. Employees may withdraw from a comp time agreement at any time and request a cash-out of any or all accrued, unused comp time. The employer would have 30 days in which to comply with the request. The legislation would also require an employer to provide the employee with at least 30 days notice prior to cashing out any accrued time in excess of 80 hours or prior to discontinuing a policy of offering comp time.

Employees would be able to use their accrued comp time at anytime, so long as its use did not unduly disrupt the operations of the business (the same standard used in the public sector and under the Family and Medical Leave Act.) Employers would be prohibited from requiring employees to take accrued time solely at the convenience of the employer.

I want to emphasize that this legislation does not eliminate or change the traditional 40-hour workweek. It simply provides employees with another option in the workplace—time off instead of overtime pay. This concept may be revolutionary to some, but to America's workers, who are increasingly frustrated about coping with the demands of work and family responsibilities, it is a long overdue change.

The second bill, "The Rewarding Performance in Compensation Act," would help workers to share, financially, when their efforts help produce gains for their company in productivity, sales, fewer injuries, or other important aspects of performance.

The pressures of worldwide competition and rapid technological change have forced most employees to seek continuous improvement in productivity, quality, and other aspects of company performance. Employers often seek to encourage and reward employee efforts to improve productivity, quality, etc. through what are called "gainsharing" plans—linking additional compensation to measurable improvements in company, team, or individual performance. Employees are assigned individual or group productivity goals and the savings achieved from improved productivity, or the gains, are then shared between the company and the employees. The payouts are based directly on factors under an employee's control, such as productivity or costs, rather than on the company's profits. Thus, employees directly benefit from improvements that they help to produce by increasing their overall compensation.

Unfortunately, employers who choose to implement such programs can be burdened with unpredictable and complex requirements by the Fair Labor Standards Act, which clearly did not envision these types of "pay based upon performance" plans.

For example, if a bonus is based on production, performance or other factors, the payment must then be divided by the number of hours worked by the employee during the time period that the bonus is meant to cover, and added to the employee's regular hourly pay rate. This adjusted hourly rate must then be used to calculate the employee's overtime rate of pay. For other types of employees, such as executive, administrative, or professional employees who are exempt from minimum wage and overtime, an employer can easily give financial rewards without having to recalculate rates of pay.

The Rewarding Performance in Compensation Act would amend the FLSA to specify that an employee's regular rate of pay for the purposes of calculating overtime would not be affected by additional payments that reward or provide incentives for employees who meet productivity, quality, efficiency or sales goals. By eliminating disincentives in current law, this legislation will encourage employers to reward their employees and make it easier for employers to "share the wealth" with their employees.

I would urge my colleagues to support these two common sense reforms that will help to bring the FLSA, passed in 1938, a little closer to the needs of employees that the law is meant to benefit, as we enter the 21st century.

CONCERNED WOMEN FOR AMERICA'S 20TH ANNIVERSARY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SCHAFFER. Mr. Speaker, I am honored to call attention to America's largest women's public policy organization, Concerned Women for America (CWA), on its 20th anniversary.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CWA is the leading voice for women across the nation embracing and promoting traditional family values.

Twenty years ago, CWA's founder and chairman, Beverly LaHaye, realized a significant number of important voices were going unheard in the massive world of public policy. A hard-working parent and active citizen, she, along with a handful of other dedicated women, recognized that merely standing against issues was inadequate. On this basis, this small group set out to promote positive change. CWA has grown from that handful of women to over half-a-million members nationwide. Now, according to CWA, those who would label themselves feminists can no longer claim to be the one and only voice for all American women.

CWA promotes values and public policies that strengthen women and promote families. The organization empowers its members to turn concern into action by working to preserve, protect, and promote biblical values through education, legislative programs and community involvement. Among other things, CWA staff and grassroots leaders have been called upon to testify before the United States Congress and various state legislatures regarding issues such as the sanctity of human life, education, pornography, religious freedom, national sovereignty and the traditional American family.

On the local level, CWA members are active in defending parental rights and involvement in education, promoting sexual abstinence among teens, and supporting crisis pregnancy centers. They also educate communities on the virtues of respecting all human life and traditional lifestyles.

In 1998, Mrs. Carmen Pate became president of CWA, where she serves as the primary media spokesman and liaison to federal and local elected officials:

Concerned Women for America's legislative department monitors federal legislation and provides a presence on Capitol Hill and internationally on behalf of concerned conservative women. CWA's field department coordinates the organization's grassroots chapters, providing leadership training, resources and issue updates. The broadcast and media department produces the syndicated daily radio talk show, "Beverly LaHaye Today." which is heard weekly by over one million listeners. CWA spokesmen are always available to local and national media to give the conservative woman's perspective on issues affecting the home and the nation. CWA's research and publications department produces a monthly magazine, Family Voice, and publishes an array of informative brochures, position papers and booklets.

Mr. Speaker, I am honored to commend Concerned Women for America for twenty outstanding years of dedicated service to the men, women and children of our great nation.

HONORING GIL GARCIA

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mrs. CAPPS. Mr. Speaker, I rise to bring to the attention of my colleagues an extraordinary man and friend who celebrated his 60th birthday on March 31, Gil Garcia.

Gil has spent his entire life working on and serving the Central Coast of California. His formative years were spent in the Goleta Valley, where he attended elementary and junior high schools; he then went on to graduate from Santa Barbara Catholic High School. After serving four years in the United States Air Force in Oxnard, Gil worked for Arendt, Moser and Grant Architects for fourteen years, where he received his license to practice architecture. In 1976, he founded Garcia Architects, Inc., an architectural firm that continues to thrive today. Garcia Architects has received numerous awards throughout the years, including recognition from the Santa Barbara Chapter of the American Institute of Architects.

In addition to Gil's significant architectural contributions to the City of Santa Barbara and the State of California, Gil has been and will continue to be an effective, innovative and caring councilman and community leader. His work has earned him the life Time Achievement Award from the Santa Barbara News-Press, Man of the Year Award, and Volunteer of the Year from the Santa Barbara Chamber of Commerce. he has also been recognized by the Santa Barbara Hispanic Achievement Council.

Mr. Speaker, Gil Garcia's dedication to the people he represents is exemplary and I believe in his vision for our community. I congratulate Gil on his 60th birthday, and I commend him for years of service to the city of Santa Barbara and to our nation.

WOMEN'S HISTORY MONTH HONOREES

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SABO. Mr. Speaker, as Women's History Month draws to a close today, I rise to salute a woman from my Congressional District in Minnesota who has dedicated most of her life to encouraging all citizens to exercise their right to vote and play an active role in government.

Upon moving to Minneapolis from New York City, Florence Gray joined the League of Women Voters (LWV) of Minneapolis in 1948 to get more involved in her new community. The LWV of Minneapolis is a non-partisan organization which works to influence public policy through education and advocacy, providing election-related services, and sponsoring various educational forums and projects. In 1948, Gray helped create a new unit of the LWV along with a group of friends—many of them other young mothers like herself—and served as its chairperson. As the years passed, her leadership positions accumulated. During the 1960s, she was elected to the Minneapolis LWV Board as Treasurer, then became Vice President, then led the group as President from 1963 to 1965. She also served as the Minnesota vice president of the LWV.

After years of public service in the League of Women Voters, Gray went back to college in 1968 to complete her bachelor's and master's degrees at the University of Minnesota. In 1974, she was appointed Associate Director of the Epilepsy Research Center of the University of Minnesota's Neurology Department. After 17 years with the Center, she "retired," though she continued to serve as a part-time consultant for the Epilepsy Program. During this time, she rededicated herself to the LWV, heading the LWV of Minneapolis' 75th Anniversary Planning Committee. In 1994, she was presented with the LWV's esteemed Bess Mlnarik Award for her years of tireless efforts serving on the LWV.

One of Florence Gray's fellow LWV members once described her as "hard working, dedicated, tenacious, resilient, witty, wise, and wonderful. She has long since earned whatever honors we can give her." It is indeed fitting to salute Florence Gray for her lifetime of community service.

Mr. Speaker, I am pleased to honor Florence Gray in celebration of Women's History Month. I thank her for her contributions to both the state of Minnesota and to our country, and I wish her continued successes in the future.

IN MEMORY OF JOYCE CHIANG

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. STARK. Mr. Speaker, I join my colleagues to mourn the loss of Immigration and Naturalization Service attorney Joyce Chiang.

Ms. Chiang was a bright young woman who was of uncompromising service to my staff on issues concerning immigration law. My staff spoke highly of Ms. Chiang, who was a knowledgeable representative of the agency, who confidently and concisely explained the intricacies of the 1996 immigration law. My district office was fortunate to benefit Ms. Chiang's expertise on implementation of the new law, as she fulfilled her trial-attorney training in the San Francisco INS office.

I am saddened by the questions concerning her death as we mourn the loss of this bright young woman and fine public servant.

RAIDERS TAKE CURTIN CALL

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. VENTO. Mr. Speaker, I would like to submit for the RECORD this article from the February 21, 1999 edition of the St. Paul Pioneer Press which recounts the exciting victory of Roseville High School's girls hockey team. Impressively, this is Roseville's second state championship title in four years. Amazingly enough, they have only had a womens' hockey program for four years. This is yet another example of the young people in the Fourth District of Minnesota accomplishing many special goals.

The coach of this mighty team, Rich Kuehne, will be departing now that the season is over. After 33 years of coaching hockey, including four years with Roseville's girls hockey team, Mr. Kuehne is retiring. Additionally, their star player, Ms. Ronda Curtin will be graduating and attending the University of Minnesota where she will continue her hockey career as a member of the Gopher's team. I wish both of them continued success in their endeavors and congratulate them on an outstanding season.

The Roseville girls hockey team has demonstrated, once again with an undefeated season, that hard work and dedication always lead to success. I wish them luck in future seasons and congratulate them on their superior performance.

[From the St. Paul Pioneer Press, Feb. 21, 1999]

RAIDERS TAKE CURTIN CALL

(Tim Leighton)

Years from now, Ronda Curtin will be remembered as one of the pioneers of girls hockey in Minnesota.

Saturday night, Roseville's star left a more immediate but very lasting impression that typified her dominance of the sport the past four years.

The senior center and all-time leading scorer in state history scored four goals and assisted on one to power the top-ranked Raiders to an 8–2 victory over Bloomington Jefferson in the championship game of the state girls hockey tournament at the State Fairgrounds Coliseum.

The state championship is Roseville's second in just four years of sponsoring girls hockey. It also is the second time in four years the Raiders (27–0–1) finished a season undefeated. They were undefeated when they won the state title in 1996.

Jefferson (22–4–1) was making its second state tournament appearance and first in a championship game.

"Ronda Curtin has been an ambassador for girls hockey the past four years," Jefferson coach Dave Irvin said. "There is no question she should be the Ms. Hockey award winner.

"We're glad she's leaving; she can take her sister with her."

Curtin will play for the University of Minnesota next season. But her sister, Renee, will remain a potent scorer for the Raiders for two more seasons. And Ronda, who could be named the recipient of the Ms. Hockey award today, will leave with her name all over the Roseville record book.

"It was a wonderful way to end my career," Ronda Curtin said. "I'm really fortunate. I was able to come in with a bang by winning a state title in our first year, and now I'm going out with a bang. I don't know how anyone can top that. Playing girls hockey in Minnesota has provided me with lots of memories."

Curtin's four goals gave her seven for the tournament and 249 for her career. She finished her career with a state-best (boy or girl) 456 points.

Her pure hat trick in the second period blew open a close game and gave the Raiders a commanding 6–2 lead.

"Oh, those goals were fun to watch, weren't they?" Roseville coach Rich Kuehne said.

Curtin showed the flair and intelligence that became indelible to Roseville's opponents.

She started her second-period spree with a power-play goal at 6:41. She streaked down the left side, sped around a defender and stuffed a shot past Jefferson goalie Dana Hergert.

"Her reach is incredible," Irvin said. "We think she can stand at center ice and touch the sideboards. That is just one of the reasons why she is so tough to defend."

Less than two minutes later, while Roseville was trying to kill a Jefferson power play, Curtin zipped around defender Chrissie Norwich and had a breakaway.

Just when it appeared Curtin would ram into Hergert, she ripped a hard shot that hit the crossbar and bounced down into the net, giving the Raiders a 4–1 lead.

"We really came ready to play," said Renee Curtin, who assisted on two of her sister's goals. "We were very focused and didn't let up."

Well, they did momentarily because Jefferson answered 34 seconds later. Bethany Petersen trimmed Roseville's lead to 4–2 with a wicked wrist shot from just inside the blue line.

Ronda Curtin restored the Raiders' three-goal advantage with a blast from the right circle that sailed past Hergert.

"We really came ready to play," she said.

Erika Mortenson gave Roseville a 6–2 lead with her second goal of the game with 27 seconds remaining in the second period.

Three goals were scored in just more than a minute midway through the first period. Roseville scored two of them, 31 seconds apart.

Lindsay O'Keefe gave the Raiders the lead after firing a wrist shot from the slot. Seconds earlier, Mortenson scored her first goal of the tournament, to go with four assists, on a tap-in from in close.

Jefferson opened the scoring on a goal by Emily Naslund at 6:34 after bottling up the Raiders in their zone. For about a minute, Roseville was unable to clear the puck out of its end.

The Raiders ultimately paid the price when Naslund, in heavy traffic in front of the goal, slid a short shot under the pads of Roseville goalie Jodi Winters.

"I was a little concerned in the early going," Kuehne said, "Jefferson came out hard, and we looked a little tentative. I started to relax and enjoy things a little more when we perked up."

Saturday's game ended Kuehne's 33-year hockey coaching career. He plans to retire to his cabin on Leech Lake. He compiled a 103–4–3 record in four years as Roseville's first girls hockey coach.

"That's the kids' record, though, not mine," he said. "They've given me many wonderful memories."

TRIBUTE TO TOM TROXEL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to Tom Troxel, the Director of the Intermountain Forest Industry Association. Mr. Troxel has demonstrated an unparalleled commitment to the timber industry and to the health and well-being of forests across the nation. His tireless efforts on issues related to forestry, forest health and timber practices have gone far to promote sound practices, to level the playing field with the federal government and to better our environment. Mr. Troxel's high regard for our forested lands and the people that rely on them resonates with dedication and enthusiasm. Mr. Speaker, I commend Tom Troxel for all his efforts, and I look forward to working with him in the future.

SAN LUIS OBISPO HOLOCAUST REMEMBRANCE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mrs. CAPPS. Mr. Speaker, last Sunday, April 11, a moving and important event took place in San Luis Obispo, California, which I am proud to represent.

Many of my constituents gathered at Cal Poly Theater to commemorate the 12th annual San Luis Obispo Community Holocaust Remembrance. At this yearly event, the community joins together to remember who died in the Holocaust, pay tribute to those who survived, and seek to apply the lessons of the past to the reality of the present.

More than half a century after World War II, it is still difficult to comprehend the depth of depravity which engulfed Europe. The systematic extermination of six million Jews and millions of other innocent people—simply because of who they were—stands as the most horrific example of man's inhumanity to man. Now, as fewer and fewer survivors remain to tell their stories, it is even more incumbent upon us to recall the horrors of the Nazi era and teach them to future generations.

Two distinguished speakers were scheduled to address this year's gathering. Klara Bergman was born in Poland and spent the war running and hiding from the Nazis. She is a highly successful businesswoman and a regular on the media.

Ted Johnson, a San Luis Obispo County native, has served in the Peace Corps and the State Department and is an expert on central Europe.

The choice of these two speakers is particularly appropriate this year, as our TV screens are filled with the anguish of Kosovar refugees and our hearts are with the brave American servicemen and women who are leading the NATO attacks on Slobodan Milosovic. As we remember the Holocaust, we must all recommit ourselves to the fight against modern-day genocide and oppression. We must ensure that the phrase "Never Again" is not simply an empty slogan.

WOMEN'S HISTORY MONTH HONOREES

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SABO. Mr. Speaker, as Women's History Month draws to a close today, I rise to salute a woman from my Congressional District in Minnesota who, by her own example, has helped open the door for all women who choose to serve in elected public office.

Alice W. Rainville, a wife and mother of seven, was the first woman to serve on Minneapolis' Metropolitan Transit Commission. She was appointed to the post by Minnesota Governor Wendell Anderson in 1974—a rare achievement for a woman at that time in our country's history. Also in that year, Rainville served as the chair of the Democrat-Farmer-Laborer party in Minnesota's 54th Senate District. In 1975, she sought and won the Fourth Ward seat on the Minneapolis City Council. By doing so, Rainville became the fourth woman to hold a City Council seat in the history of Minneapolis. She was re-elected every two years thereafter until she retired in January, 1998.

Although she was not Minneapolis' first female City Council member, Rainville became its first female City Council President. Becoming President in 1980, she led the Council until 1990—the longest tenure of any City Council President in Minneapolis. As President, Rainville played a major role in laying the groundwork for the new Minneapolis Convention Center, which opened in 1988. She worked with local officials and consultants on the initial plans and construction of this world-class facility, which is the largest public works project ever undertaken by the city of Minneapolis. She currently serves on the implementation team for a Convention Center expansion project and remains a valued resource for other development projects in the city.

Since Alice W. Rainville carved out her niche in Minneapolis politics in the 1970's, more and more women have entered politics and government service in Minneapolis. Today, including Mayor Sharon Sayles Belton, a majority of the Minneapolis City Council members are women. By proving to other women that they, too, can achieve success in what had once been a male-dominated political world, Alice W. Rainville is a true pioneer.

Mr. Speaker, I am pleased to honor Alice W. Rainville in celebration of Women's History Month. I thank her for her contributions to the city of Minneapolis, and I wish her continued successes in the future.

INTRODUCTION OF LEGISLATION TO SAVE MEDICARE LIVES AND MONEY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. STARK. Mr. Speaker, today I am introducing the first in a series of bills to modernize Medicare for the future: the "Centers of Excellence Act of 1999." Not only will this legislation save Medicare money, it will save the lives of many of its beneficiaries.

Centers of Excellence has already been proven to decrease mortality and lower cost.

Centers of Excellence originated as a demonstration project in the early 1990's to evaluate the effect of volume on quality and mortality for coronary artery bypass graft (CABG) surgery. The Department of Health and Human Services selected facilities on the basis of their outstanding experience, outcomes, and efficiency in performing these procedures. They found that hospitals that do large volumes of a certain type of procedure tend to have better outcomes and quality. The demonstration resulted in an 8 percent average annual decline in mortality and saved Medicare an average of 14 percent on CABG procedures. This year, CBO has scored the Centers of Excellence proposal as saving $300 million over five years and $600 million over ten years.

Since the early 1990's, numerous reports have come out documenting higher quality care and lower mortality in facilities that perform a large volume of cancer treatments, cardiac surgeries, and transplants, among others. These conditions often require highly specialized care that should only be provided by the highest-rated facilities.

Centers of Excellence is currently being used in the private sector to improve quality and decrease cost.

Many private sector employers are requiring higher quality standards from their health plans. Not only are these employer groups able to improve quality through Centers of Excellence, they are also able to negotiate deeper discounts with high-volume facilities. Medicare should be given the authority to contract with certain hospitals for quality and volume—both to save money and to deliver better health care.

Centers of Excellence has already been approved by the House in the past.

The bill we are introducing passed the House in the 1997 Budget Reconciliation bill (H.R. 2015). H.R. 2015 would have made the Centers of Excellence program a permanent part of Medicare by authorizing the Secretary to pay selected facilities a single rate for all services, potentially including post-acute services associated with a surgical procedure or hospital admission related to a medical condition. As with the CABG demonstration, selected facilities would have to meet special quality standards and would be required to implement a quality improvement plan.

The amendment was dropped in conference because of resistance from the Senate. Some Senators from States where no hospitals were designated as Centers of Excellence felt that the program tended to cast into doubt the quality or excellence of non-designated hospitals. Mr. Speaker, the name of this program is not important—what is important is that it can save money and by encouraging beneficiaries to use hospitals that have high volume, quality outcomes, it can save lives.

Like Lake Wobegon, where all the children are above average, it is human nature for all Members of Congress to want their local hospitals to be above average. But not all hospitals are above average—and this is a serious matter. In fact, it is a matter of life and death.

Indeed, good health policy in this nation would prohibit hospitals from doing sophisticated procedures if they do not have sufficient experience. This principle is applied to liver transplants, for example, and ought to be applied to other complex procedures as well. We may all have pride in our local hospitals, but the fact is: some of them are killing people because they do not do enough of certain types of procedures and therefore are not skilled in those procedures.

I regret that this important provision has been subjected to pork-barreling by previous Congresses. I hope that this body will see that it is included in the next Medicare bill that moves through Congress.

Some members of the now defunct Medicare Commission are proposing radical and unnecessary changes to Medicare. Before we cut back benefits and ask beneficiaries to pay more, we should explore every possible cost saving in the system. This bill is a step in the right direction: it saves money and improves the quality of care provided to seniors and the disabled.

The 1999 Trustees report projects that the Part A trust fund will remain viable until 2015, one of the longest periods of solvency ever projected in the history of the program. Simple changes, such as the Centers of Excellence proposal, are all that are needed to improve Medicare for its beneficiaries.

As further explanation of why this legislation makes great sense, I am including below "Extracts from the November, 1995 Research Report" on the Centers of Excellence Demonstration.

[From the November 1995 Research Report]

CENTERS OF EXCELLENCE DEMONSTRATION

Rationale for the Demonstration: Physicians operate under different payment incentives than hospitals, so hospital managers have difficulties implementing more efficient practice patterns. A global fee that includes physician services aligns incentives and encourages physicians to use institutional resources in a more cost effective manner.

Design of the Demonstration: Under the demonstration, Medicare paid each of the hospitals a single global rate for each discharge in DRGs 106 and 107, bypass with and without catheterization. This rate included all inpatient and physician services. The standard Medicare hospital passthroughs were also included, i.e., capital and direct medical education, on a prorated basis. Any related readmissions were also included in the rate. Pre- and post-discharge physician services were excluded except for the standard inclusions in the surgeon's global fee. All four hospitals agreed to forego any outlier payments for particularly expensive cases. The hospitals and physicians were free to divide up the payment any way they chose.

Medicare Savings under the Demonstration: From the start of the demonstration in May 1991 through December 1993, the Medicare program saved $15.3 million on bypass patients treated in the four original demonstration hospitals. The average discount amounted to roughly 14 percent on the $111 million in expected spending on bypass patients, including a 90-day post-discharge period.

Ninety percent of the savings came from HCFA-negotiated discounts on the Part A and B inpatient expected payments.

Eight percent came from lower-than-expected spending on post-discharge care.

Beneficiary Savings under the Demonstration: Beneficiaries (and their insurers) saved another $2.3 million in Part B coinsurance payments.

Total Savings under the Demonstration: Total Medicare savings estimated to have been $17.6 million in the 2.5 year period.

TRIBUTE TO NOU KA YANG

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. VENTO. Mr. Speaker, I would like to submit for the RECORD this article from the

March 21, 1999 edition of the St. Paul Pioneer Press. This article tells the extraordinary story of a St. Paul teenager who has been rewarded for her perseverance and dedication to her community.

Ms. Nou Ka Yang received the honor of being named The Boys and Girls Club Youth of the Year for the state of Minnesota. Ms. Yang has triumphed over the devastating circumstances of losing her father at the age of eight after spending time in a Laos Hmong refugee camp. She is currently a high school senior at Como Park High School where she is an honor student. She has maintained a 3.5 GPA and continues to support her community by doing activities such as translating for other Hmong residents who do not speak English.

The Boys and Girls Club Youth of the Year Award is a high honor that recently received the support of renowned talk show host Oprah Winfrey. The winners are chosen based on their leadership qualities, academic success, and ability to overcome obstacles. These are all qualities that Ms. Yang and the other candidates exhibit. Having youth in our communities with such promise allows me to feel comfortable about the future of our country.

Each state finalist receives a $25,000 scholarship and proceeds to the regional level where they compete for additional scholarship monies. I wish Ms. Yang luck as she proceeds to the next level. I know that she will represent the Fourth District and the State of Minnesota well.

[From the Saint Paul Pioneer Press, Mar. 21, 1999]

ST. PAUL TEEN-AGER AWARDED $25,000 OPRAH SCHOLARSHIP

(By Nancy Ngo)

A St. Paul high school senior has won the Boys and Girls Club Youth of the Year award, good for a $25,000 Oprah Winfrey Scholarship for college education.

Nou Ka Yang, 18, a senior at Como Park High School, took top honors in the annual state competition that started in 1947. Until the nonprofit service club joined forces with the television celebrity last year, however, no cash prize was given.

Yang was chosen Saturday after interviews with judges at the Radisson Hotel St. Paul. She competed against three candidates from the Minneapolis, Duluth and St. Cloud youth clubs.

The Oprah scholarships were established by the entertainer to help children who otherwise might not be able to afford college. The Boys and Girls Club, which emphasizes working with underprivileged youth, was chosen by Winfrey because of its national work, said Marie Grimm, communications director of the St. Paul Boys and Girls Club.

Winners from all 50 states receive a $25,000 scholarship. Yang now advances to the regional competition with prospects of winning an additional $8,000.

Yang plans to attend the University of Wisconsin-River Falls, an option she doubts would have been possible had she not won. She wants to be a computer animator.

She was chosen for her leadership qualities, academic success and abilities to overcome obstacles. Yang, a Laotian Hmong refugee, arrived in the United States from a refugee camp in Thailand when she was 8 years old. She said her father was killed after returning to Laos from the refugee camp.

Yang has four brothers and two sisters. She said she often is busy helping her mother with household chores, as well as taking care of her younger siblings.

Her demanding home life has not prevented her from becoming an excellent student. She ended her junior year with a grade point average of 3.5 Yang has been a member of the Boys and Girls Club for five years and is active at the organization's Mt. Airy public-housing complex location in St. Paul.

"She's an extremely hard worker," said George Latimer, former St. Paul mayor, who was one of the judges. He said he was impressed with Yang's ability to balance home and school tasks. Yang also contributes to her community in activities such as translating for Hmong residents who do not speak English, he added.

Yang sings in a church choir and is on the St. Paul Housing Authority's teen council, among other activities.

The other candidates for the youth award were Charles Adams, a senior at North High School in Minneapolis; Trena Ackerman, a sophomore at Deerfield High School in Duluth; and Tiffany Cherne, a sophomore at Apollo High School in St. Cloud.

The Boys and Girls Club is a nonprofit organization for children ages 6 to 10. There are six Boys and Girls Clubs in Minnesota: St. Paul, Minneapolis, Duluth, St. Cloud, Mille Lacs and Detroit Lakes. The clubs have drug-and-alcohol prevention programs, sports and social activities and offer career-education information.

TRIBUTE TO STEVE ARVESCHOUG

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to Mr. Steve Arveschoug, the General Manager of the Southeastern Colorado Water Conservancy District. Mr. Arveschoug has demonstrated an unparalleled commitment to his work on behalf of the district's many water users. He has emerged as a national leader on the complex and frustrating issue of Bureau of Reclamation oversight. Mr. Arveschoug's tireless efforts have led to a Congressional initiative to examine Bureau of Reclamation practices. Moreover, his keen eye for detail and persistence in negotiations has undoubtedly saved water users and the taxpayers a significant amount of hard-earned dollars. I commend Steve Arveschoug for his solid efforts, and I look forward to working with him in the future.

HONORING DR. MARY CEDERBERG

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mrs. CAPPS. Mr. Speaker, I rise today to bring to the attention of my colleagues an extraordinary doctor and friend who was recently honored for twenty-five years of outstanding service in Santa Barbara County—Dr. Mary Cederberg.

A graduate of the University of Missouri, Mary received her M.D. from the University of Louisville, Kentucky. She then completed a Fellowship at Boston Children's Hospital and worked briefly at Harvard University. Since 1956, Mary has worked tirelessly as a pediatrician and an advocate for children.

During Mary's twenty-five years of service with the Santa Barbara County Public Health Department, she has directed the California Children's Services program as well as the Children's Health and Disease Prevention (C.H.D.P.) program. It is through the C.H.D.P. program that Mary has left her mark on the entire county of Santa Barbara, by providing innovative and comprehensive preventive care to thousands of children.

Mary is a dedicated, hardworking, hands-on doctor, who does whatever it takes to help the children and families she serves. It has been an honor to have worked with her for so many years. Dr. Mary Cederberg is a role-model for our nation and her service exemplifies how we want public health care to work. I will continue to look to Mary's vision and leadership as our nation addresses health care for children.

Mr. Speaker, today I celebrate Dr. Mary Cederberg's career and I commend her for years of service to the County of Santa Barbara and to our nation.

WOMEN'S HISTORY MONTH HONOREES

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SABO. Mr. Speaker, as Women's History Month draws to a close today, I rise to salute a woman from my Congressional District in Minnesota whose long commitment to community service has proven her to be a true leader.

Betty Benjamin has been a lifelong proponent of women's reproductive rights, playing an active role in the pro-choice movement for 31 years. A former teacher and social worker, Benjamin helped organize the Abortion Rights Council of Minnesota in 1966, in light of her concern that existing law prohibited a woman's right to choose and caused many women with unwanted pregnancies to seek illegal, dangerous abortions. Through her leadership in the ARC—today known as the Minnesota National Abortion Rights Action League (NARAL)—Benjamin and the other unpaid volunteers worked countless hours in their effort to ensure that women have legal access to abortion. Their educating, lobbying, and fundraising efforts were rewarded in 1973 when the U.S. Supreme Court ruled in Roe v. Wade to legalize abortion.

But Benjamin's work did not end there. She has remained active in the pro-choice movement because of her concerns that the Roe v. Wade decision could be eroded. She led the Abortion Rights Council in Minnesota as president for 14 years, and has served as a board member of the National Abortion Rights Action League since 1967. She represents Minnesota NARAL as incoming chairperson of the Women Candidate Development Coalition, which recruits women across the state to serve in public office. She currently is a member of the National Organization for Women

(NOW), at both the state and national levels. Recently, Minnesota NARAL established the Betty Benjamin Leadership Development Fund to help identify, educate and train interested Minnesota college students for future leadership roles.

Benjamin's tireless efforts and many accomplishments on behalf of women's right to choose may best be explained in her own words: "My concern is that the full range of safe reproductive choices will be accessible to all our daughters and granddaughters. To make that a reality there is much each person can do." Betty Benjamin's life is a testament to her words.

Mr. Speaker, I am pleased to honor Betty Benjamin in celebration of Women's History Month. I thank her for her contributions to both the state of Minnesota and to our country, and I wish her continued successes in the future.

SUPPORT PASSAGE OF H.R. 912, THE MEDICAL USE OF MARIJUANA ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. STARK. Mr. Speaker, I rise today in strong support of H.R. 912, The Medical Use of Marijuana Act, introduced by Representative BARNEY FRANK. This bill would move marijuana from Schedule I of the Controlled Substances Act to Schedule II of the Act, allowing physicians to prescribe marijuana to patients with a clear medical need for the drug.

Institute of Medicine studies have shown that components of marijuana relieve symptoms associated with terrible diseases such as AIDS, cancer, glaucoma, and epilepsy. The New England Journal of Medicine also supports the medical use of marijuana in relieving the symptoms linked with these illnesses. As an appetite stimulant, marijuana can help prevent the weight loss associated with cancer and AIDS. It can alleviate the nausea and vomiting associated with cancer chemotherapy. Marijuana has also been proven to provide some relief to patients with glaucoma and epilepsy. Additionally, marijuana can provide pain relief to millions of patients suffering from conditions ranging from post-surgery pain to chronic muscle spasms. Often the alternative pain relief options for these conditions have serious side effects such as liver and kidney damage, stomach bleeding, and ulcers. Marijuana has never been shown to cause death or serious illnesses such as these.

Opposition to medical marijuana use has often focused on the belief that legalizing the drug for medical use will lead to an increase in its recreational use. I do not condone recreational use of marijuana, nor does H.R. 912 seek to increase illicit use. This bill is simply meant to treat marijuana as we treat drugs such as morphine. It would only be available to those with a doctor's prescription.

A recent Institute of Medicine report entitled "Medicine and Health Flash," concluded that there is no convincing data to support the believe that the medical use of marijuana will lead to an increase in its illicit use. The point of making marijuana a Schedule II drug is so that it can be regulated as closely as other prescription drug with the potential for abuse. As we have learned in the failing, "War on Drugs," treating marijuana as an illicit drug in all circumstances not only fails to curb its recreational use, it eliminates a potential treatment for some of the most painful and terrible diseases. Treating marijuana as a prescription drug will give doctors more alternatives for alleviating the pain and suffering of their patients.

H.R. 912 would allow for the use and possession of marijuana by those who have been prescribed the drug by a physician. Passage of this bill will succeed in opening the door to increased research into the ways marijuana can be of a medicinal value. We must not eliminate the drug as a potential tool for alleviating the suffering of millions of Americans. I urge my colleagues to support the Medical Use of Marijuana Act.

TRIBUTE TO WILLIAM ZIMMERSPITZ

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my dear friend, William Zimmerspitz, who is being honored this evening for his contributions to the community and his efforts on behalf of Judaism. Born in 1926 in Crakow, Poland, Bill survived the horrors of the Crakow-Plascow, Auschwitz, Rounienburg-Sachsenhausen and Mauthausen concentration camps during World War II.

Arriving in America in 1949, Bill lived first in Pennsylvania. He served as Vice President of Congregation Ohev Zedek, and was an active supporter of its day school, Beth Jacob, for 13 years. Oftentimes, when funds were low at the day school, Bill personally provided funding to meet the school's expenses. Bill Zimmerspitz is justly proud of his service as President of the Sabbath Observance Council of Pennsylvania.

Congregation Sons of Israel in Cherry Hill, New Jersey, is fortunate to number him among its dedicated Board members. At Congregation Sons of Israel, Bill takes an active part in various charitable efforts, most notable of which is the Gemilot Chesed fund, of which he was Chairman. Through this fund, those in need secure loans at favorable rates of interest.

As Chairman of the Cherry Hill Political Action Committee, Bill has provided outstanding leadership and much time and effort to influence U.S. policy on many issues of importance. Members of the U.S. Congress, governors and other government officials have been better able to do their jobs because of his extensive efforts.

Bill has served for several years on New Jersey's Commission of Holocaust Education, for which he spent a great deal of time traveling the State of New Jersey providing a vivid "verbal picture" of life in the ghetto and of his deep hope and belief that events such as these should never happen again.

Bill's reputation as a noted lecturer, teaching today's youth of the devastating consequences of hatred cannot be overemphasized. Unfortunately, health problems have surfaced which cause him to be unable to carry out the rigorous schedule he believes is necessary to continue his mission.

Mr. Zimmerspitz met his wife, Nancy, while living in Philadelphia, and there founded the W–Z Jewelry Company. Bill and Nancy have two daughters, Faye and Rochelle, and five grandchildren, of whom they are very proud. Three grandchildren, Aviva, Ricky and Ami live in Israel while two grandchildren, Jennifer and Ricky, live in Clifton, New Jersey.

While his contributions to Holocaust education will surely be missed, I am pleased to pay tribute to William Zimmerspitz, a true gentleman and one of the finest human beings I have ever had the privilege of knowing. A finer man you will never meet.

RECOGNIZING MARY LOUISE VIVIER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today on behalf of the City of Visalia and the Kaweah Delta Health Care District to recognize Mary Louise Vivier upon her retirement. Mary Louise is the former mayor of Visalia and has worked the past 17 years at the Kaweah Delta Hospital. Her accomplishments and activities are vast and varied and they have contributed much to the good of her community.

Mary Louise's education began in 1952 when she studied nursing at the University of California at Berkeley. Later, at the Kaiser Foundation School of Nursing she became a registered nurse. Mary Louise did not end her educational endeavors there; from 1958 to 1967 she went on to obtain three more degrees from the University of California system.

Mary Louise took her educational background to many fields. Most recently she was the Community Outreach Program Director for Kaweah Delta District Hospital for which she also served as Clinical Nurse Specialist. Mary Louise held several nursing, instruction, lecturing and leadership positions in the medical field.

Along with her extensive employment history, Mary Louise has been and still is involved with a number of organizations. She is currently involved in the American Association of University Women, the Sons of Italy in America Lodge, Networking for Women, the Tulare County Women's Symphony League, Soroptomists International of Visalia, Police Activities League, the Tulare County League of Mexican American Women and Pro Youth Visalia. In 1995 she was elected to the Visalia City Council, and served as Mayor of Visalia from 1995 to 1997.

Mary Louise Vivier has gone far above the call of duty to immerse herself in the needs of others and her community. She has dedicated her life to making Visalia a great place to live. I urge my colleagues to join me in recognizing

Mary Louise for her service and dedication and wishing her a fulfilled and successful future.

TRIBUTE TO CHRISTINE KADLUB

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SHAFFER. Mr. Speaker, I rise today to pay tribute to Ms. Christine Kadlub, the Governmental Affairs Officer for the Platte River Power Authority. Ms. Kadlub has demonstrated an unparalleled commitment to power consumers and the State of Colorado. Her tireless efforts on issues related to air quality, water and the restructuring debate have gone far to protect many diverse interests, to level the playing field with the federal government, to protect our heritage and to better our environment. Her keen insight, boundless energy, and ageless wisdom make her a special person and a great asset to Coloradans. Mr. Speaker, I commend Christine for all her efforts, and I look forward to working with her in the future.

IN HONOR OF THE PANCYPRIAN ASSOCIATION OF AMERICA DANCE DIVISION AND MR. ANDREAS CHRISTODOULOU

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a special tribute to the Pancyprian Association of America Dance Division on the occasion of its 23rd Anniversary on February 6, 1999.

The Dance Division, known as the Pancyprian Dance Group, was established in 1976 with the purpose of promoting and teaching traditional Cypriot and Greek dances to the young people of the Hellenic community and others interested in dance and culture. Through dance we are able to enjoy other cultures and learn their history. Only through understanding can we establish positive linkages with our friends abroad.

The Pancyprian Association of America Dance Group has performed in many multicultural events around the United States and abroad.

They have performed before President Jimmy Carter, Senator Paul Sarbanes, Senator Edward Kennedy, Senator Bill Bradley, Congressman Benjamin Gilman, Congressman Michael Bilirakis, Congresswoman Ileana Ros-Lehtinen, President Glafcos Clerides, President George Vasiliou, Senator Alfonse D'Amato, Dr. John Brademas, myself, and others.

The Pancyprian Dance Group has performed at Hofstra University; the Odyssey Cultural Festival; the Olympic Cultural Center, Washington, DC; the Maliotis Cultural Center, Boston, MA; and in Cyprus, Chicago, New Jersey, Tampa and New York.

This evening of celebration will also honor Andreas Christodoulou. Mr. Christodoulou was one of the founders of the organization that established the phenomenal model that President Costas Hadjicharalambous and members of the Dance Division now follow.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Pancyprian Association of America Dance Division, a group dedicated to bringing understanding, forming bonds and educating with dance and music.

GOVERNMENTS ARE FOR PEOPLE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. OWENS. Mr. Speaker, in Yugoslavia, the popular belief strong cold-blooded leaders are best for the social order has again brought many innocent citizens to the hell of war. The question is why do civilized, educated people allow sovereign predators like Slobodan Milosevic to lead them into catastrophe and destruction? There are no easy answers to this question—and Serbia is far away and mysterious to most of us. But closer to home, in too many governors and mayors in America we see the glorification of the strong, cold-blooded leader. Elected executives who recklessly cut families from the welfare rolls, deny food stamps and obscure the right to medicaid exhibit the same temperament as national dictators. Across the nation elected officials are refusing to utilize the special health care program for children (Child Plus); they are also refusing to spend available funds for day care and job training programs. No one in American public life would use the phrase "ethnic cleansing", but a member of the New York Times editorial board once proudly sanctioned the concept of "planted shrinkage". Governments are for people. Cities exist to make life more enjoyable for the residents. Police are hired to protect the populace, not to serve as occupying armies. These should be self-evident truths, however there are governors and mayors who have forgotten the reason for state governments and the purpose of cities.

ANTHEM OF THE STRONG MAYOR

O say can you see
Perfection beckons me
Power Mayors show no pity
Traffic is the purpose of a City
Parks are not for dogs
Kids are worst than hogs
Playgrounds breed infant crime
Welfare mothers are a menace
Keep seniors off the street
Incontinence is never neat
Short skirts are a sin
Cops bring holy violence in
O say can you see
Order is sweet rhapsody
Great revenues we bring
With the parking ticket sting
We fill your days
With quota tow-aways
Auto bahs big and trains on time
Progress with efficiency rhymes
Traffic is the purpose of a City
Power Mayors show no pity
O say can you see
Perfection beckons me.

HONORING DR. HENRY FOSTER ON THE OCCASION OF HIS RETIREMENT, FOR OUTSTANDING SERVICE TO THE UNITED STATES OF AMERICA AND THE STATE OF TENNESSEE, AS A LEADER IN THE HEALTHCARE INDUSTRY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Dr. Henry W. Foster, Jr., on the occasion of his retirement, for forty-one years of service to the United States of America and the state of Tennessee, as a leading healthcare advocate and practitioner. Dr. Foster's entire professional life has been dedicated to ensuring healthy women and babies across the globe.

Dr. Henry Foster has contributed tremendously to the quality of our national healthcare. In 1995, President William Jefferson Clinton nominated him for United States Surgeon General. As a fellow Tennessean and Member of Congress, I fully supported Dr. Foster's nomination.

One year later, in 1996, President Clinton named him Senior Advisor on Teen Pregnancy Reduction and Youth Issues. That same year he was named an Expert Consultant to the Secretary of the Department of Health and Human Services and to the Director of Centers for Disease Control and Prevention. Dr. Foster's input on the national level has been highly valuable to our nation's healthcare as we prepare to enter the 21st Century.

He graduated from the University of Arkansas School of Medicine in 1958. During his career he has served in the U.S. Air Force, as Chief OB/GYN at Tuskegee University, and as Dean and acting President of Meharry Medical College in Nashville, Tennessee.

Henry Foster has published over one hundred scientific articles and has served on numerous professional and community boards, committees and councils.

Dr. Foster implemented Meharry's "I Have a Future" Adolescent Health Promotion Program in 1987. It is a year-round, comprehensive, community based health initiative designed to reduce the incidence of early sexual activity, teenage pregnancy, alcohol, tobacco and other substance use among adolescents, ages 10–17. The program has been recognized for excellence by the Tennessee House of Representatives, the American Medical Association, the American College of Nurse Midwives-Tennessee Chapter, and former President George Bush, as the 404th Point of Light.

Dr. Foster has been honored numerous times by peers. These awards include: 1982 Man of the Year Award, Music City March of Dimes Chapter; 1992 Boss of the Year Award, Meharry Association of Office Personnel; 1995 Nashvillian of the Year Award, The Tennessee Scene Magazine; 1996 Drum Major for Justice, Martin Luther King Award, Southern Christian Leadership Council, Atlanta; 1996 Meritorious Service Award, National Medical Association, Obstetrics and Gynecology Section, Chicago; and The President's Award, from both Meharry Medical College Alumni Association, and Morehouse College Alumni Association, 1995.

Dr. Henry Foster's work has not been limited to the United States. He has been recognized world-wide for advancement in the field of Obstetrics and Gynecology and has participated in healthcare events in Spain, Mexico, Africa, Turkey, Israel, Egypt, Canada, Southeast Asia, England, Australia, Austria, Italy, China, Vietnam, West Indies, and France.

Dr. Henry Foster has unselfishly served the citizens of the United States of America for over forty years and has worked tirelessly to improve the quality of healthcare for every woman and child. Every time Dr. Foster has been called on to serve his nation, he has done so without hesitation or reservation. His sense of duty and courage are exemplary. For these reasons I honor Dr. Henry Foster today. I wish him the best in his retirement. God bless.

REPORT FROM MADISON COUNTY, INDIANA—HOOSIER HEROES

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. McINTOSH. Mr. Speaker, I rise today to give my "Report from Indiana" where I honor distinguished Hoosiers who are actively engaged in their communities helping others.

Mr. Speaker, it has always been my strong belief that individuals and communities can do a better job of caring for those who need help in our society than the federal government. The wonderfully kind and committed Hoosiers who I have met traveling around Indiana have not changed my view.

Ruthie and I have met hundreds of individuals who are committed to making our communities a better place in which to live and raise our children—we call them "Hoosier Heroes".

I recognized this genuine Hoosier Hero in Madison County, Indiana recently in front of the Anderson Rotary Club. He is Jim Ault, who is currently retired from General Motors but hasn't been spending his time sitting around. Jim by working tirelessly on behalf of the less fortunate epitomizes a Hoosier Hero.

Jim has made Madison County a better community through his voluntary efforts. He serves on the Board of the Wilson's Girl's and Boy's Club, and raised a large amount of money so that the club may direct the energies of Anderson's youth in a positive direction. Jim is also the President of Madison County Community Foundation and he played an essential role in restoring the Paramount Theatre to its former glory and beauty.

Jim's work has given so many people, the most precious gift possible, hope. He doesn't do it for the pay, which is zilch; he does it for the smiles and laughter. Jim, you are a true hero in my book doing good works for others with no other motive than Christian charity.

Jim Ault deserves the gratitude of his county, state, and nation and I thank him here today on the floor of the House of Representatives.

HONORING LEE ECKERT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Mr. Lee Eckert, a dedicated community leader from Millstadt, Illinois, in my congressional district.

Mr. Eckert has served the Village of Millstadt for 40 years as their Trustee. He and his wife, Lucille, live in Millstadt, where they raised their four children, Trudy, Lana, Kelly, and Toby.

Lee Eckert is retiring this month after a distinguished career of public service. During his tenure as chair of the Public Works Committee and Village Board, his tireless efforts can be recognized in many projects completed under his direction. Mr. Eckert skillfully guided the development of the Industrial Park and new sewer treatment plan for the Village of Millstadt. He also was instrumental in coordinating the building plans for the new government facility, which houses the Village Hall, Library, Mayor's Office, and until recently, the Millstadt Police Department.

What is most notable about Lee Eckert is his willingness to meet any challenge presented to him. I commend Mr. Eckert for his integrity, compassion, and commitment to the Village of Millstadt, so evident to anyone who has had the opportunity to know him. I want to join the community in thanking Mr. Eckert for his dedication and invaluable service for the past 40 years. I am confident that his future years of retirement will be as productive and fulfilling as his past.

Mr. Speaker, I ask my colleagues to join me in recognizing Lee Eckert for the example he has set for us all.

IN HONOR OF THE PAN GREGORIAN FUND OF METROPOLITAN NEW YORK AND LONG ISLAND, INC. ON THE OCCASION OF THE ACADEMIC AWARDS BANQUET

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a special tribute to the Pan Gregorian Fund of Metropolitan New York and Long Island on the occasion of their Academic Awards Banquet on Sunday, March 7, 1999.

The Pan Gregorian Fund, spearheaded by Tassos Manesis, is a non-for-profit corporation established in 1995 by the Food Industry Cooperative of New York, Inc. The Fund's main purpose is to advance, support, and promote the Hellenic-American education system, the Greek language, and academic excellence. Its activities are directed and carried out primarily by Greek-American restaurants and others involved in the food industry.

Since its creation in 1995, the Fund has awarded over $100,000 in grants and scholarships to the top graduates of the Hellenic-American day schools, as well as teachers and principals in the New York City metropolitan area in recognition of their dedication to the education of youth.

In addition to the grant recipients, the Pan Gregorian will be honoring Dennis Mehiel, Stanley Matthews and Thomas Calamaras at the awards banquet.

Mr. Mehiel, a New York City native of Hellenic heritage, is the chairman, CEO and principal shareholder of the Four M Corporation, Sweetheart Cup Company, and The Fonda Group, Inc. Since 1978, he has been a leader in the field of education as a board member of the New Jersey independent high school for girls, a New York school for learning disabled children, Yeshiva University's Wuzweiler School of Social Work and the American Board of Overseers of Bar-ilan University.

In 1966, he returned to his birthplace, Washington Heights, and founded the "All The Way" program, a kindergarten through college education support program. "All The Way" provides educational enrichment and supplemental health and social services for children and their families, culminating in a four-year, pre-paid college education.

Mr. Matthews, born in Varvitsa, Lakonia, Greece, grew up during the German Occupation and the Civil War. He emigrated to the United States in 1951. He founded the Greek Children's Fund at Memorial-Sloan Kettering Cancer Center. As a result of a personal experience, he became acquainted with the financial and emotional stress cancer imposes on its victims and their families. His fund has raised approximately $2 million to help Greek-American families who have to deal with a life-threatening illness in addition to the added burden of adapting to a new culture.

Mr. Thomas Calamaras came to the United States as an immigrant and proceeded to establish a family food service business. Today, he and his family are an example of successful businesspeople and community-minded individuals.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Pan Gregorian Fund and its honorees, a group dedicated to extending a helping hand to others.

HONORING THE GOOD PEOPLE AT TROUT AND RALEY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to all the good people at Trout and Raley, a natural-resource oriented law firm in Denver, Colorado. Their work demonstrates an unparalleled commitment to sound practices, common sense and reason with regard to environmental policy. The tireless efforts, particularly of Mr. Bennett Raley, Mr. Jim Witwer and Mrs. Julie McKenna have gone to protect many diverse interests, to level the playing field with the federal government, to protect our heritage and to better our environment. This team is indeed a great asset to the people of the State of Colorado. Mr. Speaker, I commend the people of Trout and Raley for all their efforts, and I look forward to working with them in the future.

TRIBUTE TO CLAUDE C. LAVAL III AND FAMILY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Claude Laval III and his family for their continual support of the Juvenile Diabetes Foundation (JDF). This year, the JDF chapter in Fresno is honoring Claude Laval and family as the first recipients of the "Living & Giving Award." The Laval family played an instrumental part in the Pediatric Diabetes Center in Fresno, at Valley Children's Hospital. The mission statement of the Juvenile Diabetes Foundation is to "Find a cure for Diabetes and its complications through the support of research." Mr. Laval is an active participant in promoting the JDF mission statement.

The Laval family became involved with the Juvenile Diabetes Foundation 20 years ago when their daughter was diagnosed with Diabetes. Along with their support for JDF, the Laval family supported numerous Diabetes camps, making it possible for many children to attend the camps. They are also dedicated supporters of the JDF walks to cure Diabetes.

Claude Laval was born and raised in Fresno, he graduated from Stanford University in 1957. He is the sole owner and president of the Claude Laval Corporation. The Claude Laval Corporation is an International manufacturing company of filtration devices and down hole cameras. The Corporation is in its 27th year.

In addition to his Corporation, Claude is deeply committed to our community and actively serves on several state and local organizations. He has been on the Executive Committee of the Fresno Business Council since 1993, Chairman of the Jobs and Economic Development Committee and a member of the Fresno Business Council since 1996. Mr. Laval has served as Chairman of the Central Valley Business Incubator since 1997. His service is not only limited to the Central Valley, he serves as Director of International Forest Products in Vancouver, BC, Canada since 1994 along with a committee in Washington, DC where he is currently active on the Irrigation Association Legislative and Regulatory Committee. Claude is Director of GDT Corporation in Phoenix, Arizona and the Director of American Ground Water Trust in Concord, New Hampshire. These are just a few of the services that Mr. Laval has committed himself to.

Mr. Speaker, it is with great honor that I pay tribute to Claude Laval III and his family, for their service to the Juvenile Diabetes Foundation. Mr. Laval is a faithful public servant, who has taken it upon himself to be a active participant in numerous causes and organizations throughout the United States and Canada. I ask my colleagues to join me in wishing Laude Laval and his family many more years of continued service and success.

KOSOVO IS A CAMPAIGN OF COMPASSION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. OWENS. Mr. Speaker, the US/NATO military intervention in Kosovo is not driven by any vested interests, financial or strategic hidden agenda. These nations are motivated by great moral interests and high standards which require that civilized people never again should tolerate any rationalization for genocide. Our nation's generous commitment of resources and the large-scale risk of American lives, not in pursuit of the usual narrow vital interests, but to protect the sacred lives of human beings that we will never know personally, represents a laudable and noble national action. The Roman Empire only dispatched its legions to achieve greater conquests. This American "indispensable nation" has deployed its armies in an unprecedented campaign of compassion.

Adolf Hitler, Joseph Stalin, Sadam Hussein, Ede Amin, the Hutu Generals of Rwanda; Slobodan Milosevic; call the roll of sovereign predators who have used murderous ethnic scapegoating to seize, hold and expand their powers. From ancient Egypt to Kosovo the demagogues repeatedly have used the same methods and found a willing mass of supporters. The U.S.-led resistance to genocide in Kosovo shows that finally we have not only learned a vital lesson of history, but now that knowledge also provides an imperative for painful but effective action.

Slobodan Milosevic should have been declared a war criminal eight years ago. Diplomatic patience has been cleverly manipulated by this sovereign predator. Better late than never, we must now declare Slobodan Milosevic a war criminal and send a clear message to all of his confused civilian followers now mobilizing in their neighborhoods under misplaced banners of nationalism and patriotism. For more than eight years the citizens of Serbia/Yugoslavia have failed to marshal internal sovereign resistance to the genocidal policies of their dictator. Their popular will majority's complicity with evil is the true cause of the present conflagration in the Balkans.

War is hell and we extend our prayers to innocent victims on all sides. But the refusal to watch the repeat of Hitler's death pageant is our duty. There are some who say that because we cannot stop genocide everywhere, we should refuse to stand against genocide anywhere. We can not save them all: Tutsis in Rwanda; Kurds in Iraq; Tibetans in China; but the world can take united action now. In this clear and present instance a portion of the civilized world has both the capability and the will to stop genocide. I am certain that the angels in heaven are applauding these bold and brave actions.

Since the civilian electorate of Serbia/Yugoslavia has not been willing or able to save itself from totalitarian disease; and because a minority of military monsters with tanks and machine guns can hold the majority of a nation hostage; outside intervention is sometimes the only antidote to a spreading poison. Decades of autonomy was the peaceful solution that Milosevic eradicated. Let the Kosovo campaign of compassion send a message to sovereign predators everywhere. Sovereign predators will not be allowed to savagely devour human rights. Diplomatic condemnation of genocide will always be a certainty—and sometimes military confrontation will also be possible.

I appeal to progressive thinkers everywhere to lay aside any fuzzyminded analyses and remember the Hitler syndrome. "Never Again" must not be an abstract slogan. Each one of us has a duty to take a forceful position. We should all be proud of the fact that this "indispensable nation" has both the will and the power to reinforce the foundations of a compassionate civilization.

SIKHS MARCH TO CELEBRATE 300TH BAISAKHI DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. TOWNS. Mr. Speaker, on Saturday, April 10, the Sikhs of the United States marched to celebrate the 300th anniversary of the initiation of the Khalsa Panth. The march, which was led by Dr. Gurmit Singh Aulakh and the Council of Khalistan, was a celebration of all the Sikhs in this country. Similar celebrations have been held or are being held in other countries. This was a major milestone for the Sikh Nation. I congratulate the Khalsa Panth (Sikh Nation) on their auspicious 300th Baisakhi Day.

The Sikhs received congratulations from several of my colleagues including our own Minority Whip, and also from the Mayor of Washington, DC, Anthony Williams. I note that the Governors of Texas and New Jersey have also proclaimed "the Year of the Khalsa." It is good to see such bipartisan support for the Sikhs, who are being subjected to brutal atrocities and repression in India. Justice Ajit Singh Bains, Chairman of the Punjab Human Rights Organization, and General Narinder Singh from Punjab, Khalistan, spoke to the event. Their remarks were very well received, from what I am told.

I wish I could have joined my Sikh friends at this march, but I was not able to do so. I would like to take this opportunity to congratulate them on this important anniversary. I look forward to greeting many of them at the upcoming Vaisakhi Day parade in New York.

This anniversary has attracted worldwide attention. The Washington Post and many other important media outlets covered this event. At this march, the Sikhs of America raised their voices loudly for freedom.

The heritage of the Sikh Nation is freedom. They ruled Punjab from 1765 to 1849. It was noted at the march that the last of the Sikh Gurus, Guru Gobind Singh, gave them a sense of national identity 300 years ago. It was pointed out that every day the Sikhs pray that they shall again rule their homeland, Punjab, Khalistan.

Sikhs are a separate people, both religiously and culturally. They are not a part of Hindu

India. No Sikh representative has ever signed the Indian constitution.

Many of us in this House, from both parties, have been calling for an end to American aid to India until it respects basic human rights and for a free and fair vote on the political status of Punjab, as well as notes on the status of Kashmir, Nagaland, and all the nations living under Indian rule. This auspicious anniversary would be a good time to renew that call and renew our efforts to bring freedom, peace, and prosperity to all the people of South Asia.

I insert the Washington Post article in the RECORD.

[From the Washington Post, Apr. 11, 1999]

SIKHS PARADE AND PRAY FOR SEPARATE NATION

(By Caryle Murphy)

Chanting praises to their greatest guru and walking behind a giant model of their Golden Temple, several thousand Sikhs marched down Constitution Avenue yesterday to celebrate the 300th anniversary of their religion's most sacred event, the creation of the first community of Sikh believers.

Five bearded Sikh priests bearing long daggers and dressed in saffron-hued turbans, led the colorful Khalsa March '99 from the Lincoln Memorial to the Capitol. A float carried the Sikh scripture, Granth, which was covered by a silver canopy decorated with flowers.

The march, which drew many of the Washington area's 7,000 Sikhs and others from across the country, was mainly to honor Sikhism.

"I came to celebrate our religion and what it's given to humanity," said Permeil Dass, 24, of Cleveland, who works in a community computer center.

"Our religion is very modern," she added, noting that it opposes inequality between human beings, the worship of idols and use of intoxicants.

But yesterday's day-long event was as much political as religious, with speakers at a pre-parade rally calling for an independent Sikh nation—to be named Khalistan—in the northwest Indian state of Punjab, home of the Sikh religion. The Indian government opposes a separate Sikh state in Punjab.

"In the Sikh religion, religion and politics are inseparable," said Gurmit Singh Aulakh, head of the District-based Council of Khalistan, one of the groups sponsoring yesterday's event. "We are aware that without political power no religion can flourish."

Among the banners carried in the parade were ones that said, "To Save Sikhism, Sikhs Want-Khalistan" and "A Sikh Nation, On the Move."

In an interview, San Diego resident Harinder Singh indicated that nationalism, as much as religious devotion, had brought him to yesterday's event.

"This is the least we can do to have some political voice around the world," the 36-year-old software engineer said. The message he hoped to deliver, he added, was that "sooner or later [Khalistan] is going to happen."

On Friday, the Indian Embassy's Deputy Chief of Mission T.P. Sreenivasan, said celebrations of the Sikh religion are "something we heartily support."

As for political demands voiced at the parade, Sreenivasan added: "This is a free country. But that is not the purpose of the march."

In a 1984 crackdown on Sikh militants, Indian police raided their Golden Temple at Amritsar. In retaliation, Sikh bodyguards killed Indian Prime Minister Indira Gandhi five months later.

Yesterday's event, which Aulakh estimated drew 25,000 Sikhs, commemorated the day in 1699 when the 10th and greatest Sikh teacher, Guru Gobind Singh, initiated Khalsa Panth, the "Brotherhood of the Pure."

Khalsa Panth is the community of those who commit themselves to the tenets of Sikhism. In creating Khalsa Panth, Gobind broadened authority within the religion and took the final step, Sikhs believe, in the centuries-long establishment of their religion, which began in the 1400s with the first Sikh teacher, Guru Nanak.

Before yesterday's march, the Sikhs gathered in front of the Lincoln Memorial, where many waved small U.S. flags and saffron-colored flags with the blue Sikh symbol of Khalsa. On state, musicians played Sikh songs on the harmonium and drums called "tabla."

Dressed in long, flowing tunics with matching pantaloons, women wound their way up a red carpet to kneel and kiss their holy scripture, dropping offerings of a dollar or two. Later, all stood in place with hands folded and heads bowed for a communal prayer. Then it was time to march.

IN HONOR OF THE JEWISH COMMUNITY CENTER OF BAYONNE, NEW JERSEY, AND THEIR ANNUAL HOLOCAUST REMEMBRANCE DAY OBSERVANCE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Jewish Community Center of Bayonne, New Jersey, on their annual Holocaust Remembrance Day Observance.

The Jewish Community Center, headed by co-chairmen Aaron and Michael Kessel, has organized a remarkable program designed to provide understanding about the horrors of the Holocaust through education; our most important and fundamental tool in promoting the truth about the Holocaust. Using the theme "In Darkness there is Light," the message is that even at one's lowest moment—when one is stricken with despair and sees no way out—even then, there is still hope; there is still possibility; there is still life.

From the eighth grade students who will be taking part in a special assembly program to the seventh grade students who will be meeting with teacher volunteers to the proclamation which will be given by the mayor of Bayonne and honorary chair of the event, Mr. Joseph Doria, this day of remembrance and recognition is an all-encompassing event. Supported by the city of Bayonne, the Bayonne Interfaith Clergy and the Jewish Community Center, the goal is to bring all members of the community together to learn and discuss the atrocities of not only the Holocaust but the repercussions of prejudice, discrimination, degradation—the driving force behind the Holocaust.

The highlight of the event, however, is sure to be from the guest speaker and Holocaust survivor, Mr. Fred Margolies. Mr. Margolies fled from Germany to Holland following the "Kristalnacht." At only 11 years old, Mr. Margolies had to endure unimaginable pains in order to survive. Once arriving in the United States, Mr. Margolies made it a priority to not let his experiences go silenced. Rather, he was pro-active in many organizations, serving as former Vice President to the Long Island Committee for Soviet Jewry and to the Temple of Shalom in Westbury. Presently, Mr. Margolies serves on the New York State Holocaust Education and Jewish Advisory Committee of Nassau County and speaks extensively on college campuses, public and private schools, and community organizations.

For these tremendous contributions to New Jersey and their unwavering commitment to fighting discrimination, I am very happy to honor all of the individuals who have worked so diligently on this event. I salute and congratulate all of them on their extraordinary accomplishments to the Jewish Community.

OVER-TAXED CITIZENS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. PACKARD. Mr. Speaker, it is time we hear the cries of the American taxpayer and offer much needed tax relief to the citizens of this country. This week I am especially reminded of the many hardworking families in Southern California and across the country who foot the bill year after year for Washington's tax and spend mentality.

Every year, the federal government takes more and more tax dollars from America's families. Today the average American family pays more in local, state and federal taxes than for food, clothing, shelter and transportation combined. In fact, the Census Bureau recently reported that the average household pays $9,445 in annual federal income taxes alone—twice that paid in 1985. Yet despite a projected surplus of $4.9 trillion over the next 15 years, taxpayers will pay more than $10 trillion in taxes to the federal government over the next five years and more than $22 trillion over the next ten years!

Mr. Speaker, while the President fights to raise taxes, my Republican colleagues and I are struggling to lower them. I think the choice to lower taxes is an obvious one. We must keep hard-earned wages where they belong—in the pockets of those who earn them. We must stand up for the American taxpayer.

TRIBUTE TO ROD KUHARICH OF COLORADO SPRINGS UTILITIES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to Rod Kuharich of Colorado Springs Utilities. Mr. Kuharich has demonstrated an unparalleled commitment to power consumers and the State of Colorado.

His tireless efforts on issues related to air quality, water and Endangered Species Act reform have gone far to protect many diverse interests, to level the playing field with the federal government, to protect our heritage and to better our environment. Mr. Kuharich's keen insight and wealth of experience is a great benefit to Coloradans. Mr. Speaker, I commend Rod for all his efforts, and I look forward to working with him in the future.

HONORING RICHARD KRESEVITEH GILBERT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. DOYLE. Mr. Speaker, it is with great pride that I rise today to recognize one of Pennsylvania's outstanding young students; Mr. Richard Kreseviteh Gilbert. This February, Richard attained the coveted rank of Eagle Scout, a distinguished goal that only 2 percent of Boy Scouts reach. Rich's achievement is the culmination of years of hard work, dedication, and community service.

Each Eagle Scout candidate is required to have earned a minimum of 23 Merit Badges, as well as contribute as least 100 man-hours toward a community oriented service project. Richard Gilbert, true to his selfless Scout nature, went above and beyond these minimum requirements, earning 33 Merit Badges and logging over 400 man-hours on his Eagle Scout Project. For his particular project, Rich chose to design and build a new retaining wall between American Legion Post 660 and St. Ireanaeus Church in his hometown of Oakmont.

Under his direction, Richard and 33 others gave up their summer vacations to work on the old retaining wall which had deteriorated on the S. Ireanaeus school playground. He and his crew worked through the hottest months of this summer to shape 120 ties and 22 tons of gravel into a wall which measures 6 feet tall and 110 feet long. Because of Richard's exemplary commitment to his project, St. Ireanaeus Church and Post 660 both sponsored his efforts, and Conrail graciously donated the needed railroad ties. Not only did Rich's labor improve the aesthetic beauty of the community, but it greatly improved the safety of the nearby playground.

Richard Kreseviteh Gilbert is currently a Junior at Riverview High School in Oakmont, and continues to shine as an outstanding leader among both his classmates and fellow Scouts in Troop 7854. His Scoutmaster, Mr. Dave Scatina has certainly provided the guidance and leadership that promote the growth of outstanding young Scouts like Rich. I am honored to stand here today in sincere praise of this outstanding example of the importance of community involvement. Congratulations Richard, your achievements make us all very proud.

INTRODUCTION OF RESOLUTION ON INDIVIDUALS WITH DISABILITIES ACT FUNDING

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. CASTLE. Mr. Speaker, I am pleased to join with my colleagues to introduce a resolution calling on the President and Congress to fully fund the federal government's obligation under the Individuals with Disabilities Education Act.

In 1975, Congress passed the Education for All Handicapped Children Act, commonly known as P.L. 94–142. The Act built upon previous legislation to mandate that all States provide a Free Appropriate Public Education (FAPE) to all disabled children by 1978. It also established the federal commitment to provide funding aid at 40% of the average per pupil expenditure to assist with the excess costs of educating students with disabilities. Historically, however, the appropriations for IDEA have not come close to reaching the 40% level. Federal funding has never risen above 12% of the cost. As a result, local schools and States are picking up the tab for an additional 28% above their fair share of special education costs.

As a former Governor, I have a unique understanding of special education funding and the tremendous burden this unfunded mandate places on schools. Local school districts spend on average 20 percent of their budgets on special education. Put simply, local schools are expected to pay much more than their fair share. This needs to change. If the federal government fulfilled its special education obligation for local schools, Washington would not have to step in to address issues such as class size reduction and building new school buildings. These decisions could be left up to local school districts who better understand the dynamics and needs of their students. This is precisely why the federal government must fulfill the commitment it made in 1975.

In Delaware, for instance, our largest school district, the Christina School District, currently receives $800,000 per year in special education funding. The federal commitment is to pay Christina School District $4.4 million. This means that if we fulfilled our commitment, Christina School District would have an additional $3.3 million to focus on the needs of their students and teachers. The entire State of Delaware, if special education were fully funded, would receive an additional $24.8 million. This is a tremendous amount of money, that is desperately needed by local schools in order to reduce class size, build and modernize schools, and implement technology into education. If the federal government fulfills its commitment to fund 40% of special education costs, States and schools across the nation would have the opportunity to focus their funds on the unique and individualized needs of their schools.

The Republican Congress has worked to increase special education funding. Since 1995, IDEA funding has increased by over 85%. This is an increase of approximately $1.4 billion. Congress now needs to garner the support of the President and the Administration to make IDEA funding a priority for our nation's schools.

WOMEN AND BUSINESS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to recognize the enormous contribution women have made to the economy. As a Member of the Small Business Committee and life-long Long Islander, the issue of small business is an important one to me.

As we approach the new millennium, an increasing number of women are starting their own businesses. According to the National Foundation of Women's Business Owners, as of 1997 there were 8.5 million women-owned businesses in the United States employing over 23 million people and generating close to 3.1 trillion in sales as of 1997. Between 1987 and 1997, the number of women-owned firms increased by 89% nationwide, and as of 1996 women-owned businesses accounted for 36% of all firms in the United States.

Knowing how important small businesses are to our economy, I hope we will continue supporting the collection of data on women owned businesses as a regular part of the economic census of business. The knowledge such data provides is truly priceless, and I want to ensure it remains fully funded every year. Thousands of remarkable women have made significant advances for our economy, and they deserve nothing less than our full support.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained yesterday returning from my Congressional District. Had I been present, I would have voted "yea" on the following three roll call votes: No. 78 on H. Res. 135 regarding amendments to H.R. 98, Aviation War Risk Insurance Program Extension; No. 79 on H.R. 911, to designate the new Federal Building in Raleigh, North Carolina, as the "Terry Sanford Federal Building"; and No. 80 on H. Con. Res. 68, instructing conferees on the FY 2000 budget to protect Social Security and Medicare.

TRIBUTE TO JOHNSON'S CORNER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SCHAFFER. Mr. Speaker, in Larimer County, Colorado, there is a family-owned business, Johnson's Corner, which has been named as one of the top ten best places in the world to eat breakfast, and was the only United States restaurant to be named. Founded by Joe Johnson in 1953 along Interstate 25 before it was an interstate, it is now run by his widow, Virginia, and stepson, Chauncey Taylor.

What distinguishes Johnson's Corner from all the rest? According to Travel & Leisure magazine, it's the restaurant's cinnamon rolls. Today, I wish to confirm that the "World Famous Cinnamon Rolls" are the best and deserve recognition as does the restaurant business itself.

A way station for travelers driving the interstate highway, this old-fashioned, 24-hour truck stop lit up with neon signs, serves up cinnamon rolls and other good food on formica-topped tables in a family atmosphere. The nearly 50-year old business maintains a great deal of pride in its service to a clientele of farmers, truckers, cowboys, bikers, and tourists. In addition, its location and hospitality have proven to be a good place for Members of Congress and other elected officials to hold town meetings.

It is for these reasons I happily rise today to honor the Johnson family and their employees at Johnson's Corner. I hold them up to the House and to all Americans, as a fine example of the best of America's businesses. They exemplify the industrious spirit and can-do-attitude that have made America great.

CONGRATULATING THE SIKH NATION ON ITS 300th BAISAKHI DAY SELF-DETERMINATION FOR THE SIKHS

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. CONDIT. Mr. Speaker, on April 14, the Sikh Nation will celebrate its 300th Baisakhi Day. This is a major milestone for the Sikhs of America and the world, and I would like to take this opportunity to congratulate them on this occasion.

More than 40,000 Sikhs came to Washington, D.C. this past weekend to celebrate with a march organized by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, who is a friend of many of ours. The march was a huge success, and I would like to congratulate Dr. Aulakh and everyone who was involved in this very successful event. Through their hard work one of the largest groups that Washington has seen in a long time showed up to celebrate the Sikh heritage and declare the need for a free and independent Khalistan.

There are about 500,000 Sikhs in the United States. They are part of a vibrant 22-million strong Sikh community around the world. They have added to America in many different fields of endeavor. Here the Sikhs live in freedom and prosperity. Yet in their homeland, Punjab, Khalistan, they suffer under the brutal tyranny of the Indian government. Under this brutal policy, the Indian government has murdered more than 250,000 Sikhs since 1984. Thousands more are held in Indian jails, most without charge or trial.

Sikhism is an independent, monotheistic, revealed religion. It is not part of any other religion, though it does have some beliefs that are also held by other religions. Like Christians and Muslims, Sikhs have been victims of the Hindu extremists who dominate Indian life. Like Christians and Muslims, Sikhs are religiously and culturally distinct from Hindu India.

The Sikhs have a heritage of self-rule. They ruled Punjab independently from 1765 to 1849. No representative of the Sikh people has ever signed the constitution of India, 51 years after India became independent. In October 1987, Khalistan declared itself independent from India, much as we declared our own independence in 1776. They created the Council of Khalistan, headed by Dr. Gurmit Singh Aulakh, to serve as the government pro tempore and lead the peaceful struggle for independence.

What we know as India never existed before the British created it. Prior to the British conquest of South Asia, the region had many countries which ruled themselves. Just as the Soviet Union's multiethnic empire collapsed, so must India's. It is inevitable. Given India's nuclear weapons and missile development, the world must remain alert to make certain that South Asia does not become another Balkan Peninsula full of Bosnias and Kosovos. The best way to do that is to work for peaceful solutions to the region's ethnic and religious violence.

In previous Congresses, I have sponsored a resolution calling for a free and fair plebiscite under international supervision to achieve a peaceful solution to the issue of independence for Khalistan. I urge the same also for Kashmir, where it was promised by India in 1947, for Nagaland, and for all the states and regions where there are independence movements. This is the democratic way to settle these issues, and India claims to be a democracy. Let the world see Indian democracy in action by scheduling these plebiscites now. If it is good enough for the people of Puerto Rico and Quebec, it is good enough for the people of Khalistan, Kashmir, Nagaland, and the rest of South Asia.

In addition to calling for a plebiscite, we should end U.S. aid to India until basic human rights can be freely exercised by all people under India's rule and we should declare India a violator of religious liberty for the killings of Christians, Muslims, Sikhs, and others, then impose the sanctions that this status brings. If the situation changes, the sanctions can and should be lifted.

Congratulations again to the Sikhs on their 300th anniversary. May this occasion mark not just an anniversary, but a new birth of freedom in South Asia.

REPORT FROM MUNCIE, INDIANA—HOOSIER HEROES

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. McINTOSH. Mr. Speaker, I rise today to give my "Report from Indiana" where I honor distinguished fellow Hoosiers who are actively engaged in their communities helping others.

Mr. Speaker, it has always been my strong belief that individuals and communities can do a better job of caring for those who need help in our society than the federal government. The wonderfully kind and committed Hoosiers who I have met traveling around Indiana have not changed my view.

Ruthie and I have met hundreds of individuals who are committed to making our communities a better place in which to live and raise our children—we call them "Hoosier Heroes".

There is a genuine Hoosier Hero in Muncie, Indiana. He is Craig Miller, who I am proud to say is a constituent of mine and has made our community a better place to live.

Craig has made Muncie a better place through his voluntary efforts. He is on the Board of the Indiana Red Cross; in fact, he spent so much time on others needs, they made him, "Volunteer of the Year for 1997", because of his efforts on behalf of the less fortunate. Craig also serves on the Board of the Boys' and Girls' Club in Muncie.

His work has given so many people the most precious gift possible, hope. Craig doesn't do it for the pay which is zilch; he does it for the smiles and laughter. You are a true hero in my book, doing good work for others with no other motive than Christian charity.

Craig Miller deserves the gratitude of his city, state, and nation and I thank him here today on the floor of the House of Representatives.

TRIBUTE TO SHERLLYNN RUSSO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. BONIOR. Mr. Speaker, I am honored to have the opportunity to recognize the achievements of a special person, Ms. Sherllynn Russo. This evening she is being honored as one of the Clinton Township Goodfellows of the Year recipients for 1997–1998 by community members and friends.

The members of the Clinton Township Goodfellows have contributed their time and resources to the betterment of the community for many years. Their goal is to aid the public in ways that other charities and the government could not. For the past five years, Sherllynn has served in various Board positions for the Goodfellows. She has done particularly commendable work on behalf of children. She has co-chaired the Christmas Toy Committee for the past two years providing joy to many children who otherwise might not have had a merry Christmas.

Sherllynn is employed by the General Motors Corporation as a Communications Manager, but still finds the time to volunteer in many community organizations. She is an Executive Advisor for Junior Achievement of Southeast Michigan, the President of the Board of Directors of her home owners association and Financial Secretary for the G.M. Women's Club.

The Clinton Township Goodfellows know that they can count on Sherllynn as they honor her this evening. I would like to congratulate Sherllynn Russo as she celebrates this auspicious occasion with family and friends.

IN SPECIAL RECOGNITION OF THE KOESTER CORPORATION FOR ITS OUTSTANDING COMMITMENT TO THE DEFIANCE COMMUNITY FOR THE PAST THIRTY YEARS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay special tribute to a remarkable, community-minded organization from Ohio's Fifth Congressional District—the Koester Corporation.

In 1970, guided by an unwavering commitment to quality and entrepreneurial spirit, William C. Koester founded the Koester Corporation. For the past thirty years, the Koester Corporation has been an integral part of the Defiance community, and has been a key player in the manufacturing industry in Northwest Ohio and around the world.

Through Mr. Koester's innovation and determination, the Koester Corporation has grown from the small firm of three employees he started in the early 1970's, to an industrial heavyweight with approximately sixty employees, conducting its business both domestically and in the international marketplace. Throughout its success, the Koester Corporation has maintained its presence and headquarters in Defiance for almost thirty years.

Mr. Speaker, the true greatness of American productivity and manufacturing prowess is evident from the unique history of the Koester Corporation. With great expectations and more than a little hard work, William Koester has transformed his vision into a highly successful manufacturing and process control business. With the combination of his vision and the dedication and talents of the employees at the Koester Corporation, the recipe for success is written. At the same time, Mr. Koester has maintained his commitment to the local community and has strived to succeed as a good community partner, as well.

Mr. Speaker, it has often been said that America succeeds due to the outstanding contributions of her citizens. In the case of William C. Koester and the Koester Corporation, I think that adage is very appropriate. At this time, Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to the Koester Corporation. For its thirty years of service to business, industry, and the Defiance area, we offer our sincere gratitude and our best wishes for the future.

RECOGNITION OF SPEECH BY STUDENT GOVERNOR REBECCA DESILETS UXBRIDGE HIGH SCHOOL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize the superb speech delivered by Rebecca Desilets, a Senior at Uxbridge High School. Ms. Desilets was elected Student Governor for the 1999 Massachusetts Student Government Day. For the past 52 years, the high schools of Massachusetts have democratically elected student delegates to assume the roles of constitutional officers, court justices, and members of the General Court on Student Government Day. This has been a most worthwhile experiment in state government. Mr. Speaker, the speech delivered by Ms. Desilets is both eloquent and timely, and it is with great pride that I submit it for the RECORD.

Ms. Rebecca Desilets, Student Governor, Uxbridge High School. It's quite remarkable to see so many of us here in this historical chamber. I use the word remarkable because we are here as a result of an interest in government. We won our elections in our respective high schools. We took the risk and threw our hats into the ring. This is remarkable. At a time when the political talking heads have focused their attention on scandal and investigation, when TV news coverage devotes more time to a stain on a dress than to the President's many attempts to discuss Kosovo, it becomes easy to turn off, to become cynical about government and politics.

A cynicism has infiltrated our view of the political process. The very word "politics" conveys a negative connotation. Who hasn't heard the seemingly endless jokes of the late night show hosts? Is nothing sacred or off limits? No wonder there is such distrust of the American political system. No wonder there is apathy among the citizens of this nation.

In preparation for Student Government Day, I conducted a survey of my peers. This was a random sampling of the Juniors and Seniors at my high school. It is pretty safe to say that although my survey may not be 100% scientific, it is accurate enough to be a reflection of what you would find if repeated at your high school. I was trying to get a handle on how cynical our age group has become. The results were depressing to say the least. Let me give some of the findings. 75% of the respondents blamed their distrust of government on political parties, on lack of bipartisanship. 60% stated that the political scandals of late had added to their negativity. In the comment area that I provided there were some interesting opinions and observations made. The word "corruption" appeared over and over again as an explanation for the pessimism toward government. Perhaps even more significantly, many students attributed their distrust to the media. Specifically, the press was blamed for focusing on the worst case scenarios of political blunder and bad behavior. One responder said that politicians were more concerned with the "power prize" than with the common good, the good of the American people. Politicians are viewed by many as motiviated by self-interest rather than the good of the people they represent.

What is the cause of this cynicism? Of course, some of it comes from politicians and the political party system. Our forefathers were right to have a fear of party politics, of faction. It is also a result of an unrestrained press and the race for great ratings.

It is up to us to reduce the effects of cynicism. However, we can't nor should we eliminate it. A healthy skepticism is a good thing, no doubt. But how can we make sure that voters don't get so turned off that they stay away from the polls, that they simply do not participate in this democracy?

As you probably know, last November's election had one of the lowest turnouts ever. Sure we can rationalize and blame it on the candidates. You know those people who say "I didn't vote because I didn't like either candidate"; or the oldest excuse "I didn't vote because my vote doesn't really make a difference."

Adlai Stevenson, a Governor of Illinois and a presidential candidate in the 1950s, said: "As citizens of this American democracy, you are the rulers and the ruled, the lawgivers and the law-abiding, the beginning and the end." Stevenson was right. We do have an active role to play as citizens of our towns or cities, state, and country. We have rights but also responsibilities.

I know that this room is filled with people who are interested. We care about capital punishment, health care, and education. We may be somewhat cynical but this doesn't stop us from knowing what is at stake in Kosovo.

We are the voters who will decide the issues of the 21st Century. Some of us will be the policy makers of the new millenium. Let us send the message, as we are in a small way just by being here, that cynicism will not keep us from our responsibilities as citizens. In fact, let us be the ones that replace cynicism with healthy skepticism. Jay Leno may make us laugh, he will not turn us off. The Drudge Report can contain sensational gossip, but it won't keep us away from the polls. There may be scandal and corruption but some of us will still consider politics as honorable and public service a priviledge.

TRIBUTE TO THE PUEBLO PACHYDERM CLUB

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to pay tribute to the Pueblo Pachyderm Club of Pueblo, Colorado for its outstanding leadership and years of exemplary service to the local community.

This patriotic association brings together common citizens to discuss and consider a wide spectrum of political topics both national and local in scope.

Colorado Governor Bill Owens last month proclaimed April 20, 1999 Pueblo Pachyderm Day in the State of Colorado. In honor of this recognition, I hereby submit for the RECORD a copy of the Governor's declaration.

STATE OF COLORADO, HONORARY PROCLAMATION—PUEBLO PACHYDERM DAY APRIL 20, 1999

Whereas, the organization represents a unique concept for political clubs by being patterned after the weekly meeting type luncheon clubs, with programs centered around political and governmental affairs; and

Whereas, the Pueblo Pachyderm Club promotes the development of future political leaders and citizen participation as embodied in their motto, "Free Government Requires Active Citizens," and is open to both male and female members; and

Whereas, the Pachyderm Clubs promote better government through club programs and meetings open to the public, providing scholarships for political science students, sponsoring campaign workshops and encouraging awareness of political affairs;

Now, Therefore, I, Bill Owens, Governor of the State of Colorado, do hereby proclaim April 20, 1999, as Pueblo Pachyderm Day in the State of Colorado.

GIVEN under my hand and the Executive Seal of the State of Colorado, this tenth day of March 1999.

BILL OWENS *Governor.*

A FEW OUTSTANDING WOMEN

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. ISAKSON. Mr. Speaker, I am honored to stand before the House of Representatives today and acknowledge the tremendous contributions of the women of the sixth congressional district of Georgia to our state and nation. In particular I want to acknowledge the contributions of women in business.

The growth and economic prosperity of Georgia's economy has been paralleled by the growth of Women-Owned Businesses and Enterprises. Their contributions have provided quality jobs, innovative services, and new products for Georgia.

I am very pleased to inform you that Georgia is now the second fastest growing state in America in terms of women business owners. For just a moment I would like to tell you about a few of these outstanding women.

Carolyn Stradley, the founder and owner of C and S Paving in Marietta, Georgia is a true success story. Orphaned as a child and a school dropout as a teenager, Carolyn founded her business with a shovel and determination. Today she sits on the National Women's Business Council, and is one of Georgia's leading contractors.

Jane Carithers, along with her husband Larry, owns and operates the successful Carithers Florist in Marietta, Georgia. Jane is Georgia's leading florist and an innovator in her field. She initiated the use of flowers and floral arrangements for business promotion, office interiors, and community benefits. Even while reaching the heights of her profession, she still commits time and resources to many community events and programs.

Jackie Ward, founder of Computer Generations, is one of North America's leading developers of computer technology and services to corporate America. Jackie has created jobs for thousands of men and women in Georgia and the United States. While building her business she has also worked to bring business to Georgia by serving as the first woman President in the history of the Atlanta Chamber of Commerce.

So many women in so many ways are growing Georgia's economy. Women in real estate like Pat DiGeorge, Mitzi Jaznicki, Mary Ann Anziano, Gail Hurst, Sandra Eades, Shirley Hardman, and Annie Parker. Women in homebuilding like Kay Cantrell, and in new home marketing like Bea McDowell. Women in commercial planning and design like Bianca Quantrell, and women in economic development like Annie Hunt Burrus.

I could acknowledge so many more for all they have done and contributed to Georgia. I am very pleased that the Congressional Caucus for Women's issues has chosen to acknowledge the contribution of women, and I am pleased to recognize the tremendous contribution of women in business throughout the sixth district of Georgia.

SIKH MARCH FOR BAISAKHI SUPPORTS FREE KAHLISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. BURTON of Indiana. Mr. Speaker, it was my pleasure to attend the Khalsa March this past Saturday. The March celebrated the 300th anniversary of the Sikh Nation. Over 40,000 people from all over America attended this special event. I thank my friend Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for inviting me to this auspicious occasion.

There are 22 million Sikhs in the world and nearly 500,000 here in the United States. They have enriched American life in almost every walk of life, including law, farming, medicine and many other. I was interested in learning that a Sikh named Dalip Singh Saund even served in the U.S. Congress. I would like to take this opportunity to salute their contributions to this country.

Mr. Speaker, the March was truly a success. There was a tremendous amount of excitement in the air, as they celebrated their heritage of freedom and showed their support for regaining their lost sovereignty in an independent homeland they call khalistan. Their struggle against the oppression that the Indian government inflicts on them should be supported by every American and by those who support freedom around the globe.

Mr. Speaker, the Council of Khalistan has issued a press release about the March. I would like to place this press release into the RECORD for the information of my colleagues.

[From the Council of Khalistan, April 12, 1999]

KHALSA MARCH VERY SUCCESSFUL—OVER 40,000 SIKHS COME TO WASHINGTON, DC TO CELEBRATE 300TH ANNIVERSARY OF KHALSA PANTH

WASHINGTON, DC, APRIL 12.—Over 40,000 Sikhs, more than twice as many as expected, came to Washington, D.C. on Saturday, April 10 to participate in Khalsa March 1999, celebrating the 300th anniversary of the day that Guru Gobind Singh baptized the Sikh Nation. It was the first time that so many Sikh gathered in the Nation's Capital. A sea of saffron turbans and scarves could be seen around the Reflecting Pool. There are 22 million Sikhs world wide and about 500,000 here in the United States.

The mood of attendees was jubilant and excited as they celebrated the Sikh heritage. The celebration began in front of the Lincoln Memorial, which is a symbol of freedom, and the participants marched to the U.S. Capitol. The stage displayed pictures of Guru Gobind Singh Baptizing the Panj Pyaras (the Five Beloved Ones), depictions of Gurdwara Kesgarh Sahib, the birthplace of the Sikh Nation, the Golden Temple in Amritsar, the holiest Sikh shrine, other major events in Sikh history, and banners with slogans like "Indian Free Khalistan", "Long Live Khalistan", etc.

"Guru Gobind Singh gave the Sikh Nation a heritage of freedom," said Dr. Gurmit Singh Aulakh, the coordinator of the march. "Today we had a joyous celebration of that heritage," he said. "Now we must dedicate ourselves to freeing our homeland, Khalistan."

Participants in the march celebrated with family and friends and raised slogans. They carried banners that said "India Free Khalistan," "Long Live Khalistan," and "Raj Karega Khalsa." There was a float bearing a replica of the Golden Temple in Amritsar, the holiest of Sikh shrines, and another promoting "Khalistan—the Sikh Nation on the Move.

Speakers included dignitaries from Punjab, Khalistan like Justice Ajit Singh Bains, chairman of the Punjab Human Rights Organization (PHRO), and retired General Narinder Singh, as well as U.S. Congress Dan Burton (R-Ind.), Dr. Walter Landry, Executive Director of the Think-Tank for National Self-Determination, representatives of Sikh women and youth, and others.

Justice Bains discussed the genocide and human-rights violations that the Indian government has committed against the Sikh Nation since 1984. He said that there is no rule of law in Punjab. He pointed out the Indian government's policy of mass cremations of Sikhs, which the Indian supreme Court called "worse then a genocide."

General Narinder Singh spoke of the sovereignty of the Sikh Nation. He noted that Guru Gobind Singh gave the Sikh Nation sovereignty and that this sovereignty is part of the Khalsa birthright. He said that there is no reason why the Khalsa Panth should not have sovereignty.

Congressman Burton offered his continued support for the Sikh cause. He spoke against the Indian government's atrocities against Sikhs, Christians, Muslims, and other minorities. He urged that the United States stop supporting the Indian government. He said that Sikhs should have their freedom and that the United States should support it. Many other Members of Congress sent their greetings, including House Minority Leader David Bonior (D-Mich.), Congressman Nick Rahall (D-WV), and others.

Mayor Anthony Williams of Washington, D.C. sent a message of congratulations. He wrote, "It is my distinct pleasure to extend warm greetings and congratulations to the members, guests and friends of the Council of Khalistan as you celebrate your 300th anniversary of the initiation of the Khalsa Panth. This is a significant milestone in the history of the world's religions as you celebrate Vaisaakhee Day." Mayor Williams added that "you are to be congratulated for your efforts to provide spiritual enhancement to the principles of peace, prosperity, dignity, integrity, human rights and justice for all."

Dr. Paramjit Singh Ajrawat, the Secretary of the march and Master of Ceremonies at the Lincoln Memorial, reminded the audience that Guru Gobind Singh created the Khalsa and recognized the whole human race as equal, including gender equality. He noted that Abraham Lincoln also worked to end slavery.

Attendees passed resolutions to reiterate their support for a free Khalistan, the Sikh homeland that was declared independent on October 7, 1987; to honor Sikh martyrs; to ask the Indian government to release the tens of thousands of Sikh political prisoners it is holding; and to demand that the Akal Takht, the seat of the Sikh religion, be freed from the Badal government, asking the Khalsa Panth to boycott and oppose the Badal government; asking the Khalsa Panth to boycott and oppose the Badal government; and to declare there full support for Jathedar Bhai Ranjit Singh as the genuine Jathedar of the Akal Takht.

"Sikhs are religiously, culturally, and linguistically distinct from Hindu India or any other nation," said Dr. Aulakh. "On this once-in-a-lifetime, milestone anniversary, let us dedicate ourselves to reclaiming our lost sovereignty," he said.

"Nations and religions that do not have political power do not survive," Dr. Aulakh said. "Under Indian rule, the Sikhs are the victims of genocide," he said.

Since 1984, the Indian government has murdered more than 250,000 Sikhs. Tens of thousands more languish in Indian jails without charge or trial. Some of the have been there since 1984. India has also murdered than 200,000 Christians in Nagaland since 1947, over 60,000 Muslims in Kashmir since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalits ("black untouchables," the aboriginal people of the subcontinent), and others.

"The atrocities clearly show that for Sikhs, India is not a democracy," Said Dr. Aulakh. "Every day we pray 'Raj Kare Ga Khalsa,' the Khalsa shall rule ," he said. "It is time to keep our promise to the Guru, live up to our heritage, and unite to liberate Khalistan," he said.

"MY SERVICE TO AMERICA"

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. POMEROY. Mr. Speaker, today I would like to recognize an impressive young North Dakotan. Margretta Hanson of Blanchard is the winner of the 1999 Veterans of Foreign Wars' Voice of Democracy Broadcast Scriptwriting Contest. Miss Hanson's essay is based on the theme "My Service To America."

I am very pleased to see such wonderful patriotism and values coming from North Dakota's youth. It is my pleasure to submit Miss Hanson's essay for inclusion in the Congressional Record.

MY SERVICE TO AMERICA

1998–99 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION

NORTH DAKOTA WINNER MARGRETTA HANSON

"Be all that you can be," is a popular slogan of the United States Army. By joining the armed forces, one is showing true patriotism and devotion to the protection and betterment of our great nation, the United States of America. To put one's life on the line by defending the freedoms of the people of this country is a noble deed, but I feel that this is not the only way that one can give service to America. My service to America is to "be all that I can be" as an American citizen. We don't have to risk our lives to make a difference. By simply smiling as you pass someone on the street or in the hallway, you're bringing joy into the lives of others. Theodore Roosevelt once said, "Do what you can, with what you have, where you are." I want to make the most of the talents and opportunities that I have been blessed with.

Some people say that the future of the United States is looking glum. They fear that our youth are committing more crimes, they fear that our youth are abusing more illegal substances, they fear that our youth are showing less respect, they fear that our youth are becoming less motivated, and they fear that our youth are lacking ethical morals and values. What can I do to change the destiny of my generation? Benjamin Franklin wrote in Poor Richard's Almanac, "A good example is the best sermon of all." Through my service to America, I am "preaching" to my peers through the positive choices I make in my life. Joined with the efforts of other young men and women of my generation who are also striving to make positive choices in their personal lives, my efforts will make a difference.

I have been a Girl Scout for 11 years. In Girl Scouts, we promise,

"On my honor, I will try:
To serve God and my country,
To help people at all times,
And to live by the Girl Scout Law."

A large part of being a Girl Scout is trying to help other people by following our promise and law. I have held true to my promise by giving my time and talents for the betterment of my community and church. By investing my time in community service and church activities, I am not only bettering my community, but I am also setting a positive example for others.

I strongly believe that the best leadership is leadership by example. The impact of one individual who sets a good example is amazing. It is important to me that I do what I can to better myself and the world around me by making positive choices. One person who develops a strong set of values and upholds themself to high moral standards can make a positive influence on the lives of others. The power of a single individual who tries to be the best person he or she possibly can as they put their talents to work for the betterment of themself, their work, and others is very impressive. By making positive choices in my own life, I am serving as a role-model for everyone around me. My service to America is setting a good example for others in the choices that I have made and the choices I will make in the future.

I am working towards the ultimate goal of being all that I can be by working hard towards my goals, showing respect towards others, and abstaining from destructive behaviors. These choices, among others, are permitting me to work towards becoming all that I can be.

I have challenged myself to be all that I can be. My service to America is not one of enlistment in the armed forces, but one that I hope will be beneficial to myself, my community, and this great nation.

FEDERAL JUDGES FOR FLORIDA ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. McCOLLUM. Mr. Speaker, today I am introducing the Federal Judges for Florida Act that will provide seven additional federal district court judgeships in Florida.

The Federal Judges for Florida Act will provide five new judgeships in the Middle District of Florida and two new judgeships in the Southern District of Florida. These new judgeships are based on the recommendations of the Judicial Conference of the United States. Although the Judicial Conference has repeatedly recommended additional federal district judgeships for Florida, a new federal judgeship has not been created in the state since 1990.

The Middle District stretches 400 miles from Jacksonville to Naples and is broken up into five divisions: Jacksonville, Ocala, Orlando, Tampa and Ft. Myers. It encompasses three major metropolitan areas and 35 counties. The Southern District of Florida includes Ft. Lauderdale and Miami. These two federal judicial districts cover about 80 percent of the state population. The population of Florida is expected to continue to increase at a rapid pace, with over 20 million residents projected in 2025. Since 1990, the Florida population has grown by over 15 percent.

Mr. Speaker, the need for additional federal district judgeships in Florida is reaching a crisis point. For example, the Middle District of Florida has one of the heaviest caseloads per judge in the nation—ranking in the top ten for civil filings, drug cases, pending cases and total case filings.

The Middle District as well as the Southern District both have High Intensity Drug Trafficking Areas. Almost half of the criminal caseload in the Middle District is drug-related—reflecting the use of Florida as a conduit in drug trafficking and vigorous law enforcement efforts to combat it. The Middle District has been 50 percent higher in the number of criminal defendants per judge than the national average. The Southern District has conducted more criminal trials and had more criminal cases pending than most other district courts.

Our Federal District Courts are crucial in the fight against drug trafficking, terrorism, organized crime and fraud—we cannot allow them to operate at a disadvantage. We must respond to the crises facing the federal district courts and fulfill our congressional responsibility. I urge my colleagues to support this legislation.

DECLARATION OF POLICY OF THE UNITED STATES CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

SPEECH OF

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Ms. STABENOW. Mr. Speaker, I would like to take this opportunity to discuss my support of H.R. 4, the Missile Defense bill. H.R. 4, declares that it is the policy of the United States to deploy a national missile defense system. The importance of this legislation can be found in its absence to declare the type of system to be created, the date of deployment and the location of the eventual system.

I believe that it would be dangerous to rush into deployment of a National Missile Defense (NMD) system without the development of appropriate technology. We must not stake America's national security on a system which has failed 14 out of 18 tests. This legislation does not mandate a date of deployment, which allows technology to advance so that when a successful NMD system is developed it can be deployed.

Additionally, I feel that compliance with the Anti-Ballistic Missile Treaty and Strategic Arms Reduction Treaty (START) II are far more important in our near future than deploying a limited national missile defense. And H.R. 4, does not threaten U.S. compliance by mandating the type of system or the number of interceptors necessary. I believe it is possible for a national missile defense system to complement deterrence, but only through compliance with the treaties already in place.

I am disappointed that the rule prohibited an amendment by my colleague Mr. ALLEN, which would have specifically addressed the issues of effectiveness and treaty compliance when deploying a NMD system. For this reason, I will oppose the rule and support a motion to recommit the bill with instructions to include this amendment. While I believe Mr. ALLEN's amendment would have been a positive addition to this legislation, I do not feel it is necessary for my support. H.R. 4, by remaining silent on how, when, and where a NMD system will develop allows the Administration to negotiate our compliance with our treaties and for technology to advance so that an effective missile defense system can be deployed.

TRIBUTE TO EVELYN AND ALBERT DEDENBACH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. BONIOR. Mr. Speaker, I am honored to have the opportunity to recognize the achievements of a very special couple, Mr. and Mrs. Albert Dedenbach. This evening, April 14th, they are being honored as two of the Clinton Township Goodfellows of the Year recipients for 1997–1998 by community members and friends.

The members of the Clinton Township Goodfellows have contributed their time and resources to the betterment of the community for many years. Their goal is to aid the public in ways that other charities and the government could not. For the past nine years, the Goodfellows knew that they could count on Al and Evelyn to be there volunteering their time and talents to achieve these goals.

The Dedenbachs have been married for 58 years and have four children and six grandchildren. Al served in the Air Force during WWII and when the war ended, began working in the engineering field while Evelyn was busy taking care of a growing family. Volunteering is second nature to Evelyn. She has served in the local schools as a library lunch aide, read to the kindergarten children and was active with the Girl Scouts organization. When Al retired in 1981, they joined the senior group in Clinton Township and enjoy sharing many social activities together.

One of their greatest joys is working and helping the Goodfellows with charitable projects. Al and Evelyn have given to their community with spirit and dedication throughout the years. I would like to congratulate Mr. and Mrs. Dedenbach as they celebrate this auspicious occasion with family and friends.

TRIBUTE TO THE LATE LANCE CPL. BOBBY J. LAWRENCE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. CAMP. Mr. Speaker, I rise today to commend the heroism of a young United States Marine from my district whose selfless actions saved the life of a fellow Marine and embody the values of our U.S. Armed Forces.

Lance Cpl. Bobby J. Lawrence of Evart, Michigan, died tragically last Friday at Camp Pendleton in California.

He and Lance Cpl. James N. Jones Jr. of Pueblo, Colorado, were riding in a 12-ton truck when Lance Cpl. Lawrence realized the brakes had failed. To avoid plunging over a cliff after the emergency brakes also failed, Lance Cpl. Lawrence jerked the steering wheel and intentionally tipped his truck. It overturned and Bobby Lawrence, a week away from his 21st birthday, was tragically killed when the truck overturned. But his passenger was saved.

Lance Cpl. Lawrence will be flown back to Evart for burial. His noble actions will not rescind his loss, nor can they ever fully alleviate the pain of the family and friends who must bury this young Marine.

Mr. Speaker, I know that each Member of the U.S. House of Representatives joins me and the residents of the 4th Congressional District in offering Lance Cpl. Lawrence's loved ones our prayers, our thoughts and our gratitude. May his soul rest in peace and may his bravery be forever remembered in the hearts of those for whom he served.

CELEBRATING THE CAREER OF COLONEL JAMES R. PROUTY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. SANDERS. Mr. Speaker, I submit the following for the RECORD.

Colonel James R. Prouty is recognized for exceptionally distinguished service to the United States Army and to the United States of America during the period July 6, 1972 to May 31, 1999. Throughout a distinguished twenty-seven year military career, Colonel Prouty served in a series of increasingly demanding positions that immeasurably contributed to the security of the nation, culminating as the Executive Officer to the Assistant Vice Chief of Staff of the Army.

A brief summary of his accomplishments over the last decade follows.

As Commander of the 2d Battalion, 5th Air Defense Artillery (Vulcan/Stinger), 2d Armored Division, he was responsible for leading, training, maintaining, and caring for approximately 600 soldiers and their associated equipment (45 track and 175 wheeled vehicles). MG Mallory, the Division Commander, remarked that "his battalion set the training standard for the division because of Jim's leadership." When war came, that uncompromising investment in training returned valuable dividends for the 125 highly-motivated and professional soldiers he provided to Desert Shield/Desert Storm.

As Operations Officer, and later Chief of Staff, for the United States Army Space and Strategic Defense Command (USASSDC), COL Prouty was responsible for planning and resourcing all current, future, and contingency operations; determining, analyzing, and integrating requirements for Army Space Systems; and coordinating those requirements with the Army Staff, the Joint Staff, and US Space Command. Leveraging his broad warfighting talents, COL Prouty initially focused his directorate's efforts on incorporating space considerations into Army doctrine and training events. From these efforts, he developed and prioritized requirements for Army Space Systems, published in the first Army Space Modernization Plan, supporting commanders across all Battlefield Operating Systems. LTG Lionetti described him as "smart, innovative, and visionary; he made improvements of enormous significance." Later, his directorate stood up USASSDC's Theater Missile Defense (TMD) cell, and COL Prouty became the Army's focal point for a wide variety of TMD initiatives. Once again, COL Jim Prouty was equal to the task, overseeing the integration of delivery of the TMD Force Projection Tactical Operations Center (TOC), a major new warfighting asset available to support Joint Land Force commanders worldwide. At the same time, COL Prouty was instrumental in directing the command's highly successful participation in support of the Commission on Roles and Missions.

As Commander, Test and Experimentation Command (TEXCOM) Experimentation Center, COL Prouty was responsible for conducting and supporting a wide range of independent operational tests and experiments using state-of-the-art, real time casualty assessment instrumentation, data reduction, and analysis. He was also responsible to lead, train, and care for an organic Armored/Mechanized Infantry Battalion Task Force of over 350 soldiers. As in previous assignments, his initial emphasis was on training and performing to standard. As a result, his soldiers achieved record success on the gunnery ranges, and the major weapons systems were maintained at unprecedented operational readiness rates. More importantly, every operational test and experiment was carefully planned, coordinated, and executed on time, under budget, yielding results which were both analytically sound and compelling. The highly successful operational test of the Battlefield Combat Identification System (BCIS) is a testament to COL Prouty's leadership, superb knowledge of training, and understanding of how to operationalize emerging technology. The latter months of COL Prouty's command were once again dedicated to the mission of inactivation—and taking care of troops. In recognizing the professional manner in which COL Prouty inactivated the command, MG Lehowicz remarked that "he turned in equipment and facilities (valued at over $100M) in such an outstanding condition that it defied the imagination."

Since July 1997, COL Prouty has served as the Executive Officer to Assistant Vice Chief of Staff of the Army (AVCSA). It is in this role that COL Prouty's unique talents and abilities have had their greatest impact on the Army. While his duties are broadly defined, as in his previous assignments, it is in the details where COL Prouty has left an indelible mark on the future of our Army.

His ability to energize a diverse body of senior executives and general officers, from across the Army Staff, with widely different interests, toward a common purpose, is truly remarkable. He succeeds because he invests the time, energy, and intellect necessary to understand the most complex issues from the perspectives of all stakeholders; he possesses the wisdom, experience, and judgment to find the common ground; and he employs the finely-honed leadership skills to motivate all to positive action. These skills were particularly evident in directing the AVCSA's efforts to transition two incoming VCSAs and develop a workable strategy to fully integrate the Army's active and reserve components—later detailed in the CSA White Paper, One Team, One Fight, One Future.

Immediately upon assuming his duties, he developed the trust and confidence of every senior leader on the Army Staff, and countless others in the department and on Capitol Hill. Through two full Planning, Programming, and Budgeting System (PPBS) cycles, and in defense of two Army budget submissions, the Chief of Staff, the Vice Chief of Staff, and/or the Assistant Vice Chief of Staff were invariably present at the decisive place and time, with the compelling argument for Army requirements and resources. These opportunities were more often than not developed behind the scenes, via a broad, but comprehensive staff effort with COL Prouty at the helm. Perhaps of even greater importance, COL Prouty's insight, instincts, and mastery of the subject matter allowed him to resolve innumerable requirements and resource issues, in a manner favorable to Army objectives, without requiring the dedicated attention of the senior leadership.

COL Jim Prouty's team-building and managerial skills have never been more fully validated. The office of the AVCSA is a model of efficiency—lean, professional, effective, and highly-credible. This success is singularly attributable to the leadership talent and managerial savvy of COL Jim Prouty. As the role of the AVCSA continued to evolve, COL Prouty ensured that the office staff remained one step ahead of the issues, and cultivated the professional working relationships necessary to ensure the role of the AVCSA on the Army Staff was well understood and fully integrated. He sets high standards in all aspects of staff performance, and inspires subordinates to achieve them. Even under the most difficult circumstances, morale was invariably high, and the staff never missed a beat.

COL Jim Prouty served with uncommon distinction in each of these critical positions during these last ten years. His outstanding performance in each position contributed extensively to the success, not just of his unit, but to the Army. The impact of COL Prouty's professionalism, selfless commitment, and accomplishments will endure well beyond his retirement. His level of responsibility, particularly in his final position, was far above that of his peers, and his performance was on a par with most of the general officers I routinely work with. Given these factors, it is most appropriate that COL Prouty's extraordinary service to the United States Army and the United States of America be recognized by the 106th Congress.

GENERAL JOHNNIE E. WILSON

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. ORTIZ. Mr. Speaker, today I pay tribute to General Johnnie Edward Wilson, who, on April 26, is retiring from the United States Army after more than 37 years on active duty and has served this country with honor and dignity. General Wilson is an exceptional leader, a "soldier's soldier."

Having started his career as a private, he understands soldiering, leadership, and selfless service. He is known on Capitol Hill for his dedication and integrity. As the Army's senior logistician for the past 3 years, he has tackled the tough issues in technology, acquisition and logistics while consistently focused on proper care for his personnel. Thanks to the efforts of patriots like General Wilson, the United States Army enters the new millennium as a strong, proud fighting force. This outstanding American deserves the praise and thanks of a grateful nation.

Born on February 4, 1944, General Wilson was raised in Lorain, Ohio, and entered the Army in August 1961 as an enlisted soldier, attaining the rank of staff sergeant before attending Officer Candidate School (OCS). After completing OSC in 1967, he was commissioned a second lieutenant in the Ordnance Corps. He was awarded a bachelor of science degree in logistics management from the Florida Institute of Technology. His military education includes completion of the Ordnance Officer Basic and Advanced Course, the Army Command and General Staff College, and the Industrial College of the Armed Forces.

General Wilson held a wide variety of important command and staff positions culminating in his current assignment as the commanding general, U.S. Army Material Command. Other key assignments include: deputy chief of staff for logistics, Department of the Army, Pentagon; chief of staff, U.S. Army Material Command; commanding general, Ordnance Center and School, Aberdeen Proving Ground, Maryland; deputy commanding general, 21st Theater Army Area Command, U.S. Army Europe and 7th Army; commander, 13th Support Command, Fort Hood, Texas, and, commander, Division Support Command, 1st Armored Division, U.S. Army, Europe.

General Wilson served with distinction at every level of command. He commanded three times at the company level—a maintenance company in the 82nd Airborne Division as a first lieutenant, followed by command of a supply and services company in Vietnam with the 173rd Airborne Brigade, and a maintenance company with the 1st Armored Division in Europe. At the lieutenant colonel level, General Wilson commanded the 709th maintenance Battalion, 9th Infantry Division, Fort Lewis, Washington, which converted and became the Army's first Main Support Battalion. General Wilson commanded twice at the colonel level, serving as the Division Support Command commander of the 1st Armored Division followed by command of the 13th Support Command at Fort Hood, Texas.

General Wilson next served as the deputy commanding general, 21st Theater Army Area Command, the Army's largest and most diverse logistics unit. Based on his wide experience with leading soldiers, General Wilson was selected to command the Ordnance Center and School responsible for training thousands of soldiers, NCOs and officer every year. Following this successful assignment, General Wilson served as the chief of staff, AMC, where he was responsible for resource and personnel management for a workforce with over 80,000 military and civilian members. From 1964 to 1996, General Wilson served as the deputy chief of staff for logistics, Department of the Army, where he was responsible for worldwide logistics.

General Wilson's awards and decorations include the Distinguished Service Medal (with Oak Leaf Cluster), Legion of Merit (with Oak Leaf Cluster), Bronze Star Medal (with two Oak Leaf Clusters), Meritorious Service Medal (with two Oak Leaf Clusters), Army Commendation Medal, Good Conduct Medal, Special Forces Tab, Master Parachutist Badge, and the Army Staff Identification Badge.

General Wilson is married to the former Helen McGhee of Elyria, Ohio, and they have three children: Johnnie E. Jr., Charlene, and Scott, and five grandchildren. Please join me in commending the service of General Johnnie Wilson this month upon the occasion of his retirement.

HOUSE CONCURRENT RESOLUTION—INTRODUCTION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. GOODLING. Mr. Speaker, I come to the Floor this afternoon to introduce a House Concurrent Resolution to fully fund the Individuals with Disabilities Education Act (IDEA). The cosponsors and I believe that the federal government cannot continue to ignore the commitment it made over 24 years ago to children with disabilities.

In 1975, Congress passed the Education for All Handicapped Children Act, commonly known as P.L. 94-142. The Act established the federal commitment to provide funding at 40% of the average per pupil expenditure to assist with the excess costs of educating students with disabilities.

Since 1995, upon Republican insistence, funding for IDEA has risen over 85%. With this increase in funding, IDEA is now funded at 12% of the average per pupil expenditure—much higher than the 7% of 5 years ago. We must continue to increase funding to reach the 40% of the average pupil expenditure funding level mandated in law. Without these federal IDEA funds, local school districts must cover the unpaid federal share.

President Clinton proposes to level fund IDEA for FY2000. Considering that the number of children with disabilities is projected to increase by 123,000 from 1999 to 2000, the President's budget request actually cuts funding for children with disabilities from $702 per child in FY1999 to $688 per child in FY2000.

Congress must ensure that the Federal government lives up to the promises it made to the students, parents, and schools over two decades ago. We must fully fund IDEA before Washington creates new education programs.

Once the Federal government begins to pay its fair share under IDEA, local funds will be freed up, allowing local schools to hire and train high-quality teachers, reduce class size, build and renovate classrooms, and invest in technology.

The resolution I introduce today urges Congress to fully fund IDEA while maintaining its commitment to existing federal education programs. We can both ensure that children with disabilities receive a free and appropriate public education and ensure that all children have the best education possible if we just provide fair federal funding for special education.

I urge everyone to support this important resolution. Congress must fulfill its commitment to assist States and localities with educating children with disabilities.

TRIBUTE TO JUDGE A. LEON HIGGINBOTHAM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. CLAY Mr. Speaker, It is my honor to rise in tribute to the late A. Leon Higginbotham, Jr. He was a great American and a great friend. Higginbotham was a man who excelled in many disciplines. He was a scholar, a writer, a lawyer, a judge and especially a humanitarian.

Leon Higginbotham studied engineering a Purdue University, continued his education at Antioch College and received a LL.B. from Yale University in 1952. Eighteen years later, he became the first black elected trustee of Yale after defeating five other distinguished alumni in a nationwide ballot

In 1963, President Kennedy nominated A. Leon Higginbotham, Jr. for the U.S District Court of Eastern Pennsylvania. However, Senator James Eastland of Mississippi blocked his confirmation by the Senate. After Kennedys assassination, President Johnson nominated Higginbotham, and in 1964 appointed him to a seat on the U.S. District Court of Eastern Pennsylvania. In 1977, Judge Higginbotham was elevated to the 3rd US Circuit Court of Appeals. He served as the Chief Judge of the Appeals Court from 1990 to 1993. His celebrated career was filled with judicial accomplishments. He was the author of more than 600 published opinions and books, including "In the Matter of Race: Race and the American Legal Process" and "Shades of Freedom."

I first met Judge Higginbotham when he was supporting Senator John F. Kennedy in his campaign for President. In the past twenty years we developed a closer friendship, exchanging telephone calls and letters. I admired and respected the Judge for his intellectual prowess and his untiring commitment to civil rights.

At the time of his death last December, Judge Higginbotham was a retired Chief Judge Emeritus of the United States Court of Appeals, the Public Service Professor of Jurisprudence at the John F. Kennedy School of Government at Harvard, and Counsel to the law firm of Paul, Weiss, Rifkind, Wharton & Garrison in New York. During his life, Judge Higginbotham received numerous honors including the Presidential Medal of Freedom the National Human Relations Award of the National Conference of Christians and Jews, the National Urban Award for outstanding contributions towards the goal of equal opportunity, the 81st NAACP Spingarn Medal for the highest and noblest achievement by an African-American, and the 1994 recipient of the Congressional Black Caucus' Leland Humanitarian Award.

In 1996, Higginbotham became an advisor to Texaco, Inc. after the company agreed to a $176 million settlement of a race-discrimination case. There he initiated a formal evaluation of the company's human resource policies and diversity practices in an effort to make Texaco an industry model for its hiring and promotion of black employees. In an interview that year with the St. Louis Post-Diatch, Judge Higginbotham was described as seeing "the future of race relations with an equal mixture of optimism and pessimism." Leon Higginbotham knew and understood the terrible history of racial discrimination in the justice system. He knew that this history could never be forgotten if black Americans ever hope to achieve equal justice under law. For this reason, Judge Higginbotham shared my dismay when former President George Bush presented Clarence Thomas as his choice to replace justice Thurgood Marshall as Associate Supreme Court Justice. On that day, independent-minded women were appalled, knowledgeable black Americans were outraged and advocates for the poor abandoned their hopes. Then, the disastrous day came when the U.S. Senate confirmed Clarence Thomas' appointment and the waves of despair washed over millions who had fought, sacrificed, and suffered to overcome centuries of discrimination and to achieve respect and quality. In Black America, six months after Thomas' appointment the attitude and sentiment toward him as a person was reflected in the words of Judge Higginbotham who wrote:

> Suppose someone wanted to steal back past achievements, reign in the present gains and cutoff future expectations among African-Americans about participation in the Judicial process. that person would have found it difficult to devise a better plan than nominating Clarence Thomas to the Supreme Court which decreasing the number of African-Americans on the federal bench.

Mr. Speaker. Judge Higginbotham was devoted to educating this nation about the perils of one black man, Clarence Thomas, being misconstrued as a respectable replacement for Thurgood Marshall who was a bonafide representative of the hopes, dreams and aspirations of black Americans. In this undertaking, Judge Leon Higginbotham wrote to Clarence Thomas upon His confirmation to the Supreme Court. Higginbotham documented the legal struggles that had abolished impediments to the freedom of black people and enunciated the underlying personal values and courage which guided those who led these battles. In this letter, Higginbotham challenged Thomas to recall, to understand and to emulate the lives of those great gladiators who changed the course of history. In this open letter, Higginbotham cited the damage done to the cause of black America and the crisis in race relations spurred by Judge Thomas' confirmation. Excerpts from this letter provide the details of his message:

> At first I thought that I should write you privately—the way one normally corresponds with a colleague or friend. I still feel ambivalent about making this letter public, but I do so because your appointment is profoundly important to this country and the world, and because all Americans need to understand the issues you will face on the Supreme Court. In short, Justice Thomas, I write this letter as a public record so that this generation can understand the challenges you face as an Associate Justice to the Supreme Court, and the next generation can evaluate the choices you have made or will make. . .
>
> By elevating you to the Supreme Court, President Bush has suddenly vested in you the option to preserve or dilute the gains this country has made in the struggle for equality. This is a grave responsibility indeed. . . . And while much has been said about your admirable determination to overcome terrible obstacles, it is also important to remember how you arrived where you are now, because you did not get there by yourself.
>
> You can become an exemplar of fairness and the rational interpretation of the Constitution, or you can become an archetype of inequality and the retrogressive evaluation of human rights. The choice as to whether you will build a decisional record of true greatness or of mere mediocrity is yours.
>
> Black Ivy League alumni [Higginbotham and Thomas finished Yale] in particular should never be too impressed by the educational pedigrees of Supreme Court Justices. The most wretched decision ever rendered against black people in the past century was Plessy v. Ferguson. It was written in 1896 by Justice Henry Billings Brown who attended both Yale and Harvard law schools. The opinion was joined by Justice George Shiras, a graduate of Yale Law School, as well as by Chief Justice Melville Fuller and Justice Horace Gray, both alumni of Harvard Law School.
>
> If those four Ivy League alumni on the Supreme Court in 1896 had been as faithful in their interpretation of the Constitution as Justice John Harlan, a graduate of Transylvania, a small law school in Kentucky, then the venal precedent of Plessy v. Ferguson, which established the federal "separate but equal" doctrine and legitimized the worst forms of race discrimination, would not have been the law of our nation for sixty years. The separate but equal doctrine; also known as Jim Crow, created the foundations of separate and unequal allocation of resources, and oppression of the human rights of blacks.

> The tragedy with Plessy v. Ferguson is not that the Justices had the "wrong" education, or that they attended the "wrong" law schools. The tragedy is that the Justices had the wrong values, and that these values poisoned this society for decades.
>
> I have read almost every article you have published, every speech you have given, and virtually every public comment you have made during the past decade. Until your confirmation hearing, I could not find one shred of evidence suggesting an insightful understanding on your part on how the evolutionary movement of the Constitution and the work of civil rights organizations have benefited you. . . .
>
> While you were a presidential appointee for eight years, as Chairman of the Equal Employment Opportunity Commission and as an Assistant Secretary at the Department of Education, you made what I would regard as unwarranted criticisms of civil rights organizations of the Warren Court, and even of Justice Thurgood Marshall. Perhaps these criticisms were motivated by what you perceived to be your political duty to the Reagan and Bush administrations. Now that you have assumed what should be the nonpartisan role of a Supreme Court Justice, I hope you will take time out to carefully evaluate some these unjustified attacks.
>
> But your comments troubled me then and trouble me still because they convey a stunted knowledge of history and an unformed judicial philosophy. . . . You are no longer privileged to offer flashy one-liners to delight the conservative establishment. Now what you write must inform, not entertain. Now your statements and your votes can shape the destiny of the entire nation.
>
> During the last ten years, you have often described yourself as a black conservative. I must confess that, other than their own self-advancement, I am at a loss to understand what is it that the so-called black conservatives are so anxious to conserve. Now that you no longer have to be outspoken on their behalf, perhaps you will recognize that in the past it was the white "conservatives" who screamed "Segregation now, Segregation forever!" It was primarily the conservative who attacked the Warren Court relentlessly because of Brown v. Board of Education and who stood in the way of almost every measure ensure gender and racial advancement.
>
> Of the fifty-two Senators who vote in favor of your confirmation some thirteen hailed from nine Southern states. Some may have voted for you because they agreed with President Bush's assessment that you were "the best person for the position." But, candidly, Justice Thomas, I do not believe that you were indeed the most competent person to be on the Supreme Court. Charles Bowser, a distinguished African-American Philadelphia lawyer said: "I'd be willing to bet that not one of the Senators who voted to confirm Clarence Thomas would hire him as their lawyer."

Later, Judge Higginbotham questioned the decision of the Judicial Council of the National Bar Association which had invited Supreme Court Justice Clarence Thomas to address its annual convention. In that letter, which appeared in the September 1988 edition of Emerge magazine, Higginbotham explained why he was "shocked" to learn of Thomas' invitation:

> I will not take a position as to whether he should be disinvited, and leave that significant responsibility to the judgment of the Executive Committee. I am not one who believes there is, or should be, a monolithic view within the African-American community on all issues; but, I do think there are certain undisputable common denominators as to what constitutes progress or regress. Within that context and from the perspective of almost every constitutional law scholar, there is no doubt that Justice Thomas had done more to turn back the clock of racial progress than has perhaps any other African-American public official in the history of this country.

Higginbotham continued, mentioning those ruling in which Thomas overlooked history to undermine the progress of black Americans in the civil rights struggle and wrote:

> In view of his harsh conservative record, please explain to me why you invited Justice Thomas, who has voted consistently against the interest of African Americans, minorities and women.

Mr. Speaker, a few years ago, Judge Higginbotham underwent open heart surgery. After his recovery he wrote to his many friends thanking them for their expressions of concern and prayers. In his note, the judge quoted what a renown heart specialist had said:

> During the last twenty years, I have talked to many dying patients. I have never met one who wished that s/he had spent more time at the office, but I have met thousands who regretted that they did not spend more time enjoying their family and pursuing less stressful options.

Judge Higginbotham did reduce his voluminous schedule of activities, but fortunately he remained a powerful voice which helped to shape attitudes and influence opinions about race and racism in this country. His contributions to the civil rights movement will be forever cherished.

THE CORRECT APPROACH TO GLOBALIZATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, no issue facing us is more important than how we respond to the question of adapting to the new global economy. Until fairly recently, the accepted wisdom was that all governments had to do was to allow capital to find its most profitable niche, and we would all reap the benefits. Increasingly people understand that this is an incomplete approach to governance and an inadequate response to the social economic and political problems posed by the new global economy. In the interest of fostering discussion of this important set of issues, I ask unanimous consent to insert into the RECORD at this point three commentaries on this issue which while diverse in the perspective from which they are made, share a common understanding of the general direction in which we should be going, and are also distinguished by a strong intelligence.

First, I insert a speech given by John Sweeney, President of the AFL–CIO, at Davos. John Sweeney's thoughtful leadership in trying to find a way to reconcile the strengths of the market with policies that offset the negative effects of a pure market approach is a genuine asset for the United States in our efforts to deal with this matter.

Second, I insert an article by Bruce Freed who has been writing very thoughtfully in commentary aimed at the enlightened leadership of the business community.

Third, I insert a very thoughtful article by one of the most thoughtful of our contemporary journalists, E.J. Dionne, on the theoretical aspects of this broader question.

REMARKS BY JOHN SWEENEY, PRESIDENT OF THE AFL–CIO, 1999 ANNUAL MEETING WORLD ECONOMIC FORUM, DAVOS, SWITZERLAND, JANUARY 30, 1999

It is a delight to be here once more, and to have this opportunity to share with you some of the perspectives of the 40 million working men and women in households represented by the AFL–CIO.

We've been asked to talk about how to "manage the social impact of globalization." But let us not think of globalization as a natural phenomenon with regrettable social side effects. The forces of globalization now wracking the world are the creation of man, not of God. Our task is not to make societies safe for globalization, but to make the global system safe for decent societies.

This is not a quibble about words. As we meet, about a third of the world's economy is in recession. 100 million people who thought they were part of a growing middle class have been brutally thrust back into poverty. And, as recent events in Brazil have shown, the crisis is far from over.

Global deflation is now the nightmare of central bankers. Too many goods, too much productive capacity chasing too few consumers with too little money. In the crisis, the US is the buyer of last resort. But US consumers are already spending more than they make. US manufacturers are in recession. In recent months, 10,000 steelworkers have lost their jobs to a flood of imports, their families disrupted, their communities devastated. The US trade deficit is headed to unsustainable new heights.

The terrible human costs can have one good effect. They can sober the debate about the global economy. For two decades, conservative governments have been on a binge, dismantling controls over capital, currencies, and corporations. Now we awake the morning after, our heads aching, our hearts burdened by the destruction that we see around us.

Globalization—in the extreme, corporate dominated, de-regulated form we have witnessed—is not the scapegoat of the current crisis; it is the cause of it. After two decades, the results are very clear. The global casino of capital and currency speculation has generated booms and busts of increasing severity and frequency, as World Bank economist Joseph Stiglitz has warned. And it has produced slower growth and greater inequality in countries large and small, developed and developing—as governments scramble to protect themselves from the global storms.

In its current form, globalization cannot be sustained. Democratic societies will not support it. Authoritarian leaders will fear to impose it. The so-called Washington consensus is no longer the consensus even in Washington.

Over the last year and one-half, workers, environmentalists, consumers—reflecting the opinion of the vast majority of Americans—came together to block the president's request for fast track trade authority not once, but twice.

We insisted that enforceable worker rights and environmental protections be central to any new round of trade negotiations.

And we were right. Now US Treasury Secretary Robert Rubin calls for a new "architecture" to limit instability. President Clinton pushes new initiatives on child labor, on core labor rights, and on the environment. America's voice, I suggest to you, will either sound a new note in any future round of trade negotiations, or it will be muted in spite of itself.

When you are in a hole, the first thing to do is to stop digging. If the newly sobered global community has stopped digging, we're still left in the hole. Working people across the world understand that if nothing is done, corporate globalization will continue, unchecked and uncontrolled. We need to go a different way.

Calls for greater transparency, better accounting and more generous safety nets are satisfying, but not sufficient. The essential building blocks of a new internationalism can be seen in the struggles of workers and citizens across the world.

People are demanding protection from the havoc caused by currency and capital speculation. If this is not done at a global level, it will be done at a national level—as we've seen from Hong Kong to Malaysia to Chile.

While curbing speculators, we must get the global economy going again. Recent efforts to lower interest rates in Europe and the United States, and to pump up demand in Japan should be seen only as first steps.

In this crisis, as the IMF recently admitted, enforcing austerity on indebted countries only makes things worse. The Fund and the Bank should help restructure debt and stimulate growth. And as the growing Jubilee 2000 movement has called for, industrial nations should move to relieve the debt burdens on the poorest nations, while increasing investment in sustainable energy, education and health care.

At the same time, we need to create the conditions for sustainable growth.

That is why it is vital to empower workers—to enforce core worker rights in the global market—the right to organize and to bargain collectively to improve one's lot, the prohibitions against child labor and forced labor, the elimination of discrimination.

Empowering workers strengthens democracy. It is also vital to sustaining prosperity, to making markets work.

When the famed US labor leader, Walter Reuther, visited Japan in the 1960s, he saw that Japanese autoworkers were riding bicycles to work. "You can't build an automobile economy on bicycle wages," he warned the Japanese. But of course they could, by exporting their automobiles to the United States.

No limits of that export-led growth model are apparent. A vibrant economy requires consumers—workers who capture a fair share of the profits that they produce. The struggle to do just that is taking place in offices and shop floors across the world. As President Clinton has said, global rules are crucial if we are to keep the global market from becoming a race to the bottom.

Finally, this debate can no longer be contained in closed rooms in luxurious hotels. It is already being waged on the streets, the shop floors and the computer screens across the world. As the cloistered negotiators of the Multilateral Agreement on Investment discovered, trade and investment agreements must gain public support if they are to go forward at all. Open covenants, openly arrived at is not simply a slogan—it is a growing reality.

We are entering a new era. We will either build a new internationalism that empowers workers, protects consumers and the environment, and fosters sustainable growth—or we will witness a harsh reaction as desperate peoples demand protection.

I urge of all you to join us in our effort to bend the forces of globalization so they help workers everywhere build a better future.

Mr. Marx, Meet Mr. Friedman

(By E.J. Dionne Jr.)

PARIS—A characteristic of politics in most of the well-off democracies is that we know far better what we don't want than what we do.

The trends in most democratic countries are toward moderate governments and away from pure free-market parties. Electorates don't fully trust the global economy and want protection from its fluctuations. But to win elections, parties of the left promising those protections have to prove they're comfortable with the market and accept its disciplines.

France's Socialist Prime Minister Lionel Jospin caught the mood when he declared that he favored a "market economy" but opposed a "market society." We want capitalism, but want it tempered by other values—equity, community and compassion, for starters.

If you want to know how much has changed, consider these comments from Robert Hue, the national secretary of the once hard-line French Communist Party. "The Communists are not adversaries of the market," he declared last week. "The Communists have broken with the statist vision of things." Imagine: Karl Marx dining with Milton Friedman.

The social philosopher Anthony Giddens explains this transformation in "The Third Way," his important recent book. "No one any longer has any alternatives to capitalism—the arguments that remain concern how far, and in what ways, capitalism should be governed and regulated."

"These arguments are certainly significant," he continues, "but they fall short of the more fundamental disagreements of the past." That may explain some of the listlessness of contemporary politics. Utopias and searing critiques of the status quo are exciting. But why should progressive parties pretend to have answers they don't, or attempt to build systems that can't work?

The Third Way idea is seductive because it seems to represent realism with a heart. But Giddens—the director of the London School of Economics who's thought of as British Prime Minister Tony Blair's favorite social philosopher—tries to show that the Third Way is more than a marketing slogan.

The core problem with contemporary conservatism, he says, is an inconsistency at the heart of its creed. Its "devotion to the free market on the one hand, and to the traditional family and nation on the other, is self-contradictory."

Why? "Individualism and choice are supposed to stop abruptly at the boundaries of the family and national identity, where tradition must stand intact. But nothing is more dissolving of tradition than the 'permanent revolution' of market forces."

Giddens is perceptive on the thorny question of risk vs. security. The standard account is that if government provides too much security, no one will want to take risks. But Giddens is alive to the need for certain social protections if what you desire is a risk-taking society.

To encourage citizens to be "responsible risk-takers," he writes, "people need protections when things go wrong" and "also the material and moral capabilities to move through major periods of transition in their lives." That's the reason every party in every country is talking about education.

The upshot is we shouldn't dismantle the welfare state, but rather reconstruct it into a "social investment state" to provide "resources for risk-taking." Gidden's welfare state would also cooperate extensively with community institutions that are independent of government.

As for the global economy, Giddens sees its expansion as removing more and more activity from the regulatory reach of individual nations. In what he calls "depoliticized global space," there are no rules establishing "rights and obligations." Figuring out what those are and whether they can be enforced across national boundaries is one of the central political problems of our time.

The strongest critique of the Third Way is that its careful balancing act sounds too good to be true. Center-left parties trying to calibrate market efficiencies against concerns for social justice are not working in some sanitized laboratory. In the politics of democracies, interests and passions intervene.

That was brought home in the recent battle between Germany's Social Democratic chancellor, the centrist Gerhard Schroeder, and his left-wing finance minister, Oskar Lafontaine. Lafontaine resigned, protesting that "the heart isn't traded on the stock market yet." But where Lafontaine saw a socially minded heart beating, German business saw a statist cancer growing.

The Paris daily Le Monde noted archly that it was pure "coincidence" that at the moment Lafontaine quit, Anthony Giddens was visiting Bonn to unveil the German edition of "The Third Way"—of which Schroeder is a public fan.

"The Third Way" is worth finding, and Giddens makes an honorable effort to draw us a map. But as the struggles of the new German government show, the road there is still under construction.

Business Must Take Lead To Win Fast Track

Steel tops Congress' trade agenda. But just beneath the surface remains fast track, the missing critical link in long-term U.S. trade policy.

Twice in the past two years, Congress refused to give broadened authority to the president to negotiate trade agreements. With a third try being readied, the challenge for the corporate community is to provide the leadership that will finally achieve it.

The push needs to come soon. As globalization quickens, opportunities for U.S. companies to sell their products increase. However, access to foreign markets must be guaranteed, a process fast track would facilitate. "If we don't get [fast track] this year, we're not going to get it until well after the presidential election," Rep. Jennifer Dunn (R-Wash.), a member of the Ways and Means Trade Subcommittee, said in an interview.

The implications of fast track's absence are beginning to be seen. This is the case in Latin America, a key market for U.S. exports. By not being able to move forward with a Latin American free-trade agreement, the United States runs the risk of being cut out as the European Union forges closer trading ties with Mercosur, the powerful southern cone trade group.

Winning fast track, however, will require a fundamental change in the way business deals with Capitol Hill and how it approaches the politics of trade. "You've got a lot of folks stuck in a rut now," said Dunn. The problem business faces is that the Republican-anchored coalition it is looking to to pass fast track hasn't worked effectively since the passage of the North American Free Trade Agreement almost six years ago.

How does business get out of this rut and turn the fight for fast track into a winning game? Last December, this column suggested a counterintuitive trade strategy that looked center-left to offset growing Republican isolationism. Now is the time to apply it. With Congress so closely balanced, business can't afford to ignore the Democrats, including liberals, labor and the environmentalists.

Rep. Cal Dooley (Calif.), a staunch free-trade and leading pro-business Democrat, recognizes this as he pushes for a serious dialogue between business and labor and the environmentalists. Those groups have been fast track's toughest opponents. "The message I've been delivering to business is that you have to be providing the leadership and identifying the policies that address the environmental and labor issues that can broaden the base of support for fast track." Dooley told me.

Key business groups have started doing this but it needs to be done seriously in order to construct a new coalition. That coalition can be made up of Democrats and environmental, labor and internationalist Republicans. House Banking Committee Chairman Jim Leach (R-Iowa) suggested this approach a year ago as a way to break the deadlock over funding for the International Monetary Fund. Rep. Barney Frank (D-Mass.) has urged business and liberals to find ways to deal with each other on trade and other elements of their agendas.

Where do corporate CEOs fit into this new strategy? In several ways. First, they need to pledge their unwavering commitment to the effort—from start to finish—just as they do with company initiatives.

Next, they need to shape the public's perception of fast track as critical to the nation's economic growth and their personal well-being. This can only be done by leadership outside Washington that can soften the partisanship that hurt fast track previously. CEOs can do this, Dunn said, by "articulating much more in public and much more with their employees the benefits and importance of free trade."

Lastly, they need to provide the ongoing leadership of the fast-track, campaign. Usually, this is done by the White House with the support of outside groups. However, long-term, proactive leadership has not been the forte of this White House as demonstrated by the last minute, ad hoc—and unsuccessful—campaign it mounted for fast track in 1997.

Business needs to be pragmatic and go where the votes are if it is to win fast track. By doing that, business leaders will have a real shot at achieving a U.S. trade policy that is truly global.

TRIBUTE TO THE LATE JOE DIMAGGIO

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. DEUTSCH. Mr. Speaker, last month the Nation lost a true American hero. I am deeply saddened that Joe DiMaggio, "the Yankee Clipper," passed away at the age of 84 in his hometown of Hollywood, Florida, on March 8, 1999. We mourn the loss of a man whose legacy will be remembered for years to come. Indeed, Joe DiMaggio has a long and storied list of athletic accomplishments, but he is also remembered for his service to the South Florida community and the Nation. Joe DiMaggio is a man who achieved greatness, and it was also the way in which he carried himself that was truly great.

Voted the "Greatest Living All-Time Baseball Player" by the Baseball Writers Association in 1969, Joe DiMaggio's impact was felt in the Major Leagues soon after his rookie season in 1936. After winning only one World Series in the seven years prior to his joining the team, the New York Yankees won four straight world championships. By the time he retired in 1951, Joltin' Joe DiMaggio's role in the dominance of the New York Yankees was undeniable: his leadership brought a total of ten pennants and nine world series to New York in the span of 13 major league seasons. Over his career, Joe DiMaggio would win three MVP awards, become the only major league player in major league history who has more than 300 home runs and fewer than 400 strikeouts, and be inducted into the Baseball Hall of Fame in 1955.

Career statistics aside, Joe DiMaggio had perhaps one of the most remarkable years ever when he won the Most Valuable Player award in 1941. That year, like Sammy Sosa and Mark McGwire did during the summer of 1998, Joe DiMaggio and Ted Williams captivated the entire Nation with two spectacular individual performances. While Ted Williams would hit .406, DiMaggio would take center stage while hitting safely in 56 straight games—an amazing record which stands today.

Though one could talk about Joe DiMaggio's greatness based on baseball statistics alone, we must not forget the service that Joe DiMaggio performed for our nation during times of war. In 1943, Joltin' Joe swapped his Yankee paycheck for a $50-a-month private's salary as he left baseball to serve as physical trainer for Army Air Force cadets. Finishing his term of service three years later, Joe DiMaggio had risen to the rank of sergeant and, in 1974, he was awarded the Silver Helmet award from AMVETS (American Veterans of World War II, Korea, and Vietnam). Only three years after receiving this award, he would be further honored in a way that few are: he was awarded the Presidential Medal of Freedom by President Carter.

Mr. Speaker, Joe DiMaggio lived much of his life in private. Though he also performed much philanthropy work in private, he was very public about his affiliation with the Memorial Hospital which lies within my Congressional District in Hollywood, Florida. In 1992, the new children's wing of Memorial Hospital was christened the "Joe DiMaggio Children's Hospital, at Memorial Regional Hospital" in recognition of his extensive support. Since 1992, DiMaggio helped raise more than $4 million for the care of sick children there. For his charitable work, we all own the late Joe DiMaggio a debt of gratitude. I assure you that Hollywood and the surrounding areas will miss him greatly.

In summary, there was something special about Joe DiMaggio. He was unpretentious and proud, a man who carried himself with the utmost class and dignity. Joltin' Joe DiMaggio was truly a hero in an era when America was coming out of the Great Depression, and era when America needed someone to turn to for inspiration. It is with great sorrow that I praise him today, and hope that in some small way this statement can thank him for all his greatness, for his accomplishments both on the baseball field and off it as well.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

PROSECUTOR: BLACK MAN'S MURDER INTENDED TO DRAW ATTENTION TO NEW HATE GROUP

(By Michael Graczyk)

JASPER, TX (AP).—The heinous dragging death of a black man last year was part of a plan to draw attention to a new white supremacist group being organized by his accused white killer, John William King, prosecutors say.

"I do believe he was trying to form his own personal hate group in Jasper, Texas," Jasper County District Attorney Guy James Gray said Tuesday after the first full day of testimony. "I believe we'll be able to establish that this killing was to promote his own personal agenda."

King, 24, an unemployed laborer and ex-convict, faces life in prison or death by injection if convicted of the June 7 murder of James Byrd Jr.

The 49-year-old East Texas man was chained to the back of a pickup truck and dragged for three miles before his body, minus a head, neck and arm, was left dumped on a road across from a black church and cemetery.

Gray, who said DNA evidence would be introduced today, has said he hopes to wrap up his side of the case by the end of the week.

Two other men, Lawrence Russell Brewer, 31, and Shawn Allen Berry, 23, are to be tried later on the same charges.

In his opening statement Tuesday to the jury of 11 whites and one black, Gray said physical evidence, racist tattoos all over King's body and letters written by King would tie him to Byrd's murder.

Correspondence seized by authorities from King's Jasper apartment the day after Byrd's death and entered into evidence late Tuesday included 22 pages of handwritten by-laws and a code of ethics for what King called the "Confederate Knights of America Texas Rebel Soldiers."

"Dear Student," King wrote. "Welcome to the Aryan Institute for Higher Learning . . . Welcome to the dream."

In one of the documents, he labels himself "Captain" of the organization. In another, where he signs himself as "President," he describes his group as working for the "struggle of our white race" and complained of "thousands of organizations working for the interest of minorities."

"How many groups stand up for the cultural values and ideals of the white majority?" he asked. "We of the Confederate

Knights of America are unapologetically committed to the interest, ideas and cultural value of the White Aryan race."

Prosecutors said other physical evidence includes a lighter engraved with Knight's prison nickname "Possum" and a Klu Klux Klan symbol of interlocking three K's found along the bloody route. Byrd's blood also was found on King's shoes, Gray said.

Tattoos over more than 65 percent of his body include a black man hanging from a tree, nazi swastikas and a Woody Woodpecker cartoon character wearing a Klan robe and hood.

Defense attorney Haden "Sonny" Cribbs, who declined an immediate opening statment, objected to the introduction of the written material and photos of King's tattoos, saying such items were protected by the Constitution as freedom of expression. State District Judge Joe Bob Golden overruled the objections.

Prosecutors began testimony by laying out the crime scene, with Sheriff Billy Rowles telling how he first thought he had a routine hit-and-run accident. But he said he was puzzled by the lack of parallel tire tracks that should have followed the trail of blood typically left by someone dragged under a vehicle.

When investigators found the lighter, "That's when we started having some bad thoughts," the sheriff added. "I knew somebody had been murdered because he had been black."

Other items from the crime scene included tools with the name "Berry" scratched into the surface. Authorities knew Berry was a mechanic and arrested him on outstanding traffic warrants. When he gave an affidavit that included information identifying King as having the nickname "Possum," "I know this country boy's in trouble," Rowles testified.

In love letters he sent from prison to Michele Chapman, a Jasper woman described by King as "my precious Aryan Princess," King used obscenities and vulgarities when referring to blacks and Mexicans. He bragged about what he said was $3,000 worth of tattoo work he received for free all over his body from an inmate tattoo artist.

"White is right!!!" he wrote in one letter, signing it off: ". . . Take care and stay white and beautiful."

Prosecutors also showed jurors photographs of Byrd's remains and introduced into evidence tattered remnants of Byrd's clothing. Several members of Byrd's family began sobbing as the clothing was revealed.

BLACK MARINE BEATEN, PARALYZED BY WHITE MEN TO FACE ATTACKERS

(By Michelle Williams)

SAN DIEGO (AP)—Sitting in a wheelchair with only the slightest movement in his left hand, Lance Cpl. Carlos Colbert still has his voice to describe how five men savagely changed his life at a Memorial Day party.

The black Marine, who is paralyzed, today was to face the white men who drunkenly beat him, broke his neck and left him motionless on the ground in what prosecutors say was a racist attack.

Colbert was to tell them how his life has changed. He is 21. Jessee Lawson, 20; Trenton Solis, 18; Robert Rio, 23; Jed Jones, 21; and Steven Newark III, 18, pleaded guilty last month to felony assault and avoided potential life sentences at today's hearing.

Prosecutor Craig Rooten said Tuesday that Colbert wanted the case to go to trial, but understood the guilty pleas ensured jail time for his attackers.

"There were a lot of people involved and there was a lot of alcohol involved, making it a difficult case to sort out," Rooten said.

Colbert, of Forestville, MD, was one of just a few blacks who attended a party last May at the home of Tim Bullard, a fellow Camp Pendleton Marine. At least 100 people packed the small house at Santee, a rural community 20 miles northeast of San Diego.

When a fight broke out in the front yard, there were no streetlights to illuminate what was happening and most of the people were drunk, Rooten said. Police interviewed about 50 people over four months before making any arrests since few stories were alike.

One common denominator was that the attackers punched and kicked Colbert while shouting racial slurs and "white power," Rooten said.

Colbert's memory of the attack was that a fellow Marine went outside to help a woman who was hit by a "skinhead." When he heard the commotion, he went outside to see what was happening.

"Out of the corner of my eye I saw a guy coming toward me with brass knuckles," Colbert told The San Diego Union-Tribune. "I felt it on my neck. . . . He came up behind me and broke my neck. I fell flat on my face."

At a hearing last month, Judge Frederick Link asked Lawson if he beat Colbert because he was black and he tearfully said: "That is correct."

Lawson's admission means he faces two to 11 years in prison. The others face five years probation with one year in jail. They will receive credit for jail time already served. Solis has been free on $250,000 bond for a few months, but the others have been jailed since their arrest in September.

The parents of some of the attackers recently went on a radio talk show, saying their sons were coerced into confessing that the crime was racially motivated, and it really was just a drunk brawl. A witness called in to say that such hatred isn't created by alcohol, it only enhances it.

Colbert spent several months at a Veteran's Administration hospital in Long Beach before moving to a Virginia hospital closer to his family's Maryland home. He was recently moved to a home modified for his wheelchair, Rooten said.

SETTLEMENT REACHED IN CALIFORNIA RACE-BASED ADMISSIONS CASE

(By Bob Egelko)

SAN FRANCISCO (AP)—City schools and the NAACP reached a last-minute settlement over race-based admissions on the same day a federal trial was to begin deciding the constitutionality of San Francisco's school desegregation program.

The program bars any school from having more than 45 percent of any one racial or ethnic group, a practice the families of three Chinese-American students alleged kept the youngsters out of their preferred schools.

U.S. District Judge William Orrick ordered details of Tuesday's agreement between the school district and the National Association for the Advancement of Colored People kept confidential until a hearing today.

But participant's comments indicated that court-ordered limits on racial and ethnic groups at each school in the 63,000-student district would be repealed.

Daniel Girard, lawyer for the three Chinese-American students and their parents, who filed the lawsuit in 1994, said the agreement is "a balanced resolution" that achieves the plaintiffs' objectives.

"This is definitely worth the fight," said Charlene Loen, whose 14-year-old son, Patrick Wong, was denied admission to elite Lowell High School in 1994 because the school then required higher test scorers from Chinese American than other ethnic groups.

That policy has been changed, but the court order still has the effect of curbing Lowell's Chinese-American enrollment, the largest of any group. Wong, 18, now attends the University of California, Irvine.

The 1993 order, which resolved a 1978 discrimination suit by the NAACP contained a 45 percent ceiling on any racial or ethnic group at a school. The limit is 40 percent at alternative or "magnet" schools. Those include Lowell, which has an entrance exam and counts U.S. Supreme Court Justice Stephen Breyer and the late Gov. Pat Brown among its alumni.

A draft settlement would prohibit assigning students abased on race or ethnicity but would let the district consider their socioeconomic status, and Patrick Manshardt, a lawyer for the state of Board of Education who saw the draft but was not part of the negotiations.

The settlement comes at a time of increasing judicial hostility to race-based admissions. In November, a federal appeals court struck down race as an admissions factor at the prestigious Boston Latin School, a ruling the school board decided not to appeal.

The San Francisco settlement will not end desegregation efforts, insisted NAACP lawyer Peter Cohn. He said the agreement would "continue to protect the educational rights of all children."

[From the USA Today, February 23, 1999]

NEW AVENUES AIDING HATE GROUP NUMBERS

(By Laura Parker)

The number of hate groups operating in the United States increased again last year, spurred by the Internet, white power rock-'n'-roll music and the efforts of fringe groups to attract mainstream followers, according to a report by the Southern Poverty Law Center in Montgomery, Ala.

For the first time, the Council of Conservative Citizens, which has drawn Senate Majority Leader Trent Lott and Rep. Bob Barr, R-Ga., as speakers at meetings, was listed as a hate group in the law center's annual survey of hate and paramilitary groups.

The report, to be issued Tuesday, says there were 537 hate groups operating in 1998, up from 474 groups in 1997. That includes the 33 chapters of the Council of Conservative Citizens, which claims 15,000 dues-paying members.

The council was listed as hate group after the law center published an exposé about the group last year. The CCC, according to the law center, has its roots in the old White Citizens Councils, organized to combat the 1954 Supreme Court ruling outlawing "separate but equal" schools. The organization has pushed national issues such as opposition to affirmative action, immigration and school busing.

"But its chief interest remains race," the center says in its report.

When the involvement of Lott and Barr became public last year, both men disavowed the council's views.

The number Ku Klux Klan organizations is also up from 127 chapters in 1997 to 163 chapters, and the number of Internet groups ballooned from 163 in 1997 to 254 last year, the report says.

Racist rock-'n'-roll music, by bands with names such as White Terror, is also widely available on the Internet.

"The organized hate movement in this country is quite clearly growing and has been for several years," says Mark Potok, the law center's spokesman.

But it is difficult to measure whether the rise in hate groups translates into a rise in hate crimes. The FBI has been unable to say whether more hate crimes are being committed or more are merely being reported.

The increase in hate groups also coincides with a robust economy. Normally, such activity declines in economic good times. But Potok says the booming economy is not making everyone rich, particularly blue-collar workers. Laborers who once made good wages in heavy industry find themselves in lower paying service-sector jobs, he says, and some are attracted to racist groups.

SENATE—*Wednesday, April 14, 1999*

The Senate met at 11:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You for Your grace and goodness. You will what is best for us as individuals and as a nation. You desire to bless us with the wisdom and discernment we need to solve our Nation's problems. And yet, we have learned that You wait for us to ask for Your help. By Your providence You have placed the Senators in positions of great authority not just because of their human abilities, but because they are willing to seek and follow Your guidance. Together, with one mind and heart, we intercede for one another across party lines and ideological differences. We know that if we trust You, You will be on time and in time to help us with crucial discussions and decisions today. Give us the courage to put the needs of the Nation first above political advantage. You have promised that if we pray with complete trust in You, You will intervene to answer our prayers. In the name of the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HUTCHINSON. Mr. President, this morning, the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate expects to begin consideration of S. 767, the uniformed services tax filing fairness bill. Passage of that bill is expected, and it will then be the leader's intention to begin consideration of the budget resolution conference report. There are 10 hours for debate on the conference report, but it is hoped that a significant portion of that time will be yielded back. Therefore, Members should expect rollcall votes throughout today's session of the Senate.

I thank my colleagues for their attention.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk (Kathleen Alvarez Tritak) proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business not to extend beyond 1 p.m., with Senators permitted to speak up to 10 minutes each, with the following exceptions: Senator BROWNBACK, 20 minutes; Senator BAYH, 10 minutes; Senators DOMENICI and WELLSTONE, 15 minutes total; Senator LEAHY, 15 minutes; and Senator CLELAND, 15 minutes.

The Senator from Vermont is recognized.

KOSOVO

Mr. LEAHY. Mr. President, not very long ago it would have been difficult to find anyone in this country who had heard of Kosovo, that part of the former Yugoslavia which is today engulfed in a humanitarian calamity and where NATO is conducting the first combat operation in its 50 year history.

During the past three weeks we have watched the catastrophe in Kosovo unfold. Over 600,000 Kosovar-Albanians have fled their homes or been herded onto trains with little more than the shirts on their backs, simply because of their ethnicity and because they are Muslim.

Today they are struggling to survive in the mud and squalor of camps in Macedonia and Albania, or in third countries. Families have been torn apart. Men and boys have been taken away and their fate is unknown. Women and girls have been raped. Children have been lost or abandoned.

Another 200-500,000 people are said to be displaced inside Kovoso, with little access to food or medicine. Luckily it is not winter, but it is still a humanitarian disaster on a scale not seen in Europe for half a century.

I supported NATO's decision to attack Serbian President Milosevic's forces.

We could debate how we got to this point, about the way the negotiations were handled at Rambouillet and whether he might have refrained from invading Kosovo had the diplomacy been conducted differently.

Legitimate questions have been asked about whether the ultimatum put to the Serbs at Rambouillet, which would have led to the partition of their country, was realistic or sustainable. Many knowledgeable people have argued that administration officials did not fully understand the history of the former Yugoslavia or the importance of Kosovo to the Serbs, that they seriously underestimated Milosevic, took a bad situation and have made it worse.

We could also ask whether our relations with Russia, which have been badly damaged in recent weeks, could have been managed better, and what role the Russians should be encouraged to play in helping to resolve this crisis.

But after the collapse of the Rambouillet talks, and after Milosevic had ignored dozens of United Nations resolutions, violated every agreement he had signed, continued to slaughter innocent Kosovar-Albanians and amassed tens of thousands of troops and armor on the Kosovo-Serbia border—and there apparently is evidence that Milosevic planned the expulsion of ethnic Albanians well before the NATO bombing began—we had but two choices:

Do nothing as Milosevic's forces rolled through Kosovo while savagely beating or executing and burning the homes of every man, woman and child who refused his "ethnic cleansing"; or try to deter him with force. I favored the latter.

Like so many others who hoped that Milosevic would accept autonomy for Kosovo secured by an international peacekeeping force, I have seen my worst fears realized.

The NATO air attacks have damaged Serbia's military infrastructure, but they have failed to achieve their primary goal: preventing the ethnic cleansing of Kosovo.

Milosevic's forces have swept through Kosovo burning whole villages, brutalizing and killing civilians, leaving nothing in their wake and forcing hundreds of thousands of people to flee. It may not be on the scale of Nazi Germany, but it is certainly reminiscent of those days.

Mr. President, not many people would have anticipated the magnitude of the catastrophe that has befallen Kosovo today. But many people predicted that Milosevic would fight to hold on to Kosovo, and many doubted that air power alone would stop him.

I favored the use of force. But, like many others, I have been disappointed by the way this air campaign has been carried out.

We probably could not have stopped Milosevic's forces from invading Kosovo after the Rambouillet talks collapsed. Forty thousand of his soldiers, with tanks, were poised on the border ready to invade.

But I certainly expected that we would hit him with enough firepower so that among the first targets bombed would be those Serbian forces. Instead, they encountered almost no resistance as they emptied Kosovo of its inhabitants, destroyed their homes, and achieved complete control over Kosovo in a matter of days—the very result we had sought to prevent.

Now his soldiers are hiding in the villages and rugged terrain of Kosovo, and we are facing the far more difficult, dangerous and costly challenge of forcing them to withdraw and creating a safe environment for the refugees to return and rebuild their lives.

Despite claims by NATO and Pentagon officials that they predicted everything, the United States and the rest of NATO were clearly unprepared for the debacle that has unfolded. I suspect historians may not look kindly on the Administration officials who did not have a contingency plan if Milosevic refused to back down after a few days or weeks of NATO bombing, who seem to have no strategy except more bombing, and who apparently selected their targets by committee.

The fact that NATO leaders have been scrambling to get more aircraft to Kosovo, and that we are told that it will take weeks to put a few Apache helicopters into service there, is perhaps the best evidence of this.

Having said that, we should not lose sight of the reasons we are in Kosovo. Had it not been for the Secretary of State, I doubt that anyone in the Administration would have argued as passionately for using force to try to prevent crimes against humanity.

I applaud her for it, because I believe that today, in the year of the 50th anniversary of the Geneva Conventions, NATO could not have turned its back on the ethnic cleansing of thousands of defenseless people in the heart of Europe.

The alternative was to give a green light to Milosevic and other would-be Milosevic's, and to severely curtail NATO's future role as an enforcer of international humanitarian law in Europe.

Some have suggested that because we did not act to prevent the slaughter in Rwanda, or in Sierra Leone, or Sudan, or any number of other places, that NATO should not intervene here.

I disagree. In fact, I believe that we and our allies in and outside of Africa should have tried to protect the innocent in Rwanda, where half a million people, in the span of only three months, were murdered because of their ethnicity.

If we have learned anything from that experience and others, it is that by not acting, by allowing genocide to occur, we diminish ourselves and we invite similar atrocities elsewhere.

Others have opposed our involvement in Kosovo on the grounds that we risk becoming bogged down in another Vietnam. As one who in 1974 cast a deciding vote against the Vietnam war, I am sympathetic to those concerns.

But we and our NATO allies have been at war in Kosovo for a total of three weeks. For the first four years of the Vietnam War, our Government's policy was strongly supported by the Congress and the American people. It was only when the Pentagon's credibility was shattered by the 1968 Tet offensive, and it became clear that the war could not be won, that the country turned against the war.

It is also interesting that some of the most vocal opponents of NATO's use of force in Kosovo are the very Members of Congress who strongly supported our involvement in Vietnam.

Some of them have argued that since the Serbian people have rallied behind President Milosevic we should recognize that our policy is not working and find a way out. The reaction of the Serbian people is very troubling, but it is a predictable consequence of war and Milosevic's tight control of the press. We saw the same thing in Iraq, despite Saddam Hussein's brutal repression of his own people.

One does not have to equate Milosevic with Hitler. But let us not forget that millions of Germans supported Adolf Hitler. That was hardly a reason not to fight him.

And contrary to the lies of Serbian officials that the ethnic Albanians who were rounded up and forced to flee were only trying to escape the NATO bombing, the refugees, many of whom saw their relatives murdered, see NATO as their only hope.

The facts are:

Whether or not we believe that diplomacy handled differently might have achieved a different result;

Whether or not the NATO military campaign should have been conducted differently once the decision to use force was made;

Whether or not the President should have publicly ruled out the use of ground forces;

Whether one likes it or not—we need to recognize the unavoidable fact of which the senior Senator from Arizona, Senator MCCAIN, has so consistently reminded us: Our country is the leader of NATO and NATO is fighting a war. Now that we are in it we need to win it. If we fail we will all be the losers.

This is not the time to debate what might have been or to obfuscate or to hedge one's bets. It is a time to stand up as a country united behind the President, the Secretary of State, the Pentagon, our soldiers and our NATO allies in support of a cause that is just, and a cause that will determine the credibility, effectiveness, and future mission of NATO.

Let us remember. It is President Milosevic who is destroying the lives of the people of Kosovo, the very people whom he claims to represent. It is he who has driven them from their homes. It is his forces who are killing, raping and pillaging. It is his forces who are laying landmines where refugees are fleeing.

And let us remember that this is not the first time President Milosevic has laid waste to an entire country. In Bosnia his troops murdered thousands and buried them in mass graves, and uprooted hundreds of thousands, again because of their ethnicity.

We should all be concerned by the damage the NATO military campaign has caused to our relations with Russia.

I am told that the Russian people are united in their anger at the United States like never before since the end of the Cold War.

They have seen their country transformed from a superpower to a crippled giant. They felt that NATO's expansion was unnecessary and an attempt to gain advantage over Russia. They see the air attacks against Serbia as one more example of the unchecked misuse of American power.

I am told that our policy has only strengthened the hard-liners in Russia.

I am disturbed by the photographs of Russian Prime Minister Primakov coddling President Milosevic. We have also heard threatening statements by President Yeltsin and other Russian officials, opposing the NATO air strikes and intimating that Russia might act militarily to defend its interests in the Balkans.

No one can deny the overriding importance of our relations with Russia and the need to find a way for Russia to join with us in trying to resolve this crisis. Perhaps that includes a major role for Russian soldiers in any international security force in Kosovo.

But the fact remains that it would be foolhardy for Russia to become militarily involved in Kosovo. The NATO attacks against Milosevic are not in any way directed at Russia. All of NATO's members are collectively standing up against genocide in Europe. Russia's long-term economic and security interests are clearly better served by joining with the United States and Europe, rather than casting its lot with the likes of Milosevic.

We must also reflect on the reaction of the people of Serbia and Montenegro. For years our policy has failed to account for the complexities of the history of the Balkans, and we are paying a price for that today.

We have a tendency to oversimplify and over-personalize our foreign policy, to forget that in the past the Serbian people have suffered, too. But while we know that they also have been victimized by President Milosevic, we cannot excuse them for rallying to his defense when all of Europe is united against everything he represents.

Mr. President, there has been a great deal of talk, both pro and con, about the deployment of American soldiers as part of a NATO ground force, in Kosovo.

As much as I hope that ground troops are not necessary, I felt it was unwise to rule them out because I believe it only emboldened President Milosevic.

I also know of no one who thinks this mission can be accomplished by air power alone, and the administration needs a more realistic strategy. We need policy based on solid plans—not policy based on polls.

Again, I think we should heed the advice of Senator McCAIN. What are our goals—NATO's goals—today? In my mind, it is to force Milosevic to agree to a ceasefire, the withdrawal of his forces from Kosovo, the safe return of the refugees secured by an international force, and autonomy for Kosovo.

If we can prove the experts wrong and accomplish that with air power alone, so much the better.

But if we cannot, if ground troops are necessary to achieve our goals, we must use them, and NATO should be making preparations for the possibility that they will be needed. The bulk of those forces should come from Europe, but as the leader of NATO we would have a responsibility to contribute our share.

To those who complain that Kosovo is not worth the life of a single American soldier, I would say this: As Americans we cherish the life of every American soldier, and we give our armed forces the best available training and technology to defend themselves. Military missions always involve danger. In this mission, an enormous amount is at stake for our country, for NATO, for the people of Kosovo, and for humanity.

What is the alternative? To give in to ethnic cleansing after taking a principled stand against it? That would be a terrible defeat for NATO, and for the cause of international justice and security. It would be a terrible precedent for us to bequeath to the generations that will follow us in the next century.

No one can predict how long this war will last, or how it will end. Let us hope that President Milosevic soon recognizes that he risks losing everything.

In the meantime, we owe our gratitude and our support to our soldiers, and to the humanitarian relief organizations that are providing emergency food, shelter and medical assistance to the refugees.

They have been heroic.

Mr. President, I am also concerned about a disturbing report I received this morning that United States forces have used landmines against the Serbs.

I am told that these are anti-tank mines, but they are mixed with anti-personnel mines, which are prohibited under an international treaty which unfortunately the United States has not signed.

However, every one of our NATO allies except for Turkey is a party to that treaty, and I wonder if they are aware of this since our planes are using airfields located in those countries.

In fact, at last count 135 nations had signed the treaty, and 71 have ratified. The United States should be among them.

Nobody would argue that the United States is bound by a treaty it has not ratified. But it is very disappointing that at the same time that the Administration is holding itself out as a leader in the worldwide effort to ban landmines, it is using mines itself.

Mr. President, I have asked the Pentagon to confirm whether or not this report is true. I hope it is not.

But if it is true, it is only a matter of time before innocent people are maimed or killed by these weapons.

It sends the wrong message to the rest of the world. And frankly, while I support the Administration's use of force against Milosevic I do not know anyone who believes we need landmines to achieve our goals. It is unnecessary, it is wrong, and it will only further erode the Administration's credibility on an issue that cries out for the United States to set the example.

Mr. President, I am hoping this report is not true. But we will find out because if it is, we should stop using them. It is a disturbing thing that we would be so different from the rest of our allies.

UNANIMOUS-CONSENT AGREEMENT

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator SPECTER, who will be coming back here—I promised him I would do this for him—be allowed to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I, first, want to express my great respect for my colleague from Vermont, a man with whom I not only have the pleasure of serving, but he served with my father. The respect the Bayh family has for the Senator goes from generation to generation. It is a privilege to be on the floor with the Senator from Vermont.

COMMENDING PURDUE UNIVERSITY WOMEN'S BASKETBALL TEAM

Mr. BAYH. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 76) commending the Purdue University women's basketball team on winning the 1999 National Collegiate Athletic Association women's basketball championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAYH. Mr. President, I rise today to speak not only on my own behalf but on behalf of my senior colleague, DICK LUGAR, who, unfortunately, could not be with us at the last moment. I know he will be submitting his own remarks on behalf of the Lady Boilermakers and their outstanding victory in the NCAA women's basketball tournament this year. I know the rules prohibit me from pointing anybody out in the galleries, but I want to say how much I appreciate the presence of several constituents today; in particular, the mayor of West Lafayette, IN, several officials representing Purdue University, and several of our distinguished citizens from Lafayette, Tippecanoe County, and elsewhere across our State.

Mr. President, basketball is perhaps synonymous with the State of Indiana, not only because we love to play the game, not only because we believe in physical fitness, but because of the character, the determination, and the other fine attributes associated with that sport that are necessary for success in it.

This year's Purdue women's basketball team, perhaps better than any other, exhibits those character traits. They are an example of Indiana at its finest and the United States of America at its finest. So I rise today to salute them both as individuals and as a team for their accomplishments.

Mr. President, this team was an example of near perfection. Their record was an outstanding 34 victories and only 1 defeat. They are the first women's championship team representing any Big Ten university in any sport. Their coach, Carolyn Peck, an outstanding individual, is not only the youngest coach to lead a winning team to the NCAA tournament, but she is also the first African American one to do it. One of their star players, Stephanie White-McCarty, is not only a first-team athletic all-American, but also an academic all-American. As a matter of fact, Mr. President, she represents the rest of the team very well in that regard.

The team, as a whole, had a combined grade point average of 3.0, which is very good by today's standards, particularly with regard to the athletic community.

Mr. President, once again, I salute the Lady Boilermakers for their outstanding contributions not only on the basketball court, but because of the outstanding individuals they are.

Mr. LUGAR. Mr. President, I rise today to join with my colleague from

Indiana as a cosponsor of this Senate resolution commending the Purdue University women's basketball team on winning the 1999 National Collegiate Athletic Association (NCAA) basketball championship.

The Lady Boilermakers this year have made Indiana history in becoming the first women's sport to bring home a national championship title for Purdue University. They are also the first women's basketball team in the Big Ten Athletic Conference to win the NCAA title.

This resolution is a fitting tribute and a deserving honor for Coach Carolyn Peck and the team members who persevered throughout the long season and the playoffs to win the national title. Their commitment and dedication to this tremendous effort is demonstrated by their winning record of 34 games—including a string of 32 consecutive victories. Throughout this storied season, the Lady Boilers' skill and dedication was matched only by the grace and dignity with which they carried themselves as a team en route to the national title.

For departing seniors Ukari Figgs and Stephanie White-McCarty, this victory is truly special as they complete their studies at Purdue and look toward the future. Winning the NCAA title is an historic and special occasion—placing this team among a select company of national champions. Their triumph will be remembered at Purdue and throughout our State for years to come.

The dedication and sportsmanship demonstrated throughout the season by the Lady Boilers reaffirm our strong basketball tradition in Indiana. The team's competitive spirit and commitment to excellence make them deserving recipients of the accolades of the nation and the honor of this special Senate resolution.

Mr. BAYH. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc and that the motion to reconsider be laid upon the table, without intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 76

Whereas the Purdue University Lady Boilermakers (Lady Boilers) won their first National Championship in the National Collegiate Athletic Association women's basketball tournament on March 28, 1999;

Whereas the Lady Boilers finished the 1998-99 season with an outstanding record, winning 34 games, including 32 consecutive victories;

Whereas the Lady Boilers proudly brought Purdue University its first ever NCAA championship in any women's sport, and did so with skill matched by grace and dignity;

Whereas the Lady Boilers claimed the first ever NCAA women's basketball championship by any member of the Big Ten Athletic Conference; and

Whereas the Lady Boilers have brought great pride and distinction to the State of Indiana: Now, therefore, be it

Resolved, That the Senate commends the Purdue University Lady Boilers basketball team for winning the National Collegiate Athletic Association women's basketball national championship.

Mr. BAYH. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE'S CONTINUING FAILURE TO ACT ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, baseball season began earlier this month and already the Senate is lagging behind the home run pace of Mark McGwire. Last summer I began comparing the Senate's lack of progress on judicial nominations with home run pace of McGwire and other major leaguers. I had tried everything else I could think of: I had lectured the Republican majority about the Senate's duty to the judicial branch under the Constitution. I had cited the caseloads and backlogs in many courts around the country, I had introduced legislation to prevent the Senate from going on vacation while the Second Circuit was experiencing an unprecedented emergency declared by Chief Judge Winter in the face of five vacancies out of 12 authorized members of the court.

I recently attended an historic meeting of the Baltimore Orioles major league baseball team and the Cuban team in Havana. During the Easter recess the Nation's Capital witnessed exhibition baseball between the Montreal Expos and the St. Louis Cardinals and got to see Big Mac in person. Maybe another baseball comparison can inspire the Senate into action on Federal judges this year.

It is already mid-April and the Senate has yet to act on a single judicial nominee. Worse yet the Senate Judiciary Committee has yet to hold or even schedule a confirmation hearing. At this rate, I will have to start comparing the Senate's pace for the confirmation of Federal judges to the home run pace of American League pitchers. Since they do not bat, the Senate has a chance of keeping up with them.

Of course, last year the Senate had gotten off to an early lead on Mark McGwire. Last January through the end of April, the Senate had confirmed 22 judges. By the All Star break last July, the Senate had confirmed 33 judges. It took Big Mac 10 weeks to catch and pass the Senate last year.

This year, McGwire passed the Senate's total on opening day. That is because this year the Senate has yet to confirm a single Federal judge. That is right: In spite of the 33 judicial nominations now pending, in spite of the fact that at least a dozen of those nominees have been pending before the Senate for more than 9 months, in spite of the fact that four of those nominations were favorably reported by the Senate Judiciary Committee and were on the Senate calendar last year, in spite of the 67 vacancies including 28 judicial emergency vacancies, the Senate has yet to confirm a single Federal judge all year. Incredibly Mark McGwire is still on pace with what he accomplished last year. Regrettably, the Senate is not on even or on a slower pace than it was last year; it has no pace at all.

By the end of last year, the Senate finally picked up its pace and confirmed 65 Federal judges—the highest total since the Republican majority took control of the Senate. That was 65 of the 91 nominations received for the 115 vacancies the Federal judiciary experienced last year. Together with the 36 judges confirmed in 1997, the total number of article III Federal judges confirmed during the last Congress was a 2-year total of 101—the same total that was confirmed in 1 year when Democrats last made up the majority of the Senate in 1994. Of course, the Senate fell short of the record-setting 70 home run total of Mark McGwire and 66 homers hit by Sammy Sosa.

The Judicial Conference of the United States has recommended that Congress authorize an additional 69 judgeships besides, in order for the Federal courts to have the judicial resources they need to do the justice. These are in addition to the 67 current vacancies. That means that the Federal courts need the equivalent of 136 more judges. I cannot remember a time when the resource needs of the Federal courts were so neglected by the Congress.

During the four years that the Republican majority has controlled the Senate, it has barely kept up with attrition when it comes to judicial vacancies. Even with the confirmations achieved last year, the current vacancies number as many as existed at the time the Senate recessed in 1994. The Senate has not made the progress it should have in filling the longstanding vacancies that continue to plague the

Federal judiciary. The Chief Justice of the U.S. Supreme Court and others continue to speak of the problem of too few judges and too much work. In 1997 the Chief Justice noted: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary."

Both the Second Circuit and the Ninth Circuit have had to cancel hearings over the past couple of years due to judicial vacancies. The Second Circuit has had to declare a circuit emergency and to proceed with only one circuit judge on their three-judge panels.

The New York Times ran a front-page story recently on how the crushing workload in the Federal appellate courts has lead to what the Times called a "two-tier system" for appeals. In testimony and statements over the last few years, I have seen Chief Judge Winter and former Chief Judge Newman of the Second Circuit, Chief Judge Hug and Judge Trott of the Ninth Circuit and Chief Judge Hatchett of the Eleventh Circuit all warn of the problem of too few judges and too much work. I deeply regret that these twin problems have combined to lead to the perception that the Federal appellate courts can no longer provide the same attention to individual cases that has marked the Federal administration of justice in the past.

Appellate courts have had to forgo oral argument in more and more cases. Litigants are being denied any opportunity to see the judges who are deciding their causes. Law clerks and attorney staff are being used more and more extensively in the determination of cases as backlogs grow. As caseloads grow, bureaucratic imperatives seem to be replacing the administration of justice. These are not the ways to engender confidence in our system of justice, acceptance of the judicial process, support for the decisions being rendered or respect for courts. Congress needs to support the judicial branch with the judges and other resources it needs.

Instead of sustained effort by the Senate to close the judicial vacancies gap, we have seen extensive delays continue and unexplained and anonymous "holds" become regular order.

The only thing the Judiciary Committee does not "hold" any more is judicial confirmation hearings. I recall in 1994—the most recent year in which the Democrats constituted the majority—when the Judiciary Committee held 25 judicial confirmation hearings, including hearings to confirm a Supreme Court Justice. By April 15, 1994, we had held 5 hearings involving 21 nominees, and the Committee had reported 18 nominations. Even last year, the Committee had held four confirmation hearings by this time. This year the Committee has not held a single hearing on a single judicial nomination.

The Senate continues to tolerate upwards of 67 vacancies in the Federal courts with more on the horizon—almost one in 13 judgeships remains unfilled and, from the looks of things, will remain unfilled into the future. The Judiciary Committee needs to do a better job and the Senate needs to proceed more promptly to consider nominees reported to it.

We made some progress last year, but if last year is to represent real progress and a change from the destructive politics of the two preceding years in which the Republican Senate confirmed only 17 and 36 judges, we need to better last year's results this year. The Senate needs to consider judicial nominations promptly and to confirm without additional delay the many fine men and women President Clinton is sending us.

Already this year the Senate has received 33 judicial nominations. I am confident that many more are following in the days and weeks ahead. Unfortunately, past delays mean that 28 of the current vacancies, over 40 percent, are already judicial emergency vacancies, having been empty for more than 18 months. A dozen of the nominations now pending had been received in years past. Ten are for judicial emergency vacancies. The nomination of Judge Paez to the Ninth Circuit dates back over 3 years to January 1996.

In his 1998 Year-End Report of the Federal Judiciary, Chief Justice Rehnquist noted: "The number of cases brought to the federal courts is one of the most serious problems facing them today." Criminal cases rose 15 percent in 1998, alone. Yet the Republican Congress has for the past several years simply refused to consider the authorization of the additional judges requested by the Judicial Conference.

In 1984 and in 1990, Congress did respond to requests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration.

In 1997, the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. This year that request has risen to 69 additional judgeships.

In order to understand the impact of judicial vacancies, we need only recall that more and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. Last year the Senate adjourned with 15 nominations for judicial emergency vacancies left pending without action. Ten of the nominations received already this year are for judicial emergency vacancies.

In his 1997 Year-End Report, Chief Justice Rehnquist noted the vacancy crisis and the persistence of scores of judicial emergency vacancies and observed: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

During the entire 4 years of the Bush administration there were only three judicial nominations that were pending before the Senate for as long as 9 months before being confirmed and none took as long as a year. In 1997 alone there were 10 judicial nominations that took more than 9 months before a final favorably vote and 9 of those 10 extended over a year to a year and one-half. In 1998 another 10 confirmations extended over 9 months: Professor Fletcher's confirmation took 41 months—the longest-pending judicial nomination in the history of the United States—Hilda Tagle's confirmation took 32 months, Susan Oki Mollway's confirmation took 30 months, Ann Aiken's confirmation took 26 months, Margaret McKeown's confirmation took 24 months, Margaret Morrow's confirmation took 21 months, Judge Sonia Sotomayor's confirmation took 15 months, Rebecca Pallmeyer's confirmation took 14 months, Dan Polster's confirmation took 12 months, and Victoria Roberts' confirmation took 11 months.

I calculate that the average number of days for those few lucky nominees who are finally confirmed is continuing to escalate. In 1996, the Republican Senate shattered the record for the average number of days from nomination to confirmation for judicial confirmation. The average rose to a record 183 days. In 1997, the average number of days from nomination to confirmation rose dramatically yet again. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days.

Unfortunately, that time is still growing and the average is still rising to the detriment of the administration of justice. Last year, in 1998, the Senate broke the record, again. The average time from nomination to confirmation for the 65 judges confirmed in 1998 was over 230 days. At each step of the process, judicial nominations are being delayed. Prime examples are Judge Richard Paez, Justice Ronnie L. White, and Marsha Berzon, who have each had to be renominated again this year.

I again urge the Senate to take seriously its responsibilities and help the President fill the longstanding vacancies in the Federal courts around the country. Today the score is running against the prompt and fair administration of justice—vacancies 67, nominations 33, confirmations zero.

In conclusion, last year I talked about judicial nominations and Mark McGwire. I talked about how well

Mark McGwire had been doing. I compared his home run numbers, and that he was going along a lot faster than our judicial nominations. And I may do a little bit of that this year, as well.

But I put a little magnifying glass up here to the chart. Here are the number of vacancies of Federal judges. Of course, a person can become a Federal judge only after a nomination and confirmation by the Senate.

Here are the vacancies—67. I put a magnifying glass on the chart so everybody can see how many we have confirmed. Zero. Diddle squat. That is all we have done—no confirmations whatsoever. In fact, I don't think we have even had a hearing. We are now in the fourth month of the year and about to go into the fifth month. I don't think in my 25 years here we have ever gone this long, especially in the middle of a President's term, without even having any hearings.

Mark McGwire is ahead of us in home runs, both on confirmations and on nomination hearings. Last year we got a little bit ahead of him, at least until the baseball season began. We had confirmed by the time of the All-Star break in July something like 33 judges. It took Mark McGwire almost 10 weeks to catch up and pass us last year. This time he passed us on the very first day he goes out to bat. The very first day that he is playing he beats us.

I have heard it said that we can't confirm nominees that we don't have. We have 33 nominees up here right now. They are here sitting before the Senate. Some have already had hearings last year, and they just sit there and sit there, and we don't vote on them. We don't confirm them.

Look at how we have done in the past. Let's go a little backward. In 1994, we confirmed 101. In 1999, we only confirmed 65. Mark McGwire hit 70 home runs.

I think we will talk a little more about this as we go along. We have also had a problem with the time between nomination and confirmation. Again, it doesn't answer the question to say we can't confirm people if they are not nominated. In fact, they are nominated, and they still don't get confirmed and those that do are taking longer every year. In 1993, it took the average time of 59 days to get them confirmed. Now it takes 232 days. I know of people who have declined appointments to the Federal bench. Why? Because they can't get confirmed at all or confirmed in a reasonable time.

So the bottom line, Mr. President, is here we are with 67 vacancies and zero confirmations. And I am willing to bet that, at the rate we are going, Mark McGwire is going to be way ahead of us all year long.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. We are. We are in morning business until 1 p.m.

Mr. KERRY. May I inquire, what is the order at 1 p.m.?

The PRESIDING OFFICER. There is no specific business pending.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business until I complete my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

(The remarks of Mr. KERRY, Mr. LEVIN and Mr. KENNEDY pertaining to the introduction of S. 791 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERRY. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 767

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 90, S. 767, under the following limitations: 1 hour of debate on the bill, equally divided in the usual form; the only amendment in order to be a substitute amendment to be offered by myself and others; no other amendments or motions in order to the bill; and at the conclusion of the time and the disposition of the amendment, the bill be read a third time and the Senate proceed to a vote on the bill with no other intervening action or debate.

I further ask consent that when the Senate receives from the House the companion measure and it is the exact text of the Senate-passed measure, then the House bill be considered read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COVERDELL. Mr. President, I am disappointed that we would have an objection to a measure that has already, in a sense, been initiated by the President and deals with amelioration and comfort to the troops—our sons and daughters that are in harm's way today, as we have all been highly focused on Kosovo. This sends a very positive message—and it has been broadly agreed to—to their families and to the fighting men and women, and it is a shame that we have to get balled up at a time like this when we are under such duress.

Mr. REID. Mr. President, I say to my friend from Georgia that this is important legislation. It has bipartisan support and we should move forward with the legislation. There is nothing that indicates that anybody is going to prolong this debate unnecessarily. We simply think it is appropriate that this legislation be handled in the manner that legislation has been handled in this body for many years—in fact, a couple centuries.

We understand that we are going to help the fighting men and women of our country, and it is certainly appropriate to do it around tax time because that is what this matter relates to, the tax burdens that face some of our people. There will be a delay, for example, as to when they have to file their returns. We are willing to do that, but we are not willing to enter into a restrictive agreement that just allows the manager to submit an amendment and no one else. We are ready to move forward on this legislation. We should be debating it now. We could go forward with the legislation this very minute and have this wrapped up in a matter of a few hours.

Mr. COVERDELL. Mr. President, I thank my good colleague from Nevada. I want to elaborate.

The reason is not to facilitate my own amendments. It is to facilitate the issue for which, as he has acknowledged, there is broad agreement. I think that the thinking here was that this very simple proposal which would help our fighting men and women, for which there is broad agreement, could be handled and moved forward. It is very clear that a Member on your side of the aisle, who is purporting to want to amend it, is talking about something that would be very controversial and would entangle the simple proposal that could be an immediate gesture to our fighting men and women, to which the whole Congress has agreed. The House passed it unanimously yesterday. I just reiterate that this is a needless delay on something that is designed for our fighting men and women, no matter how you look at it.

Mr. REID. Mr. President, the needless delay is taking time here and being enmeshed in procedural matters that need not be enmeshed. I was asked to listen to a unanimous consent proposal that was advocated and propounded by my friend from Georgia. It is something that we believe is inappropriate. This legislation is going to pass and it is going to pass quickly. I think it will pass with relatively no opposition. The sooner we get to the merits of this legislation, the better off we will be.

I think it would not be untoward to allow a Member on that side or this side to offer an amendment. If the amendment is no good, and understanding the underlying importance of this legislation, it will either be defeated or the person will withdraw it. But there may be ways of improving this bill, ways that we can help the fighting men and women of our country in a manner different than is set forth in this legislation. I say to my friend, let's move forward with the legislation. It is now 1:25. I think this legislation could be passed by 4 o'clock with no trouble at all. So I hope we can move just as quickly as possible. This is important legislation for the people that are over in harm's way. We want to assist them in any way that we can.

Mr. COVERDELL. Mr. President, let me simply say, I think my friend is correct. I think we can pass this in 5 minutes. But it isn't going to be passed because of the proposal that is being propounded. It has been vetted on both sides. As he said, there is broad agreement on this. Anything that would improve it would have been accepted. You are talking about another debate completely out of context with the benefits proposed in here. Those proposals are highly controversial. So these soldiers and sailors are being held hostage for that view. I think that is inappropriate.

I yield the floor.

Mr. REID. Mr. President, the underlying bill is a pretty good bill, but it is not perfect. I think we should have the opportunity to take a look at it. Too often around here there is a group of people that get together and they agree on a piece of legislation which they think is miraculous and will solve all the problems of a certain issue. There are 100 Members of the Senate, and five or six people get together and bring it to the floor, and the procedure we follow too often is if anybody wants to debate it, they are considered obstructionists, people who don't believe in the underlying issue.

Let me repeat, Mr. President, that we on this side of the aisle believe in the underlying issue here. We want to provide tax relief for our fighting men and women, the soldiers, sailors and airmen who have given so much to this country in the last month. We also think that the legislation should be seen in the light of day. There are 95 other Members in the Senate that should have the opportunity to review this legislation. We are saying on this side, let's give them an opportunity; let's let those people who haven't been in on this so-called deal to bring this legislation up. Let them also take a look at this legislation. There may or may not be amendments offered, but there is going to be nothing done. We will prevent this bill from passing.

Mr. COVERDELL. Mr. President, I yield the floor.

Mr. BRYAN. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for a period of 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE

Mr. BRYAN. Mr. President, in the House Commerce Committee today, the Subcommittee on Energy and Power took the first step in what is fast becoming a futile ritual here in Congress.

The subcommittee reported to the full committee a revised version of H.R. 45—the latest in a long string of legislative efforts to single the State of Nevada out as the dumping ground for the nuclear power industry's toxic high-level waste.

The bill approved by the subcommittee today consists of a now familiar assault on the environment and the health and safety of millions of Americans, both in Nevada and along transportation routes throughout the Nation.

It requires the expenditure of billions of taxpayer dollars on a completely unnecessary and misguided "interim storage" facility in Nevada.

It makes a mockery of the National Environmental Policy Act process, and preempts every local, State, and Federal statute or regulation that interferes with the nuclear power industry's crusade to move high-level waste to Nevada, no matter what the costs or consequences may be.

The bill is an unprecedented power grab by the nuclear power industry, trampling on the most fundamental states' rights.

The bill overrides years of work by the Environmental Protection Agency in establishing a science based radiation standard, and substitutes by legislative fiat a standard more than six times less protective than generally accepted for citizens anywhere else in the United States.

By shipping waste to Nevada in advance of determining the suitability or licensibility of the Yucca Mountain site, the bill also irreversibly prejudices the scientific work at the site.

Any hope for an objective evaluation of Yucca Mountain will be lost.

The bill approved by the subcommittee today is an environmental and public health travesty.

Fortunately, as in the past two Congresses, the bill stands no chance of enactment into law.

President Clinton continues to oppose the nuclear power industry's special interest legislation, and will veto the bill should it ever reach him.

Even the industry knows there is absolutely no doubt of the firmness of the President's veto threat.

Congress will vote to sustain the President's veto, and we will have once again wasted years of time and effort on a useless battle of wills, when we could have be working together towards an equitable, reasonable, and safe resolution of any legitimate grievances the nuclear power industry has with the federal high-level nuclear waste program.

The nuclear power industry's obsession with moving its waste to off-site, no matter what the consequences, defies all logic.

The Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board, and the industry itself agree that the waste can be stored safely on site for the foreseeable future.

Somehow, though, moving waste off-site has become the "holy grail" of the industry.

Taking the liability for the industry's environmental travesty has been their only rallying cry.

Unfortunately for the industry, commercial nuclear power's problems cannot be solved by waste legislation, or anything else we may do here in Congress.

Nuclear power is a declining industry, unable to compete in an increasingly competitive electricity marketplace.

An industry once touted as a technological marvel—one which we were told could produce power "too cheap to meter" at thousands of reactor sites—has turned into an aged collection of "white elephants," struggling to keep operating.

As the electricity marketplace moves away from the regulated environment, an environment which virtually guaranteed full cost recovery for utilities huge investments in nuclear plants, the cost of nuclear power continues to rise, due to increasingly expensive maintenance and retrofit costs to keep the plants in operation.

While the industry likes to portray what they describe as "radical environmentalists" for its inability to compete, the true cause for nuclear power's demise is simple economics.

The value of nuclear power plants in today's electricity marketplace has plummeted.

Nuclear plants that do sell barely fetch any price in today's markets, and 21 reactors have simply been allowed to shut down.

As the thoughtful newspaper article that I will insert in the RECORD makes pretty clear, nuclear power is an industry with no future.

Unfortunately, the industry's last gasp, its last in a long series of strategic miscalculations, appears to be to deposit its legacy of high-level waste in Nevada.

Since its very inception, the nuclear power industry has shown a totally irresponsible lack of foresight in dealing with its highly toxic waste stream.

For decades, the industry has shut its eyes to its growing volume of high-level waste, and continued to generate waste with absolutely no rational plan to manage it.

The end result of this irresponsible lack of planning—or maybe the real plan all along—has been simply a demand that the commercial utilities be permitted to shove the waste problem off on the American public.

In 1982, the industry convinced Congress to accept responsibility for disposing of the waste, and, ever since then, the industry's demands on the Federal Government, and the Treasury, have only increased.

The nuclear power industry's surreal sense of entitlement got a jolt of reality last week.

For years, the industry has saturated Congress with frightening scenarios of tens or hundreds of billions of dollars in supposed damages at the expense of the American taxpayer resulting from delays in the Federal Government's high-level waste program.

Last week, the U.S. Court of Claims dismissed one of the utilities self-serving billion-dollar lawsuits.

The Court told Northern States Power, which had filed a claim for over $1 billion, to return to DOE, and seek appropriate adjustments under the contract the utility had signed in the early 1980s.

More dismissals of utilities outrageous damage claims are sure to follow.

While the math leading to the industry's claims of $80-$100 billion in damages was always very mysterious and suspect, last week's decision by the Court of Claims should lay this outrageous scare tactic to rest for good.

The nuclear power industry, or, more accurately, its ratepayers, do have some legitimate grievances with the DOE.

Since 1990, I have introduced legislation to help the Department of Energy and the industry address problems created by the Department's inability to meet the 1998 waste acceptance deadline.

Under this legislation, utilities would be allowed credits against Nuclear Waste Fund payments for the costs associated with storage of waste the DOE was scheduled to accept.

Recently, numerous proposals have surfaced which call into question the fundamental approach of legislation such as H.R. 45 and its predecessors.

On the House side, legislation has been introduced, based upon a previous DOE proposal, which would allow utilities to escrow Nuclear Waste Fund payments, and use some of the investment income from these escrow accounts to pay the costs of on-site storage.

In the Senate, a proposal is being developed to seek at least a partial technological solution to the high-level waste problem, through research and development of transmutation technology.

This week, the Institute for Energy and Environmental Research released a proposal which would store high-level waste on reactor sites, under the stewardship of a federally chartered non-profit corporation.

The Secretary of Energy has his own very generous proposal to the utilities to address any inequities created by the DOE's failure to meet the 1998 deadline.

As a settlement offer to the many utilities filing lawsuits against the Department, the Secretary has offered to take title to the waste at reactor sites.

Under the Secretary's proposal, utilities would be relieved of both financial and legal responsibility for the waste, leaving full responsibility for the waste in the hands of the federal government.

The Secretary's offer is more than generous. The modest adjustments in fees available to the utilities under the Standard Contract would be adequately addressed, in my view, by the Secretary's proposal.

Several utilities, including Commonwealth Edison, one of the largest nuclear utilities in the nation, recognizing the futility of the nuclear power lobby's continued insistence on interim storage in Nevada, have indicated an interest in accepting the proposal.

As the details of the proposal continue to develop, and as the prospects for interim storage in Nevada continue to decline, other utilities are sure to follow.

In fact, for most utilities, the interim storage proposals currently before Congress provide little or no actual relief.

For many utilities, even the overly optimistic 2003 deadline for the start of operation of an interim storage facility is too little, too late.

By that time, many nuclear utilities intending to continue to operate nuclear plants will have already had to invest in additional on-site storage.

For any of these utilities, the Secretary's offer of taking title provides far greater opportunity for relief than the pending legislation—even if the legislation had any chance of passage.

Any utility CEO who refuses to consider the Secretary's offer to take title would be doing the utility's shareholders, and ratepayers, a grave disservice.

Until the nuclear power industry can recognize that the tired, futile approach they have adopted for more than 5 years is going nowhere, and is merely setting a course for yet another legislation train wreck, Congress cannot address in any reasonable fashion whatever legitimate issues the industry may raise.

It is well past the time that the industry should abandon its pipedream of interim storage in Nevada, and come to the table to negotiate an equitable financial and legal solution to its dispute with the federal government over its high-level waste.

In case there is any question of the prospects for enactment for the bill marked up today by the Energy and Power Subcommittee, I will have printed in the RECORD a letter from the Secretary of Energy, dated yesterday, which puts the committee on notice that any legislation establishing interim storage in Nevada will be vetoed by the President.

I ask unanimous consent that the letter from the Secretary of Energy, dated April 13, 1999, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, April 13, 1999.

Hon. JOE BARTON,
Chairman, Subcommittee on Energy and Power, Commerce Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I was disappointed to learn that your subcommittee will hold a markup tomorrow on interim storage legislation, H.R. 45, the Nuclear Waste Policy Act Amendments of 1999. I understand that there have been some discussions between the Department's staff and your staff about my alternative proposal to take title to spent fuel from utilities at reactor sites, and I had hoped that some agreement could be reached on this alternative prior to the subcommittee taking action on legislation. I continue to believe that taking title to spent fuel at reactor sites could provide a basis for resolving many of the utilities' concerns, particularly in light of the recent decision by the U.S. Court of Federal Claims that the standard contract provides an adequate remedy.

I appreciate the fact that your substitute includes authority for the Department of Energy to take title to spent fuel at reactor sites and provisions intended to minimize the potential for continued litigation over the Department's contracts with utilities. The Department has not done a detailed analysis of these provisions of your substitute, but they appear to address many of the Department's concerns raised when I appeared before your subcommittee on March 12, 1999.

Let me reiterate, however, the Administration's opposition to any legislation that would make a decision to place interim storage in Nevada prior to completion of the scientific and technical work necessary to determine where a final repository will be located.

As you are well aware, the Department has completed considerable technical work at Yucca Mountain and submitted its viability assessment to the Congress and the President in December 1998. While the viability assessment found no technical showstoppers at Yucca Mountain, it identified a number of scientific issues that remain to be addressed before the Department will be able to make a judgment on the suitability and licensability of the site. Making a decision now to place interim storage in Nevada, in advance of completion of the scientific and technical work at Yucca Mountain, would prejudge the scientific work, would undermine public confidence that a repository evaluation will be objective and technically sound, and would jeopardize the credibility of any future decisions related to Yucca Mountain. It also does not make sense to transport spent fuel across the country until we know where the final repository will be.

As we have discussed, both the Administration and the Congress have been aware for some time that the overall constraints of the federal budget process have the potential to limit the availability of funding for the nuclear waste program in the out-years. The Administration strongly opposes provisions that would take the Nuclear Waste Fund off-budget without fully paying for it, and that would exempt this action from the pay-as-you-go provisions of the Balanced Budget Act. However, I would like to continue to work with you to assure that the repository program continues to be adequately funded and that the revenues raised by the nuclear waste fee remain available to complete the job of safe management and disposal of nuclear waste.

Finally, the Administration also strongly objects to provisions of the bill that would weaken existing environmental standards by preemption of Federal, State, and local laws.

For the reasons stated above, the Administration remains opposed to the proposed interim storage legislation, and I would recommend a veto if legislation containing these provisions were presented to the President.

The Department has been discussing my alternative proposal to take title to spent fuel at reactor sites with a number of utilities and other interested parties, and we will continue to do so. In the very near future, I hope to have a meeting with a group of utility executives whose companies have indicated an interest in discussing the proposal further. I will keep you informed of our continued efforts to reach agreement with the utilities on my proposal, and I look forward to working with you on these issues.

Yours sincerely,

BILL RICHARDSON.

Mr. BRYAN. In addition, the letter outlines numerous other environmental and fiscal concerns that the administration has with the revised version of H.R. 45 and makes it absolutely clear that the bill moving through the House in no way removes the administration's strong objection to this legislation. I will also have printed for the RECORD a letter from President Clinton earlier this year which repeats his veto threat in very clear and uncertain terms. Mr. President, I ask unanimous consent that letter to this Senator, dated February 16, 1999, and signed by the President of the United States, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, February 16, 1999.

Hon. RICHARD H. BRYAN,
U.S. Senate, Washington, DC.

DEAR DICK: Thank you for your letter requesting a restatement of my Administration's position on legislation siting a centralized interim high-level nuclear waste storage facility in Nevada.

As we have stated repeatedly in the past, if legislation such as that passed by the Senate or the House in the 105th Congress were presented to me, I would veto it. Such legislation would undermine the credibility of our nuclear waste disposal program, by, in effect, designating a specified site for an interim storage facility before adequate scientific information regarding the suitability of that site as a permanent geological repository is available.

Thank you again for your interest in this important issue.

Sincerely,

BILL.

Mr. BRYAN. Mr. President, the bill approved by the House Energy and Power Subcommittee today is an environmental and fiscal travesty with absolutely no chance of enactment.

I urge Congress to once again reject this misguided and dangerous legislation.

I ask unanimous consent to have printed in the RECORD an article that appeared in the Las Vegas Review-Journal dated March 28, 1999, which outlines the dreadful prospect that the nuclear power industry has for any future, based upon the economics as I outlined in my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COST, NOT SAFETY, IMPERILS NUCLEAR POWER

(By Jeff Donn)

SAN ONOFRE, Calif.—Surfers have been riding the thundering breakers of this beach since the days of the steam automobile, long before anyone cracked an atom to make electricity.

Joe Higgs adopted this beach as his second home even before bulldozers scraped away 1.5 million cubic yards of sandstone bluff for the first of three nuclear reactors. He and the San Onofre nuclear plant are uneasy neighbors to this day, peering at each other through barbed-wire fencing.

"I've learned to live with that. I love surfing, and I love the ocean so much," he said, looking up at the plant's three protective domes designed to seal in radioactivity during an accident.

But then he added: "I wish it wasn't here, to be truthful."

The way the nuclear industry is declining, his wish might yet come true.

Since the Three Mile Island accident in Middletown, PA, 20 years ago today, American attitudes toward nuclear power have been characterized by paralyzing ambivalence and mood swings. Under public pressure, the industry and government have profoundly reworked safeguards at tremendous effort and cost. Warily, the public has watched 51 commercial reactors hum to life in the years since the accident. All of them had been planned before Three Mile Island; none has been ordered since.

Virtually no one in the industry can imagine building a plant in the foreseeable future.

It is not runaway chain reactions but exploding costs that have jeopardized this $43 billion a year business. With barely a whimper, the nation has let 21 atomic reactors shut down. That's 17 percent of its total of 125. They are victims of the intertwined costs of safety changes and heavy staffing, building debt, and mounting expense to replace parts, clean up abandoned sites, and store radioactive waste.

Cranking up pressure, some states are making nuclear power stand on its own as they drop guaranteed electric rates for power monopolies to inject competition into energy production.

The nuclear industry still supplies about one-fifth of the country's power—second only to coal. But the U.S. Department of Energy predicts it could wither away almost entirely during the next 20 years. By just about any standard of policy or politics, atomic power is looking like a lesson in energy wasted.

"We over-promised and under-delivered. We created fears that are not appropriate, and the industry handled it all in a very defensive, closed way," said consultant Roger Gale, president of the Washington International Energy Group. "We took a good technology, and we blew it."

It's a remarkable turnaround for a technology that began with such hope. When the lights flickered on at Moorpark Nov. 12, 1957, the country was electrified.

CBS television captured the moment for history. The town of 1,146 people went black when it was cut off from Southern California Edison Co.'s conventional power grid. A few seconds later, thanks to the company's little atomic reactor in the Santa Susana Mountains, Moorpark and the nation awoke to the age of atoms for peace.

National leaders were eager to redeem the research and destructive power of the atom bomb. They promoted and helped finance the first round of nuclear energy plants and dreamed aloud of electricity so cheap it would hardly be worth metering, maybe 1,000 reactors by the year 2000.

In the 1970s, public worries about air pollution, the Arab oil embargo and the limits of fossil fuel supplies boosted the inherent high-tech appeal of nuclear power.

The backbone of the new industry's work force came from the ranks of the nuclear Navy—a gung-ho breed that later proved inept at dealing with a doubting public.

Decades of environmental and economic bruises have thoroughly rubbed off the veneer of atomic technology as the wonder boy of energy.

Public support for nuclear energy has slipped 70 percent before Three Mile Island to 43 percent in 1997, according to Roper Starch Worldwide, the polling company. Though some still view the U.S. Nuclear Regulatory Commission as too cozy with the industry, the agency sees itself primarily as a safety enforcer, not a booster.

"Nobody is going to order a new nuclear plant: too much political pressure and environmental pressure, and your capital is at risk for so long," said Chris Neil, an industry consultant with Resource Data International. "Nobody wants to take that risk."

Southern California Edison is deciding whether to sell its two big 1,100-megawatt reactors still active at San Onofre south of Los Angeles. California's 30 million people draw about one-quarter of their electricity from atomic plants, more than any other state. But that could change as California regulators complete the transition to competitive energy making.

"I don't think nuclear has changed that much. I think the world around it has changed," said Harold Ray, the utility's chief of generation.

Kara Thorndike, 14, sprawled in shorts on a blanket at San Onofre beach, busy with homework and oblivious to the atomic plant just a few hundred yards away.

"They have to be safe," she said. "If they weren't, I don't think they'd put it in a public place."

Even strong critics say the industry has greatly bolstered safety since the partial meltdown of a reactor core at Three Mile Island.

The nation's worst nuclear accident released little radioactivity into the environment, but it exposed dangers that shook government regulators into ordering expanded training of nuclear operators. Plants were redesigned to give operators better information on the state of reactors. Training control rooms were built identical to the real ones, down to the carpeting. Emergency command centers sprang up and connected to hot lines at the Nuclear Regulatory Commission.

While basically on target, the government's reaction might have at times been overzealous, according to William Travers, the new director of the watchdog agency, who oversaw the Three Mile Island cleanup through much of the 1980s.

Today, he said, the agency is "looking to reduce the unnecessary burden."

Regulators are stripping back some rules, saying they do not really bear on safety. Using downgraded risk predictions, the agency allows more limited testing of some plant materials and has a fast track for re-licensing old plants to help the industry compete.

In reaction, critics are again fretting over safety. A January report by the General Accounting Office, the investigative arm of Congress, said "safety margins may be compromised" as markets turn competitive.

Marybeth Howard, who markets computer hardware, was sunning herself at San Onofre beach and basking in thoughts of abundant electricity.

"I've got the lights on all the time," she said. "I've got the stero cranked. I've got the microwave and the dishwasher on. Everything! I don't care how much the bill is! I don't even really pay attention."

Her nonchalance sounds quaint in a world where "energy efficient" and "energy conservation" long ago entered common speech.

In the 1970s, the national appetite for power grew about 7 percent annually, but the growth rate has shrunk to about 2 percent a year—even with the strong economy. That makes it harder for utilities to pay off nuclear construction debts.

In some cases, big debt paid for little but frustration. The $5.5 billion Shoreham plant in Long Island, crippled by safety fears, never opened.

Only two operating plants so far have asked to renew their 40-year licenses. The licenses of 56 reactors expire in the next 20 years, but industry officials acknowledge some likely will close long before.

For one thing, it often takes more than twice as many workers to run a nuclear plant as an equivalent one with fossil fuel.

For another, aging nuclear plants increasingly need big-ticket replacement of generators, turbines and even reactor cores made brittle by decades of neutron bombardment.

San Onofre has been installing new turbines for its two active units at about $30 million each. Owners of Yankee Rowe in Massachusetts, the granddaddy of plants, shut down in 1992 after 32 years instead of buying a new $23 million reactor vessel to cradle its radioactive core.

Meanwhile, in states such as Pennsylvania, regulators are expected to bar utilities from recovering much of their nuclear construction debt through consumer rates during the changeover to competitive markets.

Some in the industry embrace two plant sales in the works as a sign of hope. An international partnership has even arranged to buy the Three Mile Island reactor that did not melt down and later came back on line.

But it is going for just $23 million. It was built for $400 million.

"It appears to me the way to sell a nuclear plant is to pay someone to take it off your hands," said Kennedy Maize, editor of the Electricity Daily trade newspaper.

The General Accounting Office says up to 26 plants appear vulnerable to shutdown simply because their production costs are higher than the projected price of electricity.

The industry is banking heavily on an expanding market for U.S. nuclear technology in Japan, Taiwan and other Asian countries during the next 20 years. France depends on nuclear plants for 78 percent of its power.

Environmental distaste, though, has dimmed nuclear prospects in Germany, Sweden and Italy.

Much of the future growth is predicted in developing nations without the centralized grids of power lines to accommodate big nuclear plants. Fear of spreading material and know-how for nuclear weapons is also braking nuclear energy to other lands.

"It's one of those things that seems to be good for a while, and then something else comes along," said nuclear physicist Thomas Johansson, who oversees international energy development at the United Nations.

Many analysts say the nation could weather a slow death of nuclear power fairly well.

They say natural gas, which supplies about 10 percent of power, can and will do much more. Dozens of gas generators are under construction.

But renewable resources, such as solar and wind power, have progressed slowly.

Backers of nuclear power say the nation can't attain international limits on greenhouse gases without atomic energy.

James Hewlett, an economist with the Energy Department says coal might be needed to pick up some slack. But Daniel Becker, an energy expert at the Sierra Club environmental group, says that's like "giving up smoking and taking up crack."

Maybe nuclear power was fundamentally flawed: steeped in danger and, as environmentalists sometimes suggest, the most expensive way ever devised to boil water. Maybe nuclear plants are just too big and centralized to thrive in an era of smaller-is-better.

But others say a potentially enduring technology was simply mishandled.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. BRYAN. Yes, I am happy to yield for a question.

Mr. REID. I am very happy, I say to my friend from Nevada, that I was here on the floor when he came to bring us the bad news. But the question I direct to my friend from Nevada—and there is no one who has worked harder on this issue than he has—is that it is my understanding that there is a consensus being developed by the administration and the Secretary of Energy, a number of the large utilities and somewhat smaller utilities around the country, and Members of Congress who have never been on this issue who are thinking that maybe the best thing to do is have the United States assume ownership of the nuclear waste and, in effect, take care of it on-site until there is a permanent depository. Is it true that there is an intensive development around here in that regard?

Mr. BRYAN. The Senator from Nevada is absolutely correct. I think there is a shaft of light at the end of the tunnel, if I may use that metaphor, in which a number of thoughtful Members of Congress, working together with the administration and some responsible nuclear utilities, have come to recognize the futility of the process that my friend, our senior colleague, knows only too well, and to try to work out something that addresses the legitimate concerns of ratepayers in States where nuclear reactors exist and yet does not devastate our environmental laws and create a situation that is costly and dangerous to the American public.

Mr. REID. The last question I direct to my friend is this: Is it also true that this is being done outside of the auspices and outside of the control and direction of the two Senators from Nevada?

Mr. BRYAN. The Senator is correct again. These are suggestions that have been generated by thoughtful Members in the Senate, and in the House, by the administration, and increasingly the dialog has indicated that, again, what I would call responsible and reasonable nuclear utilities are engaged in a dialog. And I am hopeful, as I know my senior colleague is, that we can avoid this train wreck that occurs annually in the Congress and work out something that deals responsibly and legitimately with the concerns that ratepayers have in States with these reactors, but does not involve this incredibly foolish effort to transport 77,000 metric tons of high-level nuclear waste to the State of Nevada unnecessarily. And, as the Senator from Nevada knows, that is simply not going to happen, because the administration and the Department of Energy's Nuclear Waste Technical Review Board all agree that such an approach is unnecessary and unwise.

I thank my colleague for his thoughtful and insightful questions, and I look forward to working with him in developing a responsible approach to resolving this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, am I correct the pending business is the conference on the budget for the year 2000?

The PRESIDING OFFICER. The conference has not been called up yet.

UNANIMOUS-CONSENT AGREEMENT—H. CON. RES. 68

Mr. DOMENICI. I ask unanimous consent the Senate now proceed to the conference report to accompany the budget resolution and, when the Senate reconvenes on Thursday, there be 5 hours remaining for debate as provided under the statute. This has been cleared on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I submit a report of the committee of conference on the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 68) have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 13, 1999.)

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I would like to announce to the Senate that the budget resolution, which we have called up and which is being considered, was approved just a while ago by the House, passed there by 220–208. So the remaining real business before we leave for this weekend is to get our budget passed here. I will say, if it is passed today, it would be historic. If it is passed tomorrow, it will still be historic, because we will have produced our budget resolution through both Houses, setting the blueprint for the year before the 15th, which is the statutory date. I will say to the Senate, we have only done that once in the 24-plus years history of the Budget Act.

I think our commitment to the Senate was helped by our various committee members, and help came from our ranking member, Senator LAUTENBERG, to get the job done. No use to delay it. We have been on the floor, gone through it. Yesterday we took a number of votes that we don't normally take, with Senators exercising their prerogatives to make us vote again on some of the issues. Today there will be a vote on final passage.

I remind Senators who might want to speak, whether they are on this side of the aisle or that side of the aisle, we have a unanimous consent agreement already entered into, with the full concurrence of the minority, that whenever we finish this evening—and that could be any time—there will be 5 hours remaining tomorrow. That is because there is a statutory mandate of 10 hours unless agreed to to the contrary.

That means that tomorrow we will be on for 5 hours and then vote. If Senators do not make it to the floor in the next hour or so—obviously, they can come down here, and if they want to make it easy on everybody, maybe they can tell Senator LAUTENBERG when they want to come and tell me when they want to come on this side, and we will accommodate them so they don't have to stay down here and wait a long time while others speak.

Having said that, I probably will reserve most of my time to answer what others might say about this budget resolution, but I would like to give a summary of where things are. I do not think that will take over 10 or 15 minutes. Then I will yield to Senator LAUTENBERG. I have already told my friend that I have to go across the hall for a Republican policy conference, and I will try to do that as soon as my remarks are completed.

Mr. President, let me briefly outline the conference report on the year 2000 budget before us this afternoon. The conference report before us is very similar to the Senate-passed budget resolution back on March 25 on a rollcall vote of 55–44. A similar but different House-passed budget resolution required a conference. That conference resulted in some modifications to the Senate-passed resolution which I will highlight later in my remarks. The basic outline for entering the millennium with a fiscal policy and a tax policy and a defense policy and an education policy, the basic content of that with some modifications is, indeed, what the Senate has before it again today.

First, this is a 10-year budget resolution. We have done a 5-year resolution and 7-year resolution, but this year is the first time we have used 10 years to make our projections and upon which to build the building blocks for the first part of this new millennium.

Now, we have done 5-year budgets and we have done 7-year. Why did we do 10? Well, the President's budget presentation in February was very unique, very different than any President has ever done before. The President and his staff tried to use 15 years, and that is 15-year numbers, and in some cases, 15-year estimates. This 15-year timeframe was a very convenient way to shade the fact that they were and are counting on raiding the Social Security surplus in the early years by $158 billion over the first 5 years of the President's budget. Without any attempt to obfuscate, clearly it uses $158 billion of the Social Security surplus for programs, for expenditures, so it was, indeed, a raid on that Social Security surplus, and then leave it to future Presidents and future Congresses to reimburse that trust fund for this administration's early spending plans which would have used some of Social Security's surpluses.

That is most interesting, especially because the President will be claiming that he is trying to save the Social Security surplus. I put out the challenge to anyone who wants to review the President's proposal and this proposal and see if anybody is entitled to the claim that we are saving Social Security's trust fund accumulations, exempting it, can't use it for taxes, can't use it for appropriated accounts. If you would like to look at it and see which does the most, I think you will find that the President puts $400 billion, that is "billion," less in the trust fund during the next decade, or let me put it another way, on a 10-year basis, it shortchanges the trust fund by $400 billion.

That is as compared with what really ought to be in the fund. We put in what really ought to be in the fund, and that is all of it, all of the surplus year by year, not a portion of it over 15 years.

So we think we can properly say the first responsibility of this budget was to make sure that we did everything possible to protect the Social Security trust fund and to make it available for those who might want to reform, or in a major way change the Social Security program to add to its longevity and perhaps its fairness. But only for that purpose can any of that trust fund be used. That is the first big item. The conference agreement accomplishes that first objective, protects Social Security trust fund balances. Then we go on to three other major items.

Two, we didn't see any way that we could produce a budget to enter the millennium that did not maintain the fiscal discipline of the 1997 budget agreement. The distinguished occupant of the Chair, a distinguished member of the Budget Committee and other committees, knows that it wasn't very long ago that we set a fiscal discipline pattern which has brought us a great deal of success. We said we are only going to spend so much over the next 5 years. It wasn't over a prolonged period, just 5 years. That, plus some other good fortunes that are attributable to economic growth and prosperity, has brought us the best fiscal policy of any industrialized Nation in the world—sustained growth, manifold numbers of jobs, low inflation, and low interest rates.

We thought it was best that we stay on that path. So the second point is that the fiscal discipline is retained from the 1997 agreement. Why shouldn't it? There are those who say it is too tough. There are those who say we can't live by it.

There are those who say the President is going to force us to break this budget. Well, we aren't going to let the President do that. If that is what he thinks we ought to do, we will have to hear from him. We are going to try hard to live within those prescribed limits, which brought such credibility to the fiscal policy ideas of this Government that I believe we ought to stick with them for awhile.

Now, the third is another idea that somehow or another has been challenged here in the Congress, and that is that we want to return to the American taxpayer their overpayments to the Federal Government. Now, what we on our side of the aisle—and we hope some Democrats join us before the year is over—would like to say is that when you have an economy like this one, with surpluses that we have, you should not just be thinking about spending money; you ought to be thinking about the taxpayer, too. In fact, maybe you ought to say let's look at government and let's look at the taxpayers and let's make sure we have as little government as possible, so that we consider the taxpayers to the maximum extent and have them paying the lowest taxes possible within a good, sound policy.

So while some will say, "I would like a tax cut but not this one," or, "I would like a tax cut, but not now; I would like it later, but I would like a little bit now and then wait for 5 or 6 years," we say the policy is a clear one. The United States succeeds when we have low taxes and we exceed our competitor countries in the world predominantly on the premise that our businesses and our individuals pay less taxes than those competing with us. That is a truism with regard to all of the European countries that try to compete. They are heavily taxed; we are taxed at a low level. They have huge burdens on business to take care of social welfare programs; we have far less.

As a result, business is flourishing in America and we are adding, if not hundreds of thousands, then in a few of the past 6 years, even a few million new jobs. And it is interesting to note, Mr. President, as we consider this budget, if a poll were taken of American business, in particular the medium-sized businesses that are flourishing in our country, and we were to ask them, "Can't you grow a little more?" they would all answer, "Yes." And then if we said, "Why aren't you?" the No. 1 answer would be, "We can't find enough skilled workers to add to our workforce to grow as we could."

Now, that is a very interesting thing for America, and it does mean that there is one long-term problem we ought to be concerned about, which is the validity of our education system to give basic-skill education and basic-skill development to more and more of the young people and those who would like to be retrained in America.

I guess, as an aside, if that doesn't happen, then I know we should not be talking about how we will be able to meet the needs of our businesses. But I surmise that if we don't create more educational skill opportunities for more and more of our people within a decade, we will be looking at an American policy that is going to let more people come in from outside our country to take our jobs.

I hope everybody listening to these remarks knows in what sequence I have said it. Clearly, I would like very much to get to the next point in our budget, because within these fiscal restraints we have taken a look at where the priorities for the expenditure of money, even in this crimped manner, the budget following this fiscal restraint, should be.

I believe Americans would agree with us that we ought to increase spending on education. In fact, if you looked at the President's budget, you would probably say that is not enough; it is sort of a nominal increase. We have said that, and we have increased our recommendations for public education assistance significantly over the President's. In fact, if the recommendation of the Budget Committee were accepted, we would increase, over the next 5 years, spending on education by $28 billion.

Everybody should know, we don't pay for a lot of public education. Local expenditures are, by far, most of it. Perhaps our country pays 7 percent of the bill; 93 percent is paid by local school districts, States, et cetera. We asked that we put more in, but we expressed a big concern—that in doing that we not provide targeted U.S. Government programs mandating the school districts to do things our way, but rather that we have accountability and flexibility built into the education programs that we add money for. So our budget does that.

Next, we created a non-Social Security surplus of about $92 billion for unexpected contingencies, that is, we didn't spend it for tax cuts or on anything else. It starts in the fifth year. It is $92 billion for unexpected contingencies. That could be used for transition costs for implementing fundamental reform in Medicare. Or if we did not use it for any of those things, that is, contingencies and/or Medicare reform, then they would further reduce the national debt.

Understanding that I started my remarks by saying we set aside $400 billion more than the President in the first decade of the Social Security trust fund and lock it in a box that we are going to vote on later, all of that is used to reduce the public debt until we use it for Social Security. It dramatically reduces the public debt. That is one of the best things we can do, and we did $400 billion more of debt reduction during the first decade than the President.

We are proud of that and we think it is the best use of the surplus, and the second best use is to return it to the taxpayers, so we return to them a substantial amount in tax reform, tax cuts, which is $778 billion. So there will be no confusion, add up all of those numbers I speak of and you keep the Social Security trust fund intact, you leave $102 billion for expected contingencies, and you cut the taxes of the American people by $752 billion over a decade.

I don't want anybody to be surprised, but the Republican tax package will not be big at the inception; it will be small. But in one bill, we will pass tax changes that will wedge out and grow each year, and in the fourth, fifth, sixth, and seventh years, you will be providing significant tax relief to the American taxpayer. Frankly, I believe that is just about perfect.

Some are fearful of it because we provide it over 10 years. But I think the American economy is experiencing a tremendous boon right now. I think these tax cuts are going to trigger in—I don't mean "trigger in" in the sense that anything will have to happen. I will use another word. It will come into play at just about the time when we need tax cuts for the American people and American business, so we can continue the prosperity, growth, and opportunity that is so prevalent today.

In summary, those are the things we tried to do, and those are the things that show up in this budget resolution. After conferring, almost all of those principles that started here in the Senate are kept. I am pleased to indicate that some of the other things the Senate had in its budget resolution are kept in this resolution. So let me tell you a couple of those.

First, the conference adopted the Abraham-Ashcroft-Domenici sense-of-the-Senate framework for protecting Social Security surpluses through a mechanism for retiring debt held by the public and made it a sense of the entire Congress. That means that both the House and the Senate will use every effort possible to try to pass what we will nickname here today "lockbox" legislation, which would be statutory preservation of that fund, requiring a majority vote to dip into it. We will have more to say about that. It will then be perfected and introduced soon, after consultation with more experts. We think we will have one that is flexible enough, yet rigid enough, to make sure that we don't spend that money.

In addition, yesterday afternoon, for the second time, the Senate voted on a child care proposal that had passed the Senate with a 57–40 vote, including 15 or 16 Republicans. Yesterday, in revisiting it, more Senators expressed their will for that.

While in conference, I was not able to get the House to give on it in its entirety. We got $6 billion. Half goes for the block grant that Senator DODD and Senator JEFFORDS discussed, and half is indicated in the tax package and should be used for tax relief that is child care oriented for as many families in America as possible.

Now, I believe that the leadership of both the Senate and the House have made a commitment in this conference report to go beyond the resolution before the Senate today to try to pass legislation to make sure for the first time in history we truly have made it almost impossible in the future to spend the Social Security trust fund for the ordinary expenditures of our budget as a "basket" from which we borrow for overextending our receipts.

This resolution maintains the fiscal discipline required by law. Statutory caps cannot be changed by a budget resolution, and they are now written into the law. It does not assume any firewalls between defense and nondefense discretionary spending. We are not trying to protect defense from domestic spending in this era of great demands on both. We will just let the good judgment of the Congress, in its collaborative efforts, do its will with reference to the defense spending and the domestic spending.

However, in our recommendations, we do substantially increase defense beyond that which the President requested. We do that forthrightly and openly. We believed, even before the Kosovo situation, that the U.S. Department of Defense was being underfunded. We finally asked the Joint Chiefs what they really needed. They expressed genuine concern, so we added most of their requests to the defense assumptions.

This resolution makes no decision on the expansion or extension of the caps beyond 2002. It assumes, on the other hand, that discretionary spending will grow over the decade, increasing at a rate of about half the rate of inflation and expanding to a total of $2.9 trillion over the next 5 years and $5.9 trillion over the next decade.

Within the aggregate numbers on the face of the resolution, and again as required by law, the level of appropriation is distributed by budget function for illustrative purposes, but everyone should know the final decision will be a matter for the Appropriations Committee and the subcommittees. Everybody is beginning to understand that the budget resolution was not intended to be a determiner of how much money each program gets, but rather the total that they must not exceed.

The conference report assumed the priorities I mentioned. I will add one clarification on elementary and secondary education. In the first year, we increased it $3.3 billion in our allocation assumption and $28 billion over 5 years. That would be over and above the estimated $100 billion that would be expended for these programs during the same time period.

We assume full funding of transportation programs adopted last year. We assume full funding of the violent crime trust fund next year. We also have assumed $1.7 billion in additional veterans' health care benefits over the President's request for this year.

Within the spending restraints, it is assumed that the historic pay equity between civilian and military pay will be maintained. It assumes that the Congress funds the President's request for the upcoming census, and it assumes we double the request for the National Institutes of Health—double his increase.

I think that clearly puts us on the side that most Americans desire. We increase defense, we increase education, we increase those functions of our Government that take care of crime and criminal justice in our country. In addition, we take care of our veterans. The President did not even increase, to any extent, the veterans' medical appropriations. We added about $1.7 billion.

Adding those up, and adding a return of tax dollars to the American people with the kind of protection for Social Security and Medicare that we have provided, I believe we have a very good format to begin the millennium, the year 2000 budget.

To maintain the fiscal discipline of the caps and reorder spending toward these and other national needs, it is clear that the Congress will need to set priorities. If not, then some of the proposals I have outlined will likely not be possible.

What are some of those lesser priorities on the Federal taxpayers' dollars?

First, last year we appropriated over $106 billion for programs whose authorizations did not exist. A good place to start looking for lower priority programs in the Federal Government might be in those areas where no authorization exists.

In addition to the unauthorized programs, as I have stated previously, it would be helpful if the Congress reviewed the GAO's recent high-risk series which lists 26 areas this year—nearly 40 percent which have been designated high risk for 10 years—areas that GAO has found to be vulnerable to waste, fraud, and error.

Second, it is clear that some programs will not grow, will remain at their 1999 level, and some will have to be reduced below a freeze as the President's budget suggested. I would suggest that committees and the administration take to heart the Government performance and results act that specifically identifies low performing and inefficient programs.

Some programs, such as various transportation projects funded last year outside TEA–21, were one time and we should not assume continued funding of such programs next year.

The conference assumes that Ginnie Mae will become a private operation and its auction creates nearly $2.8 billion in offsets next year.

And yes, the conference resolution assumes, some of the administration's proposed offsets, fees, are assumed for various agencies in the Federal Government—FSIS and the President's proposed $200 million broadcasters lease fee.

In the area of mandatory savings. The resolution does not assume any of the President's nearly $20 billion reductions in Medicare over the next 5 years. Medicare spending will indeed increase from $195 billion this year by over $200 billion to a total of $395 billion in 2009, an annual increase of 7.3 percent.

And the resolution assumes $6.0 billion in additional resources will be allocated to the Agriculture Committee to address the issue of depressed incomes in that sector.

The Senate-passed resolution assumed that expiring savings provisions in 2002, that were enacted in the 1997 balanced budget agreement, would be extended. This applied to all such provisions except expiring Medicare savings provisions. Between 2003 and 2009 these provisions would save $20 billion.

In conference the Senate receded to the House position that did not assume any of these savings provisions. In part this accounts for the fact that the non-Social Security surplus over the next decade has declined to $92 billion.

The Senate-passed resolution included the Dodd-Jeffords amendment to add $12 billion to child care spending over the next decade. The spending was offset with a reduction in the reconciled tax cut. The House had no such assumption.

The Senate voted yesterday to instruct the conference to adopt this provision. The conference assumes half of these resources for families with children to cover child care expenditures—$6 billion. These expenditures reduced the non-Social Security surplus and did not reduce the reconciled tax reduction.

For revenues the conference resolution assumes that tax reductions will be phased in and over the next 5 years will return overpayments to the American public of nearly $142 billion and $778 billion over the next 10 years. For 2000, paid for tax cuts of up to $15 billion are possible.

How these tax reductions are carried out will, of course, be determined by the Finance Committee and ultimately the Congress and the President.

However, I believe elimination or reduction in the marriage penalty could easily be accommodated within these levels as well as extension of expiring R&D tax credits, self-employed health insurance deductions, certain education credits, and or general reductions in tax rates phased in over time.

Finally, the resolution, being cautious, over a 10-year period, projects a non-budget surplus of over $92 billion. This money could be needed for unexpected emergencies or contingencies, it also could support the cost of funding transition costs for Medicare reform, or if nothing else it will continue to further retire debt held by the public.

Two procedural issues need to be noted—a rule change as it relates to defining emergencies and a clarification that when there is an on-budget surplus, those amounts are not subject to pay-go rules.

The Senate-committee-reported resolution included a provision to make emergency spending items subject to a supermajority point of order. This provision was adopted by the conference, while exempting Defense spending.

Let me close by saying that under this resolution, debt held by the public will decline by nearly $463 billion more than under the President's budget.

This is true even if one treats the President's Government equity purchases as debt reduction.

Why do we reduce debt more than the President?

First, the President spends $158 billion of the Social Security surplus over the next 5 years. In contrast, the conference resolution saves the entire Social Security surplus.

And second, let me remind the Senate of one other thing about the President's spending proposal which may surprise many—his spending costs more than the resolution's assumed tax reductions. This is true over both the 5-year and 10-year period.

The President's budget spends 35 percent of the Social Security surplus over the next 5 years on programs unrelated to Social Security or Medicare.

That is why we can save the entire Social Security surplus and why he can not.

Let me summarize. The conference report does four things: It protects 100 percent Social Security surpluses; it maintains the fiscal discipline this Senate overwhelmingly supported in 1997 and was most recently reaffirmed by the minority leader; it returns to the American public their tax overpayments; and finally, it prudently and cautiously projects on-budget surpluses for further debt reduction or for supporting unexpected emergencies, and possible transition costs for true Medicare reform like the one recently voted on by 11 of the 17 members of the National Commission on the Future of Medicare.

It is a good resolution to close out the Budget Act's 25-year silver anniversary this year.

It is a good fiscal blueprint for the next century.

Commenting for a minute about the tax proposals in this bill, in the next 5 years Congress will be permitted under this budget resolution to reduce taxes on the American people by $142 billion, and in the second 5 years the total will be $778 billion.

The first and second year cannot be very big, depending on what loopholes are closed by the Finance Committee and the Ways and Means Committee. We can have a goodly tax in the first 2 years, moving up in a "wedged" manner to some very substantial return of taxes to the American people over this next decade.

There may be remarks on the floor about what these tax cuts will look like. Certain Republican Senators, including some of our leadership, may say what they prefer. That permits the Democratic leadership and Democratic Senators to get up and say they don't think we ought to give tax cuts to the rich, that we ought to spend it elsewhere rather than giving it to the rich people of our country.

This budget resolution gives the Congress of the United States and its committees full latitude to have a tax cut bill of whatever type the Congress and its committees ultimately approve and, hopefully, that the President will sign. I am quite sure when that package is finally put together the good judgment of the tax-writing committees, with Congress exerting its concerns, it will be a balanced package, focused on average Americans and on continuing the economic prosperity of our country.

If we do that, then I believe there may be disagreement between Republicans and Democrats, but I do believe it will not be the package that is constantly suggested by Democrats—that we are going to take care of only the high-bracketed people, instead of spending it on programs that are good.

I can do no better than that. I don't know that I will answer every time we are accused of having a tax cut that takes care of only the wealthy in our country. The facts are as I have indicated. Whether or not Senators have taken to the floor or given stump speeches or otherwise saying what they would prefer, we probably ought to give some serious consideration to reducing the brackets, with taxation more proportionally on every group of people. I am sure the package will be fair in building American prosperity by cutting taxes in the right places for economic growth.

I make one last comment about the return of tax dollars to the American people. I have been heard to say that as a Budget Committee member and chairman somehow or another when we finally get to that place where we can have surpluses for as far as the eye can see—according to those who estimate for us—I have been heard to say that maybe it is harder to manage surpluses than it is deficits. Yesterday my good friend, Senator LAUTENBERG, indicated that probably that is how it should be, because it is human nature that when you have real assets, you fight over them; with deficits you do the best you can.

I have found it more difficult to give taxpayers tax relief when we have had a surplus than I found as a budget chairman to give tax relief when we had deficits. That is rather incredible.

But I think the history will indicate that we have had many tax cuts, giving back money to the taxpayers, when we had deficits. Now we have a criticism of Republicans who want to give back tax money to those who have overpaid, because we have more money than we need; that we should not be doing it now. If you cannot do it when you have a surplus, when can you? If you cannot do it with a surplus, when should you?

It seems to me the answer is we probably ought to have a major tax reduction bill. I would think before the year is out the President of the United States will get into the act. He is probably still looking back to his first campaign, before he was elected, when he promised a middle-income tax cut. I know, in reading about the politics of the White House during the intervening years, that some of his consultants brought up that issue regularly during his campaign and first year in office—what about the tax cuts? Maybe they were not right in his scheme of things then, but I submit, with this kind of surplus, they are right now.

We look forward, after this budget resolution is passed—and hopefully that will be tomorrow—to working within the Congress—and hopefully Congress with the Executive—to take care of our public needs and take care of our taxpayers' needs. But we will always be vigilant that we not put one over the other, since it is the taxpayers who make our Government capable of doing what it does.

With that, I yield the floor and repeat to Senators, if you do not get to speak this evening, there are 5 hours tomorrow. We will be glad to start taking names for tomorrow. It will be better than tonight. We can get through early tomorrow and early tonight and still have a lot of debate time if most of you will sign up for tomorrow, which means we could get out of here rather early this evening.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to respond to the analysis just given us by our good friend and colleague, the chairman of the Senate Budget Committee, Senator DOMENICI. One thing about Senator DOMENICI, he is always direct. He always calls it like he sees it. And therein lie, perhaps, some differences.

The expression, "beauty is in the eyes of the beholder," is one that fits well, I think, because I see it quite differently than Senator DOMENICI. As we begin consideration of the conference report, for the benefit of those who do not know how we work here, the conference report is that report on the budget that has been agreed to by the House of Representatives, their Budget Committee people, and the Senate Budget Committee people. So I have to say at the outset that it is quite obvious that it is the majority's report we are looking at. Even though there are 45 Democrat Senators here, the fact is, with rare exception, all of the Democrats voted in opposition to the initial Budget Committee report and my view here is that we are probably going to see at least something as strong in opposition to the report that has now been agreed upon by the House representatives on the budget and the Senate representatives.

Look at this. Here we have a budget resolution, one that says this is the way we ought to be spending our money. Mr. President, I remind those who are in earshot, this is a toothless tiger. It does have the force of a Senate-House conference committee agreeing that is what we ought to be spending, but it is without law to support it, and it is now an instruction to the various committees that have the jurisdiction to set up the spending as recommended by the Budget Committee.

But what a time this is. The economy has never been stronger. I have been around a long time—thank goodness, for my kids and me—but we have never seen an economy like this. Unemployment is low, inflation is almost unheard of, the stock market is booming, people are able to invest in housing and education and plan their future and vacations. Our fiscal house is in order. We are now running surpluses, having come a long way from 1992 when President Clinton took over, when we were running annual deficits in the high $200 billion. Now we are running surpluses. So we have done something good. I commend my colleague, the chairman of the Budget Committee, for the hard work that he did—that we did bilaterally, with the President of the United States—to get a balanced budget in place. That, I think, has had a large effect on how it is we got to this current period of prosperity. But at the same time we face serious long-term challenges. Most importantly, the baby boomers' retirement is going to put tremendous pressure on Social Security and on Medicare in the years ahead.

The key question facing Congress is whether we will meet those challenges and prepare for the future at this time or whether we are going to yield to short-term temptation at the expense of the longevity of these programs. Democrats are committed to focusing on the future. Our top priority is to save Medicare and Social Security for the long term by reducing our debt, keeping our debt in control, and increasing national savings.

We also want to provide targeted tax relief for those who need it most and that is the middle-class families, those who work hard for a living, those who are dependent totally on wages and salary for their living. We want to invest in education and other priorities that will enhance the lives of those who are not yet university age but who are looking forward to having a job and career that gives them a decent lifestyle.

The Republicans, our friends on the other side of the aisle, have a different view. Their plan as embodied in this conference report focuses on huge tax breaks, largely for the wealthy. I want to give an example of what it is I am talking about because so often our Republican friends get irritated when we say "focused on the wealthy." But if you are in the top 1 percent of the income earners—that is starting at $300,000 but averaging $850,000 a year—if you are one of the lucky ones, one of the skilled ones, or one of those who inherited wealth, and your income is $800,000 a year, you get a $20,000 tax break in this budget that is proposed before us.

On the other hand, if you work hard and you go to work every day and you worry about how to educate your kids and you worry about how to pay your mortgage and you earn $38,000 a year, you get $100—oh, $99, I am sorry; it is not even $100—a $99 tax break. Somehow or other that doesn't seem right to me: $800,000 on the one hand gets a $20,000 tax break and on the other hand, if you make $38,000, slightly over $700 a week to support your family, you get $99 and you can spend it in any way you want, the $99; buy a yacht, buy a vacation—whatever you want to do with the $99. So it does not seem right to me.

These tax breaks on top of the unfair balance between those who are the wealthy and those who work hard for a living would cost the taxpayer enormous sums in the future. It would absorb funding that is needed to save Medicare. And that, when you get right down to it, is really the main issue this conference report presents to the Senate.

Question: Should we provide huge tax cuts, many of which will benefit the wealthy? Or should we use that money to save Medicare?

Of course, there is a lot more to the conference report before us, so I will take a little time now to explain why I strongly oppose and intend to vote against the acceptance of this conference report. There are four primary reasons.

First, it does not do anything to increase Medicare's life. In other words, in 2015 Medicare is ready for bankruptcy, if things go as they are.

I have suggested that we ought not use funds needed for Medicare for tax cuts that are primarily for the wealthy.

Secondly, it threatens Social Security because it fails to extend Social Security's life, but it allows the use of surpluses generated by those who currently pay about 13 percent of wages; that is the worker and the company, for purposes other than Social Security.

Thirdly, it is fiscally dangerous. I used to run a big corporation, and I will tell you that this is not the way to plan the long-term future. It proposes tax cuts that do not cost much in the beginning, as the distinguished chairman of the Budget Committee said, but he said it is going to cost over $700 billion. In 10 years, over $750 billion will be used to provide that tax break.

Fourthly, it proposes extreme and unrealistic cuts in essential programs that are necessary for the well-being of all our citizens. It would devastate public services on which so many depend. Moreover, Congress will be unable to pass the bills that provide the funding that these programs need, and it could lead eventually to a repeat of a terrible experience that we had a few years ago—a Government shutdown. These are the kinds of programs that would be affected.

Medicare's hospital insurance trust fund is now expected to become bankrupt in 2015. It is critical that we address this problem and do it now. There is no doubt that we have to modernize and reform Medicare to make it function more efficiently, but whatever reform process we pass, we still need more resources—more money, to put it bluntly. In an attempt to find an overall solution, President Clinton proposed allocating 15 percent of projected budget surpluses, that is, the unified budget, for surpluses for Medicare. This would extend the life of the Medicare trust fund for another 12 years. Our Republican colleagues deride this proposal. They say it amounts to adding meaningless IOUs to Medicare, but they are wrong.

First, the President's proposal would reduce the debt that the public holds in bonds and investment in Government securities, which would significantly reduce interest costs in the future, which would help us actually pay for Medicare with the real dollars saved.

Unfortunately, the Republican budget resolution we have in front of us totally rejects the President's proposal to extend Medicare solvency. Instead of directly using these surpluses for Medicare, it uses almost all of that money for tax cuts. The document we have in front of us—that was prepared exclusively by Republicans, I remind you—does not specify how we are going to provide those tax cuts. They will be drafted later in the Finance Committee. However, based on the comments of the chairman of the Finance Committee, it is fair to assume that most of the total benefits will flow to the wealthiest Americans. Mr. President, these GOP tax breaks would come at the direct expense of Medicare. It is wrong.

Under the Republican plan, not one penny of projected surpluses is guaranteed for Medicare—not one cent. The resolution claims to reserve about $90 billion for unspecified uses over 10 years and suggests that maybe we can take some of that $90 billion for Medicare. However, that is far less than the $350 billion the President wants to put into Medicare over a 10-year period. And none of this $90 billion is actually reserved for Medicare.

In any case, there is nothing left for the Medicare program after these funds are used up for unexpected emergencies. For example, emergency spending now averages $9 billion a year. That is emergency spending for natural disasters or some other disaster—fire, whatever you have—in a community that is needed each and every year. It is reasonable to assume that future emergencies will consume all of this so-called reserve.

Mr. President, the Republicans' refusal to provide additional resources for Medicare would have a direct impact on the millions of Americans who will depend on Medicare for their health needs in the future. The resolution almost certainly would mean higher health care costs, higher copayments—that means for the beneficiary. If you have an incident or a matter that can be reimbursed by Medicare, you will have a higher copayment, you will have higher deductibles, lower quality health care services, and probably fewer hospitals, all because the Republicans insist on providing these huge tax breaks.

Beyond Medicare, the second major problem with the Republican resolution is that it poses a direct threat to Social Security.

Just yesterday, I offered a motion to instruct the conferees, those from the House and those from the Senate—but particularly it applied to the Senate because that is where we give our directions—that they ensure that all Social Security surplus is used only to extend the life of Social Security. It was not a close vote. The motion was adopted by a 98–0 vote. Ninety-eight Senators said, yes, this is the right kind of attitude we want to see. Ninety-eight out of 100 Senators said, yes, we want to use all of our Social Security surpluses to extend the life of Social Security.

But within just a few hours of that vote—the vote took place here, then it went to conference over there in the House, and the conferees, the group that was sitting around the table, our Republican friends, approved a provision that would allow Social Security surpluses to be used for other purposes. I find it astounding and, frankly, it is outrageous that 98 Senators stood up and voted aye, yes, we want all Social Security surpluses to be spent on Social Security, and it went in the wastebasket within a few hours. Quite incredible.

The conference report establishes, as we heard, a lockbox that supposedly protects Social Security surpluses. But it does not do that. It establishes a largely meaningless 50-vote point of order against future budget resolutions but has a huge loophole for any legislation that "enhances retirement security."

We do not know what the definition of "retirement security" is. What does it mean to enhance retirement security? It does not say "Social Security." This is a word game we play here. We say one thing, but it has a different meaning when we say it over here. Just a change of a word or two: "Retirement security" versus "Social Security." Presumably this retirement security plan could mean a wide range of purposes.

Mr. President, it is unacceptable, it is outrageous, it deserves to be condemned in the strongest possible terms. Social Security surpluses should not be used for "retirement security" or anything that we do not understand clearly. Sure, it should not be used for tax cuts. They should not be used for risky new schemes and programs. They should be used to pay Social Security benefits, period.

The third problem with the conference report is that it is fiscally irresponsible. The resolution calls only for small tax cuts in the first year or two. We heard the chairman of the Budget Committee say so. But the cost of these tax cuts explode in the future.

Over the first 5 years, the total tax cuts that we would have would cost $142 billion, but over the second 5 years that cost increases to $636 billion, about 4½ times as high as the first 5 years. And that is another way of getting at things. It is kind of a little bit sleight of hand, I would say. That is to say, "Oh, we can give these tax breaks, give these tax cuts, and it's not going to cost anything." No, not while most of us are still Members of this Senate. But 10 years hence, when we add up the scorecard, we will have spent almost three-quarters of a trillion dollars for tax cuts.

Mr. President, the final problem with the Republican plan is that it forces extreme cuts in programs for Americans here at home. Tax cuts, on one hand, cost something for the ordinary Americans on the other hand.

I want to point out something. We Democrats are not opposed to tax cuts that are targeted, that means something for middle-class people, that means something for hard-working people who have to watch if not their pennies, at least their nickels. That is the way we want to do our tax cuts. We want to encourage savings, we want to encourage child care, we want it so people can have child care in case they do want to work. We want to make sure there are funds there for long-term health care for an elderly person. That is the kind of tax cut that we seek, not this broad, across-the-board tax cut that will give these $800,000 wage-earners a $20,000 tax cut. So we will be losing, as a result of that—programs that are here called nondefense discretionary programs—about 7½ percent in the first year. But the real cut in most programs would be much deeper.

Keep in mind, the Republican leadership has said they will increase or maintain funding for a handful of favored programs like new courthouses, the transportation bill for the next half dozen years—we call it TEA–21—the census, the National Institutes of Health, and some crime and education programs. That leaves other unprotected programs facing cuts of about 11 percent.

I want to point out what we are talking about. This is not just an amorphous discussion about arithmetic. When we say 11 percent, we are talking about everything from environmental protection to the National Parks and the FAA. The FAA is responsible for the maintenance of our aviation fleet and working hard to keep up with the new technologies and the needs as aviation expands its marketplace.

The Coast Guard. My gosh, everyone knows the Coast Guard is one of the most important branches of service that we have in this country. They do everything. They do drug interdiction. They maintain waterways. They are out there picking up illegal immigrants who are trying to float their way to the American coast. They are on pollution patrol. They watch it all. You want to cut that down? I do not think so. Eleven percent—that would be devastating.

I heard our Senators from States that border Central America about the inadequacy of the number of Border Patrol members that they have. This would take a big slice out of that so that we could no longer do even the protection of our borders as efficiently as we do now.

We would be losing lots of FBI agents, NASA would be hurt, our space program, job training, head Start, the program that gives kids who come from a disadvantaged background a little bit of a head start.

So what would it mean in real terms? Here are a few examples based on the administration's estimates: 2,700 FBI agents would be lost; 1,350 Border Patrol agents; 780 drug enforcement agents would be lost; 90,000 fewer dislocated workers would receive training for new jobs, job search assistance, and support services; 34,000 low-income children would lose child care assistance—what a devastating thing that would be to lots of families—over 1.2 million low-income women, infants and children—we call it the WIC Program—would lose nutrition assistance each month.

How can we face our conscience?

FAA operations would be cut by almost $700 million. It would lead to travel delays, weakened security, lack of critical modernization technologies. The Superfund Program that cleans up these toxic waste sites left by our industrial past—unusable ground—that raise potential dangers to those who live nearby; we would lose 21 opportunities to clean up Superfund toxic waste sites, needlessly jeopardizing public health.

Up to 100,000 children would lose the opportunity to benefit from Head Start; 73,000 training and summer job opportunities for young people would be lost.

Mr. President, these types of cuts clearly are unacceptable. They are not what the American people want.

Unfortunately, under this resolution the problem gets dramatically worse in later years. By 2004, these nondefense cuts—again, defense, on one hand, nondefense on the other. Defense is a very favored account in this place, and I support a strong defense. And, boy, if we ever doubted our need to fund it, we see now that we have to do it. But we do not have to give them all of the new resources that we have.

By 2004, the nondefense program cuts grow to 27 percent. There isn't a Senator here, who, when faced with reality, is going to vote for those kinds of cuts. But they put their heads in the sand. They are not looking at what the longer consequences of this budget resolution are going to be. And it does not even include any effects of inflation.

Mr. President, you really have to wonder whether our Republican friends are serious about cutting domestic programs by 27 percent. It is hard to believe, especially when they are not giving us any details about where those cuts would come from. Some Republicans have argued that these cuts are required because of the discretionary spending caps which remain in effect through 2002. But that is not true. "Spending caps," again, is part of the vernacular here. Those are the levels of spending that we agreed we would adhere to until 2002. But we are now in surplus. We are out of debt because of the good fiscal policies that we have had here. That occurred because Democrats and Republicans and the President worked together.

Much of the problem for domestic programs is created because the conference report increases military spending significantly over last year's level. Since all discretionary spending is now under one cap, that extra money must come directly from the other programs that we talked about.

Cutting domestic programs by 27 percent in 2004 is not realistic. It is an extreme decision. When it comes time for cutting specific programs, Congress sure will not likely follow through.

In other words, this budget resolution is a roadmap to gridlock. If we can't pass the appropriations bills, the funding bills, we face the prospect of a horrible nightmare that we once experienced here, and that is a Government shutdown.

Why, then, are we considering a budget resolution that even some Republicans admit can't be enacted into law? The answer is simple. Republicans are desperate to claim that they are for tax cuts. And they see that as the "Holy Grail." That is what they say Americans want. I tell you, I see it differently. I see an America where someone comes from a home that is not wealthy, sometimes widowed. I had the experience personally. My mother was widowed at age 36. My father died when he was 43. There was not a chance at all that I was going to be able to get an education or progress in life. But, fortunately, I served in the military—World War II—and I was able to get my education under the GI bill. It is an incredible thing that we offer when we propose to young people that they have a chance to get a job and to progress and to live a life that is better than their parents in most cases. Here we are saying, well, tax cuts will take care of it all. No. Tax cuts won't take care of it all. Some tax cuts will help, but some tax cuts are just giveaways to wealthy people. The result is that we can create stresses in our society that make living uncomfortable.

Right now we see violent crime going down in the most unlikely places. Why? Because we have more police on the streets? Yes. Because we put more criminals in jail? Yes. Because the judges are tougher? Yes. But it is also because people see a way to make a living legitimately and they do not turn to criminality. It is because there are education programs and there are job opportunities that have been created. That is the difference.

In one case you have a stable society. Those of us—and I include myself, having had a successful business career—who can afford to pay for the privilege of living in this country ought to step up and pay for it and not be looking for tax cuts but be looking for harmony and stability in our society. That is what it is all about.

Here we have the tax cut proposal, the Republican tax cut proposal. They think it is politically going to keep up their majorities here. It is not going to happen, because we do not have a clue on how to pay for them. And as long as we don't know how to pay for them, we can only expect the worst.

Mr. President, we are left with a budget that can be described a little bit as show business, fantasy, a budget that almost everybody knows isn't worth the paper on which it is written.

I have to say that some of the other provisions in the conference report as well are highly problematic. The conference report establishes a new process, a 60-vote point of order against all emergency spending except for defense.

Now I pose a situation. Take a volcano in the State of Washington or an earthquake in the State of California or the floods that hit Missouri or the droughts that hit other States or the storms that hit the Northeast or the Southeast. If we say, well, these are emergency conditions, it disturbs the community, it destroys their economic viability; we want that to be taken care of by programs that we have in the Federal Government. Now we are saying, well, it is not enough to have 51 votes. Let's make sure you have to have 60 votes so that 41 votes can stop any program they want.

Let's suppose that there is a political problem existing in a campaign for President or Senator, and one party is in power here. They know that State X, Y or Z has a stronger possible voting block than the other party; 41 Senators can get up and stop it cold. Emergency spending is emergency spending. We ought to leave it to a majority of the Senate to decide that, not require 60 votes.

It flies directly in the face of the Senate-passed resolution. That is the way we did it. We left it 50 votes. So not only do I strongly disagree with it as a matter of policy, but I think it is an abuse of the conference process.

If 59 Senators think that we need to pass emergency assistance to help those ravaged by a flood or earthquake, we can't let 41 Senators block it.

Why should we be buying new weapons with a higher priority than saving the lives of Americans who are suffering from a natural disaster? We know there have been abuses of the emergency designation, but the Governmental Affairs Committee developed a reasonable approach to cutting down on those abuses. They established a new definition and a new process for extracting new emergency items that were added at the last minute in conference reports. The Senate approved that approach, and the House didn't have anything about this in their resolution.

Yet, when they got together in conference, the conferees on their own decided that they would delineate a new and entirely different approach. It is not right. That is not the way the system is supposed to work. We talk about majority rule.

I am also concerned that the conference report rejected yesterday's Senate vote in support of the Dodd child care amendment. It was supported, in part, by our Republican friends, but the amendment that was carried through this body called for $12.5 billion in new funding for child care on top of any new related tax cuts. Instead, what the conferees did is provide only $3 billion in child care funding. We had 66 votes for the proposal yesterday at $12.5 billion. Today, it is down to $3 billion. That is not what the 66 Senators voted for, and it is a sad commentary on our commitment to families in need.

Finally, I am also disturbed that the conference report includes a provision saying that any reestimate of our budget surplus can be used only for tax cuts. I think it is a mistake. I think it is wrong. Why should tax breaks for wealthy people be given a higher priority than education or Social Security or Medicare or defense or veterans' needs?

Mr. President, I do not think we should be spending any surpluses until we save Social Security and Medicare. And I certainly do not think that surpluses should be reserved only for tax cuts, especially when we know that many of those cuts are going to go to wealthy folks.

There are many serious problems with this conference report. Before I close, I want to quickly recount the four problems that are most fundamental.

First, it doesn't guarantee a single additional penny for Medicare, even though Medicare faces bankruptcy in the year 2015. Instead, it takes money needed for Medicare and uses it for tax cuts that will benefit the wealthy.

Second, it threatens Social Security. It doesn't extend Social Security's solvency by a single day, and it calls for using Social Security surpluses for purposes other than Social Security directly.

Third, it is fiscally dangerous. It calls for huge tax cuts, the costs of which explode in the future, just when the baby boomers will be retiring.

Finally, its cuts in domestic programs are extreme. If they were ever enacted, they would seriously disrupt important public services.

More likely, Congress will never approve them, and we will again be facing the disastrous threat of a Government shutdown. The people who voted for it, for the most part, know very well that this is not a budget that is going to survive. It is too bad that we are taking all of this time and expending all of this energy to produce this sleight-of-hand budget proposal that we see in front of us.

I am strongly opposed to this conference report, and I hope that it will be more than a party-line vote that votes against it.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). Who yields time?

Mr. LAUTENBERG. How much time do we have, Mr. President?

The PRESIDING OFFICER. The Senator used 44 minutes of his 2 1/2 hours.

Mr. LAUTENBERG. I would be happy to yield to the Senator.

Mr. WELLSTONE. Mr. President, this is an inquiry. I gather my colleagues are on the floor, the Senator from Missouri and others, to speak on the budget; is that correct?

Mr. BOND. Yes.

Mr. LAUTENBERG. He has the right to use the time. He is the manager.

Mr. WELLSTONE. Mr. President, I will wait to get some time in morning business to introduce a bill with Senator DOMENICI. Why don't we go on with the process.

Mr. LAUTENBERG. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, on behalf of the chairman of the committee, I yield 10 minutes to the Senator from Missouri, Mr. ASHCROFT.

The PRESIDING OFFICER. The junior Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I thank the senior Senator from the State of Missouri. I rise to commend, thank, and praise Senator DOMENICI for crafting a budget resolution that we can stand up for and speak about and be grateful for. I appreciate it.

The conference report balances need for responsibility, the need for setting priorities. When families gather around the kitchen table to make budgets, they set priorities. They say: If we are going to get the new car, we don't take the same vacation; we can't spend the same money twice.

For too long, I think the U.S. Government, thinking that it could always just go further and further into debt or raid the Social Security trust fund, didn't have to set priorities. This is a budget that sets priorities. It sets priorities that are important.

The conference report reduces the debt of this country. It will increase funding for education, it will reduce taxes, it will increase funding for national defense, and it will maintain the spending caps that are so very necessary if we are going to have the kind of discipline that keeps us from further invading the province of the next generation and their desire to be able to build their own future, instead of paying for our past. That is the real question when we decide whether we are going to have discipline in spending. It is a question of whether we will let the next generation build its dream or pay for our past.

This in great measure is due to Senator DOMENICI's great efforts. I especially appreciate his willingness to work with his colleagues. At the start of this process, several other Senators and I sent Senator DOMENICI a letter asking for a budget that saved Social Security surpluses, that reduced the $3.8 trillion public debt, that pursued at least $600 billion in tax relief over the next 10 years, that maintained the statutory spending caps, and included increases in funding for both education and national defense. These were specific items that we requested in a letter addressed to the chairman of the Budget Committee, Senator DOMENICI. I know the occupant of the Chair understands what was included in that letter and endorses that as well.

What is gratifying about what the chairman of the Budget Committee did is that the budget that has been prepared both meets and exceeds these goals. It calls for the following: A substantial Federal tax relief package, $142 billion over the next 5 years, $778 billion over the next 10 years. The resolution requires the Senate Finance Committee and the House Ways and Means Committee to report out their tax cut plans by mid-July, a major step forward for the American people, to say to them, "You earned it, we returned it"—instead of, "You sent it, we spent it." For so long the Congress has said, "You send it, we will spend it." No matter how much they sent, we spent. We viewed the American people as somehow our "sugar daddy" for more and more programs and greater and greater spending.

I think it is high time we said to the American people: We believe in you for the future of this country, we believe in families more than we believe in bureaucracy, we believe in the private sector. You have earned so much, you have worked so hard, that we have an operating surplus down the road and we will share it with you by way of tax relief.

Second, it stays within the spending caps. The spending caps have enabled us to bring the budget into balance. I am happy that this budget maintains those caps.

It increases spending for education and defense. This is most important. We understand the ability to defend the country from foreign aggression and the ability for the country to have the kind of intense vigor and vitality that comes from well-trained, bright citizens. These are the two cornerposts of our existence. Education spending goes up 40 percent. The budget fully funds the $17.5 billion in defense spending requested by the Joint Chiefs of Staff over the next 5 years. We accommodated both of those by setting priorities. Senator DOMENICI and the Budget Committee, including the senior Senator from the State of Missouri, have done a good job.

The conference report contains an amendment which I introduced directing that this new education resource be directed to the States and local education districts and not new Federal bureaucracy. We do need to increase the bureaucracy. We need to elevate the students' performance levels; their achievement levels need to soar. We don't do that by building bureaucracy in Washington. We need to get that resource directly to the classroom. I am pleased that the conference report will contain this amendment which I proposed, saying that the increase will go to school districts in schools where parents and teachers, principals, and school administrators will make decisions—instead of bureaucracy directing it from Washington.

The conference report also reduces the debt by $450 billion, $450 billion more than the President's proposal would have reduced the debt. It is time for us to reduce the publicly held debt of this country.

Perhaps most importantly, this budget saves $1.8 trillion over the next 10 years for our Nation's elderly. This money is vital to shoring up the Social Security system. This stands in stark contrast to the President's plan, which spends $158 billion over 5 years of Social Security surpluses for non-Social Security purposes. On the one hand, we save $1.8 trillion over the next 10 years for our Nation's elderly; the President's program over the next 5 years alone would have spent $158 billion of Social Security surpluses for non-Social Security spending.

In addition to the money that this budget saves for Social Security, the budget also takes procedural steps to build in onbudget, surpluses from the year 2001 and beyond. In other words, there are Social Security surpluses saved, then there will be other surpluses that relate to the rest of the budget—and the budget is careful to make sure that those surpluses will materialize beginning in the year 2001.

This is setting priorities. This is kitchen table economics. This is understanding that in order to make some things work, you have to adjust other things and you have to work them together. It is not just a wish list, this is a real spending plan. It is a spending plan that honors the next generation and the future of this great country.

Under these new important procedures, Congress could no longer spend billions of dollars on so-called "emergencies" that were not really emergencies. These new procedures stop the mislabeling of ordinary expenses in the category of "emergencies" so that you could invade funds or take Social Security surplus and spend, which happened last year. There will be a point of order in this budget that says you cannot do that, you cannot mislabel, you cannot automatically categorize things as emergencies.

Last year, the President and the Congress together spent $21 billion from the Social Security trust fund on these so-called emergencies. We need to stop that. We must stop that. This budget will stop that kind of practice.

The conference report contains a 60-vote point of order ensuring that emergency spending will be limited to actual emergencies. In addition, surpluses that are accumulating in the Social Security trust fund will no longer be used to finance onbudget deficits in governmental operations. It is a fundamental first step of Social Security reform that the Social Security surpluses should not be used to funding deficits in the rest of government. This budget stops that.

In order to establish this first step, Senator DOMENICI and I introduced legislation that would establish a 60-vote point of order against any budget when the Social Security surpluses are used to finance onbudget governmental deficits.

I rise to say how much I appreciate the work of the chairman of the Budget Committee, the members of the Budget Committee, and their cooperation with the Members of the House to work together to bring a budget that really does what family budgets do—sets priorities, looks to the future, understands we cannot have everything all the time, but protects Social Security and its surplus, protects our budget generally from mislabeling that gets us into emergency spending which puts us into debt or raids the Social Security surplus, keeps the caps in place, elevates the capacity for spending for education, and strengthens the military. These are the fundamentals that are important to America's strength in the next century. This budget does that.

There have been a number of years in which I have not voted for the budget. I haven't been able to in good conscience. I voted against last year's budget with the $21 billion raid on the Social Security trust fund. However, I will be able to vote for this budget. This is a budget for which we ought to be grateful. This is the kind of budget that we are grateful to have the opportunity to vote in favor of. I commend Senator DOMENICI and the other members of the Budget Committee and the House for its cooperation in getting us to a place where we can present this kind of spending plan to the people of the United States of America, for it is their money that we spend. This is a budget that they would be proud to develop, were they to sit around the table and make those kinds of hard-nosed judgments about the Nation that they make regularly about their families.

I thank the Chair and I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before Senator ASHCROFT leaves the floor, I thank him for his kind remarks. I, too, agree we have a very good budget.

Mr. President, I am going to yield to Senator BOND who wants to manage the bill for me for a while. He has a lot of time this afternoon. But I ask unanimous consent for 1 minute to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 796 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I say to Senator DODD, here I got a half loaf, maybe a quarter loaf—but we got something.

Mr. DODD. Mr. President, if I can have the floor for just a second, because I don't know who has the time to yield to me?

Mr. LAUTENBERG. I have the time to yield to the Senator.

The PRESIDING OFFICER. Does the Senator from New Jersey yield time?

Mr. LAUTENBERG. I yield so much time as the Senator from Connecticut needs.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me thank my colleague from New Mexico on the child care effort. There was obviously, strong bipartisan support for this measure. As the Senator points out, as is normally the case, you do not get everything you want, but it is a major bipartisan step forward and will make a lot of difference in people's lives. We had to fight very hard and there was a lot of objection on the other side. Without his efforts, it would not have happened.

I also thank Senator JEFFORDS, Senator CHAFEE, Senator HATCH and the many others who deserve to share the credit for achieving this result, but I particularly want to thank my colleague from New Mexico and my colleague from New Jersey, who has obviously been a champion of all this for a long time. I thank them for their efforts to make a difference in the lives of working families who struggle to find safe and affordable child care.

Mr. DOMENICI. Mr. President, let me respond. We left last night from our place in the Senate from work on this without the conference report being signed—and that was the only issue. And about 10:30 last night signatures were necessary and we got half a loaf.

Mr. DODD. Thanks. I appreciate that.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself such time as I may require. I join Senator DOMENICI in thanking my colleague, Senator ASHCROFT, for his very thoughtful comments on the budget. Those of us who work on the numbers sometimes get lost in the trees and fail to see the forest. But I thought the Senator from Missouri did a very effective job in explaining why this budget is so important to the working American in the average family who sits around the kitchen table and tries to figure out how to spend their money and wonders why those of us in Washington cannot spend our money with the same kind of discipline.

Today is April 14. It is an ideal time for us to consider this final version of the budget resolution. While so many of our constituents will be staying up late tonight to finish their own income taxes before tomorrow's deadline, we look like we are going to be able to meet an April 15 deadline of our own. The Congressional Budget Act created a deadline of April 15 for Congress to adopt its budget for the upcoming year, and this year looks like it will be only the second time since the Budget Act was adopted in 1974 that we in Congress will meet the deadline and will deliver a budget on time. I am sure many of our friends and colleagues and neighbors back home will be astonished to hear that. Taxpayers, those who are carrying the load that we are distributing, have to meet their April 15 deadline every year. I can understand their amazement, why we cannot seem to meet our April 15 deadline. Meeting the deadline is a major step forward in demonstrating to our fellow Americans we can be responsible in spending their tax money. I commend Chairman DOMENICI and all the conferees on doing whatever it takes to make that happen.

Senator DOMENICI is responsible for the discipline that this budget imposes on spending. Through his good efforts and with the cooperation of the colleagues on the other side of the aisle, they even met the time deadlines that were required as well. But, as our constituents put the final touches on their tax forms, it is important they be able to read in the papers about how their taxes will be spent next year. Adopting the budget at this time amounts to full disclosure. Taxpayers are sending in their checks. We need to deliver the details of what they are buying. This year I think the taxpayers will have less cause for buyers' remorse than in the past.

I think, when the American people heard what the President proposed in February, they probably wished their tax forms carried a money-back guarantee. Just think of what the President sent us and look how far we have come. The proposal made by the President would destroy the budget discipline that has helped us balance the books. It would have actually broken the spending caps by $22 billion in new budget authority and $30 billion in actual cash outlays. The conference report we have before us keeps to the caps and keeps to the discipline the taxpayers demanded.

When you listen to the President's budget, someone might get the idea that it really presented a sound fiscal plan. That is patently false. This budget that the conferees presented us saves more of the surplus than the President over the next 5 and 10 years. That is why we will have lower debt levels than the President's proposal, from the year 2000 to the year 2009, even if one adjusts for Social Security equity purchases.

This means the President's new spending is larger than our tax cuts. You do not hear too much about that, but that is what the President proposed. We have heard great complaints about leaving options in the budget for tax relief for American families, but the President proposed to spend more than that, new spending already above what we already do. The President would spend 35 percent of the surplus over the next 5 years on programs unrelated to Social Security or Medicare. To do that, he would have to use $158 billion of Social Security's money to pay for them.

Our tax cut that we empower in this budget is smaller than the President's new spending, which is why we felt it was essential that we save the entire Social Security surplus. The President's budget talks about 15-year budget estimates and talks about how much he would save over the extended period. When you talk about saving money down the line and spending it in the short term, I do not think you have to tell the American taxpayer what that is all about.

There is an old saying about "a bird in the hand is worth two in the bush." The President front-loads his spending and says leave it to a future President to come up with more savings. I do not believe that dog hunts in my State or any other State in the Nation. That is not the way to go.

That is why I believe, when I introduced the President's budget as an amendment, for those who did not like the budget presented by the majority, the Republican budget, that the President's budget got a whopping two votes on the floor of the Senate. That was the President's budget, all his assumptions, what he wanted to do. People who said ours was so bad, our friends on the other side of the aisle, two of them voted for it. It was not a viable option. What we have presented is a good option.

The conference report, as I said, will save Social Security surpluses for Social Security. It keeps to the contract we have with our seniors and puts the "trust" back in the Social Security trust fund. I look forward to working with Chairman DOMENICI and, I hope, with colleagues on both sides of the aisle, to create a formal lockbox to enforce this approach.

At a time when tax revenues are at their highest level since World War II, and income taxes are at an all-time high relative to our gross domestic product, the President proposed not to reduce taxes, but to increase them. The President's budget requested increased revenues $82 billion over the next 5 years.

That is 80 different revenue raisers, 80 different increases in taxes or fees or revenues. The conference report which we have before us today goes in the opposite direction by permitting Congress to fashion responsible tax policy. We could leave in the pockets of the people who do the work, who create the jobs, who create the products, the goods and services, some $778 billion between 2000 and 2009.

I have my ideas on how we need a flatter, simpler, fairer tax that will encourage economic development, but that is not going to be debated until we get around to the actual tax provisions.

I think, however, that all taxpayers should welcome the news as they work on their tax forms today and tomorrow that there is a hope there might be a little less taxes to pay in future years. It is also important to note that not a dime of that tax relief will come at the expense of Social Security. All of it will be funded from the non-Social Security portion of the surplus.

Let me cite one specific example of where this conference report makes a significant improvement over the President's budget. On a specific program that is of great concern to me, to the people of my State of Missouri, and I believe to people throughout the country, people who are concerned about a healthy environment, who want to see clean water, who want to clean up the wastewater that could carry pollution, that could carry damaging and dangerous illnesses that despoil our natural environments and put us at risk of waterborne diseases, the President proposed to whack $550 million out of the Clean Water State Revolving Loan Fund.

This program is not a very trendy one, it is not an environmental boutique program that sounds good in a press release, but it affects Missourians whether they drink water, whether they swim, or whether they fish. It means in the future that citizens in every State of the Nation can expect cleaner water. The funding is imperative for public health protection, for environmental protection, and economic growth.

During the Budget Committee markup of the budget resolution, I said these cuts would not stand. Chairman DOMENICI was able to restore a good chunk of the President's cuts, and I thank him for that. But in this conference report, I am hopeful we can restore even more of this crucial funding.

The conference report puts an additional $1.1 billion in the overall funding category for natural resources and environment for 2000. I will be working to try to get a good part of that for the State revolving funds. That is money that goes back to the people who are building the facilities, who are operating the facilities, who have had hands dirtied cleaning up the wastewater in this country and assuring that we have safe drinking water.

As chairman of the appropriations subcommittee that handles the EPA budget, I am confident that the additional funding will be a crucial resource in restoring the funds the President slashed.

Mr. President, I am encouraged that as our constituents finish their tax returns and pay off their taxes, we do not have to be ashamed of how we will be using the money they worked so hard to provide their Government. In fact, we are going to be letting them keep a bigger portion of their money through tax relief in the future. We will protect our children and our grandchildren from the debts that come from excessive spending. We will keep our promises to retirees who depend on Social Security—all of this signed, sealed, and delivered by the April 15 deadline.

This budget will put the trust back in Social Security. If there is any surplus remaining, we can give needed tax relief to working families. It will say that we need to rescue Medicare by making the structural changes in it that are needed, not by putting in the pot more IOUs that will be future debt burdens on our children.

We also made a commitment to reform education, to put decisionmaking back in the hands of parents, teachers and local schools.

We are able to have this debate about what to do with the surplus because we have some good things going for us in this country. Our overall economic activity is good. We have relatively low unemployment. We have steady growth. We have a stock market, for those people who are interested, that has gone out of sight. Why is that so? First, I think a sound monetary policy. We have had good monetary policy. We have kept inflation under control. We have avoided the hidden tax of inflation.

Secondly, after fighting long and hard, this Congress, through its majority, has gotten the President to accept the discipline on spending, to put caps on spending so that "if we don't got it, we ain't gonna spend it," to put it in the vernacular. We have caps that keep spending under control. That means, like most Americans, we will not be spending money we do not have.

Congress and the President have to sit down and decide what our priorities are going to be, to take care of priorities without saying yes to every spending opportunity that comes along. It is going to take some tough decisions, and many of those tough decisions are still coming down the pike. But you tell a family that has to live within their budget that we have to make tough choices, and they will tell you, "So, what's new? What's different between what we have to do and what every American family has to do?" We have to establish that discipline.

Now is not the time to abandon the discipline and go back to the old ways of runaway spending. It seemed easy in the past to spend money that we did not have, to run up the debt, but when you think about it, we were running up the debt on our children's and our grandchildren's credit cards. That debt was building up for them to pay in the future, and it had a tremendously harmful impact on our Nation's economy. Poor fiscal discipline was holding our economy back.

With the Federal Government's budget under control, with sound monetary policy, with a promise that we are going to allow the taxpayers to keep more of their money that is not needed for the work of the Government, we have the conditions to allow the strong, free market economy to continue to grow, to create jobs, to create wealth, and to provide for the families of America, for the individuals who work hard and who are the people we are to serve in this Government.

Mr. President, I am proud to have worked with Senator DOMENICI. I appreciate his leadership. I hope that my colleagues will vote on both sides of this aisle for the budget so that we can get about the business of developing spending plans that comply with the discipline of a balanced budget, one that augers well for the future of this country.

I yield the floor and reserve the remainder of my time.

Mr. ASHCROFT. Mr. President, I commend the chairman of the Senate Budget Committee for the decisions made in this conference report that will protect the Social Security trust funds. First, it will be an honor for me to vote for this budget resolution which, for the first time in 30 years, balances the Federal budget and does so without using the Social Security surplus. Second, this budget further protects Social Security by creating a point of order against future congressional budgets which use Social Security surpluses to pay for budget deficits of the federal government.

These are great first steps to take to protect Social Security. Americans who have devoted a lifetime of working and paying their Social Security taxes deserve to have their Social Security reserved for nothing but their Social Security. That has not happened in recent years. Without reform, this practice of raiding Social Security would continue. In fact, President Clinton's budget for next year proposed using $158 billion of the Social Security Trust Fund to finance new government spending. We must stop these raids on Social Security.

The point of order included in this conference report is similar to legislation I have introduced with the chairman of the Senate Budget Committee. The Ashcroft-Domenici bill writes into law the Social Security protection point of order. This conference report puts the point of order in the House and Senate rules for this year and next, the maximum amount of time allowed under House rules. This is a wise decision, and the right step to take now. Because a budget resolution does not become law, the only option available to the budget conferees to protect Social Security was to amend House and Senate rules. I support this action.

Later this year I will seek Senate passage of my bill to put this point of order into law, to make it permanent and to strengthen it by requiring that it can only be waived in the Senate with 60 votes, a super majority. I will also support the efforts by Senators DOMENICI and ABRAHAM to win passage of their Social Security lockbox bill which uses the debt limit as an enforcement mechanism to make sure neither the President nor Congress can use Social Security to finance new deficits.

I am also pleased that the conferees included in the final bill a resolution I offered and the Senate passed expressing the Sense of the Senate that the government should not invest the Social Security Trust Funds in the stock market. The President has proposed investing as much as $700 billion of the surplus in the stock market. This is an unwise gamble to take in my view, in the view of the Senate and, in light of its inclusion in this conference report, the Congress of the United States.

Mr. DOMENICI. Mr. President, I say to the Senator from Missouri, I appreciate your leadership in protecting Social Security. After the President's budget was released and it proposed to raid $158 billion from the Social Security trust funds, you told me that Congress needed to protect Social Security. You were right. If memory serves me correctly, you introduced the first bill in the Senate this year to protect Social Security by using a point of order mechanism. I was pleased to be your first cosponsor. The inclusion in this conference report of the point of order is the first step to protect Social Security. I look forward to working with you, Senator ABRAHAM and other Senators in putting into law, not just the House and Senate rules, provisions that will further protect the Social Security trust funds.

Mr. LOTT. I join Senator DOMENICI in thanking the Senator from Missouri for his leadership on Social Security. I recall a lengthy letter Senator ASHCROFT sent me earlier this year advocating that walling off Social Security should be the top budget priority for this Congress. I also remember the bill he introduced earlier this year creating the Social Security point of order that is similar to the one in the conference report and his advocacy during Senate debate and when the bill was in conference for the final bill to include the point of order. With passage of this budget which, for the first time in 30 years, balances the budget without using Social Security and puts procedures in place to protect Social Security in the future, the Senate has made protecting Social Security a high priority. I commend Senator ASHCROFT for his efforts in protecting Social Security.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE—S. 767

Mr. LOTT. Mr. President, this is an important time with a lot of very serious matters before the Senate. Obviously, we are going to be working on the budget resolution. But also, we are very much concerned about what is happening in the Balkans, we are concerned about what is happening in Kosovo, we are concerned about the impact that that is having in Macedonia and the Montenegro area, as well as countries that are not as directly impacted from a standpoint of refugees, but the impact on Albania, which obviously is housing a number of refugees, and even countries such as Romania are being affected by what we see happening there.

I think it is important that we work together in a bipartisan way to express our support for our troops, to express our support and appreciation for countries that are dealing with this influx of refugees and providing haven and humanitarian assistance working with international organizations, with military representation that has been trying to deal with this tremendous influx of refugees.

We are going to work over the next 24 hours to see if we can come together with an agreement on a bipartisan resolution expressing our appreciation and recognition for the outstanding work that is being done by our men and women of the military, by all the organizations that are helping with the refugees and for the countries that are dealing with a tremendous burden right now. But I think we should begin here at home also.

Mr. DODD. Will the leader yield to me on that point?

Mr. LOTT. Yes.

Mr. DODD. I thank the leader for those comments. It is very, very helpful, particularly coming from our leader. People who watch these floor proceedings should take note that it was a very important statement he just made. I believe he expresses the feelings of all of us here. Whatever other differences there may be, I think there is a deep sense of appreciation first and foremost for our own men and women in uniform; secondly, for the organizations that are trying to do a good job.

I particularly commend him for his comments regarding these front-line states of Montenegro, which is showing great courage in light of some very difficult pressures; Albania, which is so poor—I think about $600 a year is the annual earnings of the people—Macedonia, about $1,300 a year, a small country with almost 200,000 refugees now. And particularly he mentions Romania and Bulgaria, which is very important as well.

This ought to be heartening news to these governments and to the people of these countries that it has not gone unnoticed in our country what a tremendous job they are doing handling a problem they did not ask for, flooded by a sea of humanity that needs a lot of help. We are deeply grateful to them. And I am hopeful the leader is right. I certainly want to work with him and anyone else who is interested to see if we can put some language together which would enjoy unanimous backing by all of our colleagues, to speak with one strong, solid voice about how much we appreciate their efforts, the efforts of our service men and women, and the common determination to end this crisis and get these people back to Kosovo.

So I thank him.

Mr. LOTT. Mr. President, I thank the Senator from Connecticut. I always enjoy working with him. He is absolutely right in repeating the need for us to express our appreciation to our military men and women and to continue our commitment to the humanitarian effort that is underway and express our appreciation to the front-line states that are there dealing with this problem and the cost of the problem in a very serious way. We will work to see if we can express that appreciation and concern.

But I want to emphasize that we have our own military men and women who are doing a magnificent job. All of our Senators and House Members who have gone to the region, who have gone to Brussels and have gone to Aviano or been in Albania or Macedonia, have come back saying what a magnificent job our military men and women have been doing.

But it has gone now beyond our active-duty pilots and men and women who are involved in the exercise there. It now involves Reserve unit members, National Guard, volunteers. We have Air Guard members that are now flying the refueling aircraft that are helping in that effort. And they have been called up unexpectedly with very little notice.

Now you have spouses that are in the region that did not have time to file their income tax return, and tomorrow is the infamous day. Tomorrow is April 15. And like so many Americans, I will file my return tomorrow and send my check along with the return, which is a very unhappy situation. But we have military men and women who are doing their duty for their country that were unexpectedly, and on very short notice, called up. And you have their spouses now scrambling, trying to perhaps deal with filing their income tax returns tomorrow, the 15th.

We have legislation now moving through the House that has been through the Ways and Means Committee that will be coming to the Senate later on today or tomorrow, and we have legislation that has been prepared in the Senate now that would give, I believe, a 60-day extension on filing returns to our military men and women that have been called up for this service to our country.

There may be some other provisions that have been cited, too, that should be outlined. It exempts U.S. troops serving in the Yugoslavia theater from being taxed on the hazardous duty pay. It grants our troops a 180-day filing extension on their 1998 income tax returns after their return from duty in the combat zone designated by the President and exempts our troops from the 3-percent excise tax levied on long distance telephone calls, which I am sure they are making now to assure their families that they are in the area and they are safe and they are doing their job. So it is more than just a 60-day extension.

I think it is the right thing to do. It is the fair thing to do. And it is important we do it today and make it clear that we are going to complete this action when the House bill comes over. That may be later on today or tomorrow. But if we do not make it clear that we are going to do it today, and if we do not get it done tomorrow, these families are going to be under the duress of either not filing on time, as the law requires, or asking for an extension, which a lot of Americans are hesitant to do.

So I think it is important that we prepare the way to get this legislation completed today, or not later than tomorrow, and make it clear to the families of our service men and women that are in the zone that they are going to have these benefits and this extension of time.

In that vein, then, I do have a unanimous consent request that we have been trying to get cleared. I hope we can get cleared, because we need to do this. And then we can get this behind us and we can move on to another resolution.

So I ask unanimous consent that——

Mr. DODD. Before you do that——

Mr. LOTT. I would withhold.

Mr. DODD. Can I make a suggestion? There is one Member, I think, who has some questions they may want to raise—let me put it in those terms—before you propound it. I would personally prefer if you could hold up for a couple minutes until they get here. Maybe we can work something out with them.

Mr. LOTT. All right.

Mr. DODD. Other than that, I have been asked, on behalf of someone, to raise an objection. I prefer they were here to make their case if that is what they want to do. So if maybe we can wait 5 minutes.

Mr. LOTT. If we don't wait just a minute, you would have to object, and you prefer not to object; is that it?

Mr. DODD. You just hit it right on the head.

Mr. LOTT. I would certainly be prepared to honor that. Again, I hope we could work this out. I am worried on this, like I am on the other language we have been working on. We have a lot of very bright Senators that can come up with some wonderful amendments and it could go on endlessly and we could get into some very controversial amendments. No Senator—no Senator—would object to what is in S. 767 or the bill that will be coming over from the House.

Mr. DODD. I think most of us are cosponsors.

Mr. LOTT. Nobody would object to that. Therefore, we want to lock it in. There may be other issues Senators would like to object to. I would like to say to them, there will be other bills, there will be other ways. It will give us time to focus on something that would be an expression of our appreciation and our commitment to be of assistance to not only our military men and women that are there in the area but to those that are dealing on the international basis with humanitarian needs for these front-line states.

I think we can do both. But as is usually the case, you need to do one and then the other. And so I am trying to find a way to achieve both of those.

Mr. DODD. If the leader would yield further, I appreciate him showing some patience here. This is, I think, a very good idea. By the way, I am a cosponsor of the proposal here to do this for our service men and women. I had the pleasure of being with a group of them last Friday and Saturday at Ramstein Air Force Base and flew with a crew on a C-130, a 4-hour flight from Germany down to Macedonia. And they were terrific young men and women. In the cockpit were men and women. The navigator was a woman. There were two pilots, the engineers, the crew.

Mr. LOTT. Was that Reserve or National Guard duty?

Mr. DODD. These are permanent, regular Army and Air Force people.

Mr. LOTT. Permanent, regular duty.

Mr. DODD. They do a fabulous job. And I think it is one way of saying to them how much we appreciate what they are doing. I guess by executive order, I gather, the President has issued some orders on this as well.

Mr. LOTT. The President has expressed his desire to do this. He made that commitment, I believe, in Louisiana. Was it Barksdale Air Force Base? And he has taken some action, some executive order, but he cannot, by executive order, do what we are doing. It takes a change in the law or a revision in the law in order for these things to occur. So it is a supplement to, in addition to, what he has already done by executive order.

I yield, if I might, if I still have the floor, to Senator COVERDELL.

Mr. COVERDELL. First, I associate myself with the remarks of the leader and the Senator from Connecticut on Macedonia, Albania, Bulgaria, and Romania. We have only begun to assess the impact. You can see on television what is happening in Macedonia and Albania. But you can't see it in Romania and Bulgaria. It is very important, and we are attentive and appreciative to these second-tier states that are affected by these actions.

The point I want to make, Mr. Leader, on this issue that you just addressed, is that the clock runs out. There is no other issue we are talking about, including the one we all share on Macedonia, that has a time clock over its head.

If this could be done tonight, tomorrow is the 15th, we send immediate comfort to these thousands of families scrambling, as all of America is, by tomorrow. We ought not to leave another night lingering of question and unknown measures for all these families. It ought to be settled tonight.

There is not another issue I have heard talked about here that has that kind of deadline on it and a discomfort ramification. This is comfort for the families that we all think of every minute of every day now, and it really ought to be apart from some of these other things.

I appreciate the Senator from Connecticut recognizing that, and I wanted to say so.

Mr. LOTT. Mr. President, if I could describe this unanimous consent, what it will do is provide for an hour of debate equally divided, of course, so that Members could comment on the actual content in S. 767. This is the critical part. It will also say, this unanimous consent agreement, that when the House language comes over, then the House bill would be read for a third time and a vote on passage of the House bill, without any intervening language, motion or debate. So it in effect locks in the guarantee that this is going to be done by tomorrow. Our people will have that guarantee by the Senate by this unanimous consent agreement tonight. That is what I would like to do.

If it would be helpful to the Senator from Connecticut, I do not know if other Senators are seeking recognition now, we could wait just a moment more. I will notify the Senate that I would be prepared to make this unanimous consent request as soon as we can get further Senators on the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 767

Mr. LOTT. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, the Senate proceed to the consideration of Calendar No. 90, S. 767, under the following limitations: 1 hour of debate on the bill equally divided in the usual form; that no amendments to the Senate bill are in order.

I further ask that at the conclusion or yielding back of time, the bill be placed back on the calendar; that then the House bill, which is the text of H.R. 1376 as printed in the RECORD, following consent, be read a third time and a vote occur on passage, all without any intervening action, motion or debate.

If I could explain, before the Chair rules on this, this is the bill that would provide relief for our military men and women who are now—many of them—unexpectedly on short notice serving in the zone where the bombing is occurring, to have these tax benefits and lock this in so that they know, today, that they will be able to count on that change.

That is my request.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, and I do not plan to object, I want to have an opportunity to let the Senate know I have been trying to work with my friends to get a very straightforward sense of the Senate attached to the Senate bill that would simply say that the armed services would do everything in their power to ensure that where there is a child of a military couple, that the husband and wife are not deployed into a combat zone. This is something that we have done in the past—during the gulf war—after we found out that, indeed, we did have a mom and dad in a combat zone together. I think it is very appropriate, as we give benefits to our brave men and women, that we protect the children at the same time.

As I understand it, we are going to discuss the Coverdell bill, but we will actually pass the House bill. I ask my leader if that is, in fact, the case? If there was a Senate bill, I would object, because I would like the opportunity to have this particular Senator's amendment included, but understanding that it will be the House bill, I won't stand in the way. Do I have the assurance that the vote will be on the House bill?

Mr. LOTT. That is correct.

Mrs. BOXER. Then I will not object. I look forward to working with my friends to ensure that we can protect the children of our brave men and women in the armed services.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I am happy to yield to the Senator from Georgia.

Mr. COVERDELL. I want to respond briefly to the Senator from California. Of course, the question has been answered. Frankly, I have personal sympathy for the language in your proposal. The Senator from California understands the complexities of this institution as well as anybody. It is being run through the committee of jurisdiction. I don't know what their response will be. I want to make a point there is a clock ticking. Nothing else we are talking about has a finite conclusion, which was why I wanted to do what we could do to get this done, so that the comfort—I think yours relates to comfort, too—can be settled for all the families because they are busily trying to comply with this tonight. I think this sends a message to all of those troops, their spouses, and their Nation that this is, indeed, going to happen.

Mrs. BOXER. If my friend will yield, I appreciate that. I am fully supportive of the legislation. I look forward to voting for the legislation.

I am only saying as we look to the financial burden of our men and women in uniform and as we look at these refugees and the way those kids look at their parents, it is no different from our families here when there is a disruption in family life.

I look forward to working with my friend to see that we can at some future time, very soon—because it could happen soon; they are talking about calling up the Reserves now in the Air Force—that we would protect those children and those families. We don't want to have a child go through the trauma of losing a mother and father in a combat zone. We don't have to do that.

I thank the Senator very much for his cooperation. I look forward to working with him on this matter.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAXES

Mr. DORGAN. Mr. President, today is April 14 and tomorrow is April 15. That means tomorrow there will be a good many Americans who will finish their tax return preparation, go to the post office and drop it in the mailbox in order to get an April 15 date stamped on it to comply with the tax laws in this country. It is never a pleasant thing, and I know most people grit their teeth and wring their hands about the responsibility of having to file income tax returns. But most Americans do that because they know that we have needs and obligations in this country to pay for a defense establishment, to pay for roads, to pay for schools—to pay for the cost of civilization, in effect.

However, not everybody pays their fair share of U.S. income taxes, not everybody pays their way. Today, I am releasing a United States General Accounting Office report that was done at my request. This GAO report, which I hope Members of the House and Senate will read, has some rather startling conclusions in it. At about the time most Americans will file their tax return and pay the tax bill that they owe, this GAO report says there are plenty of special interests in this country that don't pay anything—earn a lot of money, but don't pay any taxes. They are not taxpayers. Let me describe what this GAO report says. The GAO report says that 67 percent of the foreign controlled corporations doing business in the United States—67 percent—pay no U.S. income taxes at all. Zero in Federal income taxes. In the first half of this decade, the General Accounting Office says that the percent of foreign-based corporations doing business here and paying no U.S. income taxes has ranged from 67 percent to 74 percent. The GAO report also shows that U.S. controlled companies fared little better.

Now, that represents all corporations filing a U.S. tax return. Let's just deal with large corporations. That is, corporations defined by the GAO as having at least $250 million in assets, or $50 million or more in sales; that is a large company. About 30 percent of both the large foreign controlled and U.S. controlled corporations doing business this country paid no U.S. income taxes—despite having more than $1 trillion in sales here in 1995, the latest year for which statistics are available.

In 1995, the large foreign controlled corporations that did pay some U.S. income taxes on the profits they made—and some did, the General Accounting Office says they paid taxes at a rate that was just about one-half of the rate paid by the large U.S. corporations paying federal income taxes on their profits here.

Now, I bring this to the floor of the Senate simply to say this: There is still substantial tax avoidance in this country, and it is not tax avoidance by working folks, by people who get up in the morning and go to work at a job for 8 or 10 hours a day; they aren't avoiding their tax responsibilities, because they can't. They must file tax returns. They have withholding on their wages and they must meet their citizenship requirements in this country.

As we near April 15, one day away, and the American people are filing tax returns, it is reasonable for them to ask, when they hear what is within the cover of this GAO report, why do they not see some of the largest economic interests that make hundreds of millions of dollars, and in some cases billions of dollars—why don't they see those economic interests as taxpayers in this country?

The GAO, some while ago, and other reports, said that one automobile maker, a foreign car maker, sold $3.4 billion worth of automobiles in this country and paid zero in Federal income taxes. The Presiding Officer is from a State that would care about that, the State that makes more cars, I suspect, than any other State in our country, where most major car manufacturers are located. So how, one would ask, could a foreign company come in and sell $3.4 billion worth of automobiles and say that "we want all the advantages and to enjoy all the opportunities the American marketplace can give us, but we don't want to become taxpayers in your country"? How does that happen? Because we have a tax law, in my opinion, that deals with international corporations that do business all around the world in a way that allows them to jump through massive tax loopholes and, as this report says, hundreds of billions of dollars and more of sales in this country and then claim to the U.S. Government that they don't owe one penny in income taxes.

There is something fundamentally wrong with that system. I am going to come to the floor to speak later about what causes all this and what we can do about it. But I did want to disclose the GAO report today that says this problem isn't getting better. They did this report for me 4 years ago. I asked them to renew it and update it. They have done that. The report says this problem isn't getting better. What we have is, according to some folks, $10 billion, $20 billion, $30 billion—and one report estimates $35 billion—in taxes that should be paid to the Federal Government by these international corporations, but that is in fact not paid.

The only way you can retain a tax system of the type we have in this country is to have voluntary compliance—that is, to have most people complying because they know they have a responsibility to do so. People will not voluntarily comply with a tax system that they think is unfair. It certainly is unfair to those working families in this country, who make $25,000, $35,000, $55,000, $75,000 a year and work hard and send their kids to school and pay their bills and stretch budgets to make ends meet, and at the end of the year they have to file a tax return and pay the Federal income taxes. It is not fair to them and it certainly erodes their confidence in this country and in the tax system to see some of the largest international corporations doing business in America saying, "We want all the advantages of being able to do that, except we don't want to be a taxpayer."

I say to those corporations, if you get in trouble, whose Navy are you going to ask for to bail you out? I know the answer and so do you. If you are going to do business here and make profits in this country, you have a responsibility to help pay for that Navy and the many other things we do in this country that make it a wonderful place in which to live.

I might just mention some of the ways in which these companies avoid paying taxes, just because some people might wonder how this happens. It happens through massive tax avoidance schemes called "transfer pricing." A foreign corporation decides to do business in the United States. It sets up a wholly-owned subsidiary. It manufactures in a foreign country, ships it to this country, and then either overcharges or undercharges itself, depending on which way the product is going, in order to make sure there is no profit shown in this country from its activities in the United States. The result of gaming that system and preventing the tax collectors at the IRS from seeing what they really made is that they are able to cart off their profits from this country and avoid paying any taxes at all.

On April 15, tax day, every American ought to scream at the Congress and the tax collection agency to say that we ought to fix this and we ought to do it soon. How do we fix it? Well, it is interesting that even at a time when GAO is doing this report that shows we have massive tax avoidance through transfer pricing—even at this time, this problem is getting worse because Congress, at virtually every opportunity, the kind of folks who think about these things are slipping little things into bills every chance they get to make this problem worse. They just did it last fall in a revenue bill with a juicy little tax break worth a couple hundred million dollars. With no debate and no hearings, they just stuck it in the middle of that bill. It added to the proposition that more companies will do business, make profits here and pay no taxes here. We have a responsibility to fix that.

So I appreciate the work the GAO has done. I intend to encourage them to keep doing this work to show us who is paying taxes and who isn't. Guess what? The working American families are paying taxes. They don't have any choice. They may not like it, but they understand the advantages of living in this country and what we must pay for for ourselves and our children—defense, schools, roads and more.

If the working families in this country voluntarily comply with this tax law—and they do—then I suggest it is time to ask some of the largest international corporations selling brand names that every single one of us knows to start doing the same thing.

I am going to bring a report to the floor in the coming days that talks about transfer pricing in ways that everybody will understand. I will talk about corporations selling to themselves radial tires for $2,570 and a tooth brush for $172. Why would companies sell a tooth brush for $172 to themselves? So they can soak profits in one direction or another and prevent the Federal Government in this country from taxing their profits. There are massive schemes of tax avoidance. How about a piano for $50? Sound good? I am going to talk about the kind of tax avoidance schemes that goes on as a result of this transfer pricing, which results, by the way, in this kind of study, which says, in conclusion, the largest international corporations in this country—yes, domestic corporations doing business overseas and foreign corporations doing business here are involved in massive tax avoidance. We have a responsibility to the American people to stop it. This is not rocket science. It is simply standing up to the largest economic interests, to say to them you have the same responsibility in this country as individual taxpayers.

You have the same responsibility in this country as the average working family has, and that is, you do business here, you profit from this system, you have a responsibility to contribute, to pay taxes. When you do not do it, we ought to change the law and certainly improve enforcement and make sure you do do it, because that is the fair way to make sure a tax system works for everybody.

Mr. President, with that I will be back on a succeeding day to talk more about transfer pricing. But I wanted to bring to the attention of my colleagues and others the GAO report that is released today that describes what I think is a rather dismal conclusion about massive tax avoidance by some of the largest taxpayers in the world, doing business in this country, making substantial profits, and avoiding the responsibility of paying their fair share of Federal income taxes.

Mr. President, I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 13, 1999, the Federal debt stood at $5,666,223,263,670.85 (Five trillion, six hundred sixty-six billion, two hundred twenty-three million, two hundred sixty-three thousand, six hundred seventy dollars and eighty-five cents).

One year ago, April 13, 1998, the Federal debt stood at $5,545,139,000,000 (Five trillion, five hundred forty-five billion, one hundred thirty-nine million).

Five years ago, April 13, 1994, the Federal debt stood at $4,567,992,000,000 (Four trillion, five hundred sixty-seven billion, nine hundred ninety-two million).

Ten years ago, April 13, 1989, the Federal debt stood at $2,771,862,000,000 (Two trillion, seven hundred seventy-one billion, eight hundred sixty-two million).

Fifteen years ago, April 13, 1984, the Federal debt stood at $1,486,811,000,000 (One trillion, four hundred eighty-six billion, eight hundred eleven million) which reflects a debt increase of more than $4 trillion—$4,179,412,263,670.85 (Four trillion, one hundred seventy-nine billion, four hundred twelve million, two hundred sixty-three thousand, six hundred seventy dollars and eighty-five cents) during the past 15 years.

TRIBUTE TO ELIZABETH K. BUNCH

Mr. STEVENS. Mr. President, tomorrow, April 15, marks the last day of Senate service for Elizabeth K. Bunch. I have known Betty since 1987, when she worked as a professional staff member for me when I was on the Rules Committee and was ranking member. I thank her, on behalf of the entire Senate, for her many years of service.

She was born and grew up in Laramie, WY. After raising a family and having a career working as the assistant to the dean of the graduate school at the University of Wyoming, Betty came to Washington in 1977.

In her first year here, Betty was the special assistant to then newly elected Senator Malcolm Wallop, a good friend. Although she intended to stay in Washington for only 1 year, Betty spent 10 years working as an office manager and special assistant for our distinguished former colleague.

In 1987, Betty moved to the Rules Committee where she worked for me in so many important committee responsibilities, including overseeing information technology initiatives.

In 1991, Betty joined the staff of the Sergeant at Arms. There she was first the "ombudsman" for the Senate Computer Center, and then the coordinator for the consolidation of Sergeant at

Arms offices in the Postal Square Building. Betty became the liaison between Postal Square and the Superintendent's office. She also formed the SAA Safety Office and did the FEMA coordination, the Federal Emergency Management Agency coordination, new Senator transition coordination planning, all maintenance coordination, and the multitude of necessary supporting operations for the Sergeant at Arm's employees. She served for five Sergeants at Arms.

The Senate and all its employees who serve our great institution owe Betty Bunch a debt of gratitude. I am very proud to have worked with her. I know my colleagues join me in wishing her a wonderful retirement.

FAIRNESS FOR LEGAL IMMIGRANTS ACT OF 1999

Mr. KENNEDY. Mr. President, I urge my Senate colleagues to support the Fairness for Legal Immigrants Act in order to restore the benefits unfairly eliminated by the 1996 welfare law.

In 1996, Congress passed a so-called welfare reform law that drastically restricted the ability of legal immigrants to participate in public assistance programs. For the first time in history, legal immigrants were cut off from most federal aid. The law barred them from food stamps, SSI, and other benefits. It banned them for 5 years from AFDC, Medicaid, and other programs and gave states the option to permanently ban them from these programs.

These provisions have had a devastating effect on immigrant families. Elderly and disabled immigrants were notified that they would be turned out of nursing homes or cut off from disability payments. Some even took their own lives, rather than burden their families. Far too many human tragedies have resulted from the law.

Fortunately, many Members of Congress realized that the provisions had gone too far, and we passed legislation in the past two years to restore benefits for many. The Balanced Budget Act of 1997 and the Agricultural Research Act of 1998 restored eligibility for Medicaid, SSI and Food Stamps for hundreds of thousands of legal immigrants.

Nevertheless, many immigrants who came here legally are still suffering from restrictive provisions that remain in effect. The Fairness for Legal Immigrants Act is needed to bring back this safety net for immigrants who fall on hard times, especially those who are in great need, such as pregnant women, children, the elderly, the disabled, the poor, and victims of abuse.

The Act will permit states to provide Medicaid to all eligible legal immigrant pregnant women and children. It will permit states to extend Medicaid to "medically needy" legal immigrants who are disabled but not on SSI. It will permit states to cover legal immigrant children under CHIP, if they are also providing Medicaid coverage for legal immigrant children.

For legal immigrants who arrived before August 1996, the Act will restore SSI eligibility for those who are elderly and poor, but not disabled by SSI standards. It will also restore food stamp eligibility to all legal immigrants who have not yet had their eligibility restored, primarily parents of poor children.

For legal immigrants who arrived after August 1996, the Act will restore SSI eligibility for those who become disabled after reaching the United States. Finally, the Act will exempt post-August 1996 legal immigrants who are victims of domestic or elder abuse from the five-year ban on Medicaid and welfare assistance, and restore their eligibility for SSI and food stamps.

These reforms are essential in order to fulfill our obligation to those who legally entered our country. Many of them are family members of American citizens. They play by the rules, pay their taxes, and deserve a fair chance to become citizens and build new lives for themselves and their families in America.

I urge the Senate to support this important legislation, and I look forward to its early enactment.

TRIBUTE TO JAMES Q. CANNON

Mr. HATCH. Mr. President, I rise today to recognize and pay tribute to James Q. Cannon, a fellow Utahn who has served as a distinguished leader in the health care quality movement for over twenty-five years.

Those of us who know Jamie recognize his tireless efforts to ensure that the thousands of seniors, the underprivileged, and other vulnerable citizens receive the highest quality medical care possible.

As President and Chief Executive Officer of HealthInsight, a community-based quality improvement organization in Utah and Nevada, Mr. Cannon has dedicated his life's work to fostering collaboration and continuous learning among health care providers, policy makers, consumer, and business leaders.

These efforts have enabled physicians and other health care professionals to respond more effectively and humanely to the many needs of their patients and have helped the best in health care science and research to become part of the usual practice of medicine.

Jamie Cannon's vision and pioneer spirit have assisted in bringing hundreds of people together annually to learn, discuss, and implement community-wide health care quality improvement strategies. His commitment to improving the delivery of health care has been a driving force behind countless successful efforts in our communities to prevent unnecessary illness, to reduce complications associated with chronic disease, to improve care delivery processes and outcomes, to simplify health care administration, and to develop sound, supportive government policies.

Over the years, these successes have touched in one way or another, virtually all aspects and settings in health care—from government policy development to evaluations of program effectiveness, from pediatric care to end-of-life care, and from hospitals to physician offices.

In addition to his service to the people of Utah and Nevada, Jamie has led and supported initiatives to evaluate and improve the quality of medical care delivered to all Americans. He has served as a member of the board of directors of the American Health Quality Association, an association representing a national network of organizations and individuals striving to improve the health care delivered in every state in our nation.

Mr. Cannon has also chaired numerous committees and task forces at the national level, providing leadership and direction to other health business executives committed to improving the quality of clinical medicine.

In addition to providing a legacy of health care quality leadership regionally and nationally, Jamie has also influenced the lives of many others in the community. He is a devoted husband, father of ten children, son and brother. Throughout his life, Jamie has also given generously of his time to those in need through lay service in his church.

Jamie's genuine care and concern for others is apparent in every interaction. His boundless optimism and belief in human goodness engenders trust, rekindles hope, and nurtures vision in all those around him.

Mr. Cannon's leadership and service are respected and admired by his peers, employers, business associates, friends and neighbors, and family. I am proud to know Jamie. He deserves the recognition and appreciation of Congress, the Nation, and particularly the citizens of Utah and Nevada.

With honor and pride I ask my colleagues to join me today in recognizing and expressing appreciation to James Q. Cannon for his many contributions to quality health care in our country.

WORK INCENTIVES IMPROVEMENT ACT

Mr. REED. Mr. President, I rise today to highlight the concerns of some of my constituents who are participating in an adult basic education program conducted by the ARC of Northern Rhode Island.

Earlier in this session, John Mullaly, on behalf of his classmates, wrote to me to express his concerns regarding the use of the word "handicapped".

Mr. President, individuals who live with disabilities are one of the nation's great untapped resources. They have much to contribute, and they deserve to be fully integrated into every aspect of society. I am proud that so many of my colleagues share this point of view and that 70 senators have joined in cosponsoring S. 331, the Work Incentives Improvement Act, legislation that allows individuals with disabilities to join the workforce while maintaining their health benefits under Medicare or Medicaid.

As we debate this and other related legislation in the Senate, I hope that my colleagues will also consider the vocabulary we use. Mr. Mullaly and his classmates have suggested that we replace the term "handicapped" with the phrase "persons with physical/mental challenges". Mr. President, I ask unanimous consent that the text of Mr. Mullaly's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE ARC OF NORTHERN RHODE ISLAND,
February 2, 1999.

Senator JACK REED,
Providence, RI.

DEAR SENATOR JACK REED: We are students of Adult Basic Education at the ARC of Northern Rhode Island. We believe that everyone should be treated equally and be given the chance to be the best that he or she can be. No one should suffer discrimination. We know you agree with this. We are trying to educate the general public and we need your help.

We are trying to tell them that it discriminates against us to refer to us as "handicapped". It is not an appropriate word because it puts a stigma on us and a limit as to what we can do. It is incredible what we can do and we would prefer to be referred to as persons with physical/mental challenges. We will take the challenge! That term gives us inspiration to meet our goals. What are our goals? To be the best we can be, to give others love, kindness, and inspiration. Also, to protect the rights of others like us, and to educate the public.

Will you help us? Will you work towards using the new terminology on signs in public places? We would also like suggestions from you on how we can help bring this about and protect the integrity of all concerned.

Sincerely,
JOHN MULLALY, SPOKESPERSON,
Adult Basic Education Classes.

* * *

WATER RESOURCES DEVELOPMENT ACT OF 1999

Mr. CHAFEE. Mr. President, on March 23, 1999, the Committee on Environment and Public Works filed S. 507, the Water Resources Development Act of 1999, accompanied by Senate Report 106-34. At that time, the analysis prepared by the Congressional Budget Office was not available, and therefore was not printed with the report. The analysis subsequently has been received by the committee and I now ask unanimous consent, pursuant to section 403 of the Congressional Budget and Impoundment Act, it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 14, 1999.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 507, the Water Resources Development Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria Heid Hall (for the effects on outer continental shelf receipts) and Gary Brown (for all other federal costs), both of whom can be reached at 226-2860, and Marjorie Miller (for the state and local impact), who can be reached at 225-3220.

Sincerely,
DAN L. CRIPPEN,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 507—Water Resources Development Act of 1999

Summary: S. 507 would authorize the appropriation of about $2.3 billion (in 1999 dollars) over the 2000-2009 period for the Secretary of Army, acting through the Army Corps of Engineers, to conduct studies and undertake specified projects and programs for flood control, port development, inland navigation, storm damage reduction, and environmental restoration. Adjusting for anticipated inflation, CBO estimates that implementing the bill would require appropriations of $2.5 billion over that period. The bill also would authorize:

Prepayment or waiver of amounts owed to the federal government;

Spending a portion of the fees collected at Corps recreation sites;

Free use of sand, gravel, and shell resources from the outer continental shelf (OCS) at eligible projects by state and local governments; and

Sale of specified federal lands in Washington and Oklahoma.

CBO estimates that implementing S. 507 would result in additional outlays of about $1.9 billion over the 2000-2004 period, assuming the appropriation of the necessary amounts. The remaining amounts authorized by the bill would be spent after 2004. Enacting the bill would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates that enacting S. 507 would reduce direct spending by $18 million in 2000 and would result in a net increase in direct spending of $6 million over the 2000-2004 period.

S. 507 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments would likely incur some costs as a result of the bill's enactment, but these costs would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 507 is shown in the following table. For constructing, operating, and maintaining projects that are already authorized, CBO estimates that the Corps will need about $4 billion annually over the 2000-2004 period (roughly the level appropriated in 1999). The table shows the estimates of additional spending necessary to implement the bill. The costs of this legislation fall primarily within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—				
	2000	2001	2002	2003	2004
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	478	558	485	321	185
Estimated Outlays	239	446	510	414	278
CHANGES IN DIRECT SPENDING					
Estimated Budget Authority	−18	6	6	6	6
Estimated Outlays	−18	6	6	6	6

Basis of estimate: For the purpose of this estimate, CBO assumes that S. 507 will be enacted by the end of fiscal year 1999 and that all amounts estimated to be authorized by the bill will be appropriated for each fiscal year.

Spending subject to appropriation

Estimates of annual budget authority needed to meet design and construction schedules were provided by the Corps. CBO adjusted the estimates to reflect the impact of anticipated inflation during the time between authorization and appropriation. Estimated outlays are based on historical spending rates for activities of the Corps.

Direct spending

Prepayments and Waivers of Payments. S. 507 would authorize the state of Oklahoma to pay the present value of its outstanding obligation to the United States for water supply. CBO estimates that, if the bill is enacted, a prepayment of about $20 million would be made in 2000 and that payments forgone would be about $2 million a year over the 2000-2033 period. The bill would authorize the Corps to waive payments from the Waurika Project Master Conservancy District and the cities of Chesapeake, Virginia, and Moorefield, West Virginia, for other projects. CBO estimates that under current law, payments from these entities would total less than $500,000 annually over the 2000-2031 period.

Spending of Recreation Fees. S. 507 would authorize the Corps to retain and spend each year any recreation fees in excess of $34 million. At present, all recreation fees are deposited as offsetting receipts in the Treasury and are unavailable for spending unless appropriated. By allowing the Corps to spend receipts in excess of $34 million, this provision creates the possibility of new direct spending. CBO's baseline projection of receipts is $36 million a year. Allowing for the possibilities that receipts could be either more or less than that projected level, we estimated that the expected value of additional spending from enacting this provision is about $3 million a year.

Using Outer Continental Shelf Sand and Gravel. S. 507 would amend the Outer Continental Shelf Lands Act to allow nonfederal entities to use—without charge—sand, gravel, and shell resources from the outer continental shelf for shore restoration and protection programs and certain other construction projects if such projects are subject to an agreement with the Corps. Under current law, the Department of the Interior (DOI) cannot charge other federal agencies for the use of these OCS resources. Section 211 would extend free use of the resources to nonfederal interests, including state and local governments, for the type of projects specified in the bill. Based on information from DOI, CBO estimates that exempting these projects from fees for OCS sand, gravel, and shell resources would result in forgone receipts of about $1 million each year. Proceeds from the sale of this material are recorded as offsetting receipts to the Treasury;

thus a loss of these receipts would increase direct spending.

Sales of Land. S. 507 would direct the Corps to sell at fair market value land that was acquired for the Candy Lake Project in Osage County, Oklahoma. The land was acquired in the mid 1970s at a total cost of about $2 million. Accounting for inflation, CBO estimates the current value of the land at about $4 million. CBO anticipates that the lands could be sold in fiscal year 2000. Annual lease payments and other revenues accruing to the federal government from these lands are not significant.

CBO anticipates that sale proceeds would be counted for pay-as-you-go purposes. Under the Balanced Budget Act, proceeds from nonroutine asset sales (sales that are not authorized under current law) may be counted for pay-as-you-go scorekeeping only if the sale would entail no financial cost to the government.

S. 507 also would direct the Corps to transfer lands located in Clarkston, Washington, to the Port of Clarkston. The Port would not be required to pay for the lands as long as they are used for recreation purposes. The fair market value of the lands are estimated at slightly less than $2 million. Based on information provided by the Corps, CBO anticipates that the lands would continue to be used for recreation purposes after conveyance and that no consideration would be required. The Port currently leases the lands from the United States without cost.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. (The bill would not affect governmental receipts.) For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal years, in millions of dollars—										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays	0	−18	6	6	6	6	6	6	6	6	6
Changes in receipts	Not applicable										

Estimated impact act on State, local, and tribal governments: S. 507 contains no intergovernmental mandates as defined in UMRA. State and local governments that choose to participate in water resources development projects and programs carried out by the Corps would incur costs as described below. In addition, some state and local governments would benefit from provisions in this bill that would alter their obligations to make payments to the federal government and order transfers of land.

Authorizations of new projects

CBO estimates that nonfederal entities (primarily state and local governments) that choose to participate in the projects authorized by this bill would spend about $1.3 billion during fiscal years 2000 through 2011 to help construct these projects. These estimates are based on information provided by the Corps. I addition to these costs, nonfederal entities would pay for the operation and maintenance of many of the projects after they are constructed.

Changes in cost-sharing policies

S. 507 would make a number of changes to federal laws that specify the share of water resources project costs borne by state and local governments. Section 202 would increase the nonfederal share or recurring costs associated with new coastal shore protection projects from 35 percent to 50 percent. This change would not affect the construction of these projects. Some state and local governments would find it easier to satisfy matching requirements for specific projects as a result of provisions in S. 507 that would allow additional in-kind contributions or expand the range of expenditures counted towards the required match. Other provisions in the bill would expand the opportunities for state and local governments to participate in water resources projects.

S. 507 includes several provisions that would alter the repayment obligations of specific state and local governments, either by allowing the prepayment of amounts owed or by waiving amounts owed under current law.

New programs

S. 507 would authorize several new programs that would assist state and local governments. Specifically, the bill would authorize total appropriations of $75 million for fiscal years 2000 and 2001 for a program to reduce flood hazards and $30 million for the same period for activities to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River. State and local governments choosing to participate in these programs would have to provide 35 percent of the initial cost of any funded project and all the subsequent operation and maintenance costs. The bill also would authorize a program of technical assistance for the purpose of developing and evaluating measures to keep fish from entering irrigation systems. State and local participants in this program would be required to contribute 50 percent of the cost of such assistance.

State and local governments would benefit from a provision in S. 507 that would allow them to negotiate agreements with DOI to use sand, gravel, and shell resources from the outer continental shelf for eligible projects at no charge.

Conveyances

S. 507 would allow the state of Oklahoma and the Port of Clarkston, Washington, to take title to land and facilities now owned by the federal government. Both could be required to pay the costs necessary to complete these conveyances, should they choose to take the property. The conveyances would be voluntary on the part of these governments.

Estimated impact on the private sector: This bill contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: OCS receipts—Victoria Heid Hall. All other costs—Gary Brown. Impact on State, Local, and Tribal Governments: Majorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

FIRST FAMILY PLEDGE CAMPAIGN

Mr. KENNEDY. Mr. President, today marks the completion of a year-long public education effort called the First Family Pledge Campaign to increase awareness of the need for organ donation and to increase the number of people willing to be organ donors.

The campaign has focused primarily on the need to discuss organ transplantation within the family. Open family discussion is essential to ensure that each person's commitment to become an organ donor is understood and honored by family members. As part of that campaign, my wife Vicky and I agreed to become organ donors, and to discuss the issue in our family.

The campaign for organ donation has been an excellent opportunity to recognize the success of organ transplantation in saving lives, and Congress should be proud that it has helped to support this achievement. Fourteen years ago, we created the National Organ Transplant Program. Our goal was to do all we can to see that organ failure is not a death sentence and make it possible for many more Americans to return to good health. We have had significant success. More than 20,000 Americans—men, women and children—now receive life-saving organ transplants each year. But more needs to be done.

Too many Americans die while waiting for organ transplantation. More than 60,000 Americans are waiting for organ transplantation. Every day, 55 of those people have an organ transplant. And every day, 10 others die because they did not have timely access to an organ. While there are differences of opinion about how an organ distribution system should be designed, it is clear that the overriding problem is a shortage in the availability of healthy organs.

In 1997, there were more than 9,000 organ donors. Nearly 4,000 of those donors were living relatives who were willing and eligible to give an organ—a kidney or part of a liver—to a family member in need. But transplantation of this type is not an option for many in need.

Each year, approximately 5,000 persons donate organs upon death. These acts of generosity are saving the lives of countless others. Transplantation of a cornea can restore sight. Transplantation of a kidney means life without dialysis. And transplantation of a heart, lung or liver means the difference between life and death. Studies show that more than 10,000 individuals each year could become organ donors after their death, and some estimates are as high as 15,000 each year.

The reasons that an individual does not become an organ donor vary. In some cases, the donation may conflict with religious or personal beliefs. But in far too many cases, the reason is simply lack of awareness of the need, or misunderstanding of the process.

In building the national organ donation and transplantation system, we have taken great care to ensure that individuals and families are not coerced into decisions to donate their organs. We have a strong shared commitment to respect personal and religious beliefs. Congress has made it illegal for organs to be sold—another measure to ensure freedom of choice. The Secretary of HHS has proposed a rule to encourage donation by training hospital personnel to explain the process. This rule, which I support, specifies that only trained hospital personnel are permitted to approach families of potential organ donors. But the most effective measure to increase organ donation is open discussion, long before a time of crisis. Families need to explore their beliefs and opinions, make personal commitments, and have an opportunity to honor the beliefs and commitments of loved ones who die.

In closing, I commend the First Family Pledge Campaign for all it has done to encourage and support these important efforts. Congress must continue to pursue legislation and policies to assure that all Americans in need have access to life-saving transplantation. Adequate funding is essential to support these services. We need to be sure that the distribution system is fair and effective. And we need to continue our nationwide efforts to educate the public about the need for and value of organ donation.

MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 46. An act to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty.

H.R. 769. An act to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes.

H.R. 1143. An act to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

H.R. 1189. An act to make technical corrections in title 17, United States Code, and other laws.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 35. Concurrent resolution congratulating the State of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999.

At 2:07 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 46. An act to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty; to the Committee on the Judiciary.

H.R. 769. An act to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

H.R. 1143. An act to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 1189. An act to make technical corrections in title 17, United States Code, and other laws; to the Committee on the Judiciary.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 35. Concurrent resolution congratulating the State of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Diane Edith Watson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal States of Micronesia.

Nominee: Diane E. Watson.

Post: Ambassador to the Federated States of Micronesia.

Nominated: January 4, 1999.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: (see Attachment).

2. Spouse: None.

3. Children and Spouses Names: None.

4. Parents Names: Dorothy Watson/None: William Allen Watson/"Deceased."

5. Grandparents Names: Lyle and Belle O'Neal/"Deceased"; William and Edith Watson/"Deceased."

6. Brothers and Spouses Names: William Watson/None; Chatera Watson/None.

7. Sisters and Spouses Names: Barbara Coleman/None; Patsy Bradfield/None; David Bradfield/None.

8. Political Contributions:

State Senator Diane Watson Schedule of Political Contributions—1994, 1995, 1996, 1997 and 1998

Date and payee	Amount
1994:	
Kay Cinicero	$500
California Democratic Caucus	2,000
California Democratic Party	174
Legislative Black Caucus	500
California Democratic Party	400
Valerie Lynn Shaw	200
Friends of Gwen Moore	1,000
David Roberti	1,000
Cewaer	500
Senate Victory Campaign	300
Congressional Black Caucus	230
Dorothy Ehrhart Morrison	500
Democratic National Committee	200
Paulette Riley Irons	200
Margelo Farrand	500
Sandy Hester	200
Ralph Dills	1,000
Art Torres	1,000
Hollywood Womens Pac	250
Golden State Victory	300
Delaine Eastin	1,000
Total	10,954
1995:	
Legislative Black Caucus	500
State of California Moretti Funds	500
Friends of Paul Horcher	1,000
Friends of Lois Hill Hale	1,000
California Now	350
California Democratic Party	129
Democratic National Convention	200
California Democratic Committee	300
Democratic National Committee	100
Lois Hill Hale	1,000
U.N. 50 Committee	125
Mary Landrieu	1,500
Willie Brown for Mayor	500
Barbara Lee for Senate	309
Congressional Black Women LDF	1,000
Barbara Lee for Senate	500
Dezzie Wood	500
California Democratic Victory Fund	300
Total	9,813
1996:	
California Democratic Party	300
California Democratic Party	150

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. BOND, Mr. HARKIN, Mr. BINGAMAN, Mr. LEVIN, Mr. ENZI, Mr. KENNEDY, Mr.

DOMENICI, Mr. ABRAHAM, Mr. SARBANES, Mr. AKAKA, Mr. EDWARDS, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. BOXER, Mr. CLELAND, Mr. KOHL, Mr. WELLSTONE, Mr. BURNS, and Mr. LEAHY):

S. 791. A bill to amend the Small Business Act with respect to the women's business center program; to the Committee on Small Business.

By Mr. DASCHLE (for Mr. MOYNIHAN (for himself, Mr. GRAHAM, Mr. KENNEDY, Mr. DURBIN, Mr. WELLSTONE, Mrs. FEINSTEIN, and Mr. LEAHY)):

S. 792. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 793. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on an individual who fails to report witnessing another individual engaging in sexual abuse of a child; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 794. A bill entitled the "Hospital Length of Stay Act of 1999"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCAIN (for himself, Mr. HOLLINGS, Mr. FRIST, Mr. BURNS, and Mr. BREAUX):

S. 795. A bill to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. WELLSTONE, Mr. CHAFEE, Mr. SPECTER, Mr. REID, Mr. SARBANES, and Mr. KENNEDY):

S. 796. A bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT:

S. 797. A bill to apply the Foreign Corrupt Practices Act of 1977 to the International Olympic Committee; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCAIN (for himself, Mr. BURNS, Mr. WYDEN, Mr. LEAHY, Mr. ABRAHAM, and Mr. KERRY):

S. 798. A bill to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL:

S. 799. A bill to amend the Internal Revenue Code of 1986 to modify the tax brackets, eliminate the marriage penalty, allow individuals a deduction for amounts paid for insurance for medical care, increase contribution limits for individual retirement plans and pensions, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. McCAIN, Mr. DORGAN, and Mr. WYDEN):

S. 800. A bill to promote and enhance public safety through the use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM:

S. 801. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. CHAFEE, Mr. GREGG, Mr. FEINGOLD, Mr. DEWINE, Mr. BROWNBACK, Mr. SPECTER, and Ms. COLLINS):

S. 802. A bill to provide for a gradual reduction in the loan rate for peanuts, to repeal peanut quotas for the 2002 and subsequent crops, and to require the Secretary of Agriculture to purchase peanuts and peanut products for nutrition programs only at the world market price; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN (for himself and Mr. WYDEN):

S. 803. A bill to make the International Olympic Committee subject to the Foreign Corrupt Practices Act of 1977, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER (for himself and Mr. FRIST):

S. 804. A bill to improve the ability of Federal agencies to license Federally-owned inventions; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAYH (for himself and Mr. LUGAR):

S. Res. 76. A resolution to commend the Purdue University women's basketball team on winning the 1999 National Collegiate Athletic Association women's basketball championship; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. BOND, Mr. HARKIN, Mr. BINGAMAN, Mr. LEVIN, Mr. ENZI, Mr. KENNEDY, Mr. DOMENICI, Mr. ABRAHAM, Mr. SARBANES, Mr. AKAKA, Mr. EDWARDS, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. BOXER, Mr. CLELAND, Mr. KOHL, Mr. WELLSTONE, Mr. BURNS, and Mr. LEAHY):

S. 791. A bill to amend the Small Business Act with respect to the women's business center program; to the Committee on Small Business.

WOMEN'S BUSINESS CENTERS SUSTAINABILITY ACT OF 1999

Mr. KERRY. Mr. President, I come to the floor today to introduce the Women's Business Centers Sustainability Act of 1999, and I do so on behalf of myself and Senators BOND, HARKIN, BINGAMAN, LEVIN, ENZI, DOMENICI, ABRAHAM, SARBANES, AKAKA, KENNEDY, EDWARDS, FEINSTEIN, LANDRIEU, BOXER, CLELAND, KOHL, WELLSTONE, BURNS, and LEAHY.

As the title suggests, this bill addresses the funding constraints that are making it increasingly difficult for our women's business centers to sustain the level of services that they currently provide and, in some instances, to literally keep the doors open.

Some colleagues may ask the question, What is the Women's Business Center Program? The Small Business Administration started the Women's Business Center Program which provides 5-year grants matched by non-Federal dollars to private sector organizations so that they can establish business training centers for women. Depending on the needs of the community being served, the centers teach women the basic principles of finance, management, and marketing, as well as specialized topics such as how to get a government contract or how to start a home-based business.

These business centers are located in rural, urban, and suburban areas, and they direct much of their training and counseling assistance towards socially and economically disadvantaged women.

I might add, Mr. President, of all the changes in the social structure of the United States or in the marketplace in the last years, none has been more profound than the significant numbers of women entering the marketplace. As more and more women enter the marketplace and they assume roles as principal breadwinners or sole breadwinners within some families, it is more and more important that they have the capacity to participate fully in the economy and not be relegated simply to entry-level jobs.

Congress started this program in 1988 in response to hearings that revealed the Federal Government was not meeting the needs of women entrepreneurs and that there were very little other mechanisms for entry-level women entrepreneurs. Women faced particular discrimination in access to credit and capital, and they were shut out of many government contracts and had very little access to the kind of business assistance that they needed to compete in the marketplace. We have really come a long way since that first beginning. There are now 59 centers in 36 States, the District of Columbia, and Puerto Rico.

In addition to increasing self-sufficiency among women, the women's business centers have strengthened women business ownership overall and encouraged local job creation.

The numbers really tell a remarkable story, Mr. President. In 1998, women-owned businesses made up more than one-third of the 23 million small businesses in the United States. They have accounted for some $3 trillion in annual revenues to the economy, and they employed one out of every four workers in the United States.

Still, according to the data from the 1998 Women's Economic Summit, women-owned businesses account for only 18 percent of all small business gross receipts, and they are dramatically underrepresented in the Nation's two most lucrative markets—corporate buying and government contracting.

This really underscores significantly the problem that I talked about a moment ago of entry-level jobs and of the nature of the small, entrepreneurial, home-grown, cottage-industry-type businesses that women begin with, which often could be grown significantly into larger businesses but for the lack of credit, the lack of available marketing skills, and the lack of management skills. Clearly, the need for women's business centers continues, and this is no time for us to diminish or to dismantle the infrastructure that the federal government has invested in for the past decade.

Addressing the special needs of women-owned businesses serves not just the entrepreneurs, but it serves the overall strength of communities, as well as the economy of the whole of our country. Women's business centers help increase the growth, not just of women's businesses, but also of the large network of support businesses that are linked and affiliated with them, as well as, obviously, the general economy and the local community associated with those businesses.

There are many extraordinarily run centers around the country. Let me highlight two of them—one in New Mexico and one in Massachusetts. I know my colleagues, Senators BINGAMAN and DOMENICI, are particularly proud of the one in their home State. I am very proud of one in Massachusetts which has been a model women's business center. It is the Center of Women & Enterprise in Boston. Since 1995, that center has served more than 2,000 women from more than 100 cities and towns in eastern Massachusetts. Of the women it serves every year, 60 percent are low-income, 70 percent are single, and 32 percent are women of color.

Andrea Silbert is the tireless executive director of that center. She has effectively raised money, forged partnerships, and designed thorough training and mentoring programs to help women entrepreneurs.

When the Boston women's business center trains an entrepreneur, that entrepreneur then knows how to approach a lender for a loan, knows how to manage her business, and understands the ins and outs and hows and whys of marketing.

But notwithstanding the success of these several women's business centers, the fact is that a number of them around the country are facing increased difficulty in raising the required matching funds.

There are some people who think the centers should charge higher fees. And they might think so, until you examine the makeup of the people who are being reached by the centers. We were privileged to have a person by the name of Agnes Noonan, who has spent the last 8 years as the executive director of WESST Corporation, the women's business center in Albuquerque, NM, testify before us in the Small Business Committee. As she testified in March, during her first couple of years running the center, her view was that there was a very simple way to deal with the problem of raising money, and that was to do a better job of marketing the center's services to women who could afford to pay higher fees. That would increase the center's income, and it would reduce its reliance on public dollars.

But the problem is that the minute you do that, you start redirecting the energy and focus of the center away from the people who most benefit from it. And that is precisely what she told us as a practitioner. She said:

> Though [such a] strategy may have made economic sense, it conflicted directly with our mission of serving low-income women. . . . If we were to target our services to women who could afford to pay market consulting and training rates, then we would clearly not be addressing the needs of low-income women in New Mexico.

She also gave us important information about the realities of fundraising:

> Nationally, only six percent of foundation money is earmarked for women, and only a tiny portion of that goes to women's economic development.

So as she said to us, the executive directors of women's business centers are very experienced fundraisers. Lori Smith of the WBC in Oklahoma City said before the House Small Business Committee that she thought she could sell sand in the desert. She viewed herself as good a fundraiser and as good a salesperson as there is, but she also said that competition for foundation- and private-sector dollars has become so intense and those dollars so much scarcer with each year that Government funding has diminished. And they do not have anywhere to turn.

In addition to that, bank mergers are occurring, as we know, at an increased rate around the country. And those mergers are further exacerbating the situation because the banks have been a primary source of funds for many of these centers.

Take the example of the recently announced bank merger in Boston of Fleet Bank and BankBoston. Those banks separately have been very generous to the women's business center in Boston. Their combined contribution came to $150,000. But we have serious concerns that their full support continue, and not reduce as we have seen in other States, where the merged institutions rarely give the same amount of money as the two or three, or whatever number, that the prior institutions contributed. So we have seen a drying up of some of the funding sources, I might add, not just for the women's business centers but for a host of charitable institutions that rely on those contributions.

So for many of the centers, they now have the added specter of losing their annual base of money. We need to guarantee that we do not add to that ominous cloud by having the base that came from the SBA also disappear at the same time when they come to the end of the original 5-year grant cycle. That money is their basic bread and butter, it is their ability to stay alive, as well as the indispensable ingredient of leveraging for additional fundraising dollars.

I believe, and the colleagues who have joined me in introducing this legislation believe, that it is essential for us to find a fair way to let the women's business centers recompete for their base funding. That is competition; it is not entitlement.

So here is how the legislation we introduce gets us there.

First, it allows the women's business centers which have completed a funding term to compete for another 5 years of Federal funding, which, under current policy, would be up to $150,000 per year. The recompetition standards would be higher than those needed for centers applying for funds for their initial 5-year funding term. This recognizes that more experienced centers ought to be able to perform well from the beginning of their second term funding; they have been through the learning curve. And I believe this additional Federal funding is necessary to counteract the adverse impact of bank and corporate mergers I mentioned previously.

Second, my bill will raise the authorization of appropriations for fiscal year 2000 and fiscal year 2001 for women's business center funding from $11 million to $12 million per year. It will also reserve 40 percent of those appropriations for recompetition grants.

I believe that increasing the authorization to $12 million is entirely consistent with the legislation which our committee passed last year, and it would ensure that there would be adequate funding to preserve effective, established centers and to help fund new centers in States that do not have one.

Mr. President, I thank those colleagues who have joined me in this effort. I hope additional colleagues will join in support of this legislation and we can rapidly pass it. It should not be contentious. We are not talking about vast sums of money, but we are talking about an extraordinary amount of leverage for a very small investment.

I think that in most States in this country my colleagues will agree with me that opening the doors of opportunity to full business ownership and participation, particularly to those who have been disadvantaged for various reasons, is of enormous importance to the longer term economic well-being of our country. And when I say "well-being," I am not just talking about the bottom line in terms of the return on investment to those businesses, I am talking, obviously, about the enormous importance of strengthening families, strengthening communities, and eliminating the vestiges of discrimination that remain against women in terms of their full economic participation in the Nation.

I ask unanimous consent that the full text of the Women's Business Centers Sustainability Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Centers Sustainability Act of 1999".

SEC. 2. WOMEN'S BUSINESS CENTER PROGRAM.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(*l*) ELIGIBILITY FOR ADDITIONAL ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), a private organization that has received financial assistance under this section pursuant to a grant, contract, or cooperative agreement, and that is in the final year of a 5-year project or that has completed a project financed under this section (or any predecessor to this section), may apply for financial assistance for an additional 5-year project under this section.

"(2) CONDITIONS FOR PARTICIPATION.—Notwithstanding any other provision of this section, as a condition of receiving financial assistance authorized by this subsection, an organization described in paragraph (1)—

"(A) shall meet such requirements as the Administration shall establish to promote the viability and success of the program under this section, in addition to the requirements set forth in this section; and

"(B) shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources for each year of additional program participation in an amount equal to 1 non-Federal dollar for each Federal dollar.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is authorized to be appropriated $12,000,000 for each of fiscal years 2000 and 2001 to carry out the projects authorized under this section, of which, in each fiscal year, not more than 40 percent may be used to carry out projects funded under subsection (*l*).".

Mr. LEVIN. Mr. President, I am pleased to be an original cosponsor of the Women's Business Centers Sustainability Act of 1999. This legislation will strengthen SBA's women's business centers in Michigan and across the Nation which help entrepreneurs start and maintain successful businesses by providing such things as start-up help and financial expertise to women-owned businesses. This legislation will allow those women's business centers that are already successfully participating in the program to recompete for Federal funding after their initial funding term expires.

Under this legislation, the recompetition standards would be set higher than those used for centers applying for their initial five-year funding term. The ability of established and successful women's business development centers to continue to compete for Federal funding means that critical resources will continue to be made available for women-owned businesses for such purposes as training and obtaining business financing.

Women-owned businesses are the fastest growing sector of small businesses in America and provide innumerable jobs and resources to the state of Michigan. Michigan has two women's business centers, the Center for Empowerment and Economic Development (CEED) in Ann Arbor and the Grand Rapids Opportunities for Women (GROW) in Grand Rapids. We also have Project Invest in Traverse City which is a women's business center affiliate. In addition, a Center is currently being set up in Detroit.

These Michigan programs offer women a comprehensive package of business education and training, start-up financing, technical assistance, peer group support and access to community and government supportive resources such as child care. Michigan's women's business centers are supportive of this legislation and believe it is necessary in order for them to continue to be able to offer the current levels of services and support to Michigan's women-owned businesses.

I am pleased that Congress has recognized the importance of funding the women's business center program. In 1997, Congress enacted legislation to make the 1991 pilot project a permanent part of the Small Business Administration programs available to help entrepreneurs start and maintain successful business. It also doubled the annual funding of the women's business centers and extended the funding period from 3 to 5 years. And just this year, Congress enacted legislation to change the non-Federal and Federal funding ratio requirements and it again increased the annual authorization level from $8 million to $11 million.

The legislation being introduced today by my colleague from Massachusetts, Mr. KERRY, in addition to allowing existing women's business centers to compete for additional Federal funding, will also increase the authorized appropriations for fiscal year 2000 and fiscal year 2001 from $11 million to $12 million for this program.

Mr. KENNEDY. I strongly support the Women's Business Centers Sustainability Act of 1999. Its goal is to provide disadvantaged women with the opportunity to obtain the training and counseling necessary to become successful small business owners.

Today, the Nation's entrepreneurial spirit is thriving. Small business has become the engine that drives the economy. America's 23 million small businesses employ more than 50 percent of the private workforce, generate more than half of the nation's gross domestic product, and are the principal source of new jobs in the U.S. economy. The increase in the number of small businesses owned by women has significantly contributed to the overall success of small business.

Between 1987 and 1996, the number of women-owned firms has grown by78 percent. Employment in women-owned firms more than doubled from 1987 to 1992, compared to an increase of 38 percent in employment by all firms. For women-owned companies with 100 or more workers, employment has increased by 158 percent—more than twice the rate for all U.S. firms of similar size. Women entrepreneurs are taking their firms into the global marketplace at the same rate as all U.S. business owners.

Today, women are starting new firms at twice the rate of all other business and own nearly 40 percent of all firms in the United States. These 8 million firms employ 18.5 million people—one in every five U.S. workers—and contribute $2.3 trillion to the economy. The Small Business Administration has created programs, such as the women's business centers, which have been very effective in promoting woman business ownership. We must ensure that these programs continue to receive strong support in Congress.

The Women's Business Centers Sustainability Act of 1999 will provide the funds necessary to continue this successful program. It will allow women's business centers that have completed five year funding to apply for additional funding, and it will also increase the authorization for FY 2000 and FY 2001 from $11 million to $12 million a year. Our goal is to help sustain existing centers, while continuing to create new centers.

I urge all of my colleagues to support this important legislation, and I look forward to its early enactment.

Mr. ABRAHAM. Mr. President, I rise for the second year in a row as an original co-sponsor of legislation increasing the authorization for the Small Business Administration women's business center program. These centers provide important management, marketing, and financial advice to women-owned small businesses.

Mr. President, this program finances a number of very important initiatives at the state and local levels; measures that have proven crucial to women struggling to enter the job world and to start their own businesses. These initiatives have changed the lives of a significant number of women in Michigan and throughout the United States.

For example, two women's business centers in Michigan are leading the way toward preparing and advancing women in the business field. Ann Arbor's Women's Initiative for Self-Employment, or WISE, program provides low-income women with the tools and resources they need to begin and expand businesses. The WISE program also provides a comprehensive package of business training, personal development workshops, credit counseling, start-up and expansion financing, business counseling and mentoring. In addition, Grand Rapids' Opportunities for Women, or GROW, provides career counseling and training for women in western Michigan. GROW provides essential job preparedness with basic business training and assistance in obtaining more specialized instruction.

Mr. President, I salute the good people at WISE and GROW for their hard work in helping the women of Michigan. These programs create and expand business opportunities, fight against poverty, increase incomes, stabilize families, develop skills, and spark community renewal. If we are to maintain and increase revitalization of troubled areas and the empowerment of women we must continue to provide targeted funding for these types of assistance programs.

For these reasons, I support the Women's Business Centers Sustainability Act of 1999. Because the Small Business Administration's women's business centers program makes it possible for women to build productive lives for themselves and their families, I believe it deserves the increased funding it needs to expand its services. I urge my colleagues to support this important bill.

By Mr. DASCHLE (for Mr. MOYNIHAN (for himself, Mr. GRAHAM, Mr. KENNEDY, Mr. DURBIN, Mr. WELLSTONE, Mrs. FEINSTEIN, and Mr. LEAHY)):

S. 792. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes.

THE FAIRNESS FOR LEGAL IMMIGRANTS ACT OF 1999

Mr. MOYNIHAN. Mr. President, today, I am introducing the Fairness for Legal Immigrants Act of 1999, a bill to restore to legal immigrants eligibility for a number of safety net benefits denied to them by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. I am glad to be joined by my colleagues Senators GRAHAM, KENNEDY, DURBIN, FEINSTEIN, WELLSTONE, and LEAHY.

The provisions of the 1996 law concerning legal immigrants were based on the false premise that such immigrants are a burden to us all. On the contrary. A recent comprehensive study by the National Academy of Sciences concluded that immigration actually benefits the U.S. economy. In fact, the study found that the average legal immigrant contributes $1,800 more in taxes than he or she receives in government benefits.

Many Americans may not realize this, but legal immigrants pay income and payroll taxes. And without continued legal immigration, the long-term financial condition of Social Security and Medicare would be worsened. It is in our interest to see that these immigrant families have healthy children, enough to eat, and support if they become disabled. And it is not merely wise, it is just. These immigrants have come here under the rules we have established and they have abided by those rules. If harm should befall them, it is right to extend a hand.

The Fairness for Legal Immigrants Act contains several provisions. First, it would permit states to provide Medicaid coverage to poor legal immigrant pregnant women and children, as well as coverage under the new Child Health insurance program (CHIP) for legal immigrant children, whenever they arrive in the United States. Under current law, states are not allowed to extend such health care coverage—which is so important for the development of healthy children—to families who have come to the U.S. after August 22, 1996, until the families have been here for five years. Five years is a very long time in the life of a child. It is common knowledge, emphasized by recent research, that access to health care is essential for early childhood development. We should, at a minimum, permit states to extend coverage to all poor legal immigrant children, no matter when they have arrived here. This builds upon our recent achievements in promoting health care for children—legal immigrant children should not be neglected in these efforts.

The bill also permits states to restore Medicaid coverage to certain legal immigrants in nursing homes. These individuals would be eligible for states' "medically needy" Medicaid coverage if they were citizens, having "spent down" their income and assets in nursing homes to the point of destitution. Several states continue to pay nursing homes for these frail seniors without federal support. We should do our share to care for them.

Next, the bill restores Supplemental Security Income (SSI) eligibility for legal immigrants who have come to the U.S. after August 22, 1996, and have since then, unfortunately, become disabled. While it would be preferable to restore full SSI eligibility for these legal immigrants, at this time we propose only that the disabled be again eligible for SSI, because they are the population most in need. A modicum of a safety net. We have made great strides in assisting the disabled in this country in recent years. We should not then, deliberately, refuse aid to individuals who have come to our nation lawfully and then suffered a disability. The bill also completes the process, begun in the Balanced Budget Act of 1997, of restoring SSI eligibility to elderly pre-1996 legal immigrants.

Fourth, since the 1996 welfare law was enacted we have been successful in restoring a limited amount of food stamp eligibility for the most vulnerable legal immigrants—children, the disabled, the elderly. A Physicians for Human Rights survey in 1998 found that almost 80 percent of immigrant households suffered from limited or uncertain availability of nutritious foods, and that immigrant households reported "severe hunger" at a rate more than 10 times that of the general population. While this survey was conducted before the limited restoration of food stamp eligibility in 1998, it suggests the magnitude of the hunger problem among legal immigrants. We need to do more, and this bill restores food stamp eligibility to all legal immigrants who were in the U.S. prior to the 1996 enactment of the welfare law.

Finally, there is another vulnerable immigrant population for which we need to do more: victims of domestic violence. The 1996 welfare law put severe limits on the assistance which can be provided to non-citizens suffering from domestic abuse, particularly if they came to the U.S. after August 22, 1996. This legislation will expand the circumstances under which immigrant victims of domestic violence are eligible for Medicaid and TANF assistance, and restores eligibility for food stamps and SSI. These programs provide essential resources to break the economic dependence on a violent relationship. It also ensures that elderly legal immigrants who are abused by their children can obtain access to these benefits as well.

Mr. President, simple decency requires us to continue to provide a measure of a safety net to legal immigrant families. I urge the enactment of this legislation to ensure that we do so.

I ask unanimous consent that the full text of the legislation and a summary of it be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Legal Immigrants Act of 1999".

SEC. 2. OPTIONAL ELIGIBILITY OF CERTAIN ALIEN PREGNANT WOMEN AND CHILDREN FOR MEDICAID.

(a) In General.—Subtitle A of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611-1614) is amended by adding at the end the following:

"SEC. 405. OPTIONAL ELIGIBILITY OF CERTAIN ALIENS FOR MEDICAID.

"(a) Optional Medicaid Eligibility for Certain Aliens.—A State may elect to waive (through an amendment to its State plan under title XIX of the Social Security Act) the application of sections 401(a), 402(b), 403, and 421 with respect to eligibility for medical assistance under the program defined in section 402(b)(3)(C) (relating to the medicaid program) of aliens who are lawfully residing in the United States (including battered aliens described in section 431(c)), within any or all (or any combination) of the following categories of individuals:

"(1) Pregnant women.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(2) Children.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).".

(b) Applicability of Affidavits of Support.—Section 213A(a) of the Immigration and Nationality Act (8 U.S.C. 1183a(a)) is amended by adding at the end the following:

"(4) Inapplicability to benefits provided under a state waiver.—For purposes of this section, the term 'means-tested public benefits' does not include benefits provided pursuant to a State election and waiver described in section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.".

(c) Conforming Amendments.—

(1) Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(a)) is amended by inserting "and section 405" after "subsection (b)".

(2) Section 402(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(1)) is amended by inserting ", section 405," after "403".

(3) Section 403(a) of such Act (8 U.S.C. 1613(a)) is amended by inserting "section 405 and" after "provided in".

(4) Section 421(a) of such Act (8 U.S.C. 1631(a)) is amended by inserting "except as provided in section 405," after "Notwithstanding any other provision of law,".

(5) Section 1903(v)(1) of the Social Security Act (42 U.S.C. 1396b(v)(1)) is amended by inserting "and except as permitted under a waiver described in section 405(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996," after "paragraph (2),".

(d) Retroactivity of Effective Date.—The amendments made by this section shall take effect as if included in the enactment of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611 et seq.), except that the amendment made by subsection (b) shall apply as if included in the enactment of section 551(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208).

SEC. 3. OPTIONAL ELIGIBILITY OF IMMIGRANT CHILDREN FOR SCHIP.

(a) In General.—Section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as added by section 2(a), is amended—

(1) in the heading, by inserting "**AND SCHIP**" before the period; and

(2) by adding at the end the following new subsection:

"(b) Optional SCHIP Eligibility for Certain Aliens.—

"(1) In general.—Subject to paragraph (2), a State may also elect to waive the application of sections 401(a), 402(b), 403, and 421 with respect to eligibility of children for child health assistance under the State child health plan of the State under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), but only with respect to children who are lawfully residing in the United States (including children who are battered aliens described in section 431(c)).

"(2) Requirement for election.—A waiver under this subsection may only be in effect for a period in which the State has in effect an election under subsection (a) with respect to the category of individuals described in subsection (a)(2) (relating to children).".

(b) Effective Date.—The amendment made by subsection (a) applies to child health assistance for coverage provided for periods beginning on or after October 1, 1997.

SEC. 4. OPTIONAL ELIGIBILITY OF CERTAIN MEDICALLY NEEDY ALIENS FOR MEDICAID.

(a) Optional Eligibility of Certain Aliens Who Are Blind or Disabled Medically Needy Admitted After August 22, 1996.—

(1) In general.—Section 405(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as added by section 2(a), is amended by adding at the end the following:

"(3) Certain blind or disabled medically needy.—Individuals who are considered blind or disabled under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a)) and who, but for sections 401(a), 402(b) and 403 (except as waived under this subsection), would be eligible for medical assistance under clause (ii)(IV) of section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)), or would be eligible for such assistance under any other clause of that section of that Act because the individual, if enrolled in the program under title XVI of the Social Security Act, would receive supplemental security income benefits or a State supplementary payment under that title.".

(2) Retroactivity of effective date.—The amendment made by paragraph (1) shall take effect as if included in the enactment of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611 et seq.).

(b) Optional Eligibility of Medically Needy Aliens Requiring a Certain Level of Care.—

(1) In general.—Section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as added by section 2(a) and as amended by section 3(a) and subsection (a), is further amended by adding at the end the following new subsection:

"(c) Optional Eligibility for Medically Needy Aliens Requiring a Certain Level of Care.—A State may also elect to waive the application of sections 401(a), 402(b), and 421 with respect to eligibility for medical assistance under the program defined in section 402(b)(3)(C) (relating to the medicaid program) of aliens who—

"(1) were lawfully residing in the United States on August 22, 1996; and

"(2) are residents of a nursing facility (as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)), or require the level of care provided in a such a facility or in an intermediate care facility, the cost of which could be reimbursed under the State plan under title XIX of that Act.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if included in the enactment of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611 et seq.).

SEC. 5. ELIGIBILITY OF CERTAIN ALIENS FOR SSI.

(a) Aged Aliens Lawfully Residing in the United States on August 22, 1996.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

"(L) SSI exception for aged aliens lawfully residing in the united states on august 22, 1996.—With respect to eligibility for the program defined in paragraph (3)(A), paragraph (1) shall not apply to any individual who was lawfully residing in the United States on August 22, 1996, and has attained age 65.".

(b) Blind or Disabled Qualified Aliens Who Entered the United States After August 22, 1996.—

(1) In general.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)), as amended by subsection (a), is amended by adding at the end the following:

"(M) SSI exception for blind or disabled qualified aliens who entered the united states after august 22, 1996.—With respect to eligibility for the program defined in paragraph (3)(A), paragraph (1) and section 421 shall not apply to any individual who entered the United States on or after August 22, 1996 with a status within the meaning of the term 'qualified alien', and became blind or disabled (within the meaning of section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))) after the date of such entry.".

(2) Exception from 5-year ban.—Section 403(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)) is amended by adding at the end the following:

"(3) Certain blind or disabled aliens.—An alien described in section 402(a)(2)(M), but only with respect to the programs specified in subsections (a)(3)(A) and (b)(3)(C) of section 402 (and, with respect to such programs, section 421 shall not apply to such an alien).".

(3) Conforming amendment.—Section 421(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(a)), as amended by section 2(c)(4), is amended by inserting ", section 402(a)(2)(M), and section 403(b)(3)" after section "405".

(4) Enforcement of affidavits of support.—For provisions relating to the enforcement of affidavits of support in cases of individuals made eligible for benefits under the amendment made by paragraph (1), see section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a).

(c) Effective Date.—The amendments made by subsections (a) and (b) are effective with respect to benefits payable for months after the month in which this Act is enacted, but only on the basis of applications filed on or after the date of enactment of this Act.

SEC. 6. ELIGIBILITY OF LEGAL IMMIGRANTS FOR FOOD STAMPS.

(a) In General.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)), as amended by section 5(b)(1), is amended by adding at the end the following:

"(N) FOOD STAMP EXCEPTION FOR ALIENS LAWFULLY RESIDING IN THE UNITED STATES ON AUGUST 22, 1996.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to an individual who was lawfully residing in the United States on August 22, 1996.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to benefits under the food stamp program, as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)) for months beginning at least 30 days after the date of enactment of this Act.

SEC. 7. ELIGIBILITY OF LEGAL IMMIGRANTS SUFFERING FROM DOMESTIC ABUSE.

(a) EXEMPTION FROM SSI AND FOOD STAMPS BAN.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)), as amended by section 6(a), is amended by adding at the end the following:

"(O) BATTERED IMMIGRANTS.—With respect to eligibility for benefits for a specified Federal program (as defined in paragraph (3)), paragraph (1) shall not apply to any individual described in section 431(c).".

(b) EXEMPTION FROM 5-YEAR BAN.—Section 403(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)), as amended by section 5(b)(2), is amended by adding at the end the following:

"(4) BATTERED IMMIGRANTS.—An alien described in section 431(c).".

(c) EXPANSION OF DEFINITION OF BATTERED IMMIGRANTS.—

(1) IN GENERAL.—Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) is amended—

(A) in paragraphs (1)(A), (2)(A), and (3)(A) by inserting "or the benefits to be provided would alleviate the harm from such battery or cruelty or would enable the alien to avoid such battery or cruelty in the future" before the semicolon; and

(B) in the matter following paragraph (3), by inserting "and for determining whether the benefits to be provided under a specific Federal, State, or local program would alleviate the harm from such battery or extreme cruelty or would enable the alien to avoid such battery or extreme cruelty in the future" before the period.

(2) CONFORMING AMENDMENT REGARDING SPONSOR DEEMING.—Section 421(f)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(f)(1)) is amended—

(A) in subparagraph (A), by inserting "or would alleviate the harm from such battery or cruelty, or would enable the alien to avoid such battery or cruelty in the future" before the semicolon; and

(B) in subparagraph (B), by inserting "or would alleviate the harm from such battery or cruelty, or would enable the alien to avoid such battery or cruelty in the future" before the period.

(d) CONFORMING DEFINITION OF "FAMILY" USED IN LAWS GRANTING FEDERAL PUBLIC BENEFIT ACCESS FOR BATTERED IMMIGRANTS TO STATE FAMILY LAW.—Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) is amended—

(1) in paragraph (1)(A), by striking "by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to, or acquiesced in, such battery or cruelty," and inserting "by a spouse, parent, son, or daughter, or by any individual having a relationship with the alien covered by the civil or criminal domestic violence statutes of the State or Indian country where the alien resides, or the State or Indian country in which the alien, the alien's child, or the alien child's parents received a protection order, or by any individual against whom the alien could obtain a protection order,"; and

(2) in paragraph (2)(A), by striking "by a spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty," and inserting "by a spouse, parent, son, or daughter of the alien (without the active participation of alien in the battery or cruelty) or by any individual having a relationship with the alien covered by the civil or criminal domestic violence statutes of the State or Indian county where the alien resides, or the State or Indian country in which the alien, the alien's child, or the alien child's parent received a protection order, or by any individual against whom the alien could obtain a protection order,".

(e) EFFECTIVE DATE.—The amendments made by this section apply to Federal means-tested public benefits provided on or after the date of enactment of this Act.

FAIRNESS FOR LEGAL IMMIGRANTS ACT OF 1999

I. HEALTH COVERAGE

Medicaid

Permits states to cover all eligible legal immigrant pregnant women and children, including those who have arrived in the U.S. after August 22, 1996. (Currently, states must wait five years before extending such coverage to legal immigrants coming to the U.S. since August 22, 1996.)

Permits states to extend coverage to certain "medically needy" disabled legal immigrants not receiving SSI.

Children's Health Insurance Program (CHIP)

Permits states to cover legal immigrant children under CHIP. States can cover CHIP children under either the expanded Medicaid option or separate CHIP program. However, to choose this CHIP option states must have first taken up the option to cover poor legal immigrant children under the regular (non-CHIP) Medicaid program. Under current law, legal immigrant children are ineligible for CHIP.

II. SSI

For pre-August 1996 legal immigrants, restores SSI eligibility for those who are elderly and poor but not disabled by SSI standards. This returns pre-August 1996 elderly legal immigrants to the same SSI eligibility status as citizens.

For post-August 1996 legal immigrants, restores SSI eligibility for those who become disabled after entering the country. Currently, such recent immigrants are ineligible for SSI.

III. FOOD STAMPS

Restores eligibility for all pre-August 1996 legal immigrants.

IV. OTHER PROVISIONS

For post-August 1996 legal immigrants suffering from domestic abuse, expands the exemption from the five-year ban on receiving Medicaid and TANF. It also restores their eligibility for SSI and food stamps. Victims of elder abuse are also covered.

Mr. GRAHAM. Mr. President, I rise today, along with Senators MOYNIHAN, KENNEDY, DURBIN, FEINSTEIN, WELLSTONE, and LEAHY to introduce the Fairness to Legal Immigrants Act of 1999. I commend my colleagues in the Senate and the House of Representatives, who are also introducing this legislation today, for their efforts to restore benefits to legal immigrants.

This legislation includes several provisions which restore important health, disability and nutrition benefits to additional categories of legal immigrants. These benefits would improve the lives of many of our most vulnerable, such as pregnant women and children, the elderly and the disabled.

One of the provisions in this proposal would grant states the option to provide health care coverage to legal immigrant children through Medicaid and the State Children's Health Insurance Program (SCHIP)—in essence eliminating the arbitrary designation of August 22, 1996, as the cutoff date for benefits eligibility to children. The welfare reform legislation passed in 1996 prohibits states from covering these immigrant children during their first five years in the United States. This has serious consequences.

Children without health insurance do not get important care for preventable diseases. Many uninsured children are hospitalized for acute asthma attacks that could have been prevented, or suffer from permanent hearing loss from untreated ear infections. Without adequate health care, common illnesses can turn into life-long crippling diseases, whereas appropriate treatment and care can help children with diseases like diabetes live relatively normal lives. A lack of adequate medical care will also hinder the social and educational development of children, as children who are sick and left untreated are less ready to learn.

In addition to allowing extended coverage of legal immigrant children, this initiative aims to provide Medicaid to pregnant women and disabled immigrants regardless of whether they participate in Social Security's Supplemental Security Income program. States would also become eligible for reimbursement of costs associated with providing institutional care for some elderly and disabled immigrants.

Another important issue addressed by this legislation is the exemption allowing legal immigrants who are victims of domestic abuse to receive assistance. At present, victims of domestic violence are restricted from receiving benefits during their first five years in the United States. These individuals are most vulnerable and should not be subjected to staying in a bad situation due to lack of resources.

In this legislation we attempt to diminish the arbitrary cutoff date used in the 1996 welfare law to determine the eligibility of legal immigrants to benefits they desperately need. Our nation was built by people who came to our shores seeking opportunity and a better life, and America has greatly benefitted from the talent, resourcefulness, determination, and work ethic of many generations of legal immigrants. Time and time again, they have restored our faith in the American Dream. We should not discriminate between these important members of our community based on nothing more than an arbitrary date.

I hope that with the help of my colleagues in Congress we will be able to rectify the discrimination suffered by individuals who have legally entered our country, who pay taxes, who serve in the military, and who add to the fabric of this nation. As our nation enters what promises to be a dynamic century, the United States needs a prudent, fair immigration policy to ensure that avenues of refuge and opportunity remain open for those seeking freedom, justice, and a better life.

Mr. LEAHY. Mr. President, I am proud to join Senator MOYNIHAN as an original cosponsor of the Fairness for Legal Immigrants Act of 1999. This bill takes the next, important step toward restoring benefits to legal immigrants.

Legal immigrants are people in our communities who are in this country legally. They pay taxes and they contribute to our economy and society. Many of our parents, or grandparents, were legal immigrants themselves. The 1996 welfare reform law forced this group to lose their eligibility for various programs, including food stamps, Medicaid and SSI. More than 900,000 legal immigrants—including hundreds of thousands of children and elderly individuals—were cut from the Food Stamp Program alone, with nothing to abate their hunger.

In the years since the passage of the welfare reform act, Congress has correctly realized that many of the cuts went too far, and slowly benefits are being restored. For instance, the 1997 Balanced Budget Act restored SSI and Medicaid benefits to a narrow class of immigrants, refugees and asylees.

Last Congress, I worked hard to include $818 million in the Agricultural Research, Extension, and Education Reauthorization Act to restore food stamp benefits for thousands of legal immigrants. This legislation restored food stamps to legal immigrants who are disabled or elderly, or who later become disabled, and who resided in the United States prior to August 22, 1996. That law also increased food stamp eligibility time limits—from 5 years to 7 years—for refugees and asylees who came to this country to avoid persecution. Hmong refugees who aided U.S. military efforts in Southeast Asia were also covered, as were children residing in the United States prior to August 22, 1996.

Though the Agriculture Research Act restored food stamp eligibility to children of legal immigrants, many of these children are not receiving food stamps and are experiencing alarming instances of hunger. In its recent report entitled "Who is Leaving the Food Stamp Program? An Analysis of Caseload Changes from 1994 to 1997," the U.S. Department of Agriculture reported that participation among children living with parents who are legal immigrants fell significantly faster than children living with native-born parents. It appears that restrictions on adult legal immigrants deterred the participation of their children. That is a disturbing development that must be rectified, and the legislation we are introducing today would go a long way toward making the situation right by restoring food stamp eligibility to all legal immigrants.

The Fairness for Legal Immigrants Act of 1999 would also address the medical needs of legal immigrants. This bill will permit states to offer Medicaid coverage to all eligible legal immigrant pregnant women and children, as well as certain "medically needy" disabled legal immigrants. This legislation would also restore SSI eligibility to elderly and poor legal immigrants who were in this country prior to passage of the welfare reform law.

Under current law, legal immigrants who suffer from domestic or elder abuse must wait 5 years to receive Medicaid, TANF, SSI and food stamp benefits if they entered the United States after August 1996. The Fairness for Legal Immigrants Act of 1999 would amend this law so that these victims would not have to wait to receive assistance.

I am proud to cosponsor the Fairness for Legal Immigrants Act of 1999. It is a needed bill that will help fill some of the continuing gaps left by the welfare reform law. I look forward to working with Senator MOYNIHAN and all members of the Senate to restore Medicaid, SSI, and food stamp benefits to legal immigrants in need.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. FRIST, Mr. BURNS, and Mr. BREAUX):

S. 795. A bill to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FASTENER QUALITY ACT AMENDMENTS ACT OF 1999

Mr. MCCAIN. Mr. President, I rise to introduce the Fastener Quality Act Amendments Act of 1999. This bill represents major revisions to the original Fastener Quality Act as passed in 1990.

Every year billions of special high-strength bolts, screws, and other fasteners are sold in the United States which carry grade identification markings. The markings indicate that the fasteners conform to specifications set by consensus standards organizations. These grade-marked fasteners are used in critical applications like aircraft, automobiles, and highway bridges where failure of a fastener could jeopardize public safety.

In 1998, the Congress passed legislation (P.L. 105-234) delaying implementation of the Fastener Quality Act to allow the Secretary of Commerce to conduct a review of changes in fastener manufacturing processes and the existence of other regulatory programs covering fasteners. The review was submitted to the Congress on February 24, 1999, in coordination with several other Federal agencies which have public safety responsibilities including the Defense Industrial Supply Center, the National Highway Traffic Safety Administration, the Federal Aviation Administration, and National Aeronautics and Space Administration.

This bill reflects the findings and recommendations of that report. The bill's content further represents discussions between both the Senate Commerce Committee and the House Science Committee, the Department of Commerce, and private industry representatives. Mr. President, let me note that if these revisions to the Fastener Quality Act are not implemented into law by June 24 of this year, the Secretary of Commerce will have no other choice but to implement the Act as originally passed in 1990. Therefore, several of the nation's key industries may be brought to a halt due to lack of certified fasteners. The impact of such a slow down would be disastrous both economically and in terms of continuous flow of products and services to maintain our current way of life.

The bill defines fasteners as "a metallic screw, nut, bolt, or stud having internal or external threads, with a nominal diameter of one-fourth inch or greater, or a load-indicating washer, that is through-hardened or represented as meeting through-hardening, and that is grade identification marked or represented as meeting a consensus standard that requires grade identification marking." This definition substantially reduces the scope of covered fasteners under the Act.

The bill also establishes a hotline in which the public may notify the Department of Commerce of alleged violations of the Fastener Quality Act. It requires record keeping for a period of five years, instead of the previous ten years, via both traditional and electronic means.

To address current inventory concerns, the Act will be applicable only to fasteners fabricated 180 days after the enactment of this bill.

Furthermore, in cases of fasteners manufactured to a consensus standard or standards that require end-of-line testing, the testing is to be performed by an accredited laboratory. This accredited laboratory requirement shall not take effect until two years after enactment of this Act.

Therefore, I, along with my co-sponsors, urge the members of this body to support this bill and to provide the needed legislation which will allow several key industries in this country continuous operation in a safe and responsible manner.

By Mr. DOMENICI (for himself, Mr. WELLSTONE, Mr. CHAFEE, Mr. SPECTER, Mr. REID, Mr. SARBANES, and Mr. KENNEDY):

S. 796. A bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses; to the Committee on Health, Education, Labor, and Pensions.

MENTAL HEALTH EQUITABLE TREATMENT ACT OF 1999

Mr. DOMENICI. Mr. President, today I rise with great pleasure to introduce the Mental Health Equitable Treatment Act of 1999. I also thank Senator WELLSTONE, my cosponsor, and the other Senators who have already joined me in an effort to make this case. This will say to the insurance companies and the businesses of America, unless they have 25 or fewer employees, their insurance coverage of their employees and their employees' families, if there is going to be mental illness or mental disease coverage, they will have to, as to severe illnesses, have coverage with full parity. As to other mental illnesses, they will have to stop trying to get around the parity law by cutting some of the copays and the like. This will prohibit that.

Essentially, we are going to take a piece of America that is currently discriminated against in health care because those Americans do not have a disease that is a disease of the heart but have a disease of the brain. We now can define it sufficiently that there is no reason to cover one and not the other, and in the process we will stop discriminating against about 10 million American families.

Mr. President, I rise today with great pleasure and excitement to introduce the Mental Health Equitable Treatment Act of 1999. I would also like to thank Senator WELLSTONE for once again joining me to cosponsor this important piece of legislation.

The human brain is the organ of the mind and just like the other organs of our body, it is subject to illness. And just as illnesses to our other organs require treatment, so too do illnesses of the brain.

Medical science is in an era where we can accurately diagnose mental illnesses and treat those afflicted so they can be productive. I would ask then, why with this evidence would we not cover these individuals and treat their illnesses like any other disease?

We should not. So, I would submit there should not be a difference in the coverage provided by insurance companies for mental health benefits and medical benefits.

The introduction of this bill marks a historic opportunity for us to take the next step toward mental health parity. As my colleagues know, this is an issue I have a long involvement with and I would like to begin with a few observations.

I believe that we have made great strides in providing parity for the coverage of mental illness. However, mental illness continues to exact a heavy toll on many, many lives.

Even though we know so much more about mental illness, it can still bring devastating consequences to those it touches; their families, their friends, and their loved ones. These individuals and families not only deal with the societal prejudices and suspicions hanging on from the past, but they also must contend with unequal insurance coverage.

I would submit the Mental Health Parity Act of 1996 is a good first start, but the act is also not working. While there may be adherence to the letter of the law, there are certainly violations of the spirit of the law. For instance, ways are being found around the law by placing limits on the number of covered hospital days and outpatient visits.

That is why I believe it is time for a change.

Some will immediately say we cannot afford it or that inclusion of this treatment will cost too much. But, I would first direct them to the results of the Mental Health Parity Act of 1996. That law contains a provision allowing companies to no longer comply if their costs increase by more than 1 percent.

And do you know how many companies have opted out because their costs have increased by more than 1 percent? Only four companies out of all the companies throughout the country.

Mr. President, with that in mind I would like to share a couple of facts about mental illness with my colleagues:

Within the developed world, including the United States, 4 of the 10 leading causes of disability for individuals over the age of 5 are mental disorders.

In the order of prevalence the disorders are major depression, schizophrenia, bipolar disorder, and obsessive compulsive disorder.

Disability always has a cost and the direct cost to the United States per year for respiratory disease is $99 billion, cardiovascular disease is $160 billion, and finally $148 billion for mental illness.

One in every five people—more than 40 million adults—in this Nation will be afflicted by some type of mental illness.

Nearly 7.5 million children and adolescents, or 12 percent, suffer from one or more mental disorders.

Schizophrenia alone is 50 times more common than cystic fibrosis, 60 times more common than muscular dystrophy and will strike between 2 and 3 million Americans.

Let us also look at the efficacy of treatment for individuals suffering from certain mental illnesses, especially when compared with the success rates of treatments for other physical ailments. For a long time, many who are in this field—especially on the insurance side—have behaved as if you get far better results for angioplasty then you do for treatments for bipolar illness.

Treatment for bipolar disorders—this is, those disorders characterized by extreme lows and extreme highs—have an 80-percent success rate if you get treatment, both medicine and care. Schizophrenia, the most dreaded of mental illnesses, has a 60-percent success rate in the United States today if treated properly. Major depression has a 65-percent success rate.

Let's compare those success rates to several important surgical procedures that everybody thinks we ought to be doing: Angioplasty has a 41-percent success rate; atherectomy has a 52-percent success rate.

I would now like to take a minute to discuss the Mental Health Equitable Treatment Act of 1999. The bill seeks a very simple goal: (1) provide full parity for severe biologically based mental illnesses; (2) prohibit limits on the number of covered hospital days and outpatient visits; and (3) eliminate the Mental Health Parity Act's sunset provision.

The bill would provide full parity for the following mental illnesses: schizophrenia, bipolar disorder, major depression, obsessive compulsive and severe panic disorders, posttraumatic stress disorder, autism, and other severe and disability mental disorders.

Like the Mental Health Parity Act of 1996, the bill does not require a health plan to provide coverage for alcohol and substance abuse benefits. Moreover, the bill does not mandate the coverage of mental health benefits, rather the bill only applies if the plan already provides coverage for mental health benefits.

In conclusion, the bill expands full parity to those suffering from a severe biologically based mental illness and it closes a loophole in the Mental Health Parity Act of 1996 by prohibiting limits on the number of covered hospital days and outpatient visits and I would urge my colleagues to support this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health Equitable Treatment Act of 1999".

SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

(1) in subsection (a), by adding at the end the following:

"(3) HOSPITAL DAY AND OUTPATIENT VISIT LIMITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits—

"(A) NO INPATIENT LIMITS.—If the plan or coverage does not include a limit on the number of days of coverage provided for inpatient hospital stays in connection with covered medical and surgical benefits, the plan or coverage may not impose any limit on inpatient hospital stays for mental health benefits.

"(B) CERTAIN INPATIENT LIMITS.—If the plan or coverage includes a limit on the number of days of coverage provided for inpatient hospital stays in connection with certain covered medical and surgical benefits, the plan or coverage may impose comparable limits on inpatient hospital stays for mental health benefits.

"(C) NO OUTPATIENT LIMITS.—If the plan or coverage does not include a limit on the number of outpatient visits in connection with covered medical and surgical benefits, the plan or coverage may not impose any limit on the number of outpatient visits for mental health benefits.

"(D) CERTAIN OUTPATIENT LIMITS.—If the plan or coverage includes a limit on the number of outpatient visits in connection with certain covered medical and surgical benefits, the plan or coverage may impose comparable limits on the number of outpatient visits for mental health benefits.

"(4) SEVERE MENTAL ILLNESS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any limitations on the coverage of benefits for severe biologically-based mental illnesses unless comparable limitations are imposed on medical and surgical benefits.";

(2) by striking subsection (b) and inserting the following:

"(b) CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits; or

"(B) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health benefits, as affecting the terms and conditions (including cost sharing and requirements relating to medical necessity) relating to the amount, duration, or scope of mental health benefits under the plan or coverage, except as specifically provided in subsection (a) (in regard to parity in the imposition of aggregate lifetime limits and annual limits and limits on inpatient stays or outpatient visits for mental health benefits).

"(2) CARE, TREATMENT, AND DELIVERY OF SERVICES.—Nothing in this subpart shall be construed to prohibit the provision of care or treatment, or delivery of services, relating to mental health services, by qualified health professionals within their scope of practice as licensed or certified by the appropriate State or jurisdiction.";

(3) in subsection (c)—

(A) by striking paragraph (2); and

(B) in paragraph (1)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

"(A) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 25 employees on business days during the preceding calendar year.";

(ii) by redesignating subparagraphs (A) and (C) as paragraphs (1) and (2), respectively, and realigning the margins accordingly; and

(iii) in paragraph (2) (as so redesignated), by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively;

(4) in subsection (e), by adding at the end the following:

"(5) SEVERE BIOLOGICALLY-BASED MENTAL ILLNESS.—The term 'severe biologically-based mental illness' means an illness that medical science in conjunction with the Diagnostic and Statistical Manual of Mental Disorders (DSM IV) affirms as biologically based and severe, including schizophrenia, bipolar disorder, major depression, obsessive compulsive and panic disorders, posttraumatic stress disorder, autism, and other severe and disabling mental disorders such as anorexia nervosa and attention-deficit/hyper activity disorder."; and

(5) by striking subsection (f).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2000.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended—

(1) in subsection (a), by adding at the end the following:

"(3) HOSPITAL DAY AND OUTPATIENT VISIT LIMITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits—

"(A) NO INPATIENT LIMITS.—If the plan or coverage does not include a limit on the number of days of coverage provided for inpatient hospital stays in connection with covered medical and surgical benefits, the plan or coverage may not impose any limit on inpatient hospital stays for mental health benefits.

"(B) CERTAIN INPATIENT LIMITS.—If the plan or coverage includes a limit on the number of days of coverage provided for inpatient hospital stays in connection with certain covered medical and surgical benefits, the plan or coverage may impose comparable limits on inpatient hospital stays for mental health benefits.

"(C) NO OUTPATIENT LIMITS.—If the plan or coverage does not include a limit on the number of outpatient visits in connection with covered medical and surgical benefits, the plan or coverage may not impose any limit on the number of outpatient visits for mental health benefits.

"(D) CERTAIN OUTPATIENT LIMITS.—If the plan or coverage includes a limit on the number of outpatient visits in connection with certain covered medical and surgical benefits, the plan or coverage may impose comparable limits on the number of outpatient visits for mental health benefits.

"(4) SEVERE MENTAL ILLNESS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any limitations on the coverage of benefits for severe biologically-based mental illnesses unless comparable limitations are imposed on medical and surgical benefits.";

(2) by striking subsection (b) and inserting the following:

"(b) CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits; or

"(B) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health benefits, as affecting the terms and conditions (including cost sharing and requirements relating to medical necessity) relating to the amount, duration, or scope of mental health benefits under the plan or coverage, except as specifically provided in subsection (a) (in regard to parity in the imposition of aggregate lifetime limits and annual limits and limits on inpatient stays or outpatient visits for mental health benefits).

"(2) CARE, TREATMENT, AND DELIVERY OF SERVICES.—Nothing in this part shall be construed to prohibit the provision of care or treatment, or delivery of services, relating to mental health services, by qualified health professionals within their scope of practice as licensed or certified by the appropriate State or jurisdiction.";

(3) by striking subsection (c) and inserting the following:

"(c) EXEMPTION.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 25 employees on business days during the preceding calendar year.";

(4) in subsection (e), by adding at the end the following:

"(5) SEVERE BIOLOGICALLY-BASED MENTAL ILLNESS.—The term 'severe biologically-based mental illness' means an illness that medical science in conjunction with the Diagnostic and Statistical Manual of Mental Disorders (DSM IV) affirms as biologically based and severe, including schizophrenia, bipolar disorder, major depression, obsessive compulsive and panic disorders, posttraumatic stress disorder, autism, and other severe and disabling mental disorders such as anorexia nervosa and attention-deficit/hyper activity disorder."; and

(5) by striking subsection (f).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2000.

SEC. 4. PREEMPTION.

Nothing in the amendments made by this Act shall be construed to preempt any provision of State law that provides protections to enrollees that are greater than the protections provided under such amendments.

MENTAL HEALTH EQUITABLE TREATMENT ACT OF 1999—SUMMARY

The Bill seeks to ensure greater parity in the coverage of mental health benefits by prohibiting limits on the number of covered hospital days and outpatient visits for all mental illnesses and providing full parity for specified severe adult and child mental illnesses.

The Bill only applies to group health plans already providing mental health benefits.

PROHIBITION ON DAY AND VISIT LIMITS FOR ALL MENTAL ILLNESSES

Expands the Mental Health Parity Act of 1996 (MHPA) to include parity for the number of covered hospital days and outpatient visits for all mental illnesses.

FULL PARITY FOR SEVERE BIOLOGICALLY-BASED MENTAL ILLNESSES

Provides full parity for the following severe biologically-based mental illnesses: schizophrenia, bipolar disorder, major depression, obsessive compulsive and severe panic disorders, post traumatic stress disorder, autism, and other severe and disabling mental disorders such as, anorexia nervosa and attention-deficit/hyperactivity disorder.

The term "severe biologically-based mental illness" means the above illnesses as defined by current medical science in conjunction with the Diagnostic and Statistical Manual of Mental Disorders (DSM IV).

REQUIREMENTS AND EXEMPTIONS

Elimination of the September 30, 2001 sunset provision in the MHPA.

Like the MHPA the bill does not require plans to provide coverage for benefits relating to alcohol and drug abuse.

There is a small business exemption for companies with 25 or fewer employees.

Mr. WELLSTONE. Mr. President, today I rise to introduce the Mental Health Equitable Treatment Act of 1999, a bit that will ensure that private health insurance companies provide the same level of coverage for mental illness as they do for other diseases. This bill will be a major step toward ending the discrimination against people who suffer from mental illness.

For too long, mental illness has been stigmatized, or viewed as a character flaw, rather than as the serious disease that it is. A cloak of secrecy has surrounded this disease, and people with mental illness are often ashamed and afraid to seek treatment, for fear that they will be seen as admitting a weakness in character. We have all seen portrayals of mentally ill people as somehow different, as dangerous, or as frightening. Such stereotypes only reinforce the biases against people with mental illness. Can you imagine this type of portrayal of someone who has a cardiac problem, or who happens to carry a gene that predisposes them to diabetes?

Although mental health research has well-established the biological, genetic, and behavioral components of many of the forms of serious mental illness, the illness is still stigmatized as somehow less important or serious than other illnesses. Too often, we try to push the problem away, deny coverage, or blame those with the illness for having the illness. We forget that someone with mental illness can look just like the person we see in the mirror, or the person who is sitting next to us on a plane. It can be our mother, or brother, or son, or daughter. It can be one of us. We have all known someone with a serious mental illness, within our families or our circle of friends, or in public life. Many people have courageously come forward to speak about their personal experiences with their illness, to help us all understand better the effects of this illness on a person's life, and I commend them for their courage.

The statistics concerning mental illness, and the state of health care coverage for adults and children with this disease are startling, and disturbing.

One severe mental illness affecting millions of Americans is major depression. The National Institute of Mental Health, a NIH research institute, within the U.S. Department of Health and Human Services, describes serious depression as a critical public health problem. More than 18 million people in the United States will suffer from a depressive illness this year, and many will be unnecessarily incapacitated for weeks or months, because their illness goes untreated. The cost to the Nation in 1990 was estimated to be between $30–$44 billion. The suffering of depressed people and their families is immeasurable.

Depressive disorders are not the normal ups and downs everyone experiences. They are illnesses that affect mood, body, behavior, and mind. Depressive disorders interfere with individual and family functioning. Without treatment, the person with a depressive disorder is often unable to fulfill the responsibilities of spouse or parent, worker or employer, friend or neighbor.

Available medications and psychological treatments, alone or in combination, can help 80 percent of those with depression. But without adequate treatment, future episodes of depression may continue or worsen in severity. Yet, the steady decline in the quality and breadth of health care coverage is truly disturbing.

The results of a major survey of employer-provided health plans was published in 1998 by the Hay Group, an independent benefits consulting firm. The Hay Report showed a major decline in benefits in the last decade:

Employer-provided mental health benefits decreased 54%—while benefits for general health decreased only 7%;

Even before this erosion occurred, mental health benefits made up only 6% of total medical benefits paid by employers. Today—that has been cut in half—it is down to 3%;

The number of plans restricting hospitalization for mental disorders increased by 20%;

Descriptions of benefit limits themselves are misleading. Although plans may say that they allow 30 days for hospitalization, this is rarely approved. In 1996, the average length of stay was 8½ days, down from 17 in 1991.

In 1988, most insurance plans allowed 50 therapy sessions per years. In 1997, the average number was 20.

A 1998 study published by Health Affairs found that between 1991 and 1995, HMO enrollees were twice as likely to encounter limits on psychiatric visits, and about three times as likely to have separate, and higher, copayments than for general medical health care.

No one, of course, expects coverage of any illness to cost nothing. But what we do know is that fears of spiraling costs for mental health treatment are unfounded. Studies from HHS that have examined the effects of mental health and substance abuse treatment parity have shown that full parity for these benefits would be just slightly higher than current premiums. Most reports, like the one requested by Congress from the National Advisory Mental Health Counsel, showed that when mental health coverage is managed, either moderately or tightly, that premium increases can be as low as 1%.

These costs are so low. And the cost of NOT treating is so high—especially when one looks at the toll that untreated mental illness takes on individuals, families, employers, corporations, social service systems, and criminal justice systems. I have seen first hand in the juvenile corrections system what happens when mental illness is criminalized, when youth with mental illness are incarcerated for exhibiting symptoms of their illness. To treat ill people as criminals is outrageous is outrageous and immoral. We must make treatment for this illness as available and as routine as treatment for any other disease. The discrimination must stop.

Our bill includes parity for hospital day and outpatient visits for all mental illnesses. Additionally, for many of the most severe adult and child mental illnesses, the bill establishes full parity, i.e., parity for copayments, deductibles, hospital day, and outpatient visit benefits. The bill also provides protection for non-physician providers, and for states with stronger parity bills; it also includes a small business exemption, and eliminates the sunset provision and the 1% exemption from the 1996 Mental Health Parity Act. Covered services include inpatient treatment; non-hospital residential treatment; outpatient treatment, including screening and assessment, medication management, individual, group and family counseling; and prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for mental illness.

The Mental Health Equitable Treatment Act of 1999 provides for major improvements in coverage for mental illness by private health insurers. It does not require that mental health benefits be part of a health benefits package, but establishes a requirement for parity in coverage for those plans that offer mental health benefits. This bill goes a long way toward our bipartisan goal: that mental illness be treated like any other disease in health care coverage.

Mr. President, the Mental Health Equitable Treatment Act of 1999 is designed to take a large step toward ending the suffering of those with mental illness who have been unfairly discriminated against in their health coverage. We must end this discrimination.

Mr. CHAFEE. Mr. President, I am pleased to join my colleagues, Senators DOMENICI and WELLSTONE, in introducing the Mental Health Equitable Treatment Act of 1999, and I applaud them for their leadership on this issue. This legislation is an important step towards ensuring that people with mental illness have access to the care they need.

For too long, insurance plans have treated patients with mental illnesses differently than those with physical illnesses. However, research has proven the biological origins of mental illness. It is now time to bring coverage of mental illness into the 20th century. There is no rational basis for excluding or limiting coverage for such conditions; doing so is patently discriminatory. Enactment of the Mental Health Parity Act in 1996, which I cosponsored, was the first step in correcting this disparity. This legislation builds upon the 1996 law by adding some important new protections.

In my home state of Rhode Island, over 28,000 people are suffering from severe mental illnesses such as schizophrenia, bipolar disorder and major depression. These disorders can be as threatening to the health of the patient as physical illnesses, such as cancer or AIDS. Discriminatory coverage restrictions or cost-sharing requirements—such as limits on the number of therapy visits or disparate co-payments—place an undue hardship on these patients at a time when they require medical care.

If left untreated, mental illnesses can result in more serious disability or even death. This legislation takes another step in helping to prevent such tragedies. I hope we one day will be able to end discrimination in the coverage of all mental illnesses. I urge my colleagues to support this measure.

By Mr. ASHCROFT:

S. 797. A bill to apply the Foreign Corrupt Practices Act of 1977 to the International Olympic Committee; to the Committee on Banking, Housing, and Urban Affairs.

INTERNATIONAL OLYMPIC COMMITTEE INTEGRITY ACT OF 1999

Mr. ASHCROFT. Mr. President, for decades Americans have watched with awe and amazement at the invigorating achievements of the world's Olympic athletes. When Gail Devers and Wendy Williams won Olympic medals, they inspired their hometown of Bridgeton, Missouri. When Nikki Ziegelmeyer won a speed skating Olympic medal, her hometown of Imperial Missouri cheered. And when Ray Armstead helped win the 4 by 400 meter relay, St. Louis was proud of its native son.

Gail, Wendy, Nikki and Ray won through sheer talent, toil and sweat. They pursued Olympic fame with honor and integrity, competed fairly, and won with dignity. Their athletic grace on the world stage helped spark dreams of future Olympic glory in young people today.

But now the Olympic torch has been dimmed, and the five Olympic rings have been tarnished by bribes and graft given to secure victory at any price. The victory pursued with moneyed vengeance was not in athletic competition. In this scandal, the Olympic athletes are the innocents, yet the scandal tarnishes their achievement. The villains at ground zero are those who decided where the games were to be played and those who hosted or will host the games. Such irony: Scandal torches the competition to host the world's most competitive and honorable games.

The facts are bleak—in their attempts to land the 2002 Olympics, leaders of the Salt Lake City Olympic Committee spent $4 million on gifts, scholarships, cash payments and other inducements for International Olympic Committee members; allegations by senior Olympic officials have raised questions about payments that may have been made to influence the selection of other Olympic cities; the Justice Department has launched a criminal investigation into payments by Salt Lake City Olympic Officials; an independent investigation conducted by former Senator George Mitchell and former White House Chief of Staff Ken Duberstein concluded that receipt of "valuables" by International Olympic Committee members has become "widespread, notorious, continuous, unchecked and ingrained in the way Olympic business is done."; and the International Olympic Committee has expelled six of its members for corruption.

Now that these problems have been exposed to the world, the question is what should be done to stop this bribery from destroying the Olympic movement.

Today, Senator MCCAIN took a step in the right direction by convening a hearing in the Senate Commerce Committee. I regret the decision by the President of the International Olympic Committee, Juan Antonio Samaranch, to not attend that hearing. And I take exception with the comments of one of the IOC witnesses who told the Associated Press, and I quote, "What I'm afraid is that they're doing it for political advantage and not for the benefit of anybody except for themselves. They just get on a soap box and preach their righteousness."

Well, it is crystal clear to me that Congress should, for our Olympic athletes and the hometowns they represent, use soap and scrubbing and scrutiny to clean up this mess.

Mr. President, today I am introducing legislation that is a vital step in restoring integrity to the IOC host city bidding process. The International Olympic Committee Integrity Act will expand the coverage of the Foreign Corrupt Practices Act to include the IOC. The FCPA prohibits U.S. businesses from offering bribes or kickbacks to foreign officials. The U.S. Olympic Committee has asked President Clinton to issue an executive order to cover the IOC under the FCPA. To date, the President has not done so. My bill accomplishes what the U.S. Olympic Committee has requested and that is to outlaw the gifts and payments such as those that have been made in the past to International Olympic Committee officials.

In addition, I am keeping open the option of removing the federal tax deduction that federal tax law provides for contributions made to the International Olympic Committee. I will review the testimony of IOC witnesses from today's Commerce Committee hearing before making a final decision.

In closing, Mr. President, we should give credit where it is due. When faced with a serious mistake that has been made, a test of character is whether you do the next right thing. Once the Salt Lake City problem was discovered, officials at the U.S. Olympic Committee responded quickly. The USOC asked for the Mitchell-Duberstein investigation I mentioned earlier. The USOC has implemented a series of internal and external reforms of procedures used to apply for hosting the Olympic Games. The USOC has strengthened ethics rules, and created a compliance officer to monitor U.S. bid cities. And, in the future, all honoraria received by committee members must be forfeited to the group's chief financial officer.

We have much more to do in order to restore confidence and dignity to the Olympics. I urge my colleagues to join me in support of the International Olympic Committee Integrity Act. We owe it to Gail Devers, Wendy Williams, Nikki Ziegelmeyer, Ray Armstead and all future Olympic athletes.

By Mr. MCCAIN (for himself, Mr. BURNS, Mr. WYDEN, Mr. LEAHY, Mr. ABRAHAM, and Mr. KERRY):

S. 798. A bill to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE "PROTECT" ACT

Mr. BURNS. Mr. President, as the Members of the Senate know, for several years I have advocated the enactment of legislation that would facilitate the use of strong encryption. Beginning in the 104th Congress, I have introduced legislation that would ensure that the private sector continues to take the lead in developing innovative products to protect the security and confidentiality of our electronic information including the ability to export such American products.

I am pleased to rise today to introduce with my Chairman, Senator McCAIN, the PROTECT ACT of 1999 (Promote Reliable On Line Transactions To Encourage Commerce and Trade). The bill reflects a number of discussions we have had this year about the importance of encryption in the digital age to promote electronic commerce, secure our confidential business and sensitive personal information, prevent crime and protect our national security by protecting the commercial information systems and electronic networks upon which America's critical infrastructures increasingly rely. I am extremely pleased to join with him in introducing this important legislation.

While this bill differs in important respects from the PRO-CODE legislation I introduced in the previous Congress, I do think it accomplishes a number of very important objectives. Specifically, the bill:

Prohibits domestic controls;

Guarantees that American industry will continue to be able to come up with innovative products;

Immediately decontrols encryption products using key lengths of 64 bits or less;

Permits the immediate exportability of 128 bit encryption in recoverable encryption products and in all encryption products to a broad group of legitimate and responsible commercial users and to users in allied countries;

Recognizes the futility of unilateral export controls on mass market products and where there are foreign alternatives and so permits the immediate exportability of strong encryption products whenever a public-private advisory board and the Secretary of Commerce determines that they are generally available, publicly available, or available from foreign suppliers;

Directs NIST to complete establishment of the Advanced Encryption Standard with 128 bit key lengths (the DES successor) by January 1, 2002 (and ensures that it is led by the private sector and open to public comment); and

Decontrols thereafter products incorporating the AES or its equivalent.

Today, we are in a world that is characterized by the fact that nearly everyone has a computer and that those computers are, for the most part, connected to one another. In light of that fact, it is becoming more and more important to ensure that our communications over these computer networks are conducted in a secure way. It is no longer possible to say that when we move into the information age, we'll secure these networks, because we are already there. We use computers in our homes and businesses in a way that couldn't have been imagined 10 years ago, and these computers are connected through networks, making it easier to communicate than ever before. This phenomenon holds the promise of transforming life in States like Montana, where health care and state-of-the-art education can be delivered over networks to people located far away from population centers. These new technologies can improve the lives of real people, but only if the security of information that moves over these networks is safe and reliable.

The problem today is that our computer networks are not as secure as they could be; it is fairly easy for amateur hackers to break into our networks. They can intercept information; they can steal trade secrets and intellectual property; they can alter medical records; the list is endless. One solution to this, of course, is to let individuals and businesses alike to take steps to secure that information. Encryption is one technology that accomplishes that.

I am proud that today I have been able to join with Senator McCAIN to introduce this legislation which will enable Americans to use the Internet with confidence and security.

Mr. LEAHY. Mr. President, this is the third Congress in which I have introduced and sponsored legislation to update our country's encryption policies. My objective has been to bolster the competitive edge of our Nation's high-tech companies, allow Americans to protect their online and electronically stored confidential information, trade secrets and intellectual property, and promote global electronic commerce. I am pleased to join Senators McCAIN, WYDEN and BURNS, in this continuing effort with the "Promote Reliable On-Line Transactions to Encourage Commerce and Trade (PROTECT) Act of 1999."

In May 1996, I chaired a hearing on the Administration's ill-fated Clipper Chip key escrow encryption program that drove home the need for relaxed export controls on strong encryption. U.S. export controls on encryption technology were having a clear negative effect on the competitiveness of American hi-tech companies. Moreover, these controls were discouraging the use of strong encryption domestically since manufacturers generally made and marketed one product for both for export and for domestic use here. At that hearing I heard testimony about 340 foreign encryption products that were available worldwide—including for import into the United States—155 of which employed encryption in a strength that American companies were prohibited from exporting. That number has grown exponentially. As of December, 1997, there were 656 foreign encryption products available from 474 vendors in 29 different foreign countries.

American companies certainly do not enjoy a monopoly on encryption knowhow. The U.S. Commerce Department's National Institute for Standard and Technology (NIST) is developing an Advanced Encryption Standard (AES) to update the U.S. Data Encryption Standard (DES), the current global encryption standard. Only 5 of the 15 AES candidate algorithms submitted to NIST for evaluation were proposed from American companies or individuals. The remaining proposals came from Australia, Canada, France, Germany, Japan, Korea, United Kingdom, Israel, Norway, and Belgium.

In the 104th Congress, I introduced encryption legislation on March 5, 1996, with Senators BURNS, Dole, MURRAY and others, to help Americans better protect their online privacy and allow American companies to compete more effectively in the global hi-tech marketplace. Specifically, the "Encrypted Communications Privacy Act of 1996," S. 1587, would have relaxed export controls on strong encryption and promoted the widespread use of encryption to protect the security, confidentiality and privacy of online communications and stored electronic data. This bill would have legislatively confirmed the freedom of Americans to use and sell in the United States any encryption technology that most appropriately met their privacy and security needs. In addition, this bill would have relaxed export controls to allow the export of encryption products when comparable strength encryption was available from foreign suppliers, and encryption products that were generally available or in the public domain.

In the years since that bill was introduced, the Administration has made some positive changes in its export policies. In October 1996, the Administration allowed the export of 56-bit DES encryption by companies that agreed to develop key recovery systems. This policy was supposed to sunset in two years. I strongly criticized this policy at the time, warning that this "sunset" provision "does not promote our high-tech industries overseas." In fact, when the time came last year to return to the old export regime that allowed the export of only 40-bit encryption, the Administration relented and continues to permit the export of 56-bit encryption, with the condition of developing encryption programs with recoverable keys.

The proposals I made in 1996 made sense then, and versions of these provisions are incorporated into the PROTECT Act today.

Specifically, the PROTECT Act would provide immediate relief by allowing the export of encryption using key lengths of up to 64 bits. In addition, stronger encryption (more than 64-bit key lengths) would be exportable under a license exception, upon determination by a new Encryption Export Advisory Board that the product or service is generally available, publicly available or a comparable product is available from a foreign supplier. This determination is subject to approval by the Secretary of Commerce and to override by the President on national security grounds.

This relief is important since the time and effort to crack 56-bit DES encryption is getting increasingly short. Indeed, earlier this year, a group of civilian computer experts broke a 56-bit encrypted message in less than 24 hours, beating a July 1998 effort that took 56 hours.

The breaking of 56-bit encryption comes as no surprise to those doing business, engaging in research, or conducting their personal affairs online. While 56-bit encryption may still serve as the global standard, this will not be the situation for much longer. 128-bit encryption is now the preferred encryption strength.

For example, in order to access online account information from the Thrift Savings Plan for Federal Employees, Members and congressional staff must use 128-bit encryption. If you use weaker encryption, a screen pops up to say "you cannot have access to your account information because your Web browser does not have Secure Socket Layer (SSL) and 128-bit encryption (the strong U.S./Canada-only version)."

Likewise, the Department of Education has set up a Web site that allows prospective students to apply for student financial aid online. Significantly, the Education's Department states that "[t]o achieve maximum protection we recommend you use 128-bit encryption."

These are just a couple examples of government agencies or associated organizations directing or urging Americans to use 128-bit encryption. We should assume that people in other countries are getting the same directions and recommendations. Unfortunately, while American companies can fill the demand for this strong encryption here, they are not permitted to sell it abroad for use by people in other countries.

Significantly, the PROTECT Act would permit the export of 128-bit (and higher) AES products by January 1, 2002. While not providing relief as quickly as I have urged in other encryption legislation, including the E-PRIVACY Act, S. 2067, in the last Congress, this bill moves in the right direction, and provides a sunset for unworkable encryption export controls. In my view, this bill would give most Internet users access to the strongest tools they need to protect their privacy starting in 2002—a long time by Net standards, but time our law enforcement and intelligence agencies say they need to address the global proliferation of strong encryption.

Encryption is a critical tool for Americans to protect their privacy and safeguard their confidential electronic information, such as credit card numbers, personal health information, or private messages, from online thieves and snoops. This is important to encourage the continued robust growth of electronic commerce. A March 1999 report of the Vermont Internet Commerce Research Project that I commissioned analyzed barriers to Internet commerce in my home State, and found that "the strongest obstacle among consumers" was the perceived lack of security.

Focusing on the export regime for encryption technology is only one aspect, albeit an important one, in the larger debate over how best to protect privacy in a digital and online environment. Legislation to provide encryption export relief is a start, but we also have important work to do in addressing broader privacy issues, such as establishing standards for law enforcement access to decryption assistance. I look forward to working with Senators McCAIN, WYDEN and BURNS on passage of the PROTECT Act as well as other privacy legislation.

Mr. KERRY. Mr. President, today I join my esteemed colleagues, Senators McCAIN, BURNS, WYDEN, LEAHY and ABRAHAM in introducing legislation that will encourage sales of US information technology products while at the same time protecting our national security interests. The Promote Reliable On-Line Transactions to Encourage Commerce and Trade (PROTECT) Act of 1999 is an important first step that recognizes that as the Internet becomes more of a presence in global commerce, there must be guarantees and assurances that business and personal information remains confidential. It also recognizes that the US companies are leaders in creating the technology that serves this vital purpose, and that these companies are integral to our growing economy.

United States information technology companies have been frustrated by what they perceive as too-stringent controls on the export of their encryption products. These controls have served a vital purpose in protecting national security interests. The realities of the marketplace and the technology sector, however, suggest that it time to loosen our grip somewhat on the export controls we impose. Although the US is the leader in producing high quality, strong encryption products, other countries also have the ability to produce comparable products. We must recognize this reality and understand that while export controls can slow the spread of encrypted products, they cannot stop it. Importantly, controls that do not recognize this reality put our software industry at a disadvantage as it tries to compete in the global market.

Nothing, of course, is more important than our national security. This legislation maintains strong guidelines to ensure that encryption technology is not sold to countries that pose a threat to our national security. It puts in place a number of reasonable checks to make certain that US encryption technology does not get into the wrong hands. At the same time, it takes into consideration that where encryption products are generally or publicly available, we should not unduly limit their sale to responsible entities in NATO, OECD or ASEAN countries. To do so would not only cause potential harm to US industry, but it could also have an unintended negative impact on our own security.

I applaud Senator McCAIN for taking this first step towards resolving a complicated problem. As we work through this and other legislation that attempts to address the issue of encryption exports, I hope we can incorporate the best features into the strongest possible bill.

By Mr. CAMPBELL:

S. 799. A bill to amend the Internal Revenue Code of 1986 to modify the tax brackets, eliminate the marriage penalty, allow individuals a deduction for amounts paid for insurance for medical care, increase contribution limits for individual retirement plans and pensions, and for other purposes; to the Committee on Finance.

TAX RELIEF

Mr. CAMPBELL. Mr. President, today I offer an important piece of legislation. The bill I offer today, called the American Family Tax Relief Act of 1999, is a modest, but important tax relief package. This bill is important for both substantive and symbolic reasons. Substantively, this bill provides all Americans with needed tax relief. If the need for tax relief isn't yet apparent to everyone, tomorrow will remind all Americans of the need when they submit tax returns which reflect an ever larger percentage of their income going to the federal government.

This bill is also important as a symbol to the American public that Congress remains committed to the principle of a smaller federal government and lower taxes. We should not use the unusually good economic times we enjoy as an excuse to delay providing tax relief to hard-working American families. No, we should instead take this wonderful opportunity to recommit ourselves to fiscal discipline and responsibility.

We are already taking important steps in this regard by locking up the social security trust fund to ensure its solvency. We are also devoting a significant portion of the surplus to retiring publicly held debt, which will reduce the drain on federal spending for interest on this debt. The next step is to provide tax relief. This is a platform many of us have stood upon, and is therefore a pledge we must honor. If we can't provide tax cuts in good times, think how difficult it would be in bad times.

This bill I offer today has five different components: the largest component of this legislation would lower all individual income tax rates by 5%. Although this is substantially less than the 10% tax cut I have also supported, this modest reduction will more easily fit in the budget offsets after social security solvency and debt retirement have been addressed. By letting all Americans keep more of their income, they will be free to spend or save more of it. By now, we all know that the end result of this is a healthier, more robust economy.

The second component would expand the lowest income tax bracket, a targeted tax break for middle income tax payers. In addition to the 5% across the board reduction, many middle income earners would now fall into the lowest tax bracket, thereby paying even lower taxes than they would under the existing tax code.

Third, I would repeal the marriage penalty. Last year during my reelection campaign, I heard from hundreds of Coloradans asking me to repeal this offensive part of the tax code. I agree with all of them that we need a tax code that underscores the value we place on encouraging families, not one that discourages or penalizes marriage. This bill would do that.

Fourth, this bill would bring needed relief to many taxpayers by allowing the full deductibility of health insurance. Even folks who don't meet the minimum criteria needed to itemize their deductions, often single folks or lower income folks, could still deduct their health insurance. This is a critical step towards providing all Americans with health insurance coverage and reducing the cost of this critical component of modern life.

The last piece of this bill would encourage greater individual responsibility for retirement planning. By allowing a taxpayer to contribute more into an IRA without being taxed, more individuals will contribute more to their own retirement. The end result would be less reliance and less strain on Social Security and other entitlement programs. The more Congress can lead the way in weaning ourselves off of federal entitlements by encouraging individual retirement planning, the more government will shrink while increasing its efficiency.

I conclude by inviting my colleagues to take a good look at this bill and work with me on reasonable changes and to support its passage.

By Mr. BURNS (for himself, Mr. MCCAIN, Mr. DORGAN, and Mr. WYDEN):

S. 800. A bill to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

E–911 ACT OF 1999

Mr. BURNS. Mr. President, I am here today to talk about some good news for a change. I want to introduce the "E–911 Act of 1999." The purpose of this legislation is to improve 911. By linking some of the amazing innovations in wireless technology to 911 and medical and emergency response professionals we bring our 911 systems into the 21st century.

All kinds of technologies exist today that can greatly reduce response time to emergencies and help victims get the right kind of medical attention quickly. But right now these technologies are not connected in ways that can be used for emergencies. That's why this effort to upgrade our 911 systems across the nation is so important and necessary.

The National Highway Traffic Safety Administration has conducted studies showing that crash-to-care time for fatal accidents is about a half hour in urban areas. In rural areas, which covers most of my home state of Montana, that crash-to-care time almost doubles. On average, it takes just shy of an hour to get emergency attention to crash victims in rural areas. Almost half of the serious crash victims who do not receive care in that first hour die at the scene of the accident. That's a scary statistic.

In 1997 there were 37,280 fatal motor vehicle crashes in the United States—41,967 people died as a result. Of that number, 2,098 were children. Now obviously there is no piece of legislation that can instantly prevent these kinds of tragedies. But there are definitely things we can do to help reduce them. Upgrading our 911 response systems, which this legislation promotes, is a solid step toward preventing many horrible tragedies.

Drew Dawson, who is the director of the Montana Emergency Medical Services Bureau and the president of the National Association of State Emergency Medical Services Directors, strongly supports the Wireless Communications and Public Safety Act of 1999. He tells me that the bill will help bring better wireless 911 coverage to Montana and will enhance our statewide Trauma Care System. Mr. Dawson believes this legislation will help him and his emergency folks do their jobs better, which means it will help them save more lives than they already do.

I have to say a word about all of the good work that folks like Drew Dawson in Montana and other emergency professionals do all over the country. The United States has the most skilled and dedicated group of medical and emergency professionals in the world. We need to give them better tools. There is technology out there that can help these professionals and that can help all of us citizens, if, God forbid, we ever find ourselves in an emergency situation needing this kind of help. The E–911 Act of 1999 will help all of us and will make our emergency services even better than they are today.

Mr. President, Let me take a moment to summarize the important sections of this bill.

It makes Congressional findings and specifies the purpose of the Act. The purpose of the Act is "to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs."

It assigns to the Federal Communications Commission, and any agency or entity to which it has delegated authority under Section 251 of the Communications Act of 1934, the duty to designate the number 911 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance. The universal number would apply both to wireless and wireline telephone service. The Commission, and any agency or entity, must establish appropriate periods for geographic areas in which 911 is not in use as an emergency telephone number to transition to the use of 911.

It establishes a principle of parity between the wireless and wireline telecommunications industries in protection from liability for: (1) the provision of telephone services, including 911 and emergency warning service, and (2) the use of 911 and emergency warning service. The bill provides for wireless providers of telephone service to receive at least as much protection under Federal, State or local law from liability as local exchange companies receive in providing telephone services. States cannot impose procedural barriers, such as requiring wireless providers to file tariffs, as a condition for wireless providers to receive the substantive protection from liability for which the legislation provides. The bill also provides for users of wireless 911 service to receive at least as much protection from liability under Federal, State or local law as users of wireline 911 service receive.

It amends Section 222 of the Communications Act of 1934 (47 U.S.C. 222) to provide appropriate privacy protection for call location information concerning the user of a commercial mobile service, including such information provided by an automatic crash notification system. The provision authorizes disclosure of such information to emergency dispatch providers and emergency service personnel in order to respond to the user's call for emergency services. The provision also is intended to allow disclosure of such information to the next-of-kin or legal guardian of a person as necessary in connection with the furnishing of medical care to such person as a result of an emergency. Finally, the customer of a commercial mobile radio service may grant broader authority (for example, in the customer's written subscription agreement with the service provider) for the use of, disclosure of, or access to call location information concerning users of the customer's commercial mobile service communications instrument (e.g., the customer's wireless telephone), but the customer must grant such authority expressly and in advance of such use, disclosure or access.

It provides definitions for terms used in the legislation.

That is the long version of what this bill is about. The short version is: it's about saving lives. Mr. President, I hope all of my colleagues will join me and help pass this important legislation.

Mr. McCAIN. Mr. President, today I am pleased to cosponsor and support the E-911 Act of 1999, which has been introduced by Senator BURNS. I commend Senator BURNS for his outstanding work on this legislation which will help build a national wireless communications system and save lives.

Mr. President, I want to make sure that Americans everywhere can dial 9-1-1 to summon prompt assistance in an emergency. When a person is seriously injured, every second counts. In fact, medical trauma and public safety professionals speak of a "golden hour"—the first hour after serious injury when the greatest percentage of lives can be saved. The sooner that the seriously injured get medical help, the greater the chance of survival. And prompt notification to the authorities is the first critical step in getting medical assistance to the injured.

I believe that injured Americans should be able to get emergency medical assistance as quickly as possible. Over 60 million Americans carry wireless telephones. Some of these people own them specifically for safety reasons, in order to summon help in an emergency. Others would be willing to use their phones to report emergencies to the authorities.

But in many parts of the country when a person who is seriously injured—or a frantic bystander—calls 9-1-1 on their wireless telephone, nothing happens. Although many Americans think that 9-1-1 is already a national emergency number everywhere, it isn't. There are many places in America where 9-1-1 isn't the right number to call for help. The rule in America ought to be uniform and simple—if you have an emergency wherever you are, dial 9-1-1. This bill reduces the danger of not knowing what number to call, by making 9-1-1 the universal emergency telephone number.

Mr. President, I also believe that we also need to tie our citizens through their wireless telephones to emergency medical centers, police and firefighters so that they can get lifesaving assistance even when they are too injured to make a 9-1-1 call, or can make the call but cannot give their location. This bill supports the upgrading of 9-1-1 systems so that they can deliver more information, like location and automatic crash information data which will better enable emergency services to reach those incapacitated by injury. This legislation also promotes the expansion of the areas covered by wireless telephone service, so that more people can use wireless phones in an emergency. Because if a wireless telephone isn't within range of a wireless tower, a wireless call can't go through.

Mr. President, I would like to see an America where more people in more places can call 9-1-1 and quickly get the right help in emergencies. This legislation will help reduce medical response time for millions of Americans, by helping to make sure that people can use their wireless phones to call 9-1-1 immediately and get the ambulances rolling

I look forward to working with my colleagues on the Commerce Committee on this important life-saving legislation, and I urge all my colleagues to support it.

By Mr. SANTORUM:

S. 801. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Finance.

REPEALING THE BEER TAX

Mr. SANTORUM. Mr. President, I rise today to introduce legislation pertaining to the federal excise tax on beer.

Many people are not aware that they pay enormous hidden taxes when they purchase any number of consumer products. The beer tax is one significant example of such a hidden tax. Bearing a disproportionate tax burden, forty-three percent of the cost of beer is comprised of both state and federal taxes.

The federal government doubled its tax on beer eight years ago. Today, though it is one of the more regressive taxes, the 100 percent beer tax increase remains as the only "luxury tax" enacted as part of the 1991 Omnibus Budget Reconciliation Act. While taxes on furs, jewelry, and yachts have been repealed through subsequent legislation, the federal beer tax remains in place with continued far reaching effects, including the loss of as many as 50,000 industry jobs. My legislation seeks to correct this inequity and will restore the level of federal excise tax to the pre-1991 tax rate.

Mr. President, I offer this bill as companion legislation to H.R. 1366 introduced by Representative PHIL ENGLISH.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF 1990 TAX INCREASE ON BEER.

(a) IN GENERAL.—Paragraph (1) of section 5051(a) of the Internal Revenue Code of 1986 (relating to imposition and rate of tax on beer) is amended by striking "$18" and inserting "$9".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

By Mr. SANTORUM (for himself, Mr. CHAFEE, Mr. GREGG, Mr. FEINGOLD, Mr. DEWINE, Mr. BROWNBACK, Mr. SPECTER, and Ms. COLLINS):

S. 802. A bill to provide for a gradual reduction in the loan rate for peanuts, to repeal peanut quotas for the 2002 and subsequent crops, and to require the Secretary of Agriculture to purchase peanuts and peanut products for nutrition programs only at the world market price; to the Committee on Agriculture, Nutrition, and Forestry.

REFORM OF THE FEDERAL PEANUT PROGRAM

Mr. SANTORUM. Mr. President, I rise today to introduce a bill that would bring common sense reform to the federal peanut commodity program. This legislation would phase out the peanut quota program over three years, with the quota being eliminated in crop year 2002. I am joined today by several colleagues in this reform effort.

Under this legislation, the price support for peanuts that are grown for edible consumption is gradually reduced each year from the current support price of $610 per ton to $500 per ton by 2001. In the year 2002 and ensuing crop years, there would be no quotas on peanuts, and the Secretary of Agriculture would be required to make the non-recourse loan available to all peanut farmers at 85 percent of their estimated market value. This measure is consistent with the non-recourse loan programs available for other agriculture commodities.

Another component of this peanut reform bill would allow additional peanuts, those produced in excess of the farmer's quota poundage, to be used for sale to the school lunch program.

Mr. President, the federal peanut program, born in the 1930's during an era of massive change and dislocation in agriculture, is sorely out of place in today's agricultural sector. Other farm commodities are seeking new export opportunities abroad, building new markets and helping to improve our national balance of trade, however, the peanut industry is building new barriers to protect itself. The quota system stifles freedom for farmers, and it fosters a set of economic expectations that cannot be sustained without continued government intervention. Moreover, failure to reform this program costs consumers between $300-500 million annually, adding to the cost of feeding programs for low-income Americans.

In short, this program must be changed. As we have learned from changes made to other commodity programs, reform does not happen overnight. This proposal provides for a fair transition that will enable farmers and lenders to adjust their expectations to the marketplace. Following completion of the phase-out period, the peanut program will operate like most other agricultural commodities.

Mr. President, I am pleased to have many of my Senate colleagues join me today as cosponsors of this measure, including Senators Chafee, DeWine, Feingold, Gregg, Brownback, Specter, and Collins.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN LOAN RATES FOR PEANUTS.

Section 155(a) of the Agricultural Market Transition Act (7 U.S.C. 7271(a)) is amended by striking paragraph (2) and inserting the following:

"(2) Loan rate.—The national average quota loan rate for quota peanuts shall be as follows:

"(A) $610 per ton for the 1999 crop.

"(B) $550 per ton for the 2000 crop.

"(C) $500 per ton for the 2001 crop.".

SEC. 2. NONRECOURSE LOANS FOR 2002 AND SUBSEQUENT CROPS OF PEANUTS.

Effective beginning with the 2002 crop of peanuts, section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) is amended to read as follows:

"SEC. 155. PEANUT PROGRAM.

"(a) In General.—

"(1) Loans.—The Secretary shall make nonrecourse loans available to producers of peanuts for each of the 2002 and subsequent crops of peanuts.

"(2) Rate.—In carrying out paragraph (1), the Secretary shall offer to all peanut producers nonrecourse loans at a level not less than 85 percent of the simple average price received by producers for peanuts, as determined by the Secretary, during the marketing year for each of the immediately preceding 5 crops of peanuts, excluding the year in which the average price was the highest and the year in which the average price was the lowest during the period, but not more than $350 per ton. The loans shall be administered at no net cost to the Commodity Credit Corporation.

"(3) Inspection, handling, or storage.—The levels of support determined under paragraph (2) shall not be reduced by any deduction for inspection, handling, or storage.

"(4) Marketing of peanuts owned or controlled by the Commodity Credit Corporation.—Any peanuts owned or controlled by the Commodity Credit Corporation may be made available for domestic edible use, in accordance with regulations issued by the Secretary, so long as doing so results in no net cost to the Commodity Credit Corporation.

"(5) Location and other factors.—The Secretary may make adjustments for the location of peanuts and such other factors as are authorized by section 403.

"(6) Announcement.—The Secretary shall announce the level of support for each crop of peanuts not later than the February 15 preceding the marketing year for which the level of support is being determined.

"(b) Commodity Credit Corporation.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(c) Crops.—This section shall be effective for each of the 2002 and subsequent crops of peanuts.".

SEC. 3. ELIMINATION OF PEANUT QUOTAS FOR 2002 AND SUBSEQUENT CROPS OF PEANUTS.

(a) In General.—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357 et seq.) is repealed.

(b) Conforming Amendments.—

(1) Definitions.—Section 301(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)) is amended—

(A) in paragraph (3)(A), by striking "corn, rice, and peanuts" and inserting "corn and rice";

(B) in paragraph (6), by striking subparagraph (C);

(C) in paragraph (10)(A)—

(i) by striking "wheat, and peanuts" and inserting "and wheat"; and

(ii) by striking "; 20 per centum in the case of wheat; and 15 per centum in the case of peanuts" and inserting "; and 20 percent in the case of wheat";

(D) in paragraph (13)—

(i) by striking subparagraphs (B) and (C); and

(ii) in subparagraph (G), by striking "or peanuts" both places it appears; and

(E) in paragraph (16)(A), by striking "rice, and peanuts" and inserting "and rice".

(2) Administrative provisions.—Section 361 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1361) is amended by striking "peanuts,".

(3) Adjustment of quotas.—Section 371 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1371) is amended—

(A) in the first sentence of subsection (a), by striking "peanuts,"; and

(B) in the first sentence of subsection (b), by striking "peanuts".

(4) Reports and records.—Section 373 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373) is amended—

(A) in subsection (a), by striking the first sentence and inserting the following new sentence: "This subsection shall apply to warehousemen, processors, and common carriers of corn, wheat, cotton, rice, or tobacco, and all ginners of cotton, all persons engaged in the business of purchasing corn, wheat, cotton, rice, or tobacco from producers, and all persons engaged in the business of redrying, prizing, or stemming tobacco for producers."; and

(B) in subsection (b), by striking "peanuts,".

(5) Regulations.—Section 375(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1375(a)) is amended by striking "peanuts,".

(6) Eminent domain.—The first sentence of section 378(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1378(c)) is amended by striking "cotton, tobacco, and peanuts," and inserting "cotton and tobacco,".

(c) Liability.—A provision of this section or an amendment made by this section shall not affect the liability of any person under any provision of law as in effect before the application of the provision of this section or the amendment in accordance with this section.

(d) Application.—This section and the amendments made by this section shall apply beginning with the 2002 crop of peanuts.

SEC. 4. PURCHASE OF PEANUTS FOR NUTRITION PROGRAMS.

Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end the following:

"(h) Purchase of Peanuts for Nutrition Programs.—

"(1) Definitions.—In this subsection—

"(A) Additional peanuts.—The term 'additional peanuts' has the meaning given the term in section 358–1(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(e)).

"(B) Covered program.—The term 'covered program' means—

"(i) a program established under this Act;

"(ii) a program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

"(iii) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

"(iv) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b));

"(v) the commodity distribution program established under section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note);

"(vi) the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note); and

"(vii) a nutrition program carried out under part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.).

"(2) Purchases.—Notwithstanding any other provision of law, in purchasing peanuts or peanut products to carry out a covered program, the Secretary shall—

"(A) purchase the peanuts or peanut products at a price that is not more than the prevailing world market price for peanuts or peanut products produced in the United States, as determined by the Secretary; and

"(B) in the case of peanut purchases, purchase only additional peanuts.

"(3) DOMESTIC EDIBLE USE.—Notwithstanding any other provision of law, additional peanuts purchased by the Secretary to carry out a covered program shall not be considered to be peanuts for domestic edible use under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) or Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

"(4) SUPPLY.—The Secretary shall take such actions as are necessary to ensure, to the maximum extent practicable, that an adequate supply of additional peanuts is available to carry out covered programs.

"(5) PENALTIES.—Notwithstanding any other provision of law, a person that produces additional peanuts that are sold to the Secretary, or sells additional peanuts to the Secretary, for a covered program shall not be subject to a penalty or other sanction for the production or sale of the additional peanuts.".

By Mr. McCAIN (for himself and Mr. WYDEN):

S. 803. A bill to make the International Olympic Committee subject to the Foreign Corrupt Practices Act of 1977, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE IOC REFORM ACT

Mr. McCAIN. Mr. President, I rise today to introduce legislation that would make the International Olympic Committee subject to the Foreign Corrupt Practices Act. This legislation is in response to what I believe is a failure on the part of the International Olympic Committee (IOC) to adequately respond to corruption in the selection of cities to host the Olympic games.

This morning, I chaired a hearing of the Commerce Committee on the recent public controversies involving the Olympic bid process. As most of you know, allegations of bribes and corruption in the Salt Lake City bid process have prompted investigations by the Utah Attorney General and the Department of Justice. The purpose of the hearing was not to focus on a single investigation. Instead, the Committee examined the bid process as a whole and the reform efforts undertaken by the United States Olympic Committee (USOC) and IOC respectively.

The Committee heard testimony from the USOC, IOC and the Special Bid Oversight Commission. The Commission was appointed by the USOC to review the circumstances surrounding the selection of Salt Lake City to host the 2002 Winter Olympics. The Commission, composed of a group of highly respected individuals including our former colleague Senator Mitchell and Ken Duberstein, made a series of recommendations to reform both the USOC and the IOC. The recommendations focused on bringing transparency and accountability to both organizations.

The USOC appears to be moving forward with reform. It adopted in full the recommendations of the Commission and took responsibility for its own failure to oversee the Salt Lake City bid process. While not complete, I believe the process of reform at the USOC has begun. Unfortunately, the hearing did very little to ease my concerns about the IOC. IOC representatives expressed opposition to several of the commissions' recommendations and continues to be resistant to change. While I understand the IOC may have legitimate concerns about some of the suggested reforms, I question their commitment to reform.

This morning Senator Mitchell and the other members of the Commission agreed that Congress could and should take action to ensure that the IOC is subject to the Foreign Corrupt Practices Act. In the United States, the Foreign Corrupt Practices Act is available to law enforcement to combat official corruption in international business transactions. Currently, IOC members are not governed by the Act because they do not generally act in the role of a foreign official. Rather, they act on behalf of the IOC, a private enterprise. My amendment includes the IOC in the definition of a Public International Organization subjecting them to the Foreign Corrupt Practices Act.

This bill should be a considered vehicle for discussion. This morning, Senator Mitchell and the Commission offered to provide the committee with further comments on possible legislative solutions to this problem. I look forward to hearing their ideas and working with them. However, based upon the recommendation of the panel this morning and the need to send a strong signal to IOC that we are serious about reform, I wanted to introduce this first step today. I know that many of my colleagues either will introduce measures as well and I look forward to working with them.

By Mr. ROCKEFELLER (for himself and Mr. FRIST):

S. 804. A bill to improve the ability of Federal agencies to license Federally-owned inventions; to the Committee on Commerce, Science, and Transportation.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1999

Mr. ROCKEFELLER. Mr. President, today I am with my colleague Senate FRIST introducing the Technology Transfer Commercialization Act of 1999. This bill would make technical changes and clarifications to the legislation which governs the transfer of intellectual property from the federal government to the private sector.

The original Technology Transfer Improvements Act (TTIA), which I was author of in 1995, allowed for easier and quicker access to intellectual property which the government owns and private industry wants. It created a win-win situation. The government gets royalties from these licenses, private industry gets the intellectual property that it needs, and Americans get jobs from the production of inventions based on this intellectual property.

This bill builds on the strong positive response from TTIA. It reduces the requirements for obtaining a non-exclusive license in order to allow as many companies and individuals as possible access to the information. It also addresses private industry's concerns about maintaining confidential information within applications.

However, this does not come at the expense of the government being able to keep control of its property. This bill also clarifies the ability of the licensing agencies to terminate a license if certain criteria are not met. Furthermore, it allows the government to consolidate intellectual property which is developed in cooperation with a private entity so that the package can be relicensed to a third party.

Technology transfer is a vital part of our national economy. It is what allows our industries to remain at the leading edge in their field. This bill clarifies and adjusts current legislation to allow for an even better working relationship between the federal government and private industry. I encourage my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Transfer Commercialization Act of 1999".

SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting "or, subject to section 209 of title 35, United States Code, may grant a license to an invention which is federally owned, for which a patent application was filed before the granting of the license, and directly within the scope of the work under the agreement," after "under the agreement,".

SEC. 3. LICENSING FEDERALLY OWNED INVENTIONS.

(a) IN GENERAL.—Section 209 of title 35, United States Code, is amended to read as follows:

"§ 209. Licensing federally owned inventions

"(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention under section 207(a)(2) only if—

"(1) granting the license is a reasonable and necessary incentive to—

"(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

"(B) otherwise promote the invention's utilization by the public;

"(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical utilization, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

"(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time, which may be extended by the agency upon the applicant's request and the applicant's demonstration that the refusal of such an extension would be unreasonable as specified in the license;

"(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

"(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

"(b) Manufacture in United States.—A Federal agency shall normally grant a license under section 207(a)(2) to use or sell any federally owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) Small Business.—First preference for the granting of any exclusive or partially exclusive licenses under section 207(a)(2) shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

"(d) Terms and Conditions.—Any licenses granted under section 207(a)(2) shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions shall include provisions—

"(1) retaining a nontransferable, irrevocable, paid-up license for any Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

"(2) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with; and

"(3) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

"(A) the licensee is not executing its commitment to achieve practical utilization of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical utilization of the invention;

"(B) the licensee is in breach of an agreement described in subsection (b);

"(C) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

"(D) the licensee has been found by a court of competent jurisdiction to have violated the federal antitrust laws in connection with its performance under the license agreement.

"(e) Public Notice.—No exclusive or partially exclusive license may be granted under section 207(a)(2) unless public notice of the intention to grant an exclusive or partially exclusive license on a federally owned invention has been provided in an appropriate manner at least 15 days before the license is granted, and the Federal agency has considered all comments received before the end of the comment period in response to that public notice. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(f) Plan.—No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development and/or marketing of the invention, except that any such plan may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.".

(b) Conforming Amendment.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

"209. Licensing federally owned inventions.".

SEC. 4. TECHNICAL AMENDMENTS TO BAYH-DOLE ACT.

Chapter 18 of title 35, United States Code (popularly known as the "Bayh-Dole Act"), is amended—

(1) by amending section 202(e) to read as follows:

"(e) In any case when a Federal employee is a coinventor of any invention made with a nonprofit organization or small business firm, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention and if it finds it would expedite the development of the invention—

"(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization or small business firm; or

"(2) acquire any rights in the subject invention from the nonprofit organization or small business firm, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction and no other transaction under this chapter is conditioned on such acquisition."; and

(2) in section 207(a)—

(A) in paragraph (2), by striking "patent applications, patents, or other forms of protection obtained" and inserting "inventions"; and

(B) in paragraph (3), by inserting ", including acquiring rights for the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally owned invention" after "or through contract".

SEC. 5. TECHNICAL AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

The Stevenson-Wydler Technology Innovation Act of 1980 is amended—

(1) in section 4(4) (15 U.S.C. 3703(4)), by striking "section 6 or section 8" and inserting "section 7 or 9";

(2) in section 4(6) (15 U.S.C. 3703(6)), by striking "section 6 or section 8" and inserting "section 7 or 9";

(3) in section 5(c)(11) (15 U.S.C. 3704(c)(11)), by striking "State of local governments" and inserting "State or local governments";

(4) in section 9 (15 U.S.C. 3707), by—

(A) striking "section 6(a)" and inserting "section 7(a)";

(B) striking "section 6(b)" and inserting "section 7(b)"; and

(C) striking "section 6(c)(3)" and inserting "section 7(c)(3)";

(5) in section 11(e)(1) (15 U.S.C. 3710(e)(1)), by striking "in cooperation with Federal Laboratories" and inserting "in cooperation with Federal laboratories";

(6) in section 11(i) (15 U.S.C. 3710(i)), by striking "a gift under the section" and inserting "a gift under this section";

(7) in section 14 (15 U.S.C. 3710c)—

(A) in subsection (a)(1)(A)(i), by inserting ", if the inventor's or coinventor's rights are assigned to the United States" after "inventor or coinventors";

(B) in subsection (a)(1)(B), by striking "succeeding fiscal year" and inserting "2 succeeding fiscal years"; and

(C) in subsection (b)(2), by striking "invention" and inserting "invention"; and

(8) in section 22 (15 U.S.C. 3714), by striking "sections 11, 12, and 13" and inserting "sections 12, 13, and 14".

SEC. 6. REVIEW OF COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT PROCEDURES.

(a) Review.—Within 90 days after the date of the enactment of this Act, each Federal agency with a federally funded laboratory that has in effect on that date of enactment 1 or more cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) shall report to the Committee on National Security of the National Science and Technology Council and the Congress on the general policies and procedures used by that agency to gather and consider the views of other agencies on—

(1) joint work statements under section 12(c)(5) (C) or (D) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5) (C) or (D)); or

(2) in the case of laboratories described in section 12(d)(2)(A) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)(A)), cooperative research and development agreements under such section 12,

with respect to major proposed cooperative research and development agreements that involve critical national security technology or may have a significant impact on domestic or international competitiveness.

(b) Procedures.—

(1) In general.—Within 1 year after the date of the enactment of this Act, the Committee on National Security of the National Science and Technology Council, in conjunction with relevant Federal agencies and national laboratories, shall—

(A) determine the adequacy of existing procedures and methods for interagency coordination and awareness with respect to cooperative research and development agreements described in subsection (a); and

(B) establish and distribute to appropriate Federal agencies—

(i) specific criteria to indicate the necessity for gathering and considering the views of other agencies on joint work statements or cooperative research and development agreements as described in subsection (a); and

(ii) additional procedures, if any, for carrying out such gathering and considering of agency views with respect to cooperative research and development agreements described in subsection (a).

(2) Procedure design.—Procedures established under this subsection shall be designed to the extent possible to—

(A) use or modify existing procedures;

(B) minimize burdens on Federal agencies;

(C) encourage industrial partnerships with national laboratories; and

(D) minimize delay in the approval or disapproval of joint work statements and cooperative research and development agreements.

(c) LIMITATION.—Nothing in this Act, nor any procedures established under this section shall provide to the Office of Science and Technology Policy, the National Science and Technology Council, or any Federal agency the authority to disapprove a cooperative research and development agreement or joint work statement, under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), of another Federal agency.

SEC. 7. INCREASED FLEXIBILITY FOR FEDERAL LABORATORY PARTNERSHIP INTERMEDIARIES.

Section 23 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended—

(1) in subsection (a)(1) by inserting ", institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), or educational institutions within the meaning of section 2194 of title 10, United States Code" after "small business firms"; and

(2) in subsection (c) by inserting", institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), or educational institutions within the meaning of section 2194 of title 10, United Stats Code," after "small business firms".

SEC. 8. REPORTS ON UTILIZATION OF FEDERAL TECHNOLOGY.

(a) AGENCY ACTIVITIES.—Section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710) is amended—

(1) by striking the last sentence of subsection (b);

(2) by inserting after subsection (e) the following:

"(f) AGENCY REPORTS ON UTILIZATION.—

"(1) IN GENERAL.—Each Federal agency which operates or directs one or more Federal laboratories or which conducts activities under sections 207, 208, and 209 of title 35, United States Code, shall report annually to the Office of Management and Budget, as part of the agency's annual budget submission, on the activities performed by that agency and its Federal laboratories under the provisions of this section and of sections 207, 208, and 209 of title 35, United States Code.

"(2) CONTENTS.—The report shall include—

"(A) an explanation of the agency's technology transfer program for the preceding year and the agency's plans for conducting its technology transfer function for the upcoming year, including its plans for managing its intellectual property so as to advance the agency's mission and benefit the competitiveness of United States industry; and

"(B) information on technology transfer activities for the preceding year, including—

"(i) the number of patent applications filed;

"(ii) the number of patents received;

"(iii) the number of executed royalty-bearing licenses, both exclusive and non-exclusive, and the time elapsed from the date the license was requested to the date the license was issued;

"(iv) the total earned royalty income including such statistical information as the total earned royalty income of the top 1 percent, 5 percent, and 20 percent of the licenses, the range of royalty income, and the median;

"(v) the number of licenses terminated; and

"(vi) any other parameters or discussion that the agency deems relevant or unique to its practice of technology transfer.

"(3) COPY TO SECRETARY; CONGRESS.—The agency shall transmit a copy of the report to the Secretary of Commerce for inclusion in the annual report to Congress and the President as set forth in subsection (g)(2) below.

"(4) PUBLIC AVAILABILITY.—The agency is also strongly encouraged to make the required information available to the public through web sites or other electronic means.";

(3) by striking subsection (g)(2) and inserting the following:

"(2) REPORTS.—

"(A) ANNUAL REPORT REQUIRED.—The Secretary shall submit each fiscal year, beginning one year after enactment of the Technology Transfer Commercialization Act of 1999, a summary report to the President and the Congress on the use by the agencies and the Secretary of the authorities specified in this Act and in sections 207, 208, and 209 of title 35, United States Code.

"(B) CONTENT.—The report shall—

"(i) draw upon the reports prepared by the agencies under subsection (f);

"(ii) discuss technology transfer best practices, lessons learned, and successful approaches in the licensing and transfer of technology in the context of the agencies' missions; and

"(iii) discuss the progress made toward development of useful measures of the outcomes of these programs.

"(C) PUBLIC AVAILABILITY.—The Secretary shall make the report available to the public through Internet websites or other electronic means."; and

(4) by inserting after subsection (g) the following:

"(h) DUPLICATION OF REPORTING.—The reporting obligations imposed by this section—

"(1) are not intended to impose requirements that duplicate requirements imposed by the Government Performance and Results Act of 1993 (31 US.C. 1101 nt); and

"(2) are to be implemented in coordination with the implementation of that Act.".

(b) ROYALTIES.—Section 14(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(c)) is amended to read as follows:

"(c) REPORTS.—At least once every 5 years, beginning one year after enactment of the Technology Transfer Commercialization Act of 1999, the Comptroller General shall transmit a report to the appropriate committee of the Senate and House of Representatives on the effectiveness of the various programs in this Act, including findings, conclusions, and recommendations for improvements in such programs ".

Mr. FRIST. Mr. President, I rise today to support the Technology Transfer Commercialization Act of 1999.

Technology transfer is a crucial link in the process that transforms research results into commercially viable products. The federal government's involvement in technology transfer arises naturally from its desire to encourage usage and commercialization of innovations resulting from federally-funded research. However, it is through further development, refinement, and marketing by the private sector that research results become diffused throughout the economy and generate growth. The private sector's active and timely participation in this process must be strongly encouraged if our competitiveness is to be enhanced.

Patents and licensing rights play key roles in the technology transfer process in that they provide strong economic incentives to industry. Studies have shown that research funding accounts for only 25 percent of the costs associated with bringing a new product to market. Increasingly, patent ownership is used as a means to recoup the investment through the incoming royalty stream. In addition, actual experience and studies concluded that if companies do not control the results of their investments, they are less likely to engage in related research and development.

Existing legislation encourages the transfer of technologies and closer collaborations between the Federal labs and industry by allowing the industry partners to obtain title to inventions that result from these collaborations. The Stevenson-Wydler Act and subsequent amendments created a framework to facilitate cooperative and development agreement (CRADAs) between industry and the Federal labs. The Bayh-Dole Act and subsequent amendments established policies for the licensing of federally-funded inventions.

The Technology Commercialization Act of 1999 improves upon both Stevenson-Wydler and Bayh-Dole by taking into consideration the increased competition in the marketplace. Provisions include streamlining the licensing procedure, and encouraging use of the electronic media to shorten the time requirements for public notice. This is in accordance with the fast pace required for doing business today. Other provisions include clarifications of criteria for granting any license, as well as exclusive and partially exclusive licenses.

Although technology transfer is important, such transfer should not compromise national security or substantially reduce competition in the marketplace. In response to these concerns, the Act requires the Office of Science and Technology Policy to study existing practices of CRADA creation in the agencies, and issue a report outlining review procedures for the creation of certain types of CRADAs.

The Act also lays the groundwork for a better understanding of the technology transfer process. Although there is consensus on the role of technology transfer in economic growth, there are no existing measures for understanding how much technology is transferred or how well the process works. Relevant questions include is the technology that is being transferred useful or successful, and are the inventions being produced in the federal labs relevant to the marketplace. As we transition into a knowledge-based economy, the management of knowledge movement will play a key role in sustaining our competitiveness.

In summary, technology transfer is crucial to our national economic growth. Therefore, both Senator Rockefeller and I ask for your support in enhancing our competitiveness and encouraging industry to work together with our federal agencies to create the best technologies possible.

ADDITIONAL COSPONSORS

S. 101

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 101, a bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations.

S. 296

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 336

At the request of Mr. LEVIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 336, a bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

S. 386

At the request of Mr. GORTON, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Vermont (Mr. LEAHY), the Senator from South Dakota (Mr. DASCHLE), the Senator from Indiana (Mr. BAYH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 398

At the request of Mr. CAMPBELL, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 425

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 425, a bill to require the approval of Congress for the imposition of any new unilateral agricultural sanction, or any new unilateral sanction with respect to medicine, medical supplies, or medical equipment, against a foreign country.

S. 459

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 530

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 530, a bill to amend the Act commonly known as the "Export Apple and Pear Act" to limit the applicability of that Act to apples.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Colorado (Mr. CAMPBELL), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Colorado (Mr. ALLARD), the Senator from Kentucky (Mr. BUNNING) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 566

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 566, supra.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 665

At the request of Mr. COVERDELL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 665, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 669

At the request of Mr. COVERDELL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 669, a bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 680

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 720

At the request of Mr. HELMS, the names of the Senator from Oregon (Mr. SMITH), the Senator from Indiana (Mr. LUGAR), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. DEWINE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 720, a bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the

Federal Republic of Yugoslavia, and for other purposes.

S. 746

At the request of Mr. LEVIN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 746, a bill to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government.

S. 755

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 755, a bill to extend the period for compliance with certain ethical standards for Federal prosecutors.

S. 767

At the request of Mr. BRYAN, his name was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing.

At the request of Mr. FITZGERALD, his name was added as a cosponsor of S. 767, supra.

At the request of Mr. COVERDELL, the names of the Senator from Maine (Ms. COLLINS), the Senator from Tennessee (Mr. FRIST) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 767, supra.

S. 784

At the request of Mr. ROCKEFELLER, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

SENATE CONCURRENT RESOLUTION 12

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Concurrent Resolution 12, a concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States.

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Concurrent Resolution 12, supra.

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of Senate Concurrent Resolution 19, a concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation.

SENATE CONCURRENT RESOLUTION 25

At the request of Mr. JEFFORDS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of Senate Concurrent Resolution 25, a concurrent resolution urging the Congress and the President to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week".

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as "National Military Appreciation Month."

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from Nevada (Mr. BRYAN), the Senator from New York (Mr. MOYNIHAN), the Senator from Michigan (Mr. LEVIN), the Senator from Delaware (Mr. BIDEN), the Senator from Indiana (Mr. BAYH) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 76—TO COMMEND THE PURDUE UNIVERSITY WOMEN'S BASKETBALL TEAM ON WINNING THE 1999 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION WOMEN'S BASKETBALL CHAMPIONSHIP

Mr. BAYH (for himself and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 76

Whereas the Purdue University Lady Boilermakers (Lady Boilers) won their first National Championship in the National Collegiate Athletic Association women's basketball tournament on March 28, 1999;

Whereas the Lady Boilers finished the 1998-99 season with an outstanding record, winning 34 games, including 32 consecutive victories;

Whereas the Lady Boilers proudly brought Purdue University its first ever NCAA championship in any women's sport, and did so with skill matched by grace and dignity;

Whereas the Lady Boilers claimed the first ever NCAA women's basketball championship by any member of the Big Ten Athletic Conference; and

Whereas the Lady Boilers have brought great pride and distinction to the State of Indiana: Now, therefore, be it

Resolved, That the Senate commends the Purdue University Lady Boilers basketball team for winning the National Collegiate Athletic Association women's basketball national championship.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, April 14, 1999, at 9:30 a.m. on the investigation of Olympic scandals in room SD–106 of the Dirksen Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 14, for purposes of conducting a closed full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on damage to the national security from Chinese espionage at DOE nuclear weapons laboratories.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COVERDELL. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, April 14, 1999, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on April 14, 1999, at 9:30 a.m. for a hearing on the Independent Counsel Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 14, 1999, at 1:45 p.m. to conduct an oversight hearing on Welfare Reform in Indian Country. The hearing will be held in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 14, 1999, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 14, 1999, to conduct a hearing on the "Export Control Process".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, April 14, 1999, at 10 a.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "The Kosovo Refugee Crisis."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Armed Services Subcommittee on Readiness and Management Support be authorized to meet at 2 p.m. on Wednesday, April 14, 1999, in open session, to receive testimony on the status of financial management within the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGIC SUBCOMMITTEE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Strategic Subcommittee of the Committee on Armed Services be authorized to meet on Wednesday, April 14, 1999, at 9:30 a.m. in open session, to receive testimony on strategic nuclear forces and policy, in review of the defense authorization request for fiscal year 2000 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL BLUE RIBBON SCHOOL

• Mr. ABRAHAM. Mr. President, I rise today to honor a tremendous accomplishment. Middle School South in Harrison Township, Michigan, has been selected as a Michigan Exemplary School and a National Blue Ribbon School for 1997–98.

Middle School South of the L'Anse Creuse Public Schools, was one of two schools in the State of Michigan bestowed the honor of National Blue Ribbon School by the U.S. Department of Education. This selection is a tribute to the time and effort that the parents, administrators, teachers, and students have put into building an excellent learning environment. This prestigious award demonstrates what hard work and commitment can produce.

Again, congratulations to all the teachers and students at Middle School South and the entire L'Anse Creuse Public School District. This is a distinguished award, and they deserve it. I wish them continued prosperity, and many more years of success.•

HONORING DANIEL C. TWEEDALL II

• Mr. BAYH. Mr. President, I rise today to recognize the outstanding achievement of Daniel Tweedall from Evansville, Indiana. On February 28, 1999, Daniel Tweedall was announced the fifth place National winner in the 1999 Voice of Democracy Program. For his fine performance, Daniel will receive a $5,000 Scholarship Award provided by the Veterans of Foreign Wars and its Ladies Auxiliary.

A Junior at Evansville Central High School, Daniel submitted his winning audio essay script entitled, "My Service to America" to the Indiana Veterans of Foreign Wars Voice of Democracy contest. This beautiful essay was judged the winner from more than 1,500 entries submitted by Indiana student competitors in the 1998–1999 competition. Daniel's essay then went on to its fifth place finish in the nationwide competition. More than 80,000 students participated in this year's contest.

Daniel's moving essay described how the speech given by one of his government teachers following the drive-by shooting of the teacher's sister had inspired him to serve America as the teacher's sister had. Daniel explained how he chose to serve America through community service in such organizations as Habitat for Humanity. Daniel wrote, "I know that every time I help the woman next door shovel her walk when it snows, serve a hot meal at the rescue mission, or simply walk down the street and smile at someone, the flame from my already burning torch warms the heart, making them want to do more for others and believe in the youth of America." Daniel now hopes he will inspire others to also serve our country through military service, public office, or community service.

After graduation, Daniel plans to attend either DePauw University or the University of Notre Dame where he expects to pursue a career in medicine. Daniel is the President of his class, the vice-president of the school's speech team, and the Secretary of the school's Spanish club. In addition to Habitat for Humanity, Daniel is also involved in the Evansville Rescue Mission and Teen Power.

I commend Daniel on his tremendous accomplishment. Not only has he won a very competitive essay contest, he has also demonstrated the finest qualities of leadership, national service, and community involvement. I hope that his example will inspire others to serve our country.•

TRIBUTE TO JIM THORPE

• Mr. SANTORUM. Mr. President, I rise today to pay tribute to Jim Thorpe as he is being considered in the selection of Athlete of the Century. Pennsylvania has a historic affiliation to this great man, of whom a borough in Carbon County Pennsylvania is named for.

Jim Thorpe is the only American athlete to ever excel, as an amateur and as a professional, in three major sports; track and field, football and baseball.

As an amateur in track and field, Thorpe won the pentathlon and the decathlon at the Amateur Athletic Union's (AAU) National Championship Trials in Boston, prior to the 1912 Olympics. He went on to represent Sac, Fox Nation and the United States in the 1912 Olympic Games in Stockholm, Sweden, and became the first U.S. athlete to win the decathlon and the only athlete in the world to win both the decathlon and the pentathlon during one Olympic year. These athletic feats and the subsequent worldwide publicity helped to establish the viability of the Olympics.

Thorpe's major league baseball career consisted of playing with the New York Giants, the Cincinnati Reds and the Boston Braves, in which he ended the 1919 season with a .327 average.

His amateur football record was established while he was a student at the Carlisle Indian School in Pennsylvania and was chosen to Walter Camp's First Team All American Half-Back in 1911 and 1912. A founding father of professional football, Thorpe became the first elected president of the American Professional Football Association, now known as the National Football League. He was voted America's Greatest All-Around Male Athlete and chosen as the greatest football player of the half-century in 1950 by an Associated Press Poll of sports writers. He was also named the Greatest American Football Player in History in a 1977 national poll conducted by Sport Magazine.

Because of his outstanding sports achievements, Thorpe was inducted into the National Indian Hall of Fame, the Helms Professional Football Hall of Fame, the Professional Football Hall of Fame in Canton, Ohio, the National Track and Field Hall of Fame, and the Pennsylvania and Oklahoma Halls of Fame.

Mr. President, Jim Thorpe's immeasurable sports achievements have long been an inspiration to America's youth, as well as to the youth of Pennsylvania. I ask my colleagues to join with me in paying tribute to Jim Thorpe for his renowned accomplishments, as he is considered for Athlete of the Century in 2000.●

JOYCE CHIANG

● Mrs. BOXER. Mr. President, today I wish to acknowledge the life and passing of Joyce Chiang, the sister of a member of my staff, John Chiang. I extend my deepest condolences to all the members of Joyce's family and to the many friends who are grieving today over her loss.

A young woman of great talent and promise, Joyce touched the lives of many through her vivacious spirit and dedication to her community. She will long be remembered and greatly missed.

At the age of 28, Joyce had already demonstrated a strong commitment to public service. Most recently, she worked as an attorney for the Immigration and Naturalization Service. Prior to joining the INS, Joyce was a staff member for Congressman Howard Berman. She served as the Student Body President at Smith College, where she graduated in 1992. In her spare time, Joyce volunteered for local charities.

After Joyce disappeared one night in January, her friends and family began organizing to find her. They posted fliers, wore yellow ribbons,, and held weekly candlelight vigils for her safe return. These vigils, which were held both in Washington and in California, were attended by hundreds of people—a testament to Joyce's ability to touch people's lives in a special way. Tragically, the search for Joyce Chiang ended with the terrible news that her life had been taken.

Joyce was a young person full of energy, intelligence, and generosity. She was deeply dedicated to improving our communities and had only begun to make her contribution to our society. Her passing is a loss not only for her friends and family, but for all of us in the greater community in which she lived.●

TRIBUTE TO GEORGE R. STEPHENS

● Mr. CRAIG. Mr. President, it is with mixed emotions that I offer this congratulatory statement to George R. Stephens, a long-time GPO liaison to the Senate Republican Policy Committee, on the eve of his retirement. George has been a part of the Policy Committee family for so long that we've practically forgotten he's on a different payroll. In fact, his tenure with the Committee long precedes my service as Committee Chairman.

But, let's start at the beginning. George R. Stephens began his employment with the Government Printing Office in 1969, following in his mother's—and his grandmother's—footsteps. George's mother, Ella Stephens, joined GPO in 1950 as a "clerk-typist." George's first GPO job was a Linotype operator. After a short stint in the private sector, George returned to work at GPO's headquarters for about 10 years. In January of 1981, he began his 18-year service as a GPO liaison to the U.S. Senate, assigned to the Republican Policy Committee (RPC) as a printer/proofreader. The position included aiding the RPC in publishing its Record Vote Analysis, a publication the Committee has provided continually since its inception in 1947.

George has served under four Policy Committee chairmen: John Tower of Texas; Bill Armstrong of Colorado; DON NICKLES; and now myself. It must have been a challenge for a nonpartisan federal employee to work in the single large committee room that houses the dedicated, outspoken, and decidedly opinionated RPC staff, engaged in near-constant discourse about how to solve the problems of the day. To his credit, George's professionalism and nonpartisanship never wavered, yet he is accepted as a full-fledged member of our Policy Committee family. I think it's fair to say he appreciates our party's dedication to keeping government in its place—that is, good government, but not Big Government.

George has certainly been an energetic advocate for the good government work of his employer, Congress' printer. In a letter to the editor to Roll Call in 1995 responding to that newspaper's call for increased privatization of GPO services, George wrote, ". . . There isn't another printing company on this earth capable of producing such large jobs so quickly and with the high standards to which Members have become accustomed. Newcomers to Washington quickly learn that GPO prints and delivers the CONGRESSIONAL RECORD and the Federal Register on a daily basis. They also learn that its ability to have printed bills and other documents available within hours of their drafting is essential to the smooth and timely operation of Senate proceedings."

George's years of service with the GPO span an era of unprecedented growth in technology. From typewriters and hot metal typesetting, to so-called cold press, to computer desktop publishing, fiber optics, CD-Rom's and online publishing, George has witnessed truly revolutionary changes to the world of printing. However, one thing has not changed: our government's commitment to assure public access to government information. George is part of that proud tradition.

While some witnesses to a revolution turn and run in fear of the unknown, George has embraced each development along the way. His eagerness to keep up with changing technology has been an asset to our Committee, but his eagerness is not limited to technology. This is a man who loves his job. With a record that likely competes with any postman, George travels 60 miles each way every day to arrive at work on time, no matter the weather or traffic conditions. His dedication is commendable.

But George will not be remembered simply for his work as our Committee's GPO liaison. He's also an avid ham radio operator, and for 13 years has served as president of the Capitol Hill Amateur Radio Society. The club was formally established in 1969, and, at the urging of Senator Barry Goldwater of Arizona, it established a station in the Russell Senate office building. That station has been maintained on a voluntary basis, without any government funds, ever since. Over the years, the club has stood ready to provide communications in the event of a disaster, and to help connect military personnel overseas with their friends or family members. In one of its many accomplishments under George's leadership, the club in 1991 hosted a commemoration of the bicentennial of the birth of Samuel F.B. Morse, by reenacting Morse's historic 1844 message, "What hath God wrought!" from the Nation's Capitol to Baltimore. The telegraph instruments used for the re-enactment were loaned by the Smithsonian Institution, and because the society's members are proficient in Morse code, the re-enactment was historically accurate.

Yet, things have a way of changing. Like hot metal typesetting, ham radio is truly a phenomenon of the 20th century. The advent of the computer and the Internet age have reduced ham radio's appeal. And so now, when George goes, so too goes the Capitol Hill Amateur Radio Club. On George's last day of government service, April 30, the club will disband, the equipment will be donated to a foundation, the antenna removed from the Russell roof. The callsign "W3USS" will remain alive but inactive. This marks the end of a remarkable era.

So, let us look to the future. George and his wife Bea live in a little southern Maryland town called Avenue. His house is right on the water, but George doesn't own a boat. He says he's never had time for boating. Now, he's looking at buying a nice little 24-foot or 30-foot "party boat" so he can host friends in an occasional leisure-filled afternoon on the lower Potomac. Perhaps, after that little purchase, he won't miss us all quite so much!

In closing, on behalf of myself, and of the current and former staff of the U.S. Senate Republican Policy Committee, I wish to offer heartfelt thanks for George's many valuable years of service, and our hopes that he and his wife enjoy many happy and healthy years of retirement. We truly cannot give enough thanks to someone who has dedicated himself to making sure we Senators—literally—dot our ‘i's’ and cross our ‘t's’.●

JACKIE EBRON

● Mr. MOYNIHAN. Mr. President, this past Sunday the Queens Jewish Community Council honored an important member of the staff of the Metropolitan New York Coordinating Council on Jewish Poverty (Met Council). Her name is Jackie Ebron and she helps serve the more than 100,000 clients who are helped by this remarkable organization. Ms. Ebron, the Met Council's longest serving employee and Director of Crisis Intervention is an African-American whose exceptional service to impoverished Jewish New Yorkers was recently highlighted in New York's Jewish Week newspaper.

In the past seven years the Met Council has developed 1300 units of special needs housing for the elderly, mentally ill and the homeless; every day they provide nearly three thousand poor elderly individuals with home care services; they provide job placement to more than one thousand people a year and have trained more than 20,000 home attendants since 1993. Their food programs impact on the lives of well over 100,000 people and they also provide furniture and clothing to thousands. The Met Council's coordination of a network of two dozen Jewish Community Councils across New York City helps deliver services where they are needed in a timely and efficient manner. The Met Council is also one of the most efficient non-profit organizations today. They spend 98% of their budget on programs and services; only 2% is spent on administration.

I ask that the Jewish Week article on Jackie Ebron be printed in the RECORD.

The article follows:

[From the Jewish Week, Mar. 19, 1999]

THEY CALL HER ‘MITZVAH MAMA’

(By Heather Robinson)

By the time she was 8 years old, Jackie Ebron, who is soon to become the first African-American to receive the Queens Jewish Community Council's Chesed Award, had begun helping the elderly.

Growing up in the Grant Projects on 125th Street, her family had an elderly neighbor who rarely left her apartment.

"My mother would never send me to the store that I didn't knock on this woman's door and ask, ‘Do you need a loaf of bread or milk?’ " recalled Ebron on a recent afternoon. "So [the motivation to help] was with was a child."

Ebron has channeled that motivation into more than two decades of work helping the elderly and others in need. Over the years, she has visited more than 5,000 needy homes and helped many thousands more clients over the phone. And through her work, she quickly overcame an initial prejudice: "In my background," she says, "the words Jewish and poor didn't go together. But there is a very big Jewish poor population at the poverty level or below."

Now the director of crisis intervention services for the Metropolitan Coordinating Council on Jewish Poverty (Met Council) in Manhattan, Ebron will receive the Chesed Award on Sunday at the Third Annual Installation Breakfast of the Queens Jewish Community Council (QJCC). Shea Stadium's Diamond Club, the site of the event, will go kosher for the first time in honor of the breakfast for the QJCC, an organization representing more than 90 synagogues and Jewish organizations throughout the borough.

At the event, Ebron will share her honor with Jane Blumenstein, family violence crisis specialist for Met Council. The pair has been selected because of the extraordinary dedication they bring to their work, according to Manny Behar, executive director of the QJCC. He added that he and other officers of the QJCC chose this year's recipients, as they always do, based on character.

"We always give the award to someone who exemplifies *chesed*, which is Hebrew for acts of loving kindness, and this time, one of the people we selected happens to be African-American and non-Jewish," he said.

Because the QJCC and Met Council work together frequently, Behar said he has had many opportunities to observe the rare sensitivity and respect for people which Ebron—whose colleagues call her "Mitzvah Mama"—brings to her work.

Behar recently watched Ebron provide assistance to a homeless, mentally ill man, and he admired her manner. "The patience and understanding she showed him were absolutely inspiring," he recalled.

According to Peter Brest, chief operation officer at Met Council, Ebron "combines a great and giving heart with a common sense approach to problem solving."

While Met Council, which receives public funding, assists many needy non-Jews, it also receives private funds and specifically targets Jewish poverty. The result is that about 80 percent of Ebron's clients are Jews, a fact which is no obstacle to her dedication.

"To me it doesn't matter what race or religion you are," she said. "If you are hungry or homeless, I see your need."

A social worker for more than 25 years, Ebron, 48, grew up in Harlem, the eldest of seven children raised by a single mother. She attended Washington Irving High School in Gramercy, which was an all-girls school at the time.

After graduating, she started working at Heights Senior Citizens' Center, where her responsibilities entailed escorting elderly people to the bank and helping them with financial transactions. That was during the '70s, before direct deposit, when older people carrying social security checks were frequently targets for thieves.

That job was followed by a stint as an investigator for the mid-Bronx Senior Citizens' Council, a position that involved a large amount of what she describes as "leg work" to find elderly people in need.

Met Council hired her in 1977 to work on a special project arranged by a donor. In that capacity, she made home visits to needy families, and reported what she observed to the benefactor, who then provided financial aid to the neediest cases.

After a series of other jobs, five years ago, Met Council appointed Ebron director of crisis intervention services. A supervisor of six employees, she deals directly with clients, working to provide them with assistance from Met Council and a host of additional agencies. That assistance can take many forms, such as securing job training for a young immigrant, providing funds to prevent an elderly woman from being evicted, or arranging temporary nursing help for a woman who has just given birth to multiple children. About 65 percent of her clients are elderly, 25 percent are families and the rest are young single people, Ebron said.

As an African-American woman serving the needs of a mostly Jewish population Ebron has encountered resistance on both sides of the racial and religious divide.

"I've been asked, ‘How come a black woman is in charge of Jewish money?’ " said Ebron, adding that she responds, " ‘Does it matter what I look like? What matters is I'm able to serve you to help you overcome your problem.’ "

Similarly, she said, African American colleagues have questioned her choice to work for a Jewish agency.

"I'll say to them, ‘My clients are Jewish. Well, I didn't know. I was so focused on the fact that they're people who need my help.’ Usually when I answer that way there's no problem, no fight . . . It seems my calling is above all of that."

Ebron, who is single and describes herself as "married to [her] job," said she is gratified to work for an agency which began modestly and has since launched an array of life- and hope-sustaining programs.

"After 21 years I feel I made the right choice," she said.●

RECOGNITION OF THE MISSOURI INVITATIONAL CELEBRITY TURKEY HUNT

● Mr. BOND. Mr. President, I rise today to recognize the annual Missouri Invitational Celebrity Turkey Hunt sponsored by the MITCH club. This year marks the 12th anniversary of this charity event. The weekend of April 23–25, celebrities from all over the country will come to Warsaw, Missouri, to participate in the hunt. This year's participants include celebrities from many different fields including Marty Kove, who has appeared in such movies as The Karate Kid and The Rock; Ed Hearn, former Major League Baseball player; Jack Rudney, former Kansas City Chief; Dave Watson of the Oakridge Boys, and many others. Several corporate sponsors also donate time and money to this event. Following the hunt, there is an auction of items that have been donated by various celebrities, sponsors, as well as local and national wildlife artists.

The money collected from this weekend of activities is donated to various charitable organizations including Children's Mercy Hospital and local victims of natural disasters. Over the last 12 year's, more than $25,000 have been donated to Children's Mercy Hospital and over $25,000 to other local charities for a total of more than $50,000 in charitable contributions from this event.

Mr. President, I commend the MITCH club for their efforts and wish them much success in this year's event, as well as many more years of giving back to the community.●

HONORING MEDICAL LABORATORY WEEK IN INDIANA

• Mr. BAYH. Mr. President, I take the floor today to bring to the attention of my colleagues Indiana's celebration of Medical Laboratory Week.

In the world of health care, it is easy to forget that quality medical testing and exceptional patient care is a team effort. Doctors are the visible element in this complex harmony, but there is another, less visible, but equally important element involved.

Medical laboratory professionals are highly-trained health personnel who perform and evaluate those medical laboratory tests necessary to detect, diagnose, and monitor treatment of diseases. They also help to prevent diseases, while at the same time tirelessly working to develop new methods of combating them. These dedicated men and women save countless lives each day through their firm commitment to a healthier community.

Laboratory medicine is an honorable profession, in its constant and consistent dedication to the well-being of the greater community. Let us not forget that it is also an inseparable and invaluable part of health care without the often-unsung efforts of these fine people, medicine as we know it would not exist.

I therefore ask my colleagues, as well as all citizens, to join me and the State of Indiana in recognizing and supporting the vital service provided by medical laboratory professionals.•

TRIBUTE TO CORNERSTONE COLLEGE MEN'S BASKETBALL TEAM

• Mr. ABRAHAM. Mr. President, I rise today to honor the men's basketball team of Cornerstone College in Grand Rapids, Michigan, and their coach, Kim Elders. This outstanding team recently reached the pinnacle of success by winning the NAIA Division II National Championship for basketball last month.

The Golden Eagles of Cornerstone have received an honor that is reserved for only one team each year. This achievement is the product of hard work, determination, and dedication which was present throughout the Golden Eagles' season. The common focus of the team members was determined early in the pre-season as they declared themselves to be On A Mission." Throughout the regular season and continuing into the playoffs, Cornerstone subdued their opponents amassing an amazing record of 37 wins and only three losses, thereby earning the #1 rank in the national polls. At the national tournament in Nampa, Idaho, they proved that they deserved that rank by defeating all challengers. Their exciting season peaked at the championship game, in which Cornerstone beat the two-time defending national champion, Bethel, in an exciting overtime final.

The achievements of the basketball team will be seen by many as a way to promote the glory of sport and the excellence of Cornerstone in particular. Interestingly however, these aspects are not the focus at Cornerstone College. Rather, Cornerstone has followed its motto of Academic Excellence, Christian Commitment," by using basketball and their team's success as a medium to bring the Christian message to others. This being the case, the men's basketball team has not only brought a sense of pride to Cornerstone College and the greater community, but their success has been a platform for bringing the hope of Christ to all who hear about their championship.

Mr. President, the men's basketball team of Cornerstone College has shown itself to be a group of unique and talented individuals. I commend them for their dedication and hard work and honor them for the success that it has brought them. Furthermore, I commend Cornerstone College for its unique and important message and for their faithfulness in making it heard. I ask my colleagues to join me in honoring the men's basketball team of Cornerstone College for their success in becoming the 1999 NAIA national champions.•

CORRECTION TO THE RECORD

In the RECORD of April 12, 1999, the texts of S. 293 and H. Con. Res. 68 were inadvertently transposed. The material should have read as follows:

SAN JUAN COLLEGE LAND CONVEYANCE

The text of S. 293, a bill to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College, as passed by the Senate on March 25, 1999, follows:

S. 293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the "Old Jicarilla Site" located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS, CONDITIONS, AND RESERVATIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for ingress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b), shall be revoked simultaneous with the conveyance of the property under subsection (a).

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The text of H. Con. Res. 68, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009, as passed by the Senate on March 25, 1999, follows:

H. CON. RES. 68

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2000 and that the appropriate budgetary levels for fiscal years 2001 through 2009 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2000 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,408,500,000,000.
Fiscal year 2001: $1,435,300,000,000.
Fiscal year 2002: $1,456,300,000,000.
Fiscal year 2003: $1,532,600,000,000.
Fiscal year 2004: $1,584,100,000,000.
Fiscal year 2005: $1,651,000,000,000.
Fiscal year 2006: $1,684,400,000,000.
Fiscal year 2007: $1,733,200,000,000.
Fiscal year 2008: $1,802,800,000,000.
Fiscal year 2009: $1,867,500,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$9,800,000,000.
Fiscal year 2002: −$52,000,000,000.
Fiscal year 2003: −$30,700,000,000.
Fiscal year 2004: −$50,000,000,000.
Fiscal year 2005: −$59,900,000,000.
Fiscal year 2006: −$106,300,000,000.
Fiscal year 2007: −$138,200,000,000.

Fiscal year 2008: −$153,400,000,000.

Fiscal year 2009: −$178,200,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,600,000,000.

Fiscal year 2001: $1,456,100,000,000.

Fiscal year 2002: $1,487,300,000,000.

Fiscal year 2003: $1,558,300,000,000.

Fiscal year 2004: $1,611,700,000,000.

Fiscal year 2005: $1,665,600,000,000.

Fiscal year 2006: $1,697,000,000,000.

Fiscal year 2007: $1,752,200,000,000.

Fiscal year 2008: $1,813,800,000,000.

Fiscal year 2009: $1,874,400,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,100,000,000.

Fiscal year 2001: $1,435,300,000,000.

Fiscal year 2002: $1,455,100,000,000.

Fiscal year 2003: $1,532,500,000,000.

Fiscal year 2004: $1,583,900,000,000.

Fiscal year 2005: $1,638,600,000,000.

Fiscal year 2006: $1,666,400,000,000.

Fiscal year 2007: $1,715,900,000,000.

Fiscal year 2008: $1,781,200,000,000.

Fiscal year 2009: $1,841,300,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2000: $400,000,000.

Fiscal year 2001: $0.

Fiscal year 2002: $1,200,000,000.

Fiscal year 2003: $100,000,000.

Fiscal year 2004: $200,000,000.

Fiscal year 2005: $12,400,000,000.

Fiscal year 2006: $18,000,000,000.

Fiscal year 2007: $17,300,000,000.

Fiscal year 2008: $21,600,000,000.

Fiscal year 2009: $26,200,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,627,700,000,000.

Fiscal year 2001: $5,707,700,000,000.

Fiscal year 2002: $5,791,500,000,000.

Fiscal year 2003: $5,875,000,000,000.

Fiscal year 2004: $5,954,800,000,000.

Fiscal year 2005: $6,019,600,000,000.

Fiscal year 2006: $6,075,400,000,000.

Fiscal year 2007: $6,128,700,000,000.

Fiscal year 2008: $6,168,100,000,000.

Fiscal year 2009: $6,198,100,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2009 for each major functional category are:

(1) National Defense (050):

Fiscal year 2000:

(A) New budget authority, $288,800,000,000.

(B) Outlays, $276,600,000,000.

Fiscal year 2001:

(A) New budget authority, $303,600,000,000.

(B) Outlays, $285,900,000,000.

Fiscal year 2002:

(A) New budget authority, $308,200,000,000.

(B) Outlays, $291,700,000,000.

Fiscal year 2003:

(A) New budget authority, $318,300,000,000.

(B) Outlays, $303,600,000,000.

Fiscal year 2004:

(A) New budget authority, $327,200,000,000.

(B) Outlays, $313,500,000,000.

Fiscal year 2005:

(A) New budget authority, $328,400,000,000.

(B) Outlays, $316,700,000,000.

Fiscal year 2006:

(A) New budget authority, $329,600,000,000.

(B) Outlays, $315,100,000,000.

Fiscal year 2007:

(A) New budget authority, $330,900,000,000.

(B) Outlays, $313,700,000,000.

Fiscal year 2008:

(A) New budget authority, $332,200,000,000.

(B) Outlays, $317,100,000,000.

Fiscal year 2009:

(A) New budget authority, $333,500,000,000.

(B) Outlays, $318,000,000,000.

(2) International Affairs (150):

Fiscal year 2000:

(A) New budget authority, $11,200,000,000.

(B) Outlays, $14,500,000,000.

Fiscal year 2001:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $15,100,000,000.

Fiscal year 2002:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $14,400,000,000.

Fiscal year 2003:

(A) New budget authority, $11,600,000,000.

(B) Outlays, $13,600,000,000.

Fiscal year 2004:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,300,000,000.

Fiscal year 2005:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $12,900,000,000.

Fiscal year 2006:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $12,600,000,000.

Fiscal year 2007:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $12,400,000,000.

Fiscal year 2008:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $12,200,000,000.

Fiscal year 2009:

(A) New budget authority, $14,000,000,000

(B) Outlays, $12,100,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2000:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $18,200,000,000.

Fiscal year 2001:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,900,000,000.

Fiscal year 2002:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,900,000,000.

Fiscal year 2003:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,800,000,000.

Fiscal year 2004:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,800,000,000.

Fiscal year 2005:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,800,000,000.

Fiscal year 2006:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,800,000,000.

Fiscal year 2007:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,800,000,000.

Fiscal year 2008:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,800,000,000.

Fiscal year 2009:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,800,000,000.

(4) Energy (270):

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, −$700,000,000.

Fiscal year 2001:

(A) New budget authority, −$1,400,000,000.

(B) Outlays, −$3,100,000,000.

Fiscal year 2002:

(A) New budget authority, −$200,000,000.

(B) Outlays, −$1,100,000,000.

Fiscal year 2003:

(A) New budget authority, −$100,000,000.

(B) Outlays, −$1,200,000,000.

Fiscal year 2004:

(A) New budget authority, −$300,000,000.

(B) Outlays, −$1,400,000,000.

Fiscal year 2005:

(A) New budget authority, −$400,000,000.

(B) Outlays, −$1,500,000,000.

Fiscal year 2006:

(A) New budget authority, −$500,000,000.

(B) Outlays, −$1,500,000,000.

Fiscal year 2007:

(A) New budget authority, −$500,000,000.

(B) Outlays, −$1,400,000,000.

Fiscal year 2008:

(A) New budget authority, −$200,000,000.

(B) Outlays, −$1,100,000,000.

Fiscal year 2009:

(A) New budget authority, −$100,000,000.

(B) Outlays, −$1,100,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2000:

(A) New budget authority, $22,800,000,000.

(B) Outlays, $22,600,000,000.

Fiscal year 2001:

(A) New budget authority, $22,500,000,000.

(B) Outlays, $22,000,000,000.

Fiscal year 2002:

(A) New budget authority, $22,400,000,000.

(B) Outlays, $21,400,000,000.

Fiscal year 2003:

(A) New budget authority, $22,500,000,000.

(B) Outlays, $22,600,000,000.

Fiscal year 2004:

(A) New budget authority, $23,500,000,000.

(B) Outlays, $23,500,000,000.

Fiscal year 2005:

(A) New budget authority, $23,500,000,000.

(B) Outlays, $23,400,000,000.

Fiscal year 2006:

(A) New budget authority, $23,600,000,000.

(B) Outlays, $23,500,000,000.

Fiscal year 2007:

(A) New budget authority, $23,700,000,000.

(B) Outlays, $23,400,000,000.

Fiscal year 2008:

(A) New budget authority, $23,700,000,000.

(B) Outlays, $23,400,000,000.

Fiscal year 2009:

(A) New budget authority, $24,000,000,000.

(B) Outlays, $23,700,000,000.

(6) Agriculture (350):

Fiscal year 2000:

(A) New budget authority, $14,300,000,000.

(B) Outlays, $13,200,000,000.

Fiscal year 2001:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $11,300,000,000.

Fiscal year 2002:

(A) New budget authority, $11,800,000,000.

(B) Outlays, $10,000,000,000.

Fiscal year 2003:

(A) New budget authority, $12,000,000,000.

(B) Outlays, $10,300,000,000.

Fiscal year 2004:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $10,500,000,000.

Fiscal year 2005:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $9,900,000,000.

Fiscal year 2006:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $9,100,000,000.

Fiscal year 2007:

(A) New budget authority, $10,700,000,000.

(B) Outlays, $9,100,000,000.

Fiscal year 2008:

(A) New budget authority, $10,800,000,000.

(B) Outlays, $9,200,000,000.

Fiscal year 2009:

(A) New budget authority, $10,900,000,000.

(B) Outlays, $9,200,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2000:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $4,500,000,000.

Fiscal year 2001:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $5,800,000,000.

Fiscal year 2002:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $10,200,000,000.

Fiscal year 2003:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $10,900,000,000.

Fiscal year 2004:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $10,400,000,000.

Fiscal year 2005:

(A) New budget authority, $12,700,000,000.

(B) Outlays, $9,400,000,000.

Fiscal year 2006:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $9,100,000,000.

Fiscal year 2007:

(A) New budget authority, $12,700,000,000.

(B) Outlays, $8,900,000,000.

Fiscal year 2008:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $8,500,000,000.

Fiscal year 2009:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $8,800,000,000.

(8) Transportation (400):

Fiscal year 2000:

(A) New budget authority, $51,800,000,000.

(B) Outlays, $45,800,000,000.

Fiscal year 2001:

(A) New budget authority, $51,000,000,000.

(B) Outlays, $47,700,000,000.

Fiscal year 2002:

(A) New budget authority, $50,800,000,000.

(B) Outlays, $47,300,000,000.

Fiscal year 2003:

(A) New budget authority, $52,300,000,000.

(B) Outlays, $46,800,000,000.

Fiscal year 2004:

(A) New budget authority, $52,300,000,000.

(B) Outlays, $46,300,000,000.

Fiscal year 2005:

(A) New budget authority, $52,300,000,000.

(B) Outlays, $46,100,000,000.

Fiscal year 2006:

(A) New budget authority, $52,300,000,000.

(B) Outlays, $46,000,000,000.

Fiscal year 2007:

(A) New budget authority, $52,400,000,000.

(B) Outlays, $46,000,000,000.

Fiscal year 2008:

(A) New budget authority, $52,400,000,000.

(B) Outlays, $46,100,000,000.

Fiscal year 2009:

(A) New budget authority, $52,400,000,000.

(B) Outlays, $46,100,000,000.

(9) Community and Regional Development (450):

Fiscal year 2000:

(A) New budget authority, $7,400,000,000.

(B) Outlays, $10,700,000,000.

Fiscal year 2001:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $9,100,000,000.

Fiscal year 2002:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $7,000,000,000.

Fiscal year 2003:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $6,100,000,000.

Fiscal year 2004:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $5,500,000,000.

Fiscal year 2005:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,800,000,000.

Fiscal year 2006:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,500,000,000.

Fiscal year 2007:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,400,000,000.

Fiscal year 2008:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,300,000,000.

Fiscal year 2009:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,300,000,000.

(10) Elementary and Secondary Education, and Vocational Education (501):

Fiscal year 2000:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $20,100,000,000.

Fiscal year 2001:

(A) New budget authority, $24,100,000,000.

(B) Outlays, $21,900,000,000.

Fiscal year 2002:

(A) New budget authority, $24,500,000,000.

(B) Outlays, $22,700,000,000.

Fiscal year 2003:

(A) New budget authority, $25,900,000,000.

(B) Outlays, $24,500,000,000.

Fiscal year 2004:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $25,600,000,000.

Fiscal year 2005:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,600,000,000.

Fiscal year 2006:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,800,000,000.

Fiscal year 2007:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,900,000,000.

Fiscal year 2008:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,900,000,000.

Fiscal year 2009:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,900,000,000.

(11) Higher Education, Training, Employment, and Social Services (500, except for 501):

Fiscal year 2000:

(A) New budget authority, $43,300,000,000.

(B) Outlays, $43,500,000,000.

Fiscal year 2001:

(A) New budget authority, $41,400,000,000.

(B) Outlays, $41,900,000,000.

Fiscal year 2002:

(A) New budget authority, $41,200,000,000.

(B) Outlays, $40,900,000,000.

Fiscal year 2003:

(A) New budget authority, $42,700,000,000.

(B) Outlays, $41,900,000,000.

Fiscal year 2004:

(A) New budget authority, $43,000,000,000.

(B) Outlays, $42,300,000,000.

Fiscal year 2005:

(A) New budget authority, $43,900,000,000.

(B) Outlays, $42,900,000,000.

Fiscal year 2006:

(A) New budget authority, $44,600,000,000.

(B) Outlays, $43,700,000,000.

Fiscal year 2007:

(A) New budget authority, $45,500,000,000.

(B) Outlays, $44,500,000,000.

Fiscal year 2008:

(A) New budget authority, $46,500,000,000.

(B) Outlays, $45,500,000,000.

Fiscal year 2009:

(A) New budget authority, $46,500,000,000.

(B) Outlays, $45,500,000,000.

(12) Health (550):

Fiscal year 2000:

(A) New budget authority, $156,200,000,000.

(B) Outlays, $153,000,000,000.

Fiscal year 2001:

(A) New budget authority, $164,100,000,000.

(B) Outlays, $162,400,000,000.

Fiscal year 2002:

(A) New budget authority, $173,300,000,000.

(B) Outlays, $173,800,000,000.

Fiscal year 2003:

(A) New budget authority, $184,700,000,000.

(B) Outlays, $185,300,000,000.

Fiscal year 2004:

(A) New budget authority, $197,900,000,000.

(B) Outlays, $198,500,000,000.

Fiscal year 2005:

(A) New budget authority, $212,800,000,000.

(B) Outlays, $212,600,000,000.

Fiscal year 2006:

(A) New budget authority, $228,400,000,000.

(B) Outlays, $228,300,000,000.

Fiscal year 2007:

(A) New budget authority, $246,300,000,000.

(B) Outlays, $245,500,000,000.

Fiscal year 2008:

(A) New budget authority, $265,200,000,000.

(B) Outlays, $264,400,000,000.

Fiscal year 2009:

(A) New budget authority, $285,500,000,000.

(B) Outlays, $284,900,000,000.

(13) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $208,700,000,000.

(B) Outlays, $208,700,000,000.

Fiscal year 2001:

(A) New budget authority, $222,100,000,000.

(B) Outlays, $222,300,000,000.

Fiscal year 2002:

(A) New budget authority, $230,600,000,000.

(B) Outlays, $230,200,000,000.

Fiscal year 2003:

(A) New budget authority, $250,700,000,000.

(B) Outlays, $250,900,000,000.

Fiscal year 2004:

(A) New budget authority, $268,600,000,000.

(B) Outlays, $268,700,000,000.

Fiscal year 2005:

(A) New budget authority, $295,600,000,000.

(B) Outlays, $295,200,000,000.

Fiscal year 2006:

(A) New budget authority, $306,800,000,000.

(B) Outlays, $306,900,000,000.

Fiscal year 2007:

(A) New budget authority, $337,600,000,000.

(B) Outlays, $337,800,000,000.

Fiscal year 2008:

(A) New budget authority, $365,600,000,000.

(B) Outlays, $365,200,000,000.

Fiscal year 2009:

(A) New budget authority, $394,100,000,000.

(B) Outlays, $394,200,000,000.

(14) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $244,400,000,000.

(B) Outlays, $248,100,000,000.

Fiscal year 2001:

(A) New budget authority, $250,500,000,000.

(B) Outlays, $257,400,000,000.

Fiscal year 2002:

(A) New budget authority, $262,700,000,000.

(B) Outlays, $267,000,000,000.

Fiscal year 2003:

(A) New budget authority, $277,000,000,000.

(B) Outlays, $276,800,000,000.

Fiscal year 2004:

(A) New budget authority, $286,200,000,000.

(B) Outlays, $286,000,000,000.

Fiscal year 2005:

(A) New budget authority, $298,500,000,000.

(B) Outlays, $298,700,000,000.

Fiscal year 2006:

(A) New budget authority, $304,800,000,000.

(B) Outlays, $305,200,000,000.

Fiscal year 2007:

(A) New budget authority, $310,600,000,000.

(B) Outlays, $311,500,000,000.

Fiscal year 2008:

(A) New budget authority, $323,900,000,000.

(B) Outlays, $325,400,000,000.

Fiscal year 2009:

(A) New budget authority, $334,200,000,000.

(B) Outlays, $335,700,000,000.

(15) Social Security (650):

Fiscal year 2000:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $14,300,000,000.

Fiscal year 2001:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $13,800,000,000.

Fiscal year 2002:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $15,600,000,000.

Fiscal year 2003:

(A) New budget authority, $16,300,000,000.

(B) Outlays, $16,300,000,000.

Fiscal year 2004:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,100,000,000.

Fiscal year 2005:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $17,900,000,000.

Fiscal year 2006:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $18,900,000,000.

Fiscal year 2007:

(A) New budget authority, $19,900,000,000.

(B) Outlays, $19,900,000,000.

Fiscal year 2008:

(A) New budget authority, $21,000,000,000.

(B) Outlays, $21,000,000,000.

Fiscal year 2009:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $22,200,000,000.

(16) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $44,700,000,000.

(B) Outlays, $45,100,000,000.

Fiscal year 2001:

(A) New budget authority, $44,300,000,000.

(B) Outlays, $45,000,000,000.

Fiscal year 2002:

(A) New budget authority, $44,700,000,000.

(B) Outlays, $45,100,000,000.

Fiscal year 2003:

(A) New budget authority, $45,900,000,000.

(B) Outlays, $46,400,000,000.

Fiscal year 2004:

(A) New budget authority, $46,200,000,000.

(B) Outlays, $46,700,000,000.

Fiscal year 2005:

(A) New budget authority, $48,800,000,000.

(B) Outlays, $49,300,000,000.

Fiscal year 2006:

(A) New budget authority, $47,300,000,000.

(B) Outlays, $47,800,000,000.

Fiscal year 2007:

(A) New budget authority, $47,800,000,000.

(B) Outlays, $46,200,000,000.

Fiscal year 2008:

(A) New budget authority, $48,500,000,000.

(B) Outlays, $49,000,000,000.

Fiscal year 2009:

(A) New budget authority, $49,100,000,000.

(B) Outlays, $49,700,000,000.

(17) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $23,400,000,000.

(B) Outlays, $25,300,000,000.

Fiscal year 2001:

(A) New budget authority, $24,700,000,000.

(B) Outlays, $25,100,000,000.

Fiscal year 2002:

(A) New budget authority, $24,700,000,000.

(B) Outlays, $24,900,000,000.

Fiscal year 2003:

(A) New budget authority, $24,600,000,000.

(B) Outlays, $24,400,000,000.

Fiscal year 2004:

(A) New budget authority, $26,200,000,000.

(B) Outlays, $26,100,000,000.

Fiscal year 2005:

(A) New budget authority, $26,300,000,000.

(B) Outlays, $26,200,000,000.

Fiscal year 2006:

(A) New budget authority, $26,400,000,000.

(B) Outlays, $26,200,000,000.

Fiscal year 2007:

(A) New budget authority, $26,400,000,000.

(B) Outlays, $26,300,000,000.

Fiscal year 2008:

(A) New budget authority, $26,500,000,000.

(B) Outlays, $26,300,000,000.

Fiscal year 2009:

(A) New budget authority, $26,500,000,000.

(B) Outlays, $26,400,000,000.

(18) General Government (800):

Fiscal year 2000:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $13,500,000,000.

Fiscal year 2001:

(A) New budget authority, $11,900,000,000.

(B) Outlays, $12,600,000,000.

Fiscal year 2002:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,300,000,000.

Fiscal year 2003:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,200,000,000.

Fiscal year 2004:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,200,000,000.

Fiscal year 2005:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $11,900,000,000.

Fiscal year 2006:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $11,800,000,000.

Fiscal year 2007:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $11,900,000,000.

Fiscal year 2008:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $12,100,000,000.

Fiscal year 2009:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $11,900,000,000.

(19) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $275,500,000,000.

(B) Outlays, $275,500,000,000.

Fiscal year 2001:

(A) New budget authority, $271,000,000,000.

(B) Outlays, $271,000,000,000.

Fiscal year 2002:

(A) New budget authority, $267,400,000,000.

(B) Outlays, $267,400,000,000.

Fiscal year 2003:

(A) New budget authority, $265,100,000,000.

(B) Outlays, $265,100,000,000.

Fiscal year 2004:

(A) New budget authority, $263,400,000,000.

(B) Outlays, $263,400,000,000.

Fiscal year 2005:

(A) New budget authority, $261,000,000,000.

(B) Outlays, $261,000,000,000.

Fiscal year 2006:

(A) New budget authority, $258,600,000,000.

(B) Outlays, $258,600,000,000.

Fiscal year 2007:

(A) New budget authority, $257,000,000,000.

(B) Outlays, $257,000,000,000.

Fiscal year 2008:

(A) New budget authority, $254,700,000,000.

(B) Outlays, $254,700,000,000.

Fiscal year 2009:

(A) New budget authority, $252,700,000,000.

(B) Outlays, $252,700,000,000.

(20) Allowances (920):

Fiscal year 2000:

(A) New budget authority, −$8,000,000,000.

(B) Outlays, −$10,100,000,000.

Fiscal year 2001:

(A) New budget authority, −$8,500,000,000.

(B) Outlays, −$12,900,000,000.

Fiscal year 2002:

(A) New budget authority, −$6,400,000,000.

(B) Outlays, −$20,000,000,000.

Fiscal year 2003:

(A) New budget authority, −$4,400,000,000.

(B) Outlays, −$4,800,000,000.

Fiscal year 2004:

(A) New budget authority, −$4,500,000,000.

(B) Outlays, −$5,000,000,000.

Fiscal year 2005:

(A) New budget authority, −$4,500,000,000.

(B) Outlays, −$5,100,000,000.

Fiscal year 2006:

(A) New budget authority, −$4,600,000,000.

(B) Outlays, −$5,200,000,000.

Fiscal year 2007:

(A) New budget authority, −$5,200,000,000.

(B) Outlays, −$5,800,000,000.

Fiscal year 2008:

(A) New budget authority, −$5,300,000,000.

(B) Outlays, −$5,900,000,000.

Fiscal year 2009:

(A) New budget authority, −$5,300,000,000.

(B) Outlays, −$5,900,000,000.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, −$34,300,000,000.

(B) Outlays, −$34,300,000,000.

Fiscal year 2001:

(A) New budget authority, −$36,900,000,000.

(B) Outlays, −$36,900,000,000.

Fiscal year 2002:

(A) New budget authority, −$43,600,000,000.

(B) Outlays, −$43,600,000,000.

Fiscal year 2003:

(A) New budget authority, −$37,000,000,000.

(B) Outlays, −$37,000,000,000.

Fiscal year 2004:

(A) New budget authority, −$37,100,000,000.

(B) Outlays, −$37,100,000,000.

Fiscal year 2005:

(A) New budget authority, −$38,100,000,000.

(B) Outlays, −$38,100,000,000.

Fiscal year 2006:

(A) New budget authority, −$38,800,000,000.

(B) Outlays, −$38,800,000,000.

Fiscal year 2007:

(A) New budget authority, −$40,100,000,000.

(B) Outlays, −$40,100,000,000.

Fiscal year 2008:

(A) New budget authority, −$40,900,000,000.

(B) Outlays, −$40,900,000,000.

Fiscal year 2009:

(A) New budget authority, −$41,800,000,000.

(B) Outlays, −$41,800,000,000.

SEC. 4. RECONCILIATION.

Not later than September 30, 1999, the House Committee on Ways and Means shall report to the House a reconciliation bill that consists of changes in laws within its jurisdiction such that the total level of revenues is not less than: $1,408,500,000,000 in revenues for fiscal year 2000, $7,416,800,000,000 in revenues for fiscal years 2000 through 2004, and $16,155,700,000,000 in revenues for fiscal years 2000 through 2009.

SEC. 5. SAFE DEPOSIT BOX FOR SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) under the Budget Enforcement Act of 1990, the social security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the social security trust funds have been running surpluses for 17 years;

(3) these surpluses have been used to implicitly finance the general operations of the Federal Government;

(4) in fiscal year 2000, the social security surplus will exceed $137 billion;

(5) for the first time, a concurrent resolution on the budget balances the Federal budget without counting social security surpluses; and

(6) the only way to ensure that social security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses.

(b) POINT OF ORDER.—(1) It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year. For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974. In setting forth the deficit level pursuant to such section, that level shall not include any adjustments in aggregates that would be made pursuant to any reserve fund that provides for adjustments in allocations and aggregates for legislation that enhances retirement security or extends the solvency of the Medicare trust funds or makes such changes in the Medicare payment or benefit structure as are necessary.

(2) Paragraph (1) may be waived in the Senate only by the affirmative vote of three-fifths of the Members voting.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) beginning with fiscal year 2000, legislation should be enacted to require any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Government of surplus or deficit totals of the budget of the Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such offices or any other such agency or instrumentality, should exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986; and

(2) legislation should be considered to augment subsection (b) by—

(A) taking such steps as may be required to safeguard the social security surpluses, such as statutory changes equivalent to the reserve fund for retirement security and Medicare set forth in section 6; or

(B) otherwise establishing a statutory limit on debt held by the public and reducing such limit by the amounts of the social security surpluses.

SEC. 6. RESERVE FUND FOR RETIREMENT SECURITY AND, AS NEEDED, MEDICARE.

(a) RETIREMENT SECURITY.—Whenever the Committee on Ways and Means of the House reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted that enhances retirement security, the chairman of the Committee on the Budget may—

(1) increase the appropriate allocations for each of fiscal years 2000 through 2004 and aggregates for each of fiscal years 2000 through 2009 of new budget authority and outlays by the amount of new budget authority provided by such measure (and outlays flowing therefrom) for such fiscal year for that purpose; and

(2) reduce the revenue aggregates for each of fiscal years 2000 through 2009 by the amount of the revenue loss resulting from that measure for such fiscal year for that purpose.

(b) MEDICARE PROGRAM.—Whenever the Committee on Ways and Means or the Committee on Commerce of the House reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted that extends the solvency or reforms the benefit or payment structure of the Medicare Program, including any measure in response to the National Bipartisan Commission on the Future of Medicare, the chairman of the Committee on the Budget may increase the appropriate allocations and aggregates of new budget authority and outlays by the amounts provided in that bill for that purpose.

(c) LIMITATION.—(1) The chairman of the Committee on the Budget may only make adjustments under subsection (a) or (b) if the net outlay increase plus revenue reduction resulting from any measure referred to in those subsections (including any prior adjustments made for any other such measure) for fiscal year 2000, the period of fiscal years 2000 through 2004, or the period of fiscal years 2000 through 2009 is not greater than an amount equal to the projected social security surplus for such period, as set forth in the joint explanatory statement of managers accompanying this concurrent resolution or, if published, the midsession review for fiscal year 2000 of the Director of the Congressional Budget Office. For purposes of the preceding sentence, revenue reductions shall be treated as a positive number.

(2) In the midsession review for fiscal year 2000, the Director of the Congressional Budget Office, in consultation with the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, shall make an up-to-date estimate of the projected surpluses in the social security trust funds for fiscal year 2000, for the period of fiscal years 2000 through 2004, and for the period of fiscal years 2000 through 2009.

(3) As used in this subsection, the term "social security trust funds" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 7. RESERVE FUND FOR PROGRAMS AUTHORIZED UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) IN GENERAL.—In the House, when the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted that provides new budget authority for fiscal year 2000, 2001, 2002, 2003, or 2004 for programs authorized under the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget may increase the appropriate allocations and aggregates of new budget authority and outlays by an amount not to exceed the amount of new budget authority provided by that measure (and outlays flowing therefrom) for that purpose up to the maximum amount consistent with section 611(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(a)(2)).

(b) ADJUSTMENTS.—The adjustments in outlays (and the corresponding amount of new budget authority) made under subsection (a) for any fiscal year may not exceed the amount by which an up-to-date projection of the on-budget surplus made by the Director of the Congressional Budget Office for that fiscal year exceeds the on-budget surplus for that fiscal year set forth in section 2(4) of this resolution.

(c) CBO PROJECTIONS.—Upon the request of the chairman of the Committee on the Budget of the House, the Director of the Congressional Budget Office shall make an up-to-date estimate of the projected on-budget surplus for the applicable fiscal year.

SEC. 8. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 9. UPDATED CBO PROJECTIONS.

Each calendar quarter the Director of the Congressional Budget Office shall make an up-to-date estimate of receipts, outlays and surplus (on-budget and off-budget) for the current fiscal year.

SEC. 10. SENSE OF THE CONGRESS ON THE COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) FINDINGS.—Congress finds that—

(1) persecution of individuals on the sole ground of their religious beliefs and practices occurs in countries around the world and affects millions of lives;

(2) such persecution violates international norms of human rights, including those established in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, and the Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief;

(3) such persecution is abhorrent to all Americans, and our very Nation was founded on the principle of the freedom to worship according to the dictates of our conscience; and

(4) in 1998 Congress unanimously passed, and President Clinton signed into law, the International Religious Freedom Act of 1998, which established the United States Commission on International Religious Freedom to monitor facts and circumstances of violations of religious freedom and authorized $3,000,000 to carry out the functions of the Commission for each of fiscal years 1999 and 2000.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) this resolution assumes that $3,000,000 will be appropriated within function 150 for fiscal year 2000 for the United States Commission on International Religious Freedom to carry out its duties; and

(2) the House Committee on Appropriations is strongly urged to appropriate such amount for the Commission.

SEC. 11. SENSE OF THE HOUSE ON PROVIDING ADDITIONAL DOLLARS TO THE CLASSROOM.

(a) FINDINGS.—The House finds that—

(1) strengthening America's public schools while respecting State and local control is critically important to the future of our children and our Nation;

(2) education is a local responsibility, a State priority, and a national concern;

(3) working with the Nation's governors, parents, teachers, and principals must take place in order to strengthen public schools and foster educational excellence;

(4) the consolidation of various Federal education programs will benefit our Nation's children, parents, and teachers by sending more dollars directly to the classroom; and

(5) our Nation's children deserve an educational system that will provide opportunities to excel.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) the House should enact legislation that would consolidate thirty-one Federal K–12 education programs; and

(2) the Department of Education, the States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our children in their classrooms.

SEC. 12. SENSE OF THE CONGRESS ON ASSET-BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress finds that—

(1) 33 percent of all American households have no or negative financial assets and 60 percent of African-American households have no or negative financial assets;

(2) 46.9 percent of all children in America live in households with no financial assets, including 40 percent of caucasian children and 75 percent of African-American children;

(3) in order to provide low-income families with more tools for empowerment, incentives which encourage asset-building should be established;

(4) across the Nation numerous small public, private, and public-private asset-building initiatives (including individual development account programs) are demonstrating success at empowering low-income workers;

(5) the Government currently provides middle and upper income Americans with hundreds of billions of dollars in tax incentives for building assets; and

(6) the Government should utilize tax laws or other measures to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that any changes in tax law should include provisions which encourage low-income workers and their families to save for buying their first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

SEC. 13. SENSE OF THE CONGRESS ON ACCESS TO HEALTH INSURANCE AND PRESERVING HOME HEALTH SERVICES FOR ALL MEDICARE BENEFICIARIES.

(a) ACCESS TO HEALTH INSURANCE.—

(1) FINDINGS.—Congress finds that—

(A) 43.4 million Americans are currently without health insurance, and that this number is expected to rise to nearly 60 million people in the next 10 years;

(B) the cost of health insurance continues to rise, a key factor in increasing the number of uninsured; and

(C) there is a consensus that working Americans and their families and children will suffer from reduced access to health insurance.

(2) SENSE OF THE CONGRESS ON IMPROVING ACCESS TO HEALTH CARE INSURANCE.—It is the sense of the Congress that access to affordable health care coverage for all Americans is a priority of the 106th Congress.

(b) PRESERVING HOME HEALTH SERVICE FOR ALL MEDICARE BENEFICIARIES.—

(1) FINDINGS.—Congress finds that—

(A) the Balanced Budget Act of 1997 reformed Medicare home health care spending by instructing the Health Care Financing Administration to implement a prospective payment system and instituted an interim payment system to achieve savings;

(B) the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, reformed the interim payment system to increase reimbursements to low-cost providers, added $900 million in funding, and delayed the automatic 15 percent payment reduction for one year, to October 1, 2000; and

(C) patients whose care is more extensive and expensive than the typical Medicare patient do not receive supplemental payments in the interim payment system but will receive special protection in the home health care prospective payment system.

(2) SENSE OF THE CONGRESS ON ACCESS TO HOME HEALTH CARE.—It is the sense of the Congress that—

(A) Congress recognizes the importance of home health care for seniors and disabled citizens;

(B) Congress and the Administration should work together to maintain quality care for patients whose care is more extensive and expensive than the typical Medicare patient, including the sickest and frailest Medicare beneficiaries, while home health care agencies operate in the interim payment system; and

(C) Congress and the Administration should work together to avoid the implementation of the 15 percent reduction in the interim payment system and ensure timely implementation of the prospective payment system.

SEC. 14. SENSE OF THE HOUSE ON MEDICARE PAYMENT.

(a) FINDINGS.—The House finds that—

(1) a goal of the Balanced Budget Act of 1997 was to expand options for Medicare beneficiaries under the new Medicare+Choice program;

(2) Medicare+Choice was intended to make these choices available to all Medicare beneficiaries; and unfortunately, during the first two years of the Medicare+Choice program the blended payment was not implemented, stifling health care options and continuing regional disparity among many counties across the United States; and

(3) the Balanced Budget Act of 1997 also established the National Bipartisan Commission on the Future of Medicare to develop legislative recommendations to address the long-term funding challenges facing Medicare.

(b) SENSE OF THE HOUSE.—It is the sense of the House that this resolution assumes that funding of the Medicare+Choice program is a priority for the House Committee on the Budget before financing new programs and benefits that may potentially add to the imbalance of payments and benefits in Fee-for-Service Medicare and Medicare+Choice.

SEC. 15. SENSE OF THE HOUSE ON ASSESSMENT OF WELFARE-TO-WORK PROGRAMS.

(a) IN GENERAL.—It is the sense of the House that, recognizing the need to maximize the benefit of the Welfare-to-Work Program, the Secretary of Labor should prepare a report on Welfare-to-Work Programs pursuant to section 403(a)(5) of the Social Security Act. This report should include information on the following—

(1) the extent to which the funds available under such section have been used (including the number of States that have not used any of such funds), the types of programs that have received such funds, the number of and characteristics of the recipients of assistance under such programs, the goals of such programs, the duration of such programs, the costs of such programs, any evidence of the effects of such programs on such recipients, and accounting of the total amount expended by the States from such funds, and the rate at which the Secretary expects such funds to be expended for each of the fiscal years 2000, 2001, and 2002;

(2) with regard to the unused funds allocated for Welfare-to-Work for each of fiscal years 1998 and 1999, identify areas of the Nation that have unmet needs for Welfare-to-Work initiatives; and

(3) identify possible Congressional action that may be taken to reprogram Welfare-to-Work funds from States that have not utilized previously allocated funds to places of unmet need, including those States that have rejected or otherwise not utilized prior funding.

(b) REPORT.—It is the sense of the House that, not later than January 1, 2000, the Secretary of Labor should submit to the Committee on the Budget and the Committee on Ways and Means of the House and the Committee on Finance of the Senate, in writing, the report described in subsection (a).

SEC. 16. SENSE OF THE CONGRESS ON PROVIDING HONOR GUARD SERVICES FOR VETERANS' FUNERALS.

It is the sense of the Congress that all relevant congressional committees should make every effort to provide sufficient resources so that an Honor Guard, if requested, is available for veterans' funerals.

SEC. 17. SENSE OF THE CONGRESS ON CHILD NUTRITION.

(a) FINDINGS.—Congress finds that—

(1) both Republicans and Democrats understand that an adequate diet and proper nutrition are essential to a child's general well-being;

(2) the lack of an adequate diet and proper nutrition may adversely affect a child's ability to perform up to his or her ability in school;

(3) the Government currently plays a role in funding school nutrition programs; and

(4) there is a bipartisan commitment to helping children learn.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Committee on Education and the Workforce and the Committee on Agriculture should examine our Nation's nutrition programs to determine if they can be improved, particularly with respect to services to low-income children.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces the following appointments on behalf of the majority leader:

Pursuant to provisions of section 3(b) of Public Law 105–341, the following individuals are appointed to the Women's Progress Commemoration Commission: Elaine L. Chao of Kentucky; Amy M. Holmes of Washington, DC; and Patricia C. Lamar of Mississippi.

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces the appointment of the following Senators on behalf of the Democratic Leader:

Pursuant to the provisions of Public Law 105–244, the following Senator is appointed to serve as a member of the Web-Based Education Commission: the Honorable JEFF BINGAMAN of New Mexico.

Pursuant to the provisions of Public Law 94–304, as amended by Public Law 99–7, the Chair announces the appointment as members of the Commission on Security and Cooperation in Europe: Senator FRANK R. LAUTENBERG of New Jersey; Senator BOB GRAHAM of Florida; Senator RUSSELL D. FEINGOLD of

Wisconsin; and Senator CHRISTOPHER J. DODD of Connecticut.

UNANIMOUS CONSENT AGREEMENT—HOUSE CONCURRENT RESOLUTIONS 44, 47, AND 50

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the consideration of the following concurrent resolutions: H. Con. Res. 44, H. Con. Res. 47, and H. Con. Res. 50.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con Res. 44) authorizing the use of the Capitol Grounds for the 18th annual National Peace Officers' Memorial Service.

GREATER WASHINGTON SOAP BOX DERBY

The PRESIDING OFFICER. The clerk will report the next resolution.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 47) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

The PRESIDING OFFICER. The clerk will report the next resolution.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 50) authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolutions be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolutions be printed at the appropriate place in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolutions (H. Con. Res. 44, H. Con. Res. 47, and H. Con. Res. 50) were agreed to.

ORDERS FOR THURSDAY, APRIL 15, 1999

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Thursday, April 15. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume debate on the budget resolution conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all Senators, the Senate will reconvene on Thursday at 9:30 a.m. and immediately begin the final 5 hours of debate on the budget resolution conference report. Therefore, Senators can expect a rollcall vote on adoption of the conference report at approximately 2 p.m., or earlier if time is yielded back. Under a previous order, the Senate may also expect a final vote on the House version of S. 767, the uniform services tax filing fairness bill. That vote is expected to occur immediately following the vote on the budget conference report.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 6:09 p.m., adjourned until Thursday, April 15, 1999, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, April 14, 1999*

The House met at 10:00 a.m. and was called to order by the Speaker pro tempore (Mr. HEFLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 14, 1999.

I hereby appoint the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Your word tells us, O gracious God, that we need not walk alone through the trials or shadows of life, and it reminds us that Your spirit gives us strength no matter how great the danger or how deep the sorrow. At this time when people suffer or face peril because of conflict and strife, we earnestly pray that all violence cease and a measure of justice be sustained. May people of goodwill realize the blessings of accord, and may peace dwell not only in our hearts but among the nations of the world. Let justice roll down as waters and righteousness like an everflowing stream. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BENTSEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BENTSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 53, answered "present" 1, not voting 36, as follows:

[Roll No. 83]

YEAS—343

Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Owens
Packard
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—53

Aderholt
Bonior
Borski
Brady (PA)
Brown (CA)
Chenoweth
Clay
Clyburn
Costello
DeFazio
Engel
English
Filner
Ford
Gephardt
Gibbons
Green (TX)
Gutierrez
Gutknecht
Hilliard
Hulshof
Hutchinson
Johnson, E. B.
Klink
Kucinich
Larson
Lee
Lewis (GA)
LoBiondo
McDermott
McNulty
Menendez
Moran (KS)
Oberstar
Pallone
Pascrell
Pastor
Peterson (MN)
Pickett
Ramstad
Rogan
Sabo
Schaffer
Serrano
Strickland
Stupak
Sweeney
Tancredo
Taylor (MS)
Thompson (CA)
Thompson (MS)
Visclosky
Weller

ANSWERED "PRESENT"—1

Carson

NOT VOTING—36

Abercrombie
Bateman
Becerra
Conyers
Cox
Crane
Davis (IL)
Dicks
Dixon
Doyle
Dunn
Fattah
Hastings (FL)
Hinchey
Kleczka
LaHood
Lantos
McCarthy (NY)
McCrery
Metcalf
Myrick
Neal
Olver
Oxley
Porter
Rangel
Rodriguez
Rohrabacher
Scarborough
Sherwood
Tauzin
Velázquez
Waters
Weiner
Wise
Young (AK)

□ 1021

So the Journal was approved.

The result of the vote was announced as above recorded.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. HEFLEY). Will the gentleman from New York (Mr. REYNOLDS) come forward and lead the House in the Pledge of Allegiance.

Mr. REYNOLDS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 148. An act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 380. An act to reauthorize the Congressional Award Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on each side.

REPEAL THE INCOME TAX

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is that time of year again: Tax season. Let us be honest, our current tax system is economically destructive, impossibly complex, overly intrusive, unprincipled, dishonest, unfair and inefficient. This madness must stop. That is why I will reintroduce the tax freedom bill today that will repeal the 16th Amendment to the Constitution and deny the Congress the ability to lay and collect taxes on income, except when the Congress declares war.

We must replace the current tax system based on a vision of America that places the individual, not the government, at the center of society. My bill to replace the 16th Amendment brings us one step closer to replacing the current system and restoring freedom to the American taxpayer. It is way past time to enact a tax system that embraces freedom for all Americans.

CAMPAIGN FINANCE REFORM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I want to thank my colleagues in the Blue Dog Caucus, especially the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. TURNER), for their leadership in helping to bring campaign finance reform to the forefront of the agenda in this session.

I also want to thank the freshman Democrats who have been so helpful with this effort, and I want to thank the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), who have been the leaders of making this legislation come together.

This is a bipartisan issue which demands bipartisan action. Both Democrats and Republicans support the Shays-Meehan reform bill to help restore sanity to our system of political campaigns. It is a first step but we need to start somewhere, and that place is here and that place is now and that time is now.

Unfortunately, the Republican leadership of the House for the past 2 years has been dedicated to stifling these bipartisan efforts to clean up political campaigns. First it was death by amendment. Now it is death by delay. Well, it is now or never. In baseball, wait until next year is the perpetual excuse for coming in last. Wait until August is another excuse for why the House will not pass campaign finance reform again this year.

If we want to clean up the political campaign system, now is the time and here is the chance. I urge every Member, both Democrat and Republican, to sign this discharge petition. It is a fair petition. It is a fair rule. Let us get campaign reform done now, not later.

NO CONFIDENCE IN THE ABILITY OF LIBERALS TO WAGE WAR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I have no confidence in the ability of liberals to wage war. That is the truth that most of us believe and cannot deny. From the nonsensical way that Johnson and McNamara fought the Vietnam War, to Carter's humiliation in Iran, to our latest misadventure in Kosovo, the truth is there for all to see.

The liberal mentality simply is not equipped to deal with the harsh realities of war. They do not understand the first thing about using military force, about protecting America's national interest or about what is required to defeat a determined enemy. Vietnam, Iran hostages and now Bill Clinton's war in Kosovo. The liberals voted against using military force in the Persian Gulf when U.S. interests were clearly at stake, but where U.S. interests are not at stake, such as Haiti or Kosovo, then they are for military force.

This is liberalism in the full glory of its contradictions and wrongheadedness. I only can pray that the soldiers, sailors and aviators who must put their lives on the line do not suffer for the naivete and the incompetence of the armchair liberals in this administration.

DEMOCRATS WANT MEANINGFUL CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, today Democrats are lining up for reform. We have had enough. We have had enough Republican leadership excuses. We have had enough delay. We want meaningful campaign finance reform.

We are here lined up to sign a discharge petition to discharge all of the proposals, by both Republicans and Democrats, for a full and fair debate on the floor of this House.

□ 1030

Last year the Republicans delayed as long as they could until this discharge petition was approved. They finally had to bring the bill to the floor, and then they tried to filibuster it to death with amendments.

When that filibuster failed, every single member of the Republican leadership, including the gentleman from Illinois (Speaker HASTERT) voted no against bipartisan reform sponsored by Republicans and Democrats, and backed by most every good government organization in this country.

With that background, it is very troubling to hear now the gentleman from Illinois (Speaker HASTERT) announce in the first month of his speakership that he would put this vital issue on the back burner. We need an end to obstructionism and some real bipartisan reform.

LET US HAVE TRUE BIPARTISANSHIP AND TRUE REFORM

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it should come as no surprise that my colleagues on the left want to posture in the name of reform. After all, they, and to tell the truth, all the American people, have been embarrassed by an administration that took campaign donations from the People's Republic of China. That is despicable. So we would ask in a bipartisan fashion that they join with us to get to the bottom of Chinese influence on our government and on our political system, and that is the real step to reform.

In addition, Mr. Speaker, I would ask my friends on the left to give the working men and women of America who happen to belong to unions the right to devote their union dues directly to collective bargaining, instead of going into the campaign coffers of liberal interest groups. That is another real step for reform.

Let us have true bipartisanship and true reform, quit the preening and posturing, and stand up for America.

TIME FOR MEANINGFUL AND TIMELY DEBATE ON CAMPAIGN FINANCE REFORM

(Mr. DAVIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Florida. Mr. Speaker, during the last Congress the Republican leadership attempted to block the passage of meaningful campaign finance reform. But the freshman class of 1996, Democrats and Republicans, worked together on a bipartisan basis with the Shays-Meehan bill to force the issue. We ultimately succeeded in bringing an open debate on this issue to the Floor of the House.

We thought we had demonstrated the importance to the American people of taking up campaign finance reform, but once again the Republican leadership does not fully appreciate the magnitude of this issue.

I am proud to be an original cosponsor of the Shays-Meehan bill. We must ban soft money and find a way to regulate sham issue ads. Soft money contributions are exploding. The amount of money contributed to both political parties has grown at an enormous and unacceptable rate. In 1992 soft money accounted for $86 million. By 1996 it had increased to $260 million. In 1998, a nonpresidential election year, it increased to $193 million, twice the increase the previous year.

We need to address this cancer. We need to sign the discharge petition, and have meaningful and timely debate on campaign finance reform.

KEY DIFFERENCES BETWEEN THE PRESIDENT'S BUDGET AND THE REPUBLICAN BUDGET

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, which dog is the tail wagging today? This chart shows one of the key differences between the President's budget and the Republican budget. The Republican budget pays down the debt by $1.8 trillion over 10 years. The President's budget pays down the debt by much less.

Let us take a look at that again: $1.8 trillion in debt reduction under the Republican plan, higher debt levels under the President's plan. Our budget does a much better job of paying off the debt. The President's budget leaves us in debt for longer periods of time. The Republican budget also provides middle class tax relief from future surpluses, and our budget puts away 100 percent of the retirement surplus for social security and Medicare. We put that money in a safe deposit box so that Washington spenders will put an end to their 40-year practice of raiding social security to pay for new government programs. It is a great budget and a budget to be proud of.

THE IMF PROPOSAL TO GIVE RUSSIA MORE MONEY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a new report says Uncle Sam gives billions of dollars to Russia every year, and the money disappears into an offshore bank account. Guess what, much of the money is now reported stolen. If that is not enough to bust your balsam, check this out. The International Monetary Fund announced today they want to give Russia more money.

Mr. Speaker, I submit, the IMF has brains in their assets. I yield back all our wasted taxpayer dollars that are going to Russian fat cats partying with our dollars and not even supporting us in Kosovo. Members should think about that.

HCFA HOME HEALTH CARE ASSESSMENT UNDERMINES PRIVACY OF AMERICANS

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, now the big government bureaucrats in the Clinton administration have decided they do care about the privacy rights of the American people after all. Just 14 days before 9,000 home health care providers are to begin submitting the personal medical information of millions of Americans to the Federal Government, we learn in the Washington Post that the Health Care Financing Administration has decided to review the program's privacy implications, something which should have been considered long before this misguided regulation ever saw the light of day.

Is this newfound concern for privacy going to prevent the administration from prying into the lives of innocent Americans and creating a Federal database of their medical information? Sadly, the answer to that question, Mr. Speaker, is no. The administration is simply delaying the ultimate submission of the data to the Federal Government.

The home health care providers are still expected to conduct the 19-page assessment of each page, including private questions concerning the patient's sense of failure or socially inappropriate behavior. Let us put an end to this outrageous conduct.

CONGRESS MUST ACT NOW TO PASS CAMPAIGN FINANCE REFORM AND BAN SOFT MONEY

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, Congress must act now to pass campaign finance reform and ban soft money. We must act now in a nonelection year, before the strategic calculations of the election year money chase contaminate the debate on campaign finance reform. We must act now before unregulated, unaccountable soft money contributions drown out the people's voices in the 2000 election.

If we thought the presidential election year of 1996 was awash in soft money, 2000 promises to be a deluge. We must act now to give the Senate sufficient time to act. Campaign finance reform is too important to be held hostage to the anti-reform faction's policy of delay, delay, delay.

I urge Members to sign the discharge petition so we can pass the Shays-Meehan reform bill. If we combine last year's votes on the Shays-Meehan and Hutchinson-Allen bills, 352 Members voted to ban soft money. That is 81 percent of the House.

I urge my colleagues to sign the discharge petition, pass Shays-Meehan, and ban soft money.

THE SIGNIFICANCE OF THE APRIL 15 TAX DEADLINE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, it is that time of the year again, April 14th, the night before April 15th, the tax deadline. It is a bittersweet day for a politician. On the one hand, we are forced to confront the painful truth about how much the Federal Government takes from its productive citizens in the way of taxes. On the other hand, it is a tragic reality. It serves as an useful reminder to Republicans for what they stand for as a party.

To Republicans, taxes are a freedom issue. We believe that people should be entitled to the fruits of their labor. Slavery was a great evil because slaves were not entitled to the fruits of their labor. That was wrong.

The question for Republicans is one ultimately of choice: Who decides how to spend the money that Americans earn, those Americans or the government? We believe that people should have more power and more control over their lives, and the government should have less. That is the significance of April 15 to me.

THE SHAYS-MEEHAN CAMPAIGN FINANCE REFORM BILL IS AN IMPORTANT STEP FORWARD

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I rise today in strong support of the Shays-Meehan campaign finance reform bill, and urge the Speaker to allow this important piece of legislation to get onto the floor for debate and a vote.

Shays-Meehan, which will stop large corporations and wealthy individuals from pouring hundreds of millions of dollars in soft money into both political parties, will not solve the crisis of campaign financing that we face today, but is an important step forward.

Mr. Speaker, one of the great tragedies of our time is that the American people are in large numbers giving up on the political process. In the last election, only 36 percent of the people voted, and tens of millions no longer believe that this Congress represents their interests. Rather, they believe, not without justification, that big money interests, through campaign contributions and lobbying efforts, develop the agenda here and call the tunes.

Mr. Speaker, let us tell the middle class and the working families of this country, the folks who do not contribute hundreds of millions, that we are listening to them. Let us pass campaign finance reform.

RECOGNIZING LIEUTENANT COLONEL MANUEL FERNANDEZ, JR., UPON HIS RETIREMENT FROM THE UNITED STATES AIR FORCE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to recognize Lieutenant Colonel Manuel Fernandez, Jr., upon his retirement from the United States Air Force after 22 years of distinguished service to our great Nation. An American hero, a decorated military aviator, Lieutenant Colonel Fernandez has served with distinction, including service as a squadron commander at several locations worldwide.

Most recently he served with honor and great distinction to the United States Congress as the deputy chief of the House Liaison Office. In this position Manny, who is known to his friend as Manny, excelled at providing information and service to Members of the House of Representatives. His intelligence, his charm, keen wit, and a can-do attitude made Manny Fernandez a pleasure to work with.

Because of Manny's credibility and good will, the Air Force and the Department of Defense will long reap the benefits of his tenure here on Capitol Hill.

On behalf of my colleagues, I wish Lieutenant Colonel Manny Fernandez and his wife, Susan, the very best as he enters retirement.

CAMPAIGN FINANCE REFORM

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute.)

Mrs. NAPOLITANO. Mr. Speaker, I am pleased to join my colleagues today to support the campaign finance reform and the filing of this discharge petition. I am proud that my signature will be among the 218 needed to bring H.R. 417, the bipartisan campaign finance reform measure offered by the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS), and other measures as well, to the floor for a vote.

For me as a new Member of this House, this is a truly defining issue. The money chase must end so we, as servants of the people, can spend our time doing the people's business. I believe that it is what our constituents want from us. It is certainly what I would prefer to do.

Nine out of 10 Americans support campaign reform. Let them know we are listening to them. Now is the time to move forward. No more delays, no more bickering, no more excuses, just let us vote.

LET US SUPPORT NEEDED RESEARCH ON RETINAL DEGENERATIVE DISEASES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, there is a saying, nothing is so strong as gentleness, and nothing is so gentle as real strength.

I can think of no better person who personifies those words as does my constituent and friend, Betti Lidsky. Yesterday, before the House Subcommittee on Labor, Health, and Human Services, Betti testified about her experiences as the mother of three children, Ilana, Daria, and Isaac, who are stricken with retinal degenerative diseases.

Betti and Carlos, her husband, came to deliver a message that is not only close to their hearts, but close to the hearts of the millions of family members across America who have a loved one who suffers from this disease, for which there is no treatment nor cure.

Let us help give the Lidsky family and indeed those families across America who are impacted by this disease hope by supporting, promoting, and funding research through the National Eye Institute and the Foundation Fighting Blindness. Working together, there is a cure in sight.

URGING MEMBERS TO SIGN THE DISCHARGE PETITION TO ALLOW DEBATE ON CAMPAIGN FINANCE REFORM

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, there is a line forming down here in the well. Its purpose is to provide a discharge petition which will put on the Floor a fair proposal which will make it possible for this House to vote and to work its will on a piece of legislation to reform one of the great scandals in this country. I am talking about excessive expenditures in campaigns.

It will for the first time in years make a meaningful reform in terms of how money is spent and how much money is spent. It is something which will attack a problem that has been corroding the confidence of the American people in their government.

I urge all of my colleagues on both sides to join together in signing this discharge petition, putting on the Floor of the House a piece of legislation which will enable the people to return their confidence to their government, because we will be eliminating one of the great abuses, excessive expenditures of money on public elections, something which is corrupting the public business of this Nation.

I commend the framers of the discharge petition, I join in signing it, and I urge all of my colleagues to do likewise.

☐ 1045

BUDGET RESOLUTION

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I come here to speak about the budget, but I cannot help but respond a little bit on campaign finance reform.

The issue should be how do we make those in office live by the rules that are already on the books. I question whether more laws, more rules will make people any more honest.

But we are here at a proud time, to think that we are going to pass the budget resolution on time today. I ask my colleagues on that side of the aisle, do not throw up roadblocks. Come along. Let us do the budget resolution as the law requires by the 15th.

It has got some great things in it. It strengthens Social Security. It keeps the caps so that we keep our commitment to balance the budget. It provides money to help make Medicare more secure. Education will benefit under this budget resolution. I only see one dark cloud.

Vote yes on the budget resolution. It is a good agreement.

ELEMENTARY AND SECONDARY EDUCATION ACT

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I am sure my colleagues realize this is an important week for Federal education policy.

Today we on the House Committee on Education and the Workforce will be holding our first hearing on Title I, the section of the Elementary and Secondary Education Act that is designed to get Federal resources to the poorest of our Nation's children.

I will also be meeting with our Superintendent of Public Instruction of California, Delaine Eastin, today. She and I have worked together on several education issues, including the concern for Title I and other programs.

Title I is a very important program. In particular, it affects my district, and I would like to tell my colleagues how. First of all, Title I is for the poorest children in the Nation. Fifty percent of the students in the school must qualify for the free and reduced lunch in order to be a Title I school.

In our school district, in Garden Grove Unified, for example, 57 of the 64 schools qualify for Title I funds. In Anaheim City School District, over 50 percent of the schools qualify.

This is an issue that is of great concern, and I hope that my colleagues will work to ensure that Title I is there.

DIFFERENCES OF OPINION ON THE BUDGET

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, Republicans have proposed to do something that should have been done a long time ago. The Republican budget plan puts 100 percent of the retirement surplus into a safe deposit box to be used exclusively for Social Security and Medicare.

The retirement surplus, that is, the surplus from FICA taxes taken out of our paychecks, is the only reason that the budget is not in surplus. If we did not count the money in the Social Security Trust Fund, the Federal budget would still be in deficit to the tune of about $20 billion.

Social Security and Medicare have really divided the parties this year. Talk about Medicare. Republicans propose a lockbox and a willingness to debate the Breaux Commission's finding on Medicare reform.

Democrats ask for continued raids on the Social Security Trust Fund, more IOUs, and a veto of the Breaux Commission out of hand, no system reforms of Medicare.

They would rather scare seniors once again instead of trying to solve the problems. Our seniors, Mr. Speaker, deserve better.

GENOCIDE AND ETHNIC CLEANSING WILL NOT PREVAIL IN KOSOVO

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, today, along with the gentleman from South Carolina (Mr. SANFORD), I am introducing a bill which will provide $25 million to arm and train the KLA, the Kosovo Liberation Army. It is similar to a bill put forward by Senators MCCONNELL and LIEBERMAN in the Senate.

If we do not want to have the NATO troops on the ground, and let me say I think troops should be an option here, because we must win the war and show Milosevic that genocide and ethnic cleansing will not prevail.

But the only alternative to NATO troops or perhaps to supplement NATO troops on the ground right now is the KLA. In my opinion, we ought to be air dropping anti-tank weaponry to them. In the long run, we need to build them up as a viable force to fight the Serbs and to drive the Serbs out of Kosovo. Ethnic cleansing cannot prevail.

Milosevic is the problem. He is not the solution. We should not be negotiating with him. He is going to try to widen this war. We have to win this war. We must do it now.

In the long range, independence for Kosovo is the only solution. No partition of Kosovo. I was one of the Democrats that supported President Bush in the Persian Gulf War. We need to have great support right now for the President. I regret the remarks of the gentleman from Pennsylvania (Mr. PITTS). We need to rally around the President, not divide ourselves.

SOCIAL SECURITY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, there is a big difference between the President's proposal to reform Social Security and the Congressional Republicans' proposal to reform Social Security.

Under our proposal, 100 percent of the retirement surplus will be put away to strengthen Social Security and Medicare and pay down the debt. The President uses part of this surplus for Social Security, part for Medicare, and part to pay for new Washington spending. But do not take my word for it. I urge Americans to verify for themselves the facts at issue and compare the two proposals.

The President's plan includes so many Washington accounting tricks that even Houdini would have been impressed. But accounting tricks do not make an insolvent program solvent.

The President's proposal double counts Social Security to the tune of $2.4 trillion, hardly a recipe for saving Social Security from bankruptcy. I urge my colleagues to join us on a bipartisan basis, to protect Social Security and Medicare.

PRAISE FOR LOCAL HEROES IN ATLANTA

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to praise courageous fire fighters in the City of Atlanta.

On Monday afternoon, members of the Atlanta City Fire Department fought a raging fire through the historic Fulton Bag and Cotton Mill in southeast Atlanta. Mr. Ivers Sims was trapped on a crane 220 feet in the air. As I watched this human drama unfold from my office, my heart stopped.

Demonstrating extraordinary courage and skill, fire fighter Matt Moseley lifted Mr. Sims from his dangerous perch like angels from the heavens. They saved his life. This brilliant rescue has made the City of Atlanta, the State of Georgia, and our Nation proud.

The fire fighters and Mr. Sims have my profound respect for their raw courage and extraordinary calm and determination under the most dangerous of circumstances.

Mr. Speaker, let me take this opportunity to praise fire fighters throughout the Nation who put their lives on the line every day to protect and serve our communities.

HONORING CAPTAIN ROBBIE BISHOP

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor a true American hero. As mind-altering drugs rip through America's homes and neighborhoods, leaving ruined lives in their wake, a group of brave men and women have stepped forward to fight this scourge. These men and women are our law enforcement professionals.

Captain Robbie Bishop of the Villa Rica Police Department was one such man. Every day he risked his life to keep drugs out of our schools and neighborhoods. He was willing to pay the ultimate price for his battle, as he did so on January 20 of this year when he was shot to death in his patrol car by a suspected drug trafficker who fled to Canada and has just been returned to America.

While nothing can ease the pain Captain Bishop's family, his department, and community feel at losing him, we can take some comfort in the knowledge that his sacrifice saved the lives of so many others.

During the past 7 years alone, Robbie Bishop directly assisted in the seizure of over 10,000 pounds of narcotics and more than $8 million from drug traffickers. These are drugs and resources that would have threatened and taken other lives if brave men and women like Captain Bishop had not stood in the way.

I commend the dedication and sacrifice of Captain Robbie Bishop of the Villa Rica Police Department, and I hope that his life and legacy will serve as an incentive for all of us to continue the war against mind-altering drugs.

CAMPAIGN FINANCE REFORM

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, it is time to get serious about reforming our broken campaign finance system, and it truly is broken.

Soft money from the wealthiest corporations and from the wealthiest individuals is flooding into Federal elections at an alarming rate. Last year's special election in my district saw an explosion of sham issue ads which are clearly designed to sway voters with no regard for our election laws.

Our democratic system is being undermined by these abuses. We need to act now before the American people lose all faith in the political process.

Today I joined my colleagues in signing the discharge petition to bring the Shays-Meehan campaign finance reform bill to the floor for a fair and open debate. The American people have spoken. The time for reform is now.

SUPPORT THE BUDGET RESOLUTION

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, Republicans who honored their campaign promise by trying to lower taxes have been subject to constant attacks that any tax cuts would be a raid on Social Security. How is it that tax cuts can be a raid on Social Security, but billions of dollars of new spending are not?

The truth is that Democrats had 40 years to do something about Social Security, and they did not put one dime aside to save it from Social Security, not one dime, Mr. Speaker.

Republicans on the other hand have proposed to put aside $1.4 trillion of the budget surplus to save Social Security. The choice is $1.4 trillion or zero. Which side, America, do you trust on this issue?

Those who were in power for 40 years did nothing, who put aside nothing, are attacking the Republicans. We have to admire their audacity, Mr. Speaker, but you have to be ashamed of their demagoguery.

The same party that raided Social Security for 40 years is now attacking Republicans for stepping up to the plate and putting aside over a trillion dollars to shore up a system that is so important and will soon be bankrupt.

I ask my colleagues to reject the demagoguery. Be responsible and support this budget.

CAMPAIGN FINANCE REFORM DISCHARGE PETITION

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of substantive campaign finance reform. This Congress has talked a lot about it, but we have not done anything about it. It is a shame that it is going to take a discharge petition to even bring it before the floor. I encourage everyone to sign this discharge petition.

If we are serious about passing real campaign finance reform legislation this year, not later, everyone knows what we need to do. We need to ban soft money. We need to limit the wealthy from being able to buy elections rather than earning elections. We need to crack down on the issue of issue ads as campaign ads, and we need to improve disclosure and enforcement of the Federal Election Commission.

We just need to have the courage to do what must be done. Sign the discharge petition. Let us pass real campaign finance reform legislation this year. Let us base it in the future on the richness of message, not the richness of pocketbook. We have got to do this for the sake of the people and for the American people moving into the 21st century.

WHAT SURPLUS?

(Mr. TANCREDO asked and was given permission to address the House for 1 minute.)

Mr. TANCREDO. Mr. Speaker, when I got back to my district, I asked people about what they think should be done with the budget surplus. On more than one occasion, I am asked in return, "what surplus?"

There are a lot of people out there who are on to the games we play in this town. They ask, how could there be a budget surplus if the national debt went up last year and will go up again this year? What kind of surplus is that?

In fact, they are right. The Federal budget is only in surplus if we count the temporary surplus in the Social Security Trust Fund. The ironic thing is that the government would never let a business keep its books that way. But that is the way it does with our seniors' retirement money. It uses it to mask the true size of the deficit.

Republicans want to put an end to that. Many Democrats are not very happy about that prospect. Ending this practice would make it a lot harder to create new spending programs and expand the size of government. It sounds like another good reason why we should do it, does it not?

CAMPAIGN FINANCE REFORM

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, last year, the Republican leadership tried to thwart action on campaign finance reform. This year they are trying it once again. Why? Because they know it will pass the House on a bipartisan vote, because they fear public pressure will grow in the Senate.

The Republican leadership is saying again our private campaign money is our primary concern; the public interest be damned. Soft money is hardening the arteries of our democracy. So-called issue ads are snuffing out discourse on public issues.

Truly, it is time to act. That is why I am now going over to sign the discharge petition, and so many of my colleagues have already done so.

EXCITEMENT FOR THE BUDGET RESOLUTION

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, very quickly, it is exciting, the budget resolution. It came back from the Senate with a couple changes: some increased money for child care, some lockbox language that helps assure that we do what we say we are going to do, a reserve fund that could be used for prescription drugs, a new criteria for emergency spending.

This is a historic budget. For the first time in 40 years, we are not going to spend the Social Security surplus money, not going to even spend any of it for tax cuts in the next year.

□ 1100

The challenge is what do we do with the war in Serbia? Is that going to come out of the Social Security Trust Fund?

Mr. Speaker, a historic budget. It should be supported from both sides.

SIGN DISCHARGE PETITION TO DEBATE CAMPAIGN FINANCE REFORM

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, 9 out of 10 Americans, 9 out of 10 Americans support campaign finance reform. Today, I rise in support of meaningful campaign finance reform which our political system needs and our constituents demand.

I salute the Blue Dogs for once again filing a discharge petition to try to overcome the resistance of the Republican leadership and force a reform bill onto the House floor.

The simple fact is the cost of running for Federal office today is so great that candidates are forced to devote way too much of their time fund-raising rather than dealing with issues of importance to their constituents.

Mr. Speaker, last year 196 Members signed a discharge petition that led to bringing the Shays-Meehan bipartisan campaign finance bill to the House floor. Without that petition process, the House Republican leadership would never have let that debate occur.

Today, I urge all Members, from both sides, to join me in signing this petition so that a real debate can finally take place on this floor.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 68, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 137 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 137

Resolved, That upon adoption of this resolution it shall be in order to consider a conference report to accompany the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of the fiscal years 2001 through 2009. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by chairman and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 137 is a conventional rule providing for consideration of the conference report for H. Con. Res. 68, the budget resolution for fiscal year 2000.

H. Res. 137 waives all points of order against the conference report to accompany H. Con. Res. 68 and against its consideration. The rule provides that the conference report is considered as read. The rule further provides for 1 hour of general debate on the conference report, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

Mr. Speaker, the deadline for passing the budget is this week, and I am pleased the House will pass the budget resolution on time. In fact, when the budget resolution is adopted by the House and Senate by Thursday, it will be only the second time in 25 years that the U.S. Congress has met the statutory deadline. As we promised, this Congress has quietly been a workhorse, going about its legislative work in a businesslike manner that we planned at the beginning of the new year.

I am not only pleased we have completed this budget resolution in a timely manner, but I am delighted this budget reaffirms our support for less government and more freedom for the American people. Like the first debate on the budget, I expect today's debate will also center upon the differences between the parties and the role of the Federal Government, and I welcome that debate.

Mr. Speaker, the conference report is very similar to the budget passed by the House in March. Our budget saves Social Security by ensuring that 100 percent of the money from payroll taxes destined for the Social Security Trust Fund remains in the trust fund. That is $1.8 trillion over the next decade for retirement security. Our budget strengthens Social Security and ensures that big spenders can no longer raid the fund to pay for their big government spending programs.

Mr. Speaker, after saving Social Security and Medicare, the real question is what do we do with the remainder of the surplus. The Congress says give it back. When previous Congresses could not figure out how to run the government, they turned to the American people for more taxes. Now that we have a surplus, the big spenders do not want to give the people a refund. They want to spend it on new, wasteful, bureaucratic programs.

A few months ago, we received a preview of this debate when the President stated, "We could give it all back to you and hope you spend it right." But the President then preceded to explain that he really should not give back the surplus because Federal Government bureaucrats could make wiser choices with the American people's paychecks than they could.

That is the ideological choice we will deal with today. Our budget is designed to provide more freedom and power to the American people. The President's budget was designed to keep the taxpayers' money controlled in this town.

We simply believe that individuals make much better choices about their lives than bureaucrats do. The President's budget suggests that the government can make wiser choices with the paychecks of the American workers. Today in America, Federal tax revenues comprise a record percentage of gross domestic product. The President responded to the growing tax burden by saying, "Fifteen years from now, if the Congress wants to give more tax relief, let them do it."

I have talked to many of my constituents and most of them were not enthusiastic about waiting until the year 2014 to get a tax refund. Therefore, this budget reaffirms our belief that the people know best how to spend their own money and, therefore, we provide the American people with serious tax relief now.

It should be noted that despite the President's rhetoric, his budget would have cut Medicare $11.9 billion over 5 years. The Republican budget rejects the President's Medicare cuts. Even the President's own Comptroller General, David Walker, has criticized the Clinton Medicare proposal for essentially doing nothing to alter the imbalance between the program's receipts and benefits payments.

The President's cut in Medicare and his fiscal shell games would have endangered the quality of our seniors' health care. Conversely, our budget locks away all of the Social Security Trust Fund surpluses for the Nation's elderly to save, strengthen and preserve Social Security and Medicare.

This budget continues our determined effort to provide more security, more freedom and less government to the American people. The House budget is a common sense plan to provide security for the American people by preserving every penny of the Social Security surplus, return overtaxed paychecks to those who earned it, pay down the national debt, rebuild the national defense, and improve our public schools.

Mr. Speaker, for too long this Nation put too much trust in government rules and decision-making. Ronald Reagan argued that we should trust the people because, "Whenever they are allowed to create and build, whenever they are given a personal stake in deciding economic policies and benefiting from their success, then societies become more dynamic, prosperous, progressive, and free." This budget resolution is written in such a way to provide that freedom to the American families and communities by returning power, money and control back to them.

Mr. Speaker, I urge my colleagues to support the rule so that we may complete consideration of this historic budget resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary time, and I yield myself such time as I may consume.

Mr. Speaker, the budget resolution was presented to the Committee on Rules past the stroke of midnight last night and can only be fully considered by my colleagues who have a graduate degree from the Evelyn Woods School of Speed Reading.

It makes some pretty important decisions, which one would think would keep my friends from acting like a teenager who broke curfew by sneaking into the House through the basement door. But here it is, so I rise to speak on the rule and to encourage opposition to this budget resolution offered by my friends on the other side of the aisle.

Thanks to many tough choices and some very difficult votes, some of them bipartisan but too often only from this side of the aisle, we are no longer running budget deficits and are in a position to secure the future for seniors, children and working Americans across our economy.

The budget surpluses which are now projected give us new opportunities to make more, smarter, and tougher fiscal decisions. But this budget resolution resolves to do less with more.

The conference report does nothing to make sure Social Security will be solvent for the next generation. It will not extend the solvency of Social Security by even a single day. In fact, to borrow a phrase, instead of making sure that Social Security is solvent, this budget resolution makes sure it goes broke on schedule.

The motion to instruct conferees to deal with Social Security first was ignored and the reconciliation instructions put tax cuts at the head of the line.

The budget resolution fails to protect Medicare from insolvency, even though Medicare is in danger of running short of funds in less than 10 years. This resolution calls for Medicare reforms but makes no recommendations and commits no resources for the solvency of Medicare.

This budget resolution is unrealistic in calling for new spending without saying how those bills will be paid or what programs will be cut to make room for the new spending. Its authors want us to believe that there is more for education, but, in fact, discretionary spending for education, training, employment and social services is cut by $200 million below the 1999 level. In fact, it would require deep cuts in employment and training and Head Start and the higher education programs such as Pell Grants and Work Study.

It claims to put more in health but it cuts funding for discretionary health programs by $402 million in fiscal year 2000. It claims to provide more for veterans, but in fact cuts discretionary funding for veterans by $2.3 billion over 10 years as compared to the 1999 level. And it provides less budget authority for defense over 10 years than the President has requested.

Mr. Speaker, we have finally freed ourselves from the budget deficits of the 1980s and the 1990s that threatened to strangle our economy. We are in a position to address long-term challenges to Social Security and to Medicare. But the budget resolution before us today squanders this opportunity and ignores our responsibilities.

This budget resolution proposes tax cuts which will exhaust the on-budget surplus. After 5 years, these tax cuts begin to exceed the projected on-budget surpluses, and then they will cause the greatest harm in the years between 2010 and 2014.

Before we even count the first non-Social Security surplus, this budget resolution proposes to spend it. I fear that my friends have already forgotten the lessons taught by the bad habits of the 1980s and the big debts of the 1990s.

We should strike while the surplus iron is hot and make good on our promises that we would save Social Security and Medicare, which are more than words and represent more than entries on a balance sheet to the people who depend on them for the quality of their life.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I compliment him on his management and filing of this rule, which took place just a few hours ago, in fact, in the middle of the night, so that we can move ahead with this very important measure.

We are making history here. I strongly support both the rule and this conference report. For the first time ever we are locking away Social Security money in a safe deposit box which will finally end Washington's pattern of raiding the Social Security fund. It is very important for us to recognize that that is something that is being done in this package with this budget that the other side is not doing.

Compare this to President Clinton's budget, which actually spends $341 billion of the Social Security surplus over the next decade.

Our budget that we are going to be voting on here devotes $100 billion more than the President's budget to save, strengthen and preserve both Social Security and Medicare, while the President's budget actually cuts $11.9 billion in Medicare.

We maintain the spending discipline that brought us the balanced budget back in 1997, while, unfortunately, the President's budget exceeds the caps by $30 billion.

After locking away funds for Social Security and Medicare, we return the rest of the surplus to working Americans in tax relief. The President's budget raises taxes by $172 billion. In fact, the President has said that Congress should not even consider providing any kind of tax relief to working families for a decade and a half, 15 years.

Our budget pays down $450 billion more in public debt than the administration's budget does.

☐ 1115

Mr. Speaker, by practicing fiscal responsibility we guarantee that the priorities of the American people are protected, good schools, relief from overtaxation, a solid Social Security system, and something that is of great importance today, and that is a strong, rebuilt national defense capability.

The difference in the parties' visions reminds me of the old adage "the more things change, the more they stay the same." The bottom line is that, like the American people, Republicans are paying attention to the bottom line. We have chosen to stay within budget spending limits. And unfortunately, on the other hand, the President wants to return to the policies of tax and spend.

I think it is a very clear picture that is here, and I hope that my colleagues will join in strong support of not only this rule but of this very important conference report so that, as we for the second time since the 1974 Budget Act has been put into place, so that we can in fact get our work done, which has been a priority of this 106th Congress.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I urge my colleagues to vote against the rule and vote against this resolution.

A little history needs to be reviewed here. During the Reagan years, we drove the budget deficit to $5 trillion. Now we have a little surplus, and those same neo-Reaganites who were saying that Mr. Reagan was so wonderful in creating that deficit do not want to pay it off. Now, they say they have a lockbox.

Let me talk about that particular issue. They say they are going to save Social Security and they are going to save Medicare by putting the money in a lockbox, and that sounds like a good thing. We think of a big, strong box and very tough that we could not get the money out of it.

What they have done in this resolution that had exactly 3 hours of consideration before the House committee, and we on the Committee on the Budget never saw it, we had a meeting last night and the chairman from the other body said all this does is deliver sacks of money to the appropriators to split up. But we will hear people say, oh, there is a lockbox. We put all this money in there to save Social Security.

What the lockbox has is a great big trapdoor that says exactly this: If the Republicans pass a Pinochet-like privatization of Social Security, then they have reformed Social Security and they can then use the money in the lockbox for whatever they want; namely, a tax cut. The money does not have to go into the Social Security plan. It says, if they reform it, they can use the money for something else.

The same way is true for Medicare. If they reform it; that is, give every senior citizen a voucher, take away their guaranteed benefits in Medicare, if they pass that reform out of here, then they can use the money for the tax cut. So this lockbox is about as phony a proposal as I have seen in 30 years.

I know this year the Republicans are committed to passing this resolution, because last year they did not do anything. They did not even have a conference committee meeting. So this year they said, by God, we are getting something out of here by the 15th of April even if we do not have a single thing.

What they passed out was blank pieces of paper and sent to us, this is the budget. This is how we are going to spend $1.8 trillion of their money. We will not give them one single specific. We will promise them that we are going to increase the National Institutes of Health budget. We will promise them we are going to increase this. We will promise them that. But no specifics, no public hearings, no opportunity for anybody to come before the Committee on the Budget and say what this budget did or did not do or promises. They simply wrote it in a back room yesterday.

I mean, I have never been to anything quite as ridiculous as this conference committee that I was at yesterday, where we sat looking at nothing and saying they are going to pass it in the middle of the night, which is what they did.

Vote "no."

Mr. LINDER. Mr. Speaker, I will put the gentleman from Washington (Mr. McDERMOTT) down as "undecided," and I reserve the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The Chair will announce that the gentleman from Georgia (Mr. LINDER) has 22½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 23 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, last year the Republicans failed to pass a budget resolution for the first time since modern day budgets have been enacted. But that legacy should not be reversed by now stuffing a conference agreement down the throats of the American people. That legacy should not be reversed by hurting those who need our help.

The conference agreement before us fails to protect Social Security. It does not extend the Social Security Trust Fund by one day. The conference agreement does nothing to protect Medicare. The agreement contains large tax breaks that could cost close to $2 trillion over 15 years and would primarily benefit the wealthiest Americans. And, under the agreement, non-defense discretionary spending declines drastically.

Mr. Speaker, we should not repeat the failures of the last Congress. We should pass a budget resolution for fiscal year 2000 but we should pass one that has been carefully studied and deliberated as well as considered by both sides of the House.

The agreement before us has been hastily put together. I doubt that any Member, Republican or Democrat, knows what is in it. The agreement before us hurts ordinary American citizens.

I urge my colleagues to vote against this patched together, last minute desperate attempt to put something on the floor, hastily put together with no consideration of due process or the American people. I urge my colleagues to vote against it.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Georgia for yielding.

I think what this day really reflects is what the American people expect and deserve, and that is straight talk from the folks here in Washington. I think what the people back home in Staten Island and Brooklyn appreciate is when we are honest with them. For too many years, the people in Washington have not been honest with the people I represent, and that is true across the country.

Now, to me, the most important things in their minds these days are the state of Social Security and Medicare, among others, education, tax cuts. When we talk about Social Security and Medicare, look what the Republican Congress has delivered: Straight talk and fiscal responsibility, locking away the entire Social Security surplus for the Nation's elderly, almost $1.8 trillion over 10 years to save, to strengthen, and to preserve Social Security and Medicare, money that should go for these essential programs and not on what others around here would like to do, spend on their favorite wasteful Government programs or, in other words, a little slush fund.

The other thing we talk about and I think is right for the country, right for economic growth, is needed tax relief. Go back home wherever we are across this country and talk straight with the people we represent. Ask them if they do not think they are paying enough in taxes. Ask them if they think they are paying too much in taxes.

Tomorrow is tax day. There are a lot of people right now scrambling to fill out their tax forms. A lot of them have to write a check and pay Uncle Sam. They are working hard every single day, and at the end of the year they are writing a check to Uncle Sam.

If we believe fundamentally in the notions of freedom and liberty and creating opportunity for the American people to spend and to save and to produce and to create and to innovate, then we should give more of their money back. And that is what this budget resolution seeks to do.

Aside from that, we are maintaining the fiscal caps as this Congress voted just a couple of years ago to do; and that is to maintain fiscal responsibility, discipline. Every responsible family in this country has to do this every week, put aside some money for the education, put aside money for the car, pay the mortgage, and establishing priorities. That is what this resolution does as well, establishes priorities, Social Security, Medicare, education, veterans' benefits, tax cuts, and so many others, but at the same time saying, in Congress we are not going to have a party at the taxpayers' expense.

Send the money back home where it belongs. Protect our Nation's elderly. Invest in our children. Invest in our future and do the right thing. I urge a "yes" vote on this resolution.

The SPEAKER pro tempore. For purposes of clarification, does the gentleman from Texas (Mr. FROST) ask to control the time of the gentlewoman from New York (Ms. SLAUGHTER)?

Mr. FROST. That is correct, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. FROST) will control the time.

There was no objection.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in opposition of the rule today, and really for two reasons; and there are probably tons of other reasons, but two reasons.

First of all, this was done in the middle of the night, this conference report. Nobody has had a chance to really look at this, and to vote on an issue of this importance without having a chance to know what is in it I think is a wrong way to do this. If we want to meet our deadline, we can still meet that deadline tomorrow, but we have today to look at this.

I called this earlier a bait-and-switch budget because that is what I think it is. For example, the other reason that my colleagues should oppose this rule is there are claims that Social Security and Medicare are saved, and yet this is riddled with provisions that we could drive a Mack truck through. There are all kinds of sunset provisions. There are exceptions to these protections. It does not do anything to add one day to the life of Social Security or Medicare. Not one single day does it extend that solvency.

I think we have to stop these railroaded through tactics. Let us have time to look at it, make sure we know what it says. And then if we are going to be serious about saving Social Security and Medicare, let us make sure we do that and we add days to the solvency.

Please oppose this rule, give us a chance to look at it. I do not think we could continue to irresponsibly move legislation through the House of Representatives in this manner.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I ask the time remaining on each side?

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) has 19½ minutes remaining. The gentleman from Texas (Mr. FROST) also has 19½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is not just a railroad. This is a high-speed train. This is one of those bullet trains. In France they call it the TGV.

Yesterday, at 6 o'clock, we had our first conference meeting, if we want to call it that. It was really a photo-op session, cameo session. We were handed a document with two columns, Democratic position, Republican position, points and places where these two resolutions differ.

There was no third column, the resolution by the conferees, just the House position and the Senate position. There was no debate, no discussion, no motions, no amendments, nothing. They handed us this document. Not even the conference report itself. Not even the latest draft of it. Though I am sure everyone knows the procedure here. It was in the word processor. Not even the latest rough draft of the conference report, even though only a few issues remained in contention between the Senate Republicans and the House Republicans at that point.

At 1:30 last night, I stayed here until about 10:30 or 11:00, at 1:30 the House Committee on Rules reported this resolution under the cloak of darkness. When I came to the floor this morning for this debate and asked for a copy of the conference report, it was not to be had. Our staff have been able to get a copy, and they are working on it right now trying to get a bullet analysis of it so that we can hand it out to our Members.

We are talking about $1.8 trillion. We are talking about the document that frames our priorities this year and, to some extent, for the next 5 or 10 years.

Now, yesterday at our conference report and today on the House floor we will hear the Republican Members congratulate themselves because for the first time in a long time the budget resolution is being adopted on time, April 15; last year we did not have one at all; this year we are doing it right, we are doing it on time. But I beg to disagree.

This looks like we are making the trains run on time but, in truth, down the track a train wreck awaits us.

□ 1130

This budget resolution is totally unrealistic. It is not a document for the budget for FY 2000. It is a political statement.

Let me give my colleagues a classic example of sort of just stiff-arming not just the Democratic side of the House but the whole House. Just a day ago, we had the appointment of the conferees, the impaneling of the conference, and we offered a motion to instruct the conferees, that they get their priorities straight, that we do first Social Security, next Medicare and then tax cuts, in that sequence, because that is the right sequence of priorities. First save Social Security, then shore up Medicare, then with what is left before we drain the budget dry of resources, then we can do tax cuts. Three hundred eighty Members voted for it. The chairman of this committee, the House Budget Committee, came over here on the floor and said he would accept the amendment.

What happened the next day? The next day we changed the date for the reconciliation bill to include the tax cuts to be July 12. The only reason it is July 12 is, we all know, this budget resolution is a placeholder. We are simply waiting and hoping the CBO will have a July surprise for us, a plus-up in revenues so we can come out here and redo what we have tried to do here. I do not think this budget leads us anywhere. This is not an occasion to celebrate the budget process, unfortunately, even though it marks on this occasion its 25th anniversary. This is just a tread water maneuver. It would take us backward on our efforts to balance the budget if we passed it. This rule and this budget both should be voted down.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to this rule, which determines how we will debate the conference report on H. Con. Res. 68, the Budget Resolution for FY 2000.

This rule, which was reported very late last night, is an overly restrictive closed rule that allows only one hour of debate on this report. It is preposterous to give each side here, fighting for the budget of the United States, only one-half hour to debate. This is perhaps the most important debate that we will have this year.

Having said that, I am urging my colleagues to reject this conference report, and to come back to the table and work together, in a bipartisan manner, to pass a budget that works for America—a budget that is responsible to our constituents, and our posterity.

We should be passing a budget that protects the Social Security and Medicare Trust funds by putting money back into those accounts. It should be a budget that will maintain our current Social Security and Medicare benefits, and extend their lives until decades from now, so that all Americans will be able to take advantage of them. This is especially true for women, because due to their longer life expectancy, they must rely on Social Security and Medicare longer than must most men.

The conference report that we approve this morning should contain the proper resources to modernize, and some would say revitalize, our public schools. This report does just the opposite; in fact, it reduces our domestic spending on programs that protect the interest of our children. This budget jeopardizes the well being of successful programs by taking 425 million dollars from WIC, and 501 million dollars from Head Start. Nevertheless, in this budget most of that money—800 million dollars of it—goes instead to tax cuts for the wealthy.

We should send this conference report back, until it contains within it a budget that will protect America's families. It should be a budget that fully funds the Summer Youth Employment Program, which is cut in this report by over 90 million dollars. It could be a budget that saves the Community Development Block Grant Program the indignity of a 50 million-dollar cut.

We want to approve a budget report that will address the needs of our veterans. We could have and should have passed the Spratt amendment, which would have added an additional nine billion dollars for veterans programs. We should be voting to pass a budget that fully funds LIHEAP, which provides for necessary heating and cooling for low-income families in times of extreme weather. LIHEAP literally saved lives in my district last summer, and I intend to do what I can to ensure that it is fully funded every year that I serve in Congress.

I had hoped that during conference, that we would have seen drastic improvements in this resolution, improvements that could have been done in a bipartisan and responsible manner. I had hoped that my colleagues across the aisle could be more persuaded by the dedication of Congressmen SPRATT and McDERMOTT. I desperately wanted to take home to my district a budget that respected our children, our families, our veterans, and our elderly—and I still hope to do so. And yet we stand here today, with this report to show for it, and with only one half hour of debate to make our case for the American people. It is a shame.

Therefore, I urge my colleagues to vote against this rule, and to require, at the very least, extended time to debate this conference report. With that extended time, I hope that we can work towards a fiscally responsible budget for the American people.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge a "yes" vote on the rule and the budget.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 221, nays 205, not voting 7, as follows:

[Roll No. 84]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Davis (IL)
Dunn
Hastings (FL)
LaHood
Lantos
Pickett
Scarborough

☐ 1152

Mr. NADLER changed his vote from "yea" to "nay."

Mr. DAVIS of Virginia changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KASICH. Mr. Speaker, pursuant to House Resolution 137, I call up the conference report on the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of the fiscal years 2001 through 2009.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. NETHERCUTT). Pursuant to House Resolution 137, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, April 13, 1999, at page H1936.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) will be recognized for 30 minutes and the gentleman from South Carolina (Mr. SPRATT) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we offer the first budget of the next century and a new agenda, beginning of a new agenda, for the new millennium. We are going to offer a conference report here today; we have offered it. We are going to vote on a conference report here today that represents a work product that we have not seen before on this House floor in my lifetime. It has been our experience to operate in a period where we were rolling up the red ink, adding to the national debt, but more important, continuing to suck power and money and influence from everyday Americans and taking that power, money and influence and vesting it in the central government here in Washington.

Mr. Speaker, we are on the verge of being able to pass into law a tremendous transfer of money, power and influence from this city back into the hands of everyday Americans so that we can run America from the bottom up, from our families and communities to the top, and included in this proposal is the notion that we would take every single penny from the payroll taxes that this Federal Government collects from the American people and to lock up $1.8 trillion, all the money that is collected by the Federal Government out of payroll taxes, and to put it in a safe place, into a locked box where we can ultimately use that money as part of a transition program to transform the retirement programs for our senior citizens and at the same time to also guarantee that baby boomers and their children will also have access to the same security that our parents have. In fact, the $1.8 trillion that we lock up gives us a leverage to be used to transform both Social Security and Medicare so that three generations of Americans can be protected.

□ 1200

We know ultimately that in order to protect and save the programs of Social Security and Medicare for the baby boomers and their children, it will mean, in my judgment it will mean, that we will all have greater control as individuals in terms of being able to invest some of our payroll taxes in the American economy that will allow us, just like Federal employees, to earn a higher rate of return on our money than we are currently getting, which will allow the baby boomers to earn enough money to have something when they retire and at the same time ultimately greater additional choice in health care for our senior citizens based on the model of Federal employees.

Frankly, the $1.8 trillion will be reserved, it will not be spent, until that great day comes when we can reach agreement between the legislative and executive branches of the government so that, in fact, we can transform these programs. Before that great day comes, that $1.8 trillion will be used to pay down some of the national debt, something that many Americans want to see happen.

In fact, last year we paid down about $50 billion of the national publicly held debt. This year we would anticipate somewhere in the neighborhood of $125 billion of the publicly held debt being reduced; holding those dollars either to pay down debt or to be used to transform these retirement programs for three generations of Americans.

At the same time, we anticipate additional surpluses to the tune of over $800 billion. We intend to take about $780 billion of that surplus and rather than using that money to create more Federal programs we intend to use that money to return that overcharge to the American taxpayers. So over the course of the next 10 years, we can enact the largest tax cut in modern American history.

We think that is positive for one simple reason. When government has less and people have more, people are empowered. When people have more and government has less, that is really the quotient, the formula, that our Founding Fathers created when they established this great country; the power should flow from the people to the government and that the people ultimately have the right to have the power vested in them.

To be able to transfer $780 billion in revenues from the Federal Government back to the people is, frankly, all about restoring power to the people so that we can run this great country of ours from the bottom up.

At the same time, Mr. Speaker, we also intend to maintain the budget agreement, the bipartisan budget agreement, that was concluded in 1997 and to maintain the discipline of that agreement, which has contributed to this strong economy.

So we have not just a twofer here today but a threefer: One, maintain the fiscal responsibility that we created in 1997; secondly, reserve the surpluses from the payroll taxes in this country to be used ultimately to transform Social Security and Medicare for three generations of Americans, in the meantime use it to pay down some of the national public debt; finally, to restore a great amount of power to the American people in the neighborhood of $780 billion.

I think it is a great package. I think it is something we all ought to embrace, whether we are Republicans or Democrats, and we ought to march into the next century, into the next millennium, with our heads held high and with an optimism that tells us that we can meet some of the great challenges that the baby boomers are going to experience in their retirement years and, in fact, we can guarantee not only security for our parents but that the baby boomers and their children will have the same opportunity at the American dream.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, this year we mark the 25th anniversary of the congressional budget process and there is a lot to be proud of here because the budget process has helped us get to where we are, to the best fiscal position we have been in 25 to 50 years, but this is not a very auspicious way to market because the budget before us is not realistic. It has been hastily prepared, hastily presented.

We have been able to cobble together what it meant in the last couple of hours when we received a copy of it this morning, but let me say what it means. First of all, take discretionary spending because we will be dealing with that shortly as the appropriations come. It has been capped for the last 10 years. We have to adjust a cap of $6.5 billion reduction this year and then over the next 10 years, between now and 2009, this budget would lower discretionary spending by $16 billion.

Last year we spent $299 billion. In 2009, if we follow the pattern of this budget, we will spend $284 billion, a $16 billion reduction. Once we take the total of inflation off that amount of money, that means we will have one-third less to spend for discretionary programs.

While this budget is not very specific, it uses big numbers and very few details, there are some harsh realities in it. Veterans, for example, we have the swell in the World War II population pressing greater demands than ever on the Veterans Administration. They plus it up next year and reduce it in every year thereafter.

We create a crop insurance program, badly needed, only to unfund it 5 years from now because the money is not there. It has to make way for a tax cut.

The Republicans touted the fact that they were going to plus up NIH because we are on the cusp of major breakthroughs in biomedical research. What do they do with the health function, function 550, in this budget? They slice it by $25 billion over the next 10 years. NIH takes up 52 percent of that function. Anybody who thinks that NIH is going to be plussed up if we pass this budget really does need medical help.

Science and space research, $9 billion reduction, below a hard freeze. I am not talking about current services; $9 billion below a hard freeze. Law enforcement, when we are making gains in crime, cut $14.5 billion below a hard freeze.

The harsh message comes as to Social Security. Two days ago, 480 Members of this body said let us do Social Security first, then Medicare, then we will take up tax cuts.

We are not opposed to tax cuts. They are in our budget, but we said there is a proper priority, a proper sequence here. Let us do tax cuts after we have saved Social Security. Let us not drain the budget of resources that we might need for these two critical programs.

What do they do? In this resolution, they take the date on which the tax cut bill is to come to the floor of the House, which originally was no later than September the 30th, and move it up. They do not even follow the sequence, the priorities, that we set by an overwhelming vote just 2 days ago on the House floor.

This is not a good budget. This is another riverboat gamble with the budget and that is no way to celebrate the 25th anniversary of the budget process.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. NETHERCUTT). Without objection, the gentleman from Connecticut (Mr. SHAYS) will now control the time of the majority.

There was no objection.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, this budget resolution is what I would call a magician's budget. It has a lockbox in it. We always think of a lockbox, when one sees a magician he puts the box on the table and then the pretty lady climbs inside and then he saws her in half and somehow nothing ever happens to the lady, and you say to yourself those magicians, they are amazing. Know why? Because it has a false bottom in it; it has a trick in the bottom.

This budget, I challenge anybody to find a copy of this thing. One can go out there in the Speaker's hall and there are not even printed copies of this thing. So 425 Members are going to vote on this thing and they have never even looked at it, believing there is a lockbox.

Now that lockbox works for one year, and the language in it says that we can open the lockbox if there has been any legislation passed that enhances retirement security. If that has happened, then we can take the money out of the box and give it away for tax breaks.

Now, what does "enhances retirement security" mean? Well, the only bills that I have heard discussed around here come out of Chile. That is, give everybody a little book and let them have their own Social Security. Wipe out Social Security and give everybody their own account.

Now, if we call that saving Social Security, well, I guess it fits the definition of enhances retirement security. Everybody will have their little book and they can be out there in the Dow and if the Dow is at 10000 when they retire, great; if it is at 4000, well, that is just the breaks.

My colleagues are writing in here the capacity to pass any legislation that the budget chairman describes as enhancing retirement security. If that happens, we open the bottom of the box, all the money comes out and here comes the tax break. Exactly the same language is used with Medicare, anything that strengthens the Medicare program.

Now, there is another fraud in here. People are going to talk as though there is a tax break. All the people are out there finishing out their reports for their tax today. In 2000, there is no tax reduction in this budget. All the tax reduction explodes beginning in 2001 and going out to 2015. It is an absolute fraud to tell people there is a tax break for next year, but if one listens they would think it was there. It is all going to come from this phony lockbox.

There is another part of this, and that is that we are going to increase the National Institutes of Health. My colleague from South Carolina (Mr. SPRATT) already alluded to that. That is also phony. One cannot make those numbers add up.

I urge my colleagues to vote no.

Mr. SHAYS. Mr. Speaker, I yield myself 15 seconds to respond to my colleague.

Mr. Speaker, we set aside $1.8 trillion to save and preserve Social Security. We do not spend it and we do not provide a tax cut with it. We preserve it for Social Security. If anything happens, it literally pays down debt.

I would also point out that copies were made for both the majority and minority last night and we reproduced copies for our side. I hope they did the same for theirs.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, today the House will consider the conference report to the fiscal year 2000 budget resolution. I would first like to acknowledge the hard work by my colleagues on the House Committee on the Budget and their Senate counterparts in not only meeting the April 15 budget deadline but in crafting a budget that will boldly carry America into the 21st century.

This budget, the first for the new millennium, safeguards Social Security, addresses priorities such as education, defense and agriculture, and, yes, does provide historic tax relief.

I am proud to see this conference report meet the challenges of the 21st century head on by adhering to several bedrock principles, as it, first of all, locks away every single penny of the Social Security surplus to provide for the retirement security of the Nation's seniors, and I emphasize that. Every single penny of the Social Security surplus is locked away to provide for the security of our seniors.

Secondly, we maintain the spending discipline from the 1997 Balanced Budget Act.

Thirdly, we ensure sizable payments are made to reduce the national debt, a very critical issue.

Fourth, we make national defense a top priority by providing additional resources to properly train, equip and retain our men and women in uniform.

Next, we offer security for rural Americans by providing the financial resources to make real crop insurance reform possible.

Finally, we enact historic tax relief to return the surplus to its rightful owners, the American taxpayer.

Mr. Speaker, the conference report on the budget is consistent with the common sense principles of encouraging our communities and individuals to grow from the bottom up, not from Washington down. This is a budget all Americans can be proud of and I strongly urge the adoption by my colleagues.

I would like to close by saying to my friend, the gentleman from South Carolina (Mr. SPRATT), I commend him and have enjoyed working with him through this process. He has been a strong advocate for his position. When we have disagreed, he has been a gentleman but he has been right there working, and his staff also, in a very professional manner.

To my colleague, the gentleman from Ohio (Mr. KASICH), our leader who has led us through this process, he has provided the energy, the innovative ideas and the wherewithal to carry us through in this balanced budget and I commend him.

☐ 1215

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his compliments. When he said I have been right there, I thought he was about to say I have been right.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, a great American once said that extremism in defense of liberty is no vice, and that moderation in pursuit of justice is no virtue.

Our budget chairman said something a little similar in saying that he was trying to ignore the inflammatory language of being irresponsible. He said that an irresponsible tax cut, there is no such thing as an irresponsible tax cut.

I think that separates the parties, but I really think that we have enough differences in our approaches to legislation that should not allow older people and young people as well to believe that we are concerned more about tax cuts than we are about the security of the social security fund and the security of Medicare.

I know there are some who believe that we as Democrats raise this thing every election year to frighten the older people, but would it not be great if we could avoid a train wreck by making certain that instead of talking about a lockbox that has a secret escape hatch, that we just commit ourselves that we are going to do the right thing by social security, do the right thing by Medicare, and not talk about locking a box, but talking about then doing the right thing by a tax cut?

We have begged, we have asked, we want to work with the other side on the question of a tax bill. We have passed the resolution to say delay the tax bill and give us a chance to work in a bipartisan way to have a piece of legislation on social security and Medicare that we can go back home as Republicans, Democrats, and Members of Congress, and say we are proud of what we have done.

Instead of that, they come right back and accelerate the date of the tax cut. They make that the priority, and then they say that we are trying to make it an issue. I think there is a difference between a tax cut and a lockbox with an escape hatch.

Mr. SHAYS. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me just point out this chart, because I would like to drive this home as best we can. What we are suggesting in this budget is that we set 100 percent of the social security surplus aside, and lockboxes are hard, and we are hoping it does not have any false bottom, but we set it aside.

Compare that with what the President is suggesting, to set only 62 percent aside. The President and the gentleman from South Carolina (Mr. SPRATT) and his group have suggested that we add another giant IOU to the social security trust fund.

I think that is good to give that kind of commitment, but let me suggest what it really does. It says, we are demanding a future tax increase sometime after there is less money coming in from social security than is required to pay out benefits, around 2012, 2013, or if somehow we come up with the money on what we owe the trust fund, the $700 plus billion, it means we have a tax increase in 2032 when no longer is there any surplus or anything else left. So adding this giant IOU in effect mandates that we have a tax increase.

On the topic of tax increases, the President says, let us have $100 billion of tax increases. I think we have to be very careful. Both sides have to guard against spending this surplus money.

I would quit there, only to suggest to the Democrats that we have come a long way. It is an historic budget. For the first time in 40 years we are not spending the social security surplus for other government programs.

Mr. SPRATT. Mr. Speaker, I yield 90 seconds to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me say to my dear friends on the other side that this is, in my opinion, not a serious budget, this is a placeholder budget. In their haste to try and get something done by April 15, having failed miserably last year, they have thrown together this budget. About the only serious thing is the language from the other body chastising the South Koreans on beef and pork sales that is in this budget.

The fact is, and with respect to the gentleman from Michigan (Mr. SMITH), I offered an amendment in the committee that would have extended the 1997 caps going forward, would have used all the on-budget and off-budget surplus to pay down the national debt, just like they quote Mr. Greenspan in here as saying it is a good thing to do. The committee rejected that. All the Republicans rejected that.

The other problem with this is this is a budget that is betting on the come, because they know they cannot write the appropriations bills with the numbers in here. On page 22 they state that the CBO will report an update to them in July. Normally they do it in August, but we are going to pummel the CBO to report an update, so then we can go back, bust the caps, and try and use some of the on-budget surplus, and instead of paying down debt, to use it for a tax cut.

Finally, in my opinion what is wrong with this budget is it is going to lead to more deficits and more debts in the future, because you have a $1.7 trillion tax cut over 15 years based upon 15-year pro forma projections which may or may not come true. If they do not come true, we will have already locked in the tax cuts, and we will end up with more deficit spending and adding to the national debt, not reducing it. That is worse for social security.

Finally, the only thing they save is what is owed to social security. They have unrealistic cuts that they know are not going to be made. This is a sham budget. Again, when their side is ready to get serious, we are ready to work with them.

Mr. SHAYS. Mr. Speaker, I yield 1½ minutes to my colleague, the gentleman from Montana (Mr. RICK HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is instructive, I think, to compare this budget to the President's budget. After all, Congress is going to be negotiating at the conclusion of this process with the President. Budgets are about more than numbers, they are about priorities.

This budget sets aside, as everyone has said, 100 percent of social security for social security. The President proposes to spend $341 billion of social security on other programs.

This budget proposes to maintain the discipline, the discipline that got us a balanced budget in the first place. The President's budget proposes to walk away from that by breaking the spending caps.

This budget lives up to our commitment to veterans health care. The President's budget flatlined veterans health care between $1.5 billion and $2 billion below what is necessary to live up to our commitment to veterans. Remember, Mr. Speaker, the men and women who are fighting in Kosovo today are going to be our veterans tomorrow. It is our obligation to stand up for them.

The President in his State of the Union said he wanted to help rule America by reforming crop insurance. Then he put nothing in his budget to do it. This Republican budget sets aside an additional $1.5 billion to reform crop insurance and help rural America.

The Republican budget proposes to reduce the taxes on the American people. It is their money. The President proposes another $172 billion tax increase.

Lastly, the Republicans reject the President's proposal to cut Medicare further. The President proposed to cut Medicare an additional $11.9 billion. The President's budget is the wrong priorities. The Republican budget is the right priorities. I hope our colleagues will vote for it.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, this resolution before us not only is a sham, but the gentleman is right, it is the wrong priorities.

The wrong priorities means we do not put safeguards for social security, safeguards for Medicare, and certainly the wrong priority is that we give a huge tax cut before we even attempt to safeguard or reform social security and Medicare. To do that, they must cut discretionary funds, those funds that make for the common quality of life in our communities.

Veterans they cut by $2.3 million, agriculture they cut. Yes, they have the crop insurance, but what do they do immediately after, they cut the whole program, including that, by $4.9 billion. The environment is cut by $10 million. Health and research is cut by $25.3 million.

The priority is what? To give the tax cut first, to make sure that the wealthiest of Americans are taken care of first. Surely we want a tax cut, but it should be reasonable. Surely we want a reasonable budget.

This is not a reasonable budget, this is a sham. It does not protect children, it does not protect agriculture, and it certainly does not protect our seniors in terms of their retirement or their health care.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Michigan (Mr. PETE HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think that this is a very good budget proposal. What this budget enables us to do is to build on the success that we have created over the last number of years.

What does this budget do? Number one, it locks away the entire social security trust fund surpluses. That is almost $1.8 trillion over the next 10 years to save, strengthen, and preserve social security, and as necessary, to do the same things for Medicare. It locks away the entire social security trust fund. This budget saves social security receipts in excess of benefit payments so that we can strengthen and save both social security and Medicare.

Secondly, it forces us to maintain the spending discipline of the 1997 Balanced Budget Act by holding to the discretionary spending caps that we agreed to with the President in 1997. It pays down about $1.8 trillion in debt that is held by the public.

In regard to what the President's budget does, this budget pays down over $450 billion more than what the President pays down in public debt. It ensures that we properly fund our need for defense by spending $290 billion in fiscal year 2000.

In addition, we provide for $66 billion for education, training, employment, and social services. This is $3 billion more than what was in the House resolution, so we continue our commitment to education.

What we are going to do in the area of education is reform the program so not only do we spend more money on education, but we ensure that more money is spent at the local level under local control, where decisions are made by parents, local teachers, and local administrators to make sure that we get maximum flexibility and impact for those dollars.

This is a good budget. I encourage my colleagues to support it.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, to the gentleman from South Carolina (Mr. SPRATT) and to the leaders on both sides, John Maynard Keynes, that noted economist, once said that the difficulty lies not in generating new ideas, but escaping from the old ones. We cannot seem to get away from, in this Congress, wanting to do all things for all people.

All the language and all the rhetoric that has been used today, all of it sounds great, $800 billion in tax cuts over 10 years, $1.7 trillion over 15 years, a lockbox for social security funding. The only problem, Mr. Speaker, is that it does not all add up. We want to do all of these wonderful and great things, but the party that touted fiscal responsibility for so many years has now assumed the role that they accuse liberal Democrats of assuming for the last 15 to 20 years.

I know they have good people on their side that can add, subtract, multiply, and divide. It is only my hope and certainly that of my colleagues on this side that those folks who cannot add and subtract come to the forefront, add this budget up, realize that it does not add up, and do what is right.

Let us save social security and Medicare first and then bring about those tax cuts. If we win the lottery, we should not spend all our money at the casinos, we should take care of the debts and obligations first, and then take care of the things we want to do. We ought to do the same thing in this Congress. The people expect no less.

Mr. SHAYS. Mr. Speaker, I yield 1½ minutes to my colleague, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I listen to the inflammatory rhetoric we are hearing on the House Floor today, and I think that we are looking at two different budgets. It is very important to note that when you are budgeting, what you are doing is outlining priorities. What was our first priority in putting this budget together?

When I travel around the First District of Wisconsin, talking to our Nation's seniors who are currently on social security, talking to workers who are about to go on social security, talking to the baby boom generation who are about to enjoy social security within the next 15 years, they want to know that it is going to be there, that the rug will not be pulled out from underneath them. That is our historic commitment that we are pledging in this budget.

Our first, preeminent decision is this: We are going to stop the raid on social security.

□ 1230

For the first time in over 30 years, we are not going to take a dime out of Social Security taxes to spend on other government programs. That is our driving reform in this budget, which drives other reforms.

If my colleagues take a look at this chart beside me, they will notice that our budget sets aside 100 percent of the Social Security surplus. All the money coming from Social Security taxes will be dedicated towards Social Security.

However, the President is only setting aside 62 percent of the Social Security surplus for Social Security. The other 38 percent is going to other spending.

We want a lockbox provision that will work. We want a lockbox provision that will set aside all Social Security surpluses now and into the future. The problem is the President does not want this legislation because he is raiding Social Security by $341 billion over the next 10 years. If he is truly interested in saving Social Security, he will say "no" to future raids on Social Security.

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds.

Let me say there was an alternative budget on the floor, the House Democrats' budget. We would have put up $502.5 billion more for nondefense and defense discretionary programs, $165 billion in targeted tax cuts, high surpluses, and therefore lower debt than the Republicans in every year. In fact, we would have had $151 billion more in national debt reduction than they have.

There was an alternative, and 100 percent of our Social Security money went back to Social Security. So they keep raising a red herring, a straw man. There was an alternative that was rejected, and it was a better bill.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, this budget represents a serious failure for American families. It fails to extend the solvency of the Medicare Trust Fund by even one day. It fails to strengthen Social Security so it will be there for the next generation.

There is in fact less money for education in this budget. Over the next 3 years, that education budget falls below the 1999 level. So let us be truthful about education. It fails to do anything to expand child care for our Nation's poorest families.

Right now, of the 10 million children and working families with incomes below 200 percent of the poverty line, only 10 percent of eligible families have access to child care programs. The average family spends about 7 percent of its income on child care. But child care consumes about one-quarter of the income of low-income working families who pay for their care. These are the families who can afford it the least.

The waiting lists are growing. In my own State of Connecticut, we have tremendous waiting lists. People are unable to get the assistance that they need in order to afford child care.

The Senate budget resolution attempted to close that trap. They provided $10 billion for Child Care Development Block Grant. But the Republican leadership stripped that provision from the resolution.

Mr. Speaker, America's working families cannot wait for some other time to deal with child care. They need the help now. Parents who are trying to get to work, to build a better life for their families, particularly those who are attempting to move off of the welfare rolls, they find the lack of affordable child care is often an insurmountable barrier.

No parent can concentrate on their job if they are worried about who is taking care of their child. We owe it to working people, people who want to work, to make sure that they have a safe and affordable place so that their children can have care.

Putting this off to deal with it at another time is unacceptable. American families and American children deserve better. Let us defeat this conference report.

Mr. SHAYS. Mr. Speaker, may I inquire about the time remaining on each side.

The SPEAKER pro tempore (Mr. NETHERCUTT). The gentleman from Connecticut (Mr. SHAYS) has 14¼ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 15 minutes remaining.

Mr. SHAYS. Mr. Speaker, I yield 1½ minutes to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, the budget resolution is about priorities. It is a broad blueprint of our spending priorities for the next year and the next 5 years. In fact, this particular resolution sets the tone for the next century.

It will be the first budget blueprint for the next millennium.

Our priorities are clear. First and foremost, we set aside all of the Social Security surplus for Social Security, the first time in our country's history that we will do that, making good on the commitment to take Social Security off budget.

Second, we keep to the spending commitments of the 1997 Balanced Budget Act, a bipartisan agreement, to control the size and scope of the Federal Government, keeping to our commitments not just to our constituents, but to the entire country.

Finally, we state that, for those surpluses above the Social Security surplus, we ought to give that money back to American workers that are working harder, longer, earning more, being more productive. That is the biggest reason we have such a high level of revenues right now. The product of that hard work ought to go back to working Americans.

Those are the right priorities for this country: strengthening Social Security, keeping to our spending commitments, and lowering taxes.

The President's budget, instead, would spend 38 percent of the Social Security surplus. It breaks the budget caps. It raises taxes $100 billion. That is the wrong direction, as made so clear when we voted on this floor on the President's budget. He received only 2 votes for his spending priorities.

These are the right priorities. It sets aside more for Social Security, pays down more debt, and does more to strengthen this country's economy.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, we all understand in Washington that sometimes you are the beaver and sometimes you are the cherry tree. Even so, it is outrageous that the Republican majority has chosen to treat Medicare as a cherry tree, to be cut down while the Republican beaver gets fatter on tax cuts.

Mr. Speaker, there is no other issue other than the war in Kosovo of greater public policy concern than extending the solvency of Social Security and addressing our senior health crisis while preserving Medicare.

This budget flinches in the face of those challenges. Instead, it takes resources that we desperately need to devote to those problems and commits them instead to an exploding tax cut that threatens the return of a structural deficit.

It is an insult to the seniors of this country that the Republicans are talking about tax cuts while at the same time they are not setting aside one penny to extend the solvency of the Medicare Trust Fund or the solvency of Social Security.

There is a health care hurricane on the horizon in our country, Mr. Speaker. The highest growing part of our population is over 85. The Republicans do nothing about the Medicare crisis about to hit. Vote "no" on the Republican budget.

Mr. SHAYS. Mr. Speaker, I yield myself 15 seconds to point out that the President cut $11.5 billion from Medicare. He cut it. I would also point out to my colleague that we reserve $1.8 trillion for Social Security. We do not spend it, and we do not provide it in tax cuts. It is reserved for Social Security.

Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I think it is very important to note that, when we are looking at this, this inflammatory language on Medicare, we are actually keeping the Medicare Trust Fund growing. The President proposed a budget that actually cut Medicare. We are dedicating $1.8 trillion, all from taxes dedicated to Medicare and Social Security, for Medicare and Social Security.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, when one offers with one hand and takes away with the other hand, that is called bait and switch. If one were an advertiser in the public sector, one would be fined for what is going on in Congress today.

This Congress is trying to tell the American public that all is well with the veterans. Yet, the Republican budget cuts veterans over 10 years by $2.3 billion. They are trying to tell us that crop insurance is okay at a time when farmers are out there in deep trouble. They are saying it is okay, we are going to take care of you. Yet, there are cuts of $4.9 billion. Health care, medical research, oh, yeah, we are increasing the budget. But guess what, it is being cut by $25 billion. Bait and switch.

Worst of all to me, this Congress is telling Americans that because we add money to one part of the education budget, that we are increasing the education budget. The problem is they are taking it away from another part of the budget. Again, bait and switch.

We are hearing the argument that Social Security and Medicare are first in the budget, Mr. Speaker. Bait and switch. Tax cuts are first here, nothing else.

I support a tax cut that we can afford. But first we must extend the life of Social Security and Medicare. This budget has loopholes the size of the Capitol dome. To protect Social Security, we should make sure that we extend the life of Social Security. Do not deceive the American people with bait and switch sound bites when my colleagues do not have the information to back it up.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER), one of many from California, and a very fine Member.

Mr. GARY MILLER of California. Mr. Speaker, I rise today in support of the conference report on the budget. When we compare this to where we started with the President's budget, we have come leagues from where we started.

I have listened to some of the rhetoric, and obviously many have been beamed up who really look at the facts and figures. We do protect Social Security. The President wanted to spend Social Security money on his programs. We provide for Medicare in this budget. The President did nothing for Medicare. In fact, he stifled reforms.

We provide for tax relief. The President wanted to raise taxes. We are keeping the budget caps. The President wants to break budget caps to spend more money.

In the past year, all we have heard is the rhetoric from the other side of the aisle about saving Social Security, yet they have done nothing to do that. Where is the rhetoric now? Where is the reform? Or was it just politics as partisans present it.

This side of the aisle and the budget we have before us saves 100 percent of Social Security money, $137 billion this year alone aside for Social Security over 10 years. It sets aside $1.8 trillion. The President's budget saves 62 percent, spent $58 billion this year alone, and over 10 years only set $1.3 trillion aside.

Medicare has been provided for in this budget. My colleagues talk about chopping the cherry tree down. The President chopped down $11.9 billion over 5 years out of Medicare.

We cut through this process $778 billion in taxes on the American people over 10 years. The President wanted to raise taxes by $172 billion over 10 years.

This is what the Congressional Research Service has to say about the Senate and House budget resolution before us. I will quote them, "The committee report calls for maintaining the discretionary spending caps, cutting taxes, increasing spending for defense and education." I will quote again, "increasing spending for defense and education, and restricting the uses of Social Security surpluses."

We have come a long way from where we started, and I wish this could be a bipartisan support. I encourage an "aye" vote.

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds.

On defense, I would remind the gentleman that their budget over 10 years is $198 billion below the President's budget. We came to the House floor and said, my colleagues did not provide for the military pay increase. Despite the fact they were on notice, this budget does not provide for the selected pay grade increase of 5.5 percent. This budget does not provide for the repeal of redux. It zaps it.

They were put on notice. They still ignored it. They also did not give anything for the veterans except for 1 year.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER) because he is a member of the Committee on Veterans' Affairs.

Mr. FILNER. Mr. Speaker, this conference agreement on the Republican resolution is a slap in the face to our Nation's veterans, those who have given us our country's freedom. It slashes health care funding every year after the year 2000.

We do have a 1-year increase of $1.6 billion, but that is it, only 50 percent of what the veterans' organizations in this country said was absolutely minimal, for what was necessary for the veterans' health care system. They recommended a $3 billion increase for every year. My colleagues gave them $1.6 billion for the first year and then started cutting them every year after that. Over 10 years, the conference agreement cuts veterans funding by $2.3 billion below a 1999 level.

We will see hospitals in danger of closing. We will see veterans with hepatitis C not receive treatment. We will see long-term care decreased. Research will be severely underfunded. Buildings will deteriorate. The chairman of our committee, a Republican chairman, said that if we have a straight line budget, we will compromise access to quality of care. Vote "no" on the slap in the face of the Veterans Administration.

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Mr. SHAYS. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I would call to the gentleman's attention the fact that the President's budget called for an increase in veterans' benefits of $26 million. In the House-passed budget we provided for $1.1 billion of increase for veterans' health care benefits alone. The conference report increased that amount by an additional $700 billion directly applied to veterans' health care benefits.

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds.

Mr. FILNER. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. FILNER. Mr. Speaker, the gentleman is talking about the President's budget. That was a suggestion that is long past. This is the Republicans' budget now. Stop talking about the President's budget. The Republican budget has underfunded over 10 years veterans' health care by almost $2.5 billion.

The Republicans increase it the first year, I will give them that, but they have put it on a freeze for the next decade. They are harming the health of our Nation's veterans.

Mr. SPRATT. Mr. Speaker, reclaiming my time, I might also say that the veterans are funded on average at $19.4 million, which is $100 million over and above this year for the next 5 years. The Republicans fund the increase for 1 year but it falls off after that.

Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would like to just quickly address two points in connection with the budget that is under consideration this morning.

The first is agriculture. I am very concerned. We have had hearings, we have had a great deal of criticism of the Clinton administration for reducing the Farm Service Agency personnel in the field offices, 750 people cut. This is really unacceptable, but I am very concerned that the Republican budget has yet a further cut in discretionary appropriations for the Department of Agriculture. It will be very difficult to not only restore these 750 people with this type of a cut but I fear it will lead to even greater cuts which, on a bipartisan basis, we recognize is really unacceptable.

So I rise to urge the Republicans to change the budget, to allow for at least constant funding for agriculture so we do not face further unacceptable cuts in the Farm Service Agency.

Finally, I would like to just briefly call attention to the fact that the expected surplus on the on-budget is not going to be used to pay down on the debt. None of it. I feel it is absolutely imperative that in these good times we agree on a bipartisan basis that at least half of the on-budget surplus be devoted to reducing the Nation's debt. We owe this to our children. When we have good times, it is time to fix the roof. When it is raining, it will be much more difficult to reduce the debt.

Mr. SHAYS. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I remind the gentleman that, as he well knows, in our budget resolution that we are going to vote on today there is no reduction in employees in the Farm Service Agency.

We are not going to micromanage what the Agriculture Department does in their budget. The House Committee on Agriculture, of which the gentleman is a member, along with myself, and he and I work very closely on these very issues, is going to make that decision on how we manage the budget that is handed to us with the Department of Agriculture.

Mr. SPRATT. Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota (Mr. MINGE) for a response.

Mr. MINGE. Mr. Speaker, I know that all of us have worked with the USDA, and we know that it has scores of programs. And we have heard from our constituents that they want increases in all of these programs.

I do not understand how we can both maintain the staffing level at the Farm Service Agency and still honor the request that we have for all of the other programs. I fear by making an across-the-board cut at USDA, that the Farm Service Agency, just like everything else, will be the victim of this cut. And I do not see how we can expect the administration to do any better by FSA with this type of limitation.

Mr. SHAYS. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I want to address one other issue with respect to agriculture, because this is critical.

The President talked a lot, when he came here in this very House in his State of the Union address, about crop insurance reform, something that is so desperately needed by our farmers. Yet in his budget he provided zero dollars for crop insurance reform.

In our budget that we are going to vote on today we are providing $6 billion for crop insurance reform, in addition to what we currently have, to be used over the next 5 years to truly come up with a meaningful, sustainable crop insurance reform program that is going to be of benefit to every single farmer all across this great country.

Mr. SHAYS. Mr. Speaker, may I inquire how much time each side has.

The SPEAKER pro tempore (Mr. NETHERCUTT). The gentleman from Connecticut (Mr. SHAYS) has 8¾ minutes remaining, and the gentleman from South Carolina (Mr. SPRATT) has 8½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, returning to the crop insurance subject, I certainly am pleased that the Republican budget does allow $6 billion for the first 5 years of the budget cycle, but I would point out that it is a 10-year budget and there is nothing for crop insurance in the second 5 years that we have been able to identify. And if we contrast this with the budgets that were proposed by the Democrats and by the Blue Dogs there was, indeed, more adequate and consistent funding for crop insurance.

I feel that if we have a 10-year budget here we have to judge it not just on the basis of the first 5 years, but the commitment to crop insurance for the second 5 years. If there is not money there for crop insurance for the second 5 years, we are in a very bad position.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I thank the gentleman for yielding me this time, and I am going to focus my attention on the veterans.

We are going to have a major increase in the defense budget this year but not for the veterans. Why? Those are the ones who have served us so well and ably over the years and yet we are going to cut them.

The Republican budget ignores the recommendations of the Committee on Veterans' Affairs, it ignores the pleas by nearly every veterans' group and it ignores the recommendations of the United States Senate. I might share with my colleagues that it has a $2.3 billion below the 1999 freeze level over a 10-year period.

After a one-time increase, our veterans will be back to facing hospital closures, cutting of medical services, reductions in employees, and new initiatives without new funding to pay for them. Veterans are only growing older and sicker each year. They cannot survive on a flat-lined budget that has been proposed, and they certainly cannot survive on a budget that actually cuts their funding.

This situation is outrageous. Our veterans have served this country in the noblest of manners. It is now our obligation and duty to take care of them. It is simply unconscionable to deny our veterans the funding that they so desperately need now and in the years to come.

I tell my colleagues where our veterans are going to get hurt: screening for hepatitis C, rising pharmaceutical costs, and we could go on and on. This is not fair. This is not right. Vote "no".

Mr. SHAYS. Mr. Speaker, I yield myself 15 seconds to respond to what was just said.

I would just point out that in the budget next year, the budget that we actually spend, we add $1.1 billion more than the President, and then when we added what the Senate did, we added another $700 million.

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds, and I ask the gentleman from Connecticut why does the Republican budget, in Function 950, not provide for the pay table reform, the 5.5 percent increase for our senior NCOs and selected junior officers? And why does it not provide for a reform of REDUC, so that those service members who have served 20 years will get 50 percent of their base pay in retirement as opposed to 40 percent?

Mr. SHAYS. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, I would be happy to explain to my colleague, but we are going to have a disagreement because we think we have provided the money in 950, the gentleman does not, and time will tell.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume to respond that the numbers do not bear the gentleman's statement out.

And I would just like to go down the list again, looking at this budget, of the things that are literally cut. We are not talking about reductions in current services, we are not talking about reducing the rate of increase. Over 10 years, we have just heard the veterans' function, Function 700 in this budget, is cut by $2.3 billion. That is below a hard freeze, below 1999 levels, even though, as we have been told, the World War II veterans are reaching the peak demand for services on the Veterans Administration.

Agriculture, Function 350, over 10 years is cut by $4.9 billion. In that second 5-year period of time, to sustain the crop insurance program, we will need $9.4 billion. We put together a budget that provided that $9.4 billion, still provided for tax cuts, still provided for more debt reduction, and sustained the crop insurance program for the full 10-year period.

Health, research and public health, two vitally important programs, Function 550 of the budget, they are cut by a whopping $25.3 billion below a hard freeze, below 1999 levels in this budget.

The same goes on for other programs. If we take all State, local and regional government programs, which is Function 450, there is a cut of 46.4 percent.

But there is another cut in this budget, a huge cut. In fact, this budget sets a record, Mr. Speaker. Many of these cuts that are destined to happen because of this budget are not identified. They are just aggregate cuts in the authorized amount of spending.

In order to avoid specific criticism, there is an account called allowances, Function 920 of the budget. In that account, over 10 years, this budget contains $81.4 billion. In other words, that is $81.4 billion in cuts they have not even identified to any of the 20 functions in the budget. $81.4 billion is a record high for an addition to a budget. That means we have not done the work. Somebody else is going to have to do it.

But there is bad news in store for all of these other programs which are already cut below a hard freeze, below 1999 levels. Veterans, agriculture, environment and natural resources, health research, biomedical research, all of these portions of the budget are still subject to a whopping $81.4 billion reduction which has not yet been identified or allocated over the next 10 years, Mr. Speaker.

There is a different way to do it. The Republicans, whenever they want to criticize the budget, bring up the President's budget. They do not acknowledge that we had an alternative budget here on the floor. We had a Democratic alternative. We took all of the Social Security money and recommitted it to Social Security with a lock box that was built into law, not some point of order.

We are stretching everybody's credulity by calling a lock box a simple point of order, which the Committee on Rules can mow right over, and does every day of the week.

Even though we fully provided for Social Security, and the actuaries said we had extended its life until past 2050, we also provided $502.5 billion more for defense and nondefense discretionary programs than the Republicans provided. We targeted tax cuts, gross tax cuts of $165 billion, over the next 10 years. We generated higher surpluses and, therefore, we paid off more debt than the Republicans. Not over 10 years, but every year over 10 years; every year over the next 10 years, totaling $151 billion more in debt reduction.

We had that alternative. We could have at least put our alternative on the table in a conference and said, where can we meet in the middle, because we have got here a better product, we think. We did not have that kind of conference.

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We did not have that kind of comparison and compromise, and what we have got here is a budget that is deficient in the process by which it has been developed and deficient in substance, as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I think what we are seeing here today is two visions, two visions for our country that we are presenting to the American people, the President's vision as he articulated in the well of the House of Representatives during the State of the Union address and the vision we have embodied in this budget here before us, and I would like to recap what that vision is.

First, we lock away the entire Social Security Trust Fund to save, strengthen and preserve Social Security as necessary and Medicare, as well. The other side's budget adds more IOUs in the Trust Fund and that is their answer to Social Security solvency.

We could save Social Security to the year 3000 if we just wanted to add more IOUs in the Trust Fund, and that is essentially what they are doing. We need real reform, not IOUs.

Second, we set aside more money than the President does for Social Security and Medicare by $100 billion. We create a safety deposit box to make sure that future raids on Social Security do not occur. We pay down more debt with our budget than the President does. By $450 billion, we start paying down our national debt. We maintain the spending discipline of the 1997 budget agreement. We provide additional resources to properly train, equip, and retain the men and women in our uniform, and we enact the historic tax relief for working Americans.

What we achieve is this: We stop the raid on Social Security. All Social Security dollars go to Social Security. We pay down our national debt. The President increases it. And if after we accomplish that they still overpay their income tax, we let them have their money back.

What this is coming down to is a difference in philosophy. The President embodied the philosophy as he put in his budget very well in Buffalo, New York, 2 months ago when talking about the these surpluses, where he said we could give this money back to them but we would not be sure that they would spend it right.

Well, Mr. Speaker, therein lies the difference. How they spend their money is the right way to spend their money as long as they spend their money. But what we have to achieve and the historic reforms we are achieving in this budget is for the first time in a generation we are going to stop Congress and the President from raiding Social Security, we are going to start to pay off our bills by paying down our debt. And then after that, if they still overpay their taxes, they ought to have their money back.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of the time.

Vote for this budget and we will vote to reverse the priorities we set on this floor just 2 days ago. We said that we should save Social Security first, we should shore up Medicare for some years to come, we should do this first before we address tax cuts. We did not rule out tax cuts. We said these things came first.

Two days ago, 380 Members of the House voted for that. Today if we vote for this resolution we vote to reverse it. We will vote to put those programs at risk because the tax cuts that are proposed in this resolution will drain the budget dry of anything that can be used to fix Social Security and fix Medicare.

Even worse, if these surpluses that we see now, which are no more than economist constructs, do not obtain, if they do not materialize, then we will be spending Social Security payroll taxes because there will not be enough income taxes to fund the budget we have got right here.

So this is a reversal. This is a retreat. This goes down the path that we took years ago and have tried to reverse and correct for the last 10 years. It would be a sham and a shame if we passed a budget of this kind. And, in fact, we will not. We will pass it, of course, but this budget is not going to be the operative document that determines the budget for this year, fortunately, because it is simply not a workable instrument of policy.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, to close this debate, I yield such time as he may consume to the gentleman from Ohio (Mr. KASICH), the chairman of the committee, who in 1989 started saying we need to get our country's financial house in order and end these deficits, and that is what he has done.

The SPEAKER pro tempore (Mr. NETHERCUTT). The gentleman from Ohio (Mr. KASICH) is recognized for 6 minutes.

Mr. KASICH. Mr. Speaker, I just want to say that it is one of my staff people just kind of whispered at me that this is the last budget of the century and this represents the blueprint for what we want to do as we head into the next century and a whole new millennium.

We have struggled here on Capitol Hill for some short period of time in how to deal with the issue of the surplus. And somebody yesterday argued that, well, it is amazing that when we had deficits it seemed as though we could get along better than when we had surpluses, there seems to be more debate and discussion and argument. And somebody said, well, that is not surprising because whenever somebody passes away and there are debts, nobody shows up to try to figure out how to deal with those; but when there is a lot of extra money to be passed on, everybody shows up and starts to fight for it. And I think it is really true.

But we should not look at surplus politics as anything other than the greatest news, because instead of having to keep working to dig ourselves out of a hole, we now have the opportunity to be able to use all of that hard work and the benefits that came with it, which is an expanding economy and big surpluses, to be able to really outline a path for where we need to go in the early stages of the next century.

First and foremost, we know that in the next century we do not want to pursue policies that allow government to get bigger and to have more power. I think that is the greatest bottom line statement that we make as we leave this century, and it is clearly a reflection of what everyday people across this country are saying. Because I think what people are saying in America today is they would like to have more power and more control over the future and they do not want to consistently be frustrated by those in a faraway place who seem to be able to write the rules and the regulations that frustrate them every day.

I think what Americans are saying is, let me have the bat in my hand, let me get up to the plate, let me begin to solve some of the problems that I have that I am going to face during the course of my lifetime.

So the one clear guiding star in this process is not to expand the power of people who live in a faraway place but, rather, to struggle to take power from those folks and put it back into the hands of everyday people.

I am a little mystified at the criticism of that product. I guess it is just the nature sometimes of partisan politics. We did come together in 1997 and come up with a budget agreement and I would salute my colleague from South Carolina (Mr. SPRATT) for his work in reaching a bipartisan agreement. But what we are doing here now is something that we have all laid out as a goal and a target for ourselves.

Number one, that we would stop raiding the payroll taxes of this country, that we would stop spending the money that we collect to be used for our retirement programs to be spent on the operation of Government. And, in fact, this budget does that. It locks up $1.8 trillion in payroll taxes over the next 10 years and makes that money available for a revamped, for a transformed retirement system, both for Social Security and Medicare. And it will essentially mean that every American is going to have a little bit more control in terms of planning for their retirement rather than turning that control over to people who live in a place where they do not even know what area code it is that we live in or what time zone we live in.

We are going to set the stage for significant transfer of power from people who do not understand us, do not know us, who are strangers, who are the least concerned about our retirement, into our own hands so we can plan for our own families who are the most concerned about our retirement years and, at the same time, we are also going to transfer this huge overpayment that the taxpayers have made to the Federal Government.

Income tax day is tomorrow. Whenever people look at paying their income taxes, there are two, three things I think drive them crazy. One is they cannot figure out how to pay their tax. The system is too complicated. They have got to spend money to hire somebody to figure it out. We know that this system clearly needs to be made more simple and will be when we have a president that is committed to it.

But secondly, people are not only confused and angry about the current tax system, but then they are paying too much of what they earn to the Government. We have families now who are being hit by the alternative minimum tax, couples out there working trying to get ahead educating their children. They get hit by the alternative minimum tax.

Some Americans at all levels of government are paying half of what they earn to the Government. It should not be that way, 50 percent of what they earn to government. Because on top of all of that, none of us have the confidence that the Government is treating our money as preciously as we treat our own. They are convinced, and they are right, that the Government at the State level, the local government, and Federal Government are full of duplication, it is full of waste.

And we really do not treat people's money like it is our own. Frankly, human nature does not allow us to do it. Does it? But when we take the combination of a confusing tax system, too high taxes, and taxes we pay going for things that are wasteful, people are very uptight about that.

We are giving them an opportunity to get the biggest tax cut back while maintaining the fiscal discipline we laid in place in 1997, save Social Security, return power to people through a huge tax cut, and maintain fiscal discipline. It is a recipe for success in the next century.

Support the resolution.

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to H. Con. Res. 68, the Conference Report on the Fiscal Year 2000 Budget Resolution. This resolution should be defeated because of the policies it sets forth and the procedure under which it was brought to the floor today.

Last year, for the first time since Congressional budget procedures were established in 1974, this body failed to adopt a conference report on the budget resolution. This year, the conference report was completed almost before the conferees were even appointed and the first opportunity the minority had to read the conference report was 12:30 this morning.

The budget resolution is a blueprint for our national priorities. It defines what we as a Congress believe is important and establishes the basis for the rest of our work this session. Questions of how much we are willing to spend to educate our children, to fight crime, to protect our environment, to reduce the massive national debt—these are the hard questions we should be deciding and we owe it to our constituents to have an open and rigorous debate on these issues. Instead, today we are poised to rubber-stamp a conference agreement that no one has had adequate opportunity to study and whose broad objectives set us on a dangerous path of fiscal irresponsibility.

Today, our Nation's economy is the envy of the world. We have historically low unemployment and inflation coupled with sustained moderate economic growth. The stock market is at record levels and even our economic experts are at a lost to explain how this expansion has continued for eight years with no signs of weakness. The question we face today is whether we will take advantage of this unprecedented growth to pay off past obligations and prepare for the future or simply squander this opportunity by putting tax cuts first, ahead of paying down the debt and ensuring the solvency of Social Security and Medicare.

My view, echoed in testimony by Federal Reserve Chairman Alan Greenspan, is that we should dedicate the lion's share of the budget surpluses to reducing the publicly held debt. This is the surest way to continue the cycle of economic growth and continuing surpluses. Furthermore, as we pay down the debt, interest rates will continue to decline. Consider what a two percent reduction in interest rates would mean for the average homeowner in my home town: By reducing the 30-year fixed rate mortgage from 8% to 6% on a $115,000 house in Hillsborough County, Florida, a homeowner's monthly mortgage would drop from $844 to $689. This translates into savings of $155 each month or $1,860 each year. That is more substantial and more fiscally responsible than the tax cuts proposed by this conference report. Unfortunately, the Democratic Alternative which would have locked in greater debt reduction than this plan was rejected in Committee and on the House floor.

Mr. Speaker, the question today is not simply whether we are for or against tax cuts. The question is what priority we should place on cutting taxes compared with paying down the debt and preserving Social Security and Medicare. Personally, I support targeted tax cuts; however, I believe we must maintain fiscal discipline and prepare for the coming demographic changes of the baby boomers' retirement. Once we have address these critical issues, then we should consider tax cuts, or even more importantly, overall tax reform. Instead, today, this House is poised to squander a golden opportunity and embrace a plan which puts its greatest emphasis on tax cuts. This is not the legacy we should leave for future generations and I therefore urge my colleagues to reject this conference report.

Mr. PACKARD. Mr. Speaker, I rise today in support of H. Con. Res. 68, the FY 2000 Budget Conference Report.

For the first time in over a generation this country is operating with a budget surplus. The fact is, this surplus is nothing more than an overpayment to the government by the American taxpayers. I am convinced that government can do more for Americans than raise their taxes and feed the federal bureaucracy. The FY 2000 budget will offer $15 billion for tax relief in the year 2000 and over $800 billion over the next 10 years. Families can spend their money better than Washington can. This money belongs to the American people and we should give it back to them.

Mr. Speaker, our budget goes well beyond extending tax relief to American families. In fact it protects and strengthens Social Security for the next century. While the President talks about saving Social Security, the truth is his budget actually spends 42% of the Social Security Surplus. The Republican budget will lock up every penny of the Social Security Surplus over the next ten years, that's $1.8 trillion worth of retirement security for Americans. We have all paid into the Social Security trust fund with the promise that it will be there for us when we retire. Today, we have an historic opportunity to keep that promise and protect Social Security.

This FY 2000 Budget also increases spending for our military by over $288 billion. Our men and women in uniform put their lives on the line to protect our freedoms. We must provide them with the tools and training necessary to remain the greatest fighting force in the world.

Mr. Speaker, the American public has waited long enough for relief from big government spending. Let's pass this historic budget for the new millennium and keep our promises to the citizens of this country.

Mr. FOSSELLA. Mr. Speaker, the Budget Resolution is an opportunity for our nation to finally put the Social Security surplus in a lock box solely for seniors on Social Security and Medicare. The budget resolution also reflects our commitment to education, a strong national defense and much-needed tax relief.

Congress promised to balance the budget, reduce the size of government, and reduce the federal debt. This budget resolution, H. Con. Res. 68, sticks to that promise by restraining government spending and paying down the debt.

Every penny in the Social Security trust fund, 100% of it, is being set aside for retiring Americans. The President's budget, on the other hand only sets aside 62% of the surplus for seniors. Only by committing 100% of the surplus can we truly strengthen Social Security for future generations.

The budget will also give our children's schools the resources to ensure them a better education and bright future. We increase spending to improve public schools.

It will also provide billions to strengthen our national defense, equipping and training our troops for combat while honoring our veterans' sacrifices with a boost in health care funding.

Finally, this budget gives the record-setting money coming into Washington back to those who earned it—the taxpayers. For the first time in decades, we have surpluses as far as the eye can see. Every hard-working American created the current surplus and the budget gives it back to them over the next ten years.

Mr. FILNER. Mr. Speaker, I rise today in opposition to the Budget Resolution for FY 2000. There are many reasons why we should oppose this Resolution, and one of the major reasons is what it does to our nation's veterans. The budget figures for veterans are completely unacceptable especially in the area of health care.

Under the Budget Resolution, the Republicans who have been criticizing for weeks the President's budget, have done no better—the VA health care system is drastically underfunded and in danger of actual collapse. This is a drastic problem which demands serious, substantial solutions.

What I think is worst about the Budget Resolution, as it affects veterans, is the disingenuous manner in which it is crafted. In FY2000, the budget outlay increases for the discretionary budget where VA health care is funded, from $19.2 to $20.9 billion—a seemingly significant increase. But if you look beyond 2000, it immediately drops to $19.1 billion, then to $19 billion, then to $18.9 billion. How can we maintain health care for our increasingly older veteran population with shrinking numbers?

We need more funds, not less, to reverse the trend of decimating psychiatric, substance abuse and other mental health problems. We need to increase long-term care to increase the options for our growing population of elderly veterans. We need to eliminate the practice of discharging veterans who are Alzheimer's patients. New health care initiatives for veterans suffering from Hepatitis C-related illnesses have been proposed, with no new dollars to pay for them. We will be unable to absorb the additional Persian Gulf War veterans who will be eligible for health care under a new law.

I have carefully studied the Independent Budget for Fiscal Year 2000, a comprehensive policy document created by veterans for veterans and endorsed by over 50 veterans' service organizations. In this budget, I sense an urgency and frustration that I've not heard before. America's veterans are telling us that they have done more than their fair share—and now they expect us to be their advocates. They are reminding us that America is safe and free only because of the generations of men and women who willingly endured the hardships and sacrifices required to preserve our liberty.

For many, many years, America's veterans have been good soldiers. They have done their duty and been conscientious, responsible citizens. Every time the Veteran's Affairs Committee was handed a reconciliation target, it met that target. Billions of veterans' dollars have been handed over in order to balance the budget and eliminate the deficit. Time and time again, America's veterans answered their nation's call. The country needed their support, and America's veterans gave all that they could give.

Well, the budget deficit has been eliminated. That battle has been won. I believe that this year, it is time for America's veterans to come first. We, as a nation, owe them that.

It is the duty of Congress to pass a responsible budget and to do so, we must lift the VA budget cap in order to provide a budget that is worthy of our veterans.

The United States and the freedom our country represents around the world have persisted and flourished because of the sacrifices of our veterans. We must remember the men and women who made those sacrifices as we vote on the budget for veterans.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to the validation of this conference report, which includes in it the details of the Budget Resolution passed just a few weeks ago by the Republicans.

At that time I spoke vigorously against the Budget Resolution because I felt it shortchanged the American people. Also at that time, I spoke in favor of the Democratic Budget, offered by Ranking Member SPRATT because it was a responsible budget done right. Thereafter, when this resolution once again came before us as it was sent to conference, I supported Ranking Member SPRATT's motion to instruct the conferees to hold off on their submission of the report until we had passed legislation addressing the concerns of our party, and of most Americans—in this case, preserving and extending the life of Social Security and Medicare. I go over this litany of details not to open old wounds, but rather to demonstrate and testify to the American people that the Republicans have had multiple opportunities to save Social Security and Medicare—and each time they turned away.

As I vote to strike down this report, I do so only with the well-being of our constituents in mind. I know that we should be approving a budget that protects the Social Security and Medicare Trust Funds by putting money back into those accounts. It should be a budget that will maintain our current Social Security and Medicare benefits, and extend their lives until decades from now, so that Americans will be able to take advantage of them. This is especially true for women, because due to their longer life expectancy, they must rely on Social Security and Medicare longer than most men.

I know that we should be appropriating the proper resources to modernize, and some would say revitalize, our public schools. This budget does the opposite; in fact, it reduces our domestic spending on programs that protect the interest of our children. This budget jeopardizes the well being of successful programs by taking 425 million dollars from WIC, and 501 million dollars from Head Start. Nevertheless, in this budget most of that money—800 million dollars of it—goes instead to tax cuts for the wealthy.

I know that what we should be doing at this time is authorizing a budget that will protect America's families. It should be a budget that fully funds the Summer Youth Employment Program, which is cut by over 90 million dollars. It could be a budget that saves the Community Development Block Grant Program the indignity of a 50-million-dollar cut.

This budget could be more, it could address the needs of our veterans. We could have and should have passed the Spratt Amendment, which would have added an additional nine billion dollars for veterans programs. We should be voting to pass a budget that fully funds LIHEAP, which provides for necessary heating and cooling for low-income families in times of extreme weather. LIHEAP literally saved lives in my district last summer, and I intend to do what I can to ensure that it is fully funded every year that I serve in Congress.

I had hoped that during Conference, that we would have seen drastic improvements in this resolution. Improvements that could have been done in a bipartisan and responsible manner. I had hoped that my colleagues across the aisle could be more persuaded by the dedication of Congressmen SPRATT and McDERMOTT. I desperately wanted to take home to my district a budget that respected our children, our families, our veterans, and our elderly—and I still hope to do so.

Therefore, I urge my colleagues to vote against this conference report, and instead work with us to forge a new budget that will grow America into the 21st century.

Mr. STUMP. Mr. Speaker, I rise in strong support of the conference report and to express my appreciation for all the consideration given to veterans' health care funding by the conferees.

The conference report provides the entire amount recommended by the majority of the VA Committee for veterans health care—a $1.7 billion increase over the amount recommended by the President in his budget.

This funding level is supported by many veterans organizations and military associations, including: The American Legion, The Jewish War Veterans, Gold Star Wives, Non Commissioned Officers Association, and The Retired Officers Association.

Some Members advocated even higher funding levels.

But in an arena that is traditionally as partisan as the Budget Committee, it was the realistic recommendations of the VA Committee that ultimately became the standard for both Democratic and Republican budget proposals in the House.

I know that there is already some criticism of the conference report because the outyear spending levels for veterans don't match the levels for next year.

But I want to assure my colleagues that there is little doubt that we will provide even higher funding levels next year.

I also want to assure VA health care administrators that they can count on us to provide the necessary funding to sustain the health care services which an increasing number of veterans are seeking from the VA.

The chairman of the House Budget Committee, the gentleman from Ohio, Mr. KASICH, has given me his word that we'll take a fresh look at the funding needs next year.

Now it is time for Members to realize how difficult it will be for the Appropriations Committee to achieve this spending level for VA health care.

I hope we can all work together to protect this budget for veterans from competing spending interests favored by the Clinton-Gore Administration.

If VA continues to provide health care effectively and with greater efficiency, I have no doubt that the funding level contained in this resolution for fiscal year 2000 will be continued.

Again, I thank the chairman of the Budget Committee, the Senate Chairman, Senator DOMENICI, and all the Members of the Budget Committee who have worked so hard to address veterans' needs this year.

Mr. EVANS. Mr. Speaker, I rise in strong opposition to the conference agreement on House Concurrent Resolution 68, the budget resolution for next fiscal year. This conference agreement, like the budget passed earlier by this house, fails to provide adequate resources needed to maintain and improve programs established by this Congress to serve our nation's veterans, their dependents and survivors.

Many of my colleagues on the other side of the aisle pronounced the administration's proposed budget next year for veterans to be underfunded by at least $2 billion and possibly more. The chairman of our committee, the gentleman from Arizona, who strongly opposes unwarranted spending, recommended an increase of $1.9 billion over the Administration's proposed funding level. The Chairman's recommendation is a clear and unmistakable signal of the funding crisis in veterans' programs and benefits.

While this conference agreement appears at first glance to begin to address the funding crisis in veterans' programs and benefits, this budget resolution is really nothing more than a wolf in sheep's clothing. Unbelievable to our nation's veterans, this budget resolution cuts discretionary spending, which primarily provides veterans' health care, by $1.4 billion dollars in fiscal year 2001 compared to next fiscal year. Veterans across America will wonder what is put in the water in Washington. This budget resolution is a blueprint for destroying veterans' benefits and programs. This budget resolution must be rejected.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 208, not voting 6, as follows:

[Roll No. 85]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Davis (IL)
Hastings (FL)
LaHood
Lantos
Shows
Thomas

□ 1332

Mrs. NAPOLITANO, Mr. WYNN and Mr. COYNE changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. THOMAS. Mr. Speaker, on rollcall No. 85, I was inadvertently detained. Had I been present, I would have voted "yes."

Stated against:

Mr. SHOWS. Mr. Speaker, during rollcall vote No. 85 on the conference report on H. Con. Res. 68, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. LAHOOD. Mr. Speaker, I was unavoidably detained for rollcall votes 84 and 85. Had I been present, I would have voted "yes" on rollcall vote 84, H. Res. 137, and "yes" on rollcall 85, H. Con. Res. 68.

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the conference report on H. Con. Res. 68 just agreed to.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LOCAL CENSUS QUALITY CHECK ACT

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 138 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 138

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 472) to amend title 13, United States Code, to require the use of postcensus local review as part of each decennial census. The bill shall be considered as read for amendment. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; (2) a further amendment printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII, if offered by Representative Maloney of New York or her designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 138 is a fair structured rule providing 1 hour of debate in the House divided equally between the chairman and ranking minority member of the Committee on Government Reform.

Mr. Speaker, upon adoption of the resolution, the amendment printed in the Committee on Rules report is considered adopted.

The rule also provides for the consideration of amendment numbered 1 printed in the CONGRESSIONAL RECORD if offered by the gentlewoman from New York (Mrs. MALONEY), or her designee, which shall be debatable for 1 hour equally divided and controlled between the proponent and the opponent.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 472, the, Local Census Quality Check Act, builds on Republican efforts and fulfills our constitutional duties by carrying out a quality census that counts every single person. Post census local review was used effectively in 1990 to add 124,000 households to the nationwide count. By using the knowledge, list management and mapping skills of local authorities, post census local review improved the accuracy of the 1990 census. This improvement will increase exponentially with the 2000 census as advancements in information technology will allow local authorities to provide better information which includes adding people to the census at the exact location where they live.

Specifically, Mr. Speaker, this bill provides for a post census local review which will allow local governments to review household counts, boundary maps and other data that the Secretary of Commerce considers appropriate in order to identify discrepancies in housing unit counts before they release the final count of the census. Additionally, the Secretary of Commerce would submit the appropriate block level maps and list of housing units to local governments for their review. The local authorities would then be given 45 days to review the census data and submit any challenges to that data. The Secretary would then investigate, correct any miscounts and notify local governments of any action or correction that was taken.

This is a commonsense piece of legislation that works. The results are not debatable. In 1990, post census review made for more accurate census counts.

Local groups across the political spectrum, including the National League of Cities, the National Association of Towns and Townships and the National Association of Developmental Organizations have endorsed this legislation because it works. It is a part of a process to count every single person in our country.

Mr. Speaker, I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, appearances can be deceiving. At first blush H.R. 472, the Local Census Quality Check Act, appears to be a bill that will ensure a more accurate census count by enhancing local government participation in the 2000 census. But, Mr. Speaker, H.R. 472 is really a Trojan horse because it will, in fact, do nothing to enhance or ensure a more accurate count of Americans next year.

Let me tell our colleagues what it will do, Mr. Speaker. H.R. 472 will impose an operational field plan on the Census Bureau that will actually, according to the Director of the Census, decrease accuracy levels in the count. H.R. 472 will extend an already lengthy process by requiring a post census local review program very similar to the one conducted after the 1990 census. H.R. 472 would extend the period of the head count by nine weeks, which would effectively prevent the Census Bureau from scientifically determining how many people had been missed in the head count. If H.R. 472 were to be enacted, it would ensure that the Census Bureau would not have enough time to correct errors in the census to ensure that each and every American has been counted.

Mr. Speaker, such an outcome is totally unacceptable. H.R. 472 is unacceptable to Democrats because its real purpose is to prevent the Census Bureau from using the modern statistical methods that experts agree are the only way of conducting a census that does not miss millions of Americans, particularly children, minorities and the urban and rural poor.

This is not a new fight, Mr. Speaker, but it is one that sets out quite clearly the differences between the Republican majority in Congress and the Democratic party. It is our unified and solid position that every single American counts and every single American should be counted.

It is as simple as that, Mr. Speaker. Yet my Republican colleagues have erected roadblocks, gone to court and drafted legislative impediments all designed to keep the Census Bureau from conducting the most accurate and complete census as possible.

The Republican National Committee and other Republican leaders fear that counting every American will damage their hold on political power, but let me close by offering my friends on the other side of the aisle some advice:

In the face of opposition from the experts, from a unified Democratic party and from local governments and civil rights groups around the country poorly disguised attempts to influence the outcome of the census do not reflect well on the Republican party. As I have said many times, ensuring that all Americans are counted in the census is not and should not be a partisan issue. I sincerely hope that my Republican colleagues will put away their partisan fears and join us in working to ensure that the 2000 Census counts every single American.

Mr. Speaker, I obviously oppose the bill, but I also oppose this rule. The Republican majority has seen fit to only make in order the amendment to be offered by the subcommittee ranking member, the gentlewoman from New York (Mrs. MALONEY), and then to only allow 1 hour of debate on this serious and substantive alternative to the Republican bill.

□ 1345

Given the magnitude of the issue, Mr. Speaker, this is a wholly inadequate rule. Therefore, it is my intention to oppose the previous question in order that the House might have the opportunity to consider an open rule with 2 hours of general debate. The time restrictions imposed by this rule do not give Members enough time to thoroughly debate this most important issue.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 7 minutes to the gentleman from Florida (Mr. MILLER), who is the chairman of the Subcommittee on Census.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the time and I thank the Committee on Rules for bringing forth this rule which allows us to have a full debate on post-census local review and allows for the amendment by the ranking member.

Mr. Speaker, I am in support of the rule. I will be supporting the bill and opposing the amendment.

In less than 12 months we will be conducting the 2000 decennial census. We all share a common goal, everybody in this room and everybody in America should, that we want the most accurate census possible. It has to be a legal census and it should not be a political census.

The census is so fundamental to our Democratic system I call it the DNA of our democracy, because most elected officials in America are dependent upon the census. It affects the number of congressional seats each State receives. It affects the size and shape of our districts. It affects State representatives and State senators, their districts. It affects school boards, county commissions, city council members.

Essentially, most elected officials are going to be impacted by this because this is how we make sure there is equal and fair distribution of the political process in this country.

Unfortunately, the political process has been brought to bear on this census and that is too bad that the President has chosen to introduce politics into the census because we do not need a political census.

Since Thomas Jefferson conducted the first census, we have gone out and counted everybody. It is hard work and we as Republicans have been putting forth the ideas but also the money and resources to make sure we do get the best possible census.

The President has proposed originally a census where only 90 percent of the population is counted and uses sampling or polling techniques to come up with the balance. That was a very political process. The Census Bureau wasted a billion dollars and 6 or 7 years planning for this. We told the Census Bureau, we told the President, this is illegal and yet they continued in effect to spend this money, waste this money and prepare for an illegal census.

Finally, the Supreme Court ruled in January of this year that it was illegal. Six Federal judges had already ruled last year it was illegal, and now the Census Bureau is behind because they have been so concentrating on this 90 percent plan that unfortunately they are not as prepared as they should be today.

We all need to work toward getting that best, most accurate census possible. So now they have come up with a new plan, even though all the details have not been forthcoming yet, and the new plan is a two-number census. We will have one number that is approved by the Supreme Court and that will be a full enumeration as required by our Constitution, and then the President wants to adjust all those numbers, I mean all those numbers. There are census block numbers for all five or six million census blocks in this country. The President wants to adjust that and have an adjusted census.

So we will have the Supreme Court-approved census and we will have the Clinton-approved census. Wow. What a public policy disaster we are heading for with a two-number census.

The Census Bureau was right in arguing against it for the past several years. Now they flip-flopped and think the two-number census is a good idea. It is unfortunate because they want to use the second adjusted set of numbers for redistricting.

Well, I say today that it is going to be declared illegal again. It is going to go back to the courts, and the courts will say we are going to have to use the same number for apportionment that we use for redistricting. We cannot use two numbers for redistricting and apportionment. It will not work.

So now what do we do? We need to do the best job we can on a full enumeration. That is what is required by the Supreme Court. So we have proposed some ideas on how to improve on getting the most accurate and legal census possible.

The Census Bureau has come up with some good ideas on this census and I have to commend the Census Bureau for the innovations and ideas they have put forth for the 2000 census. They are doing things. For example, the address list was a major problem in 1990 and they are making a major effort getting the addresses as correct as possible. That is a good program.

We are going to go to paid advertising. I think that is important rather than relying just on the donated advertising by television. There will be census in the schools trying to get young people involved because young people are some of the ones that are most undercounted. There are a lot of ideas that are good. We have come up with some ideas too, and today we are going to debate one and that is post-census local review.

Now this is not a new idea. This was used in 1990 and it is simply to give local communities one last chance to look at the numbers before they become official because once they become official they are stuck with them for 10 years. It is hard for me to understand why someone would object to this. Again, it is not a new idea. It was used in 1990 and added about 125,000 people. Secretary Daley says that is not very many people. I say if it is a small community, every thousand people makes a difference. One hundred twenty-five thousand may not be a big deal in New York City or another city, but it is important that we allow communities to add people if they were mistakenly missed.

That is all this is about, giving one last chance to add people if they were missed and not included.

To assume that the Census Bureau does not make any mistakes is that trust-me attitude; trust me, I am from the Federal Government and I never make mistakes.

Well, there are mistakes made; not intentional mistakes. There are computer errors, and so all we want to do is give that opportunity. This is widely supported by elected officials. The National League of Cities is supporting it. The National Association of Towns and Townships are supporting it. Planning organizations are supporting it, and we have heard from dozens and dozens of local officials that say we need this program because it gives us that one last chance to make sure there are no mistakes. That is all it is.

It improves accuracy and it improves trust in our census, and trust is something we need on this census because it has been politicized too much.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time.

Mr. Speaker, I am deeply disturbed that the Committee on Rules did not issue an open rule on H.R. 472. Many of my colleagues have asked to speak on this bill and the limited time allowed by the committee will not allow for a full and open hearing on this bill.

As the majority has reported, there is not much business scheduled for the House this week. So far this week we have put in less than a day's work. The only reason to limit debate on this bill is to silence the opposition.

Mr. Speaker, this bill has not been carefully considered by either the Subcommittee on Census or the Committee on Government Reform. The only hearing on this legislation was held in conjunction with the markup on the bill. The administration was not invited to that hearing and I was out of the country as part of an official U.S. delegation to the International Conference on Population and Development.

An open rule would give all Members a better chance to evaluate the bill. Just yesterday, I met with the League of Cities and they still did not understand the full implications of H.R. 472. For example, they were not aware that the bill adds over 9 weeks to the census process.

I will offer an amendment to H.R. 472. I am committed to a fair and accurate census. As everyone should know, the errors in the 1990 census, according to a GAO report, misallocated billions of dollars to localities. If H.R. 472 passes and degrades the overall accuracy of the census 2000, as it will, then we will have an injustice as well as bad public policy for the next decade.

H.R. 472 calls for a post-census local review. The question is not whether or not we should have local review, of course we should, but whether we should do it in a way that improves overall accuracy.

What H.R. 472 does is make taking the census, the task of taking it, more difficult. It delays the time for correcting the census for persons missed and persons counted twice.

H.R. 472 requires the Census Bureau to repeat work that has already been done. Following the bipartisan direction from Congress, written in the Address List Correction Act of 1994, the Census Bureau has developed a program to work with local governments to make sure they agree on the number of addresses within the Government's jurisdiction. If they cannot come to an agreement, there is an appeals process through the Office of Management and Budget.

So far, this program has covered 86 percent of the addresses in the United States. What H.R. 472 does is require that this work be done again. Those who are not familiar with the census believe that this post-census check will catch errors made in the census. In fact, it will not.

There is no reason for a second check on something that has not changed unless there is an ulterior motive.

There are two areas of concern raised by local governments that could legitimately be addressed by this bill. One is new construction and boundary checks. Between the time the census address list is finalized and census day, there will be some boundary changes and some new houses under construction will be finished.

My amendment calls on the Census Bureau to develop a program to address these legitimate concerns. It further calls for any new program to be coordinated with all the other activities that must go on for the census to be successful.

H.R. 472, as written, does not give the Census Bureau the latitude it needs to address these issues. In 1995, long before the 2000 census became a do or die issue for the Republican Party, the National Academy of Sciences issued a report called Modernizing the U.S. Census. This report was written in response to a bipartisan request from Congress.

The central conclusion of this report was, and I quote, "It is fruitless to continue trying to count every last person with traditional census methods of physical enumeration. Simply providing additional funds to enable the Census Bureau to carry out the 2000 census using traditional methods, as it has in previous censuses, will not lead to improved coverage or data quality."

The facts that led to that conclusion have not changed. H.R. 472 is seriously flawed and will ultimately make the census less accurate and make it impossible for the Census Bureau to meet the statutory deadlines of delivering apportionment counts on December 31, 2000, and final population counts on April 1, 2001.

I urge my colleagues to vote against this rule and the underlying bill.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the assistant majority whip.

Mr. BLUNT. Mr. Speaker, I rise in support of the rule and of the legislation. This really is largely about whether we are going to have a one-number census or a two-number census and all of the things that surround that. How many Members of this body would want us to have a two-number election result and then decide after the election what would have happened if somebody's speculation of what was going on on election day somehow could have been fulfilled?

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How would we want to serve if we had not just the number that was certified as the actual count of the election, but if we had the number that was certified as somebody's idea of what might have happened if the election had been done in some scientific laboratory?

This is about counting people. This bill is about counting people in a way that involves local governments. It is about counting people in a way that involves the Census Bureau with local governments, because so much of what happens at the local level for a decade is determined by their numbers; not just how they are represented in this body, but how they are represented on their county council, how they are represented in their city council, how they are represented in the State legislature.

Missing a block, forgetting a thousand people or even a hundred people, can be a significant factor in all of those determinations. In the past, the Census Bureau has seen this as one of the important principles of coming up with an accurate number that stands the test of time, that local governments rely on for the better part of that decade.

I think this bill has been carefully considered. It is also the way the Census has been conducted. In fact, in 1990 the Census Bureau said that what is most important about this review is that local officials have an opportunity to review the maps and counts while the Census is still in progress. Possible errors identified and reported at this stage, according to the Census Bureau, are relatively easy to check and correct if necessary. Once this stage is passed, once the Census is finalized, once local governments have somehow not had this opportunity, it is awfully hard to come back and solve those problems.

The substitute today, the amendment today, would leave this up to the Secretary of Commerce, who has already said in writing that he is not supportive of this legislation, and it is questionable without his support, a post-Census review.

Of course we want to have a local review. Of course we want a Census that is the best possible. Of course we want to correct this process before it is finalized, not after it is finalized. That is what this bill does. It is what it does, creating the best cooperation between local officials and the Census Bureau. I support the legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to ask Members of this House to oppose this rule and oppose H.R. 472. To me it boils down to a very simple question, do all Americans count. If we believe they count, then listen to some of the statistics from our last Census in 1990. More than 4 million people in this country were not counted. In my State of California, almost 1 million people did not get included in the 1990 Census.

In terms of dollars, that cost my State somewhere close to $2.3 billion over these last 10 years. My city of Los Angeles, the second largest undercount of any State in the Nation to have occurred was in Los Angeles. Some 140,000 people in my city of Los Angeles did not get counted.

That cost the city of Los Angeles and its residents about $120 million over the last 10 years: $120 million of police officers, teachers, firefighters that were not put on the ground because we had an inaccurate Census for the entire Nation.

Mr. Speaker, the director of the Census Bureau, Mr. Ken Prewitt, has said that H.R. 472 will have "consequences for an orderly, timely, and accurate Census in 2000 that are just short of disastrous." He is saying that because we are tinkering with it in ways we do not need to.

If we are all concerned about having every American count, then let them be counted using the best, most modern, and expert methods available. If we believe all Americans count, then vote against the rule and vote against H.R. 472, because we do not need to go through the mistakes of 1990. We have the technical abilities, we have the modern technology to get the most accurate count possible. That would require that we oppose H.R. 472.

I urge all Members to vote against this rule and against H.R. 472.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Ms. PRYCE), one of my colleagues on the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Texas. I rise in support of this rule and the Local Census Quality Check Act. Simply, this legislation is designed to improve the accuracy of the Census by giving our local officials, who know their communities best, a chance to review census data before it is finalized.

Local review is not a new idea. It was used in 1990 with the support of Republicans and Democrats, and it succeeded in adding thousands of overlooked households to the Census Bureau's original count.

Local review is especially useful in fast-growing neighborhoods and communities, or ones that are being rebuilt after fires or natural disasters, where it is very possible that the Census Bureau will miss some new homes. In fact, this was the experience in 1990. And who better than the people living in the community to recognize oversights and errors in Census numbers?

I have to say that I find the objections to this bill very curious. My friends on the other side of the aisle claim they need statistical sampling to make a guess about how many households may exist which the Census might miss. They support this method of estimation in the name of improved accuracy.

Yet, they reject a program that allows local officials to look at Census data and point to actual existing households with addresses where real people with names and faces live which do not appear on the Census Bureau's list. How can my colleagues argue that a system of adding invisible statistical households is preferable to adding real homes and people to the Census count?

Mr. Speaker, I will place in the RECORD a letter that I received from the Ohio Township Association, representing more than 1,300 townships, in support of H.R. 472.

The material referred to is as follows:

OHIO TOWNSHIP ASSOCIATION,
Columbus, OH, April 12, 1999.
Hon. DEBORAH PRYCE,
U.S. Congress,
Washington, DC.

DEAR REPRESENTATIVE PRYCE: On behalf of the Ohio Township Association, I am writing to express our support of H.R. 472. This legislation, as written, would provide a 45 day period of review to local governments of the Census 200 figures.

Without this legislation, local governments would have no opportunity to review the Bureau of Census' count of their communities before the census data is finalized. Local governments must have a voice in the census process to ensure they are not undercounted. Local governments, especially townships, rely on the census to determine their eligibility for state and federal funding. Local leaders and planners use the census figures to choose the best location for building roads, hospitals, schools, libraries, playgrounds, day-care and senior citizen centers. Businesses use census numbers to determine the location of new housing, shopping centers, offices and factories. Most importantly, in the case of an emergency, census figures aid emergency and safety personnel's rescue efforts by telling them how many people live in a certain area. In light of last week's tornado and storms in Cincinnati, Ohio, this especially true.

Again, on behalf of the 1309 townships in Ohio, I urge you to support HR 472 without amendment. If you have any questions or if I may be of assistance to you and your staff, please do not hesitate to contact me.

Very truly yours,
MICHAEL H. COCHRAN,
Executive Director.

Mr. Speaker, some of my Democratic colleagues regret the fact that the local review process would be time-consuming and delay the Census Bureau's work. I would suggest to my colleagues that they look to the Census Bureau itself if they are concerned about delays. We are less than 12 months away from Census day, and the Bureau has failed to provide Congress with its estimated budget or its plan for conducting a legal count.

Mr. Speaker, any Member who is genuinely concerned about the accuracy of our Census should support this legislation. The Local Census Quality Check Act gives us one more tool to ensure that every American is counted, as the Constitution envisions. I urge a yes vote on both the rule and the underlying legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I find it very curious that my colleagues on the other side of the aisle would make the argument that this is not political, that they say they do not want politics in this. Hello, everybody. This is the most political issue we will probably face in the next 2 years of this session, okay? This goes to who is going to control this House for the next 10 to 20 years.

So I do not want to hear my colleagues disingenuously represent this bill as simply about counting, because that is hogwash. The fact of the matter is the census is about who has got the money and who has got the power.

It should be very curious to the Republicans that the Congressional Black Caucus, that the Congressional Hispanic Caucus, that the Congressional Asian Pacific Caucus, all three of them, every minority caucus in this Congress, are against their sampling proposal and their Census proposal. Why? Because they say that in the effort to get accuracy, they want to delay the Census process. Well, delay equals death for accurate counting.

Mr. Speaker, this is about the heart of government. It is about the distribution of money and power. There is nothing more fundamental to this debate for the next 2 years than this Census. Bridges, roads, education, law enforcement, health care, all of that will be decided by how many people exist in each State and in each city across this country.

If we undercount people, and I have to say, traditionally, there is a reason why the Hispanic Caucus, there is a reason why the Black Caucus, and the minorities are against this, because minority people of color historically get undercounted.

If my colleagues would yield for a question, I would like to ask them to answer why they are delaying this process.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

In response to my colleague, I would like for it also to be noted on the record that the Republican Black Caucus is 100 percent for this bill that we are supporting on the Floor.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman for yielding time to me.

When we mention the caucuses, the Hispanic Caucus, the Black Caucus, he is talking about Democratic members of those caucuses.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would ask the gentleman, how many Members are members of the Republican Black Caucus?

Mr. DAVIS of Virginia. We have one.

Mr. KENNEDY of Rhode Island. How many do we have?

Mr. DAVIS of Virginia. They are all Democrats.

I thank the gentleman very much. My friend has made the point, he has tried to place color where politics is. He is the one who has said this is all about politics, not us.

What we are trying to do is assure a fair count for groups that have traditionally been undercounted. That is why this legislation moves from six languages that are included in the Census surveys to 33 languages, including braille, so that we can get at these hard-to-count populations that have traditionally been undercounted. If they can read the forms, if they can read them in their own language, they are much more likely to answer them.

Although it is only 1.3 percent of the population that are included in these additional languages, these are groups who have been traditionally undercounted that we are trying to get at. The 33 languages come from the Census department's own advisory committee, in terms of what these languages are. That is why we are increasing the advertising.

Mr. KENNEDY of Rhode Island. Mr. Speaker, if the gentleman will yield further, I am not arguing about the gentleman's efforts to make sure we count everyone accurately. My argument is with the delay. With their delay, they are effectively delaying the numbers being reported, which in essence means we cannot get an accurate count.

Mr. DAVIS of Virginia. Not at all.

Mr. Speaker, reclaiming my time, I think what is important to note here is we are allowing local governments to come in who feel they have been undercounted, to come in with a post-Census sampling and start adding their input into that process. So if they are being undercounted in their cities, if they are going to be punished if it comes to Federal aid or punished in redistricting, they will have an opportunity at that point to have their say before the final count goes forward.

That is fair to these localities, many of them that are traditionally undercounted. That is why we put more money for the advertising budget increases, that is why this legislation puts more enumerators in hard-to-count areas, that is why we have extended the census in the schools, and we have moved it up from 20 percent, which is what the administration offered, to 100 percent of the classrooms in America. Many times you reach the parents with the best count going through the classrooms and the kids in the schools.

That is why this legislation asks that AmeriCorps volunteers be empowered to help in hard-to-count areas, so we can get to a solid count. That is why the governments and the NGOs are going to be given additional grants to assist in hard-to-count populations, and that is why this legislation allows Federal retirees, welfare recipients, not to be punished if we empower them and help them to get the most accurate count in history.

All of these are very, very important. It is ironic that people who claim they are being undercounted would oppose these measures.

On January 25 the Supreme Court ruled that sampling could not be used in the 2000 Census for purposes of reapportionment of the House of Representatives. But let me read what the Congressional Research Service report says.

It says, "A closer examination of the other parts of the court's opinion indicates that it did not interpret those other purposes as necessarily including at least interstate redistricting." That is why my friends on the other side of the aisle oppose this. They lost this at the Supreme Court level, and now they want to go for it with an illegal funding mechanism for the census.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

I would point out to the previous speaker what happened at the Supreme Court level. There have been several misstatements on the other side. I assume those misstatements were not intentional.

What the Supreme Court did was to decide that a statistical adjustment could not be used for apportionment among the States. The Supreme Court specifically said that adjusted figures should be used for redistricting within States and for the allocation of Federal funds.

I have read the Supreme Court decision. The Supreme Court only spoke to the apportionment among the States, and that was a matter of construction of statutory law. They did not decide that on a constitutional basis.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, a fair and accurate census is in the best interests of our Nation. I therefore rise in opposition to the rule and to H.R. 472. H.R. 472 is nothing more than an unnecessary delaying tactic to prevent the Census Bureau from using modern statistical methods, methods that the National Academy of Sciences and the National Academy of Statisticians have said are necessary to obtain an accurate count of the American people.

We must not let H.R. 472 repeat the mistakes of the past. The stakes are simply too high. In California, for example, as a result of the 1990 undercount, 835,000 Californians essentially became invisible. Half of those missed were Latinos, and tragically, over 40 percent were children.

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Due to this undercount, the hardworking people of California lost $2.2 billion in Federal funds for transportation, schools, housing, health services, and valuable programs over the past 10 years.

Mr. Speaker, counting every American is an issue of social justice. My Republican colleagues must put the interest of the country first and stop trying to micromanage the census. Let the experts at the Census Bureau do their job to ensure an accurate 2000 census. I ask my colleagues to defeat the rule and H.R. 472.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind Members on both sides of the aisle who wish to engage in a dialogue with the Member under recognition that they must first gain the yielding of the Member under recognition before engaging in the dialogue.

Mr. SESSIONS. Mr. Speaker, may I inquire about the time remaining.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) has 10½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. DAVIS) to respond.

Mr. DAVIS of Virginia. Mr. Speaker, let me just say to the gentleman from Texas (Mr. FROST), I would hope that he would put in the RECORD the specific language he claims that would mandate that the intrastate redistricting is mandated to use these other numbers he talks about.

Looking at the nonpartisan Congressional Research Service, CRS–5, and I will ask unanimous consent that this report be put into the CONGRESSIONAL RECORD, they note that for the purpose of intrastate redistricting, "the Court's opinion indicates it did not interpret those other purposes as necessarily including, at least, intrastate redistricting. It refers to these other purposes, noting that the census serves as the 'linchpin of the federal statistical system by collecting data on the characteristic of individuals, households, and housing units'."

The document referred to is as follows:

RAMIFICATIONS AND REACTIONS

SAMPLING IN INTRASTATE REDISTRICTING

Almost immediately after the Supreme Court issued its decision, the opponents of sampling were claiming victory, but at the same time, the supporters of sampling were downplaying the impact of the decision, by emphasizing the narrowness of the holding. The Court held that the census statute prohibited the use of sampling for the apportionment of the House of Representatives, but declined to reach the constitutional question. The Court had even stated that section 195 required the use of sampling for purposes other than apportionment. Slip opinion at 23. The proponents of sampling viewed this as supporting the position that sampling techniques were not only permissible, but were required, in the taking of the census for the purposes of intrastate redistricting and federal funding allocations.[4] However, a closer examination of other parts of the Court's opinion indicates that it did not interpret those other purposes as necessarily including, at least, intrastate redistricting. It refers to these other purposes, noting that the census serves as the "linchpin of the federal statistical system by collecting data on the characteristics of individuals, households, and housing units throughout the country [cities omitted]." Slip opinion at 24.

As discussed above, Justice O'Connor based her standing analysis, at least in part, on the "expected effects of the use of sampling in the 2000 census on intrastate redistricting." Slip opinion at 14. Her discussion of these expected effects appears to indicate that the Court assumed that the federal decennial census figures for apportionment would be the figures used by the States for congressional redistricting and, in many cases, for state legislative redistricting. The Court seems to think that the references to the federal decennial census data in state legislative redistricting statutes and state constitutional provisions are references to the data for apportionment of the House of Representatives. Otherwise, the threatened injury to the plaintiffs would not be redressed by the Court's decision. Certainly, the position of sampling proponents, if officially adopted and carried out, would mean that the threatened injury to voters in state and local elections had not been eliminated by the Court's decision. The issue of redressability and the possibility of a two-number census was raised during oral argument.[5] However, the analysis in this part of the Court's decision deals with standing and not with the merits, therefore, technically, the position of sampling proponents, that sampling in intrastate redistricting is required, is not inconsistent with the Court's holdings on the merits, but is arguably inconsistent with the apparent assumptions and larger scheme underlying the holdings.

Footnotes at end of document.

FOOTNOTES

[4] Since the required taking of a traditional headcount for apportionment of the House of Representatives would make the non-response follow-up sampling moot, presumably any contemplated sampling for intrastate redistricting and funding allocation data would be similar in concept to the ICM for the undercount or the Post Enumeration Survey conducted after the 1990 Census.

[5] Oral Argument Transcript, found at 1998 WL 827383 on Westlaw (oral argument of Michael A. Carvin on behalf of the appellees in No. 98–564).

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 13½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule. I do that because I support achieving the most accurate census count, and H.R. 472, as written, will delay and destroy our chance to achieve the most accurate census count possible.

Mr. Speaker, an accurate census does matter. It affects our communities, our families, and our children. In fact, inaccurate figures cost the State of California $2.2 billion in Federal aid during the 1990s.

It cost my district $29 million in Federal aid by missing over 10,000 people in the 6th Congressional District of California. Ten thousand people were not counted. I happen to believe that every one of those 10,000, and 100 percent of the people nationwide, deserve to be counted and included in our census.

An inaccurate count costs all of our communities literally millions of dollars for Federal highways, for child care, for foster care, for education, for aid to women and infants and children.

We cannot make the same mistakes with the 2000 census that we made with the 1990 census. Our democratic system demands fair representation for all constituents and all constituent groups. This can only be achieved through the most accurate census possible.

Fear is what really is stopping the opponents of an accurate census, fear that an accurate census will affect the political makeup of the House of Representatives. We should not play politics by blocking an accurate census. Vote "yes" on the Maloney substitute, "no" on the rule, and "no" on H.R. 472.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I congratulate him on his superb management of this rule.

I rise in strong support of the rule. We have a very simple and basic goal here. It is to subscribe to those two words in the U.S. Constitution, "actual enumeration." In so doing, we want to make sure that every single American is counted.

I thought we had started to win this war on the issue of local control. We in a bipartisan way passed the Education Flexibility Act. What did it say? It said decisions would be made at the local level. What is it that H.R. 472 says? Basically the same thing it did back when the 1990 census was conducted. It said that there should be post-census local review. There should be some kind of local input for this process. Frankly, I believe that it is the most responsible thing to do. It is by far and away the most balanced thing.

I think organizations have recognized that. We have heard that we have got the National League of Cities, the National Association of Towns and Townships, the National Association of Developmental Organizations, I mean, they are supportive of this measure because it is fair and it is the right thing to do.

I know that some of my friends on the other side of the aisle have raised questions about this rule. I will tell my colleagues, I am looking at the gentlewoman from New York (Mrs. MALONEY), who reminded me yesterday that I had said to her last month when we had this hearing in the Committee on Rules that we wanted to make her amendment in order. In fact, that is exactly what we have done.

On March 18, I announced right here that we were in fact going to have preprinting. We have made with this rule every single amendment that has been submitted to the Committee on Rules over the last month in order. That basically consists of an amendment from our side by the gentleman from Florida (Mr. MILLER) and the amendment by the gentlewoman from New York (Mrs. MALONEY). We had an interesting hearing on this issue upstairs. So we have in fact done exactly what it is that they requested.

We will have, if there is a recommittal motion, a grand total of 3 hours and 10 minutes of debate, including this debate which is taking place right here. So I think that we have moved ahead with this, with what is a very, very balanced, fair rule on this question. At the same time, we have given more than an adequate amount of time for debate and again have made every Democratic amendment in order that they requested.

So I urge my colleagues to, in light of that, support this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish I could believe in the sincerity of my colleagues on the other side of the aisle on this issue because, in fact, census should be a collaborative and bipartisan issue and response.

But when they cite H.R. 472, the same process that was used in 1990, let me tell my colleagues why I have a problem. That is because Texas lost $1.87 billion in Federal funds, likely to lose $2.8 billion in Federal funds with the same use of H.R. 472 now.

In 1990, it was estimated that 28,000 children in my district were missed, almost 5 percent of all African Americans and Hispanics were not counted in 1990. So for me it is a life and death matter in terms of ensuring that all of the people are counted but that the resources go back to the State.

The Census Bureau Director Kenneth Prewitt says that the H.R. 472 proposal that we are now discussing will disrupt the census and put it at risk.

This rule does not allow us to discuss fully at length how to resolve this problem. The National Academy of Sciences said we should have a Martin statistical method.

I am dealing with some of the largest cities in Texas who are opposed to H.R. 472, the City of Houston, the City of San Antonio, the City of Austin, the City of Laredo.

Local officials do not understand what we are doing to them. What we are doing to them is we are forcing them to have to take the time with meager resources and one's tax dollars to take in a long period of time to count numbers after we have counted it.

I do not believe those organizations who are supporting H.R. 472 know the financial burden that they are putting on local government. I served in local government. I served as a member of the city council. I can tell my colleagues right now, I would much rather provide for health services and sanitation services and environmental services than to sit around putting staff on counting people that the Federal government can do.

Martin statistical sampling is what we need. We also need to follow H.R. 472, as amended by the amendment of the gentlewoman from New York (Mrs. MALONEY). It needs to be changed because what we have here is a burdening of local officials and a bad census and the denial of the count of the United States people, people in the United States.

I come today to oppose the modified closed rule for H.R. 471, the Local Census Quality Check Act of 1999. This modified closed rule impedes the amendment process that could improve this legislation.

The Census is one of the most significant civil rights issues, especially as we approach the 21st Century. For the year 2000 the Census must be accurate to ensure equal representation of all Americans.

This bill in its present form would not improve the accuracy of the census count. Instead it would repeat the method used in 1990 that increased the involvement of local governments by allowing them to review census housing units numbers.

The process used in the Census missed 8.4 million people, 4.4 million people were counted twice and 13 million people were counted in the wrong place.

Because of the undercount in 1990, Texas lost almost $1.87 billion in federal funds. A recent article in The Houston Chronicle estimated that Texas could lose $2.8 billion if a similar undercount takes place.

Children, people of color, and the rural and urban poor were most likely to have been missed. In my district in Houston, close to 500,000 people were missed.

It is estimated that 28,554 children in my district were missed. Almost 5 percent of all African-Americans and Hispanics were not counted in 1990, and these groups constitute almost half of the population of the city!

Although H.R. 472 purports to increase the involvement of local government in the census, it really acts to slow down and delay an accurate count. This bill repeats the ineffective program that was used in 1990, and it would delay the census by an additional nine weeks.

The Census Bureau plan already provides for review as the count occurs instead of after the fact. This is more efficient and it is a better use of resources.

The modified closed rule does not allow us to offer amendments that would actually make improvements in the counting methods.

Census undercounts translate into communities losing out on federal and state funding for schools, crime prevention, health care and transportation.

I urge my colleagues vote against this modified closed rule to support an open rule so that we may prevent an unnecessary delay in the census. The method advocated in this bill did not prevent an undercount in 1990, and we must not make the same mistake for the year 2000.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I rise in support of the rule. I want to talk about some other communities, Litchfield, Illinois; Salem, Illinois; and Carlyle, Illinois, small rural America who support H.R. 472 and the Local Census Quality Check Act.

I would like to share with the House some feedback I received from these communities and my constituents about the 2000 census. I am finding that the localities in my district are supporting our efforts to provide them about post-census review mechanism.

In fact, the Mayor of Litchfield, William Cornman, wrote me on March 24, 1999, and stated, "We feel that in order to have an accurate Census, we must reinstate the post-Census Local Review program. If a mistake is made with the oversight of subdivisions and newly annexed areas, the Census count is not accurate."

He continues, "We feel that we cannot properly evaluate the Bureau's Partnership Program as it relates to our community. Thus far, all that they have provided us is a bulging packet of information and very little direction."

I believe Mayor Cornman has made two critical points: one, that the local authorities cannot challenge and review the final census numbers, even if they are incorrect, and, two, the current Local Update of Census Addresses, the LUCA program, which my colleagues on the other side of the aisle praise, and the Census Bureau claims is working efficiently, appears in the eyes of my constituents as just a bulging packet of information and very little direction. Clearly, this is not a sign that we are on the road to an accurate census.

The City of Salem in my district felt so strongly about this issue that they passed a resolution which states, among other things, the following: "Whereas, one of the most vital parts of the American Counts Today is reinstatement of the Post-Census Local Review Program, that provides a procedure for local public officials to review and challenge the Census Bureau determinations before counting is final; and Whereas, a Post-Census Local Review is based upon the premise that local officials know their own communities better than statisticians and pollsters in Washington, D.C."

I think the City of Salem hits the nail on the head with this resolution. They say exactly what Republicans in Congress have been saying about the census and Federal Government in general; local officials know how to run programs the best, not bureaucracies in Washington.

Additionally, the City of Salem points out that post-census local review provides a procedure for local officials to challenge Census Bureau findings before they are final. I do not see the harm in allowing the Census Bureau's conclusions from being challenged. I suspect the challenge is what the Census Bureau fears. It would be an easier job for the Census Bureau if nobody was able to question their conclusions. The foundations of democracy rely on the voice of the people. It seems to me, Mr. Speaker, that the Census Bureau is muzzling our localities.

Finally, Mr. Speaker, I would like to bring up the correspondence which I have received from the City of Carlyle. Mayor Schmidt wrote me in support of the post-census review and included a memorandum from one of his staff Ms. Jean Parson which discusses this issue in detail.

Mr. Speaker, I include for the RECORD letters from the mayor of Carlyle, and from the cities of Salem and Litchfield.

CITY OF CARLYLE,
Carlyle, IL, March 29, 1999.

Congressman JOHN SHIMKUS,
Springfield, IL.

DEAR CONGRESSMAN SHIMKUS: I have shared your letter concerning the post-census review process with my office manager. She has been the most active member of my staff in regard to the Census 2000 project. As you will note in her enclosed memo, she feels very strongly that the post-review process remain in place. I feel her concerns are legitimate and encourage you to pursue this matter further.

Please phone 618–594–2468 if you have any questions, or would like to discuss this matter further with either Ms. Parson or myself.

Sincerely,

DON W. SCHMITZ,
Mayor.

Enclosure.

MARCH 17, 1999.

MAYOR: I agree with Representative Shimkus on the importance of the post-census local review program. This is something I have been concerned about all along.

In the old program, they conducted the census and then we had the opportunity to review the count and challenge anything that didn't look quite correct to us. Under this program, as I understand it, our only input is in the formulation of the address list. I have spent many, many hours reviewing their list. I spent time with the post master comparing our lists, and then made corrections to the census list. The entire process was extremely confusing and I have had my doubts if my changes will even be made. I also am sure that I didn't pick up every problem in the list. It is just too complicated and time consuming.

They have given us time schedules as far as different reports and mailings are concerned and I don't believe they have been completely accurate. I am still waiting for a report where we can be sure all "special places" are included in their count. These include the nursing home, group homes, the jail, etc. I don't believe I have seen this report.

I guess I'm getting old, but the old way seemed to work. If we have no opportunity to review the final count, there is basically no one watching to see that the census takers actually do their job and that the information submitted is processed correctly.

I strongly feel that he should continue his efforts and get this process changed. it is a very critical part of our financial future to have the ability to challenge their counts. We are basically stuck with these counts for ten years. It could mean thousands and thousands of dollars to us if the counts are incorrect.

The other thing that should be noted is that there appears to be little involvement from most communities. We have been participating with our best efforts, but I don't believe that is the case with most communities. Communities were not well represented at the meetings I attended, and I have spoken to many community leaders who were not even aware of the changes. I'm sure this is because of mailings not reaching the appropriate people. Anyway, this process could be very damaging to those communities who did not participate in the address review process. It is possible that they will have changes in administration and interest could increase between now and census time, and it will be too late for them to have any input.

Let me know when you want to call him, and I will be happy to help.

JEAN PARSON.

CITY OF LITCHFIELD,
Litchfield, IL, March 24, 1999.

Hon. JOHN M. SHIMKUS,
House of Representatives,
Springfield, IL.

DEAR REPRESENTATIVE SHIMKUS: The City of Litchfield is very much interested in the 2000 decennial Census that is fast approaching. We realize that not only does the Census count benefit the City of Litchfield with local planning of schools, transportation and business but also the State of Illinois for Congressional representation.

We feel that in order to have an accurate census count, we must reinstate the post-Census Local Review program. If a mistake is made with the oversight of subdivisions and newly annexed areas, the Census count is not accurate.

We feel that we cannot properly evaluate the Bureau's Partnership Program as it relates to our community. Thus far all that they have provided us with is a bulging packet of information and very little direction. We sought out the availability of workshops after discussing our lack of knowledge about the process with neighboring communities.

The City of Litchfield thanks you for your participation with ACT in making sure that this historical event proceed as it always did and not be changed. If we can be of any other assistance, please call me at 217–324–5253.

Sincerely,

WILLIAM CORNMAN,
Mayor.

THE CITY OF SALEM, ILLINOIS
RESOLUTION NO. 99–8

Whereas, the 2000 decennial Census is the method upon which state and federal authorities rely when apportioning funding and representation among local communities throughout the United States; and

Whereas, the Bureau of the Census is charged by Congress with developing procedures to efficiently and effectively take this national population count each decade; and

Whereas, the Honorable Congressman John M. Shimkus, 20th District, Illinois, has notified City of Salem Officials that the Bureau of the Census intends to make certain rule changes in its census program that among other things, eliminates the Local Review Process; and

Whereas, Congress has decided that it is now time to act in order to assure that the 2000 Census will be a successful count, and will consequently be considering a package of bills to improve the accuracy of the 2000 Census collectively known as ACT—America Counts Today, said bills being intended to improve the accuracy of the 2000 Census; and

Whereas, one of the most vital parts of ACT, is reinstatement of the Post-Census Local Review program, that provides a procedure for local public officials to review and challenge Census Bureau determinations before counting is final; and

Whereas, the Post-Census Local Review is based upon the premise that local officials know their own communities better than statisticians and pollsters in Washington, DC, and:

Now, therefore be it resolved by the Mayor and City Council of the City of Salem, Illinois that it supports and endorses the efforts of Congressman John M. Shimkus and his colleagues in the United States Congress in enacting into law the package of bills collectively known as ACT—America Counts Today, and be it further resolved that this Resolution be filed with the appropriate congressional offices so that this Council's official stance will be made a part of the official record relating to the 2000 decennial Census.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Salem, Illinois, to be affixed this 5th day of April, 1999.

BY: LEONARD E. FERGUSON,
Mayor.
ATTEST: JANE MARSHALL,
City Clerk.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in strong opposition to the rule and H.R. 472. This is a bill that hurts the communities. It pretends to help. It represents another attempt by the majority party to railroad the census and keep minority populations in this country hidden and powerless.

The 1990 census missed 5 percent of Hispanics, 4.4 percent of blacks, 2.3 of Asians, and 4.5 of American Indians. To any American who understands the meaning of democracy and fairness, these facts represent an injustice, an injustice that should be made right.

But Republicans know that giving voice to the voiceless will spell trouble for them. So their response is to create the illusion of fairness while carrying out a program of injustice.

It is not only Democrats in Congress who feel this way. Local officials are already worried that this bill will make the problem of undercounting worse. Republicans, who frequently talk about smaller government, want to micromanage the census. They want to force the Census Bureau to jump through bureaucratic hoops. This will not serve the people, and this will not ensure fairness. This plan will make the census a logistical nightmare and cause even greater undercounting among minorities.

Mr. Speaker, this is a bad bill that is motivated by Republican fear. They know that the 1990 undercount was unfair, and they are frightened that an accurate count will give voice to those who might speak against them. Perhaps they are right. But this is America, and all voices should be heard.

□ 1430

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER), who sits on the Subcommittee on the Census of the Committee on Government Reform.

Mr. SOUDER. Mr. Speaker, first off, this is not a question of an accurate count, it is a question of an accurate count versus a possibly inaccurate guess or, more likely, a probable inaccurate guess.

We hear all this talk about wanting to count people. The difference here is we would like to count people; the other side would like to estimate. They would like to guess where the people are, guess which city they are, take samples here and there from past experience and guess.

The Constitution says we have to count. And that is really what this debate is about. Are we going to count real people, make every effort, spend whatever is necessary to count real people, or are we going to have imaginary people?

There is not a lot of confidence right now in this country that either side would not attempt to cheat if they could do the estimating, because estimating depends on our assumptions. If it is not a real count, and we keep hearing there was an undercount last time, well, where they really counted, and they fixed the undercount, they can fix it. But if we are guessing what the undercount is, we will not really know because we are estimating.

Mr. Speaker, I have a business degree and a Master's degree, and I know my friend, the gentleman from Ohio (Mr. SAWYER), is a big supporter of estimating and the mathematical science of estimating, as is the gentleman from Florida (Mr. MILLER), the chairman of the Subcommittee on the Census, but the fact is it is still a guess and it is not accurate at the local level.

I want to illustrate one point that the gentleman from Illinois (Mr. SHIMKUS) was also making. Councilwoman Rebecca Revine, in Fort Wayne, has signed on a letter of Republican mayors and local officials supporting this bill because they are worried that without post-census local review they will not be counted accurately. Here is why:

In Fort Wayne, Indiana, my hometown, the census liaison sent this fax to his superiors in Washington:

"As of today, Groundhog Day 1999, despite being promised the address list in November 1998, over a dozen calls to the Bureau, the involvement of the Chicago Bureau supervisor, finger pointing by the Bureau among Chicago, Jeffersonville and Suitland, Maryland, and the involvement of our U.S. congressional office, me, we still do not have a printed address list and instructions for completing the process.

"The maps already provided are seriously out of date. No annexation and boundary study for 1999, combined with Fort Wayne's aggressive annexation policy, will mean the geography used by the Bureau will be inaccurate and incomplete.

"No local review of information provided or aggregate results from the Bureau prior to release will mean no external check of accuracy or 'completeness'."

Is it any wonder that Fort Wayne, Indiana, is worried and why they want to have post-census review? What mayor, what city council, what county council in America would not want to look to see if the maps were accurate, to see if the information the government based it on is accurate?

That is all this bill does. We will debate sampling plenty, but this bill says the people in Fort Wayne ought to be able to see the maps, the assumptions, and whether they got the boundaries right. How can anyone be against that? No mayor that does not want to do it has to do it, no county council that does not want to do it has to do it, no city council that does not want to do it has to do it. Why in the world would anybody be against giving Fort Wayne or other cities the right to look at the results?

Mr. FROST. Mr. Speaker, I ask the time remaining on our side.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. FROST) has 7½ minutes remaining, and the gentleman from Texas (Mr. SESSIONS) has 1½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to thank the gentleman from Texas (Mr. FROST) for yielding me this time.

I come before my colleagues today as the Vice Chair of the Women's Caucus to speak out against H.R. 472 and to oppose this rule, which is no more than another roadblock by the majority to prevent a fair and accurate census count in the year 2000. Having talked with women leaders across this country about the need for an accurate count, I know just how critical an inclusive census will be for women and their children in 2000.

In 1990, half of the 4 million people that were missed were children, our most vulnerable constituency. The majority of those children that were undercounted and missed were minorities. In fact, 7 percent of black children were missed, 5 percent of Hispanic children were missed, and more than 6 percent of Native American children were missed.

In my district alone, Mr. Speaker, more than 30,000 people were not counted.

As a former mayor, I certainly understand the critical need for local involvement in the census, but there is a right way and a wrong way to do it. H.R. 472 is the wrong way. Local involvement cannot be conducted at the expense of accuracy. H.R. 472, a wolf in sheep's clothing, actually jeopardizes the count under the auspices of accuracy.

Local involvement must come before the census, when the Bureau is compiling address lists, as my colleague the gentlewoman from New York (Mrs. MALONEY) has suggested. Her amendment wisely focuses on the few situations where post-census local review would be useful, such as an account for boundary changes and new construction.

Post-census local review, as defined by the bill offered by the gentleman from Florida (Mr. MILLER), however, would waste critical time and money in the census count. In fact, the plan offered by the gentleman from Florida may prevent the census numbers from being compiled and completed on time.

We simply cannot, Mr. Speaker, jeopardize a fair and accurate count. It is too important to America's families and children.

Mr. Speaker, not only do I stand here today to oppose this bill on behalf of the 37th Congressional District of California, but I also oppose this bill on behalf of the women of America who know full well how important the need for a truly fair and accurate count is.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, here we go again. Sometimes we believe that we have reached a point where people can put politics aside and just do the right thing. But we find ourselves confronted with a bill here today that would simply complicate the count and mess up the census. We find ourselves with a bill being proposed, H.R. 472, that would force a delay in the census of an additional 9 weeks, a disruption which will undermine an accurate count.

The 1990 census was the first in this Nation's history to be less accurate than the preceding census. In my own State of California we lost $2.2 billion in funding because of an inaccurate census in 1990. In 1990 about 4.5 million people were counted twice and 8.5 million were never counted. The undercount, of course, fell hardest on the poor, children and minorities. Monies allocated for schools, school lunches, Head Start, senior citizens, all never reached the communities where people were not counted.

A recent GAO study concluded that had an accurate counting method been employed in the 1990 census, the State of California could have received $2.2 billion in Federal funds. We have missed out on the sampling, but we can do a better count if we are allowed to just get about the business of doing it and not put on an extra layer of work by local municipalities who do not have the resources and who do not want to do it.

Take the politics out of it. Let us all be the Americans that we say we are. Let us count the people, let us show that we respect our citizens enough to simply do the right thing and make sure we do the best job that we can do.

I am out recruiting, holding town hall meetings, getting people signed up, getting welfare recipients to work so that they can be out there doing this count. Do not mess it up. Let us do what we can to count all of the people.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, the 2000 Census, like all the ones preceding it, will have an impact on the lives of real people.

Federal money is dispersed amongst the States on the basis of population. Population is determined in the census. Funding for so many important Federal programs that so many Americans and New Jersians care about will be in jeopardy. The Federal dollars for housing assistance for seniors, small business loans, Head Start programs, Pell Grants, school lunches, and so many more are determined by the census count.

In the 1990 Census, 34,000 children in New Jersey were not counted. In the 1990 Census, 2 million children across the country were not counted. So how can my friends on the Republican side of the aisle want us to continue an ineffective, inaccurate census program? I do not know how they can do it, but what we can do in the Congress is to vote against the rule and vote against H.R. 472. Otherwise, Americans all over this country will be shortchanged for all of these programs and others if we do not use accurate methods.

Mr. Speaker, I urge my colleagues to reject the rule on H.R. 472 and, if the rule is passed, to adopt the Maloney amendment which will maintain local government involvement without hampering the Census Bureau's ability to carry out an accurate census.

Everyone counts in America. Let us make sure the census counts them. Let us approve the Democratic alternative.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to vote against the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order an open rule for H.R. 472 and will increase general debate to 2 hours.

The rule that is currently before us severely limits amendments as well as the time that they may be considered. The time restrictions in this rule will not provide Members with enough time to thoroughly debate this most important issue.

Vote "no" on the previous question so we can amend this rule and make it completely open without limiting debate on important amendments. Make sure no Member of this House is shut out of the debate.

Mr. Speaker, I wish to insert for the RECORD at this point a list of local governments, local officials and organizations opposed to H.R. 472, and the text of the amendment and extraneous materials related to this debate.

LOCAL GOVERNMENTS OPPOSED TO H.R. 472

State of Hawaii, State of South Carolina, State of North Carolina, Commonwealth of Puerto Rico, City of Detroit, Michigan, City of San Francisco, California, City of New York, New York, Miami-Dade County, Florida, City of Houston, Texas, City of Los Angeles, California, Cook County, Illinois, City of Denver, Colorado, City of Hialeah Gardens, Florida, City of West Hollywood, California, City of San Antonio, Texas, City of Austin, Texas, City of Hartford, Connecticut, City of San Juan, Texas, City of Jersey City, New Jersey, City of Laredo, Texas, City of Cudahy, California, and City of San Fernando, California.

LOCAL OFFICIALS OPPOSED TO H.R. 472

County Commissioner Katy Sorenson (FL), County Commissioner Barbara Carey-Shuler (FL), State Senator Gwen Margolis (FL), State Senator Miguel del Valle (IL), State Representative Rebecca Rios (AZ), Chicago Alderman Ricardo Munoz (IL), County Supervisor Gloria Molina, Los Angeles (CA), Council Member John Castillo, Houston (TX), Othello City Councilman Samuel Garza (WA), County Commissioner Javier Gonzales, Santa Fe (NM), Councilman John Bueno, Pontiac (MI), Council Member Bobby Duran, Taos (NM), Councilwoman Debra Guerrero, San Antonio (TX), State Assemblyman Peter Rivera (NY), State Representative Sally Ann Gonzales (AZ), and Councilmember Martin Samaniego (AZ).

ORGANIZATIONS OPPOSED TO H.R. 472

United States Conference of Mayors, National Association for the Advancement of Colored People, NAACP, National Asian and Pacific Legal Foundation, National Congress of American Indians, National Black Caucus of State Legislators, National Association of Latino Elected and Appointed Officials, NALEO, National Education Association, NEA, American Federation of State, County and Municipal Employees, AFSCME, Consortium of Social Science Associations, Laredo Chamber of Commerce, and American Association of University Women, AAUW.

United Automobile Workers, UAW, Leadership Conference on Civil Rights, LCCR, American Federation of Labor and Congress of Industrial Organizations, AFL–CIO, American Federation of Teachers, AFT, Mexican American Legal Defense and Education Fund, MALDEF, Coalition of Black Trade Unionists, National Council of Negro Women, Black Leadership Forum, Blacks in Government, National Urban League, Religious Action Center of Reform Judaism, and American Federation of Government Employees, AFGE.

TEXT OF PREVIOUS QUESTION FOR H. RES. 138

H.R. 472—LOCAL CENSUS QUALITY CHECK ACT

Strike all after the resolving clause and insert in lieu thereof the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 472), to amend title 13, United States Code, to require the use of postcensus local review as part of each decennial census. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any member may demand a separate vote in the House on any amendment adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 1¼ minutes to the gentleman from Florida (Mr. MILLER), the chairman of the Subcommittee on the Census.

Mr. MILLER of Florida. Mr. Speaker, I am amazed that there is so much opposition to this proposal. It was used in 1990, and it is about getting the most accurate, trusted and legal census possible.

In 1990 it addressed 400,000 mistakes. It corrected 400,000 mistakes. Everybody wants to say we are undercounted. Well, this is one way to help correct the undercount problem.

It is a voluntary program. No one is mandated to do it. It is the smaller communities and towns that feel the greatest interest in even doing this, because big cities have full-time people working on the census.

Now, let me make sure we understand what the Supreme Court did say. The Supreme Court said that we must have a full enumeration for apportionment, and they also indicate, in my opinion, though it is going to have to go back to the court, that it is going to apply to redistricting.

In fact, CRS issued a report in February of this year, and let me read the sentence: "However, a closer examination of all other parts of the Court's opinion indicates that it did not interpret those other purposes as necessarily including at least intrastate redistricting."

This is a good commonsense idea. It helps address the undercount, and that is what we want to do is address the undercount, get everybody counted. It makes a better census.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time, and I urge support of the previous question, a vote of "yes".

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 207, not voting 6, as follows:

[Roll No. 86]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)

Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Brown (CA)
Hastings (FL)
LaHood
Lantos
Napolitano
Weller

□ 1502

Mr. KLECZKA changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 86, I was unavoidably detained. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 205, not voting 9, as follows:

[Roll No. 87]

AYES—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—205

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—9

Brown (CA)
Clayton
Ewing
Hastings (FL)
LaHood
Lantos
Meek (FL)
Ryun (KS)
Watkins

□ 1512

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MILLER of Florida. Mr. Speaker, pursuant to House Resolution 138, I call up the bill (H.R. 472) to amend title 13, United States Code, to require the use of postcensus local review as part of each decennial census, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BASS). Pursuant to House Resolution 138, the bill is considered as having been read for amendment.

The text of H.R. 472 is as follows:

H.R. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Census Quality Check Act".

SEC. 2. POSTCENSUS LOCAL REVIEW.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 13, United States Code, is amended by adding after section 142 the following:

"§ 143. Postcensus local review

"(a) Each decennial census taken after the date of enactment of this section shall include an opportunity for postcensus local review, similar to that afforded as part of the 1990 decennial census, so that local governmental units may review household counts, jurisdictional boundaries, and such other data as the Secretary considers appropriate for the purpose of identifying discrepancies or other potential problems before the tabulation of total population by States (as required for the apportionment of Representatives in Congress among the several States) is completed.

"(b) Any postcensus local review afforded under this section in connection with a decennial census shall be conducted in conformance with the following:

"(1) Not later than February 1st of the year in which such census is taken, the Secretary shall notify local governmental units as to the guidelines for, and shall furnish them with any other information pertinent to, their participating in the upcoming postcensus local review.

"(2)(A) Not later than 30 days before submitting to a local governmental unit the data subject to its review under this section, the Secretary shall furnish to such unit the appropriate block level maps and lists of housing units.

"(B) Not later than August 1st of the year in which such census is taken or, if earlier, the 30th day after the date on which the nonresponse followup process for such census is completed, the Secretary shall submit to each local governmental unit the data which is subject to review by such governmental unit under this section.

"(C) For purposes of subparagraph (B), the date on which the nonresponse followup process for a census is completed shall be as determined by the Secretary.

"(3) A local governmental unit shall have 45 days (excluding Saturdays, Sundays, and legal public holidays) to review the data submitted to it under paragraph (2)(B), and to submit any challenges relating to such data.

"(4) The Secretary shall investigate all challenges timely submitted under paragraph (3), recanvass such blocks or other units as the Secretary considers appropriate in connection with any such challenge, and correct any miscounts identified pursuant to any such challenge.

"(5) Not later than November 1st of the year in which such census is taken, the Secretary shall, with respect to each challenge timely submitted under paragraph (3)—

"(A) complete the measures required under paragraph (4) with respect to such challenge; and

"(B) notify the local governmental unit that submitted such challenge as to the measures taken in response thereto.

"(c) As used in this section—

"(1) the term 'decennial census' means a decennial census of population conducted under section 141(a); and

"(2) the term 'local governmental unit' means a local unit of general purpose government as defined by section 184, or its designee.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 13, United States Code, is amended by inserting after the item relating to section 142 the following:

"143. Postcensus local review.".

The SPEAKER pro tempore. The amendment printed in House Report 106-93 is adopted.

The text of H.R. 472, as amended pursuant to House Resolution 138, is as follows:

H.R. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Census Quality Check Act".

SEC. 2. POSTCENSUS LOCAL REVIEW.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 13, United States Code, is amended by adding after section 141 the following:

"§ 142. Postcensus local review

"(a) Each decennial census taken after the date of enactment of this section shall include an opportunity for postcensus local review, similar to that afforded as part of the 1990 decennial census, so that local governmental units may review household counts, jurisdictional boundaries, and such other data as the Secretary considers appropriate for the purpose of identifying discrepancies or other potential problems before the tabulation of total population by States (as required for the apportionment of Representatives in Congress among the several States) is completed.

"(b) Any postcensus local review afforded under this section in connection with a decennial census shall be conducted in conformance with the following:

"(1) Not later than February 1st of the year in which such census is taken, the Secretary shall notify local governmental units as to the guidelines for, and shall furnish them with any other information pertinent to, their participating in the upcoming postcensus local review.

"(2)(A) Not later than 30 days before submitting to a local governmental unit the data subject to its review under this section, the Secretary shall furnish to such unit the appropriate block level maps and lists of housing units.

"(B) Not later than August 1st of the year in which such census is taken or, if earlier, the 30th day after the date on which the nonresponse followup process for such census is completed, the Secretary shall submit to each local governmental unit the data which is subject to review by such governmental unit under this section.

"(C) For purposes of subparagraph (B), the date on which the nonresponse followup process for a census is completed shall be as determined by the Secretary.

"(3) A local governmental unit shall have 45 days (excluding Saturdays, Sundays, and legal public holidays) to review the data submitted to it under paragraph (2)(B), and to submit any challenges relating to such data.

"(4) The Secretary shall investigate all challenges timely submitted under paragraph (3), recanvass such blocks or other units as the Secretary considers appropriate in connection with any such challenge, and correct any miscounts identified pursuant to any such challenge.

"(5) Not later than November 1st of the year in which such census is taken, the Secretary shall, with respect to each challenge timely submitted under paragraph (3)—

"(A) complete the measures required under paragraph (4) with respect to such challenge; and

"(B) notify the local governmental unit that submitted such challenge as to the measures taken in response thereto.

"(c) As used in this section—

"(1) the term 'decennial census' means a decennial census of population conducted under section 141(a); and

"(2) the term 'local governmental unit' means a local unit of general purpose government as defined by section 184, or its designee.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 13, United States Code, is amended by inserting after the item relating to section 141 the following:

"142. Postcensus local review.".

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the CONGRESSIONAL RECORD numbered 1, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. MILLER) and the gentlewoman from New York (Mrs. MALONEY) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Florida (Mr. MILLER).

□ 1515

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, post-census local review is a very straightforward, commonsense idea used by the Census Bureau in 1990. It is a voluntary program that allows local governments to check for mistakes by the Census Bureau that may have left households in their communities uncounted. If a local government does not want to participate in the program, nothing in the legislation would make them.

Make no mistake, Mr. Speaker. Postcensus local review is in no way designed to criticize the Census Bureau. Rather, Mr. Speaker, H.R. 472 is designed to recognize an indisputable fact. As the Census Bureau attempts to enumerate 275 million people residing in America on Census Day, which is April 1, 2000, it is going to make some mistakes. Post-census local review is designed to find and then correct these errors.

Mr. Speaker, in 1990 post-census local review corrected close to 400,000 errors. Eighty thousand households were added to the count, and another almost 200,000 were moved to their correct block. Another 100,000 households were removed from the census count because they did not belong.

Mr. Speaker, this program is designed to make the census more accurate, and that is exactly what it does. Who here can argue that catching 400,000 errors before they become final is not a worthwhile goal?

My colleagues on the other side will argue that post-census local review is not needed. They argue that the Census Bureau's pre-census programs are doing an adequate job. Well, first of all, there are some 21,000 local governments that are not participating in the pre-census programs. Do these local governments not matter? Many have limited resources, and, given a choice, would understandably want to dedicate these resources towards a final check at the end of the process.

Mr. Speaker, I know that there are two words that local government officials hate to hear from the Federal Government and they are:

"Trust us."

That is what this administration is telling the local government:

Trust us. The Federal Government does not make mistakes. We can count 275 million people without a mistake in the lot. After all, we are the Federal Government, and we do not make mistakes.

Mr. Speaker, if there is one thing I have learned during my time in this fine institution, it is that the government does make mistakes, lots of them; some of them honest mistakes, and some of them not so honest. There were almost 400,000 errors in 1990 during the 1990 census, and the post-census local review, H.R. 472, is designed to catch these mistakes.

The ironic thing, Mr. Speaker, is that the Census Bureau has made much acclaim about their efforts to reach out to local governments and to build a trusting relationship, but do they really trust local governments? Well, I will let my colleagues be the judge.

Mr. Speaker, in a recent New York Times article Census Bureau Director Ken Prewitt said the following quote. This is referring to post-census local review:

It invites 39,000 independent jurisdictions to tell us that they have more people than we found. It is an incentive for anyone to try and boost their numbers for either economic or political gain.

Mr. Speaker, it goes without saying that this is a terrible thing to say about our local government partners, partners that Census Bureau needs to work with in order to ensure that we have an accurate count in the 2000 census.

Mr. Speaker, this is a far cry from what the Census Bureau said about post-census local review and local governments during the 1990 census. In 1990 the Census Bureau said, quote:

> A considerable amount of goodwill and understanding of one another can develop between governmental units, the State agencies assisting the governmental units and Census Bureau personnel as a result of the interaction during the local review process.

Sadly, Mr. Speaker, we have moved from a time of building goodwill and understanding to one of distrust and alienation.

Mr. Speaker, the strongest supporters of post-census local review are those groups who are most intimately involved in the Census Bureau's pre-census programs and understand their deficiencies. Listen to what the National League of Cities, which represents 135,000 mayors and council members in 17,000 cities said about H.R. 472. Quote:

> The National League of Cities enthusiastically supports the Local Census Quality Act, H.R. 472. This bill will provide our Nation's cities and towns with the much needed post-census local review process.

Listen to what the National Association of Towns and Townships which represents 11,000 towns and townships nationwide, has to say. Quote:

> The 45-day post-census review, as proposed in H.R. 472, is one way to help assure that our smaller communities are more accurately accounted for.

And the National Association of Developmental Organizations supports this legislation. I quote:

> We strongly urge you to support H.R. 472 which reinstates the post-census review program for local governments. There are too many consequences from inaccurate counts whether in urban or rural areas for local governments to be prohibited from double-checking their count.

Mr. Speaker, even the Commerce Secretary's own census advisory committee has recommended that he reinstate post-census local review, and they have been studying this issue for most of this decade. Quote:

> The Commerce Secretary should direct the Census Bureau to develop a post-census local review operation for Census 2000. This review would be of housing units only, not population, and also would identify special places which have been enumerated. Participating governments can work in partnership with the Census Bureau to assure that the entire population of the community has been contacted and received the opportunity to participate in the census.

Mr. Speaker, this is good legislation. This legislation will help reduce the minority undercount.

Mr. Speaker, we worked very closely in the development of this legislation with a number of different local government groups. I would like to thank the National League of Cities, the National Association of Towns and Townships, the National Association of Developmental Organizations and others for their support in crafting this important legislation. It represents their desire to have a successful and accurate census in 2000 and ours as well.

I urge passage of H.R. 472 without the Maloney amendment.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to 472. This bill, should it pass, will seriously damage the quality of the 2000 census. It may create so much disruption that the Census Bureau will miss the statutory deadlines for delivering apportionment counts to the President.

To make matters worse, this bill will do absolutely no good. It will not increase the accuracy of the census. It will not reduce the high undercounts for minorities and children.

The 1990 census was fundamentally unfair. That census missed 8.4 million people who were mostly minorities and the poor in urban and rural areas. It also counted twice 4.4 million people, mostly white suburbanites. Over all, the total error rate was over 10 percent. The 1990 census missed 1 in 10 African American males, 1 in 20 Hispanics, 1 in 8 American Indians on reservations, 1 in 16 white rural renters.

During the decade, as a result of these errors, millions of people went unrepresented. The supporters of 472 want to repeat the errors of 1990. In fact, they went so far as to put in the legislation that all] future censuses would have to repeat the procedures that brought us this seriously flawed 1990 census, the first census in our history to be less accurate than the one before it.

Post-census local review is a review of the housing counts, the counts of housing units. It does very little to reduce the undercount of people, the big problem that the Census Bureau is trying to correct in the present census. In 1990, 70 percent of the people missed and 80 percent of the African Americans missed lived in households that were counted. The Census Bureau counted the households but missed the people in them. For 2000 the Census Bureau moved local review to the front end of the census.

Mr. Speaker, let us get it right the first time, not fix it later, and that is what the Census Bureau is doing.

In 1990, post-census local review was a failure. Eighty-four percent of the local governments did not participate. For the last year, the Census Bureau has been working with local governments to make sure that there is an agreement with the local governments on the number of housing units before the census begins. So far that program has covered 86 percent of the addresses in the United States, and they are still working. That is far, far better than 1990.

Why then does the majority want to repeat the 1990 census? In fact, it is not just local review they want to repeat from 1990. The majority has repeatedly said, in fact it has been said on the Floor today, that the 1990 census was not all that bad. They want to repeat as much of 1990 as possible.

Why? Why does the majority want to repeat 1990 with all those undisputed errors? Because they believe that the errors in the census are to their political advantage.

Just recently one Republican operative was quoted as saying in the paper that this was a, quote, do or die issue for the Republican party.

The former Speaker said in his book that winning the census fight was about preserving the Republican majority in Congress. It was not about getting an accurate count. He said it was about preserving the Republican majority in Congress.

The head of the RNC sent out a memo soliciting contributions to fight the census in the courts, and the majority here made sure that those lawsuits would be paid for with taxpayer dollars.

The litany goes on and on, but the tune is the same. The supporters of this bill, the opponents of a fair and accurate census, are willing to do anything to make sure that the next census repeats the mistakes of the past. H.R. 472 is just one more salvo in that continued assault on a honest and accurate census.

Let us remember what happened in the last Congress. The Republican majority attached to the disaster relief bill, the flood relief bill, language that would have prevented the use of a modern scientific count. They thought the President would not veto it because so many Americans were suffering. The President vetoed it and received editorial support across this Nation for standing up for what was right. Twice they held up the budget over it. And now, they complain that the Census Bureau is partisan and trying to rig the census for the Democrats.

The Census Bureau has no political agenda. In fact, the Director, when he testified before us, implored the Congress to keep the Census Bureau out of the line of fire. The response by the majority has been to put the Census Bureau between the cross hairs.

The Census Bureau put forward the best plan it could develop for the 2000 census, one that has been supported by many professionals in the scientific community, Republican and Democrat alike. It is time to stop trying to destroy the census and let the professionals do their work.

□ 1530

We should not be trying to micromanage the Census Bureau. We should let the professionals go out and conduct an accurate count.

The partisan agenda is not at the Census Bureau; it is here on Capitol Hill. It is being managed out of the Speaker's office and the RNC down the street.

H.R. 472 is just one more item in that agenda and it must be defeated. I urge a no vote.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, what we are talking about doing is the most accurate census possible and we need to put all the resources into it. We have to follow what the Court says, what the law says. The Supreme Court ruled.

If they want to have a constitutional amendment and change things, that is another route to go, but it is not going to happen. Follow the law. Let us get the best count we can.

Mr. Speaker, I yield 2 minutes to the distinguished majority leader, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Florida (Mr. MILLER) for yielding me this time.

Mr. Speaker, the previous speaker from the Democrat side of the aisle was most unsettling. The rules of discourse that we follow in this House, the protocols that we try to honor for one another in this House, are commonly understood that we do not assail one another's motives.

I have just listened to what is as malicious a diatribe regarding the motives of the majority in this matter as I have ever heard on the floor of this House, and it is not necessary.

Should I try to refute point by point the allegations about our motives, political motives? No, of course not.

Let me say, Mr. Speaker, suffice it to say that it is commonplace among the Democrats for them to accuse us of what they themselves are doing. What we are asking is not to repeat the census of 1990. What we are asking is for Congress to listen to the Constitution and to the chief institutional defense of the Constitution, the Supreme Court, and count the American people, enumerate.

The Constitution says and the Supreme Court says, count. Every American deserves to be counted. We are prepared to make whatever obligation of funds and efforts is necessary to count every person. I deserve to be counted. My son and daughter deserve to be counted. If you live in Bemidji, Minnesota, you deserve to be counted, not estimated, not guessed at and not eliminated because you did not fit in somebody's statistical model.

Now, we are making that commitment. The Census Bureau needs to make a plan to count the American people, a plan that conforms with the directives of the Supreme Court of the United States as they have lent interpretation to the Constitution of the United States. When they make that plan to count the American people, wholly, totally, completely, we will fund it; we will support it. We will provide the resources to count the American people.

We do not believe that the census of the United States should be done by polling. We do not believe that you, Mr. and Mrs. America, should be found in your place within a standard deviation. You should be counted in your home. You should not be estimated.

Finally, we have already seen at the local level that local review reveals where the count was not complete and accurate. Every community wants that. It is a simple matter. It is a simple matter. If we make our best effort to go out and have a decent, honest count of every single person as, in fact, the Constitution and the Supreme Court directs us, and we then want to check that, should we relegate our checking of that to a bunch of guesstimators holed up in Washington, D.C. with some abstract mathematical model, replete with its standard deviations? Or should we go to the local community and say to the mayor, were we inclusive, did we count everybody?

Who knows better, the mayor and the community government in Bemidji, Minnesota, or somebody holed up behind some statistical model in Washington, D.C.?

Now, I am sure before this debate is over I am going to hear more diatribes about our motives here, but I am content to let the American people listen to this debate and judge for yourselves.

Mr. and Mrs. America, read the Constitution. Remember what you have been through in the census decade after decade after decade in America. Did we count you, or did we estimate you, in accordance with a model that was defined by the Clinton administration that has politicized every other thing they have ever touched in this government?

Mrs. MALONEY of New York. Mr. Speaker, may I inquire how much time is remaining on our side?

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from New York (Mrs. MALONEY) has 22½ minutes remaining. The gentleman from Florida (Mr. MILLER) has 20¾ minutes remaining.

Mrs. MALONEY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), the distinguished ranking member of the Committee on Government Reform.

Mr. WAXMAN. Mr. Speaker, the purpose of this bill is for one purpose only. It would delay the Bureau of the Census from getting the report to the States in time for them to redistrict using the most accurate statistically approved methods to get the count that will be the one that should be achieved in a census.

Now we are really looking at an Alice in Wonderland situation. I have a chart. Maybe we can get this chart up. This chart shows those groups that believe using modern statistical methods will give us the most accurate census: The National Academy of Sciences, the American Statistical Association, even President Bush's Census Bureau director, all the experts.

Let me have the chart of those who think that statistical methods are unconstitutional, inappropriate: The gentleman from Florida (Mr. MILLER) and the Republican leadership.

Are we supposed to believe that all of these people from the Academy of Sciences are doing something for partisan purposes but the Republican Party is out to get us the most accurate census? Well, I think if we want to look at their motives we ought to look at the statements of some of their leaders.

In a refreshing moment of candor, one Republican strategist said that this is a do or die issue for the Republican majority in the House, because what the Republicans really fear is that a more accurate count will include more African Americans, more Hispanics and that they will in turn elect more Democrats to Congress.

Alice in Wonderland told us that up is down, down means up, and here what we have is when the Republicans say they are nonpartisan, they are accusing everybody else of being partisan.

The fact of the matter is that there will be local participation in making the census as accurate as possible. That is really not the issue involved. The issue involved is that this legislation would make it impossible for the Bureau of the Census to do their job in a professional way, as has been recommended by every nonpartisan organization.

I urge a defeat of this proposal and an adoption of an amendment that will be offered by the gentlewoman from New York (Mrs. MALONEY).

Mr. MILLER of Florida. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the thing missing on that list besides Dan Miller are two Federal courts, six Federal judges and the United States Supreme Court. They all oppose sampling.

Mr. Speaker, I yield 6½ minutes to the gentleman from Wisconsin (Mr. RYAN), and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. RYAN) for yielding me this time.

Mr. Speaker, I rise in opposition to the Maloney substitute which would allow the Secretary of the Census to decide in what manner local governments may participate in the census count.

By requiring post-census local review, H.R. 472 is at the heart of the differences between many of us in Congress. The issue is very simple. Who knows better how to minister to the people, the small local governments familiar with their communities or an overburdened Federal bureaucracy that takes its marching orders from Washington, D.C.?

Post-census local review makes good common sense. How can this heavily centralized Federal Government possibly justify its assertion that it is better equipped to verify a local census count than the locals themselves?

In Idaho, where I am from, there are a great deal of rural areas, pocket communities, tucked in the mountains away from cities and towns. These areas must be counted, and no one is better equipped to ensure that they are counted than the people of Idaho themselves. The local government interacts with these citizens on a daily basis. They deliver the mail. They provide utilities. They help children get to school. They establish voting packages and provide emergency and rescue assistance.

To expect the Federal Government to have the same level of familiarity, the same ability to account for each family and community, is ludicrous. Why is the government attempting to reinvent the wheel at taxpayers' expense?

We already have the resources in place to make this census an accurate count and yet the administration does not want to make use of these resources. The government wants to hire so-called experts in Washington to determine whether or not the census is accurate for a community they have never seen.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard a lot of partisanship here on the floor tonight but that is not necessary. This is not about Republicans or Democrats. It is at getting the best possible count we can achieve.

We know the Supreme Court has caused this ruling. We know we have to engage in enumeration. That is what we are here talking about. This has nothing to do with sampling, to be quite honest. This has everything to do to make sure we get the best enumeration possible.

Rather than quoting Republicans, rather than engaging in a partisan, vitriolic speech, I would like to quote some Members of Congress. I would like to quote the dean of Congress, the gentleman from Michigan (Mr. DINGELL), and I quote, "The local government officials have labored tirelessly for 2 years that ensure that each home and every person is included in the final census tally. They understand the importance to themselves, the communities they serve and the people."

Actually, we have been hearing from the Commerce Department that Secretary Daley will be encouraging the President to veto this legislation, but I would like to ask the Secretary of the Commerce to talk to his own brother, the mayor of Chicago, a Democrat mayor of Chicago, Mayor Richard Daley, who said, "They, the Census Bureau, should come with the inclination to work closely with the mayors. We are the ones who are in the trenches. We are there. We know our cities. There should be an effort of cooperation and partnership." That is a Democratic mayor of Chicago.

I would like to quote from the distinguished chairman of the Subcommittee on Census in 1990, the gentleman from Ohio (Mr. SAWYER), a Democrat. "Local review presents the last chance for local officials to have an effect on the completeness of the census counts. In some ways, it is the final opportunity to share observations gathered throughout the entire census operation this year."

Lastly, I would like to talk about one of our fantastically successful mayors, a mayor of Detroit, Michigan, Dennis Archer, who said just this year at the U.S. Conference of Mayors, this is Dennis Archer, mayor of Detroit, Michigan, a Democrat, "We, as cities, need to have the opportunity, before the census count is in cement, given to the President, for the President's review by the end of the year 2000, so we can evaluate and say, 'Here is where you are wrong, and here are the changes we would like for you to consider.' I think that we ought to be given that." That is the Democratic mayor of Detroit.

In my district, I actually did a survey of all of the elected officials, town board chairmen, mayors, county executives.

□ 1545

I have here all of the petitions, all of the surveys from those locally-elected officials in the first Congressional District of Wisconsin, Independents, Democrats, Republicans. Here is what they said.

This is the Mayor of Racine, Jim Smith: "We would anticipate it would be very beneficial to both the Census Bureau and the city of Racine to have an opportunity to review maps and addresses after the count has been completed and prior to the Census Bureau submitting its final account."

Sheila Siegler, from the town of Wheatland in Wisconsin: "I believe the very best attempt should be made to get an accurate account, and local review would aid that process."

Mr. Speaker, our efforts are to get a better number, are to improve the Census. This should not be about Republicans or Democrats. We are going to engage in enumeration, we know that, the Supreme Court has said just that. So let us work together and get the best count we can possibly get.

These gentlemen, the Independents, the Democrats, the Republicans from Wisconsin at local units of government, the Democrats in Congress, in the cities across our Nation, they know the benefits of local government involvement. This is not and should not be about politics.

We are not advocating a method that will cause a manipulation of the numbers, we are advocating a method to improve the count. Local governments, combined with Federal governments and State governments, can do just that.

Lastly, I would like to talk about one issue that has been mentioned by some of the minority today, that this is a delaying tactic, a tactic to try and frustrate the efforts of statistical adjustment. That is simply not the case. They had a statistical adjustment in 1990, and they had a post Census local review. It can be done. It was done in 1990. They did a post Census local review. They did engage in a sampling adjustment. They did not use it, but they did engage in it.

This is not a delaying tactic, this is simply embodying the principle that governments can work together at all levels of government, the Federal Government, local government, State government. The mayor of Detroit, the mayor of Chicago, Congressmen and Senators from both sides of the aisle, the Democrats, the Republicans, have over the last 10 years advocated postcensus local review.

This is not about politics, it is about doing what the Constitution has asked us to do.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, the gentleman who just spoke quoted Mayor Archer of Detroit. Let us hear the rest of the story. Mayor Archer said, and I quote, "This bill prevents Census counts from being tracked for the undercount by April 1, 2001, which is critical for distribution of Federal funds. I cannot support H.R. 472 in its current form."

Going on, we have all agreed that the last Census was inundated with millions of errors. It is our duty to fix this problem. I am dismayed that H.R. 472, the Post Census Local Review Act, is still being considered as a solution to the miscount. The bill will continue a thoughtless practice of requiring the Census Bureau to set aside 9 unnecessary weeks after the field work is done to review the count of local addresses a second time.

Most mayors who participated in this program in 1990 thought it was a disaster. Why are Republicans pushing to repeat the same mistakes? As a lawmaker, I have a responsibility to focus my energy on the impact this legislation will have on the people whom I am accountable to.

As a result of the 1990 Census, 21,000 of my constituents were excluded from Federal funds for health care, education, transportation, economic development, and even child care. This must not happen again.

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the State of California has almost 1 in 9 of all American citizens that live in it. An accurate census count is very, very important. We are a donor State in transportation. We are a donor State in education. The formulas that devise the amount of dollars that come out of the Federal Government to California is very important. That is why I want to a good, accurate count of every person that comes in.

Take the case of the Title I education program, for example. In 1991 when I came here, its state allocation was based on the previous Census in 1980. Most of the immigration that came into California was during that time between 1980 and 1991. We were getting cheated. The gentleman from Massachusetts in the other body did not want the money coming from out of Massachusetts, so he actually added money to the program when the Democrats were in the majority. So an accurate count is important for education. The Census should not be a guess. An accurate statistical system of guessing, as my friend, the gentleman from California, said, is an oxymoron. It is not possible. We cannot do that.

Let me give a little statistic. California has more illegals than all the population in Kosovo. If I had my way, only people that are in the United States of America legally would be counted in the Census—not illegal aliens. We cannot do that, but I think it would be the right thing to do.

The mayor of San Diego, Mayor Susan Golding whose city has a population that is bigger than many of the States, supports this issue of local post-Census review very strongly.

My question is this: If we talk about the 1990 Census being so poor, why did they mess it up so bad? The liberal Democrats had control of the House and Senate in 1989. Why did they mess it up so bad? I would say they messed it up so bad maybe because they were following the Constitution of the United States that says actual enumeration which, in modern times, is very difficult to do well—but very important to do well. We must count everyone. We must not guess in our Census. What we are trying to do is add local adjustment to solving that problem.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, in 1990 the Census was the first Census that we had that was less accurate than the one before it. We have been conducting the Census since 1790, and only one time in our history has it been less accurate than the one before it.

Because of the 1990 Census, 10 million Americans were undercounted. In the city of Chicago, my hometown, 68,000 Chicagoans were not counted. That is enough Chicagoans to fill Soldier's Field completely at a football game where the Bears were playing. I know the Bears have a bad record, and they may not always sell out, but 68,000 people is a lot of people to not be counted.

Federal resources are predicated upon the counts. All the statisticians, the National Academy of Scientists and others, indicate that statistical methodology in the 21st century is the way to go, not the 1990 version, where we undercounted people by 10 million.

Mr. MILLER of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 472, the Local Census Quality Check Act. My hometown of Corona, California, has been voluntarily working with the Census Bureau to review and compare maps provided by the Census Bureau to ensure accuracy in the 2000 Census count.

Growth in Riverside County, California, has soared in the last decade. From 1991 to 1998 the city of Corona added 36,000 new residents, more than any other community in California's inland empire. An accurate Census count is absolutely vital.

During this review, the city found that additions are not always incorporated in a timely manner by the Census Bureau. Local governments are the best source to verify where residential addresses are located within their boundaries. Therefore, it is critical that cities have the opportunity to review the final addresses.

Mr. Speaker, H.R. 472 is a sound piece of legislation which restores and improves upon a program begun by the Census Bureau. As we work toward enumeration of the 2000 Census, we will continue the implementation of improved methods and ensure all persons are counted.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself 15 seconds for a point of clarification.

Mr. Speaker, in the 1990 Census it was the Secretary of Commerce in the Bush administration that refused to allow the use of modern scientific methods to correct the undercount that caused the 1990 Census to be less accurate than the one before it, not the House and Senate.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. FORD), an outstanding member of the subcommittee on the Census.

Mr. FORD. Mr. Speaker, I thank the gentlewoman for yielding time to me, soon to be chairwoman of the subcommittee, no disrespect to our current chairman, the gentleman from Florida (Mr. MILLER).

Mr. Speaker, I rise in opposition to H.R. 472, and would take the liberty to ask all of my colleagues to support the

Maloney amendment. I have heard nothing, Mr. Chairman, since being a member of the committee, but lip service paid to this notion of an accurate count.

While many of the independent experts, including those mentioned by the committee ranking member, the gentleman from California (Mr. WAXMAN), tell us that the key to an accurate Census is the use of modern statistical methods, whether the majority leader likes it or not.

We have not been able to count all the folks in this great Nation. There were 8 million missed in 1990; in my district alone 20,000, and in my State of Tennessee, 8,000. Had we counted all of them, that would have been the fifth largest city in the State. The 20,000 missed in my district, 10,000 of them were children; 17 new schools, 530 new teachers, according to children's organizations who have done some of the numbers.

Census data, Census data, is used to determine the amount of funding, Federal funding for education, for health care, for transportation projects, as my good friend, the gentleman from California (Mr. DUKE CUNNINGHAM) just talked about.

But the bill that the gentleman from Florida (Mr. MILLER) and my friends and others are putting up would not accomplish the goals they seek to accomplish. If we allow local governments to work with the Census Bureau, if we follow them, the Maloney model, that is consistent with what these guys want to do.

Do the right thing, allow the money to get to Members districts, my district, all of our districts.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Like many grandmothers, my granddaughter Isabel and I read books together, and some of them are counting books. There is one where there are these hidden butterflies. The trick is to find the hidden butterflies.

The children in our country are those hidden butterflies. It is not as simple as one, two, three. In fact, in the Census we found that 52 percent of those 8 million that were not counted were children. This H.R. 472 is simply not intended to count the children. It is aimed at identifying not people but housing units.

The fact is that 70 percent of the undercounted people, most of them children, were in housing units that had already been identified. What we need to be about is counting children.

I want to say to my colleague on the other side of the aisle, there is no way that the mayor of my city, Mayor Daley, is supportive of H.R. 472. He, like the New York Times, feels that House Republicans are up to their usual mischief on the Census. One of their worst proposals is H.R. 472. Let us get about counting the children.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL), a former mayor and outstanding member of our Task Force on the Census.

Mr. PASCRELL. Mr. Speaker, I want to thank the gentlewoman for yielding time to me.

Mr. Speaker, I have a great deal of respect for the legislation that has been put on the agenda today. I happen to disagree with it. If I listen to those people who have been in support of this legislation, we could have worked out a compromise on this. That is the sad part about it.

To imply that Democrats are against local review is simply untruthful. What we are saying is that this local review must be done at a specific time so that there is time for the Census under the law, under the law, and under the Constitution of the United States to do scientific methodology. That is what this debate is all about.

My city in 1995 was one of three in the entire Nation that dealt with the scientific foundation of what we are debating today. It worked. Each one of those towns had their populations increased because of the state of the art of scientific sampling. It was not polling and it was not guessing, and it was accurate.

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), the former mayor of Fort Worth.

Ms. GRANGER. Mr. Speaker, I rise today in support of H.R. 472, the Local Census Quality Check Act of 1999. This important legislation will reinstitute the highly successful Post Census Local Review Program used by the Census Bureau in 1990.

Post Census local review is a program both parties have supported in the past. I hope both parties will support it in the future. In short, it is a commonsense way to ensure that our Census is accurate, fair, and constitutional.

Let me say at the onset that as a former mayor of a major city, I appreciate and I support the need for an accurate count of all of our citizens. That is why I believe the post census local review is the way to go. Post Census local review is not a new idea, it is a proven product that works. In fact, post Census local review is a Census Bureau program. That is right, the Census Bureau formulated this plan. They used it in the 1990 Census.

Here is how it works. Post Census local review gives local and tribal governments a review of housing counts in their area prior to finalization of Census numbers. After all, who knows these areas better, government officials in Washington, or local officials in these jurisdictions?

□ 1600

Post-census local review in the 1990 census was highly successful. But do not take it from me. Just look at these facts. A 1990 post-census local review added 80,929 housing units to the census count.

It also relocated 198,347 housing units to the right block and removed 101,887 housing units counted in error. This all equates to around 400,000 mistakes corrected as a direct result of post-census local review.

Over 124,000 people were added to the census count. For example, in the City of Detroit, they added over 47,000 people, mostly inner-city residents, to its total. Cleveland added more than 10,000 people.

Mr. Speaker, these are real people in real cities who are added to the census, not hypotheticals, not guesses. Mr. Speaker, the census is too important to mess around with. Let us do this right.

Mrs. MALONEY of New York. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

I want to join the mayor who spoke in saying that this is not about local involvement, it is about the timing of local involvement. Why is it about the timing of local involvement? Because I suggest to my colleagues, if they involve the local governments late in the process, they deny the opportunity for sampling to be used.

Speaker Gingrich, the former Speaker of the House, in 1991 said that sampling ought to be used, because if it was not used minorities in Georgia would be undercounted. That was Speaker Gingrich in a letter of 1991.

The fact of the matter is, if we delay, as H.R. 472 will inevitably require, the involvement as opposed to having it early, as the mayor and the gentlewoman from New York (Mrs. MALONEY) suggest, then we will preclude what I suggest the gentleman from Florida (Mr. MILLER) said in a statement would be, not only allowed, but the sense that I took from his statement was might be preferable.

Furthermore, Dr. Bryant, George Bush's census director, says that we ought to utilize sampling. If that is the case, we ought not to adopt legislation which will delay it.

In a report of the panel on census requirements in the year 2000, the National Academy of Sciences said we ought to use sampling because it more accurately counts.

The gentlewoman from Texas (Ms. GRANGER), former mayor, said that we counted some 124,000 people in a post-census review. Yes, we did. But guess what, we did not count 8 million people. In other words, while we got

124,000, we left out 7,896,000 people. That does not seem to me to be a good trade-off if we really care about counting every person for the purposes of making an accurate census.

I refer to the distinguished gentleman from Florida (Mr. MILLER), my friend who serves with me on the Committee on Appropriations. In quoting him, he says "I have chosen these words carefully. The issue of sampling is an issue of apportionment of representatives, not, I repeat, the distribution of Federal aid."

Now, if it is all right to use sampling for the purposes of distributing over $187 billion of taxpayers' money, presumably because we think that is more accurate and will more accurately target where the funds are supposed to be, then I would suggest to the gentleman it is equally applicable to making sure that people who are getting money are represented accurately as well.

The SPEAKER pro tempore (Mr. NEY). The Chair notes that the gentlewoman from New York (Mrs. MALONEY) has 12½ minutes remaining, and the gentleman from Florida (Mr. MILLER) has 9 minutes remaining.

Mr. MILLER of Florida. Mr. Speaker, I yield myself 15 seconds.

It is amazing that we keep talking about sampling. The Supreme Court settled the issue. The issue of distribution of funds is not a constitutional question. We are talking about apportionment and redistricting. That is the constitutional question. That is what the Constitution mandates us to do in Article I of our Constitution, to do a full enumeration. That is what they are doing.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself 15 seconds.

I really want to underscore what the gentleman said. They ruled on a statutory issue, not the Constitution. It referred only to apportionment and specifically said that one could use modern scientific counts and should use it for all other purposes, redistricting and distribution of Federal funds.

Mr. Speaker, I yield 1 minute to the gentleman from Guam (Mr. UNDERWOOD), my dear friend and colleague.

Mr. UNDERWOOD. Mr. Speaker, H.R. 472 has a goal. But that goal is not to achieve a fair and accurate census count, and it is not to use the best scientific methods available. It is to derail the Census Bureau's plans of using statistical sampling, the only method which would remedy the undercount of minorities, children, and the rural and urban poor. By instituting a post-census check, not only will the Census Bureau's work be set back for more than a month, the Bureau would miss its apportionment deadline set by December 31, 2000, and deplete funds necessary for statistical sampling. I do not know whether this is the intent, but this is clearly the effect.

Both Democrats and Republicans in the past have acknowledged that a post-census local review such as H.R. 472 mandates will not work. It was clearly demonstrated in the 1990 census, and that is why the Bush administration's director of the Census Bureau stated that the post-census local review in 1990 was a well-intentioned but ineffective operation.

We support local government participation, but not as a mechanism to delay and divert the basic intent of the census.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, H.R. 472, the Local Census Quality Check Act, calls for a post-census local review by local governments of the census population numbers before they become official.

We already have done that. We found out, though, that it does not work. We still lose over 8 million people. So this bill is not the solution that we need to do. The 1990 census was the least accurate of all our censuses. It missed or double counted over 8 million people.

We have used the post-census reviews in 1990, and the gentleman from Guam (Mr. UNDERWOOD) mentioned the quote from Dr. Barbara Bryant about how this post-census review in 1990 was well-intentioned but ineffective.

Rather than repeat the post-census local review with its disappointing and miniscule results, the Census Bureau determined to find a better way for local governments to fully participate. They are doing that now.

In 1990, Texas was undercounted substantially. Houston alone was undercounted by thousands. So by doing this in 1990, it was broken, but we need to fix it. This bill will not fix it, Mr. Speaker, unless we attach the Maloney amendment to it.

I urge my colleagues to support the Maloney amendment. The Census Bureau estimates the post-census review will add an additional 9 weeks to the count which will also increase our costs.

H.R. 472, the Local Census Quality Check Act, calls for a Post Census Local Review by local governments of the census population numbers before they become official.

The 1990 census was the least accurate of all of our censuses and it missed or double counted over 8 million persons. We used a Post Census Local Review during the 1990 Census. However, Dr. Barbara Bryant, Director of the Census Bureau during the Bush Administration, has testified before the Census Subcommittee that

> Post Census Local Review in 1990 was a well intentioned, but ineffective, operation. . . . Rather than repeat postcensus local review, with its disappointing and minuscule results, the Census Bureau determined to find a way for local governments to more fully participate in the census.

Texas was undercounted in 1990 in Houston alone by thousands.

The Census Bureau has done just that. They have established The Census 2000 Local Update of Census Addresses (LUCA) which vastly expands both the interaction between local governmental units and the Bureau, and it extends the time local governments are given to verify and correct addresses and boundaries. To date, twice as many local governments are participating in Local Update of Census Addresses compared to the Post Census Local Review in 1990. Notably, these governments cover 85 percent of all addresses in the country.

The Census Bureau estimates that a post census review will add an additional nine weeks to the count which would increase cost, increase delays, and effectively hinder the operations of the Census Bureau. Instead of wasting time, we should be using the most modern and scientifically accurate methods of counting in order to take the 2000 census. Without it the miscounting of minority populations will persist.

H.R. 472 is a bad attempt at correcting the miscounting of over 8 million persons in our country during the 1990 census. We should not be wasting our time and taxpayer dollars on an operation that has proven to be at best ineffective.

Again, I urge my colleagues to oppose H.R. 472, unless the Maloney amendment is adopted.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK), who has been an outstanding participant in this census task force.

Mrs. MEEK of Florida. Mr. Speaker, I thank my colleagues on the Committee on Government Reform and Oversight. I have worked with both of them. They are both able and capable leaders.

I happen to have a difference of opinion on the bill than the gentleman from Florida (Mr. MILLER) has, and that time is the thing in this entire thing. Time is very, very important.

The whole concept philosophically may be good, but what will happen in the end is this post-census review will not be done in a timely manner. There is too much at stake, Mr. Speaker, too much at stake.

The people I represent have been undercounted for the last two censuses. Data will show that the post-census review and the pre-census, none of them did the job of giving us the count that we need.

All I am saying is people want to be counted. I cannot go back to Miami and say to the minorities I represent, the Hispanics, the African Americans, all of this people who make up this beautiful pattern of color we have in this country and say to them we are not doing everything that we can do to be sure that each one of them is talented.

So today I want to say to this particular House, we cannot go with the bill of the gentleman from Florida (Mr. MILLER), with all of his good intentions, because the time is too short. He is extending the time of the bill's implementation.

Mr. Speaker, There are some in Congress who are intent on making sure that we do not have a fair and accurate census count in 2000. H.R. 472, introduced by Representative MILLER, requires the Census Bureau to provide local governments with an opportunity to review the housing counts from the 2000 census.

There is little difference between Mr. MILLER's proposal and the post-census local review conducted as part of the 1990 census. This procedure didn't work in 1990 or 1980, consequently, Congress replaced it with a precensus local review that is more simple and easier for communities to handle.

Rather than adding another program, we should be working to make the precensus local review work.

H.R. 472 has as its purpose to keep the Census Bureau from doing its job. This will not do anything to improve the accuracy of the 2000 Census. This bill could even cripple the Census Bureau's efforts to conduct the most accurate census possible. Micromanagement of the 2000 Census, at this late date, is absolutely the wrong thing to do. We need to get out of the way and let the Census Bureau do its job.

It is interesting to note that Mayor Penelas, the mayor of Miami, FL, as well as several local Commissioners, forwarded letters to my office outlining their opposition to H.R. 472.

Additionally, Dr. Barbara Bryant, the former Director of the Census Bureau, testified before Congress that the 1990 local review was a logistical nightmare and a public relations disaster. Most of the communities that participated were displeased with the process, and less than 20 percent of the governmental units participated.

The program as laid out in the Miller bill essentially duplicates activities in the precensus local review. Although the desire on the part of local government officials to get one last chance to increase their counts is understandable, any such program should complement rather than duplicate other census activities.

The Census 2000 is one of the most divisive and partisan issues that we will face in this session of Congress. At stake are billions in federal funds, as well as control of state legislatures throughout our country. The main effect this bill would have would be to delay, past the statutory deadline established in P.L. 101–174 (April 1, 2001), the release of corrected totals at the geographic level suitable for redistricting. I urge my colleagues to vote against H.R. 472.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for the time and also for her hard work to make sure that all people in this country are counted.

I rise today to strongly oppose H.R. 472. There are 352 days until April 1, 2000, census day. Preparation for this constitutionally mandated national head count has been in the works for years. Now, in the eleventh hour, our colleagues on the other side of the aisle are proposing legislation that seeks to change procedures, add costs, and most importantly a timetable to an already tight time schedule.

Mr. Speaker, I come to the floor today to consider how best to correct the undercount of low income people, minority groups, and children. The undercount has been the practice of the Census Bureau in recent decades. If you are not counted in, you are counted out. That is fundamentally undemocratic. It is wrong.

H.R. 472 appears to be harmless. But the post-census local review strategy used in 1990 failed miserably. We must not dismiss the views of the Census Bureau Director, who calls this bill just short of disastrous. Let us not repeat these mistakes. I ask for a "no" vote on H.R. 472.

Mr. MILLER of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I will take just a moment, and it is just to reinforce the importance of preserving the process for a post-census local review on the part of local governments.

I have a community in my district that sent a letter out. It was actually to all of the Congressional Members from our Illinois delegation, but it is a village in my district, Elk Grove.

Back in 1990, Elk Grove village reviewed the Census Bureau's preliminary count, they say, and village staff found that a newly constructed subdivision had failed to be counted which included 349 residents.

Furthermore, based on the per capita revenue dispensed by the State of Illinois, Elk Grove village would have lost over 35,000 in annual revenue, almost 250,000 in total, had the review process not existed. To be sure, that sounds nickel, dime in this town and in this body, but it is vitally important to local communities.

For that reason, I urge that we follow the process of continuing that but simultaneously expanding to 45 days the consideration for review.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise against House Resolution 472 unless we adopt the Maloney amendment. This amendment is a logical and effective means to include local governments, produce an accurate count in the 2000 census, and it gives the Census Bureau ability to use statistical sampling to validate traditional census data without unnecessary interference.

We need to do everything we can to make sure that everyone is counted in this census by using all the technology and tactics that we have available to us.

Undercounting in the 1990 census cost the State of Texas a total of $1 billion from a variety of Federal programs for which we would otherwise have qualified. According to the Census Bureau, nearly half a million Texans were missed in the last census, most of whom were inner city minorities and most especially children. So we are not talking about voters here.

While this country is using science and technology to find a cure for many diseases, to expand opportunities in education and employment, and even to build better buildings and bridges, the Republican majority refuses to allow the use of science and technology to help us count the people.

Why should not our government be allowed to use this technology. Why must we retreat back a century rather than forward.

I rise in support of the Maloney amendment to H.R. 472. This amendment is a logical and effective means to include local governments to produce an accurate count in the 2000 census.

Further, it gives the Census Bureau the ability to use statistical sampling to validate traditional census data without unnecessary interference. We need to do everything we can to make sure that everyone is counted in this census by using all the technology and tactics we have at our disposal.

Undercounting in the 1990 census cost the State of Texas a total of $1 billion from a variety of federal programs for which we would otherwise have qualified. According to the Census Bureau, nearly half a million Texans were missed in the last census, most of whom were inner-city minorities and most especially children.

While this country is using science and technology to find a cure for many diseases, to expand opportunities in education and employment and even to build better buildings and bridges, the Republican majority refuses to allow the use of science and technology to help us count those who need to be counted the most.

Why shouldn't our government be allowed to use this technology? Why must we retreat in the 20th century on this important issue?

Unfortunately, the antiquated and inaccurate means we use to count our citizens will continue to be used.

Not only will our constituents lose out on federal funds they deserve, but we are quietly eroding the principle of one person—one vote. The recent Supreme Court decision on statistical sampling ties the hands of state legislatures who depend on census data to draw fair and competitive congressional districts.

This decision and the Republican majority's embrace of its effects on voting rights will greatly reduce the electoral opportunity for minority and women candidates to win office and represent their concerned constituents.

Further, this decision acts to disenfranchise poor and minority citizens, those who are traditionally missed using traditional census data.

It is time to stop ignoring the facts! Traditional headcounts do not work. How many times does it need to be proven? Mayors know this. So many are in support of using statistical sampling.

Congress knows this. Otherwise, how can you explain the utter fear of the Republican majority to the use of sampling? Let me give it a try. Sampling will work. It will work well. It will work too well for them. Undercounts in the nation's inner cities consistently help Republicans stay in and gain new entry to elected office.

Be fair to the citizens of the United States and let the Census Bureau do their jobs the best way they can—through traditional methods supported by statistical sampling.

Vote "yes" to the Maloney amendment.

MAY 20, 1997.

IMPORTANT NOTICE TO ALL STATE CHAIRMEN

From: Jim Nicholson, Chairman, Republican National Committee.

Re: The Clinton Census.

I am contacting you to recruit your assistance in addressing an issue of unusual importance to the future of Republican Party. At the heart of the matter is one of the federal government's most fundamental Constitutional functions: the United States census. At stake is our GOP majority in the House of Representatives, as well as partisan control of state legislatures nationwide.

The Clinton Administration is implementing a radical new way of taking the next census that effectively will add nearly four and one-half million Democrats to the nation's population. This is the political outcome of a controversial Executive decision to use a complex mathematical formula to estimate and "adjust" the 2000 census. Using this process Democrats gain a critical advantage in the next redistricting that will undermine GOP efforts to elect Republicans to both federal and state offices.

A reliable analysis done for the RNC by Polidata Political Analysis reveals that a statistically altered census will have a sweeping political impact that clearly imperils the Party's present congressional majority. The GOP would suffer a negative effect in the partisan makeup of 24 Congressional seats, 113 State Senate seats and 297 State House seats nationwide (a state-by-state summary is attached for your reference). Many of these legislative districts are in states where majorities are held by only the narrowest of margins. An adjusted census could provide Democrats the crucial edge needed to prevail in close contests to control several state legislative chambers.

The census does have problems and improvements are needed to insure a successful effort, but an adjusted census ignores the Constitution's call for an "actual enumeration". Republican leaders are committed to providing the needed resources for a complete count as directed by the founders. Census adjustment raises many legal, ethical, and technical concerns, yet Democrats faithfully promote it as the solution. Don't be fooled. An adjusted census is part of a long-term Democrat strategy to regain control of Congress and elect more candidates at all levels.

I regard it my duty as Party Chairman to alert you to the consequences on this front, and to request your assistance in stopping a census adjustment. Congress has the ultimate Constitutional authority to decide how the census is conducted, and federal appropriators have moved to halt funding for an adjusted census. Conference review of this issue is scheduled to begin today as part of a Supplemental Appropriations bill (H.R. 1469 fiscal year 1997 Supplemental Appropriations Act). We anticipate an attempt to strip this legislation of language that prevents the use of estimates and sampling in taking the census. Despite the concerns outlined here, adjustment proponents have been successful in exploiting Members' local concerns related to federal funding and legislative representation. A census adjustment could shift some federal funding levels, but it should be stressed that the language coming out of conference is planned to be specific for apportionment, and not funding distribution purposes.

It is vital that Republicans be united in opposing an adjusted census. Therefore, I am calling on each state chairman to urge your congressional delegation to support legislative restrictions, and to vote against any amendment that removes such language from the Supplemental Appropriations bill.

Thank you, and please do not hesitate to contact me should you need further information regarding this matter.

Mrs. MALONEY of New York. Mr. Speaker, may I inquire of the time?

The SPEAKER pro tempore. The gentlewoman from New York (Mrs. MALONEY) has 7¼ minutes remaining, and the gentleman from Florida (Mr. MILLER) has 7¾ minutes remaining.

Mrs. MALONEY of New York. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. SAWYER), former chairman of the Subcommittee on Census and an outstanding leader on this issue.

Mr. SAWYER. Mr. Speaker, I thank the gentlewoman from New York for those kind comments.

I, too, rise in opposition to H.R. 472 based on that kind of experience that I have from 1990. The 1990 post-census local review was a well-intentioned but ultimately flawed program to tap the knowledge of local officials in the final stages of the census.

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Now, that knowledge ought to be a key element in any orderly count, but in reality in 1990 it became a frantic attempt to make up for deficiencies in traditional counting methods. Unfortunately, the shortcomings of those methods were widespread and systemic. Trying to find missing housing units and determine who lived there 6 months earlier was like looking for a lot of needles already long gone from a very large haystack.

Dr. Bryant has been widely quoted on this floor. On this specific subject she said that the post-census local review was a logistical nightmare and a public relations disaster. The depth and the breadth of the undercount was an obstacle that desperation in the guise of persistence could not overcome.

Recognizing that its counting efforts were falling short, the Census Bureau that year initiated a recanvass of a selected 20 percent of all blocks in the country. That combined effort, put together with the post-census local review, increased the final census count by one-tenth of 1 percent. PCLR was less than one-twentieth of 1 percent.

The decision not to conduct this style of-post census local review in 2000 was neither arbitrary nor isolated. It simply was not a cost effective activity. The GAO concluded that extended reliance on field follow-up activities represents a losing trade-off between augmenting the count and simply adding more errors.

An accurate address list is clearly a critical part of an accurate census. We were amazed in our census review, the gentleman from Wisconsin (Mr. TOM PETRI) and I, to find that every 10 years the Census Bureau starts from scratch to build a new address list. So involving local governments in the development of an address list was critical. It was an equally clear fact that involving them at the end of the process in a frantic effort to close out the census was a failure for both the Bureau and for local officials.

Involving local governments early in the process of developing the lists was better for both the Bureau and for local officials. So we developed the Address List Improvement Act to address those legal constraints, and in 1994 we enacted permission allowing the Bureau for the first time to share address information with the U.S. Postal Service and with local governments ahead of time.

Using this new authority, the Bureau's redesigned census relies on the knowledge of local governments to compile and verify ahead of time a master list file of all housing units before the census starts, when it can do the most good.

We also have to face a difficult fact. Some local governments, not all but some, are not well positioned to provide reliable data on their housing stock. They may lack fiscal resources or technical expertise. The GAO observed that, on balance, local address lists add more error than they correct. There simply comes a time when too many cooks stirring the pot spoil the porridge.

I have discussed this with Director Prewitt at some length, and we agree that a more constructive approach would be for the bureau to provide local governments with frequent reports and up-front involvement in the progress of the address list development and in the count itself as it unfolds.

The legislation of the gentleman from Florida (Mr. MILLER) is a well-intentioned effort to bring the knowledge of local officials to the census process, but I must strongly counsel against tying the Bureau's hands with specific operational requirements, particularly ones that run against the professional judgment of the Bureau's staff, and is clearly not wise in the light of past experience.

The 1990 Post Census Local Review (PCLR) was a well-intentioned, but ultimately flawed, program to tap the knowledge of local officials in the final stages of the census. The Bureau hoped that mayors, county supervisors, and other local officials could help identify obvious gaps in the census counts and direct enumerators to specific neighborhoods where housing units may have been missed.

In reality, as time wore on, PCLR became a frantic attempt to make-up for deficiencies in traditional counting methods. Unfortunately, the shortcomings of these methods (later documented by independent evaluators such as the General Accounting Office and National Academy of Sciences, as well as the Bureau itself) were widespread and systemic. Trying to find missed housing units and determine who lived there six months earlier (on Census Day) was like looking for a lot of needles already long gone from a very big haystack.

Dr. Barbara Everitt Bryant, Census Bureau director during the 1990 count, told a congressional oversight panel in 1998 that PCLR was "a logistical nightmare and a public relations disaster." As summer faded, local officials in the hardest-to-count areas saw the writing on the wall as traditional methods failed to reach large numbers of households. They viewed PCLR as a final chance to make-up for disappointingly low mail response and painstakingly difficult follow-up efforts that would doom their communities to inaccurate counts. But the depth and breadth of the undercount (more than 8 million people were missed in 1990, according to Census Bureau evaluations) was an obstacle that desperation in the guise of persistence couldn't overcome.

The hard facts about PCLR tell the story. At a cost of $9.6 million, PCLR added about 125,000 people living in 81,000 housing units. Subsequent evaluations estimated that 11.7 percent of the households added should not have been included. Of all local governments invited to participate in PCLR, only 25 percent (about 9,800 of 39,000) did so. Recognizing that its counting efforts were falling short, the Census Bureau also initiated a recanvass of selected neighborhoods in late summer and early fall of 1990. In all, the Bureau revisited 20 percent of all blocks in the country. The combined effort increased the final census count by one tenth of one percent.

The decision not to conduct a 1990-style Post Census Local Review in 2000 was neither arbitrary nor isolated. The Bureau's own evaluations clearly showed that PCLR was not a cost-effective activity. In its comprehensive assessment of the 1990 census, the General Accounting Office concluded:

> During the final stages of data collection the Bureau expends considerable effort to increase the population count, with limited success. The coverage improvement programs provide a vivid illustration of this problem. . . . The results from 1990 also demonstrated that spending more time on fieldwork has questionable value. Extended reliance on field follow-up activities represents a losing trade-off between augmenting the count and adding more errors.

Altogether, the coverage improvement programs accounted for only one percent of the 1990 census count (or 2.4 million persons). Clearly, any redesign of the census process had to consider alternatives to lengthy and costly field operations that did little to reduce the chronic undercounting that plagued poor rural and urban communities and people of color overall.

As Tom Petri and I conducted our evaluation of the 1990 census we quickly came to the conclusion that building an accurate address list was an essential element to an accurate census. Frankly, we were amazed that each 10 years the Census Bureau starts from scratch to build a new address list. It was clear from the two hearings we held on post-census local review that involving local governments in the development of the address list was critical. It was equally clear that involving them at the end of the process in the frantic efforts to close out the census was a failure for both the Census Bureau and local officials.

Working with the Census Bureau, we came to the conclusion that involving local governments early in the process of developing the address list was better for both the Census Bureau and local officials, but that the confidentiality provisions of Title 13 U.S.C. made that very difficult. In addition, the Postal Service told us that the statutes governing their operations complicated providing addresses to the Census Bureau. At the request of the Census Bureau and the Postal Service we developed the Address List Improvement Act to address these legal constraints.

At the request of Congress and the Bureau itself, the National Academy of Sciences convened two expert panels to conduct a comprehensive review of the census process. Legislation mandating one of those reviews asked the panel to study ways to improve direct enumeration methods, alternative methods for collecting the basic population data, and the appropriateness of using sampling methods in combination with direct counting techniques. In relevant part, the Panel on Census Requirements in the Year 2000 and Beyond concluded that: "It is fruitless to continue trying to count every last person with traditional census methods of physical enumeration. Simply providing additional funds to enable the Census Bureau to carry out the 2000 census using traditional methods . . . will not lead to improved coverage or data quality. . . . [P]hysical enumeration or pure 'counting' has been pushed well beyond the point at which it adds to the overall accuracy of the census. Moreover, such traditional census methods still result in a substantial undercount of minority populations."

With guidance from the Academy panels, the GAO, the Commerce Department's Office of Inspector General, and congressional oversight and funding committees, the Census Bureau re-engineered the census process to meet the overarching goals of increased accuracy and cost containment. The Census 2000 plan it unveiled in February 1996 incorporates new approaches for developing a complete file of the nation's residential addresses and as I mentioned earlier, legislation enacted in 1994 allowed the Bureau, for the first time, to share address information with the U.S. Postal Service and local governments. Using this new authority, the Bureau's redesigned census relies on the knowledge of local governments to compile and verify a Master Address File of all housing units before the census starts. Unquestionably, an accurate address list will substantially increase the likelihood that all households will receive a census form and that enumerators will visit all households that fail to respond by mail. Equally important, shifting a thorough review of address lists to the front of the process will promote a higher quality census, since information collected late in the census is unquestionably less reliable. As the GAO and other evaluators discovered, as the information-gathering moves further away in time from Census Day, more and more mistakes are made, and the quality of the data greatly diminished.

We also have to face a difficult fact. Some local governments are not well-positioned to provide reliable data on their housing stock. They may lack fiscal resources, technical expertise, or accurate administrative records. As recently as March 1998, the Commerce Department's Acting Inspector General observed that "on balance, local [address] lists add more error than they correct." There simply comes a point when too many cooks are stirring the pot, and the Census Bureau must be able to exercise its professional judgment in deciding how best to compile a comprehensive address file that follows consistent definitions of what constitutes a housing unit.

For jurisdictions that have the capacity to review and confirm a large set of address information, the pre-census activities offer the best opportunity to get it right. Once they do, a 1990-style review after non-response follow-up is completed will do little to address the problem of undercounting that experience tells us in inevitable. If the Bureau starts with an address file that incorporates as much knowledge as local governments can offer, there is no reason to believe that these same governments can improve the search for housing units six months after Census Day. A more constructive approach in my opinion, would be for the Bureau to provide local governments with frequent reports and upfront involvement progress of address list development the count itself as the census unfolds. That way, working together, the Bureau and local officials can pinpoint neighborhoods where response is low and develop targeted efforts to reach those unresponsive households.

I understand that Chairman MILLER's legislation to require a 1990-style post-census local review in every census is a well-intentioned effort to bring the knowledge of local officials to bear on the census process. That is an admirable goal and one that should run through all stages of census planning, preparation, and implementation.

But I must strongly counsel against tying the Bureau's hands with specific operational requirements, particularly ones that run against the professional judgment of Bureau staff and is clearly not wise in light of past experience. In 1990, post census local review held out great promise for local governments to improve the accuracy of a census that more and more Americans shunned. In the end, the program didn't meet expectations. But even if it had, we cannot automatically assume that a repeat ten years later is justified.

This country is changing, more profoundly and rapidly than we are able to measure. We will not be the same country in 2000 that we were in 1990, and we must be able to adapt our tools of measurement to accommodate that change. That is why the Census Act (title 13, United States Code) gives the Secretary of Commerce wide latitude in determining how best to conduct the census.

Congress still bears the constitutional responsibility for taking the census, and I do not mean to suggest that we should look the other way while the Census Bureau plans each decennial count. Perhaps the most constructive role for Congress is ensuring that the Bureau is guided by sound scientific and operational knowledge, generated both from within the agency and from outside experts and stakeholders.

Following the 1990 census, the Secretary of Commerce established an advisory committee comprised of a wide range of stakeholder organizations. Local and state elected officials, civil rights advocates, scientific disciplines and data users, community service providers, veterans and senior citizens, educators, and the business community and all represented on the committee. These stakeholders have worked tirelessly over the course of this decade to master the intricacies of census-taking and recommend ways to improve the process based on their own unique perspectives of the diverse nation we are trying to measure.

The 2000 Census Advisory Committee has prepared a final report that includes recommendations for improving the accuracy of the address file before the census and housing unit coverage during the census. The committee unanimously endorsed a focused local review program that gives local governments an opportunity to review housing unit counts at various levels of aggregation, depending on their ability to participate in the pre-census address compilation program. The committee also endorsed a large post-enumeration survey that can serve as the basis for correcting overcounts and undercounts in the census. Clearly, this diverse group of stakeholders recognized both the potential contribution of local governments in improving the coverage of households, and the limitations of this effort with respect to addressing the persistent problem of differential undercounting.

This committee and other advisory panels focusing on populations of color and relevant scientific disciplines have provided a valuable and necessary check on the Census Bureau's work. Their continual oversight and guidance ensures that the 2000 census plan represents the collective knowledge of the broad community of stakeholders. Congress should encourage the Bureau to incorporate as many recommendations from these key stakeholders as is operationally and technically possible. But we should not second-guess the advice this broad group has issued, nor should we render their substantial effort meaningless by negating or modifying key elements of their proposals.

The subcommittee can make a further contribution to the process, I believe, by encouraging the Bureau to consider the feasibility of these stakeholder recommendations quickly and to implement those proposals that are likely to improve the accuracy of the census. Tying the Bureau's hands with specific statutory requirements for a housing unit check may irreversibly damage a process that by its very nature must be as pliable as it is intricate, and as forward-thinking as it is grounded in experience and history.

Mr. MILLER of Florida. Mr. Speaker, may we have a time status?

The SPEAKER pro tempore (Mr. NEY). The gentleman from Florida (Mr. MILLER) has 7¾ minutes remaining, and the gentlewoman from New York (Mrs. MALONEY) has 3¾ minutes remaining.

Mr. MILLER of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DOOLITTLE), the vice chairman of the Subcommittee on Census.

Mr. DOOLITTLE. Mr. Speaker, I am not a supporter of the disastrous proposal by the Clinton administration and the minority party in this House to do statistical sampling, for a number of reasons.

I think it is clearly unconstitutional. I think we have a recent Supreme Court decision handed down at the beginning of this year, a fair reading of which would be to conclude that it prohibits both sampling for apportionment of representatives as well as for redistricting purposes within the States.

I think, in the effort to make a more accurate count, in fact it introduces a high degree of subjectivity into the process, and in fact would be less accurate. And even if we accepted the fact that somehow this might be valid, we would have to have it with an administration that we could trust, and this administration is the most partisan one in history.

This is an administration that we cannot trust on the issue, for example, as they have proven with the manipulation of campaign finance laws or of the immigration procedures, all designed to affect the outcome of an election. So the trust threshold is low here.

But let me just say to those that do support sampling that I do not believe this bill, H.R. 472, deters them from their goal. Let me just quote from the committee hearing here that the gentleman from Florida (Mr. MILLER) conducted.

A question was posed by the chairman to Dr. Prewitt, the census director. "Does post-census local review impact sampling, because I have heard that one of the reasons you are opposing it is that it will make it harder to do the sampling adjustment?" And Dr. Prewitt answered: "No, sir. I do not know on what basis that would have been suggested to you." And then the gentleman from Florida (Mr. MILLER) replied, "So the post-census local review has no impact, to your knowledge, on the 300,000 sampling process; right?" Dr. Prewitt responded: "No."

So I think it is clear that the Clinton administration's census director does not believe that this is going to threaten sampling, which we oppose, but which I submit this bill does not impact.

I would, though, like to draw my colleagues' attention to the fact that there is strong support for the post-census local review. Now, we can all understand that, can we not? Yes, the U.S. Government, through the Census Bureau, is charged with doing the census every 10 years. But we also have a principle in this country that we all know called federalism, and post-census local review is perfectly consistent with this principle.

Even from Thomas Jefferson forward we have known that the government which governs least governs best, and that government should occur at the most local level. Now, my Democratic colleagues claim Thomas Jefferson. I claim him, too. I have never understood why we did not have him in the Republican Party. In fact, I think he was a member of the Democratic/Republican Party, so we could have a Jefferson Day Celebration, too.

But look at this. This is the testimony of Alex G. Feteke, who is the mayor of Pembroke Pines, Florida. This was testimony for the National League of Cities before the Subcommittee on Census given earlier this year. Here is what he had to say: "The National League of Cities enthusiastically supports the Local Census Quality Control Act, H.R. 472. This bill will provide our Nation's cities and towns with the much-needed post-census local review process."

And then we have here the testimony of Lanier Boatwright, President of the National Association of Developmental Associations, representing 77 million Americans: "The precensus activities, such as local update of census addresses program, are not adequate substitutes for post-census local review. Local governments should have an opportunity to ensure the accuracy of the census numbers before they are final."

And I would like just to conclude with this thought, Mr. Speaker. In 1990, there were 400,000 errors that were corrected as a result of this, and they only had 15 days to check it over. This bill gives them 45 days. We believe there will be an exponential increase.

In 1990, we added 80,000 housing units, 198,000-some housing units to the right block, and 101,000 housing units were counted in error and were removed. A correction in either direction assures accuracy and fairness, and that is what we seek: accuracy and fairness, consistent with the Constitution of the United States.

I strongly urge an "aye" vote for H.R. 472.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself 15 seconds.

The gentleman quoted Dr. Prewitt from the Census Bureau. I request to put in the RECORD a letter of April 12 to me, and I would like to quote and put in the RECORD directly his response. He said, "The operation proposed in H.R. 472 will harm the ability of the Census Bureau to carry out its basic mission of providing the most accurate census counts for all purposes." And to end his quote, he says, "It would put the census at risk".

Mr. Speaker, I provide for the RECORD the letter I just referred to.

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS
Washington, DC, April 12, 1999.

Hon. CAROLYN B. MALONEY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MALONEY: I apologize if my responses to the question(s) regarding H.R. 472 have left any uncertainties about its impact on the overall accuracy of the census. I welcome this opportunity to make the record clear, especially because the amount of time available during the hearings to address H.R. 472 was limited by the need to respond to the full agenda of issues of interest to the Subcommittees.

In assembling the plan for a census, the U.S. Census Bureau reviews the strengths of a large number of operations, first considering each on its own merits. We then assess the relative effectiveness of each operation, for the final design is of course an integrated set of operations. It is this integrated set that constitutes the design that in the professional judgment of the Census Bureau will provide the best census results within the available time.

In assembling the final design, the Census Bureau did not exclude the Post Census Local Review in order to include the Accuracy and Coverage Evaluation procedure. Decisions on the desirability of these operations were mutually exclusive. In 1990, the Post Census Local Review process proved to be so cumbersome that 75 percent of all local governments did not participate in the exercise, resulting in the addition of only one-twentieth of one percent to the overall count, or about 125,000 persons. Census Bureau professionals, relying on a decade of experience, analysis and testing, designed a new and better way to involve local governments in the effort to count everyone. This new operation, called Local Update of Census Addresses, or LUCA, enables local governments to verify the addresses in their communities before the census is conducted.

Similarly, the Census Bureau included the Accuracy and Coverage Evaluation on its merits. It is the only effective procedure that will inform the Census Bureau and the country about the accuracy of the original count based on the mailback, telephone/interview operations, and nonresponse follow up. The accuracy measurement represented by the Accuracy and Coverage Evaluation will provide the greatest level of accuracy for census data for uses other than reapportionment, such as redistricting, federal funds allocation, and population estimates. It is designed specifically to address the differential undercount experienced in prior censuses and anticipated in 2000.

In making these determinations, there was no trade-off between the two programs, just as there was no specific trade-off between any of dozens of other operations excluded and included. Census 2000 represents an integrated set of operations that was selected over many alternative sets.

At this late stag in the decennial cycle, any new operation of the magnitude of the Post Census Local Review would adversely affect the timing and quality of census operations, including the Accuracy and Coverage Evaluation. I have testified, and here reemphasize, that an integrated operation of the complexity of the census—correctly described as the largest civilian mobilization in the country's history—cannot now be redesigned without degrading accuracy and placing timely completion at risk.

In conclusion, to directly address your question, the operation proposed in H.R. 472 will harm the ability of the Census Bureau to carry out its basic mission of providing the most accurate census counts for all purposes. More specifically, H.R. 472 as proposed would obligate the Census Bureau to send to all cooperating jurisdictions an incomplete household file; or, if we delayed sending it until we had completed that work our ability to produce apportionment counts by December 31, 2000, as required by law, would be put at risk.

Sincerely,

KENNETH PREWITT,
Director.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I want to thank the gentlewoman for yielding me this time, and I want to commend her on the outstanding work she has done on this issue.

Mr. Speaker, I rise today to speak on behalf of every U.S. citizen, black and white, old or young, rich or poor, city dweller and rural resident. Every U.S. citizen is important to the very fabric of our Nation and deserves to be counted, not ignored. Unfortunately, this is the overall effect of H.R. 472, the bill that my Republican colleagues want to pass.

I live in a city that still suffers from the 1990 census undercount. Chicago's undercount is the third highest among America's cities, with an estimated 68,000 people missed. A disproportionate number of those undercounted citizens were minorities. This is wrong and must be corrected.

In a bipartisan manner we must include every American, we must vote in opposition to 472. Any other vote is wrong, wrong, wrong.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in strong opposition to H.R. 472.

Mr. Speaker, this is not the way we ought to go in terms of doing the most important job we have, which is counting the American public. Obviously, the census determines the allocation of resources across our country.

What do we know? We know the last time we tried to do this we had numerous mistakes. We missed 8 million people. We double counted 4 million people. We are trying to correct this, and the scientific community says that the most accurate method for counting Americans is through statistical sampling.

Why is that relevant today? Because this bill, sometimes described as a Trojan horse, will say that we will give local communities opportunity for participation. The effect of this bill is to deny the Census Bureau the opportunity to conduct statistical sampling. What happens is the resources needed in time for sampling are drained away by local participation. But because local participation always sounds like a good idea, they think they can get away with it.

Under current law we can have local participation, and we should have it. Enhanced participation is provided for under current law. In addition, the Democrats are supporting the Maloney amendment which would provide enhanced local participation.

We can have local participation, we should have statistical sampling, we should not have this bill.

Mr. MILLER of Florida. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Florida (Mr. MILLER) has 2¾ minutes remaining, and the gentlewoman from New York (Mrs. MALONEY) has 1½ minutes remaining.

Mr. MILLER of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I would like to bring up correspondence which I received from the City of Carlyle. Mayor Schmitz wrote to me in support of the post-census review and included a memorandum from one of his staff, Ms. Jean Parson, which discusses this issue in detail.

Ms. Parson, in her memo to Mayor Schmitz writes: "In the old program, the Census Bureau conducted the census and then we had an opportunity to review the count and challenge anything that didn't quite look correct to us. Under this program, as I understand it, our only input is in the formulation of an address list."

She goes on, "I have spent many hours reviewing their list. I spent time with the postmaster comparing our lists, and then made corrections to the census list. This entire process was extremely confusing and I have had my doubts if my changes will even be made. I also am sure that I didn't pick up every problem in the list. It is just too complicated and time-consuming.

"I guess I'm just getting old, but the old way seemed to work. If we have no opportunity to review the final list, we will not have an accurate count."

One final quote from Ms. Parson: "Communities are not well represented at the meetings I attended, and I have spoken to many community leaders who were not even aware of the changes."

"I'm sure this is because of mailings not reaching the appropriate people. Anyway, this process could be very damaging to those communities who did not participate in the address review process. It is possible that they will have changes. . . . and interest could increase between now and census time, and it will be too late for them to have any input."

Mr. Speaker, the localities in my district are confused. It appears that many have not even heard about LUCA and by the time they do they aren't even sure that their changes are being recorded.

Let's listen to our local governments and give them the right to challenge the census bureau.

I plan on supporting H.R. 472 today and I urge my colleagues to support this common sense legislation.

Mr. Speaker, I ask my colleagues to support this. Our small communities are begging for the ability to be involved in this process.

□ 1630

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, there is no rocket science in this. The Federal Government since history has been required to do a census every 10 years. We do not need to pass any law to do that. We created the Census Bureau to do it. So if we are going to pass a law at this stage, we really are going to pass a law to restrict how we do the census, and that is what this bill does and that is why it should be rejected.

Essentially, no bill is necessary. So this bill comes along and it only addresses post-census review, which is letting local governments review it. But then if we read the bill, throughout the bill, on page 2, line 23; page 3, line 3; page 3, line 19; page 4, line 5, all those times and dates restrict the ability of local government to have a review of the process. And, essentially, if we restrict local governments, we restrict local voices to comment on what is going to affect the revenues that they are going to receive because of the undercount that occurs.

Basically, we know there is a partisan battle going on here. The more people that are counted in this country, the more people that are probably Democrats, the less people that are Republicans. So let us quit this partisan fight and have no bill at all.

The SPEAKER pro tempore (Mr. NEY). The gentlewoman from New York (Mrs. MALONEY) has 30 seconds remaining.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the record is clear. We need to defeat this bill. The U.S. Conference of Mayors in a letter this week said, "A lengthy 1990 style post-census local review will do very little to address the persistent undercount problem. We urge you to oppose any legislation that places at risk the Census Bureau's ability to conduct a timely, post-enumeration survey."

We should let the professionals at the Census Bureau do their job. We should stop trying to micromanage the census. We should support an accurate census and defeat H.R. 472.

Mr. MILLER of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, during the debate the other side kept referring to sampling, sampling, sampling, and I keep saying the Supreme Court ruled it illegal. So we just need to do the best job we can and address the undercount.

Yes, there was an undercount. We need to do everything we can to eliminate that undercount, and post-census local review is one way to help eliminate the undercount. It solved 400,000 mistakes back in 1990. They added 125,000 people. Those people count. So why can we not use it? Why would we even be opposed to it?

Now, the two criticisms I have heard today was, one, it was going to delay the process by 45 days, by 9 weeks. This takes place parallel at the same time as the sampling plan or the Census Bureau is proposing to use a sample of 300,000. So it should not delay it. It was used in 1990. It did not delay the census in 1990. And so it should not delay it this way around.

The other argument is that we have this LUCA program that we allow people to get involved in before the process. That is good. We want people to be involved. But every community is not involved in that. So the idea is that is a before, this is an after. It is kind of like an audit of the books.

What is there to be afraid of? It is just a chance to check it. I know it is a pain, and maybe it is a lot of trouble for the Census Bureau. It is not like it is a huge sum of money. It was $7 million in 1990. So it is not the money issue, when we are spending billions of dollars on this issue. What it is is it is an issue of trust and accuracy, accuracy because we can add people.

Because mistakes are made. As the gentleman from Illinois (Mr. CRANE) said, in Elk Grove village in Illinois they missed a whole subdivision they were able to catch before it was too late. That is getting accuracy. And then we get back to the issue of trust. Let the local officials have one final shot to say, were there any mistakes? Were there any subdivisions missing? That is all we are talking about. It is a good piece of legislation.

Mr. KOLBE. Mr. Speaker, I rise in strong support of H.R. 472, the Post Census Local Review Program. This program which was dropped by the Clinton administration has strong support from my local government officials and needs to be reinstated.

In Arizona, we have experienced unprecedented growth during the 1990's. Small towns like Oro Valley have quadrupled in size between 1990 and 1999.

The following is from a letter written by Mayor Paul Loomis of Oro Valley.

> Because of this rate of growth and our changing community we feel the Post Census Local Review program is very important in order for Oro Valley to receive our fair share of State and Federal funds. The town of Oro Valley does want the opportunity to correct mistakes before the Bureau of the Census finalizes the year 2000 count.

Pima County wants the opportunity to make sure the families in houses occupied in the last few months before the census are included in the count and to verify that areas containing concentrations of "hard to count" populations are counted. In some areas we have 6,000 residential building permits outstanding and many of these "addresses" will become valid after the local update of census addresses is completed.

In Cochise County, we are finishing a decade long addressing project during which we named or renamed 3,000 road and addressed more than 85,000 parcels. In Bisbee, the city is worried that due to the unique and difficult topography, many small neighborhoods and small enclaves of homes in side canyons and hidden basins will be missed.

Mr. Speaker, the Supreme Court has ruled that we must have an actual count; that is not the issue here. The Post Census Local Review Program is merely an opportunity for the local officials who know their communities to look at the census results and verify their accuracy. Calling such a program "unfair" stretches the credibility of any thinking person.

Mr. HOEFFEL. Mr. Speaker, I rise in support of the Maloney amendment to H.R. 472, the Local Census Quality Control Act.

The Maloney amendment would allow local governments to get involved in reviewing census plans in their area in a fashion which will allow the Census Bureau to execute its plan on schedule. The Census Bureau studied its 1990 procedures and have proposed updated methods which will be more accurate and more efficient. The Maloney amendment is compatible with these recommendations, and will allow the Census Bureau to produce the most accurate count possible of American citizens.

An accurate count is critical to every state, district, and town in this country—including my own district in Pennsylvania. As my constituents know, an inaccurate count has real effect on real people.

In the Norristown Area School District, inaccurate procedures employed during the 1990 census undercounted the number of poor children by 60 percent, dropping the count of impoverished students from 1,375 in 1980 to 541 in 1990.

But Norristown administrators experienced a different reality: not 541, but 3,348 kids received free and reduced lunches each day—that's 1 out of every 2 students.

This undercount resulted in real budget cuts for Norristown schools: Federal assistance to Norristown dropped each year from $1.4 million in 1992–93 to $652 thousand in 97–98. That's only 47 percent of the original budget—less than half.

These cuts have resulted in actual reductions of Title I services to students. The Norristown school district was forced to reduce its number of Title I teachers, and the number of students they served. Title I programs provide special instruction in reading and math to the kids most in need of help, so they have a chance not to fall behind, but to excel.

So the end result of the 1990 census' undercount: If we cut out disadvantaged children from the census, we cut out their opportunity to get a solid education and a promising future. Congress should not allow this to happen.

H.R. 472 ignores the expert advice of the Census Bureau and keeps the same 1990 procedures, which unfairly excluded these impoverished children in my District. I cannot support the underlying measure.

What should our criteria be for a good census?

The census should be accurate: Congress allow the Census Bureau to use the methods that produce the most accurate results: statistical sampling. The Bureau is following the recommendations of the scientific community and other experts.

The census should be efficient: The 2000 census will cost $4 billion with modern statistical methods, and $7.2 billion without them. H.R. 472 would also add at least nine weeks to the counting process. That doesn't make sense.

Most importantly, the census should be fair: In our democracy, to be uncounted is to be voiceless, and to be voiceless is to be powerless. We should not overlook children, minorities, and the poor. In 1990, the undercount of African-Americans, Hispanics, and Native Americans was three times that of the general population. Congress can and should correct this.

I urge my colleagues to vote for the Maloney Amendment to H.R. 472.

Ms. KILPATRICK. Mr. Speaker, today I rise in strong and stringent opposition to H.R. 472, the so called Local Census Quality Check Act. The bill is more properly titled the Local Census Quality Destruction Act. This bill which Republicans argue allows local governments to participate in the results of the Census is a deceptive trick by the Republican Majority intended to delay the Census results solely—let me repeat—solely for political gain. The enactment of this legislation could add up to 9 weeks to a complex process that must be completed in the short span of a year. H.R. 472, will extend the completion of the Census so that there will not be enough time to make statistical corrections. Local government participation is extremely important, however, the Bureau has already recognized this fact. The 2000 Local Update of Census Addresses (LUCA) already gives local governments an important and expanded role in enumerating their populations by assisting the Census Bureau to accurately verify local addresses prior to the mailing of census questionnaires. In fact, twice as many local governments have taken advantage of this aspect of the 2000 census as compared to the Post Local Census Review of the 1990 Census.

Today you will hear the majority argue extensively that modern scientific methods are unconstitutional, or that modern statistical methods are inaccurate or wasteful. Do not be fooled. Most Republicans who oppose this bill could care less about the accuracy of the Census. They take comfort in knowing that the Census will be conducted in a manner similar to the way it has always been conducted because it serves their political ends.

In 1990, the traditional head count missed 8.4 million Americans—4.4 million Americans were counted twice for a net undercount of 4.0 million people—52 percent of this undercount, 52 percent were children. In my home state of Michigan, almost 1 percent of all minorities were undercounted. Most of those not counted were the poor and underserved. In 1990, the undercount averaged 1.6 percent of the population. The under count of minorities was far worse—4.4 percent of African-Americans were not counted; 5.0 percent of the Hispanic community was not counted and 4.5 percent of our nation's Native Americans were not counted.

Republicans in Congress who oppose this measure do so for very specific reasons. It is rumored that the Republican leadership believes that they could lose between 12 to 24 seats in the House of Representatives if modern scientific methods are allowed. In light of this possibility they have amassed an all out offensive to redirect or derail the use of modern statistical methods in the Decennial Census. In addition to bills like this one here today, keep your eyes peeled for the massive media campaign that the leadership is planning to use to obstruct the benefits of modern statistical methods.

If I still have not convinced you of the misguided intent behind this bill, let me point you to the opinions of others. Dr. Kenneth Prewitt, the Director of the Census Bureau, who was appointed by the Republican Bush administration, supports the use of modern scientific methods. He has also stated that the enactment of H.R. 472 is neither timely, effective, nor cost efficient. The American Statistical Association, the Population Association of America, the National Academy of Sciences, the Cities of Los Angeles, Houston and my home city, the city of Detroit all support the use of modern scientific methods for the census. There are even a few Republican members here in the Congress who recognize the importance of using modern scientific methods to enumerate our population.

There is too much riding on the accuracy of the Census. The accuracy of the count is fundamental to the very concept of a government for, of and by the people envisioned by our Constitution's Framers. More than $100 million in federal grants is distributed based upon census numbers. This money goes to state and local governments for the programs that benefit roads, schools, job training, medicaid, and other important social services. It is only right that all Americans be accounted for in our Decennial census process. Delaying the Census, as H.R. 472 does will only ensure that this is not the case.

Mr. BURTON of Indiana. Mr. Speaker, I am pleased to be here today to support H.R. 472, The Local Census Quality Check Act. This bill was one of seven pertaining to the Census that were recently reported out of the Government Reform Committee. This series of commonsense Census bills will help to ensure the most accurate count for the year 2000 Census.

I want to congratulate the Census Subcommittee Chairman, Mr. MILLER, for putting together this very positive legislative package. Chairman MILLER is the author of H.R. 472. He has done an excellent job under very difficult circumstances and is to be commended for his efforts.

Some of my Democratic friends have accused us of micro-managing the Census. Well, there are some real problems over at the Census Bureau, and we need to take a hard look at them. That's not micro-managing, that's responsible oversight, which is our job. The voters didn't send us here to sit around and twiddle our thumbs. When there are problems, they expect us to solve them.

One of the problems that we have is that it doesn't look like the Census Bureau is doing everything they can to count every American. The Supreme Court has ordered them to do a full enumeration for reapportioning congressional seats. They may very well order them to do only a full enumeration. That remains to be seen. They do not appear to be taking the steps they need to count the hard to count populations, which is why this bill should be passed.

H.R. 472, The Local Census Quality Check Act is designed to get more people to participate in the Census. It will help to get a more accurate count and reduce the undercount. Local and tribal governments are the ones who need accurate Census data the most, and it is important that they are able to trust the Census counts. Post Census Local Review provides the opportunity for local governments or their designees to review official Census household counts in their jurisdictions before the Census numbers are final. Under this bill, local governments would be given 45 days after the completion of the nonresponse followup stage of the Census to review the official housing counts noting discrepancies for possible challenges. Post Census Local Review added 124,000 people to the final count of the 1990 Census.

I just can't understand why anyone would be opposed to consulting with local governments to make sure that the numbers are right. This just makes common sense. The Census Bureau used this Post Census Local Review program in both 1980 and 1990 Censuses. For the 2000 Census, the Census Bureau has decided not to provide local governments with this opportunity, which is wrong.

This bill shows that we're committed to counting every single American, whether they're a minority or not, whether they live in the inner city or the suburbs. I believe this bill will pass on its merits. We want everyone to be counted, and I wish the Clinton administration would join us in that commitment.

Mr. STARK. Mr. Speaker, I rise today to call for the use of modern statistical methods in order to assure an accurate census in the year 2000. Without this, the undercount of the urban and rural poor and minorities will persist.

H.R. 472, the Local Census Quality Check Act, would prevent the use of statistical methods by requiring the use of a postcensus local review as part of each decennial census.

Representative DAN MILLER's bill would require the Census Bureau to review the count of local addresses a second time—nine weeks after the census field work is done. This new requirement will consume so much time that the Census Bureau will be unable to carry out its plans to use modern statistical methods. The 2000 census will suffer from the same flaws as the 1990 census—millions of people missed and millions of others counted twice.

Mr. Speaker, an accurate count is essential to California. The population in the 13th district of California was undercounted by 11,857 for the years 1991–1999. This translated into nearly $32 million in lost federal funds. In addition to formula funds, hospitals and community clinics which provide vital services in our communities use census data to determine where to build and whom to serve. Without an accurate count, our citizens will again be denied essential services.

This legislation is opposed by the National Association for the Advancement of Colored People, the National Asian and Pacific Legal Foundation, and the National Association of Latino Elected and Appointed Officials, and for good reason. The 1990 Census missed 8.4 million people, miscounting children, the poor, and people of color. The requirements in H.R. 472 would further undermine the accuracy of the next census, and would compromise our constitutional assurance of "one American, one vote."

It is critical that we put partisan policies aside and work to ensure an accurate census in 2000—for poor and minority Americans in California and throughout the nation.

The SPEAKER pro tempore. All time for general debate has expired.

It is now in order to consider an amendment in the nature of a substitute.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute offered by Mrs. MALONEY of New York:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Participation in the Census Act".

SEC. 2. CENSUS LOCAL PARTICIPATION.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 13, United States Code, is amended by adding at the end the following:

"§ 142. Census local participation.

"(a)(1) The 2000 decennial census shall include the opportunity for local governmental units to review housing unit counts, jurisdictional boundaries, and such other data as the Secretary considers appropriate for the purpose of identifying discrepancies or other potential problems before the tabulation of total population by States (as required for the apportionment of Representatives in Congress among the several States) is completed.

"(2) Any opportunity for local participation under this section shall be provided in such time, form, and manner as the Secretary shall (consistent with paragraph (1)) prescribe, except that nothing in this section shall affect any right of local participation in the 2000 decennial census otherwise provided for by law, whether under Public Law 103-430 or otherwise.

"(b) Any opportunity for local participation under this section in connection with the 2000 decennial census should be designed with a view toward affording local governmental units adequate opportunity—

"(1) to assure that new construction, particularly any subsequent to April 30, 1999, and before April 1, 2000, is appropriately reflected in the master address file used in conducting such census;

"(2) to verify the accuracy of those units or other addresses which the United States Postal Service has identified as being vacant or having vacancies; and

"(3) to assure that the Secretary has properly identified the jurisdictional boundaries of local governmental units, consistent with any measures taken under Public Law 103-430 and any other applicable provisions of law.

"(c) Any opportunity for local participation under this section shall be afforded in a manner that allows the Secretary to derive quality-control corrected population counts (as recommended by the National Academy of Sciences in its final report under Public Law 102-135 and as proposed in the census 2000 operational plan as part of the Accuracy Coverage Evaluation program) on a timely basis, but in no event later than the date by which all tabulations of population under section 141(c) (in connection with the 2000 decennial census) must be completed, reported, and transmitted to the respective States.

"(d) As used in this section—

"(1) the term 'decennial census' means a decennial census of population conducted under section 141(a); and

"(2) the term 'local governmental unit' means a local unit of general purpose government as defined by section 184, or its designee.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 13, United States Code, is amended by inserting after the item relating to section 141 the following:

"142. Census local participation.".

Amend the title so as to read: "A bill to amend title 13, United States Code, to require that the opportunity for meaningful local participation in the 2000 decennial census be provided.".

The SPEAKER pro tempore. Pursuant to House Resolution 138, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

My amendment will fix some of the underlying problems of the bill that is before us. But, in the final analysis, this is a very bad bill and should be defeated.

There are three things wrong with H.R. 472. First, it calls for a repeat of a failed program in the past. Second, it does not address the fundamental failure of the 1990 census, the large undercount for minorities. Third, this bill will prevent the Census Bureau from being able to correct the final population counts for the millions of errors that are inevitable.

The supporters of this bill have proudly claimed that it makes permanent the local review program from the 1990 census. Why would we want to make permanent a program that failed miserably in 1990?

Let us look at the record on post-census local review. Only 16 percent of local governments participated. The additions to the address list amounted to less than one-tenth of 1 percent. That means that more than 99.9 percent of the address lists went unchanged. Local review had a nearly 20 percent error rate. That means that one out of every five addresses added to the census was wrong, thus making the census less accurate.

In simple language, local review, as it was done in 1990, did not work for the census and it did not work for the local governments. The good thing about the Census Bureau is that they work very hard at trying to fix the things that do not work in the census, and that is just what they are doing now with local review.

For 2000, the Census Bureau, spurred on by Congress, decided that it would be better to work with local governments before the census rather than to try to fix it afterwards, and that is exactly what they are doing.

The 1990 local review covered less than one-tenth of 1 percent of all addresses. The 2000 local review has already covered 86 percent of all addresses, and they are still working. This is an improvement of over 1,000 percent.

Why do my colleagues on the other side of the aisle want to go back to a system that is 1,000 times less effective? The Republicans claim they are trying to help local governments, but a large number of mayors and other local officials oppose H.R. 472.

The mayor of Dade County, Florida, said, "I urge you to oppose H.R. 472." The mayor of Detroit, the mayor of San Francisco, the City Council of New York and Los Angeles all are opposed to this bill. And let me share with my colleagues just a few of the editorials around the country.

The Sacramento Bee says, and I am quoting from an editorial since my colleagues on the other side of the aisle are saying that I am partisan, let us go to a nonpartisan, independent opinion molder. The Sacramento Bee says, "At the eleventh hour, Republicans in Congress are proposing legislation that seeks to significantly change census methodology and procedures, adding costs, confusion and, most critically, time to an already tight schedule. Post-census local review was tried in 1990 and 1980 and, according to a Republican former Census Bureau director, turned out to be a logistical and public relations nightmare. The real Republican goal here seems obvious, delay."

According to the Houston Chronicle, "One side is so clearly wrong. Republicans fear the more accurate numbers will give Democrats an advantage. But Texas GOP lawmakers ought to put their constituents above narrow partisan interests."

The Miami Herald says, "Republicans will prevent an accurate census at any cost. The House Government Reform Committee voted to throw as many monkey wrenches as needed into next year's count with bills that will delay a true count, delay it until all those initially overlooked, black, brown and other minority faces, no longer count.

When these bills get to the House, common sense should trump partisan politics."

And I could put in many, many more. But, Mr. Speaker, what is most disturbing about this bill is that it will prevent the Census Bureau from being able to correct the census for the millions of people missed or the millions of people counted twice. It is those errors that make the census blatantly unfair. It is those errors that will leave millions of people unrepresented in Congress and left out when Federal funds are distributed.

My colleagues across the aisle want to make sure that these millions are permanently left out of the census and to make sure that the millions counted twice are forever left in. Why?

This bill will do nothing to make the census more accurate. My colleagues want the errors left in the census because they believe that these errors create for them a political advantage. Remember the Republican spokesperson who was quoted in the paper who said that this is a "do or die" for the Republican Party? Not "do or die" for the American people. Not "do or die" for democracy. Not "do or die" for our country. Not "do or die" for accuracy. But the quote from the Republican spokesperson was, "do or die" for the Republican Party.

The supporters of H.R. 472 cannot hide from the fact that their entire census agenda is aimed at making sure that millions of minorities are not counted in the next census.

Mr. Chairman, my amendment in the form of a substitute is specifically drafted at two areas that were of concern that was raised by local governments; and these concerns can legitimately be addressed, and they are new construction and boundary problems.

In addition, my amendment calls for any program on new construction or boundaries to be coordinated with all of the other parts of the census to assure that we get the most accurate count possible.

I urge my colleagues to vote for my amendment and save us from the disaster awaiting if H.R. 472 is passed without change.

The Conference of Mayors agrees. The overwhelming majority of the editorial boards across this country agree. Defeat 472 and vote for my amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I rise in opposition to the Maloney amendment. It is, basically, a gutting amendment. It just guts the whole idea of post-census local review.

We know in 1990 there were 400,000 errors that were determined. We added 125,000 people. I think those are important people. We need to count people. We need to get the most accurate census, and this helps make it more accurate and builds trust. That is what this is all about.

What, basically, the Maloney amendment does is it defeats the very nature of H.R. 472 by requiring that all local review take place prior to census day. This is called post-census local review. It prevents the possibility of doing it afterwards.

The amendment affords the Secretary of Commerce the ability to exclude any post-census local review. Well, he has already stated he is opposed to it, so we are basically doing away with it by giving him the power to say, "well, we do not want it."

This is really getting politics more involved in it. We need to trust our local communities to know the right way to do it, be part of the process. It worked in 1980. I am amazed that somebody said it was a failure in 1990. If we added 125,000 people, are they not real people? Is that not really important? And we corrected these other mistakes.

So I urge opposition, that we have a "no" vote on the Maloney amendment.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I yield 3½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

□ 1645

Ms. NORTON. Mr. Speaker, never have the Republicans looked worse than they look today in their support of H.R. 472. Because for the first time in American history, the Republicans are trying to force an inaccurate census on the American people. Bad enough that H.R. 472 is the opposite of what all the census professionals, all the statistical experts, what the National Academy of Sciences say gets you accuracy. But what is worse is who H.R. 472 would keep from being counted. I am going to call the roll for you. Because they are first and foremost children, then they are people of color, then they are immigrants, and they are people from big cities, and they are people from rural areas. I am going to call their names out because that is who they are. Undercounting at the Federal level means higher taxes at the local level, because somebody is going to pay for the services for these people.

The way in which this bill makes the Republicans look, even if that is not your motive, it makes you look as if there are some people you want to be counted and some people you want to be discounted. Let us look at who gets counted twice and who does not get counted at all. 4.4 million people got counted twice in 1990. Do you know who they were? They were affluent people who had two homes, or whose children were away at colleges. They mostly live in suburbs, God bless them. Let us look at who did not get counted. Almost twice as many people did not count at all. There were 8.4 million of them. And let us see who they were. They were kids. They were black people. They were Hispanic people. They were Asians. They were hard-to-reach people in big cities and in rural hovels. That is who they were. This time they demand to be counted.

We know what to do this time. Two things: Involve local communities early, rather than post-census when it is too late to do anything about it. Two, use modern scientific methods that all the experts say are the only way to get a more accurate census. Why do the Republicans, instead of doing what the experts say, hinting at closing down the government, why do the Republicans want to spend $7.2 million on a census the way they would do it while the Census wants to spend only $4 million? Do you want this result or do you want this result? Because this is the result the census would get us, five times as many people were uncounted in 1990.

All three minority group caucuses, the Black Caucus, the Hispanic Caucus and the Asian Caucus, we rarely get together on one press conference, we work on the same issues often but we do not usually get together at the same time. We are working as one on this because we have the most to lose. This, my friends, this issue, H.R. 472, is the most important civil rights issue that will come to the floor of the House in the 106th Congress.

So all three caucuses have come forward to put you on notice, we cannot give this one up, because to do so is to give up our entire community. We have the most to lose. That is why we want local import. H.R. 472 makes a mockery of local import. Give us a colorblind census by counting people of every color. Count everybody. Support the Maloney amendment.

Mr. MILLER of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. TERRY), a former Omaha City Council President.

Mr. TERRY. Mr. Speaker, I rise in support of H.R. 472 and against the Maloney amendment. I feel particularly strongly about keeping this initiative in place because of my background as an 8-year member of the Omaha City Council. Post-census local review is a highly successful program which affords local and tribunal governments the opportunity to review housing counts in their jurisdiction and challenge those counts before the census numbers are made final.

When local officials in my district and across the country learned of the administration's plan to replace the post-census local review with an estimated second number, they objected, including the mayor of Omaha, Nebraska, Mayor Hal Daub, who submits here today that if the Census Bureau misses a zip code or a housing development, which does happen, we must be provided the opportunity to review and correct that error.

At the city level, we feel very strongly that everyone counts in our community and everyone must be counted. It is the local leaders, the mayors, the city council members, the school boards, who know which neighborhoods have grown and which ones have been left out. These local officials must be empowered.

Doing away with the post-census local review would have serious consequences for the Second District of Nebraska. We have seen explosive growth in our district since 1991 because of the high-tech and information industries as well as the transportation and ag industry. In fact, since about 1991, our Hispanic and Latino population has grown from about 2 to 3 percent to 10 to 12 percent by estimate now. These people deserve to be counted.

Nationally, post-census local review added over 80,000 housing units to the count in 1990. The program relocated nearly 200,000. Total corrections as a direct result of the post-census local review totaled nearly 400,000. We cannot argue with those figures.

We cannot ignore local and tribunal officials. These officials know their jurisdictions best and they want post-census local review. If local governments and cities do not want to participate, they are under no obligation to do so. It is a voluntary program.

It is imperative that we allow local officials from smaller cities a voice in how their communities are counted. Communities like the ones I represent fear that without this formal mechanism for local review, only the biggest cities in the Nation with political clout will be heard and those from cities with populations in the thousands instead of the millions will not be heard and our people will not be counted accurately.

Unfortunately, this administration is setting America on a divisive course, pitting small States against large States, small cities against large cities. We depend on an accurate census for our fair share of the representation and our fair share of vital public services. Without giving local communities like ours in Nebraska a voice, the methods the administration plans to use and enabled by this amendment would make cities and counties like those in my district in Nebraska the losers. We cannot allow this to happen.

Mr. Speaker, local governments place their trust in us to assure a fair census, that we in fact count everyone. Post-census local review is a small but vital way to live up to that trust.

I urge all to vote against this amendment and for H.R. 472.

Mr. Speaker, I include the following letter for the RECORD:

REPUBLICAN MAYORS
AND LOCAL OFFICIALS,
Washington, DC, March 18, 1999.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States of America, Washington, DC.

DEAR MR. PRESIDENT: It is time to place policy over politics and save the 2000 Census from failure. The recent announcement by Census Bureau Director Ken Prewitt, that the Administration is going to attempt a two-number census causes us great concern.

For the first time in history, Americans will be presented with two numbers measuring the same population: the Supreme Court number as mandated in the January 25th decision and the confusing and admittedly estimated second number supported by your Administration given to the states for purposes of redistricting and other functions. The U.S. Constitution is clear in calling for an "actual enumeration" of individuals residing within our borders.

In addition, cities have been told that your second number will serve to replace worthwhile and legitimate improvement measures such as Post Census Local Review. It won't. The National Academy of Sciences has said your sampling proposal will have "considerable variability." With all due respect Mr. President, "considerable variability" is not good enough. Our communities rely on decennial census for their fair share: fair share in political representation and public monies for vital public services. Post Census Local Review doesn't yield variability—it yields accuracy. If the Census Bureau misses a zip code or housing development, Post Census Local Review will provide local governments with an opportunity to notify the Census Bureau and have the error corrected. Under your sampling proposal, adjustments are distributed throughout a state or across state lines, so cities don't necessarily get the specific adjustments they deserve.

As mayors and local officials, we represent the true stakeholders in the 2000 Census, the American people. We urge you to cleanse the census and drop the second number being proposed by your Administration. We also urge you to reinstate Post Census Local Review so that we can help the Census Bureau count our cities accurately.

Do it for the American people.

Thank you.

Sincerely,

Mayor Hal Daub, City of Omaha, Nebraska, President; Councilwoman Beulah Coughenour, City of Indianapolis, Indiana, Vice President; Vice Mayor Michael Keck, City of Little Rock, Arkansas, Secretary/Treasurer; Mayor Neil Giuliana, City of Tempe, Arizona, Executive Committee; Mayor Rita Mullins, City of Palatine, Illinois, Executive Committee; Mayor Ralph Moore, City of Union City, Georgia, Executive Committee; Councilman Chuck Mosher, City of Bellevue, Washington, Executive Committee; Mayor Lou Ogden, City of Tualatin, Oregon, Executive Committee; Councilwoman Rebecca Ravine, City of Fort Wayne, Indiana, Executive Committee; Councilman Patrick Tuttle, City of Joplin, Missouri, Executive Committee; Alderwoman Lisa Walters, City of Ridgeland, Mississippi, Executive Committee.

Mr. MILLER of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I rise in support of H.R. 472, the Local Census Quality Check Act. This legislation is a key element of our commitment to assure that every single American is counted in the year 2000 census.

Post-census local review gives officials in every city, county, township and village the opportunity to review the initial results before they become official. This only makes sense. These officials approved the new subdivision that is not on the map. They know the places that mailed forms or a manual count would not reach. They are the best editors that the Census Bureau could ever ask for. This bill empowers them to speak out for their local citizens and prevent mistakes before they occur.

Some of my colleagues across the aisle have argued that local officials are already being consulted. I support those efforts, too. But today less than half of the Nation's local governments have participated in the precensus programs.

Unfortunately, some are using this important legislation to fight old battles that were resolved by the Supreme Court earlier this year. As much as my colleagues across the aisle may disagree, this debate is not about sampling, it is about getting it right the first time. The National League of Cities, the National Association of Towns and Townships, the National Association of Developmental Organizations have asked Congress for this legislation, to be an opportunity to be a partner with the Census Bureau. I urge us all to support this and make sure that the first check of our census occurs on Main Street, not Pennsylvania Avenue.

I must ask the question, what are we trying to hide? What are we trying to slide by? We do not want them participating? This administration cheated with the INS for political purposes in the last election by registering a million new citizens before they had background checks. I would not put it past them to use this method to statistically sample, to manipulate the numbers. What are you trying to hide?

Mr. MILLER of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in opposition to the Maloney amendment to the Local Census Quality Check Act. The Maloney amendment has nothing to do with local review and has everything to do with establishing a dictator of the census. Before a local community is allowed to review and comment on census data, they must ask "Mother may I?"

For Members who may not believe me, let me read the amendment itself:

"Any opportunity for local participation under this section shall be provided in such time, form and manner as the Secretary shall prescribe."

Let me read further from the Maloney amendment:

"The 2000 decennial census shall include the opportunity for local government units to review housing unit counts, jurisdictional boundaries and such other data as the Secretary considers appropriate."

This amendment would be nothing more than a "Mother may I" amendment. Under this amendment, the rights of the local communities would be ceded to the Secretary of Commerce. This might be the norm in Third World dictatorships, but it has been soundly rejected by the United States.

The Maloney amendment guts the very rights of local communities that this bill would protect. The Maloney amendment would force local communities to beg the Secretary of Commerce for permission to comment on census figures. We do not need a sovereign rule over local communities on this census issue. We rejected a sovereign 200 years ago. The Maloney amendment gives the Secretary the authority to dictate whether or not local governments have any meaningful input in the process.

We all know the Secretary of Commerce has publicly opposed post-census local review. How fair a card will he deal to local communities? It is imperative that we have input and oversight from local leaders at every stage of the census. H.R. 472 is designed to improve the accuracy of the census. It helps pinpoint such problems as clusters of missed housing units or incorrectly displayed jurisdictional boundaries. H.R. 472 protects the rights of local governments to review data before the census is final.

The Maloney amendment should be rejected because it denies local communities this right unless the President's political appointee gives his stamp of approval. Local governments know their jurisdictions better than Washington bureaucrats.

It is time for the Democrats to stop putting politics before the truth and to protect the rights of our local communities. Make no mistake about it, the Maloney amendment is a muzzle on local communities, clear and simple.

Reject the dictator of the census amendment. Vote "no" on the Maloney "Mother may I" amendment.

Mrs. MALONEY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Maloney amendment and in opposition to H.R. 472, for three basic reasons.

First of all, the director of the Census Bureau testified before the Subcommittee on Census that this bill in its current form, if passed, would put at risk the accuracy of the 2000 census. This bill not only puts at risk the accuracy of the census count but it adds additional time which further delays taking the census.

Secondly, I oppose this bill because I have heard from local governments, such as the Cook County Board in Illinois and others, who have complained that local census review did not work well in 1990 and will not work well today. Even the U.S. Conference of Mayors has stated that a lengthy 1990 style local review will do little to address the persistent undercount problem.

□ 1700

This bill is a wolf masquerading in sheep's clothing. It looks good, it sounds good and can even make us feel good. But it really is no good and could even bite.

In fact, it is not timely, nor is it cost efficient. It simply serves the goal of tying the hands of professionals at the Census Bureau.

Finally, I oppose this bill because it duplicates what the Census Bureau is already doing. The Census Bureau is already involving local governments in the process on the front end as opposed to the back end through a process known as pre-census review.

I urge that we listen to the wisdom of Dr. Barbara Bryant, who served as Census Bureau Director under the Bush administration in 1990, when she said that post-census local review was a failure. I urge that we listen to the wisdom of Dr. Ken Prewitt, who has said that this bill could derail the accuracy of the census. I urge that we listen to the U.S. Conference of Mayors and others who agree that this bill will do little to address the undercount.

Finally, Mr. Speaker, I urge that we listen to the wisdom of the gentlewoman from New York (Mrs. MALONEY) who has amended this bill so that we can make sure that we get about the business of counting the people.

Mr. MILLER of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in strong support of H.R. 472, the Local Census Quality Review Act, and in very strong opposition to the amendment offered by the gentlewoman from New York (Mrs. MALONEY). I think indeed the amendment may be well-intended, but I suggest that its author does not understand the problem faced by western States with vast rural areas.

Let me begin by pointing out this is not a debate about sampling. Rather, this is a debate about creating the most accurate census, indeed a census that counts every single American.

I strongly support, everyone on this side strongly supports, a census that counts every single American, and precisely because we want to count every single American, we believe that a post-census review is critically important.

The efforts which have been discussed on the other side to consult with local government before the census are indeed good and worthwhile and supported by this side. But why? Why would anyone say, having consulted with local government before the census, before Census Day, we will not talk to them afterward? I suggest we cannot possibly get as accurate a count if we only talk with local officials before and not after the census.

And let me point out exactly, and that is what the amendment offered by the gentlewoman from New York (Mrs. MALONEY) does, but let me point out the proponents of the Maloney amendment say, well, it is focused on new construction, and it is focused on addresses which are in dispute. Let me point out that in Arizona we have unique problems. In my State we have tens of thousands of voters who register without an address, who live in such a rural location, many of them Native Americans, that they register by reference to a map like this showing that they live 2, or 3, or 5, or 20 miles north of a given dirt road and 8, or 10, or 12 miles west of a stream, or of a ridge, or of a mountain top. Now that kind of rural situation is not repeated in the State where the author of this amendment comes from. I suggest that when we have those kind of rural conditions as we have on Arizona's Native American reservations and throughout all parts of rural Arizona, it is critically important that we talk with local officials, not just before the census to tell them what they ought to do, to tell them where there are pockets that they ought to go talk to people, but that we talk to them after the census.

Now my colleagues should ask themselves, if the goal here is to produce the most accurate census, why would we want to tie one hand behind our back and say we will not talk to local officials, we will not talk to tribal officials about whether we have found people who register 8 miles north of a dirt road and 20 miles west of a particular stream as their home and identify that is where they live? Why would we not want to talk to them after the census is conducted to see if, in fact, the information we gathered is accurate?

I suggest that the amendment offered by the gentlewoman from New York (Mrs. MALONEY) indeed will not produce a more accurate census. It may produce a more political census, but it will hurt rural voters across America who desperately depend upon local consultation for an accurate census.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I rise today in opposition to H.R. 472.

The proponents of H.R. 472 will tell us that post-census local review will produce a more accurate count by receiving local input. What they will not tell us is that post-census local review failed in 1980 and again in 1990 to reduce the undercount of our Nation's minorities. The 1990 census missed 8.4 million people, counted 4.4 million twice and put 13 million people in the wrong place. Minorities were the majority of those not counted by the 1990 census which missed 4 percent of all African Americans but only seven-tenths of 1 percent of non-Hispanic whites.

Mr. Speaker, the undercount continues to unfairly deny full representation and equitable services to millions of minorities in America. That is why the professionals at the Census Bureau have already begun a form of pre-census local review called the local update of census addresses. The Bureau is working hand-in-hand with localities to ensure that its address list is as accurate as possible before the census begins, rather than waiting until after it is nearly completed to correct any mistakes.

Mr. Speaker, I urge all of my colleagues to reject H.R. 472 unless the amendment offered by the gentlewoman from New York (Mrs. MALONEY) is adopted.

Mr. MILLER of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), my colleague from the Subcommittee on Census.

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Florida (Mr. MILLER) for his leadership on this issue. It is a very complicated and difficult issue in the middle of a very partisan atmosphere. Clearly, whether or not we are able to get an accurate count may have an impact on how Congress is distributed, and that is why we see much of the debate here.

I believe we have to have a real count and not an estimate or a guess. Estimating has real problems, and I want to illustrate why local communities, mayors, city councils and county councils are so concerned about having the ability to review this, because our assumptions when we estimate are critical.

Mr. Speaker, let me illustrate by using fantasy baseball. I love to play fantasy baseball. I have a team, and it is based on real daily statistics.

Imagine what baseball would be like if the Census Bureau was in charge of baseball:

Fantasy owners of Mark McGwire would be crushed because he would hit only 36 home runs this year, which is his yearly average. Unless, of course, we use his average for 162 games, in which case he hit 48 home runs. But we could use his 3-year average, which is 60 home runs. But anybody who has Mark McGwire in fantasy baseball is really hoping for more than 60 home runs, so they would not want the Census Bureau statistic.

Then take Sammy Sosa. His Census Bureau number this year would be 27. That is his average yearly number. Who would want Sammy Sosa at 27 home runs if he has got the potential to hit 66 home runs?

Now I have had Andres Galarraga, and I would like the Census Bureau number on Andres Galarraga because his 3-year average is 44 home runs, and he is out for the year.

But, as my colleagues know, this illustrates the problem with estimating. Estimating for the whole United States is accurate. But the smaller the unit when we do estimating, the less accuracy there is and the more deviation there is because it is more difficult to count.

So when we go down to a census block or the equivalent of an individual player, it is completely unpredictable; over 8 percent, I believe, is the variation, or higher. When we move to the city level or even a city council level to a city, then we become more like a team, and it is also very inaccurate and above the percentage that the estimates of the current census of actual numerical count, if we did it in not the way the Republicans are proposing, because we are proposing to increase the money for local groups to go out and do it, we are proposing to increase any way we need to to get a better real count. But if we just took the traditional problems that they had in 1990 and said this is the way we are going to do a real count, it would still be more accurate at the city level and the block level than estimating. Now when we get to the larger units, estimating starts to work better because we have a larger base to work off of and the people are not moving around.

Now let me illustrate why that is the case, because estimating and the mathematical probabilities are based on very difficult things in this type of situation. The people who are most at risk of being undercounted, and I do not think there is any one of us here who sincerely have worked with the problem who do not believe that counting is very difficult in high-risk populations, which include illegal immigrants; it includes the homeless; it includes anybody who does not want to talk to somebody from the Federal Government.

For example, in Fort Wayne we say we have 120 crack houses, but only 20 or 30 may be operating at a given time because it is really abandoned homes and the people are moving between them. Illegal immigrants may be clustered many in a house, or there may be a couple, or the place may not have them at a given time.

Now what we have proposed to do, and the gentleman from Virginia (Mr. DAVIS) and I, and the gentleman from Illinois (Mr. DAVIS) and I worked on an amendment in committee to make sure that we signed off an amendment that even said groups of color with a marketing background, so we can get people in the community to try to find the people who are hard to count because they do not trust somebody like me walking into a neighborhood. Looks like potentially I am going to count them and they are not going to trust me. We have to find groups in local communities who are trusted, but if we do not get real people, that is why we have estimates in this country, and some big cities that is there is 20,000 homeless or there is 120,000 homeless. Quite frankly, if we estimate on certain assumption that there is 120,000, and there is only 20,000, we are depriving 100,000 other citizens, if we are wrong, of their civil right to vote. That is more than the cities, for example, of Muncie and Terre Haute in Indiana, plus Huntington combined, would be deprived of their right to vote because somebody made an estimate that was high on the homeless as opposed to low.

It does not work. Many of the people who are hardest to count are moving around, and if they are moving around, unless we have a real name, we could quadruple count them.

It is a difficult thing, and it is not a question of sincerity here. I want to get a real count, I want to do everything I can to get the real count, but I am not going to go in for guessing.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, we all are saying that we want an accurate count. It is what we do when we say that. Indeed, this bill is a fig leaf. This amendment really gives some substance to it. We think we can say anything and say it is local control.

I was a former local county commissioner, and I am from a rural area, and I can tell my colleagues it makes more sense to get more engaged pre-census than post-census, and why would we want to institutionalize a method that only used 10 percent of a local government and call that local involvement?

The amendment offered by the gentlewoman from New York (Mrs. MALONEY) gives some credibility to it. Yes, it does say "if needed." It does not say, "Mama, may I?" It says if it is needed, every local government could be involved. We give that authority to the Census Bureau and allow them to make that determination.

The amendment further gives opportunity for new construction, opportunity for change of address.

Mr. Speaker, I urge the support of the amendment offered by the gentlewoman from New York (Mrs. MALONEY) to make this resolution which is very insufficient a sufficient resolution.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

□ 1715

Ms. DELAURO. Mr. Speaker, the Maloney amendment enhances the role of local government in perfecting the census address list, while leaving the details to Census Bureau professionals. The Census Bureau Director Ken Prewitt has said that without the Maloney amendment, this bill, the Local Census Quality Control Act, will make the census 2000 neither timely, effective or cost efficient.

It disrupts the Bureau's effort to complete a fair and accurate census on time. It prevents the use of modern statistical methods to count Americans that are missed by the traditional head count.

Statistical methods cut the costs, provide for a more accurate count of all Americans, and we have to keep in mind in this process that in 1990 that census missed 8.4 million people. This cannot happen again.

Why is the census important? Why is statistical sampling important? Because we are talking about the distribution of billions of Federal dollars; road improvements, medicaid, child care, community development block grants, foster care grants. This is not a political issue. The census count should reflect the population of this great country of ours. Let us have an accurate count. Let us have local government involved. Let us support the Maloney amendment.

Mrs. MALONEY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for yielding me this time and I want to congratulate her on her excellent work in this regard.

Mr. Speaker, in our last census the GAO estimates that 26 million Americans were counted twice, counted in the wrong district or not counted at all. Now some in Congress say that kind of census result is acceptable, but I strongly disagree. When we are talking about a constitutional guarantee, we cannot settle for 80 or 90 percent correct. Our standard has to be full and fair participation for all.

The good part is, we know how to get that 100 percent accuracy through modern, scientifically proven statistical methods.

Let me just say as the former mayor of the most densely populated city in America I can say that by using the limited time and resources we have to needlessly repeat a local review process, H.R. 472 actually prevents us from getting an accurate count.

Why would the Republicans not want an accurate count? Maybe it is because African Americans are seven times more likely to be missed than whites or that the difference in the undercount between whites and blacks in the last census was the highest ever. Or maybe it is because 1.5 million Hispanic Americans were not counted at all.

Maybe it is because people of color are denied equal representation at every level of government because of an inaccurate count. Maybe Republicans know that the Democratic agenda has far greater appeal to these Americans and they will not vote for them so let us not count them.

Republicans are in the act of a raw political power play that will disenfranchise millions of Americans who are black, brown, Asian or rural and who, in fact, will not be counted by their methods. We are not just talking about numbers here. We are talking about people, though, who can least afford not to be counted. These people undercounted may be single mothers who work two shifts to put food on the table and send their children to day care and families just struggling to get by, those barely above the poverty line or new citizens who came to America fleeing oppressive regimes and are fearful of government authorities knocking on their door.

The Maloney amendment gives these people a voice. H.R. 472 strips it a way. Let us count everyone regardless of their color. Let us vote for the Maloney amendment.

Mr. MILLER of Florida. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, we all want to count everyone. We do not want to have an undercount. We need to put all the effort and resources to do the hard work. The Supreme Court has ruled that sampling and polling cannot be used for purposes of apportionment. So let us do the job right. This is what post-census review is, giving the chance to have the most accurate census that can be trusted.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a colleague who is on the Subcommittee on Census.

Mr. RYAN of Wisconsin. Mr. Speaker, as we know from studies from the Census Bureau themselves, populations of under 100,000 are underserved under sampling. So if someone represents a district that has less than 100,000 inhabitants, every city in the district I represent in Wisconsin, we are going to be hurt under sampling. That is very important to note.

I would like to take a look at some of the quotes that we have seen as this census debate has occurred. From a Congressman from New York at that time, Charles Schumer, then Democrat from New York, commenting on post-census local review and I quote, this is a Senator from the other body at this time, "Certainly post-census local review is not a panacea but we urge the Bureau to treat it with the gravity it deserves and to truly try to cooperate with the localities in the endeavor to help secure an accurate count."

Right now, post-census local review is simply aimed at missing households. So in New York or Albany or any other locality, housing units have post-census local review. They could say, well, we missed this House or we missed that block or we missed this apartment building.

This kind of information should be made available to the Census Bureau in post-census local review and they should be able to incorporate it as they go over things, end of quote by Democrat Member of Congress from New York, Charles Schumer.

The point is this: We want to get an accurate count. This is not about Republicans and Democrats. This is about fulfilling the Constitution, carrying out the Supreme Court ruling and doing the best job we can to count everyone, everyone in every apartment building, in every urban center, and if we do pass the Maloney amendment it is to take away the very rights of local government officials to participate in the census, to catch the glitches that occur after the census is taken. It is not a delaying tactic to stop sampling. We had post-census local review in 1990 and sampling in 1990.

The Census Bureau can engage in this. They simply have to go through the work to do it.

Mr. Speaker, this is a killer amendment. A vote for the Maloney amendment is to dilute the vote in all those cities that are under 200,000 in population.

Mrs. MALONEY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise in support of the Maloney amendment, and in doing so to commend the gentlewoman from New York (Mrs. MALONEY) for her exceptional leadership on this issue.

The gentleman from Florida (Mr. MILLER) knows the high esteem with which I hold him but I disagree completely with his bill and I take great issue with its title, Local Census Quality Control Act.

What kind of quality control is it to exclude minorities in our society from being counted accurately? What kind of quality control is it to deny them their due representation in this governing body? What kind of quality control is it to deny the proper funding to States based on an unenlightened process? This bill should pass only if the Maloney amendment is included.

The Maloney amendment will allow the Census Bureau, an entity known to be able to do this, to be left to do their job and provide the most accurate count of all of America's peoples.

The delay proposed by H.R. 472 undermines the Bureau's efforts to provide an accurate count by derailing the process in an attempt to invalidate the best possible census count.

It denies fairness to people and it denies fairness to communities. As a Californian, I appeal to my colleagues from the State of California to support the Maloney amendment and to defeat H.R. 472 without the Maloney bill.

This will do great harm to California. It certainly does to my City of San Francisco and I will submit that testimony for the record. Our country, as I say in California, the beauty is in the mix. We are blessed with a great and diverse population. That diversity is our strength. We must not undermine it by under counting it in the census and therefore undermining the representation that the beautiful diversity should have in this great legislative and deliberative body.

So I again salute my colleague, the gentlewoman from New York (Mrs. MALONEY) for her outstanding leadership on this and urge my colleagues to vote yes on the Maloney amendment.

Mr. Speaker, the only "quality" in H.R. 472 is poor quality.

What kind of "quality control" is it to exclude minorities in our society from being counted accurately? What kind of "quality control" is it to deny them their due representation in this governing body? What kind of "quality control" is it to also deny the proper funding to states based on an unenlightened process?

H.R. 472 is not about "quality control." H.R. 472 is about delaying the process and denying representation. H.R. 472 is about denying the civil rights of individuals who deserve to be included in an accurate account.

A post-census review was ineffective in the 1990 census; what makes it effective in 1999? H.R. 472 sends us on a retreat to 1990 methods which failed. There is a lesson to be learned here but, instead, H.R. 472 places us on a proven path of failure. Involving local government too late in the count is 1990 dejavu. The problems which occurred in 1990 with only 25% of local governments participating in the traditional local review has been addressed by the Census Bureau's Local Update of Census Addresses which is well underway and has already doubled local participation.

The Maloney amendment would let the Census Bureau do what it is charged to do—use the best, modern techniques to provide the best census count possible.

Individually, an undercount using outdated methods, can be damaging and an undercount also has a tremendous effect collectively—on entire communities. In the U.S. Conference of Mayors report on the fiscal impact of an undercount, this effect is noted: ". . . the formulas used by the federal government to allocate funds in various programs include the number of people who are part of a socioeconomic group—for example, those living in poverty. Since such groups are the ones that historically are the most likely to be undercounted, the loss of federal funds in a city with large portions of such populations is particularly profound."

Specifically, the report identifies San Francisco in stating: "The impact of the undercount will be greater in the next decade if the Census 2000 reflects the same inaccuracy. The City is more likely than many other areas of the United States to be adversely affected if sampling is not used in Census 2000." The report continues in addressing the immigrant population in San Francisco: "Studies have shown that communities having a large, relatively recent immigrant population, as well as those with a relatively large proportion of their households living in rental units, are especially prone to undercounts." From the time between the 1980 census and the 1990 census, 54,000 immigrants came to San Francisco and the net increase through 1997 has been 66,000.

In addition to the undercount of the immigrant population in cities, there is also a concern which San Francisco shares with other urban areas in an undercount of the homeless population. In a year's time, 11,000–16,000 San Franciscans experience at least one episode of homelessness. Almost a third of this number is comprised of families with children which translates into a large potential undercount of children in urban areas.

These are the individuals who will suffer from a delay that attempts to subvert the Census Bureau's efforts to provide an accurate count. Entire communities will also suffer as a result. All members of the California delegation should be particularly concerned about this delay and its impact on federal funding to communities throughout the state. The loss to California from the 1990 census undercount was $2.2 billion in lost revenue. As Governor Davis has stated, "We can ill afford to lose another $2 billion over the next ten years."

The Census Bureau is a known entity which employs experienced census experts. They should be left to do their job and provide the most accurate count of all of America's people. The delay proposed in H.R. 472 undermines the Bureau's efforts to provide an accurate count by derailing the process in an attempt to invalidate the best possible census count. It denies fairness to people and it denies fairness to communities. This should not be allowed to happen.

H.R. 472 provides no "quality control" on the undercount; it is simply an attempt to continue the inequities of an undercount.

Vote "yes" on the Maloney amendment and "no" on H.R. 472 without it.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I ask all my colleagues today to join me in supporting the amendment to H.R. 472 offered by the gentlewoman from New York (Mrs. MALONEY). This amendment succeeds where 472 fails. It allows for local government participation without jeopardizing inaccurate census. It includes local governments in the Census Bureau's plan. It makes them a vital part of it by including them in the process of building and checking the list utilized by the Census Bureau when it conducts the census.

That is the participation that local governments want. They want to be part of the process now, not later. Let us not be fooled. Whether intentionally or unintentionally, the end result of H.R. 472 will be another inaccurate census. The voiceless will continue to have no voice. The unrepresented will continue to be unrepresented, and the American dream will remain just that, just a dream, never a reality for those who are not counted. We must vote for the Maloney amendment. Vote yes.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, how anyone can support a bill that will result in delaying, in obstructing and politicizing the next census is beyond me, and that is exactly what H.R. 472 would do.

This bill is a wolf in sheep's clothing. While its benign language may make it seem like local government will have more of a say in the census outcome, the reality is that the bill imposes requirements designed to undermine the census accuracy and opens the door to political meddling.

I intend to support the Maloney amendment. Why? Because the Maloney amendment allows local government to be involved in the census, to review and participate honestly in the development of the census from the onset, not after the fact. Vote for the Maloney amendment. Vote to let the experts do their job and do it right.

Mr. MILLER of Florida. Mr. Speaker, I yield 1¼ minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to address a few of the points made by our distinguished colleagues on the other side of the aisle, specifically my friend from Texas, who I think is a very good man and an honorable person.

The point is we want everyone to be counted. We want to make sure that every person in this country is counted, and by voting for the Maloney amendment we will effectively be voting to deprive local government officials from having the ability to take a look at the data, to simply say after the numbers have been counted let us pour over the maps and make sure nothing was missed.

Now the last speaker just said that this is delaying, this is obstructing, this is politicizing. It is nothing of those kinds. We have quote after quote after quote of Democratic Members of Congress, Democratic mayors, Democratic Governors, supporting post-census local review. Mayor Richard Daley of Chicago; former Mayor Tom Bradley of Los Angeles; the Dean of Congress, the gentleman from Michigan (Mr. DINGELL); the former chairman of the Subcommittee on Census, the gentleman from Ohio (Mr. SAWYER). We have quotes from so many different Democratic Members of Congress who when they were in the majority were the strongest advocates for post-census local review.

Now that has changed. They seem to be opposing it. If this position is the political position of asking local units of government to get involved, to make sure the data is accurate, and the position on the minority side where when we were debating this 10 years ago their position was in favor of post-census local review and now they have reversed their position, reversed their principles, I would suggest that that is a political move.

Mrs. MALONEY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to H.R. 472 and in support of the Maloney amendment. I favor local involvement in this process but I am opposed to anything that has any prospect of slowing down getting to an accurate count and frustrating that purpose, and I believe H.R. 472 will do exactly that.

□ 1730

It is unfortunate that this debate has evolved along partisan lines, because this really should not be a partisan issue. For me, it is about the fact that 126,000 North Carolinians were missed in the 1990 Census. Beyond that, it is about the fact that because of that undercount, North Carolina has missed $6,830,000 a year in Federal funds for each of those 10 years that that undercount has been in effect.

If we do not correct the problem going forward, a growing State like North Carolina with a growing urban population, with a growing minority population, is going to suffer the consequences of that not only in terms of the representation that it has in the Congress of the United States, but in terms of the actual dollars that come to North Carolina for such programs as Medicaid, highway planning, the Title I reading programs that help our kids prepare themselves to read at grade level. Those are the kinds of impacts that will be had on people in North Carolina.

So representatives in North Carolina can vote along party lines if they wish. I hope that they will vote in the interests of their States for an accurate count against this bill and for the Maloney amendment.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. I thank the gentlewoman for yielding time to me, Mr. Speaker. I cannot let this occasion pass without thanking her for her extraordinary leadership on this issue throughout this Congress and the last.

Mr. Speaker, let me just comment on a point that the gentleman from Florida (Chairman MILLER) made during the debate earlier. He said that the Supreme Court will rule that the Census Bureau must use the same number for apportionment and redistricting. We cannot use two different numbers for apportionment and redistricting.

In this I do not question his motive, but he is simply misinformed. The fact is that in 1990, the Bureau issued one set of numbers for apportionment and another for redistricting and all other purposes, including the allocation of Federal funds to State and local governments.

The Supreme Court upheld the decision to produce two sets of numbers, even though it caused a seat to shift from one State to another. So let us not give the American people the incorrect information. There is ample precedent for producing different sets of numbers for apportionment and redistricting, and the Supreme Court has specifically validated that practice.

Let me just add one point, in closing. In the immortal words of Mark Twain, the rumors of my demise are greatly exaggerated.

Mrs. MALONEY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I also want to commend my colleague, the gentlewoman from the great State of New York (Mrs. MALONEY) for the fabulous job she has done on this issue.

Mr. Speaker, this bill is nothing but a poorly disguised attempt to undermine a full, a fair, and a complete Census. This bill would have the Census Bureau use counting techniques that have already failed twice, in 1980 and 1990. In using these counting techniques, Census takers missed completely 8.4 million people in the last Census, and at the same time they counted more than 4 million people twice; blind in one eye, double vision in the other. That is what we have here with this bill, Mr. Speaker, blind in one eye and double vision in the other.

Effectively, this means that millions of American families will be denied their rights, their resources, and the representation that is theirs by law. Sadly, that seems to be the very purpose of this bill.

Mr. Speaker, a complete and an accurate Census is the foundation of our democracy. This bill undermines that foundation, and all across the country it is opposed by the very people it ostensibly aims to help, including the U.S. Conference of Mayors.

They oppose this bill because all it does is introduce more bureaucracy, more uncertainty, more politics, more delay, and more inaccuracy into the Census.

My colleague, the gentlewoman from North Carolina (Mrs. MALONEY) has offered a good substitute for this bill. Her proposal will protect the integrity and the input of local governments while ensuring that there is no delay in completing the 2000 censure.

Even more important, the Maloney substitute will enable the Census Bureau to complete the most accurate count possible. It guarantees local review, and ensures that all Americans are counted. That is the right thing to do, and it is our responsibility. I urge my colleagues to support the Maloney substitute.

Mrs. MALONEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the amendment offered by the gentlewoman from New York (Mrs. MALONEY). This amendment ensures that local participation will occur in a manner consistent with existing law by requiring the professionals at the Census Bureau to design and carry out the most accurate Census possible, which requires a release of the final Census count by April 1, 2001.

This amendment gives local governments the opportunity to assist the Census Bureau in perfecting the Census address list, by making sure all new construction is included in the Census address list, by giving local governments an opportunity to review the counts of vacant addresses identified by the Postal Service, and finally, by giving local governments the opportunity to make sure that the Census has properly identified the jurisdictional boundaries of local governmental units.

Mr. Speaker, without adoption of this unit, the passage of H.R. 472 will prevent the Census Bureau from using statistical methods to produce the most accurate Census possible, and the mistakes of the 1990 Census will be repeated when 8.4 million people were missed, more than 400,000 in my home State of New York alone, and 4.4 million people were counted twice.

Mr. Speaker, this amendment accomplishes the goals of enhancing local involvement without blocking the Census Bureau from using the best scientific methods available. I strongly urge my colleagues to support it.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the civil rights issue of the decade. We know what the last Census gave us. We know that millions of Americans were missed, and that these Americans that were missed were primarily minorities and the poor from both urban and rural areas. We should let the Census Bureau correct the undercount and give us an accurate count.

The Republican bill is a Trojan horse. It is designed for one purpose and one purpose only, which is to delay and delay and delay, delay designed to prevent the Census Bureau from reporting the most accurate numbers possible to the American people by the statutory deadline.

We must not let that happen. Support the Maloney amendment and vote no on H.R. 472.

Mr. MILLER of Florida. Mr. Speaker, I yield six minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I have listened to and participated in this Census debate now several times. I have to say that, as someone who believes that the arguments that we make on our side of the aisle are valid and felt strongly, this gentleman is getting a little tired of the way in which the minority seems to argue this point and others.

A little truth in packaging: The idea that the amendment of the gentleman from Florida (Mr. MILLER) somehow seeks to undermine the Census process by allowing locals to review what the Census does. Locals, for example, in El Paso, Texas, who are 72 percent Hispanic, locals in Gary, Indiana, who are 86 percent black should not have the right, the minority says, to examine what the Census Bureau has done because they believe Republicans are racist in the way in which we are making the Census arguments; that in fact the amendment of the gentlewoman from New York (Mrs. MALONEY) involves the locals in a responsible way.

"Amendment in the nature of a substitute offered by Mrs. MALONEY of New York. 'This act may be cited as the Local Participation in the Census Act.'".

Do Members want truth in packaging? Do Members know what Local Participation in the Census Act means? Section 142, beginning on line 1: "The 2000 decennial Census shall include the opportunity for local governmental units to review housing unit counts, jurisdictional boundaries, and other such data as the Secretary considers appropriate."

On line 17, "Any opportunity," "Any opportunity for local participation under this section shall be provided in such time, form, and manner as the Secretary shall prescribe."

Local Participation in the Census Act, with the permission of the Secretary? What we have here is the bill of the gentleman from Florida (Mr. MILLER) which says the locals get to look over the shoulder of the Census. What we have here is a substitute which says, "It is the Local Participation in the Census Act," but only if the Secretary lets the locals play. Okay?

That has been the tenor of this debate. The Democrats have been pure in their motives and above politics. The Republicans have been racist and we are playing politics in its entirety. They are white and we are black. They are the good guys and we are the bad guys. Frankly, I'm getting a little tired of that kind of a political game.

The only thing they have been consistent in is playing the race card. They have been consistent in that. They are arguing that we have to move forward, time is of the essence. Why, then, did they not accept our argument that the Constitution says enumerate, and that the statute based upon that portion of the Constitution says that when we apportion between States, we have to count?

They did not accept that. The Clinton administration did not accept that. We had to go to court. We had to go to the United States Supreme Court and have the court tell us we were right. That ate up a lot of time.

But all of a sudden, now, time is important to them. We cannot let the locals participate. They want to move a provision which says if the Secretary wants them to participate, they can do it. We want to let them. But somehow now time is of the essence.

And then, interestingly, it is really fun to listen to liberal Democrats talk about money, talk about the fact that this is going to cost money. Well, listen, if we want to get it right, let us spend whatever is necessary to get it right. The court has said that we have to enumerate between States. Okay, we have to count. Let us spend as much money as necessary to count as best we can.

An argument that we have heard repeated over and over again, we tried this local Census review in 1990, and there is a quote that they have used several times, that the Bush Census chief said it was well-intentioned but ineffective. They used the same argument against the Census itself, but we are talking about using better methods and focusing better on the Census. We can do exactly the same on the local Census review.

As a matter of fact, the gentleman from Ohio, Mr. SAWYER, said in 1994 they front-loaded the process. If in fact we front-loaded the process, if we got the locals involved for almost 6 years now, do we not think the local review will go smoother? But no, they do not want that. They do not want the locals participating, but they are not playing politics, we are. They are not racist, we are.

Let us talk about who has been playing politics. Our argument has been consistent from day one. We think constitutionally we should have to count, we believe between States. The Supreme Court has supported us on that argument.

Frankly, I believe ultimately if we get to the court on the constitutional argument of apportionment within a State, that in fact they will also argue we have to count. But let us take the January court decision for right now. It said we have to count between States. We have to enumerate. Let us spend the money for enumeration.

The court then said we can use sampling. The gentlewoman from New York said we should use sampling. That is simply incorrect. What the court said was that the statute allows us to do that. Okay, then we have to spend money in terms of doing a good job on sampling. But what is wrong with letting the locals review what we have done? Why is that such a heinous crime?

If in fact Members want minorities to be counted, what is wrong with the folks in El Paso for Hispanics, what is wrong with the folks in Gary, Indiana, or Compton, California, for blacks, to look over the Census officials' shoulders to try to get it right?

□ 1745

The argument that we cannot do this because we are going to lock into an undercount for the entire decade is to simply play a really unfair political argument that we cannot, given the law, sample over the decade to make it correct.

It is not a black and white issue. This question of the census is whether or not we count all Americans. It is totally legitimate to have a debate about what "enumerate" in the Constitution means. That is not a racist argument. In fact, the Court supported us in that position.

Obviously between censuses, there is nothing wrong with taking the best shot statistically one can at the population changes over the decade. That is appropriate. But to say that we are arguing that one needs to count people because we are racist is one of the most slimy political arguments I have ever heard. My colleagues have done it repeatedly and repeatedly.

Why do my colleagues not simply say, let us come together, let us spend what money is necessary to follow the court's requirement that we count for apportionment between States, and let us spend as much money as is necessary to do as good a job as we can on sampling, and let us support the amendment of the gentleman from Florida (Mr. MILLER) so that the locals can look over the shoulder of the census officials and let the locals, whether they be Hispanic, black, white, or otherwise, have a comfort level that they believe they are also being counted.

So I would say that I oppose the argument of the gentlewoman from New York (Mrs. MALONEY) that her amendment in fact is local participation because it is only if the secretary considers it to be appropriate.

I would ask my colleagues to support H.R. 472, the bill of the gentleman from Florida (Mr. MILLER), because it just seems to me that there is more than enough money to enumerate and to do the sampling correctly.

If we get on with it, there is time enough. Let us get on with the business of counting Americans the way the Supreme Court said we need to do it between States, enumerate as the Constitution requires within a State. If a State chooses sampling or if they choose to use the actual count, it would be the State decision.

It seems to me that there has been enough discussion. Let us support the bill of the gentleman from Florida (Mr. MILLER). Let us spend all money necessary to do it right whether that American is black or white or otherwise.

The SPEAKER pro tempore (Mr. NEY). The time of the gentleman from California (Mr. THOMAS) has expired.

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. THOMAS) have one additional minute so that we can have a colloquy.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. MILLER of Florida. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. ORTIZ. Mr. Speaker, I rise today in opposition to H.R. 472, and in support of the Maloney substitute.

We are charged with the awesome responsibility of counting the American people as accurately as we can so we can divide up the resources and representation of their government. This is a complex matter that must be concluded in one year. As we speak here, the Census Bureau is planning their year-long mission, hour-by-hour, in order to count 120 million addresses and 275 million people.

The most important concept that this bill contains, including the local governments in the effort to ensure a fair and accurate count, is a laudable one. It is the local governments who are the closest to the people we all represent, and it is the local and state governments which have the most to lose. But it is also the local and state governments which have spoken up loudly about the bill we are considering here today as we look for the middle ground on which we can conduct our constitutional responsibility of overseeing the decennial census.

Including the local governments in the preparation of the census is not a novel idea invented by the proponents of this bill; the Census Bureau is already consulting with local governments to assess the number of addresses in each jurisdiction. Counting the addresses is nearly 90 percent complete.

The requirement in this bill to set aside 9 weeks after the field work is complete to check the count of local addresses a second time is a needless waste of precious time in this endeavor. I do not believe that anyone in this chamber wants to waste resources in discharging our responsibility—but I do think that a provision of this nature does prevent the Census Bureau from utilizing the very best contemporary science we have, modern statistical methods.

The results of not using modern methods would carry us backward a decade, recreating all the same mistakes we made in the 1990 census, missing millions of Americans and counting millions more twice. The Mahoney substitute allows the Census Bureau to use their own design to integrate the local governments in the operational plan. This will allow science to help us and provide a much more accurate count.

My home state of Texas lost $1 billion in federal funds as a result of the 1990 census undercount. It is estimated that a faulty census with a similar undercount will now cost Texas $2.18 billion. The mayor of Brownsville, TX, has urged me to support statistical sampling to ensure an accurate count, as has the Nueces County Judge; their correspondence is attached for inclusion in the record. Those who do not learn from history are bound to repeat it. Let us learn from history.

Brownsville, TX, March 17, 1999.

Hon. SOLOMON ORTIZ,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ORTIZ: The 1990 census resulted in an undercount of eight million Americans. As a result the State of Texas was denied approximately $1 billion in Federal funds. No other part of the country was more affected by this situation than perhaps California. In the case of Texas, the South Texas region which has a population that is largely Hispanic and a large concentration of families with income below poverty level, probably felt the brunt of the impact.

It is my understanding that in preparation for the 2000 census the House Government Oversight Committee, which you form part of, is presently considering legislation to require post-census local review instead of a statistical sampling method to arrive at an accurate census count. Our position is that the proposed legislation—H.R. 472, the Local Census Quality Check Act—while well intentioned, will prevent the Census Bureau from utilizing effective scientific methods for population counting, and may once more result in large undercounts. This unfortunately will impact once more the states with the larger population and larger concentrations of minority groups—e.g., Texas and California.

I therefore urge you to oppose passage of H.R. 472. I am certain that allowing the use of statistical samplings will result in the most accurate and timely census possible. This is after all, I am sure, what we are all interested in.

Thank you.

Sincerely,

HENRY GONZALEZ,
Mayor of Brownsville.

RICHARD M. BORCHARD,
Corpus Christi, March 26, 1999.

Hon. SOLOMON ORTIZ,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ORTIZ: The 1990 Census resulted in an undercount of eight million Americans. As a result, the State of Texas was denied approximately $1 billion in Federal funds. No other part of the country, other than perhaps California, was more affected by this situation. In the case of Texas, the South Texas region which has a population that is largely Hispanic and a large concentration of families with low incomes below the poverty level, probably felt the brunt of the impact.

It is my understanding that in preparation for the 2000 census the House Government Oversight Committee, which you form part of, is presently considering legislation to require post-census local review instead of a statistical sampling method to arrive at an accurate census count. Our position is that the proposed legislation—H.R. 472, the Local Census Quality Check Act—while well intentioned, will prevent the Census Bureau from utilizing effective scientific methods for population counting, and may once more result in large undercounts. This unfortunately will impact once more the states with the larger populations and larger concentrations of minority groups—e.g., Texas and California.

I therefore urge you to oppose passage of H.R. 472. I am certain that allowing the use of statistical samplings will result in the most accurate and timely census possible. This is, after all, what we are all interested in.

Thank you.

Sincerely,

RICHARD M. BORCHARD,
Nueces County Judge.

The SPEAKER pro tempore.All time has expired.

Pursuant to House Resolution 138, the previous question is ordered on the bill, as amended, and on the further amendment in the nature of the substitute offered by the gentlewoman from New York (Mrs. MALONEY).

The question is on the further amendment in the nature of a substitute offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. MALONEY of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 202, nays 226, not voting 6, as follows:

[Roll No 88]

YEAS—202

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard

Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (CA)
Delahunt
Hastings (FL)
Jones (OH)
LaHood
Lantos

□ 1809

Messrs. SOUDER, HEFLEY, GREENWOOD, McINTOSH, DOOLITTLE, and Mrs. CUBIN changed their vote from "yea" to "nay."

Mr. SHOWS and Mr. DINGELL changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. JONES of Ohio. Mr. Speaker, on rollcall No. 88, I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. NEY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MALONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 206, not voting 5, as follows:

[Roll No. 89]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner

Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—5

Brown (CA)
Hastings (FL)
LaHood
Lantos
Reynolds

□ 1828

Mr. HORN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LAHOOD. Mr. Speaker, I was unavoidably detained for rollcall votes 83, 86, 87, 88, and 89. Had I been present, I would have voted "yes" on rollcall 83, Journal.

I would have voted "yes" on rollcall vote 86, ordering the previous question; "yes" on rollcall vote 87, H. Res. 138; "no" on rollcall 88, The Maloney amendment; "yes" on rollcall 89, H.R. 472, The Local Census Quality Control Act.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 472.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1376, TAX RELIEF FOR PERSONNEL IN FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA/MONTENEGRO) AND CERTAIN OTHER AREAS

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–95) on the resolution (H. Res. 140) providing for consideration of the bill (H.R. 1376) to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1830

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MORAN of Kansas). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INDIANA COLLEGE AND HIGH SCHOOL BASKETBALL 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, it is my pleasure to be here this afternoon speaking about a rich tradition and important part of Hoosier heritage, an element of life that the great State of Indiana continues to support and love, basketball, a game with which Indiana has become synonymous.

Indiana's basketball is nearly unparalleled. The names from the State, John Wooden, Oscar Robertson, Chuck Taylor, Larry Bird, bring to mind all that basketball should and can be. The rivalries such as the one between IU and Purdue, and the stories of epic proportions such as the movie "Hoosiers" is what separates Indiana basketball from all the rest. These icons and ideals continue to be revered, inspire greatness, and offer a mystical and enriching quality to a game that continues to grow and captivate fans around the country, but remains in the heart of Indiana.

It is my honor to acknowledge that this tradition of excellence and inspiration continues today. The sensational Lady Boilermakers of Purdue, and the coach of the boilermakers, enjoyed a story book season on their way to winning the NCAA National Championship, while North Central High School in Indianapolis played nearly flawlessly at the end of their season to capture their first high school 4A State championship.

I would like to acknowledge a remarkable young woman, Carolyn Peck, who coached the Lady Boilermakers to an NCAA championship.

Ms. Peck is the recipient of the 1999 John and Nellie Wooden Award, one of the most prestigious honors in college basketball. At the age of 32, she was the youngest coach in the Big Ten and has quickly risen to the top of women's basketball coaching circles.

With her unmatched enthusiasm and grace, Ms. Peck is a leader, coach and motivator who is destined to become one of the greatest names in women's collegiate sports. In 1997-98, during her first season as head coach, the Purdue Lady Boilermakers finished with a 23–10 overall record, won the Big Ten Conference Tournament, advanced to the NCAA Tournament Elite Eight, and ranked number 11 in the final USAToday/ESPN poll. During this past season, Ms. Peck led the lady boilermakers to an NCAA championship victory and an amazing 32–1 overall record.

Carolyn Peck, holding true to Hoosiers' reputation for great basketball, is undeniably a wonderful role model for young women everywhere.

I would also like to congratulate a high school that is in my district, the North Central High School of Indianapolis. The North Central High School Panthers, led by coach Doug Mitchell, won Indiana's 1999 Division 4A State Basketball Championship and then defeated 2A champion Westview to win the Tournament of Champions. The Panthers' victory capped an outstanding season whereby the Panthers finished with an overall record of 25 wins and only 5 losses. The Panthers became Marion County's fifth champion in the past 11 years. The Panthers' run to the championship included a hard-fought 79–73 overtime win over then number one ranked Bloomington South. Trailing by 3 points with little time left on the clock, Jason Gardner, Indiana's Mr. Basketball, hit a clutch 3-point shot as time expired to send the game into overtime. The courage and commitment to excellence displayed by the Panthers are befitting for the champions of the most esteemed high school basketball tournament in the world.

I would like to recognize Eric Chapman, Jason Gardner, Nick Gardner, Wegahta Ghebremichael, John Hayes, Max Matthews, Doug Moore, Lucas Query, Shawn Radford, Eric Rhodes, Zach Scott and Donald Yates. Mr. Speaker, each of these players understand the importance of teamwork and are worthy of being called champions.

Finally, Mr. Speaker, I would like to mention that I will probably be back on the floor in mid-June to congratulate another team from Indianapolis, the Indiana Pacers, who will have just won the NBA championship.

RETIREMENT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, I rise this evening to talk about an issue that is of crucial importance to all Americans, and that is security and peace of mind in our retirement years. It is an issue that is beginning to gain a lot more attention nationally. In fact, today President Clinton revealed his plans for so-called universal savings accounts, USA accounts, that would function much like private pension savings.

Why has retirement savings become a bigger and bigger issue, taking more and more attention of this body and more and more attention at the Clinton administration? It is because we find ourselves in a retirement squeeze. Happily, Americans are living longer. That is a good thing. But we also have 76 million baby boomers, me included, who are going to begin retiring in really just a few short years. Neither our public retirement system, Social Security, nor our private pension system in this country, including 401(k) type plans and others, are ready for this retirement of the baby boom generation.

In response to these challenges, Social Security's fiscal problems have become a top priority of this Congress, and that is appropriate. But we have to remember Social Security is only one component of a secure and comfortable retirement. Social Security actually was never meant to meet all the retirement needs of Americans, and for most Americans it does not. Rather, it is only one leg of a three-legged stool that supports Americans in their retirement years. The other two are personal savings, and then employer-provided retirement plans such as 401(k) plans, profit sharing plans, defined benefit plans and others.

This third leg, pension savings, is crucial in giving Americans the peace of mind they need as they plan for their retirement years. And economists from across the ideological spectrum, right, left and down the middle, agree that the enhanced personal savings that comes from increased pensions are key to long-term economic growth and prosperity.

But all is not well with our pension system. In fact, it is not well at all. Right now only half of American workers have any kind of pension at all. That means about 60 million American workers do not have access to one of the key components of a secure retirement. And far fewer than half of employees who work for small businesses have access to plans.

In fact, only 19 percent of small businesses, those with 25 or fewer employees, have any kind of retirement savings plan at all, 401(k), profit sharing or anything. Why? Well, I think the main reason is that over the years pensions have become so costly to set up and administer that many small businesses simply cannot afford to offer them.

Not enough workers have this pension coverage at the same time that our overall savings in this country is in sharp decline. The personal savings rate in this country, the amount of money people save for their retirement and for other needs, is at its lowest since 1933. Again, 76 million baby boomers starting to retire in a few short years, yet studies show that older baby boomers have only about 40 percent of the savings that they will need to avoid a real drop in their standard of living after retirement.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from South Dakota.

Mr. POMEROY. The issue the gentleman is speaking to is one of the greatest problems facing this country. His leadership has been very significant. The legislation he has advanced I believe goes a long way to expanding retirement income security for Americans. I am proud to be a cosponsor.

Mr. PORTMAN. I appreciate it. That leads me right into what I am about to talk about. The gentleman from North Dakota has been a leader on this for years, particularly on the issue of portability that I will get into in a second. I appreciate his comment.

In fact we do have some solutions to this problem that we have laid out. I have joined with the gentleman from North Dakota and with the gentleman from Maryland (Mr. CARDIN) to introduce what is called the Comprehensive Retirement Security and Pension Reform Act of 1999. We are committed to making the needed reforms to our Social Security system, of course. In fact, the gentleman from Maryland and I both serve on the Subcommittee on Social Security. But we are also committed to making these changes in the private pension system.

We believe there is a need to increase overall retirement security, which must include leveraging of private sector dollars by expanding pensions. The Portman-Cardin bill knocks down barriers to savings by raising limits for all Americans, allowing Americans to set aside more of their earnings tax free. It untangles complex and irrational rules and cuts through red tape that burdens retirement plans and their participants, and it creates new incentives for small businesses to establish plans.

The Portman-Cardin bill also allows a special catch-up contribution for older Americans who have been out of the workforce for a while perhaps, working in part-time positions, particularly important for working moms who have returned to the workforce after raising their children and want to have more of a nest egg for retirement. We also respond, as I mentioned earlier, to the new realities of a mobile workforce by allowing portability.

If enacted, all these changes will expand retirement savings and make the difference between retirement subsistence and real retirement security for millions of Americans. I urge the Congress to focus on this issue and to address this problem through the Portman-Cardin bill and other legislation to reform and expand our private pension system.

COMMUNICATION FROM THE HONORABLE JACK KINGSTON, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable JACK KINGSTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII (8) of the Rules of the House that I received a subpoena (duces tecum) issued by the Superior Court of Bulloch County, Georgia, in the case of Griffin v. Zimnavoda.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

JACK KINGSTON,
Member of Congress.

CRISIS IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I rise this evening to address the crisis that is ongoing now in Yugoslavia. For a war to be moral, we must have a reason to go in. National defense is a moral justification. If we are attacked, it is a moral war. Getting involved in any other kind of war is not considered to be moral.

A legal war in this country is one that is declared, declared by the Congress. Any other war is illegal. The war in Yugoslavia now pursued by our administration and with NATO is both immoral and illegal and it should not be pursued. We will be soon voting on an appropriation, probably next week. There may be a request for $5 billion to pursue the war in Yugoslavia. I do not believe that we should continue to finance a war that is both immoral and illegal.

It has been said that we are in Yugoslavia to stop ethnic cleansing, but it is very clear that the goal of the NATO forces is to set up an ethnic state.

□ 1945

It is totally contradictory. There is a civil war, and it is horrible, going on in Yugoslavia today, but this is no justification for outsiders, and especially United States of America, to become involved without the proper proceedings.

I believe that our colleague, the gentleman from California (Mr. CAMPBELL), deserves to be complemented because he is making a determined effort to put the burden on the Members of Congress to vote one way or the other. Since World War II we have fought numerous wars, and they have never been fought with a declaration of war, and it is precisely for that reason, because they have not been fought for truly national security reasons, that we have not won these wars. If a war is worth fighting, it is worth declaring, and it is worth winning.

I am delighted that this effort is being made by the gentleman from California (Mr. CAMPBELL) and others here in the Congress because for so long, for 50 years now, we have permitted our Presidents to casually and carelessly involve our troops overseas. So I see this trend as putting more pressure on the Congress to respond to their responsibilities. I think this is a very, very good move and going in the right direction.

It has been asked why in the world might we be there if it is not a concern for the refugees, because obviously we have hundreds of thousands, if not millions, of refugees in many, many places around the world. We do not go to Rwanda to rescue the refugees, we did not go into Yugoslavia to rescue the Serbian refugees when they were being routed from Bosnia and Croatia, but all of a sudden the refugees seem to have an importance.

Most people know why we went to the Persian Gulf. It was not because we were attacked. It was because of a financial commercial interest: oil. But what is the interest in this area in Yugoslavia? I am not sure exactly what it is. There has been a lot of postulations about this, but I am not convinced that it is all of a sudden the concern for the refugees.

Yesterday in the Washington Post an interesting article occurred on this subject, but it was not in the news section; it was in the business section. There was a headline yesterday in the Washington Post that said: Count Corporate America Among NATO's Staunchest Allies. Very interesting article because it goes on to explain why so many corporations have an intense interest in making sure that the credibility of NATO is maintained, and they go on to explain that it is not just the arms manufacturers but the technology people who expect to sell weapons in Eastern Europe, in Yugoslavia, and they are very interested in making use of the NATO forces to make sure that their interests are protected. I think this is not the reason for us to go to war.

There is talk now of calling up all our Reserves or many of our Reserves at the same time there are hints now that there may be the institution of the draft. So this is a major problem that this country is facing, the world is facing, and up until now we, the Congress, have not spoken.

On February 9 of this year I introduced a bill that would have prohibited this by prohibiting any funds being spent on a war in Yugoslavia. I say it is too bad we did not pass that legislation a long time ago.

EXCHANGE OF SPECIAL ORDER TIME

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent to take the time previously allotted to the gentleman from Washington (Mr. SMITH).

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

NEW DEMOCRATS FOR FISCAL DISCIPLINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to express my opposition to the Republican budget that the House passed this afternoon.

As a member of the New Democratic Coalition when I came to Congress, I was very proud of the vote that I made last year in the last session to help lead my party in this Congress back to fiscal responsibility and be able to vote on the first balanced budget in a generation.

I say that with a heavy heart today because I think we have just passed one, the majority has, that is not a budget but a political document.

Prior to my service in public office, Mr. Speaker, I spent 19 years running a small business in North Carolina, where you have to balance the budget, you have to meet a payroll every week, and if you do not balance your books, you will go broke.

When I served in the General Assembly where I served for 10 years, I chaired the appropriations committee for 4 years where I helped write a balanced budget for 4 straight years. You have to balance the budget to make sure you do not have to raise taxes.

As State Superintendent of Schools of the State of North Carolina for 8 years I had responsibility for running a large agency with a huge budget; I cut a bureaucracy, and it helped improve the quality of education, with others in my State.

The people of North Carolina sent me to Congress 2 years ago to help with balancing the Federal budget and to put our national financial house in order, and I was tremendously proud to serve in that first session and vote to balance the budget. But that discipline is difficult. It is difficult to keep your budgets balanced. It is difficult to do the things you need to do to make sure you do not overspend. But it is economically wise, and it is a moral imperative.

Mr. Speaker, that is why the Republican resolution that passed today is so disappointing. It returns to those irresponsible promises, in my opinion, and the tax cut binges that helped create the annual deficits, and it crippled this country's economy and piled up a huge national debt in the 1980s that our children and grandchildren could be forced to pay.

In order to push this risky scheme, the Republican leadership has passed a budget that fails to protect Social Security and Medicare, threatens needed investments with our priorities in education and abandons our new-found fiscal discipline. This misguided attitude captured on this floor by Members of the majority who said there is nothing, there is no such thing, as an irresponsible tax cut, that is the kind of attitude we ran into in the 1980's that got us in such bad trouble. We should not return to those attitudes.

Let me state for the record that I support tax cuts, I am in favor of them, but I think we ought to keep our financial house in order.

One of the first bills that I signed as a Member of this Congress when I came was the tax cut for the middle class, for estate tax relief for small businesses and farmers, for the $500-per-child tax credit, for HOPE scholarships so that our children could go to school and have an opportunity to blossom in the 21st century, and to help families pay their college tuitions, and for tax credits or to deduct interest on the money they borrowed to go to college.

In this Congress I have introduced legislation for school construction, to provide tax free interest bonds at the State level to build new schools in our communities, which in turn would provide relief to a lot of our local communities that are feeling the strain of tremendous growth.

So I am for tax cuts, but they must be responsible, they must be paid for. We must save Social Security and Medicare first before we jump off the cliff. We must pay down the national debt to keep the interest rate down and encourage economic growth.

We are now enjoying one of the largest, longest and greatest periods of economic prosperity in our Nation's history, and we should not do anything to undermine it. We must make careful investments in education and in health care and scientific research that will provide the basis for the future for our tremendous growth. We have had that already. We need to continue so that we will enjoy the bounty of a new economy in the 21st century.

ECONOMIC ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, this afternoon we did have an opportunity to vote on the budget; call it the Republican budget if you will; and, just as a matter of response to my friend from North Carolina (Mr. ETHERIDGE) who expressed his criticism of that budget, I would like to, if I might, set the record straight because I think the American people have a right to know for the first time in a long time we are being honest.

This is a honest budget. This says to the American people that we are going to set aside Social Security and Medicare taxes, payroll taxes, and leave them there, lock them up, wall them off and not touch that because the surplus that we are running today, most of it is in Social Security and Medicare and the payroll tax side of the budget. After that is done, after those dollars are walled off and we get into the future years when there are surpluses on the overall budget, in other words, coming off the income tax and other sources of government revenue, then we can engage in a debate in this Chamber, in the Congress, about how best to use those revenues.

Now our side happens to believe we said in our plan that we think we would like to see those dollars go back in the form of tax relief because the American people worked hard to produce those dollars, and they ought to be able to keep more of what they earn. But the fact of the matter is, and make no mistake about it, the American public has a right to know that all this demagoguery and all this hype, and we have heard it before and we are going to hear it again, but the Republican budget that was passed today sets aside 100 percent of the Social Security and Medicare payroll tax and walls it off and locks it up.

Now everybody on the other side is talking about the President's great budget which got two votes in the House, two votes in the Senate because it was a statement of priorities, it was a statement of values. The President's budget raised taxes by $172 billion over 5 years. The President's budget sets aside less for Medicare and Social Security than does the Republican budget, and again we do it by being honest with the American people and saying when you pay the payroll tax at the payroll, it ought to go into the Social Security Trust Fund to be used for Social Security and Medicare.

The President's budget also talked about debt repayment. The plan that we voted on today actually retires more debt, pays off more debt than does the President's budget, substantially more debt over the course of the next 10 years. And then again at end when we are actually generating a surplus above and beyond Social Security, then we have a national debate in this country about whether the hard-working people of America ought to be able to keep more of what they earn or we ought to spend more here on Washington bureaucracies and programs.

Mr. Speaker, that is a honest debate, but do not fall for the lies because you are going to hear them over and over again. The fact of the matter is that the budget that we passed today sets us on a path and on a course that is consistent with protecting the retirement earnings of America's hard workers.

Let me just, if I might today, also address an issue which is very important in my State. Last week, or during the course of the recess, I traveled in western South Dakota in places like Spearfish, and Belle Fourche, and Buffalo, and Lemmon, and McIntosh and Timber Lake, and Mo Bridge, and Mound City, and Eureka, and Leola, and Aberdine and Watertown, and one of the things that I found out, and I already knew but I heard more, and I got a really good earful on my travels across South Dakota about the crisis affecting agriculture because that part of the State, the northwestern part of South Dakota, has been as hard hit as any place in the country, and I believe that we have a responsibility to recognize the incredible crisis that is affecting our agricultural producers and to address it, and there are a series of initiatives that we will be rolling out over the course of the next several weeks which I think do just that. But I believe we need to have a debate in this Congress on mandatory price reporting. Our producers need to know in making decisions what the market information is that the packers are using in determining how to purchase their products, and today that information is not disclosed. And we have a bill introduced, House bill 693, that I believe deserves a hearing. We ought to have a vote on it in the House.

We need country of origin labeling. We need to make sure that the producers of this country have the protections that are necessary to allow them to do what they do best, and that is provide the best source of food and fiber for the American people.

The gentleman from North Dakota (Mr. POMEROY) and I will be introducing crop insurance legislation which addresses some of the problems in that program and makes it workable so that our producers have an opportunity to hedge against loss and make sure that they are, again, able to survive and prosper in this economy.

We need sanctions reform. There are a lot of countries in the world that we cannot do business with, and it makes no sense, and I think we need to have a debate in this Congress about what we can do to better open markets so that our producers have an opportunity to make a living and to survive.

Every small town, every Main Street across my State and many States across rural America, suffers when the ag economy suffers, and there is not an economy in any Main Street in South Dakota today that is not feeling the effects of this crisis.

So I believe it ought to be a priority of this Congress. I am going to fight very, very hard and work with other Members from rural States who want to work together to see that we produce a series of initiatives, a series of solutions that will help address the serious needs that we have and the concerns that we have in the agricultural sector of our economy.

So I look forward to working my friends and colleagues on both sides of the political aisle. This ought to be a bipartisan issue.

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EXCHANGE OF SPECIAL ORDER TIME

Mr. POMEROY. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from North Carolina (Mr. ETHERIDGE).

The SPEAKER pro tempore (Mr. MORAN of Kansas). Is there objection to the request of the gentleman from North Dakota?

There was no objection.

AUCTIONS, AUCTIONS, AUCTIONS: WHAT WILL HAPPEN TO THE FAMILY FARM?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, I want to follow up on the comments of my friend and colleague, the gentleman from South Dakota (Mr. THUNE) relative to the agriculture crisis. I cannot say how terrible it is relative to the farm economy in North Dakota.

I have with me today some auction bills. We have been seeing a lot of these auction bills. Consider that each auction bill represents a sale of a family farm, the end of literally generations of tradition of farming the land. It goes on for pages.

Recently, Ag Week Periodical, which covers the Red River Valley, the most prosperous part of agriculture in my State, published 150 farm auctions. This is 150 individual operators throwing in the towel, ending, again, the tradition handed down for generations of making a living off their land. In each case, it is a tragedy and something to be avoided.

One friend of mine, and I am going to offer this for the RECORD, who is selling out after 120 consecutive years of production on this family farm, wrote an op-ed to the newspaper and he has on the title of it, now at least we do not have to wonder anymore.

Mr. Speaker, there are an awful lot of families wondering tonight whether or not they will be able to get a crop in the ground this spring. Imagine, we all deal with career uncertainty surely as Members of the House up for election every other year. We really never know until the election is over what we are going to be doing, but we have people at this late point in the spring not knowing whether they will be able to put a crop in the ground right now.

Obviously, if they cannot get the financing to get a crop in the ground they have no idea what they are going to do to put shoes on their kids' feet, to put food on the table.

We have got a full-blown crisis in agriculture directly related to the financing capital farmers need to get their crop in the ground this spring.

For that reason, the administration advanced several weeks ago emergency funding requests so that we might have additional loan authority funded. The request is for $152 million and it is part of the supplemental appropriations bill sent up by the White House; $109 million of that would make $1.1 billion in additional lending authority available to farmers, $42 million so that the USDA could actually hire additional staff to process these applications and get the money out.

Here is what has happened. In light of the collapse in commodity prices, farmers have had terrible losses. As they sit down with their regular bankers, they are unable to show cash flow and, therefore, unable, ineligible in many cases, for the financing that they had otherwise expected.

Now there are programs available for these farmers, FSA lending programs, direct lending programs, USDA loan guarantee programs, but because so many have had trouble in lending in the normal course, they have come to the USDA and overwhelmed the resources available for those USDA loans.

Right now North Dakota, we have a backlog. We do not have enough money to meet the loan need now and it is anticipated that that loan need is going to increase dramatically over the next few days. There is $4.4 million in unmet loan need that has come into the North Dakota FSA offices over the last 2 days alone. This is a crisis, and it is a crisis with a very narrow window of time for us to address.

If a farmer cannot get the crop in the ground in the spring, the money coming along here in July or August is not going to do a lick of good. The window is gone. They have lost the chance to plant, and for these operators that means they have lost the farm.

I would say to my colleagues, please let us move this supplemental appropriation request along. Everyone knows of the urgent straits in farm country, not just in North Dakota or South Dakota but throughout the country, and we must respond to this by getting that loan guarantee money replenished so that it can get out to the farmers so they can get their crop in the ground this spring, so they don't lose their farms.

It is as simple as that. It is very straightforward. This is a body that unfortunately sometimes cannot operate very quickly, but there is just no mistake. The urgency is now. We have to act. Failure to act is going to mean a lot more auction bills and that, in each instance, is a tragedy.

NOW WE DON'T HAVE TO WONDER ANYMORE

Bismarck, N.D.—On June 15, near Mayville, N.D., there will be another farm auction—just another farm auction—barely noticed by most in these days of collapsing agriculture as we know it. Just another sale bill.

Just another gathering of neighbors, family, friends and buyers—buyers who realize that with all sales at this time, there should be some pieces of equipment useful to them that will go at a bargain price. Friends and neighbors will come to offer moral support and experience the friendly social atmosphere that is unique to rural America. Family members will come to witness the end of the family tradition.

Last year was the 120th crop planted and harvested since the original homestead was taken in 1878. Some of the family members want to witness the auction as a closure, similar to attending a funeral for a loved one. Sometimes it takes an event to provide acceptance of what has happened.

For many years we have seen hundreds of sale bills, been to auctions and wondered what these folks were going through—what they were feeling. I'm sure that for most it was every bit as difficult as it is now for us. I would guess that after the initial sense of failure and depression, there is an uneasy sense of relief that the hopelessness can now be dismissed and energies can be devoted to something positive.

Now we don't have to wonder anymore. The initial feelings have come and gone. The personal feelings have been pushed aside for the most part—at least on the surface. Now the business decisions must take over. Emotions will have to give way to the matters at hand. The plans on how to best organize and handle preparations for the sale are now a priority.

Occasionally regrets surface, and I wonder what we could have done differently to have avoided the present situation. What did my grandparents do when faced with the perils of pioneer life at the turn of the century? What did my parents do when they were faced with hard times prior to and during the depression of the 1930s?

The accounts of their struggles are fresh on my mind. I listened intently as they described how drought, rust and low prices nearly pushed them over the edge. Only hard work, hope, determination and a strong faith sustained them. Faith in God and in a society that would ultimately rescue America from a bad situation. They endured and persevered. And with the help of federal farm programs at the last, even prospered.

This came at a time when the world seemed to care about its food supply and those who produced it. As time passed and a degree of prosperity continued some became frustrated with the aspect and methods of supply management. A bit of arrogance told some that we no longer needed any help from the federal government and that we could handle things now.

The commodity traders, food processors and exploiters of the ag sector of our economy could now have their way. Congress listened to the wrong people—those whose interests were not supportive of farm families. A non farm bill called "Freedom to Farm" was crafted and passed over the objections of our rural congressional delegations. This, along with the years of crop disease, bad foreign trade policies and apathetic citizens, all contributed to our present situation.

Our country has never experienced overall hunger. Many European countries have, and they appreciate and protect their agriculture producers. We have been scolded for not being efficient. We have been told to produce more—we have. We have been told to market smarter—we have. We have been told to expand—we have.

None of this helps without a equitable price. In the Legislature we have attempted in a small way to address the problems with the proposals forwarded by the Commission on the Future of Agriculture. Nearly all proposals have been defeated by the Republican majority.

What now? Do we in the North Dakota Legislature turn our backs on the No. 1 industry in our state and let what is left crumble further? Or do we put some plans forward to help solve the problems at the state level? It may already be too late to ask Congress for help given the demographics of our rural/urban population split. Are we going to offer any hope that we are willing to save agriculture as we know it?

It is too late for some of us. But it is still not too late for North Dakota. We must use what we have left of this session to get to the business of supporting rural families and communities.

THE PRESENCE OF SQUALENE IN SICK GULF WAR VETS SHOULD BE INVESTIGATED BY THE DEPARTMENT OF DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I am here today to address an issue of critical importance to many of our constituents. Over a year ago, my office was contacted by several veterans and others who were concerned about reports that the presence of antibodies for squalene had been discovered in blood samples of sick Gulf War veterans.

How could squalene antibodies show up in the bodies of Gulf War veterans? Squalene is a component of adjuvant formulations used in some experimental vaccines but not in any licensed vaccines. It has not been licensed.

An adjuvant is a toxic substance incorporated into a vaccine to accelerate, enhance or prolong specific immune responses.

After my initial inquiries, I determined that it would be prudent to ask the GAO to conduct an investigation to determine the facts surrounding these disturbing reports.

With over 100,000 of our Gulf War era veterans suffering, I believed it was imperative that we provide them with the truth regarding this issue. If there was nothing to substantiate the assertions, then we should be able to report those findings back to the veteran's community and move on with the search to provide them with the best possible treatment for Gulf War illnesses.

GAO's report, recently released to me, is very disturbing and raises an increased number of serious questions. Its title, "Gulf War Illnesses: Questions About the Presence of Squalene Antibodies in Veterans can be Resolved," indicates that we can get to the truth about squalene.

The GAO report's conclusion is troubling and demands immediate attention. The GAO recommended that the Department of Defense should act now to expand on the research already conducted. The GAO found that independent research had been undertaken using valid scientific measures, which has found the presence of squalene in sick Gulf War vets.

They interviewed the dedicated immunologist who headed the project and the respected lead researcher from Tulane University in New Orleans who developed the test which provided these results. Their inquiry led them to vaccine experts who confirmed the validity of the methods used.

After a thorough investigation, the GAO determined that the quality of the independent research demands, demands that the Department of Defense aggressively pursue these findings.

Specifically, the report states that DOD should conduct research designed to replicate or dispute the independent research results that revealed the presence of squalene antibodies in the blood of ill Gulf War veterans. If DOD's research affirms the presence of these antibodies, additional research must be conducted, designed to assess the significance of that finding.

The Department of Defense response to these recommendations has been unconscionable. They have stated that since they did not use squalene as an adjuvant during the Gulf War, there is no reason to test for it at this time. That is ducking the issue completely. They are willing to wait possibly for a year or more until the research is published to determine whether or not it warrants further review.

Considering the suffering of so many of our brave men and women who are living daily with the painful consequences of their service to our Nation, I cannot comprehend the DOD's reluctance. Over $100 million, $100 million, has been spent on investigating Gulf War illnesses, with little success. Surely, we can find a few thousand dollars to replicate or dispute the research results. We owe the veterans the truth.

Recently we have seen journalistic investigations examining this issue. Additional concerns have been raised by Gary Matsumoto in Vanity Fair and Paul Rodriguez of Insight Magazine.

We must exercise our constitutional oversight role to unravel this mystery and provide a clear presentation of the facts.

I have asked the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services, and the gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Veterans' Affairs, to hold a joint hearing regarding the results of the GAO report. I believe it is essential to hear firsthand from the GAO investigators and obtain answers from DOD officials and others under oath to many of the questions that remain outstanding.

It is imperative that DOD cooperate. We must find the truth wherever the next step leads.

REPORT FROM THE U.S. DEPARTMENT OF STATE ON HUMAN RIGHTS PRACTICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, I wanted to take a few minutes tonight. I know via C-SPAN that this is going to be very hard for the people at home to read but I think it shows a tremendous problem that we have in our foreign policy and how that policy is being carried out.

I want to just read it verbatim. What this is is listings taken directly from the U.S. Department of State's 1998 Human Rights Practices Report.

The Department of State is required by law to assess human rights violations ongoing in countries that we have dealings with.

There are two countries here that are listed, and we have significant involvement, ongoing today, with these two countries. If I may, under country A, this government's human rights record worsened significantly and there were problems in many areas, including extrajudicial killings, murders, disappearances, torture, brutal beatings and arbitrary arrests and detentions. Country B, the government's human rights record deteriorated sharply beginning in the final months of this last year with a crackdown against organized political dissent. Abuses included instances of extrajudicial killings, torture, mistreatment of prisoners, forced confessions, arbitrary arrests and detention, lengthy incommunicado detention and denial of due process.

Second area, country A, the government infringed on the citizen's right to privacy. The same thing, country B, the government infringed on the citizen's right to privacy.

Number three, under country A, the government severely restricted the freedom of speech and of the press. The same thing, country B, the government continued restrictions on the freedom of speech and of the press.

The fourth area of concern, discrimination and violence against women remained serious problems. Discrimination against religious and ethnic minorities worsened during the year. Country B, discrimination against women, minorities and the disabled, violence against women, including coercive family planning practices which sometimes included forced abortion and forced sterilization, prostitution, trafficking in women and children and abuse of children are all significant problems.

Fifth area, the government infringed on the freedom of worship by minority religions and restricted freedom of movement. Country B, serious human rights abuses persisted in minority areas where restrictions on religion and other fundamental freedoms intensified.

□ 1915

The sixth area, Country A, the police committed numerous serious and systematic human rights abuses. Country B, security police and personnel were responsible for numerous human rights abuses.

What kind of countries are these? The first is a constitutional republic, the second is an authoritarian state. Country A happens to be Yugoslavia. Country B happens to be China.

We are bombing Yugoslavia as I speak. We are courting China to the World Trade Organization. We give them MFN, most-favored-nation status privileges, in trading with us.

Mr. President, Mr. Vice President, I call on you to have some consistency in our foreign policy. The human rights abuses are atrocious for both these countries. Our policy has to be consistent.

THE SOCIAL SECURITY TRUST FUND

Now I would like to spend some time tonight talking about the problems that really face us. Today we did pass a budget. It is the first honest budget. I have been here, I am in my fifth year. I am a term-limited congressman. I have one year to go.

This is the first budget that the Congress of the United States has considered that is honest in comparison with the numbers for the people of this country. It is honest about what our problems are, it is honest about what the real numbers are in terms of money, and it speaks honestly about what our situations are financially.

The social security trust fund is a definite problem for us. I think it is important that we understand how it works, because most of the people in my district still think there is real money in a trust fund. That is what it was intended to be, but in fact we have not used it that way, and it has not been done for 40 or 50 years. In fact, the money actually has been taken to use on other programs.

What happens now is when we earn a salary, the money that is paid in by our employer or us directly, if we are self-employed, comes to the Federal Government. Excess money coming into social security that is above that which is paid out in social security benefits is used to pay for more spending, or pay off publicly-held debt.

We have heard today a lot of people talk about paying off debt. If we pay off publicly-held debt by borrowing money from the social security, we have not changed our debt at all, we have just changed who we owe it to. We also change who is going to be supplying the repayment of that debt. So we put IOUs in the trust fund that bear interest.

We are not paying any of that back. As a matter of fact, we are actually creating a larger quantity, and doing so at a greater rate than we ever have in our country's history.

In the year 2014, which is the latest, just this last week, the Social Security Administration came out with revised numbers that in the year 2014 there will not be a surplus of payments coming into the social security system. In fact, what that means is the money that will be paid out to benefits, to social security recipients, will exceed the amount of money that the people working are paying into the system.

What is going to happen? We are going to have to get the money somewhere, so we are going to either raise taxes or borrow the money by creating additional obligations and reshifting the debt back out of the social security to publicly-held debt.

What we are doing, we have the little peanut in the shell game that has been going on for the last 50 years in this country. The budget that was passed today specifically addresses the problems associated with this. All social security trust funds will be moved off-budget and not used for anything except retiring debt: no increased spending, no tax cuts, nothing except reserving them for future use for social security.

So you can get an idea of what is actually happening in the social security trust fund balance, the year 1999 is this year. We are going to have about an $80 billion, maybe $90 billion surplus in social security payments in excess of what we are paying out.

But as we can see, by the year 2014 what happens is that we start going in the red. We have to borrow money to pay social security, or we have to cut spending somewhere else, or we have to issue new instruments of debt, which is the same thing as borrowing money, or we have to raise taxes. We are going to talk about that in a minute.

It is interesting to note a mere 30 years from now we will have $700 billion worth of underpayment in the social security system, $700 billion that we are either going to have to raise the taxes on our children or grandchildren just to meet the obligations for the social security system.

By the way, these numbers come from the social security trustees' report. None of these are opinionated numbers made up by a Congressman. They either come from the Office of Management and Budget, the Congressional Budget Office, or social security.

So what are our options? There is one fact that is true: In the year 2014, social security will pay out more than it takes in. That has not changed. It has moved one year in the last 2 years.

The first thing we can do is save 100 percent of the social security surplus and transition to a system with individually-controlled investments. We can repay the money from the trust fund by raising income taxes on ourselves now, or our children or our grandchildren, or we can delay the date by raising the retirement age or reducing benefits. None of those are of value to anybody that is paying taxes today. They are not of value to our seniors. We have to fulfill our commitment to our seniors.

So we only have three options: raise taxes, decrease benefits, or make social security a system that will work. The most interesting thing about social security, had we put the money that was put into our account for social security in a passbook savings account, we would have earned on compounded interest four times what is going to be available to our account under the government's auspices. The average annual interest earnings on social security trust funds is 1.2 percent.

Another way of looking at what is going to happen with social security taxes is to look at what the tax rate is now on the employee and employer share. Right now it is 12.5, 12.6 percent that is paid, half of that out of your salary, half out of your employer's salary, or if you are self-employed, you pay it all.

We can see the green line shows that that is the rate. If we continue at that same rate, the red line shows what we are going to have to have. So we can see that by the year 2029 we are going to have to go all the way up to 18 percent. We are going to have to have a 50 percent increase in social security taxes, just to meet the demands that are going to be on the system.

It is not any wonder that when people are polled in this country, that they have more confidence in the fact that there are UFOs out there than that the social security system will be viable for them. Here is why. If your current age is 5, you have an average life expectancy of 82.5 years. If you earned the average wage in 1998, you would have to live an extra 5.1 years over your expected life expectancy just to get back the money you put in, with interest paid on that. If you earned the maximum, which is $70,000, or $68,400 in 1998, it is higher than that now, you would have to live an extra 14.9 years.

Let us say you are 34. Your life expectancy if you are 34 years of age today is 83.8 years, on average. If you earned the average wage during 1998 and you did that for the rest of your working period until you were eligible for social security, you would have to live to be 100.5 years, almost 101 years old to ever get back even what you put into the social security system.

If you earn the maximum, $68,000, you have to live to be 172 years old to get your money back out of the social security system. Why? Because the money is not invested properly, it is not achieving daily compound interest, and the money has been spent for things other than what it was intended to.

Why is social security important? If we do not fix social security, if we do not quit stealing social security money, if we do not make social security a viable retirement system, our grandchildren will have a much poorer standard of living than what we have today. We are stealing opportunities from our children and our grandchildren by not being responsible over the past 50 years.

That is why the budget that passed today was so important. For the first time it recognizes that money for social security is intended to be for social security, and that that money is not intended for tax cuts, that money is not intended for increased spending on anything except social security.

Each citizen's share of the debt, in 1997, $19,898; 1998, $20,123; 1999, at the end of this year, September 30th of this year, every person, man, woman, and child in this country, will be responsible for almost $21,000 of debt.

More importantly, substitute the politicians' surplus that they have been talking about the last couple of years, and we do not have a real surplus. What we have is an excess payment of social security monies over what is paid out. There is not a true surplus projected until the year 2001.

What is happening daily? Every day the debt that our children and grandchildren must repay goes up by $275 million. In 1998, the national debt rose by $120 billion. Yet, the politicians said we had a surplus of $69 billion. Something does not add up. We will never have a surplus until the debt stops rising. That is how you measure a surplus. If the debt is rising, we cannot possibly have a surplus.

If any business, any homeowner, any group of individuals managed their books the way the Federal Government manages theirs, first of all they would be going to jail. Number two, if they rob from the pension plan the way the Congress through the years has robbed from the social security plan, they would be in jail already.

The most important aspect of putting social security back and building its integrity is the fact that we will start a new process that recognizes that if the Congress makes an obligation to the American people, they have to keep that obligation. It is called truth in budgeting. There is no surplus. There is a politician's surplus. We will talk about that a little bit.

Here is what has been publicly said by both the politicians in Congress and the administration about surplus: in 1998, a $69 billion surplus. But how did the national debt go from $5,340 billion to $5,440 billion if we had a surplus? It is because we really did not have a surplus.

When we say we have a surplus, then it is easier to spend more of our tax dollars, it is easier to cut taxes because, oh, we have extra money. We have no extra money. As a matter of fact, we owe $1.6 trillion to the social security system now. The money is not there. It has already been spent on something else.

When we hear the word "surplus," if we ever encounter that, if we read it in the newspapers, it has to be an on-budget surplus. We use two sets of numbers, one for political purposes, for people to get reelected, and the other that is a real true number that we end up making hard decisions on.

The politicians' surplus is a lie. There is not a surplus. If we apply these numbers carefully, we can look at what President Clinton has proposed and the actual spending and what is proposed in this budget, and we can see big differences in the numbers.

If we totally exclude social security money from all spending and we keep the budget caps that were agreed to in 1997, that the President and the Congress agreed to, then a couple of things are going to happen.

□ 1930

In 1998, if we restrain spending, the real deficit was about $30 billion instead of $69 billion surplus. If we can restrain spending and live within the caps, based on the Congressional Budget Office's projections of what will happen in terms of revenue and costs, what we will see is that we will get a real surplus, a citizens' surplus. More money, we will actually have more money in than we have obligations to meet, not touching any Social Security money.

Why is that important? Because in the year 2014 when we have to start paying out this large amount of money to Social Security payments, we are going to have to get that money somewhere.

We can do two things. We can borrow the money, which just delays the price of that to a future time, or we can change the system. We can cut the benefits. We can delay the age. We can say one cannot have Social Security until one is 75 and one has to continue to work.

The problem with that is we have made a commitment to the American people in terms of the Social Security retirement system. The other problem with it is that the Social Security system today is not a livable retirement wage.

So if we want to meet the obligation to the senior citizens of this country, and I am soon to be one, I now have an AARP card I am proud to say, that we have to make the hard choices, we have to be honest about what our budgeting problems are, and we have to keep our hands off Social Security.

When I talk to people in my district, I hear lots of worries about creating a system other than the system that we have now that would take a small percentage, say a third of one's Social Security payments, and allow one to put that in a restricted, highly safe investment entity that would earn interest at three or four times the rate that the government is going to earn interest.

It is not hard to figure out at compound interest, if the Federal Government is earning 1.2 percent on one's money, and the average private investment vehicle today, discounting the rise in the market the last 6 or 7 years, but pre-1992 was 7 percent, what one is talking about is a fivefold increase in the earnings power of that money.

Einstein said the most important scientific fact that he ever looked at powerwise was the power of compound interest, that if one gets paid interest daily on money that one saves, that the building power of that each day that base amount rose and one earns more interest on a higher amount each day, eventually what one will achieve is a marked reduction in the cost for any service that one would offer.

This ability to restrain spending, to stay within the caps is the most important thing that Congress can do. The budget that we passed today does exactly that. It preserves 100 percent of the Social Security funds for Social Security.

Number two, it restrains spending by staying within the budget caps agreed to between the President and the Congress in 1997. We cannot do anything any more important than that for our children and our grandchildren.

Part of being a Member of Congress is helping us fulfill our obligations, not just to our seniors, but fulfilling the obligations that we have to our children and the future generations that come after us.

I want to use an example. This is not meant to be a partisan example, but it tells very specifically what happened in 1998 with the supposed "surplus," but really spending the Social Security surplus.

We had $127 billion more come into the budget in 1999 on Social Security than we actually paid out. Correction. That is, 1999 was projected to be $127 billion. We have agreed to spend $1 billion, or we think we have agreed because it is in conference now, in terms of the emergency spending bill, in terms of all of the tragedies that happened in South America. That brings us to $126 billion.

We had a bill that spent an additional $15 billion at the end of last year outside of the caps that we had agreed to. So that brought it down to $111 billion. We had another billion dollars that was spent in agreement with the President in emergency appropriations.

So last year we stole $17 billion of the Social Security surplus straight off the top.

What is going to happen this year, the expected surplus is $138 billion in Social Security. The surplus for the general accounts is not near that. It is at actually a deficit.

If we do not accomplish what we said we would with this budget today, what will happen is we will be using Social Security money again to pay for things that we should be paying for with things other than Social Security dollars.

We will be undermining the Social Security system. We will not be honest about what we are doing here. We will have two sets of numbers again, one for the American people when we are campaigning and being politicians and trying to look good, and another that is the real world that someday we are going to have a day of reckoning when it comes to our kids.

The President put forth the budget that said, over the next 15 years, we spend only 38 percent of the Social Security surplus when we should not spend any of it. But even under his budget for the year 2000, he actually spends 42 percent of it on increased programs within the Federal Government.

Let us not spend any of the Social Security money. Another thing has struck me since I have been in Congress. I am a physician, obstetrician, family practice doctor. I delivered 97 babies last year while I was in Congress. So I go home every weekend. On Mondays, I still practice medicine, lots of times on Fridays, and every fourth weekend I am on call. So I get to talk to people about real problems, see the real issues that they are involved in.

It strikes me so peculiar that we talk so easy about these large numbers. The application is, when I have a senior citizen in my office, and they are not taking their medicine, and the reason they are not taking their medicine is because they cannot afford to take their medicine, that they are choosing between eating and taking the medicine that will extend their lives, that we have failed as a Nation under, quote, Social Security and Medicare to provide the things that we promised that we would provide.

The other thing that strikes me is that we heard the gentleman from North Carolina earlier say that the reason that we had this huge deficit was tax cuts in the future. We have two ways of affecting government funds. We can either spend more or less, that is one way, or we can raise taxes or lower taxes. It is one or the other. One is not better than the other when it comes to balancing our books. If in fact we need to cut spending, we can.

I cannot find one person in my district who thinks that the Federal Government is efficient; that it could not be. As a matter of fact, if one knows anything about the history of World War II, when this country had to improve efficiency, when we had a crisis that faced us, what we did is markedly reduce the cost of the bureaucracy of the Federal Government so that more dollars went into our ability to sustain the freedom that we all cherish.

We have that big of a crisis facing us today. It is not flashy. It is not great big. It is not in front of us all the time. But the fact is, is our children and our grandchildren, unless we have fiscal discipline, will have a markedly lower standard of living. We do not have any option to that except doing the right thing now.

I am going to close here in a minute. One of the things that I have learned in my short stint as a politician is that there is a lot of ways to look at things. There is a way to look at things if one wants to get reelected. There is a way to look at things if one wants to play ball up here with the politicians. There is a way to look at things if one wants to be able to sleep at night.

Martin Luther King in his last speech at the National Cathedral, his last major speech, said this: Cowardice asked the question, is it expedient? Vanity asked the question, is it popular? But conscience asked the question, is it right?

It is not right to steal Social Security money and use it in other things. It is not right to be dishonest with the American public about the budget numbers that we deal with every day.

It is not right to be untruthful about our situation in Yugoslavia or our trading relationships with China. They are equivalently the same in terms of the way they treat humans. They are both atrocious.

We have to live with ourselves. We have to demand the integrity and the statesmanship that is necessary for our freedom to operate.

As we spend more of one's money and we do not fulfill our obligations, we all lose freedom. I want freedom for my grandchildren. I want freedom for my children. I have three daughters, two sons-in-law, two grandchildren. My greatest dream is that they will have the opportunity to be free and succeed in a free society. That requires integrity in the Congress and requires integrity at every level in this government.

We can become much more efficient. We can do the right things. We do not have to always be popular. We do not have to look for the expedient way. That is the way of the coward.

FARM CRISIS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, as some of our colleagues discussed earlier this evening, rural America is in economic depression. Tonight I would like to ask the question of: Where is the beef? Where is the bill that is supposed to come out of this Congress that meets the needs of farmers across this country who are losing equity, increasing debt, and many, many of them putting their farms up for sale?

Recently I stood on this floor and read to my colleagues a letter I received from a constituent who comes from a farming family of many generations. She called the American farmer an endangered species and asked if Congress even cared about saving them.

I care about saving the independent American farmer, Mr. Speaker. But the leadership of this Congress is very, very irresponsible. Where is the bill? Where is the beef?

Some Members of this Congress are doing all they can to get a bill out of here that addresses the concerns of farmers across this country. But many other Members are unaware or literally are playing politics by holding relief to our farmers hostage to other bills, literally putting a tourniquet on the credit so essential as life lines to farmers across this country.

It is awful that, while the American economy is at one of the strongest points in recent history, the benefits are not flowing to every community. In fact, the benefits are flowing out of the pockets and the bank accounts of our farmers.

They are continuing to experience significant declines in prices that began over a year ago. In fact, over the last 15 years, one would ask oneself the question: Why would one even want to be an independent farmer in America?

The price declines experienced by wheat and cattle producers over the last couple of years have now expanded across rural America to include the feed grains, oilseed, cotton, pork, rice, and now even the dairy sector at 50-year lows.

In some instances, prices are now lower than during the 1940s. Coupled with that is the increasing cost of production and farm equipment and fuel. Those prices do not go down, only up.

For the RECORD this evening, I want to submit some of these prices. Imagine how many bushels of wheat one would have to supply to a local grain company when wheat is now selling at $2.66 a bushel. Fifteen years ago, it was selling at $3.39. In corn, it is at all time record lows, $2 a bushel. In soybeans, $5.05. Those prices had been on a continuing decline.

In cattle and steers, the prices continue to go down. Certainly in the hog area were at all time lows at $35.41. It is almost amazing that one can buy an entire animal for that amount. Then of course one would have to add on the slaughter costs. But across this country, farmers are burying their animals. They cannot meet the cost of production.

These are people who work very, very hard for a living. Farm income is expected to fall by next year by an additional 20 percent. That means taking 20 percent of one's equity away from one. How would that feel for any American family?

□ 1945

We know that exports are also down, nearly 20 percent in the last 3 years. Exports of wheat are down 15.4 percent; corn is down 19.2 percent; soybeans down 8.3 percent; cotton down nearly half.

Is it any wonder that there is a cry across America in our rural communities? Farmers are losing their equity big time. The only question remains, how long can they hang on?

Total farm debt in the last 2 years is rising, over $170 billion, nearly a 10 percent increase. Equity down, debt up. The drop in income, coupled with declining asset values for many producers, means they cannot obtain credit. This Congress should be guaranteeing that credit for America's farmers.

I ask again, where is the bill? Where is the beef?

Those who do obtain credit will find that they will be using it for cash expenses rather than for investment or for improvement. They will find themselves squeezed out as they try to repay debt on current income.

And prices for next year do not look any better. Many farmers who struggled with cash flow last year resulting from low prices and adverse weather will likely see their situation worsen as this year and next year move forward. In fact, the U.S. Department of Agriculture projects that the greatest financial strain in 1999, this year, will be on field crops: Wheat, corn, soybeans, upland cotton, rice. Net income will be 17 percent below previous 5-year averages. And this year current projections show there will be an additional 27 percent below the previous 5-year average.

My colleagues, this is very, very serious. And I think the political problem inside here in some ways reflects America's folly, taking our food production system for granted. Because, of course, we were only able to create this civilization when the tillers of the soil and those who raised our livestock were able to feed more than their own family, became more efficient, were able to feed the Nation and so much of the world. We came to take them for granted.

They only comprise 2.8 percent of those who work in America. They truly are a minority. And so most of the public does not even see the sweat on their brow, the debts that they have had to amass as they try to continue in the work that they love.

While the equity level of farmers is relatively high, farm lenders report that farmers are depleting their equity at a faster rate than earlier in this decade. And unlike the 1980s, when many of them loaned up and they got debt heavy, what this group now is doing, and the average age of farmers being about 55 years of age in America, they are saying, why take on more debt, why weather more of this crisis, let us get out of this business. What a tragedy for our country.

When we think about it, when we walk around the Capitol and we see all the statutes and look at the murals on the walls, what do they represent? They represent the abundance of this land; the ability of the American people to have a stable political unit built on independent farmers, independent ownership of land; the ability to survive and, in the process, to be able to produce enough to feed one's neighbors.

Most Americans do not pay more than 10 percent of their income for food. Most of the world pays over half of their income for food. We owe much to our farmers. We are blessed with fertile soil in this country and hard-working people. Our country was built on the sweat of their labor. In fact, they are so good, unfortunately, that most of the rest of the society does not even see them any more.

We cannot turn our back, Mr. Speaker, on our farmers, because they have never turned their back on us. This Congress, the leadership of this Congress tomorrow could bring up the emergency farm bill if there were the will. We ought to start with credit for planting this spring, but that is not sufficient. We have to look at price transparency. We have to look at risk management.

I want to say a word, before I recognize several of my colleagues who have joined me here this evening, about why it is so hard for farmers to make a living. If we look at the concentration that is continuing to afflict this industry and how difficult it is for an independent producer to make it in America, our independent farmers are being squeezed out.

If we take a look at pork, most Americans do not know that six companies in this country control the processing that brings that pork to America's tables, those ribs, that pork sausage. Companies like Smithfield, IBP, ConAgra, Cargill, Farmland Industries, and Hormel control 75 percent of all pork slaughter in this country.

If a farmer has animals and he wants to get them to market, he does not go to the retail store, he has to go to the processing company, and it is the processing company that decides whether his animal will get to market. The processing company decides what that farmer will receive per pound for that animal, and they decide, generally by deals with the retail stores, on which shelves might that farmer's product arrive. The independent farmer has nothing to say about all of that.

In Ohio, the area where I come from, due to a lack of independent slaughter facilities and last year's closing of Thornapple's up in Michigan, along with the dumping of Canadian hogs on our market, our pork farmers in Ohio are suffering greatly. They are lucky if they can find companies willing to take their animals.

And it is not just in pork. In beef, four firms control 83 percent of all beef slaughter in this country, four firms control 73 percent of all sheep slaughter, and four firms control 62 percent of flour milling. And I can tell my colleagues this, at the regional level the concentration is even worse when farmers cannot find a way to get their products to market.

Truly, this is a battle between David and Goliath, and Goliath is winning.

I want to recognize some of my colleagues who have joined me this evening; certainly the gentleman from North Carolina (Mr. BOB ETHERIDGE), who has been down here every day trying to get a bill out of this institution.

We have a Speaker from Illinois. There are lots of feed grains in Illinois. Why is a bill not moving? We have a Whip in this Chamber who is from Texas where cotton and cattle are in trouble. Why can we not move a bill out of this Chamber?

I yield to my colleague from North Carolina (Mr. ETHERIDGE) and thank him for his tremendous work and leadership on this issue, not just for his own State but for farmers across our country.

Mr. ETHERIDGE. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for putting together this important special order on the condition of American farmers at a time when the American farm economy is in deep trouble, as she has already stated, and the need for this body to stop playing politics and get a supplemental spending bill through.

There is no excuse for what is happening. Our farmers need help now. They really needed it last month. We tried to get a supplemental bill through, as the gentlewoman well knows, but politics prevailed over good sound policy.

I, as a member of the Committee on Agriculture, had to vote against the bill because it was that bad, as did many of the Members of this body, and it did not pass. The reason was we were taking money out of the international fund, where we were selling our products, to loan to farmers to produce, which is the craziest thing I have ever heard of. And this body realized it when it got to the floor. It was nothing more than a political game.

I am sorry I had to vote against it, but the point is, as the gentlewoman has indicated, farmers are hurting. Farm families are in trouble all across this country. The need for American families to have us stop playing the partisan games are the greatest they have ever been, and the Republican majority has denied any relief to suffering farmers. They have denied that relief when we can do something about it, as the gentlewoman has indicated. It is in their power to bring it to the floor, it is within their power to let us pass it. Because if it gets to this floor, it will pass.

I grew up on a farm. I have a lot of my friends who still farm. It is a great life. I own a little piece of land. It is kind of hard for me to say I farm. I go out there a lot and check the cows, and my son spends a lot of time on the farm, almost every day. But farmers are hurting. I have been around farming all my life, and I do not remember a time when there has been more uncertainty, more turmoil, more economic devastation of such a broad scale in the agricultural community as there is today.

I was at a 4-H lamb show during the break with some friends, and an auctioneer came up to me and he said, "I want to say something." He did not know me. I had never met him. He said, "It hurts me to go and have farm sales, and I am having more farm sales now than any other type of sale I am having." And the shame is there is no one there to bid. The farmers' assets are going for a pittance.

In North Carolina almost no farmer has been spared, and I think this is true all across the country. Our tobacco farmers are close to facing the lowest production quota in the history of the tobacco program. That goes back to the mid 1930s.

Pork farmers, as the gentlewoman has shared, have experienced the lowest prices for live hogs in more than 50 years, for a variety of reasons. And cotton, peanut, dairy, corn, wheat and soybean farmers are being crushed by the low prices. They are being crushed by low prices and oversupply and no place to market their goods.

In these modern times there are an awful lot of people who really think they get their groceries at a grocery store, and they do, but what they forget is the farmers that produce those goods, that put them on the shelves.

I am here to say to my colleagues that if we want to keep having food come from the farm, as the gentlewoman has already indicated, we had better be about helping the farmers stay in business. Because if the independent farmers go out, and surely they will if we do not give them help, and we wind up with just the large mega corporate farms, America is going to be in deep trouble and we will pay a heavy price for it.

Food is a vital part of a country's national security. If we lose our ability to produce food, we will not have the underpinnings of a strong national security. We have a responsibility, and I think a duty, to make sure our farmers survive. And not only survive, they should thrive.

It is absolutely not fair, when so many people in the country are deciding whether or not to roll over their

IRAs and how to do it, and look at the stock dividends and watch the stock market, when farmers are watching their stock go to market and not even getting paid for it. That is not right.

We need to make sure our farmers survive and that our families have access to a safe and adequate food supply. It needs to be produced in the United States if we want to make sure it is a safe food supply.

The Freedom to Farm Act that passed here in 1996 has been an utter failure. There is no question about it. Talk to any farmer, they will tell my colleagues that. Promises were made in 1996 of a new and expanded market in exchange for an end to price supports and production controls. So what happened was the Republican majority in this Congress did away with the controls, but we did not fulfill the other part. We did not make sure they had markets for their goods. And if they do not have an overseas market, they are in trouble. And that is where our farmers are.

We have to be accountable to our farmers for the failure of that promise, and the only way we can be accountable is to put a bill on this floor that keeps them in business.

Ms. KAPTUR. Reclaiming my time for just a moment, the gentleman was talking about the importance of production in this country. I completely agree.

And also it is important to understand how our farmers are organized to produce; whether they become franchisees to some big processing company or whether they are allowed to own their own farmstead and make their own decisions on what they wish to raise and be able to pledge their own assets against borrowing.

What is happening so often across our country now, in order to survive, and I do not think most urban dwellers or suburban dwellers understand this, these farmers are oftentimes having to lock themselves into economic arrangements where they totally are losing their independence. They are no longer independent farmers.

Mr. ETHERIDGE. I thank the gentlewoman for those comments. That is absolutely true. If our farmers lose their independence, that is the very thing that has made America great.

Going back all the way to colonial days, as the gentlewoman mentioned earlier, is the fact that a person had a piece of ground, and it used to be said they had a mule. There are no longer mules in the country now. Those that came out of Missouri, we have now put tractors behind them and other things.

□ 2000

But the important thing was that they had their independence. We have had a strong vibrant economy because of agriculture. When our agricultural economy gets in trouble, pretty soon the rest of us follow.

We started to do something last year to help the farmers when we passed the disaster relief bill, but not a dime of that money, not one dime of that money, has been sent to the farmers yet because of a whole variety of reasons.

Earlier this year, we passed, and I commend the majority for bringing this to the floor, legislation to free up loan reserves within the Department so that they can make money available to farmers. But that money is also gone, the reason being there is such a big need in the farm community, farmers need a lot of money in the spring to buy supplies to start the farm operations. They are huge users of credit.

The problem we have is, as my colleague indicated earlier, the commodity prices are so low, the lowest they have been in probably 50 years, they have very little reserves, they have grain and other commodities in the bins where they are stored. Unfortunately, those commodities are not worth anywhere near the amount they need to go to the bank and borrow money.

So it is up to us, I think, to step up and make sure they are in business and get through these tough times so that all of us can enjoy the bounty that we have enjoyed for so long. We have had the food in this country. We have been able to share it around the world. If we want to keep doing that, we better make sure that we make money available through the USDA to get to our farmers. But the money we already made available is gone.

The trouble in the farm economy is often the first step, as I said earlier, to a greater problem in the economy in America. And we better wake up and we better get a supplemental spending bill on this floor and the majority better do it for our farmers or we are all going to pay a heavy price.

And our farmers know who is in charge. Farmers across this country find themselves in the situation where they do not watch Wall Street. They cannot. They are watching Main Street, and Main Street does not look very good these days. The Wall Street bankers may deal with stocks, but if the Main Street banker cannot lend money to the farmers, a lot of us may not enjoy the kind of bountiful food at the cheap prices that we have enjoyed for so long.

This happened once before in our country in the 1930s. Different times. But the farmers got in trouble and we had the dust bowls in the Midwest because the farmers were not farming. That can happen again. It can very well happen in America. But this Congress can take action, and I challenge the Republican leadership to bring that bill to the floor so that we can give our farmers the help they need as they start this planting season.

Ms. KAPTUR. Mr. Speaker, reclaiming my time, so we can let the American people know where this bill is whether it first came through the House, it had to then go to the Senate. The Senate has passed a bill. Under our rules, we now have to do what we say "go to conference." That means to work out the differences between the House and Senate bill.

The problem is the Senate has appointed conferees. But guess what? The leadership of this House has not appointed conferees. Therefore, we cannot clear a bill because they have not even worked out the differences.

It is now into the fourth month of this Congress, and spring planting is now. People have to make life-and-death decisions now. I have had seed companies call me from back home saying, "MARCY, I have debts from last year related to credit I extended, and I cannot do it again. I got a lot of farmers totally at risk here." And yet we are sort of fiddling here in this Chamber while rural America burns across this country and we cannot even get a conference committee appointed.

Mr. ETHERIDGE. Mr. Speaker, if the gentlewoman would yield further, she is absolutely correct. There is no excuse for it. There is no excuse when we have the power to do something about it. The majority does. We do not. The majority does.

We should move tomorrow. We should have a bill on this floor before we go home this weekend and we ought to pass it so that the farmers can go to work.

Planting season, as my colleague said, has started. And in the Southeast, for some of the crops, we are getting pretty far along already. And in my colleague's part of the country, they are going to be planting within the next week or so and some are probably getting land ready.

We need to act now, and it does not need to be next month.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE) for joining us and for being a vigilant voice not just for farmers in North Carolina but across this country and in trying to get the majority here to do what is right for our country.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY), one of the most knowledgeable Members of the entire Congress on the subject of rural America and agriculture.

Mr. BERRY. Mr. Speaker, I am a bit sad this evening to have to come to this floor again to express the concern I have for America's farmers. I consider and have always considered myself, since the time I have been old enough to understand, privileged to be born a farmer. I still am. That is the way most of the members of my family for as far back as I know about. That is the way they have made a living. We never had a lot but we had enough.

And it is a sad thing to see the rest of the country prosper, and we are proud of that, we are happy for them, at a time when America's farmers are in the worst situation that they have been in in this century. It is almost unbelievable that the same body, the United States Congress that passed Freedom to Farm, the same leadership that crammed Freedom to Farm down our farmers' throats when they begged not to do it, they knew this was a bad idea, for us to have to come to this floor tonight and once again ask the leadership of this House to do the right thing.

We are not asking them for a handout. We are not asking them to do anything except what they should do. Because they made a commitment when they passed Freedom to Farm. They basically said to America's farmers that they produce and we will help them sell it.

They did not pass fast track. They have not helped open up any new markets. They have basically let it go by the wayside and told America's farmers, good luck, guys, we hope you make it. It is like standing on the bank of the river while they know someone is about to drown and saying "good luck." But that is what is happening in this Congress right now.

It is unconscionable that the leadership has not appointed conferees and they have not dealt with this and it has already gone to the President's desk, and it is hard to believe.

America's farmers are the most productive people that have ever been known in the history of the world. There has never been another nation that it cost them so little to eat as it does this country. America's farmers have had an average increase in productivity of 3 percent annually since 1910. That is unmatched by any other industry anywhere in the world at any time in history. And it is unbelievable that the House is holding up this progress.

Our farmers are out there twisting in the wind right now. They need the loans that this money will provide. We have an obligation to them to see that it happens. All of the things that have been said here this evening are quite true. And it is just unbelievable to me that, as a branch of the Government, we do not do the right thing and do what we know is the right thing to do.

It is a national security issue. I was amazed a few weeks ago to hear leading economists say that agriculture was no longer an important part of America's economy, that the stock market had grown so big that it was almost insignificant. It is not important unless we happen to eat three times a day. Then it becomes pretty important to us.

America's farmers have done such an incredible job that we do not even notice what they do. But they are proud people. They are hard-working people. They work hard. They play by the rules, and all they ask is for an even break. Yet, after passing Freedom to Farm, basically doing away with the safety nets and saying, good luck, fellows, the leadership and the majority party in this House has turned their back on America's farmers.

It is an amazing thing to me. I cannot imagine why they would want to do this. It is just amazing to me. The longer I live and the more I see, the more I am convinced that the further we get from our Jeffersonian roots, the further we get from an agrarian society, the more social problems we have.

I think there is great value not only in production of food but in rural America and what we learn and what we gain by having a strong rural America. Yet we are letting things like this, actions by the majority leadership, create a situation where rural America is threatened, where America's farmers are threatened, and it is something that just should not be allowed to happen.

I certainly hope that our leadership will take the responsibility. Let us hold them accountable, ask them to do the right thing, and bring this bill to conference, get it done, get it passed, get it on the President's desk, and do what we need to do for our farmers.

Once again, I thank the gentlewoman from Ohio (Ms. KAPTUR) for holding this special order and appreciate the opportunity to participate.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for his eloquent remarks this evening, which reflect not just an intellectual understanding of what agriculture means to this economy but his personal experience and bringing that kind of knowledge to this floor when so many of our Members do not know this particular industry firsthand, and to thank him for his sincerity and the weight of his arguments, which I know will help us as we try to carry the day here. He has been so convincing and his passion not just for people in Arkansas but across our country is completely demonstrated by his participating in this special order, and I want to personally thank him and thank the people of Arkansas for sending him here.

I could not help but think as he was talking about independent agriculture what has happened to our country. Farmers work very hard and they try to get their product to market, and there are these gatekeepers now and some of the big processing companies really do hold the leverage and power in the system. It has been my experience in dealing with some of those processing companies that they do not care whether the meat comes from America or whether it is imported, whether the grain comes from America or whether it is imported, whether the vegetables come from America or they are imported, because they can literally process anything and it really does not matter.

But I would just plead with my colleagues and plead with the American people who are listening this evening, think about the history of our country and what the roots of our freedom really are. When any segment of our society that has been so very important to us is on the ropes, about to lose their independence, we are all connected to that, and only because we have had independently-owned agriculture for most of our history have we been able to maintain our freedoms and the political stability that we have known.

But if we look at what is happening to the processing of food today, if we look at the processing firms who racked up profits last year four times higher than in prior years, we have to begin to ask the question why, when we can buy an entire hog for $40, the price does not go down in the store? When these companies, the processing firms, can buy volumes and volumes of product produced by our farmers, and yet the price really does not go down in the store, what is happening there to consumers?

Consumers need to be interested in this. We need to be asking our local grocer whether there are products on the shelves that come from local companies, local farmers. Where does the meat come from? Is it labeled? Where do the vegetables come from? Are they labeled? Are we eating American grown strawberries or strawberries from somewhere else?

Only 2 percent of the food that comes onto the tables of America is literally inspected at our borders. And last year we imported over $30 billion worth of commodities into this country. And so, we begin to ask ourselves questions about the way this whole agricultural system has been transformed in the last 30 years.

It is a very different America than it was for our forebears. And the question for us today is, is this the system? Do we like the system the way it is? We have less than a million people in farming production agriculture today, and now we are going to wipe out thousands and thousands and thousands more. Is that really the America we want?

Try, if you are listening, call your local farmers, work with your local farm bureaus, work with your local associations, church groups, see if there is not a way to buy direct.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair reminds Members that they are to direct their remarks to the Chair and not the television viewing audience.

Ms. KAPTUR. Mr. Speaker, I would ask people to visit their farmers' market and take advantage of farm fresh produce. Ask your grocer to procure locally-grown products, even eggs, poultry. Very interesting to see how few are able to actually participate in supplying the shelves. That is not by accident. It is because of the system that we have today. We need local solutions, as well as national solutions, to this problem.

I would urge the Members, I would say to the Speaker, that the American people should call their Members of Congress, particularly those in the leadership, and they should be asking for clearance of the emergency supplemental farm bill here in this Congress. It would only solve part of the problem. The biggest share remains ahead of us. If we could release credit for this spring, that would permit some of our farmers to remain in business.

But America must be concerned with the next generation of farmers and how she is going to preserve an independent agriculture, if at all, for the 21st century.

Mr. Speaker, I see our fine colleague, the gentlewoman from North Carolina (Mrs. CLAYTON), who has joined us this evening, who has spent her life working in rural development and is such an effective voice for the economic interests of all people, and I thank her very much for joining us and for her. I can tell the other Members and the Speaker pro tempore here this evening that she is really effective and communicates this message on agriculture every day to the people who need to move bills inside this Congress, and I thank her for joining us.

Mrs. CLAYTON. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for holding the special order on the emergency need for the farm supplemental appropriation, and I thank her for all her leadership for rural America, but I thank her for bringing the opportunity that we can talk about in emergency.

In January of this Congress I was discussing the conditions of our farmers and the need to enact emergency legislation. In fact, the President also mentioned it in his State of the Union. Now more than a quarter of a year has passed, and we have yet to pass that legislation.

Mr. Speaker, what constitutes emergency? Emergency is a crisis, it is an exigent situation that demands urgent attention. We have a crisis in farming. We have an exigent situation that demands urgent attention.

Why then do we not have an emergency supplemental for agriculture? I believe we do not have an emergency supplemental bill almost four months later, after no Member of this Congress disputes that there is indeed an emergency. Everyone will tell you they understand that the farmers are suffering, and yet we do not respond to this.

I cannot imagine, if my colleagues understand what emergency is, and yet we have not done it. I think it is simply because we have misplaced our priorities. It is farmers are not that important to us. This Congress would rather fight for tax cuts for a few than help our farmers. We just passed the budget resolution; we took care of that, we pushed that. Last night, went to the Committee on Rules. Two o'clock, came out with a bill.

Three and a half months ago we talked about the bill for the emergency supplemental, and we do not have one yet. This Congress would rather pass a budget amendment that no one has seen than help small farmers and ranchers who struggle. Everyone has seen and recognized. It is not like we did not know it. We admit, we understand they are suffering, but we have not done anything about that.

Small farmers and ranchers are struggling to survive in America. In fact, small farmers and ranchers are a dying breed, and I would say when I say small farmers, I mean independent farmers. And some of those may not be independent, but they are small in size because they do not have a big holding in investment, but they certainly have invested a lot of their resources; they are in debt up to their necks. They are a dying breed, and because they are dying, because they are diminishing, the quality and the affordability of food is at risk for all of us.

Now whether we understand or not, we are tied to their survival. Farmers and ranchers have been able to eke out a living in the past, are now finding out they are not able to do that. They are not even able to break even. Most are losing money, and they are fighting just to stay in farming by borrowing more money. Just to stay in farming they have to borrow more money. They are not making anything; they are losing. But they love farming so dearly they want to stay, and that is their way of life.

Just consider in 1862, the year that the Department of Agriculture was created, 90 percent of the population farmed for a living. Today America's producers represent less than 3 percent. By 1992 there were only 1.1 million small independent farms left in the United States, a 45 percent decline since 1959.

Ms. KAPTUR. Mr. Speaker, it is amazing to think that a million farmers can feed 270 million people in this country and a third more abroad.

Mrs. CLAYTON. Yes.

Ms. KAPTUR. Millions and millions, to understand how magnificent the work that they do is.

Mrs. CLAYTON. That just shows us how efficient they are, and the gentlewoman from Ohio (Ms. KAPTUR) is right, how we are dependent on such a small number of people who are undergirding the support.

I am reminded, and I just say parenthetically reminded, that our former chairman, Democratic chairman of the Committee on Agriculture used to say if you wanted to know how important farmers were, he would tell the story about the submarine in World War II, and he was saying that the other countries would say how did you have such a superior submarine, or why were you able to stay there so long? And the answer was: We were able to be superior and hold our place as long as the food would last.

Now please understand that is symbolic of a military strength, but food is also symbolic of our national strength. It was important for our military, and it also is an important need for all of our citizens. And so if those small farmers go out of existence, we just do not exist, we just do not exist. Farmers and farm families deserve a chance.

Before we had the Freedom of Farm bill of 1996, the farm price safety net was a shield against uncertain fluctuations in commodity prices. When the bill was considered, we referred to it as Freedom to Fail. I am sad to report that our ammunition has been far too accurate in that situation in North Carolina. According to a recent news report, the State's top farm commodities, hogs have experienced 50 percent drop in prices, 1996. Wheat is down in that State 42 percent, soybeans down 36 percent, corn 31 percent, peanuts 28 percent; turkey and cotton prices are down 23 percent since 1996. In fact, Mr. Speaker, there is no commodity in my State of North Carolina that makes money for farmers.

We must act now. If we do nothing about the real problem facing these hard-working citizens, they may not be there later at a later time. This is a time, if we are talking about saving them, we do not save them after they go out of business; we need to do it now. Congress must act now to relieve the pressure by providing the emergency supplemental funding.

I want to say that does not take care of all the problems, but at least that relieves the pressure that they need right now just to get in the field and just to start their whole production crop season again.

The emergency supplemental appropriation farm loan was the result of the unprecedented demand for agriculture credit due to the persistently low commodity prices across our Nation. The Department of Agriculture Farm Service Agency needs an additional $152 million in additional money in 1999 to provide credit and to deliver the services that farmers and ranchers need because of both the low prices and the weather.

On March 26 of this year USDA advised Congress and we passed a law to allow it to have the extraordinary emergency transfer action, which they took money out of their staffing of FSA to allow it to go into the credit insurance fund. Now that is a temporary provision. This transfer allows USDA to meet its urgent credit needs for farmers who maybe are planting now, but all that money is being spent. We are robbing Peter to pay Paul. This transfer obviously was a stopgap measure, but that has now ceased, so we really have run out of time.

The transfer of these funds also places FSA salaries and expense accounts in a deficit basis. My State, FSA work flow has experienced dramatic increases for a wide range of programs having considerable producer activity. While staff levels have been reduced by 25 percent from the 1993 levels, with the increased responsibility they simply cannot offer the service that our North Carolina farmers expect and deserve.

According to an official count, North Carolina is the most understaffed State in the Nation based on FSA work load criteria. At present we are under staffed by 56 employees. When I spoke with my State director earlier this afternoon, he said he could hire 25 additional people now, had he had the money for the salary. He also told me that his employees cannot go out in the field because there is not extra money for travel. We cannot tolerate that.

As my colleagues know, one has said that silence gives consent. We need to speak out against this. We need to speak to the leadership, that the leadership of this House must act now.

So I call on all my colleagues to call on our leader, for him to call on the appropriate people, to appoint the persons to the conference committee and to make sure that indeed we have an opportunity to move this forward, if not tomorrow, at least by Monday. We need to begin at least working out the differences between the Senate version and the House version.

Finally, as our farmers indeed survive, we will survive; and as rural America is hurting, they are tied to their farmers. Obviously all of us do not farm in rural America, but I can tell you we are tied to the farms' survival. As the farm indeed fails, much of Main Street, and much of infrastructure and school taxes, or rather the ability for the banks to survive also suffer, and this Nation, whether they understand it or not. Maybe only 25 percent of us may live in rural areas, and maybe only 1 percent or 1.1 million farmers farming, but they are undergirding us with the very basic of good food, quality food and fiber, that if they were not existing, we would not have that opportunity for that very basic.

And I thank the gentlewoman from Ohio (Ms. KAPTUR) for her leadership in this role and her persistence, willingness, to come here and to urge our colleagues to do the right thing, and I just want to stay with her and break the silence, that we should not be giving consent that we understand there is a crisis and refuse to do anything about it.

I thank the gentlewoman for allowing me to participate.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. CLAYTON) for being here late this evening on behalf of America's farmers who need a voice in this Chamber. We must be their voice, we must get the leadership of this institution to move a bill. I wish we could move it this week because it could be done. We can work out these differences.

As the gentlewoman says, you can go up to the Committee on the Budget, they work until 2 a.m., and they get it done. A lot of our farmers are plowing their fields at 2 a.m. in the morning also. It is not a 9 to 5 job.

And as I was listening to the gentlewoman's remarks, I was thinking about the song America the Beautiful, where we talk about the fruited plains, about the amber waves of grain, and how different America would look if we were to lose this tremendous productive capacity that we have. And most Americans probably say, "Well, gosh, we've, you know, had attrition of farmers over the whole century, so what makes this different?" What makes this different is the structure of the industry at the end of the 20th century and that, in fact, the people who are in farming today are what we would call the diehards. They are the ones that have survived downturns in the economy, the current depression in rural America, all kinds of drought, all kinds of disease. These are the best farmers. They have had to survive everything, and now we risk losing them because of the current economy and the inability of this Congress to clear a bill that will keep rural America functioning for the sake of the Nation.

And as the prior gentleman talked about the stock market and the gentlewoman talked about what is happening in the rest of the economy, as one of our former chairmen of our committee used to say, there is a difference between money and wealth. And Wall Street can generate a lot of dollars, but those really are rather representative; they are a mirror of what is happening elsewhere in the economy.

When you talk about rural America and the ability of independent farming to survive, you are talking about the real wealth of America spread among many owners, not a few, and what is really at stake today is the ability of that group of people to survive and prosper, or are they going to be franchisees of large processing firms if they are even allowed to remain in business at all? The situation in America today, at the end of the 20th century, is as serious as it has ever been.

And so I want to thank the gentlewoman for being down here tonight. Along with her, the gentlewoman from North Carolina (Mrs. CLAYTON), the gentleman from North Carolina (Mr. ETHERIDGE) and also the gentleman from Arkansas (Mr. BERRY). We again make a plea to the leadership of this Chamber that delay is not an option.

The Speaker of this House and the other body, the other body's leadership, are fiddling while rural America burns. America needs our independent farmers, Mr. Speaker, and they need us. They need this Congress.

And so I ask the leadership: Where is the emergency farm bill? Where is the beef?

TAXES, SOCIAL SECURITY AND RETIREMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, first of all, I, of course, have been here to hear the previous remarks.

Let me make a point of clarification because I think it is very important. The previous speaker stated that the Speaker of the House sits idly by, or made some kind of reference in that regards, while the farmers out there suffer.

I am from rural Colorado. The Speaker is from rural Illinois. If the previous speakers would have read the newspaper recently, they would find out the Speaker's wife does not stay in Washington but remains at home in rural Illinois.

The Speaker cares about farmers. I do not know anybody in here who does not care about farmers, and I think it is grossly unfair for a speaker to stand up here, any speaker, and look out here, whether Republican or Democrat, and make the kind of audacious claim that for some reason because you are Republican or Democrat you do not care about farmers in America.

Frankly, I have not found anybody in America that does not care about farmers. Now, sure, there are disagreements on what can be done to help save the farming community and so on, but I think you stoop a little too low when you stand up here at this microphone, a speaker, any speaker, and would say or infer that any Republican or Democrat in this body does not care about farmers. Of course, we do.

Now let me go on now. This evening I am going to speak about taxes and a number of other issues.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I will not yield to the gentlewoman from Ohio. The previous speaker had an hour and now I would like to have an opportunity to have an hour.

Ms. KAPTUR. Mr. Speaker, can I be recognized since the gentleman acknowledged that we had spoken?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Colorado has the time. The gentlewoman will suspend.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman from Ohio will state her parliamentary inquiry.

Ms. KAPTUR. Mr. Speaker, my inquiry is, did the gentleman not reference a prior speaker and therefore under the rules am I not allowed to respond?

Mr. McINNIS. Mr. Speaker, I control the time.

The SPEAKER pro tempore. The gentleman's remarks are not grounds for recognition.

The gentleman from Colorado may proceed.

Mr. McINNIS. Mr. Speaker, some of the things that we want to talk about this evening, I want to talk about taxes. Of course, tomorrow, April 15, that is the tax day. Before I begin these remarks in-depth, I want to make a couple of thank yous. First of all, I want to thank all of the American taxpayers. I want to thank those taxpayers who are honest. I want to thank those taxpayers who go out every day of the week and they work hard to earn money, and they pay their proportionate share of taxes so that this country can remain great. I want to thank those taxpayers who make sure that they file their tax returns on time.

I want to assure the taxpayers of this country that there are a number of us on both sides of the aisle, there are a number of us who are devoted to making government more efficient and making government work for you. The concept of this government is not the taxpayers working for the government but the government working for the taxpayers.

I am employed and all of my colleagues here on the floor, we are employed by the taxpayers of this country. It is the taxpayers to whom we respond. It is the taxpayers to whom we owe a fiduciary duty to run this government in the most efficient way that we can possibly do it. I can say despite all the rhetoric that we have heard about tax cuts, can you or can you not have them, if we could just on a uniform basis cut the government waste that we see in day to day operation within this government, we could cut the taxes across the board, a permanent tax cut.

Of course, every time we cut waste back here in Washington we are getting into somebody's pocket because that money is not just put into a hole in the ground; it goes to somebody's benefit.

What they tend to do in Washington, D.C. is build a wall to protect that benefit, even though it is a waste of taxpayers' dollars.

I want to say another thank you. That is thank you for the services that are being rendered, as we speak, by our men and women in uniform, not only in Kosovo and in the region over in the Balkans but throughout the entire world.

When we take a look at what our military people make for pay, we will see why tax day is a tough day on them. It is a tough day on a lot of Americans that make that kind of salary, but these people are dedicated and they are showing their strength and the dedication and the patriotism toward this country not only in Kosovo in the military mission that we are engaged there, but in Korea, in Somalia, throughout the United States and Canada. We have troops throughout the world, and I want to say thank you to them tonight as well.

Along with the thank you to our service people, I also want to come back to the taxpayer and thank you for helping us finance these soldiers, for helping us get them the best and most technologically advanced equipment in the world. Taxpayers, you have a lot to be proud of this evening, and it is now our duty, our continuing duty, and a number have tried to do this but it is our continuing duty, in appreciation to the sacrifices you make by sending this government money to fund it, it is our duty to make sure this government in turn gives you a bang for the buck. You deserve it. It is your money.

You will hear some people say, well, the government spends its money. That is government money back in Washington, D.C.

It is not government money. It is your money. It comes out of your workday every day of the week. It comes every time you go to the cash register, you pay taxes. We will go into a little more of that.

Let us start with the taxpayer and the American worker. We all get a paycheck. I thought we could just kind of break down a typical paycheck. I asked someone in my office if we could use their paycheck stub. We have taken the name off, as can be seen, but let me just point out a couple of things here.

This particular individual has a gross income of $1,958.33. Deducted from that is a retirement amount for the retirement account of $195.83. This particular taxpayer is a very responsible taxpayer because they are helping fund their future retirement.

It is a mistake for the workers of this country, for all of us in this country, and most of us are workers in this country, for us to figure out or to depend on the government to provide our retirement for us. I think it is fair for us to depend on the government to provide a partial retirement through Social Security because we fund Social Security, as does this taxpayer, and we will look at Social Security here in a little more depth, but we also have a responsibility. We have personal responsibility to plan for those years in which we will not be employed, the golden years of our life, when we will not be in the workforce, it may be by choice, and where we are going to have a retirement.

Do not expect the government to do it. We have personal responsibility. Most people I talk to accept that personal responsibility. So does this taxpayer. They put $195 a month aside for their retirement, and some evening I am going to come over here and visit a little about why I think the government retirement system works pretty efficiently for all government employees and what I think we can do with Social Security to track along the same kind of system that we have for retirement for two or three million Federal employees, and I think we will see the benefits and why that system works.

This evening we are going to continue to stay focused on the taxes. So then go to the adjusted gross. The key down here that I want to take a look at is Social Security, $149.82. Now I want to talk briefly about Social Security and the kind of challenges that we face in the future about Social Security.

Now why is Social Security in trouble? We have often heard that Social Security is in trouble because the government has borrowed from the Social Security funds to use that money in its general funds. Well, that is true, but let us not focus on that this evening because if the government paid back every penny of every dollar that they borrowed from the Social Security funds, and by the way the government is going to have to, I mean the government on the bottom line is obligated to do this, they are going to have to produce that, but even that said, if they paid it all back, Social Security still faces challenges, financial challenges, in the future.

What brought on these financial challenges? Well, first of all, some good news. The good news is because of the medical technology in the greatest country in the world, our country, the United States of America, people now can expect to live to a later age. When Social Security first came in in 1940, when people retired at age 65 they could expect to live 12½ more years; 12½ more years. That is 77½. That was the average expectation. Today we can expect to live another 17½ years beyond that point in time, by the year 2030. So I think it is very reasonable to expect that my children and my grandchildren, although I do not have my grandchildren but my expected grandchildren at some point, will live well up into their hundreds and probably beyond their hundreds.

So we have good news. Life expectancy has gone up, but Social Security premiums have never really been adjusted to allocate for that. At some point we will have no choice but to raise the retirement age, which by the way can be done pretty harmlessly over a long period of time, to allocate for this or raise the premiums.

I think, of course, the fairer way to do it is do it kind of on an almost hold harmless, over a period of time raising the age limit.

Let me go on and talk about the other issue that we have got here with Social Security, and that is that Social Security has kind of become a pay-as-you-go. Today, the average couple on Social Security draws out about $118,000 out of the system more than they have put into the system. We cannot have a system that operates like that for a very long period of time. So we have to figure out what benefits are going out, what money is coming in, what kind of adjustment we need to make for the extended life span.

The other problem, of course, that we have is that when Social Security first came around, I am trying to remember the exact number but I think the ratio of recipients was something like 13 or 15 to 1. In other words, when Social Security came, there were 15 people working for every person retired.

□ 2045

Today that has changed. Today it is 3.4. We have 3½ workers out there for every person retired. In the not too distant future, we are going to have two people working for every person retired. We have to stand up and face the social security.

We have done that in part. The Republicans specifically have put in place a lockbox to lock money for the future of social security. That all said, and talking about the problems of social security, let me say what has gone right about social security. Number one, the checks go out every month.

I cannot believe some of the propaganda that has been going out there to the general public saying, oh, your social security is going to be cut off. You can tell it is political season when we hear statements like that.

I can tell Members today without exception, without condition, that everybody on social security today faces no threat of losing that social security check. Their check will continue to come. In fact, the people in my generation, which is the generation behind the retired folks today, that generation as well, there is money in there to fund that generation. The generation we have to worry about are my children. Those people that are, say, under 20 years old today or under 25 years, that is the generation that we have an obligation to plan for at that point in the future.

However, up to that point in time, do not let politicians or do not let other people try and propagandize that we are going to lose our social security checks. My gosh, our seniors have enough to worry about when they reach that age.

To get that fear, we sell a lot by fear. Take a look at the Y2K program. If people are like me, they get mail every day trying through fear to get us to buy their product, trying to get around Y2K. They do the same thing with social security.

We should not let them throw that fear factor into us. When we see them throwing that fear into senior citizens, saying, you are going to lose your social security, the Republicans do this to social security, it is not going to happen. The money is there today for social security recipients. It is there tomorrow. It is 25 years from now that we have to plan for.

We, frankly, on the Republican side, and I am proud of this, I am not trying to be partisan here, I am trying to say it is a priority. In our Republican conferences, it is good to see us talking about the future, instead of just trying to handle the problems that come in today. We are trying to plan for the future 25 years out, 25 years out.

That is what a lot of people, in fact, the person who has this check is trying to plan their future 25 years out. With this retirement here, this $195.83, that is positive. Social security is positive. The lockbox is positive.

I think the person with this check right now, with the three-legged approach, one, the retirement that they have, that they put aside with their employment; two, the retirement or investments they plan on their own; and three, social security, I think people will be able to comfortably retire in this country for some time to come.

We are always going to find the exceptions, but in general, I think people can feel pretty good about social security. But that does not mean, that does not mean that we do not need to plan for the financial woes that will occur if we do not adequately address them today about 25 years from now.

Let us go on to the Federal tax, what this person pays in Federal tax, $231.25. Their health insurance, again, good planning by an employee. Let me step back. It is amazing how many people in this country are offered health insurance by their employer but they opt not to take it.

This particular employee is taking the health insurance. That is a wise investment. That is a smart investment. Regardless of what people think, whether we should have nationalized health, which I strongly oppose, by the way, but regardless of where we think we should be with health care, until that is resolved I think it is pretty smart to take out a health insurance policy. That is what is occurring here.

Here is the Federal tax, $231.25. I want us all to consider, we have a pretty healthy economy today. When things seem to be going well, people tend to downplay the burden that we, the taxpayers, are actually carrying here. Once again, I think we owe taxpayers appreciation. They are funding the government. The government is not running as efficiently as it should for them, but I think they are doing more than their share, the honest taxpayers out there, by sending the money this way, by funding this government. So we owe this accountability.

Let us take a look at the tax burden on Americans. I have been reading a lot of editorials, especially this week. April 15th, tomorrow, is taxpayer day. That is the day we have to drive to the postal system and drop it in the mailbox. I have heard a lot of people say, hey, the taxes are not so bad. It is because times are good, but we should not let it sneak up on us.

In World War II was when we had our highest tax, in 1944, pretty understandable in a war, 20.9 percent. Then, in 1945, it actually dropped to 20.4 percent. But compared to what it is today, in the year 2000, under the Clinton budget it would be 20.7 percent. So it goes right in since 1944, it would be the second highest tax rate, total tax rate, that we would have. I do not think the taxpayer should be paying that much in taxes. I think we have a lot of efficiencies out there in government that can be realized.

Let me say, I think that philosophy is shared, by the way, by Members on both sides of the aisle. Unlike some people who come to this podium just to attack, attack the other party, I think there are people in both parties trying to get some accountability, trying to get a more efficient government.

But I am not a keen supporter, I can tell the Members right now, of this budget right here that would put us in at about 20.7 percent. After we pay those taxes that we showed in the previous poster, we need to take a look at what else we pay taxes on.

First, as we saw, this particular taxpayer had the deduction taken out of their check, so that is what goes to the Federal Government. They also had, and I did not show it on the tax stub, they also had in there a deduction for State income tax.

Let us take a look at the average day. When we wake up in the morning, generally we sleep in an apartment or a house and we have property taxes we pay for, so so far we have Federal taxes, State taxes, now we have property taxes.

If we turn on the lights in the house when we get up in the morning we have utility taxes, so now we have Federal taxes, State taxes, property taxes, and utility taxes. Then we go to get something to eat, we pull a bowl out of the cabinet, we pull a coffee cup out of the cabinet, and we have sales taxes. We have paid sales taxes.

It is interesting, I have a lot of young people that come to my office. I take great delight, and by the way, this generation, this new generation we have, these kids are terrific. They are bright, they are capable. When I talk to them in my office, I say, do you pay taxes? It is surprising, a lot of them say, no, not yet, not like our parents. But we probably will when we go to work. I say, no, you pay taxes every time you go to the store. No matter how old you are, you pay a sales tax.

So now what we have, we have Federal income tax, we have State income tax, we have property tax, we have utility tax, and now we have sales tax.

On top of the sales tax, of course, then we drive our cars to work. Take a look at our gasoline tax. I know in Colorado, in Colorado I think it is 22 cents; not think, I know, the State is 22 cents and the Federal Government charges 18 cents. That is 40 cents per gallon.

It was not very long ago, it was not very long ago, that gasoline in Glenwood Springs or in Colorado was about, I don't know, a dollar a gallon. I called my friend today, Al Stroobants over on the western slope, and I called Bill Vollbraught, my friend in Denver, and asked him, what is the price of gas? It has gone up a little.

For the sake of easy calculations, let's talk about a dollar per gallon. When we stop at the gas station, for every dollar we pay the attendant, here is a dollar for my gas bill, we get 60 cents worth of gas. We pay 40 cents in taxes. Take that out. For every $10 we pay the gas attendant for the $10 bill on the gas pump, for that $10 we get $6 of gasoline and $4 of taxes.

So where are we so far? We have Federal taxes, State taxes, property taxes, utility taxes, sales taxes, gasoline taxes. Then what we do, we go and have a friend, let's say, that comes to visit us, or take a flight from the airport, go out to the airport. Then there are passenger taxes and other fees. We have fees to do this, fees for a rent-a-car, taxes to get on the airplane.

Then, if you decide when you fly to your destination you want to stay in your hotel, you have a hotel tax that is put on top of that. Then finally if you get a little depressed about the whole thing and you decide to, without driving, by the way, without driving, you decide to have a beer, you are going to pay a tax on alcohol, and take a look at what the percentage of that is.

Then, if you are unfortunate and you happen to pass away with too much property, then the government is going to put a death tax on you. No matter what level of property that you have, they still tax certain items in funeral preparations and other things like that involved with your death.

There are lots and lots of taxes in our society. That is where we get to that overall tax burden, which is among the highest in our country's history. Do not let it creep up on you. Do not let these increased taxes creep up on you when the economy is good. That is when people seem to pay the least amount of attention to their taxes. That is when the economy is good. It creeps up on them.

Take a look at special districts. Special districts have a special use in our country. We need them, especially in rural America, but a lot of people never see what their special district taxes are because those are paid by the mortgage banker. You send one check in a month, just like my wife and I do, we send our check in once a month to the mortgage company, and the mortgage company then turns around and pays the school tax, the cemetery district tax, the library district tax, the recreation district tax, et cetera, et cetera, so those are even more taxes.

I am not up here bashing the fact we pay taxes. We cannot have a government if we do not pay taxes. What I am saying, as this tax level begins to creep up and up, you as the taxpayers, you are our employers. We work for you. You have every right to demand efficiency and productivity from your government because you are paying those taxes. You are paying them at every level.

When we go to the airport and pay a passenger tax, we are entitled to have an airport that is efficient. When we go and drive on a State highway or Federal highway, we have a right to expect a highway that is safe, a highway that is well-engineered, and a highway that is built with construction dollars that are done in such a way that it is competitive.

As I mentioned earlier, I think we can be very, very pleased about the efficiency and the dollars that are being spent on our soldiers over in Kosovo. I think they are doing a darned good job, not just because of the fact that they are putting their lives on the line, which of course is the most critical issue that we have facing us today, but by gosh, we are getting good delivery. We have got very efficient forces over there.

In fact, I know a family, I will intercede this here, Steve and Janet Westhof, I want to say hello if I get an opportunity to in the next couple of days, but they have six kids, six kids, and five of them are in our military. We can be assured that our taxpayer dollars, we are getting our worth out of those five Westhof kids that are serving out of Colorado in the military.

Let us go on and talk a little more about some of the tax breaks and things that I think are important. How we calculate taxes, it is just like when we are paying for some kind of service. If you are paying for lawn service, you are starting your lawn service this summer and you are paying for somebody to come mow your lawn, you adjust that every year. One year you may decide to have bushes trimmed in addition to the lawn mowed, so it is going to adjust what you pay. The next year if you decide to trim the bushes yourself, then you should expect you are going to pay less to mow the lawn. If you do not pay less but you are getting less services, something is wrong with that formula. You need to calculate what is going on.

Right now in our government there are some efficiencies that we have realized. There are some tax credits that are very significant. Once again as a Republican I take a great deal of pride in the fact, one, we are going to have a budget tomorrow; number two, we have delivered significant tax cuts in the last couple of years.

I do not know how many of my colleagues out here, and I assume most of them, own their homes, but take a look at this, and again, I am proud of it. I am proud to be a Republican. I think we have done some very positive things, not partisan, positive things for the taxpayer out there.

What have we done? The house. If any Members have sold a house this last year, they need to go see their tax accountant, make sure they have given that information to their tax accountant before those taxes are filed tomorrow, because they may be entitled to one of the largest tax breaks they have received during their entire working career.

What do I mean by that? First of all, let us talk about the old rule, if you sold your house for a net profit. Now remember, on a house, if you bought a house for $100 and if you were to sell the house, it is only worth $100, but you have been paying on it for several years, so you now only owe $50 on it. So you sell the house for $100 but you have been paying $50, you only owe $50 on it, you have $50 in your pocket after you sell the house. That is not net income, that is net equity. Net income would be if you bought the house for $100, you paid down $50, so you now have $50 that you owe on it, but you sell the house for $150. You have $50 of equity and $50 of net income.

In the past the government has gone to that $50 of net income and they have taxed you on that. There was one exception to it. If you were 62 years of age or older, you got a once-in-a-lifetime tax exemption that one time of up to $120,000.

The Republicans changed that last year. It was a Republican-led plus. This had bipartisan support, some Democrats voted for it, but it is an important one. What does it do? Let us take a look at before this tax bill, before the Republican tax bill. Let us take a look at what an individual, and now, most homes are owned by couples, so let us look at the couple column, which is right here where the red light is.

□ 2100

You buy the House, this is before we changed the tax law, you bought the House for $200,000. You sold the House for $700,000. So you have obviously recognized a large net profit. Your profit is $500,000. The income that would be taxed under the old law for a couple would be $500,000. What did we do? We gave you an exemption that is good every 2 years, not when you are 62, but you get it renewed every 2 years on your primary residence.

Here is what the status is with the same house after the tax credit bill that we put in place last year. A couple again, they buy the house for $200,000. They sell the house for $700,000. Again just like over here, before the tax break, they make $500,000. So they make $500,000 under either circumstance.

But look what the difference is. Here is the column. The income that will be taxed is zero. Zero. Here the income that would be taxed was $500,000. That is significant.

It will apply to every homeowner in this country whether you live in Missouri or New York or Colorado or California or Alaska. Every homeowner in this country that sells their home for a net profit will get a tax benefit, thanks to the hard work of the Congress.

The hard work, again I want to come back, the hardest work is by the taxpayer, which funds the Congress. But we are the managers of that money. Through the management of that money, we have determined that those of you who own homes, and that is most of America, deserve a break today when you sell your home for a net profit. That is significant.

Here is another tax break that I think is worthy of us looking at, because this means millions of families across this country will have more dollars to spend, more dollars coming back to you.

Let us go again through the system of how the taxes work. The money the government has is not created in Washington, D.C. It is created by your hard work, by your contribution to capital, by your sweat, by working and showing up and working those 8 or 10 or 12 or 14 hours every day. That is how money gets to government.

As you know, it comes up through several different layers of government. It means there are a lot of middlemen in the government that take a little here, take a little there. We need to make sure that we are operating in an efficient manner. If we have excess cash, we ought to give it back to you.

Now excess cash is excess cash after we have planned for Social Security, after we have planned for Medicare and after we have planned to reduce the national debt.

Remember, it was not very many years ago we used to be mocked. The Republicans were laughed at when we stood up and told the American people, we were not laughed at by the American people, some maybe, but we were laughed at by some of our political opponents who said we will never get rid of the annual deficit. This government is always going to operate with a deficit. We thought we could accomplish it by 2004. We actually accomplished it in 1999. That is pretty significant.

Now we have got to take on the national debt. But in doing that, we have got to be fair to the people that pay the bill; and that is you, the taxpayers.

Here is one of the things that we have done. It is tough today, economically, to bring up a family, even a family of four, with the kind of needs that you have. My gosh, it is wonderful in America that we have the kind of opportunities that we do. America is a darn good place to live. I am proud to not only be a citizen of the United States, to be here in America, but I am proud to be a representative of the citizens of America.

But our families, we want to allow our families to have as many things as they can have. Frankly, even some of the families in worst shape, are in the lower end of our standard of living here, are still better off than a lot of the other countries in the world.

But the point is, how do we get to the average family? How do we get some dollars back to the average family so they have a little better opportunity at educating their young children, at making sure their young children have the best or at least some good opportunities or good clothes, good food, good transportation, a good home with good heat, with good air conditioning, those kinds of things? What are some of the things that we could do?

We took a look at the tax credit that we gave for the sale of a home. The beauty of that tax credit is most people use that to buy another home.

Here we have what we call the child care credit. A family of four under this tax credit, if they have two children under age 17, they have $45,000 a year annual income; and, by the way, there are a lot of people out there, especially if both husband and the wife work outside the home, $45,000 between the two of them is not unusual. In 1998, we allowed a $400 per child credit that is a direct credit, $400 per child in 1999. That will increase to $500 per child, $500 per child.

The tax credit here before the Republican tax credit went into place, this couple that earned $45,000, family of four, two children under 17 could expect on that income to pay approximately $5,134. After that tax credit, they now pay $4,334, or $800 less.

To some people $800 is not a lot of money. To me it is. To most American families it is a lot of money. One of the problems in government is if the people that work for you in government begin to become somewhat callous towards the value of money.

I have talked to people in government who say, well, what is $800 out there? Hey, get out there and try and earn 800 bucks. That is a lot of money. It means a lot to a family, and it means a lot to a family of four, and it means a lot to a family with young children or to a family that is retired. Eight hundred dollars are big bucks, and that is why these tax credits mean something.

I know in campaign season they always say, well, the Republicans, they give tax breaks to the rich. Rich? Is that what you call rich, those people? Not all homeowners in this country are rich.

Most families in this country are rich with love, family love. We have lots of love. We need more. I am not getting into the social issue here. But the fact is most of the families that own homes in this country are not rich, and that is who that tax credit goes to help. Most people in this country are not rich by those standards, certainly by $45,000 a year standards. That tax credit of $800 goes to help them.

These are not insignificant numbers. The taxpayer is entitled, if the circumstances warrant, and which by the way, a good economy has allowed that to occur, a break today. Let us give them a break today.

Let us go to our employers and say, what you have been paying me is great, but we think we have found some management efficiencies whereunder we can manage Social Security and make sure everybody continues to get their check and we are confident we can.

Medicare will be secure. We have a lock box. We lock the money away. We will be able to take down the national debt. We are still going to have a little left for you, a little left for you, the very person that goes out there and works every day of the week or 5 days a week or whatever your work pattern is to make it possible so we have the money to run this government, by the way, run this government on your behalf.

Let me once again mention Kosovo and the situation we have got over there. We have to come back to the American taxpayer. We are not going to have to raise your taxes, by the way, to fund Kosovo. But this is a very, very expensive operation.

I do not know one Democrat and I do not know one Republican that wants to cut our soldiers or our people in uniform, regardless of where they are, or our manufacturers that are supplying these products as long as they supply them on a fair value. I do not know anybody on either side of the aisle that wants to short our military.

We may have disagreements on Kosovo, and I think they are significant disagreements on Kosovo and the policy in the Balkans and so on, but policy is separate than the issue of support for our soldiers.

We will afford, we will pay for, and we can pay for every weapon that our military soldiers need, every meal, every uniform, every paycheck. We can meet the needs of the American military.

But that money means that we have to do some more financial planning back here in Washington, D.C. It means that we will not be able to reduce the national debt at the same rate that we thought we could reduce it just a month ago. It means that we have an emergency spending number in front of us.

What we have to consider is how far into the future that emergency spending dollar goes. I am one of those people that happens to think that this operation will not stop today at $3 billion.

I am one of those people that thinks that this operation costs us about $100 million a day and that we have many, many, many more days into the future to fund this operation. This will be a significant cost item for you the taxpayer. Let us not clown around.

It is like having a meeting with your bosses. We need to report it up front. We have a very expensive item on the radar. It is on the agenda right now. It is Kosovo. It may not end when the bombing stops, by the way, because the United States, one, we have a strong sense of humanitarian belief to take care of the sick people, to go in and assist where we can. That is expensive.

Number two, if we maintain a peacekeeping force through the auspices of NATO, by the way the United States carries the biggest burden there, and the United States usually carries the big burden. I am proud of that on one hand, and on the other hand, it is kind of like going camping and having everybody gather firewood. If you have got people that is capable or closest capable to you that is gathering firewood, they ought to be out there gathering firewood if they want to sit by the fire. But we have to constantly make sure everybody carries their fair burden.

But this Kosovo situation can get expensive. It is expensive right now. We will fund it. We have got the money to fund it. But you need to be patient. We all need to be patient and understand that our reduction of the national debt, which is critical for the Republican Party and I think critical for many of my colleagues on the Democratic Party, that the preservation of Social Security, which is critical for all of us, that the preservation of Medicare, which is critical for all of us, that we are going to have to make some adjustments.

It does not mean they are going to be in trouble or that we are not going to be able to do what we had originally committed to do. We are. But it does mean we have an emergency expenditure out there, and it is called Kosovo.

Let me talk about another tax that I think is very unfair, the marriage penalty. Let me talk about a couple other taxes that are very unfair. They are inherently unfair. To me, there is no justification for these types of taxes. These are taxes that the taxpayer should not be paying because it is unfair to the taxpayer. Not that it is a heavy burden on the taxpayer, it is, but that it is an unjustified tax. It is not right to tax people like we are going to tax them, like the government has been taxing them.

One of them is the marriage penalty. My gosh, folks, this is the United States of America. This is a country where we think family is of the highest priority. We encourage marriage in this country. We encourage people to stay married in this country. We know, the statistics prove, I do not care whether you are a conservative clear to the right or whether you are a liberal clear to the left, the fact is, the bottom line is we know that a married couple has a lot better chance of success at raising their young than does a single person. It is just reality out there.

But yet the government, despite the fact that we encourage marriage, despite the fact that we know that married couples have much better odds of raising children and much less dropout rate, et cetera, et cetera, et cetera, despite the fact that we know all of this, the government still continues to impose a marriage penalty when it comes time to pay your taxes tomorrow.

So those of you who pay your taxes tomorrow, which most of the people that we are talking about, most of my colleagues here, if you are married, you pay an additional tax penalty because of the simple fact that you are married. That does not make any sense. It does not make sense to me, and it does not make sense to you. But we have a lot of people out there who are not even aware of the fact that we have a marriage tax penalty.

One of the big priorities of the Republican conference this year is get rid of that marriage tax penalty. We may be delayed if we spend a lot of money in emergency dollars. Those emergency dollars are justified, and I want to make sure we get a good bargain on them. But we know that a lot of those dollars are justified. So it may delay it.

But as soon as we can afford to do it, we need to get rid of that tax. We need to get rid of the tax not just when we can afford it but because it is an unfair tax. It goes contrary to the type of society we want to pursue. We want a type of society where marriage is encouraged, not where marriage is penalized.

□ 2115

It does not make sense.

What is the other tax that is unfair? It is the death tax. The death tax. We are taxed when we die. Now, granted, there are exceptions to that. We do not have to pay taxes if we have an estate up to $650,000, and that is moving up. But take a look first of all at those people who do.

I do not care whether an individual is rich, I do not care whether an individual is poor, I do not care whether an individual is middle class, no one should ever have to pay a tax that is unfair. And if someone is paying a tax that is unfair, even if it just affects the poor people, the middle class and the wealthy people ought to be just as aggressive at getting rid of that tax that unfairly taxes the poor people with a lower standard of living.

And, likewise, the poorer income should be just as aggressive about taking away a tax that is unfair to the middle income and so on up the line. If it is an unfair tax, it is an unfair tax whether an individual makes minimum wage or whether an individual a million a year. It is an unfair tax, and that is what the death tax is all about.

Now, with the death tax, are we taxing property that somehow has escaped taxation during the life of the person who earned that? No, not at all. In fact, we are taxing once again property that on many occasions has been taxed not only once, not only twice but sometimes three and four times.

So what creates the death tax is simply the fact that a person has died. And the reason it creates it is the government says, "Hey, old Scott's gone, so let's just go ahead and go after it." That is a good legitimate reason to take money from our citizens; they are dead, they are not going to complain any more. But, my gosh, realize what the ramifications are of this death tax.

Take a look at the State that I am from. I am from the State of Colorado. My district is the Third Congressional District. Most Americans have been in my district. If you have ever skied, you have been in the Third Congressional District. If you love beautiful mountains, you have been in the Third Congressional District. It is a beautiful area. But it has a very heavy dependency on two things. Well, on several things but two I want to talk about. One, small business and, two, agriculture.

Now, what do I mean by small business and agriculture? With the values today, as rapidly as they have increased in our healthy economy, we find out that the best way to lose a small business is to die. We cannot pass it on to the next generation because of the punitive taxes that they put on us, despite the fact that we may have bought our business and grew our business with after-tax dollars. In other words, we have already paid the taxes at least once, twice or three times.

We have a country that we should encourage people to be married, we should not penalize them for being married. We have a country that we should encourage one generation to pass on the small business to the next generation. We should not discourage them. We should not tax them out of it. The government is not getting cheated. The government is not getting cheated because people get married.

They are not getting cheated out of any taxes. And the government is not getting cheated because somebody dies, on property that the dead person, when they were alive, owned. They are not getting cheated. It is just another opportunity to grab more money out of our pockets.

What is the impact? Well, first of all, as I mentioned, you cannot pass a business from generation to generation. It is very difficult to do it. Now, if you have a lot of money, maybe you can buy the life insurance that is necessary to pay off the government. Pay them off and get the government off your back steps. That is what it is, it is a payoff to the government, but a lot of small business people simply cannot afford that.

The other thing that Colorado is heavily dependent on is agriculture. We are very selfish with our land, so to speak, in Colorado. We want to preserve the land. Open space has become more and more critical to the citizens of Colorado. It is important for us to preserve our beauty.

We have to work a lot more in balance than perhaps was worked 20 or 30 years ago. What we find ourselves in is a predicament. Land values have gone up in Colorado. They have gone up significantly. Well, if you have a small family farm or a ranch, and your land values have gone up, it is highly likely, highly probable that your ranch, upon your death, will not be able to be passed on to your son or your daughter but will have to be sold at the auction block to pay Uncle Sam.

I will give you an example. I know a family, I will not tell you the exact location, but it is in the Third Congressional District of the State of Colorado. This fellow was a very hard-working man. He came to Colorado when he was about 18 years old. He started as a bookkeeper in a construction company. He worked his way up. Pretty soon he worked from being a bookkeeper into helping supervise construction. He dug ditches, but he soon was driving a truck and he had the books. Pretty soon he built that construction, he and a partner, into a successful construction company in a small town in Colorado.

Along the way, this man and his partner found out that they were having trouble getting financing for their construction company. So they decided, well, let us start a little bank. A small bank. This is not Nation's First or some other big bank. Let us start a little bank in our little community. So they started this little bank in their community.

Well, that was probably 50 years ago. About 8 years ago my friend decided to sell the bank. And by then, of course, the bank had become a very strong small business. It had grown. They put a lot of sweat, a lot of their own human capital into it and it has prospered.

So they decided to sell the bank, and they sold the bank. Unfortunately, within a very short period of time, literally weeks after the bank was sold, my good friend discovered he had terminal cancer. Then, unfortunately, he lost his wife. Three or four months later, my friend passed away from terminal cancer.

What happened? Well, he still had the stock in the construction company. They sold the bank and they hit him with a capital gains taxation. Do you know what the effective rate of taxation was on that estate? When you put capital gains tax, which is complicated, but a lot of you out there understand what I am speaking about, and you put the death tax on top of it, they went into this family, to that man who had worked over 50 years with sweat and toil and put human capital into this investment, the government went in there, and the property that had already been taxed at least once, probably twice or three times, and imposed a 72 percent tax on the property.

Now, when I spoke with the family, I asked them, I said, "So all you had left in the estate was 28 percent because the government took 72 percent?" No, they said, we did not get 28 percent because the government came to us and said here is the tax, 72 percent, and, by the way, it is due within this period of time.

The only way that the family could come up with that money to pay off the government on property that had already been taxed but was now being taxed simply because their father had died, the only way they could pay that off was to sell at a fire sale their assets, their property, selling it as quickly as they could. Otherwise, they were going to be penalized by the government.

So the 28 percent did not really work out to 28 percent because they had to sell it under panic prices. They told me they estimated they cleared about 13 percent of that estate. Thirteen percent of what that man had worked for. That man and wife, by the way. The mother was a homemaker, but she deserves as much credit here. The money that couple had worked for for over 50 some years, the little company they had built up, the little bank they had built up, the farmland that they had was all taken in one sweep by the government.

Is that fair? It is not a fair tax. The death tax is not a fair tax. And the death tax, while it may apply to people that only have assets of $600,000 or more, it impacts all of society. And you cannot under any circumstances, in my opinion, justify going to a family that has already paid their taxes and force them to pay a punitive tax on top of that.

Now, has it impacted Colorado? Sure. What happens to the ranches? If you have a ranch that has to be sold, what is the highest and best use for ranch land in Colorado? Well, unfortunately, for a lot of land in Colorado, especially in my district, the Third Congressional District, the beauty of it, if it is no longer a ranch or a farm, you can put condominiums on it, build huge homes on it, put it into five-acre estates. That is where the highest value of that land is. Move the water off the land. I could talk 2 hours on water. Move the water off the land. Change the historical nature of that property.

And I think in most cases it changes for the worst. It takes away our open space. It threatens our open space. It threatens generations of families being able to stay and raise their young in the mountains of Colorado, because of a tax imposed by the government that is unfair to start with.

Well, I think Americans right now are paying a lot of taxes, and I think that tomorrow, on April 15, there are a few things we should consider, and let me summarize.

Number one, everybody that works in the government ought to be thanking every taxpayer out there for funding it. Mr. Taxpayer, Mrs. Taxpayer, young taxpayer, old taxpayer, you hear it right now. Thank you. Thank you for your hard work. Thank you for being willing to be, one, honest on your taxes; two, to pay your taxes; and, three, to allow your government to work for you.

The second point I want to make to you, we have an obligation back to you, working as the government. We have an obligation as elected officials, as appointed people working for the government, as employees of the government, no matter how you classify it, we work for you and we have an obligation to deliver the most efficient product we can on behalf of the government that works for you.

Number three, we have an obligation, and the Republicans are taking charge, this is a priority for them, to eliminate unfair taxation, and we should start with the marriage penalty. The marriage penalty, no matter how we cut it, no matter whether we are a Democrat or a Republican, no matter what level we are, the marriage penalty is an unfair tax and it has costs in society, costs that are negative. It is not a positive thing to look at. Marriage penalty taxes are unfair and they should be eliminated.

Number four, do not just let people dismiss death taxes as taxes for the rich. It has an impact. It has a ripple impact all the way down. Take a look at the open space in Colorado and then take a look at the very premise for that kind of tax.

Is it fair? Is it on property that has not been taxed? The answer to that is no. The death tax is a tax on property that has been taxed once, twice or three times. That tax should be eliminated. It is not fair. The death tax should not go straight to the government. It is not right.

Finally, let me wrap it up with a few words once again thanking our soldiers who are serving us tonight, wherever you are in the world. To me, the servicemen and women we have right now on the DMZ, in North Korea, South Korea, right on the DMZ between South Korea and North Korea, those are some pretty brave people up there, men and women, serving that duty. Throughout the world they are serving us.

I want you to know that with bipartisan support, unified support, I do not think there is a "no" vote in the body, this body has voted to give a tax break. We will vote tomorrow unanimously, not one "no" vote from Democrat or Republican. We will vote unanimously to recognize the service of these soldiers and give them a tax break. They deserve it. They are delivering for us. You are getting a good product. You are getting good and efficient service from our military today.

You may disagree with the policy. I have got problems with the policy, for example, in the Balkans. That is what I am referring to specifically. You may disagree with that. But the fact of what those military people are doing will be observed tomorrow on April 15 with this bill that will give them some tax relief. So I want to thank those people.

Mr. Speaker, I am now ready to wrap up. Tomorrow is April 15. Folks, take a look at what you are paying in taxes. We should pay taxes for the right kind of product. But just remember, as I conclude tonight, that you have every right, it is a fundamental right to look at the people that work for you, that is the government, the government works for you, and demand from that government efficiency and a good product.

If you are not getting efficiency, if you are not getting a good product, then you should demand that you get your money back. And if you are paying too much money for the product you are getting, you are entitled to get your money back, just the same as if you went to the grocery store and you overpaid there.

America to me is a very positive thing. I am positive about our economy, I am positive about our soldiers, I am positive about the American people. We have a lot to look forward to. And in this country there is a lot more that goes right than there is that goes wrong. But in order for it to work, we have to be sure that we balance that payment from the taxpayer to the government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that they are to direct their remarks to the Chair.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PORTMAN, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. THUNE, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 380. An act to reauthorize the Congressional Award Act, to the Committee on Education and the Workforce.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 440. An act to make technical corrections to the Microloan Program.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 388. An act to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, April 15, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1497. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to assist crop producers who were adversely affected by an insurance company's sale of a private insurance policy called CRCPLUS; to the Committee on Agriculture.

1498. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Dairy Indemnity Payment Program (RIN: 0560–AF66) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1499. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—End-Use Certificate Program (RIN: 0560–AF64) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1500. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenbuconazole; Extension of Tolerance for Emergency Exemptions [OPP–300824; FRL–6069–4] (RIN: 2070–AB78) received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1501. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances for Emergency Exemptions[OPP–300805; FRL–6066–4] (RIN: 2070–AB78) received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1502. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Arsanilic acid [(4-aminophenyl) arsonic acid]; Time-Limited Pesticide Tolerance [OPP–300822; FRL–6069–7] (RIN: 2070–AB78) received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1503. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for the State of New Jersey [Region 2 Docket No. NJ31–2–189, FRL–6313–9] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1504. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District [CA 201–0138a; FRL–6309–9] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1505. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; El Dorado County Air Pollution Control District [CA 211–0127a; FRL–6313–4] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1506. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District and South Coast Air Quality Management District [CA 207-0074, FRL-6307-1] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1507. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Utah; Foreword and Definitions, Revision to Definition for Sole Source of Heat and Emissions Standards, Nonsubstantive Changes; General Requirements, Open Burning and Nonsubstantive Changes; and Foreword and Definitions, Addition of Definition for PM10 Nonattainment Area [UT10-1-6700a; UT-001-0014a; UT-001-0015a; FRL-6314-8] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1508. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Environmental Protection Agency; Underground Injection Control Program Revision; Aquifer Exemption Determination for Portions of the Lance Formation Aquifer in Wyoming [FRL-6316-4] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1509. A letter from the Director, Regulations Policy and Management, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F-0213] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1510. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Over-the-Counter Drug Products Containing Analgesic/Antipyretic Active Ingredients for Internal Use; Required Alcohol Warning; Final Rule; Compliance Date [Docket No. 77N-094W] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1511. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 99-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1512. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Accountability Review Board report and recommendations concerning serious injury, loss of life or significant destruction of property at a U.S. mission abroad, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

1513. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to revise the boundaries of Scotts Bluff National Monument, and for other purposes; to the Committee on Resources.

1514. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to revise the boundary of Fort Matanzas National Monument, and for other purposes; to the Committee on Resources.

1515. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the Act establishing the Keweenaw National Historical Park, and for other purposes; to the Committee on Resources.

1516. A letter from the Assistant Secretary—Indian Affairs, Department of the Interior, transmitting the Department's final rule—Class III Gaming Procedures (RIN: 1076-AD87) received April 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1517. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Jarbidge River Population Segment of Bull Trout (RIN: 1018-AF01) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1518. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 990304062-9062-01; I.D. 030999B] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1519. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 981222314-8321-02; I.D. 031199A] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1520. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Pacific Halibut Fisheries; Catch Sharing Plan [Docket No. 990312074-9074-01; I.D. 010899B] (RIN: 0648-AM35) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1521. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine [Docket No. 981014259-8312-02; I.D. 032699A] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1522. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to reauthorize and amend the Coastal Zone Management Act of 1972; to the Committee on Resources.

1523. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Shawnee, OK [Airspace Docket No. 99-ASW-07] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1524. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Guthrie, OK [Airspace Docket No. 99-ASW-06] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1525. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Escobas, TX [Airspace Docket No. 99-ASW-05] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1526. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Lake Charles, LA [Airspace Docket No. 99-ASW-04] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1527. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Farmington, NM [Airspace Docket No. 95-ASW-18] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1528. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Logan, WV [Airspace Docket No. 99-AEA-02] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1529. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to increase consumer protections for airline passengers, and for other purposes; to the Committee on Transportation and Infrastructure.

1530. A letter from the Chairman, International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 2000; to the Committee on Ways and Means.

1531. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to provide improved support to youth in foster care making the transition to adulthood and economic self-sufficiency; to the Committee on Ways and Means.

1532. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to increase the basic pay of service members and restore retired pay for members who entered service after July 1986; jointly to the Committees on Armed Services and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 140. Resolution providing for consideration of the bill (H.R. 1376) to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes (Rept. 106-95). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. POMBO (for himself, Mr. CUNNINGHAM, and Mr. DOOLITTLE):

H.R. 1398. A bill to amend section 211 of the Clean Air Act to prohibit the use of certain fuel additives; to the Committee on Commerce.

By Mr. LEVIN (for himself, Mr. MATSUI, Mr. CARDIN, Mrs. MINK of Hawaii, Ms. ROYBAL-ALLARD, Mr. GUTIERREZ, Mr. BECERRA, Mr. COYNE, Mrs. CLAYTON, Mr. McGOVERN, Mr. DELAHUNT, Mr. BERMAN, Mr. McDERMOTT, Ms. McKINNEY, Mr. FROST, Mr. TOWNS, Mr. RUSH, Mr. MENENDEZ, Mr. LAFALCE, Mr. KENNEDY of Rhode Island, Mr. DOOLEY of California, Ms. LEE, Ms. ROS-LEHTINEN, and Mr. DIAZ-BALART):

H.R. 1399. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the Medicaid Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLILEY (for himself, Mr. OXLEY, Mr. DINGELL, Mr. TAUZIN, Mr. TOWNS, Mr. GILLMOR, Mr. MARKEY, Mr. GREENWOOD, Mr. HALL of Texas, Mr. COX, Mr. PALLONE, Mr. LARGENT, Mr. DEUTSCH, Mr. BILBRAY, Mr. STUPAK, Mr. GANSKE, Mr. ENGEL, Mr. LAZIO, Ms. DeGETTE, Mr. SHIMKUS, Mr. BARRETT of Wisconsin, Mrs. WILSON, Mr. LUTHER, Mr. SHADEGG, Mrs. CAPPS, Mr. FOSSELLA, Mr. BLUNT, and Mr. EHRLICH):

H.R. 1400. A bill to amend the Securities Exchange Act of 1934 to improve collection and dissemination of information concerning bond prices and to improve price competition in bond markets, and for other purposes; to the Committee on Commerce.

By Mr. SPENCE (for himself and Mr. SKELTON) (both by request):

H.R. 1401. A bill to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 to 2001, and for other purposes; to the Committee on Armed Services.

By Mr. BLUNT (for himself, Mr. SWEENEY, Mr. STENHOLM, Mr. McHUGH, Mr. HOLDEN, Mr. ETHERIDGE, Mr. REYNOLDS, Mr. BALDACCI, Mrs. THURMAN, Mr. HUTCHINSON, Mrs. CLAYTON, Mr. HOUGHTON, Mr. SKEEN, Mr. BOEHLERT, Mr. WALSH, Mr. NORWOOD, Mr. ADERHOLT, Mr. CALLAHAN, Mr. CRAMER, Mr. HILLIARD, Mr. RILEY, Mr. DICKEY, Mr. PASTOR, Mr. FARR of California, Mr. LEWIS of California, Mr. HEFLEY, Ms. DeLAURO, Mr. GEJDENSON, Mrs. JOHNSON of Connecticut, Mr. MALONEY of Connecticut, Mr. BOYD, Ms. BROWN of Florida, Mr. CANADY of Florida, Mr. DAVIS of Florida, Mr. DEUTSCH, Mr. FOLEY, Mrs. FOWLER, Mr. McCOLLUM, Mr. MICA, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. BARR of Georgia, Mr. BISHOP, Mr. CHAMBLISS, Mr. COLLINS, Mr. DEAL of Georgia, Mr. KINGSTON, Mr. LEWIS of Georgia, Mr. LINDER, Mr. FLETCHER, Mr. LEWIS of Kentucky, Mr. WHITFIELD, Mr. BAKER, Mr. COOKSEY, Mr. JEFFERSON, Mr. JOHN, Mr. McCRERY, Mr. CAPUANO, Mr. McGOVERN, Mr. OLVER, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mrs. MORELLA, Mr. ALLEN, Mr. BARCIA, Ms. DANNER, Mrs. EMERSON, Mr. HULSHOF, Mr. SKELTON, Mr. TALENT, Mr. PICKERING, Mr. SHOWS, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. BURR of North Caroiina, Mr. COBLE, Mr. HAYES, Mr. McINTYRE, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. TAYLOR of North Carolina, Mr. BASS, Mr. SUNUNU, Mr. ANDREWS, Mr. SAXTON, Mr. CROWLEY, Mr. FORBES, Mr. GILMAN, Mr. HINCHEY, Mrs. KELLY, Mr. LAFALCE, Mrs. LOWEY, Mrs. McCARTHY of New York, Mr. RANGEL, Mr. TOWNS, Mr. NEY, Mr. STRICKLAND, Mr. WATKINS, Mr. DOYLE, Mr. GREENWOOD, Mr. KANJORSKI, Mr. KLINK, Mr. MASCARA, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. SHUSTER, Mr. CLYBURN, Mr. BRYANT, Mr. HILLEARY, Mr. JENKINS, Mr. TANNER, Mr. BONILLA, Mr. HALL of Texas, Mr. SANDLIN, Mr. THORNBERRY, Mr. HANSEN, Mr. GOODE, Mr. PICKETT, Mr. SCOTT, Mr. WOLF, Mr. SANDERS, Ms. DUNN, Mr. METCALF, Mr. NETHERCUTT, Mr. MOLLOHAN, Mr. RAHALL, and Mr. WISE):

H.R. 1402. A bill to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1-A as part of the implementation of the final rule to consolidate Federal milk marketing orders; to the Committee on Agriculture.

By Mr. BARR of Georgia:

H.R. 1403. A bill to nullify the effect of certain provisions of various Executive orders; to the Committee on International Relations.

By Mr. BROWN of Ohio:

H.R. 1404. A bill to amend title 11 of the United States Code to include the earned income credit in property that the debtor may elect to exempt from the estate; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. LATOURETTE, Mr. NEY, Mr. TRAFICANT, Mr. HALL of Ohio, Mr. STRICKLAND, Mr. SAWYER, Mr. KUCINICH, Mr. HOBSON, Mr. OXLEY, and Ms. KAPTUR):

H.R. 1405. A bill to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. LEVIN, Mr. KNOLLENBERG, Mr. UPTON, Mr. EHLERS, Mr. SMITH of Michigan, Mr. HOEKSTRA, Mr. BARCIA, Mr. BONIOR, Mr. KILDEE, Ms. RIVERS, Ms. STABENOW, Mr. DINGELL, Mr. CONYERS, Ms. KILPATRICK, and Mr. STUPAK):

H.R. 1406. A bill to amend the Internal Revenue Code of 1986 to provide that certain bonds issued by local governments in connection with delinquent real property taxes may be treated as tax exempt; to the Committee on Ways and Means.

By Mr. COYNE (for himself, Mr. RANGEL, Mr. MATSUI, Mr. McDERMOTT, Mr. LEWIS of Georgia, and Mr. NEAL of Massachusetts):

H.R. 1407. A bill to amend the Internal Revenue Code of 1986 to simplify the individual capital gains tax for all individuals and to provide modest reductions in the capital gains tax for most individuals; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. SANFORD, Mr. OLVER, Mr. GOODLING, Mr. MORAN of Virginia, Mrs. KELLY, Mr. BONIOR, and Mr. ROHRABACHER):

H.R. 1408. A bill to make available funds for a security assistance training and support program for the self-defense of Kosova; to the Committee on International Relations.

By Mr. ENGLISH (for himself, Mr. RAHALL, Mr. McNULTY, Mr. TAYLOR of North Carolina, Mrs. EMERSON, and Mr. SHOWS):

H.R. 1409. A bill to amend title 31, United States Code, to provide that the provisions requiring payment of Federal benefits in the form of electronic funds transfers shall not apply with respect to benefits payable under the old-age, survivors, and disability insurance program under title II of the Social Security Act; to the Committee on Government Reform.

By Mr. ENGLISH:

H.R. 1410. A bill to amend the Internal Revenue Code of 1986 to exempt small issues from the restrictions on the deduction by financial institutions for interest; to the Committee on Ways and Means.

By Ms. GRANGER (for herself, Mr. HUNTER, Mr. CUNNINGHAM, Mr. McCRERY, Mr. WELLER, and Mr. SAM JOHNSON of Texas):

H.R. 1411. A bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing; to the Committee on Ways and Means.

By Mr. GREEN of Texas:

H.R. 1412. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HEFLEY (for himself, Mr. ACKERMAN, Mr. BALDACCI, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. BOEHLERT, Mr. BOUCHER, Mr. BRYANT, Mr. CHAMBLISS, Mr. CLEMENT, Mr. COLLINS, Mr. CONDIT, Mr. COOKSEY, Mr. DeFAZIO, Ms. DeGETTE, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DICKEY, Mrs. EMERSON, Mr. ENGLISH, Mr. FARR of California, Mr. FILNER, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GOODLATTE, Mr. GOODLING, Mr. HANSEN, Mr. HILLEARY, Mrs. KELLY, Mr. LAHOOD, Mr. LUCAS of Oklahoma, Mr. LUTHER, Mr. McCOLLUM, Mr. McGOVERN, Mr. McHUGH, Mr. McKEON, Mr. METCALF, Mr. GARY MILLER of California, Mr. NORWOOD, Mr. OBERSTAR, Mr. OLVER, Mr. PACKARD, Mr. PALLONE, Mr. PASCRELL, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SHOWS, Mr. SMITH of Washington, Mr. SPRATT, Mr. TANCREDO, Mr. TANNER, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. TRAFICANT, Mr. UNDERWOOD, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELLER, Mr. WHITFIELD, Ms. WOOLSEY, Mr. YOUNG of Alaska, Mr. STUPAK, Mr. STUMP, and Mr. CAPUANO):

H.R. 1413. A bill to amend title XVIII of the Social Security Act to expand and make permanent the Medicare demonstration project for military retirees and dependents; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. THURMAN, Mr. OBERSTAR, Mr. BARRETT of Nebraska, Mr. COSTELLO, Mr. COYNE, Mr. POMEROY, Mr. FROST, Ms. KILPATRICK, Ms. SLAUGHTER, Mr. FARR of California, Mr. DOOLEY of California, Mr. STENHOLM, Mr. FOLEY, Mr. EHLERS, Mr. UNDERWOOD, Mr. WEYGAND, Mr. BENTSEN, Mr. HAYWORTH, and Mr. ENGLISH):

H.R. 1414. A bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 1415. A bill to authorize appropriations for the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Resources.

By Mr. McCRERY:

H.R. 1416. A bill to amend the Internal Revenue Code of 1986 to provide that interest on indebtedness used to finance the furnishing or sale of rate-regulated electric energy or natural gas in the United States shall be allocated solely to sources within the United States; to the Committee on Ways and Means.

By Mr. MENENDEZ:

H.R. 1417. A bill to amend title 49, United States Code, to make nonmilitary government aircraft subject to safety regulation by the Department of Transportation; to the Committee on Transportation and Infrastructure.

H.R. 1418. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 concerning liability for the sale of certain facilities for residential use; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 1419. A bill to amend chapter 5 of title 28, United States Code, to eliminate a vacant judgeship in the eastern district and establish a new judgeship in the western district of North Carolina, and for other purposes; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts:

H.R. 1420. A bill to amend the Internal Revenue Code of 1986 of provide a revenue-neutral simplification of the individual income tax; to the Committee on Ways and Means.

By Mr. ROTHMAN (for himself, Mr. HANSEN, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, and Ms. WOOLSEY):

H.R. 1421. A bill to prohibit the use of vending machines to sell tobacco products in all locations other than in locations in which the presence of minors is not permitted; to the Committee on Commerce.

By Mr. SANDERS (for himself, Mr. NEY, Mr. BORSKI, Mr. FILNER, Mr. WEXLER, Mr. OLVER, Mr. WEINER, Ms. KILPATRICK, Mr. SHOWS, Mr. HILLIARD, Mr. HINCHEY, Mr. BROWN of Ohio, Mr. BROWN of California, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. THOMPSON of Mississippi, Mr. ROMERO-BARCELO, Ms. PELOSI, Mr. STARK, Mr. KUCINICH, Mr. NADLER, Ms. WOOLSEY, Mr. HASTINGS of Florida, Mr. OWENS, Mr. ABERCROMBIE, Mr. FARR of California, Ms. NORTON, Ms. LEE, Mr. LATOURETTE, Mr. COYNE, and Mr. BONIOR):

H.R. 1422. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security and Medicare benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 1423. A bill to amend title 18, United States Code, to restrict the mail-order sale of body armor; to the Committee on the Judiciary.

H.R. 1424. A bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 1425. A bill to authorize security assistance for the Kosova Liberation Army to be used for training and support for their established self-defense forces in order to defend and protect the civilian population of Kosova against armed aggression; to the Committee on International Relations.

By Ms. WATERS:

H.R. 1426. A bill to prevent the laundering of money; to the Committee on Banking and Financial Services.

By Mr. SAM JOHNSON of Texas (for himself, Mr. THOMAS, Mr. PAUL, Mr. LARGENT, Mr. COX, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. MYRICK, Mr. HOSTETTLER, Mr. DOOLITTLE, Mr. TAUZIN, Mr. CAMPBELL, Mr. TANCREDO, Mr. BALLENGER, Mr. GIBBONS, Mr. HEFLEY, Mr. HAYWORTH, Mr. SCHAFFER, Mr. PITTS, Mr. COOKSEY, Mrs. CHENOWETH, Mr. BARR of Georgia, Mr. BILIRAKIS, Mr. MILLER of Florida, Mr. CAMP, Mr. SESSIONS, Mr. CHAMBLISS, Mr. HERGER, Mr. LINDER, Mr. STUMP, Mr. EVERETT, Mr. DELAY, Mr. BONILLA, and Mr. SKEEN):

H.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States to abolish the Federal income tax; to the Committee on the Judiciary.

By Mr. BOYD (for himself, Mr. STENHOLM, Mr. ETHERIDGE, Mr. TANNER, Mr. MINGE, and Mrs. THURMAN):

H. Con. Res. 85. Concurrent resolution expressing the sense of Congress that the Internal Revenue Code of 1986 should be reformed by April 15, 2002, in a manner that protects the Social Security and Medicare Trust Funds, that is revenue neutral, and that results in a fair and less complicated tax code; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. BOEHNER, Mr. PICKERING, Mr. WELDON of Florida, and Mr. TOOMEY.

H.R. 26: Mr. GREEN of Texas, Mr. BERMAN, Mr. TIERNEY, Mr. ENGLISH, Mr. SHOWS, Ms. WOOLSEY, Mr. JEFFERSON, Mr. WYNN, Ms. LOFGREN, Mr. FARR of California, Mr. BECERRA, Mr. CAPUANO, and Mr. RODRIQUEZ.

H.R. 27: Mr. WELDON of Florida.

H.R. 38: Mr. BACHUS and Mr. TALENT.

H.R. 66: Mr. STUMP.

H.R. 111: Mr. BRYANT, Ms. SANCHEZ, Mr. GEKAS, Mr. CAMP, Mr. KING, Mr. BILIRAKIS, and Mr. STUPACK.

H.R. 116: Mr. EVANS, Mr. BARCIA, Mr. PAYNE, Mr. MCHUGH, and Mr. KIND.

H.R. 165: Mr. GONZALEZ, Mr. GREEN of Texas, and Ms. BALDWIN.

H.R. 205: Mr. MCINTYRE.

H.R. 230: Mr. CAPUANO and Mr. PAYNE.

H.R. 237: Mr. KUYKENDALL, Mr. GONZALEZ, Mr. CAPUANO, and Mrs. MYRICK.

H.R. 271: Ms. KAPTUR, Mr. WYNN, Mr. BERMAN, and Mr. LAMPSON.

H.R. 274: Mrs. TAUSCHER, Mrs. BIGGERT, and Mr. PICKETT.

H.R. 306: Ms. SCHAKOWSKY, Mr. SPRATT, Mr. ENGEL, and Mr. GONZALEZ.

H.R. 316: Mr. WYNN.

H.R. 325: Mr. DEUTSCH, Mr. GORDON, Mr. MARTINEZ, and Mr. RODRIGUEZ.

H.R. 330: Mr. DICKEY AND MR. DEMINT.

H.R. 352: Mr. STUMP, Mr. WATTS of Oklahoma, Mr. TURNER, Mr. NETHERCUTT, Mrs. NORTHUP, and Mr. BONILLA.

H.R. 355: Mr. TANCREDO, Mr. THUNE, Mr. GONZALEZ, Mr. HILL of Montana, and Mr. WATTS of Oklahoma.

H.R. 358: Mr. MARTINEZ.

H.R. 383: Mr. MCINTYRE, Mr. BRADY of Pennsylvania, Ms. SLAUGHTER, and Mrs. FOWLER.

H.R. 403: Mr. PICKERING.

H.R. 407: Mr. YOUNG of Alaska.

H.R. 417: Mr. GRAHAM and Ms. STABENOW.

H.R. 489: Mr. CONYERS and Ms. BERKLEY.

H.R. 492: Mrs. CUBIN.

H.R. 500: Mr. KILDEE.

H.R. 515: Mr. CUMMINGS, Ms. NORTON, Mr. CAPUANO, and Mr. WYNN.

H.R. 516: Mr. WELDON of Florida.

H.R. 527: Mr. BRADY of Pennsylvania.

H.R. 528: Mr. WELDON of Florida.

H.R. 531: Mr. CASTLE, Mr. ALLEN, Mr. BILIRAKIS, Mr. HOSTETTLER, Mr. BLUMENAUER, Mr. WELDON of Florida, Mr. HULSHOF, Mr. BISHOP, Mr. CRANE, Mr. GOODLING, Ms. ESHOO, and Mr. METCALF.

H.R. 541: Mr. BARRETT of Wisconsin, Mrs. CHRISTENSEN, and Mr. HINCHEY.

H.R. 561: Mr. NADLER.

H.R. 564: Mr. GARY MILLER of California.

H.R. 576: Mr. UNDERWOOD, Mr. THOMPSON of Mississippi, Ms. MCKINNEY, Mr. DEUTSCH, and Mr. SNYDER.

H.R. 586: Mr. GARY MILLER of California.

H.R. 588: Mr. SHOWS and Mr. BRADY of Pennsylvania.

H.R. 610: Mrs. ROUKEMA.

H.R. 611: Mrs. EMERSON and Mr. HINCHEY.

H.R. 612: Mr. SANDLIN and Mr. OLVER.

H.R. 614: Mr. NORWOOD, Mr. ROHRABACHER, Mr. HASTINGS of Washington, Mr. WELDON of Florida, and Mr. TALENT.

H.R. 626: Mr. BARRETT of Wisconsin, Mr. FILNER, Mr. SHOWS, Ms. KILPATRICK, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. GONZALEZ, Mr. SANDLIN, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. HILLIARD, Mr. CAPUANO, and Ms. CARSON.

H.R. 632: Mr. Brady of Pennsylvania, Mr. Fletcher, and Mrs. Cubin.

H.R. 664: Mr. Phelps, Ms. Waters, and Ms. Carson.

H.R. 678: Mr. Jefferson, Ms. Lofgren, Mr. Klink, and Mr. Shays.

H.R. 680: Mr. Shows and Mr. Sanford.

H.R. 691: Mr. Spratt.

H.R. 692: Mrs. Cubin, Mr. Coburn, Mr. Paul, Mr. Largent, Mr. Ryan of Wisconsin, Mr. Istook, Mr. Hoekstra, Mr. Bartlett of Maryland, Mrs. Chenoweth, Mr. Green of Wisconsin, Mr. Cannon, and Mr. DeMint.

H.R. 750: Mr. Condit, Mr. McNulty, and Ms. Kaptur.

H.R. 773: Mr. Brown of California, Mr. Conyers, Mr. Franks of New Jersey, Mr. Meeks of New York, and Mr. Minge.

H.R. 775: Mr. Ford, Mr. Green of Wisconsin, and Mr. Holden.

H.R. 777: Ms. Sanchez, Mr. Cummings, and Mrs. Meek of Florida.

H.R. 786: Mr. Bass.

H.R. 789: Mr. Cramer and Ms. Norton.

H.R. 792: Mr. Cunningham, Mr. Camp, and Mr. Scarborough.

H.R. 815: Mr. Thornberry.

H.R. 826: Mr. Ehlers.

H.R. 827: Ms. Brown of Florida, Mr. Brady of Pennsylvania, and Mrs. Mink of Hawaii.

H.R. 828: Mr. Dicks, Mr. Evans, and Mr. Sanders.

H.R. 833: Mr. Barcia, Mrs. Chenoweth, and Mr. Upton.

H.R. 834: Mr. Dicks and Mr. Jefferson.

H.R. 836: Ms. Berkley and Mr. Vento.

H.R. 845: Mr. Romero-Barcelo, Mr. Olver, and Mr. Hinchey.

H.R. 847: Mr. Brown of California and Mr. Gonzalez.

H.R. 850: Mr. Watt of North Carolina.

H.R. 879: Mr. Frost, Mr. Price of North Carolina, and Mr. Fattah.

H.R. 884: Mr. Olver and Ms. Schakowsky.

H.R. 888: Mr. Filner, Mr. LaTourette, Ms. DeGette, and Mr. Brown of California.

H.R. 894: Mr. Walsh.

H.R. 896: Mr. Greenwood, Mr. LaFalce, and Mr. LoBiondo.

H.R. 900: Mr. Luther, Mr. Quinn, Mr. Gejdenson, and Ms. Jackson-Lee of Texas.

H.R. 914: Mr. Capuano.

H.R. 942: Mr. Mascara.

H.R. 943: Mrs. Thurman.

H.R. 959: Ms. Brown of Florida, Ms. McKinney, Mr. Hastings of Florida, Mr. Hinchey, and Ms. Carson.

H.R. 982: Mr. Oxley, Mr. Shows, and Mr. Terry.

H.R. 987: Mr. Burton of Indiana, Mr. Fletcher, Mr. Ehlers, Mr. Barcia, Mr. Traficant, Mr. McKeon, Mr. Deal of Georgia, Mr. Hutchinson, Mr. Ewing, Mr. Aderholt, Mr. Paul, Mr. Bass, Mr. Jenkins, Mr. Cox, Mr. Barrett of Nebraska, Mrs. Bono, Mr. Nethercutt, Mr. Horn, Mr. Wicker, Mrs. Myrick, Ms. Pryce of Ohio, Mr. Brady of Texas, Mr. Thompson of Mississippi, Mr. Bartlett of Maryland, Mr. Pombo, Mr. Moran of Kansas, Mr. Herger, and Mr. Tauzin.

H.R. 996: Mrs. Christensen, Mr. Cummings, Mr. Deutsch, Ms. Jackson-Lee of Texas, Mr. Jefferson, and Ms. Waters.

H.R. 1000: Mr. Hasting of Florida and Ms. Berkley.

H.R. 1032: Mr. Pombo, Mr. Hill of Montana, Mr. John, Mr. Packard, Mr. Istook, Mr. Metcalf, Mr. Wicker, Mr. Sununu, Mr. Simpson, Mrs. Cubin, and Mr. Calvert.

H.R. 1053: Mr. Capuano.

H.R. 1055: Mr. Whitfield, Mr. Duncan, Ms. Kilpatrick, Mr. Hostettler, Mr. Kennedy of Rhode Island, Mr. Norwood, Mr. Tancredo, Mr. Saxton, Mr. DeLay, Mrs. Cubin, Ms. Ros-Lehtinen, Mr. Goode, Mr. Pallone, Mr. Pitts, Mr. Blunt, Mr. Hayworth, Mr. Graham, Mr. Weldon of Florida, Mr. Hefley, Mr. McIntyre, Mr. Delahunt, Mr. Gutknecht, Mrs. Bono, Mrs. Johnson of Connecticut, and Mr. McIntosh.

H.R. 1071: Mr. Gonzalez.

H.R. 1082: Mr. Martinez, Mr. Becerra, and Ms. Lee.

H.R. 1093: Mr. Clement, Mr. Dooley of California, Ms. Sanchez, Mr. Bass, Mr. Cardin, Mr. Condit, Mr. Hilliard, Mr. Sabo, Mr. Jackson of Illinois, Mr. Ehrlich, Mr. LaHood, Ms. Kilpatrick, and Mr. Evans.

H.R. 1097: Mrs. Meek of Florida and Mr. Udall of Colorado.

H.R. 1106: Mr. Weldon of Florida.

H.R. 1111: Mr. Brady of Pennsylvania, Ms. Slaughter, Mr. Shays, Mr. Rush, Ms. Woolsey, and Ms. Ros-Lehtinen.

H.R. 1120: Mr. Holden.

H.R. 1149: Mrs. Meek of Florida.

H.R. 1160: Mr. Diaz-Balart, Ms. Roybal-Allard, Mr. Olver, Mr. Gonzalez, Ms. Eddie Bernice Johnson of Texas, and Mr. Dingell.

H.R. 1193: Mr. Stupak and Mr. Stark.

H.R. 1205: Mr. Obey, Mr. Vento, and Mr. Gejdenson.

H.R. 1214: Mr. Norwood, Mrs. Clayton, Mr. Spratt, and Ms. Woolsey.

H.R. 1216: Mr. Evans, Mr. Clement, Mr. Lipinski, Mr. Norwood, Mr. Gonzalez, Mr. Filner, Mr. Owens, and Mr. Frost.

H.R. 1217: Mr. Kanjorski, Mr. Markey, Mr. Neal of Massachusetts, Mr. Cardin, Mr. Burr of North Carolina, Mr. Meehan, Mr. Gonzalez, Mr. Davis of Virginia, Mr. Gordon, Mr. Condit, and Mr. Snyder.

H.R. 1218: Mr. Gekas.

H.R. 1234: Mr. Gekas.

H.R. 1236: Ms. Kilpatrick, Mr. Clay, Mr. Frost, Mr. Ackerman, Mr. Watts of Oklahoma, Mr. Cummings, Mr. Kennedy of Rhode Island, Mr. Weiner, Mr. Vento, and Mrs. Kelley.

H.R. 1238: Ms. Kilpatrick, Mrs. Meek of Florida, Ms. Norton, Mr. Gutierrez, Mr. Rush, Mrs. Kelly, Ms. Waters, Mr. McGovern, and Mr. Meehan.

H.R. 1247: Mr. McHugh.

H.R. 1251: Mr. Hansen and Mr. Cannon.

H.R. 1254: Mr. Blunt, Mr. Boehlert, and Mr. Crane.

H.R. 1286: Ms. Roybal-Allard, Mrs. Clayton, Ms. Kilpatrick, Mr. Waxman, and Mr. Abercrombie.

H.R. 1301: Mr. Combest, Mr. Hall of Texas, Mr. Goode, Mr. Bishop, Mr. Cramer, Mrs. Cubin, Mr. Shimkus, Mr. Ganske, Mr. Skeen, Mr. Moran of Kansas, Mr. Cooksey, Mr. Chambliss, Mr. Doolittle, Mr. Hayes, Mr. Radanovich, Mr. Riley, Mr. Paul, Mr. Smith of Texas, Mr. Bonilla, and Mr. Sessions.

H.R. 1313: Ms. Kaptur, Mr. Towns, Mr. Wexler, Ms. Eshoo, Ms. Rivers, and Mr. Frelinghuysen.

H.R. 1317: Mr. Blunt.

H.R. 1329: Mr. Calvert.

H.R. 1330: Mr. Evans and Mr. English.

H.R. 1332: Mr. Brown of California, Ms. Schakowsky, Mr. Bentsen, and Ms. Eddie Bernice Johnson of Texas.

H.R. 1333: Mr. Bereuter, Mr. Inslee, Mr. Gonzalez, Mr. Paul, Mrs. Clayton, Ms. Eshoo, Mr. Lipinski, Mr. Payne, Mr. Rush, and Mr. Shows.

H.R. 1335: Mr. Gutierrez.

H.R. 1337: Mr. Sandlin, Mr. Klink, Mr. Nethercutt, Mr. Brady of Pennsylvania, Mr. Bilbray, and Mrs. Tauscher.

H.R. 1349: Mr. Gary Miller of California.

H.R. 1355: Mr. Farr of California, Mr. Olver, and Mr. McGovern.

H.R. 1357: Mr. Weldon of Florida.

H.R. 1395: Mr. Rohrabacher, Mr. McKeon, Mr. Cunningham, Mr. Pombo, Mr. Doolittle, Mr. Packard, Mr. Dreier, Mr. Royce, Mrs. Bono, Mr. Herger, and Mr. Gallegly.

H.J. Res. 2: Mr. Sununu.

H.J. Res. 7: Mr. Dickey.

H.J. Res. 14: Mr. Moran of Virginia, Mr. Norwood, and Mr. Kingston.

H. Con. Res. 8: Mr. Frelinghuysen.

H. Con. Res. 14: Mr. Ney.

H. Con. Res. 30: Mr. Gary Miller of California.

H. Con. Res. 57: Mrs. Biggert.

H. Con. Res. 77: Ms. Kaptur.

H. Con. Res. 82: Mr. Stark and Mr. Paul.

H. Res. 41: Mrs. Capps, Mr. Coburn, Mrs. Morella, and Mr. Traficant.

H. Res. 82: Mr. Andrews.

H. Res. 106: Mr. Talent, Mr. Gary Miller of California, Mr. Snyder, Mr. Capuano, and Mrs. Thurman.

H. Res. 109: Ms. Kaptur, Mr. Green of Texas, Mr. Lewis of Georgia, Mr. Frost, Mr. Spratt, Ms. Danner, Mr. Wolf, Mr. Barcia, Mr. Hostettler, Mr. Olver, Mr. Petri, Mrs. Thurman, Mr. Kind, and Mr. McGovern.

H. Res. 115: Mr. Aderholt, Mr. Gejdenson, and Mr. Lipinski.

H. Res. 128: Mr. Delahunt, Mr. Shays, and Mr. Berman.

EXTENSIONS OF REMARKS

CAPITAL GAINS TAX SIMPLIFICATION ACT OF 1999

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. COYNE. Mr. Speaker, today I am reintroducing the "Capital Gains tax Simplification Act." As with similar legislation I introduced last year, this bill would simplify the computation of capital gains taxes for all individual taxpayers and provide modest capital gains tax reductions for millions of Americans.

As recent articles in The Wall Street Journal and Money magazine have observed, the 1040 Form's Schedule D has become very burdensome for ordinary taxpayers as they attempt to comply with the current capital gains tax law. Filling out Schedule D is disproportionately burdensome for low- and moderate-income taxpayers whose only capital gains come from investments in mutual funds and real estate investment trusts. It has been estimated that nearly half of all U.S. households now own mutual funds.

The IRS estimates that a typical taxpayer with a capital gain will spend 6 hours and 41 minutes filling out his or her 54-line Schedule D form. That is over 3 hours more than in 1994. In addition to the amount of time involved, the chances of making an error in filling out this form have increased with its increased complexity. Elimination of the 18-month holding period last year did little or nothing to eliminate the complexity of Schedule D. If nothing is done to change the tax code, the complexity of Schedule D will get even worse in 2001 and again in 2006, when additional capital gains tax rate categories will take effect; these future changes in Schedule D will make the 1998 version look simple in comparison. Finally, increasingly large numbers of taxpayers will have to fill out Schedule D twice—once for the regular tax and once for the minimum tax.

The Internal Revenue Service's new national Taxpayer Advocate, Val Oveson, agrees that capital gains simplification is needed. In his January report to Congress, he cited the capital gains reporting requirements in Schedule D as an example of unnecessary complexity faced by taxpayers with capital gains income from mutual funds.

Under the legislation that I am introducing today, the current complicated system of different capital gains tax rates would be replaced with a simple 38 percent exclusion. The bill would also change the taxation of collectibles so that any gain or loss from the sale or exchange of a collectible would be treated as a short-term capital gain or loss. Consistent with the treatment of capital gains under current law, the tax rates that apply to capital gains income for regular tax purposes would also apply for alternative minimum tax purposes.

Under my bill, low- and moderate-income taxpayers who invest through mutual funds and real estate investment trusts would no longer have to fill out even a simplified capital gain schedule. Rather than filling in 35 separate lines of information and making a number of confusing, error-prone calculations—as required under current law—they would simply total up their capital gains distributions, figure out what 62 percent of that total would be, and then write that amount on the appropriate line of their tax return form.

This bill would simplify income tax preparation for millions of Americans, and I believe that it would do so at no cost to the U.S. Treasury. While the Joint Committee on Taxation (JCT) has not yet determined the revenue impact of the bill I am introducing today, JCT estimated last year that nearly identical legislation would actually have raised revenue over a ten-year period.

Congress should act this year to make the tax code less complex—and less burdensome—for the American taxpayer. The Capital Gains Tax Simplification Act would go a long way toward achieving that goal.

Several of my colleagues on the Ways and Means Committee—including Representatives RANGEL, MATSUI, McDERMOTT, LEWIS, and NEAL—have joined me in introducing this legislation. I urge all of my House colleagues to join us in cosponsoring this important tax simplification bill

A TRIBUTE TO DEAN PRESTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the career of one of Colorado's esteemed reporters, Dean Preston (the recently retired agricultural reporter for The Pueblo Chieftain). In doing so, I would like to honor this man who, for many years, combined hard work and knowledge with his own special personal touch. An individual with so much integrity and compassion will be truly missed and difficult to replace.

Beginning his career with The Pueblo Chieftain over 28 years ago, Dean Preston learned and experienced various positions before deciding on a career as an agricultural reporter. What began as a "gamble" by the city editor, led Preston to an area of reporting very suitable to him. Growing up on a dry land farm in the Texas Panhandle, Preston had gained an understanding of this type of agriculture. Preston's knowledge of Colorado agriculture was second to none, however, I think all would agree that it was his dedication to the people that made him so unique. He was known to make personal visits to check on crops, regardless of the time and miles it required to get there.

During the time Dean Preston spent reporting and editing for The Pueblo Chieftain, he received several awards, one of which was "Agriculture Champion" given by the Colorado Cattlemen's Association. Additionally, Preston has recently received honors from the Pueblo County Farm Bureau.

After 28½ years of service to The Pueblo Chieftain, City of Pueblo, and the surrounding areas, Dean Preston begins down a new avenue in life. Few have displayed the dedication and genuine interest that Dean Preston is being honored for, thus I wish him well in his well-deserved retirement.

IN HONOR OF THE SCHOOL OF THE FUTURE AND THE CENTER FOR ETHICS AND TECHNOLOGY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a special tribute to The School of the Future as it celebrates the opening of the new Center for Ethics and Technology.

This innovative educational facility, located in the heart of my district, is aptly named: it does a remarkable job in preparing our city's children for the future. An astounding 98 percent of the School's graduates were accepted to colleges and major universities in 1998.

The School places an emphasis on providing students with a strong liberal arts education. It aims to produce students who are not only culturally literate, but who have well-developed analytical skills. Students are trained to examine evidence, explore alternate points of view, consider significance, understand point of view and seek connections in all of their learnings.

The new Center for Ethics and Technology strives to create a sense of balance and responsibility in our increasingly technological society. Through the use of computer technology, the Center will allow participants to expand their inter-generational dialogue toward an intercultural, international exchange.

Last month, the Center invited senior citizens, computer scientists, inner city freshman and their parents to join the Anti-Defamation League at a forum to explore how our sense of community has evolved in today's high-tech world.

This Center would not have been possible if not for the dedicated volunteer work of the Center's director, Adam Kinory; the school's teachers and principal, Kathy Rehfield-Pelles; its parent body, and volunteers from The Sol Goldman 14th Street Y of The Educational Alliance, New York Cares, and Pencil.

At a time when our public school enrollments are at record levels and those numbers

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are expected to climb further, we have an obligation to act now to shore up our public education system. The School of the Future is leading that journey.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to The School of the Future as it strives to bring our public education system into the next millennium. The School's important work with New York City's children is priceless. It is an honor to have the School in my district.

TRIBUTE TO COACH ROBERT "BOB" HUGHES

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. FROST. Mr. Speaker, I rise today to congratulate and give honor to a Texas legend: Coach Robert "Bob" Hughes whose name is synonymous with the game of basketball. Coach Hughes has a winning reputation that stretches far beyond the great State of Texas and the mark he continues to make on the sporting culture of this great country is without argument an indelible one.

This remarkable man's career spans almost four decades. He began his career at the proud and the historic I.M. Terrell school. After the unfortunate closing of I.M. Terrell, Coach Hughes carried on his winning tradition at Paul Lawrence Dunbar High School where he continues coaching today and is an exemplar of integrity and sportsmanship. Among his many outstanding accomplishments: 19 district championships, 3 State championships, Coach of the Year 22 times. He has been featured in Sports Illustrated, and seen on the CNN. He also has more wins than any other high school coach in America at 1,120 and counting.

People in Fort Worth often associate Bob Hughes with his young Wildcat teams, but it needs to be noted that this man has been directly responsible for producing many of the fine business and community leaders who contribute so much to our city and country every day.

Congratulations Coach Hughes on the well-deserved honor you are receiving from Dunbar High. This is yet another momentous occasion in a life filled with them.

THE SIXTH ANNUAL COWBOY POETRY AND MUSIC FESTIVAL

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. McKEON. Mr. Speaker, I rise today to pay tribute to the Sixth Annual Cowboy Poetry and Music Festival that took place at the historic Melody Ranch in Santa Clarita, CA. For 4 days, cowboy enthusiasts such as myself, were entertained by local residents, as well as individuals from 22 different states and 2 foreign nations.

This ranch has a significant historical background, Mr. Speaker. Once owned by Gene Autry, the Melody Ranch was used for some of the greatest western movies featuring legendary stars such as Tom Mix, Hopalong Cassidy, Gary Cooper, John Wayne, and Ronald Reagan.

In celebration of our Western Heritage, this festival brought together communities from around the nation and around the world to my hometown to enjoy in a bygone era of cowboys, campfires, and country music. Cowboy music, poetry, and food provided everyone with what Santa Claritans know to be true, that country and western tradition are among the very best that our nation has to offer.

Whether it was the special performances at the Autry Museum of Western Heritage, the mansion of silent film star William S. Hart, or the Heritage Junction Historic Park this festival can be called nothing less than an overwhelming success. I would like to applaud the organizers, the participants, and the community as a whole for their participation in this event.

Mr. Speaker, as I end these remarks and I reflect back on the Cowboy Poetry and Music Festival, I am reminded of the end of so many of the western movies that show the cowboy riding off into the sunset. We sure hope that he returns next year to make certain that future generations never forget this indispensable history.

HONORING WEBSTER HIGH SCHOOL'S VICTORY IN THE NYS SCIENCE OLYMPIAD CHAMPIONSHIP

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mrs. SLAUGHTER. Mr. Speaker, today I would like to take a moment to call attention to the outstanding accomplishments of a dedicated team of students from the Rochester region. In March 1999, the Webster High School Science Olympiad team competed in the New York State Science Olympiad championship and finished in first place. This is the second time in 3 years that students from Webster have been victorious in this challenging and difficult competition. In addition, this year's victory is the 5th year in a row that the team has placed first or second state-wide.

The Science Olympiad focuses on confronting the critical situation of declining academic achievement in science classes nationwide. The rigorous academic competitions are dedicated towards the goals of improving the quality of science education, increasing student interest in science, and providing recognition for outstanding achievement in science education by both students and teachers. The atmosphere surrounding these events strikes a balance among science facts, concepts, skills, and applications, while simultaneously encouraging teamwork and enthusiasm. Since the first national tournament in 1985, this organization has helped to create a significant increase in student interest in science.

As members of the Student Olympiad, this group of Webster students have committed themselves to these goals. Their exemplary performance is a clear indication of their hard work and dedication, as well as an example of their commitment to academic excellence and intellectual achievement. In March they competed against 40 high schools in 25 events focusing on topics such as biology, earth science, chemistry, physics, problem solving, and technology.

It is my distinct privilege to recognize the members of the Webster High School Science Olympiad team as residents of my district. Their accomplishments create an academic standard which all students should strive to attain. I invite my colleagues to join me in congratulating the students and the coaches on their victory in the 1999 Science Olympiad New York State championship.

HOME EDUCATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. BLUNT. Mr. Speaker, I am pleased to join the Missouri State Senate and Missouri House of Representatives in support of home education. The Missouri General Assembly has designated the first week of May as Home Education Week. Missouri is looked to as a leader nationwide in home education movement.

Home education in Missouri has enjoyed considerable success in recent years because of the tremendous support received from countless citizens who realize the significance of family participation in the education process. Home education allows parents to ensure that the positive character traits and moral values instilled in their children at home are reinforced by the educational process.

Home education is successful and history proves it. Since the founding of America many famous Americans have been home educated. That list includes George Washington, Thomas Jefferson, Booker T. Washington, Thomas Edison, Andrew Carnegie, Franklin D. Roosevelt, Mark Twain and Sandra Day O'Conner. Home education is practiced by over 4,600 citizens of Missouri.

Without hesitation, I thank each parent who is at home teaching their child the skills they will need to succeed in the competitive world we live in today. I hope that my colleagues will join me today to let you know that your efforts are generally appreciated.

HONORING MCDONALD'S RESTAURANT OWNERS FOR THEIR SCHOLARSHIP PROGRAM

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to honor the nearly 200 independent McDonald's Restaurant Owners of New York, New Jersey and Connecticut for launching the Arching into Education Scholarship program. These locally owned and operated restaurants have a long-standing commitment to the communities they serve. The Arching into Education Scholarships is just the latest example of the great work our area McDonald's owners are doing. Through this program, the owners are providing $175,000 in college scholarship money to high school seniors in the New York Tri-State area. Arching Into Education encompasses three distinct scholarship programs: one offers scholarships for all students; another provides scholarships for students wishing to attend a United Negro College Fund member institution; and a third, the GospelFest Music Scholarships, awards scholarships for students interested in majoring in music.

The Tri-State McDonald's Owners have also partnered with Ronald McDonald House Charities to offer an additional $175,000 in scholarships for HACER, a scholarship program for area students of Hispanic heritage. Combined in these four scholarship programs, McDonald's owners will contribute $350,000 in college scholarships to students in the Tri-State community.

These scholarship programs are just one part of the McDonald's Owners' continuing commitment to education and the communities in which they operate. The Tri-State Owners support reading incentive programs and other initiatives for elementary school students. Additionally, they sponsor programs that teach parents the importance of immunizing young children, and instruct children on bicycle safety, helmet use, and fire safety. The Tri-State McDonald's owners also help support the great work that the Ronald McDonald House does for families of young cancer victims.

Mr. Speaker, I am proud to recognize the important contributions Tri-State McDonald's owners are making to our communities. I urge you and all Members of Congress to join me in applauding the McDonald's Restaurant Owners of New York, New Jersey and Connecticut for their continued commitment to education and dedication to programs that help ensure a successful future for our children.

TRIBUTE TO THE KATHRYN SEVERYNS DEMENT SLEEP DISORDERS CENTER

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. NETHERCUTT. Mr. Speaker, I rise today to pay tribute to the Kathryn Severyns Dement Sleep Disorders Center located in Walla Walla, Washington. I was very pleased to visit the sleep clinic and recently had the honor of accepting an award on behalf of Walla Walla, Washington being recognized as the Healthy Sleep Capital of the Nation.

The Walla Walla sleep center is the result of Dr. William C. Dement's efforts to educate others on sleep awareness and its disorders. Dr. Dement is a Walla Walla native and sleep medicine pioneer. He is the director of the Stanford University Sleep Research and Clinical Programs, and was the founding President of the American Sleep Disorders Association. Dr. Dement, along with Dr. Richard Simon, Jr., director of the sleep center, and doctors Michael Bernstein, Jennings Falcon, and Eric Ball have all made sleep problems a fundamental focus of their medical practices. These doctors have become experts in the field of sleep disorders and lead the world in sleep disorder treatment.

Most people do not realize the seriousness or extent of the sleep disorders problem. Statistics show that between 50 and 100 million people in the United States have diagnosable sleep disorders. This is not just limited to adults, sleep disorders affect people of all ages. These disorders are severely underdiagnosed in children. The National Transportation Safety Board points to chronic sleep deprivation as being the leading cause of fatal and non-fatal heavy truck accidents. The estimated annual cost of untreated sleep disorders due to preventable morbidity and accidents is $100 billion.

The work the Walla Walla sleep center has done in treating and diagnosing sleep disorders is unparalleled. Compared to doctors from outlying areas, Walla Walla doctors are referring as many as six times the number of patients for sleep disorders treatment. This is mostly due to the training these doctors have received. Prior to sleep disorder training, a survey of more than 750 patient charts found that just six patients mentioned having problems sleeping, and of those, two patients were diagnosed with disorders. One year after the training, 130 to 140 people were diagnosed with sleep apnea, a treatable disorder where the sleeper repeatedly stops breathing for an instant. Between 1994 and 1998, the center saw 1,421 new patients and performed 1,711 sleep studies.

The doctors at the Walla Walla sleep center continue to make advances in sleep study research. They are responsible for training physicians throughout the area and have helped two other hospitals start sleep centers. They are also currently working with Stanford University to apply for a grant to determine whether mild sleep apnea should be treated. Everyone at the Walla Walla sleep center deserves to be recognized for their hard work and commitment to the silent epidemic of sleep disorders. Thanks to them, this serious problem is not going unnoticed, and their efforts will save lives.

TRIBUTE TO THE HONORABLE TOM BANE—DECEMBER 28, 1913–APRIL 10, 1999

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. SHERMAN. Mr. Speaker, my colleagues, Mr. BERMAN, Mr. WAXMAN, and I rise today to remember the Honorable Tom Bane who died last Saturday, April 10, 1999. Tom was not only a great legislator and politician, but also a mentor and friend.

Tom represented the San Fernando Valley in the California Legislature for 24 years, during which time he authored ground breaking legislation that improved the lives of all Californians—fighting to protect the environment, the poor, the elderly, and also working to enhance public education.

Perhaps Tom's best known legislative victory was a 1988 law mandating heavy punishment for hate crimes committed in California—the first Hate Crimes legislation passed in the United States. Tom also authored legislation that prohibited the "cop killer" Teflon bullet; the Tom Bane Civil Rights Act; and significant banking and savings and loan legislation. He also worked with his colleagues to co-author California's first Lemon Law, Seat-Belt Law and the Paramedic Bill.

Whether it be on the floor of the Assembly or walking through his district talking with constituents, Tom exemplified democracy at its finest. He took great pride in his friendships with members from both sides of the aisle, and played a significant leadership role as the Chairman of the powerful Assembly Rules Committee. And even late in his political career, Tom often walked his district during campaigns instead of relying on focus groups and advertisements to rally support—that type of grass roots accessibility is the way democracy is supposed to work.

Tom's vision, leadership and tenacity were an inspiration to all who knew him. He dedicated his career to enriching every aspect of our lives and our communities—making our streets safer from criminals, improving the quality of education received by our children, and ensuring that as a society we would not tolerate crimes committee because of race, religion or gender.

Our thoughts are with Tom's wife Marlene, their children Bruce, Lisa and Neil; and grandchildren Ryan, Eric, Shai, Dean, Ziv, Evan, Paul and Adriadne.

Mr. Speaker, distinguished colleagues, please join us in remembering a great friend and outstanding man, a true mensch, Tom Bane.

A TRIBUTE TO DR. PAUL SALMEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize the career of one of Colorado's fine physicians and outstanding individuals, Dr. Paul Salmen. In doing so, I would like to pay tribute to a man who has shown, time and again, that it pays to give a little back to the community. In our Community Dr. Paul Salmen is fondly referred to as Dr. Paul.

Dr. Paul Salmen is a long time resident of Glenwood Springs, Colorado, who has made a large impact on his community. Aside from his contributions as a physician, Dr. Salmen takes time out of his day to get involved with many local organizations such as Healthy Beginnings, the Youth Recovery Center, Glenwood Medical Associates, the Sunlight Mountain Resorts Ski Patrol and the Pediatric Crisis Committee. In addition to the many organizations in which Dr. Paul Salmen is active, he still finds time to extend his knowledge to the youth as a coach for swimming, volleyball and basketball. He also participates as a soccer and basketball referee.

Those who are privileged to know Dr. Paul Salmen know he is well liked and respected by the community. Given his moral character and all the areas that Dr. Salmen dedicates time to, it is no wonder that he was chosen as the recipient of the "1998 Garfield County-Wide Humanitarian Service Award."

I have known Dr. Salmen and his wife Nancy Reinisch (who in her own right is a bright star in our community) for years. I have deep respect for the caring they have for people. Dr. Paul and Nancy have dedicated their lives so that other peoples are improved. The Salmens succeed with the tools of compassion, knowledge, advocacy, and dedication.

Individuals such as Dr. Paul Salmen, who volunteers his time to a good cause, are a rare breed. Dr. Paul is a model citizen. Fellow citizens and patients have gained immensely by knowing Dr. Paul Salmen and for that we owe him a debt of gratitude.

IN HONOR OF SISTER PAT MYER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a special tribute to Sister Pat Myer upon her departure from the Convent of the Sacred Heart in Manhattan for Albany where she will continue her lifelong dedication to helping others.

For decades, Sister Pat has been one of the main rocks of leadership in the East Harlem community, an area that I had the honor to represent as a member of the New York City Council. When a neighborhood crisis arose, Sister Pat, in her quiet and dignified manner, worked to solve the problem. She would peacefully direct a solution to any situation.

Although one would most often find Sister Pat at the Convent of the Sacred Heart on East 91st Street, where she served as a school administrator. One was just as likely to find her out in East Harlem working with the community.

Sister Pat Myer was always at the heart of the important movements in the community, whether it was fighting crime or drugs or simply improving the neighborhood. Among her many endeavors, Sister Pat helped facilitate a Tactical Narcotics Team in the neighborhood, helped to save Metropolitan Hospital from severe cutbacks, fought zoning laws to prevent the destruction of the East Harlem neighborhood, and led the great fight to "Save the Tenements," East Harlem's important affordable housing.

An East Harlem resident since 1976, Sister Pat's active involvement in the community came in many different forms. For five years she served as the chair of the Pleasant Village Block Association. She established a neighborhood watch program and helped to shut down places of ill repute. These efforts earned Sister Pat a Snap Award from the City of New York.

Her community work did not end there. She chaired the Economic Development Committee of Community Board Eleven; she was involved with the Little Sisters of the Assumption Health Center; she worked on the Big Picture Committee, which looked at East Harlem's larger problems; and she became active with the Neighborhood Advisory Committee's Department of Youth and Community Development where she helped to secure federal funding for community projects.

Sister Pat Myer's efforts have made the East Harlem neighborhood a better place to live. The people of Albany should feel blessed to have a woman like Sister Pat in their midst.

I will miss the phone calls I used to receive from Sister Pat whenever she saw a problem arising in the community. She reached out to anyone who needed help and made a difference in their lives.

Mr. Speaker, I am honored to bring to your attention the outstanding work of Sister Pat Myer. It has truly been an honor to work with such a dedicated and caring woman over the years. Her unwavering dedication to make her community a better place will always be felt and appreciated. East Harlem and New York City will greatly miss the special touch of Sister Pat Myer.

TRIBUTE TO PROFESSOR ALLAN SAXE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. FROST. Mr. Speaker, I rise today to congratulate one of Arlington, Texas's most civic-minded residents. Professor Allan Saxe was honored Saturday as Meals on Wheels of Tarrant County's Volunteer of the Year. Allan has been delivering meals to the elderly for 20 years, but that is just the beginning of his charitable activities.

Over the years, Allan has selflessly given away hundreds of thousands of dollars to community causes throughout Arlington. Whether it's the Saxe Museum or one of the two baseball fields that bare his name, you can't go far in the Arlington area without coming upon something honoring Allan's good works. There are so many things named after Allan in Arlington that even her says he can't keep track of them all.

Allan has taught political science at the University of Texas at Arlington for many years. He has a strong attachment to the city and adds great color to our community. He is a regular columnist for the Star Telegram, and his opinionated columns often invoke intense responses from readers. Allan is also widely known for giving away much of what he has to charity, including all of a very large inheritance.

This latest honor confirms Allan's status North Texas benefactor, both in terms of his time and money. Allan is simply one of those people that every community wishes they had more of. I am pleased to call him a friend, and am pleased to have him in my Congressional District.

Allan, congratulations on being named Meals on Wheels of Tarrant County's Volunteer of the Year. This is another great honor in a life full of them.

GEORGE L. PLUMLEE WRITES AN ESSAY WORTH READING

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. STUMP. Mr. Speaker, it is my pleasure to commend to my colleagues an essay authored by my constituent George L. Plumlee, a senior at Parker High School in Parker, AZ. George was the first place district winner of the Veterans of Foreign Wars Voice of Democracy Competition. His essay on the contest theme of "My Service to America" reminds us that our freedoms are not to be taken for granted, and that freedom is something we all must work for each day. Service to America means that we must be personally responsible for the protection and perpetuation of our freedoms that make America strong. Every person can make a contribution in even the smallest of ways to continue fighting for the freedoms we all enjoy. I commend George's essay to my colleagues attention.

"My Service to America" 1998-99 VFW Voice of Democracy Scholarship Competition

I am very proud and thankful to be an American living in the United States. To me, having the right to be an American should be earned, or at the least, nurtured and contributed to on a constant basis. If we expect our country to remain strong and free, I believe all Americans should contribute some type of service to America. I see "My Service to America" as a daily effort to support the country that I love, and the country that gives back to me all the wonderful gifts it does, such as freedom. Freedom is the most previous thing a man can have. America's freedom has been hard won by the sacrifice of its many veterans, and stays free because they are still there doing their duty, rain or shine, day or night, everyday.

As individual citizens if we do not contribute to our country, I believe it will eventually weaken and not be the strong country it has been for so long. I feel there are many ways I can give "My Service to America". If I cannot serve in the armed forces of our country, there are still many ways to support and contribute to make my America function and stay strong. Through out my first 12 years of school I have been active in not only school activities, but have volunteered many times to serve the community with civic and charitable functions. America is a big country, and has a lot going on, but I believe it all starts with the common citizen living in Little Town, U.S.A. If a person does not bother to vote, they are giving up a right that has been earned in blood and lives. It is apparent in so many countries around the world today what happens, or does not happen when you have the right to vote as a free people. Without the right to vote and decide your own destiny, every part of your daily life is controlled by only one person or a small group of people. If educators do not give their very best in educating our children, we will not have properly prepared citizens to become our educators and leaders of tomorrow. Even mechanics and bus drives are important for the same reasons. What makes our system work is everybody doing their share of supporting our way of life even in the smallest of ways.

When I was younger I did not give much thought to all the freedoms we have in America, and how we got or kept them. I was just a kid running around having fund. Then I remember my dad started telling me how and why we are free, and how so many Americans sacrificed so much for our country. I am being honest when I say I used to get so tired of Dad preaching this to me so many times. But Dad had, and was doing his duty to his country by being a Master Sergeant in the United States Marines, and by passing on to me the values that make America what it is today. I am extremely proud of my dad for many reasons. Today when I see many people not doing their share to support America, it reminds me of when I was a little kid, just running around having fun. All Americans need to be educated and informed on a regular basis why we are free, and what it means to be an American and the responsibilities that entails. I believe my dad has served his country in every possible way. Because of my dad, when I see our flag flying, or hear the National Anthem, my pride and emotions start to swell. When I see our flag flying it is not just a piece of material with a pattern on it. It is the symbol of our country and stands for all the sacrifices made by our veterans to keep us free. In movies or on TV when I see all the white crosses at Arlington National Cemetery, or American flags on grave markers in common cemeteries, I am reminded of why we are free. Those brave and honored Americans gave the ultimate "See to America".

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent on Monday, April 12, 1999, and Tuesday, April 13, 1999, attending a family funeral, and as a result, missed rollcall votes 78 through 82. Had I been present, I would have voted "yes" on rollcall vote 78, "yes" on rollcall vote 79, "yes" on rollcall 80, "yes" or rollcall 81, and "yes" on rollcall 82.

HONORING HOUSTON POLICE DEPARTMENT OFFICER VONDA HIGGINS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Houston Police Department Officer Vonda Higgins, who is being honored as the Honorary Chairlady of the Top Ladies of Distinction on April 10, 1999. Officer Higgins is certainly deserving of this honor.

Mr. Speaker, police officers across the country show courage and bravery everyday. Vonda Higgins displayed this courage as an undercover narcotics officer protecting Houstonians from the evils of drugs. For five years she worked in this role to stop criminals from dealing drugs and ruining lives and neighborhoods. Vonda Higgins loved her work and was passionate about her work.

On February 4, 1998, Officer Higgins was working to stop drug dealers from overrunning an area on Bellaire Boulevard where children played, Buddhists worshipped, and families lived. On that day, while trying to apprehend a criminal, Officer Higgins was shot by an assailant. The bullet entered her neck and paralyzed her. She is now in a wheelchair.

Mr. Speaker, Vonda Higgins now faces a new challenge in life. She is facing that challenge with the same dignity, courage, passion, and integrity that she displayed while on the job. She is supported by loving parents and a new dog, "Latin," named after a fellow police officer.

Fortunately, the perpetrator of this despicable act of cowardice was charged and sentenced to 24 years in prison. The effects of Vonda Higgins and the efforts of the Houston Police Department have stopped the scourge of deadly drugs into the area on far west Bellaire Boulevard. Instead of criminals and needles, flags and balloons fly in front of the landscaped entrance of the Arbor Daily Ashford.

Mr. Speaker, Vonda Higgins is an inspiration to all of us working to make this world a better and safer place for our children and our neighbors. We wish her Godspeed as she recovers from this terrible tragedy. We wish her the best and with hard work and determined prayers, we know she will overcome.

IN MEMORY OF THE LATE PAUL WILLIAM TANNER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. VISCLOSKY. Mr. Speaker, northwest Indiana lost an outstanding citizen last month. Paul William Tanner, Sr., who devoted his life to our county, passed away on March 10, 1999.

Throughout his life, Mr. Tanner served as an exceptional example of a good American. As a United States Army World War II veteran of the North African campaign against General Rommel, Mr. Tanner demonstrated the enduring qualities of loyalty, honor, devotion, and service to our country.

While serving in the Armed Forces during World War II, he suffered shrapnel wounds and was captured by the Germans. Following his capture, he was forced to march to Tunis, the capital of Tunisia, from where he was flown to Italy, where he remained for about a month. During his stay in Italy, he was fed one small bowl of cabbage daily. From Italy, he was forced to march to various countries, including Austria and Germany. As a prisoner of war, Mr. Tanner was required to work on a farm thrashing barley, and while performing this difficult manual labor, he inhaled thick dust which weakened his lungs. He contracted tuberculosis, which led to a lifelong debilitating battle with bronchitis and emphysema. After gaining his freedom and returning to the United States, Mr. Tanner completed his college education and became a public school teacher. His weakened lungs forced him to take an early retirement and led to his eventual death at the age of 76.

Mr. Speaker and my distinguished colleagues, I ask you to join me in commending Mr. Paul William Tanner, Sr., for his dedication to this country. His family and friends can be proud of his strong devotion and service to the United States. He will be missed by all who loved him.

H.R. 1285, THE CANCER SCREENING COVERAGE ACT OF 1999

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to discuss a very important bi-partisan piece of health legislation—H.R. 1285, The Cancer Screening Coverage Act of 1999 (CASCA). This bill was recently introduced by myself and Representative SUE KELLY. It provides coverage for cancer screening to private insurance patients.

Cancer is extremely prevalent in the United States. It is the second leading cause of death in the United States and, according to the Centers for Disease Control, almost half of these deaths are among women. One out of every 4 deaths is from cancer. The American Cancer Society has said that approximately 563,100 Americans will die from this disease this year. That's 1,500 cancer-related deaths per day. Everyone is at risk. Men have a 1 in 2 lifetime risk of developing or dying from cancer and women have a 1 in 3 lifetime risk. Those are pretty high odds.

Cancer also costs both individuals and our society a great deal. The National Institutes of Health has estimated that cancer has an annual lost productivity cost due to premature death of $59 billion.

Since 1990, approximately 5 million people have died from cancer. In this day and age, getting diagnosed with cancer is not necessarily a death sentence. Treatments are being improved every day and the overall survival rate has increased dramatically in the last decade. However, according to the American Cancer Society, treatments are most effective if cancer is caught at an early stage. Early detection has been a particular problem for minorities. Cancers among African Americans are more frequently diagnosed after the cancer has metastasized.

The first step that needs to be taken to reduce the number of cancer related deaths is to increase access to screening exams in the private sector. We have already increased access for those over 65. In 1997, Congress gave Medicare patients many of the same benefits that are included in my bill. Americans under the age of 65 deserve this same benefit.

Cancer screening and early detection offer many benefits. Screening is the search for disease in persons who do not have symptoms or who do not recognize that they have the disease. Early detection can extend life, reduce treatment, and improve cancer patients' quality of life. When conducted regularly by a health care professional, screening examinations can result in the detection of cancers of the breast, colon, rectum, cervix, and prostate at earlier stages, when treatment is most likely to be successful. More than forty percent of all cancer cases occur in these screening-accessible cancer sites.

Another benefit is that screening tools allow for the detection of cancer in its early form, when treatment costs are less expensive. With an increased availability of screening, the economic and social costs of cancer are kept to a minimum. We know that cancer screening and early detection not only improve the chance of survival and quality of life but also save money. For example, patients diagnosed through colon cancer screenings at a cost of $125–$300 have a 90% chance of survival. Yet, if a patient is not diagnosed until symptoms are apparent, the chance of survival drops to 8% and care during the remaining 4–5 years of life can cost up to $100,000. Similarly, the initial cost of treating rectal cancer that is detected early is about $5,700. This is approximately 75% less than the estimated $30,000–$40,000 that it costs to initially treat rectal cancer that is detected further in its development. As a society, we can't afford not to screen.

Mr. Speaker, I would like to read into the record a statement by a woman who spoke about her own life saving experience with cancer screening at a press conference I recently held in New York City on this bill. This woman had the most advanced form of pre-invasive cervical cancer. If she had waited only a little longer for her screening, it may have been too late.

"Hi, my name is Theresa Nygard. I am someone who knows first hand the benefit of cancer screening tests, In November 1991, nine months after the birth of my second child, I received the news that my Pap smear showed an irregularity. I had gone for a regular check-up, suspecting nothing, and came away with the news that I had what is called a 'level three displasia,' or a 'carcinoma in situ.' When my doctor, Dr. Goldstein, called to deliver the news, we immediately scheduled an in-office laser surgery for him to remove the cancerous tissues (that same day). In retrospect, this potentially devastating bit of news was almost rendered a non-event. I had the surgery, and beyond some lingering anxiety about having 'missed a bullet,' my life continued as if nothing had happened. In fact something very significant did happen—my life was saved."

"I know how lucky I am. When I was nineteen I lost my mother to ovarian cancer. I saw what cancer can do. To a person's health and vigor, to their family and friends. When I put my experience in the context of that knowledge I am incredibly thankful that this absolutely routine testing saved me from my own ignorance. I had never thought to fear cervical cancer. Since my mother's death I have been concerned (maybe even obsessed) with fears of contracting ovarian cancer, but I had never even thought of the danger of cervical cancer. I had specifically sought out Dr. Goldstein because I had heard that he was an expert on ovarian cancer detection. I thought I was being vigilant, but in fact I was simply lucky. Lucky that this form of cancer screening test was conducted as a routine part of my regular exam and lucky that my mother's experience has at least taught me to assume nothing about my health. I had no clue, no symptom, no ache or pain that would have compelled me to make a special appointment in 1991. Only because this testing had become a routine part of my life was my condition rendered a completely curable 'non-event.' I wish that this could have been so for my mother, as I wish it were so for all women faced with this sort of discovery."

Another woman, Lee Ann Taylor, also shared her story about cervical cancer screening at the New York City press conference. I would also like her statement placed into the RECORD.

"Hi—my name is Lee Ann Taylor and I would like to briefly explain how pre-cancer screening tests or preventive care has helped me lead a normal life."

"I have been a patient of Dr. Goldstein for over 10 years. With Dr. Goldstein's guidance and recommendation I have diligently followed a regimen of annual PAP tests are now semi-annual tests. During these years there has been a number of times when abnormal cells have been detected in early stages."

"My family also has a history of breast cancer. Once again annual mammograms and now at the age of 40 and over, a semi-annual sonogram test is recommended for women with a family history of breast cancer."

"For me, these annual/semi-annual pre-cancer screening tests have detected abnormal cell changes in such early stages that only minor procedures had to be performed to correct the problem."

"I strongly believe that pre-cancer screening tests are absolutely necessary and have helped me lead a normal active life. I have two beautiful healthy children and I want to think that I am doing everything that I can to prevent any unnecessary risk to my health and to my family's health."

Mr. Speaker, most insurance companies provide coverage for some cancer screening. The problem is that coverage is very inconsistent and plans do not always provide coverage for the appropriate type of screening test given a person's risk level. For example, some New York City health plans have made mammographies available, but would deny coverage for a colonoscopy to a woman with a family history of colorectal cancer.

Studies have shown that there is a direct correlation between the utilization of preventive services and the level of service provided by health insurance coverage. The more comprehensive an individual's health insurance coverage is, including cancer screening, the more likely that the person will use these important preventive services. Health insurance, covered items and services, deductibles, coinsurance, and other co-payments all affect care seeking behavior.

My bill assures that all individuals with health insurance are guaranteed coverage for important cancer screening tools used for the detection of breast, cervical, colorectal, and prostate cancers. Science has shown that the screening exams contained in my bill are effective. If a physician and patient have decided that a patient would benefit from a screening exam, insurance companies should not deny access to this exam. This bill will saves lives and lower the cost of treating cancer by increasing the rates of early detection.

Mr. Speaker, I would like to share the following facts and statistics on these four cancers with you and my colleagues.

Breast cancer is the second most common cause of cancer-related deaths among American women. This type of cancer also strikes men. The American Cancer Society has estimated that there will be 175,000 new invasive cases of breast cancer in 1999 among women and about 1,300 new cases among men. 43,700 people will die of breast cancer in this year. Regular mammography screening has been shown to reduce breast cancer mortality significantly by at least 30% in women aged 50 and older. Recent scientific evidence has also shown that women in their 40s also benefit from regular mammography.

My bill provides annual mammograms for women ages 40 and over and for women under 40 who are at high risk of developing breast cancer. Annual clinical breast exams will also be provided for women ages 40 and over and for women between the ages of 20 and 40 who are at high risk of developing cancer and every three years for women in the 20 to 40 age group who are at normal to moderate risk.

An estimated 4,800 women will die from cervical cancer this year. When detected at an early stage, invasive cervical cancer is one of the most successfully treatable cancers. The five year survival rate for localized cancer, cervical cancer that is detected in the early stage, is 91%. According to the CDC, the costs of diagnosis, treatment, and follow-up associated with early stages of cervical cancer are $4,359, whereas the same costs for late, invasive cervical cancer are more than triple that amount. CASCA ensures that women ages 18 and over and women who are under age 18 and are or have been sexually active will have coverage for annual pap tests and pelvic exams.

Colorectal cancer is the third leading cause of cancer-related deaths in the United States. While colorectal cancer is often thought of as a men's disease, women are almost equally affected by it. Early detection is essential for survival of colorectal cancer. When colorectal cancers are detected in an early, localized stage, the 5-year relative survival rate is 91%; however, only 37% of colorectal cancers are currently discovered at that stage.

There are several tests that can be used to screen for colorectal cancer. Only a physician can determine in consultation with the patient which test is appropriate. My bill ensures coverage for the appropriate test for men and women ages 50 and those under 50 who are at high risk for an annual screening fecal-occult blood test and a screening flexible sigmoidoscopy every four years or a screening barium enema. Because science has demonstrated the effectiveness of colonoscopy in detecting colon cancer throughout the entire colon, coverage for this exam is ensured for men and women at high risk in any age group.

In the past five years, more than 20,000 American men lost their lives to prostate cancer. About one in four prostate cancer cases strikes a man under the age of 65. The number of men in their 40s and 50s who are battling prostate cancer is increasing, and clinicians around the country report seeing more aggressive forms of the disease in younger men. African American men are diagnosed with prostate cancer 35% more frequently than Caucasians and are more than twice as likely to die of the disease. In fact, prostate cancer is the second leading cause of death among this group. Last year, the American Cancer Society reported a 23% rise in the prostate cancer death rate over a twenty year period. CASCA ensures coverage for annual digital rectal examination and/or annual prostate-specific antigen blood tests for men ages 50 and over. This specific provision is supported by not only the American Cancer Society, but also the American Urological Association.

The provisions in CASCA are based on the latest scientific knowledge and have been shown to be effective in reducing cancer mortality. The bill is based on the guidelines of the American Cancer Society and follows the Medicare cancer screening benefits as provided by the Balanced Budget Act of 1997.

The following 28 organizations have endorsed CASCA: The American Cancer Society, American Society of Clinical Oncologists, Society of Gynecologic Oncologists, Association of Reproductive Health Professionals, American Urological Association, American College of Obstetricians & Gynecologists, American Medical Women's Association, Cancer Research Foundation of America, American Public Health Association, American Society of Colon & Rectal Surgeons, American Nurses Association, National Alliance of Nurse Practitioners, American College of Nurse Practitioners, American Society of Reproductive Medicine, Cancer Care, Inc., Susan G. Komen Breast Cancer Foundation, Cure for Lymphoma Foundation, National Alliance of Breast Cancer Organizations, National Patient Advocate Foundation, National Coalition for Cancer Survivorship, Oncology Nursing Society, North American Brain Tumor Coalition, American College of Gastroenterology, Y-ME National Breast Cancer Organization, Alliance for Lung Cancer Advocacy, Support & Education, the Center for Patient Advocacy, the Kidney Cancer Association, and the National Cervical Cancer Coalition.

"The Cancer Screening Coverage Act of 1999" is an important first step to ensuring that the goals of reducing cancer mortality and incidence, as well as improving the quality of life for all cancer patients, are met. Mr. Speaker, I hope my colleagues will join me in taking this opportunity to save almost 150,000 Americans a year.

INTRODUCTION OF LEGISLATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. McCRERY. Mr. Speaker, once again, I am introducing legislation to remedy a problem brought to my attention by the U.S. utility industry involving the taxation of foreign operations of U.S. electric and gas utilities. These firms were prohibited for many years from doing business abroad until the National Energy Policy Act (NEPA), enacted in 1992, removed that prohibition. With passage of NEPA, and as some foreign governments began privatizing their national utilities and increasing energy demands necessitated the construction of new facilities to fulfill the new capacity, U.S. utilities began to make foreign investments. Since 1992, U.S. utility companies have made significant investments in utility operations in the United Kingdom, Australia, Eastern Europe, and South America.

Foreign utilities are particularly attractive investments from a U.S. viewpoint. They are not "runaway plants", but rather stimulate job creation in the U.S. in design, architecture, engineering, construction and heavy equipment manufacturing. When the subsidiary of an U.S. utility builds generating plants, transmission lines, or distribution facilities to serve its foreign customers, these most often come from U.S. suppliers. Given that the U.S. energy market is mature, overseas investments are a good way for U.S. utilities to diversify and grow, to the benefit of their employees and their shareholders.

Unfortunately, the Internal Revenue Code penalizes these investments by subjecting them to double taxation. Under the foreign tax credit rules, the interest expense of a U.S. person is allocated in part to its foreign operations based on the theory of the "fungibility of money." The allocation formula in Internal Revenue Code section 864 requires U.S. domestic interest expense to be allocated based on the value of the company's foreign and domestic assets. If a firm has mature (depreciated) U.S. assets and newly acquired overseas assets, like many U.S. utilities, a disproportionate amount of U.S. interest expense will be allocated abroad. The result is a very high effective tax rate on that foreign investment and a loss of U.S. foreign tax credits. Rather than face this double tax penalty, some U.S. utilities have actually chosen not to invest overseas and others have pulled back from their initial investments.

One solution to this problem is found in the legislation that I am introducing today. Our remedy is to exempt the debt associated with a regulated U.S. utility business (the furnishing and sale of electricity or natural gas) from the interest allocation rules of Internal Revenue Code section 864. The proposal would allocate and apportion interest expense attributable to qualified infrastructure solely to sources within the United States. "Qualified infrastructure indebtedness" would be defined as debt incurred in a corporation's trade or business of furnishing or selling electricity or natural gas in the United States. Further, the rates for such furnishing or sale of electrical energy must be regulated or set by the Federal Government, a State, the District of Columbia or a political subdivision thereof.

I am also aware that my colleagues on the Committee on Ways and Means, Congressmen HOUGHTON and LEVIN, together with Senators HATCH and BAUCUS, have been leading a multiyear effort to reform the international tax laws. I am a strong supporter of that effort, which is intended in part to rectify the disconnect between our Nation's favorable trade laws and our tax laws, which too often penalize American firms wanting to expand into foreign markets. The problem of interest allocation has not yet been addressed in the Houghton-Levin legislation, but I strongly urge that this provision be included in any foreign tax reform bill introduced in the next Congress. Further, because the process of getting legislation enacted into law properly involves consultation with Treasury, the affected industry, and the bar, we encourage those with subject matter expertise in this area to review our bill. I believe my bill reflects the best thinking now available on how to address this serious problem, but we are certain that further reflection will yield even better for U.S. utilities attempting to invest overseas.

IN RECOGNITION OF KICK BUTTS DAY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. KING. Mr. Speaker, I rise today to recognize McKenna Elementary School in Massapequa, New York, for their participation in the national anti-smoking campaign, "Kick Butts Day." This truly motivational program has been diligently organized by the students of this elementary school.

As we all know, young people are easy targets for the tobacco industry and this is evidenced by the increase in teen smoking throughout the nation. Smoking hurts young people's physical well-being. It can be associated with poor overall health and can lead to more severe conditions if continued. Many children are pressured into smoking. The younger a child begins smoking, the more likely he is to become strongly addicted to nicotine. Nicotine is a drug that causes cancer, heart disease and emphysema. Statistics show that teens who smoke are more likely than nonsmokers to use alcohol, marijuana, and cocaine. Children are only putting themselves at risk by starting to smoke.

Again, it is important to recognize all the schools throughout the nation participating in "Kick Butts Day." Mr. Speaker, I would especially like to commend Principal John Gleason and all the staff and students of McKenna Elementary School in Massapequa, New York for their outstanding work promoting their message: "Don't start smoking! If you smoke, stop!"

A TRIBUTE TO JUSTO RODRIGUEZ SANTOS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. DIAZ-BALART. Mr. Speaker, a great poet, Dr. Justo Rodriguez Santos, recently passed away in New York.

Dr. Rodriguez Santos was a man of extraordinary talent and sensitivity whose commitment to democracy and his fellow man will be enormously missed. Born in Santiago, Cuba in

1915, he received his doctorate in philosophy and literature from the University of Havana. His writings capture the human experience and demonstrate the triumph of the human spirit. Through his poetry and writings, he communicated his vision of the world with grace and flair. His wisdom and generous spirit will live on in the poems he left for us. He was a great Cuban who will always be remembered as a lover of freedom.

I am privileged to personally know Mari R. Ichaso and Leon Ichaso, the very talented daughter and son of Dr. Rodriguez Santos. I send them and Dr. Rodriguez Santos' widow, Mrs. Antonia Ichaso Rodriguez, my sympathy and deep affection of this difficult time.

Below is the obituary from the New York Times, dated April 13, 1999, that details further the life of this great Cuban poet.

Justo Rodriguez Santos, 83, Expatriate Cuban Poet

(By Nick Ravo)

New York.—Justo Rodriguez Santos, a Cuban poet who became disenchanted with Fidel Castro in the 1960s, exiled himself from his native land and became an advertising executive in the United States, died on Wednesday at St. Luke's-Roosevelt Hospital Center in Manhattan. He was 83.

Rodriguez Santos was a minor member of Origenes, a prominent group of writers and painters founded by the poet Jose Lezema Lima in the 1930s and loosely linked to the American poet Wallace Stevens. The name Origenes was a play on words, meaning both origins and a church father; the group's work was strongly influenced by the Roman Catholic faith. Origenes was also the name the artists chose for an influential literary magazine they published from 1944 to 1954.

"It was a very important journal in the history of Latin American culture," said Roberto Gonzalez Echevarria, a professor of Hispanic and comparative literature at Yale University.

Rodriguez Santos was born in Santiago, Cuba, on Sept. 28, 1915, and moved to Havana at an early age. He earned a degree at the University of La Salle in Havana and a doctorate in philosophy and literature from the University of Havana. He also worked in television and radio in Cuba.

His books of poetry include "Luz Cautiva" ("Captive Light," 1936), "La Belleza Que el Cielo No Amortaja" ("The Beauty the Sky Will Not Shroud," 1950), "El Diapason del Ventisquero" ("Echoes of a Whirlwind," 1976), Los Naipes Conjurados y las Operas del Sueno" ("The Conjured Cards and the Operas of Dreams," 1979 and 1989).

He also wrote a nonfiction account of the Cuban revolution, "The Moncada Epic: Poetry of History," in 1963.

"It was translated into several languages, and it was a favorite of Mao's," said Rodriguez Santos' daughter, Mari Rodriguez Ichaso of Manhattan.

After the Cuban revolution in 1959, Rodriguez Santos wanted to stay in Cuba, although his wife and children left in 1963. In 1967, though, after a disheatening trip to China, he asked permission to emigrate.

"He was very in favor of democracy and felt betrayed by what he felt were the excess of the revolution," Ms. Rodriguez Ichaso said.

Instead of receiving permission to leave, he was sent to a work on a tobacco farm, his books were withdrawn from library shelves and he was banned from the Cuban Writers Union.

"They converted him into a nonentity, a nonperson," Ms. Rodriguez Ichaso said.

A year later and ailing, Rodriguez Santos was permitted to leave Cuba and settled in New York. In 1972, he was hired as director of advertising for Goya Foods in Secaucus, NJ. He retired from Goya in 1991.

Besides his daughter, he is survived by his wife, Antonia Ichaso Rodriguez, and a son, Leon Ichaso, of New York.

HONORING THE CONSUL GENERAL OF JAPAN, TATSUO TANAKA

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to recognize the retiring Consul General of Japan in Kansas City, Missouri, Mr. Tatsuo Tanaka. He has served Japan in the capacity of Consul General for 3 years, and has served his country in numerous capacities for more than thirty years. Throughout his tenure, he has worked successfully toward strengthening the bonds between the United States and Japan. Mr. Tanaka has forged strong ties between Missouri's fifth district and Japan, and his presence will be missed, although I am positive that his good work will continue.

Mr. Tanaka served in the Ministry of Foreign Affairs since 1962. He has worked in Pakistan, Bonn, and the United States to develop Japan's relationship with these countries. Mr. Tanaka has also done extensive research on the development of electronic money and the implications and benefits of the uses of e-money. Although he represents Japan and Japan's specific interests throughout the world, he is committed to recognizing the importance of international relations and the emergence of a global economy.

The Consulate General of Japan at Kansas City was established in 1979 and serves Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota. Its mission is to foster exchanges between Japan and this region in a variety of consular, commercial, cultural, and educational areas, and to assist Japanese and U.S.-Japan interests in this region. The United States-Japan conference last year held in my district helped to solidify the relationships between American and Japanese businesses.

My district has close ties with Japan. For instance, three Kansas City area companies have a strong presence in Japan: Butler Japan, Inc., AMC Entertainment, Inc., and Farmland Industries, Inc. Butler Japan markets construction products and services of Butler Construction Company. Since October 1989, Butler Japan has sold many industrial type buildings to Japanese companies, such as Honda, Mitsubishi, Mitsui and Com., Sanyo, Sony, Toshiba, and Toyota. AMC Entertainment launched its export of theaters to Japan in April 1996 in Mr. Tanaka's hometown of Fukuoka, Japan. AMC's project in Japan has been a tremendous success. Farmland Industries, the largest farmer owned cooperative in North America, began doing business with Japan in 1987. This company now supplies pork, beef, grain, and fertilizer products to the Japanese market. Mr. Tanaka's work to build Japan-U.S. relations in the midwest has definitely contributed to the success of these American business ventures.

Mr. Tanaka has also worked to increase the amount of cultural and educational exchange between the United States and Japan. An example of his success in this area is the growth of the Japanese Exchange and Teaching (JET) program. The JET program hires college graduates to teach English in Japanese schools. Currently, there are approximately 2500 American college graduates working in English education and international understanding throughout Japan.

Although Tatsuo Tanaka will be leaving the Kansas City area, I know that we will continue our friendship. I benefitted greatly from his wisdom and guidance when I served my U.S.-Japan Society Fellowship in Japan and also have appreciated he and his wife Eri Tanaka's hospitality on many occasions.

I also welcome a continued relationship with the office of the Consul General, as well as a continued partnership between the Fifth District and Japan.

IN HONOR OF THE LATE BRIAN THOMAS MOORE

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. OSE. Mr. Speaker, I rise today to pay tribute to a young man I came to know some years ago. Brian Thomas Moore was a ten year old boy when I first met him. He had joined a boys soccer team that I was coaching. Brian quickly prove to be feisty, competitive and competent in the game of soccer and the game of life. He was a pleasure to have on the team.

I never met Brian's father, who died of cancer when Brian was quite young. I am told that he was a real gentleman, taking a steady interest in Brian's development and the growth of Brian's many friends. His influence with Brian manifested itself every day of Brian's life. Over time, the father's influence came to fruition with a fine young man as the end product.

Brian suffered from a bout with cancer in his teens. Brian never told me of the illness; he just carried on with life as it was given to him. Over time, Brian came to be one of the top soccer players in the Sacramento metropolitan area, dominating games from end to end and side to side. Eventually, I had the pleasure of playing alongside my former player, watching with fascination as his skills came to exceed mine, his determination came to dominate mine, and his desire to overcome resulted in victory after victory after victory. These were great days in his life and mine, having the pleasure of seeing a young man mature into a fine adult, a tremendous role model for those older and younger, and steady influence on his many friends.

Brian's mother succumbed to cancer during his ongoing illness. She was good people. I remember her attending virtually every one of Brian's games as a young man. She would bring Brian and his friends to the game, root them on, celebrate their victory and console them in defeat. She was a great mom, like so many other great moms.

I learned of Brian's relapse with cancer the night of my primary victory. Brian never lost faith in his ability to overcome the illness, hoping against fate that science and medicine would create a cure. In the end, the hopes were in vain. On Friday night, April 9, 1999, Brian succumbed to the pneumonia that came with a depressed immune system resulting from chemotherapy. At 10:00 am this morning, Brian Thomas Moore was laid to rest.

I keep in my mind's eye a picture of my friend, fleet afoot, racing down the field for the ball in some game of momentary importance. I see him reach the ball first and fire it into the net for victory. He turns, having raised his arms in triumph, and his friends race to him to celebrate. It is a moment of pure joy and satisfaction. This is the mind's eye picture I keep of my friend. I miss him already.

CONGRATULATIONS TO BROOKVILLE HIGH SCHOOL WRESTLING TEAM

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14; 1999

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today in honor of the Brookville High School wrestling team—the 1999 Pennsylvania AA State Champions. In addition to their state title, the Raiders won the PIAA West Regional Dual Championship, the District IX Dual Championship, and the District IX Tournament Championship while amassing a dual meet record of 18–1. However, the program's victories on the mat were exceeded only by their inspirational drive to succeed in the face of seemingly insurmountable obstacles.

I followed the emotional roller coaster ride that was the Brookville wrestling program over the past few years, and admire the commitment to achievement they maintained when similar obstacles may have defeated others. In January of last year, beloved Head Coach Len Ferraro passed away. A Brookville native, Coach Ferraro wrestled for Brookville High and later returned to the coaching staff in 1984 and took over head coach duties in 1993. Still healing from the loss of their coach, a dear friend of the program, Andrew Lentvorsky, was lost four weeks later. Grandfather to team senior Adam Steele, "Pap"—as the gang called him—drove the boys to tournaments since their elementary days. Yet another tragedy occurred the following month with the passing of team senior Michael Lee Park. Despite suffering such emotional devastation in only a few short months, these young men managed to hold steadfast to Coach Ferraro's ultimate goal of delivering a State Championship to Brookville High.

Nurturing his young wrestlers from any early age, Coach Ferraro developed an ever-improving wrestling program thirsting for a state title. His boys got that chance this year with the inaugural PIAA Dual Meet State Championships. Lead by Head Coach Thad Turner and Assistant Coaches Roland Reitz and Matthew Smith, the Raiders sought inspiration from senior Keith Ferraro, whose strength exhibited after the loss of his father is nothing short of heroic. Other seniors include Matt Geer, Jason Gilligan, Jason McKinney, Jeremy Reitz, Randy Stout, and B.J. Thomas. The junior team members are Casey Belfiore, James Bishop, Brad Cieleski, B.J. Darr, Garrett Hurd, Emil Johnson, Jeff McLaughlin, Eric Painter, and Clint Puller; along with sophomores Rudy Bullers, Gian DeLoia, Trevor Doust, Joel Hammond, Mark Himes, Mike Miller, Josh Sammons, and Justin Steiner; as well as freshman Nick Neil.

For Brookville High School, the 1999 wrestling season demonstrates not only greatness of body and mind, but also perseverance of spirit. Mr. Speaker, as their classmates and community celebrate their inspiring accomplishments today back in Pennsylvania, I ask you to join me in thanking the young men and coaches of the Brookville Raider wrestling team for showing us all that even the shadow of adversity, continued belief in a unifying goal will bring shinning success.

MEDICARE ANTI-FRAUD EFFORTS: HOSPITALS BACKING OFF UP-CODING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. STARK. Mr. Speaker, for the past 14 years, hospitals have been up-coding their Medicare bills. Each year, the "complexity" of the cases that hospitals treat is said to increase. Like grade creep in a school, the way patients' illnesses are graded in a hospital gradually creeps upwards, and the taxpayer and Medicare pay more and more.

Last year, for the first time, the "complexity" of the cases declined.

As the following memo makes clear, this has something to do with the Administration's fight against waste, fraud, and abuse in Medicare and in the well-publicized case against Columbia-HCA.

Taxpayers and Medicare beneficiaries should congratulate HCFA, the HHS Inspector General, and Justice for their efforts. Vigilance against fraud is a major reason that the life of the Medicare hospital trust fund has just been extended from 2008 to 2015.

Date: November 19, 1998
From: Office of the Actuary
Subject: Analysis of PPS Hospital Case-Mix Change between 1997 and 1998

The prospective payment system, PPS, uses diagnosis related groups, DRG's, as the basis of payment. Each DRG is assigned a relative weight which is used in the payment formula. Average case-mix is the discharge-weighted mean of all the DRG relative weights. We have monitored changes in case-mix since the beginning of PPS in FY 1984. From FY 1983 through FY 1997, case-mix increased every year. FY 1998 is the first year we have measured a decrease in case-mix.

Based on information available through October 1998, we have measured a change in PPS hospital case-mix in FY 1998 of -0.74 percent. When we receive further updates for FY 1998, we estimate that the final measure of the FY 1998 case-mix increase will be in the neighborhood of -0.5 percent. Since FY 1998 is the first year that case-mix has decreased under PPS, I have undertaken a study of the reasons for this decrease. My study found the following:

As is usually the case, some DRG's contributed to an increase in case-mix while others contributed to a decrease.

The new DRG's for back and neck procedures increased case-mix 0.05 percent.

The redefinition of DRG 116 in combination with DRG 112 increased case-mix 0.59 percent.

The change in coding of pneumonia cases decreased case-mix 0.23 percent.

DRG's in complex-noncomplex pairs decreased case-mix 0.82 percent.

Non-pair DRG's decreased case-mix 0.27 percent.

While assessing cause-and-effect is always difficult, I believe that some of the decrease in case-mix is likely to be attributable to certain efforts to combat fraud and abuse. The Department of Justice investigation of the Hospital Corporation of America, subsequent indictments, and the possibility of triple damages may have prompted hospitals to code diagnoses less aggressively—resulting in fewer complex cases. Similarly, the inspector general's investigation of pneumonia cases may have caused the significant shift of admissions from the more expensive respiratory infections DRG's to the simple pneumonia DRG's. HIPAA provides continuing funding for fraud investigations, which may have a continuing impact on increases in case-mix.

THE TAX FREEDOM RESOLUTION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I have introduced the "Tax Freedom Resolution", H.J. Res. —, that will repeal the 16th amendment to the Constitution. This resolution will reverse one of the most destructive amendments to the U.S. Constitution and deny Congress the ability to lay and collect taxes on income.

I believe that the 16th amendment has created a system that is economically destructive, impossibly complex, overly intrusive, unprincipled, dishonest, unfair, and inefficient. Now is the time for us to restore freedom to the American taxpayer.

The tax Freedom Resolution is the first step to do just that. It will encourage an open, honest and constructive debate about why our current tax structure has failed and what we can expect in a new system.

You may ask why we need to repeal the 16th amendment. The answer is quite simple. The current system cannot be fixed. It has already undergone 32 major revisions and 400 minor ones in the past 40 years. Each time the revisions has been made the system becomes more and more complicated and unfair.

The IRS has hundreds and hundreds of different tax forms, plus countless more to explain how to fill out these forms. The original Tax Code had 11,400 words in it. Today it has well over 7 million words.

Our current system also discourages savings and investment while hampering economic growth. Complying with the Federal Tax Code costs taxpayers more than $250 billion each year. In 1991, the Tax Foundation reported that small corporations spent a minimum of $382 in compliance costs for every $100 they paid in income taxes.

In addition, several economists have said that replacing the current tax system will cause interest rates to go down and savings and capital investment to increase.

Right now, we have a system that stiffles opportunity by picking winners and losers. It's a system in which Washington, DC, decides what is best for the American people instead of letting the people decide what is best for America.

The Federal Government simply takes too much money out of people's pockets. As recently as 1982, Americans paid only 19.9 percent of their income in taxes. New data reveals that in 1998. Americans paid 35.4 percent of their income in taxes—the highest level in history and increasing each year. In fact, Tax Freedom Day 1998 was May 10th, which means that Americans are working, on average 129 days before paying off their total tax bill. We must stop this confiscatory trend.

By embracing the principles of FREEDOM, we can create a system that is Fair and simple, that Reduces the federal bureaucracy, that Encourages savings and investment, that is Efficient, that Drives the economy, that creates Opportunity for all, and that puts More money in American pockets.

Fundamental and comprehensive tax reform will be one of the most profound and liberating changes our nation experiences. It is time for all of us—whether you support a flat tax, a consumption tax, a value-added tax, or a national sales tax—to come together and focus on our common goal: Replacing the current system. The Tax Freedom Resolution gives us the chance to do just that and at the same time restore FREEDOM to the American taxpayer.

BATTLESHIP RESOLUTION

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. CALLAHAN. Mr. Speaker, the esteemed crew of the battleship U.S.S. *Alabama* will hold their annual reunion in the city of Mobile, Alabama, during the third week in April. I would like to take this opportunity to express to these men the undying appreciation which their fellow Americans share for their proud service to our nation and the world.

The U.S.S. *Alabama*, a South Dakota class battleship, was built in the Norfolk Naval Shipyard in Portsmouth, Virginia. Following her commission on August 16, 1942, she was dispatched to the North Atlantic Ocean, where she and her crew proudly assisted the British Fleet in protecting convoys on the treacherous "Murmansk Run," which carried them from England through the North Sea to Russia, and brought the defending fleet into conflict with German warships and aircraft in occupied Norway.

After completing her service with the British Fleet, the U.S.S. *Alabama* was transferred to the Pacific Fleet. Her charge on the Eastern Front of the War was to provide invaluable support to U.S. ground troops, enabling them to successfully take the Caroline, Gilbert, Marianas, Marshall, and Philippine Islands, as well as Palau, New Guinea and Okinawa from the Japanese.

The distinguished service of the crew of the U.S.S. *Alabama* includes numerous proud honors and achievements.

During the Battle of the Philippine Sea, her radar was the first to detect the approach of enemy bombers, 476 of which were downed by the American fighters and fleet gunners. During her tenure in the American Fleet, the U.S.S. *Alabama* was directly responsible for the elimination of 22 Japanese airplanes.

By the time of the Japanese surrender, she had earned the American Service Medal, the European-African-Middle Eastern Medal, the Asiatic-Pacific Campaign Medal with 9 Battle Stars, the Philippine Republic Presidential Unit Citation, the Philippine Liberation Ribbon, the World War II Victory Medal, and the Navy Occupation Service Medal.

Her crew had proven themselves among the most courageous of the Allied fighting men, having faced the most fearsome opposition that the Axis forces had to offer as they defended the world against both Asian and European tyranny. In honor of these heroic Americans, I introduced H. Res. 123, which would immortalize their gallant contribution to liberty in our nation and the world.

RESOLUTION

Recognizing and honoring the crewmembers of the U.S.S. ALABAMA (BB–60) and the U.S.S. ALABAMA Crewmen's Association.

Whereas the U.S.S. ALABAMA (BB–60) was a South Dakota class battleship that served first in the North Atlantic and then in the Pacific Fleet during World War II;

Whereas in the course of World War II, the crewmembers of the U.S.S. ALABAMA directly shot down 22 enemy aircraft;

Whereas the crewmembers of the U.S.S. ALABAMA earned the American Service Medal, the European-African-Middle Eastern Medal, the Asiatic-Pacific Campaign Medal with 9 Battle Stars, the Philippine Republic Presidential Unit Citation, the Philippine Liberation Ribbon, the World War II Victory Medal, and the Naval Occupation Service Medal;

Whereas the crewmembers of the U.S.S. ALABAMA were a courageous group, braving both the Arctic chill and the Pacific heat to help defend the Nation against enemy oppression;

Whereas many former crewmembers of the U.S.S. ALABAMA belong to the U.S.S. ALABAMA Crewmen's Association;

Whereas each year the former crewmembers participate in an annual reunion to celebrate their shared service, memories, and friendship; and

Whereas more than 100 former crewmembers, along with family and friends, are expected to participate in the next reunion, which will be held from April 15 to 18, 1999, aboard the U.S.S. ALABAMA at the Battleship Memorial Park in Mobile, Alabama; Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors the crewmembers of the U.S.S. ALABAMA (BB–60) and the U.S.S. ALABAMA Crewmen's Association for their valuable contributions to victory and peace in World War II and to the security and prosperity of the Nation.

Mr. Speaker, the valuable contributions to victory and peace in World War II made by the crewmen of the U.S.S. *Alabama* are exemplary of the tenacity which has made the United States the proud world leader it is today. I ask that you join me in honoring these brave Americans, and in thanking them for their sacrifices and dedication.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, In my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

[From the New York Times, Feb. 24, 1999]

MAN SENTENCED TO 20 YEARS IN LOUISIANA HATE CRIME

GRETNA, LA.—A white man convicted of a hate crime for trying to torch two cars belonging to black motorists has been sentenced to the maximum of 20 years in prison.

Prosecutors said it was the first trial involving Louisiana's hate crime law.

Frank Palermo, 32, was convicted in December of two counts of a hate crime and of dousing the vehicles with gasoline. He was sentenced Monday by State District Judge Walter Rothschild, who told Palermo, "You were out to get these people because of their race."

One of the cars had a small child in it. The cars didn't burn because it was raining at the time of the incident last September.

Authorities said, Palermo and his younger brother, Patrick, encountered the blacks working on a stalled car along an expressway in Harvey, a New Orleans suburb. Witnesses testified the Palermos became involved in a shouting match with one driver, and then fistfights broke out. Racial slurs were used, authorities said.

Frank Palermo got a baseball bat and broke windows in one car, then grabbed a gas can and poured fuel on it and another car that had a crying child strapped inside, witnesses said. They said the brothers tried to ignite the gas but the rain kept it from burning, and the brothers then fled.

The younger brother received the minimum sentence of three years in prison. He had been acquitted of the hate crime count but convicted of helping put gasoline on the cars.

The hate crime law, passed in 1997, allows a judge to add up to five extra years to a felony sentence if it is found that the actions stemmed from hatred because of race, age, gender, sexual orientation, national origin or membership in an organization.

[From the New York times, February 24, 1999]

JURY CONVICTS MAN OF CROSS-BURNING AT HOME OF INTERRACIAL COUPLE

VIRGINIA BEACH, VA.—A teen-ager was convicted today of attempting to burn a cross on the lawn of an interracial couple but was acquitted of a conspiracy charge.

The Circuit Court jury deliberated about three hours over two days on the case against Richard J. Elliott, 19, who lives next door to the couple in a rural neighborhood near the North Carolina state line.

Elliott stood quietly as the verdict was read. He faces up to five years in prison and a $2,500 fine on the charge of attempting to burn a cross with the intent to intimidate.

Elliott was one of three white teen-agers arrested in the burning of a cross last May on the law of James and Susan Jubilee.

Jonathan S. O'Mara, 19, of Virginia Beach, pleaded guilty Monday to felony charges of conspiracy and attempting to burn a cross with the intent to intimidate. Under a plea agreement, O'Mara has the right to appeal.

A 17-year-old boy has agreed to plead guilty to the same charges in juvenile court and testified against Elliott. In exchange, he will not be sentenced as an adult.

Jubilee, who is black, said he moved from Los Angeles back to Virginia to get away from big-city crime and raise his sons in a more peaceful environment.

About four months after moving into his new house, Jubilee awoke to find a wooden cross in his front yard with a burned spot in the middle.

Jubilee testified that as he pulled out of his driveway the morning of May 3, he saw a cross about 20 feet from his home.

"I took a double take, because I couldn't believe what I really saw," Jubilee said.

Enraged, he broke the 4-by-2-foot cross over his knee. He said his anger then turned to fear that the cross might be a warning of violence to come.

The 17-year-old testified that O'Mara and Elliott attended a party at his home the night of May 2 and that all three drank a lot of beer. There, Elliott allegedly expressed anger at Jubilee for complaining about a shooting range that Elliott and his father had in their back yard.

"He wanted to get back at them," the boy said:

Elliott suggested they burn a cross, so the three of them built a cross in the boy's garage, the boy said.

O'Mara is to be sentenced April 26. He faces up to 10 years in prison and a $5,000 fine.

Kevin Martingayle, O'Mara's attorney, said outside the courtroom that his client is not a racist.

"He's ignorant and he was drunk but he's not a racist," he said.

ABA Poll Says 47 Percent of Americans Doubt Racial Fairness of Courts

(By Richard Carelli)

WASHINGTON (AP).—Too many Americans believe the nation's courts do not provide equal justice for racial minorities, the American Bar Association's president said, as the group released a poll showing nearly half of Americans feel that way.

"This is a very serious problem we . . . cannot afford to ignore," Little Rock, Ark., lawyer Philip Anderson said Tuesday. "We are concerned that the current perception of bias will eventually erode confidence in our system of justice."

Of 1,000 people surveyed by telephone in August, 47 percent said they strongly disagreed with a statement that "the courts treat all ethnic and racial groups the same." Only 39 percent agreed with the statement, and 14 percent voiced no view.

Asked whether courts treat men and women alike, 55 percent said yes, 30 percent said no, and 15 percent expressed no view.

Anderson noted that another recent ABA poll indicated great disagreement between white and black lawyers over the justice system's racial fairness.

"This raises the obvious question that if people believe the justice system is tainted with bias, how long can they expect the courts to remedy bias elsewhere in our society?" Anderson said. "Right now, the high degree of confidence in the courts exists side by side with the perception of bias in the courts. As the minority populations increase in America, will the perception of bias increase?"

He said the 350,000-member ABA "will intensify our efforts to eradicate gender and racial bias in our courts."

The poll released Tuesday contains some seemingly inconsistent findings. For example, most people—51 percent—believe the justice system "needs a complete overhaul," but 80 percent also believe America's system is the world's best.

A large majority of Americans, 78 percent, also voiced confidence in the jury system.

"Those numbers are high, and we can feel good about them," Anderson said.

Among the poll's other findings: 90 percent believe wealthy people and companies often wear down their opponents by dragging out legal proceedings; 77 percent say it costs too much to go to court; 27 percent believe the best lawyers are selected to serve as judges.

Anderson said the poll indicates most Americans need and want to know more about the justice system. One tool, he said, could be increasing public access to the nation's courtrooms by televising more proceedings.

"I cannot think of a better civics lesson than . . . to be able to see and hear every argument before the Supreme Court of the United States," Anderson said. "One television camera in the Supreme Court will educate more people more effectively in one morning than the traditional methods can reach in one year."

All federal court proceedings currently are closed to radio and television coverage.

The poll has margin of error of plus or minus 3 percentage points.

[From the Dallas Morning News]

Program Helps Young People Shed Tattoos and the Life They Represent

(By Veronica Alaniz)

FORT WORTH, TEXAS.—Robert Barton's hands and arms are covered with marks of hatred, each painfully etched into his skin when he was in his early teens.

Tattoos that he once wore with pride are now shameful reminders of a life that Barton, 19, says he has left behind. But with the help of a nonprofit program the emblems of racism are beginning to fade from his body.

When they are finally gone, thanks to laser surgery provided at no cost by a Fort Worth doctor, Barton said, he will know that his new life has really begun.

"At the time, I thought it was the right thing to do," Barton said of the designs traced across his forearms, wrists and knuckles. "Now, it just doesn't make any sense. I want them gone. They don't mean anything to me now."

Getting rid of the unwanted tattoos and the shame that comes with them is Michael Bumagin's mission.

Since returning to Fort Worth a little more than a year ago, Bumagin, 57, has volunteered his time and expertise to help those with little means remove ugly reminders of their past.

"These kids have been in bad situations—gangs, broken homes. Some of them have been on the street. They've had a hard life," said the doctor, who has his own plastic surgery practice. "These tattoos are going to keep them from succeeding in life. They make it hard for them to get jobs, even in the most entry-level positions."

That is one of the reasons Jessica Cross, 21, wants the Tasmanian devil cartoon character above her right breast removed.

"If you have a tattoo, I think a lot of people think you're a bad person," said Cross. "Everybody looks at you, and I can see what they're thinking."

Barton said that feeling is all too familiar to him, and he'll be glad when he doesn't have to hide his hands in his pants pockets in shame.

"People see this stuff on me and slap a label on me and write me off," Barton said. "But this (tattoo removal) is going to open up a lot of doors for me and give me a lot of opportunity."

Every other month, young people such as Cross and Barton come by the dozens to wait for their turn with Bumagin.

Some hear about the service, administered by the Boys & Girls Club of Greater Fort Worth, by word-of-mouth. Others are referred by their local police departments, school counselors or probation officers.

In return for what many recipients call a life-changing service, the patients perform four hours of community service for each treatment. They call it a more than fair trade.

Gary Grossman, an Arlington Independent School District counselor, works with students in alternative programs and refers some to the tattoo removal program. He call Bumagin's work a godsend.

"Erasing those marks off their bodies is symbolic," Grossman said. "It's a way of leaving their past behind, a way to start a fresh, new, clean life. But for many, it's beyond their financial ability."

Bumagin said hearing his patients' stories is why he keeps doing the work.

"The kids benefit, the community benefits, and I get the feel-goods," he said.

But the program couldn't exist with Bumagin alone. Donations pay for rental of the laser machine and other supplies.

Cross, who paid $50 for her tattoo while she was in high school, said that when she first looked into having it removed, the $2,500 estimates she was given were prohibitive.

"I thought I was going to have to live with it forever," she said.

Danielle Lessard said she, too, was floored by the cost of losing her tattoo—a 2-inch-high tribute to her ex-boyfriend's gang name etched on her right hip.

When Lessard found out about Bumagin's work from the Fort Worth Police Department's gang unit, she jumped at the opportunity. She said that though her tattoo is not readily noticeable, its presence haunts her.

"Stupid. That's all I can say. I was 15, and it was a home job," said Lessard, now 18 and a Tarrant County Junior College student. "Since I'm not in that stuff anymore and I'm not in that environment, I don't want that stuff on my body."

Israel Villareal, 23, who got the first of several gang tattoos when he was 13, said he wants them gone so they won't influence his three children.

"I don't want my little kids growing up seeing them and thinking it's OK," he said.

Removing the tattoos takes far more time—and often hurts more—than getting them.

After her first treatment in January, Lessard said she wasn't expecting it to be so painful.

"Oh my gosh, this is stinging real bad," she said as she squirmed in her seat.

Bumagin said the pain comes from the particles of pigment that, when touched by the laser, explode through the skin.

The treatments cause redness, swelling and sometimes bleeding, but the symptoms disappear in a few hours. He said the pain decreases with each treatment as the tattoo fades, and the number of treatments varies by tattoo.

When Angela Acua showed up for her treatment last month, she was very apprehensive.

"I'm scared. What if it hurts?" she asked the doctor. After whimpering through the few minutes that it took to zap her tattoos, Acua turned to her boyfriend and gave him some advice.

"It hurt," she said. "Don't ever put anything on you."

NATIONAL KICK BUTTS DAY 1999

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to express my support for a nationwide initiative that encourages the reduction of teen smoking. Teen smoking reached an all-time high in 1997 with roughly 4.5 million kids between the ages of 12–17 using some type of tobacco product. Each day some 3,000 young people start smoking; one third of these kids will die too young because they smoked. If that wasn't enough, approximately 400,000 Americans die each year from cigarette smoking.

To counter these alarming statistics and to provide greater awareness about the dangers of smoking, The Campaign for Tobacco Free Kids chose April 14 as the National Youth Movement to "Kick Butts." The goal of National Kick Butts Day is to encourage our teens to take a stand against tobacco products and fight for healthier futures for themselves and their peers.

I have spent my entire public career trying to prevent youth smoking. I support the objective of National Kick Butts Day. I urge all of my colleagues to join me and show their support for this serious and necessary campaign.

BREAUX-THOMAS PLAN IS NO CURE FOR MEDICARE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Ms. SCHAKOWSKY. Mr. Speaker, thirty-nine million senior citizens and persons with disabilities on Medicare are relying on Congress to do the right thing. They are counting on Congress to save Medicare, a program that continues to improve the quality of life for millions of people. But they are certainly not counting on Congress to privatize Medicare and turn over the program to for-profit HMOs and insurance companies. The Bipartisan Commission on the Future of Medicare debated such a plan. And that is the reason why the Commission did not have enough votes to make a formal recommendation to Congress. The Commission's proposal would have been a disaster for seniors and persons with disabilities and a boon for the HMOs and insurance industry.

My recent remarks printed in the Chicago Sun-Times follow:

The Bipartisan Commission on the Future of Medicare nearly approved a plan to save Medicare. But a fundamental consideration was strangely missing from the proposal by Medicare Commission Chair Senator John Breaux (D-LA) and co-chair Representative Bill Thomas (R-CA): the detrimental effect this plan would have on the millions of seniors and persons with disabilities who rely on Medicare.

The simple fact is that the proposal nearly passed by the Medicare Commission is a disaster. It is a disaster for seniors and persons with disabilities.

By far the majority of the proposed "savings" under the Breaux-Thomas plan would come from pushing seniors and persons with disabilities into HMOs and increasing costs to those who want to stay in traditional Medicare.

Under this plan, Medicare beneficiaries who wish to remain with their own doctors would pay higher premiums (as much as $1200 a year). Many seniors, who already pay more than 20% of their income for health care, would face even greater cost-sharing when they need home health and other services. And despite the problems older persons face in finding affordable insurance, the proposal would shut 65 and 66 year olds out of Medicare.

Members of the Medicare Commission who supported the Breaux-Thomas plan seem to have faith in a managed care industry that cuts corners on care, reduces benefits, and threatens to pull out of Medicare altogether unless participants pay significantly higher premiums. Those of us who oppose turning Medicare over to the HMOs respectfully disagree. Privatizing Medicare and handing over the medical well-being of millions of senior citizens to for-profit managed care corporations is not what President Lyndon Baines Johnson and Congress envisioned back in 1965. HMOs are not the answer. They are the problem.

As a member of the Democratic Task Force on Medicare, I join with many of my colleagues and experts in the field of health care to support the President's proposal to use 15 percent of the budget surplus to shore up Medicare. This will ensure the program's solvency until the year 2027. We also believe that Medicare is in need of improvement and that seniors deserve increased benefits. That is why we also support seniors' access to affordable prescription drugs and long term care, and a reduction in out-of-pocket expenses.

Medicare participants now have the peace of mind of knowing that health care decisions are made on the basis of sound medical science and not on the financial needs of stockholders and managers. But turning over Medicare to the HMOs is a radical step backward that will only harm seniors living on fixed incomes. If this plan is adopted, seniors will receive fewer benefits, marginal care, and will face rising costs. The Breaux-Thomas proposal is not the answer.

THANK YOU, MAYOR COX

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. BRYANT. Mr. Speaker, the residents of Collierville, TN, will be seeing an historic change in their home this year. Collierville Mayor Herman Wright Cox has decided to step down after serving the residents of this West Tennessee city for 40 years.

Mayor Cox began his career in public service in 1959, first as a city alderman until 1965 when he was elected vice mayor for the city. Then in 1975, he was elected for the first time as mayor.

Since that time, Mayor Cox and the rest of Collierville has seen enormous growth within the community from small businesses to large corporations making the city their home and employing so many Collierville residents.

But aside from the business and industry in the region, the community has made monumental strides in providing a variety of community-based parks and recreation facilities, such as the Collierville Community Center, the Harrell Performing Arts Theater, Powell Road Park, W.C. Johnson Park, Suggs Park, and the renovation of the town square and the greenbelt walkways.

Mayor Cox also ensured the community a state of the art police station, an award-winning police department, new fire stations and a highly qualified fire department.

Mayor Cox's legacy also includes the prestigious 3-star rating and designation for the town, which speaks volumes of the work he has done for this city.

I commend Mayor Cox for his outstanding contribution to the community, which has thrived under his administration. It is a great loss to the community to have him out of the mayor's office, but it is comforting to know that we can always find him at his service station office if we ever need advice or some guidance as Collierville continues to grow.

TRIBUTE TO CHERYL SETO

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to honor seven young women in my district who have earned the Girl Scout Gold Award, the highest award in Girl Scouting.

The Gold Award requires the greatest achievement in career exploration, service to other people, and acquisition of skills. This award is a strong reflection of these youngsters' ability to set goals, to put value into action, to plan, and to relate to the needs of the community.

I wish to recognize Cheryl Seto of Troop 286 in Placentia, CA.

Mr. Speaker, I also wish to congratulate and thank Karin Carlson, Director of Program Services for the Girl Scout Council of Orange County for notifying of their achievements. On behalf of the people of the 41st Congressional District of California, let me say that we are all proud of you.

INTERNET ENGINEERING

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. GOODLATTE. Mr. Speaker, I rise today as co-chairman of the bipartisan Congressional Internet Caucus to recognize a major step taken last week to develop the growing Internet economy of the United States.

In my home state of Virginia, just a few hours from the United States Capitol, the University of Virginia took the first step last week toward developing America's most technologically advanced Internet Engineering curriculum.

As we all know, high-tech and the Internet are a major part of the economic growth we have enjoyed these last few years. Over the next five years high-tech will create 1.8 million new jobs in the U.S.—1.8 million.

Because of an innovative public/private partnership, and thanks to the generosity of Cisco Systems and MCI/Worldcom, which have just donated over $1 million in new equipment to the University, UVA is now creating VINT-Lab, the premier high-tech training facility of its kind.

You see, Mr. Speaker, the thing about creating nearly two million new, high-tech jobs is that no good comes of it unless there's qualified people to fill them. What the folks at UVA and Cisco are trying to do is make sure that the young people of today are prepared to build the economy of tomorrow.

I think we'll be seeing a lot more public/private partnerships like this in the future, and as co-chairman of the Internet Caucus, I will certainly be working to promote them.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1999

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. CASTLE. Mr. Speaker, I rise today in support of H.R. 46, the "Public Safety Officer Medal of Valor Act." Our nation's firefighters, enforcement officers, and other emergency services personnel put themselves at risk every day to assure the safety of the general public. Just as our military personnel are recognized for extraordinary acts of valor in the effort to preserve peace abroad, so should our domestic safety officers be recognized for their bravery above and beyond the call of duty.

Last year, Members of Congress witnessed an extraordinary act of valor as Capitol Hill police officers gave their lives defending the Halls of Congress from a gunman intent on shooting his way into Congress. It was a potent reminder of the risks every public safety officer face each and every day. I never will forget that sacrifice and by supporting this legislation I hope to draw more attention to sacrifices of the hundreds of thousands of public safety officers that serve our country.

In Delaware, I am particularly proud of the work of our firefighters because most of them serve the state voluntarily. Likewise, Delaware's police officers often find themselves squarely in the sights of a criminal's handgun, which prompted me to support legislation to provide all of Delaware's police force with bulletproof vests.

Again, I urge every Member to come together and support the "Public Safety Officer Medal of Valor Act." It symbolizes honor and recognition that is long past due.

A TRIBUTE TO THE MEMBERS OF THE DAYTON-SOEHLKE-OHLHORST POST # 5350 OF THE VETERANS OF FOREIGN WARS IN QUOGUE, NEW YORK

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the members of the Dayton-Soehlke-Ohlhorst Post #5350 of the Veterans of Foreign Wars in Quogue, Long Island as they celebrate the 53rd Anniversary of the Post's founding.

Established by a small group of veterans who helped lead America to victory in World War I and World War II, the Dayton-Soehlke-Ohlhorst Post #5350 was officially chartered in mid-1946, and was named in honor of the first veterans to die in combat from Westhampton Beach, Quogue and East Quogue—the three communities that made up the bulk of the Post's membership.

During Dayton-Soehlke-Ohlhorst Post #5350's 53-year lifespan, many changes have come to this area of Long Island. What remains unchanged is the devotion that the Post's members possess for our great Nation and their comrades-in-arms. The Post meets regularly on the fourth Thursday of each month, and during the course of the year hosts a number of family-oriented activities. And it goes without saying that the Post members take great pride in honoring their fallen comrades and America's war veterans during every Memorial Day and Veterans Day observance.

Yet, Mr. Speaker, Post #5350 continues to look for new members whose passion and faith in America has never wavered. Indeed, the Post intends to expand its membership not only with the veterans of WWII, Korea and Vietnam, but also veterans of conflicts in Lebanon, Grenada, Panama, the Persian Gulf, and Somalia. One of those veterans is the current Post Commander, Arma "Ham" Andon, a true patriot and selfless public servant who I am proud to call my dear friend.

As citizens of this free and prosperous Nation, all Americans owe our war veterans a tremendous debt of gratitude for the sacrifices they endured and the efforts they made on our behalf. That is why, Mr. Speaker, I ask my colleagues in the House of Representatives to join me on this 53rd anniversary in saluting Dayton-Soehlke-Ohlhorst Post #5350 of the Veterans of Foreign Wars and all of its members for all they do for our veterans and for all they've done for America.

INDIVIDUAL TAX SIMPLIFICATION ACT OF 1999

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing the Individual Tax Simplificaiton Act of 1999, and invite all my colleagues to join me in sponsoring this legislation.

It is fitting that this bill on tax simplification is being introduced on the day before April 15th. At this time of year, simplification is on everyone's mind—and wish list. While it may not fulfill everyone's wish, this bill will eliminate approximately 200 lines from tax forms, schedules and worksheets. My bill generally does this in a revenue neutral manner, and without moving money between economic income groups. As we all know, no more so than at this time of the year, the tax code is terribly complex, and has become dramatically more complex for average taxpayers during the past four years.

A skeptic might argue that there is no constituency for simplification, but that is changing. A recent poll by ICR found that 66 percent said the federal tax system is too complicated. Three years ago slightly less than half agreed.

I believe that with a little compromise, we can enact significant tax simplification. That is why I have made sure this bill is essentially revenue neutral, so it contains no tax increase. And that is why the bill does not try to change the tax burden between economic income groups. This is not an attack on the wealthy, nor anyone else. As with any change in the tax law, there are some winners and losers—but I want to stress that this is incidental to the objective of the bil—which is simplification that benefits us all.

The bill has three parts. The first is based on legislation I introduced last year and introduced again earlier this year regarding nonrefundable personal credits. The second part simplifies the taxation of capital gains. The third part repeals two hidden marginal tax rate on high income individuals, and repeals the individual minimum tax.

TITLE I—SIMPLIFICATION RELATING TO NONREFUNDABLE PERSONAL CREDITS

In recent years, much tax relief has been given to taxpayers in the form of nonrefundable credits, like the two education credits and the child credit. These credits are not usable against the alternative minimum tax. That means that more and more individuals will lose all or part of these credits, and will have to fill out the extremely complicated AMT form. Congress recognized this problem last year by enacting my proposal to waive this for the 1998 tax year.

The other problem with nonrefundable credits is that the phase out provisions vary from credit to credit, causing unnecessary complexity. In addition, the same additional dollar of income can result in a reduction in more than one nonrefundable credit.

It is fundamentally wrong to promise the American public tax relief, then take all or part of it away in a backhanded manner. This fundamentally flawed policy, enacted in 1997, will get worse each and every year as more American families find themselves to be AMT taxpayers simply because of the impact of inflation, or because of their desire to take advantage of the tax relief we have promised them. Not only that, this situation will also get worse an additional nonrefundable credits are approved by Congress, such as the President's proposals to assist taxpayers with long-term care needs, and the disabled workers tax credit.

The bill addresses both concerns. First, it permanently waives the minimum tax limitations on nonrefundable credits, and on the refundable portion of the family (or child) credit which has the same problem with the AMT as nonrefundable credits. Second, the bill creates a single phase out range for the adoption credit, the family credit, and the education credits, replacing the current three phase out ranges.

This part of the bill is paid for by reducing the income limitation on the family credit from $110,000 to $85,000 on a joint return, and from $75,000 to $58,000 for a single individual. This provides a slight increase in the income limits on the educaiton credits and the adoption credit, so about 85 percent of all families will be unaffected or receive tax reductions under this trade off.

TITLE II—SIMPLIFICATION OF CAPITAL GAINS TAX

The second title of this bill is, essentially, Mr. Coyne's capital gains proposal from last year. Under current law, there are 5 different tax rates for long term capital gains, and a 54 line tax form that must be endured. Moreover, this part of the tax code is already scheduled to get worse because additional rates will take affect under current law in 2001 and 2006.

The solution is clear. Replace this jumble of rates and forms with a simple 38 percent exclusion. Not only will this result in tremendous simplification (eliminating 36 of the 54 lines), but more than 97 percent of individuals would be eligible for modest capital gains tax reductions. This section of the bill pays for itself.

TITLE III—REPEAL OF CERTAIN HIDDEN MARGINAL RATE INCREASES, AND OF THE INDIVIDUAL MINIMUM TAX

The third title of the bill repeals the hidden marginal rate increases in current law, and repeals the individual minimum tax. Most of my colleagues understand the phrases, PEP and Pease. Under current law, itemized deductions are gradually reduced by 3 percent of adjusted gross income above approximately $124,000. This is known as the Pease provision. In addition, personal exemptions are phased out for incomes between approximately $187,000 and $309,000. This is PEP. If we did not hide the effect of these provisions of current law, more people would know that these provisions result in hidden marginal rate increases. These marginal rate increases begin at almost 1 percent for incomes above $124,000, and increases for those with incomes above $187,000 by about .78 percent for each dependent. The important point here is that current law has a hidden marginal rate increase, which gets worse as families grow larger.

The second part of this title is complete repeal of the individual minimum tax. The minimum tax was intended to make sure that wealthy individuals did not overuse certain tax benefits and unfairly reduce their tax burden. It no longer accomplishes that goal. Most of the significant business related provisions have already been repealed. Since the AMT is not adjusted for inflation, more and more middle and upper middle income taxpayers are falling into the AMT. This is not what was intended, especially when you note that what pushes taxpayers into the AMT now, more often than not, are State and local income and property taxes, personal exemptions, and the nonrefundable credits. I repeat, this is not what Congress was trying to accomplish when the AMT was passed.

My suggestion is to repeal it for individuals, and substitute a simple tax on adjusted gross income, and an increase in the current floor on miscellaneous itemized deductions. The current hidden tax is dropped, and is paid for with an explicit tax on the same individuals. They get simplification, and we convert a deceptive practice into an open one.

Specifically, the replacement tax begins at 1 percent for adjusted gross incomes in excess of $120,000 on a joint return, and increases to 2.08 percent for income greater than $150,000, which is where the minimum tax exemption begins to phase out. The bill would also increase the floor on miscellaneous itemized deductions to 4 percent for adjusted gross incomes greater than $100,000.

CONCLUSION

Ironically, this simplification proposal must be complex, because it mirrors our current law. I want, therefore, to focus on what is important.

This bill provides fairly dramatic simplification of the individual tax system.

It eliminates approximately 200 lines on tax forms, schedules and worksheets.

It is basically revenue neutral, so it can be accomplished during a year when there is no non-Social Security budget surplus to fund tax cuts.

It does not attempt to shift money between income groups. The philosophy behind the bill is that those who benefit from tax simplification of the current code should offset any revenue loss involved.

I have put the bill together this way to make this philosophy clear. While some families will be phased out of the child credit, the revenue raised is invested in other similar families for AMT relief and for increases in the adoption and education credits.

The capital gains section of the bill is paid for internally to that section, so those who realize capital gains will have their current tax liability adjusted up or down slightly in order to achieve the simplification contained in the bill.

Finally, those adversely affected by the hidden marginal rate increase of current law that worsens as a family gets larger, will have simplification and some relief offset by other better off taxpayers within their own economic group.

It is estimated that this tax filing season will see 51 percent of individuals using tax return preparers, and that 16 percent will use computer software to prepare their return. Only about ⅓ of individuals actually fill out their own forms. There is no excuse for that reality, and we should do something about it. Given the lack of resources to write a major tax bill, the reality that no one wants to pay for simplification no matter how much they support the goal, and the need to resolve the solvency issues surrounding Social Security and Medicare, I think the opportunity exists this year to solve some of the problems that bother all our constituents during this tax filing season in the manner that I have suggested. I am introducing this legislation to get this discussion going, and I hope it will be seriously considered by all parties.

HONORING OPPORTUNITIES FOR A BETTER TOMORROW ON THEIR 15TH ANNIVERSARY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to honor Opportunities for a Better Tomorrow, and its Executive Director Sister Mary Franciscus as they celebrate their 15th Anniversary.

We are at the dawn of the 21st Century. As we look ahead there are many challenges that will face Americans in the new millennium. And while these challenges hold many opportunities and great possibility, the rewards will only be realized if people have the skills and the training they need to compete and succeed. That's why I applaud Opportunities for a Better Tomorrow, and its Executive Director, Sister Mary Franciscus.

For the past fifteen years, Opportunities for a Better Tomorrow, has been committed to the education and training of individuals throughout Brooklyn. This organization has helped thousands of people receive the skills they need to join the workforce. The training programs and educational services they offer have provided countless people with access not only to work, but have given them a chance to live the American Dream. The importance of this effort cannot be understated.

Opportunities for a Better Tomorrow, is one of the best examples of community activism in New York. The organization is consistently rated as one of New York's top employment agencies, and the reason for that is simple: they are not just an employment agency, but they are an organization that is deeply committed to the community and committed to the people who live and work there. Opportunities for a Better Tomorrow develops people into proficient, accountable and skilled professionals. And a graduate of the Opportunities for a Better Tomorrow program becomes a well-rounded individual, who learns self-respect and self-esteem which many times they otherwise might not have.

In a highly competitive, highly technological time such as this, people must be highly skilled. Opportunities for a Better Tomorrow gives people a chance to develop the skills that they otherwise might not have. For thousands of people throughout Brooklyn, Opportunities for a Better Tomorrow has provided the key to open doors of opportunity.

For these reasons, I would like my colleagues to join me in applauding Sister Mary Franciscus and the leadership and membership of Opportunities for a Better Tomorrow. The success of the program is directly linked to the dedication, and quality of its leaders and teachers. I congratulate them on the celebration of their 15th Anniversary and wish them the best of luck for the next 15 and beyond.

TRIBUTE TO MARCIE KASPER

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to honor seven young women in my district who have earned the Girl Scout Gold Award, the highest award in Girl Scouting.

The Gold Award requires the greatest achievement in career exploration, service to other people, and acquisition of skills. This award is a strong reflection of these youngsters' ability to set goals, to put value into action, to plan, and to relate to the needs of the community.

I wish to recognize Marcie Kasper of Troop 330 in Yorba Linda, CA.

Mr. Speaker, I also wish to congratulate and thank Karin Carlson, Director of Program Services for the Girl Scout Council of Orange County for notifying of their achievements. On behalf of the people of the 41st Congressional District of California, let me say that we are all proud of you.

A TRIBUTE TO HAROLD SHWERDT

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. FORBES. Mr. Speaker, I rise today in this hallowed chamber to pay tribute to Mr. Harold Shwerdt, who will be presented with a Life Membership by the Griswold Terry Glover Post No. 803 of the American Legion. This honor is well deserved and acknowledges the tremendous sacrifices Mr. Schwerdt has made for both our country and our community.

The Life Membership will be given to Mr. Shwerdt on April 28, 1999 at the American Legion banquet. The Life Membership is the highest honor the American Legion can bestow on its members. Mr. Shwerdt has long been an active member of the Griswold Terry Glover Post No. 803 of the American Legion, which holds their meetings in Southold, Long Island.

Mr. Shwerdt's first, and most important sacrifice, was to our nation. He is a World War II Veteran who put his life on the line to end injustice around the world. During the war, Harold spent time in a German prisoner of war camp. For 2 years, Harold was a German prisoner. Before his capture, Harold was a well-decorated fighter. He served as Flight Engineer for a United States B–17 bomber. It was in his plane that he was shot down and eventually captured. For his service to protect freedom alone, Mr. Shwerdt deserves our highest recognition.

After the war, Harold joined this post of the American Legion. It is here that Harold's hard work and determination paid huge dividends. His countless hours of devotion to assist others have helped both his American Legion post and the less fortunate members of our community. In his group, he helped to organize and strengthen both their Color Guard and their Bingo Team. In our community, Harold has been active with the Association for the Help of Retarded Children. He has also spent a countless number of hours helping Senior Citizens, Disabled Veterans and the St. Partick's Roman Catholic Church.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me and the American Legion in honoring Mr. Shwerdt for his invaluable contributions to our community. Here on Eastern Long Island, we have the utmost respect for both our veterans and volunteers, and we are privileged to have Mr. Harold Shwerdt in our community. Thankfully, his service and generosity to our community will never go unnoticed.

TRIBUTE TO JACK SELVIAN ON RECEIVING A PURPLE HEART

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Corporal Jack Selvian on receiving a Purple Heart. Jack served the Far East Air Service Command of the United States Air Force in World War II.

The initial liberation of the Philippine Islands from Japanese occupation, operation RENO, began on October 20, 1944, on Leyte Island. The primary purpose of the Leyte campaign was to establish Allied air and logistic bases to support subsequent operations. On October 20, 1944, after two hour naval bombardment, assault waves of four divisions landed between Dulag and Tacloban and quickly secured beachheads. Tacloban was October 24, and an air base was established. Leyte was never provided the major Allied air fields envisioned, but its seizure had other, more important results. By electing to fight a decisive battle at Leyte, the Japanese had committed their fleet and a major part of their air arm, both suffering crippling losses.

Jack Selvian, Corporal United States Air Corps was wounded in the line of duty, while serving at Tacloban Air Base on Leyte Island. Jack was working near the flight line next to stacked aircraft engines, stacked two and three high. After dusk, work was being done under the illumination of artificial light, a Japanese fighter performed a low altitude bombardment in an attempt to destroy the stacked engines. There was a space of 6 inches between the crates, and debris was blown through this gap hitting Jack in the left wrist and the left knee. Jack was later released from duty on December 24, 1945. After four years away from his family, he left the U.S. Air Corps with an Honorable Discharge, yet no one ever submitted his name to receive the Purple Heart. The records have been corrected and Jack will receive the Purple Heart on January 2, 1999. This honor will be bestowed 54 years after being earned.

Jack was born in Fresno on June 21, 1921, and upon his return from the war he married the former Violet Shumavon, the couple have been married for 51 years. They have two daughters, Susan Millard and Betty Gross, and have been blessed with five grandchildren. Jack and Paul Shumavon were proprietors of a grocery store for 20 years, and later co-owned the Chestnut Avenue Disposal Site. More recently Jack has been involved in farming grapes for raisin production.

Mr. Speaker, I rise today to pay tribute to Jack Selvian, Corporal, United States Air Force. I urge my colleagues to join me in wishing Jack Selvian best wishes for the future and sincerest thanks for his wartime sacrifice.

HONORING DOROTHY T. LEGGETT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Dorothy T. Leggett for her tireless contributions to the Brooklyn community.

Born and raised in Brooklyn, Dorothy Leggett has truly made an indelible mark in her community. Throughout her tenure in the community, Dorothy has striven to create numerous opportunities for all. As President of the National Council of Negro Women, Brooklyn Section, she introduced many new programs including the recognition of Black men who positively contribute to the Brooklyn community. Later, she unselfishly devoted herself to numerous organizations such as Mary McLeod Bethune Day Care Center, where she served on the Board of Directors for over twenty years; Church Women Untied, where she served as past Secretary; Community Planning Board #3; Caribbean American Chamber of Commerce; and the Unity Democratic Club.

Dorothy is truly a Renaissance woman! As a former Executive of Brownsville Multi-Service Center, she currently owns her own business, Hats Galore, on Nostrand Avenue. She also serves as Vice-President of the Chauncey Street Block Association, a community group that she helped reorganize.

Despite her numerous activities, Dorothy has raised two daughters, Doranne and Carmen. She has also bee blessed with four beautiful grandchildren, David, Patrick, Chantel and Darylyn.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in saluting Dorothy T. Leggett for her tireless and unwavering service to the community.

IN HONOR OF ST. ROCCO PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the 75th anniversary of the Holy Family Sodality of St. Rocco Parish in Cleveland, Ohio.

The church was established in 1924 and one of the first acts of the founding Pastor, Father Sante Gattuso, was to institute the Sodality. Today, it is the largest organization in the Parish. Including the new members to be initiated this weekend, the membership numbers 225 people. Most of the members are second and third generation members and a few are even fourth generation members.

The members of the Sodality have made invaluable contributions to the Parish. Because of their efforts, church activities, dinners, and the annual St. Rocco Festival are always well-attended and very successful. The success of these events is essential to the financial stability of the church and the school, so the help of the members of the Sodality is invaluable.

In addition to participating in religious functions and helping at church activities, members also visit the sick and shut-in members of the parish, pray the Rosary at the funeral home for deceased members and accompany them to the cemetery after the funeral mass. Every year, the members fill two buses to make a pilgrimage to the Shrine of Our Lady of Lourdes.

My fellow colleagues, please join me in honoring the ministry of love and service provided by the Holy Family Sodality of St. Rocco Parish.

WOMEN BUSINESS OWNERS IN SOUTH DAKOTA

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. THUNE. Mr. Speaker, I rise today in recognition of the 24,000 women business owners in South Dakota. Within the last decade, the number of women-owned businesses in South Dakota has grown by over 65%, and their annual revenue has increased by 237%. In fact, women owned firms currently account for 35% of all South Dakota firms, and generate over 14% of the state's business sales.

Additionally, I would like to recognize one of South Dakotas most prominent women's business advocates, Dr. Sandra Christenson. Dr. Christenson is the president of Heartland Paper Company in Sioux Falls, South Dakota. Heartland Paper Company is a family owned wholesaler of printing paper, packaging supplies, food service disposables, maintenance supplies, dilution control systems, and janitorial equipment. First founded in 1908, Christenson assumed the presidency of Heartland Paper Company in 1989.

Born and raised in Sioux Falls, Dr. Christenson is currently a member of the National Women's Business Council, the Congressional advisory panel that works with Congress and the President to promote the growth of women owned businesses. Dr. Christenson has been a prominent member of the South Dakota business community for 20 years. She has also been an active member of her industry and community serving on the advisory boards of the National School Supply Association, the National Paper Trades Association, the United Way, and South Dakotans for the Arts.

In closing, Mr. Speaker, I believe that women-owned businesses have played an integral role in the economic well being of South Dakota and the nation. As such, I strongly encourage my colleagues to actively support the women business owners in their districts.

SIKHS OBSERVE 300TH BAISAKHI BY MARCHING FOR FREEDOM

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. DOOLITTLE. Mr. Speaker, I would like to take this opportunity to join some of my colleagues in wishing a happy 300th Baisakhi Day to the Sikh Nation. The contributions that Sikhs have made to American life have been significant. They have added to almost every walk of American life.

On April 10, the Sikhs marched in celebration of the 300th Baisakhi anniversary of the day of the last of the 10 Gurus, Guru Gobind Singh, initiated the Khalsa Panth. I understand that it was a glorious event for the Sikh nation, and I would like to congratulate the Sikhs of America and my friend Dr. Gurmit Singh Aulakh, who was the march coordinator, on its success.

I understand that the parade looked like a sea of saffron (the Sikh color of freedom) as it moved from the Lincoln Memorial to the Capitol and that the grounds outside here on the West Front were filled with over 40,000 enthusiastic Sikhs. It must have been something to see!

It is appropriate that the march began at the memorial to Abraham Lincoln, issuer of the Emancipation Proclamation. The Sikh Nation struggles for their freedom, as instructed by the Sikh Gurus. Sikhs are instructed to oppose tyranny wherever it occurs.

The Sikhs are a proud people, and justifiably so. They are a people dedicated to living a holy life, working hard, sharing with those in need, and to the equality of all people and freedom for everyone. Unfortunately, in their own homeland, Sikhs do not enjoy freedom. They have been subjected to tyranny. The Indian Government has also oppressed other minorities, such as Christians, Muslims, and Dalits (the so-called "untouchables"). Yet India proudly proclaims itself a democracy.

We cannot make India behave like a truly democratic country, but we can apply pressure by withholding aid and by publicly declaring our support for a democratic vote in Punjab, Khalistan, and other Indian states on the subject of self-determination. If India is truly democratic, this is the way it should settle these issues.

The Governors of New Jersey and Texas have declared the "Year of the Khalsa." Numerous Members of Congress from both parties have saluted the Sikhs on this historic anniversary. The new Mayor of Washington, D.C. sent congratulatory remarks. As Sikhs move into their fourth century, they should celebrate their next anniversary in freedom in their own sovereign, independent country. Let us honor their history and their struggle by supporting their effort to be free.

I would like to add Mayor Williams' letter of congratulations to the RECORD.

CONGRATULATIONS, COUNCIL OF KHALISTAN—"RECOGNIZE YE ALL THE HUMAN RACE AS ONE"

300TH ANNIVERSARY, APRIL 10, 1999

As Mayor of the District of Columbia, it is my distinct pleasure to extend warm greetings and congratulations to the members, guest and friends of the Council of Khalistan as you celebrate your 300th Anniversary of the initiation of the Khalsa Panth.

This is a significant milestone in the history of the Sikh Nation as you celebrate this Vaisaakhee Day. Sikhism is the youngest of the world's religion, and it is humility and service to mankind that are regarded as most important. Religion plays an important role in our daily lives, and you are to be commended for your efforts to provide spiritual enhancement to your membership, service to the community and commitment to the principles of peace, progress, dignity, integrity, human rights and justice for all.

On behalf of the residents of the District of Columbia, thank you for making a difference in our lives and best wishes in your quest for holy fulfillment.

ANTHONY A. WILLIAMS,
Mayor,
DISTRICT OF COLUMBIA.

PERSONAL EXPLANATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. ADERHOLT. Mr. Speaker, due to my wife having a medical procedure in Alabama, I was unable to cast rollcall votes on April 13, 1999. Had I been present I would have voted "aye" on rollcall No. 81, H.R. 46 the Public Safety Officer Medal of Valor Act; and I would have voted "aye" on rollcall No. 82. H. Con. Res. 35 commending the people of Qatar for recent elections and commitment to the principles of democracy.

TRIBUTE TO TERESA JACKSON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to honor seven young women in my district who have earned the Girl Scout Gold Award, the highest award in Girl Scouting.

The Gold Award requires the greatest achievement in career exploration, service to other people, and acquisition of skills. This award is a strong reflection of these youngsters' ability to set goals, to put value into action, to plan, and to relate to the needs of the community.

I wish to recognize Teresa Jackson of Troop 1325 in Anaheim, CA.

Mr. Speaker, I also wish to congratulate and thank Karin Carlson, Director of Program Services for the Girl Scout Council of Orange County for notifying of their achievements. On behalf of the people of the 41st Congressional District of California, let me say that we are all proud of you.

IN HONOR OF OHIO TRAILS AND GREENWAYS DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate Ohio Trails and Greenways Day on Tuesday, April 20, 1999, and the work of the Ohio Field Office of Rails-to-Trails Conservancy.

Rails-to-Trails Conservancy's Ohio Field Office (RTC-Ohio) has three main goals: awareness, potential and sharing. RTC strives to promote awareness of trial and greenway projects in local communities, surrounding regions and throughout the state. The organization also seeks to explore the possibilities that trail and greenway projects offer to both transportation and recreation opportunities for the citizens of Ohio and visitors to the state. Their third goal is to create an atmosphere where information about trails and greenways is easily understood and accessible by everyone.

RTC has completed over 300 miles of rail-trail and is currently working on over 500 additional miles. In recognition of the importance of conservation and the efforts of RTC Ohio Governor Taft will officially declare April 20, 1999 at Ohio Trails and Greenways Day.

I am pleased to join in celebration of Ohio Trails and Greenways Day and wish the Rails-to-Trails Conservancy continued success in their environmental protection efforts.

HONORING PEGGY HASKINS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Peggy Haskins for her tireless contributions to the Brooklyn community.

Although she was born in Tams, West Virginia, Peggy Haskins has truly made an indelible mark in Brooklyn, New York. From her volunteer work with the Society for Seaman's Foster children where she teaches arts and crafts to I.S. 364 and P.S. 346 where she provides classroom and yearbook support, Peggy Haskins unselfishly shares her time and energy.

As the youngest of 11 children born to Louis and Sarah, Peggy's family spirit has also benefited the Women's Caucus for Congressman Edolphus Towns. She is a loyal, committed and inspiring member who prefers being in the background rather than in the forefront.

Peggy's concern for the Brooklyn community-at-large is also apparent in her professional life. She presently works for the New York City Board of Education. She is also working closely with her mentor, Dr. Ivan Bodis-Wollner, M.D., D.Sc., Director of Parkinson Disease and Related Disorders at Kings County Hospital Center. Peggy has degrees from both Chubb Institute and Kingsborough Community College.

Despite her numerous activities, Peggy maintains quality time with her 14-year-old son, Adam, and enjoys worshiping at St. Paul's Community Baptist Church.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in saluting Peggy Haskins for her tireless and unwavering service to the community.

TRIBUTE TO LARRY SHEHADEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Larry Shehadey for receiving a Lifetime Achievement Award at the Institute of Family Business conference. Mr. Shehadey is in his 50th year with Producers Dairy Foods, Inc.

Larry Shehadey, 91, remains chairman of the board for the Fresno based Producers Dairy Foods which has a full line of dairy products, fruit punches and orange juices. Producers Dairy was not Larry Shehadey's first career. He began a successful soap business and sold it to Safeway, Shehadey then bought half interest in Producers as an investment. He became general manager and began controlling the company. Today Larry Shehadey presides over a family business that expanded from 25 to 300 employees, sells milk products from Eureka to Santa Barbara, operates a chain of convenience stores and farms 7,000 acres of land on the west side of the Valley that provides feed for the company's 7,000 head of cattle.

Producers is capable of milking 2,500 cows, twice a day. Shehadey is proud to be one of the few remaining locally owned independent businesses in the Central Valley. He has served on many dairy boards, including the Dairy council of California; Dairy Institute of California as president, California Growers Association; and The All Star Dairy Association, where he held the position of charter member.

Larry Shehadey was married for 63 years to wife Elayne, who passed away recently, and has two sons, Richard and John and eight grandchildren. Richard, president of Producers, runs the company with his father.

Mr. Speaker, I rise today to congratulate Larry Shehadey on his Lifetime Achievement Award. Mr. Shehadey's service to the community is commendable. I urge my colleagues to join me in wishing Larry many more years of continued success.

TRIBUTE TO RUTH ZEMLOCK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize one of Colorado's exceptional citizens, Ruth Zemlock. In doing so, I would like to pay tribute to a woman who has shown, time and again, that it pays to give a little back to the community.

Ruth Zemlock is a resident of Colorado who has made a large impact on her community through her genuine care for others. Above and beyond being a model citizen, Ruth contributes her time as a volunteer at the Valley View Hospital in Glenwood Springs. For the last 14 years, Ruth Zemlock has given more than 11,000 hours of her time to the hospital. In recognition of her contributions to the community Ruth Zemlock has recently been awarded the "1998 Senior Volunteer Service Award" in Garfield county. Obviously, this is a fitting award for such a fantastic public servant.

It is said by those how are privileged to know her, that Ruth Zemlock is a delightful lady who dedicates her senior years to making the lives of others a little bit better. Ruth is obviously a women with a warm heart who, selflessly, gives to those in need.

Individuals such as Ruth, who volunteer their time to a good cause, are a rare breed. Fellow citizens have gained immensely by knowing Ruth Zemlock, and for that we owe her a debt of gratitude.

TRIBUTE TO THE LATE JAMES McLURE CLARKE

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise today to pay tribute to our former colleague James McClure Clarke of Fairview, North Carolina who passed away last night. Although we were of different political parties and had our differences, James Clarke was a distinguished politician and, at all times, a gentleman.

Originally from Manchester, Vermont, Congressman Clarke graduated from Princeton University in 1939. He served as a Naval officer in the Pacific Theater during World War II from 1942–1945. Upon returning from the war, he began a lifetime of public service to the people of Western North Carolina, service that included the role of senior editor of the Asheville Citizen-Times from 1961–1969 and eight years on the Buncombe County School Board. He served with distinction two terms in the North Carolina House of Representatives from 1977–1980, and one term in the state Senate from 1981–1982. He represented North Carolina's 11th District in the U.S. House of Representatives from 1983–1985 and again from 1987–1989.

Congressman Clarke set a standard of service for the people of North Carolina to which every future member who has the privilege to represent them will be held. In every aspect of his professional and personal life, Congressman Clarke exhibited a gentility that is rarely seen in politics today. We will all certainly miss him. My prayers and those of everyone in Western North Carolina are with the Clarke family.

INTRODUCTION OF H.R. 1400 "BOND PRICE COMPETITION IMPROVEMENT ACT OF 1999"

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. MARKEY. Mr. Speaker, I am pleased to join with Representatives BLILEY, DINGELL, OXLEY, TOWNS and several other Members of the Subcommittee on Finance and Hazardous Materials in introducing aimed at improving price competition in the nation's bond markets.

Price Transparency, or the dissemination of market quotation and transaction information, is of critical importance to investors in our nation's securities markets. Experience has shown that price transparency produces several important benefits. It can help to improve the liquidity and efficiency of a market by assuring that comprehensive price and trading information is disseminated to as many market participants as possible, so that the market price of securities will move more quickly to reelect the underlying economic value of the security. In addition, price transparency provides investors with greater protection from abuses by reducing the disparity of information that may exist between market "insiders" and "outsiders" and providing public investors with more equal access to information that is available to primary and other dealers.

With equal access to pricing information, investors in stocks or bonds can better evaluate the quality of execution and the value of their securities. This information is particularly useful for investors evaluating prices for less actively traded securities, where bid-asked spreads may be wider. Such data also can encourage competition among dealers and assist regulators in discovering possible manipulation, fraudulent mark-ups, or other wrongful conduct, or in determining the state of the market at any point in time.

In 1975, the Congress directed the SEC to facilitate the creation of a National Market System for qualified securities. When the Congress enacted that legislation, it did not limit its application merely to stocks but to all securities—including debt securities. In fact, the only type of securities that were not included were so-called "exempt securities"—Treasury bonds, government agency securities, and municipal securities. At the time this legislation passed, there were many in the broker-dealer community who opposed it. But some 24 years later the Dow Jones Industrial Average has topped the 10,000 mark, and all observers agree that our stock markets are much more efficient and more liquid in large part due to their increased transparency. However, over the years the SEC has not made much use of the powers Congress granted it in this area to bring transparency to the corporate bond market.

The legislation we are introducing today would direct the SEC to use the authorities Congress granted it back in 1975 to issue rules or take such other actions as may be necessary or appropriate, to improve price transparency in the corporate bond market. Specifically, H.R. 1400 would mandate that the SEC assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of transaction information in the corporate debt market. This would specifically include, but not be limited to, last sale information. The SEC is directed to assure that such information is made available to all exchange members, broker-dealers, securities information processors, and all other persons. In determining the rules or other actions to take under the subsection, the SEC is directed to take into consideration, among other factors, private sector systems for the collection and distribution of transaction information on corporate debt securities. Finally, the bill provides for a study by the General Accounting Office of measures needed to further improve price transparency.

I support this initiative because I believe that bond investors deserve to get full access to the type of market information that will better enable them to determine whether they are getting the best price for their buy and sell orders. I know that Chairman Levitt has already taken some preliminary steps to move the industry forward in this area, and that as a result of his leadership, the NASD is currently considering rule changes which would create transparency and audit trail systems for the corporate bond market. In addition, I understand that the bond dealers have also stepped in with a plan to make certain market information available. I welcome each of these initiatives, and would suggest that the legislation we are introducing today should be seen as complementing them by underscoring the determination of the Congress that effective and comprehensive action will be taken in this area.

I urge my colleagues to support this bill as it moves through the legislative process.

TRIBUTE TO LESLIE ELLINGSON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to honor seven young women in my district who have earned the Girl Scout Gold Award, the highest award in Girl Scouting.

The Gold Award requires the greatest achievement in career exploration, service to other people, and acquisition of skills. This award is a strong reflection of these youngsters' ability to set goals, to put value into action, to plan, and to relate to the needs of the community.

I wish to recognize Leslie Ellingson of Troop 286 in Placentia, CA.

Mr. Speaker, I also wish to congratulate and thank Karin Carlson, Director of Program Services for the Girl Scout Council of Orange County for notifying of their achievements. On behalf of the people of the 41st Congressional District of California, let me say that we are all proud of you.

IN MEMORY OF DON ROBERTSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a gifted writer, Don Robertson.

A Cleveland native, Mr. Robertson attended Harvard University and Western Reserve University. After serving in the army, he began his professional journalism career as a copy editor for the Plain Dealer. Robertson was the author of 19 novels, many of which were set in Ohio and revolved around major historical events. His best known books include "The Greatest Thing Since Sliced Bread," "Praise the Human Season" and Paradise Falls."

Robertson also used his journalistic talents to write scripts for the television soap opera "The Edge of Night," movie and theater critiques for WKYC Channel 3 and to serve as editor for Houston City Magazine. He was also a columnist for the Cleveland Press and worked for the Cleveland Magazine.

Robertson's journalistic endeavors included being a features writer for the Cleveland News and a radio and television talk show host. He had shows on WERE Radio, WVIZ Channel 25 and Channel 61.

Robertson received numerous accolates for his writing. In 1991, he was presented the Mark Twain Award from the Society for the Study of Midwestern Literature, which is given to a writer whose work continues in the tradition established by Twain. He was inducted into the Press Club of Cleveland Hall of Fame in 1992. In addition, he was the recipient of a Lifetime Achievement Award from the Cleveland chapter of the Society of Professional Journalists.

My fellow colleagues, please join me in honoring the memory of a talented writer, Don Robertson.

SALUTING INTERFAITH MEDICAL CENTER—BROOKLYN, NEW YORK'S REACH AND READ PROGRAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. TOWNS. Mr. Speaker, I rise today to salute the Interfaith Medical Center (IMC)—Brooklyn, New York's Reach Out and Read Program. Reach Out and Read is a Pediatric early literacy program developed at Boston City Hospital in 1989 by a collaboration of pediatricians and early childhood educators. The Reach Out and Read program makes literacy a part of pediatric care, by having pediatricians in the out-patient setting encouraging parents to read aloud to their children, and by giving their patients (between the ages of 6 months and 5 years) books to take home with them.

Pediatricians are trained to counsel parents about the importance of reading with young children, offering age-appropriate tips and encouragement. Volunteer readers are in the clinic to read aloud to children as they wait for their appointments, thereby encouraging to learn to love books!

Through Reach Out and Read, every child starts school with a home library of at least 10 beautiful children's books, and parents are helped to understand that reading aloud is the most important thing they can do to help their children learn to love books.

Interfaith Medical Center in Brooklyn, New York has been working to begin its Reach Out and Read program for the past 15 months. On Monday, April 12, 1999, Interfaith officially opened its program in the Pediatrics clinic at their St. John's site. Presently, over 7,000 books have been obtained through grants and donation. Interfaith is prepared to keep this program going for many years * * * in addition to working toward expanding it into all of their community clinics. Mr. Speaker, please join me in saluting Interfaith Medical Center for its unwavering commitment to preparing our children for a bright future.

AMERICA'S WILDERNESS ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. HANSEN. Mr. Speaker, today I have introduced "America's Wilderness Protection Act." As many know, I have been an advocate of wilderness for many years. For example, I have introduced legislation to designate wilderness in the beautiful red rock areas of Southern Utah in each of the last several Congresses. I was also instrumental in the passage of the Utah Forest Service Wilderness Act of 1984 a bill that designated almost a million acres of Wilderness in the State of Utah.

As a wilderness advocate I have become increasingly concerned about a particular issue that makes wilderness legislation extremely difficult to pass. The issue I refer to is wilderness studies.

The Federal Land Policy and Management Act of 1976 created something called a "Wilderness Study Area." Lands that became Wilderness Study Areas pursuant to FLPMA were studied by the Interior Department to determine whether they qualified for Wilderness designation.

Unfortunately, FLPMA failed to provide for the release of Wilderness Study Areas. Thus Wilderness Study Areas, absent Congressional action, would be studied in perpetuity—even after the actual study, done by the Interior Department, was finished.

The perpetual study of an area for wilderness suitability is clearly not in the public interest:

The biggest problem is that it hinders the designation of wilderness. Because Wilderness Study Areas are managed almost as if they were already wilderness, there is no incentive to make the sometimes politically difficult decisions to actually make them wilderness. Also, because the Interior Department's wilderness studies invariably decide that certain parts of Wilderness Study Areas do not qualify for wilderness, fringe environmental groups often oppose any resolution to the issue, preferring perpetual Wilderness Study Area status over actual wilderness designation.

We need to reach a conclusion on this issue. Areas that qualify as wilderness should be designated as wilderness, and areas that don't should be released.

This bill would protect millions of acres of Wilderness throughout the country by directing that wilderness studies be completed within ten years. It would force Congress to decide the issue and finally designate wilderness.

I urge my colleagues to co-sponsor and support "America's Wilderness Protection Act" and protect America's wilderness.

UNITED BAY CITY CREDIT UNION: SUNSHINE FOR A RAINY DAY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. BARCIA. Mr. Speaker, our nation's history is filled with examples of neighbors, friends, and coworkers coming together to help one another weather the bad times that life has in store for each of us. The members of the United Bay City Credit Union are an outstanding illustration of how bad times can be used to create good times. It was now fifty years ago that the employees of Bay City Chevrolet were ending a 110-day strike. They decided to each pool together a $5 contribution to help provide a resource for their coworkers who needed help to recover from a tough time, help that may be there in future years for those taking the wise step to invest in their own future by supporting the future of others.

On April 20, 1949, the Chevrolet Employees Federal Credit Union was chartered. The subscribers to the organization certificate were Perely W. Bennett, Harry Vink, Richard E. Jane, Robert W. Kennedy, Chester S. Sosnowski, Harold McDougald, and Joseph M. Douponce. They took the first steps that resulted in George Reif as the first treasurer, and a portfolio that included 88 loans, 209 members, and bank balance of $410.89 in 1950. That small effort has resulted in a financial institution that today boasts more than 20,000 members, assets in millions of dollars, and more than 100 companies that serve as partners with the Credit Union.

The history of this facility is enlightening. In 1954 an office was set up with a worker who was paid $31.25 per week to run the office. In 1955, the name was changed to United Bay City Federal Credit Union. In 1959, members with four years of seniority could borrow up to a maximum of $500. Branch officers were added over the years. Automated teller machines were added until now there are five. A phone access line was installed to make financial transactions even easier. And the same Credit Union that once limited loans to $500 today offers a Master Money/Check Card. To those who took the risk in 1949, today's services would probably have been considered too phenomenal to have even been thought of as dreams.

But even with these changes brought on by advances in technology, by competition, and by consumer demand, United Bay City Credit Union remains true to its original purpose: to provide a safe haven for hard-earned dollars, to offer responsible credit to make life's needs more manageable and life's opportunities more obtainable, to combine limited resources in a fashion that offer limitless options.

Mr. Speaker, I urge you and all your colleagues to join me in wishing Charlie Booth, Linda Meyer, the excellent staff and all of the members of United Bay City Credit Union a most joyous 50th anniversary, with many more successful ones to come.

HONORING LOU MATARAZZO AND RON DEVITO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. ACKERMAN. Mr. Speaker, I rise in honor of Lou Matarazzo, president of the New York City Patrolmen's Benevolent Association, and Ron Devito, 2nd vice-president of the New York City Patrolmen's Benevolent Association. They are being honored on April 15, 1999, at the Terrace in the Park in Flushing Meadows, NY, on the occasion of their retirement. Their leadership in the New York City Policy Department and as officers of the PBA is truly inspirational to all New Yorkers.

Well known for his devotion to his fellow officers and for being ready, willing and able to help a colleague in need, under any circumstances. Matarazzo has combined a hands-on approach with a thorough knowledge of police and human affairs. He began his career in law enforcement as a rookie patrolman in 1964. In 1969, he was elected a PBA delegate from the 108 Precinct and held that position for 9 years, serving on both the Negotiating and the "Cop of the Month" Committees. In 1977, he was elected the PBA Queens Trustee and soon began serving as chairman of the board of trustees and chairman of the Law Committee. In February 1991, he became the PBA Recording Secretary and in June 1991, he was elected treasurer. He has held his current position as PBA president since 1995.

Matarazzo served as a member of the Police Pension Board, and is an expert in the field of disabilities. He is also a member of many civic and police groups, including the Columbia Association, of which he was a recent "Man of the Year." He has been cited for excellence by the Police Honor Legion, the New York Shields, the Nassau County Shields and the Holy Name Society. Currently, he serves as Chairman of the Public Employees Conference in New York States, which has over one million members.

A resident of Nassau County, Matarazzo has been married to his wife, Fran, for 36 years. Together they have 5 children and 6 grandchildren.

A 42-years veteran police officer, Ron Devito has been a PBA delegate since 1972. He joined the force in 1957 and was assigned to the 103rd precinct where he worked in uniform for 20 years, before being elected to the Executive Board of the Policeman's Benevolent Association.

In 1977, he was elected as the Financial Secretary for Queens County, Treasurer, and then 2nd Vice President of the PBA. During his time with the PBA, Devito has served on the Pension Board, the Tellers Committee; was an original member of the Committee on Political Action; was director of the "Cop of the Month" Committee and served as the Chairman of the Board of Directors Executive Board.

Devito has been awarded one exceptional Merit Citation, two Meritorious Police Citations, four excellent Police Citations and the Nassau Shields "Cop of the Month" Award.

A former sergeant in the U.S. Marine Corps, Devito is marred to the former Patricia Guinan. They have three children and three grandchildren.

Mr. Speaker, I ask my colleagues to join with me in honoring these two outstanding men.

ARGENTINA'S DEMOCRACY FACES STRUGGLES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. TOWNS. Mr. Speaker, I rise today to share with you my concern towards the struggles that a young democracy in Latin America is facing. I am referring to Argentina and its questioned judicial system, still so tainted by the memories of past dictatorships. I would like to talk to you about a small Buenos Aires based non-governmental organization that has to bear the harassment and persecution of a corrupt judiciary. I hope that after I share with you my concerns you will then be in a better position to discharge our responsibility of expressing some words of caution to our citizens and U.S. based corporations that are considering whether to make investments in Argentina.

On February 1st, President Clinton responded to a missive in a salvo of bipartisan letters from colleagues legislators concerning the Buenos Aires Yoga School case. Clinton began his response by observing: "I share your commitment to the protection and enforcement of human rights in Argentina and around the world." Our U.S. president then went on to note that: "Our embassy in Buenos Aires has been closely monitoring this matter [the BAYS case] for the past several years, and has raised it on several occasions with appropriate officials in the Argentine Ministry of Justice. Like other cases in the Argentine judicial system, this case has taken too long to resolve. While I agree that we cannot intervene in the Argentine judicial process, we will continue to follow the case and urge the Argentine government to resolve it as expeditiously as possible."

The BAYS case has been high on my agenda and that of many of our colleagues for much of the past year where we have expressed our unease over the treatment of this Argentine group. Many of our colleagues, in order to seek justice for BAYS, have sent letters to President Menem calling for his intervention—never receiving an answer, the case has achieved significant leverage among us, U.S. policy makers, as an important component in the hemispheric policy formulations.

Clinton's letter about BAYS's plight pointedly referred to this highly controversial case. One which was initiated over six years before when faculty and students of the Yoga school became a chosen target for Argentina's notoriously flawed judiciary vindictiveness of several relatives from BAYS members. The philosophical and culturally-centered educational institution was accused of "sexual corruption of adults" and has attracted unprecedented prosecutorial and judicial misconduct from Argentine authorities since then. Almost all outside observers who have examined the case considered it unfathomable why so much negative energy has been dissipated against such a small group which, in fact, has won considerable renown abroad for its artistic accomplishments and social programs. One compelling explanation is that the case has triggered a bundle of latent and overt ultramontaine, neo-Nazi and deep-seated anti-Semitic strains lying just below the surface of Argentina's historic memory, which may be fundamental to why this largely Jewish organization of 300 members has been subjected to its extraordinarily protracted ordeal. In the playing out of the case, it was also shown that the indignation of the Argentine media—to much of which venality is no stranger—is highly selective and that the press, in this case, has been revealed as a lapdog of the political establishment. It has not shown itself as a forensic lion when it came to confronting the slavishly purchased performance of the country's court system in general, and its outrageous behavior regarding the BAYS saga, where under-the-table subventions must have become the rule in forcing the prolongation of this case.

Over much of the past six years, members of BAYS have been experiencing unrelenting harassment at the hands of Argentine judicial authorities, including totally unjustified and violent illegal searches of their homes and offices, imprisonment of innocent members, the hectoring of their children, and the seizure of their personal property which to this day has not been returned. All this has transpired even though no compelling incriminating evidence has been presented by the prosecution against the Yoga School, the statute of limitations has since expired, and the Argentine Supreme Court has nullified the original charges. Some of the prosecutors and judges engaged in hounding the BAYS systematically have engaged in unprofessional behavior, which at times has included resorting to the use of scurrilous anti-Semitic remarks made in public settings—enough to result in the first judge being impeached by the national legislature. In this case, reputably, justice has been for sale.

The BAYS affair provides a telling example of the corrosive role that corruption may have played in the form of payoffs to court personnel overseeing such cases as the one involving BAYS, from several wealthy and alienated relatives of BAYS members. Even one of the more controversial judges involved in the case is ready to acknowledge that the alienated relatives have a psychological, if not neurotic need to establish that it was the organization rather than themselves who had generated their family's personal travails. In fact, a close examination of each of these plaintiffs conduct reveals that in a number of these cases, much of the social anomie brought on by intrafamily strife existed even before the founding of the organization. The harassment of the BAYS also provides an insight into the role played by an extremist ideology in Argentina's tainted judicial system, and how little has changed since the era of military rule beginning in the 1970's, when government authorities murdered, with impunity, upwards of 20,000 innocent civilians in the country. Many of the judges now on the bench were appointed to their relatively lucrative positions at that time, with their modus operandi still reflecting the low standing that people of their political persuasion traditionally have accorded to democratic practices, judicial guarantees and the notion of civil rectitude in public office.

My concern continues to grow as each week brings even more disturbing developments in the case. We are disappointed that Justice Minister Dr. Raul Granillo Ocampo's assurances, made while he was ambassador to the United States, have not been followed up on. Despite the July 1997 rulings of the Court of Cassation confirming the earlier decision of the Supreme Court condemning the actions of the judicial authorities, the lower courts have refused to cease their continuous penal persecution.

The three documents from the Court of Appeals, Chamber VI on March 2, 1999, revoked the dismissals ordered by the lower court and ignored the decision by the Court of Cassation. The Appelante written by Carlos Alberto Elbert, Luis Ameghino Escobar and Carlos Alberto Gonzalez ordered the continuation of an investigation which has long exceeded its statute of limitations. If we add to this the lack of legal controls and malevolent obsession to persecute by the State Attorney's office the opening of a new case with the identical charges which originated the BAYS case in 1993 the denial of the right to a fair trial for the defendants, and the continuance of the processes already declared null, the picture becomes very alarming.

We have shown our concern and wish to help strengthen Argentina's democracy, but we seem to be ignored by the country's authorities. For me this is yet another opportunity to depict a number of disturbing instances where injustice has been done; where the courts have served as a persecutor of the human spirit, rather than its defendant. Let our citizens be aware of this situation, let us take care of our interests—both in the economic and the humanitarian field—and let's hope that this can break the silence that rests over this serious matter of a group of philosophers that have the admirable strength to keep on wishing to live in a democracy, like we do.

IN HONOR OF MADELINE CAIN, MAYOR, CITY OF LAKEWOOD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the achievements and contributions of Madeline Cain, Mayor of the City of Lakewood, Ohio.

As the first woman mayor of Lakewood, Cain has focused her efforts on developing an effective economic development strategy, controlling costs, preserving high quality and safety services and protecting the residential character of the community. Cain initiated the "Mayor's Night Out" program to bring government and community members together. This program includes a door to door visit by the Mayor and an informal gathering of neighbors and city officials at the home of a host resident. Other achievements include the creation of the Economic Development Fund to encourage private investment in the community, protect and create jobs, and prevent the deterioration of commercial and industrial areas.

Cain also served as a member of the Ohio House of Representatives, where she authored one of the nation's first anti-stalking laws and sponsored various bills regarding children and the disabled. While in the House of Representatives, Cain also served in leadership of the Ohio House Democratic Caucus as Chair of Policy and Research.

Mayor Cain is also active with a number of organizations, including serving as a member of the Board of Trustees for Lakewood Hospital and the Advisory Board of Malachi House (a home for terminally ill homeless).

My fellow colleagues, please join me in honoring the accomplishments of a dedicated public official, Mayor Madeline A. Cain. Her work is greatly appreciated by her constituents and I wish her continued success.

TRIBUTE TO GINA CASANOVA

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to honor seven young women in my district who have earned the Girl Scout Gold Award, the highest award in Girl Scouting.

The Gold Award requires the greatest achievement in career exploration, service to other people, and acquisition of skills. This award is a strong reflection of these youngsters' ability to set goals, to put value into action, to plan, and to relate to the needs of the community.

I wish to recognize Gina Casanova of Troop 439 in Brea, CA.

Mr. Speaker, I also wish to congratulate and thank Karin Carlson, Director of Program Services for the Girl Scout Council of Orange County for notifying me of their achievements. On behalf of the people of the 41st Congressional District of California, let me say that we are all proud of you.

SETON HALL VOLUNTEERS—MAKING A DIFFERENCE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. PAYNE. Mr. Speaker, as National Volunteer Week approaches, it is with great pride that I rise to commend a dedicated group of individuals from my alma mater, Seton Hall University, who are making a real difference in lives every day—on campus, in their local community, and internationally. Known as the Division of Volunteer Efforts (DOVE), this volunteer service component of Campus Ministry is actively engaged in the promotion of social justice.

DOVE volunteers work to ensure that graduates of Seton Hall, in addition to being well-educated academically, also develop a keen awareness of social problems and a compassionate approach to resolving them.

Putting their faith into action, members of DOVE, which include Seton Hall graduates, undergraduates, staff and faculty, number 2,000 strong and contribute an average of 10,000 hours of service each academic year.

DOVE is involved in a wide range of volunteer activities, including Adopt a Grandparent Month; American Red Cross Disaster Response Team; Tutoring for English as a Second Language; visits to hospitals, soup kitchens and community food banks; Carnival of Fun and Camp Fatima for the mentally and physically disabled; New Jersey Special Olympics; SHU 500; Day of Community Service; AIDS Walkathon and Softball Tournament; and The Literacy Volunteers of America. DOVE is also involved in a number of mentoring programs to address the needs of at-risk youth; efforts to aid victims of natural disasters; and an international service project for the Republic of Trinidad and Tobago.

Mr. Speaker, I know my colleagues here in the House of Representatives join me in sending the members of DOVE our congratulations on their outstanding community service and our very best wishes for continued success in their important mission.

THE TERRORIST ELIMINATION ACT OF 1999

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. BARR of Georgia. Mr. Speaker, I rise today to introduce the Terrorist Elimination Act of 1999 that would end a decades old ban on U.S. government involvement in killing foreign military and terrorist leaders.

The ban has been in place since the late 1970s by Executive Orders, and the legislation I am introducing, would nullify the provisions of several Executive Orders that created the ban.

In several recent cases, the United States has committed extensive force to operations designed to remove a handful of elite political rulers, or military or terrorist leaders. This was our basic military goal in strikes directed at Libya, Iraq, and other sites in the Middle East and North Africa in recent years. It also appears to be the motivation behind American involvement against Slodoban Milosevic's forces in the former Yugoslavia.

It is dishonest, costly and dangerous to use massive military force to remove those leaders who threaten American lives, commit terrorist acts or war crimes, or who destabilize regions of the world. Our federal government should never put the lives of our troops at risk when there is an alternative method of accomplishing the same goals.

Terrorists leaders or war criminals should rarely be directly targeted, and any such steps should only be considered after very careful and comprehensive consideration involving our military, intelligence, and policy leaders. However, when a foreign dictator or terrorist leader threatens the lives of Americans, I believe it is entirely appropriate for us to remove that threat by any means necessary, without arbitrarily limiting our options.

Mr. Speaker I wrote to President Bill Clinton with regard to this issue on August 24, 1998. Below is a copy of the letter I sent to the President:

August 24, 1998.

In re assassination ban.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: Ever since the Ford Administration, the Executive branch has operated under a wide-ranging and ambiguous ban on "assassination." Most recently, the ban was reiterated in Executive Order 12333, which states that, "[n]o person employed or acting on behalf of the United States government shall engage in, or conspire to engage in, assassination."

As you know, the debate about what does and does not constitute "assassination" remains unsettled. However, the practical result of this ban is that United States forces are allowed to bomb military targets, hoping to kill terrorist leaders collaterally, but are prevented from designing surgical strikes for that purpose or working with others to do so.

I urge you to consider lifting this ban and designing a new system so that the threat posed by individuals proven to be directly responsible for the deaths of American citizens—such as Osama bin Laden or Saddam Hussein—can be eliminated in cases where it is simply impossible to capture them by ordinary means. I firmly believe such a system should be put into place, and that it should also include strong and effective safeguards against abuse, such as a requirement for limited consultation with Congress.

Taking action against a foreign leader posing a direct threat to our armed forces or civilian citizens is a power you already possess under the Constitution as commander-in-chief. Arbitrarily, and somewhat disingenuously purporting to deny a President such a power by Executive Order reduces credibility and hampers your role as commander-in-chief.

As the threat posed to American citizens by terrorist organizations continues to grow, it is important we use every tool at hand to block those who would destroy our lives and property from doing so. While final removal of terrorist leaders is a draconian measure that should be used only sparingly, there are, unfortunately, cases where it is clearly warranted. I believe we should fashion a mechanism for making such action possible, and would welcome the opportunity to work with you in that endeavor.

With kind regards, I am,

Very truly yours,

BOB BARR,
Member of Congress.

At this time the Administration has not revoked these Executive Orders. So in turn I am introducing this legislation.

Mr. Speaker, I ask my colleagues to join me in supporting the Terrorist Elimination Act of 1999.

A TRIBUTE TO CORKY ROW

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, I recently received a letter from Mae Greeley of Fall River, Massachusetts, enclosing an article that had been written by James Holland, a former resident of the city. Mr. Holland's article is a warm reminiscence of what life was like in that neighborhood decades ago, and presents an excellent picture of American urban history. I agree with Mrs. Greeley that it is the kind of reminiscence that ought to be shared so that people get an understanding of the positive aspects of our urban history, and I ask that the article be printed here.

First of all, it was a place with a rich ethnic heritage—the first American home of many immigrants from that part of Ireland from which the name Corky Row derives.

I recall at an early age being told proudly by relatives and older neighbors that a certain person who became a priest, or a judge, or a doctor, or other prominent member of the community once lived in this tenement (they were never called apartments) on Branch Street or was born in that house on Third Street. Most of these successful men and women were reared in large families by hard-working parents, living side-by-side with others of the same cultural background without the social problems prevalent today.

Corky Row meant to me St. Mary's Cathedral, the veritable soul of the neighborhood! Most of the boys and girls received their early training in the parish school where the values inculcated in the home were reinforced and codified by the Sisters of Mercy. I recall the streams of men, women and children, who literally poured out of their yards on Sunday mornings to fill the church at the hourly Masses as the bells from the lofty tower sent forth their familiar sounds up and down the street.

It meant going to South Park to aspire for the parish baseball team in the then flourishing and highly competitive Catholic League. The team was then under the dedicated tutelage of the young Reverend Francis McCarthy and was made up of such talented players as Billy Sullivan, Eddie Callahan and Jimmy Padden.

Or it meant practicing basketball with a peach basket nailed to my Uncle Jerry's barn on Fourth Street with fellows like Ted Devitt, because someday you might be asked to play for St. Mary's under the hart twins just as Ray Greeley and Tommy Sullivan were then doing.

It meant spending endless hours on Saturday afternoon playing "peggy ball," truly a Depression game, which required the lusty swing to try to drive it over the north fence of the Davenport School yard.

It also meant belonging to a "gang," being accepted by "the guys" such as Mike Kearns and Jeff O'Brien. This meant being allowed to "hang around" the corner with them, not to molest or harass others, but just to be together to enjoy the banter and the camaraderie which such gatherings provided.

I recall that a certain unwritten code of conduct prevailed among the gang and you were accepted if you complied.

Corky Row meant for me personally a very special place with a peculiarly warm neighborhood feeling. The house where I lived at the southeast corner of Fourth and Branch streets was in a yard with two others—10 tenements in all. The door to each was as open to me as my own—baked beans from Maggie Sullivan every Saturday, homemade rolls from Julia Devitte, rich fudge from Esther Harrington.

I visited one of these tenements daily as a boy because they always had the Boston Post which I would read, spread out on the kitchen floor in front of the Glenwood coal range—the front room was always closed off, of course, in the winter.

And on the first floor of our house at 486 Fourth St. lived my Uncle Jerry and Aunt Be, who were like second parents to me. Jerry was a familiar figure in Corky Row as he drove or rode his spirited horse through this high-density neighborhood.

It meant a place of family stability. Seldom, if ever, did I hear of a divorce or separation in those days. The same families, it seemed, occupied the same tenements forever. Even today as I ride through Fourth and Fifth streets, I can recall the names of the families who lived in certain tenements so many years ago.

These lessons were translated into political action in the form of youthful parades through the streets of the neighborhood in behalf of Jeff O'Brien's father—Representative James A. O'Brien, Sr., then of Second Street.

Corky Row meant the Davenports Schoolyard, now the Griffin Playground, with its superb softball league and teams from every corner of the neighborhood—Corky Rows, Davenports, Mitchells, Hodnetts, Levin's pets, Trojans, etc. Nightly, young and old would gather in and around the school yard to watch such great players as "Red" McGuinness, George Newberry, Johnny Cabral, Mark Bell and Tom Harrington, to name but a few.

It meant the proximity to South Park and the old Grid League on Sunday afternoons, where the two keenest rivals were the Royals of Mark Sullivan from the corner of Fifth and Branch and the Corky Rows of Joe DePaola from Third and Branch to blocks away.

It meant playing touch football on the cinder-like surface of the Davenport School yard where two complete passes in a row made a first down and where players like Henry Paul and George Bolger made it awfully difficult to complete one. Or, it meant playing the game on Branch Street when there were only two players around, with the curbs forming the sidelines and the Fourth and Fifth Street intersections being the end zones.

It meant playing marbles, "pickers," we called them, with Eddie Myles under the street pickers—most of them formerly mine.

It meant all the kids in the neighborhood sliding down Third Street in the winter when sometimes you could make it from Lyon to Rodman Street if the surface was good and icy. Of course, you had to get out of the way of the "bulltops" steered by one of the big guys seated bravely on the front with an ice skate for a rudder.

I could go on and on with similar recollections of the joys of growing up in Corky Row. I often ask myself what made it such a happy place? The answer has to be—the people.

There was, in a word, a neighborhood spirit evidenced by pride in the achievement of friends and concern for their adversity and sorrow. Remember the wakes and funerals? But they are a story in themselves.

The women standing at the gates talking or going to St. Mary's on "rosary nights" greeted you by your first name. The older men, many of who belonged to the Corky Row Club, were always ready to encourage you in your athletic or scholastic pursuits. It was, in a way, like belonging to a very large family.

When you returned from the show at the Capitol or Plaza Theaters, or from a walk "down street," as we always called Main Street, and when you turned the corner of Fourth and Morgan streets and saw the closely packed houses, and as you hurried to get to the game whatever it might be, then going on in the school yard, there was a feeling of being home and with your own—you were back it Corky Row.

TRIBUTE TO TOM MORELLI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize one of Colorado's exceptional volunteer fire fighters, Tom Morelli. In doing so, I would like to pay tribute to a man who has shown, time and again, that it pays to give a little back to the community.

Tom Morelli is a resident of Colorado who has made a large impact on his community through his generous contributions. Aside from being a model citizen, Mr. Morelli contributes his time as a volunteer firefighter in Glenwood Springs. Tom Morelli responded to 447 calls in 1998. In recognition of his many years of dedicated public-service, he has recently been awarded the "1998 Adult Humanitarian Volunteer of the Year Award" in Garfield County. This award given to special volunteers, who give their time and energy to the community.

It is said by those who are privileged to know him, that Tom Morelli is a quiet and modest man who would rather be fighting fires than accepting awards. In my view, this makes him all the more deserving of this award—he has truly earned it.

Individuals such as Tom Morelli, who volunteer their time to a good cause, are a rare breed. Fellow citizens have gained immensely by knowing Tom Morelli, and for that we owe him a debt of gratitude.

DAN QUAYLE: A HOOSIER CANDIDATE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. SOUDER. Mr. Speaker, today is a proud day for Northeast Indiana. One of our own, former Vice President Dan Quayle came home to Huntington to announce his campaign for President of the United States.

In Huntington, we are proud of the Dan Quayle Museum, the only museum in the United States devoted to Vice Presidents. In Indiana, we have had many Vice Presidents—in addition to Dan Quayle, Thomas Marshall, Thomas Hendricks, Charles Fairbanks, and Schuyler Colfax are Hoosier Vice Presidents.

While William Henry Harrison, who was a Territorial Governor based in Vincennes before Indiana was a state; and his cousin Benjamin Harrison, who lived in Indianapolis at the time of his election. And there's Abraham Lincoln. We Hoosiers say that Indiana made Lincoln and then Lincoln made Illinois.

But Dan Quayle will be our first really Hoosier President. And I'm proud he's from my district, and I'm honored to hold the same congressional seat he did.

My friend Mike Perkins wrote the following article in the Ft. Wayne Journal-Gazette that summarizes our feelings.

[From the Ft. Wayne Journal-Gazette, April 11, 1999]

WHY QUAYLE ALWAYS RETURNS

(By Mike Perkins)

A few minutes after noon Wednesday, Dan Quayle will step to the microphone in a packed gymnasium at Huntington North High School and make history by announcing he is a candidate for president of the United States.

It will be a big story on a national basis and a very big story for the small town of Huntington, the place Dan Quayle still considers his hometown.

As it first did in the summer of 1988, the national media spotlight will again fall on the community. It will focus on the place, the people and the attitudes that helped shape Dan Quayle. That's one of the reasons he's coming back here on such an important day in his life.

While we've hardly used to such attention, it can't be quite as bewildering as it was in August 1988, when Huntington became, for a day or two, the center of the political universe.

When George Bush surprised nearly everyone by naming Dan Quayle his running mate on the Republican ticket, editors, producers and reporters everywhere scrambled to find Huntington on their Indiana maps. There they hoped to find people who could help them unravel the mystery of just who this Quayle fellow was.

What the reporters discovered when they got here was that Dan Quayle was anything but a mystery to the people of Huntington. His family had lived here for years. He'd graduated from high school here, spent a few summers at home during college, then moved back to Huntington with his wife, Marilyn, after law school. He went to work at his family's newspaper—where I am employed—and he and Marilyn even hung out a Quayle & Quayle law shingle on the second floor of the newspaper building. They bought a house, settled in and began a family. They made friends they're still on a first-name basis with. Small-town life agreed with them.

As did big-time politics.

The Quayles moved from Huntington not long after Dan Quayle took his oath as a member of the House of Representatives in 1977. The Quayles have not spent more than a few days at a time in Huntington since then. Dan Quayle last voted at his Huntington Precinct 1A polling place in 1992. He has returned a few times since for ceremonies and fund-raisers.

It is significant that Dan Quayle, who lives in Phoenix after calling Indianapolis home, chooses to return to Huntington for Wednesday's announcement. There's no strategic reason to do so. He does not need to work against a rural Midwest backdrop; he'll be spending much of the coming year in towns smaller than Huntington as he stumps through Iowa. He does not need to curry votes; Huntington County and all of Indiana have been kind to him that way over the years, and the Republican nomination should be decided by the time the Indiana primary rolls around in May 2000.

Dan Quayle is coming back to Huntington because his successful journeys always seem to start from here. In 1976, as a political unknown, he launched his first campaign for Congress from the Huntington College student union. He returned there in 1980 to announce his ambitions for the Senate. He and George Bush began their quest for the White House in 1988 from the south steps of the Huntington County Courthouse.

Dan Quayle was not supposed to have a prayer against the popular J. Edward Roush in 1976. But he won. Birch Bayh was thought to be all but unbeatable when the 1980 campaign began. Quayle beat him. George Bush had to overcome Michael Dukakis' early lead while Dan Quayle stood up under a withering media barrage in the fateful first weeks of the 1988 campaign. And they won.

Quayle is not the early favorite for the Republican nomination in 2000. Sound familiar?

Dan Quayle knows he can expect a warm reception from the people in his hometown. Community pride in having sent a congressman, senator, then vice president into the political arena transcends party affiliation for most people in Huntington County. Even those who disagree with Dan Quayle's politics can admire the man behind the issues and the way he reflects their values and their beliefs.

In large part Wednesday's rally will be a local production. Hundreds of volunteers have been mobilized. Work has been under way for weeks. The person at the eye of the organizational hurricane is Marj Hiner, co-owner of a Huntington trucking company. She has been a volunteer for Dan Quayle since his earliest House campaigns and she passed her trial by fire when she helped put together the 1988 Bush-Quayle rally on three days' notice.

Quayle knows Hiner and the Huntington County people she has enlisted to help. He trust them to play a pivotal role in a watershed event in his political career. Quayle's friendships, as well as his roots, run deep here.

It's impossible to know where Dan Quayle's personal journey will take him in the months and year to come.

In political terms he's still a young man, likely to be a force in the Republican Party for many years to come. His path might not often lead him back to Huntington, but when he does return he'll be welcomed with kind words and understanding hearts.

You shouldn't expect anything less when you come home.

INTRODUCTION OF THE JAMES GUELFF BODY ARMOR ACT OF 1999 AND THE BODY ARMOR RESTRICTION ACT OF 1999

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. STUPAK. Mr. Speaker, I rise today to introduce two bills to take body armor out of the hands of criminals and give law enforcement greater access to body armor.

My first bill is entitled the James Guelff Body Armor Act of 1999, and is named for San Francisco Police Officer James Guelff, who was killed in 1994 by a gunman wearing a bulletproof vest and a Kevlar helmet. More than one hundred officers of the San Francisco Police Department were called to the residential area where the gunman fired in excess of 200 rounds of ammunition. Several officers actually ran out of ammunition in their attempt to stop the heavily-protected gunman.

This bill criminalizes the use of body armor in conjunction with another crime, prohibits the purchase or possession of body armor by violent felons, and enables Federal agencies to donate surplus body armor to local law enforcement officers. This bill will begin to address the imbalance between the numbers of criminals who posses body armor and law enforcement officers, who do not posses body armor. Today, nearly 25% of all local law enforcement officers are not issued body armor. The FBI, DEA, ATF, INS, and U.S. Marshals are just a few of the federal agencies that have surplus body armor and would be able to donate it to local jurisdictions.

My second bill, titled the Body Armor Restriction Act of 1999, prohibits the mail order sale of body armor. I introduced this bill in the 104th and 105th Congresses and hope we can pass it this year to keep body armor out of the hands of criminals. I have heard from law enforcement officers all across America about the increasing occurrences of drug dealers and other suspects possessing body armor. Criminal elements are being transformed into unstoppable "terminators" with virtually no fear of police and other crime fighters. These heavily-protected criminals are capable of unleashing total devastation on civilians and police officers alike, and the increasing availability of body armor in the wrong hands forecasts a future of greater danger to America, greater danger to the American people and growing threats to our institutions.

As a former law enforcement officer, I know all too well the challenges confronting those who serve to protect public safety and fight crime. We have all seen vivid television footage of "shoot outs" between criminals and law enforcement. For example, just two years ago, a botched bank robbery in California was captured and displayed on national television. This gun battle highlighted how body armor gives criminals an unfair advantage during gun fights with police. Eleven police officers and six civilians were injured in that 20 minute gunfight with the Los Angeles Police Department. Thousands of rounds were fired by the two criminals, both of whom were wearing full protective body armor. Witnesses from the crime scene reported that the bullets fired from the police officers 9mm guns "bounced off" the bank robbers, and mushroomed as they fell to the ground.

I urge my colleagues to support and cosponsor both the James Guelff Body Armor Act of 1999 and the Body Armor Restriction Act of 1999. They both take another step toward making our streets safer for America and for our law enforcement community. Let's quickly pass these bills and prevent these kinds of gunfights form happening in the future.

TRIBUTE TO LIZETTE BROWN

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to honor seven young women in my district who have earned the Girl Scout Gold Award, the highest award in Girl Scouting.

The Gold Award requires the greatest achievement in career exploration, service to other people, and acquisition of skills. This award is a strong reflection of these youngsters' ability to set goals, to put value into action, to plan, and to relate to the needs of the community.

I wish to recognize Lizette Brown of Troop 286 in Placentia, CA.

Mr. Speaker, I also wish to congratulate and thank Karin Carlson, Director of Program Services for the Girl Scout Council of Orange County for notifying me of their achievements. On behalf of the people of the 41st Congressional District of California, let me say that we are all proud of you.

TRIBUTE TO HENRY AND RITA JALETTE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mrs. MORELLA. Mr. Speaker, Henry and Rita Jalette will celebrate their 50th wedding anniversary on June 11, 1999. They were married in Woonsocket, Rhode Island at St. Charles Borromeo Catholic Church.

Mr. and Mrs. Jalette are long-time residents of Montgomery County, Maryland. Mr. Jalette worked as an Administrative Law Judge with the National Labor Relations Board until his retirement in 1982. They are both active in their church and community, with Mr. Jalette serving on the board of Mother of God Community in Gaithersburg, Maryland. Mrs. Jalette has always been, and still is a full-time mother for all of her children, grandchildren, and great grandchildren.

Henry and Rita have six caring children: Joan Pritchard, Claire Dant, Michael Jalette, Henry Jalette, Joyce Shotts and Connie Kirby. They also have 14 grandchildren, and two great grandchildren.

I wish to extend my sincerest congratulations to Henry and Rita and to read a message from their children: "We are extremely proud of this milestone in our parent's lives. We want to take this time to honor them and thank them for being role models of real love and for always being there for us. Thanks Mom and Dad!"

TRIBUTE TO MINNESOTA STUDENTS FOR OPERATION DAY'S WORK

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. RAMSTAD. Mr. Speaker, I rise today to bring attention to an important program called Operation Day's Work and to the hard work of members of a ninth grade class at St. Louis Park High School in Minnesota who are implementing this excellent program in our country to help those less fortunate than themselves.

Operation Day's Work is a youth-operated fund-raising program started in Norway 35 years ago. Last year alone, the hard work of student in Norway generated $3,000,000 in grants for those in need.

I'm pleased that this fantastic program has moved across the ocean to the U.S. to eight enlightened high schools, including St. Louis Park High School in Minnesota.

These motivated ninth graders have committed the time and energy to start and organize this program. They have decided to volunteer a full day to work at area businesses, doing odd jobs and other work. In exchange, their employers will donate the wages earned by these students to an important livestock training and responsibility plan for Haitian youths. The Haitian families will receive dairy products and eventually return one offspring of the goat to the program, which will then be awarded to another youth.

Mr. Speaker, I was fortunate to meet with four students who are working on the program during the recent district work period. Their motivation, commitment and generosity of spirit were truly impressive.

Charles Warthington, Zvi Geffen, Ashley Ericson, Elizabeth Stapleton and their classmates deserve to be honored here on the House floor for their vigorous efforts on behalf of those who are less fortunate through Operation Day's Work.

I also want to pay tribute to Kristin King Stapleton, a good friend of mine who's also a newspaper columnist and highly respected advocate for people in need, for her role as parent advisor.

I hope all Americans will support the important efforts of Operation Day's Work.

AN APPROPRIATE CLARIFICATION

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. DICKS. Mr. Speaker, in December, a group of Microsoft's competitors and their consultants convened a briefing for congressional staff here on Capitol Hill. I was alarmed to learn recently that they used the occasion to allege that Microsoft's software posed a national security risk, and I want to take this opportunity to set the record straight. At this time when the Justice Department is pursuing Microsoft in federal court over alleged antitrust violations, there has been a lot of misinformation promulgated by the company's competitors, and I believe it is appropriate to provide a clarification.

In this instance, reference was made to an incident on the Navy's Aegis cruiser, U.S.S. *Yorktown*, in which the vessel's computers crashed, leaving the ship dead in the water. The allegation was made during this congressional briefing that the computers' operating system, Microsoft Windows NT, was the cause of the outage.

This allegation was false, and the Navy had conceded publicly at least one month before this briefing that human error, not Windows NT, caused the failure.

Mr. Speaker, while I am concerned that this incident happened at all, I commend the Navy for quickly pinpointing the problem, accepting responsibility, and taking action to prevent a recurrence. What concerns me more at this point are the specious, deceptive and irresponsible accusations which Microsoft's competitors are clearly willing to make to congressional staff and the public.

Lately, Mr. Speaker, Members of Congress have seen media reports about accusations against Microsoft and proposals to break up the company or force it to relinquish its intellectual property. Much of this attention has been generated or fueled by this same group of the company's competitors. At this point I would like to urge my colleagues and their staffs to be careful, to listen to such discussions with a skeptical ear, and to seek out both sides when such allegations are made.

And for the RECORD, Mr. Speaker, I would like to insert a copy of an article from the trade publication, Government Computer News, published November 9, 1998—more than a month before the congressional staff briefing was held. The story details the Navy's investigation and the full story behind the human error that caused the U.S.S. *Yorktown*'s computer problem.

NAVY: CALIBRATION FLAW CRASHED YORKTOWN LAN

(By Gregory Slabodkin, GCN Staff)

Pascagoula, Miss.—Human error, not Microsoft Windows NT, was the cause of a LAN failure aboard the Aegis cruiser USS Yorktown that left the Smart Ship dead in the water for nearly three hours last fall during maneuvers near Cape Charles, Va., Navy officials said.

The Yorktown last September suffered an engineering LAN casualty when a petty officer calibrating a fuel valve entered a zero into a shipboard database, officials said. The resulting database overload caused the ship's LAN, including 27 dual 200-MHz Pentium Pro miniature remote terminal units, to crash, they said.

The petty officer, who has since left the Navy, fed the bad data into the Remote Data Base Manager, a Standard Monitoring Control System application. SMCS, developed by Canadian Aviation Electronics Inc. of Toronto, allows sailors to monitor the ship's engineering and propulsion plant for potential casualties.

The system provides troubleshooting data and normally indicates whether a valve is open or closed without requiring calibration. But something went wrong.

"There was a problem in that this one valve was closed, but SMCS wasn't indicating it as such," said Cmdr. Eric Sweigard, the Yorktown's commanding officer. "So this petty officer stared playing with the data.

"This was the only time it occurred, and since then there have been some changes made to prevent it from happening again," he said.

SMCS managers are now aware of the problem of entering zero into database fields and are trained to bypass a bad data field and change the value if such a problem were to occurs again, Sweigard said.

"Now that we know what can happen, we've realized how to bring the system back quickly," Petty Officer 1st Class Phillip Cramer said. "All we have to do is change the zero to any number, and everything comes right back up."

The Yorktown was not towed into port as a result of this incident, Sweigard said. The ship restored the LAN in about two hours as it made its way to the Naval base at Norfolk, VA., under its own power, he said.

"It's not something that we desire, but ships do go dead in the water," Sweigard said. "People sometimes make mistakes and systems break. The trick is we have trained our crew to react to those situations."

The Office of the Navy's Chief Information Officer is conducting a detailed inquiry of the Yorktown incident, Navy officials said. A report from the Navy CIO is expected later this month, officials said.

POINT OF NO RETURN

Regardless of who or what was at fault for the Yorktown LAN failure, the stakes for the Navy are high. The service plans to install Smart Ship technology on all its cruisers.

The Navy selected NT 4.0 as the standard operating system aboard the Yorktown for its reliability, functionality, low cost and ease of integration, said Lt. Danny Bethel, Yorktown's electronics material officer. NT runs the Yorktown's integrated bridge, engineering, condition assessment and damage control systems.

The Yorktown uses dual 200-MHz Pentium Pro systems from Intergraph Corp. of Huntsville, Ala., to run NT over a fiber-optic, asynchronous transfer mode LAN. Shipboard users can access computers from 15 locations so that the Yorktown can be driven from virtually anywhere on the ship.

The Navy has reduced the Yorktown's crew from about 350 sailors to 307 personnel by adopting new policies and procedures, as well as through the use of commercial products, Sweigard said.

The Navy's Western Hemisphere Group will begin installing Smart Ship technologies aboard the USS Ticonderoga and USS Thomas S. Gates early next year, said Lt. Danny Hernandez, public affairs officer for the group in Mayport, Fla.

Smart Ship was the brainchild of Adm. Jeremy Boorda, the late chief of Naval operations who wanted to save money by reducing personnel aboard Navy ships while maintaining safety.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 15, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 20

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.

SD–366

Indian Affairs

To hold oversight hearings on the implementation of the Native American Graves Protection and Repatration Act.

SR–485

Environment and Public Works

To hold hearings on the nomination of George T. Frampton, Jr., of the District of Columbia, to be a Member of the Council on Environmental Quality.

SD–406

Foreign Relations

To hold hearings to examine the current and growing missile threats to the United States.

SD–562

10 a.m.

Judiciary

To hold hearings on S.J. Res. 14, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SD–226

10:30 a.m.

Governmental Affairs

To hold hearings on the nominations of Eric T. Washington, to be an Associate Judge of the District of Columbia Court of Appeals; Stephen H. Glickman, to be an Associate Judge of the District of Columbia Court of Appeals; and Hiram E. Puig-Lugo, to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

2 p.m.

Judiciary

Youth Violence Subcommittee

Technology, Terrorism, and Government Information Subcommittee

To hold joint hearings on domestic preparedness in the next generation.

SD–226

Foreign Relations

To hold hearings to examine NATO's 50th anniversary summit.

SD–562

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on the science and technology program and the Future Years Defense Program.

SR–222

APRIL 21

9:30 a.m.

Indian Affairs

To hold hearings on S. 401, to provide for business development and trade promotion for native Americans, and for other purposes.

SR–485

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Commerce, Science, and Transportation

To hold hearings on issues relating to telecommunications and internet access.

SR–253

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the readiness of the United States Navy and Marines operating forces.

SR–222

10 a.m.

Governmental Affairs

To hold hearings on S. 746, to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government.

SD–342

Foreign Relations

Business meeting to markup proposed legilation for fiscal year 2000–2001 for foreign assistance programs.

SD–562

1 p.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
Business meeting to consider S.J. Res. 14, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.
SD–226

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings to review the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.
SD–366

United States Senate Caucus on International Narcotics Control
To hold hearings on the threat of corruption to United States Law Enforcement along the Southwest border.
SH–216

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for Technology Administration, Department of Commerce.
SR–253

APRIL 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine boxing industry regulations.
SR–253

10 a.m.
Governmental Affairs
To hold hearings on S. 59, to provide Government-wide accounting of regulatory costs and benefits, and other regulatory reform legislation.
SD–342

Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
Economic Policy Subcommittee
To hold joint hearings on issues relating to the official dollarization in emerging-market countries.
SD–538

2 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 441, to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; S. 548, to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; S. 581, to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park; and S. 700, to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.
SD–366

APRIL 27

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.
SD–366

APRIL 28

9:30 a.m.
Indian Affairs
To hold oversight hearings on Bureau of Indian Affairs capacity and mission.
SR–485

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 415, to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; and S. 607, reauthorize and amend the National Geologic Mapping Act of 1992.
SD–366

APRIL 29

9:30 a.m.
Appropriations
Interior Subcommittee
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold joint oversight hearings to review the report of the Government Accounting Office on the Everglades National Park Restoration Project.
SD–366

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on project delivery and streamlining of the Transportation Equity Act for the 21st Century.
SD–406

MAY 4

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.
SD–366

Indian Affairs
To hold oversight hearings on Census 2000, implementation in Indian Country.
SR–485

MAY 5

9:30 a.m.
Indian Affairs
To hold oversight hearings on Tribal Priority Allocations and Contract Support Costs Report.
SR–485

MAY 6

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the results of the December 1998 plebiscite on Puerto Rico.
SH–216

MAY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on HUB zones implementation.
SR–485

MAY 19

9:30 a.m.
Indian Affairs
To hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.
SR–485

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, April 15, 1999*

The House met at 10 a.m.

Reverend Dr. Rodney H. Travis, First Baptist Church, Ellisville, Missouri, offered the following prayer:

Our Heavenly Father, we lift up our hearts in gratitude to You for our great Nation. We thank You for the stirring history of our people, for our achievements of the past, and for our great leaders who have given so much for our freedom today.

Guide our Nation in the way of truth and peace and let justice roll down like waters, and righteousness like an ever flowing stream. Help us to always remember that blessed is the Nation whose God is the Lord.

We ask Your blessing and guidance upon the men and women of Congress, that they be filled with the love of truth and righteousness and that You would direct their deliberation and legislation.

In Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. HOLT) come forward and lead the House in the Pledge of Allegiance.

Mr. HOLT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 44. Concurrent resolution authorizing the use of the Capitol Grounds for the 18th annual National Peace Officers' Memorial Service.

H. Con. Res. 47. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 50. Concurrent resolution authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

The message also announced that pursuant to the provisions of Senate Resolution 105, adopted April 13, 1989, as amended by Public Law 105-275, and further amended by Senate Resolution 75, adopted March 25, 1999, the Chair, on behalf of the Democratic Leader, announces the appointment of the following Senators to serve as members of the Senate National Security Working Group—

the Senator from West Virginia (Mr. BYRD), Minority Administrative Co-Chairman;

the Senator from Michigan (Mr. LEVIN), Minority Co-Chairman;

the Senator from Delaware (Mr. BIDEN), Minority Co-Chairman;

the Senator from Massachusetts (Mr. KENNEDY);

the Senator from Nebraska (Mr. KERREY);

the Senator from New York (Mr. MOYNIHAN);

the Senator from Maryland (Mr. SARBANES);

the Senator from Massachusetts (Mr. KERRY); and

the Senator from Illinois (Mr. DURBIN).

The message also announced that pursuant to the provisions of Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, announces the appointment of the following Senators as members of the Commission on Security and Cooperation in Europe—

the Senator from New Jersey (Mr. LAUTENBERG);

the Senator from Florida (Mr. GRAHAM);

the Senator from Wisconsin (Mr. FEINGOLD); and

the Senator from Connecticut (Mr. DODD).

The message also announced that pursuant to the provisions of Public Law 105-244, the Chair, on behalf of the Democratic Leader, announces the appointment of the Senator from New Mexico (Mr. BINGAMAN), to serve as a member of the Web-Based Education Commission, vice Dr. Richard J. Gowen, of South Dakota.

The message also announced that pursuant to the provisions of section 3(b) of Public Law 105-341, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to the Women's Progress Commemoration Commission—

Elaine L. Chao, of Kentucky;

Amy M. Holmes, of Washington, D.C.; and

Patricia C. Lamar, of Mississippi.

The message also announced that pursuant to the provisions of Executive Order No. 12131, the Chair, on behalf of the Vice President and upon the recommendation of the Majority Leader, appoints the following Senators as members of the President's Export Council: the Senator from Montana (Mr. BURNS); the Senator from Missouri (Mr. ASHCROFT); and the Senator from Wyoming (Mr. ENZI).

The message also announced that pursuant to the provisions of Executive Order No. 12131, the Chair, on behalf of the Vice President and upon the recommendation of the Democratic Leader, appoints the following Senators as members of the President's Export Council: the Senator from Montana (Mr. BAUCUS); and the Senator from South Dakota (Mr. JOHNSON).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes per side.

Will the gentlewoman from Missouri (Mrs. EMERSON) kindly assume the Chair.

THE POWER TO TAX IS THE POWER TO DESTROY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, it was 180 years ago that Daniel Webster said in the case of McCullough v. Maryland that the power to tax is the power to destroy. Well, today this Federal Government has been destroying working families all across America with excess taxation.

I rise today to support H.J. Res. 37, the Tax Limitation Amendment, that will put a leash on this Federal Government by requiring a two-thirds majority vote in both Houses to raise taxes.

In 1994, as a private citizen, I led an effort to amend our own State constitution with very similar language. I am proud to say that Nevada voters in two consecutive elections overwhelmingly passed that measure, and it has become a Nevada law. By passing this law, the citizens in Nevada declared in a loud and clear voice that they want to put a leash on the way government spending and burdensome taxes are increased.

States whose governments have similarly imposed a supermajority requirement for tax increases experience greater economic growth, lower taxes and a reduced growth in government

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

spending. The Federal Government needs to put this same fat-free diet into existence by making it more difficult to raise taxes on America's hardworking men and women.

TRIBUTE TO THE JONESBORO SUN

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Madam Speaker, I rise today to pay tribute to the staff and the publisher, Mr. John Trout, at the Jonesboro Sun. It has been an outstanding newspaper in the First Congressional District of Arkansas.

The Jonesboro Sun was recognized yesterday as one of two finalists in the Breaking News Reporting category in the 83rd annual Pulitzer Prizes in Journalism, Letters, Drama and Music.

The Sun was the only small newspaper selected as a finalist in the 1998 competition. Last March, the Sun showed us how a quality news team can work together and do a great job by covering the tragic shooting at Westside Middle School. It was a breaking story and the staff at the Sun was on the scene to cover it accurately and honestly. They worked long, hard hours on a story that hit all of us in Jonesboro and around the country.

I stand here today to commend the Sun, its staff and its publisher, and their dedication to northeast Arkansas and to quality journalism. They are what newspapers should be about.

PRESERVING STILTSVILLE, A COMMUNITY OF HOMES IN THE PRISTINE WATERS OF BISCAYNE BAY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, Miami maintains its ties to our rich cultural and architectural history through the preservation of historical sites, and one of these is Stiltsville, a community of homes located in the pristine waters of Biscayne Bay.

These seven wood frame homes have provided a source of pride and enjoyment for locals and visitors alike, but Stiltsville is facing the possibility of demolition as early as July of this year.

A group of dedicated organizations throughout the south Florida area have come together in an effort to save this historic architectural wonder and to allow future generations to be able to enjoy this unique feature of our area's history. Our goal is twofold, to obtain a declaration for Stiltsville as a national historic site and to stop its pending demolition.

Stiltsville is unique in its cultural and historical significance for our area and, were it to be demolished, a structure with such rich design could never be replicated. We need to do what we can to save this piece of our precious south Florida history.

TAX DAY

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Madam Speaker, today is tax day. Everybody knows how much they pay in taxes, but let us not forget that we also have this great country which has great public institutions, a great system of highways, parks and museums. Essentially, the public infrastructure that is paid by these taxes is second to none.

We are also a country of private property, and today we think about homeownership. Why? Because in our taxes we are allowed to deduct homeownership. We need to do a better job, though, with homeownership in America. We have 67 percent of Americans now owning homes, but those in the audience who are between the ages of 25 and 29 have to improve that. There is no better way to improve it than to be able to deduct the home mortgage from our taxes.

So I urge my colleagues to support the resolution of the gentlewoman from New Jersey (Mrs. ROUKEMA), which will be introduced today, so that we can continue to preserve mortgage interest deductions in our taxes.

MORE MONEY DOWN THE RUSSIAN SINKHOLE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, last year the Russians begged the International Monetary Fund and our Nation for further assistance. We provided up to $4.8 billion that was supposed to go to economic stabilization, but most of the $4.8 billion disappeared into the secret bank accounts of corrupt Russian officials who control Russia.

Robert Novak writes in this week's newspaper, "The monetary support for the country's currency allowed members of the Russian power structure to convert personal holdings into dollars. In that way, a substantial amount of the IMF funds ended up in numbered Swiss bank accounts."

Now the Russians are begging for another $5 billion of U.S. taxpayer-backed loans and the Clinton administration is holding out the IMF carrot for Russia's help in dealing with Serbia.

U.S. taxpayers' money should never be risked in these foreign loan misadventures that go directly into the pockets of the most corrupt.

IT IS TIME TO ABOLISH OUR TAX CODE AND THROW THE IRS OUT WITH IT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, our Tax Code penalizes achievement and rewards dependence. It subsidizes illegitimacy. It kills investment. It kills jobs. It destroys our exports and sales and subsidizes our imports.

Beam me up, Madam Speaker. In a nutshell, our Tax Code sucks. It is time to abolish it and throw the IRS out with it and give serious consideration to a national retail sales tax. It is time to tell the IRS, tax this.

I yield back the $850 charge of compliance for every man, woman and child in America for this complex Tax Code we have in place.

THE BOMBING IN SERBIA MUST STOP

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Madam Speaker, the bombing in Serbia must stop immediately. Serbia has never aggressed against the United States. Serbia is involved in a bloody civil war of which we should have no part, and have not declared war, as the Constitution requires. That makes this war both immoral and illegal.

Not only has the bombing done no good, it has made the situation much worse and the world more dangerous. Serb troops are not dying; American troops are not dying, but innocent civilians are being killed by the hundreds on both sides.

There are just too many uncanny accidents. The refugee problem, which was minimal before the bombing, is now catastrophic as a result. Congress should not fund this war and if we do, we have become an accomplice and morally responsible for the killing and the spread of this conflict that will surely occur if this bombing is not stopped.

MAKING EDUCATION A PRIORITY

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, over the past 2 weeks I had the opportunity to hold a series of town meetings in my district in central New Jersey. Everywhere I went I heard the same message, from parents, from teachers, from students. We need to invest in education.

In Plainsboro, educators talked to me about the importance of having teachers who are well trained in academic subjects like science and math.

In Clinton, I spoke with parents who want their children to be taught in small classes, where they can get personal attention from teachers. In Freehold, I heard from high school students who are concerned about how to pay for college.

The budget resolution that was passed by the House yesterday does not do enough for these New Jerseyans. It will not help hire more teachers. It will not help districts modernize their schools. It takes money away from higher education.

Madam Speaker, if we are going to prepare our children for the future, we have to do better. We have to make education our top priority.

WORKING AMERICANS KNOW BETTER HOW TO SPEND THEIR MONEY THAN THE GOVERNMENT DOES

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Madam Speaker, today most taxpayers throughout America will do their civic duty and file their Federal income taxes. For Washington State residents, the average total tax burden will rise from $10,307 in 1997 to $10,634, making Washington the State with the tenth highest per capita tax burden in our country.

I believe this is too much, that working Americans know better how to spend their money than the government does. So I am pleased today, with Senator JOHN ASHCROFT and the gentleman from Tennessee (Mr. WAMP) to introduce the Working Americans Wage Restoration Act.

□ 1015

This bill will allow American workers to deduct their share of Federal payroll taxes. It is unfair to workers that these payroll taxes are taxed twice in the same income. They are taxed once as a portion of gross income for Federal income tax purposes, and for the second time for the payroll tax contribution to the social security trust fund.

By allowing workers to deduct in their income taxes their share of social security contributions, the Working Families Wage Restoration Act will eliminate this double taxation, and allow workers to keep more of the money they earn.

URGING BRITISH AIRWAYS TO RETAIN FACILITIES IN JACKSON HEIGHTS, QUEENS, NEW YORK

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Madam Speaker, I rise today in support of the International Association of Machinists and Aerospace Workers employed by British Airways in Jackson Heights, Queens, New York. These workers are being subcontracted out of their jobs without fair contract negotiations with their employer, British Airways.

Over the next 3 years, British Airways intends to close its Queens facilities, thereby eliminating 500 jobs in Jackson Heights, Queens, alone. British Airways announced their decision in the midst of a contract negotiation, and has demanded the right to unlimited subcontracting, to send jobs overseas.

British Airways states they are closing the Jackson Heights facility as a cost-saving measure. I know their profits have been constantly rising in recent years. As the largest civilian employer in the Borough of Queens, in the city of New York, our economy will be devastated by the closure of this facility. Yet British Airways will continue to increase their profits and form a valuable alliance with American Airlines under the Open Skies Agreement.

I am a strong supporter of our workers. On April 8, I attended a rally in support of the British Airways employees at the British Consulate. Madam Speaker, I ask Members, all my distinguished colleagues in the House of Representatives, to join me in calling on British Airways to keep jobs in Queens, in the United States, rather than outsourcing these jobs to other countries.

HOW MUCH LONGER WILL TAXERS AND SPENDERS BLOCK REPUBLICAN EFFORTS TO IMPROVE THE TAX CODE?

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, last night was a depressing, demoralizing, and most of all expensive night for millions of Americans. It was a terrible night for productive citizens, because for the producers, those who work and pay the taxes, last night was the day of reckoning that had finally come.

Americans were skipping their bowling night, cancelling bridge parties, throwing their movie guides into the trash. Last night was a night instead to do battle with a harmless sounding form known as the 1040.

Of course, for many of us, the old 1040 is the least of our problems. There is the Schedule A, Schedule E, Schedule Z451MDUM and all the rest. Deductions and exemptions and special cases and three-pronged tests, depending on whether you are right-handed or left-handed or like chocolate chip cookies, it is just too much, even for the accountants, even for the IRS.

How much longer will the taxers and spenders continue to defend the special interests, the status quo, and block the efforts of Republicans to pass a lower, simpler, flatter Tax Code?

PERSONAL INFORMATION PRIVACY ACT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Madam Speaker, information on the most personal aspects of our lives continues to be spread across the landscape. Once taken for granted, our wall of privacy is steadily crumbling.

Today I am reintroducing the Personal Privacy Information Act. This legislation attempts to restore some control over the use of our personal information. The bill prevents credit bureaus from giving out social security numbers, and prohibits the sale of any information that includes anyone's social security number unless they have written consent to do so.

A merchant who requires a social security number on a check used for a purchase or a cable company who demands a social security number on an application for service will be prohibited from doing so.

Further, this bill prohibits any State Department of Motor Vehicles from selling drivers' photographs or drivers lists containing social security numbers. Lastly, marketers will not be able to sell consumer purchasing experiences or credit transactions without prior approval.

Madam Speaker, this legislation is designed to curtail the rampant invasion of our privacy. What we buy and where we buy it is no one's business but our own, and the unauthorized use and abuse of our social security number must stop. I urge all my colleagues to cosponsor and to support this legislation.

MEDICARE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, normally when I hear people talk about March madness, I assume they are talking about the NCAA college basketball tournament. However, this year I am afraid this expression is better applied to Democrat party plans to actually expand an entitlement that is already going bankrupt. This is clearly an example of political madness.

The fact is, Congress worked together with the President last year to take the first step toward reforming a program that was within 4 years, just 4 years, Madam Speaker, of going bankrupt.

The reforms we passed together on a bipartisan basis, although essential, merely postponed Medicare bankruptcy until the year 2010. It is around 2010 that baby boomer bankruptcy is going to hit big time. If this madness persists, we can kiss talk of budget surpluses good-bye, we can forget about proposing any new government programs, and worst of all, we can forget about giving the middle class some long overdue tax relief. It is now April. This March madness talk of expanding Medicare must end.

GOOD TAX POLICY: THE HOME MORTGAGE INTEREST DEDUCTION

(Mr. TANNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANNER. Madam Speaker, there will be a lot of rhetoric today, since it is tax day, about the Tax Code, and surely we can do better. It ought to be simplified.

But there is one facet of it that I think is good public policy. That is the home mortgage interest deduction. It is simple, straightforward, far-reaching, and over 24 million Americans benefit from the home mortgage interest deduction. I believe that whatever happens with the Tax Code, we ought to continue that as a matter of public policy, because all of the things that we all know as American citizens that we derive from home ownership are a good goal for this government. So I would urge that we continue to support the home mortgage interest deduction.

THE PRESIDENT PROPOSES HUGE TAX INCREASES

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Madam Speaker, April 15 and lights are burned late across America as people have completed the agonizing task of paying their taxes, and believe it or not, at a time when taxes are at an all-time high in America, the President has proposed to increase taxes $172 billion on the American people. Believe it or not, at a time when surpluses are projected out as far as the eye can see, the President has proposed increasing taxes on the American people $172 billion.

The Republican majority fought and won a balanced budget in order to discipline spending and to prevent tax increases. We have now created a level of economic growth unprecedented, and this is the opportunity to now lower the tax burden on our hardworking citizens.

I oppose the President's tax increases, and I support disciplining spending in order to reduce the tax burden on our folks.

EDUCATION AND THE FUTURE OF AMERICA'S CHILDREN

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Madam Speaker, we cannot prepare our children for the future with an educational system from the past. We cannot lift our students up by sending them to schools that are falling down. These are simple facts which must be addressed, and they must be addressed now.

Communities like the ones I represent in Brooklyn and the Lower East Side of New York are in need of resources to build and improve schools. In fact, the Sunset Park Community of Brooklyn does not have even a high school.

The result of the problem can be seen in dropout rates among minorities which is 13 percent among blacks and 29 percent among Hispanics. Unfortunately, Republicans want to ignore these realities. They want to spend the budget surplus on expensive tax cuts, instead of helping our children prepare for the future. They do not want to join Democrats in fixing schools, providing technology, and hiring more teachers. They want to leave the future of America's children to chance.

A STAND AGAINST THE PRESIDENT'S EFFORTS TO RAISE TAXES

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Madam Speaker, I rise today to address the issues that all working families have on their minds, taxes. Americans pay too much of their hard-earned money in taxes. Almost everything we do today is taxed: everything we wear or eat, medical expenses, our homes, our savings, our income. When we die, the government will again take another bite out of everything we have accomplished in our lifetime.

I have been working to reduce this astounding tax burden on the American people, and believe we are working in the right direction with the year 2000 budget that we passed yesterday. It was just inconceivable that the President requested $172 billion tax increases in his budget proposal this year. It is no secret that working families are having a hard enough time these days without having to make do with less.

Some of the Members of this Congress stand against the President's efforts to raise taxes. I am one of those. In a day when we are running a surplus and beginning to pay down the massive debt, it is the government in Washington that needs to tighten its belt, not the American taxpayer.

CELEBRATING THE ACHIEVEMENTS OF THE MORTGAGE INTEREST DEDUCTION

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Madam Speaker, today I join with the gentlewoman from New Jersey (Mrs. MARGE ROUKEMA) and the gentleman from Pennsylvania (Mr. PHIL ENGLISH), cochair of the Real Estate Caucus, in celebrating the achievements of the mortgage interest deduction in America.

Today the gentlewoman from New Jersey (Mrs. ROUKEMA) is introducing her resolution opposing any further restrictions on mortgage interest deductions. Despite the fact that there is no current proposal on the table to cut back the homeowners deduction, this is an important effort that serves as a device for all of us to pause and remember how important this tax incentive is for the country.

Currently 67 percent of the households in America live in homes that are owner-occupied. Even more amazing is the fact that 67 percent of foreign-born naturalized citizens who have been in this country for at least 6 years also now own their own homes. The greatest growth in home ownership today is among minorities and first-time homebuyers.

Madam Speaker, I believe home ownership remains invaluable in our society, both in terms of our economy, but also in terms of how we think and organize ourselves as a society. I want to lend my support to the efforts of the gentlewoman from New Jersey (Mrs. ROUKEMA) today, and urge other Members of the Congress to sign onto this legislation.

TAX DAY

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Madam Speaker, today is April 15, tax day in America. Of course, April 15 is not a day liberals find too offensive. April 15 is a high holy day for all the social engineers, the central planners, and the big government liberals who worship at the altar of bureaucracy.

The fact is, Madam Speaker, for the tax takers, April 15 is a day of celebration, a time to muse on the possibilities of other peoples' money. It is happy land day for the Democrats. But for the taxpayers, April 15 is a day of reckoning, a day to see in black and white just what they get for their tax dollars.

Taxpayers and tax takers, few issues so define the two political parties, and signal the root of virtually all political issues in Congress. With each passing year the Democrat party becomes more liberal. The number of tax takers expands and the proportion of taxpayers drops.

Republicans would like to change this trend. Middle class taxpayers deserve some relief. If today is a day Americans celebrate, the Democrat party is for them. If today is a day they resent, the Republicans are on their side.

HOUSE AND SENATE SHOULD QUICKLY PASS FULL FUNDING FOR DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Madam Speaker, after the regrettably partisan fight that we witnessed here yesterday over the Census, I was tremendously pleased to read in the Washington Post this morning a statement by the chairman of the Subcommittee on the Census of the Committee on Government Reform and Oversight, the gentleman from Florida (Mr. DAN MILLER), where he stated that the Republican majority was not continuing with their plans to shut down the government.

Hopefully the House and Senate will move quickly to remove the uncertainty of all government agencies that were funded only to June 15 because of the Census dispute. Commerce, Justice, State were funded not for a full year, but only to June 15.

The leadership in both the House and Senate should move quickly to reassure the American public that the services provided by these agencies will continue for a full year by passing a full funding resolution.

□ 1030

REPUBLICANS HEAR AMERICA'S VOICES ON TAXES

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Madam Speaker, today is April 15. Millions of Americans will finish their day today at around midnight, parked in front of a post office someplace, trying to make the final installment on the over $200 billion they will spend this year just complying with the Tax Code.

Yes, we have this annual 3½ months of torment that results in $200 billion worth of our money to comply with a Tax Code that extracts from us more money than what we spend on food, shelter, clothing and transportation combined.

That means we will, by midnight tonight, have completed spending the 5.4 billion man-hours this year on complying with the Tax Code, which is more time than this Nation will spend in the production of every car, truck and van produced in the United States.

No wonder the American people will go to bed tonight and say, "Give us some relief. We certainly appreciate what you did in 1997 when we got an increased tax break for each of our children that shows up in this year's Tax Code". But they will turn their eyes to Washington and say, "Give us more relief. The tax burden is too much."

We Republicans will do that again this year. They will appreciate that as we get that bill done, cutting taxes perhaps just a little more, hoping the President will sign it.

But even so, if we do that, the American people will say again next year, "Give us more relief. Give us a Tax Code that is fair, flat, simple and easily complied with so that I can spend my Saturdays in March and April playing with the children rather than fighting with the tax man."

That day will come, Mr. and Mrs. America. Hang on. We hear your voices. We hope they are heard at the White House as well.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 124 AND H.R. 469

Mr. HASTINGS of Washington. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 124 and H.R. 469. My name was apparently added in error in place of the gentleman from Florida (Mr. HASTINGS).

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Washington?

There was no objection.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 139 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 139

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 37) proposing an amendment to the Constitution of the United States with respect to tax limitations. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) one motion to amend, if offered by the Minority Leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

Mr. HASTINGS of Washington. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member from the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, H. Res. 139 is a structured rule providing for consideration of House Joint Resolution 37, proposing an amendment to the Constitution of the United States with respect to tax limitation. The joint resolution shall be considered as read for amendment.

This rule provides for 3 hours of debate in the House equally divided and controlled by the chairman and ranking member of the Committee on the Judiciary.

The rule further provides for one motion to amend if offered by the minority leader or his designee, which shall be considered as read, and shall be separately debatable for 1 hour equally divided and controlled by a proponent and an opponent. Finally, the rule provides for one motion to recommit with or without instructions.

Madam Speaker, there is no more appropriate day than April 15 for the House to take up this proposed constitutional amendment. When it comes to taxes, this is the day of reckoning for tens of millions of America's families. Indeed, at this very moment, while we conduct this debate here in the Capitol, millions of our constituents are racing frantically against the clock to complete their taxes, struggling to make sense of an extraordinary complex Tax Code that has been amended more than 4,000 times just since the 1980s.

H.J. Res. 37, introduced by the gentleman from Texas (Mr. BARTON), starts from this very basic premise: It should be harder, not easier, for government to forcibly take from its citizens ever larger shares of the fruits of their labor. Why? Because today the average American pays more in taxes than it does for food, clothing, shelter or transportation combined. For too long, the tax burden imposed by government has been going up, not down.

When I was younger, in the 1950s, a typical family with children sent $1 out of every $50 it earned to the Federal Government in taxes. Today that figure is $1 out of every $4. Unless things change, it will soon be $1 out of every $3.

In fact, Madam Speaker, when I visit high schools in my district in central Washington and speak to the senior class, nothing seems to get the students' attention like reminding them that as soon as they start working full time in 1 to 5 years, depending on where they go to college, government at all levels will take nearly 40 cents out of every dollar they earn.

Every single one of them, the best students and the worst, gets the message. Even those that are not going to go on to higher education or to some other college are smart enough to understand the frustration of working for 60 cents on the dollar. They are also smart enough to know that without some sort of meaningful restraint on Congress, taxes will only keep going up on them as they have on their parents and their grandparents.

The proposal of the gentleman from Texas (Mr. BARTON), the constitutional amendment, would not make it impossible to raise taxes. It would simply require that those proposing a net tax increase, a net tax increase, make a strong enough case to win the support of two-thirds of the House and two-thirds of the Senate. Nor would this proposal impede the passage of measures designed to raise some taxes while lowering others, as long as the combined effect of those changes do not result in an overall tax burden on the American people.

Madam Speaker, the polls may be somewhat ambiguous on whether the public supports tax cuts, but there is absolutely no confusion about where they stand on this proposal. An overwhelming majority of Americans are opposed to tax increases, and they clearly support the supermajority requirement of the gentleman from Texas (Mr. BARTON). I hope this Congress will, too.

Therefore, I strongly encourage my colleagues to support both this rule and the proposed constitutional amendments that we will be debating shortly.

Madam Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS), my dear friend, for yielding me the customary half-hour.

Madam Speaker, amending the Constitution of the United States is a very serious matter. The constitutional framers thought constitutional amendments should not be entered into lightly. They believe that the Constitution should not meet their own political agenda, but endure and meet the needs of the United States of America for centuries to come.

But my Republican colleagues do not seem to share the same sentiment. Today's resolution uses the Constitution as a political prop. It puts more importance on evening news than on governing this country. That, Madam Speaker, is a shame.

For the fourth time in a row, my Republican colleagues are bringing to this Chamber a sham amendment to the Constitution. This year they did not even bother to have this bill heard in the Committee on the Judiciary. Would my colleagues believe that? Changing the Constitution on the floor of the House, without even bringing it to the Committee on the Judiciary for their initial approval. Instead, they are bringing it right here to the floor of the House to coincide with tax day and make a political point and be done with it.

Madam Speaker, they do not seem to be serious about passing this amendment because they did not even consider the very good suggestions by the gentleman from North Carolina (Mr. WATT) on ways to make this amendment actually work.

Madam Speaker, this is starting to look much more like a bad rerun than legislating. History shows my Republican colleagues are not even close to abiding by the rule they are proposing adding to our Constitution.

My colleagues may recall at the beginning of the 104th Congress, they changed the House rules to require a two-thirds majority for tax increases. Then they proceeded to waive that requirement every time it came up. Last Congress, they narrowed the rule to apply only to a very narrow definition of tax increases in order to make sure they did not have to follow it.

Madam Speaker, the amendment my colleagues are proposing today will require a supermajority to pass revenue-raising legislation. But the problem with the supermajority, Madam Speaker, it effectively turns control over to a small minority who can stop legislation, even legislation that the majority supports. In other words, one-third plus one on either of the House or Senate side could effectively hold up the entire country.

This has been a bad idea for a long, long time. James Madison in the first Federalist Papers said that, under a supermajority, the fundamental principle of free government would be reversed, there would be, no longer, the majority that would rule. The power would be transferred to the minority.

Since this amendment requires 290 votes to pass, today's bill looks a lot more like show-boating than legislating. Madam Speaker, the American people really deserve more than that.

This amendment will nearly destroy our ability to shore up Medicare and Social Security, which are headed for trouble in the very near future. It will lock in corporate welfare and tax breaks for the very rich at the expense of the middle- and lower-income people.

So, Madam Speaker, this so-called amendment is a gimmick and a bad one at that. But do not take just my word; look at the Washington Post this morning on the editorial page, headlined "A Bad Tax Idea in Congress."

Just to read the first paragraph: "The House is scheduled to vote today on the constitutional amendment to require two-thirds votes for tax increases. The amendment is expected once again to fail, as it should. This is a show vote at tax time in which the sponsors invoke the Constitution as a stage prop to demonstrate their dislike for taxes."

Madam Speaker, I urge my colleague to oppose the rule on this sham motion.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield 6 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Madam Speaker, with due respect to the gentleman from Massachussetts (Mr. MOAKLEY), the very distinguished ranking member on the Committee on Rules, whom I have a great deal of respect for, I have to disagree with several things that he said.

First of all, we heard that this is nothing but an idea that would help Republicans gain political benefit. I have got to say this is not about Republicans. It is not to benefit Republicans. It is not a political prop. This is something that benefits all of the Americans that are across the country right now scrambling to get their taxes done by the end of the deadline today.

Of course, he did not mention that this was about taxes, the ability to stop big government liberals from raising taxes. Instead, he called it revenue-raising. Let us call it what it is. We are talking about increasing taxes.

As far as this being an idea that should not be brought up again because it has failed three times before and this is just rerun legislation, let me say to the distinguished gentleman that sometimes it takes the President and some of our friends on the left three or four times to get it right.

Remember, the President vetoed welfare reform three times. I am glad we kept bringing it up, because we had an idea that was right. We finally passed it over those three vetoes, and the welfare rolls have dipped to historic lows.

Another example is balancing the budget. I remember the President opposing it at least five or six times in speeches, balancing the budget back in 1995. In fact, the President said balancing the budget would destroy the economy in 7 years. Those were his words. Of course, 4 years later, we find out that it was a darn good thing we kept fighting for it, because the economy is stronger today than ever before.

I think it is the same thing with this plan to make it harder for the President and to make it harder for people on the left to raise taxes on working Americans.

Now at the end of this decade I believe is a perfect time to pass this very important amendment because it has been in this decade that this Congress and the Presidents at the other end of Pennsylvania Avenue in the 1990s have raised taxes on Americans more than in any decade in this country's history.

□ 1045

As we go into the 21st century, I cannot think of any device that would assure Americans that are filing taxes today, and future Americans like my boys and like other people's children and grandchildren, I cannot think of another device taking us into the 21st century that will guarantee that this Congress will think long and hard before raising taxes on hard-working middle class Americans.

Now, I have to talk about a couple more things the gentleman brought up. He said that this legislation, this amendment, actually would hurt Medicare, it would hurt Social Security, and it would lock in tax breaks for the rich.

Well, I have heard that one before. I do not know of anything in this amendment that would guarantee help for tax cuts for the rich. Also, the suggestion that somehow stopping Congress from raising taxes again and again and again and again would destroy Social Security and Medicare is a nonstarter, unless we are here to say today that the only way we save Medicare and Social Security is by raising taxes on hard-working middle class Americans.

Now, as far as the President goes, though, and why the President, the administration, and conservative newspapers like The Washington Post, and, boy, I am shocked that the Washington Post editorial page is against something that actually makes government smaller, but the reason the President may not like this is because, let us face it, the President's recent statements on tax increases show that he is not a fan of the hard-working Americans that are paying taxes. This is what Bill Clinton said on January 20, 1999, while he was up in Buffalo. He said, "We could give you the budget surplus back to you in tax cuts and hope you spend it right." But we cannot because, in the end, the Federal Government knows how to spend the American people's money better than they know, according to the President.

He also said, and this was when the President decided to get feisty, he said on February 17, 1999, "Fifteen years from now, if Congress wants to give more tax relief, let them do it." Well, is that not grand of our Commander-in-Chief, to say that maybe 15 years from now hard-working middle class Americans may deserve a tax cut.

We do not need it in 15 years, we need tax relief now. And we do not need to protect the American people from an onslaught of another decade of unprecedented tax increases, we need to protect them today. And this is an amendment whose time has come.

I do not care if liberals and big government types have opposed this taxpayer protection in the past, just like I do not care that they opposed welfare reform three times before finally passing it; like I do not care that they opposed the balanced budget five times before passing it. Now is the time to pass this to protect hard-working middle class Americans. The American taxpayer just cannot stand another 10 years of tax increases like they have had to in the past 10 years.

Mr. MOAKLEY. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Madam Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the rule and the constitutional amendment it brings to the floor.

Madam Speaker, as the gentleman from Massachusetts pointed out, we have had no hearings on the current bill. If we had had hearings, the first thing that would have been exposed is the fact that we can continue raising spending with a simple majority vote, but to pay for that additional spending would require two-thirds in both the House and the Senate.

It also points out we could pass a corporate loophole with a simple majority, but to close the corporate loophole would take a two-thirds vote in the House and the Senate.

In fact, if we find ourselves in a budget crunch where we needed to cut or find additional revenues, it would take a two-thirds vote to close a corporate loophole but only a simple majority to cut Social Security or Medicare.

We did have hearings on this proposal last year and we heard from many witnesses, Democratic and Republican, who found troubles with many provisions. In fact, former Office of Management and Budget director Jim Miller, who supported the amendment, said that some of the provisions were in fact, and I quote, silly.

For example, there is a provision that says it does not apply to provisions that raise revenues by a de minimis amount. What is de minimis? Well, one provision said if it is one-tenth of 1 percent of the total revenues, that would be de minimis. But in a trillion dollar budget, one-tenth of 1 percent is a billion dollars. We have heard jokes about a billion here and a billion there, but we do not want courts to decide whether or not that is de minimis and whether two-thirds is required.

The ranking member of the Subcommittee on the Constitution, the gentleman from North Carolina (Mr. WATT), also had an amendment that suggested that courts should not be able to intervene. They should only make a declaratory judgment as to whether we are in compliance or not, otherwise we will find that the courts are deciding whether the tax laws are valid or whether or not we were in compliance with the law.

This amendment was not allowed under the rule. The Committee on Rules did not want to consider improvements to the proposal. So in its present form, the courts will decide whether or not we require a two-thirds vote. This rule allows no amendments, it limits debate, it provides for the consideration of a constitutional amendment for which we held no hearings, and it will mire us in a morass of confusion and litigation over the meanings of its terms.

Amending the Constitution is serious business. It should not be conducted haphazardly and it should not be part of an April 15 charade. I, therefore, urge my colleagues to vote "no" on the rule and "no" on H. J. Res. 37.

Mr. HASTINGS of Washington. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Madam Speaker, I thank the gentleman for yielding me this time, and I rise in support of the resolution.

I think the underlying issue right now is worthy of a debate, and as the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Washington (Mr. HASTINGS) have indicated, is there not a better day than tax day? I know right now there are people across this country, including my hometown of Brooklyn and Staten Island, who are writing a check to the Federal Government. They are working hard all year for the painful experience of writing a check.

While there are those of us who are advocating tax relief for the American people, this does not even talk about that. We are talking about when a bill comes before the House of Representatives that would raise taxes, that we need more than a simple majority to do so. If a bill comes before the House now, we need about 218 Members to pass the legislation. This would raise that amount to 290.

Therefore, if we still have 150 Members of Congress who believe that a tax increase is necessary, the legislation will pass. It is very simple. It is not complicated. And it allows those who believe that the American people are not overtaxed or believe that they deserve a tax increase or they believe that economic growth is best left here in Washington and not back home across America, with the freedom and the liberty and the opportunity for Americans to spend their hard-earned money as they see fit, if there are still 150 Members who believe that a tax increase is necessary, they can do so under this legislation.

I know there are those who want to make it very, very complicated and talk about esoteric things, but to me, I enjoy going back home and asking the average family who are working so hard, some 6 or 7 days a week, both husband and wife working, sometimes one spouse working just to pay the taxes, and asking them if they want $1,000 back or $1,500 back of their hard-earned money so they can invest in education or buy a new car, put it in the house, and see what their response is. The response I get when I ask that question is an overwhelming "yes".

But that is tax relief. This legislation deals with tax increases. If there are those who are committed to raising taxes on the American people, they have the opportunity with this legislation to vote "yes".

I would urge a "yes" vote on this resolution and a strong "yes" for the American people, the hard-working taxpayers of this country who have been the engine of economic growth for years. This will put a limitation on the way Congress spends their hard-earned money.

Mr. MOAKLEY. Madam Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Let me, as a member of the Committee on the Judiciary, raise an initial concern that if we are to be guided by the will of the people, then we have certainly been misguided in this resolution.

I rise in opposition to H.J. Res. 37, both the rule and the underlying bill, and ask the question, if this is of such importance, why did it not go through the process for active and deliberative debate; going through the House Committee on the Judiciary for a determination as to its constitutional framework?

We have noted that, through the Constitution, we are a government ruled by the majority. Even in this body, as I stand as part of the minority party, we recognize that decisions have been made by a simple majority vote. That majority vote may be comprised of Democrats and Republicans but it is a simple majority.

I raise for consideration, Madam Speaker, the words of Judge Felix Frankfurter: "Fragile as reason is and limited as law is as the institutionalized medium of reason, that's all we have standing between us and the tyranny of mere will and the cruelty of unbridled, undisciplined feeling."

Albeit I attribute to my colleagues good intent, I believe that this legislation on April 15 is a feel-good piece of legislation. It gives those who are trying to impress the respective taxing organizations or anti-taxing organizations the opportunity to say, "Look at us, we are voting against taxes on April 15."

Well, Madam Speaker, I would venture to say that the American people have a broader view of what America is all about. They think it is about good education. They think it is about saving Social Security and Medicare. They think it is about rebuilding the crumbling schools, or the universal savings account announced yesterday that allows Americans to save money that will result in additional funds in retirement. They think it is about supporting the men and women who are sent off to wars, and particularly the terrible conflict in Kosovo. They do not want us trampling on the Constitution by requiring two-thirds so that one-third of individuals, filled with feeling and passion, can stop the wheels of government.

The economy is going well. Our American citizens are reasonable people. Tax relief is one thing, but this unbridled feeling about limiting the opportunity to engage in the responsibilities that we have in the United States Congress as representatives of the people is another. If we do not like taxes, we should vote against them, but we should not bridle the wheels of government by requiring a tyrannical minority to hold up the wheels of government.

I would simply add, Madam Speaker, that my concern as we go through this process is that we have not given this resolution the process that it should have had. It did not go through the Committee on the Judiciary, yet we are here on the floor. I would ask my colleagues to consider what they are doing.

The Constitution is a sacred document. The amending of the Constitution or provisions to amend it should be a sacred process. That is what we have been entrusted with by the people of the United States of America. I would be concerned that we do great damage to it today.

I would ask my colleagues who think tax relief is good, to put a good tax relief bill on the table. But if we pass this legislation, we will not be able to alter the Tax Code. We will be stifled by that because it may result in a de minimis, or above a de minimis increase in taxes, and therefore we will tell the American people, "The heck with you, we can't give you Tax Code relief."

This is a bad bill, a bad rule, and I ask my colleagues to vote this down. We should encourage all citizens to do what is right on tax day: file their taxes, get their returns in, get their refunds back, and realize that this government is working on behalf of the American people and working through its representatives in a fair and just way.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to day in opposition to H.J. Res. 37, the Republican Tax Limitation Amendment. As you all know, this amendment seeks to require a two-thirds majority vote in each House to increase tax revenues by more than a "de minimis" amount, except in times of war or military conflict which pose a threat to national security.

I first object to this measure because it is completely ambiguous. If we are proposing to amend the longest standing document of civil liberty and freedom in the Western world, surely, we should be absolutely clear about what our intentions are. Already, we see that the courts struggle with interpretations of Constitution, and we cannot afford to have a Court wrongfully interpret this bill, especially if it is in a manner which will hamstring the Congress in its plain course of business.

Leaving the determination to Congress as to how we will define a "de minimis" increase is ultimately as arbitrary and meaningless as not having a standard at all. The fact of the matter is that this language will inevitably encourage years of exhaustive litigation about when this constitutional amendment should be invoked.

Do the authors of this bill intend that potential tax increases be evaluated by changes in percentages or by numerical amount? When do changes begin to exceed the "de minimis" standard included in this bill, is it over an annual period, a two-year period or a five-year period? Do fiscal changes that need to be done in order to properly administrate our Social Security and Medicare programs trigger this amendment? The plain answer is that nobody knows—not a comforting thought as we move forward on our legislative calendar.

Furthermore, the one exception in the bill in regards to the special circumstances that may arise during an armed military conflict are written too narrowly to be effective. Even in this drastic case, the tax limitation is only waived for a maximum of two years.

But most importantly, this constitutional amendment is contrary to the very spirit and purpose of the Constitution. This Nation was founded upon principles of majority rule, so why should we now sacrifice these sacred principles to encapsulate the level of the Federal Government's tax revenues? The whole purpose of the Connecticut and New Jersey Compromises that helped to form this great Congress over two centuries ago, was to allow the American people the opportunity to express their will through both locally and broadly elected representation that had their particular interests at hand.

But how can this process continue to take place when 146 members of this body could vote to defeat any new tax measure that is not a so-called "de minimis" change in current tax policy? Clearly, any initiative that would seek to give such an enormous amount of power to such a small minority is both imprudent and inappropriate. Surely in a body such as this, where we have few seats between us, we must respect the minority party, and their policies—but should we allow a minority of as diminutive a size as one-third to hold up the train of progress? I believe the answer is no.

I believe that this bill is a poorly written expression of a poorly conceived legislative initiative, and I urge all of my colleagues to vote it down, just like we have done over the last three years.

Mr. HASTINGS of Washington. Madam Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Washington (Mr. HASTINGS) has 17 minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 18½ minutes remaining.

Mr. HASTINGS of Washington. Madam Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG).

□ 1100

Mr. SHADEGG. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I want to begin by thanking the cosponsor of this legislation, the gentleman from Texas (Mr. BARTON). He has been a tireless champion for this cause.

But as this body knows, this is a bipartisan measure, and I also want to thank the gentleman from Texas (Mr. HALL) and the gentleman from Virginia (Mr. GOODE) from the other side for their support of this effort.

Just a moment ago I heard one of my colleagues on the other side call this a "show boat" measure. And just after that, I heard another one of my colleagues say, well, this is really not about doing the majority will of the American people.

I want to begin this debate by pointing out that 68 percent of all Americans approve of adopting this kind of amendment. And as my colleagues might expect, that support is stronger amongst Republicans than amongst Democrats. Indeed, 75 percent of Republicans polled across America favor a constitutional amendment making it necessary to have a two-thirds majority before we can raise taxes yet one more time.

But, very significantly, I want my colleagues on the other side of the aisle to hear this figure. And it is that 63 percent of all Democrats in America, in a recent poll on this issue, favored this amendment. This is not show-boating. This is substance, and it is doing what the American people want.

Today, this year, tax day, the Federal Government will take over 20 percent of this country's gross domestic product. Of everything we produce, the Federal Government will consume over 20 percent of it. That is the largest proportion of our production consumed by the Federal Government since World War II. And when combined with the highest, higher than ever, State and local taxes, it means the American people are paying taxes at the highest rate ever in the history of this country.

Indeed, it is now, I hope, well-known across America that, sadly, the average American pays more for taxes, spends more today on their tax bill, than they will in the entire year for food for their family, clothing for their family, shelter for their family, and transportation. Indeed, I think it is kind of interesting that studies show feudal serfs, who were identified as indentured servants, paid only 30 percent of their income to the lord.

It seems to me this trend of ever-bigger government is something we absolutely must stop. This is not a debate about cutting taxes. This is, however, a debate about making it somewhat harder to raise taxes yet one more time.

For the past 40 years, Madam Speaker, the size and scope of the Federal Government and its tax burden has grown. Year in and year out, in good economies and bad economies, it becomes bigger and bigger and bigger, and it consumes an ever-increasing share of a family's income. Indeed, in 1980, just a short 19 years ago, the average Federal tax burden was about $2,300. By 1995, it had more than doubled to almost $5,000.

Now, the original intent of the Founders was to place certain checks and balances under the Constitution. Sadly, Madam Speaker, those original checks and balances on the Federal Government, many of them have been eroded over time. The 10th Amendment has been tremendously weakened. The commerce clause of the Constitution has been read by the courts to be much more broad.

Indeed, this is a debate about placing some restriction on the power of the Federal Government, not to do what it is doing now, not to perform the important functions it is engaged in today, not to continue the programs we have identified. It is a debate about whether or not we ought to make it slightly more difficult, not impossible, to raise taxes, to increase the burden on the American people, yet one more time. And I suggest that the debate is simple and straightforward.

For those who believe there should be a broad consensus in this country for yet another tax increase, for an increase in the burden of the Federal Government on the American people, this is a simple vote, vote "yes." For those who oppose this and think it should be easier to raise our taxes, vote "no." I think the people will judge what we do.

For our friends who say this calls for the tyranny of the minority, I would point out to them that this country and our Constitution long ago established the principle that we protect minorities and minority rights time and time again in our Constitution and in our system of government and we should protect minority rights.

We, as a Nation, do not accept, indeed we reject, the notion of tyranny by the majority. And this measure simply says we can have tax tyranny by the majority if we allow taxes to go up and up and up. And it does not repeal tax. It does not decrease taxes. It simply says we should not make it easier, indeed we should make it marginally harder, to raise the tax burden on the American people yet one more time.

I urge my colleagues to support the rule and to support H.J. Res. 37.

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, if my friend from Arizona believes this is not a show boat or it is not a stage prop, I wish he would get out to the Washington Post and tell the editorial writer.

Mr. SHADEGG. Madam Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Arizona.

Mr. SHADEGG. Madam Speaker, I listened to my colleague read the Washington Post editorial this morning, and I understand that the Washington Post thinks that this is a show boat. That is their opinion. They also say it is the view of the minority. The polling data that I have shows it is the view of 68 percent of Democrats in America and 75 percent of Republicans.

Mr. MOAKLEY. Madam Speaker, reclaiming my time, we have not seen their statement yet.

Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO.)

Mr. DEFAZIO. Madam Speaker, I thank the gentleman for yielding me this time.

Let us just really go to the point here. This is special interest legislation. It has a name. It is the "foreign corporate freeloader special interest tax loophole big contributor protection act." It is simply cloaked in helping average American families. But what they want to do is lock in place an incredibly unfair and complex tax system which favors the privileged and the wealthy.

A few examples: The Government Accounting Office says, over the last 6-year period they have numbers for 70 percent of the large foreign corporations operating in the United States that avoided all U.S. taxes despite their profits. They want to lock that system in place. They want to lock that system in place.

The Intel Corporation got a ruling that a large part of their income should be treated as income in Japan for tax purposes. Unfortunately, the United States of America has a treaty with Japan which says it has to be treated as American income. So guess what? The Intel Corporation paid no tax. They did not pay tax on that income.

Now, would not average Americans like to have that kind of a break, that kind of a loophole? They want to lock that unfair system in place.

And most recently it has come to light that the cruise ship industry operating in America, 95 percent of their passengers are American, is paying no income tax in this country because they are registered in countries like Liberia, where theoretically they would pay taxes if there was a government and if they levied taxes, but there is not and they do not.

The Republicans want to lock that system in place with this two-thirds requirement under the cynical guise of giving suffering average Americans relief. They are in the majority. Why do they not pass legislation to give relief to average Americans? Why do they not take up a bill today, tomorrow, every day and send it to the President? They are not doing that.

This is special-interest legislation, plain and simple. This is just unbelievably cynical, my friends, unbelievably cynical. Average Americans are suffering under this system. They are paying more than their fair share, while foreign corporations, huge U.S. corporations, and immensely profitable, privately held businesses, like the cruise ship industry, pay not a dime for the services they use in this country. And with this two-thirds requirement, that would never change.

And beyond that, I guess I have got to wonder, since they are in the majority, who are they protecting us against? Are they protecting us against themselves? They control the House of Representatives. They will never bring a bill to the House to raise taxes on these special interests. But they want to be sure that they lock those loopholes, those special protections, those privileges in place for all time for their big campaign contributors.

Vote "no" on this cynical amendment.

Mr. HASTINGS of Washington. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Madam Speaker, I plead guilty. I raise my hand and I plead guilty. I want to make it more difficult to raise taxes on the American people. I am sorry, but that is the way I feel.

Let us just do a little basic math. Most of us took fractions back in elementary school. At least I did at Travis Elementary in Bryan, Texas. Which is the bigger fraction, one-half or two-thirds? When we run the math, we find out, at least in Ennis, Texas, and Travis Elementary in Bryan, Texas, that two-thirds is the bigger fraction by one-sixth.

Now, if we convert that one-sixth increase to 435 Members of the House of Representatives, it means it would make it more difficult to raise taxes by approximately 70 votes in the House of Representatives. I think that is a good thing, not a bad thing.

Now, to my good friend from Oregon (Mr. DEFAZIO), if he is still on the House floor, he may have already left, but if he is still on the House floor, I hope he understands that by the end of the day, American taxpayers will have paid to the U.S. Treasury $828 billion. $828 billion. If we add the Social Security taxes, which are over $300 billion, the American taxpayers will have paid over $1 trillion to the U.S. Treasury this year. $1 trillion. That is a thousand billion dollars.

How much is enough? Why not raise the bar? Why not go to two-thirds vote in the House and the Senate to raise taxes instead of the one-half?

Now, to my constitutional friends who say, why should we monkey with the Constitution, I answer, because we already have back in 1913 when we amended the Constitution to make the Federal income tax legal. Before that point we could not have a direct tax like an income tax. It was unconstitutional; 100 percent prohibition against an income tax until 1913.

How high has the marginal tax rate gone since 1913? It has gone up 4,000 percent. 4,000 percent.

So this debate today is very simple. Do my colleagues understand fractions? I assume my friends on the Democratic side understand fractions. Two-thirds is bigger than one-half. We would make it more difficult, not impossible, to raise taxes.

If they think that is a good thing, call their congressman, say, vote for the tax limitation amendment; help us get 290 votes to send it to the Senate; and then help the Senate get 67 votes to send it to the States; and then help the States get three-fourths of them to pass it and put it in the Constitution so that we make it a little bit tougher to raise taxes. That is what this vote is all about.

The rule that is before us is a good rule. It allows the Democrat minority, if they wish to, to amend it. We have had process debate on this before. It is time to vote it out today and send it to the Senate.

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume.

To my colleague that just spoke, I will tell him, we do understand fractions over here. In fact, we have 49 percent of the House and we only got 43 percent of the seats. So we know how those fractions work.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Madam Speaker, it seems to me that one of the hallmarks of this majority since they have resumed that responsibility in this House has been a clearer suspicion of democratic rule and a denial of democratic principles.

The first indication of that was in the campaign of 1994 when we heard so many of them talk about the need for term limits, not trusting the voters to make judgments about whether or not people should be elected to office. They wanted people to be restricted to the number of terms that they could run. Now they seem to have had a different attitude about that. Now that the time period has run out, many of them are reconsidering that whole business.

But now we have something new here, another denial of democracy, denial of majority rule. They want to create a circumstance whereby it takes two-thirds rather than a simple majority to pass an important measure, a tax measure, in the House of Representatives.

If we were to begin that process, obviously we would start down a road that is going to lead us to a place where we are going to be not a democracy but a plutocracy, a government run by a handful of people, a diminishing number of people, plutocratic rule. That seems to be the hallmark of the Republican majority in the House of Representatives.

We believe in democratic principles. We believe in the right of the majority. We believe in democratic rule and we believe in majority rule. And that is why our opposition to this rule and to this bill is so solid and so firm.

Let us not deny democracy and move toward plutocracy. Let us keep the democratic principles upon which this country is based and keep simple majority rule in order to pass important measures in this Congress.

Mr. HASTINGS of Washington. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Madam Speaker, I would just like to say to the previous speaker, the gentleman from New York (Mr. HINCHEY) that we are not suspicious, as he said, of democratic rule and democratic principles. We are suspicious of Democrats ruling and of the Democratic Party's principles, who over the past 40 years have raised taxes time and time and time again on the American people.

Also, I find it very interesting that since the 1950s and 1960s, our friends on the left have been talking about the tyranny of the majority and how we must protect the American people against the tyranny of the majority and the will of the majority, and now all of a sudden they are embracing it as tightly as William Rehnquist.

So we are not suspicious of democratic rule and principle. We are suspicious of what would happen again if the Democrats controlled this Chamber. And that is what we are trying to protect American people against, raising taxes over and over again like they did in 1993.

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume.

If I may once again remind my Republican colleagues, at the beginning of the 104th Congress, they changed the House rule to require three-fifths of the majority for tax increases and then they waived that requirement each and every time it came up. If they cannot abide by House rules with the supermajority, how are they going to abide by changing the Constitution?

Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Madam Speaker, I am confused by this. It does tend to imbalance things.

I am not so sure that if they had a two-thirds majority to cut taxes along with the two-thirds majority to raise it that I would not go along with them. I am not so sure that if they had a two-thirds majority to increase defense spending, I would not go along with them. I am not so sure if they had a two-thirds majority to cut payments to children, to cut Medicare, to cut benefits for the poor and the disabled that I would not go along with them.

Because those right-wing, radical Republicans, with their majority, have been doing just that. They have been cutting money for education. They have been cutting money for health care. They have been cutting money for the impoverished. And all they want to do is give a big tax cut to the 2 or 3 percent richest people in the country for which they do not have the votes.

And so they are stacking the deck. It is wrong. It is a way, in the case of Medicare, to see that we disband Medicare, to let it wither on the vine, as their former Speaker, a couple of iterations ago, decided to do.

So what they cannot do within their own party with a simple majority they are trying to do by obfuscation and indirection and misuses of the Constitution, create an unbalanced situation where a small radical group of right-wing reactionaries can begin to control the spending in this country to disadvantage the majority.

This constitutional amendment, if it ever came up, it certainly has gone through no committee hearings, it is reported out of the Republican leadership without any hearings, without any markup, and if it were ever to see the light of day, it would proceed to destroy the Medicare system, it would destroy Social Security, and eventually, I suppose, reach that goal of these radical right-wing Republicans, and that is to destroy Federal Government as we know it today.

□ 1115

Mr. MOAKLEY. Madam Speaker, I yield the balance of my time to the gentleman from North Carolina (Mr. WATT).

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from North Carolina (Mr. WATT) is recognized for 10½ minutes.

Mr. WATT of North Carolina. Madam Speaker, I thank the gentleman for yielding me the time. I have not had 10 minutes to talk about anything on the floor of the House in so long, I feel like I am filibustering if I take 10 minutes.

Let me talk about this in a historical framework first and see if we can figure out what is going on here. On April 15 of 1996, this amendment came to the House floor. On April 15 of 1997, this amendment came to the House floor. On April 22, I think that was tax filing day last year, of 1998, this amendment came to the House floor. On April 15, 1999, this amendment is back on the House floor.

Now, the gentleman from Texas (Mr. BARTON) talked to us about arithmetic and fractions. Let me ask the statistical probability that a single measure which has failed in the House consistently will show up on the floor of the House 4 consecutive years on the same tax filing day. What is the statistical probability that that could happen by chance?

It is not by chance that this matter is here today. This is politics and the desire of my Republican colleagues to make a statement about taxation, which is fine, but we ought to be honest about that. If people want to come to the floor and give a speech about taxes being too high in this country, taxes are too high in this country. But this is about amending the Constitution of the United States, and I am embarrassed that we are here playing political games with the Constitution of the United States. It embarrasses me. We ought to take this more seriously.

And if my Republican colleagues were taking this seriously, let me tell Members what would have happened. I am the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary in this House. I have not seen this constitutional amendment come to the Subcommittee on the Constitution of this House. I am a member of the Committee on the Judiciary in this House. We did not consider this amendment in the Committee on the Judiciary. We did not even have notice that this constitutional amendment to amend the most important document that we serve under was going to be on the House floor until several days ago, came to the Committee on Rules, never went through the Subcommittee on the Constitution, never went through the Committee on the Judiciary.

Now, if they were serious about the constitutional obligation that we are about to undertake here, one would think that even after it went to the Committee on Rules, the Committee on Rules would at least make in order the possibility of amendments that we could consider on the floor of the House to improve this bill. If it is a good idea, why can we not have a debate on potential amendments that would improve the bill?

We said to them, "Look, there is nothing in the United States Constitution now that mentions the words de minimis." There is not a person sitting on this floor or in the gallery who knows what "de minimis" means. And yet we are going to give a Constitution to the Supreme Court of the United States and say to the Supreme Court, "You tell us what a de minimis tax increase is."

This is the same group who within the next several weeks will be back here on the floor trying to amend the Constitution because they do not like what the Supreme Court told them about what the First Amendment means. So when the Supreme Court says what a de minimis tax increase is, then they are going to be unhappy about that.

So we tried to offer an amendment that would get us out of that bind. If my colleagues are serious about that, at least let the Congress decide what a de minimis increase is and give the Supreme Court responsibility only for determining whether the Congress has followed its own rules. Do not get us into a posture of the Congress saying, "This is a de minimis increase" and then the Supreme Court saying, "Oh, no, that's not de minimis," because nobody knows what this language means.

But do you think we got the opportunity to offer this amendment? We did not get the opportunity in the Subcommittee on the Constitution, it never came there. We did not get the opportunity in the Committee on the Judiciary, it never came there. We did not get the opportunity on the floor of the House because the Committee on Rules said, "Oh, no, you might disrupt our political message if we give you the opportunity to talk about the merits of this bill, to talk about the merits of our democracy, to talk about the merits of setting up a conflict between the Congress of the United States and the Supreme Court of the United States. That would interrupt our political message, and our political message today is that taxes are too high."

My political message to you is a constitutional message. I represent almost 600,000 people. Every single Member of this body represents almost 600,000 people. I cannot think of any reason that some small group of people would want to elevate their constituency above the value of my constituency. That is what majority rule is about. I do not like to lose votes, but majority rule is the essence of democracy.

That is what this debate is about. What the gentleman from Texas (Mr. BARTON) has said is absolutely correct. They want 70 more people above majority rule to decide when taxes can be imposed. He is right. That is exactly what this debate is about. But let me tell you that that undermines in the most profound and basic way the principles on which our democracy is founded, one of those primary principles being majority rule.

If we are going to be serious about it, we at least ought to be serious about it. We at least ought to let the Subcommittee on the Constitution consider the bill. We at least ought to let the Committee on the Judiciary consider the bill. We at least ought to have a full and fair debate on this issue on the floor and allow the possibility of amendments.

This is not about what my colleagues would have you believe it is about.

This is political fun and games. Let me join my Republican colleagues in saying what everybody agrees to, that taxes are too high. I do not make any apologies for that. We all ought to vote for it every time we get the opportunity to reduce taxes. But that is not an argument for a supermajority. That is an argument for responsibility and majority rule, and we ought not upset the basic fabric of our democracy to accomplish it.

Mr. HASTINGS of Washington. Madam Speaker, I yield the balance of my time to the gentleman from Florida (Mr. GOSS), a member of the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 7½ minutes.

Mr. GOSS. Madam Speaker, I thank my very distinguished friend, a member of the Committee on Rules of senior standing from Washington State, for yielding me this time, and I rise in support of this very appropriate structured rule.

To the gentleman who just spoke who is concerned about this being the fourth year in a row, I would say unless this passes today, do not make any plans for April 15 next year, either. I think we can all agree that on a matter of principle such as this, which involves a change to our Constitution, we must eagerly seek and accept a more rigorous debate structure, and the Committee on Rules has tried to provide for that.

☐ 1130

In the Committee on Rules on Tuesday, proponents of this tax limitation constitutional amendment were accused of attempting a symbolic gesture. Well, the truth is that symbolism of considering this measure on this day, Tax Filing Day for working Americans, is extremely important. Every year on April 15 many Americans are reminded in a very personal, up-front and direct way of what their government costs them. It is on this day that many families and businesses come face-to-face with the enormity of the Federal tax bite, and so it makes perfect sense that this Congress would on this day focus on a means to decrease the tax bite, Madam Speaker.

But the fact is that too many other Americans view April 15 in a dramatically different context. As refund checks go out from Uncle Sam, millions of Americans will not feel the big sting of our overwhelming tax bite, but will be insulated from the real cost of our Federal Government, perhaps forgetting that they have been paying by withholding all year.

Whether writing a big payment check today or not, one thing is very certain. The tax burden placed on all Americans is too great, and it is too confusing. Most of us cannot even get the same conclusion when we follow the form. It is in a large part the result of incremental tax increases that are buried in big bills for which Congress has not been held properly accountable. The constitutional amendment we consider today is an accountability measure designed to require a higher standard of proof for Congress when tax increases are considered.

That makes sense, Madam Speaker. After all, the money belongs first to the people, not first to the government. Some folks forget that from time to time inside the beltway. It seems to me that too many people have forgotten that truth, that government does not have some innate right to confiscate the earnings of the people it serves.

Tuesday morning I heard a news report on the radio that stunned me and, I hope, anybody else who heard it. A professor who has studied the historical trends in IRS audits was interviewed about his research, and in his commentary he said the following, and I quote:

"Tax enforcement is the essential sort of function for the government."

I wonder if that gentleman's history lessons took him back to Boston Harbor in something called the tax about tea, and the gentleman from Boston (Mr. MOAKLEY) has properly reminded me that is in his district, and I know he learned the lesson well. Madam Speaker, was he there?

How far we have come from the model envisaged by our Founding Fathers.

Madam Speaker, I urge my colleagues to understand the symbolism of today's debate, but then, and more importantly, to vote for the substance of the amendment being proposed to require a tougher standard and a greater accountability on those in government seeking to raise the taxes that all Americans must pay, whether that payment is by withholding throughout the year or by writing a large check to the government on April 15, or, perish the thought, both.

Mr. MOAKLEY. Madam Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SCARBOROUGH. Madam Speaker, pursuant to House Resolution 139, I call up the joint resolution (H.J. Res. 37) proposing an amendment to the Constitution of the United States with respect to tax limitations.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 139, the joint resolution is considered read for amendment.

The text of House Joint Resolution 37 is as follows:

H.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill, resolution, or other legislative measure is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. For the purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the Journal of that House.

"SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.".

The SPEAKER pro tempore. After 3 hours of debate on the joint resolution, it shall be in order to consider one motion to amend, if offered by the gentleman from Missouri (Mr. GEPHARDT), or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Michigan (Mr. CONYERS) each will control 1½ hours of debate on the joint resolution.

The Chair recognizes the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Madam Speaker, I will be controlling the time for the first part of this debate, and I ask unanimous consent that the gentleman from Texas (Mr. BARTON), the sponsor of the constitutional amendment, be permitted to control the time during the second portion of this debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SCARBOROUGH. Madam Speaker, I yield myself such time as I may consume.

Today is a very important day for us to be bringing up this tax limitation amendment, and is there some political symbolism?

Certainly.

Madam Speaker, I cannot think of a day that would be more important to bring this up, the day that millions of Americans across the country are going to their accountants, going to their local IRS offices and filing their tax returns. They have seen over the past decade taxes increase at a larger rate, at a faster rate than at any time in this country's history. In fact, the 1993 tax increase that so many Democrats I have heard are still proud of today in 1999 was, in fact, the largest tax increase that the American taxpayers have ever been faced with. Of course I believe in large part that is the one reason why the Republican party was swept to a majority in 1994, and, as my colleagues know, the common wisdom was that somehow left-wing liberals, big spenders, had learned their lessons and that raising taxes would no longer be acceptable to an overwhelming majority of the American people.

But the bottom line is that is not the case. In fact, the President's budget and the blueprint of many people on the left in this House actually contains tax increases in their proposed budget for the next few years. The nonpartisan Tax Foundation has a study that shows that over 60 percent of the taxes in the President's budget will be shouldered by those Americans earning less than $50,000. The lesson has not been learned. Again, Madam Speaker, I can think of nothing that would protect the American taxpayer more than this amendment that would require a supermajority.

As my colleagues know, we have heard arguments from the left today that somehow this would cripple our government, that somehow it would destroy the economy and that it is unconstitutional. The fact is that we already have 10 instances where supermajorities are required in Congress for things to happen. I think this is the time and this is the place to pass one more example of where a supermajority must be passed before tax burdens are raised on American taxpayers.

I also have heard time and time again in the past hour the fact that we have done this before and it has failed, and, since it has failed, we should not do it again. But again I want to remind my friends on the left that our efforts at welfare reform that have transformed the welfare state failed three times before the President finally signed the bill.

I also want to remind my friends on the left that opposed a balanced budget for as long as they did that the President opposed that for months after we came to the majority. In fact, he said that balancing the budget in 7 years would destroy the economy.

Madam Speaker, we fought the President, and we fought the liberals on welfare reform, we fought them on balancing the budget, and we proved, even though it did not pass the first, second or third time, we proved that our ideas were correct; and I think this tax limitation amendment is also the thing to do to ensure that the free market, the free enterprise system that has made this country what it is in 1999 will be able to survive into the next century and that the Federal Government will not be able to remain as oppressive as they have been on taxpayers.

And again, if my colleagues want any example of this, they do not need to go back 20, 30, 50 years. All they have to do is see what has happened in the 1990's: This Congress and this Federal Government have raised taxes at an alarming rate throughout this decade. In fact, Madam Speaker, it has been unprecedented, and that is why I think, as we go into the 21st century, we must protect not only those Americans that are filing taxes today, but Americans and their children and their grandchildren that will be filing tax forms in the next century.

Madam Speaker, the way we do that is by passing this supermajority amendment. It is an idea whose time has come, and I hope my friends on the left can recognize that and can support this very, very meaningful and important amendment.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, it needs to be pointed out from the very beginning that the Committee on the Judiciary has not ordered reported H.J. Res. 37 proposing an amendment to the Constitution of the United States with respect to tax limitations. This has not occurred, notwithstanding a communication forwarded by the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), to the chairman of the Committee on Rules saying that this has taken place.

In addition, I have never been contacted, or written, or telephoned even, about a constitutional amendment that cannot in due fairness come before the Congress without any, any committee proceedings in the House Committee on the Judiciary. We have never witnessed this before.

Madam Speaker, I think it is a disgrace to the process and borders on legislative malpractice. This amendment is an insult to the legislative process and to the principle of democracy itself. The absence, the total absence of any committee hearings, of any markup, without any prior consultation, makes this failure one that ought to send this committee and the vote on this amendment off the floor today on this important day. When the matter involved is a constitutional amendment which would forever limit the voting rights of Members, such lack of process is shocking and unconscionable.

Now we all know the real reason the resolution is being rushed to the floor, to provide another symbolic gesture on Income Tax Day and divert attention from the real issues that matter to voters. The fact that the amendment will not pass or has never passed hardly constitutes a valid reason for waiving the Committee on the Judiciary's historic jurisdiction over constitutional amendments.

The substantive implications of this amendment are even more problematic. First and foremost, the amendment undercuts the very cornerstone of democracy, the theory that majority rules. By requiring a two-thirds majority to adopt certain legislation, the amendment diminishes the vote of every Member of the House and the Senate.

Now the framers of the Constitution wisely rejected the principle of requiring a supermajority for basic government functions. James Madison argued at the time of the Constitutional Convention that under a supermajority requirement the fundamental principle of free government would be reversed. It would no longer be the majority that would rule; the power would be transferred to the minority.

□ 1145

The fundamental principle of free government would be reversed. It would no longer be the majority that would rule. The power would be transferred to the minority.

In addition, the amendment would permanently enshrine some $450 billion of special corporate tax favors in the Constitution, nearly three times as much as all the means-tested entitlement programs combined.

Could that be a motive for bringing this measure forward, by a majority which already violates its own House rules on the requirement of a three-fifths majority for these kinds of votes?

It would be next to impossible to change the law to require foreign corporations to pay their fair share of taxes on income earned in this country or to repeal loopholes which encourage United States companies to relocate overseas.

In fact, under this amendment, it would take more votes to close a tax loophole engineered by powerful interest groups than to cut Social Security, Medicare and education programs.

So the amendment would also make major deficit reduction measures much harder to pass when they are needed. Five of the six major deficit reduction acts that have been enacted since 1982, measures which fully allow us to balance the budget, include a combination of revenue increases and program cuts. It includes both increases and cuts.

President Reagan signed three of these measures into law and Presidents Bush and Clinton signed one each. None of these five measures received a two-thirds majority in both Houses. So had the proposed constitutional amendment been in effect during this period, substantial budget deficits would still be with us today.

Finally, I remind my colleagues that this amendment is the height of hypocrisy. Four years ago, the majority changed the House rules so that they could not increase tax rates without a three-fifths vote. Does anyone on the other side remember this? On six separate occasions since then the majority has ignored or waived their own House rules.

Question. If the supermajority requirement has not worked as a House rule, why in the world would anyone think that it could work any better as a constitutional amendment? I think the answer is obvious. It would not.

House Joint Resolution 37 is strongly opposed by the administration. It is opposed by a wide variety of groups that are concerned about sound fiscal policy and good government, including the Concord Coalition, Common Cause, Citizens for Tax Justice and the AFL-CIO.

I urge my colleagues to do what we have always done. Give this their careful consideration and vote against this ill-conceived, antidemocratic constitutional amendment that is brought before us again on this day.

Madam Speaker, I reserve the balance of my time.

Mr. SCARBOROUGH. Madam Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary.

Mr. HYDE. Madam Speaker, I thank the gentleman from Florida (Mr. SCARBOROUGH) for yielding me this time.

Madam Speaker, I do not entirely disagree with the policy concerns that were expressed by the gentleman from Michigan (Mr. CONYERS), but I do want to say in reference to his concerns about the process that it is true this is a constitutional amendment, and we did not have hearings on it this year. However, in the past we have had hearings after hearings after hearings.

This is essentially quite a simple matter. It does not require a lot of testimony, although we could probably have heard from academicians from here to San Francisco and back. We know what the issue is. We know what the policy problems are, and so it was an effort to get this up on this most symbolic of days, the day when tax returns are to be filed.

I do not think anybody who will vote on this issue is in doubt as to what the issue is all about and will be lacking information because we did not have hearings.

I will concede that hearings are appropriate. If we hadn't had so many hearings in the past on this essentially uncomplicated matter, why we would have held hearings. I think everyone understands the issue and so we are trying to get on with it by bringing it to this floor today.

Mr. CONYERS. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Madam Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Madam Speaker, I would like indicate how honored I am to be on the floor with the distinguished chairman of the Committee on the Judiciary that has taken our country through a great struggle with our Constitution. It allows us to believe that we can survive another 200 years if we just do not tinker with it.

Now comes the time, whereas the late President Kennedy once said that sometimes our party asks too much of us; sometimes our party asks too much of us. A man that loves his country, and his Constitution even better, is the gentleman from Illinois (Mr. HYDE), a man that is so proud to be there when his country needs him to direct this great committee, not for the next election but for the history that lies ahead of us.

Now this committee is being asked by its, for lack of a better word, leadership, to let us do something for April 15. Let us give a present to the taxpayers on April 15. Let us take this great document and tinker with it for April 15. Let us not have hearings. Let us not have discussions, because we know we are not serious. It is only a gimmick, after all. It is good for the party. It might be good for the next election. We might hold on to the majority.

Sometimes my party asks too much of me, and fortunately we do not have to make these decisions being in the minority, but I do hope that this great Constitution will not be attacked every time a party thinks that it has a political problem at the polls.

They should be able to understand that if they want to change the law, they do not have to have a two-thirds majority. That is the way it works in this country. If we really do not like the tax system, we do not have to run to try to change the Constitution. One has the guts to say, I have a proposal and I am prepared to present it to the American people and ask them to vote for it.

It is true that realistically we have to work with the other party if we are going to do it. It is true that no great reform comes without a bipartisan effort. But that is not on the agenda, is it, because we are looking for the next election. So whether we are talking about tax reform, whether we are talking about campaign finance reform, whether we are talking about Medicare, whether we are talking about Social Security, if we want to do something about it, the only way to do it is in a bipartisan way. They cannot go in the back room and come up with a Republican solution no more than we can with a Democratic solution, and they cannot do it with a make-believe April 15, and it should be April 1, and attempt to change the Constitution.

Sometimes I try to find ways to rationalize why we are in the minority, but if we were in the majority and I was the chairman of a committee and had the responsibility to protect our Constitution and they asked me to do this gimmick, I hope I would have enough courage to say that sometimes my party asks too much of me.

Mr. SCARBOROUGH. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, to help the gentleman from New York (Mr. RANGEL) with his rationalization on why they are in the minority, they are in the minority because they passed the largest tax increase in the history of the world in 1993; because they did it for the 40 years when they were in the majority.

Madam Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DELAY), a very strong leader on a very strong leadership team.

Mr. DELAY. Madam Speaker, I thank the gentleman from Florida (Mr. SCARBOROUGH) for yielding me this time.

Madam Speaker, it is amazing to me that the name of the Constitution is invoked when it is convenient, and protecting the Constitution is invoked when it is convenient, but for the last 40 or 50 years, members of the minority have come to this well, and I have seen them even in my short time of being in this House and talking about it, the Constitution is irrelevant.

It has been said here in this Chamber that the Constitution is a living document. Therefore, we should read between the lines, that when the Constitution gets in the way, we just disregard it and throw it aside.

Now when the majority is trying to make a statement about the fact that the Constitution has been totally disregarded over the last 40 or 50 years, we are all willing and able to come down here and protect the Constitution from assault.

Madam Speaker, it is days like this that never cease to amaze me in serving in this House. This day of all days is when millions of Americans will rush to the post office, rush to the post office, in order to get a postmark on an envelope so that they can get their taxes filed on time.

While these hardworking taxpayers scurry to comply with our cumbersome, antiquated Tax Code, we are here on the House Floor today to debate a very modest bill, in my opinion, that they would love for us to pass. It is designed to make it a little more difficult for Uncle Sam to reach into the pockets of the already overtaxed and extract even more of their hard-earned money.

Listen to just a few of the dramatic statistics. Since this administration took office, Federal tax receipts have risen from 19 percent of the gross domestic product to an all-time record of 21.7 percent. Over this period of time, the Federal tax burden has risen to a staggering 45 percent per person, 45 percent per person, from $4.600 in 1992 to $6,700 today, according to the Tax Foundation. Including State and local taxes, the average taxpayer shelled out over $9,800 last year.

In fact, the average American family today, if they take the cost of government, that is, the taxes of State and local and Federal Government, and add to that the cost of regulations imposed upon them, over 50 cents out of every hard-earned dollar that the American family makes today goes to the government. No wonder they are squeaking and yelling and screaming.

Madam Speaker, what really astounds me is that there are actually people opposed to this proposal. Requiring just a two-thirds majority vote to raise taxes, I think, is a very common-sense idea.

Raising taxes should not be easy. The problem is, this town is still full of people who mistakenly believe that big government is the answer to all of our problems, and they fail to recognize that the surplus is not, is not, the property of the United States Government.

□ 1200

I have a message for those big government bureaucrats and others who would want tax hikes to be easily accomplished: It is not their money.

Madam Speaker, a two-thirds majority is required for all of our most important decisions in America, whether it is amending the Constitution or ratifying treaties. Is not taking the hard-earned money out of the pockets of the American family important enough to require a two-thirds majority?

The Federal Government operates under this mentality of what is mine is mine, and what is yours is mine, too. Well, this has to stop, so Madam Speaker, I urge my colleagues to join us in support of this tax limitation amendment. Let us really put a stop to this era of big government and high taxes, not just pay it lip service when it is convenient.

Mr. BARTON of Texas. Madam Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Speaker, I want to thank the gentleman from Texas for supporting the leadership and putting this on the Floor.

Secondly, I have in my hand a copy of the Constitution of the United States. I know the gentleman from Texas has one.

Mr. DELAY. I also carry one in my pocket.

Mr. BARTON of Texas. If the gentleman will look under Section 9.

Mr. DELAY. By the way, I carry this to constantly remind me that there still is such a thing. I keep sending them to their offices, but I do not know what happens to them.

Mr. BARTON of Texas. Madam Speaker, if the gentleman will look under Article I, Section 9, he will see that it says, "No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken." That prohibited income tax on people until February, 1913.

If we look over in Amendment XVI, it says, "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." That is why we need this constitutional amendment, to put the Constitution back like it was.

Mr. DELAY. How dare the gentleman from Texas (Mr. BARTON) actually read from the Constitution on the Floor of this House?

Mr. BARTON of Texas. I know. We are uncouth in Texas.

Mr. CONYERS. Madam Speaker, I yield myself 1 minute.

Madam Speaker, could I point out to the distinguished Whip of the House, the gentleman from Texas (Mr. DELAY), that we have a GAO study that finds the majority of the large international corporations paid no U.S. income taxes?

It could not be that he would want to protect these corporations; that as American taxpayers struggle to meet their April 15 income tax deadline, that a majority of the international corporations doing business in the United States could pay no Federal income taxes? I would ask, what, Madam Speaker, do we do about that, if we were to unwisely enact this provision?

The international companies paying no U.S. income tax have trillions of dollars of assets and annual sales in this country, and nothing has been done about it, even though we have a three-fifths rule in the House that is always waived. There are no proposals on the Floor.

Madam Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT), the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. WATT of North Carolina. Madam Speaker, I thank the gentleman for yielding time to me.

I want to start by responding to a few comments that were made by the gentleman from Texas (Mr. DELAY) in his presentation.

Madam Speaker, one would think that all of this talk about how taxes have gone up and revenues have gone up during the President's tenure, that it was the Democrats who were in the majority of the House and Senate during that period of time. Oh, no. Madam Speaker, the Republicans were in the majority during that period of time.

So we can come and try to make a political point today on April 15, but the truth of the matter is that this debate is not about whether taxes are too high or whether President Clinton increased taxes or the Republicans are responsible for increasing taxes. That is really not what this debate is about. The debate is about the little document that my colleagues were waving around and using as a prop in this debate.

Every once in a while it would be nice if my colleagues would actually pay some heed to that document. They came in here in 1994, 1995, and said that they were the most conservative group that was ever going to hit this place.

Well, what is the most conservative document that we have in this country? The Constitution. Yet, during the 2-year period after they came to the majority, over 100 proposed amendments to the United States Constitution were filed. They think they know how to put the government together better than our Founding Fathers knew how to put it together. That is really what they think. That is a very cavalier notion.

Our Founding Fathers said that majority rule is the essence of democracy. That is really what this debate is about. It is about whether we will protect the rights of individual citizens to have an equal voice in their government, or whether we will have some supermajority or a small minority that just frustrates the will of the majority. That is really what this debate is about. It is about democracy.

Every single decision in our government, with the exception of two, under the Constitution of the United States, is reserved for majority decision. Somehow or another my colleagues who think they are better or would be better at shaping a constitutional government than our Founding Fathers, those same Founding Fathers whose Constitution has survived over 200 years, my colleagues think they can do it better, so they come and say, on tax day we want to make a political point, and we want to bring this two-thirds majority vote requirement before it, not because we think it is going to pass but because we want to make a political point.

Madam Speaker, I am embarrassed that we would play political games with the Constitution of the United States. We are in serious debate about a range of issues, some of major magnitude, some of minor magnitude.

I can understand when we play politics with minor issues, but when we come to the Floor of the House and we wave in front of the American people the Constitution of the United States and treat it like a prop for a political sideshow, and for 4 straight years we bring the same constitutional amendment which has been defeated four straight times, bring it to the Floor of the House on tax filing day, we are playing political games.

We heard the gentleman who followed me on the debate on the rule on this issue. He got up and told me to be prepared for April 15 of the year 2000, because they are going to be back next year with the same constitutional amendment, not because even a majority of them think it has merit. If they had to really live under this system they would not support it, because it would be their constituencies whose vote would be diminished, just as it would be my constituencies' vote which is diminished.

But on April 15 of next year, they are going to be right back here with the same political charade. That ought not to be what we are engaged in here. If they are serious, this amendment should have gone through the regular committee process. It never did. We should have had the opportunity to offer amendments to it that would make this bill better. We do not, all because it would have interrupted the ability of the majority to get this matter to the Floor of the House on April 15, the same day they brought it to the Floor of the House in 1998, 1997, 1996, and will bring it again in the year 2000.

Madam Speaker, this is not about substance, this is about trying to gain some political advantage. We should reject this amendment, and at least if we are going to consider it, send it to the committee and let us do some serious work on it so that we can address the flaws that exist in it.

Mr. SCARBOROUGH. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I would remind the gentleman, who somehow is confused about who is responsible for tax rates increasing in this decade, that in 1993 the Democrats passed the largest tax increase in the history of this Republic, without a single Republican vote.

I would like to also say again that just because the Democrats and those on the extreme left have fought against this bill for the past 3 or 4 years does not mean that it is not a good idea.

It took us three or four times to get the President to actually agree that welfare reform is a good thing. It took us 6 or 7 months to get the President of the United States to actually agree that balancing the budget was a good idea. Maybe it will take us another year or two to have those on the extreme left agree that protecting taxpayers is also a very good thing, but we are very patient people and we will still be here.

Madam Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY), a good friend who is also a champion on the taxpayers and a member of the Committee on Ways and Means.

Mr. FOLEY. Madam Speaker, I thank the gentleman from Florida for yielding time to me.

Madam Speaker, so as not to be not patriotic, I will not wave the Constitution in the air, I will simply read from it.

Section 9 of the original Constitution, which has been referred to numerous times today, by the Founding Fathers, prohibited taxation. It was an amendment to the Constitution that allowed this Nation to tax its people.

Yesterday we heard in the debate about the Census language, ignore the Constitution, it suggests enumeration, but in order to help the minorities we would forget the writing of the Constitution and we will now do a statistical sampling.

Madam Speaker, the Constitution is very clear. The gentleman from Florida (Mr. SCARBOROUGH) has raised many times the tax vote in 1993, and that one Member from Pennsylvania, whose arm was twisted and was launched down to the Floor to change her vote in the last seconds of the vote that day, Ms. Mezvinsky from Pennsylvania, changed her vote from a nay to a yea and passed the tax bill. She was defeated by her constituents for raising taxes.

I remember the comment by the President of the United States, I believe I raised your taxes too much. It was a little late for Ms. Mezvinsky, who could not apologize. She had lost her office. By one vote they were able to achieve a tax increase that then this president has denounced as maybe it was a bit too ambitious.

Let us talk about some of the States that are apparently so backward they cannot figure things out. The birthplace of our President, Arkansas, passed in 1934 a three-quarters majority to raise all taxes.

California, the site of so much new technology, I have heard repeatedly on the Floor from Members of California, then I would ask the delegation from California, in 1978 they passed a two-thirds requirement of all taxes. What say those people in California? Are they backwards?

Then Delaware, 1980, a three-fifths majority to raise taxes; Florida, 1971, three-fifths; Louisiana, two-thirds in 1966; hardly trailblazers here, Madam Speaker. They were listening to their constituents.

I believe we have a fundamental problem in America, but I have also heard that we have to give more voice to the minority so they can participate in our system of government. I also heard today on this Floor that by initiating this two-thirds, we would give more power to the minority, so that should be welcome news in this Chamber, so people through simple majority cannot run ramrod over the constituents of this Nation.

We are talking about debate on social security reform, Medicare reform, and all these are important topics for the American public. But I also think it is a clear recognition when we have these kinds of surplus dollars, before we start raising taxes, we ought to look at the more prudent way of managing the resources we have been given.

□ 1215

I am such an advocate for this because I heard our Vice President suggest the other day he created the Internet. I know one thing he did create, it was a tax on the Internet. We were not able to vote on it, but it was initiated in our phone bills. Now I have to get mail from my constituents every day about this tax on their phone bills that I did not get to vote on.

I want a chance to have a two-thirds majority. I want a chance to debate the issues, because I believe in this Chamber. Democracy flourishes when all people can participate.

If it is such a good idea, it will be easy to get a two-thirds majority, it will be easy to talk about what is necessary in America, it will be easy to do in States like Florida when we have had to step up to the challenge of dealing with education, of dealing with welfare, of dealing with issues that confront the American public, we are able to do it and able to get a majority, not on a partisan basis, but on a bipartisan basis that increases the opportunity of Floridians.

So I join with the gentleman from Florida (Mr. SCARBOROUGH) and others in supporting this amendment on this very serious day, April 15, where Americans are called forward to pay their taxes their government asks of them, not always willingly, but they certainly pay them.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes while the distinguished gentleman from Florida (Mr. FOLEY) is on the floor.

First, the 1993 vote was far more than a tax increase. It had tax increases and deductions, and many other changes.

Secondly, if one measures State and local revenues, in looking at the States with a supermajority requirement, we find that five of the seven States with supermajority requirements experienced lower than average economic growth as measured by changes in per capita personal incomes. Both of these years were business cycle peaks, 1979 and 1989. If economic growth during this period is measured by changes in gross State product, four of the seven supermajority States had lower than average growth.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in opposition to today's constitutional amendment. If this proposal to amend the Constitution is intended to be anything more than an April 15 political gimmick, there is great reason for concern on policy grounds, particularly two.

First of all, we have to note what the amendment does because it is a recipe for fiscal disaster. This amendment will allow unlimited new spending based on a simple majority vote. However, to pay for that new spending will require a two-thirds vote.

A lot has been said about the vote in 1993. I would point out that our deficit at that time was $260 billion, and that vote has been responsible for reducing the deficit down to where we have a technical surplus right now.

So if we want to allow unlimited additional spending on a simple majority vote, we ought to have the ability to pay for it by the same vote, not risk requiring a supermajority.

The other thing is, this thing locks in corporate loopholes. We can pass a corporate loophole with a simple majority, but to repeal it takes two-thirds. We would have either a little more than one-third of either the House or the Senate that can protect the corporate loophole.

If we passed a corporate loophole thinking it would just make a small amount of difference, but looked up and saw it was costing billions of dollars, we could not close that loophole if just over one-third of either the House or the Senate objected.

To offset this corporate largess, we would have to look somewhere else, maybe Social Security and Medicare, which we could cut with a simple majority. But we would need a two-thirds majority to close that loophole.

Mr. Speaker, in addition to the policy, this amendment in terms of details is vague and unworkable. We had no hearings this year on the current bill. But when we did have hearings in 1997, both Democratic and Republican witnesses expressed serious concerns about the details of the amendment.

Former Office of Management and Budget Director Jim Miller, a tax limitation amendment supporter, even went so far as to call some of the language "silly." For example, the language before us requires a two-thirds majority vote to increase the internal revenue by more than a de minimis amount.

No one in our hearing seemed to have a good idea of what constitutes internal revenue or what exactly would be considered a de minimis amount. Who will get to decide whether a bill increases the special revenue by more than a de minimis amount?

Some supporters suggested that one-tenth of 1 percent of the total revenues would be de minimis. Out of a trillion-dollar budget, that is $1 billion. Is it a billion? Is it a half a billion? Two billion? Ten billion?

When we are talking about tax bills, we are talking about an estimate. Who gets to estimate? What happens if the estimate is wrong? What happens if there is a disagreement over the estimate? How many votes does it take to pass the bill?

These are questions that the American public deserve answers to before and not after we have made a mess that cannot be cleaned up. These are questions that could have been addressed responsibly in committee, but there were no committee hearings this year, just today's April 15 vote.

This resolution is an insult to our Constitution. It is a recipe for financial disaster, and it protects corporate loopholes and, therefore, should be defeated.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself 30 seconds just to say the gentleman from Michigan (Mr. CONYERS), the ranking member, had given some statistics in States that did not prosper in 1979. He said it is because of tax limitations in their own States. His suggestion that tax increases equal economic prosperity, I find, is about as difficult to believe as 1979 is actually a time of economic prosperity. If that is the case, somebody needs to call Jimmy Carter in Plains, Georgia, and let him know that.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT), the sheriff.

Mr. TRAFICANT. Mr. Speaker, this could have had hearings, but that will not stop me from voting for this joint resolution. I do not know how many Democrats will vote for this, but I encourage them to do just that. Number one, not just because our taxes are too high.

We have income taxes, excise taxes, estate taxes, gift taxes, capital gains taxes, service fees, old taxes, new taxes, hidden taxes, tobacco taxes, gas taxes, aviation taxes, tobacco taxes. The American people are literally taxed off. It has rather been a political process and too easy to tinker with this code, which should be thrown out by the way, and raise taxes.

But I want to take issue with the constitutional scholars. Our Founders never intended an income tax. I could say on the floor that, if they did, they would have put a two-thirds supermajority; and here is why.

The only revenue in that Constitution was in the form of treaties and international trade. It carried a two-thirds supermajority. We went from trade and treaty and taxing on products and imports and threw that out and went to income. That cannot be laid on our Founders. Our Founders never intended to tax achievement and initiative. By God, I do not.

But do my colleagues know, there is another thing here. Every time we talk about salient points of differences of opinion, we get into some class warfare: we, they; they, we; old, young; black, white; man, woman; management, labor. Let us get off that. There are many people in my district that are taxed off. They believe they are taxed too high.

Who has fought more against foreign corporations getting away with taxes than the gentleman from Michigan (Mr. CONYERS) and JIM TRAFICANT together? But let me say this now to this Congress: 13 years it took me to change the burden of proof in the civil tax case. The Democrats would not hold a hearing on it. Thirteen years it took to change the seizure laws so the IRS could not come in and seize my constituents' home without a good order.

Democrats would not have a hearing on the Traficant bill. Democrats would not support Traficant's position to allow our taxpayers who are ripped off to sue the IRS. That is why we are in the damn minority here.

Now let us talk business. We pay much too high a level of taxes. We also pay them in the form of income, which in fact kills initiative. We are at the right time, April 15, talking about the right issue here.

As far as constitutional amendments are concerned, I think it is absolutely necessary, because it is too easy politically to twist arms in Washington, D.C. But as far as constitutional amendments are concerned, I want to applaud everyone who has enough passion to believe they can improve upon America. If they cannot get enough votes, then they do not.

By the way, I have a constitutional amendment before this Congress. I heard all the talk about Social Security and Medicare. I want the chairman who may be the next chairman of Ways and Means to hear it. The Traficant amendment to the Constitution would say no more touching the trust fund from Social Security, and Social Security could be used only for Social Security and Medicare. I have not heard anybody rallying around that.

I support this two-thirds vote, a supermajority. Our Founders in their wisdom would have placed this supermajority on an income tax, but they were not that foolish to impose an income tax.

In closing, let me let the Congress know this: There is a woman in America who hit the American dream yesterday. She hit the lottery for $190 million. That is unbelievable. She will take home $70 million. She won $190 million lottery, but when everybody is done running their fingers through it, she will take home $70 million.

Everybody is all excited about the refunds they get of the money the IRS has been holding interest free on our accounts. Beam me up. We need a constitutional amendment to ensure there will be no more chicanery with the easy business of being seduced to find more dollars for this government.

With that, I thank the gentleman from Florida (Mr. SCARBOROUGH) for the time, and I urge an "aye" vote for this constitutional amendment.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind the previous speaker that the AFL-CIO has urged a vote against the proposed constitutional amendment that would require a two-thirds majority in the United States House and Senate to increase Federal revenues. Why? Because this amendment would undermine the principle of majority rule in our Federal Government by allowing one-third of either the U.S. House or Senate to hold tax bills hostage.

Since many of the terms in this resolution, as previously pointed out, are extremely vague, this proposed constitutional amendment would undoubtedly lead to endless litigation in our courts. It would also hurt our Nation's working families by making it more difficult to extend the lives of the Social Security and Medicare Trust Funds.

In fact, this proposed constitutional amendment would also make it more difficult to close tax loopholes, including the foreign tax credit and the deferral of the United States taxes on foreign income which encourage U.S. companies to move American jobs overseas.

Why, since last April 15, 1998, have not the majority brought forward any of these bills that would close tax loopholes? It seems to me that the income tax was approved by the 16th Amendment to the Constitution in the year 1913. It was passed because huge tycoons were earning hundreds of millions of dollars without paying taxes: the Rockefellers, the Morgans, the Vanderbilts. Without the 16th Amendment, we would have had no way to prosecute a World War I, not to mention a World War II.

□ 1230

So it is important that we put these matters in perspective.

We have an accounting analysis that shows that the Reagan era tax cuts were for higher income taxpayers. The Clinton era help for the working poor and the targeted tax cuts contained in the 1997 balanced budget agreement have all helped keep the Federal taxes for most Americans lower than they have been in any time since 1979.

Mr. Speaker, I reserve the balance of my time.

Mr. SCARBOROUGH. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I cannot help but begin by associating myself with the remarks of my colleague, the gentleman from Ohio (Mr. TRAFICANT), from the other side. I thought he was brilliant, and I hope that our colleagues were listening.

I have put up here on this poster a quote from John Randolph. John Randolph served in this body in the late 1800s as a Member of the U.S. House and then as a Member of the United States Senate. And he said what this debate is really all about, and that is that "One of the most delicious of privileges is that of spending other people's money." That, Members, is fundamentally what we do here when we spend taxpayers' dollars. When we enact program after program and tax increase after tax increase, we indulge ourselves in that delicious privilege of spending other people's money.

That is what this debate is about. This debate is about should it be easier to continue to spend ever increasing numbers of other people's money, ever increasing amounts of other people's money. Not our money, not our money out of our own wallet, but money taken out of the wallets of the taxpayers of America. Should we make it easier to do that or slightly harder?

The answer is that those who oppose this amendment want it to be easy to take money out of other people's wallets because they enjoy the privilege of spending other people's money. But the sad truth is it is never enough for those who want to spend other people's money.

In 1950, just a few short years ago, in my lifetime, the average taxpayer sent $1 to Washington for every $50 that they earned. Today it is $1 for every $4 and approaching $1 for every $3. It has become a radical increase in the growth and the size of the Federal Government and its tax bite so that people in this body can enjoy that privilege of spending other people's money.

Now, what is it that we propose to do about it? We propose to do something that has in fact been called radical on this floor today, but is indeed not radical, and that is to put in a rational limitation on the power of this Congress to increase taxes once again.

And do not be fooled by these constitutional arguments. As the gentleman from Ohio (Mr. TRAFICANT) pointed out, the Founding Fathers did not impose an income tax. They did not believe there should be an income tax. Indeed, that was not adopted until the 16th Amendment. So the argument that we should not have this kind of a constitutional amendment, and that the Founding Fathers rejected it, is simply false.

Now, what is our idea? Impose a constitutional amendment that makes it slightly harder, a two-thirds majority, not a simple majority, to raise taxes. This poster shows that 68 percent of all Americans live in States where the same type of limitation has been passed. Indeed, 14 States, from Arizona to the State of Washington, listed here, have all enacted similar measures, saying, "No, you should require a supermajority before you raise taxes yet one more time." It is not a radical idea, it is a commonsense idea.

I was reading a statistic earlier today that went to the issue of this debate. It pointed out that the IRS sends out 8 billion pages of forms and instructions each year, the equivalent of paper made from almost 300,000 trees, and receives back enough paperwork to circle the earth 36 times.

I could not help but be struck by the fact that what that proves is that, vis-a-vis the IRS, the beavers that we have just learned about who on the Tidal Basin in the last few weeks have chewed down one or two trees, maybe three or four trees before they were caught, they are pikers compared to the IRS. The IRS in 1 year, not one little aggressive beaver chewing down four or five of our beautiful cherry trees in any given year, the IRS with its 8 billion pages of forms and instructions each year consumes almost 300,000 trees.

Maybe the IRS should employ those beavers.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Is there any truth to the rumor that the beavers are actually contract employees of the IRS?

Mr. SHADEGG. Mr. Speaker, reclaiming my time, I would say to the gentleman, who makes a good point, if they are not now, perhaps they should be.

Mr. Speaker, I urge my colleagues to support this amendment.

Mr. CONYERS. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am sorry to interrupt the latest episode of "Leave It To Beaver," but I have never really been a big fan of reruns.

What we are seeing today is the end of a romance, and it is a sad day. This should not have come on tax day; maybe it should have come on Valentine's Day. The romance that we are seeing come to an end is that between the Republican Party and their view of the people.

When the current majority first took office in 1994, they were full of announcements that they were here to carry out the will of the people. They were, they said, the embodiment of the American public's will. Well, they have run into some rocky times. The public has not been nearly as supportive of their agenda as they wish.

And, increasingly, their irritation with the public comes through. It reached, of course, a high point last year on impeachment. And by the time that impeachment came to the floor, we had Republicans talking about their duty to disregard the public will because they knew much better than the public what should be going on.

Now, this is the logical conclusion of that. We have had a system in this country called democracy, in which a majority of the people vote for Members of Congress. It is not strictly majoritarian in the Senate, obviously, because of the two Senators per State, but the notion was we would get a majority and the majority would then decide.

Well, the Republicans are here telling us today what they told us in December: "That majority of the American people ain't all it was cracked up to be. You can't trust them. You can't trust the American people through the electoral process to have representatives who will do the right thing." So let us say when it comes to a policy the Republicans do not like, such as taxes, then we will have to have a supermajority.

The gentleman from Arizona said we now collect more in taxes than we did in 1950. That is true. There was no Medicare program in 1950. Of course, if it was up to the Republican Party, there still would not be. They were opposed to it. And it is true that because we have a Medicare program, that requires taxes that were not levied in 1950.

We did not have any serious environmental programs in the United States in 1950. I notice the Charles River has now just been declared open for swimming to a great extent. We can give people a tax cut, and there is not much they can do to clean up the rivers or clean up the air.

So it is true, the billions we spend on environmental protection, cleaning up Superfund sites, cleaning up the air, cleaning up the water, those take taxes and they did not exist in 1950.

But this is not a substantive argument, it is a procedural one, and we should go back again to the fundamental issue here. The Republican Party is making it clear today that they have lost trust with the American people. Indeed, it became very clear during impeachment that if the American people worked for us instead of the other way around, the Republicans would have fired them. They were very disappointed in the people.

And they are institutionalizing today, if they are successful, in the Constitution their distrust of the people: "Don't let a majority make these important decisions. You can't trust a majority of the voters. You take a majority of the voters who elect Members of the House of representatives; we don't like what they are going to do."

Now, I have to say, in fairness to the Republicans, they did not rush to this repudiation of the public will. They were much happier when they could claim to be the tribunes of the public. The problem was that the public ran out on them and they were upset. I noticed that during impeachment, and I think these are very connected, because it was the dislike of the American public's decision that came out in impeachment that is really the same force that we have today.

Now, I can say, because I was there in the Committee on the Judiciary, that the Republican Party did not start out to repudiate the public. In fact, when the impeachment thing started, they were sure the public was on their side. To their horror, they saw the public moving away, so they tried to make a virtue out of necessity by saying how proud they were to stand up to public opinion.

Having the Republicans announce during impeachment that they were pleased to show that they could resist public opinion would have been a little bit like Pharaohs' soldiers, as the Red Sea closed in on them, announcing that it was a wonderful day to go swimming. This was not something they wanted to happen, but if it was happening, they had better make the best of it.

Now they are taking it one step further. It is one thing to find ourselves embarrassed by the public differing with us and to announce how wonderful we are because we have stood up to the public, but it is another to write it into the Constitution of the United States.

The Constitution of the United States leads us to ask on this fundamental public policy question, and here it is, do there need to be some things that are important for the quality of our life that we do jointly? I do not know how we provide public safety with a tax cut. I do not know how we clean up the air or the water or take care of the health of poor children. There are some things we can only do, that are important for this country, if we do them jointly.

There is, I think, a difference on the part of some people in the public. It is true if we ask people about government spending in general, they will be very negative. But if we ask them about the specific parts of government spending, they are often quite positive.

People, I think, would like to see more spending in the Medicare program. They would like to see a prescription drug program. If we are going to do a prescription drug program, that is going to take taxes. If we are going to keep cops on the street, that takes taxes. If we are going to clean up the air and the water, that takes taxes.

Now, people can say, "No, we don't want to see that happen. We don't want a prescription drug program in Medicare. We don't want to help people build new schools with Federal money. We're against any revenues." That is a legitimate decision. But why are they unwilling to let it be decided by majority rule? Why this repudiation of the majority?

By the way, when it comes to majority rule, among the majorities they do not trust, apparently, is the very House Committee on the Judiciary, that bulwark of Republican rectitude against an improvident public, because this bill did not get voted on in committee. I am on the Committee on the Judiciary; I am even on this subcommittee. I must have been absent that year because we did not have a hearing on it this year. We did not have a markup in subcommittee. We did not have a markup in committee.

This radical revision of the notion that a majority should rule, which the Republicans used to hold when they still thought the majority was backing them up, comes to this floor untouched by human hands. This comes to us without a hearing, without a markup, without a committee meeting. Not only have the Republicans decided to repudiate the notion of majority rule in representing the public, whom they do not trust on this, they have apparently forgotten what they said a few years ago about procedural regularity, about committees. This one just comes right to the floor.

Now, I understand why. I understand that there are members of the committee who have more regard for the majority principle, who would have been a little embarrassed by it. But when we try to accomplish a bad idea by a bad procedure, two wrongs do not make a right. And I hope this effort to right the repudiation of the public's right to make decisions by a majority into the Constitution is defeated.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself 30 seconds, just to thank the gentleman from Massachusetts for being concerned about that end of a romance.

Actually, fortunately, given the choice between the arms they would be driven into, with Mr. Clinton and Mr. GORE and those of the left who are now proposing a new tax increase, I think over $100 billion in tax increases, 60 percent of those going to Americans making less than $50,000, I am quite comfortable that that romance will take us well into the 21st century.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. My only question is why is the gentleman not willing to let the American people decide that by a majority?

The gentleman may be right or wrong substantively, but why this fear of letting the majority decide by majority rule?

Mr. SCARBOROUGH. Mr. Speaker, I yield myself 30 seconds to respond that we certainly have no fear of it. We fear that no more than Democrats fear talking about taxes overall.

I have heard discussions about impeachment. I even heard the ghost of Newt Gingrich rise from the mist in the rules debate and about Medicare. We have no fear about that. Our fear is that the Democrats, given their will in the future, will do exactly what Bill Clinton and AL GORE want to do right now in their budget, and that is raise taxes on hard-working Americans.

So I do not think the romance is over. In fact, a poll that was taken last year shows that 73 percent of Americans support tax limitation.

Mr. Speaker, I yield 2½ minutes to the gentleman from Utah (Mr. CANNON), a member of the Committee on the Judiciary.

Mr. CANNON. Mr. Speaker, I was impressed by the point made by the gentleman from Michigan (Mr. CONYERS), that major international corporations pay virtually no taxes, and that despite the valiant efforts of the gentleman from Michigan and the gentleman from Ohio (Mr. TRAFICANT) and others over most of the last 40 years of Democrat control of this House. That illustrates the point that people pay taxes.

Mr. Speaker, America is great for many reasons. We have a larger population base than, say, Germany. We have massive natural resources. But the key to America being the world's only superpower is not in the numbers of our people or in the size of our cornfields but in the creativity of the American people. Our creativity derives from the way our predecessors framed the role of government.

□ 1245

They recognize government for what it is, force. Some forces are necessary in order to secure the blessings of liberty, but the challenge we will always face is balancing government's access to force and constraining that force. And nowhere is the coercive force of government more broadly felt than in ripping from the laborer a portion of his wages.

We, the Federal Government, are now tearing from our citizens a larger portion of their earnings than ever before in our history, more than during the struggle for freedom during World War II.

My friend, the gentleman from North Carolina (Mr. WATT), is embarrassed apparently by the waiving of the Constitution on April 15. This is the day that people feel that pain. Let me just say that when we changed the Constitution and allowed for an income tax, it was only the most farsighted of the men involved and women involved in that process who foresaw, over the promises of everyone, the extent to which we would actually raise taxes in America.

As Americans, as representatives of the American people who hold the common dream that makes us Americans, we have an obligation to limit the force brought against us collectively by the grasping government bureaucracy. That may mean that we in Congress must restrain ourselves from attempting to have another program to deal with society's ills.

But let me remind my colleagues that compassion does not always mean intervention. If we just do not spend the surplus, we will either continue to grow the economy at phenomenal rates, bidding up salaries in the process, or interest rates will fall. I believe that no bureaucrat will ever come up with a program as compassionate as a 4 percent interest rate.

So I believe that we should not expand government, and I also believe that we should constrain our ability to tax. Therefore, I support and I ask my colleagues for their support of this tax limitation amendment.

Mr. CONYERS. Mr. Speaker, may I inquire of the Chair the time remaining on both sides?

The SPEAKER pro tempore (Mr. BOEHNER). The gentleman from Michigan (Mr. CONYERS) has 54 minutes remaining, and the gentleman from Florida (Mr. SCARBOROUGH) has 60 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the distinguished and able gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished and able ranking member of the Committee on the Judiciary for yielding time.

Mr. Speaker, this provision should be defeated, for three reasons. One, it is an exercise in hypocrisy. Secondly, history has shown that it does not work. And thirdly, it may mitigate against this Congress making the kind of very difficult decisions that may be necessitated in the near future.

I say that it is an exercise in hypocrisy because, in January of 1995, in the Contract with America, the new Republican majority included this as a rule that would guide the House, and it passed in the House. But every single time that we have had a tax bill, primarily a tax cut bill, but a bill that had provisions that actually increased taxes, the Committee on Rules had to waive this very rule. So every time that we have had a tax bill, the Committee on Rules included in the rule a waiver of this very provision.

So for us now to consider this and even to consider voting for it in light of our past experience, it seems to me, is an exercise in hypocrisy. We know it will not work. And yet the same Republican majority that voted this as a rule voted for each individual rule that waived this rule as it would apply to any subsequent tax bill.

Secondly, my recollection is that the Articles of Confederation actually had this as a requirement as well, a supermajority for any tax increase, and it did not work. Minority rule meant that our young country was not able to function effectively. They went back and they had to change it. And there are some very extensive debates that we can consult that shows the reason why it did not work, why they had to go to majority rule to be able to make the kind of difficult decisions that this Congress has elected to make.

Now, thirdly, it seems to me that there are a number of things that this Congress is going to have to do in the near future. One is to make the kinds of difficult decisions that will be necessitated to ensure that our retirement security programs are sustainable. They may, in fact, include raising some additional revenue in order to be fair and to be sustainably financed into the long term. I do not know that. But I do know that we will never get two-thirds of this House to make those kinds of votes no matter how compelling the arguments are in favor of those votes.

There are other areas in which I think that we certainly should get two-thirds. Corporate welfare, some of the loopholes that are used to abuse. History tells us this does not work. We know that these tax issues are the most difficult issues. They take leadership and they take courage and they take majority rule.

Almost all of these difficult issues have only passed by a slim majority no matter how compelling, as I say, are the arguments. We need to enable doing the right thing for this country, and doing the right thing is not the easy thing. Let us defeat this bill.

Mr. SCARBOROUGH. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, if I were a permanent resident at my apartment in Arlington, the gentleman from Virginia (Mr. MORAN) would be my congressman. I get all his mailings. And he does an excellent job, so I want to commend him on this.

I want to comment about having to waive the rule that we pass. My colleague correctly pointed out that when it was waived, it was waived because we were trying to cut the capital gains. And the way the capital gains code is structured, we actually have to increase the rate in order to lower the net effect of the total tax. So we have protected that in the tax limitation amendment because of the de minimis requirement, and we have a specific section in there about capital gains.

So I just wanted to point that out. I know the gentleman may not have known that.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. I do know that. In fact, I spoke to that when the tax bill came up to that very provision. It was the Matsui provision, as I recall, on capital gains. We had to change that because it applied to small capitalized companies. But in the next tax cut bill, there was a Medicare revenue increase where we also had to waive the rule.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Since the gentleman from Texas (Mr. BARTON) knows that, he must know that there were some other reasons that there were other exceptions made. That was not the only one for increases in Medicare. For increases in Medicare, we had to again waive that rule. So let us bring this thing to a fuller conclusion than that.

Mr. SCARBOROUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I would like to inject some Midwestern common sense into this debate. The taxpayers of our Nation do not care which party deserves greater blame for tax increases. For them, this issue is not about conservatives versus liberals or Republicans versus Democrats. For them, it is not about parties; it is about pocketbooks.

Survey after survey shows that Americans support the proposal before us. Why? Because they know that if we do not take steps to protect them against tax increases now when we have an operating budget surplus, then we never will. They know that if we do not act now when our tax burden is higher than it has been anytime since World War II, then we never will. And they know that if we do not act now when 56 percent of Americans find the Tax Code so confusing, complicated, and complex, that they turn to outside experts for help, then we never will.

Working families know that this is precisely the time, the year, and, yes, the date to make this proposal on to protect their pocketbooks, to protect their future.

Now, a little earlier I heard so many arguments against the concept of a three-fifths vote, a supermajority requirement, saying that it does injustice to the Constitution. But, of course, the greater injustice is the one done to our working families every year around this time.

Now, this is not news. That is why State after State has passed a law like the one before us. Some of these States have had their supermajority requirements, their tax limitation provisions for years. And the evidence shows clearly, unmistakably that these provisions work. And, of course, that is the most important thing to remember.

And the critics of this amendment know it very well. Make no mistake, they do not oppose this plan because it will not work. They oppose it because it will work, it will prevent taxes from growing faster than our ability to pay, and it will limit the growth of government.

I urge support for this constitutional amendment.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN) a senior member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, let me thank my friend from Michigan (Mr. CONYERS) for yielding me this time and congratulate him on the work that he has done in the Committee on the Judiciary.

Mr. Speaker, I rise in opposition to this constitutional amendment. It reminds me of the debate that we had on another constitutional change that would have provided for a balanced Federal budget. During that debate, many of us pointed out that the Constitution is not the problem, that we have all the tools here in this body where we can do what is right, we can pass the necessary laws to make the necessary corrections.

In 1993, we acted, we acted on the imbalance in our Federal budget. We passed a new economic program for this Nation; and as a result of the action that we took in 1993, we are enjoying a balanced Federal budget, we are enjoying economic prosperity, we are able to have more rational budget debates now in these halls.

But, Mr. Speaker, it is interesting that if this constitutional change would have been in the Constitution in 1993, we would not have been able to put this Nation back on a path of a balanced Federal budget, for it was a controversial bill. It passed by only one vote in this body or in the other body. We were able to do that because democracy worked, majority worked, and we could benefit as a result of that action.

The Constitution is not the problem with our Tax Code. Yes, Americans are rightly upset with the taxes they have to pay and the way in which we collect those taxes. We need tax reform. The current majority has been talking about that during the last 4 years, and yet we have not had a single moment of debate in this body, on this floor, on tax reform.

Bring out what the public really wants. Let us change our Tax Code. We have the power to do that. But instead, one day a year, on April 15 each year, we debate a constitutional change. The Constitution is not the problem.

□ 1300

As my colleague from Virginia pointed out, this will not work. We reserve supermajorities in the Constitution for process issues, not to enact substantive legislation. To override a presidential veto, to pass a constitutional amendment, to expel a Member, that is what we reserve extraordinary supermajority votes for, not policy determinations.

My friend from Virginia pointed out that in the 104th Congress, 4 years ago, the Republican majority put this in our rules. It has not worked. It did not work. Every time that there was an opportunity for the rule to prevent congressional action, we waived it. As the gentleman from Texas pointed out, well, we changed that. Yes, we changed it 2 years later. It did not work, so we changed the rule.

We could do that when it is a rule. You cannot do it when it is a constitutional change. You cannot just go back and say, "Oh, we made a mistake, let's change it." It will not work. We know that. Yet every April 15 we come to the floor and tell the American people we are trying to do something about their frustration with paying taxes.

We have the tools. As we had the tools to deal with the balanced budget, we have the tools to deal with tax reform. Why are we not spending today debating what type of a tax structure we should have for this Nation? Why have you not brought out in 4 years a bill that would reform our tax structure? Then we could have the debate that the American people would like us to have. Let us stop blaming the Constitution of the United States. It is our responsibility, and let us use our time to have a constructive debate.

Mr. SCARBOROUGH. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, today is April 15. I would like to take this time to congratulate my tax accountant, my wife Karen, who has gone through the last few months having to confront taxpayer after taxpayer. I have to apologize to Karen, her staff and every tax consultant in America, and yes, every taxpayer in America that we have put them through what we have done in the last few months.

Now, I keep hearing from Members of Congress about how the taxes only affect the rich and how the rich need to pay more and that every time a tax increase goes through, it is only on the rich. Let me tell my colleagues something. Those of us who represent the working class people of the United States and people that work in businesses like my wife, that have no client, not one client who makes over $100,000 a year, know the great lie that comes out of these chambers and out of this Capitol about "The rich are going to be taxed, but don't worry, working class, you'll be held harmless."

The fact is, Mr. Speaker, is that our Tax Code needs to have a supermajority to control the abuses of the majority. That is what the Constitution is about, to protect the individual from the confiscation of their property by the Congress of the United States. It should be an extraordinary issue. In California, where 32 million people live, the most progressive State of this Union, we have had for decades the fact that we have addressed the issue; there should be a supermajority before government goes in and confiscates private property in the form of taxes.

Now, the people in California, Mr. Speaker, have the right of initiative. They can sign petitions, get it on the ballot and force it on the legislature to give them the protection of a supermajority when it comes time to confiscate their assets in taxes. The people of the United States do not have that right under our Constitution. That responsibility lies with this body, to initiate a constitutional amendment to make sure we do not abuse those actions like we have in the past. I stand in favor of the constitutional amendment. I apologize to the taxpayers and thank the gentleman from Florida for this action.

Mr. SCARBOROUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the gentleman from Florida for yielding me this time. Mr. Speaker, I rise in strong support of the tax limitation amendment to the Constitution. I wish to commend the gentleman from Texas (Mr. BARTON) for his continuing vigilance on this important amendment.

The need for this amendment is obvious. Not since World War II has the tax burden on American workers been so high. The Federal Government already has a lot more money than it needs. Some people in Washington still do not think that is enough. I am not one of those people. Americans work hard for their money and they deserve to keep more of it.

It comes down to a simple matter of trust. I trust the American people to use their money directly, as they see fit, rather than having a government making even more of those decisions for people. Changing the Constitution to make it more difficult to raise taxes to fund new spending programs and increase additional pet projects is absolutely necessary and appropriate to make that more difficult.

Do not fall for the sky-is-falling arguments from some who say this amendment would tie the hands of government in times of war or economic downturn. The tax limitation amendment directly accommodates such situations. Consider the source of those arguments. They are made by the very same people who through their voting records show that they think taxes are actually too low.

Our Nation was founded on the principle that ability and hard work should be rewarded with economic prosperity. America has moved toward the government bearing the fruit of its citizens' efforts, and I think we need to reverse that course. Let us pass the tax limitation amendment.

Mr. SCARBOROUGH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today in support of House Joint Resolution 37, the tax limitation amendment. It is April 15 again and many Americans are scrambling to finish preparing their tax returns. The multiple, confusing and ultimately costly forms remind us of one thing. We are taxed too much, not too little. The average American today pays over 20 percent of his or her income just in Federal taxes. That is up from 5 percent in 1934 and is the highest since World War II.

We now have surpluses as far as the eye can see, hundreds of billions of dollars each year. One would think that tax cuts would top the President's agenda. But this year he has proposed more than $100 billion in new taxes and fees to fund new government spending. I guess old habits die hard.

Mr. Speaker, the President's proposed tax increases in an era of budget surplus merely emphasize that we need to limit the government's ability to tax its citizens. The tax limitation amendment does this. It would require a two-thirds supermajority vote in both houses of Congress to raise or create new taxes.

That tax money is our money and we should make it harder for the government to take it. We pay taxes today with the knowledge that we must still work for another month before reaching Tax Freedom Day. Last year, Tax Freedom Day in Illinois was May 13, the seventh latest in the country. That means that most Illinoisans had to work almost half the year to pay their Federal, State and local taxes. We are taxed too much, not too little.

Mr. Speaker, now is the time for the tax limitation amendment. I urge all my colleagues to do the right thing this afternoon and vote to give Congress the means to restore the fiscal discipline that has for so long been missing.

Mr. SCARBOROUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman from Florida (Mr. SCARBOROUGH) for his leadership and that of the gentleman from Texas (Mr. BARTON) on this issue.

I know we are fortunate to be going through very good times right now, but when I listen to my neighbors and the families that I represent, we have an awful lot of families that are struggling to make ends meet each month. School, clothes, the cost of medicine, car insurance, college is all so expensive, we have so many families, both parents working as hard as they can, working harder than they ever have before, keeping less than they ever have before and really living paycheck to paycheck.

All it takes is one of your kids gets sick and that cost is expensive, then one of your family members passes away unexpectedly, you have got to figure out a way to travel there. I can guarantee you, just when you think things could not get worse financially, your car will break down. There must be a Federal law that requires that to happen. But it always seems like those things occur. The worst feeling in the world, whether you are a student or a parent or a senior, is to lie awake at night, it is a sick feeling to lie awake at night thinking "How in heaven's name am I going to make it through this time?"

The opponents of this bill say, "Look, if you will send us more of your paycheck, just send us more of your money, and then you can go down to a government office and maybe stand in line and fill out these forms. In a month or so come back and we'll let you know if you are eligible so we can help you." Our belief is just the opposite. We want you to keep more of what you earn. We think it ought to be a little easier to make ends meet each month. We think you can make better decisions. It is your money, after all.

This constitutional amendment ties the hands of Washington so we can untie the hands of our families and our working families. I think Ronald Reagan said it best. It is time someone stood up to those in Washington who say, "Look, here are the keys to the Treasury, spend all you want of the hard-earned tax dollars. It is not yours, anyway." This amendment stands up for families and taxpayers, and I support it.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 7 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I believe it was old Ben Franklin who said, "In this world nothing is as certain as death and taxes." He could have well added, in the present era in our country's life, a third, which is the determination, come April 15, of the Republican Party to resurrect dead issues. We go along in this Congress for months upon months on end and little or nothing happens. Certainly little or nothing happens about simplifying the Tax Code, about having genuine reform.

But somewhere, I guess around April Fool's Day each year, the Republican leadership here in the House, they scratch their head and they ponder what simplistic approach to come out with that is already dead, that will not pass, but that will give the American people the appearance that someone is on their side on the tax issue? And so some years it is abolish the Internal Revenue Service while not replacing it with anything; other years like this it is hike up the amount of votes it will take to approve a tax change.

In the meantime, the hardworking American taxpayer who is out there, who would like to see a system in place for the collection of the taxes that are necessary to be the strongest and greatest Nation in the world, is out there wondering why the Congress does not get to work with real tax reform, with tax simplification, with meaningful changes that would make a difference in what we all do here come April 15 in paying our taxes. What they are getting instead is most days, most weeks, most months this Congress doing little or nothing about tax issues, until April 15 comes along and they resurrect one of these old dead ideas that they know is going nowhere, in order to give the appearance that they are on the side of the American taxpayer.

Let me assume for just a minute that we work to put this sorry idea into the United States Constitution, and I have to pause just a minute there. The gentleman from Michigan (Mr. CONYERS) has so ably pointed this out already. It points to one of the other really strange contradictions of this place. When these Republicans came blazing in here with Newt Gingrich back in 1995, they professed to be great conservatives.

Well, it is strange what labels they put on themselves, because when you come to the United States Constitution, they are about the most ultraliberal group I have ever come across in my life. They view the United States Constitution a little like the D.C. municipal traffic code. They have got an idea out here to amend it, to edit it, to change it, to alter it, as if our Founding Fathers had little or no sense about the future good of this country.

You can mark your calendar now. Come next April 14 or 15, they will be back here with some other idea to wreck the Constitution by putting in unworkable provisions, knowing that they are dead, that they are not going to be approved in the Congress, but that they have some good political cover that they offer in presenting such a proposed edit of the United States Constitution.

But let us assume for a moment that we were to adopt this provision. What would the effect be? Well, I think that it would be a great boon for Washington insiders and Washington lobbyists in doing things the way they have always been done here. Because if you can get a special provision of the type that American citizens are so outraged about Washington, a special preference, a special advantage, a special tax loophole written into the Tax Code here in Washington by your lobbyist, so that the people across America that do not have a lobbyist up here, they have to pay a little more taxes so that someone who has got a lobbyist and a fleet of limousines here in Washington can pay a little less, guess what kind of vote it is going to take to eliminate and reform that system if we are ever going to change it?

It is not going to take the same simple majority that got the provision stuck in there to advantage some special interest group. It is going to take, not 51 percent, it is going to take two-thirds to eliminate that special interest provision. That is why I call this amendment, as it is offered by its name in fact, by its true name, which is the "Tax Loophole Preservation" amendment. That is what it is all about.

And some of our colleagues in the Republican leadership, I mean, to borrow from Will Rogers, they have never met a tax loophole they did not like. They think if you get a tax loophole into this Constitution, it is good. If the President comes along and he proposes to eliminate some tax loophole, "Oh, my gosh, that's a revenue raiser."

It may be a revenue raiser that facilitates our ability to provide prescription drugs to our senior citizens that are overburdened with prescription drug costs. It may be a tax loophole that closing it will allow us to provide some assistance to working families who may need a child care tax credit. But they see it as a revenue raiser and therefore, by its very nature, a very bad and evil thing that ought to have not half of this Congress plus one but two-thirds of the Congress required to eliminate it.

If they pass this amendment, what they will be doing is freezing into the Tax Code all of the various special provisions, advantages, preferences, loopholes that are already there, that America has been complaining about and asking this Congress to do something about from time on end.

□ 1315

What is an example of this kind of provision put in place by this very House? It would have become law had not it been brought to public attention. Mr. Speaker, it is one I think this body is very familiar with, though it certainly was not one of its prouder moments.

As my colleagues know, many of us are concerned with the problems of nicotine addiction, one of the most serious drug problems we face in this country. There has been great public interest in having some legislation to prevent youth smoking. What proposal did this Republican leadership offer as a solution? A $50 billion tax credit for the tobacco industry snuck into a bill under a title for small business tax relief, and they actually passed that through this House. Fortunately some reporters found out about it being hidden around page 317 of the bill, and we were able to eliminate it.

But it is that kind of provision that, if snuck into the Tax Code, we will not be able to eliminate it except by a two-thirds vote. That would be a serious mistake for all of us who recognize the need for tax simplification, tax reform and true assistance to working Americans.

Do not approve an amendment that tinkers with our Constitution but would actually set back the reform movement once we get a Congress in place that genuinely wants tax reform and expresses some concern about it on more than one day of the year.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself 45 seconds just to say again any change in the Tax Code regarding these loopholes that they are so concerned about, and they should be concerned about the loopholes because they perfected them over 40 years while they were in the majority before the gentleman from Texas (Mr. DOGGETT) was elected in 1994; all we need is a simple majority.

I will once again say perhaps this is in my colleague's eyes a dead issue. Perhaps it has come up before. But as my colleagues know, welfare reform was killed three times by the left before we passed it, and, of course, the balanced budget. The President and many on the left said a balanced budget in 1995 would destroy the economy. Well, we have done it in 4 years instead of 7.

Likewise, hope springs eternal. We do not want this to come up again next year. We believe it should be done this year, and with the help of many on the left who are now born again tax reformers, maybe it will.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding this time to me, and I say to my friend from Texas that we have been pushing for tax relief across the board. We have been pushing to scrap the entire Internal Revenue Code which would eliminate the vast majority, if not all of the so-called loopholes he refers to which were created overwhelmingly during his party's majority rule in this House for more than four decades. I would say to the gentleman that we simply want to correct this problem, and obfuscation about it is not the way to cure it.

Mr. Speaker, I want to thank my colleagues on both sides of the aisle for sponsoring this important legislation which I rise today to strongly support.

Mr. Speaker, in 1913 taxpayers remitted an average of about 8 percent of their total income in Federal, State and local taxes. Today's average family is paying almost 40 percent of their income on taxes. That amounts to more than the typical family spends on food, clothing and housing combined. Not since World War II has the tax burden on American workers been so high.

Mr. Speaker, even with the federal budget surplus projected at $4.9 trillion over the next 15 years, many in Congress and the administration are calling for even higher taxes on American families. Mr. Speaker, this is exactly why we need a tax limitation amendment. This is the surest way to keep the hard-earned money of American families out of the hands of the Washington politicians who want to raise their taxes and spend their money and keep it in the hands of those who know best how it should be spent, the American taxpayer.

Mr. SCARBOROUGH. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I want to reassure my colleagues that a lot of progress is being made on tax reform, and in case my colleagues have not had a chance to keep up this week, we have passed a budget that protects Social Security and Medicare better than the President, continues funding for education programs and promises to return over $800 billion of hard-earned dollars to the American taxpayers. So we are making a lot of progress, and there will be real tax reform.

The question is when today when I leave this meeting to introduce one tax reform proposal, and my colleagues will see several from the leadership over the next couple of weeks, will our colleagues join in the debate to truly reform this Tax Code? We will have to wait and see. But in the meantime, Mr. Speaker, all of us need to recognize that history has confirmed, and all of us know it, that the temptation to spend money in this Congress is too great for this body to resist.

We know that over the last 86 years this government has asked the American people to sacrifice their income and their prosperity to make government more prosperous. Today all we are doing is asking the government to sacrifice its income to make the American people more prosperous. We have got to make it harder for Congress to spend the money, the hard-earned money, of the American taxpayers.

Mr. Speaker, there are so many good things to do that come up every day that we want to help with, good causes that sound so good when they are presented. But every little good thing that we try to do, in spite of evidence over the years that we cannot do it nearly as well as individuals and communities, every time we spend money, we take that money out of the pockets of the American taxpayers. We have got to make it harder to spend money. We have got to stop making it harder for Americans to live their lives the way they want, to keep what they earn, to spend it and make decisions in their own lives.

Mr. Speaker, all this amendment will do will make it a little harder for this Congress to spend the money of the American people. It does not cut one program, it does not give one penny to the rich, it takes nothing away. All it does is force us to make it a little harder to spend the hard-earned money of the American people.

I support the amendment, and I hope all of my colleagues will join me.

Mr. WATT of North Carolina. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from North Carolina for yielding this time to me.

The previous speaker made an eloquent plea on behalf of the American people, and I wish today, on April 15, a day of course that many of our constituents are making their way to the post office or finding other ways to send in their taxes, that we were truly deliberating on, I think, real issues about both the Internal Revenue Service and taxes.

One, I think it is important to note and it is important for America to know that this resolution that is on the floor today would damage, interfere with and maybe keep this body from seriously looking at a real review of the Tax Code to avoid some of those loopholes of which enormous sums of money pass the hands of those who really need it and go into the wealthy. At the same time I wish the American constituency would realize that in our attempt to save and preserve Social Security and Medicare some amount more than de minimis might come about in terms of a tax increase, and this resolution will put a dagger in the heart of saving Social Security and saving Medicare.

I believe the weight of that would be, in fact, more burdensome to our constituents, the demise of Social Security and Medicare, than we could ever imagine by bringing into the forefront a two-thirds supermajority under this resolution to allegedly stop tax increases.

Mr. Speaker, this is again, as I have previously noted, a feel-good piece of legislation. It was fundamentally wrong in the time when the 13 colonies were there under the Articles of Confederation in the 1780's when they wanted nine of the colonies to vote on something. The government did not work then, and our Founding Fathers in their wisdom designed the Constitution and the House of Representatives and the U.S. Senate on many of these issues on a simple majority. But yet today we want to put a knife in the Constitution, a dagger in some of the major programs that this country has come to appreciate, the preservation of their national archives and monuments and parks; as I said, education, building new schools, insuring a secure and a, if my colleagues will, strong military, dealing with the terrible humanitarian crisis in Kosovar, requiring appropriations. And yet what we are saying is that we want to deny this House of Representatives to do what it should or do what it does best, to deliberate on behalf of the American people in a representative manner with the right to deliberate and debate with a simple majority under the Constitution.

I finally say, Mr. Speaker, it seems to me a tragedy when we have procedures in this House and we do not follow them. This legislation did not go to the Committee on the Judiciary, and I think this legislation should go nowhere, and we should vote on behalf of the American people and defeat this legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I also like to compliment and thank the gentleman from Texas (Mr. BARTON) for yielding me this time and also on his hard and, I think, great efforts to get this tax limitation amendment passed.

I just want to say a couple of things. One is on substance, and one is on process.

On the substance of the matter, I think this is a great debate. For those who believe that the American people are overtaxed, they have an opportunity to stand up for the American people, the American taxpayer, and they can vote "yes" on this tax limitation amendment which would simply make it more difficult for the Congress to raise taxes like so many States across this country.

With respect to process, colleagues can be consistent to vote for the tax limitation amendment, and, if they so desire, when the vote comes to raise taxes, they can vote for the tax increase as well. So colleagues can have it both ways. They can say, "You know what? We ought to make it more difficult for the Members of Congress to raise taxes on the American people, but I also want to have the flexibility that when a tax increase bill comes to the floor, I can vote for it." And if they get 150, those who want to see and do not believe the American people overtaxed, if they get about 150 Members under this legislation who believe the American people deserve higher taxes, then do my colleagues know what? They can rally, and they can get 150 Members, or 160, 170, whatever that is, and they can raise taxes.

So my colleagues can have it both ways if they are on the fence, and if 40 Members of this body who did not vote for this last year vote today, guess what? We will make it more difficult, something the American people expect and deserve, the Congress to raise taxes.

If my colleagues do not believe that the American people are overtaxed, if they do not want to make it more difficult for the Congress to raise taxes, then they should oppose this legislation, and they should go back home and explain to the people they represent: "You know what? We want to have as much flexibility as possible to raise money."

On Tax Day, when so many people that I represent in Brooklyn and Staten Island are writing checks to the Federal Government after working hard all year? I do not think so.

Mr. Speaker, I urge strong support for the resolution.

□ 1330

Mr. WATT of North Carolina. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) for yielding me this time.

Mr. Speaker, I rise in opposition to this resolution that is on the floor now. Here we are once again. Americans are participating in the annual rite of spring; of course, that is tax day, April 15. If one thinks it is a painful day for them, think of my family. It is my husband's birthday and he has to spend this day doing the painful task of paying taxes.

We all can take legitimate pride in the democratic pageantry of voluntary compliance. Tax compliance, like voter turnout, is a sensitive measure of civic health and it is based on an American sense of fairness. That is the main reason I oppose this resolution, which has become part of the rite of spring, an attempt largely on the part of our Republican colleagues to grandstand the tax issue.

Certainly we would all love to live in a world where we did not have to have any responsibility and pay any taxes, but that is not the world that we live in. Certainly we want our people to pay the least amount of tax that should be required of them, but it has to be based on tax fairness.

It is so ironic that just yesterday the House Republicans ran through a $1.74 trillion budget resolution for fiscal year 2000 that was absurdly fixated on huge tax cuts for the rich, does absolutely nothing to extend the solvency of Medicare, and assumes deep cuts in key domestic programs.

Today the GAO reports that a majority of the largest international corporations doing business in the United States continue to pay no Federal income tax, and today, with this resolution, our Republican colleagues want to make sure that that does not change and to make sure that it is more difficult to close any tax loopholes.

Our Founding Fathers considered this, as has been mentioned by my colleagues. They considered and rejected this supermajority, this two-thirds requirement, because of the majority rule that they were wedded to and which has served our country so well.

Sometimes I think that the attempts of my colleagues to protect the assets of the very wealthy in our country are subscribing to the Leona Helmsley quote, "Taxes are for little people." Well, I want to spend a moment talking about the real little people of America.

The real little people of America are children, the very destiny of our civilization, who continue to suffer the insult and injury of Republican budgets. The latest Republican budget, to take the most egregious example, has privileged tax relief for the prosperous over Head Start funding for children.

Is it fair to deny a child a proper start in life? Will that child grow up to comply voluntarily with this Tax Code, if that is our issue? Crucial to America's children is the economic security of their families. That includes the pension security of their grandparents, and that means a living wage for all working adults, and saving Social Security, which the Democratic budget did a better job at, in addition to extending Medicare.

In addition to that, access to quality health care and high-quality education to large segments of the American population are values that the American people have. Our budget, how we take in revenue, how we spend it, should be a statement of our values. It should be based on fairness and it should prepare us for the future.

I think the budget yesterday and this resolution today do neither, and that is why I urge my colleagues to vote no.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Florida (Mr. STEARNS), a cosponsor of the amendment.

Mr. STEARNS. Mr. Speaker, I would say to the gentlewoman from California (Ms. PELOSI), happy birthday to her husband who is working all day today for the Federal Government, because he will continue to work all the way until the end of May to pay for all of his taxes that he has to pay.

Ms. PELOSI. At least.

Mr. STEARNS. At least. So I think that this is a fair example of why we need to have this tax limitation amendment.

Benjamin Franklin did say, as the gentleman from Texas said, that in the end it is all death and taxes; but the problem is, he goes on to say that this is a dead idea. Arizona, Arkansas, California, Colorado, they have passed this; Delaware, Florida, Louisiana, Mississippi, Missouri, Montana, Nevada, Oklahoma, Oregon, South Dakota and Washington. So these are States that believe in this concept, and I think it is a time that has come to this House, just like the balanced budget amendment and like welfare reform.

I remember this side of the aisle saying, oh, no, we cannot have welfare reform. We cannot have immigration reform. We cannot have balanced budget reform.

When we look at our Constitution, we have had lots of amendments to try and improve it. In this case, a simple two-thirds vote by both the House and Senate for taxes is extremely important, because most Americans today are paying almost 40 percent of their income for taxes. In 1941, Federal taxes were 6.7 percent of the gross domestic product. During the 1960s, Federal taxes approached as much as 20 percent.

So we need to set in place a system that we cannot have taxes without a supermajority, and of course, in the Constitution we had this supermajority standard for amending the Constitution, impeaching the President, ratifying international treaties. So why not have the same standard when deciding to take money, literally money, from the American people out of their pockets? So I think a supermajority is very necessary.

Although the economy is in good shape right now, taxes are still the highest they have been since World War II.

When I hear this side say that this vote is going to allow tax loops for the wealthy or this bill provides special provision for people, I do not know what they are talking about because basically whenever they start talking about tax cuts for the rich they are talking about increasing big government. It is just a cover for it.

So all this amendment basically does is say, let us try to limit this Federal Government from taking more money out of our pockets. Let us have a supermajority to do so. I hope all of my colleagues will support it.

Mr. BARTON of Texas. Mr. Speaker, it is my distinct privilege and high honor to yield 2¾ minutes to the gentleman from Texas (Mr. ARMEY), the majority leader of the House of Representatives, who represents the 26th District of Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON) for yielding.

Mr. Speaker, I do not suppose it will come as any big surprise to the American people that whenever they turn their eyes towards Washington, they will always find that in this town there is always a certain class of people that have this compelling need to raise their taxes and take more of their money.

We have watched this debate today. We have seen a provision brought before this body by the gentleman from Texas (Mr. BARTON) that says that class of people ought to be restrained, restrained by the simple requirement that it takes a two-thirds majority to raise the taxes.

It seems fairly obvious that almost every person that has risen to speak on behalf of that restraint has come from this side of the aisle and virtually everybody who has spoken opposing that restraint has come from that side of the aisle. So it seems fairly obvious to me, I would say to Mr. and Mrs. America, when they turn their eyes towards Washington and they want to know who is it in this town that insists on having an easier time taking their money, look to the Democratic side of the aisle. They are the ones making the argument.

Democrats, for years, when we had budget deficits, said, well, the solution is raise taxes. Today we have budget surpluses; the solution is, raise taxes. Yes, President Clinton and Vice President Gore, in this surplus budget, propose over 80 different tax increases resulting in $52 billion worth of tax increases.

Now, when we Republicans say, let us cut taxes, their counter is, oh, yes, the Republicans want to give a tax break to their rich friends. Well, we do not believe that is true, but I can say what is true. When the President and the Vice President raise taxes, they are raising taxes on whom? The poor.

This chart shows us that clearly. In this chart here we show that a clear majority of the taxes go to people that earn $50,000 a year or less.

So here we have the situation: We have this great debate going on. We need to restrain people from raising taxes and, in particular, in this administration, from raising taxes on the poor.

Why do they fight against it? Why do they avoid this restraint? Well, Mr. Speaker, I have to say I have studied these things for a lot of years and I can say I have identified three groups of people that have the privilege of taking and spending other people's money. They are children, thieves and politicians, and they all need more adult supervision. That is precisely what the gentleman from Texas (Mr. BARTON) offers, more adult supervision.

I would say to Mr. and Mrs. America, if we have a two-thirds majority requirement to raise their taxes, do they believe there will be sufficient enough adult supervision to protect them from those who would practice the politics of greed with their money and wrap it in the language of love?

Mr. WATT of North Carolina. Mr. Speaker, I yield myself 1 minute to respond to the majority leader, although I am tempted not even to flatter it.

Mr. Speaker, this is a debate about amending the Constitution. We can pretend that it is a debate about whether we raise taxes or not, but I want to remind all my colleagues that the Republicans have been in control of this Congress for the last 4 years. They cannot get a majority to cut taxes, much less a two-thirds majority to do anything. So we can come to the floor of the House and harangue the President for doing this or doing that all we want, but remember, both the United States House and the United States Senate are controlled by a majority of the Republicans, and if they want to do something constructive about it, then do it. Do not come down and go through a political charade on tax day.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. BLILEY), the distinguished chairman of the Committee on Commerce, who represents with distinction the Seventh District of Virginia.

Mr. BLILEY. Mr. Speaker, I rise today in support of amending the Constitution to require a super two-thirds majority of both Houses of Congress to increase Federal taxes.

I want to applaud the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Power of the Committee on Commerce, for bringing this measure to the floor on this day, the day when most Americans are painfully aware of how expensive government is.

Today we will pay more in taxes than at any time since 1944, when we were in the middle of the great World War II. It is too easy to raise people's taxes. That should be the last resort and not the first resort. So I applaud the gentleman from Texas (Mr. BARTON), and I urge all my colleagues to support this measure and send it on to the States for ratification.

Mr. Speaker, I rise today in support of amending the Constitution to require a two-thirds super-majority of both Houses of Congress to increase Federal taxes.

Today, our nation's tax policy stands at a crossroads. We can either continue down the path preferred by President Clinton and continue to increase the tax burden on American families. Or, we can draw a line in the sand and take steps to make it more difficult to raise Federal taxes.

By passing the Tax Limitation Amendment, we have the power to make it more difficult for the Federal Government to endlessly reach into Americans' pockets to fund increased spending.

The Tax Limitation Amendment will require Congress to be more fiscally responsible and think twice before increasing the tax burden.

Mr. Speaker, 14 states have already seen the wisdom of passing tax limitation protections, with more states soon to follow. It is time for the Congress to follow their lead.

The government's ability to dip into one's hard earned paycheck should never be allowed by a mere majority. A two-thirds super majority will ensure Congress never raises taxes to pay for wasteful government spending.

Americans pay more in taxes than in food, clothing, and shelter combined. Put simply, this is a travesty.

By passing the Tax Limitation Amendment, Congress can send a clear message to the American people—tax hikes are for emergency situations. Absent war, Congress should never be able to raise taxes on the middle class with a mere majority.

I urge my colleagues to support the Tax Limitation Amendment to help protect American paychecks from future tax increases.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I am honored to be here today to rise in support of H.J. Res. 37, the tax limitation amendment. I admire and certainly appreciate the gentleman from Texas (Mr. BARTON) and my own colleague over on the Democratic side, the gentleman from Virginia (Mr. GOODE), and others, the gentleman from Arizona (Mr. SHADEGG), who have worked so hard on this.

I thank the Speaker for giving us April 15 to pursue the passage of this amendment, and that pursuit and that determination is offset by the graciousness of my colleague, the gentleman from North Carolina (Mr. WATT), and his innate fairness to allow me to speak on his time when he opposes the amendment. I thank him for that.

I want to be simple and to the point here if I can. Today is a day that millions of hardworking Americans have filed their tax returns with the Federal Government. It is a tough day for a lot of people. It is also a day that most have come to dread because they feel that the government continues to take their taxes. We have created a situation in which many Americans do not feel that their government responds to their needs, taxes them excessively, continuing to spend without regard.

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I hope today is the day we can return some of the confidence in the government to the people. The tax limitation amendment will return confidence by promising that the Congress will no longer raise their taxes without careful consideration and a two-thirds vote in support.

This would have precluded the passage of a lot of bad so-called tax reform acts. There would have to be a strong consensus among members of both parties, not just one side, to raise taxes, making sure it would be a necessity.

This is a simple, straightforward proposition that a number of States have already adopted and a number of others are expected to consider this year, including my home State of Texas. In States that require a two-thirds vote to increase tax rates, growth in both spending and taxing is lower than in States without it. This simple fact is proof that the intent of this legislation can and will accomplish its goal if we just pass it today.

The amendment would require a two-thirds supermajority vote in both chambers of Congress to pass any legislation that raises taxes by more than a minimal amount. This resolution would cover income taxes, estate and gift taxes, payroll taxes, excise taxes. It would not cover tariffs, user fees, voluntary premiums, and other items which are not part of the Internal Revenue laws.

The two-thirds standard is reserved for the most important decisions, including amending the Constitution, ratifying international treaties, impeaching the President, and on and on. It is time we elevate raising taxes on the American people to this same high standard that it takes to carry out any of these other obligations.

I have worked hard to push for a balanced budget amendment and control spending and taxing while in Congress. The tax limitation amendment makes good sense by restoring discipline to our system, which has spun out of control.

Today, April 15, we can tell our constituents we will no longer slip tax increases through by slim margins, and commit ourselves to a direct yes or no when their pocketbooks are at stake.

I am proud to join the gentleman from Virginia (Mr. VIRGIL GOODE) as the lead Democrat on this bill. I urge my colleagues to join me in voting to pass the tax limitation amendment.

In summation, if we ever have a balanced budget amendment, we need this amendment to stand side by side. Otherwise, a future Congress could balance the budget by simply raising our taxes with a slim majority vote. That should not be.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I want to commend the gentleman from Texas for his leadership. He has been an original leader of this since 1995. His job is more difficult because, while the Republican leadership supports this amendment, the Democratic leadership does not, so I want to appreciate how hard he has worked on it and how successful he has been in getting support on the Democratic side.

Mr. HALL of Texas. I thank the gentleman from Texas, and I thank the gentleman from North Carolina (Mr. WATT) for his graciousness in giving me this time.

Mr. BARTON of Texas. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from the great State of Colorado (Mr. HEFLEY), who has been very patient.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, once again Congress finds itself in the midst of one of the most important debates that we have of our generation, this tax limitation amendment.

As I listen to the debate, it seems there are some in this body who feel that everything that the working people of America earn belongs to the government, and if they are good, we will give them back a little of it. We will let them keep a little of it.

There are others of us that seem to feel that a person is entitled to the fruits of their labor, and it ought to be very difficult to take it away. In fact, one of the previous speakers said that we do not want to limit this body from doing what it does best, and they are right, probably. What we do best is tax people. What we want to do, on this side, at least, and some on that side, is to stop doing what we do best in taxing people.

We must ask ourselves, what kind of life are we going to leave to our grandchildren? What will our children point to and say, this was our legacy? There are few votes we will make in Congress that could have such a profound effect on our grandchildren. We will balance the budget this year, we will probably cut taxes over the next several years, but nothing that we do will prevent future Congresses from easily undoing that hard work.

This vote today is about being right and being responsible. It is about leaving a better life for our children. It is about making it more difficult to force my children and grandchildren to be faced with even higher taxes than the record taxes we are now forced to pay. They should be able to keep more of the money that they earn.

Unlike some individuals here in our Nation's Capitol, I trust that the American people can decide for themselves better how to spend their own money, and think giving too much of it to the Federal Government is creating enormous difficulty for families all across America.

The average working person today spends over 40 cents of every dollar they earn in taxes and government fees, if we can figure all of that, almost half. Mr. Speaker, I urge a vote for our children and grandchildren and all Americans, and support for this amendment.

Mr. BARTON of Texas. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from the great State of Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

During the 1970s, I think there was a trashy novel that was quite popular. I think the title was, Fear of Flying. I have thought about it often as I listen to debate about this, because it seems to me another novel could be written by my friends on the Democratic side of the aisle called Fear of Freedom, something like that, because it really does characterize what I hear from everyone who stands up at this microphone and talks about what would happen, what a catastrophe would befall us, if in fact we were to reduce our ability to tax the people and give them greater freedom.

That is the peculiar nature of this debate, because that is truly what we are arguing here, whether or not we are on the side of greater individual freedom, we believe that people should have more of an opportunity to keep the money that they earn, or if we believe the government should have the ability to tax it away from them, and in a way that makes it extremely easy, and as we can see over the last 40 or 50 years, that all kinds of bad things have happened in that process.

The tax loopholes that my friends on the left talk about, where did they come from? When my friends from the Democratic side come up and talk about tax loopholes being a problem, it does remind me a little bit of the child that kills his parents and then throws himself on the mercy of the court because he is an orphan.

The fact is, of course, these are the problems that were brought to us over 40 years of Democratic rule in this body, and on the Senate side.

In Colorado we had a similar debate. The same exact kind of thing happened when we started talking about an attempt by an actual citizen of the State, he kept putting an initiative on the ballot called the tax limitation, and it is now referred to in Colorado as the Taber amendment.

A gentleman by the name of Douglas Bruce four or five times with his own money put it in at his own initiative. It finally passed. Every time it was debated, exactly the same sort of sentiments were expressed by the people on the other side.

What it said is no tax at the State or local level can be increased without a majority vote of the people, which is much more severe, by the way, certainly than a majority or two-thirds vote of the legislature. We are talking about a majority of hundreds of thousands of people who have to vote on every tax increase. Exactly the same thing was stated, that it would be the end of the world as we know it. Mr. Speaker, it is exactly the same thing that they proposed, that in fact blood would run in the streets, it would be the end of civilization, everything would collapse.

But in fact do Members know what has happened? We passed this in 1992. We have never had a more robust economy in the State of Colorado. Jobs increased by the thousands, by the tens of thousands. It has never ever had the kind of dismal effect that was projected. Why? Because people kept more of their own money and invested it and created jobs. That is exactly what happens when we give people control over their own dollars.

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, first I want to commend the gentleman from Texas (Mr. BARTON) and the gentleman from Texas (Mr. HALL) for their leadership on this most important issue. I also want to thank the gentleman from North Carolina (Mr. WATT) for yielding a part of his time.

Mr. Speaker, at this time when such a large portion of our income goes to taxes, I firmly believe that we should have no new national tax increases unless there is a consensus in this body and a consensus in the country.

I was not here in 1993 when we had a very divisive tax hike in this body and in the country, but if we had had the tax limitation amendment, we would not have had a number of recent tax increases over the last decade.

A vote for the TLA is a vote for consensus, a vote for the tax limitation amendment is a vote for bipartisanship, because rarely in the history of this body or in the history of the U.S.

Senate have there been two-thirds of one party in control.

With the TLA, we would have to have a two-thirds vote in both bodies before any tax increase would take effect. That would demand consensus and bipartisanship. I believe the families and businesses in this country support consensus and bipartisanship. I firmly believe if we submit this amendment to the States, that it would be quickly adopted and ratified by three-fourths.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON) for yielding time to me, and allowing me an opportunity to stand up once again and to talk about why we need this important balanced budget limitation amendment.

Last year we received 238 votes on the Floor of the House of Representatives. I believe that the importance of this vote means that we are talking about the future of our country. I think what we are talking about is accountability. I believe what we are talking about is responsibility.

Just a few short years ago it was Republicans who made the case, as we argued all across this country, that millions, billions, and trillions, which is the amount of money that Congress deals with, was unwisely managed by the 40 years of Democrat control. We argued that we as conservatives and Republicans would respect the people who earned this money, for in the Fifth District of Texas, people deal with thousands of dollars and hundreds of dollars, not millions, billions, and trillions, so they were looking for someone to come to Congress who would understand that difference.

I believe that is what I have done. I have brought to Washington, D.C. the same kind of responsibility and accountability that my colleagues have brought. Why does this matter? This matters because we have been able to control the spending that takes place here in Washington.

Today we are talking about how we are going to control the tax scene. We both understand, all on this side understand, that the liberals in this country are all about tax and spend, tax and spend. Today accountability and responsibility will have another ring to it. When we talk about limiting taxes because of a supermajority, we are talking about helping once again interest rates in this country to go down even further.

If we will guarantee that we will not raise taxes, I think we would see another reduction in interest rates, interest rates that rob each and every citizen in this country of the money they earn, also.

Millions, billions, and trillions are not always easy to understand. I want to say for the American public, to put it into context for them today, put into other words, 1 million seconds equals 11 days, 1 billion seconds equals 32 years, and 1 trillion seconds equals 3,200 years. We do not confuse million, billion, and trillion on this side.

The other side talks about tax and spend. I believe they do not understand where it comes from. We are going to ensure that we limit this taxing and spending. We are going to assure that we talk about accountability and responsibility, and it is the Republican Party that is standing up today, and conservatives across this country, who recognize that today, April 15, is the day the truth should be told once again. I support this bill.

Mr. WATT of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

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Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from North Carolina for yielding me this time.

Mr. Speaker, if the famous TV character George Costanza were watching this show today, he would say simply, "This was a show about nothing." Nothing. It was a show about nothing when the other side demanded the line item veto to cut the budget be applied, and then screamed when the President used it, and they were relieved when the courts rejected it.

It was a show about nothing when the other side demanded a constitutional amendment to balance the budget as the only way to solve our deficit problems. When it turned out that the real way to do it was the way the Constitution intended, all they had to do was vote for the President's budget in 1993, or for that matter, vote for George Bush's budget in 1991.

It was a show about nothing when term limits were used as a campaign device, the problem being that many of the devotees must have meant that it should apply to somebody else other than to them.

This is the latest show here about nothing. What they have got going at this moment is another government-like gimmick. We will hear today why this is bad legislation. It certainly undermines majority rule.

It hearkens back to the Articles of the Confederation which we could not live under. It is even harsher than House rules that the other side passed a few years ago, which they also were not able to live under. It enshrines corporate tax loopholes which the Treasury Department recently pointed out are expanding at a tremendous pace.

But what offends me the most about this is it is inconsistent with our Constitution. The Constitution requires a two-thirds majority in this House in only three instances: overriding a President's veto, submission of a constitutional amendment to the States, and expelling a Member from the House.

This issue at this moment does not rise to the level of that seriousness. We should be doing some real work today on April 15. The other bill on the floor is a serious bipartisan bill.

Yesterday I introduced a major simplification bill that the Committee on Ways and Means chairman last year accepted, at least in part. I would much rather be talking to my colleagues today about those issues.

But there is one good thing we can say about this bill today, this proposal in front of us. We did not waste any time having any hearings on it. So I guess it was not quite that serious. No one can argue that we wasted too much time debating it, because it will be over this afternoon.

But more than anything else, this constitutional amendment we have before us is a gimmick. The three items I cited earlier are very clear. Let us end this notion of having government by gimmick and get on with the real business of this Nation. As George Costanza might say, "It was a show about nothing."

Mr. BARTON of Texas. Mr. Speaker, I yield myself 15 seconds.

I want to put into the RECORD at this point in time a letter from the Commonwealth of Massachusetts, the Executive Department, signed by the Governor of the Commonwealth, Governor Cellucci. It says, "On behalf of the Commonwealth of Massachusetts, I am pleased to express my support for the Tax Limitation Amendment."

Mr. Speaker, I include the letter as follows:

COMMONWEALTH OF MASSACHUSETTS,
Boston, MA, February 4, 1999.

GROVER G. NORQUIST,
President, Americans for Tax Reform,
Washington, DC.

DEAR MR. NORQUIST: On behalf of the Commonwealth of Massachusetts, I am pleased to express my support for the Tax Limitation Amendment (TLA).

During the current time of economic prosperity, we must wisely prepare for the often unpredictable tides of our national economy. The passage of the TLA will safeguard the needs of our taxpayers and provide protection against unnecessary future tax increases.

Sincerely,
ARGEO PAUL CELLUCCI,
Governor.

Mr. Speaker, I yield 2½ minutes to the great gentleman from the State of Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, the question is: Why are we here particularly today in addition to it being tax day?

When the Republicans took over Congress in January of 1995, the first major legislative vote for me as a Member of Congress was the first item of the Contract with America.

A significant number of Members in the class of 1994 were very concerned because that balanced budget amendment had this particular clause taken out. The protection against tax increases, that had been part of our Contract with America. We at that point in our first legislative vote developed our reputation as a bunch of troublemakers in this House.

As part of that compromise, we were promised that, on April 15, we would have the opportunity, thanks to the gentleman from Arizona (Mr. SHADEGG), who then worked with the gentleman from Texas (Mr. BARTON) who had been a champion of this long before we got here, who worked out with the gentleman from Texas (Mr. ARMEY), the majority leader, who had always been a leading tax cutter, that we would have the opportunity to point this out to the American people on this day.

Although I still voted against that balanced budget amendment for this reason, a balanced budget will not work unless we have tax protections, because if we can increase taxes, we can balance a budget superficially because it will look like we are raising revenue the first year, but in fact it will continue to contract.

The only way really to save Social Security in this country, the only way to really balance the budget in this country is by cutting taxes because of economic growth, an increasing pie. The Reaganomics have been proven to work once in the 1980s.

This time, by combining a government growth less than the combined rate of inflation and the economic growth of society, we were able to get an annual surplus but only because we had the tax cuts with it that stimulated the growth.

The President can submit a balanced budget here, as our majority leader said a little while ago and the other speakers said, one can present a balanced budget, all one has to do is raise taxes.

The fact is this about our President and, in particular, the Vice President: Vice President AL GORE did not invent the Internet. Vice President AL GORE invented the Internet tax.

That is the approach of this administration. Their approach is how to raise revenues through tax increases or, at the very least, keep the money here when the tax cuts generated the additional revenue.

This Congress is already proving that, even with the Republican majority, when we see a surplus, we tend to spend it. We have millions and millions of dollars being spent every day now over in the Balkans. We have many demands on us. We cannot in this society succeed without economic growth. That means lower taxes and stop any tax increases.

Mr. BARTON of Texas. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

I would like to start off by saying that I admire political courage. I have been fascinated by the Members from the other side of the aisle who have been willing, in the light of day and before the American people, to stand up and tell us that they do like it to be easy to raise taxes, and they object to making it more difficult to raise taxes. So I admire them for that.

But we must ask, why are taxes high? Taxes are high because government is big. We are dealing with only one-half of the equation. As long as the American people want big government, as long as they want a welfare state, and as long as they believe we should police the world, taxes will remain high.

This is a token effort to move in the right direction of eliminating taxes. Big government is financed in three different ways. First, we borrow money. Borrowing is legal under the Constitution, although that was debated at the Constitutional Convention, and the Jeffersonians lost. Someday we should deal with that. We should not be able to borrow to finance big government.

Something that we do here in Washington which is also unconstitutional is to inflate the currency to pay for debt. Last year the Federal Reserve bought Treasury debt to the tune of $43 billion. This helps finance big government. This is illegal, unconstitutional, and is damaging to our economy.

But we are dealing with taxes today. Taxes today are at the highest peacetime level ever, going over 21 percent of the GDP. The problem is that taxes are too high.

I commend the gentleman from Texas (Mr. BARTON) for bringing this measure to the floor. I would say this is a modest approach. Today we can raise taxes with a 50 percent vote. I and others would like to make it 100 percent. It would be great if we needed 100 percent of the people to vote to raise taxes. I see this as a modest compromise and one of moderation. So I would say that I strongly endorse this move to make it more difficult in a very modest way.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself 1 minute just for the purpose of asking the gentleman from Texas (Mr. PAUL) a question.

I take it that the gentleman believes that government is too big and that is a function of both what it takes in and what goes out, what it spends out.

So would it be fair to say that the gentleman would support a constitutional amendment requiring a two-thirds vote for expenditures, too?

Mr. PAUL. Mr. Speaker, if the gentleman will yield, that sounds like a pretty good idea.

Mr. WATT of North Carolina. Mr. Speaker, I thought that might be the case.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM), one of the great congressmen from the Palmetto State.

Mr. GRAHAM. Mr. Speaker, I appreciate the opportunity to speak on this. There has been a lot of humor passed about between both sides of the aisle. That is good. We ought to be able to debate things and have a smile on our face.

There are a lot of people not smiling today because they are having to pay taxes. This is the worst day in the world to be a Democrat because they have to come up here and tell everybody this Tax Code is a little bit off, and we would fix it if we could get on with fixing it.

Somebody said, "This is a show about nothing." Well, they have got to remember this: Their show got cancelled. The tax-and-spend show got cancelled by the American people. If they all do not get with the program, they you are never going to get back on TV.

People are tired of 1,000 reasons not to be responsible up here. There will be 10,000 reasons offered today why we cannot put some discipline in Congress to tax the American people.

States have done this amendment. Those States that have passed the tax limitation amendment requiring a two-thirds vote have taken less of the people's money. The day we pass this amendment up here is the day we take less of the American people's money.

But there will never be a better issue to define the parties than this issue. Four years in a row we have had a vote on this. Every year, we have got a majority. But our friends on the left are never going to let go of the ability to take one's money easily until the American people get more involved in this debate.

But the day we lose control of this House, if that ever happens, one thing is for sure, we will never have this amendment talked about ever again. There will never be another proposal as long as the other side is in charge to limit the ability of the Federal Government to take one's money in some reasonable way.

That is what this debate is about. That is what the next century is about. Every year we need to have this debate. Every year we are going to get more votes than we did the year before because they are running out of excuses of how to grow the government and explain the Tax Code in some understandable way.

I regret we are denying the Democratic Party the ability to fix the Tax Code for a few hours, but it is great to have this debate. When this debate is over, I welcome their efforts to help us simplify the Tax Code. I am sorry we took a day out of their efforts to change the Tax Code.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from North Carolina for yielding me this time.

It is April 15. In April, the Republican constitutional amendment of the month is always the same. Let us try once again to pass a constitutional amendment that would require a two-thirds majority to raise taxes in any amount. So here we go again. They have lost before over and over again, but let us try again.

The previous Speaker said, "Why are taxes high?" We have got government that is too big. On the other hand, they are always tax talking, always talking about taking the people's money. Well, the people's money goes for defense. It goes for Social Security. It goes for health care. It goes for education.

James Madison would be turning over in his grave today because there are only three reasons in which the Constitution requires a supermajority vote. They are all procedural matters: the removal of a Member of the House, the passage of a constitutional amendment, and overriding a presidential veto.

James Madison realized the importance of majority rule. What this amendment attempts to do is empower one-third of this House plus one to block measures that would be good for the American people. It would do so in perpetuity.

We do not know what this place will be like or what issues we will have to deal with 50 years from now. We will not be here, but other people will, and they may decide that it is more important to improve education or improve health care and have some increase in taxes perhaps on the wealthy, and we, today, the majority would take away that opportunity.

We look back. Let us look back at the last few years. Since 1982, there have been six major deficit reduction acts that have been enacted, six major laws since 1982. Five of those six have included a combination of revenue increases and program cuts, five of the six. President Reagan signed three of them. George Bush signed one of them. President Clinton signed one of them. They included revenue increases.

Let us take the one that President Clinton signed in 1993. Not one Republican in the House or Senate voted for that. It raised taxes on 1 percent of the American people. It drove down interest rates. It improved our economy to an extent that we could then have only imagined.

In fact, if the President had said in 1993, if the President had said, "I have a plan that will lead this country to greater prosperity than it has ever been known before, and here is the package that will do it," no one would have believed President Clinton in 1993 if he had said what his plan would accomplish and has accomplished over the last 6 years.

We have a level of prosperity that is unmatched in American history, and it is due to the fact that we bit the bullet and made a tough decision then.

Now, what this rule proposes is that it is okay for this House to have 51 percent vote to go to war, but we need a two-thirds to close a tax loophole.

□ 1415

We would need 51 percent to do something about Social Security and Medicare that might involve some increase in revenues, but we would need two-thirds to close a tax loophole.

This is a bill, a constitutional amendment, that basically says we want to make sure that we can cut taxes for the wealthy, but we prevent this Congress from doing anything else of significance without a two-thirds majority if it requires some increase in revenues.

Now, there have been a number of statements made about the States, but the States are not responsible for Medicare, the States are not responsible for Social Security, the States are not responsible for national defense. And if we go into a recession, the people of this country will not be looking to the States to pull us out of it again.

This bill is not needed. It is not needed. We have lived with this arrangement where we have majority rule on substantive matters for 200 years. The next 200 years will be better if we have majority rule on substantive matters and we do not try to empower a minority of one-third plus one to make the decisions in this House of Representatives.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. ISAKSON), the newest Member of the House but one of the most effective Members.

Mr. ISAKSON. Mr. Speaker, I commend the gentleman from Texas (Mr. BARTON) for the introduction of this amendment.

I have listened with interest to the constitutional references, so I would make just a few points. It is correct that there are only three places in the Constitution where a two-thirds vote is required, but one of those is to amend the Constitution.

Our Founding Fathers knew they could not contemplate everything that would happen, but they knew a legislative body needed to be prepared to deal with it. That is why they had a constitutional amendment privilege. That is why we have an income tax today, because a Congress saw fit to impose one, not our Founding Fathers, and it reached a supermajority to do so.

Our Founding Fathers did not contemplate limiting the President of the United States in his terms of service, but following the Roosevelt administration this Congress and the people decided a limitation was appropriate.

I would submit to my colleagues that Madison does not roll over in his grave nor does Jefferson. In fact, they probably stand with pride that the document they created let us respond, in a time far different from theirs, to what is truly in America a very valid question, because they did not contemplate that the citizens of the United States of America would pay marginal rates equal to 40.6 percent of their income.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I rise in strong support as a proud cosponsor of this amendment, and I am proud to submit for the RECORD a letter from the great governor of my great State, Tom Ridge, who like so many other governors across this country endorses this amendment.

I find it ironic that some of my Democratic colleagues find this amendment such a grave assault on the principle of majority rule, yet this very amendment will not succeed unless it garners a supermajority in this House.

Now, I have heard no opposition to the constitutional requirement for a supermajority to amend the Constitution, nor have I heard any objection to the supermajorities required by our Constitution to ratify a treaty or convict on articles of impeachment. It is clear to me the opponents of this amendment do not oppose all supermajority requirements. Rather, they simply oppose those which get in their way.

And of what does this amendment get in the way? It gets in the way of future easy tax increases. This amendment merely says it will require a broader consensus of this Congress before we take even more money from the American workers than we take already.

There are many issues on which we require more than a simple majority, we require a broader consensus than just 50 percent plus one, and taking still more of the fruits of American labor should also require a broader consensus of Congress. I urge my colleagues to stand up for the American taxpayers and support this amendment.

Mr. Speaker, I submit the letter I referred to earlier for the RECORD:

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, January 15, 1999.

Mr. GROVER G. NORQUIST,
President, Americans for Tax Reform,
Washington, DC.

DEAR MR. NORQUIST: I am very pleased to add my name to the list of Governors endorsing the Tax Limitation Amendments: to the Constitution to require a supermajority vote of the Congress to increase all federal taxes. The TLA will better protect taxpayers and restrain government spending and taxation.

I have proposed a supermajority requirement for the Commonwealth of Pennsylvania. My Taxpayer Protection Amendment is a guarantee to Pennsylvania families and employers that their taxes will not increase absent a broader consensus in the legislature. We need to make it harder for government to take more of the hard-earned dollars of our citizens.

Sincerely,

TOM RIDGE,
Governor.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from the Arizona (Mr. J.D. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I rise in strong support of this amendment.

It is important for this House to note, and for those who are citizens of this constitutional Republic to note, that what we are talking about today is other people's money. The money spent in our Treasury is not the money of the government; it belongs to the people. And yet what we have found over the years is that it has been easy time and again for those in this body to raise taxes.

Indeed, Mr. Speaker, I have every confidence that one of the reasons I am now here in this Chamber, representing the good people of the Sixth Congressional District, is that they would not stand idly by when a previous House levied on the American people the largest tax increase in the history of the world, to quote the senior Senator from New York, who happens to be a Member of the Democratic party.

So this amendment simply says when we are going to raise taxes, we will make it more difficult. We will require a supermajority. As my colleague from Pennsylvania noted, it will take a supermajority to pass this amendment. And as American taxpayers know, this is the right thing to do.

I urge passage of the amendment.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON), a distinguished war veteran and member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Speaker, when the Democrats controlled Congress during 1982 to 1993, they voted to increase taxes on hard-working Americans by $666 billion. The new revenue was not used to put toward the debt or used to eliminate the deficit; it was used to increase the size and scope of government.

History has shown us that every time Congress increases taxes they also increase spending. This year President Clinton has proposed to raise taxes by $174 billion over the next 10 years.

This Tax Limitation Amendment will provide a safeguard for taxpayers and force the Congress and the President to reduce spending and return the surplus to its rightful owner, the American taxpayers. Americans are overtaxed and the government is too big. This Tax Limitation Amendment will solve both of these problems.

Mr. Speaker, when the Democrats controlled Congress during 1982 to 1993, they voted to increase taxes on hard working Americans by $666 billion. This new revenue was not put toward the debt or used to eliminate the deficit. Instead, it was used to increase the size and scope of Government. And history has shown us that every time Congress increases taxes, they also increase spending.

This year, President Clinton proposes to raise taxes by $174 billion over the next 10 years.

What this tax limitation amendment will do is provide a safeguard for taxpayers and force Congress and the President to reduce spending and return the surplus to its rightful owner—the American taxpayer.

Not only will they get a smaller, more efficient Government, but also protection from higher taxes.

The President and everybody else who is against this amendment is simply admitting they can't control their spending habit, and they still want the option of heaping the burden onto the American people.

But, at a time when taxes surpass the amount that families pay for food, clothing and shelter combined, something must be done.

Americans are overtaxed and the Government is too big. The tax limitation amendment will solve both of these problems.

It is time for Congress to quit taking money from the hard working families of America. They deserve to keep what they earn. The money is not ours, we did not earn it and we should not waste it. Help America's families—pass this amendment.

Mr. BARTON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas, (Mr. RYUN), the former world record holder in the mile.

Mr. RYUN of Kansas. Mr. Speaker, I rise in support of the taxation amendment.

By 1950, Americans worked until April 3rd in order to pay for the spending of government.

This year, Americans will have to work until May 11th before they are able to take home money for their families. Mr. Speaker, that's 130 days since January 1 of this year. From New Year's Day to Mother's Day, working families are working for the government, not themselves.

The average hard working American household pays nearly $10,000 in federal taxes alone.

This year, those taxes, paid for by hard working Americans will amount to nearly 21% of our gross domestic product.

Mr. Speaker, our taxes are too high.

We have a chance today, the day our taxes are due, to make a statement to the American people.

By our vote today, we can tell the American people that the money they worked so hard to earn is theirs, not ours. We can tell them that they best know how to spend their money, not us.

Mr. Speaker, we have already spent our children and grandchildren $5.5 trillion into debt. We've already spent their tax dollars before they have a chance to earn them. We must stop this tax and spend mentality that has dominated the last quarter of a century.

Yesterday we passed a balanced budget to stop easy spending. Today, we have the opportunity to stop the easy tax increase.

By requiring a two-thirds super-majority vote in both houses of Congress we ensure true accountability, true consensus, and true bipartisanship on the need for any tax increase.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to vote for the Tax Limitation Amendment.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), whose State is the home of the Master's Golf Tournament.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for bringing this up.

I rise today with our colleagues to support H.J.Res. 37, the Tax Limitation Amendment. The resolution asks simply for a two-thirds supermajority in both Houses to approve any Federal income tax.

Now, I could not help but observe what the gentleman from Maine said. He said James Madison would be rolling over in his grave today because we might be amending the Constitution. I can tell my colleague what would cause James Madison to roll over in his grave today, and that would be if he had to file a 1040 form that he could not have had any idea that we would have ever gotten to.

The gentleman from Massachusetts stood up and said this is about nothing. Well, I beg his pardon, it is about something. It is about taking the livelihood away from hard-working Americans. We do not ask them on a voluntary basis to please send in some taxes; or would they not like to help out this time. We tell them to send in their taxes to this Congress so that we can spend it, or we will turn the Justice Department loose on them and put them in jail.

Now, that is a very serious thing that we do to the American people that are trying to prepare to have their first home, trying to prepare to send their children to school or prepare for their own retirement.

I have a question for those who would oppose this amendment. Why are they afraid of the American people and the States? If we pass this resolution in the House and Senate, we have not passed the amendment, we will have only allowed the States and the people to ultimately decide this issue.

Those of my colleagues that would decry this measure to curtail unnecessary future tax increases claim, oh, this is unfair; that the American people do not really want it, that they prefer it remain very easy for Congress to take their dollars that they work so hard for. Well, if that is true, what about the reasoning for objecting to the resolution? What are my colleagues afraid of; to give the American people an opportunity to say no?

It ought to be very hard for us to take the taxpayers' hard-earned money. We do not spend it well, anyway. The taxpayer cannot keep us from spending it, so we should at least make it harder for us to collect it.

Three-quarters of our states would have to approve the Amendment before it became law. Are you afraid that in reality, there aren't even a dozen states that would agree with you?

Or maybe you believe the American people and the states just aren't knowledgeable enough to make the right decision—at least, the right decision according to you, and the inside-the-beltway crowd.

My friends, that kind of thinking is why we went to war with Great Britain to win our independence.

This city, this Congress, the President, the Supreme Court—none of these determine the Constitution. The people do. We serve them—they don't serve us.

They decide the law—and you seek to take their right to self-government away. If not, what are you afraid of?

Maybe it's the fact that the American people have different ideas about how to run this country—and where I come from, the people still rule.

The American public demands accountability and fiscal responsibility on the part of its elected officials when considering tax increases.

For this reason, nearly two dozen states have either already enacted or are considering tax limitation protection.

These standards of limitation have resulted in the slowing down of taxing and spending growth.

Meanwhile, the job rates in these states have grown, and their residents have more money to add to the economy.

The American economy is on a roll, fueled by hard work, and need not be slowed down by future tax increases. A supermajority requirement to pass any increase, would validate the fact that two-thirds of residents in states that have passed such legislation are in support of doing so.

In furtherance of states' support for these measures, the governors of New York, Florida, Texas, Pennsylvania, New Jersey and nine other states have given their backing.

I urge my colleagues to listen to the sentiments of the American public on tax day 1999. I understand that amending the constitution is serious business.

That's why it is left up to the states, instead of this body.

Let the states and the people decide. They rule, not us. Support the Tax Limitation Amendment.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, yes, it is April 15, and Americans will pay more in taxes than they have ever paid before this year. In fact, they will pay $1.815 trillion. Is that not enough government? Can we not fund defense, Medicaid and Social Security with $1.815 trillion? You bet we can. Our government is large enough. It takes enough of our income.

Our Tax Code is complex. It is not flat. Every year the taxpayers of America have a tax increase unless we cut taxes. Every year they pay a bigger percentage. And so if we do nothing in the next 10 years, Americans will pay a whole lot more in taxes.

It is not about nothing, it is about controlling the uncontrolled growth of the Federal Government. Congress historically has not made the tough decisions to cut wasteful programs that no longer are needed. It has been easier to raise taxes, and it should not be.

This amendment will not make it easier, it will force Congress to do its job and allocate $1.815 trillion because that is enough Federal Government.

Mr. BARTON of Texas. Mr. Speaker, may I inquire as to the amount of time we have?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) has 15 minutes remaining, and the gentleman from North Carolina (Mr. WATT) has 16½ minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Speaker, every year we debate a constitutional amendment to limit Congress' ability to spend other people's money, and every year the tax-and-spend caucus comes down to the floor to tell us such an amendment is unnecessary and that it is dangerous.

Dangerous for whom? Working families that are requiring two incomes to pay for their taxes? Overtaxed single mothers who cannot afford to feed and clothe their children? How about family businesses that must be liquidated to pay the death taxes? Do these people have any reason to fear a constitutional amendment? Of course not.

Even more laughable is the notion that this amendment is unnecessary. The American family currently pays over 25 percent of its income to the Federal Government in the form of taxes. This figure is up from just 2 percent 40 years ago.

In fact, taxes have been become the single largest expenditure for the American family. More is spent on taxes than housing, food and clothing combined. Yet despite this, opponents of this amendment want us to believe this amendment is unnecessary. Give me a break.

Of course, the real reason for the tax-and-spend caucus opposing this amendment is because limiting taxes would limit their power. If government confiscates less of the taxpayers' money, it will be harder to spend money, which is the sole reason for their existence.

I freely admit I support this amendment because I believe the Federal Government taxes too much and spends too much. It would be nice to see similar candor on the other side. I urge my colleagues to support this amendment.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I thank my friend from Texas, and I appreciate tremendously his leadership on this very, very important issue.

For four decades it has been far too easy for Congress to raise taxes. Raising taxes robs senior citizens of their secured retirement. Raising taxes robs families of their security. Raising taxes threatens jobs and undermines small businesses.

This constitutional amendment is vital if we are going to make sure that the politicians cannot raise taxes easily. It takes a supermajority. That is why I rise in support of this most important tax limitation constitutional amendment.

Once again, Mr. Speaker, I thank my friend from Texas for his tremendous leadership. God willing, we can get this passed and bring justice to this proposition to the American people.

The combined state, federal and local tax burden is higher now than it has ever been. And that is why I sponsored the measure before the House today—"The Tax Limitation Constitutional Amendment" (H.J. Res. 37)—preventing taxes from being raised unless two-thirds of the Members of Congress vote for a hike or unless it is needed to protect national security.

The average family of four is bilked to the tune of $3,300 in federal income tax and $960 in state and local income tax.

Excessive Federal taxes work an even greater injustice on Long Island, where we pay more for real estate, electricity, food, gasoline and other necessities than any other area in the entire country. That is why I have made scrapping the current tax code my priority and sponsored legislation to that end.

Until the day we rid ourselves of the current code I will continue to fight battles to rectify its worst injustices. For example, I have sponsored legislation to eliminate the Marriage Penalty, the Death Tax and taxes on Social Security Benefits.

The government forces the average married working couple, living hand-to-mouth, to pay almost $1,400 more in taxes than single people. The federal gas tax adds 18.4 cents each time they fill their tank and head to work. When they invest what's left of their salary after income taxes in order to get ahead, the Federal Government forces them to pay an additional Capital Gains Tax on any increase they make from the investment.

Upon retirement, they will become entitled to benefits from the Social Security program they have invested in over the years, but the government taxes that too. Finally, after decades of working to leave a legacy for their children, the Federal Government takes up to 55 percent of the very same property they've paid taxes on their entire live.

Mr. Speaker, let's not forget the rank and file workers at the Internal Revenue Service are injured by the code as well.

For over 25 years the workers at the IRS Brookhaven Service Center, in Holtsville, Brookhaven Town, Long Island, have done their best to mentor the taxpayers of Eastern Long Island by answering thousands of taxpayers' calls on a toll free line and resolving customer complaint cases. In fact, they process approximately 16 million individual and business returns from Montauk Point on the East End of Long Island, to Atlantic City on the southern shore of New Jersey.

Yet IRS employees are working with a code that is confiscatory and manifestly unfair. The answer is to tear down the code and limit the ability of Congress to build it up again.

Mr. Speaker, I urge the passage of "The Tax Limitation Constitutional Amendment" and the shield it will provide for Long Islanders and all Americans against taxation.

Mr. BARTON of Texas. Mr. Speaker, I have three additional speakers, if the Speaker of the House shows up, so we are basically ready to close. If the gentleman from North Carolina (Mr. WATT) or his designee wishes to use some time, we would appreciate it.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the balance of my time, but as opposition it is our right to close anyway.

The SPEAKER pro tempore (Mr. BOEHNER). The gentleman from Texas (Mr. BARTON) has the right to close.

PARLIAMENTARY INQUIRY

Mr. WATT of North Carolina. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WATT of North Carolina. The gentleman from Texas is not a member of the jurisdictional committee, and the rules, I believe, say that the jurisdictional committee and the person defending the right of the jurisdictional committee has the right to close.

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The SPEAKER pro tempore (Mr. BOEHNER). By order of the House, the gentleman from Texas (Mr. BARTON) was made manager of the bill and, as such, has the right to close.

PARLIAMENTARY INQUIRY

Mr. WATT of North Carolina. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WATT of North Carolina. Mr. Speaker, I do not see that anything in the rule that brought this matter to the floor mentions the gentleman from Texas (Mr. BARTON).

The SPEAKER pro tempore. There was a unanimous consent agreement entered into earlier in this debate. There was no objection raised. The gentleman from Texas, by unanimous consent, was made manager of this piece of legislation on the floor today and, therefore, does in fact have the right to close.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BARTON of Texas. Mr. Speaker, we have two additional speakers, myself and the gentleman from Arizona (Mr. SHADEGG), the original cosponsors, plus possibly the Speaker of the House. We have approximately the same amount of time.

Do I have to use time at this point in time?

The SPEAKER pro tempore. One of the two parties engaged in this debate will yield time or we will move to the conclusion.

Mr. BARTON of Texas. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BARTON of Texas. What is the Speaker's recommendation as to who should go now? I will follow whatever the precedence of the House is. But I would appreciate it if my good friend from North Carolina (Mr. WATT) would use some of his time.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair thinks the gentleman from North Carolina has made it clear he is reserving the balance of his time.

Does the gentleman from Texas wish to yield time?

Mr. BARTON of Texas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to start off by putting into the RECORD the letters from the governors of the States that have endorsed the Tax Limitation Amendment.

Time does not permit me to read each letter. But we have a letter from the Governor of Texas. We have a letter from the Governor of New York. We have a letter from the Governor of Florida. We have a letter from the Governor of New Jersey. We have a letter from the Governor of Connecticut. We have a letter from the Governor of Arizona. We have a letter from the Governor of the Commonwealth of Massachusetts. We have a letter from the Governor of the great State of Mississippi. We have a letter from the Governor of Oklahoma. We have a letter from the Governor of Colorado. We have a letter from the Governor of Arkansas. We have a letter from the Governor of North Dakota. And we have previously put into the RECORD a letter from the Governor of Pennsylvania.

These governors support tax limitation, for one simple reason, it works.

There are 14 States that have tax limitation, either constitutional requirements or legislative requirements; and in those 14 States, the Heritage Foundation did a study several years ago and came to the conclusion that in every State that had it, taxes were lower. They went up slower. Consequently, economic growth was faster and more people got jobs more quickly.

The original Constitution as passed in 1787 had a direct prohibition in Article I, section 9, against direct taxes. We referred to that earlier in the debate. We will put that into the RECORD at the appropriate time. But in February of 1913, there was a 16th Amendment to the Constitution. That amendment said that it was constitutional to levy a direct tax, like an income tax, on the American people.

Since that time, the marginal tax rate on the American people has gone from 1 percent to 39.8 percent. That is an increase of 4,000 percent. When we finish collecting the income taxes this evening at midnight, the American people will have paid in the past tax year in income taxes over $800 billion, $800 billion. And if we include Social Security tax and Medicare taxes, that tax burden rises to over $1 trillion on the American taxpayers.

Enough is enough. To my left, we have the items in the Constitution at its passage where a supermajority vote was required. Time does not permit me to go through all of them. But we can see that there are 10 examples for a new State to come into the Union it took a two-thirds vote. To ratify a treaty, it took a two-thirds vote. To convict a President that had been impeached by the House, it took a two-thirds vote. And to amend the Constitution, it took a two-thirds vote.

It is ironic to me that we are on the floor today, having won this debate every year we have had it, we had the majority vote; the three previous times that we brought it up on the House floor, we won every vote. We got a majority of the Congress, Republicans and some Democrats, to vote for tax limitation. But we have not met the constitutional burden of a two-thirds supermajority. And I am fine with that.

We are going to win this two-thirds vote some day. Perhaps today is the day. But if we do not, we will come back until we do. It only makes sense to me, since the original Constitution said we cannot levy an income tax. We had 100 percent prohibition against it in 1787. It is only since 1913 that we have allowed an income tax. It makes sense to me, if we are going to have these direct taxes, we ought to raise the bar.

We ought to require a supermajority, all the Republicans and some Democrats, or all the Democrats and some Republicans, or some of both parties and maybe the Independents, to vote that there is a consensus in the country that taxes need to be raised.

This is a very simple concept in terms of the amendment. Is one-half larger than two-thirds? If my colleagues took fractions back in elementary school, they can go through the math better than I. One-half equals three-sixths. Two-thirds equals four-sixths. Four-sixths is greater than three-sixths by one-sixth. One-sixth is an additional 70 votes.

We want to raise the bar in the House by 70 votes to require 291 votes to raise taxes, and we want to raise the bar in the Senate by 17 votes to go from 50 to 67. It is basic math. It works. We need to raise the bar.

This shows that in the States that have it, this again is the Heritage

Foundation study, it is several years old so it is not current through 1997, but it shows the percentages of how each State's tax rate went up compared to those States that did not have tax limitation and the spending.

I encourage every Member of the House to listen to their constituents, vote for the Tax Limitation Amendment later today.

Mr. Speaker, I include for the RECORD the following governors' letters that I referred to:

STATE OF NORTH DAKOTA,
Bismarck, ND, January 19, 1999.

Mr. GROVER G. NORQUIST,
President Americans for Tax Reform,
Washington, DC.

DEAR MR. NORQUIST: I join with other governors in strongly endorsing your efforts to win passage of the Tax Limitation Amendment. In North Dakota, I used my State to the State address to call for a legislative supermajority to pass any increase in sales or income tax. The need for such institutionalized fiscal discipline is even greater at the federal level.

Congratulations on your campaign to protect America's taxpayers through the Tax Limitation Amendment! I wish you great success on this important project.

Sincerely,

EDWARD T. SCHAFER,
Governor.

STATE OF ARKANSAS,
February 11, 1999.

Mr. GROVER G. NORQUIST,
President, Americans for Tax Reform,
Washington, DC.

DEAR GROVER: Raising taxes on hard-working Arkansans should never be done without a consensus of the members of Congress and the American people. That's why I support the Tax Limitation Amendment.

This amendment should make it impossible for a bare majority to raise taxes. The current method has led to an intolerable burden on American workers and aided the growth of big government.

It currently requires the same majority to raise taxes as it does to declare National Banana Peel Week. That is wrong. Raising taxes should require a high enough threshold that elected officials do it only when there is a clear and compelling reason.

With so many special interests demanding more and more of our tax dollars, I'm thankful you are fighting for the American people. Good luck and God bless.

Sincerely yours,

MIKE HUCKABEE,
Governor.

STATE OF COLORADO,
Dever, CO, February 4, 1999.

Mr. GROVER C. NORQUIST,
President, Americans for Tax Reform,
Washington, DC.

DEAR GROVER: It is with pleasure that I join my fellow Governors in supporting the Tax Limitation Amendment. Our Founding Fathers fought for America's independence in part to be free of arbitrary and capricious taxes imposed on the citizenry. I believe that limiting the power of Congress to tax follows in this proud tradition.

In Colorado, all levels of government—state, county, local—are constrained in their ability to tax without the consent of the governed. It is time that taxpayers be protected in Congress as well.

You have my support on this important issue.

Sincerely,

BILL OWENS,
Governor.

STATE OF OKLAHOMA,
Oklahoma City, December 15, 1998.

Mr. GROVER C. NORQUIST,
President, Americans for Tax Reform,
Washington, DC.

DEAR MR. NORQUIST: I am proud to join my fellow Governors who are supporting the Tax Limitation Amendment. Many states, including Oklahoma, already have similar restrictions on the power of the legislative branch to arbitrarily increase taxes. The TLA should be adopted at the federal level to protect the taxpayer and to restrain spending and taxation.

Sincerely,

FRANK KEATING,
Governor.

STATE OF MISSISSIPPI,
Jackson, MS, January 20, 1999.

Mr. GROVER G. NORQUIST,
President, Americans for Tax Reform,
Washington, DC.

DEAR GROVER: I am an ardent proponent of the Tax Limitation Amendment that requires a two-thirds vote to raise taxes in the United States Congress. Elected officials have been entrusted by the people to guard their tax dollars vigorously in government treasuries. Every decision should be made with the knowledge that money spent is derived from the toil and sweat of the citizens.

The growth of government and the increase in taxes necessitate the Tax Limitation Amendment. Raising taxes should require a supermajority. We have all seen the consequences of this restriction's absence. I encourage Congress to pass this amendment. It is critical to our state and nation that the supermajority requirement is enacted by the Congress.

The State of Mississippi does have a supermajority requirement to raise taxes. However, we also have a requirement that a supermajority is necessary to lower taxes. Changing this restriction has been part of our legislative agenda many times, including this year.

Thank you for the diligent, effective work of Americans for Tax Reform on behalf of our citizens. I look forward to passage of the Tax Limitation Amendment.

Sincerely,

KIRK FORDICE,
Governor.

THE COMMONWEALTH OF MASSACHUSETTS,
Boston, MA, February 4, 1999.

GROVER G. NORQUIST,
President, Americans for Tax Reform,
Washington, DC.

DEAR MR. NORQUIST: On behalf of the Commonwealth of Massachusetts, I am pleased to express my support for the Tax Limitation Amendment (TLA).

During the current time of economic prosperity, we must wisely prepare for the often unpredictable tides of our national economy. The passage of the TLA will safeguard the needs of our taxpayers and provide protection against unnecessary future tax increases.

Sincerely,

ARGEO PAUL CELLUCCI,
Governor.

STATE OF ARIZONA, *December 30, 1998.*

Mr. GROVER G. NORQUIST,
President, Americans For Tax Reform,
Washington, DC.

DEAR MR. NORQUIST: I am pleased to add my name to your list of Governors, State Legislators, Congressmen and women, and others who are endorsing a Federal Tax Limitation Amendment. As you know, this amendment would require a two-thirds majority of Congress to increase all federal taxes. I am also pleased that Arizona's Congressman John Shadegg and Senator Jon Kyl are key sponsors.

We, in Arizona, have been operating for several years now with a similar amendment to our State Constitution. Proposition 108 was passed by the voters in 1992 and requires a two-thirds majority of the Arizona Legislature to increase state revenues, broadly defined.

Since the passage of Proposition 108 with 72% of the popular vote, we have been continuously cutting taxes in Arizona. In fact, cumulative tax cuts enacted since 1992 are now over $1.3 billion, which is equivalent to over 20% of Arizona's general operating budget. Meanwhile, state revenues have continued to grow, we have set aside nearly $400 million in budget stabilization funds, and we concluded last fiscal year with a record surplus of over $500 million.

I am sure you would agree that the government closest to the people governs the best (and probably the least). Therefore, we must hold our President and Congressional leaders to a higher standard when they are inclined to raise our taxes. With federal taxes equal to one-fifth of our total national economic output, it is time to build a higher barrier to further federal tax increases.

Therefore, I strongly support you in your efforts to secure Congressional passage of the Tax Limitation Amendment!

Sincerely,

JANE DEE HULL,
Governor.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, CT, March 4, 1999.

Mr. GROVER G. NORQUIST,
President, Americans for Tax Reform,
Washington, DC.

DEAR MR. NORQUIST: I join with other governors endorsing your efforts to gain support for the Federal Tax Limitation Amendment. This legislation would require a supermajority to increase all federal taxes. Adoption of this amendment would ensure fiscal discipline and protect America's taxpayers.

I wish you great success on your important project and I look forward to passage of the Tax Limitation Amendment.

Sincerely,

JOHN G. ROWLAND,
Governor.

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, NJ, February 5, 1999.

Mr. GROVER G. NORQUIST,
President, Americans for Tax Reform,
Washington, DC.

DEAR MR. NORQUIST: Please register my strong support in calling on Congress to pass by April 15, 1999, the bipartisan Tax Limitation Amendment to the U.S. Constitution as drafted by U.S. Senator Jon Kyl, and Rep. Joe Barton, Rep. Ralph Hall, and Rep. John Shadegg.

I support a two-thirds vote requirement to raise taxes both at the federal level and within the New Jersey Legislature as a means of preventing unwarranted tax increases from stifling economic growth and blighting job creation. A super-majority requirement will force budget writers to consider first eliminating unnecessary government spending before rushing to propose tax increases as a way to finance government initiatives. A super-majority requirement will not mandate tax cuts nor will it prohibit tax increases, but it will require a broader consensus among legislators before seeking a greater share of taxpayers' earnings.

The fiscal policies adopted at any level of government influence the economic well-being of the surrounding community, state, or nation, and requiring a broader consensus to raise taxes is practical change that will likely result in more money circulating in the private sector, the primary creator of jobs and the stimulant for economic growth.

As a Governor who has used the tax code to stimulate growth and job creation, I call on Congress to enact the Tax Limitation Amendment as a sensible safeguard against unnecessary tax increases.

Sincerely yours,

CHRISTINE TODD WHITMAN,
Governor.

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, FL, March 23, 1999.

Mr. GROVER G. NORQUIST,
President, American For Tax Reform,
Washington, DC.

DEAR GROVER: Tax limitation is important at all levels of government. Reflecting my strong belief in limited government, I recently called for a $1.2 billion tax cut in Florida, the largest in state history. Simply put, it's not our money; it's the people's money. We should protect their savings and income the best we know how.

This is a philosophy that I think should be practiced at the federal level as well. Therefore, I would be honored to join my fellow Governors in supporting the Tax Limitation Amendment. Thank you again, Grover, for coming to me with such an important issue.

Sincerely,

JEB BUSH,
Governor.

STATE OF NEW YORK,
OFFICE OF THE GOVERNOR,
Albany, NY, January 28, 1999.

Mr. GROVER G. NORQUIST,
President, Americans For Tax Reform,
Washington, DC.

DEAR MR. NORQUIST, thank you for your recent letter requesting support for the Tax Limitation Amendment vote. I am proud to concur with Americans For Tax Reform in urging Congress to pass the Tax Limitation Amendment.

Our commitment as public servants ought to be to promote efficient government, which means cutting taxes, first and foremost. It is a commitment to freedom, since we know that to deny people their economic freedom-through excessive taxation or over regulation—is to deny them their right to create opportunities and to pursue their dreams.

New York is leading the nation in cutting taxes and leading America into a new century of hope and opportunity. Since I have been in office, we have cut taxes 36 times, returning more than $19 billion to taxpayers; created more than 400,000 net new private sector jobs, bringing the number of private sector jobs to its highest level in history; reduced the number of people on welfare by 608,000, dropping the rolls to the lowest level since 1968; and led the nation in reducing all crimes in 1997, making our communities safer than they have been since 1970. We have shown that we have the courage to bring about change for the good of ourselves and our children, and for that we can be proud.

Four years of tax cuts have created stronger families, a stronger economy and a stronger New York. In order to protect taxpayers now and in the future, we must lower taxes and make fiscal integrity the law of the land in New York State. The act of raising taxes is a destructive act and should therefore be a difficult act. To meet that standard, I have proposed a State constitutional amendment to require approval by a two-thirds majority of the Legislature to raise State taxes and also firmly support the enactment of Tax Limitation Amendment at the federal level.

By putting the people's money in a safe place where it cannot be touched, we are taking the prudent step of guaranteeing that it is returned to the taxpayers.

Very truly yours,

GEORGE E. PATAKI,
Governor.

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, April 5, 1999.

Hon. JOE BARTON,
House of Representatives, Rayburn House Office Building, Washington, DC

DEAR REPRESENTATIVE BARTON: I am pleased that you are continuing your efforts to pass the Tax Limitation Amendment to require a supermajority for the Congress to increase federal taxes.

Limited government provides the greatest freedom to the American people, and the freedom to spend their hard-earned money as they see fit is a fundamental principle we share. By requiring a two-thirds Congressional majority to raise taxes, we can assure that the federal government will not continue to intrude into the lives of American taxpayers and into affairs that are properly handled by state and local governments.

Best wishes in your important endeavors.

Sincerely,

GEORGE W. BUSH,
Governor.

Mr. WATT of North Carolina. Mr. Speaker, I just wanted to inquire whether the gentleman from Texas (Mr. BARTON) made a unanimous consent request to offer those matters for the RECORD?

The SPEAKER pro tempore. The gentleman did ask unanimous consent to revise and extend his remarks.

Did the gentleman from Texas want to enter the letters that he referred to into the RECORD?

Mr. BARTON of Texas. I did, Mr. Speaker, and I thought I had asked for unanimous consent to do that.

Mr. WATT of North Carolina. Mr. Speaker, we have no objection. I just want to make sure he got them in the RECORD. I did not think he ever did.

The SPEAKER pro tempore. Without objection, the letters referred to will be made part of the RECORD.

There was no objection.

Mr. WATT of North Carolina. Mr. Speaker, I ask unanimous consent to submit for the RECORD a study of the Center on Budget and Policy Priorities, which responds to the Heritage Foundation's study referred to by the gentleman from Texas (Mr. BARTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The study referred to is as follows:

DO STATES WITH SUPERMAJORITIES HAVE SMALLER TAX INCREASES OR FASTER ECONOMIC GROWTH THAN OTHER STATES?

(By Iris J. Lav and Nicholas Johnson)

The Heritage Foundation contends that states in which a supermajority vote of the legislature is required to raise taxes have experienced faster economic growth and fewer tax increases than other states. A March 1996 Heritage report looks at the seven states that have had supermajority requirements in place for a number of years—Arkansas, California, Delaware, Florida, Louisiana, Mississippi, and South Dakota—and finds that five of the seven states experienced slower than average growth in tax revenue. It also finds that five of the seven states (but not the same five states) experienced faster economic growth than the average state. The Heritage report suggests a causal link between supermajority limits, lower taxes, and faster economic growth, saying ". . . there is no escaping the logical relationship between supermajorities and superior state performance."[1]

This simplistic analysis is flawed in a number of ways. It relies on only one among a number of possible measures of economic growth. It considers only state-level tax changes rather than changes in total state and local revenues, despite the capacity of states to shift costs and responsibilities to local governments. And it compares 1980, a year in which the economy was turning down into a mild recession, with 1992, a year at the beginning of an economic recovery. If one chooses more appropriate data series to measure revenues and economic growth and adjusts the time periods to represent similar points in the business cycle, conclusions opposite to those Heritage has presented may be drawn. The fact that different analytical choices lead to different results should serve as a caution that no supportable conclusions can be drawn from the type of simplistic analysis Heritage has conducted.

By some measures, supermajority states have had lower economic growth and more tax increases than other states. For example:

Five of the seven states with supermajority requirements experienced lower-than-average economic growth measured by change in per capita personal income between 1979 and 1989, two years at similar points in the business cycle.

Four of the seven supermajority states had lower-than-average economic growth measured by change in Gross State Product from 1979 to 1989.

Six of the seven states with supermajority requirements had higher-than-average growth of state and local revenues as a percent of residents' incomes from 1979 to 1989.

Five of the seven states had higher-than-average increases in state and local taxes per capita from 1984 to 1993, two other years falling at similar points in the business cycle.

The factors affecting state economic growth are far more complex than proponents of supermajority requirements typically acknowledge. Such factors include the interplay of state supermajority requirements typically acknowledge. Such factors include the interplay of state resource endowments, labor force skills, location, and level of public investment and state services, among others. A far more sophisticated analysis would be required to discern any effect supermajority requirements might or might not have on state tax burdens or state economies.

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[1] Daniel J. Mitchell, "Why a Supermajority Would Protect Taxpayers," The Heritage Foundation, March 29, 1996.

HERITAGE'S CHOICES OF DATA MAY SKEW RESULTS

In preparing its report, the Heritage Foundation made choices that may have skewed the results of its analysis. The questionable choices include the time periods analyzed, the measure of state economic growth, and the measure of tax burden.

The Heritage report compares state economic growth and changes in taxes from 1980 to 1992, which are years that represent two different points in the "business cycle." In 1980, the economy turned down from the peak of an economic expansion into a mild recession; in 1992 the economy was beginning its upswing from the deep 1990–91 recession. State tax policy and state economic growth each are very sensitive to the business cycle, and different state economies react differently to economic downturns and upswings. An accurate picture of state changes requires comparing two years at similar points in the business cycle.

Heritage chose Gross State Product (GSP) as its measure of state economic growth; GSP measures the total output of all industries within a state. A different measure, personal income, is more often used to gauge state economic activity. Personal income measures the total income of state residents, including income from out-of-state sources. Personal income per capita measures the economic well-being of an average resident, which may best reflect the goal of state economic policy.

Similarly, Heritage chose to consider only taxes levied at the state level. Yet when state taxes are constrained, state legislatures may meet their responsibilities for providing services by shifting new responsibilities to local governments or by cutting local aid. Either course of action can lead local governments to raise their taxes. Because of these potential shifts, a measure that includes both state and local taxes should be considered.

An additional shortcoming of the state tax series Heritage uses is that it excludes many tax-like "fees." A more comprehensive measure, state and local revenues, includes revenue sources such as fees and lottery proceeds that may be substituted for revenues from taxes.

Lastly, the Heritage study measures tax burden by calculating the amount of tax revenue per resident. Many analysts find it more appropriate to measure taxes as a percentage of residents' incomes. Because differing wage levels in different states affect both residents' incomes and the cost of providing government services, measuring taxes as a percentage of income provides a more meaningful comparison of tax levels and changes in tax burden over time.

ALTERNATIVE TIME PERIODS AND MEASUREMENTS YIELD RESULTS DIFFERENT FROM THE HERITAGE RESULTS

Results quite different from those presented in the Heritage report may be obtained by an analysis that matches up similar points in the business cycle and considers a variety of measurements of economic activity and revenues. Depending on the choice of time frame and methodology, such comparisons may actually show that supermajority requirements are associated with increased taxes and slower economic growth.

Table 1 compares the economic growth of the seven supermajority states relative to average growth in all states. Three different measures of growth and two different recent time periods beginning and ending at similar points in the business cycle are considered. Taken together, these measures show no clear connection between supermajority requirements and economic growth. (See appendix tables for detailed comparisons.)

By most measures, the supermajority states split almost down the middle (4–3 or 3–4)—about half experienced stronger economic growth than the national average, while the other half had weaker growth.

By one method of measuring economic growth—change in per-capita personal income from 1979 to 1989—only two of the supermajority states outperformed the national economy; the other five had lower economic growth than the average state.

TABLE 1.—PORTION OF SUPERMAJORITY STATES WITH STRONGER-THAN-AVERAGE ECONOMIC GROWTH

	1979 to 1989	1984 to 1993
Gross State Product	3 of 7	Not available.
Personal Income	3 of 7	4 of 7.
Personal Income Per Capita	2 of 7	4 of 7.

Source: Center on Budget and Policy Priorities. Based on data from Bureau of Economic Analysis, with population adjustments from the Bureau of the Census.

Similar results may be found with respect to levels of revenue increases. Table 2 shows revenue increases in the supermajority states using broader measures of state and local taxes and revenues over the two time periods. The picture that emerges is decidedly mixed.

In only one of the supermajority states did state and local revenue as a percentage of personal income rise less rapidly than in the average state from 1979 to 1989. In the other six supermajority states, the growth of state and local revenue as a percent of personal income was higher than in the average state.

Fewer than half the supermajority states showed lower-than-average growth in state and local taxes between 1984 and 1993, measured either as taxes per capita or taxes as a percentage of residents' incomes.

TABLE 2.—PORTION OF SUPERMAJORITY STATES WITH TAX INCREASES LOWER THAN THE NATIONAL AVERAGE

	1979 to 1989		1984 to 1993	
	State and local taxes	State and local own-source revenue	State and local taxes	State and local own-source revenue
Tax per capita	5 of 7	5 of 7	2 of 7	5 of 7.

TABLE 2.—PORTION OF SUPERMAJORITY STATES WITH TAX INCREASES LOWER THAN THE NATIONAL AVERAGE—Continued

	1979 to 1989		1984 to 1993	
	State and local taxes	State and local own-source revenue	State and local taxes	State and local own-source revenue
Taxes as a percent of income	4 of 7	1 of 7	3 of 7	4 of 7.

Source: Center on Budget and Policy Priorities. Based on data from Bureau of the Census, with income adjustments from the Bureau of Economic Analysis.

TRENDS DO NOT PROVE CAUSATION

Even if tables 1 and 2 presented clearer trends among the seven supermajority states, it would not be correct to conclude that supermajority requirements were a factor in the economic growth or in the tax decisions in those states. Other factors, such as regional economic variations or changes in political power, are much more likely to affect state economic performance and government finances. A far more sophisticated analysis than either the Heritage study or the analysis presented above would be required to conclude that supermajority requirements have had any substantial effect either on state tax burdens or on state economies.

APPENDIX

Table A–1.—ECONOMIC GROWTH IN STATES THAT REQUIRED SUPERMAJORITIES TO RAISE TAXES

	Change in gross state product	Change in personal income		Change in personal income per capita	
	1979 to 1989	1979 to 1989	1984 to 1993	1979 to 1989	1984 to 1993
Arkansas	96%	99%	72%	92%	64%

Table A-1.—ECONOMIC GROWTH IN STATES THAT REQUIRED SUPERMAJORITIES TO RAISE TAXES—Continued

	Change in gross state product	Change in personal income		Change in personal income per capita	
	1979 to 1989	1979 to 1989	1984 to 1993	1979 to 1989	1984 to 1993
California	143%	142%	79%	93%	49%
Delaware	165%	128%	87%	106%	64%
Florida	175%	184%	96%	112%	58%
Louisiana	63%	86%	45%	81%	48%
Mississippi	82%	100%	69%	94%	65%
South Dakota	77%	83%	80%	81%	75%
U.S. Average	112%	121%	76%	101%	61%
Number of supermajority states with economic growth above average	3	3	4	2	4

See notes at end of appendix.

TABLE A-2.—CHANGES IN STATE AND LOCAL GOVERNMENT TAXES AND REVENUE PER CAPITA IN STATES THAT REQUIRED SUPERMAJORITIES TO RAISE TAXES

	1979 to 1989		1984 to 1993	
	State and local taxes	State and local own-source revenue	State and local taxes	State and local own-source revenue
Arkansas	114%	122%	81%	79%
California	101%	123%	62%	70%
Delaware	103%	140%	66%	68%
Florida	126%	155%	91%	97%
Louisiana	87%	119%	49%	56%
Mississippi	96%	117%	75%	73%
South Dakota	83%	97%	68%	46%
U.S. Average	108%	124%	645%	73%
Number of supermajority states with tax or revenue growth below average	5	5	2	5

See notes at end of appendix.

TABLE A-3.—CHANGES IN STATE AND LOCAL TAXES AS PERCENT OF PERSONAL INCOME IN STATES THAT REQUIRED SUPERMAJORITIES TO RAISE TAXES.

	1979 to 1989		1984 to 1993	
	State and local taxes	State and local own-source revenue	State and local taxes	State and local own-source revenue
Arkansas	11%	15%	10%	9%
California	4%	16%	9%	14%
Delaware	−1%	17%	2%	2%
Florida	7%	20%	21%	24%
Louisiana	3%	21%	0%	5%
Mississippi	1%	12%	6%	5%
South Dakota	2%	9%	−4%	−17%
U.S. Average	3%	11%	3%	8%
Number of supermajority states with tax or revenue growth below average	4	1	3	4

Notes.—Gross State Product not available for years after 1992. In cases where the state average equalled the national average, the change was computed to additional decimal places to find the correct comparison. U.S. average excludes Alaska and the District of Columbia, whose revenue systems are significantly different from those of other states. All data are for fiscal years except Gross State Product.

Sources: U.S. Bureau of Economic Analysis. U.S. Census Bureau. Center on Budget and Policy Priorities.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we have heard a reference by the gentleman from Texas (Mr. BARTON) to how well the States which have supermajority tax requirements are doing based on a Heritage Foundation study that was done.

Well, we have a different study. I do not really want this to get into a debate about whether taxes are good or bad. I think taxes are good sometimes and they are bad sometimes. They can be beneficial; they can be detrimental.

I really think this debate is about the essence of our democracy, which is majority rule. It is not about taxes or no taxes.

None of us look forward to voting for a tax increase. All of us should be held accountable if we are irresponsible in voting for tax increases, and we are subject to account for that every 2 years when we run for office. But I think it would be a mistake for the public to be left with the mistaken notion that all States that have supermajority requirements somehow have passed a magic bullet and they are doing well.

The actual study indicates that five of the seven States with supermajority requirements experienced lower than average economic growth measured by change in per capita personal income between 1979 and 1989. Four of the seven supermajority States had lower than average economic growth measured by change in gross State product from 1979 to 1989.

Six of the seven States with supermajority requirements had higher than average growth of State and local revenues as a percent of residents' income from 1979 to 1989, suggesting that if we did this at the Federal level, we would be simply passing the buck on for higher taxes at the lower level, which is already a problem that all of us recognize.

Five of the seven States had higher than average increases in State and local taxes per capita from 1984 to 1993, again suggesting that if we do not accept the responsibilities for what we are doing at the Federal level and people demand government services, they will have to be delivered at the local level and taxes will be lower there.

Now, I am not getting into a debate about whether taxes are good or bad. This is not about that. But we should be clear that this Heritage Foundation study, which suggests that just because they have a supermajority they have done something magnanimous for the State or for the Nation is just absolute baloney.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, it is my distinct pleasure and high honor to yield 3 minutes to the honorable gentleman from Illinois (Mr. HASTERT), the distinguished Speaker of the House of Representatives.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in support of the constitutional amendment today. I commend my colleague from Texas (Mr. BARTON) for his long-time effort. I think that as long as we have known each other he has been working on this issue, and he has exemplified the old phrase "If at first you don't succeed, try, try again." But when we try and try again, it is for a noble effort.

We must continue to try again to pass this constitutional amendment, as we must continue to try to provide tax relief for the American people.

Make no mistake about it, working Americans are taxed too much. They are taxed at a higher rate than since the Second World War. They are taxed when they eat. They are taxed when they drink. They are taxed when they drive. They are taxed when they work. And they are taxed even when they die.

If we go back a little over a decade ago, we celebrated the anniversary of the Constitution of this country. And right before that, I remember, as I was teaching history in a small high school in Illinois, we were studying the Revolution. This country fought a revolution over taxes. It was the vision of our forefathers that the people in this country should have economic liberty, they should have economic choice, not government choosing how to spend their money, but individuals choosing how to spend the money that they earn.

□ 1445

Higher taxes mean bigger government. If we are going to restore balance to our society where individuals and local communities have more power, we need to make the Federal Government smaller and smarter. Support this constitutional amendment and go on record in support of tax relief for the American people.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to spend a minute or two just talking about what this bill provides for and putting this in context. But first of all let me remind my colleagues of the history again. It is the fourth year on or about tax filing day that my colleagues have brought this same amendment to the floor of the House. It has failed on each prior occasion. They know it will fail again today. And this amendment is not here as a serious legislative undertaking; it is here to make a political point.

If it were here to make a serious legislative point, as opposed to going through a political charade, this bill would have gone through the appropriate committees, one of which would have been the Subcommittee on the Constitution of the Committee on the Judiciary. I cannot imagine bringing a proposed constitutional amendment, an amendment to the most sacred document in government that we have, without going through the Subcommittee on the Constitution and going through the Committee on the Judiciary.

Now, the reason that we did not go that route, or the majority did not go that route is because this is not a serious legislative undertaking. If it were a serious legislative undertaking, they would have made in order proposed amendments to this constitutional amendment because they know that it has serious, serious substantive deficiencies. I want to talk about those deficiencies so that everybody knows what we are talking about. I want to read from section 1 of the bill:

"Any bill, resolution or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill, resolution, or other legislative measure is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue"—not change the revenue law, but increase the internal revenue—"by more than a de minimis amount."

Now, let me point out three serious problems with the language there. First of all, this will be the first time ever in the history of this country, if this amendment passed, that the word "de minimis" is used in the Constitution. The word does not exist. It probably was not even a word that was in the vocabulary at the time the Founding Fathers were writing the original Constitution.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. BARTON of Texas. "De minimis" is a Latin word.

Mr. WATT of North Carolina. Let me reclaim my time, unless he is asking me to yield to tell us differently. Is the word in the Constitution?

Mr. BARTON of Texas. No, but there is no prohibition against the word being in the Constitution.

Mr. WATT of North Carolina. Let me get to the point I want to make. "De minimis" is probably no worse than "reasonable cause" or other general terms that are used in the Constitution. That is not my point.

My point is that we have gone through 200-plus years of litigation determining what those words that are in the Constitution mean, and now we are about to set off 200 more years of litigation about what the term "de minimis" means.

Mr. BARTON of Texas. Will the gentleman yield further?

Mr. WATT of North Carolina. Let me get through it. We can engage in a dialogue. The gentleman has got plenty of time to engage in it if he wants to on his side.

Mr. BARTON of Texas. The gentleman has more time than I do now.

Mr. WATT of North Carolina. If we want to set up a judicial process where we spend 200 years defining what the word "de minimis" means and have the courts do it, that is what this bill is going to do.

But even more important is, we are setting up a direct conflict between the Congress' definition of de minimis and the court's definition of de minimis. Because when we say the measure is going to be measured, determined at the time of the adoption of the bill, we are trying to give the Congress the authority to make its decision about what the word "de minimis" means. But we cannot do that. So basically what we have done is set up a direct conflict between the legislative branch of the government and the judicial branch of the government. That is exactly what we have done.

Now, I recognize that. I recognized that the first time we debated this bill in committee. I recognized it before the Committee on Rules 2 days ago. I went to the Committee on Rules and I said, would you allow me to bring to the floor an amendment which would improve this legislation, which would make it clear that the sole authority that the Supreme Court will have is to determine whether the Congress has followed its own rules in making this determination so that we could avoid this conflict between the legislative branch and the executive branch?

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield on that point? I am going to compliment the gentleman if he will yield.

Mr. WATT of North Carolina. I appreciate it. Is he going to accept my amendment under unanimous consent?

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I will yield to the gentleman, so maybe we will get a unanimous consent request.

Mr. BARTON of Texas. I want to compliment the gentleman for his effort. We have given it to our constitutional experts. If the gentleman will work with me, if we are not successful today, we very well could do that. Of course, the gentleman would have to vote with us at some point in time on the amendment.

Mr. WATT of North Carolina. I appreciate the gentleman offering to work with me and, of course, if this bill had gone through the committee, we could have done the work in a serious legislative manner and we could have treated this bill as a serious bill. But it is quite obvious that this is not what this is about. It is about political theater on the 15th of April.

We have got to play political theater so that we can tell the American people how terrible it is that we have taxes. That is what this bill is about today. If it were not about that, we would have considered this amendment.

We even offered an amendment last year that would have taken out the term "de minimis." If you do not want to raise taxes, and you want a two-thirds requirement, you at least would not get into 200 years of litigation arguing about what de minimis means if you just said it required a two-thirds vote to raise taxes. I mean, that would be clear. At least we would not have to look in a Latin dictionary to figure out what we are talking about and ask the Supreme Court to tell us what we are talking about. At least that would be clear.

Mr. BARTON of Texas. I will agree to that.

Mr. WATT of North Carolina. We even offered to take that out of the bill. You would think that people who were seriously interested in passing a constitutional amendment that limited the ability to raise taxes would have jumped at that, they would have said, "Yeah, that's absolutely consistent with what we are trying to do." But they have not demonstrated any degree of seriousness about this issue.

Everybody has talked about the gentleman from Texas' two-thirds and three-fourths, his equations. I want everybody to stay with me now, because when you require a two-thirds majority vote to do something, what you are saying is, if one-third objects, you cannot do it. So everybody has talked about this powerful supermajority. What my colleagues need to understand is that we are setting up, not a powerful supermajority, what we are doing is setting up a powerful superminority which will control the process. It will be one-third of the people in this House who will be in control of it. It will not be the two-thirds. It will not even be the majority rule. And if that is not countermajoritarian, if that is not counterdemocratic, I do not know what is.

We do not require a two-thirds majority to declare war. If the President came over here and said, please declare war on Kosovo, as he should under the Constitution—the gentleman from California (Mr. CAMPBELL) and I agree on that—it would not require a two-thirds vote. And somehow or another this majority wants to elevate the questions about taxation to some higher pedestal even than a declaration of war. And so really what you are talking about is giving one-third of the people in this House the ability to bring the process to a halt.

I will tell you what that does to my constituency. If I am in the two-thirds or not in the one-third, and I want to get something done, what you have said to my constituency is, you are less important than that one-third minority over there, because they are controlling the agenda. That is not my definition of democracy, my colleagues. We can talk all day today about how this is about taxation and whether we are paying too much in taxes. I have conceded that. I mean, I do not like to pay taxes any more than anybody else. And my constituents do not like it any more than anybody else's. But I will tell you that every American citizen is entitled to the same representation in this body. And any time you create a supermajority and thereby create a super-superminority that can control the agenda of this House and the agenda of this country, you have deprived American citizens of their equal representation in the process.

So it is tax day. You can talk and make it sound like this is about taxation, but it is about basic fairness. It is about democracy. It is about who has the authority to rule. And in my democracy, that is 50 percent of the representatives and 50 percent of the people plus one.

□ 1500

Mr. BARTON of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Arizona (Mr. SHADEGG), the distinguished cosponsor of the amendment who has worked long and hard with me.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 6 minutes.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman from Texas for yielding this time to me.

Mr. Speaker, let me begin by responding to a series of the arguments that have been made on the other side, and I suppose the one that I am tempted to respond to first is the one we heard repeatedly on the other side, that this is not a serious debate or a serious initiative. I have put 5 years into my fight for this legislation, I have worked shoulder to shoulder with the gentleman from Texas (Mr. BARTON), and let me assure my colleagues on behalf of the taxpayers of America this is deadly serious. Indeed I think it is vitally important to the survival of the Nation.

Now let me talk about how they say it is not serious. They say it is not serious because it is a gimmick because it is brought forth on April 15. The date is irrelevant. Would it be a gimmick if it were brought forward on Election Day? Would it be a gimmick if it were brought forth on the birthday of the gentleman from Texas (Mr. BARTON) or my birthday? Would it be a gimmick if it were brought forth on January 1? It makes it a gimmick because it is brought forth on April 15? I do not think so. I think it is a substantive provision which is appropriate to be brought forward on a time when Americans are focused on the tax burden in America.

The opponents say: "Well, it's a gimmick, and it's not serious because it has failed before." That is one of the most stunning arguments I have ever heard on the floor of this House. People in this room benefit today from changes that were fought for in this country over years. The Constitution itself says it can, in fact, be amended by a supermajority, and thank God we have in fact on many occasions amended it, and that is most appropriate, and none of those amendments have passed on the first try. So of course it has required multiple tries, and we will try again if it fails today.

The opponents say: "Well, if it was serious, they would have taken it to committee." In point of fact they know full good and well that it has been taken to committee. It has been taken to committee more than once in the past. Indeed this exact language was taken to committee last year. It went through subcommittee and full committee and was heard, and the amendment which the ranking member on the other side has proposed, which indeed might be a thoughtful amendment, limiting the rule of the courts, was not proffered when it went before committee last year; it was not proffered until it came to the Committee on Rules this year.

Now I want to turn to another argument. My colleague the other side, the ranking member, has talked about de minimis and how this is a great legal flaw in this measure, and yet throughout this debate today we have heard that this is a terrible provision because it would freeze in stone forever and ever our current Tax Code. That argument is not genuine, it is not honest, because the opponents of this legislation know fully well that it is crafted carefully to allow tax neutral tax reform. Indeed the word that the gentleman questions, "de minimis," is an attempt to say: "Look, our goal is to make sure that if you want to make tax neutral tax reform; that is, tax reform that does not increase the tax burden on the American people, you may do so with a simple majority vote." Nothing in this measure would inhibit the ability to do tax neutral tax reform.

Now let us talk about the Heritage Foundation study. We have a duel of studies. They have their study, we have our study. Let me just recite the facts of the Heritage Foundation study because I think it is very important. It proves that tax limitation works. As a matter of fact, looking at the States where it is enacted, tax limitation, in those States taxes go up at a slower rate, only 102 percent. Mr. Speaker, 102 percent is quite a bit, but only 102 percent over 12 years versus States which have no tax limitation; they have gone up by 112 percent. Spending? Spending and tax limitations, gone up. It has gone up by 132 percent, but not by as much as spending in States without tax limitation. In those States it has gone up by 141 percent.

Fundamentally and most importantly for my colleagues on the minority side, the job base grows more rapidly in those States with tax limitation. As the gentleman from Ohio (Mr.

TRAFICANT) from the other side pointed out, if in fact there was no constitutional authority for an income tax when our Constitution was adopted and, as my friend, Mr. TRAFICANT from the minority, pointed out, he believes that pretty well establishes looking at the tax structure then, then it would have required a two-thirds majority and the Founders would have supported a two-thirds majority for future tax increases.

But let us talk beyond the studies; let us talk about experience. In my State of Arizona, when we adopted this in 1992, our economy had been struggling. Since then it has boomed. We have created more jobs than we have helped more people.

Now the last argument and perhaps the most telling argument proffered by the other side is that this will create a rule of tyranny by the minority. Again, that argument is a fraud. We do not have, and my colleagues on the other side understand this and agree with it, we do not have the rule of simple majority in this country. We do not in this Nation allow majorities to run roughshod over minorities. Throughout our Constitution 10 different places require super majorities, but throughout all of the rule in law in this Nation we prohibit majorities from imposing their will unfairly on minorities. Our Constitution protects minorities, as well it should, and that is what this measure says.

But it is interesting. They say do not enact a supermajority requirement for tax increases, and what they imply is that we will require a supermajority to ever adopt any tax. But this is not being offered any point in time when there are no taxes in America, it is not being offered at a time when we will repeal every tax and say we will only pass any new taxes. We will have no tax in America without a supermajority to impose any taxes.

That is not the situation. What this measure says is we have a very heavy tax burden today. It consumes 20 percent of the gross domestic product, and before we raise it yet one more time, before we increase it to 25, or 30, or 35, or 40 percent, or 50 or 60 percent, we ought to have a broad consensus.

I urge my colleagues to support H. Con. Res. 37. We need a tax limitation amendment.

Mr. LEVIN. Mr. Speaker, well, here we are again. For the 4th year in a row—the majority will take the House through the motions of attempting to pass a Constitutional Amendment requiring two-thirds supermajority of the House and Senate in order to pass a tax cut.

Today is the Republican equivalent of Ground Hog Day. Each year at this time the Republican leadership comes out of its hole, sees its shadow, and dusts off this proposed Constitutional Amendment that essentially says, "stop us before we tax again!"

I said the majority is taking us through the motions because this is the same bill they've brought to the Floor in 1996, 1997 and 1998. Each time, the bill goes down to defeat. The majority knows it won't pass again today, but they can't help themselves.

The irony here is that there is actually broad support on both sides of the aisle for cutting taxes, not raising them. There is some difference of opinion on who's taxes should be cut. I would argue that the lion's share of any tax relief should be targeted to working American families and not the very rich. The other key debate concerns Social Security and Medicare. In my view, it is simply irresponsible to move ahead with a $778 billion tax cut before taking action to assure the long-term financial health of Social Security and Medicare. The budget surplus gives us a unique opportunity to address these programs. We should save the entire surplus until we've taken care of Social Security and Medicare.

I urge the House to reject this ill-conceived effort to tamper with the Constitution. Instead of wasting more time debating bills that all of us know will never pass, we should roll up our sleeves and get to work on saving Social Security and Medicare. Then we can take up tax relief for working American families.

Mrs. FOWLER. Mr. Speaker, today I rise in support of the Tax Limitation Amendment that Representative BARTON has introduced. This amendment protects every American citizen. It protects them by making it more difficult for Congress to increase taxes on their hard earned money—and, indeed, it is there money that Congress is charged with allocating and protecting. It should not be easy for Congress to pass a tax increase that will drastically affect American families. Americans work hard for the money that they earn. It is not easy to be a working mother or father. It is not easy to be the head of a household working two jobs to make ends meet. It is not easy for families to watch up to 40 percent of their hard-earned money taken out of their paychecks and sent to the Federal, State and Local governments. And it should not be easy for Congress to increase the tax burden on Americans.

The Tax Limitation Amendment is a common sense piece of legislation. There are 14 states, including the state of Florida, which I represent, that have enacted legislation similar to the proposed amendment which would require a two-thirds majority vote to raise taxes. Congress should not automatically look to tax hikes to raise revenue for government operations. Just as American taxpayers must show restraint in their spending in order to live within their means, Congress must do the same.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of the tax limitation amendment. Never before has the need for this amendment been more obvious. Let me touch on a few well-known numbers. The typical American family pays 38 percent of its income in taxes. This is more than it pays for food, clothing or shelter. Not since World War II has the tax burden on American workers been so high. At the start of this century, Federal, State, and local taxes combined comprised only 8 percent of Americans' income. At the start of this century, Federal, State, and local taxes combined comprised only 8 percent of Americans' income.

Despite the fact taxes are at a peace-time high, the Clinton-Gore administration's new budget—which the House and Senate soundly rejected—called for $175 billion in new taxes and fees.

With the Federal budget surplus projected at $4.9 trillion over the next 15 years, I can't imagine why anyone would want to raise our taxes, but the administration does.

The temptation to raise a tax here and raise a tax there even in years of surplus and prosperity is just too much. They can't resist. This House is the first line resistance to further skyrocketing of taxes that have soared sharply this past century. We must hold the line. We must help our successors hold the line. We owe it to working American families, the single moms and dads, struggling under a tax burden that has nearly quadrupled in this century to hold the line on taxes. Not just today, when the concept of a tax increase is ludicrous, but for years to come.

The most meaningful way we can do that is by passing the Tax Limitation Amendment today. This amendment does not prohibit tax increases in some future years should an urgent need arise. Though, after 5 years of common-sense Republican leadership, our budget and revenues are in such great shape that it's hard to imagine such a day.

But the amendment does require that the need be so clear and so compelling that two-thirds of each House must vote for the tax increase. This amendment is simple, practical and urgently needed. It is an outrage to have working families struggling under an already weighty burden to be weighted down further by an unnecessary tax increase that passes by a handful of votes in a last-minute partisan push. We saw that in 1992. We have seen since how unnecessary that tax increase was. But we are still fighting to roll that tax increase back.

As high as people's taxes get, and as big as the Government gets, the truth is that some people in Washington never think that it's enough. They believe that Government has the right to take as much of a working American's money as it wants to take and to spend it however it wants to spend it.

I don't share that attitude. The American people work hard for their money. They deserve to keep more of it—not less. I believe the tax burden on working Americans should only be increased when the need is so urgent, clear and compelling that two-thirds of the House and Senate will vote for such an increase. An increase under any other circumstances is an affront and outrage to the American people.

Mr. PACKARD. Mr. Speaker, I would like to stand in support of H.J. Res. 37, which will make it more difficult to raise taxes. It is time Congress puts a stop to the raid on the pocket books of American citizens.

H.J. Res. 37 will require a two-thirds supermajority vote in the House and Senate for any net tax increase. This is not a new concept. Fourteen states already require a supermajority in their state legislatures to raise the tax burden on their citizens. It's a simple equation, when taxes are limited, big government spending remains low and economies flourish.

Mr. Speaker, Americans already send an average of 38 percent of their income back to the government in taxes. This is more than families pay for food, clothing, and shelter combined! Last year, federal taxes consumed 20.5 percent of GNP. This number will only keep increasing unless we put a stop to it.

While our country is experiencing a projected budget surplus of over $4 trillion for the next 15 years, the President wants to waste this surplus and continue to raise taxes by $108 billion. this spending mentality explains why federal income taxes have grown by more than 70 percent during the Clinton-Gore administration. Any surplus is nothing more than an overpayment to Washington by America's taxpayers and we should give it back.

Mr. Speaker, I'm tired of Washington dipping their hands into the pocket of American taxpayers. This legislation will keep the hard-earned money of American citizens out of the hands of Washington politicians who want to continue to raise taxes for big government programs.

Mr. DELAHUNT. Mr. Speaker, I rise in opposition to the resolution.

The framers of our Constitution recognized that certain key questions—such as treaty ratification, conviction in impeachment trials, or expulsion of a member on Congress—demand more than the customary majority.

But with regard to the normal operations of the government, they provided—in all cases—for a simple majority vote.

They made no exception for taxation. Pause and reflect: they made no exception even for declarations of war.

What the framers feared was that a supermajority requirement would give special interests a veto over the political process.

As James Madison wrote, "It would be no longer the majority that would rule: the power would be transferred to the minority. . . . [A]n interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or, in particular emergencies, to extort unreasonable indulgences."

Madison could have been describing the very amendment before us today. It would give a veto over revenue bills to a minority of members of either House. It would enable Members of Congress representing one-third of the population—or Senators chosen by one-tenth of the population—to block tax measures supported by the vast majority of Americans. It would give those minorities enormous leverage in an emergency to extract concessions in exchange for their support.

The resolution pays lip service to this concern by allowing the two-thirds requirement to be waived in the event of war. Yet what about other perilous circumstances? Such as hurricanes, floods, terrorist attacks or other localized disasters? A severe economic crisis or a breakdown in the financial system itself? For these emergencies, the resolution makes no exception. Furthermore, it would make it virtually impossible to eliminate corporate subsidies and other loopholes in the tax system.

The proponents of the resolution are content to live with those consequences. Two years ago, they rejected a series of amendments in committee that would have addressed at least some of those concerns. This year, in their haste, they didn't even bother with the committee, but have brought the resolution directly to the floor.

The proponents of the resolution also seem determined to repeat their past mistakes. I was not a member of Congress when the current majority took control in 1995, but I understand the House adopted a rule at that time requiring a three-fifths majority to raise taxes. Unfortunately, having created this rule, the majority found it impossible to govern in accordance with it, and it was repeatedly waived or ignored.

Today that same majority invites us to graft this failed motion onto the Constitution of the United States—where it cannot be waived or ignored. This is an invitation that we should and must decline.

Mr. GARY MILLER of California. Mr. Speaker, I rise to speak in support of House Joint Resolution 37, the "Tax Limitation Amendment." The question is—How hard should it be for government to take someone else's hard-earned money? We know it is very easy for government to spend the money it has taken, but how hard should it be to take an American worker's money?

I think it should be very difficult. We should be absolutely sure before allowing the government to take money someone else has earned by their hard work and sweat. I do not know if a two-thirds vote of Congress should be enough to take an American worker's money, but I strongly support it as a minimum requirement.

Just look at the growth of Federal taxes: Families paid just 5 percent of income in Federal taxes in 1934. Today, the average family pays over 20 percent of its income in Federal taxes; That is the highest peacetime rate ever and the highest overall rate since WW II; 18 of the last 19 Democrat controlled Congresses passed tax hikes, including the $241 billion hike in 1993; Just during the Clinton Administration taxes have grown by over 54 percent, from $1.154 trillion in 1993 to $1.784 trillion in 1999; State and local income taxes are increasing at the same time so that Federal, State, and local taxation is a record 32 percent of national income.

The Founding Fathers created a Republic, instead of a pure Democracy, to protect citizens' basic rights from the "Tyranny of the Majority." I believe it is a basic right to keep what you have earned, and I believe it should take more than 51 percent of Congress to take money from 100 percent of Americans. I encourage each of my colleagues to support the "Tax Limitation Amendment."

Mr. BALLENGER. Mr. Speaker, I rise today to express my support for the Tax Limitation Constitutional Amendment.

I applaud my colleagues—Representatives BARTON, SHADEGG, GOODE, and RALPH HALL—for their perseverance in offering this important bipartisan legislation once again. The Tax Limitation Constitutional Amendment (House Joint Resolution 37) would amend the Constitution to require a two-thirds majority vote in both houses of Congress for passage of legislation that would result in any significant tax increase. This supermajority vote requirement would mean that only true national emergencies would be an excuse for raising even higher the tax burden on all Americans.

Now that the Republican-inspired Balanced Budget Act of 1997 has led to the prospect of increasing budget surpluses in the years ahead, it is time to return tax dollars—in excess of Social Security receipts—to the taxpayers who are responsible for the present tax overpayment. Every year around Tax Day my desk is covered with letters and phone messages from constituents who want tax relief—in the form of lower taxes and a simplified tax code. Since my first election to Congress, I have eagerly worked with my colleagues to enact tax relief for individuals and small businesses.

Conversely, I have supported initiatives—like the Tax Limitation Constitutional Amendment—to insure that Federal taxes are not increased. The last thing our citizens and economy need is another round of tax increases like $108 billion which President Clinton proposed in his fiscal year 2000 budget.

It is urgent that we lock into place the discipline we need to maintain a balanced Federal budget and the opportunity for tax relief for our citizens. I call on my colleagues to join me in guaranteeing the American people that we will block the pro-tax crowd in Washington, D.C., through this amendment. Please vote for H.J. Res. 37.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to the validation of this conference report, which includes in it the details of the Budget Resolution passed just a few weeks ago by the Republicans.

At that time I spoke vigorously against the Budget Resolution because I felt it short-changed the American people. Also at that time, I spoke in favor of the Democratic Budget, offered by Ranking Member SPRATT because it was a responsible budget done right. Thereafter, when this resolution once again came before us as it was sent to conference, I supported Ranking Member SPRATT's motion to instruct the conferees to hold off on their submission of the report until we had passed legislation addressing the concerns of our party, and of most Americans—in this case, preserving and extending the life of Social Security and Medicare. I go over this litany of details not to open old wounds, but rather to demonstrate and testify to the American people that the Republicans have had multiple opportunities to save Social Security and Medicare—and each time they turned away.

As I vote to strike down this report, I do so only with the well-being of our constituents in mind. I know that we should be approving a budget that protects the Social Security and Medicare Trust funds by putting money back into those accounts. It should be a budget that will maintain our current Social Security and Medicare benefits, and extend their lives until decades from now, so that all Americans will be able to take advantage of them. This is especially true for women, because due to their longer life expectancy, they must rely on Social Security and Medicare longer than must most men.

I know that we should be appropriating the proper resources to modernize, and some would say revitalize, our public schools. This budget does the opposite; in fact, it reduces our domestic spending on programs that protect the interest of our children. This budget jeopardizes the well being of successful programs by taking $425 million from WIC, and $501 million from Head Start. Nevertheless, in this budget most of that money—$800 million of it—goes instead to tax cuts for the wealthy.

I know that what we should be doing at this time is authorizing a budget that will protect

America's families. It should be a budget that fully funds the Summer Youth Employment Program, which is cut by over $90 million. It could be a budget that saves the Community Development Block Grant Program the indignity of a $50 million cut.

This budget could be more, it could address the needs of our veterans. We could have and should have passed the Spratt Amendment, which would have added an additional $9 billion for veterans programs. We should be voting to pass a budget that fully funds LIHEAP, which provides for necessary heating and cooling for low-income families in times of extreme weather. LIHEAP literally saved lives in my district last summer, and I intend to do what I can to ensure that it is fully funded every year that I serve in Congress.

I had hoped that during conference, that we would have seen drastic improvements in this resolution, improvements that could have been done in a bipartisan and responsible manner. I had hoped that my colleagues across the aisle could be more persuaded by the dedication of Congressmen SPRATT and McDERMOTT. I desperately wanted to take home to my district a budget that respected our children, our families, our veterans, and our elderly—and I still hope to do so.

Therefore, I urge my colleagues to vote against this conference report, and instead work with us to forge a new budget that will grow America into the 21st century.

Mr. BEREUTER. Mr. Speaker, this Member rises in principled opposition to House Joint Resolution 37, the so-called tax limitation amendment. Certainly it would be more politically expedient to simply go along and vote in support of a constitutional amendment requiring two-thirds approval by Congress for any tax increases. However, as a matter of principle and conscience, this Member cannot do that.

As this Member stated when a similar amendment was considered by the House in the past, there is a great burden of proof to deviate from the basic principle of our democracy—the principle of majority rule. Unfortunately, this Member does not believe the proposed amendment to the U.S. Constitution is consistent or complementary to this important principle.

There should be no question of this Member's continued and enthusiastic support for a balanced budget and a constitutional amendment requiring such a balanced budget. In my judgment, tax increases should not be employed to achieve a balanced budget; balanced budgets should be achieved by economic growth and, as appropriate, tax cuts. That is why this Member in the past has supported the inclusion of a supermajority requirement for tax increases in the rules of the House. However, to go beyond that and amend the Constitution is, in this Member's opinion, inappropriate and, therefore, the reason why this Member will vote against House Joint Resolution 37.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOEHNER). All time for debate having expired, and there being no amendment offered, pursuant to House Resolution 139, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WATT of North Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 229, nays 199, not voting 6, as follows:

[Roll No. 90]

YEAS—229

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shaw
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Brown (CA)
Dicks
Hastings (FL)
Ros-Lehtinen
Shuster
Waxman

□ 1528

So (two-thirds not having voted in favor thereof), the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

House Resolution 140 was laid on the table.

Stated for:

Mr. LINDER. Mr. Speaker, on rollcall No. 90, I inadvertently pressed the "nay" button. I obviously meant to vote "aye" to require a two-third vote by the Congress to raise taxes.

Mr. SHUSTER. Mr. Speaker, I regret that due to responsibilities in my congressional district that today I was unable to vote on H.J. Res. 37, the Tax Limitation Amendment. If I were able to vote today I would have cast my vote in support of H.J. Res. 37. As a cosponsor of the Tax Limitation Amendment, I strongly support its attempt to make it more difficult for Congress to raise taxes. We in Washington should be working to cut taxes, not raise them, and passage of the Tax Limitation Amendment is a step in the right direction in our efforts to allow more Americans to keep more of their own hard-earned money. In conclusion, I wholeheartedly support H.J. Res. 37 and urge its passage.

EXTENSION OF TAX BENEFITS AVAILABLE WITH RESPECT TO SERVICES PERFORMED IN THE FEDERAL REPUBLIC OF YUGOSLAVIA AND CERTAIN OTHER AREAS

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that it be on order at any time on Thursday, April 15, 1999, without intervention of any point of order to consider in the House the bill (H.R. 1376) to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes; second, that the bill be considered as read for amendment; third, that the amendment recommended by the Committee on Ways and Means now printed in the bill be considered as adopted; and fourth, that the previous question be considered as ordered on the bill, as amended, to final passage without intervening motion, except, one, 1 hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and second, one motion to recommit, with or without instructions; and fifth, that House Resolution 140 be laid upon the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, pursuant to the previous order of the House, I call up the bill (H.R. 1376) to extend the tax benefits available with respect to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The bill is considered as read for amendment.

The text of H.R. 1376 is as follows:

H.R. 1376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF CERTAIN TAX BENEFITS FOR SERVICES AS PART OF OPERATION ALLIED FORCE.

(a) GENERAL RULE.—For purposes of the following provisions of the Internal Revenue Code of 1986, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) QUALIFIED HAZARDOUS DUTY AREA.—For purposes of this section, the term "qualified hazardous duty area" means any area of the Federal Republic of Yugoslavia (Serbia/Montenegro), Albania, the Adriatic Sea, and the northern Ionian Sea during the period (which includes the date of the enactment of this Act) that any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay: duty subject to hostile fire or imminent danger) for services performed in such area.

(c) SPECIAL RULE FOR SECTION 7508.—Solely for purposes of applying section 7508 of the Internal Revenue Code of 1986, in the case of an individual who is performing services as part of Operation Allied Force outside the United States while deployed away from such individual's permanent duty station, the term "qualified hazardous duty area" includes, during the period for which the entitlement referred to in subsection (b) is in effect, any area in which such services are performed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on March 24, 1999.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the amendment printed in the bill is adopted.

The text of H.R. 1376, as amended, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF CERTAIN TAX BENEFITS FOR SERVICES AS PART OF OPERATION ALLIED FORCE.

(a) GENERAL RULE.—For purposes of the following provisions of the Internal Revenue Code of 1986, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) QUALIFIED HAZARDOUS DUTY AREA.—For purposes of this section, the term "qualified hazardous duty area" means any area of the Federal Republic of Yugoslavia (Serbia/Montenegro), Albania, the Adriatic Sea, and the northern Ionian Sea *(above the 39th parallel)* during the period (which includes the date of the enactment of this Act) that any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay: duty subject to hostile fire or imminent danger) for services performed in such area.

(c) SPECIAL RULE FOR SECTION 7508.—Solely for purposes of applying section 7508 of the Internal Revenue Code of 1986, in the case of an individual who is performing services as part of Operation Allied Force outside the United States while deployed away from such individual's permanent duty station, the term "qualified hazardous duty area" includes, during the period for which the entitlement referred to in subsection (b) is in effect, any area in which such services are performed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on March 24, 1999.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid after the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER)

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 1376.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to bring before the House today H.R. 1376, a bill to extend combat zone tax benefits to U.S. troops serving in Operation Allied Force. H.R. 1376 will provide well-deserved tax relief to those troops, including, first, tax-free treatment of salaries earned while in the combat zone; second, a 180-day tax and filing suspension for our troops and those supporting them, the 180 days would be marked from the date the mission has ended; and third, an exemption from the telephone excise tax for calls made by our troops from the combat zone.

Mr. Speaker, our men and women serving in Kosovo should be focused entirely on keeping themselves safe from harm and achieving their mission. Certainly the last thing they and their families need to worry about right now is dealing with the IRS.

They also deserve the favorable tax treatment that we provide for military personnel serving in combat areas, because the vivid footage and photographs from Yugoslavia clearly show that this is indeed a combat zone.

I am glad that President Clinton agrees. Nineteen days after committing our troops to the Kosovo area and 4 days after I announced our markup, the President on Monday voiced support for the main items in this bill, and said he would issue an executive order to achieve them. I understand that the President has now signed that order.

However, our bill goes further than the President's executive order. As I mentioned, our bill gives the tax and filing suspension not only to those serving in the combat zone, but also to those armed service personnel who are part of Operation Allied Force and who have been relocated overseas.

Since the President has now signed the executive order, the revenue costs associated with the bill are estimated to be negligible.

I include for the RECORD the revised revenue table.

The document referred to is as follows:

ESTIMATED BUDGET EFFECTS OF H.R. 1376, RELATING TO TAX RELIEF FOR PERSONNEL IN YUGOSLAVIA, ALBANIA, THE ADRIATIC SEA, AND THE NORTHERN IONIAN SEA, AS APPROVED BY THE COMMITTEE ON WAYS AND MEANS ON APRIL 13, 1999

[Estimate Includes the Effect of the Executive Order Signed by the President on April 13, 1999, Declaring These Areas a Combat Zone—Fiscal Years 1999–2009 by millions of dollars]

Provision	Effective	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	1999–2004	1999–2009
1. Designate "qualified hazardous duty area" to include Yugoslavia, Albania, the Adriatic Sea, and the Northern Ionian Sea	3/24/99	NO REVENUE EFFECT												
2. Provide section 7508 suspensions to certain military personnel outside of hazardous duty area	3/24/99	NEGLIGIBLE REVENUE EFFECT												
Net total		NEGLIGIBLE REVENUE EFFECT												

Note: Details may not add to totals due to rounding. Prepared by Joint Committee on Taxation.

Mr. Speaker, as long as our troops are under fire, they certainly do not need to be doing battle with the IRS, as well. I welcome the bipartisan support for this bill, and look forward to its prompt passage.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to join my chairman in this bipartisan legislation to show support for our American soldiers, our sailors, our airmen and marines involved in this Allied Force operation in the Kosovo area with this much needed tax relief.

This legislation would at least relieve the stress of complying with competing deadlines, and the consequences, of course, of noncompliance for our servicemen, women, and their families.

We will continue to support their efforts wherever our Armed Forces people are, and as the chairman has pointed out, President Clinton on April 12 announced his intention to issue an executive order designating this entire combat area as a combat zone, and we both agree that is a first good step.

The bill also will extend certain tax benefits to military personnel not directly engaged in combat but who otherwise engage in this operation. In addition, certain support personnel, such as staff of the Red Cross who support military personnel in the combat zone, would receive some tax benefits. These provisions acknowledge this effort requires the participation of all to make it successful.

I am glad that we have come together on this, and I do hope that this will be the first of several pieces of legislation that the chairman and I will be bringing to the Floor in a bipartisan way.

Mr. Speaker, the legislation before us today is an example of the good we can accomplish when we come together in a bipartisan manner and work toward a common goal.

I am especially pleased that the Members of the Committee on Ways and means came together in a very bipartisan manner to advance this legislation. I am confident we will repeat this bipartisan effort today.

I am proud to be associated with this effort to provide American soldiers, sailors, airmen, and marines involved in Allied Force Operation in the Kosovo area with much needed tax relief.

I stand here today as a former soldier who engaged in combat during the Korean war. Because of this experience, I can unequivocally state that deadlines for filing tax returns and paying any taxes due are the last thing on the minds of our service men and women engaged in this operation.

This legislation would help eliminate stress of complying with the impending deadlines and the consequences of non-compliance not only for our service men and women but also for their families.

Our service men and women continue to step up to the plate when duty demands it. They perform their duties with enormous skill and bravery. We can do likewise by expediting the passage of this bill and quickly delivering these benefits to our service men and women and their families.

On Monday, April 12, 1999, President Clinton announced his intention to issue an Executive Order designating the Kosovo area of operations as a "combat Zone". That action is a good first step.

I am pleased that the bill also would extend certain tax benefits to military personnel not directly engaged in combat, but who are otherwise engaged in this operation. In addition, certain support personnel such as staff of the Red Cross who support military personnel in the combat zone would receive some tax benefits. These provisions acknowledge that this effort requires the participation of all these individuals to make it a success.

My personnel experience as a member of the armed forces and my desire to keep our military strong with the best America has to offer will make the passage of this legislation especially gratifying for me.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), who has so actively pursued an interest in our troops and how they are taken care of and how they are supported.

Mr. BUYER. Mr. Speaker, I thank the chairman for bringing this legislation up, and also thank the President for following the chairman's lead on the legislation.

Mr. Speaker, I rise in support of H.R. 1376, the bill to extend tax benefits to our brave American military personnel serving in support operations in Yugoslavia. Historically this benefit has been applied to designated combat zones.

Let me be very clear. I recently accompanied Secretary of Defense Cohen to his recent trip to headquarters Aviano and Ramstein air bases in Italy and in Germany. I came away from that trip with a couple of very stark realities.

One, Europe is at war, and the American service personnel are in it. American brave men and women are engaged in combat. They do not need the burdens of the administrative and bureaucratic Tax Code while serving on the battlefield, even though that battlefield is through the air power only at this time.

Currently these benefits are applicable to members of the military serving in Bosnia. However, the geocoordinates that have been applied for operations in Bosnia do not apply to Serbia, Montenegro, Albania and the Adriatic Ocean and Indian Ocean.

Although this legislation is included in a tax relief package, in reality it is a quality of life issue. As chairman of the committee concerned with personnel, I view it with that sense. Congress must pass the provision to provide the necessary peace of mind that servicemembers serving in the Yugoslavia area operations and their families need in order to concentrate on their assigned combat mission.

The passage of the quality of life and tax relief package on tax day will send a critically important message to our brave military men and women that members of the military and the American people do care and appreciate their sacrifice and service under obvious risk.

I have one question for the chairman.

Mr. Speaker, since this is an allied air power operation in which there are many bases from which these planes come, if an individual is on a strategic bomber or providing tactical or strategic air fueling missions and finds themselves within the combat zone of the theater of operations, would they be covered under this legislation?

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is the intention of the committee to cover those people who are in the combat zone. My understanding is that if they are in there for one part of a day, that they would be covered.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Indiana.

Mr. BUYER. So if we have a B–1 bomber, a B–2, a B–52, an air fueling mission from the United States that goes over and they come back, if they find themselves in the combat zone, they are covered by the gentleman's legislation?

Mr. ARCHER. If they are in the combat zone.

Mr. BUYER. That is very appropriate.

Mr. ARCHER. I would add, for the gentleman, because I know others will be concerned about this, that we have not extended this to any personnel that stayed domestically located in the United States of America because we, in this legislation, do not intend to change the rules under which we have operated on all previous engagements.

As a result, although they may be involved in the operation, if they never leave the United States of America, then they would not be covered under this legislation.

Mr. BUYER. I thank the chairman for his legislation.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I appreciate the gentleman yielding time to me.

As the ranking member of the Committee on Armed Services, Mr. Speaker, I recognize the dedication of our men and women in uniform and the personal sacrifices that they make to protect our national security and to ensure international stability.

American servicemen and women serving in the Yugoslav area are engaging in difficult and dangerous missions as good and loyal Americans. It is our duty to show our appreciation for their unselfish actions by removing some of the financial burdens of combat service.

As we did for the troops serving in the Persian Gulf, we must take measures to exempt the hazardous pay of U.S. troops and U.S. service personnel serving in Yugoslavia and that area from income tax. I urge Members' support for this legislation.

I might also add that recently I had the opportunity to visit with our men and women in Aviano Air Base, and also the air base in Ramstein, Germany. I came away with the impression that these are outstanding young Americans. They are working hard, long hours. They are very, very professional in their duty. I am proud of what they are doing to ensure the success of this effort.

We also have men flying out of Knob Noster, Missouri, Whiteman Air Force Base on a very regular basis, a 31-hour round trip to and from the combat zone, unloading their bombs and their precision bombs from the B–2s and then returning back to the Whiteman Air Force Base in Missouri.

Mr. Speaker, I wish to ask the ranking member a question.

In light of the fact that the pilots of the B–2 bombers that fly out of Whiteman Air Force Base, Missouri, enter the combat zone, unload their bombs, and return without stopping, is it the intent of this legislation that they be covered?

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from New York.

Mr. RANGEL. There is no question about that, and the chairman has shared that view.

Mr. SKELTON. I thank the gentleman so much.

Mr. GARY MILLER of California. Mr. Speaker, I rise to speak in favor of H.R. 1376. Our American soldiers are far away from home, fighting for our interests. They are giving up time with their families, birthdays, anniversaries, holidays and other special days. If they have to give up all the "good" days, the least we can do is postpone one "bad" day for them.

American soldiers in combat zones should not have to worry about tax day. H.R. 1376 gives our soldiers in combat, or in hazardous duty areas, tax benefits. They will not have to pay taxes on hazardous duty combat pay. They will not have to file tax returns until 180 days after they come back. God forbid this should happen, but if one of our soldiers dies, their survivors will not have to pay estate taxes or the soldier's income taxes. They will not have to pay income taxes on income earned in a combat zone. They will not have to pay the 3 percent federal phone tax, which none of us should have to pay.

We all worry about today—tax day. We all dread filling out or taxes and seeing how much of our hard earned money goes out of our pockets and to the government. Our soldiers have enough to worry about without having to worry about taxes.

When I think of Staff Sergeant Andrew Ramirez, Staff Sergeant Christopher Stone and Specialist Steven Gonzalez, who are now prisoners of war being held in a hostile European country, it puts this all in perspective. It is absurd to think of those three sitting there having to worry about tax day.

Please support H.R. 1376—It is the least we can do.

Mr. KLECZKA. Mr. Speaker, I rise today in support of H.R. 1376, legislation to provide tax relief for military personnel serving in Yugoslavia.

I commend the Chairman and ranking member of the Ways and Means Committee for their timely action on this important legislation. As we are all aware today is April 15—the dreaded tax filing day. However, the troops serving in the Yugoslavian region should not be burdened with the additional worry of filing their taxes today.

Our troops are risking their lives to protect the interests of democracy and human rights in Kosovo. They are bravely and tirelessly working to counter an ethnic cleansing of catastrophic proportions.

The legislation before us has three important features to help the troops.

First, H.R. 1376 says that the troops serving in the region qualify for hazardous duty pay and are exempted from all federal income taxes during their time of service in the combat zone.

Second, H.R. 1376 gives the troops serving in the combat zone and all personnel serving in a support role a tax-filing extension of 180 days after their service with the current operations ends.

Third, the troops serving in the combat zone would be exempt from the 3 percent phone excise tax on all telephone calls.

Mr. Speaker, I urge the House to pass this important legislation to help our brave servicemen and women. Easing their tax burden is the least we can do to show our appreciation for their sacrifice and dedication.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1376. This bill will extend tax benefits to U.S. military personnel serving in the NATO campaign against Yugoslavia.

Mr. Speaker; the men and women serving our nation in conjunction with the NATO operations in Yugoslavia should know they have our full support. The endeavors in which they have been engaged serve a higher purpose. For Mr. Speaker, I know of no one who wants to see the continuation of conflict in Europe. The United States and its NATO allies cannot walk away from these ethnic, religious, and racial atrocities. NATO's efforts and those of our men and women in the Yugoslavian region are dedicated towards a noble cause of trying to get the world to live on human terms.

The forces are working to save innocent lives, to protect the peace and freedom and stability of Europe. These forces will put an end to Milosevic's notion that it is okay to uproot, destroy and murder people simply because he does not like their ethnic background or religion. I and the other Members of this body, are profoundly grateful for the sacrifices of the young men and women called to serve this nation. Let me also pause to thank the families and loved ones of our service members, we should not take for granted the sacrifice that they make on a daily basis.

I am committed to support you in any way that I can. I was pleased to see that President Clinton early this week issued an executive order making tax-free most or all of the pay received by U.S. Military personnel in Yugoslavia combat zone. President Clinton's executive order also extended suspended for U.S. civilians in the war zone.

H.R. 1376 will extend tax benefits to U.S. military personnel serving in the NATO campaign. U.S. troops receiving "hazardous duty" pay, a salary bonus for serving in a hostile area, would not have to pay income tax on any pay earned while in the Yugoslavia combat zone. In addition, the troops would be exempt from filing income tax, from filing income tax returns during their "hazardous duty" service, and would not have to file final returns until 180 days after such service ends.

This measure should enjoy bipartisan support because our troops should not have to worry about their taxes. I urge my colleagues to support our troops in their current mission by supporting this bill. I support this mission, our troops, and pray that they are successful in their efforts to restore peace and stability to Europe.

Mr. RANGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1545

The SPEAKER pro tempore (Mr. SHIMKUS). All time has expired.

Pursuant to the order of the House of today, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 91]

YEAS—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
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Jackson (IL)
Jackson-Lee (TX)
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John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
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Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
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Knollenberg
Kolbe
Kucinich
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McIntyre
McKeon
McKinney
McNulty
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Meeks (NY)
Menendez
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Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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Mollohan
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Moran (KS)
Moran (VA)
Morella
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Myrick
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Obey
Olver
Ortiz
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Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
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Price (NC)
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Reyes
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Riley
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Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
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Ryan (WI)
Ryun (KS)
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Scarborough
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Thompson (CA)
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Thornberry
Thune
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Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
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Waters
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Weller
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Young (AK)
Young (FL)

NOT VOTING—10

Brown (CA)
Dicks
Hastings (FL)
Hastings (WA)
Istook
Moakley
Ros-Lehtinen
Shuster
Sweeney
Waxman

□ 1612

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

House Resolution 140 was laid on the table.

Stated for:

Mr. SWEENEY. Mr. Speaker, I missed rollcall No. 91. My daughter is a finalist in "Writing Olympics" and I will be attending her contest. Had I been present, I would have voted "yes."

Mr. ISTOOK. Mr. Speaker, I was unavoidably detained in committee and missed rollcall vote No. 91, which was on H.R. 1376, a bill to provide tax benefits to American military personnel in Yugoslavia, had I been present, I would have voted "aye."

Mr. SHUSTER. Mr. Speaker, I regret that due to responsibilities in my congressional district that today I was unable to vote on H.R. 1376, "Tax Benefits to American Military personnel in Yugoslavia." If I were able to vote on H.R. 1376 I would have voted in favor of this important bill. This bill which provides tax relief to our brave servicemen and servicewomen is the least we can do for our soldiers who are putting their lives on the line in service of our country. It is my hope and belief that this bill will be approved quickly by the Congress and signed by the President so that we can give a little back to the men and women who are giving our nation so much.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I was unavoidably detained and wish to be recorded as a "yes" vote on final passage of H.J. Res. 37 (rollcall 90) and H.R. 1376 (rollcall 91).

PERMITTING USE OF ROTUNDA OF CAPITOL FOR CEREMONY IN HONOR OF FIFTIETH ANNIVERSARY OF NATO, AND WELCOMING REPUBLIC OF POLAND, REPUBLIC OF HUNGARY, AND THE CZECH REPUBLIC INTO NATO

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 81) permitting the use of the rotunda of the Capitol for a ceremony in honor of the Fiftieth Anniversary of the North Atlantic Treaty Organization (NATO) and welcoming the three newest members of NATO, the Republic of Poland, the Republic of Hungary, and the Czech Republic, into NATO, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from California?

Mr. HOYER. Mr. Speaker, reserving the right to object, and I will not object, but under my reservation I would be pleased to allow the chairman of the Committee on House Administration, the gentleman from California (Mr. THOMAS), the opportunity to explain the resolution.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

As was indicated, this is the use of the rotunda for the celebration of the fiftieth anniversary of NATO, and it is an especially important fiftieth anniversary because of the beginning of the expansion of NATO across what we used to know historically as the Iron Curtain.

☐ 1615

It is, in fact, probably the best evidence we have seen of the reunification of Europe with the admission of the Republic of Poland and the Republic of Hungary and the Czech Republic.

Mr. HOYER. Mr. Speaker, further reserving the right to object, I of course agree with the characterization of this resolution and would add, under my reservation, my own remarks that it is certainly appropriate that this House recognize and allow the recognition of NATO in the Rotunda.

NATO is one of the, perhaps, if not the most successful alliance in the history of the world in terms of maintaining and keeping peace. There is certainly none that excel it. And I am pleased to join with the gentleman from California (Mr. THOMAS) in the support of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GILMAN. Mr. Speaker, reserving the right to object, but I will not object, I welcome this measure. Next week we will be privileged to host in Washington the 50th anniversary of our North Atlantic Treaty Organization. The Congress is honored to be able to play a part in these festivities.

The resolution will enable us to utilize the Rotunda to hold an appropriate ceremony in connection with this very important 50th anniversary commemoration. I urge my colleagues to support the resolution.

Mr. Speaker, I withdraw my reservation of objection.

Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 81

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the United States Capitol is authorized to be used on April 23, 1999, for a ceremony in honor of the Fiftieth Anniversary of the North Atlantic Treaty Organization (NATO) and welcoming the three newest members of NATO, the Republic of Poland, the Republic of Hungary, and the Czech Republic, into NATO. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING AND HONORING CREWMEMBERS OF U.S.S. "ALABAMA" AND U.S.S. ALABAMA CREWMEN'S ASSOCIATION

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 123) recognizing and honoring the crewmembers of the U.S.S. *Alabama* (BB-60) and the U.S.S. *Alabama* Crewmen's Association, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 123

Whereas the U.S.S. ALABAMA (BB-60) was a South Dakota class battleship that served first in the North Atlantic and then in the Pacific Fleet during World War II;

Whereas in the course of World War II, the crewmembers of the U.S.S. ALABAMA directly shot down 22 enemy aircraft;

Whereas the crewmembers of the U.S.S. ALABAMA earned the American Service Medal, the European-African-Middle Eastern Medal, the Asiatic-Pacific Campaign Medal with 9 Battle Stars, the Philippine Republic Presidential Unit Citation, the Philippine Liberation Ribbon, the World War II Victory Medal, and the Navy Occupation Service Medal;

Whereas the crewmembers of the U.S.S. ALABAMA were a courageous group, braving both the Arctic chill and the Pacific heat to help defend the Nation against enemy oppression;

Whereas many former crewmembers of the U.S.S. ALABAMA belong to the U.S.S. ALABAMA Crewmen's Association;

Whereas each year former crewmembers participate in an annual reunion to celebrate their shared service, memories, and friendship; and

Whereas more than 100 former crewmembers, along with family and friends, are expected to participate in the next reunion, which will be held from April 15 to 18, 1999, aboard the U.S.S. ALABAMA at Battleship Memorial Park in Mobile, Alabama: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors the crewmembers of the U.S.S. ALABAMA (BB-60) and the U.S.S. ALABAMA Crewmen's Association for their valuable contributions to victory and peace in World War II and to the security and prosperity of the Nation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT GOVERNMENT OF FEDERAL REPUBLIC OF YUGOSLAVIA AND PRESIDENT MILOSEVIC RELEASE UNITED STATES SERVICEMEN AND ABIDE BY GENEVA CONVENTION

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations and the Committee on Armed Services be discharged from further consideration of the concurrent resolution (H. Con. Res. 83) expressing the sense of the Congress that the Government of the Federal Republic of Yugoslavia and its

President Slobodan Milosevic release the three illegally detained United States servicemen and abide by the Geneva Convention protocols regarding the treatment of both prisoners of war and innocent civilians, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mrs. NAPOLITANO. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from New York (Mr. GILMAN) for an explanation of the concurrent resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this resolution expresses the sense of the Congress that the Government of the Federal Republic of Yugoslavia and its President, Slobodan Milosevic, should release the three U.S. servicemen now in his custody. This certainly is an issue of the highest national concern, and our thoughts and prayers are with these brave individuals and their families.

I want to commend the gentlewoman from California (Mrs. NAPOLITANO) for bringing this measure forward at this time. This resolution duly states that the Yugoslav authorities are responsible under the Geneva Convention for the treatment of Staff Sergeant Christopher Stone of Smith's Creek, Michigan; Staff Sergeant Andrew A. Ramirez of Los Angeles, California; and Specialist Steven M. Gonzales of Huntsville, Texas.

Frankly, it is outrageous that Milosevic and his henchmen are toying with these soldiers, exploiting them for their own purposes and at the same time refusing to honor their commitment under the Geneva Convention to permit access of the International Committee of the Red Cross to verify that these men are not being mistreated.

The only photos that we have seen of these men since their abduction indicate that we indeed have cause to be highly concerned with regard to their well-being. The fact that our servicemen were engaged in a peaceful activity, ensuring the stability of the region and helping to prevent the spread of the conflict, only heightens our outrage over the exploitation of their captivity by the Yugoslav authorities.

I hope that we will, through this resolution, signal our strong support for our military personnel, for their families, and also send the message to the Yugoslav Government and its leaders that we are going to hold them strictly accountable for their swift and safe return.

Accordingly, I urge my colleagues to unanimously support H. Con. Res. 83.

Mrs. NAPOLITANO. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentlewoman for yielding.

I just wanted to take the floor, Mr. Speaker, to express my appreciation to the Speaker, the gentleman from Illinois (Mr. HASTERT), for bringing this resolution to the floor in a timely fashion and for being cooperative on this. I think he does the House proud in the way he has acted on this piece of legislation, and I wanted him to know that we thank him on this side of the aisle for his courtesies and for the expeditious manner in which he has handled this.

I also want to thank the gentleman from Missouri (Mr. GEPHARDT), as well as my colleague from California (Mrs. NAPOLITANO) who has offered this resolution and for her leadership, the gentleman from Connecticut (Mr. GEJDENSON), my friend the gentleman from New York (Mr. GILMAN), the gentleman from Missouri (Mr. SKELTON), the gentleman from South Carolina (Mr. SPENCE) and all of the others who made this possible.

With this resolution, the House reaffirms its deep commitment and concern for our soldiers in captivity: Christopher Stone, Steven Gonzales, and Andrew Ramirez.

And as the gentleman from New York (Mr. GILMAN) so correctly stated just a second ago, we insist that Slobodan Milosevic and the Yugoslavs follow the Geneva Convention with respect to these three soldiers and that they be allowed to be visited by the Red Cross and they be treated humanely while they are captive. These brave men are in our thoughts, and we join Americans everywhere in praying for their swift and safe return.

Again, I want to congratulate my colleague from California (Mrs. NAPOLITANO) for her leadership on this issue.

Mrs. NAPOLITANO. Mr. Speaker, further reserving the right to object, I thank the gentleman from New York (Mr. GILMAN) and the gentleman from Illinois (Mr. HASTERT) and everybody involved. It was a joint effort. It was not just my doing. So I thank the gentleman from New York (Mr. GILMAN) for his support and really fast-tracking it.

House Concurrent Resolution 83 expresses the sentiment not only of the United States Congress, but of the American people that we support our three brave young men being held prisoner in Yugoslavia: U.S. Army Staff Sergeant Andrew Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven M. Gonzales.

Their patriotism, their bravery, and their service to our country is both humbling and inspiring. These courageous men went to Europe prepared to make the ultimate sacrifice for the noble causes of peace and freedom. Now that their own freedom is at stake, the United States, its Congress, and the American people stand firmly in solidarity with them and their families in calling for their release.

I thank all my colleagues for joining me in supporting these brave soldiers of ours and praying for their speedy return to freedom. And God bless all our servicemen throughout the world.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 83

Whereas United States Army Staff Sgt. Andrew A. Ramirez, 24, of Los Angeles; Staff Sgt. Christopher J. Stone, 25, of Smiths Creek, Michigan and San Antonio Texas, and Spc. Steven M. Gonzales, 21, of Huntsville, Texas were abducted from Macedonian territory by Serb forces on March 31, 1999, while patrolling the Kumanovo area 3 miles from the southern Yugoslavia border;

Whereas these 3 honorable United States soldiers, serving in noncombatant status, are now in the custody of the Government of the Federal Republic of Yugoslavia and its President Slobodan Milosevic;

Whereas the Geneva Convention, the 1949 treaty setting forth international protocols for the treatment of both civilians and military personnel during armed conflicts and declared wars, stipulates that prisoners of war must at all times be humanely treated, provided any necessary medical assistance, protected against acts of violence or intimidation and against insults and public curiosity and evacuated from any area of danger;

Whereas the Geneva Convention also prohibits putting prisoners of war on trial for engaging in ordinary acts of warfare for which the capturing country's own soldiers would not be charged;

Whereas under the Geneva Convention, the International Committee of the Red Cross (ICRC) has the right to nonsupervised visits of prisoners to ensure they are being treated well;

Whereas the Yugoslav Government has as yet not responded to the ICRC's requests; and

Whereas sanctions can be applied to signatories of the Geneva Convention for failing to abide by the convention: Now, therefore, be it:

Resolved by the House of Representatives (the Senate concurring), That—

(1) the United States Government should commend the 3 detained United States soldiers for their exemplary service, bravery, duty to their country, and part in helping to ensure a peaceful multiethnic democratic Kosovo on the basis of the Rambouillet Accords;

(2) the United States Government should continue to forcefully press the Yugoslav Government and its president Slobodan Milosevic for the unconditional release of the 3 detained United States servicemen and, in the interim, demand their health and safety, and that the International Committee of the Red Cross be allowed to visit the servicemen and verify their condition without supervision;

(3) the United States Government should condemn any move on the part of the Government of the Federal Republic of Yugoslavia to put the three detained United States servicemen on trial—an act expressly forbidden by the Geneva Convention;

(4) the United States Government should hold the Government of the Federal Republic of Yugoslavia and its President Slobodan Milosevic personally responsible for the welfare of the 3 detained United States servicemen;

(5) the United States Government should continue to condemn the atrocities committed by the Yugoslav Army or paramilitary forces against civilians in Kosovo, particularly crimes associated with "ethnic cleansing"; and

(6) the United States Government should support the prosecution under the Geneva Convention of all commanders of the Yugoslav Army or paramilitary forces taking part in acts of ethnic cleaning against civilians.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. GILMAN:

Strike all after the resolving clause and insert the following:

That—

(1) the United States Government should commend the 3 detained United States soldiers for their patriotism, bravery, service, and duty to their country;

(2) the United States Government should continue to forcefully press the Yugoslav Government and its president Slobodan Milosevic for the unconditional release of the 3 detained United States servicemen and, in the interim, to guarantee their health and safety, and permit the International Committee of the Red Cross to visit the servicemen and verify their condition without supervision, and that all other provisions of the Geneva Conventions be fully respected;

(3) the United States Government should condemn any move on the part of the Government of the Federal Republic of Yugoslavia to put the three detained United States servicemen on trial or subject them to public display; and

(4) the United States Government should hold the Government of the Federal Republic of Yugoslavia and its President Slobodan Milosevic directly responsible for the welfare of the 3 detained United States servicemen.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. GILMAN).

The amendment in the nature of a substitute was agreed to.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. GILMAN:

Strike the preamble and insert the following:

Whereas United States Army Staff Sgt. Andrew A. Ramirez, 24, of Los Angeles; Staff Sgt. Christopher J. Stone, 25, of Smiths Creek, Michigan and San Antonio Texas, and Spc. Steven M. Gonzales, 21, of Huntsville, Texas were captured on March 31, 1999, while patrolling the Kumanovo area;

Whereas these 3 honorable United States soldiers are now in the custody of the Government of the Federal Republic of Yugoslavia and its President Slobodan Milosevic;

Whereas the Geneva Conventions, the 1949 treaties setting forth international requirements for the treatment of both civilians and military personnel during armed conflicts, stipulates that prisoners of war must at all times be humanely treated, provided any necessary medical assistance, protected against acts of violence or intimidation and against insults and public curiosity and evacuated from any area of danger;

Whereas the Third Geneva Convention also prohibits putting prisoners of war on trial for engaging in ordinary acts of warfare for which the capturing country's own soldiers would not be charged;

Whereas under the Geneva Conventions, the International Committee of the Red Cross (ICRC) has the right to nonsupervised visits of prisoners to ensure they are being treated well;

Whereas the Yugoslav Government has as yet not responded to the ICRC's requests; and

Whereas sanctions can be applied to parties to the Geneva Conventions for failing to abide by the conventions: Now, therefore, be it:

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from New York (Mr. GILMAN).

The amendment to the preamble was agreed to.

TITLE AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. GILMAN:

Amend the title so as to read: "Concurrent resolution expressing the sense of the Congress that the Government of the Federal Republic of Yugoslavia and its President Slobodan Milosevic release the three detained United States servicemen and abide by the Geneva Conventions regarding the treatment of both prisoners of war and civilians.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, APRIL 19, 1999

Mr. NETHERCUTT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 20, 1999

Mr. NETHERCUTT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 19, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, April 20, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. NETHERCUTT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CHILD SUPPORT COLLECTION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it is tax day in America. On April 15 each year, each of us has dutifully fulfilled our duty. We have filled out forms, written checks, and stood or are standing in long lines at the post office. We do this because it is our obligation and because it is the law.

Well, many parents have another obligation under the law, and that is to pay support for their children. But four out of five noncustodial parents simply do not pay, and they are getting away scot-free.

Mr. Speaker, such irresponsibility not only hurts their own children but drains the Federal budget and causes the deficit that we fill with our tax dollars, a deficit that increases with increased demand on welfare and other Federal programs that our children need for those of us living up to our responsibilities.

This is simply unfair. And most of all, it is unfair and outright cruel for the children involved. When a parent fails to pay child support, children hear a clear message. The message is that they do not matter.

The gentleman from Illinois (Mr. HYDE) and I believe that it is time to show these children that they do matter, it is time for us as a Nation to care as much about our children as we do about the IRS. That is why today we unveiled legislation to put the Federal Government in charge of collecting child support.

As many people know, I have a very special interest in reforming child support collection. I know firsthand about the difficulty of not receiving child support because 30 years ago I was left to fend for my three children, 1, 3, and 5 years old, when their father did not pay 1 cent of child support.

☐ 1630

With no means to collect child support, even though I was employed, I went on welfare to make ends meet. Had we received the child support that was due us, we would not have been on welfare.

The legislation that the gentleman from Illinois (Mr. HYDE) and I are introducing today, the Compassion for Children and Child Support Enforcement Act, makes paying child support as important as paying taxes, and it makes sure that deadbeat parents know it. Simply put, our bill will federalize child support collection and disbursement. Court-ordered support payments would simply be withheld from an employee's pay, just like other payroll deductions. It is easy, it is efficient, and it will work better than the fragmented State-by-State system now in place. After billions of dollars of Federal assistance, States still collect only 22 percent of what children are owed.

Now, to be fair, that is an increase, because 2 years ago child support collection rates were only 20 percent. But if we wait for collection to go up 2 percent each year, custodial parents will be collecting Social Security before they collect child support. Our kids cannot afford to wait that long.

In my home State of California, our children will have an even longer wait under the current system. California is one of nine States without a Statewide tracking system up and running. California has wasted $200 million to build a system which has never gotten off the ground. Without a system in place, our State could face $400 million in fines by the year 2002 for failing to meet Federal deadlines.

This failure is a shame. It is a disaster for California's children. But beyond that, it demonstrates the most fundamental flaw in the current system. A chain is only as strong as its weakest link. One county, one State not quite up to par, and a deadbeat parent has an instant safe haven to avoid child support collection.

With our legislation, deadbeat parents will have nowhere to hide. Cross a county line or a State border, and we still have a hold on the paycheck. I know it will surprise our fellow citizens who are standing in line at the post office to send their tax returns in as we speak, but the IRS has an 84 percent success rate. We can and must harness that success for our children.

EXCHANGE OF SPECIAL ORDER

Mr. DELAY. Mr. Speaker, I ask unanimous consent to take the 5 minute special order of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Texas?

There was no objection.

PEACE HAWKS—WITH EYES ON THE GROUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I came down to take this 5-minute special order because I read in the Washington Times this morning an excellent article by Elaine Donnelly that so aptly puts where we are today and puts things in perspective as it relates to Kosovo, that I wanted to come down to the floor and read it on the floor because it puts so well what I had been thinking. It goes like this, and I quote:

"As President Clinton continues the bombing campaign over Kosovo, confusion abounds. Former 'doves' are cheering but traditional 'hawks' appalled by Mr. Clinton's command blunders, don't know what to say. Concerned Americans want to support the troops, but they are flummoxed by a President who is misusing authority over them.

"To make sense of what is happening, it helps to recognize Mr. Clinton is not conducting a serious, traditional war. If he were, the first wave of NATO planes would have reduced the palace of Slobodan Milosevic, Rembrandt painting and all, to smoking smithereens.

"The Kosovo operation is different and oxymoronic. It is a 'peace war' waged by 'peace hawks' pursuing a dovish social agenda. Peace hawks are global idealists and former anti-war activists, including the youthful Bill Clinton, who used to 'loathe' the military because it uses lethal force. Now that he is commander in chief, Mr. Clinton can use the troops for more virtuous purposes.

"'Doing good' on a worldwide scale appeals to peace hawks, who are motivated by altruism, not patriotism. The sight of uniformed peacekeepers distributing food in faraway places makes their hearts sing. As columnist Paul Gigot wrote: 'It's as if liberals feel better waging war when U.S. interests aren't at stake.'

"The Kosovo peace war is all about good intentions and grand social objectives. President Clinton said so in a speech before a public employees' union on March 23, rambling on about a vision of 'diversity, community, belonging, and wanting our neighbors to do well,' the President rhapsodized, 'This is why I devoted so much time,' quoting the President, 'to that initiative on race and why I keep fighting for passage of the Hate Crimes legislation, the Employment Nondiscrimination, gay rights legislation, all these things, because I am telling you look all over the world—that's what Kosovo is about. People are still killing each other out of primitive urges because they think what is different about them is more important than what they have in common,'" close quote.

"Mr. Clinton conceded that the people of Yugoslavia had been battling off and on for hundreds of years, but exulting in his own enlightened insight, Mr. Clinton said, 'It is an insult to them to say that somehow they were intrinsically made to murder one another.'

"Deriding those who would say, 'They're just that way' to excuse violence in Northern Ireland or misbehavior among children, the President added, 'Well, if every parent said that, the jails would be five times as big as they are. That's not true. I just don't believe that. And I know what happened in Bosnia, where we found the unity and the will to stand up against the aggression, and we helped to end the war. And later, to make sure the peace would last, we agreed to send troops in with our allies. And I think it was a good investment.'

"So there you have it—victory, as defined by Bill Clinton. Like a parent disciplining an unruly child, our peace-war commander in chief is saying to Kosovo, 'Can't you just get along?' NATO is supposed to continue the bombing, in order to pacify warring factions in Serbia and Kosovo. The ultimate goal is to duplicate the edgy silence of Bosnia, and enforce it with NATO peacekeepers for years, perhaps for decades. This is the 'it' we are 'in', and there is no way Americans can win.

"The entire operation was conceived and launched by Secretary of State Madeleine Albright, who once said to General Colin Powell, then chairman of the Joint Chiefs of Staff, 'What's the point of having this superb military that you're always talking about if we can't use it?' General Powell wrote in his autobiography that Mrs. Albright's outburst, made during a briefing on Bosnia, almost gave him an aneurysm. The general tried to explain that 'American GIs are not toy soldiers to be moved around on some sort of global gameboard.'

"But Mrs. Albright is finally getting her way, despite reported warnings from the current Joint Chiefs of Staff. Once again uniformed leaders are being ordered to make war and peace simultaneously."

As the late Army Gen. Creighton Abrams, Vietnam-era Chief of Staff used to say, "Fighting in the name of peace is like seeking virtue in a bordello."

It is time to start over, before a bad situation gets worse. The deployment of land troops for combat—daintily described by Mrs. Albright as a "nonpermissive environment"—will not bring peace to a Kosovo that no longer exists. Why not follow the president's lead, and do something to make everyone feel better about the situation?

There are lots of creative ways to achieve the president's stated goals—diversity, community and belonging—without passing bad legislation or needlessly putting combat soldiers at risk. For starters, Mr. Clinton's Hollywood friends could stage a remake of that memorable soft-drink commercial—the one featuring a hillside of children folk-singing about apple trees, honey bees, and buying the world a Coke.

With help, Balkan refugees could participate in the production. Perhaps the International Monetary Fund could take the $5 billion loan that Russian Prime Minister Yevgeny Primakov recently passed up, and divert it to Albania and other neighboring countries that are willing to provide clean clothes, food, and safe, temporary housing.

Forget the usual presidential photo-ops with deployed soldiers in fatigues. Let Bill Clinton risk his own neck for a change. To burnish his legacy, he could fly into Belgrade on an Apache helicopter, and play the saxophone at one of those rock concerts. Even with bulletproof glass, it would make a great picture for the history books—just like the ones of John F. Kennedy in Berlin and Ronald Reagan at the Wall.

Then the belligerent Balkan leaders could be flown back to the White House for some friendly attitude adjustment. They could even shake hands in front of a beaming president, arms outstretched in a striking freeze frame that would make everyone feel good. So all together now . . . let's join hands, light a candle, and sing "Kumbaya." We can win the peace war in Kosovo. Just keep our soldiers out of it.

TAX DEDUCTION FAIRNESS ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I rise today to introduce legislation that will help restore tax fairness to millions of people in my home State of Washington and in other States throughout this great Nation. The problem, Mr. Speaker, is the lack of a deduction for sales taxes in the current tax code. Although the government allows tax deductions for a number of things, State and local income taxes, property taxes, self-employment taxes and others, one category is noticeably missing and that is sales tax. Today and every year at this time, taxpayers send their tax returns to the IRS. It is a ritual that all Americans have become accustomed to. It is often frustrating. But we do it because we have to uphold our duties as a citizen. But that ritual brings added frustration for taxpayers in my State. A taxpayer in my State who has identical income and expenses to someone in another State should be able to deduct the amount they pay in State income tax, but that is not the case in Washington. We have no income tax, and we are not allowed to deduct our State sales taxes.

Folks in my State have the same amount of Federal income taxes withheld from their paychecks, but when it comes time to itemize their returns, they can only deduct nothing, because they have no income tax and they are not allowed to deduct their sales tax. It is not that we pay less in taxes. On the contrary, we are in the top quarter of States in the amount of our personal income that goes to taxes. But thanks to the change in the tax code in 1986 when lawmakers decided to remove the deduction for sales taxes, people in Washington State were shortchanged.

Let me ask this simple question. Should residents of Washington have to pay hundreds more to the Federal treasury than those who live in other States, including States right across the river? Does it make sense for the Federal Government to dictate to States how they should structure their tax system? I would assert that the answer is clearly no. Federal taxes should be levied on all of our Nation's citizens in a fair and equitable manner, not in a way that gives preference to some who happen to live in one State with an income tax while penalizing residents in States with sales taxes.

That is why today I am introducing legislation to correct this inequity. My bill, the Tax Deduction Fairness Act of 1999, would reinstate the sales tax deduction and direct the IRS to develop tables of average sales tax liabilities for taxpayers in every State. It would then give the taxpayer an option, to deduct either the State income tax or their State sales taxes paid in the previous year.

Frankly, this is nothing new. Before 1986, taxpayers were allowed to use simple tables to deduct their sales tax.

Mr. Speaker, I enter into the RECORD a sample of the form that was used in 1986.

1986 Optional State Sales Tax Tables

If you kept records that show you paid more sales tax than the table for your state indicates, you may claim the higher amount on Schedule A, line 8a.

Your itemized deduction for general sales tax paid can be estimated from these tables plus any qualifying sales taxes paid on the items listed on page 20.

To use the tables:

Step 1—Figure your total available income. Use the total of the amount on Form 1040, line 33, and nontaxable income such as veterans' benefits, workers' compensation, nontaxable part of unemployment compensation or long-term capital gains (however, do not include gains that are nontaxable because they were reinvested in similar property, such as a principal residence), nontaxable part of social security and railroad retirement benefits, dividend exclusion, deduction for a married couple when both work, and public assistance payments.

Step 2—Count the number of exemptions for you and your family. Do not count exemptions claimed for being 65 or over or blind as part of your family size.

Step 3—Find the income line for your state on the tables and read across to find the amount of sales tax for your family size.

Income		Family size						Family size						Family size						Family size						Family size						Family size					
At least	But less than	1	2	3	4	5	Over 5	1	2	3	4	5	Over 5	1	2	3	4	5	Over 5	1	2	3	4	5	Over 5	1	2	3	4	5	Over 5	1	2	3	4	5	Over 5
		Alabama[1]						Arizona[2]						Arkansas[1]						California[3]						Colorado[2]						Connecticut[4]					
$0	$10,000	128	153	171	184	195	211	143	158	167	174	179	187	151	181	201	217	230	249	167	187	200	210	218	229	43	50	55	58	61	66	141	146	150	153	154	157
10,000	15,000	156	187	208	224	238	258	178	196	208	216	223	233	184	220	244	263	279	302	206	232	248	260	270	284	55	64	70	74	78	83	179	186	191	194	197	200
15,000	20,000	191	229	255	275	292	316	223	245	260	270	279	291	224	268	298	321	340	368	257	288	308	324	336	353	71	82	90	95	100	107	229	239	244	249	252	256
20,000	25,000	223	267	297	320	339	368	263	290	306	319	329	343	260	311	345	372	394	427	303	340	363	381	396	416	85	99	108	115	120	128	276	287	294	299	303	308
25,000	30,000	251	301	335	361	383	415	300	331	350	364	376	392	293	350	389	419	444	480	345	387	414	434	451	474	98	114	125	133	138	149	320	333	341	347	351	357
30,000	35,000	278	334	371	400	424	460	336	370	391	407	420	438	323	386	429	462	490	530	385	432	462	484	503	529	111	129	141	150	157	168	362	376	385	392	397	404
35,000	40,000	303	364	404	436	462	501	369	406	430	447	461	482	351	420	467	503	533	577	422	474	507	532	552	581	124	143	157	167	175	187	402	418	428	435	441	449
40,000	45,000	327	392	436	470	499	541	401	441	467	486	501	523	378	453	503	541	574	621	458	514	550	577	599	630	135	157	172	183	192	205	440	458	469	477	483	492
45,000	50,000	350	420	467	503	534	578	431	475	503	523	540	563	404	483	537	578	612	663	493	553	591	620	643	677	147	171	186	198	208	222	478	497	509	518	525	534
50,000	60,000	382	459	510	550	583	632	475	523	554	576	595	621	440	527	585	630	668	723	542	608	650	682	708	745	164	190	207	221	231	247	532	554	567	577	584	595
60,000	70,000	423	507	564	608	645	699	531	585	619	644	664	693	486	581	646	696	737	798	604	678	725	761	789	831	185	215	234	249	262	279	602	626	641	652	660	672
70,000	80,000	461	553	615	663	703	762	584	643	680	708	730	762	529	633	703	757	802	868	663	744	796	835	866	912	205	238	260	277	290	310	668	696	712	724	734	747
80,000	90,000	498	597	664	716	759	822	634	698	739	769	793	828	569	681	757	815	863	935	720	807	864	906	940	989	225	261	285	303	318	340	733	763	781	794	804	819
90,000	100,000	532	638	710	765	812	880	682	752	795	828	854	891	608	727	808	870	922	998	774	868	928	974	1011	1064	244	284	309	329	345	369	795	828	847	862	873	889
100,000	or more	566	678	754	813	862	935	729	803	850	884	912	952	645	772	857	923	978	1059	826	926	991	1039	1079	1135	263	305	333	354	372	397	856	891	912	927	939	956
Income		District of Columbia						Florida[1]						Georgia[1]						Hawaii						Idaho						Illinois[5]					
$0	$10,000	125	147	162	174	183	197	157	174	184	192	198	207	130	158	176	191	203	221	230	258	277	291	302	318	149	179	200	216	230	250	180	204	220	232	242	256
10,000	15,000	155	183	201	215	227	244	197	217	230	240	248	259	156	189	212	229	244	265	274	308	330	347	360	379	182	219	244	264	280	304	221	251	270	285	297	314
15,000	20,000	193	227	250	268	283	304	247	273	289	301	311	325	188	228	255	276	294	320	328	369	396	415	432	455	223	268	299	323	343	373	272	309	333	351	366	387
20,000	25,000	227	268	295	316	333	359	293	324	343	357	369	385	217	263	294	318	338	368	376	423	453	475	494	520	259	312	348	377	400	434	318	362	390	411	428	453
25,000	30,000	259	306	337	360	380	409	335	371	393	409	423	442	242	294	328	356	378	412	419	471	504	530	550	580	293	353	393	425	451	490	361	410	442	466	485	514
30,000	35,000	289	341	375	402	424	456	376	415	440	459	473	495	266	322	360	390	415	452	458	515	552	579	602	634	324	390	435	470	499	543	400	455	490	517	539	570
35,000	40,000	318	374	412	441	465	500	415	458	485	505	522	545	288	349	390	423	450	489	494	556	596	626	650	685	353	426	475	513	545	592	438	497	536	565	589	623
40,000	45,000	345	406	447	479	505	543	451	498	528	550	568	593	309	374	419	453	482	525	529	595	637	669	695	732	381	459	512	553	588	638	473	538	580	611	637	674
45,000	50,000	371	437	481	515	543	584	487	537	569	593	612	640	329	398	445	482	513	558	561	631	676	710	738	777	407	491	548	592	628	683	507	577	621	655	683	722
50,000	60,000	408	481	529	567	598	643	538	594	629	655	677	707	357	432	483	523	557	606	607	683	732	768	798	841	445	536	598	647	687	746	556	632	681	718	748	792
60,000	70,000	455	536	590	632	666	717	602	665	704	734	758	792	392	474	530	574	611	665	664	747	800	841	873	920	492	594	662	715	760	825	617	701	756	797	830	879
70,000	80,000	499	589	648	694	732	787	664	733	776	809	835	873	424	514	574	622	662	720	717	807	864	908	943	993	537	647	722	780	828	900	675	767	826	871	908	961
80,000	90,000	542	639	703	753	794	854	723	798	845	881	909	950	455	551	616	667	709	772	767	863	925	971	1008	1062	579	698	779	841	894	971	729	829	893	942	981	1039
90,000	100,000	583	687	756	810	854	919	779	860	911	950	980	1024	484	586	655	710	755	822	814	916	981	1031	1070	1128	620	747	833	900	956	1038	782	888	957	1009	1052	1113
100,000	or more	622	733	808	865	912	981	834	921	975	1016	1049	1096	512	620	693	750	798	869	859	967	1036	1087	1129	1190	658	793	885	956	1015	1103	832	946	1019	1074	1120	1185
Income		Indiana						Iowa[1]						Kansas[1]						Kentucky						Louisiana[6]						Maine[7]					
$0	$10,000	169	191	206	217	225	238	134	147	155	161	166	173	118	142	158	171	182	197	118	127	132	136	139	144	105	113	117	121	124	128	117	127	133	137	141	146
10,000	15,000	208	236	253	267	277	293	167	183	193	201	207	215	145	175	195	211	224	243	150	161	168	173	177	182	133	143	149	154	158	163	148	160	168	174	178	185
15,000	20,000	258	291	313	330	343	362	209	229	242	251	259	270	180	217	242	261	278	302	191	205	214	220	226	233	171	183	191	197	202	209	188	204	213	221	226	235
20,000	25,000	302	342	367	387	402	425	248	271	286	298	306	319	211	255	284	307	326	354	229	246	257	264	271	279	205	221	230	237	243	251	225	244	255	264	271	281
25,000	30,000	343	388	417	439	457	482	283	311	328	340	351	365	240	289	323	349	370	402	265	285	297	306	313	323	238	256	267	275	282	291	260	281	295	305	313	324
30,000	35,000	381	431	463	488	507	536	317	347	367	381	392	409	267	322	359	388	412	448	299	321	335	345	353	364	269	289	302	311	318	329	292	317	332	343	352	365
35,000	40,000	417	472	507	534	556	587	349	382	404	419	432	450	293	353	393	425	452	491	332	356	372	383	392	404	299	321	335	346	354	365	324	351	368	380	390	404
40,000	45,000	451	511	549	578	601	635	379	416	439	456	470	489	317	382	426	461	489	531	363	390	407	419	429	443	328	352	368	379	388	401	354	383	402	415	426	442
45,000	50,000	484	548	589	620	645	681	409	448	473	491	506	527	340	410	458	494	525	570	394	423	441	454	465	480	356	382	399	411	421	435	383	415	435	450	461	478
50,000	60,000	531	601	646	680	708	748	451	494	522	542	558	581	374	450	502	543	577	626	438	470	490	505	517	533	396	426	444	458	469	484	425	461	483	499	512	531
60,000	70,000	591	668	718	756	787	831	505	553	584	606	625	650	416	501	559	604	642	697	494	531	553	570	583	602	448	482	503	518	530	548	479	519	544	562	577	598
70,000	80,000	646	731	786	827	861	909	556	609	643	667	687	716	456	549	613	662	703	764	548	589	614	632	647	668	498	535	558	575	589	608	531	575	602	623	639	662
80,000	90,000	700	792	851	896	932	984	604	662	699	726	748	779	493	595	663	717	761	827	600	645	672	692	708	731	546	587	612	631	646	667	580	629	659	681	699	724
90,000	100,000	751	849	913	961	1000	1056	651	714	753	782	806	839	530	639	712	770	817	888	651	699	728	750	768	792	592	637	664	685	701	724	628	680	713	737	756	784
100,000	or more	800	905	972	1024	1065	1125	696	763	805	837	862	897	565	681	759	821	871	947	699	751	783	807	825	852	638	685	715	737	754	779	675	731	766	792	812	842
Income		Maryland						Massachusetts[8]						Michigan						Minnesota[9]						Mississippi						Missouri[1]					
$0	$10,000	103	110	114	117	119	123	81	83	85	86	87	88	131	147	157	165	171	180	117	124	129	132	135	138	247	293	323	347	366	395	139	165	182	195	206	222
10,000	15,000	133	142	147	151	154	158	104	107	109	111	112	113	162	182	194	203	211	222	148	156	163	167	171	175	299	354	390	419	442	476	170	201	222	239	252	272
15,000	20,000	173	184	191	196	200	206	134	138	141	143	144	147	201	225	241	252	261	275	189	201	208	213	217	223	362	429	473	508	536	578	208	247	273	293	309	333
20,000	25,000	210	224	232	238	243	250	162	168	171	173	175	178	236	264	282	298	307	323	227	241	249	256	261	268	418	495	546	586	619	667	243	288	318	341	360	388
25,000	30,000	245	261	271	278	284	292	189	195	199	202	204	207	268	300	321	336	349	367	262	278	288	295	301	309	469	555	613	657	694	748	274	325	359	385	407	439
30,000	35,000	279	297	309	317	323	332	215	222	226	229	232	235	298	334	357	374	388	408	295	314	325	333	339	349	516	611	674	723	764	823	304	360	397	427	451	486
35,000	40,000	312	332	345	354	361	371	240	247	252	256	258	262	327	366	391	410	425	447	327	348	360	369	376	386	580	663	732	785	829	894	331	393	434	465	491	530
40,000	45,000	344	366	380	390	398	409	263	272	277	281	284	288	354	396	424	444	461	484	356	380	394	404	412	423	602	712	786	844	891	960	357	424	468	502	530	572
45,000	50,000	375	399	414	425	434	446	287	298	302	306	309	314	380	426	455	477	494	520	388	412	427	438	446	458	641	759	[illegible]	899	949	1023	382	453	501	537	567	612
50,000	60,000	420	447	464	476	486	500	321	331	338	342	346	351	417	467	499	524	543	571	431	456	474	486	496	509	698	826	912	978	1032	1113	418	496	547	587	620	669
60,000	70,000	478	509	528	542	553	569	364	376	384	389	393	399	464	520	556	582	604	635	486	516	535	548	559	574	768	909	1003	1076	1136	1224	463	549	606	650	687	740
70,000	80,000	534	569	590	606	618	636	406	420	428	434	438	444	509	570	609	638	662	696	539	573	593	608	620	636	833	986	1089	1168	1233	1329	505	598	661	709	749	808
80,000	90,000	589	627	650	667	681	700	447	462	471	477	482	489	551	617	659	691	717	754	590	627	649	665	678	697	895	1060	1170	1254	1324	1428	545	646	713	765	808	872
90,000	100,000	642	683	709	728	743	764	486	503	512	519	525	532	591	662	708	742	770	809	639	679	703	721	735	755	954	1129	1246	1337	1412	1521	583	691	763	819	865	933
100,000	or more	693	738	766	786	802	825	525	542	553	560	568	574	630	706	755	791	820	863	687	729	756	775	790	811	1010	1196	1320	1416	1495	1611	620	734	811	870	919	991

(See footnotes on next page.)

1986 Optional State Sales Tax Tables—*Continued*

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Nebraska[1]					
$0	$10,000	102	112	119	125	129	135
10,000	15,000	126	140	148	155	160	167
15,000	20,000	157	174	185	193	199	209
20,000	25,000	186	206	218	228	235	246
25,000	30,000	212	235	249	260	269	281
30,000	35,000	237	262	278	290	300	314
35,000	40,000	260	288	306	319	330	345
40,000	45,000	282	313	332	346	358	374
45,000	50,000	304	336	357	373	385	403
50,000	60,000	334	371	393	410	424	444
60,000	70,000	373	414	439	458	473	495
70,000	80,000	410	454	482	503	520	544
80,000	90,000	446	494	524	547	565	591
90,000	100,000	479	531	564	588	608	636
100,000	or more	512	567	602	628	649	679

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Nevada[1]					
$0	$10,000	122	132	138	142	145	150
10,000	15,000	156	168	176	181	185	192
15,000	20,000	201	216	226	233	238	246
20,000	25,000	243	261	272	281	288	297
25,000	30,000	282	303	316	326	334	345
30,000	35,000	319	343	358	369	378	391
35,000	40,000	355	382	399	411	421	435
40,000	45,000	390	419	438	451	462	477
45,000	50,000	424	456	476	490	502	519
50,000	60,000	473	508	531	547	560	578
60,000	70,000	535	576	601	620	634	655
70,000	80,000	596	641	669	689	706	729
80,000	90,000	654	703	734	757	775	800
90,000	100,000	710	764	798	822	842	870
100,000	or more	765	824	860	886	907	937

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		New Jersey					
$0	$10,000	106	110	112	113	114	116
10,000	15,000	138	142	145	147	149	151
15,000	20,000	180	186	190	192	194	197
20,000	25,000	220	227	231	235	237	240
25,000	30,000	258	266	271	275	278	282
30,000	35,000	295	304	310	314	317	322
35,000	40,000	330	341	347	352	356	361
40,000	45,000	364	376	384	389	393	398
45,000	50,000	398	411	419	425	429	435
50,000	60,000	447	462	471	477	482	489
60,000	70,000	511	528	538	545	551	558
70,000	80,000	572	591	602	610	617	626
80,000	90,000	632	653	665	674	681	691
90,000	100,000	691	713	727	737	744	755
100,000	or more	748	772	787	798	806	817

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		New Mexico[1]					
$0	$10,000	196	232	255	274	288	310
10,000	15,000	240	283	312	334	352	379
15,000	20,000	295	348	383	410	433	466
20,000	25,000	343	405	447	478	505	543
25,000	30,000	388	458	505	541	570	614
30,000	35,000	430	507	559	599	631	680
35,000	40,000	469	553	610	653	689	742
40,000	45,000	506	597	658	705	744	800
45,000	50,000	542	639	704	755	796	857
50,000	60,000	592	699	770	825	870	937
60,000	70,000	656	774	853	914	964	1037
70,000	80,000	716	845	931	997	1052	1132
80,000	90,000	773	912	1005	1076	1135	1222
90,000	100,000	827	976	1075	1152	1215	1307
100,000	or more	879	1037	1143	1224	1291	1390

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		New York[10]					
$0	$10,000	124	136	143	148	153	159
10,000	15,000	156	170	179	186	192	200
15,000	20,000	196	215	226	235	242	252
20,000	25,000	233	255	269	279	288	299
25,000	30,000	268	293	309	321	330	344
30,000	35,000	301	329	347	360	371	386
35,000	40,000	332	363	383	398	409	426
40,000	45,000	362	396	418	434	446	465
45,000	50,000	391	428	451	468	482	502
50,000	60,000	432	473	499	518	533	555
60,000	70,000	485	531	560	581	598	623
70,000	80,000	536	586	618	642	661	687
80,000	90,000	584	639	674	700	720	749
90,000	100,000	631	690	728	755	778	809
100,000	or more	676	740	780	809	833	867

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		North Carolina[11]					
$0	$10,000	158	191	213	231	245	267
10,000	15,000	190	230	257	278	296	322
15,000	20,000	230	278	311	337	358	390
20,000	25,000	266	321	358	389	413	450
25,000	30,000	298	360	403	436	464	505
30,000	35,000	327	396	443	480	510	555
35,000	40,000	355	430	481	520	553	602
40,000	45,000	381	462	516	559	594	647
45,000	50,000	406	492	550	595	633	689
50,000	60,000	442	535	598	647	688	749
60,000	70,000	488	588	658	712	757	824
70,000	80,000	527	638	713	772	821	894
80,000	90,000	568	685	766	829	882	960
90,000	100,000	603	730	816	884	940	1022
100,000	or more	639	773	864	935	995	1082

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		North Dakota[1]					
$0	$10,000	95	105	111	116	120	125
10,000	15,000	120	132	140	146	151	158
15,000	20,000	152	168	178	186	192	200
20,000	25,000	182	201	213	222	229	239
25,000	30,000	210	232	245	256	264	276
30,000	35,000	236	261	276	288	297	311
35,000	40,000	261	289	306	319	329	344
40,000	45,000	285	315	334	348	360	376
45,000	50,000	309	341	362	377	389	407
50,000	60,000	343	379	401	418	432	451
60,000	70,000	386	426	452	471	486	508
70,000	80,000	427	472	500	521	538	562
80,000	90,000	467	516	547	570	588	615
90,000	100,000	505	558	591	616	636	665
100,000	or more	542	599	635	662	683	714

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Ohio[1]					
$0	$10,000	119	128	133	137	141	145
10,000	15,000	151	162	169	175	179	184
15,000	20,000	193	207	216	223	228	236
20,000	25,000	232	249	260	268	274	283
25,000	30,000	268	288	301	310	317	327
30,000	35,000	303	325	340	350	358	370
35,000	40,000	336	361	377	388	397	410
40,000	45,000	368	396	413	425	435	450
45,000	50,000	399	429	448	461	472	488
50,000	60,000	444	477	498	513	525	542
60,000	70,000	501	539	562	580	593	613
70,000	80,000	557	598	624	643	658	680
80,000	90,000	610	655	684	705	721	745
90,000	100,000	661	711	741	764	782	808
100,000	or more	711	764	797	822	841	869

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Oklahoma[1]					
$0	$10,000	111	132	145	156	164	177
10,000	15,000	136	161	177	190	201	216
15,000	20,000	167	197	218	233	246	265
20,000	25,000	194	230	253	272	287	309
25,000	30,000	220	260	286	307	324	349
30,000	35,000	243	287	317	340	358	386
35,000	40,000	265	313	346	370	391	421
40,000	45,000	286	338	373	400	422	454
45,000	50,000	306	362	399	427	451	486
50,000	60,000	335	395	436	467	493	531
60,000	70,000	370	438	483	517	546	588
70,000	80,000	404	477	526	564	595	641
80,000	90,000	436	515	568	609	642	692
90,000	100,000	466	551	608	651	687	740
100,000	or more	495	585	646	692	730	786

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Pennsylvania					
$0	$10,000	109	114	117	119	121	123
10,000	15,000	139	145	149	152	154	158
15,000	20,000	178	187	192	196	199	203
20,000	25,000	215	226	232	236	240	245
25,000	30,000	250	262	269	274	278	284
30,000	35,000	284	297	305	311	316	322
35,000	40,000	316	330	339	346	351	358
40,000	45,000	347	363	373	380	386	394
45,000	50,000	377	394	405	413	419	428
50,000	60,000	420	440	452	461	468	477
60,000	70,000	476	499	512	522	530	541
70,000	80,000	530	555	570	581	590	602
80,000	90,000	582	609	626	638	648	661
90,000	100,000	633	662	680	694	704	716
100,000	or more	682	714	733	747	759	774

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Rhode Island					
$0	$10,000	117	121	124	125	127	129
10,000	15,000	149	154	157	159	161	164
15,000	20,000	190	197	201	204	206	210
20,000	25,000	228	237	241	245	248	252
25,000	30,000	264	274	280	284	287	292
30,000	35,000	299	309	316	321	324	329
35,000	40,000	332	344	351	356	360	366
40,000	45,000	363	377	384	390	395	401
45,000	50,000	394	408	417	423	428	435
50,000	60,000	439	455	464	471	476	484
60,000	70,000	498	514	524	532	538	547
70,000	80,000	551	570	582	591	598	607
80,000	90,000	603	625	638	648	655	665
90,000	100,000	654	678	692	702	710	722
100,000	or more	704	729	745	758	764	776

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		South Carolina					
$0	$10,000	163	196	217	234	248	269
10,000	15,000	198	237	263	283	300	325
15,000	20,000	240	288	320	344	365	395
20,000	25,000	278	333	370	398	422	457
25,000	30,000	312	374	415	447	474	514
30,000	35,000	344	412	457	493	522	566
35,000	40,000	373	447	497	536	568	615
40,000	45,000	401	481	534	576	610	661
45,000	50,000	428	513	570	614	651	705
50,000	60,000	466	558	620	669	708	768
60,000	70,000	513	615	683	736	780	846
70,000	80,000	558	668	742	800	848	919
80,000	90,000	600	718	798	860	912	988
90,000	100,000	640	766	851	917	972	1053
100,000	or more	678	812	902	972	1030	1116

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		South Dakota[2]					
$0	$10,000	162	192	211	226	238	256
10,000	15,000	198	234	258	276	291	313
15,000	20,000	243	287	316	339	357	384
20,000	25,000	284	334	368	394	416	448
25,000	30,000	320	378	416	446	470	506
30,000	35,000	355	418	461	493	520	560
35,000	40,000	387	456	502	538	567	611
40,000	45,000	417	492	542	581	612	659
45,000	50,000	447	527	580	621	655	705
50,000	60,000	488	576	634	679	716	771
60,000	70,000	541	638	702	752	793	853
70,000	80,000	590	695	766	820	865	931
80,000	90,000	636	750	827	885	933	1004
90,000	100,000	681	803	884	947	999	1074
100,000	or more	724	853	940	1006	1061	1142

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Tennessee[1]					
$0	$10,000	190	224	247	265	279	301
10,000	15,000	232	274	302	324	341	367
15,000	20,000	285	337	371	397	419	451
20,000	25,000	332	392	432	463	488	526
25,000	30,000	376	443	489	523	552	594
30,000	35,000	416	491	541	580	611	658
35,000	40,000	454	536	590	633	667	718
40,000	45,000	490	578	637	683	720	775
45,000	50,000	525	619	682	731	771	830
50,000	60,000	574	677	746	799	843	907
60,000	70,000	635	750	826	885	933	1005
70,000	80,000	693	818	901	966	1018	1096
80,000	90,000	748	883	973	1042	1099	1183
90,000	100,000	801	945	1041	1115	1177	1266
100,000	or more	851	1005	1107	1186	1251	1346

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Texas[1]					
$0	$10,000	101	111	118	122	126	132
10,000	15,000	127	140	149	155	160	167
15,000	20,000	162	178	189	197	203	212
20,000	25,000	194	214	226	236	243	254
25,000	30,000	223	247	261	272	281	293
30,000	35,000	252	278	294	306	316	330
35,000	40,000	279	308	326	339	350	366
40,000	45,000	305	336	356	371	383	400
45,000	50,000	330	364	386	402	415	433
50,000	60,000	367	405	428	446	461	481
60,000	70,000	413	456	483	503	519	542
70,000	80,000	458	505	535	557	575	601
80,000	90,000	500	552	585	609	629	657
90,000	100,000	542	598	633	660	681	711
100,000	or more	582	642	680	708	731	764

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Utah[12]					
$0	$10,000	188	223	246	264	279	301
10,000	15,000	229	272	300	322	340	367
15,000	20,000	281	333	368	395	417	450
20,000	25,000	327	388	429	460	486	524
25,000	30,000	370	438	484	519	549	592
30,000	35,000	409	485	536	575	607	655
35,000	40,000	446	529	584	627	662	714
40,000	45,000	481	570	630	676	714	770
45,000	50,000	515	610	674	724	764	824
50,000	60,000	563	667	737	791	835	901
60,000	70,000	623	738	815	875	924	997
70,000	80,000	679	805	889	954	1008	1087
80,000	90,000	733	869	959	1030	1088	1173
90,000	100,000	784	929	1026	1102	1164	1255
100,000	or more	833	987	1091	1170	1236	1333

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Vermont					
$0	$10,000	56	65	71	76	80	85
10,000	15,000	71	83	91	97	102	109
15,000	20,000	91	106	116	124	130	140
20,000	25,000	110	128	140	149	157	168
25,000	30,000	127	148	162	173	182	195
30,000	35,000	144	168	184	196	206	220
35,000	40,000	160	186	204	218	229	245
40,000	45,000	175	205	224	239	251	269
45,000	50,000	190	222	243	259	272	291
50,000	60,000	212	247	271	289	303	325
60,000	70,000	240	280	306	326	343	367
70,000	80,000	266	311	340	363	381	408
80,000	90,000	292	341	373	398	418	448
90,000	100,000	317	370	405	432	454	486
100,000	or more	342	398	436	465	489	523

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Virginia[13]					
$0	$10,000	122	147	164	177	188	204
10,000	15,000	149	179	200	216	229	249
15,000	20,000	182	219	244	264	280	304
20,000	25,000	211	254	284	306	325	353
25,000	30,000	238	287	320	345	367	398
30,000	35,000	263	317	353	382	405	440
35,000	40,000	287	345	385	416	441	479
40,000	45,000	309	372	415	448	476	516
45,000	50,000	330	398	443	479	508	552
50,000	60,000	360	434	484	523	555	602
60,000	70,000	398	479	535	577	613	666
70,000	80,000	434	522	582	629	668	725
80,000	90,000	467	563	627	678	719	781
90,000	100,000	500	601	671	724	769	835
100,000	or more	530	639	712	769	816	886

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Washington[14]					
$0	$10,000	177	190	199	205	210	217
10,000	15,000	227	245	256	264	270	279
15,000	20,000	293	316	330	341	349	361
20,000	25,000	355	383	400	413	423	437
25,000	30,000	414	446	468	481	493	510
30,000	35,000	470	507	530	547	560	579
35,000	40,000	525	566	591	610	625	646
40,000	45,000	577	622	650	671	687	710
45,000	50,000	628	677	708	730	748	773
50,000	60,000	703	758	792	817	836	865
60,000	70,000	798	861	899	928	950	982
70,000	80,000	890	960	1003	1035	1060	1096
80,000	90,000	980	1056	1103	1138	1166	1205
90,000	100,000	1066	1150	1201	1239	1269	1312
100,000	or more	1151	1241	1298	1337	1370	1416

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		West Virginia					
$0	$10,000	152	165	172	178	183	189
10,000	15,000	191	207	217	224	229	238
15,000	20,000	242	261	274	283	290	300
20,000	25,000	288	311	326	337	345	358
25,000	30,000	331	358	375	387	397	411
30,000	35,000	372	402	421	435	446	462
35,000	40,000	411	444	465	481	493	510
40,000	45,000	448	485	507	524	538	557
45,000	50,000	484	524	548	566	581	602
50,000	60,000	536	580	607	627	643	666
60,000	70,000	602	651	682	705	723	748
70,000	80,000	665	720	753	778	798	827
80,000	90,000	726	785	822	849	871	902
90,000	100,000	784	848	888	918	941	975
100,000	or more	841	908	952	984	1009	1045

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Wisconsin[15]					
$0	$10,000	142	151	156	159	162	167
10,000	15,000	180	191	197	202	208	211
15,000	20,000	230	244	252	258	263	269
20,000	25,000	276	292	302	309	315	323
25,000	30,000	319	338	349	358	364	373
30,000	35,000	360	381	394	403	411	421
35,000	40,000	399	423	437	447	456	467
40,000	45,000	437	463	478	490	499	512
45,000	50,000	474	501	518	531	541	554
50,000	60,000	527	558	576	590	601	616
60,000	70,000	594	629	650	666	678	696
70,000	80,000	659	698	721	739	752	771
80,000	90,000	722	764	790	809	823	845
90,000	100,000	782	828	858	876	892	915
100,000	or more	841	890	920	942	959	984

Income		Family size					
At least	But less than	1	2	3	4	5	Over 5
		Wyoming[1]					
$0	$10,000	115	137	152	163	172	186
10,000	15,000	140	168	184	198	209	226
15,000	20,000	170	203	224	241	255	275
20,000	25,000	198	235	260	279	295	319
25,000	30,000	223	265	293	315	333	359
30,000	35,000	246	292	323	347	367	396
35,000	40,000	267	318	351	378	399	431
40,000	45,000	288	342	378	407	430	464
45,000	50,000	307	365	404	434	459	496
50,000	60,000	335	398	440	473	500	540
60,000	70,000	369	439	486	522	552	596
70,000	80,000	402	478	529	568	601	649
80,000	90,000	433	515	569	612	647	698
90,000	100,000	462	549	608	653	691	746
100,000	or more	490	583	645	693	733	791

[1] Local sales taxes are not included. Add an amount based on the ratio between the local and state sales tax rates, considering the number of months each rate has been in effect.

[2] Local sales taxes are not included. Add the amount paid.

[3] The 1¼ percent local sales tax is included. If a ½ of 1 percent local sales tax for transportation is paid all year (Alameda, Contra Costa, Los Angeles, San Francisco, San Mateo, and Santa Cruz Counties), add 8 percent of the table amounts. For Santa Clara County, add 17 percent of the table amounts.

[4] Sales tax paid on any item of clothing costing $75 or more may be added to the table amounts.

[5] Sales tax paid on electricity and natural gas is not included. Sales tax paid on these items may be added to the table amounts only if it is paid at the general sales tax rate. The Illinois table is based on a combined 6 percent rate (5 state, 1 local). Residents of Du Page, Kane, Lake, McHenry, and Will Counties may add 5 percent; Cook County may add 19 percent; Chicago may add an additional 19 percent of the table amount. For other local sales taxes, see footnote 1.

[6] If your local sales tax applies to food for home consumption, check your local newspaper during mid-January for the correct deduction. Otherwise, see footnote 1.

[7] Sales tax paid on 750 KWH or more of electricity per month may be added to the table amounts.

[8] Sales tax paid on any item of clothing costing $175 or more may be added to the table amounts.

[9] Sales tax paid on purchases of natural gas or electricity may be added to the table amounts. For local sales tax, see footnote 1.

[10] Local sales taxes are not included. If paid all year, add 26 percent of the table amount for each 1 percent of local sales tax rate. Otherwise, use a proportionate amount. For New York City, add 107 percent of the table amount.

[11] The North Carolina table is based on a combined 4½ percent rate (3 state, 1½ local). If the ½ of 1 percent local sales tax is not paid, subtract 10 percent of the table amount.

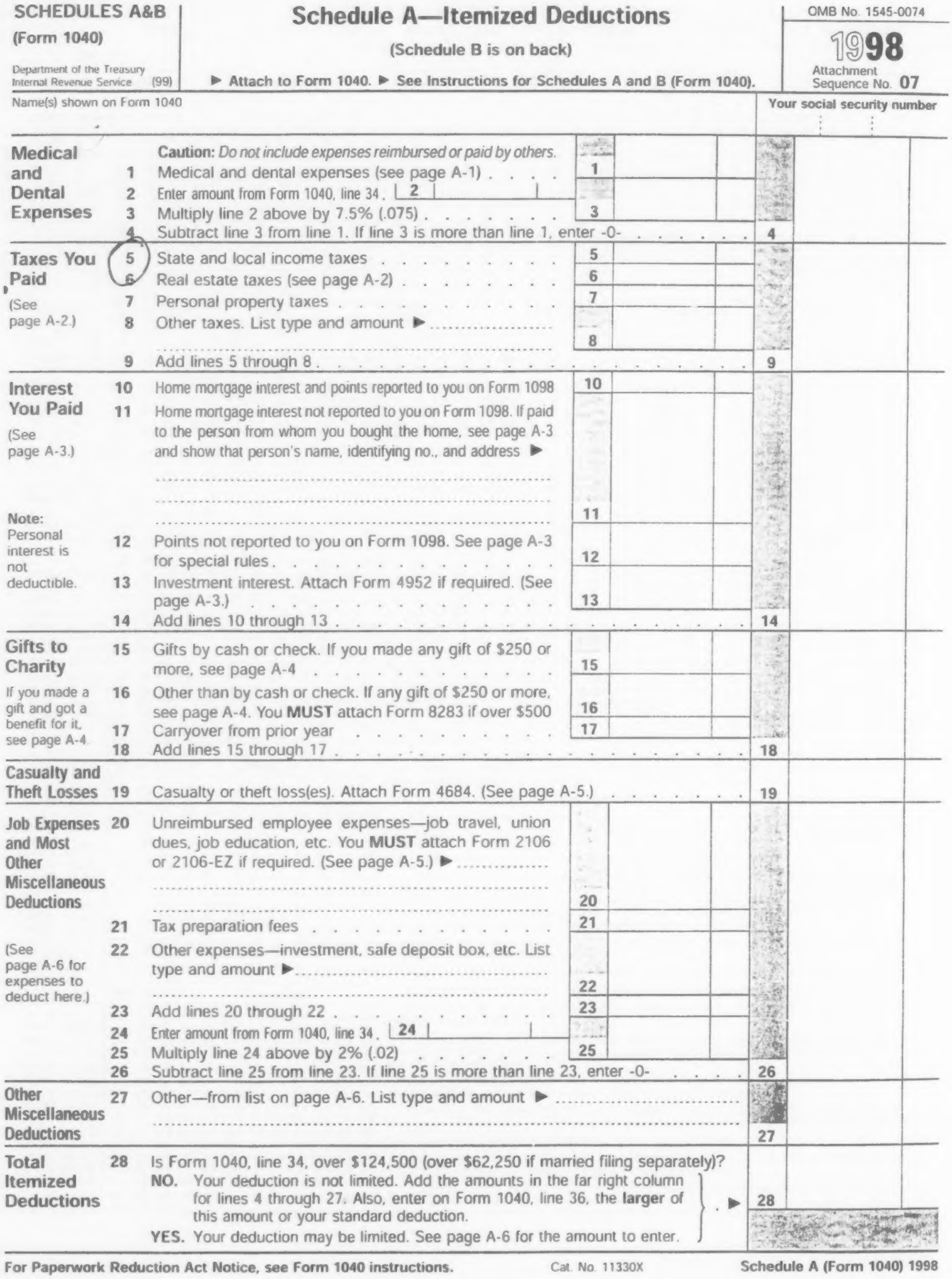
[12] The Utah table is based on a 5½ percent combined state and local rate. If the ¼ percent county sales tax for transportation is paid all year, add 5 percent of the table amount. Otherwise, see footnote 1.

[13] Local 1 percent sales tax is included.

[14] The Washington table is based on a combined 7 percent rate (6.5 state, 0.5 local). For local sales tax, in addition to the ½ of 1 percent included in the table, see footnote 1.

[15] Sales tax paid on the purchase of natural gas or electricity (May through October) may be added to the table amounts. For local sales tax, see footnote 1.

Critics might suggest this would make the tax code more complex. I am the last to want to make the tax code more complex and in fact I will work vigorously to simplify that code. But the bill I am introducing today does not complicate the tax code. It adds one very simple line to one simple form already filled out by a taxpayer itemizing his or her deductions. Adding that line will save our taxpayers hundreds of dollars every year. For clarity, I will submit that Schedule A for the RECORD as well.



SCHEDULES A&B
(Form 1040)
Department of the Treasury
Internal Revenue Service (99)

Schedule A—Itemized Deductions

(Schedule B is on back)

▶ **Attach to Form 1040.** ▶ **See Instructions for Schedules A and B (Form 1040).**

OMB No. 1545-0074
1998
Attachment Sequence No. **07**

Name(s) shown on Form 1040

Your social security number

Medical and Dental Expenses		**Caution:** *Do not include expenses reimbursed or paid by others.*		
	1	Medical and dental expenses (see page A-1)	1	
	2	Enter amount from Form 1040, line 34 . 2		
	3	Multiply line 2 above by 7.5% (.075)	3	
	4	Subtract line 3 from line 1. If line 3 is more than line 1, enter -0-		4
Taxes You Paid (See page A-2.)	5	State and local income taxes	5	
	6	Real estate taxes (see page A-2)	6	
	7	Personal property taxes	7	
	8	Other taxes. List type and amount ▶	8	
	9	Add lines 5 through 8		9
Interest You Paid (See page A-3.)	10	Home mortgage interest and points reported to you on Form 1098	10	
	11	Home mortgage interest not reported to you on Form 1098. If paid to the person from whom you bought the home, see page A-3 and show that person's name, identifying no., and address ▶	11	
Note: Personal interest is not deductible.	12	Points not reported to you on Form 1098. See page A-3 for special rules	12	
	13	Investment interest. Attach Form 4952 if required. (See page A-3.)	13	
	14	Add lines 10 through 13		14
Gifts to Charity If you made a gift and got a benefit for it, see page A-4.	15	Gifts by cash or check. If you made any gift of $250 or more, see page A-4	15	
	16	Other than by cash or check. If any gift of $250 or more, see page A-4. You **MUST** attach Form 8283 if over $500	16	
	17	Carryover from prior year	17	
	18	Add lines 15 through 17		18
Casualty and Theft Losses	19	Casualty or theft loss(es). Attach Form 4684. (See page A-5.)		19
Job Expenses and Most Other Miscellaneous Deductions	20	Unreimbursed employee expenses—job travel, union dues, job education, etc. You **MUST** attach Form 2106 or 2106-EZ if required. (See page A-5.) ▶	20	
	21	Tax preparation fees	21	
(See page A-6 for expenses to deduct here.)	22	Other expenses—investment, safe deposit box, etc. List type and amount ▶	22	
	23	Add lines 20 through 22	23	
	24	Enter amount from Form 1040, line 34 . 24		
	25	Multiply line 24 above by 2% (.02)	25	
	26	Subtract line 25 from line 23. If line 25 is more than line 23, enter -0-		26
Other Miscellaneous Deductions	27	Other—from list on page A-6. List type and amount ▶		27
Total Itemized Deductions	28	Is Form 1040, line 34, over $124,500 (over $62,250 if married filing separately)? **NO.** Your deduction is not limited. Add the amounts in the far right column for lines 4 through 27. Also, enter on Form 1040, line 36, the **larger** of this amount or your standard deduction. ▶ **YES.** Your deduction may be limited. See page A-6 for the amount to enter.		28

For Paperwork Reduction Act Notice, see Form 1040 instructions. Cat. No. 11330X **Schedule A (Form 1040) 1998**

Schedules A&B (Form 1040) 1998 OMB No. 1545-0074 Page **2**

Name(s) shown on Form 1040. Do not enter name and social security number if shown on other side. **Your social security number**

Schedule B—Interest and Ordinary Dividends

Attachment Sequence No. **08**

Part I Interest

(See pages 20 and B-1.)

Note: *If you had over $400 in taxable interest income, you must also complete Part III.*

Note: If you received a Form 1099-INT, Form 1099-OID, or substitute statement from a brokerage firm, list the firm's name as the payer and enter the total interest shown on that form.

			Amount
1	List name of payer. If any interest is from a seller-financed mortgage and the buyer used the property as a personal residence, see page B-1 and list this interest first. Also, show that buyer's social security number and address ▶	1	
2	Add the amounts on line 1	2	
3	Excludable interest on series EE U.S. savings bonds issued after 1989 from Form 8815, line 14. You MUST attach Form 8815 to Form 1040	3	
4	Subtract line 3 from line 2. Enter the result here and on Form 1040, line 8a ▶	4	

Part II Ordinary Dividends

(See pages 21 and B-1.)

Note: *If you had over $400 in ordinary dividends, you must also complete Part III.*

Note: If you received a Form 1099-DIV or substitute statement from a brokerage firm, list the firm's name as the payer and enter the ordinary dividends shown on that form.

			Amount
5	List name of payer. Include only ordinary dividends. Report any capital gain distributions on Schedule D, line 13 ▶	5	
6	Add the amounts on line 5. Enter the total here and on Form 1040, line 9 ▶	6	

Part III Foreign Accounts and Trusts

(See page B-2.)

		Yes	No
	You must complete this part if you **(a)** had over $400 of interest or ordinary dividends; **(b)** had a foreign account; or **(c)** received a distribution from, or were a grantor of, or a transferor to, a foreign trust.		
7a	At any time during 1998, did you have an interest in or a signature or other authority over a financial account in a foreign country, such as a bank account, securities account, or other financial account? See page B-2 for exceptions and filing requirements for Form TD F 90-22.1		
b	If "Yes," enter the name of the foreign country ▶		
8	During 1998, did you receive a distribution from, or were you the grantor of, or transferor to, a foreign trust? If "Yes," you may have to file Form 3520. See page B-2		

For Paperwork Reduction Act Notice, see Form 1040 instructions. **Schedule B (Form 1040) 1998**

If you look simply at line 5 of Schedule A, you see where people who pay income taxes to their State can deduct that, and you will see there is no line for Washington State taxpayers or taxpayers in similar States to deduct their sales tax.

This is not a complicated bill. It is a very simple bill, it is a fair bill and I would urge my colleagues to support it. We have an obligation to treat citizens fairly at the Federal level. That is why I am here, to fight for simple fairness.

This is the second time I have stood here in this well in less than a month to sponsor legislation that will protect our citizens from being subjected to unfair taxation. I will come back to the well of this House again and again until we achieve that standard.

I hope that my colleagues will see the wisdom of this fair proposal and that we can take swift action to restore this common-sense option. I invite them to join me in this effort for the simple reason that it is the right thing to do.

ON NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I rise this afternoon out of concern for the State of America's national security. I do not want to speak directly to the ongoing operations in Kosovo today, although I am deeply troubled by the enormous uncertainties that seem to be the consequence of a poorly planned policy. Instead, I want to address the consequences of Kosovo on the U.S. military presence worldwide. I believe we are facing a period of unacceptable risk.

Our armed forces are spread across the globe, from South Korea to Latin America. We are engaged in areas that are clearly essential to American security and in areas that are clearly tangential to our security. We are engaged in what are essentially two air wars on two continents at the same time to which we are asking combat engineers to devote themselves to building roads and bridges. We are deterring invasion and we are garrisoning in support of peace agreements.

What we must consider is whether we are doing too much and we spread too thin. Historically we have been warned of the dangers of "imperial overstretch." Unfortunately, I have fears that we are reaching such a point today. I do not want to call for retrenchment or retreat, but we must ask if we have gone too far and if we have asked too much of the armed forces. If we have, it is the job of Congress and the administration to work together to identify solutions.

In 1997, the Quadrennial Defense Review reaffirmed the requirement that the U.S. must be prepared to fight two nearly simultaneously major theater wars while also staying ready for lesser contingencies. I have argued in Congress that the available funding for the Department of Defense has been inadequate to meet those requirements.

When the United States fought the 1991 Persian Gulf War, we had about 3.2 million soldiers in the active and reserve components. Ten years later, today, we have 900,000 fewer men and women in uniform.

□ 1645

The Army, which has been tasked with the responsibility of maintaining the majority of our overseas presence, has seen its active duty end strength fall by some 40 percent since 1991. Today we maintain as a matter of national strategy 100,000 troops in Asia and another 100,000 troops in Europe. We now have more than 20,000 personnel actively engaged in Operation Allied Force, and nearly 40,000 personnel are engaged in an astonishing 20 other operations around the world today, and the situation today varies only slightly from the breakneck operational pace since the Persian Gulf War. A recent Congressional Research Service report counts 28 different contingency operations from 1991 until now at a cost of nearly $18 billion. The President has committed our resources to these operations.

The Air Mobility Command Base in my hometown of Spokane at Fairchild is an example of this extraordinary intensive operational tempo. Fairchild is kept very busy supporting KC-135 aerial refueling tankers from 16 different locations around the world. Ninety-seven percent of the total crew force from the 92nd Airlift Wing is deployed today.

We are trying to maintain this level of international presence with increasingly ancient equipment. The KC-135's based at Fairchild have an average age of 37 years. There is no planning for replacement largely because there are no funds available. The B-52s, which were also once based at Fairchild, are slightly older, yet the Air Force intends to keep them in the inventory until 2040. No replacement is in sight, another victim of dramatically smaller defense budgets. Despite the intensive operational pace, defense spending has fallen 30 percent from Fiscal Year 1991 levels and 40 percent from Fiscal Year 1985 levels.

As we overcommit our forces to tangential operations around the globe, the risk increases. Troops deployed in Haiti cannot immediately support missions in Korea, and troops trained to keep the peace in Bosnia are not combat ready if they are called upon to defend Kuwait.

A rubber band can only be stretched so far before it breaks, and I fear we are nearing that point. Mr. Milosevic called the Clinton administration's bluff in Kosovo, and 3 weeks ago American forces were pitched into a war we had not planned for and lacked the resources to immediately support. What would formerly have been considered a lesser contingency has now tied down a significant number of our conventional combat power.

General Clark's recent request for reinforcements is for a total of 800 planes in the region, tying up nearly seven combat air wings out of a total of 20 in Europe. Our most important assets are committed. We have heavily taxed our available airlift. It is all tied up with supporting our forces and the refugees in Kosovo. There is no carrier battle group providing coverage in Northeast Asia because of the need to support the Balkan mission. We have nearly expended all available air launched cruise missiles, and both the Air Force and the Navy have submitted emergency requests to replenish depleted stores.

Now it looks like the President is going to be calling up the Reserves to support this mission, the first call-up since the Persian Gulf War. Can we sustain this pace? It is very questionable. We must fund it if we are going to sustain it.

The services have presented the National Security Appropriations Subcommittee a list of unfunded requirements that amounts to over $7 million a year, and these funds are needed just to meet the military's most critical needs, not considering any of the shortfalls that have emerged in the last few weeks. This is a serious situation and supplemental funding should include not just the costs of the operation, but also the critical funds that the military needs to step back from the brink to which it has been pushed. We must reverse continued deterioration of our Armed Forces.

FEDERAL EMPLOYEES GROUP LONG-TERM CARE INSURANCE ACT OF 1999

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, the provision of long-term care insurance coverage to Federal employees is an important priority for me as ranking member of the Subcommittee on Civil Service. On January 6, I introduced H.R. 110, the Federal Employees Group Long-Term Care Insurance Act of 1999. My bill is one of four elements of the comprehensive long-term care package proposed earlier this year by President Clinton.

H.R. 110 would authorize the Office of Personnel Management to purchase a policy or policies from one or more qualified private sector contractors to make long-term care insurance available to Federal employees, retirees and eligible family members at group rates. Coverage would be paid for entirely by those who elect it.

The Clinton administration and I support modifying H.R. 110 to extend long-term care coverage to employees of the United States Postal Service, active duty military personnel, military retirees and their families. I believe that extending coverage to Postal employees and military personnel would make the risk larger and more diverse and would help keep costs down.

All participants other than active employees and active duty military personnel would be fully underwritten, as is standard practice with products of this kind. Coverage made available to individuals would be guaranteed renewable and could not be canceled except for nonpayment of premiums. Though each participant would be responsible for paying the full amount of their premiums based on age at time of enrollment, group rates will save an estimated 15 to 20 percent off the costs of individual long-term insurance care policies.

OPM will be responsible for the administrative costs of the program, which is estimated to be only $15 million over a 5-year period. This would include developing and implementing a program to educate employees about long-term care insurance. Extending OPM's market efforts to postal employees, active duty military personnel and retirees would, however, increase first year administrative costs above what is included in this estimate.

To date, the Subcommittee on Civil Service has held three hearings on offering long-term care insurance as a benefit option for Federal employees. We have heard the testimony of people who have had to bear the tremendous costs of providing long-term care for a loved one. We have heard testimony from the Office of Personnel Management on long-term care insurance carriers, about the best approach for implementing a long-term care program for Federal employees.

At the subcommittee's most recent hearing in Jacksonville, Florida, which was held just a week ago, I heard from witnesses who testified how important it is for Americans to invest in long-term care insurance, particularly women. A study last week found that women are more vulnerable to the financial and emotional strains associated with long-term care. Women live longer, generally earn less than men, save less for their retirement, receive lower Social Security payments, and are often caregivers when a family member becomes ill or infirm.

The American Health Care Association commissioned a national telephone survey of 800 adult Americans between the ages of 34 and 52 years of age, baby boomers, in September of 1998. As it pertains to women, the study found the following:

Among baby boomers, men save on the average of one-third more than women save for their retirement. More than one-third of all boomer women expect to be a caregiver for a family member. Female boomer caregivers are almost twice as likely to expect to provide care for a parent or in-law as they are to provide it for their husband. Half of the women in the study said that they had to reduce the number of hours they worked and give up space in their homes to provide this care. In addition, sizeable percentages said that they had to hire nursing help, incur large expenses, and quit their jobs or take a leave of absence as a result of their caregiving responsibilities.

More than 7 in 10 female boomers say that they are concerned about saving enough for retirement, while nearly two-thirds say they are concerned about saving enough to pay for long-term care. Finally, 58 percent of boomers support the idea of offering quality long-term care insurance to Federal employees to set a national example to encourage businesses to offer this benefit to their employees.

I believe that H.R. 110 will help to raise the general public's awareness of the need for long-term care insurance and underscore the limitations associated with the reliance on Medicaid for one's long-term care needs.

SENDING GROUND TROOPS TO KOSOVO WOULD COMPOUND A HUGE FOREIGN POLICY ERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, last night on the CNN national news the anchor woman said that Congress did not question the costs of the Kosovo-Serbia bombings, implying total support. That very morning, however, the Congressional Quarterly had a headline that said, "Congress Eyes Cost of U.S. Role in Kosovo."

There probably is no question that this money will be approved. However, it is simply wrong to imply that no Members of Congress question these costs.

We are now being told that we will soon be asked to approve $4 billion for the costs of our air war. One estimate is that ground troops and reconstruction costs could soon total $10 billion. This is money that will have to be taken from other programs and from American taxpayers, and if we have to stay in there to preserve the peace for many years to come, the costs could just become unbelievable. Many Members of Congress feel it was a horrible mistake to get into this mess in the first place and that our bombings have made a bad situation many times worse than if we had simply offered humanitarian aid.

CNN and much of our liberal national media may want a much bigger role. The American people want out of there, the sooner the better.

Yesterday a Democratic Member of the House sat down next to me and said, "I don't know who these people are polling. Everyone in my district is strongly opposed to this war."

In just the past couple of days, Mr. Speaker, I have had similar comments made to me from both Democratic and Republican Members of the House from Missouri, Virginia, New York, Kentucky, Arizona, Maryland, Alabama, California, North Carolina and Florida. I have not been seeking these comments. I have been taking no formal survey. But Members of the House have been telling me that their constituents are almost totally opposed to this war in Serbia and Kosovo.

Our colleague, the gentleman from Iowa (Mr. GANSKE) was on the C-Span Washington Journal yesterday morning. He said he has had over 1,000 people in town meetings over the recess and that when he asked how many favored ground troops in Kosovo, only 10 people raised their hands.

Last Thursday morning this same question was asked on the leading talk radio show in Knoxville. Only one call came in favor of ground troops, yet the national media has this drumbeat going for a bigger, longer, more expensive war. Heaven help us if part of this is about ratings, or so some of our leaders can prove how powerful they are, or to leave some great legacy as world statesman.

I believe this is going to go down as one of the great miscalculations in American history and certainly one of the most expensive. We have turned NATO from a purely defensive organization into an aggressor force for the first time in history, and one that has attacked a sovereign nation for the first time in history.

With our bombings in Iraq, Afghanistan, the Sudan and now Serbia and Kosovo, we are bombing nations which have not threatened us in any way, which have not jeopardized our national security and where we have no vital U.S. interests, and we are quickly turning people who would like to be our friends into bitter enemies of the United States. We have taken a bad situation and made it many times worse by our bombings and have created a huge refugee crisis in the process, and all of this was done by the President apparently against the advice of his top military advisers and against the advice of the head of the CIA.

The Christian Science Monitor, the National Journal and many other leading publications and columnists have pointed out that there are at least 30 or 40 other conflicts, small wars, going on all over this world right now, several far worse than Kosovo before we started bombing. Our policy should have been, Mr. Speaker, and should be now: humanitarian aid, yes; bombings and ground troops, no.

The U.S. was doing 68 percent of the bombing before General Clark requested 300 more planes. If the majority in Congress wants to send ground troops in and, I think, ignore their constituents in the process, then let the Europeans lead for once. We do not have to carry the entire burden. Those who wanted to expand NATO membership a few months ago to bring in Poland and Czechoslovakia and Hungary should call on those countries to supply troops. They have done nothing so far, and it is obvious that NATO would not be doing all of this or any of this were it not for U.S. insistence.

One of our leading columnists, Mr. Speaker, wrote a couple of days ago these words:

"Three weeks into Bill Clinton's Balkan adventure, and America risks a debacle. The human rights crisis in Kosovo has exploded into a catastrophe. Slobodan Milosevic is being rallied around like some Serbian Churchill, Montenegro and Macedonia are destabilized, Russia is being swept by anti-American jingoism, and U.S. troops may have to go marching into the big muddy. Such are the fruits of Utopian crusades for global democracy."

Mr. Speaker, several times over the last few days I have heard reports on national networks saying that Members of Congress were getting "antsy" about not committing ground troops to Kosovo. The implication is that all of the Members of Congress want ground troops in there immediately.

I believe it was a terrible mistake to start bombing in the first place, and it certainly would be compounding a huge error to place many thousands of ground troops in there now.

As many columnists have pointed out, the NATO bombings have made this situation much worse than it ever would have been if we had simply stayed out. The very liberal Washington Post Columnist, Richard Cohen, wrote, "I believe, though, that the NATO bombings have escalated and accelerated the process. For some Kosovars, NATO has made things worse."

Pat M. Holt, a foreign affairs expert writing in the Christian Science Monitor, wrote, "The first few days of bombing have led to more atrocities and to more refugees. It will be increasing the instability which the bombing was supposed to prevent."

Philip Gourevitch, writing in the April 12 New Yorker Magazine, said: "Yet so far the air war against Yugoslavia has accomplished exactly what the American-led alliance flew into combat to prevent: Our bombs unified the Serbs in Yugoslavia, as never before, behind the defiance of Milosevic; they spurred to a frenzy the 'cleansing' of Kosovo's ethnic Albanians by Milosevic's forces; they increased the likelihood of the conflict's spilling over into Yugoslavia's south-Balkan neighbors; and they hardened the hearts of much of the non-Western World against us—not least in Russia, where passionate anti-Americanism is increasing the prospects for the right-wing nationalists of the Communist Party to win control of the Kremlin and its nuclear arsenal in coming elections."

Many conservative analysts have been very critical. Thomas Sowell wrote: "Already our military actions are being justified by the argument that we are in there now and cannot pull out without a devastating loss of credibility and influence in NATO and around the world. In other words, we cannot get out because we have gotten in. That kind of argument will be heard more and more if we get in deeper.

"Is the Vietnam War so long ago that no one remembers? We eventually pulled out of Vietnam," Mr. Sowell wrote, "under humiliating conditions with a tarnished reputation around the world and with internal divisiveness and bitterness that took years to heal. Bad as this was, we could have pulled out earlier with no worse consequences and with thousands more Americans coming back alive."

Mr. Sowell asks, "Why are we in the Balkans in the first place? There seems to be no clear-cut answer."

William Hyland, a former editor of Foreign Affairs Magazine, writing in the Washington Post said, "The President has put the country in a virtually impossible position. We cannot escalate without grave risks. If the President and NATO truly want to halt ethnic cleansing, then the alliance will have to put in a large ground force or, at a minimum, mount a credible threat to do so. A conventional war in the mountains of Albania and Kosovo will quickly degenerate into a quagmire. On the other hand, the United States and NATO cannot retreat without suffering a national and international humiliation. * * * the only alternative is to revive international diplomacy."

Mr. Hyland is correct, but unfortunately I am afraid that ground troops in Kosovo would be much worse than a quagmire. Former Secretary of State Lawrence Eagleberger was quoted on a national network last week as saying that the Bush administration had closely analyzed the situation in the Balkans in the early 1990s and had decided it was a "swamp" into which we should not go.

NATO was established as a purely defensive organization, not an aggressor force. With the decreased threat from the former Soviet Union, was NATO simply searching for a mission? Were some national officials simply trying to prove that they are world statesmen or trying to leave a legacy?

The United States has done 68 percent of the bombing thus far. This whole episode, counting reconstruction and resettlement costs after we bring Milosevic down, will cost us many billions.

IIf there have to be ground troops, let the Europeans take the lead. Do not commit United States ground troops. Let the Europeans do something. The U.S. has done too much already. Humanitarian aid, yes; bombs and ground troops, no.

[From the Washington Post, Feb. 13, 1999]

THE MESS THEY'VE MADE

(By Patrick J. Buchanan)

Three weeks into Bill Clinton's Balkan adventure and America risks a debacle. The human rights crisis in Kosovo has exploded into a catastrophe. Slobodan Milosevic is being rallied around like some Serbian Churchill. Montenegro and Macedonia are destabilized; Russia is being swept by anti-American jingoism; and U.S. troops may have to go marching into the Big Muddy.

Such are the fruits of Utopian crusades for global democracy.

The great lesson of Vietnam was: Before you commit the army, commit the nation. Clinton and Madeleine Albright launched a war against Yugoslavia with the support of neither.

Yet this debacle is not their doing alone. It is a product of the hubris of a foreign policy elite that has for too long imbibed of its own moonshine about America being the "world's last superpower" and "indispensable nation." Even as we slashed our defenses to the smallest fraction of GDP since before Pearl Harbor, the rhetoric has remained triumphalist, and the commitments have kept on coming.

Responsibility must be shared by Congress, for Clinton's intent to launch this Balkan war was long apparent. Yet Congress failed either to authorize war or deny the president the right to attack.

With Milosevic still defying NATO, we are admonished that "failure is not an option." the United States must do "whatever is necessary to win." Otherwise, NATO's credibility will be destroyed.

But this is mindlessness. If the war was a folly to begin with, surely, the answer is to cut our losses and let the idiot-adventurers who urged the attack resign to write their memoirs, rather than send 100,000 U.S. troops crashing into the Balkans to save the faces and careers of our blundering strategists. Only a fanatic redoubles his energy when he has lost sight of his goal.

After the Gallipolli disaster, Churchill went; after Suez, Eden went; after the Bay of Pigs, Allen Dulles departed the CIA. Surely, this is a wiser, more honorable, course than a ground war in Kosovo.

Moreover, Americans will not support "whatever is necessary to win." We are not going to turn Belgrade into Hamburg. As one recalls the horror at Nixon's "Christmas Bombing" that freed our POWs at a cost of 1,400 dead in Hanoi, all but surgical bombing is out.

And if we send in the troops, what do we "win"? The right to say that NATO defeated Serbia? The right to occupy Kosovo?

If, after we take Kosovo, the Serbs conduct a guerrilla war against our troops, and the KLA begins a war of liberation to kick NATO out, annex western Macedonia and unite with Tirana, our "victory" will have produced the very disaster we wish to avoid.

"It is unworthy of a great state to dispute over something that does not concern its own interests," and Bismarck, who called the entire Balkans "not worth the bones of a single Pomeranian grenadier." When did that peninsula become so critical to the United States that we would go to war over whose flag flew over Pristina?

"Arm the Kosovars!" urge other armchair strategists. But do we really want another Afghanistan—in the underbelly of Europe?

What a mess the interventionists have made of it. Because the NATO expansionists could not keep their hands off the alliance, they have shattered the myth of its invincibility and may have called into being a Moscow-Minsk-Beijing-Belgrade-Baghdad axis.

But maybe the foreign policy establishment needed a second Cold War, as anything is preferable to irrelevance.

Out of this disaster, what lessons may be learned?

First, America cannot police the planet on a defense budget of 3 percent of GDP. Our dearth of air-launched cruise missiles, the need to shift carriers from the gulf, the delay in deploying the Apaches, the calling up of the reserves—all point to a military that is dangerously inadequate to the global tasks we have added since the Cold War.

Unless America is prepared to restore Ronald Reagan's Army, Navy and Air Force, we cannot stop a rearmed Russia in East Europe, police the Balkans, roll back a second Iraqi attack on Kuwait, contain North Korea and prevent another of Beijing's bullying assaults on Taipei. Should one or two of these emergencies occur at once, we will be suddenly face to face with foreign policy bankruptcy.

America must retrench and rearm.

What the United States needs today in the Balkans is a least-bad peace, patrolled by Europeans, where Serbs rule Serbs, Croats Croats and Albanians Albanians. And if, in the negotiations to end this tragedy, Belgrade cries, "No American troops in Kosovo!" let us insist upon it, and bring our soldiers home from Europe, as Ike told JFK to do nearly 40 years ago.

□ 1700

EMPLOYEE OWNERSHIP ACT OF 1999, LEGISLATION AS SIGNIFICANT TO THE AMERICAN PEOPLE AS THE HOMEOWNER'S MORTGAGE DEDUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I am submitting to Congress what I believe will be an historic piece of legislation. It is entitled The Employee Ownership Act of 1999. This legislation, I predict, will be as significant to the American people as the homeowner's mortgage deduction, which has ensured the widespread ownership of homes throughout the United States of America.

In fact, 60 percent of the American people own their own homes, and this can be traced to the fact that we have written our tax law in a way that encourages widespread ownership of housing and homes in the United States.

The goal of my bill is that after 10 years, 30 percent of all of America's major corporations will be owned and controlled by their own employees. Now, I know that sounds a bit radical. That sounds like a big change, but we have had a great deal of employee ownership expansion over these last 20 years.

This bill, under the guise of ESOPS, Employee Stock Ownership Plans, what I am proposing is an ESOP-plus-plus idea that would increase employee ownership throughout this country.

This bill will bring about a new category of American business, the Employee Owned and Controlled Corporation, EOCC.

These new corporate structures would be modeled somewhat after United Airlines. As we know, the employees at United Airlines bought a controlling interest in their own corporation and now make many of the decisions that affect United Airlines and thus affect the employees.

In fact, the legislation I am proposing would establish an employee trust that when it owns 50 percent of the shares of a company will be entitled to substantial tax incentives that will encourage the growth of employee ownership and ensure the success of this new employee owned and controlled company.

Some of the tax incentives suggested by my legislation: Number one, if someone sells stock in a company to an employee trust or to the employee who is part of the trust, that person shall pay no capital gains on the sale of that stock. Thus, someone is given the incentive to sell the stock to an employee.

Employees who accept stock as part of their pay during the creation of an employee owned trust, that if they accept it in lieu of their pay, they will not have to pay income tax on that stock.

Of course, corporations have a right not to be a part of an employee trust and there are many corporations who will not participate in this or employees who will not be part of this, but if, for example, an employer or anyone else who owns stock in a company, which is establishing an employee trust, if they sell their stock or, let us say, they give their stock to an employee trust as part of a bequeathal situation, where someone is leaving that in their will to the employee trust, then it decreases the inheritance liability on their estate by a one-to-one ratio.

So if someone left a million dollars in their will to an employee trust of stock in that company, well, then the inheritance liability to their heirs would be reduced by that one million dollars.

The goal of this, of course, is to expand employee ownership. In the end, if we have established these employee owned and controlled companies, they will, by my legislation, not pay corporate income tax. This will provide a major incentive for Wall Street to work with the working people of this country to empower them in a way that they will be able to control their own economic destiny as never before.

This would be the equivalent of the Homestead Act. Many people forget that the Republican Party was the party of the Homestead Act. In 1862 when Abraham Lincoln signed the Emancipation Proclamation, that same day he signed the Homestead Act, which opened up the idea of ownership of property to millions of people. It was essentially an important part of the American dream.

What we are trying to do now is expand upon that, expand on the home mortgage deduction, expand on the Homestead Act, expand on the idea that people have a right to own their own home but they also should have an incentive in the tax system to own and control their own company. Thus, they will control their own economic destiny. This is the ultimate empowerment. This will increase productivity. It will see that there are no strikes because people would be striking against themselves, their own company or at least they would be more willing to talk out problems within a company.

THE KOSOVO CONFLICT, NO END IN SIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I want to give some perspective on an issue that is, I think, very near and dear to every American's heart, as it is in Kosovo today also.

I would like to give the Speaker a little perspective. First of all, according to Henry Kissinger, and I agree, Rambouillet was a very poor foreign policy. It was an agreement only between Albania and the United States in which the United States knew, in no uncertain terms, that Serbia would never give up Kosovo itself. Any history student would know that.

We have spent $16 billion in Bosnia to date; Somalia cost us billions of dollars; Haiti cost us billions; $4 billion times the four strikes in Iraq, the Sudan, Afghanistan. Our troops are deploying 300 percent above the highest level in Vietnam but yet we are doing it with about half the force. Enlisted retention in our own military is below 23 percent; pilots, 30 percent.

The Joint Chiefs of Staff said we are $150 billion short. We cannot buy spare parts. We do not even have basic bullets. Top gun, 14 of 23 aircraft are down; 18 for engines; 137, parts.

Kosovo, and this is according to General Clark, I was with General Clark just days ago and I said I want to know how many sorties the United States is flying. Mr. Speaker, General Clark said, and this is accurate to the sortie, 75 percent of all strikes in Kosovo are being flown by the United States. That does not include the B–2s, the tankers, the support aircraft like C–17s and C–130s. That brings it up to 82 percent.

We are dropping 90 percent of all the weapons, so we are paying for over 90 percent. That does not even include our ships. That does not include our manpower over there. My point is that it should be the other way around.

The reason given by General Clark is that other nations do not have the stand-off capability that we do so we are having to fly 90 percent of this stuff, 82 percent of it and 90 percent of the ordnance.

My point is that the supplemental that we are going to ask for, if NATO is a fair share organization, then NATO ought to pay the United States between $10 and $20 billion for our supplemental and not come out of our taxpayers' dollars.

Let me give you another perspective. Before the bombing in Kosovo, there were only 2,000 deaths. Each death is important, but in perspective there were only 2,000 deaths attributed in Kosovo that whole year. One-third were Serbs and other nationalities besides the Albanians, but after the bombing look at the number of deaths. We have just killed 70 Albanians in a convoy trying to get out of Kosovo. NATO has killed 70 Albanians in an air strike. Look at the million refugees that these air strikes have caused that would not be there unless we had bombed Kosovo.

The Croatians executed 10,000 Serbs in 1995 in Croatia. They deported and fled over 250,000 Serbs as refugees. Indonesia has killed millions; Turkey, thousands; India with the Sikhs; China, thousands with Tibet. Yet, we are in a mass war where there is less than 2,000 deaths, and over a third of those by the people we are claiming to bomb.

The Pentagon, confirmed by Secretary Cohen, that the Pentagon did not want to execute just air strikes. The Pentagon told the President that they would not work alone, that they would exacerbate the problems, cause refugees, kill a lot of people. The United States would have to pay for a lot of it and unless we put ground troops in there the goals were not attainable. Yet, the President says no ground troops, which I am opposed to also.

Why is he opposed to it? Because the Germans balked, the Italians balked. In World War II, Germany had 700,000 troops in Kosovo. The Chechens, with one half the force that Milosevic has, killed those Germans. General Shelton just 2 days ago said that this is the easiest place to defend and the most difficult to attack in the world.

We do not belong there, Mr. Speaker. This is Clinton's war. Clinton ought to get out of it.

OUR POWS, WE WANT THEM SAFE, SOUND AND RETURNED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wanted to join in supporting H.R. 84, the resolution by the good and kind gentlewoman from California, to acknowledge and applaud the bravery of the POWs in Kosova. Two of those young men are members of the Texas family, Sergeant Stone and Mr. Gonzalez. We offer to that family or those families, along with the family of Sergeant Ramirez, our deepest sympathy and recognition of the bravery that these men have exhibited.

We say to Mr. Milosevic that we hope that he is listening very strongly to this resolution that has been offered. We want them safe and we want them sound and we want them returned. We also want, as the resolution has indicated, that the Red Cross can go in and determine that these individuals have been treated fairly and are safe. Most importantly, we acknowledge that they have been taken wrongly.

I hope that as this House has expressed itself in its support for these young men and the military efforts, that the families will know that we are paying attention to the safety of the POWs and we are also paying attention to their needs.

It is with great regret that I have to stand on the floor to acknowledge that today we have POWs, but it is with great joy and recognition of our unity that we say collectively today, as the resolution was passed, we stand behind those POWs, respecting them, honoring them and knowing that they will know that we will not rest until they are safely returned.

BILLIONS OF DOLLARS SPENT ON SALMON RESTORATION IN COLUMBIA RIVER BY FEDERAL GOVERNMENT, WITH MINIMAL RESULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, our Pacific Northwest salmon populations have been in decline for decades. Recently, nine new populations were listed as endangered or threatened under the Endangered Species Act. The Federal Government and the States are poised to provide substantial sums of money for habitat rehabilitation and restoration efforts but, beyond that, the Federal Government must be a helpful advisor only with the decisions made thoughtfully and judiciously at the State and local level. We must not allow, nor can we afford, another debacle such as occurred on the Columbia River in recent years.

Billions of dollars have been spent on salmon restoration in the Columbia River by the Federal Government over the last 20 years, with minimal results; largely because it has ignored available salmon technology.

Now that so many salmon populations have been listed under ESA, my concern is that the Federal agencies will try to exert control over more and more aspects of salmon recovery. Bureaucracies centered in Washington, D.C., however well intentioned, are incapable of solving the salmon problems of the Pacific Northwest. We all pay the price for the mistakes made by the Federal Government.

The most prized salmon specious are the king, coho and sockeye salmon. We have correctly focused our attention on them. However, it is more complicated than that. I believe we must look at the restoration of all five species, including chum and pink salmon. Historically, vast runs of chum and pink salmon fertilized the rivers with large numbers of decaying bodies of the adults after spawning.

□ 1715

Thus the newly-hatched chum and pink fry had an adequate food supply as they migrated downstream, and then the young king and coho fed on the myriads of young pinks and chums. The degradation and blocking of spawning habitat has been a major problem, so habitat restoration and removal of blockage which obstructs returning spawners must be high priorities for salmon restoration.

Again, my fear is that habitat restoration may be the singular objective of those making the endangered or threatened listening, which could weaken our rehabilitation effort, and thus subject our area to excessive Federal regulations and restrictions.

Habitat restoration and protection are critical elements, but the well-developed salmon technology presents us a wide range of additional options, such as:

No. 1, the use of culvert upgrading, reconfiguration and maintenance;

No. 2, predation control, very important;

No. 3, careful regulation of all commercial salmon fishing in saltwater, and extremely careful supervision of any commercial fishing in spawning rivers;

No. 4, spawning channels and overwintering sloughs, to give maximum protection to the presently returning wild salmon.

We must keep our eyes on the objective and support those programs that will truly enhance our weakened salmon runs. We have neither time nor money for overzealous political correctness nor the control games that Federal agencies might seek to impose.

We must maximize the survival of offspring of the returning fish each year. As well as natural spawn, we must supply fertilized eggs to hatcheries for the following enhancement purposes: Remote egg boxes, net-pen rearing of fish to their optimal size, and small stream rehabilitation by planting fed fry into every small and medium stream and tributary that could provide a route to saltwater for outbound juveniles. In the old days, the small streams produced millions and millions of fish.

We should encourage Washington State in its programs that are already tracking towards these goals. Several tribes are on the cutting edge of salmon rehabilitation, and tend to have land and water areas available for their use. In addition, they have a cultural and historic head start moving in this critical direction.

Bringing the salmon back will not be an easy task, but it is an achievable goal. We need to make sure that our salmon dollars are delivered into the right hands, and that they are spent appropriately.

RESPONSIBLE BUDGETING AND THE BEST USE OF THE BUDGET SURPLUS

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, last year the House budget resolution was so controversial that House and Senate Republicans never even convened a conference. This year the budget resolution, as passed by the House, is as unrealistic as last year's plan, and even more irresponsible. Some in Congress, because of their fixation on exploding tax cuts, have presented unworkable appropriations bills, and they do nothing to extend the solvency of social security and Medicare.

As opposed to the fiscal responsibility demonstrated by Democrats, the budget passed by the majority party returns us to the unrealistic fiscal policies of the 1980s. Although it claims to shore up social security, to finance a large tax cut, to dramatically increase defense spending and keep government spending down, the truth is much different. The majority's budget, as in the resolution, simply cannot keep all the promises made.

Democrats, on the other hand, have aimed to produce future economic growth through debt reduction and investments, exactly the mix of priorities that a successful business would adopt in good times.

Republicans have voted to reserve virtually the entire bounty of economic growth and fiscal discipline for tax cuts that will likely benefit only those who are already doing very well in the current economy. It is simple. The majority budget resolution may well burden future generations because of tax cuts and spending obligations made today, and they rely on surplus projections well into the future.

What does this mean for the people we represent? Little will be left for our urgent needs. Our national need to invest in social security and Medicare solvency, in education, in research and development, and in the environment will remain unmet.

The budget resolution that was passed by the House yesterday does not do enough for Americans when it comes to investing in education. It will not help hire more teachers, it will not help districts modernize their schools. It takes money away from higher education.

If we are going to prepare our children for the future, we have to do better. We have to make education a priority.

The problems go beyond education. Consider, for a moment, the implications of our budget resolution on the environment. America's public lands, wildlife, fish, and plants are assets that belong not just to us but to our children. We must allow for an increase in funding for protecting the environment and improving our communities. What will our children say if priceless resources disappear to suburban sprawl? Will future generations have the opportunity to see ancient forests or wildlife in their natural habitat?

Furthermore, we need to do more to support and encourage research and development. As a scientist, I understand the importance of increasing funding for both the National Science Foundation and for the National Institutes of Health. Today's research is at the threshold of major scientific advancement, which can dramatically improve the quality of life for the American people.

All of us have seen the benefits, the actual benefits and the potential benefits of research. Whether it is new discoveries to help fight AIDS and breast cancer, initiatives to improve our understanding of how ecosystems interact, or investing in teacher training to help students get the mathematics and science skills they need to succeed in today's and tomorrow's society, each action leads us to the doorstep of breakthroughs in improving the quality of life.

We need to make a stronger commitment to the future, and increasing funding for research and development should be part of that commitment. We simply need to make an investment now. It will benefit all of us and future generations. Waiting until later only delays the improvements in quality of life.

The President has proposed that we use the surplus to strengthen social security and Medicare, and to extend the lives of those programs. I will continue to work with other Members of Congress to use the surplus to pay down our national debt, to strengthen social security and Medicare, to encourage investments in education, and to meet our other long-term needs for environmental protection and research and development.

AMERICA NEEDS TO SET BUDGET PRIORITIES AND FOCUS ON PAYING DOWN THE NATIONAL DEBT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Washington. Mr. Speaker, yesterday we took the first step on a long process of passing a budget this year, and a very important budget it will be as it will lay out priorities as we move into the next century. It will in fact be the last budget of the 20th century. As we move forward, we need to set our priorities.

This will be a long process as we go through the summer and into the fall in deciding what those priorities should be in passing a budget. I rise today to emphasize the importance of fiscal discipline, fiscal responsibility, and paying down our debt as we move through that process. I feel that should be the number one priority of this body in the budget process and for the future, as it is what can best help the people of this country.

We still have a significant financial problem. The news has gotten better in recent years. We have reduced the yearly size of the deficit, and we actually have the possibility of moving towards a surplus. All of that is good news, and many people on both sides of the aisle and many Congresses through the past 6 or 7 years can rightfully take credit for that, but the job is not done. I worry a great deal as I listen to the debate and listened to the debate this past week on the budget resolution that people have lost sight of that fact. We are talking about surplus politics, and I think we do so prematurely.

To begin with, we still incorrectly, from an economic standpoint, count the surplus in the social security trust fund as income to the Treasury, and use that surplus to claim an overall surplus when in fact we have an overall deficit.

Last year's numbers make this point clearly. We had a $100 billion surplus in the social security trust fund. The rest of the budget actually ran a $30 billion deficit, so presto, we have the $70 billion surplus that everybody has been talking about, it does not really exist, but that surplus in the social security trust fund is already obligated. We have to pay it back, plus interest to the Treasury, so that the trust fund can pay out the social security benefits that all of us, or all of us hopefully some day, that many of us, are due. So it is not money we can count as a surplus. To count it that way is to spend it twice. When we spend money twice, we wind up in debt as far as we are.

The second critical point in this is we still have an overall debt. That $70 billion surplus, mythical though it may be, even within the grounds of that myth is only a 1-year surplus, with quotations around it. The overall debt continues to grow. It is approaching $6 trillion.

On a yearly basis we pay $215 billion to service that debt. That is 15 percent of the budget, 15 percent of our budget, and $250 billion that basically goes simply to pay off past excess. It does nothing to meet our obligations at present or in the future, and it should be reduced.

Now is the time to do it. We have a very strong economy. We have unemployment at 4.2 percent. We have virtually nonexistent inflation, a booming stock market, with growth to match. If we cannot begin to pay down that debt now, we never will. We will never get there if we do not take that step right now. We need to step up to that as a priority.

I am concerned, as I look at the debate that we had on the budget resolution, that we are not heading in the right direction. I basically look at the budget resolution of this week that was passed in the House as a bad news-good news situation.

The bad news is, it is not a particularly good budget resolution, and the debate was even worse, from a fiscally responsible and economically accurate standpoint. But the good news is it borders on meaningless. What really is going to matter is the 13 appropriation bills that both bodies have to pass between now and October. There is no way that those 13 appropriation bills are even going to come close to matching what was in that budget resolution.

I say that is good news because the budget resolution overpromised in a number of different areas. Essentially by holding back key specifics, the budget resolution was able to promise in a number of interesting areas, promise more spending on defense, although they added another little trick in there that they promised budget authority but not necessarily outlays.

What is the difference between budget authority and outlays, we ask? It is the difference between promising to spend money and actually spending it. There is a big difference between those two things.

Beyond that, the pledges for increased spending in defense, in education, while at the same time including a massive back end tax cut, and by "back end" I mean it grows in the out years, in the first 5 years it is not too much, in the second 5 years it is more, in the third five years it is even more, all of that, for all of that to work within any sort of fiscally responsible framework requires cuts in the rest of the budget that nobody is prepared to make, and therefore were not spelled out in that budget resolution, for some very good reasons. If they had been spelled out nobody would have voted for it and it would not have passed.

So the budget resolution was more or less a political document, an effort to try to gain favor in some areas by playing various tricks and smoke and mirrors games with the budget numbers. So it is not going to happen, but we are going to have a situation where we are going to have to pass a real budget. What is going to happen is all of those promises that were made during the budget resolution debate are going to be very tough to meet, in reality.

What is going to happen? My fear is that what is going to happen is exactly what happened in the 1980s, long before I got to Congress, actually when I was in high school and college and watched with horror as my predecessors in this body spent all of our future money.

Basically what happens is an agreement is reached that goes something like this: I will take your tax cut if you take my spending increase. That works out just fine for that Congress. They are able to pass out a lot of goodies and make every one happy, but it sets up a situation that I, among others, walked into in the mid 1990s.

Basically it is like showing up at the time that the credit card bill comes due. It is not a lot of fun and it is not good for the country, because I understand the Federal Government has many positive things that it needs to do. It has spending programs in the areas of education, in the areas of defense, environmental protection, medical research. It has tax cuts it can do.

All of those things are important, but they are not peculiar to this one moment in time. Ten years from now, 20 years from now, 30 years from now, and beyond, residents of this country are going to have needs in all of those areas, needs that they will not be able to meet if we spend the money now irresponsibly.

I am afraid that we are headed in that direction by overpromising, by talking about the politics of a surplus and where can we spend the money, where should we spend the money, what tax cuts we should do, way beyond what we can actually afford to do, and not even taking into account the nearly $6 trillion debt that we have run up over the course of the last 30 years.

□ 1730

Let us be fiscally responsible and start paying that down.

Worse than that, the debate, as I watched it, degenerated into a criticism of the Clinton budget and a battle over who is, quote, setting aside more for Social Security.

There are a couple of problems with this argument. First of all, it allowed many of the majority party who supported their budget to not even really talk about their budget, but rather try to focus their attention on proving that the President's budget that he introduced 3 months ago was bad.

That may well be. In fact, an amendment was offered by a Member of the majority that was supposedly exactly the President's budget. It was defeated, I think, with only two votes voting in favor of it.

From the time that budget was introduced, many things have changed, many other ideas have come up. The budget is a dead issue. Yet, that is what the majority party spent most of its time talking about.

I would have much preferred them to have spelled out some of the specifics of their own resolution. I also would have much preferred them to be a little bit more honest in their analysis of that budget.

I brought a chart with me which I saw frequently on the day that the budget resolution was debated being brought up and put forth by the majority party as evidence that their budget was better for Social Security than the President's was.

I bring this chart up mainly for illustrative purposes to show how—well, dishonest might be too strong a word; we are supposed to not say things like that in this honest body—let us say how disingenuous the debate was. I will put that chart up now.

This chart shows the commitment on Social Security. It is interesting. The Republicans' argument throughout the whole budget was that their budget sets aside 100 percent of the Social Security Trust Fund or, sorry, 100 percent of the surplus for Social Security, whereas the President only sets aside 62 percent.

The interesting thing is, and they absolutely had to be aware of this fact, the 62 percent that they are talking about, or sorry, the 62 percent that the President was talking about was 62 percent of the entire surplus, whereas the number that the Republicans were referring to in their budget was 100 percent of the Social Security surplus.

So basically the President was talking about 62 percent of a much larger number. In fact, a fascinating fact is this 62 percent of that much larger number is almost exactly the same as that 100 percent. In other words, there is no difference whatsoever.

Yet, the majority got up here and argued repeatedly that their budget was better because it set aside 100 percent instead of 62 percent. It is just exactly that sort of disingenuous use of fact that colored the debate and got us way off the topic. That topic ought to be fiscal responsibility.

If we want to do something about Social Security and Medicare, and that is really a third point in addition to the two prior points about how our budget situation is not as rosy as it is, those being, one, that we still count the money that we borrow from the Social Security trust fund; two, we have an existing debt; three is the coming bills on Social Security and Medicare once the baby boom retires, those exploding bills that are out there and what we are going to do about them.

Nowhere in the budget resolution does it say anything about any sort of Medicare or Social Security reform to deal with those problems. If we do not, that is going to further exacerbate our financial situation.

The level best thing that we can do for dealing with those programs, well, there is two things: one, we can reform the two programs, but two, is to not spend the money now. Because the interesting thing about this chart is both the President and the Republicans are being somewhat disingenuous in arguing about how much money they, quote, unquote, are setting aside for Social Security.

We cannot bind future Congresses in that way. As future Congresses pass budgets, they will decide whether or not to spend this money on Social Security, Medicare, or someplace else. It will require a year-to-year decision to decide what to do with that.

So to say that we are setting it aside now is somewhat empty rhetoric except for this point: It is arguable that the extent to which we are fiscally responsible now, in other words, the extent to which we do not spend money or do not give out tax cuts that further inhibit our ability to have revenues for Social Security and Medicare, to the extent we do that, we will be in a better position to deal with Social Security and Medicare in the future.

So the number one biggest test, aside from all this baloney with the charts, this effort to confuse people by taking two separate numbers and treating them as the same when they are not, look at the budget and see if it is fiscally responsible. That is the test on whether or not we are preparing for dealing with the coming increases in cost and Social Security and Medicare.

Again, when we look at the budget resolution we passed this week, it promised $800 billion in tax cuts over 10 years. Actually, that number balloons even further in the next 5 years, over a 15-year period. It also promised massive increases in a number of different areas of spending. All of that will jeopardize this chart considerably.

That is what we need to look at as we debate the budget in the months ahead. Because, as I said, the hard work is yet to come. We have basically done the smoke and mirrors, twisted the numbers around to make them look as good as possible. Now we actually have to pass realistic appropriations bills. That is going to be far, far more difficult than simply passing a piece of rhetoric.

I rise today to urge fiscal responsibility. Balance the budget and pay down the debt. That is the best thing we can do for society today and in the future.

Mr. Speaker, I am pleased to yield to the gentleman from Arkansas (Mr. BERRY), a colleague who will help in this argument. I appreciate his coming down.

Mr. BERRY. Mr. Speaker, I want to thank the gentleman from Washington (Mr. SMITH) for the opportunity to participate in this effort.

Mr. Speaker, I am reminded of an occasion that actually happened to me. I had been from a farm to town to get some supplies, and I was on my way back. One of my neighbors was out in his field, and he was walking back toward the road. He waved me down. Out in the country, when someone waves at you, well, you generally stop and at least say hello. I was concerned that he might need a ride someplace or need to see me about something. So I stopped.

He walked over to my truck, and he said, "I just wanted to check." He said, "Do I look like an idiot?" I said "Well, sir, you are not. You are a distinguished-looking fellow and certainly do not look strange in any way." He said, "Well, I just wanted to check." He said, "It seems like everybody that comes down this road today wants to take advantage of me."

That is kind of the way I view this budget. The Congress this week passed perhaps the most irresponsible budget resolution this country has ever seen. The Republican leadership's budget does nothing to solve our Nation's most pressing need, the solvency of the Medicare trust fund. The Republican leadership's budget does nothing to pay down our national debt.

Instead, it devotes any future surpluses that are estimated, and they are projected at close to $800 billion and this is money we do not have, to a tax cut without making any corresponding spending cuts.

I am in favor of cutting taxes, particularly for small business owners. But to ignore this country's $5.3 trillion national debt, to ignore this country's future Medicare needs is just plain wrong.

To make these assumptions that we are going to have this great wealth to spend out here and be irresponsible about it, like we were back in the 1980s, and to run the risk of incurring yet more debt and to not at the very least have a protection mechanism in there where these tax cuts do not take place where this money does not exist is irresponsible.

The American people expect us to come up with a realistic fiscal plan for this country. Let us shelve this unworkable, unrealistic budget resolution and get to work on real budget.

Again I am reminded of a story that actually happened. For 30 years, I ate breakfast in the same cafe every morning before I went to my farm with the same group of people.

One of the fellows I usually ate with, and he is no longer with us, but he would come back in that cafe late in the afternoon, and he would have taken his ballpoint pen, and he would have figured on his pants leg, in the fall of the year, his combine would make the first round around the field, and he would estimate how much his yield was going to be and how much he was going to get for it.

He would figure up right there on his pants leg how much money he was going to have. Sometimes he would go to town and spend quite a bit of that. Then the harvest would not turn out quite as good as he expected, and the price maybe would deteriorate, and he would end up in trouble.

The next morning, when he would come back to the cafe, he would have washed those pants, and his money would have all disappeared.

I am afraid, if we take this budget with all these projected surpluses that we do not really have, it will happen to this country like it happened to my friend. We will wash our pants, and all the money will be gone.

So I urge this body to be more conscious of what a workable and realistic budget resolution should be and to do our best to work toward that goal.

Mr. SMITH of Washington. Mr. Speaker, I thank the gentleman from Arkansas for those well-said words.

Mr. Speaker, I yield to the gentleman from Florida (Mr. DAVIS) who is a member of the Committee on Budget and has done an outstanding job of standing up for fiscal responsibility for both his constituents and the rest of the country as a member of that Committee on Budget. I appreciate his support.

Mr. DAVIS of Florida. Mr. Speaker, I just want to highlight one more time what we have been talking about tonight, and that is that there should be no greater priority in this Congress than paying down the $5.3 trillion Federal debt.

We are living in a time of uncertainty. We have got a difficult situation. We are going to do our best to manage in Kosovo. We have got an incredibly healthy economy, but we cannot be certain what lies ahead. The most prudent thing for us to be doing right now is to make paying down this massive Federal debt our highest priority.

There are three good reasons why we ought to do that. First is, it is the right thing to do for our children and grandchildren. We should not force them to inherit this massive debt.

The second reason is, it will help us prepare Medicare and Social Security for the retirement of the baby boomers, because those funds that we set aside by virtue of paying down the debt can be used as the baby boomers begin to retire and put more strain on Medicare and Social Security.

Finally, it is the best thing we can do here in Congress to assure that this economy will stay healthy.

Chairman of the Federal Reserve Board, Alan Greenspan, testifying before the House Committee on the Budget, makes it perfectly clear that, as we pay down this Federal debt and the Federal Government competes less to borrow money in the private sector, it has a direct bearing on interest rates.

In my home, like many of the homes we represent, Hillsborough County and Tampa and Florida where the average mortgage is about $115,000, when we drop interest rates about 2 points, from 8 percent to 6 percent, that reduces a monthly mortgage payment by $155.

I will tell my colleagues that $155 reduction in that homeowner's monthly mortgage payment is better than most of the tax cuts that are being promised here in Washington. They can be taken immediately, and one does not have to call one's accountant to figure out how to do it.

That is just one example of the positive impact of paying down the debt, apart from the fact it is the right thing to do, apart from the fact that it is the best thing we can do right now for Medicare and Social Security.

So I urge my colleagues to take a second look at this $780 billion tax cut that we just passed here, and let us go back and let us do a tax cut, but let us put first things first. Let us pay down this massive Federal debt. Let us make that our highest priority. It will produce benefits at home for homeowners, for students who have student loans, for people who are trying to pay back credit card debts, and it is the right thing to do for our children and grandchildren.

Mr. SMITH of Washington. Mr. Speaker, I want to follow up on that last point about keeping the economy strong. I came into Congress in 1996. Before that, I served 6 years in the Washington State senate, so I started there in 1990.

I came into the body in the State senate during down economic times, during a time period when our treasury had a $2 billion shortfall; and in the State of Washington, $2 billion is a lot of money.

We had to figure out how to deal with that in terms of cutting spending and raising taxes and basically dealing with covering the debts of government.

That is a horrible situation to have to deal with as compared to the situation that we are in right now with a strong economy generating strong revenues, so that we can fund programs and hopefully pay down the debt.

If we can pay down the debt, if we can be fiscally responsible in a way that keeps the economy moving forward, that will have benefits that spread all across the country and must be a top priority.

I want to touch on one other point. Basically, I figure a lot of people might be tuning in and saying, what is a Democrat doing talking about a balanced budget and fiscal responsibility? Well, I feel that I am a member of the new Democratic Caucus, the new Democratic Coalition that is very interested in focusing on issues like fiscal responsibility and paying down the debt. Because, though we believe in government, we do believe that government has a limited role to help in areas like education and infrastructure and protecting the environment. We also recognize that if we are not fiscally responsible, we will not be able to do that. We will not have the confidence of the voters in the first place that their tax dollars are being well spent.

Second of all, as I mentioned earlier, these are not one-time needs.

□ 1745

We are not the only generation that is ever going to need these things, and if we spend all the money now, we do a grave disservice to the future.

I have been very pleased with the number of my Democratic colleagues who have made paying down the debt and getting a balanced budget the number one priority in this budget process. I think it speaks well for the direction of the Democratic party today.

That, Mr. Speaker, is an excellent intro for the gentleman from Minnesota (Mr. DAVID MINGE), who has been probably the leader in our caucus on fiscal responsibility and paying down the debt, and I yield to him at this time.

Mr. MINGE. Mr. Speaker, I want to thank my colleague from Washington for this opportunity to speak during his special order.

First, I would like to say that I would associate myself with my colleague's comments. I certainly agree with the gentleman wholeheartedly. And I would further preface my remarks by complimenting the Speaker. The Speaker has done a remarkable job of keeping his commitment to moving the budget resolution through on a timely basis.

I know that on our side of the aisle we have had difficulty with this some years. Last year, with different leadership, we never did have a concurrent budget resolution that passed Congress, which was a real failure of leadership. But this year we do have a concurrent budget resolution, and I do think the Speaker is to be commended for the priority he has accorded this task and the fact it was completed on a timely basis. It is almost historic.

I would also like to compliment the leadership for staying within the budget caps. The President also stayed within the budget caps. There has been a lot of squabbling about whether this budget or that budget was actually within the budget caps, and of course there will be a great deal of anguish as we try to live within the budget caps, but, nonetheless, we have had a remarkable bipartisan commitment to staying within the budget caps.

The next question is how have we acquitted ourselves of our responsibility to deal with this task of providing the Committee on Appropriations and the other committees in Congress with a road map as to how they ought to perform their functions vis-a-vis the budget for the fiscal year 2000 and for the subsequent budget years. I think it is here that we begin to really see some disagreement in perspective.

As my colleagues have indicated, there is some real unhappiness with the fact that the priority that we ought to be according to paying down the debt has not been shared on a bipartisan basis to date. We have had several years of remarkably good economic times, about 9 years, and we are all pleased here in the United States that we have had good economic times. It is the economy more than anything else that has allowed us to come within just a fraction of a percent of balancing the budget here in fiscal year 1999. And the hope is, with the new CBO baseline, we will indeed balance the budget in fiscal year 2000 without using Social Security. It is historic.

So the question is if we are balancing the budget without using Social Security, what are we doing to address the problem of the $5.7 trillion national debt? What priority do we accord that? And, Mr. Speaker, I would like to emphasize that I, and I think most Members in Congress, feel that paying down the national debt is indeed a top priority.

Certainly it is refreshing to see us take the Social Security Trust Fund out of the budget and quit using that to subsidize other programs or the budget generally. But the fact of the matter is that by taking the Social Security Trust Fund off budget, we are only doing what we really should have done years ago. And what we are failing to do at this point is to use some of the surplus that has been projected for the next 5 years and the next 10 years to pay down on this debt.

My colleagues and I in the Blue Dog coalition, and about 135 of us, voted for a budget 3 weeks ago that would devote 50 percent of the surplus to paying down on the debt. This budget proposal had bipartisan support, and the new Democratic coalition was a very important part of this. Tragically, we could not prevail on the majority to include this commitment to paying down the national debt in the budget that was passed here this week.

I would like to urge that in the weeks and months ahead that we work together on a bipartisan basis and determine if there is a way that we can go back to that principle of devoting 50 percent of our surplus that is projected to reducing our Nation's debt. In these good times, we ought to be making the repairs to our fiscal house.

There is a saying that when the sun is shining, it is time to fix the roof. Well, the sun is shining on the American economy these days, and it is time to fix the budget roof, to pay down that debt so that the legacy that we are leaving our children does not include this $20,000 per capita debt that each man, woman and child has in the United States today as their part of being Americans.

If we take that $5 trillion and divide it by our Nation's population, it is roughly $20,000 that each man, woman and child in this country has as that person's share of the Nation's debt.

Now, President Clinton did not handle it quite the same way we did in the budget that was proposed by the Democrats. He would take a portion of the surplus and reserve that for the Medicare program. And although that is not identical, it certainly is a step in the right direction, and I want to commend the President for that. I hope that the President can work with those of us in Congress to achieve this goal.

I would like to make one other comment, if my colleague from Washington would indulge me, and that is that we have a great deal of emphasis these days on trying to do right by the men and women in our armed forces; in their pay scale and in their retirement benefits. I do not disagree that the men and women in uniform need additional compensation so that they are fairly treated in this robust economy that we have. I realize that we are losing experienced military personnel, taking early retirement or not reupping because they can do better in the private sector.

But I would like to emphasize that as we proceed with this task of trying to do right by the men and women that work for the Federal Government, that we not overlook the fact that the civil servants similarly find that the private sector is quite attractive. In fact, I have met with folks that work for the Farm Service Agency in the rural Midwest, and I am learning that, to the horror of the administrator of that program, we are daily losing highly qualified experienced personnel to the private sector; people that are saying they are not sure what this agency is going to be doing; they are concerned that there have been cutbacks in staffing levels and there may be further cutbacks; and the compensation level has not kept up with the private sector.

So it is easy to pick out one group and say we are going to favor that group, but I think it has to be a balanced approach. And we should not lose sight of the fact that other men and women working for the Federal Government are in a similar predicament.

Now, having said this, I am not urging that we go back and somehow do something irresponsible with the budget. I am simply saying it is a task of being fair and proportional. It is a question of equity. And as we proceed with the appropriations bills, I trust that we will be fair to all Federal employees.

In closing, I would again like to thank the gentleman from Washington for his leadership on this and urge that we recognize the importance of paying down this vast national debt as a top priority and using the budget surpluses that are anticipated in the years to come.

Mr. SMITH of Washington. Mr. Speaker, I thank the gentleman from Minnesota.

To conclude this topic, I will just go back to where I started from. This is going to be a long process. The budget resolution that we have passed is but the first step. Passing the 13 appropriations bills over the course of the next 6 to 7 months will be the important step. That is where we will make the decisions.

And as we approach those decisions, we have a clear choice. We can do politics as usual. And politics as usual basically means that we over promise and play political games to try to make it look like we can keep more promises than we possibly can in the hopes that the people we are making those promises to will not notice that we have not kept them or, better yet, will find somebody else to blame for the fact they have not been kept.

That is the politics of taking one person's tax cuts, another person's spending increases, doing a deal, and just worrying about the debt later. That process is what got us into this mess in the first place.

I understand how powerful that process can be. Not a day goes by that I do not have somebody come into my office and present a very credible case for a need. Whether it is a need for spending increases or a need for a particular tax cut, they make very powerful arguments.

And we must look at each one of those situations and make disciplined decisions. But we cannot look at each one of those and simply say, well, gosh, is this an important program; would we like to spend money on it; and, if so, we must. We must look at that side of the equation, but we must balance it against the overall needs of a fiscally responsible budget and not promise more than we can possibly give out.

I fear that the old politics of the 1980s, of basically winning elections one check at a time, whether it is a tax cut or a spending increase that makes some group happy, is where we are headed again. And when I see people talking about the so-called politics of never-ending surpluses, I see us drifting into that direction and it worries me.

Because the other choice is to be fiscally responsible in how we approach the budget and be disciplined, and place as an overarching priority that shall not be bent that we first balance the budget and, second, begin paying down the debt.

Now, the good news is that because of that strong economy we can do both those things and still do some other things. We can increase spending to help our men and women of the armed forces and we can do some tax cuts. But we cannot do everything that everybody has laid out on the table during the course of this budget resolution debate.

And if we promise too much and get ourselves too far down that road so that we feel we cannot go back on those promises, what will suffer is fiscal discipline. And, more specifically, what will suffer is our children and their children and the future generations of this country who, once again, will grow up to be handed a credit card bill as the first thing that we give them. That is not leadership. That is not what we were elected to do.

Now, I know a good many people say the way to get reelected is to bring home stuff. Whatever it is, a bridge, a swimming pool, a new school, whatever, we must bring home something to our constituents so that we can show them that we have made a difference. In each election what I want to be able to say that I brought home to the people I represent is fiscal responsibility; a balanced budget that is going to keep our economy strong and keep our commitment to future generations. That ought to be enough for Members of Congress to bring home.

That is the message I am getting from my constituents; be responsible, be disciplined. Yes, we have needs, but there is no reason we cannot meet those needs within the parameters of a balanced budget and paying down the debt. Make that the top priority.

Mr. Speaker, with that I would like to now yield to the gentleman from Arkansas (Mr. VIC SNYDER), who has been a leader on fiscal responsibility and making sure that we have a fair and balanced budget.

Mr. SNYDER. Mr. Speaker, I thank the gentleman for allowing me to be here with him this evening. I appreciate the work the gentleman has done on these issues and the folks that stayed around to talk about the importance of fiscal discipline.

As the gentleman knows, the House has adjourned for the week. Most people are in planes heading home, and it seems like we had some stalwarts defending the importance of fiscal discipline in this country to stick around this evening and discuss this issue.

I want to make a comment briefly, if I could. I heard someone on the House floor today talking about how we have the situation now where we have budget surpluses as far as the eye can see. As far as the eye can see. I think it is very nice to be part of a Congress, in my second term, where we can talk about budget surpluses. But as I look out at the world today, I also see challenges as far as the eye can see.

Mr. Speaker, we better be very, very careful that we not head down the path of a lack of fiscal discipline and head into the time of not being responsible in how we deal with these surpluses or we will make some mistakes like we have in the past.

□ 1800

So what are some of the challenges? We talked a lot about the importance of dealing with Social Security and Medicare before we talk about major and large and huge tax cuts. That is what the American people want us to do. They want us to deal with the challenges of Social Security and Medicare.

They understand this baby boomer generation, of which I am a member. When we are fully retired in 15 or 20 years, we will challenge those two systems.

The events in Kosovo and the Balkans in the last 3 weeks really bring home the importance of having a well-funded and adequate and strong and capable and technologically superior defense. And there were a lot of us that have been concerned, even before these events in the Balkans, that we need to put additional money into the defense budget. Clearly, the events of the last 3 weeks, the last 21, 22 days, bring home that even more.

I am also on the Committee on Veterans' Affairs and have been very concerned as a family doctor about, are we adequately funding the health needs of veterans? I believe there is going to be some information come out in the next few days about the potential once again, bring home the potential once again for hepatitis C and its impact on the VA health care system.

As we learn more and about hepatitis C, its long latency period, about the increased risk to Vietnam veterans, about the devastation that it can bring on people years after they incurred the virus through chronic hepatitis, through loss of their liver, through death. I had a friend who died a few months ago of hepatitis C, and he had been in good health at age 43 2 weeks before his death.

And finally, the changing world economy. It is too soon to think that because we see surpluses as far as the eye can see that this world economy will never change in a negative direction. Of course we are going to have recessions. Of course we are going to have recessions in the future, some of which may be fairly major. These are the kinds of things that we have to be prepared for that are challenges in the future.

Agriculture: In Arkansas we had terrible problems with drought and low prices, and I do not see and I do not think many people in Arkansas see that improving this next cycle. That is going to be a very great challenge for this country, and we are nowhere close to solving that.

Challenges take money. And I support tax cuts. I supported the tax cuts in 1997. I supported balancing the budget in 1997. But before we are too quick to give away huge tax cuts, contrary to the wishes of the American people, we had better deal with these very, very significant challenges, solve them first, be sure that we maintain our budget discipline, our fiscal discipline is so important to this country and so important to the American people, and then deal with the long-term issue of what kinds of tax cuts, in what amounts can we give tax cuts to the American people.

And I know every Member of Congress would like to give tax cuts to the American people if it is fiscally sound.

I appreciate the gentleman from Washington (Mr. SMITH), his work on this issue.

Mr. SMITH of Washington. Mr. Speaker, I yield back the balance of my time.

CHINESE ESPIONAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, I rise to address the issues of Communist China's efforts to steal our most advanced nuclear secrets, their funneling of illegal contributions to President Clinton's 1996 reelection campaign, and how the Clinton administration, either intentionally or through incompetence has irreparably damaged and compromised the security of every man, woman, and child in the United States.

Mr. Speaker, last summer during President Clinton's trip to China, Jiang Zemin, the President of China, told him that he had no involvement in campaign fund-raising in the United States; and President Clinton took his word for it.

In that July 2, 1998, press conference, President Clinton said, "They looked into that, and he was obviously certain, and I do believe him, that he had not ordered or authorized or approved such a thing, and that he could find no evidence that anybody in governmental authority had done that," giving illegal campaign contributions to the Democratic National Committee or the President's Reelection Committee.

Why would President Clinton say that, Mr. Speaker? The New York Times reported in May that Johnny Chung was given $300,000 by Ms. Liu Chao-ying, a Chinese aerospace executive who is a lieutenant colonel in the People's Liberation Army in Communist Army, and her father at one time was the head of the Chinese People's Liberation Army.

In April of 1996, 27 months before President Clinton's meeting with President Jiang of China, Sandy Berger, the head of the National Security Council, was briefed that China had stolen W-88 nuclear warhead designs, neutron bomb data, and that a spy might still be passing secrets to China at Los Alamos, one of our nuclear research facilities.

Now, the W-88 nuclear warhead design is a miniaturized nuclear warhead, and you can put as many as 10 of them on one missile. So you can hit 10 cities with one missile launched from China, thereby endangering as many as 50 or 60 million Americans. And the neutron bomb data, that kind of information, would allow an enemy of the United States, Communist China, to launch a missile at the United States with a neutron bomb warhead, and when it explodes, kills everybody in the city but it does not destroy the infrastructure, the roads, the bridges, or the buildings.

Now, Sandy Berger, the head of the NSC, would have had to have told the President about this. Why would President Clinton say that he believed President Jiang of China?

Mr. Speaker, on April 8, 1999, at a joint press conference with President Clinton, when Communist China's Prime Minister Zhu Rongji was here, he was asked about China's theft of U.S. nuclear secrets; and Prime Minister Zhu said, "I have no knowledge whatsoever of any charge of any allegation of espionage or the theft of nuclear technology, and I do not believe such story."

And President Clinton responded, "China is a big country with a big government, and I can only say that America is a big country with a big government and occasionally things happen in this country and in this government that I do not know anything about." And he was indicating that the stealing of this technology and the illegal campaign contributions that were authorized by the leaders of the Communist Chinese Government could have happened without their knowledge.

If that happens in Communist China, they either shoot them or put them in prison. So it is disingenuous for the President to say that he believed him when he knew full well that this was taking place.

In July of 1997, a year before his meeting with President Jiang and 27 months before his meeting with Prime Minister Zhu, the administration acknowledges that NSC Director Sandy Berger briefed the President, told him about weaknesses in our nuclear laboratories and about China's spying.

So when President Clinton met with President Jiang and Prime Minister Zhu, he had already been briefed by NSC Director Berger sometime before about the possibility of spying and espionage taking place at our nuclear facilities.

Before the President met with Zhu, the L.A. Times reported that Johnny Chung had testified under oath that he was directed to make illegal campaign contributions to the President's reelection campaign by General Ji Shengde, who met with him three times and ordered that $300,000 be directed to Chung for political contributions, and that there were other conduits, other people that they were working with to get money into the President's reelection campaign and to the Democratic National Committee.

Now, Johnny Chung was a friend of the President. He was in the White House 50 times. He brought other people in, Communist leaders, to meet with the President. And he was one of the major conduits of bringing illegal campaign contributions into this country.

General Ji Shengde was the head of the Chinese Communist military intelligence, the equivalent of our Defense Intelligence Agency in this country; and he was the one that was giving the order to funnel these illegal campaign contributions from communist China into the President's reelection campaign and into the Democrat National Committee.

Now, why would President Clinton suggest that maybe the Chinese leadership did not know about the spying at Los Alamos? Why would he say that? Mr. Speaker, when they do something in China, as I said before, they either shoot them or throw them in jail.

Now, regarding Chinese espionage. In April of 1996, 27 months before President Clinton accepted President Jiang's denial, and 3 years before he suggested that China's spying might be the fault of "big government," the Department of Energy's chief of intelligence Notra Trulock told National Security Advisor Sandy Berger, the head of the NSC, that China had stolen both W–88 nuclear warhead designs, that is the miniature nuclear warhead that they can put 10 of them on one missile, and neutron bomb data; that a spy might still be passing those secrets to China from Los Alamos, our nuclear research facility.

Mr. Speaker, according to Energy officials who took part in the meeting and read highly classified materials used to prepare for it, Sandy Berger was also told how the stolen technology could fit into Beijing's overall nuclear strategy and how the W–88 technology could be used as part of a plan to rely on the mobility of truck-launched missiles with small warheads to better survive a counter-nuclear attack by the United States.

According to the New York Times, Energy officials said the briefing was a culmination of a 5-month interagency study of the W–88 theft and related issues and it was pretty was "a pretty specific briefing." One American official who was present said that. Sandy Berger was even told that investigators had identified a prime suspect at Los Alamos in the theft and would shortly turn their information over to the FBI for a formal criminal inquiry.

Why did Sandy Berger, the head of the NSC, appearing on NBC's Meet the Press last month, say the information he was told about 3 years ago was very general and very preliminary? Why did he say we did not have a suspect in the theft of the W–88 technology? Why did he say that we did not know who, we did not really know how, and we did not really know what?

We know at the end of the briefing that I just talked about, according to officials that were present, Notra Trulock referred to a report from a Chinese source which had been provided to the Department of Energy by the FBI in March of 1996, over 3 years ago.

Mr. Speaker, the Chinese source indicated that officials inside China's intelligence service were boasting about how they had just stolen secrets from the United States and had used them to improve Beijing's neutron bomb.

The source further suggested that Chinese agents solved a 1988 design problem by coming back to the United States in 1995 to steal more secrets. The source, who in the past has provided reliable information, even detailed how the information was transferred from the United States to communist China.

According to one official, the intelligence about the neutron bomb was hot off the press and it was included in the briefing to warn the White House of the possibility of continuing Chinese espionage.

Mr. Speaker, in November of 1996, almost 1½ years after first suspecting the theft of nuclear secret from Los Alamos, Charles B. Curtis, the Deputy Secretary for Energy, ordered a series of security measures to be carried out on a straight timetable during the next several months. None of these measures were carried out until September of 1998, almost 2 years later, and there was a threat and a strong indication that espionage had taken place and our top secrets were being stolen by the communist Chinese. Why did we wait 2 years? Why did they not implement those series of security measures?

Mr. Speaker, in March of 1997, 4 months before President Clinton was scheduled to visit China, the Energy Department's Acting Secretary for Defense Programs, Victor Reis, and the Acting Director for Nonproliferation, Kenneth Baker, prevented Notra Trulock, when he saw further evidence that the Chinese had other ongoing spy operations at the weapons lab and he asked to meet with Secretary of Energy Federico Peña, they kept him from briefing Secretary Peña for 4 months. Why?

Mr. Speaker, in April of 1997, when the FBI requested a wiretap to be put on the phone of the conversations of Wen Ho Lee, the chief suspect in the theft of America's W–88 miniaturized warhead technology, the nuclear technology, they were turned down by the Justice Department.

Why would the Justice Department turn down this request for electronic technology to be put on this gentleman's phone when they thought and highly suspected and even knew that he was giving top secret nuclear technology to the Chinese communists that endangered every man, woman, and child in this country?

Why would the Justice Department not allow electronic technology and wiretaps to be put on his phone? Why? And who at the Justice Department turned down this request? This guy was accused of stealing America's most advanced nuclear technology. Why was this request turned down? Why?

In August of 1997, FBI Director Louis Freeh told Energy Department officials that the Bureau did not have enough evidence to arrest Wen Ho Lee, but that Mr. Lee could now be removed from his position without harming their investigation and that DOE was to determine whether or not to keep Lee on since "the case was not as important as what damage he might do or continue to do by accessing additional information."

□ 1815

Why did the Department of Energy keep Lee on with FBI approval, retaining his security clearances until December of 1998, about 2 years later, when he was moved to a nonclassified area and took a lie detector test for the first time. Why?

Mr. Speaker, again in 1997, in July, a year before his meeting with President Jiang and 21 months before his meeting with Prime Minister Zhu, Sandy Berger, the head of the NSC, received a second detailed briefing about China's spying and soon after told President Clinton about weaknesses at the laboratories and about China's spying.

Mr. Speaker, in August of 1997, Gary Samore, the senior National Security Council official assigned to the China spy case asked, now, get this, asked the CIA director to seek an alternative analysis on how China developed its smaller warheads. In other words, he did not want to talk about them being stolen from Los Alamos through espionage. He wanted to find out an alternative analysis from the CIA on how they might have gotten this technology. Immediately after he got this briefing from Notra Trulock in August of 1997. Why, when presented with such overwhelming evidence of Chinese espionage, did Gary Samore at the National Security Council seek to downplay the significance of the information, asking the CIA to come up with another explanation about China's advances? Why?

Mr. Speaker, in May of 1998, Notra Trulock, Energy Department's director of intelligence, was demoted to acting deputy director of intelligence after he made a third report to the Energy Department Inspector General about a steady pattern of suppression of counterintelligence issues. Somebody was trying to keep a lid on all this.

Mr. Speaker, in July 1998, the same month that President Clinton was meeting with China's President Jiang, when the House intelligence committee requested an update on the spy case from Notra Trulock, Trulock testified that Acting Energy Secretary Elizabeth Moler ordered him not to go to the panel for fear that the information would be used to attack President Clinton's China policy. Why did Elizabeth Moler do this?

Mr. Speaker, the Chinese thefts of U.S. nuclear secrets, according to Paul Redmund, the CIA's chief spy hunter, were, quote, far more damaging to national security than Aldrich Ames—he is the spy who is now in jail—and the spying would turn out to be as bad as the Rosenbergs. Now you recall the Rosenbergs were the ones who gave nuclear secrets to the Russians and the Soviet Union back during and after World War II. Both of them were executed for giving that nuclear technology to the Soviets so that they could build their nuclear missiles that were directed at the United States. And he said, this Mr. Redmund, that this spying would turn out to be as bad or worse, or as bad as the Rosenberg case. You can see how really bad this is.

Mr. Speaker, at the same time that China was conducting its highly successful espionage operations against the United States, the Committee on Government Reform, which I chair, for 2 years has known about and tracked millions of dollars that were given to the Democrat Party and the President's reelection committee that can be directly traced to Hong Kong, Macao, Indonesia, South America and Communist China. Mr. Speaker, long before President Clinton met with President Jiang and long before he met with Prime Minister Zhu, we knew for a long time that China's head of military intelligence, General Ji Shengde, had been pulling the strings for a massive conglomerate called China Resources which U.S. intelligence agencies have said operates fronts for the People's Liberation Army in Hong Kong and worldwide.

Mr. Speaker, for a long time we have known that China Resources has joint ventures with the Indonesia-based international firm called the Lippo Group. We have also known that the Lippo Group is run by Mochtar and James Riady. We have known that the ethnic Chinese James Riady is a close friend of the President's and has frequently visited him at the White House. He was also instrumental in getting John Huang appointed to a very important position at the Commerce Department and later at the Democrat National Committee.

Mr. Speaker, we have known that James Riady's chief adviser on political donations was John Huang, who is a former employee of the Lippo Group and who accepted this job at the Commerce Department and then left the Commerce Department to work at the Democrat National Committee where, with the help of James Riady and the Lippo Group and Mochtar, he collected nearly $3 million in illegal campaign contributions for the Democrat Party and the President's reelection committee.

Mr. Speaker, we have in our possession checks, copies of checks which represent illegal contributions to the Democrat Party drawn from accounts in the Lippo Bank which is controlled by the Riady family.

It is now being reported that Johnny Chung, who gave more than $360,000 to the Democrat Party, has told a grand jury that some of the money he contributed to the Democrat Party came from China's head of military intelligence, the very same people that wanted this nuclear technology, General Ji Shengde. General Ji is the man in the Chinese military most likely to be directing China's spy operations and most likely to be interested in America's nuclear secrets.

Mr. Speaker, it now appears that General Ji was the mastermind behind China's efforts to get the Clinton-Gore team reelected. Johnny Chung has reportedly told a grand jury he was coordinating efforts to funnel money into the campaign, along with others, according to General Ji. Is it possible that he was working with John Huang and Charlie Trie as well?

Mr. Speaker, Johnny Chung, John Huang and Charlie Trie together raised over $3 million in illegal donations, that we know of, that have been linked to the Bank of China.

Mr. Speaker, it is important to repeat that on July 2, 1998 during President Clinton's trip to China when he was asked to comment on his discussions with President Jiang Zemin about China's involvement in campaign fund-raising in the United States, President Clinton said, "they looked into that, and he was obviously certain, and I do believe him, that he had not ordered or authorized or approved such a thing, the illegal contributions, and that he could find no evidence that anybody in governmental authority had done that." The President said he believed that.

Mr. Speaker, President Clinton at his own press conference on March 19, 1998, in response to the question, "Can you assure us, the American people, that under your watch no valuable secrets were lost," and he said, quote: Can I tell you there has been no espionage at the lab since I have been President? I can tell you that no one has reported to me they suspect such a thing has occurred.

Mr. Speaker, on April 8, 1999, at a joint press conference with President Clinton when China's Prime Minister Zhu Rongji was asked about China's theft of nuclear secrets, Zhu said, "I have no knowledge whatsoever of any charge of any allegation of espionage or the theft of nuclear technology and I don't believe such a story." This is the prime minister of China.

President Clinton responded, "China is a big country with a big government and I can only say that America is a big country with a big government and occasionally things happen in this government that I do not know anything about."

Mr. Speaker, how could President Clinton, who knew at least 1 year before meeting with President Jiang and probably as early as April of 1996 about Chinese spying, and had all this information about illegal Chinese efforts to funnel money into the 1996 Clinton-Gore reelection efforts, say, "I do believe" President Jiang? It is just almost disingenuous.

Mr. Speaker, it is inconceivable that President Clinton did not know about China's espionage and China's funneling of illegal contributions into this reelection campaign when he met with Prime Minister Zhu.

Mr. Speaker, how could the President who had been briefed by Sandy Berger in July of 1997 and probably as early as April of 1996 about Chinese spying suggest that maybe China's spying was the result of "big government" and that maybe China's leadership did not know about their spying at Los Alamos? Wen Ho Lee we know had not only been involved in that spying, at least that is what we believe now, and he has already taken some lie detector tests and is still under investigation, we also know that he called convicted spy Peter Lee at the Livermore Laboratories where a neutron bomb was being researched some time ago. How could the President say that this was a result of big government?

It is impossible that the Chinese leadership did not know about this spying. You get shot in China when you do something like that without telling the leadership.

Mr. Speaker, on March 7, 1997, President Clinton said, "I don't believe you can find any evidence of the fact that I had changed government policy solely because of a contribution."

Mr. Speaker, in February of 1998, 5 months before he met President Jiang and 14 months before he met Prime Minister Zhu, President Clinton ignored strenuous objections from the Department of Justice which was investigating the Loral Corporation for an unauthorized technology transfer to China and granted Loral a waiver for official transfers of essentially the same missile technology to China that Loral was being criminally investigated for giving to China without authorization in 1996.

Bernard Schwartz, the chairman of Loral Corporation, contributed over $1.365 million to various Democratic accounts, including the reelection of the President.

Mr. Speaker, in a March interview with CNN's Wolf Blitzer, when questioned about China's spying at Los Alamos, Vice President Gore said, "The law enforcement agencies pursued it aggressively with our full support."

On March 14, 1999, Sandy Berger asserted that upon learning of China's nuclear espionage, the administration, quote, imposed and enforced the strictest controls on China of any country except those for which we have embargoes, such as Libya, end quote.

Mr. Speaker, if the Vice President and NSC Director Sandy Berger are right, why after showing deceptive answers in his first lie detector test in December of 1998 did it take the Clinton administration another 2 months to give Mr. Lee a second test? After failing that second test, why did it take them another month to get rid of him?

Why did Elizabeth Moler, who ordered Notra Trulock not to brief the House Intelligence Committee say that she could not recall being told about Trulock's request for a briefing even when a memorandum from Mr. Trulock concerning the briefing request was found in the safe in her office after she left her job at the Energy Department?

Mr. Speaker, if what the Vice President and Sandy Berger say is true, why, within 2 months after becoming Energy Secretary in January of 1993, when Keith Fultz, Assistant Comptroller General with the General Accounting Office, briefed Hazel O'Leary and strongly recommended that the Department of Energy improve controls over foreign visitors to DOE weapons laboratories and urged O'Leary to seek a further briefing about espionage at DOE laboratories from U.S. intelligence agencies, did Fultz say that O'Leary say she did not seem very interested in the matter?

Why, according to the Washington Times, did a former contractor for one of the Department of Energy's three nuclear weapons laboratories recall that O'Leary, quote, decided in her infinite wisdom to lessen security at the labs? Nuclear technology is being stolen and she lessened security at the labs. The Cold War is over, the contractor says that she indicated, and in Mrs. O'Leary's mind it was not necessary to have so much money spent on security. We did away with the people in actual security guard forces, security clearances were deemed virtually unnecessary in all but a very few areas, former secure areas were opened up, and many documents and files were allowed to be seen which at one time were of a secret or classified nature.

Why, according to the Washington Times, did the White House originally tell the Cox committee that the President was not told about Chinese espionage until 1998? We know he must have known back as far as 1997 or 1996 when his NSC director, Sandy Berger, found out about it.

Why did David Leavy, spokesman for the National Security Council, explain this discrepancy by saying, "Well, after the Cox committee process, we've remembered more."

Mr. Speaker, on April 7, 1998, speaking at a U.S. Institute for Peace event, President Clinton implied that anyone critical of China was using, quote, caricatures and exaggerating the Chinese threat.

Let me share a portion of the President's speech according to the record.

"Now, we hear that China is a country to be feared. A growing number of people say that it is the next great threat to our security and our wellbeing.

"They claim it is building up its military machine for aggression and using the profits of our trade to pay for it. They urge us, therefore, to contain China, to deny it access to our markets, our technology, our investment, and to bolster the strength of our allies in Asia to counter the threat a strong China will pose in the 21st century. What about that scenario? Clearly, if it chooses to do so, China could pursue such a course, pouring much more of its wealth into military might and into traditional great power geopolitics.

"This would rob it of much of its future prosperity, and it is far from inevitable that China will choose this path. Therefore, I would argue that we should not make it more likely that China choose this path by acting as if that decision has already been made.

"We have to follow a different course. We cannot afford caricatures."

Well, the President knew that they had been stealing nuclear secrets from our laboratories, our nuclear laboratories, neutron bomb technology, W88 technology, MRVing technology for warheads and it had been given to them by a person who worked for the laboratory. The President had to know this as far back as early 1997, and yet they kept the man on there for over 2 more years and the President said we do not need to worry about that?

Why is China taking this additional nuclear technology if they do not really need it, if they do not have any intentions of using it? Just a couple of years ago, they fired some missiles into the Sea of China next to Taiwan. One of the leading military people in China said that he did not think the United States would worry too much about that because if we got involved, we would be much more concerned about Los Angeles than we would about Taiwan.

□ 1830

The implication was that there might be a threat that they would do something like launching a missile at Los Angeles if we stuck our nose into the Taiwanese issue.

Mr. Speaker, on March 29, 1999, one week before President Clinton's press conference with Chinese Prime Minister Zhu, Newsweek reported that when the CIA recently showed data obtained from its sources on China to a team of nuclear weapons experts, they practically fainted. These are our nuclear weapons experts, and when the CIA recently showed that data that was obtained from its sources about China's stealing of that technology, our nuclear weapons guys almost fainted.

The data, much of it written in Chinese and never read, had been stored in CIA computers and forgotten until now. It showed that Chinese scientists were routinely using phrases, descriptions and concepts that came straight out of U.S. weapons laboratories like Los Alamos. "The Chinese penetration is total," said one official close to the investigation. "They are deep, deep into the lab's black programs," and black programs are our most sensitive nuclear technology security issues, and they are deep, deep into them according to our experts.

Newsweek even reported that China may have even recently acquired two U.S. cruise missiles that failed to detonate during last fall's U.S. attack on terrorist Osama bin Laden and may be attempting to copy their sophisticated guidance and avoidance avionics technology.

Mr. Speaker, how can the President say that anyone who is critical of China and the threat are using caricatures?

Mr. Speaker, over the last 2 years my committee has been conducting an investigation into illegal fund-raising including illegal efforts by the Chinese to influence our elections. We have had 121 people. Nothing like this in the history of the country: 121 people have either taken the Fifth Amendment or fled the country. A number of the most important people on this list are now in Communist China. When my staff attempted to travel to China to interview some of these people, the Chinese government denied us visas and said they would arrest anybody we sent over there to investigate this.

Mr. Speaker, we asked the Bank of China to provide us with bank records that would show the origins of millions of dollars in foreign money that was funneled into the President's reelection committee and the Democrat National Committee. The Bank of China has turned us down flat. The Clinton administration has refused to do anything to help us get this important information.

Mr. Speaker, when so many people take the Fifth Amendment or flee the country, it is obvious that a lot of laws have been broken.

Mr. Speaker, the Clinton administration failure to investigate China's funneling of illegal contributions into the Clinton-Gore reelection campaign and China's theft of America's most advanced nuclear secrets are absolute tragedies. Either intentionally or through its own incompetence, the Clinton administration has caused irreparable damage to America's national security. It has compromised the security of every man, woman and child in this country.

Mr. Speaker, this has to be investigated. The American public has a right to know what is going on regarding these illegal campaign contributions, and the thefts of our nuclear technology, and whether or not there is any connection between the two. We can no longer accept the compromise of this nation's national security, and we intend to pursue it as hard as we possibly can. But we need the help of the Justice Department, which has been stonewalling us, and we need the administration to give us some assistance as well.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BAIRD) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CUNNINGHAM, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 440. To make technical corrections to the Microloan Program.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, April 19, 1999, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first quarter of 1999 by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during first quarter of 1999, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the calendar year 1998 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO GREAT BRITAIN, FRANCE, AND BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 20, 1999

Name of Member or employee	Date		Country	Per Diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Benjamin Cline	2/14	2/17	Great Britain		365.00		(3)			668.05	1,095.00
	2/17	2/18	France		332.00		(3)			1,192	332.00
	2/18	2/20	Belgium		291.00		(3)			20,882	582.00
Total											2,409.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BENJAMIN CLINE, Mar. 19, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO MOSCOW AND ST. PETERSBURG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 12 AND MAR. 16, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Curt Weldon	3/13	3/16	Russia		1,150.00		(3)				1,150.00
Hon. Roger Wicker	3/13	3/16	Russia		1,150.00		(3)				1,150.00
Hon. Robert Cramer	3/13	3/16	Russia		1,150.00		(3)				1,150.00
Hon. John Hostettler	3/13	3/16	Russia		1,150.00		(3)				1,150.00
Hon. Jim Turner	3/13	3/16	Russia		1,150.00		(3)				1,150.00
Hon. Ron Lewis	3/13	3/16	Russia		1,150.00		(3)				1,150.00
Hon. Roscoe Bartlett	3/13	3/16	Russia		1,150.00		(3)				1,150.00
Hon. Brian Gunderson	3/13	3/16	Russia		1,150.00		(3)				1,150.00
Total					9,200.00						9,200.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CURT WELDON, Apr. 8, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ALBANIA, MACEDONIA, AND KOSOVO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 18, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles E. White		2/13	United States		[3] 455.00		2,237.96				2,692.96
	2/14	2/15	Albania								
	2/15	2/16	Macedonia								
	2/16	2/17	Kosovo (Serbia)								
	2/17	2/18	Macedonia								
	2/18		United States								
Hon. Frank R. Wolf		2/13	United States		[4] 470.00		2,237.96				2,707.96
	2/14	2/15	Albania								
	2/15	2/16	Macedonia								
	2/16	2/17	Kosovo (Serbia)								
	2/17	2/18	Macedonia								
	2/18		United States								
Total					925.00		4,475.92				5,400.92

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Figure results from subtracting $245.00 unused per diem returned to State Department from original per diem figure of $700.00.
[4] Figure results from subtracting $230.00 unused per diem returned to State Department from original per diem figure of $700.00.

FRANK R. WOLF, Mar. 16, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION OF THE NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 21, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Hon. Tom Bliley	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Hon. Herb Bateman	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Hon. Ralph Regula	2/13	2/15	Belgium		873.00						
	2/15	2/16	France		332.00						
Commercial airfare							2,713.64				3,918.64
Hon. Marge Roukema	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Hon. Michael Bilirakis	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Hon. Paul Gillmor	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Hon. Roy Blunt	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
Commercial airfare							2,608.64				4,145.64
Hon. Joel Hefley	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Hon. Scott McInnis	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Hon. Ron Packard	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Hon. John Tanner	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Hon. Porter Goss	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		332.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,107.00
Susan Olson	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Jo Weber	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION OF THE NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 21, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Robin Evans	2/13	2/15	Beligum		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Linda Pedigo	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
Ron Lasch	2/13	2/15	Belgium		873.00		(3)				
	2/15	2/17	France		664.00						
	2/17	2/18	Cyprus		200.00						
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						2,439.00
John Walker Roberts	2/16	2/18	Cyprus		200.00		(3)				
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						902.00
John Herzberg	2/16	2/18	Cyprus		200.00		(3)				
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						902.00
Jason Gross	2/16	2/18	Cyprus		200.00		(3)				
	2/18	2/18	Greece		124.00						
	2/18	2/21	Turkey		578.00						902.00
Total					44,140.00		5,322.28				49,462.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUG BEREUTER, Mar. 23, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION OF THE BRITISH-AMERICAN PARLIAMENTARIAN GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Parker Brent	11/12	11/17	England				2,307.00				2,307.00
Delegation expenses:											
Return of accrued interest from 1994–1997									8,563.25		8,563.25
Representational									603.30		603.30
Miscellaneous									10.88		10.88
Total							2,307.00		9,177.43		11,484.43

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Mar. 5, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION OF THE CANADA-U.S. INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1998.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Amo Houghton	5/14	5/18	USA				(3)				
Hon. Phil Crane	5/14	5/18	USA		900.43		(3)				900.43
Hon. William Delahunt	5/14	5/18	USA		900.43		(3)				900.43
Hon. Benjamin A. Gilman	5/14	5/18	USA		900.43		(3)				900.43
Lee Hamilton	5/14	5/18	USA		900.43		(3)				900.43
Hon. John LaFalce	5/14	5/18	USA		900.43						1,230.43
Commercial airfare							330.00				
Hon. Bill Lipinski	5/14	5/18	USA		900.43		(3)				900.43
Collin Peterson	5/14	5/18	USA		900.43		(3)				900.43
Hon. E. Clay Shaw, Jr.	5/14	5/18	USA		900.43		(3)				900.43
Hon. Cliff Stearns	5/14	5/18	USA		900.43		(3)				900.43
Hon. Fred Upton	5/14	5/18	USA		900.43		(3)				900.43
Carl Ek	5/14	5/18	USA		900.44		(3)				900.44
Allison Kiernan	5/14	5/18	USA		900.44		(3)				900.44
Ken Nelson	5/14	5/18	USA		900.44		(3)				900.44
Frank Record	5/14	5/18	USA		900.44		(3)				900.44
Bob Van Wicklin	5/14	5/18	USA		900.44		(3)				900.44
Delegation Expenses:											
Miscellaneous									8,202.48		8,202.48
Representational									38,319.30		38,319.30
Interest Returned to Treasury									1,738.73		
Total					13,506.50		330.00		46,521.78		60,358.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AMO HOUGHTON, Mar. 15, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION OF THE U.S. CONGRESS-EUROPEAN COMMUNITY INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Curtis Banks	6/25	6/28	United States		492.70						492.70
Nancy Bloomer	6/25	6/28	United States		417.00						417.00
Hon. Kevin Brady	6/25	6/28	United States		417.00						417.00
Matt Eggers	6/25	6/28	United States		417.00						417.00
Chaplain James Ford	6/25	6/28	United States		417.00						417.00
Hon. Benjamin Gilman	6/25	6/28	United States		417.00						417.00
John Holiday	6/25	6/28	United States		417.00						417.00
Hon. Steven Horn	6/25	6/28	United States		417.00						417.00
Hon. Sheila Jackson-Lee	6/25	6/28	United States		417.00						417.00
Shelly Livingston	3/1	3/3	United States		519.54		457.00				976.54
David Malech	6/24	6/28	United States		585.84						585.84
Drake McGraw	6/25	6/28	United States		417.00						417.00
Laura Rush	6/25	6/28	United States		624.87		230.00				854.87
Hon. Tom Sawyer	6/25	6/28	United States		417.00		207.00				624.00
Linda Solomon	3/1	3/3	United States		367.46		457.00				824.46
	6/24	6/28	United States		657.44		230.00				887.44
Hillel Weinberg	6/25	6/28	United States		417.00						417.00
Kathy Wilkes	6/25	6/28	United States		417.00						417.00
Delegation expenses:											
Representational									54,295.24		54,295.24
Translation									7,326.84		7,326.84
Miscellaneous									190.90		190.90
Interest paid back to the U.S. Treasury									8,503.91		8,503.91
Total					8,251.85		1,581.00		70,316.89		80,149.74

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Mar. 8, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION OF THE MEXICO-U.S. INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe	6/19	6/21	Mexico		272.00		(3)				272.00
Hon. Benjamin A. Gilman	6/19	6/21	Mexico		272.00		(3)				272.00
Hon. Cass Ballenger	6/19	6/21	Mexico		272.00		(3)				272.00
Hon. Joe Barton	6/19	6/21	Mexico		272.00		(3)				272.00
Hon. Brian Bilbray	6/19	6/21	Mexico		272.00		(3)				272.00
Hon. William Delahunt	6/19	6/21	Mexico		287.87		(3)				287.87
Hon. David Dreier	6/19	6/21	Mexico		272.00		(3)				272.00
Hon. Bob Filner	6/19	6/21	Mexico		282.58		(3)				282.58
Hon. Lee H. Hamilton	6/19	6/21	Mexico		272.00		(3)				272.00
Hon. Donald A. Manzullo	6/19	6/21	Mexico		272.00		(3)				272.00
Hon. Silvestre Reyes	6/19	6/21	Mexico		272.00		(3)				590.04
Commercial airfare							318.04				
Hon. Mark Sanford	6/19	6/21	Mexico		272.00		(3)				272.00
Everett Eissenstat	6/19	6/21	Mexico		175.18		(3)				175.18
Charmaine Houserman	6/19	6/21	Mexico		175.18		(3)				175.18
Shelly Livingston	6/1	6/3	Mexico		328.38		(3)				974.64
Commercial airfare							646.26				
John Mackey	6/19	6/21	Mexico		175.18		(3)				175.18
Caleb McCarry	6/19	6/21	Mexico		175.18		(3)				175.18
Denis McDonough	6/19	6/21	Mexico		175.18		(3)				175.18
Delegation expenses:											
Representational functions									2,344.60		
Translation/Interpreting									760.18		
Miscellaneous									292.32		
Return of accrued interest to Treasury									9,201.48		12,598.58
Total					4,669.91		964.30		12,598.58		18,232.79

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JIM KOLBE, Mar. 8, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION OF THE NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	3/27	3/30	Portugal		621.99		(3)				621.99
Hon. Gerald Solomon	3/27	3/30	Portugal		621.99		(3)				621.99
Hon. Tom Bliley	3/27	3/30	Portugal		621.99		(3)				621.99
		11/15	United Kingdom				2,350.28				2,350.28
Susan Olson	3/27	3/30	Portugal		621.99						621.99
	5/22		Spain				908.96				908.96
	11/8		United Kingdom				2,540.64				2,540.64
Josephine Weber	5/22		Spain				520.96				520.96
	11/9		United Kingdom				2,756.64				2,756.64
	11/12		United Kingdom				[4] 40.68				40.68
Carol Doherty	5/22		Spain				520.96				520.96
Ronald Lasch	5/22		Spain				908.96				908.96
Hon. Owen Pickett		11/15	United Kingdom				2,350.28				2,350.28
Hon. John Tanner		11/15	United Kingdom				2,350.28				2,350.28
Hon. Robert Wise		11/15	United Kingdom				2,350.28				2,350.28

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION OF THE NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert King		11/14	United Kingdom				2,948.28				2,948.28
		11/14	United Kingdom				[4]24.00				24.00
Linda Pedigo		11/14	United Kingdom				2,948.28				2,948.28
		11/14					[4]53.00				53.00
Michael Ennis		11/14	United Kingdom				2,948.28				2,948.28
Delegation expenses:											
Representational									25,330.65		25,330.65
Miscellaneous									3,661.98		3,661.98
Accrued Interest Returned to Treasury									12,846.16		12,846.16
Total					2,497.96		26,529.76		41,838.79		70,847.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Taxi fare

DOUG BEREUTER, Mar. 11, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION OF THE SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John Finerty		2/7	United States				4,285.73				4,285.73
	2/8	2/17	Russia		1,345.00						1,345.00
Janice Helwig		1/11	United States				3,718.45				3,718.45
	1/12	3/31	Austria		10,329.91						10,329.91
Hon. Steny Hoyer		1/13	United States				5,102.39				5,102.39
	1/14	1/16	Austria		380.00						380.00
Marlene Kaufmann		1/13	United States				5,102.39				5,102.39
	1/14	1/16	Austria		380.00						380.00
Michael Ochs		1/4	United States				6,408.95				6,408.95
	1/5	1/6	Turkey		211.00						211.00
	1/6	1/9	Kyrgyzstan		680.60						680.60
	1/10	1/16	Kazakstan		1,566.00						1,566.00
					14,892.51		24,617.91				39,510.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH, Mar. 30, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1533. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clopyralid; Extension of Tolerance for Emergency Exemptions [OPP-300837; FRL-6074-5] (RIN: 2070-AB78) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1534. A letter from the Secretary of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 1998, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

1535. A letter from the General Counsel, Department of Defense, transmitting an interim report of the Department's study of the methods of selection of members of the Armed Forces to serve on courts-martial; to the Committee on Armed Services.

1536. A letter from the Chair, Defense Environmental Response Task Force, Under Secretary of Defense, transmitting a report on the actions of the Defense Environmental Response Task Force for Fiscal Year 1998; to the Committee on Armed Services.

1537. A letter from the Under Secretary of Defense, transmitting a report on the status of efforts to prepare a plan for the inventory management of in-transit items as required by Section 349 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999; to the Committee on Armed Services.

1538. A letter from the Under Secretary of Defense, transmitting the Department of Defense Nuclear, Biological, and Chemical (NBC) Defense Annual Report to Congress, March 1999; to the Committee on Armed Services.

1539. A letter from the Director, Office of Thrift Supervision, transmitting notification of the details of the Office's 1999 compensation plan; to the Committee on Banking and Financial Services.

1540. A letter from the Chairperson, National Council on Disability, transmitting the Council's Annual Report for Fiscal Year 1998, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

1541. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Amendment for Hazardous Air Pollutants Emmissions From Magnetic Tape Manufacturing Operations [FRL-6321-8] (RIN: 2060-AH71) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1542. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 067-1067a; FRL-6315-9] received March 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1543. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production [AD-FRL-6322-8] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1544. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Implementation Plan and Redesignation Request for the Muscogee County, Georgia Lead Nonattainment Area [GA-42-1-9908a; FRL-6321-1] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1545. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Washington [WA 68-7143-a; FRL-6322-5] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1546. A letter from the Administrator, Environmental Protection Agency, transmitting the Residual Risk Report to Congress; to the Committee on Commerce.

1547. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans;

State of Iowa [IA 068–1068a; FRL–6322–1] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1548. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program, Continuous Emission Monitoring Rule Revisions [FRL–6320–8] (RIN: 2060–AG46) Recevied April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1549. A letter from the Secretary of Energy, transmitting the Combined Thirty-Ninth through Forty-Third Quarterly Reports to Congress on the status of Exxon and Stripped Well Oil Overcharge Funds covering April 1, 1997, through June 30, 1998; to the Committee on Commerce.

1550. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report required under the Support for East European Democracy Act of 1989, pursuant to 22 U.S.C. 5474; to the Committee on International Relations.

1551. A communication from the President of the United States, transmitting a report on the Strategic Concept of NATO; to the Committee on International Relations.

1552. A letter from the Chairman, Merit Systems Protection Board, transmitting the Twentieth Annual Report on the activities of the Board during Fiscal Year 1998, pursuant to 5 U.S.C. 1206; to the Committee on Government Reform.

1553. A letter from the Director, Office of Personnel Management, transmitting the Department's final rule—Retirement, Health, and Life Insurance Coverage For Certain Employees Of The District Of Columbia Under The District Of Columbia Courts And Justice Technical Corrections Act of 1998 (RIN: 3206–AI55) received April 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1554. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Environmental Differential Pay for Working at High Altitudes (RIN: 3206–AI36) received April 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1555. A letter from the Chairman, Federal Election Commission, transmitting three urgent recommendations for legislative action, pursuant to 2 U.S.C. 437d(d)(2); to the Committee on House Administration.

1556. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the 1998 Section 8 Report on National Natural Landmarks that have been damaged or are likely to be damaged; to the Committee on Resources.

1557. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Final Rule to List the Flatwoods Salamander as a Threatened Species (RIN: 1018–AE38) received March 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1558. A letter from the Interim Staff Director, United States Sentencing Commission, transmitting an annual report of the commission's findings, pursuant to 18 U.S.C. 3552 nt.; to the Committee on the Judiciary.

1559. A letter from the Regulations Officer, Department of Transportation, transmitting the Department's "Major" final rule—Parts and Accessories Necessary for Safe Operation; Lighting Devices, Reflectors, And Electrical Equipment [FHWA Docket No. MC–94–1; FHWA–1997–2222] (RIN: 2125–AD27) received March 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1560. A letter from the Under Secretary of Defense, transmitting a report on the actions taken to develop an integrated program to prevent and respond to terrorist incidents involving weapons of mass destruction; to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TALENT (for himself, Mr. STENHOLM, Mr. PAUL, Mr. GOODE, Mr. HUNTER, Mr. HAYWORTH, Ms. PRYCE of Ohio, Mr. CUNNINGHAM, Mr. NORWOOD, Mr. RYUN of Kansas, Mr. BARRETT of Nebraska, Mr. PETERSON of Pennsylvania, and Mr. HILLEARY):

H.R. 1427. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LANTOS:

H.R. 1428. A bill to amend title 18, United States Code, to strengthen the ban against assault weapons by restricting the availability of such weapons and certain of their component parts; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois (for himself, Mr. FRANK of Massachusetts, Ms. PELOSI, Ms. LEE, Mr. LANTOS, Mr. CUMMINGS, Mr. HINCHEY, Mr. CLAY, Ms. SCHAKOWSKY, Mrs. CLAYTON, Mr. BARRETT of Wisconsin, Mr. BRADY of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. OWENS, Mr. FILNER, Mr. HILLIARD, Mr. MEEKS of New York, Ms. NORTON, Mrs. MEEK of Florida, Mr. BISHOP, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 1429. A bill to establish a program under the Secretary of Housing and Urban Development to eliminate redlining in the insurance business; to the Committee on Banking and Financial Services.

By Mr. GILMAN (for himself, Mr. BOEHLERT, Mr. HOUGHTON, and Mr. SHOWS):

H.R. 1430. A bill to amend the Internal Revenue Code of 1986 to expand alternatives for families with children, to establish incentives to improve the quality and supply of child care, to increase the availablility and affordability of professional development for child care providers, to expand youth development opportunities, to ensure the safety of children placed in child care centers in Federal facilities, to ensure adequate child care subsidies for low-income working families, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Government Reform, Banking and Financial Services, House Administration, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 1431. A bill to reauthorize and amend the Coastal Barrier Resources Act; to the Committee on Resources.

By Mrs. KELLY (for herself, Mr. ROMERO-BARCELO, Mr. COOKSEY, Mr. SANDERS, Mr. SHOWS, Mr. GARY MILLER of California, Mr. BROWN of California, Mr. BARR of Georgia, Mr. JONES of North Carolina, and Mr. METCALF):

H.R. 1432. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide long-term nursing care at public expense to any veteran with a service-connected disability of 50 percent or greater; to the Committee on Veterans' Affairs.

By Mr. BAIRD:

H.R. 1433. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes; to the Committee on Ways and Means.

By Mr. BALLENGER (for himself, Mr. HALL of Texas, Mr. STENHOLM, and Mr. BOEHNER):

H.R. 1434. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. METCALF (for himself, Mr. LEACH, and Mr. KANJORSKI):

H.R. 1435. A bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, to require the Board of Governors of the Federal Reserve System to pay interest on certain reserves, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BALLENGER (for himself, Mr. HALL of Texas, and Mr. STENHOLM):

H.R. 1436. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

H.R. 1437. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

H.R. 1438. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

H.R. 1439. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Mr. OSE, Mr. ENGLISH, and Mr. HORN):

H.R. 1440. A bill to amend the Internal Revenue Code of 1986 to reduce the 15 and 28 percent individual income tax rates to 10 and 23 percent over a 10 year period; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. GOODLING, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. HOEKSTRA, Mr. MCKEON, Mr. CASTLE, Mr. SAM JOHNSON of Texas, Mr. TALENT, Mr. GREENWOOD, Mr. GRAHAM, Mr. SOUDER, Mr. NORWOOD, Mr. PAUL, Mr. SCHAFFER, Mr. UPTON, Mr. DEAL of Georgia, Mr. HILLEARY, Mr. SALMON, Mr. TANCREDO, Mr. FLETCHER, Mr. DEMINT, Mr. ISAKSON, Mr. DELAY, Ms. PRYCE of Ohio, Mr. CUNNINGHAM, Mr. KASICH, Mrs. MYRICK, Mr. LARGENT, Mrs. NORTHUP, Mr. BARTON of Texas, Mr. NETHERCUTT, Mr. WELDON of Florida, Mr. HAYWORTH, Mr. SHADEGG, Mr. SUNUNU, Mr. CALVERT, Mr. DICKEY, Mr. HEFLEY, Mr. SESSIONS, Mr. WATKINS, Mr. WICKER, Mr. GOODLATTE, Mr. DOOLITTLE, Mr. RAMSTAD, Mr. GOSS, Mr. HUTCHINSON, Mr. BARTLETT of Maryland, Mr. BRADY of Texas, Mr. GARY MILLER of California, Mr. SKEEN, Mr. STEARNS, Mr. PETERSON of Pennsylvania, Mrs.

Biggert, Mr. Burton of Indiana, Mr. Latham, Mr. Pitts, Mr. Pickering, Mr. Knollenberg, Mr. Porter, and Ms. Granger):

H.R. 1441. A bill to amend section 8(a) of the National Labor Relations Act; to the Committee on Education and the Workforce.

By Mr. CALVERT:

H.R. 1442. A bill to amend the Federal Property and Administrative Services Act of 1949 to continue and extend authority for transfers to State and local governments of certain property for law enforcement, public safety, and emergency response purposes; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Mr. Menendez, Ms. Waters, Mr. Scott, Ms. Jackson-Lee of Texas, Mr. Nadler, Mr. Berman, Mr. Weiner, Mr. Cummings, Mr. Meeks of New York, Mr. Hilliard, Mr. Farr of California, Mr. Lewis of Georgia, Mr. Dixon, Mr. Hastings of Florida, Mr. Brady of Pennsylvania, Mr. Hinchey, Mr. Payne, Mr. Clay, Mr. Barrett of Wisconsin, Mrs. Clayton, and Mrs. Jones of Ohio):

H.R. 1443. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

By Mr. DeFAZIO (for himself and Mr. Walden of Oregon):

H.R. 1444. A bill to authorize the Secretary of the Army to develop and implement projects for fish screens, fish passage devices, and other similar measures to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, and Idaho; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself and Mr. Watkins):

H.R. 1445. A bill to promote research into, and the development of an ultimate cure for, the disease known as fragile X; to the Committee on Commerce.

By Mr. DUNCAN:

H.R. 1446. A bill to amend the Internal Revenue Code of 1986 to allow a tax-free distribution from a qualified retirement plan to the extent that the distribution is contributed for charitable purposes; to the Committee on Ways and Means.

By Mr. FORD (for himself, Mr. Rangel, Mr. Cummings, Mrs. Thurman, Mr. Meeks of New York, Mr. Underwood, Mr. Thompson of Mississippi, and Ms. Millender-McDonald):

H.R. 1447. A bill to provide for the coordinated end-to-end testing and disclosure of the readiness of certain Federal and non-Federal computer systems for the year 2000 computer problem; to the Committee on Science.

By Mr. FRELINGHUYSEN:

H.R. 1448. A bill to require the Administrator of the Federal Aviation Administration to redesign expeditiously the airspace over the New Jersey/New York metropolitan area, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GORDON:

H.R. 1449. A bill to amend title 18, United States Code, to prohibit sports agents from influencing college athletes; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself, Mr. Obey, Mr. Barcia, Mr. Smith of New Jersey, and Mr. Murtha):

H.R. 1450. A bill to protect the privacy of the individual with respect to the Social Security number and other personal information, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LaHOOD (for himself, Mr. Shimkus, Mr. Evans, Mr. Blagojevich, Mr. Phelps, Ms. Schakowsky, Mr. Porter, Mr. Rush, Mr. Manzullo, Mr. Lipinski, Mr. Costello, Mr. Gutierrez, Mr. Hyde, Mr. Weller, Mr. Ewing, Mr. Crane, Mrs. Biggert, Mr. Jackson of Illinois, and Mr. Davis of Illinois):

H.R. 1451. A bill to establish the Abraham Lincoln Bicentennial Commission; to the Committee on Government Reform.

By Mr. LaHOOD:

H.R. 1452. A bill to create United States money in the form of noninterest bearing credit in accordance with the 1st and 5th clauses of section 8 of Article I of the Constitution of the United States, to provide for noninterest bearing loans of the money so created to State and local governments solely for the purpose of funding capital projects; to the Committee on Banking and Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON:

H.R. 1453. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for 2-earner married couples; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. Leach, Mr. Oberstar, Mr. Horn, Ms. Woolsey, Mr. Minge, Ms. Lee, Ms. Rivers, Mr. Delahunt, Mr. George Miller of California, Ms. Norton, Mr. DeFazio, Mr. Hinchey, Mr. Payne, Ms. Pelosi, Mr. Conyers, Mr. Markey, Mr. Engel, Mr. Towns, Ms. Brown of Florida, Mr. McGovern, Mr. Owens, Mr. Brown of California, Mr. Frank of Massachusetts, and Mr. Moran of Kansas):

H.R. 1454. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for nonmilitary purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself, Mr. Stark, and Mr. Berry):

H.R. 1455. A bill to amend title XI of the Social Security Act and the Internal Revenue Code of 1986 to establish a mechanism to promote the provision of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. Wicker, Ms. Woolsey, Ms. Pelosi, Mr. Kingston, and Mr. Upton):

H.R. 1456. A bill to improve the National Writing Project; to the Committee on Education and the Workforce.

By Mr. MINGE (for himself and Mr. Gilchrest):

H.R. 1457. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself and Mr. Wamp):

H.R. 1458. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. PETRI (for himself and Mr. Andrews):

H.R. 1459. A bill to authorize the Secretary of Labor to establish voluntary protection programs; to the Committee on Education and the Workforce.

By Mr. REYES:

H.R. 1460. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Resoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe; to the Committee on Resources.

By Mr. ROGAN (for himself and Mr. Rothman):

H.R. 1461. A bill to amend title 18, United States Code, to exempt qualified law enforcement officers from State laws prohibiting the carrying of concealed firearms; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself, Mr. Campbell, Ms. Kaptur, Mr. Kucinich, Mr. Bilbray, Mrs. Bono, Mr. Boucher, Mr. Calvert, Mr. Condit, Mr. Cox, Mr. Doolittle, Mr. Dreier, Mr. Duncan, Mr. Gallegly, Mr. Gilchrest, Mr. Graham, Mr. Horn, Mr. Hunter, Ms. Lee, Ms. McKinney, Mr. Metcalf, Mr. Gary Miller of California, Mr. Paul, Mr. Peterson of Minnesota, Mr. Pombo, Mr. Radanovich, Mr. Rogan, Mr. Royce, Mr. Sanders, Mr. Souder, Mr. Shadegg, Mr. Tancredo, Mr. Weldon of Florida, Mr. Wicker, and Mr. Walsh):

H.R. 1462. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the ownership and control of corporations by employees; to the Committee on Ways and Means.

By Mr. ROTHMAN (for himself and Mr. Holt):

H.R. 1463. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas (for himself, Mr. Tiahrt, Mrs. Cubin, Mr. Burr of North Carolina, Mr. Schaffer, Mr. Bliley, and Mr. Burton of Indiana):

H.R. 1464. A bill to amend the Internal Revenue Code of 1986 to provide that farm income may be allocated among taxable years; to the Committee on Ways and Means.

By Mr. SALMON:

H.R. 1465. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 1466. A bill to amend the Internal Revenue Code of 1986 to repeal estate, gift, and generation-skipping transfer taxes; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself, Mr. Traficant, Mr. Brady of Texas, Mr. Callahan, Mr. Campbell, Mrs. Chenoweth, Mr. DeMint, Mr. Hall of Texas, Mr. Hefley, Mr. Hunter, Mr. Linder, Mrs. Myrick, Mr. Norwood, Mr. Packard, Mr. Peterson of Minnesota, Mr. Scarborough, Mr. Stump, and Mr. Tancredo):

H.R. 1467. A bill to promote freedom, fairness, and economic opportunity for families by repealing the income tax, abolishing the Internal Revenue Service, and enacting a national retail sales tax to be administered primarily by the States; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE (for himself, Mr. Pomeroy, Mr. Minge, and Mrs. Emerson):

H.R. 1468. A bill to amend the Agricultural Market Transition Act to eliminate the limitation on loan rates for marketing assistance loans through the 2002 crop year; to the Committee on Agriculture.

By Mr. THUNE:

H.R. 1469. A bill to amend the Internal Revenue Code of 1986 to reestablish the marketing aspects of farmers' cooperatives in relation to adding value to a farmer's product by feeding it to animals and selling the animals and to grant a declaratory judgment remedy relating to the status and classification of farmers' cooperatives; to the Committee on Ways and Means.

By Mr. VISCLOSKY:

H.R. 1470. A bill to reduce corporate welfare and promote corporate responsibility; to the Committee on Ways and Means, and in addition to the Committees on Resources, Agriculture, Science, Banking and Financial Services, the Budget, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 1471. A bill to eliminate money laundering in the private banking system, to require the Secretary of the Treasury to warn insured depository institutions of foreign countries in which there is a concentration of money laundering activities, to amend the Bank Holding Company Act of 1956 to require the Board of Governors of the Federal Reserve System to include money laundering activities in the consideration of applications under section 3 of such Act, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WELDON of Pennsylvania (for himself, Mr. Watkins, Mr. Chambliss, Mr. Lantos, Mr. Neal of Massachusetts, Mr. LaFalce, Mr. Hinchey, Ms. Brown of Florida, Mr. Lewis of Georgia, Mr. Nethercutt, Mr. McNulty, Mr. Cummings, Mr. Franks of New Jersey, Mr. Kolbe, Mr. Hoekstra, Mrs. Mink of Hawaii, Mr. Frost, Mr. Ortiz, Mr. Costello, Mr. Reyes, Mr. Barrett of Nebraska, Mr. Kleczka, Mr. Isakson, Mr. Romero-Barcelo, Mrs. Capps, Mr. Rangel, Mrs. Morella, Mr. Jefferson, Mr. Shows, Ms. Jackson-Lee of Texas, Mr. Dixon, Mr. Bilirakis, Mr. Weiner, Mr. Rush, Mr. Ballenger, Mr. Pastor, Mr. Foley, Mr. Stark, Mrs. Kelly, Ms. Kilpatrick, Mr. Gonzalez, Mr. LaHood, Mr. Hoeffel, Mr. Berman, Mr. Frelinghuysen, Mr. Forbes, Mr. Sherwood, Mr. Canady of Florida, and Mr. Cramer):

H.R. 1472. A bill to allow postal patrons to contribute to funding for diabetes research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Government Reform.

By Mr. BLUMENAUER:

H. Con. Res. 86. Concurrent resolution expressing the sense of Congress regarding Federal decisions, actions, and regulations affecting water; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA (for herself, Mr. Shows, Mr. Bachus, Mr. Upton, Mr. Ney, Mr. Campbell, Mr. Whitfield, Mr. Wolf, Mrs. Thurman, Ms. Danner, Mr. Dooley of California, Mr. Kuykendall, Mr. Leach, Mrs. Kelly, Mrs. Mink of Hawaii, Mr. LaTourette, Mr. Riley, Mr. Hall of Ohio, Mr. Hostettler, Mr. Martinez, Mr. McHugh, Mr. Dixon, Mrs. Morella, Mr. Filner, Mr. Bentsen, Mr. Bereuter, Mr. Gary Miller of California, Mr. LoBiondo, Mr. Tanner, Mr. Rohrabacher, Mr. Gillmor, Mr. Nadler, Mrs. Emerson, Mr. Herger, Mr. Barrett of Wisconsin, Mr. Smith of Washington, Mr. Weller, Mr. Paul, Mr. Sherman, Mr. Blumenauer, Mr. Rothman, Mr. Walsh, Mr. Barrett of Nebraska, Mr. Gordon, Mr. Pastor, Mrs. Capps, Mr. Berman, Ms. Kaptur, Mr. Ose, Mr. Hill of Indiana, Mr. Bonior, Mr. Farr of California, Mr. Lucas of Kentucky, Ms. Berkley, Mr. Snyder, Mr. Price of North Carolina, Mr. Clyburn, Mr. Neal of Massachusetts, Mr. McCollum, Mr. Shays, and Mr. Diaz-Balart):

H. Con. Res. 87. Concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

19. The SPEAKER presented a memorial of the Legislature of the State of Nebraska, relative to Resolution No. 29 petitioning the Congress of the United States and the executive branch of the federal government to prohibit federal recoupment of state tobacco settlement recoveries; to the Committee on Commerce.

20. Also, a memorial of the Senate of the State of Pennsylvania, relative to Senate Resolution No. 48 memorializing the Congress of the United States to enact legislation clarifying section 1903(a)(3) of the Social Security Act to protect the states from Federal seizure of any portion of the tobacco settlement funds by the Secretary of Health and Human Services as an overpayment under the Federal Medicaid program; to the Committee on Commerce.

21. Also, a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 5 urging the Congress to enact legislation that provides for the payment of lump sums to persons who became eligible for social security benefits after 1981 and before 1992 and have received lower benefits as result of the changes in the computation of benefits enacted by Public Law 95–216, as compensation for the reduced benefits they have been paid; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REYES:

H.R. 1473. A bill for the relief of Vince Munoz, Governor of the Tribal Council of the Ysleta del Sur Pueblo and all other enrolled members of the Ysleta del Sur Pueblo; to the Committee on the Judiciary.

H. Res. 141. A resolution for the relief of Vince Munoz, Governor of the Tribal Council of the Ysleta del Sur Pueblo and all other enrolled members of the Ysleta del Sur Pueblo; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Gillmor and Mr. McCollum.

H.R. 7: Mr. Sam Johnson of Texas, Mr. Deal of Georgia, Mr. McKeon, Mr. Pombo, Mr. Aderholt, Mr. Salmon, Mr. Ryan of Wisconsin, Mr. Weldon of Florida, Mr. Crane, Mr. Foley, and Mr. Hostettler.

H.R. 21: Mrs. Emerson, Mr. Gekas, Mr. Talent, Mr. Clyburn, Mr. Filner, Mr. Quinn, Mr. Minge, Mr. Gary Miller of California, and Mr. Wise.

H.R. 41: Mr. Shows.

H.R. 72: Mr. Holden, Mr. Condit, and Mr. Ney.

H.R. 152: Ms. Brown of Florida.

H.R. 165: Mr. Bonior and Mr. Conyers.

H.R. 175: Mr. Baird, Mr. Rothman, Mr. Dooley of California, Mrs. Chenoweth, Mrs. Biggert, Mr. Brady of Pennsylvania, Mr. LaHood, Mr. Evans, Mr. Brown of Ohio, Mr. Ortiz, Mr. Thune, Mr. Weiner, Mr. Gilman, Mr. Minge, Mr. Lampson, Mr. Kingston, Mr. Ehlers, Mr. Price of North Carolina, and Mr. Rogan.

H.R. 194: Mr. Upton.

H.R. 210: Mrs. Wilson and Mr. Hilliard.

H.R. 216: Mr. Shays.

H.R. 218: Mr. Hulshof, Mrs. Capps, Mr. Whitfield, and Mr. Largent.

H.R. 242: Mr. Sessions, Ms. DeGette, Mr. Bereuter, Mr. Bachus, Mr. Paul, Mr. Wamp, Mr. Hefley, Mr. Riley, Mr. Schaffer, and Mr. Hill of Montana.

H.R. 318: Mr. Boyd.

H.R. 351: Mr. Pitts, Mr. Shays, and Mr. Gutierrez.

H.R. 360: Mr. Forbes and Ms. McCarthy of Missouri.

H.R. 362: Mr. Wexler and Ms. Roybal-Allard.

H.R. 363: Mr. McIntyre, Ms. Roybal-Allard, Mr. McCollum, Mr. Turner, and Mr. Bishop.

H.R. 364: Ms. Roybal-Allard.

H.R. 365: Ms. Roybal-Allard.

H.R. 366: Ms. Roybal-Allard.

H.R. 380: Mr. Weldon of Pennsylvania, Mr. Ballenger, Mr. Maloney of Connecticut, Mr. Roemer, Mr. McIntyre, Mr. Upton, and Mr. Sweeney.

H.R. 383: Mr. Hinchey, Mr. Filner, Mr. Engel, Mr. English, and Mrs. Thurman.

H.R. 407: Mr. Schaffer.

H.R. 408: Mr. English and Mr. Jefferson.

H.R. 417: Mr. Weygand.

H.R. 425: Mr. Frank of Massachusetts, Mrs. Meek of Florida, Mr. McDermott, Ms. Pelosi, Ms. Eshoo, Mr. Capuano, Ms. Brown of Florida, and Mr. Blumenauer.

H.R. 464: Mr. Regula, Mr. Hall of Texas, Mr. Hinchey, Mr. Rush, Mr. Kingston, Mr. Dreier, and Mr. McCrery.

H.R. 469: Mr. Kennedy of Rhode Island, Ms. Berkley, Mr. Hastings of Florida, Mr. Foley, and Mr. Wexler.

H.R. 486: Mr. Buyer.

H.R. 527: Mr. Filner.

H.R. 574: Mr. Weldon of Florida.

H.R. 580: Mr. English.

H.R. 601: Mr. Weldon of Florida.

H.R. 604: Mr. Kennedy of Rhode Island and Mr. Petri.

H.R. 607: Mr. Ramstad.

H.R. 672: Mr. Hulshof and Mr. John.

H.R. 682: Mr. Udall of Colorado.

H.R. 693: Mr. Nussle.

H.R. 699: Ms. Norton and Mr. Nadler.

H.R. 710: Mr. Gordon, Mr. Wicker, Mr. Watts of Oklahoma, Mrs. Myrick, Mr. Lucas of Oklahoma, Mr. Campbell, Mr. Pickering, Mrs. Clayton, Mr. Istook, Mr. Radanovich, Mr. Cramer, Mr. Weller, Mr. Foley, Mr. Duncan, Mr. Thompson of Mississippi, Mr. Frost, Mr. DeMint, Mr. Coburn, and Mr. Lampson.

H.R. 721: Mr. Nethercutt, Mr. Rodriguez, Mr. Gonzalez, and Mr. Pombo.

H.R. 742: Mr. Gonzalez, Mr. George Miller of California, and Mr. Wexler.

H.R. 750: Mr. Rothman.

H.R. 767: Mr. Terry.

H.R. 805: Mr. Snyder.

H.R. 828: Mr. Gillmor and Mr. Goodlatte.

H.R. 835: Mr. Hinchey and Mr. McCrery.

H.R. 837: Mr. Clay.

H.R. 838: Mrs. Thurman, Mr. Price of North Carolina, and Mr. Boucher.

H.R. 844: Mr. Gary Miller of California, Mr. Young of Alaska, Mr. Jefferson, Mr. McDermott, Mr. Bonior, Mr. Cook, Ms. Pryce of Ohio, Mr. Schaffer, Mr. Miller of Florida, Mrs. Fowler, Mr. Wexler, and Mrs. Johnson of Connecticut.

H.R. 845: Mr. Weiner.

H.R. 860: Mr. Bishop.

H.R. 864: Mr. Duncan, Mr. Gordon, Mr. Chambliss, Mr. Dingell, Mr. Calvert, Mr. Frank of Massachusetts, Mr. Schaffer, Ms. Lee, Mr. Horn, Mr. Cunningham, Mr. Holden, Mr. Capuano, Mr. Delahunt, Ms. McKinney, Ms. Millender-McDonald, Mr. Borski, Mr. Blagojevich, Mr. Rangel, Mr. Greenwood, Mr. Condit, Mr. Lipinski, Mrs. Kelly, Mr. Hoekstra, Mr. Bentsen, Mr. Evans, Mr. Weiner, Mr. Thune, Ms. Pelosi, Mr. Kanjorski, Mr. LaHood, Mr. Costello, Mrs. Chenoweth, Mr. Brady of Pennsylvania, Mrs. Biggert, Mr. Gilman, Mr. Minge, Mr. Gejdenson, Mr. Ortiz, Mr. Thompson of California, Mr. Tierney, Mr. Markey, and Ms. Lofgren.

H.R. 883: Mr. LaHood, Mr. Berry, Mr. Shimkus, Mr. Hulshof, Mr. Canady of Florida, Mr. Gallegly, and Mr. Ortiz.

H.R. 894: Mr. Ose.

H.R. 895: Mr. Sanders, Mr. Delahunt, Mr. Baldacci, Mr. Sherman, Mr. Lantos, Mrs. Meek of Florida, Mrs. Mink of Hawaii, Mr. Meehan, Mr. Thompson of Mississippi, Mr. George Miller of California, Ms. DeLauro, Mr. Filner, Mr. Lewis of Georgia, Mr. Frank of Massachusetts, Mr. Frost, Ms. Kilpatrick, Ms. Norton, Mr. Kennedy of Rhode Island, Mr. Olver, Mr. Wexler, Mr. McGovern, Mr. Wynn, Ms. Brown of Florida, Mr. Payne, Ms. Pryce of Ohio, Mr. Weiner, Mr. Cummings, Ms. DeGette, Mr. Engel, Mr. Coyne, Mr. Stark, Mr. Wu, Mr. Davis of Florida, Ms. Slaughter, Mr. Foley, Mr. Capuano, and Mr. Thompson of California.

H.R. 902: Mr. Weiner.

H.R. 919: Mr. Payne.

H.R. 927: Mr. Crane, Mr. Hulshof, and Mr. Udall of Colorado.

H.R. 938: Mr. Bonior.

H.R. 939: Mr. Davis of Illinois.

H.R. 957: Mr. Chambliss, Mr. Berry, Mr. Bryant, Mr. Shuster, Mr. Boswell, Mr. Fletcher, Mr. Olver, Mr. Lewis of Georgia, and Mrs. Kelly.

H.R. 959: Mr. Engel, Mr. Fattah, and Mr. Moakley.

H.R. 984: Mr. Ramstad, Mr. Payne, Mr. Miller of Florida, Mr. Towns, and Mr. Owens.

H.R. 991: Ms. Baldwin.

H.R. 993: Mrs. Myrick and Mr. Gekas.

H.R. 997: Ms. Jackson-Lee of Texas, Mr. Franks of New Jersey, Mr. Andrews, Mr. Gilman, Mrs. Lowey, Mr. Blagojevich, Mr. Weiner, Mr. Picket, Mr. King, and Mrs. Roukema.

H.R. 1001: Mr. Barcia, Mr. Tanner, Mr. Coyne, Mr. Lewis of Georgia, and Mr. Scarborough.

H.R. 1008: Mrs. Mink of Hawaii, Ms. Woolsey, Mr. Reyes, Mrs. Capps, and Mr. Green of Texas.

H.R. 1012 Mr. Underwood, Mr. Chambliss, and Mr. Calvert.

H.R. 1041: Mr. DeMint.

H.R. 1053: Ms. Waters.

H.R. 1070: Mr. Bishop, Mrs. Mink of Hawaii, Mr. Frank of Massachusetts, Mrs. Fowler, Mr. Kennedy of Rhode Island, and Mr. Kind.

H.R. 1071: Mrs. Meek of Florida.

H.R. 1074: Mr. Royce, Mr. Barr of Georgia, Mr. Gary Miller of California, Mr. Stump, Mr. Weldon of Florida, and Mr. Tiahrt.

H.R. 1075: Mr. Sawyer.

H.R. 1082: Mr. Jefferson.

H.R. 1084: Mr. Weldon of Florida.

H.R. 1091: Mr. Underwood, Mr. McInnis, and Mr. Frost.

H.R. 1092: Mr. Weldon of Florida.

H.R. 1096: Mr. Capuano.

H.R. 1098: Mr. Maloney of Connecticut, Mr. Schaffer, Mr. Shows, Mr. Rohrabacher, Mr. English, Mr. Canady of Florida, and Mr. Tiahrt.

H.R. 1109: Mr. LaFalce.

H.R. 1111: Mr. Andrews, Mr. LoBiondo, and Mr. Cooksey.

H.R. 1122: Mrs. Johnson of Connecticut, Mr. Houghton, Mr. Cunningham, and Mr. English.

H.R. 1139: Mr. Abercrombie, Mr. Faleomavaega, Mr. Gonzalez, Mr. Gordon, Mrs. Lowey, Mr. Markey, Mrs. McCarthy of New York, Mrs. Meek of Florida, Mrs. Mink of Hawaii, Mr. Nadler, Mr. Olver, Mr. Thompson of Mississippi, and Mr. Underwood.

H.R. 1145: Mr. Scarborough.

H.R. 1154: Mr. Jefferson and Mr. Stearns.

H.R. 1172: Mr. Shows, Mr. Pickering, Mr. Gonzalez, Ms. Pryce of Ohio, Mr. Cardin, Mr. Fattah, Mr. Weiner, Mr. Jenkins, Ms. Kaptur, Mr. Brady of Pennsylvania, Mr. Pitts, Mr. Jefferson, Ms. DeGette, Mr. Foley, and Mr. Terry.

H.R. 1180: Mr. Thompson of California, Ms. Kilpatrick, Mr. McDermott, Mr. McNulty, Ms. Schakowsky, Mr. Olver, Mr. Rahall, Ms. Pelosi, Mr. Sanders, Mr. Bentsen, Mr. Price of North Carolina, and Mr. Berman.

H.R. 1215: Mr. Lantos, Mr. Martinez, Ms. Roybal-Allard, Mr. Ryan of Wisconsin, Mr. Condit, Ms. Baldwin, Mr. Waxman, and Mr. Green of Wisconsin.

H.R. 1221: Mr. Pascrell.

H.R. 1222: Mr. Ganske.

H.R. 1223: Mr. Ewing, Mr. Costello, Mr. Lipinski, Mr. Rush, Mr. Gutierrez, Ms. Schakowsky, Mr. Davis of Illinois, Mr. Jackson of Illinois, Mrs. Biggert, Mr. Evans, and Mr. Weller.

H.R. 1237: Mr. Kennedy of Rhode Island and Mr. Forbes.

H.R. 1244: Mr. LaFalce and Mr. Lampson.

H.R. 1248: Mr. Allen, Ms. Kaptur, Mrs. Roukema, Mr. Boehlert, Mr. Watkins, Mr. Maloney of Connecticut, Mr. Filner, Mr. Nadler, Mr. Sanders, Mr. Hastings of Florida, Mr. Jefferson, Mr. Markey, Mr. Kennedy of Rhode Island, and Mr. Cooksey.

H.R. 1261: Mr. Goode.

H.R. 1266: Mr. Delahunt.

H.R. 1270: Mr. Luther and Mr. Oberstar.

H.R. 1275: Mr. Scarborough.

H.R. 1281: Mr. Gary Miller of California.

H.R. 1288: Mr. Brady of Pennsylvania, Mr. Evans, Ms. Slaughter, and Mr. McIntyre.

H.R. 1289: Mr. Meehan, Mr. Stark, and Mr. Vento.

H.R. 1300: Mr. Greenwood, Mr. Shows, and Mr. Martinez.

H.R. 1322: Mr. Cox, Mrs. Bono, and Mr. Hunter.

H.R. 1330: Mr. Green of Texas.

H.R. 1331: Mr. Green of Texas, Mr. Gonzalez, Mr. Andrews, Ms. Brown of Florida, Ms. Slaughter, Mr. Bonior, Mr. Vento, and Mr. Fattah.

H.R. 1346: Mr. Green of Texas, Mr. Wynn, Mr. Faleomavaega, Mr. Rangel, Mr. Rothman, Mr. Hinchey, Mr. Underwood, Mrs. Meek of Florida, and Mr. George Miller of California.

H.R. 1348: Mr. Kennedy of Rhode Island, Mr. Rohrabacher, Ms. Danner, Mr. Shows, Mr. Bartlett of Maryland, Mr. Smith of Michigan, Mr. Hoekstra, Mr. Sam Johnson of Texas, Mr. Graham, Mr. Hilleary, Mr. Riley, Mr. Gibbons, Mr. Hostettler, Mr. Chambliss, Mr. Weldon of Pennsylvania, Mr. Tiahrt, Mr. Pitts, Mr. Green of Texas, Mr. Hunter, Mr. Talent, Mrs. Myrick, Mr. Callahan, and Mr. Nussle.

H.R. 1354: Mr. Baker, Mr. Combest, Mr. Jones of North Carolina, Mr. Moran of Kansas, and Mr. Bonilla.

H.R. 1355: Mr. Rush.

H.R. 1357: Mr. Sessions.

H.R. 1363: Mr. Wolf.

H.R. 1387: Mr. Skelton.

H.R. 1395: Mr. Gary Miller of California.

H.R. 1398: Mr. Gary Miller of California.

H.R. 1402: Mr. Castle, Mr. Fossella, Mr. King, Mr. McNulty, Mr. Nadler, Mr. Quinn, Mr. Lampson, Mr. English, Mr. Filner, Ms. Slaughter, Mr. Sherwood, and Mr. Lazio.

H.J. Res. 10: Mrs. Emerson.

H.J. Res. 25: Mr. Gibbons, Mr. Spratt, and Mr. Reyes.

H.J. Res. 37: Mr. Simpson.

H. Con. Res. 22: Mr. Cook.

H. Con. Res. 30: Mr. Norwood and Mr. Hostettler.

H. Con. Res. 36: Ms. Kaptur and Mr. Bonior.

H. Con. Res. 54: Mr. Smith of New Jersey.

H. Con. Res. 58: Mr. Green of Wisconsin and Mr. Tancredo.

H. Con. Res. 75: Mr. Gary Miller of California, Mr. Neal of Massachusetts, Ms. Waters, Mr. Watt of North Carolina, Mr.

DIXON, Mr. WEXLER, Mr. BORSKI, Mr. FRANKS of New Jersey, Mr. HALL of Texas, Mr. LANTOS, Mr. PITTS, Mr. HORN, Mr. GUTIERREZ, Mr. PORTER, Ms. SLAUGHTER, and Mr. ROTHMAN.

H. Res. 60: Mr. BROWN of California.

H. Res. 89: Mr. BRADY of Pennsylvania and Ms. ESHOO.

H. Res. 97: Mr. GONZALEZ and Mr. WAXMAN.

H. Res. 107: Mr. ALLEN, Mr. FALEOMAVAEGA, Mr. GONZALEZ, and Mrs. CLAYTON.

H. Res. 133: Mr. TOWNS, Mr. CRAMER, Mr. THOMPSON of California, Mr. WEINER, Ms. BALDWIN, and Ms. ESHOO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 469: Mr. HASTINGS of Washington.

H. Res. 124: Mr. HASTINGS of Washington.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 1, April 14, 1999, by Mr. TURNER on H. Res. 122, was signed by the following Members: Jim Turner, Richard A. Gephardt, Brian Baird, David E. Bonior, Sam Farr, Grace F. Napolitano, Martin Frost, Thomas C. Sawyer, Stephanie Tubbs Jones, Earl Blumenauer, James P. Moran, Ron Kind, Thomas H. Allen, Jim Davis, Bernard Sanders, Albert Russell Wynn, Eddie Bernice Johnson, Sanford D. Bishop, Jr., Gary L. Ackerman, Ron Klink, Nick Lampson, Tammy Baldwin, Earl Pomeroy, Bill Luther, Max Sandlin, Bill Pascrell, Jr., Robert A. Borski, Frank Mascara, John Elias Baldacci, Paul E. Kanjorski, Robert A. Brady, Carolyn McCarthy, Lloyd Doggett, David E. Price, Rosa L. DeLauro, Steny H. Hoyer, Ellen O. Tauscher, Joseph Crowley, Martin T. Meehan, Neil Abercrombie, James P. McGovern, Michael E. Capuano, Baron P. Hill, John Lewis, Lois Capps, Rush D. Holt, Ruben Hinojosa, Darlene Hooley, Patrick J. Kennedy, Zoe Lofgren, James H. Maloney, Carolyn C. Kilpatrick, John F. Tierney, Mike Thompson, Shelley Berkley, Dennis Moore, Lane Evans, Lynn C. Woolsey, Joseph M. Hoeffel, Janice D. Schakowsky, Ed Pastor, Charles A. Gonzalez, David Wu, Marcy Kaptur, Bob Etheridge, Jonn M. Spratt, Jr., Marion Berry, Julia Carson, Juanita Millender-McDonald, Gene Green, Karen L. Thurman, Major R. Owens, Nancy Pelosi, Diana DeGette, Lousie McIntosh Slaughter, Jay Inslee, Tom Udall, Lucille Roybal-Allard, Loretta Sanchez, Bart Stupak, Pat Danner, Mark Udall, Eliot L. Engel, Jim McDermott, John B. Larson, Silvestre Reyes, Bob Clement, John W. Olver, William J. Coyne, Sander M. Levin, George E. Brown, Jr., Michael R. McNulty, Anna G. Eshoo, John S. Tanner, Lynn N. Rivers, Eva M. Clayton, Steve R. Rothman, Chaka Fattah, Ted Strickland, Barbara Lee, Gregory W. Meeks, Edward J. Markey, Jerrold Nadler, John D. Dingell, Robert Menendez, Ronnie Shows, Anthony D. Weiner, David D. Phelps, Henry A. Waxman, Fortney Pete Stark, Nydia M. Velazquez, David Minge, Charles W. Stenholm, William D. Delahunt, Gary A. Condit, Norman Sisisky, Bob Filner, Debbie Stabenow, Norman D. Dicks, Sam Gejdenson, Benjamin L. Cardin, Allen Boyd, Ike Skelton, Robert Wexler, Mike McIntyre, Karen McCarthy, Dale E. Kildee, Carrie P. Meek, Thomas M. Barrett, Xavier Becerra, John J. LaFalce, Sherrod Brown, Rod R. Blagojevich, William O. Lipinski, Luis V. Gutierrez, Dennis J. Kucinich, Brad Sherman, Robert A. Weygand, Leonard L. Boswell, Jose E. Serrano, Elijah E. Cummings, Edolphus Towns, James E. Clyburn, Chet Edwards, Nita M. Lowey, Robert T. Matsui, Melvin L. Watt, Maurice D. Hinchey, Harold E. Ford, Jr., Robert E. (Bud) Cramer, Jr., Barney Frank, Sheila Jackson-Lee, William J. Jefferson, Maxine Waters, Jesse L. Jackson, Jr., Ciro D. Rodriguez, George Miller, Bart Gordon, Bruce F. Vento, Patsy T. Mink, Christopher John, Rick Boucher, Solomon P. Ortiz, Tim Roemer, Robert E. Andrews, Martin Olav Sabo, Howard L. Berman, Tony P. Hall, Charles B. Rangel, Frank Pallone, Jr., Julian C. Dixon, Cynthia A. McKinney, John Conyers, Jr., William (Bill) Clay, Danny K. Davis, Bobby L. Rush, Gerald D. Kleczka, Carolyn B. Maloney, Jerry F. Costello, Ken Bentsen, Adam Smith, Calvin M. Dooley, Robert E. Wise, Jr., Vic Snyder, Peter A. DeFazio, Peter Deustch, Tom Lantos, Donald M. Payne, and Corrine Brown.

SENATE—*Thursday, April 15, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. This morning's prayer will be delivered by our guest Chaplain, Hiram H. Haywood, Jr.

We are glad to have you with us.

PRAYER

The guest Chaplain, Rev. Hiram H. Haywood, Jr., Archdiocese of Washington, Basilica of the National Shrine of the Immaculate Conception, Washington, DC, offered the following prayer:

Lord our God, Almighty King, Most Gracious Father, we offer You our humble thanks for Your past blessings. We offer You all praise, all honor, and all glory.

Heavenly Father, we humbly ask that we may always prove ourselves a people mindful of Your favor and glad to do Your will. Lord, please bless this great land of ours with honorable endeavor, sound learning, and pure manners.

Almighty and ever living God, may You infuse the women and men of this august body, the Senate of the United States of America, with the wisdom to discern Your will and the courage and fortitude to implement it. Grant them the tenacity, at all times and in every place, to stand steadfast in Your faith. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. CRAPO. Mr. President, I thank the Chair.

SCHEDULE

Mr. CRAPO. This morning the Senate will immediately begin the final 5 hours of debate on the budget resolution conference report. Therefore, Senators can expect a rollcall vote on adoption of the conference report at approximately 2 p.m. or earlier if time is yielded back. Under a previous order, the Senate may also expect a final vote on the House version of S. 767, the uniformed services tax filing fairness bill. That vote is expected to occur immediately following the vote on the budget conference report.

I thank my colleagues for their attention, Mr. President. I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000—CONFERENCE REPORT

The Senate resumed consideration of the conference report.

Mr. GRAMM. Mr. President, I rise today in support of the budget that is before the Senate. I am sorry that our dear chairman, Senator DOMENICI, is not here, but I want to say some very strong, positive things about this budget, and I wish he were here to hear it. I want to say it mostly because it is true. It would just be a plus if he were here to hear it.

It has been my great privilege since I first came to Congress to be actively involved in budget debates. In fact, I remember the first debate I ever was involved in as a Member of the House was a debate about raising the debt ceiling, and I remember as if it were yesterday the House majority leader, Congressman Wright from Texas, stood up and said that we had no choice except to raise the debt ceiling of the Government, that we were in a position that a man would be in if his wife went out and ran up all these debts on the credit card and the debt collector was at the door.

Today, in this era of political correctness, no one would ever suggest such a thing. They would say their spouses ran up these bills, and probably the reality would be the man did run up the bills in any case. But the point is that the then-majority leader of the House, in 1979, made the point that these bills had been run up and the bill collector was at the door, and so we didn't have any choice except to pay the bills as any good, honest family would.

And so I stand up and say that the first thing I ever said in debate in the Chamber of the House was, well, it is not really the way it works. It is true that honest families would pay their bills, but what they would do is they would sit down at the kitchen table, they would talk about how they got in this financial mess, they would get out the credit card, they would get out the butcher knife, they would cut up the credit card, they would get an envelope and pencil and they would work out a new budget on the back of an old used envelope, and they would start over again. The problem in Congress was we kept simply spending money, incurring debt, raising the debt ceiling, and nobody ever sat down around the kitchen table, nobody ever got out the butcher knife and cut up the credit cards, and so, as a result, we never changed anything.

So anyway, I opposed raising the debt ceiling. It failed. And then we tried to offer an amendment trying to tie the debt ceiling to the budget and saying you can only raise the debt ceiling if you balance the budget.

Well, to make a long story short, from that time in 1979 until today, I have been involved in debate about every budget that has passed in this Congress or been enforced in this Government since 1979. And let me say that of all those budgets, this is the best budget that has ever been written by American Government in that period.

Now it is probably not, certainly not the most profound budget. The most profound budget was the Reagan budget that was written in 1981. But in terms of what you want a budget to be, it would be very hard to improve on what this budget does. And it is one of my frustrations that everything is now so focused on the war in Kosovo and on many other issues, and we are not having any kind of adequate debate or focus of attention on the profound nature of the budget that is in front of us and what great promise this budget holds for America if we actually enforce this budget.

So let me begin by just ticking off some things this budget does, and then I want to get into a discussion of a comparison of this budget with what the President proposed. I want to get into some of these areas like Social Security and Medicare that have been talked about a lot and will be talked about again. But let me outline what this budget does.

First of all, this is a 10-year budget that, if enforced, will balance the budget every single year for 10 years. To sort of turn on its head the language of the 1980s, this is a budget that has surpluses as far as the eye can see. And it has those surpluses because it maintains a restriction on spending in a period where revenues are gushing into the Federal Treasury, a period where if we are not very careful we are going to see the launching of a massive new spending spree which could squander the surpluses of today that give us the opportunity to pay down debt, to rebuild Social Security, and do it right this time by basing it on wealth instead of debt, that give us the ability

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to let working men and women in America keep more of what they earn through a reduction in taxes. If we can keep these spending control measures in place, we can provide adequate Government—in fact, the highest levels of Government spending in American history. And yet by controlling the growth of spending, with the power of the American economy and our competitiveness on the world market and the attractiveness of our capital market with huge amounts of wealth flowing into our equity markets, inflating values, making American families richer, and inducing them to take income and capital gains and pay record levels of taxes on it, we can keep the budget balanced, we can rebuild Social Security based on wealth, and we can cut taxes for working Americans. This budget does all those things.

Now, a budget is like a marriage license. It gets you into the deal, but it doesn't make it successful. The easy part is saying "I do." The hard part of a successful marriage is what comes after the wedding. But you cannot have the successful marriage if you don't have the wedding. We are being brought to the altar here with a document that promises all the right things. It is now going to be up to us to enforce those promises. But the key promise, the linchpin of this budget, the element of this budget on which everything else hinges is it enforces the spending caps. If we do not control spending, we are not going to have the surplus. We are not going to be able to rebuild Social Security based on wealth instead of debt. We are not going to be able to preserve a balanced budget, and we are not going to be able to cut taxes.

Now, the second thing this budget does, which I rejoice in, is it strengthens our ability to do these things. Every Member of Congress, and I wish every American, understood what happened last year. The President stood up really on the opening day of Congress last year in the State of the Union Address and said save Social Security first. Don't spend a penny of the surplus on either Government programs or tax cuts. Save every penny of it for Social Security.

Well, we all know that the President was not telling the truth. We all know that in the end we ended up spending very much of that surplus. We ended up on the last day of Congress taking a third of the surplus that was meant for Social Security and spending it on other programs, and we did it in the name of emergency spending.

One of the most important features in this budget is that we have in this budget an enforcement mechanism that says that if someone wants to designate an emergency in nondefense spending, they are going to have to get 60 votes, if somebody raises a point of order. My basic view is, if something is not important enough or enough of an emergency that 60 out of the 100 Members of the Senate will vote for it, then it is not an emergency.

I say right now that I personally intend, if others don't, to raise a point of order against each and every emergency spending bill that would raid the Social Security trust fund. I give notice right now that anybody who has an idea that we are going to make all these wonderful promises, that we are going to promise to love, cherish, and obey in this little wedding we are having here on the budget, but that we are going to turn around and start cheating in the fall by breaking this budget by claiming all kinds of expenditures are an emergency, that they better be ready to get 60 votes in the Senate if they are going to be successful. They better be ready for a real battle, because I, for one, believe in this budget, and I intend to fight for it very, very hard.

This budget puts a focus on some priorities. It basically says that even in a tight budget not all spending is equal. It puts a focus on veterans' health care, and it does it by, quite simply, taking the position that in a time when you are trying to control spending, you have benefits and you have earned benefits. The basic position of our budget is that those who have served the country, who have preserved its life by wearing with pride its uniform and fighting its wars and by keeping its peace, that even at a time when we have tight budgets, they ought to come first. So this budget provides more money for veterans' health care, and I support it.

This budget provides more money for education. It doesn't create the money magically. It takes it away from other programs, with the basic idea that we ought to let the States decide how to spend money on education rather than the Senate being a huge 100-member school.

This budget calls for an increase in defense. One of the great unknowns now, not knowing what the war in Kosovo is going to cost, is what is this going to do with our budget and where do we go from here. I want everybody to understand that this budget is written in such a way that we contemplate an increase in defense spending. We want to give a pay increase to everybody in the military. We want to try to provide the pay and benefits and recognition that will help us retain in uniform and recruit the finest young men and women who have ever worn the uniform of the country. Today they wear that uniform with pride, but we have grown increasingly concerned that we are falling behind in recruitment, in retention. We are having trouble, especially, keeping pilots. Now that the President has us deployed in some 30 different engagements around the world, where defense spending has been cut by over a third since its peak in real terms, and yet we have massive military deployments, what is happening is, people are beginning to leave the military.

This pay increase that we call for in this budget is vitally important in terms of helping us recruit and retain the best people. Having all these miracle weapons does us no good if we don't have quality people to man those systems. We have the best people in uniform today that we have ever had. We want to keep it that way. That is what this budget does.

That is the choice we have. The choice that is presented to us in this budget is, even though we are in a period of record prosperity, even though the level of revenue flows is a record level, what we call for is to limit the growth of Government spending, put a focus on areas like veterans' health care and education and defense, use the surplus to deal with the looming crisis that faces us in Social Security, and to the extent that we have surpluses flowing from the general budget instead of from Social Security, take the bulk of that money and give it back to working families in tax cuts.

That is what this budget does. I believe that it is an excellent budget. I think looking at the whole package, it is the finest budget presented in America in the 20 years that I have served in Congress.

Talking specifically about several different areas, I want everybody to understand that there is a shell game going on with Social Security. I want to explain, because people have trouble understanding what it is the President is doing on Social Security and what this budget does on Social Security. Let me first explain what this budget does on Social Security, and then explain the fraud that is perpetrated in the President's budget.

What this budget does on Social Security is very, very simple. It says every penny that we collect in Social Security taxes that we don't have to have to pay Social Security benefits should be dedicated to Social Security. It ought to be locked away, and it ought to be available to any effort to rebuild the financial base of Social Security. But we should not spend it on any other Government program, nor should we use it for tax cuts. In fact, Senator DOMENICI, in a proposal that is enshrined in this budget, but we will have to vote on separately, sets up a lockbox where we literally change the lending limits that the Government faces, the debt ceiling, so that we will not be able to spend one penny of the Social Security surplus.

This is vitally important because, as anybody in the Senate knows, and I wish every American knew, our Government has been stealing every penny of money coming in to the Social Security trust fund. We currently have IOUs for this money that are sent to West Virginia and put in a metal filing cabinet, but the Government then takes the money and spends it on everything but Social Security. None of that money is being used for Social Security purposes.

Senator DOMENICI's lockbox would change that permanently and say that this money would be set aside to reduce debt, and it would be available when we can agree with the White House on a way to rebuild the financial base of Social Security. That is a critically important proposal.

If the American people knew the extent that we have been stealing money out of the Social Security trust fund, there would be outrage in the country. That is exactly what is happening. The Domenici lockbox ends that forever, and it is vitally important. I hope every Member will support it.

Now, let me talk about this shell game the administration is playing on Social Security. Let me say, to begin with, that if you have been involved in every budget since 1979, you have seen phony assumptions, smoke and mirrors, shell games, or whatever the words are that we use. But let me say, so that no one is confused, that in Republican and Democrat administrations I have seen people make assumptions that were wildly unrealistic about the future, about what inflation was going to be, about what interest rates were going to be, about what economic growth was going to be, about what spending was going to be; but those were always assumptions about what was going to happen in the future where at least people could say, well, it may be based more on hope than reality, but it could happen.

What the Clinton administration has done is they have brought phoniness, distortion and untruth into the budget at a level which has never existed in the American budget in the history of this country. And no better example exists than under Social Security.

I think I can explain it to you very simply. Here are the facts. In the year 2000, the first year of this budget, we projected a $131 billion surplus in the unified Federal budget. If you take every penny we get from every source, and you take every penny we spend on every program or giveaway, or lose, or forget about, and you bring those two together, we are taking in $131 billion more than we are spending. Now, Social Security is taking in $138 billion more than it is spending. So while we show that we have a $131 billion surplus, the reality is that if you don't count the Social Security trust fund, we are actually spending $7 billion more than we take in.

So let me show it to you this way. We are taking in $138 billion more than we are spending on Social Security alone. We are then spending $7 billion of that money from Social Security on general government. Now, that would leave you with $131 billion of money for Social Security.

What the administration does is it sends to West Virginia this piece of paper that actually prints out on a computer, and it says, "IOU Social Security $138 billion." So they get this piece of paper, they tear it off—and it has actually been on television, and they won't let you photograph the bonds, interestingly—they tear off the perforated edges and they take that $138 billion IOU and put it in the filing cabinet.

Now, what happens is, we then spend $7 billion of it immediately, and that brings us down to $131 billion. Now, the President says, well, let's take 62 percent of that and give it back to Social Security and we will spend 38 percent of it. So we started with $138 billion, we spent $7 billion, and then the President says let's spend 38 percent of what is left and then we will send another IOU to Social Security for $81 billion. So out of the $138 billion that they initially had, they send IOUs to Social Security for $219 billion. Now, they started with $138 billion and then they spent $7 billion, and then of that $131 billion that was left, they spent another $50 billion, and then they give Social Security an IOU for $219 billion.

Now, any freshman accounting student in any accounting class in America would be given an "F" if they proposed on an examination paper such an accounting system. Yet, some of the most highly educated people in America—men and women of great stature—stand up in front of God, a television camera, and everybody else in the world and defend this totally phony, fraudulent, embarrassing proposal. I guess we all have our own standards, but I would not do it. I don't admire people who do it. I think it does a terrible injustice and disservice to the American public that this is happening.

I wanted to show this graph to sort of bring the whole thing together. What I have here is plotted between the years 2000 and 2009, the years where this budget is in effect, the Social Security surplus. It starts out at $138 billion and it grows over the period to over $200 billion a year. That is the amount of money that Senator DOMENICI locks away in his lockbox. Now, in addition to the Social Security surplus, because the economy is growing so quickly and because we are controlling spending, if we actually do it, we will get an additional surplus in the rest of the Government in this area that I call "B" on this chart.

Interestingly enough, what the President does is, he says let's take 38 percent of this unified budget, Social Security plus non-Social Security budget, and let's spend it and then give the rest to Social Security on top of the Social Security surplus that we have already measured. So that is how they start out with the Social Security surplus and then end up with these huge IOUs that they claim they are giving to Social Security. It is interesting because if you look at the President's plan—and this chart is from the Social Security Administration—if you look at their plan, they claim that under their plan they are building up the assets of Social Security from $864.4 billion to $6,697.8 trillion. Yet, when you look at the Office of Management and Budget figures—and all this is put out by the same administration—when you look at their actual level of paying down the debt, that level turns out to be only $2,183.6 trillion. So the question is, What happened to the $3.6 billion? What happened to it?

The President says that under his system, with all this double counting of money, he was putting $5.8 trillion into Social Security; yet, his budget shows only $2.163 trillion actually saved for Social Security. What happened? Well, what happened is that none of this money ever went to Social Security to begin with. It was all a paper, double-counting bookkeeping. Their own numbers show it. Yet, nobody is embarrassed enough about it to simply say, well, this is phony and we apologize and we should have never tried to perpetrate this fraud on the American people.

Now, I think we can be proud of the fact that in this budget every penny of the Social Security surplus is locked away to be used for Social Security. And when we decide how to save Social Security—and I wish we could decide today; maybe we will tomorrow—those funds will be there for that purpose. I think that is very important and I want to congratulate Senator DOMENICI for his leadership on this issue. I want to address two other issues and I will speed it up if anybody else comes over and wants to speak. If not, I will give a fairly detailed description of both.

The next issue is tax cuts. The budget before us simply says that every penny of the Social Security surplus will be there for Social Security; that of the surplus that is left, we keep a reserve of money that is available for a contingency use which could be used for one of many purposes, and then after we set aside that contingency, we provide the rest of the money for tax cuts for working Americans. After all, the surplus we have is due to the fact that Americans are working harder, working smarter, working in a more productive way, earning more and paying more taxes.

There have been several proposals to cut taxes. None of them are endorsed in this budget. This budget simply gives to the Finance Committee the ability to cut taxes. And there have been a lot of proposals discussed. But the one that especially our Democrat colleagues have talked the most about is a proposal to cut taxes across the board. This has given rise to a debate in which I love to engage. Obviously, my Democrat colleagues love to engage in it as well. This is the debate that basically takes the view, as our Democrat colleagues often do, that investment is a good thing but investors are somehow bad people; that wealth is a wonderful thing but people who create it, that somehow there is something wrong with them, or that there is something wrong with letting them keep part of it. I don't understand how you can love investment and not love investors.

I view people who are successful as being public benefactors. I never got a job being hired by somebody who made less money than I did. Everybody who ever hired me was richer than I was, which is why they were hiring me rather than me hiring them. And I never resented the fact that people had gotten rich by working in America. But here is what you are going to hear all day today, and here is what you are going to hear as we debate the tax cut.

We have a very, very progressive tax system in America. "Progressive" is really a phony word. It is a made-up word that is meant to really cloud the issue so you don't really understand. Under our system, if you make more money, you not only pay more taxes proportionately, but the rate of taxes goes up. So that as you make more money, your taxes don't go up proportionately but they go up exponentially.

Our system of taxes is so progressive that roughly 50 percent of Americans pay virtually no income taxes. And they pay no income taxes because there are many provisions which were adopted when Ronald Reagan was President in terms of changing the Tax Code. We were able to make some changes with the child tax credit and in our tax cut of 2 years ago that further exempted income from taxes. But the bottom line is that about 95 percent of income taxes are paid for by people who are in the upper half of the income distribution in the country.

What our Democrat colleagues have discovered is that we do have a progressive income tax. So that if I pay $5,000 of income taxes, and someone else pays $50,000 of income taxes, and we give a 10-percent tax cut, I get $500 as a tax cut and they get $5,000 as a tax cut. And our Democrat colleagues think that is somehow outrageous.

But the point is, the only way you are getting more of a tax cut is if you are paying more taxes. So that what they are really talking about is that the system is progressive.

Should it be progressive? You know there are many people who believe we ought to have a flat tax and that everybody ought to pay the same rate. But the point is, if we are going to cut taxes and Senator ROCKEFELLER pays 10 times as much in taxes as I do, or 100 times as much in taxes as I do—I don't know, and I hope he pays 100 times as much because then he is better off and so is America. But, whatever it is, the fact that he would get a bigger tax cut than I do from an across-the-board tax cut is the most reasonable thing on Earth to me if he is, in fact, paying more taxes than I am paying.

I believe our No. 1 priority in cutting taxes is we ought to cut everybody's taxes by 10 percent. So, if you do not pay any taxes, you should have learned in the third grade—since I repeated the third grade I remember it—that anything times zero is zero. So with a 10-percent tax cut, if you are not paying any taxes, you don't get a tax cut. You are going to hear our colleagues say, well, 50 percent, or 40 percent, or whatever the number is they choose or make up today, people will get no tax cut under a 10-percent tax cut. The only person in America who will get no cut in income taxes from a 10-percent tax cut by definition is a person who pays no income taxes.

Here is my point. Most Americans don't get Medicaid. Most Americans don't get food stamps. Most Americans don't get welfare. Why don't they get those things? They don't get those things because they are not poor. Tax cuts are for working people. Welfare is for poor people. Medicaid is for poor people who are sick. Medicare is for elderly people for their health care. We have many different programs that do not go to everybody. We have very few programs in America that everybody benefits from directly.

The point is, if not everybody gets welfare, why should we be shocked that if you do not pay income taxes, that when we cut income tax rates you don't get a tax cut? I don't find that to be shocking. I don't have any trouble saying to somebody in my State who says, "You cut income tax rates by 10 percent and I didn't get a tax cut." I know, because I understand arithmetic, that they are not paying any income taxes anyway. So I don't have any problem saying, "Yes. That is right," because tax cuts are for one unique group of Americans, "wagon pullers," I call them—the people who are pulling the wagon in which so many other Americans are riding; the people who are paying for the Medicaid they don't get, for the welfare benefits they don't get, for the food stamps they don't get. Tax cuts are for the people who are pulling the wagon in which all other beneficiaries of Government are riding.

So I don't feel the least bit squeamish about saying that tax cuts are for taxpayers. If you do not pay income taxes, you don't deserve a cut in income taxes, because you are not paying any.

We have a surplus because Americans are working harder and paying more taxes. In fact, they are doing it today, tax day. I want everybody who is going to the post office today to send their taxes to the government—if you happen to be on mountain time, or if you are on Pacific time and you have nothing better to do than to turn on C-SPAN—I want you to remember this when you pay your taxes: I want you to remember, you didn't get food stamps, you didn't get welfare, you didn't get Medicaid, but I believe—and the party I am a member of, the Republican Party believes—that you ought to get a tax cut. Our Democrat colleagues are going to say—you are going to hear it, so pay close attention. They are going to say, yes, you get a tax cut. You—this person working in Los Angeles, CA, on your way to mail your check in right now—you get a tax cut.

Think of these people that don't get a tax cut. How is it fair that Joe Brown and Susie Brown, who make $21,000 a year, pay no income taxes, and get an earned-income tax credit—which is really a welfare benefit—why is it they don't get a tax cut when you do? The answer is, they don't pay any income taxes and you do.

We have this basic viewpoint which our Democrat colleagues find to be radical. That point is, if you don't pay income taxes, you don't get a tax cut; if you do pay income taxes, you do get a tax cut. The more taxes you pay—and God bless you for doing it, because if people are paying record taxes it means they are earning record incomes—I believe, and the great majority of the Republicans in Congress believe, if you pay more taxes, you ought to get a bigger tax cut. That is what an across-the-board, 10-percent tax cut would do.

A final point: This used to be a bipartisan idea. John Kennedy proposed an across-the-board tax cut in 1961 which was adopted and became law. His famous words are, "A rising tide lifts all boats." That is still believed by one-half of the political spectrum in America. It is no longer believed by the other half—and that is the half that he was once a part of.

To conclude, let me talk a little bit about Medicare. There is no more fraudulent portion of the President's budget than the proposal about Medicare. Let me give Members a tiny bit of history. We, through an act of Congress, signed by the President, set up a Medicare Commission. In a gesture toward bipartisanship, Republicans—who control both Houses of Congress—agreed to appoint a Democrat, Senator BREAUX, as chairman of that Commission. Senator BREAUX did a great job as chairman of the Medicare Commission. It was my privilege to serve on that Commission. I remember as if it were yesterday President Clinton called the whole Commission down to the White House and talked to us about the terrible problems we had in Medicare and challenged each of us not to let the work of the Commission fail because of us. He challenged each of us to find a way to be for the final proposal.

As it turned out, as most people now know, the final work of the Commission did fail. It failed by one vote. Not one single person appointed by President Clinton found a way to be for the final proposal, and they all voted against the Commission proposal. The President, in 3 months, had an opportunity to change American history on Social Security and Medicare, and in both cases he failed.

What did the President do in his budget? What the President did in his budget is literally this: He said we are going to pay off debt—though not as much as the Domenici budget—but we are going to name the debt reduction in honor of various programs. That is in essence what it was. In essence, what the President's budget does is send a little note to Medicare that says: You will be happy to know that Federal debt was reduced by such and such an amount and it was done in your name. It would be sort of like our Presiding Officer having someone send a check to his university saying, "We made a contribution in your name," and then you say, "When do I get the money?" You don't ever get the money.

What the President did in Medicare—which was one of the cruelest hoaxes I can imagine in public policy—the President didn't give Medicare a penny over 10 years, provided no additional money to Medicare. In fact, he cut Medicare, cuts that are not in the budget before the Senate. So he cuts Medicare funding over 10 years, and yet by sending this IOU to HCFA, the agency that runs Medicare, he somehow creates the impression that he has given Medicare more money, when none of this IOU can be spent. In fact, the only way we could ever provide money under this is to raise taxes, to cut Medicare or cut other Government programs. Yet the President creates this impression that he has provided this money that could be used for pharmaceutical benefits or all these other wonderful benefits. It is a cruel hoax.

What we do in our budget is set out a procedure where this reserve fund, this reserve money that we didn't use for tax cuts that we kept as a buffer could, in part, be used for Medicare. Our problem in Medicare is we need to adopt the Breaux Commission report. We had a vote on instructing conferees for us to preserve our commitment to that. It is in this budget. We are going to bring that proposal to the Finance Committee. I hope we are going to adopt it.

What that proposal will do, in addition to planting the seeds to save Medicare, for moderate- and low-income retirees it will, for the first time, give them assistance on pharmaceuticals. For middle-income retirees and upper-income retirees, by expanding the options that are available, by literally letting them have the same health insurance that I have as a Member of the Senate, it will allow them for the first time to have an opportunity to buy into a plan that will give them some assistance with their pharmaceuticals.

I have talked a long time and covered a lot of subjects. Let me conclude by simply congratulating Senator DOMENICI. This is a great budget. If we can enforce this budget, America will be richer, freer, and happier. If we can enforce this budget, we will have an opportunity to begin the long process of rebuilding the financial base of Social Security based on wealth and not debt. If we can enforce this budget, we will pay off Government debt. If we can enforce this budget, we will be able to give working Americans tax cuts.

It is one thing to enter the marriage; it is another thing to make it a successful one. This is a very important day, a very important budget. I am very proud to be for it.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I just came to the floor to hear my distinguished colleague from Texas say this is the finest budget in 20 years.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. I yield 10 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

Mr. HOLLINGS. Mr. President, this is the same act, same scene, under different auspices, different rules and regulations, with the manifest intent, in this particular Senator's opinion, that what is on course here is a Milton Friedman-like plan of the distinguished Senator from Texas to privatize Social Security, to establish private savings accounts. The Republicans do this in violation of all the rules and regulations that you can think of that have been put in over the past several years to bring about fiscal discipline.

Let's get right to the point: We, up until now, have been on course with some fiscal discipline. Credit President Clinton and the 1993 Congress that enacted the Balanced Budget Act, which cut spending, increased taxes, increased taxes on Social Security—the very measure that they said was going to end the world and throw us into a depression whereby even the distinguished chairman on the House Budget Committee said he would change parties. I don't know whether he is running today for President as a Democrat or Republican, but to my knowledge Mr. KASICH is still a Republican. He said he would change parties if it worked. It is working. The market is over 10,000, we have housing starts and inflation is down, unemployment is down, and everything else of that kind.

When they reported this budget, trying to continue the fiscal discipline, here is the language:

In addition to the fiscal policies contained in the budget resolution, I also am troubled by the process the Republican majority wants to use in this year's budget. The reconciliation process have been used sparingly in the past to improve the fiscal health of the budget. It was created to give the Senate a process for making difficult fiscal decisions—decisions that often require cutting popular programs and increasing taxes to balance the budget.

That is not the case this year. The Republicans want to use the reconciliation process to dramatically reduce revenues over the next ten years and impair the progress we have made so far in reducing the deficit and beginning to pay down the debt.

The budget resolution also would modify the pay-go point of order. Pay-go was required to insure the Senate would provide off-sets to reduce taxes or increase spending. The modified budget resolution now will make it possible to cut taxes without a fiscal off-set. By making it easier to use future surpluses to cut taxes instead of paying down the debt, this will eliminate the fiscal discipline that has reduced the deficit and contribute to the fiscal cancer eating away at America.

I say cancer, and I say that advisedly, because when President Johnson last balanced the budget, the interest cost on the national debt was only $16 billion. Today it is just about $1 billion a day. The last estimate of the Congressional Budget Office was $357 billion each year. When President Johnson last balanced the budget, after 200 years of history—the cost of all the wars from the Revolution on up, World War I, World War II, the cost of Vietnam, Korea—the interest cost on the national debt was only $16 billion. Now, since that time, without the cost of a war—we made money on Desert Storm—so, without the cost of a war it is now $1 billion a day, eating away. With that wasted money, the interest cost on the debt, I could give the distinguished Presiding Officer his $80 billion tax cut, I could give our Democratic friends our $80 billion in increased spending, I could give $80 billion to save Social Security, I could give $80 billion to pay down the debt—that is only $320 billion. But we are going to spend at least $357 billion this year on nothing, and if interest costs start going back up we will be to $500 billion.

But, to the original point, read this conference report. Here are the shenanigans that go along and are given dignity by my distinguished colleague from Texas saying it is the finest budget he's seen. I was sorry to see him do that because I joined him in passing Gramm–Rudman-Hollings for fiscal discipline, and this is the most undisciplined shenanigan that you will ever find.

On page 18, section 202 of the conference report:

> Whenever the Committee on Ways and Means of the House or the Committee on Finance of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted that enhances retirement security through structural programmatic reform, the appropriate

> chairman of the Committee on the Budget may—
>
> (1) increase the appropriate allocations and aggregates of new budget authority and outlays by the amount of new budget authority provided by such measure (and outlays flowing therefrom) for that purpose;
>
> (2) in the Senate, adjust the levels used for determining compliance with the pay-as-you-go requirements of section 207; and
>
> (3) reduce the revenue aggregates by the amount of the revenue loss resulting from that measure for that purpose.

I want the Parliamentarian to listen to that one. I can tell you how he will rule. He will say it means whatever Mr. DOMENICI says it means. What does that gobbledygook mean? Listen to this. I will read it again:

> Whenever the Committee on Ways and Means of the House or the Committee on Finance of the Senate reports a bill or an amendment thereto is offered, or a conference report thereon is submitted that enhances retirement security through structural programmatic reform, the appropriate chairman of the Committee on the Budget may [blah blah blah blah].

He can do away with the pay-go rule, he can cut the revenues, he can do whatever he pleases. And that is what my distinguished colleague from Texas calls the finest budget he has seen, because he doesn't want this crowd to read and understand what is going on.

Bring out the Roth IRA for the rich. Under this budget, pass a law, don't care about the rules, don't care about pay-go, don't care about any available monies. I say that IRA is for the rich because one American—to bring it into focus, Bill Gates, $51 billion—is worth more than 100 million Americans. One man in this society that we are developing is now worth more than 100 million Americans.

So there are a lot of people who do not have anything to say about this. But you sort of enhance your security and retirement—for the idle rich. Whoopee and the dickens with the pay-go rule, Mr. Parliamentarian. You don't have to worry about that. You don't have to worry about the loss of revenue or anything like that, the reconciliation process. It is reserved. Now the Republicans can come on in and privatize Social Security, all under the auspices of saving Social Security.

It is still off on this public debt, as if there is some difference from the national debt. Let me explain one more time. When you pay down your public debt, you increase your Social Security debt. That is where the money comes from. The whole gimmick here is to pay down Wall Street's credit card with the Social Security credit card. It is like having a Visa and a Master and you want to pay down the MasterCard with your Visa card, so you pay down the MasterCard with the Visa card. But it is still your card; it is your debt. All you've done is shift debt from spending column to another. That is why the debt this particular fiscal year, 1999, goes up $100 billion. That is the Congressional Budget Office figure.

Let's sober up here. Everybody is running around saying, "Surplus, surplus." How are we going to do it? They all have different ideas: "Surplus, surplus." The truth of the matter is there is no surplus. There is a deficit. We are spending $100 billion more than we are taking in.

I thank the distinguished Presiding Officer.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me thank the Senator from South Carolina. This country could have avoided an awful lot of the pain of the 1980s and 1990s if this country had listened to the Senator from South Carolina on budget matters. There has been no Member of this body who has had a better handle on the budget problems of this country than the Senator from South Carolina. Years ago, if we would have followed the Hollings plan and put in place a budget freeze, we could have avoided the massive deficits that came in the 1980s and the early 1990s, and this country would have been in a far better fiscal position.

He has been an activist and a leader on the Budget Committee of every effort to provide fiscal discipline to this country. I venture to say, in this Chamber there is no single Member who has made a greater contribution moving this country from massive deficits to now surpluses than the Senator from South Carolina. Senator HOLLINGS has been, I think, a model of what a United States Senator should be, in terms of budget discipline for this country. This country owes him a debt of thanks for the leadership he has provided.

Mr. HOLLINGS. If the distinguished Senator will yield, he has been far too generous. Our floor leader, Senator CONRAD of North Dakota, has really been leading the fight for us in the Budget Committee. That is why we are able to get some semblance of some discipline there. I hope, with the conference—maybe I could ask the Senator a question. Did they have a conference? Did the distinguished Senator from North Dakota go to a conference on the budget?

Mr. CONRAD. Yes. I was on the conference committee. It went to the conference.

Mr. HOLLINGS. Oh, they had one.

Mr. CONRAD. They had one, but they did not have a budget there. It is most amazing. As my colleague knows, a conference is the representatives of the Senate and the representatives of the House coming together to work out the differences between the two. We were there, the Members were there.

I think you would have been quite amazed, I say to the Senator from South Carolina, because there was no budget there, there was no document there. There was no discussion about the differences between the House and Senate. What we had was an immaculate conception. What we had was a document that appeared out of nowhere after we had met.

Mr. HOLLINGS. As one big charade, rather than save Social Security, they plan to privatize it. There is no question in this Senator's mind.

Mr. CONRAD. To privatize it or raid it in some other way. We really do not know. I was very interested to listen to the Senator from Texas say—say—that they had reserved every penny of Social Security surplus for Social Security. That is what we said.

Mr. HOLLINGS. That is what he said.

Mr. CONRAD. Unfortunately, that is not what the budget document provides. It is very interesting; the Senator from South Carolina probably knows better than anybody how one can play games with these documents. It is fascinating what they have done here, because on one line, they suggest that they have provided a lockbox for Social Security. That is on one line on page 16 and it runs on to page 17. But then on the bottom of page 17, in the next section, they gut what they did earlier on the page. This is the oldest budget game in the book: "Now you see it, now you don't."

Mr. HOLLINGS. It is an old insurance game. I remember that when I was Governor, we were trying to clean up the insurance industry in my State. A new company was looking for a slogan, and we finally came up with the winning slogan: "Capital Life will surely pay, if the small print on the back don't take it away."

Now we have it all the way up here 35 years later in the budgetary process of the U.S. Government.

Mr. CONRAD. I wish it were not the case but, unfortunately, it is. We had, I think, hoped—certainly the Senator from South Carolina and I—that we would be at a point where we really would reserve every penny of Social Security surplus for Social Security. We thought that is where we were headed. Unfortunately, what our friends across the aisle have done is indicate that that is what they are doing, but that is not what the budget document says. No, no, no, they have changed it all, and they have made it possible to continue the raid on the Social Security trust fund on a simple majority vote which, of course, their lockbox was intended to protect against.

Unfortunately, what they say they have done and what they have done are two very, very different things.

Mr. HOLLINGS. They gave the key for the lockbox to everybody save the Social Security recipients.

Mr. CONRAD. Social Security is clearly in danger. Clearly, the priority on the other side is a tax cut, a massive tax cut at all costs. That is their priority.

Looking at this budget, the budget that is before us, the major problem with it is that it does not represent the priorities of the American people. I think the best way to understand this is we now have projected a surplus over the next 10 years of $2.6 trillion. Our friends on the other side say all of the non-Social Security surplus—virtually all of it—ought to go for a tax cut. Nothing, not a dime out of that surplus is for Medicare—not a dime—even though it is in greater danger than Social Security. They do not have the resources available for the high-priority domestic concerns of education, health care, defense, because if you look over time, they are going to have massive cuts in those categories. They are disguised, they are hidden, but they are there.

Mr. President, I think perhaps it would be useful to recount a little bit of the budget history, how we got to where we are today and where we are headed.

This chart shows over the last 30 years the budget history of the United States at the Federal Government level. We can see the last time we had a surplus was back in 1969, a little bitty surplus of $3 billion. We bumped along. Then we got into the seventies and the deficits started rising. Then we got into the Reagan years and the deficits exploded.

We then had the Bush years and the deficits got even worse, so that on a unified basis—unified basis simply means all spending, all revenue put in one pot; that is a so-called unified budget—and on a unified basis in 1992, the last year of the Bush administration, we had a $290 billion deficit.

In 1993, President Clinton put before the Congress a 5-year plan to reduce the deficit. We passed that plan. It was done with all votes on this side of the aisle. Not a single Republican voted for that plan. Not one. That plan has reduced the deficit each and every year of the 5 years of the plan. In fact, now we are seeing a slight surplus.

What did that plan contain? It cut spending. It cut spending and it raised income taxes on the wealthiest 1 percent in this country. The Senator from Texas who was talking earlier opposed that plan. He said, as did many on that side of the aisle, that it would not work. In fact, they said it would increase the deficit. They said it would increase unemployment. They said it would increase inflation. They said it would be an economic disaster. They were wrong. They were not just a little bit wrong, they were completely wrong.

The fact is that plan worked and worked extremely well, and the proof is in the pudding. We can see what happened to the deficit after that plan passed in 1993. Each and every year the deficit came down. In this last year, we ran on a unified basis a $70 billion surplus, and we are headed for much larger surpluses if the projections come true.

On a unified basis, we ran a surplus last year. But remember, that counts all revenues and all expenditures. If we take out Social Security, because that is a separate trust fund, we will see we still ran a deficit last year of $29 billion—if we take out Social Security—because it was in surplus by about $100 billion.

The good news is, we are very close to balancing without counting Social Security this year, and in 2001, we anticipate we will balance without counting Social Security. That is an enormous, enormous development and enormous progress.

You can see back in 1992, if we were not counting Social Security, we had a $340 billion deficit. That is the kind of progress that has been made, and it has been made because, as I indicated, we had a 1993 5-year plan that cut spending, raised taxes on the wealthiest 1 percent, raised income taxes on the wealthiest 1 percent, and in 1997, we had a bipartisan deal. In that case, we came together and agreed on a budget plan to finish the job of balancing the budget.

This chart shows what the 1993 plan did and what the 1997 plan did. You can see most of the savings are the result of the 1993 package. Again, our friends on the other side of the aisle—all of them, to a person—voted against it. The bipartisan agreement was 1997, but most of the work has been done by the 1993 5-year plan and that, in combination with the 1997 plan, has put us in this very favorable circumstance we face now.

I thought just for the record we should look back on what the deficits were under each of the last three Presidents.

With President Reagan, from 1981 through 1988, we saw the deficits explode.

They went from $80 billion a year—that is the deficit he inherited—and very quickly he shot it up to $200 billion. Then we, at the end of his term, saw some improvement—back down to about $150 billion.

When President Bush came in, the deficits exploded again, and went from $150 billion, as I indicated, up to $290 billion a year by 1992.

Under President Clinton, as I indicated, in 1993 we passed a 5-year plan; and we can just look at the results. In 1993, the deficit was $255 billion. And you can see each and every year thereafter the deficit went down under that 5-year plan. We almost achieved unified balance under that 5-year plan.

So the proof is in the pudding. Our friends on the other side of the aisle talk about "sham" and "hoaxes," and all the rest of it. The proof is in the pudding. My friends, Democrats passed a plan in 1993, without a single Republican vote. Democrats did the heavy lifting to get this country back on a fiscally responsible course. Facts are stubborn things. And the facts show, without question, that the Democrats passed a plan that, in fact, restored fiscal health to this country.

It is true in 1997 we did get together on a bipartisan basis to finish the job. I wish it could have been bipartisan in 1993. But our friends on the other side of the aisle said then that if you pass this plan, you are going to make the deficit worse. They said if you raise taxes, even if it is on just the wealthiest 1 percent, that is going to collapse the economy.

They were wrong. Their economic prescription for this country was wrong. And the facts clearly show that they were wrong. Thank goodness there were people who were willing to stand up and cast very tough votes to cut spending and, yes, to raise taxes on the wealthiest 1 percent so we could get this country back on course. It worked; and it worked splendidly. The results are dramatic. Not only have we reduced the red ink and eliminated it—no more running of deficits—but we also got remarkable economic results.

We now have an unemployment rate that is the lowest in 41 years. The other side said, when we passed the 5-year plan in 1993, if you pass it, unemployment is going to go up. Unemployment went down. Unemployment went way down, the lowest it has been in 41 years.

The other side said, the inflation rate, if you pass this plan, will go up. They were wrong. The inflation rate has gone down. We have the lowest rate of inflation in 33 years.

But the good news does not end there.

In addition, we passed welfare reform. In fairness and in truth, that was done on a bipartisan basis. We came together on welfare reform. And the result, coupled with the good economy that came from the 1993 budget plan, that coupled with welfare reform, has led us to the lowest percentage of our people on welfare in 29 years. Look at this dramatic improvement in terms of the percentage on welfare in this country.

As well, Federal spending has come down because, as I indicated, in 1993, part of that package was to cut the growth of spending in this country. And we did even more in the 1997 bipartisan plan. So the two together, the 1993 plan and the 1997 plan, have brought down Federal spending as a percentage of our national income to its lowest level since 1974. So now we are spending, as a percentage of our national income, the lowest level in 25 years of the Federal Government.

Because we have reduced deficits and gotten our fiscal house back in order, debt held by the public has also declined. We reached a debt, in relationship to our gross domestic product, of

50 percent in 1993. We saw, through the Reagan and Bush years, that the debt was climbing in relationship to the size of our gross domestic product. In 1993, when we passed that plan, we stopped the growth of the debt in relationship to the size of our income and reversed it. So now we have seen the debt come down to a level of 44 percent of our gross domestic product. And we anticipate, if we stay the course that we are currently on, we will get the debt down to only 9 percent of our gross domestic product in 2009.

The budget before us threatens that course. Because the colleagues on the other side of the aisle are so fixated on a massive tax-cut scheme, they would rather do that than to make this progress in reducing our national debt. I think that is precisely wrong. I think what we did in 1993 demonstrates that taking debt burden down gives a greater lift to this economy than any tax-cut scheme that anybody can come up with. That is not to say we should not have tax reduction, because we should.

The question is one of priorities and proportion. Our friends on the other side of the aisle say—we have $2.6 trillion of surpluses projected over the next 10 years—there are only two priorities. Their two priorities are to safeguard $1.8 trillion of that for so-called "retirement security"—I don't know exactly what that means. That entire $1.8 trillion is generated by Social Security. It should be set aside for Social Security. That is the plan we Democrats offered in the Budget Committee. We offered to safeguard every penny of Social Security surplus for Social Security. That is $1.8 trillion.

In addition, we said we also ought to put about $400 billion aside for Medicare. The budget that is before us does not provide one penny of these projected surpluses for Medicare —not one penny. These are not the priorities of the American people.

Instead, our Republican colleagues say all the non-Social Security surplus, or virtually all of it—because you have about $800 billion of non-Social Security surplus over the next 10 years—they say, use virtually all of it for a tax-cut scheme. And the best description we have of what they do with it is a 10-percent, across-the-board tax cut. That is what the chairman of the Finance Committee has said he thinks should be done. That is what their leadership in the House have said they think should be done.

We have a different view of what the priorities for the American people are. For that $2.6 trillion, we say every penny that comes from the Social Security surplus ought to be reserved for Social Security. Interestingly enough, that is what was passed here in the Senate. But it went to the conference committee, and somewhere in the dead of night they backed away from that commitment; they backed away from that commitment and they came up with this very clever, very complicated little scheme. And this very complicated and very clever scheme says, on one page, yes, we are going to devote the Social Security surpluses to Social Security, but in the very next line they undermine it all—they undermine it all—they create a big loophole so that on a simple majority vote here the Social Security fund can be raided, can be looted, just like it has been done for the last 15 years. That is wrong. That is not the priority of the American people.

The American people want to preserve every penny of Social Security surplus for Social Security. That is what the Democrats offered in the Senate Budget Committee. In addition to that, we said the next $400 billion of surplus ought to be reserved to strengthen and protect Medicare. Our friends on the other side have not provided one penny of the projected surpluses to strengthen Medicare. Instead, they say, let's have this massive tax cut scheme to benefit primarily the richest and wealthiest among us.

Now, the Senator from Texas says, you cannot love investment and not love the investor. That is true. I think we all respect those who invest. We respect those who save. We respect those who are successful. The question is, how do we use Government policy? Who do we benefit when we make decisions? Do we use governmental power to benefit the wealthiest among us? Is that what we do?

That is not what I favor. As I said, I believe the first priority ought to be every penny of Social Security surplus for Social Security; that is, $1.8 trillion of the $2.6 trillion we now estimate will be in surplus over the next 10 years. But the next $400 billion we say ought to be used to strengthen and protect Medicare. That leaves another $400 billion that would be available for high-priority domestic needs under our plan, like education, like health care, and, yes, defense and tax relief for the American people.

Our friends on the other side of the aisle have a different view. They say, yes, reserve the $1.8 trillion, but not just for Social Security, no, not just for Social Security. They call it "retirement security." If they want to reserve every penny for Social Security, why don't they say Social Security? Why have they come up with this new term "retirement security"? I think most of us know why they have done that—because the Senator from Texas has a scheme to privatize part of Social Security, and he wants the money reserved for his plan. He doesn't want to say reserve every penny of Social Security surplus for Social Security. Instead, he wants to make people believe he is going to do that, but then he provides a big loophole so that later on this year he can come along and raid the Social Security trust fund for his plan to create private accounts. That is what is really going on here.

None of us is fooled. They do not provide anything, not a penny of these projected surpluses, to strengthen and protect Medicare, when we know Medicare is in the most imminent danger of being insolvent. We say the priority ought to be Social Security and ought to be Medicare and, after that, we also ought to have some money for high-priority domestic needs like education and health care, and, yes, tax relief. But it is a matter of priority, and our friends on the other side of the aisle say the priority ought to be a massive tax cut.

This is the comparison for what happens. Let me focus on the 10 years. The blue column represents what the Republicans would do to pay down debt, and the red column shows what we offered as Democrats in the Budget Committee to pay down debt. A lot of people might be as surprised by this, because the Democratic plan paid down more debt than the Republican plan. We paid down more debt over the next 10 years, by nearly $400 billion over and above what is in the Republican plan, because we believe that is a key priority for the country.

Again, our Republican friends think there is a different priority. They want to have this massive tax cut scheme. That is really what is most on their mind. Unfortunately, because of this, they do not have, as I have indicated before, one penny of the surpluses set aside to strengthen Medicare, not a dime. They have what I call "the Republican broken safe." Here it is. You look in it and what do you find? There is nothing there.

Now, with what they have done in the conference committee, we ought to have this up for Social Security, too, because, goodness knows, we could find, after the clever game they have played here in this budget document, that we may go into the Social Security trust fund in the future and open the vault door and find there is nothing there, either. Because they have this set up so that they can raid every penny of the Social Security trust fund surplus and put it over into private accounts. They could do that. They could use it for a tax cut and call it retirement security. Who knows what that means, "retirement security"? If they wanted to reserve the money for Social Security, why didn't they say it?

Well, I guess if we wanted to be fair to them, they do say it, don't they? On one line they say they are going to reserve the money for Social Security, but they say, by a simple majority vote, you can overturn that. Before it was a supermajority vote. Now in the dead of night they changed it, simple majority vote, and now you can loot Social Security. You can raid it, because in the very next line, section 202, they created another reserve fund. It is clever.

I don't think it is going to work for them, because the American people are too smart. They know the kind of games that get played here in Washington.

This is one of the most cynical games I have seen yet. In the Budget Committee, when we vote and the people are there watching and the reporters are there watching, we vote to protect every penny of Social Security surplus for Social Security. That is the vote when everybody raised their hands in the Budget Committee. Maybe that is the reason, when we held the conference committee meeting between the House and the Senate, the Members were there, but there was no budget there. How can you have a meeting about a budget and not have the budget there? It was very interesting. There were no TV cameras there. We were there, the Members representing the House and the Senate, but there was no budget document there.

I think I now know why there was no budget document there—because they did not want this little trick revealed. They did not want this little loophole found out. They were hoping they had buried this so deep in the document that nobody would find it in time for this discussion and this debate and this vote. But we are going to vote, and we are going to see who is ready to protect Social Security and who has a mind to raid it later this year. We are going to see, by Members' votes, who is committed to protecting Social Security and who is committed to protecting Medicare and who isn't. We are going to see whose priority is a massive tax cut scheme for the wealthiest among us, because that is really what is afoot here. That is really what is afoot.

What happens if you give a 10-percent across-the-board tax cut? For those in this country who earn less than $38,000 a year, they are going to get $99. That is going to be their tax cut. But for folks who are earning over $300,000, they are going to get $20,000 of a tax cut. The Senator from Texas thinks this is a fair deal. I don't think this is a fair deal. I don't think this represents the priorities of the American people.

The other side is saying the priorities of the American people are to have a massive tax cut that would give a $20,000 check to those earning over $300,000 a year in this country, send $99 to those who have an income of less than $38,000, and not have one penny of the surplus available to strengthen Medicare, and to leave vulnerable the Social Security trust fund that everybody says ought to be inviolable, ought not be touched, that every penny ought to be set aside to redeem the promise made by Social Security.

That is what I thought we were going to do. That is what the Democrats offered in the Senate Budget Committee. We offered a plan that said of the $2.6 trillion of surpluses, take the $1.8 trillion that comes from Social Security and dedicate every penny to Social Security.

Take the next $400 billion and use it to strengthen Medicare. Take the final $400 billion and use it, yes, for tax relief, but also for high-priority domestic needs such as education and health care and, yes, defense. Those are America's priorities.

But that is not what is in this budget resolution. These are not America's priorities. These are the priorities of, frankly, those who are getting ready to get a $20,000 tax break, and they are salivating. Of course, for the very wealthy, it is much more than this. For those who have had good fortune in this country—and we are grateful for that; it is one of the great things about America, that people have had enormous advantages. The priority of this country isn't to make those who have had great success even more comfortable; the priority of the American people is to strengthen Social Security, strengthen and protect Medicare, provide for high-priority domestic needs such as education and health care and, yes, defense, and also to provide tax relief. My Republican friends have just focused on a tax cut scheme. That is what is wrong with this budget at the most fundamental level.

I see that my colleague from the State of Washington is here. How much time would she like?

Mrs. MURRAY. I would like 15 minutes.

Mr. CONRAD. Mr. President, I yield 15 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mrs. MURRAY. Mr. President, I rise today to express my deep disappointment with the budget we are going to be voting on today. And while I applaud the efforts of the Republican leadership to have a budget resolution, I believe that in the haste to get something out by April, we have put together a budget that really lacks any sense of fiscal responsibility.

Mr. President, I urge my colleagues to vote "no" on this conference report. This report before us fails our families and it fails our children. This is the first budget for a new century, but it does very little to prepare us for the challenges we are going to face. It ignores key investments in education, health care, environmental protection, and child care. Regrettably, it ignores our obligation to current retirees and those who will retire within the next 20 years.

Mr. President, I have listened to many of my colleagues who talk about returning the people's money to the people, and I could not agree more. We should allocate part of the surplus to saving Social Security and Medicare. Hard-working Americans have paid their FICA and Medicare payroll taxes with the understanding that when they reach the age of 65, or become disabled, they will be guaranteed Social Security benefits and Medicare. Social Security and Medicare allow the elderly independence and dignity in the years spent after a lifetime of work. We must reserve part of today's surplus to honor this commitment, and this budget does not do that.

We all know that Medicare is in real crisis. Yet, the only recommendations this budget offers are vague statements about reform. There is no talk about investing in prevention benefits that ultimately will save Medicare dollars. There is no language to improve the program so that senior citizens and the disabled can take advantage of new advances in biomedical research to improve the quality of their lives and their health. The priority of this budget before us appears to be to simply raid the Federal Treasury for an across-the-board tax cut.

We need to follow the example of working families. We have a budget surplus for the first time in decades because of tough fiscal discipline and wise economic investment. Just like families, we tightened our belt and restored fiscal soundness to the Federal Government. We should now use this surplus to save for and invest in the future. These are simple choices: Invest in our children and save for our retirement. That is the goal of most families.

I also point out to my colleagues the unfortunate fact that the conferees, in the middle of the night, behind closed doors, stripped out important language we had passed in the Senate regarding women and Social Security. Based on my reading of the conference report, it appears that my language was dropped. At the end of the report, there is a listing of all sense-of-the-Senate amendments adopted during consideration of the budget, but there is no explanation from the managers as to the status of these amendments. In addition, these amendments are clearly not part of the conference report pending before us.

Mr. President, an amendment I offered in committee and on the floor put every Senator on the record as being committed to protecting the safety net for women and making real change, to pull more older women out of poverty as we move forward with Social Security reform. My amendments were aimed at expressing our support of maintaining a guaranteed inflation-protected benefit for women and working to reform benefit calculations for Social Security. The amendment I offered on the floor made it clear that, through the process of Social Security reform, we would recognize the sacrifices women make to take care of their families.

I was proud to offer these amendments and had hoped that instead of just talking about taking care of women in the course of Social Security reform, there would be a solid, bipartisan commitment to addressing the unique economic situation faced by most women today. But it seems that, once again, the needs of women have been ignored or forgotten. With no women on the Senate Finance Committee, I wanted a strong statement from the Senate that the real interest of women who depend on Social Security would not be negotiated away. I wanted to be sure that all Members understood the changing dynamics of the workforce and the difficult choices women must make every single day.

Women make decisions in their thirties and forties for the welfare of their families, like raising children, only to find out in their sixties and seventies that this sacrifice has cost them their economic security in old age. A surviving spouse can also face a dramatic change in her standard of living immediately following the loss of her husband.

Women, on the average, give 11 and a half years of their working lives to their families. They jeopardize their long-term economic security and retirement income to meet the immediate needs of children or aging parents. A surviving spouse can see a reduction of as much as 50 percent of her Social Security income following the death of her husband. Is this the reward women deserve for caring for their families? Social Security reform gives us the chance to make things right for working women and protect their guaranteed benefit. We owe this to all families.

Unfortunately, when given the chance to assure women that their interests and real economic situation would not be forgotten, it would appear that the Republicans have now turned their backs. The failure to include my amendments will only make me work harder to educate women and to fight for women during the debate on Social Security reform.

I will not let the administration or Members of the Senate off the hook. There is no greater threat to women and families than a Social Security reform proposal that ignores the economic disadvantages still faced by working women and older women. I hope that all working women and older women are watching the debate on Social Security reform and taking note.

Mr. President, I also want to say again how disappointed I am in this budget process. When I decided to serve on the Budget Committee, I wanted to return some common sense to our fiscal policy. I wanted to bring the voice of working families to the table, and I don't think this budget passes the test. It is seriously flawed when it comes to the issue of education.

When I talk to my constituents about education and the efforts of Congress, most people are very surprised and angered to learn that less than 2 percent of overall Federal spending goes to education. They think education should be a higher priority, that we should improve and increase education spending, and so do I.

Instead, other than an increase for the Individuals with Disabilities in Education Act—an important $500 million increase that I think we all support—we will see cuts in education funding, and cuts in other important areas in social services and job training.

Even with the increase for IDEA, this budget agreement assumes $200 million in other funds—or $700 million if IDEA is included—in cuts below a freeze that would have to come from other discretionary programs in education, social services and job training.

Where will the axe fall? The Senate's budget specifically focused on subfunction 501—K-12 education. But after working with the House, this conference proposal now is silent on K-12 education as a specific subfunction. Can we then assume that our public schools will bear the burden of these cuts? Or will the cuts be in other important areas? The list is long. Will it be Head Start or national service, job training or juvenile justice, student aid or nutritional programs?

The American people in overwhelming numbers support increased funding for education. The Congress of the United States has not yet heard the message. This budget conference agreement does not place education as a high enough priority. Among other things, this budget completely ignores the pressing need to continue in the national effort to help local school districts hire 100,000 new, well-qualified teachers.

In the classroom, when students wonder why their teacher is not prepared to help them learn math and science—they can look to this budget. When they are stuck in an over-crowded classroom, they can look to this budget. When they learn that there will be less student aid this year than last year, they can look to this budget. When the American people see that fewer children are graduating with the skills they need to participate in our fast-changing economy, they can look to this budget and the short-sighted priorities of the 106th Congress.

A small bright spot in this otherwise bleak budget is the important expansion to child care funding. The Senate overwhelmingly supported the Dodd child care amendment to the budget resolution. I cosponsored that amendment, and while only part of it was retained, I think we have the beginnings of real, bipartisan progress on child care funding.

What the Senate supported yesterday in an overwhelming 66-33 vote, was a historic first step that would have increased child care funding by $12.5 billion over 10 years—nearly doubling our federal investment in quality child care.

What the Senate is being asked to support today is not the complete Dodd amendment, but with a $3 billion investment in the child care and development block grant, and $3 billion in tax incentives, we are making a good start.

Child care questions are becoming more and more pressing for more parents every day. With concerns about affordability, quality, and access—and with more low-income parents going into the workforce—the needs are changing and increasing. More child care is needed during "off hours"—such as evenings and weekends. More child care is needed in rural settings, impacting transportation, work schedules, and the amount of licensed family child care providers.

It is vital that we make improvements for child care; the provisions of this conference agreement are a beginning to real progress.

But Mr. President, the glimmer of hope offered by the language on childcare is not enough reason to support the FY2000 Budget before us and I urge a no vote on the Conference Report. Under the unrealistic limits set under this budget, as a member of the Appropriations Committee, I know we will be unable to protect the real concerns of working families. Our hands will be tied when it comes time for us to invest in important priorities like education, health care, environmental protection, agriculture, biomedical research, and early childhood development.

Mr. President, finally, I commend Senator LAUTENBERG for his leadership in attempting to work for real progress and for a true fiscal plan that will guide us in the new millennium. I know he shares my disappointment in this resolution. But I thank him for the tremendous amount of work and leadership he has given us on the Budget Committee as we move forward.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum, and I ask that it be equally divided.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. DOMENICI. I will be pleased to yield whatever time the Senator wants.

Mr. GRAMS. Less than 10 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise this morning to support the budget conference report. Before I speak on the report, I would like to take this opportunity to commend the Senate Majority Leader and Chairman DOMENICI for their outstanding leadership in crafting and delivering this well-balanced budget proposal.

I believe this budget blueprint is a great achievement of this Congress, and it will ensure our continued economic growth and prosperity in the new millennium.

Protecting Social Security, reducing the national debt and reducing taxes are imperative for our economic security and growth. Our strong economy has offered us a historic opportunity to achieve this three-pronged goal.

This budget conference report has showed us how we can provide major tax relief while preserving Social Security and dramatically reducing the national debt, as well as providing sufficient funding for all necessary Government functions.

President Clinton has proposed to spend over $158 billion of the Social Security surplus in his budget over the next five years for unrelated Government programs, instead of protecting Social Security. Remember the phrase, "Save Social Security first"? That is not in the President's budget.

This budget conference report includes a safe-deposit box to lock in every penny of the $1.8 trillion Social Security surplus earned in the next 10 years to be used exclusively for Social Security.

Stopping the Government from raiding the Social Security Trust Funds is an essential first step to ensure Social Security will be there for current beneficiaries, baby boomers and our children and grandchildren.

I was pleased to join Senator ABRAHAM and others to offer an amendment during the Senate floor consideration that made this our number-one priority under this budget.

It is also notable, that under this budget, the debt held by the public will be reduced dramatically, much more than what President Clinton has proposed in his budget.

This budget conference report reserves nearly $800 billion of the projected non-Social Security surplus—those are the tax overpayments of working Americans—earmarking $800 billion for tax relief. This is the largest tax relief enacted since President Reagan's tax cuts in the early 1980s.

As one who has long championed major tax relief, I am pleased all Senators supported my resolution to protect this tax relief in the Budget Resolution.

My language offers options for middle-income tax relief such as broad-based tax relief, marriage penalty relief, retirement savings incentives, death tax relief, health care-related tax relief, and education-related tax relief.

The purpose of the provision is to assure the American people that we have made a commitment to major tax relief, and that there is room in this budget to fulfill this commitment while protecting Social Security and Medicare, providing debt relief and respecting some new spending priorities.

I am particularly pleased, Mr. President, that this budget conference report has retained my proposal which could allow us to lock in for immediate tax relief any additional on-budget surplus as re-estimated in July by the Congressional Budget Office for fiscal year 2000.

I believe this is solid protection for the American taxpayers. I thank the Senate majority leader and, again, Chairman DOMENICI for retaining this important provision in the budget conference report.

As the economy continues to be strong, we may have more revenue windfalls to come in the next 10 years that are above and beyond the Social Security surplus. We must return these tax overpayments to hard-working Americans. They should benefit from the surpluses they are paying in rather than allowing Washington to stand first in line saying, "Let's spend your money rather than giving it back."

The logic for tax relief is fairly simple. Despite a shrinking Federal deficit and a predicted onbudget surplus, the total tax burden on working Americans today is at an all-time high. Americans today have the largest tax burden ever in history—even larger than during World War II—and the tax burden is still growing..

Federal taxes today consume about 21 percent of the total national income. A typical American family now pays about 40 percent in total taxes on everything they earn. That is more than it spends on food, clothing, transportation, and housing combined. So they are spending more to support Uncle Sam than they do on the basic necessities of life. It is still imperative to provide tax relief for working Americans and address our long-term fiscal imbalances.

Not only does this budget fund all the functions of the Government, but it also significantly increases funding for our budget priorities, such as defense, education, Medicare, agriculture, and others.

Although I have reservations about some new spending increases, including this conference report, I think overall the report is well balanced.

This conference report also retains the Senate-passed amendment that Senator GRASSLEY and I offered. This provision would reserve up to $6 billion for crop insurance reform. Including this funding increase in the budget conference report is an important step, I believe, in realizing our goal of real crop insurance reform to help ailing farmers.

One of the promises made during the debate of the 1996 farm bill was that Congress would address the need for a better system for crop insurance. Last year, we witnessed devastating circumstances come together in my home State of Minnesota to create a crisis atmosphere for many of our farmers and for farmers around the country, as well. We also saw the current Federal Crop Insurance Program fail for far too many farmers. Funds for crop insurance reform are the best dollars we can spend to help American agriculture, and this is a far better way to assist farmers than any of the spending that we have included in the emergency spending bills. We need to pass this.

Finally, Mr. President, unlike President Clinton's budget, which, again, has broken the spending caps by over $22 billion, this budget maintains the fiscal discipline by retaining the spending caps. There are those who claim we cannot avoid breaking the caps as we proceed to reconcile this budget. I say if we do our job to oversee Government programs, we will know which areas can be streamlined and which program funding can be shifted to new priorities. Let's make sure we do our job to justify all Government funds are wisely spent.

In closing, cutting taxes, reducing the national debt, and reforming and protecting Social Security and Medicare at the same time are all possible. It is not either/or. It is not either Social Security or giving tax cuts. We can do all with what we have in the budget. This budget conference report has showed us how we can do it.

The bigger challenge facing us now is that we must have the strong political will to follow through on this budget. We must defend the principles and priorities highlighted in this budget blueprint through the entire appropriations and reconciliation processes, as well as in other legislative initiatives during the first session of this Congress.

Mr. President, I look forward to working with my colleagues to achieve the goals set forth in this budget. Again, I commend the Senate majority leader and also committee Chairman DOMENICI for putting this budget together.

Thank you very much, Mr. President. I yield the floor.

Mr. LAUTENBERG. Mr. President, I yield 15 minutes of our time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the ranking Democrat on the Senate Budget Committee, Senator FRANK LAUTENBERG, who has announced his retirement. He is headed for the last budget roundup. This is the second to the last stop. I have one more year with FRANK LAUTENBERG as spokesman on that committee who has made an enormous contribution to the committee, his State, to this Nation, and certainly this budget deliberation. We are going to miss him. He has done a great job for America.

I have known for many years the chairman of this committee, Senator DOMENICI of New Mexico. When I was a member of the House Budget Committee, his reputation was well known. He has been a deficit hawk for as long as I have known him. I am sure he has some sense of relief today dealing with a budget that is in much better circumstances than it was a few years ago. That is due in no small measure to his contribution. Though I may disagree with him on this particular budget resolution, it does not diminish my respect for what he has done in this budget process in demanding honesty. I hope he will continue on that pursuit, and I hope we will share goals in the near future. I am looking forward to doing just that.

Mr. DOMENICI. Mr. President, I thank the Senator very much. I appreciate his comments very much.

Mr. DURBIN. Mr. President, having said all these wonderful things about Senator DOMENICI, I am going to tell you what is wrong with his budget resolution, and he is not going to be a bit surprised by all that.

There are a few things where we do disagree. As Senator GRAMS of Minnesota just mentioned, there is overriding concern by all of us about the future of Social Security. I think Senator CONRAD on the Democratic side offered a very novel, imaginative, and positive contribution to this debate when he suggested we lock up the Social Security surplus for Social Security.

This would be done by requiring that an extraordinary vote of 60 votes would be required to spend the Social Security trust fund surplus for anything other than Social Security. We understand Social Security is a solid covenant between generations. Without it, 16 million more Americans would live in poverty, and Social Security is the principal source of income for two-thirds of older Americans and the only source of income for nearly one-fifth of our seniors.

This trust fund will go bankrupt in the year 2034 when people like myself, if we are lucky to be alive, will be part of the huge baby-boom generation looking to a smaller pool of American workers to sustain us. That is why the actions we take today for the future of Social Security are so critically important.

I am afraid the Republican alternative in this budget resolution is not nearly as good as Senator CONRAD's suggestion of a 60-vote lockbox. I am afraid we have fallen short of the mark when coming to guaranteeing the future of Social Security in this budget resolution.

There is another element, though, that is even more mystifying. There is an old poem that goes something like this:

> As I was walking up the stair, I met a man who wasn't there. He wasn't there again today. I wish that man would go away.

The man I am talking about is Medicare. The problem with Medicare will not go away. The Medicare trust fund is expected to go bankrupt in the year 2015. If that is not bad enough, as baby boomers like myself retire, the strain will become even greater. By 2034, the number of Medicare beneficiaries is expected to double to almost 80 million American seniors.

The Democrats had a proposal to deal with that. The Democrats came forward and said we should dedicate a substantial portion of any future surplus to go to Medicare so that in addition to reforming Medicare, we would be putting our surplus funds into it so that it would be strong for many years to come. Our lockbox proposal for Medicare would save $376 billion of the budget surplus for the next 10 years, and it would extend Medicare solvency by 12 years to the year 2027.

By locking these funds away, we make sure the country will have time for a serious debate on the future of Medicare reform while we are certain that it is going to be solvent. Unfortunately and sadly, and almost without explanation, the Republican budget proposal before us today does not put away a single penny—not one cent—for Medicare. It does not extend the life of the trust fund by a single day. That, I think, is an abdication of responsibility, not just to the 40 million seniors who depend on Medicare but to their children who want their parents and grandparents to live in dignity and without worry about medical bills.

If we ignore Medicare, we are ignoring a looming crisis. This budget resolution does not address it. We will be hearing from the other side about how this budget resolution "fully funds Medicare." But a fully funded Medicare is still going to go bankrupt in just 16 years. The truth is, this budget does not do anything substantial for the Medicare system. It could leave it withering on the vine from neglect.

This chart indicates the difference in approach between the Republican side in blue and the Democratic side in red about the dedication of surpluses for Social Security and Medicare.

You can see a substantial difference between the two; in the years 2000 to 2004 composite—the first graph—and then later the 2000 to 2009 composite. It indicates the different dedication of funds to make certain Medicare is included in any plan that is a part of this budget resolution.

Let me speak for a moment about tax cuts, too. As I have said many times, there is just no more appealing phrase for a politician than, "I favor a tax cut." People cheer, "Oh, we love you. This is great." But we have to be honest with the American people. Some politicians in the past have talked about, "Read my lips: No new taxes." The American people learned a lesson there. They want honest talk about taxes. They do not want promises that cannot be kept or promises that we should not keep. The Democratic plan has targeted tax cuts, after we dedicated funds for Social Security, after we dedicated funds for Medicare. We kept a substantial portion aside for tax cuts targeted for the American families truly in need.

That would include USA accounts, the President suggested, so that more working families can save for retirement.

Long-term care tax credits, think of how many people are worried about their parents and grandparents now in nursing homes or in need of special care. This $1,000 tax credit would be a helping hand to literally millions of Americans in that predicament.

The child and dependent care tax credit, we proposed $6.3 billion to help pay for child care. We want Americans to work. But while they work, we want their children to be in safe and loving hands. And that means quality day care and stepping in to help low-income families so they can pay for that day care. And a tax credit for work-related expenses for people with disabilities. This will defray special employment-related costs incurred by those people with disabilities, such as transportation and technology costs.

Our tax cuts are geared to make certain that we meet our obligations first to Social Security and Medicare, and then to the American working families who most deserve them. It is still a mystery as to what the Republican tax cut will be. I am not sure. Perhaps we will have an explanation of it sometime later today before we vote on this budget resolution.

But, in fact, we have heard one proposal from JOHN KASICH, the chairman of the House Budget Committee, about a 10-percent, across-the-board tax cut. What would that tax cut mean? It is a good day to ask the question—on April 15.

For those with incomes under $38,000 a year, the Republican tax cut of Mr. KASICH is $99 a year. That is almost $8.25 a month that people will have to spend under the Republican tax cut, if they happen to be among the 60 percent of working Americans who make less than $38,000 a year. Think of it—a Republican tax cut that might pay half of your cable TV bill each month. Isn't that something to look forward to?

But if you happen to be in an income category in the stratosphere—over $300,000 a year—a 10-percent tax cut is $20,697.

So the people with the money are given the tax cuts. The folks who are working to raise their families and pay their bills, under this Republican tax-cut plan, get $99 a year. I do not think that is fair. April 15 is a good time to talk about taxes. I want to remind my wife to get the forms in the mail before midnight back home. We want to make sure we do file our taxes on time, as all Americans should. But I hope that we will take a minute to reflect on the tax burden in America and what has happened to it.

The median family income in America—that is the average—is $54,000. If you look at the tax burden on working families in America over the last 22 years, you will see an interesting thing has occurred. The taxes had gone up in the early 1980s, and then started coming down; and then look where they have dropped by 1999—the lowest tax burden in 23 years.

Anyone writing a check today will say, "I wish it was even lower," but the fact is it has been coming down. The U.S. Treasury reports a family of four, with the median income of $54,900, will pay the lowest percentage of its income in taxes since 1976. It shows that many families with half the median income—these are folks making about $27,000 a year—let me show this chart here—some of our hardest working families, I might add—will actually pay no income tax at all or get a check back from the government. They have an average income tax burden of a negative 1 percent. Their overall tax burden is the lowest in more than 30 years. This chart indicates it is the lowest in 35 years. A family of four can make up to as much as $28,000 and not owe a dime in taxes.

Incidentally, one of the reasons many of these family tax burdens are lower is because of our expansion of the earned income tax credit in 1993. This tax credit focuses on helping working families.

What a contrast: A Republican proposal by a Congressman from Ohio for a tax cut to benefit the wealthiest; the earned income tax credit designed to help working families. It really tells a world of difference in philosophy when it comes to tax cuts.

The interesting thing is if you look at those who are doing pretty well in America, those making twice the median income; that would be over $109,000 a year. Their tax burden is also declining. The average Federal tax burden of a family of four with twice the median income is the lowest it has been since 1988, and the second lowest since 1977.

We back these figures up by an analysis, not from some Democratic Party organ but, rather, the accounting firm Deloitte and Touche, a group recognized as reputable in the field. Their analysis shows that the average Federal tax rate is lower today than it was 20 years ago for virtually every type of taxpayer.

We want to continue that, target the tax cuts to the families that need it the most, but it is not in this budget resolution—an approach which is so general as to suggest we would be giving tax cuts to the wealthiest among us instead of those who work the hardest, the working families struggling to put their kids through school.

We are going to face a crisis here on this budget debate, and it will come soon. I am afraid when we take a look at the Republican budget resolution, with tax cuts for wealthy people, we are going to find ourselves cutting back on a lot of spending. Some on the Republican side have stood up and very honestly said that is OK, "We believe that cutting back on Federal spending is good at any cost." I have second thoughts about that, because some of the programs which we will cut with this budget resolution are critically important to many American families.

As a result of this resolution, as many as 100,000 fewer American kids would have access to Head Start—Head Start— that early childhood development program where kids get a chance to prepare themselves for kindergarten and first grade. One-hundred thousand more kids in America would be off the program as a result of this budget resolution.

Another program, that is near and dear to my heart, the WIC Program—Women, Infants, and Children Program—brings in pregnant mothers, mothers with young children, and helps them with nutritional assistance during the pregnancy and after the children are born. One out of four American babies is in this program. Lower-income families need this helping hand to make sure their kids get nutritious food and so that the mother is healthy when she delivers the baby.

Is there any better investment of money in this country than doing what we can to make sure that our pregnant mothers and their children, at their earliest age, are off to a healthy, nutritious start? This Republican budget resolution will cut over 1.2 million low-income women, children, and infants from the WIC Program. How can that make this a better country?

And when it comes to some basic things, we all abhor drugs in America and drug crimes, and yet with this budget we will be forced to cut the number of Border Patrol agents who are trying to ferret out those smuggling narcotics into America. So 1,350 fewer Border Patrol agents. 780 fewer drug enforcement agency personnel out there fighting the war on drugs—think about that for a second. Does that make any sense? More drugs in America, so we would have more people ultimately committing crimes and going to prison because we give a tax cut to the wealthiest people in this country. This is upside down thinking and a reason why many of us question its wisdom.

Funding eliminated for 21 Superfund sites; 73,000 summer jobs and training opportunities cut.

The list goes on.

Cuts in food safety. You ask the American people, what do you expect of your Federal Government? In the State of Iowa a poll said: The first thing is to make sure the food we eat is safe to eat. People are concerned about that. They hear about scandals where children eat tainted food, or the elderly do, and get seriously ill, if not die, and yet we cut back in the Department of Agriculture in areas of food safety. How can we possibly rationalize and explain that in the name of giving greater tax cuts to wealthy Americans?

Let me close by saying that I respect the hard work that has gone into this budget. I respect the serious difference of opinion between the Republican side and the Democratic side.

I think ours is a more balanced and rational approach. It takes care of the future of Social Security. It provides help for Medicare where the Republican budget resolution provides none. It provides tax cuts for families that really need it and doesn't give tax cuts to the wealthiest among us. It also provides that we will have the money available to meet the basic needs of America when it comes to educating kids, feeding pregnant mothers and children, providing for the kind of law enforcement that is essential for the security of this country.

I hope that before this is all said and done, President Clinton can bring the leaders on Capitol Hill, the Republican leaders in the Senate and the House, together and that we can work out some reasonable bipartisan compromise. I am afraid this budget resolution does not reflect that, and that is why I am going to respectfully oppose it and vote against it.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself as much time as I use.

First, let me speak to those who are wondering what the time sequencing is and when we might vote. We know of only one additional Senator on our side who wants to speak, and that will be Senator SLADE GORTON. I understand that we know, in fact, where he is. He is at a committee hearing, but as soon as he comes, he will be our last speaker. We are anxiously waiting to see how many more there are on the other side, and we are hoping that in all events we will be through debating this budget resolution within an hour or less. That will set a time certain that is accommodating to the leaderships in terms of when we vote.

Having said that, let me just comment a bit with respect to a few things that have been said by the distinguished Senator from Illinois.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise to speak a few words to the Senate and anybody interested with reference to some of the comments made by my good friend from Illinois, Senator DURBIN. I do mean that. He is a very new member of our committee, and I find him to be a very dedicated and hardworking Senator. I reciprocate with my compliments to his work and effort.

I do believe we have a propensity on the floor to argue and, in many cases, to exaggerate so as to prove our point. Let me make sure that the American people understand the tax cut we are talking about.

It is projected that in the next decade we will have $2.5 trillion in surplus money coming into the Federal Government. Let's for a moment understand basically what that means, $2.5 trillion. The entire budget of the United States for everything is about $1.8 trillion a year. We will have a surplus that dramatically and extensively exceeds the total amount we are spending annually for all programs of government.

Where did that $2.5 trillion come from? It did not drop on us from outer space, nor did a big rain cloud come over and rain came down and it was full of dollars and that is where the $2.5 trillion in surplus came from. I think most people, if given three or four things they could choose from, would choose the right answer—the taxpayers paid it in. The taxpayers pay $2.5 trillion more in the next decade in taxes than we need to run government based upon a reasonable program.

Obviously, if you believe there is a never-ending need for government spending, then you can whisk away that $2.5 trillion and say, let's spend it. Frankly, for all of the desires of the American people, they are not crazy. In fact, they understand implicitly what is going on. When, in fact, you have this kind of excess taxes being paid in, there is a difference, dramatic difference, between the two parties. The Republicans say don't grow government, give the money back to the taxpayer.

That is what all this argument is about. What do you do with that excess, which is more money per year and per the next decade from the taxpayers, all taxpayers, than we need for our current budget plans?

You could invent new budget plans, I say to the occupant of the Chair, and spend every cent of it. Or you can do something as wild as the President has recommended, which not even the Senate believes is responsible—indeed, both sides. You can take a huge chunk of that money and put it into the Medicare trust fund without reforming or changing Medicare, just put it in there and put out, as the President did, 15 percent of that surplus in IOUs. The IOUs have value, because what are the IOUs? The IOUs are postdated checks which are going to come due at some point.

Who is going to pay for them? It is the American taxpayer who is going to have to redeem them in 10, 15, or 20 years, because it is just a postdated check. You understand that, but if they understood it, they would say: What is this all about? We thought we were fixing Medicare, reforming it and making it more efficient. Sometime out there in the future, those IOUs are going to come due, and we are going to have to pay them. New taxes are going to have to be imposed.

What do the Republicans think? Republicans think that during the next decade you ought to take every single solitary penny of Social Security surplus, which is part of that $2.5 trillion that I have been talking about, and put it in a position in the budget where it can't be spent for anything other than senior needs.

There are arguments that isn't enough for Medicare, that we don't provide for Medicare in this budget. Let me just tell you what we do provide. We provide $462 billion more in that trust fund than the President did, and he heralded his budget as being responsive to the proposition that every single penny of trust fund money would be deposited in the trust fund for Social Security, excepting he had a nice little funny thing in there. That was over 15 years—we never have budgeted like that—which meant that he only put 62 percent of the Social Security surplus into a Social Security accumulating trust fund, and then he did this IOU business with Medicare. Essentially, it is as if there is a plan, an intentional approach to say to the American people: Don't worry about the taxes you are paying in and the excess; we have it all taken care of; we are going to spend it.

As a matter of fact, it is most interesting; the President of the United States spent in the first 10 years $158 billion of the Social Security surplus for programs.

Unequivocal. Nobody denies it. The President's OMB people don't deny it. They say that doesn't matter because over many years we are going to save the money for Social Security, but we will spend some of it in the first decade. In fact, that $158 billion is in the first 5 years of the budget—it is going to be spent.

Having said that, the other issue that seems to always come up is, if you are going to give tax cuts, it just has to be that the Republicans are going to take care of the rich people and not the middle income and family people, because there have been various Senators and House Members speaking about what they might want. I will remind everybody listening to that kind of stuff on the floor, you should know that that budget resolution, by operation of law, does not say how the taxes will be cut. It says how much. And in the processes of the Congress, later on—in fact, under this budget, it is in July of this year—the tax-writing committees, after hearings, after citizen input, after talking with Senators from both sides of the aisle, will produce the tax bill. That will be the time to decide what is in it. And it is actually a red herring to talk about what is in that tax bill—because we don't know—as a justification for not having any tax cuts. But that doesn't sound right, does it? Well, it is right.

Those who use the argument that it is going to be a bad tax bill, so don't have any tax cut, are essentially saying we don't want to give you a tax cut because we don't know what will be in it. But I will tell you what the budget resolution says. That is the best I can do. It recommends that such tax relief could include any or all of the following: an expansion of the 15-percent bracket, marginal rate reductions, a significant reduction or elimination of the marriage tax penalty, retirement savings incentives, estate tax relief, an above-the-line income tax reduction for Social Security payroll taxes, tax incentives for education, parity between the self-employed and corporations with respect to tax treatment of health insurance premiums, capital gains taxes, and fairness for family farmers.

Now, that is what we are discussing. Do we want to allow some or all of that to be debated and looked at? That is why we have a tax provision in this budget resolution.

Let me just quickly go through one other thing and then summarize what we have done. First, in the Medicare program, by virtue of a good economy, meaning high unemployment, a lot of people paying into these trust funds, we have extended the life of Medicare, Part A—that is the hospitalization part in the trust fund—for 8 years without Congress doing a thing. The current program lives for 8 years longer than expected just 6 months ago because the economy is powerful.

Now, almost everyone knows we have to reform, change, make better, make more efficient the Medicare program. There are some who would like to deposit $400 billion in the trust fund of Medicare and let it sit there as IOUs for the future, without first determining what does Medicare need or, to put it another way, without any reform or changes in Medicare. None. That is what it contemplates. And an extension of the trust fund is contemplated by just pouring that money in and taking IOUs. It isn't spent. It extends the life of Medicare some 8 or 9 years, and it doesn't contemplate or envision reform. It doesn't pay for prescription drugs. And, incidentally, as an aside, anybody who would like to ask the OMB of the United States, the Office of Management and Budget, the Congressional Budget Office, the Comptroller General, ask them if the President paid for prescription drugs in his budget—zero. He suggests we might want to do that sometime as part of reform.

Now, one Democrat Senator said, "Republicans want to raid the Federal tax treasury for a tax cut." Now, isn't that an interesting concept? Raiding the Federal Treasury for a tax cut. What is the Federal Treasury? What is the Federal Treasury into which the taxpayers are paying $2.5 trillion more than you need for Government? What is the Federal Treasury?

My friends, the Federal Treasury belongs to the American people. It does not belong to the Government. If we reduce the size of Government and there is money left over and we say let's give it back to the public, are we raiding the Treasury of the United States, or are we giving back to our citizens the overpayment they have paid in income taxes that is lodged temporarily, or housed in the U.S. Government?

I wonder how the people who are hurrying today to the post offices trying to get their tax returns in would feel if they knew that over the next 10 years as they file their returns, they are overpaying the Government; and, as a matter of fact, if you add it all up, they are paying $2.5 trillion over current expenditures. I think they would be wondering, what is the U.S. Treasury? We thought maybe it was ours.

In summary, we think we have a very good plan to enter the millennium. If the President would like to enter that millennium with us, that would be great. Everybody listening and everybody who follows budgets should know that there has not been a vote in this Congress, or in our Committee on the Budget, on a Democratic budget. They don't have to produce one. When I was in the minority, I didn't produce a budget every year. So everybody will know, we didn't vote on a Democrat budget; we voted on the President's budget. While there was a lot of argument about whether we were voting on it or not, that is what it said—that we were voting on it. Now it will be interesting to know what results from that vote: No, every member of the committee; Yes, zero members of the committee.

Now, if in fact it was a great budget on Social Security, a great budget on Medicare—just those two—if it was great on those, Democrats would have voted for it because, after all, it is pretty clear that is what they believe to be the biggest issue going. They didn't vote for it.

Now, what this budget does is save Social Security and puts in a trust fund $462 billion more than the President put in, and the number is $1.8 trillion. You can't spend it. It is there. You can't use it for tax cuts, that is for sure. As a matter of fact, we will soon vote on legislation to lock it up so that it can't be used without 60 votes.

Save the Social Security trust fund first. That is the No. 1 plank, the No. 1 priority in the budget. Second, make sure we have done everything we can to promote Medicare reform and see to it that we do have the resources for it. We have done that. I am not going to repeat the three or four things in the budget and just say those were No. 1 and No. 2. Three, we have dramatically increased national defense. Everybody understands that. If they didn't understand it 2 weeks ago, they ought to understand it now. The costs that we are incurring in Kosovo now, over and above defense spending we contemplated year by year, are astronomical. We soon may have to add to that, in an emergency, as much as $5 billion. And if we went on for a whole year, depending upon which kind of activity we have had, the number could be more than twice or three times that amount. So we have increased it substantially.

In our prioritizing, in our setting forth what we think should be paid for first, we have increased education $3.8 billion in the first year, $38 billion over the next 5, beyond that requested by the President. Our only hope is that none of that money will be used unless we have a new approach to public education funding, and that we would send the money down to the locales with "flexibility and accountability." Those are the two new words we want to attach—to give them flexibility and make them accountable. Don't tell them how to use it because one shoe doesn't fit everything in the school districts from East to West and North to South in this great land.

We have sustained and added to all of our criminal justice activities, and we have added $1.7 billion to veterans' hospital care, substantially more than the President, because we think that is one of our real values in this country—to take care of veterans' health benefits.

I may have missed one thing or two. But I will summarize the effect of all of that.

We will have cut the national debt in half by creating that surplus and setting it there. We have reduced the national debt in half, substantially more than the President reduced the national debt. We think that is very, very good for our future.

I might say it is obvious that a number of our domestic accounts, aside from those that we treat with priority and that I have just stated, will go up. It will be very difficult to do all of the things Government is currently doing and meet this budget. In the appropriated accounts of our Government, between defense and nondefense, it is now about 30 percent of the budget, and it is going to be hard for those accounts to fit within this very tightly and stick to the balanced budget numbers. But it was my opinion, with the Senate of the United States, with one Democrat supporting us and the rest of us on our side unanimously voting for this, that we thought the best way to approach a successful American economy was to stick to the balanced budget plan in terms of people believing we meant what we said—that we were going to "ratchet down" Government and make sure we had a credible plan to do it.

Having said that, if Senator GORTON does not arrive shortly, I will be able to tell Senator LAUTENBERG that we don't have any other speakers. We will check with him right now so I can inform the Senator.

Mr. LAUTENBERG. Will the Senator yield for a few minutes so that the Senator from California can have 10 minutes now while we are waiting for Senator GORTON?

Mr. DOMENICI. Sure. Of course.

Mr. LAUTENBERG. I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank my chairman, Senator DOMENICI, and my ranking member, Senator LAUTENBERG, for yielding me 10 minutes of time.

Mr. President, I have served on the Budget Committee since I came to the Senate. That was almost 7 years ago. In the House I served for the maximum period allowable on the House Budget Committee, 6 years. So I have seen budgets come; I have seen budgets go. I have seen good ones, bad ones, middle-of-the-road ones. And I have to say that my heart is heavy as I look at this budget. My heart is heavy because I think it is not a good roadmap for our future.

I say that because I think this budget fixates on tax cuts to the wealthy, to the exclusion of other important critical priorities such as Social Security, Medicare solvency, and the environment. Under this proposal, virtually all of the onbudget surplus would be used for tax cuts. Tax cuts are good and I certainly do support targeted tax cuts to people who need it, such as the kind of program we unveiled yesterday at the White House with the President, the USA accounts, the Universal Savings Accounts that will go to people with $100,000 a year and less, and give them incentive to save by having matching funds from the Federal Government. It will make life good for our people. That is the kind of tax cut we ought to be talking about.

But that is not an across-the-board tax cut that we hear talked about. And my friend from New Mexico says it is premature to criticize the tax cut portion of this; we don't know what it will look like.

I have listened to Congressman KASICH and others wax eloquent about the importance of an across-the-board cut, and we know what that means. It will mean $99 back for most of the people earning approximately $40,000 a year or less. But for those in the very high brackets, those who earn $800,000, we are talking about $20,000 a year back.

Mr. President, $20,000 back to some who earn more than $300,000, the top 1 percent, is that something that we can truly say is going to bring the American dream to the people who do not have it? I don't get it. That is more than people make on a minimum wage, who sweat and toil every day—at the minimum wage. And we have had great objection every time we tried to raise the minimum wage.

I don't even get into the people who make $1 million a year. High-wage earners are good people. They have worked hard. But I don't find when I talk to them that they are saying to me, "Senator, you have to give us more money back." They are doing well. They are doing well in the stock market. They understand that this country does well when you bring everyone along.

So I have a problem.

Let me give you another clue as to why I believe these tax cuts will go to those at the very, very top of the ladder. If you look carefully in this budget proposal and they talk about taxes, they go out of their way to mention cuts in estate taxes—taxes that are paid when someone dies. Mr. President, almost ninety-nine percent of the people in this country will never have to pay an estate tax. In other words, we have exempted much income from the estate tax. Here we see the Republican majority fighting again for the top 1 percent of income earners.

Mr. President, I offered a very simple amendment in the committee. Do you know what it said? If there are going to be tax cuts, the substantial benefit should go to the first 90 percent of income earners. The Republicans didn't want to vote on that. As a matter of fact, my chairman, whom I respect and like and admire, said, you know, last year that was a good idea; this year it is not a good idea. They wouldn't take that. They substituted some other language. Then when we got to the floor of the Senate, guess what. They didn't want to vote on it. They accepted it only to drop it in the conference.

So this budget fixates on tax breaks for the people who do not need them. And even bipartisan votes were dropped in the conference. It is hard for me to understand how this is a good roadmap for our future. Education, yes there is a good increase needed in education. But every single amendment that was moved forward, such as the one from our ranking member on school modernization, was dropped in the conference.

My language on after school, which we know works for our children—and we have so many local districts that want that program—was dropped in the conference. Why? The new thing: We don't want to tell local districts what to do. Mr. President, these programs don't tell local districts what to do. We simply make funding available if they believe after school is a priority, if they believe school modernization is a priority, if they believe putting more teachers in the classroom is a priority.

The new words are "flexibility" and "accountability." How is it holding anyone accountable if you give them money and you don't even tell them you think they ought to look at after school, or you think they ought to look at lowering the number of children in the classroom? We were elected because we have views on these subject matters, not just to simply write a blank check and say, "Oh, take the money. We don't care." Do with it what you will: Put a new carpet in the administrator's office, have him hire a new assistant, put a shower in his office. I don't think that is the way we ought to legislate. We ran on these issues. We understand them. If we don't, we don't belong here.

I am not going to give a blank check to some school administrator. I am going to say, look, this is what we have available for you if you feel these are your priorities. Do Members know who set that standard, that kind of model? Dwight David Eisenhower, Republican President in the 1950s who authored the National Defense Education Act, who said there is a shortage of math teachers and science teachers; the Federal Government will help you pay to train those teachers—a Republican President. He didn't say, "Here, take the money, we don't care what you use it for." He said there is a national problem here, let's address it.

We know there is a national problem, as the Senator from New Jersey knows, fixing up the schools. We know there is a national problem, no afterschool programs, our kids get in trouble. We know there is a national problem, too many children in the classroom. We simply try to put some language in and it gets dropped in the conference.

Yes, my chairman is right: There is a huge difference between Democrats and Republicans. More and more I realize this. All you need to do is look at this budget to find it. They don't save Social Security. They put it in a lockbox for 1 year. They have language that mandates that the Social Security surplus be used only for the payment of Social Security benefits, retirement security, or to reduce the Federal debt.

What does retirement security mean? It could mean anything. You could argue you give a tax cut to someone earning over $300,000, that will help him with his retirement. Not only that, if we want to break out of the lockbox, it looks to me like they only need 51 votes to do it. They don't save Social Security. They do nothing for Medicare.

I was surprised to hear my chairman say, "Without doing anything, the economy is good, Medicare is doing great." Medicare needs attention. We are living longer—that is the good news; the bad news is there are strains on Medicare. We should have put money into that program.

My chairman was right, we never offered a Democratic alternative budget. We had amendments on every one of these issues. My ranking member offered them on every one of these issues. We know where we stand. We said we want Medicare funding from the surplus put into a lockbox, too, because we think Medicare, as well as Social Security, are safety net issues that need to be addressed.

The point is they don't do in this budget what they should do for Social Security and Medicare. They don't do in this budget what they should do for working men and women. They don't do anything for the environment.

Senator CHAFEE, a Republican Senator, had his language dropped. Yes, they put $200 million in from one account to another but the language that directing that the money be used for land and water conservation stateside spending was dropped. There is no instruction here.

Senator JOHNSON, who will be speaking shortly, and I worked together on a very important amendment to set up mandatory spending for the environment, for a land and water conservation fund, for the purchase of open space. It was bipartisan, adopted in the committee and was dropped in the conference.

I point out Senator MURKOWSKI has a bill on this matter. I have a bill on this matter, several other Republicans and Democrats have bills on this matter. We were simply making room for the environment in this budget and it is gone. This is a roadmap that I do not think is a good roadmap for America today. I am very sorry to stand here and say that because I believed we had an opportunity to do some very good things because we are on such strong fiscal ground. We had a chance to do some important things. We are going to see huge cuts in domestic spending as these numbers go over to appropriations. They are hidden in this budget right now, but as soon as you get over to appropriations it is going to be very, very difficult. There will be cuts in domestic priorities.

I will vote against this budget. We had an opportunity to work together;

we didn't do it. We didn't save Social Security, we didn't save Medicare, we didn't talk about the real needs in education, we turned our back on the environment. This is a budget that I do not believe the American people will support.

I don't hear the American people saying give tax breaks to the people who earn over $300,000, $500,000 or $1 million a year. I don't hear them saying that. Do you know what I hear them saying—keep up fiscal responsibility and give help to the people who really need that help so they can climb up that economic ladder and this country can truly be all it can be.

I yield back my time to Senator LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS-CONSENT AGREEMENT

Mr. LAUTENBERG. Mr. President, I have a unanimous consent request that the list of those who are going to speak on the budget be identified as follows: Senator WELLSTONE, Senator GORTON, Senator HUTCHISON, Senator JOHNSON, and Senator LAUTENBERG.

Once these Senators have spoken, I ask unanimous consent that all debate time on the pending conference report be yielded back. I ask further consent that the vote occur on adoption of the conference report at 2 p.m. today. I include in that unanimous consent request that after those Senators have spoken, the request then include a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I yield such time as needed to the Senator from South Dakota, up to a maximum of 15 minutes.

Mr. JOHNSON. Mr. President, I thank Senator LAUTENBERG for his leadership on this budget resolution. As a member of the Senate Budget Committee, it has been an honor and, I have to say, also, unfortunately, somewhat of a frustration to have participated in this process in the committee and to see now what has come to the floor.

I am saddened that what could have been a watershed opportunity for the American people—to lay out a budget that makes sense, which establishes the proper priorities for the coming years—apparently is going to be missed and profoundly missed in a very unfortunate way.

It is remarkable how we arrived at this point. When I first came to the Congress as a Member of the other body some 12 or 13 years ago, I had some doubts that I would ever see the collapse of the Soviet Union, the fall of the Berlin Wall, or debate how to utilize a Federal budget surplus, but here we are. We do have that opportunity, last year having been a surplus year, at least under a unified budget. And this year, which ends September 30, the projections are that we will be at least $130 billion in the black for this coming fiscal year. Again, let me be clear that in the unified budget, all of those surplus dollars are attributable to Social Security, lest anyone gets too carried away about spending the surpluses that are here in the near term.

It seems to me that throughout this debate that there are four principles that ought to be followed as we craft a roadmap for where we go from here, from this fork in the road that we thankfully have come to. This crossroads follows on the heels of the 1993 budget agreement and was supplemented by the 1997 budget agreement, both of which I voted for. It seems to me we ought first protect Social Security and Medicare—not just Social Security, but protect them both.

It seems to me that a significant portion of resources that we come into ought to be used to pay down already-existing debt. When Jimmy Carter concluded his Presidency, this Nation had an accumulated debt of around $1 trillion. That exploded to $5.5 trillion, mostly through the borrow-and-spend policies of the 1980s. Now we have an obligation to pay that debt down, reduce debt service, reduce the cost of money, and free up resources for the private sector so buying a house, buying a car, sending a kid to college, and expanding a business become more affordable.

Third, we do need to look at tax relief, but we need to do so in a careful manner. We should not commit dollars that we do not have, those that are only projected far, far into the future. There is talk on this floor about how we are going to spend surpluses available to us 15 years down the road, surpluses of massive proportions. We have seen in the past what has happened with budget projections from both the OMB and CBO. We know the availability of those dollars may or may not occur. It seems to me a great deal of restraint ought to be used on the part of both political parties, for both spending and tax relief, when making plans premised on dollars that may or may not be available in the future.

But I do believe over the near term we ought to try to design a budget package that will provide some level of tax relief for people in this country, primarily for middle-class and working families. There is a very legitimate role to be played for a tax relief package, but it can only be part of an overall strategy.

Last of the four items that I think we need to take into consideration are the key investments that need to be made. I think the American people feel the same way. The American people want some tax relief, but they also want to see Social Security and Medicare protected. They also want to do some things for our schools, environment, kids, and communities. It is that kind of balanced agenda that makes some sense. To repudiate the ability to make the key investments that need to be made, I think, reflects an ideological orientation to this budget that is far away from where the American people are.

There is little wonder in my mind, frankly, why poll after poll shows the American people overwhelmingly rejecting what has become the Republican budget agenda in the House and the Senate. The Republican agenda is lopsided—not balanced, thoughtful, or progressive—and it does not do the things the American people want to see happen. All of the money essentially goes toward tax relief, aside from an increase in defense and a couple of other assorted very narrow increases. Because of this budgeting, we are going to wind up by the year 2004, which is only 5 years down the road, with cuts growing from 11 percent this year to some 27 percent. These are, in effect, shutdown types of cuts for programs like Head Start and Meals on Wheels and toxic waste cleanup and for Women, Infants, and Children, and Border Patrol, not to mention community health clinics, environmental initiatives, funding for our national parks and rural development. All of these programs are at tremendous jeopardy because of the very one-sided, very lopsided, and, I think, unthoughtful approach that we are being presented on the floor of the Senate today.

On top of that, while there is some provision for an increase in education funding in this budget resolution, it is far smaller than that included in the Senate budget resolution; the increase of $2.6 billion is now only $259 million for fiscal year 2000. This budget puts out of reach our ability to deal constructively with the need to renovate and build new schools, to provide the numbers of new teachers we need, and to supply the technology we need in our schools.

In my State of South Dakota we are seeing bond issue after bond issue go down all across the State because people find they simply do not have the resources to make the investments in school facilities that need to be made. Yet we are walking away from what could be a very constructive and commonsense partnership—where the decisionmaking is left at the local school level but the financial partnership is among Federal, State, and local governments—that could make quality educational opportunities for our kids a realistic possibility in the next century.

The situation is similar for child care. While the Senate accepted the amendment of Senators DODD and JEFFORDS that provided an additional $12.5 billion over 10 years for existing childcare and development block grants, the conference report cuts that by $9.5 billion. So, again, we are denied the ability over the long haul to make the investments needed, even in a block grant fashion. It leaves the decisionmaking and flexibility to the States to invest in the kinds of programs that I think every American sees need to be made for our kids—afterschool programs, day-care programs. These are the things we need to do if we are going to invest in the minds of children so they can go on to have successful lives and take care of their own needs.

I am pleased because the amendment that Senator WELLSTONE and I offered on the Senate floor, which would have resulted in a total increase of $3 billion in VA health care funding and which was accepted here, has been, for the most part, retained. This conference report calls for a $2 billion level of increase. That is not as much as I would like to see or Senator WELLSTONE would like to see. It is not what our veterans' groups would like to see. It is an improvement, however, over where this body was earlier. It will make a significant positive difference. We will come back and see what we can do in future years to augment funding for veterans' health care. But I think getting $2 out of $3 billion when we started with zero is progress. It is a step in the right direction, I would have to say.

I want to share with Senator BOXER my profound disappointment at the deletion of the Land and Water Conservation Fund Reserve Fund. This was an opportunity we had. We had bipartisan support in the Budget Committee and bipartisan support on the floor of the Senate to have the opportunity to set aside offshore drilling resources to be utilized for the benefit of the environment and our National Park System in this country. Yet we are going to be denied that opportunity because of the deletion of that provision from this budget resolution. No matter how we come together in future debates, authorizing legislation about reinvigorating our park system with some additional resources from oil revenues, we are not going to have the opportunity to be as effective as we could have been. So I am disappointed about that portion of the conference report as well.

It is remarkable that we arrived at this point where we can talk about surpluses. There are many people who are no longer with us because they voted, with courage and with integrity, for past budget-balancing legislation—most notably the 1993 budget agreement that passed with no support from any Republican in either the House or the Senate. A great many Democrats lost their seats because of that vote. Yet now we find ourselves not with the $292 billion annual deficit that this country had 6 years ago but with a $131 billion surplus.

President Bush, to his credit, supported the 1990 budget agreement. I have to say, in all candor, a contributing factor to his loss of the Presidency was the fact that he supported the precursor to our 1993 budget agreement. Again, in politics sometimes, no good deed goes unpunished, and that has been the case with some of our past budget legislation.

I will have to say now we are at this watershed opportunity. There are some positive provisions in the budget resolution, and I applaud the sponsors for that. I applaud Senator DOMENICI for that. But there are so many missed opportunities; a roadmap to where the American people want to go simply is not there. This is not a Republican or Democrat issue. I think commonsense, moderate, mainstream Americans know where they want to go—providing some tax relief but also paying down some debt; making key investments in our kids, our communities, and our schools. Those opportunities, unfortunately, in this roadmap are lost.

I yield such time as I may have.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I yield myself such time as the majority has as I may utilize.

Mr. President, here in the Congress of the United States, this April 15 can be a day for modest congratulations for us. We will have passed a budget resolution on the day mandated by the Budget Act for only the second time in more than 2 decades.

Moreover, we will be adopting a budget resolution that balances the budget not only for the 1 year in which it is firmly binding, fiscal year 2000, but we hope for at least a decade to come.

We will be adopting a budget resolution that does more to secure the future of our Social Security safety net than has any budget resolution since the Budget Act itself was passed, first, by assuring that the entire Social Security surplus is used to pay down the debt and not to be spent on a wide range of other matters, as was recommended by the President's budget itself and, second, by calling for a lockbox to see to it that the condition of preventing the Social Security surplus being used for any other purpose is permanent and not temporary only.

Second, this budget resolution offers real tax relief to the American people. In that connection, it is especially appropriate that we will be adopting this budget resolution on time.

Today, of course, is tax day. April 15 is the day that the complexity and incomprehensibility of our mammoth Federal Tax Code hits home to almost every American. Today, my constituents in Washington State and, of course, citizens all across the United States rush to the post office, as I did myself this morning, to get their income tax postmarked on time.

I think it is appropriate to address my own hopes and the intentions of this budget resolution that this Congress will act on tax relief and perhaps begin to look forward to an even more fundamental tax reform.

Families whom I represent in the Northwest deserve a rebate from the Federal budget surplus in the form of tax relief, allowing them to decide how best to use their hard-earned dollars. I also believe that it is time to scrap the current Federal income tax code as being far too complicated, too burdensome, and too unfair.

Let me discuss for a few moments the reasons for providing tax relief to American taxpayers. I would like to share with the Senate a few telling facts about the nature of that tax burden today.

A recent Congressional Research Service study found that an average American family will pay $5,370 more in taxes over the course of the next 10 years than the Federal Government needs to operate under the budget resolution that we adopted just a year ago and this even after assuring that all our obligations to Social Security and Medicare have been met.

Next, the Independent Tax Foundation found that this year Americans on average will work 129 days to pay off their total tax bill imposed at Federal, State, and local levels, while my Washington State taxpayers will have to work even longer, 132 days on average.

Third, American workers now pay more in Federal, State, and local taxes than for food, clothing, and shelter combined.

And fourth, the Federal Government collects more in taxes than ever before, currently nearly 21 percent of America's gross domestic product, the highest percentage since World War II.

These are simply facts, not arguments. Reasonable people can agree that Americans are having to turn over too much of their hard-earned dollars in taxes. Tax relief is not a question of need, it is a question of justice. Is it right and just for citizens from Wenatchee to Woodinville to Walla Walla to work more than a third of the year just to pay their taxes? I think not.

Unfortunately, President Clinton and his Vice President GORE proposed in their budget to increase—that is right, a net increase in taxes of $96 billion over the next 10 years. You might wonder why a President and Vice President want to raise taxes when we already have the highest burden since World War II. Why do they want to raise taxes when the Federal budget is operating in a surplus? It should be no surprise considering that ever since they were sworn into office in 1993, they have not proposed a net tax cut. In spite of the fact that President Clinton and Vice President GORE campaigned in 1992 on the promise of a middle-class tax cut, they ignored that promise and promptly increased taxes by as much as any administration in the history of the United States.

Why? It is very simple. In his State of the Union Address, President Clinton proposed 77 new Federal programs. Why does this administration believe that the Government needs to spend more money on so many new programs? Because the President and the Vice President do not trust the American people to spend their own money wisely. They believe that they can spend it better.

I disagree. To the taxpayers in towns across my State and across the United States, I say that the Republicans who are adopting this budget do so because they trust you and your family and your neighbors better to spend your own money on your own needs and priorities than bureaucrats in Washington, DC, will ever be able to do.

This is one reason that I so strongly favor this budget. This budget sets aside every penny of the Federal budget surplus generated from Social Security into a lockbox for the purpose of strengthening that Social Security system for the future, but it provides that we will return any additional surpluses in the form of tax reductions, up to $142 billion over the next 5 years and $778 billion over ten years, to the people who have paid those taxes.

What form of tax relief are we talking about? I must confess that I do not know. Congress will debate that later this year. Four major proposals, however, are: eliminating the marriage tax penalty, ending or reducing the death tax, reducing capital gains taxes, and an across-the-board cut in income tax rates.

While I certainly am not able to predict what the final tax relief bill will look like, I hope that it will include some elements of all four of these proposals. But the important point is that this budget resolution allows that debate to take place, allows the Congress to permit the American people to spend their own money, return it to them in the form of tax relief, as against the proposal of the President and the Vice President to increase taxes so that they can determine where that money is spent.

I must also say, incidentally, at least that I am every bit as committed to replacing our current Federal income tax code as I am to reducing that tax burden. It is time to scrap it. It is too complicated, too burdensome, too unfair. We need to focus our attention in Congress on developing an alternative. That alternative needs to be fair, simple, uniform and consistent. It is that support on my part that has led me to cosponsor the Tax Code Termination Act. The bill would sunset the current income tax code, except for those funding mechanisms for Social Security and Medicare, by December 31 of the year 2002. It would require a simple majority vote by Congress to reinstate the current code if agreement on a replacement code cannot be reached. But the real points are two: It makes absolutely certain the need to scrap the current Tax Code, and it will act as a catalyst to jump-start debate on a new one.

Mr. President, Americans deserve a Tax Code they can understand and predict. Today, about the only thing Americans can predict about the Tax Code is that they will send a big check off to Uncle Sam by April 15, and about the only thing they understand is that the IRS will find them if they do not.

This should change, and it is why I am working to help pass a tax relief bill and why I will be working in favor of a new Federal Tax Code that is fair, simple, uniform, and consistent. But a true debate on tax relief, a chance to say exactly what it is we want, depends on a budget resolution which calls for or requires it.

This budget resolution does so, Mr. President. This budget resolution is on time. This budget resolution says to the American people: We will secure Social Security for you; we will balance the budget so the economy can keep growing; but the money that is not needed to meet the requirements of the agreements that we made a year ago or 2 years ago is going to be returned to you in the form of tax relief.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank you.

I think what I will do is pick up on the comments of my colleague from Washington because otherwise you just come to the floor and you have something that is well rehearsed; and it is better, I think, to respond to what other Senators have said. That makes for more of a debate, though I find it frustrating to speak on the floor of the Senate because it is sometimes hard to engage in debate.

On the question of spending money more wisely, the tax cuts that my colleague talks about, he mentioned the first 5 years, $143 billion over 5 years. It will be $778 billion over 10 years. It is backloaded. It is really not what I would actually call fiscally responsible or very conservative.

The theory is to get the money back to the people. "You can spend it more wisely." Here is my question. I do not know about Illinois, but in the State of Minnesota, only 35 percent of senior citizens, 35 percent of Medicare recipients—there are probably close to 700,000 Medicare recipients in our State—have any prescription drug benefit coverage at all, only 35 percent.

It is not uncommon to talk to an elderly woman or a couple and find that they are spending up to 30, 40 percent of their monthly budget just on prescription drugs. They cannot afford it. So we have a budget resolution here that says to the senior citizens in Minnesota, "Spend your money more wisely. If you can't afford prescription drug costs, spend your money more wisely." There is a disconnect here. This is why this Republican budget resolution is going to be in big-time trouble with people in this country. It does not make any sense to people.

To senior citizens in Minnesota, this budget resolution says, "When it comes to prescription drug costs that put you under, spend your money more wisely." When it comes to family farmers who have been buffeted about, and many of them destroyed by the "freedom to fail" bill—a great bill for multinational corporations, a terrible bill for family farmers—when we come to the floor and say we have to get farm income up, we have to take the cap off the loan rate, and then it gets scored by CBO, we are told we cannot afford to do it. The Republican response to the family farmers in Minnesota who are going under is, "Spend your money more wisely, because we're going to give you a tax cut that will enable you to spend your money more wisely," while people go under.

Mr. President, I meet families in Minnesota and families all across the country when I get a chance to travel. And one of their top issues, one of the most important issues they have, is affordable child care. It is a huge issue, not just for low-income, not just working-income; I am talking middle-income families. He is 30; she is 28; they have two children. It costs them $12,000, $13,000 a year for child care—not to mention the fact that way too high a percentage of these child-care centers really are not that great. Some of them are downright dangerous. The care is not necessarily developmental child care, and the people who work there are severely underpaid.

So what are we saying to working families in our country, in Minnesota, in New Jersey, or in Illinois, who can't afford child care? We are saying, "Spend your money more wisely." I have news for you: For a typical family, a young couple making $35,000 a year, with $12,000 child care expenses, this does not work.

What about for the children? What about for the children? I am glad to hear of my colleague's concern for Social Security. And I am glad to hear that the Democrats are also focused on Medicare, unlike my colleagues on the other side of the aisle. But in all due respect, it is our children who are going to be in the next century. The next millennium is going to belong to our children. And we have close to one out of every four children under the age of 3 growing up poor in our country, and one out of two children of color under the age of 3 growing up poor in our country today; and because of this budget resolution, with all of these tax cuts and all of these caps, we are going to see a lot of these domestic programs taking a hit of about $43 billion.

So what are we saying? We are going to cut Head Start? We are going to cut child nutrition programs? We are going to cut the Women, Infants, and Children Program? Where are we going to cut? I do not understand the distorted priorities of this budget resolution. There is an old Yiddish proverb that says: "You can't dance at two weddings at the same time." You can't have all of these backloaded tax cuts, the vast majority of which are going to flow to people with very high incomes—that has always been the record of my Republican colleagues—and make your investment in the Pentagon, and do what you say you are going to do for Social Security, and at the same time make any investment in the health and skills and intellect and character of children. We are going to cut programs for children.

By the way, as to "Spend your money wisely," do not tell some child who is poor—the poverty being involuntary—that he or she should spend their money more wisely. They do not have any money to spend wisely. I doubt whether we are going to cut the National Institutes of Health budget, but we are certainly not going to increase it.

So to my colleague, who is no longer on the floor, talking about "Spend your money wisely," you say to people who are struggling with Alzheimer's or breast cancer or Parkinson's disease or diabetes—and I can list many other illnesses as well—all sorts of people come to Washington, and they try to get more money spent for research for the cure to these diseases, to the point where we have one group of people struggling with an illness pitted against another group of people struggling with an illness. It is just horrible. And we are saying to these people, we are going to have these backloaded tax cuts over the next 10 years—"Spend your money more wisely."

In all due respect, I think, even though the Chair of the Budget Committee is one of the Senators whom I have the most respect for—he is really kind of my working partner when it comes to the mental health work—this budget resolution and the priorities of this budget resolution are not consistent with what I would call the sort of basic core values of the American people, of people in this country, of people in Minnesota.

People want to see some investment in children. They do not want to see Head Start cut. They do not want to see WIC cut. They do not want to see backloaded tax cuts over the next 10 years, most of it going to high-income, wealthy people. And people get it; they know that we have to be fiscally responsible. They want the deficits gone. They want to see us focus on Social Security to make sure it is solvent. We know we absolutely should be committed to Medicare. And then with what we have, we ought to make the kind of investments that make sense for our Nation.

Where do we want to be in the year 2050? If you want to have a solvent Social Security system, then you want to have the children who are small today as adults who are independent, productive, highly trained, morally caring men and women. And you are not going to get there if you are going to leave one-fourth of the children of America behind.

Where is the investment in these children? Where is the investment in these families? Where do we want to be in the year 2050? On every single issue I can think of, Social Security, Medicare, our country doing well in the international economy, economic performance, economic growth, reducing crime, reducing violence, you would want to make sure that we do our very best by all of our children in the United States of America. And you know what? This budget resolution fails that test, and therefore I will vote against it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, understanding the order, I ask unanimous consent to speak on the budget for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, today I rise in support of the conference report on the budget resolution. I extend my sincere congratulations to the chairman of our Budget Committee for the work that he and that committee have so successfully completed in the last number of weeks. In fact, I am extremely pleased with where we are as a Senate at this moment in time.

Many of our constituents around the country were frustrated as the Senate convened this year to start with an impeachment process of the President, fearing that we would be so bogged down in that that we would not get to the work of our people and get to the work of Government and to processes like the budget resolution.

Quite the opposite has happened. The Senate responded in a timely and constitutionally proper manner to the impeachment issue and then moved rapidly into its work. As a result, we are here today voting on a budget resolution which will be adopted as a conference report. It will be the second earliest date of adoption of a budget resolution in the 23 years of the Budget Act. That is why I think the chairman of our Budget Committee deserves the congratulations of the Senate and why the American people ought to at least be assured that we are here and at work and doing what we should be doing in behalf of them to make sure their Government responds appropriately to the needs of all of our taxpayers.

This budget demonstrates that we can and should have a balanced fiscal program that addresses our Nation's major priorities. If we and future Congresses and the President follow the plan that is now laid before us in this budget resolution, we will pay down the public debt. There will be $463 billion more in debt reduction than the President's budget offered us over the next 10 years.

I have had the privilege of serving in Congress for a number of years. I tell my colleagues, I have watched the debt grow, and I voted against most of that growth. Today to be able to vote for debt reduction is a very positive move for this Congress and laying the course for future Congresses to do the same. One-half of the debt held by the public can be paid off in the next decade if we follow the general outlines of the budget that Senator DOMENICI has put before us. We will make sure Social Security revenues are reserved exclusively for Social Security benefits. We will safeguard the current Social Security system for today's seniors and for those who plan to retire in the near future.

Mr. President, I, like you, have just returned from my State and from the Easter recess. While I was there, I held what I think is the beginning of a series of town meetings that I will hold across the State on Social Security and its need for modernization. I invited seniors in high school and senior citizens to attend, and they did in large numbers. I was extremely pleased not only by their turnout but by their willingness to listen and react and give me ideas about what they see the Social Security system being and what it ought to be.

I told them that we, by our budget here and by balancing the budget and producing surpluses, are providing the country with a generational opportunity to maintain a strong Social Security system while at the same time offering a modernization package that can take young people entering the workforce and paying Social Security through a lifetime of developing an annuity program that would be much like a positive retirement program that they could take with them when they retired and would be substantially more than if they were in the current Social Security system. More importantly, it would not have to address substantial tax increases in Social Security in the outyears beyond 2034 and 2035.

So for the first time since 1960, the budget will be balanced without counting Social Security surpluses. We will provide a reasonable and necessary amount for tax relief for working Americans and their families. You heard the Senator from Washington and others in just the last few hours talk about an American taxpayer that is paying his or her taxes today, being taxed at the highest level ever in the history of our country. We are turning that around.

I am pleased to be able to be here on the floor today, on a day when most people are going to the post office to pay their taxes, or at least to file their tax returns, to say that we are going to change some of that. While this is a tax cut, I also agree with my colleague from Washington, Senator GORTON, that we ought to be looking at tax reform in the near future that will simplify the Tax Code and make it much less intimidating than it is today to all of us; those who are relatively sophisticated and those who are less sophisticated find it all very intimidating and difficult to comply with.

All tax relief will be provided out of the onbudget surplus, that is, the non-Social Security surplus. And $778 billion over 10 years sounds like a lot of tax relief, but it is a tax reduction of less than 3.5 percent. So when some of our colleagues come running to the floor wringing their hands about giving tax breaks when we ought to be spending all this money, as the President wants to do for new programs, let me say to them that we are only offering a 3.5-percent tax reduction against the highest taxes in the history of our country, and we are offering it over a 10-year period. Frankly, it is nowhere near what I hoped it would be, but it clearly moves us in the right direction.

This budget continues. The American people demanded fiscal discipline and responsibility in 1994 when they changed the character and culture of the Congress and they said quit building deficits and get your fiscal house in order and control the size of Government. So we abide by the budget caps adopted in 1997 in a bipartisan balanced budget agreement. It continues the spending restraints we began in 1995, a product of that 1994 election and the 1994 Congress—the first Republican Congress in 40 years, which has helped produce the balanced budget and the projected surpluses.

This budget fully funds and protects the solvency of Medicare. In that respect, it stands in clear contrast to what the President has proposed, which actually proposed to cut Medicare funding and promised only General Treasury IOUs for the future. I am amazed that that has missed the attention of the press and a lot of the American people since our President proposed it. But it really was a first-class shell game, probably one of the best I have seen produced by this administration, when they said they were doing one thing when, in fact, they were actually doing another.

To hand this next generation a whole fist full of IOUs after mounting the hugest debt in the history of our country just doesn't make a lot of sense. So we are not doing that in this budget. We won't do that. It would not be fair, and most important, it would not be responsible. Of course, Medicare still needs the attention in the long term, and Senators—Republicans and Democrats alike—have stepped up and said we ought to do so. Democrat Senator KERREY of Nebraska and Democrat Senator BREAUX of Louisiana worked hard to work with us on a bipartisan, long-term Medicare plan, and it is necessary. Congress ought not to go home this year without doing it. But my guess is that we will because of the politics of it. That should not happen.

The fact that a bipartisan Medicare Commission broke down because the President's appointees would not walk up to the line and do what was right—I am not sure why, but my guess is they would like to perpetrate another "medi-scare" as a tactic going into the next political cycle. It is pretty unconscionable that anybody would want to do that. But there is really no other explanation for why they failed to do what had to be done because those of us who face the electorate and understand the complications of Medicare stepped to that line and said reform is necessary and offered a reform package, Democrat and Republican alike. I have mentioned several of those Democrats. So that work is yet to be done. Medicare reform is yet to be dealt with, and I hope we can do it because it is necessary.

This budget strengthens America's defense forces too long neglected under this administration. Yet, this is an administration that has used our defense forces more than nearly any other President in a peacetime era. It is time that we make sure that America's sons and daughters who put themselves in harm's way in the protection of our Nation have their interests served. When I speak of their interests being served, I mean making sure that we back them up with equipment and technology, compensate them adequately, and give them the dignified quality of life that anybody in that service deserves. This budget meets the challenges of the 21st century with positive initiatives in agriculture, child care, and education.

What I am telling you, Mr. President, is I think this is a pretty darn good budget. It is sound and it is a conservative budget. It recognizes the value of balancing, and it recognizes the reward to the taxpayers that a balanced budget ought to offer. It is good for the economic security of the American family by recognizing that we are going to let them keep some of their hard-earned dollars instead of cycling them to Washington and try to get them back.

All of the money that we spend here comes from somebody's hard work, somebody who gets up every morning bright and early and goes to work and works hard for 8, 10, 12 hours a day. They willingly pay a very large chunk of their income to Government. Now that we have balanced the budget, why should we be chasing new Government programs, or bigger Government programs, or programs that ultimately take freedom away from people and their choice? Why should we not be rewarding the taxpayer by saying that we have enough and we are going to send some of it back to you, and we are not going to take it away from you in the future, unless we come to you and ask you for it because there truly is a national need. That is the way good Government works and, very frankly, I think this is a pretty good Government budget. I strongly support it.

I urge my colleagues to vote with us for it, and I urge my colleagues to work with the Finance Committee and with the Senate to devise a tax package that is fair and equitable across the board, that recognizes issues such as the marriage penalty, that recognizes an issue such as small family business owners who grow too old to operate their business and want to pass it through to their children and are being denied that because the children would have to sell it to pay the taxes on it.

That is a great tragedy in the American dream—how our Government ever got crosswise with the idea of a family being able to pass down through the generations a business that they have built and has grown over the years and now have to sell to pay the inheritance tax, the death tax.

Now, I am not suggesting that if it doesn't move in the family and it is simply sold at the end of a generation, it ought not to receive some tax. But when we are talking small, privately held businesses, farms and ranches, Main Street small businesses that make our country work so well, and then find out that mom and dad can't hand it to a son or daughter without the Government taking nearly all of it, or the son and daughter then spending their lifetime to buy it back, frankly, that is wrong. I and others have worked a long time to reduce the death tax. We have been able to do some of that. Why don't we just eliminate it, or deal with it in a way which says that if that asset moves out to be sold in the marketplace as an asset for sale then it comes under the normal tax of the income of an individual with the proper considerations against depreciation and all of that? That would be fair. That would be just. We should deal with our countrymen in a way that says we recognize that those who work for the American dream ought to be allowed to pass that dream forward to the next generation. That is one of those kinds of tax reforms I hope we can get at this year.

There are a good many others that our colleagues are working on and that will be embodied in the tax relief package that is placed in this to this budget resolution.

Once again, let me praise the chairman of our Budget Committee, and that committee and the will of the Republican Congress that says that a balanced budget is something we will keep and continue to work for and that surpluses should be handed back as rewards to the American taxpayer instead of spent. That is what this budget does. I am proud to have been a part of it.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I believe everyone knows that today is tax day in America, I think we have been talking about it. And I think it is very appropriate that we have a budget resolution on the floor today that we can say will give tax relief because that is set aside in this budget.

The tax burden on Americans is too high. The average American family pays 38 percent of its income in taxes to some government—the Federal Government, the State government, and the local government. As a percentage of gross domestic product, taxes are higher today than they were at any time in this country since World War II.

That is why the budget resolution that we are going to pass is significant. The American people should know that on April 15 this Congress is going to pass a plan that provides a $770 billion tax cut over the next 10 years. There couldn't be a clearer message from this Congress about what our priorities are, and that is tax relief for hard-working American families.

There are some, including the President, who oppose our plan. They say that Washington will save money for working Americans. But we know that is not going to happen. We have heard that before. And we know that we haven't had a budget surplus nor tax cut in this country—until this Republican Congress was elected—for 40 years. So we know who cares about tax cuts for the American family.

I think we have chosen the right course. Giving the extra money to the Government would not ever get it back to the people. But we believe that people who earn the money have the right to it. And that is why we will have a tax bill when this budget is passed.

There are many tax proposals that come before the Senate, many of which I support. Certainly reducing capital gains taxes would be good for our country. Reducing or eliminating the estate taxes would be good for this country; and across-the-board tax relief, 10 percent across the board, so that when you are writing your check today, you can just take 10 percent of the check you wrote and know that would not be in your tax bill next year and you would be able to spend that money the way you think it is best for your family.

But there is one that is my priority, and it is to eliminate what I think is the worst transgression we have in our Tax Code. That is the marriage tax penalty. Right now, 21 million American families pay up to $1,400 on average more just because they are married. So we say to people, you have to choose between love and money in our country.

If you want to get married, start a family, and build up your savings to make a downpayment on a new home, we will make you $1,400 less able to do that. That is a lot of money to the hard-working couples who are hardest hit by this tax.

I have introduced legislation to eliminate this penalty. We could allow couples to split their incomes evenly or we could double the standard exemption to widen the tax brackets for married couples so they match those of single filers. We could also let people choose if it is better for them to file as singles or as married couples. That way, no one would pay a penalty for getting married. I hope it will be our highest priority with the tax cuts that are provided in this budget.

I read in USA Today an op-ed piece this morning on the marriage tax penalty. Their contention is that this only affects the higher-income couples. They say that the bulk of those suffering this marriage tax penalty are dual-income families at the middle-income level, $50,000. I have a legislative correspondent in my office and his combined family income is $50,000. He makes about $25,000 and his wife must work for them to be able to make ends meet. She makes about $25,000. They are a young couple. I don't think that people who make $25,000 a year are wealthy, and I most certainly think if they have to have two incomes in order to make ends meet that we are not increasing the standard of living in this country. To go forward and say two people who make $25,000 a year should owe Uncle Sam $1,400 more, I think is absolutely wrong, particularly a young couple that is trying to get started, to make a downpayment to buy a home.

I hope we can correct this inequity. I think two-income earners at the $25,000 level deserve some help. I am going to try to get it for them.

This is a red letter day. This is the day that we see how much it costs for us to support government. All of us want to do our fair share. I would never say we should have no taxes because we do enjoy good service—hopefully—for the taxes that we pay. However, 38 percent of a person's income in taxes is hard to explain. It is hard to explain that you are getting that much service for your dollars. I think you could get a lot less service and a lot more choice if we lower the taxes for everyone in this country so that hard-working Americans could see the benefits of working harder and doing better. That is the American dream. That is what made this country great—that we would say to people, if you work harder you can do better and you can give a little more to your family or your children. That is why adding on some of these taxes is so important.

Today, we are going to pass a budget resolution that will do that, that will say to the hard-working American that help is on the way. I just hope we can come to terms with the President so that we will be able to pass a tax bill that really will go to the hard-working American who is struggling to make ends meet.

I appreciate the leadership of Senator DOMENICI and Senator LAUTENBERG for putting this budget resolution forth. I think it is a good one. It is a responsible spending of our hard-earned tax dollars. Most important, on tax day, I hope people realize that we are going to try to cut that burden. This budget resolution is a start in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we are coming to "H" hour here. That is not happy hour, as far as I am concerned. I can think of other words that start with an H—like horrific, horrendous, horrible, hurtful—but I won't use that vocabulary. I will just infer it.

The occupant of the Chair has been in government for some time, and I am sure he has seen it from a different perspective. We see good people sincerely believing in what they are doing at odds with one another, in such contrasting views that it is hard to reconcile the difference of what is and what isn't the reality. This is no suggestion of prevarication or fabrication. I am not talking about that. I know there is genuine belief.

I differ sharply with my friends and colleagues on the other side regarding this budget. Few people have I more respect for than the chairman of the Budget Committee, Senator DOMENICI. Boy, we have some scraps. They are really good ones. The fact of the matter is, he is a bright guy. He understands a budget as few here do. He is one of the few Senators who has to teach his staff what it is all about. That is intended to be a joke.

The rest of us do it differently. I hope the public doesn't take that too seriously, Mr. President.

The fact of the matter is Senator DOMENICI very well knows "budgeteering," but I think in this case it is fair to say there is an error in the approach. I think the policy as proposed by the budget conference report is fiscally dangerous. I think if we go the way it appears that we will go, we could be approaching in the not-too-distant future a shutdown of the Government. Everybody who has been around for any length of time remembers how painful the last shutdown was: People were not getting Social Security checks, veterans' benefits were not being paid, services people count on for their everyday existence were just unavailable. Other matters that seemed to be routine, such as entrances to national parks, families planning for a year to visit one of our national parks and finding out they were closed. Became important. Airplanes, trains, buses, cars—all that planning, gone.

I predict we are going to be playing Russian roulette to see who pulls the trigger on whether or not we have a Government shutdown because this budget "ain't for real," to use the language, when we look at what happens as a result of the intent to give a tax cut across the board—a lot of it to wealthy people—and we know that some time ago Senator DOMENICI said we were taking people's word for what the intention is without seeing it clearly spelled out.

Few people have as much authority around here as the distinguished Senator of the Finance Committee, Senator ROTH. He was speaking to Reuters and he said he was very much in favor of using bigger than expected budget surpluses to fund an across-the-board income tax of 10 percent or more. That is what Reuters reported:

> "I don't think it is too big," the Delaware Republican said of the 10 percent income tax cut. "If anything, I would like to have it bigger."

That is a pretty good indicator of where we are going. We are not protecting Social Security in the way that we proposed here on the floor of the Senate 2 days ago. We had a vote. I offered the amendment. I said no Social Security surplus shall be used for anything other than Social Security, pure and simple.

The language is very direct. Mr. President, 98 people voted for it. We had zero opposition, 98-0. It went to conference with the House. For those who don't understand the arcane process here, the House and the Senate get together and have a conference to decide on what the various legislative programs will be, we agree between us on a conference report, and that is what we are voting on today.

As it happens, there is a Republican majority in the Senate. There is a Republican majority in the House. As was noted, we, the Democrats, do not participate. That is the game. It is understood. Next year, when we are in the majority, I expect to be more forgiving and perhaps we will even invite one of the Republicans to the conference meeting.

But the fact is, the product that came out is one that is a Republican delivery. Make no mistake about it. And the consequence of that is the bill we have in front of us with huge tax breaks for wealthy people. If you make $800,000, you will get a $20,000 tax break. If you make $800,000, you get $20,000 worth of extra spending money. That can buy, perhaps, a nice little boat or a downpayment on a summer home or something of that nature. But the person who makes $38,000: $99, that is what he or she is going to get in terms of a tax break, $99. Don't spend it all in one night, friends, because it is supposed to last for a whole year. That is a tax cut: $99.

So when we look at it, it is obvious that we are not dealing with the needs of the average working person, the hard-working person, a family making $38,000. We have heard the distinguished Senator from Texas talk about a person working in her office who, with his spouse, put together an income of $50,000. That is not a lot of money today. Those are the kinds of folks to whom we have to be sensitive, to target tax cuts for them and make sure the woman who wants to work can get some decent child care and get some credit on her taxes for it. If you have an elderly parent who needs long-term care, get a tax credit for that; a tax credit for education; those are the kinds of tax credits or tax breaks I think we ought to be giving. That is what the Democrats are proposing.

One of the things we are doing is proposing a tax cut that, in the course of 10 years, will be three-quarters of a trillion dollars—$750 billion in round terms. The consequence of that, the result of that, is going to be that we will not have sufficient funds to pay for Government services. We will not have enough funds to pay for full staff for the FBI. We will not have enough funds to pay for full staffing of drug enforcement agents. We will not have enough funds to include 800,000 low-income women, infants, and children in programs for nutrition assistance.

We are not talking about extra money to take a trip to Europe; we are talking about food. Mr. President, 800,000 of those people are going to lose assistance from the Government. The number of students in work/study programs decreases by 12,000 people. Head Start is designed to take children who come from poverty-ridden homes to start to learn—Head Start. It is preschool. It is before they get to kindergarten or first grade. We are going to take away services for 100,000 children. For those who need energy assistance, 600,000 low-income families could lose that energy assistance.

The FBI, the cut to the FBI could result in the reduction of 2,700 FBI agents. Mr. President, 73,000 summer jobs lost. And the list goes on: More than 2,200 air traffic controller positions would be cut. I am very active in air transportation matters and very concerned about where we go. Y2K, will we have the right kind of personnel to handle the shift? Here we are, getting a budget in front of us. It is there in print for everybody to see. It is designed by the majority. We are saying that more than 2,200 air traffic controller positions would be cut and $255 million.

The IRS customer service: Today everybody is probably as angry at the IRS as can be, but when they see what it is we are paying for, we are paying for a country designed to give everybody opportunity. We are doing better at it. Jobs are more available, there is low unemployment, our national health is better than it has ever been. That is what you pay your taxes for. You do not pay it for some idle bureaucrat sitting in a chair. We pay for services. Do we get 100 cents on a dollar? Probably not. I ran a big corporation and it was a successful corporation. We didn't get 100 cents' worth of value on every dollar that we spent, but that's life.

Mr. President, we now are preparing ourselves to vote for a budget that I think is shameful, that could be called a sham. Again, there is no accusation here of dishonesty or skullduggery. What it is is a misinterpretation of what things are about. It is playing dice with our national economy. It says if you give tax cuts, it is going to generate something else and it will be good for us. Baloney.

What happened under President Reagan's regime, when we gave tax cuts? I will tell you what we got for it. Some of the biggest debt this country ever had, and it grew by leaps and bounds. When President Clinton took over, there was a $290 billion deficit in front of us, and this year we are looking at a surplus of about $100 billion. Things have changed materially in the 7 years that have passed.

So I am hoping we will get a vote that reflects what is best for the American people, and that would be to deny acceptance of this budget report that is in front of us. I hope we will perhaps be able to convince some of our Republican friends to come over, take another look at the budget and see what we can do to improve the situation, because right now we are headed for a potential fiscal disaster just when things are really going good.

I want to say something in response to an earlier argument I heard from the other side when it was said there is going to be more money put into Social Security than the Democrats are proposing. It is not true, because hidden in there is some arcane language that says "retirement security." They want to put the money away that can be used for retirement security—not Social Security. They are both two words but they have different significance. One is a Government program established for people who are dependent on the Government for their retirement and their pension. The other could be Heaven knows what.

So I caution everybody, as we prepare to vote, which is imminent, that the American public ought to be looking very closely at what it is we are going to do. I hope they will respond as they see it, to those Senators who are casting a vote at this moment. I hope the vote will wind up with a majority saying no.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. I yield the floor.

LAND AND WATER CONSERVATION FUND

Mr. CHAFEE. Mr. President, I would like to engage my distinguished colleagues, Senator SMITH of New Hampshire and Senator DOMENICI, in a colloquy, with their indulgence. As my colleagues are aware, the Land and Water Conservation Fund is the primary vehicle through which the Federal Government funds the acquisition of land and water resources throughout the Nation. It does so through two programs, one allowing for Federal land acquisitions and one providing for matching grants by State and local governments. However, funding for the LWCF has been sporadic, and for the State-side program, funding has been non-existent since 1995.

Mr. SMITH of New Hampshire. I would like to emphasize that the State-side program of the LWCF receives widespread support across the Nation, particularly from State and local governments.

Mr. CHAFEE. I would like to bring to my colleagues' attention an amendment I offered, with great assistance by Senator SMITH of New Hampshire, as well as Senators LEAHY and FEINGOLD, that increased Function 300 by $200 million, with a commensurate decrease from Function 370. The amendment included language that this increase was to fund the State-side program of LWCF.

Mr. SMITH of New Hampshire. Accompanying the amendment were floor statements expressing our intent that the offset be derived from within the Department of Commerce, and specifically within Function 370. After negotiations with Senators LEAHY and FEINGOLD and other Democratic colleagues who cosponsored the amendment, we reached a bipartisan agreement that the $200 million would come from within the Commerce Department.

Mr. CHAFEE. I would like to ask the distinguished manager of the budget resolution whether these assumptions still apply, even if they do not appear in the resolution?

Mr. DOMENICI. As far as the Senate is concerned, these assumptions are still valid. Although the conference report is silent with respect to the $200 million being directed to the State-side program, there is nothing to assume that the money is not for the State-side program. Indeed, the best indication of the Senate's intent with respect to the LWCF is the Senate-approved resolution.

Mr. SMITH of New Hampshire. Is the same true with respect to the offset?

Mr. DOMENICI. Yes. In fact, as my friends, the Senators from New Hampshire and Rhode Island may have already noted, the House receded in its disagreement with the Senate numbers for function 370. The Senate numbers were $200 million lower in both budget authority and outlays for this function than the House.

Mr. CHAFEE. Is there a presumption that the Senate, in accepting the House-passed, higher funding level for Function 300, is also adopting the assumptions that may have been used by the House in reaching its Function 300 spending levels?

Mr. DOMENICI. There is no such presumption. The Senate assumptions are as equally valid as the House assumptions. The real challenge lies ahead when the Appropriations Subcommittees begin marking up their separate appropriations bills. Since our budget assumptions are just that—assumptions—and do not bind appropriators to specified funding levels for individual programs, Senators must vigorously continue to make their case for funding favored programs with the relevant Appropriations Subcommittee. I do know that the State-side land acquisition program could not have better advocates than the Senators from Rhode Island and New Hampshire.

Mr. CHAFEE. I thank my colleague from New Hampshire, as well as the distinguished manager of the budget resolution, for engaging in this colloquy. I also wish to wholeheartedly thank the manager for his support on this issue throughout the consideration of the budget resolution.

Mr. DOMENICI. I thank the Senator from Rhode Island for his kind remarks. I would add that the inevitable challenges of moving a budget resolution through the Senate to final passage were made far less difficult by the hard work of Senator CHAFEE and his staff, whose understanding and accommodation allowed us to complete our work in a timely fashion. It is a great pleasure to work with him again on the conference version of the resolution.

TECHNICAL CORRECTION TO SECTION 104 OF THE BUDGET RESOLUTION

Mr. DOMENICI. Mr. President, I rise today to alert my colleagues in the Senate to a technical error which occurred during the drafting of section 104 of the Conference Report to accompany H. Con. Res. 68—the Concurrent Resolution on the Budget for Fiscal Year 2000.

Section 104 of the resolution sets out the reconciliation instructions for the Committee on Finance in the Senate. This instruction calls for a net reduction in revenues over the 10-year period of fiscal years 2000 through 2009. As is always the case with a reconciled revenue reduction, the amounts contained in the instructions to both the Senate Finance and the House Ways and Means committees are intended to be the same. However, due to a technical drafting error with respect to the instruction to the Finance Committee, the amounts are not the same. Three "zeros" were omitted from the instruction such that the amount for fiscal years 2000 through 2009 is $777.868 million instead of $777.868 billion.

If my colleagues look to other sections of the budget resolution and the statement of managers which accompanies it they will see that the conferees clearly intended the amount in the instruction to the Finance Committee be $777.868 billion not $777.868 million. In addition to the language found in the statement of managers, this intent is evidenced by the figures set out in section 101(1)(B) of the resolution (which states on a year-by-year basis, the amount by which the aggregate levels of Federal revenues should be changed—the sum of these figures is $777.868 billion) and the figures set out in section 101(5) of the resolution (which displays the appropriate levels of the public debt).

Moreover, I have consulted with the Parliamentarian of the Senate and have been assured that for the purpose of determining whether or not the legislation reported by the Senate Committee on Finance complies with the reconciliation instruction contained in section 104 of the budget resolution the Parliamentarian will honor the intent of the conferees—that the 10-year figure is $777.868 billion, not $777.868 million. I am gratified that the Parliamentarian will support a rational result.

CORRECTIONS TO FY 2000 BUDGET RESOLUTION SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS AND RECONCILIATION INSTRUCTIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent to submit for the RECORD corrections of typographical errors on tables that originally appeared in the April 13, 1999 CONGRESSIONAL RECORD on pages H1963 and H1964 in the Statement of Managers to accompany the FY 2000 Congressional Budget Resolution, H. Con. Res. 68. I further ask that these corrected tables be considered to be the allocations required by section 302 (a) of the Congressional Budget Act of 1974.

On the table titled "Senate Committee Budget Authority and Outlay Allocations Pursuant to Section 302 of the Congressional Budget Act, Budget Year Total 2000 (in millions of dollars)," the figure for Appropriations Outlays, General Purpose Discretionary should be $536,701. Appropriations Outlays, Total should be $875,243.

Direct spending jurisdiction, Budget Authority for the Finance Committee should be $683,102. Direct spending jurisdiction, Outlays for the Finance Committee should be $676,153.

Direct spending jurisdiction, Budget Authority Total should be $1,426,720. Direct spending jurisdiction, Outlays Total should be $1,408,082.

On the table titled "Senate Committee Budget Authority and Outlay Allocations Pursuant to Section 302 of the Congressional Budget Act, 5-Year Total: 2000-2004 (in millions of dollars)," the figure for Direct spending jurisdiction, Budget Authority for the Finance Committee should be $3,389,039.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. DOMENICI. Mr. President, I further ask unanimous consent that the corrected tables, which I now send to the desk, be printed in their entirety in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations act	
	Budget authority	Outlays	Budget authority	Outlays
BUDGET YEAR TOTAL: 2000				
Appropriations			0	0
General Purpose Discretionary	531.771	536.701	0	0
Violent Crime Reduction Trust Fund	4,500	5.554	0	0
Highways	0	24.574		
Mass Transit	0	4,117		
Mandatory	321.502	304.297	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—Continued

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations act	
	Budget authority	Outlays	Budget authority	Outlays
Total	857.773	875,243	0	0
Agriculture, Nutrition, and Forestry	10.843	7,940	26.696	9,419
Armed Services	49.327	49.433	0	0
Banking, Housing, and Urban Affairs	4.676	(1,843)	0	0
Commerce, Science, and Transportation	8.420	5,774	721	717
Energy and Natural Resources	2,336	2,258	40	63
Environment and Public Works	36,532	2,041	0	0
Finance	683,102	676,153	156,910	157,096
Foreign Relations	9,354	11.976	0	0
Governmental Affairs	59,501	57.941	0	0
Judiciary	4,759	4,235	234	234
Labor and Human Resources	9,023	8,363	1.309	1.309
Rule and Administration	114	289	0	0
Veterans' Affairs	1.106	1.381	23.667	23.540
Indian Affairs	151	150	0	0
Small Business	0	(155)	0	0
Unassigned to Committee	(310.297)	(293,097)	0	0
Total	1,426.720	1,408,082	209,577	192.378
5-YEAR TOTAL: 2000-2004				
Agriculture, Nutrition and Forest	40,012	24.704	100.467	52.240
Armed Services	263,769	263.577	0	0
Banking, Housing, and Urban Affairs	31,606	(2.459)	0	0
Commerce, Science,and Transportation	64,653	50.445	3.887	3,868
Energy and Natural Resources	11,023	11.009	200	236
Environment and Public Works	179,132	8.214	0	0
Finance	3,589,039	3,569.977	905.958	909,007
Foreign Relations	42.596	52.913	0	0
Governmental Affairs	317,701	309.374	0	0
Judiciary	23,791	22,792	1,170	1.170
Labor and Human Resources	48,269	45,687	6,784	6,784
Rules and Administration	488	660	0	0
Veterans' Affairs	5,097	7,108	125.438	125,110
Indian Affairs	716	717	0	0
Small Business	0	(625)	0	0

Mr. DOMENICI. Mr. President, I also ask unanimous consent that for the purpose of executing and enforcing the Senate's reconciliation instruction set out in section 104 of the conference report to accompany H. Con. Res. 68—the fiscal year 2000 budget resolution—that the dollar amount of the revenue reduction for the period of fiscal years 2000 through 2009 be considered to be $777,868,000,000 rather than $777,868,000.

This corrects a technical drafting error (three "zeros" were omitted) in the resolution and conforms with the instruction for the House of Representatives and the description of section 104 that is contained in the statement of managers which accompanies the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, first I must congratulate the Chairman of the Budget Committee, Senator DOMENICI, for producing an on-time budget for only the second time in the 24-plus-year history of the Budget Act.

I rise today to support the fiscal year 2000 budget resolution now before the Senate. I am pleased that this budget will pay down the Federal debt, boost education spending, and increase veterans health care spending. I am disappointed that budget conferees could only fund $6 billion of the $10 billion proposed by myself and Senator DODD in child care grants for low-income families and child care tax cuts. However, I appreciate the hard work Senator DOMENICI and others put into getting these funds.

While I realize that our amendment would not have guaranteed an increase in child care spending, Congress needs to face up to the reality that low-income mothers need to work, and to make work pay they need child care assistance. As Chairman of the Health, Education, Labor, and Pensions Committee, I can assure supporters of child care subsidies that this will not be the last word on this issue during the 106th Congress.

On a more positive note, this budget adheres to the historic Balanced Budget Act of 1997, while at the same time, over the next ten years, pays down $1.8 trillion of the $3.6 trillion in publicly held debt and provides for modest tax cuts until larger on-budget surpluses emerge.

Additionally the Republican budget will fence off the portion of the surplus generated through Social Security payroll taxes. I would like to reassure all Vermonters that not a dollar of these funds will be used to fund tax cuts. Instead, Social Security payroll taxes will go towards shoring up the program and possibly go toward providing capital for an overhaul plan. While this alone will not ensure the long-term financial health of the program, it will have the effect of reducing Federal debt and extending the solvency of the program.

Mr. President, the budget before the Senate also protects Medicare for our nation's seniors. Funding for Medicare is increased significantly, but like Social Security, the long-term health of the program is dependent not on providing additional funds, but on enacting needed structural changes. As the resolution indicates, Medicare beneficiaries must have access to high-quality skilled nursing services, home health care services and inpatient and outpatient hospital services in rural areas. The availability of these services is at risk, especially for rural populations, and I will do all I can to ensure that they are addressed as a part of any Medicare legislation. I am particularly pleased that the resolution includes a Medicare drug benefit reserve fund. The availability of a drug benefit for seniors is one of my highest priorities, and I plan to work with other members of the Finance Committee to have it included as a part of any Medicare reform effort.

Mr. President, I am very pleased that section 210 of the budget resolution sets forth a reserve fund "to foster the employment and independence of individuals with disabilities." The language makes clear that, in the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that finances disability programs to promote employment. This direction will facilitate the consideration of S. 331, the Work Incentives Improvement Act of 1999, which now has 72 cosponsors.

I am also pleased that the resolution contains Senator COLLINS and my Sense of the Senate in support of increased funding for the Pell grant program, the campus based programs, LEAP and TRIO. These programs have helped make the dream of college a reality for many of our nation's neediest students. Providing an increase in funding for these tested and proven programs will open the doors of higher education to more academically motivated young people, specifically those who have the most financial need.

Lastly, Mr. President, given world events and the ever increasing demands we place on our military, I am pleased that this budget calls for an increase in military pay. We need to do more to alleviate the quality of life concerns of our men and women in uniform. However, I am concerned that some of the military increases in this budget are not going to the things that the military needs most, as evidenced by the current crisis in Kosovo.

This budget, like all budgets passed by Congress, is an expression of political intent and a starting point for bargaining. Much work remains to be done to pass the 13 appropriations bills that actually fund the government. In areas where I disagree with the budget resolution, I plan to work hard with appropriators to adjust spending levels and turn this budget into reality.

Mrs. FEINSTEIN. Mr. President, it is with some degree of regret that I rise to oppose this budget resolution conference report.

Thanks to continued economic growth and the tough choices we made on the budget in 1993, this year, for the first time in a generation, we have been given the opportunity to structure a budget which is balanced, fiscally responsible, and makes important investment in America's domestic priorities.

When I first came to the Senate some 6 years ago, we faced $200 billion annual deficits as far as the eye could see. Now, thanks to the tough choices we made in 1993, then fiscal discipline we imposed on the budget, and a vibrant economy, we are able to reap the benefits of the difficult choices. Now we are running surpluses—projected to be as much as $4.7 trillion over the next 15 years by the Office of Management and Budget.

Thanks to these surpluses we have an unparalleled opportunity to set our budgetary house in order and meet the challenges of the future.

We have the opportunity to save Social Security and Medicare. To invest in education, environment, and health care. To provide for a strong national defense.

And I also believe that we have an important opportunity to provide responsible tax relief for working families—and I intend to introduce legislation to provide just such a tax cut with my colleague from Iowa, Senator GRASSLEY.

But this conference report ignores these opportunities. It fails to meet the test of saving Medicare. It fails to make the important investments in health care, education, and child care. And it endangers other programs vital for law enforcement, environment, and continued economic growth.

This conference report does not do anything to meet Medicare's solvency crisis or extend the life of this vital program beyond the projected 2015 bankruptcy. I agree with those who say that we must reform Medicare, but we also must provide it with the additional funds it needs. The President has proposed allocating 15 percent of the surplus for Medicare to add 12 years to life of program. This budget rejects that initiative, creates some vague "reserve" which may or may not help Medicare, but really uses the money that should go to Medicare for tax cuts instead.

This budget does not do enough to extend Social Security. Again, I would agree with those who say we need to adopt Social Security reform to strengthen the Social Security system and assure it is on sound footing. But this budget allows some of the Social Security surpluses to be used for purposes other than Social Security, and, frankly, I do not think that that is wise.

Yesterday, the Senate voted by 98-0 to instruct our conferees to use all Social Security surplus funds for Social Security. This conference report, however, creates a "lockbox" for Social Security, but then proceeds to remove the lock by allowing any legislation that "enhances retirement security" to raid Social Security surplus funds..

Finally, although this conference report protects some important domestic priorities, such as transportation, it cuts other essential but "unprotected" programs, such as the border patrol, the Federal Bureau of Investigation, job training programs, child care assistance, head start, and on and on. The strictures of this budget—driven by an overlarge tax cut—may necessitate cuts of 11 percent in many of these important programs.

Mr. President, I think our current economic strength has presented us with a unique opportunity—we can save Social Security and Medicare, make important investments in domestic priorities, provide for a strong national defense, and also provide the American people with tax relief.

Unfortunately, this conference report, by adopting unrealistic tax cuts, puts at risk all these goals, and may well set us down a path of fiscal irresponsibility that will endanger all our gains of the past few years. I urge my colleague to oppose this conference report.

Ms. SNOWE. Mr. President, I rise to speak in favor of the FY2000 budget conference report we are now considering and to urge for its adoption.

I would first like to thank the Chairman of the Senate Budget Committee, PETE DOMENICI, for his unwavering commitment to a balanced budget and fiscally responsible decision-making over the years. Thanks, in part, to his leadership and efforts, the turbulent waves of annual deficits and mounting debt have been temporarily calmed. And, by maintaining these principles in the House-Senate budget conference report, we may be able to maintain the current budgetary calm for many years in the future.

The conference report not only maintains fiscal discipline, but it also ensures that critical priorities are protected and addressed in fiscal year 2000 and beyond.

Specifically, the conference report contains the following key provisions:

First, it sets-aside every penny of the Social Security surplus, unlike the President's budget proposal.

Second, by retaining an amendment I offered to the Senate budget resolution, it provides monies from the on-budget surplus for a new Medicare prescription drug benefit—something that President Clinton failed to include in his own budget proposal after touting the need for this benefit in his State of the Union address.

Third, it adheres to the spending levels established just two years ago in the Balanced Budget Act of 1997, while increasing funding for critically needed priorities including education and defense.

Fourth, it provides tax relief for Americans at a time when the typical family's tax burden exceeds the cost of food, clothing, and shelter combined. And by retaining language from an amendment I offered to the Senate budget resolution, it highlights marriage penalty relief as being one of the forms of tax relief that could be accommodated in any forthcoming tax cut package. When considering that 42 percent of all married couples incurred a marriage tax penalty averaging $1,400 in 1996, I think of no tax cut that would be more appropriate in any upcoming tax package.

Collectively, I believe these principles and priorities reflect those of most Americans—especially the protection of Social Security's monies. Accordingly, I believe this conference report deserves broad bipartisan support by the entire Congress.

Mr. President, to appreciate the provisions in this conference report, I believe it is appropriate to compare it to the only other major budget proposal on the table: the budget proposal put forth by President Clinton on February 1. In particular, I believe the manner in which these proposals treat the Social Security surplus should be carefully compared.

As mentioned, the first priority that is protected in the Republican conference report is Social Security and the annual surpluses it is currently accruing.

As my colleagues are aware, the Social Security surplus was responsible for the unified budget surplus of $70 billion we accrued in FY98. In fact, without the Social Security surplus, the federal government actually ran an on-budget deficit of $29 billion last year.

By the same token, Social Security's surpluses will account for the bulk of our unified budget surpluses in coming years as well. Specifically, over the coming 5 years, Social Security surpluses will total $769 billion and account for 82 percent of CBO's projected unified surpluses—and over 10 years, they will total $1.7 trillion and account for 69 percent of unified surpluses.

To protect Social Security's surpluses, the budget resolution sets the stage for "lock-box" legislation that will accomplish what many of us have desired for years: a bonafide means of taking Social Security off-budget. Put simply, this resolution ensures that Social Security surpluses are set aside and not raided to pay for other federal programs.

In contrast, President Clinton's budget offers no protection for the Social Security surplus and, in fact, proposes that it be spent on other federal programs in upcoming years.

Specifically, over the coming 5 years, the President proposes we take a $158 billion "bite" out of Social Security surpluses and spend these monies on other federal programs. That means that, under the President's budget, fully 21 percent of Social Security's upcoming surpluses would be spent on other programs over the next 5 years.

Although the President has proposed that we spend a portion of the Social Security surplus on other programs, I was pleased that an overwhelming majority of my Democratic colleagues on the Senate Budget Committee voted for an amendment I offered during markup of the Senate resolution that rejected the President's proposed use of Social Security's surpluses.

Specifically, my amendment outlined the fact that the President's budget would spend $40 billion of the Social Security surplus in FY2000; $41 billion in FY01; $24 billion in FY02; $34 billion in FY03; and $20 billion in FY04. Furthermore, the amendment called on Congress to reject any budget proposal that spent Social Security surplus monies on other federal programs. Appropriately, after my amendment was adopted by a vote of 21 to 1, the President's budget proposal—which spends Social Security's surplus monies—was unanimously rejected by the Budget Committee when offered as an amendment later in the markup, and by a vote of 97 to 2 by the full Senate later on the floor.

Mr. President, the manner in which Social Security surpluses are treated is but one of the ways in which these two proposals could be compared, but the bottom line is that the House-Senate conference report is simply superior to the Clinton plan. By maintaining fiscal discipline, protecting Social Security surpluses, providing funds for a Medicare prescription drug benefit, and enhancing funding for shared priorities such as education, I believe this conference report deserves strong support by the full Senate.

Ultimately, while members from either side of the aisle may disagree with specific provisions in the resolution that has been crafted, the simple fact is that this is a budget framework—or "blueprint"—that establishes parameters and priorities, but is not the final word on these individual decisions. Rather, specific spending and tax decisions will initially be made in the Appropriations and Finance Committees, and ultimately by members on the floor.

Therefore, I urge that my colleagues support this carefully crafted and fiscally responsible FY2000 conference budget report —and work to ensure that the parameters it establishes are used to protect and advance the priorities we share.

Thank you, Mr. President. I yield the floor.

Mr. SARBANES. Mr. President, I rise in opposition to the conference report now before us on the budget resolution.

The Congressional budget process as we know it is 25 years old this year. Silver anniversaries such as this one are important milestones, but this year's budget resolution provides no cause for celebration. For a number of reasons, I am deeply disappointed in the resolution that my Republican colleagues appear determined to adopt today.

First are issues of process. As a member of the Budget Committee, I have been disappointed in the amount of time that we have had available to study the budget proposals before us. Consideration in committee, on the Senate floor, and now in relation to this conference report has been marked by the absence of detailed, written proposals that would provide the basis for sound decisions.

Indeed, I understand that at the conference on this resolution, there was not even a draft resolution to which members could react. After less than 6 hours of consideration, and with no text available, the conference committee hurriedly approved this report early Wednesday morning. The Senate has not had the chance to give the measure a proper review, yet here we are the very next day asked to approve a $1.4 trillion budget. It is troubling that the majority's desire to beat today's statutory April 15 deadline has prevailed over thoughtful consideration and debate. The result of this haste and the deficient policy making process will be quite clear to the American people once they understand this budget's real implications.

Mr. President, I believe that this budget will take the country in the wrong direction. We are now in the 96th month of the longest peacetime economic expansion in U.S. history. We are truly in a virtuous economic cycle, as growth reached 6.1 percent in the last quarter of 1998, and 3.9 percent for the year. 1998 was the sixth year of such steady growth, a pattern of robust increases that many economists once thought unsustainable over such long periods.

I am proud to have been a part of the effort in 1993 that helped to create this positive economic climate. Working together, President Clinton and congressional Democrats crafted a package that finally brought the federal deficit under control. By making difficult but critical decisions to cut federal programs and raise revenues, we tamed the deficits that plagued the Nation throughout the 1980s, placed enormous pressure on important federal initiatives, and hampered our economic growth. Most Republicans argued at the time that this responsible package would ruin the economy and send markets tumbling. They were dead wrong.

Thanks to the strong economy and the fiscal discipline begun in 1993, the country is in a fiscal position no one dreamed possible even two years ago. In 1997, the Congressional Budget Office, the Office of Management and Budget, and nearly everyone else were predicting substantial budget deficits far into the next decade—as high as $159 billion in fiscal year 2000, $153 billion in fiscal year 2002, and continuing for the foreseeable future. Earlier in the decade, OMB estimates for the 2002 deficit ran as high as $576 billion. This year, those forecasts have been turned upside down. CBO's recent projections call for unified budget surpluses rising from $131 billion in fiscal year 2000 to $381 billion if fiscal year 2009.

The budget resolution before us will seriously endanger this hard-won progress, and will short-change national priorities that the American people have clearly indicated they want to see addressed. Depending upon one's point of view, this is either the last budget of the old millennium, or the first of the new. In either case, it is an opportunity for us to think seriously about our Nation's needs and priorities as we look into the next century, and chart an appropriate course for the future. This budget, however, is less a forward-looking policy blueprint than a political document aimed at short-term gain.

This is unfortunate, because as we look toward the future we face some very real challenges, the most significant of which will come in Medicare and Social Security. Together, these are two of the crowning achievements of American government, and have lifted literally millions of older Americans out of poverty. These programs have worked, and continue to work every day for our senior citizens and their families.

To prepare the country for the future, any budget that we pass must meet several criteria. It must extend the solvency of Social Security and Medicare. It must recognize the magnitude of these obligations in a forthright way, and include a mechanism to boost national savings and economic growth, so that we are in a better position to meet them. It should be designed to reduce, not increase, the growing income disparities that can fray our social fabric. Finally, it should protect other important national priorities. Support for communities, scientific research, veterans benefit, education, environmental protection, and the like should not be sacrificed for tax breaks for the well-to-do.

This proposal fails to meet any of these criteria. Instead, it appears tailor-made to accommodate the majority's priority of huge tax cuts for the wealthy. While the total available for tax cuts starts off at $15 billion in fiscal year 2000, that mushrooms to $142 billion over 5 years and $778 billion over the next 10 years. Who will benefit from these tax cuts? If past is prologue, lower and middle income Americans will not. Capital gains cuts, repeal of estate taxes, and more corporate loopholes all give tax relief where it is least needed—to those already at the top of the income scale. These have been part and parcel of previous Republican tax cut packages, and there is no reason to suspect that this year will be any different.

The Republican budget would require devastating, unsustainable cuts in critical programs that serve millions of Americans. In order to provide massive increases in defense outlays while trying to stay under the discretionary caps passed 2 years ago, this plan makes dramatic cuts in almost every other area of government. According to estimates from the Office of Management and Budget, the combination of defense increases, protection of a select few programs, and retention of the budget caps would force spending reductions in non-defense discretionary programs of $26.9 billion in fiscal year 2000 alone. This would require an unprecedented across-the-board cut of over 11 percent in real terms from fiscal year 1999 levels across a broad array of important government functions.

On top of these huge cuts, this budget will cripple important programs far into the future in order to fund the majority's tax cuts. After the current spending caps expire, any future increases would be held to well under the rate of inflation. This means that every year, important functions will continue to suffer real cutbacks amounting to billions of dollars. Incredibly, discretionary levels in 2009—10 years from now—will be just 2.6 percent over those enacted this fiscal year, 1999. This will not even begin to make up for losses to inflation, to say nothing of increased needs caused by a growing population.

I also must note that the conference report does not specifically call for continuation of the traditional parity in pay increases between military and civilian government employees. I successfully sponsored an amendment to maintain this parity in S. 4, the military pay increase bill passed by the Senate earlier this session, and I urge the Senate to continue its support for this principle as the appropriations process moves forward.

Mr. President, this budget proposal falls far short of the mark in almost every important respect. It would harm important programs ranging from Head Start to the FBI, from air traffic control to food safety inspections, while providing a huge tax cut for the wealthy.

The plan utterly fails to meet the most fundamental tests—it does not extend the solvency of Social Security in any way, and does nothing meaningful to address the more immediate problems in Medicare. When Democrats introduced amendments in the Budget Committee and on the floor that would specifically put saving Social Security and Medicare ahead of the Republican tax cut, the measures were defeated. Republicans opposed Social Security and Medicare at their inception, and this budget resolution shows that they still do not see how important these programs are to millions of individuals. The Republican priorities evident in this resolution simply are not shared by most of the American people.

I strongly oppose this resolution, and I urge my colleagues to reject it.

AVIATION BUDGETING

Mr. HOLLINGS. Mr. President, I wish to draw my colleagues' attention to an opinion piece in today's Washington Post on air safety. The article, titled "Yes to Air Safety" by Congressman SHUSTER, Chairman of the House Transportation and Infrastructure Committee, talks about the critical need to fully fund our air traffic control system and to build our nation's airports. It is a simple proposition that is being put to Congress—if you take money from airline passengers, you must use that money to build and sustain the system.

We all leave here every weekend, journeying across the country. Each of us encounters delays at Reagan National. Right now, the FAA operates the safest air transportation system in the world. Maintaining this high standard requires money—plain and simple. We can underfund the agency and we can take the airline passenger money and give people a tax cut. If we do this, then we can not complain about delays—it is our fault for the shortchange. If we take the Trust Fund money and use it for a tax cut or other purposes, it is our fault, not Jane Garvey or Rodney Slater's, but ours alone.

We have an opportunity to restore the "Trust" in the Airport and Airways Trust Fund, and to give to our constituents what they need and have paid for—a safe, and efficient air transportation system. We should not let it pass us by. Congressman SHUSTER has got it right.

Here are the facts:

From Fiscal Year (FY) 1982 through 1999, Congress appropriated more than $27 billion for the modernization program. FAA estimates that the effort will need an additional $14 billion for FY 2000–2004. The FAA requested $2.3 billion for FY 2000, which represents an increase of 11 percent over the FY 1999 appropriation level of $2.1 billion. But it is not enough to fully modernize the national air system (NAS).

Accident rates for the U.S. air transportation system, compared to other areas of the world or other modes of transportation, all indicate that the U.S. aviation system remains the safest in the world. For example, aircraft hull loss rates for the U.S. and Canada are 0.5 per million departures, compared to 3.8 per million for Asia and the Pacific islands. For 1998, there were no commercial passenger fatalities within the U.S.

As the FAA aviation forecast information, released just a few weeks ago, indicates, there will be almost 1 billion passengers (up from 607 million in 1998) and an increase in the total number of flights from 65 million to about 82 million by 2010. Today, the FAA, in many instances, is using outdated equipment that must be replaced in order to meet the expected demand.

In 1997, the Congressionally created National Civil Aviation Review Commission (NCARC) found that gridlock in the skies is a certainty in the near future unless the ATC system is modernized. According to the report, an increase in delays of just a few minutes per flight would seriously inhibit the ability of carriers to operate hub and spoke systems. I must note that one DOT study suggests that adding 48 more flights at Reagan National would create approximately 3 to 4 minute more delays per aircraft. This report was further supported by an American Airlines study detailing how a four minute increase in delays would seriously impact the ability of carriers to operate hubs. The FAA estimates that if demand increases as expected, no new runways are added to major airports, and no advances are made in air traffic control, then 15 of the U.S.'s major airports will be severely congested by 2006. In January 1997, the White House Commission on Aviation Security and Safety recommended that we expedite the modernization of the ATC system and complete the project by 2005, ten years earlier than originally planned.

If we do manage to fix the air traffic control system to make it more efficient, we still need to have more runways and terminals to accommodate the expected growth. Again, it is simple, if one has too many planes trying to land on one runway, one will have delays. Runways do not come cheap. The runway in Seattle, which we agree is sorely needed, will cost more than $830 million. A new runway in Atlanta, Chicago, or Dallas likewise will cost hundreds of millions of dollars. Without that added capacity, delays will increase. We know this. No one disputes this. It gets back to money—we have a Trust Fund which will have $79 billion by 2008 just sitting there. The General Accounting Office has also told us of the looming funding crises for airports. We simply can not ignore our duty—we can not use that $79 billion for anything other than funding our air transportation system.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YES TO AIR SAFETY

(By Bud Shuster)

Although the safest in the world today, America's aviation system is hurtling toward gridlock and potential catastrophes in the sky. Unfortunately, The Post's April 2 editorial "A No to Mr. Shuster" did not accurately describe the efforts of the House Transportation and Infrastructure Committee during the budget debate to unlock the ticket taxes paid by airline passengers into the Aviation Trust Fund so they could be used for their intended purpose of improving America's aviation system.

Contrary to the editorial's assertions, our bipartisan proposal would not cut one penny from other federal programs. Rather, it would provide that the ticket taxes be used for aviation improvements instead of being used to pay for a small part of the $800 billion tax reduction proposed over the next 10 years. In fact, we provide for an open debate and floor vote on whether the money going into the trust fund should be used for aviation improvements (which we support) or for a reduction in the aviation ticket tax. It is grossly unfair to take airline passenger ticket taxes and then give them away as part of a general tax cut.

The Post was absolutely correct, however, in acknowledging that "no one disputes a need to increase aviation spending." Since airline deregulation, passenger travel has increased from 230 million annually to 600 million last year and is projected to be 660 million this year and more than a billion annually in the first decade of the next century. A 30 percent increase in aircraft operations is forecast for our top 100 airports in the next decade, with a 50 percent increase in the number of commercial jets in our skies. Air cargo, which increased 74 percent in the last 10 years, is growing even faster.

Airport congestion is already skyrocketing. The FAA reports that our 27 largest airports each are experiencing more than 20,000 hours of recorded flight delays annually, costing the airlines $2.5 billion and the American people more than $7 billion in lost productivity. But that's only the tip of the iceberg. Airlines are building delays into their schedules. For example, Washington to New York should be only a 45-minute flight, but it's scheduled for an hour. The actual cost of congestion may be approaching $20 billion annually. One study estimates that we need a 60 percent increase in airport infrastructure investment just to maintain the current levels of delay.

The General Accounting Office states that $17 billion will be needed during the next five years just for air traffic control modernization. Last year our air traffic control system experienced more than 100 significant system failures. Dulles went down for more than 10 hours just a few weeks ago. The National Civil Aviation Review Commission states that "without prompt action, the United States' aviation system is headed toward gridlock . . . [and] a deterioration of aviation safety [which would] harm the efficiencies and growth of our domestic economy, and hurt our position in the global market place." Last month, two jet cargo planes came within a hundred feet of a midair collision over Kansas because the Kansas City Air Traffic Control Center lost radio contact with them.

The good news, however, is that the ticket taxes flowing into the Aviation Trust Fund can provide a substantial increase for aviation improvements. Specifically, more than $10 billion is going into the trust fund annually, while spending is around $7 billion. If nothing changes, during the next 10 years more than $90 billion will accumulate in the Aviation Trust Fund.

The speaker has agreed to bring our "Aviation Investment and Reform Act for the 21st Century"(AIR 21), which passed our committee unanimously; to the floor for a fair and open debate. It will unlock the Aviation Trust Fund so the ticket taxes paid into it can be used for aviation improvements, provide for increased capacity at our airports, modernize our air traffic control system and ensure continued safety for the world's best aviation system. Increased airport capacity will mean more airline competition, which is part of the long-term solution to better customer service.

The Post can't have it both ways, saying we should spend more on aviation while opposing using the money paid into the trust fund for that purpose. But I'm beginning to get it: The Post thinks it's good government to spend $900 million out of the Highway Trust Fund for one Woodrow Wilson Bridge in the Washington area but bad to use the Aviation Trust Fund to improve aviation across America.

Mr. McCAIN. Mr. President, I will vote today, somewhat reluctantly, in support of the Fiscal Year 2000 Budget Resolution. I say reluctantly because I am very concerned about the inadequate level of funding provided in this resolution for national defense.

On the positive side, this budget resolution establishes a road map for this Congress to enact the largest tax cut since the Reagan Administration, lock up the Social Security surplus, shore up Medicare, substantially reduce the public debt, and still keep spending within the limits established in the 1997 bipartisan budget agreement. It also provides the largest increase in history, $1.8 billion above the President's budget, for veterans' health care, which has been consistently underfunded for years.

Most important, the resolution takes an important step toward preserving Social Security for current and future recipients. It reaffirms the 1990 law, now expired, that prohibited using the Social Security Trust Fund surpluses to offset other spending, and it establishes a new point of order against spending any of the Social Security surplus on anything other than payment of Social Security benefits or reforming the system. This resolution walls off the Social Security Trust Fund so that money paid in by taxpayers for their retirement cannot be stolen by spendthrift politicians to pay for their favorite pork-barrel projects or new government programs of dubious merit.

Saving Social Security and providing greater retirement security for our citizens should be our first priority. We must find a viable solution to the impending bankruptcy of Social Security which restructures the system in a manner which provides working Americans with the opportunity, choices, and flexibility necessary to ensure their future retirement needs are fully met. Everyone who has worked and invested in the Social Security system must be guaranteed to receive the benefits they were promised, but reform must not place an unfair burden on today's workers. Until we find that solution, however, it is imperative that we shore up the system to ensure payment of benefits will continue, on time and in full, to everyone who has earned them.

To do this, we must not only protect the existing Social Security surplus, as this resolution does, but ensure that additional funds are available, if needed, to shore up the system in the absence of meaningful reforms. The President's "smoke and mirrors" budget promised to save 62 percent of the non-Social Security surplus to shore up Social Security, but that has been shown to be a baseless claim when his budget is carefully analyzed. Unfortunately, this budget resolution did not dedicate additional funds to save Social Security either. I believe we should set aside a significant portion of the additional surplus to extend the fiscal viability of the system and ease the fears of our senior citizens, and I intend to work to see that happen.

Locking up the Social Security Trust Fund surplus and setting aside a significant portion of the non-Social Security surplus does not mean we cannot also provide significant tax relief to those who need it most—lower- and middle-income Americans and their families. The Budget Resolution provides for $142.3 billion in tax relief over the next five years, amounting to $779.9 billion over ten years. The tax cuts are appropriately targeted toward eliminating the marriage penalty, expanding the lowest 15% tax bracket, estate tax relief, more favorable tax treatment of health insurance cost for the self-employed, and capital gains tax fairness for farmers.

But Americans need and deserve an even bigger tax cut. Federal taxes consume nearly 21% of America's gross domestic product, the highest level since World War II. A recent Congressional Research Service study found that, over the next ten years, an average American family will pay $5,307 in taxes over and above what the government needs to operate. Congress did not balance the budget so Washington spending and government bureaucracy could continue to grow at the taxpayers expense. Letting the American people keep more of their own money to spend on their priorities will continue to fuel the economy and help create more small business jobs and other employment opportunities.

The tax cuts in this Budget Resolution are significant, but I think we should return even more of the surplus back to the taxpayers. I believe we should reserve part of the non-Social Security surplus to shore up the system and give a bigger tax cut to American families, which would be paid for partially by closing tax loopholes and eliminating inequitable corporate subsidies to offset the cost.

Saving Social Security, cutting taxes, providing for our veterans, and many other aspects of this Budget Resolution are sufficient reason to vote for it. However, the shortfall in defense spending in this budget raises very serious concerns.

It is no secret that there are serious readiness, retention and recruiting problems throughout the military. The Service Chiefs testified before the Senate Armed Services Committee in September last year, and again in January, that they require an additional $20 billion over the fiscal year 1999 budget in fiscal year 2000 to stop declining force readiness. The President, after promising an additional $12 billion, only added $4 billion in his budget request. Then, during this year's budget hearings, the Service Secretaries and Chiefs confirmed that readiness unfunded requirements still exist and submitted lists to meet their readiness requirements. Yet the Budget Resolution does not provide sufficient funding to meet the minimum requirements of the Joint Chiefs of Staff to adequately fund critical readiness, personnel and modernization programs.

The Conference Report veils its underfunding of vital defense programs by putting an additional $8.3 billion for Fiscal Year 2000 in the Pentagon's bank in the form of increased budget authority, but because of the arcane scorekeeping rules of the Congressional Budget Office, the Services would not be able to actually spend that money because it would exceed the outlay cap. Fortunately, the conference agreement provides $2 billion more in outlays than the Senate version, but the spending limit is still $6.7 billion less than the President's budget when estimated by the Congressional Budget Office. And the resolution shortchanges defense next year and every year thereafter.

Earlier this year, the Senate passed legislation of which I was a primary architect, along with Senator ROBERTS, Majority Leader LOTT and Senator WARNER. This legislation, the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999", would restore military retirement benefits to a full 50 percent of base pay for 20-year retirees, includes a 4.8 percent pay raise effective January 1, 2000, pay table reform, Thrift Savings Plan proposals, and a Special Subsistence Allowance to help the neediest families in the Armed Forces who now require federal food stamp assistance. This Budget Resolution puts all these recruitment and retention tools in jeopardy because it does not provide the dollars needed to fulfill these promises to our service members and their families.

Mr. President, the nuclear carrier U.S.S. *Enterprise* (CVN–65) is currently deployed in the Persian Gulf, undermanned by some 800 sailors. We are losing pilots to the commercial airlines faster than we can train them. The Navy has one-half the F/A–18 pilots, one-third of the S–3 pilots, and only one-quarter of the EA–6B pilots it needs. Only 26 percent of the Air Force pilots have committed to stay beyond their current service agreement. The Army says that five of its ten divisions lack enough majors, captains, senior enlisted personnel, tankers and gunners.

The military's problems do not stop at recruiting and retention issues. For example, the Army's number one modernization program, the Comanche helicopter, is undergoing flight testing with just one asset. If that helicopter has a serious malfunction or is lost, who knows how long the program will be delayed. The Army has another test platform but has testified that they simply cannot afford to fly it.

With the recent deployment in the Balkans, the world watched night after night as the Air Force's main bomber, the B–52, was once again called to duty to deliver air launched cruise missiles in combat. How many times has the Air Force called upon this 40-year old workhorse to deliver devastating firepower? The B–52 bomber was already old when I saw it fly in Vietnam, and yet the Air Force plan will carry the current bomber fleet through the next 40 years, with a replacement to the B–52 tentatively planned in 2037.

The Navy is struggling to maintain a fleet of 300 ships, down from over 500 in the early 1990s. The fiscal year 2000 budget will not support a Navy of even 200 ships. The Marine Corps saves money in spare parts by retreading light trucks and Humvees, so as to afford small arms ammunition for forward deployed Marines.

The list goes on and on, but what we must recognize is that it illustrates very serious readiness problems that continue to grow and must be stopped if we hope to preserve the world's finest military and continue to support the men and women in uniform, many of whom are in harm's way in Operation Allied Force in Kosovo today.

Mr. President, I could go on, but suffice it to say that the military needs more money to redress the serious problems caused by more than a decade of declining defense budgets. Those of us who have been criticized for sounding alarm bells about military readiness now have the empty satisfaction of seeing that there is more to maintaining a strong defense than a politician's history of falsely promising to do so. What is at risk, without exaggeration, are the lives of our military personnel and the national security of the United States.

Mr. President, for many years, the Services have struggled to make do with the funding we provide to them, as Congress persists in draining away resources for low-priority, wasteful, pork-barrel spending projects. After hearing from the Service Chiefs in testimony this year, I hope my colleagues are prepared to halt the long-standing practice of earmarking funds for home-state programs and special interest items. If not, we will exacerbate the dangers of failing to provide the resources necessary to maintain military readiness and our war-fighting capability.

Mr. President, I will vote for this Budget Resolution because it provides a measure of tax relief, additional veterans funding, and, most important, locks up the Social Security Trust Fund for Social Security. But I am gravely concerned about the defense spending levels in this budget, and I intend to do everything I can to ensure that every dollar in the Defense and Military Construction Appropriations bills is used for high-priority defense requirements, like recruiting and retention incentives, operations and training, and urgent modernization programs. I urge my colleagues to put aside their parochial interests and join me in that effort.

Mr. DASCHLE. Mr. President, it is an unfortunate fact around here that budget resolutions are frequently seen as little more than meaningless manipulations of numbers. They are perceived by some to have no real impact on Congress and even less on the American people. Whether you agree or disagree with this perception of previous budget resolutions, I think we can all agree that the budget resolution before us is different.

What we have been debating and are about to vote on, is our nation's first budget of the 21st century. The FY 2000 budget resolution represents a blueprint for our future. The decisions made on this resolution could determine how we live—not just next year—but for a generation—maybe longer.

Before getting into the specifics of the budget proposals before us, let me say a few words about what a budget resolution should do. In my view, a budget resolution should be visionary. It should look at today's circumstances, assess where improvements are needed and apply the appropriate amount of resources.

A budget resolution must be fiscally responsible. Prior to 1993, previous Presidents and Congresses have frequently failed to live within their means. The result was large annual deficits and a $4 trillion national debt. Since 1993, we have reduced the deficits 7 years in a row. Future budget resolutions must continue this pattern.

A budget resolution must save money to keep promises we've already made. The federal government has legally binding commitments on Medicare, Social Security, child nutrition and student loans to name a few. A budget resolution must live up to the federal government's legal obligations in these areas.

Finally, Mr. President, a budget resolution must invest in the future—in things like education, transportation, technology, and health care—so we can pass the promise of America onto our children.

Unfortunately, the budget resolution before the Senate today does none of these things. This resolution is deceptive and fiscally irresponsible in the extreme. It claims to protect Social Security and Medicare. It claims to live within our means. In reality, this budget fails on both scores. It does not adequately lock away Social Security trust funds and fails to add any resources to Medicare. It also includes hundreds of billions of exploding tax cuts that are paid for with projected surpluses. There is a huge problem with this approach. The tax cuts come and keep on coming whether or not the surpluses ever appear.

This approach adopted by my Republican colleagues represents a radical departure from the policies that lifted America out of recession in the late 1980s and early 1990s and created the strongest economy in a generation. After a decade of massive deficits caused primarily by ballooning tax breaks, President Clinton and a then Democratic Congress embarked on a new path, a path that coupled spending cuts with targeted investments and tax cuts for working families. This budget abandons that successful approach and will return this country to the large deficits of the 1980s.

Even more distressing to me, if we follow this plan, we will squander the best opportunity—perhaps in our lifetimes—to keep our commitments on Medicare and Social Security and effectively deal with some of the most serious social and economic needs facing our country—now, before they become crises.

It is my impression that debate on this year's resolution has been short, indeed, perhaps the shortest in my memory. The reason may well be that there are not a lot of small details to debate. Instead, we face a single major question: What should we do with the $4.6 trillion in surpluses projected over next 15 years? Without a doubt, this is the most important fiscal decision confronted by Congress in generations. With this budget resolution we face real choices with real consequences. Every family, every business, in America will be profoundly affected by how we answer this one question.

Unfortunately, the Republican budget resolution conference agreement makes too many wrong choices. It is wrong on Social Security and Medicare. It is wrong on debt reduction. It is wrong on tax relief with its emphasis on tax breaks that favor the wealthiest over working families. It is wrong on education, health care, and other critical investments. Therefore, I've concluded this resolution is wrong for America. And I will vote against it.

I would like to say a few words about the choices we face in the future. However, first, I think it's important to take a brief look back. When President Clinton took office in 1993, the budget deficit was a whopping $290 billion—the highest level in this nation's history. And, it was projected to grow to more than $500 billion by this year. In that year, 1993, President and Democratic Congress—without a single Republican vote—took action; together we passed the largest deficit reduction package in our nation's history.

Our political opponents condemned our plan; they predicted economic ruin. They said it would destroy our economy and trigger a second Great Depression. Many who made those predictions are still here today. Many who bravely voted for our plan are not. They knew they were risking their careers when they voted for our plan. But they did it anyway, because they believed we could not continue the ruinous economic policies of past.

Today, the results of Democrats' 1993 economic plan should be clear to all. The deficit has declined 7 years in a row—the first time that's happened in our nation's history. Last year, this nation enjoyed the first unified balanced budget in 30 years. This year, we expect a $111 billion unified surplus. In addition, we are experiencing the strongest economy in a generation. Eighteen million new jobs have been created since 1993. We have the lowest unemployment rate in nearly 30 years—4.5 percent. We have the lowest core inflation rate in more than 2 decades—2.5 percent. We have witnessed a 2.5 percent rise in wages—the fastest growth in wages in more than 20 years. We are living during the longest peacetime economic expansion in our history. Largely as a result of this string of economic good news, the Congressional Budget Office is now projecting budget surpluses for as long as the eye can see—a total of $4.6 trillion over the next 15 years.

So Mr. President, we faced the tough questions in 1993. The question facing Congress this year ought to be easy. Then the question was: how do we reduce the deficits? How do we get America working again. Now, the question is: what should we do with the surplus? How do we keep America working?

We've already proved tough decisions don't have to be cruel decisions. We can continue to make economic progress today, without sacrificing our economic future. With the plan we offered this year, Democrats balanced the budget—and cut taxes on working families—without gutting our investments in our children's education. We balanced the budget—and cut taxes on working families—without raiding Social Security and Medicare. We balanced the budget—and cut taxes on working families—without sacrificing our ability to protect our environment. We balanced the budget—and cut taxes on working families—without adding more Americans to the rolls of the uninsured. In fact, we found a way to help parents who work full-time, but don't have insurance, to provide health insurance for their children.

Our budget plan builds on our past success. We make tough decisions. But we also make smart decisions. We honor the commitments our nation made in the past, and we invest in the future. The Democratic vision for our fiscal future is based on 4 principles. First, we protect and preserve Social Security and Medicare. The Democratic plan locks away every penny of the $2.9 trillion Social Security surplus, plus an additional $700 billion for Medicare. We are first to admit: our plan doesn't solve all the issues facing these two important programs. We know we also need to make structural reforms. But, by locking away every penny of Social Security and saving 15 percent of the unified surplus for Medicare, we can avoid a crisis—which dramatically reduces chance of having to make radical changes.

Second, our plan pays down the national debt. In 10 years, we can reduce our public debt from $3.5 trillion, to $1.6 billion. In 18 years, under our plan, we can eliminate the debt entirely. By 2018, America could be debt-free. Debt reduction keeps interest rates down. This means lower mortgage rates, lower rates on car loans, lower monthly credit card bills, and lower student loan bills. It also means more investments for businesses, more economic growth, more jobs, and more opportunity for the future.

Third, our plan cuts taxes for America's working families. Our plan provides $400 billion in targeted tax relief to help families save for retirement and pay for child care. Our plan also includes a $1,000-a-year tax credit for elderly and disabled Americans who need long-term care—or the family members who provide that care. It cuts the marriage penalty tax. And, it provides tax credits for research and experimentation.

Fourth, our plan invests in America's future—over $400 billion in key priorities. These resources can be used to provide for more teachers for our kids, more pay and better housing for our troops, and more law enforcement agents. It provides more for job training, more for safe drinking water and clean air quality. It will result in better roads and safer airports and rail lines.

The Republicans are offering a very different plan. It makes very different choices. Their plan sets aside nothing for Medicare. As I said earlier, we save 15 percent of the surplus—$700 billion—for Medicare. We put it in a real lockbox; these funds can't be used for anything but Medicare. Their plan does not save one penny specifically for Medicare. Moreover, when Senate Republicans introduced their budget resolution, they said they were setting aside $133 billion for Medicare. Later, they revised that figure down to $100 billion. In the conference agreement before us today, there's nothing to preserve the existing Medicare program. The truth is Republicans are not setting aside any money specifically for Medicare. Their budget resolution recommends we extend the solvency of Medicare through benefit cuts alone.

If we act as this resolution proposes and fail to set aside real money for Medicare now, and fail to enact real reforms soon, the Medicare trust fund will go broke. That would be an emergency of staggering proportions. And the Republican budget does nothing—nothing—to prevent it.

Their plan does not guarantee one additional day of solvency for Social Security. Under the Democratic plan, Social Security's solvency is extended until at least 2055—23 years longer than what's now projected.

Now, Republicans say they will set aside 62 percent of the surplus for Social Security—the same as our plan. But nowhere in their plan do they say what they intend to do with that money. While they say they will put every dime of Social Security taxes in the Social Security trust fund, nowhere in their plan do they promise to keep the funds there. Nowhere do they guarantee that Social Security will continue to provide a monthly benefit. Nowhere do they commit to preserve unemployment benefits workers now get, or death benefits for their survivors. In fact, the conference report before us specifically allows Republicans to divert Social Security resources out of Social Security and use them to pay for private retirement accounts or additional tax cuts.

If the Republican majority believes the federal government should keep the commitments it has made, they should say so, clearly, in writing. Social Security taxes for Social Security benefits is not a difficult concept to grasp, and an even easier one to say. Despite all their rhetoric during the budget debate, the Republican budget resolution chooses not to say it. And even worse, it does not do it. Instead, the Republican resolution treats Social Security as just another piggy bank to pay for their tax breaks or private retirement accounts. That is its second major failing.

The third major problem with Republican budget resolution is the choice it makes about who gets tax relief. Our budget targets tax cuts to the needs of working families. Republicans say their plan is better because it contains tax cuts for everyone. That's not true! Under the 10 percent across-the-board tax cut endorsed by many in their party, nearly two-thirds of benefits would go to the wealthiest 10 percent of Americans. If you earn $800,000 a year, you save $20,000 a year in taxes. But if you earn $38,000 a year or less —like 60 percent of American families—you'll save $99 a year—27 cents a day. That's if you're lucky. According to the Joint Tax Committee, Congress's official tax-estimating body, 48 million middle-class families would get nothing under a 10 percent tax cut. Not a nickel!

What would that 27 cents cost America's families? It means there will be nothing left over to protect and preserve Medicare. It also means crippling cuts in education, health care, environment, agriculture, food safety and countless other critical areas. According to an analysis by the Office of Management and Budget, the Republican budget will cut domestic investments by 11 percent across-the-board this year. By 2004, these cuts will grow to 27 percent. The Republican budget resolution would eventually force the federal government to cut more than one out of every four dollars it now spends on critical domestic priorities. Frankly, it's amazing to me that some of the same people who only weeks ago said Congress would be forced to break budget caps this year can now claim, with a straight face, that they can cut federal spending by 27 percent over next five years.

Their tax cut plan is unfair and unworkable, and we all know it. The last time we tried their tax plan—the last time we tried to grow the economy by cutting trillions of dollars in taxes and giving most of the money to wealthiest Americans—we quadrupled the national debt and ran the economy into the ground.

In conclusion, Mr. President, there are terrible problems with the Republican budget resolution. Democrats tried to correct these problems in the Budget Committee. We tried to make adjustments on the Senate floor. In both places, we were defeated on party-line votes. So, we will pass this conference agreement in a few minutes.

And while we may disagree on its merits, we all know, Democrats and Republicans alike, this plan will never become law. So, we have a lot of work ahead of us in the next several months. Democrats will listen to any reasonable, responsible plan anyone wants to propose. We're willing to negotiate across the aisle, and make compromises, to come up with budget proposals that can be signed by the President. However, we will not compromise on our commitments. We will not repeat mistakes of the past. We cannot squander this opportunity.

THE DISCRETIONARY CAPS

Mr. DOMENICI. Mr. President, I want to add one response to those who criticize this budget resolution as necessary resulting in all manner of dreamed-up, horror-story kind of cuts in federal border agents, food safety inspections, and other programs selected for the maximum scare value.

Here is the truth instead. In 1997, just 2 years ago, the bipartisan budget agreement, and the law that implemented it, set out caps on discretionary spending for 1998 through 2002. And yes those caps were expected even then to be tight as they were encountered each year. In his budget request for 2000, the President appeared to pledge fealty to those caps for 2000, claiming that the caps could be complied with even as CBO demonstrated the President could not deliver on all his spending promises without exceeding the caps by at least $17 billion.

Further, the respective minority leaders of both the House and the Senate castigated the congressional majority for even exploring the idea of increasing the caps in this resolution and instead the minority leaders reiterated their devotion to the caps set 2 years ago. So this budget resolution does comply with the caps, just as the President and the Democratic congressional leadership insist it should.

But a fair question would be: how do we fund all the discretionary appropriation needs while complying with the discretionary cap discipline? As always, that will be up to the appropriations process. The budget resolution never dictates to the appropriations committee how individual programs or bills should be funded. What the budget resolution does do is suggest in broad categories what some spending priorities ought to be, and in some cases, it suggests, as sort of a menu, some spending reductions or other offsets that the appropriators could consider in constructing the 13 appropriation bills. For example, the Senate-passed resolution indicated that repeal of the Davis-Bacon Act and the Service Contract Act would save significant construction and contract dollars that could be applied to increases in education or defense. Other sources of savings mentioned include food safety inspection fees and spectrum lease fees to encourage more efficient use of spectrum by both private and government users. And in certain specific budget functions, to offset discretionary spending, some functions call for the sale of certain federal assets and other assume specific savings amounts in mandatory programs, which include requiring securities registration for five government-sponsored enterprises and other incentives to encourage competition and rededication to their missions. Other functions call for reducing excessive flood insurance subsidies and imply reactions in certain grants to local governments that are often misdirected to those not the most financial needy. If the appropriations fairly consider these as well as many other savings items contemplated in this budget resolution, they will have opportunities to provide the increases demanded by some and avoid the decreases in vital programs imagined by others, while still complying with the caps.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 54, nays 44, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—2

Hutchinson
Moynihan

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe that completes our work. I want to thank everyone, whether they were with the budget that I prepared or whether they were against it, for their cooperation. And I thank our leadership for getting that budget down here, and the minority leader and the majority leader for helping expedite it.

This is the 15th. We know it is a very ominous day out there in America. It is tax day. But on a smaller scale, the Budget Act of the United States says the budget shall be finished in both Houses on this date. I do not think it had anything to do with tax day, but they occur together every year. Only twice in the 25-year history of the Budget Act have we produced budgets in both Houses, the blueprints.

They are congressional in nature. They are not Presidential budgets, nor does he sign them. It is historic and significant that as we attempt to get our work done this year and make sure that the American people understand that we are on target for the issues they are concerned about—Social Security, Medicare, tax reduction, defense spending, education and the like—we want them to know that the budget is ready to lead us into a new approach for the next millennium.

Everyone doesn't agree, but a very large percentage of the Senators here have voted in favor of this new approach, which I believe will add significantly to the economic future, economic growth and jobs, and at the same time set a pretty good priority for the American Government's expenditures.

This does have a philosophical bent to it; that is, if you have excess revenues, you pay down the debt. We have done that. We have almost paid down one-half of the national debt in the next decade—rather significant, good for the economy. We believe when you have even more excess than that, some of it ought to go back to the American people by way of tax reductions, tax reform measures and the like.

I regret to say that I believe when the American people have understood all of this, and when they understand these surpluses are not Social Security surpluses, they are over and above that, I think they will agree with us that some of that ought to go back to the American taxpayer. I think it is a good balance between the Government's needs and the taxpayers' rights and the taxpayers' needs.

I thank the staff, minority and majority, for the very dedicated service in getting this complicated resolution to the floor.

With that, I yield the floor and thank everyone for helping.

The PRESIDING OFFICER. The Senator from Georgia.

ORDER OF PROCEDURE

Mr. COVERDELL. Mr. President, in just a few minutes, in the order of a previous unanimous consent agreement, we are going to move to S. 767, but the two distinguished Senators from Connecticut have a very important resolution relating to their State. It will take a few minutes. I ask unanimous consent that they be allotted up to 5 minutes, beginning immediately, to present their resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut.

CONGRATULATING THE 1999 UNIVERSITY OF CONNECTICUT MEN'S BASKETBALL TEAM

Mr. DODD. Mr. President, on behalf of myself and my distinguished colleague from Connecticut, Senator LIEBERMAN, I send to the desk S. Res. 77 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 77) commending and congratulating the University of Connecticut Huskies for winning the 1999 NCAA Men's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, it is somewhat appropriate, I say to my friend and colleague from Connecticut, that the Presiding Officer is from Ohio. But for Ohio, we would not have made it to the Final Four, the final game.

This is a moment of great joy for my colleague and I and for the people of

Connecticut. We express our condolences to the delegation from North Carolina, the home of Duke University. It is a fine university with a fine basketball team that led the Nation ranked number one for a good part of the season. But, unfortunately, on that night of March 29 in St. Petersburg, FL, the Blue Devils met the Husky team from Connecticut in what many have described as one of the best national championship finals in collegiate basketball history. Ultimately, our team from the University of Connecticut prevailed. To say that there is a great sense of pride in Connecticut and enthusiasm and joy over this victory is to understate the case by a considerable margin. We are a State that, over many years, has had to export our allegiances in athletics. We have had a hockey team and a women's professional basketball team, both of which have left our State. There is a good possibility we will be the home of the New England Patriots in the not-too-distant future. In the meantime, it has been our men and women's basketball teams at UCONN that have captured the attention of everybody in our State, and I might say, as well, beyond our State's borders. I think a good part of the Nation was rooting for this 9½ point underdog on March 29 as they prevailed in this great victory.

I want to mention a couple of people if I can. First of all is Jim Calhoun, the Head Coach of the UCONN men's basketball team. He has been with the team for 13 years and has had a wonderful, wonderful record, including capturing the 1988 NIT title and appearing in six "Sweet 16's," and three "Elite 8" rounds. And he has now led the team to victory in the national championship. He is not only a outstanding coach, but also a wonderful human being with great dedication to his team, his players, the university, and our State. As well, his coaching staff is a fine group of people who have also dedicated so much energy and time to making this team the success it has been.

I would also like to mention some of our UCONN players and commend a couple of the fine athletes who made such significant contributions in the championship game.

Our sophomore guard is Khalid El-Amin. We thank the State of Minnesota because he was a native and decided to make the University of Connecticut his home for basketball purposes. He has been a sparkplug for our team and has done a tremendous job. As many will recall, he made two free throws in that final game with only 5.2 seconds left, which absolutely iced the victory for UCONN.

Richard Hamilton has become one of the great players in collegiate history. He was the Most Valuable Player of the NCAA tournament, the Most Valuable Player in the Big East tournament this year, and is truly one of the great, great players not only at the University of Connecticut, but also throughout the Nation.

Other players like Ricky Moore, Kevin Freeman, and Jake Voskuhl did a great job as well, all contributing when it counted most. Moore and Freeman, I think, deserve special recognition for proving that defense is valuable. It is not just who can score the most points, but who can be a great defensive player. Both of them did a terrific job in proving the value of that element of this wonderful, unique game now played worldwide. Basketball is a game that began in Springfield, MA, something that we in America take pride in as it is a sport that is homegrown.

Lastly, Mr. President, the fans, the student body, the administration, Phillip Austin, President of the university, the Board of Trustees, and the faithful alumni were all in that arena to watch the Ohio State game, and then the final game on Monday. They were both great games. I know the former Governor of that State, the occupant of the Chair, takes great pride in Ohio State. The coach of your team was an assistant coach at the University of Connecticut. He was in Florida and rooting for Connecticut, I can tell you, during that final game. I am sure he would have liked to have been coaching that game instead, but despite not being there himself, and given his former relationship with the University of Connecticut, it is understandable how he felt a special affection for the UCONN team.

Again, Mr. President, as I began, let me end. This was a great moment for our State. The people are very proud of the accomplishments of this team and our university. Senator LIEBERMAN and I wanted to take a moment out of the Senate business to recognize the accomplishments of these fine young men of the University of Connecticut and thank the people of our State who have so faithfully supported them throughout these many years.

Mr. President, at this time I would like to recognize all the coaches and players of the 1999 NCAA Men's Basketball Championship team: Head Coach Jim Calhoun, Associate Head Coach Dave Leitao, Assistant Coach Karl Hobbs, Assistant Coach Tom Moore, Beau Archibald, Justin Brown, Khalid El-Amin, Kevin Freeman, Richard Hamilton, E.J. Harrison, Rashamel Jones, Antric Klaiber, Ricky Moore, Albert Mouring, Edmund Saunders, Souleymane Wane, and Jake Voskuhl.

With that, I yield to my colleague, an equally fervent champion and fan of the UCONN team.

Mr. LIEBERMAN. Hear, hear, Mr. President. I thank my friend and colleague from Connecticut. I am proud to join with him in introducing this resolution commemorating what was truly one of the most thrilling and uplifting moments in the modern history of our State—and I do not say that lightly—the national championship won by the University of Connecticut men's basketball team.

I think to understand what this achievement means to our relatively small State, my colleagues have to understand what this UCONN team has meant for the last decade to the people of Connecticut. I don't think there are many teams in the country that have a more rabid following than our Huskies. From their home base in Storrs, clear across the State to Stamford, from Stonington in the east to Salisbury in the northwest, every basketball season, the people of Connecticut are gripped with a delirium known affectionately as "Huskymania," which makes every day of the season seem like March Madness in Connecticut. The interest is so intense that the Huskies, hailing from the third smallest State in America, travel with the largest contingent of reporters in all of college basketball, referred to simply as "the horde."

Now, Mr. President, over the last decade, Huskymania has been heightened by the enormous success of our great coach, Jim Calhoun and athletic director, Lew Perkins. UCONN has dominated the storied Big East Conference, winning six regular season championships, distinguishing itself in NCAA tournament play, advancing to the Elite Eight three different times. The one thing missing was a trip to the fabled Final Four and a national championship, and that dream was realized on March 29 with the victory over the Duke Blue Devils in what has to have been, not just for Connecticut fans, but for basketball fans all over the country, one of the great games in recent history of college basketball.

The Huskies' thrilling victory touched off a joyous celebration in our State, which is normally known as "the land of steady habits," an exhilaration which I experienced literally firsthand that night. I could not go to Florida to see the game, but I did the next best thing—I went to Coach's Bar and Grill in Hartford, CT, which is partially owned by Coach Calhoun. Let me just say to my colleagues on the floor, I was, by far, the senior citizen in the bar that night. It seemed like about half of the State's under-30 population was there. The fervor was intense and the joy extreme when the game was over.

Let me say that we are proud of this victory, but we are also really proud of the values that are part of it—the teamwork, the sacrifice, the sportsmanship, the determination and the dignity this team and its coach showed in scrapping and hustling their way to the pinnacle of college basketball. The character of this UCONN team is an apt reflection of their great coach, Jim Calhoun, who is a great coach because he is a great man, a man of indomitable spirit, tremendous values, and a great pursuit of excellence. I am thrilled that Coach Calhoun is finally getting his due as one of the Nation's great coaches.

For now, I am grateful for the wonderful gift that Jim and his players have given the people of Connecticut, for the way they brought such a diverse State together and reaffirmed our sense of community, for living up to our highest ideals of sport and—if you will allow me a pun in the name of the Huskies—for showing that every dog does indeed have their day.

Now, Mr. President, if I may close somewhat unusually, at Coach's Bar and Grill on the night of the game, one of the young men there, at a critical moment in the first half, turned to me and asked me if I would lead the UCONN cheer, and I did that. I was criticized the first time because they said my N's were not too good. You will see what I mean in a moment. As the game went on, I was called on repeatedly to lead this cheer, and of course, we in Coach's Bar and Grill feel that made the margin of difference in the victory that occurred in Florida that night.

If you will allow me, Mr. President, here is the cheer: U-C-O-N-N, UCONN, UCONN, UCONN.

Thank you. I urge adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 77) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 77), with its preamble, reads as follows:

S. RES. 77

Whereas the University of Connecticut men's basketball team capped a remarkable season by defeating the top-ranked Duke Blue Devils 77–74, on March 29, 1999, in St. Petersburg, Florida, to win its 1st national championship in its 1st "Final Four" appearance;

Whereas the Huskies finished with a regular season record of 34–2, the best in the program's proud 96 years of competition;

Whereas the Huskies firmly established themselves as the dominant team of the decade in the storied Big East Conference, winning their 6th regular season title and their 4th tournament championship of the 1990s;

Whereas UConn's Richard "Rip" Hamilton distinguished himself in the championship game and throughout the season as one of the premier players in all of college basketball, winning his 2d Big East Player of the Year award, earning 1st team All-America honors, and closing out a spectacular offensive performance in the NCAA tournament by being named the most valuable player of the Final Four.

Whereas UConn's senior co-captain Ricky Moore distinguished himself as one of the Nation's top defensive players, personifying the grit, determination, and fierce will to win that carried the Huskies throughout the year;

Whereas UConn coach Jim Calhoun instilled in his players an unceasing ethic of dedication, sacrifice, and teamwork in the pursuit of excellence, and instilled in the rest of us a renewed appreciation of what it means to win with dignity, integrity, and true sportsmanship;

Whereas the Huskies' thrilling victory in the NCAA championship game enraptured their loyal and loving fans from Storrs to Stamford, taking "Huskymania" to new heights and filling the State with an overwhelming sense of pride, honor, and community;

Whereas the UConn basketball team's national championship spotlighted one of the Nation's premier State universities, that is committed to academic as well as athletic excellence: Now, therefore, be it

Resolved, That the Senate commends and congratulates the Huskies of the University of Connecticut for winning the 1999 NCAA Men's Basketball Championship.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the president of the University of Connecticut.

UNIFORMED SERVICES FILING FAIRNESS ACT OF 1999

Mr. COVERDELL. Mr. President, let me explain for a moment where we are here. We have, by unanimous consent, 1 hour equally divided on S. 767.

S. 767 is cosponsored by Senators LEVIN, ROTH, TORRICELLI, ABRAHAM, CLELAND, MCCAIN, ALLARD, HELMS, COLLINS, BROWNBACK, FRIST, JOHNSON, HAGEL, BRYAN, DEWINE and GRAMS. Senate bill 767 is identical to the legislation that passed unanimously in the House Ways and Means Committee, and which will be here later this afternoon at about 4 o'clock. When that gets here, we will vote on the House version rather than the substitute that I just described because there has been an objection on the other side. It is a bit perplexing. But we have had an objection. We don't want internal differences to in any way for one moment delay the intent of this bill. I think everybody will understand that in a moment. So we are just simply setting the objection aside and we will accept the House version. I am sure it will be an overwhelming vote.

Mr. President, I ask the clerk to report the bill by title.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative assistant read as follows:

A bill (S. 767) to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the date for filing a tax return for any member of a uniformed service on a tour of duty outside of the United States for a period which includes the normal due date for such filing.

There being no objection, the Senate proceeded to consider the bill.

Mr. COVERDELL. Mr. President, I rise today to ask my colleagues to support legislation that will help our men and women serving in Operation Allied Force.

I might point out that part of the reason we are accepting this House version, due to this skirmish on the Senate floor yesterday afternoon, is because we only have some 12 hours left. This is April 15. These families needed to get this message, frankly, yesterday. But today I am confident that this relief, this comfort, that we are offering to the men and women who are on the front line today in Kosovo will be of enormous comfort and assistance to their spouses and to their families.

In short, the legislation does three things.

I might point out that the Senate substitute was identical in language to the House version that will be coming here later this afternoon on which we will vote.

The legislation does three things.

First, it exempts all U.S. troops serving in the Yugoslav theater of operations from being taxed on their hazardous duty pay. That is the additional pay they receive over their regular pay for being a hazardous operation. That will not be taxed when this passes. The danger pay that you receive on the periphery of the combat theater will not be taxed.

Second, it grants our troops a 180-day filing extension for their 1999 income tax return. The 180 days begins when they return from duty in the combat zone.

Third, it exempts our troops from the 3 percent excise tax levied on long-distance telephone calls to reduce somewhat the burden of a long-distance call home whenever they have a chance to do that.

Several days ago, the President signed an Executive order declaring Yugoslavia and certain areas surrounding it a combat zone. This declaration in turn provides troops serving in the zone with certain tax breaks which this legislation will codify and expand. It will expand it, for example, to troops like those in Georgia who are fulfilling the refueling missions in the combat zone. The bill takes the President's order a step further by providing these same level of tax breaks and filing extensions to those personnel who have been relocated to the combat zone area and are receiving imminent danger pay.

Mr. President, I believe this is an important additional provision that the President by law cannot extend through an Executive order. At a time when our men and women are putting their lives on the line in the name of freedom, we should do what we can to relieve some of the worries associated with income tax burdens and filings associated with the timing of the conflict occurring within 2 weeks of income tax day, April 15.

Mr. President, we have several other Senators who are here to speak on the measure. Before they get here, let me briefly say that we are deeply appreciative for the enormous bipartisan support—and I named the coauthors on both sides of the aisle—to get this done. My one regret is that we have been delayed a day by "internal process." That is the most polite way to describe it. But we are going to get this done.

I hope anybody who is watching or listening to this who is related in any way to the families and spouses of those troops for whom we think of every minute of every day will tell them that their significant income tax relief burden is being lifted so that they ought not have to stand in that long car line sometime tonight trying to get this in. They have been granted an extension, and a significant one. Depending on the pay grades of those involved, there is rather substantial tax relief, because, as I said a moment ago, with the passage of this act, those additional pays that are received by these troops for hazardous duty or imminent danger will not have an income tax applied against them. So it should be very meaningful.

Let me quickly say that this is no windfall. If anybody listening to me has ever been around a serviceperson who was called away for combat, just stop and think about it. All kinds of new costs come into play. You have a breadwinner that is somewhere else. You are trying to communicate. You have many associated costs.

So what we are doing here is not a windfall. It is a move to help those families deal with the inordinate kinds of problems that are associated with taking care of the family when only half the parents are still there. In all practicality, this probably doesn't do enough. But I hope that for anybody listening this will be a reminder that the Congress is trying to do everything it can to be of assistance to those troops.

I see I have been joined by my distinguished colleague from Maine. I yield up to 10 minutes to the Senator from Maine on this measure.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

Mr. President, first, I commend the leadership of my good friend from Georgia in taking the initiative in this area. It is typical of his leadership on so many issues. I am very pleased to join him today on the Senate floor.

I rise today as a cosponsor of the Uniformed Services Filing Fairness Act of 1999 introduced by my good friend, Senator COVERDELL, and as a supporter of H.R. 1376, which we will vote on shortly. These measures are intended to demonstrate concretely and clearly our support for the men and women serving our country in the region of Yugoslavia by providing them with tax relief on their hazardous duty pay, excise tax exemptions on their long-distance telephone calls, and an extension to allow them to file their tax returns after the April 15 deadline.

Today is tax day, a day when millions of Americans rush to their local Post Offices to mail their tax returns. However, today some brave Americans find themselves thousands of miles away from their hometowns engaged in a conflict rather than concerned with a tax filing deadline. Today and every day, our troops put their lives on the line. The sacrifices they make in serving our Nation both here at home and abroad prompt our gratitude. For those forces stationed overseas, the toll is especially great. Our troops now serving in the operations in Kosovo face tremendous burdens in trying to carry out their missions while protecting themselves and their comrades. Our service men and women abroad face the additional hardships and stress of being separated from their loved ones, their families, their homes, and their friends. These troops deserve the opportunity to concentrate on their dangerous mission without having to worry about government paperwork at home.

This legislation is an opportunity to demonstrate our support for our troops by our actions, not just with our words. My thoughts and my prayers are with those brave men and women and their families here at home. I urge my colleagues to support this modest but important measure. Again, I commend the Senator from Georgia for his leadership.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank my good friend and colleague from Maine for her statement and all of her energy, which I appreciate and enjoy so much, on so many subjects. I thank her very much for speaking on the importance of this measure.

We deal with so many varied issues that sometimes a very simple, clean-cut act like this gets overlooked in the thrashing about that goes on in Washington.

I am pleased that the Congress has been able to do this, and do this expeditiously. I just asked my young assistant to make sure that the minute this passes, probably between 4 o'clock and 4:30, the Pentagon makes sure all of our troops get this message quickly. They need to help us make sure the comfort represented by this legislation is understood as quickly as possible.

Mr. LEVIN. Mr. President, we are all keenly aware of the demands that we place on our troops, the circumstances in which they must live and work, and the unique sacrifices that they make to serve our country. Filing tax returns is a duty we all must bear to support our nation, but it is particularly difficult for service members overseas, who face this burden thousands of miles from home and without the resources and assistance available to the rest of us. When those troops are placed in harms' way, the burden becomes immeasurably greater.

Earlier this year, Senator COVERDELL and I introduced S. 767, the Uniformed Services Filing Fairness Act of 1999. This bill would have extended by two months the date by which members of the uniformed services on duty abroad must file their Federal income tax returns. Current Treasury regulations provide for an automatic two month extension for U.S. citizens and residents on military duty outside of the United States. S. 767 would have codified this regulation into law, thereby ensuring that members of the military would not be subject to fines and penalties when they avail themselves of this relief.

This week, the President addressed the same problem by issuing an executive order designating the Kosovo area of operations as a "combat zone" for the purpose of tax relief benefits. This designation will provide the following benefits:

The deadline for filing and paying taxes will be extended;

Military pay for months served in the combat zone will be exempt from income taxes; and

Telephone calls out of the combat zone will be exempt from the telephone excise tax.

Today, the Senate will pass and send to the President a House bill that is a companion measure to bill that Senator COVERDELL and I introduced earlier this year. This bill shows Congress' support for the President's decision by codifying this executive order into law. In addition, the bill extends the area covered by the exemption to include not only aircrews flying missions into the combat zone, but also members of the armed forces supporting those operations in the area of the Federal Republic of Yugoslavia (Serbia/Montenegro), Albania, the Adriatic Sea, and the northern Ionian Sea. I think we all know the dangers and hardships that our troops in these areas are facing on a daily basis, and want to support them in any way we can.

I am pleased that Congress, by enacting this bill, will join the President in showing support for our men and women in combat. I urge my colleagues to join me in supporting the enactment of this legislation.

Mr. COVERDELL. Mr. President, I have been joined by the distinguished Senator from Kansas. I yield up to 10 minutes to the Senator from Kansas.

Mr. BROWNBACK. I thank my colleague from Georgia for recognizing me and for bringing this bill forward.

It was 2 weeks ago yesterday that I was at McConnell airbase in Wichita, KS, meeting with troops that afternoon heading out to run refueling missions and other activities in support of the Kosovo operation. They were in their working uniforms with a number of spouses and some children present. They were determined and ready to go. They said, "This is our job," and they were saluting and saying they were off to do it even though they had questions: What is the objective? How will we get this done? How long will it last? We did not have good answers for them, but I said we would press for those answers.

In speaking with a couple of the spouses afterwards, they noted their husbands had been deployed more than 200 days last year and they were having difficulty with that length of time of deployment. Also, they said: We love being part of the military, we want to do our job, but we feel we are being hamstrung by some of the things required of us.

They don't believe some of the pay is quite enough, and I don't think it is enough for them.

What I see in this bill of Senator COVERDELL is a statement to some of the people at McConnell airbase, and others throughout Kansas who are serving in the military, that we want to help and do what we can in tough situations because you are going into the toughest situation that a nation could possibly send you. You are going in to face a hostile enemy, putting your lives on the line, your blood on the line. We are asking you to do it and you are doing it. The least we can do—God bless you, we want to help any way we can—is to do something to help.

This 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period including the normal due date for such filing is a small statement. It is a small act, but it is a good act. It is an important act and an important statement for us to tell those people in uniform and their families that we do care, we do hear you, and we want to try to respond in any way we possibly can.

We need to do a lot more. We need to up the pay to people in the military. We need to be questioning all the places we are sending our military around the world, how many times we are deploying them. We need to upgrade the military's hardware. I think that is important. One thing we recently did for the Nation's defense was to pass on the national missile defense bill. We need to do that.

I noted to those at McConnell airbase and those attending the nine townhall meetings I had across Kansas last week a chart showing the percentage of the Federal budget going to military defense spending. About 17 percent of our budget is now going to military defense spending. In 1962—not all that long ago—it was nearly 50 percent going into our military budget.

I noted that the amount we invest in the military—which does the very basic thing we are called on to do, which is to provide for the common defense—is going to need to go up if we are going to continue the far-flung operations that the United States is involved in around the world. We cannot maintain this pace in this many places on this budget. .

That is all they are asking. They are saying: I will put my life on the line, I will subject my family to this, I believe in the United States, and I believe in our cause, but, gosh, can't you help us out a little bit? Can't you make sure that people aren't on food stamps? Can't you address some of these issues? And we should.

This is a bill to help some of those people. Some Members may have conflicting opinions on our involvement in Kosovo, but we can all agree that our service men and women should not be penalized for their service to our country. We owe them a debt of gratitude for risking their lives to represent our country. Our soldiers defend the liberties we hold dear, and we should not be arbitrarily penalizing them in our Tax Code for their work to protect our country.

With that, I say to my colleague from Georgia I am very appreciative of the bill the Senator has put forward, of the effort to recognize the needs of our people in uniform. I support wholeheartedly this bill and say God bless to our soldiers who are in uniform and in harm's way today.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Kansas for his support and for his observations of his visit with the troops about to depart. That is always an emotional time.

I think it is worthy to note that of every discussion—and there has been considerable debate about this operation—one thing for which there is no debate is the loyalty, the dedication, and the precision with which these troops have exercised what their Government told them to do. That loyalty and that desire to do it, do it well, and do it right, cannot go unnoticed by anybody who is in their presence. I am glad the Senator referred to that particular incident.

How much time remains on our side?

The PRESIDING OFFICER. The Senator has 12½ minutes.

Mr. COVERDELL. I will not need the 12½ minutes. I do want to reiterate that this legislation does three very specific things to bring comfort to our troops in the combat zone. It exempts all U.S. troops serving in the Yugoslavian theater of operations from being taxed on their hazardous duty pay. They will not be taxed on that. Hopefully, that will help them deal with the extra costs related to performing this duty.

No. 2, it will grant a 180-day filing extension for their 1998 income tax return, and the 180 days begins on the day they leave the combat zone.

Third, it exempts our troops from the 3 percent excise tax levied on long-distance telephone calls.

We will notify the Pentagon, as I said, later this afternoon, and hope they will assist us in making sure the troops in the operation theaters are aware of this so it can help bring some comfort. I know all of us in America understand the confusion that surrounds tax day. I have been on the phone about five times. So, I hope mitigating that pressure will be of help and make it a little easier for them as they perform the missions they have been assigned by the United States of America.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I ask unanimous consent that all time be yielded back with respect to S. 767.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, how much time is allocated on this side?

The PRESIDING OFFICER. There remains 30 minutes.

Mr. BAUCUS. Is the Senator asking that all time is yielded?

Mr. COVERDELL. It was my understanding all time was to be yielded on the measure. I am sorry. I yield back all of our time.

Mr. President, it is my understanding the House bill will arrive at approximately 4:15. A rollcall vote will occur on passage of this bill as soon as it arrives from the House.

In the meantime, following the statement of the Senator, I ask unanimous consent there be a period of morning business with Members limited to 10 minutes each, with the exception of Senator ROTH for up to 30 minutes and Senator GRAMS for up to an hour.

Mr. BAUCUS. Parliamentary inquiry. When the Senator refers to "this bill," is he referring to the House-passed bill?

Mr. COVERDELL. Yes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I just wanted to make a brief statement in support of this move to help our service men and women and to point out that I tried to amend the Senate bill with a very straightforward sense of the Senate which just said we should ask the Pentagon to ensure, if there are parents of minor children called up and both are sent to combat, that they do everything in their power to ensure that one of those parents is not actually in combat.

Unfortunately, as the Senator from Georgia said, there was objection for some reason to this approach. I just want to say again, I do not understand that. We passed something very similar during the gulf war. We care about the tax burden of our men and women in uniform, and we should. How about caring about their families, their children?

Many of us have seen "Saving Private Ryan," or know the story. I cannot understand why we could not simply amend the Senate version of this bill with this very simple sense of the Senate asking the Pentagon to do what they could to ensure a mother and father were not sent into combat leaving behind a small child.

Having said that, I hope I can bring that up in the future as a freestanding measure, and I certainly do support the House bill that is coming over to give our people relief. They deserve it and they also deserve protection for their children, should a husband and wife be called into combat.

Mr. President, I will not object to us yielding back the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am very pleased the House Ways and Means Committee began to act on this issue by passing this bill and the bill passing the full House will come over to the Senate, which we can also then pass. Clearly, our service men and women, particularly those in harm's way, deserve all the support we can possibly give them. The provision we are now discussing which releases them of income tax liability during the time they are serving in a zone of danger, particularly in Kosovo, is the very least we can do.

Similarly, the provisions in the bill coming over from the House which provide for all men and women on active duty wherever they may be serving overseas to get the 60-day extension, and also have penalties potentially against them for late filing waived—that, too, is very important. Mr. President, I think it is the very least we can do at this point.

In addition to our service men and women, there are also other Americans in harm's way in the war zone, performing above and beyond the call of duty. I am talking about employees of the State Department. I am talking about other groups of people over there, serving, doing their utmost, who are in equally dangerous situations. At some future point I believe they also deserve due recognition in the same way as our military. We support our Americans. We deeply support our fellow Americans serving in the Balkans. I am very pleased the House has acted, and the Senate will be acting very soon.

I might say, I am also pleased the House approached this matter in the proper way. That is, they brought it up in the House tax-writing committee, the Ways and Means Committee, where the bill was discussed. It was marked up in the committee and then went to the House floor. That is the preferable way of doing business.

In this case, there was an attempt for a bill to be filed at the desk and then brought up directly on the floor on this issue, not going through the Senate tax-writing committee, the Senate Finance Committee. I hope we go back to the usual course of business as a general rule where tax bills go through the Finance Committee before they are brought to the floor. I say that because the legislation will be much better. It will be thought through. There is a chance to correct mistakes. There is a chance to add on measures that should be added on or subtract out measures that should be subtracted out.

Having said that, obviously time is of the essence in this case, and the House Ways and Means Committee has acted; that is, the authorizing committee in the other body did act so we did have at least that assurance this has been looked at with some considerable examination.

I will be very pleased when the House bill comes over. We will be able to vote on it. That will probably be within the hour. As I said, I hope after we do that we can give also the same kind of thought to other Americans who are also serving in the zone who are also sacrificing to a great degree in serving our country.

I yield the remainder of our time.

(Pursuant to the order of April 14, 1999, the bill (S. 767) was returned to the Calendar.)

MORNING BUSINESS

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Delaware.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH, Mr. BIDEN and Mr. KENNEDY, pertaining to the introduction of S.J. Res. 19 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. ROTH and Mr. GRAMS pertaining to the introduction of S. 815 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Georgia.

KOSOVO POLICY

Mr. CLELAND. Mr. President, it is my privilege to speak on the question of Kosovo and our military and political goals there. In working with my staff to put together some background and understand the history of that region, I came across an interesting fact, because I value history. What is it Winston Churchill once said? How do you know where you are going unless you know where you have been?

I find it fascinating, after 146 B.C., the Roman Republic was the world's only superpower—that sounds familiar—following the destruction of its long-time superpower rival, Carthage. This Roman triumph created a tremendous expansion of Roman territory, wealth, and influence and, not coincidentally, an expansion of Roman involvement in local conflicts far removed from Italy.

One such intervention involved the Northern African kingdom of Numidia, where Rome became entangled in a seccession struggle in 112 B.C., with the Roman Senate declaring actually war against Jugurtha, the leading contender for the Numidian throne. What followed is fascinating. It is described in a book called the "Anatomy of Error: Ancient Military Disasters and Their Lessons for Modern Strategists."

I think there are some lessons here for us, particularly as we view Kosovo today.

Viewed from a modern perspective, North Africa in the age of Jugurtha was in many ways Rome's Vietnam. The Jugurthine War is the story of the failure of the Romans to find a strategy that would determine the appropriate level of force needed to maintain sound and stable foreign policy.

> The Romans should have learned to operate according to the rules that Clausewitz later laid out in his book "On War": that war is always to be regarded as the pursuit of policy by other means and that strategy is the art of using exactly the appropriate amount of force to accomplish the ends of the policy. The Romans never had a clear policy in Numidia.

This is something we have to avoid in Kosovo. We need a clear policy.

> Thus the Romans never had a rational strategy for winning the war.

Another mistake we have to avoid.

> As a result, they poured a massive amount of military force into the region and accomplished worse than nothing.

Mr. President, we can't accomplish worse than nothing in Kosovo. We have to accomplish something of which we can be proud. The horrifying scenes unfolding in and around Kosovo today are indeed a sad recap of many of the worst images of our 20th century: Massive refugee flight to uncertain futures, civilian casualties, large numbers of destroyed homes and shops and communities, ethnic intolerance, and hostilities fanned by demagogic political leaders.

The hearts of Americans and people around the world have been truly touched by the incredible tragic plight of the Kosovar Albanians who have been the primary victims of the incredible, reprehensible, so-called ethnic cleansing policies of Milosevic.

This is also a difficult situation. There are no easy answers, and any choice the President makes and, indeed, any choice the Congress makes is fraught with danger. Part of this, I think, is the world in which we live, not a new world order but a new world disorder.

The post-cold-war order is one of disorder. The two administrations which have confronted the post-Soviet Union world, the Bush and Clinton administrations, have grappled mightily with the complexities of this new age in foreign places, much like the Roman Empire, foreign places like Iraq, Croatia, Bosnia-Herzegovina, Somalia, Haiti, and now Kosovo. Almost every step in these areas has been subjected to questioning and controversy before, during, and even after the operation in question.

The decision to authorize the use of airstrikes against Serbia was one of the most difficult decisions I have ever had to make. I have felt in the weeks since much like President Kennedy described himself. He said he was an optimist with no illusions. I am an optimist. I am an idealist. I want to take the high ground. I thought that NATO and America needed to act, and act then, and airstrikes was our best option. Maximum impact on Milosevic, minimum impact on us. But it was a tough decision to make, and I am under no illusion that this is going to automatically get us to where we want to go in terms of our policies in the Balkans.

May I say that we have a major humanitarian interest in providing effective relief for the refugees and preventing further atrocities against civilians by the Milosevic regime. We certainly have a strong interest in stopping the spread of this conflict to the surrounding countries in this historically unstable region.

I find it interesting that the century opened in 1914 with a Serb nationalist assassinating Archduke Ferdinand and that led to the guns of August in 1914. We have to make sure that the current Milosevic-misled nationalism does not lead to the guns of 1999.

Unfortunately, I think that no real military, or so far diplomatic, approach we have come up with can really fully guarantee our goals in the Balkans. Despite my concern about our long-term policy in Kosovo and the Balkans, the Senate was asked to vote at a point when NATO had already united in favor of airstrikes. American troops were poised to embark on their mission and the credibility of American commitments was on the line.

Under these circumstances, I felt that we must not send a signal of disunity to Milosevic, to our NATO allies, to the President, to our own people.

While these circumstances dictated my vote for airstrikes, by no means—and I have made this clear—by no means does this indicate my giving a green light for an open-ended, ill-defined, deeper commitment of American military force in Kosovo, especially the introduction of American ground troops.

Mr. President, I was on the ground in Vietnam 31 years ago. I don't want this generation to repeat that experience. We do not need an open-ended, ill-defined commitment of American ground forces in the Balkans. I hope and pray that we can avoid that.

I hope and expect that any such future expansion of military might there would be thoroughly discussed and debated in our country and within NATO before it is undertaken, not after the decision has been already made. I oppose American ground troops in Kosovo. I think this would represent further intervention in that civil war within internationally recognized borders, Yugoslavia. I think it would be in pursuit of objectives which are not vital to the United States or NATO and would do little, frankly, to secure the long-term interests that we do have in the Balkans—stability and economic prosperity.

The distinguished Senator from Kansas, Mr. ROBERTS, has often cited the following quotation from one of my personal heroes, Senator Richard Russell. It is an honor I cherish that I hold his seat in the Senate and his seat on the Senate Armed Services Committee. Senator Russell 30 years ago in this Chamber, while I was in Vietnam, said this:

> While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards of life and limb in pursuing them. As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

Mr. President, it has been my honor to visit some of the troops and facilities in Georgia that are supporting our efforts in Kosovo and the Balkans and in western Europe, some of the troops in Fort Stewart, troops at Robins Air Force Base. I know what it means to be a troop out there committed on behalf of this country and to have this country divided. It is not fun. It is not what we want to repeat. And with air operations now ongoing, with Americans soldiers, sailors, airmen, and marines in harm's way, our thoughts must turn to them as they tackle a very complicated and very risky mission. Our prayers are with them, and we pray for their safe return in every way.

As with every American military deployment, there are risks. That is why I have chosen to visit some of the places in Georgia that have sent young men and women into harm's way, including the 93rd Air Control Wing of JSTARS Aircraft out of Robins Air Force Base; the 19th Air Refueling Group of KC135R Aircraft—which participated, by the way, in the rescue of our downed stealth fighter pilot—also out of Robins; and the 94th Airlift Wing of the C–130 transports out of Dobbins Air Reserve Base, not to mention the numerous other Georgia citizens serving in our deployed forces in the Balkans.

My primary purpose today is to look beyond the military phase at our Balkans policy and ahead to the elements which I believe we must consider if we are to have a truly successful exit strategy. I said today in our hearings that there is one thing a Vietnam veteran does not like to hear and that is "no win." There is another thing and that is "no exit." Put those together and that becomes a tragedy: "no win, no exit." We can't have that situation in the Balkans. We need a successful exit strategy which produces a long-term, stable, and humane outcome, one which also will allow our service men and women to come home safely from the Balkans without having to return again. I believe we ought to have a full debate on our exit strategies now, and not just on exit strategies, but on what constitutes victory. I think we still have to nail that down. But certainly we ought to talk about not just how we get in and what we do there, but how do we get out.

Even while military operations are still underway, we must not repeat the mistakes the Romans made in the Jugurthine war, or the mistakes we made in the Vietnam war—pursuing both "no win" and "no exit" at the same time.

In spite of substantial disagreements about the appropriate ways to go about our goals in the Balkans, I think there is some consensus in this country and in NATO regarding our ultimate goals:

1. An end to atrocities in Kosovo.
2. Effective relief for refugees.
3. A negotiated political settlement, in terms of the status of Kosovo.
4. Stability throughout the Balkans, including Kosovo, Bosnia, Macedonia, Albania and Montenegro.

Another important goal, it seems to me, is an end to the U.S. and other NATO country force deployments in the Balkans, in other than a legitimate peacekeeping rather than warmaking role.

Any effective exit strategy must indicate how we can achieve these ends, including the costs for doing so and also the costs for not doing so. Our involvement in Bosnia has cost us $10 billion already. I understand that the price tag, through October, for our involvement now in Kosovo will cost some $8 billion. We owe it to both the people in the region, as well as to our own service men and women, to determine what price we are prepared to pay in order to make their sacrifices in the military operations they are involved in worthwhile in the long run. Otherwise, we may actually "win the war," but "lose a peace" by failure to pursue the nonmilitary policies necessary to attain our key objectives.

I think it is important for me to quote one of my heroes, Walter Whitman, who said about the Vietnam experience that the battles we fight we may win, but the battles we fight can't win the war. One of the things I fear most about Kosovo and further military action in the Balkans is that we win those battles, but those battles can't help us bring about the ultimate goals we seek. I am afraid there is a massive disconnect there between the two, and I am afraid that is going to pull us into a deeper and more prolonged war.

In that spirit, I want to offer some preliminary ideas, some key elements that I believe must be part of an exit strategy.

First of all, we must develop a comprehensive, long-term plan for refugee relief and resettlement. I am not sure if I were a Kosovar Albanian that I would ever want to go back to that part of the world. I would certainly probably not want to go back as long as Milosevic was in power. It is one thing to announce the appropriate goal of the return of all the Kosovar refugees to their homes, but how many will really want to go back? Is it really possible to put Humpty-Dumpty back together again? Is it possible to put together Kosovo as it was before the war? It may not be possible. It is another thing to realize reality and put together a set of policies necessary to deal with the real life situation in which many—perhaps most—of the Kosovar Albanians exist today:

1. They don't have homes.
2. In many ways, they are dispossessed and don't have a country.
3. They don't have jobs.
4. They don't have functioning communities to return to.

While the European members of NATO and other nearby nations have a great stake in the refugee population resettlement, it is the greatest obligation we have here in the United States, too. We have a significant responsibility. I believe the administration and Congress must develop a substantial aid package now to demonstrate clearly that we are fully committed to successfully working on the refugee crisis. It may be years before that crisis is resolved. The sooner we get to work on it, the better.

Secondly, in terms of a successful exit strategy out of the Balkans, we must be prepared to address, as part of any lasting solution to the problems in Kosovo and the Balkans, the economic devastation which exists in much of the entire Balkan region, much of which has been brought about by Milosevic himself in making war on the Slovenians, the Croats, the Muslims, and now on the Kosovars. Much of this devastation has been at his hands and under the barrel of his guns. This devastation is not something that can be overcome overnight. It is my view that there is little prospect for lasting reconciliation between the peoples and nations of the Balkans until there is some degree of economic recovery. People aren't going to return to homes that exist in communities that don't function. They are not going to return to places where there are no jobs, no schools, no education, and no hope. So much of the Balkans now is in that condition.

Given the depth of the problem, we are looking at a project which is almost certainly to be far more lengthy than the financially costly refugee problem. Again, Europe must take the lead, but the United States has to play a part as the international community leader, which it is. We have a stake in the stability of the Balkans, and this is one of the areas that we need to address. We need to begin now considering under which conditions we will offer economic reconstruction aid to the Balkans.

Third, in terms of a successful exit strategy, we have to begin laying the groundwork for an international conference to determine a mechanism for a final settlement not just of the Kosovo problem and allowing the will of the people in the Balkans to determine their fate, but we have to do that for Bosnia as well. I think the only way out of our dilemma in the Balkans is negotiating a settlement acceptable to as many parties as possible. It is the only outcome I can see that would help us achieve some lasting peace in the region.

Fourth, in terms of a successful exit strategy, all of these efforts that, as I mentioned, revolve around Kosovo have to be applied to Bosnia as well. American forces have been enforcing an uneasy peace in Bosnia since 1996. Many of those refugees displaced in the Bosnia war have not returned to their homes. The costs continue to mount to this country and NATO, and no clear end is in sight.

I find it fascinating that the great powers of Europe, after World War I, in 1918, help set up the Balkans, help structure it as it is today. As a matter of fact, in terms of Kosovo, the Russians helped prevail upon the great powers of Europe to take Kosovo away from Albania and give it to Serbia. It is now part of Serbia. I think we need an international conference to resolve some of these dilemmas that have resulted from a century-old set of solutions that may not any longer apply.

Fifth, for any successful exit strategy, and for any settlement or resettlement to stick, Serbia must be reconciled to its neighbors and to the NATO countries. Clearly, the chief source of the most immediate problems in the Balkans, the massive human rights violation in Kosovo, is the Serbian regime led by Milosevic. He stands condemned before history and humanity.

I am confident that he will ultimately be held accountable for his actions—not just by an international tribunal but by the civilized world. However, we must be very careful that, in painting Milosevic as the enemy, we not demonize the Serbian people. After all, Serbia is the only part of the former Yugoslavia which fought as our allies in both of the world wars of this century. We must make a concerted effort to reach out to the Serbians to make it clear that our quarrel is not with them; it is with Milosevic and his actions.

Sixth, as a vital part, a key part of an exit strategy, we must thank those who fought the war. We must redeem our pledges to the men and women in our Armed Forces who are, once again, being asked to put their lives on the line to implement American foreign policy. Our service men and women, and their families, are, once again, the ones paying the price for the policies we make here in Washington. They are on the point of the sphere. If we policymakers are going to continue to put them in harm's way, surely we can appropriately provide for the men and women and their families who depend on them.

This body passed overwhelmingly S. 4, a marvelous measure to increase pay and improve pension benefits under the G.I. bill. I was proud to be part of that effort, and we need to make sure that the effort passes the House and is signed into law.

It is interesting, as we find ourselves exiting the 20th century and going into the 21st with another situation in the Balkans. Hopefully, we can a avoid the guns of 1999 and move towards a more peaceful resolution of our problems. Hopefully, we have learned some things through the years. But, interestingly enough, we have a new role going into the 21st century and will face very few self-imposed restraints on our actions. Therefore, perhaps more than at any time in our Nation's history, it is imperative that both Congress and the executive branch focus clearly on defining our national interest and developing policies to effectively and appropriately protect and promote those interests. Even with our current unparalleled power and influence, I think it would be wise to heed the words of President Kennedy in 1961. He said about us in this country:

> And we must face the fact that the United States is neither omnipotent or omniscient, that we are only 6 percent of the world's population, that we cannot impose our will upon the other 94 percent of mankind, that we cannot right every wrong or reverse every adversity, and that therefore there cannot be an American solution to every world problem.

Mr. President, I was laying on a beach in Miami getting ready to go to basic training at Fort Benning in the summer of 1963 and heard a marvelous speech on my little transistor radio. I can remember the technology in those days. That was high tech in those days.

I remember that President Kennedy spoke at American University on June 10, 1963, in a marvelous address. And he said, "We don't want a Pax Americana." That is not what we want to look for as we enter the 21st century. We don't want a Pax Americana. We don't want America to keep the peace all over the world. It is not our role. It is not our job. And we have to realize that it is not necessarily an American solution to every problem in the world.

But the challenge for the post-cold war world for us is to learn from the Jugurthine War that, consistent with our national interests and our values, we "find a strategy that would determine the appropriate level of force needed to maintain sound and stable foreign policy."

The post-cold-war world of disorder makes the development of a bipartisan national security consensus especially relevant. We have often said, and really meant, I think, that politics must stop at the water's edge. But we need more now. I believe we need to redouble our efforts to open real dialog here within the Congress and with the administration and with the American people to discuss the fundamental role of America's power in the world as we begin the 21st century. Kosovo challenges us to define that policy now. For the dialog to be meaningful, we must be sure that policymakers, including Members of Congress, have timely and sufficient information to actually allow us to make informed decisions before we get so deeply committed in a military excursion that challenges American credibility.

I had a hand last year in working with the wonderful Senator OLYMPIA SNOWE and PAT ROBERTS in some efforts to enact in the last Congress and to seek to require the administration, the President whenever the President committed some 500 troops abroad, or asked for money for a contingency force to be sent somewhere in the world, this requirement that Senator SNOWE and I put together and Senator ROBERTS put together in the appropriations bill and in the authorization bill, requires the administration, when they do those kinds of things, when they make those kinds of commitments, to come before the Congress up front and early and explain why we are committing our forces abroad, what the military application is, and what the exit strategy is.

Unfortunately, I am afraid these amendments went by the wayside and we don't have the kind of information up front and early that we need. I will be working with Senator SNOWE and Senator ROBERTS to strengthen our legislation so that the Congress can get in, in terms of military commitment, on the take off as well as a potential crash landing.

Let me just say that we need to adhere to the basic dictum of Clausewitz that we must know in terms of military commitment, the last step we are going to take before we take the first step. If I had any one red-letter piece of advice to give our policymakers here in Washington, that will be it. Let's make sure we fully understand the last step we are going to take before we take the first step. It is so easy to get into war; it is so difficult to get out.

There is, obviously, much more to be done in formulating an effective approach to defining the proper guidelines, objectives, and policies for American foreign policy in today's world. We must successfully resolve the debate about NATO's mission statement: Is it going to participate in more offensive operations, or is it going to continue to be a defensive alliance primarily? Are we going to admit more members? Is this a good idea, or a bad idea?

The members of NATO are coming to Washington in a few days. I think we ought to engage in that discussion with NATO, because we have to figure in the relationship with our friends and our allies, because those relationships affect our relationship with other countries.

Our relationship with Russia, for instance—Russia, for all of its troubles, is still the only nation possessing the means to really threaten our physical security. And China? What about China? China, I think, might pose perhaps the greatest policy challenge to us as we enter the 21st century.

Clearly, there is much work to do. But it all starts with the correct articulation of national interests—what is vital to our national interest and what is not, and particularly in terms of the commitment of American young men and women abroad.

For all the challenges and difficulties facing us today, I would like for us to consider the other words spoken by President Kennedy in that 1963 address, on June 10, at American University. He spoke during the height of the cold war. President Kennedy put it this way:

> World peace, like community peace, does not require that each man love his neighbor; it requires only that they live together in mutual tolerance, submitting their disputes to a just and peaceful settlement. And history teaches us that enmities between nations, as between individuals, do not last forever. However fixed our likes and dislikes may seem, the tide of time and events will often bring surprising changes in the relations between nations and neighbors. So let us persevere. Peace need not be impracticable and war need not be inevitable. By defining our goal more clearly, by making it seem more manageable and less remote, we can help all peoples to see it, to draw hope from it, and to move irresistibly toward it.

I yield the floor.

Mrs. LINCOLN addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Arkansas is recognized.

Mrs. LINCOLN. I thank the Chair.

MORTGAGE DEDUCTIONS

Mrs. LINCOLN. Mr. President, on tax-filing day, it is customary for Senators to note the many difficulties that taxpayers have complying with a complex and unwieldy tax system. I plan to highlight some problems with the system later today. But I do think it is important, however, to note that some aspects of our system have worked very well.

Since the Internal Revenue Code was enacted in 1913, the tax system has provided a deduction for mortgage interest. The mortgage interest deduction is one of the simplest, most widely available, and most widely understood of all the provisions in the Code.

What is important about the deduction is the support it provides for a goal that is of paramount importance to all Americans—Homeownership. Just five years ago, the rate of homeownership was declining in our country. Beginning in late 1997, however, the rate of homeownership began to climb, so that now, a record number of American families own their own homes. For the first time in our history, two-thirds of all households own their own homes. Where has the growth in homeownership been most evident? Every age group has expanded its ownership, and, even more importantly for the future of our country, the two categories of homeowners that have seen the greatest rates of growth are first-time homeowners and minorities. It is also notable that within 6 years of naturalization, foreign-born individuals achieve the same rate of homeownership as the nation at large. This is a great achievement that shows that the American Dream is alive and well.

When asked why they want to own their own homes, Americans in all parts of the country note that "Owning my own home is the American dream. That is what it all boils down to, that I own my own home." They do not buy a home to get tax breaks. They buy a home to attain a sense of community. Neighborhoods that have a high rate of homeownership have high rates of voting, participation in schools, and lower crime rates.

It seems that we all complain a great deal about the complexity of the tax system. I think that a great deal of this tax code ridicule is justified. The U.S. Tax Code now consumes more pages than eight Bibles. It is generally too complicated and unfair for most taxpayers. I too believe that the tax code must be streamlined but only while preserving important taxpayer deductions such as the home mortgage deduction. It is important to note that, as far as the tax code goes, one of the easiest steps in the computation process is the mortgage interest deduction. Unlike many more recently created tax breaks, the mortgage interest deduction presents no difficult formulas, calculations, or income limits for taxpayers who utilize the deduction. The lender simply provides the interest and property tax amounts to the homeowner on a Form 1098. The taxpayer then simply transfers these two numbers from the form on to their tax return.

Among the taxpayers who itemize their deductions, 28 million used the mortgage interest deduction in 1995, the most recent year for which statistics were available. In that group, 71% had incomes below $75,000, and 42% had incomes below $50,000. Clearly, the mortgage interest deduction is a significant benefit for middle class taxpayers.

Homeownership is a cornerstone of American life. The tax code has always supported that goal and facilitated the great achievements we have made. The stability and simplicity of the tax policies supporting homeownership have played a crucial role in the progress we have made in keeping the American Dream alive.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF CERTAIN TAX BENEFITS

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The legislative assistant read as follows:

> A bill (H.R. 1376) to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes.

The Senate proceeded to consider the bill.

Mrs. BOXER. Mr. President, I rise in support of the military tax-filing fairness bill that passed the Senate earlier today. This is an important signal of support to send to our troops in the Balkans as they fight against the forces of ethnic cleansing, mass murder, and genocide. All Americans should be proud of the dedication and professionalism shown by our military personnel in the ongoing NATO operation.

While I am very pleased that we were able to pass this legislation, I am disappointed that I was unable to offer an amendment that would call on Secretary Cohen to do everything in his power to ensure that both parents in dual military couples are not deployed into a combat area.

As the number of United States personnel slated for the Balkans increases—and as there is an increased possibility of a Reserve call-up—I am concerned that situations may arise where children will have to watch both of their parents deployed in combat. It is difficult enough for children to watch one parent go off to war. It is unacceptable that they should have to see both of their parents put in harm's way.

I hope that we will have the opportunity to discuss this matter further and to come up with a solution that protects our children while maintaining our military effectiveness.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on the pending legislation.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was read a third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I also announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mr. MOYNIHAN) would each vote "aye."

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—5

Boxer
Campbell
Hutchinson
Leahy
Moynihan

The bill (H.R. 1376) was passed.

● Mr. HUTCHINSON. Mr. President, if today I were not in my home state of Arkansas, I would surely be on the floor of the Senate casting an affirmative vote for H.R. 1376. I believe this Congress should pass this important legislation unanimously, so that it can be quickly sent to the President for enrollment into public law.

Any time the men and women of our great country choose to wear our nation's uniform, they are making a statement. They are saying that principles like duty, honor and freedom are more important than personal gain and personal comfort. Any reasonable action the Congress can undertake to ease the Federal burden weighing on our soldiers, sailors, airmen and marines is one that should be considered and acted upon quickly.

Recognizing the area around Kosovo, where our military is deployed under orders from the President, as a hazardous duty area for Internal Revenue code purposes will grant service members a small degree of relief. Allowing service members an additional 180 days to file their federal income tax return, and exempting a portion of their income from taxation may be only a small gesture of support, but it is one that has already been earned.

I will continue to keep the men and women participating in Operation Allied Force in my thoughts and prayers, and I look forward to their safe and speedy return.●

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, may I ask the order of business on the floor?

The PRESIDING OFFICER. The Senator has 60 minutes.

Mr. GRAMS. Thank you, very much.

TAX DAY, APRIL 15

Mr. GRAMS. Mr. President, I just want to take a little time to talk today, because today is, of course, the infamous April 15 tax day. I know a lot of Americans are out there still working at the kitchen table at this time, working the pencils, trying to wade through thousands of pages, or at least dozens of pages, or all of the forms that they have trying to figure out their income tax by tonight. There are going to be long lines as people use every last minute to try to get this tax that they owe to the Federal Government in order. So that is the day that I think most Americans dread. That is April 15.

For many American taxpayers, it is this usual routine. By this time there are only a few hours left to complete their tax form before midnight. They are going to be rushing to the Post Office. They are going to find themselves on the late night news as their local TV stations are showing footage of all these last-minute filers dropping the envelope into the mail slot to at least meet the filing deadline and finally be done with this.

But even for those who file early, those who aren't going through all of this turmoil tonight, tax season, of course, is full of stress. Not only do we wade through endless paperwork but we also come face to face with the reality of just how big a bite Uncle Sam takes from us every year.

Mr. President, have we ever really stopped to wonder why it needs to be this way? Do we stop to consider better alternatives to the current tax system? It sure doesn't make a lot of sense to me, because our current Tax Code is outdated. It makes our tax system among the least efficient. It makes our tax system among the most oppressive in the world. Everyone knows this. And, yet, it seems to get worse every year, and we don't do anything about it.

When we have tried to give a little tax relief, or reform some of the Tax Code, what we have done is made it more complicated and added hundreds of pages. So we have made the tax system even worse in an effort to try to reform it and make it better.

Congress, of course, is the first in line to blame because of this. Thanks to a Government that does not know when to stop spending, tax collections have grown faster than our economy has grown in the past 5 years. And tax collections have grown twice as fast as the income of working Americans. So the Government is growing faster than Americans' working income. Hikes in the personal income tax—and particularly the increase in the effective tax rates—have propelled this increase in revenue.

As Americans are working harder to try to earn a little bit more money, our tax system is taking more away from them in doing so because our tax system pushes more of them into the higher tax brackets.

Since 1993, just 6 years ago, Federal taxes have increased for average workers 54 percent, which for the average taxpayer translates into about a $2,000 per year tax increase. So, if you look back at what you were paying on average in 1993 compared to what you are paying in taxes to the Federal Government today, the Federal Government is taking $2,000 a year more in taxes. As a result, Americans today have the largest tax burden, even more than in World War II, and it is still growing.

Federal taxes now consume nearly 21 percent of the national income. Twenty-one percent of everything produced in this country goes to Federal taxes. That is compared to just over 18 percent in 1992. So, again, over the last 6 years, Government has taken 3 percent more of national income than in 1992.

A typical American family today, when we say they are at the highest tax rate in history—even more than paying off and fighting in World War II—the typical American family today is paying 40 percent of its total income in taxes, more than the family spends on food, clothing, transportation, and housing combined. So they are spending more to support Uncle Sam than they are supporting their families with the necessities. And compare that to the average tax rate of only 2.75 percent in 1916 when Congress first got the authority to level income taxes from 2.75 percent in 1916 to over 40 percent for the average family today taken by Government.

Another comparison worth noting is that Tax Freedom Day, the day that Americans can stop working for the Government and begin working for the families: If you start working on January 1, how long into the year do you have to work to make enough money to pay the taxes that you will be responsible for for that year? For families, it was May 13 last year. Americans that started working January 1, worked until May 13 to pay their taxes, the latest date ever in history. In 1915, in comparison, Tax Freedom Day was April 3. It will probably set another record this year.

Despite a huge budget surplus over the next 10 years, the President, in the White House budget, has failed to offer even a single significant tax cut for working Americans. Instead, this administration's most recent budget proposes to increase taxes by at least $50 billion over the next 5 years. Even during a time of prosperity and surpluses, that is not enough for the appetite of this administration when it comes to spending. They are going to increase taxes by at least a net $50 billion over the next 5 years, $90 billion over the next decade.

The good news is that the budget blueprint that we passed today on the Senate floor is reserving nearly $800 billion of the nonSocial Security surplus. That is important. We are not taking any money out of Social Security dollars to use for any kind of tax relief but $800 billion of nonSocial Security surplus over the next 10 years for tax relief.

There are basically two streams of surplus coming into Washington: One is from payroll taxes, the Social Security money; the other is from overcharging on income taxes. We are setting aside in our lockbox the $1.8 trillion in overpayment on payroll taxes or Social Security and locking that away so it can't be spent or used for anything but Social Security.

The big debate is over what we will do with the other $800 billion, about 38 percent of this budget surplus. Again, the President wants to spend it, and more, over the next 10 years. We are saying it is an overcharge that should go back to the taxpayers. For Washington, this is a surplus. This is not money that Washington is entitled to. It is like finding a wallet on the sidewalk. If it has $100 in it, you can do one of two things: You can keep the money, and that would be stealing; or you could find the rightful owner and give it back. That is what Washington has done. It found the surplus and it can do one of two things: It can keep it and spend it, which would be stealing it from the taxpayers; or it can send it back to the rightful people, the taxpayers.

Our $800 billion of nonSocial Security surplus over the next 10 years for tax relief would be the largest tax relief since the Reagan tax cuts of the 1980s. The Reagan tax cuts in the 1980s were about $1.4 trillion over 5 years in today's dollars. This is about half and it is over twice as long. This is about 25 percent of what the Reagan tax cuts were in the 1980s, but it is something that we need to make an investment in in our society. It is like investing in research and development. We need to invest money into the economy in order for the economy to continue to grow and to produce the better jobs and the better wages that we need. We have had this unprecedented expansion in our economy over the last 18 years and most of the credit goes to the seeds that were planted with the Reagan tax cuts in the early 1980s that spurred this economic growth.

I think that our commitment to set aside another $800 billion over 10 years to go back into the form of tax relief, investment in consumers, investment in the economy proves that this Congress is committed to providing meaningful tax relief in 1999 and, again, providing tax relief while protecting Social Security, protecting Medicare, reducing the national debt, and also funding important national priorities as well.

Whatever form the tax relief eventually takes, whether it is my 10-percent, across-the-board income tax cut which I have proposed in Senate bill 3, a 10-percent, across-the-board reduction in all the rates—in other words, if you owe the $4,000 in taxes this year to the Federal Government, take 10 percent off from that, keep $400 and send in $3,600. If it was $5,000, you get a $500 tax break. If it was $1,000, you get a $100 tax break. It is even, across the board 10 percent.

Other tax-cut provisions on the table being debated include the elimination of the marriage penalty. Again, the average couple in this country spends about $1,400 or more in taxes just because they are married. We think that is unfair. Another option is the death tax or the dreaded estate tax—cut or eliminate that. Also, a cut in the capital gains tax. Or it could be a combination of all of these or some of these. It is a fact that Washington is finally focused on tax relief. I think that is good news for Americans.

In our budget, we provided meaningful tax relief, earmarking $800 billion in surplus over the next 10 years to go to tax relief. Again, the $800 billion in nonSocial Security surplus represents a tax overpayment. We have to stress that. This is a tax overpayment by hard-working Americans, a tax overpayment that should be returned to them. Another way to say that, in a restaurant if your bill is $17 and you go to the counter and give $20, you expect to get the change back; if you have overpaid, you expect to get the change back. But Washington is saying, you overpaid but, jeez, like the President said in Buffalo, NY, in January, we could give the surplus back, but what if you don't spend it right? In other words, you are smart enough to earn the money, but you are too dumb to know how to spend it. The Government knows how to spend it better than you do. The Government will spend it on better things than what you could spend it on for your family—maybe braces for your children, dance lessons, to begin a college education fund, maybe repairing the furnace. Somehow, that priority does not fit into Washington's scheme, because Washington thinks maybe you won't spend it right; Washington can spend it better.

I believe that Americans know what is best for their families and their lives. If it is their money, they should be given the right to spend it the way they see fit to support their families.

A new study by the Congressional Research Service reports if we don't provide tax relief, the average household will pay $5,307 more in taxes than is needed to fund the Government. Think of what the average household can do if they could keep $5,300 more of their money, rather than sending it to Washington. Of course, maybe some believe Washington can spend it better, but the people I talk to in my home State of Minnesota believe that they would have a better place to put that money than Washington.

Tax relief may temporarily relieve our pain, but the Tax Code, as I said, I believe is the root of all our tax evils. It is not the employees at the IRS, it is not the agents. They are trying to labor under some very, very complicated rules and regulations of the IRS Tax Code. Again, that is Congress over the last 50 years, with one layer on top of another, on top of another, on top of another, of Tax Codes, regulations, tax breaks, incentives, special interests or whatever it might be. The IRS is trying to dig out from underneath this or at least provide the information for us to file the taxes. It is Congress that needs to get its act in gear and do something to change it.

We held hearings last year in the Finance Committee. Senator ROTH did a great job on showing some of the abuses in the IRS and how the code really is oppressive. It is antifamily, antigrowth, antieconomy. We did make some changes. But a few changes is like putting lipstick on a pig. The IRS still is not pretty. We need to do something more than make a few changes.

The Federal Tax Code stretches on for more than 7 million words. It is made up of four huge volumes, each thicker than the Bible, with another 20 volumes of regulation and thousands and thousands of pages of regulations. The Declaration of Independence took only 1,337 words to set the entire American Revolution in motion.

Today, we have 7 million words in our Tax Code that state how the Federal Government will collect taxes. The Government publishes 480 separate tax forms. The IRS mails out over 8 billion pages of forms and instructions every year. Congress has revised the tax law a total of 5,400 times just since the 1986 Tax Reform Act. In 13 years, 5,400 times the Tax Code has been revised. Who could possibly keep track of all those changes? Not even the best tax lawyers and CPAs in the country understand the Tax Code completely. Not even the experts at the IRS itself can understand the Tax Code completely. Taxpayers today spend billions of dollars a year trying to comply with its dizzying rules and regulations.

The IRS today employs over 102,000 agents to collect taxes. Now, 102,000 agents to collect taxes, that is more agents than the FBI and the CIA have combined. So I think that is just proof that tax collection has become the primary function and goal of the Federal Government. That is the largest agency in Government, the IRS—102,000 agents to collect taxes. I guess you put the people where your priorities are. So we can see the Federal Government's priority is to collect as much in taxes from you as it can.

Our current tax system is antifamily, anti-economic growth; by any standards, it encourages abuse, it encourages waste, it encourages corruption. To solve this problem forever, we have to do one thing and that is uproot the current tax system. We need to replace it with one that promotes freedom, that promotes economic opportunity. We must repeal the income tax and other taxes, and we have to abolish the IRS—again, not because of the people there, but because of the system that is so complex we cannot understand it anymore. We must create a new tax system, one that is fair, a system that is simple and a system that is friendly to the taxpayers—not an adversary. There is an increasing national consensus that the current system is unfair, a system that we must end, and that the Tax Code as we know it has to be eliminated.

But the unresolved question is: How should we replace the Tax Code? I am a cosponsor of a bill in the Senate called the Tax Code Elimination Act, which would sunset the current Tax Code by January 1 of the year 2003—in other words, get rid of it, pull it out by the roots, say it is all done, repeal the 16th amendment, and we will start all over from scratch.

The White House said: That is irresponsible. How could you eliminate a Tax Code before you have something to replace it? I think we all know that Congress would never let one day go by that it did not have the ability to collect taxes. So if we had the ability to pass this bill today, Congress would work overtime, or on weekends, if it had to, in order to put a new system in place to collect that first dollar of new taxes in the year 2003. So I do not have any worries about that.

The biggest job is going to be finding the political will to get rid of the Tax Code we have today. There is an increasing national consensus that the current system is unfair. Ask your neighbor if he thinks this is a fair code. We must end the Tax Code as we know it today. But, again, the unresolved question is: What to do to replace the code?

I have been exploring alternative tax systems for quite awhile and, after considerable study of the issue, I believe the national sales tax plan is the best solution to our problems. I used to support a flat tax. I think most Americans would say a flat tax would be a good alternative. That is the one that has gotten probably the most publicity. But it needs to have a lot of examination. In fact, a couple of Congressmen in the House, Congressmen DICK ARMEY and BILLY TAUZIN, went on the road last year to about 30 different cities, doing what they called townhall meetings on tax issues and what to do to replace the current Tax Code with something else. Representative DICK ARMEY of Texas supported the flat tax, Congressman TAUZIN of Louisiana supported a national sales tax. They played to crowds of about 5,000 people or more at some of their stops.

So Americans are interested in this. They want to have some information, they want to know what some of the alternatives would be and how they would work. But when you talk about flat tax versus national sales tax—which are probably the two leading alternatives—going into the meetings, about 75 percent said they would prefer a flat tax—again, because they have heard it most, it sounds like the most simple plan—but after an hour and a half or 2 hours of this townhall meeting, as they came out, 75 percent favored a national sales tax.

What we need to do is begin the debate. We need to do more than just 30 town meetings around the country. We need to do this here in the Senate. We need to be part of the campaign, to start talking about Tax Code relief or reform, so the American public at least gets some information on what the Tax

Code is today, how oppressive it is, and what we can do to replace it, what are some of the alternatives. I think that is the way we need to lead in order to get some tax relief.

Any new tax system, I think, has to do a couple of things. First, it must restore the fundamental principles of taxation upon which this whole country was founded, and they are low taxes and limiting the taxing power of Government. It must fairly and efficiently distribute the burden of funding our Government. It must promote economic growth, not be anti-economic growth. It must present less of a compliance burden, and that is, again, not having to spend billions of dollars a year, every year, just to be able to fill out the tax forms and meet that requirement. And it has to offer every American better economic opportunity. The national sales tax would do that.

The national sales tax system, which I intend to introduce soon, with other Senators, I think meets these very important criteria. It is fairer, more simple, it is friendlier, it will increase economic growth, it will increase investment, it will help with capital formation, and it will create new jobs and savings.

Under the national sales tax system, working Americans will be able to keep 100 percent of their pay, their pension, or Social Security check. They no longer need to file a tax return with the IRS. Their family's finances are not revealed to Government bureaucrats. They will not be penalized for getting or staying married, and they will not be penalized, by the way, for dying either. Everyone will pay the same tax rate without loopholes, without any special interest groups. There will not be any hidden taxes, and everybody will easily understand the tax. They will be able to understand exactly how much they are paying in taxes. And, finally, it will abolish the IRS completely.

Does this sound too good to be true? It may sound that way, but believe me, it is real. Let me briefly highlight how the national sales tax legislation would be able to achieve this.

First, the legislation will call for the repeal of the constitutional amendment that created the tax nightmare that we find ourselves in today. Mr. President, the 16th amendment is the root of the tax evil. It abandoned our Founding Fathers' original principle of taxation by giving the Government unlimited power to tax the private income of American people. Without the repeal of this amendment, any tax system will eventually become abusive and intrusive. First and foremost, get rid of the 16th amendment.

Second, the legislation will repeal the income tax. It will get rid of the payroll tax, the estate tax, the gift tax, the capital gains tax, the self-employment tax, the corporate tax, and all the other taxes out there.

Third, the legislation will impose a single rate on all new goods and services at the point of final purchase, the final point of purchase for consumption, and it will provide a universal rebate in the amount equal to the sales tax paid on essential goods and services such as food and medicines.

So, in other words, for low-income or whatever the income is, if you are saying you cannot do this because you are going to be charging more on foods and medicines and necessities, that is not true. There will be a rebate for that. But it is a single rate on all new goods and services at the point of final purchase for consumption. Every American will be better off under the national sales tax system. I believe it will create expanded economic opportunities for our Nation and for our people.

The process of implementing the national sales tax system is going to be a long one. There is going to be a lot of debate. So in the interim we must reduce the tax burden on overtaxed Americans. I think a lot of us would like to go to eliminating the IRS tomorrow if we could, and cement in place a new tax system. But what do we do in the interim, until that debate is completed, before we can make that happen, before we can begin putting in a fair, simple, friendly tax system? I think that is why our budget includes the $800 billion of tax relief now. This is interim tax relief, but we have to make sure our residents, our workers, at least have some relief from the burden they are paying—again, the highest in the history of taxes.

For those taxpayers who are satisfied with the current system, I wish them the best of luck in preparing their taxes this year. For others, like the hundreds of Minnesotans who tell me they are tired of filling out the complex and endless tax forms, who tell me they do not think it is fair that the Government takes so much of their hard-earned dollars, I invite you to join me in rethinking our tax system. I think we can work together now to create a new and more fair way to fund the Federal Government, one that ultimately makes April 15 just another day, just another day of the year, and not this day that everybody dreads and hates and is now spending many hours, tonight, trying to figure out exactly what they owe in taxes.

Again, I do not know if 40 percent is a fair amount of income to pay to the Federal Government. I do a lot of town meetings, or talk with students. I always like to ask a question to start with: What do you think is a fair percentage of your income that should go to support government? We all need a good government. This is not about getting rid of the government. This is not getting rid of the Federal, State, or local governments. But what is an adequate amount of money to fund the Government, and what kind of services should we demand the Government provide with those tax dollars, not the waste and abuse that is in the system today. Today, if the system runs out of money, they just add more money to it, not look at where the abuse is, whether the money is being spent right. Are we overpaying for services we do not get?

This Government has never had to do what business has to do, and that is, look at how we can provide a service at the least possible cost. If they run out of money, they just want to raise taxes again, raise taxes again, raise taxes again.

When I ask this question at townhall meetings or at town meetings in high schools, of course some will say zero percent. That is not rational. But then we get into the basics, and it usually comes out, people say around 15, 20, maybe 25 percent of their income should go to support all levels of government—Federal, State, and local. But then you tell them they are spending, today, 40 percent of their income to support government.

So, for all of those who are filling out their taxes tonight or have time to take a look at your pay stubs, take a look at exactly how much you are spending on taxes, and then you can figure in the sales tax, your property tax, all the other taxes that you pay, and just find out how much of your income is going to support government.

Again, for the average family in this country, they are spending more to support Uncle Sam than they are spending on the necessities; That is, food, clothing, shelter, and transportation, and even, in most cases, recreation combined. So the Government is taking a bigger bite out of their paycheck than their family is getting. I think it is time we look at this and find how we can reduce this and allow hard-working Americans to keep a little bit more of their money in their pockets rather than sending it to Washington.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 822 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. First, before the Senator from Pennsylvania gets away, I wish I had been able to hear all of his remarks. But it will be in the RECORD. It was very intriguing. I could not agree more with any concept that envisions simplicity, equity. I think a lot of taxpayers today think somebody else is getting a better deal, and there is a lot of cynicism as a result.

But with a proposal such as you are talking about, everybody knows what the rules of the road are. I think in addition to the many accomplishments that you are suggesting your proposal would achieve would be a confidence among the American people and a reduction in cynicism about somebody getting a benefit that somebody else does not, and that sort of thing. So I commend the Senator for his work.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Georgia for those very complimentary remarks. I wonder if it would be too presumptuous to list him as a cosponsor.

Mr. COVERDELL. It is not presumptuous to let me think about it.

Mr. SPECTER. Let the Record show the request has been made. I thank the Senator.

Mr. COVERDELL. Thank you very much, I say to the Senator.

COMMENDING SENATOR GRAMS

Mr. COVERDELL. Mr. President, I also commend Senator GRAMS, who was here earlier leading a conversation on the effects and burdens of taxes on the American people and acknowledging that, indeed, Americans are paying the highest taxes they have ever paid in their lives. It is time that the relief occur for workers and families and businesses. He is not here, but I do commend him for his effort.

As we come to the end of the day, I am going to deal with several unanimous consents that have been previously agreed to.

TAX DAY

Mr. BURNS. Mr. President. Today is April 15, Tax Day, and I would like to remind my colleagues how many Americans define this day.

On May 10, 1773, the British parliament authorized the East India Tea Company to export a half a million pounds of tea to the American colonies for the purpose of selling it without imposing upon the company the usual duties and tariffs. It was their intention to try to save the corrupt and mismanaged company from bankruptcy. The effect was that the company could undersell any other tea available in the colonies, including smuggled tea. The disruption to American commerce was unacceptable to many, including Sam Adams of Boston.

On November 27, 1773, three ships loaded with such tea landed at Boston and were prevented from unloading their cargo. Fearing that the tea would be seized for failure to pay customs duties, and eventually become available for sale, Adams and the Boston Whigs arranged a solution. On the night of December 16, 1773, a group of colonists, disguised as Mohawk Indians, snuck aboard the ships and dumped 342 chests of tea into Boston Harbor.

The King's response was the passing of the Intolerable Acts which precipitated the forming of the First Continental Congress to consider united resistance. As we all know, this was the beginning of what is today the longest standing Democracy in the history of civilization.

It is important to reflect on the actions taken on that day in that harbor. It is also important to recognize today is not very different from that historic day. Generally speaking, governments are short-lived and short-sighted. It is the responsibility of Congress to represent the wishes of the people. It is the responsibility of Congress to ensure the people are not abused by the federal government. Acts of arrogance will not be tolerated. Acts of aggression will be punished.

It has long been instilled in our land to criticize the Internal Revenue Service. Last year, Congress had the opportunity to address many of these criticisms. But I need to ask the question—Is the IRS listening?

Over 123 million families will file 1040 returns this year. I have heard from many of these families. I have spoken with Montana families about their trials with the IRS. I have spoken with Montana families about the difficulty of scratching out a living on modest wages and then being forced to pay a significant amount of that on taxes.

Where does the blame lie? Federal spending is the gorilla on the taxpayer's back. The problem also lies with our Nation's Tax Code. How complicated is the Tax Code? Complicated enough to require significant revision—in fact, I think we should scrap the code for a simpler version providing equitable treatment. Here are the facts on the confusing nature of our Nation's Tax Code:

The IRS employs 96,000 workers to collect Federal taxes amounting to $1.8 trillion and to administer the 1.5 million word income tax code.

The IRS expects to receive 120 million phone calls for assistance this year.

A new Associated Press poll finds that the percentage of Americans who say that Federal taxes have gotten too complicated is up to 60 percent.

The Federal Tax Code is so complex that about half of American families now require the services of tax professionals to file their tax returns.

The IRS estimates that taxpayers will spend an average of 11 hours preparing their 1040's this year.

At a minimum, the cost of collecting the federal income tax, including the value of the billions of hours that taxpayers spend filling forms, is at least 10 cents for every dollar of tax revenue collected.

After the hearings we held last year, I admit I continue to be dismayed over what I consider to be a continuation of the arrogant attitude conveyed by the actions of the Internal Revenue Service.

While the IRS expects taxpayers to fill out their tax forms accurately, the General Accounting Office has just released a report criticizing the agency for poor bookkeeping and failing the same sort of audit that the agency imposes of American taxpayers.

IRS management must recognize that they have a difficult job—promoting quality customer service. Not an easy task considering the historic attitude toward the IRS.

The founding of this great Nation's history begins with the Boston Tea Party—a revolt against tyrannical rule and unfair taxation. Taxes are a necessary evil but, if kept in check, important to all levels of government.

Taxes have created the world's greatest highway infrastructure, contributed to the protection of our nation's borders, and supported the most successful democratic government in history.

But waste and abuse of tax dollars have burdened the American taxpayer with one of the highest levels of taxation in recent years.

Tax collection needs to reflect it's controversial history—the IRS does not have the right to use harassment and extortion as tax collection methods. In blunder after blunder, the IRS is flailing in a dismal fall from effectiveness—wasting those same taxpayer dollars they are collecting.

The IRS hearings during the 105th Congress were a very solemn wake-up call. Customer service will never be considered as an IRS attribute, but that's what the IRS needs to pound into their employees—the people who need to learn to work with American taxpayers—not against them.

Perhaps part of the blame lies with Congress. We should not be fooled by IRS reports telling us "we're working out the problems." As the representative body of our Nation, Congress must hold the IRS to a zero tolerance standard.

I have been contacted earlier this tax season, by numerous Montana constituents bearing complaints about the IRS. Most of the constituents are very disgruntled with the length of time it takes to have a resolution processed. They send me folders and files of correspondence. During the lengthy bureaucratic process, debts grow fantastically high with interest and penalties.

One of those cases involves the IRS's denial of due process of legal challenge for past tax years'. But it is not just one—it is many—too many. A fairer less complicated tax system may help to clear up some of the IRS abuses. By simplifying the tax system, one can only think we would simplify our revenue collection system.

Mr. President, tax collectors have a long history of public persecution. Today, my colleagues and I stand here not to tar and feather the tax collector, but to put an end to the abusive culture that has spread like a bacteria throughout the IRS.

TAX FREEDOM DAY

Mr. ALLARD. Mr. President, today is April 15. It is Tax Day. This is the deadline by which we must file our 1040 Form and pay any additional taxes we might owe on top of what was withheld during the year.

Unfortunately, typical Americans will work well beyond April 15, to pay their taxes. This is because Tax Freedom Day does not come until May 11.

Tax Freedom Day is the day in the year to which the typical American family must work just to pay the combined state, federal, and local tax burden. For many Americans the total tax burden now exceeds one-third of family income.

The Tax Foundation just announced today that Tax Freedom Day will move one day further into the year in 1999.

Last year it was May 10, this year it will be May 11. This is the latest day ever, and it marks the sixth straight year that Tax Freedom Day has advanced a day or more further into the year.

As the Tax Foundation has reported year after year, in a typical household the tax bill now exceeds the cost of housing, food, transportation and clothing combined.

In fact, in 1999 the federal tax burden will reach a peacetime high. Nearly 21 percent of the Gross Domestic Product—that is the wealth created in the country this year—will go to the federal government.

As we approach the end of the 20th century it is useful to look back on the history of the tax burden.

The Joint Economic Committee of the Congress estimates that in 1900, the average federal tax burden on a family was 3 percent, and the average state and local burden was 5 percent, for a combined total of 8 percent.

As the century closes the JEC estimates the average federal tax burden on a family is 24 percent, and the average state and local burden is 11 percent, for a total of 35 percent. Mr. President, we have come a very long way.

The IRS estimates that 123 million families will file their tax returns this year. The tax code is so complex that nearly half of these families require the service of some type of tax professional in order to file their tax returns.

This means that on top of the actual tax owed to the government, there is a hidden tax for millions of Americans in the form of tax-compliance and professional services fees. Even for simple tax returns, this can add another $100 to the tax bill each year.

For small businesses the tax compliance costs run into the thousands of dollars.

Mr. President, it is time for fundamental tax reform. We should begin this process by reducing income tax rates across the board.

We should also eliminate complex and punitive taxes such as the estate and gift tax, and we should continue to build on our successful reform of the IRS by making it possible for most Americans to comply with the tax system with minimal expense and effort.

The federal government is too big, and it costs too much. We should use the budget surplus for two things, reduction of the federal debt, and tax relief.

The surplus belongs to the American people, it does not belong to the government. For decades the cost of government has risen, Tax Freedom Day has moved later and later into the year.

Mr. President, it is time for us to begin rolling back Tax Freedom Day. Let's give the American family a well earned break.

TRIBUTE TO MR. LYNN W. HENINGER, NASA DEPUTY ASSISTANT ADMINISTRATOR FOR LEGISLATIVE AFFAIRS

Mr. LOTT. Mr. President, I would like to take this opportunity to recognize the outstanding work of Mr. Lynn W. Heninger as NASA Deputy Assistant Administrator for Legislative Affairs. Having served in this position since December 1987, Mr. Heninger is leaving to pursue other opportunities in the private sector. He definitely will be missed by many of my colleagues on both sides of the aisle.

I have enjoyed working with Mr. Heninger on a wide range of matters affecting NASA. I always found him to be extremely knowledgeable and very effective in representing NASA's views. He has always maintained a friendly and constructive approach to his work which has served NASA very well.

Mr. Heninger had the difficult task of coordinating the NASA legislative agenda. He deftly balanced a wide range of NASA issues including the International Space Station, Rocket Propulsion Programs, Earth Science and Remote Sensing initiatives. Because Mr. Heninger earned the trust and confidence of those with whom he worked, he was able to promote NASA's views very effectively in Congress.

After graduation from Utah State University with a Bachelor of Science, he served in the U.S. Army for three years as an artillery officer and helicopter pilot, including duty in Vietnam with the 1st Infantry Division. He returned to Utah State University, after briefly working with NASA Johnson Space Center as a Program Analyst, to earn a Masters in Business Administration. In 1970, he joined the Department of Transportation to work as a Budget Analyst. Mr. Heninger returned, yet again to his alma mater, where he served as a Project Director with the Economic Department at Utah State University. Before rejoining NASA in 1977 as the Chief of Program Support in NASA's Office of Space Science, he worked briefly as an Organizational Specialist with the United Nations in Bogota, Columbia. Lynn is married to the former Colleen Johnson and has five children, Jeffrey, Camille, Diana, Patricia, and Natalie.

Mr. Heninger has earned the respect of many Members of Congress and their staffs through hard work and his straightforward nature. As he now departs to share his experience and expertise in the civilian sector, I call upon my colleagues on both sides of the aisle to recognize his outstanding and dedicated public service and wish him all the very best in his new challenges.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 14, 1999, the federal debt stood at $5,666,830,242,609.56 (Five trillion, six hundred sixty-six billion, eight hundred thirty million, two hundred forty-two thousand, six hundred nine dollars and fifty-six cents).

One year ago, April 14, 1998, the federal debt stood at $5,547,606,000,000 (Five trillion, five hundred forty-seven billion, six hundred six million).

Five years ago, April 14, 1994, the federal debt stood at $4,567,340,000,000 (Four trillion, five hundred sixty-seven billion, three hundred forty million).

Ten years ago, April 14, 1989, the federal debt stood at $2,771,629,000,000 (Two trillion, seven hundred seventy-one billion, six hundred twenty-nine million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,895,201,242,609.56 (Two trillion, eight hundred ninety-five billion, two hundred one million, two hundred forty-two thousand, six hundred nine dollars and fifty-six cents) during the past 10 years.

NORTHAMPTON, MA—A REVITALIZED CITY

Mr. KENNEDY. Mr. President, today's New York Times contains an excellent article by William L. Hamilton on the city of Northampton in Massachusetts and the remarkable revitalization that has taken place in the city in recent years. Northampton is also the subject of a soon-to-be published book, Home Town, by Tracy Kidder, in which the author captures the spirit and essence of community that has turned this former small mill town into the cultural, historic and economically revitalized city it is today.

I also commend the woman responsible for much of this successful revitalization, Mayor Mary Ford. For the past 8 years, Mayor Ford has brought a new spirit to the city with her many successful initiatives. Northampton's schools are renovated, its streets are safer, its water is cleaner, its housing is more affordable, and its roads are more accessible.

Mayor Ford has also demonstrated impressive leadership in making Northampton a leading cultural center of Western Massachusetts. The city is home to the Massachusetts International Festival of the Arts, Paradise City Arts Festival, the Northampton Film Festival, and the newly restored historic Calvin Threatre.

Mayor Ford is on the front lines every day, making an important difference in the lives of families in Northampton, and she's done a remarkable job. The people of Northampton and all of us in Massachusetts are proud of her outstanding leadership, and we commend her for making Northampton the vital city that it is today. Well done, Mayor Ford, and keep up the great work!

Mr. President. I ask unanimous consent that the article by William L. Hamilton in today's New York Times be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 15, 1999]

Northampton, MA—A Revitalized City

(By William L. Hamilton)

Northampton, a city of 30,000 in western Massachusetts, has been raising issues of community for more than 300 years—charity, self-interest, tolerance and division. They are issues as fresh today as they were in the 19th century, when Northampton was painted as a heavenly view by Thomas Cole and described with affection by Henry James in his first novel, "Roderick Hudson." They were raised when it hanged two innocent immigrant Irishmen in 1806 for suspected murder and when it tried a police officer, a native son, for the rape of his own child, during the four years that Tracy Kidder spent reporting his new book, "Home Town" (Random House), to be published in May.

Mr. Kidder, 53, lives in nearby Williamsburg with his wife, Frances, a painter, but considers Northampton his home, too. As he proudly showed it to a visitor recently, the city give him a parking ticket. No place is prefect.

Like "The Soul of a New Machine," his Pulitzer Prize-winning account of the development of a new computer and the advent of the computer age, "Home Town" is the portrait of a cultural phenomenon, seen through the lies of the people creating it. It is also the story of a particular town, and how it has made itself a home. The citizens whose experiences are observed in literary detail, from a local judge to a cocaine addict, could be members of a family, sheltered by a civic roof.

In this decade, in a successful reverse of the demographic direction of the century, more Americans are now moving from big cities to small towns than from small towns to big cities. A 30-year migration by young professionals, baby boomers and retirees from cities and suburbs to rural, exurban areas has produced a new generation of what are being called "boomtowns." Two hour by car from Boston and three hours from New York, Northampton, an ex-industrial mill town, pretty and preserved, is now the product of settlement like this.

Despite an annual decrease in the city's birth rate, the population has remained steady, which city planners attribute to "income migration." said Wayne Feiden, the director of planning and development. "Who's coming? A lot of well-educated professionals, attracted by a town that's amenity-rich and very comfortable to live it."

Mr. Kidder, who moved to the area in 1976, is part of the trend. Now, he has filed his report: a firsthand look at life in the type of peaceful place that many find themselves sorely tempted to try. Not everyone stays—native or new arrival. In portraying Northampton, Mr. Kidder has attempted to assemble a set of natural laws, and sides of human nature, that explain what makes any town work, or how it can fail those who love it the most.

To those making the move, cities like Northampton are dots on a map chosen on a Sunday visit for their size, their safety, their qualities of life and their nostalgia. They are the garden cities of childhood—the kind of hometown they don't build anymore, the kind they may never have.

"I was born in New York City and grew up on Long Island," Mr. Kidder said recently, "in a place, Oyster Bay, that kind of vanished as I was growing up. Whole towns disappeared, it would seem, under cloverleafs."

He was walking down the gentle slope of Northampton's Main Street, away from the tiny, turreted city hall, past the Academy of Music, a Moorish 106-year-old municipally operated theater, now showing "Shakespeare in Love." A woman in a floral skirt that brushed the tops of her cowboy boots was offering strollers copies of her book on tape. A squat signboard for the Fire and Water Vegetarian Cafe and Performance Space sat like a toad by the curb. There was a branch office of Dean Witter Reynolds across the street.

Northampton is blessed by confluence and circumstance. Bounded by the Mount Tom and Holyoke hills and threaded by the Connecticut and Mill rivers, it is also circled by institution: Amherst College, Hampshire College, Mount Holyoke College, the University of Massachusetts and, sitting at the head of Main Street, the Smith College campus, designed in 1875 by Frederick Law Olmstead. The 19th-century state mental hospital is now abandoned. The poet Sylvia Plath, an undergraduate at Smith in the 1950's, wrote to her mother of walking in the evening to a professor's house for a cocktail party, "listening to the people screaming."

Main Street bends slowly through the town, side streets flowing into it, like a third river. "There are some magical things about this that couldn't have been planned," Mr. Kidder said, speaking of the setting's majestic gait. "This broad sweep that Main Street makes, it makes simply because of the topography, before you had earth-moving equipment."

Northampton's recent history has a familiar plot—a downtown rescued in the 1970's by creative real estate developers and resident pioneers who discovered and reinvented its historic infrastructure. It is an architectural routine: with restoration and new, entertainment-oriented businesses, the low brick buildings, Victorian clapboard houses, Art Deco theater and a Gothic chess set of city hall and courthouse become an animated Main Street. In Northampton, there are apartments above the shops, stimulating street life at night. The crosswalks at the intersection of Main and King streets, where the town converges, are wired with speakers that signal sonically for the blind and stop traffic in four directions, letting strollers spill momentarily into the square.

To the casual eye, it can look more like a marketing concept than a place to live—a factory town retooled by the wish list of the latte generation. A bookshop's magazine display offers an informal census of Northampton's new citizens and visitors: Raygun, Natural History, Birdwatcher's Digest, American Craft, Bike, Fine Homebuilding, Interview, The Writer, Outside, Macworld and Out. The town has been the subject of a "20/20" segment because of a large gay and lesbian population.

"It's tempting to parody, but it's too easy," Mr. Kidder said, crossing the intersection of Main and King as the crosswalks beep-beeped like Saturday cartoon characters. To the citizenry, it appeared to produce genuine wonderment—rainbow-haired teen-agers, mothers in Polartec, men in linen sweaters and loafers without socks crowded the open intersection, as cars on four sides sat muzzled like dogs, waiting for the lights. "What you see is pretty motley, but there is a solid mainstream, an almost invisible background to it," he said.

Like any town, Northampton is many town, including a town with a native population. As Mr. Kidder writes, the "Gentrification Is War" graffito, written prominently on a building downtown, is now softly faded. But two particular towns live together like a couple in a brokered marriage that may or may never grow into love. "Hamp," or native Northampton, shops on the strip of King Street as it leaves town at Main Street, not in "NoHo," or the revitalized downtown, for which Main Street provides the artery.

"In all of downtown, I don't think you can buy a socket wrench," Mr. Kidder said. "When you look at old pictures, there were nothing but hardware stores."

Because of its newcomers, Northampton is a big, little place, pressured by the demands of the present on the past. "Without argument, a place begins to go dead," Mr. Kidder said, walking on Pleasant Street, where many single-room occupancy houses remain—a short block from Main Street's consumer circus. Local government has kept them there to enforce the town's economic heterogeneity. "You've got to have this tension. You've got to find a way to let lots of different kinds of people in, and keep them there."

Mr. Kidder is not ambivalent about Northampton, but he is not foolish, either. "It's got problems, of course," he said, reciting the national roster of gang crime and homelessness and a drug problem in the local schools that is conspicuous for the state. He was at the bar of the Bay State Hotel, a favorite spot opposite the restored train station, now Spaghetti Freddy's, drinking a Diet Coke. Sitting in the dimly lighted, yellow-wood-paneled tavern, with its etched Budweiser mirror, painting of Emmett Kelly and silent blinking jukebox was like being inside a Christmas tree at night. "And what limits the size of the town is jobs," said Mr. Kidder, who is self-employed. "The largest employer, which was the state mental hospital, closed its doors years ago."

Wayne Feiden, the planning director, concurred. "Whenever you see polls in Money magazine and the rest, about the best towns, we never make it," he said. "The jobs aren't there." Mr. Feiden added that the danger of being a boomtown was that well-paid professionals like doctors and lawyers, of whom there are many in Northampton, who moved there for its charms, would move on, frustrated from feeling underpaid. "It's why they don't stay."

If Northampton does not, despite restored facades, present an unblemished picture, Mr. Kidder makes a strong case that the beauty of a place is not in its skin—it is in its people. They are the simple and dramatic acts and the descriptive faces of his book. They are, he contends, the genius of a place.

Mr. Kidder's "Home Town" hero is a native, who, as the book concludes, leaves Northampton for the wider world, freed of his "nick-names," as Mr. Kidder characterized the linked chain of time spent growing up in the same small town.

"It seemed to make too much wholesome sense, from a distance," Mr. Kidder said, speaking of Northampton. "And then I ran into this cop," he said. "Tommy O'Connor, at the gym that I go to."

Mr. Kidder was back at his house, not the home built for a professional couple in Amherst and chronicled in his 1985 book, "House," but a converted creamery on a mill river that runs beneath the dining room windows. He greeted his daughter, Alice, 20, who walked into the kitchen with a bag of groceries from Bread and Circus, a natural-foods supermarket. She pulled mixing bowls from the cupboards to make dessert for dinner—profiteroles, for guests.

"Tommy's a very gregarious guy," Mr. Kidder recalled. "He said, 'You don't remember me, do you?' I said no. He said, 'Well, I arrested you for speeding five years ago.'" An electric mixer began clattering in a bowl. "This guy with a shiny dome had been a curly-haired cop then." Mr. Kidder said. "I remember that after he gave me the ticket, he said, 'Have a nice day.'"

Mr. Kidder smiled at the recollection; Mr. O'Connor, who now lives in Washington and works for the Federal Bureau of Investigation, remains a friend.

"Anyway, he said, 'Why don't you come out and ride with me some night?' He said he'd show me a town I never imagined existed." It was, of course, Northampton.

Mr. Kidder said, "And he was right."

THE HUMAN FACE OF NORTHAMPTON

They're natives and new arrivals, friends and foes, civic-minded or uncommitted, but they're not strangers. The subjects of Tracy Kidder's new book, "Home Town," whose stories are excerpted below, make Northampton, Mass., work by living together in it.

Michael Trotman

Often when he passed other black people downtown, ones he didn't know, he smiled at them and they smiled back, little smiles that seemed to say, "Isn't this place weird?" and, "What are you doing here?"

Every year for the past eight, Michael had decided to leave. He'd taken scouting trips to New York City, Phoenix, Los Angeles. Near the end of every one, he began missing Northampton. He couldn't fully account for the pull it had on him. He had a short answer for friends who asked? "No one's called me a nigger in eight years."

Alan Scheinman

The world outside Alan's apartment had turned into a giant obstacle course. His greatest freedom was a car. But to drive one, he had to have it registered. Inside the registry, on King Street, the lines were always long. He couldn't expect to stand in one without someone brushing up against him. The transaction with the documents would be impossible. The clerk wouldn't understand. In a panic, Alan called ahead. "Look, my name is Alan Scheinman. I'm a lawyer here in town." (Saying he was a lawyer sometimes helped.) "I suffer from an illness which makes my behavior seem bizarre. I have to register a car, but I can't stand in line, and I can't touch papers that anyone else has handled."

The clerk's voice said, "Just a minute, please."

Then another voice came on the line. He explained again. He heard that second voice say, "Just a minute, please." He thought this wasn't going to work, but the third voice offered hope. "Come on down, and we'll see what we can do."

Alan stood a little distance from the crowd at the counter, in his usual defensive mode—forearms pressed together, both hands in plastic bags, one hand cupping his chin. From the other, also near his chin, dangled a plastic bag full of documents. "I was a sight," he remembered. He waited there for a few minutes, feeling desperate and helpless, and then a clerk appeared from behind the counter. She looked at him and didn't even seem surprised. She led him to an empty office, took the bag of documents and returned 10 minutes later with all the paperwork completed. She even escorted him out to the parking lot, opening all the doors for him.

Judge Michael Ryan

Judge Ryan was beloved by courthouse workers, and generally disliked by police. He'd made some intemperate remarks in the past. Speaking disapprovingly of the state police uniforms, he'd once told a reporter, "If you dress 'em like Nazis, they'll behave like Nazis." Mainly, though, the police objected to the judge's leniency and his out-of-court behavior. "The drinking judge," one waggish lawyer called him. Both slanders contained some truth. He stopped being a judge when he left court. If a stranger on a nearby bar stool asked him what he did for a living, Ryan would say: "Oh, I have a Government job, cleaning up small messes at the courthouse."

As for his leniency, a friend once accused him of harboring great compassion for many defendants, and the judge replied, "I think it's something stronger. I think it's more like identification."

Mayor Mary Ford

She likes to say she was elected mayor of every resident, including those who won't vote for her no matter what she does. As she also likes to say, she usually leaves the front door to her office open. A building contractor once complained that he knew he didn't get a good hearing from her because she didn't close that door while they talked. Her office has another door, a back door with a chair in front of it, usually closed, rarely used. But by late afternoon on a long day, she feels as though her face is about to slide off the weary muscles underneath. The mask of a face would lie at her feet, still smiling. Corrinne pokes her head in the doorway. The boy on the front steps outside, the one keeping a 48-hour vigil for worldwide liberation, waits in the outer office. He wants an audience.

A moment later, Mayor Ford opens her back door, and a moment after that, clerks looking up from their desks see Northampton's chief executive hurrying down the hall, casting backward glances, heading for the stairs.

THE PROTECT ACT

Mr. McCAIN. Mr. President, yesterday I introduced a bill to "Promote Reliable On-Line Transactions to Encourage Commerce and Trade," the PROTECT Act. This legislation seeks to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of United States law enforcement and national security goals and missions.

During the last Congress, there was a very intense debate surrounding the encryption issue. That debate, as with any discussion regarding encryption technology, centered around the challenge of balancing free trade objectives with national security and law enforcement interests. There were various proposals put forward. None, however, emerged as a viable solution. In the end, the debate became polarized, as many became entrenched upon basic approaches, losing sight of the overall policy objectives upon which everyone generally agreed.

It was my objective to get outside the box of last year's debate. In the past, balancing commercial and national security interests has been treated as a zero sum game, as if the only way to forward commercial interest was at the expense of national security, or vice versa. This is simply not the case. Certainly, advanced encryption technologies present a unique set of challenges for the national security and law enforcement community. However, these challenges are not insurmountable.

What the PROTECT Act does, is to lay out a forward-looking approach to encryption exportation, a course that puts into place a rational, fact-based procedure for making export decisions, that places high priority on bringing the national security and law enforcement community up to speed in a digital age, and that ultimately provides a national security backstop to make certain that advanced encryption products do not fall into the hands of those who would threaten the national security interests of the United States.

Title I of the legislation deals with domestic encryption. The bill establishes that private sector use, development, manufacture, sale, distribution and import of encryption products, standards and services shall be voluntary and market driven. Further, the government is prevented from tying encryption used for confidentiality to encryption used for authentication. It is established that it is lawful for any person in the United States, and for any U.S. person in a foreign country, to develop, manufacture, sell, distribute, import, or use any encryption product.

The PROTECT Act prohibits mandatory government access to plaintext. The bill prohibits the government from standards setting or creating approvals or incentives for providing government access to plaintext, while preserving existing authority for law enforcement and national security agencies to obtain access to information under existing law.

Title II of the legislation deals with government procurement procedures. The bill makes clear that it shall be the policy of the Federal government to permit the public to interact with the government through commercial networks and infrastructure and protect the privacy and security of any electronic communications and stored information obtained by the public.

The Federal government is encouraged to purchase encryption products for its own use, but is required to ensure that such products will interoperate with other commercial encryption products, and the government is prohibited from requiring citizens to use a specific encryption product to interact with the government.

Title II of the PROTECT Act authorizes and directs NIST to complete establishment of the Advanced Encrytion Standard by January 1, 2002. Further, the bill ensures the process is led by the private sector and open to comment. Beyond the NIST role in establishing the AES, the Commerce Department is expressly prohibited from setting encryption standards—including U.S. export controls—for private computers.

A critical component of the PROTECT Act is improving the government's technological capabilities. Much of the concern from law enforcement and national security agencies is rooted in the unfortunate reality that the government lags desperately behind in their understanding of advanced technologies, and their ability to achieve goals and missions in the digital age.

This legislation expands NIST's Information Technology Laboratory duties to include: (a) obtaining information regarding the most current hardware, software, telecommunications and other capabilities to understand how to access information transmitted across networks; (b) researching and developing new and emerging techniques and technologies to facilitate access to communications and electronic information; (c) researching and developing methods to detect and prevent unwanted intrusions into commercial computer networks; (d) providing assistance in responding to information security threats at the request of other Federal agencies and law enforcement; (e) facilitating the development and adoption of "best information security practices" between the agencies and the private sector.

The duties of the Computer System Security and Privacy Board are expanded to include providing a forum for communication and coordination between industry and the Federal government regarding information security issues, and fostering dissemination of general, nonproprietary and nonconfidential developments in important information security technologies to appropriate federal agencies.

Title V of the legislation deals with the export of encryption products. The Secretary of Commerce is granted sole jurisdiction over commercial encryption products, except those specifically designed or modified for military use, including command and control and intelligence applications. The legislation clarifies that the U.S. government may continue to impose export controls on all encryption products to terrorist countries, and embargoed countries; that the U.S. government may continue to prohibit exports of particular encryption products to specific individuals, organizations, country, or countries; and that encryption products remain subject to all export controls imposed for any reason other than the existence of encryption in the product.

Encryption products utilizing a key length of 64 bits or less are decontrolled. Further, certain additional products may be exported or reexported under license exception. These include: recoverable products; encryption products to legitimate and responsible entities or organizations and their strategic partners, including on-line merchants; encryption products sold or licensed to foreign governments that are members of NATO, ASEAN, and OECD; computer hardware or computer software that does not itself provide encryption capabilities, but that incorporates APIs of interaction with encryption products; and technical assistance or technical data associated with the installation and maintenance of encryption products.

The Commerce Department is required to make encryption products and related computer services eligible for a license exception after a 15-day, one-time technical review. Exporters may export encryption products if no action is taken within the 15-day period.

A formal process is established whereby encryption products employing a key length greater than 64 bits may be granted an exemption from export controls. Under the procedures established by this legislation, encryption products may be exported under license exception if: the Secretary of Commerce determines that the product or service is exportable under the Export Administration Act, or if the Encryption Export Advisory Board created under this Act determines, and the Secretary agrees, that the product or services is, generally available, publicly available, or a comparable encryption product is available, or will be available in 12 months, from a foreign supplier.

As referenced, the PROTECT Act creates an Encryption Export Advisory Board to make recommendations regarding general, public and foreign availability of encryption products to the Secretary of Commerce who must make such decisions to allow an exemption. The Secretary's decision is subject to judicial review. The President may override any decision of the Board or Secretary for purposes of national security without judicial review. This process is critical. It ensures that the manufacturer or exporter of an encryption product may rely upon the Board's determination that the product is generally or publicly available or that a comparable foreign product is available, and may thus export the product without consequences. However, a critical national security backstop is provided. Regardless of the recommendation of the board, or the decision of the Secretary, the President is granted the absolute authority to deny the export of encryption technology in order to protect U.S. national security interest. However, a process of review is established whereby market-availability, and other relevant information may be gathered and presented in order to ensue that such determinations are informed and rational.

Any products with greater than a 64 bit key length that has been granted previous exemptions by the administration are grandfathered, and decontrolled for export. Upon adoption of the AES, but not later than January 1, 2002, the Secretary must decontrol encryption products if the encryption employed is the AES or its equivalent.

Finally, the PROTECT Act prohibits the Secretary from imposing any reporting requirements on any encryption product not subject to U.S. export controls or exported under a license exception.

Mr. President, as I have stated, my purpose in putting this legislation together was to get outside the zero sum game thinking that has become so indicative of the debate surrounding the encryption export controls. I would like to commend the outstanding and creative leadership of Senator BURNS on this issue. He is a leader on technology issues in the Senate, and has played an invaluable role in developing this approach. I look forward to working with him, and our other original cosponsor in building the support necessary to see the PROTECT Act signed into law during this Congress.

SENATE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. BENNETT. Mr. President, on March 25, 1999, the Senate Special Committee on the Year 2000 Technology Problem published its rules of procedure. Also published was an overview of the Committee's jurisdiction and authority. We publish today the corrected and complete statement of jurisdiction and authority of the Committee which is provided by S. Res. 208, 105th Congress, as amended by S. Res. 231, 105th Congress, and S. Res. 7, 106th Congress.

Mr. President, I ask unanimous consent that the corrected and completed statement of jurisdiction and authority be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES. 208, APRIL 2, 1998, AS AMENDED

Resolved,

SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known as the Special Committee on the Year 2000 Technology Problem (hereafter in this resolution referred to as the "special committee").

(b) PURPOSE.—The purpose of the special committee is—

(1) to study the impact of the year 2000 technology problem on the Executive and Judicial Branches of the Federal Government, State governments, and private sector operations in the United States and abroad;

(2) to make such findings of fact as are warranted and appropriate; and

(3) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special committee may determine to be necessary or desirable.

No proposed legislation shall be referred to the special committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(c) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a)(1)-(2), and 10(a) of rule XXVI and rule XXVII of the Standing Rules of the Senate, and section 202 (i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of 7 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 3 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

The Chairman and Ranking Minority Member of the Appropriations Committee shall be appointed ex-officio members.

(2) VACANCIES.—Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee and shall be filled in the same manner as original appointments to it are made.

(3) SERVICE.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the special committee shall not be taken into account.

(b) CHAIRMAN.—The chairman of the special committee shall be selected by the Majority Leader of the Senate and the vice chairman of the special committee shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the special committee or the chairman may assign.

SEC. 3. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—For the purposes of this resolution, the special committee is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) to take depositions and other testimony;

(7) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or[1] nonreimbursable basis the services of personnel of any such department or agency.

(b) OATHS FOR WITNESSES.—The chairman of the special committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the special committee may be issued over the signature of the chairman after consultation with the vice chairman, or any member of the special committee designated by the chairman after consultation with the vice chairman, and may be served by any person designated by the chairman or the member signing the subpoena.

(d) OTHER COMMITTEE STAFF.—The special committee may use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate and on a nonreimbursable basis, the facilities or services of any members of the staff of such other Senate committee whenever the special committee or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the special committee to make the investigation and study provided for in this resolution.

(e) USE OF OFFICE SPACE.—The staff of the special committee may be located in the personal office of a Member of the special committee.

SEC. 4. REPORT AND TERMINATION.

The special committee shall report its findings, together with such recommendations as it deems advisable, to the Senate at the earliest practicable date.

SEC. 5. FUNDING.[2]

(a) IN GENERAL.—There shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations, for use by the special committee to carry out this resolution—

(1) not to exceed $875,000 for the period beginning on April 2, 1998, through February 28, 1999, and $875,000 for the period beginning on March 1, 1999 through February 29, 2000, of which not to exceed $500,000 shall be available for each period for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946; and

(2) such additional sums as may be necessary for agency contributions related to the compensation of employees of the special committee.

(b) EXPENSES.—Payment of expenses of the special committee shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

IMF GOLD

Mr. REID. Mr. President, I rise today to insert into the CONGRESSIONAL RECORD an analysis by the noted economist, Michael Evans. This information regards the poorly considered effort by the International Monetary Fund to sell all or part of their gold reserves to ostensibly help poor countries. Dr. Evans is a professor of economics at the Kellogg School at Northwestern University of Illinois. In this detailed analysis, Dr. Evan's reviews the history of recent gold sales and cautions that selling gold often degrades economic performance. Based on this empirical research, Dr. Evans states that countries that have resorted to gold sales have found their currency depreciated, their real growth rate down and their unemployment up relative to countries that did not sell gold.

The IMF has established a policy to "avoid causing disruptions that would have an adverse impact on all gold holders and gold producers, as well as on the functioning of the gold market." The proposal that the IMF is now contemplating would directly conflict with this well-founded rule. In fact, the suggestion of gold sales has already adversely impacted gold holders and gold producers by causing an alarming drop in the price of gold.

Currently, the price of gold is at its lowest point in twenty years. This is significant because the low price of gold is now nearing the break-even point for even the larger mines. Therefore, these mines will be forced to either operate at loss or shut down entirely. With mining and related industries accounting for 3 million jobs and 5 percent of the gross domestic product, this would have a serious impact on our nations economy.

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[1] As amended by S. Res. 231, 105th Cong., 2d Sess. (1998).

[2] As amended by S. Res. 231, 105th Cong., 2d Sess. (1998), and by S. Res. 7, 106th Cong., 1st Sess. (1999).

The IMF should abandon this initiative and pursue alternatives to assist these poor nations.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Apr. 6, 1999]

(By Michael Evans)

In the rarefied atmosphere of Davos, Switzerland, Vice President Al Gore fired his opening salvo in the 2000 Election Year campaign, in an attempt to demonstrate his expertise in international finance.

Specifically, Mr. Gore suggested the International Monetary Fund should sell some of its gold reserves and use the funds to reduce foreign debt of impoverished Third World nations, following through with one of his favorite plans discussed in his 1992 magnum opus, "Earth in the Balance." Such a plan, he claimed, would help alleviate "the insanity of our current bizarre financial arrangements with the Third World." ("Earth in the Balance," p. 345).

Forgiveness of foreign debt would certainly not be a unique step. The United States forgave most foreign debts after both world war for Allies and foes alike. The Brady plan in the 1980s reduced Latin American debt. The United States also forgave much of the foreign debt of Eastern European countries after the demise of the Berlin Wall. Forgiveness of debt is not necessarily a bad idea; in many cases it has worked quite well.

Yet the Gore plan is questionable on two major counts. First, before these debts are forgiven, these countries need to provide some evidence they have started to improve their own economic programs. Second, selling gold, far from being the best way to proceed, is close to the worst.

With the IMF throwing $23 billion down the Russian drain because that country failed to institute necessary economic reforms, the case for requiring some moves toward economic stability seems strong enough that an extended analysis is not necessary. On the other hand, the negative impact of gold sales on economic performance is not well understood, and deserves further discussion.

Suppose the countries targeted to receive aid from the Gore program do indeed get their economic policies in order. Then it does make sense to reduce their foreign debt, allowing them to improve their economic lot instead of being permanently saddled with debts that, for practical purposes, can never be repaid. But why raise this money through IMF gold sales?

The cheap, cynical answer is this method doesn't require an actual outlay of U.S. funds, so it doesn't appear in the budget. However, cheap tricks like that are precisely the reason so many voters have come to distrust their elected officials. If reducing Third World debt is worth doing, let's debate the issue, vote on it, and pay for it, not disguise it in some underhanded way that the average voter won't notice.

Yet there is a deeper, more important reason. Selling gold often degrades economic performance. Most countries that have resorted to gold sales have found their currency has depreciated, their real growth rate has declined and their unemployment rate has risen relative to countries that did not sell gold.

Now that the inflation rate has remained low in the United States, even with the economy at full employment, and the dollar has strengthened, it has become fashionable to proclaim that gold reserves are no longer needed to stabilize the price level and the value of the currency. In fact, there are many reasons why the inflation rate has remained so low, including a credible monetary policy, the budget surplus, and the beneficial impact of rapid growth in technology. However, the most important factor is the widespread realization that the U.S. government is committed to keeping the rate of inflation low and stable. Massive gold sales would undermine that commitment.

In this regard, it is instructive to look back and see how the U.S. economy fared during the last major round of gold sales. The IMF held several gold auctions from 1976 through 1980. In the five 1976 auctions, the average price of gold was $122 per ounce. By the five 1980 auctions, the average price had risen to $581 ounce.

Of course, one of the reasons gold prices skyrocketed was that the rate of inflation in the United States surged, rising from 4.9 percent in 1976 to a peak of 13.3 percent in 1979. While one can argue that higher oil prices boosted inflation, the fact of the matter remains that the inflation rate rose to 6.7 percent in 1977 and 9.0 percent in 1978 before oil prices started to increase. Furthermore, the CPI for all items, excluding energy, also moved up from 4.8 percent to 11.1 percent in 1979, and the continued rising to 11.7 percent in 1980.

How could a relatively modest amount of gold sales have boosted inflation so much? Most economists now agree that inflation is driven largely by expectations. If labor and business believe fiscal and monetary policy will continue to fight inflation vigorously, the inflation rate will remain low, as is indeed the case today. Conversely, when the government sends the unmistakable signal by selling gold that higher inflation is OK, labor and business quickly raise wages and prices, and inflation is off to the races.

Of course, the Carter administration did not come right out and say "we favor high inflation," but their actions convinced private sector economic agents that is what they meant. When the signaled their disdain for a stable price level by selling gold, the U.S. government encouraged prices to rise more rapidly in the late 1970s.

Other countries have also had negative experiences following gold sales. On July 3, 1997, the Reserve Bank of Australia announced it had sold 69 percent of its gold reserves of the previous month, resulting in a net gain of $150 million per year in interest. However, it is more than coincidental that the month before this announcement, the Australian dollar was worth 75.4 cents, but it then started to fall steadily to a level of 58.9 cents a year later.

Thus in the year following the announcement of goal sales, the Australian dollar lost 20 percent of its value. As a result, Australian consumers had to pay an additional $10 billion per year for imported goods, almost 70 times the $150 million in interest earned from interest-bearing securities purchased with the money generated from the sale of gold reserves.

The Canadian economy was also damaged by the decision of the central bank to sell 85 percent of its gold reserves since the early 1980s. The sharp decline in the value of the Canadian dollar relative to the U.S. dollar also led to a lack of investment opportunities by local firms and a substantial rise in the unemployment rate. Indeed, before the gold sales, the Canadian unemployment rate tracked the U.S. unemployment rate closely; in recent years, it has been about 5 percent higher. Canada paid a very high price for this decision to sell gold and reduce the value of its currency.

It is also worth mentioning that Russia sold most of its gold reserves shortly before the collapse of the ruble last summer. It is likely that if Russia had not sold its gold, it would not have been forced to devalue the ruble. Seldom has a decision to sell gold reserves been more ill-founded and untimely.

Thus the weight of the evidence clearly suggests that when central banks decide to sell gold, the currencies of those countries often depreciate and their economies suffer slower growth and rising unemployment, far outweighing any small gain that might occur from the return on interest-bearing securities.

Given this track record, it seems remarkable that anyone, let alone the vice president, would suggest weakening the current stability in the U.S. economy by selling gold and raising the expectations that inflation was about to return—which would also result in a degradation of current economic performance.

If impoverished Third World nations can demonstrate they have taken steps to put their economic houses in order, fine. Let's reduce their foreign debt, just as the United States has done for so many other foreign countries over the past 80 years. But having made that commitment, there is absolutely no reason to risk boosting the rate of inflation and weakening economic performance by funding debt reduction with ill-advised gold sales.

TRIBUTE TO CARDINAL SILVA

Mr. KENNEDY. Mr. President, last week the hemisphere lost one of its greatest leaders on human rights with the death of Raul Cardinal Silva Henriquez of Chile.

The Cardinal was a great man, and one of the great voices for freedom and justice of our time and of all time. He was a brave and holy man whom many of us were proud to call a friend. The poet Yeats said:

Think where man's glory most begins and ends,
And say my glory was I had such friends.

Most of all, the Cardinal was a friend to all those who needed friends the most—the oppressed, the frightened, the lost, the "disappeared." He sheltered the homeless, but he also sheltered those who had homes but dared not go to them. During the dark days of Chile's recent history, when the flame of democracy was nearly extinguished, and the noble concepts of freedom and human rights considered subversive ideas by those in power, this courageous man of God would not be silent.

Now, God has called home his good and faithful servant, and we understand that. Only God could still that strong and powerful voice. His enemies may have hoped to silence him through all those years, but they dared not.

I first meet the Cardinal in the 1970's, shortly after the coup that stifled democracy in Chile. He had come to Washington, and I had been holding hearings here in the Senate, year after year, to try to shine some sunlight into the darkness of the human rights abuses in his land. He asked if we could meet privately, away from the glare of publicity, and we did so, at a friend's home. As we sat and drank tea, he spoke directly and intensely about human rights in his country, without anger, and with insight and determination.

In those years, he had created the Committee for Peace, an ecumenical movement of Catholics, Protestants, and Jews dedicated to providing relief to the victims of human rights abuses.

Later, defying the Pinochet regime, he formed the Vicarage of Solidarity, to provide legal assistance for the victims of the abuses, and to protect the lawyers who championed their cause. Without the protective mantle of the Cardinal and the Church, these organizations would almost surely have been snuffed out. Because of him, many people found the courage to speak out and to continue the long battle for democracy.

We met several more times over the years. When I visited Chile in 1986, the government refused to meet me. But the people, led by the Cardinal, welcomed me, and I will never forget that inspiring and deeply moving reception.

At another time and place, the poet Gabriela Mistral wrote about the wife of a prisoner:

> From the house I grieve, to the fiery thimble of his dungeon, I fly back and forth like a living shuttle, like one who knows no other path, until at last the walls open, and let me pass through iron, pitch and mortar.

The Cardinal heard the cry of women like that, and their men. Chile's Ambassador to the U.S., Genaro Arriagada, was one of those who, because of the Cardinal, found the courage to resist. His "No" campaign the 1980's led finally to the shining moment in the National Stadium in Santiago in 1990. None of us who were in the stadium that day will ever forget it.

President Aylwin had already accepted the sash of office, a symbol of the restoration of freedom and democracy that so many, including the Cardinal, had worked for so long and so well to achieve.

In the stadium, which had been the darkest symbol of fear, imprisonment and despair, a beautiful tribute occurred. A young girl walked across the infield, while the great stadium scoreboard scrolled the names of the disappeared. Their families danced to a song about freedom in Chile. When President Aylwin spoke at sunset, thousands of candles burned, and fireworks lighted up the sky above the jubilant crowd. The celebration lasted for hours—and it continues to this day.

Many profiles in courage made that glorious day possible. But no one did more to make it possible than that strong, brave man of God, our friend, Raul Cardinal Silva Henriquez. May he rest in eternal peace.

THE ALTERNATIVE MINIMUM TAX

Mrs. LINCOLN. Mr. President, today I rise to reiterate to my colleagues the need for immediate reform in the Alternative Minimum Tax. This tax, which was created to stop the very wealthy from ducking taxes through exemptions and tax shelters, looms in the future of millions of unwitting American taxpayers. Economists from the Treasury Department and elsewhere state that perhaps 12 million American taxpayers will be subject to the Alternative Minimum Tax and its higher rates over the next 10 years. Now these people, these 12 million, these are not millionaires, they are mainstream people. According to the Treasury Department if we do nothing to change the AMT there will be a 638% increase in the number of taxpayers earning between $15,000 and $30,000 who will pay the AMT's higher rates. By 2008, 12% of the taxpayers paying the AMT will be earning between $30,000 and $50,000, 29% will be earners of $50,000 to $75,000. By 2008, 45% of people paying the AMT, a tax created for the very wealthy, will have Adjusted Gross Incomes of less than $75,000. If this alone is not enough to alarm this body perhaps we should consider the fact that an estimated 2000 families making over $200,000 will not pay one red cent in taxes this year. This is an unfair, unjustified, and inaction by this body is unreasonable. The AMT is out of sync with its purpose and it must be changed.

There are two major factors that have brought the AMT into the lives of middle-income taxpayers—first, tax credits created to help families and aimed at promoting education and community are considered to be preferences in terms of AMT determination. This means that many taxpayers must choose between applying middle-income tax credits and paying the AMT or forgoing the benefits of the credits and paying regular income tax. The AMT is threatening to prevent millions of middle-income families from receiving these valuable family tax credits such as the dependant care credit, the credit for the elderly and disabled, the adoption credit, the child tax credit, and the HOPE scholarship. No one, rich or poor, should be forced to pay the AMT, and higher rates, because they use these credits.

Second, Mr. President, the AMT has not been adjusted for inflation since 1993. This problem simply speaks for itself. While the cost of living has increased by approximately 43% since the tax code was last overhauled in 1986, the AMT has been adjusted only once by 12.5% in 1993. It is an inevitability that middle-income families will be drawn into the AMT if nothing is done to adjust a tax provision that is structured like the AMT. It is very important that this problem be addressed and I am happy that Senator LUGAR has brought this issue to the forefront of debate with his bill which would index the AMT beginning in 1993.

We can do a great favor to ourselves and our constituents this legislative session by fixing the AMT. Many families are not aware of the AMT. Most, I'm sure don't realize that soon they may be subject to the AMT and its higher rates. I promise, however, that if we do not fix the AMT now there are 12 million people out there that will let you know in the coming years. 12 million people, 45% of which earning less than $75,000 in adjusted gross income. One-million-four-hundred-and-forty-thousand Americans earning between $30,000 and $50,000 will be contacting their representatives in Washington in the coming years to ask, "how can you people possibly consider me wealthy enough to pay a special tax for the wealthy?" They will ask, "why am I being punished for applying these tax credits that you gave me."

While the bulk of the bulk of the middle-income AMT damage can be abated by Congressional action now, the AMT is already starting to take its toll on a handful of middle-income voters. I received a letter from an accountant in the northwest Arkansas town of Harrison. Jeff Hearn, who has impeccable professional credentials and who I understand to be a very well-respected practitioner among his peers, wrote me about the AMT plight of one of his clients. He wrote, "Please find enclosed the description of one of my clients who is a young aspiring farmer with chicken houses in northwest Arkansas . . . He and his wife have two beautiful children who both qualify for the new child tax credit this year . . . However, when their return was completed they were subject to alternative minimum tax." Apparently this family was forced into paying AMT due to a combination of the new child tax credit and excess depreciation arising from their budding farm operation. I believe Mr. Hearn said it best when he wrote, "It seems quite unfair to me that a couple under the age of thirty, who are trying to build an agricultural business in addition to working for a living would have to pay alternative minimum tax when individuals who make hundreds of thousands of dollars are still not paying alternative minimum tax."

MESSAGES FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 472. An act to amend title 13, United States Code, to require the use of postcensus local review as part of each decennial census.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 440. An act to make technical corrections to the Microloan Program.

S. 338. An act to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 4:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1376. An act to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 472. An act to amend title 13, United States Code, to require the use of postcensus local review as part of each decennial census; to the Committee on Governmental Affairs.

The following bill was by unanimous consent referred to the Committee on Environment and Public Works:

S. 754. A bill to designate the Federal building at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building."

The Committee on Health, Education, Labor, and Pensions was discharged from the further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 302. A bill for the relief of Kerantha Poole-Christian.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 15, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 388. An act to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. DEWINE, Mr. KENNEDY, and Mr. SCHUMER):

S. 805. A bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes; to the Committee on Finance.

By Mr. ASHCROFT (for himself, Mrs. HUTCHISON, Mr. INHOFE, and Mr. KYL):

S. 806. A bill to amend the Internal Revenue Code of 1986 to reduce the 15 percent individual income tax rate to 10 percent over 5 years, to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals, and for other purposes; to the Committee on Finance.

By Mr. ASHCROFT:

S. 807. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. CHAFEE):

S. 808. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. WYDEN):

S. 809. A bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about private individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. DODD, Ms. LANDRIEU, Mr. KENNEDY, and Mr. KOHL):

S. 810. A bill to amend the Internal Revenue Code of 1986 to expand alternatives for families with children, to establish incentives to improve the quality and supply of child care, to increase the availability and affordability of professional development for child care providers, to expand youth development opportunities, to ensure the safety of children placed in child care centers in Federal facilities, to ensure adequate child care subsidies for low-income working families, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Ms. LANDRIEU, Mr. DODD, and Mr. KOHL):

S. 811. A bill to amend the Internal Revenue Code of 1986 to expand alternatives for families with children, to establish incentives to improve the quality and supply of child care, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. DODD, and Ms. LANDRIEU):

S. 812. A bill to provide for the construction and renovation of child care facilities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JEFFORDS (for himself, Ms. LANDRIEU, Mr. DODD, Mr. SARBANES, and Mr. KENNEDY):

S. 813. A bill to ensure the safety of children placed in child care centers in Federal facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself, Mr. DODD, Ms. LANDRIEU, and Mr. KENNEDY):

S. 814. A bill to establish incentives to improve the quality and supply of child care providers, to expand youth development opportunities, to ensure adequate child care subsidies for low-income working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROTH (for himself, Mr. JEFFORDS, Mr. COVERDELL, Mr. HELMS, Mr. ROBB, Ms. MIKULSKI, Mr. BIDEN, Mr. SESSIONS, Mr. HUTCHINSON, Mr. SARBANES, Mr. LEAHY, Mr. GRAMS, Mr. SHELBY, Mr. MCCONNELL, and Mr. HARKIN):

S. 815. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources; to the Committee on Finance.

By Mr. DORGAN:

S. 816. A bill to amend section 3681 of title 18, United States Code, relating to the special forfeiture of collateral profits of a crime; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 817. A bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. REID):

S. 818. A bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. REID):

S. 819. A bill to provide funding for the National Park System from outer Continental Shelf revenues; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mr. BREAUX, and Mr. JEFFORDS):

S. 820. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. FEINGOLD, Mr. KENNEDY, and Mr. TORRICELLI):

S. 821. A bill to provide for the collection of data on traffick stops; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 822. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. DURBIN):

S. 823. A bill to establish a program to assure the safety of processed produce intended for human consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. SMITH of Oregon, Mr. CHAFEE, Mr. CLELAND, Ms. SNOWE, Mr. BAYH, Ms. COLLINS, Mr. KENNEDY, Mr. LEVIN, Mr. EDWARDS, Mrs. MURRAY, and Mr. BRYAN):

S. 824. A bill to improve educational systems and facilities to better educate students throughout the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 825. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. BIDEN, Mr. HELMS, Mr. STEVENS, Mr. SPECTER, Mr. THURMOND, Mr. ENZI, Mr. COCHRAN, Mr. MURKOWSKI, Mr. ABRAHAM, Mr. CRAIG, Mr. DOMENICI, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. HOLLINGS, Mr. SMITH of New Hampshire, Ms. COLLINS, Ms. LANDRIEU, Mr. VOINOVICH, and Mr. DEWINE):

S.J. Res. 19. A joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 77. A resolution commending and congratulating the University of Connecticut Huskies for winning the 1999 NCAA Men's Basketball Championship; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 78. A resolution to authorize representation of members and officers of the Senate in the case of *Jim Russell* v. *Albert Gore, et al.*

By Mr. LOTT:

S. Res. 79. A resolution designating the Chairman of the Joint Economic Committee for the 106th Congress; considered and agreed to.

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. Res. 80. A resolution congratulating Boyd Clines, Larry Rogers, and Matt Moseley for their bravery and courage in the April 12, 1999, rescue mission of Mr. Ivers Sims; considered and agreed to.

By Mr. ASHCROFT:

S. Con. Res. 26. A concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. DEWINE, Mr. KENNEDY, and Mr. SCHUMER):

S. 805. A bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes; to the Committee on Finance.

THE CHILDREN'S ASTHMA RELIEF ACT OF 1999

Mr. DURBIN. Mr. President, I rise today to make a few remarks concerning a bill that Senator DEWINE and I are introducing today that we hope will improve the lives of many of the nation's asthmatic children.

Asthma is one of the most common chronic conditions in the U.S., affecting an estimated 14.9 million people, causing over 1.5 million emergency department visits and over 5,500 deaths in 1995, and estimated to cost over $14.5 billion by the year 2000. Asthma deaths have tripled over the past two decades despite improvements in clinical treatment.

Asthma is considered the worst chronic health problem affecting children. Childhood asthma has dramatically increased by over 160 percent since 1980. Currently, 7 percent of the nation's children suffer from asthma. It is particularly prevalent among the urban poor because of the lack of accessible health care and the high number of allergens in the environment. Research supported by the National Institutes of Health demonstrated that the combination of cockroach allergen, house dust mites, molds, tobacco smoke, and feathers are important causes of asthma-related illness and hospitalization among the children in inner-city areas of the United States.

To combat asthma, innovative community-based programs have been developed in some areas to fight this growing public health problem. For example, in Los Angeles the Asthma and Allergy Foundation has set up two "breathmobiles." The converted motor homes, staffed by doctors and nurses, visit schools to test, treat, and educate at-risk children. Since the program began two years ago, there has been a 17 percent decline in the number of children visiting emergency rooms for asthma.

Today, I am introducing with Senator DEWINE "The Childhood Asthma Initiative" to help more communities create childhood asthma programs tailored to meet their local needs. This bill funds grants for state and community-based organizations to support a variety of treatment, educational, or preventive programs. The funds are targeted to areas where childhood asthma and asthma-associated mortality rates are high. This will enable those areas with the most need to provide services that reduce emergency room visits, create healthier environments, reduce mortality rates from asthma, and provide overall improved quality of life. The bill also helps enroll eligible asthmatic children in Medicaid or State Children's Health Insurance Programs (S-CHIP). Furthermore, the bill provides additional funding for S-CHIP to incorporate asthma screening, treatment, and education in to their programs.

The bill coordinates Federal asthma activities through the National Asthma Education Prevention Program Coordinating Committee, and increases data collection by the CDC on prevalence and mortality associated with asthma. These efforts will help link patients to effective treatments and disseminate new breakthroughs in asthma treatment.

This bill has been endorsed by the National Association of Children's Hospitals and Research Institutions, the American Lung Association, the American Academy of Pediatrics, and the Association of Maternal and Child Health Programs.

I hope that many of my colleagues will join me in supporting this bill. Nobody should die from asthma. Treatments are available. Let us make sure that every child in America that suffers from asthma has access to those treatments.

I ask unanimous consent that a copy of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed, in the RECORD, as follows:

S. 805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Asthma Relief Act of 1999".

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress makes the following findings:

(1) Asthma is one of the Nation's most common and costly diseases. It affects an estimated 14,000,000 to 15,000,000 individuals in the United States, including almost 5,000,000 children.

(2) Asthma is often a chronic illness that is treatable with ambulatory care, but over 43 percent of its economic impact comes from use of emergency rooms, hospitalization, and death.

(3) In Illinois, the mortality rate for blacks from asthma is the highest in the nation with 60.8 deaths per every 1,000,000 population. In Ohio, the mortality rate for blacks from asthma is 32.2 per 1,000,000 population and the mortality rate for whites from asthma is 11.7 per 1,000,000.

(4) In 1995, there were more than 1,800,000 emergency room visits made for asthma-related attacks and among these, the rate for emergency room visits was 48.8 per 10,000 visits among whites and 228.9 per 10,000 visits among blacks.

(5) Hospitalization rates were highest for individuals 4 years old and younger, and were 10.9 per 10,000 visits for whites and 35.5 per 10,000 visits for blacks.

(6) From 1979 to 1992, the hospitalization rates among children due to asthma increased 74 percent.

(7) It is estimated that more than 7 percent of children now have asthma.

(8) Although asthma can occur at any age, about 80 percent of the children who will develop asthma do so before starting school.

(9) From 1980 to 1994, the most substantial prevalence rate increase for asthma occurred among children aged 0-4 years (160 percent) and persons aged 5-14 years (74 percent).

(10) Asthma is the most common chronic illness in childhood, afflicting nearly 5,000,000 children under age 18, and costing an estimated $1,900,000,000 to treat those children. The death rate for children age 19 and younger increased by 78 percent between 1980 and 1993.

(11) Children aged 0 to 5 years who are exposed to maternal smoking are 201 times more likely to develop asthma compared with those free from exposure.

(12) Morbidity and mortality related to childhood asthma are disproportionately high in urban areas.

(13) Minority children living in urban areas are especially vulnerable to asthma. In 1988, national prevalence rates were 26 percent higher for black children than for white children.

(14) Certain pests known to create public health problems occur and proliferate at higher rates in urban areas. These pests may spread infectious disease and contribute to the worsening of chronic respiratory illnesses, including asthma.

(15) Research supported by the National Institutes of Health demonstrated that the combination of cockroach allergen, house dust mites, molds, tobacco smoke, and feathers are important causes of asthma-related illness and hospitalization among children in inner-city areas of the United States.

(16) Cities outside the United States have developed and implemented effective systems of cockroach management.

(17) Integrated pest management is a cost-effective approach to pest control that emphasizes prevention and uses a range of techniques, including property maintenance and cleaning, and pesticides as a means of last resort.

(18) Reducing exposure to cockroach allergen, as part of an integrated approach to asthma management, may be a cost-effective way of reducing the social and economic costs of the disease.

(19) No current Federal funding exists specifically to assist cities in developing and implementing integrated strategies to reduce cockroach infestation.

(20) Asthma is the most common cause of school absenteeism due to chronic illness with 10,100,000 days missed from school per year in the United States.

(21) According to a 1995 National Institute of Health workshop report, missed school days accounted for an estimated cost of lost productivity for parents of children with asthma of almost $1,000,000,000 per year.

(22) According to data from the 1988 National Health Interview Survey (NHIS), which surveyed children for their health experiences over a 12-month period, 25 percent of those children reported experiencing a great deal of pain or discomfort due to asthma either often or all the time during the previous 12 months.

(23) Managing asthma requires a long-term, multifaceted approach, including patient education, behavior changes, avoidance of asthma triggers, pharmacologic therapy, and frequent medical follow-up.

(24) Enhancing the available prevention, educational, research, and treatment resources with respect to asthma in the United States will allow our Nation to address more effectively the problems associated with this increasing threat to the health and well-being of our citizens.

SEC. 3. CHILDREN'S ASTHMA RELIEF.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 511. ASTHMA TREATMENT GRANTS PROGRAM.

"(a) Purposes.—The purposes of this section are as follows:

"(1) To provide access to quality medical care for children who live in areas that have a high prevalence of asthma and who lack access to medical care.

"(2) To provide on-site education to parents, children, health care providers, and medical teams to recognize the signs and symptoms of asthma, and to train them in the use of medications to prevent and treat asthma.

"(3) To decrease preventable trips to the emergency room by making medication available to individuals who have not previously had access to treatment or education in the prevention of asthma.

"(4) To provide other services, such as smoking cessation programs, home modification, and other direct and support services that ameliorate conditions that exacerbate or induce asthma.

"(b) Authority to Make Grants.—

"(1) In general.—In addition to any other payments made under this title, the Secretary shall award grants to eligible entities to carry out the purposes of this section, including grants that are designed to develop and expand projects to—

"(A) provide comprehensive asthma services to children, including access to care and treatment for asthma in a community-based setting;

"(B) fully equip mobile health care clinics that provide preventive asthma care including diagnosis, physical examinations, pharmacological therapy, skin testing, peak flow meter testing, and other asthma-related health care services;

"(C) conduct study validated asthma management education programs for patients with asthma and their families, including patient education regarding asthma management, family education on asthma management, and the distribution of materials, including displays and videos, to reinforce concepts presented by medical teams; and

"(D) identify eligible children for the medicaid program under title XIX, the State Children's Health Insurance Program under title XXI, or other children's health programs.

"(2) Award of grants.—

"(A) Application.—

"(i) In general.—An eligible entity shall submit an application to the Secretary for a grant under this section in such form and manner as the Secretary may require.

"(ii) Required information.—An application submitted under this subparagraph shall include a plan for the use of funds awarded under the grant and such other information as the Secretary may require.

"(B) Requirement.—In awarding grants under this section, the Secretary shall give preference to eligible entities that demonstrate that the activities to be carried out under this section shall be in localities within areas of known high prevalence of childhood asthma or high asthma-related mortality (relative to the average asthma incidence rates and associated mortality rates in the United States). Acceptable data sets to demonstrate a high prevalence of childhood asthma or high asthma-related mortality may include data from Federal, State, or local vital statistics, title XIX or XXI claims data, other public health statistics or surveys, or other data that the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, deems appropriate.

"(3) Definition of eligible entity.—In this section, the term 'eligible entity' means a State agency or other entity receiving funds under this title, a local community, a nonprofit children's hospital or foundation, or a nonprofit community-based organization.

"(c) Coordination With Other Children's Programs.—An eligible entity shall identify in the plan submitted as part of an application for a grant under this section how the entity will coordinate operations and activities under the grant with—

"(1) other programs operated in the State that serve children with asthma, including any such programs operated under this title, title XIX, and title XXI; and

"(2) one or more of the following—

"(A) the child welfare and foster care and adoption assistance programs under parts B and E of title IV;

"(B) the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(D) local public and private elementary or secondary schools; or

"(E) public housing agencies, as defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

"(d) Evaluation.—An eligible entity that receives a grant under this section shall submit to the Secretary an evaluation of the operations and activities carried out under the grant that includes—

"(1) a description of the health status outcomes of children assisted under the grant;

"(2) an assessment of the utilization of asthma-related health care services as a result of activities carried out under the grant;

"(3) the collection, analysis, and reporting of asthma data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention; and

"(4) such other information as the Secretary may require.

"(e) Application of Other Provisions of Title.—

"(1) In general.—Except as provided in paragraph (2), the other provisions of this title shall not apply to a grant made under this section.

"(2) Exceptions.—The following provisions of this title shall apply to a grant made under this section to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

"(A) Section 504(b)(4) (relating to expenditures of funds as a condition of receipt of Federal funds).

"(B) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

"(C) Section 506 (relating to reports and audits, but only to the extent determined by the Secretary to be appropriate for grants made under this section).

"(D) Section 508 (relating to nondiscrimination).

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $50,000,000 for each of the fiscal years 2000 through 2004.".

SEC. 4. INCORPORATION OF ASTHMA PREVENTION TREATMENT AND SERVICES INTO STATE CHILDREN'S HEALTH INSURANCE PROGRAMS.

(a) In General.—The Secretary of Health and Human Services shall, in accordance with subsection (b), carry out a program to encourage States to implement plans to carry out activities to assist children with respect to asthma in accordance with guidelines of the National Asthma Education and Prevention Program (NAEPP) and the National Heart, Lung and Blood Institute.

(b) Relation to Children's Health Insurance Program.—

(1) In general.—Subject to paragraph (2), if a State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) provides for activities described in subsection (a) to an extent satisfactory to the Secretary, the Secretary shall, with amounts appropriated under subsection (c), make a grant to the State involved to assist the State in carrying out such activities.

(2) Criteria regarding eligibility for grant.—The Secretary shall publish in the Federal Register criteria describing the circumstances in which the Secretary will consider a State plan to be satisfactory for purposes of paragraph (1).

(3) Requirement of matching funds.—

(A) In general.—With respect to the costs of the activities to be carried out by a State pursuant to paragraph (1), the Secretary may make a grant under such paragraph only if the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 15 percent of the costs.

(B) Determination of amount contributed.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(4) Technical assistance.—With respect to State child health plans under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, in consultation with the heads of other Federal agencies involved in asthma treatment and prevention, shall make available to the States technical assistance in developing the provision of such plans that will provide for activities pursuant to paragraph (1).

(c) Funding.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2000 through 2004.

SEC. 5. PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT; SYSTEMS FOR REDUCING ASTHMA AND ASTHMA-RELATED ILLNESSES THROUGH URBAN COCKROACH MANAGEMENT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w–3(a)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) by adding a period at the end of subparagraph (G) (as so redesignated);

(3) by inserting after subparagraph (D), the following:

"(E) The establishment, operation, and coordination of effective and cost-efficient systems to reduce the prevalence of asthma and asthma-related illnesses among urban populations, especially children, by reducing the level of exposure to cockroach allergen through the use of integrated pest management, as applied to cockroaches. Amounts expended for such systems may include the costs of structural rehabilitation of housing, public schools, and other public facilities to reduce cockroach infestation, the costs of building maintenance, and the costs of programs to promote community participation in the carrying out at such sites integrated pest management, as applied to cockroaches. For purposes of this subparagraph, the term 'integrated pest management' means an approach to the management of pests in public facilities that minimizes or avoids the use of pesticide chemicals through a combination of appropriate practices regarding the maintenance, cleaning, and monitoring of such sites.";

(4) in subparagraph (F) (as so redesignated), by striking "subparagraphs (A) through (D)" and inserting "subparagraphs (A) through (E)"; and

(5) in subparagraph (G) (as so redesignated), by striking "subparagraphs (A) through (E)" and inserting "subparagraphs (A) through (F)".

SEC. 6. COORDINATION OF FEDERAL ACTIVITIES TO ADDRESS ASTHMA-RELATED HEALTH CARE NEEDS.

(a) In General.—The Director of the National Heart, Lung, and Blood Institute shall, through the National Asthma Education Prevention Program Coordinating Committee—

(1) identify all Federal programs that carry out asthma-related activities;

(2) develop, in consultation with appropriate Federal agencies and professional and voluntary health organizations, a Federal plan for responding to asthma; and

(3) not later than 12 months after the date of enactment of this Act, submit recommendations to Congress on ways to strengthen and improve the coordination of asthma-related activities of the Federal Government.

(b) Representation of the Department of Housing and Urban Development.—A representative of the Department of Housing and Urban Development shall be included on the National Asthma Education Prevention Program Coordinating Committee for the purpose of performing the tasks described in subsection (a).

(c) Authorization of Appropriations.—Out of any funds otherwise appropriated for the National Institutes of Health, $5,000,000 shall be made available to the National Asthma Education Prevention Program for the period of fiscal years 2000 through 2004 for the purpose of carrying out this section. Funds made available under this subsection shall be in addition to any other funds appropriated to the National Asthma Education Prevention Program for any fiscal year during such period.

SEC. 7. COMPILATION OF DATA BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) In General.—The Director of the Centers for Disease Control and Prevention, in consultation with the National Asthma Education Prevention Program Coordinating Committee, shall—

(1) conduct local asthma surveillance activities to collect data on the prevalence and severity of asthma and the quality of asthma management, including—

(A) telephone surveys to collect sample household data on the local burden of asthma; and

(B) health care facility specific surveillance to collect asthma data on the prevalence and severity of asthma, and on the quality of asthma care; and

(2) compile and annually publish data on—

(A) the prevalence of children suffering from asthma in each State; and

(B) the childhood mortality rate associated with asthma nationally and in each State.

(b) Collaborative Efforts.—The activities described in subsection (a)(1) may be conducted in collaboration with eligible entities awarded a grant under section 511 of the Social Security Act (as added by section 3).

Mr. DeWINE. Mr. President, today I join with my colleague, Senator Durbin, in introducing the "Children's Asthma Relief Act of 1999." This bill would authorize $50 million for each of 5 years for the Secretary of Health and Human Services to award grants to eligible entities to develop and expand projects to provide asthma services to children. These grants may also be used to equip mobile health care clinics that provide asthma diagnosis and asthma-related health care services, educate families on asthma management, and identify and enroll uninsured children who are eligible for but not receiving health coverage under Medicaid or the State Children's Health Insurance Program (SCHIP). The ability to identify and enroll children in these programs will ensure that children with asthma receive the care they need.

Research supported by the NIH has shown that the combination of cockroach waste, house dust mites, molds, tobacco smoke, and feathers (among other allergens) contribute to asthma-related illness and hospitalization. Children living in urban areas are especially susceptible.

Asthma is the most common chronic illness that forces children to miss school. From 1979 to 1992, the hospitalization rates among children due to asthma increased 74 percent. Estimates show that more than 7% of children now suffer from asthma. Hospitalization rates were highest for individuals 4 years old and younger. According to 1998 data from the Center for Disease Control (CDC) my home state of Ohio ranks about 17th in the estimated prevalence rates for asthma. Nationwide, the most substantial prevalence rate increase for asthma occurred among children aged 4 years old and younger.

I believe that an important component of this bill is that it requires those receiving grants to coordinate with current children's health programs such as the Maternal and Child Health Program, Medicaid, the State Children's Health Insurance Program, supplemental nutrition programs, and child welfare, foster care and adoption assistance programs. This type of coordination with other children's programs will help to ensure not just a better targeting of funding, but also will help to identify children in these programs who are asthmatic and may otherwise remain undetected and untreated.

This bill would authorize $5 million for each of 5 years for the Secretary of HHS to award matching grants to states that develop plans to carry out asthma-related programs for children according to NIH guidelines through the state children's health insurance programs.

Since research shows that children living in urban areas suffer from asthma at such alarming rates and that allergens such as cockroach waste contribute to the onset of asthma, this bill adds urban cockroach management to the current preventive health services block grant which can currently be used for rodent control. To reduce roach allergens, this block grant could be used to cover the costs of structural rehabilitation of public housing, schools, and other public facilities to control roach infestation, while minimizing or avoiding the use of pesticides.

This bill would require that NIH give the National Asthma Education Prevention Program (within NIH) an additional $5 million for each of 5 years to develop a federal plan for responding to asthma and to submit recommendations to Congress on ways to strengthen and better coordinate federal asthma-related activities.

To better monitor the prevalence and determine which areas have the greatest incidences of children with asthma, this bill would require CDC to conduct local asthma surveillance activities to collect data on the prevalence and severity of asthma and to annually publish data on the prevalence rates of asthma among children and on the childhood mortality rate. This surveillance data will help us better detect asthmatic conditions so that more children can be treated and we can ensure that we are targeting our resources in an effective and efficient way to reverse the disturbing trend in the hospitalization and death rates of children who suffer from asthma.

Mr. President, I urge my colleagues to support this very important initiative to help the nearly 5 million children who have been diagnosed with asthma and to help those who suffer from asthma but who remain untreated.

By Mr. ASHCROFT (for himself, Mrs. HUTCHISON, Mr. INHOFE, and Mr. KYL):

S. 806. A bill to amend the Internal Revenue Code of 1986 to reduce the 15 percent individual income tax rate to 10 percent over 5 years, to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals, and for other purposes; to the Committee on Finance.

Mr. ASHCROFT. Mr. President, on this April 15, I would like to raise the issue of tax freedom and fairness. The American people are paying over one-fifth of Gross Domestic Product in taxes—the highest share of taxation since World War II and the highest peacetime levels in history. Too much of this burden falls on middle-income earners, who are struggling to juggle the high tax burden with the more important demands of their own families.

It is for these hard-working Americans that I am introducing the Taxpayer Freedom and Fairness Act—legislation that is designed to reduce the tax burdens on lower and middle-income taxpayers. This goal can be accomplished in two ways, through marginal rate reductions for low and middle income earners, or by making the payroll tax deductible for individuals. Those individuals and families on the lower half of our income ladder need and deserve tax relief and I am committed to providing them that relief.

Tax relief is necessary because many middle-income earners are paying levels of taxes that severely diminish their ability to care for and support their families. Under current law, single taxpayers will pay 15% on the first $25,750 of taxable income they earn. Combining this with the 15% payroll tax, those earning under $26,000 are paying 30% of taxable income to the federal government. Those earning a taxable income of $26,000 are by no means rich—and should not be taxed as if they were.

Given the burden on workers, it is incumbent upon us to provide them with tax relief. The Taxpayer Freedom and Fairness Act provides two ways to deal with these unconscionably high tax levels. The first is to provide these lower and middle income earners with real rate relief. I have proposed reducing the 15% tax rate to 10%. According to Congress' Joint Committee on Taxation, reducing the 15% income tax rate to 10% over five years would provide taxpayers with $980 billion in tax relief over the next decade. That means the average two-income family of four would save $2,200 annually. An individual with a taxable income of $25,000 would save $1,250 annually once the rate reduction was fully in place.

This is a tax cut designed primarily to benefit hard-working low- and middle-income Americans. Reducing the rate from 15% to 10% would save the average Missouri households $1,170. This kind of tax relief is especially welcome in Missouri, where, according to the Tax Foundation, the burden of state and local taxes has grown dramatically in recent years. In recent years, the tax burden in Missouri has risen from the low rank of 47th in the nation to the 16th highest.

Across the country, nearly two-thirds of the relief would flow to households earning less than $75,000. Less than 4% of the tax relief would flow to households earning more than $200,000. This is real tax relief directed at middle class earners.

A second way to accomplish this important goal is through marriage penalty relief. It should be our goal as a society to encourage young couples to get married. Marriage is a sacred institution that promotes family and community stability. More marriage is an unmitigated good for this country.

Unfortunately our tax system does not see it as such. The current federal income tax system forces many married couples to pay a "marriage penalty." That is, they are required to pay more federal income tax than they would have paid had they been single and filed their taxes separately.

This is fundamentally unfair. The tax code should not punish marriage, our society's most basic and essential institution.

Under current law, two single taxpayers, each earning $35,000 and claiming standard deductions, will each pay $4,558.50 in federal income tax.

If those taxpayers marry each other, the tax code would boost their combined tax bill by $1,478 to $10,595. This almost $1,500 penalty is a serious disincentive to middle-income couples looking to get married. This disincentive represents an unacceptable attack on the institution of marriage. This issue resonates particularly strongly in Missouri. 1,052,518 out of 2,416,434 Missouri tax filers file joint returns.

The marriage penalty has been part of the tax code since 1969. Since then, the burden of the penalty has grown enormously. In fact, the Joint Economic Committee estimates married couples now pay $29 billion in taxes every year that they otherwise would not have paid had they been single. It is time to abolish the marriage penalty and create a new day of freedom for American families to keep more of the money they work so hard to earn.

I have long advocated elimination of the marriage penalty. In addition to the Taxpayer Freedom and Fairness Act, I am also a co-sponsor of Senator HUTCHISON's bill to eliminate the marriage penalty. I also included the elimination of the marriage penalty as a provision in my Fair Flat tax proposal. Eliminating the marriage penalty should be one of the Senate's top tax priority for 1999.

It is time to provide real tax relief to those who need it most. The middle class should no longer have to pay 43% of incomes to the federal government. Married couples should no longer pay a penalty just for being married. The best ways to solve these problems are to reduce marginal tax rates and to eliminate this penalty on married couples. I urge my colleagues to vote for the Taxpayer Freedom and Fairness bill, and bring freedom and fairness to taxpayers this April 15th.

By Mr. ASHCROFT:

S. 807. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes; to the Committee on Finance.

WORKING AMERICANS WAGE RESTORATION ACT

Mr. ASHCROFT. Mr. President, on today's tax filing deadline, Americans feel the burden of our tax system most acutely. According to the Tax Foundation, an American family spends more of their family budget on taxes than on health care, food, clothing, and shelter combined. The economic anxiety so many of our Americans feel can be directly attributed to the federal government's excessive taxation

One of the main culprits in this dramatic increase in taxes has been the sharp rise in federal payroll taxes. Payroll taxes have increased 13.3 percent since 1949, and the maximum taxable income for payroll taxes have risen from $3,000 to $72,600.00 in the same period. As a result, almost three-quarters of all families paying taxes pay more in Social Security taxes than they do in income taxes.

In addition to their high rates, the payroll tax is also an unjust tax-on-a-tax. When working Americans receive their paychecks—their gross income—they pay a variety of payroll taxes, such as Social Security and Medicare, on that gross income. When they pay their income taxes, they pay on the full amount of their paychecks, including the payroll taxes previously withheld—money that they never saw and that went straight to the government's coffers. And to add insult to this injury, taxpayers' employers are allowed to deduct their share of payroll taxes, but the taxpayers themselves cannot.

This constitutes double taxation on the wages of the American people. First they pay the payroll taxes off their gross income, and then they are taxed on the amount of the gross income, as if the payroll taxes had never been taken away.

It is because of these high rates and this double-taxation that I am introducing legislation to eliminate the unfair tax-on-a-tax, giving the American people the same tax benefits as their employers. Under my proposal, workers will be able to deduct the 6.2 percent of their paychecks taken by the government for Social Security taxes. This would provide much overdue tax relief to middle class workers across the country who get hit hardest by both Social Security and income taxes. My proposal would save the average two-income American family $1,770 a year in taxes.

This relief is necessary because many middle-income earners are paying levels of taxes that severely diminish their ability to care for and support their families. Under current law, single taxpayers will pay 15% on the first $25,750 of taxable income they earn. After that point, their tax levels jump to 28% on federal tax alone. Combined with the 15% payroll tax burden, our system is structured so that individuals earning between $25,750 and $62,450 are paying 43% of their incomes in federal taxes.

It is a scandal that Missourians making $25,750 are forced to sacrifice to the federal government 43% of each additional dollar they earn. Those earning a taxable income of $25,750 are by no means rich—and should not be taxed as if they were.

In fact, the payroll tax is aimed right at the heart of the middle class. The payroll tax is a direct levy of 15% on incomes up to $72,600. After that point, the payroll tax is not in effect. This means that the payroll tax constitutes a much greater burden on the poor and the middle class. According to the Congressional Budget Office, 74% of all families pay more in total Social Security payroll taxes than they pay in income taxes.

In addition to costing the poor and middle class more, the payroll tax also burdens individuals more than businesses. Although employers and employees both have to pay 7.65% of a worker's income in payroll taxes, this burden strikes individuals disproportionately. Employers currently have the ability to deduct payroll taxes as a business expense. Employees do not have this same option. In the interest of fairness, employees and self-employed individuals—even those who do not itemize—should have the same opportunity.

It is for these reasons—the high rates, the double taxation, the overall tax burden, the disproportionate impact on lower and middle-income wage earners—that taxpayers need to have a payroll tax deduction. Americans should no longer be forced to pay federal income tax on their Social Security payroll taxes.

Providing payroll tax relief would not be a tax cut for the rich, but a tax cut for the poor and the middle class, who are paying payroll taxes from their first dollar of earnings. If taxpayers were no longer forced to pay income tax on their Social Security taxes, the average two-income family would see its annual tax bill slashed $1,400.

This change would be extremely helpful to taxpayers in my home state of Missouri. 85% of Missouri tax filers, over two million Missourians, pay payroll taxes and would benefit from this deduction.

Employers, who are already able to deduct payroll taxes, overwhelmingly support making this change to help their workers. According to a National Federation of Independent Business survey of small business owners, 73% support making the employee share of the payroll tax fully deductible. These employers know what a burden the double-tax imposes on workers, and these employers understand better than anyone the importance of making the payroll tax deductible.

Preliminary estimates suggest that this proposal would increase the gross domestic product of 0.5% and produce 500,000 new jobs. Making the payroll tax deductible is good for workers, good for businesses, good for Missouri, and good for the American economy.

Mr. President, the case is clear: it is time to make the payroll tax deductible. On this April 15, let us dedicate ourselves to providing payroll tax relief to American workers. I urge my colleagues to join me in support of this legislation.

By Mr. JEFFORDS (for himself and Mr. CHAFEE):

S. 808. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes; to the Committee on Finance.

THE CONSERVATION TAX INCENTIVES ACT OF 1999

Mr. JEFFORDS. Mr. President, on this day when Americans must file their tax returns, I am introducing the Conservation Tax Incentives Act of 1999, a bill that will result in a reduction in the capital gains tax for landowners who sell property for conservation purposes. This bill creates a new incentive for private, voluntary land protection. This legislation is a cost-effective nonregulatory, market-based approach to conservation, and I urge my colleagues to join me in support of it.

Our tax code already has a tax incentive to encourage people to donate land for conservation purposes or to donate conservation easements. The charitable contribution deduction provides this incentive, and this deduction has been instrumental in the conservation of environmentally significant land across the country.

Not all land worth preserving, however, is owned by people who are able to give it away. For many landowners, their land is their primary financial asset, and they simply cannot afford to donate it for conservation purposes. While they might like to see their land preserved in its undeveloped state, the tax code's incentive for donations is of no help to them.

The Conservation Tax Incentives Act will provide a new tax incentive for sales of land for conservation by reducing the amount of income that landowners would ordinarily have to report—and pay tax on—when they sell their land. The bill provides that when land is sold for conservation purposes, only one half of any gain will be included in income. The other half can be excluded from income; the effect of this exclusion is to cut in half the capital gains tax the seller would otherwise have to pay. The bill will enable landowners to permanently protect their property's environmental value without forgoing the financial security it provides. The bill's benefits are available to landowners who sell land either to a government agency or to a qualified nonprofit conservation organization. They are also available when landowners sell partial interests in land for conservation. Thus owners of farms and forests may be able to take advantage of the bill's benefits, yet still continue to harvest crops or timber from their land, if they sell a conservation easement on the property. The purchaser must provide the seller with a letter of intent manifesting the purchaser's intent that the land acquisition will serve such conservation purposes as protection of fish, wildlife or plant habitat, or provision of open space for agriculture, forestry, outdoor recreation or scenic beauty.

Land is being lost to development and commercial use at an alarming rate. By Department of Agriculture estimates, more than four square miles of farmland are lost to development every day, often with devastating effects on the habitat wildlife need to thrive. Without additional incentives for conservation, we will continue to lose ecologically valuable land.

This bill provides an incentive-based means for accomplishing conservation in the public interest. It helps tax dollars accomplish more, allowing public and charitable conservation funds to go to higher-priority conservation projects. Preliminary estimates indicate that with the benefits of this bill, nine percent more land could be acquired, with no increase in the amount governments currently spend for conservation land acquisition. At a time when little money is available for conservation, it is important that we stretch as far as possible the dollars that are available.

State and local governments will be important beneficiaries of this bill. Many local communities have voted in favor of raising taxes to finance bond initiatives to acquire land for conservation. My bill will help stretch these bond proceeds so that they can go further in improving the conservation results for local communities. In addition, because the bill applies to sales to publicly-supported national, regional, State and local citizen conservation groups, its provisions will strengthen private, voluntary work to save places important to the quality of life in communities across the country. Private fundraising efforts for land conservation will be enhanced by this bill, as funds will be able to conserve more, or more valuable, land.

Let me provide an example to show how I intend the bill to work. Let's suppose that in 1952 a young couple purchased a house and a tract of adjoining land, which they have maintained as open land. Recently, the county where they live passed a bond initiative to buy land for open space, as county residents wanted to protect the quality of their life from rampant development and uncontrolled sprawl. Let's further assume that the couple, now contemplating retirement, is considering competing offers for their land. One offer comes from the county, which will preserve the land in furtherance of its open-space goals. The other offer has been made by an individual who does not plan to conserve the land. Originally purchased for $25,000, the land is now worth $250,000 on the open market. If they sell the land at its fair market value to the individual, the couple would realize a gain of $225,000 ($250,000 sales price minus $25,000 cost), owe tax of $45,000 (at a rate of 20% on the $225,000 gain), and thus net $205,000 after tax.

Under my bill, if the couple sold the land to the county for conservation purposes, they would be able to exclude from income one half of the gain realized upon the sale. This means they would pay a lower capital gains tax; consequently, they would be in a position to accept a lower offer from a local government or a conservation organization, yet still end up with more money in their pockets than they would have had if they had accepted the developer's offer. Continuing with the example from the preceding paragraph, let's assume the couple sold the property to the county, for the purpose of conservation, at a price of $240,000. They would realize a gain of $215,000 ($240,000 sales price minus $25,000 cost). Under my bill, only half of this gain $107,500, would be includible in income. The couple would pay $21,500 in capital gains tax (at a rate of 20% on the $107,500 gain includible in income) and thus net $218,500 ($240,000 sales price minus $21,500 tax). Despite having accepted a sales price $10,000 below the individual's offer, the couple will keep $13,000 more than they would have kept if they had accepted his offer.

The end result is a win both for the landowners, who end up with more money in their pocket than they would have had after a sale to an outsider, and for the local community, which is able to preserve the land at a lower price. This example illustrates how the exclusion from income will be especially beneficial to middle-income, "land rich/cash poor" landowners who can't avail themselves of the tax benefits available to those who can afford to donate land.

A real-life example from my home state illustrates the need for this bill. A few years ago, in an area of Vermont known as the Northeast Kingdom, a large well-managed forested property came on the market. The land had appreciated greatly over the years and was very valuable commercially. With more than 3,000 acres of mountains, forests, and ponds, with hiking trails, towering cliffs, scenic views and habitat for many wildlife species, the property was also very valuable environmentally. Indeed, the State of Vermont was anxious to acquire it and preserve it for traditional agricultural uses and habitat conservation.

After the property had been on the market for a few weeks, the seller was contacted by an out-of-state buyer who planned to sell the timber on the land and to dispose of the rest of the property for development. Upon learning of this, the State moved to obtain appraisals and a quick legislative appropriation in preparation for a possible State purchase. Indeed, the State and The Nature Conservancy subsequently made a series of purchase offers to the landowner. The out-of-state buyer, however, prevailed upon the landowner to accept his offer. Local newspaper headlines read, "State of Vermont Loses Out On Northeast Kingdom Land Deal." The price accepted by the landowner was only slightly higher than the amount offered by the State. Had the bill I'm introducing today been on the books, the lower State offer may well have been as attractive—perhaps more so—than the amount offered by the individual.

In drafting the bill's language, I was careful to ensure that the tax incentive applies to lands that truly serve conservation purposes. First, only publicly-supported conservation charities and governmental entities qualify as purchasers for transactions that make use of this tax incentive. Conservation organizations and governmental natural resource and environmental agencies have a long and respected record of serving the public interest in acquiring and managing land for conservation purposes. This bill builds on that record of trust and responsible stewardship, without imposing new and administratively cumbersome requirements to ensure that the public purpose is served. The tax code already provides for adequate oversight to guard against a potential breach of the public trust by a conservation organization.

Second, the bill requires a statement of intent from the purchaser reflecting the purchaser's intent that the acquisition will serve one of the specified conservation purposes. This language was crafted to protect the public's conservation investment by establishing the purchaser's intent, but not creating a tax-driven land use restriction. In essence, I wanted to make sure that the purchaser's intent to conserve the land does not rob the land of commercial value, for which the landowner must be justly compensated if this conservation incentive is to work effectively. The purchaser's letter of intent should not be construed to impose new restrictions on the property or covenants running with the land; to do so would create an appraisal problem that would defeat the very purpose that this bill is designed to address. Thus, the property being acquired should be appraised at its unencumbered, full fair market value. Furthermore, the value of the property in the hands of the purchasing conservation entity should be its full fair market value, notwithstanding both the purchaser's intended conservation use of the property and the required statement of intent. This principle would apply even when the original conservation purchaser, like a land trust, subsequently conveys the property to another cooperating conservation purchaser (e.g., a governmental agency) on behalf of which the land trust may have pre-acquired the property.

As this bill also applies to partial interests in land, the exclusion from income—and the resulting reduction in capital gains tax—will, in certain instances, also be available to landowners selling partial interests in their land for conservation purposes. A farmer could, for example, sell a conservation easement, continuing to remain on and farm his land, yet still be able take advantage of the provisions in this bill. The conservation easement must meet the tax code's requirements i.e., it must serve a conservation purpose, such as the protection of fish or wildlife habitat or the preservation of open space (including farmland and forest land).

There are some things this bill does not do. It does not impose new regulations or controls on people who own environmentally-sensitive land. It does not compel anyone to do anything; it is entirely voluntary. Nor will it increase government spending for land conservation. In fact, the effect of this bill will be to allow better investment of tax and charitable dollars used for land conservation.

I urge all my colleagues to join me in support of the Conservation Tax Incentives Act of 1999.

By Mr. BURNS (for himself and Mr. WYDEN):

S. 809. A bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about private individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ONLINE PRIVACY PROTECTION ACT OF 1999

Mr. BURNS. Mr. President, I am pleased to be joined by the distinguished Senator from Oregon, Mr. WYDEN, in introducing a very important piece of legislation, the Online Privacy Protection Act of 1999. Last year, Congress worked together to protect our most vulnerable citizens from unprincipled information gathering online by passing the Children's Online Privacy Protection Act of 1998. That law provided online privacy protection for children up through age 13. Although teens and adults have a greater ability to identify the risks associated with online shopping and browsing, some guidance and protection is needed to ensure that web sites treat information in a fair and uniform way.

Before I tell you what this bill does, let me first tell you what this bill does not do. It does not bury online companies with regulatory paperwork. It does not impose a congressional mandate on privacy policies. It does not force compliance with arcane rules. It does not regulate the internet.

I want to be clear. We are trying to pilot the ship of internet commerce with a very light hand while trying to encourage the efforts currently underway within the online industry.

This bill sets very general guidelines for how an online company treats information it gathers from people interacting with their web sites. First of all, there must be a clear and conspicuous posting of the companies information collection policy. They must note what information is collected, and what they do with it. There must be a clear means for people to opt out of providing this information, if the data collected is not relevant to the web transaction. In fairness, we do allow the web site host to cancel the online transaction if the site visitor doesn't provide all of the needed information. For example, if a person buys a product, but won't give a mailing address, the company can terminate the sale.

A key provision of this bill allows people access to information that was collected and shared with outside companies. We recognize that there are many web sites that collect information to better serve their visitors. Amazon.com keeps track of book requests to help identify other potential books of interest to the customer. We appreciate the prosperity of that data and its use and want to protect and encourage that creativity. As long as the company discloses up front what information it is collecting and keeps that data internal, it won't be forced into disclosure and lose its competitive edge. However, all companies are required to establish and maintain procedures to protect the information that it collects.

To the uninformed listener, this may sound like a lot of regulation and paperwork for online companies to follow. The good news is that this bill recognizes the continuing progress being made in the commercial sector in providing secure and private transactions for customers. Concerns about misuse of information can drive many customers away, and many companies are recognizing the need for establishing some type of privacy rules. It's telling that 60 percent of Fortune 500 Chief Information Officers in a recent poll stated that they wouldn't divulge personal information online.

Fortunately, we finally got the right balance in crafting privacy policy on the internet. It isn't through congressional or FTC mandates. It's by encouraging private industry to band together to establish minimum requirements for a safe haven for consumer information. Companies can meet the intent of this bill by showing that their privacy policy complies with the Safe Haven requirements established in industry. Congress and the FTC are only there to give the Safe Haven some teeth by providing incentives and ensuring compliance with these self-established regulations. We also allow states to use existing law to challenge and remove irresponsible online privacy behavior. A strong team of business, Congress, States, and regulators will bring a balanced and fair approach to the needs of consumers.

The Online Privacy Protection Act of 1999 is an important effort to shape the future of online commerce. By getting out front and then staying out of the way, we can create an electronic medium free from big-brother mentality that allows people to move freely through commercial sites without fearing for the data trail they leave behind. This bill is good for industry and good for consumers. I strongly encourage my colleagues to support the passage of this bill.

By Mr. JEFFORDS (for himself, Mr. DODD, Ms. LANDRIEU, Mr. KENNEDY, and Mr. KOHL):

S. 810. A bill to amend the Internal Revenue Code of 1986 to expand alternatives for families with children, to establish incentives to improve the quality and supply of child care, to increase the availability and affordability of professional development for child care providers, to expand youth development opportunities, to ensure the safety of children placed in child care centers in Federal facilities, to ensure adequate child care subsidies for low-income working families, and for other purposes; to the Committee on Finance.

CARING FOR AMERICA'S CHILDREN ACT

By Mr. JEFFORDS (for himself, Ms. LANDRIEU, Mr. DODD, and Mr. KOHL):

S. 811. A bill to amend the Internal Revenue Code of 1986 to expand alternatives for families with children, to establish incentives to improve the quality and supply of child care, and for other purposes; to the Committee on Finance.

TAX RELIEF FOR FAMILIES WITH CHILDREN ACT

By Mr. JEFFORDS (for himself, Mr. DODD, and Ms. LANDRIEU):

S. 812. A bill to provide for the construction and renovation of child care facilities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CHILD CARE CONSTRUCTION AND RENOVATION ACT

By Mr. JEFFORDS (for himself, Ms. LANDRIEU, Mr. Dodd, Mr. SARBANES, and Mr. KENNEDY):

S. 813. A bill to ensure the safety of children placed in child care centers in Federal facilities, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES CHILD CARE ACT

By Mr. JEFFORDS (for himself, Mr. DODD, Ms. LANDRIEU, and Mr. KENNEDY):

S. 814. A bill to establish incentives to improve the quality and supply of child care providers, to expand youth development opportunities, to ensure adequate child care subsidies for low-income working families, and for other purposes; to the Committee on Health, Education, Labor, and Pension.

CREATING HEALTHY OPPORTUNITIES AND IMPROVING CHILD EDUCATION AND SUPPORT (CHOICES) ACT

Mr. JEFFORDS. Mr. President, I rise today to introduce a comprehensive child care bill, the "Caring for America's Children Act". This legislation recognizes that quality child care is a shared responsibility that ultimately benefits government, communities, and, most importantly, families and their children.

Parents know best how to care for their children, and will choose the best if it is affordable and accessible. This legislation increases the opportunities for American children and their parents to choose the best care for their children, including the choice to forgo a second income to stay home with their children.

But for many families, staying home is simply not an option. Today, more than 12 million children under the age of five—including half of all infants under one year of age—spend at least part of their day being cared for by someone other than their parents. In Vermont alone, there are approximately 22,000 children, under the age of 6, in state-regulated child care.

There are millions of school-aged children who are in some form of child care at the beginning and end of the school day as well as during school holidays and vacations. And just as many six to twelve year olds are latchkey kids—returning home from school with no supervision until their parents get home from work. Far too many of these children spend that time in front of the television with a soda and a bag of chips.

Child care is a necessity for most working parents and high quality child care is a critical investment in our country's future. In the first three years of life, the brain either makes the connections it needs for learning or it atrophies, making later efforts at remediation in learning, behavior, and thinking difficult, at best. The experiences and stimulation that a caretaker provides to a child are the foundations upon which all future learning is built.

The brain's greatest and most critical growth spurt is between birth and ten years of age—precisely the time when non-parental child care is most frequently utilized. A Time magazine special report on "How a Child's Brain Develops" (February 3, 1997) said it best, ". . . Good, affordable day care is not a luxury or a fringe benefit for welfare mothers and working parents but essential brain food for the next generation."

The "Caring for Children Act" embodies two important goals. First, to expand the choices available to parents—including the most basic choice—to stay at home and care for their children. And second, to move child care from babysitting to early childhood education and positive youth development.

How does the "Caring for Children Act" accomplish this? By increasing the tax benefits for all families with children we provide more opportunities for families, whether they stay at home or place their children in the care of others. We provide families with additional income to spend on child care or to manage the household budget without a second income.

Through state incentives to improve the quality and remove barriers to higher quality care the legislation provides the opportunity to improve child care for everyone. By creating more after school activities that promote positive youth development and making them more affordable for low-income families, the bill increases gives parents and their children the opportunity to choose activities that will be fun and help in the acquisition of the skills necessary to become a productive, happy adult.

The "Caring for Children Act" is good for families. The legislation creates more equity between the tax benefits received by working parents who pay others to care for their children, and parents who stay home to care for their children. It increases the Dependent Care Tax Credit (DCTC) for low- and middle-income families who use child care while they work. It increases current $500 Child Tax Credit to $900 per child. It increases the Dependent Care Assistance Plan (DCAP) for two or more dependents and permits DCAP funds to be used to reimburse a parent or grandparent who provides full-time care for a child under the age of mandatory school attendance. Taxpayers are given the opportunity to select the best tax benefit option for each of their children, based on the individual family's economic and child care circumstances.

The "Caring for Children Act" expands current consumer education services so that parents have better access to information on high-quality child care and can feel more confident as they make decisions about who will care for their children. It creates new opportunities to meet the needs of school-aged children and their parents during the non-school hours.

The "Caring for America's Children Act" is good for child care providers. Almost every child care provider that I have talked with over the past few years wants the opportunity to expand their services, increase their skills, and improve their facilities. But the child care business is a financially unstable endeavor.

Child care centers and home-based providers are finding it increasingly difficult to recruit and retain staff, to buy the supplies and equipment that will promote healthy child development, and even to keep their doors open.

The Shelburne Children's Center in Vermont closed earlier this year because it could not afford to stay open. Nearly forty percent of all family-based child care and ten percent of the center-based care close each year. Parents can only pay what they can afford, and far too often that is barely enough to keep the child care provider in business.

The "Caring for America's Children Act" creates the opportunities that will help keep current providers afloat and encourage more people to enter the business. It creates a high-tech infrastructure for the training of child care providers —and makes that training more accessible for providers in every community. It establishes a block grant to help states improve the quality of child care.

Funds can be used to provide salary subsidies and more training for providers, to improve the enforcement of state regulations, to help providers better care for children with special needs, or to increase the supply of infant care. States will have the opportunity to try innovative approaches designed to improve the quality of child care.

The legislation also creates financing mechanisms to support the renovation and construction of child care facilities.

The "Caring for America's Children Act" is good for business. Child care is a growing concern for businesses, large and small. In my home state of Vermont, companies have learned that being "family friendly" is good for business. It increases employee retention, improves job satisfaction, and lowers absenteeism. The legislation encourages businesses to take an active role in the child care needs of their employees and in the community-at-large. It provides a tax credit to employers who contribute to child care arrangements for their employees.

The legislation expands the charitable deduction to encourage businesses to donate equipment, materials, transportation services, facilities, and staff time to public schools and child care providers. In short, it creates the opportunity for companies to make an investment in their future, by becoming involved in child care.

I have divided the "Caring for America's Children Act" into four smaller, more narrowly focused bills, which I also am introducing today. The "Tax Relief for Families with Children Act" combines all of the tax provisions (Title I and Subtitle A of Title II) of the "Caring for America's Children Act."

The "Child Care Construction and Renovation Act" focuses exclusively on the financing of child care facilities contained in Title VII of the larger bill. "The "Federal Employees Child Care Act" deals exclusively with ensuring the safety and quality of child care facilities operated for employees of the federal government.

The "Creating Healthy Opportunities and Improving Child Education" or "CHOICE" Act combines the remainder of the "Caring for America's Children Act." It focuses on improving the quality of child care, expanding non-school hours care for older children, increasing professional development for child care providers, and helping low-income families who will not benefit from the tax provisions.

As we all know, quality child care costs money. It costs money to parents who bear the biggest burden for the expense of child care. It costs businesses both through the direct assistance that they provide to employees to help with the expense of child care, and through their ability to hire and retain a skilled workforce. It costs government through existing tax provisions, direct spending, and discretionary spending targeted at child care.

But we must remember that the costs of not making this investment are even higher. Those costs can be measured in the expense of remedial education, the cost of having an unskilled labor force, the increase in prison populations, and most importantly, the blunted potential of millions of children.

Not only must we engage in a public debate on "who cares for our children." but we also must take action to better support families in doing their most important work——raising our nation's children. Last year, child care legislation held a prominent place on the Congressional agenda. This year, little has been said, although the needs have not diminished. I hope that these bills can put child care back on the Congressional agenda where it belongs—-because our children and families cannot wait much longer.

As I said on Tuesday night during the debate on the Budget Resolution, I am not going to let the issue of child care go away. All of us here today, and all of the co-sponsors of this legislation are committed to whatever it takes to help our children maximize their opportunities. That is what this legislation is about—Opportunities.

I urge my colleagues to join with me and Senators DODD, LANDRIEU, KENNEDY, and KOHL, as well as with Congressman GILMAN and his House colleagues, in co-sponsoring and supporting this important legislation. To do nothing to improve the quality of child care and provide parents with more opportunities to choose the best care for their children is grossly unfair to the children and far too costly for our nation.

I ask unanimous consent that a section by section description of the "Caring for America's Children Act" be placed in the CONGRESSIONAL RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

THE "CARING FOR AMERICA'S CHILDREN" ACT

Title I: Tax Benefits for Families with Children

Section 101: Increases the Dependent Care Tax Credit (DCTC) by (a) increasing the amount of allowable expenses to $3,600 for one dependent; $6,000 for two or more; (b) increasing the maximum percentage of the allowable expenses to 40 percent; (c) increases the adjusted gross income level receiving the maximum percentage to $50,000; (d) reduces the allowable percentage by 1 percent for each $2,000 over $50,000, not reduced below 10 percent; (d) permiting educational programs and third party transportation costs to be counted as allowable expenses.

Section 102: Increases the Child Tax Credit from $500 per year to $900 per year.

Section 103: Makes changes in the Dependent Care Assistance Program (DCAP) by (a) Increasing the dollar contribution limit to $7,000 a year for two or more dependents; (b) Permiting contributions to DCAP accounts during pregnancy, usable for one year after the birth of a child; (c) permiting DCAP funds to be used to pay a spouse or grandparent to care for a pre-school aged child at home; and (d) establishing a DCAP for federal employees.

Section 104: Permits parents to choose between the Dependent Care Tax Credit, Child Tax Credit, and the Dependent Care Assistance Program for each dependent child (each tax benefit mutually exclusive for each child).

Section 105: Expands the Home Office tax deduction to permit parents to care for a dependent child within the home office space and maintain the "exclusive use" designation for the home office tax deduction.

Section 106: Requires states to include the cost of child care in the calculation of child support orders.

Estimated cost of Title I is $35.1 billion over 5 years.

Title II: Activities to Improve the Quality of Child Care

Subtitle A—Encouraging Business Involvement in Child Care

Section 201: Creates a child care tax credit for employers up to $150,000 a year ($250,000 a year with respect to three or more company child care facilities in different locations) in allowable employee-related child care expenses such as the construction or renovation of facilities and employee subsidies. CBO estimate $500 million over 5 years.

Section 202: Expands the business charitable tax deduction to include the contribution of scientific and computer equipment, transportation services, qualified employee volunteer time, and the use of facilities and equipment to public schools and child care providers.

Subtitle B—Child Care Quality Improvement Incentive Program

Section 211: Definition Section

Section 212: Establishes a state grant program to fund activities designed to improve the quality of child care.

Section 213: Allocates funds to the states based on the Child Care and Development formula, with a small state minimum.

Section 214: To receive grant funds, (a) states must certify that the state has not reduced the scope of state child care requirements since 1995, must be in compliance with the provisions of the Child Care and Development Block Grant, and has expended at least 80 percent of the funds allocated to the state for TANF child care matching funds; (b) there is a 10 percent state match requirement for the use of the funds, such match funds can be state or local public or private funds.

Section 215: Grant funds may be used for a variety of activities designed to improve the quality of child care within the state. This section identifies some of the allowable activities including supplementing child care provider salaries, assistance to small businesses desiring to provide child care assistance to employees, expansion of resource and referral services, educational and training scholarship for child care providers, increasing subsidies for recipients of Child Care and Development Block Grant recipients, subsidizing child care for special needs children, conducting background checks and increasing the monitoring of child care providers; State grant program authorized for $200 million a year.

Subtitle C—Increased Enforcement of State Health and Safety Standards

Section 221: Amends the Child Care and Development Block Grant (CCDBG) to encourage states to improve the enforcement of existing state laws and regulations regarding the inspection of child care facilities; provides a bonus for states which effectively enforce existing state law and a decrease in CCDBG administrative funds for states which do not adequately enforce state child care inspection requirements.

Subtitle D—Distribution of Information About Quality Child Care

Section 231: Authorizes $15 million to the Department of Health and Human Services to (a) provide technical assistance and the disseminate information on high quality child care to parents, local governments, child care organizations, and child care providers; (b) conduct a public awareness campaign promoting quality child care; (c) develop a mechanism for the collection and dissemination of information on the supply and demand for child care services; and (d) assist existing child care credentialing and accreditation entities in improving their procedures and methods.

Title III: Expanding Professional Development Opportunities

Section 301: Creates a child care training infrastructure utilizing the Internet and existing distance learning resources to provide high quality, interactive skills training for child care providers.

Section 302: Sets aside at least 10 percent of the authorized funds, within the child care training infrastructure, to establish and operate a revolving loan funds to enable child care providers to purchase computers and other equipment to access the child care training infrastructure through no-interest loans. Authorization for Title III—$50 million a year.

Title IV: Expanding Youth Development Opportunities During the Non-School Hours

Section 401: Establishes youth development focused programs that provide care for school-aged children during the non-school hours.

Section 402: Definition Section.

Section 403: Establishes a state grant program to expand and create quality non-school hours programs for school-aged children and youth which meet the child care needs of the parents as well and the goals of positive youth development; the federal share of this program is 80 percent, state and local matching funds may be in cash or inkind.

Section 404: Allocates funds to states based on the number of youth aged 5 through 17 who reside in the state and the number of children in the state qualifying for free or reduced-price school lunches. There is a small state minimum allocation of .5 percent of the total appropriated amount for the program.

Section 405: States submit an application to the Secretary of HHS in order to receive funds and designate the administrative regions or political subdivisions which will be used in the distribution of the funds in the state.

Section 406: The state will allocate funds to administrative regions or political subdivisions within the state based on the number of 5 to 17 year olds and the number of children qualifying for free or reduced-price school lunches in the region or subdivision; the state will award grants on a competitive basis to entities within each region or subdivision up to the amount of the regional allocation; preference for grants will be given to activities which remove barriers to the availability of non-school hours child care and coordinate public and private resources.

Section 407: Entities desiring to receive grant funds will submit an application to the state.

Section 408: Grant funds will be used for activities that meet the child care needs of working parents during the non-school hours including before- and after-school, weekends, school holidays, vacation periods and other non-school hours; activities will promote at least two youth development competencies (social, physical, emotional, moral or cognitive) and be designed to increase youth protective factors and reduce risk factors; a broad range of activities can be funded including leadership development, delinquency prevention, sports and recreation, arts and cultural activities, character development, tutoring and academic enrichment, mentoring, and other locally determined programs; and at least 50 percent of the funds made available to an entity must be used to subsidize the cost of participation in the non-school hours program for low-income youth.

Section 409: The Assistant Secretary for HHS establishes mechanisms for monitoring and evaluating the effectiveness of funded activities; coordinates the grant program with similar activities in other federal agencies; provides appropriate training and technical assistance to states and local entities; and can terminate funding for States or entities which fail to comply with the requirements of the Act.

Section 410: The Governor of each State designates an entity to administer the grant activities, including monitoring compliance with rules and regulations, providing technical assistance, and providing information on grant activities to HHS.

Section 411: Ensures that activities funded under this Title will be coordinated, at the local level, with activities receiving funds from the Safe and Drug-Free Schools and Communities Act and the 21st Century Community Learning Centers Act.

Section 412: Authorizes the grant program for: $500 million for FY 00, $600 million for FY 01, $700 million for FY 02, $800 million for FY 03, and $1 billion for FY 04.

Title V: Child Care in Federal Facilities

Section 501: Short title, "Federal Employees Child Care Act".

Section 502: Definition section.

Section 503: Child care centers located in federal executive and judicial facilities have to meet a standard no less stringent than those required of other child care facilities in the same geographical area within six months and within three years meet the standards established by a child care accreditation entity; establishes procedures to be followed if the child care center is not in compliance with these rules including plans to correct deficiencies, closing the affected portion of a child care center if a situation is life threatening or poses a risk of serious bodily harm and is not corrected within two business days, and the disclosure of violations to parents and facility employees; legislative facilities have to obtain and maintain accreditation from a child care accreditation entity within one year or the appropriate congressional administrative entity will issue regulations to ensure the safety and quality of care for children in the legislative facility; the Administrator of GAO may provide technical assistance to other agencies and conduct studies and reviews at the request of federal agencies; and an interagency council is established to facilitate cooperation and coordinate policies; authorizes $900,000 for General Services Administration to carry out this Title.

Section 504: Authorizes an evaluation of federal child care services.

Section 506: Authorizes federal agencies to utilize appropriated funds to subsidize or otherwise assist lower income federal employees meet the costs of child care provided through contract or on-site.

Section 507: Re-authorizes the Trible Amendment which permits federal facilities to provide on-site child care services; authorizes federal agencies to conduct pilot projects on innovative approaches to providing employee child care services; and requires criminal background checks for employees of child care facilities located in federal facilities.

Title VI: Expanding Child Care Subsidy for Low-Income Families

Section 601: Changes the authorization for the Child Care and Development Block Grant Act (CCDBG) from $1 billion to $2 billion.

Section 602: Changes the CCDBG Act a) assuring that the use of automated payment systems will not limit parental choice and will facilitate the prompt, accurate payment of child care providers; changing to 70 percent (from "a substantial portion") the use of CCDBG funds for low-income families who are not TANF qualified recipients of child care subsidies; requiring states to better support parental choice of child care providers by establishing separate subsidy rates dependent upon the age of the child, the setting of the child care services (home, center, group), special needs, and geographic location; and applying any required parental copayment to be reduced by the amount of the difference between the child care subsidy provided and 85 percent of the state established market rate for that child.

Title VII: Construction and Renovation of Child Care Facilities

Subtitle A—Community Development Block Grants

Section 701: Permits use of Community Development Block Grant funds to renovate or construct child care facilities. (No cost)

Subtitle B—Mortgage Insurance For Child Care Facilities

Section 711: Amends Title II of the National Housing Act to provide insurance for mortgages on new and rehabilitated child care facilities.

Section 712: Amends the National Housing Act to provide mortgage insurance for the purchase or refinancing of existing child care facilities; Authorized for $30 million for FY 01, to remain available until expended.

Section 713: Authorizes the Secretary of the Treasury to conduct a study of the secondary mortgage markets to determine whether markets exist for purchase of mortgages eligible for insurance under the National Housing Act, whether the market will affect the availability of credit for development of child care facilities and the extent to which the market will provide credit enhancement for loans for child care facilities.

Section 714: Establishes a competitive grant program to provide technical and financial assistance to child care providers for the renovation, construction, and purchase of child care facilities; Authorized for $10 million a year for FY00–04.

Mr. KENNEDY. Mr. President, today Senator JEFFORDS, Senator DODD, Senator LANDRIEU, and I are proposing legislation to expand and improve quality child care across the country. The provisions are intended to support the full range of child care choices that parents make, including the decision to provide stay-at-home care.

Child care is one of the most pressing challenges facing the nation. The need to improve the affordability, accessibility, and quality of child care is indisputable. Across the country, 13 million children under age 6 spend all or part of their day in child care.

Every child deserves high quality care. We know that child development, especially in the early years, is dependent on safe, reliable care that offers stable relationships and intellectually stimulating activities. Child care that fulfills these goals can make all the difference in enabling children to learn, grow, and reach their full potential. This bill will help improve the quality and safety of care by establishing a competitive grant program to help states improve the quality of their care.

The bill also gives new incentives to businesses to assist in the care of their employees' children and to strengthen the quality of care. Businesses will be permitted a tax deduction for donations of equipment, materials, transportation services, facilities, and staff time to public schools and care providers. Employers who contribute to the child care arrangements of their employees will receive a tax credit of 50 percent of their expenses up to $150,000 a year ($250,000 a year with respect to three or more facilities in different locations) in allowable employee-related child care expenses such as the construction or renovation of facilities and employee subsidies.

The quality of care can also be improved by giving the public more information about the caliber of the programs in their community. Working parents deserve to know that their children are not just safe, but well cared for. Our bill will provide that reassurance by improving parents' access to the information they need to make informed decisions about the selection of child care. Establishing a more effective system for distributing public information will make it easier for parents to select care with confidence, and will also encourage care providers to improve their services.

Raising children is expensive, in and of itself, and families who place their children in out-of-home care face the additional burden of obtaining quality child care. Millions of families cannot afford the child care they need in order to raise, protect, and teach their children. Full-day care can easily cost up to $10,000 per year—often as much as college tuition for an older child. Too often, the high cost of quality care puts it out of reach for many working families, particularly those earning low wages. These parents—working parents—constantly must choose between paying the rent or mortgage, buying food, and providing the quality care their child needs.

Our bill provides support to all families with children, whether they rely on out-of-home care or not. It increases the Dependent Care Tax Credit (DCTC) by raising the amount of allowable expenses to $3,600 for one dependent and $6,000 for two or more, and by permitting educational programs and third party transportation to count as allowable expenses.

Affordable child care is in particularly short supply for young children and for children who need care during nontraditional hours, such as during the late afternoon and evening. As more and more parents leave welfare for work, the demand for this type of care will continue to increase. The General Accounting Office estimates that under the welfare reform rules requiring more parents to work, the supply of child care will meet only 25 percent of the demand in many urban areas. We must ensure that the necessary support systems, such as child care and health care, are in place so that low-income parents can successfully move from welfare to self-sufficiency.

Our bill addresses these concerns by increasing the authorization of the Child Care and Development Block Grant (CCDBG) Act from $1 billion to $2 billion a year. It requires states to improve the way in which subsidy rates are determined. Parents will have a choice of child care providers, not just the least expensive care. Seventy percent of the CCDBG funds are set aside for non-welfare-related low-income working parents. The bill also contains a new state grant program to encourage the development of quality child care programs during non-school hours.

It is long past time for Congress to give child care the high priority it deserves. This bipartisan bill addresses the serious challenges confronting millions of families with children, and I urge my colleagues to join us in supporting this significant initiative.

Mr. President, an excellent column in yesterday's Washington Post by Judy Mann eloquently analyzed the hardships facing families seeking adequate child care. I believe her analysis will be of interest to all of us concerned about the issue, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From The Washington Post, April 14, 1999]

The Slow Evolution of Child Care

(By Judy Mann)

I first started worrying about child care more than 30 years ago when I became a single working parent with a 1-year old child. We didn't call it child care back then, because it didn't really exist.

We called it baby-sitting.

Some women took children into their homes and baby-sat them all day. They were a godsend to that first cohort of women who—out of choice or necessity—went into the paid workforce. But out of these homes also came some horror stories of crowding, of children stuck in front of TV sets all day, of germs being passed around with such alacrity that mothers lost jobs because they missed so many workdays having to care for sick children.

So how far have we come in 30 years? It's not overly harsh to say; not that far. We have licensed family day-care centers, school-based child care, child care centers in office parks and churches, and we have corporations that run child care centers across the country. The federal government subsidizes child care with vouchers for some low-income families and by allowing people to shelter some money spent on child care from income tax.

But for most working parents, child care remains an enormous source of financial stress and emotional anxiety. Even people who can afford live-in nannies aren't spared that bad apple who abuses children or disappears without warning.

At best, we have a patchwork of child care that is woven together by a common thread: The people who take care of our children are woefully underpaid and under-trained. Turnover ranges from 25 percent to 50 percent as they succumb to the lure of better-paying jobs. The median income for child care providers is $6.12 an hour; for parking lot attendants, it is $6.38. We pay $6.90 an hour to people who walk our dogs. What do we value most—our kids, our cars, our pets?

We are the most prosperous nation on earth, with an economy that is booming like the end of the "1812 Overture." We are also the only modern industrial nation that does not have an organized, affordable, reliable system of child care for the people creating those economic success.

Child care advocates have been working for more than 20 years to try to get this country to understand that child care isn't just about baby-sitting. It's about giving youngsters a good start in life and reducing stress on working parents. We have lacked the national will to make good child care one of our central responses to the changes in family life for one simple reason: Working parents are so busy trying to survive day-to-day that they have no time or energy for political action.

This may be changing, thanks in part to a "Caring for Kids" public affairs campaign that Lifetime Television has undertaken with the National Council of Women's Organizations. Begun in March of last year, the campaign now involves about 150 nonprofit organizations. The coalition is targeting April as "Childcare Month," and about 1,500 community campaigns are going to be held to support its central message: Make child care a priority in the 2000 election.

Putting technology to good use, the campaign has collected more than 2,000 personal child care stories from families across the country who have faxed, phoned or visited the campaign's Web site at www.lifetimetv.com. These stories have been delivered to Congress, and some have been used in a documentary produced by Lee Grant that will premiere on Lifetime on April 20. "Confronting the Crisis: Childcare in America" is the most powerful hour of film on the nation's child care problem that I have ever seen.

One of its great sources of strength is in showing that child care is no longer a woman's problem: It now involves fathers as well, and fathers play a starring role in the documentary. We meet Jeff, a widower, and one of 2 million single fathers, who quit a well-paid night job because there was no night-time child care available. He now works days, and he and his sister share child care responsibilities. "Everything's rushed," he said—as apt a description of the working parent culture as you could find.

We meet women in the welfare-to-work programs that 10,000 companies are participating in, Chicora is up at 4 a.m. to get her child to day care so she can go to work. Her mother died, so she is raising her 15-year-old sister as well. She earns $9.50 an hour and is able to make it because she gets a child care voucher. When that runs out, she will face child care costs of about $6,000 a year. "Education's first," she says, and she holds all the hope in the world for her child. She doesn't need a miracle to make it: That she is still in the game is the miracle. What she needs is for that voucher to continue until she can get on her feet financially.

We go to France, where child care is "part of the culture," in Grant's words. And we meet Sheriff Pat Sullivan, of Arapahoe County, Colo., a leader of "Fight Crime: Invest in Kids," an organization of law enforcement officials who believe before-school and after-school programs are critical to preventing youth violence. Sullivan is a conservative Republican. The question, he says, is where to put tax dollars. The answer is not

> in more jails, he says, but in child care, and that includes programs that keep adolescents busy. Idle minds are the devil's playground.
>
> Voices from across the political spectrum, from law enforcement to social workers, from brain researchers to pediatricians, are calling for a vastly improved system of child care. Neglect, whether in infancy or adolescence, is the breeding ground of despair, and that, in turn, is the breeding ground for antisocial behavior. The hope here is that the "Caring for Kids" campaign and Lifetime's documentary can help galvanize the nation into action.

Ms. LANDRIEU. Mr. President, I rise today with my distinguished colleague from Vermont and other members of this body in strong support of legislation that takes a much needed step on behalf of our Nation's children. I am very sad to say, however, that Louisiana ranks among the worst when it comes to providing for its children. By providing access to quality child care that is both safe and affordable the Caring for America's Children Act will improve the lives of children in Louisiana and across the Nation.

As a professional with two young children, I am well aware of the challenges that face working parents as they balance their children's needs with the demands of their careers. I also know first hand how expensive quality child care is, costing anywhere from over $3,000 per year to over $10,000 per year, depending upon where a family resides. For the parents of some 800,000 children in Louisiana who spend most of their day outside their parent's care, these costs are prohibitive. It is especially difficult for over 50 percent of Louisiana families who need child care, but whose incomes fall below the Federal poverty level.

To address this dilemma, this legislation would increase the child care and development block grant (CCDBG) from $1 billion to $2 billion. By doubling the funding level for CCDBG, twice as many poor children will receive quality child care. Presently, however, only eight percent of Louisiana's poor children are being assisted through this program. With this increase another 40,000 children will receive needed help. Nevertheless, the demand for assistance will far outweigh funding, so thousands of parents and their children will continue to go unserved.

In addition to the shortage of funding for low-income children, Louisiana, like many other states, must confront two other critical issues dealing with child care. First, facilities must be improved and expanded. Secondly, minimum quality standards must be set at the state and local levels for child care providers. This like other educational improvements will only occur when we expect more, provide more, and pay more for quality care. If we do not, the status quo will remain the same. For example, the average wage of a child care worker in Louisiana in 1997 was only $10,760, barely above what a minimum wage job would pay annually. Worse yet, the ratio of children to care givers in Louisiana far exceeded the recommended ratios.

On a national level, safety in child care facilities is another critical issue. Earlier this week the Consumer Product Safety Commission announced that it had examined 220 licensed child care settings. They found that most contained at least one safety violation, such as crib bedding that could suffocate babies or loops on window blind cords that could cause strangulation. Moreover, the agency found that 31,000 children, age 4 and younger, were treated in 1997 in hospital emergency rooms for injuries they received in child care and school settings. Additionally, at least 56 children have died in child care facilities since 1990.

To provide states with additional resources for the purpose of improving the quality of their day care facilities, this bill establishes a quality improvement incentive program. States would receive funds based on the CCDBG formula, which could be used for a variety of activities designed to improve the quality of child care within each state. Additionally, the bill also provides greater professional development opportunities for child care workers through a new distance learning program and interactive computer applications. The legislation will also provide states with greater flexibility, so that they can use their community development block grant funds for the construction and/or renovation of child care facilities.

Finally, important tax provisions are included in this legislation for both parents who work or stay home. Toward this end, the bill would increase:

the child tax credit from $500 to $900 per year;

the dependent care tax credit (DCTC) to $3,600 for one dependent and $6,000 for two or more dependents; and

expand the home office tax deduction so that parents who work out of their home will not be penalized.

By providing parents with these additional benefits, families will have greater options in ensuring their children receive the most appropriate care depending on individual family circumstances.

I am also very pleased that appropriate modifications to our Federal child care system are included in this legislation. Most importantly, this bill would allow Federal agencies to use appropriated funds for the purpose of making child care more affordable to low-income Federal workers. Additionally, within six months of the passage of this legislation every Federal child care facility will have to be licensed. Within three years, they must also meet standards established by a child care accreditation entity. The Federal facilities title also reauthorizes the Trible amendment that allows Federal facilities to provide on-site care and innovative approaches to expand child care services on a contractual basis.

Before the Congress enacts legislation to enhance child care at the state level, it is essential that the Federal Government first address the deficiencies and inadequacies within its own system. While the Federal Government has made significant improvements, we must ensure that Federal Government leads by example.

Mr. President, improving the availability of quality and affordable child care should not be a partisan issue. A recent Carnegie study found that children in poor quality child care are delayed in language and reading skills, and display more aggression toward other children and adults. We should not delay one more year while thousands of children are held back because of our inaction in the Congress.

I thank Senator JEFFORDS for his leadership on this issue.

Mr. ROTH (for himself, Mr. JEFFORDS, Mr. COVERDELL, Mr. HELMS, Mr. ROBB, Ms. MIKULSKI, Mr. BIDEN, Mr. SESSIONS, Mr. HUTCHINSON, Mr. SARBANES, Mr. LEAHY, Mr. GRAMS, Mr. SHELBY, Mr. MCCONNELL, and Mr. HARKIN):

S. 815. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources; to the Committee on Finance.

POULTRY ELECTRIC ENERGY POWER (PEEP) ACT

Mr. ROTH. Mr. President, I rise today to reintroduce legislation that would amend section 45 of the Internal Revenue Code to provide a tax credit to biomass energy facilities that use poultry litter as a fuel for generating electricity.

I am pleased to report that my bill has received even more cosponsors than when it was introduced in the 105th Congress. Fourteen of my colleagues are joining me as original cosponsors. They include Senators JEFFORDS, COVERDELL, HELMS, ROBB, MIKULSKI, BIDEN, SESSIONS, HUTCHINSON, SARBANES, LEAHY, GRAMS, SHELBY, MCCONNELL, and HARKIN.

Mr. President, I am bullish on poultry's future in America. It is hard not to be with worldwide poultry consumption growing at double-digit rates.

In the United States, poultry production has tripled since 1975. We now produce almost 8 billion chickens a year to feed the growing worldwide demand.

In particular, Delaware, Maryland, and Virginia produce some of the world's finest poultry. Just last year Delmarva poultry farmers produced over 600 million chickens. Our poultry farmers are among the most productive and efficient in the world.

As the amount of chickens we produce as a nation has grown, so too has the need to find creative means for disposing of poultry manure.

Due to environmental pressures, spreading manure on land is no longer an option in some areas for our rapidly growing poultry industry. In those areas, the nutrient runoff from the manure has been identified as a contributing factor in surface and groundwater pollution.

Addressing these water quality problems will require a range of innovative approaches. One part of the solution may be to use poultry manure to generate electricity.

The United Kingdom has two utility plants that use poultry manure to generate electricity. These two poultry power plants will, when combined with a third scheduled to open soon, burn 50 percent of the UK's total volume of chicken manure.

The electricity generated by these plants will supply enough power for 37,000 homes. These plants have the support of both the poultry industry and the international environmental community.

The way this system works is simple. Power stations buy poultry manure from surrounding poultry farmers and transport it to the power station. At the station the manure is burned in a furnace at high temperatures, heating water in a boiler to produce steam which drives a turbine linked to a generator. The electricity is then transferred to the local electricity grid for use by commercial and residential customers.

There are no waste products created through this process. Instead, a valuable by-product emerges in the form of a nitrogen-free ash, which is marketed as an environmentally friendly fertilizer.

The legislation I am introducing today will provide a tax credit to energy facilities that use poultry manure as a fuel to generate electricity.

It will build on concepts in the Tax Code that provide incentives for innovative alternative energy production.

This legislation will provide incentives for electricity generation that will not only help dispose of poultry manure, but will also supply our Nation's farmers with a clean fertilizer free of nitrates.

I urge my colleagues to join me in cosponsoring my bill, the Poultry Electric Energy Power Act. It is important for future generations that we continue to explore innovative alternative technologies that will help protect our environment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Poultry Electric Energy Power (PEEP) Act".

SEC. 2. EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM CERTAIN RENEWABLE RESOURCES.

(a) CREDIT FOR PRODUCING ELECTRICITY FROM POULTRY WASTE.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) poultry waste."

(b) EXTENSION OF PLACED IN SERVICE DATE.—Section 45(c)(3) of the Internal Revenue Code of 1986 (defining qualified facility) is amended by striking "1999" and inserting "2005".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after the date of the enactment of this Act.

Mr. GRAMS. Mr. President, I am proud to join Senator ROTH as an original co-sponsor of legislation to amend Section 45 of the tax code for the production of electricity from environmentally-friendly methods, including poultry litter, the Poultry Electric Power Act.

Mr. President, our nation's poultry consumption continues to grow in rapid numbers. We now produce almost 8 billion chickens a year in the United States. My home State of Minnesota is now the nation's largest producer of turkeys, with an estimated 44 million produced last year alone. According to the Minnesota Turkey Growers Association, Minnesota turkey producers and processors earned 1997 incomes of $180 million and spinoff industries earned $374 million in 1996. In Minnesota, the turkey industry includes 2,810 jobs in production and 4,552 jobs in processing. So, Mr. President, you can see that the poultry industry is extremely important to rural Minnesota.

I continue to believe that we must explore a wide variety of alternative energy sources that provide a number of benefits for our nation. First, this bill will provide another market and revenue source for our farmers who so badly need diversified sources of income. Second, the bill will assist our nation in increasing our energy security. Third, this bill will help to improve the environment not only by providing a clean energy source, but by assisting in the disposal of poultry manure in an environmentally friendly way. Fourth, this bill will help create spin-off jobs for our nation's rural communities—jobs many rural communities badly need.

I hope my colleagues will support this legislation and I want to thank Senator ROTH for leading this important effort in the Senate.

By Mr. DORGAN:

S. 816. A bill to amend section 3681 of title 18, United States Code, relating to the special forfeiture of collateral profits of a crime; to the Committee on the Judiciary.

FEDERAL SON OF SAM LEGISLATION

Mr. DORGAN. Mr. President, last year, I introduced a bill to correct problems with the Federal "Son of Sam" law, as those problems were perceived by the U.S. Supreme Court. Today, I am reintroducing this legislation, which deals with a continuing problem. The New York statute analyzed by the Supreme Court, as well as the Federal statute which I seek to amend, forfeited the proceeds from any expressive work of a criminal, and dedicated those proceeds to the victims of the perpetrator's crime. Because of constitutional deficiencies cited by the Court, the Federal statute has never been applied, and without changes, it is highly unlikely that it ever will be. Without this bill, criminals can become wealthy from the fruits of their crimes, while victims and families are exploited.

The bill I now introduce attempts to correct constitutional deficiencies cited by the Supreme Court in striking down New York's Son of Sam law. In its decision striking down New York's law, the Court found the state to be both over inclusive and under inclusive: Over inclusive because the statute included all expressive works, no matter how tangentially related to the crime; under inclusive because the statute included only expressive works, not other forms of property.

To correct the deficiencies perceived by the Court, this bill changes significantly the concepts of the Federal statute. Because the Court criticized the statute for singling out speech, this bill is all-encompassing: It includes various types of property related to the crime from which a criminal might profit. Because the Court criticized the statute for being over inclusive, including the proceeds from all works, no matter how remotely connected to the crime, this bill limits the property to be forfeited to the enhanced value of property attributable to the offense. Because the Court found fault with the statute for not requiring a conviction, this bill requires a conviction.

The bill also attempts to take advantage of the long legal history of forfeiture. Pirate ships and their contents were once forfeited to the government. More recent case law addresses the concept of forfeiting any property used in the commission of drug related crimes, or proceeds from those crimes. I hope that courts interpreting this statute will look to this legal history and find it binding or persuasive.

The bill utilizes the Commerce Clause authority of Congress to forfeit property associated with State crimes. This means that if funds are transferred through banking channels, if UPS or FedEx are used, if the airwaves are utilized, or if the telephone is used to transfer the property, to transfer funds, or to make a profit, the property can be forfeited. In State cases, this bill allows the State Attorney General to proceed first. We do not seek to preempt State law, only to see that there is a law in place which will ensure that criminals do not profit at the expense of their victims and the families of victims.

One last improvement which this bill makes over the former statutes: The old statute included only crime which resulted in physical harm to another; this bill includes other crimes. Examples of crimes probably not included under the old statute, but included here are terrorizing, kidnaping, bank robbery, and embezzlement.

Mr. President, our Federal statute, enacted to ensure that criminals not profit at the expense of their victims and victim's families, is not used today because it is perceived to be unconstitutional. I believe victims of crime deserve quick action on this bill, drafted to ensure that they are not the source of profits to those who committed crimes against them. I asked for your support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) In General.—

"(1) Forfeiture of proceeds.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

"(A) the interests of justice or an order of restitution under this title so require;

"(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

"(C) with respect to a defendant convicted of an offense against a State—

"(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

"(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

"(2) Offenses described.—An offense is described in this paragraph if it is—

"(A) an offense under section 794 of this title;

"(B) a felony offense against the United States or any State; or

"(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

"(3) Property described.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

"(A) evidence of the offense;

"(B) instrument of the offense, including any vehicle used in the commission of the offense;

"(C) real estate where the offense was committed;

"(D) document relating to the offense;

"(E) photograph or audio or video recording relating to the offense;

"(F) clothing, jewelry, furniture, or other personal property relating to the offense;

"(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

"(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

"(I) other property relating to the offense.".

By Mrs. BOXER:

S. 817. A bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours; to the Committee on Health, Education, Labor, and Pensions.

AFTER SCHOOL AND ANTI-CRIME ACT OF 1999

Mrs. BOXER. Mr. President, every day, millions of working parents are faced with the dilemma of finding constructive activities for their school-aged children to become involved in during the after school hours. These parents know that, when unsupervised, the likelihood of their child becoming involved with drugs, alcohol or criminal activity is increased. In fact, juvenile crime peaks during the hours of 3 p.m. and 6 p.m.—after school.

That is why I am introducing a bill to help assuage the concerns of parents, law enforcement and communities to help develop edifying activities for youth during the after school hours. The After School Education and Anti-Crime Act of 1999 will help give our children safe, productive places to go after the school bell rings, which is what ninety-two percent of all Americans have indicated they strongly support.

Not only do after school programs provide children with activities and parents with relief, they also help law enforcement officials connect with their communities and help them reduce incidences of juvenile crime. Several law enforcement organizations have expressed their support of my proposal and for after school programs, including the National Association of Police Athletic and Activity Leagues (PALS), Fight Crime Invest in Kids, National Sheriffs Association, Major Cities' Police Chiefs and other law enforcement representing California, Illinois, Texas, Arizona, Maine and Rhode Island.

This legislation would authorize $600 million in funding for after-school programs. These programs, as developed by communities, will offer positive alternatives in the after school hours, such as mentoring, academic assistance, recreation, technology and job skills training, and drug, alcohol, and gang prevention programs.

If passed, the funding in this bill would enable an estimated 1.1 million children each year to participate in after school programs. The demand for after school programs is very high. Last year alone, nearly 2,000 school districts applied for after school federal assistance—of that, only 287 grants were awarded.

We have the opportunity in the 106th Congress to answer the call of communities all across America that understand the importance of—and need for—after school programs for kindergarten, elementary and secondary school students. After school programs are anti-crime, pro-education, pro-community, and make common sense.

I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "After School Education and Anti-Crime Act of 1999".

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 5. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "To Local Educational Agencies for Schools" after "Secretary"; and

(B) by striking "rural and inner-city public" and all that follows through "or to" and inserting "local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or"; and

(C) by striking "a rural or inner-city community" and inserting "the communities";

(2) in subsection (b)—

(A) by striking "States, among" and inserting "States and among"; and

(B) by striking "United States," and all that follows through "a State" and inserting "United States"; and

(3) in subsection (c), by striking "3" and inserting "5".

SEC. 6. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking "an elementary or secondary school or consortium" and inserting "a local educational agency"; and

(ii) in the second sentence, by striking "Each such" and inserting the following:

"(b) Contents.—Each such"; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking "or consortium";

(B) in paragraph (2), by striking "and" after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting ", including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)" after "maximized";

(ii) in subparagraph (C), by inserting "students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues," after "agencies,";

(iii) in subparagraph (D), by striking "or consortium"; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking "or consortium"; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

"(4) information demonstrating that the local educational agency will—

"(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

"(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

"(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.".

SEC. 7. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

"(a) In General.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:";

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting ", and job skills preparation" after "placement"; and

(3) by adding at the end the following:

"(14) After school programs, that—

"(A) shall include at least 2 of the following—

"(i) mentoring programs;

"(ii) academic assistance;

"(iii) recreational activities; or

"(iv) technology training; and

"(B) may include—

"(i) drug, alcohol, and gang prevention activities;

"(ii) health and nutrition counseling; and

"(iii) job skills preparation activities.

"(b) Limitation.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.".

SEC. 8. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

"(c) Administration.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

"(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

"(2) ensure that youth in the local community participate in designing the after school activities;

"(3) develop creative methods of conducting outreach to youth in the community;

"(4) request donations of computer equipment and other materials and equipment; and

"(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.".

SEC. 9. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting ", including law enforcement organizations such as the Police Athletic and Activity League" after "governmental agencies".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking "$20,000,000 for fiscal year 1995" and all that follows and inserting "$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.".

SEC. 11. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect on October 1, 1999.

By Mr. DeWINE (for himself and Mr. Reid):

S. 818. A bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of Medicare patients related to the provision of anesthesia services; to the Committee on Finance.

THE SAFE SENIORS ASSURANCE STUDY ACT OF 1999

Mr. DeWINE. Mr. President, today I rise to introduce the "Safe Seniors Assurance Study Act of 1999." I am joined in this effort by my colleague, Senator Reid from Nevada. This bill would require that the Secretary of Health and Human Services conduct a study and analyze the impact of physician supervision, or lack of physician supervision, on death rates of Medicare patients associated with the administration of anesthesia services. Since the Medicare program began, the Health Care Financing Adminstration's (HCFA) standards for hospitals and ambulatory surgical centers have required that a physician either provide the anesthesia care or supervise the anesthesia care provided by nurse anesthetists. This requirement has also applied to the Medicaid program.

The very old and the very young, both covered by these two federal insurance programs, represent the segments of our population that, on average, face the highest anesthesia risks. The two programs cover over 40 million Americans.

In December 1997, HCFA proposed changes to its standards for hospitals and surgical centers. Included in these proposed changes was the elimination of the physician supervision requirement, leaving to state governments the decision whether physician supervision of nurse anesthetists was necessary. In issuing its proposed changes, HCFA offered no scientific data indicating that anesthesia safety would not be impaired as a result of the changed rule, and has offered no such data to this day.

In 1992, HCFA considered a similar change, but rejected it. After reviewing the studies available at the time showing anesthesia outcomes, HCFA concluded: "In consideration of the risks associated with anesthesia procedures, we believe it would not be appropriate to allow anesthesia administration by a non-physician anesthetist unless under supervision by an anesthesiologist or the operating practitioner." HCFA also declined to adopt as a "national minimum standard of care, a practice that is allowed in only some states."

In the only comparative anesthesia outcome study published since 1992, researchers found that outcomes were better in hospitals having Board-certified anesthesiologists on staff. In the Fall of last year, an abstract of a University of Pennsylvania study of 65,000 Medicare surgical cases indicated that mortality and 'failure to rescue' rates significantly improved when a nurse anesthetist was supervised by an anesthesiologist rather than the operating surgeon. This latter study is expected to be published in final form later this year.

The Conference Report on the Fiscal Year 1999 Omnibus Appropriations measure recommended that HCFA "base retaining or changing the current requirement of physician supervision. . .on scientifically valid outcomes data." The Report suggested "an outcome approach that would examine, using existing operating room anesthesia data, mortality and adverse outcomes rates by different anesthesia providers, adjusted to reflect relevant scientific variables."

A bill was introduced in the House in early February by Representatives DAVE WELDON and GENE GREEN that would require HCFA to undertake the congressionally-recommended outcome study of Medicare patients, and complete it by June 30, 2000. That bill currently has about 37 cosponsors—Republicans and Democrats. This is not a partisan issue, but an issue about safety. The bill that I am introducing with my colleague, Senator HARRY REID today, is very similar to the Weldon/Green bill in the House. Our Senate version would only require that the Secretary of HHS consider the results of the June 2000 study in deciding whether or not to implement its 1997 proposal.

Physician anesthesiologists personally provide, or supervise anesthesia administration by a qualified non-physician, 90% of the anesthesia care in this country. In the rest of the cases, supervision is provided by the operating practitioner. Under the Medicare program, there is no additional cost for having an anesthesiologist provide or supervise the anesthesia care versus having a non-physician provide the anesthesia under the supervision of the operating practitioner. The proposed HCFA rule change does not, therefore, generate any cost savings.

Anesthesiologists are physicians who, after four years of pre-medical training in college, have completed eight years of medical education and specialized residency training. This is in contrast to the 24 to 30 months of training received by nurse anesthetists after nursing school—in fact, about 37% of nurse anesthetists have not graduated from college.

The American Medical Association's House of Delegates last December approved a resolution supporting legislation requiring that an appropriately licensed and credentialed physician administer or supervise anesthesia care. National surveys of Medicare beneficiaries performed by the Tarrance Group in January 1998 and 1999 show that 4 out of 5 seniors oppose the elimination of the current physician supervision requirement.

Let's err on the side of safety and caution by requiring that the Secretary of HHS conduct a study on the mortality and death rates of Medicare patients associated with the administration of anesthesia care by different providers. Analyzing the impact of physician supervision on anesthesia care and requiring the Secretary to simply consider the results of that study in determining whether or not to change current regulations to allow unsupervised nurse anesthetists to administer anesthesia services, is the very least we can do to ensure that we are making safe changes to existing regulations—changes that HCFA rejected in 1992 when studies of anesthesia outcomes were up-to-date and available.

If HCFA is going to now change its policy in 1999, we should ask HCFA to show us the scientific and clinical data behind its decision to ensure that the safety of our most vulnerable populations—our children and our elderly—are adequately protected. None of us—including HCFA—is in a position to judge the merits of this proposed rule change without first gathering and then analyzing up-to-date scientific evidence. Only then can patients be confident in the safety and quality of their anesthesia care. I urge my colleagues to support this important legislation.

By Mr. GRAHAM (for himself and Mr. REID):

S. 819. A bill to provide funding for the National Park System from outer Continental Shelf revenues; to the Committee on Energy and Natural Resources.

NATIONAL PARK PRESERVATION ACT

Mr. GRAHAM. Mr. President, Member of the Senate, I am today introducing the National Park Preservation Act with my colleague Senator REID of Nevada. This legislation will preserve and protect threatened or impaired ecosystems, critical habitats, and cultural and other core park resources within our National Park System.

As you are all aware, the National Park Service has a presence in virtually every state in the nation. There are a total of 345 units in the national park system spread throughout the nation. My home state of Florida is home to three National Parks—Everglades, Biscayne, and Dry Tortugas; two National Preserves—Big Cypress and Timucuan Ecological and Historical Preserve; two National Seashores—Canaveral and Gulf Islands; two National Monuments—Castillo de San Marcos and Fort Matanzas; and two National Memorials—DeSoto and Fort Caroline.

Although these National Parks are treasured throughout the nation, everyday activities often threaten the resources of our park system. For example, in Yellowstone National Park an inadequate sewage system frequently discharges materials into precious resources such as Yellowstone Lake. Development surrounding Mojave National Park threatens the park's desert wilderness. Ground-level ozone accumulating at Great Smoky Mountains National Park threatens the park's core resource—visibility. Manipulation of the natural hydrologic system impacts water quality and water availability in Everglades National Park.

The Graham-Reid National Park Preservation Act will preserve and protect threatened or impaired ecosystems, critical habitat, cultural resources and other core resources within our National Park System. The bill will establish a permanent account using Outer Continental Shelf revenues to provide $500 million annually to the Department of Interior to protect and preserve these resources. These funds will be made available for projects such as land acquisition, construction, grants to state or local governments, or partnerships with other federal agencies that seek to combat identified threats to ecosystems, critical habitats, cultural resources, and other core park resources. In this legislation, I also continue my longstanding efforts to protect Florida's coastal resources by making revenues from any new oil and gas leases or from development of any existing leases in a moratorium area ineligible for expenditure in this account.

Thirty percent of the $500 million will be available for park units threatened cr impaired by activities occurring within the unit such as sewage treatment at Yellowstone Park. Seventy percent of the $500 million will be available for park units threatened or impaired by activities occurring outside of the unit, such as degradation of water resources at Everglades National Park.

Of these funds, the legislation specifically provides $75 million to the Everglades restoration effort as the keynote project of the legislation.

The Everglades National Park is one component of the Everglades ecosystem which stretches from the Kissimmee River basin near Orlando and all the way to Florida Bay and Keys. It is the only ecosystem of its kind in the world. It is the largest wetland and subtropical wilderness in the United States. It is home to a unique population of plant and wildlife. The water in this system is the lifeblood of the freshwater aquifer that provides most of Florida's drinking water.

For more than a century, this ecosystem has been altered to facilitate development and protect against hurricanes and droughts. Today, almost 50% of the original Everglades has been drained or otherwise altered. The remaining Everglades, and in particular, the regions located within Everglades National Park, are severely threatened by nutrient-rich water, interrupted hydrology, decreased water supply, exotic plants, and mercury contamination.

On July 1 the Army Corps of Engineers will submit to Congress an Everglades restoration plan, termed the "Restudy" by the Water Resources Development Act of 1996. This plan reviews the original Central and South Florida Flood Control project which was initiated in the 1940s by the Army Corps and has been the source of the ecosystem manipulation that occurred in Florida since that time. The Restudy outlines the basic elements of a plan to restore the Everglades as closely to their natural state as possible. This is a difficult and complex task since the original area of the Everglades was reduced by 50% with the development of both coasts as large metropolitan areas. Costs of execution of this plan will be shared on a 50-50 basis with the state of Florida.

There has never been a restoration project of this size in the history of the United States or the world. This is an opportunity to preserve a national treasure that was destroyed by our own actions in the past. The bill we will introduce today will provide dedicated funds for the federal share of the land acquisition portions of this project which is so critical to the nation.

I look forward to working with each of you as we seek to protect and preserve the ecosystems, critical habitat, cultural resources and other core resources within our National Park System.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Act to Sustain the National Parks".

SEC. 2. DEDICATION OF A PORTION OF OUTER CONTINENTAL SHELF REVENUES TO THE NATIONAL PARK SERVICE.

(a) DEFINITIONS.—In this Act:

(1) LEASED TRACT.—The term "leased tract" means a tract leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, consisting of a block, a portion of a block, or a combination of blocks or portions of blocks, as specified in the lease and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(2) OUTER CONTINENTAL SHELF.—The term "outer Continental Shelf" has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) OUTER CONTINENTAL SHELF REVENUES.—

(A) IN GENERAL.—The term "outer Continental Shelf revenues" means all amounts received by the United States from leased tracts, less—

(i) such amounts as are credited to States under section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)); and

(ii) such amounts as are needed for adjustments or refunds of overpayments for rents, royalties, or other purposes.

(B) INCLUSIONS.—The term "outer Continental Shelf revenues" includes royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for a leased tract.

(C) EXCLUSIONS.—The term "outer Continental Shelf revenues" does not include amounts received by the United States under—

(i) any lease issued on or after the date of enactment of this Act;

(ii) any lease under which no oil or gas production occurred before January 1, 1999; or

(iii) any lease in an area for which there is in effect a moratorium on leasing or drilling on the outer Continental Shelf.

(b) SEPARATE ACCOUNT.—Of the amount of outer Continental Shelf revenues received by the Secretary of the Interior during each fiscal year, $500,000,000 shall be deposited in a separate account in the Treasury of the United States and shall, without further Act of appropriation, be available to the Secretary of the Interior in subsequent fiscal years until expended.

(c) THREATENED PARK RESOURCES.—

(1) IN GENERAL.—The amounts made available under subsection (b) shall be available for expenditure in units of the National Park System that have ecosystems, critical habitat, cultural resources, or other core park resources that are threatened or impaired.

(2) IDENTIFIED THREATS.—The amounts made available under subsection (b)—

(A) shall be used only to address identified threats and impairments described in paragraph (1), including use for land acquisition, construction, grants to State, local, or municipal governments, or partnerships with other Federal agencies or nonprofit organizations; and

(B) shall not be directed to other operational or maintenance needs of units of the National Park System.

(3) ALLOCATION.—Of the amounts made available under subsection (b)—

(A) 30 percent shall be available for expenditure in units of the National Park System with ecosystems, critical habitat, cultural resources, or other core park resources threatened or impaired by activities occurring inside the unit; and

(B) 70 percent shall be available for expenditure in units of the National Park System with ecosystems, critical habitat, cultural resources, or other core park resources threatened or impaired by activities occurring outside the unit (including $150,000,000 for each of fiscal years 2000 through 2015 for the Federal share of the Everglades and South Florida ecosystem restoration project under the comprehensive plan developed under section 528 of the Water Resources Development Act of 1996 (110 Stat. 3767)).

(d) CONFORMING AMENDMENT.—Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended by striking "All rentals" and inserting "Except as provided in section 2 of the National Park Preservation Act, all rentals".

By Mr. CHAFEE (for himself, Mr. BREAUX, and Mr. JEFFORDS):

S. 820. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Finance.

THE TRANSPORTATION TAX EQUITY AND FAIRNESS ACT

Mr. CHAFEE. Mr. President, today I am introducing legislation, along with Senators BREAUX and JEFFORDS, to correct an inequity that currently exists with the taxes imposed on transportation fuels.

In 1990 Congress extended fuel taxes beyond their traditional role as transportation user fees by introducing a 2.5 cents-per-gallon federal deficit reduction tax on railroad and highway fuels. These taxes were enacted as part of legislation that was designed to reduce the federal budget that existed at that time.

In 1993, Congress increased these "deficit reduction fuel taxes" and extended them to inland waterway users and commercial airlines. The taxes imposed on barges went into effect immediately, while those affecting the airlines were delayed for 2 years. As a result of these two pieces of legislation a deficit reduction fuel tax of 6.8 cents per gallon was imposed on railroads and trucks, 4.3 cents per gallon on barges, and a suspended 4.3 cents per gallon tax on airlines.

Beginning in 1995, however, Congress began to redirect these taxes for other uses. The first step was taking 2.5 cents of the amount paid by highway users and transferring it to the Highway Trust Fund. The Highway Trust Fund, as many of my colleagues know, is the principal source of money used for highway infrastructure. Taxes paid into this trust fund by highway users results in a direct benefit to them by being recycled back into improvements to our nation's roads and bridges.

Recognizing that this transfer would place the railroad industry—a direct competitor of the trucking industry—at a competitive disadvantage, Congress reduced the deficit reduction tax paid by railroads by 1.25 cents. As a result of these changes, then, highway users, commerical airlines and inland waterway users paid a deficit reduction tax of 4.3 cents while railroads paid a tax of 5.55 cents.

The 1997 Taxpayer Relief Act further disadvantaged the railroad and inland waterway sectors by relieving highway users and commercial airlines from the remaining 4.3 cent deficit reduction fuel tax. Instead of these funds going into the General Fund of the Treasury, the taxes paid by these sectors were redirected to their respective trust funds.

I have a chart that I will ask be included with my statement that shows the evolution of deficit reduction fuel excise taxes over the past decade.

Today, two sectors of the transportation industry—railroads and inland waterway users—pay "deficit reduction" taxes even though we no longer have a deficit. Furthermore, these sectors are required to continue paying these taxes even though their competitors do not.

There is absolutely no policy rationale for railroads and barge operators to pay deficit reduction fuel taxes while motor carriers and commerical airlines are required to pay nothing.

We believe the time has come to correct this unfairness. This bill levels the playing field by repealing the remaining 4.3 cent tax paid by the railroads and inland waterway users.

I urge all of my colleagues to our legislation. Mr. President, I ask that the chart be included in the RECORD.

The chart follows:

DEFICIT REDUCTION FUEL EXCISE TAXES PAID BY THE VARIOUS TRANSPORTATION SECTORS BY YEAR

	1990	1993	1995	1997	1999
Highway Users	2.5	6.8	4.3	0	0
Railroads	2.5	6.8	5.55	5.55	4.3
Barges	0	4.3	4.3	4.3	4.3
Commercial Airlines	0	0	4.3	0	0

By Mr. LAUTENBERG (for himself, Mr. FEINGOLD, Mr. KENNEDY, and Mr. TORRICELLI):

S. 821. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

TRAFFIC STOPS STATISTICS STUDY ACT OF 1999

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation that will help our nation deal with the problem of racial profiling during traffic stops. I am pleased to be joined in this effort by Senators FEINGOLD, KENNEDY, and TORRICELLI.

Across the country, too many motorists fear that they will be stopped by law enforcement for nothing more than the color of their skin. The offense of "D.W.B." or "Driving While Black" is well known to minorities, and the fact that this term has entered the common vocabulary demonstrates the pervasiveness of the problem.

In my home state and other states along the Interstate-95 corridor, there have been many serious and credible allegations of racial profiling. For example, statistics recently released by the state of New Jersey, reveal that 73 percent of motorists arrested on the New Jersey turnpike in early 1997 were minorities. Similarly, a court-ordered study in Maryland found that more than 70 percent of drivers stopped on Interstate-95 were African American though they made up only 17.5 percent of drivers.

Not surprisingly, the practice of racial profiling has led to litigation. In the case of State versus Soto, a state court judge ruled that troopers were engaging in racial profiling on the southernmost segment of the New Jersey Turnpike. That decision spurred the United States Department of Justice to begin a "pattern and practice" investigation, in December 1996, to determine whether the New Jersey State Police had violated the constitutional rights of minority motorists. The Department of Justice is also investigating police agencies in Eastpointe, Michigan, and Orange County, Florida. Additionally, a number of individuals and organizations have filed private lawsuits seeking to end the inappropriate use of racial profiling.

While litigation may bring about limited reforms, it is clear that Congress must develop a nationwide approach. The legislation I am introducing today will help define the scope of the problem, increase police awareness, and suggest whether additional steps are necessary. It would require that the Attorney General collect data on traffic stops and report the results to Congress. Because better relations between police and citizens will help ease racial tensions, the measure will also authorize grants to law enforcement agencies for the development of better training programs and policing strategies.

In recent decades, we have made great progress in strengthening the civil rights of all Americans. Many dedicated law enforcement officials have contributed greatly to this effort by applying the law fairly and working to strengthen the bonds of trust in the communities they serve. To their credit, some police agencies have spoken out against the practice of racial profiling. In New Jersey, the State Troopers Fraternal Association, the State Troopers Non-Commissioned Officers Association, and the State Troopers Superior Officers Association have stated that "anyone out there using racial profiling or in any way misusing or abusing their position, must be identified and properly dealt with." But we cannot allow the actions of some police officials to undermine these achievements, and we should work to ensure that minority motorists are no longer subjected to unwarranted traffic stops.

I urge my colleagues to support this measure, and help protect the civil rights of all Americans. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Traffic Stops Statistics Study Act of 1999".

SEC. 2. ATTORNEY GENERAL TO CONDUCT STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Attorney General shall conduct a nationwide study of stops for traffic violations by law enforcement officers.

(2) INITIAL ANALYSIS.—The Attorney General shall perform an initial analysis of existing data, including complaints alleging and other information concerning traffic stops motivated by race and other bias.

(3) DATA COLLECTION.—After completion of the initial analysis under paragraph (2), the Attorney General shall then gather the following data on traffic stops from a nationwide sample of jurisdictions, including jurisdictions identified in the initial analysis:

(A) The traffic infraction alleged to have been committed that led to the stop.

(B) Identifying characteristics of the driver stopped, including the race, gender, ethnicity, and approximate age of the driver.

(C) Whether immigration status was questioned, immigration documents were requested, or an inquiry was made to the Immigration and Naturalization Service with regard to any person in the vehicle.

(D) The number of individuals in the stopped vehicle.

(E) Whether a search was instituted as a result of the stop and whether consent was requested for the search.

(F) Any alleged criminal behavior by the driver that justified the search.

(G) Any items seized, including contraband or money.

(H) Whether any warning or citation was issued as a result of the stop.

(I) Whether an arrest was made as a result of either the stop or the search and the justification for the arrest.

(J) The duration of the stop.

(b) REPORTING.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report the results of its initial analysis to Congress, and make such report available to the public, and identify the jurisdictions for which the study is to be conducted. Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the data collected under this Act to Congress, a copy of which shall also be published in the Federal Register.

SEC. 3. GRANT PROGRAM.

In order to complete the study described in section 2, the Attorney General may provide grants to law enforcement agencies to collect and submit the data described in section 2 to the appropriate agency as designated by the Attorney General.

SEC. 4. LIMITATION ON USE OF DATA.

Information released pursuant to section 2 shall not reveal the identity of any individual who is stopped or any law enforcement officer involved in a traffic stop.

SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means an agency of a State or political subdivision of a State, authorized by law or by a Federal, State, or local government agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws, or a federally recognized Indian tribe.

(2) INDIAN TRIBE.—The term "Indian tribe" means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. FEINGOLD. Mr. President, I am pleased to join my friend the senior Senator from New Jersey (Mr. LAUTENBERG) in introducing the Traffic Stops Statistics Act of 1999. This legislation represents a substantial step toward ending an insidious form of discrimination that is plaguing African-American and Hispanic drivers on our roadways—racial profiling. Most law enforcement officers do their best to respect and protect the rights of their fellow citizens, but it has become undeniable that racial profiling has become a disturbingly common practice.

Racial profiling is the practice of pulling over African American, Hispanic, and other minority drivers for routine traffic stops as a premise for conducting a search for drugs. They might be driving just like any ordinary driver, and so they might be surprised to be pulled over. "Was I speeding?" they ask. Often, they are told that they have committed some minor traffic infraction that most people are not even aware of—sometimes, the infraction is just a pretext—they might be told that their tire tread is not of the correct depth, or that they have a bumper sticker affixed incorrectly. Any such infraction can be alleged in order to pull over a target of racial profiling, and as a premise to ask for a search. Many people are not aware that they have the right to refuse a search, and many innocent people are afraid that saying no will make them look guilty.

The reality is, if they do refuse a search, victims can sometimes look forward to being detained anyway while a canine unit comes out to sniff for drugs. That is what happened to attorney Robert Wilkins and his family as they returned to Maryland by car from his grandfather's funeral in Chicago. Mr. Wilkins was fortunate enough to be an attorney who knew his rights, and proceeded to join with the ACLU and other groups to sue the Maryland State Police. As a result of that lawsuit, Maryland has conducted its own study of traffic stops, and the results indicate that over 75 percent of those people stopped and search on I-95 are African-American, even though African-Americans make up only 17 percent of the state's population. The innocent people who are inevitably caught in these racially motivated stops feel like they are being punished for what is now called "DWB"—"Driving While Black," or "Driving While Brown."

Mr. President, by and large when minorities are stopped by law enforcement officers, they are not attorneys, and they may not know or assert all of their rights—they are scared and they are resentful. And rightly so, when they have been the victim of racial profiling. Is this the way we want to stop the flow of drugs in America? By randomly targeting racial and ethnic minorities who are doing nothing more suspicious than driving their cars? Do we want law-abiding American citizens to feel as though they are living in a police state, scared and reluctant to travel in their cars for fear of being stopped and searched for no reason?

While African-Americans make up under 20% of the American population, several local studies like the Maryland one I mentioned earlier indicate that they make up a much greater percentage of all routine traffic stops, and are far more likely to be searched and subsequently arrested. In my own home state of Wisconsin, a 1996 study by the Madison Capital Times revealed that African-Americans receive 13% of Madison's traffic tickets, despite the fact that they make up only 4% of the city's population. In Florida, the Orlando Sentinel newspaper obtained more than 140 hours of videotapes from police patrol cars showing drivers being stopped on Interstate 95. About 70% of the drivers stopped were black or Hispanic, even though they made up only 5% of all drivers on the road. And in New Jersey, a recent study suggests that African Americans are almost five times as likely to be stopped for speeding as drivers of other races.

Dr. Martin Luther King, Jr., said that "injustice anywhere is a threat to justice everywhere." As Americans, we should all feel threatened when any one of us is denied our personal liberty. Just last week, the United States Supreme Court took yet another step toward eradicating our Fourth Amendment rights against the invasion of our privacy. It held in Wyoming versus Houghton that police can search the personal belongings of all passengers inside a car when looking for criminal evidence against the driver. I fear that this will send a message to some law enforcement officers that they can now expand racial profiling to include not only the driver of a passing car, but also the passengers. And if you happen to be a passenger in a car that was pulled over because of the color of the driver's skin, you can now look forward to having your personal belongings searched through and pored over.

The Traffic Stops Statistics Study Act of 1999 will begin to shed light on the practice of racial profiling. By analyzing the data that the Justice Department obtains over the next two years, we will get a clear picture of the prevalence of the practice of pulling people over because of their skin color or apparent ethnicity. A version of this bill passed the House last year, but died in the Senate. The simultaneous introduction of this bill in the Senate and the House shows that we are serious about sending this to the President's desk. I urge my colleagues in the Senate to join with us to enact this legislation.

It is high time to put a stop to this blatant and offensive practice, which is taking some law enforcement officers, and the rest of us, down a dangerous and discriminatory road.

By Mr. SPECTER:

S. 822. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

FLAT TAX ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation on a flat tax. This, of course, is a famous day, April 15, the day when Federal income tax returns are due. Across this land for many days, many weeks, some months, Americans have been struggling with their tax returns. As we speak, some may have on C-SPAN2 quietly while they are working on their returns at this very moment.

I recall seeing long lines at the Philadelphia post office near midnight on income tax day when cars were lined up and people were dropping off their tax returns at the post office to beat the filing deadline.

This is a good occasion to talk about the flat tax which permits taxpayers to report their income on a postcard. It can actually be done in the course of some 15 minutes. I filed my tax return and sent it off yesterday. It is very complicated. They say it takes a Philadelphia lawyer to fill out a tax return. I think it takes more than a Philadelphia lawyer to fill out a Federal income tax return, and we have labored under the complexities of the Internal Revenue Code for far too long.

I first introduced this legislation in March of 1995. I was the second one in the Congress of the United States to introduce flat-tax legislation. The majority leader, DICK ARMEY, had introduced the flat tax in the House of Representatives the preceding fall. I studied it. I studied the model of Professor Hall and Professor Rabushka, two distinguished professors of economics and tax law at Stanford University, and concluded that America ought to have a flat tax and that we could, in fact, have a flat tax if the American people really understood what a flat tax was all about.

The Hall-Rabushka model was revenue neutral at 19 percent. I have added 1 percent in order to allow for two deductions: one on charitable contributions up to $2,500 a year and a second on interest on home mortgages of borrowings up to $100,000 to take care of middle-class Americans, because I think without those two deductions, it would be a political impossibility to have a flat tax enacted.

The advantage of the flat tax is that it does have the flatness with only those two deductions, so it is a very simple matter to return the tax return.

Here is a sample tax return. You fill in your name and your address. You list your total wage, salary, or pension. There is a personal allowance, for a family of four. Up to $27,500 pays no tax at all. That constitutes about 53 percent of Americans. It has the two deductions for mortgage interest on debt up to $100,000 for an owner-occupied home and charitable contributions up to $2,500; total compensation multiplied by 20 percent, and that is that.

The tax burden costs Americans about $224 billion a year of our gross national product, which is mired in complexity and unnecessary regulation.

The flat tax seeks to bring equity into the tax payment by taxing only once so that the flat tax eliminates tax on net dividends, capital gains or estates because all of those items have already been taxed.

It would enable Americans to accumulate a great deal more in capital which would help business expansion which would help the economy. And it is projected that the gross national product would be increased by some $2 trillion over 7 years by virtue of this flat tax proposal.

The flat tax is a win-win situation all up and down the line because, by eliminating the loopholes, it eliminates the opportunities of very wealthy Americans to avoid paying taxes at all. When you take a look at the returns of the very, very rich, with the practices of deductions and tax shelters, all of which is legal, the very, very wealthy avoid paying any tax at all.

But this flat tax would have the advantages of capital accumulation, would have the advantage of increasing the gross national product, but most of all would have the simplicity of being able to file a tax return on a postcard.

I think that as I speak—it is always problematic as to how many people are watching C-SPAN2—but I think as I speak there are many Americans across the land tonight who would like to be able to fill out a tax return in 15 minutes. And my view is that if it were better understood, that there would be a great public clamor to have a flat tax enacted.

Mr. President, to reiterate, I have sought recognition to introduce legislation to provide for a flat 20% tax on individuals and businesses. In the 104th Congress, I was the first Senator to introduce flat tax legislation and the first Member of Congress to set forth a deficit-neutral plan for dramatically reforming our nation's tax code and replacing it with a flatter, fairer plan designed to stimulate economic growth. My flat tax legislation was also the first plan to retain limited deductions for home mortgage interest and charitable contributions.

As I traveled around the country and held town hall meetings across Pennsylvania and other states, the public support for fundamental tax reform was overwhelming. I would point out in those speeches that I never leave home without two key documents: (1) my copy of the Constitution; and (2) a copy of my 10-line flat tax postcard. I soon realized that I needed more than just one copy of my flat tax postcard—many people wanted their own postcard so that they could see what life in a flat tax world would be like, where tax returns only take 15 minutes to fill out and individual taxpayers are no longer burdened with double taxation on their dividends, interest, capital gains and estates.

Support for the flat tax is growing as more and more Americans embrace the simplicity, fairness and growth potential of flat tax reform. An April 17, 1995, edition of Newsweek cited a poll showing that 61 percent of Americans favor a flat tax over the current tax code. Significantly, a majority of the respondents who favor the flat tax preferred my flat tax plan with limited deductions for home mortgage interest and charitable contributions. Well before he entered the 1996 Republican presidential primary, publisher Steve Forbes opined in a March 27, 1995, Forbes editorial about the tremendous appeal and potency of my flat tax plan.

Congress was not immune to public demand for reform. Jack Kemp was appointed to head up the National Commission on Economic Growth and Tax Reform and the Commission soon came out with its report recognizing the value of a fairer, flatter tax code. Mr. Forbes soon introduced a flat tax plan of his own, and my fellow candidates in the 1996 Republican presidential primary began to embrace similar versions of either a flat tax or a consumption-based tax system.

Unfortunately, the politics of that Presidential campaign denied the flat tax a fair hearing and momentum stalled. On October 27, 1995, I introduced a Sense of the Senate Resolution calling on my colleagues to expedite Congressional adoption of a flat tax. The Resolution, which was introduced as an amendment to pending legislation, was not adopted.

I reintroduced this legislation in the 105th Congress with slight modifications to reflect inflation-adjusted increases in the personal allowances and dependent allowances. While my flat tax proposal was favorably received at town hall meetings in Pennsylvania, Congress failed to move forward on any tax reform during the 105th Congress. I tried repeatedly to raise the issue with leadership and the Finance Committee to no avail. I think the American people want this debate to move forward and I think the issue of tax reform is ripe for consideration.

In this period of opportunity as we commence the 106th Session of Congress, I am optimistic that public support for tax reform will enable us to move forward and adopt this critically important and necessary legislation. That is why today I am again introducing my Flat Tax Act of 1999.

My flat tax legislation will fundamentally revise the present tax code, with its myriad rates, deductions, and instructions. This legislation would institute a simple, flat 20% tax rate for all individuals and businesses. It will allow all taxpayers to file their April 15 tax returns on a simple 10-line postcard. This proposal is not cast in stone, but is intended to move the debate forward by focusing attention on three key principles which are critical to an effective and equitable taxation system: simplicity, fairness and economic growth.

Over the years and prior to my legislative efforts on behalf of flat tax reform, I have devoted considerable time and attention to analyzing our nation's tax code and the policies which underlie it. I began the study of the complexities of the tax code 40 years ago as a law student at Yale University. I included some tax law as part of my practice in my early years as an attorney in Philadelphia. In the spring of 1962, I published a law review article in the Villanova Law Review, "Pension and Profit Sharing Plans: Coverage and Operation for Closely Held Corporations and Professional Associations," 7 Villanova L. Rev. 335, which in part focused on the inequity in making tax-exempt retirement benefits available to some kinds of businesses but not others. It was apparent then, as it is now, that the very complexities of the Internal Revenue Code could be used to give unfair advantage to some.

Before I introduced my flat tax bill early in the 104th Congress, I had discussions with Congressman RICHARD ARMEY, the House Majority Leader, about his flat tax proposal. In fact, I testified with House Majority Leader RICHARD ARMEY before the Senate Finance and House Ways & Means Committees, as well as the Joint Economic Committee and the House Small Business Committee on the tremendous benefits of flat tax reform. Since then, and both before and after introducing my original flat tax bill, my staff and I have studied the flat tax at some length, and have engaged in a host of discussions with economists and tax experts, including the staff of the Joint Committee on Taxation, to evaluate the economic impact and viability of a flat tax. Based on those discussions, and on the revenue estimates supplied to us, I have concluded that a simple flat tax at a rate of 20% on all business and personal income can be enacted without reducing federal revenues.

A flat tax will help reduce the size of government and allow ordinary citizens to have more influence over how their money is spent because they will spend it—not the government. By creating strong incentives for savings and investment, the flat tax will have the beneficial result of making available larger pools of capital for expansion of the private sector of the economy—rather than more tax money for big government. This will mean more jobs and, just as important, more higher-paying jobs.

As a matter of federal tax policy, there has been considerable controversy over whether tax breaks should be used to stimulate particular kinds of economic activity, or whether tax policy should be neutral, leaving people to do what they consider best from a purely economic point of view. Our current tax code attempts to use tax policy to direct economic activity. Yet actions under that code have demonstrated that so-called tax breaks are inevitably used as the basis for tax shelters which have no real relation to solid economic purposes, or to the activities which the tax laws were meant to promote. Even when the government responds to particular tax shelters with new and often complex revisions of the regulations, clever tax experts are able to stay one or two steps ahead of the IRS bureaucrats by changing the structure of their business transactions and then claiming some legal distinctions between the taxpayer's new approach and the revised IRS regulations and precedents.

Under the massive complexity of the current IRS Code, the battle between $500-an-hour tax lawyers and IRS bureaucrats to open and close loopholes is a battle the government can never win. Under the flat tax bill I offer today, there are no loopholes, and tax avoidance through clever manipulations will become a thing of the past.

The basic model for this legislation comes from a plan created by Professors Robert Hall and Alvin Rabushka of the Hoover Institute at Stanford University. Their plan envisioned a flat tax with no deductions whatever. After considerable reflection, I decided to include in the legislation limited deductions for home mortgage interest for up to $100.000 in borrowing and charitable contributions up to $2,500. While these modifications undercut the pure principle of the flat tax by continuing the use of tax policy to promote home buying and charitable contributions, I believe that those two deductions are so deeply ingrained in the financial planning of American families that they should be retained as a matter of fairness and public policy—and also political practicality. With those two deductions maintained, passage of a modified flat tax will be difficult, but without them, probably impossible.

In my judgment, an indispensable prerequisite to enactment of a modified flat tax is revenue neutrality. Professor Hall advised that the revenue neutrality of the Hall-Rabushka proposal, which uses a 19% rate, is based on a well documented model founded on reliable governmental statistics. My legislation raises that rate from 19% to 20% to accommodate retaining limited home mortgage interest and charitable deductions. A preliminary estimate in the 104th Congress by the Committee on Joint Taxation places the annual cost of the home interest deduction at $35 billion, and the cost of the charitable deduction at $13 billion. While the revenue calculation is complicated because the Hall-Rabushka proposal encompasses significant revisions to business taxes as well as personal income taxes, there is a sound basis for concluding that the 1% increase in rate would pay for the two deductions. Revenue estimates for tax code revisions are difficult to obtain and are, at best, judgment calls based on projections from fact situations with myriad assumed variables. It is possible that some modification may be needed at a later date to guarantee revenue neutrality.

This legislation offered today is quite similar to the bill introduced in the House by Congressman ARMEY and in the Senate late in 1995 by Senator RICHARD SHELBY, which were both in turn modeled after the Hall-Rabushka proposal. The flat tax offers great potential for enormous economic growth, in keeping with principles articulated so well by Jack Kemp. This proposal taxes business revenues fully at their source, so that there is no personal taxation on interest, dividends, capital gains, gifts or estates. Restructured in this way, the tax code can become a powerful incentive for savings and investment—which translates into economic growth and expansion, more and better jobs, and raising the standard of living for all Americans.

In the 104th Congress, we took some important steps toward reducing the size and cost of government, and this work is ongoing and vitally important. But the work of downsizing government is only one side of the coin; what we must do at the same time, and with as much energy and care, is to grow the private sector. As we reform the welfare programs and government bureaucracies of past administrations, we must replace those programs with a prosperity that extends to all segments of American society through private investment and job creation—which can have the additional benefit of producing even lower taxes for Americans as economic expansion adds to federal revenues. Just as Americans need a tax code that is fair and simple, they also are entitled to tax laws designed to foster rather than retard economic growth. The bill I offer today embodies those principles.

My plan, like the Armey-Shelby proposal, is based on the Hall-Rabushka analysis. But my flat tax differs from the Armey-Shelby plan in four key respects: First, my bill contains a 20% flat tax rate. Second, this bill would retain modified deductions for mortgage interest and charitable contributions (which will require a 1% higher tax rate than otherwise). Third, my bill would maintain the automatic withholding of taxes from an individual's paycheck. Lastly, my bill is designed to be revenue neutral, and thus will not undermine our vital efforts to balance the nation's budget.

The key advantages of this flat tax plan are three-fold: First, it will dramatically simplify the payment of taxes. Second, it will remove much of the IRS regulatory morass now imposed on individual and corporate taxpayers, and allow those taxpayers to devote more of their energies to productive pursuits. Third, since it is a plan which rewards savings and investment, the flat tax will spur economic growth in all sectors of the economy as more money flows into investments and savings accounts, and as interest rates drop.

Under this tax plan, individuals would be taxed at a flat rate of 20% on all income they earn from wages, pensions and salaries. Individuals would not be taxed on any capital gains, interest on savings, or dividends—since those items will have already been taxed as part of the flat tax on business revenue. The flat tax will also eliminate all but two of the deductions and exemptions currently contained within the tax code. Instead, taxpayers will be entitled to "personal allowances" for themselves and their children. The personal allowances are: $10,000 for a single taxpayer; $15,000 for a single head of household; $17,500 for a married couple filing jointly; and $5,000 per child or dependent. These personal allowances would be adjusted annually for inflation after 1999.

In order to ensure that this flat tax does not unfairly impact low income families, the personal allowances contained in my proposal are much higher than the standard deduction and personal exemptions allowed under the current tax code. For example in the 1998 tax year, the standard deduction is $4,250 for a single taxpayer, $6,250 for a head of household and $7,100 for a married couple filing jointly, while the personal exemption for individuals and dependents is $2,700. Thus, under the current tax code, a family of four which does not itemize deductions would pay tax on all income over $17.900 (personal exemptions of $10,800 and a standard deduction of $7,100). By contrast, under my flat tax bill, that same family would receive a personal exemption of $27,500, and would pay tax only on income over that amount.

My legislation retains the provisions for the deductibility of charitable contributions up to a limit of $2,500 and home mortgage interest on up to $100,000 of borrowing. Retention of these key deductions will, I believe, enhance the political salability of this legislation and allow the debate on the flat tax to move forward. If a decision is made to eliminate these deductions, the revenue saved could be used to reduce the overall flat tax rate below 20%.

With respect to businesses, the flat tax would also be a flat rate of 20%. My legislation would eliminate the intricate scheme of complicated depreciation schedules, deductions, credits, and other complexities that go into business taxation in favor of a much-simplified system that taxes all business revenue less only wages, direct expenses and purchases—a system with much less potential for fraud, "creative accounting" and tax avoidance.

Businesses would be allowed to expense 100% of the cost of capital formation, including purchases of capital equipment, structures and land, and to do so in the year in which the investments are made. The business tax would apply to all money not reinvested in the company in the form of employment or capital formation—thus fully taxing revenue at the business level and making it inappropriate to re-tax the same monies when passed on to investors as dividends or capital gains.

Let me now turn to a more specific discussion of the advantages of the flat tax legislation I am introducing today.

The first major advantage to this flat tax is simplicity. According to the Tax Foundation, Americans spend approximately 5.3 billion hours each year filling out tax forms. Much of this time is spent burrowing through IRS laws and regulations which fill 17,000 pages and have grown from 744,000 words in 1955 to 5.6 million words in 1995.

Whenever the government gets involved in any aspect of our lives, it can convert the most simple goal or task into a tangled array of complexity, frustration and inefficiency. By way of example, most Americans have become familiar with the absurdities of the government's military procurement programs. If these programs have taught us anything, it is how a simple purchase order for a hammer or a toilet seat can mushroom into thousands of words of regulations and restrictions when the government gets involved. The Internal Revenue Service is certainly no exception. Indeed, it has become a distressingly common experience for taxpayers to receive computerized print-outs claiming that additional taxes are due, which require repeated exchanges of correspondence or personal visits before it is determined, as it so often is, that the taxpayer was right in the first place.

The plan offered today would eliminate these kinds of frustrations for millions of taxpayers. This flat tax would enable us to scrap the great majority of the IRS rules, regulations and instructions and delete most of the five million words in the Internal Revenue Code. Instead of tens of millions of hours of non-productive time spent in compliance with, or avoidance of, the tax code, taxpayers would spend only the small amount of time necessary to fill out a postcard-sized form. Both business and individual taxpayers would thus find valuable hours freed up to engage in productive business activity, or for more time with their families, instead of poring over tax tables, schedules and regulations.

The flat tax I have proposed can be calculated just by filling out a small postcard which would require a taxpayer only to answer a few easy questions. Filing a tax return would become a manageable chore, not a seemingly endless nightmare, for most taxpayers.

Along with the advantage of simplicity, enactment of this flat tax bill will help to remove the burden of costly and unnecessary government regulation, bureaucracy and red tape from our everyday lives. The heavy hand of government bureaucracy is particularly onerous in the case of the Internal Revenue Service, which has been able to extend its influence into so many aspects of our lives.

In 1995, the IRS employed 117,000 people, spread out over countless offices across the United States. Its budget was in excess of $7 billion, with over $4 billion spent merely on enforcement. By simplifying the tax code and eliminating most of the IRS' vast array of rules and regulations, the flat tax would enable us to cut a significant portion of the IRS budget, including the bulk of the funding now needed for enforcement and administration.

In addition, a flat tax would allow taxpayers to redirect their time, energies and money away from the yearly morass of tax compliance. According to the Tax Foundation, in 1996, the private sector spent over $150 billion complying with federal tax laws. According to a Tax Foundation study, adoption of flat tax reform would cut pre-filing compliance costs by over 90 percent.

Monies spent by businesses and investors in creating tax shelters and finding loopholes could be instead directed to productive and job-creating economic activity. With the adoption of a flat tax, the opportunities for fraud and cheating would also be vastly reduced, allowing the government to collect, according to some estimates, over $120 billion annually.

The third major advantage to a flat tax is that it will be a tremendous spur to economic growth. Harvard economist Dale Jorgenson estimates adoption of a flat tax like the one offered today would increase future national wealth by over $2 trillion, in present value terms, over a seven year period. This translates into over $7,500 in increased wealth for every man, woman and child in America. This growth also means that there will be more jobs—it is estimated that the $2 trillion increase in wealth would lead to the creation of 6 million new jobs.

The economic principles are fairly straightforward. Our current tax system is inefficient; it is biased toward too little savings and too much consumption. The flat tax creates substantial incentives for savings and investment by eliminating taxation on interest, dividends and capital gains—and tax policies which promote capital formation and investment are the best vehicle for creation of new and high paying jobs, and for a greater prosperity for all Americans.

It is well recognized that to promote future economic growth, we need not only to eliminate the federal government's reliance on deficits and borrowed money, but to restore and expand the base of private savings and investment that has been the real engine driving American prosperity throughout our history. These concepts are related—the federal budget deficit soaks up much of what we have saved, leaving less for businesses to borrow for investments.

It is the sum total of savings by all aspects of the U.S. economy that represents the pool of all capital available for investment—in training, education, research, machinery, physical plant, etc.—and that constitutes the real seed of future prosperity. The statistics here are daunting. In the 1960s, the net U.S. national savings rate was 8.2 percent, but it has fallen to a dismal 1.5 percent. Americans save at only one-tenth the rate of the Japanese, and only one-fifth the rate of the Germans. This is unacceptable and we must do something to reverse the trend.

An analysis of the components of U.S. savings patterns shows that although the federal budget deficit is the largest cause of "dissavings," both personal and business savings rates have declined significantly over the past three decades. Thus, to recreate the pool of capital stock that is critical to future U.S. growth and prosperity, we have to do more than just get rid of the deficit. We have to very materially raise our levels of private savings and investment. And we have to do so in a way that will not cause additional deficits.

The less money people save, the less money is available for business investment and growth. The current tax system discourages savings and investment, because it taxes the interest we earn from our savings accounts, the dividends we make from investing in the stock market, and the capital gains we make from successful investments in our homes and the financial markets. Indeed, under the current law these rewards for saving and investment are not only taxed, they are overtaxed—since gains due solely to inflation, which represent no real increase in value, are taxed as if they were profits to the taxpayer.

With the limited exceptions of retirement plans and tax free municipal bonds, our current tax code does virtually nothing to encourage personal savings and investment, or to reward it over consumption. This bill will change this system, and address this problem. The proposed legislation reverses the current skewed incentives by promoting savings and investment by individuals and by businesses. Individuals would be able to invest and save their money tax-free and reap the benefits of the accumulated value of those investments without paying a capital gains tax upon the sale of these investments. Businesses would also invest more as the flat tax allowed them to expense fully all sums invested in new equipment and technology in the year the expense was incurred, rather than dragging out the tax benefits for these investments through complicated depreciation schedules. With greater investment and a larger pool of savings available, interest rates and the costs of investment would also drop, spurring even greater economic growth.

Critics of the flat tax have argued that we cannot afford the revenue losses associated with the tremendous savings and investment incentives the bill affords to businesses and individuals. Those critics are wrong. Not only is this bill carefully crafted to be revenue neutral, but historically we have seen that when taxes are cut, revenues actually increase, as more taxpayers work harder for a larger share of their take-home pay, and investors are more willing to take risks in pursuit of rewards that will not get eaten up in taxes.

As one example, under President Kennedy when individual tax rates were lowered, investment incentives including the investment tax credit were created and then expanded and depreciation rates were accelerated. Yet, between 1962 and 1967, gross annual federal tax receipts grew from $99.7 billion to $148 billion—an increase of nearly 50%. More recently after President Reagan's tax cuts in the early 1980's, government tax revenues rose from just under $600 billion in 1981 to nearly $1 trillion in 1989. In fact, the Reagan tax cut program helped to bring about one of the longest peacetime expansion of the U.S. economy in history. There is every reason to believe that the flat tax proposed here can do the same—and by maintaining revenue neutrality in this flat tax proposal, as we have, we can avoid any increases in annual deficits and the national debt.

In addition to increasing federal revenues by fostering economic growth, the flat tax can also add to federal revenues without increasing taxes by closing tax loopholes. The Congressional Research Service estimates that for fiscal year 1995, individuals sheltered more than $393 billion in tax revenue in legal loopholes, and corporations sheltered an additional $60 billion. There may well be additional monies hidden in quasi-legal or even illegal "tax shelters." Under a flat tax system, all tax shelters will disappear and all income will be subject to taxation.

The growth case for a flat tax is compelling. It is even more compelling in the case of a tax revision that is simple and demonstrably fair.

By substantially increasing the personal allowances for taxpayers and their dependents, this flat tax proposal ensures that poorer taxpayers will pay no tax and that taxes will not be regressive for lower and middle income taxpayers. At the same time, by closing the hundreds of tax loopholes which are currently used by wealthier taxpayers to shelter their income and avoid taxes, this flat tax bill will also ensure that all Americans pay their fair share.

The flat tax legislation that I am offering will retain the element of progressivity that Americans view as essential to fairness in an income tax system. Because of the lower end income exclusions, and the capped deductions for home mortgage interest and charitable contributions, the effective tax rates under my bill will range from 0% for families with incomes under about $30,000 to roughly 20% for the highest income groups.

My proposed legislation demonstrably retains the fairness that must be an essential component of the American tax system.

The proposal that I make today is dramatic, but so are its advantages: a taxation system that is simple, fair and designed to maximize prosperity for all Americans. A summary of the key advantages are:

Simplicity: A 10-line postcard filing would replace the myriad forms and attachments currently required, thus saving Americans up to 5.3 billion hours they currently spend every year in tax compliance.

Cuts Government: The flat tax would eliminate the lion's share of IRS rules, regulations and requirements, which have grown from 744,000 words in 1955 to 5.6 million words and 12,000 pages currently. It would also allow us to slash the mammoth IRS bureaucracy of 117,000 employees.

Promotes Economic Growth: Economists estimate a growth of over $2 trillion in national wealth over seven years, representing an increase of approximately $7,500 in personal wealth for every man, woman and child in America. This growth would also lead to the creation of 6 million new jobs.

Increases Efficiency: Investment decisions would be made on the basis of productivity rather than simply for tax avoidance, thus leading to even greater economic expansion.

Reduces Interest Rates: Economic forecasts indicate that interest rates would fall substantially, by as much as two points, as the flat tax removes many of the current disincentives to savings.

Lowers Compliance Costs: Americans would be able to save up to $224 billion they currently spend every year in tax compliance.

Decreases Fraud: As tax loopholes are eliminated and the tax code is simplified, there will be far less opportunity for tax avoidance and fraud, which now amounts to over $120 billion in uncollected revenue annually.

Reduces IRS Costs: Simplification of the tax code will allow us to save significantly on the $7 billion annual budget currently allocated to the Internal Revenue Service.

Professors Hall and Rabushka have projected that within seven years of enactment, this type of a flat tax would produce a 6 percent increase in output from increased total work in the U.S. economy and increased capital formation. The economic growth would mean a $7,500 increase in the personal income of all Americans.

No one likes to pay taxes. But Americans will be much more willing to pay their taxes under a system that they believe is fair, a system that they can understand, and a system that they recognize promotes rather than prevents growth and prosperity. The legislation I introduce today will afford Americans such a tax system.

By Mr. HARKIN (for himself and Mr. DURBIN):

S. 823. A bill to establish a program to assure the safety of processed produce intended for human consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FRUIT AND VEGETABLE SAFETY ACT

Mr. HARKIN. Mr. President, today I am introducing legislation to bridge obvious gaps in the safety of fresh fruits and vegetables. This legislation will establish basic standards of sanitation for processed fruits and vegetables, simple standards that will help assure that Americans can enjoy these foods safely.

American families are on the front lines of this food safety battle three times a day—breakfast, lunch and dinner. Health experts advise us to eat at least five servings a day of fresh fruits and vegetables as part of a healthy lifestyle. Studies show these foods can cut our risks of cancer and heart disease. Americans have listened, and our consumption of fresh fruits and vegetables has grown every year. We can now find a variety of out-of-season produce, imported and exotic foods. We also enjoy convenience foods, ready-to-eat mixed salads, sprouts, mixed juices, a variety of frozen berries, dried spices, and other treats unavailable a few decades ago.

Americans can buy produce that is the safest in the world, and food safety problems from produce are rare. But these problems can be devastating for victims, and consumers are demanding stronger laws to protect themselves from food borne illness. Since 1990, more than 40 outbreaks of foodborne illness have been linked to fresh fruit, vegetable and juice products consumed in the United States. More than 6300 illnesses were reported, with victims in almost all 50 states. Domestic melons, imported strawberries, lettuce, sprouts and orange juice each took their toll.

Processed or ready-to-eat produce may be more easily contaminated because it is handled extensively, cut up and rinsed, and then is eaten by the consumer without further preparation. It is essential that the processor handle these foods safely, because there is nothing the consumer can do once these products are contaminated.

This bill will improve the safety of these products by requiring that they are always processed under sanitary conditions. These are the same conditions you would use in your own kitchen, and should expect from a processor. The guidelines are simple; that rinse water be clean and sewage be kept away from the food, that workers can and do wash their hands, that flies, birds and rodents be kept out of the processing plant.

Under the bill provisions, FDA will inspect processors, domestic and importing, annually, to be sure they are following sanitary guidelines. FDA will also coordinate with other food safety agencies to develop research programs aimed at setting standards for safe agricultural practices for produce, and for testing methods that can verify that fruit or vegetable products has been processed safely.

Last August, the National Academy of Sciences, in evaluating the federal food safety system, advised that food safety agencies be able to "mandate minimum sanitation standards for food." Food safety should be a requirement—not a suggestion. We have had basic sanitation standards in place for meat and poultry for 93 years. FDA needs strong mandatory sanitation guidelines for produce. My bill would establish basic sanitation standards for processed fruits and vegetables. Most processors in the US are already following these reasonable standards, and are keeping their products safe. This bill will bring everyone up to par domestically, and allow FDA to address produce sanitation problems in importing countries.

Agriculture is clearly our nation's largest employer, providing jobs for millions from the farm to the corner markets. Agricultural communities cannot afford to have the American public question the safety of the food in their grocery stores. This is not just a public health issue, it is also an economic issue.

I believe these simple standards of cleanliness are reasonable, are long overdue, and will help assure that Americans can safely make these foods a part of every meal.

By Mr. KERRY (for himself, Mr. SMITH of Oregon, Mr. CHAFEE, Mr. CLELAND, Ms. SNOWE, Mr. BAYH, Ms. COLLINS, Mr. KENNEDY, Mr. LEVIN, Mr. EDWARDS, Mrs. MURRAY, and Mr. BRYAN):

S. 284. A bill to improve educational systems and facilities to better educate students throughout the United States; to the Committee on Health, Education, Labor, and Pensions.

COMPREHENSIVE SCHOOL IMPROVEMENT AND ACCOUNTABILITY ACT OF 1999

Mr. KERRY. Mr. President, I think every American knows what today is—Tax Day, 1999. It's a day that I think no doubt leaves most Americans, certainly, tired from the all too hurried rush to file those forms—but I hope also reminded that as we pay our taxes we're really making choices about our priorities—investing in a strong national defense, making a difference in research and development, protecting Social Security and Medicare—and the truth is that while no one likes to pay taxes, this is why we do it—so we can invest in certain priorities that make our nation strong.

Well, Mr. President, today I want to join with my colleague GORDON SMITH to talk about one of those investments, about the commitment Americans want us to make to our public schools, and about the biggest tax cut we can ever deliver for our children and grandchildren—the tax cut you give to future generations when you insist—today—that you're going to have a committed and qualified teacher in every classroom, that you're going to make every public school work, and that you're going to put every child on the road to a life in which they can make the most of their own talents and capacities for success.

Let's be honest—as a society, there is no decision of greater importance to the long term health, stability, and competitiveness of this nation, than the way we decide to educate our children.

We look to public schools today to educate our children to lead in an information age where the term "wired worker" will soon be redundant because of an information revolution that has literally put more power in the computer chip of a digital watch than in every computer combined in the United States just fifty years ago; massive technological change and demands to improve our productivity, putting more Americans to work for longer hours and putting them in front of computer screens for hours more when they're not at work; a global economy where borders have vanished—and the wealth of nations will be determined by the wisdom of their workers—by their level of training, the depth of their knowledge, and their ability to compete with workers around the world.

Mr. President, two hundred years ago Thomas Jefferson told us that our public schools would be "the pillars of the republic"—he was right then, he is right now—but today there is a caveat: those public schools must also be—more than ever—the pillars of our economy and the pillars of our communities.

And I would respectfully suggest to you that there has not been a more urgent time than the present to reevaluate—honestly—the way America's greatest democratic experiment is working—the experiment of our nation's public schools.

Those pillars of the republic have never before had to support so heavy a burden as they do today. In our world of telecommuting, the Internet, hundreds and soon thousands of television channels, sixty, seventy and eighty hour work weeks—there are fewer and fewer places where Americans come together in person to share in that common civic culture, fewer ways in which we unite as citizens—and caught up in that whirlwind are more students living in poverty, more students dealing with disabilities, more students with limited command of the English language.

More reasons, I believe, why this nation must have a great public school system.

And what can we say of the system before us today? I think we must say that—although there are thousands of public schools in this country doing a magnificent job of educating our children to a world class level—too many of our schools are struggling and too many kids are being left behind.

Mr. President, I believe we have a responsibility to be the true friends of public education—and the best friends are critical friends, and it is time that we seek the truth and offer our help to a system that is not doing enough for a large proportion of the 50 million children in our public schools today—children whose reading scores show that of 2.6 million graduating high school students, one-third are below basic reading level, one-third are at basic, only one-third are proficient and only 100,000 are at a world class reading level; children who edge out only South Africa and Cyprus on international tests in science and math, with 29 percent of all college freshmen requiring remedial classes in basic skills.

Mr. President, this year we have already passed the Ed-Flex Bill, a step forward in giving our schools the flexibility and the accountability they need to enact reform, making it a matter of law that we won't tie their hands with red tape when Governors and Mayors and local school districts are doing all they can to educate our kids, but also emphasizing that with added flexibility comes a responsibility to raise student achievement.

But Mr. President, EdFlex was just one step in a forward moving direction—balancing accountability and flexibility—to continue the process of real education reform—and that is why I am joining with my colleague from Oregon, GORDON SMITH, to introduce bipartisan legislation today—the Kerry-Smith Bill—with our colleagues the distinguished Senator from Massachusetts, my colleague TED KENNEDY and with MAX CLELAND, EVAN BAYH, JOHN EDWARDS, CARL LEVIN, PATTY MURRAY, RICHARD BRYAN, as well as JOHN CHAFEE, SUSAN COLLINS and OLYMPIA SNOWE from Maine—legislation which together we believe will make a difference in our schools, legislation which can bring together leaders from across the political spectrum around good ideas which unite us rather than dividing us.

Mr. President, for too long in this country the education debate has been stuck both nationally and locally—leaders unable or unwilling to answer the challenge, trapped in a debate that is little more than an echo of old and irrelevant positions with promising solutions stymied by ideology and interest groups—both on the right and on the left.

Nowhere more than in the venerable United States Senate, where we pride ourselves on our ability to work together across partisan lines, have we—in so many debates—been stuck in a place where Democrats and Republicans seem to talk past each other. Democrats are perceived to be always ready to throw money at the problem but never for sufficient accountability or creativity; Republicans are perceived as always ready to give a voucher to go somewhere else but rarely supportive of investing sufficient resources to make the public schools work.

Well, I think it is in this Congress, this year, that we can finally disengage ourselves from the political combat, and acknowledge that with so much on the line, such high stakes in our schools, you can't just talk past each other and call it reform.

We all need to do our part to find a new answer, and Mr. President I would respectfully suggest that in the bipartisan support you see for this legislation, there is a different road we can meet on to make it happen.

Together we are introducing the kind of comprehensive education reform legislation that I believe will provide us a chance to come together not as Democrats and Republicans, but as the true friends of parents, children, teachers, and principals—to come together as citizens—and help our schools reclaim the promise of public education in this country. We need to ask one question: "What provides our children with the best education?" And whether the answer is conservative, liberal or simply practical, we need to commit ourselves to that course.

Our bill is built on the notion of giving grants for schools—with real accountability—to pursue comprehensive reform and adopt the proven best practices of any other school—Voluntary State Reform Incentive Grants so school districts that choose to finance and implement comprehensive reform based on proven high-performance models can bring forth change. We will target investments at school districts with high numbers of at-risk students and leverage local dollars through matching grants. This component of the legislation will give schools the chance to quickly and easily put in place the best of what works in any other school—private, parochial or public—with decentralized control, site-based management, parental engagement, and high levels of volunteerism—while at the same time meeting high standards of student achievement and public accountability. I believe public schools need to have the chance to make changes not tomorrow, not five years from now, not after another study—but now—today.

So if schools will embrace this new framework—every school adopting the best practices of high achieving schools, building accountability into the system—what then are the key ingredients of excellence that every school needs to succeed?

Well, Mr. President, I think we can start by guaranteeing that every one of our nation's 80,000 principals have the capacity to lead—the talents and the know-how to do the job; effective leadership skills; the vision to create an effective team—to recruit, hire, and transfer teachers and engage parents. Without those abilities, the title of principal and the freedom to lead means little. We are proposing an "Excellent Principals Challenge Grant" which would provide funds to local school districts to train principals in sound management skills and effective classroom practices. This bill helps our schools make being a principal the great calling of our time.

But as we set our sights on recruiting a new generation of effective principals, we must acknowledge what today's best principals know: principals can only produce results as good as the teachers with whom they must work. To get the best results, we need the best teachers. And we must act immediately to guarantee that we get the best as the United States hires 2 million new teachers in the next ten years, 60% of them in the next five years. In the Kerry-Smith Bill we will empower our states and school districts to find new ways to hire and train outstanding teachers: through a focus on teacher quality and training—in Title V of this bill—we can use financial incentives to attract a larger group of qualified people into the teaching profession and we can provide real ongoing education and continued training for our nation's teachers.

This legislation will allow states to reconfigure their certification policies and their teaching standards to address the reality that our standards for teachers are not high enough—and at the same time, they are too rigid in setting out irrelevant requirements that don't make teaching better; they make it harder for some who choose to teach. We know we need to streamline teacher certification rules in this country to recruit the best college graduates to teach in the United States. Today we hire almost exclusively education majors to teach, and liberal arts graduates are only welcomed in our country's top private schools. Our legislation will allow states to rewrite the rules so principals have a far greater flexibility to hire liberal arts graduates as teachers, graduates who can meet high standards; while at the same time allowing hundreds of thousands more teachers to achieve a more broad based meaningful certification—the National Board for Professional Teaching Standards certification with its rigorous test of subject matter knowledge and teaching ability.

This legislation will build a new teacher recruitment system for our public schools—providing college scholarships for our highest achieving high school graduates if they agree to come back and teach in our public schools.

We will demand a great deal from our principals and our teachers—holding them accountable for student achievement—but Mr. President we also hope to build a new consensus in America that recognizes that you can't hold someone accountable if they don't have the tools to succeed.

Our bill helps to close the resource gap in public education: helping to eliminate the crime that turns too many hallways and classrooms into arenas of violence by giving school districts incentives to write discipline codes and create "Second Chance" schools with a range of alternatives for chronically disruptive and violent students—everything from short-term in-school crisis centers, to medium duration in-school suspension rooms, to high quality off-campus alternatives; helping every child come to school ready to learn by funding successful, local early childhood development efforts; and making schools the hubs of our communities once more by providing support for after school programs where students receive tutoring, mentoring, and values-based education—the kind of programs that are open to entire communities, making public schools truly public.

And our legislation will help us bring a new kind accountability to public education by injecting choice and competition into a public school system badly in need of both. We are not a country that believes in monopolies. We are a country that believes competition raises quality. And we ought to merge the best of those ideas by ending a system that restricts each child to an administrator's choice and not a parent's choice where possible. It is time we adopt a competitive system of public school choice with grants awarded to schools that meet parents' test of quality and assistance to schools that must catch up rapidly. That is why our bill creates an incentive for schools all across the nation to adopt public school choice to the extent logistically feasible.

Mr. President, we are not just asking Democrats and Republicans to meet in a compromise, a grand bargain to reform public education. We are offering legislation that helps us do it, that forces not just a debate, but a vote—yes or no, up or down, change or more of the same. Together we can embrace new rights and responsibilities on both sides of the ideological divide and admit that the answer to the crisis of public education is not found in one concept alone—in private school vouchers or bricks and mortar alone. We can find answers for our children by breaking with the instinct for the symbolic, and especially the notion that a speech here and there will make education better in this country. It can't and it won't. But our hard work together in the coming year—Democrats and Republicans together—can make a difference. Education reform can work in a bi-partisan way. There is no shortage of good ideas or leadership here in the Senate—the experience of GORDON SMITH who spent years in the Oregon legislature working to balance resources and accountability to raise the quality of public education; with tireless leadership from former Governors like EVAN BAYH and JOHN CHAFEE; bipartisan creativity from PATTY MURRAY and OLYMPIA SNOWE; and the leadership and passion, of course, of the senior Senator from my state, Senator KENNEDY, who has led the fight on education in this Senate, and who has provided this body with over 30 years of unrivaled leadership and support for education.

We look forward to working with all of our colleagues this year to pass this legislation, in this important year as we undergo the process of reauthorizing the Elementary and Secondary Education Act, to find common ground in ideas that we can all support—bold legislation that sends the message—finally—to parents and children struggling to find schools that work, and to teachers and principals struggling in schools simultaneously bloated with bureaucracy and starved for resources—to prove to them not just that we hear their cries for help, but that we will respond not with sound bites and salvos, but with real answers.

I thank my colleagues and I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive School Improvement and Accountability Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. General requirements.

TITLE I—VOLUNTARY STATE REFORM INCENTIVE GRANTS

Sec. 101. Demonstrations of innovative practices.
Sec. 102. Fully funding title I of ESEA.

TITLE II—ENSURING THAT CHILDREN BEGIN SCHOOL READY TO LEARN

Sec. 201. Definitions.
Sec. 202. Allotments to States.
Sec. 203. Grants to local collaboratives.
Sec. 204. Appropriations.

TITLE III—EXCELLENT PRINCIPALS CHALLENGE GRANT

Sec. 301. Grants to States for the training of principals.

TITLE IV—SECOND CHANCE PROGRAMS FOR DISRUPTIVE OR VIOLENT STUDENTS

Sec. 401. Establishment of second chance grant program.

TITLE V—TEACHER QUALITY AND TRAINING

Sec. 501. Grants for low-income areas.
Sec. 502. Scholarships for future teachers.
Sec. 503. Teacher quality.
Sec. 504. Loan forgiveness and cancellation for teachers.
Sec. 505. Teacher quality enhancement grants.
Sec. 506. Improving teacher technology training.

TITLE VI—INVESTMENT IN COMMUNITY-BASED SCHOOLS AND COMMUNITY SERVICE

Sec. 601. 21st century community learning centers.
Sec. 602. Grants for programs requiring community service.

TITLE VII—EXPANDING NATIONAL BOARD CERTIFICATION PROGRAM FOR TEACHERS

Sec. 701. Purpose.
Sec. 702. Grants to expand participation in the National Board Certification Program.

TITLE VIII—ENCOURAGING PUBLIC SCHOOL CHOICE

Sec. 801. Grants to encourage public school choice.

SEC. 2. DEFINITIONS.

The definitions in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) shall apply to this Act.

SEC. 3. GENERAL REQUIREMENTS.

(a) ELIGIBILITY.—

(1) STATE ELIGIBILITY.—To be eligible to receive assistance under title I, III, or VIII of this Act, or part E of title XIII of the Elementary and Secondary Education Act of 1965, a State educational agency, consortium of State educational agencies, or State shall reserve not more than 5 percent of the funds the State educational agency, consortium, or State, as appropriate, receives under title I, III, or VIII, or such part E, respectively, for a fiscal year to enable the State educational agency, consortium, or State, as appropriate—

(A) to specify to the Secretary how the receipt of the Federal funds will lead to school improvements, such as increasing student academic achievement, reducing out-of-field teacher placements, increasing teacher retention, and reducing the number of emergency teaching certificates;

(B) to conduct an annual evaluation to determine whether or not such improvements have occurred;

(C) if the improvements have not occurred, to specify to the Secretary what steps will be taken in the future to ensure the improvements; and

(D) for general administrative expenses of the activities assisted under title I, III, or VIII, or such part E, respectively.

(2) LOCAL EDUCATIONAL AGENCY.—To be eligible to receive assistance under title I or III of this Act, or parts E or F of title XIII of the Elementary and Secondary Education Act of 1965, a local educational agency shall—

(A) serve low achieving students as measured by low graduation rates or low scores on assessment exams;

(B) have a low teacher retention rate in the schools served by the local educational agency;

(C) have a high rate of out-of-field placement of teachers in the schools served by the local educational agency; and

(D) have a shortage of teachers of mathematics or physical science in the schools served by the local educational agency.

(b) GEOGRAPHIC REQUIREMENTS.—The Secretary shall promulgate regulations to ensure that a balanced amount of funding under titles III, VII, and VIII of this Act, section 602 of this Act, part I of title X, and parts E and F of title XIII, of the Elementary and Secondary Education Act of 1965, and subpart 9 of part A of title IV, and section 428K, of the Higher Education Act of 1965, is made available to rural and urban areas.

(c) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this Act shall be used to supplement and not supplant other Federal, State, and local public funds expended to carry out activities assisted under this Act.

TITLE I—VOLUNTARY STATE REFORM INCENTIVE GRANTS

SEC. 101. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

(a) PROVISION OF FUNDS.—From amounts appropriated under subsection (f), the Secretary, acting through the authority provided under section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492), shall award grants to State educational agencies to enable the States to provide for comprehensive school reforms.

(b) STATE APPLICATION.—To be eligible to receive a grant under subsection (a), a State educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the process and selection criteria that the State educational agency will utilize to award competitive grants to local educational agencies;

(2) a description of the manner in which the State educational agency will ensure

that only high quality comprehensive school reform proposals will be funded by the State under this section;

(3) a description of the manner in which the State educational agency will distribute information concerning the comprehensive reform program to local educational agencies and individual schools;

(4) a description of the methods to be used by the State educational agency to evaluate the results of the activities carried out by local educational agencies under the grant; and

(5) assurances that the State educational agency will use funds received under the grant to supplement, not supplant, other Federal, State and local resources provided for educational reforms.

(c) Use of Funds.—

(1) Grants to local educational agencies.—

(A) In general.—Subject to section 3(a)(1), a State educational agency shall use amounts received under a grant under this section to award competitive grants to local educational agencies to enable such local educational agencies to provide funds to schools to carry out activities relating to comprehensive school reform. Such activities may include—

(i) activities relating to the professional development and training of teachers, administrators, staff and parents;

(ii) the acquisition of expert technical assistance in carrying out school reform;

(iii) developing or acquiring instructional materials; and

(iv) implementing parent and community outreach programs.

(B) Distribution.—In awarding grants to local educational agencies under this subsection, the State educational agency shall ensure that grants are awarded to agencies where reforms will be implemented at schools with different grade levels.

(2) Application.—To be eligible to receive a grant under paragraph (1), a local educational agency shall prepare and submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency may require, including—

(A) a description of the schools to which the local educational agency will provide funds under the grant;

(B) a description of the comprehensive school reform program that will be implemented by the local educational agency, including the manner in which the local educational agency will provide technical assistance and support for school implementation efforts; and

(C) a description of the manner in which the local educational agency will evaluate and measure the results achieved by schools implementing comprehensive school reforms.

(3) Requirements.—A comprehensive school reform program shall—

(A) utilize innovative strategies and proven methods for student learning, teaching, and school management that are based on reliable and effective practices and that have been replicated successfully in schools with diverse characteristics;

(B) be based on a comprehensive design to achieve effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the curriculum, technology, and professional development of the school into a schoolwide reform plan that is designed to enable all students to meet challenging State content and student performance standards and address needs identified through school needs assessments;

(C) provide a high-quality and continuous teacher and staff professional development and training program;

(D) have measurable goals for student performance and benchmarks for meeting such goals;

(E) be supported by school faculty, administrators and staff;

(F) provide for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;

(G) utilize high-quality external technical support and assistance from a comprehensive school reform entity (which may be an institution of higher education) with experience or expertise in schoolwide reform and improvement;

(H) include a plan for the evaluation of the implementation of school reforms and the student results achieved; and

(I) identify how other resources that are available to the school will be utilized to coordinate services to support and sustain the school reform effort.

(d) Matching Requirement.—

(1) In general.—To be eligible to receive funds under this section, a State educational agency shall provide assurances satisfactory to the Secretary that non-Federal funds will be made available to carry out activities under this section in an amount equal to 20 percent of the amount that is provided to the State under this section.

(2) Non-federal contributions.—Non-Federal funds required under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(3) Reduction of non-federal contributions.—The Secretary shall promulgate regulations to reduce the non-Federal funds required under paragraph (1) for State educational agencies that serve the highest percentages of low-income children.

(e) Appropriations.—

(1) In general.—There are authorized to be appropriated, and there are appropriated, to carry out this section, $250,000,000 for fiscal year 2000, $500,000,000 for fiscal year 2001, $750,000,000 for fiscal year 2002, $1,000,000,000 for fiscal year 2003, and $4,000,000,000 for fiscal year 2004.

(2) Reservation of funds.—From the amounts appropriated under paragraph (1) for each fiscal year, the Secretary shall reserve 1 percent of such amounts to provide funds to schools that receive funding from the Bureau of Indian Affairs.

SEC. 102. FULLY FUNDING TITLE I OF ESEA.

Section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)) is amended by striking "$7,400,000,000 for fiscal year 1995" and all that follows through the period and inserting "$7,400,000,000 for fiscal year 2000, $7,600,000,000 for fiscal year 2001, $8,000,000,000 for fiscal year 2002, $8,400,000,000 for fiscal year 2003, and $11,400,000,000 for fiscal year 2004".

TITLE II—ENSURING THAT CHILDREN BEGIN SCHOOL READY TO LEARN

SEC. 201. DEFINITIONS.

In this title:

(1) Local educational agency.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) Poverty line.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(3) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(4) State board.—The term "State board" means a State Early Learning Coordinating Board established under section 202(c).

(5) Young child.—The term "young child" means an individual from birth through age 5.

(6) Young child assistance activities.—The term "young child assistance activities" means the activities described in paragraphs (1) and (2)(A) of section 203(b).

SEC. 202. ALLOTMENTS TO STATES.

(a) In General.—The Secretary shall make allotments under subsection (b) to eligible States to pay for the Federal share of the cost of enabling the States to make grants to local collaboratives under section 203 for young child assistance activities.

(b) Allotment.—

(1) In general.—From the funds appropriated under section 204 for each fiscal year and not reserved under subsection (i), the Secretary shall allot to each eligible State an amount that bears the same relationship to such funds as the total number of young children in poverty in the State bears to the total number of young children in poverty in all eligible States.

(2) Young child in poverty.—In this subsection, the term "young child in poverty" means an individual who—

(A) is a young child; and

(B) is a member of a family with an income below the poverty line.

(c) State Boards.—

(1) In general.—In order for a State to be eligible to obtain an allotment under this title, the Governor of the State shall establish, or designate an entity to serve as, a State Early Learning Coordinating Board, which shall receive the allotment and make the grants described in section 203.

(2) Established board.—A State board established under paragraph (1) shall consist of the Governor and members appointed by the Governor, including—

(A) representatives of all State agencies primarily providing services to young children in the State;

(B) representatives of business in the State;

(C) chief executive officers of political subdivisions in the State;

(D) parents of young children in the State;

(E) officers of community organizations serving low-income individuals, as defined by the Secretary, in the State;

(F) representatives of State nonprofit organizations that represent the interests of young children in poverty, as defined in subsection (b), in the State;

(G) representatives of organizations providing services to young children and the parents of young children, such as organizations providing child care, carrying out Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.), providing services through a family resource center, providing home visits, or providing health care services, in the State; and

(H) representatives of local educational agencies.

(3) Designated board.—The Governor may designate an entity to serve as the State

board under paragraph (1) if the entity includes the Governor and the members described in subparagraphs (A) through (G) of paragraph (2).

(4) DESIGNATED STATE AGENCY.—The Governor shall designate a State agency that has a representative on the State board to provide administrative oversight concerning the use of funds made available under this title and to ensure accountability for the funds.

(d) APPLICATION.—To be eligible to receive an allotment under this title, a State board shall annually submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the application shall contain—

(1) sufficient information about the entity established or designated under subsection (c) to serve as the State board to enable the Secretary to determine whether the entity complies with the requirements of such subsection;

(2) a comprehensive State plan for carrying out young child assistance activities;

(3) an assurance that the State board will provide such information as the Secretary shall by regulation require on the amount of State and local public funds expended in the State to provide services for young children; and

(4) an assurance that the State board shall annually compile and submit to the Secretary information from the reports referred to in section 203(e)(2)(F)(iii) that describes the results referred to in section 203(e)(2)(F)(i).

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be—

(A) 85 percent, in the case of a State for which the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) is not less than 50 percent but is less than 60 percent;

(B) 87.5 percent, in the case of a State for which such percentage is not less than 60 percent but is less than 70 percent; and

(C) 90 percent, in the case of any State not described in subparagraph (A) or (B).

(2) STATE SHARE.—

(A) IN GENERAL.—The State shall contribute the remaining share (referred to in this paragraph as the "State share") of the cost described in subsection (a).

(B) FORM.—The State share of the cost shall be in cash.

(C) SOURCES.—The State may provide for the State share of the cost from State or local sources, or through donations from private entities.

(f) STATE ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—A State may use not more than 5 percent of the funds made available through an allotment made under this title to pay for a portion, not to exceed 50 percent, of State administrative costs related to carrying out this title.

(2) WAIVER.—A State may apply to the Secretary for a waiver of paragraph (1). The Secretary may grant the waiver if the Secretary finds that unusual circumstances prevent the State from complying with paragraph (1). A State that receives such a waiver may use not more than 7.5 percent of the funds made available through the allotment to pay for the State administrative costs.

(g) MONITORING.—The Secretary shall monitor the activities of States that receive allotments under this title to ensure compliance with the requirements of this title, including compliance with the State plans.

(h) ENFORCEMENT.—If the Secretary determines that a State that has received an allotment under this title is not complying with a requirement of this title, the Secretary may—

(1) provide technical assistance to the State to improve the ability of the State to comply with the requirement;

(2) reduce, by not less than 5 percent, an allotment made to the State under this section, for the second determination of noncompliance;

(3) reduce, by not less than 25 percent, an allotment made to the State under this section, for the third determination of noncompliance; or

(4) revoke the eligibility of the State to receive allotments under this section, for the fourth or subsequent determination of noncompliance.

(i) TECHNICAL ASSISTANCE.—From the funds appropriated under section 204 for each fiscal year, the Secretary shall reserve not more than 1 percent of the funds to pay for the costs of providing technical assistance. The Secretary shall use the reserved funds to enter into contracts with eligible entities to provide technical assistance, to local collaboratives that receive grants under section 203, relating to the functions of the local collaboratives under this title.

SEC. 203. GRANTS TO LOCAL COLLABORATIVES.

(a) IN GENERAL.—A State board that receives an allotment under section 202 shall use the funds made available through the allotment, and the State contribution made under section 202(e)(2), to pay for the Federal and State shares of the cost of making grants, on a competitive basis, to local collaboratives to carry out young child assistance activities.

(b) USE OF FUNDS.—A local collaborative that receives a grant made under subsection (a)—

(1) shall use funds made available through the grant to provide, in a community, activities that consist of education and supportive services, such as—

(A) home visits for parents of young children;

(B) services provided through community-based family resource centers for such parents; and

(C) collaborative pre-school efforts that link parenting education for such parents to early childhood learning services for young children; and

(2) may use funds made available through the grant—

(A) to provide, in the community, activities that consist of—

(i) activities designed to strengthen the quality of child care for young children and expand the supply of high quality child care services for young children;

(ii) health care services for young children, including increasing the level of immunization for young children in the community, providing preventive health care screening and education, and expanding health care services in schools, child care facilities, clinics in public housing projects (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), and mobile dental and vision clinics;

(iii) services for children with disabilities who are young children; and

(iv) activities designed to assist schools in providing educational and other support services to young children, and parents of young children, in the community, to be carried out during extended hours when appropriate; and

(B) to pay for the salary and expenses of the administrator described in subsection (e)(4), in accordance with such regulations as the Secretary shall prescribe.

(c) MULTIYEAR FUNDING.—In making grants under this section, a State board may make grants for grant periods of more than 1 year to local collaboratives with demonstrated success in carrying out young child assistance activities.

(d) LOCAL COLLABORATIVES.—To be eligible to receive a grant under this section for a community, a local collaborative shall demonstrate that the collaborative—

(1) is able to provide, through a coordinated effort, young child assistance activities to young children, and parents of young children, in the community; and

(2) includes—

(A) all public agencies primarily providing services to young children in the community;

(B) businesses in the community;

(C) representatives of the local government for the county or other political subdivision in which the community is located;

(D) parents of young children in the community;

(E) officers of community organizations serving low-income individuals, as defined by the Secretary, in the community;

(F) community-based organizations providing services to young children and the parents of young children, such as organizations providing child care, carrying out Head Start programs, or providing pre-kindergarten education, mental health, or family support services; and

(G) nonprofit organizations that serve the community and that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(e) APPLICATION.—To be eligible to receive a grant under this section, a local collaborative shall submit an application to the State board at such time, in such manner, and containing such information as the State board may require. At a minimum, the application shall contain—

(1) sufficient information about the entity described in subsection (d)(2) to enable the State board to determine whether the entity complies with the requirements of such subsection;

(2) a comprehensive plan for carrying out young child assistance activities in the community, including information indicating—

(A) the young child assistance activities available in the community, as of the date of submission of the plan, including information on efforts to coordinate the activities;

(B) the unmet needs of young children, and parents of young children, in the community for young child assistance activities;

(C) the manner in which funds made available through the grant will be used—

(i) to meet the needs, including expanding and strengthening the activities described in subparagraph (A) and establishing additional young child assistance activities; and

(ii) to improve results for young children in the community;

(D) how the local cooperative will use at least 60 percent of the funds made available through the grant to provide young child assistance activities to young children and parents described in subsection (f);

(E) the comprehensive methods that the collaborative will use to ensure that—

(i) each entity carrying out young child assistance activities through the collaborative will coordinate the activities with such activities carried out by other entities through the collaborative; and

(ii) the local collaborative will coordinate the activities of the local collaborative with—

(I) other services provided to young children, and the parents of young children, in the community; and

(II) the activities of other local collaboratives serving young children and families in the community, if any; and

(F) the manner in which the collaborative will, at such intervals as the State board may require, submit information to the State board to enable the State board to carry out monitoring under section 202(f), including the manner in which the collaborative will—

(i) evaluate the results achieved by the collaborative for young children and parents of young children through activities carried out through the grant;

(ii) evaluate how services can be more effectively delivered to young children and the parents of young children; and

(iii) prepare and submit to the State board annual reports describing the results;

(3) an assurance that the local collaborative will comply with the requirements of subparagraphs (D), (E), and (F) of paragraph (2), and subsection (g); and

(4) an assurance that the local collaborative will hire an administrator to oversee the provision of the activities described in paragraphs (1) and (2)(A) of subsection (b).

(f) Distribution.—In making grants under this section, the State board shall ensure that not less than 60 percent of the funds made available through each grant are used to provide the young child assistance activities to young children (and parents of young children) who reside in school districts in which half or more of the students receive free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

(g) Local Share.—

(1) In general.—The local collaborative shall contribute a percentage (referred to in this subsection as the "local share") of the cost of carrying out the young child assistance activities.

(2) Percentage.—The Secretary shall by regulation specify the percentage referred to in paragraph (1).

(3) Form.—The local share of the cost shall be in cash.

(4) Source.—The local collaborative shall provide for the local share of the cost through donations from private entities.

(5) Waiver.—The State board shall waive the requirement of paragraph (1) for poor rural and urban areas, as defined by the Secretary.

(h) Monitoring.—The State board shall monitor the activities of local collaboratives that receive grants under this title to ensure compliance with the requirements of this title.

SEC. 204. APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, to carry out this title $100,000,000 for fiscal year 2000, $200,000,000 for fiscal year 2001, $300,000,000 for fiscal year 2002, $400,000,000 for fiscal year 2003, and $1,000,000,000 for fiscal year 2004.

TITLE III—EXCELLENT PRINCIPALS CHALLENGE GRANT

SEC. 301. GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS.

(a) Grants.—

(1) In general.—From the sums appropriated under subsection (g) and not reserved under subsection (f) for any fiscal year, the Secretary shall award grants to eligible State educational agencies or consortia of State educational agencies to enable such State educational agencies or consortia to award grants to local educational agencies for the provision of professional development services for public elementary school and secondary school principals to enhance the leadership skills of such principals.

(2) Award basis.—The Secretary shall award grants under this section to eligible State educational agencies or consortia on the basis of criteria that includes—

(A) the quality of the proposed use of the grant funds; and

(B) the educational need of the State or States.

(b) Eligibility.—To be eligible to receive a grant under subsection (a), a State educational agency or consortium shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that—

(1) matching funds will be provided in accordance with subsection (e); and

(2) principals were involved in developing the application and the proposed use of the grant funds.

(c) Use of Funds.—Subject to section 3(a)(1), a State educational agency or consortium that receives a grant under this section shall use amounts received under the grant to provide assistance to local educational agencies to enable such local educational agencies to provide training and other activities to increase the leadership and other skills of principals in public elementary schools and secondary schools. Such activities may include activities—

(1) to enhance and develop school management and business skills;

(2) to provide principals with knowledge of—

(A) effective instructional skills and practices; and

(B) comprehensive whole-school approaches and programs;

(3) to improve understanding of the effective uses of educational technology;

(4) to provide training in effective, fair evaluation of school staff; and

(5) to improve knowledge of State content and performance standards.

(d) Amount of Grant.—The amount of a grant awarded to a State educational agency or consortium under this section shall be determined by the Secretary.

(e) Matching Requirement.—

(1) In general.—To be eligible to receive funds under this section, a State educational agency or consortium shall provide assurances satisfactory to the Secretary that non-Federal funds will be made available to carry out activities under this title in an amount equal to 25 percent of the amount that is provided to the State educational agency or consortium under this section.

(2) Waiver.—The Secretary shall promulgate regulations to waive the matching requirement of paragraph (1) with respect to State educational agencies or consortia that the Secretary determines serve low-income areas.

(3) Non-federal contributions.—Non-Federal funds required under paragraph (1) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(f) Reservation.—The Secretary may reserve not more than 2 percent of the amount appropriated under subsection (g) for each fiscal year to develop model national programs to provide the activities described in subsection (c) to principals. In carrying out the preceding sentence the Secretary shall appoint a commission, consisting of representatives of local educational agencies, State educational agencies, departments of education within institutions of higher education, principals, education organizations, community groups, business, and labor, to examine existing professional development programs and to produce a report on the best practices to help principals in multiple education environments across our Nation. The report shall be produced not later than 1 year after the date of enactment of this Act.

(g) Appropriations.—There are authorized to be appropriated, and there are appropriated, $100,000,000 for each of the fiscal years 2000 through 2004 to carry out this section.

TITLE IV—SECOND CHANCE PROGRAMS FOR DISRUPTIVE OR VIOLENT STUDENTS

SEC. 401. ESTABLISHMENT OF SECOND CHANCE GRANT PROGRAM.

Title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8601 et seq.) is amended by adding at the end the following:

"PART E—SECOND CHANCE PROGRAMS FOR DISRUPTIVE OR VIOLENT STUDENTS

"SEC. 13501. STATEMENT OF PURPOSE.

"It is the purpose of this part to provide financial assistance to State educational agencies and local educational agencies to initiate a program of demonstration projects, personnel training, and similar activities designed to build a nationwide capability in public elementary schools and secondary schools to meet the educational needs of violent or disruptive students.

"SEC. 13502. AUTHORIZED PROGRAMS.

"(a) Establishment of Program.—From the sums appropriated under section 13505 for any fiscal year, the Secretary (after consultation with experts in the field of the education of disruptive or violent students) shall make grants to State educational agencies to enable such State educational agencies to provide financial assistance to local educational agencies to assist such local educational agencies in carrying out programs or projects that are designed to meet the educational needs of violent or disruptive students, including the training of school personnel in the education of violent or disruptive students.

"(b) Application.—Each State educational agency desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(c) Uses of Funds.—Subject to section 3(a)(1) of the Comprehensive School Improvement and Accountability Act of 1999, amounts provided under a grant under this section shall be used by the State educational agency to provide financial assistance to local educational agencies. Such local educational agencies shall use such assistance to—

"(1) promote effective classroom management;

"(2) provide training for school staff and administrators in enforcement of the discipline code described in subsection (d)(2), which may include training on violence prevention;

"(3) implement programs to modify student behavior, including hiring pupil services personnel (including school counselors, school psychologists, school social workers, and other professionals);

"(4) establish high quality alternative placements for chronically disruptive or violent students that include a continuum of alternatives such as—

"(A) meeting with behavior management specialists;

"(B) establishing short term in-school crisis centers;

"(C) providing medium duration in-school suspension rooms; and

"(D) facilitating off-campus alternatives for such students; or

"(5) carry out other activities determined appropriate by the Secretary.

"(d) ELIGIBILITY.—To be eligible to receive financial assistance from a State educational agency under this part a local educational agency shall—

"(1) prepare and submit to the State educational agency an application that contains an assurance that the local educational agency will use the assistance to carry out activities described in subsection (c);

"(2) have enacted and implemented a discipline code that—

"(A) is applied on a school district-wide basis;

"(B) makes use of clear, understandable language, including specific examples of behaviors that will result in disciplinary actions; and

"(C) is subject to signature by all students and their parents or guardians; and

"(3) comply with any other requirements determined appropriate by the State.

"SEC. 13503. FUNDING.

"Each State educational agency having an application approved under this part shall receive a grant for a fiscal year in an amount that bears the same relation to the total amount appropriated under section 13505 for the fiscal year as the amount the State educational agency is eligible to receive under part A of title I for the fiscal year bears to the amount received by all State educational agencies under part A of title I for the fiscal year.

"SEC. 13504. RULES OF CONSTRUCTION.

"(a) SERVICE OF STUDENTS.—Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving disruptive or violent students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this part shall be construed to restrict or eliminate any protection provided for in the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) with respect to students with disabilities.

"SEC. 13505. APPROPRIATIONS.

"There are authorized to be appropriated, and there are appropriated, $100,000,000 for each of the fiscal years 2000 through 2004 to carry out this part.".

TITLE V—TEACHER QUALITY AND TRAINING

SEC. 501. GRANTS FOR LOW-INCOME AREAS.

Title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8601 et seq.), as amended by section 401, is further amended by adding at the end the following:

"PART F—INCREASING SALARIES FOR TEACHERS

"SEC. 13601. GRANTS FOR STATE EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—The Secretary shall make grants to eligible State educational agencies to enable such agencies to increase the salaries of teachers in elementary schools and secondary schools.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—A State educational agency that receives a grant under this section shall use amounts received under the grant to increase the salaries of teachers in elementary schools and secondary schools.

"SEC. 13602. GRANTS TO STATES FOR SIGNING BONUSES TO TEACHERS.

"(a) IN GENERAL.—The Secretary shall make grants to eligible States to enable the States to provide incentives to encourage individuals to accept employment as teachers in certain elementary schools and secondary schools in the States.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—A State that receives a grant under this section shall use amounts received under the grant to provide incentives to encourage individuals to accept employment in an elementary school or secondary school that is served by a local educational agency that meets the eligibility requirements described in section 3(a)(2) of the Comprehensive School Improvement and Accountability Act of 1999.

"(d) AMOUNT OF GRANT.—The amount of a grant to be awarded to a State under this section shall be determined by the Secretary.

"(e) LIMITATION.—The Secretary shall use not more than $10,000,000 of the amount appropriated under section 13603 for each fiscal year to carry out this section.

"SEC. 13603. APPROPRIATIONS.

"There are authorized to be appropriated, and there are appropriated, $500,000,000 for each of the fiscal years 2000 and 2001, $1,000,000,000 for each of the fiscal years 2002 and 2003, and $2,000,000,000 for fiscal year 2004 to carry out this part.".

SEC. 502. SCHOLARSHIPS FOR FUTURE TEACHERS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

"SUBPART 9—SCHOLARSHIPS FOR FUTURE TEACHERS

"SEC. 420L. STATEMENT OF PURPOSE.

"It is the purpose of this subpart to establish a scholarship program to promote student excellence and achievement and to encourage students to make a commitment to teaching.

"SEC. 420M. SCHOLARSHIPS AUTHORIZED.

"(a) PROGRAM AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who make a commitment to become State certified teachers in elementary schools or secondary schools that are served by local educational agencies that meet the eligibility requirements described in section 3(a)(2) of the Comprehensive School Improvement and Accountability Act of 1999.

"(b) PERIOD OF AWARD.—Scholarships under this section shall be awarded for a period of not less than 1 and not more than 4 years during the first 4 years of study at any institution of higher education eligible to participate in any program assisted under this title. The State educational agency administering the scholarship program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence).

"(c) USE AT ANY INSTITUTION PERMITTED.—A student awarded a scholarship under this subpart may attend any institution of higher education.

"SEC. 420N. ALLOCATION AMONG STATES.

"(a) ALLOCATION FORMULA.—From the sums appropriated under section 420U for any fiscal year, the Secretary shall allocate to each State that has an agreement under section 420O an amount that bears the same relation to the sums as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 bears to the amount received under such part A by all States.

"(b) AMOUNT OF SCHOLARSHIPS.—The Secretary shall promulgate regulations setting forth the amount of scholarships awarded under this subpart.

"SEC. 420O. AGREEMENTS.

"The Secretary shall enter into an agreement with each State desiring to participate in the scholarship program authorized by this subpart. Each such agreement shall include provisions designed to ensure that—

"(1) the State educational agency will administer the scholarship program authorized by this subpart in the State;

"(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

"(3) the State educational agency will conduct outreach activities to publicize the availability of scholarships under this subpart to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the scholarship program authorized by this subpart; and

"(4) the State educational agency will pay to each individual in the State who is awarded a scholarship under this subpart an amount determined in accordance with regulations promulgated under section 420N(b).

"SEC. 420P. ELIGIBILITY OF SCHOLARS.

"(a) SECONDARY SCHOOL GRADUATION OR EQUIVALENT AND ADMISSION TO INSTITUTION REQUIRED.—Each student awarded a scholarship under this subpart shall—

"(1) have a secondary school diploma or its recognized equivalent;

"(2) have a score on a nationally recognized college entrance exam, such as the Scholastic Aptitude Test (SAT) or the American College Testing Program (ACT), that is in the top 20 percent of all scores achieved by individuals in the secondary school graduating class of the student, or have a grade point average that is in the top 20 percent of all students in the secondary school graduating class of the student;.s

"(3) have been admitted for enrollment at an institution of higher education; and

"(4) make a commitment to become a State certified elementary school or secondary school teacher for a period of 5 years.

"(b) SELECTION BASED ON COMMITMENT TO TEACHING.—Each student awarded a scholarship under this subpart shall demonstrate outstanding academic achievement and show promise of continued academic achievement.

"SEC. 420Q. SELECTION OF SCHOLARS.

"(a) ESTABLISHMENT OF CRITERIA.—The State educational agency is authorized to establish the criteria for the selection of scholars under this subpart.

"(b) ADOPTION OF PROCEDURES.—The State educational agency shall adopt selection procedures designed to ensure an equitable geographic distribution of scholarship awards within the State.

"(c) CONSULTATION REQUIREMENT.—In carrying out its responsibilities under subsections (a) and (b), the State educational agency shall consult with school administrators, local educational agencies, teachers, counselors, and parents.

"(d) TIMING OF SELECTION.—The selection process shall be completed, and the awards made, prior to the end of each secondary school academic year.

"SEC. 420R. SCHOLARSHIP CONDITION.

"The State educational agency shall establish procedures to assure that a scholar awarded a scholarship under this subpart pursues a course of study at an institution of higher education that is related to a career in teaching.

"SEC. 420S. RECRUITMENT.

"In carrying out a scholarship program under this section, a State may use not less than 5 percent of the amount awarded to the State under this subpart to carry out recruitment programs through local educational agencies. Such programs shall target liberal arts, education and technical institutions of higher education in the State.

"SEC. 420T. INFORMATION.

"The Secretary shall develop additional programs or strengthen existing programs to publicize information regarding the programs assisted under this title and teaching careers in general.

"SEC. 420U. APPROPRIATIONS.

"There are authorized to be appropriated, and there are appropriated, to carry out this subpart $10,000,000 for each of the fiscal years 2000 through 2004, of which not more than 0.5 percent shall be used by the Secretary in any fiscal year to carry out section 420T.".

SEC. 503. TEACHER QUALITY.

Section 210 of the Higher Education Act of 1965 (20 U.S.C. 1030) is amended to read as follows:

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $435,000,000 for each of the fiscal years 2000 through 2004, of which—

"(1) 62 percent shall be available for each fiscal year to award grants under section 202;

"(2) 31 percent shall be available for each fiscal year to award grants under section 203; and

"(3) 7 percent shall be available for each fiscal year to award grants under section 204.".

SEC. 504. LOAN FORGIVENESS AND CANCELLATION FOR TEACHERS.

(a) FEDERAL STAFFORD LOANS.—Section 428J of Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in the matter preceding subparagraph (A) of subsection (b)(1), by striking "for 5 consecutive complete school years";

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) AMOUNT.—

"(A) IN GENERAL.—The Secretary shall repay—

"(i) not more than $5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1); and

"(ii) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1).

"(B) SPECIAL RULE.—No borrower may receive a reduction of loan obligations under both this section and section 460."; and

(3) by adding at the end the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2000 through 2004.".

(b) DIRECT LOANS.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in the matter preceding clause (i) of subsection (b)(1)(A), by striking "for 5 consecutive complete school years";

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) IN GENERAL.—The Secretary shall repay—

"(A) not more than $5,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1)(A); and

"(B) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1)(A)."; and

(3) by adding at the end the following:

"(i) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2000 through 2004.".

SEC. 505. TEACHER QUALITY ENHANCEMENT GRANTS.

(a) STATES.—Section 202(d) of the Higher Education Act of 1965 (20 U.S.C. 1022(d)) is amended by adding at the end the following:

"(8) MENTORING.—Promoting mentoring programs that pair veteran teachers with novice teachers in order to—

"(A) increase the skill level of the novice teacher;

"(B) assist in the classroom effectiveness of the novice teacher; and

"(C) help promote the retention of the novice teacher in the school.".

(b) PARTNERSHIPS.—Section 203(e) of the Higher Education Act of 1965 (20 U.S.C. 1023(e)) is amended by adding at the end the following:

"(5) MENTORING.—Promoting mentoring programs that pair veteran teachers with novice teachers in order to—

"(A) increase the skill level of the novice teacher;

"(B) assist in the classroom effectiveness of the novice teacher; and

"(C) help promote the retention of the novice teacher in the school.".

SEC. 506. IMPROVING TEACHER TECHNOLOGY TRAINING.

(a) STATEMENT OF PURPOSE FOR TITLE I.—Section 1001(d)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301(d)(4)) is amended by inserting ", giving particular attention to the role technology can play in professional development and improved teaching and learning" before the semicolon.

(b) SCHOOL IMPROVEMENT.—Section 1116(c)(3) of such Act (20 U.S.C. 6317(c)(3)) is amended by adding at the end the following:

"(D) In carrying out professional development under this paragraph a school shall give particular attention to professional development that incorporates technology used to improve teaching and learning.".

(c) PROFESSIONAL DEVELOPMENT.—Section 1119(b) of such Act (20 U.S.C. 6320(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(F) include instruction in the use of technology."; and

(2) in paragraph (2)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (I) as subparagraphs (D) through (H), respectively.

(d) PURPOSES FOR TITLE II.—Section 2002(2) of such Act (20 U.S.C. 6602(2)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) in subparagraph (F), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(G) uses technology to enhance the teaching and learning process.".

(e) NATIONAL TEACHER TRAINING PROJECT.—Section 2103(b)(2) of such Act (20 U.S.C. 6623(b)(2)) is amended by adding at the end the following:

"(J) Technology.".

(f) LOCAL PLAN FOR IMPROVING TEACHING AND LEARNING.—Section 2208(d)(1)(F) of such Act (20 U.S.C. 6648(d)(1)(F)) is amended by inserting ", technologies," after "strategies".

(g) AUTHORIZED ACTIVITIES.—Section 2210(b)(2)(C) of such Act (20 U.S.C. 6650(b)(2)(C)) is amended by inserting ", and in particular technology," after "practices".

(h) HIGHER EDUCATION ACTIVITIES.—Section 2211(a)(1)(C) of such Act (20 U.S.C. 6651(a)(1)(C)) is amended by inserting ", including technological innovation," after "innovation".

TITLE VI—INVESTMENT IN COMMUNITY-BASED SCHOOLS AND COMMUNITY SERVICE

SEC. 601. 21ST CENTURY COMMUNITY LEARNING CENTERS.

Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.) is amended—

(1) in section 10905, by adding at the end the following:

"(14) Mentoring programs.

"(15) Academic assistance.

"(16) Drug, alcohol, and gang prevention activities."; and

(2) in section 10907, by striking "$20,000,000 for fiscal year 1995" and all that follows through the period and inserting "$600,000,000 for each of the fiscal years 2000 through 2004, to carry out this part.".

SEC. 602. GRANTS FOR PROGRAMS REQUIRING COMMUNITY SERVICE.

(a) IN GENERAL.—From sums appropriated under subsection (f) for any fiscal year, the Secretary shall award grants to State educational agencies to enable such State educational agencies to create and carry out programs to help students meet State secondary school graduation requirements relating to community service.

(b) APPLICATION.—To be eligible to receive a grant under this section a State educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) AMOUNT.—The Secretary shall determine the amount of a grant awarded to a State educational agency under this section.

(d) USE OF FUNDS.—A State educational agency shall use amounts received under a grant under this section to establish or expand a Statewide program, or school district-wide programs, that help secondary school students to perform community service in order to receive their secondary school diplomas. In carrying out such programs the State educational agency shall determine the type of community service required, the hours required, and whether to exempt low-income students who are employed before or after school, or during summer months.

(e) MATCHING REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive funds under this section, a State educational agency shall provide assurances satisfactory to the Secretary that non-Federal funds will be made available to carry out activities under this section in an amount equal to the amount that is provided to the State educational agency under this section, of which—

(A) 50 percent of such non-Federal funds shall be provided by the State educational agency or local educational agencies in the State; and

(B) 50 percent of such non-Federal funds shall be provided from the private sector.

(2) CONTRIBUTIONS.—Non-Federal contributions required in paragraph (1) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(f) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $10,000,000 for each of the fiscal years 2000 through 2004 to carry out this section.

TITLE VII—EXPANDING NATIONAL BOARD CERTIFICATION PROGRAM FOR TEACHERS

SEC. 701. PURPOSE.

It is the purpose of this title to assist 105,000 elementary school or secondary school teachers in becoming board certified by the year 2006.

SEC. 702. GRANTS TO EXPAND PARTICIPATION IN THE NATIONAL BOARD CERTIFICATION PROGRAM.

(a) IN GENERAL.—From amounts appropriated under subsection (e), the Secretary shall award grants to States to enable such States to provide subsidies to elementary school and secondary school teachers who enroll in the certification program of the National Board for Professional Teaching Standards.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) AMOUNT OF GRANT.—The amount of a grant awarded to a State under subsection (a) shall be determined by the Secretary.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts received under a grant under this section to provide a subsidy to an eligible teacher who enrolls and completes the teaching certification program of the National Board for Professional Teaching Standards.

(2) ELIGIBILITY.—To be eligible to receive a subsidy under this section an individual shall—

(A) be a teacher in an elementary school or secondary school, served by a local educational agency that meets the eligibility requirements described in section 3(a)(2), in the State involved;

(B) prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require; and

(C) certify to the State that the individual intends to enroll and complete the teaching certification program of the National Board for Professional Teaching Standards.

(3) AMOUNT OF SUBSIDY.—Subject to the availability of funds, a State shall provide to a teacher with an application approved under paragraph (2) a subsidy in an amount equal to 90 percent of the cost of enrollment in the program described in paragraph (2)(C).

(e) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section $37,800,000 for each of the fiscal years 2000 through 2004.

TITLE VIII—ENCOURAGING PUBLIC SCHOOL CHOICE

SEC. 801. GRANTS TO ENCOURAGE PUBLIC SCHOOL CHOICE.

(a) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall award grants to States to enable such States to implement public school choice programs.

(b) APPLICATION.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) AMOUNT.—The Secretary shall determine the amount of a grant awarded to a State under this section.

(d) USE OF FUNDS.—Subject to section 3(a)(1), a State shall use amounts received under a grant under this section to establish a statewide public school choice program under which elementary school and secondary school students, who attend a school served by a local educational agency that meets the eligibility requirements described in section 3(a)(2), may enroll in any public school of their choice. Amounts provided under such grant may also be used—

(1) to improve low performing school districts that lose students as a result of the program; and

(2) for any other activities determined appropriate by the State.

(e) LIMITATION.—A State may use not more than 10 percent of the amount received under a grant under this section to carry out activities under subsection (d)(2).

(f) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section, $10,000,000 for each of the fiscal years 2000 through 2004.

Mr. SMITH of Oregon. Mr. President, I rise today in an effort of bipartisanship with Senator KERRY, to present our plan to improve the quality of education for the children of this country. The legislation that we are introducing with Senators CHAFEE, COLLINS, SNOWE, BAYH, CLELAND, KENNEDY, LEVIN, EDWARDS, BRYAN, and MURRAY, combines the best ideas from the Republicans with the best ideas from the Democrats—it is a way of reaching across the aisle to accomplish education reform.

Our shared goal is legislation that empowers educators, parents, and principals to initiate positive change in the local school districts without burdensome Federal mandates. The Kerry-Smith Plan to Educate America's Children acts upon that goal and incorporates what the President proposed in his State of the Union Address—that our Federal dollars must be invested in programs that work. I couldn't agree more. We need to ensure that we're getting the biggest bang out of our education buck—not only for the Federal Government—but for the taxpayers who deserve it, and who expect it. The taxpayers are not only the watchdogs of how we spend our money, they are the stockholders and have the right to determine the direction and quality of our investment. This legislation turns the taxpayers into stockholders by directing the Federal dollars to State and local education agencies and allows them to manage the money locally—in local school districts and for local students—to enhance and improve the quality of public education in our nation.

Our proposal provides local education agencies, parents, principals, and teachers the resources to build upon reform models that have been proven to work, such as the Modern Red Schoolhouse and Success For All programs. For example, the Success For All program focuses on raising the achievement levels of K–12 students in low-performing schools by providing a wide range of assistance, including one-on-one tutoring and family support programs. To ensure that progress is being made, students in the Success For All program are assessed every eight weeks. If a student needs assistance in a specific area such as reading, a tutor is provided to help that student improve his or her reading skills.

Mr. President, this is exactly what every school in America should be doing. In addition, the Modern Red Schoolhouse program goes back to the basics and focuses on the core subject areas of math, science, and reading. Students learn to master these subject areas at their own pace in order to fulfill individual learning contracts. Importantly, this program combines parental and community involvement with flexible daily and yearly schedules for students in order to meet their individual goals.

It is clear that any education reform proposal must be comprehensive in order to be successful. That is why the Kerry-Smith bill focuses on the needs of children and parents before the school day begins, and after the school day ends.

First, our legislation strives to ensure that every child begins school ready to learn by providing the resources to expand existing programs such as EvenStart or HeadStart.

Second, our legislation provides the resources for the development and training of excellent principals—and the retraining of current principals to improve the way they manage our schools. This program can be an opportunity to encourage and recruit second-career principals from the business community.

Third, we provide the needed support for communities to develop alternative schools for students who need further academic or psychological counseling. One of the concerns I hear in my state is that there aren't enough counselors in each school district. In fact, one particular school district in my state, has one counselor for every 800 students. It is my hope we can greatly increase the number of counselors. Too many children need extra support, and it benefits us all to help ensure they get that support.

In this world-wide web generation where everything is changing and growing at such a rapid rate, we're not always able to keep up with the pace and progress of our children. Thomas Jefferson once said something to the effect that each generation is its own nation—and I think that is true to some extent—and it is our responsibility to prepare the next generation as they face the challenges of the next century.

So as we begin debating education reform, I will support those policies that fulfill our commitment. We can achieve our commitment by providing comprehensive programs to meet the needs of all of our children throughout the entire school day and after school.

We can achieve our commitment by investing in education programs that have proven to work—based on research and real results. And we can achieve our commitment by directing the resources for mentoring and training of our teachers and principals and rewarding local districts that display excellence in education.

The Kerry-Smith bill is an aggressive approach and puts these principles to work—not in Washington, D.C., but in our states and local school districts. We realize that there are many education reform proposals that will be introduced in the Senate this year. And despite the differing views of our respective parties on education in previous years, Senator KERRY and I intended to work with our colleagues on both sides of the aisle to find a workable solution based on the combined strength of various bills.

In closing, I would like to thank my colleague, Senator KERRY, for his foresight and leadership on this issue and encourage my colleagues' cosponsorship and support. The education of our children is, and must continue to be, a bipartisan commitment to excellence.

Mr. KENNEDY. Mr. President, I support the Education Improvement Act of 1999, introduced today by Senator SMITH and Senator KERRY, and I am proud to be a sponsor. It is a major initiative to improve the nation's public schools and address the serious problems they face, such as the shortage of teachers and the lack of after-school programs. These are real problems that deserve real solutions.

Education must continue to be a top priority for this Congress. Few other issues are as important to the nation as ensuring that every child has the opportunity for a good education.

Last year, with broad bipartisan support, Congress made substantial investments in the nation's public schools to reduce class size, expand after-school programs and improve the initial training of teachers. But more needs to be done. States and local communities are making significant progress toward improving their public schools, but they can't do it alone. The federal government must lend a helping hand.

We must do more to meet the needs of public schools, families, and children. We need to expand early childhood education programs, and meet our commitment to reducing class size, modernizing school buildings, improving the quality of the nation's teachers, and provide more opportunities for after-school programs.

The bill addresses these important issues in innovative and very promising ways. The proposed "Excellent Principals Challenge Grants" will give school principal the support they need to be effective school leaders. Principals are the bridge between the school and the school boards, and the children and families in the community. More needs to be done to make sure that principals receive the training they need to become effective school administrators. Every child should have the opportunity to attend a school with a well-trained teacher and a well-trained principal.

When it comes to education, the nation's children deserve the best help we can give them. I commend Senator KERRY and Senator SMITH for making this strong commitment to improving the nation's public schools.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 825. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer; to the Committee on Finance.

SMALL BUSINESS TAX CREDIT FOR HEALTH INSURANCE FOR LOW-INCOME WORKERS

Mr. DURBIN. Mr. President, I rise today on tax day to introduce a new legislative proposal to help small businesses afford quality health insurance for their low-income workers. The number of uninsured is at an all-time high. More than 43 million people, including 11 million children, lack health insurance coverage. Workers in small firms are significantly more likely to be uninsured than workers in larger firms. Nationally, 34 percent of workers in small businesses with less than 10 employees are uninsured. This compares to the national average for all workers which is 18.2 percent. In Illinois, 183,781 workers in a small business in 1997 went without health insurance. For low-income workers the situation was even worse. Nationally, 41.3 percent of workers earning less than $16,000 were uninsured. Again in Illinois, 112,770 working for less than $16,000 in small businesses were uninsured.

This situation is deteriorating. Recent studies show that the number of small businesses offering health insurance has been declining. In 1996, 52 percent of small businesses offered their employees health insurance benefits. This level had fallen to 47 percent by 1998. For the smallest firms, those with 3–9 workers, the percentage of employees covered by employer-sponsored health insurance fell from 36 percent in 1996 to 31 percent in 1998.

Only 39 percent of small businesses with a significant percentage of low-income employees offer employer-sponsored health insurance—such companies are half as likely to offer health benefits as are companies that have only a small proportion of low-income employees.

One of the main reasons for this decline in employer-sponsored health insurance is cost. Small businesses pay on average 30 percent more for health insurance than larger firms and costs are increasing more rapidly for small businesses causing them to drop health insurance benefits.

Health insurance coverage is also related to income. High income workers have the highest rates of insurance. The very poor are generally covered by public sources of health care. It is most often the working poor who have the lowest incidence of insurance. Thirty-seven percent of those with family incomes between 100 percent and 125 percent of poverty are uninsured. In contrast, 92.2 percent of individuals in families with incomes over $50,000 have insurance.

Bearing all this in mind, I am introducing a bill that recognizes that the most concentrated pool of Americans without health insurance are low-income workers in small businesses (0–9 employees). The bill provides tax credits to small businesses when they provide health insurance to those low-income workers. The bill provides a tax credit of up to $600 for an individual policy for a worker making up to $16,000/yr. and a tax credit of up to $1,200 for a family policy for a worker making up to $16,000/yr. The tax credit is valued at 60 percent of what the employer contributes for the individual's health insurance, or 70 percent of what the employer contributes for a family policy, to the maximum of $600 and $1,200 for self-only and family policies respectively.

The proposal does not undermine the employer-based health insurance market, and does not undermine the protections and advantages that are available to group purchasers. Instead it is designed to help small businesses to provide quality health insurance benefits for their employees.

By Mr. ROTH (for himself, Mr. BIDEN, Mr. HELMS, Mr. STEVENS, Mr. SPECTER, Mr. THURMOND, Mr. ENZI, Mr. COCHRAN, Mr. MURKOWSKI, Mr. ABRAHAM, Mr. CRAIG, Mr. DOMENICI, Mr.

DURBIN, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. HOLLINGS, Mr. SMITH of New Hampshire, Ms. COLLINS, Ms. LANDRIEU, Mr. VOINOVICH, and Mr. DEWINE):

S.J. Res. 19. A joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II, and for other purposes; to the Committee on Armed Services.

ADVANCEMENT OF REAR ADM. KIMMEL AND MAJ. GEN. SHORT ON RETIRED LISTS

Mr. ROTH. Mr. President, I rise today with my colleague from Delaware, Senator BIDEN, and on behalf of Senator THURMOND, Senator HELMS, Senator DOMENICI, Senator SPECTER, Senator STEVENS, and 15 other of our colleagues, to reintroduce a resolution whose intent to redress a grave injustice, one that haunts us from the tribulations of World War II.

The matter of which I speak concerns the reputations of two of the most accomplished officers who served in Pacific theater during that war: Admiral Husband Kimmel and General Walter Short.

They were the two senior commanders of U.S. military forces deployed in the Pacific at the time of the disastrous surprise December 7, 1941 attack on Pearl Harbor. In the immediate aftermath of the attack they were unfairly and publicly charged with dereliction of duty and blamed as singularly responsible for the success of that attack. In short, as we all know today, they were scapegoated.

What is most unforgivable is that after the end of World War II, this scapegoating was given a near permanent veneer when the President of the United States declined to advance Admiral Kimmel and General Short on the retired list to their highest ranks of wartime command—an honor that was given to every other senior commander who served in wartime positions above his regular grade.

That decision to exclude only these two officers was made despite the fact that wartime investigations had already exonerated those commanders of the dereliction of duty charge and criticized the War and Navy Departments for failings that contributed to the success of the attack on Pearl Harbor.

Mr. President, let me repeat this fact: Admiral Kimmel and General Short were the only two flag and general rank officers from World War II excluded from advancement on the military's retired list. That fact alone perpetuates the myth that Admiral Kimmel and General Short were derelict in their duty and singularly responsible for the success of the attack on Pearl Harbor.

The scapegoating of Admiral Kimmel and General Short was one of the great injustices that occurred within our own ranks during World War II. The motivation behind our resolution today is to recognize and correct this injustice.

Our resolution calls upon the President of the United States posthumously to advance on the retirement lists Admiral Kimmel and General Short to the grades of this highest wartime commands. In adopting this resolution, the Senate would communicate its recognition of the injustice done to them and call upon the President to take corrective action. Such a statement by the Senate would do much to remove the stigma of blame that so unfairly burdens the reputations of these two officers. It is a correction consistent with our military's tradition of honor, and it is one long overdue.

Mr. President, the facts that constitute the case of Admiral Kimmel and General Short have been remarkably documented. Since the 1941 attack on Pearl Harbor, there have been no less than nine official governmental investigations and reports, and one inquiry conducted by a special Joint Congressional Committee.

Perhaps the most flawed, and unfortunately most influential investigation, was that of the Roberts Commission. Less than 6 weeks after the Pearl Harbor attack, in a hastily prepared report to the President, the commission accused Kimmel and Short of dereliction of duty—a charge that was immediately and highly publicized.

Adm. William Harrison Standley, who served as a member of this Commission, later disavowed its report, stating that Admiral Kimmel and General Short were "martyred" and "if they had been brought to trial, they would have been cleared of the charge."

Later, Adm. J.O. Richardson, who was Admiral Kimmel's predecessor as Commander in Chief, U.S. Pacific Fleet, wrote:

> In the impression that the Roberts Commission created in the minds of the American people, and in the way it was drawn up for that specific purpose, I believe that the report of the Roberts Commission was the most unfair, unjust, and deceptively dishonest document ever printed by the Government Printing Office.

Subsequent investigations provided clear evidence that Admiral Kimmel and General Short were unfairly singled out for blame. These reports include those presented by a 1944 Navy Court of Inquiry, the 1944 Army Pearl Harbor Board of Investigation, a 1946 Joint Congressional Committee, and more recently a 1991 Army Board for the Correction of Military Records and report prepared by the Department of Defense in 1995. The findings of these official reports can be summarized as four principal points.

First, there is ample evidence that the Hawaiian commanders were not provided vital intelligence that they needed, and that was available in Washington prior to the attack on Pearl Harbor. Their senior commanders had critical information about Japanese intentions, plans, and actions, but neighter passed this on nor took issue nor attempted to correct the disposition of forces under Kimmel's and Short's commands in response to the information they attained.

Second, the disposition of forces in Hawaii were proper and consistent with the information made available to Admiral Kimmel and General Short.

In my review of this case, I was most struck by the honor and integrity demonstrated by Gen. George Marshall who was Army Chief of Staff at the time of the attack. On November 27, 1941, General Short interpreted a vaguely written war warning message sent from the high command in Washington as suggesting the need to defend against sabotage. Consequently, he concentrated his aircraft away from perimeter roads to protect them, thus inadvertently increasing their vulnerability to air attack. When he reported his preparations to the General Staff in Washington, the General Staff took no steps to clarify the reality of the situation.

In 1946 before a Joint Congressional Committee investigating the Pearl Harbor disaster General Marshall testified that he was responsible for ensuring the proper disposition of General Short's forces. He acknowledged that he must have received General Short's report, which would have been his opportunity to issue a corrective message, and that he failed to do so.

Mr. President, General Marshall's integrity and sense of responsibility is a model for all of us. I only wish it had been able to have greater influence over the case of Admiral Kimmel and General Short.

A third theme of these investigations concerned the failure of the Department of War and the Department of the Navy to properly manage the flow of intelligence. The Dorn Report completed in 1995 for the Deputy Secretary of Defense at the request of Senator THURMOND, stated that the handling of intelligence in Washington during the time leading up to the attack on Pearl Harbor was characterized by, among other faults, ineptitude, limited coordination, ambiguous language, and lack of clarification and followup.

The bottom line is that poor command decisions and inefficient management structures and procedures blocked the flow of essential intelligence from Washington to the Hawaiian commanders.

The fourth and most important theme that permeates the aforementioned reports is that blame for the disaster at Pearl Harbor cannot be placed only upon the Hawaiian commanders. Some of these reports completely absolved these two officers. While others found them to have made errors in judgment, all the reports subsequent to the Roberts Commission cleared Admiral Kimmel and General Short of the charge of dereliction of duty and underscored the rollout of a broad failure by the entire chain of command.

And, Mr. President, all those reports identified significant failures and shortcomings of the senior authorities in Washington that contributed significantly—if not predominantly—to the success of the surprise attack on Pearl Harbor.

The Dorn Report put it best, stating that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared."

Mr. President, let me add one poignant fact about two of these investigations. The conclusions of the 1944 Naval Court of Inquiry and the Army Pearl Harbor Board—that Kimmel's and Short's forces had been properly disposed according to the information available to them and that their superiors had failed to share important intelligence—were kept secret on the grounds that citing the existence of this intelligence would have been detrimental to the war effort.

Be that as it may, there is no longer any reason to perpetuate the cruel myth that Kimmel and Short were singularly responsible for the disaster at Pearl Harbor. To do so is not only unfair, it tarnishes our Nation's military honor. For reasons unexplainable to me, this scapegoating of Admiral Kimmel and General Short has survived the cleansing tides of history.

This issue of fairness and justice has been raised not only by General Short and Admiral Kimmel and their surviving families today, but also by numerous senior officers and public organizations around the country.

Mr. President, allow me to submit for the RECORD a letter endorsing our resolution from five living former naval officers who served at the very pinnacle of military responsibility. They are former Chairmen of the Joint Chiefs of Staff, Adm. Thomas H. Moorer and Adm. William J. Crowe; and former Chiefs of Naval Operations Adm. J.L. Holloway III, Adm. Elmo R. Zumwalt, and Adm. Carlisle A.H. Trost.

I also submit a similar letter from Senator Robert Dole, one of our most distinguished colleagues, who as we all know served heroically in World War II.

The efforts of these and other officers have been complemented by the initiatives of many public organizations who have called for posthumous advancement of Kimmel and Short.

I submit for the RECORD a copy of the VFW's Resolution Number 441 passed last August calling for the advancement of Admiral Kimmel and General Short.

Mr. President, Admiral Kimmel and General Short remain unjustly stigmatized by our Nation's failure to treat them in the same manner with which we treated their peers. To redress this wrong would be fully consistent with this Nation's sense of justice. As I said earlier, after 58 years, this correction is long overdue.

The message of our joint resolution is about justice, equity, and honor. Its purpose is to redress an historic wrong, to ensure that these two officers are treated fairly and with the dignity and honor they deserve, and to ensure that justice and fairness fully permeate the memory and lessons learned from the catastrophe at Pearl Harbor. In the largest sense, passage of this resolution will restore the honor of the United States in this issue.

I urge my colleagues to support this joint resolution.

Mr. President, I ask unanimous consent to have printed in the RECORD the joint resolution and the documents to which I have referred.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

Whereas Rear Admiral Husband E. Kimmel, formerly the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941 attack on Pearl Harbor;

Whereas Major General Walter C. Short, formerly the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941 attack on Pearl Harbor;

Whereas numerous investigations following the attack on Pearl Harbor have documented that Admiral Kimmel and Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6-7, 1941, known as the Fourteen-Part Message;

Whereas on December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general;

Whereas Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge";

Whereas on October 19, 1944, a Naval Court of Inquiry exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941 attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor"; criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation"; and, concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service;

Whereas on June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel;

Whereas on October 20, 1944, the Army Pearl Harbor Board of Investigation determined that Lieutenant General Short had not been kept "fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war"; detailed information and intelligence about Japanese intentions and war plans were available in "abundance" but were not shared with the General Short's Hawaii command; and General Short was not provided "on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this";

Whereas the reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral Kimmel and Major General Short were denied their requests to defend themselves through trial by court-martial;

Whereas the joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty;

Whereas the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., on April 27, 1954, recommended that Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947;

Whereas on November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that Lieutenant General Short "was unjustly held responsible for the Pearl Harbor disaster" and that "it would be equitable and just" to advance him to the rank of lieutenant general on the retired list";

Whereas in October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Admiral Kimmel and recommended that the case of Admiral Kimmel be reopened;

Whereas the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of Rear Admiral Kimmel or Major General Short in grade, it did set forth as a conclusion of the study that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared";

Whereas the Dorn Report found that "Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war"; that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels"; and, that "together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered";

Whereas, on July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from Admiral Kimmel and Lieutenant General Short;

Whereas the Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list;

Whereas Rear Admiral Kimmel and Major General Short are the only two eligible officers from World War II who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under the terms of the Officer Personnel Act of 1947;

Whereas this singular exclusion from advancement on the retired list serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States;

Whereas Major General Walter Short died on September 23, 1949, and Rear Admiral Husband Kimmel died on May 14, 1968, without the honor of having been returned to their wartime ranks as were their fellow veterans of World War II; and

Whereas the Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, and the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of Admiral Kimmel and Lieutenant General Short through their posthumous advancement on the retired lists to their highest wartime grades: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADVANCEMENT OF REAR ADMIRAL KIMMEL AND MAJOR GENERAL SHORT ON RETIRED LISTS.

(a) REQUEST.—The President is requested—

(1) to advance the late Rear Admiral Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(2) to advance the late Major General Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—Any advancement in grade on a retired list requested under subsection (a) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

SEC. 2. SENSE OF CONGRESS REGARDING THE PROFESSIONAL PERFORMANCE OF ADMIRAL KIMMEL AND LIEUTENANT GENERAL SHORT.

It is the sense of Congress that—

(1) the late Rear Admiral Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

The following is a partial listing of high-ranking retired military personnel who advocate in support of the posthumous advancement on the retired lists of Rear Admiral Husband Kimmel and Major General Walter Short to Four-Star Admiral and Three-Star General respectively:

Admirals: Thomas H. Moorer; Carlisle A.H. Trost; William J. Crowe, Jr., Elmo R. Zumwalt; J.L. Hollaway III; Ronald J. Hays; T.B. Hayward; Horatio Rivero; Worth H. Bargley; Noel A.M. Gayler; Kinnaird R. McKee; Robert L.J. Long; William N. Small; Maurice F. Weisner; U.S.G. Sharp, Jr.; H Hardisty; Wesley McDonald; Lee Baggett, Jr.; and Donald C. Davis.

Vice Admirals: David C. Richardson and William P. Lawrence.

Rear Admirals: D.M. Showers and Kemp Tolley.

To: Honorable Members of the United States Senate
From:
Thomas H. Moorer, Admiral, U.S. Navy (Ret.), Former Chairman, Joint Chiefs of Staff, Former Chief of Naval Operations.
J.L. Holloway III, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations.
William J. Crowe, Admiral, U.S. Navy (Ret.), Former Chairman, Joint Chiefs of Staff.
Elmo R. Zumwalt, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations.
Carlisle A.H. Trost, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations.
Re the honor and reputations of Admiral Husband Kimmel and General Walter Short.

DEAR SENATOR: We ask that the honor and reputations of two fine officers who dedicated themselves to the service of their country be restored. Admiral Husband Kimmel and General Walter Short were singularly scapegoated as responsible for the success of the Japanese attack on Pearl Harbor December 7, 1941. The time is long overdue to reverse this inequity and treat Admiral Kimmel and General Short fairly and justly. The appropriate vehicle for that is the current Roth-Biden Resolution.

The Resoltuion calls for the posthumous advancement on the retirement list of Admiral Kimmel and General Short to their highest WWII wartime ranks of four-star admiral and three-star general as provided by the Officer Personnel Act of 1947. They are the only two eligible officers who have been singled out for exclusion from that privilege; all other eligible officers have been so privileged.

We urge you to support this Resolution.

We are career military officers who have served over a period of several decades and through several wartime eras in the capacities of Chairman, Joint Chiefs of Staff and/or Chief of Naval Operations. Each of us is familiar with the circumstances leading up to the attack on Pearl Harbor.

We are unanimous in our conviction that Admiral Husband Kimmel and General Walter Short were not responsible for the success of that attack, and that the fault lay with the command structure at the seat of government in Washington. The Roth-Biden Resolution details specifics of this case and requests the President of the United States to nominate Kimmel and Short for the appropriate advancement in rank.

As many of you know, Admiral Kimmel and General Short were the Hawaiian Commanders in charge of naval and ground forces on Hawaii at the time of the Japanese attack. After a hurried investigation in January, 1942 they were charged with having been "derelict in their duty" and given no opportunity to refute that charge which was publicized throughout the country.

As a result, many today believe the "dereliction" charge to be true despite the fact that a Naval Court of Inquiry exonerated Admiral Kimmel of blame; a Joint Congressional Committee specifically found that neither had been derelict in his duty; a four-to-one majority of the members of a Board for the Correction of Military Records in the Department of the Army found that General Short had been "unjustly held responsible" and recommended his advancement to the rank of lieutenant general on the retired list.

This injustice has been perpetuated for more than half a century by their sole exclusion from the privilege of the Act mentioned above.

As professional military officers we support in the strongest terms the concept of holding commanders accountable for the performance of their forces. We are equally strong in our belief in the fundamental American principle of justice for all Americans, regardless of creed, color, status or rank. In other words, we believe strongly in fairness.

These two principles must be applied to the specific facts of a given situation. History as well as innumerable investigations have proven beyond any question that Admiral Kimmel and General Short were not responsible for the Pearl Harbor disaster. And we submit that where there is no responsibility there can be no accountability.

But as a military principle—both practical and moral—the dynamic of accountability works in both directions along the vertical line known as the chain of command. In view of the facts presented in the Roth-Biden Resolution and below—with special reference to the fact that essential and critical intelligence information was withheld from the Hawaiian Commanders despite the commitment of the command structure to provide that information to them—we submit that while the Hawaiian Commanders were responsible and accountable as anyone could have been given the circumstances, their superiors in Washington were sadly and tragically lacking in both of these leadership commitments.

A review of the historical facts available on the subject of the attack on Pearl Harbor demonstrates that these officers were not treated fairly.

1. They accomplished all that anyone could have with the support provided by their superiors in terms of operating forces (ships and aircraft) and information (instructions and intelligence). Their disposition of forces, in view of the information made available to them by the command structure in Washington, was reasonable and appropriate.

2. Admiral Kimmel was told of the capabilities of U.S. intelligence (MAGIC, the code-breaking capability of PURPLE and other Japanese codes) and he was promised he could rely on adequate warning of any attack based on this special intelligence capability. Both Commanders rightfully operated under the impression, and with the assurance, that they were receiving the necessary intelligence information to fulfill their responsibilities.

3. Historical information now available in the public domain through declassified files, and post-war statements of many officers involved, clearly demonstrate that vital information was routinely withheld from both commanders. For example, the "Bomb Plot" message and subsequent reporting orders from Tokyo to Japanese agents in Hawaii as to location, types and number of warships, and their replies to Tokyo.

4. The code-breaking intelligence of PURPLE did provide warning of an attack on Pearl Harbor, but the Hawaiian Commanders were not informed. Whether deliberate or for some other reason should make no difference, have no bearing. These officers did not get the support and warnings they were promised.

5. The fault was not theirs. It lay in Washington.

We urge you, as Members of the United States Senate, to take a leadership role in assuring justice for two military careerists who were willing to fight and die for their country, but not to be humiliated by its government. We believe that the American people—with their national characteristic of fair play—would want the record set straight. Thank you.

Respectfully,

Admiral Thomas H. Moorer (USN, Ret.).
Admiral William J. Crowe (USN, Ret.).
Admiral J.L. Holloway III (USN, Ret.).
Admiral Elmo R. Zumwalt (USN, Ret.).
Admiral Carlisle A.H. Trost (USN, Ret.).

Washington, DC, *March 11, 1999.*

Hon. William V. Roth, Jr.,
Hart Senate Office Building,
Washington, DC.

Dear Bill: I will join my voice with yours in support of the Kimmel-Short Resolution of 1999.

The responsibility for the Pearl Harbor disaster should be shared by many. In light of the more recent disclosures of withheld information Admiral Kimmel and Lieutenant General Short should have had, I agree these two commanders have been unjustly stigmatized.

Please keep me informed of the progress of this resolution.

Sincerely,

Bob Dole.

Resolution No. 441

RESTORE PRE-ATTACK RANKS TO ADMIRAL HUSBAND E. KIMMEL AND GENERAL WALTER C. SHORT

Whereas, Admiral Husband E. Kimmel and General C. Short were the Commanders of Record for the Navy and Army Forces at Pearl Harbor, Hawaii, on December 7, 1941, when the Japanese Imperial Navy launched its attack; and

Whereas, following the attack, President D. Roosevelt appointed Supreme Court Justice Owen J. Roberts to a commission to investigate such incident to determine if there had been any dereliction to duty; and

Whereas, the Roberts Commission conducted a rushed investigation in only five weeks. It charged Admiral Kimmel and General Short with dereliction of their duty. The findings were made public to the world; and

Whereas, the dereliction of duty charge destroyed the honor and reputations of both Admiral Kimmel and General Short, and due to the urgency neither man was given the opportunity to defend himself against the accusation of dereliction of duty; and

Whereas, other investigations showed that there was no basis for the dereliction of duty charges, and a Congressional investigation in 1946 made specific findings that neither Admiral Kimmel nor General Short had been "derelict in his duty" at the time of the bombing of Pearl Harbor; and

Whereas, it has been documented that the United States military had broken the Japanese codes in 1941. With the use of a cryptic machine known as "Magic," the military was able to decipher the Japanese diplomatic code known as "Purple" and the military code known as JN-25. The final part of the diplomatic message that told of the attack on Pearl Harbor was received on December 6, 1941. With this vital information in hand, no warning was dispatched to Admiral Kimmel or General Short to provide sufficient time to defend Pearl Harbor in the proper manner; and

Whereas, it was not until after the tenth investigation of the attack on Pearl Harbor was completed in December of 1995 that the United States Government acknowledge in the report of Under Secretary of Defense Edwin S. Dorn that Admiral Kimmel and General Short were not solely responsible for the disaster, but that responsibility must be broadly shared; and

Whereas, at this time the American public had been deceived for the past fifty-six years regarding the unfound charge of dereliction of duty against two fine military officers whose reputations and honor have been tarnished; Now, therefore, be it

Resolved, by the Veterans of Foreign Wars of the United States, That we urge the President of the United States to restore the honor and reputations of Admiral Husband E. Kimmel and General Walter C. Short; and be it further

Resolved, That we urge the President of the United States to take necessary steps to posthumously advance Admiral Kimmel and General Short to their highest wartime rank of four-star admiral and lieutenant general. Such action would be appreciated greatly to restore the honor of these two great American servicemen.

Adopted by the 99th National Convention of the Veterans of Foreign Wars of the United States held in San Antonio, Texas, August 29–September 4, 1998.

Delaware VFW Resolution Passed by Delaware State Conference, June 1998

Resolution to the President of the United States with respect to offering an apology on behalf of the Government of the United States to Admiral Husband E. Kimmel and General Walter C. Short. The Naval and Army Commanders at Hawaii at the time of the Japanese attack December 7, 1941 and urging the President to take such steps as are necessary to advance these two officers posthumously on the list of retired Navy and Army officers to their pre-attack ranks of Four-Star Admiral and Three-Star General.

Whereas, Admiral Husband E. Kimmel and General Walter C. Short were the Commanders of record for the Navy and Army forces at Pearl Harbor, Hawaii, on December 7, 1941 when the Japanese Imperial Navy launched its attack; and

Whereas, Following the attack, President Franklin D. Roosevelt appointed Supreme Court Justice Owen J. Roberts to a Commission to investigate such incident to determine if there has been any dereliction of duty; and

Whereas, The Roberts Commission conducted a rush investigation in only five weeks. It charged Admiral Kimmel and General Short with dereliction of their duty. These findings were made public to the world; and

Whereas, The dereliction of duty charge destroyed the honor and reputations of both Admiral Kimmel and General Short, and due to the urgency of the war neither man was given the opportunity to defend himself against the accusation of dereliction of duty; and

Whereas, Other investigations showed that there was no basis for the dereliction of duty charges, and a Congressional Investigation in 1946 made specific findings that neither Admiral Kimmel nor General Short had been "derelict in his duty" a the time of the bombing of Pearl Harbor; and

Whereas, It has been documented that the United States Military had broken the Japanese codes in 1941. With the use of a cryptic machine known as "Magic," the Military was able to decipher the Japanese diplomatic code known as "Purple" and the military code known as JN-25. The final part of the diplomatic message that told of the attack on Pearl Harbor was received on December 6, 1941. With this vital information in hand, no warning was dispatched to Admiral Kimmel or General Short to provide sufficient time to defend Pearl Harbor in the proper manner; and

Whereas, It was not until after the tenth investigation of the attack on pearl Harbor was completed in December of 1995, that the United States Government acknowledged in the report of Under Secretary of Defense Edwin S. Dorn, that Admiral Kimmel and General Short were not soley responsible for the disaster but that responsibility must be broadly shared; and

Whereas, As this time the American public have been deceived for the past fifty-six years regarding the unfounded charge of dereliction of duty against two fine military officers whose reputations and honor have been tarnished; now, therefore be it

Resolved, That the Veterans of Foreign Wars urges the President of the United States to restore the honor and reputations of Admiral Husband E. Kimmel and General Walter C. Short by making a public apology to them and their families for the wrongful actions of past administrations for allowing these unfounded charges of dereliction of duty to stand.

Be It Resolved, That the Veterans of Foreign Wars urges the President of the United States to take the necessary steps to posthumously advance Admiral Kimmel and General Short to their highest wartime ranks of Four-Star Admiral and Three-Star General. Such action would correct the injustice suffered by them and their families for the past fifty-six years.

Mr. BIDEN. Mr. President, I and my colleagues—Senators ROTH, KENNEDY, DURBIN, KERRY, HOLLINGS, LANDRIEU, HELMS, STEVENS, SPECTER, THURMOND, DOMENICI, KYL, MURKOWSKI, COCHRAN, CRAIG, ENZI, ABRAHAM, SMITH, COLLINS, VOINOVICH, and DEWINE—are introducing a resolution that seeks long overdue justice for the two commanders at Pearl Harbor fifty-eight years ago, Admiral Husband Kimmel and General Walter Short.

Some will ask, "why now?" After all, fifty-eight years have passed. I believe it is more important than ever to take this action now. It is not just the simple truth—that there can be no statute of limitations for restoring honor and dignity to men who spent their lives dedicated to serving America and yet, were unfairly treated. It is also because we have brave men and women in the military today who are fighting one of the most professional and precise battles ever seen against a brutal, genocidal dictator in Kosovo. They know that their cause is just. What too many people do not know is the sacrifice and dedication it takes to be able to do their jobs.

The tremendous ability of our pilots, our maintainers, and our support crews is a direct result of their commitment to professional excellence and service and their willingness to defend the values Americans cherish. We owe it to them to defend those same values here at home. When it comes to serving truth and justice, the time must always be "now." When it comes to treating people with fairness and honoring their service, the time must always be "now."

This is the second year we are bringing a resolution before our colleagues. We cannot give up because it is important that the Senate understand and act to end the injustice done to these fine officers. Ultimately, it is the President who must take action, but it is important that we send the message that the historical truth matters. At Pearl Harbor, these two officers should not bear all of the blame. If they continue to do so, both our nation and our military lose.

Today's military is a testament to our ability to confront and learn from our mistakes, but that can only happen if the record is accurate. Admiral Kimmel and General Short served with selfless dedication and honor. They were in command during a devastating surprise attack. They deserved to be treated as officers who used their best judgement to follow the orders they were given and to meet their command responsibilities. Instead, they were made singular scapegoats for that tragedy for fifty-eight years, without full consideration of the circumstances and options available to them.

I hope that most of my colleagues will read this resolution. The majority of the text details the historic case on behalf of Admiral Kimmel and General Short and expresses Congress's opinion that both officers performed their duty competently. Most importantly, it requests that the President submit the names of Kimmel and Short to the Senate for posthumous advancement on the retirement lists to their highest held wartime rank.

This action would not require any form of compensation. Instead, it would acknowledge, once and for all, that these two officers were not treated fairly by the U.S. government and it would uphold the military tradition that responsible officers take the blame for their failures, not for the failures of others.

Before I go into a more detailed review of the historical case, I also want my colleagues to know that this resolution has the support of various veterans groups, including the Veterans of Foreign Wars (VFW) and the Pearl Harbor Survivors Association. The Delaware VFW passed a resolution in support last June and the national VFW passed a resolution in support in last September.

Now, let me review what happened. First, I want to discuss the treatment of Kimmel and Short. Like most Americans, Admiral Kimmel and General Short requested a fair and open hearing of their case, a court martial. They were denied their request. After lifetimes of honorable service to this nation and the defense of its values, they were denied the most basic form of justice—a hearing by their peers.

Here are some of the historic facts. On December 18, 1941, a mere 11 days after Pearl Harbor, the Roberts Commission was formed to determine whether derelictions of duty or errors of judgement by Kimmel and Short contributed to the success of the Japanese attack. This commission concluded that both commanders had been derelict in their duty and the President ordered the immediate public release of these findings. The Roberts Commission was the only investigative body that found these two officers derelict in their duty.

Several facts about the Roberts Commission force us to question its conclusions.

First, Kimmel and Short were denied the right to counsel and were not allowed to be present when witnesses were questioned. They were then explicitly told that the Commission was a fact-finding body and would not be passing judgement on their performance. When the findings accusing them of a serious offense were released, they immediately requested a court-martial. That request was refused. It is difficult to imagine a fair review of the evidence given the rules of procedure followed by the Commission.

It is also important to note the timing here. It would be difficult to provide a fair hearing in the charged atmosphere immediately following America's entry into the war in the Pacific. In fact, Kimmel and Short were the objects of public vilification. The Commission was not immune to this pressure. One Commission member, for example, Admiral Standley, expressed strong reservations about the Commission's findings, later characterizing them as a "travesty of justice". He did sign the Report, however, because of concerns that doing otherwise might adversely affect the war effort. As you will see, the war effort played an important role in how Kimmel and Short were treated.

In 1944, an Army Board investigated General Short's actions at Pearl Harbor. The conclusions of that investigation placed blame of General Marshall, the Chief of Staff of the Army at the time of Pearl Harbor and in 1944. This report was sequestered and kept secret from the public on the groups that it would be detrimental to the war effort.

That same year, a Naval Court of Inquiry investigated Admiral Kimmel's actions at Pearl Harbor. The Naval Court's conclusions were divided into two sections in order to protect information indicating that America had the ability to decode and intercept Japanese messages. The first and longer, section therefore, was classified "top secret".

The second section, was written to be unclassified and completely exonerated Admiral Kimmel and recognized the Admiral Stark bore some of the blame for Pearl Harbor because of his failure to provide Kimmel with critical information available in Washington. Then Secretary of the Navy James Forrestal instructed the Court that it had to classify both sections "secret" and not release any findings to the public.

The historic record is not flattering to our government. A hastily convened and procedurally flawed Commission released condemning findings to the public, while two thorough military reviews which had opposite conclusions were kept secret.

I hope that I have made my point that these officers were not treated fairly and that there is good reason to question where the blame for Pearl Harbor should lie.

The whole story was re-evaluated in 1995 at the request of Senator THURMOND by Under Secretary for Defense

Edwin Dorn. In his report, Dorn concluded that responsibility for the disaster at Pearl Harbor should be broadly shared. I agree.

Where Dorn's conclusions differ from mine and my co-sponsors, is that he also found that he also found that "the official treatment of Admiral Kimmel and General Short was substantively temperate and procedurally proper." I disagree.

These officers were publicly vilified and never given a chance to clear their names. If we lived in a closed society, fearful of the truth, then there would be no need for the President to take any action today. But we don't. We live in an open society. Eventually, we are able to declassify documents and evaluate our past based on at least a good portion of the whole story. I believe sincerely that one of our greatest strengths as a nation comes from our ability to honor truth and the lessons of our past.

Like many, I accept that there was a real need to protect our intelligence capabilities during the war. What I can not accept, however, is that there is a reason for continuing to deny the culpability of others in Washington at the expense of these two office's reputations fifty-seven years later. Continuing to falsely scapegoat two dedicated and competent officers dishonors the military tradition of taking responsibility for failure. The message that is sent is a travesty to American tradition and honor—that the truth will be suppressed to protect some responsible parties and distorted to sacrifice others.

This is not to say that the sponsors of this resolution want to place blame. We are not seeking to place blame in a new quarter. This is not a witch-hunt aimed at those superior officers who were advanced in rank and continued to serve, despite being implicated in the losses at Pearl Harbor. I think the historic record has become quite clear that blame should be shared.

The unfortunate reality is that Admiral Kimmel and General Short were blamed entirely and forced into early retirement.

After the war, in 1947, they were singled out as the only eligible officers from World War II not advanced to their highest held wartime ranks on the retirement lists, under the Officer Personnel Act of 1947. By failing to advance them, the government and the Departments of the Navy and Army perpetuate the myth that these two officers bear a unique and disproportionate part of the blame.

The government that denied these officers a fair hearing and suppressed findings favorable to their case while releasing hostile information owes them an official apology. That's what this resolution calls for.

The last point that I want to make deals with the military situation at Pearl Harbor. It is legitimate to ask whether Admiral Kimmel and General Short, as commanding officers, properly deployed their forces. I think reasonable people may disagree on this point.

I have been struck by the number of qualified individuals who believe the commanders properly deployed their assets based on the intelligence available to them. I am including this partial list of flag officers into the RECORD following my statement for my colleagues to review. Among those listed is Vice Admiral Richardson, a distinguished naval commander, who wrote an entire report refuting the conclusions of the Dorn Report. My colleagues will also see the names of four Chiefs of Naval Operations and the former chairman of the Joint Chiefs of Staff Admiral Thomas Moorer. It was Admiral Moorer who observed that, "If Nelson and Napoleon had been in command at Pearl Harbor, the results would have been the same."

In conclusion, Mr. President, I believe this case is unique and demands our attention. As we honor those who served in World War II and who serve today in Kosovo, we must also honor the ideals for which they fought. High among those American ideals is upholding truth and justice. Those ideals give us the strength to admit and, where possible, correct our errors.

I urge my colleagues to support this resolution and move one step closer to justice for Admiral Kimmel and General Short.

Mr. KENNEDY. Mr. President, I strongly support this resolution, which will at long last restore the reputations of two distinguished military officers in World War II—Admiral Husband E. Kimmel of the United States Navy and General Walter C. Short of the United States Army.

This resolution gives us an opportunity to correct a grave injustice in the history of that war. Despite their loyal and distinguished service to the nation, Admiral Kimmel and General Short were unfairly singled out for blame as scapegoats after the Japanese attack on Pearl Harbor on December 7, 1941, which caught America unprepared.

In fact, wartime investigations of the attack on Pearl Harbor concluded that our fleet in Hawaii under the command of Admiral Kimmel and our forces under the command of General Short had been properly positioned, given the information they had received. However, as the investigations found, their superior officers had not given them vital intelligence that could have made a difference, perhaps all the difference, in their preparedness for the attack. These conclusions of the wartime investigations were kept secret, in order to protect the war effort. Clearly, there is no longer any justification to ignore these facts.

I learned more about this injustice from Edward B. Hanify, a close friend who is a distinguished attorney in Boston and who was assigned in 1944 as a young Navy lieutenant to be one of the lawyers for Admiral Kimmel. I believe that members of the Senate will be very interested in Mr. Hanify's perspective, and I ask unanimous consent that a letter he wrote to me last September may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KENNEDY. No action by the Senate can ever fully atone for the injustice suffered by these two officers. But we can correct the historical record, and restore the distinguished reputations of Admiral Kimmel and General Short.

I commend Senator BIDEN and Senator ROTH for their leadership in sponsoring this measure, and I urge the Senate to act expeditiously on this long-overdue resolution.

EXHIBIT 1

SEPTEMBER 3, 1998.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: I am advised that a Resolution known as the Roth/Biden Resolution has been introduced in the Senate and that it has presently the support of the following Senators: Roth; Biden; Helms; Thurmond; Inouye; Stevens; Specter; Hollings; Faircloth; Cochran and McCain. The substance of the Resolution is to request the President to advance the late Rear Admiral Husband E. Kimmel to the grade of Admiral on the retired list of the Navy and to advance the late Major General Walter C. Short to the grade of Lieutenant General on the retired list of the Army.

Admiral Kimmel at the time of Pearl Harbor was Commander in Chief of the Pacific Fleet then based in Pearl Harbor and General Short was the Commanding General of the Hawaiian Department of the Army.

The reason for my interest in this Resolution is as follows: IN early 1944 when I was a Lieutenant j.g. (U.S.N.R.) the Navy Department gave me orders which assigned me as one of counsel to the defense of Admiral Kimmel in the event of his promised court martial. As a consequence, I am probably one of the few living persons who heard the testimony before the Naval Court of Inquiry, accompanied Admiral Kimmel when he testified before the Army Board of Investigation and later heard substantially all the testimony before the members of Congress who carried on the lengthy Congressional investigation of Pearl Harbor. In the intervening fifty years I have followed very carefully all subsequent developments dealing the the Pearl Harbor catastrophe and the allocation of responsibility for that disaster.

On the basis of this experience and further studies over a fifty year period I feel strongly:

(1) That the odious charge of "dereliction of duty" made by the Roberts Commission was the cause of almost irreparable damage to the reputation of Admiral Kimmel despite the fact that the finding was later repudiated and found groundless;

(2) I am satisfied that Admiral Kimmel was subject to callous and cruel treatment by his

superiors who were attempting to deflect the blame ultimately ascribed to them, particularly on account of their strange behavior on the evening of December 6th and morning of December 7th in failing to warn the Pacific Fleet and the Hawaiian Army Department that a Japanese attack on the United States was scheduled for December 7th at 1:00 p.m. Washington time (dawn at Pearl Harbor) and that intercepted intelligence indicated that Pearl Harbor was a most probable point of attack; (Washington had this intelligence and knew that the Navy and Army in Hawaii did not have it or any means of obtaining it)

(3) Subsequent investigations by both services repudiated the "dereliction of duty" charge and in the case of Admiral Kimmel the Naval Court of Inquiry found that his plans and dispositions were adequate and competent in light of the information which he had from Washington.

The proposed legislaiton provides some measure of remedial Justice to a conscientious officer who for years unjustly bore the odium and disgrace associated with the Pearl Harbor catastrophe. You may be interested to know that a Senator from Massachusetts, Honorable David I. Walsh then Chairman of the Naval Affairs Committee, was most effective in securing legislaiton by Congress which ordered the Army and Navy Departments to investigate the Pearl Harbor disaster—an investigation conducted with all the "due process" safeguards for all interested parties not observed in other investigations or inquiries.

I sincerely hope that you will support the Roth/Biden Resolution.

Sincerely,

EDWARD B. HANIFY,
Ropes & Gray.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 74

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 218

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 218, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 249

At the request of Mr. ROBB, his name was added as a cosponsor of S. 249, a bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 387

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 446

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 446, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 512

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Nevada (Mr. BRYAN), the Senator from Maine (Ms. SNOWE), and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 541

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 566

At the request of Mr. LUGAR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 732

At the request of Mr. TORRICELLI, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 732, a bill to require the Inspector General of the Department of Defense to conduct an audit of purchases of military clothing and related items made during fiscal year 1998 by certain military installations of the Army, Navy, Air Force, and Marine Corps.

S. 767

At the request of Mr. ABRAHAM, his name was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing.

At the request of Mr. COVERDELL, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Vermont (Mr. JEFFORDS), the Senator from Nevada (Mr. REID), the Senator from Ohio (Mr. DEWINE), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 767, supra.

At the request of Mr. COVERDELL, the name of the Senator from Texas (Mrs. HUTCHISON) was withdrawn as a cosponsor of S. 767, supra.

S. 779

At the request of Mr. ABRAHAM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 784

At the request of Mr. ROCKEFELLER, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 786

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 786, a bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

S. 788

At the request of Mr. BURNS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 788, a bill to amend the Federal Meat Inspection Act to provide that a quality grade label issued by the Secretary of Agriculture may not be used for imported meat and meat food products.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DODD, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. ASHCROFT), and the Senator from California (Mrs. BOXER) were added as cosponsors of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois (Mr. DURBIN), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 68

At the request of Mrs. BOXER, the names of the Senator from New York (Mr. SCHUMER), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Maine (Ms. SNOWE), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Resolution 68, a resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

SENATE RESOLUTION 71

At the request of Mr. ABRAHAM, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Resolution 71, a resolution expressing the sense of the Senate rejecting a tax increase on investment income of certain associations.

AMENDMENT NO. 210

At the request of Mr. DOMENICI his name was added as a cosponsor of amendment No. 210 proposed to S. Con. Res. 20, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

SENATE CONCURRENT RESOLUTION 26—EXPRESSING THE SENSE OF THE CONGRESS THAT THE CURRENT FEDERAL INCOME TAX DEDUCTION FOR INTEREST PAID ON DEBT SECURED BY A FIRST OR SECOND HOME SHOULD NOT BE FURTHER RESTRICTED

Mr. ASHCROFT submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 26

Whereas homeownership is a fundamental American ideal, which promotes social and economic benefits beyond the benefits that accrue to the occupant of the home;

Whereas homeownership is an important factor in promoting economic security and stability for American families;

Whereas it is proper that the policy of the Federal Government is, and should continue to be, to encourage homeownership;

Whereas the rate of homeownership grew from 64.7 percent of households in 1995 to 67 percent in 1998;

Whereas the housing needs of the population will change as the population ages;

Whereas the greatest growth sectors in homeownership are minorities and first-time homebuyers;

Whereas the level of homeownership among foreign-born naturalized citizens who have been in the United States for at least 6 years is the same as the level of homeownership of the Nation as a whole (67 percent in 1998);

Whereas the value of a home represents a valuable source of savings for a family;

Whereas the provisions related to homeownership are among the simplest and most easily administered provisions of the Internal Revenue Code of 1986;

Whereas the current Federal income tax deduction for interest paid on debt secured by a first home has been a valuable cornerstone of this Nation's housing policy for most of this century and may well be the most important component of housing-related tax policy in America today;

Whereas the current Federal income tax deduction for interest paid on debt secured by second homes is of crucial importance to the economies of communities in each of the 50 States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted.

Mr. ASHCROFT. Mr. President, on this April 15, Tax Day 1999, I rise in support of one aspect of our deservedly maligned tax code—the mortgage interest deduction. The mortgage interest deduction provides invaluable assistance to American families seeking the stability and comfort of a home they can call their own.

I purchased my first home, a small fieldstone farmhouse in the Ozarks, in the Spring of 1967, just before proposing to my wife, Janet. Like most families, paying for it was the single largest task in our young lives. It was, with the wisdom of 30 plus years, a transformational event. For it represented our first real taste of what James Truslow Adams called the "American Dream."

The experience Janet and I had paying for that farm is not uncommon. In fact, the largest debt most families take on in their lifetimes is a home. Two-thirds of Americans own a home, as do approximately 80 percent of Americans over the age of 50 (unfortunately, Janet and I now fall into both categories). This represents real progress. In 1940, fully 56 percent of Americans were renters. Clearly, America has come a long way.

People buy homes for different reasons. For us, our Ozark farmhouse offered many things: a place of safety to raise a family, the potential of financial security, a sense of community. As I travel across this great country, couples of all ages suggest that they are looking for the same things Janet and I sought over a quarter century ago. They seem to know, as we did, that buying a home is among the essential steps a family takes to ensure stability and prosperity in their lives.

Unfortunately, while homes are a worthwhile investment, they also are expensive. Real estate experts recommend that families buy homes valued at over three times their annual income—a sum far greater than what families could pay back in a year, or two, or even five. So, most Americans take out a mortgage. It is, frequently, a commitment to repay the loan (with interest) over a 30-year period.

Historically, the Federal Government has encouraged such behavior. It has done so to promote stable families in stable homes. Through the home mortgage tax deduction, one of the best and most praise-worthy parts of our highly-flawed tax code, the government allows taxpayers to deduct the cost of interest on their mortgages from their income taxes. In the early years of a mortgage, nearly 90 percent of payments go to interest charges and are therefore tax deductible.

The home mortgage deduction not only encourages home buying, it also helps to promote community and family. In my home state of Missouri, 526,744 tax filers claim the interest deduction out of 2,416,434 returns. These are families trying to build their homes, getting what advantages they can out of the overly-burdensome tax code.

Across the rest of the country, homeownership is an important factor in promoting economic security and stability for American families. In fact, homeownership is one of the most valuable sources of saving for American families and, unlike other forms of saving, it is encouraged and facilitated by our tax code.

The home mortgage deduction is also of great assistance to many of our citizens who are trying hardest to establish the stability and security of homeownership. The greatest growth sectors in homeownership today are among minorities and first-time homebuyers, who are frequently just on the cusp of attaining the American dream.

Similarly, immigrants, who come to this country seeking a new way of life, are beneficiaries of the mortgage deduction. In fact, the level of homeownership among foreign-born naturalized citizens who have been in the United States for at least six years is the same as the level of homeownership of the Nation as a whole. When families such as these, who are new to our shores, prosper, we as a nation prosper.

In short, the home mortgage deduction is an important benefit to citizens across this great land. It is in our national interest to maintain this portion of the tax code so that new generations can also experience the safety and security of homeownership. I urge my colleagues to join me in support of this resolution.

SENATE RESOLUTION 77—COMMENDING AND CONGRATULATING THE UNIVERSITY OF CONNECTICUT HUSKIES FOR WINNING THE 1999 NCAA MEN'S BASKETBALL CHAMPIONSHIP

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 77

Whereas the University of Connecticut men's basketball team capped a remarkable season by defeating the top-ranked Duke Blue Devils 77–74, on March 29, 1999, in St. Petersburg, Florida, to win its 1st national championship in its 1st "Final Four" appearance;

Whereas the Huskies finished with a regular season record of 34–2, the best in the program's proud 96 years of competition;

Whereas the Huskies firmly established themselves as the dominant team of the decade in the storied Big East Conference, winning their 6th regular season title and their 4th tournament championship of the 1990s;

Whereas UConn's Richard "Rip" Hamilton distinguished himself in the championship game and throughout the season as one of the premier players in all of college basketball, winning his 2d Big East Player of the Year award, earning 1st team All-America honors, and closing out a spectacular offensive performance in the NCAA tournament by being named the most valuable player of the Final Four.

Whereas UConn's senior co-captain Ricky Moore distinguished himself as one of the Nation's top defensive players, personifying the grit, determination, and fierce will to win that carried the Huskies throughout the year;

Whereas UConn coach Jim Calhoun instilled in his players an unceasing ethic of dedication, sacrifice, and teamwork in the pursuit of excellence, and instilled in the rest of us a renewed appreciation of what it means to win with dignity, integrity, and true sportsmanship;

Whereas the Huskies' thrilling victory in the NCAA championship game enraptured their loyal and loving fans from Storrs to Stamford, taking "Huskymania" to new heights and filling the State with an overwhelming sense of pride, honor, and community;

Whereas the UConn basketball team's national championship spotlighted one of the Nation's premier State universities, that is committed to academic as well as athletic excellence: Now, therefore be it

Resolved, That the Senate commends and congratulates the Huskies of the University of Connecticut for winning the 1999 NCAA Men's Basketball Championship.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the president of the University of Connecticut.

SENATE RESOLUTION 78—TO AUTHORIZE REPRESENTATION OF MEMBERS AND OFFICERS OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 78

Whereas, in the case of *Jim Russell* v. *Albert Gore, et al.*, Case No. 99–2–00749–1, pending in Yakima County Superior Court, Yakima County, Washington, the plaintiff has named as defendants Vice President Albert Gore, Senator Slade Gorton, and Senator Patty Murray;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Vice President Gore, Senator Gorton, and Senator Murray in the case of *Jim Russell* v. *Albert Gore, et al.*

SENATE RESOLUTION 79—DESIGNATING THE CHAIRMAN OF THE JOINT ECONOMIC COMMITTEE FOR THE 106TH CONGRESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 79

Resolved, That the following Senator is designated as the Chairman of the following committee for the 106th Congress, or until his successor is chosen:

Joint Economic Committee: Mr. Mack, Chairman.

SENATE RESOLUTION 80—CONGRATULATING BOYD CLINES, LARRY ROGERS, AND MATT MOSELEY FOR THEIR BRAVERY AND COURAGE IN THE APRIL 12, 1999, RESCUE MISSION OF MR. IVERS SIMS

Mr. COVERDELL (for himself and Mr. CLELAND) submitted the following resolution; which was considered and agreed to:

S. RES. 80

Whereas on April 12, 1999, a treacherous fire erupted in a historic cotton mill in Atlanta, Georgia, and Mr. Ivers Sims, a construction worker, found himself suspended 180 feet in the air trapped by raging flames surrounding him;

Whereas Boyd Clines, a Georgia Department of Natural Resources pilot, and his navigator, Larry Rogers, arrived on the scene and negotiated a helicopter through the menacing wind, smoke, and fire which emanated from the cotton mill, while an Atlanta firefighter, Matt Moseley, dangled from a rope near the flames, all in an attempt to save Mr. Sims;

Whereas Boyd Clines, Larry Rogers, and Matt Moseley, in the true spirit of heroism, demonstrated amazing courage and valor in risking their lives in order to save the life of Mr. Sims;

Whereas the teamwork, dedication, and bravery that Boyd Clines, Larry Rogers, and Matt Moseley displayed during the rescue mission enabled the mission to be successful;

Whereas Atlanta firefighters, police officers, Sheriffs deputies, and residents diligently worked together in order to fight the massive fire that engulfed the historic cotton mill;

Whereas Atlanta residents at home during the fire helped during the crisis by rescuing pets and using garden hoses to extinguish the flames emanating from burning debris;

Whereas the Atlanta firefighters, facing shortages of equipment and personnel, heroically contained a fire that could have spread beyond the cotton mill and enveloped a historic neighborhood now being revitalized;

Whereas the fire crisis of April 12, 1999, shall be remembered not for the tragic loss of the historic cotton mill, but instead for the heroism and bravery displayed by Boyd Clines, Larry Rogers, and Matt Moseley; and

Whereas it should be recognized that Boyd Clines, Larry Rogers, and Matt Moseley have brought pride and honor to the State of Georgia: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Boyd Clines, Larry Rogers, and Matt Moseley for the bravery and heroism that they displayed during the April 12, 1999, rescue mission of Mr. Ivers Sims; and

(2) commends Atlanta firefighters, police officers, Sheriffs deputies, and residents for the outstanding teamwork that they displayed in fighting the fire of the cotton mill.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, April 21, 1999, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on whether the United States has the natural gas supply and infrastructure necessary to meet projected demand.

Because of the limited time available, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please contact Dan Kish at (202) 224–8276.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that we will receive testimony on one additional bill, S. 416 a bill to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility, before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources on Wednesday, April 29, 1999, at 2:00 p.m. in room SD–366 of the Dirksen Senate Office building in Washington, D.C.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mike Menge (202) 224–6170.

AUTHORITY FOR COMMITTEE'S TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, April 15, 1999, in open session, to receive testimony on U.S. policy regarding Kosovo, and a revised strategic concept for NATO.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, April 15, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 501, a bill to address resource management issues in Glacier Bay National Park, Alaska; and S. 744, a bill to provide for the continuation of higher education through the conveyance of certain lands in the State of Alaska to the University of Alaska, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITEE ON FINANCE

Mr. DOMENICI. The Finance Committee requests unanimous consent to conduct a hearing on Thursday, April 15, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 15, 1999 at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for an executive business meeting to mark up S. 625, a bill to amend Title 11, United States Code (bankruptcy reform), during the session of the Senate on Thursday, April 15, 1999, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 15, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, April 15, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 109, a bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; S. 340, a bill to amend the Cache La Poudre River Corridor Act to make technical corrections, and for other purposes; S. 582, a bill to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historic

Park; S. 589, a bill to require the National Park Service to undertake a study of the Loess Hills Area in western Iowa to review options for the protection and interpretation of the area's natural, cultural, and historical resources; S. 591, a bill to authorize a feasibility study for the preservation of the Loess Hills in western Iowa; and H.R. 149, a bill to make technical corrections to the Omnibus Parks and Public Land Management Act of 1996 and to other laws related to parks and public lands.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. **DOMENICI**. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Committee on Commerce, Science, and Transportation be allowed to meet on Thursday, April 15, 1999, at 10 a.m. on R&D FY/2000 budget.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. **DOMENICI**. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing regarding the implementation of the Transportation Equity Act for the 21st Century Thursday, April 15, 9:30 a.m., hearing room (SD-406).

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JUDGE BARRY RUSSELL

• Mrs. **FEINSTEIN**. Mr. President, as a representative of the great state of California, it is always a pleasure to learn about and recognize the great achievements made by members of the Law Enforcement community.

Today, I am delighted to commend Judge Barry Russell, for selflessly dedicating his personal time, energy, and money to coordinating the Federal Bar Association's Federal Law Enforcement Medal of Valor and Distinguished Service Award Luncheon.

Judge Russell has chaired this program for the past ten years, without expecting anything in return. He makes this special effort to ensure that members of the Los Angeles area Federal Law Enforcement community are honored for their selfless acts of valor and exemplary investigative achievements.

On behalf of the United States Senate, and all who have benefitted from your inspirational service, I commend you and wish you all the best in your future endeavors.•

ACCOMPLISHMENTS OF THE UNIVERSITY OF ALASKA

• Mr. **MURKOWSKI**. Mr. President, I rise today to honor students from my home State of Alaska who have garnered a host of honors recently—all very well deserved.

As an avid outdoorsman and hunter I have more than passing skill with a rifle, but I am in awe at the accomplishments of the University of Alaska Fairbanks Rifle Team. On Friday, March 12 the team won the NCAA national title in team rifle competition during the annual championships held at Norwich University in Northfield, VT.

While the Nanooks won the team Rifle Championships, the students had several other firsts. Ms. Kelly Mansfield, a junior at the University, became the first person ever to win both the small-bore and individual titles in the same year. And the Nanooks set a record with eight team members earning All-American status, record number of All-Americans in rifle competition from a single University. Of the team's eight All-Americans six earned honors in both the small-bore and air rifle disciplines, another record.

Besides Ms. Mansfield, I would like to congratulate the other seven All-Americans who competed with such distinction during the national collegiate championships. Earning praise are sophomore Dan Jordan, freshman Johan Lindberg and sophomore Melissa Mulloy, all double All-Americans first team in both events. Also earning praise are junior Joacim Trybom, who earned first-team, small-bore and second team air rifle honors; Grant Mecozzi, who earned second-team honors in both categories; and Amber Darland, who made the second team in small-bore.

I also would like to mention senior Kelly Bushong, who won honorable mention on the small-bore squad.

All of the students from the University's Fairbanks campus performed wonderfully, an obvious reflection on their coach, Randy Pitney, who has done a sensational job of teaching and preparing his team this year. All Alaskans wish to offer our praise and our thanks for the team's hard work and dedication. Excellence in marksmanship takes skill and discipline. It also takes desire—the desire to practice, the desire to be the best. That was particularly hard this past January in Fairbanks when the temperature was often −50 degrees F.

I can't say enough for the accomplishments of these young women and men. Everyone in Alaska is very proud of the Nanooks' achievements during the 1998–99 season. Again, congratulations on a great year.•

IN RECOGNITION OF HENRY S. LANDAU

• Mr. **LEVIN**. Mr. President, I rise to congratulate Henry S. Landau on receiving the Humanitarian Award of the Jewish Federation of Washtenaw County, Michigan. Mr. Landau is being honored by the Jewish Federation as a "builder of our future," because of the outstanding work he has done to establish programs and institutions to provide education and job training in the community.

Henry Landau has served his community, state, and country in countless ways. He served as a trustee of Washtenaw Community College from 1976 to 1982. He also served as chair of the Washtenaw Community College Foundation and was later honored by the college with a lifetime achievement award and an endowed scholarship. Mr. Landau was a Senior Life Director of the National Association of Home Builders and a trustee of the Home Builders Institute. Mr. Landau also served as President of the Michigan Association of Home Builders and was a board member for eighteen years.

Henry Landau was instrumental in establishing a unique and innovative program in the Ann Arbor Public School System to teach high school students about the building trades by allowing them to build an actual home. This successful program continues and is now financed through the sale of the homes built by students. The construction industry later honored Mr. Landau's efforts with the H.S. Landau Scholarship, which is awarded annually and benefits a graduate of the Ann Arbor student building program.

Mr. President, I have mentioned only a small sampling of the many ways in which Henry Landau has used his vitality, creativity and hard work to make his community and our nation a better place to live. I know my colleagues will join me in honoring Henry Landau for his many extraordinary efforts on behalf of his community.•

AUTHORIZING REPRESENTATION OF MEMBERS AND OFFICERS OF THE SENATE

Mr. **COVERDELL**. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate resolution 78 submitted earlier today by Senators LOTT and DASCHLE.

The **PRESIDING OFFICER**. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 78) to authorize representation of Members and officers of the Senate in the case of Jim Russell v. Albert Gore, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. **LOTT**. Mr. President, this resolution concerns a civil action commenced by a pro se plaintiff in Yakima County Superior Court, Yakima County, Washington, against Vice President ALBERT GORE, as President of the Senate, and Senators GORTON and MURRAY. The complaint attacks the validity of federal tax laws essentially by challenging the validity of all legislation enacted subsequent to the Seventeenth Amendment, on the basis that the Constitution prohibits the direct election of Senators provided for by the amendment.

This action is subject to removal from state court to the United States District Court for the Eastern District of Washington. This resolution authorizes the Senate Legal Counsel to represent the Senate defendants in this suit to move for its removal to federal court, and then to seek its dismissal for failure to state a claim for relief.

Mr. COVERDELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 78

Whereas, in the case of *Jim Russell* v. *Albert Gore, et al.*, Case No. 99-2-00749-1, pending in Yakima County Superior Court, Yakima County, Washington, the plaintiff has named as defendants Vice President Albert Gore, Senator Slade Gorton, and Senator Patty Murray;

Whereas, pursuant to section 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Vice President Gore, Senator Gorton, and Senator Murray in the case of *Jim Russell* v. *Albert Gore, et al.*

DESIGNATING THE CHAIRMAN OF THE JOINT ECONOMIC COMMITTEE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate resolution 79, submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 79) designating the Chairman of the Joint Economic Committee for the 106th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COVERDELL. I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 79) was agreed to, as follows:

S. RES. 79

Resolved, That the following Senator is designated as the Chairman of the following committee for the 106th Congress, or until his successor is chosen:

Joint Economic Committee: Mr. Mack, Chairman.

CONGRATULATING BOYD CLINES, LARRY ROGERS, AND MATT MOSELEY FOR THEIR BRAVERY AND COURAGE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate resolution 80 submitted earlier today by myself and Senator CLELAND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 80) congratulating Boyd Clines, Larry Rogers, and Matt Moseley for their bravery and courage in the April 12, 1999, rescue mission of Mr. Ivers Sims.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COVERDELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 80) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 80

Whereas on April 12, 1999, a treacherous fire erupted in a historic cotton mill in Atlanta, Georgia, and Mr. Ivers Sims, a construction worker, found himself suspended 180 feet in the air trapped by raging flames surrounding him;

Whereas Boyd Clines, a Georgia Department of Natural Resources pilot, and his navigator, Larry Rogers, arrived on the scene and negotiated a helicopter through the menacing wind, smoke, and fire which emanated from the cotton mill, while an Atlanta firefighter, Matt Moseley, dangled from a rope near the flames, all in an attempt to save Mr. Sims;

Whereas Boyd Clines, Larry Rogers, and Matt Moseley, in the true spirit of heroism, demonstrated amazing courage and valor in risking their lives in order to save the life of Mr. Sims;

Whereas the teamwork, dedication, and bravery that Boyd Clines, Larry Rogers, and Matt Moseley displayed during the rescue mission enabled the mission to be successful;

Whereas Atlanta firefighters, police officers, Sheriffs deputies, and residents diligently worked together in order to fight the massive fire that engulfed the historic cotton mill;

Whereas Atlanta residents at home during the fire helped during the crisis by rescuing pets and using garden hoses to extinguish the flames emanating from burning debris;

Whereas the Atlanta firefighters, facing shortages of equipment and personnel, heroically contained a fire that could have spread beyond the cotton mill and enveloped a historic neighborhood now being revitalized;

Whereas the fire crisis of April 12, 1999, shall be remembered not for the tragic loss of the historic cotton mill, but instead for the heroism and bravery displayed by Boyd Clines, Larry Rogers, and Matt Moseley; and

Whereas it should be recognized that Boyd Clines, Larry Rogers, and Matt Moseley have brought pride and honor to the State of Georgia: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Boyd Clines, Larry Rogers, and Matt Moseley for the bravery and heroism that they displayed during the April 12, 1999, rescue mission of Mr. Ivers Sims; and

(2) commends Atlanta firefighters, police officers, Sheriffs deputies, and residents for the outstanding teamwork that they displayed in fighting the fire of the cotton mill.

Mr. COVERDELL. Mr. President, to digress for just a moment, this is a resolution acknowledging the heroism of Boyd Clines, Larry Rogers, and Matt Moseley. I doubt that there is hardly an American alive who did not watch that stunning and chilling event when these three men exemplified all the virtues of American heroism. It is a stark reminder of what Americans, who work for our fire departments, our rescue units, our law enforcement agencies all across the country, are capable of doing, and their total dedication where they will often set all their own personal safety aside in the name of helping another citizen.

It was all embodied in this enormous event that occurred in Atlanta, GA several days ago. It was an incredible sight and witness of American heroism. I am particularly pleased to be able to join with my colleague, Senator CLELAND, in the authorship of that resolution which has just been approved.

REFERRAL OF MEASURE—S. 754

Mr. COVERDELL. Mr. President, I ask unanimous consent that calendar No. 86, S. 754 be referred to the Environment and Public Works Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY SANFORD FEDERAL BUILDING

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 911 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 911) to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building".

There being no objection, the Senate proceeded to consider the bill.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 911) was read a third time and passed.

REREFERRAL OF S. 302

Mr. COVERDELL. Mr. President, I ask unanimous consent that S. 302 be discharged from the Committee on Health, Education, Labor, and Pensions and be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the executive calendar: Nos. 23 and 24. I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

William J. Hibbler, of Illinois, to be United States District Judge for the Northern District of Illinois.

Matthew F. Kennelly, of Illinois, to be United States District Judge for the Northern District of Illinois.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-418, appoints the following individuals to serve as Congressional advisers on trade policy and negotiations to International conferences, meetings and negotiation sessions relating to trade agreements:

WILLIAM V. ROTH, Jr. of Delaware, JOHN H. CHAFEE of Rhode Island, CHARLES E. GRASSLEY of Iowa, DANIEL PATRICK MOYNIHAN of New York, and MAX BAUCUS of Montana.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 103-419, appoints the following individual to the United States Commission on Civil Rights: Elsie M. Meeks of South Dakota.

ORDERS FOR MONDAY, APRIL 19, 1999

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon on Monday, April 19. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator MURKOWSKI, 20 minutes; Senator BOND, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. For the information of all Senators, the Senate will reconvene on Monday at 12 noon and begin a period of morning business until 2:00 p.m. Following morning business, the Senate may begin consideration of any legislative or executive items cleared for action with at least one rollcall vote expected at approximately 5:30 p.m. All Senators will be notified of the particular item to be considered on Monday as well as the exact voting schedule when that information becomes available.

The majority leader would again like to remind all Senators that there will be no session of the Senate tomorrow and next Friday, April 23. I better repeat that. The majority leader would like to remind all Senators that there will be no session of the Senate tomorrow and next Friday, April 23.

ADJOURNMENT UNTIL MONDAY, APRIL 19, 1999

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:50 p.m., adjourned until Monday, April 19, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 15, 1999:

STATE JUSTICE INSTITUTE

JOSEPH FRANCIS BACA, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2001. (REAPPOINTMENT)

ROBERT NELSON BALDWIN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2001. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD T. KADISH, 0901.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL V. HESTER, 2071.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. RALPH E. EBERHART, 7375.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8034:

To be general

LT. GEN. LESTER L. LYLES, 8366.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT SURGEON GENERAL AND CHIEF OF THE DENTAL CORPS, UNITED STATES ARMY, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3039:

To be major general

BRIG. GEN. PATRICK D. SCULLEY, 5004.

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS IN ACCORDANCE WITH SECTION 6222 OF TITLE 10, U.S.C.:

To be colonel

TIMOTHY W. FOLEY, 0618

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. THOMAS R. WILSON, 1606.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

DAVID J. ANTANITUS, 3481
DALE E. BAUGH, 4331
RICHARD E. BROOKS, 3863
EVAN M. CHANIK, JR., 9906
BARRY M. COSTELLO, 3332
DAVID M. CROCKER, 2737
KIRKLAND H. DONALD, 3953
DENNIS M. DWYER, 4756
MARK J. EDWARDS, 3734
BRUCE B. ENGELHARDT, 1205
TOM S. FELLIN, 9886
JAMES B. GODWIN III, 0117
CHARLES H. JOHNSTON, JR., 2065
JOHN M. KELLY, 6608
STEVEN A. KUNKLE, 5404
WILLIE C. MARSH, 7451
GEORGE E. MAYER, 8977
JOHN G. MORGAN, JR., 4027
DENNIS G. MORRAL, 9447
ERIC T. OLSON, 6412
JAMES J. QUINN, 5095
ANN E. RONDEAU, 9812
FREDERICK R. RUEHE, 7532
LINDELL G. RUTHERFORD, 1836
JOHN D. STUFFLEBEEM, 4012
WILLIAM D. SULLIVAN, 3858
GERALD L. TALBOT, JR., 3890
HAMLIN B. TALLENT, 7864
RICHARD P. TERPSTRA, 2198
THOMAS J. WILSON III, 1569
JAMES M. ZORTMAN, 6747

IN THE COAST GUARD

THE FOLLOWING NAMED CADETS OF THE UNITED STATES COAST GUARD ACADEMY FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER 14 U.S.C., SECTION 211:

To be ensign

ASHLEY B. ACLIN, 9926
MICAH N. ACREE, 8677
MELODY C. ADAMES, 4217
MARCUS J. AKINS, 7725
PINSUDA ALEXANDER, 2705
NAHSHON I. ALMANDMOSS, 0118
JAMIE T. AMON, 0584
SHAMEEN E. ANTHANIO, 8586
JEFFREY A. APPS, 5433
LORI A. ARCHER, 7692
KATHRYN M. ARNOLD, 8025
JORDAN M. BALDUEZA, 2373
BRANDI A. BALDWIN, 7638
KELLY A. BANKE, 6117
JASON P. BARRETT, 3726
DAVID M. BARTRAM, 7703
JOSH L. BAUER, 1072
DEREK C. BEATTY, 6613
BRIAN J. BEHLER, 4506
ANDREW R. BENDER, 0517
LEAH B. BENTLEY, 5562
MATT A. BOURNONVILLE, 0001
JASON P. BRAND, 7426
SCOT A. BROWN, 1318
NICHOLAS R. BUDERUS, 3847
JANICE T. CARRELL, 5255
JUSTIN M. CARTER, 7447
DREW M. CASEY, 0612
STEPHEN N. CASEY, 9126
SEAN R. CASHELL, 8787
ROBERT B. CHAMBERS, 1555
RANDALL T. CHONG, 9275
MICHAEL A. CILENTI, 0214
JOSEPH A. COMAR, 4843
ZACHARIAH S. CONOVER, 1683
STEPHANIE S. CONRAD, 9665
JEFFREY K. COON, 1830
DANIEL H. COST, 7211
THOMAS G. COWELL, 5468
ERIKA L. CRAWLEY, 9094
DOUGLAS K. DANIELS, 8168
LUKE C. DAVIGNON, 7362
CAROLYN A. DEGON, 8688
AUGUST M. DELARUE, 4850
JASON J. DORVAL, 2608
RYAN S. ENGEL, 0319
ELLEN A. FAIRLEIGH, 7081
PETER E. FANT, 9525
LAUREN E. FELIX, 3472
MICHAEL P. FISHER, 4266
AMY E. FLORENTINO, 1393
CRAIG R. FOOS, 8808
KATHERINE A. FOX, 2255
JULIE P. GAMBLE, 5202
MATTHEW G. GEER, 4290
THOMAS A. GILL, 7708
SUZANNE E. GILLE, 9057
LINDSEY C. GILLICK, 8646
GARRY E. GRABINS, 8434
JEFFREY R. GRAHAM, 8376
ANNA K. HAGER, 0826
SHELBY A. HARRINGTON, 3116
CHAD R. HARVEY, 5085
ANTHONY H. HAWES, 7860
JOHN HENRY, 2506
ANNE M. HERMAN, 0389
AZIZA A. HILL, 6981
THOMAS J. HOPKINS, 3240
TIMOTHY A. HUNTER, 1181
CASSIE Q. JANSSEN, 2646
JEANNETTE E. JERABEK, 3270
RYAN R. JOHNSON, 7768
BRADLEY K. JOHNSON, 7538
BECKY K. JONES, 5282
SARAH E. JUCKETT, 3884
AIMEE R. JULCH, 5003
KIMBLEY K. KASTNER, 6914
DANIEL P. KEANE, 1152
HEATHER J. KELLY, 3121
ROBERT R. KISTNER, 9475
BREANNA L. KNUTSON, 8396
ZACHARY A. KOEHLER, 5511
MICHAEL R. LACHOWICZ, 4904
ERIN G. LAMBIE, 0403
PAUL G. LANG, 9051
SARAH E. LARRABEE, 9788
SCOTT P. MARLETT, 5679
RUSSELL D. MAYER, 8978
NOVA MCCONNICO, 2310
EUGENE D. MCGUINNESS, 5223
KERRY D. MCKEEVER, 8448
BRIAN J. MCLAUGHLIN, 3106
MARION O. MCQUEEN, III, 3956
BRIAN J. MCSORLEY, 5196
DAVID L. MELTON, 1268
ANDREW J. MEYERS, 5829
SEAN R. MITCHELL, 6319
JASON W. MORGAN, 9267
MAURICE D. MURPHY, 8608
RACHEL M. NORTON, 3254
MICHAEL P. ONEIL, II, 1192
DANIEL R. ORCHARD, 8633
KIMBERLY J. ORR, 4656
JESSICA A. OWSIANY, 6973
HEATHER J. PARADISE, 8226
MARK B. PATTON, 8167
JOSHUA D. PENNINGTON, 4227
ERIC C. PERDUE, 0610
KRISTA J. PETERS, 8420
EBEN H. PHILLIPS, 1322
KEVIN L. PLYLAR, 0669
ROBERT H. POTTER, JR., 8949
RYAN M. REARDON, 9225
HELENA H. ROBINSON, 5895
PAUL A. RODRIGUEZ, 0641
AARON J. ROE, 1148
RHETT R. ROTHBERG, 7024
GREGORY K. SABRA, 6074
SCOTT M. SANBORN, 1825
JEFFREY A. SANCHEZ, 8080
GREGORY H. SCOTT, 0505
JOSHUA S. SEBASTIAN, 4371
MICHAEL D. SHARP, 5136
SARAH P. SNYDER, 9734
ANNA L. STAMPER, 6599
BRIAN S. THOMAS, 0358
GEORGE M. TOBEY, 0959
BORIS K. TOWNS, 4113
ERIN N. TRABER, 3701
TODD C. TROUP, 4116
DANIEL R. URSINO, 1864
REBECCA A. WAITT, 9791
MATTHEW J. WALDRON, 6403
THOMAS W. WALLIN, JR., 2921
RICHARD B. WALSH, 0757
STEPHEN M. WASYLENKO, 8205
WILLIAM C. WOITYRA, 5621
HEATHER J. WOLF, 7501
MICHAEL J. WOODRUM, II, 8169
ERIK A. WOZNIAK, 9676
FRANCINE A. YAKIMO, 6130
MICHAEL J. ZERUTO, 3202

CONFIRMATIONS

Executive nominations confirmed by the Senate April 15, 1999:

THE JUDICIARY

WILLIAM J. HIBBLER, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

MATTHEW F. KENNELLY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

EXTENSIONS OF REMARKS

INTRODUCTION OF OSHA REFORM BILLS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. BALLENGER. Mr. Speaker, today I am introducing five bills, each targeted specifically to a needed reform of the Occupational Safety and Health Act.

Over the past several years, we have made progress in redirecting and refocusing OSHA, from an agency that was too often focused on enforcement "for enforcement's sake" to one that has begun to recognize the importance and effectiveness of cooperative efforts and consultation programs, and of encouraging the voluntary efforts of employers and employees.

When we began this effort, the Clinton administration claimed that any change in OSHA's focus on enforcement would lead directly to increased injuries and deaths. In fact, just the opposite has occurred. The Department of Labor has reported in recent months that both workplace fatalities and workplace injury rates have again declined and are at the lowest levels since those records have been maintained. Those record low levels have been achieved even though we are the midst of a tight job market, a time in which, historically, injury rates increased.

My goal is to continue to push for changes that will further reduce injuries and fatalities by encouraging voluntary action and cooperative approaches. Where regulation and enforcement is imposed, it should be fair and the benefits should justify the costs. Unfortunately, there are still far too many instances in which OSHA's enforcement and regulation is neither.

The five bills that I am introducing cover the following areas. I welcome my colleagues' support for these bills.

Audit Protection: Safety and health audits are an important aspect of a company's efforts to ensure that their workplaces are safe. Most employers, particularly in hazardous industries, do some type of safety and health audit. Those with good lawyers then either destroy the records or disclose it only to their lawyers, neither of which is the most effective way to improve safety and health. The reason companies do so is that OSHA inspectors routinely use the audit to penalize the employer. OSHA's enforcement policy is counterproductive to employee health and safety. I believe we should encourage employers to conduct audits, not discourage them. My bill provides limited protection for audits, and at the same time, encourages employers to conduct audits and to fix the hazards found during those audits.

Whistleblower Protection: The OSH Act provides important legal protection for employees who raise concerns about safety or health hazards. However, the current process for handling those complaints is neither effective nor fair. Complainants sometimes wait years for the Department of Labor to decide whether to seek relief in court. I am proposing that the OSH Act be amended to provide an administrative private right of action so that the complainant is assured opportunity for an administrative hearing and timely decision. Encouraging safety and health audits and assuring timely adjudication of whistleblower complaints by employees are important steps that Congress must take to support and encourage voluntary safety and health efforts by employers and employees.

Safety Meetings: As a result of a December 1998 decision by the National Labor Relations Board, employee safety committee are illegal, except: (1) where a union is involved and the safety committee is negotiated with the union, or (2) the safety committee has no real responsibility for safety and health. For years we have argued over what employee involvement the law allows or does not allow. At least now, in the area of safety, it is clear that, for most workplaces, current law permits very little employee involvement. It is time to fix the law. My bill addresses only safety committees; it does not open up the National Labor Relations Act. It would allow employees to participate, through safety committees, in evaluating safety conditions and safety rules and policies—responsibilities that are now prohibited in the majority of workplaces.

Rulemaking Reform: In my view, a relatively simple reform would make OSHA standards-setting more fair and lead to more practical regulation. When OSHA proposes a standard, it should clearly indicate which industries will be regulated, and its risk assessments and cost analysis regarding the standard should relate specifically to those industries. Neither of these steps is new. OSHA has identified specific industries in some rulemakings, and the courts have frequently required OSHA to reconsider standards because it failed to conduct "industry specific" analyses. Putting these changes in statute will ensure that both are consistently part of the rulemaking procedure, thereby providing greater fairness in future OSHA rulemakings.

SBREFA Implementation: The 1996 Small Business Regulatory Enforcement Act (SBREFA) required all federal regulatory agencies to establish policies to provide for reduction and waiver of penalties for non-serious violations by small employers. OSHA has maintained that its existing penalty policy was an adequate response. However, the existing policy allows a maximum 35 percent reduction for most small businesses, and conditions even that reduction on meeting additional, non-regulatory requirements. My legislation will direct OSHA to adopt a specific waiver of penalties policy for non-serious violations, if those violations are corrected within a timeframe set by OSHA.

NANCY JALONEN, 1999 BRAVO! RECIPIENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. LANTOS. Mr. Speaker, I rise today to recognize Ms. Nancy Jalonen of San Mateo, CA, the recipient of the 1999 Bravo! Award. The Bravo! Award is given each year by the Hillbarn Theatre League in honor of substantial contributions to the cultural life of the Peninsula area. Ms. Jalonen will receive this honor on tomorrow evening at a ceremony held in her honor at the Crowne Plaza Hotel in Foster City.

Nancy Jalonen has been absolutely vital to the arts community on the Peninsula for many years now. During her tenure as executive director from 1978 to 1984, she revolutionized the San Mateo Arts Council. She developed the Music in the Schools program, attracting professional musicians to local schools to give lectures and demonstrations, and she created the SWAP program, where artists "swap" teaching for studio space. When Ms. Jalonen left the Arts Council in 1984, it had been judged one of the top three councils in California for 2 years running.

Since then, Ms. Jalonen has led the committee to renovate the San Mateo High School Auditorium and transform it into the San Mateo Performing Arts Center. She is on the Board of Directors of Ragazzi and TheatreWorks and is also a member of the committee to found City Arts of San Mateo, an organization geared to promote visual, literary, and performing arts in San Mateo.

In 1996, Ms. Jalonen produced and hosted 21 television programs on the oral history of San Mateo County. This was not her first foray into the world of television. For 20 years at KCSM–TV, she produced and hosted over 150 television programs featuring performing and visual arts organizations throughout San Mateo County. She currently presents a monthly radio program on local theater for the Lighthouse for the Blind.

Mr. Speaker, Nancy Johnson's work has been a remarkable and an important contribution to the cultural life of the Peninsula, and her efforts have enriched the lives of all of us in the Bay Area. I would like to ask my colleagues to join me and the Hillbarn Theatre League in lauding Ms. Nancy Lee Jalonen for her well-deserved honor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING MARY BIANCHINI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. GILMAN. Mr. Speaker, I am pleased to call to the attention of our colleagues one of the most remarkable residents of my Congressional District and, in fact, of our nation.

Mary Bianchini is turning 92 years young this month, and her friends, family, and numerous admirers are coming together not only to honor her but also to initiate a scholarship fund in her name. Mary has devoted so many years of service to others—as a nurse, as a media personality, and as a linchpin in numerous charitable concerns—that it is only appropriate that we return some of our love to her which she has showered upon us all these many years.

A cover story in the January-February 1987 issue of "Geriatric Nursing" recounted how Mary emigrated to the United States from Italy with her family at a young age. In 1929, she married the man her parents has chosen for her but before long that union found a firm foundation in love. In fact, Mary remained married to the same man until his untimely death in the late 1950s, nearly thirty years after their nuptials.

Mary had planned to become a sterling housewife and mother, but as happened with all too many Americans at that time, the Great Depression threw a monkey wrench into her plans. Forced to find employment in a shoe factory, Mary had to seek new employment when that establishment burned down and she applied to become a telephone operator at the Rockland State Hospital. Mary was told there were no vacancies, but would be hired if she would help out in patient care. From that experience on, Mary was hooked on helping others.

Mary demonstrated a natural skill at caring for the ill. She became a licensed practical nurse in 1938, and soon earned a reputation statewide for her compassion and skill, as well as her common sense.

Mary served as an officer in the New York State Practical Nurses Association from 1948 until 1962. In these positions, her reputation as a feisty defender of the underdog was assured.

In the 1960's, Mary began a completely new career as host of her own radio, and cable television, programs. Soon, the movers and shakers in all aspects of society were seeking to be interviewed by this remarkable woman, not quite five feet high. Her insight broadcast interviews continued until well in the 1980s.

Mary Bianchini was the American Heart Association "Queen of Hearts" in 1985, was cited by Governor Mario Cuomo for service to our state, and was a strong supporter of my Congressional Citizens Advisory Committee on Drugs.

Perhaps Mary's greatest pride in her own family. Her son Dr. Valentino Bianchini is a respected member of the medical profession who has raised his own family following Mary's guidelines to life. She is also proud of her large, loving family.

Mr. Speaker, I invite my colleagues to join with us in saluting this wonderful woman on the occasion of her 92nd birthday, with wishes for many many more, as well as our profoundest hopes that we will be able to join her in celebrating many birthdays to come.

TRIBUTE TO MERVIN G. MORRIS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Mervin G. Morris, an extraordinary man and my constituent of Atherton, California, who will be presented the Leading Citizens Award by the Boys & Girls Club of the Peninsula on Wednesday, April 21, 1999.

As a third generation Californian, Mervin Morris was raised in the farming town of Delano, California. He joined the family business after serving four years in the United States Army during World War II. In 1949, he founded Mervyns Department Store in San Lorenzo, California. From that original store in San Lorenzo, he built a department store chain that currently employs over 70,000 people worldwide.

Mervin Morris has provided over a decade of service to the Boys & Girls Club. His vision resulted in the development of a new clubhouse to serve the youth in East Palo Alto which is slated to open next spring. The clubhouse in Redwood City is named in his honor, and he has been instrumental in garnering volunteer and donor support for a fully renovated facility in the Belle Haven neighborhood in Menlo Park.

Mervin Morris' volunteer activities do not stop at the Boys & Girls Club. He currently serves as a Trustee of the Palo Alto Medical Foundation and is a member of the Board of Directors of the Eisenhower Medical Center. His involvement in countless other community organizations include the California Academy of Sciences, the Jewish Community Federation, Jewish Home for the Aged, the Palm Springs Desert Museum, the Peninsula Oral School for the Deaf, Scott Street Senior Housing, and the Stanford Athletic Department. Mr. Morris also continues his service to our military as a civilian advisor to the Commanding General of the Army and Air Force Exchange Services.

Mervin Morris and his wife of almost fifty years, Roslyn, who is also being honored by the Boys & Girls Club, have four loving children and twelve beautiful grandchildren.

Mr. Speaker, Mervin Morris is a man of outstanding character and I salute him for his remarkable contributions to our country and our community. We consider him a great blessing amongst us and I ask my colleagues to join me in honoring him as he receives the honor of being named a Leading Citizen by the Boys & Girls Club of the Peninsula. No one deserves this more.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 68, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I rise in opposition to H. Con. Res. 68 because it is a magician's trick. It tricks the American people into believing that the Republican budget plan is good for retirees; good for baby boomers and the solvency of Social Security; and good for our working families. Mr. Speaker, their plan is smoke-and-mirrors. Their plan is full of short-term, feel-good, pretax day "fuzzy-wuzzies." However, I submit that we need to be making investments toward America's future, not siphoning off the surplus. I am opposed to such trickery.

Mr. Speaker, their plan uses irresponsible tax cuts for the next 10 years as opposed to investing in our economic future. Their plan ignores the challenges that working families and/or the struggling poor face in consequential areas such as job training, education, health care, and affordable housing.

Mr. Speaker, this conference report sets nondefense discretionary spending for FY 2000 at $43.7 billion less than provided for in 1999. Where do our priorities lie? This budget sounds like a dream, a nightmare for those who are most vulnerable—$2.5 billion less in budget authority for community and regional development; $800 million less for health programs; $4.1 billion less in low-income programs; and finally $13.7 billion more in budget authority for defense spending in FY 2000.

This budget does not reflect the needs of my district where the median income is $25,250. This budget cuts the heart out of senior citizens with the $9 billion Medicare cuts and puts health care at risk for millions with the $1.2 billion cut in Medicaid.

Mr. Speaker, only as this process moves into appropriation reality will the American people understand the basic unfairness, the cold-heartedness which lie at the base of these numbers presented here today.

I end with a quote by the great Franklin Delano Roosevelt to remind my colleagues of achieving a great society in a true democracy.

True individual freedom cannot exist without economic security and independence. People who are hungry and out of a job are the stuff of which dictatorships are made.

TRIBUTE TO JIM SCHUETTE

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I'd like to briefly provide some comments about a great friend of the people of northeastern Wisconsin, and a personal friend of mine—Jim Schuette.

This month marks the end of Jim's term as Outagamie County Executive, a position he has held for the last three years.

But Jim's history of serving the people goes back a full 45 years—and we're truly fortunate he decided to dedicate his life to public service.

As a young man, Jim joined the U.S. Marine Corps and later went on to serve for 19 years with the U.S. Army Reserves.

For most of his working life, Jim delivered letters for the U.S. postal service—and was always a smiling face folks could count on.

For the 22 years before he became county executive, he served on the Outagamie County Board, where he earned a reputation for approaching problems with his trademark common sense.

I couldn't dream of letting this occasion go by without telling Jim how much his time and hard work have meant to me and to the people of northeastern Wisconsin.

So, on behalf of myself and the countless other people whose lives have been made brighter by Jim's efforts, I want to say "thanks!"

HONORING THE SHEPELS AND MARIA'S ITALIAN RESTAURANT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. KLINK. Mr. Speaker, I rise today to honor two outstanding citizens from Beaver, Pennsylvania. To the delight of the community, George and Maria DiLeonardo-Shepel reopened a fine family restaurant known as Maria's on April 1, 1999. The Shepels' hard work and commitment to this neighborhood institution are testimony to the strong work ethic of western Pennsylvania.

I would like to recognize the Shepels for their contributions to their community. Without these types of individuals, many of our neighborhoods would lose their local traditions. Their dedication and hard work are deserving of commendation.

The Shepels bought Maria's in 1988 and successfully modeled the restaurant after an authentic Italian eatery. For six years, this establishment was a popular neighborhood meeting place. During my first campaign for the U.S. Congress, the Shepels were among my first supporters, and invited me to dine in their restaurant. I will never forget their friendship or their kind words of support.

The couple has spent the last few years renovating the restaurant and restoring it to its original condition. By providing quality food and friendly service, the Shepels have ensured that Maria's will be a permanent fixture in this community for years to come. My fellow colleagues, it is with great pleasure that I rise and applaud George and Maria DiLeonardo-Shepel. I hope they continue to enjoy tremendous success and wish them the best of luck in the future.

CELEBRATING A CENTURY OF ACCOMPLISHMENT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. BARCIA. Mr. Speaker, people who give back to their community are a precious resource. For my home town of Bay City, one wonderful example of how valuable this precious resource can be is Knights of Columbus, Council #414, which this week celebrates its most special 100th anniversary.

Forty-nine men from Bay City and Saginaw met on April 16, 1899, to organize Valley Council 414, with its first home at the Old Cottage Hall on the corner of Sixth and Madison. While some members withdrew from 414 in order to form other new councils in Saginaw and the surrounding area, by December 29, 1915, the Bay City Council 414, renamed as such in 1902, had grown to over 1,500 members. A proud but sad point of history was made when in 1917, Francis McCauley became the first Bay County and Council 414 member casualty in France during World War I.

Over the years, Council 414 has grown in members and has moved through several facilities that have served its diverse needs. At the same time, it has held true to the main purposes of the Knights of Columbus, founded by Rev. Michael McGivney in 1882—charity, unity, fraternity, and patriotism. It has held its loyalty to the Catholic Church and the Pope. The Knights of Columbus have promoted solid values through its promotion of family life, charitable disbursements to needy people and disaster victims, its "Crusade for Life" in defense of the unborn, insurance for its members, an educational trust for children of members who are killed or totally disabled due to military service or in performance of their duties as full-time law enforcement officers or firemen, and student loans to Knights, their families, and members of the clergy.

Council 414 has worked particularly hard to provide charitable assistance to the crippled children and adults of Bay City, as well as to the mentally challenged. Its "Klown Unit" provided more than 2,200 hours of enjoyment to children at schools, hospitals, special events, and the Special Olympics last year. The Knights have been wonderful friends through their visits to senior citizens. They also provided, without charge, assistance with their Pall Bearers Group at over 400 funerals since the group's inception more than a decade ago.

Mr. Speaker, at a time when we ask whether or not our people have a sense of values, and whether or not they are prepared to recognize that the government alone cannot provide all of the assistance that people may require, we need look no further than the Knights of Columbus, and inspirational units like Council 414 of Bay City. I urge you and all of our colleagues to join me in congratulating Grand Knight James F. Morrisette and the more than 640 members of Council 414 on this very special 100th anniversary, and in wishing them many more successful and fulfilling years to come.

HONORING RONALD ANSIN

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. OLVER. Mr. Speaker, I rise today to pay honor to the fine work and outstanding public service of a true philanthropist, Mr. Ronald Ansin. On this Saturday, Ron will receive the 1999 National Alexis de Tocqueville Society Award for Community Service, United Way of America's highest honor given for volunteer service.

A native of central Massachusetts, Ron graduated from Harvard College cum laude in 1955 and continued his education at Yale Law School graduating in 1958. Both a civic and business leader in Massachusetts, Ron heads two successful companies, the Anwelt Corporation in Fitchburg, Massachusetts and L.B. Evans's Son Co., Inc., in Leominster, Massachusetts.

Over the past 30 years, Ron has committed himself to civic and community service on many local, state and national issues.

Locally, Ron has been a philanthropic force in North Central Massachusetts, supporting the Thayer Symphony Orchestra, HealthAlliance, Inc., the Fitchburg Art Museum, and local educational institutions including the Applewild School, Fitchburg State College and Mount Wachusett Community College. Ron has been the recipient of the Distinguished Citizen Award from the Boy Scouts of America and has received a Honorary Doctor of Humanities Degree from Fitchburg State College.

Within Massachusetts, Ron held the position of the Commissioner of Commerce and Development in the mid-1980's. He also served on a number of state-wide boards and councils including the Governor's Commission on Cogeneration, the Mental Health & Retardation Area Board, and the State Job Training Coordinating Council. Ron currently serves on the American Civil Liberties Union of Massachusetts.

Nationally, Ron is the treasurer of the Center of National Policy in Washington, DC, a non-partisan and non-profit public policy think tank. In 1977, Ron served as an industry advisor (footwear) to the Office of the President.

Mr. Speaker, few people in public life ever make the type of contributions made by Ronald Ansin. I can sincerely commend Ron as a true humanitarian, a role-model for our youth, and a man worthy of honor and respect. It is only appropriate that the House join me in paying tribute to Mr. Ansin today.

THE FAMILY FARM PROTECTION ACT

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I am proud this week to introduce my first bill before this house.

It's a bill designed to bring some desperately-needed relief to farm families across

America and in my home of northeastern Wisconsin.

It's a simple proposal, really—and rather than increase government's role in agriculture, it actually eliminates one of the burdens government places upon our family farmers.

This bill—the Family Farm Protection Act—will exempt farmers from the Federal capital gains tax when they sell their farm to a family member.

This bill removes one of the multitude of burdens our farmers face, and will help to keep family farms within the family.

Our farmers are suffering through the toughest farm crisis in 15 years—maybe longer.

We used to call farming "agriculture," today, it's more often called "agribusiness."

I think there's a reason for that.

America used to be an "agri-culture"—farming was more than a business.

It was America's way of life—we were a culture built around an agrarian center.

Washington and Jefferson were both farmers.

But today, we can see our "agri-culture" slipping into history.

As more family farms go under, the farming way of life—America's "agri-culture" goes with them.

We cannot let that happen.

While the U.S. economy is booming, farmers face a real crisis—no matter how hard they work.

In the past, we in the Congress have had a tendency to get government more involved in the midst of a farm crisis.

But this bill—the Family Farm Protection Act—recognizes that government is often a part of the problem, rather than a part of the solution.

We have 22 original co-sponsors of this legislation, each of whom I'd like to thank for their help and support in this growing effort to offer real relief to our farm families.

This proposal helps protect our family farmers today and is an important first step in a broader movement to maintain America's tradition of "agri-culture"—a way of life and a set of values that built the America we live in today.

I ask my colleagues to join me in this movement and to support the Family Farm Protection Act.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. DAVIS. Mr. Speaker, I was unavoidably detained in the district and as a result missed rollcall votes 78–85. If I had been present, I would have voted "aye" on rollcall 78; "aye" on rollcall 79; "aye" on rollcall 80; "aye" on rollcall 81; "aye" on rollcall 82; "aye" on rollcall 83; "nay" on rollcall 84; and "nay" on rollcall 85.

THE DAVID CHETCUTI FIREARMS MODIFICATION ACT—H.R. 1428

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. LANTOS. Mr. Speaker, I rise today to inform my colleagues about legislation that I am introducing in the House to honor the memory of a brave police officer who was killed in my congressional district less than a year ago, Officer David Chetcuti. Officer Chetcuti was a devoted husband and a loving father to his three sons. He was also a decorated 11-year veteran of the Millbrae police department. On April 25 of last year, after responding to a routine call from an officer in a neighboring jurisdiction, Officer Chetcuti was shot and killed by Marvin Sullivan, a convicted felon.

Mr. Speaker, the weapon which Sullivan used to kill David Chetcuti was an assault rifle, a class of firearm that many of us thought we had succeeded in removing from our Nation's streets. Marvin Sullivan, who was not legally able to purchase the kind of firearm he used to kill Officer Chetcuti, assembled his weapon from a series of gun components which he was able to purchase without any of the restrictions which are imposed by law on the purchase of assault weapons.

Through mail order catalogues, over the Internet, and at gun shops—without any of the restrictions on the purchase of fully assembled firearms—Sullivan was able to purchase the components that he used to make his illegal weapon. That gun was created for the sole purpose of killing another human being. The weapon he built defied and circumvented all the firearm safeguards for which we have fought long and hard. The components were easy to procure, the assembly was simple, and the final product was devastatingly deadly.

Mr. Speaker, the legislation I introduced today—H.R. 1428, The David Chetcuti Firearm Modification Act—would close the existing loophole which permits felons like Marvin Sullivan to have access to components which they can use to assemble these weapons. This is a simple proposal and does not require more enforcement effort than what currently exists. Quite simply, this legislation would extend the provisions of existing gun control legislation to those components which criminals, like Mr. Sullivan, can and do use to make assault weapons.

The adoption of this legislation would prohibit the sale to convicted felons of large capacity ammunition clips or other firearm components which make it possible for them to maim and kill. This legislation would also require that the purchase of these components be carried out in person. Today there are literally hundreds of mail order operations and Internet sites which offer items such as military issue ammo clips, silencer-fitting threaded barrels, and pistol grips capable of turning a hunting rifle into an automatic killing machine.

Mr. Speaker, the availability of these components is a public safety threat, already tragically felt by the Chetcuti family and by the law enforcement community in my congressional district. For the safety of our outgunned law enforcement officers and for the well-being of our communities, I urge my colleagues in the Congress to join me in working for the passage of this legislation.

Mr. Speaker, much has been said to honor the dedicated men and women who daily put their safety and their lives on the line to provide the citizens of our country with the security, safety, and peace essential for the maintenance of our civil society. These men and women of our law enforcement community are the "thin blue line" which stands between the decent and law-abiding citizens of this nation and the abyss of lawlessness, chaos, and anarchy. Our law enforcement professionals deserve the support and protection which this legislation will provide.

100th ANNIVERSARY OF UNIONTOWN HOSE FIRE CO. NO. 2 OF HASTINGS-ON-HUDSON, NY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. GILMAN. Mr. Speaker, on April 18, 1999, the Uniontown Hose Fire Company No. 2 in Hastings-on-Hudson will celebrate its 100th anniversary.

Originally incorporated on August 19, 1899, by 30 charter members, the company has faithfully served the Hastings community by protecting the lives and property of their neighbors for nearly a full century.

Fire departments are one of our most vital organizations protecting the safety of a community and its citizens. Each year, throughout our Nation, fire kills over 6,000 people, injures about 28,000 people, and destroys more than 7 billion dollars' worth of property. Without the services that institutions such as the Uniontown Hose Fire Co. provide, these numbers would be even higher and the threat of fire to Americans could be even more severe. Besides fighting fires, our volunteer firemen are involved in fire prevention and safety as well a providing first aide and rescue support in the event of major disasters. The protection the men and women of Uniontown Hose have furnished to the community of Hastings-on-Hudson over their many years of service is worthy of commendation, for its is their devoted work that helps make our neighborhoods safer and more secure.

Mr. Speaker, I invite my colleagues to join me in congratulating the Uniontown Hose Fire Co. on its 100th anniversary and extending our best wishes to its officers and members for another 100 years of service.

TRIBUTE TO ROSLYN G. MORRIS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Roslyn G. Morris, an extraordinary woman and my constituent of Atherton, CA, who will be presented the Leading Citizens Award by the Boys & Girls Club of the Peninsula on Wednesday, April 21, 1999.

Roslyn Morris has a distinguished volunteer resume. Described by friends as "quietly loving and giving", Roslyn Morris is often found behind the scenes working diligently on causes important to her. Initially on the Board of the Florence Crittendon Home, she was a founding member of the Peninsula Children's Charter Auxiliary. Her deep commitment to Peninsula Volunteers (PV) led her to serve as President of the Board of Directors in 1980. In 1995, the newly renovated PV Senior Center Little House was named in her honor.

Roslyn Morris is actively involved with the Museum of Modern Art in San Francisco. She recently assisted with the opening of the new Iris & Gerald Cantor Center for the Visual Arts at Stanford University.

Roslyn and her husband of almost 50 years, Mervin, also being honored by the Boys & Girls Club, have 4 loving children and 12 beautiful grandchildren.

Very importantly, Mr. Speaker, Roslyn Morris' example of excellence has inspired others to provide opportunities for achievement, especially for the young and particularly, for those who come from disadvantaged circumstances.

Mr. Speaker, Roslyn Morris is a woman of outstanding character and I salute her for her remarkable contributions to our country and our community. I ask my colleagues to join me in honoring her as she is being named a Leading Citizen by the Boys & Girls Club of the Peninsula. No one deserves this more.

ALAMANCE COUNTY, N.C.'s SESQUICENTENNIAL CELEBRATION

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. BURR of North Carolina. Mr. Speaker, I rise today to honor and congratulate Alamance County, North Carolina for its upcoming 150th Anniversary. Alamance County's charter was granted on April 24, 1849, but its rich history goes back much farther. The area was first an important crossroads on the well-known Indian Trading Path which connected villages in eastern Virginia, South Carolina, and eastern North Carolina. This path became an important avenue for trade and migration in the new colony, and it helped bring Alamance County's first European settlers—English and Irish Quakers, Scotch-Irish Presbyterians, and German Lutherans. Most of these settlers traveled many miles from Pennsylvania and northern Virginia to make Alamance County their home, and their legacy lives on today. The Cane Creek Meeting, established in 1751, is the oldest active Quaker meeting in North Carolina, and Hawfields Presbyterian Church, established in 1755, is the oldest Presbyterian Church in the county.

A desire for freedom has always been deeply ingrained in the people of Alamance County. As a result of their frustration with land tenure problems, inequitable taxation, and inadequate representation in the colonial General Assembly, many of the county's residents joined the Regulator Movement—established to protest corrupt and inefficient county courts. The hostilities between the Regulators and the colonial government escalated into general insurrection and climaxed when Royal Governor William Tryon quelled the uprising by mustering a 1,000-man militia and defeating the Regulators on May 16, 1771 in the Battle of Alamance. While the county's loyalties were split early in the American Revolution, Alamance County played a key role in America's independence. General John Butler, a Swepsonville resident and one of our country's most distinguished Revolutionary War soldiers, led patriot troops in the battle of Moore's Creek Bridge and was later elected Brigadier General of the Hillsborough District. Moreover, Pyle's Massacre, a major American victory, occurred in Alamance County four miles west of the town of Graham.

Before Alamance County's charter was granted in 1849, the area was part of Orange County. Residents of the section of Orange County west of the Eno River, however, felt removed from the county seat of Hillsborough, and in January, 1849, one of Orange County's Representatives in the General Assembly introduced legislation creating Alamance County. Separate legislation introduced at the same time established Graham (named after Governor William A. Graham) as the Alamance County Seat. On April 19, 1849, the residents of Orange County approved the creation of Alamance County by a narrow margin, and five days later, on April 24, 1849, Alamance County's Charter was granted—the event we will celebrate next Saturday.

Since its establishment, Alamance County has had a strong and growing economy. In 1856, the North Carolina Railroad was completed. Running from Goldsboro to Charlotte, the railroad spurred great economic growth in the county. Because of the efforts of Benjamin Trollinger and Edwin M. Holt (local mill owners and members of the railroad's board of directors), the North Carolina Railroad was run through the middle of Alamance County, and the railroad's repair and maintenance shops were located near Graham at Company Shops. In 1887, Company Shops' name was changed to Burlington which is now the county's largest municipality.

The presence of the railroad was also a blessing to the county's emerging textile industry. Within a short period, many new mills opened, including Alamance County's most successful textile operation—the Alamance Cotton Mill. Established by Edwin Michael Holt on the site of his father's grist mill on Alamance Creek, Alamance Cotton Mill contributed greatly to the prominence of the southern textile industry when it became the first mill south of the Potomac River to produce commercially dyed cotton plaids—known as Alamance plaids. The success of the mill enabled the Holt family's business to grow and include 22 mills in Alamance County alone. Some of these mill holdings would later be consolidated into the multinational corporation Burlington Industries. Today, the textile industry continues to be a major source of the county's economic growth and stability.

Mr. Speaker, after 150 years, Alamance County exemplifies the best attributes of a rural county. Its people have worked hard to develop its economy and community—all while preserving its heritage and culture. It is a friendly place where people still stroll the sidewalks in the evening and greet friends and strangers with a smile. I am proud to have Alamance County in my district, and I wish them success and happiness for the next 150 years.

THE DEATH TAX ELIMINATION ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation that will improve the prospects of every family-owned and operated farm, ranch, and business in America. These small family farms and businesses are the backbone of the Texas economy, and the estate tax, often called the death tax, threatens their continued existence. It is time to end this tax—and my bill does just that.

The U.S. Department of Agriculture estimates that farmers' and ranchers' estates are six times more likely to face estate taxes than others' estates. In my travels around the 19 counties of the First Congressional District, evidence of the accuracy of this estimation pours forth. At nearly every stop I make, I hear horror stories from family members who were forced to sell all or part of the family farm just to pay estate taxes.

The death tax represents one percent of the Federal tax revenues. However, the impact to the taxpayers is far from insignificant. Not only does this punitive tax cause financial problems for families who are forced to sell property that has been in the family for generations or businesses built over a lifetime, but also local economies feel the impact as jobs disappear and businesses close. Clearly, the social and economic costs of the estate tax far outweigh the revenue it provides for the federal government.

The time has come to end this ill conceived tax. The tax that was originally intended to break up huge family estates now inhibits the passage of 70 percent of family businesses from one generation to the next. Two years ago, we took meaningful steps to reduce the burden of death taxes on family farms and small businesses in the Taxpayer Relief Act of 1997. The next step is to completely eliminate it and free families from this burden forever.

AMERICAN SOCIETY OF TRANSPLANTATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. ANDREWS. Mr. Speaker, as we approach National Organ and Tissue Donor Awareness Week, April 18–24, I rise today to recognize the American Society of Transplantation, an organization comprised of 1,400 transplant physicians, surgeons, and scientists actively engaged in the research and practice of transplantation medicine and immunobiology and represents the majority of professionals in the field of transplantation in the United States. AST members play a critical role in the management of transplant patients from the onset of end-stage disease to post-transplantation are involved in basic research that translates from "bench to bedside," improving the care of transplant patients.

The 1999 National Donor Recognition Ceremony, sponsored by the Health Resources and Services Administration (HRSA), will kick-off the week's activities that will be promoting organ and tissue donation and celebrating donors. AST's President, John F. Neylan, MD will be a speaker at this event along with U.S. Surgeon General, David Satcher, MD, PhD. Similar events will be taking place around the country next week. Organ procurement agencies, transplant centers and transplant-related organizations across the nation will sponsor activities with a donation theme ranging from health fairs to sporting events. Donor memorial services and transplant recipient reunions will take place to celebrate and recognize those individuals who have given the ultimate gift . . . "the Gift of Life."

As a strong supporter of medical research, I commend the AST, headquartered in my district, for their dedication and commitment to research, education, advocacy and patient care in transplantation science and medicine. These dedicated physicians are integral members of the "transplant team" and in many cases. are the directors of their transplant program.

Through the work of AST, the transfer of information to the transplant clinics from basic science laboratories will lead to new scientific advances and improvements in patient care. Next month, AST will be holding their 18th Annual Scientific Meeting which will attract an international attendance to the city of Chicago and will feature the cutting edge science that is opening new frontiers in transplantation medicine and immunobiology. AST members assist in providing the "Gift of Life" and I commend them for their contributions to our society's health care.

THE CARING FOR AMERICA'S CHILDREN ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. GILMAN. Mr. Speaker, today I am introducing the Caring for America's Children Act, in an effort to effectively stimulate the demand for higher quality care for our Nation's children while stimultaneously removing barriers and providing resources to improve the quality of child care in the United States.

Child care continues to be a worry for most families as stories continue to surface about the lack of quality child care. Moreover, research has clearly demonstrated that a high-quality child care program is one that makes the healthy development and education of children its first objective and strives to stimulate the learning process of all children through developmentally appropriate activities that foster social, emotional, and intellectual growth. In addition, families in today's society are increasingly required to have both parents enter the work force. Accordingly, the demand for quality child care is increasing as is the need for credentialed and accredited child care providers.

Accordingly, this act will stimulate the demand for higher quality child care for our Nation's children while simultaneously removing barriers and providing resources to improve the quality of child care in the United States.

Many of my colleagues may have read about the tragic circumstances surrounding the Fiedelhotz family in Florida. The Fiedelhotz' son Jeremy died after only 2 hours at a day care facility. Though this tragedy should have never happened, it is an unfortunate example of what can and may continue to happen unless we encourage and inform all parents about the need for accredited and credentialed child care providers and facilities.

Caring for America's Children Act through the Tax Code will encourage the demand for accredited or credentialed child care. This will be accomplished in the following manner: First, by increasing the amount which an employee can contribute to a dependent care assistance plan if a child is in accredited or credentialed child care; second, changing the dependent care tax credit to allow parents to receive a higher and more equitable dependent day care credit; third providing tax benefits for employees which provide quality child care; fourth, extending eligibility for businesses to take a qualified charitable deduction for the donation of educational equipment and materials to public schools, accredited or credentialed nonprofit child care providers; fifth, establishing a $260 million competitive grant program to assist States in improving the quality of child care; sixth, expanding public information and technical assistance services to identify and disseminate to the public what is important for child development in child care; seventh, providing $50 million to create and operate a technology-based training infrastructure to enable child care providers nationwide to receive the training, education, and support they need to improve the quality of child care; eighth, creating a child care training revolving fund to enable child care providers and child care support entities to purchase computers, satellite dishes, and other technological equipment which enable them to participate in the child care training provided on the national infrastructure; and ninth, requiring that all Federal child care centers will have to meet all State and local licensing and other regulatory requirements related to the provision of child care, within 6 months of the passage of this legislation.

I want to urge all of my colleagues to review this bill and to consponsor this important bill. Our children are our future and we must insist that they receive the best care possible, especially during their early development years.

Accordingly, I urge your support.

CONGRATULATING PETER AND FRANCES KENDALL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate J. Peter Kendall, mayor of Oakland, New Jersey, and his wife, "Fran," on being chosen as the recipients of the 1999 West Bergen Mental Healthcare's Distinguished Service Award. Mayor and Mrs. Kendall have given many years of exemplary public service to their community, both in the field of mental health and otherwise. This honor is certainly well deserved, and today I wish to add the recognition of the United States House of Representatives to that which they have received from West Bergen Mental Healthcare.

Over the years, the Kendalls have been strong advocates of affordable mental health services for families in their community. Together, they have been actively involved with West Bergen Mental Healthcare in numerous ways, contributing generously of their time and talents.

Mrs. Kendall has adopted "doing for others" as a personal philosophy. She divides her time between community service, her family and neighbors, a great talent for art and a never-ending interest in politics, people and participation. In 1994, her commitment to Oakland was recognized when she was chosen as the Oakland Women's Club as Woman of the Year. Fran has truly been a close, supportive friend to the community and all who know her.

An awarding-winning artist, Mrs. Kendall has been honored at numerous art shows, including the CAA Interstate Show, the CAA National Juried Art Show, the Urban Farms Art Show, the Mid-Atlantic Juried Art Show and many others. Her work "displays a highly individualized sense of color" and has been featured in galleries throughout the area as well as in numerous corporate shows and private homes in the United States and abroad. Mrs. Kendall is actively involved in community activities including Oakland's 300th anniversary, "First Night Oakland," and the Bergen County Women's Republican Club among others.

When the New Jersey Conference of Mayors chose Mayor Kendall as the 1998 Mayor of the Year, they acknowledged a treasure long recognized by the people of Oakland. Currently serving his second four-year term as mayor and in this 14th year of elected office in Oakland, Mayor Kendall is a dedicated public servant. Whether it is in the political, social, economic or family arena, no task is too great or too small.

Mayor Kendall has brought his successful business experience to the benefits of Oakland, stabilizing taxes, reducing municipal staff, directing improvement projects, preserving open spaces and spearheading the building of the Oakland Senior Citizens Center. He is the chairman of the 300 anniversary celebration, initiated the "First Night Oakland" event and many others. Whether he is playing in a softball game to raise money for a sick child, working with students at Valley Middle School or playing Santa Claus, he is always there to help. In every way, Mayor Kendall has brought the people of Oakland together as a community and family.

Mayor Kendall and I have worked together on many local projects over the years and he has always provided me with sound advice and counsel, and authoritative information.

The Kendalls have lived in Oakland 22 years and have three sons—John, Mark and Sean. John and his wife, Carla, have two sons, Christopher and Peter, while Mark and his wife, Rose, have three children, Biancia, Dalton and Madisyn.

Peter and Fran Kendall are hard-working, dedicated public servants. Their efforts to improve the quality of life in their community are exemplary. Their dedication and generosity are known throughout Northern New Jersey. They are true friends to all the people all the time.

RECOGNITION OF CATHEDRAL HIGH SCHOOL BOYS VARSITY FOOTBALL AND GIRLS VARSITY SOCCER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of the Boys Varsity Football team and the Girls Varsity Soccer team of Cathedral High School in Springfield, Massachusetts. Their two teams demonstrated superb athletic excellence and great character in the fall season of 1998. Their exploits bring pride and joy to the City of Springfield and the many alumni of Cathedral High School. Their accomplishments deserve our recognition.

The Cathedral High School Football team has a long and proud tradition. Undefeated seasons can be traced back to the 1930's. The Cathedral Football legacy includes the first Notre Dame player to win the Heisman Trophy, Angelo Bertelli. Mr. Bertelli was a member of Cathedral's 1939 undefeated squad. Another legendary graduate is Nick Buoniconti, a co-captain at Notre Dame and member of the back-to-back Super Bowl Champion Miami Dolphins of 1973-74. Mr. Buoniconti was a member of the 1955 undefeated Cathedral Panthers.

The Cathedral Football team of 1998 capped an 11-0 season with the Western-Central Massachusetts Super Bowl Championship. Third year Head Coach Matt Ballard, and Assistants Tom Sheehan, Stefan Davis, and Greg Gebo, led a senior-laden squad back to the heights first reached by the likes of Bertelli and Buoniconti. Although the 1998 team was led by upperclassmen, Coach Ballard is looking forward to the return of 27 of his Champions next year.

The members of the 1998 Super Bowl Champion Cathedral High School Football team are: Seniors: Michael Buoniconti, Timothy Dean, Phillip Gervais, Bartholomew "B.J." Lawlor, Anthony Luvera, Christian McCollum, Christopher McDonald, Timothy McDaid, William Ostiguy, Bryan Picard, Michael Rivard, Jeffrey Santiago, Samuel Scott, Justin Simmions, Shawn Torres, and William Torres; Juniors: Vincente Buoniconti, Brett Cook, Sean Cox, Richard Cummings, Daniel Keyes, Jonathon Koldys, Derick Lamoureux, Taren Latta, Michael Martin, Brendan McDonald, John Piascik, and Matthew Yvon; Sophomores: George Bahlke, Michael Britt, Joseph Camerota, Shaun Carpenter, Michael Christman, Benjamin Dagenais, Matthew Gendron, Brandon Jones, Joseph Luvera, Timothy Manning, Jonathon Miller, Michael Ojunga, Devon Robinson, Steven Snow, and Liam Walsh.

The accomplishments of the Cathedral High School Girls Soccer team are no less impressive. For the third straight year, the team was led by Head Coach Larry Kelly and Assistant Coach Laura Wray. Over these three years, the Panthers have amassed a record of 49-4-7 and three straight Western Massachusetts Championships.

The 1998 team finished the season 21-2, ranker #12 in the nation, and became Massachusetts State Co-Champions with the #1 team in the nation, Winchester High School. The Panthers scored 115 goals, while letting in only 10. The girls were named a High School Academic All-America Team and Senior Mary McVeigh was named All-America, and Gatorade Player of the Year for Massachusetts. Although the 1998 squad was led by an extremely skillful group of seniors, Coach Kelly expects his tenacious underclasswomen to be ready for the challenges of 1999.

The members of the 1998 Massachusetts State Co-Champion Cathedral Girls Soccer team are: Seniors: Kathryn Crisostomo, Lauren Downey, Casey Fitzgerald, Alison, LaMontagne, Christine LaValley, Cindy Lilly, Mary McVeigh, Melanie Mucha, Maura Neal, and Melissa Rowe; Juniors: Jamie Athas, Carissa Caulfield, Cathrine Kirwan-Avila, Katie Leydon, Kelly Quinn, Kady Robbins, Vanessa Saundars, Annie Tudryn; Sophomores: Jessica Bain, Kara Downey, Cristin Goodwin, Michelle Jette, Toni Pantuosco, Nicole Scibelli, Crystal Stanton, and Jenn Woytowicz; and first year student Shannon Donnelly.

INTRODUCTION OF THE PERSONAL INFORMATION PRIVACY ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. KLECZKA. Mr. Speaker, information on the most personal aspects of our lives continues to be spread across the landscape. Once taken for granted, our wall of privacy is crumbling.

Today, I am re-introducing the Personal Information Privacy Act. This legislation attempts to restore some control over the use of our personal information. The bill prevents credit bureaus from giving out Social Security numbers and prohibits the sale or purchase of any information that includes anyone's Social Security number unless they have written consent to do so.

A merchant who requires a Social Security number on a check used for a purchase or a cable company who demands a Social Security number on an application for service will be prohibited from such practices or be charged with an unfair and deceptive business violation.

Further, this bill prohibits any state department of motor vehicles from selling drivers' photographs and drivers lists containing Social Security numbers. In addition, marketers will not be able to sell consumers' purchasing experiences or credit transactions without prior approval.

This bill also provides for civil and criminal penalties for violations. The criminal penalties are now possible because of action taken in the 105th Congress. Last year, Congress passed the Identity Theft and Assumption Deterrence Act, which, for the first time, criminalizes identity theft. Finally, victims of identity theft have a means to prosecute those who assume their identities and ruin their credit histories. While I am pleased that this legislation, which I cosponsored, was signed into law by President Clinton, I feel that further action is needed. We must pass legislation to prevent these crimes from occurring.

This legislation is necessary because anyone's personal information is easily accessible, be it through the presentation of false identification or through the internet. The information can be as innocuous as a name, address, and phone number or as intrusive as a detailed summary of personal finances, including bank account balances and investment portfolios.

One of the main reasons information is so accessible is that a person's Social Security number has become a personal identifier. Many private entities, from doctors to universities, now follow the example of the federal government by using the SSN as an identifier.

Recently, the Government Accounting Office completed a report that states "No single federal law regulates the overall uses of SSNs." It further notes that "Businesses and governments are not limited to using SSNs for purposes required by federal law." Consequently, requiring a person's SSN, the key to a wealth of personal information, as a condition of doing business is now common practice.

Mr. Speaker, this legislation is designed to curtail the rampant invasion of our privacy. What we buy and where we buy it is no one's business but our own. And, the unauthorized use and abuse of our Social Security number must stop. I urge all of my colleagues to cosponsor and support this legislation.

SECTION 1. SHORT TITLE

The title of this Act is the "Personal Information Privacy Act of 1999."

SECTION 2. CONFIDENTIAL TREATMENT OF CREDIT HEADER INFORMATION

Section 2 would add a sentence to § 603(d) of the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681a(d), which defines the term "consumer report" for purposes of the FCRA. The team currently means, essentially, any communication of information by a consumer reporting agency about a consumer that is used or expected to be used as a factor in establishing the consumer's eligibility for credit, insurance, employment, or for any other legitimate business purpose. Under § 604 of the FCRA, 15 U.S.C. § 1681b, a consumer reporting agency may not furnish a consumer report except for specified purposes. The new sentence that § 2 would add to the definition of "consumer report" provides: "The term also includes any other identifying information of the consumer, except the name, address, and telephone number of the consumer if listed in a residential telephone directory available in the locality of the consumer." If this new sentence becomes law, then consumer reporting agencies would be prohibited from disclosing such identifying information except for a purpose specified in § 604.

SECTION 3. PROTECTING PRIVACY BY PROHIBITING USE OF THE SOCIAL SECURITY NUMBER FOR COMMERCIAL PURPOSES WITHOUT CONSENT

This section would add a new section to the general administrative provisions of Title 11 of the Social Security Act, 42 U.S.C. §§ 1301 et seq., prohibiting persons from buying or selling any information that includes an individual's social security account number ("SSN"), without the written consent of the individual. In addition, no person may use an individual's SSN for identification purposes without the written consent of the individual. In order for consent to be valid, the person desiring to use an individual's SSN must inform the individual of all the purposes for which the SSN will be utilized, the persons to whom the number will be known, and obtain the individual's consent in writing.

These new prohibitions would not affect any statutorily authorized uses of the SSN under § 205(c)(2) of the Social Security Act, 42 U.S.C. § 405(c)(2) (SSN used for Social Security wage records, and for various enumerated purposes by federal agencies and state and local governments), § 7(a)(2) of the Privacy Act of 1974 (5 U.S.C. 552a note) (authorizing state and local governments to require disclosure of an individual's SSN if required by federal law or if the required disclosure was pursuant to a system of records in effect prior to January 1, 1975), or 26 U.S.C. § 6109(d) (an individual's SSN is used for all identifying purposes specified in the Tax Code).

Individuals are authorized to bring a civil action seeking equitable relief and damages in a U.S. District Court for violations of this section. Damages may include the greater of actual damages or liquidated damages of $25,000, or, in case of a willful violation resulting in profit or monetary gain, $50,000. The court may assess, against the respondent, reasonable attorney's fees and other litigation costs in cases where an individual prevails. A statute of limitation of 3 years is provided. The remedies provided by this section are in addition to any other lawful remedies available to an individual.

The Commissioner of Social Security is authorized to assess a civil money penalty of not more than $25,000 for each violation of this section, or in the case of violations found to constitute a general business practice, not more than $500,000. The enforcement procedures for civil money penalties are the same as set forth in section 1128A of the Social Security Act, 42 U.S.C. § 1320a–7a(d), (e), (g), (k), (l) and the first sentence of (c). These set forth the criteria for determining the amount of the civil penalty, the investigation and injunction authority of the Commissioner, and courts of appeals review of civil money penalty determinations. Also applicable are the provisions of section 205(d) and (e) of the Social Security Act, 42 U.S.C. § 405(d) and (e), which authorize the Commissioner of Social Security to issue subpoenas during investigations, and provide for judicial enforcement of such subpoenas.

The Commissioner of Social Security is directed to coordinate enforcement of the provisions of this section with the Justice Department's enforcement of criminal provisions relating to fraudulent identification documents, and with the Federal Trade Commission's jurisdiction relating to identity theft violations.

The provisions of this section do not preclude state laws relating to protection of privacy that are consistent with this section. The effective date of this section would be two years after enactment of this bill.

If a person refuses to do business with an individual because the individual will not consent to disclosure of this or her SSN, then such refusal will be considered an unfair or deceptive act of practice under section 5 of the Federal Trade Commission Act (15 U.S.C. § 45). The Commission may issue a cease and desist order, violation of which is subject to civil money penalties of up to $10,000 per violation.

SECTION 4. RESTRICTION ON USE OF SOCIAL SECURITY NUMBERS BY STATE DEPARTMENTS OF MOTOR VEHICLES

18 U.S.C. § 2721(b) sets forth permissible uses of personal information obtained by a state department of motor vehicles. This section provides that, with respect to the SSN of an individual, such personal information may only be disclosed to a government agency, court or law enforcement agency in carrying out its functions to the extent permitted or required under section 205(c)(2) of the Social Security Act, 42 U.S.C. § 405(c)(2), section 7a(2) of the Privacy Act of 2974, 5 U.S.C. § 552a note, section 6109(d) of the Internal Revenue Code, or any other provision of law specifically identifying such use. This section would also prohibit the disclosure of SSNs by state departments of motor vehicles for bulk distributions for surveys, marketing or solicitations purposes.

SECTION 5. RESTRICTION ON USE OF PHOTOGRAPHS BY STATE DEPARTMENTS OF MOTOR VEHICLES

Section 5(a) would add a new subsection to 18 U.S.C. § 2721, which currently generally prohibits the release of certain personal information from state motor vehicle records. This new subsection would prohibit the release of an individual's photograph, in any form or format, by a state department of motor vehicles without the express written consent of the individual. An exception would be permitted for disclosure of an individual's photograph to a law enforcement agency of any government for a civil or criminal law enforcement activity if authorized by law and pursuant to a written request.

Section 5(b) would make technical amendments to 18 U.S.C. § 2721(a) and (b) to conform that section to the new provisions added by this section. It would also amend 18 U.S.C. § 2722(a) to reference the new subsection (e) added by this section.

SECTION 6. REPEAL OF CERTAIN PROVISIONS RELATING TO THE CONSUMER REPORTS IN CONNECTION WITH CERTAIN TRANSACTIONS NOT INITIATED BY THE CONSUMER

Section 6(a) would amend § 604(c) of the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681b(c), which governs prescreening to determine a consumer's eligibility for credit or insurance. Prescreening is a practice whereby a user of consumer reports, such as a lender or insurer, contacts a consumer reporting agency without having received an application for credit or insurance from a particular consumer. The user might submit a list of names and ask the agency to identify persons on he list who meet criteria that the user specifies. Or it might ask the consumer reporting agency to create its own list based on the user's criteria. Section 604(c) currently prohibits prescreening, except in two situations, to determine a consumer's eligibility for credit or insurance. It prohibits, in other words, except in two situations, a consumer reporting agency from furnishing a report on a consumer who has not applied for credit or insurance.

The two situations in which it permits prescreening are when: (1) the consumer authorizes the consumer reporting agency to provide the report, or (2) the lender or insurer will make a firm offer to the consumer if prescreening shows the consumer eligible for credit or insurance, and the consumer has not previously asked to be excluded from prescreening done by the consumer reporting agency. Section 6(a) would, in effect, prohibit presceening in connection with credit and insurance except when authorized by the consumer. It would amend § 604(c)(1) to provide that a consumer reporting agency would be permitted to furnish a consumer report in connection with a "credit or insurance transaction that is not initiated by consumer only if the consumer provides express written authorization in accordance with paragraph (2). . . ." "Paragraph (2)" refers to § 604(c)(2) of the FCRA, which would be rewritten by § 6(b) of the bill.

Section 6(b) would rewrite § 604(c)(2) to provide: "No authorization referred to in paragraph (1) [§ 604(c)(1)] with respect to any consumer shall be effective unless the consumer received a notice before such authorization is provided which fully and fairly discloses, in accordance with regulations which the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall jointly prescribe, what specifically is being authorized by the consumer and the potential positive and negative effects the provision of such authorization will have on the consumer." The regulations would have to require that the notice be prominently displayed on a separate document or, if the notice appears on a document with other information, that it be clear and conspicuous.

Section 6(c) would repeal the provision, mentioned above, that allows consumers to exclude themselves from prescreening lists. The provision would be unnecessary if prescreening were prohibited except when a consumer had authorized it.

SECTION 7. SALE OR TRANSFER OF TRANSACTION OR EXPERIENCE INFORMATION PROHIBITED

Section 7(a) would add a new § 626 to the FCRA. New § 626(a) would provide: "No person doing business with a consumer may sell, transfer, or otherwise provide to any other person, for the purpose of marketing such information to any other person, any transaction or experience information relating to the consumer, without the consumer's express written consent." A consumer's consent would not be required for the sale, transfer, or provision of transaction or experience information for a purpose other than marketing.

New § 626(b) would define "transaction or experience information" as "any information identifying the content or subject of 1 or more transactions between the consumer and a person doing business with a consumer. . . ." Section 626(c) would allow six exceptions, where a consumer's consent would not be required for the provision of transaction or experience information: (1) communications "solely among persons related by common ownership or affiliated by corporate control," (2) information provided pursuant to court order or federal grand jury subpoena, (3) "[i]nformation provided in connection with the licensing or registration by a government agency or department, or any transfer of such license or registration, of any personal property bought, sold, or transferred by the consumer," (4) "[i]nformation required to be provided in connection with any transaction in real estate," (5) "[i]nformation required to be provided in connection with perfecting a security interest in personal property," and (6) "[i]nformation relating to the amount of any transaction or any credit extended in connection with a transaction with a consumer."

Section 7(b) would make a technical amendment to § 603(d)(2)(A) of the FCRA to ensure that it does not conflict with new § 626, and § 7(c) would make a clerical amendment to add a reference to new § 626 to the table of sections for the FCRA.

IN RECOGNITION OF THE CANTON HIGH SCHOOL MARCHING BAND'S INTERNATIONAL COMPETITION CHAMPIONSHIP IN DUBLIN, IRELAND

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to acknowledge and honor the latest achievement of a wonderful group of young men and women from my district—the Canton, Texas, Mighty Eagle High School Band. Just last month, on St. Patrick's Day, I came before the House to honor the numerous awards and recognitions that have been bestowed upon these youngsters. In addition, I wanted to publicly acknowledge them for being chosen to represent the State of Texas in Dublin, Ireland, on St. Patrick's Day, for that city's St. Patrick's Day Parade.

Mr. Speaker, not only did the Canton High School Band go to Dublin, Ireland to perform, but they won the international competition by winning the event's top prize. The Eagle Band "wowed" the five member international judging panel with its rendition of "Festive Overture" by Demitri Shostakovich. For its winning performance, the Eagle Band was recognized by Dublin Lord Mayor, Joe Doyle, with the parade competition championship trophy.

Playing before crowds of people and ambassadors from France, Russia, Argentina, England and Germany, the Canton Band proudly represented their home town, the State of Texas and the United States. As we adjourn today, let us do so in honor of the Canton Mighty Eagle Band and their latest achievement.

NOBEL LAUREATE ELIE WIESEL TEACHES ABOUT THE TRAGEDY OF INDIFFERENCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. LANTOS. Mr. Speaker, few Americans more epitomize the nobility of America's moral strength than Dr. Elie Wiesel, the 1986 recipient of the Nobel Peace Prize and a survivor of the Holocaust. Elie has devoted his life to ensuring that the tragedy of his youth is never again repeated. His passionate and unyielding defense of human rights is a model to all of us.

Last Monday night, Elie Wiesel spoke at the White House at a Millennium Evening Forum including President and Mrs. Clinton and an audience of distinguished guests. His speech—"The Perils of Indifference: Lessons Learned From A Violent Century"—eloquently describes the most lasting moral peril of the Holocaust nightmare: the apathy of those who sat silently while millions were slaughtered by Nazi Germany. As reports of Hitler's atrocities mounted during the late 1930's and early 1940's, corporations continued to conduct business with the Third Reich, refugees were denied admission to a host of nations, tragically including to the United States, and free peoples refused to act to stop Hitler's killing machine.

Without such passive disregard for human life, many of the six million victims of the Holocaust might have lived. "In a way, to be indifferent to that suffering is what makes the human being inhuman," explained Dr. Wiesel, "Indifference, after all, is more dangerous than anger and hatred."

The reflections of Elie Wiesel are particularly significant given the ongoing war crimes of Slobodan Milosevic and the Serbian government against untold thousands of Kosovar Albanians. Elie acknowledged the undeniable moral character of NATO's military campaign against these outrageous human rights atrocities, and he pointed out the sharp contrast with the world's reaction during the Holocaust: "This time, the world was not silent. This time, we do respond. This time, we intervene."

Mr. Speaker, Elie Wiesel is right. America must remain committed to military campaign to help the suffering Albanian victims of Milosevic's brutal campaign of ethnic cleansing in Kosova. We must also maintain our commitment to fight against human rights abuses throughout the world.

Dr. Elie Wiesel is the Andrew W. Mellon Professor in the Humanities at Boston University. In addition to the Nobel Peace Prize, he has been awarded the Presidential Medal of Freedom, the United States Congressional God Medal, and the Medal of Liberty Award. Elie's talents as a teacher, author, and orator have enlightened generations of students and citizens for nearly five decades.

Mr. Speaker, as we mark the Days of Remembrance this week, I urge my colleagues to read carefully the thoughtful reflections of Dr. Elie Wiesel.

THE PERILS OF INDIFFERENCE: LESSONS LEARNED FROM A VIOLENT CENTURY, REMARKS AT MILLENNIUM EVENING, THE WHITE HOUSE, APRIL 12

Mr. WIESEL. Mr. President, Mrs. Clinton, members of Congress, Ambassador Holbrooke, Excellencies, friends: Fifty-four years ago to the day, a young Jewish boy from a small town in the Carpathian Mountains woke up, not far from Goethe's beloved Weimar, in a place of eternal infamy called Buchenwald. He was finally free, but there was no joy in his heart. He thought there never would be again.

Liberated a day earlier by American soldiers, he remembers their rage at what they saw. And even if he lives to be a very old man, he will always be grateful to them for that rage, and also for their compassion. Though he did not understand their language, their eyes told him what he needed to know—that they, too, would remember, and bear witness.

And now, I stand before you, Mr. President—Commander-in-Chief of the army that freed me, and tens of thousands of others—and I am filled with a profound and abiding gratitude to the American people.

Gratitude is a word that I cherish. Gratitude is what defines the humanity of the human being. And I am grateful to you, Hillary—or Mrs. Clinton—for what you said, and for what you are doing for children in the world, for the homeless, for the victims of injustice, the victims of destiny and society. And I thank all of you for being here.

We are on the threshold of a new century, a new millennium. What will the legacy of this vanishing century be? How will it be remembered in the new millennium? Surely it will be judged, and judged severely, in both moral and metaphysical terms. These failures have cast a dark shadow over humanity: two World Wars, countless civil wars, the senseless chain of assassinations—Gandhi, the Kennedys, Martin Luther King, Sadat, Rabin—bloodbaths in Cambodia and Nigeria, India and Pakistan, Ireland and Rwanda, Eritrea and Ethiopia, Sarajevo and Kosovo; the inhumanity in the gulag and the tragedy of Hiroshima. And, on a different level, of course, Auschwitz and Treblinka. So much violence, so much indifference.

What is indifference? Etymologically, the word means "no difference." A strange and unnatural state in which the lines blur between light and darkness, dusk and dawn, crime and punishment, cruelty and compassion, good and evil.

What are its courses and inescapable consequences? Is it a philosophy? Is there a philosophy of indifference conceivable? Can one possibly view indifference as a virtue? Is it necessary at times to practice it simply to keep one's sanity, live normally, enjoy a fine meal and a glass of wine, as the world around us experiences harrowing upheavals?

Of course, indifference can be tempting—more than that, seductive. It is so much easier to look away from victims. It is so much easier to avoid such rude interruptions to our work, our dreams, our hopes. It is, after all, awkward, troublesome, to be involved in another person's pain and despair. Yet, for the person who is indifferent, his or her neighbor are of no consequence. And, therefore, their lives are meaningless. Their hidden or even visible anguish is of no interest. Indifference reduces the other to an abstraction.

Over there, behind the black gates of Auschwitz, the most tragic of all prisoners were the "Muselmanner," as they were called. Wrapped in their torn blankets, they would sit or lie on the ground, staring vacantly into space, unaware of who or where they were, strangers to their surroundings. They no longer felt pain, hunger, thirst. They feared nothing. They felt nothing. They were dead and did not know it.

Rooted in our tradition, some of us felt that to be abandoned by humanity then was not the ultimate. We felt that to be abandoned by God was worse than to be punished by Him. Better an unjust God than an indifferent one. For us to be ignored by God was a harsher punishment than to be a victim of His anger; Man can live far from God—not outside God. God is wherever we are. Even in suffering? Even in suffering.

In a way, to be indifferent to that suffering is what makes the human being inhuman. Indifference, after all, is more dangerous than anger and hatred. Anger can at times be creative. One writes a great poem, a great symphony, have done something special for the sake of humanity because one is angry at the injustice that one witnesses. But indifference is never creative. Even hatred at times may elicit a response. You fight it. You denounce it. You disarm it. Indifference elicits no response. Indifference is not a response.

Indifference is not a beginning, it is an end. And, therefore, indifference is always the friend of the enemy, for it benefits the aggressor—never his victim, whose pain is magnified when he or she feels forgotten. The political prisoner in his cell, the hungry children, the homeless refugees—not to respond to their plight, not to relieve their solitude by offering them a spark of hope is to exile them from human memory. And in denying their humanity we betray our own.

Indifference, then, is not only a sin, it is a punishment. And this is one of the most important lessons of this outgoing century's wide-ranging experiments in good and evil.

In the place that I come from, society was composed of three simple categories: The killers, the victims, and the bystanders. During the darkest of times inside the ghettoes and death camps—and I'm glad that Mrs. Clinton mentioned that we are now commemorating that event, that period, that we are now in the Days of Remembrance—but then, we felt abandoned, forgotten. All of us did.

And our only miserable consolation was that we believed that Auschwitz and Treblinka were closely guarded secrets; that the leaders of the free world did not know what was going on behind those black gates and barbed wire; that they had no knowledge of the war against the Jews that Hitler's armies and their accomplices waged as part of the war against the Allies.

If they knew, we thought, surely those leaders would have moved heaven and earth to intervene. They would have spoken out with great outrage and conviction. They would have bombed the railways leading to Birkenau, just the railways, just once.

And now we knew, we learned, we discovered that the Pentagon knew, the State Department knew. And the illustrious occupant of the White House then, who was a great leader—and I say it with some anguish and pain, because, today is exactly 54 years marking his death—Franklin Delano Roosevelt died on April the 12th, 1945, so he is very much present to me and to us.

No doubt, he was a great leader. He mobilized the American people and the world, going into battle, bringing hundreds and thousands of valiant and brave soldiers in America to fight fascism, to fight dictatorship, to fight Hitler. And so many of the young people fell in battle. And, nevertheless, his image in Jewish history—I must say it—his image in Jewish history is flawed.

The depressing tale of the *St. Louis* is a case in point. Sixty years ago, its human cargo—maybe 1,000 Jews—was turned back to Nazi Germany. And that happened after the Kristallnacht, after the first state sponsored pogrom, with hundreds of Jewish shops destroyed, synagogues burned, thousands of people put in concentration camps. And that ship, which was already on the shores of the United States, was sent back.

I don't understand. Roosevelt was a good man, with a heart. He understood those who needed help. Why didn't he allow these refugees to disembark? A thousand people—in America, a great country, the greatest democracy, the most generous of all new nations in modern history. What happened? I don't understand. Why the indifference, on the highest level, to the suffering of the victims?

But then, there were human beings who were sensitive to our tragedy. Those non-Jews, those Christians, that we called the "Righteous Gentiles," whose selfless acts of heroism saved the honor of their faith. Why were they so few? Why was there a greater effort to save SS murderers after the war than to save their victims during the war?

Why did some of America's largest corporations continue to do business with Hitler's Germany until 1942? It has been suggested, and it was documented, that the Wehrmacht could not have conducted its invasion of France without oil obtained from American sources. How is one to explain their indifference?

And yet, my friends, good things have also happened in this traumatic century: the defeat of Nazism, the collapse of communism, the rebirth of Israel on its ancestral soil, the demise of apartheid, Israel's peace treaty with Egypt, the peace accord in Ireland. And let us remember the meeting, filled with drama and emotion, between Rabin and Arafat that you, Mr. President, convened in this very place. I was here and I will never forget it.

And then, of course, the joint decision of the United States and NATO to intervene in Kosovo and save those victims, those refugees, those who were uprooted by a man whom I believe that because of his crimes, should be charged with crimes against humanity. But this time, the world was not silent. This time, we do respond. This time, we intervene.

Does it mean that we have learned from the past? Does it mean that society has changed? Has the human being become less indifferent and more human? Have we really learned from our experiences? Are we less insensitive to the plight of victims of ethnic cleansing and other forms of injustices in places near and far? Is today's justified intervention in Kosovo, led by you, Mr. President, a lasting warning that never again will the deportation, the terrorization of children and their parents be allowed anywhere in the world? Will it discourage other dictators in other lands to do the same?

What about the children? Oh, we see them on television, we read about them in the papers, and we do so with a broken heart. Their fate is always the most tragic, inevitably. When adults wage war, children perish. We see their faces, their eyes. Do we hear their pleas? Do we feel their pain, their agony? Every minute one of them dies of disease, violence, famine. Some of them—so many of them—could be saved.

And so, once again, I think of the young Jewish boy from the Carpathian Mountains. He has accompanied the old man I have become throughout these years of quest and struggle. And together we walk towards the new millennium, carried by profound fear and extraordinary hope.

BUILDING TRANSPORTATION ASSETS FOR AMERICA

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mrs. FOWLER. Mr. Speaker, improvements to our nation's state and local infrastructure are necessary and long overdue. Economic growth and vitality hinge on a region's ability to accommodate commercial and commuter traffic both safely and efficiently. I am proud to say that last year's TEA–21 legislation, which I cosponsored, has begun to address these critical transportation needs, through honest, off-budget funding. I rise today to submit for the record an editorial that appeared last month in the Tampa Tribune. This editorial illustrates how local concerns are being met under the new funding formulas.

[From the Tampa Tribune, Mar. 3, 1999]

BUD SHUSTER'S WORDS OF WISDOM

U.S. Rep. Bud Shuster, chairman of the House Transportation and Infrastructure Committee, made a field trip to Tampa the other day to see our port, airport and highways.

There is general agreement here on the importance of air and sea transport, but the community is divided on ground transportation—whether to continue to depend entirely on roads or to augment them with a commuter rail line that would largely follow existing freight rail rights of way.

Shuster's advice: If you can, build rail.

"When you have right of way, you're halfway there," he told us. "Light rail seems to be pretty darn efficient."

This from a solidly conservative congressman representing a Pennsylvania mountain district that has been Republican since 1860.

Shuster helped deregulate trucking and has consistently pushed to give local governments more say in how federal transportation money is spent. Now up to half the federal gasoline tax revenue in any one category can be diverted to another, which means some highway money can be spent on transit and vice versa. This flexibility gives state and local governments more power, which puts them under more pressure to make intelligent choices.

The new transportation law is sending Florida about $440 million more per year, a sum that partially corrects the old funding formula that for years shortchanged fast-growing states.

Shuster argues convincingly that all federal gasoline taxes should be spent on transportation and that all airline ticket taxes should be spent on aviation improvements. If the money isn't needed, reduce the tax rate. But the money is desperately needed, so Congress should invest it to improve the national economy and public safety.

He dismisses as ill-informed the often repeated criticism that Congress loaded the latest highway bill with pork. High-priority congressional projects account for 5 percent of the spending, and all those projects required the written support of the state departments of transportation. Even if all these special projects are unnecessarily fat, which they aren't, the remaining 95 percent of the money is going back to state and local governments.

Shuster, a veteran of the endless tug of war over limited revenues, conceded. "These decisions are not made by angels up in heaven."

They are made largely by men and women here at the local level, and the better informed they are, the more wisely they will invest tax-payers' money. It should interest them that the neutral advice from conservative Bud Shuster, who is neither campaigning here nor speculating in local real estate, is to seriously consider rail.

ST. ALOYSIUS CENTENNIAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Saint Aloysius Church, Wilkes-Barre, Pennsylvania, on the occasion of its Centennial Celebration. I am pleased and proud to bring the history of this fine parish to the attention of my colleagues.

Thirty-four families came to Father Richard McAndrew in 1899 with the request for their own church in South Wilkes-Barre. Father McAndrew petitioned Bishop Hoban for a new parish and on April 29, 1900, the Bishop came to lay the cornerstone for the new church building. As founding pastor, Father McAndrew helped in the first months until the parish's first official pastor was named, Father Thomas Brehony. Father Griffin, who was named as Father Brehony's assistant, later became the church's second pastor.

In 1913, Father McCarthy was installed as the church's third pastor and would serve the parish for thirty-two years. By the end of World War I, the church had outgrown its original building, so a beautiful new gothic church was constructed and dedicated by the Archbishop of Philadelphia in 1927. Father McCarthy continued the expansion with a new rectory in 1938.

When Father McCarthy died and Father Monahan took over St. Aloysius, he undertook the huge task of founding a school for the parishioners of St. Aloysius. Beginning with just a kindergarten, each year the school expanded a grade until there were eight grades. With the new school staffed by the Sisters of Mercy, the expansion of the school necessitated the expansion of the convent, so a new convent was dedicated in 1963.

Tragically, Tropical Storm Agnes swelled the Susquehanna River in June of 1972 until it spilled its banks and flooded all of Wyoming Valley, including St. Aloysius Church and its parish buildings. The interior of the church was totally ruined and the parish was devastated. The Pastor at that time, Father Padden, undertook the task of restorting the buildings after the disaster. Over a million dollars were spent on restoration, using loans from the disaster relief programs in place at the time. The last payment on that money was made in 1992.

In 1982, with Father Padden's retirement, Msgr. Donald A. McAndrews, the Director of Catholic Social Services, was appointed as sixth Pastor of St. Aloysius. Throughout his tenure, Msgr. McAndrews has continued the expansion and modernization of the parish. The parish's school, which celebrated its 50th anniversary in 1998, now has an all-lay faculty and provides a quality education to 265 students.

Mr. Speaker, St. Aloysius Church is part of a tradition of strong religious faith which is synonymous with the Wyoming Valley. Founded by thirty-four families, the church serves eighteen hundred families today. Its proud history is a testament to the importance of faith in our daily lives in Northeastern Pennsylvania. I am proud to join with the parishioners and with the community in wishing St. Aloysius Church the very best as it enters a new century and a new millenium.

HONORING PASTOR RODNEY H. TRAVIS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. TALENT. Mr. Speaker, I rise today with the honor and pleasure of recognizing Pastor Rodney H. Travis of the First Baptist Church in Ellisville, Missouri. Pastor Travis will open today's session of the United States House of Representatives with the invocation. Pastor Travis is a generous and eloquent man, and he offers a moving invocation.

Pastor Travis is an outstanding member of the St. Louis community. Pastor Travis and his wife Karen Sue and their children Shawn Renae and Tiffany Hope have been in Missouri since 1982, serving at the First Baptist Church in Jackson, Missouri before coming to Ellisville in 1995. Over the last four years, he has diligently served his congregation and the community.

Pastor Travis has served God in many ways since receiving his Master of Divinity from Southern Baptist Theological Seminary in 1979 and later his Doctor of Ministry from Vanderbilt University in 1979. He has served as Trustee of Missouri Baptist College and has held numerous positions with the Missouri Baptist Convention, including serving as President from 1991–1992. He has volunteered as chaplain in Tennessee prison system and as a Police Department Chaplain. His words have served as inspiration to thousands through the Sunday School lessons he wrote for the Baptist publication World and Way and for the Baptist Sunday School Board "Listening in Prayer." He also has been named to the International Mission Board Trustee and will serve in this capacity until 2003.

Mr. Speaker, I am honored to be able to introduce Pastor Travis to the United States House of Representatives, and I am moved that he has accepted this honor and will share with us his blessing.

IN SUPPORT OF THE MORTGAGE INTEREST DEDUCTION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mrs. CAPPS. Mr. Speaker, today is April 15th, tax day. It's a good day to take a thoughtful look at our tax policy.

Yes, we must reduce our tax burden, bring more fairness to our tax law, and simplify the tax code. But today we must also be very wary of gimmicks, schemes, and risky proposals.

I am particularly concerned about proposals like the flat tax that would eliminate the mortgage interest deduction.

This tax policy has greatly improved the quality of life for millions of middle class families across our nation. It has enabled countless families in San Luis Obispo and Santa Barbara Counties to raise their children in stable, secure neighborhoods. Home ownership is on the increase across America, and with this increase comes better schools, less crime, and more civic participation.

Owning a home contributes enormously to the financial security of our families. Nothing symbolizes the American dream more than owning a home. For this reason, I am the proud cosponsor of a Congressional resolution expressing strong support for the protection of the home mortgage interest tax deduction. On tax day, let's commit ourselves to making the ideal of home ownership a reality for all Americans.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

JUSTICE DEPARTMENT ANNOUNCES ARRESTS IN INDIANA CHURCH BURNINGS

(By Rex W. Huppke)

INDIANAPOLIS (AP).—A man charged with seven Indiana church fires may be responsible for up to 50 such arsons across the Midwest and South, including Mississippi.

Probable cause affidavits accompanying the formal charges brought against Jay Scott Ballinger paint a picture of a 36-year-old who burned churches at random while traveling with his girlfriend, an exotic dancer.

The U.S. Department of Justice announced Tuesday that Ballinger had been arrested and charged with setting seven Indiana church fires dating back to 1994. The Yorktown man was being held in federal custody in Indianapolis while a multi-agency investigation continues.

Charged with one count each of arson are Angela Wood, 24, of Atlanta, Ga., and Donald A. Puckett, 37, of Lebanon, Ind. Wood is in federal custody in Macon, Ga., and Puckett is being held in Indianapolis.

Wood has admitted to serving as a lookout during some of the other fires Ballinger allegedly set, according to the affidavit, and both Wood and Puckett are believed to have helped Ballinger burn down the Concord Church of Christ in Lebanon, Ind., in 1994.

U.S. Attorney Judith A. Stewart would not give information on a motive for the arsons. She said that because the charges are part of a federal criminal complaint she couldn't comment on the investigation until formal charges were brought before a grand jury.

All three arrested are white and most of the church burnings in Indiana have involved rural churches with predominately white congregations.

"When someone sets fire to a house of worship, they are not just setting fire to a building, but to an entire community," said Bill Lann Lee, assistant attorney general for the Justice Department's civil rights division.

The arrests stemmed from the work of the National Church Arson Task Force, established in 1996 after a series of fires at black churches in the South.

An affidavit from a Bureau of Alcohol, Tobacco and Firearms agent says that searches of Ballinger's central Indiana residence turned up a gasoline container and satanic books and writings. Also found were credit card statements showing purchases made in Indiana and other states on or about the dates of church fires in those areas.

The affidavit says Ballinger admitted to setting "a total of approximately thirty to fifty" church fires in Indiana and other states.

Jerry Singer, a special agent with the ATF, said the fires involve 11 states, including Indiana, Kentucky, Tennessee, Ohio, Mississippi, Georgia and Alabama, all of which were mentioned in the affidavits. Singer would not identify the other four states involved.

He said that in his 21 years with the ATF, this is the largest serial arson case he's seen.

The affidavit details the events that led to Ballinger's arrest: On Feb. 6, 1999, a church in Brookville, Ohio, was burned. Three days later, a detective from the Ball State University Police Department in Muncie overheard an emergency radio call for medical assistance at the Ballinger residence in Yorktown, a few miles west of Muncie.

The officer recognized the last name from a previous church arson investigation. He went to Ball Memorial Hospital in Muncie and interviewed Ballinger's father, who said his son was badly burned when he came home early in the morning on Feb. 7.

The officer notified federal investigators of the incident at the hospital. During interviews with law enforcement officials Feb. 19–21, Ballinger admitted to the various arsons.

Ballinger had at least one prior offense—a 1993 arrest on charges of contributing to the delinquency of a minor. According to court records, he was arrested near Daleville for allowing two teen-agers to consume alcohol in his car.

A warrant was issued for his arrest in Delaware County in 1994 after he failed to show up at a court hearing on those charges.

One of the affidavits in the church arson case said that Puckett admitted that he, Ballinger and Wood set fire to the Concord Church of Christ in Lebanon, Ind., in January 1994.

According to the affidavit, Ballinger and Wood met at Puckett's home, mixed several flammable liquids together then left to find a church to burn.

They picked the Concord Church of Christ at random. Wood allegedly wrote satanic symbols on the porch, Puckett sprayed the flammable mixture and Ballinger lit the fire. The church was destroyed.

JURY AWARDS $720,000 TO COUPLE IN CROSS-BURNING CASE

CHICAGO (AP).—A federal jury has awarded $720,000 in damages to a black couple whose suburban home was targeted by a white neighbor with a cross-burning.

After a one-day hearing, jurors deliberated about an hour Monday before deciding in favor of Andre Bailey and Sharon Henderson of Blue Island, who are married, and who filed the lawsuit against Thomas Budlove Jr.

Budlove has failed to respond to the lawsuit or appear in court, prompting a judge to rule last year that his conduct amounted to a tacit admission to the cross burning.

The incident occurred less than a year after Bailey and Henderson moved into the rented bungalow in the predominantly white neighborhood in September 1995. The couple alleged Budlove regularly shouted racial slurs at them from his property. Their tires were slashed, windows were broken, their dog wounded by gunfire and leaves burned on their front porch.

On June 13, 1996, Bailey said that as he stepped from his house to start his car, he was confronted by a 6-foot cross burning in the yard.

Lawyers for the couple and their two children sought at least $300,000 in damages from Budlove. Attorneys for the family told the jury they doubted Budlove has that amount of money. But they urged the jury to send a message that hate crimes won't be tolerated.

TRIAL BEGINS IN RACIST PLOT CASE

LITTLE ROCK, AR (AP).—Prosecutors opened their case against two white supremacists charged with murder by calling a former associate who said one suspect linked Jews and blacks to insects and animals.

Chevie Kehoe, 26, of Colville, Wash., and Danny Lee, 26, of Yukon, Okla., are also charged with racketeering and conspiracy.

Kehoe and Lee are accused of using a campaign of violence to set up a whites-only nation in the Pacific Northwest and could get the death penalty if convicted.

John Shults, a convict who says he has left the white supremacy movement, testified Monday that he joined Kehoe in the Northwest.

"We would make such comments as 'The Jews are nothing but maggots. The Jews should be exterminated.' . . . Black people were the beasts of the field, how they were meant to be lower than the white man, how we used them for caretaking," Shults said.

Members of the mostly black jury were expressionless. Shults also said Kehoe spoke of executing judges to spark a revolt.

The crimes associated with the alleged plot include a 1996 bombing at City Hall in Spokane, Wash.; shootouts with Ohio police; the slayings of two people in Idaho; and the drownings of a white Arkansas family of three.

U.S. Attorney Dan Stripling told jurors that Kehoe's beliefs were based on those of Robert Mathews, the founder of the Aryan Nations white supremacist group. Mathews was killed in 1984 when his hideout caught fire during a shootout with federal agents in Washington state.

The prosecutor said Kehoe and Lee robbed the Arkansas family in 1996 and killed them by taping plastic bags over their heads, weighing them down with rocks and throwing them into a bayou.

Later, the defendants told Kehoe's parents that the family was on "a liquid diet," Stripling said.

The judge has issued a gag order in the case, but Lee's mother, Lea Graham, said her son is innocent and no racist.

NATIONAL REPORT DESCRIBES 12 ORGANIZATIONS IN WISCONSIN AS HATE GROUPS

(By the Associated Press)

Twelve Wisconsin organizations are being described as hate groups in a quarterly journal published by the Southern Poverty Law Center.

The "Intelligence Report" listed six groups described as neo-Nazi. They are the Euro-American Alliance in Milwaukee; the New Order in Milwaukee; the Knights of Freedom in Sullivan; and World Church of the Creator in Milwaukee, New Berlin and Franklin.

Also listed were two Ku Klux Klan groups, the American Knights of the Ku Klux Klan in Mercer and Imperial Klans of America, Knights of the Ku Klux Klan in Adams.

Two skinhead groups listed were the Hammerskin Nation in Hartland and Oi! Boys in Kenosha.

One Christian Identity church, the Wisconsin Church of Israel in Appleton, was named. Christian Identity describes "a religion that is fundamentally racist and anti-Semitic," the report said.

Also included was one black separatist group, a Nation of Islam affiliate in Milwaukee. Black separatists are organizations "whose ideologies include tenets of racially-based hatred," the report said.

Wisconsin had 10 hate groups listed by the journal in 1997, said Joseph Roy Sr., intelligence project director for the law center in Montgomery, Ala.

The law center listed 537 hate groups and group chapters nationwide engaging in racist behavior in 1998 up from 474 the previous year.

Officials of nine of the Wisconsin groups listed could not be reached for comment.

Donald V. Clerkin, 60, of Greendale, chairman of the Euro-American Alliance, called the organization a "white nationalist" group concerned with, among other things, the threat immigration poses to "Western culture, European culture in North America."

"I consider it a badge of honor," he said of the listing. In Mercer, Michael McQueeney, 43, calls himself the national grand dragon for the National Knights of the Ku Klux Klan—Not the American Knights cited in the report.

He disputed the hate-group label. "I dislike a lot of blacks, Jews and homosexuals because of what they're doing in this country, but there's a lot of good Jews out there, and there's a lot of good black people out there," he said.

At Muhammad Mosque No. 3 in Milwaukee, part of the Nation of Islam, minister William Muhammad, 40, called it "totally false and slanderous" to call his denomination a hate group.

"The Nation of Islam teaches love—love of God, love of justice and love of self," Muhammad said. "Our goal and purpose is the upliftment of our people—the moral, spiritual, social and economic development and cultivation of our people."

IN HONOR OF LET'S CELEBRATE, INC., FOR ITS COMMITMENT TO FIGHTING HUNGER AND POVERTY IN HUDSON COUNTY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Let's Celebrate, Inc., for its hard work and dedication to battling poverty in Hudson County.

For more than 17 years, Let's Celebrate, Inc., has been instrumental in assisting individuals "move from hunger to wholeness." By implementing a continuum of care through counseling, job training, emergency food assistance, adult basic education, and housing assistance, Let's Celebrate has become a vital force in stamping out poverty in my district.

With more than 40 staff members, 750 volunteers, and 27 service and meal sites throughout the area, this impressive organization is responsible for aiding and encouraging countless families to move from dependency to self-sufficiency.

Through innovative programs such as JobPower and Celebrate Catering, Let's Celebrate provides invaluable, hands-on training designed to help clients gain experience, develop job skills, and learn to adapt to a work environment. These efforts are so successful that Let's Celebrate secures jobs for 85 percent of its trainees.

In addition, Let's Celebrate supplies emergency food assistance programs through the Emergency Food Network and The Square Meal Community Center. These soup kitchens and pantries serve more than 125,000 meals per year to our neediest citizens—600 of which are distributed through the Senior Services program. They also help distribute clothing, offer counseling, and provide referrals.

Let's Celebrate's efforts exemplify leadership and dedication to eliminating poverty in Hudson County. For these tremendous contributions to New Jersey, I am very happy to honor Let's Celebrate for its achievements on its 17th Anniversary. I salute and congratulate Let's Celebrate on these extraordinary accomplishments.

IN HONOR OF NORMANDY HIGH SCHOOL'S 30TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Normandy High School for its 30 years of excellence in educating the students of Parma, Ohio.

Normandy High School first opened its doors in the fall of 1968 and welcomed 1700 sophomore- and junior-year high school students. The architectural design of the school was unique and considered state-of-the-art when built 30 years ago. The first commencement exercise was in June 1970, with 525 young men and women receiving diplomas. Since this first commencement ceremony, 13,400 students have graduated. Normandy's current enrollment is 1,128 students and the staff consists of 87 faculty and 58 support people.

Normandy High School subscribes to rigorous academic standards and offers an extensive curriculum. There are accelerated course offerings in all academic areas. A full range of vocational education programs are also available. Normandy students' score on the standardized SAT and ACT tests are consistently above the State and National averages. The school's Renaissance Program demonstrates the commitment to academic excellence, continuous improvement and citizenship which contributes to the high caliber of graduates from the school. Normandy High School is indeed an outstanding asset to the Parma community.

Normandy not only has a fine academic program, but its athletic department is also well renowned. In addition to numerous victories in state playoffs, invitationals and tournaments, Normandy's athletes have accomplished the following LEL Championships: Baseball 1979, 1982 Softball 1976, 1977, 1983 Football 1981, 1982, 1983, John Thomas San Francisco 49er's Super Bowl Champs, Girls Basketball 1976–77, Cross Country 1984, 1989, 1998, 1973 All American Track & Field Curt Tesar, Golf 1988, 1990, 1992, 1998 Chris Wollman & Bernie Jablonski State Champs, Wrestling 1981, 1985, 1987 Volleyball 1976, 1978, 1982, 1988, 1995, 1998, Hockey Baron Cup Champs 1976, 1998, 1999.

Providing excellent educational opportunities for all children is one of the most important goals in our society. I am encouraged by the involvement of the students, teachers, administrators, parents, local businesses and community organizations who are celebrating the 30th anniversary of Normandy High School and working toward continued success and involvement in our schools.

I am confident that Normandy will continue to produce exceptional students who will greatly contribute to the future of the Parma community.

CONGRATULATIONS DIANNE S. NURY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Dianne Nury on her election as Chairman of the Wine Institute for the 1998–99 fiscal year. Dianne is the first woman to become Chairman of the Wine Institute.

Dianne Nury is president of family-owned Vie-Del Company in Fresno. Nury heads one of California's largest bulk winery, distillery and fruit juice processing operations, contracting with 1,000 growers located predominantly in the Central Valley. Nury is a native and resident of Fresno, she began her career as area sales manager for Seagrams after graduating in 1982 from California State University, Fresno with a degree in business. She joined Vie-Del in 1985 as a sales representative, she then became vice president of the company in 1988 until assuming the presidency in 1991 from her father. Dianne Nury is immediate past president of the National Juice Products Association and is current vice chairman of the Viticulture and Enology Research Center at CSU, Fresno.

As Chairman of the Wine Institute, Nury pledges to continue the focus of the Institute's progress for international market development and research funding. She will also emphasize the public policy issues that the Wine Institute has taken on, such as taxation and free and fair trade here and abroad.

Mr. Speaker, I rise today to congratulate Dianne Nury, as Chairman of the Wine Institute. Dianne's chairmanship carries on a legacy set by her father, Mike Nury. I urge my colleagues to join me in wishing Dianne Nury many years of continued success.

IN HONOR OF SAN LORENZO CLUB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the San Lorenzo Club and one of its cofounders Antonio Ramos for their service to the Cleveland community.

Antonio Ramos has been involved in many different organizations in the Hispanic and non-Hispanic community. He is the only active founder of the San Lorenzo Club, and has occupied almost all the positions in the Board of Directors through its existence. He also founded the Roberto Clemente Baseball Little League, to help create a sense of cultural identity for children. He now serves as President of the league.

The goal of the San Lorenzo Club, which has many members from different countries and cultures, is to have a place where Puerto Ricans can meet and feel a little bit like they are in their tropical island and at the same time promote their roots in a different country. When the club reached its goal of having their own place, after three years, not even a large fire which destroyed the building could dampen their dreams. Even with no place to meet the club maintained the unity between members and started having their monthly meetings in members' houses.

The club has been a vital part of the Hispanic and non-Hispanic community in the Cleveland area. The club works to maintain its families through sports. The San Lorenzo Club is a permanent sponsor of the Roberto Clemente Baseball Little League in Cleveland, and pushed the city to rename the city park after the famous Puerto Rican baseball player. The club also works to help the Hispanic and non-Hispanic needy throughout the Cleveland area.

My fellow colleagues, join me in honoring both Antonio Ramos and the San Lorenzo Club for their outstanding service to the Cleveland area.

TRIBUTE TO SARAH NEWCOMB McCLENDON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in salute of Texas-born reporter Sarah Newcomb McClendon and her pioneering efforts as a member of the Washington, DC press corps.

Ms. McClendon was born in Tyler, Texas. She has been a reporter for nearly 70 years and has covered eleven Presidents since 1994. She has covered the White House with wit and directiveness for more than fifty years. Like a true Texas woman, she has earned respect from many for her toughness that is always tempered with a touch of charm.

Prior to moving to Washington, Ms. McClendon received her journalism degree from the University of Missouri in 1931. She worked for the Courier-Times and Tyler Morning Telegraph in Tyler, Texas. She also was a reporter for the Texas newspaper the Beaumont Enterprise. In 1944 she became a National Correspondent for the Philadelphia Daily News. In 1946 she made her pilgrimage to Washington, DC, where she founded the McClendon News Service which she still runs today.

Her awards, which read like a who's who in journalism, include the Woman of Achievement Award for Texas Press Women, the National Federation of Women Award, Public Relations award from the American Legion and the first recipient of the Presidential Award for Journalism in Washington.

Sarah McClendon has helped pave the way for many women journalists and writers. In a field where women are often not heard, she has not relied on good manners to do her job. Instead, she has made people listen and answer her tough questions often forcing many Presidents to do double takes.

Her never-give-up interviewing style has made her both loved and feared. However, at the end of the day, she is the one who has asked the questions her readers care about most.

Mr. Speaker, Sarah McClendon has covered Washington with persistence and good humor. Her ability as a reporter has demonstrated that she truly has printers ink coursing through her veins.

TRIBUTE TO NEW INDUCTEES TO MINNESOTA AVIATION HALL OF FAME

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to two pioneers in general aviation in the State of Minnesota: Francis Einarson of International Falls and Rudy Billberg of Roseau. These two gentleman will be inducted into the Minnesota Aviation Hall of Fame on Saturday, April 17, 1999.

Francis Einarson serves as an operator of the International Falls Airport, and he has long been a leader in aviation in Northern Minnesota. His induction to the Aviation Hall of Fame is an honor that it richly deserved—if not overdue. Francis' brother Jim taught him to fly in 1948, and the two men began operating the airport in International Falls the same year. Over the years, Francis Einarson took tourists for scenic rides, taught students how to fly, provided air ambulance service and conducted search and rescue missions. Francis also oversaw several expansions of the International Falls Airport, which today acts as a gateway to Northern Minnesota communities and attractions like Voyageurs National Park.

Rudy Billberg is also part of aviation history in Minnesota. In the early days of aviation, Rudy made his start by barnstorming to festivals in Duluth and the Iron Range and putting on acrobatic shows. He provided valuable service to the United States by training flyers in Duluth and flying troops and supplies during World War II. He also trained junior college students in flying through the Civilian Pilot Training program and was appointed one of Minnesota's first flight examiners.

These men were adventures when aviation was a new mode of transportation, and they made a valuable contribution to the development of the aviation field. I know my colleagues join me in congratulating Francis Einarson and Rudy Billberg on their induction into the Minnesota Aviation Hall of Fame.

INTRODUCTION OF TRAFFIC STOPS STATISTICS ACT OF 1999

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Traffic Stops Statistics Act of 1999 along with 21 additional cosponsors. Identical legislation is being introduced today in the other body by Senators LAUTENBERG, FEINGOLD, and KENNEDY.

Our bill would require the Justice Department to conduct a study of racial profiling by acquiring data from law enforcement agencies regarding the characteristics of persons stopped for alleged traffic violations and the rationale for subsequent searches. The legislation is similar to legislation I introduced last Congress (H.R. 118) which was approved by the Judiciary Committee on a bipartisan basis and passed the House by voice vote on March 24, 1998.

We have all heard stories of African and Hispanic Americans—including many well known actors, athletes, law enforcement officers, and legislators—who have been stopped for the traffic infraction known as "Driving While Black" or "Driving While Brown." Our legislation will allow us to ascertain the extent such profiling is occurring on a nationwide basis, help increase police awareness of the problem, and determine if any broader response is warranted.

The limited data available indicates that the problem of racial profiling in traffic stops is serious. For example, a recent study by the Orlando Sentinel found that 70% of the persons stopped on I–95 were African-American, even though they only made up less than 10% of the driver population. A court ordered study in Maryland found that more than 70% of drivers stopped on I–95 were African American though they made up only 17.5% of drivers, while another study conducted in conjunction with a New Jersey civil rights lawsuit found that minorities were nearly five times as likely as non-minorities to be stopped for traffic violations along that state's turnpike.

Further evidence of racial profiling by law enforcement was evident in the case of *State v. Soto*, in which Superior Court judge, Robert E. Francis ruled that troopers were engaging in racial profiling on the southernmost segment of the New Jersey Turnpike. This in turn raises troubling questions regarding the extent to which law enforcement officials may be unfairly targeting Hispanic and Asian Americans under the guise of immigration enforcement.

If our citizens are to trust our justice system it is imperative that all forms of discrimination be eliminated from law enforcement. The Traffic Stops Statistics Act of 1999 will help give Congress the tools to assess and understand a dangerous form of such discrimination—racial profiling in traffic stops.

INTRODUCTION OF THE NATIONAL ASSISTANCE FOR POLICE OFFICER SAFETY ACT OF 1999

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. ROGAN. Mr. Speaker, today I am introducing the National Assistance for Police Officer Safety Act. This legislation is a simple, straightforward measure that will give qualified active duty law enforcement personnel carrying proper identification the ability to carry their firearms outside of their local jurisdiction, including across State lines. I am pleased to announce that my friend and colleague Congressman STEVEN ROTHMAN joins me in authoring this bill.

The law enforcement community has long sought a unified federal law to resolve the inconsistent and fickle 'right to carry laws' that pervade State statutes. This bill will give active law enforcement officers the ability to protect themselves and their families from retaliations by criminal stalkers seeking to harm them. Further, this bill increases public safety by adding more armed, qualified peace officers to our streets.

Recently, police officers from my own district traveled to Washington to participate in ceremonies honoring fallen law enforcement officers. During their visit they expressed great concern at being forced to be unarmed on public streets without protection against unsuspected retaliation. This measure will give all police officers—all of us—an added measure of protection.

INTRODUCTION OF THE ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT OF 1999

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. LAHOOD. Mr. Speaker, I rise today on the anniversary of former President Abraham Lincoln's death to celebrate his life. Today, I am introducing the Abraham Lincoln bicentennial Commission Act of 1999. This bill will establish a commission, the purpose of which would be to make recommendations to Congress for a national program to honor former President Abraham Lincoln in the year 2009, the bicentennial celebration of his birth.

Abraham Lincoln has gone down in history as one of our country's greatest Presidents. As our sixteenth President, Abraham Lincoln served the country during a most precarious era. While most of the country looked to divide, President Lincoln fought for unity and eventually saved the Union. With the belief that all men where created equal, President Lincoln led the charge to free all slaves in America. Without the determination and vision of President Lincoln, the country, as we know it, may not exist today.

President Lincoln also serves as a national symbol of the "American Dream." Born of humble roots in Hardin County, Kentucky on February 12, 1809, Abraham Lincoln rose to the Presidency though a legacy of honesty, integrity, intelligence and commitment to the United States of America.

In 1909, America celebrated the centennial of President Lincoln's birth in a manner deserving of his accomplishments. Congress approved placing the image of President Lincoln on a first-class stamp for the first time, made President Lincoln's birth a national holiday, and passed legislation leading to the construction of the Lincoln Memorial here in Washington, D.C. Further, President Roosevelt approved placing the image of President Lincoln on the penny.

As in 1909, the Congress should again honor President Lincoln in 2009, by establishing the Abraham Lincoln Bicentennial Commission. Through this Commission, Congress will be able to demonstrate its appreciation for Abraham Lincoln's accomplishments and ultimate sacrifice for our country. This Commission will identify and recommend to Congress appropriate actions to carry out this mission and, through the recommendations of this Commission and subsequent acts of Congress, the American people will benefit by learning about the life of President Lincoln.

Mr. Speaker, I ask my colleagues to join me in honoring the memory of President Lincoln by supporting the Abraham Lincoln Bicentennial Commission Act of 1999.

TAXES AND HOME OWNERSHIP

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. ENGLISH. Mr. Speaker, I rise today to speak in favor of the preservation and extension of a very important benefit to all taxpaying Americans.

We all know the significance of today, April 15th. And as lamentable as today is for every hard-working American who strives to save income for themselves and their families, there is one component of the federal tax code every citizen should be granted. I am speaking about the tax deduction for interest paid on debt secured by the purchase of a home.

Owning a home, Mr. Speaker, has to be, without doubt, the one goal every American shares. And far be it for the federal government to stand in the way of that goal. What better way could the federal government assist with this dream than by granting every American a tax deduction on interest paid on a home mortgage.

The benefits of home ownership are many. Most importantly, home ownership strengthens neighborhoods and families. It strengthens neighborhoods in that those who live in a home will also invest in the area in which they live, thereby supporting vibrant and prosperous communities. And owning a home financially strengthens families, especially for parents who work hard to provide for their children.

Homes, Mr. Speaker, for families all across this land that live in one and hope to own one, are the greatest institutions our nation can build. That is why I rise today in strong support of, and encourage all members of this body to support, a resolution my colleague, Representative ROUKEMA, will introduce on the extension to every American of a tax deduction for interest paid on debt secured by a first or second home.

Home ownership is the backbone of our great nation and must remain a dream within the grasp of every American.

TRIBUTE TO FREEHOLDER THERESA BROWN ON BEING NAMED "FREEHOLDER OF THE YEAR" BY THE NEW JERSEY CONFERENCE OF MAYORS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. SAXTON. Mr. Speaker, on April 22, 1999, the New Jersey Conference of Mayors will bestow to Theresa D. Brown, Esq. the Freeholder of the Year Award for her dedicated service to Burlington County and the State of New Jersey. Having worked closely on several issues with Ms. Brown, I believe that the Conference of Mayors made an outstanding selection.

Ms. Brown is the daughter of retired Air Force M/SGT Walter and Julie Brown. As a military dependent, Ms. Brown grew up in exotic locales including France, the Philippines, Hawaii, and several other places within the United States.

Upon graduating from Princeton University, Ms. Brown became a certified K–12 teacher in Social Studies, English, and French at the intermediate and high school levels in the East Windsor regional School District in Hightstown, New Jersey. From there, Ms. Brown worked with the New Jersey Education Association lobbying before the New Jersey Legislature and the United States Congress for the state's largest teacher's union. Additionally, Ms. Brown worked as the Planning Manager for mercer County Legal Services in Trenton.

Seeking more challenges, Ms. Brown graduated from Seton Hall Law School and worked as a law clerk for the Honorable Michael Patrick King, P.J.A.D., Superior Court of New Jersey, Appellate Division of Westmont, New Jersey. Theresa moved on to become an associate with the Trenton firm of Picco, Mack, Herbert, Kennedy, Jaffe, and Yoskin and then an Assistant City Attorney for the City of Camden. Ms. Brown served as an Assistant Director of litigation for the New Jersey Department of the Public Advocate where she litigated automobile insurance rate-making cases before the Office of Administrative Law and the Appellate Division. Ms. Brown moved on to become a partner in the Camden firm of Derden and Brown and later served as an attorney with the New jersey Protection and Advocacy, Inc. in Trenton where she represented persons with disabilities. Currently, Ms. Brown practices in the area of family law.

On January 1, 1997, Ms. Brown her 3-year term on the Burlington County Board of Chosen Freeholders. With her election, she became the first African-American woman elected to hold that position in Burlington County. Among the many duties she performs, Freeholder Brown oversees the operations of Burlington County College, the Special Services School, and the Institute of Technology as well as Culture and Heritage, the county Library and the Consumer Affairs office.

Freeholder Brown's public service does not end with her duties on the Board of Freeholders. Freeholder Brown volunteers her time to civic organizations and is President of the Girl Scouts of the South Jersey Pines, Inc. which serves girls in Atlantic, Burlington, Cape May, Cumberland, and Gloucester Counties. Freeholder Brown is also a member of Girl Scouts of the U.S.A.'s Special Committee on Fund Development. Additionally, Freeholder Brown is a member of the Board of Directors for the Burlington County Chapter of the American Red Cross and also serves on the Burlington County Board of Social Services.

Mr. Speaker, it is my sincere privilege to honor a dedicated public servant and this year's recipient of the New Jersey Conference of mayors' 1999 Freeholder of the Year Award, Freeholder Theresa D. Brown. A finer selection could not have been made.

MERGER BETWEEN AMERITECH AND SBC COMMUNICATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. SHIMKUS. Mr. Speaker, there are a number of developments regarding the proposed merger of Ameritech and SBC Communication that merit our attention, specifically recent actions taken by the Federal Communication Commission. While I have not taken a position on the merger and do not plan to do so at this time, I find the process the FCC is proposing to be arbitrary and inconsistent decisionmaking.

The FCC has proposed to add an additional 90-day process that includes staff discussions, another Commission en banc hearing and another round of public comment to help in reviewing this merger. I find this unprecedented additional process quite worrisome since the Commission has already held a public proceeding which took nine months and generated 12,000 pages of written submissions from over 50 parties. It is hard to believe that the Commission might need more information to determine what sort of conditions it should impose on these companies. I am also puzzled by the fact that Chairman Kennard has not seen fit to use such a process with any other mergers he has considered recently in the communications industry.

Mr. Speaker, this merger was announce 11 months ago. During this time, the Department of Justice reviewed the proposal extensively and just ruled on April 8, that it is not anticompetitive—however, the FCC continues to drag it's feet in deciding on this matter. I firmly believe that the FCC has a duty to uphold in the strongest possible terms the "public interest" when looking at a merger. However, I do not believe that it gives them cover to devise a unique, convoluted process which applies a different standard and much stricter burden of proof than what was acceptable for similar cases.

At this time, Ameritech and SBC still remain in the regulatory swamp which unfairly disadvantages the competitive positions of both companies. I strongly encourage the FCC to consider the Ameritech-SBC merger with the same speed, efficiency and fairness that it has considered other recent mergers in the telecommunications industry. For the FCC to do otherwise is something we should all find intolerable.

AIRSPACE REDESIGN ENHANCEMENT ACT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to introduce the Airspace Redesign Enhancement Act. This bill would require the Federal Aviation Administration to speed up the process of redesigning the airspace over the New Jersey and New York Metropolitan area.

For over a decade, residents in my district and countless other areas of New Jersey and New York have been plagued by the problem of aircraft noise. According to the FAA, redesign of the airspace will solve many of the region's air noise problems.

The airspace over our region—Newark, Kennedy, and LaGuardia airports, along with a host of smaller municipal and regional airports—has made this area the busiest, most congested and most complex in the Nation. These three major airports have over 1 million flight arrivals and departures a year. Further, the high volume of flights is further complicated by the fact that these three airports share airspace. When Newark changes departure and arrival patterns, adjustments must be made at Kennedy and LaGuardia airports as well.

Last July, the FAA announced at Newark Airport that it would begin the process of redesigning the airspace over the New Jersey and New York Metropolitan Region. This was to be the first area in the country addressed by the FAA, and the results could be applied to other regions during future airspace redesign processes.

So why the delays? Since last July, no real action has been taken. The 5-year timetable has fallen behind, and residents in my district face a long wait before any potential relief from constant aircraft noise.

Mr. Speaker, 5 years is too long. These families should not be forced to wait 5 years before these planes stop flying, low and loud, over their homes and yards. I have heard too many stories from too many families who cannot have conversations in their homes when these planes fly overhead.

Enough is enough. The Airspace Redesign Enhancement Act would give the FAA 2 years to complete the airspace redesign process, and would give them the money they need to do so. By speeding up the process of redesigning the airspace over the New Jersey and New York Metropolitan region, other areas of the country will have their airspace redesigned much quicker as well. New Jersey is not the only region to suffer from aircraft noise. This bill can help residents near Chicago's O'Hare Airport, Reagan National Airport, Los Angeles International Airport, Denver International Airport, and other airports across the country.

The FAA has offered too many excuses for not getting this job done. Mr. Speaker, I urge my colleagues to support the Airspace Redesign Enhancement Act so that this process will not stretch out far into the 21st Century.

INTRODUCTION OF THE TRUTH IN EMPLOYMENT ACT OF 1999

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. BOEHNER. Mr. Speaker, I rise today to introduce the Truth in Employment Act of 1999. This important legislation addresses the abusive union tactic commonly called "salting." "Salting" is an economic weapon unions use to damage and even run employers out of business.

"Salting" abuse is the placing of trained professional organizers and agents in a non-union facility to harass or disrupt company operations, apply economic pressure, increase operating and legal costs, and ultimately put the company out of business. The object of the union agents are accomplished through filing, among other charges, unfair labor practice charges with the National Labor Relations Board. As brought out during the five hearings the Workforce Committee held on this issue in the 104th and 105th Congresses, "salting" is not merely an organizing tool, but has became an instrument of economic destruction aimed at non-union companies that has nothing to do with legitimate union organizing.

As a former "salt" from Vermont testified last year before the Employer-Employee Relations Subcommittee:

> "[Salting] has become a method to stifle competition in the marketplace, steal away employees, and to inflict financial harm on the competition. Salting has been practiced in Vermont for over six years, yet not a single group of open shop electrical workers have petitioned the local union for the right to collectively bargain with their employers. In fact, as salting techniques become more openly hostile . . . most workers view these activities as a threat to their ability to work. In a country where free enterprise and independence is so highly valued. I find these activities nothing more than legalized extortion."

There can be no disputing what these "salts" are trying to do. As a former NLRB field attorney testified before the subcommittee, from his experience, "salts have no intention of organizing a company by convincing the co-workers that unions are a good thing for them. Instead, once a salt enters the workplace, that individual engages in a pattern of conduct to disrupt the workplace; to gather information about the employer to feed to the union; to disrupt projects; and ultimately to file charges with the National Labor Relations Board."

Another witness quoted directly from the International Brotherhood of Electrical Workers' organizing manual, which states that the goal of the union salt is to "threaten or actually apply the economic pressure necessary to cause the employer to raise his prices, scale back his business activities, leave the union's jurisdiction, go out of business and so on."

Hiding behind the shield of the National Labor Relations Act, unions "salt" employers by sending agents into non-union workplaces under the guise of seeking employment. These "salts" often try to harm their employers or deliberately increase costs through various actions, including sabotage and frivolous discrimination complaints with the NLBR. If an employer refuses to hire the "salt," the union files unfair labor practice charges. Alternatively, if the "salts" are hired by the employer, they often attempt to persuade bona fide employees of the company to sign cards supporting the union. The union agents also often look for other reasons to file unfair labor practice charges, solely to impose undue legal costs on the employer.

The stark reality is that "salting" puts companies out of business and destroys jobs. Clearly, the drafters of the 1935 National Labor Relations Act did not intend this result. The Act was not intended as a device to circumvent the will of employees, to strangle businesses into submission to further a union's objectives, or to put non-union employers out of business." One construction company testified before the subcommittee that it had to spend more than $600,000 in legal fees from one salting campaign, with the average cost per charge of more than $8,500. Beyond legal fees, one employer testified, "it would be impossible to put a dollar amount on the pain and suffering caused by the stress of the situation to a small company like ours who does not have the funds to fight these charges."

Thus, under current law, an employer must choose between two unpleasant options: either hire a union "salt" who is there to disrupt the workplace and file frivolous charges resulting in costly litigation, or deny the "salt" employment and risk being sued for discrimination under the NLRA.

The Truth in Employment Act of 1999 would protect the employer by making it clear that an employer is not required to hire any person who is not a "bona fide" employee applicant. The bill states that someone is not a "bona fide" applicant is such person "seeks or sought employment with the employer with the primary purpose of furthering other employment or agency status." Simply put, if someone wants a job, but at least 50 percent of their intent is not to work for the employer, then they should not get the job and the employer has not committed an unfair labor practice if they refuse to hire the person.

As drafted, this legislation is a very narrow bill simply removing from the protection of Section 8(a) of the NLRA a person who seeks a job without at least 50 percent motivation to work for the employer. At the same time, the legislation recognizes the legitimate role for organized labor, and it would not interfere with legitimate union activities. The Act contains a proviso, which, by the way, passed the House 398 to 0 last March during consideration of H.R. 3246, the Fairness for Small Business and Employees Act, making clear that the bill does not affect the rights and responsibilities available under the NLRA to anyone, provided they are a bona fide employee applicant. Employees and bona fide applicants will continue to enjoy their right to organize or engage in other concerted activities under the NLRA, and, employers will still be prohibited from discriminating against employees on the basis of union membership or union activism.

It was alleged last Congress by some throughout the course of the many hearings on "salting" and during floor debate last March that this legislation overturns the Supreme Court's decision in *NLRB* v. *Town & Country Electric, Inc.* However, in fact, the Act reinforces the narrow holding of *Town & Country.* The Court held only that paid union organizers can fall within the literal statutory definition of "employee" contained in Section 2(3) of the NLRA. The Court did not address any other legal issues, but the effect of the decision is to uphold policies of the NLRB which subject employers to unwarranted union harassment and frivolous complaints.

The Act does not change the definition of "employee" or "employee applicant" under the NLRA, it simply would change the Board's enforcement of Section 8 "salting" cases by declaring that employers may refuse to hire individuals who are not at least half motivated to work for the employer. So long as even a paid union organizer is at least 50 percent motivated to work for the employer, he or she cannot be refused a job pursuant to the Act.

This bill establishes a test which does not seek to overrule *Town & Country* and does not infringe upon the legitimate rights of bona fide employees and employee applicants to organize on behalf of unions in the workplace. Indeed, the Supreme Court's holding that an individual can be the servant of two masters at the same time is similarly left untouched. In fact, it is the acknowledgment that an applicant may in fact be split in motivation between an employer and a union that gives rise to the need for examining an applicant's motivation—a "primary purpose" test that the NLRB general counsel and courts will apply.

In closing, Mr. Speaker, forcing employers to hire union business agents or employees, who are primarily intent on disrupting or even destroying employers' businesses, does not serve the interests of bona fide employees under the NLRA and hurts the competitiveness of small businesses. This bill does not prohibit organizers from getting jobs, and it is completely consistent with the policies of the NLRA. All the legislation does is give the employer some comfort that it is hiring someone who really wants to work for the employer. The Truth in Employment Act of 1999 returns a sense of balance to the NLRA that is being undermined by the Board's current policies. I urge my colleagues to support its passage.

IN HONOR OF THE 100TH ANNIVERSARY OF THE VETERANS OF FOREIGN WAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 100th anniversary of the Veterans of Foreign War (VFW).

The VFW traces its roots back to 1899 when Veterans of the Spanish-American War (1898) and the Philippine Insurrection (1899–1902) founded local organizations to secure rights and benefits for their service. A group of veterans founded the American Veterans of Foreign Service in Columbus, Ohio. Similar groups were later formed in Denver, Colorado and throughout Pennsylvania.

In 1913, the Veterans of the Foreign War came into existence as a result of the merger of these three separate foreign service organizations which held the same ideals and similar membership requirements. The mission of the VFW is to support and further the interests of United States veterans. Membership in the VFW is available to all US citizens, honorably discharged from the armed forces, who have earned an overseas campaign medal.

Currently, the VFW has a membership of 2.1 million. In addition to assisting veterans with numerous issues the organization is involved with national programs such as the Americanism Program. This program provides materials and information, sponsors events and promotes activities which are designed to stimulate interest in American's history and tradition, institutions of civic responsibility and patriotism.

A key element of VFW involvement is community service. The organization sponsors programs benefitting education, the environment, health services, civic pride, and community betterment. VFW is also the sponsor of Voice of Democracy, a national audio essay competition which annually provides more the $2.7 million in college scholarships to high school students across the nation. In addition, members work with a variety of youth organizations including Junior and Special Olympics and the Boy Scouts of America. The organization is also active in drug awareness and missing children efforts.

The VFW raises money for needy veterans and their families through the Buddy Poppy program. More than 17 million Poppies are sold each year, generating funds for the national veterans service program, relief for local veterans and their families and the VFW National Home.

My fellow colleagues, please join me in honoring the VFW's 100th anniversary and its members who have bravely risked their lives to serve the United States.

TRIBUTE TO HARRY BAKER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Harry Baker on the occasion of his retirement from the Madera County Board of Supervisors. Harry attended his last board meeting on December 15, 1998, after 12 years of dedicated service.

Harry Baker was born in Eastern Madera County over 70 years ago. As a veteran of World War II, Harry was a first hand witness to the most turbulent time in the history of the twentieth century. Today Harry is a life member and Past Post Commander of Veterans of Foreign Wars, Post 8753 and a life member of the American Legion. Thanks to the GI Bill, Harry was able to go to college and finish his education, he is a graduate of the University of California, Berkeley.

Harry has been successful not only in politics, but also in business. In addition to serving as President and Chairman of the board of Sierra Tel Tronics, he also serves as President and Chairman of the Board of Sierra Telephone, Sierra Cellular, Sierra Tel Logic, Sierra Tel Internet, Sierra Telephone Long Distance, Sierra Tel Tronics Business Center, Sierra Tel Tronics Business Systems, El Dorado Cellular, and ST Air Services. Harry has operated Sierra Telephone, one of the area's largest employers, for over 48 years. Harry has taken the company through remarkable growth, increasing in size from 200 customers and 4 employees, to 20,000 customers and 230 employees. Harry was a founding member of the Western Rural Telephone Association and served as its president in 1967, he's been on the Board of Directors for 14 years.

Despite a busy work schedule, Harry makes time for many worthwhile community activities. He's a Life Member of the Madera County Historical Society and was appointed to the Madera District Fair Board by former Governor George Deukmejian. Harry is a Charter Member of the Gateway Yosemite Elks Lodge, and a member of the Sierra Oakhurst Lions Club. Harry is also an example to youth, he is a Cub Scout and Boy Scout Troop Leader as well as a 4–H Leader.

Mr. Speaker, I rise today to pay tribute to Harry Baker, on the occasion of his retirement from the Madera County Board of Supervisors. Supervisor Baker has been a devoted public servant during his 12 years of service. I urge all of my colleagues to join me in wishing Harry Baker many years of continued success.

REGARDING THE PASSING OF MS. SONYA BEMPORAD OF DALLAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, Prime Minister Winston Churchill once said "There is no finer investment for any community than putting milk into babies."

I believe that Ms. Sonya Bemporad of Dallas lived by these words and committed her time, energy and soul to investing in children. One of the most notable advocates of children and leaders of child care policy, Ms. Bemporad died Saturday, March 20, 1999. She was 64 years old.

She is known throughout Texas, and our Nation as the leading and chief theoretician with the child care group here in Dallas. The child care group is an innovative non-profit organization that operates day-care centers, manages public subsidies for child care in north Texas, conducts training for child-care workers and provides other services. She was the group's senior vice president at the time of her death.

While Congress is still debating on proposals to improve the safety, quality and delivery of child care, Ms. Bemporad worked during her entire life to find new ways to care for children. She was on the cutting-edge with her design of the child-care group's "relationship-centered child care" approach. This approach advocated a small, family-like environment and interaction with one "constant caregiver."

Mr. Speaker, Ms. Bemporad's methods are so widely accepted and acknowledged that First Lady Hillary Rodham Clinton visited one of the day care centers in Dallas that the group operates.

On February 20, 1998, the First Lady toured the Martin Luther King, Jr. Child Development Center with me, witnessing first hand, Ms. Bemporad's model. Ms. Bemporad's model on child-care is so effective that the First Lady showcased it nationwide as she worked with the President to travel throughout the country and across the world to visit child-care facilities that work for children and their parents.

Mr. Speaker, the year before, Ms. Bemporad's success was featured on ABC's *World News Tonight with Peter Jennings* as a solution to the Nation's child-care crisis. In addition, the child-care group founded the Sonya Bemporad chair for relationship-centered child care. A position she had stewardship over until her passing.

These accolades are testimonials to her commitment to children. She deserves that recognition and more, Mr. Speaker. Many children are better cared for, receive more attention and are surrounded by providers who have an interest in their long-term well-being. Due to her efforts, many children in an "relationship-centered child care environment" usually score higher on reading and language tests in public schools than their peers.

Countless children who will produce and achieve in classrooms throughout the city of Dallas, the State of Texas, and our Nation have Ms. Bemporad to thank. She could not develop such an approach if she did not possess the time and desire to know children and what makes them function. This innate sense of Ms. Bemporad's is what helps make children successful and cared for. She influenced her peers to subscribe to this method, moving away from simply studying and analyzing children. She influenced them to accommodate and fashion learning environments to children and their most pressing needs.

However, Mr. Speaker, this is a part of a long career in attending and addressing to the needs of children. Over the last 25 years, she lent her talents and heart to other child-care organizations. The Dallas county child welfare and the Dallas County Mental Health and Mental Retardation Agencies all benefited from her sage advice, unlimited compassion and concern for children. In addition, she was also a member of the American Association of Psychiatric Services for Children and the city of Dallas Health and Human Services Commission.

Mr. Speaker, I join the parents and children of the 30th Congressional District in paying tribute to Ms. Sonya Bemporad. Like trees, children cannot grow without a seed. Ms. Bemporad was indeed a seed that allowed many children to grow and reach new heights.

IN HONOR OF MONTACHUSETT GIRL SCOUT COUNCIL GOLD AWARD RECIPIENTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. McGOVERN. Mr. Speaker, I rise today to acknowledge the accomplishments of thirteen outstanding young women of my District who have been selected as recipients of the Girl Scout Gold Award. These thirteen recipients from the Montachusett Girl Scout Council in Worcester, Massachusetts are: Kendra Beauvais, Diana Brink, Sarah Broders, Donnielle Crossman, Michelle Curtis, Bridget Donahue, Laura Gallant, Asavari Kamerkar, Mary-Elizabeth Morgan, Jennifer Mummenthey, Sarah Potty, and Bridget Strom.

I am pleased to be able to acknowledge their accomplishments in service to their community.

IN HONOR OF THE CLEVELAND SLOVAK DRAMATIC CLUB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. KUCINICH. Mr. Speaker, today I rise in honor of the 50th anniversary of the Cleveland Slovak Dramatic Club. The Cleveland Slovak Dramatic Club is a vital part of the Cleveland area as it encourages Slovak youth to be loyal Americans and to be active and proud of their Slovak heritage.

Throughout its 50 years of existence, The Cleveland Slovak Dramatic Club (C.S.D.C.) has been involved in many activities to help the Slovak community in the Cleveland area. During the first 10 years of the C.S.D.C., it actively sponsored various Slovak cultural activities such as live stage plays which were performed throughout the Cleveland area. Profits from these cultural events went to aid Slovak refugees who had escaped persecution in Slovakia and were dispersed throughout Europe. The events raised over $20,000 which was donated from the club to aid refugees.

In addition to C.S.D.C.'s cultural plays, the club also provided live cultural programs on Christmas and Easter holidays on Cleveland's Slovak radio.

C.S.D.C. members have become very active in all Slovak movements and activities in various Slovak Clubs, fraternal and social organizations such as, Slovak League of America, Slovak World Congress, First Slovak Catholic Union, and many others. It is through their help and activity in these organizations, that Slovak heritage, culture and Slovak fraternalism have prospered and grown for many years.

My fellow colleagues, please join me in honoring the Cleveland Slovak Dramatic Club for their years of service to the Slovak community of the Cleveland area.

HONORS LISETTE BERNIER-McGOWAN FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Ms. DeLAURO. Mr. Speaker, I am pleased to rise today to honor the fine work and outstanding public service of Lisette Bernier-McGowan. Lisette is well deserving of our commendation after thirty years of service to the New Haven public school system and community.

Lisette was raised and educated in Puerto Rico, and upon her arrival in Connecticut recognized the need for greater bilingual education in our schools. She earned two Masters Degrees at Southern Connecticut State University, in Modern Foreign Languages and Elementary Bilingual Education, and set out to build a system of increased diversity within the public school curriculum and community. For more than two decades she has given her time and expertise for the good of New Haven young people.

Her knowledge in bilingual and english as a second language programs is highly regarded by other leaders in this field. She has served on the Commissioner's Task Force on Bilingual Education, the Superintendent's Task Force for Excellence in Education, the Yale Study Groups on Bilingual Education and Cultural Bias.

Most recently she has served as Director of two innovative education programs. The Bilingual Science Project is a comprehensive three-year teacher training program on effective strategies for the integration of science and language acquisition. The BRIDGE

Project is a reform effort in three New Haven elementary schools in New Haven designed to provide rigorous literacy development. While leading these efforts, she concurrently served as Chair of the New Haven Public Schools Task Force on Bilingual Education. Her commitment to this issue has lead to real progress in developing and implementing sound bilingual education policy and curriculum.

Several local organizations have honored her consistent leadership in the community. Among her achievements, Lisette has been awarded the Bilingual Director of the Year, the Connecticut Latinas in Leadership Award, LULAC Award for Leadership in Education, and the YMCA Women in Leadership award. We are not the first to recognize Lisett's contribution, but I am proud to take this opportunity to join others in our community to honor this talented woman.

Mr. Speaker, it is an honor for me to rise today and join with family, friends, and the City of New Haven to pay tribute to Lisette Bernier-McGowan for outstanding service to our community. She has truly left a positive mark on New Haven that will benefit our schools and our young people for years to come. Educator, leader, and friend, Lisette's exceptional commitment and dedication have made her a model to which we can all aspire.

IN HONOR OF MR. JOSEPH CUNDARI FOR HIS DEDICATION TO HARRISON AND TO HUDSON COUNTY COMMUNITY COLLEGE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the remarkable accomplishments of Mr. Joseph Cundari for his contributions to Harrison and Hudson County Community College.

Through his vast knowledge of engineering and his devotion to the community in which he was raised, Mr. Cundari has dedicated his life to the betterment of Harrison, NJ. From serving as Vice President of the West Hudson Hospital Association, 1958–1962, to serving as Vice President of the Harrison Board of Education, 1991–1996, Mr. Cundari consistently gave his time, energy, and resources in order to improve his surroundings.

Using his degree in civil engineering from Manhattan College, Mr. Cundari began his long career of serving his country and his community by enlisting in the United States Army. As Master Sergeant and Chief of Engineer Operations Section of the 341st Engineer Regiment, Mr. Cundari was instrumental in the construction of the Alaska Military Highway and in the reconstruction of railroad bridges devastated by WWII in France, Belgium, and Germany.

After leaving the military, Mr. Cundari returned to Harrison and was named Town Engineer by the New Jersey Engineering Department and Department of Construction Inspection. From March 1946 through the present, Mr. Cundari prepared plans and specifications for all public works projects involving the construction of new water mains, sanitary and storm sewers, and street improvements.

In addition to his work to improve the infrastructure of Harrison, Mr. Cundari was a leader on the issue of safety. He was proactive in formulating the police, fire alarm, and traffic signals for the town of Harrison.

Since 1990, Mr. Cundari has served on the Hudson County Community College Board of Trustees. Under his leadership as Chair of the Facilities Committee, the college initiated plans for campus development in Journal Square—an integral area in my district. His expertise and work for the college have been so essential to the growth of the college that he was named the HCCC's first trustee emeritus by the Board of Chosen Freeholders.

Mr. Cundari's efforts exemplify leadership and dedication to both the town of Harrison and Hudson County Community College. For these tremendous contributions to New Jersey and his example as a public servant, I am very happy to honor Mr. Cundari for his achievements. I salute and congratulate him on his extraordinary accomplishments.

HOMEOWNERSHIP—LIVING THE AMERICAN DREAM

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. FILNER. Mr. Speaker, and colleagues, I rise today in support of homeownership and the mortgage interest tax deduction that makes it possible for millions of American families participate in the American Dream.

Today, when Americans are paying taxes and we debate changing the tax code, we need to be vigilant to protect the part of the code that helps millions to improve their lives and secure their future.

Two-thirds of all American families own their own homes—a rate that would be impossible without the mortgage interest deduction.

Homeownership is essential to the strength and vitality of America, providing a foundation of family security, stability and prosperity. Our communities are strengthened because of the pride of ownership and the vested interest homeowners have in their neighborhoods.

So today, let us vow to protect the mortgage interest tax deduction, and help to guarantee a strong future for American families and communities.

THE INTRODUCTION OF THE WORKING AMERICANS WAGE RESTORATION ACT

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. NETHERCUTT. Mr. Speaker, this week, most Americans will pay their federal income tax. In total, individuals will spend about 1.7 billion hours to try to comply with the tax code. Businesses will spend 3.4 billion hours. That is equivalent to a "staff" of 3 million people working full-time, year-round, just on taxes. For Washington State residents, the average total tax burden will rise from $10,307 in 1997 to $10,634, making Washington the state with the tenth highest per capita tax burden.

Our colleague in the Senate, Senator JOHN ASHCROFT, and I believe this is too much, that working Americans know better how to spend their money than the Government does. So I am pleased today, with Senator ASHCROFT to introduce the Working Americans Wage Restoration Act.

The bill will eliminate the double taxation on the employee's share of the Social Security payroll tax. It would not affect the Social Security Trust Fund in any way.

Over the last 50 years, the Social Security employer-employee payroll tax has grown from 2% to 15%. As a result, almost three-quarters of all families now pay more in total Social Security payroll taxes than they pay in income taxes. These payroll taxes are inherently unfair because workers are taxed twice on the same income. Americans are taxed first as a portion of their gross income for federal income tax purposes and a second time for their contribution to the Social Security Trust Fund.

By allowing workers to deduct their share of Social Security contributions from their federal taxes, the Working Americans Wage Restoration Act will eliminate this double taxation and allow the workers who generated the economic growth to keep more of the money they earn.

Currently, businesses and employers are permitted to deduct their share of the payroll tax as a business expense, but workers are not. Individuals should have this same opportunity. My legislation would provide the same benefit to individuals that businesses already enjoy.

I urge my colleagues to support the Working Americans Wage Restoration Act.

IN HONOR OF PATRICK SWEENEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Patrick Sweeney for 35 years of public service.

Mr. Sweeney began his career as a legislator in 1967 in the Ohio House of Representatives. In 1974 he was elected Assistant Majority Leader. Four years later he was elected as chair of the Education Section and as Vice Chairman of the House Finance and Appropriations Committee. In 1984, Mr. Sweeney was named Majority Whip. He later served as Minority Leader of the Ohio House where he left in 1996 to serve as State Senator of the 23rd District. Mr. Sweeney currently serves as an advisor and co-professor at Cleveland State University.

Mr. Sweeney achieved many accomplishments for the Cleveland area while in office. He brought millions of state dollars home for various projects, including the renovation of Playhouse Square and Cleveland State University's 17–18th Street Project, which included a new law library and a new business school building. Mr. Sweeney has also been supportive of the arts and theaters in the downtown area.

Patrick has been a dear friend, colleague and mentor for many years. I have tremendous respect for him as a legislator. I was very pleased that he succeeded me as State Senator of the 23rd District when I was elected to Congress. It gives me great pleasure to publicly recognize the achievements of Mr. Sweeney.

My fellow colleagues, please join me in honoring Patrick Sweeney for his 35 years of Public Service. He will be saluted for his achievements at a dinner by the Cuyahoga County Democratic Party.

IN HONOR OF TERENCE FREITAS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor the memory of Terence Freitas. Terence was kidnapped in Colombia on February 25th, and slain while working on behalf of the rights of indigenous people. As a humanitarian and environmentalist, he leaves behind a legacy of activism and passion that inspires us all.

Terence graduated from the University of California at Santa Cruz in 1997 with a dual degree in biology and environmental studies. He was a conservation biologist and policy analyst, with extensive field experience in temperate and tropical rainforests. While at the University of California at Santa Cruz, Terence was an active member of the community. He was involved in numerous campus activities and helped to redesign the Crown College core course. Crown College is naming its college service award after him. In addition, an endowment has been established in his name to support the research of environmental studies at UCSC.

Terence also worked as an environmental consultant, researching American Indian Law and U.S. environmental policy. He was a longtime advocate for indigenous people and worked with Native American tribes while he was a student. His passions for working with marginalized cultures lead him in 1997, to the U'wa people in Colombia where he and two companions were on a mission to preserve the culture of the U'wa Indians.

The U'wa Tribe is fighting a battle to defend their rights and traditional territory. Ever dedicated to the fight for indigenous rights, Terence willingly put aside concern for his own safety and went to an area with one of the highest rates of documented human rights abuses, where violence, kidnappings and executions are part of everyday life. No one outside Colombia did more for the U'wa people than did Terence.

Terence helped to establish the U'wa Defense Working Group and lived life passionately. His fight will be continued by fellow activists, and Terence will be missed by all of those whose lives he touched. The loss of his young, vibrant life, is a tragedy for the whole world. The global humanitarian effort has suffered greatly with the passing of Terence Freitas.

INTRODUCTION OF THE RELIGIOUS FREEDOM PEACE TAX FUND BILL

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. LEWIS of Georgia. Mr. Speaker, one of the fundamental liberties of our country is freedom of religion. The right to exercise our religious beliefs free of government coercion. The Federal Government must not force a citizen to act against his or her religious beliefs.

Because of their strong religious convictions, some Americans do not pay their taxes. They do not pay their taxes because their religion forbids them from supporting war. Seventeen cents out of every tax dollar received by the Federal Government is spent on the military.

This military spending is inconsistent with the religious beliefs of hundreds and thousands of Americans. Because of their strong beliefs, these people would rather disobey their government than disobey their God or their beliefs. As a disciple of Ghandi and Dr. Martin Luther King, Jr.'s, preachings on nonviolence, I understand the difficult choice these Americans face.

That is why I am introducing this legislation. The Religious Freedom Peace Tax Fund would allow religious and conscientious objectors to pay their taxes without violating their religious beliefs. These taxpayers would have their tax payments placed in the Religious Freedom Peace Tax Fund. Money from this fund could not be spent for military purposes. Religious objectors would be assured that their tax payment would not increase military spending—that paying taxes would not violate their religious beliefs.

The Joint Committee on Taxation has determined that the Religious Freedom and Peace Tax Fund legislation is a slight revenue raiser. The bill will not reduce military spending. It simply will allow thousands more Americans to pay their taxes in good conscience.

VFW VOICE OF DEMOCRACY WINNING ESSAY FROM HAWAII

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I have the great honor to request permission to insert in the CONGRESSIONAL RECORD the text of the winning essay from Hawaii entitled "My Service to America," by Carmen M. Herlihy, in the 1998–99 VFW Voice of Democracy Scholarship Competition.

MY SERVICE TO AMERICA

(By Carmen Herlihy)

It was a little over two hundred years ago that a tremendous thing happened. Freedom was born. The birth of the United States Constitution was perhaps one of the most important occurrences in our country's history. In that mother of freedom there sprung a child of the future, the Bill of Rights. These 10 amendments have been the backbone of the growth of modern society. People have lived in the comfort of knowing that they will always be there, for they have always been there. But as the population continues to grow, and differences in culture have sprung up, perhaps the existence of the freedom that we as citizens have taken for granted will slowly be taken right out of our patriotic hand.

It would be a lie to say that we live in a country that grants us complete freedom. After all, complete freedom would lead to chaos. Therefore laws were created to protect the well-being of all citizens. But we are privileged enough to live in a country that allows us to voice our opinions freely, worship in what we choose, and defend ourselves when necessary.

As I watch television broadcast of the unfortunate occurrences in places such as Kosovo, where people as young as children are being killed; Northern Ireland, were a 300 year old conflict has yet to solved and China where oppression is not openly accepted, but expected by all, I thank the spirits of our founding fathers for their bravery and loyalty in the belief that a country that enables its citizens to grow, is a country that must be formed.

We as citizens of this great land have an obligation to fulfill; that obligation is to live out our reputation as being the land of opportunity and freedom, equality for all. It is a journey we must make in order to continue the tradition of freedom and basic human rights. The first of many battles is at hand.

On November third 19 hundred and ninety eight, a choice will have to be made by the citizens of a small state floating in the middle of the pacific ocean. Many people will vote on that issue without fully understanding the concept its carries out. To some it means savings the idea of traditional marriage, to other it means saving the constitution of the United States. Whatever the truth may be, another issue lies beneath the surface, one that many people would rather overlook. It is question of freedom.

Homosexuality. A word often said beneath ones breath. The thing about the word homosexuality that always amused me was the fact that people were afraid to say the word, fearing almost that was a contagious condition. It's safe to assume that a majority of the United States population disagrees with "Alternative" lifestyles. But does that mean that it acceptable to deny a group of people the basic human rights they are entitled to?

Have we learned nothing from the people of segregation that our country had endured not so long ago? There were people, such as Martin Luther King Jr., who were brave enough to stand up and demand the freedom that African-Americans were entitled to. There were the struggles women had endured in order to gain their right to an abortion. We live in a country that grants its citizens basic human rights that are necessary in order to live, freedom to be ones own person. Should we deny those freedoms to people who are different from ourselves? We have no right to impose our beliefs onto other people, nor does anyone have the right to deny the beliefs of another. If we do so, we will only be stepping back into our journey toward the United States our founding fathers had envisioned.

As citizens of this great country, we all have our service to America. But the freedom instilled in the United States grants us the right to chose what that is. My service to America is to uphold the belief that all men are created equal. My service to America is to ensure that I will never be in the position of oppressing another group of people. My service to America is to inform the generation to follow of the importance of freedom. My service to America is to never forget historical struggles. My service to America is to never forget that I live in America, the land of the free.

Carmen M. Herlihy is a senior attending Baldwin High School on the island of Maui. She hopes to enter New York University this fall to pursue a career in the theater or writing.

SALUTE TO OCCUPATIONAL THERAPY MONTH

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Ms. SLAUGHTER. Mr. Speaker, in today's business world, maintaining a productive workforce is a vital function. Workplace injuries seriously hamper the efficiency of both the employer and the employee. Workers hurt on the job need assistance in returning to their positions and aid in preventing future injuries. Occupational therapists have long been in the forefront of providing these vital services to companies and their workers.

April 1 marked the beginning of Occupational Therapy Month. I would like to take this opportunity to hail the men and women who serve as occupational therapists, including, I am proud to note, my own daughter.

Occupational therapists are skilled in task analysis and ergonomics. They advise businesses on cost-effective ways to reduce the likelihood of worker disability. Occupational therapists work to prevent injury by modifying work areas, teaching techniques to alleviate physical discomfort, and developing equipment to simplify work. As the computer becomes more integrated in the daily lives of Americans, the occupational therapist can advise on how to set up a computer workstation that allows healthy computing. Using the right equipment and posture can prevent neck and shoulder pain, as well as damaging hand and arm conditions that can result from computer overuse. Occupational therapists improve the effectiveness and health of businesses and their employees.

In recognition of the critical role these individuals play in supporting the American workforce, I salute the 60,000 members of the American Occupational Therapy Association during their special month of April.

IN HONOR OF RENAMING THE WADE PARK VA MEDICAL CENTER FOR LOUIS STOKES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the renaming of the Cleveland VA Medical Center to the Louis Stokes Cleveland Department of Veterans Affairs Medical Center and the dedication of the new parking garage.

Louis Stokes is not only a military veteran of World War II, but he is also a veteran of nearly two decades of public service to the people of Cleveland in the House of Representatives, and a maker of history. During his time in Congress, he was considered the dean of the Ohio Congressional Delegation.

Louis Stokes was the first African-American from Ohio to win a seat in Congress on November 6, 1968. He has impressed all who have known and worked with him with his commitment, erudition and patience. He has been a political mentor to me, and I have known and appreciated his abiding loyalty, good advice and friendship for many years.

Louis Stokes is also widely respected for his broad knowledge of veterans affairs and health issues. It is very fitting, therefore, that the Cleveland VA Medical Center be renamed the Louis Stokes Cleveland Department of Veterans Affairs Medical Center.

My fellow colleagues, please join me in congratulating our former colleague, Louis Stokes, as he accepts this great honor.

ROCKAWAY CHAMBER OF COMMERCE HOSTS BRAVEST AND FINEST LUNCHEON

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Rockaway Chamber of Commerce on the occasion of it's Bravest & Finest Luncheon.

The members of the Rockaway Chamber of Commerce have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This luncheon is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to protecting their friends and neighbors. This year's honorees truly represent the best of what our community has to offer.

Lieutenant Carl Trincone was appointed to the New York City Fire Department in September 1982. After being promoted to the rank of Lieutenant in 1991, he was assigned to Engine 264 where he continues to protect the people of the Rockaways from harm's way.

Firefighters 1st Grade Gregory Ruggiero, Steven Incarnato, Brian Gallagher, and Eugene Gentile are well known for their heroism and dedication to the people of the Rockaways. These brave men routinely place their own lives at risk in order to protect their friends and neighbors.

Police Officers George Von Bartheld, Jason Gaertner, Cory Fink, Scott Rodriquez, and Lucion Herriot have each made an exceptional contribution towards the reduction of crime in the Rockaways and have enhanced community safety. In addition, the members of the Transit Borough Queens Detective Squad, lead by Sgt. Scott Guginsky, have helped make our subways a safer place to travel. Each of these officers have proved themselves to be valuable assets to both the Police Department and the people of the Rockaways.

All of today's honorees have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by the Rockaway Chamber of Commerce.

INTRODUCTION OF LEGISLATION TO EXTEND AND IMPROVE THE NATIONAL WRITING PROJECT

HON. GEORGE G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased today to join my colleague Congressman WICKER in introducing legislation to extend and improve the National Writing Project.

The knowledge and skill of a child's teacher is the single most important factor in the quality of his or her education. The National Writing Project is a nationwide program that works to improve student writing abilities by improving the teaching of writing in the nation's schools.

The National Writing Project serves a remarkable number of teachers and students on an exceptionally small budget.

In academic year 1997–98, the National Writing Project trained 181,402 teachers and administrators nationwide through 157 writing project sites in 46 states, Washington, DC, and Puerto Rico. It has served two million teachers and administrators over the last 25 years.

For every federal dollar received, the National Writing Project raises $6.93 in matching grants. This makes the National Writing Project one of the most cost-effective educational programs in the country.

Furthermore, a national staff of only two people administers the National Writing Project. The use of limited federal funds to leverage large private investments is the most efficient way to use the budgeted funds available for the greatest possible return.

The National Writing Project works. For example, in Chicago, students of National Writing Project teachers have shown significantly higher gains on the Illinois Goals Assessment Program writing tests when compared to student performance citywide. In an urban Sacramento, California high school, student performance on local writing assessments rose from lowest to highest in the district after an influx of National Writing Project teachers to the school, and college enrollment among this school's senior class rose 400%.

The National Writing Project has received similarly impressive results all across this country. In fact, the National Writing Project has received glowing reviews from the Carnegie Corporation of New York, the National Council of Teacher Education, the Council for Basic Education, and independent evaluators.

The national Writing Project is efficient, cost-effective and successful. I look forward to working with my colleagues in enacting this important legislation.

IN HONOR OF DR. RUSSELL L. TRAVIS

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. FLETCHER. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives the distinguished career of Russell L. Travis, MD, a neurological surgeon from Lexington, Kentucky, and a good friend. After a lifetime commitment of service to his patients, his profession, his community, and to the people of the Commonwealth of Kentucky, it is fitting that Dr. Travis be recognized by this body as he completes his term as president of the American Association of Neurological Surgeons.

Born in Jenkins, Kentucky, a small Appalachian community, Dr. Travis attended Centre College in Danville, and received his medical degree from the University of Louisville. Following his residency at the Medical College Hospital of South Carolina, Dr. Travis returned to Lexington to begin his practice as a neurological surgeon.

One of Dr. Travis' most outstanding contributions has been his commitment to ensuring that all Kentucky citizens have access to affordable, quality health care. As both an advocate for change at a legislative level and as a volunteer in the field, his efforts are widely known and appreciated. Almost every week for the past 25 years, Dr. Travis has traveled hundreds of miles to see patients in places where you wouldn't normally find a neurosurgeon—towns like Whitesburg or Hazard, Kentucky, where adequate medical attention is in short supply. What's more, he enlisted others in service to his vision, playing a key role in the formation of Kentucky Physicians Care, a group of physicians who volunteer their services to provide free medical care to the less fortunate in their communities. This national recognized program was the first all-volunteer, nongovernment-sponsored statewide program of its kind in the country. To ensure its success, Dr. Travis traveled to every part of the State at his own expense, encouraging his colleagues to participate. And what a success it has been—since 1985 more than 300,000 Kentucky citizens have received needed medical attention from Dr. Travis' physician volunteers.

Dr. Travis' insight, experience, and hard work while serving on Kentucky's Task Force on Health Care Access and Affordability proved invaluable in achieving our goals of reforming health care in Kentucky, attempting to undo the damage well-intentioned but ill-considered government intervention had done. The Commonwealth owes much to Dr. Travis for his efforts on this task force.

Dr. Travis has given much back to his profession as well. His tireless involvement in State and national professional societies has improved the standards of medical care. Dr. Travis' colleagues have recognized these contributions with numerous awards, including the Congress of Neurological Surgeons' Distinguished Service Award, the Kentucky Medical Association's Service to Mankind Award, the Fayette County Medical Society's Jack Trevey Award for his leadership role in the Kentucky Physician Care Program, and the Physician's Recognition Award.

On behalf of my colleagues in the United States House of Representatives, I congratulate and commend Dr. Russell Travis on his exemplary service for not only the people of Kentucky, but for his contributions to the field of neurological surgery, from which the entire Nation benefits.

GAO FINDS 43% OF ELIGIBLE MEDICARE BENEFICIARIES NOT RECEIVING LOW-INCOME PROTECTION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. McDERMOTT. Mr. Speaker, complicated administrative procedures, difficult and lengthy application forms and even the reluctance to visit a welfare office are keeping millions of low-income seniors from receiving Medicare benefits designed just for people like them, according to a new report from the General Accounting Office.

The GAP report I requested with Representative PETE STARK found that 43 percent of the elderly poor are not enrolled in Medicare's programs to assist them with their health-care costs. The federal agency said of the 5.1 million elderly who qualify for the assistance, about 2.2 million were not enrolled.

My view is that GAO's findings that the high percentage of Medicare beneficiaries who are eligible, but not actually enrolled in the programs is alarming, and warrants Congressional action.

These are people in our society who need help the most. Often they are women, single, living alone, and over 80 years old. We need to adequately take care of our mothers, grandmothers and aunts, rather than force them to endure a gauntlet of administrative forms and long lines at the welfare agency.

The GAO report cited a lack of outreach to get people into the program, complex administrative rules, and the reluctance of some seniors to visit a welfare office as part of the reason for lack of enrollment.

To correct these problems, Representatives STARK and BERRY and I today introduced legislation to automatically enroll eligible beneficiaries into the programs.

It's clear that Congress has failed to ensure that we reach out to Medicare beneficiaries eligible for these programs. Section 154 of the Social Security Amendments of 1994 (P.L. 103–432) directed the Secretary of HHS to obtain all information necessary from newly-eligible Medicare beneficiaries to determine their eligibility for these programs and to transmit this information to individual states.

Medicare provides health insurance coverage to nearly 39 million Americans. Costs are shared by the government and the individuals. Medicare Part A—hospitalization—is paid through the federal payroll tax. But premiums for Medicare Part B—for doctor's bills—are paid by beneficiaries through a deduction from their Social Security payments. Many seniors also buy so-called Medigap policies to take care of costs not paid by Medicare.

The cost of Medicare Part B premiums, which are $45.50 per month this year, can be a burden for low-income elderly.

The poorest of the elderly can get help paying their premiums through Medicaid. But many seniors who are not quite at the poverty level still have trouble paying this cost. So Congress established two programs, the Qualified Medicare Beneficiary program, or QMB, and the Specified Low Income Medicare Beneficiary program, (SLMB).

QMB began in 1986 and is aimed at Medicare beneficiaries below the federal poverty level. It pays Medicare premiums, deductibles and coinsurance.

SLMB, started in 1993, requires state Medicaid programs to pay Part B premiums, but not deductibles or coinsurance. It is aimed at those with incomes below 120 percent of the federal poverty level.

We introduced our bill to ensure that qualified and needy seniors can take advantage of these programs. Essentially, what their bill would do is automatically enroll qualifying seniors in the programs.

The GAO report also stated that many potential recipients don't even know the programs exist.

The report noted, "The persistence of relatively low enrollment in the QMB and SLMB programs suggests that enhanced outreach or simplified enrollment processes would be helpful in reaching a larger share of eligible low-income Medicare beneficiaries."

Our legislation would go a step further and ensure that Medicare beneficiaries actually receive the benefits to which they are entitled.

IT IS TIME TO SERVE OUR VETERANS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. MORAN of Kansas. Mr. Speaker, I am glad to rise in support of legislation I introduced on March 25, 1999, that will give more veterans the freedom to choose where they receive medical care. Under current law, the VA does not generally treat a non-service connected Medicare-eligible veteran because they have no way to recover the full cost of doing so. With this legislation, a Medicare-enrolled veteran could go to their VA for care and Medicare would reimburse the VA at a fixed rate. This Medicare subvention legislation allows the Department of Veterans Affairs to establish a three year demonstration project at up to 10 sites around the country to test Medicare reimbursements to the VA. While a pilot project for Department of Defense Medicare Subvention was enacted into law in 1997, the VA's Pilot Project was not.

This legislation is budget neutral. It caps Medicare payments to the VA at $50 million annually. HHS and VA will monitor this project from beginning to end in order to study its effectiveness in giving more veterans access to VA health care. Last month, this legislation passed in the Senate. Now is the time for the House to act on this issue.

The second part of this bill would take steps to ensure that the Department of Defense health care coverage, Tricare, is accessible and patient-friendly through improved business practices and by meeting industry standards. In 1993, the Department of Defense restructured its health care program in order to maintain beneficiary access to high quality care while containing cost. Implementation of this program has been difficult as force reduction and base closures have resulted in fewer military treatment facilities and medical personnel. There is still much to be done to ensure access to Tricare's 8 million beneficiaries made up of active service members, their families, and retirees.

This legislation directs the Department of Defense to take several steps to ensure that Tricare is similar to the health care coverage available to all other federal employees; that it ensure portability of benefits from region to region; and that it improve patient management. Changes in this bill will improve Tricare for beneficiaries, providers, and contractors. Identical legislation was passed last month in the Senate and it is time the House did the same. Those who have served in our military deserve accessible health care without the red tape.

This bill also encourages the Veterans Benefits Administration to review its policies and procedures in reviewing claims; initiate necessary actions to process claims in a consistent and timely manner; and report to the Congress on measures taken to improve processing time. Processing claims through the VBA, including veterans' disability ratings, has grown increasingly slower over the last few years. A veteran's access to VA health care often depends on these decisions. We should not put a veteran's health care needs on hold because of paperwork delays.

I commend our veterans for their courage in defending our nation's values and freedoms. They have served their country to the fullest extent, and it is time to serve our veterans.

INTRODUCTION OF CORPORATE RESPONSIBILITY ACT OF 1999

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. VISCLOSKY. Mr. Speaker, today I introduced the Corporate Responsibility Act of 1999 which will save an estimated $33 billion in corporate welfare over the next five years. This bill eliminates or reforms twelve federal programs that currently use billions of taxpayer dollars to subsidize corporate America. Three years ago, Congress reduced welfare for individuals and families. Now it is time to do the same for corporations.

This legislation is necessary to eliminate the system of tax breaks, subsidies and other policies given to wealthy special interests by the federal government. Time magazine estimates that corporate welfare costs American taxpayer $625 billion every five years. Foreign Sales Corporations (FSCs), which give tax breaks to corporations who transport American jobs overseas, alone account for $1.7 billion each year.

My bill, similar to one introduced in the 105th Congress, takes aim at the worst examples of corporate welfare in the federal budget, including FSCs, special tax treatment of alcohol fuels, the Market Access Program, the Export Enhancement Program, and federal funding of forest roads for logging. The bill also includes a lock-box mechanism to ensure that all savings and revenue go directly toward reducing the public debt.

This bill would save more than $33 billion over five years by ending corporate welfare programs and reforming others. Because this legislation is limited to the most egregious examples, my bill is a litmus test for anyone who is serious about ending corporate welfare. In short, this bill puts the best interest of our citizens—a balanced budget, jobs, education, and a clean environment—ahead of handouts to huge corporations and wealthy special interests.

Consequently, I urge my colleagues to cosponsor and support the Corporate Responsibility Act of 1999.

HOLOCAUST COMMEMORATION AND KOSOVO

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Ms. SCHAKOWSKY. Mr. Speaker, my remarks today come at a time of great significance to the Jewish community and the international community. This week we observed the days of remembrance, a commemoration of the Holocaust and a tribute to those who lost their lives.

The Holocaust was a time of such incredible horror that it is often not taught to the young and some, because of how disturbing it can be, choose not to speak of it. I accept it as my duty to educate others about the atrocities of the past so that they may never again occur. The Holocaust was a disgraceful chapter in the history of humankind. The fact that the world stood by and watched, is something that I will never understand. What I will do, what the world must do, is to promise that these crimes against humanity will never again be tolerated.

Today, our responsibility is again subject to a test. With the crisis in Kosovo, and the all too familiar images of families being packed into boxcars, bodies being discovered, and orphaned children crying, the Jewish community is painfully reminded of the suffering we have sworn to prevent.

I would also like to take this opportunity to commend the people of Israel for realizing the relationship between the suffering in Kosovo and the suffering in the history of the Jews. In the first ten days of Operation Allied Forces, Israeli citizens donated over one million dollars toward refugee relief efforts in the Balkans. Field hospitals set up by Israel have already helped to successfully deliver 7 babies born to Kosovar refugees. In Israel on Monday, 17 families of Kosovar refugees—the first of hundreds yet to come—arrived to a warm welcome led by Prime Minister Benjamin Netanyahu and his wife Sara.

Among those that arrived on Monday were Lamia Jaka, the daughter of righteous gentiles Dervish and Servet Kurkut of Kosovo, and her husband Vlaznim. Lamia's parents saved both Jews and religious texts during the Holocaust. David Berkowitz of Neveh Ilan, whose mother was saved by Lamia's parents who hid her at their home, was on hand for a tearful reunion.

These acts are very important to me. They say that the lessons of the Holocaust need to be taught forever. I am thankful for the opportunity I have to commemorate the lives lost in the Holocaust and for the opportunity I have in facing the crisis in Kosovo to honor human life by acting to preserve it.

I was touched by the remarks Eli Wiesel delivered this week at the White House which are included below. I would urge my colleagues to take the time to read them because they serve as testimony to our necessary involvement in the NATO operation taking place in Kosovo.

Mr. WIESEL. Mr. President, Mrs. Clinton, members of Congress, Ambassador Holbrooke, Excellencies, friends: Fifty-four years ago to the day, a young Jewish boy from a small town in the Carpathian Mountains woke up, not far from Goethe's beloved Weimar, in a place of eternal infamy called Buchenwald. He was finally free, but there was no joy in his heart. He thought there never would be again.

Liberated a day earlier by American soldiers, he remembers their rage at what they saw. And even if he lives to be a very old man, he will always be grateful to them for that rage, and also for their compassion. Though he did not understand their language, their eyes told him what he needed to know—that they, too, would remember, and bear witness.

And now, I stand before you, Mr. President—Commander-in-Chief of the army that freed me, and tens of thousands of others—and I am filled with a profound and abiding gratitude to the American people.

Gratitude is a word that I cherish. Gratitude is what defines the humanity of the human being. And I am grateful to you, Hillary—or Mrs. Clinton—for what you said, and for what you are doing for children in the world, for the homeless, for the victims of injustice, the victims of destiny and society. And I thank all of you for being here.

We are on the threshold of a new century, a new millennium. What will the legacy of this vanishing century be? How will it be remembered in the new millennium? Surely it will be judged, and judged severely, in both moral and metaphysical terms. These failures have cast a dark shadow over humanity: two World Wars, countless civil wars, the senseless chain of assassinations—Gandhi, the Kennedys, Martin Luther King, Sadat, Rabin—bloodbaths in Cambodia and Nigeria, India and Pakistan, Ireland and Rwanda, Eritrea and Ethiopia, Sarajevo and Kosovo; the inhumanity in the gulag and the tragedy of Hiroshima. And, on a different level, of course, Auschwitz and Treblinka. So much violence, so much indifference.

What is indifference? Etymologically, the word means "no difference." A strange and unnatural state in which the lines blur between light and darkness, dusk and dawn, crime and punishment, cruelty and compassion, good and evil.

What are its courses and inescapable consequences? Is it a philosophy? Is there a philosophy of indifference conceivable? Can one possibly view indifference as a virtue? Is it necessary at times to practice it simply to keep one's sanity, live normally, enjoy a fine meal and a glass of wine, as the world around us experiences harrowing upheavals?

Of course, indifference can be tempting—more than that, seductive. It is so much easier to look away from victims. It is so much easier to avoid such rude interruptions to our work, our dreams, our hopes. It is, after all, awkward, troublesome, to be involved in another person's pain and despair. Yet, for the person who is indifferent, his or her neighbors are of no consequence. And, therefore, their lives are meaningless. Their hidden or even visible anguish is of no interest. Indifference reduces the other to an abstraction.

Over there, behind the black gates of Auschwitz, the most tragic of all prisoners were the "Muselmanner," as they were called. Wrapped in their torn blankets, they would sit or lie on the ground, staring vacantly into space, unaware of who or where they were, strangers to their surroundings. They no longer felt pain, hunger, thirst. They feared nothing. They felt nothing. They were dead and did not know it.

Rooted in our tradition, some of us felt that to be abandoned by humanity then was not the ultimate. We felt that to be abandoned by God was worse than to be punished by Him. Better an unjust God than an indifferent one. For us to be ignored by God was harsher punishment than to be a victim of His anger. Man can live far from God—not outside God. God is wherever we are. Even in suffering? Even in suffering.

In a way, to be indifferent to that suffering is what makes the human being inhuman. Indifference, after all, is more dangerous than anger and hatred. Anger can at times be creative. One writes a great poem, a great symphony, have done something special for the sake of humanity because one is angry at the injustice that one witnesses. But indifference is never creative. Even hatred at times may elicit a response. You fight it. You denounce it. You disarm it. Indifference elicits no response. Indifference is not a response.

Indifference is not a beginning, it is an end. And, therefore, indifference is always the friend of the enemy, for its benefits the aggressor—never his victim, whose pain is magnified when he or she feels forgotten. The political prisoner in his cell, the hungry children, the homeless refugees—not to respond to their plight, not to relieve their solitude by offering them a spark of hope is to exile them from human memory. And in denying their humanity we betray our own.

Indifference, then, is not only a sin, it is a punishment. And this is one of the most important lessons of this outgoing century's wide-ranging experiments in good and evil.

In the place that I come from society was composed of three simple categories: the killers, the victims, and the bystanders. During the darkest of times, inside the ghettoes and death camps—and I'm glad that Mrs. Clinton mentioned that we are now commemorating that event, that period, that we are now in the Days of Remembrance—but then, we felt abandoned, forgotten. All of us did.

And our only miserable consolation was that we believed that Auschwitz and Treblinka were closely guarded secrets; that the leaders of the free world did not know what was going on behind those black gates and barbed wire; that they had no knowledge of the war against the Jews that Hitler's armies and their accomplices waged as part of the war against the Allies.

If they knew, we thought, surely those leaders would have moved heaven and earth to intervene. They would have spoken out with great outrage and conviction. They would have bombed the railways leading to Birkenau, just the railways, just once.

And now we knew, we learned, we discovered that the Pentagon knew, the State Department knew. And the illustrious occupant of the White House then, who was a great leader—and I say it with some anguish and pain, because, today is exactly 54 years marking his death—Franklin Delano Roosevelt denied on April the 12th, 1945, so he is very much present to me and to us.

No doubt, he was a great leader. He mobilized the American people and the world, going into battle, brining hundreds and thousands of valiant and brave soldiers in America to fight fascism, to fight dictatorship, to fight Hitler. And so many of the young people fell in battle. And, nevertheless, his image in Jewish history—I must say it—his image in Jewish history is flawed.

The depressing tale of the St. Louis is a case in point. Sixty years ago, its human cargo—maybe 1,000 Jews—was turned back to Nazi Germany. And that happened after the Kristallnacht, after the first state sponsored pogrom, with hundreds of Jewish shops destroyed, synagogues burned, thousands of people put in concentration camps. And that ship, which was already on the shores of the United States, was sent back.

I don't understand. Roosevelt was a good man, with a heart. He understood those who needed help. Why didn't he allow these refugees to disembark? A thousand people—in America, a great country, the greatest democracy, the most generous of all new nations in modern history. What happened? I don't understand. Why the indifference, on the highest level, to the suffering of the victims?

But then, there were human beings who were sensitive to our tragedy. Those non-Jews, those Christians, that we called the "Righteous Gentiles," whose selfless acts of heroism saved the honor of their faith. Why were they so few? Why was there a greater effort to save SS murderes after the war than to save their victims during the war?

Why did some of America's largest corporations continue to do business with Hitler's Germany until 1942? It has been suggested, and it was documented, that the Wehrmacht could not have conducted its invasion of France without oil obtained from American sources. How is one to explain their indifference?

And yet, my friends, good things have also happened on this traumatic century: the defeat of Nazism, the collapse of communism, the rebirth of Israel on its ancestral soil, the demise of apartheid, Israel's peace treaty with Eqypt, the peace accord in Ireland. And let us remember the meeting, filled with drama and emotion, between Rabin and Arafat that you, Mr. President, convened in this very place. I was here and I will never forget it.

And then, of course, the joint decision of the United States and NATO to intervene in Kosovo and save those victims, those refugees, those who were uprooted by a man whom I believe that because of his crimes, should be charged with crimes against humanity. But this time, the world was not silent. This time, we do respond. This time, we intervene.

Does it mean that we have learned from the past? Does it mean that society has changed? Has the human being become less indifferent and more human? Have we really learned from our experiences? Are we less insensitive to the plight of victims of ethnic cleansing and other forms of injustices in places near and far? Is today's justified intervention in Kosovo, led by you, Mr. President, a lasting warning that never again will the deportation, the terrorization of children and their parents be allowed anywhere in the world? Will it discourage other dictators in other lands to do the same?

What about the children? Oh, we see them on television, we read about them in the papers, and we do so with a broken heart. Their fate is always the most tragic, inevitably. When adults wage war, children perish. We see their faces, their eyes. Do we hear their pleas? Do we feel their pain, their agony? Every minute one of them dies of disease, violence, famine. Some of them—so many of them—could be saved.

And so, once again, I think of the young Jewish boy from the Carpathian Mountains. He has accompanied the old man I have become throughout these years of quest and struggle. And together we walk towards the new millennium, carried by profound fear and extraordinary hope. (Applause.)

I conclude on that.

IF IT AIN'T BROKE, DON'T FIX IT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. SCHAFFER. Mr. Speaker, if it isn't broken, don't fix it. If it works, don't break it.

I'm referring to the Social Security debate. Currently, some in Congress are looking at proposals to prevent the program's anticipated bankruptcy 32 years from now. In order to buy the system a couple more years of financial solvency, some of our colleagues are considering levying a new tax on state and local government employees who are currently covered by their own pension plans. They want to force newly-hired state and local government employees who would otherwise enjoy independent pension and disability programs with good returns to participate in Social Security which offers neither security nor a good investment opportunity.

If that isn't bad enough, by mandating new state and local employees into Social Security, they will short-circuit state and local programs by shutting down the capital stream necessary to maintain current benefit levels. Mandating Social Security will, in essence, break what isn't broken while failing to fix what is.

Mr. Speaker, 5 million state and local employees and 2 million retirees are covered by alternative plans. In Ohio, Colorado, California, Massachusetts, Nevada, Maine, Alaska, and Louisiana, over half of all state employees are covered by their own plans. In Texas and Illinois over 1 million employees are covered under state and local plans. Every state is impacted because about 75 percent of all public safety employees are not covered under Social Security. In Colorado there are more than 200,000 state, education, and local government employees who are outside of the federal retirement system.

These state and local disability and pension systems were developed because the original Social Security Act of 1937 excluded state and local governments from Social Security coverage. This was to avoid raising a possible Constitutional question of whether the federal government could tax state and local governments. Congress later amended the law to make state and local government employee participation in Social Security voluntary in 1950. In 1983, those already participating in Social Security were required to remain in the federal systems.

In the absence of Social Security, Colorado state and local employees developed public retirement plans which have been able to provide solid, secure benefits at a reasonable cost. The plans earn better investment returns, through private sector investments, than are available through the current pay-as-you-go Social Security system. With a diversified investment fund, the state's largest plan has earned an average annual investment return of over 11 percent during the last 25 years.

Furthermore, the plans are designed to meet the specific needs of public employees. Fire fighter pension plans, for example, are designed to take into account early retirement ages, high rates of disability and the need for extensive health care characteristic of this profession.

The one-size-fits-all approach of universal Social Security coverage would provide inadequate flexibility for safety workers' needs. Mandatory coverage will have additional consequences. Even on a new-hire basis, mandatory coverage will reduce the capital stream necessary for investment. In many plans around the country this will cause benefit cutbacks including reduced credit for future service, cuts in retiree health care coverage and cost of living adjustments.

Further, mandatory coverage represents a new tax and an unfunded federal mandate on states which would require state and local tax increases or a reduction in services for taxpayers. Health benefits for retirees would also be affected in many states.

Mr. Speaker, private sector workers would also be affected. Most states do not receive any income tax revenue from Social Security payments and the lost state revenue resulting from mandatory coverage would likely be made up from increased state taxes or budget cuts.

In Colorado, the public pension systems will be seriously compromised because most of the funding of benefit comes from investment income which would be severely cut by the transfer of significant contributions to Social Security. State retirement funds support Colorado's economy and the nation unlike Social Security funds which simply support other government programs. Reduced state pension investment means reduced Colorado capital investment. A decline in contributions translates into less investment in Colorado-based companies and real estate. Furthermore, when Colorado retirees receive fewer benefits they will pay fewer state income taxes.

The potential loss of revenue to the state is significant, but the loss of retirement contributions and security for Colorado state and local workers is even more troubling. Our state's Public Employees' Retirement Association (PERA) anticipates an end to plan improvements for current participants and retirees. New hires would receive a combined Social Security and PERA benefit that would be slightly less than three-fourths of the current PERA benefit.

To put it plainly, under mandatory Social Security state and local workers will lose out. New hires will lose the opportunity to participate in financially strong, high-earning retirement plans and they will be forced to partake in an inefficient system and receive far less or possibly nothing at all. Those already participating in state and local government retirement plans will experience a reduction in benefits when new hire funds are redirected to Social Security. In order to make contributions to both pension and Social Security plans, state and local governments will have to raise taxes or reduce services, in which case, everyone loses.

Mr. Speaker, the only advantage Congress would realize in this scheme would be to buy two extra years for Social Security.

Over the past year, I led the Colorado delegation to protect state and local government pension and disability plans. Letters I wrote expressing our united opposition to mandatory Social Security have reached your desk. Do not disregard them or underestimate our resolve.

Congress must preserve the freedom of states, school districts, and local governments to maintain plans which best meet their needs, independent of Social Security. Social Security can and must be fixed without destroying plans upon which our constituents depend for their retirement.

Mr. Speaker, if it works, don't break it.

WOMEN'S HISTORY MONTH

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to pay tribute to the numerous women of achievement in this country during Women's History Month. I believe true leadership has no gender, race, age or religion. It consists of dedication, perseverance, hard work, compassion, wisdom and a commanding vision for the future.

Tonight I woudl like to honor two women in particular who have mastered all of these traits despite being faced with seemingly insurmountable obstacles. As both the Vice Chair of the Women's Caucus and an active member of the Congressional Black Caucus, I have worked with my colleagues to present two awards to Helen Thomas and Dorothy Height during Women's History Month. Since it is important to document the remarkable work of women of such achievement Mr. Speaker, I would like to share with you their stories.

Helen Thomas has been the White House bureau chief of United Press International (UPI) since 1974. Over the past several decades, Helen has covered eight presidents. She is the first female UPI White House bureau chief. Prior to that, over the span of 50 years, she has been given what she called "the big plum" job of getting doughnuts for reporters in 1942. She went on to cover exclusively "female" subjects for UPI's radio wire, which was called United Press at the time. However, her big break came when she served as the only print journalist accompanying President Nixon when he made his historic trip to China in 1972. Thus was the rise of Helen Thomas.

Helen is considered tough and incisive with a keen ability to pierce through issues to find the meaning of events. She is also considered warm, open, passionate and opinionated. She has been a self-described women's libber since the day she was born and initiated the campaign to open the doors of the National Press Club to women, which finally occurred when Nikita Krushchev spoke at the Club in 1959—although it took another 12 years before women were admitted. In the mid-seventies, she became the National Press Club's first female officer; the first female member of the 90-year old Grid Iron Club, Washington's most exclusive press organization, and in 1993 was elected its president; and the first female officer of the White House Correspondents Association. She has received numerous awards for her work in journalism and in 1992, UPI established an internship program in her honor to be awarded annually to a female journalism student.

At the proud age of 78, she continues to jump from behind bushes near the White House jogging track to fire questions at President Clinton during his morning run. And Helen is still known for jumping over banquet tables to get to a phone before her competitors. At White House press conferences, she is inevitably the first correspondent to be called on by the President and the last to close with her signature statement, "Thank you, Mr. President."

It is with great honor that the Congressional Caucus for Women's Issues bestows the Women's Leadership Award to a woman of integrity, grit and boundless energy. She serves as a tremendous role model for millions of women in America.

An equally important role model for this country is Dorothy Height. Despite reaching the ripe age of 87 years old, Dr. Height is still considered one of the nation's most influential and effective women's leader. She has her master's degree in social work, and has been awarded 23 honorary degrees from various universities, including Harvard University. Some of her most impressive achievements include her leadership of the YWCA, National Council of Negro Women and the Center for Racial Justice.

During a tragic time of civil unrest, she was the first Black and first woman named to deal with the Harlem Riots of 1935 and sat at the table with President Johnson during the civil rights movement to develop meaningful civil rights legislation. Dr. Height served as a vocal and extremely effective leader in the civil rights movement to address lynching, desegregate the armed forces, reform the criminal justice system and free access to public accommodations. She also was the national president of Delta Sigma Theta Sorority from 1947 to 1956.

Today, Dr. Height is still viewed as a dynamic orator who contributes invaluable intellectual insight to national discussions on race relations, the role of women and a range of civil rights issues. She has traveled the world to study other cultures and developed a critical understanding of the role of women in Africa, Asia, India and Latin America. She has become a living legacy throughout this country and abroad.

I am so honored to join my colleague BARBARA LEE in bestowing an award on Dr. Height for her unyielding determination to never give up, her enthusiastic, can-do approach to solving some of the nation's most complex problems, and her astute understanding of the world that can be created through equality of opportunity for all of humanity.

LOCAL CENSUS QUALITY CHECK ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to H.R. 472, the Local Census Quality Check Act of 1999. Although this bill purports to increase the involvement of local governments in the census, it really acts to slow down and delay an accurate count. Because the Census is a significant civil rights issue, the Census for 2000 must be accurate to ensure equal representation of all Americans.

The methodology of H.R. 472 repeats the process that was used in 1990—the same process that resulted in an undercount of the population. The 1990 Census missed 8.4 million people, 4.4 million people were counted twice and 13 million people were counted in the wrong place.

Although there were various reasons for the undercount in 1990, a disproportionate number of children, people of color and the rural and urban poor were most likely to have been missed. Thus, each of these groups was denied an equal voice in our government.

Census undercounts translate into communities losing out on federal and state funding for schools, crime prevention, health care and transportation. Because of the undercount in 1990, Texas lost almost $1.87 billion in federal funds. A recent article in The Houston Chronicle estimated that Texas could lose $2.8 billion if a similar undercount takes place.

In my district in Houston, close to 500,000 people were missed. It is estimated that 28,554 children in my district were missed. Almost five percent of all African-Americans and Hispanics were not counted in 1990, and these groups constitute almost half of the population of the city!

As Chair of the Congressional Children's Caucus, the undercount of children is particularly troubling to me. Over 50 percent of all American children were missed in the census count in 1990. This undercount affects all of the programs that benefit our children—education, health care, housing, childcare, nutrition and immunizations.

H.R. 472 in its present form will delay the census by an additional nine weeks. If we want to improve our methods, then we cannot micro-manage the count after the census is complete, nor should we further delay the results by waiting for 39,000 local governments to review the count.

The Census Bureau has already developed a plan that provides for review as the count occurs instead of after the fact. After the Census of 1990, the Bureau determined that the Post Census Local Review program was inefficient. Therefore, it has already designed a better series of programs and procedures that will promote local government participation in a timely and fair way.

In addition to the traditional headcount, the Bureau will conduct an in-depth survey of 300,000 households to measure how many people were missed. This survey, called the Accuracy and Coverage Evaluation or ACE, is more efficient and it is a better use of resources. It would cover about 85% of all housing units in the country, and twice as many local governments will be included than in 1990.

The Administration has expressed its negative views on H.R. 472. The Census Bureau has stated that this bill will compromise their efforts to conduct an accurate count. The Department of Commerce does not support this bill and recommended that the President veto it if it passes. The President has indicated that he will follow the advice of the Department of Commerce and veto this bill.

Instead of supporting H.R. 472, I ask that you support the Maloney amendment, offered by Representative CAROLYN MALONEY, which gives local governments the ability to remain within the plans developed by the Census Bureau. The Maloney amendment in the form of a substitute allows the Census Bureau to design programs to address local government concerns while not causing a delay in the count.

I urge my colleagues to vote against H.R. 472 and support the Maloney amendment. We owe it to the millions of people who were not counted. H.R. 472 will cause an unnecessary delay in the census. The Post Census Local Review method advocated in this bill did not prevent an undercount in 1990, and we must not make the same mistake for the year 2000.

HOUSE OF REPRESENTATIVES—*Monday, April 19, 1999*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. MORELLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 19, 1999.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We seek wisdom, O God, so our deeds reflect the works of justice; we seek understanding, O God, so our minds are receptive to the truth; we seek faith, O God, so we will experience the wonders of trust and grace, and we seek peace, O God, so all people will live together in harmony and in respect. It is in Your name, O gracious God, that we offer these sincere petitions. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mrs. MORELLA). The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 16, 1999 at 12:00 noon.

that the Senate passed without amendment H.R. 911.

that the Senate passed without amendment H.R. 1376.

that the Senate passed without amendment H. Con. Res. 68.

Appointments: Congressional advisers on trade agreements United States Commission on Civil Rights.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule 1, the Speaker signed the following enrolled bills on Friday, April 16, 1999:

H.R. 911, to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina as the "Terry Sanford Federal Building".

And, H.R. 1376, to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR FOR THE 106TH CONGRESS

The SPEAKER pro tempore. On behalf of the majority and minority leaderships, the Chair announces that the official objectors for the Private Calendar for the 106th Congress are as follows: For the majority, Messrs. SENSENBRENNER of Wisconsin, GEKAS of Pennsylvania, and COBLE of North Carolina.

For the minority, Mr. BOUCHER of Virginia and Ms. DELAURO of Connecticut.

APPOINTMENT OF MEMBER OF THE HOUSE TO LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 1 of the act to create a Library of Congress Trust Fund Board, (2 U.S.C. 154), amended by section 1 of Public Law 102-246, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon:

Mr. John Henry of Florida.

There was no objection.

NUCLEAR POWER INDUSTRY SHOULD PAY THE COSTS OF MOVING NUCLEAR WASTE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, there is going to be a $2.3 billion price tag for transporting nuclear waste across America. I guess the question should be, and the one we should be asking is, should it be the responsibility of the nuclear power industry who, by the way, created and profited from nuclear energy, or should this price tag be picked up by the American taxpayer?

Well, legislation now pending before the House will force taxpayers to pick up the tab, all $2.3 billion, for moving this lethal garbage through their neighborhoods and through their communities. On top of that, this legislation would also use American tax dollars to pay for the storage of nuclear waste.

I think most Americans would agree that the cost of transporting and storing these hazardous materials should not have to be paid by innocent American taxpayers. Rather, it should be paid by those responsible: The nuclear power industry.

Madam Speaker, let us save Americans' hard-earned tax dollars and return the responsibility of waste to the power companies who created the problem.

Oppose H.R. 45. I yield back the balance of my time and what little money is left in the pockets of the American people.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, APRIL 14, 1999 AT PAGE H1979

A portion of the following one-minute speech of the gentleman from Georgia (Mr. LEWIS) was omitted from the CONGRESSIONAL RECORD of Wednesday, April 14, 1999.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PRAISE FOR LOCAL HEROES IN ATLANTA

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to praise courageous fire fighters in the City of Atlanta.

On Monday afternoon, members of the Atlanta City Fire Department fought a raging fire through the historic Fulton Bag and Cotton Mill in southeast Atlanta. Mr. Ivers Sims was trapped on a crane 220 feet in the air. As I watched this human drama unfold from my office, my heart stopped.

Demonstrating extraordinary courage and skill, fire fighter Matt Moseley and helicopter pilot Capt. Boyd Clines lifted Mr. Sims from his dangerous perch like angels from the heavens. They saved his life. This brilliant rescue has made the City of Atlanta, the State of Georgia, and our Nation proud.

The fire fighters and Mr. Sims have my profound respect for their raw courage and extraordinary calm and determination under the most dangerous of circumstances.

Mr. Speaker, let me take this opportunity to praise fire fighters throughout the Nation who put their lives on the line every day to protect and serve our communities.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GIBBONS) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Pennsylvania, for 5 minutes, on April 22.

Mr. ENGLISH, for 5 minutes, on April 20.

Mr. LUCAS of Kentucky, for 5 minutes, on April 21.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On April 16, 1999:

H.R. 911. To designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sandford Federal Building."

H.R. 1376. To extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes.

ADJOURNMENT

Mr. GIBBONS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 20, 1999, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1561. A letter from the Director, Administration and Management, Department of Defense, transmitting the calendar year 1997 report on "Extraordinary Contractual Actions to Facilitate the National Defense," pursuant to 50 U.S.C. 1434; to the Committee on Armed Services.

1562. A letter from the Deputy Under Secretary of Defense (Environmental Security), Department of Defense, transmitting a report on the actions of the Defense Environmental Response Task Force (DERTF) for Fiscal Year 1998 (FY98), pursuant to Public Law 101-510; to the Committee on Armed Services.

1563. A letter from the Principal Deputy for the Under Secretary (Acquisition and Technology) of Defense, Department of Defense, transmitting an interim report on their efforts to develop a "Plan for Improved Demilitarization of Excess and Surplus Defense Property"; to the Committee on Armed Services.

1564. A letter from the Secretary of Defense, transmitting a report on an integrated program for the development and demonstration of technologies for the demilitarization and disposal of conventional munitions, rockets, and explosives; to the Committee on Armed Services.

1565. A letter from the Under Secretary of Defense, transmitting a report on Department of Defense reimbursement of contractor environmental response action costs; to the Committee on Armed Services.

1566. A letter from the Executive Secretary, Harry S. Truman Scholarship Foundation, transmitting the Foundation's annual report for 1998, pursuant to 20 U.S.C. 2012(b); to the Committee on Education and the Workforce.

1567. A letter from the Secretary of Energy, transmitting the Annual/Quarterly Report on the Strategic Petroleum Reserve, pursuant to 42 U.S.C. 6241(g)(8); to the Committee on Commerce.

1568. A letter from the Secretary, Department of Transportation, transmitting the Department's Twenty-third Annual Report to Congress entitled "Automotive Fuel Economy Program," pursuant to 49 U.S.C. 32916; to the Committee on Commerce.

1569. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Quality Assurance—received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1570. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled "Report to Congress on Wastes from the Combustion of Fossil Fuels"; to the Committee on Commerce.

1571. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Exemptions From Premarket Notification; Class II Devices [Docket No. 98P-0833] received April 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1572. A letter from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Egypt Economic Report; to the Committee on International Relations.

1573. A letter from the Assistant Secretary for Export Administration, Bureau of Export Administration, transmitting the Bureau's final rule—Encryption Items [Docket No. 9809-11233-8318-02] (RIN: 0694-AB80) received March 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1574. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a national interest determination and waiver of Section 620(q) of the Foreign Assistance Act of 1961, as amended, relating to assistance to Honduras; to the Committee on International Relations.

1575. A letter from the Executive Director, Committee for Purchase From People Who are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received April 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1576. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Federal Equal Opportunity Recruitment Program (FEORP) Accomplishments Report for Fiscal Year 1998, pursuant to Public Law 96-465 section 105(d); to the Committee on Government Reform.

1577. A letter from the Director, Office of Personnel Management, transmitting the agency's twelfth annual report on drug and alcohol abuse prevention, treatment, and rehabilitation programs and services for Federal civilian employees covering fiscal year 1996, pursuant to 5 U.S.C. 7363; to the Committee on Government Reform.

1578. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Temporary and Term Employment (RIN: 3206-A145) received April 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1579. A letter from the Secretary of Agriculture, transmitting the Annual Performance Plan; to the Committee on Government Reform.

1580. A letter from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting a funding announcement concerning the request for proposals for the Coastal Ocean Program's U.S. GLOBEC project; to the Committee on Resources.

1581. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Amendment 7 to the Atlantic Sea Scallop Fishery Management Plan [Docket No. 981202293-9075-02; I.D. 110998F] (RIN: 0648-AJ33) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1582. A letter from the Director, Government Relations, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 1998 Annual Report, pursuant to 36 U.S.C. 37; to the Committee on the Judiciary.

1583. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the organization's annual report for the fiscal year ending September 30, 1998, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

1584. A letter from the Chairperson, National Council on Disability, transmitting a report entitled, "Enforcing the Civil Rights of Air Travelers with Disabilities: Recommendations for the Department of Transportation and Congress"; to the Committee on Transportation and Infrastructure.

1585. A letter from the Secretary of Transportation, transmitting a report in response to Section 2 of the National Invasive Species Act of 1996; to the Committee on Transportation and Infrastructure.

1586. A letter from the Secretary of Transportation, transmitting a report to present the feasibility, cost, and benefits of full implementation of the Performance and Registration Information Systems Management (PRISM) pilot demonstration project; to the Committee on Transportation and Infrastructure.

1587. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Electronic Funds Transfer—Temporary Waiver of Failure to Deposit Penalty for Certain Taxpayers (Notice 99-20) received April 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1588. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Post-1997 Distributions of Capital Gains from Charitable Remainder Trusts (Notice 99-17) received April 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1589. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting their Annual Report to Congress which describes the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 1998; jointly to the Committees on Armed Services and Commerce.

1590. A letter from the Assistant Secretary of Defense, for Health Affairs, Department of Defense, transmitting an annual report to Congress on outreach to Gulf War veterans, revision of Physical Evaluation Board crtieria, and review of records and reevaluation of the ratings of previously discharged Gulf War veterans; jointly to the Committees on Armed Services and Veterans' Affairs.

1591. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Ninth Annual Report to Congress which describes the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 1998; jointly to the Committees on Commerce and Armed Services.

1592. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President proposes to draw down up to a total of 25 million in commodities and services from the Department of Defense to assist in the international relief efforts for those countries bordering Kosovo that are affected by the humanitarian crisis caused by the Kosovo Conflict, pursuant to 22 U.S.C. 2348a; jointly to the Committees on International Relations and Appropriations.

1593. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Army Corps of Engineers Post Authorization Change Report, dated April 1998, and Limited Reevaluation Report, dated December 1997; jointly to the Committees on Transportation and Infrastructure and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. H.R. 929. A bill to amend title 13, United States Code, to require that the questionnaire used in taking the 2000 decennial census be made available in certain languages besides English (Rept. 106-96). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 1010. A bill to improve participation in the 2000 decennial census by increasing the amounts available to the Bureau of the Census for marketing, promotion, and outreach; with an amendment (Rept. 106-97). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 999. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; with an amendment (Rept. 106-98. Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on Science. H.R. 1184. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes; with an amendment (Rept. 106-99 Pt. 1).

DISCHARGE OF COMMITTEE

[The following action occurred on April 16, 1999]

Pursuant to clause 5 of rule X, the Committee on the Judiciary discharged. H.R. 851 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X, the Committee on Commerce discharged. H.R. 1027 referred to the Committee of the Whole House on the State of the Union.

[Submitted April 19, 1999]

Pursuant to clause 5 of rule X, the Committee on Resources discharged. H.R. 1184 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1184. Referred to the Committee on Resources extended for a period ending not later than April 19, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. GIBBONS introduced a bill (H.R. 1474) to restore the traditional day of observance of Memorial Day; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

22. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Senate Resolution 849 memorializing the United States Congress to enact legislation amending the Social Security Act to prohibit recoupment by the federal government of state tobacco settlement funds; to the Committee on Commerce.

23. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to Resolution Number 4493 memorializing the President of the United States and the Secretary of State to use all means in their power to intercede in behalf of the liberation of the people arrested and subject to trial in Cuba, for the sole cause of dissidence towards the policies of the government of said Republic, or their exercise of freedom of the press, or their support of the rights of dissidents and journalists; to the Committee on International Relations.

24. Also, a memorial of the House of Representatives of the State of Michigan, relative to Resolution Number 26 memorializing the Congress of the United States and the Veterans Affairs Administration to prevent the reduction of hospital bed capacity at the Iron Mountain Veterans Administration Medical Care Facility; to the Committee on Veterans' Affairs.

25. Also, a memorial of the Senate of the State of Maine, relative to Senate Paper 517 recommending and urging Congress to enact laws to encourage workers and their employers to save or invest for retirement, but, these provisions should supplement the basic benefits of Social Security insurance and not substitute for core protections that are vital to American working families; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 637: Mr. FILNER, Ms. PRYCE of Ohio, Mr. LOBIONDO, and Mr. TAYLOR of North Carolina.

H.R. 684: Mr. BLUMENAUER, Ms. DEGETTE, Mr. KUCINICH, and Mr. HINCHEY.

H.R. 716: Ms. DELAURO.

H.R. 798: Ms. WATERS and Ms. DEGETTE.

H.R. 854: Ms. DEGETTE and Mr. HINCHEY.

H.R. 903: Mrs. EMERSON, Mr. SESSIONS, Mr. HEFLEY, Mr. TANCREDO, Mr. SOUDER, Mr. GRAHAM, Mr. CLAY, Mr. OSE, Mr. DOOLITTLE, Mr. HERGER, Mr. BERMAN, Mr. EWING, Mr. STEARNS, Mr. GREENWOOD, Mr. BOEHNER, Mr. CLEMENT, Mr. FILNER, and Mr. WISE.

H.R. 960: Mr. SMITH of Washington and Ms. NORTON.

H.R. 985: Mr. BARRETT of Wisconsin.

H.R. 1074: Mr. RYAN of Wisconsin.

H.R. 1168: Ms. DELAURO and Mr. WELLER.

H.R. 1269: Mrs. CHRISTENSEN, Mr. CAPUANO, Mr. UNDERWOOD, and Ms. ESHOO.

H.R. 1443: Mr. RUSH and Mr. TOWNS.

H. Res. 115: Mr. DIXON, Mr. MURTHA, and Mr. CRAMER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

9. The SPEAKER presented a petition of the Legislature of Erie County, relative to a

petition thanking and giving recognition to all participants whose hard work and devotion to the neighborhood and to low- and moderate-income residents help ensure the quality and effectiveness of the Community Development Block Grant program; to the Committee on Banking and Financial Services.

10. Also, a petition of the Idaho Park and Recreation Board, relative to resolution 99-1 petitioning the Senate and the House of Representatives of the United States to pass legislation re-allocating stateside funding for the Land and Water Conservation Fund; to the Committee on Resources.

11. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 33 petitioning the Congress of the United States to Enact a Tax Credit to Support Elderly Americans and Their Families Providing Long-Term Care at Home; to the Committee on Ways and Means.

SENATE—*Monday, April 19, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, this is a day for rejoicing over the manifold good things You have given us. Help us to take nothing and no one for granted. As we move through this day, help us to savor the sheer wonder of being alive. Thank You for giving us the ability to think, understand, and receive Your guidance. We praise You for the people You have placed in our lives. Help us to appreciate the never-to-be-repeated miracle of each personality.

We are grateful for the challenges we have before us which compel us to depend on You more. Thank You, too, for opportunities that are beyond our ability to fulfill so that we may be forced to trust You for wisdom and strength. We rejoice over Your daily interventions to help us; we even rejoice in our problems, for they allow You to show us Your power to provide solutions. Free us to rejoice in the privilege of new discoveries.

In all things, great and small, we rejoice in You, gracious Lord of all! Through the indwelling presence and inspiring power of our Savior and Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, for the leader, I would like to give this information. It is for all Senators. The Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate may begin consideration of S. 531, a bill to authorize a congressional gold medal for Rosa Parks. If this legislation is cleared for action, a vote will occur at 5:30 p.m. We will notify all Senators of an exact voting schedule when that information becomes available.

Also, Senators may expect to consider any legislative or executive items cleared for action.

The majority leader would like to, again, remind all Senators that there will be no session of the Senate Friday, April 23. He thanks all of our colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak for up to 10 minutes each.

The Senator from Iowa is recognized.

INHALANTS AND GHB

Mr. GRASSLEY. Mr. President, I speak often about the threat that illegal drugs pose to our young people. Today, I want to address a serious problem from substances common in virtually every home in the country. There are several trends in substance abuse among young people that are happening literally under our noses. I want to address two substances that receive little attention but cause much pain and suffering. Most people are not familiar with the harms of either of these substances. However, our familiarity with and attention to these lethal substances is well overdue. The subject is: inhalants and GHB.

Inhalants are among the scariest substance being abused by teenagers today. Why? Because, kids have to go no further than their own kitchen cabinets to find them. Inhalants are everyday household products such as hair spray, cleaning fluids, air-fresheners, and whipped cream. More than 1,000 common household products have the potential to be abused. Kids are sniffing these easily obtainable household products to get a cheap high. In many cases, inhalants are used as an alternative to alcohol, clearly because young people don't have to break any laws to get them. Some see abuse of inhalants as a childish phase or youthful experimenting, but let me assure you "inhalant abuse" is deadly serious.

Inhalants kill hundreds of children each year. Since July of 1996, over 250 children have died from intentionally ingesting toxic fumes. Inhalants rank fourth among the substances abused by teens ages twelve to seventeen. Only alcohol, tobacco, and marijuana rank higher. In fact, inhalant abuse has gotten so bad that it is now considered a gateway drug. Like other gateway drugs, about one in five teens will try "sniffing" before they graduate. What is even more astounding is that inhalant abuse is a problem with children as young as eight; those in second grade.

Unfortunately, many do not acknowledge the severity of inhalant abuse until it is too late. A recent tragedy in a Philadelphia suburb demonstrated the lethal effects of inhalants when five sixteen-year-old girls were killed in a car accident. The coroner found that four of the five, including the driver, had ingested significant amounts of computer keyboard cleaner. Sadly, the girls were out shopping for dresses for a prom they will never attend.

The problem is that too many of us are unaware of the dangers of inhalants. According to a 1997 National Household Survey on Drugs, nine out of ten parents don't believe their children have ever abused inhalants. But surveys indicate that almost a half-a-million teens abuse inhalants every month. In fact, of those parents who do talk to their kids about drugs, less than half address inhalant abuse. Why aren't we talking about a substance that starves the brain of oxygen to the point of suffocation? Why aren't we warning our kids that these household products can cause damage to the brain and nervous system? We can't expect a teenager to know the severity of sniffing unless we tell them.

We need to alert parents and kids to the dangers of inhalants. This is the reason Congress named the week of March 21 through March 27 as "National Inhalants and Poisons Awareness Week". It is evident to me that this kind of recognition is imperative to reducing inhalant abuse. We cannot lock up our kids. We cannot keep many items with the potential for abuse out of the world our young people inhabit. What we can and must do is to exercise more responsibility and pay closer attention.

Another substance that is consuming our youth is GHB. If you aren't familiar with this drug, it may be because there is little information available on its fatal effects. In fact, GHB was sold over the counter as a dietary supplement in health food stores until 1990. Today, advocates of GHB believe the drug is harmless and should continue to be sold over the counter. Unfortunately, a person doing research on the drug will find more information supporting the use of GHB rather than reporting the realistic effects of the drug. For this reason, GHB continues to be sold as a recreational drug and perceived as harmless. These perceptions have proved deadly for many.

GHB has become popular at parties known as "Raves". These all-night parties glamorize the use of drugs and alcohol. "Ravers" are taking GHB to feel

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

relaxed, to loose their inhibitions, and to increase their sexual libidos. However, the truth is that too much GHB or GHB mixed with other drugs can cause seizures, comas, severe vomiting, and respiratory arrests. In addition, GHB causes amnesia. For this reason, it has been frequently used as a date rape drug. Unknowing victims are slipped GHB and can't remember their attacker the next day.

Since GHB is a newly abused drug, there have been few studies done to illustrate it's effects. However, the Drug Abuse Warning Network reports an increase in GHB-related emergency department episodes from 20 in 1992 to 629 in 1996. Among these episodes, 91 percent reported that their reason for using GHB was for recreational purposes. Of that 91 percent, 33 percent claimed they had no idea what GHB would do to them.

Based on what we know, there are no safe levels of use. There are no known ways to predict side effects. And there are no ways to anticipate how GHB will react with other substances. Yet, young people are being told this drug is okay. Well, it isn't. And I don't believe parents want their children self-prescribing any drugs, much less one so dangerous. We have to let kids know that GHB is a serious drug with serious consequences. If we know so little about GHB, we can assume kids know even less. It is imperative that we warn kids of the dangers involved in these substances.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. Less than a minute.

Mr. GRASSLEY. I ask permission to have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BRAZILIAN SOY MEAL PURCHASE

Mr. GRASSLEY. Mr. President, I want to address a family farm issue and I want to take this opportunity to send a clear message to other portions of agriculture that I sense are not supporting the family farmers of America the way they should be, when in reality, the organizations I'm finding fault with are in the very same boat as any family farmer in America. What's even more disturbing to me, some of these really big megapork producers in America refer to themselves as family farms. It's in the title of their organization.

The fact is, Mr. President, family farmers are facing the lowest soybean prices in 23 years. Farmers are currently storing more soybeans on the farm than at any other point in the 1990's. In addition, the American Soybean Association forecasts this year the United States will have a larger number of carry-out stocks than at any other point this decade. Due to the excessive available supply, family farmers marketing soybeans are in a very difficult situation.

Soybean prices will not improve until U.S. reserves are diminished. But, believe it or not, the cooperative that I've referred to, composed of some of the largest livestock integrators in the Nation, are planning to import soybean meal from Brazil. And, of course, this is going to have a very significant negative impact on American soybean producers. But, more important, it is demoralizing to the family farmers of America who are producing soybeans to read reports about other so-called family farmers importing soybean meal from another country.

The cooperative located in the Southeast United States will bring in three foreign shipments totaling 75,000 metric tons of soybean meal. And, by the way, for those of you who don't know agriculture, soybean meal is used as a protein supplement in feed, which when combined with corn and other feed grains helps to prepare the hogs for slaughter and domestic consumption.

I reported to you that they will be bringing in 75,000 metric tons of soybean meal on three different foreign shipments. It takes approximately 52 bushels of soybeans to produce one metric ton of soybean meal. This means that U.S. soybean producers are losing an opportunity to market nearly 4 million bushels of soybeans to these six producers of hogs who are part of this cooperative.

With the current crisis in the agriculture community, it's an understatement to say that this purchase has not been well-received by soybean producers. It has already been my impression that when times are tough on the farm, the agriculture community, both farm and non-farm, pitches in to help each other. From individual barn raisings to emergency hay lifts, family farmers stick together to help each other. Now, with soybeans under $5 a bushel, and that's a 23-year low, I would hope that this was one of those times when the ag community would come together in the face of adversity.

Maybe I'm wrong, or maybe the livestock integrators which make up the cooperative in question don't understand the impact of their actions. One of the entities involved in the cooperative holds itself out to be a family farm organization. Well, if it's really a family farm, this is the perfect time to show its true colors and support American family farmers.

Mr. President, if the entities within this cooperative buying group want to be considered as family farmers, they should support the family farmers, and I'm speaking specifically about Murphys' Family Farms, Carroll Foods, Prestage, Smithfield Foods, Goldsboro Farms, and Nashjohnson and Sons Farms. These are the members of this cooperative that are buying soybean meal from Brazil when we have this oversupply in our own country.

Now, as I indicated to you, family farmers generally help family farmers. And I have never once complained in America as a matter of public policy about something being too big. These are obviously very big producers of pork in the United States. I have no resentment that they are successful. But some of these operations feed some of their livestock in my State of Iowa. We are the number-one soybean-producing State. It seems to me that whether the feed in question that's coming from Brazil is used in North Carolina or used in Iowa, it still is wrong to do this to the people that you consider your neighbors in each of these States. I would like to have all these farmers get their heart into American family farm agriculture or get their rear-end out.

I urge this cooperative to reassess its position and consider the plight of the family farmer. Place American farmers' long-term interests above what may only be a short-term gain and obviously a very bad public relations stunt for each of you. I yield the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RED TAPE REDUCTION ACT

Mr. BOND. Mr. President, during the past recess, the third anniversary of the Small Business Regulatory Enforcement Fairness Act, better known as the Red Tape Reduction Act, passed on March 29 with little notice or fanfare.

Let me suggest that while the Red Tape Reduction Act is hardly a household word, it is well worth commemorating, and it is extremely important to the small businesses in America who are oppressed by excessive Government regulation and unthinking regulation imposing unnecessary burdens on them.

I ask unanimous consent to print in the RECORD letters of support that speak to the importance of this law to our Nation's small businesses.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, April 19, 1999.

Hon. KIT BOND,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BOND: On behalf of the 600,000 small business owners of the National

Federation of Independent Business (NFIB), I am writing to join you in commemorating the third anniversary of the Small Business Regulatory Enforcement Fairness Act.

For close to 30 years, NFIB has worked with Congress to secure meaningful regulatory reform for small business. In 1980, the groundwork was laid by the Regulatory Flexibility Act that requires agencies to measure the impact of their regulations on small businesses.

Together, with you and other leaders in Congress, we worked hard to address recommendations from the 1995 White House Conference on Small Business. In 1996, many of those recommendations were enacted as part of the Small Business Regulatory Enforcement Fairness Act. This "Red Tape Reduction Act" gave teeth to the Regulatory Flexibility Act by making agency decisions under the Act judicially reviewable and adding even more small business safeguards to the rulemaking and enforcement functions of government agencies.

Since passage of the Red Tape Reduction Act, NFIB has been committed to ensuring successful implementation of the law. Our small business members have testified on regulatory enforcement before Regulatory Fairness Boards across the country. NFIB members also have participated in panels convened by the U.S. Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA) to assist in the development of regulatory proposals. Additionally, we have worked closely with small business trade groups and the U.S. Small Business Administration's Office of Advocacy to ensure that agencies consider the impact on small business prior to regulatory action.

Small business has benefitted from passage of the Red Tape Reduction Act. For 3 years, small business has been guaranteed a "seat at the table" when government agencies make regulatory decisions. However, more needs to be done. Small businesses with 20 to 49 employees continue to spend, on average, 19 cents out of every dollar on regulatory costs. The very smallest businesses, with 1 to 4 employees, spend almost twice as much per employee on regulatory costs than larger businesses.

Your observance of the Red Tape Reduction Act's anniversary is timely. Congressional oversight on agency compliance with the Act is needed now more than ever. Small business, the employer of over one-half of the private workforce, is in danger if we rest on our laurels. There continues to be obstacles in the way of American small business' economic potential: high taxes, excessive regulations, rising health-care costs, and frivolous lawsuits.

We commend your leadership in ushering the Red Tape Reduction Act through Congress and to the President for signature 3 years ago. Your continued focus on the needs of small business is honorable, and we remain committed to helping you address the challenges faced by small and independent businesses, in America.

Sincerely,

DAN DANNER,
Vice President.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, March 24, 1999.

Hon. KIT BOND,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Small Business Legislative Council (SBLC) I would like to congratulate you on the third anniversary of your "red tape reduction" law, the Small Business Regulatory Enforcement Fairness Act (SBREFA). Personally, I believe it is one of the most important small business laws of all time. We cannot say thank you enough.

Only now is everybody, including the agencies, beginning to fully appreciate the value of SBREFA. We must continue the momentum created by SBREFA. At your recent roundtable, we offered several suggestions on how we can make a good thing better, such as including the IRS under the Review Panel provisions.

The SBLC is a permanent, independent coalition of eighty trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, tourism and agriculture. For your information, a list of our members is enclosed.

You have built a small business record to be proud of. SBREFA is an important cornerstone. As you know, we are avid supporters of your efforts. As always, we look forward to working with you on behalf of small business. Congratulations!

Sincerely,

JOHN C. SATAGAJ,
President and General Counsel.

MEMBERS OF SMALL BUSINESS LEGISLATIVE COUNCIL

ACIL
Air Conditioning Contractors of America
Alliance for Affordable Services
Alliance for American Innovation
Alliance of Independent Store Owners and Professionals
American Animal Hospital Association
American Association of Equine Practitioners
American Bus Association
American Consulting Engineers Council
American Machine Tool Distributors Association
American Nursery and Landscape Association
American Road & Transportation Builders Association
American Society of Interior Designers
American Society of Travel Agents, Inc.
American Subcontractors Association
American Textile Machinery Association
American Trucking Associations, Inc.
Architectural Precast Association
Associated Equipment Distributors
Associated Landscape Contractors of America
Association of Small Business Development Centers
Association of Sales and Marketing Companies
Automotive Recyclers Association
Automotive Service Association
Bowling Proprietors Association of America
Building Service Contractors Association International
Business Advertising Council
CBA
Council of Fleet Specialists
Council of Growing Companies
Direct Selling Association
Electronics Representatives Association
Florists' Transworld Delivery Association
Health Industry Representatives Association
Helicopter Association International
Independent Bankers Association of America
Independent Medical Distributors Association
International Association of Refrigerated Warehouses
International Formalwear Association
International Franchise Association
Machinery Dealers National Association
Mail Advertising Service Association
Manufacturers Agents for the Food Service Industry
Manufacturers Agents National Association
Manufacturers Representatives of America, Inc.
National Association for the Self-Employed
National Association of Home Builders
National Association of Plumbing-Heating-Cooling Contractors
National Association of Realtors
National Association of RV Parks and Campgrounds
National Association of Small Business Investment Companies
National Association of the Remodeling Industry
National Chimney Sweep Guild
National Community Pharmacists Association
National Electrical Contractors Association
National Electrical Manufacturers Representatives Association
National Funeral Directors Association, Inc.
National Lumber & Building Material Dealers Association
National Moving and Storage Association
National Ornamental & Miscellaneous Metals Association
National Paperbox Association
National Society of Accountants
National Tooling and Machining Association
National Tour Association
National Wood Flooring Association
Organization for the Promotion and Advancement of Small Telephone Companies
Petroleum Marketers Association of America
Printing Industries of America, Inc.
Professional Lawn Care Association of America
Promotional Products Association International
The Retailer's Bakery Association
Saturation Mailers Coalition
Small Business Council of America, Inc.
Small Business Exporters Association
Small Business Technology Coalition
SMC Business Councils
Society of American Florists
Turfgrass Producers International
Tire Association of North America
United Motorcoach Association

MED AMERICA DENTAL AND HEARING CENTER,
Mt. Vernon, MI, USA.

DEAR SENATOR BOND: Three years ago, the SBREFA bill you authored became law. This was a good bill that became good law. The goal was to cause a sea change in how federal regulatory agencies did business. A change from:

They being the good guys and small business being the bad guys

They being the cops and us the crooks

Enforcing compliance by coercion to working together for the safety of our employees.

We have made some progress towards that goal. Some agencies are getting the message. And, some are not. Some divisions, districts, and inspectors are trying to move forward. And, others have been doing it the old way so long that one wonders if they are capable of change. Still others appear to possess a bias towards any free market business trying to provide goods and services, jobs for Americans, and a decent profit.

The Regulatory Fairness boards, established by SBREFA, have worked very hard to get the word out about small businesses rights to regulatory fairness. We have talked with all the federal regulatory agencies regarding their statutory requirements under this law. Some are seeking to comply. Others are performing heroic contortions of logic beyond all reason to avoid compliance with this law. Even today, some inspectors and small business advocates appear unaware of the rights of small businesses for regulatory fairness.

Some agency departments, such as OSHA in the Kansas oil fields and in the Colorado construction trades, are working with small businesses to develop good safety practices where there are clear measurable issues of workers being harmed. Yet, the same agency, OSHA ,seeks to slam dunk repetitive motion regulations, when most such injuries are related to computer games and sports outside of the work place. Thus, creating an expensive and time consuming conflict between employers and employees.

The regulatory fairness boards, comprised of small business owners who are quite busy running their own businesses, have worked very hard to communicate with small business owners about their rights to regulatory fairness. We have taken some compelling testimony regarding excessive and over-zealous enforcement of federal regulations. Last year, the most compelling was HHS and HCFA campaign against the Home Health Care Industry. Your good efforts to halt this campaign are greatly appreciated.

Other compelling examples have been forwarded to Congress. The regulatory fairness boards, rightly so, have no authority over the federal regulatory agencies. That is left to Congress and the Administration. We have gathered the comments and high-lighted areas of abuse. Our future success greatly depends upon the actions taken by Congress in response to these abuses. I pray for your courage and success.

Three years ago, thanks to SBREFA, we began a long marathon to roll back the tide of regulatory burdens on America's small businesses. We are making progress. It's a marathon. Not, a sprint. I ask that you do not lose heart. I pray that we will not.

Thank you for your strong support of America's small businesses.

SCOTT GEORGE.

NATIONAL TOOLING &
MACHINING ASSOCIATION,
Ft. Washington, MD, April 2, 1999.

Hon. KIT BOND,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BOND: With the anniversary of the Small Business Regulatory Enforcement Fairness Act (SBREFA) upon us, now is the appropriate time to say "Thank You" once again for all your work on that important law. SBREFA has put the needed teeth into the Regulatory Flexibility Act of 1980, allowing judicial review of agency rules and the new panel process involving small businesses and the agencies that regulate them.

NTMA's future Chairman of the Board, Roger Sustar, recently completed his work on a SBREFA panel with OSHA regarding the draft ergonomics program standard. This was NTMA's first experience in the panel process—and it was amazing! Seeing OSHA sit down and listen to the real small business people this standard would affect was something we would not have dreamed of just a couple of short years ago. While there is still a month before the final panel report is printed, it was a terrific experience to have input before a final ergonomics rule was proposed. I am looking forward to the panel report's recommended changes to the proposed standard, based on the input of small business entity representatives.

It is also appropriate to say that the SBA's Office of Advocacy played a key role in the panel process, and that their help was invaluable. Jere Glover and his staff, particularly Claudia Rayford and David Schnare, ensured that small business' voice was heard during the process. NTMA is very supportive of the Office of Advocacy and all they do. We actively support, and have asked for, increased funding in the Budget for this vital part of our government.

I know there is a possibility that SBREFA will be expanded to cover the Internal Revenue Service. NTMA fully supports that proposal. If there is anything I can do in that endeavor, just call on me.

As the chief sponsor of SBREFA, I congratulate you on the anniversary of this law and applaud your efforts to help small businesses across this country get a fair hearing with the federal government. You have always been a true friend to small business.

Sincerely,

JOHN A. COX, JR.,
Manager, Government Affairs.

Mr. BOND. Mr. President, we have heard a lot about the need for oversight to find out what Government agencies are doing with the laws we pass. Today, I am here to report on the oversight of the Small Business Committee, because we want to make sure that the small businesses get the fair treatment they are entitled to under the law.

Unfortunately, while we have made some progress and offered hope to many small businesses, we have found a number of agencies have failed to make the grade. So in a few moments, I am going to announce a new series of awards for small-business-oppressing Government agencies who deserve to have some help in unclogging the regulatory pipelines in their office.

For several decades, small business owners have watched with dismay as Federal regulations have proliferated. These regulations are taking increasingly large amounts of time and money to interpret, and compliance costs have soared. Until recently, we were shocked by the general assumption that small business owners spend 5 percent of their revenues to prepare their taxes.

Last Monday, in a hearing we had in the Small Business Committee, we found it worse than we imagined. The committee heard testimony from Brian Gloe, the co-CEO of Rosse Lithographing Company in Kansas City, that his business, for example, pays more than 16 percent of its net income just to figure out how much it owes the IRS. That is even before they write the check to pay the taxes.

As my colleagues well know, the IRS is just one Federal agency. Other agencies imposing huge burdens on small businesses include the Environmental Protection Agency, the Department of Labor, and the Occupational Safety and Health Administration. Add to that list the countless other agencies a small business must deal with, depending on what products it sells or services it provides. Each of these agencies has thousands of requirements which must be followed under penalty of fines or even prison time.

In short, the Red Tape Reduction Act was long overdue. I was very pleased that this body passed the measure unanimously. It passed the House on a consent calendar. It was signed into law on March 29, 1996. It was designed to provide tools to small business owners to assure regulatory fairness and reduce unnecessary regulatory burdens.

The new law contains important innovative provisions. One, it gives small entities the ability to take an agency to court for failing to consider ways to reduce the economic impact of their new regulations.

Two, it requires agencies to prepare "plain English" compliance guides so that small business owners will not have to hire a team of lawyers just to interpret the regulations.

Three, it makes it easier for small businesses to recover attorney's fees when agencies make demands for outrageous fines and penalties that are not sustainable in court.

And finally, it allows Congress to review and disapprove certain new agency regulations that are extreme or are not what Congress intended.

Despite the straightforward nature of this law, it seems some agencies are ignoring Congress' commonsense mandate to make things simpler for the little guy and other agencies are actively fighting against it. On March 10, Senator KERRY, the ranking Democrat on the Small Business Committee, joined me in hosting a roundtable with representatives of small business on of the Red Tape Reduction Act. We learned that many agencies have failed to fulfill their obligations under the new law and under the Regulatory Flexibility Act which preceded it.

These important laws apply to all regulations, unless the head of any agency can demonstrate that a new rule will not have a significant impact on a substantial number of small entities. That makes sense to me. When new regulations will affect small businesses, the agency should comply with the law so the burdens on small businesses will be identified and reduced.

You would think that agencies would embrace gladly the opportunity to help, rather than impose unnecessary burdens on the smallest of businesses. Regrettably, that just is not the case. A closer look shows that these agencies are using every trick in the book, exploiting every known loophole, and creating new ones not to comply with the law. Rather than help, they work to exempt the regulations from the law.

Here are a couple of examples: No. 1, false and ridiculous claims. EPA is infamous for its legalistic dodge, asserting that the national ambient air quality standards for ozone and particulate matter would not affect small entities. This flies in the face of our experience, when they jack the standards up so hard it requires punitive measures that harshly burden small businesses. I have heard from many government officials in towns throughout Missouri who are concerned that their constituents will lose jobs as a result of those standards.

Two, raising the bar. Agencies avoid compliance with the law by erroneously asserting a rule would not have a significant impact on small businesses. But data from the affected small businesses clearly show otherwise. They are being affected in large numbers.

Three, the artful dodge. Agencies like the EPA and OSHA avoid the law by issuing guidance and permits rather than rules subject to notice and comment. I guess they have not heard the old saying: If it walks like a duck and it quacks like a duck, it must be a duck—even if they want to call it a permit or guidance.

Fourth, the plain old loophole. The Health Care Financing Administration, HCFA, in particular has abused a narrow "good cause" exception to avoid following these laws.

These are just a few examples of ways to get around the law. Instead of implementing simple, needed reforms, the agencies thumb their noses at Congress and the millions of small business owners. Their sleight of hand has not gone unnoticed. I am not going to stand idly by. Too often in Washington, when we pass a law in Congress, we move on to something else and forget about it. The agencies write the regulations, implement the laws however they want to, and your unsuspecting constituents find out the law they think was passed is something else entirely once the regulators write the regulations. That is why we need to change the views of some of the Washington bureaucrats.

I am not going to look the other way. I am going to make sure the agencies do what the new law requires them to do and what is required under the Regulatory Flexibility Act. Several months ago, I asked the General Accounting Office to assess agency compliance with the provisions of the Reg Flex Act. Today, I am releasing GAO's report and findings.

While the Reg Flex Act has been the law for 18 years, GAO found that the agencies' knowledge of the actual requirements is lacking and that noncompliance is widespread. Agencies are failing right and left to meet the basic requirements of the law passed by Congress and enacted on a bipartisan, unanimous basis by the Congress in 1996.

Congress told them to look over the agency's regulations to see if there is any way we can change or eliminate regulations to make life easier for small business. That is all—just a review, just a recommendation. But they are not even doing that.

The GAO identified seven agencies that have consistently issued regulations affecting small business but have failed to conduct the periodic reviews required. What is the holdup? The agencies have thousands of employees. It seems the administrators might be able to use one or two of them to look at the regulations and see if any can be changed, particularly in this administration which touts its so-called "reinventing Government" plan.

Perhaps this award we are announcing today will remind them. Today I am awarding the "Plumber's Best Friend Award," a plunger, to each agency which has failed to get the process moving, those agencies which need to unclog their pipelines and review existing rules. I am sending the head of each agency a letter explaining the requirements for periodic review and asking them to outline the steps they will take to get the agency in compliance.

And now for that moment you all have been waiting for. The winners of the first "Plumber's Best Friend Award" are: Department of Commerce, Department of Health and Human Services, Department of the Interior, Department of the Treasury, Federal Communications Commission, and the Securities and Exchange Commission.

But the grand prize winner in my book is the Small Business Administration. Believe it or not, the agency whose mission it is to safeguard the interests of and to assist small business owners has failed to follow this small-business-friendly law. Think about it; SBA should be the advocate for small business at the Cabinet table, ensuring Government-wide compliance, not showing indifference to the law. I was stunned that the SBA cannot get a passing grade.

But it gets even worse. Nine other agencies completely failed to report to Congress by March 29 on their efforts to help small business as required in the act. All agencies that regulate small entities were to provide informal compliance assistance and penalty reductions for those small businesses seeking to comply in good faith. As we have learned, if we do not require progress reports, no progress is made. So we gave everyone 2 years to figure out how to do the right thing. But nine Federal agencies could not even get a report out on time. Ask yourself what happens to a small business woman running a business out of her home if she does not get an IRS, OSHA, or EPA form filed on time. They do not just overlook it; they come down on and crack hard on the small business.

The agencies failing to even report were the Departments of Defense, Justice, Veterans Affairs, the General Services Administration, the National Archive and Records Administration, the National Space and Aeronautics Administration, the Office of Management and Budget, and the Architectural and Transportation Barriers Control Board.

But, again, most outrageous among the nine agencies that missed the deadline: the Small Business Administration. In fact, when I brought this to the SBA Administrator's attention, the SBA's general counsel had the audacity to claim the SBA was not covered by certain provisions of the law because SBA was not a regulatory agency. So today I am sending another letter to SBA, explaining why they are covered by the Red Tape Reduction Act and calling on the Administrator to take immediate steps to comply with the law.

I ask unanimous consent these three letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC. April 19, 1999.

Hon. AIDA ALVAREZ,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ADMINISTRATOR ALVAREZ: On March 16, I requested an explanation as to why the Small Business Administration (SBA/Agency) failed to report to Congress as required under sections 213 and 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Act of SBREFA) (Title II of P.L. 104–121). My letter also asked SBA to report to Congress on its implementation of sections 213 and 223 of SBREFA, which require agencies to provide informal compliance assistance and penalty reductions/waivers to small entities. On March 31, 1999, I received a reply from SBA's General Counsel Michael D. Schattman. Unfortunately, SBA's response was inadequate and raises additional concerns regarding SBA's understanding of and compliance with the Act. In preparing this letter, I consulted with the Congressional Research Service and the Senate Legislative Counsel, and they concurred with my analysis and conclusion that SBA's explanation for its noncompliance is inconistent with the statue on its face, a legal analysis of the statute, and the intent of Congress as documented in the legislative history.

In SBA's letter, Mr. Schattman asserts that SBA did not need to report to Congress because SBA is not a regulatory agency or, at least, not the type of regulatory agency SBA believes was covered by sections 213 and 223. The rationale behind this strained, interpretation appears to be that SBA is not covered by sections 213 and 223 because: (1) SBA's programs "aid, counsel and protect small business;" (2) SBA does not "impose penalties for regulatory violations"; and (3) SBA allegedly does not "force small businesses to comply with laws and regulations that require them to conduct their businesses in a certain way." I strongly differ with the basis for SBA's rationale.

First of all, sections 213 and 223 invoke the definition of "agency" found in section 551 of title 5, U.S. Code. SBA is not expressly or implicitly excluded from this definition. SBA's attempt to excuse its noncompliance by claiming not be a "regulatory agency" also fails because the term "regulatory agency" is again based on the definition of "agency" found in section 551 of title 5, U.S. Code, which pertains to administrative procedures and rulemaking.

In general, an agency is a regulatory agency if it has statutory authority to issue rules and enforce compliance with them. SBA is, therefore, a regulatory agency. SBA issues regulations that govern the participation of small business, small governments, and small not-for-profits in the programs it administers. For instance, SBA issues regulations that determine which small businesses qualify as a small disadvantaged business (SDB), a HUBZONE small business concern, or a 7(a) lender. SBA audits compliance with and enforces the requirements of these and other regulations. If a small business is not in compliance with the regulations, SBA has the authority to remove a small business from the list of approved SDBs or HUBZONE small business concerns. SBA can disqualify a financial institution from eligibility as a 7(a) lender or a certified development company under section 504 of the Small Business Investment Act. Consequently, SBA's strained interpretation is not supported in law or fact.

The statement that "SBA does not believe the SBREFA reports were required" only makes sense if two points are assumed correct: (1) that sections 213 and 223 apply only to agencies that impose monetary penalties or fines; and (2) SBA does not impose monetary penalties or fine. While I might concede that section 223 speaks to penalties and fines, section 213 is not limited to compliance assistance related to regulations that carry penalties or fines. SBA's argument is further flawed because not only does SBA's enforcement authority have financial implications for small businesses, but SBA has the authority to impose monetary penalties and Mr. Schattman's letter lists four such instances. SBA appears to have gotten scarred away with its post hoc analysis of why it did not comply with these sections and their respective reporting requirements. As the Chairman of the Committee that authorizes SBA's programs, I cannot agree with the statement that "[i]n no circumstances can SBA regulate, control or penalize a small business in the conduct of its enterprise." This statement does not square with SBA's statutory authority. For instance, section 687 of title 15, U.S. Code, authorizes SBA "to prescribe regulations governing the operation of small business investment companies, and to carry out the provisions of this Act. . . ." SBA's claim is also contradicted by its inclusion in the November 9, 1998-edition of Unified Agenda of Regulatory and Deregulatory Actions and the publication of SBA's regulatory plan, outlining the Agency's regulatory priorities, and SBA's semiannual regulatory agenda. It is clear that SBA must be enforcing the regulations it promulgates.

In addition, Mr. Schattman's letter lists four instances where SBA can impose monetary penalties on Small Business Investment Centers (SBICs) or individuals obtaining disaster loans. This fact alone appears to discredit the assertion that SBA is not covered by section 213 and 223. SBA's argument is further undermined by the fact that many SBICs meet SBA's definition of a small business and a small business concern can be a borrower under the disaster loan program. Consequently, we need look no further than SBA's own letter to identify situations that trigger SBA's obligation to comply with sections 213 and 223. Ironically, SBA's authority to enforce its regulations and impose penalties is by no means limited to these four situations.

While I believe SBA's narrow definition of what constitutes a regulatory agency is without merit, even conceding this constrained definition for argument's sake, SBA's letter contradicts itself further. In the letter, the Agency confirms it is covered by section 222, which created the Small Business and Agriculture *Regulatory Enforcement* Ombudsman and Small Business *Regulatory Fairness* Boards. (emphasis added.) The Ombudsman listed SBA as a covered agency in its reports covering 1997 and 1998, and Mr. Schattman's letter notes that SBA gladly accepts credit given it by the SBA-appointed Ombudsman. This appears to conflict with SBA's assertion that it does not regulate small businesses. In fact, in the Ombudsman's 1997 report, SBA is the subject of two complaints from small businesses that "involved enforcement or compliance activity undertaken by a federal regulatory agency with regard to a small business." When the SBA-appointed Ombudsman provided SBA with a copy of the draft report for review, SBA wrote back stating it had no comment on the report. In its letter regarding the next year's draft report, SBA alleged that it was not a regulatory agency; however, in that same letter, SBA says that it will give small businesses notice of their right to comment to the Ombudsman when "we engage in enforcement procedures." The letter also references SBA's "enforcement and compliance activities." Again, I fail to see how SBA can argue that it is covered under section 222 and not sections 213 and 223.

Mr. Schattman's letter failed to mention that numerous small businesses complained to the Ombudsman about SBA's enforcement actions. In fact, the Ombudsman's recent report states that SBA was mentioned in 18 written comments and by 16 people that testified before the Enforcement Ombudsman and Fairness Boards. While some of these complaints may not fall within the Ombudsman's authority, they would seem to imply that SBA's rules and regulations do indeed affect the operations of small businesses. As an example, one small business complained about SBA's denial of a guaranteed loan. In response, SBA informed the company why the "good cause" waiver of the 7(a) loan program's "prior loss rule" did not apply. SBA's own corrective action, informing the District Offices of the procedures to follow, further suggests that the requirements of section 213 and 223 are applicable to SBA.

In addition, Mr. Schattman wrote that "SBREFA only addresses enforcement proceedings. . . ." Quite to the contrary, the Act amended chapter 6 of title 5, U.S. Code (commonly known as the Regulatory Flexibility Act) to address explicitly rulemaking activities affecting small entities. In fact, SBA's Office of Advocacy, which is referenced in the letter, is actively involved in the Small Business Advocacy Review Panels created under the Act and is exercising its authority to file amicus briefs in cases initiated by small entities aggrieved by agency noncompliance with the requirements of the Regulatory Flexibility Act. While improving fairness toward small entities during agency enforcement actions is an important part of the Act, the law also addresses agency rulemaking and informal compliance assistance with statutes and agency regulations.

In conclusion, there is nothing in Mr. Schattman's letter that relieves SBA of its obligation to comply with sections 213 and 223. Moreover, there is nothing in the law that allows SBA to forego the requirement to report to Congress on its implementation of these sections. While SBA may not be a regulatory agency of the magnitude of the Environmental Protection Agency or the Occupational Safety and Health Administration, the scope of SBA's activities, its programs and rulemaking activities are consistent with the definition of a regulatory agency. The simple fact that SBA has the authority to issue regulations that affect small entities—positively or negatively—triggers the need to comply with the Act. Furthermore, the Act provides agencies with broad discretion to implement the general requirements of these sections in accordance with the agency's underlying statutes and programs.

It would be an oversight if I did not express my disappointment with SBA. Indeed, I would have expected SBA to lead the charge to comply with this law, which was enacted in great part to implement recommendations from the 1995 White House Conference on Small Business. However, it appears that rather than engaging its attorneys in an effort to comply with the law, SBA instead asked them to devise a rationale to justify noncompliance. This is unacceptable. Consequently, I request that SBA immediately implement programs to provide compliance assistance to small entities and to offer penalty reductions, or waivers, where appropriate, and keep this Committee apprised of your efforts. I look forward to receiving a response by 3:00, April 29, 1999, detailing the steps you will take to bring SBA into compliance with SBREFA.

Should you need additional information, please contact me or Suey Howe, the Committee's Regulatory Counsel, at 224-5175.

Sincerely,

CHRISTOPHER S. BOND,
Chairman.

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, March 16, 1999.

Hon. AIDA ALVAREZ,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ADMINISTRATOR ALVAREZ: The Small Business Regulatory Enforcement Fairness Act of 1996 (Act) required federal agencies that regulate the activities of small business to implement programs to provide informal compliance assistance and penalty reductions/waivers to small entities, including small businesses, small governments and small not-for-profit organizations. All such federal agencies, including the Small Business Administration (SBA or Agency), were to report to Congress on implementation of these programs no later than March 29, 1998—nearly one year ago. To date, SBA has not submitted to this Committee the reports to Congress required under Sections 213 and 223 of the Act.

As Chairman of the Senate Committee on Small Business and as the principal author of the Small Business Regulatory Enforcement Fairness Act, I request a detailed explanation why SBA failed to fulfill its statutory obligation to report to Congress on SBA's implementation of the requirements under Sections 213 and 223. Furthermore, I request that SBA provide these reports to this Committee, as well as the other committees named in the statute to receive the reports, by March 31, 1999. Moreover, should

SBA fail to meet a statutory deadline in the future, I expect the Agency to advise this Committee of its failure in writing, describing why the deadline was missed and when the required activities will be completed. In closing, and perhaps most importantly, SBA's failure to comply with these reporting requirements raises questions regarding the Agency's commitment to fulfilling its responsibilities under the Act, which was enacted by Congress to ensure that federal agencies treat small businesses fairly in rulemaking and enforcement activities.

Should you need additional information, please contact me or Suey Howe, the Committee's Regulatory Counsel, at 224-5175.

Sincerely,

CHRISTOPHER S. BOND,
Chairman.

U.S. SMALL BUSINESS ADMINISTRATION, OFFICE OF GENERAL COUNSEL,
Washington, DC, March 31, 1999.

Hon. CHRISTOPHER S. BOND,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I have been asked by Administrator Alvarez to respond to your letter of March 16, 1999, to provide you with my legal interpretation of the Small Business Regulatory Enforcement Act (SBREFA). The Small Business Administration (SBA) strongly supports SBREFA. As an Agency we are very sensitive to the problems that small businesses face in dealing with regulatory agencies that impose penalties for regulatory violations and force small businesses to comply with laws and regulations that require them to conduct their businesses in a certain way.

However, SBA is in a different category. All of our programs and activities are specifically designed to aid, counsel and protect small businesses. Unlike regulatory agencies that set policies with which small businesses must comply, SBA provides assistance and counseling. As you know, SBA reports annually, and in many cases more often, on its program activities and the assistance it provides. Therefore, SBA does not believe the SBREFA reports were required.

Rather than regulate small businesses, we provide small businesses access to capital indirectly by guaranteeing loans made by our lending resource partners. Through our Small Business Development Centers, we counsel and train small businesses to start or grow their businesses, often by providing them with information on SBA's programs. Also, SBA assists small businesses in obtaining government contracts through our procurement programs and through working with other Federal agencies to encourage them to contract with small businesses.

SBA is committed to ensuring that we meet both the spirit and dictates of SBREFA. We provide support to the National Ombudsman and the Regulatory Fairness Boards. As you know, the Office of the National Ombudsman is fully staffed and can draw on the resources of the Agency whenever necessary. After consulting with the National Ombudsman, we established a process to respond speedily and thoroughly to small business issues raised with the National Ombudsman.

In fact, we received special mention in the Ombudsman's Report filed with you on March 1, 1999, for our commitment to using high-level, independent staff to process SBREFA comments. Additionally, we are constantly developing new ways to reach as many small businesses as we can to tell them how to take advantage of our programs.

SBA is not a "regulatory" agency. It does not, except in very rare instances, impose penalties or conduct enforcement activities. In fact, there are only four instances in which SBA can impose a monetary penalty. (The four instances are: SBA may impose a penalty on an SBIC for failure to cooperate in an examination or for providing books and records in poor condition; SBA may impose a penalty on an individual who wrongfully applies disaster loan proceeds; SBA may impose a penalty on an SBIC for every day that an SBIC fails to report pursuant to the Small Business Investment Act; SBA may impose penalties on a lender or a fiscal transfer agent in certain circumstances.) None of these four penalties are imposed against small businesses—two may be imposed on Small Business Investment Companies, one may be imposed on individuals receiving disaster loans, and one may be imposed on lenders or fiscal transfer agents. In no circumstance can SBA regulate, control or penalize a small business in the conduct of its enterprise.

However, SBA is covered by other sections of SBREFA and has been very responsive to the Regulatory Fairness Program (RegFair) developed by the National Ombudsman and Regional Fairness Boards. For example, we eagerly participate, as an Agency, not just through the Ombudsman's Office, in regional RegFair meetings.

While SBREFA only addresses enforcement proceedings, I would be remiss in not mentioning SBA's Office of Advocacy. The Office of Advocacy works with Federal agencies in developing regulations that address small business concerns. The Office of Advocacy helps ensure that agency policies are structured in such a way that agencies, using fair enforcement policies, can achieve their missions with the least possible burdens on small entities.

SBA strongly supports your efforts on behalf of small business and believes that, working together, we can provide a more positive atmosphere in which small businesses can flourish. I would be glad to meet with you or your staff to discuss this further.

Sincerely,

MICHAEL D. SCHATTMAN,
General Counsel.

Mr. BOND. For the Reg Flex and Red Tape Reduction Act to deliver the benefits intended by Congress, the agencies must comply with the law. It is that simple. Too many agencies, too many officials, unfortunately, in this administration seem to have the attitude that they are Olympians on the hill who know what is best for the peasants in the valley, when it really is the other way around. We should be listening to what the people who create the jobs and the economic well-being in our country, the small business sector, are saying.

Perhaps these plungers will help unclog things. But if sunshine and friendly persuasion will not work and if a plumber's friend cannot get it unclogged, it may be time to put civil penalties and fines in place so the agencies know we are serious. The job we are telling them to do is simple: Help small business, don't hurt it. If they will not do it, if the plumber's best friend won't help them, then we will change the law again and impose some penalties.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. First of all, I have a couple of unanimous consent proposals.

AUTHORIZING THE USE OF THE EAST FRONT OF THE CAPITOL GROUNDS

Mr. THOMAS. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of H. Con. Res. 52, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 52), authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. THOMAS. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 52) was agreed to.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY IN HONOR OF THE FIFTIETH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. THOMAS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 81.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 81) permitting the use of the Rotunda of the Capitol for a ceremony in honor of the Fiftieth Anniversary of the North Atlantic Treaty Organization (NATO) and welcoming the three newest members of NATO, the Republic of Poland, the Republic of Hungary, and the Czech Republic, into NATO.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. THOMAS. I ask unanimous consent the resolution be agreed to and statements relating to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 81) was agreed to.

Mr. THOMAS. Mr. President, I rise to introduce a bill called the No-Net-Loss of Private Lands Act. If I may have 10 minutes to do that, please.

THE PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 826 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask consent to speak for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO ACTIONS IN KOSOVO

Mr. DORGAN. Mr. President, I wanted to speak about three items today. First, I want to talk for just a moment about Kosovo and the NATO actions in Kosovo.

I had a town meeting in North Dakota over the weekend and had a fairly large number of North Dakotans pack into a rather small room, and we had a 1½ hour discussion about the airstrikes in which NATO, including the United States, is involved in Yugoslavia and in Kosovo. I expect I am joined by all of my colleagues when I say I hope and pray the hostilities in the region will cease. I hope Mr. Milosevic will pull back his Serb troops and that we will be able to restore peace and order and have the opportunity to find a way to provide those refugees who have streamed across the border the opportunity to go home.

Most North Dakotans who have communicated with me, and those who came to this weekend's meeting I had in Fargo on this subject, are anxious and nervous and concerned about what is happening in the region.

They do not have any better answers than I or my colleagues, or anyone else for that matter, on what to do when someone like Mr. Milosevic commits genocide or ethnic cleansing, including substantial massacres of the civilian population in the region of Kosovo.

The question that all of us at this weekend's meeting in North Dakota posed was, What shall we do? Shall we say it is none of our business, it is not in our part of the world? Genocide committed by Mr. Milosevic or ethnic cleansing is not something we need to be concerned about? I think most people believe that is not the answer either.

Clearly, we do not want in 5 or 10 years from now to look back and say, that genocide or Holocaust, or whatever it was Mr. Milosevic committed, killing thousands, perhaps ultimately hundreds of thousands, is something that we did not care about. If that were the case, I think it would be reasonable to say shame on us.

We must be involved and we must care. The question is, How do we address it? How do we effectively thwart the attempt by Mr. Milosevic to clear all of the Albanians out of Kosovo? How do we thwart his attempt to massacre innocent civilians with the Serb Army? How do we restore order to this region?

I have supported the airstrikes, and I hope and pray they succeed in driving Mr. Milosevic back. I have said before and I reiterate today that I do not and will not support the introduction of U.S. ground troops to the Balkans. I think that would be a horrible mistake.

Frankly, the bulk of the airstrikes have occurred in the Balkan region with U.S. planes and U.S. pilots. If, in fact, ground troops are ultimately needed, I believe it is the responsibility of the European countries to commit those ground troops. I know NATO is involved in this as an alliance, and we are a significant part of that alliance. But the United States bears the heaviest burden in the air war, bears the heaviest cost in the airstrikes, and I think if ground troops ultimately are necessary—and I hope they will not be—I think those ground troops must be furnished by the European countries. I will not support the position that we should introduce U.S. ground troops in the Balkans. I believe that would be a serious mistake, and I cannot and will not support that.

Let me again say, I do not believe my constituents or my colleagues have any easy answers. This is not an easy situation. Things are happening in the Balkans that I think all of the world looks at with horror and says, "We must do something to try to respond to it." But it is not easy.

Dozens of foreign powers over many centuries have gone to the Balkans only to experience profound disappointment in their attempt to change something that was internally happening in that region of the world.

Let me hope, along with my colleagues, that these airstrikes by NATO will convince Mr. Milosevic that the price is too high to continue doing what he is doing in that region to so many innocent men, women, and children. Let us hope that this is a success sooner rather than later and we can provide some peace and stability to that region.

FAMILY FARMERS

Mr. DORGAN. Mr. President, I want to talk just for a moment about agriculture and the challenge facing agriculture.

On Saturday, I was in an airplane and opened up a newspaper to an interesting article. I have spoken about agriculture and family farmers during the past weeks. I have talked about what is happening in our part of the country with the depopulation of middle America, rural communities drying up—shriveling like prunes, people moving out—not moving in, Main Street businesses boarding up, family farmers going broke, and nobody seemingly caring very much.

The business section of the Minneapolis Tribune had two fascinating stories on the front page. They respond in a kind of perverse way to what is happening, both in this Chamber and also around the country with respect to the policy dealing with family farmers.

The first article: "Cargill Profits from Decline in Farm Prices; 53 percent jump in earnings expected." Cargill is a large company and has always done quite well, I believe. It is a privately held company. It purchases agricultural products and is involved in a wide range of activities adding value to agricultural products.

"Cargill Profits from Decline in Farm Prices." Is that unusual? No. Big agribusinesses all too often are profiting from the misery of America's family farmers. Family farmers on the one side go broke; while Cargill sees a 53 percent jump in earnings. Cargill, incidentally, wants now to marry up with Continental Grain. Cargill and Continental want to get married, merge, and become bigger, with more market power.

In the question of market power, it is reasonable to ask, who wins and who loses? Family farmers all too often lose, and those with the most market power win. "Cargill Profits from the Decline in Farm Prices." You could wipe out the name "Cargill" and include any number of agribusinesses. I am not picking on Cargill; they just happened to be in this paper on Saturday.

Let's go to the article on the bottom of the front page. Family farmers are going broke because commodity prices have collapsed. The price of wheat has collapsed. The article states, "General Mills to boost cereal prices 2.5 percent":

> General Mills, Inc., the maker of Cheerios, Wheaties and Lucky Charms, is raising cereal prices an average of 2.5 percent.

One might ask the question, in terms of public policy, What is going on in this country when the folks who gas up the tractor in the spring, borrow money to buy seed, fertilizer, plant the crop, harvest the wheat, sell it in the market, and then go broke because they are told that the wheat they produced from their fields has no value? But the people who buy that wheat and turn it into Cheerios or Wheaties or Lucky Charms, even though the prices of commodities have collapsed and they are paying the farmer less—in fact, so little that family farmers are going broke in record numbers—they say they need to boost cereal prices that people pay at the grocery store.

I woke up this morning and I ate a bowl of cereal. I will not advertise which cereal it was, but I ate a bowl of cereal. I looked at the box, after I had seen this in the paper on Saturday, and I read the label about what is in this cereal I am eating. I will tell you what is in the cereal—grain.

So this company buys it from farmers, pays them a pittance, and then they puff it or crisp it or shred it. Once they have it all puffed and labeled as Puffed Wheat or Shredded Wheat, the process is all done. They have added the air to the grain or they have shredded it with a knife, then they put it on the grocery store shelf and charge a fortune for it.

Buy a box of cereal at the grocery store and ask yourself whether you like that price. Now, they say it is not enough. While farmers are going broke, they say they need to boost cereal prices. Talk about a disconnection and evidence that the market system does not work in agriculture. There must surely be a golden rule here, the one that says—those who have the gold make the rules—there must be a golden rule here that says cereal manufacturers can increase prices with impunity while family farmers go broke because they are selling their grain at the elevator and are told that their food has no value.

I mentioned last week an auction sale by a farm wife in North Dakota. She wrote a letter and said they were forced to sell out. She said her 17-year-old son would not even come down, he stayed in bed during the day of the auction sale and refused to come down to witness the auction sale of this farm because he was heartbroken. It was breaking his heart. It was breaking his heart that they were having to sell their farm. He wanted to farm.

This is all about human misery, failure—and it is not their fault. It is not the family farmers' fault that commodity prices have collapsed at the same time we have a hungry world. Hundreds of millions of people go to bed with an ache in their belly every night because they do not have enough to eat, while our farmers are told their product has no value. And when companies take the farmers product and turn it into cereal by puffing it, then they send it to the grocery store, they say it not only has value, in fact, they are announcing a price increase. Yet, they have received record profits and now want to increase cereal prices.

I want to put up a chart that shows the average annual return on equity for the major cereal manufacturers, 1993 to 1997: 29 percent, 24 percent, 25 percent, 22 percent.

Our family farmers are going broke raising the products that go into these cereals; and the largest corporations that make cereal are making very substantial returns on their equity. There is something wrong with that economic system. Some say, "Well, that's just the way it works. The big get bigger and the small get phased out." If this country decides it is worth losing family farmers, it will have lost something of great value to our country.

Some in this Chamber think having only giant agrifactories around in the future is fine. They will buy up farms from coast to coast. Only having large farms in America is not fine with me. This country will have taken a giant step backwards, unless we fundamentally change the farm law this year and provide a decent safety net for family farmers. We do it for another segment in our economy. We provide a safety net for workers with a minimum wage.

Family farmers were told, under the current farm bill—about 3 years ago—"We're going to pull the safety net out from under you." And then, of course, prices collapsed, and the result is family farmers have no effective safety net.

I just say that when you look at what is going on in the business page of the newspaper, "Cargill profits from decline in farm prices" and "General Mills to boost cereal prices"—I do not mean to single out these two companies, they are doing what economic clout and power allows them to do—but it is unfair to family farmers.

We have asked for substantial investigations by the Justice Department about the concentration of economic power and what it is doing to the family-sized farm. I hope the Justice Department will move, and move aggressively, on these issues. But more importantly, this Congress needs to decide, in the next few weeks, whether it wants family farmers left in this country. And if it does, we have to do a U-turn on farm policy and reconnect a decent safety net for family-sized farms.

I know what some people say, "Well, all this is wonderful, but it's boring and it's not very important." It is critically important to families out there struggling to make a living.

Will Rogers said, many years ago, "You know, if on one day all the lawyers on Wall Street failed to show up for lunch, it wouldn't mean a thing for this country. But if one day all the cows in our country failed to show up to be milked, that would be a problem." What he was trying to describe was a difference between those who move paper around in America and those who produce real products on the farm, that are of real value and contribute to feeding our country. That admonition by Will Rogers is just as important today.

I hope the Justice Department will take a look at the Cargill-Continental merger with a critical eye, to say, why do we need corporations in this system, already too large, to get bigger? Why do we need them to impose their economic will on small producers? Why do we need to give them more economic clout to do that?

I hope the Justice Department will look at market concentration in meat packing and in a whole range of other areas, because those are the kinds of things that are undermining the foundation of America's family farms.

A number of us will speak at greater length on these issue in the coming days, because we must convince this Congress that we have a responsibility to develop a farm program that works, one that tells family farmers: "You matter to our future. And we want you to be able to make a decent living if you work hard on the family farm."

INCOME TAXES

Mr. DORGAN. Mr. President, last Thursday was tax filing day, and we had a number of my colleagues come to the floor of the Senate and talk about taxes. I have yet to meet anybody who likes taxes. I know taxes pay for the cost of civilization. I know we would not have the kind of country we have in this country without taxes. I know that the ability to drive on good roads, to have a police force, to have a fire department, to have a Defense Department, to have safe food through food inspectors, to be able to control our borders—all of those things require the payment of taxes.

But our tax system has become enormously complicated, and it ought to change. I authored, about a year and a half ago, a proposal called the Fair and Simple Shortcut Tax Plan; it is called the FASST Plan.

You want to file your tax return with minimum bother? You want to avoid having to file an income tax return at all? Then this is a plan that will work for you.

It was not too many years ago that the American people, by and large, did not have to file an income tax return because only a small percentage of the American people paid income taxes. About 6 percent of the American people had a requirement to file a tax return. The rest of the people did not. For those who had to file, they had a very thin instruction booklet, just a couple of pages.

Now we have an instruction booklet with our income tax return that looks very much like a J.C. Penney's catalog. We have moved dramatically in the wrong direction with a highly complicated federal income tax system. Taxpayers are spending more than 3 billion hours at a cost of some $75 billion in trying to comply with our federal income tax laws every year; and it need not be that way.

We have had people come to the floor of the Senate to say, "I have a better idea. Let's abolish the whole federal income tax." I would like to know what they want to put in its place before abolishing it. Others say, "Let's have a flat tax so that the person making $30,000 a year can pay the same tax rate as Ross Perot or Donald Trump pay." I do not happen to share that belief.

Still some others say, "Let's have a national sales tax; get rid of the income tax and put a national sales tax on everything." I don't know how much you would like to buy a home and discover you have to pay a 35 percent sales tax on the value of the home. Or if that is the first thing you would exempt, how much higher would the national sales tax rate increase in order to get the required money to make the difference?

My point is, it sounds great to say, "Let's abolish the income tax," but I want to know what you want to do in place of it. Some would say—and some have offered plans here in the Senate and the House—"Let's have a different tax system. Let's have one that taxes work. You go out and work for a living? We want you to pay a tax. But if, on the other hand, you get your income from capital gains, dividends or interest, you don't pay a tax. Let's tax only activities from work; and let's exempt investments."

I guess that sounds pretty good, if all your income comes from investment. Guess who would pay taxes and be exempt under that kind of scheme. The wealthiest folks would be exempt and the working people would pay the taxes. That is a tax on work.

My point is, let's take a look at seeing if we can't change the current system in a way that benefits at least a fair number of the American people.

Here is what I propose we do. More than 30 countries have some kind of income tax system in which most of the taxpayers, or many of the taxpayers, do not have a requirement to file an income tax return. Here is how I would propose we do it. Everyone who signs in at work for a job fills out a W-4 form. It says, My name is so and so. My Social Security number is x, y, and Z. I'm claiming this many allowances. And I am married, filing jointly, or whatever that information would conclude; and therefore your employer calculates how much income tax shall be withheld from your weekly or monthly wage.

I propose an approach where we would put a couple of extra lines on the W-4 form, and for a lot of Americans—perhaps 60 to 70 million Americans—with a few extra checkmarks on the W-4 form, their withholding at work will become their exact tax liability for the year. They would have no requirement to file a tax return—no return to be filed at all—therefore, no trips to the post office on April 15 and no worry about major audits. What is your wage? and based on what you checked on your W-4 form, what kind of withholding is necessary.

Let me give you an example of how we would do that. Families earning up to $100,000 in annual wages—$50,000 for singles—and up to $5,000 in capital gains, dividends and other non-wage income—$2,500 for singles—may elect this tax return-free filing system at work. This other income would be tax free. When they sign in at work, they would simply fill out a slightly modified W-4 form that allows them to have their employers withhold their exact tax obligation computed by using a table provided by the IRS, and they would pay a single low tax rate of 15 percent on their wages. They would still be allowed their standard deduction, their personal exemptions, a deduction for home mortgage interest and property taxes paid, and their child tax credits. Those would be the couple of extra boxes checked on the W-4 form. But by and large, this would radically simplify income tax filing for 60 to 70 million Americans to say to them, check these extra boxes, you, therefore, do not have to file an April 15 tax return. You have a flat 15-percent tax rate on wages, and your other income, up to $5,000 for married, filing jointly, is totally exempt from any income tax obligation.

This system makes a great deal of sense in my judgment, and, as I indicated, anywhere from 60 to 70 million Americans will be able to decide if they want to use this system and, therefore, not be required to file any income tax return at all on April 15.

The reason I am describing this system today is the discussion last week on tax day was interesting. I do not quarrel with those who say we ought to change the current tax system. Yes, we should.

The first step would be to dramatically simplify the responsibility for filing income tax returns for the bulk of the American people. I am saying that the majority of taxpayers could avoid having to file any income tax return at all on April 15, could avoid all of the problems of getting paperwork together, and could stop worrying about a subsequent major audit. They could avoid all of that with the Fair and Simple Shortcut Tax plan.

My proposal allows every taxpayer, if they want, to compute and file their tax returns under the old system. You could get your tax return and your catalog size instructions, and you can go through it and you can labor and agonize and sweat and talk to accountants if you want. That is your choice. You will have the choice. But the second choice and I believe much more appealing for most Americans is to access the return-free income tax system with a single 15-percent rate, with the abolition of both the marriage tax penalty and the Alternative Minimum Tax under this system, with up to $5,000 of capital gains, dividends and interest income completely tax free.

We can do this. We can do it easily, and we can do it now. More than 30 countries have some kind of approach like this. This is better tailored to our system, but some 30 countries already have some form of a tax return free system. This country can do that for the 60 to 70 million Americans it would relieve of having to file an annual federal income tax return.

As we debate and discuss the tax system in this Congress, it is important for us to listen to all of the ideas that exist, and there are plenty, some wonderful, some crackpot, some workable, some unworkable. This, in my judgment, is a system that can be implemented almost immediately, is eminently workable, and will address the first roadblock that exists in our current income tax system—that is, complexity. It can eliminate all of the complexities all at once for up to 60 to 70 million American people. That makes a great deal of sense.

I will be visiting with a number of my colleagues about it, and we are going to introduce it as a formal plan very soon. I hope that some of my colleagues will consider it favorably.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

EXTENSION OF MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, it is my understanding that morning business is to conclude at 2 o'clock. Therefore, I ask unanimous consent that morning business be extended with Senators permitted to speak for up to 10 minutes each. I believe I have 20 minutes reserved; is that correct?

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair, and I wish my friend a pleasant afternoon.

KOSOVO POLICY

Mr. MURKOWSKI. Mr. President, I come to the floor today to discuss certain aspects of our military campaign in Kosovo that deeply trouble me.

We are now into the fourth week of the NATO bombing campaign, and so far things are far worse for the Albanian Kosovars who have been systematically uprooted from their homes and either killed or driven into exile in neighboring countries. Many of their homes have been burned to the ground. Whole villages have been destroyed, with the result that hundreds of thousands of people have become refugees with no worldly possessions except what they could carry on their backs.

On March 23, on the eve of NATO's bombing campaign, Secretary of State Madeleine Albright stated that there was a specific purpose, and that was to:

> Deter Slobodan Milosevic from continuing on this rampage and going in and torching—having his soldiers and special police torch the villages. So it is designed to deter that, and also to damage his capability to do that.

Well, less than 4 weeks later, it is clear that Secretary Albright and the Administration seem to have misjudged Milosevic. NATO bombing has in no way deterred the torching and ethnic cleansing. It has, in fact, intensified since the bombing began. There can be no doubt that if, as Secretary Albright stated, our goal was to deter the rampage against the ethnic Albanians, our policy has failed.

When it became apparent to the Administration that its policy of protecting the Albanian Kosovars had failed, the Administration in early April shifted the message and claimed that the bombing was designed to "degrade" Serbia's military capacity. However, we appear to be doing this indirectly in that our bombs and cruise missiles have been targeting infrastructure, specifically bridges, oil refineries, rail lines, and telecommunications, rather than hitting tanks, heavy guns and, of course, the troops.

Despite the massive air campaign, the Serbs' ability to wage war on Kosovo continues unabated. Fuel for the Serbian war machine flows through Montenegro, whose ports are filled with tankers. Although we have sought to blockade the ports, our allies, primarily the French, have blocked that effort for fear of widening the conflict.

What greatly concerns me, however, is that while the Serbian war machine continues to roll south unimpeded, it is the American military that has been substantially degraded by the shortsighted policies of the Clinton administration.

When NATO bombing began, the military fired between 30 and 50 air-launched cruise missiles targeted primarily against Serbian air defenses. The air-launched cruise missiles are a critical element in our military because they can be fired hundreds of miles away from heavily guarded targets without directly risking pilots and other air personnel. In addition, since they rely on global positioning satellites for navigation, they can hit their targets in both good and bad weather.

Unfortunately, there is a crucial shortage of cruise missiles because the Administration has had a propensity to use them for some dubious purposes in the past. In the short 4-day bombing that occurred in Iraq, Operation Desert Fox, the United States used 90 air-launched cruise missiles. We fired an additional barrage of cruise missiles against Sudan and Afghanistan last summer. In both instances, it is not clear that we achieved any policy objectives beyond using up a large percentage of our arsenal of cruise missiles.

Now, what is truly astonishing is that today the United States is not, and I emphasize not, producing a single cruise missile. There is not a single production line operating that is manufacturing or refitting cruise missiles to replace the missiles in our arsenal.

Today there are only 90 to 100—that's right—90 to 100 air-launched cruise missiles in our inventory. They apparently won't be replaced any time soon.

Because of operations in Kosovo, the Office of Management and Budget has requested $51 million to convert 92 nuclear-tipped cruise missiles into conventional cruise missiles. That is what it cost—almost a half million dollars each for that conversion. However, the first converted cruise missile would not be available for at least 7 months, by November at the earliest. If the production line for new air-launched cruise missiles was reopened at Boeing, it would take several million dollars of commitment and funding simply to restart it. Even if that happened, the line would not even begin producing new missiles for more than a year.

Why have the cruise missile production lines closed? The answer appears to be that a new generation of air-launched cruise missiles will be added to the Air Force's inventory, and the military hence decided it no longer needed to add to its current inventory. However, the new generation of missiles will not be available before 2001 or 2002 at the earliest.

Given President Clinton's propensity to fire off cruise missiles apparently at whim, and given Secretary Albright's blustery rhetoric, we wonder if anyone in the Administration in recent years gave consideration in advance to reopening the closed production lines to allow us to rebuild our inventory before we began the air campaign in Yugoslavia. Or did they believe that diplomatic bluster from the State Department would convince adversaries that military confrontations would not happen until our new generation cruise missiles were on line in 3 to 4 years?

A similar, but less dangerous, scenario exists with the Navy cruise missile, the Tomahawk. During the past 10 years, we have had approximately 2,500 Tomahawks in our inventory. That number is down considerably—down to about 2,000 since we used 330 during the 4-day bombing in Operation Desert Fox and 150 by the Navy so far in Kosovo. As in the case with the Air Force, the Tomahawk production line has also been shut down because a new generation of missiles will be produced. However, again that missile production will not be available before the year 2003.

By one estimate, the cost of restarting the Tomahawk production line would be $40 million, and it would take 2½ years before a missile, a single missile, would come off that line. Clearly, this is not an option. Although the Navy is seeking $113 million to remanufacture 324 older model Tomahawks, those will not be available in the foreseeable future.

Mr. President, there are very strong indications that if nothing changes, the bombing campaign in Yugoslavia could last through the summer. Quite frankly, I do not believe that anyone in the Administration really knows how long this campaign is going to continue. But so long as the air campaign continues, the shortage of cruise missiles means that it is our pilots who will have to take greater risks and they will be subjected to those risks.

It is our pilots who will have to hit the facilities that cruise missiles could have hit. They will have to deal with the surface-to-air missiles and ground fire that have a minimal impact on the unmanned cruise missiles. They will have to deal with the vagaries of the weather, something that does not affect the capabilities of our cruise missiles.

Moreover, we have many responsibilities and vital interests in other areas throughout the world. What would happen if Saddam Hussein began posing threats to Kuwait again? What would happen with regard to threats that we have seen regularly coming from North Korea? A recent article in the Washington Post quoted Russian analysts who have been interviewed from time to time and have picked up sensitive material advising us of the North Korean officials and their continued threat. North Korean officials have indicated that the NATO bombing has had a sufficient impact on their Government that could lead to further upgrades of its missile and military capability.

Clearly, the severe shortage of cruise missiles diminishes some of our military options and surely makes the world a more dangerous place.

But the shortage of cruise missiles also reflects on the shortsightedness and overcommitments made by the Administration over the last few years. At the same time that this Administration was committing us to military interventions of some dubious purposes, they have been cutting military spending. They have shortchanged our military readiness because they have been unwilling to sacrifice domestic spending and provide our troops with the necessary means to carry out our military objectives, and particularly to have an adequate inventory.

Now that we are engaged in this very serious mission in Kosovo, the shortfalls in our military spending are becoming dangerously obvious. I believe it is incumbent on the Administration and Congress to realistically assess the state of our military readiness and to provide the appropriate funds to maintain that we, indeed, have a technological support base for our troops and adequate inventories of cruise missiles and other military armaments.

At the same time, we need to have a real debate about the goals in this conflict in Yugoslavia and our strategy to achieve those goals. I fear the Administration completely miscalculated when it launched the air campaign. It is my view that they thought the air campaign would be a short campaign. I believe they assumed that the Serbs would immediately retreat when the bombs began to descend and that the Serbs would passively accept Secretary Albright's demand that NATO troops be positioned in Kosovo.

That has not happened. And now the question is, What is next? Why are we to assume that if bombing had not worked in this last 4 weeks, that another 4 weeks or another 4 months of bombing will change anything on the ground? History suggests that bombing by itself tends to steel the will of the people who are under assault. Why would the Serbian people react any differently than the people of London, who endured far harsher bombings by the Nazis and still never gave in?

Mr. President, it has been said that when it comes to the Balkans, there are no good options. What is clear to me is that even if the refugees would somehow be allowed to return to Kosovo, a very large occupation force on the ground, including Americans, would be needed to maintain any semblance of peace, and that force would be required to stay not for months but for years, and perhaps decades.

This is not an outcome I can support. We were told by the President that we were only going to be in Bosnia for 1 year. Four years later, we are still there and there is little sign that Bosnian peace can survive without a military presence to maintain that peace.

I think it was shortsighted of the Administration to allow cruise missile production to end and to initiate a conflict without an adequate inventory. That same shortsightedness marks our foreign policy. And the result today is that we are engaged in a conflict, with NATO's credibility on the line.

I believe the only solution to the crisis in Kosovo is to re-engage the Serbs in diplomatic negotiations. Most importantly, we need to recognize that the ethnic conflicts in the Balkans have a long history and the people living there may never live in peace so long as the borders are drawn as they are today. Unfortunate as this may be, it may ultimately become necessary to redraw some of those borders in the Balkans to reflect political and ethnic realities.

Mr. President, I came across an article written by David Greenberg. Mr. Greenberg writes the History Lesson column for Slate and is a Richard Hofstadter fellow in American history at Columbia University.

This particular article poses the question, What solution does history dictate for Kosovo?

I thought it an excellent treaty on the history and background. Knowing the Presiding Officer's familiarity with this particular subject, I will read this article into the RECORD at this time.

Mr. Greenberg writes:

Ever since the United States began contemplating doing something about war and ethnic cleansing in the collapsing state of Yugoslavia in 1991, all sides have invoked history as a guide to action. Those who opposed involvement in Bosnia in the early '90s—and who doubt that NATO can bring peace to Kosovo today—argue that the long record of intractable ethnic tension among the Balkan peoples means we should stay out. Any settlement, they say, is doomed to be temporary. Robert Kaplan's book "Balkan Ghosts," which advances this thesis regarding Bosnia, reportedly convinced President Clinton to steer clear of military action there for a time.

Interventionists also invoke history. They note the longstanding claim of ethnic Albanians to the territory of Kosovo dating back to 1200 B.C., when the Albanians' supposed ancestors, the Illyrians, settled there. This ancient history forms the basis of demands for self-determination on the part of the long-suffering Albanian Kosovars. But the Serbs, too, stake a historical claim. Their Slavic forebears migrated to Kosovo around A.D. 500, and they contend that Serbs have lived there ever since.

In fact, each of these assertions is subject to qualification, as is made clear in Noel Malcolm's masterly (but misnamed) "Kosovo: A Short History" (my main source along with Hugh Poulton's "The Balkans: Minorities and States in Conflict"). The tie of today's Albanian Kosovars to the ancient Illyrians is fairly attenuated. And while Slavs did move into the area around 500, when the Bulgarian Empire conquered the Balkans, the Serbs didn't gain control of Kosovo until the 12th century, when a dynasty of their leaders known as the Nemanjids invaded it after a period of Byzantine rule.

For two centuries the Nemanjids basked in their Balkan kingdom. Serb nationalists today are fond of noting that in 1389 it was in Kosovo that the Serbian Prince Lazar and his armies made their last stand against the invading Ottoman Empire at the Battle of Kosovo. They're less likely to note that the Albanians of Kosovo fought alongside them. (Explicit references to the Albanian people as opposed to the Illyrians begin to appear around the 11th century.)

During Turkey's 500-year rule, most of Kosovo's Albanians—and Albania's Albanians, also subjects of the Ottoman Empire—converted to Islam. The Serbs remained Orthodox Christians. That may be one reason that the Serbs sought independence first. In 1804 they rose up and in 1828 broke free. Kosovo, however, remained largely content under Turkish rule. Serbs, believing that Kosovo still rightfully belonged to them, did briefly conquer it in 1877 when, along with Russia, the new Serbian state made war on Turkey. But under the Russian-Ottoman armistice a year later, Serbia was forced to withdraw.

At this point, the Albanians—of both Kosovo and Albania proper—commenced their so-called "national awakening." A group called the League of Prizren, named for the Kosovo town where it met, lobbied for autonomy within the Ottoman Empire. A generation later, this movement flowered into insurrection, as Albanians throughout the western pocket of the Balkans revolted. Albania secured statehood in 1912, but before the status of Kosovo could be resolved, the entire region was rocked, in quick succession by the First Balkan War (1912), the Second Balkan War (1913) and, for good measure, World War I (1914–18).

First to invade Kosovo in these years were the Serbs. The Serbs were knocked out by the Austrians, who were knocked out by the French. The French handed the province back to their allies the Serbs. After the war, the Allies, following Wilsonian ideals of self-determination, straightened up Europe into tidy nation-states. With minimal thought on the part of the mapmakers, Kosovo was folded into Serbia, which joined five neighboring Balkan territories to form the new state of Yugoslavia. Albania appealed to the Allies for control of Kosovo but, considered an insignificant state, was rebuffed in deference to Serbian claims.

As the largest republic in the multinational state, Serbia dominated Yugoslavia. Its capital of Belgrade, for example, was the nation's capital too. Under Serbian rule, Kosovo again became a battleground.

In the late 19th century, Serbian nationalists had built up national myths about the heroics of Prince Lazar and cast Kosovo's status as a Jerusalem-like holy land populated with Orthodox religious shrines. Throughout the 1920s and '30s, the central government in Belgrade pushed Albanians out of the region and moved Serbs in—efforts the Albanian majority resisted, often to their peril.

In World War II, Kosovo again resembled Europe's Grand Central Station. The Axis powers rolled in and carved up the region: Albania's Fascist government, headed by a puppet of Mussolini's, seized the biggest chunk, while Bulgaria and Germany each occupied a strip. Communist partisans retook the province in 1944, and when the war ended, the partisan leader Josip Broz Tito became dictator of the reconstituted Yugoslav federation. The Communists considered ceding Kosovo to Albania but instead decided that it should revert to its antebellum status quo. They deemed Kosovo not an autonomous republic but a province of Serbia.

In the name of Yugoslav unity, Tito suppressed most assertions of ethnic identity. He jailed or killed thousands of Albanian Kosovars and banned Albanian-language publications. But he was, to some degree, an equal opportunity tyrant: He also halted Serbian efforts to settle Kosovo. In 1968, with uprisings sweeping the globe, student protests triggered a wave of demands for greater Kosovar autonomy. Tito acceded to a series of reforms, culminating in a new Yugoslav Constitution in 1974, which gave Kosovo control over much of its internal affairs. That year marked the high point for Kosovar aspirations to independence, and it remains the benchmark for NATO's demand at Rambouillet for a restoration of Kosovo's "pre-1989" autonomy.

Tito died in 1980. The next year, Albanian Kosovar students erupted again, with some

> Kosovars clamoring for republichood. Belgrade, no longer restrained by Tito's aversion to exacerbating ethnic conflict, cracked down. Polarization followed: Slobodan Milosevic—first as a Communist and then as a Serbian nationalist—whipped up anti-Albanian sentiment. In 1989, he stripped Kosovo of its cherished autonomy. Meanwhile, Albanian Kosovars proclaimed their territory a republic and, through channels violent and nonviolent, sought actual independence. Unrelenting, Milosevic undertook the massacres of the last year, which finally precipitated NATO's bombing.
>
> That, in a nutshell, is the history of Kosovo. If you can find a solution to today's mess in there, let me know. Take a snapshot at 1200 B.C. and the Albanians can claim it; look at A.D. 1200 and it's a Serbian kingdom. The United States prefers to use the 1974 benchmark. Milosevic points to 1989. But even at those points, the snapshot looks pretty blurry.
>
> Before NATO began bombing Yugoslavia March 24, the proposed Rambouillet solution—restoring Kosovo's autonomy but not granting it independence—seemed like a plausible outcome. Now it's hard to imagine Kosovars accepting any kind of Serbian rule. If victorious, NATO may grant Kosovo independence or perhaps divide it up. History won't decide Kosovo's fate. Our actions in the weeks ahead will decide history.

I bring this to the attention of my colleagues simply to highlight a little history and point to the complexities in reaching a resolution to this very difficult foreign policy question.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 531

Mr. VOINOVICH. Madam President, I ask unanimous consent that at 4:30 the Banking Committee be discharged from further consideration of S. 531 and the Senate proceed to its immediate consideration under the following limitations:

One hour for debate equally divided between Senator ABRAHAM and the ranking member. No amendments or motions will be in order.

I further ask consent that following the use or yielding back of time, the bill be read for a third time at 5:30 this afternoon and that the Senate proceed to vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WAR IN KOSOVO

Mr. SPECTER. Madam President, President Clinton has just signified his intention to ask Congress for additional appropriations of some $5.45 billion for military costs involved in the war in Kosovo and some $491 million to pay for humanitarian assistance. It is my thought that Congress will be receptive to supporting our fighting men and women overseas and will similarly be receptive to humanitarian aid for the thousands of refugees who have been driven from their homes in Kosovo. These requests will give us an opportunity to ask some very important questions and get some very important information to assess our military preparedness and to make the determination as to how much our allies are contributing to this effort, which ought to be a joint effort.

We have seen the U.S. military preparedness decline very markedly in the past decade and a half. During the Reagan years, in the mid-1980s, the defense budget exceeded $300 billion. In 1999 dollars, that would be well over $400 billion, might even be close to the $500 billion mark. But our budget for this year, fiscal year 1999, was $271 billion, and according to the President's request, is projected to be slightly over $280 billion for fiscal year 2000.

That raises some very, very important questions as to the adequacy of our defense and our ability to deal with a crisis in Kosovo, where we are at war, notwithstanding the fact that a declaration has not been filed. The Senate of the United States has authorized air strikes in our vote of 58 to 41 on March 23, but the House of Representatives has not had a correlating move. Constitutionally this is a very, very dangerous situation, because only the Congress under our Constitution has the authority to declare war. We have seen a constant erosion of congressional authority, which is a dangerous sign, in terms of the requirements of constitutional law—this is bedrock constitutional law—and also in terms of having congressional support, which reflects public support, for the military action.

We have seen this war in Kosovo move ahead. We have seen missile strikes, air strikes. The authorization of the Senate was limited in the air strikes because of our concern about not putting too many U.S. fighting men and women in so-called harm's way. It is rather a surprising consequence to find we are in short supply of missiles. We have seen the activity in Iraq reduced, according to military reports. We know of our commitments around the globe, including South Korea. I believe this is an occasion to take a very close look as to the adequacy of our military preparations. At this time, we have some 18 divisions: 10 active, 8 reserve, twenty wings: 12 active, 8 reserve and some 256 naval surface combatants. This is very limited, compared to the power of the United States during the mid-1980s in the Reagan years.

Of course, it is a different world. It is a world without the potential clash of the superpowers—the United States and the Soviet Union—but it is still a world with major, major problems.

When the President comes to Capitol Hill, comes to the Appropriations Committee on which I serve, comes to the Defense Appropriations Subcommittee on which I serve, then I think we need to ask some very, very hard questions. Those questions turn on whether the United States is, realistically, capable of carrying on the kind of a war in which we have become engaged in Kosovo. Do we even have sufficient air power to carry out our objectives? Do we have sufficient missiles to carry out our objectives?

So far, we have bypassed the issue of ground forces. Some of our colleagues have advocated a resolution which would authorize the President to use whatever force is needed. I am categorically opposed to such a resolution. I do not believe that the Senate and the Congress of the United States ought to give the President a blank check, but I am prepared to hear whatever it is that the President requests, to consider that in the context of our vital national security interests and in the context of what we ought to do. But at a time when the Congress and the country has been put on notice that the President is considering calling up Reserves, we find ourselves in a military entanglement, a foreign entanglement and, by all appearances, we are ill-equipped to carry out the objectives and the course which the President has set out for us.

We need to know on an updated basis what is happening in Iraq and what our commitments are there and what our potential commitments are around the world.

Similarly, we need to know, Madam President, our allies' contributions. At a time when the Congress of the United States is being called upon to authorize $5.450 billion for the Pentagon, it is fair to ask what the contribution is from Great Britain. What is the contribution from France? What is the contribution from Germany? What is the contribution from the other NATO countries?

The morning news reports carried the comment that the French are opposed to a naval blockade to cut off Yugoslavian oil reserves. That is sort of a surprising matter. As General Wesley Clark has noted, why are we putting U.S. pilots at risk in bombing Yugoslavian oil production at oil refineries if we are not willing to take on a less drastic matter of a naval blockade? Certainly a naval blockade is an act of war, as the French have been reported to have said, but so are missile and air strikes. As we are being asked for almost $6 billion, I would be especially interested to know the French contribution, besides their naysaying of a naval blockade to stop petroleum from reaching Yugoslavia.

The issue of the relative contribution of the United States and the NATO countries has been a longstanding controversy for the 50 years that NATO has been in existence. I recall attending my first North Atlantic Assembly meeting in Venice shortly after I was elected. It was the spring of 1981. The chief topic was burden sharing.

On the occasions when I have had an opportunity to return to North Atlantic Assembly meetings, burden sharing has always been a big question. I think it is a fair question for the Congress to ask: What is the proportion of burden sharing now in Kosovo, especially when we are being asked to ante up an additional $6 billion.

There is another aspect to our activity in Kosovo which requires an answer, and that is, what are we doing with respect to prosecution of crimes against humanity in the War Crimes Tribunal, looking toward the prospective indictment of President Milosevic. There is an active effort at the present time to gather evidence against President Milosevic. There is a question as to why it has taken so long. In late 1992, then-Secretary of State Eagleburger, pretty much branded Milosevic a war criminal. There has been constant speculation over the course of the past 7 years about why Milosevic was not indicted, along with others in the Bosnia and Croatia crimes against humanity.

We need an answer, Madam President, as to what has happened with outstanding key indictments against Mladic and Karadzic with respect to what has happened in Bosnia. When a group of Members of the House and Senate were briefed by the President last Tuesday, a distinction was made between our military activity and collateral ways to have an impact on the war in Kosovo, such as through the War Crimes Tribunal.

There have been major efforts to locate Karadzic. There have also been major efforts to locate Mladic who is supposed to be in hiding near Belgrade. The activities of the War Crimes Tribunal could have a very profound effect on those committing atrocities as we speak in Kosovo—that that kind of conduct is going to be treated in a very severe and tough manner by the War Crimes Tribunal. This involves having the War Crimes Tribunal follow up on those who have been indicted, like Mladic and Karadzic, and it also involves the War Crimes Tribunal acting aggressively to gather evidence about Milosevic and any others who may be perpetrating crimes against humanity.

At a time when we are looking for a supplemental appropriation, we ought to be as certain as we can be that the War Crimes Tribunal is adequately funded. I have had occasion to visit the War Crimes Tribunal three times in The Hague and have noted a very serious group of dedicated prosecutors, headed by Chief Prosecutor Louise Arbour. But that contingent has been laboring with insufficient resources. Only recently their courtrooms have increased from one to three, and a substantial increase in their budget was achieved when the 1999 budget was increased from the 1998 level of $68.8 million to slightly more than $100 million to take care of the prosecutions in Bosnia and Croatia.

That leaves open the question about what is going to happen with respect to the prosecutions in Kosovo. It is vital that efforts be ongoing contemporaneously with these atrocities to gather evidence while it is fresh. From my own experience as a prosecuting attorney, I can say firsthand—gather the evidence while the eyewitnesses are available, while the recollections are fresh and while the tangible physical evidence is present.

There may be a necessity—and it is a very unpleasant subject but one of the facts of life in Bosnia, Croatia and now Kosovo—that mass graves be uncovered for tangible evidence of these atrocities. An inquiry today gave me the preliminary bit of advice that there is a request for some $5 million for documentation support for the War Crimes Tribunal. I have made the request that further information be forthcoming so that when the Appropriations Committee considers these supplemental matters, that we have in hand the needs of the War Crimes Tribunal. This will put all would-be war criminals on notice that these matters are going to be very, very vigorously pursued. It would be a very, very strong blow for international law and international justice to have a War Crimes Tribunal indictment at the earliest possible time branding Milosevic a war criminal for all to see. I think that would inevitably have a profound effect everywhere, including in Belgrade, including in Serbia, including in the Republic of Yugoslavia.

So, these are questions which I hope we can have answers to in the forthcoming days when I do believe my colleagues will be willing to share my sense that the fighting men and women need to be supported on this $5.45 billion request from the Pentagon and on the almost $500 million for humanitarian aid. But we need to use this as an occasion to find out if we have adequate military strength to carry on the war which we have undertaken and to discharge the kind of commitments that we have made worldwide. We also need to take a close look at the burden sharing with our allies and to make sure that the important work of the War Crimes Tribunal is adequately funded.

In the absence of anyone else on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING AL BULLOCK

Mr. ABRAHAM. Madam President I rise to note the passing of a great Republican and a great American. Dr. Albert E. Bullock died on April 7 at the age of 72 at his home in Kensington, Maryland. He had been fighting cancer for some time.

Al, as he was known by everyone who knew him, was the husband of my able and dedicated office manager, Katja Bullock. He was also a dedicated dentist and a devoted Republican activist who lived life to the fullest and brought energy and humor to everything he did.

Born in Washington, Al served in the United States Navy during World War II and was awarded both the Victory Medal and the American Theatre Ribbon. When he was honorably discharged in 1946, Secretary of the Navy James Forrestal sent him a letter expressing "the Navy's pride" in his service. He became a life-long member of American Legion Post 268 in Wheaton, Maryland.

Al attended the University of Maryland and graduated from Georgetown University's School of Dentistry in 1952. He served as a Clinical Instructor at Georgetown immediately after graduating and published original scientific articles in the District of Columbia Dental Society Journal and the Southern California Journal of Orthodontics. He was elected to the National Dental Honor Fraternity and named a Fellow of the Royal Society of Health.

Al was an integral part of his community. He was particularly active and important in the Montgomery County Republican Party. And his positions in the party were numerous. He served twice as Montgomery County Republican Party Chairman and was a regular fixture on the County's Republican Central Committee between 1982 and 1994.

He also served as Executive Director of Maryland's Reagan for President Committee and as a member of Maryland's Electoral College. In 1994 he was the Republican nominee for Maryland State Senate.

During the Reagan Administration Al served on the National Advisory Council on Child Nutrition and the National Advisory Committee on the National Health Service Corps.

But it was perhaps as a mentor to young conservatives that Al had his greatest effect on politics. Literally dozens of Washington interns at one time or another stayed with the Bullocks or attended one of the many events hosted at their home. Across America today, there are many active Republicans who were strengthened in their convictions by Al and Katja Bullock.

Indeed, many of us believe there is a political dynasty forming in the Bullock family. Al would allow himself to be put up for elective office in heavily Democratic Montgomery Country because no one else wanted the task of losing. But he must have had some effect because his son,. also named Al, made a respectable showing in his own run for public office. And everyone agrees that Al's grandson, Al the third, who at a quite tender age was already defending his grandfather on the stump, could just be the one to turn Montgomery County Republican.

Al Bullock knew how important it is to keep active in political life. But he also knew that politics is not all of life. He was a strong family man as well as a dedicated professional who took great pride in his work and in this relations with his patients. He also was active as a member of the American Light Opera Company, serving on its Board of Trustees and as Chairman in 1965.

The story goes, in fact, that Katja fell in love with Al when, seeing him for an emergency dental procedure, she was soothed by the strains of opera as Al worked on her teeth.

I will always remember Al's winning combination of humor and dedication to conservative principles. He led a full and colorful life, in which he met many of the great public figures of our age. It was a great honor for anyone in public life to make it to the photographic hall of fame lining the Bullock family's front stairs. I was happy to see last Christmas that my own photo had made it to one corner of that hallway, overshadowed by pictures of more than one President.

My heartfelt condolences go to Katja, Al's son Albert, his daughter-in-law Katie and grandsons Albert and Seamus, as well as his sister, Betty Sorrell.

Al will be sorely missed by everyone lucky enough to know him.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE AWARD OF A CONGRESSIONAL GOLD MEDAL TO ROSA PARKS

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 531.

The assistant legislative clerk read as follows:

A bill (S. 531) to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Madam President, I wish to express my appreciation to Senator LOTT for bringing forward this unanimous consent agreement to discharge an important piece of legislation from the Banking Committee.

I also thank the original cosponsors of this bill, Senators SESSIONS, LEVIN, KENNEDY and HARKIN for their support, along with 74 other colleagues who have cosponsored this bill.

Our intent is to honor one of the most important figures in the American civil rights movement, Rosa Parks. This legislation would honor Mrs. Parks with a Congressional gold medal in recognition of her immense contributions to our nation over a lifetime committed to furthering civil rights in our nation.

Rosa Louise McCauley was born in Tuskegee, Alabama in 1913. At age 2 she moved to her grandparents' farm in Pine Level, Alabama with her mother, Leona McCauley, and younger brother, Sylvester. Her mother, a school teacher, taught her at home until, at age 11, she enrolled in the Montgomery Industrial School for Girls.

The young Miss McCauley cleaned classrooms to pay her tuition, then moved on to attend Booker T. Washington High School. She was forced to leave that school to take care of her sick mother.

In 1932 she married Raymond Parks. Mr. Parks, who was largely self-taught, supported his wife, Rosa's, desire to finish high school and to attend Alabama State College, which she did.

The couple settled in Montgomery, Alabama, where they were active in the local chapter of the NAACP and the Montgomery Voters League.

Mrs. Parks worked to register African American voters and to fight the violence and injustice visited upon them under segregation.

As Mrs. Parks put it, "There were cases of flogging, peonage, murder, and rape." During this time the NAACP "didn't seem to have too many successes. It was more a matter of trying to challenge the powers that be, and to let it be known that we did not wish to continue being second-class citizens."

Rosa Parks issued that challenge to the powers that be. And her brave act helped bring down the system of segregation in this country.

The story has been told many times of how Mrs. Parks, employed as a seamstress in a local department store, boarded a Montgomery city bus on December 1, 1955. After a few stops, a number of white people got on the bus—too many to fit into the seats in the "whites only" section. Seeing a white man standing on his bus, the driver ordered Mrs. Parks and three other African Americans to give up their seats to him.

The other three people moved, but Rosa Parks had had enough. As she reflected later, "I kept thinking about my mother and my grandparents, and how strong they were. I knew there was a possibility of being mistreated, but an opportunity was being given to me to do what I had asked of others."

Mrs. Parks showed her strength by refusing to give up her seat. She was arrested, she was taken to jail and four days later she was convicted of disorderly conduct. Her crime? Refusing to be treated as a second class citizen.

Even before this unjust conviction was handed down, indeed, the very day after Mrs. Parks' arrest, the response, born of righteous indignation, had begun. Mrs. Parks had set in motion events that would change the face of the United States forever.

On December 2, the Women's Political Council distributed fliers throughout the community encouraging African Americans to boycott the Montgomery bus system on the day of Mrs. Parks' trial.

A meeting was held at Dexter Avenue Baptist Church, whose pastor was the Reverend Doctor Martin Luther King, jr. This meeting, held to plan the boycott, included the reverend Ralph Abernathy, Reverend King and Jo Ann Robinson of the Women's Political Council.

The boycott was an astounding success, and on the day of Mrs. Parks' trial the Montgomery Improvement Association was formed with Dr. King as spokesman and president.

The Montgomery Improvement Association took over management of the bus boycott, which was to last 381 days, and filed suit on behalf of those against whom the bus company had discriminated.

In the face of widespread harassment, threats and even bombs, the brave people of the Montgomery Improvement Association, along with their supporters, kept up their boycott while their case made its way through the courts.

Finally, on November 13, 1956, the Supreme Court held Montgomery's bus segregation unconstitutional. After a brief period of defiance the segregationists gave in, and the boycott ended.

Of course this was far from the end of the battle for civil rights in America.

But it was an important event, spurring the civil rights movement to further action.

Through marches, boycotts, civil disobedience and the power of their principles, members of the civil rights movement broke down the barriers of legal discrimination and established equality before the law as a reality for all Americans.

Rosa Parks set these historic events in motion. Because of her faith, perseverance and quiet dignity, all Americans have been freed from the moral stain of segregation.

But Rosa Parks paid a price for her principles. She was arrested. She lost her job. She could not find work. And she was constantly harassed.

Fortunately for my state of Michigan, Mrs. Parks' bother, Sylvester, had resettled in Detroit, and the Parks family joined him there in 1957.

For over 40 years now, Michigan has been a particular beneficiary of Mrs. Parks' work on behalf of civil rights and her efforts to educate young people in particular.

And this mother of the civil rights movement, as she is known throughout our nation, continues to be active in the struggle for equality and the empowerment of the disenfranchised.

In 1965 she joined the staff of U.S. Representative JOHN CONYERS, where she worked until her retirement in 1988.

After the death of her husband in 1987 she founded the Rosa and Raymond Parks Institute for Self-Development.

This non-profit organization helps young people achieve their full potential. Over 5,000 young people have participated in the Institute's "Pathways to Freedom" tour, which traces parts of the Underground Railroad along which escaped slaves traveled to safety. The Institute also runs local programs offering summer school, tutoring programs and life-skills classes.

Ms. Parks has received many awards in recognition of her efforts for racial harmony, including the Springarn Award, the NAACP's highest honor for civil rights contributions, the Presidential Medal of Freedom, the Nation's highest civilian honor, and the first International Freedom Conductor Award from the National Underground Railroad Freedom Center.

Throughout her long life, Rosa Parks has shown that one woman can make a real difference. She has shown all of us the power of conviction and quiet dignity in pursuit of justice and empowerment. I urge my colleagues to join me in supporting legislation to bestow upon her the Congressional gold medal she so well deserves.

Madam President, I was thinking about Rosa Parks as I came to the floor today. I remembered an incident that I briefly mentioned when we introduced this legislation, an incident of my own. It was the first I had heard of Rosa Parks, although her name wasn't specifically mentioned, or at least it did not register at the time. As an elementary schoolchild, probably around, I would guess, in 1962, 1963—somewhere in the second, third, fourth grade—I remember the teacher in my classroom talking about this incident, this woman who would not move to the back of the bus, explaining it to us as one explains things to children who do not necessarily know history as well as they should at that age, explaining what it meant and why it had been so important.

I was thinking about that today because I recognized at that moment I, as a second-grade student, first realized that everybody in the country was not always treated the same way. That is how that incident, Rosa Parks' contribution, touched my life. Later, obviously, as I moved along in school, I read more and watched the news a little and began to realize the magnitude of the civil rights struggle we as a nation had addressed, and so much of it was based on this event which Rosa Parks prompted in 1955.

So, while all of us, I suppose, can see this in its national consequence, I am sure all of us, too, probably, have a more personal connection as well. That is mine. It is also, first, a connection that I share with my colleague from Michigan, who is about to speak on this as well. That is the connection of pride that we have that Rosa Parks is a Michiganian.

While she may have been born and lived much of her life in another part of the country, we are awfully proud of the fact that most of the last 40 years she has lived in our State.

Madam President, if you look at the list of those who have been recipients of congressional gold medals, most recently President and Mrs. Gerald Ford and such other honorees as Mother Teresa and the Little Rock Nine, Billy and Ruth Graham, it seems only fitting that Congress should now pass this legislation and add Rosa Parks to this list of Americans who have made such great contributions.

PRIVILEGE OF THE FLOOR

Before I yield the floor, I ask unanimous consent that Meg Mehan, who is on my staff, be granted the privilege of the floor during consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Thank you, Madam President. I yield the floor for the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I thank my colleague from Michigan.

Today, we will authorize the President of the United States to award the congressional gold medal to one of our Nation's greatest heroines, Rosa Parks. Rosa Parks is the mother of the civil rights movement, and we are going to make this medal available and we are going to award this to her because of her extraordinary contributions to America.

Forty-three years ago, in December of 1955, an unassuming woman by the name of Rosa Parks decided she would not give up her seat in the front of the bus and move to the back of the bus. It was not scheduled as a media event. It was not intended to be something which would spark a revolution. It, indeed, did spark an American revolution. It unleashed forces in this country, which are positive forces, which have added equal opportunity or fairer opportunity for African Americans and others who have been discriminated against for too many decades and centuries.

It was the act of an American citizen who just made a simple, straightforward decision that she is entitled equally to sit on a bus with any other person. She is not going to take an inferior position to anybody. She seeks no advantage over anyone else, but she will not accept an inferior status any longer on a public bus in Alabama.

The forces that set in motion have changed this Nation. It has changed this Nation for the better. It has forced us to confront centuries of discrimination against African Americans brought here as slaves and, even after slavery was abolished, too often treated as inferiors in a country that prides itself on treating all of its citizens equally and whose Constitution and Declaration of Independence held out a promise which had been thwarted and which was unfulfilled for our African American citizens.

Her arrest for violating the city's segregation laws was the catalyst for the Montgomery bus boycott. Her stand on that December day in 1955 was not an isolated incident but was actually part of a lifetime of struggle for equality and justice. Twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus-related segregation laws. That earlier law had required African Americans to pay their fares at the front of the bus, then get off the bus and then get on the bus at the back to reboard the bus. As it happened, the driver of the bus in 1955 was the same driver who was driving the bus in 1943. The rest is history.

The boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr. The Congressional Medal of Honor is a fitting tribute to Rosa Parks, a gentle warrior who decided that she would no longer tolerate the humiliation and the demoralization of racial segregation.

Rosa Parks, as my friend from Michigan said, is a resident of Michigan, and we are very proud of it. We hope that is acknowledged in the final bill which comes out of the Congress. We are trying to add that fact to the final bill because, as it happens, since 1957, Rosa Parks has been a Michiganian. She and her husband made the journey to Michigan in 1957 because of threats on their lives and persistent harassment by phone. That is what prompted her move to Detroit where Rosa Parks' brother resided.

She continues to dedicate her life to advancing equal opportunity and to educating our youth about the past struggles for freedom, from slavery up to the civil rights movement of the 1960s.

In 1987, Rosa Parks and Elaine Eason Steele cofounded the Rosa and Raymond Parks Institute for Self-Development. Its primary focus has been working with young people in Michigan and from across the country and the world as part of the "Pathways to Freedom" program. The pathways program traces history from the days of the underground railroad to the civil rights movement of the sixties and beyond. Through this institute, young people, ages 11 to 17, meet with national leaders and participate in a variety of educational and research projects. During the summer months in particular, many have the opportunity to travel across the country visiting historical sites.

In recent years, the Rosa and Raymond Parks Institute for Self-Development has expanded to include an intergenerational mentoring and computer skills partnership program. This innovative program teams young people with elderly Americans. Generational and age barriers break down as young people help the elderly develop computer skills, while the elderly provide their unique and personalized recollections of their lives in American history. Each year, the institute matches hundreds of young people with elderly Americans. Since 1987, more than 7,000 youth from around the world have participated in this program.

With the work of her institute, we can truly say that in addition to having played a major role in shaping America's past and present, Rosa Parks is playing a major role in shaping America's future. With the dawn of a new millennium at hand, America must ensure that all of our youth are knowledgeable of one of the great national stories of our time and the struggle of African American individuals that finally forced us to honor the principles which founded this country and which had so long been rejected in the real world and in reality, even though they were promised on paper.

The Rosa and Raymond Parks Institute for Self-Development "Pathway to Freedom" programs preserve the memories of self-sacrifice that African Americans, and so many others, have made to this country's development as truly the land of the free.

Madam President, this is great work which Rosa Parks continues to do. She continues to bless us, our Nation, our State with her presence, with her dignity, with her very direct, simple statement about equality. We hopefully will not just award her a medal one of these days, but we will also hopefully support the important work which she continues to do in her institute.

We have come a long way in achieving Dr. King's dream and Rosa Parks' dream of justice and equality for all, but we still have a long ways to go. That is going to take a constant rededication to these goals and to the lifetime work of Rosa Parks and to the spirit of human rights which she so embodies and for which the name "Rosa Parks" stands.

I am proud to join Senator ABRAHAM and others, so many others, in this body and in the other body who have initiated this gold medal for her. We look forward to the day when we are actually able to present to one of the true champions of justice a gold medal which she so truly deserves.

I yield the floor and again thank my friend from Michigan.

Mr. ABRAHAM. Madam President, I know there are other Members who have expressed an interest to speak on this issue, some of whom will be arriving back in Washington, if they have not already gotten here, on flights this afternoon. So we will, I know, be here for some time waiting to give them the opportunity to speak before our vote on this. But at this time, seeing none of them on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Knowing there are speakers on each side who hope to have a chance to speak, so we do not run the clock completely off during quorum calls, I suggest the absence of a quorum and ask unanimous consent that the time of the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Madam President, I yield such time as he needs to the Senator from Alabama.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Alabama is recognized.

Mr. SESSIONS. Today is a special day for me. I remember a number of weeks ago when Senator ABRAHAM and I discussed the possibility of awarding a congressional gold medal to Rosa Parks. It was an idea that we thought was a good one. I am glad to see it moving rapidly to fruition.

I certainly believe the congressional gold medal is a very distinguished award that ought to be preserved for the most exceptional circumstances and persons. And I certainly believe that the person we will honor today has all the qualities for receiving the congressional gold medal.

So I am pleased to honor a native Alabamian who, through her life and through her example, has touched both the heart and conscience of an entire Nation. I speak, of course, of Ms. Rosa Parks, a native of Tuskegee, AL, and a former resident of Montgomery, whose dignity in the face of discrimination helped spark a movement to ensure that all citizens were treated equally under the law.

Equal treatment under the law is a fundamental pillar upon which our Republic rests. In fact, over the first 2 months of this year this Senate was engaged in a constitutional debate over the scope and meaning of this very concept.

As legislators, we should work to strengthen the appreciation for this important fundamental governing principle by recognizing those who make extraordinary contributions towards ensuring that all American citizens have that opportunity, regardless of their race, sex, creed, or national origin, to enjoy the freedoms this country has to offer.

Through her efforts, Ms. Parks has come to be a living embodiment of this principle, and it is entirely appropriate that Congress take this opportunity to acknowledge her contribution by authorizing the award of a congressional gold medal to her. Her courage, what we may call "gumption," resulted in historic change. Certainly there is still much to be done. True equality—the total elimination of discrimination and a real sense of ease and acceptance among the races—has not yet been fully achieved, but it is fair to say that in the history of this effort, the most dramatic and productive chapter was ignited by the lady we seek to honor today.

Ms. Parks' story is well known but it bears repeating. She was born on February 4, 1913, in the small town of Tuskegee, AL, to Mr. James and Mrs. Leona McCauley. As a young child, she moved to Montgomery with her mother who was a local schoolteacher. Like many southern cities, the Montgomery of Ms. Parks' youth was a segregated city with numerous laws mandating the separate and unequal treatment of people based solely upon the color of their skin. These laws were discriminatory in their intent and divisive, unfair, and humiliating in application. But for years Ms. Parks had suffered with them, until that fateful day of December 1, 1955, when her pride and dignity would not allow her to obey them anymore.

On this day, Ms. Parks, a 42-year-old seamstress, boarded a city bus after a long, hard day at work. Like other public accommodations, this bus contained separate sections for white passengers and black passengers. White passengers were allocated to the front rows. The black passengers were given the back rows. This bus was particularly crowded that evening.

At one of the stops, a white passenger boarded and the bus driver, seeing Ms. Parks, requested that she give up her seat and move to the back of the bus, even though this meant that she would be forced to stand for the rest of the trip. Ms. Parks refused to give up her seat and was arrested for disobeying the bus driver's order.

With her act of civic defiance, Ms. Parks set off a chain of events that have led some to refer to her as the mother of the civil rights movement. Her arrest led to the Montgomery bus boycott, an organized movement led by a young minister named Martin Luther King, Jr., who had begun preaching at the historic Baptist church located on Montgomery's Dexter Avenue. The bus boycott lasted 382 days, and its impact directly led to the integration of bus lines, while the attention generated helped lift Dr. King to national prominence. Ultimately, the U.S. Supreme Court was asked to rule on the constitutionality of the Montgomery law which Ms. Parks had defied, and the Supreme Court struck it down.

This powerful image, that of a hardworking American ordered to the back of the bus just because of her race, was a catalytic event. It was the spark that caused a nation to stop accepting things as they had been and focused everyone on the fundamental issue—whether we could continue as a segregated society.

As a result of the movement Ms. Parks helped start, today's Montgomery is a quite different city from the one of her youth. Today the citizens of Montgomery look with a great deal of historical pride upon the church that once heard the sermons of Dr. King. Montgomery is the home of the Civil Rights Memorial, a striking monument of black granite and cascading water which memorializes the individuals who gave their lives in pursuit of equal justice.

Today's Montgomery is a city in which its history as the capital of the Confederacy and its history as the birthplace of the civil rights movement are both recognized and reconciled. And soon Troy State University of Montgomery will become the home of the Rosa Parks Library and Museum, built on the very spot upon which Ms. Parks was arrested in 1955, the old Empire Theater. I will briefly describe this important project.

Troy State University, Montgomery, is an important university of over 3,400 full-time students. They are in the midst of constructing a 50,000-square-foot library and museum on the land they own which includes the exact location where Ms. Parks was arrested in 1955. When completed, this museum will include a 3,700-square-foot permanent exhibit focusing on the commemoration of the Montgomery civil rights movement. This project memorializes an historic event that changed the city of Montgomery for the better, and I look forward to offering any support I can to aid in its completion.

Ms. Parks' efforts helped spark the dynamic social changes which have made it possible for this kind of recognition to be supported by Montgomerians and Alabamians. But, in fact, Ms. Parks' contributions may extend beyond even the borders of our Nation. In his book "Bus Ride to Justice," Mr. Fred Gray, who gained fame while in his twenties as Ms. Parks' attorney in the bus desegregation case and one of the early African American attorneys in Alabama—he was a lead attorney in many of Alabama's other famous civil rights cases—wrote—and I do not believe it is an exaggeration—these words:

> Little did we know that we had set in motion a force that would ripple through Alabama, the South, and the Nation, and even the world. But from the vantage point of almost 40 years later, there is a direct correlation between what we started in Montgomery and what has subsequently happened in China, eastern Europe, South Africa and, even more recently, in Russia. While it is inaccurate to say that we all sat down and deliberately planned a movement that would echo and reverberate around the world, we did work around the clock, planning strategy and creating an atmosphere that gave strength, courage, faith and hope to people of all races, creeds, colors and religions around the world. And it all started on a bus in Montgomery, Alabama, with Rosa Parks on December 1, 1955.

For her courage, for her role in changing Alabama, the South, the Nation, and the world for the better, our Nation owes a great debt of thanks to Rosa Parks. I hope that this body will extend its thanks and recognition to her by awarding her the congressional gold medal.

Madam President, I thank you for this time and for being able to share these remarks. I also thank Senator ABRAHAM for his skill and work in helping us move this award forward. I think it is a fitting and appropriate thing to do. I have enjoyed working with him on quite a number of other issues. No one in the Senate is more respected by me than the Senator from Michigan.

I yield the floor.

Mr. ABRAHAM. Madam President, I thank the Senator from Alabama for his work on this legislation as well as many other things which he does here. But particularly for how hard he worked on this, as has his staff, to help us move this forward, I express my appreciation to him as well.

I ask unanimous consent that Senator GREGG of New Hampshire be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Madam President, on our side I am not aware specifically of any other Member who wishes to speak. I do know that the Senator from California is here and there may be others coming. We do have some time left. We will temporarily reserve the remainder of our time, but if others who wish to speak from either side of the aisle are here, we will be glad to offer that. At this point, I will reserve the remainder of my time. The Senator from Alabama may stay for a minute. I am not sure. If necessary, I will come back down. I want to make clear to the Presiding Officer that anyone who wishes to speak may draw from that time.

The PRESIDING OFFICER. So noted.

Mr. BYRD. Madam President, I am proud to join my colleagues from Michigan, Senators ABRAHAM and LEVIN, in sponsoring S. 531, legislation authorizing the presentation of a Congressional Gold Medal to Mrs. Rosa Parks.

As we approach the 21st century, it is only fitting that the Senate take this moment to recognize the efforts of Rosa Parks, who, on December 1, 1955, proved that one person can make a difference in the world in which we live. By refusing to give up her seat on a city bus, an act which put her in violation of the segregation laws then in place in her community, Mrs. Parks sparked a series of events that have helped to shape this nation's path.

For refusing to acquiesce to the systematic degradation placed upon her and other black-Americans, Rosa Parks was arrested. But rather than accept the status quo, this quiet lady from Montgomery, Alabama, chose to challenge the segregation order by seeking redress in our federal courts. During the court battle, Mrs. Parks was harassed, threatened, and even lost her job as a seamstress at a local department store. In the end, though, Rosa Parks won her battle when the U.S. Supreme Court ruled segregation unconstitutional, thus vindicating her simple, but monumental, pursuit of justice and equality.

Madam President, the actions of Rosa Parks were not staged for the television cameras. They were not part of a grand scheme to create a test case. On the contrary, they were the actions of a single individual determined to preserve her dignity as best she could. They were the actions of a simple lady who, at that moment in her life, decided that enough was enough.

It is fitting, then, that the Senate should award the Congressional Gold Medal to Rosa Parks, the highest award that the Congress can bestow on a private citizen, in recognition of her courage and her lifelong commitment to the Jeffersonian ideal that "all men are created equal."

Mr. HATCH. Madam President, this legislation conveys our Nation's respect to one of its foremost civil rights pioneers.

The Congressional Gold Medal is no common accolade, but Rosa Parks is no common woman. Her achievements are indeed most uncommon; they are nothing short of extraordinary.

None of us of sufficient age to remember the year 1955 will ever forget Ms. Parks' courage in refusing to give up her seat to a white man who wanted it.

What makes Ms. Parks' courage so uncommon was its manner: the type of action we usually associate with greatness in the civil rights movement might involve a speech, a march, a coalition . . . . Ms. Parks' courage was quiet, determined and resolute, but it had the volume of a great speech, the force of a mass march, and the power to coalesce that would lead to historic Supreme Court decisions abrogating segregation, and passage of the seminal Civil Rights Act of 1964.

It has been said of our extraordinary figures that their heroic actions, as the years pass, begin to appear more accepted and less controversial. This is because, as leaders, great men and women have little company, but as their revolutionary ideas gather strength, they also gather adherents. This medal will help remind us, and generations to come, that at the time Ms. Parks refused to move from her seat on the bus, her act of defiance was anything but common.

Mr. KENNEDY. Madam President, Rosa Parks is an enduring symbol of freedom, dignity, and courage for our time and for all time, and she eminently deserves this Congressional Gold Medal.

Her momentous decision to quietly and peacefully defy her community's segregation laws nearly half a century ago was a defining moment for the entire civil rights movement in the United States and in many other lands as well. On December 1, 1955, in Montgomery, Alabama, Mrs. Parks was a 42 year old seamstress returning home on a city bus after a long and tiring day at work. She refused to give up her seat and move to the back of the bus as the law required, and America would never be the same again.

Because of her quiet, simple, eloquent act of courage, she was arrested and fined. As news of her arrest spread, thousands of African Americans in the city quickly rallied to her cause, and four days later, on December 5, 1955, the famous Montgomery Bus Boycott was launched.

It took a year, but the Supreme Court declared the Montgomery segregation law unconstitutional. On December 21, 1956, thanks to her unyielding demand for equal justice, Rosa Parks and the African Americans of Montgomery were free to ride on the city buses as full and equal citizens.

The Montgomery Bus Boycott touched the conscience of the nation, and focused the attention of citizens across America on the evils of segregation, discrimination, and the notorious Jim Crow laws. The power and justice of the civil rights movement could not be denied. In the decade that followed, Congress enacted the Civil Rights Act of 1964 and the Voting Rights Act of 1964, and America took giant steps toward fulfilling the promise of equal justice under law and full constitutional rights for all Americans.

For her historic act of peaceful civil disobedience, Rosa Parks is often called the "Mother of the Civil Rights Movement." She changed the course of America history, and made us a stronger, better, and freer nation. All Americans owe her a deep debt of gratitude for bringing us closer to our ideals, and I am proud to support this bill to award her the Congressional Gold Medal.

Mr. KERRY. Madam President, I am pleased to speak today as a co-sponsor of legislation to award a gold medal to Rosa Parks in recognition of her historic contributions to the civil rights movement and to our country.

The word hero is one of the most overused words in our national vernacular, a term that should be reserved for those rare people whose incredible acts of courage in the face of tremendous adversity and long odds inspire us all. Surely it can be said, though, that one of the true living heroes in our country is the mother of the civil rights movement, Rosa Parks.

No one would deny that America is a better place today because, on December 1, 1955, in Montgomery, Alabama, Rosa Parks sat down on a bus in Montgomery, Alabama and insisted that she would not be moved. To those of us who were children in these years watching the news on black and white television sets, entranced by the grainy images and the reassuring voice of Walter Cronkite, it is difficult to express the singular act of courage expressed in Rosa Parks' determination—her absolute resolve—to make a stand in a part of our nation we knew was home to Bull Connor and his snarling police dogs, George Wallace and his promise of "segregation today, segregation tomorrow, and segregation forever," and men like Orval Faubus who pledged to stand in schoolhouse doors from Little Rock to Selma to prevent us all from living as one America, undivided by race.

In one incredible moment, Rosa Parks set forth a wave of activism all across America and captured the essence of the better half of the American spirit—proud, courageous, defiant against injustice—and Americans followed her lead. 42,000 African Americans boycotted Montgomery's buses for 381 days until the bus segregation laws in Alabama were changed on December 21, 1956.

The changes that Rosa Parks made possible in America transcended the realm, even, of our public laws—they literally changed a way of life. Because Rosa Parks stood firm against injustice, she not only joined with Martin Luther King, Jr. in ending the era of Jim Crowe, she helped usher in an age in America when Thurgood Marshall could serve on the highest court of the land; an America where John Lewis and so many others who marched for freedom could serve in the United States Congress; and an America in which we could all, living, working, and hoping together, envision a future—still ahead—when a still-better, still-stronger America heals itself of all the scars of racism and bigotry.

Future generations of Americans need to know that this country considers Rosa Parks a hero. It should be known that we recognized Ms. Parks' contributions to our country—and that we hoped that for years to come—in our homes, our schools, in our cities and on our village greens—we wanted all Americans to learn and to remember what Rosa Parks struggled to make true for our nation.

As we all join together as a Senate united in our deep respect for Rosa Parks, let us remember also that we can do more for this leader than give her a gold medal—we can make her work our own—in the House, in the Senate, and in our lives every day. We can all summon—at the edge of the twenty-first century—the best of our own spirit to wipe away the hatred, the bigotry, and the intolerance that remains in America—and we can dedicate ourselves to building a better America in Rosa Parks' image. That effort, too, will be a part of Rosa Parks' legacy in the United States, and that monument will endure long after any medal has lost its shine.

Madam President, I urge the United States Senate to contemplate that challenge on this special day in the United States of America, as we honor Rosa Parks—but also as we ask ourselves how we can fulfill her promise and finally create Rosa Parks' America.

Mr. HARKIN. Madam President, the Congressional Gold Medal is among the most distinguished honors that Congress can bestow on individuals in recognition of their work or accomplishments. Since 1776, this award, initially reserved for military leaders, has also been given to such diverse individuals as Sir Winston Churchill, Charles Lindbergh and Mother Teresa.

Rosa Parks is not a military hero, not a head of state, explorer or adventurer.

On December 1, 1955, she was a seamstress on her way to work, who took a seat on a city bus in Montgomery, Alabama. For that simple action of sitting on a bus, she was arrested, sent to jail, and convicted of what city laws called a crime and lost her job.

Rosa Parks is a living example of how an extraordinary person, engaged in the ordinary matters of life, can change the world.

The day that Ms. Parks refused to surrender her seat to a white man symbolizes the beginning of the modern civil rights movement. Her arrest for violating the city's segregation laws was the catalyst for a mass boycott of the city's buses, whose rider ship had been 70 percent black. The boycott led to the national prominence of the Rev. Martin Luther King Jr. and to a Supreme Court order declaring Montgomery County's segregated seating laws unconstitutional.

Ms. Parks, known now as the "first lady of civil rights," later said, "I felt just resigned to give what I could to protest against the way I was being treated."

Rosa Parks had been involved in the civil rights movement years before the bus incident and her efforts continued long afterward. She was one of the first female members of the Montgomery Chapter of the NAACP, she joined the Montgomery Voters League and encouraged blacks to register to vote.

Despite her civil rights work, Rosa Parks on that historic day actually followed the degrading rules that reserved the first ten seats were reserved for "whites only." If those rows filled up, blacks were supposed to move even further back. Parks, who was sitting just beyond the 10th row, refused to move and the arrest, the conviction and the winning appeal followed. All she had asked for was the basic respect and simple dignity of not being forced to give up her seat to a white man.

Rosa Parks actions and her determination to preserve her dignity spread throughout the nation and sparked the end of segregation in the South. She hasn't stopped since.

In 1957, she moved to Detroit where she worked for nonviolent social change with Martin Luther King Jr's Southern Christian Leadership Conference. She worked for Congressman John Conyers and in 1987 she founded an institute to provide leadership and career training to black youth. Forty-four years after that historic day in Montgomery, she continues to speak out on civil rights issues.

We have heard the "first lady of civil rights" story over and over again throughout the years and it will own a permanent place in our history books. But we need to keep listening and reminding ourselves of the extraordinary courage and determination that this working woman had to win the most basic rights that everyone in our nation deserves. She serves as a model and inspiration for what each of us can do in our everyday lives toward greater respect, dignity and kindness among humankind.

I urge my colleagues to join me in bestowing the Congressional Gold Medal to "the mother of the freedom movement."

Mr. ROBB. Madam President, last week I offered a few comments on two great civil rights leaders, Ms. Rosa Parks and Mr. Oliver W. Hill.

Today, as we are on the verge of passing S. 531, legislation to award a Congressional Gold Medal to Ms. Rosa Parks, I want to speak again just briefly.

As I noted last week, our Nation owes Ms. Parks an immense debt of gratitude. It is gratifying to me that we have been able to move this legislation so quickly, and I think the great speed with which the Senate is acting is testimony in itself to our admiration of Ms. Parks.

No matter how eloquent our words or how eloquent we believe them to be, words can never match the simple act of this courageous woman. Ms. Parks herself has become a symbol for the courage and righteousness of the civil rights movement. When we think of her action, we cannot help but think of the consequences —an historic bus boycott by 40,000 people, a decade of principled protests, and legal and legislative victories that helped make America more free.

Ms. Parks, an unassuming seamstress who stood up to segregation by sitting down in the front seat of a city bus in Montgomery, AL, now stands like a giant in the history of the 20th century.

I thank our colleagues and the leadership for their support for passing S. 531 today. While we still face too long a journey to end discrimination, Rosa Parks and thousands of individual acts of courage have made us more free and have inspired the rest of us to carry on in our own efforts.

With that, I yield the floor.

Mr. BAYH. Madam President, I rise today to express my support for awarding Mrs. Rosa Parks a Congressional Gold Medal in recognition of her contributions to the nation.

On December 1, 1955, in Montgomery, Alabama, Rosa Parks got on a bus—a quiet, proud woman, bound unfairly by the laws of our country and the limits of her surroundings. But by the time the police took her off that bus, she was bound only by the strength of her will, a will that refused to be moved.

Rosa Parks refused to go to the back of the bus.

Somewhere, in the brief moment that separates a spoken objection from an act of protest, Rosa Parks emerged as the "first lady of civil rights," and the "mother of the freedom movement." We look at this woman's accomplishment and we salute her for the civil rights movement she helped set in motion. We look back now, and we applaud the monumental force which is still a vital part of our society today.

Back in the 1950's, in a small city, on an ordinary bus, she had neither titles nor honorifics. She was just Rosa Parks—and "just" Rosa Parks refused to let others limit what she was supposed to do. Her act was defined, not by its violence, but rather by its non-violent challenge towards a violent system.

Rosa Parks refused to go to the back of the bus.

If our country's history has taught us anything, it is that small decisions of action can change our world. If Rosa Parks has taught us anything, it is that the courageous action of one individual can be more powerful than the shouted declaration of a crowd.

Thus, I am honored today to join with my colleagues in honoring this great American whose courage, dignity, and character have continued to serve as an inspiration for the quiet but heroic actions that shape our world.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you, Madam President.

Madam President, how much time remains on the Democratic side?

The PRESIDING OFFICER. Eighteen minutes.

Mrs. BOXER. Thank you very much.

Madam President, I ask for as much time as I might consume—not expecting to consume more than about 5 or 10 minutes.

Madam President, this is a good day for the Senate. I am very proud to be a cosponsor of S. 531, and I want to thank my colleagues, Senators ABRAHAM, LEVIN, SESSIONS, KENNEDY and HARKIN, for working on this important and historic legislation and making sure that it was brought to the floor of the Senate.

Today I expect that we will move forward unanimously—this is my expectation—in the effort to award Rosa Parks a Congressional Gold Medal which will celebrate her leadership to ensure that all of us are treated equally in this country, the greatest of all countries in the world, the United States of America.

I urge the House to move forward with their bill. I understand they have many, many cosponsors, so we ought to take care of this soon.

The last time I saw Rosa Parks, she was getting on in years, just as we all do. It would be important to allow her this one more reward for her bravery, for her courage, and recognize that she is an inspiration to every single one of us regardless of our race or religion, regardless of what we look like, regardless of whether we have a disability or not. We all find ourselves in the situation where we are not treated equally. And for ensuring that African Americans will be treated equally, Rosa Parks took a giant step forward for all of us.

I shudder to think of where our country would be were it not for the pioneers in the civil rights movement. We have seen in the world and we see every day what happens when people turn on people for no reason other than the status of their birth. It makes no sense. It goes against God. But it happens.

For us to take time out particularly now to honor Rosa Parks is very, very fitting. Where would we have been as a society if Mrs. Parks had agreed when the bus driver turned around, and said, "You get up and give your seat" to a white person on December 1, 1955? We don't have to speculate, because Rosa Parks had the courage to say no.

At the time she was 42 years old. She was coming back from work. She was tired. She worked hard, and she thought to herself—I am sure because I am sure she had thought it many times—"Am I worth so little as a human being that I can't have the dignity to have a seat on a bus?"

Senator ABRAHAM was talking about the first time he heard about Rosa Parks. We all have our experiences when we are in the presence of greatness and how it feels. It is very humbling to meet someone like that. She could have been beaten, injured, or killed for a very simple premise that she had an equal right to sit on a bus.

When I was a little girl—and I will not give away how old I was—I was in a southern State where my mother was recuperating from an illness. I was very unaware of any of these laws that said black people have to go on the back of the bus. I didn't know anything about it. I was young. I was having fun. I found myself in a situation with my mother in a bus. And I was sitting down kind of towards the front, about the middle of the bus. An elderly woman came in who happened to be African American. She was carrying a lot of packages. She was frail. I did what I was always taught to do. I stood up. I said, "Here, ma'am. Please sit down." My mother was sitting next to me on the bus. She let me do this. She knew. And this woman said, "No, thank you." I didn't understand.

I said, "No. Really. Please sit down. I want you to sit down." She said, "No. No, thank you." And she proceeded down. And my mother told me. She leaned over, and she said, "She can't sit there." I said, "Why?" "Because she is minority, she can't sit there."

I didn't know quite what to do. I mean I was not quite a teen. But I knew this was absolutely wrong because of everything that I was taught as a child in my loving family.

I just said to my mother, "Well, I am not going to sit down. I will just stand up." I went toward the back and held on and stood up, and for whatever it was worth—nothing, probably, but to me at least what I did was not totally helpless. It occurred to me as a youngster, this makes no sense at all.

The thought that it took Rosa Parks to turn it around is amazing to me. It shows you how institutions of discrimination are so inculcated in society that it takes that kind of bravery to turn it around.

What is the message of all of this when we give Rosa Parks this medal? It is, of course, to remember these times, because if we don't remember the past, we are bound to repeat it. Everybody said that it is true. But it is also a message to our young people, and to all of us who live pretty good lives—that we should have a little bit of courage in our lives, that when we see something wrong, if we hear something that is offensive, that is hurtful, it is real easy to turn the other way. And we hear it all the time. We always say, "Well, I don't want to really not be liked by everyone. I don't want to say anything. They will think I am 'politically correct'." I hate that term, because I don't get that term. It is either right or it is wrong. It is not "politically" anything. It is right or it is wrong. If it is wrong, we need to do something. We may not have the courage of Rosa Parks. Not all of us are born with that. But there are things that we can do.

Mrs. Parks' quiet strength and defiance helped commence one of the most profound social movements in American history. Imagine just saying, "No. I will not give up. I have a right to be treated equally." She helped precipitate the Civil Rights Act of 1964. It took a long time. But we came around.

That is why this country is so great, because we do the right thing.

There she was, a woman of 42 years old, well respected, and had a lot to lose by acting out in this way. But she did it.

She also refused to take "Black Only" escalators, and often avoided riding the bus home from work because of the constant harassment and the segregated seating arrangement.

Finally, she acted. Her arrest was a call to action for the African American residents in Montgomery, AL, who were determined to fight segregation and win.

That boycott lasted 382 days, and it involved 42,000 boycotters. It cost the bus company a lot of profit.

Then, in 1956, the U.S. Supreme Court ruled that the Montgomery segregation law was illegal and ordered the desegregation of buses.

That was the first of many victories for those in the civil rights movement.

When you see Mrs. Parks, you will see a fragile person. You look in her eyes, and you try to imagine what it was like for her to do what she did. But you see a strength in those eyes. She kept the community glued together for the common goal of equality, and she changed this Nation for the better forever.

This is what she said when someone asked her how she would like to be known. She said, "I would like to be known as a person who is concerned about freedom and equality and justice and prosperity for all people."

Her actions made sure that this Nation does offer freedom, equality, justice, and prosperity to all people if they work hard for it.

Our courts ensure that people are free from discrimination. When we see it here, we cry out about it with one voice, whether it is against people for the color of their skin, their sexual orientation, their disability, or their religion. It is all part of what it means to be an American, it seems to me, to fight for equality for all our people. That is what makes us a better country. It makes us a more prosperous nation.

In closing, I will read part of the preamble to the Constitution. The great thing about our country is we don't put our Constitution on a back shelf. We try to make it real. There are a lot of nations in the world that have good constitutions but they don't enforce them.

> WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION. . . .

"[D]omestic Tranquility." It is not tranquil if we are hurting one another, if we discriminate against one another.

"[E]stablish Justice." We have no justice if people can't sit down on the bus or can't go to a school simply because of the color of their skin or because of a disability.

"[P]romote the general Welfare." You can't have a society where everyone is moving forward if we discriminate against people.

This Constitution is a magnificent document, and Rosa Parks, with her action, made that Constitution a living document. The Supreme Court looked at what was going on and they said that was wrong; it is unconstitutional to harm people, to discriminate against people, because of the status of their birth. So we continue to fight for civil rights. These fights come in many different ways. I think it is pretty simple. It is what Mrs. Parks said:

> I would like to be known as a person who is concerned about freedom, equality, justice and prosperity for all people.

Very simple. But I think we ought to look at that and give everything we do here the Rosa Parks test: Are we doing the right thing for the people of this great Nation? She deserves this congressional medal, this gold medal.

I am very proud, Madam President, to have the opportunity to be here and make a few comments. I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I am delighted to see the Senate take up this bill—and I suspect we will pass this bill unanimously—honoring the courage and leadership of Rosa Parks. She played a significant role in moving this country toward recognition of human dignity and protection of civil rights of all our citizens.

As we move forward in unanimity to call for a medal to recognize Rosa Parks' contribution to our history, I hope all of the sponsors and supporters of this bill will also take at least a moment to consider not only the progress we made but the distance we have yet to travel.

I hope, among other things, the Senate will honor Rosa Parks and all that the civil rights movement in this country has accomplished by moving forward with the nomination of Bill Lann Lee to head the Civil Rights Division at the Department of Justice. Action on this matter is long overdue.

Bill Lann Lee is the first Asian American to be nominated to head the Civil Rights Division in its history, 42-year history. He is currently serving as the Acting Assistant Attorney General for Civil Rights as he has for almost 16 months. He has done an impressive job enforcing our Nation's civil rights laws.

He was originally nominated in July 1997. Despite his excellent credentials and legal record, some chose to demagogue his nomination and turn it into a symbolic vote against the President.

Six former Assistant Attorneys General for Civil Rights, from the Eisenhower through the Bush administrations, wrote to the Judiciary Committee in support of his nomination: Harold Tyler, Burke Marshall, Stephen J. Pollak, J. Stanley Pottinger, Drew Days, and John R. Dunne. But he has still not come before the Senate.

He was renominated in January 1998, but the committee went all of last session without reporting his nomination. He was renominated again for the third time last month. It is past time to do the right and honorable thing, and report this qualified nominee to the Senate.

I hope, Madam President, that the Senate will be allowed to vote on Bill Lann Lee and not just leave him bottled up in a committee where a small minority of the Senate can vote. After 29 months and three sessions of Congress, bring it before the Senate of the United States, so that all Senators—Republican and Democrat alike—can either vote for him or vote against him. Let all Senators state to the country whether this extraordinary person is going to be allowed to serve in the position for which he has been nominated or whether we will tell this outstanding Asian American that the doors of the Senate are closed to him.

That is the question. Do we open the doors to this outstanding Asian American or do we close the doors? Right now they are closed. Let's have them open.

Civil Rights is about human dignity and opportunity. Bill Lann Lee's nomination ought to have the opportunity for an up or down vote on the Senate floor. He should no longer be forced to ride in the back on the nominations bus but be given the fair vote that he deserves.

After looking at Bill Lee's record, I knew he was a man who could effectively lead the Civil Rights Division, enforce the law and resolve disputes. Prior to his tenure at the Department of Justice, he had been involved in approximately 200 cases in his 23 years of law practice, of which he settled all but six of them. This is strong evidence that Mr. Lee is a problem solver and practical in his approach to the law. No one who has taken the time thoroughly to review his record could call him an idealogue. I knew Bill Lee would be reasonable and practical in his approach to the job, and that he would be a top-notch enforcer of the nation's civil rights laws. All of this has proven true.

Over the past several months, Bill Lee has been acting head of the Civil Rights Division the way it should be run. Here in Washington, where we have a lot of show horses, Bill Lee is a work horse—a dedicated public servant who is working hard to help solve some of our nation's most difficult problems. He is solving problems every day in big and small cases, which are settled or brought to trial by his remarkable team of attorneys in the Division.

During his tenure, the Civil Rights Division has resolved several hate crimes cases, including: In Idaho, six men pleaded guilty to engaging in a series of racially motivated attacks on Mexican-American men, women and children, some as young as 9-years-old; in Arizona, three members of a skinhead group pleaded guilty to burning a cross in the front yard of an African-American woman; and in Texas, a man pleaded guilty to entering a Jewish temple and firing several gun shots while shouting anti-Semitic slurs.

The Division has also been vigorously enforcing our criminal statutes, including: indictments against three people in Arkansas charged with church burning; guilty pleas by 16 Puerto Rico correctional officers who beat 22 inmates and then tried to cover it up; cases arising from Mexican women and girls, some as young as 14, being lured to the U.S. and then being forced into prostitution; and guilty pleas from 18 defendants who forced 60 deaf Mexican nationals to sell trinkets on the streets of New York. Out of concerns about slavery continuing in the U.S., Bill Lee has created a Worker Exploitation Task Force to coordinate enforcement efforts with the Department of Labor. I commend Mr. Lee for putting the spotlight on these shameful crimes.

Other significant cases which the Civil Rights Division has handled over the past year include the following: several long-standing school desegregation cases were settled or their consent decrees were terminated, including cases in Kansas City, Kansas; San Juan County, Utah; and Indianapolis, Indiana. Japanese-Latin Americans who were deported and interned in the United States during World War II also received compensation last year. Lawsuits in Ohio and Washington, D.C. were settled to allow women better access to women's health clinics.

This record indicates that Bill Lee has been running the Division the way it should be run. Over the past year, we have seen the strong and steady work of the Division — solid achievements and effective law enforcement. I had high expectations for Bill Lee when he was nominated and I have not been disappointed. He is doing a terrific job, and I know that he will keep up the good work.

Given his outstanding work as Acting Assistant Attorney General for Civil Rights, I urge the Committee and the Senate to take up his nomination and accord him the dignity of a Senate vote. I am confident that in a fair vote on his nomination Bill Lann Lee will be confirmed by the United States Senate as the Assistant Attorney General for Civil Rights. He should no longer be relegated to second class status as an Acting Assistant Attorney General. He should be confirmed and serve out his term with the full measure of dignity accorded to all other Assistant Attorneys General in charge of Civil Rights during our history.

When Bill Lee appeared before the Committee for his confirmation hearing in 1997, he testified candidly about his views, his work and his values. He articulated to us that he understands that as the Assistant Attorney General for the Civil Rights Division his client is the United States and all of its people. He told us poignantly about why he became a person who has dedicated his life to equal justice for all when he spoke of the treatment that his parents received as immigrants. Mr. Lee told us how in spite of his father's personal treatment and experiences, William Lee remained a fierce American patriot, volunteered to serve in the United States Army Air Corps in World War II and never lost his belief in America.

He inspired his son just as Bill Lee now inspires his own children and countless others across the land. They are the kind of heroes that we honor and respect as fellow Americans. Mr. Lee told us:

> My father is my hero, but I confess that I found it difficult for many years to appreciate his unflinching patriotism in the face of daily indignities. In my youth, I did not understand how he could remain so deeply grateful to a country where he and my mother faced so much intolerance. But I began to appreciate that the vision he had of being an American was a vision so compelling that he could set aside the momentary ugliness. He knew that the basic American tenet of equality of opportunity is the bedrock of our society.

I know that Bill Lann Lee has remained true to all that his father taught him and I hope that the "momentary ugliness" of people opposing his nomination based on an ideological litmus test, and of people distorting his achievements and beliefs, and of some succumbing to narrow partisanship, will not be his reward for a career of good works. Such treatment drives good people from public service and distorts the role of the Senate.

I have often referred to the Senate as acting at its best when it serves as the conscience of the nation. In this case, I am afraid that the Senate may show no conscience. I call on the Senate's Republican leadership to end their targeting of Bill Lann Lee and to work with us to bring this nomination to the floor without obstruction so that the Senate may vote and we may confirm a fine person to lead the Civil Rights Division into the next century. Racial discrimination, and harmful discrimination in all its forms—remains one of the most vexing unsolved problems of our society. Let the Senate rise to this occasion to unite the nation.

Bill Lann Lee is highly educated and highly skilled. He could have spent his career in the comfort and affluence of any one of the nation's top law firms. Yet he chose to spend his career on the front lines, helping to open the doors of opportunity to those who struggle in our society. And now some decry his lifetime of advocacy for civil rights by arguing that a civil rights advocate should not head the Civil Rights Division. The chief enforcement officer for our civil rights should be someone who believes in our civil rights laws.

Bill Lee's skills, his experience, the compelling personal journey that he and his family have traveled, his commitment to full opportunity for all Americans—these qualities appeal to the best in us. Let us affirm the best in us. Let us confirm—or at least allow the Senate to vote on the confirmation of this good man. We need Bill Lann Lee's proven problem-solving abilities in these difficult times.

If the Senate is allowed to decide, I believe he will be confirmed and will move this country forward to a time when discrimination will subside and affirmative action is no longer needed; a time when each child— girl or boy, black or white, rich or poor, urban or rural, regardless of national or ethnic origin and regardless of sexual orientation or disability—shall have a fair and equal opportunity to live the American dream.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. FRIST), the Senator from New Hampshire (Mr. GREGG), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), the Senator from Rhode Island (Mr. REED), the Senator from Maryland (Mr. SARBANES), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) and the Senator from Rhode Island (Mr. REED) would each vote "aye."

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—86

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerrey
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—14

Bennett
Biden
Frist
Gregg
Jeffords
Kerry
Lautenberg
McCain
Mikulski
Moynihan
Reed
Sarbanes
Shelby
Torricelli

The bill (S. 531) was passed, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Rosa Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Edwards) McCauley;

(2) Rosa Parks is honored as the "first lady of civil rights" and the "mother of the freedom movement", and her quiet dignity ignited the most significant social movement in the history of the United States;

(3) Rosa Parks was arrested on December 1, 1955, in Montgomery, Alabama, for refusing to give up her seat on a bus to a white man, and her stand for equal rights became legendary;

(4) news of Rosa Parks' arrest resulted in 42,000 African Americans boycotting Montgomery buses for 381 days, beginning on December 5, 1955, until the bus segregation laws were changed on December 21, 1956;

(5) the United States Supreme Court ruled on November 13, 1956, that the Montgomery segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses;

(6) the civil rights movement led to the Civil Rights Act of 1964, which broke down the barriers of legal discrimination against African Americans and made equality before the law a reality for all Americans;

(7) Rosa Parks is the recipient of many awards and accolades for her efforts on behalf of racial harmony, including the Springarn Award, the NAACP's highest honor for civil rights contributions, the Presidential Medal of Freedom, the Nation's highest civilian honor, and the first International Freedom Conductor Award from the National Underground Railroad Freedom Center;

(8) Rosa Parks has dedicated her life to the cause of universal human rights and truly embodies the love of humanity and freedom;

(9) Rosa Parks was the first woman to join the Montgomery chapter of the NAACP, was an active volunteer for the Montgomery Voters League, and in 1987, cofounded the Rosa and Raymond Parks Institute for Self-Development;

(10) Rosa Parks, by her quiet courage, symbolizes all that is vital about nonviolent protest, as she endured threats of death and persisted as an advocate for the simple, basic lessons she taught the Nation and from which the Nation has benefited immeasurably; and

(11) Rosa Parks, who has resided in the State of Michigan since 1957, has become a living icon for freedom in America.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to Rosa Parks, on behalf of the Congress, a gold medal of appropriate design honoring Rosa Parks in recognition of her contributions to the Nation.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 16, 1999, the federal debt stood at $5,640,540,994,484.49 (Five trillion, six hundred forty billion, five hundred forty million, nine hundred ninety-four thousand, four hundred eighty-four dollars and forty-nine cents).

One year ago, April 16, 1998, the federal debt stood at $5,510,369,000,000 (Five trillion, five hundred ten billion, three hundred sixty-nine million).

Fifteen years ago, April 16, 1984, the federal debt stood at $1,486,333,000,000 (One trillion, four hundred eighty-six billion, three hundred thirty-three million).

Twenty-five years ago, April 16, 1974, the federal debt stood at $473,584,000,000 (Four hundred seventy-three billion, five hundred eighty-four million) which reflects a debt increase of more than $5 trillion—$5,166,956,994,484.49 (Five trillion, one hundred sixty-six billion, nine hundred fifty-six million, nine hundred ninety-four thousand, four hundred eighty-four dollars and forty-nine cents) during the past 25 years.

HONORING 1999 NATIONAL TEACHER OF THE YEAR

Mr. COVERDELL. Mr. President, I rise today to congratulate Andrew Baumgartner of Augusta, Georgia on being named the 1999 National Teacher of the Year.

Mr. Baumgartner, who teaches kindergarten at A. Brian Merry Elementary School in Augusta, has been a teacher for 23 years. His motivation and source of inspiration comes in part from the belief that it was his duty to give something back to society, and he has done so through his teaching.

To achieve his goal of getting kids to learn, Mr. Baumgartner creates a sense of adventure in his classroom. He has used his creativity and imagination to bring the magic of reading and learning to the minds of his kids.

The award, sponsored by the Council of Chief State School Officers and Scholastic, Inc., will send Mr. Baumgartner on a promotional tour as 1999 National Teacher of the Year, where he will share his innovative ideas with other teachers around the nation. I wish Mr. Baumgartner the best of luck during this tour and am confident that he will inspire other teachers with his creativity and willingness to do whatever it takes to get kids to learn.

Once again, Mr. President, I congratulate Andrew Baumgartner on being named 1999 National Teacher of the Year and I commend him for his dedication to teaching America's youth. As we continue to search for ways to improve education in our country, let us look at the example set by Mr. Baumgartner and be inspired by his commitment to education.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of January 6, 1999, the Secretary of the Senate on April 16, 1999, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1376. An act to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes.

H.R. 911. An act to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building."

Under the authority of the order of January 6, 1999, the enrolled bills were signed on April 16, 1999, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 12:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 81. Concurrent resolution permitting the use of the Rotunda of the Capitol for a Ceremony in honor of the Fiftieth Anniversary of the North Atlantic Treaty Organization (NATO) and welcoming the three newest members of NATO, the Republic of Poland, the Republic of Hungary, and the Czech Republic, into NATO.

H. Con. Res. 83. Concurrent resolution expressing the sense of the Congress that the Government of the Federal Republic of Yugoslavia and its President Slobodan Milosevic release the three detained United States servicemen and abide by the Geneva Conventions regarding the treatment of both prisoners of war and civilians.

MEASURES REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 83. A concurrent resolution expressing the sense of the Congress that the Government of the Federal Republic of Yugoslavia and its President Slobodan Milosevic release the three detained United States servicemen and abide by the Geneva Conventions regarding the treatment of both prisoners of war and civilians; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated.

EC-2607. A communication from the Director of the Administrative Office of the United States Courts, transmitting, a proposed emergency supplemental request for fiscal year 1999; to the Committee on Appropriations.

EC-2608. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, the report of a rule entitled "Class III Gaming Procedures" (RIN1076-AD87) received on April 6, 1999; to the Committee on Indian Affairs.

EC-2609. A communication from the Chairman of the Federal Election Commission, transmitting, supplemental legislative recommendations for 1999; to the Committee on Rules and Administration.

EC-2610. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "The Department of Veterans' Affairs Employment Reduction Assistance Act of 1999"; to the Committee on Veterans' Affairs.

EC-2611. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on the Judiciary.

EC-2612. A communication from the Director of Government Relations for the Girl Scouts of the U.S.A., transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on the Judiciary.

EC-2613. A communication from the Attorney General, transmitting, pursuant to law, the annual accountability report for fiscal year 1998; to the Committee on the Judiciary.

EC-2614. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1998; to the Committee on the Judiciary.

EC-2615. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report relative to the danger pay allowance for the United Nations Transitional Administration for Eastern Slavonia (UNTAES) in Vukovar, Croatia; to the Committee on the Foreign Relations.

EC-2616. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, the report relative to the danger pay allowance for Kampala, Uganda; to the Committee on the Foreign Relations.

EC-2617. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2618. A communication from the Secretary of State, transmitting, pursuant to law, a reorganization plan and report; to the Committee on the Foreign Relations.

EC-2619. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Summer Work/Travel" (RIN3116-AA16) received on April 12, 1999; to the Committee on the Foreign Relations.

EC-2620. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Short-Term Scholar" (RIN3116-AA15) received on April 6, 1999; to the Committee on the Foreign Relations.

EC-2621. A communication from General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Au Pair Regulations" (RIN3116-AA14) received on April 6, 1999; to the Committee on the Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-29. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Appropriations.

SENATE RESOLUTION NO. 21

Whereas, The Michigan National Guard carries out a demanding mission with responsibilities to both the state and the federal government. The citizen soldiers who make up the National Guard must train to meet a demanding federal role in support of the active components of the Armed Forces as well as remaining on call to assist with emergencies in the state; and

Whereas, Training time is precious for the National Guard personnel who must strive to match active duty standards. In order to maximize training time, a cadre of full-time National Guard personnel carry out a number of duties essential to the smooth functioning of a National Guard unit. They make sure everybody is paid on time, review retirement points, process orders for military education, and resolve other administrative issues for the soldiers and airmen; and

Whereas, Analysis by the Department of Defense shows that the National Guard has fewer than half the number of full-time personnel required to perform all the tasks necessary to carry out its missions. Nonetheless, federal budget analysts continue to propose additional cuts to the full-time force in the National Guard; and

Whereas, Even maintaining the status quo increases the duties of the full-time personnel because of the greater burden the National Guard shoulders today. Operations in Bosnia, the Sinai, Haiti, and the Gulf, plus support for the war on drugs, increase the workload of full-time staff. Additional missions such as the National Guard's new role in combating the threat of weapons of mass destruction add to the duties. The vital role of the National Guard in protecting our state and nation requires increased federal funding; now, therefore, be it

Resolved by the Senate, That we memorialize the President and Congress to increase funding for full-time National Guard personnel; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-30. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Finance.

LEGISLATIVE RESOLUTION 29

Whereas, the State of Nebraska filed a lawsuit against the tobacco industry on August 21, 1998, in the district court of Lancaster County; and

Whereas, the State of Nebraska and forty-five other states settled their lawsuits against the tobacco industry on November 23, 1998, under terms of the Tobacco Master Settlement Agreement (MSA) without any assistance from the federal government; and

Whereas, under terms of the Master Settlement Agreement, Nebraska's lawsuit against the tobacco industry was dismissed by the district court of Lancaster County on December 20, 1998, and State Specific Finality was achieved in the State of Nebraska on January 20, 1999; and

Whereas, the State of Nebraska has passed legislation to allocate its portion of settlement funds awarded under the Master Settlement Agreement for the preservation of the health of its citizens; and

Whereas, the federal government, through the Health Care Financing Administration, has asserted that it is entitled to a significant share of settlement funds awarded to the settling states under the Master Settlement Agreement on the basis that such funds represent a portion of federal Medicaid costs; and

Whereas, the federal government previously chose not to exercise its option to file a federal lawsuit against the tobacco industry, but on January 19, 1999, the President of the United States announced plans to pursue federal claims against the tobacco industry; and

Whereas, the State of Nebraska is entitled to all of its portion of settlement funds negotiated in the Master Settlement Agreement without any federal claim to such funds; now, therefore, be it

Resolved by the members of the ninety-sixth legislature of Nebraska, first session:

1. That the Legislature hereby petitions the Congress of the United States and the executive branch of the federal government to prohibit federal recoupment of state tobacco settlement recoveries.

2. That official copies of this resolution be prepared and forwarded to the Speaker of the United States House of Representatives and President of the United States Senate and to all members of the Nebraska delegation to the Congress of the United States with the request that it be officially entered into the Congressional Record as a memorial to the Congress of the United States.

3. That a copy of the resolution be prepared and forwarded to President William J. Clinton.

POM-31. A resolution adopted by the Senate of the Legislature of the State of Rhode Island; to the Committee on Finance.

SENATE RESOLUTION

Whereas, November 23, 1998, representatives from forty-six (46) states signed a settlement agreement with the five (5) largest tobacco manufacturers; and

Whereas, The Attorneys General Master Tobacco Settlement Agreement culminated legal action that began in 1994 when states began filing lawsuits against the tobacco industry; and

Whereas, The respective states are presently in the process of finalizing the terms of the Master Tobacco Settlement Agreement, and are making initial fiscal determinations relative to the most responsible ways and means to utilize the settlement funds; and

Whereas, Under the terms of the agreement, tobacco manufacturers will pay $206 billion over the next twenty-five (25) years to the respective states in up-front and annual payments; and

Whereas, Rhode Island is projected to receive $1,408,469,747 through the year 2025 under the terms of the Master Tobacco Settlement Agreement; and

Whereas, Because many state lawsuits sought to recover Medicaid funds spent to treat illnesses caused by tobacco use, the Health Care Financing Administration (HCFA) contends that it is authorized and obligated, under the Social Security Act, to collect its share of any tobacco settlement funds attributable to Medicaid; and

Whereas, The Master Tobacco Settlement Agreement does not address the Medicaid recoupment issue, and thus the Social Security Act must be amended to resolve the recoupment issue in favor of the respective states; and

Whereas, In addition to the recoupment issue, there is also considerable interest, at both the state and national levels, in earmarking state tobacco settlement fund expenditures; and

Whereas, As we move toward final approval of the Master Tobacco Settlement Agreement, it is imperative that state sovereignty be preserved; now, therefore, be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations do hereby memorialize the United States Congress to enact legislation amending the Social Security Act to prohibit recoupment by the federal government of state tobacco settlement funds; and be it further

Resolved, That it is the sense of this Senate that the respective state legislatures should have complete autonomy over the appropriation and expenditure of state tobacco settlement funds; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the Honorable Bill Clinton, President of the United States of America; the President and the Secretary of the U.S. Senate; the Speaker and the Clerk of the U.S. House of Representatives; and to each member of the Rhode Island Congressional Delegation.

POM-32. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania to the Committee on Finance.

RESOLUTION

Whereas, In 1994, several states initiated the first lawsuits against the tobacco industry based on violations of state law; and

Whereas, In 1997, suit was filed by Attorney General D. Michael Fisher on behalf of the Commonwealth; and

Whereas, In November 1998, Attorneys General from 46 states, including the Commonwealth, signed a settlement agreement with the five largest tobacco manufacturers; and

Whereas, As part of the national settlement with the tobacco industry, the tobacco industry will pay the states more than $200 billion to settle all state lawsuits; and

Whereas, The Commonwealth will be the recipient of more than $11 billion over the next 25 years; and

Whereas, The national tobacco settlement was solely attributable to states' efforts, was based on state costs and was reached without any assistance from the Federal Government; and

Whereas, The Federal Government is attempting to recoup a sizeable portion of the states' settlement on the theory that section 1903(a)(3) of the Social Security Act (49 Stat. 620, 42 U.S.C. §1396b(a)(3)) entitles the Federal Government to a pro rata share of the net amount recovered by a state from liable third parties for the amount spent under Medicaid on behalf of eligible individuals; and

Whereas, The Federal Government is not entitled to take away from the states any funds negotiated on their behalf to settle state lawsuits for recovery of state costs; and

Whereas, The Federal Government can initiate its own lawsuit or settlement with the tobacco industry to recoup Federal Medicaid funds; and

Whereas, Recently, there have been unsuccessful efforts in the United States Senate to earmark or otherwise impose Federal restrictions on the respective states' use of state tobacco settlement funds; and

Whereas, The payments to the Commonwealth will be used to fund important programs and initiatives in this Commonwealth as determined by the General Assembly; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact legislation clarifying section 1903(a)(3) of the Social Security Act (49 Stat. 620, 42 U.S.C. §1396b(a)(3)) to protect the states from Federal seizure of any portion of the tobacco settlement funds by the Secretary of Health and Human Services as an overpayment under the Federal Medicaid program; and be it further

Resolved, That the Senate commend the United States Senate for its recent actions to protect the states from loss of autonomy over use of the funds and memorialize Congress to support and enact legislation to fully recognize the states' complete autonomy over the expenditure of state tobacco settlement funds; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-33. A resolution adopted by the House of the Legislature of the Commonwealth of Puerto Rico; to the Committee on Foreign Relations.

RESOLUTION

To express the request of the House of Representative of Puerto Rico, to the President of the United States, William Jefferson Clinton, and to the Secretary of State, Madeleine Albright, for them to use all means in their power to intercede in behalf of the liberation of the people arrested and subject to trial in Cuba, for the sole cause of dissidence towards the policies of the government of said Republic, or their exercise of freedom of the press, or their support of the rights of dissidents and journalists.

STATEMENT OF MOTIVES

The rights of freedom of speech, press and to claim redress to the government of the country of which one is a citizen, and to a speedy, public and impartial trial, are norms that govern the rights in all places and for all people, recognized as such since the time of the American and French Revolutions in the XVIII century to the proclamation of the Universal Declaration of Human Rights by the United Nations, fifty years ago and which is still in effect.

This last document was presented to the General Assembly when the delegation of the Republic of Cuba was one of its original subscribers. However, the government of our sister Republic of the Antilles does not respect this principle today.

On July 16, 1997, the Cuban authorities arrested four citizens: Vladimiro Roca-Antónes, Marta Beatriz Roque-Cabello, Félix Bome-Carcasés and René Gómez-Manzano, for the sole reason of having made statements and published documents in which they denounced their dissatisfaction with the thesis of the governing party and exhorted the people to take pacific civil action. For this action, that in Puerto Rico and the democratic countries is totally acceptable in politics and in community life, and which did not entail any act of violence against persons or property, the Cuban government accused the four of counterrevolutionary activities and kept them in prison for nineteen months prior to their trial. During this period, persons such as Pope John Paul II—who achieved the pardon and commutation of penalties for many convicts in many countries—and prime minister Jean Chrétien of Canada, a country with which Cuba has good relations—asked for the freedom of the group of four, which went unnoticed.

In addition to this, as the date of the trial near, the authorities of the neighboring country initiated a wave of detentions and arrests of citizens. Some of them, for being associated to dissident activities, but many others for having simply stated their sympathy or asked for tolerance for those who were first arrested, including the members of the independent news bureau "Cubapress". Many were detained or placed under house arrest during the last days in order to prevent public demonstrations of support. The total number of arrests is estimated in the hundreds, many of whom were detained for short periods, and others for longer ones, and some of them, such as poet Raúl Rivero and the Christian-Democratic leader Osvaldo Payá, were still under arrest when this Resolution was drafted.

On March 1, 1999, when after nineteen months, the Cuban government submitted the four dissidents to a flash trial which lasted only one day, during which it used public force to keep the accredited press and the public at a considerable distance and prevent their access. Observers of recognized diplomatic personnel of the United States, Poland, the Czech Republic, Great Britain, as well as Switzerland, a neutral country, and South Africa which has a revolutionary government, were also denied access.

The People of Puerto Rico, who, as our poet said, "receive flowers or bullets in the same heart" as that of Cuba, expresses solidarity with its sisters and brothers who simply seek to exercise their natural and undeniable right of expression, and demand a dialogue on the future of their country.

The government of Puerto Rico, due to the nature of our present political status, depends on the international forum of the United States government as its representative and agent endowed with sovereignty, without having a direct representation in the instruments of power of said representative and agent. Nevertheless, the House of Representatives cannot remain silent in view of this situation, and, in behalf of the People of Puerto Rico, and under the guarantee of freedom of speech and protest which we enjoy, and which is not enjoyed in Cuba, remits to the government of the United States our clamor to act through all available means to intercede for the freedom of these imprisoned conscientious objectors; now, therefore, be it

Resolved by the House of Representatives of Puerto Rico:

Section 1.—To express the clamor of the House of Representatives of Puerto Rico to the President of the United States, William Jefferson Clinton, and the Secretary of State, Madeleine Albright, to use all means in their power to intercede for the freedom of those persons detained and tried in Cuba solely for their dissidence with the government policies of said republic, or for their exercise of freedom of the press, or their support of the rights of dissidents and journalists.

Section 2.—To state our special concern in the case of journalists, authors and communicators such as Vladimir Roca-Antonés, Marta Beatriz Roque-Cabello, Félix Bonne-Carcases and René Gómez-Manzano, and the members and directors of independent news bureaus.

Section 3.—This Resolution shall be translated and remitted expeditiously to the

President of the United States, William Jefferson Clinton, and to the Secretary of State, Madeleine Albright, as well as to the presidents of both houses of the Congress of the United States.

Section 3.—This Resolution shall take effect immediately after its approval.

POM-34. A concurrent resolution adopted by the Assembly of the State of North Dakota; to the Committee on Rules and Administration.

SENATE CONCURRENT RESOLUTION NO. 4024

A concurrent resolution designating Sakakawea to be honored and memoralized with a statue in the National Statuary Hall in the United States Capitol in Washington, D.C.

Whereas, Sakakawea was a traveler and guide, a translator, a diplomat, and a wife and mother; and

Whereas, Sakakawea was an Indian woman guide for Meriwether Lewis and William Clark and Sakakawea's indomitable spirit was a deciding factor in the success of Lewis and Clark's two-year expedition to the northwest quadrant of the United States; and

Whereas, William Clark wrote in 1806 that Sakakawea deserved a greater reward for her attention and services on the expedition that he had in his power to give her; and

Whereas, Sakakawea is a legend of truly historic dimensions who lived in what would later become North Dakota and who made a lasting contribution through her courage and resourcefulness; and.

Whereas, Sakakawea's traits—strength, courage, a generous heart, and pioneering spirit—have been an essential part of the character found in North Dakotans, thereby representing the best of who we are and why we will always persevere; now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives concurring therein: That the Fifty-sixth Legislative Assembly designate Sakakawea to be honored and memorialized with a statue in the National Statuary Hall in the United States Capitol in Washington, D.C.; and be it further

Resolved, That the Secretary of State forward copies of this resolution to the chairman of each Indian tribe in this state, to each member of the North Dakota Congressional Delegation, and to the President of the Senate and the Speaker of the House of Representatives of the United States Congress.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of a committee were submitted:

By Mr. JEFFORDS, for the Committee on Health, Education, Labor, and Pensions:

Gordon Davidson, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2004.

George M. Langford, of New Hampshire, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Joseph A. Miller, Jr., of Delaware, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Robert C. Richardson, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Cleo Parker Robinson, of Colorado, to be a Member of the National Council on the Arts for a term expiring September 3, 2004.

Maxine L. Savitz, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Luis Sequeira, of Wisconsin, to be Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Alice Rae Yelen, of Louisiana, to be a Member of the National Museum Services Board for a term expiring December 6, 2001.

(The above nominations were reported with the recommendation that they be confirmed, subject to nominees commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. JEFFORDS. Mr. President, for the Committee on Health, Education, Labor, and Pensions, I also report favorably a Public Health Service list which was printed in full in the RECORD of January 19, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that the nomination list lie at the Secretary's desk for the information of the Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

In the Public Health Service, nominations beginning Roger I.M. Glass, and ending Richard C. Whitmire, which were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 19, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself, Mr. KYL, and Mr. HELMS):

S. 826. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 827. A bill to establish drawback for imports of N-cyclohexyl-2-benzothiazolesulfenamide based on exports of N-tert-Butyl-2-benzothiazolesulfenamide; to the Committee on Finance.

By Mr. DURBIN:

S. 828. A bill for the relief of Corina Dechalup; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 829. A bill to deauthorize the project for navigation, Searsport Harbor, Searsport, Maine; to the Committee on Environment and Public Works.

S. 830. A bill to deauthorize the project for navigation, Carvers Harbor, Vinalhaven, Maine; to the Committee on Environment and Public Works.

By Mr. MCCAIN:

S. 831. A bill to authorize the Secretary of the Interior to set aside up to $2 per person from park entrance fees or assess up to $2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to the park, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. ROTH, Mr. LOTT, Mr. LIEBERMAN, Mr. DEWINE, Mr. VOINOVICH, and Mr. HAGEL):

S. Con. Res. 27. A concurrent resolution establishing the policy of the United States toward NATO's Washington Summit; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself, Mr. KYL, and Mr. HELMS):

S. 826. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

NO NET LOSS OF PRIVATE LANDS ACT

Mr. THOMAS. Mr. President, this is really the "No-Net-Gain" bill that we have talked about before. The regulation is a commonsense proposal that will limit additional Federal land acquisition in public land States. The Federal Government continues to acquire more land throughout the Nation in every State of the Union, and folks are saying we have to take a new look at the growth of the Federal Government and begin to protect private property rights. This, however, only applies to States in which 25 percent or more of the State now belongs to the Federal Government. So, as you can imagine, the acquisition of additional lands is especially a problem for those of us living in the West.

Roughly 50 percent of the land in my home State of Wyoming is owned by the Federal Government. In some States it is as high as 87 percent—in Nevada. In Colorado, the home State of the Presiding Officer, it is higher than 50 percent. This bill deals with that sort of phenomenon. As you probably know, in the past, of course, much land was set aside in parks and forests. They were reserve lands. And I support that. I am glad they are set aside. These are national treasures and we want to keep them.

Much of the land, of course, was then put into private ownership through the Homestead Act. When that was concluded, there were still lands there that were left afterwards, and they were taken and are now managed by the Bureau of Land Management. These were not lands that were ever reserved; these were lands that were simply left over when the Homestead Act was completed.

So they, too, are managed for many uses and are important. This bill in no way asks these total lands be reduced. We are simply saying whenever there is an acquisition made for something that is useful—and it does allow the Federal Government to do that, of course—that an equal value of land, Federal land, be sent back into private ownership.

The Federal Government, of course, makes it a little more difficult sometimes in the States to have multiple use, to use them, to set them aside, to manage the environment, but at the same time have economic activities, to have mining, to have oil, to have timber, to have grazing. These are the things, of course, that are the lifeblood to the Western States. This creates often a hardship for the local economies; and it depresses the economy.

The Clinton administration, I think, has been particularly difficult in the way it has handled some of the public lands. The latest proposal, the Lands Legacy Initiative, is an example of a rather expansive acquisition of Federal lands. Again I say I have no objection to the maintaining of lands that have a special character, that have a special need, to be reserved into public ownership. All we say is, if you are going to do that, then release an equal value amount of lands back into private ownership. Many of us are very concerned about the Lands Legacy Initiative, that it will again impede the private ownership, which, of course, is a very basic thing to this whole country.

I think the time has come to put some kind of a bridle on the insatiable appetite for additional land in the western part of the United States. The No-Net-Loss of Private Lands Act is, I think, a reasonable approach to an ever-increasing growth of Federal land ownership. This measure requires the Federal Government to release an equal value of land when it acquires property in the States that are at least 25 percent federally owned.

The property would be released at the same time of the new acquisition and could be any type of Federal lands. In addition, the legislation would provide a provision waiving the disposal requirement in time of national emergency or war.

While in the Congress, both in the House and the Senate, I have worked extensively to protect unique public lands, such as national parks. I served as chairman of the National Parks Committee. I think there is nothing more important to us, in terms of preserving natural resources and cultural resources.

In fact, we passed a rather extensive bill called Vision 20/20 last year that does this. It helps to strengthen national parks. When I grew up, my parents' ranch bordered the Shoshone National Forest, so I feel very strongly about forests and that they should be there, but I do believe there needs to be some equality between the private ownership and Federal ownership. So it is time for the Congress to protect the rights of private owners and to instill some common sense and restraint in the further acquisition and growth of Federal lands. That is what this bill is designed to do. And I indicate the cosponsorship of Senator KYL and Senator HELMS.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 827. A bill to establish drawback for imports of N-cyclohexyl-2-benzothiazolesulfenamide based on exports of N-tert-Butyl-2-benzothiazolesulfenamide; to the Committee on Finance.

DUTY DRAWBACK ON IMPORTS OF CBS AND TBBS

Mr. ROCKEFELLER. Mr. President, I rise today to introduce a bill that would establish the authority to provide a duty drawback on imports of two commercially interchangeable rubber vulcanization accelerators known commonly as CBS and TBBS.

CBS and TBBS are the major primary accelerators used in the production of tires and other rubber products. Both CBS and TBBS belong to the same class and subclass of rubber vulcanization chemicals, and can be used interchangeably with one another to perform the same function and to achieve the same end results. They can be manufactured by similar industrial processes using the same raw materials and identical process steps; and for all practical purposes, it is not possible to tell if CBS or TBBS were used in the final rubber product. In short, the two chemicals are commercially interchangeable in both function and use, and therefore, I believe they meet the specified circumstances required under Section 202 of U.S. trade law to receive duty drawback benefits based on a substitution basis.

More specifically, this bill is extremely important to a West Virginia company, Flexsys, that produces both CBS and TBBS, and employs 230 West Virginians with an average annual salary of $42,000. Passage of this bill will preserve these jobs in an increasingly competitive chemical market, and will permit American-made products to compete more effectively in world markets.

Because of the competitive nature of the chemical business, American companies must constantly look for new opportunities to improve efficiency, strengthen U.S. operations and cost position, and provide benefits to their customers. I believe the Congress had these goals in mind when we passed the duty drawback provisions in the Customs Modification Act of 1993. Flexsys meets the conditions set forth under the duty drawback provision that two products must be "commercially interchangeable" to claim a drawback credit, and I urge my colleagues to adopt this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) IN GENERAL.—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the chemical N-tert-Butyl-2-benzothiazolesulfenamide as "commercially interchangeable" within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313).

(b) APPLICABILITY.—Subsection (a) shall apply with respect to any entry, or withdrawal from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

Mr. BYRD. Mr. President, I am pleased to add my name as an original cosponsor of the bill introduced by Senator ROCKEFELLER that would provide the necessary authority to implement the trade drawback allowance based on the commercially interchangeable feature of two rubber vulcanization accelerators.

These two chemicals, commonly referred to as CBS and TBBS, are one-and-the-same for all practical purposes. CBS and TBBS belong to the same class and subclass of rubber vulcanization accelerator chemicals; they can be manufactured by similar industrial processes using the same active ingredients and identical process steps; and they generally cannot be distinguished by informed analysts once used in the finished rubber product. In short, CBS and TBBS are commercially interchangeable in function and use—the specified circumstances required under Section 202 of U.S. trade law to receive duty drawback benefits on a substitution basis.

By establishing the commercial interchangeability for CBS and TBBS, duty drawback law can be implemented. Under duty drawback law, a company would receive a refund of import duties—called a duty drawback—paid by that company on its imports of CBS, based on the exports of the company's production of TBBS, or vice-versa. In other words, for every ton of TBBS that a company exports out of the United States, the company would receive a refund of duties that it paid on a ton of CBS that was imported into the United States. A drawback allowance on the commercially interchangeable standard is granted on a case-by-case authorization. The bill I join Senator ROCKEFELLER in cosponsoring would simply provide the commercially interchangeable CBS and TBBS chemicals with the necessary authorization required by law.

This bill is vital to a West Virginia company, Flexsys, that produces both CBS and TBBS. Flexsys provides 230 jobs in West Virginia with an average annual salary of $42,000. Without the duty drawback, these jobs are at risk due to the increasingly competitive chemical market. The purpose of the drawback statutes is to permit American-made products to compete more effectively in world markets. The Congress adopted drawback provisions recognizing that U.S. manufacturers need the authority to enable them to select the most advantageous production methods. Flexsys meets the conditions set forth under drawback law, and my review of Flexsys has convinced me that it is the type of company that was in mind when this Body approved the drawback statutes.

In closing, I urge my colleagues to support our effort to aid hardworking Americans through passage of this bill. Enactment of this bill would fulfill the purpose of drawback law by advancing the continued operations at Flexsys and, as a result, the utilization of American labor and capital.

By Mr. DURBIN:

S. 828. A bill for the relief of Corina Dechalup; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

Mr. DURBIN. Mr. President, I rise today to introduce a private bill for the relief of Corina Dechalup of France. My bill would grant permanent resident status to Corina, affording her the legal security she needs to rebuild her life in this country.

Corina Dechalup first arrived in the United States from France in February 1990. She was admitted under the visa waiver pilot program after her then-fiancee Marin Turcinovic of Croatia was injured. Admitted on an H–1 visa in January 1990, Marin was hit by a car in Fairview, New Jersey in February 1990. Both of his legs were shattered. His spinal cord was severed, leaving him paralyzed below the neck. He will probably never walk again. Both Marin and Corina have been in the United States since their initial entries.

Corina and Marin married in February 1996, six years after his accident. Corina is an essential part of Marin's life. She has been with Marin throughout his ordeal and has been instrumental in coordinating his medical care. She has directly provided care for Marin, and he could never have reached the degree of recovery he now enjoys without her support.

Marin requires 24-hour medical care for his survival. An insurance settlement from litigation filed after the accident provides Marin with lifetime medical and rehabilitative care. Marin and Corina currently live in a specially modified house located in the Beverly community of Chicago. According to Marin's lawyers, the insurance settlement that provides for Marin's lifetime shelter and medical care would not cover him at another location.

Marin was granted permanent resident status on September 30, 1998, pursuant to former section 244 of the Immigration and Nationality Act. Though he can now file a petition requesting permanent resident status for Corina, she will still face a four to five year wait. Because she entered the U.S. under the visa waiver pilot program, she was subject to an order of deportation, without the right to an administrative hearing, once she overstayed her 90-day authorized admission in February 1990. Since 1994, she has received a stay of deportation in one year increments. She cannot currently travel to see her family in France, and she has no assurance that her stay will be renewed from one year to the next.

Before arriving in the U.S., Corina, a university graduate, worked as a tour guide for a Yugoslavian tourist agency. Although her days are primarily devoted to Marin, she has the skills and desire to find part-time employment and would like to obtain authorization to work.

Mr. President, nine years ago, fate tragically changed forever the lives of Corina Dechalup of France and her husband Marin Turcinovic of Croatia. A terrible accident in the United States left Marin permanently injured, making his return home impossible. Fortunately for Marin, he had the love and support of Corina, who left her home and her family to devote her life to him. Given the tremendous adversity that she faces on a day-to-day basis, I believe it appropriate for Congress to grant her permanent resident status. Such status would clear up much of the uncertainty that currently clouds her future, and would allow Corina and her husband to rebuild their lives in our country with confidence.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Corina Dechalup shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Corina Dechalup, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Ms. SNOWE:

S. 829. A bill to deauthorize the project for navigation, Searsport Harbor, Searsport, Maine; to the Committee on Environment and Public Works.

DEAUTHORIZATION AND REALIGNMENT OF SEARSPORT HARBOR

By Ms. SNOWE:

S. 830. A bill to deauthorize the project for navigation, Carvers Harbor, Vinalhaven, Maine; to the Committee on Environment and Public Works.

DEAUTHORIZATION AND REALIGNMENT OF CARVERS HARBOR

• Ms. SNOWE. Mr. President, I rise today to introduce two bills that call for the deauthorization and realignment of harbor boundaries in Searsport, Maine and for Carvers Harbor on Vinalhaven Island, Maine. Passage of these bills will allow the U.S. Army Corps of Engineers to issue permits to the Maine Department of Transportation for projects that are vital to the economic well being of the town of Searsport and the island of Vinalhaven.

The first bill addresses the deauthorization and realignment of the navigation channel in Searsport Harbor so that the existing cargo pier can be replaced. The bill will allow a multimillion dollar improvement to be made to the Mack Point cargo port at the earliest possible date. In addition, a second cargo pier will be rehabilitated. The work will include new dolphin structures, which will encroach upon the existing Federal channel. The navigation project was authorized by the River and Harbor Act of October 23, 1962.

The second bill deauthorize and realigns Carvers Harbor in Vinalhaven so as to allow the construction of a new ferry terminal to replace the existing pier facility that is located within the established Army Corps of Engineers anchorage. The deauthorization will allow the ferry terminal project to remain on schedule and occur at the earliest possible date. The year round population of the island is comprised primarily of lobster fishermen and the businesses that support that industry. This navigation project was authorized by the River and Harbor Act of June 3, 1896.

Along with my support, both projects have the blessing of the respective towns and the U.S. Army Corps of Engineers. I am also working with Senator CHAFEE in the hopes of having these two harbor deauthorizations included in the Managers amendment for the Water Resources Development Act, which has already passed out of the Environment and Public Works Committee and is expected to be taken up by the full Senate shortly.

I urge the support of my colleagues for these two deauthorizations.●

By Mr. McCAIN:

S. 831. A bill to authorize the Secretary of the Interior to set aside up to $2 per person from park entrance fees or assess up to $2 per person visiting the Grand Canyon or other national parks to secure bonds for capital improvements to the park, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARKS CAPITAL IMPROVEMENTS ACT OF 1999

Mr. McCAIN. Mr. President, I am renewing my efforts to provide innovative solutions to address urgently needed repairs and enhancements at our nation's parks. The legislation I am introducing today is nearly identical to the bill I sponsored in the 105th Congress, which received substantial support from many of the organizations supporting the National Parks system. I am pleased that Representative KOLBE will introduce companion legislation in the House.

The National Parks Capital Improvements Act of 1999 would help secure taxable revenue bonding authority for National Parks. This legislation would allow private fundraising organizations to enter into agreements with the Secretary of Interior to issue taxable capital development bonds. Bond revenues would then be used to finance park improvement projects. The bonds would be secured by an entrance fee surcharge of up to $2 per visitor at participating parks, or a set-aside of up to $2 per visitor from current entrance fees.

Our national park system has enormous capital needs—by last estimate, over $3 billion for high-priority projects such as improved transportation systems, trail repairs, visitor facilities, historic preservation, and the list goes on and on. The unfortunate reality is that even under the rosiest budget scenarios, our growing park needs far outstrip the resources currently available. Parks are still struggling to address enormous resource and infrastructure needs while seeking to improve the park experience to accommodate the increasing numbers of visitors to recreation sites.

Revenue bonding would take us a long way toward meeting our needs within the national park system. For example, based on current visitation rates at the Grand Canyon, a $2 surcharge would enable us to raise $100 million from a bond issue amortized over 20 years. That is a significant amount of money which we could use to accomplish many critical park projects.

Let me emphasize, however, the Grand Canyon National Park would not be the only park eligible to benefit from this legislation. Any park unit with capital needs in excess of $5 million is eligible to participate. Among eligible parks, the Secretary of Interior will determine which may take part in the program.

I also want to stress that only projects approved as part of a park's general management plan can be funded through bond revenue. This proviso eliminates any concern that the revenue could be used for projects of questionable value to the park.

In addition, only organizations under agreement with the Secretary of Interior will be authorized to administer the bonding, so the Secretary can establish any rules or policies he deems necessary and appropriate.

Under no circumstances, however, would investors be able to attach liens against Federal property in the very unlikely event of default. The bonds will be secured only by the surcharge revenues.

Finally, the bill specifies that all professional standards apply and that the issues are subject to the same laws, rules, and regulatory enforcement procedures as any other bond issue.

The most obvious question raised by this legislation is: Will the bond markets support park improvement issues, guaranteed by an entrance surcharge? The answer is an emphatic yes. Bonding is a well-tested tool for the private sector. Additionally, Americans are eager to invest in our Nation's natural heritage, and with park visitation growing stronger, the risks appear minimal.

Are park visitors willing to pay a little more at the entrance gate if the money is used for park improvements? Again, I believe the answer is yes. Time and time again, visitors have expressed their support for increased fees provided that the revenue is used where collected and not diverted for some other purpose devised by Congress. The National Park Service conducted a survey last year which indicated that nearly 83 percent of participating respondents were satisfied with their paid fees, or thought the fees too low.

With the fee demonstration program currently being implemented at parks around the Nation, an additional $2 surcharge may not be necessary or appropriate at certain parks. Under the bill, those parks could choose to dedicate $2 per park visitor from current entrance fees toward a bond issue. The latest figures from the National Park Service indicate that revenues from fees doubled in 1998 to $180 million. This legislation can easily complement the recreational fee program to increase benefits to support our parks and increase the quality of America's park experience well into the future.

I look forward to working with my colleagues and National Parks supporters to ensure passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Parks Capital Improvements Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Fundraising organization.
Sec. 4. Memorandum of agreement.
Sec. 5. National park surcharge or set-aside.
Sec. 6. Use of bond proceeds.
Sec. 7. Administration.

SEC. 2. DEFINITIONS.

In this Act:

(1) FUNDRAISING ORGANIZATION.—The term "fundraising organization" means an entity authorized to act as a fundraising organization under section 3(a).

(2) MEMORANDUM OF AGREEMENT.—The term "memorandum of agreement" means a memorandum of agreement entered into by the Secretary under section 3(a) that contains the terms specified in section 4.

(3) NATIONAL PARK FOUNDATION.—The term "National Park Foundation" means the foundation established under the Act entitled "An Act to establish the National Park Foundation", approved December 18, 1967 (16 U.S.C. 19e et seq.).

(4) NATIONAL PARK.—The term "national park" means—

(A) the Grand Canyon National Park; and

(B) any other national park designated by the Secretary that has an approved general management plan with capital needs in excess of $5,000,000.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. FUNDRAISING ORGANIZATION.

(a) IN GENERAL.—The Secretary may enter into a memorandum of agreement under section 4 with an entity to act as an authorized fundraising organization for the benefit of a national park.

(b) BONDS.—The fundraising organization for a national park shall issue taxable bonds in return for the surcharge or set-aside for that national park collected under section 5.

(c) PROFESSIONAL STANDARDS.—The fundraising organization shall abide by all relevant professional standards regarding the issuance of securities and shall comply with all applicable Federal and State law.

(d) AUDIT.—The fundraising organization shall be subject to an audit by the Secretary.

(e) NO LIABILITY FOR BONDS.—The United States shall not be liable for the security of any bonds issued by the fundraising organization.

SEC. 4. MEMORANDUM OF AGREEMENT.

The fundraising organization shall enter into a memorandum of agreement that specifies—

(1) the amount of the bond issue;

(2) the maturity of the bonds, not to exceed 20 years;

(3) the per capita amount required to amortize the bond issue, provide for the reasonable costs of administration, and maintain a sufficient reserve consistent with industry standards;

(4) the project or projects at the national park that will be funded with the bond proceeds and the specific responsibilities of the

Secretary and the fundraising organization with respect to each project; and

(5) procedures for modifications of the agreement with the consent of both parties based on changes in circumstances, including modifications relating to project priorities.

SEC. 5. NATIONAL PARK SURCHARGE OR SET-ASIDE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may authorize the Superintendent of a national park for which a memorandum of agreement is in effect—

(1) to charge and collect a surcharge in an amount not to exceed $2 for each individual otherwise subject to an entrance fee for admission to the national park; or

(2) to set aside not more than $2 for each individual charged the entrance fee.

(b) SURCHARGE IN ADDITION TO ENTRANCE FEES.—A national park surcharge under subsection (a) shall be in addition to any entrance fee collected under—

(1) section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a);

(2) the recreational fee demonstration program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134; 110 Stat. 1321–156; 1321–200; 16 U.S.C. 460*l*–6a note); or

(3) the national park passport program established under title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 112 Stat. 3518; 16 U.S.C. 5991 et seq.).

(c) LIMITATION.—The total amount charged or set aside under subsection (a) may not exceed $2 for each individual charged an entrance fee.

(d) USE.—A surcharge or set-aside under subsection (a) shall be used by the fundraising organization to—

(1) amortize the bond issue;

(2) provide for the reasonable costs of administration; and

(3) maintain a sufficient reserve consistent with industry standards, as determined by the bond underwriter.

(e) EXCESS FUNDS.—Any funds collected in excess of the amount necessary to fund the uses in subsection (d) shall be remitted to the National Park Foundation to be used for the benefit of all units of the National Park System.

SEC. 6. USE OF BOND PROCEEDS.

(a) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), bond proceeds under this Act may be used for a project for the design, construction, operation, maintenance, repair, or replacement of a facility in the national park for which the bond was issued.

(2) PROJECT LIMITATIONS.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the national park in which the project is to be completed; and

(C) the general management plan for the national park.

(3) PROHIBITION ON USE FOR ADMINISTRATION.—Other than interest as provided in subsection (b), no part of the bond proceeds may be used to defray administrative expenses.

(b) INTEREST ON BOND PROCEEDS.—

(1) AUTHORIZED USES.—Any interest earned on bond proceeds may be used by the fundraising organization to—

(A) meet reserve requirements; and

(B) defray reasonable administrative expenses incurred in connection with the management and sale of the bonds.

(2) EXCESS INTEREST.—All interest on bond proceeds not used for purposes of paragraph (1) shall be remitted to the National Park Foundation for the benefit of all units of the National Park System.

SEC. 7. ADMINISTRATION.

The Secretary, in consultation with the Secretary of Treasury, shall promulgate regulations to carry out this Act.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 14

At the request of Mr. COVERDELL, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Kansas [Mr. BROWNBACK], the Senator from Oklahoma [Mr. INHOFE], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Colorado [Mr. ALLARD], the Senator from Ohio [Mr. DEWINE], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 51

At the request of Mr. BIDEN, the names of the Senator from West Virginia [Mr. BYRD], and the Senator from Georgia [Mr. CLELAND] were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 162

At the request of Mr. BREAUX, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 162, a bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis.

S. 172

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 172, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 210

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 210, a bill to establish a medical education trust fund, and for other purposes.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 296

At the request of Mr. FRIST, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 317

At the request of Mr. DORGAN, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 333

At the request of Mr. LEAHY, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 417

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 417, a bill to amend title 28 of the United States Code to bar any civil trial involving the President until after the President vacates office, but to allow for sealed discovery during the time the President is in office.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky [Mr. BUNNING] was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 487

At the request of Mr. GRAMS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 511

At the request of Mr. MCCAIN, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 511, a bill to amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Mississippi

[Mr. LOTT], the Senator from Kentucky [Mr. BUNNING], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Virginia [Mr. WARNER], the Senator from Arizona [Mr. MCCAIN], the the Senator from Hawaii [Mr. INOUYE], the Senator from Nebraska [Mr. KERREY], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 531, supra.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 531, supra.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 562

At the request of Mr. HARKIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

S. 590

At the request of Mr. FEINGOLD, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 590, a bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes.

S. 597

At the request of Mr. SMITH, the names of the Senator from Nebraska [Mr. HAGEL], the Senator from Maine [Ms. COLLINS], the Senator from Wyoming [Mr. THOMAS], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 597, a bill to amend section 922 of chapter 44 of title 28, United States Code, to protect the right of citizens under the Second Amendment to the Constitution of the United States.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 635

At the request of Mr. MACK, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 648

At the request of Mr. KERRY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 648, a bill to provide for the protection of employees providing air safety information.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Kentucky [Mr. BUNNING] was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 669

At the request of Mr. COVERDELL, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 669, a bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements.

S. 692

At the request of Mr. KYL, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 692, a bill to prohibit Internet gambling, and for other purposes.

S. 703

At the request of Mr. SMITH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 703, a bill to amend section 922 of chapter 44 of title 18, United States Code.

S. 704

At the request of Mr. KYL, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 704, a bill to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

S. 707

At the request of Mr. GRASSLEY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 707, a bill to amend the Older Americans Act of 1965 to establish a national family caregiver support program, and for other purposes.

S. 721

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 721, a bill to allow media coverage of court proceedings.

S. 734

At the request of Mr. MURKOWSKI, the names of the Senator from Virginia [Mr. ROBB], the Senator from Indiana [Mr. LUGAR], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 734, a bill entitled the "National Discovery Trails Act of 1999."

S. 745

At the request of Mr. ABRAHAM, the names of the Senator from Nebraska [Mr. HAGEL], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 745, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 764

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 795

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 795, a bill to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 810

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 810, a bill to amend the Internal Revenue Code of 1986 to expand alternatives for families with children, to establish incentives to improve the quality and supply of child care, to increase the availability and affordability of professional development for child care providers, to expand youth development opportunities, to ensure the safety of children placed in child care centers in Federal facilities, to ensure adequate child care subsidies for low-income working families, and for other purposes.

S. 811

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 811, a bill to amend the Internal Revenue Code of 1986 to expand alternatives for families with children, to establish incentives to improve the quality and supply of child care, and for other purposes.

S. 812

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 812, a bill to provide for the construction and renovation of child care facilities, and for other purposes.

S. 813

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 813, a bill to ensure the safety of children placed in child care centers in Federal facilities, and for other purposes.

S. 814

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 814, a bill to establish incentives to improve the quality and supply of child care providers, to expand youth development opportunities, to ensure adequate child care subsidies for low-income working families, and for other purposes.

S. 821

At the request of Mr. ROBB, his name was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE CONCURRENT RESOLUTION 25

At the request of Mr. JEFFORDS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of Senate Concurrent Resolution 25, a concurrent resolution urging the Congress and the President to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. EDWARDS), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from California (Mrs. FEINSTEIN), and the Senator from California (Mrs. BOXER) were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as "National Military Appreciation Month."

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE CONCURRENT RESOLUTION 27—ESTABLISHING THE POLICY OF THE UNITED STATES TOWARD NATO'S WASHINGTON SUMMIT

Mr. LUGAR (for himself, Mr. ROTH, Mr. LOTT, Mr. LIEBERMAN, Mr. DEWINE, Mr. VOINOVICH, and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 27

Whereas the North Atlantic Treaty Organization (NATO) will celebrate its fiftieth anniversary at a historic summit meeting in Washington, D.C., commencing on April 23, 1999;

Whereas NATO, the only military alliance with both real defense capabilities and a transatlantic membership, has successfully defended the territory and interest of its members over the last 50 years, prevailed in the Cold War, and contributed to the spread of freedom, democracy, stability, and peace throughout Europe;

Whereas NATO remains a vital national security interest of the United States;

Whereas NATO is currently conducting military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro) to further the objective of a lasting peace in Kosovo;

Whereas NATO enhances the security of the United States by embedding European states in a process of cooperative security planning, by preventing the destabilizing renationalization of European military policies, and by ensuring an ongoing and direct leadership role for the United States in European security affairs;

Whereas the enlargement of NATO, a defensive alliance, threatens no nation and reinforces peace and stability in Europe, and provides benefits to all nations;

Whereas Article 10 of the North Atlantic Treaty states that "any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area" is eligible to be granted NATO membership;

Whereas the July 1998 communique of the NATO Summit in Madrid reaffirmed that "NATO remains open to new members under Article X of the North Atlantic Treaty" and stated that "the Alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership";

Whereas the accession to NATO by Poland, the Czech Republic, and Hungary will strengthen the military capabilities of NATO, enhance security and stability in Central and Eastern Europe, and thereby advance the interests of the United States and NATO;

Whereas Congress has repeatedly endorsed the enlargement of NATO with bipartisan majorities;

Whereas the NATO Parliamentary Assembly, a multinational body composed of delegations from the member states of the North Atlantic Treaty, has called for NATO to welcome new members through the adoption of Resolution 283 of 1998, entitled "Recasting Euro-Atlantic Security: Towards the Washington Summit";

Whereas additional democracies of Central and Eastern Europe have applied for NATO membership;

Whereas the enlargement of NATO must be a careful, deliberate process with consideration of all security interests;

Whereas the selection of new members should depend on NATO's strategic interests, potential threats to security and stability, and actions taken by prospective members to complete the transition to democracy and to harmonize policies with NATO's political, economic, and military guidelines established by the 1995 NATO Study on Enlargement;

Whereas NATO must consider and debate the qualifications and potential ramifications of new members on a country-by-country basis;

Whereas the accession of Poland, the Czech Republic, and Hungary to NATO is an important step in the post-Cold War era toward a Europe that is truly whole, undivided, free, and at peace and must be complemented by the extension of NATO membership to other qualified democracies of Central and Eastern Europe;

Whereas extending NATO membership to other qualified democracies will strengthen NATO, enhance security and stability, deter potential aggressors, and thereby advance the interests of the United States and its NATO allies;

Whereas, because participation in missions under Article 4 of the North Atlantic Treaty is not obligatory and each NATO member is free to make an independent decision regarding participation in those missions, the United States and other NATO members are able to decide on the basis of their interests and an independent assessment of the situation whether to participate;

Whereas NATO's continued success requires a credible military capability to deter and respond to common threats;

Whereas, building on its core capabilities for collective self-defense of its members, NATO will ensure that its military force structure, defense planning, command structures, and force goals promote NATO's capacity to project power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members;

Whereas the members of NATO face new threats, including conflict in the North Atlantic area stemming from historic, ethnic, and religious enmities, the potential for the reemergence of a hegemonic power confronting Europe, rogue states and nonstate actors possessing weapons of mass destruction, and threats to the wider interests of the NATO members (including the disruption of the flow of vital resources);

Whereas this will require that NATO members possess national military capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts; and

Whereas the principal effect of upgraded capabilities for NATO members to operate "out of area" with force improvements for power projection will be to make NATO members more effective American partners in supporting mutual interests around the globe: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) Congress—

(1) regards the political independence and territorial integrity of the emerging democracies in Central and Eastern Europe as vital to European peace and security and, thus, to the interests of the United States;

(2) endorses the commitment of the North Atlantic Council that NATO will remain open to the accession of further members in accordance with Article 10 of the North Atlantic Treaty;

(3) believes all NATO members should commit to improving their respective defense capabilities so that NATO can project power decisively within and outside NATO borders in a manner that achieves transatlantic parity in power projection capabilities and facilitates equitable burdensharing among NATO members; and

(4) believes that NATO should prepare more vigorously to defend itself against future threats and to expand its primary defensive focus beyond its previous concentration on threats to the east.

(b) It is the sense of Congress that—

(1) the North Atlantic Council should pace, not pause, the process of NATO enlargement by extending the invitation of membership to those states able to meet the guidelines established by the 1995 NATO Study on Enlargement and should do so on a country-by-country basis;

(2) the North Atlantic Council in the course of the 1999 Washington Summit should initiate a formal review of all pending applications for NATO membership in order to establish the degree to which such applications conform to the guidelines for membership established by the 1995 NATO Study on Enlargement;

(3) the results of this formal review should be presented to the membership of the North Atlantic Council in May 2000 with recommendations concerning enlargement;

(4) NATO should continue to assess potential applicants for NATO membership on a continuous basis; and

(5) the President, the Secretary of State, and the Secretary of Defense should fully use their offices to encourage the NATO allies of the United States to commit the resources necessary to upgrade their capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts, thus making them effective American partners in supporting mutual interests.

SEC. 2. DEFINITIONS.

In this concurrent resolution:

(1) DEMOCRACIES OF CENTRAL AND EASTERN EUROPE.—The term "democracies of Central and Eastern Europe" means those nations that have applied or have registered their intent to apply for membership in NATO, including Albania, Bulgaria, Estonia, Macedonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

(2) NATO.—The term "NATO" means those nations that are parties to the North Atlantic Treaty.

(3) NATO MEMBER.—The term "NATO member" means any country that is a party to the North Atlantic Treaty.

(4) NORTH ATLANTIC TREATY.—The term "North Atlantic Treaty" means the North Atlantic Treaty, signed at Washington on April 4, 1949 (63 Stat. 2241; TIAS 1964).

● Mr. LUGAR. Mr. President, later this week NATO will honor its 50th anniversary at a Summit here in Washington, D.C. The leaders of the 19 NATO member nations and the heads of state of many Partnership-for-Peace participants will participate in meetings to discuss the successes of the NATO Alliance and its future in the post-Cold War world.

The more distant we become from the days of the fall of the Berlin Wall and the collapse of communism, the clearer it becomes that we have entered a new era. But dangers still abound in post-Cold War Europe. The ongoing conflict in Kosovo is a stark reminder that threats to the security of NATO's members still exist. The revolutions of 1989 not only led to the collapse of communism but also to the end of the peace orders established after two world wars. What is at stake today is order and stability in Europe as a whole. And that is why American interests are involved.

Mr. President, NATO cannot by itself solve all of Europe's problems. But without a stable security framework, we run the risk that reform and democracy in Eastern Europe will not persist but will instead be undercut by destructive forces of nationalism and insecurity. The failure of democracy in the East could not help but have profound consequences for democracy in the continent's western half as well.

The resolution that I submit today on behalf of Senators ROTH, LOTT, LIEBERMAN, DEWINE, VOINOVICH, and HAGEL sets forth three goals for the United States to achieve in discussions over the future of the NATO Alliance: (1) the enforcement of Article 10 of the Washington Treaty to remain open to the accession of additional members and a formal review of all applications for memberships; (2) expansion of the primary focus beyond threats from the east; and (3) the upgrading of our allies' ability to project power and to operate "out of area."

NATO's "open door" policy toward new members established by Article 10 of the Washington Treaty, has given countries of Central and Eastern Europe the incentive to accelerate reforms, to peacefully settle disputes with neighbors, and to increase regional cooperation. Hopes of future membership in NATO has been a tremendous driving force of democratization and peace in Eastern and Central Europe including former Warsaw Pact nations.

To retract the "open-door" policy, as some have suggested, would risk undermining the tremendous gains that have been made across the region. The result of a "closed-door" policy would be the creation of new dividing lines across Europe. Those nations outside might become disillusioned and insecure and thus inclined to adopt the competitive and destabilizing security policies of Europe's past.

NATO's decision to enlarge in stages recognizes that not all new democracies and applicants in Europe are equally ready or willing to be security allies. Some states may never be ready.

The selection of future NATO members should depend on: (1) a determination by NATO members of their strategic interests; (2) NATO's perception of threats to security and stability; and (3) actions taken by prospective members to complete their democratic transitions and to harmonize their policies with NATO's political aims and security policies.

To reinforce the benefits of Article X, I believe a comprehensive review of the qualifications of the nine current applicant countries should be conducted under the guidelines laid out in the 1995 NATO Study on Enlargement. A review of this type would further demonstrate that NATO is actively considering a continuation of the enlargement process. Some believe that the Alliance is not interested in further enlargement; a formal review of the type I am suggesting would go far in reassuring NATO and non-NATO states of the Alliance's plans. Furthermore, a review would provide NATO aspirants with additional incentive to continue democratic, economic and military reforms. This is in the national security interests of the United States and NATO and should be encouraged.

These actions would also serve to clarify the security expectations of non-NATO members. It would make clear that it is the intention of the United States that NATO remain a serious defensive military alliance and not slip into a loose collective security society. It would suggest that enlargement will be a careful, deliberate process, with consideration of all security interests. Finally, it would draw again on the principle of reciprocity, both to encourage prospective members to align themselves with NATO's values and policies and to signal that threats levied against would-be members will be counterproductive.

A second goal enunciated in this resolution concerns the need to broaden NATO's focus. For nearly 50 years, NATO was oriented and organized to defend and respond to an attack from the East. An invasion by Soviet and Warsaw Pact forces was the primary threat facing the Alliance. Since the collapse of the Soviet Union, new threats have replaced the nightmare of Soviet armored divisions crashing through the Fulda Gap. The proliferation of weapons of mass destruction, rogue states, terrorism, ethnic strife, and other potentially destabilizing elements now threaten the Alliance.

It is a basic American interest that the Alliance not only enlarge to help stabilize Eastern Europe but that enlargement be part and parcel of a broader transformation that turns Europe into an increasingly effective strategic partner of the United States in and beyond the continent.

I believe this includes an improvement in the ability for NATO to operate outside the borders of its members. This is not a new mission. The potential for these types of endeavors has been present since NATO's inception. The true core of NATO has always been collective defense, but Article 4 of the Washington Treaty suggests that NATO will consult and can act if the security of any of the Parties is threatened. This interpretation was reinforced by John Foster Dulles in May 1949 during Senate consideration of the Washington Treaty. Secretary of State Dulles testified that the occasions for consultation under Article 4 are not merely attacks in the Atlantic area dealt with by Article 5, but threats anywhere to any of the parties since the parties have interests and possessions throughout the world. So we are not talking about new NATO responsibilities; these types of actions were considered by the members of the Alliance and are supported by language in the treaty ratified by the Senate in 1949.

It is important to remember that participation in non-Article 5 missions is not obligatory and each NATO member is free to make an independent decision regarding participation in those missions. The United States and other NATO members are able to decide on the basis of their interests and an independent assessment of the situation whether to participate. This is as it should be.

A third goal set forth in this resolution deals with NATO members' capabilities. The collapse of the Soviet Union and the Warsaw Pact have altered the strategic and military landscape in which NATO forces will operate in the future. The potential for massive tank battles over the plains of Central Europe has been reduced. Instead military strategists believe the conflicts of the 21st century will require NATO members to rapidly deploy forces over long distances, sustain operations for extended periods of time and operate jointly with the United States in high intensity conflicts.

NATO developed a truly credible capability to defend itself from threats emanating from Central Europe and the former Soviet Union. But our allies have not moved far enough or fast enough to improve their capabilities to defend against newly emerging threats. In many cases these threats cannot be readily distinguished as either Article 5 or Article 4.

Today NATO faces threats to its southern borders and forces. For example, Turkey's borders are directly threatened by rogue states to its south. NATO has a credible plan to reinforce Turkey in the event of hostilities. Unfortunately, this plan relies heavily on U.S. forces. If the U.S. were unable to provide the military apparatus necessary to implement this plan because of its involvement in operations elsewhere, the reinforcement blueprint would be in jeopardy. European forces lack serious power projection capabilities for demanding Article 5 missions, in addition to the potential for meeting Article 4 contingencies.

We must maintain and improve NATO's military force capability to respond to all conceivable missions. Our goal must be to enlarge NATO by enhancing NATO's strategic strength and military effectiveness. The need for improved European power projection capability becomes self-evident when one considers that the U.S. currently contributes only about 20% of NATO's total conventional forces, but provides about 80% of NATO's usable military capability for power projection missions.

We must reconfigure NATO to deal with the threats of the 21st century by requiring improved allied power projection forces for operating in a seamless web of situations including within NATO's enlarging borders, inside Europe including on its periphery, and outside Europe when the Alliance's vital interests are at stake.

The U.S. Government must demand rough trans-Atlantic parity in power projection capabilities and we must not settle for less. NATO is the only institution capable of building these necessary force structures. NATO's 50th Anniversary provides an opportunity for the Administration to press our European allies on these issues and call for a more equitable burden-sharing arrangement in power projection capabilities.

Mr. President, it is clear that the Summit cannot proceed with the agenda that was envisioned prior to the commencement of military operations in Kosovo. However, it does provide the United States with an opportunity to raise the key issues that will determine the ability of NATO to serve as the premiere U.S. and European security architecture for the 21st century. That is the primary reason we have set forth these major Alliance goals in our resolution.

Some of my colleagues have suggested that, because of Kosovo, we should delay or postpone these important discussions. I do not agree. The Alliance must revise NATO's Strategic Concept and military structure to make NATO both more politically and militarily relevant to post-Cold War security issues. This is an outstanding opportunity to ensure that NATO continues to meet the security needs of all of its members states, including the U.S. A pause or delay will simply postpone necessary revisions to the current Strategic Concept, a concept that was adopted in 1990 while the Soviet Union was still in existence.

We must move ahead. The Alliance must not allow Serbian President Milosevic to derail NATO's important work. It is my hope that the Administration will be able to work with our Allies to produce a Strategic Concept able to meet the security needs of the U.S. and our allies in the 21st century. That should be our primary objective of the Summit; that is the primary objective of this Resolution.•

• Mr. ROTH. Mr. President, I wish to briefly comment on the resolution that my colleague from Indiana and I, the majority leader, and others have just introduced.

This weekend the NATO Alliance will hold a summit meeting here in Washington. That summit will be dominated by the conflict in Kosovo, and that is to be expected as so much is at stake.

Should the Alliance emerge defeated from this conflict, it would signal that dictatorship and atrocity can lead to political survival in post-Cold War Europe. NATO's defeat by a bloody regime that controls no more territory than the state of Kentucky would signal NATO's irrelevance. It would mark the decay of the transatlantic order of democracy, human rights, and security that NATO spent the last five decades defending and promoting.

For these grave reasons, the Kosovo crisis underscores how vital NATO is today to the values and interests we share with our European allies. At stake in this conflict is more than Balkan peace and stability, but also the prospects of a transatlantic partnership based on a Europe that is undivided, democratic, and secure.

However significant and immediate the Kosovo issue may be, NATO's leaders cannot allow it to obscure two other critical issues that will significantly shape NATO's future as the cornerstone of Euro-Atlantic security. These are the revisions to NATO's Strategic Concept the Alliance intends to codify at this summit and the next phase of NATO enlargement.

Mr. President, NATO's Strategic Concept is a public document that defines the threats and opportunities that lie before the Alliance's interests and values. It defines the political and military roles and missions the Alliance must undertake to protect and promote those interests and values. From this important document are derived the resources Alliance members commit to the implementation of this strategy. It is a critically important document, one whose revision must be taken with great care.

Two Strategic Concept issues that right now appear unresolved prior to this summit and that should be of great concern to us are NATO's relationship with the United Nations and the future of the European Security and Defense Identity (ESDI).

There are still today Allies who wish to require NATO to attain a UN or a OSCE mandate prior to undertaking out-of-area military actions. I cannot think of a more destructive poison pill for the Alliance. A UN mandate would give non-NATO countries, such as Russia and China, a veto over Alliance decisions. We must not forget that NATO was established in 1949 to overcome the inability of the United Nations to act decisively in the face of danger, threats, and conflagration. We need only to look back to the UN's role in the former Yugoslavia this decide to be reminded of the grave limitations of this institution. If there is one thing that new Strategic Concept must not do, it is to constrict NATO freedom to act by subjecting it to the decisions of other organizations. NATO must preserve its freedom to act.

Second, the Alliance's new Strategic Concept must continue the process toward a viable ESDI within the framework of the Washington Treaty. Allied leaders should focus on developing better European military capabilities within NATO. The resolution we introduce today underscores this point by calling upon our European Allies to acquire better capability to "rapidly deploy forces over long distances, sustain operations for extended periods of time and operate jointly with the United States in high intensity conflicts." The Alliance must not only be able to project power decisively within and outside NATO borders; it must be able to do so in a manner that features transatlantic parity in power projection capabilities.

Mr. President, let me add one more point on this matter. Over the last half decade NATO has restructured its command structure to afford it greater operational flexibility. The establishment of Combined Joint Task Forces (CJTF), one of the most important reforms, will enable European Allies to utilize Alliance assets for operations of a distincity European character. Europe's key to maximizing the potential of these reforms is the development of better military capabilities. It is through capability—not rhetoric—that our Allies can put a final end to the often acrimonious debates over burden-sharing, and at the same time allow them to more effectively address security challenges of distincity European concern.

Finally, Mr. President, the issue of NATO enlargement. How the Washington Summit manages the next phase of enlargement will determine whether this meeting strengthens or undermines the dream for a Europe that is free, secure, and undivided. If the process of NATO enlargement is clearly advanced, the summit will reinforce the prospects for enduring peace and stability in post-Cold War Europe.

Article Ten of the Washington Treaty, which established the NATO Alliance in 1949, articulates the Alliance's vision of a united Europe. It states that NATO is open to "any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area." In 1995 the Alliance defined through its Study on Enlargement the political, military, and foreign policy guidelines to direct enlargement in the post-Cold War era. These include a commitment to democracy, the resolution of disputes with neighbors, and the ability to contribute to the Alliance's roles and missions, including collective defense.

Based on these guidelines, Poland, the Czech Republic, and Hungary were invited to join the Alliance. Their accession on March 12 strengthened the Alliance and marked the first step in the elimination of the divisive and destablizing vestiges, not only of the Cold War, but of the era preceding World War II.

The Washington Summit must not only celebrate the first round of NATO enlargement, it must decisively press the process forward. Toward that end, I believe that NATO should invite Solvenia and any other qualified NATO European applicant to accession negotiations. Recently, at my request, the Congressional Research Service examined the nine European states that have applied for NATO membership. This study clearly revealed that Slovenia not only meets NATO's own guidelines, it surpasses some of the economic and military standards set by the Alliance's three newest members.

An invitation to Slovenia would demonstrate to the other democracies of Central Europe that NATO remains genuinely committed to its "Open Door Policy"—proof that would reinforce their commitment to democratic and economic reform and the Alliance's Partnership for Peace program.

Above all, it would help ensure that enlargement becomes a continuous, not a convulsive, process. The momentum generated by the first round of enlargement would be sustained. In contrast, if enlargement is subject to pauses of undefined and indefinite duration, each succeeding round will be more difficult to initiate and complete. Enlargement would less likely be seen and appreciated as a normal dynamic of post-Cold War Europe.

In the absence of new invitations at the Summit, it will be a challenge for NATO to sustain the credibility of its Open Door Policy. The Alliance must not step back to the theme of its 1994 Summit in Brussels: "NATO enlargement is not a matter of if, but when." This April, such an open-ended "when" would ring especially hollow.

For this reason, NATO cannot simply retierate longstanding promises; it must yield a process. Herein lies an important recommendation presented by our resolution on the issue of NATO enlargement.

It calls upon Alliance leaders to instruct the NATO International Staff to conduct a comprehensive and transparent review of the nine applicant countries in terms of the guidelines articulated in its 1995 study. (Such a review should not be confused with discrete annual reviews currently being considered for each applicant.) This comprehensive review should be presented, with recommendations, to a North Atlantic Council meeting of ministers or heads of state no later than May 2000.

While this review should complement new NATO invitations, even standing alone it offers the following advantages:

The Alliance would demonstrate that it is actively engaged in an ongoing enlargement process. It would deflect suspicions that the Alliance is camouflaging its unwillingness for further enlargement behind the generosity of more financial and material assistance. A review is more than words, it is action.

A review would not bind the Alliance to "automaticity" in that it does not commit the Alliance to issue new invitations in 2000. The review would, however, probably highlight the fact that one or more applicant countries have met the grade.

It would underscore that NATO stands by the guidelines established in the 1995 Study on Enlargement. That would encourage the applicant states to continue, if not accelerate, the democratic, military, and economic reforms and regional cooperation requisite for NATO membership.

NATO enlargement must also be a central component of NATO's new Strategic Concept, the document that will define the Alliance's roles and missions for the next century. It inclusion will not only communicate commitment, it will help institutionalize enlargement as a planning priority of the Alliance.

NATO enlargement is not an act of altruism; it is an act of self-interest. It is a process motivated by the dream of an undivided Europe, the stability that would come to the Euro-Atlantic community, and the capabilities new members would yield the Alliance. It is a policy guided by objective political, economic and military criteria.

Each of these enlargement steps outlined above, an invitation to Slovenia, a comprehensive review process, and an emphasis in the Alliance's game plan for the future, will ensure that the Washington Summit is remembered for revitalizing the dream of a Europe, whole, free, and undivided.

Mr. President, history will judge this week's NATO Summit not only for how it handles the crisis in Kovoso, but also for the strategy that it lays out for its future. Kosovo, the new Strategic Concept, and enlargement present a challenging agenda at a very trying time. Yet, I remain confident this Alliance has the potential to address each of these issues in a manner that will ensure that NATO becomes an even more capable and effective promoter of a transatlantic partnership that features a strong, undivided and democratic Europe. It is toward this vision that we introduce this resolution, and I urge my colleagues to lend their support.●

AMENDMENTS SUBMITTED

WATER RESOURCES DEVELOPMENT ACT OF 1999

CHAFEE AMENDMENT NO. 253

Mr. CRAIG (for Mr. CHAFEE) proposed an amendment to the bill (S. 507) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 135, strike lines 4 through 11 and insert the following:

(18) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—

(A) IN GENERAL.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia, Report of the Chief of Engineers dated June 8, 1998, at a total cost of $28,426,000, with an estimated Federal cost of $18,994,000 and an estimated non-Federal cost of $9,432,000.

(B) CREDIT OR REIMBURSEMENT.—If a project cooperation agreement is entered into, the non-Federal interest shall receive credit or reimbursement of the Federal share of project costs for construction work performed by the non-Federal interest before execution of the project cooperation agreement if the Secretary finds the work to be integral to the project.

(C) STUDY OF MODIFICATIONS.—During the preconstruction engineering and design phase of the project, the Secretary shall conduct a study to determine the feasibility of undertaking further modifications to the Dundalk Marine Terminal access channels, consisting of—

(i) deepening and widening the Dundalk access channels to a depth of 50 feet and a width of 500 feet;

(ii) widening the flares of the access channels; and

(iii) providing a new flare on the west side of the entrance to the east access channel.

(D) REPORT.—

(i) IN GENERAL.—Not later than March 1, 2000, the Secretary shall submit to Congress a report on the study under subparagraph (C).

(ii) CONTENTS.—The report shall include a determination of—

(I) the feasibility of performing the project modifications described in subparagraph (C); and

(II) the appropriateness of crediting or reimbursing the Federal share of the cost of the work performed by the non-Federal interest on the project modifications.

On page 137, after line 25, add the following:

(3) ARROYO PASAJERO, CALIFORNIA..—The project for flood damage reduction, Arroyo Pasajero, California, at a total cost of $260,700,000, with an estimated first Federal cost of $170,100,000 and an estimated first non-Federal cost of $90,600,000.

On page 138, line 1, strike “(3)” and insert “(4)”.

On page 138, line 7, strike “(4)” and insert “(5)”.

On page 138, between lines 17 and 18, insert the following:

(6) SUCCESS DAM, TULE RIVER BASIN, CALIFORNIA.—The project for flood damage reduction and water supply, Success Dam, Tule River basin, California, at a total cost of $17,900,000, with an estimated first Federal cost of $11,635,000 and an estimated first non-Federal cost of $6,265,000.

On page 138, line 18, strike “(5)” and insert “(7)”.

On page 139, line 10, strike “(6)” and insert “(8)”.

On page 140, line 1, strike “(7)” and insert “(9)”.

On page 140, line 6, strike “(8)” and insert “(10)”.

On page 140, line 13, strike “(9)” and insert “(11)”.

On page 140, line 19, strike “(10)” and insert “(12)”.

On page 142, line 11, strike “(11)” and insert “(13)”.

On page 142, line 18, strike “(12)” and insert “(14)”.

On page 143, line 7, strike “(13)” and insert “(15)”.

On page 143, line 14, strike “(14)” and insert “(16)”.

On page 143, line 20, strike “(15)” and insert “(17)”.

On page 144, line 10, strike “(16)” and insert “(18)”.

On page 145, line 1, strike “(17)” and insert “(19)”.

On page 145, line 5, strike “$182,423,000” and insert “$176,700,000”.

On page 145, line 6, strike “$106,132,000” and insert “$116,900,000”.

On page 145, line 8, strike “$76,291,000” and insert “$59,800,000”.

On page 145, line 14, strike “(18)” and insert “(20)”.

On page 146, line 3, strike “(19)” and insert “(21)”.

On page 146, line 9, strike “(20)” and insert “(22)”.

On page 147, line 21, strike “$8,137,000” and insert $1,251,000”.

On page 147, line 22, strike “$6,550,000” and insert “$1,007,000”.

On page 147, line 23, strike “$1,587,000” and insert “$244,000”.

On page 149, after line 24, add the following:

(1) FORT PIERCE SHORE PROTECTION, FLORIDA.—

(A) IN GENERAL.—The Fort Pierce, Florida, shore protection and harbor mitigation project authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) and section 506(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3757) is modified to include an additional 1-mile extension of the project and increased Federal participation in accordance with section 101(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(c)), as described in the general reevaluation report approved by the Chief of Engineers, at an estimated total cost of $9,128,000, with an estimated Federal cost of $7,074,000 and an estimated non-Federal cost of $2,054,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period for the modified project, at an estimated annual cost of $559,000, with an estimated annual Federal cost of $433,000 and an estimated annual non-Federal cost of $126,000.

On page 150, line 1, strike “(1)” and insert “(2)”.

On page 151, line 12, strike “(2)” and insert “(3)”.

On page 154, line 4, strike “REDESIGNATIONS” and insert “REDESIGNATIONS AS PART OF THE 6-FOOT ANCHORAGE”.

On page 155, strike lines 10 and 11 and insert the following:

(D) REDESIGNATION AS PART OF THE 6-FOOT CHANNEL.—The following portion of the project shall be redesignated as part of the 6-foot channel: the portion the boundaries of which begin at a

On page 156, strike lines 4 and 5 and insert the following:

(E) REALIGNMENT.—The portion of the project described in subparagraph (D) shall be

On page 156, line 20, strike “(E)” and insert “(F)”.

On page 156, between lines 22 and 23, insert the following:

(G) CONSERVATION EASEMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may accept a conveyance of the right, but not the obligation, to enforce a conservation easement to be held by the State of Maine over certain land owned by the town of Wells, Maine, that is adjacent to the Rachel Carson National Wildlife Refuge.

On page 156, line 23, strike “(3)” and insert “(4)”.

On page 157, between lines 14 and 15, insert the following:

(5) WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to construct the project at a total Federal cost of $64,741,000.

On page 169, between lines 15 and 16, insert the following:

(u) LEE COUNTY, CAPTIVA ISLAND SEGMENT, FLORIDA.—

(1) In general.—The project for shoreline protection, Lee County, Captiva Island segment, Florida, authorized by section 506(b)(3)(A) of the Water Resources Development Act of 1996 (110 Stat. 3758), is modified to direct the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426*i*–1).

(2) Decision document.—The design memorandum approved in 1996 shall be the decision document supporting continued Federal participation in cost sharing of the project.

(v) Columbia River Channel, Washington and Oregon.—

(1) In general.—The project for navigation, Columbia River between Vancouver, Washington, and The Dalles, Oregon, authorized by the first section of the Act of July 24, 1946 (60 Stat. 637, chapter 595), is modified to authorize the Secretary to construct an alternate barge channel to traverse the high span of the Interstate Route 5 bridge between Portland, Oregon, and Vancouver, Washington, to a depth of 17 feet, with a width of approximately 200 feet through the high span of the bridge and a width of approximately 300 feet upstream of the bridge.

(2) Distance upstream.—The channel shall continue upstream of the bridge approximately 2,500 feet to about river mile 107, then to a point of convergence with the main barge channel at about river mile 108.

(3) Distance downstream.—

(A) Southern edge.—The southern edge of the channel shall continue downstream of the bridge approximately 1,500 feet to river mile 106+10, then turn northwest to tie into the edge of the Upper Vancouver Turning Basin.

(B) Northern edge.—The northern edge of the channel shall continue downstream of the bridge to the Upper Vancouver Turning Basin.

On page 171, between lines 12 and 13, insert the following:

(d) Carvers Harbor, Vinalhaven, Maine.—

(1) Deauthorization.—The portion of the project for navigation, Carvers Harbor, Vinalhaven, Maine, authorized by the Act of June 3, 1896 (commonly known as the "River and Harbor Appropriations Act of 1896") (29 Stat. 202, chapter 314), described in paragraph (2) is not authorized after the date of enactment of this Act.

(2) Description.—The portion of the project referred to in paragraph (1) is the portion of the 16-foot anchorage beginning at a point with coordinates N137,502.04, E895,156.83, thence running south 6 degrees 34 minutes 57.6 seconds west 277.660 feet to a point N137,226.21, E895,125.00, thence running north 53 degrees, 5 minutes 42.4 seconds west 127.746 feet to a point N137,302.92, E895022.85, thence running north 33 degrees 56 minutes 9.8 seconds east 239.999 feet to the point of origin.

On page 171, line 13, strike "(d)" and insert "(e)".

On page 171, after line 23, add the following:

(f) Searsport Harbor, Searsport, Maine.—

(1) Deauthorization.—The portion of the project for navigation, Searsport Harbor, Searsport, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), described in paragraph (2) is not authorized after the date of enactment of this Act.

(2) Description.—The portion of the project referred to in paragraph (1) is the portion of the 35-foot turning basin beginning at a point with coordinates N225,008.38, E395,464.26, thence running north 43 degrees 49 minutes 53.4 seconds east 362.001 feet to a point N225,269.52, E395,714.96, thence running south 71 degrees 27 minutes 33.0 seconds east 1,309.201 feet to a point N224,853.22, E396,956.21, thence running north 84 degrees 3 minutes 45.7 seconds west 1,499.997 feet to the point of origin.

On page 172, between lines 11 and 12, insert the following:

(b) Boydsville, Arkansas.—The Secretary shall conduct a study to determine the feasibility of reservoir and associated improvements to provide for flood control, recreation, water quality, water supply, and fish and wildlife purposes in the vicinity of Boydsville, Arkansas.

(c) Union County, Arkansas.—The Secretary shall conduct a study to determine the feasibility of municipal and industrial water supply for Union County, Arkansas.

(d) White River Basin, Arkansas and Missouri.—

(1) In general.—The Secretary shall conduct a study of the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by H. Doc. 917, 76th Cong., 3d Sess., and H. Doc. 290, 77th Cong., 1st Sess., approved August 18, 1941, and H. Doc. 499, 83d Cong., 2d Sess., approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711) to determine the feasibility of modifying the project to provide minimum flows necessary to sustain the tail water trout fisheries.

(2) Report.—Not later than July 30, 2000, the Secretary shall submit to Congress a report on the study and any recommendations on reallocation of storage at Beaver Lake, Table Rock, Bull Shoals Lake, Norfolk Lake, and Greers Ferry Lake.

On page 172, line 12, strike "(b)" and insert "(e)".

On page 172, after line 25, add the following:

(f) Frazier Creek, Tulare County, California.—The Secretary shall conduct a study to determine—

(1) the feasibility of restoring Frazier Creek, Tulare County, California; and

(2) the Federal interest in flood control, environmental restoration, conservation of fish and wildlife resources, recreation, and water quality of the creek.

On page 173, line 1, strike "(c)" and insert "(g)".

On page 173, line 7, strike "(d)" and insert "(h)".

On page 173, line 12, strike "(e)" and insert "(i)".

On page 173, line 20, strike "(f)" and insert "(j)".

On page 174, line 1, strike "(g)" and insert "(k)".

On page 174, line 8, strike "(h)" and insert "(l)".

On page 174, line 18, strike "(i)" and insert "(m)".

On page 174, after line 24, add the following:

(n) Boise, Idaho.—The Secretary shall conduct a study to determine the feasibility of undertaking flood control on the Boise River in Boise, Idaho.

On page 175, line 1, strike "(j)" and insert "(o)".

On page 175, line 7, strike "(k)" and insert "(p)".

On page 175, between lines 11 and 12, insert the following:

(q) Bank Stabilization, Snake River, Lewiston, Idaho.—The Secretary shall conduct a study to determine the feasibility of undertaking bank stabilization and flood control on the Snake River at Lewiston, Idaho.

On page 175, line 12, strike "(l)" and insert "(r)".

On page 175, line 16, strike "(m)" and insert "(s)".

On page 175, line 21, strike "(n)" and insert "(t)".

On page 176, line 1, strike "(o)" and insert "(u)".

On page 176, line 6, strike "(p)" and insert "(v)".

On page 176, line 10, strike "(q)" and insert "(w)".

On page 176, line 15, strike "(r)" and insert "(x)".

On page 177, strike lines 1 and 2 and insert the following:

compaction, subsidence, wind and wave action, bank failure, and other problems relating to water resources in the area.

On page 177, line 3, strike "(s)" and insert "(y)".

On page 177, line 11, strike "(t)" and insert "(z)".

On page 177, between lines 21 and 22, insert the following:

(aa) Muddy River, Brookline and Boston, Massachusetts.—

(1) In general.—The Secretary shall evaluate the January 1999 study commissioned by the Boston Parks and Recreation Department, Boston, Massachusetts, and entitled "The Emerald Necklace Environmental Improvement Master Plan, Phase I Muddy River Flood Control, Water Quality and Habitat Enhancement", to determine whether the plans outlined in the study for flood control, water quality, habitat enhancements, and other improvements to the Muddy River in Brookline and Boston, Massachusetts, are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(2) Report.—Not later than December 31, 1999, the Secretary shall report to Congress the results of the evaluation.

On page 177, line 22, strike "(u)" and insert "(bb)".

On page 178, line 9, strike "(v)" and insert "(cc)".

On page 178, line 13, strike "(w)" and insert "(dd)".

On page 178, between lines 18 and 19, insert the following:

(ee) Dredged Material Management, Pascagoula Harbor, Mississippi.—

(1) In general.—The Secretary shall conduct a study to determine an alternative plan for dredged material management for the Pascagoula River portion of the project for navigation, Pascagoula Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094).

(2) Contents.—The study under paragraph (1) shall—

(A) include an analysis of the feasibility of expanding the Singing River Island Disposal Area or constructing a new dredged material disposal facility; and

(2) identify methods of managing and reducing sediment transport into the Federal navigation channel.

On page 178, line 19, strike "(x)" and insert "(ff)".

On page 179, line 6, strike "(y)" and insert "(gg)".

On page 179, line 19, strike "April 15, 1999," and insert "April 15, 2000,".

On page 179, line 22, strike "(z)" and insert "(hh)".

On page 180, line 13, strike "(aa)" and insert "(ii)".

On page 180, line 21, strike "(bb)" and insert "(jj)".

On page 181, line 1, strike "(cc)" and insert "(kk)".

Beginning on page 182, strike line 4 and all that follows through page 184, line 8.

On page 184, line 9, strike "(ee)" and insert "(ll)".

On page 184, line 13, strike "(ff) EAST LAKE, VERMILLION AND" and insert "(mm)".

On page 184, line 16, strike "East Lake, Vermillion and".

On page 184, line 22, strike "(gg)" and insert "(nn)".

On page 185, line 1, strike "(hh)" and insert "(oo)".

On page 185, line 7, strike "(ii)" and insert "(pp)".

On page 185, line 11, strike "(jj)" and insert "(qq)".

On page 186, between lines 6 and 7, insert the following:

(rr) CONTAMINATED DREDGED MATERIAL AND SEDIMENT MANAGEMENT, SOUTH CAROLINA COASTAL AREAS.—

(1) IN GENERAL.—The Secretary shall review pertinent reports and conduct other studies and field investigations to determine the best available science and methods for management of contaminated dredged material and sediments in the coastal areas of South Carolina.

(2) FOCUS.—In carrying out subsection (a), the Secretary shall place particular focus on areas where the Corps of Engineers maintains deep draft navigation projects, such as Charleston Harbor, Georgetown Harbor, and Port Royal, South Carolina.

(3) COOPERATION.—The studies shall be conducted in cooperation with the appropriate Federal and State environmental agencies.

On page 186, line 7, strike "(kk)" and insert "(ss)".

On page 186, line 15, strike "(ll)" and insert "(tt)".

On page 187, between lines 2 and 3, insert the following:

(uu) MOUNT ST. HELENS ENVIRONMENTAL RESTORATION, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of ecosystem restoration improvements throughout the Cowlitz and Toutle River basins, Washington, including the 6,000 acres of wetland, riverine, riparian, and upland habitats lost or altered due to the eruption of Mount St. Helens in 1980 and subsequent emergency actions.

(2) REQUIREMENTS.—In carrying out the study, the Secretary shall—

(A) work in close coordination with local governments, watershed entities, the State of Washington, and other Federal agencies; and

(B) place special emphasis on—

(i) conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) other watershed restoration objectives.

On page 187, line 3, strike "(mm)" and insert "(vv)".

On page 187, line 9, strike "(nn)" and insert "(ww)".

On page 187, line 14, strike "(oo)" and insert "(xx)".

On page 187, line 20, strike "(pp)" and insert "(yy)".

On page 187, line 25, strike "(qq)" and insert "(zz)".

On page 189, between lines 3 and 4, insert the following:

(aaa) GREAT LAKES NAVIGATIONAL SYSTEM.—In consultation with the St. Lawrence Seaway Development Corporation, the Secretary shall review the Great Lakes Connecting Channel and Harbors Report dated March 1985 to determine the feasibility of any modification of the recommendations made in the report to improve commercial navigation on the Great Lakes navigation system, including locks, dams, harbors, ports, channels, and other related features.

On page 192, strike lines 6 through 14 and insert the following:

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including—

(1) Los Angeles County drainage area, California;

(2) Napa River Valley watershed, California;

(3) Le May, Missouri;

(4) the upper Delaware River basin, New York;

(5) Mill Creek, Cincinnati, Ohio;

(6) Tillamook County, Oregon;

(7) Willamette River basin, Oregon;

(8) Delaware River, Pennsylvania;

(9) Schuylkill River, Pennsylvania; and

(10) Providence County, Rhode Island.

On page 203, strike lines 19 through 24 and insert the following:

SEC. 214. CONTROL OF AQUATIC PLANT GROWTH.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended in the first sentence by striking "water-hyacinth, alligatorweed, Eurasian water milfoil, melaleuca," and inserting "Alligatorweed, Aquaticum, Arundo Dona, Brazilian Elodea, Cabomba, Melaleuca, Myrophyllum, Spicatum, Tarmarix, Water Hyacinth,".

On page 205, line 11, strike the quotation marks and the semicolon.

On page 205, between lines 11 and 12, insert the following:

"(24) Columbia Slough watershed, Oregon.";

On page 211, strike line 8 and insert the following:

SEC. 223. JOHN GLENN GREAT LAKES BASIN PROGRAM.

On page 220, strike lines 4 through 8 and insert the following:

SEC. 229. ATLANTIC COAST OF NEW YORK.

Section 404(c) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by inserting after "1997" the following: "and an additional total of $2,500,000 for fiscal years thereafter".

On page 221, between lines 11 and 12, insert the following:

SEC. 231. MISSISSIPPI RIVER COMMISSION.

Notwithstanding any other provision of law, a member of the Mississippi River Commission (other than the president of the Commission) shall receive annual pay of $21,500.

SEC. 232. USE OF PRIVATE ENTERPRISES.

(a) INVENTORY AND REVIEW.—The Secretary shall inventory and review all activities of the Corps of Engineers that are not inherently governmental in nature in accordance with the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note; Public Law 105–270).

(b) CONSIDERATIONS.—In determining whether to commit to private enterprise the performance of architectural or engineering services (including surveying and mapping services), the Secretary shall take into consideration professional qualifications as well as cost.

On page 233, lines 21 and 22, strike "equally between the programs authorized by paragraph (1)(A)" and insert "between the programs authorized by paragraph (1)(A) in amounts that are proportionate to the amounts authorized to be appropriated to carry out those programs, respectively".

On page 238, strike lines 15 through 22 and insert the following:

SEC. 316. NINE MILE RUN HABITAT RESTORATION, PENNSYLVANIA.

If the Secretary determines that the documentation is integral to the project, the Secretary shall credit against the non-Federal share such costs, not to exceed $1,000,000, as are incurred by the non-Federal interests in preparing the environmental restoration report, planning and design-phase scientific and engineering technical services documentation, and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania.

On page 248, after line 22, add the following:

SEC. 332. PINE FLAT DAM, KINGS RIVER, CALIFORNIA.

Under the authority of section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary shall carry out a project to construct a turbine bypass at Pine Flat Dam, Kings River, California, in accordance with the Project Modification Report and Environmental Assessment dated September 1996.

SEC. 333. LEVEES IN ELBA AND GENEVA, ALABAMA.

(a) ELBA, ALABAMA.—

(1) IN GENERAL.—The Secretary may repair and rehabilitate a levee in the city of Elba, Alabama, at a total cost of $12,900,000.

(2) COST SHARING.—The non-Federal share of the cost of repair and rehabilitation under paragraph (1) shall be 35 percent.

(b) GENEVA, ALABAMA.—

(1) IN GENERAL.—The Secretary may repair and rehabilitate a levee in the city of Geneva, Alabama, at a total cost of $16,600,000.

(2) COST SHARING.—The non-Federal share of the cost of repair and rehabilitation under paragraph (1) shall be 35 percent.

SEC. 334. TORONTO LAKE AND EL DORADO LAKE, KANSAS.

(a) IN GENERAL.—The Secretary shall convey to the State of Kansas, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the 2 parcels of land described in subsection (b) on which correctional facilities operated by the Kansas Department of Corrections are situated.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are—

(1) the parcel located in Butler County, Kansas, adjacent to the El Dorado Lake Project, consisting of approximately 32.98 acres; and

(2) the parcel located in Woodson County, Kansas, adjacent to the Toronto Lake Project, consisting of approximately 51.98 acres.

(c) CONDITIONS.—

(1) USE OF LAND.—A conveyance of a parcel under subsection (a) shall be subject to the condition that all right, title, and interest in and to the parcel conveyed under subsection (a) shall revert to the United States if the parcel is used for a purpose other than that of a correctional facility.

(2) COSTS.—The Secretary may require such additional terms, conditions, reservations, and restrictions in connection with the conveyance as the Secretary determines are necessary to protect the interests of the United States, including a requirement that

the State pay all reasonable administrative costs associated with the conveyance.

SEC. 335. SAN JACINTO DISPOSAL AREA, GALVESTON, TEXAS.

Section 108 of the Energy and Water Development Appropriations Act, 1994 (107 Stat. 1320), is amended in the first sentence of subsection (a) and in subsection (b)(1) by striking "fee simple absolute title" each place it appears and inserting "fee simple title to the surface estate (without the right to use the surface of the property for the production of minerals)".

SEC. 336. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(e)(1) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended by striking "$10,000,000" and inserting "$15,000,000".

SEC. 337. WATER MONITORING STATION.

Section 584(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "$50,000" and inserting "$100,000".

SEC. 338. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

(a) DEVELOPMENT.—The Secretary shall develop a plan to address water and related land resources problems in the upper Mississippi River basin and the Illinois River basin, extending from Cairo, Illinois, to the headwaters of the Mississippi River, to determine the feasibility of systemic flood damage reduction by means of—

(1) structural and nonstructural flood control and floodplain management strategies;

(2) continued maintenance of the navigation project;

(3) management of bank caving, erosion, watershed nutrients and sediment, habitat, and recreation; and

(4) other related means.

(b) CONTENTS.—The plan shall contain recommendations for—

(1) management plans and actions to be carried out by Federal and non-Federal entities;

(2) construction of a systemic flood control project in accordance with a plan for the upper Mississippi River;

(3) Federal action, where appropriate; and

(4) follow-on studies for problem areas for which data or current technology does not allow immediate solutions.

(c) CONSULTATION AND USE OF EXISTING DATA.—In developing the plan, the Secretary shall—

(1) consult with appropriate State and Federal agencies; and

(2) make maximum use of—

(A) data and programs in existence on the date of enactment of this Act; and

(B) efforts of States and Federal agencies.

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes the plan.

SEC. 339. MCNARY LOCK AND DAM, WASHINGTON.

(a) IN GENERAL.—The Secretary may convey to a port district or a port authority—

(1) without the payment of additional consideration, any remaining right, title, and interest of the United States in property acquired for the McNary Lock and Dam, Washington, project and subsequently conveyed to the port district or a port authority under section 108 of the River and Harbor Act of 1960 (33 U.S.C. 578); and

(2) at fair market value, as determined by the Secretary, all right, title, and interest of the United States in such property under the jurisdiction of the Secretary relating to the project as the Secretary considers appropriate.

(b) CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—A conveyance under subsection (a) shall be subject to—

(1) such conditions, reservations, and restrictions as the Secretary determines to be necessary for the development, maintenance, or operation or the project or otherwise in the public interest; and

(2) the payment by the port district or port authority of all administrative costs associated with the conveyance.

SEC. 340. MCNARY NATIONAL WILDLIFE REFUGE.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the McNary National Wildlife Refuge is transferred from the Secretary to the Secretary of the Interior.

(b) LAND EXCHANGE WITH THE PORT OF WALLA WALLA, WASHINGTON.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior may exchange approximately 188 acres of land located south of Highway 12 and comprising a portion of the McNary National Wildlife Refuge for approximately 122 acres of land owned by the Port of Walla Walla, Washington, and located at the confluence of the Snake River and the Columbia River.

(2) TERMS AND CONDITIONS.—The land exchange under paragraph (1) shall be carried out in accordance with such terms and conditions as the Secretary of the Interior determines to be necessary to protect the interests of the United States, including a requirement that the Port pay—

(A) reasonable administrative costs (not to exceed $50,000) associated with the exchange; and

(B) any excess (as determined by the Secretary of the Interior) of the fair market value of the parcel conveyed by the Secretary of the Interior over the fair market value of the parcel conveyed by the Port.

(3) USE OF FUNDS.—The Secretary of the Interior may retain any funds received under paragraph (2)(B) and, without further Act of appropriation, may use the funds to acquire replacement habitat for the Mid-Columbia River National Wildlife Refuge Complex.

(c) MANAGEMENT.—The McNary National Wildlife Refuge and land conveyed by the Port of Walla Walla, Washington, under subsection (b) shall be managed in accordance with applicable laws, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE IV—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

SEC. 401. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) DEFINITIONS.—Section 601 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-660), is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) COMMISSION.—The term 'Commission' means the South Dakota Cultural Resources Advisory Commission established by section 605(j)."; and

(3) by inserting after paragraph (2) (as redesignated by paragraph (1)) the following:

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Army.".

(b) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-660), is amended—

(1) in subsection (a)(4)—

(A) in subparagraph (A)(ii), by striking "803" and inserting "603";

(B) in subparagraph (B)(ii), by striking "804" and inserting "604"; and

(C) in subparagraph (C)—

(i) in clause (i)(II), by striking "803(d)(3) and 804(d)(3)" and inserting "603(d)(3) and 604(d)(3)"; and

(ii) in clause (ii)(II)—

(I) by striking "803(d)(3)(A)(i)" and inserting "603(d)(3)(A)(i)"; and

(II) by striking "804(d)(3)(A)(i)" and inserting "604(d)(3)(A)(i)";

(2) in subsection (b)—

(A) in paragraph (1), by striking "803(d)(3)(A)(iii)" and inserting "603(d)(3)(A)(ii)(III)"; and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking "803(d)(3)(A)(iii)" and inserting "603(d)(3)(A)(ii)(III)"; and

(ii) in subparagraph (B), by striking "804(d)(3)(A)(iii)" and inserting "604(d)(3)(A)(ii)(III)"; and

(3) in subsection (c), by striking "803 and 804" and inserting "603 and 604".

(c) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-663), is amended—

(1) in subsection (c)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the fund in obligations that carry the highest rate of interest among available obligations of the required maturity."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "802(a)(4)(A)" and inserting "602(a)(4)(A)"; and

(B) in paragraph (3)(A)—

(i) in clause (i)—

(I) by striking "802(a)" and inserting "602(a)"; and

(II) by striking "and" at the end; and

(ii) in clause (ii)—

(I) in subclause (III), by striking "802(b)" and inserting "602(b)"; and

(II) in subclause (IV)—

(aa) by striking "802" and inserting "602"; and

(bb) by striking "and" at the end.

(d) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-664), is amended—

(1) in subsection (c)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the fund in obligations that carry the highest rate of interest among available obligations of the required maturity."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "802(a)(4)(B)" and inserting "602(a)(4)(B)"; and

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "802(a)" and inserting "602(a)"; and

(ii) in clause (ii)—

(I) in subclause (III), by striking "802(b)" and inserting "602(b)"; and

(II) in subclause (IV), by striking "802" and inserting "602".

(e) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-665), is amended—

(1) in subsection (a)(2)(B), by striking "802" and inserting "602";

(2) in subsection (c), in the mater preceding paragraph (1), by striking "waters" and inserting "facilities";

(3) in subsection (e)(2), by striking "803" and inserting "603";

(4) by striking subsection (g) and inserting the following:

"(g) HUNTING AND FISHING.—

"(1) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water's edge and outside the exterior boundaries of an Indian reservation in South Dakota.

"(2) JURISDICTION.—

"(A) TRANSFERRED LAND.—On transfer of the land under this section to the State of South Dakota, jurisdiction over the land shall be the same as that over other land owned by the State of South Dakota.

"(B) LAND BETWEEN THE MISSOURI RIVER WATER'S EDGE AND THE LEVEL OF THE EXCLUSIVE FLOOD POOL.—Jurisdiction over land between the Missouri River water's edge and the level of the exclusive flood pool outside Indian reservations in the State of South Dakota shall be the same as that exercised by the State on other land owned by the State, and that jurisdiction shall follow the fluctuations of the water's edge.

"(D) FEDERAL LAND.—Jurisdiction over land and water owned by the Federal government within the boundaries of the State of South Dakota that are not affected by this Act shall remain unchanged.

"(3) EASEMENTS AND ACCESS.—The Secretary shall provide the State of South Dakota with easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887))."; and

(5) by adding at the end the following:

"(i) IMPACT AID.—The land transferred under subsection (a) shall be deemed to continue to be owned by the United States for purposes of section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702)."

(f) TRANSFER OF CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.—Section 606 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-667), is amended—

(1) in subsection (a)(1), by inserting before the period at the end the following: "for their use in perpetuity";

(2) in subsection (c), in the matter preceding paragraph (1), by striking "waters" and inserting "facilities";

(3) in subsection (f), by striking paragraph (2) and inserting the following:

"(2) HUNTING AND FISHING.—

"(A) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water's edge and within the exterior boundaries of the Cheyenne River Sioux and Lower Brule Sioux Tribe reservations.

"(B) JURISDICTION.—On transfer of the land to the respective tribes under this section, jurisdiction over the land and on land between the water's edge and the level of the exclusive flood pool within the respective Tribe's reservation boundaries shall be the same as that over land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Reservation and the Lower Brule Sioux Reservation, and that jurisdiction shall follow the fluctuations of the water's edge.

"(C) EASEMENTS AND ACCESS.—The Secretary shall provide the Tribes with such easements and access on land and water below the level of the exclusive flood pool inside the respective Indian reservations for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).";

(4) in subsection (e)(2), by striking "804" and inserting "604"; and

(5) by adding at the end the following:

"(g) EXTERIOR INDIAN RESERVATION BOUNDARIES.—Notheing in this section diminishes, changes, or otherwise affects the exterior boundaries of a reservation of an Indian tribe.".

(g) ADMINISTRATION.—Section 607(b) of division C of the Omnibus Consolidated and Energy Supplemental Appropriations Act, 1999 (112 Stat. 2681-669), is amended by striking "land" and inserting "property".

(h) STUDY.—Section 608 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-670), is amended—

(1) in subsection (a)—

(A) by striking "Not late than 1 year after the date of enactment of this Act, the Secretary" and inserting "The Secretary";

(B) by striking "to conduct" and inserting "to complete, not later than October 31, 1999,"; and

(C) by striking "805(b) and 806(b)" and inserting "605(b) and 606(b)";

(2) in subsection (b), by striking "805(b) or 806(b)" and inserting "606(b) or 606(b)"; and

(3) by adding at the end the following:

"(c) STATE WATER RIGHTS.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any State.

"(d) INDIAN WATER RIGHTS.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any Indian tribe or tribal nation.".

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 609(a) of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-670), is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2)—

(A) by striking "802(a)" and inserting "605(a)"; and

(B) by striking "803(d)(3) and 804(d)(3)." and inserting "603(d)(3) and 604(d)(3); and"; and

(3) by adding at the end the following:

"(3) to fund the annual expenses (not to exceed the Federal cost as of the date of enactment of this Act) of operating recreation areas to be transferred under sections 605(c) and 606(c) or leased by the State of South Dakota or Indian tribes, until such time as the trust funds under sections 603 and 604 are fully capitalized.".

On Page 157 in between lines 14 and 15, insert the following:

(6) WHITE RIVER BASIN, ARKANSAS AND MISSOURI.—

(A) IN GENERAL.—The project for flood control, power generation and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by H. Doc. 917, 76th Cong., 3d Sess., and H. Doc. 290, 77th Cong., 1st Sess., approved August 18, 1941, and H. Doc. 499, 83d Cong., 2d Sess., approved September 3, 1954, and by Section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711) is modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following amounts of project storage: Beaver Lake, 3.5 feet; Table Rock, 2 feet; Bull Shoals Lake, 5 feet; Norfork Lake, 3.5 feet; and Greers Ferry Lake, 3 feet. The Secretary shall complete such report and submit it to the Congress by July 30, 2000.

(B) REPORT.—The report of the Chief of Engineers, required by this subsection, shall also include a determination that the modification of the project in subparagraph (A) does not adversely affect other authorized project purposes, and that no federal costs are incurred.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, April 22, 1999, 10 a.m., in SD–628 of the Senate Dirksen Building. The subject of the hearing is "ESEA Reauthorization." For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a field hearing on "Teaching Teachers" during the session of the Senate on Monday, April 19, 1999, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS AND TERRORISM

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism be authorized to meet during the session of the Senate on Monday, April 19, 1999 at 3:45 p.m. to hold a closed Members' briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BARRING CIVIL ACTIONS AGAINST THE PRESIDENT

• Mr. LEVIN. Mr. President, today I am joining my good friend from New York, Senator MOYNIHAN, as a cosponsor of his bill to limit civil actions against a sitting President. The Supreme Court may have been right in its analysis in *Clinton v. Jones* that the separation of powers doctrine does not require immunity from civil suit for a sitting President, but it was wrong when it concluded that "a deluge of such litigation will never engulf the Presidency," and when it went on to assert, "if properly managed by the District Court, it appears to us highly unlikely [for the Paula Jones civil suit] to occupy any substantial amount of petitioner's time."

No one can reasonably believe that President Clinton didn't spend a significant amount of his time preparing his defense in the Paula Jones case. Moreover, we can all understand how the existence of such a case can be a significant distraction and preoccupation even when it is not being worked on directly.

The Supreme Court recognized in its decision in *Clinton v. Jones* the all-consuming nature of the responsibilities of being President of the United States. The Court wrote:

> "As a starting premise, petitioner [the President] contends that he occupies a unique office with powers and responsibilities so vast and important that the public interest demands that he devote his undivided time and attention to his public duties . . . We have no dispute with the initial premise of the argument. Former presidents, from George Washington to George Bush, have consistently endorsed petitioner's characterization of the office. After serving his term, Lyndon Johnson observed: "Of all the 1,886 nights I was President, there were not many when I got to sleep before 1 or 2 A.M., and there were few mornings when I didn't wake up by 6 or 6:30."

Being President of the United States is a 24 hour a day job. That's both necessary and desirable. To allow the President to be sued for matters arising from acts committed prior to his taking office makes the President vulnerable to mischievous, possibly politically-motivated and time-consuming litigation. As the leader of our country and the most important political leader in the world, I don't want the President's attention diverted from the many important and consequential responsibilities of the office to defend against lawsuits based on allegations of conduct before the President ran for office and which could have therefore been filed prior to his taking office. That's why I support limiting the involvement of sitting Presidents in civil litigation.

Senator MOYNIHAN has taken the first step in addressing this problem. His bill would bar the President from participating in any civil trial involving the President as plaintiff or defendant but would permit discovery to the extent it is carried out with "due deference to Presidential responsibilities" and using "reasonable case management principles." The bill would allow a civil suit to be filed and limited discovery to occur, but would not allow a President to proceed to trial as either a plaintiff or defendant. Senator MOYNIHAN has made a thoughtful proposal. However, I prefer that the bill be limited to only those civil cases brought with respect to matters that occurred before the President assumed office or before the President participated in the general election; I would not want to affect cases brought against Presidents for actions they have taken while President in their official capacity. There are a significant number of cases against every President for actions taken during their term in office, and I don't believe we can or should immunize the President from those types of cases. For example, President Truman was sued when he seized the steel plants. President Carter was sued over his decision to return the Panama Canal to Panama. President Reagan was sued regarding the role of America in El Salvador, and President Bush was sued for various matters relating to the Persian Gulf War. I am not commenting on the validity of these suits, I am only saying that such suits should not be disallowed since they are brought against the President in his or her official capacity and they are handled not by the President but by the Department of Justice and White House Legal Counsel. Another class of cases that should be permitted while a President is in office are domestic cases—those related to or involving personal family relationships such as the resolution of a will or an estate or child support.

The Supreme Court reported that only three sitting Presidents have been defendants in civil suits involving their actions prior to taking office. These were Theodore Roosevelt and Harry Truman whose cases were dismissed before they took office, and John F. Kennedy, whose case was settled once he took office. Given the increasing litigious nature of our society, we cannot rely on this history to project what may happen in the future. And given the recent experience of President Clinton and the Paula Jones case, we know the enormous consequences just one such case can have.

I look forward to working with Senator MOYNIHAN on this legislation and to getting it enacted in this Congress, before the next President takes office in the year 2001.•

HONORING MR. GERALD T. HALPIN

• Mr. ROBB. Mr. President, I'd like to use this occasion to honor a long-time friend, Mr. Gerald T. Halpin, who has shown that economic prosperity can go hand-in-hand with public service. Jerry Halpin is the Founder, President and Chief Executive Officer of WEST*GROUP, a commercial real estate company based in McLean, Virginia, and he was recently honored as the 1998 Fairfax County Citizen of the Year by the Fairfax County Federation of Citizens Associations and "The Washington Post." Jerry Halpin deserves this recognition, not just because he changed the face of Fairfax County as a visionary businessman, but also because of his vast record of quiet and selfless community leadership.

Anyone who is familiar with Northern Virginia is also familiar with Jerry Halpin's business accomplishments, although not everyone knows the full range of this self-effacing, public-spirited citizen's contributions to our community. In 1962, Jerry and three partners purchased a 125-acre farm on the crest of a hill in western Fairfax. On that crest he built Tysons Corner, which remains to this day one of the primary commercial centers in the entire region. His WEST*GROUP properties dot the area, and he has been responsible for the development, redevelopment or construction of office, retail, residential, resort, and industrial space for WEST*GROUP affiliates aggregating more than 12 million square feet.

In the midst of this time-consuming and successful business career, however, Jerry Halpin made the time to reinvest in his community. His specific contributions to this region are far too numerous to mention, although I would like to highlight a few. Thirty-five years ago, when the Fairfax County Park Authority was unable to secure sufficient funds to purchase land for a park site, he refinanced his home to cover the purchase price and then turned the land over to the Park Authority. Today, that land constitutes Burke Lake Park, one of Fairfax County's finest public recreation areas. As he was developing the WEST*GATE and WEST*PARK Office Parks in Tysons Corner, Jerry ensured that a net gain of trees existed after construction and donated land for a school, a ball park and transit stations. He played a major role in the purchase of various structures for Wolf Trap Farm Park, one of the finest facilities in the area, and dedicated substantial time to the Park as an early Trustee, Executive Committee Co-Chairman and Finance Committee Chairman of the Wolf Trap Foundation. On a more personal scale, Jerry was also involved in the landscaping of Trinity United Methodist Church and the Churchill Road Elementary School playground, both in McLean. A common thread runs through these disparate projects. Knowing him as I do, I am convinced that Jerry undertook each, not to advance his personal ambitions, but to promote the public interest. That's why many who live in the region are familiar with Jerry's commercial work but are less familiar with his public works. That is because Jerry is not a self-promoter, and I know he did not seek the honor that was bestowed upon him by the Federation of Citizens Associations. I am glad, however, that his selflessness has been recognized, not so much because Jerry needs awards, but because he provides the community with such a positive role model.

Despite his many years of work and service, Jerry Halpin is still going strong. He currently serves as Chairman of the Grand Teton National Park Foundation, as a Director of the National Fish and Wildlife Foundation, and as a Director and Chairman of the Finance Committee for the National Capital Bicentennial Celebration. These current activities build on many in the past, such as his service with the American Horticultural Society, the American Museum of Immigration, the National Parks and Recreation Association, the Virginia Museum of Science, the Boarder Baby Project Gala, and the Medical Care for Children Partnership Awards Dinner. Jerry has also volunteered his time and leadership skills to many charitable organizations including the McLean Project for the Arts, United Community Ministries, the Claude Moore Colonial Farm, Hospice of Northern Virginia, Fairfax Hospital and Northern Virginia Community College.

Jerry's civic participation has extended to various public boards and commissions. During my term as Governor of Virginia, I appointed him to the Governor's Task Force on Science and Technology and to the Governor's Joint Study Committee to inquire into the practicality of creating a Coal Slurry Pipeline in Virginia. Jerry served as a member of the Governor's Advisory Board on Industrial Development under Governors Holton, Godwin and Dalton. He was also a member of the Fairfax County Economic Development Authority and its predecessor organizations for over eight years.

Jerry Halpin has been a personal friend of mine for many years now. For over forty years, he has provided community leadership not only for Fairfax County, but to all of Northern Virginia and the Washington D.C. metropolitan area. The Fairfax County Federation of Citizens Associations and "The Washington Post" could not have selected anyone more deserving than Jerry Halpin to be the 1998 Fairfax County Citizen of the Year. George Hartzog, the former Director of the National Park Service, has called Jerry a "treasure to mankind"—I couldn't have said it better.●

RECOGNIZING THE "STEPS AHEAD" PROGRAM IN SEATTLE, WA

● Mr. GORTON. Mr. President, during this past recess, I had the pleasure of presenting my Innovation in Education Awards to two excellent recipients, one of which I would like to recognize now.

One award was given to the "Steps Ahead" program from "Community for Youth." Community for Youth is a local non-profit organization in Seattle whose Steps Ahead program provides adult mentors to youth at risk of academic or social failure. This program has been in existence for eight years and has demonstrated remarkable progress in transforming the lives of students who might otherwise fall through the cracks of our education system.

Steps Ahead's curriculum focuses on five key factors for student behavior: (1) Building a positive self-image, (2) Expressing themselves assertively rather than passively or aggressively, (3) Accepting responsibility for their behavior rather than making excuses, (4) Setting and keeping realistic goals in life and (5) Making conscious decisions to solve problems rather than reactively letting the world pass them by. These may seem like exceedingly basic principles but, this focus has reaped great rewards with the students it has reached.

The students involved in this program have, for whatever reason been labeled as "at-risk." Fortunately, through the simple concept of restoring self-respect, accountability, and confidence, the Steps Ahead program has achieved outstanding results. Steps Ahead participants have fewer dropouts and fewer expulsions from school than their peers. The Steps Ahead students also have ten percent better classroom attendance, twenty-five percent fewer grades, and fifteen percent fewer dropouts, expulsions and long term suspensions—all this is the heart of metropolitan Seattle where the escourge of dropouts rates, poor attendance, and violent behavioral problems have traditionally been some of the worst in Washington state.

Community for Youth's efforts thought the Steps Ahead program is just one piece of the puzzle of trying to improve the lives and education of troubled youth. More importantly, perhaps, Steps Ahead has accomplished these feats by teaming up with local business to provide funding and mentors and by teaming up with the Seattle School District to target school populations most in need of mentoring. This type of common-sense and community-oriented approach to solving a difficult education problem demonstrates the exact reason why I began this Innovation in Education Award program.

I think any of my colleagues would be hard pressed to prove the kind of program I am talking about here today could come from the innovation of a bureaucrat here in Washington, DC. Rather, it is the hard work of the people that look into the eyes of our children every day, the parents, the teachers, the school administrators, and the volunteers like those at Steps Ahead, who make a difference in the lives of our children.

I am pleased to have been able to recognize Steps Ahead and Community For Youth with an Innovation in Education Award. They represent the ideals in education that deserve our support.●

TRUE AMERICAN HEROES: A SALUTE TO BOYD CLINES, LARRY ROGERS, AND MATT MOSELEY FOR THEIR BRAVERY AND COURAGE IN THE APRIL 12, 1999 DARING RESCUE OF IVERS SIMS

● Mr. CLELAND. Mr. President, I rise today to acknowledge and salute the heroism and bravery displayed during the brave and daring rescue of Ivers Sims by Atlanta firefighter Matt Moseley, Georgia Department of Natural Resources pilot Boyd Clines, and his navigator, Larry Rogers on April 12, 1999.

Many Americans watched this frightening drama unfold on television, and all prayed for a successful and joyous rescue. Last Monday afternoon, as members of the Atlanta City Fire Department fought a raging fire throughout the historic Fulton Bag and Cotton Mill in southeast Atlanta, Ivers Sims, a construction worker, found himself trapped on top of a swaying, 250-foot crane above the raging fire that had erupted in the mill. Boyd Clines and Larry Rogers arrived on the scene and miraculously negotiated their helicopter through the menacing wind, smoke, and fire which emanated from the cotton mill, while Atlanta firefighter, Matt Moseley, dangled from a rope near the flames—all working together to save the life of Mr. Sims.

Thanks to dedicated teamwork, amazing heroism, courage and valor in risking their own lives, these three brave men rescued Ivers Sims from above the flames, and moments later, all four safely returned to the ground. When I think of these three heroic

Americans and their brave actions I am reminded of the words of Theodore Roosevelt who once said, "Americanism means the virtues of courage, honor, justice, truth, sincerity, and hardihood—the virtues that made America." These three men have brought pride and honor to the State of Georgia and to the entire Nation. Boyd, Larry and Matt are true examples of the courage, honor, justice, truth, sincerity, and hardihood that this Nation is built upon, and are indeed great Americans!

I would like to salute all Atlanta firefighters, police officers and Sheriffs deputies who diligently worked together in order to fight the massive fire that engulfed the historic cotton mill. I would also like to praise the fire fighters throughout the Nation who, like Matt Moseley, put their lives on the line every day to protect and serve our communities. Mr. President, I ask that you and my colleagues join me in recognizing and honoring the heroism and bravery displayed by Boyd Clines, Larry Rogers, and Matt Moseley under the most dangerous of circumstances in saving the life of Ivers Sims.●

CONGRATULATING SCITUATE HIGH SCHOOL FOR ITS FIRST PLACE FINISH IN THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" STATE COMPETITION

● Mr. CHAFEE. Mr. President, on May 1st, fifteen outstanding students from Scituate High School in Rhode Island will visit Washington to begin their competition in the national finals of the "We the People . . . The Citizen and the Constitution" program.

For those of my colleagues who are not familiar with it, the "We the People . . . The Citizen and the Constitution" program is among the most extensive educational programs in the country focusing on citizenship. The program was developed specifically to ensure that young people understand the history and philosophy of the Constitution and the Bill of Rights. The three-day national competition simulates a congressional hearing in which students are given the opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on historical and contemporary constitutional issues.

Administered by the Center for Civic Education, the "We the People . . . The Citizen and the Constitution" program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history. It is heartwarming to see young Rhode Islanders taking such an active and participatory interest in public affairs.

I am very proud of Philip Amylon, Matthew Bilotti, Caitlin Bouchard, Jessica Bradbury, Kathleen Burdett, Jacqueline Gallo, Christopher Granatino, Thomas Hynes, Carolyn Jacobs, Danielle Lachance, Catherine Moser, Ross Mtangi, Christopher Natalizia, Ian Noonan, and Christina Rossi for making it to the national finals. I applaud this terrific group of young men and women for their hard work and perseverance. Also, Mr. President, I want to congratulate Amy Grundt, a fine teacher who deserves so much credit for guiding the Scituate High School team to the national finals.

Congratulations to Ms. Grundt and her students for what they have already achieved, and best of luck in the final competition. These students, with the guidance of Ms. Gundt, have learned what our Nation is all about and what countless men and women have fought and died to protect. No matter what the outcome of the contest is, they have each earned the greatest prize of all: knowledge.●

TRIBUTE TO KATHRYN HOLM OF THE FLORIDA ORCHESTRA

● Mr. GRAHAM. Mr. President, I rise to offer a tribute to an outstanding Floridian and a premier musician, Ms. Kathryn Holm, of The Florida Orchestra, will be recognized this evening at the Kennedy Center for the Performing Arts as "Arts Administrator of the Year."

As we prepare to begin a new millennium, we must remember that a key indicator of the health and well-being of any society has always been its treatment of the arts. Our society is one which admires its artists, and Ms. Holm has spent her career providing a basis for our reverence of music, working with The Florida Orchestra to transform sounds into majestic expressions.

Kathryn Holm joined The Florida Orchestra as a principal harpist in 1977. Some 17 years later, she was named executive of the orchestra, which was, at the time, heavily in debt.

Combining her musical talent with her business acumen, she was able to restore fiscal solvency to The Florida Orchestra. Her effective three-stage recovery plan earned Kathryn Holm the "Jessie Ball DuPont Turnaround Award," while restoring credibility to the orchestra. Now in its fourth consecutive year without operating losses, The Florida Orchestra has boosted ticket sales, sponsorships and donations, and released its first compact disc.

Mr. President, I am honored to join the art world in applauding the leadership of Kathryn Holm on this special day.●

RECOGNIZING PEGGY O'NEILL-SKINNER FROM THE BUSH SCHOOL, SEATTLE, WA

● Mr. GORTON. Mr. President, during this past recess, I had the pleasure of presenting Innovation in Education Awards to two excellent recipients; the first of which I noted in a previous floor speech.

The second Innovation in Education Award went to Peggy O'Neill-Skinner, a truly remarkable science teacher at the Bush School in Seattle. Peggy has been a science teacher for 28 years and is doing outstanding work in helping her students learn the importance of biology and technology in today's world. Her years of devotion in teaching AP Biology, general biology, and numerous elective science courses have shown great dividends. In fact, at a larger education event at which this award was presented, my staff was approached by a number of attendees who had one universally similar point to share: "my child went to Bush and Peggy is a truly remarkable teacher. She is the kind of teacher that can change a student's life and is a perfect fit for this award." Such praise needs no elaboration.

Last December, Peggy was given the prestigious Siemens Award for Advance Placement, one of only 20 award winners across the country. The Siemens Award recognizes excellence AP courses for math and science. By virtue of being selected with such a small number of her peers to receive such recognition, Peggy's own accomplishments speak to her supererogatory nature.

Her devotion to her students and to pursuing her own continued education has paid great dividends with her students. Indeed, she spends her own summers teaching and learning at the University of Washington as well as the Fred Hutchinson Cancer Research Center. It is this kind of effort—to be the best possible educator one can be—that makes the education of all our children better.

I am pleased to have been able to give Peggy an Innovation in Education Award in recognition of her hard work, her dedication, and her devotion to making the lives of her students better. While Peggy teaches in a private school, she clearly demonstrates the common sense that permeates local educators in all of our constituencies. They can do amazing things if we make sure they have the resources to do so without the red tape that would otherwise stifle the learning of our children.

For too long the federal government has been in the business of placing burdensome regulations on our local schools. We have in Peggy O'Neill-Skinner an example of what educators can do without those restraints and we owe it to our children and grandchildren to let educators like Peggy reach their potential. That is why I will continue to fight hard on behalf of legislation that provides relief from red tape and brings more money into local classrooms where the people with real common sense to educate our children work everyday.•

RECOGNIZING APRIL 28, 1999, AS "ILLINOIS STUDENT TECHNOLOGY DAY"

• Mr. DURBIN. Mr. President, I rise today to recognize April 28, 1999, as "Illinois Student Technology Day." On that day, approximately 140 schools will participate in school technology demonstrations at the eighth annual Students for the Information Age program at the Illinois State Capitol Building in Springfield.

During this all-day event in the middle of National Science & Technology Week, over 300 Illinois students will demonstrate the important impact technology, and access to it, has had in their classrooms.

The advancements that have been made in technology, and the role it has played in increasing access to valuable information and resources, has improved the learning experience for many of our nation's students. Technology has clearly become a powerful instrument for enhancing the learning process. With the advent of the information age, it is more important than ever to expose students to technological innovations that will play a crucial role in their intellectual development. We need to redouble our efforts to ensure that more students, especially those in rural and impoverished areas, have access to these technological advancements.

I hope that we can look at what will take place in Springfield, IL, on April 28, 1999, as a sign of the continuing commitment to give our students the best possible opportunity to learn and succeed both in the classroom and in their later careers.•

RECOGNIZING THE TRI-CITY CRYSTAL APPLE AWARDS PROGRAM

• Mr. GORTON. Mr. President, as my colleagues may remember, each week I give an Innovation in Education Award to recognize outstanding educators and education programs in Washington State. The premise is very simple, that local people in our communities, not bureaucrats here in Washington, DC, know best how to educate our children.

As nominations for these awards have poured into my office, I received one noting the work of the program I will recognize today: the Tri-City Crystal Apple Awards. The Crystal Apple Awards is sponsored by local service groups, businesses, and individuals. The community comes together to recognize educators who have a positive impact on the lives and futures of their students.

Each educator nominated for this award has demonstrated that he or she has a special focus on students, has enthusiasm and versatility in meeting individual needs, creativity in their use of curriculum and resources, give special attention to creating a constructive learning environment, have the ability to develop parent support and respect, and have the ability to inspire students so the student may achieve their maximum potential in life. These are truly outstanding characteristics for any educator to have.

I commend the Crystal Apple Award program for recognizing the excellence that occurs in their midst. Too often today, educators of great merit go without recognition. Indeed, currently there is a heated debate occurring in Washington State regarding teacher pay and methods to improve compensation for these deserving educators. The Crystal Apple Awards are doing the right thing in teaming up with the community to recognize the people that are making the difference in their local schools. My only regret is that I am not able to be in Richland for the awards presentation.

I hope that the attendees of the Crystal Apple Awards ceremony will have a pleasant event. I hope too that my colleagues will recognize the excellence in education found in communities across our country. This issue energizes me in a special way. I am glad to stand up for what the educators in my State have wanted for a long time: the freedom to innovate. That is why I will work hard this year to allow local communities to decide how to best spend their Federal education dollars; giving people like the recipients of the Crystal Apple Awards the flexibility to teach our kids the way they—and only they—know best.•

TRIBUTE TO MARY MAIER

• Mr. KOHL. Mr. President, I rise today to honor Mary Maier, the associate director for the Wisconsin Rural Leadership Program. Mary will be retiring this month after an outstanding 26-year career with the University of Wisconsin Extension Service.

As a member of the Community Programs Division and then the Wisconsin Rural Leadership Program, Mary has demonstrated an unequaled passion and devotion to her work. Mary has worked as the associate director of the Wisconsin Rural Leadership Program since the program's inception in 1984. During this time she has helped make this one of the premier leadership training programs in the Nation. In 1988 she received the first Classified Staff Award for Excellence given by the University of Wisconsin Extension Service.

Mary's exceptional talent as a member of the Wisconsin Rural Leadership Training Program will be sorely missed by her colleagues. However, we all wish her the best in her retirement.•

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following measures reported by the Energy Committee: S. 361, Calendar No. 67; S. 426, Calendar No. 68; S. 430, Calendar No. 69; S. 449, Calendar No. 70; S. 330, Calendar No. 71.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that any committee amendments, if applicable, be agreed to, the bills be considered read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills be printed at the appropriate place in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTING SECRETARY OF THE INTERIOR TO TRANSFER PROPERTY IN BIG HORN COUNTY, WYOMING

The bill (S. 361) to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest, was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S. 361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF LOWE FAMILY PROPERTY.

(a) CONVEYANCE.—Subject to valid existing rights, the Secretary of the Interior is directed to issue, without consideration, a quitclaim deed to John R. and Margaret J. Lowe of Big Horn County, Wyoming, to the land described in subsection (b): *Provided*, That all minerals underlying such land are hereby reserved to the United States.

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is the approximately 40-acre parcel located in the SW¼SE¼ of Section 11, Township 51 North, Range 96 West, 6th Principal Meridian, Wyoming.

HUNA TOTEM CORPORATION LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 426) to amend the Alaska Native

Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes, which had been reported from the Committee on Energy and Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Huna Totem Corporation **[**Public Interest**]** Land Exchange Act".

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding a new section to read:

"SEC. . HUNA TOTEM CORPORATION LAND EXCHANGE.

"(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Huna Totem Corporation pursuant to subsection (c)**[**: Lands exchanged pursuant to this section shall be on the basis of equal value.**]**. *The values of the lands and interests therein exchanged pursuant to this section shall be equal.*

"(b) The surface estate to be conveyed by Huna Totem Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:

"MUNICIPAL WATERSHED AND GREENBELT BUFFER

"T43S, R61E, C.R.M.

"Portion of Section	Approximate Acres
16	2
21	610
22	227
23	35
26	447
27	400
33	202
34	76
Approximate total	1,999.

"(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and subsurface estate described in subsection (b), Huna Totem Corporation shall be entitled to identify lands readily accessible to the Village of Hoonah and, where possible, located on the road system to the Village of Hoonah, as depicted on the map dated September 1. 1997, and labeled Attachment B. Huna Totem Corporation shall notify the Secretary of Agriculture in writing which lands Huna Totem Corporation has identified.

"(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Huna Totem Corporation pursuant to subsection (c).

"(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section shall not be exported as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

"(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

"(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if there is any discrepancy between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.".

The committee amendments were agreed to.

The bill (S. 426), as amended, was read the third time and passed.

KAKE TRIBAL CORPORATION PUBLIC INTEREST LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 430) to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted as shown in italics.)

S. 430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kake Tribal Corporation **[**Public Interest**]** Land Exchange Act".

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof:

"SEC. . KAKE TRIBAL CORPORATION LAND EXCHANGE.

"(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Kake Tribal Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal land identified by Kake Tribal Corporation pursuant to subsection (c)**[**: Lands exchanged pursuant to this section shall be on the basis of equal value..**]** *The values of the lands and interests therein exchanged pursuant to this section shall be equal.*

"(b) The surface estate to be conveyed by Kake Tribal Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled Attachment A, and are further described as follows:

MUNICIPAL WATERSHED
COOPER RIVER MERIDIAN
T56S, R72E

Section	Aproximate acres
13	82
23	118
24	635
25	640
26	346
34	9
35	349
36	248
Approximate total	2.427

"(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Kake Tribal Corporation shall be entitled to identify lands in the Hamilton Bay and Saginaw Bay areas, as depicted on the maps dated September 1, 1997, and labeled Attachments B and C. Kake Tribal Corporation shall notify the Secretary of Agriculture in writing which lands Kake Tribal Corporation has identified.

"(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Kake Tribal Corporation pursuant to subsection (c).

"(e) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

"(f) TIMBER, MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this section shall not be exported as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

"(g) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

"(h) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if there is any discrepancy between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.

The committee amendments were agreed to.

The bill (S. 430), as amended, was read the third time and passed.

DIRECTING SECRETARY OF THE INTERIOR TO TRANSFER PROPERTY IN BIG HORN COUNTY, WYOMING

The bill (S. 449) to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the

Steffens family property was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF STEFFENS FAMILY PROPERTY.

(a) Conveyance.—Subject to subsection (b) and valid existing rights, the Secretary of the Interior shall issue, without consideration, a quitclaim deed to Marie Wambeke of Big Horn County, Wyoming, the personal representative of the estate of Fred Steffens, to the land described in subsection (c).

(b) Reservation of Minerals.—All minerals underlying the land described in subsection (c) are reserved to the United States.

(c) Land Description.—The land described in this subsection is the parcel comprising approximately 80 acres and known as "Farm Unit C" in the E½NW¼ of Section 27 in Township 57 North, Range 97 West, 6th Principal Meridian, Wyoming.

(d) Revocation of Withdrawal.—The withdrawal for the Shoshone Reclamation Project made by the Bureau of Reclamation under Secretarial Order dated October 21, 1913, is revoked with respect to the land described in subsection (c).

METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 1999

The bill (S. 330) to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methane Hydrate Research and Development Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) Contract.—The term "contract" means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) Cooperative agreement.—The term "cooperative agreement" means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) Grant.—The term "grant" means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(4) Institution of higher education.—The term "institution of higher education" means an institution of higher education, within the meaning of section 102(a)(1) of the Higher Education Act of 1965.

(5) Methane hydrate.—The term "methane hydrate" means a methane clathrate that—

(A) is in the form of a methane-water ice-like crystalline material; and

(B) is stable and occurs naturally in deep-ocean and permafrost areas.

(6) Secretary.—The term "Secretary" means the Secretary of Energy.

(7) Secretary of defense.—The term "Secretary of Defense" means the Secretary of Defense, acting through the Secretary of the Navy.

(8) Secretary of the interior.—The term "Secretary of the Interior" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(9) Director.—The term "Director" means the Director of the National Science Foundation.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) In General.—

(1) Commencement of program.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development.

(2) Designations.—The Secretary, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) Meetings.—The individuals designated under paragraph (2) shall meet not later than 120 days after the date on which all such individuals are designated and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) Grants, Contracts, and Cooperative Agreements.—

(1) Assistance and coordination.—The Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from methane hydrates;

(D) promote education and training in methane hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development); and

(F) develop technologies to reduce the risks of drilling through methane hydrates.

(2) Consultation.—The Secretary may establish an advisory panel consisting of experts from industry, institutions of higher education, and Federal agencies to—

(A) advise the Secretary on potential applications of methane hydrate; and

(B) assist in developing recommendations and priorities for the methane hydrate research and development program carried out under subsection (a)(1).

(c) Limitations.—

(1) Administrative expenses.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) Construction costs.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(d) Responsibilities of the Secretary.—In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among government, industry, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENT TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(2) by inserting after paragraph (5) the following:

"(6) The term 'methane hydrate' means a methane clathrate that—

"(A) is in the form of a methane-water ice-like crystalline material; and

"(B) is stable and occurs naturally in deep-ocean and permafrost areas."; and

(3) in paragraph (7) (as redesignated by paragraph (1))—

(A) in subparagraph (F), by striking "and" at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:

"(G) methane hydrate; and".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

MISSING, EXPLOITED, AND RUNAWAY CHILDREN PROTECTION ACT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 27, S. 249.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 249) to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing, Exploited, and Runaway Children Protection Act".

SEC. 2. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) Findings.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.".

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

"(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the Center and with" before "public agencies".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "2000 through 2004".

SEC. 3. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;".

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GRANTS FOR CENTERS AND SERVICES.—

"(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"SEC. 313. APPROVAL OF APPLICATIONS.

"(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking "PURPOSE AND";

(2) in subsection (a), by striking "(a)"; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

"SEC. 341. COORDINATION.

"With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

"(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

"(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.".

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting "EVALUATION," after "RESEARCH,";

(2) in subsection (a), by inserting "evaluation," after "research,"; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(j) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"SEC. 381. REPORTS.

"(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

(k) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"SEC. 386. EVALUATION AND INFORMATION.

"(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 383; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

“SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

“(a) In General.—

“(1) Authorization.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.

“(2) Allocation.—

“(A) Parts A and B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

“(B) Part B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

“(3) Parts C and D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

“(b) Separate Identification Required.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.”.

(m) Sexual Abuse Prevention Program.—

(1) Authority for program.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

“PART E—SEXUAL ABUSE PREVENTION PROGRAM

“SEC. 351. AUTHORITY TO MAKE GRANTS.

“(a) In General.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

“(b) Priority.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.”.

(2) Authorization of appropriations.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (l) of this section, is amended by adding at the end the following:

“(4) Part E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.”.

(n) Definitions.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (k) of this section, the following:

“SEC. 387. DEFINITIONS.

“In this title:

“(1) Drug abuse education and prevention services.—The term ‘drug abuse education and prevention services’—

“(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

“(B) may include—

“(i) individual, family, group, and peer counseling;

“(ii) drop-in services;

“(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

“(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

“(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

“(2) Home-based services.—The term ‘home-based services’—

“(A) means services provided to youth and their families for the purpose of—

“(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

“(ii) assisting runaway youth to return to their families; and

“(B) includes services that are provided in the residences of families (to the extent practicable), including—

“(i) intensive individual and family counseling; and

“(ii) training relating to life skills and parenting.

“(3) Homeless youth.—The term ‘homeless youth’ means an individual—

“(A) who is—

“(i) not more than 21 years of age; and

“(ii) for the purposes of part B, not less than 16 years of age;

“(B) for whom it is not possible to live in a safe environment with a relative; and

“(C) who has no other safe alternative living arrangement.

“(4) Street-based services.—The term ‘street-based services’—

“(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

“(B) may include—

“(i) identification of and outreach to runaway and homeless youth, and street youth;

“(ii) crisis intervention and counseling;

“(iii) information and referral for housing;

“(iv) information and referral for transitional living and health care services;

“(v) advocacy, education, and prevention services related to—

“(I) alcohol and drug abuse;

“(II) sexual exploitation;

“(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

“(IV) physical and sexual assault.

“(5) Street youth.—The term ‘street youth’ means an individual who—

“(A) is—

“(i) a runaway youth; or

“(ii) indefinitely or intermittently a homeless youth; and

“(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

“(6) Transitional living youth project.—The term ‘transitional living youth project’ means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

“(7) Youth at risk of separation from the family.—The term ‘youth at risk of separation from the family’ means an individual—

“(A) who is less than 18 years of age; and

“(B)(i) who has a history of running away from the family of such individual;

“(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

“(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.”.

(o) Redesignation of Sections.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, and 385, respectively.

(p) Technical Amendments.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking “With” and all that follows through “the Secretary”, and inserting “The Secretary”; and

(2) in section 344(a)(1), by striking “With” and all that follows through “the Secretary”, and inserting “The Secretary”.

Mr. HATCH. Mr. President, I am proud that the Senate is now considering S. 249, the Missing, Exploited, and Runaway Children Protection Act of 1999. First, I would like to thank my colleague, the distinguished Senator from Vermont, Senator Leahy, for his hard work and dedication in advancing this important legislation. I also want to pay tribute to the cosponsors of S. 249, Senators DeWine, Grams, Ashcroft, Abraham, and Biden. This bill, which was reported out of the Judiciary Committee on a unanimous vote, reauthorizes two vital laws that serve a crucial line of defense in support of some of the most vulnerable members of our society—thousands of missing, exploited, homeless, or runaway children. It is a tragedy in our Nation that each year there are as many as over 114,000 attempted child abductions, 4,500 child abductions reported to the police, 450,000 children who run away, and 438,000 children who are lost, injured, or missing. I am told that this is a growing problem even in my State of Utah.

Families who have written to me have shared the pain of a lost or missing child. While missing, lost, on the run, or abducted, each of these children is at high risk of falling into the darkness of drug abuse, sexual abuse and exploitation, pain, hunger, and injury. Each of these children is precious, and deserves our efforts to save them.

Our bill reauthorizes and improves the Missing Children's Assistance Act and the Runaway and Homeless Youth Act. First, our bill revises the Missing Children's Assistance Act in part by recognizing the outstanding record of achievements of this National Center for Missing and Exploited Children. It will enable NCMEC to provide even greater protection of our Nation's children in the future. Second, our bill reauthorizes and revitalizes the Runaway and Homeless Youth Act.

At the heart of the bill's amendments to the Missing Children's Assistance Act is an enhanced authorization of appropriations for the National Center for Missing and Exploited Children. Under the authority of the Missing Children's Assistance Act, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has selected and given grants to the Center for the last fourteen years to operate a national resource center located in Arlington, Virginia and a national 24-hour toll-free telephone line. Today, the National Runaway Switchboard, which is a communications system designed to assist runaway youth and their families, responds to 150,000 calls a year. The Center provides invaluable assistance and training to law enforcement around the country in cases of missing and exploited children. Through the Center's work in FY 1997, almost 36,000 youth received food, 35,000 acquired shelter, over 22,000 obtained transportation home, 21,000 received substance abuse prevention services, and almost 18,000 received clothing. The Center's record is quite impressive, and its efforts have led directly to a significant increase in the percentage of missing children who are recovered safely.

In fiscal year 1999, the Center received an earmark of $8.12 million in the Departments of Commerce, Justice, and State Appropriations conference report. In addition, the Center's Jimmy Ryce Training Center received $1.25 million.

This legislation continues and formalizes NCMEC's long partnership with the Justice Department and OJJDP, by directing OJJDP to make an annual grant to the Center, and authorizing annual appropriations of $10 million for fiscal years 1999 through 2004.

NCMEC's exemplary record of performance and success, as demonstrated by the fact that NCMEC's recovery rate has climbed from 62% to 91%, justifies action by Congress to formally recognize it as the nation's official missing and exploited children's center, and to authorize a line-item appropriation. This bill will enable the Center to focus completely on its missions, without expending the annual effort to obtain authority and grants from OJJDP. It also will allow the Center to expand its longer-term arrangements with domestic and foreign law enforcement entities. By providing an authorization, the bill also will allow for better congressional oversight of the Center.

The record of the Center, described briefly below, demonstrates the appropriateness of this authorization. For fourteen years, the Center has served as the national resource center and clearinghouse mandated by the Missing Children's Assistance Act. The Center has worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of Treasury, the State Department, and many other federal and state agencies in the effort to find missing children and prevent child victimization.

The trust the federal government has placed in NCMEC, a private, non-profit corporation, is evidenced by its unique access to the FBI's National Crime Information Center, and the National Law Enforcement Telecommunications System (NLETS).

NCMEC has utilized the latest in technology, such as operating the National Child Pornography Tipline, establishing its new Internet website, www.missingkids.com, which is linked with hundreds of other websites to provide real-time images of breaking cases of missing children, and, beginning this year, establishing a new Cyber Tipline on child exploitation.

NCMEC has established a national and increasingly worldwide network, linking NCMEC online with each of the missing children clearinghouses operated by the 50 states, the District of Columbia and Puerto Rico. In addition, NCMEC works constantly with international law enforcement authorities such as Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others. This network enables NCMEC to transmit images and information regarding missing children to law enforcement across America and around the world instantly. NCMEC also serves as the U.S. State Department's representative at child abduction cases under the Hague Convention.

The record of NCMEC is demonstrated by the 1,203,974 calls received at its 24-hour toll-free hotline, 1(800)THE LOST, the 146,284 law enforcement, criminal/juvenile justice, and health care professionals trained, the 15,491,344 free publications distributed, and, most importantly, by its work on 59,481 cases of missing children, which has resulted in the recovery of 40,180 children. Each of these figures represents the activity of NCMEC through Spring, 1998. NCMEC is a shining example of the type of public-private partnership the Congress should encourage and recognize.

The second part of our bill reforms and streamlines the Runaway and Homeless Youth Act, targeting federal assistance to areas with the greatest need, and making numerous technical changes. According to the National Network for Youth, the Runaway and Homeless Youth Act provides "critical assistance to youth in high-risk situations all over the country." Its three programs, discussed in more detail below, benefit those children truly in need and at high risk of becoming addicted to drugs, sexually exploited or abused, or involved in criminal behavior.

The cornerstone of the Runaway and Homeless Youth Act is the Basic Center Program which provides grants for temporary shelter and counseling for children under age 18. My home state of Utah received over $378,000 in grants in FY 1998 under this program, and I have received requests from Utah organizations such as the Baker Youth Service Home to reauthorize this important program. Cities such as Provo, Ogden, Cedar City, and Salt Lake City have received funding under the grants. Since 1993, at least 5,000 youths have received assistance in Utah.

Community-based organizations also may request grants under the two related programs, the Transitional Living and the Sexual Abuse Prevention/Street Outreach programs. The Transitional Living grants provide longer term housing to homeless teens aged 16 to 21, and aim to move these teens to self-sufficiency and to avoid long-term dependency on public assistance. The Sexual Abuse Prevention/Street Outreach Program targets homeless teens potentially involved in high risk behaviors.

In addition, the amendment reauthorizes the Runaway and Homeless Youth Act Rural Demonstration Projects which provide assistance to rural juvenile populations, such as in my state of Utah. Finally, the amendment makes several technical corrections to fix prior drafting errors in the Runaway and Homeless Youth Act.

The provisions of this bill will strengthen our commitment to our youth. The children helped by this legislation are not nameless, faceless statistics. They are children from every State and from each of our hometowns who are lost, sometimes abused, and frequently scared. Too often, no one takes the time to care. The Missing Children's Assistance Act and the Runaway and Homeless Youth Act fund programs in every State run by dedicated staff and volunteers who take the time to care. I urge my colleagues to support this legislation, which will strengthen the Missing Children's Assistance Act, the National Center for Missing and Exploited Children, and the Runaway and Homeless Youth Act, and thus improve the safety and the lives of our Nation's most vulnerable children.

Mr. LEAHY. Mr. President, I am delighted that the Senate is considering the Leahy-Hatch substitute to S. 249, the "Missing, Exploited, and Runaway Children Protection Act," which will reauthorize programs under the Runaway and Homeless Youth Act and authorize funding for the National Center for Missing and Exploited Children.

This bill authorizes a variety of critical programs for our nation's most at risk children and youth—those who are missing or have been exploited and those who have run away or been forced from home or are homeless. That is why I am particularly pleased that Senator HATCH and I were able to work together and with Senator BIDEN, DEWINE and ABRAHAM in the Judiciary Committee to report our substitute amendment without a single objection in early March. These children need our help, not partisan bickering, and I hope the House of Representatives will follow our lead and enact this bill promptly.

I have been working since 1996 to enact legislation to reauthorize the Runaway and Homeless Youth Act. Unfortunately, that Act has been without clear authorization since then. It is past time for Congress to remedy this situation. Last Congress, I worked hard to pass a similar bill, S. 2073, which would have reauthorized the Runaway and Homeless Youth Act and would have provided special authorization for the National Center for Missing and Exploited Children ("NCMEC"). With the assistance of Senators KENNEDY, BIDEN, KOHL, and FEINGOLD, Senator HATCH and I reported S. 2073 from the Judiciary Committee to the Senate in May 1998. That bill passed the Senate with the unanimous consent of all Senators on June 26, 1998.

Rather than consider the Senate bill last year, the House of Representatives chose to use our bill number as a vehicle to try to force Senate action on controversial juvenile justice matters that had never been considered by the Senate Judiciary Committee or the full Senate. Thereafter, I worked to attach the provisions of our original and noncontroversial bill as an amendment to other legislation. Even when we were successful in the Senate, certain House Republicans continued to block all of our efforts.

I am optimistic that S. 249, this year's bill, will not face the same fate. With such an array of supporters in the Senate, surely the House will also see fit to pass this legislation quickly so that the critical programs in the bill can be funded and implemented.

I am particularly pleased that we have passed this bill with such strong bipartisan support. Reauthorizing the Runaway and Homeless Youth Act for five more years is the first step in assuring local community programs that they will have the resources they need to assist runaway youth and their families. And, today's bill will also help the NCMEC to continue their good work by providing them with a special authorization of appropriations for five years as well. These programs are just the sort that studies have found to be effective and efficient uses of limited federal dollars.

The National Center for Missing and Exploited Children provides extremely worthwhile and effective assistance to children and families facing crises across the U.S. and around the world. In 1998, the National Center helped law enforcement officers locate over 5,000 missing children. They also handled 132,357 telephone calls to their hotline, which included calls to report a missing child, to request information or assistance and to provide leads on missing or potentially exploited children. This figure includes 10,904 reported leads or sightings of missing children, an increase of 25 percent over such leads in 1997.

Since 1984, the National Center has helped investigate 83 cases involving Vermont children who have been reported missing. They have had extraordinary success in resolving these cases, some of which have taken several years and have involved out of state or international negotiations, and have only one unresolved case at this time. I want to thank Ernie Allen and all the dedicated employees and volunteers associated with the National Center for their help in these matters.

The National Center serves a critical role as a clearinghouse of resources and information for both family members and law enforcement officers. They have developed a network of hotels and restaurants which will provide free services to parents in search of their children and have also developed extensive training programs. The National Center has trained 728 sheriffs and police chiefs from across the U.S. in recent years, including police chiefs from Dover, Hartford, Brattleboro and Winooski, Vermont, as well as members of the Vermont State Police. They have trained an additional 150,000 other officers in child sexual exploitation and the detection of missing children since 1984.

The National Center is also a leader in reducing the number of infant abductions by educating nurses, security staffs and hospitals. Their recent seminar in Vermont, which trained 250 nurses and security personnel, should provide greater peace of mind to new parents in my home State.

Most recently, they have expanded their role in combating the sexual exploitation of children by going on-line. Last year, they launched their "CyberTipline" which allows internet users to report suspicious activities linked to the Internet, including child pornography and the potential enticement of children on-line. In the second half of 1998, they received over 4,000 leads from the CyberTipline which resulted in numerous arrests. I applaud the ongoing work of the Center and hope the House of Representatives will promptly pass this bill so that they can proceed with their important activities with fewer funding concerns.

The National Center established an international division some time ago and has been working to fulfil the Hague Convention on the Civil Aspects of International Child Abduction. Last year the National Center held a conference on international concerns with child abductions and international custody battles between separated parents from different countries. This week, Lady Catherine Myer will be hosting another important event on these matters and launching an International Centre for Missing and Exploited Children with the help of the First Lady, Hillary Rodham Clinton.

The Runaway and Homeless Youth Act distributes funding to local community programs on the front lines assisting the approximately 1.3 million children and youth each year who are homeless or have left or been forced from their families for a variety of reasons. These programs assist some of our nation's neediest children—those who lack a roof over their heads. Many of the beneficiaries of these programs have either fled or been kicked out of their family homes due to serious family conflicts, substance abusing parents or other problems. These programs assist children facing a variety of circumstances and provide funding for shelters and crisis intervention services, transitional living arrangements and outreach to teens who are living on the streets.

J.C. Myers, Coordinator of the Vermont Coalition of Runaway and Homeless Youth Programs, noted recently in a letter to me that:

> Early interventions such as those authorized under this act: the transitional living programs, crisis response and family reunification services, and peer street outreach programs are, in many cases, the only helping resource available to runaway & homeless young people and families in crisis. These services are much less costly and more effective than later, more drastic interventions runaway and homeless youths often eventually encounter, such as substance abuse treatment and incarceration.

Miriam Rollin, the Director of Public Policy at the National Network for Youth has noted:

> Because runaway and homeless youth often cross state lines, there is a uniquely federal interest in addressing the needs of these youth. For a quarter of a century, the federal RHYA programs have helped to meet the needs of these young people, prevent their involvement in criminal activity, and provide them with a doorway to a safe and productive future.

I ask unanimous consent that copies of both of their letters be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HATCH. Under the Runaway and Homeless Youth Act, each year each State is awarded a Basic Center grant for housing and crisis services for runaway and homeless children and their families. The funding is based on its juvenile population, with a minimum grant of $100,000 currently awarded to smaller States, such as Vermont. Effective community-based programs around the country can also apply directly for the funding available for the Transitional Living Program and the Sexual Abuse Prevention/Street Outreach grants. The Transitional Living Program grants are used to provide longer term housing to homeless teens age 16 to 21, and to help these teenagers become more self-sufficient. The Sexual Abuse Prevention/Street Outreach Program also targets teens who have engaged in or are at risk of engaging in high risk behaviors while living on the street.

Vermont's Coalition for Runaway and Homeless Youth and the Spectrum Youth and Family Services in Burlington, Vermont, have developed very comprehensive and effective programs to assist both teens who are learning to be self-sufficient and those who are struggling to survive on the streets. As such, Vermont programs have been successful in applying for these two specialized programs and have been on the forefront of developing and improving the services available to runaway and homeless youth across the U.S.

The Leahy-Hatch substitute language to S. 249 that was reported from the Judiciary Committee is intended to recognize the important work of these programs in Vermont, as well as the many other programs and staff across the U.S. that are working effectively with runaway and homeless youth and their families. This substitute language preserves current law governing the minimum grants available for small States for the Basic Center grants and also preserves the current confidentiality and records protections for runaway and homeless youth.

In addition, our substitute amendment reauthorizes the Runaway and Homeless Youth Act Rural Demonstration Projects for an additional five years. This program provides targeted assistance to States with rural juvenile populations. Programs serving runaway and homeless youth have found that those in rural areas are particularly difficult to reach and serve effectively.

For those who do not think rural areas have significant numbers of runaway youth, I note that in fiscal year 1998, the Vermont Coalition of Runaway and Homeless Youth Programs and Spectrum Youth & Family Services served 1,067 young people and 1,345 family members in their programs throughout Vermont. This was an 8 percent increase in cases from fiscal year 1997. These numbers have been increasing rapidly over the past few years with a 175 percent increase in the number of youth served by the Vermont Coalition between 1992 and 1998. An area of special concern is the increasing number of young people who are being "pushed" out of their homes—those numbers increased 263 percent between 1993 and 1997 in Vermont. This is in addition to the hundreds of children each year who find themselves homeless or who have run away from home.

The Runaway and Homeless Youth Act does more than shelter these children in need. As the National Network for Youth has stressed, the Act's programs "provide critical assistance to youth in high-risk situations all over the country." This Act also ensures that these children and their families have access to important services, such as individual, family or group counseling, alcohol and drug counseling and a myriad of other resources to help these young people and their families get back on track. As a result of this multi-pronged approach to helping runaway and homeless youth, the Vermont Coalition of Runaway and Homeless Youth was able to establish 81 percent of the youth served in 1998 in a "positive living situation" by the end of services. The Vermont Coalition and Spectrum Youth & Family Services should be applauded for their important work and I believe the best way to do that is to reauthorize the Runaway and Homeless Act for five more years, so programs like these in Vermont have some greater financial security in the future.

I want to thank the many advocates who have worked with me to improve the bill and, in particular, the dedicated members of the Vermont Coalition of Runaway and Homeless Youth Programs and the National Network for Youth for their suggestions and assistance. Without these dedicated public spirited citizens these programs could not be successful.

EXHIBIT 1

VERMONT COALITION OF RUNAWAY AND HOMELESS YOUTH PROGRAMS,
Montpelier, VT, March 9, 1999.
Hon. PATRICK LEAHY,
U.S. Senator, Committee on the Judiciary, Washington, DC.

DEAR SENATOR LEAHY: Thank you very much for your efforts in working for the reauthorization of the Runaway and Homeless Youth Act. We believe that reauthorization of this legislation is very important for runaway and homeless youths and their families in Vermont, and all over the nation.

Early interventions such as those authorized under this act: the transitional living programs, crisis response and family reunification services, and peer street outreach programs are, in many cases, the only helping resource available to runaway and homeless young people and families in crisis. These services are much less costly and more effective than later, more drastic interventions runaway and homeless youths often eventually encounter, such as substance abuse treatment and incarceration.

The Vermont Coalition of Runaway and Homeless Youth Programs supports the Leahy-Hatch substitute to S–249, the Bill which passed the Senate Judiciary Committee on March 4th, 1999. We urge passage of this Bill by the full Senate, and feel confident that our colleagues at the National Network for Youth, and runaway and homeless youth providers all over the country also support this important legislation.

We are very grateful for the way that you and your staff have worked with us to determine the needs of this vulnerable population, and the way that we can best address those needs. Karen Marangi, counsel for your office, has been diligent in her efforts to meet with us and our youthful program participants, keep us informed about your actions in Committee, and use the data which we have provided to help steer the best course. We commend you for your vision and energy in pursuing the reauthorization of the Runaway and Homeless Youth Act. Please let us know if we can be helpful to you as you continue this good work.

Sincerely,

J.C. MYERS,
VCRHYP Coordinator.

NATIONAL NETWORK FOR YOUTH,
Washington, DC, March 10, 1999.
Senator ORRIN HATCH,
U.S. Senate,
Washington, DC.
Senator PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH AND SENATOR LEAHY: On behalf of the hundreds of non-profit youth-serving organizations, youth workers and young people from around the nation who constitute the membership of the National Network for Youth, I would like to express our deep appreciation for your leadership in moving the revised Hatch/Leahy substitute version of S. 249—legislation to reauthorize the Runaway and Homeless Youth Act, together with the Missing Children's Assistance Act—through the Senate Judiciary Committee last week, and to express our hope that your continued leadership on this legislation will enable it to move to swift approval by the full Senate.

The Runaway and Homeless Youth Act (RHYA) programs support community-based efforts that constitute a vital life-line to young people in high-risk situations all over the country. As you know, the RHYA includes three major grant programs: the Basis Center Program, which provides grants to support temporary shelter for youth (under age 18) and counseling for youth and their families, in order to assist them in a time of crisis; the Transitional Living Program, which provides grants to support longer-term (up to 18 months) shelter as well as independent living services to youth (age 16–21) who are unable to return home safely, in order to promote their successful transition to adulthood and self-sufficiency; and the Street Outreach Program, which provides grants to support street-based outreach and education to runaway, homeless and street youth who have been sexually abused or are at risk of sexual abuse, in order to connect these most vulnerable youth with services and a chance for a safe and healthy future.

The following are a few key points about runaway and homeless youth—and the programs which provide them critical supports and opportunities—which you may consider as you move this legislation to the Senate floor:

Runaway and homeless youth are not running TO anything; they're running FROM homes where they have experienced extreme parental neglect, sexual abuse, physical abuse, or other situations like family violence or parental alcoholism or substance abuse; some of these youth have been failed by the child welfare system, and perceive the streets as preferable to endless shuffling from one foster home or group home to another.

Runaway and homeless youth face numerous dangers on the streets: lack of education, health care and job training opportunities; increased risk of substance abuse, depression, early pregnancy, and HIV infection; and the dangers of physical and sexual assault from adults who prey on these young people.

The federal Runaway and Homeless Youth Act programs support cost-effective community-based services for these youth, to protect them from the harms of life on the streets and either reunify them safely with family or find alternative appropriate placements.

Because runaway and homeless youth often cross state lines, there is a uniquely federal interest in addressing the needs of these youth. For a quarter of a century, the federal RHYA programs have helped to meet the needs of these young people, prevent their involvement in criminal activity, and provide them with a doorway to a safe and productive future.

Thank you for your hard work in reauthorizing these vital programs for our nation's most vulnerable youth.

Sincerely,

MIRIAM A. ROLLIN,
Director of Public Policy.

Mr. CRAIG. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute was agreed to.

The bill (S. 249), as amended, read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 21. I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF ENERGY

Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Fossil Energy).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR TUESDAY, APRIL 20, 1999

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Tuesday, April 20. I further ask that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, the Senate then be in a period of morning business until 11:30 a.m. with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator HUTCHINSON for 15 minutes; Senator MCCAIN for 15 minutes.

I ask consent that at 12:30 p.m. the Senate then stand in recess until 2:15 p.m. for the weekly party caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask consent that when the Senate reconvenes at 2:15, the Senate begin consideration of Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as a part of the budget process.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. For the information of all Senators, the Senate will reconvene on Tuesday at 10:30 a.m. and be in a period of morning business until 11:30 a.m. At 2:15, the Senate will begin consideration of the budget reform legislation, with votes possible throughout the day on this bill or any other legislation or executive items cleared for action. Later this week, a vote on adoption of the education flexibility conference report is expected.

WATER RESOURCES DEVELOPMENT ACT OF 1999

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 72, S. 507.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 507) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to the rivers and harbors of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Project deauthorizations.
Sec. 104. Studies.

TITLE II—GENERAL PROVISIONS

Sec. 201. Flood hazard mitigation and riverine ecosystem restoration program.
Sec. 202. Shore protection.
Sec. 203. Small flood control authority.
Sec. 204. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
Sec. 205. Aquatic ecosystem restoration.
Sec. 206. Beneficial uses of dredged material.
Sec. 207. Voluntary contributions by States and political subdivisions.
Sec. 208. Recreation user fees.
Sec. 209. Water resources development studies for the Pacific region.
Sec. 210. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 211. Outer Continental Shelf.
Sec. 212. Environmental dredging.
Sec. 213. Benefit of primary flood damages avoided included in benefit-cost analysis.
Sec. 214. Control of aquatic plant growth.
Sec. 215. Environmental infrastructure.
Sec. 216. Watershed management, restoration, and development.
Sec. 217. Lakes program.
Sec. 218. Sediments decontamination policy.
Sec. 219. Disposal of dredged material on beaches.
Sec. 220. Fish and wildlife mitigation.
Sec. 221. Reimbursement of non-Federal interest.
Sec. 222. National Contaminated Sediment Task Force.
Sec. 223. Great Lakes basin program.
Sec. 224. Projects for improvement of the environment.
Sec. 225. Water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation.
Sec. 226. Irrigation diversion protection and fisheries enhancement assistance.
Sec. 227. Small storm damage reduction projects.
Sec. 228. Shore damage prevention or mitigation.
Sec. 229. Atlantic coast of New York.
Sec. 230. Accelerated adoption of innovative technologies for contaminated sediments.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Dredging of salt ponds in the State of Rhode Island.
Sec. 302. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 303. Small flood control projects.
Sec. 304. Small navigation projects.
Sec. 305. Streambank protection projects.
Sec. 306. Aquatic ecosystem restoration, Springfield, Oregon.
Sec. 307. Guilford and New Haven, Connecticut.
Sec. 308. Francis Bland Floodway Ditch.
Sec. 309. Caloosahatchee River basin, Florida.
Sec. 310. Cumberland, Maryland, flood project mitigation.
Sec. 311. City of Miami Beach, Florida.
Sec. 312. Sardis Reservoir, Oklahoma.
Sec. 313. Upper Mississippi River and Illinois waterway system navigation modernization.
Sec. 314. Upper Mississippi River management.
Sec. 315. Research and development program for Columbia and Snake Rivers salmon survival.
Sec. 316. Nine Mile Run habitat restoration, Pennsylvania.
Sec. 317. Larkspur Ferry Channel, California.
Sec. 318. Comprehensive Flood Impact-Response Modeling System.
Sec. 319. Study regarding innovative financing for small and medium-sized ports.
Sec. 320. Candy Lake project, Osage County, Oklahoma.
Sec. 321. Salcha River and Piledriver Slough, Fairbanks, Alaska.
Sec. 322. Eyak River, Cordova, Alaska.
Sec. 323. North Padre Island storm damage reduction and environmental restoration project.
Sec. 324. Kanopolis Lake, Kansas.
Sec. 325. New York City watershed.
Sec. 326. City of Charlevoix reimbursement, Michigan.

Sec. 327. Hamilton Dam flood control project, Michigan.
Sec. 328. Holes Creek flood control project, Ohio.
Sec. 329. Overflow management facility, Rhode Island.
Sec. 330. Anacostia River aquatic ecosystem restoration, District of Columbia and Maryland.
Sec. 331. Everglades and south Florida ecosystem restoration.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $11,760,000, with an estimated Federal cost of $6,964,000 and an estimated non-Federal cost of $4,796,000.

(2) RIO SALADO (SALT RIVER), ARIZONA.—The project for environmental restoration, Rio Salado (Salt River), Arizona: Report of the Chief of Engineers dated August 20, 1998, at a total cost of $88,048,000, with an estimated Federal cost of $56,355,000 and an estimated non-Federal cost of $31,693,000.

(3) TUCSON DRAINAGE AREA, ARIZONA.—The project for flood damage reduction, environmental restoration, and recreation, Tucson drainage area, Arizona: Report of the Chief of Engineers dated May 20, 1998, at a total cost of $29,900,000, with an estimated Federal cost of $16,768,000 and an estimated non-Federal cost of $13,132,000.

(4) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction described as the Folsom Stepped Release Plan in the Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $505,400,000, with an estimated Federal cost of $329,300,000 and an estimated non-Federal cost of $176,100,000.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—Implementation of the measures by the Secretary pursuant to subparagraph (A) shall be undertaken after completion of the levee stabilization and strengthening and flood warning features authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

(ii) FOLSOM DAM AND RESERVOIR.—The Secretary may undertake measures at the Folsom Dam and Reservoir authorized under subparagraph (A) only after reviewing the design of such measures to determine if modifications are necessary to account for changed hydrologic conditions and any other changed conditions in the project area, including operational and construction impacts that have occurred since completion of the report referred to in subparagraph (A). The Secretary shall conduct the review and develop the modifications to the Folsom Dam and Reservoir with the full participation of the Secretary of the Interior.

(iii) REMAINING DOWNSTREAM ELEMENTS.—

(I) IN GENERAL.—Implementation of the remaining downstream elements authorized pursuant to subparagraph (A) may be undertaken only after the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed the elements to determine if modifications are necessary to address changes in the hydrologic conditions, any other changed conditions in the project area that have occurred since completion of the report referred to in subparagraph (A) and any design modifications for the Folsom Dam and Reservoir made by the Secretary in implementing the measures referred to in clause (ii), and has issued a report on the review.

(II) PRINCIPLES AND GUIDELINES.—The review shall be prepared in accordance with the economic and environmental principles and guidelines for water and related land resources implementation studies, and no construction may be initiated unless the Secretary determines that the remaining downstream elements are technically sound, environmentally acceptable, and economically justified.

(5) LLAGAS CREEK, CALIFORNIA.—The project for completion of the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the requirements of local cooperation as specified in section 4 of that Act (16 U.S.C. 1004) at a total cost of $45,000,000, with an estimated Federal cost of $21,800,000 and an estimated non-Federal cost of $23,200,000.

(6) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood control, environmental restoration, and recreation, South Sacramento County streams, California: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $65,500,000, with an estimated Federal cost of $41,200,000 and an estimated non-Federal cost of $24,300,000.

(7) UPPER GUADALUPE RIVER, CALIFORNIA.—Construction of the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, at a total cost of $137,600,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $93,600,000.

(8) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California: Report of the Chief of Engineers dated November 25, 1998, at a total cost of $26,600,000, with an estimated Federal cost of $17,350,000 and an estimated non-Federal cost of $9,250,000.

(9) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, Delaware Bay coastline: Delaware and New Jersey-Broadkill Beach, Delaware, Report of the Chief of Engineers dated August 17, 1998, at a total cost of $9,049,000, with an estimated Federal cost of $5,674,000 and an estimated non-Federal cost of $3,375,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $538,200, with an estimated annual Federal cost of $349,800 and an estimated annual non-Federal cost of $188,400.

(10) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—

(A) IN GENERAL.—The project for ecosystem restoration and shore protection, Delaware Bay coastline: Delaware and New Jersey-Port Mahon, Delaware: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $7,644,000, with an estimated Federal cost of $4,969,000 and an estimated non-Federal cost of $2,675,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $234,000, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $82,000.

(11) HILLSBORO AND OKEECHOBEE AQUIFER STORAGE AND RECOVERY PROJECT, FLORIDA.—The project for aquifer storage and recovery described in the Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of $27,000,000, with an estimated Federal cost of $13,500,000 and an estimated non-Federal cost of $13,500,000.

(12) INDIAN RIVER COUNTY, FLORIDA.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)), the project for shoreline protection, Indian River County, Florida, authorized by section 501(a) of that Act (100 Stat. 4134), shall remain authorized for construction through December 31, 2002.

(13) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection at Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized by operation of section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary at a total cost of $5,200,000, with an estimated Federal cost of $3,380,000 and an estimated non-Federal cost of $1,820,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $602,000, with an estimated annual Federal cost of $391,000 and an estimated annual non-Federal cost of $211,000.

(14) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $12,356,000, with an estimated Federal cost of $6,235,000 and an estimated non-Federal cost of $6,121,000.

(15) BRUNSWICK HARBOR, GEORGIA.—The project for navigation, Brunswick Harbor, Georgia: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $50,717,000, with an estimated Federal cost of $32,966,000 and an estimated non-Federal cost of $17,751,000.

(16) BEARGRASS CREEK, KENTUCKY.—The project for flood damage reduction, Beargrass Creek, Kentucky: Report of the Chief of Engineers dated May 12, 1998, at a total cost of $11,172,000, with an estimated Federal cost of $7,262,000 and an estimated non-Federal cost of $3,910,000.

(17) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers, dated December 23, 1996, at a total cost of $112,900,000, with an estimated Federal cost of $73,400,000 and an estimated non-Federal cost of $39,500,000.

(18) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia: Report of the Chief of Engineers, dated June 8, 1998, at a total cost of $28,430,000, with an estimated Federal cost of $19,000,000 and an estimated non-Federal cost of $9,430,000.

(19) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood damage reduction, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers, dated April 20, 1998, at a total cost of $8,950,000, with an estimated Federal cost of $5,720,000 and an estimated non-Federal cost of $3,230,000.

(20) NEW JERSEY SHORE PROTECTION, TOWNSENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, ecosystem restoration, and shore protection, New Jersey coastline,

Townsends Inlet to Cape May Inlet, New Jersey: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $56,503,000, with an estimated Federal cost of $36,727,000 and an estimated non-Federal cost of $19,776,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $2,000,000, with an estimated annual Federal cost of $1,300,000 and an estimated annual non-Federal cost of $700,000.

(21) PARK RIVER, NORTH DAKOTA.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), at a total cost of $28,100,000, with an estimated Federal cost of $18,265,000 and an estimated non-Federal cost of $9,835,000.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(22) SALT CREEK, GRAHAM, TEXAS.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $10,080,000, with an estimated Federal cost of $6,560,000 and an estimated non-Federal cost of $3,520,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions recommended in a final report of the Chief of Engineers as approved by the Secretary, if a favorable report of the Chief is completed not later than December 31, 1999:

(1) NOME HARBOR IMPROVEMENTS, ALASKA.—The project for navigation, Nome Harbor Improvements, Alaska, at a total cost of $24,608,000, with an estimated first Federal cost of $19,660,000 and an estimated first non-Federal cost of $4,948,000.

(2) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska, at a total cost of $12,240,000, with an estimated first Federal cost of $4,364,000 and an estimated first non-Federal cost of $7,876,000.

(3) HAMILTON AIRFIELD WETLAND RESTORATION, CALIFORNIA.—The project for environmental restoration at Hamilton Airfield, California, at a total cost of $55,200,000, with an estimated Federal cost of $41,400,000 and an estimated non-Federal cost of $13,800,000.

(4) OAKLAND, CALIFORNIA.—

(A) IN GENERAL.—The project for navigation and environmental restoration, Oakland, California, at a total cost of $214,340,000, with an estimated Federal cost of $143,450,000 and an estimated non-Federal cost of $70,890,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $42,310,000.

(5) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—

(A) IN GENERAL.—The project for navigation mitigation, shore protection, and hurricane and storm damage reduction, Delaware Bay coastline: Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, at a total cost of $3,393,000, with an estimated Federal cost of $2,620,000 and an estimated non-Federal cost of $773,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $196,000, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $44,000.

(6) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware, at a total cost of $22,205,000, with an estimated Federal cost of $14,433,000 and an estimated non-Federal cost of $7,772,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,584,000, with an estimated annual Federal cost of $1,030,000 and an estimated annual non-Federal cost of $554,000.

(7) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida, at a total cost of $26,116,000, with an estimated Federal cost of $9,129,000 and an estimated non-Federal cost of $16,987,000.

(8) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The project for hurricane and storm damage prevention and shore protection, Little Talbot Island, Duval County, Florida, at a total cost of $5,915,000, with an estimated Federal cost of $3,839,000 and an estimated non-Federal cost of $2,076,000.

(9) PONCE DE LEON INLET, VOLUSIA COUNTY, FLORIDA.—The project for navigation and recreation, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of $5,454,000, with an estimated Federal cost of $2,988,000 and an estimated non-Federal cost of $2,466,000.

(10) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may carry out the project for navigation, Savannah Harbor expansion, Georgia, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, with such modifications as the Secretary deems appropriate, at a total cost of $230,174,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of $145,160,000 and an estimated non-Federal cost of $85,014,000.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed and approved an Environmental Impact Statement that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and associated mitigation plan as required by section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283); and

(ii) the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, with the Secretary, have approved the selected plan and have determined that the mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented in advance of or concurrently with construction of the project.

(11) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, at a total cost of $42,875,000 with an estimated Federal cost of $25,596,000 and an estimated non-Federal cost of $17,279,000.

(12) DELAWARE BAY COASTLINE, OAKWOOD BEACH, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Delaware Bay coastline, Oakwood Beach, New Jersey, at a total cost of $3,380,000, with an estimated Federal cost of $2,197,000 and an estimated non-Federal cost of $1,183,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $90,000, with an estimated annual Federal cost of $58,000 and an estimated annual non-Federal cost of $32,000.

(13) DELAWARE BAY COASTLINE, REEDS BEACH AND PIERCES POINT, NEW JERSEY.—The project for environmental restoration, Delaware Bay coastline, Reeds Beach and Pierces Point, New Jersey, at a total cost of $4,057,000, with an estimated Federal cost of $2,637,000 and an estimated non-Federal cost of $1,420,000.

(14) DELAWARE BAY COASTLINE, VILLAS AND VICINITY, NEW JERSEY.—The project for environmental restoration, Delaware Bay coastline, Villas and vicinity, New Jersey, at a total cost of $7,520,000, with an estimated Federal cost of $4,888,000 and an estimated non-Federal cost of $2,632,000.

(15) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—

(A) IN GENERAL.—The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, at a total cost of $15,952,000, with an estimated Federal cost of $12,118,000 and an estimated non-Federal cost of $3,834,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,114,000, with an estimated annual Federal cost of $897,000 and an estimated annual non-Federal cost of $217,000.

(16) NEW JERSEY SHORE PROTECTION, BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, New Jersey Shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of $4,970,000, with an estimated Federal cost of $3,230,000 and an estimated non-Federal cost of $1,740,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $465,000, with an estimated annual Federal cost of $302,000 and an estimated annual non-Federal cost of $163,000.

(17) COLUMBIA RIVER CHANNEL DEEPENING, OREGON AND WASHINGTON.—

(A) IN GENERAL.—The project for navigation, Columbia River channel deepening, Oregon and Washington, at a total cost of $182,423,000, with an estimated Federal cost of $106,132,000 and an estimated non-Federal cost of $76,291,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $1,200,000.

(18) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)) is authorized to be carried out by the Secretary.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(19) JOHNSON CREEK, ARLINGTON, TEXAS.—The project for flood damage reduction, environmental restoration, and recreation, Johnson

Creek, Arlington, Texas, at a total cost of $20,300,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,300,000.

(20) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of $75,600,000, with an estimated Federal cost of $36,900,000 and an estimated non-Federal cost of $38,700,000.

SEC. 102. PROJECT MODIFICATIONS.

(a) PROJECTS WITH REPORTS.—

(1) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to include as a part of the project streambank erosion control measures to be undertaken substantially in accordance with the report entitled "Bank Stabilization Concept, Laurel Street Extension", dated April 23, 1998, at a total cost of $4,000,000, with an estimated Federal cost of $2,600,000 and an estimated non-Federal cost of $1,400,000.

(2) ST. JOHNS COUNTY SHORE PROTECTION, FLORIDA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, St. Johns County, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4133) is modified to authorize the Secretary to include navigation mitigation as a purpose of the project in accordance with the report of the Corps of Engineers dated November 18, 1998, at a total cost of $16,086,000, with an estimated Federal cost of $12,949,000 and an estimated non-Federal cost of $3,137,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $8,137,000, with an estimated annual Federal cost of $6,550,000 and an estimated annual non-Federal cost of $1,587,000.

(3) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665) is modified to authorize the Secretary to construct the project in accordance with the Corps of Engineers report dated June 29, 1998, at a total cost of $17,039,000, with an estimated Federal cost of $9,730,000 and an estimated non-Federal cost of $7,309,000.

(4) ABSECON ISLAND, NEW JERSEY.—The project for Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended to authorize the Secretary to reimburse the non-Federal interests for all work performed, consistent with the authorized project.

(5) ARTHUR KILL, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project at a total cost of $276,800,000, with an estimated Federal cost of $183,200,000 and an estimated non-Federal cost of $93,600,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $38,900,000.

(6) WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.—The requirement for the Waurika Project Master Conservancy District to repay the $2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim of the Travelers Insurance Company before the United States Claims Court related to construction of the water conveyance facilities authorized by the first section of Public Law 88–253 (77 Stat. 841) is waived.

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a final report by the Chief of Engineers, as approved by the Secretary, finding that such work is technically sound, environmentally acceptable, and economically justified, as applicable:

(1) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(A) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Natural Resources Conservation Service Thornton Reservoir (Structure 84), Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(B) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(C) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Natural Resources Conservation Service Thornton Reservoir (Structure 84) project in the west lobe of the Thornton quarry.

(D) CREDITING.—The Secretary may credit against the non-Federal share of the Thornton Reservoir project all design and construction costs incurred by the non-Federal interests before the date of enactment of this Act.

(E) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by subparagraph (D) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

(2) WELLS HARBOR, WELLS, MAINE.—

(A) IN GENERAL.—The project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(B) DEAUTHORIZATION OF CERTAIN PORTIONS.—The following portions of the project are not authorized after the date of enactment of this Act:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(ii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(iii) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north 11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(iv) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(C) REDESIGNATIONS.—The following portions of the project shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(iii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes 24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(D) REALIGNMENT.—The 6-foot anchorage area described in subparagraph (C)(iii) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(E) Relocation.—The Secretary may relocate the settling basin feature of the project to the outer harbor between the jetties.

(3) New York Harbor and adjacent channels, Port Jersey, New Jersey.—

(A) In general.—The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 201(b) of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to authorize the Secretary to construct the project at a total cost of $102,545,000, with an estimated Federal cost of $76,909,000 and an estimated non-Federal cost of $25,636,000.

(B) Berthing areas and other local facilities.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $722,000.

(c) Beaver Lake, Arkansas, Water Supply Storage Reallocation.—The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no cost to the Beaver Water District or the Carroll-Boone Water District, except that at no time shall the bottom of the conservation pool be at an elevation that is less than 1,076 feet, NGVD.

(d) Tolchester Channel S-Turn, Baltimore, Maryland.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary to straighten the Tolchester Channel S-turn as part of project maintenance.

(e) Tropicana Wash and Flamingo Wash, Nevada.—Any Federal costs associated with the Tropicana and Flamingo Washes, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be considered to be eligible for reimbursement by the Secretary.

(f) Rediversion Project, Cooper River, Charleston Harbor, South Carolina.—

(1) In general.—The rediversion project, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 517), is modified to authorize the Secretary to pay the State of South Carolina not more than $3,750,000, if the State enters into an agreement with the Secretary providing that the State shall perform all future operation of the St. Stephen, South Carolina, fish lift (including associated studies to assess the efficacy of the fish lift).

(2) Contents.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Secretary to recover all or a portion of the payment if the State suspends or terminates operation of the fish lift or fails to perform the operation in a manner satisfactory to the Secretary.

(3) Maintenance.—Maintenance of the fish lift shall remain a Federal responsibility.

(g) Trinity River and Tributaries, Texas.—The project for flood control and navigation, Trinity River and tributaries, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to add environmental restoration as a project purpose.

(h) Beach Erosion Control and Hurricane Protection, Virginia Beach, Virginia.—

(1) Acceptance of funds.—In any fiscal year that the Corps of Engineers does not receive appropriations sufficient to meet expected project expenditures for that year, the Secretary shall accept from the city of Virginia Beach, Virginia, for purposes of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), such funds as the city may advance for the project.

(2) Repayment.—Subject to the availability of appropriations, the Secretary shall repay, without interest, the amount of any advance made under paragraph (1), from appropriations that may be provided by Congress for river and harbor, flood control, shore protection, and related projects.

(i) Elizabeth River, Chesapeake, Virginia.—Notwithstanding any other provision of law, after the date of enactment of this Act, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of Elizabeth River, Chesapeake, Virginia.

(j) Payment Option, Moorefield, West Virginia.—The Secretary may permit the non-Federal interests for the project for flood control, Moorefield, West Virginia, to pay without interest the remaining non-Federal cost over a period not to exceed 30 years, to be determined by the Secretary.

(k) Miami Dade Agricultural and Rural Land Retention Plan and South Biscayne, Florida.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

"(D) Credit and reimbursement of past and future activities.—The Secretary may afford credit to or reimburse the non-Federal sponsors (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

"(i) the Secretary determines that—

"(I) the work performed by the non-Federal sponsors will substantially expedite completion of a critical restoration project; and

"(II) the work is necessary for a critical restoration project; and

"(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.".

(l) Lake Michigan, Illinois.—

(1) In general.—The project for storm damage reduction and shoreline protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to provide for reimbursement for additional project work undertaken by the non-Federal interest.

(2) Credit or reimbursement.—The Secretary shall credit or reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in designing, constructing, or reconstructing reach 2F (700 feet south of Fullerton Avenue and 500 feet north of Fullerton Avenue), reach 3M (Meigs Field), and segments 7 and 8 of reach 4 (43rd Street to 57th Street), if the non-Federal interest carries out the work in accordance with plans approved by the Secretary, at an estimated total cost of $83,300,000.

(3) Reimbursement.—The Secretary shall reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, before the signing of the project cooperation agreement, at an estimated total cost of $7,600,000.

(m) Measurements of Lake Michigan Diversions, Illinois.—Section 1142(b) of the Water Resources Development Act of 1986 (100 Stat. 4253) is amended by striking "$250,000 per fiscal year for each fiscal year beginning after September 30, 1986" and inserting "a total of $1,250,000 for each of fiscal years 1999 through 2003".

(n) Project for Navigation, Dubuque, Iowa.—The project for navigation at Dubuque, Iowa, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is modified to authorize the development of a wetland demonstration area of approximately 1.5 acres to be developed and operated by the Dubuque County Historical Society or a successor nonprofit organization.

(o) Louisiana State Penitentiary Levee.—The Secretary may credit against the non-Federal share work performed in the project area of the Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

(p) Jackson County, Mississippi.—The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to direct the Secretary to provide a credit, not to exceed $5,000,000, against the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project, if the Secretary determines that such costs are for work that the Secretary determines was compatible with and integral to the project.

(q) Richard B. Russell Dam and Lake, South Carolina.—

(1) In general.—Except as otherwise provided in this paragraph, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in the parcels of land described in subparagraph (B) that are currently being managed by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by the Flood Control Act of 1966 and modified by the Water Resources Development Act of 1986.

(2) Land description.—

(A) In general.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21–1–93–0910 and associated supplemental agreements or are designated in red in Exhibit A of Army License No. DACW21–3–85–1904, excluding all designated parcels in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool.

(B) Management of excluded parcels.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21–3–85–1904 until the Secretary and the State enter into an agreement under subparagraph (F).

(C) Survey.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

(3) Costs of conveyance.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) Perpetual status.—

(A) In general.—All land conveyed under this paragraph shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

(B) Reversion.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

(A) IN GENERAL.—The Secretary may pay the State of South Carolina not more than $4,850,000 subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the lands conveyed under this paragraph and excluded parcels designated in Exhibit A of Army License No. DACW21–3–85–1904.

(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.

(r) LAND CONVEYANCE, CLARKSTON, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in the Department of the Army lease No. DACW68–1–97–22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) ADDITIONAL LAND.—The Secretary may convey to the Port of Clarkston, Washington, such additional land located in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) TERMS AND CONDITIONS.—The conveyances made under paragraphs (1) and (2) shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws (including regulations).

(4) USE OF LAND.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed pursuant to paragraphs (1) and (2) that is not retained in public ownership and used for public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(s) WHITE RIVER, INDIANA.—The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 22, 1936 (49 Stat. 1586, chapter 688), as modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Canal Development (Upper Canal feature) and the Beveridge Paper feature, at a total cost not to exceed $25,000,000, of which $12,500,000 is the estimated Federal cost and $12,500,000 is the estimated non-Federal cost, except that no such alterations may be undertaken unless the Secretary determines that the alterations authorized by this subsection, in combination with the alterations undertaken under section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), are economically justified.

(t) FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.—The project for hurricane-flood protection, Fox Point, Providence, Rhode Island, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 306) is modified to direct the Secretary to undertake the necessary repairs to the barrier, as identified in the Condition Survey and Technical Assessment dated April 1998 with Supplement dated August 1998, at a total cost of $3,000,000, with an estimated Federal cost of $1,950,000 and an estimated non-Federal cost of $1,050,000.

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area 9 feet deep and an adjacent 0.60-acre anchorage area 6 feet deep, located on the west side of Johnsons River, Connecticut, is not authorized after the date of enactment of this Act.

(b) BASS HARBOR, MAINE.—

(1) DEAUTHORIZATION.—The portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) described in paragraph (2) are not authorized after the date of enactment of this Act.

(2) DESCRIPTION.—The portions of the project referred to in paragraph (1) are described as follows:

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point, N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N148477.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running southeasterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(c) BOOTHBAY HARBOR, MAINE.—The project for navigation, Boothbay Harbor, Maine, authorized by the Act of July 25, 1912 (37 Stat. 201, chapter 253), is not authorized after the date of enactment of this Act.

(d) EAST BOOTHBAY HARBOR, MAINE.—Section 364 of the Water Resources Development Act of 1996 (110 Stat. 3731) is amended by striking paragraph (9) and inserting the following:

"(9) EAST BOOTHBAY HARBOR, MAINE.—The project for navigation, East Boothbay Harbor, Maine, authorized by the first section of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved June 25, 1910 (36 Stat. 657).".

SEC. 104. STUDIES.

(a) CADDO LEVEE, RED RIVER BELOW DENISON DAM, ARIZONA, LOUISIANA, OKLAHOMA, AND TEXAS.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control, Caddo Levee, Red River Below Denison Dam, Arizona, Louisiana, Oklahoma, and Texas, including incorporating the existing levee, along Twelve Mile Bayou from its juncture with the existing Red River Below Denison Dam Levee approximately 26 miles upstream to its terminus at high ground in the vicinity of Black Bayou, Louisiana.

(b) FIELDS LANDING CHANNEL, HUMBOLDT HARBOR, CALIFORNIA.—The Secretary—

(1) shall conduct a study for the project for navigation, Fields Landing Channel, Humboldt Harbor and Bay, California, to a depth of minus 35 feet (MLLW), and for that purpose may use any feasibility report prepared by the non-Federal sponsor under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) for which reimbursement of the Federal share of the study is authorized subject to the availability of appropriations; and

(2) may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), if the Secretary determines that the project is feasible.

(c) STRAWBERRY CREEK, BERKELEY, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of restoring Strawberry Creek, Berkeley, California, and the Federal interest in environmental restoration, conservation of fish and wildlife resources, recreation, and water quality.

(d) WEST SIDE STORM WATER RETENTION FACILITY, CITY OF LANCASTER, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to construct the West Side Storm Water Retention Facility in the city of Lancaster, California.

(e) APALACHICOLA RIVER, FLORIDA.—The Secretary shall conduct a study for the purpose of identifying—

(1) alternatives for the management of material dredged in connection with operation and maintenance of the Apalachicola River Navigation Project; and

(2) alternatives that reduce the requirements for such dredging.

(f) BROWARD COUNTY, SAND BYPASSING AT PORT EVERGLADES, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of constructing a sand bypassing project at the Port Everglades Inlet, Florida.

(g) CITY OF DESTIN-NORIEGA POINT BREAKWATER, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of—

(1) restoring Noriega Point, Florida, to serve as a breakwater for Destin Harbor; and

(2) including Noriega Point as part of the East Pass, Florida, navigation project.

(h) GATEWAY TRIANGLE REDEVELOPMENT AREA, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to reduce the flooding problems in the vicinity of Gateway Triangle Redevelopment Area, Florida.

(2) STUDIES AND REPORTS.—The study shall include a review and consideration of studies and reports completed by the non-Federal interests.

(i) CITY OF PLANT CITY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a flood control project in the city of Plant City, Florida.

(2) STUDIES AND REPORTS.—In conducting the study, the Secretary shall review and consider studies and reports completed by the non-Federal interests.

(j) GOOSE CREEK WATERSHED, OAKLEY, IDAHO.—The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction, water conservation, ground water recharge, ecosystem restoration, and related purposes along the Goose Creek watershed near Oakley, Idaho.

(k) LITTLE WOOD RIVER, GOODING, IDAHO.—The Secretary shall conduct a study to determine the feasibility of restoring and repairing the Lava Rock Little Wood River Containment System to prevent flooding in the city of Gooding, Idaho.

(l) SNAKE RIVER AND PAYETTE RIVER, IDAHO.—The Secretary shall conduct a study to determine the feasibility of a flood control project along the Snake River and Payette River, in the vicinity of Payette, Idaho.

(m) Acadiana Navigation Channel, Louisiana.—The Secretary shall conduct a study to determine the feasibility of assuming operations and maintenance for the Acadiana Navigation Channel located in Iberia and Vermillion Parishes, Louisiana.

(n) Cameron Parish West of Calcasieu River, Louisiana.—The Secretary shall conduct a study to determine the feasibility of a storm damage reduction and ecosystem restoration project for Cameron Parish west of Calcasieu River, Louisiana.

(o) Beneficial Use of Dredged Material, Coastal Louisiana.—The Secretary shall conduct a study to determine the feasibility of using dredged material from maintenance activities at Federal navigation projects in coastal Louisiana to benefit coastal areas in the State.

(p) Contraband Bayou Navigation Channel, Louisiana.—The Secretary shall conduct a study to determine the feasibility of assuming the maintenance at Contraband Bayou, Calcasieu River Ship Canal, Louisiana.

(q) Golden Meadow Lock, Louisiana.—The Secretary shall conduct a study to determine the feasibility of converting the Golden Meadow floodgate into a navigation lock to be included in the Larose to Golden Meadow Hurricane Protection Project, Louisiana.

(r) Gulf Intracoastal Waterway Ecosystem Protection, Chef Menteur to Sabine River, Louisiana.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and protection measures along the Gulf Intracoastal Waterway from Chef Menteur to Sabine River, Louisiana.

(2) Matters to be addressed.—The study shall address saltwater intrusion, tidal scour, erosion, and other water resources related problems in that area.

(s) Lake Pontchartrain, Louisiana, and Vicinity, St. Charles Parish Pumps.—The Secretary shall conduct a study to determine the feasibility of modifying the Lake Pontchartrain Hurricane Protection Project to include the St. Charles Parish Pumps and the modification of the seawall fronting protection along Lake Pontchartrain in Orleans Parish, from New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

(t) Lake Pontchartrain and Vicinity Seawall Restoration, Louisiana.—The Secretary shall conduct a study to determine the feasibility of undertaking structural modifications of that portion of the seawall fronting protection along the south shore of Lake Pontchartrain in Orleans Parish, Louisiana, extending approximately 5 miles from the new basin Canal on the west to the Inner Harbor Navigation Canal on the east as a part of the Lake Pontchartrain and Vicinity Hurricane Protection Project, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077).

(u) Detroit River, Michigan, Greenway Corridor Study.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of a project for shoreline protection, frontal erosion, and associated purposes in the Detroit River shoreline area from the Belle Isle Bridge to the Ambassador Bridge in Detroit, Michigan.

(2) Potential modifications.—As a part of the study, the Secretary shall review potential project modifications to any existing Corps projects within the same area.

(v) St. Clair Shores Flood Control, Michigan.—The Secretary shall conduct a study to determine the feasibility of constructing a flood control project at St. Clair Shores, Michigan.

(w) Woodtick Peninsula, Michigan, and Toledo Harbor, Ohio.—The Secretary shall conduct a study to determine the feasibility of utilizing dredged material from Toledo Harbor, Ohio, to provide erosion reduction, navigation, and ecosystem restoration at Woodtick Peninsula, Michigan.

(x) Tunica Lake Weir, Mississippi.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of constructing an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose of stabilizing water levels in the Lake.

(2) Economic analysis.—In carrying out the study, the Secretary shall include as a part of the economic analysis the benefits derived from recreation uses at the Lake and economic benefits associated with restoration of fish and wildlife habitat.

(y) Protective Facilities for the St. Louis, Missouri, Riverfront Area.—

(1) Study.—The Secretary shall conduct a study to determine the optimal plan to protect facilities that are located on the Mississippi River riverfront within the boundaries of St. Louis, Missouri.

(2) Requirements.—In conducting the study, the Secretary shall—

(A) evaluate alternatives to offer safety and security to facilities; and

(B) use state-of-the-art techniques to best evaluate the current situation, probable solutions, and estimated costs.

(3) Report.—Not later than April 15, 1999, the Secretary shall submit to Congress a report on the results of the study.

(z) Yellowstone River, Montana.—

(1) Study.—The Secretary shall conduct a comprehensive study of the Yellowstone River from Gardiner, Montana to the confluence of the Missouri River to determine the hydrologic, biological, and socioeconomic cumulative impacts on the river.

(2) Consultation and coordination.—The Secretary shall conduct the study in consultation with the United States Fish and Wildlife Service, the United States Geological Survey, and the Natural Resources Conservation Service and with the full participation of the State of Montana and tribal and local entities, and provide for public participation.

(3) Report.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study.

(aa) Las Vegas Valley, Nevada.—

(1) In general.—The Secretary shall conduct a comprehensive study of water resources located in the Las Vegas Valley, Nevada.

(2) Objectives.—The study shall identify problems and opportunities related to ecosystem restoration, water quality, particularly the quality of surface runoff, water supply, and flood control.

(bb) Oswego River Basin, New York.—The Secretary shall conduct a study to determine the feasibility of establishing a flood forecasting system within the Oswego River basin, New York.

(cc) Port of New York-New Jersey Navigation Study and Environmental Restoration Study.—

(1) Navigation study.—The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

(2) Environmental restoration study.—The Secretary, acting through the Chief of Engineers, shall review the report of the Chief of Engineers on the New York Harbor, printed in the House Management Plan of the Harbor Estuary Program, and other pertinent reports concerning the New York Harbor Region and the Port of New York-New Jersey, to determine the Federal interest in advancing harbor environmental restoration.

(3) Report.—The Secretary may use funds from the ongoing navigation study for New York and New Jersey Harbor to complete a reconnaissance report for environmental restoration by December 31, 1999. The navigation study to deepen New York and New Jersey Harbor shall consider beneficial use of dredged material.

(dd) Bank Stabilization, Missouri River, North Dakota.—

(1) Study.—

(A) In general.—The Secretary shall conduct a study to determine the feasibility of bank stabilization on the Missouri River between the Garrison Dam and Lake Oahe in North Dakota.

(B) Elements.—In conducting the study, the Secretary shall study—

(i) options for stabilizing the erosion sites on the banks of the Missouri River between the Garrison Dam and Lake Oahe identified in the report developed by the North Dakota State Water Commission, dated December 1997, including stabilization through nontraditional measures;

(ii) the cumulative impact of bank stabilization measures between the Garrison Dam and Lake Oahe on fish and wildlife habitat and the potential impact of additional stabilization measures, including the impact of nontraditional stabilization measures;

(iii) the current and future effects, including economic and fish and wildlife habitat effects, that bank erosion is having on creating the delta at the beginning of Lake Oahe; and

(iv) the impact of taking no additional measures to stabilize the banks of the Missouri River between the Garrison Dam and Lake Oahe.

(C) Interested parties.—In conducting the study, the Secretary shall, to the maximum extent practicable, seek the participation and views of interested Federal, State, and local agencies, landowners, conservation organizations, and other persons.

(D) Report.—

(i) In general.—The Secretary shall report to Congress on the results of the study not later than 1 year after the date of enactment of this Act.

(ii) Status.—If the Secretary cannot complete the study and report to Congress by the day that is 1 year after the date of enactment of this Act, the Secretary shall, by that day, report to Congress on the status of the study and report, including an estimate of the date of completion.

(2) Effect on existing projects.—This subsection does not preclude the Secretary from establishing or carrying out a stabilization project that is authorized by law.

(ee) Cleveland Harbor, Cleveland, Ohio.—The Secretary shall conduct a study to determine the feasibility of undertaking repairs and related navigation improvements at Dike 14, Cleveland, Ohio.

(ff) East Lake, Vermillion and Chagrin, Ohio.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction at East Lake, Vermillion and Chagrin, Ohio.

(2) Ice retention structure.—In conducting the study, the Secretary may consider construction of an ice retention structure as a potential means of providing flood damage reduction.

(gg) Toussaint River, Carroll Township, Ohio.—The Secretary shall conduct a study to determine the feasibility of undertaking navigation improvements at Toussaint River, Carroll Township, Ohio.

(hh) Santee Delta Wetland Habitat, South Carolina.—Not later than 18 months

after the date of enactment of this Act, the Secretary shall complete a comprehensive study of the ecosystem in the Santee Delta focus area of South Carolina to determine the feasibility of undertaking measures to enhance the wetland habitat in the area.

(ii) WACCAMAW RIVER, SOUTH CAROLINA.—The Secretary shall conduct a study to determine the feasibility of a flood control project for the Waccamaw River in Horry County, South Carolina.

(jj) UPPER SUSQUEHANNA-LACKAWANNA, PENNSYLVANIA, WATERSHED MANAGEMENT AND RESTORATION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a comprehensive flood plain management and watershed restoration project for the Upper Susquehanna-Lackawanna Watershed, Pennsylvania.

(2) GEOGRAPHIC INFORMATION SYSTEM.—In conducting the study, the Secretary shall use a geographic information system.

(3) PLANS.—The study shall formulate plans for comprehensive flood plain management and environmental restoration.

(4) CREDITING.—Non-Federal interests may receive credit for in-kind services and materials that contribute to the study. The Secretary may credit non-Corps Federal assistance provided to the non-Federal interest toward the non-Federal share of study costs to the maximum extent authorized by law.

(kk) NIOBRARA RIVER AND MISSOURI RIVER SEDIMENTATION STUDY, SOUTH DAKOTA.—The Secretary shall conduct a study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River to determine the feasibility of alleviating the bank erosion, sedimentation, and related problems in the lower Niobrara River and the Missouri River below Fort Randall Dam.

(ll) SANTA CLARA RIVER, UTAH.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to alleviate damage caused by flooding, bank erosion, and sedimentation along the watershed of the Santa Clara River, Utah, above the Gunlock Reservoir.

(2) CONTENTS.—The study shall include an analysis of watershed conditions and water quality, as related to flooding and bank erosion, along the Santa Clara River in the vicinity of the town of Gunlock, Utah.

(mm) AGAT SMALL BOAT HARBOR, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking the repair and reconstruction of Agat Small Boat Harbor, Guam, including the repair of existing shore protection measures and construction or a revetment of the breakwater seawall.

(nn) APRA HARBOR SEAWALL, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to repair, upgrade, and extend the seawall protecting Apra Harbor, Guam, and to ensure continued access to the harbor via Route 11B.

(oo) APRA HARBOR FUEL PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to upgrade the piers and fuel transmission lines at the fuel piers in the Apra Harbor, Guam, and measures to provide for erosion control and protection against storm damage.

(pp) MAINTENANCE DREDGING OF HARBOR PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of Federal maintenance of areas adjacent to piers at harbors in Guam, including Apra Harbor, Agat Harbor, and Agana Marina.

(qq) ALTERNATIVE WATER SOURCES STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct a study of the water supply needs of States that are not currently eligible for assistance under title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

(2) REQUIREMENTS.—The study shall—

(A) identify the water supply needs (including potable, commercial, industrial, recreational and agricultural needs) of each State described in paragraph (1) through 2020, making use of such State, regional, and local plans, studies, and reports as are available;

(B) evaluate the feasibility of various alternative water source technologies such as reuse and reclamation of wastewater and stormwater (including indirect potable reuse), aquifer storage and recovery, and desalination to meet the anticipated water supply needs of the States; and

(C) assess how alternative water sources technologies can be utilized to meet the identified needs.

(3) REPORT.—The Administrator shall report to Congress on the results of the study not more than 180 days after the date of enactment of this Act.

TITLE II—GENERAL PROVISIONS

SEC. 201. FLOOD HAZARD MITIGATION AND RIVERINE ECOSYSTEM RESTORATION PROGRAM.

(a) IN GENERAL.—

(1) AUTHORIZATION.—The Secretary may carry out a program to reduce flood hazards and restore the natural functions and values of riverine ecosystems throughout the United States.

(2) STUDIES.—In carrying out the program, the Secretary shall conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement watershed management and restoration projects.

(3) PARTICIPATION.—The studies and projects carried out under the program shall be conducted, to the extent practicable, with the full participation of the appropriate Federal agencies, including the Department of Agriculture, the Federal Emergency Management Agency, the Department of the Interior, the Environmental Protection Agency, and the Department of Commerce.

(4) NONSTRUCTURAL APPROACHES.—The studies and projects shall, to the extent practicable, emphasize nonstructural approaches to preventing or reducing flood damages.

(b) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—The cost of studies conducted under subsection (a) shall be shared in accordance with section 105 of the Water Resources Development Act of 1986 (33 Stat. 2215).

(2) PROJECTS.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(3) IN-KIND CONTRIBUTIONS.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the projects. The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this subsection.

(4) RESPONSIBILITIES OF THE NON-FEDERAL INTERESTS.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(c) PROJECT JUSTIFICATION.—

(1) IN GENERAL.—The Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) SELECTION CRITERIA; POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) develop criteria for selecting and rating the projects to be carried out as part of the program authorized by this section; and

(B) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(d) REPORTING REQUIREMENT.—The Secretary may not implement a project under this section until—

(1) the Secretary provides to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (c); and

(2) a period of 21 calendar days has expired following the date on which the notification was received by the Committees.

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including—

(1) Le May, Missouri;

(2) the upper Delaware River basin, New York;

(3) Mill Creek, Cincinnati, Ohio;

(4) Tillamook County, Oregon;

(5) Willamette River basin, Oregon; and

(6) Providence County, Rhode Island.

(f) PER-PROJECT LIMITATION.—Not more than $25,000,000 in Army Civil Works appropriations may be expended on any single project undertaken under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $75,000,000 for the period of fiscal years 2000 and 2001.

(2) PROGRAM FUNDING LEVELS.—All studies and projects undertaken under this authority from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

SEC. 202. SHORE PROTECTION.

Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking "Costs of constructing" and inserting the following:

"(1) CONSTRUCTION.—Costs of constructing"; and

(2) by adding at the end the following:

"(2) PERIODIC NOURISHMENT.—In the case of a project authorized for construction after December 31, 1999, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of projects or measures for shore protection or beach erosion control shall be 50 percent, except that—

"(A) all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by non-Federal interests; and

"(B) all costs assigned to the protection of federally owned shores shall be borne by the United States.".

SEC. 203. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) in the first sentence, by striking "construction of small projects" and inserting "implementation of small structural and nonstructural projects"; and

(2) in the third sentence, by striking "$5,000,000" and inserting "$7,000,000".

SEC. 204. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGES.

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end *the following: ", but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities".*

SEC. 205. AQUATIC ECOSYSTEM RESTORATION.

Section 206(c) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(c)) is amended—

(1) by striking "Construction" and inserting the following:

"(1) IN GENERAL.—Construction"; and

(2) by adding at the end the following:

"(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 206. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 207. VOLUNTARY CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting "or environmental restoration" after "flood control".

SEC. 208. RECREATION USER FEES.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of $34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460l–6a(b)).

(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

(3) signage;

(4) habitat or facility enhancement;

(5) resource preservation;

(6) annual operation (including fee collection);

(7) maintenance; and

(8) law enforcement related to public use.

(c) AVAILABILITY.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

SEC. 209. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking "interest of navigation" and inserting "interests of water resources development (including navigation, flood damage reduction, and environmental restoration)".

SEC. 210. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) DEFINITIONS.—In this section:

(1) MIDDLE MISSISSIPPI RIVER.—The term "middle Mississippi River" means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) MISSOURI RIVER.—The term "Missouri River" means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) PROJECT.—The term "project" means the project authorized by this section.

(b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

(1) PLAN.—

(A) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) ACTIVITIES.—

(i) IN GENERAL.—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) REQUIRED ACTIVITIES.—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and

(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) IMPLEMENTATION OF ACTIVITIES.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED FEATURES OF THE PROJECT.—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

(i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and

(ii) be compatible with the project purposes described in this section.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) PUBLIC PARTICIPATION.—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of meetings;

(2) providing adequate opportunity for public input and comment;

(3) maintaining appropriate records; and

(4) compiling a record of the proceedings of meetings.

(e) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be 35 percent.

(2) FEDERAL SHARE.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed $5,000,000.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $30,000,000 for the period of fiscal years 2000 and 2001.

SEC. 211. OUTER CONTINENTAL SHELF.

(a) SAND, GRAVEL, AND SHELL.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by inserting before the period at the end the following: "or any other non-Federal interest subject to an agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b)".

(b) REIMBURSEMENT FOR LOCAL INTERESTS.—Any amounts paid by non-Federal interests for beach erosion control, hurricane protection, shore protection, or storm damage reduction projects as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

SEC. 212. ENVIRONMENTAL DREDGING.

Section 312(f) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)) is amended by adding at the end the following:

"(6) Snake Creek, Bixby, Oklahoma.

"(7) Willamette River, Oregon.".

SEC. 213. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED INCLUDED IN BENEFIT-COST ANALYSIS.

Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by striking "BENEFIT-COST ANALYSIS" and inserting "ELEMENTS EXCLUDED FROM COST-BENEFIT ANALYSIS";

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(3) by inserting after subsection (a) the following:

"(b) ELEMENTS INCLUDED IN COST-BENEFIT ANALYSIS.—The Secretary shall include primary flood damages avoided in the benefit base for justifying Federal nonstructural flood damage reduction projects."; and

(4) in the first sentence of subsection (e) (as redesignated by paragraph (2)), by striking "(b)" and inserting "(d)".

SEC. 214. CONTROL OF AQUATIC PLANT GROWTH.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended—

(1) by inserting "Arundo dona," after "water-hyacinth,"; and

(2) by inserting "tarmarix" after "melaleuca".

SEC. 215. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

"(19) LAKE TAHOE, CALIFORNIA AND NEVADA.—Regional water system for Lake Tahoe, California and Nevada.

"(20) LANCASTER, CALIFORNIA.—Fox Field Industrial Corridor water facilities, Lancaster, California.

"(21) SAN RAMON, CALIFORNIA.—San Ramon Valley recycled water project, San Ramon, California.".

SEC. 216. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

"(10) Regional Atlanta Watershed, Atlanta, Georgia, and Lake Lanier of Forsyth and Hall Counties, Georgia."; and

(B) by adding at the end the following:

"(14) Clear Lake watershed, California.

"(15) Fresno Slough watershed, California.

"(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

"(17) Kaweah River watershed, California.

"(18) Lake Tahoe watershed, California and Nevada.

"(19) Malibu Creek watershed, California.

"(20) Truckee River basin, Nevada.

"(21) Walker River basin, Nevada.

"(22) Bronx River watershed, New York.

"(23) Catawba River watershed, North Carolina.";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.".

SEC. 217. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end; and

(3) by adding at the end the following:

"(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and development of a sustainable weed and algae management program;

"(18) Flints Pond, Hollis, New Hampshire, removal of excessive aquatic vegetation; and

"(19) Osgood Pond, Milford, New Hampshire, removal of excessive aquatic vegetation.".

SEC. 218. SEDIMENTS DECONTAMINATION POLICY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102–580) is amended—

(1) in subsection (a), by adding at the end the following:

"(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall result in practical end-use products.

"(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity."; and

(2) in subsection (c), by striking the first sentence and inserting the following: "There is authorized to be appropriated to carry out this section a total of $22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.".

SEC. 219. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

(a) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking "50" and inserting "35".

(b) GREAT LAKES BASIN.—The Secretary shall work with the State of Ohio, other Great Lakes States, and political subdivisions of the States to fully implement and maximize beneficial reuse of dredged material as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

SEC. 220. FISH AND WILDLIFE MITIGATION.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: "Not more than 80 percent of the non-Federal share of such first costs may be in kind, including a facility, supply, or service that is necessary to carry out the enhancement project.".

SEC. 221. REIMBURSEMENT OF NON-FEDERAL INTEREST.

Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)(A)) is amended by striking "subject to amounts being made available in advance in appropriations Acts" and inserting "subject to the availability of appropriations".

SEC. 222. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.

(a) DEFINITION OF TASK FORCE.—In this section, the term "Task Force" means the National Contaminated Sediment Task Force established by section 502 of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271 note; Public Law 102–580).

(b) CONVENING.—The Secretary and the Administrator shall convene the Task Force not later than 90 days after the date of enactment of this Act.

(c) REPORTING ON REMEDIAL ACTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to Congress a report on the status of remedial actions at aquatic sites in the areas described in paragraph (2).

(2) AREAS.—The report under paragraph (1) shall address remedial actions in—

(A) areas of probable concern identified in the survey of data regarding aquatic sediment quality required by section 503(a) of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271);

(B) areas of concern within the Great Lakes, as identified under section 118(f) of the Federal Water Pollution Control Act (33 U.S.C. 1268(f));

(C) estuaries of national significance identified under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(D) areas for which remedial action has been authorized under any of the Water Resources Development Acts; and

(E) as appropriate, any other areas where sediment contamination is identified by the Task Force.

(3) ACTIVITIES.—Remedial actions subject to reporting under this subsection include remedial actions under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other Federal or State law containing environmental remediation authority;

(B) any of the Water Resources Development Acts;

(C) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or

(D) section 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425).

(4) CONTENTS.—The report under paragraph (1) shall provide, with respect to each remedial action described in the report, a description of—

(A) the authorities and sources of funding for conducting the remedial action;

(B) the nature and sources of the sediment contamination, including volume and concentration, where appropriate;

(C) the testing conducted to determine the nature and extent of sediment contamination and to determine whether the remedial action is necessary;

(D) the action levels or other factors used to determine that the remedial action is necessary;

(E) the nature of the remedial action planned or undertaken, including the levels of protection of public health and the environment to be achieved by the remedial action;

(F) the ultimate disposition of any material dredged as part of the remedial action;

(G) the status of projects and the obstacles or barriers to prompt conduct of the remedial action; and

(H) contacts and sources of further information concerning the remedial action.

SEC. 223. GREAT LAKES BASIN PROGRAM.

(a) STRATEGIC PLANS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall report to Congress on a plan for programs of the Corps of Engineers in the Great Lakes basin.

(2) CONTENTS.—The plan shall include details of the projected environmental and navigational projects in the Great Lakes basin, including—

(A) navigational maintenance and operations for commercial and recreational vessels;

(B) environmental restoration activities;

(C) water level maintenance activities;

(D) technical and planning assistance to States and remedial action planning committees;

(E) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(F) flood damage reduction and shoreline erosion prevention;

(G) all other activities of the Corps of Engineers; and

(H) an analysis of factors limiting use of programs and authorities of the Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(b) GREAT LAKES BIOHYDROLOGICAL INFORMATION.—

(1) INVENTORY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency.

(B) RELEVANT INFORMATION.—For the purpose of subparagraph (A), relevant information includes information on—

(i) ground and surface water hydrology;

(ii) natural and altered tributary dynamics;

(iii) biological aspects of the system influenced by and influencing water quantity and water movement;

(iv) meteorological projections and weather impacts on Great Lakes water levels; and

(v) other Great Lakes biohydrological system data relevant to sustainable water use management.

(2) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall—

(i) compile the inventories of information;

(ii) analyze the information for consistency and gaps; and

(iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) Recommendations.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) Considerations.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and other relevant agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

(i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and

(ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) Great Lakes Recreational Boating.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, using information and studies in existence on the date of enactment of this Act to the maximum extent practicable, and in cooperation with the Great Lakes States, submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors benefiting from operation and maintenance projects of the Corps of Engineers.

(d) Cooperation.—In undertaking activities under this section, the Secretary shall—

(1) encourage public participation; and

(2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, tribal governments.

(e) Water Use Activities and Policies.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) Cost Sharing.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

SEC. 224. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

Section 1135(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(c)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(2) by adding at the end the following:

"(2) Control of sea lamprey.—Congress finds that—

"(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts to its fishery; and

"(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.".

SEC. 225. WATER QUALITY, ENVIRONMENTAL QUALITY, RECREATION, FISH AND WILDLIFE, FLOOD CONTROL, AND NAVIGATION.

(a) In General.—The Secretary may investigate, study, evaluate, and report on—

(1) water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie watershed, including the watersheds of the Maumee River, Ottawa River, and Portage River in the States of Indiana, Ohio, and Michigan; and

(2) measures to improve water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie basin.

(b) Cooperation.—In carrying out studies and investigations under subsection (a), the Secretary shall cooperate with Federal, State, and local agencies and nongovernmental organizations to ensure full consideration of all views and requirements of all interrelated programs that those agencies may develop independently or in coordination with the Corps of Engineers.

SEC. 226. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering into irrigation systems. Measures shall be developed in cooperation with Federal and State resource agencies and not impair the continued withdrawal of water for irrigation purposes. In providing such assistance priority shall be given based on the objectives of the Endangered Species Act, cost-effectiveness, and the potential for reducing fish mortality. Non-Federal interests shall agree by contract to contribute 50 percent of the cost of such assistance. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services. No construction activities are authorized by this section. Not later than 2 years after the date of enactment of this section, the Secretary shall report to Congress on fish mortality caused by irrigation water intake devices, appropriate measures to reduce mortality, the extent to which such measures are currently being employed in the arid States, the construction costs associated with such measures, and the appropriate Federal role, if any, to encourage the use of such measures.

SEC. 227. SMALL STORM DAMAGE REDUCTION PROJECTS.

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 228. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426(i)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting "(a) In General.—The Secretary";

(2) in the second sentence, by striking "The costs" and inserting the following:

"(b) Cost Sharing.—The costs";

(3) in the third sentence—

(A) by striking "No such" and inserting the following:

"(c) Requirement for Specific Authorization.—No such"; and

(B) by striking "$2,000,000" and inserting "$5,000,000"; and

(4) by adding at the end the following:

"(d) Coordination.—The Secretary shall—

"(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

"(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.".

SEC. 229. ATLANTIC COAST OF NEW YORK.

Section 404(c) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by striking "$1,400,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997" and inserting "$2,500,000".

SEC. 230. ACCELERATED ADOPTION OF INNOVATIVE TECHNOLOGIES FOR CONTAMINATED SEDIMENTS.

Section 8 of the Water Resources Development Act of 1988 (33 U.S.C. 2314) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) Accelerated Adoption of Innovative Technologies for Management of Contaminated Sediments.—

"(1) Test projects.—The Secretary shall approve an appropriate number of projects to test, under actual field conditions, innovative technologies for environmentally sound management of contaminated sediments.

"(2) Demonstration projects.—The Secretary may approve an appropriate number of projects to demonstrate innovative technologies that have been pilot tested under paragraph (1).

"(3) Conduct of projects.—Each pilot project under paragraph (1) and demonstration project under paragraph (2) shall be conducted by a university with proven expertise in the research and development of contaminated sediment treatment technologies and innovative applications using waste materials.".

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

SEC. 302. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

"(3) The Chemung River watershed, New York, at an estimated Federal cost of $5,000,000.".

SEC. 303. SMALL FLOOD CONTROL PROJECTS.

Section 102 of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively;

(2) by inserting after paragraph (14) the following:

"(15) Repaupo creek and Delaware river, Gloucester county, New Jersey.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey."; and

(3) by adding at the end the following:

"(24) Irondequoit creek, New York.—Project for flood control, Irondequoit Creek watershed, New York.

"(25) Tioga county, Pennsylvania.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.".

SEC. 304. SMALL NAVIGATION PROJECTS.

Section 104 of the Water Resources Development Act of 1996 (110 Stat. 3669) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (11) through (14), respectively; and

(2) by inserting after paragraph (8) the following:

"(9) Fortescue inlet, Delaware bay, New Jersey.—Project for navigation for Fortescue Inlet, Delaware Bay, New Jersey.

"(10) Braddock bay, Greece, New York.—Project for navigation, Braddock Bay, Greece, New York.".

SEC. 305. STREAMBANK PROTECTION PROJECTS.

(a) Arctic Ocean, Barrow, Alaska.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out storm damage reduction and coastal erosion measures at the town of Barrow, Alaska.

(b) Saginaw River, Bay City, Michigan.—The Secretary may construct appropriate control structures in areas along the Saginaw River *in the city of Bay City, Michigan, under authority of section 14 of the Flood Control Act of 1946 (33 Stat. 701r).*

(c) Yellowstone River, Billings, Montana.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(d) Monongahela River, Point Marion, Pennsylvania.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out streambank erosion control measures along the Monongahela River at the borough of Point Marion, Pennsylvania.

SEC. 306. AQUATIC ECOSYSTEM RESTORATION, SPRINGFIELD, OREGON.

Under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall conduct measures to address water quality, water flows, and fish habitat restoration in the historic Springfield, Oregon, millrace through the reconfiguration of the existing millpond, if the Secretary determines that harmful impacts have occurred as the result of a previously constructed flood control project by the Corps of Engineers.

SEC. 307. GUILFORD AND NEW HAVEN, CONNECTICUT.

The Secretary shall expeditiously complete the activities authorized under section 346 of the Water Resources Development Act of 1992 (106 Stat. 4858), including activities associated with Sluice Creek in Guilford, Connecticut, and Lighthouse Point Park in New Haven, Connecticut.

SEC. 308. FRANCIS BLAND FLOODWAY DITCH.

(a) Redesignation.—The project for flood control, Eight Mile Creek, Paragould, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) and known as "Eight Mile Creek, Paragould, Arkansas", shall be known and designated as the "Francis Bland Floodway Ditch".

(b) Legal References.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the project and creek referred to in subsection (a) shall be deemed to be a reference to the Francis Bland Floodway Ditch.

SEC. 309. CALOOSAHATCHEE RIVER BASIN, FLORIDA.

Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: ", including potential land acquisition in the Caloosahatchee River basin or other areas".

SEC. 310. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.

(a) In General.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the "Flood Control Act of 1936") (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of $15,000,000, with an estimated Federal cost of $9,750,000 and an estimated non-Federal cost of $5,250,000.

(b) In-Kind Services.—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) Operation and Maintenance.—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

SEC. 311. CITY OF MIAMI BEACH, FLORIDA.

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: ", including the city of Miami Beach, Florida".

SEC. 312. SARDIS RESERVOIR, OKLAHOMA.

(a) In General.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, as determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56–74–JC–0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) Determination of Amount.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget.

(c) Effect.—Nothing in this section shall otherwise affect any of the rights or obligations of the parties to the contract referred to in subsection (a).

SEC. 313. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM NAVIGATION MODERNIZATION.

(a) Findings.—Congress finds that—

(1) exports are necessary to ensure job creation and an improved standard of living for the people of the United States;

(2) the ability of producers of goods in the United States to compete in the international marketplace depends on a modern and efficient transportation network;

(3) a modern and efficient waterway system is a transportation option necessary to provide United States shippers a safe, reliable, and competitive means to win foreign markets in an increasingly competitive international marketplace;

(4) the need to modernize is heightened because the United States is at risk of losing its competitive edge as a result of the priority that foreign competitors are placing on modernizing their own waterway systems;

(5) growing export demand projected over the coming decades will force greater demands on the waterway system of the United States and increase the cost to the economy if the system proves inadequate to satisfy growing export opportunities;

(6) the locks and dams on the upper Mississippi River and Illinois River waterway system were built in the 1930s and have some of the highest average delays to commercial tows in the country;

(7) inland barges carry freight at the lowest unit cost while offering an alternative to truck and rail transportation that is environmentally sound, is energy efficient, is safe, causes little congestion, produces little air or noise pollution, and has minimal social impact; and

(8) it should be the policy of the Corps of Engineers to pursue aggressively modernization of the waterway system authorized by Congress to promote the relative competitive position of the United States in the international marketplace.

(b) Preconstruction Engineering and Design.—In accordance with the Upper Mississippi River-Illinois Waterway System Navigation Study, the Secretary shall proceed immediately to prepare engineering design, plans, and specifications for extension of locks 20, 21, 22, 24, 25 on the Mississippi River and the LaGrange and Peoria Locks on the Illinois River, to provide lock chambers 110 feet in width and 1,200 feet in length, so that construction can proceed immediately upon completion of studies and authorization of projects by Congress.

SEC. 314. UPPER MISSISSIPPI RIVER MANAGEMENT.

Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)—

(A) by striking "(e)" and all that follows through the end of paragraph (2) and inserting the following:

"(e) Undertakings.—

"(1) In general.—

"(A) Authority.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake—

"(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

"(ii) implementation of a program of long-term resource monitoring, computerized data inventory and analysis, and applied research.

"(B) Requirements for projects.—Each project carried out under subparagraph (A)(i) shall—

"(i) to the maximum extent practicable, simulate natural river processes;

"(ii) include an outreach and education component; and

"(iii) on completion of the assessment under subparagraph (D), address identified habitat and natural resource needs.

"(C) Advisory committee.—In carrying out subparagraph (A), the Secretary shall create an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

"(D) Habitat and natural resource needs assessment.—

"(i) Authority.—The Secretary is authorized to undertake a systemic, river reach, and pool scale assessment of habitat and natural resource needs to serve as a blueprint to guide habitat rehabilitation and long-term resource monitoring.

"(ii) Data.—The habitat and natural resource needs assessment shall, to the maximum extent practicable, use data in existence at the time of the assessment.

"(iii) Timing.—The Secretary shall complete a habitat and natural resource needs assessment not later than 3 years after the date of enactment of this subparagraph.

"(2) Reports.—On December 31, 2005, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, the Secretary shall prepare and submit to Congress a report that—

"(A) contains an evaluation of the programs described in paragraph (1);

"(B) describes the accomplishments of each program;

"(C) includes results of a habitat and natural resource needs assessment; and

"(D) identifies any needed adjustments in the authorization under paragraph (1) or the authorized appropriations under paragraphs (3), (4), and (5).";

(B) in paragraph (3)—

(i) by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)"; and

(ii) by striking "Secretary not to exceed" and all that follows and inserting "Secretary not to exceed $22,750,000 for each of fiscal years 1999 through 2009.";

(C) in paragraph (4)—

(i) by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)(ii)"; and

(ii) by striking "$7,680,000" and all that follows and inserting "$10,420,000 for each of fiscal years 1999 through 2009.";

(D) by striking paragraphs (5) and (6) and inserting the following:

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(C) not to exceed $350,000 for each of fiscal years 1999 through 2009.

"(6) TRANSFER OF AMOUNTS.—

"(A) IN GENERAL.—For each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer appropriated amounts between the programs under clauses (i) and (ii) of paragraph (1)(A) and paragraph (1)(C).

"(B) APPORTIONMENT OF COSTS.—In carrying out paragraph (1)(D), the Secretary may apportion the costs equally between the programs authorized by paragraph (1)(A)."; and

(E) in paragraph (7)—

(i) in subparagraph (A)—

(I) by inserting "(i)" after "paragraph (1)(A)"; and

(II) by inserting before the period at the end the following: "and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent"; and

(ii) in subparagraph (B), by striking "paragraphs (1)(B) and (1)(C) of this subsection" and inserting "paragraph (1)(A)(ii)";

(2) in subsection (f)(2)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B); and

(3) by adding at the end the following:

"(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—The Secretary shall investigate and, if appropriate, carry out restoration of urban wildlife habitat, with a special emphasis on the establishment of greenways in the St. Louis, Missouri, area and surrounding communities.".

SEC. 315. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104–303) is amended by striking subsection (a) and all that follows and inserting the following:

"(a) SALMON SURVIVAL ACTIVITIES.—

"(1) IN GENERAL.—In conjunction with the Secretary of Commerce and Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

"(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

"(A) impacts from water resources projects and other impacts on salmon life cycles;

"(B) juvenile and adult salmon passage;

"(C) light and sound guidance systems;

"(D) surface-oriented collector systems;

"(E) transportation mechanisms; and

"(F) dissolved gas monitoring and abatement.

"(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

"(A) studies of juvenile salmon survival in spawning and rearing areas;

"(B) estuary and near-ocean juvenile and adult salmon survival;

"(C) impacts on salmon life cycles from sources other than water resources projects;

"(D) cryopreservation of fish gametes and formation of a germ plasm repository for threatened and endangered populations of native fish; and

"(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

"(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

"(5) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under paragraph (3).

"(b) ADVANCED TURBINE DEVELOPMENT.—

"(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $35,000,000 to carry out this subsection.

"(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

"(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out research and development activities under this subsection.

"(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.".

SEC. 316. NINE MILE RUN HABITAT RESTORATION, PENNSYLVANIA.

The Secretary may credit against the non-Federal share such costs as are incurred by the non-Federal interests in preparing environmental and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania, if the Secretary determines that the documentation is integral to the project.

SEC. 317. LARKSPUR FERRY CHANNEL, CALIFORNIA.

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

SEC. 318. COMPREHENSIVE FLOOD IMPACT-RESPONSE MODELING SYSTEM.

(a) IN GENERAL.—The Secretary may study and implement a Comprehensive Flood Impact-Response Modeling System for the Coralville Reservoir and the Iowa River watershed, Iowa.

(b) STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $2,250,000 to carry out this section.

SEC. 319. STUDY REGARDING INNOVATIVE FINANCING FOR SMALL AND MEDIUM-SIZED PORTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of various alternatives for innovative financing of future construction, operation, and maintenance of projects in small and medium-sized ports.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives and the results of the study and any related legislative recommendations for consideration by Congress.

SEC. 320. CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.

(a) DEFINITIONS.—In this section:

(1) FAIR MARKET VALUE.—The term "fair market value" means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(2) PREVIOUS OWNER OF LAND.—The term "previous owner of land" means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(b) LAND CONVEYANCES.—

(1) IN GENERAL.—The Secretary shall convey, in accordance with this section, all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(2) PREVIOUS OWNERS OF LAND.—

(A) IN GENERAL.—The Secretary shall give a previous owner of land first option to purchase the land described in paragraph (1).

(B) APPLICATION.—

(i) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under subsection (c).

(ii) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed for a parcel of land described in paragraph (1), first options to purchase the parcel of land shall be allotted in the order in which applications for the parcel of land were filed.

(C) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(D) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(3) DISPOSAL.—Any land described in paragraph (1) for which an application has not been filed under paragraph (2)(B) within the applicable time period shall be disposed of in accordance with law.

(4) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for

use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(c) NOTICE.—

(1) IN GENERAL.—The Secretary shall notify—

(A) each person identified as a previous owner of land under subsection (b)(2)(C), not later than 90 days after identification, by United States mail; and

(B) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(2) CONTENTS OF NOTICE.—Notice under this subsection shall include—

(A) a copy of this section;

(B) information sufficient to separately identify each parcel of land subject to this section; and

(C) specification of the fair market value of each parcel of land subject to this section.

(3) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(A) the date on which actual notice is mailed; or

(B) the date of publication of the notice in the Federal Register.

SEC. 321. SALCHA RIVER AND PILEDRIVER SLOUGH, FAIRBANKS, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the lower Salcha River and on Piledriver Slough, from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, in the vicinity of Fairbanks, Alaska, to protect against surface water flooding.

SEC. 322. EYAK RIVER, CORDOVA, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the Eyak River at the town of Cordova, Alaska.

SEC. 323. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.

The Secretary shall carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000, if the Secretary finds that the work is technically sound, environmentally acceptable, and economically justified. The Secretary shall make such a finding not later than 270 days after the date of enactment of this Act.

SEC. 324. KANOPOLIS LAKE, KANSAS.

(a) WATER SUPPLY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the State of Kansas or another non-Federal interest, shall complete a water supply reallocation study at the project for flood control, Kanopolis Lake, Kansas, as a basis on which the Secretary shall enter into negotiations with the State of Kansas or another non-Federal interest for the terms and conditions of a reallocation of the water supply.

(2) OPTIONS.—The negotiations for storage reallocation shall include the following options for evaluation by all parties:

(A) Financial terms of storage reallocation.

(B) Protection of future Federal water releases from Kanopolis Dam, consistent with State water law, to ensure that the benefits expected from releases are provided.

(C) Potential establishment of a water assurance district consistent with other such districts established by the State of Kansas.

(D) Protection of existing project purposes at Kanopolis Dam to include flood control, recreation, and fish and wildlife.

(b) IN-KIND CREDIT.—

(1) IN GENERAL.—The Secretary may negotiate a credit for a portion of the financial repayment to the Federal Government for work performed by the State of Kansas, or another non-Federal interest, on land adjacent or in close proximity to the project, if the work provides a benefit to the project.

(2) WORK INCLUDED.—The work for which credit may be granted may include watershed protection and enhancement, including wetland construction and ecosystem restoration.

SEC. 325. NEW YORK CITY WATERSHED.

Section 552(d) of the Water Resources Development Act of 1996 (110 Stat. 3780) is amended by striking "for the project to be carried out with such assistance" and inserting ", or a public entity designated by the State director, to carry out the project with such assistance, subject to the project's meeting the certification requirement of subsection (c)(1)".

SEC. 326. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

SEC. 327. HAMILTON DAM FLOOD CONTROL PROJECT, MICHIGAN.

The Secretary may construct the Hamilton Dam flood control project, Michigan, under authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 328. HOLES CREEK FLOOD CONTROL PROJECT, OHIO.

(a) IN GENERAL.—Notwithstanding any other provision of law, the non-Federal share of project costs for the project for flood control, Holes Creek, Ohio, shall not exceed the sum of—

(1) the total amount projected as the non-Federal share as of September 30, 1996, in the Project Cooperation Agreement executed on that date; and

(2) 100 percent of the amount of any increases in the cost of the locally preferred plan over the cost estimated in the Project Cooperation Agreement.

(b) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest any amount paid by the non-Federal interest in excess of the non-Federal share.

SEC. 329. OVERFLOW MANAGEMENT FACILITY, RHODE ISLAND.

Section 585(a) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "river" and inserting "sewer".

SEC. 330. ANACOSTIA RIVER AQUATIC ECOSYSTEM RESTORATION, DISTRICT OF COLUMBIA AND MARYLAND.

The Secretary may use the balance of funds appropriated for the improvement of the environment as part of the Anacostia River Flood Control and Navigation Project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) to construct aquatic ecosystem restoration projects in the Anacostia River watershed under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 331. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

Subparagraphs (B) and (C)(i) of section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769) are amended by striking "1999" and inserting "2003".

Mr. BAUCUS. Mr. President, I join my chairman, Senator CHAFEE, in support of the legislation before us today, S. 507, the Water Resources Development Act of 1999. I also want to recognize the new Chairman of the Transportation and Infrastructure Subcommittee, Senator VOINOVICH, for his hard work on this bill, along with last year's Chairman, Senator WARNER.

As we all know, the Water Resources Development Act of 1998 passed this chamber last year, but was never enacted. It is our hope that early action in this session will help us wrap up the unfinished business from the 105th Congress. It will also set us on course to develop a Water Resources Development Act for 2000.

S. 507 authorizes more than 40 projects for flood control, navigation, shore protection, environmental restoration, water supply storage and recreation. Twenty-seven projects are modified and the Corps is directed to conduct 43 separate studies throughout the Nation. The projects have the support of a local sponsor willing to share the cost of the project. The Congressional Budget Office estimates that the total Federal cost of this bill will be $2.3 billion over the next 10 years.

Many of the projects contained in this bill are necessary to protect the nation's shorelines, along oceans, lakes and rivers. Several of the navigation projects need timely authorization in order to keep our ports competitive in the global marketplace. Furthermore, the study authorizations, including a comprehensive, cumulative impact study of the Yellowstone River in my home state of Montana, need to get started to help us make informed decisions about the future use and management of these precious resources.

The projects in this bill have been reviewed by the Army Corps of Engineers and have been found to be in the Federal interest, technologically feasible, economically justified and environmentally sound. In other words, these are projects worthy of our support.

I am pleased to bring this bill to the floor and urge my colleagues to approve it.

AMENDMENT NO. 253

(Purpose: To make managers' amendments)

Mr. CRAIG. Mr. President, there is a managers' amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. CHAFEE, proposes an amendment numbered 253.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be considered as read and agreed to, the committee substitute be agreed to, as amended, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 253) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

the bill was ordered to be engrossed for a third reading was read the third time, and passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Tuesday, April 20, 1999, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 19, 1999:

DEPARTMENT OF ENERGY

ROBERT WAYNE GEE, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY).

EXTENSIONS OF REMARKS

HONORING STEVEN W. EASTER UPON HIS RETIREMENT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1999

Mr. MATSUI. Mr. Speaker, I rise in tribute to Mr. Steven W. Easter. He is retiring as vice president for member and government relations at Blue Diamond Growers in Sacramento, CA. As Mr. Easter is "roasted" by his many friends and business associates, I ask all of my colleagues to join with me in saluting his remarkable career.

Mr. Easter was born in Merced, CA, in 1941. He is a fifth generation Californian whose family has long been involved in agriculture and agricultural educational endeavors. He was raised on a small farm in the San Joaquin Valley where his father was an agricultural educator.

After growing up in Dos Palos, CA, he attended the University of California at Davis, where he received a Bachelor of Science degree in Agricultural Economics in 1963 and a Master of Science degree in Agricultural Business Management in 1964.

Blue Diamond Growers, a 4,000-member cooperative that is the largest processor and marketer of almonds in the world, first employed him as a field representative in 1967. His subsequent positions with Blue Diamond included that of assistant membership manager, field manager, and membership manager.

In 1975, Mr. Easter was given the additional responsibility of corporate secretary at Blue Diamond Growers. He assumed his current position as vice president; member and governmental relations in November 1980.

All told, Mr. Easter has served as a corporate officer at Blue Diamond for 23 years; his total employment there spans 31 years. I am honored to salute his outstanding dedication to one of Sacramento's finest corporate citizens.

Mr. Easter's business excellence also extends beyond Blue Diamond Growers. He currently serves as a director of the Almond Board of California and is past president of the Almond Hullers and Processors Association. He also recently served 2 years as chairman of the Board of the American Institute of Cooperation.

He is also a member of the Advisory Committee on horticultural trade to the U.S. Secretary of Agriculture and the U.S. Trade Representative. Mr. Easter is presently chairman of the Agricultural Council of California.

Additionally, he has served as chairman of the American Institute of Cooperatives, as well as chair of the Agricultural Council Education Committee. Locally, Mr. Easter has served on the board of the Sacramento Country Day School for 15 years, including a term as Education Committee chairman.

Steve Easter has contributed enormously to Blue Diamond Growers and the Sacramento community-at-large. He has helped Blue Diamond grow its sales to $500 million per year and seen it develop and open markets in more than 90 countries around the globe.

Mr. Speaker, as Steve Easter is "roasted" by his many friends and colleagues today, I am honored to pay tribute to one of Sacramento's great citizens. His tireless contributions to the member growers of Blue Diamond as well as to the Sacramento community are commendable. I ask all of my colleagues to join with me in wishing him every success in all his future endeavors.

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PERSONAL EXPLANATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1999

Mr. RANGEL. Mr. Speaker, on rollcall No. 81, to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, had I been present, I would have voted "yea."

* * *

TAX LIMITATION CONSTITUTIONAL AMENDMENT

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, on a day when many Americans are complaining about how much they pay in taxes, I rise in support of passing the Tax Limitation Amendment, legislation that would require a ⅔ supermajority in Congress to approve any future tax increases.

If a ⅔ supermajority is required to pass some of the most important issues concerning our Nation, like amending the Constitution and ratifying international treaties, the same standard should be used when deciding to take more hard-earned money from the American taxpayer. In short, the Tax Limitation Amendment gives taxpayers protection against future reckless spending and tax-grabbing by the Federal Government. I find it hard to believe any Member of Congress could oppose such a simple, straightforward protection for taxpayers.

By making it more difficult for Congress to reach into the pockets of taxpayers to fund increased Government spending, a ⅔ supermajority requirement would ensure Congress is more fiscally responsible with America's money. Although the economy is presently in good shape, taxes are still the highest they've been since World War II. It's important to implement the ⅔ standard now, when we have a surplus and times are good, to prevent future Congresses from turning to high taxes down the road.

States have passed tax limitation measures with overwhelming voter support. In the 14 States which have implemented tax limitation standards, taxes and spending grow at slower rates, while the economy and job rates grow more quickly. In my own State of New Jersey, Gov. Christine Whitman is a strong supporter for the Tax Limitation Amendment because she knows, as do I, that this legislation is good for New Jersey's taxpayers.

Mr. Speaker, I urge my colleagues to join me today in making it tougher for this body to raise taxes on an America that is already over-taxed!

* * *

TAX LIMITATION CONSTITUTIONAL AMENDMENT

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. RILEY. Mr. Speaker, I rise today in strong support of the American taxpayer and in support of the Tax Limitation Amendment.

The 105th Congress, more than any other, gave the American people much needed tax relief. Still, here we are at another April 15 and taxes are still too high and the Tax Code is still too complicated.

This year, just like every year, the average American family will work until approximately mid-May to earn enough income to pay an entire year's worth of taxes. In a time when we have budget surpluses, that fact seems inconceivable. Why have we not yet lessened their burden?

What is more inconceivable is that this past February the President sent us a budget proposal that increased taxes by an incredible $108 billion. Why?

Mr. Speaker, I have come to this floor time and time again saying the same thing over and over. The "Tax and Spend" liberals just don't seem to get the message. Well, I will continue to come here to this floor and say the same thing again and again until they do. The message is quite simple: The American people know how to spend their hard earned income better than we do—it's time we lower taxes, not raise them.

I firmly believe that we must protect the American people from those would take their hard-earned dollars away at every turn of the hat to fund more feel-good programs. In my view, there is only one way to do that—make it more difficult for any Congress to increase taxes.

That's why I support this amendment, Mr. Speaker. It will force Congress to finally hold

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the line on taxes. It is a reasonable, straight forward approach that requires only one thing from Congress: Before any tax increase on the American people can be passed, a two-thirds super-majority in both Houses of Congress must agree to it.

Last Congress we passed the Balanced Budget Act of 1997 which balanced our Federal budget for the first time in a generation. We even managed to give the American people a tax cut in the process. The result? We now have projected budget surpluses for years to come totalling more than a trillion dollars.

Mr. Speaker, I don't buy the argument that raising taxes in times of emergency would be too difficult or even needed. But even if it were, I believe that Congress can and would put aside partisan differences and raise taxes in an appropriate manner to meet the nation's needs.

Draining more and more dollars from private individuals and businesses should not be easy. Taking a bigger bite out of the American people's paychecks should be just as difficult for that tax-collector as it is for us to earn those paychecks.

Mr. Speaker, we owe it to the American people to pass this amendment. We owe it to the American family. It's difficult enough to make "ends meet" these days. So on this tax day, let's put the final nail in the coffin of the days of "tax and spend" and pass this amendment.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

SPEECH OF

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. JONES of North Carolina. Mr. Speaker, I rise today in support of the Tax Limitation Amendment.

In his 1985 State of the Union speech, President Reagan said,

> Every dollar the Federal Government does not take from us, every decision it does not make for us will make our economy stronger, our lives more abundant, our future more free.

Unfortunately, either the tax and spend liberals did not hear President Reagan or they weren't listening.

In 1993, the Clinton administration and the Democrat-led Congress passed into law the greatest tax increase in American history. And they passed it with a simple majority.

Today, the typical American family spends more money on taxes than it spends on food, clothing, shelter, and transportation combined. This is a burden of more than 38 percent.

While the Republican-led Congress has worked to alleviate the tax burden on our hard-working families over the last 4 years, the Federal tax portion of national production is at a post-World War II high. In fact, it is over 20 percent of the gross domestic product.

Mr. Speaker, this is unacceptable. Every year, the Federal Government continues to take more money out of the pockets of American workers, even during times of prosperity. Now, with the first budget surplus in a generation, we should be rewarding our hardworking American families for helphing the country get back on its feet, not punish them with more taxes.

Today, we have an opportunity to ensure Congress acts responsibly with taxpayer dollars. The Tax Limitation Act would amend the Constitution to require a two-thirds "super majority" vote by Congress before it could increase taxes on American families.

That two-thirds majority indicates bipartisan support. And in my opinion, Mr. Speaker, Congress ahould never seek to raise taxes on the American people without a two-thirds majority.

I urge my colleagues to join me in supporting the Tax Limitation Act.

MELVIN RICE

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1999

Mr. HOEFFEL. Mr. Speaker, Melvin Rice began his career in law enforcement on March 5, 1973, with the Abington Township Police Department. Melvin was a member of the last class to be held at the Old York Road Police Department. During his 25 years in the department, Melvin worked the Patrol Division and was in the Special Task Force and Juvenile Detective Division for 2 years. He became one of the first (of four) K–9 officers in the department and served in that position for the past 16 years. Melvin has received numerous citations from the department, the U.S. Police Canine Association and other departments. Melvin also has served in the Abington Township Police Honor Guard and the Abington Township Human Relations Board.

It was Melvin's desire to recruit more minorities into the law enforcement field. This led him to develop the first concept of the pre-testing tutoring program, which was later adopted as an ongoing process for all new recruits.

The most rewarding experience came when Melvin cofounded, along with Sgt. William Hold, the Montgomery County Black Law Enforcement Officers Association, an association dedicated to minority recruitment.

Melvin retired on January 24, 1999, to spend time with his wife, Georgianna, his son, Michael, and his daughter, Danielle, daughter-in-law, Misty, and grandson, Joshua. He leaves the department with many happy memories and will continue his work with the Montgomery County Black Law Enforcement Officers Association and in his community.

PERSONAL EXPLANATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1999

Mr. RANGEL. Mr. Speaker, on rollcall No. 82, congratulating the State of Qatar and its citizens for their commitment to democratic ideals and women's suffrage, had I been present, I would have voted "yea.".

THOMAS WARD HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Thomas J. Ward of Northeastern Pennsylvania. Tom is retiring as President and CEO of Blue Cross of Northeastern Pennsylvania. I am pleased to have been asked to join in honoring his long career.

Tom began his career in New York in a variety of health care-related positions. In 1967, he was a research assistant for a special environmental project of the New York Department of Health. He taught at the State University of New York and later served as a research consultant there until 1969. Tom also held several positions at the Albany Medical College until he arrived in Northeastern Pennsylvania in 1973. He began as Director of Planning and Research for the Health and Hospital Planning Council of Northeastern Pennsylvania, and later became the Deputy Director of the entire Council. In 1976, Tom became Special Assistant of Health Care Planning at Blue Cross. He went on to hold the posts of Director of Professional Affairs, Vice-President of Professional and Public Affairs, and Executive Vice-President before being appointed President and CEO in October 1990.

Since 1990, Blue Cross of Northeastern Pennsylvania has soared in membership. Tom helped shift Blue Cross from an indemnity company to a managed care company by establishing six divisions in 1992, each under the supervision of a vice-president. Tom also instituted a quality management approach to review all the processes in the company and establish specific improvement goals.

Tom is very active in our community, sitting on the Board of Keystone Junior College, the Lackawanna County Association of Retarded Citizens, the Hospital Association of Pennsylvania, the Scranton Chamber of Commerce, the United Way, and the Boy Scouts of America. Tom and his wife Priscilla have five grown children and reside in Clarks Summit, Pennsylvania.

Through his able leadership and broad vision of health insurance needs of the future, Tom Ward has skillfully led Blue Cross of Northeastern Pennsylvania. Mr. Speaker, I am proud to join with his family, friends, and colleagues in thanking him for "a job well done" and wishing him a happy, healthy, and productive retirement.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1999

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1999

Mr. CASTLE. Mr. Speaker, I rise today in support of H.R. 46, the "Public Safety Officer

Medal of Valor Act." Our nation's firefighters, enforcement officers, and other emergency services personnel put themselves at risk every day to assure the safety of the general public. Just as our military personnel are recognized for extraordinary acts of valor in the effort to preserve peace abroad, so should our domestic safety officers be recognized for their bravery above and beyond the call of duty.

Last year, Members of Congress witnessed an extraordinary act of valor as Capitol Hill police officers gave their lives defending the Halls of Congress from a gunman intent on shooting his way into Congress. It was a potent reminder of the risks every public safety officer face each and every day. I never will forget that sacrifice and by supporting this legislation I hope to draw more attention to sacrifices of the hundreds of thousands of public safety officers that serve our country.

In Delaware, I am particularly proud of the work of our firefighters because most of them serve the State voluntarily. Likewise, Delaware's police officers often find themselves squarely in the sights of a criminal's handgun, which prompted me to support legislation to provide all of Delaware's police force with bulletproof vests.

Again, I urge every Member to come together and support the "Public Safety Officer Medal of Valor Act." It symbolizes honor and recognition that is long past due.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 20, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 21

8:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review the recent report on the Federal Crop Insurance Program by the Office of Inspector General, Department of Agriculture.

SR–328A

9:30 a.m.

Indian Affairs

To hold hearings on S.401, to provide for business development and trade promotion for native Americans,and for other purposes.

SR–485

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the readiness of the United States Navy and Marines operating forces.

SR–222

Governmental Affairs

To hold hearings on S.746, to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government.

SD–342

Energy and Natural Resources

To hold hearings on whether the United States has the natural gas supply and infrastructure necessary to meet projected demand.

SD–366

10 a.m.

Judiciary

To hold hearings on privacy issues surrounding the internet.

SD–226

Foreign Relations

Business meeting to markup proposed legislation authorizing funds for fiscal years 2000-2001 for foreign assistance programs.

SH–216

Appropriations

Defense Subcommittee

To hold hearings on issues relating to the Defense Health Program.

SD–192

1 p.m.

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

Business meeting to consider S.J.Res.14, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SD–226

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings to review the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.

SD–366

Foreign Relations

To hold hearings to examine NATO's 50th anniversary summit.

SD–562

United States Senate Caucus on International Narcotics Control

To hold hearings on the threat of corruption to United States Law Enforcement along the Southwest border.

SH–216

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for Technology Administration, Department of Commerce.

SR–253

2:30 p.m.

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on ship aquisition programs and policy and the Future Years Defense Program.

SR–222

3 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

APRIL 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine boxing industry regulations.

SR–253

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Housing and Urban Development.

SD–138

YEAR 2000 TECHNOLOGY PROBLEM

To hold hearings on issues relating to the oil industry and Y2K.

SH–216

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of the Interior.

SD–124

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on issues relating to prostate cancer.

SR–301

Energy and Natural Resources

To resume closed oversight hearings to examine damage to the national security from Chinese espionage at the Department of Energy nuclear weapons laboratories.

S–407, Capitol

10 a.m.

Governmental Affairs

To hold hearings on S.59, to provide Government-wide accounting of regulatory costs and benefits, and other regulatory reform legislation.

SD–342

Budget

To hold hearings to examine the status of the Medicare trust fund.

SD–608

Judiciary

Business meeting to resume consideration of S.625, to amend title 11, United States Code, and other pending calendar business.

SD–226

Banking, Housing, and Urban Affairs

International Trade and Finance Subcommittee

Economic Policy Subcommittee

To hold joint hearings on issues relating to the official dollarization in emerging-market countries.

SD–538

Health, Education, Labor, and Pensions

To hold hearings on issues relating to the Elementary Secondary Education Act.

SD–628

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine North Korea's prison camps.

SD–562

2 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S.441, to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potentail addition to the national trails system; S.548, to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; S.581, to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park; and S.700, to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.
SD–366

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine international satellite reform.
SR–253

Armed Services
Readiness and Management Support Subcommittee
To hold hearings on research, development, test and evaluation infrastructure and management reform issues.
SR–222

APRIL 26

1 p.m.
Aging
To hold hearings to examine the growing assisted living industry, focusing on consumer protections and quality of care in assisted living.
SD–215

APRIL 27

9:30 a.m.
Energy and Natural Resources
To resume hearings on S.25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S.446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S.532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine medical records privacy issues.
SD–628

Commission on Security and Cooperation in Europe
To hold joint hearings on Belarus.
340 Cannon Building

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on the threat of international narcotics-trafficking and the role of the Department of Defense in the nation's war on drugs.
SR–222

APRIL 28

9:30 a.m.
Indian Affairs
To hold oversight hearings on Bureau of Indian Affairs capacity and mission.
SR–485

Rules and Administration
To hold oversight hearings on the operations of the Architect of the Capitol.
SR–301

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S.607, reauthorize and amend the National Geologic Mapping Act of 1992; S.415, to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; and S.416, to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.
SD–366

APRIL 29

9:30 a.m.
Appropriations
Interior Subcommittee
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold joint oversight hearings to review the report of the Government Accounting Office on the Everglades National Park Restoration Project.
SD–366

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on project delivery and streamlining of the Transportation Equity Act for the 21st Century.
SD–406

10 a.m.
Health, Education, Labor, and Pensions
To resume hearings on issues relating to the Elementary Secondary Education Act.
SD–628

APRIL 30

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings on issues relating to the Older Americans Act.
SD–628

MAY 4

9:30 a.m.
Energy and Natural Resources
To resume hearings on S.25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S.446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S.532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.
SD–366

Indian Affairs
To hold oversight hearings on Census 2000, implementation in Indian Country.
SR–485

MAY 5

9:30 a.m.
Indian Affairs
To hold oversight hearings on Tribal Priority Allocations and Contract Support Costs Report.
SR–485

MAY 6

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the results of the December 1998 plebiscite on Puerto Rico.
SH–216

MAY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on HUBzones implementation.
SR–485

MAY 19

9:30 a.m.
Indian Affairs
To hold hearings on S.614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.
SR–485

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

APRIL 21

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

SENATE—*Tuesday, April 20, 1999*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today the prayer will be offered by our guest Chaplain, Rev. Donald Mackay III, St. John's Episcopal Church, Kirkland, WA.

We are glad to have you with us.

PRAYER

The guest Chaplain, Rev. Donald Mackay III, of St. John's Episcopal Church, Kirkland, WA, offered the following prayer:

Almighty God, Sovereign Father of our Nation, we acknowledge Your presence in our lives on this day. We thank You for calling the men and women of the Senate to lead this Nation on the path of righteousness. As they carry out the mission that You have given them, we pray that their ears may be open to hear Your voice with clarity, discernment, and understanding.

You have revealed through the prophets of old what You require of those in positions of power and leadership. On this day, enable each Senator to hear with new awareness the challenge to "do justice, and to love kindness, and to walk humbly with their God."—Micah 6: 8b. As they consider issues relating to the military conflict in Yugoslavia, give them wisdom beyond their learning that their response to Your direction may be lived out in courage by words spoken, decisions made, and actions taken.

May their work this day—begun, continued, and ended in You—be anointed by Your gracious hand as You guide this Nation to its appointed destiny.

We ask these things in the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. CRAPO. I thank the Chair.

SCHEDULE

Mr. CRAPO. Mr. President, for the information of all Senators, under the order of last night, the Senate will be in a period of morning business until 11:30 a.m.

EXTENSION OF MORNING BUSINESS

I now ask unanimous consent that morning business be extended until 12:30 p.m. under the previous conditions.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAPO. Following morning business, the Senate will recess until 2:15 p.m. to accommodate the weekly party caucus luncheons. When the Senate reconvenes at 2:15, it will begin consideration of the budget reform legislation, with votes possible throughout the day on this bill or any other legislative or executive items cleared for action. This week we also expect to vote on the adoption of the education flexibility conference report.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The able Senator from Washington State is recognized.

GUEST CHAPLAIN DONALD MACKAY III

Mr. GORTON. Mr. President, I note with great pleasure the prayer this morning was given by Father Mackay, the rector of St. John's Episcopal Church in Kirkland, WA. That is the church I most frequently attend when I am in my home State, and I attend it because of his great qualities as a pastor and a leader of his congregation. The magnificent spiritual guidance he gives both individually and collectively to that congregation makes it one of the most satisfying and religiously exciting churches that it has ever been my privilege to attend during a relatively long life.

He is here, however, not by my invitation but at the invitation of my friend and colleague from Montana, Senator BURNS. Father Mackay hails from Montana. His brother, I believe, is State director for Senator BURNS, and it was his imagination and thoughtfulness that invited Don here today. I thank him. I thank our regular Chaplain, Lloyd Ogilvie, and I thank Father Mackay for a wonderful and inspiring prayer.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Montana.

Mr. BURNS. Mr. President, I join my friend from Washington in welcoming Father Mackay. His family has deep roots in the State of Montana. If you ever hear of the brands TopHat and LazyEL, those are famous brands in our State up in the Red Lodge country and Roscoe, MT. We have bumper stickers saying, "Where in the world is Roscoe?"

I welcome Father Mackay. He comes from a family of folks who have donated resources and time to public service. He was also the pastor in Billings before going to Washington. We hated to lose him from the Billings community. But when you look at the family and his uncles and going back to his grandfather, they have a rich tradition and great American values.

Of course, I thank Dr. Ogilvie for allowing this privilege today and welcome Don to the Senate and to Washington, DC. I often call this 17 square miles of logic free environment, but knowing Father Mackay, he will have it all figured out by the end of the day. So welcome.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 10 minutes each. Under the previous order, the Senator from Arizona, Mr. McCAIN, is recognized to speak for up to 15 minutes.

The Senator from Arizona.

(The remarks of Mr. McCAIN, Mr. COCHRAN, Mr. BIDEN, Mr. LIEBERMAN, and Mr. HAGEL, pertaining to the introduction of S.J. Res. 20 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRIVILEGE OF THE FLOOR

Mr. BIDEN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to an American Political Science Association fellow on the minority staff of the Foreign Relations Committee, David Auerswald, during the pendency of floor debate on Kosovo and the United States use of force when that occurs, and as often as that occurs, on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

KOSOVO

Mr. WELLSTONE. Mr. President, I actually came to the floor to speak about the crisis in agriculture and what is happening in the Midwest, but I want to respond to some of the comments my colleagues have made, although I will be doing this extemporaneously, and I will be thinking out loud, but I hope I will be thinking deeply.

Mr. President, I agree with my colleague from Nebraska, I agree with all my colleagues who have spoken on the floor about the importance of accountability. I remember previously coming to the floor before we took a recess where it looked as if we might be taking military action in Kosovo—it wasn't clear—and saying I thought we needed to have a full debate and I would support that military action.

I agree with my colleague about the history and how it will judge us. I saw what Milosevic did in Bosnia. I saw enough misery and refugee camps to last me a lifetime. And I certainly do not want to be in a position to have our country, and other countries, turn their gaze away from the systematic slaughter and massacre and murder of people and driving people out of their country, albeit, unfortunately, I think Milosevic, up to date, has been able to do much of that.

Here is where I just want to express a few concerns, although I think probably later on we will have the debate. This debate probably does not start today, but since I am on the floor I do want to raise a few concerns.

First of all, in the here and now, I think—and I will get a chance this afternoon to put some questions to Secretary Albright—as long as we are talking about stopping the slaughter and given the headlines and the stories in today's papers of Milosevic stopping people from being able to leave the country, we do need to think about these internally displaced refugees and how we can get some relief to them. I still, in my own mind, do not quite understand why we are not doing airlifting, why we are not getting supplies to them. I think it is a difficult question, it could be loss of life. But, again, I say to my colleagues, I want to press very hard on the question of whether or not we should be airlifting some humanitarian relief to people who are obviously going to starve to death otherwise. I am trying to understand why we are not doing that now.

Secondly, in the prosecution of this war, I voted that we conduct the airstrikes. I was hoping we would be able to do much more by way of stopping this slaughter, but I raise the question of why we are not conducting more of the airstrikes in Kosovo. I say this to my colleagues on the floor. I really believe that. And I worry about this. I have to say it on the floor of the Senate. Pretty soon we run out of targets in Serbia. And to the extent that we run out of targets and continue with an expanded air war, there are going to be innocent people who will die, which is very difficult for me.

I think we get to a point where we don't want to undercut the moral claim of what we are doing. I believe we are trying to do the right thing, but I do not understand why we are not prosecuting more of this air war and more of these airstrikes in Kosovo. We are talking about what we need to do now. I do not understand all of the decisionmaking, but I guess in my own mind, I want to press on that question, because it seems to me there is a direct correlation between our being able to do that and whether or not other means will be necessary, as I look at this resolution, and, moreover, whether it doesn't make far more sense to do that. Again, I know there are risks involved, but at the same time I worry about the sort of airstrikes focused on Belgrade and other cities as opposed to Kosovo.

Finally, I say today that I would prefer to hear more discussion. My colleague from Nebraska—you don't know people well, but you just have a feeling about them—is somebody I really like and respect. That is just all there is to it, period. Everything he says I take as being said in the very best of good faith, very much a part of good faith, with complete sincerity and conviction and knowledge.

I would like to hear in this Chamber more discussion about diplomacy, about where it fits in. I think it is far more important than has been discussed today that we really ask the Russians to be a part of a diplomatic solution. I know we are talking to them about being part, eventually, of some kind of peacekeeping force. I think, by the way, it will not just be a NATO force. I heard my colleagues list that as an objective. I do not think that is going to happen. I don't think it will be a NATO force; I think it will be a very different peacekeeping force.

More than just asking the Russians what they will be a part of, I believe the Russians are in a key position to help forge a diplomatic solution as an alternative to an ever expanding war, consistent with what I believe should be our objectives which are stopping this slaughter of people and people having a chance to go back to their country. I want to see the emphasis on the military action we are taking but also on the diplomatic front. I do not hear that today and it concerns me.

I say to my colleagues that when I see language which talks about "to use all necessary force and other means," it just sounds too broad and too open-ended to me, as a Senator. I am skeptical of such language. There are many answers to many questions that I will pose in debate and discussion. There are many questions I have about this today. I have expressed some of my reservations about this resolution, and I do believe we should have Senator HAGEL in the discussion and the debate that is called for. I think it is important. Otherwise, I think we do abdicate our responsibility, whatever decisions we arrive at. I commend the Senator for it, but I have expressed some of my reservations.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Angad Bhalla, who is an intern in my office, be granted the privilege of the floor today during debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE CONCERNS

Mr. WELLSTONE. Mr. President, we had a gathering in the State of Minnesota on Sunday afternoon. It started about 1 p.m. Joel Klein, who heads the Antitrust Division of the Justice Department, was gracious enough to come. Mike Dunn, who is Assistant Secretary for Agriculture, was gracious enough to come. This will just be 5 minutes' worth, because I am going to be calling on colleagues, especially from the Midwest and the West, to start coming to the floor every day and talking about what is happening to farmers and what is happening in agriculture. We have to speak out, and we have to turn the pressure up for action.

During spring planting season, Sunday afternoon—I think the Chair knows this as well as I do—to have somewhere around 800 farmers come was unbelievable. It was an unbelievable turnout of farmers. And there is a very clear reason why. Many of them from Minnesota, but a huge delegation from Missouri, South Dakota, North Dakota, Illinois, Iowa, Kansas, Nebraska, Wisconsin, Colorado, these farmers came because they are confronted with the fierce urgency of now. They came because time is not neutral for them, time rushes on, and they can work 20 hours a day—and they do—and they can be the best managers in the world, and they cannot survive.

There was a focus to this gathering, and it was basically about the whole problem of conglomerates having muscled their way to the dinner table to the point where there isn't the kind of competition we need. There was a call for antitrust action. What farmers were saying was: These conglomerates have muscled their way to the dinner table and they have exercised their raw economic and political power over us as producers and over consumers and over taxpayers. You have our grain farmers going under, record low prices. Then a headline in the Star Tribune on Saturday: "Cargill profits from decline in farm prices, 53 percent jump in earnings expected"—how hog farmers are going under and yet the packers are in hog heaven. Everywhere the farmers look, they have a few large firms, whether it be dairy, whether it be livestock producers, whether it be grain farmers, a few large firms that dominate well over 50 percent of the market. What the farmers were calling for was strong antitrust action.

Joel Klein was honest. He said: I wouldn't be here if I didn't take this seriously, and you will have to judge me by my deeds. I so appreciated his coming out. There was a lot of pressure on Mike Dunn and USDA and Secretary Glickman to do more by way of antitrust action.

It was much appreciated. But I say, Mr. President, that the farmers, with considerable justification, want to put some free enterprise back into the food industry. Farmers, with considerable justification, see a direct correlation between monopoly power and a few large, giant firms that are making record profits while they go under. They want to see antitrust action. All they are asking for is a competitive market. By golly, government ought to be on their side. We ought to be seeing stronger antitrust action.

The other thing I have to say—we have one bill, S. 19, on which Senator DASCHLE is taking the lead, which talks about full public disclosure of pricing, which is so important to livestock producers—we ought to know what these packers are paying our livestock producers; we ought to have public disclosure on pricing. In addition, we ought to deal with the monopoly power and have some antitrust action taken so farmers have a chance to compete.

I have to say to colleagues, yes, it is crop insurance reform that we are talking about. But the other thing we are going to have to do is revisit this Freedom to Farm, which I have always called the "freedom to fail" bill. I don't even want to point the finger. We can talk about what works with Freedom to Farm, but it seems to me that here the evidence is crystal clear that one thing has happened for sure—there is absolutely no stability anymore when it comes to farm income. And while the large conglomerates with huge amounts of capital can weather these mad fluctuations in price, our family farmers can't. They aren't getting anywhere near the cost of production. We have to focus on how we can get the price up and have some farm income for family farmers, and how we can take on some of these conglomerates so family farmers have a fair shake by way of getting a decent price.

As a Senator from the Midwest where we still have a family farm structure in agriculture that we are trying to hold on to, it is so important for our rural communities, so important for family farmers, so important for safe, affordable food for consumers, so important for the environment. This is a historic struggle.

I hope Senators from the farm states will be coming to the floor every day to speak out about this until we have some strong action that will be on behalf of family farmers. They need the support. They deserve the support. And the Senate and the Congress ought to be taking action.

I yield the floor. I thank my colleague.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FISHERMEN'S BANKRUPTCY PROTECTION ACT

Ms. COLLINS. Mr. President, recently I introduced S. 684, the Fishermen's Bankruptcy Protection Act, a bill to provide family fishermen with the same protections and terms as those granted family farmers under Chapter 12 of our bankruptcy laws. I would like to take this opportunity to explain this legislation to my colleagues in anticipation of the Senate's upcoming debate on bankruptcy legislation.

Like many Americans, I'm appalled by those who live beyond their means, and use the bankruptcy code as a tool to cure their self-induced financial ills. I have supported and will continue to support reasonable reforms to the bankruptcy code that ensure the responsible use of its provisions. All consumers bear the burden of irresponsible debtors who abuse the system. Therefore, I believe bankruptcy should remain a tool of last resort for those in severe financial distress.

As those familiar with the bankruptcy code know, however, business reorganization in bankruptcy is a different creature than the forgiveness of debt traditionally associated with bankruptcy. Reorganization embodies the hope that by providing a business some relief, and allowing debt to be adjusted, the business will have an opportunity to get back on sound financial footing and thrive. In that vein, Chapter 12 was added to the bankruptcy code in 1986 by the Senator from Iowa, Mr. GRASSLEY, to provide for bankruptcy reorganization of the family farm and to give family farmers a fighting chance to reorganize their debts and keep their land.

To provide the fighting chance envisioned by the authors of Chapter 12, Congress provided a distinctive set of rules to govern effective reorganization of the family farm. In essence, Chapter 12 was a recognition of the unique situation of family-owned businesses and the enormous value of the family farmer to the American economy and to our cultural heritage.

Chapter 12 was modeled on bankruptcy Chapter 13 which governs the reorganization of individual debt. However, to address the unique problems encountered by farmers, Chapter 12 provided for significant advantages over the standard Chapter 13 filer. These advantages include a longer period of time to file a plan for relief, greater flexibility for the debtor to modify the debts secured by their assets, and the alteration of the statutory time limit to repay secured debts. The Chapter 12 debtor is also given the freedom to sell off parts of his or her property as part of a reorganization plan.

Unlike Chapter 13 which applies solely to individuals, Chapter 12 can apply to individuals, partnerships or corporations which fall under a $1.5 million debt threshold—a recognition of the common use of incorporation even among small family-held farms.

Chapter 12 has been an enormous success in the farm community. According to a recent University of Iowa study, 74 percent of family farmers who filed Chapter 12 bankruptcy are still farming, and 61 percent of farmers who went through Chapter 12 believe the law was helpful in getting them back on their feet.

Recognizing its effectiveness, my bill proposes that Chapter 12 should be made a permanent part of the bankruptcy code, and equally important, my legislation would extend Chapter 12's protections to family fishermen.

In my own state of Maine, fishing is a vital part of our economy and our way of life. The commercial fishing industry is made up of proud and fiercely independent individuals whose goal is simply to preserve their business, family income, and community. My legislation would afford fishermen the same protection of business reorganization as is provided to family farmers.

There are many similarities between the family farmer and the family fisherman. Like the family farmer, the fisherman should not only be valued as a businessman, but also for his or her contributions to our way of life and our economy. Like farmers, fishermen face perennial threats from nature and the elements, as well as laws and regulations which unfortunately threaten their existence. Like family farmers, fishermen are not seeking special treatment or a hand-out from the federal government, they seek only the fighting chance to remain afloat so that they can continue in their way of life.

Although fishermen do not seek any special treatment from the government, they play a special role in seafaring communities on our coasts, and they deserve protections granted others who face similar, often unavoidable, problems. Fishermen should not be denied the bankruptcy protections accorded to farmers solely because they harvest the sea and not the land.

I have proposed not only to make Chapter 12 a permanent part of the bankruptcy code, but also to apply its provisions to the family fisherman. The bill I have proposed mirrors Chapter 12 with very few exceptions. Its protections are restricted to those fishermen with regular income who have total debt less than $1.5 million, the bulk of which, eighty percent, must stem from commercial fishing. Moreover, families must rely on fishing income for these provisions to apply.

These same protections and flexibility we grant to farmers should also be granted to the family fisherman. By making this modest but important change to the bankruptcy laws, we will express our respect for the business of fishing, and our shared wish that this unique way of life—that embodies the state of Maine—should continue.

Thank you, Mr. President. I yield the floor.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Chair, acting as a Senator from the State of Oklahoma, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be able to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVO POLICY

Mrs. HUTCHISON. Mr. President, I want to speak to a resolution that has been introduced this morning regarding Congress taking an action about our troops in Kosovo and the whole escalation of the operation in Kosovo. The text of the resolution is that we would give the President all of the authority to use whatever force, take whatever steps he sees as necessary.

I certainly think we should have a debate on this whole issue of Kosovo. I think it is certainly something that Congress is going to need to weigh in on. But I think it would be vastly premature to take an action before the President has laid out a plan. The President has not asked us for "all force." The President has not asked us, actually, for anything except funding on an emergency basis to make sure we have the ability to fund the operation that is going on in Yugoslavia without taking away from other national security interests. I am going to support the President in that request. The last thing I want to do is have our troops in harm's way, along with our allies', and run out of money or run out of equipment or have any of our national defense personnel anywhere else in the world be shortchanged. We are not going to let that happen.

When the President gives us the specificity that is required for the appropriation, I think there will be a resounding vote in Congress to give our troops and our military the leeway they need to spend the money to have the equipment they need to do this job. But I cannot imagine having a carte blanche given to an operation that clearly is escalating a mission and we have not seen a plan. We have not seen a plan. We have not seen a timetable. We have not seen a cost estimate for the long term. So I hope we will take a step back here, and rather than voting on the resolution that was put forward today we would be talking among ourselves, that we will be debating at whatever point is the right one, and that we would be having op-eds in newspapers, which I think certainly have added to the body of opinion on this issue. But Congress should not micromanage this war. The President should come to us and say what he needs, what he is going to do with the money, what kind of plan we have, what kind of troop commitment are we talking about, what is it going to do to the rest of our national defense operation. We need to have a full plan.

One of the things that has concerned so many of us is that perhaps we started an operation before we had a contingency plan. Perhaps we started the operation before we knew what we would need for the long term, before we knew the goal. I think the mission has actually changed several times.

We obviously have had a different result from this operation than we had hoped. There is no question about that. Whether this is a success is yet to be determined, and I do not think we should be jumping in, saying it has not been a success. But I think it is time for us to let the President take the lead, to let him come to us with his requests. He is the one who is supposed to be executing this operation. I do think it would be a mistake for Congress to put the cart before the horse. I do not think we should micromanage. I do not think we should tell the President what to do. I do not think we should put our opinions on top of his. And most certainly, when I hear our NATO allies saying they would not consider ground troops, the last thing I think we should do is encourage ground troops. I think the case has not been made, the base has not been laid, and our allies are not in support.

So I think we need to take a step back. We need to be getting the administration to give us briefings at every point, asking our opinions. Let's debate this, let's talk about what kind of commitment we want to make. But I will not vote for troops on the ground in this operation as a carte blanche, a blank check, before I know what we are going to do. What will our responsibility be? What will our allies' contribution be? What is the timetable? What is the mission? Is it achievable, and what is it going to cost? And what is it going to do to the rest of our national defense?

These are questions that must be asked. We must get answers. We must have a full briefing. For Congress to have a vote before we have all of that would be irresponsible.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVO

Mr. GREGG. Mr. President, I will address what is obviously the issue most pressing on us as a nation and certainly on the Western World. That is, of course, the issue of Kosovo and the war that is being pursued there.

First, I think it is important to understand that we as a nation are obviously the sole major superpower in the world and that we have, as a nation, a significant obligation to use our strength in order to promote the betterment of the world and to promote interests around the world which assist our national policy. We should not disengage from the world, we should not be isolationist—just the opposite; we have an obligation to reach out and use our great wealth and our great good luck and our great good fortune to benefit as many people around the world as we can.

But I think we must also be sensitive to the fact that we can't be everywhere all the time and that when we ask American troops, men and women, to put their lives on the line, we have to be very specific as to why we are doing it and what the purpose of that effort is, because that, of course, is the most extreme request we can place on any American.

We should have a process of putting forward a plan, a test, if you will accept it, as to why we engage with American force. I have always felt that test should have three elements. I have spoken about it before.

The first is, is there a definable American interest? In many instances this could be international interests which impact us significantly, such as the gulf war, where European oil was at risk. But is there a definable American interest which is specific enough and which can be justified and which can be explained, quite honestly, in these terms: If an American service person loses his or her life, could you go to the parent of that person, could you go to the wife of that person, could you go to the child of that person, and tell them why the loss of their life was important to America? Could you explain our purpose in terms that would satisfy a grieving parent, wife, or child that their son or daughter had died in a cause which assisted America? That is the first and most important test.

The second test is, is the engagement of American troops going to be able to resolve the situation, or is the situation so complex, so convoluted, and so historically intertwined that it probably can never be resolved or never even be, for any extended period, pacified?

The third is, is there a plan for getting out? Before you get into something, you ought to know how you are going to get out of it or at least have some concept of how you are going to get out of it. That is absolutely critical.

Those are the tests for our engagement.

We are now engaged in a war in Kosovo. Unfortunately, in my opinion, none of those tests was met before we made the decision to go forward. This administration could not explain, and has certainly not explained very well, why we decided to step off on this route of military action.

The initial statement was that we were doing it in order to bring Milosevic into negotiations, in order to bring the Yugoslav Government into negotiations to try to settle the situation in Kosovo, because a number of people had been killed in Kosovo, hundreds maybe, although the number that had actually been reported was somewhat less than that, and because we were concerned that there would be a great dislocation of population in the Kosovo—or the administration was concerned that there would be a great dislocation of population in the Kosovo province of Serbia if we did not take action to try to force Milosevic to agree to the settlement as had been outlined at Rambouillet.

That was the initial purpose of the use of air power against Serbia, and against Yugoslavia, or Yugoslavia and Kosovo and Serbia. The purpose, therefore, was never to go in to occupy and to win a war against Yugoslavia. That was never the original purpose as presented by this administration.

One has to wonder, what was our national interest in that region in Kosovo? A legitimate case could be made that humanitarian interests are a national interest. But actually what was happening in Kosovo, although severe and brutal and being shown on TV, was nothing—absolutely nothing—compared to what was happening in Ethiopia, Somalia, Sudan, Sri Lanka, and a number of former republics, in fact, of the former Soviet Union, where literally millions of people died in Africa as a result of internal civil war.

Remember, this was a civil war situation. Kosovo was a province of Yugoslavia, which was an independent state, and is an independent state.

So there is the issue of humanitarian interests, although they hardly raised it to the level that justified use of American force when we weren't using American force to settle matters in Ethiopia, in Somalia, in Sudan, in Sri Lanka, or Azerbaijan, or Georgia.

So you had to ask, what was in the national interest? Quite honestly, prior to this process—this is all prior to the actual air campaign—I never believed, and I don't think the President ever made clear, because he really couldn't, that there was a dramatic American national interest in Kosovo. In fact, the irony of this situation is that NATO is now using all its force against a region—Albania and Kosovo—and claiming that that region is strategically important, when throughout the cold war when NATO was at its peak—at its absolute peak—of deterrence and purpose, when it had specific purpose, which was to deter East European and Soviet aggression in Albania, which was behind the Iron Curtain, which was an Eastern European country, it was never even considered a factor of threat. Other nations were—East Germany, Poland, Czechoslovakia, Hungary, and Russia, Soviet Russia—during the cold war.

But Albania was never a factor, because it was such a poor and desperate nation; it had no strategic impact at all. But suddenly it becomes a nation of strategic impact to us. Suddenly Kosovo, a subprovince of Yugoslavia, becomes a nation of strategic impact to us. It is hardly explainable to the American people. It must be found against other strategic events which precipitated the bombing. And what impact do those have? And what is the significance? I think the answer to that is yes, the unintended consequence of this bombing is that we have created significant strategic and national concerns which weren't there before we started the bombing but are certainly there now.

Let's name three of them.

First, of course, is the humanitarian issue. The huge number of refugees, to whom our heart goes out, and to whom we obviously have some responsibility for carrying forward—and I will get back to that in a second—clearly we now have a strategic and national concern about doing something to care for those refugees. That should have been anticipated before we started the bombing. But it obviously was not by this administration. So we created an event there.

The second event, which is maybe even more significant, which absolutely is more significant, was an unintended consequence which this administration clearly didn't expect and can't even represent that it marginally expected, and which has occurred; that is, that we have managed, through this bombing activity and this military action of NATO against the Kosovo region, potentially to be expanded to a greater Serbia—we have managed to dramatically undermine and, in my opinion, destabilize the process of evolution towards democracy in Russia, and certainly the process that Russia was moving towards engaging with the Western nations in a constructive way, including being a partner for peace ancillary to NATO. We have as an unintended consequence managed to invigorate the nationalist spirit within the political system of Russia, which was already under great strain, and a fledgling democracy which is absolutely critical to the future peace of this world and to the prospective activities of us as a nation as we move into the next century. A democracy in which we had invested a great deal has been placed at some jeopardy as to its relationship with us in the West, and we have clearly undermined much of the goodwill that we built in Russia.

Unfortunately, it could get worse, significantly worse. If we were to pursue a course of invasion of Yugoslavia, it would put Russia in an almost untenable position because of the relationship which has gone back for hundreds of years where the Russians consider the Slavic people and the Serbian people to be their brothers. An invasion would clearly make it very difficult for the forces of moderation and reason within Russian society to overcome the forces of nationalism and jingoism. Even worse than that, were we to declare war—which has been proposed by some, because we are at war, but if we were to formally declare war, we would even see a more difficult position placed on the Russian moderates and voices of reason.

Let me say this: Our relationship to Russia, our ability to nurture and build that nation as a democracy and a capitalist-oriented, marketplace-oriented society is exponentially more important than what happens in the Balkans. The Balkans are important to Europe. Russia is important to the United States.

So that unintended consequence has occurred. We have started the destabilization of our relationship with Russia, and we have dramatically encouraged the forces of nationalism.

The third unintended consequence which this administration has created by its actions in Kosovo is that we have dramatically weakened our military capability to fulfill our legitimate obligations in many places around the globe.

As a result of this administration's continuous reduction in defense activity and its basic antipathy towards the Defense Department for the first 4 to 5 years of this Presidency, we no longer have the capability to fight effectively in an extensive engagement on two fronts, as was our traditional approach to our military defense. And we know—now publicly reported—that our ordnances are being drawn down and our capacity to support our men and women in military action is at risk. That is a consequence of this event and could lead to serious ramifications, which I have no desire to go into but which are logical.

So that is one of the reasons I have called this undertaking by our administration to be one of the—probably the most significant—blunders of the post-world-war period, because we have created a huge refugee population in large part, in good part—obviously not entirely—because Milosevic is a thug—because of the function of our bombing.

We have undermined our relationship with Russia and we have degraded our own military capability, all in the name of intervening in a region of the world where our interests were there, obviously, because we are a humanitarian nation concerned about humanitarian needs, but in relationship to other points around the world, whether it be African genocide that is occurring today at a rate—well, it wasn't until the refugee situation anyway—at a rate dramatically greater than what was occurring in Kosovo, or whether it be in our strategic relationship with areas such as North Korea or Iraq, where we have dramatic national interests. Our interests in this part of the world were limited, yet we have rolled the dice there at a level that is extraordinary.

So what do we do now? That is of course the question. We have been drawn into this action, and almost on the back of an envelope, it seems. You have watched the administration's different justifications for being there. And they change with the regularity of the weather, it seems, in that part of the world. There is no consistency to their position. One day it is that we are there to help the Kosovars have some form of autonomy within the Yugoslavian system and to avoid refugees.

And then there is a huge refugee event, in part because of our—in part, I say, only in part—because of our bombing. And now it is no longer that we are there in order to maintain autonomy. We appear to be moving there, being there, for purposes of obtaining independence, or some greater autonomy than certainly a state relationship, and it is to put the refugees back in a region which has been decimated.

The target moves constantly. It is one day that we are trying to bring Milosevic into negotiations. It is another day that we are trying to replace the Milosevic regime. And, of course, we don't even know what it would be replaced with.

So it is a policy that has gone arbitrary and, in my opinion, on the back of an envelope process without any definitive purpose that can be subscribed to in a way that we can be assured we can get there in any course or pattern.

So what do we do now?

One other point that should be made is the cost. One hates to talk about costs when American troops are at risk. Clearly, we will do whatever we need in this Congress to support those troops with whatever dollars are appropriate and whatever dollars we can put towards their efforts. But the fact is, the cost of this is going to be astronomical. This $6 billion request from this White House, which is such an understated and inaccurate figure—it is frustrating to deal with a White House that won't be forthcoming with the American people on this issue, which it has been, clearly, on others.

But clearly, on this issue, that cost nowhere near reflects what it will cost in the long run to pursue this policy that they have undertaken, simply because we are going to have to replace all of the ordnance they have used, for one thing, which is accounted for. And, No. 2, we are going to have to rebuild what we have blown up in order to put the refugees back, if it is the purpose of this administration to put the refugees back. Obviously, you can't put them back without housing, without electricity, without water, and without jobs. So the potential of reconstruction costs exceeds the military costs probably by a factor of 2, 3, or 4.

The absurdity of this administration coming to us and claiming that $6 billion will get them through the rest of the year just from the standpoint of executing this war is, on the face of it, something the American people should question seriously. So the cost is dramatic.

So what should we do? I don't know the answer. If I had the answer, obviously it would be wonderful. But I don't. But let me suggest a couple of options.

No. 1, we have the responsibility to the refugees. We have a responsibility to make sure they are adequately housed and fed. I think that is going to mean getting them out of where they are today. We cannot let them sit there as chips at the bargaining table for months, or years, as the Palestinians were left in limbo. Rather, we are going to have to move them someplace where they can survive the winter and where possibly they can be resettled. It may be political asylum for them in many parts of Europe or in the United States, but there has to be a thoughtful, long-range plan for how you handle these refugees.

Second, it is going to cost a lot of money, and we are going to have to spend it. Instead of pushing Russia to the brink, instead of engaging Russia in a way that basically undermines the moderate and reasoned forces and accelerates and raises the nationalist forces, let's engage Russia in a constructive way. Let's use the German proposals. Let's use their support and use our contacts with Russia, which has the contact with Serbia, in order to try to negotiate a resolution of this, a resolution which would probably involve some sort of multifinanced force, not NATO related, in the Kosovo region. But, rather than pushing Russia away, let us try to draw them in and let us not put ground troops into this region. How disastrous would that be. This is an area of the world where the people fight, where they believe. We have taken a nation which was a little bit fractured, actually, Yugoslavia, greater Serbia, and united those people. And they will fight.

Unless we go in there in a noncombative way, there will be a significant loss of life. And again the question will have to be asked, for what cause? And I cannot answer that question. So I do not see it as being constructive to put ground forces into that region. To authorize this administration to have that flexibility, after this administration has so completely mismanaged the issue to begin with, is, to me, foolhardy. So this is a complex and difficult issue, but it is the issue of the time and we need to address it and that is why I have taken this time.

Mr. President, I make a point of order a quorum is not present.

Mr. DOMENICI. Mr. President, I wonder if I might ask the Senator a question?

The PRESIDING OFFICER. Does the Senator withhold his point of order?

Mr. GREGG. I yield solely for the purpose of a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I was here for most of your remarks. First I want to commend you. In my recollection of the discussions we had with those who were in the administration prior to this involvement, with reference to Russia, there was almost kind of a trite answer—don't worry, they will not do anything.

I want to ask you if there is not a serious problem coming about now. They are going to have elections next year. We have always wondered how long will it be before their nationalist temperaments come back to the surface and they move in the wrong direction politically. I wonder if you might speculate or reason with me about that.

My evaluation, based upon a number of people who have talked about Russia and an analysis that has been given to me, is that they are now so anti-American and so antiwest that they are apt to move in a rather concerted manner by large numbers of votes in a direction that is not moving toward a marketplace economy and democracy. Is that your concern also?

Mr. GREGG. I think the Senator from New Mexico, as usual, has hit the nail on the head. That is the most significant strategic concern we have on the issue of Kosovo, which is where does Russia end up? Do we end up forcing it down the road towards a nationalist state with maybe irresponsible leadership? Or do we continue it on the path of democracy and marketplace economy?

I think that ever since the end of the cold war period everyone has analyzed the Russian situation as being tentative. The biggest concern of everyone who has analyzed it is that they may go the course of a nationalist leader who might use the West as the purpose for uniting a militaristic response, a militaristic nation approach. That is the concern. The Senator's point is absolutely on target.

Our biggest strategic interest today is what happens with Russia.

Mr. DOMENICI. I thank the Senator.

Mr. GREGG. Mr. President, I make a point of order a quorum is not present.

Mr. DURBIN. Will the Senator withhold?

Mr. GREGG. Yes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN KOSOVO

Mr. DURBIN. Mr. President, I commend my colleagues for the time they have taken on the floor to talk about the situation in Kosovo. I was privileged this last weekend to be selected to be part of the first leadership delegation to go to the Balkans. It was a joint House and Senate delegation involving Democrats and Republicans, and it was a whirlwind trip. We all came back exhausted, but I think each of us came back better informed about the situation.

I would like to speak to that a few moments, following up on the speech just given by my colleague.

Let me say at the outset that I am a product of the Vietnam era. I did not serve in the military nor in Vietnam, obviously, but I came to the conclusion, as a result of that experience, that war is the last resort; that there is no such thing as a military adventure. When military is involved, people die. It should be taken ever so seriously.

That has guided me through 17 years of service on Capitol Hill. I have not been quick to turn to the military or quick to pull the trigger. I have always looked for an alternative, a peaceful alternative. Yet, I believe we find ourselves in the Balkans in a situation where, frankly, there was no alternative but the use of force.

The Senator raised the question about what in the world is our national interest in Kosovo? Most Americans could not find it on a map. Why are we sending all this money and all of our troops, all of the resources of this country focused on Serbia? Why?

It is part of Europe. It is part of a continent where the United States has a special interest. And if there is any doubt about that special interest, merely tour the veterans cemeteries in Europe, because in World War I and World War II, our best and brightest in America put on their uniforms, picked up their guns and went to Europe to defend the stability and future of that continent.

We have an Atlantic alliance, not just because of a common ethnic heritage, but because we believe the synergy between the United States and Europe brings strength to the Atlantic, brings strength to both countries, both regions, and we have committed ourselves to that.

Today, as you look at the map of Europe, the investments we made in two World Wars and the cold war has paid off so well. We now have former Warsaw Pact nations, like Poland, like the Czech Republic and like Hungary, waiting in line and finally being accepted as part of the NATO alliance. They are part of our alliance. We won. We are bringing Europe together. Our leadership makes a difference.

But, yes, in one corner of Europe, a terrible thing has occurred over the last 12 years. A man by the name of Slobodan Milosevic has on four separate occasions started a war in this region of Europe. If you look at the nature of the war, you will find some harrowing language from this man.

Twelve years ago in Kosovo, he stood up to the Serbs and said, "They will not beat you again," and heard this roar of approval. This man, who was a minor league Communist apparatchik, said, "I have a rallying cry here. I can rally the Serbs in their hatred of other ethnic groups." If you think I am overstating the case, in 1989, he went to Kosovo, stood on a battlefield where a war had been fought in 1389 and the Serbs had lost to the Ottoman Turks, and announced his policy of ethnic cleansing. As a result of his policy, that region has been at war and in turmoil ever since.

For those who act surprised at Slobodan Milosevic, merely look at the history. For those who question why we are there, look at the history of the 20th century. We have said that Europe is important to the United States, and we have said something else: America does not go to war for territory or for treasure. We go to war for values. And the values at stake in this conflict are values that Americans can take at heart.

Some have said that President Clinton came up with Kosovo at the last minute. Yet, history tells us that as President George Bush left office, knowing what Milosevic was all about, he left a letter behind to President Clinton saying: Watch Kosovo. We have warned Milosevic—do not show your aggression toward the province of Kosovo. President George Bush knew that. President Clinton was forewarned. And he has tried, with limited success, to contain this man's barbarism.

Of course, they raise the question over whether or not we should have started the bombing in the Serbian area and in Kosovo. I voted for it. I voted for it because there was no alternative, none whatsoever.

Many people have questioned the strategy ever since—important questions, questions that should be answered. But at least we have the answer to one question. When the United States saw this ethnic cleansing, this genocide in Serbia, did we stand idly by and do nothing? The answer is no, and that is an important answer.

We decided to use the resources at our disposal to try to stop Milosevic from what he was doing. Of course, he is equally adept and should be recognized as a man of military means. He decided since he could not invade the neighboring nations of Albania and Macedonia with troops, he would overwhelm them with refugees.

Saturday, I spent the afternoon in a refugee camp in Macedonia, near Skopje, named Brazda. You read about it a lot. It is a camp that did not exist 2 weeks ago, and 32,000 people live there today in that camp. The day I came and the previous 2 days, 7,500 people had flooded into this camp from Kosovo. These are not the poorest of the poor dragging themselves in. These are teachers and businessmen. These are doctors and lawyers whose neighbors put on black ski masks and came to the door and said, "Take everything that you want in your arms and leave in 5 minutes; we're blowing up your house." You have heard it on television, but I heard it firsthand.

Standing in that camp and talking to those people, I asked a simple open-ended question: Why did you leave Kosovo? The stories came back the same time and time again. They did not leave for a crime or wrongdoing; they left because of who they were, and that is the nature of genocide and "geno-suffering."

Now, of course, they are trying to survive, and we are helping them. Thank God we are. NATO is building camps. The humanitarian relief from around the world is inspiring, and yet these people wait, wondering what their fate will be.

I came away from that experience understanding better the Holocaust, understanding what must have been in the minds of so many Jewish people at the end of World War II who said: We need Israel because we have nowhere to go. Everywhere we go, we have been persecuted, we have been killed. Now the Kosovar refugees ask the same question: Where shall we go?

Our policy is to allow them to return to Kosovo. That is where they want to be. That is where they should be. We have said to Mr. Milosevic: Here is what we are asking of you, demanding of you: Remove your troops from Kosovo, allow the refugees to return in safety with an international force to protect them, and then we will negotiate the political status.

I think that is sensible and humane.

May I say a word, too, about Russia. Yes, I am concerned about the reaction of Russia. It is important that Russia prosper and get stronger. We have helped in many ways and can do more, and I am sure we will. But Russia is a master of its own destiny, too. If it decides it is better to be an ally of Slobodan Milosevic than an ally of the United States, then, of course, it is a decision they can freely make and one with which they will have to live.

I hope they do not make that decision. I hope instead of arming Milosevic so he can shoot down American and NATO planes that they will decide they can play a more positive and constructive role; that Russia could be part of the brokerage of peace, lasting peace in the region; that Russia could provide some troops in an international peacekeeping force in Kosovo so that it will be more acceptable to the Serbian side. They can do that, and I hope that they will. But I think it is faulty logic to argue that we should restrain our foreign policy for fear that the Russians might react against it. Did we stop to ask the Russians whether we should bomb Saddam Hussein? I certainly hope not. We knew what our national interest was, and we proceeded with it.

We hope the Russians will be with us, but they certainly should not have a veto over our foreign policy.

Allow me, if you will, to speak for a moment about the state of our military. General Wes Clark, who is our commander in chief now of the NATO operations in Kosovo, is an extraordinary man. He was first in his class at West Point, a Rhodes scholar. He is articulate, dedicated, and patriotic. Thank God for him and people just like him who have dedicated their lives and service to our country.

He met with us at great length and answered literally every question we had to ask about this operation. Is he frustrated? Of course, he is. This is NATO's first war. America has fought wars before, but this is a war by committee with 19 nations gathering together to talk of strategy, and that is a frustration to any commander in chief. He understands our mission, and he is executing it professionally.

It troubles me to hear some of my friends on the other side of the aisle suggest that after 25 days of bombing in Serbia and Kosovo somehow or another the American military might has been decimated.

I sure did not see that, not at Aviano Air Base or Ramstein in Germany. I saw a strong military that needs our support. I do not believe it is in the weak condition that many of my colleagues are suggesting.

The President said we need $6 billion to make sure it continues to be strong. I hope we move on that quickly and we do not use this request by the administration as an excuse to get into a prolonged political debate about whether or not the military has been treated well over the last few years. Let us focus on the immediate needs: Supplying our troops and making certain they can defend themselves and successfully prosecute this mission.

Let me also say that the Senator concluded with three recommendations about refugees. I disagree with his conclusion that we move them to another place. They want to return to Kosovo. They should return to Kosovo. I agree with him in bringing Russia in for peace negotiations. And I certainly agree with his conclusion that we should not involve ground troops in this effort.

I say to those who are witnessing this event, the American people are now focusing more on it, as they should. My visit over the last 3 days, this last weekend, focused my attention on it as well. I am proud of what the United States is doing. I am proud of what NATO is doing and what it stands for. I believe we are standing for values that we have stood for for at least the 20th century, if not longer.

I believe we can succeed. But we cannot succeed when a television program like "Nightline," 7 days into the war, has a program entitled "The Kosovo Crisis: Still no end in sight." Seven days—7 days into the war they want it over with, and all the political pundits are coming on television on Sunday and saying, well, we must have lost that war. It is a good thing they were not around during the Battle of the Bulge. Who knows how that war might have ended? It is going to take patience and determination to bring this to a good conclusion. I hope Members of both political parties will join together to make that happen.

I will tell you, when there was a vote on the Persian Gulf war, President Bush came to Congress and asked for our approval. I voted against it. I did not think it was necessary. I thought we could achieve our goals without the use of the military. But I lost and the vote went against me; the military action was approved. Immediately after that vote, a resolution was introduced, and passed overwhelmingly on a bipartisan basis, that said the debate is behind us now, we are behind our men and women in uniform, and we will stay behind them to the end.

There will be plenty of time to debate this. History will be the judge of whether we did the right thing and did it in the right way. For the time being, let us, as a nation, let those of us, as elected officials in the Senate and the House, have the determination to stand behind this policy.

What are our options? Well, there are three. We can stand behind this policy of bombing, or we can leave, or we can send in ground troops. It is an easy choice for me. I am going to stand behind this policy, because the future of NATO is at stake, the future of Europe is at stake, and the values of the United States, that we have defended so long, are at stake as well.

Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 557, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as part of the budget process.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 254

Mr. LOTT. Mr. President, on behalf of Senator ABRAHAM, Senator DOMENICI, and others, I send an amendment to the pending budget bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. ABRAHAM, for himself, and Mr. DOMENICI, proposes an amendment numbered 254.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. I believe Senator ABRAHAM is ready now.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 255 TO AMENDMENT NO. 254

Mr. ABRAHAM. Mr. President, I send a second-degree amendment to the pending amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. LOTT, Mr. NICKLES, Mr. MCCAIN, Mr. FRIST, Mr. CRAPO, Ms. COLLINS and Mr. GRAMS, proposes an amendment numbered 255 to amendment No. 254.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I believe Senator LAUTENBERG or perhaps other Senators will be here momentarily and will wish to comment on this subject—perhaps even the Senator from South Carolina. I know Senator ABRAHAM is prepared to begin the discussion.

For years we have talked about how we can set aside Social Security to come up with a process so Social Security cannot be used to make the deficit look better or be spent for other programs or, for that matter, for tax cuts. A lot of thought has been given to this. Efforts have been made by Senators on both sides of the aisle. I think what we have this time is real. It will keep this money from being spent, without a supermajority vote in the Senate, for other than defense. It is a clear step in the right direction.

We need to be able to say to the American people that not one cent of Social Security is going to be able to be spent on anything but Social Security. This lockbox will make it a lot more difficult, although under emergency circumstances obviously that could still be pierced. The key, though, is to lock this money up, make sure it is not frittered away, and then see if we can come up with genuine long-term Social Security reform so this money can be used for that. If it is not, it will still be used, available to reduce the debt, and, over a period of years, that itself will be a significant benefit to the country, to the economy, to our seniors, and to the Social Security program.

So I commend Senator ABRAHAM for his persistence on this issue, and I think the best thing for us to do at this point is to get into a discussion about what we are trying to do here and see if we can get this process through. This is a change in the law; this is not just a budget process change. This is something the Senate would have to act on, the House would have to act on, and we would have to send it to the President.

So I think it is time, and appropriate, now, that we have this discussion about the future of Social Security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank the majority leader for giving us an opportunity to begin this debate. I realize we have a number of Members on various sides of this issue with different ideas. I think if we have a discussion here, perhaps we can identify some of the concerns and address them. I hope we can because I think this is a topic that needs to have our full attention.

Let me begin by saying I have just submitted an amendment here on behalf of myself as well as Senators DOMENICI, ASHCROFT, LOTT, NICKLES, MCCAIN, FRIST, CRAPO, COLLINS, and GRAMS. The amendment is the Social Security Preservation and Debt Reduction Act. It implements a sense-of-the-Senate resolution which we approved as part of the budget resolution just before our Easter recess.

As you know, that sense-of-the-Senate resolution passed this Chamber on March 24 by a vote of 99 to zero. It said simply that we ought to truly protect Social Security by seeing to it that moneys in the Social Security trust fund are only used to fix Social Security or to pay down the public debt, and for no other purpose.

We all agree that saving Social Security is our No. 1 priority in this Congress. That has been a discussion that virtually every Member at one time or another has been part of. The President, in both his 1998 and his 1999 State of the Union Addresses, said we should save every penny of the Social Security surplus. In this year's Address, he said we should use it to reduce the Federal debt so as to ensure it will not be squandered on other spending programs.

I agree with that. So do my cosponsors. Therefore, it is our hope, through this amendment we are offering today, to put into effect that which so many people, including the President, have sought to accomplish. If enacted into law, this amendment would save every penny of the Social Security surplus either to fix Social Security or to reduce the public debt.

Using hundreds of billions of dollars from the Social Security trust fund for new spending will not save Social Security. Indeed, the Congressional Budget Office now estimates that the President's own budget, the one he submitted to us in February, spends $158 billion of the Social Security surplus, 20 percent of the surplus that will be generated over the next 5 years. Fortunately, as you know, the Senate charted a different course. Through our sense-of-the-Senate resolution, 99 Senators stated our intention to lock up the Social Security trust fund to protect those dollars from being spent on other Government programs.

Let me recount what this resolution, which we passed as part of the budget, provided.

First, it provided we would place Social Security truly and fully off budget.

Second, we pledged to create a subcategory of the current gross Federal debt limit; namely, debt held by the public.

Third, we pledged to mandate the reduction of that publicly held debt level by an amount equal to the Social Security trust fund surplus.

In addition, the limits could be adjusted one time to accommodate substantive Social Security reform. In other words, unless we were using the Social Security trust fund surplus to fix Social Security, reform to modernize the Social Security system, then it would be used to reduce the current levels of Publicly held debt.

The amendment I am offering would implement those pledges. So let me briefly run down its provisions.

The Social Security Surplus Preservation and Debt Reduction Act reaffirms that Social Security is off budget. That means its assets should not be counted for purposes of the budget submitted by the President or the Congressional Budget Resolution. The legislation establishes a simple majority point of order against any budget that does not count Social Security moneys. This amendment also codifies the budget resolution language to establish a 60-vote Senate point of order against any budget resolution, budget amendment, or budget conference report that runs a deficit unless that deficit results solely from Social Security reform legislation.

Of critical importance is the amendment's provision establishing in law a declining limit on the amount of debt that could be held by the public. This limit would be reduced in the year 2000, in the year 2001, and at 2-year intervals thereafter through the year 2009, by an amount equal to the entire Social Security trust fund surplus for each corresponding time period. The amount would be measured as CBO's current annual projections of the Social Security surplus for these same years.

The 60-vote point of order would lie against any resolution or bill that would exceed the publicly held debt limits. In other words, we could not expand the publicly held debt unless we had 60 Members of this Chamber who would make such a decision.

However, these limits would be automatically adjusted for the cost of Social Security reform, as I have mentioned, and/or for any changes in the actual or projected Social Security trust fund surpluses.

Clearly, we are trying to read out the long period of time through this legislation, a 10-year period. So if, as we move through that period, the size of the Social Security trust fund surplus were to be readjusted or projected differently, then the legislation we are offering right now would provide the mechanism for making adjustments in that reduction of the publicly held debt accordingly.

A number of additional provisions would protect Social Security recipients from unforeseen events. First, specific language in the amendment states that the Secretary of the Treasury shall give priority to the payment of Social Security benefits required to be paid by law. This amendment guarantees that Social Security benefits will have the highest priority on all Federal moneys. We institute a concrete guarantee to seniors, and to those who one day will be seniors, that their benefits are truly backed up by the full faith and credit of the Government of the United States.

In addition, Mr. President, this amendment includes a provision that would set aside the public debt reductions in the case of recession. Whenever the Commerce Department reports two consecutive quarters of less than 1 percent growth, the limits would be set aside until there is one full quarter of more than 1 percent real growth. Once reestablished, the limit would restart 6 months later at the level of public debt held at the time of the recession's ending and then step back down at the rate projected by the newly determined Social Security surpluses.

Finally, this amendment includes an exception for emergencies such as the current crisis in Kosovo.

On March 17 of this year, Treasury Secretary Rubin sent a letter expressing several concerns about this approach. First, let me say that I was somewhat disappointed when he did so and surprised that he would raise the concerns about a bill that had not yet been written, let alone introduced. I appreciate the way Washington public policy debates work, Mr. President, and I understand the Secretary of the Treasury wanted to, at a very early stage, express concerns. What we have tried to do is respond to those concerns in such a fashion, I hope, that the way we have crafted the amendment will satisfy some of the issues raised in his correspondence. Let me talk about a few of those considerations at this time.

First, Secretary Rubin in his letter commented that fiscal restraint is best exercised through the tools of the budget process; debt limits should not be used as an additional means of imposing restraint. But the last 2 years have clearly shown that current budget rules are inadequate to curb Washington's spending habits.

Last year, the President threatened to shut down the Government unless we spent $21 billion of the Social Security surplus through various so-called "emergency" spending declarations. There was a lot of debate as to whether or not some of those provisions truly were appropriately described as emergencies. This year, as I noted, the President proposed spending $158 billion of the Social Security surplus on new spending programs over the next 5 years.

The budget rules, therefore, I do not believe are protecting the Social Security surplus, and it is not just the President who has proposed ideas and ways by which these Social Security surplus dollars can be spent. Members of Congress, on both sides of the aisle, have a lot of spending ideas, as we have heard.

In my judgment, the current budget rules do not protect these Social Security surplus dollars adequately. They are not designed for that purpose. Therefore, in my judgment, only by locking away the Social Security surplus and guaranteeing that the spenders cannot get ahold of it will we be able to protect those surplus dollars.

The fact of the matter is, if there is money available, people will find a way to spend it under the current rules. I think that is very simple and clear, and I think we should take additional steps to address it. I do not think we can count, as the Secretary has indicated, on the existing rules to suffice.

Next, Secretary Rubin has raised the specter of default saying:

> Even the appearance of a risk that the United States of America might not meet its obligations because of the absence of necessary debt authority would impose significant additional costs on American taxpayers.

Mr. President, we should keep in mind that we currently have a debt ceiling of $5.95 trillion. We live within a debt ceiling. We are not talking about creating something out of whole cloth here, a limit on the amount of indebtedness the American Government can assume. That is the law, and the Treasury cannot issue more debt than that.

Further, current gross Federal debt is about $5.48 trillion. It is not at the moment projected to rise significantly over the next 10 years. There is no specter of failure to meet our obligations here.

I will note, however, that the CBO estimated that the President's proposals in his budget would raise gross Federal debt to almost $8.4 trillion, almost $3.5 trillion over the current debt limit, exceeding the current debt limit by nearly 40 percent. Therefore, using the Secretary's logic, the President's budget will place us in immediate jeopardy of default because it will exceed the debt limits that we already have in place.

Our proposal, on the other hand, simply creates a sublimit of our current debt limit, one for debt held by the public. It does nothing to limit our ability to meet our obligations.

Nonetheless, we have tried to take Secretary Rubin's concerns seriously. What we have done to try to address those concerns—and I will elaborate on this a little bit further at a later point in these remarks—we have delayed the implementation of each year's new debt limit by 7 months to ensure that they become effective when the Treasury is most flush with cash. This will establish a buffer that is more than sufficient, in our judgment, to cover Treasury's short-term cash management needs, even during seasons of the year when cash deficits have historically appeared.

Third, Secretary Rubin has expressed concern that the publicly held debt limits "could easily be inadequate for the Government to meet its obligations at a given point during the year. If the Treasury could not borrow or raise, it is possible that it could simply stop honoring any payment." And he even went on to say Social Security payments.

What he means by that, and it is related to the earlier point that I just addressed, is the fact that the revenue stream to the Government does not always coincide with the outflow of money during particular points in the year. That is why, as I have mentioned, we have altered our original proposal to move the date at which these publicly held debt ceiling changes would occur to a point—May 1—at which time, based on the past 10 years, the Government has been most flush, has had the largest inflow of money—obviously, it corresponds to some extent to tax payment day and other factors—for the exact purpose of making sure the changes would occur at a point when the Treasury would have the most cash on hand and the greatest flexibility with respect to any obligations, it would seem to me.

In addition, we have placed into this amendment a legal declaration that Social Security payments required by law have priority claims on the U.S. Treasury. In other words, we try to do two things here that I think address all of the concerns raised by Secretary Rubin.

First, we have changed the effective date as to when the debt limits would be changed to meet the maximum point of revenue stream to the Government, thus giving him and his successors total flexibility with respect to meeting obligations, and the guaranteed Social Security benefit checks will be paid by ensuring in the language of the amendment that they would receive top priority of expenditures.

In addition, we have responded to the Secretary's concern about short-term cash management swings, as I say, with a 7-month delay of implementation of the debt limits.

We are open to other ideas, but we are trying to be responsive to those concerns that have been raised. That is our hope here, to try to address anything that might serve as an impediment to anyone concerning the support of this vitally needed legislation.

In addition, Secretary Rubin has worried that the proposed debt limits could run the risk of worsening an economic downturn. We take that to mean concerns that if a recession were occurring, we would be in a difficult position to adequately address it. Once again, we have taken into account those concerns, and we have placed in our amendment language, as I mentioned earlier, that would suspend the debt limits during times of recession and reinstate them only after we have recovered from such recession at the newly adjusted publicly held debt levels.

Finally, the Secretary expressed concern that the lockbox does not allow for emergencies. Let me first observe that this administration's use of the term "emergency" has been somewhat variable, and it would certainly be the view of this Senator, and I know others, that it has been used to characterize a number of expenditures that are hard pressed to be included under that definition, at least as I see it. We spent $21 billion of the Social Security surplus on an emergency package at the end of the last Congress that certainly had provisions which did not, in my judgment, meet the normal definition of that term.

However, considering that we now have a 60-vote point of order against any nondefense emergency spending provisions as part of the budget resolution that we passed, we have placed in this amendment language to automatically adjust upwards the publicly held debt limits for any emergency spending provisions. Thus, we once again address the concern that was raised.

Mr. President, I believe this meets, therefore, every one of the serious concerns expressed by the Treasury Secretary, while at the same time still meeting the central goal of protecting and preserving the Social Security trust fund surpluses. It successfully addresses the No. 1 issue of this Congress: Saving and strengthening Social Security.

While it may not constitute the long-term reform proposals that I know will be further debated as the Congress moves ahead, it protects the surpluses of the trust fund so they can be employed to make sure that we modernize the Social Security system in a way that not only guarantees today's beneficiaries are able to receive what they are entitled to, but also the future beneficiaries will as well. We owe it to those who have reached retirement age, as well as those who will one day join them, to do this.

As recent events have shown, the only way to do that is to take Social Security finally and fully off budget, because so long as Social Security trust fund surpluses can be accessed by spending priorities, they will be spent. In my judgment, it is that simple. It is simply too easy to point to good ideas and good programs and arguments of things that can be done with large amounts of the American people's money, too easy to see the benefits of Federal spending without looking at the cost to our financial stability and to those who depend on a sound Social Security system.

In my opinion, we must, in order to meet our obligations to the American people, see to it that every penny of the Social Security trust fund surplus is preserved for Social Security. And the only way to do that is to lock up those funds by using them to pay down the public debt. I think it is the right thing to do.

President Clinton himself has endorsed the idea at the root of this amendment. This Chamber recently voted unanimously for a resolution calling for legislation of this sort. So I hope we can get together, as colleagues, to take what would be the final step—this amendment—to place Social Security surpluses above the risks that they will be squandered and secure them for generations to come.

Mr. President, I am pleased, on behalf of a variety of colleagues, to offer this amendment. We look forward to the discussion. I hope that it can encompass not just a discussion of this proposal as offered, but if Members have ideas with respect to the lockbox, I hope they will share them with us, because I think protecting the Social Security surplus dollars is something that we have an obligation to achieve in this Congress.

Mr. President, I yield the floor.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I am honored to cosponsor the Abraham-Domenici Social Security surplus preservation amendment. This amendment will protect Social Security for millions of Americans who now receive its benefits and who now pay taxes hoping that they someday, too, will receive Social Security.

I believe protecting Social Security is the highest priority we could have in the Congress. Protecting Social Security means we must make sure the current surpluses that will be needed to pay benefits later are not used to pay for new budget deficits in the rest of government. That is what this bill does. It is why I am for it, and it is why I urge swift passage of this legislation.

The legislation we are debating today logically follows and, in fact implements, previous policy decisions that have been made by this Congress. Let's review a sense-of-the-Senate resolution that the Senate passed by an overwhelming 99-to-0 vote just 2 weeks ago. That resolution made these points:

No. 1, Congress and the President should balance the budget excluding surpluses generated by the Social Security trust funds.

No. 2, reducing the Federal debt held by the public is a top national priority.

No. 3, the surpluses now held in the Social Security trust fund will reduce the debt held by the public by $1.7 trillion.

The nonpartisan Congressional Budget Office estimates that President Clinton's budget would spend $158 billion of Social Security surpluses on new spending programs over the next 5 years. That is the nonpartisan Congressional Budget Office. It simply says that the President's plan for spending is to use the Social Security surplus to go out and spend $158 billion which would not otherwise be spent over the next 5 years.

Social Security surpluses should be used for retirement security, for payment of current benefits, or to reduce the debt, and should not be used for other purposes.

These mandates should be implemented in two ways:

First, by providing for a Senate supermajority point of order against any bill or resolution that would use Social Security surpluses on anything other than the payment of Social Security benefits.

Second, by establishing a supermajority point of order in the Senate against raising the limits established on the level of debt held by the public. This resolution passed the Senate 99 to nothing. It passed unanimously. Not only did it pass unanimously, there was no dissenting debate.

The conference report on the budget resolution which we passed last week took the first steps necessary to protect Social Security by balancing the budget without using the Social Security surpluses, and it established for the next 2 years a point of order against budget resolutions that use Social Security surpluses to balance the budget.

Mr. President, I believe that is what we need to do. We need to basically say that it is out of order to go back and take Social Security surpluses to cover deficits in other parts of government.

The amendment we have before us implements the sense-of-the-Senate resolution. It simply takes what we did 2 weeks ago and makes permanent the Social Security protection measures that were included in the conference report. Specifically, this amendment accomplishes the following:

No. 1, this amendment creates a 60-vote point of order against future budget resolutions that use Social Security surpluses to balance the budget. This provision makes the temporary point of order included in the conference report permanent, and it is made a part of the law, not just part of the Senate and House rules on the budget. We simply would be able to say that it is out of order, it requires a supermajority setting aside or suspending the rules in order to devote the Social Security surplus to covering deficits in other parts of the operations of government.

This provision is identical to legislation I introduced earlier this year to protect Social Security. This amendment lowers the amount of debt held by the public by amounts roughly equal to the Social Security surpluses. So as you have a Social Security surplus, instead of spending it on new government, you use it to lower the amount of debt held against this country.

The effect of this provision is twofold: It helps ensure that the Social Security trust funds are not used to pay for aggressive spending programs or for tax cuts; and, secondly, it reduces overall Federal debt. By reducing debt, this amendment will strengthen our economy, strengthen Social Security, and our capacity to meet our obligations to it in the future.

Reducing the public debt makes it easier for America to meet its Social Security obligations in three ways. I think Speaker HASTERT was most eloquent about this. He said if you ever came into a surplus in your own life—maybe a rich uncle died, left you $50, $60,000—and you either could spend it on a bunch of new spending or pay down the mortgage on your house, which would help you meet the challenges of the future better? It is pretty clear, not going to Las Vegas and taking a lot of vacations but paying down your debt, paying down your mortgage, would be the best thing.

Over the long run, paying off the debt will lower interest payments, which are now over $200 billion annually. They equal about 15 percent of our budget now.

No. 2, they would ease the burden of the $3.8 trillion national debt, which would free up more resources to help us meet Social Security obligations in the future. Of course, No. 3, a debt-free America will have a stronger, faster-growing economy and will be better equipped to come up with the money to redeem the trust fund's IOUs when needed.

We cannot afford not to pay off the Federal debt. Federal debt incurs very real costs in the form of interest payments and higher interest rates. Under President Clinton's proposed budget, $158 billion from the fiscal year 2000 to fiscal year 2004 budget would be diverted from debt reduction and directed towards spending. According to the Senate Budget Committee, that represents 21 percent of the Social Security surplus over that period. In fiscal year 2000 itself, it represents $40 billion, or 30 percent of the surplus.

In contrast, our amendment would require us to reserve every penny, all of the Social Security surplus, for debt reduction. Under this plan, publicly held debt, which now stands at 44.3 percent of GDP, would be reduced to 10.3 percent of GDP by the year 2009. That is a 70-percent reduction over just 10 years.

Once this amendment is adopted, the President and Congress will no longer raid Social Security surpluses to pay for non-Social Security spending. This amendment would, therefore, protect Social Security at the beginning and at the end of the budget process. At the front end, Congress could no longer pass budgets that use Social Security surpluses. At the back end, the ratcheting down of the debt ceiling would ensure that Social Security surpluses go to debt reduction, thereby helping to keep our financial house in order. A strong financial house for the United States of America is fundamentally the best guarantee we can ever have that Social Security will be a house of integrity itself.

One of the most important lessons a parent teaches a child is to be responsible, responsible for his or her conduct and responsible for his or her money. America needs to be responsible with the people's money. The debt reduction proposed by this amendment is among the greatest gifts we can give to our children, and it is a great gift for our seniors. Imagine what our children could do if we were able to provide for them a next generation that is free, free to build their own dreams instead of pay for our past.

In addition to protecting our children from debt, this amendment will also protect the Social Security system from irresponsible government spending.

I urge my colleagues to join me in support of this amendment, and I thank the Chair for this time on the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Senators who have taken the floor and spoken on behalf of this lockbox amendment.

I have worked for many years with a number of Senators, some of whom are on the floor—some on the other side, like Senator HOLLINGS—in an effort to see what we could do to make it as difficult as humanly possible to spend Social Security trust fund money for other kinds of expenditures of the Federal Government, be it programs, or be it tax cuts.

Frankly, I have heard it said on a number of occasions that the things we tried to do heretofore were all process and didn't get the job done. I don't want to take credit for doing something extraordinary. But I will say this idea of tying the Social Security trust fund to the debt held by the public over a 10-year period, and limiting the amount of debt that can occur in each of those years for a decade, which essentially is the current debt minus the amount of Social Security trust fund subtracted each year from that debt—what is left over, that residual is the debt held by the public. But I did, at a committee hearing, for some reason come up with the idea that maybe that is what we ought to do—tie it to a debt limit.

There will be plenty of people who will take the floor and say this is too rigid, this is too tough, this puts too big a shackle around the Government of the United States.

Let me tell you honestly. If you want to tell the seniors of America we don't want to spend your Social Security money for programs, or tax cuts, or anything other than when we need it for you, we will use it for you, then you ought to really be serious about it. You ought to say that is what we are trying to do.

Obviously this is the first time that the rhetoric and the contentions by Senators from both sides of the aisle that we ought to not spend Social Security money has been reduced to a statute that, if it passes and is signed by the President, will govern for 10 years, whether or not the United States can easily use trust fund money from Social Security for other causes, other reasons, as just as they may be. It will become very difficult when this legislation becomes law for us to ever again in a wholesale, willy-nilly manner spend Social Security trust fund money. In fact, every time you exceed that debt limit, and even if you have 60 votes, you are going to have to tell the American people we are exceeding it; we have 60 votes now. It is something very important, and people are going to be able to look and see. Was it something very, very important, or are we back to business as usual?

That is the essence of this proposal.

When I was saying we talk a lot about it, let me say on the debate on the budget resolution on the floor of this Senate—and the occupant of the Chair helped, because he voted the right way, but on this vote it was an easy vote because 99 Senators voted for it, as I recall. There was a sense-of-the-Senate resolution, kind of the precursor to this bill that was adopted by the Senate. It was an Abraham-Domenici and others sense-of-the-Senate resolution.

It did the following things:

One, it reaffirmed the Omnibus Budget Reconciliation Act of 1990 that Social Security trust funds are off budget.

Second, it provides a Senate point of order against any budget resolution that violates that section of the Omnibus Budget Reconciliation Act.

Third, it mandates that Social Security surpluses are used only for Social Security, or reducing the public debt.

Fourth, it provides for a Senate supermajority vote on a point of order against any measure that would use Social Security surpluses for anything other than the payment of Social Security benefits, Social Security reform, or the reduction of the debt held by the public.

Fifth, it ensures that all Social Security benefits are paid on time.

Last, it accommodates Social Security reform legislation. That was passed 99–0.

Mr. President, what happened was we attempted in that sense-of-the-Senate resolution to encapsulate what this legislation that is before us today did. It said that it is the sense of the Senate that we should adopt a bill that does all of these things. Now we have that bill before us.

So those who would now want to either unduly delay this vote, or say we should not do it, or vote against it, no, it is not so easy to explain that they just less than 10 days ago voted—2 weeks ago and a few days—voted 99–0 to adopt legislation just like this.

I understand that there can be a lot of explaining between the language and the statute—the language in this lockbox legislation.

Right off, I want to mention one thing. There are a number of Senators—I am hoping it is a minimum—within the next couple of days who are going to cite the fact that our distinguished Secretary of the Treasury, Mr. Rubin, said some legislation that he had seen that was the Domenici legislation on the lockbox wouldn't work mechanically, that part of the year you don't get in a real strong flow of income tax, and later on you get in a big flow of income tax, and that maybe you would not be able to control the expenditures and the need for cash during those early days if in fact you had a very rigid year-long debt limit.

We have done the best we can. We are open to suggestions to adjust to that need for flexibility without altering the ultimate dollar number that will be the debt held by the public.

Again, rather than use it to destroy this legislation, which it should not do—I read the letter, and we can fix the concerns of the Secretary—if that is all the concerns the administration has, if that is all of them, we already fixed most of them right here. But if it is not quite right, we welcome the legislative liaison from the Treasury or the White House to come and tell Mr. Rubin to tell us how to fix it better, just as long as it is understood that we don't want somebody from the administration saying that what we are really telling you is too tough, it is too rigid, it holds your feet to the fire too much, we ought to have more flexibility in terms of why and for what purpose we should use this Social Security surplus. If that is the reason the legislation is bad, we want to suggest that we are at opposite ends of the polls; for that is the reason we think it is good, because it is very tough.

If you are going to throw away much of the Social Security funds in the next decade instead of applying it to the debt of $1.8 trillion, it is not going to be easy, which means that Government is going to be pretty much tied to a reasonable budget that does not spend the Social Security budget surplus over time over this decade.

For those who say, well, you know, there will be no money for this or that or the other, maybe there won't, but maybe there will be because we are not saying that surpluses that are not Social Security surpluses are subject to any kind of restriction. They are subject to what Congress wants to do and what a President recommends.

So if there are surpluses that do not belong to them—and there is a very large chunk of surplus now that doesn't belong to Social Security—we are not trying to limit that. We Republicans think most of that should go back to the public in tax cuts, but that is a year-long battle with the President and others. That is not Social Security money.

Mr. President, that same sense-of-the-Senate language that I told you about that was adopted in the budget resolution in its final form, after it got 99 votes freestanding, it was adopted by a vote of 54–44 when the budget resolution was adopted.

When 99 people vote and tell the Senate what we should do, and then we do it, it would seem to me that it ought to be a rather simple proposition that we ought to do it, tell the public we meant what we said, and get on with making sure we find other ways to take care of our governmental needs, but not the Social Security trust fund for the next decade.

Unless the Senate and the sense-of-the-Senate resolution was meaningless, this statute should get rather broad-based support, it seems to this Senator.

Let me speak from the standpoint of what could be better for America than us doing this. I can think of hardly anything that could be better for America, not just for the seniors, better for America. Mr. President, $1.8 trillion during the next decade, and I truly believe that if this statute is adopted it will be perilously close to $1.8 trillion, that will be cut from the national debt.

That is an incredible number. Senator ASHCROFT just told us how big it is, in terms of percentage of our gross national product. But $1.8 trillion of public debt during this decade will be wiped clean and there will be no public debt against that $1.8 trillion because the surplus of Social Security money will be there, only to be used for major reform for Social Security if, in fact, that occurs during this decade.

Why is that good? If you asked almost every rational, reasonable, mainstream American economist from Alan Greenspan to that long list that said the President was doing good things in reducing the debt, you ask them if reducing the debt by $1.8 trillion is not a very positive thing for our economy and they will all say: The best thing to use surplus for is debt reduction. Because that means we borrow less. In a very interesting way it means we save more, because if you were to spend it, you would have to be borrowing to take its place. And if you do not borrow, you are saving. Since we individually save little, it is very good, starting into the new millennium and the first few years, that we have a low debt with low borrowing which may very well keep the American economy moving ahead, strong, powerful, with lower interest rates.

What could be better for America? Nothing. What could be better for seniors? Nothing—other than a reformed Social Security program that was in existence for 75 years with no problems. And, frankly, an appropriate plan might use this surplus in transition for that and we might get that out of this also.

Why else is it good for seniors? Did anybody hear the President go to the Rose Garden when he got a statement from the trustees of Social Security and Medicare the other day and announce to America that things were looking better for Medicare and Social Security? I believe there was an announcement that we added 8 years to the longevity of the trust fund for Medicare. And we did not do a thing.

We just continued to have a prospering American economy. So one can say seniors should want a prospering American economy more than anyone else in this society, because a prospering American economy, with high employment and low unemployment, is the best medicine for the Social Security trust fund and Medicare trust fund of anything, any set of activities we could do as American people, as business people, and as American taxpayers and workers, producing goods and services in this very vibrant and powerful economy.

So, when you look at that, this may just be, in some people's minds, some small approach to making the case that we are trying to save Social Security trust fund money from being spent arbitrarily for things that are not Social Security. It is more than that. It is a combination of things that I just described, including the very positive result of greatly reducing the national debt while we wait to see what is needed for Social Security reform; a very, very positive piece of legislation.

It is important to allow the Federal Government maximum flexibility in times of low growth or recession. The Federal budget is one of the most important economic policy tools we have. In fact, we have procedures in place which allow us to suspend our budgetary enforcement rules during such times.

This legislation contains a low-growth, recession trigger as well. If the Department of Commerce reports two consecutive quarters of real economic growth of less than 1 percent, the limit of debt held by the public is suspended. The current law statutory debt limit would still be in place.

The limit on debt held by the public is suspended until the Commerce Department issues a final GDP report indicating that the level of real GDP has risen back to its level prior to the low growth or recession period. The limit on debt held by the public is restored at its actual level (at the time the Commerce Department report is issued that de-triggers the suspension.)

The limit on debt held by the public then begins to decline at the same rate that it would have had the suspension not been triggered.

Mr. President, the Act is effective for 10 years and then sunsets. This is the same time period covered by the recently adopted concurrent resolution on the budget for fiscal year 2000—H. Con. Res. 68. It is a period of time in which the Social Security trust fund balances are expected to grow by nearly $1.8 trillion. These balances would retire debt held by the public which would help prepare the country for the retirement of the baby boom generation early in the next century. It reaffirms off-budget treatment of the social security program.

The act reaffirms current law that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the Federal budget submitted to Congress by the President or any congressional budget.

The act creates a new Budget Act point of order against Congress adopting a budget that uses social security surpluses to achieve balance, and requires the President to submit a budget that does the same. It uses the Social Security surplus to reduce the debt held by the public. The act establishes a new enforceable limit on the amount of debt held by the public over the period from 2000 to 2010. These debt limits specified in the act are current estimates of the level of borrowing from the public over this period that result from the Social Security surplus only being used to retire debt. The surplus could not be used for non-Social Security spending or tax cuts. Legislation increasing these limits would require a super-majority vote in the Senate.

The act establishes the first limit becomes effective as of May 1, 2000, and effectively ratchets down this limit May 1 and periodically thereafter. The effective date accommodates Treasury Department's Federal cash management responsibilities. The newly established debt held by the public limits would not disrupt the cash management operations of the Bureau of the Public Debt nor would it jeopardize Social Security benefit payments.

The limits follows:

May 1, 2000 through April 30, 2001, $3.628 trillion;

May 1, 2001 through April 30, 2002, $3.512 trillion;

May 1, 2002 through April 30, 2004, $3.383 trillion;

May 1, 2004 through April 30, 2006, $3.100 trillion;

May 1, 2006 through April 30, 2008, $2.775 trillion; and

May 1, 2008 through April 30, 2010, $2.404 trillion.

There are adjustments to Limits for Social Security reform, recessions, emergencies and war. Social Security reform—the Act authorizes adjustments to the limits established for legislation enacted that reforms Social Security during this time period. If Social Security reform legislation is enacted, and if that legislation has the effect of changing the debt held by the public specified in this act, then the Secretary of the Treasury shall adjust the limits in this act to reflect those changes.

Recessions—the provisions of this act are suspended during a period of low economic growth. Two consecutive quarters of less than 1 percent real economic growth would automatically make the debt limits in this act inoperative. After the recession has ended, the act would reinstate new debt limit levels adjusted for the impact of the recession.

Emergencies—the act also provides for an automatic adjustment to the debt limit levels specified if, after the adoption of this act, the Congress enacts into law "emergency" spending defined under the Balanced Budget Act. If emergency spending uses a non-Social Security surplus, then no adjustment to the limits would be necessary. If, however, emergency spending requires the usage of Social Security surpluses, then the limits specified in the act would be adjusted for that amount.

Declaration of war—the act would be suspended upon Congress enacting a declaration of war.

I want to suggest there are those who wonder what we will do if we have a recession. I provided in this a triggering mechanism. If there is anybody who would like to improve upon it, I welcome it. But it says you have a recession if you have two consecutive quarters of significant downturn in the economy, in which event you may very well be dramatically impacting upon the tax take of the country. In that case you may, indeed, trigger a halt to the reduction, the constant reduction of the debt limit. And you may leave it in place until you get into a recovery mode and then set it back on its trendline toward total elimination of the $1.8 trillion.

In addition, you will find some language in it regarding war, or regarding substantial moneys being needed for our military. Those may occur from time to time and we would not want people to say this is making it impossible to fund that, even though holding it is a good thing. It might be that you would want to use it for those kinds of things, and there is a provision permitting us to do that.

When you add it all up, I think we have been considerate of the problems associated with trying to truly lock this money in and that we have a good bill. We hope we get some support from the Democratic side before we are finished, and we stand ready to debate it. I hope our leader stands ready to debate it as long as necessary for us to get an up-or-down vote and see just where we all stand so our people will understand our position when the legislation appears, rather than when we have a sense of the Senate that we ought to do this. Let's see what happens on the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me first respond to our distinguished budget chairman by reading a letter addressed to our distinguished minority leader by the Secretary of the Treasury, Robert Rubin. It is dated March 17, 1999.

DEAR TOM: Thank you for inquiring about the impact of the new debt limits contained in the Social Security Surplus Preservation Act. I appreciate the opportunity to respond to your question. In brief, I am deeply concerned that these limits could preclude the United States from meeting its future financial obligations to repay maturing debt and to honor payments—including benefit payments—and could also run the risk of worsening a future economic downturn.

It has been this Administration's view that fiscal restraint is best exercised through the tools of the budget process. Existing enforcement tools such as the pay-go rules and the discretionary spending limits in the Budget Enforcement Act have been key elements in maintaining fiscal discipline in the 1990's Debt limits should not be used as an additional means of imposing restraint. Debt is incurred solely to pay expenditures that have previously been authorized by the Congress and for the investment of the Federal trust funds. By the time the debt limit is reached, the Government is obligated to make payments and must have enough money to do so.

If Treasury were prohibited from issuing any new debt to honor the Government's obligations, there could be permanent damage to our credit standing. The debt obligations of the United States are recognized as having the least credit risk of any investment in the world. That credit standing is a precious asset of the American people. Even the appearance of a risk that the United States of America might not meet its obligations because of the absence of necessary debt authority would be likely to impose significant additional costs on American taxpayers. Yet, in November 1995, a debt crisis was precipitated when Government borrowing reached the debt limit and in January Moody's credit rating service placed Treasury securities on review for possible downgrade.

As you know, there is currently a statutory limit on the amount of money that Treasury can borrow in total from both the public and from Federal trust funds. The proposed "lockbox" provision would add a new statutory limit on debt to the public.

The proposed new debt limit runs the risk of precipitating additional debt crises in the future. Although the proposal adjusts the debt ceiling for discrepancies between the actual and projected Social Security surpluses, it does not make similar corrections for unanticipated developments on the non-Social Security side of the budget. While our forecasts have been conservative, the current forecast of the non-Social Security budget could prove too optimistic because of changes in the economy, demographics, or countless other factors. This could cause the publicly held debt to exceed the new debt limit.

Furthermore, even if the debt limit appears sufficient because if covers the annual debt level—measured from end-of-year to end-of-year—it could easily be inadequate for the Government to meet its obligations at a given point during the year. Under normal circumstances, every business day, Treasury makes payments—including Social Security payments on certain days. In any given week, Treasury receives revenues, makes payments, and refinances maturing debt. Weekly and monthly swings in cash flow can easily exceed on-hand cash balances. When this occurs, Treasury then borrows from the public to meet its obligations. If the amount of publicly held debt were to reach the level of the debt limit—or if the debt limit were to decline to below the level of publicly held debt—Treasury could be precluded from borrowing additional amounts from the public. If Treasury could not borrow to raise cash, it is possible that it could simply have to stop honoring any payments—including Social Security payments.

In this case, Treasury could be prohibited from issuing any new debt to redeem maturing debt. Every Thursday, approximately $20-23 billion of weekly Treasury bills mature and, every month, an additional $60–85 billion in debt matures. These securities must either be paid off in cash or refinanced by issuing new debt. Treasury could be put in the position of having to default for the first time in our nation's history.

Congress could defuse the debt limit problems by immediately voting to raise the debt ceiling. Under the "lockbox" proposal, however, it would take sixty votes in the Senate to do so. As past experience indicates, obtaining a super-majority for this purpose is often time-consuming and difficult. Moreover, this requirement would greatly enhance the power of a determined minority to use the debt limit to impose their views on unrelated issues.

Finally, the proposed debt limits could run the risk of worsening an economic downturn. If the economy were to slow unexpectedly, the budget balance would worsen. Absent a super-majority vote to raise the debt limit, Congress would need to reduce other spending or raise taxes. Either cutting spending or raising taxes in a slowing economy could aggravate the economic slowdown and substantially raise the risk of a significant recession. And even those measures would not guarantee that the debt limit would be not be exceeded. A deepening recession would add further to revenue losses and increases in outlays. The tax increases and spending cuts could turn out to be inadequate to satisfy all existing payment obligations and keep the debt under the limit, worsening a crisis.

To summarize, these new debt limits could create uncertainty about the Federal government's ability to honor its future obligations and should not be used as a instrument of fiscal policy. While we certainly share the goal of preserving Social Security, this legislation does nothing to extend the solvency of the Social Security trust funds, while potentially threatening the ability to make Social Security payments to millions of Americans. I will recommend that the President veto the bill if it contains the debt limit provisions. If you have any additional questions, please do not hesitate to contact me.

Sincerely,

ROBERT E. RUBIN.

(Mr. DOMENICI assumed the Chair.)

Mr. HOLLINGS. Mr. President, the interesting thing to this Senator, of course, is the date, March 17. Nothing has changed. We knew that the distinguished chairman of the Budget Committee and his colleagues would be conspiring, as they have delayed us this afternoon to get the exact right conspiracy. To do what? To eliminate President Clinton's budget, on the one hand, and to engage in a charade or fraud, on the other hand, to make the Members, and particularly the media that covers this thing, see the perception is the reality. They are still talking surplus, surplus, surplus, surplus when we pointed out time and time and time again there is no surplus. We are spending $100 billion more than we are taking in. But this is to get everybody to think there is some change.

All you have to do is read the distinguished chairman's summary of the Social Security Surplus Preservation and Debt Reduction Act, summary of amendment, April 20, 1999. This is 1 month later. The distinguished Secretary of the Treasury foresaw this amendment. There is nothing complicated about it except its wording and rewording of the statutory provisions of 13301 and many, many other provisions, to mislead, as if it were really doing something.

But, 2, "Uses Social Security surplus to reduce the debt held by the public."

Mr. President, we have been doing that for years and years on end. That is what we call the unified—there it is—the unified deficit. That is when they use the Social Security surplus. We have this chart. We have been using this for years.

As a former chairman of the Budget Committee—I speak advisedly, not politically—I have been trying my dead level best to do what the chairman in this amendment proposes to do, but it is the same act, the same scene, because in 1968 President Lyndon Baines Johnson brought about a merging of the Social Security trust fund with general funds of the U.S. Government so we could then talk about a unified deficit with trust funds. Therefore, you could get a surplus rather than a deficit.

The truth of the matter is, the trust fund surplus from Social Security is $126 billion. You use Social Security trust funds and you continue to do so.

They say pay down the public debt. Let me get into that paying down the public debt, like it is something other than the national debt. I am in my 33rd year, and the real problem is to really try to stop increasing the national debt and to pay down the national debt.

When we say pay down the debt, do not give monkeyshines of paying down public debt, thereby increasing Social Security debt. The distinguished Senator from Missouri said just a minute ago, if you inherited money, rather than going off to Las Vegas you ought to pay off your home mortgage. This does not pay off the home mortgage. This does not pay down the national debt. It just levels off and obscures the true size of the national debt, whereby we are thinking we are reducing the public debt and we are paying our bills. Not at all.

(Mr. SMITH of Oregon assumed the chair.)

Let's assume, Mr. President, individually I had two credit cards, I had a MasterCard and I had a Visa card, and I got in a big bill from MasterCard, and I said, "Well, I'll take care of that crowd. They've been bringing a lot of pressure on me, so I will just take the Visa card and pay off the MasterCard." I still owe that much more money. I have just transferred it from MasterCard to Visa. In this case, I am just transferring it from public debt to Social Security. I am using, borrowing, spending—ah, spending—the Social Security moneys to pay down the public debt.

That is all this amendment says, and that is what we have been doing since 1968. But on this long sheet here of—how many pages are here? It is a 17-page amendment, with all these facts and figures. You can find the triggering mechanism on page 10, when they say, "After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level." And when you subtract that level, you bring down the public debt. That is the triggering mechanism. The amendment has 17 pages, and you will find it on page 10. The debt goes up, up, and away.

Mr. President, I had to go to the Congressional Budget Office and ask for the trust fund balances. As of February 1999—I have not gotten it for March yet. Let me give you the Congressional Budget Office figures here of what we owe Social Security. That is something you ought to remember, that there isn't any Social Security surplus. Yes, each fiscal year there has been for several years, because we really bring in more than what we have to pay out that particular year. But having spent it, having been paying down the public debt, we have been spending the Social Security money.

So Social Security, as of 1998, $730 billion in the red; 1999, $857 billion. These are CBO figures. These are shockers—shockers—to you, because I am reading out how we are increasing the debt, not paying it down.

We are the board of directors of the Government. We are not stock analysts up on Wall Street hoping that the Government does not come in with its sharp elbows, borrowing to pay its bills, running up interest rates, perhaps causing inflation, crowding out corporate finance.

So you will find that the financial community and the Greenspans—oh, they love this "pay down the public debt." They are not elected to office. We are elected as the trustees of the fiscal condition of the U.S. Government.

Here is the most important program we have domestically, the Social Security program. And in 1998, $730 billion in the red; in 1999, it is projected to be $857 billion; in 2000, $994 billion; in 2001, $1.139 trillion; and in the year 2002, under current policy, paying down the public debt, $1.292 trillion; in 2003, $1.453 trillion; in 2004, $1.624 trillion; in 2005, $1.808 trillion, in 2006, $2.001 trillion; in 2007, $2.205 trillion. And at the end of the 10-year period this particular amendment contemplates, in the year 2008, we will owe, paying down the public debt and increasing the Social Security debt, $2.417 trillion.

Now, come on. When you need the money to make the payments, when you can't just depend on the interest cost in 2013, at the end of the year in 2012, you are going to have to start borrowing money. And in 2034 you will be outright broke and you will owe nearly $4.5 trillion—almost $5 trillion.

Who would want to be Senators running for reelection? Who would want to get elected to that mess? All you can do is cut down all the programs and raise taxes, unless you can get away with this fraud that is going on.

I use the word "fraud" advisedly. We learned, as freshmen in law school, that it had to be false, and it was intended to be false, and intended to deceive, that it was relied upon, it did cause damage, and the damage was the proximate cause. This particular amendment is knowingly with intent to deceive. It is a fraud. It does not change a thing.

We have been paying down the public debt with Social Security money, and we are running up Social Security's debt, sticking it more and more and more in the red, all under, "We're going to save Social Security 100 percent. It is going to be spent on only Social Security"—absolutely false. When you pay down the public debt, that debt could have been caused by defense, Kosovo, it could have been caused by food stamps, it could be caused by foreign aid or Lawrence Welk's home—I remember when we appropriated money for Lawrence's home—it could be anything.

So when you are paying down the debt, as it says right here on the face of the handout by the distinguished chairman of the Budget Committee—and I read, again, "uses the Social Security surplus to reduce the debt held by the public"—the debt held by the public is cumulative with every and any amount of different expenditures. So it has more to be spent on every and any thing but Social Security, all the time saying they are saving Social Security.

Let me make absolutely clear about this fiscal condition that we are in, because we have a cancer; we have fiscal cancer.

Mr. President, I have a good friend over on the House side, the chairman of the Transportation Committee, Mr. SHUSTER. And he is finally going to spend some highway moneys on highways. Bless him. I am 100 percent for him, because I have been in this game now ever since we started the budget process in 1973, 1974, with Senator Muskie. I have been the chairman of the committee.

But here are the trust funds. The Secretary of Treasury refers to trust funds. Somebody will say, they are not trusts, but they are supposed to be. "For the investment of Federal trust funds" is the expression used by Secretary Rubin. I am using the same expression: "Trust fund looted to balance the budget."

In 1999, here is what we owe Social Security: $857 billion; Medicare, we got $129 billion for the HI portion of Medicare and 39 billion for the SMI portion; for military retirement, $141 billion; for civilian retirement, we owe $490 billion—that is civil service employees; they ought to know it; it is going up—unemployment compensation fund, $79 billion; highway moneys, $25 billion; airport moneys, $11 billion; railroad retirement, $23 billion; and "other," like the Federal Finance Bank, $57 billion. So we owe our trust funds $1.851 trillion.

By this 5-year period, at the end of 2004, we will owe $2.954 trillion under current policy, and the amendment of the Senator that has just been put in by the majority leader—I wasn't here when it was introduced, but I understood he was going to put it in or the chairman of the Budget Committee—the one under consideration, in 5 years, we will owe $3 trillion to all of the particular trust funds. And the distinguished Senator from Texas came down to the floor of the Senate, and this is a quote of what he said on April 15:

> I believe that this is an excellent budget. I think, looking at the whole package, it is the finest budget presented in America in the 20 years that I have served in Congress.

Do you know what it does, Mr. President? It just breaks all the discipline, the little discipline that we do have that has been in the pay-go rules. So once we settle out, then any amendment that came in, you had to have an offset.

Here is what they do in the conference report so that they can go ahead with tax cuts and anything else they want. Of course, the manifest intent is to do away with Social Security, privatize it. In order to privatize it under Milton Friedman's plan, you need what? You need these surpluses. You need the $1.8 or the $2 trillion or, if you do it in the year 2004, you will need $3 trillion. So you will need these surpluses.

Here's how you get them. Section 202 of this budget—here is the conference report on the budget:

> Whenever the Committee on Ways and Means of the House or the Committee on Finance of the Senate reports a bill or an amendment thereto is offered or a conference report thereon is submitted that enhances retirement security through structural programmatic reform, the appropriate chairman of the Committee on the Budget may, one, increase the appropriate allocations and aggregates of new budget authority and outlays for the amount of new budget authority provided by such measure and outlays flowing therefrom for that purpose. Two, in the Senate, adjust the levels used for determining compliance with the pay-as-you-go requirements of section 207. And, three, reduce the revenue aggregates by the amount of the revenue loss resulting from that measure for that purpose.

There go your tax cuts.

What does this mean? It means what the distinguished chairman of the Budget Committee says. Whenever the Committee on Ways and Means of the

House or the Committee on Finance reports a bill, an amendment thereto, the chairman can decide, the appropriate chairman of the Committee on the Budget, he can tell you what that means; it means what he says.

I am speaking as seriously as I know how. I have never seen the extreme of the shenanigans and the maneuvers and the misleads and the fraud going on politically, all to get by the next election, specifically using Social Security trust funds.

Let's go back, Mr. President, to the Greenspan Commission. The Greenspan Commission, in 1983, said we are going to institute this payroll tax; namely, the 6.2 percent, the payroll by the employer, and 6.2 percent by the employee, for 12.4 percent. And we know that is a high payroll tax. But we are putting that in to take care of the baby boomers in the next generation. That is why it was put in that way.

And to make sure that it was set aside, section 21, Mr. President, provided just exactly that. It provided that it be set aside and that—if I can find that section, I will show it to you, section 21. It said remove Social Security from the unified budget. That has been the on-budget, off-budget, unified and all that, un-unified, private debt, public debt, trust fund debt, everything else—it is just one account. But I will read section 21:

> A majority of the members of the National Commission recommends that the operations of the OASI, DI, HI and SMI Trust Funds should be removed from the unified budget.

It took this Senator on the Budget Committee almost 7 years before I could finally get it reported out of the Budget Committee, that particular provision.

I ask unanimous consent that section 21 of the Greenspan Commission report be printed in the RECORD.

There being no objection, section 21 was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY AND THE UNIFIED BUDGET

(21) A majority of the members of the National Commission recommends that the operations of the OASI, DI, HI, and SMI Trust Funds should be removed from the unified budget. Some of those who do not support this recommendation believe that the situation would be adequately handled if the operations of the Social Security program were displayed within the present unified Federal budget as a separate budget function, apart from other income security programs.

Mr. HOLLINGS. I thank the Chair.

I think we have in here section 13301. I ask unanimous consent that we print in the RECORD at this point section 13301 of the Budget Enforcement Act.

There being no objection, section 13301 was ordered to be printed in the RECORD, as follows:

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any . . ."

Mr. HOLLINGS. I thank the distinguished Chair. I will read "Exclusion":

> Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors and, disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code."

And it goes on in paragraph (a) saying that the Social Security trust fund

> . . . shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of the budget of—(1) the budget of the United States Government as submitted by the President, (2) the congressional budget, or (3) the Balanced Budget and Emergency Deficit Control Act.

Now, true it is, the amendment reiterates that particular section. But that has been in the disabuse, the disavowal, the violation thereof ever since 1990, when President Bush signed it into law on November 5 of that particular year. And this particular amendment continues to put it within the unified by paying it down.

Now, that has been the big problem all along. And so at the beginning of the year, when I fortunately began to hear music to my ears that both the White House and congressional leaders on both sides were saying again and again that they were going to save Social Security, I got with my friend Ken Apfel, who used to work for the Budget Committee and is the Administrator of Social Security today, and, as a result, we introduced S. 605, a bill to solidify the off-budget status of the Old Age Survivors and Disability Insurance Program under title II of the Social Security Act and to protect program assets. Let me read section 5:

> Notwithstanding any other provision of law throughout each month that begins after October 1st, 1999, the Secretary of the Treasury shall maintain in a secure repository or repositories cash in a total amount equal to the total redemption value of all obligations issued to the Federal old age and survivors insurance trust fund and the Federal disability insurance trust fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of such month.

Mr. President, that really puts it into a lockbox. It is in the Budget Committee. I have asked the chairman to let us bring it up. I would be delighted to have hearings on it. We would give anything to have a vote on it, but they have filled up the tree so I can't put it in as an amendment here. Maybe we can get it at the end of the so-called cloture vote and put it in when we get an up-or-down vote on this.

But section 201(d) requires the Social Security Administration to invest in Treasury bills, Government securities. Necessarily, they get the IOU and the Government gets the money. But if you immediately transfer an equal amount of money back to a trust fund in Treasury, as section 5 requires, then you have the lockbox where the money is only expended for Social Security purposes.

Now, this has been drawn with the assistance of the Social Security Administration. And some of my colleagues, when I showed it to them, they said: Wait a minute, that's what you are going to do. What you are going to do with the money is, you do exactly with the money as you did between the years 1935 and 1968 before you started this monkeyshine of a unified budget, spending all of the Social Security trust funds. That is what happens. You keep it right over there and it gets the highest amount permissible by law under T bills today, which this year in interest will be $48 to $50 billion in interest that it earns.

This money is supposed to be earning, on the one hand, and kept in trust, those earnings, and the total fund on the other hand. Instead, we are spending the interest and the fund itself. We are breaking Social Security, and coming out here baldfaced and saying we all want to save Social Security, and not one red cent is going to be spent on any other than Social Security. It is one grand fraud.

Mr. President, let me just emphasis, since I have the page turned here on public debt and private debt, or gross Federal debt—I am referring to an analysis of the President's budgetary proposals for fiscal year 2000. I asked CBO, "What do you really leave out when you call it this public debt? What part of the debt, the overall public and private, or trust fund debt, goes into the national debt?" This is held by the public. I am referring to page 74, April 1999, the most recent report of the Congressional Budget Office: Debt held by the public is the amount of money that the Federal Government has borrowed by selling securities to finance all of the deficits less any surpluses accumulated over time. Under the CBO's apparent baseline forecast, debt held by the public is estimated to decline from $3.6 trillion in 1999 to $1.2 trillion in 2009. Gross Federal debt consists of debt held by the public and debt issued to Government accounts.

Like you issue and you receive in Government accounts, most of the latter type of debt is held by trust funds, the largest of which are Social Security and Federal civilian employee retirement funds.

Because Treasury handles investment by trust funds and other Government accounts, purchases and sales of such securities do not flow through the credit markets. Therefore, interest on those securities is considered to be an intragovernmental transfer.

That is what I call the monkeyshine when they take from one and give it to the other. You only are talking about the one that you are giving, and you are saying you are reducing the public debt, but you are increasing Social Security debt and saying in the same breath you are saving Social Security when you are looting it, when you are savaging it. You are ruining it. There is no question that is what is going on, and that is what this amendment calls for.

Back in 1983, if we had any idea that Social Security trust funds were going to be spent for any other purpose, you would have never passed that tax increase on Social Security, that payroll tax. You would never have been able to get the votes.

We all talked and revered ourselves out here on the floor with the flourishes of how we were saving Social Security, that we weren't going to let it get in the red anymore, and how we are going to take care of the baby boomers in the next generation, and that we are not going to have it go bust. Instead, it is not the baby boomers that continue to talk. It is the adults on the floor of the Congress totally in violation of all Government policy. We are going to private corporations. And in 1994 we passed the Pension Reform Act and said there are too many of these takeovers. Well, these fast money artists come in and pay down a good conservative-run company. They pay down the company's debt with the pension fund, and then take all the money and run. We said that is going to have to stop, and we are going make it a felony if you do it.

So we passed the Pension Reform Act of 1994.

Colleagues have heard me tell the story of Denny McLain, because I saw it in the New York Times whereby Mr. McLain, the all-time pitcher for the Detroit Tigers, became the head of a corporation, paid off the debt with the company pension fund, got fired, convicted of a felony, and sentenced to 8 years. Mr. President, if you can find what cell poor Denny is in, tell him next time run for the Senate. Instead of the jail term, he would get the "Good Government Award."

We stand out here baldfaced and say how we are saving Social Security when we are spending it on the debt. Don't get all caught up with public debt like they want. That is what they want. They want us to meet ourselves coming around the corner. By the year 2000, next year, we will owe $2 trillion, and by the end of the 5-year budget period, we will owe trust funds—the Government itself—$3 trillion.

I can tell you. You couldn't do this in corporate America. We would be all fired as the directors.

But that is what happens and what occurs then. Finally, the fiscal cancer grows in droves. What happens is then it is projected that this year there is $356.3 billion in interest costs.

Let me just say a word about that. I see other colleagues here on the floor, who I would be glad to yield to.

But I am trying to emphasize again and again that this amendment does nothing more than increase our fiscal cancer. It does not save Social Security. It puts Social Security deeper in the red. That is what happens here when you get the forced spending like taxes for interest costs on the national debt, which is part of the public debt, too, and the debt owed to the trust funds—what they might call if we were a private entity our "private debt." But what happens is, as with Lyndon Johnson, President Johnson, back in 1968 when we last balanced the budget, when the Government last balanced the budget, in 1968–1969 we ended up with a surplus. We didn't use Social Security moneys, incidentally. At that particular time, there were about 200 years of history, and the cost of all the wars from the Revolution on up to World War I, World War II, the cost of Vietnam, Korea, the debt was less than $1 trillion. And the interest cost was only $16 billion—one-sixth—$16 billion. Here, without the cost of a war and the ensuing years, it has gone up to $1.2 trillion.

So we have increased spending for nothing, absolutely nothing. This is what I call "fiscal cancer." You put in a sales tax. You get a school. You put in a gas tax. You get a highway. You put in other taxes. You get general government. But you put in this interest tax, for this charade, fraud, maneuver, political maneuver, and the cancer continues to grow. As the amount shows here on its face, for the next 5 years, the interest costs go up.

Here we are forced to spend $340 billion more than what President Johnson spent when the budget was last balanced.

Mr. President, just think of that $340 billion that I am going to spend this year, next year, next year. In fact, it is going up, up and away in interest costs. This is all under current policy, incidentally. And we have already destroyed current policy by passing an $18 billion military pay bill.

We have now, and we are all going to vote for it, I think, $6 billion for Kosovo. We have already busted the caps $21 billion. That is not the case here. This is saying that you have not busted the caps, that you had no Kosovo, that you had not voted $18 billion for the military. But just think of that $340 billion more. I could give $80 billion to paying down Social Security or saving Social Security. I could give $80 billion to pay down the public debt. I could give $80 billion for the Republican tax cut. I could give $80 billion for the Democratic spending programs, for Medicare and otherwise. That is only $320 billion. I would still have $20 billion for a parade and a party. As I promised my distinguished chairman, I would jump off the Capitol dome if he balanced the budget by the year 2002. That was a couple of years ago—or 2001. I am still willing to reiterate that pledge.

They are not balancing the budget. We are spending, as you can see, $105.2 billion more than we are taking in, according to CBO this year, and $91.8 billion more than we are taking in for the budget that we are working on for the year 2000. That is what I call fiscal cancer, and nobody wants to talk about it. They want to say: Oh, everything is coming up like roses. It is morning in America, whatever else, any kind of political jargon. But the reality is there. I have a record and I did not just come to this recently. I put in the sales tax, back in 1949 and 1950 for public education in my own State. I got the first triple-A credit rating of a southern State.

I have been chairman of this Budget Committee and I have been watching. I am trying to educate the media, that is the only saving grace I have, if they could finally come out like Barron's did and say there is no surplus. Everybody is talking about using the Social Security surplus. Mr. President, I do not think I can get this printed in the Record—but here the Concord Coalition has finally come around, and a few others have come around and said it—but Barron's, dated March 1: "There is no budget surplus."

If we could talk sense to each other, we could figure out how to get out of this thing. I said let's do it the way the Social Security Administration said; let's save it, let's put it in a true lockbox, S. 605. I thought when I passed 13301 that I had put it in a lockbox, on November 5, 1990. We said it never would be spent and be used to reflect the financial condition, but they violate it regularly.

S. 605 now says that you have to keep the money there. That is how we did it for years on end. It was fiscally sound. That is what is required of other pension funds, that they maintain their fiscal soundness.

With that in mind, I yield the floor.

Several Senators addressed the Chair.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President, for recognizing me.

Mr. President, I support the underlying bill to reform the rules governing emergency spending that has been reported out of the Committee on Governmental Affairs. Two amendments to that bill have now been offered, a first-degree amendment and a second-degree amendment, which blocks further amendments. The pending amendments are proposing to establish what is being called a Social Security lockbox.

Unfortunately, this lockbox is not secure. And it actually could undermine Social Security.

We Democrats have a far better alternative. Ours is a true lockbox. And it protects both Social Security and Medicare in a much more responsible way.

Before I comment further on the lockbox proposals, I want to review the underlying bill before us, which would make significant improvements in the treatment of emergency spending.

Emergency spending is not casual spending. It is so important that it is exempt from budget rules. And that is as it ought to be, because it involves responding to things like floods, earthquakes and volcanoes.

We can all identify parts of the country—the floods in the Midwest, the volcano in the State of Washington, and the terrible earthquake damage in California. Those are emergencies. They are immediate threats to American public health and safety, and Congress often has to act promptly to avoid the loss of life and property.

Unfortunately, the emergency exception has been abused. Last year, Congress stretched the rules past the breaking point in the omnibus appropriations bill, which included many items of questionable emergency designation, especially those for military spending. These were declared emergencies when, in fact, we were not looking at Kosovo and these items were not needed to respond to an imminent threat.

Mr. President, Congress has been able to abuse the emergency designation in part because the rules have been totally open-ended.

To address the problem, the Governmental Affairs bill proposes a new definition of "emergencies" and a point of order to help prevent conference committees from inserting unjustifiable new emergency spending. It is a good bill. And I commend Senator THOMPSON and Senator LIEBERMAN for their leadership.

Mr. President, while we were considering the budget resolution, the Senate approved an amendment offered by the distinguished Senator from Illinois, Senator DURBIN, that was based on this legislation. Yet the conferees on the budget resolution ignored the Senate's position. Instead, the conferees constructed a 60-vote point of order that now applies to all emergency spending—but with a huge loophole. Military spending was completely exempted, whether it was for new weapons systems or whatever.

Mr. President, Heaven knows that all of us want to support our military, and want to make sure that what we are doing in Kosovo is fully supported. I, for one, hope that we will do whatever we can to bring this wave of atrocities to a halt. So I am not complaining about military spending.

But, Mr. President, I thought that what the conferees on the budget resolution did was wrong. It was an abuse of the conference process since neither Senate nor House had approved anything like this. They just came up with it on their own.

I also thought it was bad policy.

Mr. President, there is no reason to allow 41 Senators to overrule 59 Senators who want to provide emergency spending for a flood, tornado, hurricane, or earthquake. And there is no reason to create a higher hurdle for a legitimate disaster than for a new weapons system.

I am afraid, Mr. President, that a 60 vote point of order against emergency designations is itself subject to abuse. One can conceive of all kinds of mischief to punish a particular senator or state for political reasons. And we should not to allow that kind of abuse.

Unfortunately, Mr. President, the amendment before us would leave this problematic approach from the budget resolution in place. Even worse, it would write it into law. I think that would be a serious mistake.

Now, Mr. President, I want to turn to the proposal to establish what proponents call a lockbox.

I strongly support the purported goal of this amendment; that is, to secure the future funding of Social Security. But I have three major problems with this proposal.

First, it does nothing to protect Medicare. Instead, it allows Congress to divert funds needed for Medicare in order to provide tax breaks for the wealthy.

Second, it threatens Social Security. Under the amendment, an unexpected economic downturn could block the issuance of Social Security checks. This would deal a serious blow to so many of our elderly who are dependent on Social Security.

Also, the amendment contains a booby trap that would allow Social Security contributions to be invaded for purposes other than Social Security benefits, like a risky new privatization scheme.

And third, the amendment could create a Government default —a U.S. Government default. It could undermine our Nation's credit standing, increase interest costs, and ultimately lead to a worldwide economic crisis.

I want to explain each of these in turn. The Medicare trust fund is now expected to be bankrupt by 2015—only 16 years away. We ought to move quickly to reform and modernize the program. But it is also clear that we will need additional resources. That is why most Democrats believe it is critical to save some of the surplus for Medicare.

Our Republican friends say they agree about the importance of saving some of the surplus for Social Security. But when it comes to saving for Medicare, they are not willing to reserve a single penny. Instead, they want to use funding that is needed for Medicare to provide any other things they favor, including tax breaks which are largely for the wealthy.

We Democrats think that is a mistake. And that is why I have developed a lockbox that would reserve funding for Medicare as well as Social Security. And I hope to have an opportunity to offer that proposal with Senator CONRAD of North Dakota.

Beyond its failure, Mr. President, to protect Medicare, the second major problem with the pending amendment is that it fails to protect Social Security. Actually, in some ways it threatens Social Security benefits.

First, it threatens to block the issuance of Social Security checks if the economy slows, or if the Congress fails to act responsibly. If the limit on public debt is exceeded, even by the smallest of margins, the Government could not issue more Social Security checks, and checks already issued could not be honored.

The Republicans say they protected Social Security benefits by providing that such benefits would be given—and I quote— "priority." But this language will be of no use if the debt limit has been exceeded.

In that situation, no new checks could be issued. And that applies not only to Social Security checks, but unemployment compensation, Medicare payments and all other Government payments as well.

The lockbox amendment also includes a huge loophole. I call it a mine field. And it could allow Social Security funds to be used for a wide variety of purposes, anything that Congress labels as Social Security reform.

Mr. President, these are code words. They say we are going to lock the door, but we are going to leave it open just a crack or two—something people wouldn't do in their safe deposit box, something they wouldn't do in their homes. We want to leave a couple of catch phrases in here like "retirement security," like "reform," and so that we do not really guarantee that Social Security surpluses are going to be reserved for Social Security beneficiaries.

We had a vote here, 98 to nothing. We said that all Social Security surpluses should be reserved for Social Security recipients. 98 to nothing. But it didn't take long for the conferees on the budget resolution—those from the majority party—we weren't included—to put that vote in the trash basket. They included vague language that would allow Social Security surpluses to be used for, and I quote, "retirement security."

Similarly, the language of this amendment includes an escape hatch that will allow Congress to divert Social Security surpluses for anything that Congress labels as Social Security reform.

I heard the distinguished chairman of the Budget Committee say earlier today that much of our surpluses ought to be reserved to give tax cuts to the people. It is not a bad idea. We like tax cuts, targeted tax cuts. But the leading Republican tax proposal, S. 3, would give those in the top one percent, with average incomes of $800,000 a year, a $20,000 tax cut. Meanwhile, some poor guy who works for a living, and his wife, or maybe a single parent who is working out there and making $38,000 a year, is going to get 99 bucks. That is what the Republican leadership has proposed.

So I would say to that $800,000 wage earner: Sorry, buddy, we are not going to give you the $20,000 that you could use to put a downpayment on a yacht or whatever else you want to do.

My conscience doesn't bother me at all when I say that tax cuts ought to be reserved for people who need proper day care for their children or need to help an elderly parent who has special medical problems.

Mr. President, when the Social Security trust fund goes bankrupt in 2034, it will be able to pay only about 70 percent of the promised benefits. Diverting payroll taxes for other uses, as this amendment allows, could make matters much worse. The date of insolvency could be moved up and arrive earlier. And instead of being able to pay only 70 percent of promised benefits, we would be able to pay even less.

The issue here is not whether to establish private savings accounts, as many have suggested. President Clinton has recommended one form of such accounts, his USA accounts. Others have similar ideas.

But when Social Security already is 30 percent short of being able to provide promised benefits to baby boomers, we can't afford to invade its funds for other uses. If we want to establish private accounts, we can use other funds. We shouldn't permit even deeper cuts in guaranteed benefits.

It also is important to understand that this amendment would do nothing to extend the life of Social Security trust funds. That is not just my opinion, it is a fact.

To back that up, I have a letter from Mr. Harry Ballantyne, chief actuary of the Social Security Administration. As Mr. Ballantyne writes, the adoption of this proposal would have no significant effect on the long-term solvency of the program—none.

I ask unanimous consent that a copy of this letter from the chief actuary of the Social Security Administration be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY ADMINISTRATION,
April 19, 1999.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: This letter addresses the potential long-range financial effects on the OASDI program of "locking away" the annual increases in the Social Security Trust Funds, as proposed by Republican leaders in the Senate and the House on March 10, 1999. The proposal would require that annual increases in the OASI and DI Trust Funds would be used solely to purchase long-term special issue U.S. government bonds. In addition, the proposal would require that the revenue used for the purchase of these bonds would in turn be used solely for the purpose of reducing Federal debt held by the public. Of course, the net change in the Federal debt held by the public in any year would also be affected by the size of any on-budget deficit or surplus for that year.

The proposal would not have any significant effect on the long-range solvency of the OASDI program under the intermediate assumptions of the 1999 Trustees Report. Thus, the estimated long-range actuarial deficit of 2.07 percent of taxable payroll and the year of the combined trust funds' exhaustion (2034) would not change. The first year in which estimated outgo will exceed estimated tax income would not be affected and would therefore remain at 2014.

Any plan that reduces the amount of Federal debt held by the public may make later redemption by the Trust Funds of special issue U.S. government bonds easier.

Sincerely,
HARRY C. BALLANTYNE,
Chief Actuary.

Mr. LAUTENBERG. Mr. President, it is critical that Congress act promptly to extend the solvency of Social Security. President Clinton has presented two related proposals that would extend Social Security's life through 2059. Some of my colleagues don't like those proposals. That is fair. But if they do not like his ideas, they should propose some of their own. So far, they haven't done it. And no one should be fooled into believing that this lockbox proposal is an answer.

Finally, the most serious problem with this proposal is that it threatens to lead to a Government default. In the short term, that could damage our Nation's credit standing and increase interest costs.

Treasury Secretary Rubin has written an excellent letter that explains the severity of the risks posed by this proposal. I note that the distinguished Senator from South Carolina already talked about this and has asked that Rubin's letter be printed in the RECORD. It was accepted on a unanimous consent basis. No Senator should vote on the pending amendment until they have read this letter. And it is hard to see how anyone could endorse the amendment after reading that letter.

Unfortunately, this amendment could very well lead to a serious debt crisis in the future. Proposed limits on publicly held debt would be exceeded if current projections of the non-Social Security budget proved too optimistic. And, even if Congress tried in good faith to comply with new public debt limits, those limits could be reached due to changes in the economy, demographic shifts, or a variety of other factors.

Mr. President, the sponsors of the amendment say that they have included a provision to ensure that a recession would not trigger a default. However, that provision won't always work. The provision would only become effective after two quarters of low economic growth. We could be in a deep recession for nearly 7 months before the exemption kicks in. By then, it could be too late. We could already be in default.

Mr. President, our Nation has never defaulted on a debt backed by the full faith and credit of the United States. But this amendment could trigger default based on factors completely beyond our control. That wouldn't just block Social Security and other checks; it could easily lead to a worldwide financial crisis. That could prove catastrophic.

Mr. President, this is crazy. If suddenly the economy slows, revenues decline, or expenditures increase unexpectedly, for any reason, why should we risk the world's economy? It is like forcing the whole world to play a game of economic Russian roulette.

I would note that the Republican chairman of the House Ways and Means Committee, Congressman BILL ARCHER, recognizes the folly of this approach and strongly opposes it. So this shouldn't be a partisan issue. He is not a Democrat. And I hope others on that side of the aisle will also join in opposition. There are other more responsible ways to enforce budget discipline. And that is what we Democrats are proposing.

Senator CONRAD and I have developed an alternative lockbox to protect surpluses for both Social Security and Medicare, and we hope to have an opportunity to present it to the Senate. Our proposal would reserve all Social Security surpluses for Social Security and a portion of other surpluses for Medicare. Our lockbox would be enforced first by requiring 60 votes to invade the lockbox. Then, if Congress raided projected surpluses, other programs would be cut across the board.

We think this makes more sense than the potential triggering of a default and a worldwide economic meltdown.

So I will briefly review the main problems with the proposal in front of us.

It does nothing to protect Medicare. It allows Congress to spend money needed for Medicare on tax breaks for the wealthy.

Second, it threatens Social Security. It could block Social Security checks when the economy performs worse than expected. And it includes a trap door that allows Social Security taxes to be invaded for purposes other than Social Security benefits, like risky new privatization schemes.

Finally, the amendment threatens a default on debt backed by the full faith and credit of our country. This could increase interest costs immediately, and ultimately lead to a worldwide economic catastrophe.

For all of these reasons, Mr. President, I hope my colleagues will recognize the serious problems with this amendment, and that we will be given an opportunity to offer amendments to improve it.

Unfortunately, right now, we Democrats—45 of us—are being prevented from offering amendments that we think are needed to protect Social Security and Medicare beneficiaries. We are prohibited by a trick called filling the amendment tree. This prevents us from offering amendments, under the Senate rules.

Mr. President, I hope my colleagues will give us the opportunity to offer amendments. We need a lockbox for Social Security. But it should be a real lockbox, without an escape hatch. It should protect Medicare as well. And it should be designed in a way that doesn't pose a threat of a Government default and a worldwide economic crisis.

Mr. President, I hope that we can come together on an understanding—that the 98 Senators present last week voted on—that Social Security surpluses should be reserved exclusively—no ifs, ands, or buts—for Social Security beneficiaries. No loopholes. No escape hatches. No little crack in the door of the lockbox.

I hope our colleagues will think seriously about this when they vote. And I want the American public to take note of what is going on here. They are the final arbiters of whether or not we are doing the right thing.

Mr. President, I thank the Chair for his courtesy.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. ALLARD. Mr. President, I send a cloture motion to the desk to the pending lockbox amendment, No. 254.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 254 to Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as part of the budget process:

> Trent Lott, Pete V. Domenici, Ben Nighthorse Campbell, Jeff Sessions, Kay Bailey Hutchison, Craig Thomas, Slade Gorton, Chuck Hagel, Spencer Abraham, Thad Cochran, Pat Roberts, Conrad Burns, Christopher S. Bond, John Ashcroft, Jon Kyl, and Mike DeWine.

Mr. ALLARD. Mr. President, on behalf of the majority leader, for the information of all Senators, this cloture vote will occur on Thursday. The majority leader will announce to the Members the time of the vote later today.

CALL OF THE ROLL

Mr. ALLARD. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESS NEEDS TO MOVE FORWARD ON A RESPONSIBLE TITLE BRANDING MEASURE

Mr. LOTT. Mr. President, a few weeks ago I reintroduced the National Salvage Motor Vehicle Consumer Protection Act, S. 655. This bipartisan bill has several cosponsors including Senator BREAUX. It is similar to the measure that Senator Ford and I coauthored during the 105th Congress.

This responsible legislation is important to used car buyers and motorists across the country because it will help curtail motor vehicle titling fraud. It does so by providing states with incentives to adopt minimal uniform definitions and standards that promote greater disclosure to potential used vehicle purchasers.

During the last Congress, this legislation received the formal support of over 55 of our colleagues from both sides of the aisle and a modified version passed the House of Representatives by an overwhelming majority last October.

Mr. President, every year used car buyers throughout the nation are cheated by those who pass off rebuilt salvage vehicles as undamaged. These consumers are never notified that the used vehicle they purchased was totaled and subsequently rebuilt. Often times, they find out only when the supposedly undamaged car or truck they bought is taken in for repair. It is at this point that they find their vehicle has been rebuilt and that it may pose a safety hazard. One where the cost of repair far exceeds the vehicle's worth or which cannot be fixed for safe operation

Today, used car buyers and automobile dealers are paying over $4 billion dollars annually for vehicles that have been rebuilt—many of which are virtually worthless. It is happening in Mississippi and in your own states. Title laundering is a growing problem. It must be stopped.

Congress recognized the primary reason that millions of structurally unsafe vehicles were being placed back on America's roads and highways was due to the lack of uniformity in state titling rules. That is why the 103rd Congress passed the Anti-Car Theft Act of 1992 which required the Department of Transportation (DOT) to establish a task force, the Motor Vehicle Titling, Registration and Salvage Advisory Committee, to study problems related to motor vehicle fraud and theft. The Act directed the Committee to include representatives from several cabinet agencies, police chiefs and municipal auto theft investigators, State motor vehicle officials, industry and insurance representatives, recyclers, salvage yard operators, and scrap processors. Their primary function was to develop reasonable and balanced recommendations that would protect consumers.

The Salvage Advisory Committee was formed in 1993. It was chaired by the Chief of the Odometer Fraud Staff for the National Highway Traffic Safety Administration. It included the Justice Department's Assistant Director for Consumer Litigation and a senior attorney from the Criminal Justice Division. It also included several Secretaries of State, State DMV Directors and other stakeholders. These are the experts on the front line who deal with titling issues on a day-to-day basis that Congress chose for the Committee. The Salvage Advisory Committee deliberated for almost a year and issued its findings in February 1994. The Committee's report identified a series of practical, well thought out solutions to address the issue of title washing. It included the establishment of national uniform titling definitions and standards for salvage, rebuilt salvage, flood, and non-repairable passenger vehicles.

This esteemed group knew what would work and what would not. They did not recommend a complex, overly burdensome titling and registration scheme. Instead, they identified a few definitions that should be standardized and minimal procedures that should be adopted by states.

The task force recommended that a passenger vehicle that experiences damage exceeding 75% of its pre-accident value be designated as "salvage."

It also recommended that salvage vehicles that have been repaired for safe operation be branded "rebuilt salvage," have an inspection to determine whether stolen parts were used to fix the vehicle, and have a decal permanently affixed to the driver's door jamb indicating the vehicle's history.

The Salvage Committee identified a nonrepairable vehicle as a passenger motor vehicle that is incapable of safe operation for use on roads or highways and which has no resale value except as a source of parts or scrap.

Another recommendation included the carrying forward of all brands on new title documents so that the terms used in one state would be identified on the titles of other states where the vehicle is re-registered.

Mr. President, Senator Ford and I simply authored a bill during the last Congress that codified these task force recommendations.

The bill also included a slightly modified definition of flood vehicles. One that focuses on the electrical and mechanical damage resulting from excessive water. The task force originally recommended that all passenger vehicles submerged in water that has reached over the door sill or has entered the passenger or trunk damage be designated as a flood vehicle.

Upon further reflection, and actual real world experience, the flood definition in this legislation was modified to brand only those vehicles that suffer debilitating damage instead of simply cosmetic damage, such as wet carpeting, that would have occurred under the original flood definition. The reason for this change was to ensure that a consumer's vehicle is not branded as a flood vehicle merely because its floor mats got wet. It makes no sense to brand a car or a truck as a flood vehicle, causing a significant and unnecessary devaluation of its worth, when the vehicle's operating functions and electrical, mechanical or computerized components are not damaged by water. This legislation also improves upon the task force's recommendations by including any vehicle acquired by an insurer as part of a water damage settlement.

S. 655, the National Salvage Motor Vehicle Consumer Protection Act retains these important provisions and also includes additional technical corrections offered by state Attorneys General, consumer groups, and the U.S. Department of Transportation. Modifications that improve the legislation but do not take it in a completely different direction than proposed by the Salvage Advisory Committee. The changes I have made are consistent with the Supreme Court's decision in New York v. United States, 505 U.S. 144. The bill now includes the complete range of modifications that states are willing to make to their own titling rules and procedures. To push the envelope further by advancing prescriptive federal titling standards would seriously hinder Congress' efforts to achieve full state participation. Stricter titling requirements, those that create unnecessary and onerous procedures, additional paperwork, and more bureaucracy may also impose an unfunded mandate on states.

Mr. President, my colleagues and I believe that it is time to act upon the task force's now five-year old recommendations by enacting the National Salvage Motor Vehicle Consumer Protection Act. A number of hearings have been held on this issue in both the House of Representatives and the Senate. All with the same conclusion—title washing is a serious problem affecting the wallets of used car buyers and the safety of motorists nationwide. Since the Salvage Advisory Committee issued its report in 1994, consumers have lost as much as $20 billion and as many as 8 million more potentially structurally unsafe vehicles have been placed back on our nation's roads and highways. Some of the unsafe salvage vehicles stealthfully returned to the road were previous Department of Transportation crash test cars. These are cars that were deliberately wrecked, then rebuilt and sold to unsuspecting buyers across America.

The National Salvage Motor Vehicle Consumer Protection Act would help put unscrupulous rebuilders out of business. It is a workable and well accepted legislative solution. It establishes a rational voluntary uniform titling regime that state Motor Vehicle administrators support. The bill is also supported by law enforcement agencies, consumers, and the automobile and insurance industries because it is a common sense approach that will effectively curtail title laundering.

It is a program that state legislatures will adopt because it is a win-win for consumers, states, and industry. That is key. Congress should not spin its wheels and push for a burdensome and overly complex titling scheme that most states will reject even if they are eligible to receive offsetting federal funding or are penalized in some way for not adopting such a scheme. The only winners under such a scenario are the thieves and charlatans who will continue to take advantage of state inconsistencies by washing the titles of severely damaged vehicles.

Instead of being a federal mandate, The National Salvage Motor Vehicle Consumer Protection Act provides participating states with a new incentive grant to adopt uniform titling and registration standards. These standards will protect the used car buyers in their states from unknowingly purchasing totaled and subsequently rebuilt vehicles. The authorized funding can be used by states to issue new titles, establish and administer vehicle theft or safety inspections, enforce titling requirements, and for other related purposes.

Mr. President, since this is a voluntary program, no state will be penalized for non participation.

Mr. President, this particular approach was recommended by the Department of Transportation. It was a sound recommendation and I accepted it.

This modification is good public policy since it no longer links state participation with federal seed money for states to participate in the National Motor Vehicle Title Information System (NMVTIS).

NMVTIS is beneficial to states because it will allow them to instantaneously share and retrieve titling and registration information with each other. The effectiveness of NMVTIS depends on the total number of states that choose to participate in the system. Thus, it is important to have the maximum number of states using NMVTIS whether or not they utilize common terms. The Congressional Budget Office concluded in 1997 that a penalty-based titling branding scheme which denies states funding for NMVTIS would significantly reduce the number of states that choose to utilize the system. This, in turn, would severely undermine the intent of the 103rd Congress which created NMVTIS and would jeopardize the overall effectiveness of a nationwide titling information system.

I think it is also important to note that the National Salvage Motor Vehicle Consumer Protection Act does not recommend definitions or standards that none of the 50 states currently have in place. Instead, this legislation accepts, codifies, and in some cases improves upon the recommendations put forward by a Congressionally mandated task force. A commission created by a Democratically controlled Congress to specifically address the issue of title fraud.

The National Salvage Motor Vehicle Consumer Protection Act goes even further in the direction of promoting disclosure by requiring a written disclosure statement be provided to purchasers of rebuilt salvage vehicles. It permits states to use terms that are synonymous with those identified in the bill. And, it expressly allows states to adopt even greater disclosure standards than are provided for in the legislation. In the case of salvage vehicles, it lets states adopt an even lower threshold than 75% if they so choose. It does not, however, establish a minimum baseline of 65%, a threshold that no state in the union has today. None. The 65% threshold would negatively affect tens of millions of car owners with low value vehicles. A proposal advanced by some that would unnecessarily brand for life the vehicles of low income drivers involved in minor accidents such as fender-benders.

There are similar counter-productive proposals that would brand vehicles that have only slight cosmetic and structural damage such as a dented front end and a busted headlight. Who benefits from this? Who will be harmed by this? I want answers to these questions. America's motor vehicle owners deserve answers to these questions.

I think my colleagues will agree that Congress should not force states into enacting standards that adversely impact consumers or titling provisions that not even one state has chosen to adopt. Remember, these well intentioned but impractical, confusing, and unwise proposals have been around for many years. States, as well as the task force, expressly rejected them. No one who works on vehicle titling issues wants them.

Let me say again that the National Salvage Motor Vehicle Consumer Protection Act creates a voluntary federal titling program. It creates minimal national standards while offering participating states the flexibility they need and want to adopt additional disclosure requirements and more stringent provisions. It provides appropriate vehicle titling terms and definitions that do not unnecessarily devalue vehicles or cause repairable automobiles to be junked. The bill focuses on pre-purchase disclosure, helps motorists by requiring the tracking of salvage vehicle VIN numbers, continues consumers' ability to pursue private rights of actions available under state law, and allows states to adopt new civil and criminal penalties. And, it has widespread support.

The National Salvage Motor Vehicle Consumer Protection Act is the right legislative solution to combat title fraud. It solves the problem without creating new problems and new headaches for consumers, for states, and for industry. It is time for Congress to pass this important measure.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 19, 1999, the federal debt stood at $5,624,235,766,178.82 (Five trillion, six hundred twenty-four billion, two hundred thirty-five million, seven hundred sixty-six thousand, one hundred seventy-eight dollars and eighty-two cents).

Five years ago, April 19, 1994, the federal debt stood at $4,565,951,000,000 (Four trillion, five hundred sixty-five billion, nine hundred fifty-one million).

Ten years ago, April 19, 1989, the federal debt stood at $2,776,338,000,000 (Two trillion, seven hundred seventy-six billion, three hundred thirty-eight million).

Fifteen years ago, April 19, 1984, the federal debt stood at $1,487,346,000,000 (One trillion, four hundred eighty-seven billion, three hundred forty-six million).

Twenty-five years ago, April 19, 1974, the federal debt stood at $470,921,000,000 (Four hundred seventy billion, nine hundred twenty-one million) which reflects a debt increase of more than $5 trillion—$5,153,314,766,178.82 (Five trillion, one hundred fifty-three billion, three hundred fourteen million, seven hundred sixty-six thousand, one hundred seventy-eight dollars and eighty-two cents) during the past 25 years.

WATER RESOURCES DEVELOPMENT ACT OF 1999

Mr. KERRY. Mr. President, I rise to discuss the Water Resources Development Act of 1999. This bill has passed the Senate under unanimous consent thanks to the leadership of its sponsor Senator WARNER, and Senator CHAFEE, Chair of the Environment and Public Works Committee and Senator BAUCUS, the ranking member on the Committee. I want to thank the Senators for their work.

Included in this legislation is a request that the Army Corps of Engineers evaluate plans to alleviate flooding and make other improvements to the Muddy River, which runs through Brookline and Boston, Massachusetts. This is an urgently needed project.

The Muddy River flows through mostly urban-residential areas in Brookline and Boston before emptying into the Charles River. The River has flooded several times in the past, with two particularly severe floods in 1996 and 1998. The 1996 flood was a presidentially declared disaster. It lasted three days, submerged parts of Brookline and Boston in knee-deep water, flooded underground Massachusetts Bay Transportation Authority stations and halted commuter train traffic, and extensively damaged homes and businesses. Massachusetts Governor Paul Cellucci estimates that the cost of these two floods exceeded $100,000,000. Preventing future damage from floods is a top priority for the Town of Brookline, the City of Boston and the State of Massachusetts, and each has pledged to do their part to find a solution.

Specifically, the Water Resources Development Act of 1999 asks the Secretary of the Army to evaluate a study called the "Emerald Necklace Environmental Improvement Master Plan: Phase I Muddy River Flood Control, Water Quality and Environmental Enhancement", and to report its findings to Congress by December 31, 1999. The Plan was commissioned by the Boston Parks and Recreation Department and issued in January 1999. It presents a solution that has broad community support. Residents and businesses joined with the Town of Brookline, City of Boston, State of Massachusetts and the federal government to develop this plan. It draws on research by the Army Corps of Engineers, the Federal Emergency Management Agency and others to recommend comprehensive improvements to end destructive flooding, enhance water quality and protect habitat. I believe this project embodies the kind of citizen-government partnership that is necessary for an efficient and successful use of federal resources.

The Massachusetts delegation, the Town of Brookline, the City of Boston and the Commonwealth of Massachusetts all look forward to working with the Army Corps in Boston and Washington over the coming months to complete this evaluation by the end of the year, and to move ahead with the work of ending these destructive floods and making other needed improvements.

Mr. LEVIN. Mr. President, I am pleased that the Water Resources Development Act of 1999, passed by the Senate yesterday, incorporates so many projects of importance to the Great Lakes region. I am especially pleased that so many of these projects serve to reinforce the pre-eminent leadership of the Chicago regional office in meeting the environmental responsibilities assigned to the Army Corps of Engineers in past reauthorizations of the Water Resources Development Act.

Mr. President, the Water Resources Development Act of 1999 incorporates a very important matter which I have considered a priority for some time. The subject is contaminated sediments and they are a potential threat to public and environmental health across the country. Persistent, bioaccumulative toxic substances in contaminated sediment can poison the food chain, making fish and shellfish unsafe for humans and wildlife to eat. Contamination of sediments can also interfere with recreational uses and increase the costs of and time needed for navigational dredging and subsequent disposal of dredged material.

Unfortunately, the resources of the federal government have not been brought to bear on these problems in a well coordinated fashion. Section 222 of this Act will require the Environmental Protection Agency and Army Corps of Engineers to finally activate the National Contaminated Sediment Task Force that was mandated by the Water Resources Development Act of 1992. I am hopeful that convening this Task Force will encourage the Federal agencies to work together to combat this problem and create greater public awareness of the need to address contaminated sediments. We also need a better understanding of the quantities and sources of sediment contamination, to prevent recontamination and minimize the recurrence of these costs and impacts, and to get a handle on the extent of the public health threat. To that end, the Act requires the Task Force to report on the status of remedial action on contaminated sediments around the country, including a description of the authorities used in cleanup, the nature and sources of sediment contamination, the methods for determining the need for cleanup, the fate of dredged materials and barriers to swift remediation.

Mr. President, as the Democratic Co-Chair of the Senate Great Lakes Task Force, I would like to take this opportunity to highlight several specific programs included in this bill which were developed through the bipartisan and bicameral cooperation of the members of this Task Force. Extension of cost-sharing rules to allow non-traditional partners such as non-profit organizations to partner with the Army Corps of Engineers on restoration activities will greatly expand the potential uses of these authorities in the Great Lakes basin (Sections 205 and 206). Section 224(2) will enhance the authority of the Corps to work cooperatively with the Great Lakes Fishery Commission to make more efficient use of Corps' engineering expertise in constructing barriers and traps to reduce these aggressive invaders. Section 225 authorizes a special study on the watershed of the western basin of Lake Erie to enhance the integration of disparate elements of the Corps' program in this region. Section 223, the Great Lakes Basin Program incorporates three high-profile elements critical to the region as a whole which were developed through extensive negotiations among Task Force members at the end of the 105th Congress.

The first element of the Great Lakes Basin Program (Section 223a) directs the Army Corps of Engineers to develop a framework for their activities in the Great Lakes basin to be updated biennially. Many Army Corps of Engineers divisions have developed and use such strategic plans. Among other strengths, such plans allow greater programatic coordination—especially among projects conducted for such disparate purposes as navigation, environmental restoration, water quality, and flood control. Development of such a strategic plan for the Great Lakes basin has never been more important than at present, given the recent restructuring of the Army Corps of Engineers which leaves the Great Lakes and Ohio River division as the only Army Corps of Engineers division maintaining two regional offices (Chicago and Cincinnati).

The second element of the Great Lakes Basin Program (Section 223b) directs the Army Corps of Engineers to inventory existing information relevant to the Great Lakes biohydrological system and sustainable water use management. The Corps is to report to Congress, as well as to the International Joint Commission and the eight Great Lakes states, on the results of this inventory and recommendations on how to improve the information base. This information is crucial to the ongoing debate regarding attempts to export or divert Great Lakes surface and ground water out of the basin. The closely related provision, contained in subsection (e), on water use activities and policies, allows the Secretary to provide technical assistance to the Great Lakes states in development of interstate guidelines to improve consistency and efficiency of State-level water use activities and policies.

The third major element of the Great Lakes Basin Program (Section 223c) directs the Army Corps of Engineers to submit to Congress a report based on existing information detailing the economic benefits of recreational boating in the Great Lakes basin. As many of my colleagues may know, despite Congress' repeated objections, consecutive Administrations have unwisely sought to limit the Corps' role in dredging recreational harbors. Clearly these harbors' value to the regional economy should be recognized in the cost-benefit analyses used in making dredging decisions. For the Great Lakes region, dredging of these recreational harbors will be of increasing importance in the coming year as Great Lakes water levels decline from the high of the past several years.

Mr. President, I also wish to take a moment in closing to highlight the several specific projects included in the recently passed bill which will benefit my home state of Michigan. They include an Army Corps feasibility study of improvements to the Detroit River waterfront as part of the ongoing revitalization of the area. The Corps will prepare studies for flood control projects in St. Clair Shores and along the Saginaw River in Bay City. The Corps will consider reconstruction of the Hamilton Dam flood control project and review its denial of the city of Charlevoix's request for reimbursement of construction costs incurred in building a new revetment connection to the Federal navigation project at Charlevoix Harbor. Finally, the bill includes a unique provision which will allow the use of materials dredged from Toledo Harbor in Ohio for environmental restoration on the Woodtick Peninsula in Michigan.

Mr. President, I appreciate the hard work of my colleagues on the Environment and Public Works Committee in incorporating these important provisions into this bill and look forward to working with them to get these important provisions signed into law.

THE LESSONS OF BABY HOPE

Mr. DEWINE. Mr. President, one of the key virtues of living in a free society such as our own is that it's harder for injustice to remain hidden and unreported. Unlike Communist and fascist countries—countries where the government can control access to information, and cover up genocide and war crimes for years—in our country, people are allowed to stand up and tell the truth. They can reveal inconvenient and unpleasant facts about moral evils that are taking place in our society.

To speak the truth—to distinguish right from wrong, you don't have to be a President, or a Senator, or a famous human rights crusader like Martin Luther King, Jr. You can be anybody. You can be a medical technician in Cincinnati, OH.

Mr. President, let me tell you a story about how—very recently, in my home State of Ohio—some disturbing truths were revealed that many Americans simply wish would go away.

On April 6, a young woman went into an abortion clinic in Montgomery County, OH, to undergo a procedure known as partial-birth abortion. This is a procedure that usually takes place behind closed doors, where it can be ignored, its moral status left unquestioned.

But this particular procedure was different. In this procedure, on April 6, things did not go as planned. Here's what happened.

The Dayton, OH, abortionist, Dr. Martin Haskell, started a procedure to dilate her cervix, so the child could eventually be removed and killed. He applied seaweed to start the procedure. He then sent her home—because this procedure usually takes 2 or 3 days. In fact, the patient is supposed to return on the second day for a further application of seaweed—and then come back a third time for the actual partial-birth abortion—a 3-day procedure.

So the woman went home to Cincinnati, expecting to return to Dayton and complete the procedure in 2 or 3 days. But her cervix dilated far too quickly. Shortly after midnight on the first day, after experiencing severe stomach pains, she was admitted to Bethesda North Hospital in Cincinnati.

The child was born. After 3 hours and 8 minutes, this little girl died.

The cause of death was listed on the death certificate as "prematurity secondary to induced abortion."

True enough, Mr. President. But also on the death certificate is a space for "Method of death." And it says, in the case of this child, "Method of death: natural."

I do not mean to quarrel, talk about whether this is true in the technical sense. But if you look at the events that led up to her death, you'll see that there was really nothing natural about them at all.

The medical technician who held that little girl for the 3 hours and 8 minutes of her short life named her Baby Hope. Baby Hope did not die of natural causes. She was the victim of a barbaric procedure that is opposed by the vast majority of the American people. A procedure that has twice been banned by act of Congress—only to see the ban repeatedly overturned by a Presidential veto.

The death of Baby Hope did not take place behind the closed doors of an abortion clinic. It took place in public—in a hospital dedicated to saving lives, not taking them. Her death reminds us of the brutal reality and tragedy of what partial-birth abortion really is.

When we voted to ban partial-birth abortions, we talked about this procedure in graphic detail. The public reaction to this disclosure—the disclosure of what partial-birth abortion really is—was loud and it was decisive. And there is a very good reason for this. The procedure is barbaric.

One of the first questions people ask is "why?"

"Why do they do this procedure? Is it really necessary? Why do we allow this to happen?"

Dr. C. Everett Koop speaks for the consensus of the medical profession when he says this is never a medically necessary procedure. Even Martin Haskell—the abortionist in the Baby Hope case—has admitted that at least 80 percent of the partial-birth abortions he performs are elective.

The facts are clear. Partial-birth abortion is not that rare a procedure. What is rare is that we—as a society—saw it happen. It happened by surprise at a regular hospital where it wasn't supposed to happen.

Baby Hope was not supposed to die in the arms of a medical technician. But she did. And this little baby cannot be easily ignored. We cannot turn our back on this reality.

This procedure is not limited to mothers and fetuses who are in danger. It is performed on healthy women—and healthy babies—all the time.

The goal of a partial-birth abortion is not to protect somebody's health but to kill a child. That is what the abortionist wants to do.

Dr. Haskell himself has said as much. In an interview with the American Medical News, he said:

> You could dilate further and deliver the baby alive but that's really not the point.
>
> The point is, you are attempting to do an abortion, and that is the goal of your work, is to complete an abortion, not to see how do I manipulate the situation so I get a live birth instead.

Now Dr. Haskell has admitted what the reality is. Why don't we?

Again, let's hear Dr. Haskell in his own words, a man who performed this abortion on Baby Hope. This is what Dr. Haskell says about this "procedure."

These are Dr. Haskell's words:

> I just kept on doing the D&E's [dilation and extraction] because that is what I was comfortable with, up until 24 weeks. But they were very tough. Sometimes it was a 45-minute operation. I noticed some of the later D&Es were very, very easy. So I asked myself why can't they all happen this way. You see the easy ones would have a foot length presentation, you'd reach up and grab the foot of the fetus, pull the fetus down and the head would hang up and then you would collapse the head and take it out. It was easy.

It was easy, Mr. President. Easy for Dr. Haskell. He does not say it was easy for the mother, and he certainly does not say it was easy for the baby. I suspect he doesn't care. His goal is to perform abortions. But is he the person we are going to trust to decide when abortions are necessary? Dr. Haskell has a production line going in Dayton, OH. Nothing is going to stop him from meeting his quota.

Dr. Haskell continues. Again, the words of Dr. Haskell:

> At first, I would reach around trying to identify a lower extremity blindly with the tip of my instrument. I'd get it right about 30–50 percent of the time. Then I said, "Well, gee, if I just put the ultrasound up there, I could see it all and I wouldn't have to feel around for it." I did that and sure enough, I found it 99 percent of the time. Kind of serendipity.

Serendipity, Mr. President.

Let me conclude. We need to ask ourselves, what does our toleration in this country of this "procedure" say about us as a nation? Where do we draw the line? At what point do we finally stop saying, "Well, I don't really like this, but it doesn't really matter to me, so I will put up with it"? When do we stop saying that as a country, Mr. President? At what point do we say, "Unless we stop this from happening, we cannot justly call ourselves a civilized Nation"?

When you come right down to it, America's moral anesthetic is wearing off. It really is. We know what is going on behind the curtain, and we cannot wish that knowledge away. We have to face it, and we have to do what is right.

This week, some of my colleagues and I will be reintroducing the Partial-Birth Abortion Ban Act. Twice in the last 3 years, Congress has passed this legislation with strong bipartisan support, only to see it fall victim to a Presidential veto. Once again, I am confident Congress will do the right thing and pass this very important legislation. But that is not enough. Passing this legislation in Congress is not enough. For lives to be saved, the bill must actually become law.

Mr. President, if something happens behind the iron curtain of an abortion clinic, it is easier to pretend it simply did not happen. But the death of Baby Hope in Cincinnati, OH, in the last few days has torn that curtain, revealing the truth of this barbaric procedure.

Let people not ask about us 50 years from now: How could they not have known? or ask: Why didn't they do anything? because, Mr. President, the fact is, we do know and we must take action.

I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON FEDERAL CLIMATE CHANGE EXPENDITURES—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), I transmit herewith an account of all Federal agency climate change programs and activities. This report includes both domestic and international programs and activities related to climate change and contains data on both spending and performance goals.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2622. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation to extend the authorization for the Historic Preservation Fund; to the Committee on Energy and Natural Resources.

EC–2623. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a report relative to the National Natural Landmarks Program for fiscal year 1998; to the Committee on Energy and Natural Resources.

EC–2624. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, a rule entitled "Acquisition Regulation: Performance Guarantees" (RIN1991–AB44) received on April 9, 1999; to the Committee on Energy and Natural Resources.

EC-2625. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, a rule entitled "Acquisition Letter: Foreign Ownership Control or Influence" (RINAL99-03) received on April 9, 1999; to the Committee on Energy and Natural Resources.

EC-2626. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the rule entitled "Maryland Regulatory Program" (RINSPATS NO. MD-045-FOR) received on April 9, 1999; to the Committee on Energy and Natural Resources.

EC-2627. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the rule entitled "Ohio Regulatory Program" (RINSPATS NO. OH-244-FOR) received on April 9, 1999; to the Committee on Energy and Natural Resources.

EC-2628. A communication from the Principal Deputy Assistant Secretary of Veterans' Affairs for Congressional Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, to authorize VA to furnish the Department of Defense with drug and alcohol treatment resources; to the Committee on Veterans' Affairs.

EC-2629. A communication from the Under Secretary of Defense for Policy, transmitting, pursuant to law, a report on Russian tactical nuclear weapons; to the Committee on Armed Services.

EC-2630. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to unit cost thresholds; to the Committee on Armed Services.

EC-2631. A communication from the Secretary of Defense, transmitting, two reports relative to retirements; to the Committee on Armed Services.

EC-2632. A communication from the Deputy Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a multi-function cost comparison at the Robins Air Force Base, Georgia; to the Committee on Armed Services.

EC-2633. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation entitled "The Panama Canal Commission Authorization Act for Fiscal Year 2000"; to the Committee on Armed Services.

EC-2634. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a notice relative to a report concerning external data collection and internal coordination; to the Committee on Armed Services.

EC-2635. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a report on the Implementation of Enrollment-based Capitation for Funding for Military Treatment Facilities; to the Committee on Armed Services.

EC-2636. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, the interim Tricare Evaluation report; to the Committee on Armed Services.

EC-2637. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the vacant position of Assistant Secretary of the Air Force (Acquisition); to the Committee on Armed Services.

EC-2638. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the vacant position of Assistant Secretary of Defense (Special Operations and Low Intensity Conflict); to the Committee on Armed Services.

EC-2639. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on proposed obligations for weapons destruction and non-proliferation in the former Soviet Union; to the Committee on Armed Services.

EC-2640. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on the Cooperative Threat Reduction Program Plan for fiscal year 1998; to the Committee on Armed Services.

EC-2641. A communication from the Chairman of the National Endowment for the Arts and Member of the Federal Council on the Arts and the Humanities, transmitting, pursuant to law, the annual report on the Arts and Artifacts Indemnity Program for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-2642. A communication from the Secretary of Defense, transmitting, a report relative to a retirement; to the Committee on Armed Services.

EC-2643. A communication from the Secretary of Defense, transmitting, pursuant to law, reports relative to contingent liabilities; to the Committee on Armed Services.

EC-2644. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to general and flag officers; to the Committee on Armed Services.

EC-2645. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled "The Department of Energy National Security Programs Authorization Act for Fiscal Years 2000 and 2001"; to the Committee on Armed Services.

EC-2646. A communication from the Acting General Counsel of the Department of Defense, transmitting, drafts of proposed legislation relative to various management concerns of the Department of Defense; to the Committee on Armed Services.

EC-2647. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The Defense Production Act Amendments of 1999"; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated.

POM-35. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 87

Whereas, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193, 110 Stat. 2105) eliminated the state-Federal match system under the AFDC program, replacing it with a new block grant program called Temporary Assistance to Needy Families (TANF); and

Whereas, The TANF program awarded states considerable flexibility to design and finance new programs; and

Whereas, Under TANF, states receive a fixed amount of Federal money each fiscal year which has already been calculated into future budget considerations; and

Whereas, The provision approved March 4, 1999, by the Senate Appropriations Committee would prevent states from spending a portion of their TANF grants and would break the welfare reform agreement brokered with the Governors; and

Whereas, The Appropriations Committee, acting on incomplete data, decided that states will not need $350 million of their welfare grants in the coming years, blocking Pennsylvania from using over $28 million of its welfare dollars before October 2001; and

Whereas, In Pennsylvania, every dollar of our TANF grant is being reserved for the future needs of welfare families in this Commonwealth; and

Whereas, Under a separate program administered by the United States Department of Labor, states appropriated money for the match are required to draw down Welfare-to-Work funds; and

Whereas, The Welfare-to-Work program is separate from TANF and is focused on employing those with the greatest barriers to self-sufficiency; and

Whereas, Welfare reform is working in Pennsylvania because we are investing in services that help people move from welfare to work; and

Whereas, TANF funds are essential to the goals of moving recipients into work; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialized the Senate of the United States to honor its welfare reform agreement with the Governors by removing from the supplemental appropriations bill the $350 million offset from the TANF program before the bill goes to the Senate floor; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of the Senate of the United States and to the members of the Senate from Pennsylvania.

POM-36. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Finance.

HOUSE RESOLUTION NO. 41

Whereas, In 1994 the states initiated the first lawsuits based on violations of state law by the tobacco industry; and

Whereas, The states, through leadership and years of commitment to pursuing lawsuits, achieved a comprehensive settlement with the tobacco industry; and

Whereas, After bearing all of the risks and expenses in the negotiations and litigation necessary to proceed with their lawsuit, a settlement was won by the states without any assistance from the Congress of the United States or the Federal Government; and

Whereas, On November 23, 1998, the states' Attorneys General and the tobacco companies announced a two-prong agreement focusing on advertising, marketing and lobbying and on monetary payments which the companies will make to the states; and

Whereas, The states' Attorneys General carefully crafted the tobacco agreement to reflect only state costs; and

Whereas, Medicaid costs were neither a major issue in negotiating the settlement nor an item mentioned in the final agreement; and

Whereas, The Federal Government is not entitled to take away from the states any of the funds negotiated on their behalf as a result of state lawsuits; and

Whereas, The Federal Government can initiate its own lawsuit or settlement with the tobacco industry; and

Whereas, The states are entitled to all of the funds awarded to them in the tobacco settlement agreement without Federal seizure; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Pennsylvania congressional delegation to support and pass legislation protecting the states from Federal seizure of tobacco settlement funds by the Secretary of Health and Human Services of the United States as an overpayment under the Federal Medicaid program by amending section 1903(d)(3) of the Social Security Act (49 Stat. 620, 42 U.S.C. §1396b(d)(3)), specifically including S. 346 (105TH Congress) and H.R. 351 (105TH Congress); and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN (for himself, Mr. Frist, Mr. Burns, Mr. Breaux, and Mr. Lott):

S. 832. A bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself, Mr. Kennedy, Mr. Jeffords, and Mr. Bingaman):

S. 833. A bill to make technical corrections to the Health Professions Education Partnerships Act of 1998 with respect to the Health Education Assistance Loan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CAMPBELL (for himself and Mr. Sessions):

S. 834. A bill to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself, Mr. Breaux, Mr. Akaka, Mrs. Boxer, Mr. Dodd, Mr. Edwards, Mrs. Feinstein, Mr. Graham, Mr. Kerry, Ms. Landrieu, Mr. Lautenberg, Mr. Lieberman, Mr. Mack, Mr. Moynihan, Mrs. Murray, Mr. Reed, Mr. Robb, Mr. Sarbanes, and Mr. Warner):

S. 835. A bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself, Mr. Graham, Mr. Cochran, and Mr. Robb):

S. 836. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCONNELL (for himself, Mr. Moynihan, Mr. Lieberman, and Mr. McCain):

S. 837. A bill to enable drivers to choose a more affordable form of auto insurance that also provides for more adequate and timely compensation for accident victims, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI:

S. 838. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

By Mr. KERREY (for himself, Mr. Harkin, Mr. Daschle, Mr. Conrad, and Mr. Johnson):

S. 839. A bill to restore and improve the farmer owned reserve program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. Torricelli, and Mr. Leahy):

S. 840. A bill to amend title 11, United States Code, to provide for health care and employee benefits, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Rockefeller, and Mr. Wellstone):

S. 841. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under the medicare program; to the Committee on Finance.

By Mr. SANTORUM:

S. 842. A bill to limit the civil liability of business entities that donate equipment to nonprofit organizations; to the Committee on the Judiciary.

S. 843. A bill to limit the civil liability of business entities that provide facility tours; to the Committee on the Judiciary.

S. 844. A bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft; to the Committee on the Judiciary.

S. 845. A bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. Biden, Mr. Hagel, Mr. Lieberman, Mr. Cochran, Mr. Dodd, Mr. Lugar, Mr. Robb, and Mr. Kerry):

S.J. Res. 20. A joint resolution concerning the deployment of the United States Armed Forces to the Kosovo region in Yugoslavia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself, Mr. Frist, and Mr. Burns):

S. 832. A bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL SPACE LAUNCH INDUSTRY INDEMNIFICATION EXTENSION

Mr. McCAIN. Mr. President, I rise to introduce a bill to extend the commercial space launch indemnification.

As a result of the discussions over the last year on the alleged China technology transfer situation, the need to ensure that the United States launch companies maintain a competitive position in the International launch market has never been greater. One of the more important features of the Commercial Space Launch Act ("CSLA") to the commercial industry is the comprehensive risk allocation provisions. The provisions are comprised of: (1) cross-waivers of liability among launch participants; (2) a demonstration of financial responsibility; and (3) a commitment (subject to appropriations) by the U.S. Government to pay successful third party claims above $500 million.

Since its establishment, this three-pronged approach has been extremely attractive to the customers, contractors, and subcontractors of the U.S. launch licensee and to the contractors and subcontractors of its customers, as they are all participants in and beneficiaries of CSLA. As such, it has enabled the U.S. launch services industry to compete effectively with its foreign counterparts who offer similar coverage.

This ability to compete effectively will be threatened on December 31, 1999. At that time, the most important element of the CSLA insurance section, the U.S. Government payment of claims provision, is scheduled to sunset. Without this provision, the advances in market share that this burgeoning U.S. industry has made—an industry that is critical to U.S. national security, foreign policy and economic interests—will be lost.

The indemnification has been extended previously for a period of 5 years. This bill extends the authorization for this indemnification for an additional 10 years. With this length of extension, companies will be able to finalize strategic plans in a more stable environment.

Therefore, I, along with my cosponsors, urge the Members of this body to support this bill and to provide the needed legislation which will allow this key industry continuous operation in a safe and responsible manner.

By Mr. CAMPBELL (for himself and Mr. Sessions):

S. 834. A bill to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes; to the Committee on Foreign Relations.

THE IRAN NUCLEAR NONPROLIFERATION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I address an issue that is of vital importance to the national security of our country and the stability of the Middle East. While Iran's development of nuclear technologies has been a growing concern for the last few years, recent developments demand a response to this serious situation.

Last November, Iran signed an accord with Russia to speed up completion of the Bushehr Nuclear Power Plant, calling for an expansion of the current design and construction of the $800 million, 1,000 megawatt light-water reactor in southern Iran. Despite serious United States objections and concerns about the project, Russia maintains its longstanding support for the project and the development of Iran's nuclear program. Though Russian and Iranian governments insist that the reactor will be used for civilian energy purposes, the United States national security community believes that the project is too easy a cover for Iran to obtain vital Russian nuclear weapons technology. Israeli Prime Minister Binyamin Netanyahu condemned the Iranian-Russian nuclear cooperation accord as a threat to the entire region, stating:

> The building of a nuclear reactor in Iran only makes it likelier that Iran will equip its ballistic missiles with nuclear warheads. . . . Such a development threatens peace, the whole region and in the end, the Russians themselves.

On January 13 of this year, the administration underscored the gravity of this situation and imposed economic sanctions against three Russian institutes for supplying Iran with nuclear technology. But, I believe more needs to be done.

While the Khatami government in Iran has made some reform efforts since it was elected in 1997, Iran continues to oppose the Middle East peace process, has broadened its efforts to increase its weapons of mass destruction, and remains subject to the influences of its hard-line defense establishment. As reports of Iran's human rights violations continue, State Department reports on international terrorism indicate Iran's continued assistance to terrorist forces such as Hamas, Hizballah, and the Palestinian Islamic Jihad. This clear and consistent record of behavior seriously calls to question Iran's active pursuit to enhance its nuclear facilities.

Though Iran's efforts to acquire weapons of mass destruction have been a growing global concern for several years, international fears were confirmed when in July of last year, Iran demonstrated the strength of its offensive muscle by test-firing its latest Shahab-3 missle. Capable of propelling a 2,200-pound warhead for a range of 800 miles, this missile now allows Iran to pose a significant threat to our allies in the Middle East.

The potential results of Iran's successful development of effective nuclear technologies hold horrific implications for the stability of the Middle East. As an original cosponsor of the Iran Missile Proliferation Sanctions Act of 1997, and signatory of two letters in the 105th Congress to the administration to raise this issue with the Russian leadership, I believe the Senate must continue the effort in light of this growing threat.

Today I am joined by Senator SESSIONS in introducing the Iran Nuclear Proliferation Prevention Act of 1999 as a means to hinder the development of Iran's nuclear weapons program. The House version of this legislation is also being introduced today by Congressman MENENDEZ of New Jersey. This bill requires the withholding of proportional voluntary United States assistance to the International Atomic Energy Agency (IAEA) for programs and projects supported by the Agency in Iran. This legislation specifically aims to limit the Agency's assistance of the Bushehr Nuclear Power Plant.

Last October, this legislation was passed in the House by a recorded vote of 405 to 13, but was not considered by the Senate before the adjournment of the 105th Congress. In the interest of United States national security and for that of our allies, it is vital we ensure that United States funds are not promoting the development of Iran's nuclear capabilities.

I ask unanimous consent that the bill be printed in the RECORD following my remarks and I urge my colleagues to support passage of this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Nuclear Proliferation Prevention Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Iran remains the world's leading sponsor of international terrorism and is on the Department of State's list of countries that provide support for acts of international terrorism.

(2) Iran has repeatedly called for the destruction of Israel and Iran supports organizations, such as Hizballah, Hamas, and the Palestine Islamic Jihad, which are responsible for terrorist attacks against Israel.

(3) Iranian officials have stated their intent to complete at least three nuclear power plants by 2015 and are currently working to complete the Bushehr nuclear power plant located on the Persian Gulf coast.

(4) The United States has publicly opposed the completion of reactors at the Bushehr nuclear power plant because the transfer of civilian nuclear technology and training could help to advance Iran's nuclear weapons program.

(5) In an April 1997 hearing before the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations of the Senate, the former Director of the Central Intelligence Agency, James Woolsey, stated that through the operation of the nuclear power reactor at the Bushehr nuclear power plant, Iran will develop substantial expertise relevant to the development of nuclear weapons.

(6) Construction of the Bushehr nuclear power plant was halted following the 1979 revolution in Iran because the former West Germany refused to assist in the completion of the plant due to concerns that completion of the plant could provide Iran with expertise and technology which could advance Iran's nuclear weapons program.

(7) In January 1995, Iran signed a $780,000,000 contract with the Russian Federation for Atomic Energy (MINATOM) to complete a VVER-1000 pressurized-light water reactor at the Bushehr nuclear power plant and in November 1998, Iran and Russia signed a protocol to expedite the construction of the nuclear reactor, setting a new timeframe of 52 months for its completion.

(8) In November 1998, Iran asked Russia to prepare a feasibility study to build 3 more nuclear reactors at the Bushehr site.

(9) Iran is building up its offensive military capacity in other areas as evidenced by its recent testing of engines for ballistic missiles capable of carrying 2,200 pound warheads more than 800 miles, within range of strategic targets in Israel.

(10) Iran ranks tenth among the 105 nations receiving assistance from the technical cooperation program of the International Atomic Energy Agency.

(11) Between 1995 and 1999, the International Atomic Energy Agency has provided and is expected to provide a total of $1,550,000 through its Technical Assistance and Cooperation Fund for the Iranian nuclear power program, including reactors at the Bushehr nuclear power plant.

(12) In 1999 the International Atomic Energy Agency initiated a program to assist Iran in the area of uranium exploration. At the same time it is believed that Iran is seeking to acquire the requisite technology to enrich uranium to weapons-grade levels.

(13) The United States provides annual contributions to the International Atomic Energy Agency which total more than 25 percent of the annual assessed budget of the Agency, and the United States also provides annual voluntary contributions to the Technical Assistance and Cooperation Fund of the Agency which total approximately 32 percent ($18,250,000 in 1999) of the annual budget of the program.

(14) The United States should not voluntarily provide funding for the completion of nuclear power reactors which could provide Iran with substantial expertise to advance its nuclear weapons program and potentially pose a threat to the United States or its allies.

(15) Iran has no need for nuclear energy because of its immense oil and natural gas reserves which are equivalent to 9.3 percent of the world's reserves, and Iran has 73,000,000,000 cubic feet of natural gas, an amount second only to the natural gas reserves of Russia.

SEC. 3. WITHHOLDING OF VOLUNTARY CONTRIBUTIONS TO THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR PROGRAMS AND PROJECTS IN IRAN.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following:

"(d) Notwithstanding subsection (c), the limitations of subsection (a) shall apply to programs and projects of the International Atomic Energy Agency in Iran, unless the Secretary of State determines, and reports in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, that such programs and projects are consistent with United States nuclear nonproliferation and safety goals, will not provide Iran with training or expertise relevant to the development of nuclear weapons, and are not being used as a cover for the acquisition of sensitive nuclear technology. A determination made by the Secretary of State under the preceding sentence shall be effective for the 1-year period beginning on the date of the determination.''.

SEC. 4. ANNUAL REVIEW BY SECRETARY OF STATE OF PROGRAMS AND PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY; UNITED STATES OPPOSITION TO PROGRAMS AND PROJECTS OF THE AGENCY IN IRAN.

(a) ANNUAL REVIEW.—

(1) IN GENERAL.—The Secretary of State shall undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency in the countries described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) to determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act and on an annual basis thereafter for 5 years, the Secretary shall prepare and submit to Congress a report containing the results of the review under paragraph (1).

(b) OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF INTERNATIONAL ATOMIC ENERGY AGENCY.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose programs of the Agency that are determined by the Secretary pursuant to the review conducted under subsection (a)(1) to be inconsistent with nuclear nonproliferation and safety goals of the United States.

SEC. 5. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and on an annual basis thereafter for 5 years, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to Congress a report that—

(1) describes the total amount of annual assistance to Iran provided by the International Atomic Energy Agency, a list of Iranian officials in leadership positions at the Agency, the expected timeframe for the completion of the nuclear power reactors at the Bushehr nuclear power plant, and a summary of the nuclear materials and technology transferred to Iran from the Agency in the preceding year which could assist in the development of Iran's nuclear weapons program; and

(2) contains a description of all programs and projects of the International Atomic Energy Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and any inconsistencies between the technical cooperation and assistance programs and projects of the Agency and United States nuclear nonproliferation and safety goals in these countries.

(b) ADDITIONAL REQUIREMENT.—The report required to be submitted under subsection (a) shall be submitted in an unclassified form, to the extent appropriate, but may include a classified annex.

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that the United States should pursue internal reforms at the International Atomic Energy Agency that will ensure that all programs and projects funded under the Technical Cooperation and Assistance Fund of the Agency are compatible with United States nuclear nonproliferation policy and international nuclear nonproliferation norms.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. AKAKA, Mrs. BOXER, Mr. DODD, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MACK, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REED, Mr. ROBB, Mr. SARBANES, and Mr. WARNER):

S. 835. A bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce legislation to protect our nation's estuaries—the Estuary Habitat Restoration Partnership Act of 1999. I am pleased to introduce this bill with Senator BREAUX and so many other distinguished members of the Senate. I am particularly pleased that there is strong bipartisan support among the 16 cosponsors of this bill. Such support underscores the importance of estuaries to our economy and to our environment.

To understand the importance of this bill, we must first understand exactly what estuaries are and why they are so significant. Estuaries are the bays, lagoons, and inlets created when rivers and oceans meet, mixing fresh and salt water, creating one of our most economically and environmentally valuable natural resources. They support diverse habitats—from shellfish beds to beaches to sea grass meadows. Estuaries are a crucial component of unique and fragile ecosystems that support marine mammals, birds, and wildlife.

There are many commercial and recreational uses that depend upon estuaries, making them integral to our economy as well. Coastal waters generate $54 billion in goods and services annually. The fish and shellfish industries alone contribute $83 million per year to the nation's economy. Estuaries are vital to more than 75 percent of marine fisheries in the United States, making those regions important centers for commercial and sport fishing, while supporting business and creating jobs.

The great natural beauty of estuaries coupled with the sporting, fishing, and other outdoor recreational activities they provide make coastal regions important areas for tourism. People come to hike, swim, boat, and enjoy nature in the 44,000 square miles of outdoor public recreation areas along our coasts. In fact, 180 million Americans visit our nation's coasts each year. That is almost 70 percent of the entire U.S. population. The large number of visitors has a strong economic impact. Coastal recreation and tourism generate $8 to $12 billion annually.

Estuaries are home to countless species unique to these ecosystems, including many that are threatened or endangered. From birds such as the bald eagle, to shellfish such as the American Oyster, to vegetation such as eelgrass—an amazing variety of wildlife relies upon those areas.

It's not only plants and animals that make their homes near estuaries. People are moving to these areas at a rapid rate. While coastal counties account for 11 percent of the land area of the continental U.S., at least half of all Americans call coastal and estuarine regions home. Coastal counties are growing at three times the rate of noncoastal counties. It is estimated that 100 million people live in such areas now, and by 2010 that number is expected to jump to 127 million.

Unfortunately, because so many of us enjoy living, working, and playing near estuaries, we have stressed the once-abundant resources of many of these water bodies. Population growth has been difficult to manage in a manner that protects estuaries. Housing developments, roads, and shopping centers have moved into areas crucial to the preservation of estuaries. They have also placed a more concentrated burden on estuaries from pollution caused by infrastructure required by greater number of people: more sewers, cars, and paved roads, among other things.

The result of this population growth is painfully evident. Estuary habitats across the nation are vanishing. Almost three-quarters of the original salt marshes in the Puget Sound have been destroyed. Ninety-five percent of the original wetlands in the San Francisco Bay are gone. Louisiana estuaries are losing 25,000 areas of coastal marshes each year. That's an area about the size of Washington, D.C.

Those habitats that remain are beleaguered by problems and signs of distress can be seen in virtually every estuary. The 1996 National Water Quality inventory reported that nearly 40 percent of the nation's surveyed estuarine waters are too polluted for basic uses, such as fishing and swimming. Falling finfish and shellfish stocks due to overharvesting and pollution from nutrients and chemicals, proliferation of toxic algal blooms, and a reduction in important aquatic vegetation has signaled a decline in the condition of many estuaries.

Nutrients such as phosphorus and nitrogen carried from city treatment works and agricultural land flow down our rivers and into our estuaries, leading to over-enrichment of these waters. As a result, algal blooms flourish. These blooms rob the water of the dissolved oxygen and light that is crucial to the survival of grass beds that support shellfish and birds.

Nutrients have also contributed to the disappearance of eelgrass beds in Narragansett Bay on Rhode Island. While once eelgrass beds covered thousands of acres of the Bay floor, today that figure has fallen to only 100 acres or so. Sadly, the disappearance of eelgrass is not the only problem facing the Bay. Its valuable fish runs are disappearing. Salt marshes are also in decline. Fifty percent of the salt marsh acreage that once existed has been filled, and 70 percent is cut off from full tidal flow.

Nowhere has the problem of nutrient over-enrichment been demonstrated more dramatically of late than in the nation's largest estuary: the Chesapeake Bay. Nutrient pollution in the Bay has contributed to the toxic outbreak of the algae pfiesteria, or "fish killer", which has been responsible for massive fish kills in the Bay's waterways. While scientists believe pfiesteria has existed for thousands of years, only recently have we witnessed an alarming escalation in the appearance of the algae in its toxic, predatory form.

Unfortunately, the effects of pfiesteria have not been confined to the Chesapeake Bay region. Pfiesteria has also been identified in waters off the coast of North Carolina, indicative of a longer trend of harmful algal blooms in the U.S. and around the world. This trend correlates to an increase in nutrients in our waterways. Perhaps more distressing than the environmental threat posed by pfiesteria is the fact that pfiesteria has also been linked to negative health effects in humans.

Estuaries are also endangered by pathogens. Microbes from sewage treatment works and other sources have contaminated waters, making shellfish unfit for human consumption. In Peconsic Bay on Long Island, for instance, more than 4,700 acres of bay bottom is closed either seasonally or year-round due to pathogens.

Toxic chemicals such as PCBs, heavy metals, and pesticides degrade the environment of estuaries as well. Runoff from lawns, streets, and farms, sewage treatment plants, atmospheric deposition, and industrial discharges expose finfish and shellfish to the chemicals. The chemicals are persistent and tend to bioaccumulate, concentrating in the tissues of the fish. The fish may then pose a risk to human health if consumed.

In Massachusetts Bays, for instance, diseased lobster and flounder have been discovered in certain areas, prompting consumption advisories. Unfortunately, this problem is not an isolated one. In many of our nation's urban harbors polluted runoff creates "hot spots" of toxic contamination so severe that nothing can survive.

Estuaries are also threatened by newly introduced species. Overpopulation of new species can eradicate native populations. Eradication of even one native species has the potential to alter the food web, increase erosion, and interfere with navigation, agriculture, and fishing. In Tampa Bay, for example, native plant species have been replaced by newly introduced species, altering the Bay's ecological balance.

All of these changes to the condition of our estuaries threaten not only our environment, but the economies and jobs that rely upon estuaries. Indeed, the stresses we have placed on estuaries in the past may jeopardize our future enjoyment of the benefits they provide, unless we continue to strengthen the commitments we have made to protecting this resource. Thankfully, the fate of the nation's estuaries is far from decided. We are beginning to see signs that efforts made by many to restore and protect our estuaries are having a positive effect and turning the tide against degradation.

Nutrient levels in the Chesapeake Bay are declining due in part to programs designed to better manage fertilizer applications to farmland and lawns and to reduce point source discharges. People in New York have targeted sewer overflows, non-point runoff, and sewage treatment plants by implementing techniques to prevent stormwater pollution and mitigate runoff. By doing so, they hope to reduce the threat of pathogen contamination in Long Island Sound.

In Rhode Island, a non-profit group, Save the Bay, has partnered with school kids to do something about the loss of eelgrass beds in Narragansett Bay. The children are growing eelgrass in their schools and it is then planted in the Bay by Save the Bay. In this way, they hope to encourage growth of the beds that provide a home for shellfish and a food source for countless other Bay creatures.

In Florida, a partnership of volunteers, students, businesses, and federal, state, and local governments prepared sites and planted native vegetation on six acres of newly-constructed wetlands in a park adjacent to Tampa Bay. The students received job training, education, and summer employment, and the Bay received a helping hand fighting the invasive species that threaten those native to it.

The "Estuary Habitat Restoration Partnership Act" will further these efforts to preserve and restore estuaries. The Act is designed to make the best use of scarce resources by channeling them directly to those citizens and organizations that best know how to restore estuaries. It will help groups like those in Rhode Island and Tampa Bay continue their work while encouraging others to join them in projects of their own.

The ultimate goal is to restore 1,000,000 acres of estuary habitat by 2010. To achieve this goal, the bill establishes a streamlined council consisting of representatives from citizen organizations and state and federal governments. This "Collaborative Council" will serve two functions. The first function is to develop a comprehensive national estuary habitat restoration strategy. The strategy will be the basis for the second function of the Council: efficient coordination of federal and non-federal estuary restoration activities by providing a means for prioritizing and selecting habitat restoration projects.

In developing the strategy, the Council will review existing federal estuary restoration plans and programs, create a set of proposals for making the most of incentives to increase private-sector participation in estuary restoration, and make certain that the strategy is developed and implemented consistent with existing federal estuary management and restoration programs.

The Council's second function is to select habitat restoration projects presented to the Council by citizen organizations and other non-federal entities, based on the priorities outlined under the strategy. Those projects that have a high degree of support from non-federal sources for development, maintenance, and funding, fall within the restoration strategy developed by the Council, and are the most feasible will have the greatest degree of success in receiving funding.

A project must receive at least 35 percent of its funding from non-federal sources in order to be approved. Priority will be given to those projects where more than 50 percent of its support comes from non-federal sources. Priority status also requires that the project is part of an existing federal estuary plan and that it is located in a watershed that has a program in place to prevent water pollution that might re-impair the estuary if it were restored.

To achieve its 1,000,000 acre goal, the Act does not establish mandates or create a new bureaucracy. Instead, the Act encourages partnerships between government and those that are most concerned and best able to effectively preserve estuaries—citizens. It will make the most of federal dollars by providing those citizens and organizations that are most affected by the health of our estuaries the opportunity and the incentive to continue their efforts to improve them through projects that they develop, implement, and monitor themselves.

This approach has several advantages. All estuaries are not the same, nor are the problems that face each estuary the same. Therefore, the Act allows citizens to tailor a project targeted to meet the specific challenges posed by the particular estuary in their region. In this way, we are doing the most to help protect estuaries while wasting none of our scarce federal funds. The Act also ensures the continued prudent use of funds through information-gathering, monitoring, and reporting on the projects.

Estuaries contribute to our economy and to our environment, and for these reasons alone they should be protected. But, they also contribute to the fabric of many of the communities that surround them. They define much of a region's history and cultures as well as the way people live and work there today.

For all of these reasons, then, we must make efficient use of the resources we have in order to assist those people that are protecting and restoring our estuaries. The Estuary Habitat Restoration Partnership Act is the best, most direct way to do just that. Therefore, I urge all of my colleagues to support this bill.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section cites provides that the Act may be cited as "The Estuary Habitat Restoration Partnership Act of 1999".

Section 2. Findings

This section establishes Congress' findings. Congress finds that estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl. It also finds that estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the Nation's commercial fish catch and 80 to 90 percent of its recreational fish catch.

It further finds that estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse. Congress finds that successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs and that the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened. Also, new public and public-private estuary habitat restoration partnerships should be established.

Section 3. Purposes

The bill establishes a program to restore one million acres of estuary habitat by the year 2010. the bill requires the coordination of existing Federal, State and local plans, programs, and studies. It authorizes partnerships among public agencies at all levels of government and between the public and private sectors. The bill authorizes estuary habitat restoration activities, and it requires monitoring and research capabilities to assure that restoration efforts are based on sound scientific understanding.

This measure will give a real incentive to existing State and local efforts to restore and protect estuary habitat. Although there are numerous estuary restoration programs already in existence, non-Federal entities have had trouble sifting through the often small, overlapping and fragmented habitat restoration programs. The bill will coordinate these programs and restoration plans, combine State, local and Federal resources and supplement needed additional funding to restore estuaries.

Section 4. Definitions

This section defines terms used throughout the Act. Among the most important definitions are:

"Estuary" is defined as a body of water and its associated physical, biological, and chemical elements, in which fresh water from a river or stream meets and mixes with salt water from the ocean.

"Estuary Habitat" is defined as the complex of physical and hydrologic features within estuaries and their associated ecosystems, including salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, tidal flats, natural shoreline areas, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

"Estuary Habitat Restoration Activity" is defined as an activity that results in improving an estuary's habitat, including both physical and functional restoration, with a goal toward a self-sustaining ecologically-based system that is integrated with its surrounding landscape. Examples of restoration activities include: the control of non-native and invasive species; the reestablishment of physical features and biological and hydrologic functions; the cleanup of contamination; and the reintroduction of native species, through planting or natural succession.

Section 5. Establishment of the Collaborative Council

This section establishes an interagency Collaborative Council composed of the Secretary of the Army, the Under Secretary for Oceans and Atmosphere, Department of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior, through the Fish and Wildlife Service. The two principal functions of the Council are: (1) to develop a national strategy to restore estuary habitat; and (2) to select habitat restoration projects that will receive the funds provided in the bill.

The Army Corps of Engineers is to chair the Council. The Corps is to work cooperatively with the other members of the Council.

Section 6. Duties of the Collaborative Council

This section establishes a process to coordinate existing Federal, State and local resources and activities directed toward estuary habitat restoration. It also sets forth the process by which projects are to be selected by the Council for funding under this Title.

Habitat Restoration Strategy.—This section requires the Council to draft a strategy that will serve as a national framework for restoring estuaries. The strategy should coordinate Federal, State, and local estuary plans programs and studies.

In developing the strategy, the Council should consult with State, local and tribal governments and other non-Federal entities, including representatives from coastal States representing the Atlantic, Pacific, and the Gulf of Mexico; local governments from coastal communities; and nonprofit organizations that are actively participating in carrying out estuary habitat restoration projects.

Selection of Projects.—This section also requires the Council to establish application criteria for restoration projects. The Council is required to consider a number of factors in developing criteria. In addition to the factors mentioned in the legislation, the Council is to consider both the quantity and quality of habitat restored in relation to the overall cost of a project. The consideration of these factors will provide the information required to evaluate performance, at both the project and program levels, and facilitate the production of biennial reports in the strategy.

Subsection (b) of section 105 requires the project applicant to obtain the approval of State or local agencies, where such approval is appropriate. In States such as Oregon, where coastal beaches and estuaries are publicly owned and managed, proposals for estuary habitat restoration projects require the approval of the State before being submitted to the Council.

Priority Projects.—Among the projects that meet the criteria listed above, the Council shall give priority for funding to those projects that meet any of the factors cited in subsection(b)(4) of this section.

One of the priority factors is that the project be part of an approved estuary management or restoration plan. It is envisioned that funding provided through this legislation would assist all local communities in meeting the goals and objectives of estuary restoration, with priority given to those areas that have approved estuary management plans. For example, the Sarasota Bay area in Florida is presently implementing its Comprehensive Conservation and Management Plan (CCMP), which focuses on restoring lost habitat. This is being accomplished by: reducing nitrogen pollution to increase sea grass coverage; constructing salt water wetlands; and building artificial reefs for juvenile fish habitat. Narragansett Bay in Rhode Island also is in the process of implementing its CCMP. Current efforts to improve the Bay's water quality and restore its habitat address the uniqueness of the Narraganset Bay watershed.

Section 7. Cost sharing of estuary habitat restoration projects

This section strengthens local and private sector participation in estuary restoration efforts by building public-private restoration partnerships. This section establishes a Federal cost-share requirement of no more than 65 percent of the cost of a project. The non-Federal share is required to be at least 35 percent of the cost of a project. Lands, easements, services, or other in-kind contributions may be used to meet non-Federal match requirement.

Section 8. Monitoring and maintenance

This section assures that available information will be used to improve the methods for assuring successful long-term habitat restoration. The Under Secretary for Oceans and Atmosphere (NOAA) shall maintain a database of restoration projects carried out under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

The Council shall publish a biennial report to Congress that includes program activities, including the number of acres restored; the percent of restored habitat monitored under a plan; and an estimate of the long-term success of different restoration techniques used in habitat restoration projects.

Section 9. Cooperative agreements and memoranda of understanding

This section authorizes the Council to enter into cooperative agreements and execute memoranda of understanding with Federal and State agencies, private institutions, and tribal entities, as is necessary to carry out the requirements of the bill.

Section 10. Distribution of appropriations for estuary habitat restoration activities

This section authorizes the Secretary to disburse funds to the other agencies responsible for carrying out the requirements of this Act. The Council members are to work together to develop an appropriate mechanism for the disbursement of funds between Council members. For instance, section 107 of the bill requires the Under Secretary to maintain a data base of restoration projects carried out under this legislation. NOAA shall utilize funds disbursed from the Secretary to maintain the data base.

Section 11. Authorization of appropriations

The total of $315,000,000 for fiscal years 2000 through 2004 is authorized to carry out estuary habitat restoration projects under this section. The $315,000,000 would be distributed as follows: $40,000,000 for fiscal year 2000; $50,000,000 for fiscal year 2001, and $75,000,000 for each of fiscal years 2002 through 2004.

Section 12. National estuary program

This section amends section 430(g)(2) of the Federal Water Pollution Control Act to provide explicit authority for the Administrator of the Environmental Protection Agency to issue grants not only for assisting activities necessary for the development of comprehensive conservation and management plans (CCMPs) but also for the implementation of CCMPs. Implementation for purposes of this section includes managing and overseeing the implementation of CCMPs consistent with section 320(b)(6) of the Act, which provides that management conferences, among other things, are to 'monitor the effectiveness of actions taken pursuant to the [CCMP].' Examples of implementation activities include: enhanced monitoring activities; habitat mapping; habitat acquisition; best management practices to reduce urban and rural polluted runoff; and the organization of workshops for local elected officials and professional water quality managers about habitat and water quality issues.

The National Estuary Program is an important partnership among Federal, State, and local governments to protect estuaries of national significance threatened by pollution. A major goal of the program has been to prepare CCMPs for the 28 nationally designated estuaries. To facilitate preparation of the plans, the Federal Government has provided grant funds, while State and local governments have developed the plans. The partnership has been a success in that 18 of 28 nationally designated estuaries have completed plans.

In order to continue and strengthen this partnership, grant funds should be eligible for use in the implementation of the completed plans as well as for their development. Appropriations for grants for CCMPs are authorized at $2,5000,000 for each of fiscal years 2000 and 2001. This increase reflects the growth in the National Estuary Program since the program was last authorized in 1987. In 1991 when the authorization expired, 17 local estuary programs existed; now there are 28 programs. The cost of implementing the 28 estuary programs will require significant resources. However, State and local governments should take primary responsibility for implementing CCMPs.

Section 13. General provisions

This section provides the Secretary of the Army with the authority to carry out responsibilities under this Act, and it clarifies that habitat restoration is one of the Corps' mission.

Mr. BREAUX. Mr. President, I am pleased and honored to join with my friend and colleague, Senator JOHN CHAFEE, Chairman of the Senate Committee on Environment and Public Works, to introduce legislation to restore America's estuaries. Our bill is entitled the "Estuary Habitat Restoration Partnership Act of 1999."

In the 105th Congress, on October 14, 1998, the Senate passed by unanimous consent S. 1222, the "Estuary Habitat Restoration Partnership Act of 1998." I joined with Senator CHAFEE and 15 other Senators to introduce the bill on September 25, 1997. On July 9, 1998, I testified on its behalf during hearings held by Senator CHAFEE and the Committee on Environment and Public Works.

I am pleased that the Senate gave its unanimous approval to the bill's passage in the last Congress and look forward to such consent in the 106th Congress.

Estuaries are a national resource and treasure. As a nation, therefore, we should work together at all levels and in all sectors to help restore them.

Other Senators have joined with Senator CHAFEE and me as original cosponsors of the bill. Together, we want to draw attention to the significant value of the nation's estuaries and the need to restore them.

It is also my distinct pleasure today to say with pride that Louisianians have been in the forefront of this movement to recognize the importance of estuaries and to propose legislation to restore them. The Coalition to Restore Coastal Louisiana, an organization which is well-known for its proactive work on behalf of the Louisiana coast, has been from the inception an integral part of the national coalition, Restore America's Estuaries, which has proposed and supports the restoration legislation.

The Coalition to Restore Coastal Louisiana and Restore America's Estuaries are to be commended for their leadership and initiative in bringing this issue to the nation's attention.

In essence, the bill introduced today proposes a single goal and has one emphasis and focus. It seeks to create a voluntary, community-driven, incentive-based program which builds partnerships between the federal government, state and local governments and the private sector to restore estuaries, including sharing in the cost of restoration projects.

In Louisiana, we have very valuable estuaries, including the Ponchartrain, Barataria-Terrebonne, and Vermilion Bay systems. Louisiana's estuaries are vital because they have helped and will continue to help sustain local communities, their cultures and their economies.

I encourage Senators from coastal and non-coastal states alike to evaluate the bill and to join in its support with Senator CHAFEE, me and the other Senators who are original bill cosponsors.

I look forward to working with Senator CHAFEE and other Senators on behalf of the bill and with the Coalition to Restore Coastal Louisiana and Restore American's Estuaries.

By working together at all levels of government and in the private and public sectors, we can help to restore estuaries. We can, together, help to educate the public about the important roles which estuaries play in our daily lives through their many contributions to public safety and well-being, to the environment and to recreation and commerce.

By Mr. SPECTER (for himself, Mr. GRAHAM, Mr. COCHRAN, and Mr. ROBB):

S. 836. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services; to the Committee on Health, Education, Labor, and Pensions.

ACCESS TO WOMEN'S HEALTH CARE ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition to discuss an issue of great importance, and an issue on which I believe we can all agree. Regardless of health insurance type, payer, or scope, it is critical that women have direct access to caregivers who are trained to address their unique health needs. To help us ensure that all women have direct access to providers of obstetric and gynecological care within their health plans, I am joined by Senator BOB GRAHAM in introducing the "Access to Women's Health Care Act of 1999." This legislation will allow women direct access to providers of obstetric and gynecological care, without requiring them to secure a time-consuming and cumbersome referral from a separate primary care physician. Senator GRAHAM and I are also pleased to have Senators COCHRAN and ROBB as original cosponsors of this vital legislation. I would like to extend thanks to the American College of Obstetricians and Gynecologists, whose members have worked diligently with Senator GRAHAM and myself in crafting this bill.

While many managed care plans provide some form of direct access to women's health specialists, some plans limit this access. Other plans deny direct access altogether, and require a referral from a primary care physician. Under the "Access to Women's Health Care Act of 1999," women would be permitted to see a provider of obstetric and gynecological care without prior authorization. This approach is prudent and effective because it ensures that women have access to the benefits they pay for, without mandating a structural change in the plan's particular "gatekeeper" system.

It is important to note that 37 states have enacted laws promoting women's access to providers of obstetric and gynecological care. However, women in other states or in ERISA-regulated health plans are not protected from access restrictions or limitations. For many women, direct access to providers of obstetric and gynecological care is crucial because they are often the only providers that women see regularly during their reproductive years. These providers are often a woman's only point of entry into the health care system, and are caregivers who maintain a woman's medical record for much of her lifetime.

I believe it is clear that access to women's health care cuts across the intricacies of the complicated and often divisive managed care debate. During the past few years, Congress has debated many proposals which attempt to address growing problems in managed health care insurance. These proposals have been diverse, not only in their approach to the problems, but in the scope of the problems they seek to address. Most recently, during the 105th Congress, the House of Representatives passed a managed care reform proposal which, among many other reforms, included provisions requiring health plans to allow women direct access to obstetrician/gynecologists which participate in the plan. I would also note that this direct access provision has been included, in varying forms, in all of the major managed care reform proposals introduced in the Senate this year, including the bipartisan managed care reform bill, the "Promoting Responsible Managed Care Act of 1999" (S. 374), which I cosponsored. It is for these reasons that I offer this legislation today.

Only through bipartisanship and consensus-building can we come to an agreement on the difficult issue of addressing managed care reform. I believe that cutting through the cumbersome gatekeeper system to ensure women have access to the care they need is a good place to start, and I urge swift adoption of this legislation.

Mr. GRAHAM. Mr. President, I rise today, along with Senators SPECTER, COCHRAN and ROBB, to introduce the Access to Women's Health Care Act of 1999. This important legislation would provide women with direct access to providers of obstetric and gynecological services. It is critical that women have direct access to health care providers who are trained to address their unique health care needs.

Women's health has historically received little attention and it is time that we correct that. An obstetrician/gynecologist provides health care that encompasses the woman as a whole patient, while focusing on their reproductive systems. Access to obstetrician/gynecologists would improve the health of women by providing routine and preventive health care throughout the woman's lifetime. In fact, 60 percent of all visits to obstetrician/gynecologists are for preventive care.

According to a survey by the Commonwealth Fund, preventive care is better when women have access to obstetrician/gynecologists. The specialty of obstetrics/gynecology is devoted to the health care of women. Primary and preventive care are integral services provided by obstetrician/gynecologists. Complete physical exams, family planning, hypertension and cardiovascular surveillance, osteoporosis and smoking cessation counseling, are all among the services provided by obstetrician/gynecologists. For many women, an obstetrician/gynecologist is often the only physician they see regularly during their reproductive years.

Congress, so far, has been more reluctant to ensure direct access to women's health care providers than states. Thirty-seven states have stepped up to the plate and required at least some direct access for women's health care. We should commend these states for their efforts and work together so that women across the nation are afforded this important right.

I hope that with the help of my colleagues in Congress we will be able to improve women's health, by increasing their access to providers of obstetric/gynecological care. This provision has been included in varying forms in many of the managed care reform proposals this Congress.

By Mr. McCONNELL (for himself, Mr. MOYNIHAN, Mr. LIEBERMAN, and Mr. McCAIN):

S. 837. A bill to enable drivers to choose a more affordable form of auto insurance that also provides for more adequate and timely compensation for accident victims, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AUTO CHOICE REFORM ACT

Mr. McCONNELL. Mr. President, I rise today to introduce a progressive, bipartisan bill to allow hard-working Americans to keep more of what they earn.

Imagine for a moment a tax cut that could save families $193 billion over the next five years. Better yet, this tax cut would not add a single penny to the deficit. Sound impossible? Not really. It's called Auto Choice.

The Auto Choice Reform Act offers the equivalent of a massive across-the-board tax cut to every American motorist. Based on a study by the RAND Institute for Civil Justice, the Joint Economic Committee ("JEC") in Congress issued a 1998 report estimating that Auto Choice could save consumers as much as $35 billion a year—at no cost to the government.

In fact, the 5-year net savings described in the JEC report could reach $193 billion. Let me say that again, Mr. President: a potential savings of $193 billion—that is $50 million more than five-year tax cut savings projected in our budget resolution.

So what does this mean for the average American?

It would mean that the average American driver could keep more of what he or she earns to the tune of nearly $200 per year, per vehicle. And, Mr. President, low-income families would be the greatest beneficiaries of this bill. According to the JEC, the typical low-income household spends more on auto insurance in two years than the entire value of their car. Auto choice would change that by allowing low-income drivers to save 36 percent on their overall automobile premium. For a low-income household, these savings are the equivalent of five weeks of groceries or nearly four months of electric bills.

And, Mr. President, let me say again—Auto Choice would not add one penny to the deficit. It wouldn't cost the government a cent.

I expect that there will be a good deal of discussion over the next few months about Auto Choice and the effort to repair the broken-down automobile insurance tort system. But, Mr. President, everything you will hear about Auto Choice can be summed up in two words: Choice and Savings.

Consumers want, need, and deserve both.

Very simply, the Auto Choice Reform Act offers consumers the choice of opting out of the current pain and suffering litigation lottery. The consumers who make this choice will achieve a substantial savings on automobile insurance premiums by reducing fraud, pain-and-suffering litigation and lawyer fees.

Mr. President, before you can truly comprehend the benefits of this pro-consumer, pro-inner city, pro-tax cut bill, you must understand the terrible costs of the current tort liability system.

The current trial-lawyer insurance system desperately needs an overhaul. And nobody knows this better than the American motorist—who is now paying on average nearly $800 per year per vehicle for automobile insurance. Between 1987 and 1994, average premiums rose 44 percent—nearly one-and-a-half times the rate of inflation.

Why are consumers forced to pay so much?

Because the auto insurance tort system is fundamentally flawed. It is clogged and bloated by fraud, wasteful litigation, and abuse.

Fundamental flaw #1: The first flaw of the current system is rampant fraud and abuse. In 1995, the F.B.I. announced a wave of indictments stemming from Operation Sudden Impact, the most wide-ranging investigation of criminal fraud schemes involving staged car accidents and massive fraud in the health care system. The F.B.I uncovered criminal enterprises staging bus and car accidents in order to bring lawsuits and collect money from innocent people, businesses and governments. In fact, F.B.I. Director Louis Freeh has estimated that every American household is burdened by an additional $200 in unnecessary insurance premiums to cover this enormous amount of fraud.

In addition to the pervasive criminal fraud that exists, the incentives of our litigation system encourage injured parties to make excessive medical claims to drive up their damage claims in lawsuits. The RAND institute for Civil Justice, in a study released in 1995, concluded that 35 to 42 percent of claimed medical costs in car accident cases are excessive and unnecessary. Let me repeat that in simple English: well over one-third of doctor, hospital, physical therapy and other medical costs claimed in car accident cases are for nonexistent injuries or for unnecessary treatment.

The value of this wasteful health care? Four billion dollars annually. I don't need to remind anyone of the ongoing local and national debate over our health care system. While people have strongly-held differences over the causes and solutions to that problem, the RAND data make one thing certain—lawsuits, and the potential for hitting the jackpot, drive overuse and abuse of the health care system. Reducing those costs by $4 billion annually, without depriving one person of needed medial care, is clearly in our national interest.

Why would an injured party inflate their medical claims, you might ask. It's simple arithmetic. For every $1 of economic loss, a party stands to recover up to $3 in pain and suffering awards. In short, the more you go to the chiropractor, the more you get from the jury. And, the more you get from the jury, the more money your attorney puts in his own pocket.

Which leads us to Fundamental Flaw #2—that is, the excessive amounts of consumer dollars that are wasted on lawsuits and trial lawyers. Based on data from the Insurance Information Institute and the Joint Economic Committee, it is estimated that lawyers rake in nearly two times the amount of money that injured parties receive for actual economic losses. Surely we would all agree that a system is broken down when it pays lawyers more than it pays injured parties for actual economic losses.

Fundamental Flaw #3: Seriously injured people are grossly undercompensated under the tort system. A 1991 RAND study reveals that people with economic losses between $25,000 and $100,000 recover on average barely half of their economic losses—and no pain-and-suffering damages. People with losses in excess of $100,000 recover only 9 percent of their economic losses—and no pain-and-suffering damages. So, the hard facts demonstrate that seriously-injured victims do not receive pain-and-suffering damages today—even though they are paying to play in a system that promises pain-and-suffering damages.

Fundamental Flaw #4: Not only does the current system force you to typically hire a lawyer just to recover from a car accident, it also forces you to wait for that payment. One study indicates that the average time to recover is 16 months, and of course, it takes much longer in serious injury cases.

Auto Choice gives consumers a way out of this system of high premiums, rampant fraud, and slow, inequitable compensation. Our bill would remove the perverse incentives of lawsuits, while ensuring that accident victims recover fully for their economic loss.

So, what is auto choice? Let me first answer with what it is not. It does not abolish lawsuits, and it does not eliminate the concept of fault within the legal system. Undoubtedly, there will be more equitable compensation of injured parties, and thus less reason to go to court—but the right to sue will not be abolished.

Auto Choice allows drivers to decide how they want to be insured. In establishing the choice mechanism, the bill unbundles economic and non-economic losses and allows the driver to choose whether to be covered for non-economic losses (that is, pain and suffering losses).

In other words, if a driver wants to have the chance to recover pain and suffering, he says in the current system. If he wants to opt-out of the pain and suffering regime and receive lower premiums with prompt, guaranteed compensation for economic losses, then he chooses the personal injury protection system.

This choice, which sounds amazingly simple and imminently reasonable, is, believe it or not, currently unavailable anywhere in our country. Auto Choice will change that.

Let me briefly explain the choices that our bill will offer every consumer. A consumer will be able to choose one of two insurance systems.

The first choice in the Tort Maintenance System. Drivers who wish to stay in their current system would choose this system and be able to sue each other for pain and suffering. These drivers would essentially buy the same type of insurance that they currently carry—and would recover, or fail to recover, in the same way that they do today. The only change for these tort drivers would be that, in the event that they are hit by a personal protection driver, the tort driver would recover both economic and noneconomic damages from his own insurance policy. This supplemental first-party policy for tort drivers will be called tort maintenance coverage.

The second choice is the Personal Injury Protection System. Consumers choosing this system would be guaranteed prompt recovery of their economic losses, up to the levels of their own insurance policy. Personal protection drivers would achieve substantially reduced premiums because the personal injury protection system would dramatically reduce: (1) fraud, (2) pain and suffering lawsuits, and (3) attorney fees. These drivers would give up the chance to sue for pain and suffering damages in exchange for lower premiums, guaranteed compensation of economic losses, and relief from pain and suffering lawsuits.

Under both insurance systems—tort maintenance and personal protection—the injured party whose economic losses exceed his own coverage will have the chance to sue the other driver for excess economic losses. Moreover, tort drivers will retain the chance to sue each other for both economic and noneconomic loss. Critics who say the right to sue is abolished by this bill are plain wrong.

The advantages of personal protection coverage are enormous.

First, personal protection coverage assures that those who suffer injury, regardless of whether someone else is responsible, will be paid for their economic losses. The driver does not have to leave compensation up to the vagaries of how an accident occurs and how much coverage the other driver has. A driver whose car goes off a slippery road will be able to recover for his economic losses. Such a blameless driver could not recover under the tort system because no other person was at fault. No matter when and how a driver or a member of his family is injured, the driver will have peace of mind knowing that his insurance will help protect his family.

Second, the choice as to how much insurance protection to purchase is in the hands of the driver, who is in the best position to know how much coverage he and his family need. He can choose as much or as little insurance as his circumstances require, from $20,000 to $1 million of protection.

Third, people who elect the personal protection option will, in the event they are injured, be paid promptly, as their losses accrue.

Fourth, we will have more rational use of precious health care resources. Insuring on a first-party basis helps eliminate the incentives for excess medical claiming. When a person chooses to be compensated for actual economic loss, the tort system's incentives for padding one's claims disappear. If there's no pain-and-suffering lottery, then there's no reason to play the game.

Fifth, Auto Choice offers real benefits for low-income drivers because the savings are both dramatic and progressive. Low-income drivers will see the biggest savings because they pay a higher proportion of their disposal income in insurance costs. A study of low income residents of Maricopa County, Arizona, revealed that households below 50 percent of the poverty line spent an amazing 31.6 percent of disposable income on car insurance.

For many low-income families the choices are stark: car insurance and the ability to get to the job, or medicine, new clothing and extra food for the children. Too often these families feel forced to drive without any insurance. In fact, some areas in our country have uninsured motorist rates exceeding ninety percent. I would hope that this Senate would not sit back and allow our litigation system to promote this kind of lose-lose scenario for consumers.

Moreover, Auto Choice offers benefits to all taxpayers, even those who don't drive. For example, local governments will save taxpayer dollars through decreased insurance and litigation costs. This will allow governments to use our tax dollars to more directly benefit the community. Think of all the additional police and firefighters that could be hired with money now spent on lawsuits, Or, schools and playgrounds that could be better equipped. New York City spends more on liability claims than it spends on libraries, botanical gardens, the Bronx Zoo, the Metropolitan Museum of Art and the Department of Youth Services, combined. Imagine the improved quality of life in our urban areas if governments were free of spending on needless lawsuits.

The bottom line? We think that consumers should be able to make one simple choice: "Do you want to continue to pay nearly $800 per year per vehicle for auto insurance and have the chance to recover pain and suffering damages? Or would you rather save roughly $200 per year per vehicle, be promptly reimbursed for your economic losses, and forego pain and suffering damages?"

It's really that simple. And, we're not even going to tell them which answer is the right one. Because that's not up to us. It's up to the consumer. We simply want to give them the choice.

In closing, I'd like to quote The New York Times, which has summed up the benefits, and indeed, the simplicity of our bill: "[Auto Choice] would give families the option of foregoing suits for nonmonetary losses in exchange for quick and complete reimbursement for every blow to their pocketbook. Everyone would win—except the lawyers."

Mr. President, this bill is bipartisan and bicameral. I am proud today to again have the support of Senators MOYNIHAN and LIEBERMAN. We first introduced this bill in the 104th Congress, and I want to take a minute to say how much I appreciate their ongoing commitment to provide meaningful relief for consumers across the country, especially low-income families. And, we have now added another heavy hitter to our list of original cosponsors, Senator JOHN MCCAIN, the chairman of the Senate Commerce Committee.

I also want to thank House Majority Leader DICK ARMEY and Congressman JIM MORAN. They joined our team in the last Congress, and I am pleased to say that they will again be leading the charge in the House.

Auto Choice has broad support from across the spectrum. It should be obvious by the support and endorsements that Auto Choice is not conservative or liberal legislation. It is consumer legislation. To show this range of support, I ask unanimous consent that the RECORD include the statements in support of Auto Choice from the Republican Mayor of New York City, Rudolph Giuliani; the former Massachusetts Governor and Democratic presidential candidate, Michael Dukakis; and award-winning consumer advocate Andrew Tobias. I also ask unanimous consent that the RECORD include statements on behalf of Americans for Tax Reform, Citizens for a Sound Economy, and the U.S. Chamber of Commerce.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, April 13, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: I am writing to you in support of Auto-Choice insurance reform, which will dramatically reduce automobile insurance premiums for American motorists.

Drivers across the country are struggling with the burden of unjustly high automobile insurance premiums caused by excessive pain and suffering damages awarded in personal injury actions. Three out of every four dollars awarded in these actions are spent on this subjective component of tort recovery. Also contributing to high premiums are inflated and fraudulent insurance claims. The Federal Bureau of Investigation has estimated that more than $200 of an American family's average annual premiums go to pay for automobile insurance fraud. Because insurance companies have to cover these payments, our premiums are significantly higher than they ought to be.

New York City has proposed State legislation to remedy some of the ills afflicting our tort recovery system, such as capping pain and suffering awards. However, your assistance is needed nationwide to protect ordinary drivers who suffer from the incentives that invite plaintiff attorneys to sue without restraint, in the hope of obtaining a large, unearned contingency fee from a large pain and suffering recovery. Attorneys receive one third or more of a tort recovery, a sum that often bears no relationship to the amount of time or effort invested by the attorney, while drivers often pay premiums that are not commensurate with the protection actually afforded. That is grossly unfair.

I support Auto-Choice because it would be a major step forward in tort reform and would provide billions of dollars in relief to taxpayers. Auto-Choice gives motorists the option to choose between two insurance coverage plans. The personal protection plan permits drivers to insure for economic loss only. Under this option, injured drivers recover from their own insurance carrier for economic loss without regard to fault. No lawsuit would be required unless an injured driver seeks recovery of economic loss exceeding his or her own policy's coverage. Under the second plan, traditional tort liability coverage, motorists insure for economic and non-economic damages, and recover both from their own insurance carrier. Under either plan, drivers may sue uninsured or inebriated drivers for economic and non-economic damages. The result is a first party recovery framework that separates pain and suffering damages from tort recovery. With litigation incentives eliminated, motorists will pay only for protection actually provided at a price they can better afford. Injured drivers recover medical bills, lost wages and other pecuniary loss without the headache of protracted litigation. For those that think pain and suffering recovery is an important part of insurance coverage, that option is available to them in the bill—at the price they are willing to pay, for the amount of coverage they wish to have.

Families throughout the country would benefit considerably from savings on automobile insurance premiums generated by this bill. According to the Congressional Joint Economic Committee, within a five year period, Auto-Choice could give motorists a total of over $190 billion in disposable income that otherwise would go to insurance companies. The average annual premium nationwide would be reduced by $184, and in New York, drivers would see a $385 decrease in the average annual insurance premium. That means more disposable income available to spend and more incentive to save. Until now, the insured have had to endure paying what is, for all intents and purposes, an "automobile insurance tax" to subsidize non-economic tort awards and inflated insurance claims. With these new reforms, drivers will realize what is essentially a huge tax cut, without any countervailing decrease in government service delivery.

Without the benefits of Auto-Choice, drivers will continue to pay high premiums. As I have stated previously in testimony submitted in 1997 to the Senate Committee on Commerce, Science and Transportation concerning the introduction of Auto-Choice legislation in the Senate: "Residents, as taxpayers, lose money that could otherwise be spent on essential services. Residents, as individuals, lose money otherwise available as disposable income. Residents, as consumers, lose money because the cost of goods and services increases as businesses have to pay higher insurance premiums. Finally, and perhaps most disturbingly, residents lose faith in our judicial system as a result of courts clogged with tort litigation only to be outdone by hospital emergency rooms clogged with ambulance-chasing lawyers."

In short, Auto-Choice would make an important difference in the lives of New Yorkers and drivers throughout the country. I look forward to opportunities to work with you in support of this important reform.

Sincerely,

RUDOLPH W. GIULIANI,
Mayor.

NORTHEASTERN UNIVERSITY,
DEPARTMENT OF POLITICAL SCIENCE,
Boston, MA, April 7, 1999.

I enthusiastically endorse the "choice" auto insurance bill you are jointly sponsoring. Your action is an important act of bipartisan leadership on an issue that significantly affects all Americans.

The issue you address has been a great concern of mine throughout my political career ever since I sponsored the first no-fault auto insurance bill in the nation.

Given the horrendous high costs of auto insurance, coupled with its long delays, high overhead, and rank unfairness when it comes to payment, your "choice" reform takes the sensible approach of allowing consumers to choose how to insure themselves. In other words, your reform trusts the American people to decide for themselves whether to spend their money on "pain and suffering" coverage or food, medicine, life insurance or any other expenditure they deem more valuable for themselves and their families.

The bill is particularly important to the people who live in American cities where premiums are the highest. It is no surprise that the cost studies done by the Joint Economic Committee indicate that while your reform will make stunning cost savings available to all American consumers, its largest benefit will go to low income drivers living in urban areas.

The bill will also help resolve the country's problems with runaway health costs. By allowing consumers to remove themselves from a system whose perverse incentives trigger the cost of health care costs, your reform will lower the cost of health care for all Americans while ensuring that health care expenditures are more clearly targeted to health care needs.

I look forward to assisting you to the fullest degree as you exercise your vitally needed leadership on behalf of America's consumers.

MICHAEL S. DUKAKIS.

MIAMI, FL,
March 25, 1999.

TO WHOM IT MAY CONCERN: As an independent journalist and private citizen, I have been studying and working for automobile insurance reform for twenty years. I have written a book on the subject.

It astounds and saddens me that the system in Michigan—a state that knows something about automobiles—has not been adopted anywhere else in America. Michigan's coverage provides the seriously injured accident victim VASTLY better insurance protection than anywhere else. Yet it costs less than average. It has worked well for 25 years, more than proving itself. It is not perfect, but most consumer advocates agree it is by far the most humane, efficient, and least fraud-ridden system in the country.

And yet the coalition of labor unions and consumer groups that helped pass the Michigan law has failed to duplicate this success anywhere else. And over time, things in most states have only gotten worse. More uninsured motorists, more fraud, higher premiums, and even more shamefully inadequate compensation to those most seriously injured.

Given that reality, Senators Lieberman and Moynihan, and Jim Moran in the House, have got it absolutely right in supporting Auto Choice legislation. It is not perfect either. But it allows the man or woman who earns $9 an hour, let alone less, to opt out of a system that forces him or her, in effect, to shoulder the cost of the $125-an-house insurance company lawyer who will fight his claim . . . shoulder also, the enormous cost of padded and fraudulent claims . . . and then, if he wins, typically fork over 33% or 40% of the settlement, plus expenses, to his own attorney.

These attorneys are good people. But as virtually every disinterested observer from Richard Nixon in 1934 to Consumers Union in 1962 and periodically thereafter has said, the current lawsuit system of auto insurance makes no sense. It makes no sense that more auto-injury premium dollars in many states go to lawyers than to doctors, hospitals, chiropractors and rehabilitation specialists combined. Yet that is the case. Give consumers the choice to opt out of this system. The only difference from 1934 and 1962 and 1973 (when Michigan enacted its good system) is . . . it's gotten worse.

Sincerely,

ANDREW TOBIAS.

AMERICANS FOR TAX REFORM,
Washington, DC, March 29, 1999.

Hon. MITCH MCCONNELL,
Russell Senate
Washington, DC.

DEAR SENATOR MCCONNELL: Americans for Tax Reform wholeheartedly endorses the "Auto Choice Reform Act" legislation to provide consumer choice in automobile insurance.

Automobile insurance rates have skyrocketed during the last ten years. Between 1987 and 1994, premiums rose more than 40 percent—one-and-a-half time the rate of inflation. In 1995, the average policy cost more than $750. Clearly, these costs must be reduced, and we believe your legislation will achieve this goal.

Auto choice provides savings of about 45 percent on average for personal injury premiums for drivers that choose the PIP option. Especially, auto choice aids low-income drivers, who would save about 36 percent on their overall premiums. Not only does this plan give savings, but it will enable more low-income workers to get better paying jobs.

Most importantly, your bill gives consumers something they really want—a chance to choose the kind of auto insurance that fits their individual needs.

Auto choice is an idea whose time has come. ATR supports your efforts to make it a reality.

Sincerely,

GROVER G. NORQUIST,
President.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, April 13, 1999.

Senator MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of Citizens for a Sound Economy and its 250,000 members, I wish to convey our strong support for the Auto Choice Reform Act of 1999.

Most Americans rightly believe that they pay too much for auto insurance. And year after year, state legislatures and insurance departments respond with price controls and underwriting restrictions, which only make matters worse. The Auto Choice Reform Act of 1999 is based on the realization that to reduce the cost of auto insurance, two elements of the accident compensation system must be addressed: Losses resulting from bodily injury, including damages for "pain and suffering"; and the tort-based system for redressing those losses.

Under the tort-based compensation system that operates in most states, accident victims may not file bodily injury claims with their own insurance company. Instead, they must try to collect from the other driver's insurer—which they can do only if they succeed in establishing that the other driver was legally at fault for their injuries. Compensating accident victims in this way is costly, inefficient, and time consuming. Trial lawyers, who constitute one of the most powerful special interests in America, are the primary beneficiaries of the current system.

Those eligible for compensation under the current tort-based system are subject to a perverse pattern of recovery. People with minor injuries are often vastly overcompensated, while in many cases the seriously injured cannot recover nearly enough to cover their economic losses.

"Contingency" fee arrangements, whereby insureds agree to pay their attorneys a percentage of whatever sum they receive as compensation for their losses, siphon away about a third of an injured person's recovery award. Meanwhile, insurance costs are driven up because of the tort system's promise to compensate victims for their "noneconomic damages." A catchall term that generally refers to "pain and suffering," noneconomic damages are wildly subjective and impossible to quantify. Usually the successful claimant simply collects some multiple of his economic losses—typically three times—as compensation for pain and suffering.

This system creates a powerful incentive to inflate economic damages, typically by claiming unverifiable soft-tissue injuries. In Michigan, where third-party liability for pain and suffering has been virtually eliminated thanks to the state's strong no-fault law, auto accident victims suffer about seven soft-tissue injuries (sprains, strains, pains and whiplash) for every 10 "hard" injuries (such as broken bones). By contrast, in California, where auto accident victims are compensated through the tort system, injured motorists claim about 25 soft-tissue injuries for every 10 verifiable hard injuries. The ratio of soft-tissue injuries to hard-tissue injuries is similar in other tort states and states with weak no-fault laws. Obviously, these disparities raise troubling questions about the legitimacy of many soft-tissue injury claims—troubling, because ultimately the cost of inflated medical damages is passed on to all drivers in the form of higher premiums.

If the Auto Choice Reform Act becomes law, drivers will be able to choose either pure no-fault coverage, or a package that would allow them to collect pain and suffering damages from their own insurer, or from the insurers of other drivers with similar premium coverage. "Pain and suffering" would thus become an insurable risk, limiting legal liability to cases involving egregious behavior, or where both parties have agreed to pay, in the form of higher premiums, for the privilege of engaging the legal system. Meanwhile, truly negligent drivers—those who cause accidents intentionally, or while impaired by drugs or alcohol—would continue to be liable for their behavior, in addition to being subject to criminal sanctions.

By curtailing litigation and attorney involvement in the claim-settlement process, the Auto Choice Reform Act would have a dramatic impact on auto insurance rates. The RAND Institute for Civil Justice estimates that drivers choosing the no-fault option would reduce their premiums by 21 percent on average.

The Auto Choice Reform Act would yield even greater benefits to low-income motorists, who are increasingly dependent upon personal auto transportation at a time when welfare rolls are being cut and jobs are being transferred from the central city to the suburbs. Happily, the Congressional Joint Economic Committee has determined that low-income drivers could cut their premiums by as much as 48 percent if the Auto Choice Reform Act becomes law.

In sum, by allowing policyholders to opt out of the tort system, the Auto Choice Insurance Reform Act would rely on market forces—rather than price controls and hidden cross-subsidies—to drive down auto insurance premiums.

Serious efforts to reform auto insurance at the state level have been stymied repeatedly by the trial lawyers' lobby. Inflated medical bills, attorney fees, court costs, and exorbitant pain-and-suffering awards continue to impose tremendous costs on the automobile insurance system—costs that insurers must pass on to consumers in the form of escalating premiums. Because they profit handsomely from the inefficiencies wrought by this system, trial lawyers and their political allies will doubtless make every effort to defeat the Auto Choice Reform Act of 1999. Their desire to maintain the status quo must not be permitted to prevail over the interests of America's motorists.

Sincerely yours,

ROBERT R. DETLEFSEN, Ph.D.,
Director, Insurance Reform Project.

CHAMBER OF COMMERCE,
OF THE UNITED STATES OF AMERICA,
Washington, DC, April 15, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I am writing on behalf of the U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region, to commend you for your continued leadership and sponsorship of the Auto Choice Reform Act.

This legislation would provide motorists and businesses with a very valuable option. They could cut their automobile insurance premiums by over 20 percent by voluntarily opting out of coverage for pain and suffering injuries in auto accidents. Those choosing this option would continue to receive full compensation for medical bills, lost wages and other economic losses, and would receive payment quickly—within 30 days. Those who wish to retain coverage similar to that presently available could do simply by paying higher rates.

As the largest business federation, the U.S. Chamber of Commerce supports this legislation and a similar bill in the House of Representatives because they provide a more affordable and efficient insurance option for businesses and motorists. Last year, the Joint Economic Committee (JEC) estimated that enactment of Auto Choice legislation could allow consumers to receive an annual auto insurance premium reduction of over $27 billion. This amounts to an average annual savings of $184 per car. Of particular importance to businesses, the JEC also estimated that commercial vehicle owners could see their auto insurance premiums decline by over 27 percent for a total business savings of $8 billion per year. This is equivalent to a huge tax cut for all Americans.

The U.S. Chamber pledges to continue to support this important legislation. Through our grassroots network and media outreach, we will inform the business community and public about the key benefits of this proposal. We thank and commend you for your leadership on the Auto Choice Reform Act and look forward to working with you for its successful passage.

Sincerely,

B. BRUCE JOSTEN.

Mr. MOYNIHAN. Mr. President, I am pleased to be an original cosponsor of the Auto Choice Reform Act of 1999, a bill submitted by my distinguished colleague, Senator MCCONNELL. This legislation is designed to create a new option in auto insurance for consumers who would prefer a system that guarantees quick and complete compensation. This alternative system would change most insurance coverage to a first-party system from a third-party system and it would separate economic and noneconomic compensation by unbundling the premium. Therefore, drivers would be allowed to insure themselves for only economic loss or for both economic and noneconomic loss.

I simply would remark that this issue has been with us for 30-odd years and I wish to provide some of the background and a particular perspective.

The automobile probably has generated more externalities, as economists and authors Alan K. Campbell and Jesse Burkhead remarked, than any other device or incident in human history. And one of them is the issue of insurance, litigation, and compensation in the aftermath of what are called "accidents" but are nothing of the kind and are the source of so much misunderstanding.

When a certain number of "accidents" occur (I think that in 1894, if memory serves, there were two automobiles in St. Louis, MO, and they managed to collide—at least, it has been thought thus ever since), they become statistically predictable collisions—foreseeable events—in a complex transportation system such as the one we have built.

This began to be a subject of epidemiology in the 1940's, and by the 1950's, we had the hang of it. We knew what we were dealing with and how to approach it.

The first thing that we did—I think it fair to say it was done in New York under the Harriman administration, of which I was a member—was to introduce the concept of passenger safety into highway and vehicle design. Safety initiatives were undertaken, first at the State level. The, in 1966, Congress passed two bills, the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act, to establish pervasive Federal regulation. At the time, the last thing in the world an automobile manufacturer would suggest was that its product was a car in which one could safely have an accident! Perhaps other motorists, driving other companies cars, had accidents. It took quite a bit of learning—social learning—but eventually it happened: safety features such as padded steering wheels and dashboards, seat belts, and airbags became integral design considerations. Now it is routine; we take such features for granted. It wasn't always thus. Social learning.

And then the issue of insurance and litigation and so forth arose. In 1967, if I could say, which would be 32 years ago, I wrote an article for The New York Time Magazine, which simply said, "Next, a new auto insurance policy." By "next," I meant a natural evolution, building on the epidemiological knowledge we had developed regarding the incidence of collisons and the trauma they caused to drivers, passengers, and pedestrians. And I had a good line here, I think: "Automobile accident litigation has become a twentieth-century equivalent of Dickens's Court of Chancery, eating up the pittance of widows of orphans, a vale from which few return with their respect for justice undiminished."

The are several fundamental problems with the current system of auto insurance, as I explained back then. First, determining fault, necessary in a tort system, is no easy task in most instances. Typically, there are few witnesses. And the witnesses certainly aren't "expert." The collisions are too fast, too disorienting. And adjudicating a case typical occurs long after the collision. Memories fade.

More important, as I remarked at the time, is that "no one involved (in the insurance system) has any incentive to moderation or reasonableness. The victim has every reason to exaggerate his losses. It is some other person's insurance company that must pay. The company has every reason to resist. It is somebody else's customer who is making the claim." This leads to excessive litigation, costly legal fees, and inefficient, inequitable compensation.

A 1992 survey of the nation's most populous counties by the U.S. Department of Justice found that tort cases make up about one-half of all civil cases filed in state courts. Auto collision-related lawsuits account for 60 percent of these tort cases—more than all other types of tort lawsuits combined. Such lawsuits are time consuming: 31 percent of automobile tort cases take over one year to process. They are clogging our courts, displacing other types of civil litigation far more important to society.

And for all the time, money, and effort these lawsuits consume, they do not compensate victims adequately. On average, victims with losses between $25,000 and $100,000 recover just over half (56 percent) of their losses, and those persons with losses over $100,000 receive just nine cents on the dollar in compensation.

"Auto Choice," as our legislation is known, will curtail excessive litigation by changing insurance coverage to a first-party system—at the driver's option. Individuals will insure themselves against economic damages regardless of fault. They can, if they wish, insure for non-economic losses, too. They simply pay a higher premium. In the event they sustain damages in a collision, under Auto Choice, they bypass litigation altogether, and they receive just and adequate compensation in a timely fashion.

I earnestly hope that Congress will enact this important legislation this year. It will benefit all American motorists. Its savings are bigger than any tax cut Congress is likely to enact, and they won't affect our ability to balance the budget. But even more important, I think, is the fact that "auto choice" will take some of the strain off our overburdened judiciary. I don't know if we can calculate the value of such a benefit.

Mr. LIEBERMAN. Mr. President, I rise in strong support of the bill we are introducing today: the Auto Choice Reform Act of 1999. If enacted, this bill would save American consumers tens of billions of dollars, while at the same time producing an auto insurance system that operates more efficiently and promises drivers better and quicker compensation.

America's drivers are plagued today by an auto accident insurance and compensation system that is too expensive and that does not work. We currently pay an average of approximately $775 annually for our auto insurance per car. This is an extraordinarily large sum, and one that is particularly difficult for people of modest means—and almost impossible for poor people—to afford. A study of Maricopa County, AZ, drives this point home. That study found that families living below 50 percent of the poverty line spend nearly one-third of their household income on premiums when they purchase auto insurance.

Perhaps those costs would be worth it if they meant that people injured in car accidents were fully compensated for their injuries. But under the current tort system, that often is not the case, particularly for people who are seriously injured. Because of the need to prove fault and the ability to receive compensation only through someone else's insurance policy, some injured drivers—like those in one car accidents or those who are found to have been at fault themselves—are left without any compensation at all. Others must endure years of litigation before receiving compensation for their injuries. In the end, many people who suffer minimal injuries in auto accidents end up overcompensated, while victims of serious injuries often fail to receive full restitution. Indeed, the extent to which seriously injured drivers are undercompensated in the current tort system is staggering: victims with economic losses—things like lost wages and medical bills—between $25,000 and $100,000 recover only 56 percent of their losses on average, while those with over $100,000 in economic losses get only about 9 percent back on average. Recite those numbers to anyone who tells you the current system works just fine the way it is.

The current system most hurts the very people who can afford it the least—the nation's poor and drivers who live in the nation's inner cities. The $775 average premium I mentioned is already far too much for people of modest means to afford. But for many residents of the inner cities a $775 premium is just a dream. As a report issued by Congress' Joint Economic Committee last year starkly detailed, inner city residents pay what can only be called a "tort tax"—insurance rates that are often double those of their suburban neighbors. For example, a married man with no accidents or traffic violations living in Philadelphia pays $1,800 for an insurance policy that would cost him less than half that if he moved just over the line, out of Philadelphia County. The average annual premium for a 38-year old woman with a clean driving record living in central Los Angeles approaches $3,500. The statistic that I think best drives home the disproportionate amount poor people spend on auto insurance is this one: the typical low-income household spends more on auto insurance over two years than the entire value of their car.

The results of these high costs shouldn't surprise us. They lead many inner-city drivers to choose to drive uninsured, which is to say our auto insurance system makes outlaws of them and puts the rest of us in jeopardy, because people injured by an uninsured driver may have no place to go for compensation. Other inner-city residents simply decide not to own cars, something that in itself should trouble us. As the JEC's Report details, the lack of car ownership, combined with the dearth of jobs in the inner-cities, severely limits the ability of many city residents to find employment and lift themselves out of poverty.

The Auto Choice bill would go a long way towards solving all of these problems. By simply giving consumers a choice to opt out of the tort system, Auto Choice would bring all drivers who want it lower premiums. Auto Choice would save drivers nationally an average of 23 percent, or $184, annually—a total of over $35 billion. Connecticut drivers would see an average savings of $217 annually. Low-income drivers would see even more dramatic savings—an average of 36 percent nationally or 33 percent in Connecticut.

Here's how our plan would work: All drivers would be required to purchase a certain minimum level of insurance, but they would get to choose the type of coverage they want. Those drivers who value immediate compensation for their injuries and lower premiums would be able to purchase what we call "personal injury protection insurance." If the driver with that type of coverage is injured in an accident, he or she would get immediate compensation for economic losses up to the limits of his or her policy, without regard to who was at fault in the accident.

If their economic losses exceeded those policy limits, the injured party could sue the other driver for the extra economic loss on a fault basis; The only thing the plaintiff could not do is sue the other driver for noneconomic losses, the so-called pain and suffering damages.

Those drivers who did not want to give up the ability to collect pain and suffering damages could choose a different option, called tort maintenance coverage. Drivers with that type of policy would be able to cover themselves for whatever level of economic and noneconomic damages they want, and they would then be able to collect those damages, also from their own insurance company, after proving fault.

As I mentioned earlier, the savings from this new Choice system would be dramatic—again, an average of $184 annually nationally, up to $35 billion each and every year under our proposal.

Our Auto Choice plan ensures that most injured people would be compensated immediately and that we all can purchase auto insurance at a reasonable rate. Mr. President, this bill would be a boon to the American driver and to the American economy. I look forward to working with my colleagues to see it enacted into law.

Mr. McCAIN. Mr. President, I rise to join my colleagues in introducing legislation to provide consumers with a true choice when they purchase auto insurance. Not simply a choice between to insurance companies, but a choice between two different systems of insurance.

The current tort based liability system is expensive and inefficient. It pays more money to lawyers than for victims legitimate medical bills and lost wages. A study conducted in my home state of Arizona found that a low-income family spends as much as 31 percent of their disposable income on car insurance. As a result, families put off basic necessities such as rent, medical care and sometimes groceries. The current system needs to be changed.

The system proposed in our bill would allow consumers a more affordable alternative designed to provide adequate and timely compensation for accident victims and less need for layers. Under the new system when an accident occurs, the consumer's insurance company would compensate them for their economic losses, such as repair costs, medical bills and lost wages. In exchange, the consumer forgoes the right to sue for non-economic losses such as pain and suffering.

Consumers choosing to remain in the current system can bring suit as they do now. These consumers would purchase additional coverage to cover their non-economic damages in the event they have an accident with someone in the new system.

The purpose of this legislation is to allow consumers to choose the type of insurance that meets their needs. It also provides state legislatures a choice. This legislation allows states to "opt out" should they disagree with this proposal. States can "opt out" in two ways. First, the legislature can enact legislation declaring they will not participate in the new system. Secondly, the state insurance commissioner can find that the measure will not reduce bodily injury premiums by 30 percent. This opt out provision is reasonable and will give states a true choice.

Again, I am pleased to join my colleagues in introducing this measure. I look forward to moving it through the legislative process.

By Mr. DOMENICI:

S. 838. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

JUVENILE CRIME CONTROL AND COMMUNITY PROTECTION ACT OF 1999

Mr. DOMENICI. Mr. President, I rise today to introduce the "Juvenile Crime Control and Community Protection Act of 1999." I believe that juvenile crime is one of the most important issues facing our nation today. It's one we should address in the 106th Congress.

In recent years, I have held field hearings in my home state of New Mexico to hear the concerns and problems faced by all of the people affected by juvenile crime—the police, prosecutors, judges, social workers and most importantly—the victims who reside in our communities.

I think that the sentiments expressed by most of my constituents at the hearing are the same ones felt by people all over the country:

(1) many of our nation's youth are out of control;

(2) other children and teenagers do not have enough constructive things to do to keep them from falling into delinquent or criminal behavior;

(3) the current system does very little, if anything, to protect the public from youth violence; and

(4) the current system has failed victims.

The time has come for a new federal role to assist the states with their efforts to get tough on violent young criminals.

The federal government can play a larger role in punishing and preventing youth violence without tying the hands of state and local governments or preventing them from implementing innovative solutions to the problem.

This new federal role should, however, expect states to get tough on youth violence and reward them for enacting law enforcement and prosecution policies designed to take violent juvenile criminals off of the street.

With those goals in mind, the bill I introduce today makes some fundamental changes to the crime fighting partnership which exists between the states and the federal government.

It combines strict law enforcement and prosecution policies for the most violent offenders with more federal resources—more than three times the amount available under current law—to help states fight crime and prevent juveniles from entering the justice system in the first place.

This bill authorizes a total of $500 million to provide the states with two separate grant programs—one, with virtually no strings attached, based on the current state formula grants—and a second new incentive grant program for states which enact certain "best practices" to combat and prevent juvenile violence. I want to talk a little bit about each.

The bill authorizes $300 million, divided into two $150 million pots, for a new grant program for states which enact certain "get tough" reforms to their juvenile justice systems. States will have access to the first $150 million if they enact three practices:

(1) *Mandatory adult prosecution* for juveniles age 14 and older who commit certain serious violent crimes;

(2) *Graduated sanctions*, so that every offense, no matter how small, receives some punishment; and

(3) *Adult records*, including fingerprints and photographs, for juvenile criminals.

States which implement these practices and enact another five of 20 suggested reforms will be eligible to receive additional funds from the second $150 million. Some of these suggested reforms include:

(1) Victims' rights, including the right to be notified of the sentencing and release of the offender;

(2) Mandatory victim restitution;

(3) Public access to juvenile proceedings;

(4) Parental responsibility laws for acts committed by juveniles released to their parents' custody;

(5) Zero tolerance for deadbeat juvenile parents—a requirement that juveniles released from custody attend school or vocational training and support their children;

(6) Zero tolerance for truancy;

(7) Character counts training programs; and

(8) Mentoring.

These programs are a combination of reforms which will positively impact victims, get tough on juvenile offenders, and provide states with resources to implement prevention programs to keep juveniles out of trouble in the first place.

The bill also increases to $200 million the amount available to states under the current OJJDP grant program. It also eliminates many of the strings placed on states as a condition of receiving those grants.

While the Justice Department has said that the overall juvenile crime rate in the United States dropped again last year, the juvenile crime statistics also tell us that our young people are more violent than ever. In 1996 in my home state of New Mexico, there were 36,927 referrals to the state juvenile parole and probation office. 39% of those referred have a history of 10 or more contacts with the justice system. The number of these referrals for VIOLENT offenses, including murder, robbery, assault and rape increased 64 percent from 1993 to 1997.

I mention these numbers not only because they make it clear that many of our children are more violent than ever, but also because they have led to a growing problem in my home state, a problem which this bill will help fix. More juvenile arrests create the need for more space to house juvenile criminals. But, because of burdensome federal "sight and sound separation" rules, New Mexico has been unable to implement a safe, reasonable solution to alleviate overcrowding at its juvenile facilities.

Instead, the state has been forced to consider sending juvenile prisoners to Iowa and Texas to avoid violating the federal rules and losing their funding. That is unacceptable and this bill will fix that.

Mr. President, juvenile crime is the number one concern in my state. From Albuquerque to Las Cruces, Roswell to Farmington, and in even smaller cities like Clovis and Silver City, I hear the same thing from my constituents: our children are out of control and we need help. This bill will provide that help, in a way which will preserve the traditional role state and local law enforcement authorities play in the fight against crime. More resources to get tough on violent offenders and provide youth with more constructive things to do to keep them out of trouble, with fewer strings from the federal government. That's what this bill will do, and I hope my colleagues will support my efforts to make this a priority issue for this Congress.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Juvenile Crime Control and Community Protection Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Severability.

TITLE I—REFORM OF EXISTING PROGRAMS

Sec. 101. Findings and purposes.

Sec. 102. Definitions.
Sec. 103. Office of Juvenile Justice and Delinquency Prevention.
Sec. 104. Annual report.
Sec. 105. Block grants for State and local programs.
Sec. 106. State plans.
Sec. 107. Repeals.

TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

Sec. 201. Incentive grants for accountability-based reforms.

TITLE III—GENERAL PROVISIONS

Sec. 301. Authorization of appropriations.

SEC. 2. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—REFORM OF EXISTING PROGRAMS

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) FINDINGS.—Congress finds that—

"(1) the Nation's juvenile justice system is in trouble, including dangerously overcrowded facilities, overworked field staff, and a growing number of children who are breaking the law;

"(2) a redesigned juvenile corrections program for the next century should be based on 4 principles, including—

"(A) protecting the community;

"(B) accountability for offenders and their families;

"(C) restitution for victims and the community; and

"(D) community-based prevention;

"(3) existing programs have not adequately responded to the particular problems of juvenile delinquents in the 1990's;

"(4) State and local communities, which experience directly the devastating failure of the juvenile justice system, do not have sufficient resources to deal comprehensively with the problems of juvenile crime and delinquency;

"(5) limited State and local resources are being unnecessarily wasted complying with overly technical Federal requirements for 'sight and sound' separation currently in effect under the 1974 Act, while prohibiting the commingling of adults and juvenile populations would achieve this important purpose without imposing an undue burden on State and local governments;

"(6) limited State and local resources are being unnecessarily wasted complying with the overly restrictive Federal mandate that no juveniles be detained or confined in any jail or lockup for adults, which mandate is particularly burdensome for rural communities;

"(7) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the area of sentencing;

"(8) local school districts lack information necessary to track serious violent juvenile offenders, information that is essential to promoting safety in public schools;

"(9) the term 'prevention' should mean both ensuring that families have a greater chance to raise their children so that those children do not engage in criminal or delinquent activities, and preventing children who have engaged in such activities from becoming permanently entrenched in the juvenile justice system;

"(10) in 1994, there were more than 330,000 juvenile arrests for violent crimes, and between 1985 and 1994, the number of juvenile criminal homicide cases increased by 144 percent, and the number of juvenile weapons cases increased by 156 percent;

"(11) in 1994, males age 14 through 24 constituted only 8 percent of the population, but accounted for more than 25 percent of all homicide victims and nearly half of all convicted murderers;

"(12) in a survey of 250 judges, 93 percent of those judges stated that juvenile offenders should be fingerprinted, 85 percent stated that juvenile criminal records should be made available to adult authorities, and 40 percent stated that the minimum age for facing murder charges should be 14 or 15;

"(13) studies indicate that good parenting skills, including normative development, monitoring, and discipline, clearly affect whether children will become delinquent, and adequate supervision of free-time activities, whereabouts, and peer interaction is critical to ensure that children do not drift into delinquency;

"(14) school officials lack the information necessary to ensure that school environments are safe and conducive to learning;

"(15) in the 1970's, less than half of our Nation's cities reported gang activity, while 2 decades later, a nationwide survey reported a total of 23,388 gangs and 664,906 gang members on the streets of United States cities in 1995;

"(16) the high incidence of delinquency in the United States results in an enormous annual cost and an immeasurable loss of human life, personal security, and wasted human resources; and

"(17) juvenile delinquency constitutes a growing threat to the national welfare, requiring immediate and comprehensive action by the Federal Government to reduce and eliminate the threat."; and

(2) in subsection (b)—

(A) by striking "further"; and

(B) by striking "Federal Government" and inserting "Federal, State, and local governments".

(b) PURPOSES.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"SEC. 102. PURPOSES.

"The purposes of this title and title II are—

"(1) to assist State and local governments in promoting public safety by supporting juvenile delinquency prevention and control activities;

"(2) to give greater flexibility to schools to design academic programs and educational services for juvenile delinquents expelled or suspended for disciplinary reasons;

"(3) to assist State and local governments in promoting public safety by encouraging accountability through the imposition of meaningful sanctions for acts of juvenile delinquency;

"(4) to assist State and local governments in promoting public safety by improving the extent, accuracy, availability, and usefulness of juvenile court and law enforcement records and the openness of the juvenile justice system to the public;

"(5) to assist teachers and school officials in ensuring school safety by improving their access to information concerning juvenile offenders attending or intending to enroll in their schools or school-related activities;

"(6) to assist State and local governments in promoting public safety by encouraging the identification of violent and hardcore juveniles and in transferring such juveniles out of the jurisdiction of the juvenile justice system and into the jurisdiction of adult criminal court;

"(7) to provide for the evaluation of federally assisted juvenile crime control programs, and training necessary for the establishment and operation of such programs;

"(8) to ensure the dissemination of information regarding juvenile crime control programs by providing a national clearinghouse; and

"(9) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs.".

SEC. 102. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3), by inserting "punishment," after "control,";

(2) in paragraph (22)(iii), by striking "and" at the end;

(3) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(24) the term 'serious violent crime' means—

"(A) murder or nonnegligent manslaughter, or robbery;

"(B) aggravated assault committed with the use of a dangerous or deadly weapon, forcible rape, kidnaping, felony aggravated battery, assault with intent to commit a serious violent crime, and vehicular homicide committed while under the influence of an intoxicating liquor or controlled substance; or

"(C) a serious drug offense;

"(25) the term 'serious drug offense' means an act or acts which, if committed by an adult subject to Federal criminal jurisdiction, would be punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)); and

"(26) the term 'serious habitual offender' means a juvenile who—

"(A) has been adjudicated delinquent and subsequently arrested for a capital offense, life offense, first degree aggravated sexual offense, or serious drug offense;

"(B) has had not fewer than 5 arrests, with 3 arrests chargeable as felonies if committed by an adult and not fewer than 3 arrests occurring within the most recent 12-month period;

"(C) has had not fewer than 10 arrests, with 2 arrests chargeable as felonies if committed by an adult and not fewer than 3 arrests occurring within the most recent 12-month period; or

"(D) has had not fewer than 10 arrests, with 8 or more arrests for misdemeanor crimes involving theft, assault, battery, narcotics possession or distribution, or possession of weapons, and not fewer than 3 arrests occurring within the most recent 12-month period.".

SEC. 103. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1)—

(A) by striking "shall develop" and inserting the following: "shall—

"(A) develop";

(B) by inserting "punishment," before "diversion"; and

(C) in the first sentence, by striking "States" and all that follows through the end of the paragraph and inserting the following: "States; and

"(B) annually submit the plan required by subparagraph (A) to the Congress.";

(2) in subsection (b)—

(A) in paragraph (1), by adding "and" at the end; and

(B) by striking paragraphs (2) through (7) and inserting the following:

"(2) reduce duplication among Federal juvenile delinquency programs and activities conducted by Federal departments and agencies.";

(3) by redesignating subsection (h) as subsection (f); and

(4) by striking subsection (i).

SEC. 104. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended to read as follows:

"SEC. 207. ANNUAL REPORT.

"Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Governor of each State, a report that contains the following with respect to such fiscal year:

"(1) Summary and Analysis.—A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the number of repeat juvenile offenders, the number of juveniles using weapons, the number of juvenile and adult victims of juvenile crime and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

"(A) the types of offenses with which the juveniles are charged, data on serious violent crimes committed by juveniles, and data on serious habitual offenders;

"(B) the race and gender of the juveniles and their victims;

"(C) the ages of the juveniles and their victims;

"(D) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

"(E) the number of juveniles who died while in custody and the circumstances under which they died;

"(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school;

"(G) the number of juveniles who are substance abusers; and

"(H) information on juveniles fathering or giving birth to children out of wedlock, and whether such juveniles have assumed financial responsibility for their children.

"(2) Activities Funded.—A description of the activities for which funds are expended under this part.

"(3) State Compliance.—A description based on the most recent data available of the extent to which each State complies with section 223 and with the plan submitted under that section by the State for that fiscal year.

"(4) Summary and Explanation.—A summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replacing such program or activity in other locations.

"(5) Exemplary Programs and Practices.—A description of selected exemplary delinquency prevention programs and accountability-based youth violence reduction practices.".

SEC. 105. BLOCK GRANTS FOR STATE AND LOCAL PROGRAMS.

Section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Administrator"; and

(B) by inserting before the period at the end the following: ", including—

"(A) initiatives for holding juveniles accountable for any act for which they are adjudicated delinquent;

"(B) increasing public awareness of juvenile proceedings;

"(C) improving the content, accuracy, availability, and usefulness of juvenile court and law enforcement records (including fingerprints and photographs); and

"(D) education programs such as funding for extended hours for libraries and recreational programs which benefit all juveniles"; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) Of amounts made available to carry out this part in any fiscal year, $10,000,000 or 1 percent (whichever is greater) may be used by the Administrator—

"(A) to establish and maintain a clearinghouse to disseminate to the States information on juvenile delinquency prevention, treatment, and control; and

"(B) to provide training and technical assistance to States to improve the administration of the juvenile justice system.".

SEC. 106. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) by striking the second sentence;

(B) by striking paragraph (3) and inserting the following:

"(3) provide for an advisory group, which—

"(A) shall—

"(i)(I) consist of not less than 5 members appointed by the chief executive officer of the State; and

"(II) consist of a majority of members (including the chairperson) who are not full-time employees of the Federal Government, or a State or local government;

"(ii) include members who have training, experience, or special knowledge concerning—

"(I) the prevention and treatment of juvenile delinquency;

"(II) the administration of juvenile justice, including law enforcement; and

"(III) the representation of the interests of the victims of violent juvenile crime and their families; and

"(iii) include as members at least 1 locally elected official representing general purpose local government;

"(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

"(C) shall be afforded an opportunity to review and comment, not later than 30 days after the submission to the advisory group, on all juvenile justice and delinquency prevention grants submitted to the State agency designated under paragraph (1);

"(D) shall, consistent with this title—

"(i) advise the State agency designated under paragraph (1) and its supervisory board; and

"(ii) submit to the chief executive officer and the legislature of the State not less frequently than annually recommendations regarding State compliance with this subsection; and

"(E) may, consistent with this title—

"(i) advise on State supervisory board and local criminal justice advisory board composition;

"(ii) review progress and accomplishments of projects funded under the State plan; and

"(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;";

(C) in paragraph (10)—

(i) in subparagraph (N), by striking "and" at the end;

(ii) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(P) programs implementing the practices described in paragraphs (6) through (12) and (17) and (18) of section 242(b);";

(D) by striking paragraph (13) and inserting the following:

"(13) provide assurances that, in each secure facility located in the State (including any jail or lockup for adults), there is no commingling in the same cell or community room of, or any other regular, sustained, physical contact between any juvenile detained or confined for any period of time in that facility and any adult offender detained or confined for any period of time in that facility, except that this paragraph may not be construed to prohibit the use of a community room or other common area of the facility by such juveniles and adults at different times, or to prohibit the use of the same staff for both juvenile and adult inmates;";

(E) by striking paragraphs (8), (9), (12), (14), (15), (17), (18), (19), (24), and (25);

(F) by redesignating paragraphs (10), (11), (13), (16), (20), (21), (22), and (23) as paragraphs (8) through (15), respectively;

(G) in paragraph (14), as redesignated, by adding "and" at the end; and

(H) in paragraph (15), as redesignated, by striking the semicolon at the end and inserting a period; and

(2) by striking subsections (c) and (d).

SEC. 107. REPEALS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in title II—

(A) by striking parts C, E, F, G, and H;

(B) by striking part I, as added by section 2(i)(1)(C) of Public Law 102–586; and

(C) by amending the heading of part I, as redesignated by section 2(i)(1)(A) of Public Law 102–586, to read as follows:

"Part E—General and Administrative Provisions"; and

(2) by striking title V, as added by section 5(a) of Public Law 102–586.

TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

SEC. 201. INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part B the following:

"Part C—Incentive Grants for Accountability-Based Reforms

"SEC. 241. AUTHORIZATION OF GRANTS.

"The Administrator shall provide juvenile delinquent accountability grants under section 242 to eligible States to carry out this title.

"SEC. 242. ACCOUNTABILITY-BASED INCENTIVE GRANTS.

"(a) Eligibility for Grant.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application at such time, in such form, and containing such assurances and information as the Administrator may require by rule, including assurances that the State has in effect (or will have in effect not later than 1 year after the date on which the State submits such application) laws, or has implemented (or will implement not later than 1 year after the date on which the State submits such application)—

"(1) policies and programs that ensure that all juveniles who commit an act after attaining 14 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution, unless on a case-by-case basis, as a matter of law or prosecutorial discretion, the transfer of such juveniles for disposition in the juvenile system is determined to be in the interest of justice, except that the age of the juvenile alone shall not be determinative of whether such transfer is in the interest of justice;

"(2) graduated sanctions for juvenile offenders, ensuring a sanction for every delinquent or criminal act, ensuring that the sanction is of increasing severity based on the nature of the act, and escalating the sanction with each subsequent delinquent or criminal act; and

"(3) a system of records relating to any adjudication of juveniles less than 15 years of age who are adjudicated delinquent for conduct that if committed by an adult would constitute a serious violent crime, which records are—

"(A) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

"(B) submitted to the Federal Bureau of Investigation in the same manner in which adult records are submitted;

"(C) retained for a period of time that is equal to the period of time that records are retained for adults; and

"(D) available to law enforcement agencies, prosecutors, the courts, and school officials.

"(b) Standards for Handling and Disclosing Information.—School officials referred to in subsection (a)(3)(D) shall be subject to the same standards and penalties to which law enforcement and juvenile justice system employees are subject under Federal and State law for handling and disclosing information referred to in that paragraph.

"(c) Additional Amount Based on Accountability-Based Youth Violence Reduction Practices.—A State that receives a grant under subsection (a) is eligible to receive an additional amount of funds added to such grant if such State demonstrates that the State has in effect, or will have in effect, not later than 1 year after the deadline established by the Administrator for the submission of applications under subsection (a) for the fiscal year at issue, not fewer than 5 of the following practices:

"(1) Victims' rights.—Increased victims' rights, including—

"(A) the right to be treated with fairness and with respect for the dignity and privacy of the victim;

"(B) the right to be reasonably protected from the accused offender;

"(C) the right to be notified of court proceedings; and

"(D) the right to information about the conviction, sentencing, imprisonment, and release of the offender.

"(2) Restitution.—Mandatory victim and community restitution, including statewide programs to reach restitution collection levels of not less than 80 percent.

"(3) Access to proceedings.—Public access to juvenile court delinquency proceedings.

"(4) Parental responsibility.—Juvenile nighttime curfews and parental civil liability for serious acts committed by juveniles released to the custody of their parents by the court.

"(5) Zero tolerance for deadbeat juvenile parents.—A requirement as conditions of parole that—

"(A) any juvenile offender who is a parent demonstrates parental responsibility by working and paying child support; and

"(B) the juvenile attends and successfully completes school or pursues vocational training.

"(6) Serious habitual offenders comprehensive action program (SHOCAP).—

"(A) In general.—Implementation of a serious habitual offender comprehensive action program which is a multidisciplinary interagency case management and information sharing system that enables the juvenile and criminal justice system, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts.

"(B) Multidisciplinary agencies.—Establishment by units of local government in the State under a program referred to in subparagraph (A), of a multidisciplinary agency comprised of representatives from—

"(i) law enforcement organizations;

"(ii) school districts;

"(iii) State's attorneys offices;

"(iv) court services;

"(v) State and county children and family services; and

"(vi) any additional organizations, groups, or agencies deemed appropriate to accomplish the purposes described in subparagraph (A), including—

"(I) juvenile detention centers;

"(II) mental and medical health agencies; and

"(III) the community at large.

"(C) Identification of serious habitual offenders.—Each multidisciplinary agency established under subparagraph (B) shall adopt, by a majority of its members, criteria to identify individuals who are serious habitual offenders.

"(D) Interagency information sharing agreement.—

"(i) In general.—Each multidisciplinary agency established under subparagraph (B) shall adopt, by a majority of its members, an interagency information sharing agreement to be signed by the chief executive officer of each organization and agency represented in the multidisciplinary agency.

"(ii) Disclosure of information.—The interagency information sharing agreement shall require that—

"(I) all records pertaining to serious habitual offenders shall be kept confidential to the extent required by State law;

"(II) information in the records may be made available to other staff from member organizations and agencies as authorized by the multidisciplinary agency for the purposes of promoting case management, community supervision, conduct control, and tracking of the serious habitual offender for the application and coordination of appropriate services; and

"(III) access to the information in the records shall be limited to individuals who provide direct services to the serious habitual offender or who provide community conduct control and supervision to the serious habitual offender.

"(7) Community-wide partnerships.—Community-wide partnerships involving county, municipal government, school districts, appropriate State agencies, and nonprofit organizations to administer a unified approach to juvenile delinquency.

"(8) Zero tolerance for truancy.—Implementation by school districts of programs to curb truancy and implement certain and swift punishments for truancy, including parental notification of every absence, mandatory Saturday school makeup sessions for truants or weekends in jail for truants and denial of participation or attendance at extracurricular activities by truants.

"(9) Alternative schooling.—A requirement that, as a condition of receiving any State funding provided to school districts in accordance with a formula allocation based on the number of children enrolled in school in the school district, each school district shall establish one or more alternative schools or classrooms for juvenile offenders or juveniles who are expelled or suspended for disciplinary reasons and shall require that such juveniles attend the alternative schools or classrooms. Any juvenile who refuses to attend such alternative school or classroom shall be immediately detained pending a hearing. If a student is transferred from a regular school to an alternative school for juvenile offenders or juveniles who are expelled or suspended for disciplinary reasons such State funding shall also be transferred to the alternative school.

"(10) Judicial jurisdiction.—A system under which municipal and magistrate courts have—

"(A) jurisdiction over minor delinquency offenses such as truancy, curfew violations, and vandalism; and

"(B) short term detention authority for habitual minor delinquent behavior.

"(11) Elimination of certain ineffective penalties.—Elimination of 'counsel and release' or 'refer and release' as a penalty for juveniles with respect to the second or subsequent offense for which the juvenile is referred to a juvenile probation officer.

"(12) Report back orders.—A system of 'report back' orders when juveniles are placed on probation, so that after a period of time (not to exceed 2 months) the juvenile appears before and advises the judge of the progress of the juvenile in meeting certain goals.

"(13) Penalties for use of firearm.—Mandatory penalties for the use of a firearm during a violent crime or a drug felony.

"(14) Street gangs.—A prohibition on engaging in criminal conduct as a member of a street gang and imposition of severe penalties for terrorism by criminal street gangs.

"(15) Character counts.—Establishment of character education and training for juvenile offenders.

"(16) Mentoring.—Establishment of mentoring programs for at-risk youth.

"(17) Drug courts and community-oriented policing strategies.—Establishment of courts for juveniles charged with drug offenses and community-oriented policing strategies.

"(18) RECORDKEEPING AND FINGERPRINTING.—Programs that provide that, whenever a juvenile who has not achieved his or her 14th birthday is adjudicated delinquent (as defined by Federal or State law in a juvenile delinquency proceeding) for conduct that, if committed by an adult, would constitute a felony under Federal or State law, the State shall ensure that a record is kept relating to the adjudication that is—

"(A) equivalent to the record that would be kept of an adult conviction for such an offense;

"(B) retained for a period of time that is equal to the period of time that records are kept for adult convictions;

"(C) made available to prosecutors, courts, and law enforcement agencies of any jurisdiction upon request; and

"(D) made available to officials of a school, school district, or postsecondary school where the individual who is the subject of the juvenile record seeks, intends, or is instructed to enroll, and that such officials are held liable to the same standards and penalties that law enforcement and juvenile justice system employees are held liable to, for handling and disclosing such information.

"(19) EVALUATION.—Establishment of a comprehensive process for monitoring and evaluating the effectiveness of State juvenile justice and delinquency prevention programs in reducing juvenile crime and recidivism.

"(20) BOOT CAMPS.—Establishment of State boot camps with an intensive restitution or work and community service requirement as part of a system of graduated sanctions.

"SEC. 243. GRANT AMOUNTS.

"(a) ALLOCATION AND DISTRIBUTION OF FUNDS.—

"(1) ELIGIBILITY.—Of the total amount made available to carry out part C for each fiscal year, subject to subsection (b), each State shall be eligible to receive the sum of—

"(A) an amount that bears the same relation to one-third of such total as the number of juveniles in the State bears to the number of juveniles in all States;

"(B) an amount that bears the same relation to one-third of such total as the number of juveniles from families with incomes below the poverty line in the State bears to the number of such juveniles in all States; and

"(C) an amount that bears the same relation to one-third of such total as the average annual number of part 1 violent crimes reported by the State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data are available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

"(2) MINIMUM REQUIREMENT.—Each State shall be eligible to receive not less than 3.5 percent of one-third of the total amount appropriated to carry out part C for each fiscal year, except that the amount for which the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands is eligible shall be not less than $100,000 and the amount for which Palau is eligible shall be not less than $15,000.

"(3) UNAVAILABILITY OF INFORMATION.—For purposes of this subsection, if data regarding the measures governing allocation of funds under paragraphs (1) and (2) in any State are unavailable or substantially inaccurate, the Administrator and the State shall utilize the best available comparable data for the purposes of allocation of any funds under this section.

"(b) ALLOCATED AMOUNT.—The amount made available to carry out part C for any fiscal year shall be allocated among the States as follows:

"(1) 50 percent of the amount for which a State is eligible under subsection (a) shall be allocated to that State if it meets the requirements of section 242(a).

"(2) 50 percent of the amount for which a State is eligible under subsection (a) shall be allocated to that State if it meets the requirements of subsections (a) and (c) of section 242.

"(c) AVAILABILITY.—Any amounts made available under this section to carry out part C shall remain available until expended.

"SEC. 244. ACCOUNTABILITY.

"A State that receives a grant under section 241 shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Administrator, and shall ensure that any funds used to carry out section 241 shall represent the best value for the State at the lowest possible cost and employ the best available technology.

"SEC. 245. LIMITATION ON USE OF FUNDS.

"(a) NONSUPPLANTING REQUIREMENT.—Funds made available under section 241 shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(b) ADMINISTRATIVE AND RELATED COSTS.—Not more than 2 percent of the funds appropriated under section 299(a) for a fiscal year shall be available to the Administrator for such fiscal year for purposes of—

"(1) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this part; and

"(2) technical assistance relating to the use of grants made under section 241, and development and implementation of policies, programs, and practices described in section 242.

"(c) CARRYOVER OF APPROPRIATIONS.—Funds appropriated under section 299(a) shall remain available until expended.

"(d) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a proposal, as described in an application approved under this part.".

TITLE III—GENERAL PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by striking subsections (a) through (e) and inserting the following:

"(a) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004, such sums as may be necessary to carry out part A.

"(b) BLOCK GRANTS FOR STATE AND LOCAL PROGRAMS.—There is authorized to be appropriated $200,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004, to carry out part B.

"(c) INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS.—There is authorized to be appropriated $300,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004, to carry out part C.

"(d) SOURCE OF APPROPRIATIONS.—Funds authorized to be appropriated by this section may be appropriated from the Violent Crime Reduction Trust Fund.".

By Mr. GRASSLEY (for himself, Mr. TORRICELLI, and Mr. LEAHY):

S. 840. A bill to amend title 11, United States Code, to provide for health care and employee benefits, and for other purposes; to the Committee on the Judiciary.

BANKRUPTCY LEGISLATION

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation that would modify our bankruptcy laws to deal with bankruptcies in the health care sector. According to testimony I received in the Subcommittee on Administrative Oversight and the Courts, almost one-third of our hospitals could face foreclosure because they are not financially sound. And a number of nursing homes are in terrible financial trouble. I believe that chapter 11 and chapter 9 of the Bankruptcy Code could be vitally important in keeping troubled hospitals in business. The bill we are proposing will ensure that chapter 11 will work fairly and efficiently in the unfortunate event that we face a rash of health care bankruptcies. The bill will also make sure the health care businesses which liquidate under Chapter 7 don't just throw patients by the wayside in a rush to sell assets and pay creditors.

Currently, the Bankruptcy Code does an adequate job of helping debtors reorganize and helping creditors recover losses. However, the code does not provide protection for the interests of patients. This bill contains several important reforms to protect patients when health care providers declare bankruptcy. Specifically, the bill addresses the disposal of patient records, the costs associated with closing a health care business, the duty to transfer patients upon the closing of a health care facility and the appointment of an ombudsman to protect patient rights.

Section 102 covers the disposal of patient records. The legislation provides clear and specific guidance to trustees who may not be aware of state law requirements for maintaining the patient records or the confidentiality issues associated with patient records. Section 102 is necessary given the patient's need for the records and the apparent lack of clear instruction, whether statutory or otherwise, describing a proper procedure in dealing with patient records when closing a facility.

Section 103 brings the costs associated with closing a health care business, including any expenses incurred by disposing of patient records and transferring patients to another health care facility, within the administrative expense umbrella of the Bankruptcy Act.

Section 104 provides for an ombudsman to act as an advocate for the patient. This change will ensure that judges are fully aware of all the facts when they guide a health care provider through bankruptcy. Prior to a chapter 11 filing or immediately thereafter, the debtor employs a health care crisis consultant to help it in its reorganization effort. The first step is usually cutting costs. Sometimes, this step may result in a lower quality of patient care. The appointment of an ombudsman should balance the interests between the creditor and the patient. These interests need balancing because the court appointed professionals owe fiduciary duties to creditors and the estate but not necessarily to the patients. There will be occasions which illustrate that what may be in the best interest of creditors may not always be consistent with the patients' best interest. The trustee's interest, for example, is to maximize the amount of the estate to pay off the creditors. The more assets the trustees disburses, the more his payment will be. On the other hand, the ombudsman is designed to insure continued quality of care at least above some minimum standard. Such quality of care standards currently exist throughout the health care environment, from the health care facility itself to State standards and Federal standards.

Consider the following excerpt from the Los Angeles Times on September 28, 1997 which describes the unconscionable, pathetic, and traumatizing consequences of sudden nursing home closings:

> It could not be determined Saturday how many more elderly and chronically ill patients may be affected by the health care company's financial problems. Those at the Reseda Care Center in the San Fernando Valley, including a 106-year-old woman, were rolled into the street late Friday in wheelchairs and on hospital beds, bundled in blankets as relatives scurried to gather up clothes and other personal belongings.

The presence of an ombudsman probably would result in fewer instances similar to what I just described, where trustees quickly close health care facilities without notifying appropriate state and federal agencies and without notifying the bankruptcy court.

Section 1105 requires a trustee to use reasonable and best efforts to transfer patients in the face of a health care business closing. This provision is both useful and necessary in that it outlines a trustee's duty with respect to a transfer of vulnerable patients.

For all these reasons, I urge you to join me and my colleagues in supporting this bill which will protect the interests of patients in health care bankruptcies.

Mr. LEAHY. Mr. President, I am pleased to join Senator GRASSLEY and Senator TORRICELLI in introducing legislation to protect patient privacy when a hospital, nursing home, HMO or other institution holding medical records is involved in a bankruptcy proceeding that leads to liquidation.

Of course, in the best case scenario any institution holding patient health care records would continue to follow applicable state or federal law requiring proper storage and safeguards. The fact is, however, under current law during a business liquidation an individual would have to wait until there has been a serious breach of their privacy rights before anyone stepped in to ensure that patient privacy is protected. Under current law it is questionable what protection these most sensitive personal records would have during a liquidation.

The reality of this situation and the practical questions of what recourse an individual would have if their personal medical records were not properly safeguarded against a business that is going out of business makes this provision essential. Our legislation would set in law the procedure that an institution holding medical records would have to follow during a liquidation proceeding.

The bottom line is that we do not want to have to wait until there has been a breach of privacy before steps are taken to protect patient privacy. Once privacy is breached—there is nothing one can really do to give that back to an individual.

I have been working on the overall issue of medical privacy for many years. I look forward to working with Senator GRASSLEY and Senator TORRICELLI on this issue to make sure that patient privacy rights are protected in bankruptcy.

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, and Mr. WELLSTONE):

S. 841. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under the Medicare Program; to the Committee on Finance.

ACCESS TO RX MEDICATIONS IN MEDICARE ACT OF 1999

Mr. KENNEDY. Mr. President, today Senator JAY ROCKEFELLER and I are introducing the Access to Rx Medications in Medicare Act. This legislation will add a long overdue benefit to Medicare—coverage of prescription drugs. Medicare is a promise to senior citizens. It says "Work hard, contribute to Medicare during your working years, and you will be guaranteed health security in your retirement years." But too often that promise is broken, because of Medicare's failure to protect the elderly against the high cost of prescription drugs.

Our legislation will provide every senior citizen or disabled person with Medicare coverage for up to $1,700 worth of prescription drugs a year, and additional coverage for those with very high drug costs. Medicare will contract with the private sector organizations in regions across the country to administer and deliver the new coverage. Beneficiaries in traditional Medicare will select an organization to provide them with the benefit. Beneficiaries enrolled in Medicare+Choice organizations will receive coverage through their plan. Seniors who have equivalent or greater coverage through retiree health plans can continue that coverage or enroll in the new program. The bill will also required private Medigap plans to include supplemental coverage.

Fourteen million beneficiaries have no prescription drug coverage. Millions more have coverage that is unaffordable, inadequate, or uncertain. The average senior citizen fills 18 prescriptions a year, and takes four to six prescription drugs daily. Many of them face monthly bills of $100, $200, or even more to fill their prescriptions. The lack of prescription drug coverage condemns many senior citizens to second-class medicine. Too often, they decide to go without the medication essential for effective health care, because they have to pay other bills for food or heat or shelter. These difficult choices will only worsen in the years ahead, since so many of the miracle cures of the future will be based on pharmaceutical products.

This legislation is a lifeline for every senior citizen who needs prescription drugs to treat an illness or maintain their health. It assures that today's and tomorrow's senior citizens will be able to share in the medical miracles that we can expect in the new century of the life sciences. It addresses the greatest single gap in Medicare—and the one that is the greatest anachronism in Medicare today.

When Medicare was first enacted in 1965, its coverage was patterned after typical private insurance policies at the time—when only a minority of such policies covered prescription drugs. Today, prescription drug coverage is virtually universal in private plans, but Medicare is still caught in its 1965 time warp.

This legislation has been carefully developed to respond to the legitimate concerns of the pharmaceutical and biotechnology industry. We have consulted with many leading firms on the development of this plan, and we believe that the industry will work with us to refine it and enact it. The most profitable industry in America has a strong interest in assuring that the miracle cures it creates are affordable for senior citizens.

Prescription drug coverage under Medicare will not come cheaply, and I intend to work with my colleagues in Congress to find the fairest way to pay for this benefit. It may well be necessary to allocate a portion of the budget surplus to defray the cost. The hard work of American families has created the surplus. Assuring it should be as high a priority for the Congress as it is for the American people. We know that improper or inadequate use of prescription drugs now costs Medicare an estimated at least $20 billion annually in avoidable hospital and physician costs. Clearly, a well-constructed prescription drug benefit can achieve large savings by reducing these avoidable costs. The bottom line is that there are many possible ways to pay for this benefit. A consensus on the best financing will develop as Congress considers this issue.

This legislation is literally a matter of life and death for millions of elderly and disabled citizens served by Medicare in communities throughout America. It is time for Congress to listen to their voices, and the voices of their children and grandchildren, too.

I ask unanimous consent that the text of this legislation and accompanying materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Access to Rx Medications in Medicare Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Medicare coverage of outpatient prescription drugs.
Sec. 3. Selection of entities to provide outpatient drug benefit.
Sec. 4. Optional coverage for certain beneficiaries.
Sec. 5. Medigap revisions.
Sec. 6. Improved medicaid assistance for low-income individuals.
Sec. 7. Waiver of additional portion of part B premium for certain medicare beneficiaries having actuarially equivalent coverage.
Sec. 8. Elimination of time limitation on medicare benefits for immunosuppressive drugs.
Sec. 9. Expansion of membership of MEDPAC to 19.
Sec. 10. GAO study and report to Congress.
Sec. 11. Effective date.

SEC. 2. MEDICARE COVERAGE OF OUTPATIENT PRESCRIPTION DRUGS.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting "; and"; and

(3) by adding at the end the following:

"(U) covered outpatient drugs (as defined in subsection (i)(1) of section 1849) pursuant to the procedures established under such section;".

(b) PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking "and (S)" and inserting "(S)"; and

(2) by striking the semicolon at the end and inserting the following: ", and (T) with respect to covered outpatient drugs (as defined in subsection (i)(1) of section 1849), the amounts paid shall be the amounts established by the Secretary pursuant to such section;".

SEC. 3. SELECTION OF ENTITIES TO PROVIDE OUTPATIENT DRUG BENEFIT.

Part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) is amended by adding at the end the following:

"SEC. 1849. SELECTION OF ENTITIES TO PROVIDE OUTPATIENT DRUG BENEFIT.

"(a) ESTABLISHMENT OF BIDDING PROCESS.—

"(1) IN GENERAL.—The Secretary shall establish procedures under which the Secretary accepts bids from eligible entities and awards contracts to such entities in order to provide covered outpatient drugs to eligible beneficiaries in an area. Such contracts may be awarded based on shared risk, capitation, or performance.

"(2) AREA.—

"(A) REGIONAL BASIS.—The contract entered into between the Secretary and an eligible entity shall require the eligible entity to provide covered outpatient drugs on a regional basis.

"(B) DETERMINATION.—In determining coverage areas under this section, the Secretary shall take into account the number of eligible beneficiaries in an area in order to encourage participation by eligible entities.

"(3) SUBMISSION OF BIDS.—Each eligible entity desiring to provide covered outpatient drugs under this section shall submit a bid to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Such bids shall include the amount the eligible entity will charge enrollees under subsection (e)(2) for covered outpatient drugs under the contract.

"(4) ACCESS.—The Secretary shall ensure that—

"(A) an eligible entity complies with the access requirements described in subsection (f)(5);

"(B) if an eligible entity employs formularies pursuant to subsection (f)(6)(A), such entity complies with the requirements of subsection (f)(6)(B); and

"(C) an eligible entity makes available to each beneficiary covered under the contract the full scope of benefits required under paragraph (5).

"(5) SCOPE OF BENEFITS.—The Secretary shall ensure that all covered outpatient drugs that are reasonable and necessary to prevent or slow the deterioration of, and improve or maintain, the health of eligible beneficiaries are offered under a contract entered into under this section.

"(6) NUMBER OF CONTRACTS.—The Secretary shall, consistent with the requirements of this section and the goal of containing medicare program costs, award at least 2 contracts in an area, unless only 1 bidding entity meets the minimum standards specified under this section and by the Secretary.

"(7) DURATION OF CONTRACTS.—Each contract under this section shall be for a term of at least 2 years but not more than 5 years, as determined by the Secretary.

"(8) BENCHMARK FOR CONTRACTS.—The Secretary shall not enter into a contract with an eligible entity under this section unless the Secretary determines that the average cost (excluding any cost-sharing) for all covered outpatient drugs provided to beneficiaries under the contract is comparable to the average cost charged (exclusive of any cost-sharing) by large private sector purchasers for such drugs.

"(b) ENROLLMENT.—

"(1) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary shall make an election to enroll with any eligible entity that has been awarded a contract under this section and serves the geographic area in which the beneficiary resides. In establishing such process, the Secretary shall use rules similar to the rules for enrollment and disenrollment with a Medicare+Choice plan under section 1851.

"(2) REQUIREMENT OF ENROLLMENT.—Excluding an eligible beneficiary enrolled in a group health plan described in section 4 of the Access to Rx Medications in Medicare Act of 1999, an eligible beneficiary not enrolled in a Medicare+Choice plan under part C must enroll with an eligible entity under this section in order to be eligible to receive covered outpatient drugs under this title.

"(3) ENROLLMENT IN ABSENCE OF ELECTION BY ELIGIBLE BENEFICIARY.—In the case of an eligible beneficiary that fails to make an election pursuant to paragraph (1), the Secretary shall provide, pursuant to procedures developed by the Secretary, for the enrollment of such beneficiary with an eligible entity that has a contract under this section that covers the area in which such beneficiary resides.

"(4) AREAS NOT COVERED BY CONTRACTS.—The Secretary shall develop procedures for the provision of covered outpatient drugs under this title to eligible beneficiaries that reside in an area that is not covered by any contract under this section.

"(5) BENEFICIARIES RESIDING IN DIFFERENT LOCATIONS.—The Secretary shall develop procedures to ensure that an eligible beneficiary that resides in different regions in a year is provided benefits under this section throughout the entire year.

"(c) PROVIDING INFORMATION TO BENEFICIARIES.—The Secretary shall provide for activities under this section to broadly disseminate information to medicare beneficiaries on the coverage provided under this section. Such activities shall be similar to the activities performed by the Secretary under section 1851(d).

"(d) PAYMENTS TO ELIGIBLE ENTITIES.—The Secretary shall establish procedures for making payments to an eligible entity under a contract.

"(e) COST-SHARING.—

"(1) DEDUCTIBLE.—Benefits under this section shall not begin until the eligible beneficiary has met a $200 deductible.

"(2) COPAYMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the eligible beneficiary shall be responsible for making payments in an amount not greater than 20 percent of the cost (as stated in the contract) of any covered outpatient drug that is provided to the beneficiary. Pursuant to subsection (a)(4)(B), an eligible entity may reduce the payment amount that an eligible beneficiary is responsible for making to the entity.

"(B) BASIC BENEFIT.—Subject to subparagraph (C), if the aggregate amount of covered outpatient drugs provided to an eligible beneficiary under this section for any calendar year (based on the cost of covered outpatient drugs stated in the contract) exceeds $1,700—

"(i) the beneficiary may continue to purchase covered outpatient drugs under the contract based on the contract price, but

"(ii) the copayment under subparagraph (A) shall be 100 percent.

"(C) STOP-LOSS PROTECTION.—The copayment amount under subparagraph (A) shall be 0 percent once an eligible beneficiary's out-of-pocket expenses for covered outpatient drugs under this section reach $3,000.

"(D) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any calendar year beginning after 2000, each of the dollar amounts in subparagraphs (B) and (C) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) an adjustment, as determined by the Secretary, for changes in the per capita cost of prescription drugs for beneficiaries under this title.

“(ii) Rounding.—If any dollar amount after being increased under clause (i) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.

“(f) Conditions for Awarding Contract.—The Secretary shall not award a contract to an eligible entity under subsection (a) unless the Secretary finds that the eligible entity is in compliance with such terms and conditions as the Secretary shall specify, including the following:

“(1) Quality and financial standards.—The eligible entity meets quality and financial standards specified by the Secretary.

“(2) Information.—The eligible entity provides the Secretary with information that the Secretary determines is necessary in order to carry out the bidding process under this section, including data needed to implement subsection (a)(8) and data regarding utilization, expenditures, and costs.

“(3) Education.—The eligible entity establishes educational programs that meet the criteria established by the Secretary pursuant to subsection (g)(1).

“(4) Procedures to ensure proper utilization and to avoid adverse drug reactions.—The eligible entity has in place procedures to ensure the—

“(A) appropriate utilization by eligible beneficiaries of the benefits to be provided under the contract; and

“(B) avoidance of adverse drug reactions among eligible beneficiaries enrolled with the entity.

“(5) Access.—The eligible entity ensures that the covered outpatient drugs are accessible and convenient to eligible beneficiaries covered under the contract, including by offering the services in the following manner:

“(A) Services during emergencies.—The offering of services 24 hours a day and 7 days a week for emergencies.

“(B) Contracts with retail pharmacies.—The offering of services—

“(i) at a sufficient (as determined by the Secretary) number of retail pharmacies; and

“(ii) to the extent feasible, at retail pharmacies located throughout the eligible entity's service area.

“(6) Rules relating to provision of benefits.—

“(A) Provision of benefits.—In providing benefits under a contract under this section, an eligible entity may—

“(i) employ mechanisms to provide benefits economically, including the use of—

“(I) formularies (pursuant to subparagraph (B));

“(II) alternative methods of distribution; and

“(III) generic drug substitution; and

“(ii) use incentives to encourage eligible beneficiaries to select cost-effective drugs or less costly means of receiving drugs.

“(B) Formularies.—If an eligible entity uses a formulary to contain costs under this Act—

“(i) the eligible entity shall—

“(I) ensure participation of practicing physicians and pharmacists in the development of the formulary;

“(II) include in the formulary at least 1 drug from each therapeutic class;

“(III) provide for coverage of otherwise covered non-formulary drugs when recommended by prescribing providers; and

“(IV) disclose to current and prospective beneficiaries and to providers in the service area the nature of the formulary restrictions, including information regarding the drugs included in the formulary, copayment amounts, and any difference in the cost-sharing for different types of drugs; but

“(ii) nothing shall preclude an entity from—

“(I) requiring higher cost-sharing for drugs provided under clause (i)(III), subject to limits established in subsection (e)(2)(A), except that an entity shall provide for coverage of a nonformulary drug on the same basis as a drug within the formulary if such nonformulary drug is determined by the prescribing provider to be medically indicated;

“(II) educating prescribing providers, pharmacists, and beneficiaries about medical and cost benefits of formulary products; and

“(III) requesting prescribing providers to consider a formulary product prior to dispensing of a nonformulary drug, as long as such request does not unduly delay the provision of the drug.

“(7) Procedures to compensate pharmacists for counseling.—The eligible entity shall compensate pharmacists for providing the counseling described in subsection (g)(2)(B).

“(8) Clinical outcomes.—

“(A) Requirement.—The eligible entity shall comply with clinical quality standards as determined by the Secretary.

“(B) Development of standards.—The Secretary, in consultation with appropriate medical specialty societies, shall develop clinical quality standards that are applicable to eligible entities. Such standards shall be based on current standards of care.

“(9) Procedures regarding denials of care.—The eligible entity has in place procedures to ensure—

“(A) the timely review and resolution of denials of care and complaints (including those regarding the use of formularies under paragraph (6)) by enrollees, or providers, pharmacists, and other individuals acting on behalf of such individual (with the individual's consent) in accordance with requirements (as established by the Secretary) that are comparable to such requirements for Medicare+Choice organizations under part C; and

“(B) that beneficiaries are provided with information regarding the appeals procedures under this section at the time of enrollment.

“(g) Educational Requirements To Ensure Appropriate Utilization.—

“(1) Establishment of program criteria.—The Secretary shall establish a model for comprehensive educational programs in order to assure the appropriate—

“(A) prescribing and dispensing of covered outpatient drugs under this section; and

“(B) use of such drugs by eligible beneficiaries.

“(2) Elements of model.—The model established under paragraph (1) shall include the following elements:

“(A) On-line prospective review available 24 hours a day and 7 days a week in order to evaluate each prescription for drug therapy problems due to duplication, interaction, or incorrect dosage or duration of therapy.

“(B) Consistent with State law, guidelines for counseling eligible beneficiaries enrolled under a contract under this section regarding—

“(i) the proper use of prescribed covered outpatient drugs; and

“(ii) interactions and contra-indications.

“(C) Methods to identify and educate providers, pharmacists, and eligible beneficiaries regarding—

“(i) instances or patterns concerning the unnecessary or inappropriate prescribing or dispensing of covered outpatient drugs;

“(ii) instances or patterns of substandard care;

“(iii) potential adverse reactions to covered outpatient drugs;

“(iv) inappropriate use of antibiotics;

“(v) appropriate use of generic products; and

“(vi) the importance of using covered outpatient drugs in accordance with the instruction of prescribing providers.

“(h) Protection of Patient Confidentiality.—Insofar as an eligible organization maintains individually identifiable medical records or other health information regarding enrollees under a contract entered into under this section, the organization shall—

“(1) safeguard the privacy of any individually identifiable enrollee information;

“(2) maintain such records and information in a manner that is accurate and timely; and

“(3) assure timely access of such enrollees to such records and information.

“(i) Definitions.—In this section:

“(1) Covered outpatient drug.—

“(A) In general.—Except as provided in subparagraph (B), the term ‘covered outpatient drug’ means any of the following products:

“(i) A drug which may be dispensed only upon prescription, and—

“(I) which is approved for safety and effectiveness as a prescription drug under section 505 of the Federal Food, Drug, and Cosmetic Act;

“(II)(aa) which was commercially used or sold in the United States before the date of enactment of the Drug Amendments of 1962 or which is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) which has not been the subject of a final determination by the Secretary that it is a ‘new drug’ (within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act) or an action brought by the Secretary under section 301, 302(a), or 304(a) of such Act to enforce section 502(f) or 505(a) of such Act; or

“(III)(aa) which is described in section 107(c)(3) of the Drug Amendments of 1962 and for which the Secretary has determined there is a compelling justification for its medical need, or is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) for which the Secretary has not issued a notice of an opportunity for a hearing under section 505(e) of the Federal Food, Drug, and Cosmetic Act on a proposed order of the Secretary to withdraw approval of an application for such drug under such section because the Secretary has determined that the drug is less than effective for all conditions of use prescribed, recommended, or suggested in its labeling.

“(ii) A biological product which—

“(I) may only be dispensed upon prescription;

“(II) is licensed under section 351 of the Public Health Service Act; and

“(III) is produced at an establishment licensed under such section to produce such product.

“(iii) Insulin approved under appropriate Federal law.

“(iv) A prescribed drug or biological product that would meet the requirements of clause (i) or (ii) but that is available over-the-counter in addition to being available upon prescription.

"(B) EXCLUSION.—The term 'covered outpatient drug' does not include any product—

"(i) except as provided in subparagraph (A)(iv), which may be distributed to individuals without a prescription;

"(ii) when furnished as part of, or as incident to, a diagnostic service or any other item or service for which payment may be made under this title;

"(iii) that was covered under this title on the day before the date of enactment of the Access to Rx Medications in Medicare Act of 1999; or

"(iv) that is a therapeutically equivalent replacement for a product described in clause (ii) or (iii), as determined by the Secretary.

"(2) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual that is enrolled under part B of this title.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that the Secretary determines to be appropriate, including—

"(A) pharmaceutical benefit management companies;

"(B) wholesale and retail pharmacist delivery systems;

"(C) insurers;

"(D) other entities; or

"(E) any combination of the entities described in subparagraphs (A) through (D).".

SEC. 4. OPTIONAL COVERAGE FOR CERTAIN BENEFICIARIES.

(a) IN GENERAL.—If drug coverage under a group health plan that provides health insurance coverage for retirees is equivalent to or greater than the coverage provided under section 1849 of the Social Security Act (as added by section 3), beneficiaries receiving coverage through the group health plan may continue to receive such coverage from the plan and the Secretary may make payments to such plans, subject to the requirements of this section.

(b) REQUIREMENTS.—To receive payment under this section, group health plans shall—

(1) comply with certain requirements of this Act and other reasonable, necessary, and related requirements that are needed to administer this section, as determined by the Secretary;

(2) to the extent that there is a contractual obligation to provide drug coverage to retirees that is equal to or greater than the drug coverage provided under this Act, reimburse or otherwise arrange to compensate beneficiaries during the life of the contract for the portion of the part B premium under section 1839 of the Social Security Act that is identified by the Secretary of Health and Human Services as attributable to the drug coverage provided under section 1849 of that Act (as added by section 3); or

(3) for group health plans that are in existence prior to enactment of this section and provide drug coverage to retirees that is equal to or greater than the drug coverage provided under section 1849 of the Social Security Act (as added by section 3), reimburse or otherwise arrange to compensate beneficiaries for the portion of the part B premium under section 1839 of the Social Security Act that is identified by the Secretary of Health and Human Services as attributable to the drug coverage provided under section 1849 of that Act (as added by section 3) for at least 1 year from the date that the group health plan begins participation under this section.

(c) PAYMENTS.—The Secretary shall establish a process to provide payments to eligible group health plans under this section on behalf of enrolled beneficiaries. Such payments shall not exceed the amount that would otherwise be paid to a private entity serving similar beneficiaries in the same service area under section 1849 of the Social Security Act (as added by section 3).

SEC. 5. MEDIGAP REVISIONS.

(a) COVERAGE OF OUTPATIENT DRUGS.—Section 1882(p)(2)(B) of the Social Security Act (42 U.S.C. 1395ss(p)(2)(B)) is amended by inserting before "and" at the end the following: "including a requirement that an appropriate number of policies provide coverage of drugs which compliments but does not duplicate the drug benefits that beneficiaries are otherwise entitled to under this title (with the Secretary and the National Association of Insurance Commissioners determining the appropriate level of drug benefits that each benefit package must provide and ensuring that policies providing such coverage remain affordable for beneficiaries);".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2000.

(c) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the amendments made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, within 9 months after the date of enactment of this Act, the National Association of Insurance Commissioners (in this subsection referred to as the "NAIC") modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section; or

(ii) 1 year after the date the NAIC or the Secretary first makes the modifications under paragraph (2) or (3), respectively.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section; but

(ii) having a legislature which is not scheduled to meet in 2000 in a legislative session in which such legislation may be considered;

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 2000. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 6. IMPROVED MEDICAID ASSISTANCE FOR LOW-INCOME INDIVIDUALS.

(a) INCREASE IN SLMB ELIGIBILITY TO 135 PERCENT OF POVERTY LEVEL.—.

(1) IN GENERAL.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(A) in clause (iii), by striking "and 120 percent in 1995 and years thereafter" and inserting ", 120 percent in 1995 and through July 1, 2000, and 135 percent for subsequent periods"; and

(B) in clause (iv)—

(i) by striking the dash and all that follows through "(II)", and

(ii) by striking "who would be described in subclause (I) if '135 percent' and '175 percent' were substituted for '120 percent' and '135 percent' respectively" and inserting "who would be described in clause (iii) but for the fact that their income exceeds 135 percent, but is less than 175 percent, of the official poverty line (referred to in such clause) for a family of the size involved".

(2) CONFORMING AMENDMENT.—Section 1933(c)(2)(A) of such Act (42 U.S.C. 1396v(c)(2)(A)) is amended by striking "the sum" and all that follows and inserting "the total number of individuals described in section 1902(a)(10)(E)(iv) in the State; to".

(b) PROVISION OF MEDICAID PRESCRIPTION DRUG BENEFITS FOR QMBS AND SLMBS AS WRAP-AROUND BENEFIT.—

(1) IN GENERAL.—Section 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(10)) is amended—

(A) in subparagraph (E)(i), by inserting "and for prescribed drugs (in the same amount, duration, and scope as for individuals described in subparagraph (A)(i))" after "1905(p)(3))";

(B) in subparagraph (E)(iii), by inserting "and for prescribed drugs (in the same amount, duration, and scope as for individuals described in subparagraph (A)(i))" after "section 1905(p)(3)(A)(ii)"; and

(C) in the clause (VIII) following subparagraph (F), by inserting "and to medical assistance for prescribed drugs described in subparagraph (E)(i)" after "1905(p)(3))".

(2) CONFORMING AMENDMENT.—Section 1916(a) of such Act (42 U.S.C. 1396o(a)) is amended, in the matter before paragraph (1), by striking "(E)(i)" and inserting "(E)".

(c) EFFECTIVE DATES.—

(1) The amendments made by subsections (a)(1) and (b) take effect on July 1, 2000, and apply to prescribed drugs furnished on or after such date.

(2) The amendment made by subsection (a)(2) applies to the allocation for the portion of fiscal year 2000 that occurs on or after July 1, 2000, and to the allocation for subsequent fiscal years.

(3) The amendments made by this section apply without regard to whether or not regulations to implement such amendments are promulgated by July 1, 2000.

SEC. 7. WAIVER OF ADDITIONAL PORTION OF PART B PREMIUM FOR CERTAIN MEDICARE BENEFICIARIES HAVING ACTUARIALLY EQUIVALENT COVERAGE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a method under which the portion of the part B premium under section 1839 of the Social Security Act that is identified by the Secretary of Health and Human Services as attributable to the drug coverage provided under section 1849 of that Act (as added by section 3) is waived (and not collected) for any individual enrolled under part B of title XVIII of the Social Security Act who demonstrates that the individual has drug coverage that is actuarially equivalent to the coverage provided under that part.

(b) LIMITATION.—Subsection (a) shall not apply to an individual with coverage through a group health plan if the group health plan receives payments for such individual pursuant to section 4.

SEC. 8. ELIMINATION OF TIME LIMITATION ON MEDICARE BENEFITS FOR IMMUNOSUPPRESSIVE DRUGS.

(a) REVISION.—

(1) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) is amended by striking ", but only" and all that follows up to the semicolon at the end.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to drugs furnished on or after the date of enactment of this Act.

(b) EXTENSION OF CERTAIN SECONDARY PAYER REQUIREMENTS.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following: "With regard to immunosuppressive drugs furnished on or after the date of enactment of the Access to Rx Medications in Medicare Act of 1999, this subparagraph shall be applied without regard to any time limitation.".

SEC. 9. EXPANSION OF MEMBERSHIP OF MEDPAC TO 19.

(a) IN GENERAL.—Section 1805(c) of the Social Security Act (42 U.S.C. 1395b–6(c)), as amended by section 5202 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended—

(1) in paragraph (1), by striking "17" and inserting "19"; and

(2) in paragraph (2)(B), by inserting "experts in the area of pharmacology and prescription drug benefit programs," after "other health professionals,".

(b) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under subsection (a)(1) are as follows:

(A) One member shall be appointed for 1 year.

(B) One member shall be appointed for 2 years.

(2) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2000.

SEC. 10. GAO STUDY AND REPORT TO CONGRESS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of the implementation of the competitive bidding process for covered outpatient drugs under section 1849 of the Social Security Act (as added by section 3), including an analysis of—

(1) the reduction of hospital visits (or lengths of such visits) by beneficiaries as a result of providing coverage of covered outpatient drugs under such section;

(2) prices paid by the medicare program relative to comparable private and public sector programs; and

(3) any other savings to the medicare program as a result of—

(A) such coverage; and

(B) the education and counseling provisions of section 1849(g).

(b) REPORT.—Not later than January 1, 2001, and annually thereafter, the Comptroller General of the United States shall submit a report to Congress on the study and analysis conducted pursuant to subsection (a), and shall include in the report such recommendations regarding the coverage of covered outpatient drugs under the medicare program as the Comptroller General determines to be appropriate.

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this Act apply to items and services furnished on or after July 1, 2000.

ACCESS TO RX MEDICATIONS IN MEDICARE ACT OF 1999—SUMMARY

THE NEED

When Medicare was enacted in 1965, outpatient prescription drug coverage was not a standard feature of private health insurance policies. Now, virtually all employment-based policies provide prescription drug coverage, but Medicare does not.

More than one-third of Medicare beneficiaries have no coverage for outpatient prescription drugs. While other elderly and disabled beneficiaries have some level of outpatient prescription drug coverage through Medicare+Choice plans, individually purchased Medigap or retiree health coverage, too often that coverage is inadequate, expensive or unreliable.

LEGISLATIVE PROPOSAL

This legislation would create a new outpatient prescription drug benefit under Part B. The benefit has two parts—a basic benefit that will fully cover the drug needs of most beneficiaries and a stop-loss benefit that will provide much needed additional coverage to the beneficiaries who have the highest drug costs.

The proposal administers and delivers the benefit through private entities and private sector performance benchmarks—rather than HCFA or federally designated price controls. All beneficiaries would be covered by the new benefit. Beneficiaries enrolled in Medicare+Choice plans would receive the benefit through their plan. Beneficiaries in conventional Medicare would enroll with an approved program in their area of residence, following the general model of Medicare+Choice enrollment.

In addition, the proposal would preserve and improve existing coverage in the private market that is equal to or greater than the new coverage under Medicare. Beneficiaries with equivalent coverage through a retiree health plan would be able to keep that coverage and HHS would provide payment to the plan equal to the payment that would otherwise be paid on behalf of the beneficiary to one of the new private entities.

The benefit

Outpatient drugs covered under this Act are FDA-approved therapies that are dispensed only by prescription, including insulin and biologics, and that are reasonable and necessary to prevent or slow the deterioration of, and improve or maintain the health of covered individuals. This Act would not cover over-the-counter products or therapies that are currently covered under Medicare (e.g., those that are administered "incident to" physician services).

After beneficiaries meet a separate drug deductible of $200, coverage is generally provided at levels similar to regular Part B benefits—with the beneficiary paying not more than 20 percent of the program's established price for a particular product. The basic benefit would provide coverage up to $1,700 annually. Medicare would provide "stop-loss" coverage (i.e., Medicare would pay 100 percent) once annual out-of-pocket expenditures exceed $3,000. Beneficiaries with drug costs in excess of the basic benefit—but below the stop-loss trigger—would be allowed to self-pay for additional medications at the private entity's discounted price.

This benefit package provides a new and much needed guarantee of coverage for all beneficiaries, and will fully cover the prescription drug needs of approximately 80 percent of beneficiaries.

Use of private sector and support of existing coverage

Coverage would be provided through private entities under contract with HHS. Eligible entities include pharmaceutical benefit management companies, insurers, networks of wholesale and retail pharmacies, and other appropriate organizations. Eligible entities would submit competitive bids to the Secretary for regional coverage—regions would be determined by the Secretary and structured in such a way as to encourage participation by and competition among private entities. Service areas would consist of at least one state whenever possible.

Bids would be awarded based on shared risk, capitation or performance to entities that meet the requirements of the Act and provide for discounts comparable to those garnered by other large private sector purchasers. There is no fee schedule or rebate structure. The Secretary shall award at least two bids in an area, if such bids meet the requirements of the Act, encourage competition and improve service for beneficiaries.

Entities may employ a variety of cost-containment techniques used in the private sector (e.g., formularies, differential cost-sharing for certain products, etc.), subject to guidelines and beneficiary protections established in the Act. Entities must contract with a sufficient number and distribution of retail pharmacies throughout the plan's service area to assure convenient access for covered beneficiaries.

Additional assistance for low-income beneficiaries

Beneficiaries with incomes between the level for Medicaid eligibility and 135 percent of poverty would receive comprehensive wrap-around coverage through Medicaid, including assistance with cost-sharing and premiums.

Incentive to maintain current private market coverage

To maintain coverage in the retiree health market, employers who offer retiree drug coverage that is equal to or better than the new Medicare benefit would be eligible for a payment equal to the payment that would otherwise be made to the local private entity. This would help beneficiaries with comprehensive drug coverage in retiree health plans to keep their current coverage.

Measures to decrease drug-related problems

Improper use of or lack of access to prescription drugs is estimated to cost Medicare more than $20 billion annually (primarily through avoidable hospitalizations and admissions to skilled nursing facilities.) Participating private entities must use systems to assure appropriate prescribing, dispensing and use of covered therapies. These programs must include on-line prospective review and methods to identify and educate pharmacists, providers and beneficiaries on (1) instances or patterns of unnecessary or inappropriate prescribing or dispensing or substandard care, (2) potential adverse reactions, (3) inappropriate use of antibiotics, (4) appropriate use of generic products, and (5) patient compliance.

Medigap reforms

The Secretary and the National Association of Insurance Commissioners would be required to revise the standard Medigap packages to reflect the new Medicare benefit, and provide for coverage that compliments, but does not duplicate, such coverage in an appropriate number of standard packages.

ESTIMATED COST AND FINANCING

The Congressional Budget Office has not yet estimated the costs or potential savings associated with this proposal. The proposal does not specify the financing mechanism, but viable options include (1) recovering—through legislation or litigation—the Medicare costs attributable to treating tobacco-related diseases and conditions, (2) an increase in the federal tobacco tax, (3) a small portion of the unallocated surplus, or (4) savings achieved as part of the financing of more comprehensive Medicare reform legislation.

ACCESS TO RX MEDICATIONS IN MEDICARE ACT OF 1999 FACT SHEET

The greatest gap in Medicare coverage in the lack of a prescription drug benefit. The time has come to modernize Medicare's benefits by including coverage for outpatient prescription drugs.

COVERAGE

When Medicare was enacted in 1965, outpatient prescription drug coverage was not a standard feature of private insurance policies. Today, however, virtually all employment-based policies provide prescription drug coverage.[1]

Approximately one-third of Medicare beneficiaries have no prescription drug coverage. Coverage among the remaining beneficiaries is often inadequate, unaffordable and uncertain. Approximately 12 percent receive limited coverage through individually purchased Medigap policies, which are extremely expensive and often difficult to obtain. About six percent of Medicare beneficiaries have limited drug coverage through Medicare HMOs, but many plans are cutting back or eliminating drug coverage. Only about one-third of beneficiaries have reasonably comprehensive coverage, through an employment-based retirement plan or through Medicaid—and the proportion with employment-based coverage is declining.[2]

SPENDING AND UTILIZATION

Purchase of prescription drugs accounts for the largest single source of out-of-pocket health costs for Medicare beneficiaries.[3]

About 85 percent of the elderly use at least one prescription medicine during the year. The average senior citizen takes more than four prescription drugs daily and fills an average of eighteen prescriptions a year. It is not uncommon for seniors to face prescription drug bills of at least $100 a month.[4]

The elderly, who make up 12 percent of the population, are estimated to use one-third of all prescription drugs.[5]

Lack of Medicare coverage disproportionately increases the financial burden on women, rural residents, low-income beneficiaries and older beneficiaries.[6]

A 1993 study, before the most recent surge in drug costs, reported that one in eight senior citizens said they were forced to choose between buying food and buying medicine.[7]

Medicare beneficiaries without supplemental private coverage for prescription drugs spend twice as much on prescription drugs as their counterparts with private insurance.[8]

Increasingly, the miracle cures of the future will depend on pharmaceuticals developed through new breakthroughs in biology and biotechnology. These cures will generally save money overall, but the individual products will be expensive. The dollar volume of drug sales last year increased 16.6%, but most of the increase was due to greater use of costly new drugs, rather than price increases.[9]

Medicare beneficiaries pay exorbitant prices for the drugs they buy, because they generally do not have access to discount programs available to other buyers. A study of five commonly prescribed drugs found that Medicare beneficiaries paid twice as much as the drug companies' favored customers.[10]

Elderly persons without drug coverage are among the last purchasers who pay full price. According to a recent Standard and Poor's report on the pharmaceutical industry, "[d]rugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care consumers." Because Medicare beneficiaries are among the only private patients without additional coverage, they shoulder most of the burden generated by the industry's preference for cost-shifting.[11]

ADEQUATE COVERAGE AND IMPROVED UTILIZATION ARE WISE INVESTMENTS

Assuring Medicare beneficiaries access to drugs in a well-managed program can produce immense savings for the Medicare program. Savings arise because seniors are able to afford to take the drugs that have been prescribed for their condition and because it is easier to encourage compliance with drug regimens and avoid complications or interactions because of inappropriate use. Improper use of prescription drug costs Medicare more than $20 billion annually, primarily through avoidable hospitalizations and admissions to skilled nursing facilities.[12]

One study found that hospitals costs for a preventable adverse drug event run nearly $5,000 per episode.[13]

GAO reported in June 1996 that Medicaid's automated drug utilization review system reduced adverse drug events and saved more than $30 million a year in just five states.

RESEARCH AND DEVELOPMENT

The Pharmaceutical industry spent more than $21 billion in research and development in 1998.[14] Ensuring access for the elderly through this proposal will provide a natural market for new and innovative therapies, promoting additional investments in research and development.

FOOTNOTES

[1] Department of Labor, Employee Benefits in Small Private Establishments.

[2] The Lewin Group, "Current Knowledge of Third Party Outpatient Drug Coverage for Medicare Beneficiaries," November 9, 1998, cited in staff documents, Medicare Commission; Margaret Davis, et al., "Prescription Drug Coverage, Utilization, and Spending Among Medicare Beneficiaries," Health Affairs, January-February, 1999.

[3] AARP, "Out-of-Pocket Spending."

[4] Stephen H. Long, "Prescription Drugs and the Elderly: Issues and Options," Health Affairs, Spring 1994.

[5] AARP Public Policy Institute, "Overview: Lack of Coverage Burdens Many Medicare Beneficiaries," September 1998.

[6] Jeanette Rogowski, PhD, et al, "The Financial Burden of Prescription Drug use Among Elderly Persons," The Gerontologist 37:4 (August 1997).

[7] American Pharmacy, October, 1992; HCFA Office of Strategic Planning, Data from the Current Beneficiary Survey, cited in staff documents, Medicare Commission; Department of Health and Human Services, unpublished data; Committee on Government Reform and Oversight, U.S. House of Representatives, Minority Staff Report, "Prescription Drug Pricing in the United States: Drug Companies Profit at the Expense of Older Americans," October 20, 1998.

[8] Rogowski, The Gerontologist 37:4 (August 1997).

[9] Elyse Tanoye, Wall Street Journal, November 16, 1998.

[10] Committee on Government Reform and Oversight, "Prescription Drug Pricing."

[11] Ibid.

[12] Prescription Drugs and the Elderly: Many Still Receive Potentially Harmful Drugs Despite Recent Improvements (GAO/HEHS-95-152, July 24, 1995); 60 FR 44182 (August 24, 1995).

[13] David W. Bates, Md, MSc, et al., "The Costs of Adverse Drug Events in Hospitalized Patients," JAMA, January 22/29, 1997.

[14] Pharmaceutical Research and Manufacturers of America, "The Value of Pharmaceuticals," 1998.

BENEFIT

New benefit under Part B.

20% coinsurance; special $200 deductible. Special assistance for low-income beneficiaries (i.e., income <135% of poverty).

Basic coverage of first $1,700 worth of expenditures annually, including cost-sharing.

Stop-loss coverage once annual out-of-pocket spending reaches $3,000.

ADMINISTRATION OF BENEFIT

All benefits provided through private sector:

Secretary enters into contracts with at least two private entities (pharmacy benefit management organizations, insurance companies, consortiums of retail pharmacists, etc.) in each region to provide benefits. Beneficiaries choose which one to sign up with.

Medicare HMOs provide benefit directly. Medicare+Choice payments adjusted to reflect additional cost of drug coverage.

Private businesses offering coverage equal to or greater than Medicare benefit as part of retiree health program are eligible for payments to maintain coverage.

Beneficiaries who have and maintain equivalent private sector coverage may opt-out of program entirely.

All programs must provide convenient access to drugs through retail pharmacies.

Programs must include measures to assure proper use of prescription drugs and reduce adverse drug reactions or other drug-related problems.

Programs must allow patients to receive most appropriate drug.

Standard Medigap packages are redesigned by the Secretary of HHS and NAIC to reflect new Medicare benefit, and provide complimentary coverage, where appropriate.

COST OF PROGRAM AND FINANCING

Cost estimates not yet available. Beneficiaries pay 25% of cost through Part B premium (with assistance for low-income). Additional financing possibilities include: higher tobacco taxes, recoupment of federal costs for tobacco-related diseases, unallocated portion of surplus, savings from long-term Medicare reform proposal (in reconciliation or alone), and savings from reduced hospitalizations and other costs related to inappropriate use of prescription drugs.

Mr. ROCKEFELLER. Mr. President, I am pleased to be introducing the "Access to Rx Medications in Medicare Act of 1999" with my colleague from Massachusetts, Senator KENNEDY. Our legislation seeks to assist Medicare beneficiaries with their single largest out-of-pocket expense for health care services—prescription drugs.

Footnotes at end of article.

I would like to thank Senator KENNEDY for his leadership in bringing this issue to the forefront of the health care debate. I have long admired Senator KENNEDY's commitment and dedication to improving the lives of our most vulnerable citizens.

This is not the first time prescription coverage has been discussed seriously in the United States Senate. The debate around providing prescription drug coverage was first discussed while the creation of the Medicare program was being considered. Unfortunately, in the end, drug coverage was not included.

Medicare has not been updated substantially since its enactment and we know that a lot has changed in health care since 1965. The program was modeled after employer-sponsored health plans—most of which, at the time, did not offer prescription drug coverage. Now, almost all employer-sponsored health plans recognize the important role that prescription drugs play in modern medicine. Additionally, the value of drug therapy was unclear in 1965. Today, medical and technological advances in drug safety and effectiveness have created more pharmaceutical products that can treat disease and manage chronic illnesses.

A decade ago, the Senate sought to redress that error and provide prescription drug coverage to all—but politics overwhelmed a much-needed policy change and the benefit was forfeited. I believe it is time to reenergize the debate.

Today, we have the opportunity to build on successful private sector initiatives to provide Medicare beneficiaries with much needed prescription drug coverage. Pharmaceutical benefit managers (PBMs) have the information infrastructure, claims experience, and detailed understanding of drug management to provide a strong, stable benefit structure. By taking advantage of their management skills, we can update the Medicare program, make it stronger, make it more competitive, and more able to meet the challenges presented by the approaching retirement of the baby boom generation.

Mr. President, I am constantly in touch with West Virginians who describe the dilemmas they face about paying for the prescription drugs. These are people who have worked hard all their lives, raised families, contributed to their communities, and paid their taxes. Now, in the twilight of their lives, a time that they should be enjoying with their children and grandchildren, they are struggling to make ends meet. And health care expenses, especially prescription drug costs, are breaking their budgets.

A West Virginia senior has an average income of $10,700 and spends $2,600 annually on average in out-of-pocket health care expenses. Prilosec, a popular anti-ulcer drug, costs about $1000 a year. Lipitor, a drug that controls cholesterol levels, and Rezulin, an anti-diabetic drug, each cost over $800 a year. But the rent, electricity, phone, and groceries also have to be paid. And there is only so much that can be cut when a person is down to choosing between basic necessities.

Mr. President, I'd like to share some examples of West Virginians who would truly apppreciate the enactment of the "Access to Rx Medications in Medicare Act." I know of an elderly woman in West Virginia who relies solely on Social Security for her monthly income of $800 but spends over $100 a month for her heart medication. I know of another elderly widow in West Virginia who has monthly income of $760 but spends $500 a month in prescription drug costs. She constantly worries about her future, especially if her health takes a turn for the worse.

West Virginians are not alone. Between one-third and one-half of all Medicare beneficiaries—that's roughly between 13 and 19 million seniors—have little or no prescription drug coverage.

The seniors who are the most vulnerable are the lowest income beneficiaries and those suffering from chronic illnesses. Eighty percent of the elderly suffer from one or more chronic diseases, many of which could be controlled by drug therapy. The chronically ill spend $400 more annually on average than seniors without a chronic illness. Seniors in West Virginia are disproportionately hurt by chronic illness. Heart disease, cancer, strokes are the leading causes of death in my state.

Low-income seniors are especially at risk for developing chronic illnesses. Unfortunately, low-income seniors are also not likely to have prescription drug coverage—only 36% of those with incomes less than $10,000 had drug coverage—but they spend a greater percentage of their income to pay for prescription drugs than do higher-income beneficiaries.

Those who do have access to prescription drug coverage rely on patchwork of public and private measures that usually offer very limited coverage with high premiums, coinsurance rates, and deductibles—making the lifesaving coverage they need hard to maintain. The most comprehensive coverage sources of prescription drug coverage are Medicaid and employer-sponsored retiree insurance. However, recent trends indicate that fewer firms are offering retiree benefits that include drug coverage because of the cost.

Seniors who do not have prescription drug coverage and have to buy medication on their own are the hardest hit by the steep increases in prescription drug costs. A recent Congressional study found that seniors may pay as much as double what HMOs, insurance companies and other bulk purchasers pay. The price difference is due to the fact that bulk purchasers can negotiate much lower prices for their drug orders than the retail pharmacies—where seniors buy their drugs—can. Even though 34 million seniors participate in the Medicare program, Medicare beneficiaries have no leverage when purchasing medication.

Mr President, the "Access to Rx Medications in Medicare Act" helps seniors in several ways. First, it would provide seniors without existing coverage a basic drug benefit, up to about $1700 dollars a year, under Medicare Part B. Once the benefit has been exhausted, seniors can continue to purchase prescription drugs at the program's discounted price. Next, this bill offers stop-loss protection that is triggered when a beneficiary spends more than $3,000 annually in out-of-pocket prescription drug costs. Finally, this legislation would improve the protections offered by current law to assist the lowest income beneficiaries and those with the highest out-of-pocket drug costs.

The "Access to Rx Medications in Medicare Act" builds on infrastructure already in place in the private sector. Pharmaceutical benefits managers, networks of retail or community pharmacies, or insurers will have the opportunity to submit competitive bids to manage the benefit. The PBMs would then negotiate discounts and rebates for Medicare beneficiaries just like they do for HMOs and insurance companies in return for a payment from Medicare.

Finally, providing prescription drug coverage to seniors is cost-effective in the long-run. Drug therapy, especially in managing chronic illnesses, saves money by keeping seniors out of hospitals and nursing homes. This proposal would also save money by reducing improper use of prescription drugs, which currently costs Medicare $16 billion annually.

Mr. President, when Congress created the Medicare program nearly 35 years ago, we made a commitment to provide affordable, quality health care for our seniors. Today, prescription drugs are an essential component of quality health care. The lack of affordable prescription drug coverage in the Medicare program is especially saddening at a time when most Americans are experiencing greater prosperity than ever before.

I believe that we have to honor the commitment we made to those who came before us and sacrificed so much to make this nation what it is today. Providing Medicare coverage for outpatient prescription drugs is necessary to update and modernize the Medicare benefit package. Now is the time to enact legislation and so I urge my colleagues to support the "Access to Rx Medications in Medicare Act of 1999."

By Mr. SANTORUM:

S. 842. A bill to limit the civil liability of business entities that donate equipment to nonprofit organizations; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 843. A bill to limit the civil liability of business entities that provide facility tours; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 844. A bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 845. A bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations; to the Committee on the Judiciary.

LEGISLATION TO LIMIT THE CIVIL LIABILITY OF BUSINESS ENTITIES PROVIDING SERVICES TO NONPROFIT ORGANIZATIONS

Mr. SANTORUM. Mr. President, I rise today to introduce four pieces of legislation I introduced in the 105th Congress. Building on the support I've received for these bills, I look forward to passage this Congress of much needed liability protection for those who donate goods and services to charities.

Over the past thirty years, courts have consistently expanded what constitutes tortious conduct. Regrettably, fault is often not a factor when deciding who should compensate an individual for damages incurred. This has had an impact on charitable giving. Today, individuals and businesses are wary of giving goods, services, and time to charities for fear of frivolous lawsuits.

This legislation is designed to free up resources for charities by providing legal protections for donors. Generally, these bills raise the tort liability standard for donors, whereby they are liable only in cases of gross negligence, hence eliminating strict liability and returning to a fault based legal standard. By allowing businesses to once again become good Samaritans, I look forward to seeing a massive increase in the donation of goods and services to charities.

Specifically, I have introduced four bills, each of which accomplishes one of the following four objectives: first, to limit the civil liability of business entities that donate equipment to nonprofit organizations; second, to limit the civil liability of business entities that provide use of their facilities to nonprofit organizations; third, to limit the civil liability of business entities that provide facility tours; and fourth, to limit the civil liability of business entities that make available to nonprofit organizations the use of motor vehicles or aircraft.

Clearly, where an organization is grossly negligent when providing goods or the use of its facilities to charity, that organization should be fully liable for inquiries caused. These bills merely require this to be the standard in cases arising from certain donations to charities.

In late 1996, the Good Samaritan Food Donation Act was passed into law. This law now protects donors of foodstuffs to charities from liability except in cases where the donor was grossly negligent in making the donation. I was proud to join Senator BOND in passing this Act. The bills I introduce today draw from my successful work with Senator BOND years ago. Each of these bills is modeled on the legal framework of the Good Samaritan Food Donation Act. I hope my distinguished colleagues who supported the Food Donation Act will help further these efforts by supporting the Charity Empowerment Project.

Mr. President, I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered printed in the RECORD, as follows:

S. 842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIABILITY OF BUSINESS ENTITIES THAT DONATE EQUIPMENT TO NONPROFIT ORGANIZATIONS.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY.—The term "business entity" means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(2) EQUIPMENT.—The term "equipment" includes mechanical equipment, electronic equipment, and office equipment.

(3) GROSS NEGLIGENCE.—the term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(6) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by a business entity to a noprofit organization.

(2) APPLICATION.—This subsection shall apply with respect to civil liability under Federal and State law.

(c) EXCEPTION FOR LIABILITY.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection for a business entity for an injury or death described in subsection (b)(1).

(2) LIMITATION.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provision.

S. 843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIABILITY OF BUSINESS ENTITIES PROVIDING TOURS OF FACILITIES.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY.—The term "business entity" means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(2) FACILITY.—The term "facility" means any real property, including any building, improvement, or appurtenance.

(3) GROSS NEGLIGENCE.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury to, or death of an individual occurring at a facility of the business entity if—

(A) such injury or death occurs during a tour of the facility in an area of the facility that is not otherwise accessible to the general public; and

(B) the business entity authorized the tour.

(2) Application.—This subsection shall apply—

(A) with respect to civil liability under Federal and State law; and

(B) regardless of whether an individual pays for the tour.

(c) Exception for Liability.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) Superseding Provision.—

(1) In general.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability for a business entity for an injury or death with respect to which the conditions under subparagraphs (A) and (B) of subsection (b)(1) apply.

(2) Limitation.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) Election of State Regarding Nonapplicability.—This Act shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provision.

S. 844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.

(a) Definitions.—In this section:

(1) Aircraft.—The term "aircraft" has the meaning provided that term in section 40102(6) of title 49, United States Code.

(2) Business entity.—the term "business entity" means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(3) Gross negligence.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) Intentional misconduct.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) Motor vehicle.—The term "motor vehicle" has the meaning provided that term in section 30102(6) of title 49, United States Code.

(6) Nonprofit organization.—The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(7) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) Limitation on Liability.—

(1) In general.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of aircraft or a motor vehicle of a business entity loaned to a nonprofit organization for use outside of the scope of business of the business entity if—

(A) such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization; and

(B) the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.

(2) Application.—This subsection shall apply—

(A) with respect to civil liability under Federal and State law; and

(B) regardless of whether a nonprofit organization pays for the use of the aircraft or motor vehicle.

(c) Exception for Liability.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) Superseding Provision.—

(1) In general.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability for a business entity for an injury or death with respect to which the conditions described in subparagraphs (A) and (B) of subsection (b)(1) apply.

(2) Limitation.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) Election of State Regarding Nonapplicability.—This Act shall not apply to any civil action in a State court against a volunteer, nonprofit organization, or governmental entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provision.

S. 845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF FACILITIES TO NONPROFIT ORGANIZATIONS.

(a) Definitions.—In this section:

(1) Business entity.—The term "business entity" means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(2) Facility.—The term "facility" means any real property, including any building, improvement, or appurtenance.

(3) Gross negligence.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) Intentional misconduct.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) Nonprofit organization.—The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(6) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) Limitation on Liability.—

(1) In general.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring at a facility of the business entity in connection with a use of such facility by a nonprofit organization if—

(A) the use occurs outside of the scope of business of the business entity;

(B) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(C) the business entity authorized the use of such facility by the nonprofit organization.

(2) Application.—This subsection shall apply—

(A) with respect to civil liability under Federal and State law; and

(B) regardless of whether a nonprofit organization pays for the use of a facility.

(c) Exception for Liability.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18,

United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability for a business entity for an injury or death with respect to which conditions under subparagraphs (A) through (C) of subsection (b)(1) apply.

(2) LIMITATION.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provision.

By Mr. MCCAIN (for himself, Mr. BIDEN, Mr. HAGEL, Mr. LIEBERMAN, Mr. COCHRAN, Mr. DODD, Mr. LUGAR, Mr. ROBB, and Mr. KERRY):

S.J. Res. 20. A joint resolution concerning the deployment of the United States Armed Forces to the Kosovo region in Yugoslavia; to the Committee on Foreign Relations.

CONCERNING THE DEPLOYMENT OF THE UNITED STATES ARMED FORCES TO THE KOSOVO REGION IN YUGOSLAVIA

Mr. MCCAIN. Mr. President, I introduce a joint resolution cosponsored by Senators BIDEN, COCHRAN, HAGEL, LIEBERMAN, LUGAR, DODD and ROBB.

Before I go into my statement, I will mention that the Veterans of Foreign Wars today will be issuing a statement regarding their support for this resolution. The Veterans of Foreign Wars statement will read:

> The United States, acting as a part of the NATO alliance, should use a full range of force in an overwhelming and decisive manner to meet its objectives.

I think it is important to note that this resolution would be supported by those American veterans who have fought in foreign wars.

As my colleagues know, I am concerned that the force the United States and our NATO allies have employed against Serbia, gradually escalating airstrikes, is insufficient to achieve our political objectives there, which are the removal of the Serb military and security forces from Kosovo, the return of the refugees to their homes, and the establishment of a NATO-led peacekeeping force.

I hope this resolution, should it be adopted, will encourage the administration and our allies to find the courage and resolve to prosecute this war in the manner most likely to result in its early end and successful conclusion. In other words, I hope this resolution will make clear Congress' support for adopting our means to secure our ends rather than the reverse. But that is not our central purpose today. Our central purpose is to encourage Congress to meet its responsibilities, responsibilities that we have thus far evaded.

Many of my colleagues oppose this war and would prefer that the United States immediately withdraw from a Balkan conflict which they judge to be a quagmire so far removed from America's interests that the cost of victory cannot be justified. I disagree, but I respect their opinion as honest and honorable. I believe that they would welcome the opportunity to express their opposition by the means available to Congress.

Those of us who support this intervention and those who may have had reservations about either its necessity or its initial direction but are now committed to winning it should also welcome this resolution as the instrument for doing our duty, as we have called on so many fine young Americans to do their duty at the risk of their lives. If those who oppose this war and any widening of it prevail, so be it. The President will pursue his present course as authorized by earlier congressional resolutions until its failure demands we settle on Mr. Milosevic's terms.

Those of our colleagues who feel that course is preferable to the price that would be incurred by fully prosecuting this war can rightly claim that they followed the demands of conscience and Constitution, but they must also be accountable to the country and the world for whatever negative consequences ensue from our failure. Should those of us who want to use all necessary force to win this war prevail, then we must accept the responsibility for the losses incurred in its prosecution. That is the only honorable course.

But no matter which view any Senator holds, should this resolution be adopted at the end of a thorough debate, all Members of Congress should then unite to support the early and complete accomplishment of our mission in Kosovo.

Silence and equivocation will not unburden us of our responsibility to support or oppose the war. I do not recommend lightly the course I have called on the President to pursue. I know, as should any one who votes for this resolution, that if Americans die in a land war with Serbia, we will bear a considerable share of the blame for their loss. We are as accountable to their families as the President must be.

But I would rather face that sad burden than hide from my conscience because I sought an ambiguous political position to seek shelter behind. Nor could I easily bear the dishonor of having known that my country's interests demanded a course of action, but avoided taking it because the costs of defending them were substantial, as were its attendant political risks.

Congress, no less than the administration, must show the resolve and confidence of a superpower whose cause is just and imperative. Let us all, President and Senator alike, show the courage of our convictions in this critical hour. Let us declare ourselves in support of or opposition to this war, and the many sacrifices it will entail. Our duty demands it.

Mr. President, I reserve the remainder of my time.

Mr. COCHRAN addressed the Chair.

Mr. MCCAIN. Mr. President, I yield as much time as the Senator from Mississippi may consume.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join my good friend and distinguished colleague, the Senator from Arizona, in introducing this resolution. It seems to me very important at this juncture that the Senate express itself on the subject of our obligation to use whatever force is available to our alliance in NATO to win the conflict quickly and decisively and not to be a party to dragging it out unnecessarily by telling our adversary what military actions we will not use in the conflict.

It seems to me that an appropriate analogy to the administration's strategy is someone who gets himself into a fight, a boxing match, and says, "I am just going to use a left jab in this match, I am never going to use the right hand." No one would do that with any expectation of being successful in that conflict, in that encounter. It seems to me that that is exactly what the United States has been doing, and it has been a mistake.

This resolution suggests by its clear language that the President of the United States is authorized to use all necessary force and other means, in concert with United States allies, to accomplish United States and North Atlantic Treaty Organization objectives in the Federal Republic of Yugoslavia.

It also spells out in the resolution what those objectives are. It suggests that the Federal Republic of Yugoslavia withdraw its forces from Kosovo, permitting the ethnic Albanians to return to their homes and the establishment of a peacekeeping force in Kosovo. Those are our objectives.

To accomplish that, we must convince Milosevic that we are very serious that this war will be waged with all necessary force unless he surrenders his efforts to intimidate, kill, and otherwise terrify this region of Europe, and that he stop this military action, and stop it now, or he is going to suffer the most serious military consequences.

That is the message he should get from the NATO alliance and from the U.S. leadership. That is what the Senate is saying by adopting this resolution. And I hope the Senate will adopt this resolution.

It is unfortunate that we are involved in this military action. It is very unpleasant. It is not something that any of us would have wished to have occurred. We do have to recognize, though, that our NATO allies are very actively involved in this conflict as well. Great Britain, France, Germany, and Italy are all taking—and others—very active roles in the prosecution of this military conflict to achieve the goals that are recited in this resolution. It is an honorable course of action to stop the killing and to stop the atrocities and restore stability in this region of Europe.

The NATO alliance was begun on the premise that Europe should be free, with an opportunity for people to live their lives in freedom, without threat from military intimidation or harm. The alliance has decided that this is an appropriate means for achieving that goal, waging a conflict against a person who has proven to be totally disrespectful of human rights, of the right to life, of the right to live in peace with his neighbors. We can no longer tolerate this under any circumstances.

So the NATO alliance is involved. And I am hopeful that the Senate will spell out our views on this issue at the earliest possible time.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Mr. President, let me thank the Senator from Connecticut for allowing me to proceed. I will be relatively brief. Unfortunately, I think we are going to have an awful lot to say on this issue for some time to come.

I thank Senator MCCAIN. Several weeks ago, Senator MCCAIN and I were on one of these national shows talking about this issue, and we spoke to one another after the show. We agreed on three things—and some of my colleagues assembled here on the floor have reached the same conclusions. First, that the President of the United States, if he were to decide to use ground troops, would need congressional authorization. Second, that we and the President should not ever take anything off the table once we are in a war, in order to be able to successfully prosecute that war. And third, that we consider a resolution that talks about the use of ground force.

Senator MCCAIN had a better idea. He said, "JOE, why don't we do a resolution that suggests the President use whatever means are at his disposal in order to meet the objectives that are stated in the resolution?" So we came back after the recess with the intention of introducing a resolution. We spoke with the Democratic and Republican leadership here in the Senate. We met with the President in a bipartisan group. And we concluded that it was not the time to press for passage of the resolution. But it is time to lay it before the American people and before the Congress.

This is a joint resolution. If passed, it would meet the constitutional requirement of the war clause in the U.S. Constitution. That is the equivalent of a declaration of war.

From a constitutional standpoint, in order to use ground forces, I am of the view—and I expect my colleagues will be of the view, whether they do or do not support ground forces, now or in the future—that the Congress should be involved in that decision under our Constitution.

So speaking for myself, my first and foremost reason for being the original cosponsor of this amendment with my friend, JOHN MCCAIN, is that I believe it is constitutionally required.

Second, I believe very strongly that we should not make an international commitment and then withhold the use of any means at our disposal to reach our publicly stated objectives. This resolution will allow us, as a nation and as an alliance, to fulfill our commitments.

So I am proud to be a cosponsor of this resolution. We will have disagreements, as you will hear as this debate goes forward, as to whether or not the President and NATO have appropriately prosecuted this action thus far. I am not suggesting that all of us agree. But that will be part of a debate that takes place here on the floor of the Senate.

I, for one, do not have the military experience of JOHN MCCAIN; few in America do. I would not attempt to second-guess whether the military has the capacity to accomplish the objectives as stated by NATO solely through the use of air power.

There are men on the floor like Senator HAGEL—a war hero himself, a Vietnam veteran—who are better equipped to determine whether or not the military is accurately telling us what they can do. I am prepared to accept for the moment that the military does have that capacity.

Thus my sponsorship of this resolution is not for the purpose of making the case that the President and NATO should use ground troops at this moment. Instead, I think the President should be authorized to use those troops, if necessary, in order to prosecute successfully the NATO goals in the Balkans. We must have the flexibility to respond to one of the most serious crises of this century in the Balkans.

I just got back from Macedonia and Albania with TED STEVENS and others. I noticed most people in Europe are not using the phrase "conflict" anymore; it is a war. This is a war. We should not kid each other about it. This is a war. The fact that there have, thank God, not been any American casualties yet, the fact that "only" three Americans have been captured, does not mean this is not a war. This is a war. And to successfully prosecute our aims, people are going to die, including Americans. I think it is almost unbelievable to think that we will meet the objectives stated by NATO without the loss of a single American life.

So this is a war, and it is testing Europe and the alliance in a way that we have not faced since the end of World War II. However we choose to label it, this is a war in the Balkans, a war that is being conducted by a war criminal named Slobodan Milosevic, who has caused the greatest human catastrophe in Europe since World War II. At stake are the lives of millions of displaced persons and refugees, the stability of southeastern Europe, and the future of NATO itself.

Our goals must be the safe and secure return of all Kosovars to their homes; the withdrawal of all Yugoslav and Serbian Army, police, and paramilitary forces from Kosovo; and permitting the establishment of a NATO-led peacekeeping force in Kosovo, either through a permissive environment or—my phrase—a practically permissible environment, one in which we could go in and the military of Milosevic could not stop us.

With the stakes this high, we must give the President the necessary means to achieve our goals. The Constitution, as I said, requires that Congress consider giving such authorization. I have trust and confidence in our military leaders when they say that, at least for the moment, they do not need ground forces to achieve our goals. Nonetheless, they should have the authorization to use all military tools should they conclude otherwise. This resolution would provide that authorization.

This resolution also authorizes the President to use other means, which encompasses diplomacy as well as arms. I hope, of course, that a diplomatic solution will be possible without the use of ground forces, but only if the diplomatic solution achieves all of our stated goals.

Finally, through this resolution, we are putting Slobodan Milosevic on notice that the United States and NATO allies are deadly serious about doing what it takes to compel him to withdraw his vicious ethnic-cleansers, gang rapists, recently pardoned criminals, ski-masked thugs, and his now corrupted regular army troops from Kosovo.

So, let me conclude by saying once again that there will be plenty of time to debate whether or not NATO should have had a full-blown plan on the table for the use of ground forces. I suggest to my colleagues, as I suggested at the NAC in Brussels this past Sunday, that if we had done that, there is overwhelming evidence that several of our allies would not have gone along with even airstrikes.

I remind everyone who is listening that the good news is that we are an alliance. The bad news is, we are an alliance. An alliance requires consensus. I respectfully suggest that as hard as it was for the Senators on this floor to convince our colleagues that air power made sense in the first instance, can you imagine what it would have been like if we were standing on the floor today authorizing the President to use all force necessary without 18 other NATO nations agreeing?

I respectfully suggest that Democrats and Republicans alike would come to the floor and say: It is not our business alone. We should only do this in conjunction with NATO.

So, there is a delicate balancing act, not unlike what Dwight Eisenhower had to deal with in World War II with the French and the British and others. The delicate balancing act involves keeping the alliance together and at the same time not diminishing the capacity to achieve the alliance's ends.

The message I would like to see sent to Belgrade today is that America is united, the United States Congress is united, and American citizens are prepared to use whatever force is necessary to stop him. I would also send a message to our allies that we are resolved and we expect them to stay resolved to achieve NATO's stated objectives. If we fail to achieve our stated objectives, I believe that NATO loses its credibility as a credible peacekeeping alternative and a defensive organization in Europe. If that occurs, I believe you will see a repetition of this war in Serbia, in Macedonia, in Albania, in Montenegro, and other parts of the Balkans.

Much is at stake. We should not kid the American people. American lives will be lost as this continues. But America's strategic interests and American lives in the long run will be saved if we resolutely pursue the NATO objectives.

Mr. President, I again thank my friend from Connecticut. I am proud to join with the Senators on the floor here today, for whom I have deep respect. I realize they have put aside their political considerations in order to pursue this effort. I compliment them for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend from Nebraska for yielding time to me.

Mr. President, I come to the floor and to the decision to cosponsor this resolution with a deep sense of seriousness and purpose. These are fateful, historic and very consequential matters that we are discussing and engaged in today.

Great nations such as this one, and great alliances such as NATO, do not remain great if they do not uphold their principles and keep their promises. That has always been true, of course, but it seems powerfully so today, as we prepare to welcome NATO and much of the rest of the world to Washington this week to commemorate the 50th anniversary of this great alliance.

We are being tested. This alliance and this Nation are being tested in ways that a few months ago we never could have imagined would have been the case as we prepared for this commemoration. So it becomes now, in its way, less an unlimited celebration and more a renewal of commitment to the principles which animated and necessitated the organization of NATO 50 years ago. We are called on today to uphold those principles, the principles of a free and secure transatlantic community. We must keep the promises we have made in support of those principles. NATO must prevail in the Balkans, in Kosovo.

Thugs, renegade regimes and power-hungry maniacs everywhere in the world are watching our actions in the Balkans and gauging our resolve. They must receive an unequivocal message. They must understand that they violate our principles, they ignore our promises and threats at their peril.

That is the context in which I am proud to cosponsor this resolution, to stand by our national and alliance principles, to keep our promises and to send an unequivocal message to Milosevic and all the other thugs of the world: You cannot defy forces united for common decency and humanity; you cannot ignore our promises and threats. We will not end the 20th century standing idle, allowing a murderous tyrant to mar all that we together have accomplished in Europe and in this transatlantic community over the last five decades.

Mr. President, I was privileged to go, almost 2 weeks ago now, to Europe with Secretary Cohen on a bipartisan, bicameral delegation of Congress. I brought home with me a heightened respect for the military machine that we and NATO—particularly in the United States—have developed. It is awesome in its capability and power, and our service men and women are, without a doubt, the best trained and the most committed that any nation has ever produced. I say that to say, as a matter of confidence, that no matter what it takes, they will prevail over Milosevic.

I still believe that the current air campaign, which is being very effectively implemented, can succeed in achieving our goals in this conflict. That, of course, depends on the test of wills that is going on now and on the test of sanity that is going on now. If there is any sanity in an enlightened national self-interest left in the higher counsels of government in Belgrade, they will stop the NATO air bombardment of their country by accepting NATO's terms and restoring peace.

However, it would be irresponsible not to plan for other military options that may be necessary to defeat this enemy. Not only should all options remain on the table, but all options must be adequately analyzed and readied.

In the case of ground forces, which will take weeks to deploy should they be necessary, we should begin now to plan for the logistics of such a mission and to ensure that appropriate personnel are adequately trained.

I say again what I have said before, I hope and pray that NATO ground forces are not needed. I hope common sense, sanity will prevail in the government in Belgrade, but it would be irresponsible not to prepare NATO's forces now for their potential deployment, and it would be similarly irresponsible, I believe, for Congress, in these circumstances, not to authorize the President, as Commander in Chief, under article I, section 2 of our Constitution, to take whatever actions are necessary to achieve the noble objectives we have set out for ourselves in the Balkans by defeating Milosevic. That is what this resolution does, and that is why I am proud to be a cosponsor.

In the last week or so, several countries and others have offered proposals for seeking a negotiated cease-fire. While we all pray for peace in the Balkans, I think it is important that the peace be a principled peace. NATO has clearly stated objectives, and we can settle for nothing less than the attainment of those reasonable objectives.

They are quite simply that the Serbian invaders, the military and paramilitary forces that have wreaked havoc, bloodshed, and terror on the Kosovar Albanians be withdrawn from Kosovo; that the Kosovars be allowed to return, to be able to do no more than we take for granted every day of our lives in the U.S., which is to live in peace and freedom in their homes and villages; and that there be an international peacekeeping force to monitor that peace that we will have achieved.

If we agree on the worth and the justice of those objectives, we—NATO, the United States—must be prepared to do whatever is necessary to achieve those objectives. To negotiate half a victory, which is no victory, to claim that we have achieved military objectives without achieving the principled objectives that motivated our involvement, would effectively be a devastating defeat, not just for the human rights of the people of Kosovo, but for NATO and the United States.

By introducing this resolution today, we begin a very serious and fateful debate. Today is just the beginning of it. It must, because of the seriousness of all that is involved here, engage not just the executive branch of our Government and the Members of Congress of both parties and both Houses, but the American people as well.

I come back to the bottom line in concluding. I am convinced that we are engaged in a noble mission with our allies in the Balkans, which goes to the heart of international security, European security and American security, but also goes to the heart of our principles as a nation.

I close, if I may, with a prayer that God will be with all those who are fighting in the Balkans today for freedom and human rights and soften the hearts of our opposition so that the additional force that the Commander in Chief would be authorized to deploy, if this resolution passes, will not be necessary. But if it is, let this resolution stand, introduced as it is today by a bipartisan group of Members of the Senate, let this resolution stand for the clear statement that we will stand together as long as necessary to achieve the principles we cherish in the Balkans, as well as the security that we require.

I thank the Chair, and I yield to my friend and colleague from Nebraska.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President. I thank the distinguished Senator from Connecticut.

Mr. President, I join with my colleagues this morning in introducing this joint resolution because it is the right thing to do, it is the responsible thing to do.

Our military efforts and our political will must be consistent with and commensurate with our military and political objectives. That is the essence of what this debate is about.

I happen to believe that the Balkans are in the national security interests of this country for many reasons: Our relationship with NATO, the stability of Central and Eastern Europe; the next ring out is the stability of the Baltics, central Asia, Turkey. So in my mind it is rather clear that we do have a national security interest here.

What this resolution is about is cutting through the fog of who is to blame, the miscalculation, mistakes up/down. That must be set aside. What we need to remember is that we are engaged in a war. We must stay focused on this commitment and have the resolution and the will to achieve the purpose which we began a month ago.

Wars—political, military calculations are imperfect. If we believe—and I do; I believe our 18 NATO allies do believe —that this is the right thing to do, then we must commit ourselves to achieving this most important objective. That means the American people must first understand what our national security interests are, the Congress must lead with the President, and we must be unified to accomplish this goal.

Surely, one of the lessons of Vietnam was that not only are long, confusing wars not sustainable in democracies, but we also learned, as Colin Powell laid out very clearly the last time that we dispatched our military might, that the doctrine of military force is very simple: Maximum amount of power, minimum amount of time.

Time is not on our side here, Mr. President. Time is not on our side. The longer this goes without a resolution, the more difficult it will become and the more likely it will be that the resolution, the outcome, will be some kind of a half-baked deal that will resolve nothing; so as we began this noble effort, we will end with no nobility and no achievement as to making the world better and more stable and more secure.

This is not a Republican/Democrat issue. It is far beyond that. I think that is well represented by the bipartisanship of this resolution. There is another consequence that flows from what we are now engaged in, and that is how we will respond to future security challenges. And just as important as that link is how others around the world will measure our response, measure our will, measure our commitment to doing the right thing.

History has taught us very clearly that when you defer the tough decisions, things do not get better; they get worse. And the more you try and appease the Milosevics of the world, things get worse, more people die, more commitment must be made later. That is surely a lesson of history.

The time is now past whether we are committed to do this or not. That debate was a month ago. What we must do now is come together in a unified effort to win this, to achieve our political and military goals, stop the slaughter, stop the butchery, allow the people of Kosovo to go back into their homes, maintain the stability of that part of the world, and allow for a political resolution to develop—not one that we dictate, not one that NATO dictates, but the people of the Balkans.

My colleagues this morning have referred to the outer rings of consequences here, the outer rings of instability. I believe that if this effort is not successful, not only are you destabilizing Central and Eastern Europe, you are taking away the opportunities those nations of Central and Eastern Europe have now, and the former republics of the Socialist Soviet Republic, for a chance to develop a democracy and individual liberties and a free market system, because you have destabilized the area for no other reason than you have brought a million refugees, displaced persons, into that part of the world where those nations and the infrastructures of those nations cannot possibly deal with that and, hence, destabilizing the very infrastructure we are trying to help.

There are so many, many consequences that are attached to this one effort. I hope this resolution makes very clear, on a bipartisan basis, what we, as a Nation, as a member of NATO, as a member of the civilized world have at stake here and why it is important that we win this war. And I call it a war because it is a war.

I hope that the President of the United States will provide the kind of leadership that this Nation is going to need to connect the national security interests not just at the immediate time in that part of the world, but for our long-term national security interests not just in that part of the world, but all parts of the world. The President must lead. If the President wishes to come to the Congress and ask for a declaration of war, that should be entertained and debated and carefully considered.

The time for nibbling around the edges here is gone. And we not only do a great disservice to the men and women that we asked to fight this war, but to our democracy and all of the civilized world if we do not do the right thing. History will judge us harshly, as it should, if we allow this to continue, what is going on in the Balkans today, and do not stop it.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Illinois (Mr. DURBIN), the Senator from Delaware (Mr. BIDEN), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 59

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-

Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 409

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 487

At the request of Mr. GRAMS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 512

At the request of Mr. GORTON, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 526

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 697

At the request of Mrs. BOXER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 697, a bill to ensure that a woman can designate an obstetrician or gynecologist as her primary care provider.

S. 735

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 735, a bill to protect children from firearms violence.

S. 779

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 790

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 790, a bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water to submit annual reports, and for other purposes.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE CONCURRENT RESOLUTION 25

At the request of Mr. JEFFORDS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Concurrent Resolution 25, a concurrent resolution urging the Congress and the President to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 33

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 33, a resolution designating May 1999 as "National Military Appreciation Month."

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 68

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 68, a resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

AMENDMENTS SUBMITTED

BUDGET PROCESS EMERGENCIES DESIGNATION LEGISLATION

ABRAHAM (AND OTHERS) AMENDMENT NO. 254

Mr. LOTT (for Mr. ABRAHAM for himself, Mr. DOMENICI, Mr. THOMPSON, and Mr. VOINOVICH) proposed an amendment to the bill (S. 557) to provide guidance for the designation of emergencies as a part of the budget process; as follows:

At the end of the bill, add the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) EXCEPTION.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2), 318,".

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph:

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) LIMIT.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

"(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) ADJUSTMENT.—

"(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

"(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) ADJUSTMENT.—

"(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) DEFINITIONS.—In this section:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act,   of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

ABRAHAM (AND OTHERS) AMENDMENT NO. 255

Mr. ABRAHAM (for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. LOTT, Mr. NICKLES, Mr. MCCAIN, Mr. FRIST, Mr. CRAPO, Ms. COLLINS, Mr. GRAMS, Mr. VOINOVICH, and Mr. THOMPSON) proposed an amendment to the bill, S. 557, supra; as follows:

In the amendment strike all after the word "Title" and add the following:

II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

“(l) Social Security Surplus Protection Point of Order.—

“(1) In general.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

“(2) Exception.—Paragraph (1) shall not apply if—

“(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

“(B) the deficit for a fiscal year results solely from the enactment of—

“(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

“(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking “305(b)(2),” and inserting “301(k), 301(l), 305(b)(2), 318,”.

(d) Conforming Amendment.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

“(c) Exception for Defense Spending.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.”.

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) Amendments to the Congressional Budget Act of 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

“(11)(A) The term ‘debt held by the public’ means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

“(B) For the purpose of this paragraph, the term ‘face amount’, for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

“(i) the original issue price of the obligation; plus

“(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

“(12) The term ‘social security surplus’ means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.”;

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

“(6) the debt held by the public; and”; and

(3) in section 310(a) by—

(A) striking “or” at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

“(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or”.

(b) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

“(b) General Statement of Purpose.—This part provides for the enforcement of—

“(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

“(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.”;

(2) in section 250(c)(1), by inserting “ ‘debt held by the public’, ‘social security surplus’ ” after “outlays’,”; and

(3) by inserting after section 253 the following:

“SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

“(a) Limit.—The debt held by the public shall not exceed—

“(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

“(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

“(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

“(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

“(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

“(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

“(b) Adjustments for Actual Social Security Surplus Levels.—

“(1) Estimated levels.—The estimated level of social security surpluses for the purposes of this section is—

“(A) for fiscal year 1999, $127,000,000,000;

“(B) for fiscal year 2000, $137,000,000,000;

“(C) for fiscal year 2001, $145,000,000,000;

“(D) for fiscal year 2002, $153,000,000,000;

“(E) for fiscal year 2003, $162,000,000,000;

“(F) for fiscal year 2004, $171,000,000,000;

“(G) for fiscal year 2005, $184,000,000,000;

“(H) for fiscal year 2006, $193,000,000,000;

“(I) for fiscal year 2007, $204,000,000,000;

“(J) for fiscal year 2008, $212,000,000,000; and

“(K) for fiscal year 2009, $218,000,000,000.

“(2) Adjustment to the limit for actual social security surpluses.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

“(A) Calculation.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

“(B) Adjustment.—

“(i) 2000 through 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

“(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

“(II) each subsequent limit.

“(ii) 2004 through 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

“(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

“(II) each subsequent limit.

“(c) Adjustment to the Limit for Emergencies.—

“(1) Estimate of legislation.—

“(A) Calculation.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

“(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

“(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

“(2) Adjustment.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

“(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

“(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

“(ii) each subsequent limit; and

“(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

“(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

“(ii) each subsequent limit.

“(3) Exception.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

“(d) Adjustment to the Limit for Low Economic Growth and War.—

“(1) Suspension of statutory limit on debt held by the public.—

“(A) Low economic growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

“(B) War.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

“(2) Restoration of statutory limit on debt held by the public.—

“(A) Restoration of limit.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

“(B) Adjustment.—

“(i) Calculation.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) Adjustment.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) Adjustment to the Limit for Social Security Reform Provisions that Affect On-Budget Levels.—

"(1) Estimate of legislation.—

"(A) Calculation.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) Adjustment to limit on the debt held by the public.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) Definitions.—In this section:

"(1) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(2) Social security reform legislation.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) Social security reform legislation.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) Social security reform provisions.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) Social security reform provisions.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

This section shall become effective 1 day after enactment.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on April 21, 1999, in SR-328A at 8:30 a.m. The purpose of this meeting will be to review the USDA Office of the Inspector General's report on crop insurance reform.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 20, 1999, at 9:30 a.m., in closed session, to receive a briefing on current military operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Emerging Threats and Capabilities be authorized to meet at 2:30 p.m. on Tuesday, April 20, 1999, in open session, to receive testimony on the science and technology program, in review of the defense authorization request for fiscal year 2000 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, April 20, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 25, the Conservation and Reinvestment Act of 1999; S. 446, the Resources 2000 Act; S. 532, the Public Land and Recreation Investment Act of 1999; and the Administration's Lands Legacy proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 20, 1999, at 9:30 a.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 20, 1999, at 2:30 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on April 20, 1999, at 10:30 a.m., for a hearing on the nominations of Stephen Glickman to be associate judge of the D.C. Court of Appeals, Judge Eric Washington to be associate judge of the D.C. Court of Appeals, and Hiram Puig-Lugo to be associate judge of the D.C. Superior Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing regarding Senate Joint Resolution 14, proposing an amendment to the Constitution of the United States, authorizing Congress to prohibit the physical desecration of the flag of the United States, during the session of the Senate on Tuesday, April 20, 1999, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the Department of Veterans Affairs contingency plans for year 2000. The hearing will be held on Tuesday, April 20, 1999, at 2:30 p.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO EXERCISE TIGER VETERANS

• Mr. LUGAR. Mr. President, I rise today to honor Hoosier and American veterans of Exercise Tiger. Exercise Tiger began as a top secret naval "dress rehearsal" for the impending Allied Invasion of Normandy. In the early morning of April 28, 1944, German warships attacked eight American tank landing ships (LST's) without warning during the exercise in the English Channel. Two American LST's were sunk, and a third was crippled. Of the 4,000-man force, 749 were lost in this short battle.

On April 23, Exercise Tiger veterans will be honored at Crown Hill Cemetery in Indianapolis, Indiana in commemoration of the 55th anniversary of the engagement. Tom Glynn, a retired US Navy veteran of Exercise Tiger, will lay a wreath at the grave of Frederick C. Carr, US Navy, LST-531, who died in the operation at Slapton Sands. The toll of a US Navy ship's bell will bring the ceremony to a close, ringing once for each of the eight ships involved in Exercise Tiger.

Because of the sensitive nature of the mission, veterans of Exercise Tiger were not properly recognized after the operation. Today's ceremony in Indianapolis is the first tribute in Indiana to honor the memory of fallen heroes of the battle. I ask my colleagues to join me today in honoring these courageous servicemen for their valiant service to the United States of America.●

TRIBUTE TO JAMES P. SCHUETTE

● Mr. KOHL. Mr. President, I rise today to honor Outagamie County Executive James P. Schuette, who is retiring this April after 25 years of service. A lifelong resident of Outagamie county, Mr. Schuette has shown great commitment to serving the region where he was raised.

During his years of public service, Mr. Schuette has been an integral part of many committees that have seen Outagamie county become one of the fastest growing regions in Wisconsin. He has been a member of the Property Committee and witnessed the county's first recycling facility and the purchase and acquisition of land for public parks. While on the legislative committee, he saw region become more politically active on the state level as the area grew and became more prosperous. In the final two years of his career, he attained the venerable position of County Executive.

Mr. Schuette is also a patriot. For nine years he served as a sergeant and drill instructor with the United States Marine Corps. After leaving the Marines, he continued his commitment to the armed forces with the United States Army Reserves, serving for 19 years and achieving the rank of Sergeant First Class.

James Schuette is an exemplary member of the Outagamie County community and a tribute to his country. We must applaud his dedication and devotion to the community where he grew up as we wish James all the best for his retirement and congratulate him on his many years of service in our State.●

THE RETIREMENT OF DAVID WOLFE

● Mr. COCHRAN. Mr. President, I bring to the Senate's attention the retirement of Mr. David Wolfe, the Deputy District Engineer for Project Management at the Memphis District of the U.S. Army Corps of Engineers.

Mr. Wolfe held several positions during his 39 years with the District, including Assistant Chief of the Planning Division, Chief of the Information Management Office, and Chief of the Planning Division. He has served as Deputy District Engineer since 1994.

During his time at the Memphis District, Mr. Wolfe initiated several projects unique to the District and the Corps of Engineers. The Grand Prairie Region and Bayou Meto Basin, Arkansas Project provides irrigation for agriculture and reverses the depletion of groundwater supply in central Arkansas. The Magnolia Street Project in Hickman, Kentucky is a soil-saving, bluff stability project. Serving as a member of the Mississippi Valley Division's Resource Management Board, Mr. Wolfe led the merging of Memphis District's Planning Division with the Programs and Project Management Division.

Mr. Wolfe's outstanding technical and leadership capabilities have made him a vital resource for my office and the people of Mississippi. In particular, he should be recognized for his assistance to the flood control needs of northwest Mississippi.

Upon his retirement on March 31, 1999, Mr. Wolfe was presented with the Bronze de Fleury Medal in recognition of his contributions to the Engineer Regiment.

I know that all Senators join me in thanking David for his many years of service and in wishing him our best for his retirement.●

ERIC TYLER, THE NEWEST MEMBER OF THE STEPHENSON FAMILY

● Mr. BENNETT. Mr. President, I would like to recognize an exceptionally special event that occurred yesterday, April 19, 1999. John Stephenson, Deputy Staff Director for the Senate Special Committee on the Year 2000 (Y2K) Technology Problem, and his wife welcomed the arrival of Eric Tyler, the newest member of the Stephenson family. Eric arrived yesterday at 11:53 a.m. weighing in at a healthy 6 pounds 15 ounces and measuring 19 inches long. I am extremely pleased to offer my sincere congratulations to John, Penny, and Eric's older sister, Kaitlyn.

I must say that the staff leadership within the Y2K committee has been a prolific one. Late last year on September 17, 1998, Robert Cresanti, Committee Staff Director, and Colleen, his wife, introduced Katja Maria, their first-born child, who arrived measuring 20.5 inches and a hearty 8 pounds 10 ounces. This is an excellent opportunity to express my personal heartfelt congratulations to Robert and Colleen.

As I ponder these events, I wonder if there is any connection to the fact that we now have another member of the committee professional staff that is expecting their third child. You might question if the due date is targeted for January 1, 2000. I will tell you that at this point, the expected delivery date is much earlier, November 26th. We will anxiously await yet another addition to the committee staff's offspring.●

REGISTRATION OF MASS MAILINGS

The filing date for 1999 first quarter mass mailings is April 26, 1999. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

PERSONAL FINANCIAL DISCLOSURE

Financial Disclosure Reports required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Monday, May 17, 1999. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records office will be open from 8:00 a.m. until 6:00 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 11. Any questions regarding the availability of reports should be directed to the Public Records office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).

S. 507—WATER RESOURCES DEVELOPMENT ACT OF 1999

On April 19, 1999, the Senate passed S. 507, the Water Resources Development Act of 1999. The text of the bill follows:

S. 507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Project deauthorizations.
Sec. 104. Studies.

TITLE II—GENERAL PROVISIONS

Sec. 201. Flood hazard mitigation and riverine ecosystem restoration program.

Sec. 202. Shore protection.
Sec. 203. Small flood control authority.
Sec. 204. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
Sec. 205. Aquatic ecosystem restoration.
Sec. 206. Beneficial uses of dredged material.
Sec. 207. Voluntary contributions by States and political subdivisions.
Sec. 208. Recreation user fees.
Sec. 209. Water resources development studies for the Pacific region.
Sec. 210. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 211. Outer Continental Shelf.
Sec. 212. Environmental dredging.
Sec. 213. Benefit of primary flood damages avoided included in benefit-cost analysis.
Sec. 214. Control of aquatic plant growth.
Sec. 215. Environmental infrastructure.
Sec. 216. Watershed management, restoration, and development.
Sec. 217. Lakes program.
Sec. 218. Sediments decontamination policy.
Sec. 219. Disposal of dredged material on beaches.
Sec. 220. Fish and wildlife mitigation.
Sec. 221. Reimbursement of non-Federal interest.
Sec. 222. National Contaminated Sediment Task Force.
Sec. 223. John Glenn Great Lakes Basin program.
Sec. 224. Projects for improvement of the environment.
Sec. 225. Water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation.
Sec. 226. Irrigation diversion protection and fisheries enhancement assistance.
Sec. 227. Small storm damage reduction projects.
Sec. 228. Shore damage prevention or mitigation.
Sec. 229. Atlantic coast of New York.
Sec. 230. Accelerated adoption of innovative technologies for contaminated sediments.
Sec. 231. Mississippi River Commission.
Sec. 232. Use of private enterprises.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Dredging of salt ponds in the State of Rhode Island.
Sec. 302. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 303. Small flood control projects.
Sec. 304. Small navigation projects.
Sec. 305. Streambank protection projects.
Sec. 306. Aquatic ecosystem restoration, Springfield, Oregon.
Sec. 307. Guilford and New Haven, Connecticut.
Sec. 308. Francis Bland Floodway Ditch.
Sec. 309. Caloosahatchee River basin, Florida.
Sec. 310. Cumberland, Maryland, flood project mitigation.
Sec. 311. City of Miami Beach, Florida.
Sec. 312. Sardis Reservoir, Oklahoma.
Sec. 313. Upper Mississippi River and Illinois waterway system navigation modernization.
Sec. 314. Upper Mississippi River management.
Sec. 315. Research and development program for Columbia and Snake Rivers salmon survival.
Sec. 316. Nine Mile Run habitat restoration, Pennsylvania.
Sec. 317. Larkspur Ferry Channel, California.
Sec. 318. Comprehensive Flood Impact-Response Modeling System.
Sec. 319. Study regarding innovative financing for small and medium-sized ports.
Sec. 320. Candy Lake project, Osage County, Oklahoma.
Sec. 321. Salcha River and Piledriver Slough, Fairbanks, Alaska.
Sec. 322. Eyak River, Cordova, Alaska.
Sec. 323. North Padre Island storm damage reduction and environmental restoration project.
Sec. 324. Kanopolis Lake, Kansas.
Sec. 325. New York City watershed.
Sec. 326. City of Charlevoix reimbursement, Michigan.
Sec. 327. Hamilton Dam flood control project, Michigan.
Sec. 328. Holes Creek flood control project, Ohio.
Sec. 329. Overflow management facility, Rhode Island.
Sec. 330. Anacostia River aquatic ecosystem restoration, District of Columbia and Maryland.
Sec. 331. Everglades and south Florida ecosystem restoration.
Sec. 332. Pine Flat Dam, Kings River, California.
Sec. 333. Levees in Elba and Geneva, Alabama.
Sec. 334. Toronto Lake and El Dorado Lake, Kansas.
Sec. 335. San Jacinto disposal area, Galveston, Texas.
Sec. 336. Environmental infrastructure.
Sec. 337. Water monitoring station.
Sec. 338. Upper Mississippi River comprehensive plan.
Sec. 339. McNary Lock and Dam, Washington.
Sec. 340. McNary National Wildlife Refuge.

TITLE IV—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

Sec. 401. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $11,760,000, with an estimated Federal cost of $6,964,000 and an estimated non-Federal cost of $4,796,000.

(2) RIO SALADO (SALT RIVER), ARIZONA.—The project for environmental restoration, Rio Salado (Salt River), Arizona: Report of the Chief of Engineers dated August 20, 1998, at a total cost of $88,048,000, with an estimated Federal cost of $56,355,000 and an estimated non-Federal cost of $31,693,000.

(3) TUCSON DRAINAGE AREA, ARIZONA.—The project for flood damage reduction, environmental restoration, and recreation, Tucson drainage area, Arizona: Report of the Chief of Engineers dated May 20, 1998, at a total cost of $29,900,000, with an estimated Federal cost of $16,768,000 and an estimated non-Federal cost of $13,132,000.

(4) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction described as the Folsom Stepped Release Plan in the Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $505,400,000, with an estimated Federal cost of $329,300,000 and an estimated non-Federal cost of $176,100,000.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—Implementation of the measures by the Secretary pursuant to subparagraph (A) shall be undertaken after completion of the levee stabilization and strengthening and flood warning features authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

(ii) FOLSOM DAM AND RESERVOIR.—The Secretary may undertake measures at the Folsom Dam and Reservoir authorized under subparagraph (A) only after reviewing the design of such measures to determine if modifications are necessary to account for changed hydrologic conditions and any other changed conditions in the project area, including operational and construction impacts that have occurred since completion of the report referred to in subparagraph (A). The Secretary shall conduct the review and develop the modifications to the Folsom Dam and Reservoir with the full participation of the Secretary of the Interior.

(iii) REMAINING DOWNSTREAM ELEMENTS.—

(I) IN GENERAL.—Implementation of the remaining downstream elements authorized pursuant to subparagraph (A) may be undertaken only after the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed the elements to determine if modifications are necessary to address changes in the hydrologic conditions, any other changed conditions in the project area that have occurred since completion of the report referred to in subparagraph (A) and any design modifications for the Folsom Dam and Reservoir made by the Secretary in implementing the measures referred to in clause (ii), and has issued a report on the review.

(II) PRINCIPLES AND GUIDELINES.—The review shall be prepared in accordance with the economic and environmental principles and guidelines for water and related land resources implementation studies, and no construction may be initiated unless the Secretary determines that the remaining downstream elements are technically sound, environmentally acceptable, and economically justified.

(5) LLAGAS CREEK, CALIFORNIA.—The project for completion of the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the requirements of local cooperation as specified in section 4 of that Act (16 U.S.C. 1004) at a total cost of $45,000,000, with an estimated Federal cost of $21,800,000 and an estimated non-Federal cost of $23,200,000.

(6) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood control, environmental restoration, and recreation,

South Sacramento County streams, California: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $65,500,000, with an estimated Federal cost of $41,200,000 and an estimated non-Federal cost of $24,300,000.

(7) UPPER GUADALUPE RIVER, CALIFORNIA.—Construction of the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, at a total cost of $137,600,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $93,600,000.

(8) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California: Report of the Chief of Engineers dated November 25, 1998, at a total cost of $26,600,000, with an estimated Federal cost of $17,350,000 and an estimated non-Federal cost of $9,250,000.

(9) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, Delaware Bay coastline: Delaware and New Jersey-Broadkill Beach, Delaware, Report of the Chief of Engineers dated August 17, 1998, at a total cost of $9,049,000, with an estimated Federal cost of $5,674,000 and an estimated non-Federal cost of $3,375,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $538,200, with an estimated annual Federal cost of $349,800 and an estimated annual non-Federal cost of $188,400.

(10) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—

(A) IN GENERAL.—The project for ecosystem restoration and shore protection, Delaware Bay coastline: Delaware and New Jersey-Port Mahon, Delaware: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $7,644,000, with an estimated Federal cost of $4,969,000 and an estimated non-Federal cost of $2,675,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $234,000, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $82,000.

(11) HILLSBORO AND OKEECHOBEE AQUIFER STORAGE AND RECOVERY PROJECT, FLORIDA.—The project for aquifer storage and recovery described in the Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of $27,000,000, with an estimated Federal cost of $13,500,000 and an estimated non-Federal cost of $13,500,000.

(12) INDIAN RIVER COUNTY, FLORIDA.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)), the project for shoreline protection, Indian River County, Florida, authorized by section 501(a) of that Act (100 Stat. 4134), shall remain authorized for construction through December 31, 2002.

(13) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection at Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized by operation of section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary at a total cost of $5,200,000, with an estimated Federal cost of $3,380,000 and an estimated non-Federal cost of $1,820,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $602,000, with an estimated annual Federal cost of $391,000 and an estimated annual non-Federal cost of $211,000.

(14) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $12,356,000, with an estimated Federal cost of $6,235,000 and an estimated non-Federal cost of $6,121,000.

(15) BRUNSWICK HARBOR, GEORGIA.—The project for navigation, Brunswick Harbor, Georgia: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $50,717,000, with an estimated Federal cost of $32,966,000 and an estimated non-Federal cost of $17,751,000.

(16) BEARGRASS CREEK, KENTUCKY.—The project for flood damage reduction, Beargrass Creek, Kentucky: Report of the Chief of Engineers dated May 12, 1998, at a total cost of $11,172,000, with an estimated Federal cost of $7,262,000 and an estimated non-Federal cost of $3,910,000.

(17) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers, dated December 23, 1996, at a total cost of $112,900,000, with an estimated Federal cost of $73,400,000 and an estimated non-Federal cost of $39,500,000.

(18) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—

(A) IN GENERAL.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia, Report of the Chief of Engineers dated June 8, 1998, at a total cost of $28,426,000, with an estimated Federal cost of $18,994,000 and an estimated non-Federal cost of $9,432,000.

(B) CREDIT OR REIMBURSEMENT.—If a project cooperation agreement is entered into, the non-Federal interest shall receive credit or reimbursement of the Federal share of project costs for construction work performed by the non-Federal interest before execution of the project cooperation agreement if the Secretary finds the work to be integral to the project.

(C) STUDY OF MODIFICATIONS.—During the preconstruction engineering and design phase of the project, the Secretary shall conduct a study to determine the feasibility of undertaking further modifications to the Dundalk Marine Terminal access channels, consisting of—

(i) deepening and widening the Dundalk access channels to a depth of 50 feet and a width of 500 feet;

(ii) widening the flares of the access channels; and

(iii) providing a new flare on the west side of the entrance to the east access channel.

(D) REPORT.—

(i) IN GENERAL.—Not later than March 1, 2000, the Secretary shall submit to Congress a report on the study under subparagraph (C).

(ii) CONTENTS.—The report shall include a determination of—

(I) the feasibility of performing the project modifications described in subparagraph (C); and

(II) the appropriateness of crediting or reimbursing the Federal share of the cost of the work performed by the non-Federal interest on the project modifications.

(19) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood damage reduction, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers, dated April 20, 1998, at a total cost of $8,950,000, with an estimated Federal cost of $5,720,000 and an estimated non-Federal cost of $3,230,000.

(20) NEW JERSEY SHORE PROTECTION, TOWNSENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, ecosystem restoration, and shore protection, New Jersey coastline, Townsends Inlet to Cape May Inlet, New Jersey: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $56,503,000, with an estimated Federal cost of $36,727,000 and an estimated non-Federal cost of $19,776,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $2,000,000, with an estimated annual Federal cost of $1,300,000 and an estimated annual non-Federal cost of $700,000.

(21) PARK RIVER, NORTH DAKOTA.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), at a total cost of $28,100,000, with an estimated Federal cost of $18,265,000 and an estimated non-Federal cost of $9,835,000.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(22) SALT CREEK, GRAHAM, TEXAS.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $10,080,000, with an estimated Federal cost of $6,560,000 and an estimated non-Federal cost of $3,520,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions recommended in a final report of the Chief of Engineers as approved by the Secretary, if a favorable report of the Chief is completed not later than December 31, 1999:

(1) NOME HARBOR IMPROVEMENTS, ALASKA.—The project for navigation, Nome Harbor Improvements, Alaska, at a total cost of $24,608,000, with an estimated first Federal cost of $19,660,000 and an estimated first non-Federal cost of $4,948,000.

(2) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska, at a total cost of $12,240,000, with an estimated first Federal cost of $4,364,000 and an estimated first non-Federal cost of $7,876,000.

(3) ARROYO PASAJERO, CALIFORNIA..—The project for flood damage reduction, Arroyo Pasajero, California, at a total cost of $260,700,000, with an estimated first Federal cost of $170,100,000 and an estimated first non-Federal cost of $90,600,000.

(4) HAMILTON AIRFIELD WETLAND RESTORATION, CALIFORNIA.—The project for environmental restoration at Hamilton Airfield, California, at a total cost of $55,200,000, with an estimated Federal cost of $41,400,000 and an estimated non-Federal cost of $13,800,000.

(5) OAKLAND, CALIFORNIA.—

(A) IN GENERAL.—The project for navigation and environmental restoration, Oakland, California, at a total cost of $214,340,000, with an estimated Federal cost of $143,450,000 and an estimated non-Federal cost of $70,890,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $42,310,000.

(6) SUCCESS DAM, TULE RIVER BASIN, CALIFORNIA.—The project for flood damage reduction and water supply, Success Dam, Tule River basin, California, at a total cost of $17,900,000, with an estimated first Federal cost of $11,635,000 and an estimated first non-Federal cost of $6,265,000.

(7) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—

(A) IN GENERAL.—The project for navigation mitigation, shore protection, and hurricane and storm damage reduction, Delaware Bay coastline: Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, at a total cost of $3,393,000, with an estimated Federal cost of $2,620,000 and an estimated non-Federal cost of $773,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $196,000, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $44,000.

(8) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware, at a total cost of $22,205,000, with an estimated Federal cost of $14,433,000 and an estimated non-Federal cost of $7,772,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,584,000, with an estimated annual Federal cost of $1,030,000 and an estimated annual non-Federal cost of $554,000.

(9) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida, at a total cost of $26,116,000, with an estimated Federal cost of $9,129,000 and an estimated non-Federal cost of $16,987,000.

(10) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The project for hurricane and storm damage prevention and shore protection, Little Talbot Island, Duval County, Florida, at a total cost of $5,915,000, with an estimated Federal cost of $3,839,000 and an estimated non-Federal cost of $2,076,000.

(11) PONCE DE LEON INLET, VOLUSIA COUNTY, FLORIDA.—The project for navigation and recreation, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of $5,454,000, with an estimated Federal cost of $2,988,000 and an estimated non-Federal cost of $2,466,000.

(12) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may carry out the project for navigation, Savannah Harbor expansion, Georgia, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, with such modifications as the Secretary deems appropriate, at a total cost of $230,174,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of $145,160,000 and an estimated non-Federal cost of $85,014,000.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed and approved an Environmental Impact Statement that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and associated mitigation plan as required by section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283); and

(ii) the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, with the Secretary, have approved the selected plan and have determined that the mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented in advance of or concurrently with construction of the project.

(13) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, at a total cost of $42,875,000 with an estimated Federal cost of $25,596,000 and an estimated non-Federal cost of $17,279,000.

(14) DELAWARE BAY COASTLINE, OAKWOOD BEACH, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Delaware Bay coastline, Oakwood Beach, New Jersey, at a total cost of $3,380,000, with an estimated Federal cost of $2,197,000 and an estimated non-Federal cost of $1,183,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $90,000, with an estimated annual Federal cost of $58,000 and an estimated annual non-Federal cost of $32,000.

(15) DELAWARE BAY COASTLINE, REEDS BEACH AND PIERCES POINT, NEW JERSEY.—The project for environmental restoration, Delaware Bay coastline, Reeds Beach and Pierces Point, New Jersey, at a total cost of $4,057,000, with an estimated Federal cost of $2,637,000 and an estimated non-Federal cost of $1,420,000.

(16) DELAWARE BAY COASTLINE, VILLAS AND VICINITY, NEW JERSEY.—The project for environmental restoration, Delaware Bay coastline, Villas and vicinity, New Jersey, at a total cost of $7,520,000, with an estimated Federal cost of $4,888,000 and an estimated non-Federal cost of $2,632,000.

(17) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—

(A) IN GENERAL.—The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, at a total cost of $15,952,000, with an estimated Federal cost of $12,118,000 and an estimated non-Federal cost of $3,834,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,114,000, with an estimated annual Federal cost of $897,000 and an estimated annual non-Federal cost of $217,000.

(18) NEW JERSEY SHORE PROTECTION, BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, New Jersey Shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of $4,970,000, with an estimated Federal cost of $3,230,000 and an estimated non-Federal cost of $1,740,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $465,000, with an estimated annual Federal cost of $302,000 and an estimated annual non-Federal cost of $163,000.

(19) COLUMBIA RIVER CHANNEL DEEPENING, OREGON AND WASHINGTON.—

(A) IN GENERAL.—The project for navigation, Columbia River channel deepening, Oregon and Washington, at a total cost of $176,700,000, with an estimated Federal cost of $116,900,000 and an estimated non-Federal cost of $59,800,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $1,200,000.

(20) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)) is authorized to be carried out by the Secretary.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(21) JOHNSON CREEK, ARLINGTON, TEXAS.—The project for flood damage reduction, environmental restoration, and recreation, Johnson Creek, Arlington, Texas, at a total cost of $20,300,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,300,000.

(22) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of $75,600,000, with an estimated Federal cost of $36,900,000 and an estimated non-Federal cost of $38,700,000.

SEC. 102. PROJECT MODIFICATIONS.

(a) PROJECTS WITH REPORTS.—

(1) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to include as a part of the project streambank erosion control measures to be undertaken substantially in accordance with the report entitled "Bank Stabilization Concept, Laurel Street Extension", dated April 23, 1998, at a total cost of $4,000,000, with an estimated Federal cost of $2,600,000 and an estimated non-Federal cost of $1,400,000.

(2) ST. JOHNS COUNTY SHORE PROTECTION, FLORIDA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, St. Johns County, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4133) is modified to authorize the Secretary to include navigation mitigation as a purpose of the project in accordance with the report of the Corps of Engineers dated November 18, 1998, at a total cost of $16,086,000, with an estimated Federal cost of $12,949,000 and an estimated non-Federal cost of $3,137,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,251,000, with an estimated annual Federal cost of $1,007,000 and an estimated annual non-Federal cost of $244,000.

(3) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665) is modified to authorize the Secretary to construct the project in accordance with the Corps of Engineers report dated June 29, 1998, at a total cost of $17,039,000, with an estimated Federal cost of $9,730,000 and an estimated non-Federal cost of $7,309,000.

(4) ABSECON ISLAND, NEW JERSEY.—The project for Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended to authorize the Secretary to reimburse the non-Federal interests for all work performed, consistent with the authorized project.

(5) ARTHUR KILL, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project at a total cost of $276,800,000, with an estimated Federal cost of $183,200,000 and an estimated non-Federal cost of $93,600,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $38,900,000.

(6) WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.—The requirement for the Waurika Project Master Conservancy District to repay the $2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim of the Travelers Insurance Company before the United States Claims Court related to construction of the water conveyance facilities authorized by the first section of Public Law 88–253 (77 Stat. 841) is waived.

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a final report by the Chief of Engineers, as approved by the Secretary, finding that such work is technically sound, environmentally acceptable, and economically justified, as applicable:

(1) FORT PIERCE SHORE PROTECTION, FLORIDA.—

(A) IN GENERAL.—The Fort Pierce, Florida, shore protection and harbor mitigation project authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) and section 506(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3757) is modified to include an additional 1-mile extension of the project and increased Federal participation in accordance with section 101(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(c)), as described in the general reevaluation report approved by the Chief of Engineers, at an estimated total cost of $9,128,000, with an estimated Federal cost of $7,074,000 and an estimated non-Federal cost of $2,054,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period for the modified project, at an estimated annual cost of $559,000, with an estimated annual Federal cost of $433,000 and an estimated annual non-Federal cost of $126,000.

(2) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(A) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Natural Resources Conservation Service Thornton Reservoir (Structure 84), Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(B) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(C) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Natural Resources Conservation Service Thornton Reservoir (Structure 84) project in the west lobe of the Thornton quarry.

(D) CREDITING.—The Secretary may credit against the non-Federal share of the Thornton Reservoir project all design and construction costs incurred by the non-Federal interests before the date of enactment of this Act.

(E) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by subparagraph (D) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

(3) WELLS HARBOR, WELLS, MAINE.—

(A) IN GENERAL.—The project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(B) DEAUTHORIZATION OF CERTAIN PORTIONS.—The following portions of the project are not authorized after the date of enactment of this Act:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(ii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(iii) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north 11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(iv) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(C) REDESIGNATIONS AS PART OF THE 6-FOOT ANCHORAGE.—The following portions of the project shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(D) REDESIGNATION AS PART OF THE 6-FOOT CHANNEL.—The following portion of the project shall be redesignated as part of the 6-foot channel: the portion the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes 24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(E) REALIGNMENT.—The portion of the project described in subparagraph (D) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point

N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(F) Relocation.—The Secretary may relocate the settling basin feature of the project to the outer harbor between the jetties.

(G) Conservation easement.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may accept a conveyance of the right, but not the obligation, to enforce a conservation easement to be held by the State of Maine over certain land owned by the town of Wells, Maine, that is adjacent to the Rachel Carson National Wildlife Refuge.

(4) New York harbor and adjacent channels, port jersey, new jersey.—

(A) In general.—The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 201(b) of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to authorize the Secretary to construct the project at a total cost of $102,545,000, with an estimated Federal cost of $76,909,000 and an estimated non-Federal cost of $25,636,000.

(B) Berthing areas and other local facilities.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $722,000.

(5) Willamette river temperature control, mckenzie subbasin, oregon.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to construct the project at a total Federal cost of $64,741,000.

(6) White river basin, arkansas and missouri.—

(A) In general.—The project for flood control, power generation and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, Seventy-sixth Congress, Third Session, and House Document 290, Seventy-seventh Congress, First Session, approved August 18, 1941, and House Document 499, Eighty-third Congress, Second Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711) is modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following amounts of project storage: Beaver Lake, 3.5 feet; Table Rock, 2 feet; Bull Shoals Lake, 5 feet; Norfork Lake, 3.5 feet; and Greers Ferry Lake, 3 feet. The Secretary shall complete such report and submit it to the Congress by July 30, 2000.

(B) Report.—The report of the Chief of Engineers, required by this subsection, shall also include a determination that the modification of the project in subparagraph (A) does not adversely affect other authorized project purposes, and that no Federal costs are incurred.

(c) Beaver Lake, Arkansas, Water Supply Storage Reallocation.—The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no cost to the Beaver Water District or the Carroll-Boone Water District, except that at no time shall the bottom of the conservation pool be at an elevation that is less than 1,076 feet, NGVD.

(d) Tolchester Channel S-Turn, Baltimore, Maryland.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary to straighten the Tolchester Channel S-turn as part of project maintenance.

(e) Tropicana Wash and Flamingo Wash, Nevada.—Any Federal costs associated with the Tropicana and Flamingo Washes, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be considered to be eligible for reimbursement by the Secretary.

(f) Rediversion Project, Cooper River, Charleston Harbor, South Carolina.—

(1) In general.—The rediversion project, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 517), is modified to authorize the Secretary to pay the State of South Carolina not more than $3,750,000, if the State enters into an agreement with the Secretary providing that the State shall perform all future operation of the St. Stephen, South Carolina, fish lift (including associated studies to assess the efficacy of the fish lift).

(2) Contents.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Secretary to recover all or a portion of the payment if the State suspends or terminates operation of the fish lift or fails to perform the operation in a manner satisfactory to the Secretary.

(3) Maintenance.—Maintenance of the fish lift shall remain a Federal responsibility.

(g) Trinity River and Tributaries, Texas.—The project for flood control and navigation, Trinity River and tributaries, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to add environmental restoration as a project purpose.

(h) Beach Erosion Control and Hurricane Protection, Virginia Beach, Virginia.—

(1) Acceptance of funds.—In any fiscal year that the Corps of Engineers does not receive appropriations sufficient to meet expected project expenditures for that year, the Secretary shall accept from the city of Virginia Beach, Virginia, for purposes of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), such funds as the city may advance for the project.

(2) Repayment.—Subject to the availability of appropriations, the Secretary shall repay, without interest, the amount of any advance made under paragraph (1), from appropriations that may be provided by Congress for river and harbor, flood control, shore protection, and related projects.

(i) Elizabeth River, Chesapeake, Virginia.—Notwithstanding any other provision of law, after the date of enactment of this Act, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of Elizabeth River, Chesapeake, Virginia.

(j) Payment Option, Moorefield, West Virginia.—The Secretary may permit the non-Federal interests for the project for flood control, Moorefield, West Virginia, to pay without interest the remaining non-Federal cost over a period not to exceed 30 years, to be determined by the Secretary.

(k) Miami Dade Agricultural and Rural Land Retention Plan and South Biscayne, Florida.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

"(D) Credit and reimbursement of past and future activities.—The Secretary may afford credit to or reimburse the non-Federal sponsors (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

"(i) the Secretary determines that—

"(I) the work performed by the non-Federal sponsors will substantially expedite completion of a critical restoration project; and

"(II) the work is necessary for a critical restoration project; and

"(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.".

(l) Lake Michigan, Illinois.—

(1) In general.—The project for storm damage reduction and shoreline protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to provide for reimbursement for additional project work undertaken by the non-Federal interest.

(2) Credit or reimbursement.—The Secretary shall credit or reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in designing, constructing, or reconstructing reach 2F (700 feet south of Fullerton Avenue and 500 feet north of Fullerton Avenue), reach 3M (Meigs Field), and segments 7 and 8 of reach 4 (43rd Street to 57th Street), if the non-Federal interest carries out the work in accordance with plans approved by the Secretary, at an estimated total cost of $83,300,000.

(3) Reimbursement.—The Secretary shall reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, before the signing of the project cooperation agreement, at an estimated total cost of $7,600,000.

(m) Measurements of Lake Michigan Diversions, Illinois.—Section 1142(b) of the Water Resources Development Act of 1986 (100 Stat. 4253) is amended by striking "$250,000 per fiscal year for each fiscal year beginning after September 30, 1986" and inserting "a total of $1,250,000 for each of fiscal years 1999 through 2003".

(n) Project for Navigation, Dubuque, Iowa.—The project for navigation at Dubuque, Iowa, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is modified to authorize the development of a wetland demonstration area of approximately 1.5 acres to be developed and operated by the Dubuque County Historical Society or a successor nonprofit organization.

(o) Louisiana State Penitentiary Levee.—The Secretary may credit against the non-Federal share work performed in the project area of the Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

(p) Jackson County, Mississippi.—The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to direct the Secretary to provide a credit, not to exceed $5,000,000, against the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project, if the Secretary determines that such costs are for work that the Secretary determines was compatible with and integral to the project.

(q) Richard B. Russell Dam and Lake, South Carolina.—

(1) In general.—Except as otherwise provided in this paragraph, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in the parcels of land described in paragraph (2)(A) that are currently being managed by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by the Flood Control Act of 1966 and modified by the Water Resources Development Act of 1986.

(2) Land description.—

(A) In general.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21–1–93–0910 and associated supplemental agreements or are designated in red in Exhibit A of Army License No. DACW21–3–85–1904, excluding all designated parcels in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool.

(B) Management of excluded parcels.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21–3–85–1904 until the Secretary and the State enter into an agreement under paragraph (6).

(C) Survey.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

(3) Costs of conveyance.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) Perpetual status.—

(A) In general.—All land conveyed under this paragraph shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

(B) Reversion.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

(5) Additional terms and conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(6) Fish and wildlife mitigation agreement.—

(A) In general.—The Secretary may pay the State of South Carolina not more than $4,850,000 subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the lands conveyed under this paragraph and excluded parcels designated in Exhibit A of Army License No. DACW21–3–85–1904.

(B) Failure of performance.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.

(r) Land Conveyance, Clarkston, Washington.—

(1) In general.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in the Department of the Army lease No. DACW68–1–97–22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) Additional land.—The Secretary may convey to the Port of Clarkston, Washington, such additional land located in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) Terms and conditions.—The conveyances made under paragraphs (1) and (2) shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws (including regulations).

(4) Use of land.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed pursuant to paragraphs (1) and (2) that is not retained in public ownership and used for public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(s) White River, Indiana.—The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 22, 1936 (49 Stat. 1586, chapter 688), as modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Canal Development (Upper Canal feature) and the Beveridge Paper feature, at a total cost not to exceed $25,000,000, of which $12,500,000 is the estimated Federal cost and $12,500,000 is the estimated non-Federal cost, except that no such alterations may be undertaken unless the Secretary determines that the alterations authorized by this subsection, in combination with the alterations undertaken under section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), are economically justified.

(t) Fox Point Hurricane Barrier, Providence, Rhode Island.—The project for hurricane-flood protection, Fox Point, Providence, Rhode Island, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 306) is modified to direct the Secretary to undertake the necessary repairs to the barrier, as identified in the Condition Survey and Technical Assessment dated April 1998 with Supplement dated August 1998, at a total cost of $3,000,000, with an estimated Federal cost of $1,950,000 and an estimated non-Federal cost of $1,050,000.

(u) Lee County, Captiva Island Segment, Florida.—

(1) In general.—The project for shoreline protection, Lee County, Captiva Island segment, Florida, authorized by section 506(b)(3)(A) of the Water Resources Development Act of 1996 (110 Stat. 3758), is modified to direct the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1).

(2) Decision document.—The design memorandum approved in 1996 shall be the decision document supporting continued Federal participation in cost sharing of the project.

(v) Columbia River Channel, Washington and Oregon.—

(1) In general.—The project for navigation, Columbia River between Vancouver, Washington, and The Dalles, Oregon, authorized by the first section of the Act of July 24, 1946 (60 Stat. 637, chapter 595), is modified to authorize the Secretary to construct an alternate barge channel to traverse the high span of the Interstate Route 5 bridge between Portland, Oregon, and Vancouver, Washington, to a depth of 17 feet, with a width of approximately 200 feet through the high span of the bridge and a width of approximately 300 feet upstream of the bridge.

(2) Distance upstream.—The channel shall continue upstream of the bridge approximately 2,500 feet to about river mile 107, then to a point of convergence with the main barge channel at about river mile 108.

(3) Distance downstream.—

(A) Southern edge.—The southern edge of the channel shall continue downstream of the bridge approximately 1,500 feet to river mile 106+10, then turn northwest to tie into the edge of the Upper Vancouver Turning Basin.

(B) Northern edge.—The northern edge of the channel shall continue downstream of the bridge to the Upper Vancouver Turning Basin.

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) Bridgeport Harbor, Connecticut.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area 9 feet deep and an adjacent 0.60-acre anchorage area 6 feet deep, located on the west side of Johnsons River, Connecticut, is not authorized after the date of enactment of this Act.

(b) Bass Harbor, Maine.—

(1) Deauthorization.—The portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) described in paragraph (2) are not authorized after the date of enactment of this Act.

(2) Description.—The portions of the project referred to in paragraph (1) are described as follows:

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point, N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N148477.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running southeasterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(c) BOOTHBAY HARBOR, MAINE.—The project for navigation, Boothbay Harbor, Maine, authorized by the Act of July 25, 1912 (37 Stat. 201, chapter 253), is not authorized after the date of enactment of this Act.

(d) CARVERS HARBOR, VINALHAVEN, MAINE.—

(1) DEAUTHORIZATION.—The portion of the project for navigation, Carvers Harbor, Vinalhaven, Maine, authorized by the Act of June 3, 1896 (commonly known as the "River and Harbor Appropriations Act of 1896") (29 Stat. 202, chapter 314), described in paragraph (2) is not authorized after the date of enactment of this Act.

(2) DESCRIPTION.—The portion of the project referred to in paragraph (1) is the portion of the 16-foot anchorage beginning at a point with coordinates N137,502.04, E895,156.83, thence running south 6 degrees 34 minutes 57.6 seconds west 277.660 feet to a point N137,226.21, E895,125.00, thence running north 53 degrees, 5 minutes 42.4 seconds west 127.746 feet to a point N137,302.92, E895022.85, thence running north 33 degrees 56 minutes 9.8 seconds east 239.999 feet to the point of origin.

(e) EAST BOOTHBAY HARBOR, MAINE.—Section 364 of the Water Resources Development Act of 1996 (110 Stat. 3731) is amended by striking paragraph (9) and inserting the following:

"(9) EAST BOOTHBAY HARBOR, MAINE.—The project for navigation, East Boothbay Harbor, Maine, authorized by the first section of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved June 25, 1910 (36 Stat. 657).".

(f) SEARSPORT HARBOR, SEARSPORT, MAINE.—

(1) DEAUTHORIZATION.—The portion of the project for navigation, Searsport Harbor, Searsport, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), described in paragraph (2) is not authorized after the date of enactment of this Act.

(2) DESCRIPTION.—The portion of the project referred to in paragraph (1) is the portion of the 35-foot turning basin beginning at a point with coordinates N225,008.38, E395,464.26, thence running north 43 degrees 49 minutes 53.4 seconds east 362.001 feet to a point N225,269.52, E395,714.96, thence running south 71 degrees 27 minutes 33.0 seconds east 1,309.201 feet to a point N224,853.22, E396,956.21, thence running north 84 degrees 3 minutes 45.7 seconds west 1,499.997 feet to the point of origin.

SEC. 104. STUDIES.

(a) CADDO LEVEE, RED RIVER BELOW DENISON DAM, ARIZONA, LOUISIANA, OKLAHOMA, AND TEXAS.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control, Caddo Levee, Red River Below Denison Dam, Arizona, Louisiana, Oklahoma, and Texas, including incorporating the existing levee, along Twelve Mile Bayou from its juncture with the existing Red River Below Denison Dam Levee approximately 26 miles upstream to its terminus at high ground in the vicinity of Black Bayou, Louisiana.

(b) BOYDSVILLE, ARKANSAS.—The Secretary shall conduct a study to determine the feasibility of reservoir and associated improvements to provide for flood control, recreation, water quality, water supply, and fish and wildlife purposes in the vicinity of Boydsville, Arkansas.

(c) UNION COUNTY, ARKANSAS.—The Secretary shall conduct a study to determine the feasibility of municipal and industrial water supply for Union County, Arkansas.

(d) WHITE RIVER BASIN, ARKANSAS AND MISSOURI.—

(1) IN GENERAL.—The Secretary shall conduct a study of the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by H. Doc. 917, 76th Cong., 3d Sess., and H. Doc. 290, 77th Cong., 1st Sess., approved August 18, 1941, and H. Doc. 499, 83d Cong., 2d Sess., approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711) to determine the feasibility of modifying the project to provide minimum flows necessary to sustain the tail water trout fisheries.

(2) REPORT.—Not later than July 30, 2000, the Secretary shall submit to Congress a report on the study and any recommendations on reallocation of storage at Beaver Lake, Table Rock, Bull Shoals Lake, Norfolk Lake, and Greers Ferry Lake.

(e) FIELDS LANDING CHANNEL, HUMBOLDT HARBOR, CALIFORNIA.—The Secretary—

(1) shall conduct a study for the project for navigation, Fields Landing Channel, Humboldt Harbor and Bay, California, to a depth of minus 35 feet (MLLW), and for that purpose may use any feasibility report prepared by the non-Federal sponsor under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) for which reimbursement of the Federal share of the study is authorized subject to the availability of appropriations; and

(2) may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), if the Secretary determines that the project is feasible.

(f) FRAZIER CREEK, TULARE COUNTY, CALIFORNIA.—The Secretary shall conduct a study to determine—

(1) the feasibility of restoring Frazier Creek, Tulare County, California; and

(2) the Federal interest in flood control, environmental restoration, conservation of fish and wildlife resources, recreation, and water quality of the creek.

(g) STRAWBERRY CREEK, BERKELEY, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of restoring Strawberry Creek, Berkeley, California, and the Federal interest in environmental restoration, conservation of fish and wildlife resources, recreation, and water quality.

(h) WEST SIDE STORM WATER RETENTION FACILITY, CITY OF LANCASTER, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to construct the West Side Storm Water Retention Facility in the city of Lancaster, California.

(i) APALACHICOLA RIVER, FLORIDA.—The Secretary shall conduct a study for the purpose of identifying—

(1) alternatives for the management of material dredged in connection with operation and maintenance of the Apalachicola River Navigation Project; and

(2) alternatives that reduce the requirements for such dredging.

(j) BROWARD COUNTY, SAND BYPASSING AT PORT EVERGLADES, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of constructing a sand bypassing project at the Port Everglades Inlet, Florida.

(k) CITY OF DESTIN-NORIEGA POINT BREAKWATER, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of—

(1) restoring Noriega Point, Florida, to serve as a breakwater for Destin Harbor; and

(2) including Noriega Point as part of the East Pass, Florida, navigation project.

(l) GATEWAY TRIANGLE REDEVELOPMENT AREA, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to reduce the flooding problems in the vicinity of Gateway Triangle Redevelopment Area, Florida.

(2) STUDIES AND REPORTS.—The study shall include a review and consideration of studies and reports completed by the non-Federal interests.

(m) CITY OF PLANT CITY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a flood control project in the city of Plant City, Florida.

(2) STUDIES AND REPORTS.—In conducting the study, the Secretary shall review and consider studies and reports completed by the non-Federal interests.

(n) BOISE, IDAHO.—The Secretary shall conduct a study to determine the feasibility of undertaking flood control on the Boise River in Boise, Idaho.

(o) GOOSE CREEK WATERSHED, OAKLEY, IDAHO.—The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction, water conservation, ground water recharge, ecosystem restoration, and related purposes along the Goose Creek watershed near Oakley, Idaho.

(p) LITTLE WOOD RIVER, GOODING, IDAHO.—The Secretary shall conduct a study to determine the feasibility of restoring and repairing the Lava Rock Little Wood River Containment System to prevent flooding in the city of Gooding, Idaho.

(q) BANK STABILIZATION, SNAKE RIVER, LEWISTON, IDAHO.—The Secretary shall conduct a study to determine the feasibility of undertaking bank stabilization and flood control on the Snake River at Lewiston, Idaho.

(r) SNAKE RIVER AND PAYETTE RIVER, IDAHO.—The Secretary shall conduct a study to determine the feasibility of a flood control project along the Snake River and Payette River, in the vicinity of Payette, Idaho.

(s) ACADIANA NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming operations and maintenance for the Acadiana Navigation Channel located in Iberia and Vermillion Parishes, Louisiana.

(t) CAMERON PARISH WEST OF CALCASIEU RIVER, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of a storm damage reduction and ecosystem restoration project for Cameron Parish west of Calcasieu River, Louisiana.

(u) BENEFICIAL USE OF DREDGED MATERIAL, COASTAL LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of using dredged material from maintenance activities at Federal navigation projects in coastal Louisiana to benefit coastal areas in the State.

(v) Contraband Bayou Navigation Channel, Louisiana.—The Secretary shall conduct a study to determine the feasibility of assuming the maintenance at Contraband Bayou, Calcasieu River Ship Canal, Louisiana.

(w) Golden Meadow Lock, Louisiana.—The Secretary shall conduct a study to determine the feasibility of converting the Golden Meadow floodgate into a navigation lock to be included in the Larose to Golden Meadow Hurricane Protection Project, Louisiana.

(x) Gulf Intracoastal Waterway Ecosystem Protection, Chef Menteur to Sabine River, Louisiana.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and protection measures along the Gulf Intracoastal Waterway from Chef Menteur to Sabine River, Louisiana.

(2) Matters to be addressed.—The study shall address saltwater intrusion, tidal scour, erosion, compaction, subsidence, wind and wave action, bank failure, and other problems relating to water resources in the area.

(y) Lake Pontchartrain, Louisiana, and Vicinity, St. Charles Parish Pumps.—The Secretary shall conduct a study to determine the feasibility of modifying the Lake Pontchartrain Hurricane Protection Project to include the St. Charles Parish Pumps and the modification of the seawall fronting protection along Lake Pontchartrain in Orleans Parish, from New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

(z) Lake Pontchartrain and Vicinity Seawall Restoration, Louisiana.—The Secretary shall conduct a study to determine the feasibility of undertaking structural modifications of that portion of the seawall fronting protection along the south shore of Lake Pontchartrain in Orleans Parish, Louisiana, extending approximately 5 miles from the new basin Canal on the west to the Inner Harbor Navigation Canal on the east as a part of the Lake Pontchartrain and Vicinity Hurricane Protection Project, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077).

(aa) Muddy River, Brookline and Boston, Massachusetts.—

(1) In general.—The Secretary shall evaluate the January 1999 study commissioned by the Boston Parks and Recreation Department, Boston, Massachusetts, and entitled "The Emerald Necklace Environmental Improvement Master Plan, Phase I Muddy River Flood Control, Water Quality and Habitat Enhancement", to determine whether the plans outlined in the study for flood control, water quality, habitat enhancements, and other improvements to the Muddy River in Brookline and Boston, Massachusetts, are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(2) Report.—Not later than December 31, 1999, the Secretary shall report to Congress the results of the evaluation.

(bb) Detroit River, Michigan, Greenway Corridor Study.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of a project for shoreline protection, frontal erosion, and associated purposes in the Detroit River shoreline area from the Belle Isle Bridge to the Ambassador Bridge in Detroit, Michigan.

(2) Potential modifications.—As a part of the study, the Secretary shall review potential project modifications to any existing Corps projects within the same area.

(cc) St. Clair Shores Flood Control, Michigan.—The Secretary shall conduct a study to determine the feasibility of constructing a flood control project at St. Clair Shores, Michigan.

(dd) Woodtick Peninsula, Michigan, and Toledo Harbor, Ohio.—The Secretary shall conduct a study to determine the feasibility of utilizing dredged material from Toledo Harbor, Ohio, to provide erosion reduction, navigation, and ecosystem restoration at Woodtick Peninsula, Michigan.

(ee) Dredged Material Management, Pascagoula Harbor, Mississippi.—

(1) In general.—The Secretary shall conduct a study to determine an alternative plan for dredged material management for the Pascagoula River portion of the project for navigation, Pascagoula Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094).

(2) Contents.—The study under paragraph (1) shall—

(A) include an analysis of the feasibility of expanding the Singing River Island Disposal Area or constructing a new dredged material disposal facility; and

(2) identify methods of managing and reducing sediment transport into the Federal navigation channel.

(ff) Tunica Lake Weir, Mississippi.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of constructing an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose of stabilizing water levels in the Lake.

(2) Economic analysis.—In carrying out the study, the Secretary shall include as a part of the economic analysis the benefits derived from recreation uses at the Lake and economic benefits associated with restoration of fish and wildlife habitat.

(gg) Protective Facilities for the St. Louis, Missouri, Riverfront Area.—

(1) Study.—The Secretary shall conduct a study to determine the optimal plan to protect facilities that are located on the Mississippi River riverfront within the boundaries of St. Louis, Missouri.

(2) Requirements.—In conducting the study, the Secretary shall—

(A) evaluate alternatives to offer safety and security to facilities; and

(B) use state-of-the-art techniques to best evaluate the current situation, probable solutions, and estimated costs.

(3) Report.—Not later than April 15, 2000, the Secretary shall submit to Congress a report on the results of the study.

(hh) Yellowstone River, Montana.—

(1) Study.—The Secretary shall conduct a comprehensive study of the Yellowstone River from Gardiner, Montana to the confluence of the Missouri River to determine the hydrologic, biological, and socioeconomic cumulative impacts on the river.

(2) Consultation and coordination.—The Secretary shall conduct the study in consultation with the United States Fish and Wildlife Service, the United States Geological Survey, and the Natural Resources Conservation Service and with the full participation of the State of Montana and tribal and local entities, and provide for public participation.

(3) Report.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study.

(ii) Las Vegas Valley, Nevada.—

(1) In general.—The Secretary shall conduct a comprehensive study of water resources located in the Las Vegas Valley, Nevada.

(2) Objectives.—The study shall identify problems and opportunities related to ecosystem restoration, water quality, particularly the quality of surface runoff, water supply, and flood control.

(jj) Oswego River Basin, New York.—The Secretary shall conduct a study to determine the feasibility of establishing a flood forecasting system within the Oswego River basin, New York.

(kk) Port of New York-New Jersey Navigation Study and Environmental Restoration Study.—

(1) Navigation study.—The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

(2) Environmental restoration study.—The Secretary, acting through the Chief of Engineers, shall review the report of the Chief of Engineers on the New York Harbor, printed in the House Management Plan of the Harbor Estuary Program, and other pertinent reports concerning the New York Harbor Region and the Port of New York-New Jersey, to determine the Federal interest in advancing harbor environmental restoration.

(3) Report.—The Secretary may use funds from the ongoing navigation study for New York and New Jersey Harbor to complete a reconnaissance report for environmental restoration by December 31, 1999. The navigation study to deepen New York and New Jersey Harbor shall consider beneficial use of dredged material.

(ll) Cleveland Harbor, Cleveland, Ohio.—The Secretary shall conduct a study to determine the feasibility of undertaking repairs and related navigation improvements at Dike 14, Cleveland, Ohio.

(mm) Chagrin, Ohio.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction at Chagrin, Ohio.

(2) Ice retention structure.—In conducting the study, the Secretary may consider construction of an ice retention structure as a potential means of providing flood damage reduction.

(nn) Toussaint River, Carroll Township, Ohio.—The Secretary shall conduct a study to determine the feasibility of undertaking navigation improvements at Toussaint River, Carroll Township, Ohio.

(oo) Santee Delta Wetland Habitat, South Carolina.—Not later than 18 months after the date of enactment of this Act, the Secretary shall complete a comprehensive study of the ecosystem in the Santee Delta focus area of South Carolina to determine the feasibility of undertaking measures to enhance the wetland habitat in the area.

(pp) Waccamaw River, South Carolina.—The Secretary shall conduct a study to determine the feasibility of a flood control project for the Waccamaw River in Horry County, South Carolina.

(qq) Upper Susquehanna-Lackawanna, Pennsylvania, Watershed Management and Restoration Study.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of a comprehensive flood plain management and watershed restoration project for the Upper Susquehanna-Lackawanna Watershed, Pennsylvania.

(2) Geographic information system.—In conducting the study, the Secretary shall use a geographic information system.

(3) Plans.—The study shall formulate plans for comprehensive flood plain management and environmental restoration.

(4) Crediting.—Non-Federal interests may receive credit for in-kind services and materials that contribute to the study. The Secretary may credit non-Corps Federal assistance provided to the non-Federal interest toward the non-Federal share of study costs to the maximum extent authorized by law.

(rr) Contaminated Dredged Material and Sediment Management, South Carolina Coastal Areas.—

(1) In general.—The Secretary shall review pertinent reports and conduct other studies and field investigations to determine the best available science and methods for management of contaminated dredged material and sediments in the coastal areas of South Carolina.

(2) Focus.—In carrying out subsection (a), the Secretary shall place particular focus on areas where the Corps of Engineers maintains deep draft navigation projects, such as Charleston Harbor, Georgetown Harbor, and Port Royal, South Carolina.

(3) Cooperation.—The studies shall be conducted in cooperation with the appropriate Federal and State environmental agencies.

(ss) Niobrara River and Missouri River Sedimentation Study, South Dakota.—The Secretary shall conduct a study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River to determine the feasibility of alleviating the bank erosion, sedimentation, and related problems in the lower Niobrara River and the Missouri River below Fort Randall Dam.

(tt) Santa Clara River, Utah.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to alleviate damage caused by flooding, bank erosion, and sedimentation along the watershed of the Santa Clara River, Utah, above the Gunlock Reservoir.

(2) Contents.—The study shall include an analysis of watershed conditions and water quality, as related to flooding and bank erosion, along the Santa Clara River in the vicinity of the town of Gunlock, Utah.

(uu) Mount St. Helens Environmental Restoration, Washington.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of ecosystem restoration improvements throughout the Cowlitz and Toutle River basins, Washington, including the 6,000 acres of wetland, riverine, riparian, and upland habitats lost or altered due to the eruption of Mount St. Helens in 1980 and subsequent emergency actions.

(2) Requirements.—In carrying out the study, the Secretary shall—

(A) work in close coordination with local governments, watershed entities, the State of Washington, and other Federal agencies; and

(B) place special emphasis on—

(i) conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) other watershed restoration objectives.

(vv) Agat Small Boat Harbor, Guam.—The Secretary shall conduct a study to determine the feasibility of undertaking the repair and reconstruction of Agat Small Boat Harbor, Guam, including the repair of existing shore protection measures and construction or a revetment of the breakwater seawall.

(ww) Apra Harbor Seawall, Guam.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to repair, upgrade, and extend the seawall protecting Apra Harbor, Guam, and to ensure continued access to the harbor via Route 11B.

(xx) Apra Harbor Fuel Piers, Guam.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to upgrade the piers and fuel transmission lines at the fuel piers in the Apra Harbor, Guam, and measures to provide for erosion control and protection against storm damage.

(yy) Maintenance Dredging of Harbor Piers, Guam.—The Secretary shall conduct a study to determine the feasibility of Federal maintenance of areas adjacent to piers at harbors in Guam, including Apra Harbor, Agat Harbor, and Agana Marina.

(zz) Alternative Water Sources Study.—

(1) In general.—The Administrator of the Environmental Protection Agency shall conduct a study of the water supply needs of States that are not currently eligible for assistance under title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

(2) Requirements.—The study shall—

(A) identify the water supply needs (including potable, commercial, industrial, recreational and agricultural needs) of each State described in paragraph (1) through 2020, making use of such State, regional, and local plans, studies, and reports as are available;

(B) evaluate the feasibility of various alternative water source technologies such as reuse and reclamation of wastewater and stormwater (including indirect potable reuse), aquifer storage and recovery, and desalination to meet the anticipated water supply needs of the States; and

(C) assess how alternative water sources technologies can be utilized to meet the identified needs.

(3) Report.—The Administrator shall report to Congress on the results of the study not more than 180 days after the date of enactment of this Act.

(aaa) Great Lakes Navigational System.—In consultation with the St. Lawrence Seaway Development Corporation, the Secretary shall review the Great Lakes Connecting Channel and Harbors Report dated March 1985 to determine the feasibility of any modification of the recommendations made in the report to improve commercial navigation on the Great Lakes navigation system, including locks, dams, harbors, ports, channels, and other related features.

TITLE II—GENERAL PROVISIONS

SEC. 201. FLOOD HAZARD MITIGATION AND RIVERINE ECOSYSTEM RESTORATION PROGRAM.

(a) In General.—

(1) Authorization.—The Secretary may carry out a program to reduce flood hazards and restore the natural functions and values of riverine ecosystems throughout the United States.

(2) Studies.—In carrying out the program, the Secretary shall conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement watershed management and restoration projects.

(3) Participation.—The studies and projects carried out under the program shall be conducted, to the extent practicable, with the full participation of the appropriate Federal agencies, including the Department of Agriculture, the Federal Emergency Management Agency, the Department of the Interior, the Environmental Protection Agency, and the Department of Commerce.

(4) Nonstructural approaches.—The studies and projects shall, to the extent practicable, emphasize nonstructural approaches to preventing or reducing flood damages.

(b) Cost-Sharing Requirements.—

(1) Studies.—The cost of studies conducted under subsection (a) shall be shared in accordance with section 105 of the Water Resources Development Act of 1986 (33 Stat. 2215).

(2) Projects.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(3) In-kind contributions.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the projects. The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this subsection.

(4) Responsibilities of the non-federal interests.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(c) Project Justification.—

(1) In general.—The Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) Selection criteria; policies and procedures.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) develop criteria for selecting and rating the projects to be carried out as part of the program authorized by this section; and

(B) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(d) Reporting Requirement.—The Secretary may not implement a project under this section until—

(1) the Secretary provides to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (c); and

(2) a period of 21 calendar days has expired following the date on which the notification was received by the Committees.

(e) Priority Areas.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including—

(1) Los Angeles County drainage area, California;

(2) Napa River Valley watershed, California;

(3) Le May, Missouri;

(4) the upper Delaware River basin, New York;

(5) Mill Creek, Cincinnati, Ohio;
(6) Tillamook County, Oregon;
(7) Willamette River basin, Oregon;
(8) Delaware River, Pennsylvania;
(9) Schuylkill River, Pennsylvania; and
(10) Providence County, Rhode Island.

(f) PER-PROJECT LIMITATION.—Not more than $25,000,000 in Army Civil Works appropriations may be expended on any single project undertaken under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $75,000,000 for the period of fiscal years 2000 and 2001.

(2) PROGRAM FUNDING LEVELS.—All studies and projects undertaken under this authority from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

SEC. 202. SHORE PROTECTION.

Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking "Costs of constructing" and inserting the following:

"(1) CONSTRUCTION.—Costs of constructing"; and

(2) by adding at the end the following:

"(2) PERIODIC NOURISHMENT.—In the case of a project authorized for construction after December 31, 1999, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of projects or measures for shore protection or beach erosion control shall be 50 percent, except that—

"(A) all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by non-Federal interests; and

"(B) all costs assigned to the protection of federally owned shores shall be borne by the United States.".

SEC. 203. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) in the first sentence, by striking "construction of small projects" and inserting "implementation of small structural and nonstructural projects"; and

(2) in the third sentence, by striking "$5,000,000" and inserting "$7,000,000".

SEC. 204. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGES.

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end the following: ", but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities".

SEC. 205. AQUATIC ECOSYSTEM RESTORATION.

Section 206(c) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(c)) is amended—

(1) by striking "Construction" and inserting the following:

"(1) IN GENERAL.—Construction"; and

(2) by adding at the end the following:

"(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 206. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 207. VOLUNTARY CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting "or environmental restoration" after "flood control".

SEC. 208. RECREATION USER FEES.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of $34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460l-6a(b)).

(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);
(2) interpretation;
(3) signage;
(4) habitat or facility enhancement;
(5) resource preservation;
(6) annual operation (including fee collection);
(7) maintenance; and
(8) law enforcement related to public use.

(c) AVAILABILITY.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

SEC. 209. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking "interest of navigation" and inserting "interests of water resources development (including navigation, flood damage reduction, and environmental restoration)".

SEC. 210. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) DEFINITIONS.—In this section:

(1) MIDDLE MISSISSIPPI RIVER.—The term "middle Mississippi River" means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) MISSOURI RIVER.—The term "Missouri River" means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) PROJECT.—The term "project" means the project authorized by this section.

(b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

(1) PLAN.—

(A) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) ACTIVITIES.—

(i) IN GENERAL.—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) REQUIRED ACTIVITIES.—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and

(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) IMPLEMENTATION OF ACTIVITIES.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED FEATURES OF THE PROJECT.—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

(i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and

(ii) be compatible with the project purposes described in this section.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) PUBLIC PARTICIPATION.—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of meetings;
(2) providing adequate opportunity for public input and comment;
(3) maintaining appropriate records; and
(4) compiling a record of the proceedings of meetings.

(e) Compliance With Applicable Law.—In carrying out the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) Cost Sharing.—

(1) Non-federal share.—The non-Federal share of the cost of the project shall be 35 percent.

(2) Federal share.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed $5,000,000.

(3) Operation and maintenance.—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) Authorization of Appropriations.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $30,000,000 for the period of fiscal years 2000 and 2001.

SEC. 211. OUTER CONTINENTAL SHELF.

(a) Sand, Gravel, and Shell.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by inserting before the period at the end the following: "or any other non-Federal interest subject to an agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b)".

(b) Reimbursement for Local Interests.—Any amounts paid by non-Federal interests for beach erosion control, hurricane protection, shore protection, or storm damage reduction projects as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

SEC. 212. ENVIRONMENTAL DREDGING.

Section 312(f) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)) is amended by adding at the end the following:

"(6) Snake Creek, Bixby, Oklahoma.

"(7) Willamette River, Oregon.".

SEC. 213. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED INCLUDED IN BENEFIT-COST ANALYSIS.

Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by striking "Benefit-Cost Analysis" and inserting "Elements Excluded From Cost-Benefit Analysis";

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(3) by inserting after subsection (a) the following:

"(b) Elements Included in Cost-Benefit Analysis.—The Secretary shall include primary flood damages avoided in the benefit base for justifying Federal nonstructural flood damage reduction projects."; and

(4) in the first sentence of subsection (e) (as redesignated by paragraph (2)), by striking "(b)" and inserting "(d)".

SEC. 214. CONTROL OF AQUATIC PLANT GROWTH.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended in the first sentence by striking "water-hyacinth, alligatorweed, Eurasian water milfoil, melaleuca," and inserting "Alligatorweed, Aquaticum, Arundo Dona, Brazilian Elodea, Cabomba, Melaleuca, Myrophyllum, Spicatum, Tarmarix, Water Hyacinth,".

SEC. 215. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

"(19) Lake Tahoe, California and Nevada.—Regional water system for Lake Tahoe, California and Nevada.

"(20) Lancaster, California.—Fox Field Industrial Corridor water facilities, Lancaster, California.

"(21) San Ramon, California.—San Ramon Valley recycled water project, San Ramon, California.".

SEC. 216. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

"(10) Regional Atlanta Watershed, Atlanta, Georgia, and Lake Lanier of Forsyth and Hall Counties, Georgia."; and

(B) by adding at the end the following:

"(14) Clear Lake watershed, California.

"(15) Fresno Slough watershed, California.

"(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

"(17) Kaweah River watershed, California.

"(18) Lake Tahoe watershed, California and Nevada.

"(19) Malibu Creek watershed, California.

"(20) Truckee River basin, Nevada.

"(21) Walker River basin, Nevada.

"(22) Bronx River watershed, New York.

"(23) Catawba River watershed, North Carolina.

"(24) Columbia Slough watershed, Oregon.";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.".

SEC. 217. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end; and

(3) by adding at the end the following:

"(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and development of a sustainable weed and algae management program;

"(18) Flints Pond, Hollis, New Hampshire, removal of excessive aquatic vegetation; and

"(19) Osgood Pond, Milford, New Hampshire, removal of excessive aquatic vegetation.".

SEC. 218. SEDIMENTS DECONTAMINATION POLICY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102–580) is amended—

(1) in subsection (a), by adding at the end the following:

"(4) Practical end-use products.—Technologies selected for demonstration at the pilot scale shall result in practical end-use products.

"(5) Assistance by the Secretary.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity."; and

(2) in subsection (c), by striking the first sentence and inserting the following: "There is authorized to be appropriated to carry out this section a total of $22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.".

SEC. 219. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

(a) In General.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking "50" and inserting "35".

(b) Great Lakes Basin.—The Secretary shall work with the State of Ohio, other Great Lakes States, and political subdivisions of the States to fully implement and maximize beneficial reuse of dredged material as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

SEC. 220. FISH AND WILDLIFE MITIGATION.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: "Not more than 80 percent of the non-Federal share of such first costs may be in kind, including a facility, supply, or service that is necessary to carry out the enhancement project.".

SEC. 221. REIMBURSEMENT OF NON-FEDERAL INTEREST.

Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)(A)) is amended by striking "subject to amounts being made available in advance in appropriations Acts" and inserting "subject to the availability of appropriations".

SEC. 222. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.

(a) Definition of Task Force.—In this section, the term "Task Force" means the National Contaminated Sediment Task Force established by section 502 of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271 note; Public Law 102–580).

(b) Convening.—The Secretary and the Administrator shall convene the Task Force not later than 90 days after the date of enactment of this Act.

(c) Reporting on Remedial Action.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to Congress a report on the status of remedial actions at aquatic sites in the areas described in paragraph (2).

(2) Areas.—The report under paragraph (1) shall address remedial actions in—

(A) areas of probable concern identified in the survey of data regarding aquatic sediment quality required by section 503(a) of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271);

(B) areas of concern within the Great Lakes, as identified under section 118(f) of the Federal Water Pollution Control Act (33 U.S.C. 1268(f));

(C) estuaries of national significance identified under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(D) areas for which remedial action has been authorized under any of the Water Resources Development Acts; and

(E) as appropriate, any other areas where sediment contamination is identified by the Task Force.

(3) Activities.—Remedial actions subject to reporting under this subsection include remedial actions under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other Federal or State law containing environmental remediation authority;

(B) any of the Water Resources Development Acts;

(C) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or

(D) section 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425).

(4) Contents.—The report under paragraph (1) shall provide, with respect to each remedial action described in the report, a description of—

(A) the authorities and sources of funding for conducting the remedial action;

(B) the nature and sources of the sediment contamination, including volume and concentration, where appropriate;

(C) the testing conducted to determine the nature and extent of sediment contamination and to determine whether the remedial action is necessary;

(D) the action levels or other factors used to determine that the remedial action is necessary;

(E) the nature of the remedial action planned or undertaken, including the levels of protection of public health and the environment to be achieved by the remedial action;

(F) the ultimate disposition of any material dredged as part of the remedial action;

(G) the status of projects and the obstacles or barriers to prompt conduct of the remedial action; and

(H) contacts and sources of further information concerning the remedial action.

SEC. 223. JOHN GLENN GREAT LAKES BASIN PROGRAM.

(a) Strategic Plans.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall report to Congress on a plan for programs of the Corps of Engineers in the Great Lakes basin.

(2) Contents.—The plan shall include details of the projected environmental and navigational projects in the Great Lakes basin, including—

(A) navigational maintenance and operations for commercial and recreational vessels;

(B) environmental restoration activities;

(C) water level maintenance activities;

(D) technical and planning assistance to States and remedial action planning committees;

(E) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(F) flood damage reduction and shoreline erosion prevention;

(G) all other activities of the Corps of Engineers; and

(H) an analysis of factors limiting use of programs and authorities of the Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(b) Great Lakes Biohydrological Information.—

(1) Inventory.—

(A) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency.

(B) Relevant information.—For the purpose of subparagraph (A), relevant information includes information on—

(i) ground and surface water hydrology;

(ii) natural and altered tributary dynamics;

(iii) biological aspects of the system influenced by and influencing water quantity and water movement;

(iv) meteorological projections and weather impacts on Great Lakes water levels; and

(v) other Great Lakes biohydrological system data relevant to sustainable water use management.

(2) Report.—

(A) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall—

(i) compile the inventories of information;

(ii) analyze the information for consistency and gaps; and

(iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) Recommendations.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) Considerations.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and other relevant agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

(i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and

(ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) Great Lakes Recreational Boating.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, using information and studies in existence on the date of enactment of this Act to the maximum extent practicable, and in cooperation with the Great Lakes States, submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors benefiting from operation and maintenance projects of the Corps of Engineers.

(d) Cooperation.—In undertaking activities under this section, the Secretary shall—

(1) encourage public participation; and

(2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, tribal governments.

(e) Water Use Activities and Policies.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) Cost Sharing.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

SEC. 224. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

Section 1135(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(c)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(2) by adding at the end the following:

"(2) Control of sea lamprey.—Congress finds that—

"(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts to its fishery; and

"(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.".

SEC. 225. WATER QUALITY, ENVIRONMENTAL QUALITY, RECREATION, FISH AND WILDLIFE, FLOOD CONTROL, AND NAVIGATION.

(a) In General.—The Secretary may investigate, study, evaluate, and report on—

(1) water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie watershed, including the watersheds of the Maumee River, Ottawa River, and Portage River in the States of Indiana, Ohio, and Michigan; and

(2) measures to improve water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie basin.

(b) Cooperation.—In carrying out studies and investigations under subsection (a), the Secretary shall cooperate with Federal, State, and local agencies and nongovernmental organizations to ensure full consideration of all views and requirements of all interrelated programs that those agencies may develop independently or in coordination with the Corps of Engineers.

SEC. 226. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering into irrigation systems. Measures shall be developed in cooperation with Federal and State resource agencies and not impair the continued withdrawal of water for irrigation purposes. In providing such assistance priority shall be given based on the objectives of the Endangered Species Act, cost-effectiveness, and the potential for reducing fish mortality. Non-Federal interests shall agree by contract to contribute 50 percent of the cost of such assistance. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services. No construction activities are authorized by this section. Not later than 2 years after the date of enactment of this section, the Secretary shall report to Congress on fish mortality caused by irrigation water intake devices, appropriate measures to reduce mortality, the extent to which such measures are currently being employed in the arid States, the construction costs associated with such measures, and the appropriate Federal role, if any, to encourage the use of such measures.

SEC. 227. SMALL STORM DAMAGE REDUCTION PROJECTS.

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 228. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426(i)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting "(a) In General.—The Secretary";

(2) in the second sentence, by striking "The costs" and inserting the following:

"(b) COST SHARING.—The costs";

(3) in the third sentence—

(A) by striking "No such" and inserting the following:

"(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such"; and

(B) by striking "$2,000,000" and inserting "$5,000,000"; and

(4) by adding at the end the following:

"(d) COORDINATION.—The Secretary shall—

"(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

"(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.".

SEC. 229. ATLANTIC COAST OF NEW YORK.

Section 404(c) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by inserting after "1997" the following: "and an additional total of $2,500,000 for fiscal years thereafter".

SEC. 230. ACCELERATED ADOPTION OF INNOVATIVE TECHNOLOGIES FOR CONTAMINATED SEDIMENTS.

Section 8 of the Water Resources Development Act of 1988 (33 U.S.C. 2314) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) ACCELERATED ADOPTION OF INNOVATIVE TECHNOLOGIES FOR MANAGEMENT OF CONTAMINATED SEDIMENTS.—

"(1) TEST PROJECTS.—The Secretary shall approve an appropriate number of projects to test, under actual field conditions, innovative technologies for environmentally sound management of contaminated sediments.

"(2) DEMONSTRATION PROJECTS.—The Secretary may approve an appropriate number of projects to demonstrate innovative technologies that have been pilot tested under paragraph (1).

"(3) CONDUCT OF PROJECTS.—Each pilot project under paragraph (1) and demonstration project under paragraph (2) shall be conducted by a university with proven expertise in the research and development of contaminated sediment treatment technologies and innovative applications using waste materials.".

SEC. 231. MISSISSIPPI RIVER COMMISSION.

Notwithstanding any other provision of law, a member of the Mississippi River Commission (other than the president of the Commission) shall receive annual pay of $21,500.

SEC. 232. USE OF PRIVATE ENTERPRISES.

(a) INVENTORY AND REVIEW.—The Secretary shall inventory and review all activities of the Corps of Engineers that are not inherently governmental in nature in accordance with the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note; Public Law 105–270).

(b) CONSIDERATIONS.—In determining whether to commit to private enterprise the performance of architectural or engineering services (including surveying and mapping services), the Secretary shall take into consideration professional qualifications as well as cost.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

SEC. 302. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

"(3) The Chemung River watershed, New York, at an estimated Federal cost of $5,000,000.".

SEC. 303. SMALL FLOOD CONTROL PROJECTS.

Section 102 of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively;

(2) by inserting after paragraph (14) the following:

"(15) REPAUPO CREEK AND DELAWARE RIVER, GLOUCESTER COUNTY, NEW JERSEY.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey."; and

(3) by adding at the end the following:

"(24) IRONDEQUOIT CREEK, NEW YORK.—Project for flood control, Irondequoit Creek watershed, New York.

"(25) TIOGA COUNTY, PENNSYLVANIA.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.".

SEC. 304. SMALL NAVIGATION PROJECTS.

Section 104 of the Water Resources Development Act of 1996 (110 Stat. 3669) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (11) through (14), respectively; and

(2) by inserting after paragraph (8) the following:

"(9) FORTESCUE INLET, DELAWARE BAY, NEW JERSEY.—Project for navigation for Fortescue Inlet, Delaware Bay, New Jersey.

"(10) BRADDOCK BAY, GREECE, NEW YORK.—Project for navigation, Braddock Bay, Greece, New York.".

SEC. 305. STREAMBANK PROTECTION PROJECTS.

(a) ARCTIC OCEAN, BARROW, ALASKA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out storm damage reduction and coastal erosion measures at the town of Barrow, Alaska.

(b) SAGINAW RIVER, BAY CITY, MICHIGAN.—The Secretary may construct appropriate control structures in areas along the Saginaw River in the city of Bay City, Michigan, under authority of section 14 of the Flood Control Act of 1946 (33 Stat. 701r).

(c) YELLOWSTONE RIVER, BILLINGS, MONTANA.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(d) MONONGAHELA RIVER, POINT MARION, PENNSYLVANIA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out streambank erosion control measures along the Monongahela River at the borough of Point Marion, Pennsylvania.

SEC. 306. AQUATIC ECOSYSTEM RESTORATION, SPRINGFIELD, OREGON.

Under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall conduct measures to address water quality, water flows, and fish habitat restoration in the historic Springfield, Oregon, millrace through the reconfiguration of the existing millpond, if the Secretary determines that harmful impacts have occurred as the result of a previously constructed flood control project by the Corps of Engineers.

SEC. 307. GUILFORD AND NEW HAVEN, CONNECTICUT.

The Secretary shall expeditiously complete the activities authorized under section 346 of the Water Resources Development Act of 1992 (106 Stat. 4858), including activities associated with Sluice Creek in Guilford, Connecticut, and Lighthouse Point Park in New Haven, Connecticut.

SEC. 308. FRANCIS BLAND FLOODWAY DITCH.

(a) REDESIGNATION.—The project for flood control, Eight Mile Creek, Paragould, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) and known as "Eight Mile Creek, Paragould, Arkansas", shall be known and designated as the "Francis Bland Floodway Ditch".

(b) LEGAL REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the project and creek referred to in subsection (a) shall be deemed to be a reference to the Francis Bland Floodway Ditch.

SEC. 309. CALOOSAHATCHEE RIVER BASIN, FLORIDA.

Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: ", including potential land acquisition in the Caloosahatchee River basin or other areas".

SEC. 310. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.

(a) IN GENERAL.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the "Flood Control Act of 1936") (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of $15,000,000, with an estimated Federal cost of $9,750,000 and an estimated non-Federal cost of $5,250,000.

(b) IN-KIND SERVICES.—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) OPERATION AND MAINTENANCE.—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

SEC. 311. CITY OF MIAMI BEACH, FLORIDA.

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: ", including the city of Miami Beach, Florida".

SEC. 312. SARDIS RESERVOIR, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, as determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56-74-JC-0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) DETERMINATION OF AMOUNT.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget.

(c) EFFECT.—Nothing in this section shall otherwise affect any of the rights or obligations of the parties to the contract referred to in subsection (a).

SEC. 313. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM NAVIGATION MODERNIZATION.

(a) FINDINGS.—Congress finds that—

(1) exports are necessary to ensure job creation and an improved standard of living for the people of the United States;

(2) the ability of producers of goods in the United States to compete in the international marketplace depends on a modern and efficient transportation network;

(3) a modern and efficient waterway system is a transportation option necessary to provide United States shippers a safe, reliable, and competitive means to win foreign markets in an increasingly competitive international marketplace;

(4) the need to modernize is heightened because the United States is at risk of losing its competitive edge as a result of the priority that foreign competitors are placing on modernizing their own waterway systems;

(5) growing export demand projected over the coming decades will force greater demands on the waterway system of the United States and increase the cost to the economy if the system proves inadequate to satisfy growing export opportunities;

(6) the locks and dams on the upper Mississippi River and Illinois River waterway system were built in the 1930s and have some of the highest average delays to commercial tows in the country;

(7) inland barges carry freight at the lowest unit cost while offering an alternative to truck and rail transportation that is environmentally sound, is energy efficient, is safe, causes little congestion, produces little air or noise pollution, and has minimal social impact; and

(8) it should be the policy of the Corps of Engineers to pursue aggressively modernization of the waterway system authorized by Congress to promote the relative competitive position of the United States in the international marketplace.

(b) PRECONSTRUCTION ENGINEERING AND DESIGN.—In accordance with the Upper Mississippi River-Illinois Waterway System Navigation Study, the Secretary shall proceed immediately to prepare engineering design, plans, and specifications for extension of locks 20, 21, 22, 24, 25 on the Mississippi River and the LaGrange and Peoria Locks on the Illinois River, to provide lock chambers 110 feet in width and 1,200 feet in length, so that construction can proceed immediately upon completion of studies and authorization of projects by Congress.

SEC. 314. UPPER MISSISSIPPI RIVER MANAGEMENT.

Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)—

(A) by striking "(e)" and all that follows through the end of paragraph (2) and inserting the following:

"(e) UNDERTAKINGS.—

"(1) IN GENERAL.—

"(A) AUTHORITY.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake—

"(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

"(ii) implementation of a program of long-term resource monitoring, computerized data inventory and analysis, and applied research.

"(B) REQUIREMENTS FOR PROJECTS.—Each project carried out under subparagraph (A)(i) shall—

"(i) to the maximum extent practicable, simulate natural river processes;

"(ii) include an outreach and education component; and

"(iii) on completion of the assessment under subparagraph (D), address identified habitat and natural resource needs.

"(C) ADVISORY COMMITTEE.—In carrying out subparagraph (A), the Secretary shall create an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

"(D) HABITAT AND NATURAL RESOURCE NEEDS ASSESSMENT.—

"(i) AUTHORITY.—The Secretary is authorized to undertake a systemic, river reach, and pool scale assessment of habitat and natural resource needs to serve as a blueprint to guide habitat rehabilitation and long-term resource monitoring.

"(ii) DATA.—The habitat and natural resource needs assessment shall, to the maximum extent practicable, use data in existence at the time of the assessment.

"(iii) TIMING.—The Secretary shall complete a habitat and natural resource needs assessment not later than 3 years after the date of enactment of this subparagraph.

"(2) REPORTS.—On December 31, 2005, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, the Secretary shall prepare and submit to Congress a report that—

"(A) contains an evaluation of the programs described in paragraph (1);

"(B) describes the accomplishments of each program;

"(C) includes results of a habitat and natural resource needs assessment; and

"(D) identifies any needed adjustments in the authorization under paragraph (1) or the authorized appropriations under paragraphs (3), (4), and (5).";

(B) in paragraph (3)—

(i) by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)"; and

(ii) by striking "Secretary not to exceed" and all that follows and inserting "Secretary not to exceed $22,750,000 for each of fiscal years 1999 through 2009.";

(C) in paragraph (4)—

(i) by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)(ii)"; and

(ii) by striking "$7,680,000" and all that follows and inserting "$10,420,000 for each of fiscal years 1999 through 2009.";

(D) by striking paragraphs (5) and (6) and inserting the following:

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(C) not to exceed $350,000 for each of fiscal years 1999 through 2009.

"(6) TRANSFER OF AMOUNTS.—

"(A) IN GENERAL.—For each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer appropriated amounts between the programs under clauses (i) and (ii) of paragraph (1)(A) and paragraph (1)(C).

"(B) APPORTIONMENT OF COSTS.—In carrying out paragraph (1)(D), the Secretary may apportion the costs between the programs authorized by paragraph (1)(A) in amounts that are proportionate to the amounts authorized to be appropriated to carry out those programs, respectively."; and

(E) in paragraph (7)—

(i) in subparagraph (A)—

(I) by inserting "(i)" after "paragraph (1)(A)"; and

(II) by inserting before the period at the end the following: "and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent"; and

(ii) in subparagraph (B), by striking "paragraphs (1)(B) and (1)(C) of this subsection" and inserting "paragraph (1)(A)(ii)";

(2) in subsection (f)(2)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B); and

(3) by adding at the end the following:

"(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—The Secretary shall investigate and, if appropriate, carry out restoration of urban wildlife habitat, with a special emphasis on the establishment of greenways in the St. Louis, Missouri, area and surrounding communities.".

SEC. 315. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104-303) is amended by striking subsection (a) and all that follows and inserting the following:

"(a) SALMON SURVIVAL ACTIVITIES.—

"(1) IN GENERAL.—In conjunction with the Secretary of Commerce and Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

"(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

"(A) impacts from water resources projects and other impacts on salmon life cycles;

"(B) juvenile and adult salmon passage;

"(C) light and sound guidance systems;

"(D) surface-oriented collector systems;

"(E) transportation mechanisms; and

"(F) dissolved gas monitoring and abatement.

"(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

"(A) studies of juvenile salmon survival in spawning and rearing areas;

"(B) estuary and near-ocean juvenile and adult salmon survival;

"(C) impacts on salmon life cycles from sources other than water resources projects;

"(D) cryopreservation of fish gametes and formation of a germ plasm repository for threatened and endangered populations of native fish; and

"(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

"(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

"(5) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under paragraph (3).

"(b) ADVANCED TURBINE DEVELOPMENT.—

"(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $35,000,000 to carry out this subsection.

"(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

"(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out research and development activities under this subsection.

"(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.".

SEC. 316. NINE MILE RUN HABITAT RESTORATION, PENNSYLVANIA.

If the Secretary determines that the documentation is integral to the project, the Secretary shall credit against the non-Federal share such costs, not to exceed $1,000,000, as are incurred by the non-Federal interests in preparing the environmental restoration report, planning and design-phase scientific and engineering technical services documentation, and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania.

SEC. 317. LARKSPUR FERRY CHANNEL, CALIFORNIA.

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

SEC. 318. COMPREHENSIVE FLOOD IMPACT-RESPONSE MODELING SYSTEM.

(a) IN GENERAL.—The Secretary may study and implement a Comprehensive Flood Impact-Response Modeling System for the Coralville Reservoir and the Iowa River watershed, Iowa.

(b) STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $2,250,000 to carry out this section.

SEC. 319. STUDY REGARDING INNOVATIVE FINANCING FOR SMALL AND MEDIUM-SIZED PORTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of various alternatives for innovative financing of future construction, operation, and maintenance of projects in small and medium-sized ports.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives and the results of the study and any related legislative recommendations for consideration by Congress.

SEC. 320. CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.

(a) DEFINITIONS.—In this section:

(1) FAIR MARKET VALUE.—The term "fair market value" means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(2) PREVIOUS OWNER OF LAND.—The term "previous owner of land" means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(b) LAND CONVEYANCES.—

(1) IN GENERAL.—The Secretary shall convey, in accordance with this section, all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(2) PREVIOUS OWNERS OF LAND.—

(A) IN GENERAL.—The Secretary shall give a previous owner of land first option to purchase the land described in paragraph (1).

(B) APPLICATION.—

(i) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under subsection (c).

(ii) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed for a parcel of land described in paragraph (1), first options to purchase the parcel of land shall be allotted in the order in which applications for the parcel of land were filed.

(C) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(D) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(3) DISPOSAL.—Any land described in paragraph (1) for which an application has not been filed under paragraph (2)(B) within the applicable time period shall be disposed of in accordance with law.

(4) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(c) NOTICE.—

(1) IN GENERAL.—The Secretary shall notify—

(A) each person identified as a previous owner of land under subsection (b)(2)(C), not later than 90 days after identification, by United States mail; and

(B) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(2) CONTENTS OF NOTICE.—Notice under this subsection shall include—

(A) a copy of this section;

(B) information sufficient to separately identify each parcel of land subject to this section; and

(C) specification of the fair market value of each parcel of land subject to this section.

(3) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(A) the date on which actual notice is mailed; or

(B) the date of publication of the notice in the Federal Register.

SEC. 321. SALCHA RIVER AND PILEDRIVER SLOUGH, FAIRBANKS, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the lower Salcha River and on Piledriver Slough, from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, in the vicinity of Fairbanks, Alaska, to protect against surface water flooding.

SEC. 322. EYAK RIVER, CORDOVA, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the Eyak River at the town of Cordova, Alaska.

SEC. 323. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.

The Secretary shall carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000, if the Secretary finds that the work is technically sound, environmentally acceptable, and economically justified. The Secretary shall make such a finding not later than 270 days after the date of enactment of this Act.

SEC. 324. KANOPOLIS LAKE, KANSAS.

(a) WATER SUPPLY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the State of Kansas or another non-Federal interest, shall complete a water supply reallocation study at the project for flood control, Kanopolis Lake, Kansas, as a basis on which the Secretary shall enter into negotiations with the State of Kansas or another non-Federal interest for the terms and conditions of a reallocation of the water supply.

(2) Options.—The negotiations for storage reallocation shall include the following options for evaluation by all parties:

(A) Financial terms of storage reallocation.

(B) Protection of future Federal water releases from Kanopolis Dam, consistent with State water law, to ensure that the benefits expected from releases are provided.

(C) Potential establishment of a water assurance district consistent with other such districts established by the State of Kansas.

(D) Protection of existing project purposes at Kanopolis Dam to include flood control, recreation, and fish and wildlife.

(b) In-Kind Credit.—

(1) In general.—The Secretary may negotiate a credit for a portion of the financial repayment to the Federal Government for work performed by the State of Kansas, or another non-Federal interest, on land adjacent or in close proximity to the project, if the work provides a benefit to the project.

(2) Work included.—The work for which credit may be granted may include watershed protection and enhancement, including wetland construction and ecosystem restoration.

SEC. 325. NEW YORK CITY WATERSHED.

Section 552(d) of the Water Resources Development Act of 1996 (110 Stat. 3780) is amended by striking "for the project to be carried out with such assistance" and inserting ", or a public entity designated by the State director, to carry out the project with such assistance, subject to the project's meeting the certification requirement of subsection (c)(1)".

SEC. 326. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

SEC. 327. HAMILTON DAM FLOOD CONTROL PROJECT, MICHIGAN.

The Secretary may construct the Hamilton Dam flood control project, Michigan, under authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 328. HOLES CREEK FLOOD CONTROL PROJECT, OHIO.

(a) In General.—Notwithstanding any other provision of law, the non-Federal share of project costs for the project for flood control, Holes Creek, Ohio, shall not exceed the sum of—

(1) the total amount projected as the non-Federal share as of September 30, 1996, in the Project Cooperation Agreement executed on that date; and

(2) 100 percent of the amount of any increases in the cost of the locally preferred plan over the cost estimated in the Project Cooperation Agreement.

(b) Reimbursement.—The Secretary shall reimburse the non-Federal interest any amount paid by the non-Federal interest in excess of the non-Federal share.

SEC. 329. OVERFLOW MANAGEMENT FACILITY, RHODE ISLAND.

Section 585(a) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "river" and inserting "sewer".

SEC. 330. ANACOSTIA RIVER AQUATIC ECOSYSTEM RESTORATION, DISTRICT OF COLUMBIA AND MARYLAND.

The Secretary may use the balance of funds appropriated for the improvement of the environment as part of the Anacostia River Flood Control and Navigation Project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) to construct aquatic ecosystem restoration projects in the Anacostia River watershed under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 331. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

Subparagraphs (B) and (C)(i) of section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769) are amended by striking "1999" and inserting "2003".

SEC. 332. PINE FLAT DAM, KINGS RIVER, CALIFORNIA.

Under the authority of section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary shall carry out a project to construct a turbine bypass at Pine Flat Dam, Kings River, California, in accordance with the Project Modification Report and Environmental Assessment dated September 1996.

SEC. 333. LEVEES IN ELBA AND GENEVA, ALABAMA.

(a) Elba, Alabama.—

(1) In general.—The Secretary may repair and rehabilitate a levee in the city of Elba, Alabama, at a total cost of $12,900,000.

(2) Cost sharing.—The non-Federal share of the cost of repair and rehabilitation under paragraph (1) shall be 35 percent.

(b) Geneva, Alabama.—

(1) In general.—The Secretary may repair and rehabilitate a levee in the city of Geneva, Alabama, at a total cost of $16,600,000.

(2) Cost sharing.—The non-Federal share of the cost of repair and rehabilitation under paragraph (1) shall be 35 percent.

SEC. 334. TORONTO LAKE AND EL DORADO LAKE, KANSAS.

(a) In General.—The Secretary shall convey to the State of Kansas, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the 2 parcels of land described in subsection (b) on which correctional facilities operated by the Kansas Department of Corrections are situated.

(b) Land Description.—The parcels of land referred to in subsection (a) are—

(1) the parcel located in Butler County, Kansas, adjacent to the El Dorado Lake Project, consisting of approximately 32.98 acres; and

(2) the parcel located in Woodson County, Kansas, adjacent to the Toronto Lake Project, consisting of approximately 51.98 acres.

(c) Conditions.—

(1) Use of land.—A conveyance of a parcel under subsection (a) shall be subject to the condition that all right, title, and interest in and to the parcel conveyed under subsection (a) shall revert to the United States if the parcel is used for a purpose other than that of a correctional facility.

(2) Costs.—The Secretary may require such additional terms, conditions, reservations, and restrictions in connection with the conveyance as the Secretary determines are necessary to protect the interests of the United States, including a requirement that the State pay all reasonable administrative costs associated with the conveyance.

SEC. 335. SAN JACINTO DISPOSAL AREA, GALVESTON, TEXAS.

Section 108 of the Energy and Water Development Appropriations Act, 1994 (107 Stat. 1320), is amended in the first sentence of subsection (a) and in subsection (b)(1) by striking "fee simple absolute title" each place it appears and inserting "fee simple title to the surface estate (without the right to use the surface of the property for the production of minerals)".

SEC. 336. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(e)(1) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended by striking "$10,000,000" and inserting "$15,000,000".

SEC. 337. WATER MONITORING STATION.

Section 584(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "$50,000" and inserting "$100,000".

SEC. 338. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

(a) Development.—The Secretary shall develop a plan to address water and related land resources problems in the upper Mississippi River basin and the Illinois River basin, extending from Cairo, Illinois, to the headwaters of the Mississippi River, to determine the feasibility of systemic flood damage reduction by means of—

(1) structural and nonstructural flood control and floodplain management strategies;

(2) continued maintenance of the navigation project;

(3) management of bank caving, erosion, watershed nutrients and sediment, habitat, and recreation; and

(4) other related means.

(b) Contents.—The plan shall contain recommendations for—

(1) management plans and actions to be carried out by Federal and non-Federal entities;

(2) construction of a systemic flood control project in accordance with a plan for the upper Mississippi River;

(3) Federal action, where appropriate; and

(4) follow-on studies for problem areas for which data or current technology does not allow immediate solutions.

(c) Consultation and Use of Existing Data.—In developing the plan, the Secretary shall—

(1) consult with appropriate State and Federal agencies; and

(2) make maximum use of—

(A) data and programs in existence on the date of enactment of this Act; and

(B) efforts of States and Federal agencies.

(d) Report.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes the plan.

SEC. 339. MCNARY LOCK AND DAM, WASHINGTON.

(a) In General.—The Secretary may convey to a port district or a port authority—

(1) without the payment of additional consideration, any remaining right, title, and interest of the United States in property acquired for the McNary Lock and Dam, Washington, project and subsequently conveyed to the port district or a port authority under section 108 of the River and Harbor Act of 1960 (33 U.S.C. 578); and

(2) at fair market value, as determined by the Secretary, all right, title, and interest of the United States in such property under the jurisdiction of the Secretary relating to the project as the Secretary considers appropriate.

(b) Conditions, Reservations, and Restrictions.—A conveyance under subsection (a) shall be subject to—

(1) such conditions, reservations, and restrictions as the Secretary determines to be necessary for the development, maintenance, or operation or the project or otherwise in the public interest; and

(2) the payment by the port district or port authority of all administrative costs associated with the conveyance.

SEC. 340. MCNARY NATIONAL WILDLIFE REFUGE.

(a) Transfer of Administrative Jurisdiction.—Administrative jurisdiction over the McNary National Wildlife Refuge is transferred from the Secretary to the Secretary of the Interior.

(b) Land Exchange With the Port of Walla Walla, Washington.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior may exchange approximately 188 acres of land located south of Highway 12 and comprising a portion of the McNary National Wildlife Refuge for approximately 122 acres of land owned by the Port of Walla Walla, Washington, and located at the confluence of the Snake River and the Columbia River.

(2) Terms and conditions.—The land exchange under paragraph (1) shall be carried out in accordance with such terms and conditions as the Secretary of the Interior determines to be necessary to protect the interests of the United States, including a requirement that the Port pay—

(A) reasonable administrative costs (not to exceed $50,000) associated with the exchange; and

(B) any excess (as determined by the Secretary of the Interior) of the fair market value of the parcel conveyed by the Secretary of the Interior over the fair market value of the parcel conveyed by the Port.

(3) Use of funds.—The Secretary of the Interior may retain any funds received under paragraph (2)(B) and, without further Act of appropriation, may use the funds to acquire replacement habitat for the Mid-Columbia River National Wildlife Refuge Complex.

(c) Management.—The McNary National Wildlife Refuge and land conveyed by the Port of Walla Walla, Washington, under subsection (b) shall be managed in accordance with applicable laws, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE IV—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

SEC. 401. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) Definitions.—Section 601 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–660), is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) Commission.—The term 'Commission' means the South Dakota Cultural Resources Advisory Commission established by section 605(j)."; and

(3) by inserting after paragraph (2) (as redesignated by paragraph (1)) the following:

"(3) Secretary.—The term 'Secretary' means the Secretary of the Army.".

(b) Terrestrial Wildlife Habitat Restoration.—Section 602 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–660), is amended—

(1) in subsection (a)(4)—

(A) in subparagraph (A)(ii), by striking "803" and inserting "603";

(B) in subparagraph (B)(ii), by striking "804" and inserting "604"; and

(C) in subparagraph (C)—

(i) in clause (i)(II), by striking "803(d)(3) and 804(d)(3)" and inserting "603(d)(3) and 604(d)(3)"; and

(ii) in clause (ii)(II)—

(I) by striking "803(d)(3)(A)(i)" and inserting "603(d)(3)(A)(i)"; and

(II) by striking "804(d)(3)(A)(i)" and inserting "604(d)(3)(A)(i)";

(2) in subsection (b)—

(A) in paragraph (1), by striking "803(d)(3)(A)(iii)" and inserting "603(d)(3)(A)(ii)(III)"; and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking "803(d)(3)(A)(iii)" and inserting "603(d)(3)(A)(ii)(III)"; and

(ii) in subparagraph (B), by striking "804(d)(3)(A)(iii)" and inserting "604(d)(3)(A)(ii)(III)"; and

(3) in subsection (c), by striking "803 and 804" and inserting "603 and 604".

(c) South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.—Section 603 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–663), is amended—

(1) in subsection (c)—

(A) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(B) by adding at the end the following:

"(2) Interest rate.—The Secretary of the Treasury shall invest amounts in the fund in obligations that carry the highest rate of interest among available obligations of the required maturity."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "802(a)(4)(A)" and inserting "602(a)(4)(A)"; and

(B) in paragraph (3)(A)—

(i) in clause (i)—

(I) by striking "802(a)" and inserting "602(a)"; and

(II) by striking "and" at the end; and

(ii) in clause (ii)—

(I) in subclause (III), by striking "802(b)" and inserting "602(b)"; and

(II) in subclause (IV)—

(aa) by striking "802" and inserting "602"; and

(bb) by striking "and" at the end.

(d) Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.—Section 604 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–664), is amended—

(1) in subsection (c)—

(A) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(B) by adding at the end the following:

"(2) Interest rate.—The Secretary of the Treasury shall invest amounts in the fund in obligations that carry the highest rate of interest among available obligations of the required maturity."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "802(a)(4)(B)" and inserting "602(a)(4)(B)"; and

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "802(a)" and inserting "602(a)"; and

(ii) in clause (ii)—

(I) in subclause (III), by striking "802(b)" and inserting "602(b)"; and

(II) in subclause (IV), by striking "802" and inserting "602".

(e) Transfer of Federal Land to State of South Dakota.—Section 605 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–665), is amended—

(1) in subsection (a)(2)(B), by striking "802" and inserting "602";

(2) in subsection (c), in the mater preceding paragraph (1), by striking "waters" and inserting "facilities";

(3) in subsection (e)(2), by striking "803" and inserting "603";

(4) by striking subsection (g) and inserting the following:

"(g) Hunting and Fishing.—

"(1) In general.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water's edge and outside the exterior boundaries of an Indian reservation in South Dakota.

"(2) Jurisdiction.—

"(A) Transferred land.—On transfer of the land under this section to the State of South Dakota, jurisdiction over the land shall be the same as that over other land owned by the State of South Dakota.

"(B) Land between the Missouri River water's edge and the level of the exclusive flood pool.—Jurisdiction over land between the Missouri River water's edge and the level of the exclusive flood pool outside Indian reservations in the State of South Dakota shall be the same as that exercised by the State on other land owned by the State, and that jurisdiction shall follow the fluctuations of the water's edge.

"(D) Federal land.—Jurisdiction over land and water owned by the Federal government within the boundaries of the State of South Dakota that are not affected by this Act shall remain unchanged.

"(3) Easements and access.—The Secretary shall provide the State of South Dakota with easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887))."; and

(5) by adding at the end the following:

"(1) Impact Aid.—The land transferred under subsection (a) shall be deemed to continue to be owned by the United States for purposes of section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702)."

(f) Transfer of Corps of Engineers Land for Indian Tribes.—Section 606 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–667), is amended—

(1) in subsection (a)(1), by inserting before the period at the end the following: "for their use in perpetuity";

(2) in subsection (c), in the matter preceding paragraph (1), by striking "waters" and inserting "facilities";

(3) in subsection (f), by striking paragraph (2) and inserting the following:

"(2) Hunting and fishing.—

"(A) In general.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri

River below the water's edge and within the exterior boundaries of the Cheyenne River Sioux and Lower Brule Sioux Tribe reservations.

“(B) Jurisdiction.—On transfer of the land to the respective tribes under this section, jurisdiction over the land and on land between the water's edge and the level of the exclusive flood pool within the respective Tribe's reservation boundaries shall be the same as that over land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Reservation and the Lower Brule Sioux Reservation, and that jurisdiction shall follow the fluctuations of the water's edge.

“(C) Easements and access.—The Secretary shall provide the Tribes with such easements and access on land and water below the level of the exclusive flood pool inside the respective Indian reservations for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 887)).”;

(4) in subsection (e)(2), by striking “804” and inserting “604”; and

(5) by adding at the end the following:

“(g) Exterior Indian Reservation Boundaries.—Notheing in this section diminishes, changes, or otherwise affects the exterior boundaries of a reservation of an Indian tribe.”.

(g) Administration.—Section 607(b) of division C of the Omnibus Consolidated and Energy Supplemental Appropriations Act, 1999 (112 Stat. 2681–669), is amended by striking “land” and inserting “property”.

(h) Study.—Section 608 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–670), is amended—

(1) in subsection (a)—

(A) by striking “Not late than 1 year after the date of enactment of this Act, the Secretary” and inserting “The Secretary”;

(B) by striking “to conduct” and inserting “to complete, not later than October 31, 1999,”; and

(C) by striking “805(b) and 806(b)” and inserting “605(b) and 606(b)”;

(2) in subsection (b), by striking “805(b) or 806(b)” and inserting “606(b) or 606(b)”; and

(3) by adding at the end the following:

“(c) State Water Rights.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any State.

“(d) Indian Water Rights.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any Indian tribe or tribal nation.”.

(i) Authorization of Appropriations.—Section 609(a) of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–670), is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2)—

(A) by striking “802(a)” and inserting “605(a)”; and

(B) by striking “803(d)(3) and 804(d)(3).” and inserting “603(d)(3) and 604(d)(3); and”; and

(3) by adding at the end the following:

“(3) to fund the annual expenses (not to exceed the Federal cost as of the date of enactment of this Act) of operating recreation areas to be transferred under sections 605(c) and 606(c) or leased by the State of South Dakota or Indian tribes, until such time as the trust funds under sections 603 and 604 are fully capitalized.”.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 800

Mr. ALLARD. Mr. President, I ask unanimous consent that on Wednesday, April 21, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to consideration of the conference report to accompany the education flexibility bill, H.R. 800. I further ask unanimous consent that the conference report be considered under the following limitations: 3 hours for debate on the conference report, with the time divided as follows: 1 hour each under the control of the chairman and ranking member and Senator Wellstone. I further ask that no motions be in order, and that following the expiration of time, the Senate proceed to vote on the adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 105–83, the appointment of the Senator from Ohio (Mr. DeWine) to serve as a member of the National Council on the Arts.

ORDERS FOR WEDNESDAY, APRIL 21, 1999

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Wednesday, April 21. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved and the Senate then be in a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator Gorton, 15 minutes; Senator Warner, 15 minutes; Senator Graham, 10 minutes; Senator Bingaman, 10 minutes; Senators Reid and Boxer, 30 minutes; Senators Nickles and Lincoln, 20 minutes; and Senators McConnell and Lieberman, 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I ask unanimous consent that at 12:30, notwithstanding receipt of the papers, the Senate begin consideration of the education flexibility conference report under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALLARD. Mr. President, the Senate will convene at 10:30 a.m. and be in a period of morning business until 12:30 p.m. Following morning business, the Senate will begin debate on the conference report to accompany the education flexibility bill. A vote can be expected on that conference report at the conclusion or yielding back of that 3-hour debate time. Also, as a reminder, a cloture motion was filed on the lockbox amendment to S. 557. Therefore, Senators should expect that cloture vote on Thursday. On Wednesday, the Senate may also consider any other legislative or executive items cleared for action.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Wednesday, April 21, 1999, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 20, 1999:

DEPARTMENT OF STATE

FRANK ALMAGUER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

JOHN R. HAMILTON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

DONALD W. KEYSER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR RANK OF AMBASSADOR DURING TENURE OF SERVICE AS SPECIAL REPRESENTATIVE OF THE SECRETARY OF STATE FOR NAGORNO-KARABAKH AND NEW INDEPENDENT STATES REGIONAL CONFLICTS.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES V. DUGAR, 3465

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RONALD J. BATH, 1787

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RAYMOND A. ARCHER III, 0393
REAR ADM. (LH) JUSTIN D. MCCARTHY, 7761

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAROLD F. BIGGER, 0447
CAPT. FENTON F. PRIEST, III, 5684

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN B. COTTON, 2052
REAR ADM. (LH) VERNON P. HARRISON, 2188
REAR ADM. (LH) ROBERT C. MARLAY, 9681
REAR ADM. (LH) STEVEN R. MORGAN, 1542
REAR ADM. (LH) CLIFFORD J. STUREK, 3187

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DONALD C. ARTHUR, JR., 7104
CAPT. LINDA J. BIRD, 2508
CAPT. MICHAEL K. LOOSE, 4983
CAPT. RICHARD A. MAYO, 1835
CAPT. JOSEPH P. VANLANDINGHAM, JR., 0657
CAPT. MARK A. YOUNG, 5581

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. ROBERT M. CLARK, 8433
CAPT. MARK M. HAZARA, 3352
CAPT. JOHN R. HINES, JR., 4374
CAPT. JAMES MANZELMANN, JR., 4656
CAPT. NOEL G. PRESTON, 4806
CAPT. HOWARD K. UNRUH, JR., 3594

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

JERRY A. COOPER, 3809

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

THOMAS A. DROHAN, 3498

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEPHEN K. SIEGRIST, 8673

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutentant colonel

DAVID A. MAYFIELD, 0097

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

JOHN D. KNOX, 9240
DAVID M. SHUBLAK, 3511

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 3064:

To be lieutenant colonel

FRANCISCO J. DOMINGUEZ, 8978

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be major

JAPHET C. RIVERA, 1115

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROY T. MCCUTCHEON III, 8920

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KENNETH C. COOPER, 7897

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANCIS X. BERGMEISTER, 1291
KENNETH L. BOLES, 5793
WARREN E. FOX, 1374
WILLIAM B. HANKINS, III, 3646
KENNETH P. MYERS, 7156

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MELVIN D. NEWMAN, 4974

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SCOTT R. HENDREN, 3822

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

HARVEY J. U. ADAMS, JR., 3994
KEVIN K. ADAMS, 7031
JOSEPH R. AGOSTINELLI, 7123
VINCENT L. ALBERT, 3794
DEAN S. ALLRED, 8030
DOUGLAS W. ANDERSON, 0858
LAURENS R. ANDREWS III, 4916
WILLIAM F. ANDREWS, 8178
CONSTANTINE A. ANNINOS, 2111
ALEXANDER J. ARNISTA, 3380
DAVID ATZHORN, 8662
PAUL J. AVELLA, 0107
JOHN W. AYERS, 4348
CHARLES BAILEY, 9575
MICHAEL T. BAKER, 9692
VIRGINIA E. BAKER, 2351
GEORGE W. BALLINGER, JR., 2929
JASON B. BARLOW, 8109
DAVID K. BARRETT, 9856
DEBRA L. BATES, 0236
JAMES D. BAUGHMAN, 2040
MICHAEL N. BEARD, 2453
KEITH R. BELL, 6988
DENNIS E. BELLAMY, 2882
JAMES R. BIERNESSER, 3837
BRIAN T. BISHOP, 9241
GREGORY H. BISHOP, 7335
BENNETT M. BITLER, 8830
WILLIAM E. BLOCKER, 1333
EDMUND S. BLOOM, 8104
PATRICIA S. BOGGS, 5993
EDWARD L. BOLTON, JR., 2484
MARK E. BONTRAGER, 6266
SCOTT K. BORGES, 7071
CHARLES D. BOWKER, 5338
DAVID S. BRACKETT, 0023
RAY T. BRADLEY, 1114
FRANK H. BRADY, 7392
SHEILA B. BROCKI, 1680
LESLIE W. BROCKMAN, 6530
BRUCE K. BROOKS, 1646
JAMES J. BROOKS, 9082
GREGORY M. BROWN, 7227
JOSEPH D. BROWN IV, 4212
LARRY S. BROWN, 8251
TIMOTHY M. BROWN, 2050
DAVID E. BROYLES, 7681
A. ROBERT BRUNO, 5241
JEFFREY BUCKMELTER, 4382
ALBERT F. BURNETT, 4742
PAUL J. BURNETT, 9666
ANDREW E. BUSCH, 7989
BRUCE A. BUSLER, 8403
JOHN E. BUTCHER, 4023
TIMOTHY A. BYERS, 3484
BARBARA S. CAIN, 9226
JAMES E. CALHOUN II, 5139
RICHARD A. CALTABELLOTTA, 0348
ARTHUR B. CAMERON III, 0790
DONALD E. CAMPBELL, 3359
TED R. CAMPBELL, 5390
STEVEN A CANTRELL, 9858
ELIZABETH A. CARGO, 8531
MICHAEL R. CARPENTER, 0500
MICHAEL A. CATLIN, 5074
SUE T. CAUDILL, 9877
SYER S. CAUDILL, JR., 5593
JAMES C. CHAMBERLAIN, 0642
MICHAEL P. CHAPIN, 7807
LESLIE L. CHAPMAN, 6036
TINA M. CHESTER, 5665
STEPHEN P. CHILDERS, 9802
ROBERT A. CIOLA, 5621
GEORGE P. CLARK, 2071
JAMES P. CLYBURN, 8819
GREGORY S. COALE, 0832
ALFRED M. COFFMAN, JR., 6040
CORILLA D. COLLINS, 8639
ANDREW COLON, 6853
KATHLEEN M. CONLEY, 0782
EDWARD CONNOLLY, 6858
ARRISI MARY COOPER, 2356
THOMAS P. CORBETT, 1110
JERRY T. CORLEY, 4394
RICKY J. COSBY, 1715
ROBERT T. COSTELLO, 2632
PAUL W. COUTEE, 9887
WILLIAM C. COUTTS, 4780
JAMES H. COX, JR., 9163
WILSON D. CRAFTON, JR., 4947
NATHANIEL CRAWFORD, JR., 1392
PATRICIA M. D. CREWS, 5150
RONALD S. CROOKS, 3709
BRUCE W. CROWNOVER, 4809
BRUCE L. CURRY, 6374
KEVIN E. CURRY, 9334
JEFFREY H. CURTIS, 9129
PAUL S. CURTIS, 8840
STEVEN W. DALBEY, 9922
JOHN D. DALY, 9692
DENNIS L. DANGELO, 5617
DANIEL C. DAUBACH, 7045
MICHAEL DAVID, 0782
PAUL A. DAVIDSON, 9397
HARRY J. DAVIS II, 4973
JAMES S. DAY, 0633
JOHN W. DAY, 6014
FRANK M. DEARMOND, 6774
THURMON L. DELONEY II, 1832
SUSAN Y. DESJARDINS, 8528
DAVID L. DINNING, 3922
KURT B. DITTMER, 8982
JEFFREY C. DODSON, 0724
GRAY R. DONNALLEY, 5133
JAMES M. DOODY, 8073
GEORGE T. DORAN, 9271
STANLEY J. DOUGHERTY, 3500
JAMES W. DOWIS, 8978
JOSEPH M. DROBEZKO, 8564
MICHAEL DROZ, 2561
ROGER H. DUCEY III, 8251
GEORGE J. DUDA, JR., 4250
RICHARD A. DUGAN, 7803
JOHNNY H. EDWARDS, 5979
JAMES M. ENGLAND, 2811
ALAN T. EVANS, 9406
GERALD B. EVANS, 4032
SAMUEL W. FANCHER, 2833
BARBARA J. FAULKENBERRY, 8244
EDWARD J. FELKER, 5215
KIRK A. FERRELL, 8561
CLIFFORD C. FETTER, 6143
GEORGANNE FICKLIN, 9061
BURTON M. FIELD, 1495
GREGORY D. FLIERL, 3111
WILLIAM R. FLOYD, 5010
HERBERT L. FORET, JR., 2821
JOHN D. FOUSER, 4912
DAVID R. FRANCIS, 6061
GEORGE R. GAGNON, 9528
ROBERT GARCIA, 5413
MICHAEL C. GARDINER, 1344
ROBERT W. GARDNER, 7500
ELIJAH GARRETT, 2892
TOMMY L. GARRETT, 0335
MARIO A. GARZA, 5335
LORENE T. GASTON, 7216
ROBERT D. GAUDETTE, 3907
REBECCA J. GENTRY, 8435
CHARLES W. GILL, JR., 3444
DENNIS L. GITT, 1319
CLARENCE E. GLAUSIER III, 2717
DOUGLAS J. GOEBEL, 9574
DAVID J. GOOSSENS, 7332
ROBERT O. GRAY, 6837
WILLIAM G. GREGORY, 5454
GREGORY L. GROSS, 7350
RANDY L. GROSS, 8759
DWAYNE L. HAFER, 7402
MICHAEL P. HAINSEY, 6475
GARY L. HALBERT, 1906
CHARLES A. HALE, 7614
JON T. HALL, 5659
WAYNE F. HALLGREN, 2033
ANTHONY L.H. HANEY, 1089
BOICE M. HARDY, 0411
DAVID D. HARRELL, 1668
DAVID M. HARRIS, 4575
RONALD E. HARVEY, 9990
JOSEPH L. HEIMANN, 0026
BRADLEY A. HEITHOLD, 3828
SUSAN J. HELMS, 0053
FRANCIS L. HENDRICKS, 9923
JOHN H. HERD, 1614
DARRELL L. HERRIGES, 1092
MARVIN T. HERSHEY, 5051
MARY K. HERTOG, 9595
WILLIAM N. HERZOG, JR., 1378
DALE A. HESS, 8182
JOHN W. HESTERMAN III, 2593
DALE J. HEWITT, 9587
WILLIAM N. HIGGINBOTHAM, 3776
MICHAEL S. HILL, 0935
CHARLES F. HISER, 1874
CRAIG H. HOLLENBECK, 4073
ROBERT H. HOLMES, 6406
WILLIAM N. HOLWAY, 2409
TIMOTHY B. HOPPER, 8714
RODNEY A. HOTTLE, 7271
STANLEY DOYLE HOWARD, 4862
RICHARD C. HOWELL, 0974
JOHN W. HUGHES, 2058
MICHAEL J. HUHN, 0468
BOBBY LEE HUNT, 5609
EDWARD E. HUNT III, 6639
RICHARD M. HUTCHINS, 2234
THOMAS J. INSKEEP, 6990
BARBARA JACOBI, 0183
LEROY F. JACOBS III, 4812
MIROSLAV JENCIK, 3781
DAVID W. JENSEN, 0910
JAMES A. JIMENEZ, 7522
CREID K. JOHNSON, 6231
KEITH E. JOHNSON, 1826
ATHENA R. JONES, 3507
VIKTOR I. JONKOFF, 5592
RONALD J. JUHL, 4240
JOHN E. JULSONNET, 8861
ROBERT C. KANE, 9186
NEIL K. KANNO, 2552
JUDITH F. KAUTZ, 7880
MARTHA J.M. KELLEY, 0712
VIRGINIA S. KELLY, 3176
LAURA S. KENNEDY, 3963
RONALD C. KENNEDY, 2547
PATRICIA F. KERSEY, 3917
DONALD T. KIDD, 2256
STEVEN B. KING, 5855
JOHANN R. KINSEY, 9336
DAVID A. KOPANSKI, 0912
DAVID J. KRAMER, 6099
MARGARET E. KRAMER, 3079
STANLEY T. KRESGE, 9353
CHRISTOPHER J. KRISINGER, 6256
SUSAN P. KUEHL, 3777
JAMES W. LAMB, 8007
NED J. LAVIOLETTE, JR., 8477
RICHARD R. LAW, 2562
DAVID J. LAWTON, 5075
ANNE D. LEARY, 6536
MICHAEL F. LEHNERTZ, 5710
MICHAEL J. LEPPER, 2372
RAYMOND J. LEURCK, 5264
RALPH T. LEWKOWICZ, 0596
BRIAN D. LIKENS, 1517
BRUCE A. LITCHFIELD, 4854
BRIAN W. LITTLE, 3825
DENNIS R. LITTRELL, 8001
DAVID A. LITTS, 6073
CHRISTOPHER P. LIVINGSTON, 5976
MICHAEL A. LONGORIA, 2571
WAYNE E. LOUIS, 5964
RICHARD J. LUCAS, 2300
RAYMOND L. LYNN, 6846
JAMES D. LYON, 3000
JOHNNIE R. MADISON, 4117
MICHAEL J. MAFFEI, 1230
GREGORY J. MALINSKY, 9358
TIMOTHY G. MALONE, 5377
JOEL D. MARTIN, 1884
TIMOTHY C. MARTIN, 1210
RICHARD G. MATTHEWS, 9939
ELVIN E. MAXWELL, JR., 6562
NORMAN B. MCALPIN, 9998
THOMAS A. MCCARTHY, 1377
BRIAN D. MCCARTY, 3120
DOUGLAS D. MCCOY, JR., 0740
DANIEL A. MCCUSKER, 4056
DARREN W. MCDEW, 9277
ALEXANDER M. MCDOWELL, 6581
DAVID W. MCFADDIN, 5799
DANIEL A. MCFADGEN, 0590
CHARLES H. MCGUIRK, JR., 8237
COLTON MCKETHAN, 6881
SANFORD MCLAURIN, JR., 1333
WILLIAM P. MCNALLY, 7655
KENNETH P. MENZIE, 7868
RAYMOND D. MICHAEL, JR., 6178
RICHARD P. MIHALIK, 4954
BRIAN L. MILLER, 8919
JOHN W. MILLER, 8645
BRYON M. MILLS, 6354
DONALD K. MINNER, 2032
JANICE L. MITCHELL, 7029
DENNIS R. MITZEL, 7542
LON W. MOLNAR, 3173
BILLY W. MONTGOMERY, 9965
CLYDE D. MOORE II, 7198
JEFFREY A. MOORE, 9121
DARRELL D. MORTON, 2931
OSWALDO Y. MULLINS, 8559
MICHAEL J. MUOLO, 6537
RICHARD D. MURRAY, JR., 7463
TERRON W. NELSEN, 8951
JAMES R. NELSON, 3849
MARTIN NEUBAUER, 1392
MICHAEL R. NEWBERRY, 8482
ROBERT MICHAEL NEWTON, 7747
JOSEPH B. NIEMEYER, 2447
ROSEMARY NORMAN, 8152
DOUG D. NOWAK, 6738
MICHAEL J. NOWAK, 9718
JEFFREY J. OLINGER, 5140
PETER M. O'NEILL, 7249
PETER O. OPHEIM, 6629
ROBERT P. OTTO, 8934
MICHAEL E. OUTTEN, 9686
MARK H. OWEN, 6573
DOUGLAS H. OWENS, 7222
MICHAEL A. PACHUTA, 3254
JEFFREY B. PADDOCK, 5036
DALE I. PANGMAN, 4655
STEVEN PENNINGTON, 8304
STEVEN PETERSEN, 0297
RICHARD A. PHILLIPS, 5894
DONALD C. PIPP, 3636
ERNEST H. PLOTT, JR., 0709
FRANK PLUM III, 2561
DENNIS C. PORTER, 5949
JOHN D. POSNER, 6335
JAMES O. POSS, 4130
MICHAEL J. POSVAR, 4341
BRADLEY R. PRAY, 7830
JOHN I. PRAY, JR., 9805
TERREL S. PRESTON, 1076
GARY G. PRESUHN, 1989
CHRISTINE D. PREWITT, 3628
CRAIG J. PRIEBE, 6411
RICHARD E. PRINS, 7035
DAVID M. PRONCHICK, 4830
RORY A. QUESINBERRY, 1215
MICHAEL A. RAMPINO, 2851
MARK F. RAMSAY, 6705
FREDERICK R. RAUCH II, 8789
ERIC A. REFFETT, 8177
JAMES E. RENNIE, 3710
DAVID M. RHODES, 6041
PATRICK P. RHODES, 0429
STEPHEN RIBUFFO, 9164
CARDELL K. RICHARDSON, 0129
DONALD R. RICHARDSON, JR., 2222
RUSSELL G. RICHARDSON, 7699
SUSAN E. RICHARDSON, 7218
RONALD E. RICHBURG, 0133

PAUL G. RIDER, 7831
DAVID M. RIESTER, 6668
BRIAN C. ROGERS, 4456
MICHAEL R. ROGERS, 2047
MARK K. ROLAND, 9489
LAWRENCE L. ROLFS, 7693
JOHN K. ROLL, 0440
MICHAEL S. ROLLER, 4573
SEBASTIAN V. ROMANO, 0850
DONNA M. RONCARTI, 7657
JEANNE M. RUETH, 4887
DOUGLAS B. SALMON, 2684
JOHN S. SANDERS, 7897
JAY G. SANTEE, 1486
JOHN M. SANTIAGO, 0424
ROBERT R. SARNOSKI, 3290
WILLIAM R. SAUNDERS, 6621
GERALD J. SAWYER, 3637
MARK O. SCHISSLER, 4113
DAVID C. SCHRECK, 7991
JAMES C. SEAT, 9603
MICHAEL D. SELVA, 3316
ROBERT E. SERVANT, 9255
MAX D. SHAEVITZ, 2642
LARRY D. SHAFER, 2020
STEVEN M. SHAFFER, 5808
ANNA M. SHAKLEE, 5431
CHARLES B. SHERBURNE, JR., 0390
KATHERINE A. SHINDEL, 8782
DUNCAN H. SHOWERS, 7622
DALE G. SHRADER, 1118
CHARLES K. SHUGG, 4948
RICHARD A. SIEBERT, 9067
ROY Y. SIKES, 6513
DANA A. SIMMONS, 7642
DANIEL R. SIMMONS, 9383
BARRY L. SIMON, 1369
LARRY SIMPSON, 7547
DAVID L. SIMS, 7019
WILMA F. SLADE, 5912
ANNE H. SMITH, 1285
ROBERT B. SMITH, 5443
STEPHEN G. SMITH, 7283
ALAN J. SNYDER, 7284
JAMES E. SOLINSKI, 2486
JOSE P. SOSA, 8121
PAUL J. SPARKMAN, 1228
ROBIN A. SQUATRITO, 0476
MICHAEL A. STANLEY, 1160
JAMES P. STANTON, 3654
CHARLES W. STATON, 4009
THOMAS M. STEDMAN, JR., 6218
ROBERT B. STEPHAN, 8325
KENNETH E. STOKES, 2209
RICHARD A. STRATHEARN, 6127
MICHAEL C. STROUSE, 3875
RUPERT K. STRUM, 6378
BRUCE W. SUDDUTH, 5325
PETER L. TARTER, 6561
ANDREW P. TAWNEY, 5365
THOMAS H. THACKER, 0099
RANDALL J. THADY, 7257
JEFFREY E. THIERET, 4881
DAVID E. THOMPSON, 5834
WALTER J. TOMCZAK, 9577
CHARLES L. TURBE, 4768
WILLIAM W. UHLE, JR., 9380
PAUL VALOVCIN, 2584
MARINUS G. VANDESTEEG, 7414
DONNA J. VANHOOSE, 1753
BRIAN R. VANSICKLE, 5325
KENNETH P. VANSICKLE, JR., 5372
JAMIE G.G. VARNI, 0123
ROBERT J. VAUGHN, 4090
SUZANNE M. VAUTRINOT, 8559
JON D. VERLINDE, 2686
LYNNE E. VERMILLION, 2060
RANDY P. VIEIRA, 6375
TIMOTHY B. VIGIL, 1996
RICKI VILLALOBOS, 0724
ROGER L. VIROST, 5534
ALAN L. VOGEL, 9984
KARL R. VONKESSEL, 3861
ARTHUR L. WACHDORF, 5890
STEVEN J. WAGONER, 3613
WILLIAM C. WALKER, 5947
EILEEN M. WALLING, 1718
PHILIP F. WARING, 7304
LAUREL A. WARISH, 9428
DAVID B. WARNER, 7139
DARTANIAN WARR, 4090
JOHN E. WATKINS, 9670
RONALD L. WATKINS, 6300
ERIC E. WEISS, 4960
WILLIAM C. WELLMAN, 5059
B. DAWN W. WHEELER, 4922
CARL A. WHICKER, 2643
EUGENE B. WHITAKER, 7944
PAUL K. WHITE, 5841
JAMES H. WILKINSON, 0433
KENT D. WILLIAMS, 3841
MICHAEL D. WILLIAMS, 3604
RAE A. WILLIAMS, 1733
STEPHEN P. WILLIAMS, 0763
LARRY D. WILSON, 3671
VINCENT P. WISNIEWSKI, 9883
STEPHEN L. WOLBORSKY, 0562
DANIEL P. WOODWARD, 9291
CURTIS A. WRIGHT, 3622
DAVID A. WRIGHT, 0922
ROBERT R. YAUCH, 9845
THOMAS D. YOUNG, 1685
EDWARD G. ZAKRZEWSKI, 0033
DAVID J. ZUPI, 6750

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD G. ADAMS, 0185
BARRY P. ALLEN, 7431
JOHN M. ALLEN, 7694
SANDRA L. ALLENBAUGH, 0523
MATTHEW T. ANDERSON, 8186
PETER T. ANDRES, 8022
CALVIN A. ANDREWS, 4374
JERRY L. BABLER, 9799
GREGORY M. BAKER, 1197
JOHN J. BAKER, 3584
N. BENJAMIN BARNEA, 0126
DONALD E. BAYLES, 2008
WILFRIED N. BECKMANN, 6723
MARK E. BEEHNER, 9600
GERALD S. BEILSTEIN, 5854
NORMAN S. BELL, JR., 0839
ROBERT A. BERSAK, 3283
BEVERLEY A. BEST, 9821
DEBORAH N. BIELANSKI, 7748
RICHARD G. BIONDI, 5231
WILLIAM H. BOBBITT III, 4047
BENJE H. BOEDEKER, 2621
RICHARD W. BOERSMA, 2542
GAYLE I. BOWEN, 7121
FOSTER S. BOYD, 5711
JOHN L. BOZARTH, 0555
BRUCE M. BRIDEWELL, 5271
SCOTT H. BROWN, 1653
GEORGE D. BURGESS, 1568
KAREN L. BURKE, 6548
THOMAS W. BUSH, 6884
RAYMOND M. BUTLER, 4070
ELLEN J. CALLE, 9756
SHIRLEY B. CAMERON, 5987
DOROTHY K. CANNON, 5765
RICKY E. CARTER, 0490
FRANK J. CASSERINO, 3455
LARRY H. CHASTEEN, 2943
JAMES L. CLEMENT, JR., 4602
RONALD R. COFFEY, 5294
ROBERT D. COFFMAN, JR., 1803
JENNIFER L. COLES, 2325
LLYLE R. CONNER, 1953
GARY L. COOK, 7568
LAWRENCE CREMO, 9501
WILLIAM J. CURRY, 0543
THOMAS X. DAMICO, 1282
RONALD E. DELGIZZI, 0200
THOMAS E. DENESIA, 3515
LOUISE M. DEWILDER, 7712
SUE A. DONAHEY, 1234
DAVID E. DOYLE, 6001
MICHAEL C. DUDZIK, 8866
JOHN M. DUMOULIN, 1671
GEORGE A. EBERT, 3877
RICHARD R. ECKERT, 7918
MICHAEL L. ELLENBERGER, 7137
ROGER W. ELLIS, 0657
DAVID O. EVANS, 4893
FAITH H. FADOK, 6030
ELIZABETH M. FAGAN, 9913
BARBARA E. FAMULARO, 1621
CATHERINE T. FANT, 2407
WALLACE W. FARRIS, JR., 0582
TERRENCE J. FINNEGAN, 1682
JAMES T. FITZGERALD, 7499
STEPHEN T. FOSTER, 2638
MICHAEL H. FOX, 6535
GEORGE R. FREEMAN, 6544
CHUCK R. FRIESENHAHN, 5661
KAREN L. FUSTO, 8829
RICHARD A. GANO, 1826
ALBERT J. GERATHY, JR., 3813
WILLIAM M. GILBIRDS II, 6128
WILLIAM S. GOODHAND III, 2143
WALTER H. GOURGUES II, 0111
SUSAN S. GRANT, 2936
ALVA D. GREENUP, 5762
PAUL R. GROSKREUTZ, 7728
STEPHEN P. GROSS, 9611
ANNE F. HAMILTON, 7083
DENNIS L. HAMMERMASTER, 0763
NINA L. HANSEN, 9827
MARY K. HANSON, 4268
PATRICIA A. HARRIS, 3993
DEBORAH L. HART, 8473
ROBERT S. HART, 5836
HETZAL HARTLEY, 9067
BETTY J. HAYWOOD, 5877
KEVIN F. HENABRAY, 6598
MICHAEL HENRY, 5203
SHARON L. HICK, 3200
JEANETTE A. HIGGINS, 7220
MICHAEL T. HIGGINSON, 1266
JAMES D. HITE, 6628
STEVEN W. HOAGLAND, 8945
WERNER E. HOLT, 0601
JOHN M. HOWLETT, 8450
PAUL F. HUMEL, 1358
ALAN R. JACKSON, 5138
NORVAL O. JACKSON, 2662
VIRGINIA R. JOHNSON, 3443
RICHARD E. KARULF, 6764
MICHAEL K. KAWAHARA, 9500
FORREST G. KEATON, 5028
JAMES L. KERR, 6054
RITA A. KERRICK, 2577
TOSCA E. KINCHELOWSCHMIDT, 7093
WILLIAM J. KINDRED, 7696
KAREN D. KOHLHAAS, 5944
HARVEY A. KORNSTEIN, 4047
DIETER KRECKEL, 3277
JOHN A. KREMER II, 4561
BRUCE F. KROEHL, 4272
FREDERICK B. KUHLMAN, JR., 2814
STEPHEN R. LADD, 5275
RONALD R. LAWRENCE, 0746
WAYNE T. LEMOI, 9453
LINDA L. LEWIS, 6332
THADDEUS A. LIVINGSTON, 5402
SUSAN M. LOCKE, 6538
JAMES R. LONG, JR., 0181
LYNN I. LONG, 0034
GREGORY K. LOVE, 2735
JOHN P. LUTZ, 3069
JOHN A. LYLES, 1099
JACK B. LYNN, 2471
THEODORE I. MACEY, 4882
FRANCIS S. MACK, 4469
ROCCO J. MAFFEI, JR., 9857
MANOHAR R. MANCHANDIA, 4800
DENNIS J. MANNING, 5504
NONA I. MAPES, 9565
DAVID E. MARKWALDER, 0637
DANA S. MARSH, 1409
BARBARA A. MARTIN, 4982
TIMOTHY W. MARTIN, 6973
DANIEL G. MAZZA, 7279
RANDOLPH J. MCCLURE, 0452
MARGARET A. MCGREGOR, 5848
JAMES S. MCINTYRE, 9777
PAUL E. MCKAY, 0099
MICHAEL L. MCKIM, 5603
JOHN G. MENTAVLOS, 7164
LEON A. MILLER, 4734
LINDA E. MILLER, 1949
MILTON J. P. MILLER, 7411
NANCY E. MISEL, 5577
JOSEPH F. MOLINARI, 2514
PAULA A. MONDLOH, 3824
JUAN MONTOYA, 5654
THOMAS E. MORRILL, 5100
ROBERT J. MORRISON II, 5056
GARY L. NAPIER, 7895
MOHAMMED A. NAYEEM, 8228
LEWIS D. NEACE, 0766
MICHAEL B. NEWTON, 3635
MICHAEL B. NOWLIN, 8273
SAMUEL F. OGLESBY, 9071
STEVEN K. OHERN, 5273
DANIEL E. OPP, 8645
LOUANNE G. PAGE, 0456
HARRY A. PAPE, 5665
ROGER S. PARSONS, 6555
BARBARA L. PASIERB, 3700
DONALD E. PAYNTER, 7339
BARBARA M. PETERSON, 9309
BEVERLY A. P. POINTER, 4076
JANE E. PROFITT, 0190
GORDON H. QUANBECK, 0447
BEN Q. RAGSAC, 8373
JACK W. RAMSAUR II, 8374
NASIRUDDIN RANA, 6663
JAMES E. RANDBY, 1301
ARTHUR G. RATKEWICZ, 4176
DONALD D. REEVES, 9822
JAMES D. RENDLEMAN, 7309
MARILYN K. RHODES, 2273
DALE S. RHOTEHAMEL, 0217
DAVID A. RICHARDS, 8661
ROBIN M. ROGERS, 0573
JEFFREY N. RUBIN, 9925
RICHARD G. RUTH, 5210
ELIZABETH A. RYAN, 2605
PAUL L. SAMPSON, 3219
DENNIS K. SAVAGE, 0795
THOMAS J. SAWEY, 9446
LUCINDA A. SCHEIB, 4532
STEVEN M. SCHLASNER, 2210
ROBERT W. SCHOENFELD, 9747
JAMES M. SCHUMAN, 5208
DOUGLAS G. SCHWAAB, 5092
CATHERINE L. SCOTT, 9394
MARY A. SEIBEL, 5478
HAROON A. SHAIKH, 7046
DOUGLAS H. SHANNON, 2252
ROBERT G. SHAW, 1210
ROBERT G. SHONDEL, 5377
ROBERT C. SINGLER, 0516
PAUL L. SKAGGS, 5314
BOBBY LEE SMITH, 6422
CLIFFORD D. SMITH II, 3654
JAMES B. SMITH, 2678
ELIZABETH SODBINOW, 9018
JOHN J. THRASHER III, 0308
ANDREW W. TICE, JR., 9235
ROBERT M. TILTON, 3670
STEPHEN W. TOPPER, 2056
JANET G. TUCKER, 4368
KAGGAL V. UMAKANTHA, 6801
WILLIAM K. UNDERWOOD, 2956
CHARLES J. UNICE III, 5053
LUIS A. VAZQUEZ, 9627
JOHN S. VENTO, 4761
RICHARD P. VOLDEN, 0533
DANIEL J. WALKER IV, 6794
THOMAS I. WASHINGTON, 7121
CURTIS E. WATKINS, 0291
JON R. WESTERGAARD, 0580
JOHN C. WHITCHURCH, 0832
STEVEN K. WHITE, 9472
GAYLE C. WIGGINS, 2881
JOAN C. WINTERS, 0382
JOAN K. WOTRING, 2421
DENNIS O. WRETLIND, 9065
C. FAYLENE WRIGHT, 1939
VINCENT U. YAP, 6694
THOMAS D. YATES, 1099
GERALD L. YEARSLEY, 8753
GREGORY J. ZAGAR, 2301
ADELLE R. ZAVADA, 6013
WALTER H. ZIMMER, 2198

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY IN THE NURSE CORPS (AN), MEDICAL SERVICE CORPS (MS), MEDICAL CORPS (MC), DENTAL CORPS (DE), MEDICAL SPECIALIST CORPS (SP), AND JUDGE ADVOCATE GENERAL'S CORPS (JA) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

JOSEPH I. SMITH, 4961

To be lieutenant colonel

SUSAN A. ANNICELLI, 9336
GARY L. BREWER, 5833
LOUIS J. DELDO, 5632
CHARLES T. GORIE, 2706
STEVEN G. LANG, 6677
MURIEL D. METCALF, 9953
JANET A. NEUTZE, 7666
STEVEN E. REISSMAN, 7049
ROBERT D. ROCK, 1908
PAUL S. RUBLE, 5409
JOHN F. UPHOFF, 7162

To be major

HEATHER W. HANSEN, 5789
ANGELENE HEMINGWAY, 0787
OMAR D. HOTTENSTEIN, 4165
JUNG S. KIM, 9419
ARTHUR W. LOESEVITZ, 5067
WILLIAM G. MARZULLO, 0997
MICHAEL D. MATTHEWS, 8961
SCOTT J. MCATEE, 4852
ROBERT C. PUGH, 5233
LOUIS H. SMITH, 3874
KEITH J. WROBLEWSKI, 8496

To be captain

PHILIP A. ALBANEZE, 6330
TIMOTHY J. BIEGA, 8360
DUSTIN L. BOYER, 7255
ALLYSON G. CARR, 2932
MICKEY S. CHO, 9084
DAVID W. COFFIN, 8579
PATRICK B. COOPER, 9230
PERCIVAL L. CUETO, 9448
HEATHER L. CURRIER, 8322
TAMARA L. DU, 5452
THOMAS G. ECCLES, 3705
MICHELLE K. ERVIN, 1848
ERIC P. FILLMAN, 2168
ANDREW J. FOSTER, 4940
BEAU GARDNER, 9879
PETER C. GRAFF, 5440
JILL C. HASLING, 2167
JAMES R. HEMPEL, 4514
PATRICK W. HICKEY, 6287
JASON M. HILES, 4064
DEAN H. HOMMER, 2186
CHRISTOPHER HUTSON, 1608
MATTHEW R. JEZIOR, 4595
DALE N. JOHNSON, 3689
DANIEL G. JORDAN, 4651
PATRICIA A. KEEFE, 9409
DWIGHT C. KELLICUT, 9237
GLENN J. KERR, 4017
CATHERINE KIMBALL, 4551
GREGORY D. KOSTUR, 3309
KENNETH D. KUHN, 4949
KEVIN J. LEARY, 5565
DEREK LINKLATER, 3128
PHILIP LITTLEFIELD, 1148
RICHARD C. LIU, 3508
ELIZABETH M. LORE, 3339
HUY Q. LUU, 0318
TRACEY F. LYON, 4241
ROBERT L. MABRY, 8420
PAMELA M. MALLARI, 6627
LISA M. MAXWELL, 1324
PATRICIA A. MCKAY, 2401
MARY S. MCNERNEY, 7944
ROBERT MEADOWS, 0510
JEFFREY MIKITA, 7624
CHRISTOPHER MOON, 7941
ELAINE M. MUNITZ, 0535
CECILIA M. PADLAN, 1245
BEN K. PHILLIPS, 6043
PATRICK J. POLLOCK, 7841
BRIAN D. ROBERTSON, 1316
IRENE M. ROSEN, 7948
SAMARA A. RUTBERG, 0707
RUBEN SALINAS, 8872
MALCOLM G. SCHAEFER, 6874
THOMAS R. SERRANO, 6491
MARK F. SEWELL, 4164
JOHN A. SMYRSKI, 1965
CHRISTINE E. STAHL, 9508
BRYONY W. TOM, 3595
DANIEL S. WASHBURN, 2029
WILLIAM B. WEISS, 1253
JOHN L. WESTHOFF, 7704
SUNNY Y. WHITEMAN, 7867
BRADLEY N. YOUGGREN, 8648
OMAYA H. YOUSSEF, 0601
SARA J. ZIMMER, 3040

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SETH D. AINSPAC, 5264
VICTOR E. AMBROSE, 2541
JAMES H. ANDERSON II, 8238
LARRY D. ANDERSON, 3645
MICHAEL S. ANDERSON, 2572
MATTHEW J. ANS, 1615
ALAN J. ARCENEAUX, 9916
ANTHONY C. ARCHER, 1898
TRAY J. ARDESE, 4567
DAVID N. AREOLA, 4188
GLINDON ASHBROOK, JR., 6211
JON M. AYTES, 8685
EDWARD S. BACON, 8322
JAMES E. BAILEY III, 2374
ROBERT A. BAIRD, 6956
JOHN G. BAKER, 4586
JAVIER J. BALL, 8657
AHMAD BANDANI, 9579
STEPHEN G. BANTA, 7479
JAY M. BARGERON, 2814
STEPHEN J. BASEL, 0078
CHRISTOPHER P. BAUSCH, 9285
THOMAS H. BECK, 1359
PAUL M. BECKWITH, 4393
CLANTON D. BEETH, 0454
BRETT M. BEKKEN, 8703
SCOTT F. BENEDICT, 1686
MICHAEL L. BENNETT, 6710
ROBERT E. BENSON, 6516
MICHAEL C. BERIGAN, 8899
INMAN R. BESSENGER, 8167
WILLIE J. BEST, 1521
RICHARD T. BEW, 6989
CHRISTOPHER S. BEY, 6101
ANTHONY J. BIANCA, 1494
JAMES M. BLACKBURN, 0093
EDWARD W. BLIGH, 2135
DAVID L. BLOOM, 5825
CARY M. BOARD, 2494
MICHAEL C. BOGNA, 5388
JASON Q. BOHM, 1666
BRANTLEY A. BOND, 1388
LLOYD E. BONZO II, 3855
GERALD F. BOOS, JR., 8262
ALLEN C. BOOTHBY, JR., 5123
ARTHUR W. BORNSCHEIN, JR., 3999
ROBERT V. BOUCHER, 0692
JOHN R. BOWEN, 6894
WILLIAM J. BOWERS, 3698
TIMOTHY BRADLEY, 7862
CHAD M. BREEDEN, 2385
RANDOLPH R. BRESNIK, 1672
ANDREW E. BRIDGES, 4122
JAMES B. BRITTON, JR., 9960
JOHN F. BRIX III, 7653
ANTHONY W. BROOKS, 3851
STEPHEN E. BROOKS, 1894
LEX A. BROWN, 7866
RICKY F. BROWN, 9480
THOMAS A. BRUNO, 2740
DANIEL S. BRYAN, 5438
MARK V. BUDDE, 1419
WILLIAM T. BUFKIN II, 3777
CHARLES G. BURKE, JR., 4770
THOMAS M. BURNS, 9208
JOSEPH L. BURROUGHS II, 1348
GLEN G. BUTLER, 5955
PATRICK C. BYRON, 7118
JAMES C. CALEY, 6203
TIMOTHY S. CALLAHAN, 9783
JOHN R. CALVERT, JR., 8047
AARON P. CAMELE, 7333
JOHN H. CANE, 1363
JOHN W. CAPDEPON, 2983
KENNETH K. CARPENTER, 3263
DONALD J. CARRIER, 8806
PATRICK J. CARROLL, 0950
MICHAEL D. CARSTEN, 8353
DAVID P. CASEY, 0361
TIMOTHY M. CASSIDY, 3223
JOHN A. CAVAZOS, 9748
MICHAEL S. CEDERHOLM, 1282
JUSTICE M. CHAMBERS III, 9446
PAIGE L. CHANDLER, 6119
KEITH M. CHIRICO, 2328
JAMES D. CHRISTMAS, 1472
MICHAEL A. CLARK, 6808
VINCENT E. CLARK, 8567
BENJAMIN R. CLATTERBUCK, 2375
GERARD P. CLOUTIER, 9003
NEAL S. COBLE, 1568
MICHAEL J. COCO, 5299
PHILLIP A. COLBORN, 0736
BRIAN H. COLLINS, 8132
MATTHEW A. COLLINS, 7821
RANDALL J. COLSON, 8526
THOMAS M. CONNER, 9689
THOMAS G. CONNOR III, 8968
MATTHEW W. COON, 1281
MATTHEW H. COOPER, 6473
ROGER L. CORDELL, 9581
ROBERT P. COTE, 5001
KEVIN M. COUGHLIN, 0786
ROBERT C. COURTEMANCHE, 8760
JOSEPH A. CRAFT, 5875
THOMAS M. CRAIG, 0041

FRANCISCO B. CRISAFULLI, 2559
MICHAEL T. CUCCIO, 8451
ANGEL A. CUELLAR, JR., 9890
STEVEN M. CUNNINGHAM, 4652
ROBERT D. CURTIS, 3620
KEITH M. CUTLER, 2351
BRUCE A. CZAJA, II, 6065
MARC E. CZAJA, 3965
THOMAS C. DAMES, 3689
PAUL E. DAMPHOUSSE, 4082
DALE S. DANIEL, 7029
PATRICK J. DARCY, 9040
EVAN W. DAVIES, 9113
JAMES D. DAVIS, 8657
RICHARD G. DEGUZMAN, 8265
ROY H. DELANEY, 4235
JOHN B. DELUCA, 0061
TODD S. DESGROSSEILLIERS, 0711
EDWARD M. DEVILLIERS, 0597
EDWARD T. DEWALD, 1731
DANIEL J. DEWHIRST, 2045
THOMAS P. DEWYEA, 9067
MICHAEL B. DICKEY, 0725
BRIAN T. DOLAN, 5678
DAVID J. DOWLING, 9553
DAN E. DOWSE, 4226
DOUGLAS A. DREW, 8920
LOREN J. DUGAN, 0969
ROBERT M. DUKES, 1014
TERENCE J. DUNNE, 8467
KYLE D. EAST, 0912
DEAN A. EBERT, 9220
RICHARD A. ECKLES, II, 6056
MARK M. EDINGTON, 0540
CHARLES E. EHLERT, 4135
TODD J. ENGE, 6296
BRIAN E. ENGEL, 5319
BARRY L. ENSTICE, 6860
DAVID J. ESKELUND, 7144
ROBB P. ETNYRE, 0626
FRED T. FAGAN III, 1855
JOHN P. FARNAM, 3128
CHRISTOPHER L. FATHEREE, 2687
ANTHONY D. FAUST, 3260
DOUGLAS I. FEIRING, 6991
ANTHONY A. FERENCE, 1604
MICHAEL G. FERGUSON, 1333
MATTHEW D. FERINGA, 4845
GEOFFREY H. FIELD, 4692
CHERYL L. FITZGERALD, 7914
JOHN S. FITZPATRICK, 6772
PATRICK S. FLANERY, 5669
JAMES G. FLYNN, 5531
LYLE E. FORCUM, 9132
ALLEN S. FORD, 9280
ROBERT B. FORD, 1972
ALAN D. FOUST, 3941
TIMOTHY C. FRANTZ, 2618
JAMES W. FUHS, 1223
GARY R. FULLERTON, 5560
MATTHEW K. GALLAGHER, 4110
PATRICK K. GALLAHER, 5051
MICHAEL J. GANN II, 8123
MICHAEL GANTE, JR., 3428
JAVIER GARCIA, 6785
RUSSELL A. GARDNER, 0054
PETER J. GARFIELD, 9341
JAMES M. GARRETT III, 8958
ERIC B. GARRETTY, 1469
DAVID E. GAUL, 0459
KENNETH D. GEORGI, 1102
STEVEN G. GERACOULIS, 2062
BRADFORD J. GERING, 1141
HAROLD K. GIBSON, 9331
SEAN D. GIBSON, 7119
EDWARD GILLCRIST, 2063
GREGORY G. GILLETTE, 8501
JOHN R. GILTZ, 9412
KYLE A. GLERUM, 6748
JAMES F. GLYNN, 6732
SAUL GODINEZ, 5470
JOHN C. GOLDEN IV, 9009
ROBERTO J. GOMEZ, 6250
KEVIN M. GONZALEZ, 5053
JEFFERY O. GOODES, 0843
MICHAEL J. GORMAN, 7074
MICHAEL J. GOUGH, 2188
JOHN M. GRAHAM, 2165
VERNON L. GRAHAM, 4726
STEVEN J. GRASS, 5721
CHARLES S. GRAY, 1139
JAMES A. GRAY, 4443
CHRISTOPHER M. GREER, 2956
DUDLEY R. GRIGGS, 2983
WILLIAM C. GRIGONIS, 7988
MARK A. GRILLO, 6040
SCOTT R. GROSENHEIDER, 6665
STEPHEN P. GRUBBS, 5490
JIMMIE G. GRUNY, 9856
FRANCIS A. GRZYMKOWSKI, JR., 7818
GLENN R. GUENTHER, 7847
ROBERT M. HAGAN, 1313
CHARLES C. HALE, 5766
MORRIS D. HALE, 2250
BRINLEY M. HALL III, 8338
STEPHEN W. HALL, 7395
DARIUS J. HAMMAC, 6780
JAMES B. HANLON, 3144
PATRICIA M. HANNIGAN, 9734
BRIAN D. HARRELSON, 6035
RICHARD J. HARRIES III, 6810
WAYNE C. HARRISON, 4511
PAUL W. HART II, 5861
SETH A. HATHAWAY, 4660
KENT W. HAYES, 9147
CASON N. HEARD, 9469
GREGORY M. HEINES, 5870
JOHN M. HEISEY, 5192
SCOTT H. HENDERSON, 6862
ROD M. HENDRICK, 2063
ROBERT H. HENDRICKS, 5524
PATRICK L. HERNANDEZ, 6718
DAVID P. HERONEMUS, 8402
JAMES B. HIGGINS, JR., 7396
JAMES D. HILL, 9676
JONATHAN W. HITESMAN, 2904
MICHAEL B. HOBBS, 8136
THOMAS M. HOBBS, 0514
HUNTER H. HOBSON, 0366
JAMES L. HOGAN, 8784
JOHN R. HOLLANDER, 8884
RICHARD A. HOLLEN, JR., 1312
ADAM P. HOLMES, 3349
JANICE E. HOLMES, 6041
TODD D. HOOK, 3285
GRAHAM C. HOPPESS, 8353
JOSEPH K. HOTTENDORF, 3421
EDWARD A. HOWELL, 9277
MARC L. HUCKABONE, 0879
MICHAEL W. HUFF, 5803
CRAIG W. HUNGERFORD, 2531
JEFFREY L. HUNT, 6458
ALBERT B. INTILLI, 2824
DANIEL C. IRCINK, 1526
JAMES E. IZEN, 4058
SAMUEL E. JACKSON, 6540
JON M. JACOBS, 1829
WILLIAM D. JARRETT, 3274
JAMES T. JENKINS II, 0654
SCOTT S. JENSEN, 3610
MARK A. JEWELL, 1596
DIETER G. JOBE, 4782
BRIAN J. JOHNSON, 0447
MATTHEW L. JONES, 8269
ROBERT W. JONES, 7579
RONALD F. JONES, 8503
TIMOTHY D. JONES, 9725
JOHN O. JORDAN, 6176
STEVEN P. KAEGEBEIN, 8779
DANIEL R. KAISER, 8144
BRIAN J. KAPPLE, 7229
CHRISTOPHER A. KEANE, 9687
JANET L. KEECH, 1279
GREGORY C. KEESLER, 2500
RANDALL J. KEHRMEYER, 2957
GARY F. KEIM, 7280
SCOTT A. KEMP, 7989
KURT A. KEMPSTER, 8048
GREGG R. KENDRICK, 3251
BRIAN M. KENNEDY, 0050
JAMES R. KENNEDY, 3021
THOMAS M. KEOGH, 1636
SEAN A. KERR, 4916
CRAIG T. KILLIAN, 6399
ANDREW N. KILLION, 8703
WILLIAM E. KIRALY, 5046
STEVEN C. KISH, 7970
LORNE KITTLE, 1207
ERIC R. KLEIS, 6060
DOUGLAS C. KLEMM, 4993
NICHOLAS L. KNIGHT, 7523
KURT A. KOCH, 9280
ROBERT J. KOCHANSKI, 0149
JEFFREY S. KOJAC, 7249
ANDREW J. KOSTIC JR., 4897
LORRIE B. KOVACS, 7794
ERIK B. KRAFT, 5789
DAVID P. KRAMER, 2653
DAVID A. KREBS, 7412
ROBERT A. KREKEL, 5126
ROBERT W. KRIEG, 5076
THOMAS M. KRUGLER, 1367
DALE R. KRUSE, 6324
RUDY R. KUBE, 2523
BRIAN E. KUHN, 5360
DOUGLAS J. KUMBALEK, 4156
MARK C. KUSTRA, 0906
CRAIG P. LAMBERT, 5751
WILLIAM B. LAMBERT, 8186
GEORGE LAMPKIN JR., 9220
DAVID W. LANCASTER, 8818
JOHN R. LANGFORD, 1633
DANIEL T. LATHROP, 4726
MICHAEL E. LATHROP, 4458
WALTER E. LAVRINOVICH JR., 2249
JOSEPH L. LAYKO, 6662
ANDRE H. LEBLANC, 7677
MICHAEL H. LEDBETTER, 8275
PAUL J. LEEDS, 5614
BRUCE W. LEFAN, 5050
ROBERT M. LEIBE, 9955
JAMES E. LEIGHTY, 9437
RICHARD E. LEINO, 8015
BRYAN R. LEMONS, 1711
GERRY W. LEONARD JR., 0497
MATTHEW P. LEVASSEUR, 4245
KENNETH M. LEWTON, 2153
WILLIAM R. LIEBLEIN, 8748
FLORIAN F. LIMJOCO JR., 1195
SALVADOR L. LIMON III, 2952
STEPHEN E. LISZEWSKI, 8515
JOHN A. LITTLE, 7391
BRIAN B. LIZOTTE, 9478
STEVEN P. LOGAN, 7433
JAMES V. LONGI III, 3126
RICHARD E. LOUCKS, 1432
WILLIAM S. LUCAS, 0472
ROBERT E. LUCIUS JR., 1498
DAVID S. LUCKEY, 5594
MICHAEL X. LUCKEY, 3433
FRANK E. LUGO JR., 8496
PHILLIP T. LUPER, 1324
SCOTT A. LUTTERBECK, 0745
ARTHUR R. LYMAN, IV, 8045
MICHAEL W. LYNCH, 8161
REX D. LYNNE, 9904
TODD W. LYONS, 8549
WALLACE P. MACK, IV, 6436
WILLIAM J. MACKEY, 4601
JOHN C. MADSEN, 0409
SCOTT D. MAGIDSON, 7078
SAMUEL A. MAGLIANO, 0482
BRIAN L. MAGNUSON, 0871
MICHAEL W. MALEC, 3392
ROBERT L. MANION, 2363
ANTHONY J. MANUEL, 4522
HECTOR E. MARCAYDA, 5168
THOMAS F. MARCINKIEWICZ, 7022
NICHOLAS W. MARINO, 4509
CRAIG H. MARTELLE, 8677
GREGORY R. MARTIN, 9863
JOSEPH A. MATOS, 5542
DENISE A. MATTES, 3523
WILLIAM B. MAYBERRY, JR., 7997
DOUGLAS S. MAYER, 2186
BRENDAN B. MC BREEN, 8263
DAVID B. MC CANN, 6576
CHRISTOPHER M. MC CARTHY, 7526
CHRISTINA D. MC CLOSKEY, 8827
DEBORAH M. MC CONNELL, 1533
PAUL H. MC CONNELL, 1866
DAVID G. MC CORD, 1382
MICHAEL T. MC DONNELL, 6932
ROGER J. MC FADDEN, 2410
MICHAEL C. MC GHEE, 1695
JOHN G. MC GINNIS, 9695
MICHAEL T. MC GUINNESS, 9359
ARTHUR B. MC KEEL, 5149
FRANK N. MC KENZIE, 6556
JOHN G. MC KNIGHT, 3108
MATTHEW P. MC LUCKIE, 5669
DONALD B. MC NEILL, JR., 2115
FLOYD M. MEANS, JR., 9866
JOHN P. MEE, 4157
ANDRE L. MERCIER, 9714
JOHN E. MERNA, 2197
RANDALL H. MESSER, 7969
ANDREW R. MILBURN, 6950
JAMES L. MILLER, 4600
JEFFREY W. MILLER, 0432
LAWRENCE F. MILLER, 2882
DON A. MILLS, 2202
KEVIN S. MINTON, 4343
LEON D. MOBERG, 1293
CHARLES A. MOCK, 8151
THOMAS B. MOCKBEE, 4817
SCARLET A. MONROE, 5929
WILLIAM J. MONROE, 9600
PAUL D. MONTANUS, 1115
DAVID C. MOOREFIELD, 3403
ANTONIO J. MORABITO, 7788
PATRICK E. MORAN, 1791
DAVID B. MORGAN, 6934
DAN E. MORRIS, 2216
JAMES M. MORRISROE, 5853
CHRISTOPHER W. MORTON, 9449
WILLIAM E. MOYER, 4733
JOHN A. MULLIN, 1409
MARK A. MURPHY, 0053
STEPHEN J. MURPHY, 4951
CHRISTOPHER L. NALER, 5709
ROBERT J. NASH, 0579
NATHAN I. NASTASE, 7855
LAWRENCE A. NATHAN, 0748
KEVIN G. NAVE, 7686
DWIGHT C. NEELEY, 2527
RICHARD J. NEFF, 1919
RONALD D. NEFF, 1520
CHAD R. NELSON, 2044
KENNETH A. NELSON, 1673
MARK W. NELSON, 6635
THOMAS J. NEMETH III, 6265
JOHN J. NEYLON, 7137
TIMOTHY W. NICHOLS, 1725
KYLE J. NICKEL, 4567
JOHN J. NOEL, 6247
RAYMOND T. NOLIN, 0992
BRENT R. NORQUIST, 3906
SEAN P. O'DOHERTY, 8392
HARRY D. OAKLEY, 9099
DANIEL E. O'DONNELL, JR., 6985
DANIEL P. O'HORA, 1334
BRIAN P. O'KEEFE, 0947
DAVID S. OLIVER, 0360
TIMOTHY J. OLIVER, 8906
MICHAEL S. O'NEAL, 3192
RENE A. ORELLANA, 9622
DANIEL R. OSKAR, 5584
RICHARD T. OSTERMEYER, 0559
JOHN A. OSTROWSKI, 5745
TIMOTHY R. O'TOOLE, 8854
DAVID M. OWEN, 7630
SCOTT E. PACKARD, 3793
CHRISTOPHER L. PAGE, 8991
ROBERT Y. PARK, 2745
TIMOTHY M. PARKER, 5431
CHRISTOPHER J. PARKHURST, 0113
PATRICK C. PATTERSON, 1427
MATTHEW J. PAUL, 1072
RICHARD W. PAULY, 7026
STEPHEN C. PELLEGRINO, 5791
ISAAC PELT, 6202
MYLES F. PEMBER IV, 3299
CRAIG B. PENROSE, 2849
ALEX G. PETERSON, 9780
PAUL T. PETIT III, 7301
AUSTIN L. PETWAY, 1567
MICHAEL R. PFISTER, 5390
RICHARD L. PHILLIPS II, 1207
MICHAEL D. PIA, 7588
GRAHAM C. PIERSON, 4766
VON H. PIGG, 4322
STEVEN F. PITINGOLD, 4876
JASON K. POPE, 7179
JAMES A. POPIELEC, 4932
PETER L. POPPE, 8150
DUNCAN C. PORTER, 2250
DAVE S. PORTILLO, 7812
THOMAS E. POST, 6843
ALBERT C. POTRAZ, JR., 6017
AARON F. POTTER, 3888
GEORGE E. PRATT, JR., 5943
PAUL J. PRATT, 1428
ROBERT F. PREMO, 1224
LESTER B. PRICE, 7960
WILLIS E. PRICE III, 0961
THOMAS E. PRIEST, 0715
STEPHEN W. PRIMM, 9223
DAVID R. PRISLIN, 6948
FRANK R. PROKUP, 1607
TRAVIS M. PROVOST, 2841
FRANKLIN L. PUGH, JR., 9652
STEVEN P. QUINTANA, 2035
MARK A. RAMIREZ, 9360
GERALD S. RATLIFF, 5247
ROBERT L. RAUENHORST, 0936
WILLIAM M. REDMAN, 1320
JOHN M. REED, 3880
JEAN D. REESE, 4936
JOHN C. REEVE, 1057
WADE M. REINTHALER, 6376
KEITH D. REVENTLOW, 8247
WILLIAM H. REYNOLDS, 2125
JAY N. RICE, 1939
WILLIAM D. RICE, 3857
ERROL L. RICHARDS, 3670
DEREK G. RICHARDSON, 1929
JAMES C. RIGGS, 2435
DONALD J. RILEY, JR., 4907
THOMAS J. RIORDAN, 6464
GLENN R. RITCHIE, 6955
JIMMY R. RIVERA, 5519
DOMINIC E. ROBERTS, 2758
STEPHEN C. ROBERTS, 3589
MACON R. ROBINSON, JR., 0047
MICHAEL D. ROBINSON, 0518
DANIEL J. RODMAN, 0950
ALEJANDRO RODRIGUEZ, 4041
JUSTIN C. RODRIGUEZ, 0638
MICHAEL J. RODRIGUEZ, 2097
GLENN A. ROGERS, 4441
EDWARD H. ROMASKO, 3896
SAMUEL L. RUBLE, 3888
THEODORE RUBSAMEN III, 3554
WILLIAM L. RUMBLE, 5440
JOHN F. RUOCCO, 2291
HOWARD D. RUSSELL, 8389
CHARLES A. RUST, 4491
KEITH E. RUTKOWSKI, 7086
JEFFREY A. RUTLEDGE, 8541
PAUL P. RYAN, 5559
WILLIAM J. RYSANEK IV, 3425
JON M. SABLAN, 8320
JONATHAN L. SACHAR, 5650
MARK S. SANCHEZ, 9408
DAVID L. SANFORD, 6109
JOHN M. SAPPENFIELD, 3611
BRICE D. SAYER, 7539
CHAD L. SBRAGIA, 3803
CHRISTOPHER A. SCHAEFER, 2383
THOMAS A. SCHELLIN, 2937
BRADLEY R. SCHIEFERDECKER, 8156
JOEL T. SCHIRO, 6263
PATRICK C. SCHMID, 3122
STEVEN J. SCHMID, 1851
KEVIN M. SCHMIEGEL, 4070
GRANT W. SCHNEEMANN, 9363
MARK G. SCHRECKER, 7447
MARTIN P. SCHUBERT, 2841
NEIL SCHUEHLE, 3270
HARVEY T. SCHWARTZ, 0178
STEPHEN S. SCHWARZ, 5823
ROBERT R. SCOTT, 3480
WALTER J. SCOTT, 7202
DONALD A. SCRIBNER, 0418
SUSAN B. SEAMAN, 4311
WILLIAM H. SEELY III, 8172
JOHN J. SHARKEY, JR., 7862
CAROL S. SHAW, 3408
KEVIN M. SHEA, 3379
RICHARD F. SHEEHAN, JR., 2615
JON W. SHELBURNE, 7622
JONATHAN H. SHERRELL, 7706
ROBERT C. SHERRILL, 0691
MICHAEL D. SHOUP, 2965
QUINN R. SIEVERTS, 7059
PHILLIP E. SIMMONS, 2456
STEVEN A. SIMMONS, 6165
STEPHEN A. SIMPSON, 3680
GREGG SKINNER, 1125
GEORGE J. SLYER III, 6415
DANIEL L. SMITH, 1689
JOSEPH S. SMITH, JR., 9660
JULIA A. SMITH, 3467
THOMAS J. SOBEY, 4317
ROBERT B. SOFGE, JR., 2919
JOHN C. SPAHR, 3980
JOSEPH P. SPATARO, 0700
NICHOLAS A. SPIGNESI, 1250
CLAUDE A. STALLWORTH, 3272
JOHN A. STANTON, 9239
PAUL L. STARITA, 3447
MATTHEW G. ST. CLAIR, 7856
MARCUS S. STEFANOU, 9042
MICHAEL S. STEGELMAN, 6077
ANDREW V. STICH, 1301
BRADLEY R. STILLABOWER, 4517
KRIS J. STILLINGS, 0638
JAMES B. STOPA, 9281
JAY P. STORMS, 7386
VICTOR S. STOVER, 8888
JEFFREY D. STREY, 2513
MIKEL E. STROUD, 8815
THEODORE M. STRYCHARZ, 9264
STEVEN R. SVENDSEN, 7087
DOUGLAS J. SWEITZER, 8584
DOUGLAS K. SWITZER, 6917
TRACY L. SWOPE, 4592
MARK S. SZARMACH, 0878
ROBERT L. TANZOLA III, 8319
CHRISTOPHER D. TAYLOR, 7451
TODD S. TAYLOR, 9701
MICHAEL D. TENCATE, 8910
DANIEL J. TENYENHUIS, 9830
CHARLES C. TERRASSE, 9014
ADAM C. THARP, 4519
DOUGLAS B. THIRY, 4081
JEFFREY A. THIRY, 9489
DANIEL T. THOELE, 4333
DAVID S. THORN, 3743
PAUL R. THORNTON III, 7420
WILLIAM R. TIBBS, 7230
CHRISTOPHER E. TIERNAN, 5243
MATTHEW E. TOLLIVER, 7220
MICHAEL P. TRAHAR, 5584
THAD R. TRAPP, 7366
CASEY C. TRAVERS, 2932
TERENCE D. TRENCHARD, 7106
KARL R. TRENKER, 9440
ROBERT M. TROUTMAN, 3730
JOEL B. TURK, 2878
ROGER B. TURNER, JR., 5601
RICK A. URIBE, 5839
JAY A. VANDERWERFF, 0459
DAVID N. VANDIVORT, 0559
HAROLD R. VANOPDORP, JR., 3120
WILLIAM P. VANZWOLL, 0132
JOHN C. VARA, 3075
CHRISTIAN H. VEERIS, 6582
MICHAEL T. VESELY, 6939
MICHAEL R. VILLANDRE, 1592
JOHN D. VOELKER, 5706
PAUL W. VOSS, 5787
JOSEPH F. WADE, 3839
WILLIAM L. WADE, 4615
BRETT A. WADSWORTH, 4787
THOMAS A. WAGONER, JR., 5897
RANDY G. WALKER, 8720
MARK F. WALKNER, 6117
PATRICK L. WALL, 0293
MARK M. WALTER, 1694
PAUL J. WARE, 8392
JAMES S. WASHBURN, 7301
JEFF G. WEBB, 4524
MARC A. WEBSTER, 6451
ROBERT B. WEHNER, 3905
ANNE M. WEINBERG, 4860
DOUGLAS S. WEINMANN, 7848
CLIFFORD J. WEINSTEIN, 1934
ERIC S. WEISSBERGER, 6299
FRANK E. WENDLING, 5349
STEPHEN T. WERNECKE, 0065
DAVID S. WEST 1392
JERRY J. WEST, II, 4845
CHARLES A. WESTERN, 8083
DARRIN L. WHALEY, 1109
STEVEN L. WHALEY, 4997
BRIAN H. WIKTOREK, 1082
ROBERT A. WILKERSON, 5392
HERMAN L. WILKES, JR., 6164
CHRISTOPHER W. WILLIAMS, 5902
GLENN S. WILLIAMS, 0435
CURTIS L. WILLIAMSON III, 8821
STEVEN L. WILSON, 5040
SCOTT R. WILTERMOOD, 9651
TIMOTHY E. WINAND, 7016
ANTHONY A. WINICKI, 9914
LEE J. WINTERS, 8537
DANIEL S. WISNIEWSKI, 4207
KEVIN J. WOLFE, 1327
THOMAS A. WOLLARD, 6649
MICHAEL A. WOOD, 1810
KENNETH M. WOODARD, 4131
JONATHAN A. WOODCOCK, 6019
PHILLIP R. WOODLEY, 2747
JEFFREY K. WOODS, 5536
BRUCE D. YOUNGBLUTH, 0513
BRIAN J. ZACHERL, 7017
EDMOND P. ZAIDE, JR., 8386
ERIN L. ZELLERS, 0525
JAMES B. ZIENTEK, 3171

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ROBERT S. ABBOTT, 5000
TIMOTHY C. ABE, 8696
THOMAS C. ABEL, 8514
ROSS A. ADELMAN, 2237
AARON E. ALDRIDGE, 6230
TERESA J. AMBERG, 6937
CURTIS S. AMES, 6024
KENNETH W. AMIDON, 5598
THOMAS J. ANDERSON, 1862

WILLIAM M. ANDERSON, 5132
ROGER D. ANGEL, 1675
ANTHONY ARDOVINO, 3125
CHESTER A. ARNOLD, 0251
JORGE ASCUNCE, 6490
CYNTHIA M. ATKINS, 1278
VICTOR F. BALASI, 2176
DAVID W. BANKS, 9830
KIRK T. BARLEY, 5071
LOREN D. BARNEY, 1303
JORGE L. BARRERA, 8316
ERIC D. BARTCH, 2094
GARY S. BARTHEL, 3285
DANIEL C. BATT, 6981
JAMES S. BEATON, 3937
BRIAN D. BEAUDREAULT, 2091
THOMAS T. BECK, 3567
JOHN W. BEISWANGER, 8297
JOSEPH R. BERNARD, JR., 0793
JOHN C. BERRY, JR., 2260
LEROY L. BLAHNA, 6671
FRANCIS J BLANKEMEYER, JR., 9115
DAVID BLASKO, 8982
JEFFERY A. BOWDEN, 9104
CHARLES P. BRADY, 4914
FRANCIS X. BRADY, 8173
GARETH F. BRANDL, 3258
CHARLES E. BRIDGEMAN, 4313
GREGG W. BRINEGAR, 0214
GEORGE H. BRISTOL, 4724
JOHN J. BROADMEADOW, 9914
HERMAN C. BROADSTONE, 1295
KENNETH M. BROWN, 8867
ROBERT Q. BRUGGEMAN, 8210
DONOVAN E. BRYAN, 0676
MARK H. BRYANT, 0574
JAMES J. BUCKLEY, 5662
JOHN F. BUFORD, 4834
JOHN W. BULLARD, JR., 4828
TONY L. BUMGARNER, 4490
GERALD F. BURKE, 1856
JOHN M. BURT, 5196
MICHAEL K BUTTERS, 7240
ANTHONY J. CACCIATORE, 2508
ROBERT G CAHILL, 3029
JAMES A. CAMERON, 8586
MICHAEL F. CAMPBELL, 3829
JOHN M. CARRETTI, 4057
MICHAEL A. CHENGERI, 1852
HERMAN S. CLARDY, III, 7597
EDWARD M. CLARKSON, II, 7198
ROBERT E. CLAY, 2691
ROBERT E. CLAYPOOL, 1309
CHRISTOPHER M. CLAYTON, 7580
JAMES D. CLEMMER, 6868
ANGELA B. CLINGMAN, 4673
DAVID L. CLOSE, 8865
TIMOTHY L. CLUBB, 2855
VINCENT A. COGLIANESE, 2216
RONALD J. COLYER, 9605
CHRISTOPHER C. CONLIN, 1124
WILLIAM J. COOPER, 9035
WILLIAM J. COVER, IV, 5757
MARK J. CRAIG, 7515
LEWIS A. CRAPAROTTA, 0438
ROBERT M. CRAWFORD, 7099
MICHAEL L. CROUCH, 8214
ENRIQUE E. CRUZ, 5807
VINCE E. CRUZ, 1696
DANIEL E. CULBERT, 8282
STEVEN R. CUSUMANO, 5260
MARK J. CWICK, 8185
SCOTT A. DALKE, 4369
MARK A. DALLABETTA, 8770
TIMOTHY R. DALLY, 1148
THOMAS P. DALY, JR., 6670
PAUL L. DAMREN, 8934
KEITH W. DANEL, 8549
PAUL A. DANTONIO, 2576
RICHARD K DAVIDSON, 3252
WILLIAM D. DELANO, 2587
JOHN A. DELCOLLIANO, 0042
GARY M. DENNING, 8358
TIMOTHY J. DEVIN, 2117
THEODORE E. DEVLIN, 8497
DENNIS R. DICKENSON, 4422
WILLIAM N. DICKERSON, 9575
ROBERT L. DIXON, JR., 5393
JAMES M. DOCHERTY, 7336
PAUL B. DUNAHOE, 7633
DONALD M. ELLIOTT, 0098
THOMAS L. ENTERLINE, 6514
KENNETH D. ENZOR, 8366
MARK W. ERB, 2918
JOHN R. EWERS, JR., 3758
KENNETH W. FANCHER, 6615
WILLIAM M. FAULKNER, 5811
JOHN H. FEAIRHELLER, JR., 2956
JON L. FEINBERG, 0461
ROBERT N. FERRER, JR., 7101
VINCENT M. FIAMMETTA, 0126
STEPHEN P. FINN, 4771
WILLIAM J. FLANNERY, 0807
RICHARD P. FLATAU, JR., 9658
CLARK R. FLEMING, 9484
BRIAN S. FLETCHER, 7170
DANIEL F. FOLEY, 4396
KEVIN L. FOLEY, 7819
MICHAEL J. FOLEY, 4218
MARK D. FRANKLIN, 6530
CHARLES R. FRAWLEY, 2036
CLYDE FRAZIER, JR., 0972
FRANK FREE, III, 1853
ROBERT K. FRICKE, 9791
LARRY FULWILER, 4264
DENNIS E. FUNDERBURKE, 3928
KENT A. GALVIN, 9056
LINDA M. GANDEE, 5795
G G. GARFIELD, 7256
THOMAS M. GASKILL, 3054
ROBERT D. GATTUSO, 9010
PHILIP D. GENTILE, 1238
WILLIAM GILLESPIE, 9929
THOMAS N. GOBEN, 9837
JOHN L. GODBY, 7591
ROBERT B. GORSKI, 6868
JAMES D. GRACE, 6389
DONALD A. GRACZYK, 9985
GARY S. GRAHAM, 4576
FREDERIC J. GREENWOOD, 6152
PAUL E. GREENWOOD, 1089
RAYBURN G. GRIFFITH, 7105
STEVEN M. GROZINSKI, 6562
PAUL M. GUERRA, 8713
MURRAY T. GUPTILL, JR., 1864
JOHN W. GUTHRIE, 0428
DENNIS M. GUZIK, 5871
MICHAEL S. HAAS, 8383
EDWARD G. HACKETT, 2704
CHRISTOPHER S. HADINGER, 3949
DAVID M. HAGOPIAN, 5185
DANIEL C. HAHNE, 5755
PATRICK M. HAINES, 3667
DAVID B. HALL, 6494
NICHOLAS J. HALL, 0998
WADE C. HALL, 5431
LLOYD J. HAMASHIN, JR., 7561
BEN D. HANCOCK, 6549
STEVEN M. HANSCOM, 5833
DARREN L. HARGIS, 5538
NATHANIEL HARLEY, JR., 6248
THOMAS G. HARMS, 3361
STUART C. HARRIS, 5576
JOSEPH M. HARRISON, 2299
CARL E. HASELDEN, JR., 5383
GREGORY L. HAUCK, 4562
GREGORY E. HAUSER, 7060
ROBERT F. HEDELUND, 6035
ROBERT S. HELLMAN, 8768
TIMOTHY A. HERNDON, 7287
STEVEN J. HERTIG, 2077
MARY L. HOCHSTETLER, 9038
MARC L. HOHLE, 5512
CHRISTOPHER E. HOLZWORTH, 7413
JAMES D. HOOKS, 9271
DALE E. HOUCK, 7737
BRUCE M. HOUSER, 8072
ROBERT E. HUGHES, 2237
JONATHAN P. HULL, 2642
MICHAEL P. HULL, 3894
KIRK W. HYMES, 9297
ALVAH E. INGERSOLL, III, 5424
LESLIE N. JANZEN, 4800
ANDREW F. JENSEN, III, 4534
CHESTER E. JOLLEY, 9152
JOHN J. KANE, III, 9494
MARK B. KANE, 3690
PAUL A. KARAFA, 1815
THOMAS J. KEATING, 2706
DOUGLAS E. KEELER, 3170
FRANCIS L. KELLEY, 3498
DAVID KELLY, 2478
JOHN C. KENNEDY, 4899
SCOTT E. KERCHNER, 5273
DAVID J. KESTNER, 1486
PHILIP H KING, 8649
NICHOLAS B. KLAUS, 8552
ANTHONY E. KOLKMEYER, 3770
DANIEL J. KRALL, 7394
JAMES T. KUHN, 8970
MARGARET A. KUHN, 4507
MICHAEL J. LAMBIASE, 3461
WILLIAM S. LANG, 8296
ROBERT W. LANHAM, 9827
RAYMOND S. LASHIER, 8209
MALCOLM B. LEMAY, 5228
GEORGE A. LEMBRICK, 7074
DAVID R. LEPPELMEIER, 9677
GROVER C. LEWIS III, 0787
WILLIAM K. LIETZAU, 7994
JAMES D. LINGAR, 9657
KENNETH X. LISSNER, 9172
EDWARD A. LOGUE, 6366
CARL W. MAC DONALD, 2128
ROBERT B. MAC TOUGH, JR., 5339
MYRON J. MAHER, JR., 2809
MARK M. MALONEY, 4573
MARCUS G. MANNELLA, 8182
STEPHEN D. MARCHIORO, 1489
ROBERT W. MARSHALL, 9738
GREGORY T. MASCK, 2740
MICHAEL J. MASON, 0899
HENRY B. MATHEWS II, 4075
MICHAEL J. MATRONI, 7162
JOSEPH A. MAUNEY, JR., 1593
JOYCE L. MC CALLISTER, 5048
KEVIN T. MC CUTCHEON, 6135
EDWARD R. MC DANIEL, 6938
DANIEL J. MC GEE, 4503
ROBERT M. MC GUINESS, 8964
JAMES W. MC KELLAR, 4049
DAVID R. MC KINLEY, 6389
WILLIAM P. MC LAUGHLIN, 9489
RICHARD C. MC MONAGLE, 8299
GUY D. MEDOR, 4541
MICHAEL R. MELILLO, 8100
WILLIAM G. MELTON, 0638
STEVEN D. MIEIR, 0371
BRETT A. MILLER, 0414
JAMES B. MILLER, 6866
FRANK H. MINER III, 4926
ROGER D. MITCHELL, 0994
WILLIAM P. MIZERAK, 9743
JOHN P. MONAHAN, JR., 1646
BENJAMIN W. MOODY, 0251
ROYAL P. MORTENSON, 7350
MICHAEL J. MULLIGAN, 5265
SCOTT C. MYKLEBY, 6710
PETER T. NICHOLSON, 6510
PATRICK D. NOONAN, 7625
MATTHEW G. OCHS, 3638
THOMAS R. O'CONNELL, 9055
MICHAEL J. OEHL, 6423
MICHAEL A. O'HALLORAN, 6794
CHARLES D. O'HERN II, 8274
JOHN H. OHEY, 7216
HARRY G. OLDLAND III, 4417
PAUL J. O'LEARY, JR., 9922
THOMAS J. O'LEARY, 6529
MICHAEL W. OPPLIGER, 3487
JUSTIN B. ORABONA, 3334
CHRISTOPHER S. OWENS, 6379
CARL T. PARKER, 6379
RICHARD S. PARKER, JR., 0308
TED A. PARKS, 9468
RICHARD M. PARSONS, 0724
JOEL E. PAULSEN, 3786
PATRICK S. PENN, 7219
MARK E. PETERS, 4869
JEFFERY M. PETERSON, 8480
ROBERT E. PINDER, 6525
LAWRENCE A. PLATT, JR., 9929
MICHAEL J. POPOVICH, 2677
MICHAEL J. PRIMEAU, 1078
LOUIS J. PULEO, 7440
LEIGHTON R. QUICK, 0722
THOMAS A. QUINTERO, 0653
LEE B. RAGLAND, 3197
JOHN T. RAHM, 0267
MICHAEL J. RAIMONDO, 5389
EDDIE S. RAY, 0057
DARRELL F. RECTOR, JR., 7478
LARRY J. RECTOR, 6208
JAMES E. REILLY III, 3013
MICHAEL D. RESNICK, 6528
ROBERT D. RICE, 0370
ROBERT K. RICE, 0902
MICHAEL R. RICHARDS, 6824
BRYAN V. RIEGEL, 2296
PATRICK T. RILEY, 5144
MICHAEL A. ROCCO, 1781
THOMAS E. RODABAUGH, 2622
RITCHIE L. RODEBAUGH, 7348
NEIL H. RODENBECK, 9615
ERIC L. ROLAF, 1392
JAMES P. ROSENTHAL, 0576
JON L. ROSS, 8290
STACEY A. RUFF, 2929
JOHN RUPP, 5379
PAUL K. RUPP, 2402
PHILIP L. SALINAS, 6823
LAURA J. SAMPSEL, 6588
GEORGE P. SANDLIN, 6952
RODMAN D. SANSONE, 8273
MICHAEL A. SANTACROCE, 4021
JEFFERY A. SATTERFIELD, 6320
JOHN M. SCANLAN, 4090
RICHARD W. SCHIEKE, JR., 7764
ANDREW H. SCHLAEPFER, 3778
RICHARD A. SCHOTT, 8329
PAUL K. SCHREIBER, 2388
MATTHEW P. SCHWOB, 7897
JOSEPH A. SCUTELLARO, 0682
JAMES B. SEATON III, 3169
RICHARD M. SELLECK, 5045
JOHN M. SESSOMS, 5731
BRADLEY N. SHULTIS, 3399
RICHARD L. SIMCOCK II, 4856
CAROLINE A. SIMKINSMULLINS, 2559
JOHN W. SIMMONS, 2252
STEVEN S. SIMPSON, 2385
ROBERT O. SINCLAIR, 5330
DEAN T. SINIFF, 4569
JOHN D. SIPES, JR., 3376
GREGORY K. SIZEMORE, 0209
PHILLIP J. SKALNIAK, JR., 8465
DAVID A. SMITH, 5097
DAVID E. SMITH, 2543
DAVID W. SMITH, 3120
EDWARD J. SMITH, 9868
GERALD L. SMITH, 2479
JOSEPH G. SMITH, 4170
KEVIN L. SMITH, 2414
MARCUS R. SMITH, 5474
PHILIP E. SMITH, 5107
DAVID A. SOBYRA, 6174
JAMES H. SORG, JR., 2829
DAVID L. SPASOJEVICH, 6530
PAUL J. STENGER, 8178
TODD D. STEPHAN, 1797
LARRY S. STEWART, JR., 0829
CHRISTOPHER J. STGEORGE, 1501
GEOFFERY W. STOKES, 6570
JOHN E. STONE, 0695
GARY A. STRASMANN, 7732
CATHERINE M. STUMP, 0013
GREGG A. STURDEVANT, 8614
STEVEN L. SUDDRETH, 3949
CHRISTOPHER G. SULLIVAN, 0371
RORY E. TALKINGTON, 4836
FRANK L. TAPIA, JR., 0291
RODNEY H. TAPLIN, 7772
KEVIN D. TAYLOR, 2083
DARRELL L. THACKER, JR., 7913
RICHARD W. THELIN, 0073
HERMINIO TORRES, JR., 5122
ROY L. TRUJILLO, 2160
ELIZABETH K. TUBRIDY, 1191
JAMES D. TURLIP, 6222
WILLIAM C. TURNER, 3505
PATRICK J. UETZ, JR., 9093
JAMES P. VANETTEN, JR., 0451
MARTY S. VEITEL, 6173
DOUGLAS J. WADSWORTH, 9633
MARK E. WAKEMAN, 8068
WILLIAM G. WALDRON, 5910
JAY D. WALKER, 2371
PAUL J. WARHOLA, 8181
PETER M. WARKER, 0109
GARY E. WARREN, 1841
DREW M. WATSON, 2267
RONALD WATSON, JR., 2712
MICHAEL A. WESCHE, 1798
WILLIAM E. WETZELBERGER, 3291
JOSEPH H. WHEELER III, 3820
GEORGE S. WHITBECK, 4377
BRUCE A. WHITE, 3737
JEFFREY R. WHITE, 3541
DAVID H. WILKINSON, 3035
DALE F. WILLEY, 2749
JEFFERY D. WILSON, 3882
ROBERT M. WINT, 3916
CLYDE M. WOLTMAN, 8968
NOEL S. WOOD, 2951
GREGORY P. WOODS, 2711
JESSE E. WRICE, JR., 5687
TONY L. WUNDERLICH, 1272
EDWARD YARNELL, 7873
GUY A. YEAGER, 2889
CHRISTOPHER E. YELDER, 1496
ERIC B. YONKEE, 9758
GEORGE L. YOUNG III, 1098
JOEL YOURKOWSKI, 1939
STEVEN M. ZOTTI, 8126

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531, 5582(A), AND 5582(B):

To be commander

BRIAN L. KOZLIK, 2372
CHRISTOPHER R. LINDSAY, 1844

To be lieutenant commander

WALLIS E. ANDELIN, 4728
RUSSELL P. ASHFORD, 7853
FRANK A. BIVINS, 4425
ROGER A. GILMORE, 5492
KERRY E. HUNT, 3200
ANDREW S. JOHNSON, 7068
DAVID P. JOHNSON, 5425
JACQUELINE KOVACS, 6149
STEVEN L. LORCHER, 7092
RICK A. MAY, 8433
MARK C. MONAHAN, 5453
MICHAEL M. QUIGLEY, 7615
STEPHEN T. SCHULTZ, 1127
ROBERT K. TILLERY, 0771
ROBERT VALE, 2581

To be lieutenant

ENEIN Y.H. ABOUL, 9160
PATRICIA ANDERSON, 5348
CHRISTOPHER ANDREWS, 9260
CHRISTOPHER E. ARCHER, 7975
CHRISTOPHER W. BARCOMB, 0152
CATHERINE A. BAYNE, 5910
RHETT A. BEATTIE, 5704
CHRISTOPHER L. BELL, 0764
KENNETH A. BELL, 3050
SUSAN E. BELLON, 8073
PAUL T. BENNETT, 2040
PATRICK J. BLAIR, 2110
MARY E. BODNAR, 0916
THOMAS Z. BOSY, 4033
FRANK L. BRADFIELD III, 9984
MARY M. BROWN, 7843
JAMES A. BURCH, 2933
CHARLES C. BURROUGHS, 3406
GREGORY D. BYERS, 1548
JANE E. CAMPBELL, 9909
RONNIE M. CANDILORO, 0059
SOOK K. CHAI, 6597
JANET D. COCHRAN, 9145
VICKI J. COLAPIETRO, 5491
FRANK A. COLON, 4359
JAMES M. COPENHAVER, 4996
KIMBERLY L. COVER, 7251
JAMES H. CRAWFORD, 2897
LANE J. CREAMER, 2943
DAVID E. DOW, 2252
DONALD C. EBY, 0720
JOYCE M. ELTER, 3497
BRIAN ERICKSON, 8024
THERESA M. EVERETTE, 5330
MATTHEW R. FEENEY, 8847
MARK G. FICKEL, 2070
KAREN D. FINE, 6025
KEVIN FITZPATRICK, 0117
TODD L. GARRETT, 8727
ADOLPH C. GARZA, 3175
EDRION R. GAWARAN, 1283
JOHN B. GEURIN, 0971
MICHELLE L. GLENN, 5721
MARK D. GROB, 3860
CHRISTINE B. GRUSCHKUS, 1560
LOUIS V. GUARNO, 9975
SANDRA M. HALTERMAN, 8086
GLENN D. HANSON, 0685
PAUL J. HAREN III, 6282
PATRICIA C. HASEN, 4140
BARRY L. HARRISON, 6771
STEPHEN J. HARTUNG, 2229
JOEL HARVEY, 8801
DANIEL J. HERNANDEZ, 3480
MITCHELL K. HOLMES, 7529
LORA D. HOOSER, 1824
RACELI C. HULETT, 2078
MARVIN JACKSON, 8123
AMANDA S. JOHN, 3993
CHRISTOPHER R. KARCHER, 4230
BRENT M. KELLN, 5090
ZAKI N. KIRIAKOS, 5674
JEAN M. KLOSINSKI, 7653
MICHAEL N. LANE, 7589
DONALD A. LONERGAN, 8265
CYNTHIA LOTSHAWVANDERMEER, 7532
BRIAN J. MALLOY, 2166
JESSICA L. MANSFIELD, 8448
ANTHONY P. MASSLOFSKY, 7793
RANDALL K. MATHIS, 3283
EDWARD J. MC FARLAND, 1268
MATTHEW K. MC GEE, 1244
DANIEL F. MC KENDRY, 5845
NEIL T. MILLER, 9134
LEONARD A. MILLIGAN, 5462
REY R. MOLINA, 4307
JOSEPH D. MOLINARO, 3790
STACIA L. MONEYHUN, 3410
MICHAEL MONREAL, 6511
ROBERT P. MOREAN, 2428
MICHAEL K. NORBECK, 1569
EDWARD C. NORTON, JR., 2207
RICHARD O'BREGON, 5744
MICHAEL P. O'CONNELL, 3795
DAVIN J. O'HORA, 2470
SCOTT E. ORGAN, 6696
GREGORY B. OSTRANDER, 2277
ROSEMARY PERDUE, 5005
GEORGE M. PERRY, 1397
DAVID W. PHILLIPS, 7664
CRAIG A. POWELL, 4041
VALERIE J. RIEGE, 4932
RICHARD R. RIKER, 1239
KENNETH S. ROTHAERMEL, 4780
CARL J. RUOFF, 9317
BRET A. RUSSELL, 6533
MARY J. SANDERS, 9130
SIDNEY J. SCHMIDT, 7526
KELLY A. SCHWASS, 1774
THOMAS G. SEIDENWAND, 3790
MICHAEL J. SERVICE, 3033
LEE P. SISCO, 7208
THOMAS F. STANLEY, 1847
WILLIAM B. STEVENS, 5614
TROND A. STOCKENSTROM, 7320
JON D. THOMAS, 3406
DEBORAH A. THOMPSON, 6433
KAREN J. THURMAN, 1241
CHRISTOPHER T. TORSAK, 8337
ROBINETTE L. TYLER, 5746
THOMAS D. VANDERMOLEN, 2569
JOHN A. VELOTTA, 9640
JOANN L. WALKER, 1442
DAVID W. WARNER, 8752
MICHAEL S. WATHEN, 5800
ROBERT D. WESTENDORFF, 1453
ANDREW R. WILLIAMS, 6791
JOHN C. WILLIAMS, 0508
PATRICIA A. WIRTH, 3328
THOMAS E. WITHERSPOON, 4325
DAVID R. WOOTTEN, 4887
NATHAN J. YARUSSO, 9817

To be lieutenant (junior grade)

KIMBERLY C. ABERCROMBIE, 6034
PATRICK K. AMERSBACH, 0545
VICTOR M. ANGULO, 9547
CONNIE J. AVERY, 1798
KEITH R. BARKEY, 6166
JULIE A. BERGESS, 3952
TIMOTHY C. BERZINS, 7606
JOSEPH P. BINGHAM, 3787
RONALD D. BOLING, 2994
BARBARA A. CLARKE, 3474
REBECCA H. COLE, 7808
JOSE A. COLON, 4700
JOHN P. CREEDON, 9842
ROBYN L. CROSS, 1752
SAMMY CUEVAS, 4492
FRANK M. CUNNINGHAM, 0827
STEVEN F. DESANTIS, 2237
MICHAEL P. DOYLE, 8518
CHRISTOPHER F. FLAHERTY, 8448
MATHEW C. GARBER, 5443

LISA S. GILLIAM, 2338
JESSE L. GOBELI, 0558
MIKE G. GONZALEZ, 7412
VICTORIA L. HAYWARD, 9521
KERRY B. HEISS, 8911
DANIEL D. HETLAGE, 9507
LINDA M. HILL, 7809
KATHLEEN A. HINZ, 8494
MATTHEW P. HOFFMAN, 7665
TRISHA J. HULET, 0003
AL V. JARQUE, 0838
DONALD J. JENKINS, 5511
VICKI L. JERNIGAN, 6308
ANGELA M. JONES, 1111
APRIL R. KING, 9107
MICHAEL S. KOHLER, 3807
LANCE A. LEE, 8997
JAMES W. MICKEY, 1409
MARC J. MIGUEZ, 4925
TERESA T. MILLER, 9405
MATTHEW J. MOORE, 0442
RANDY L. MOORE, 3449
SHANNON R. MUEHE, 7486
PAUL F. NETZEL, 8258
MARIA M. NORBECK, 8847
CIPRIANO PINEDA, JR. 6914
DEREK N. RAMSEY, 1772
SHAWN E. REVERTER, 4168
ROBERT S. RINEHART, 0717
EDWARD B. RITTER, 6590
JOHN C. ROBINSON, 2575
STEPHEN W. RODRIGUEZ, 8046
MICHAEL P. RYON, 8126
TRACEY L. SAMPLE, 3665
ARTURO SANCHEZ, 4534
ERIN H. SANDERS, 7892
DANIEL A. SHAARDA, 9267
DAVID P. SNELL, 4251
JAMES R. SPOSATO, 3017
ROBERT J. SRDAR, 1287
TONY J. STOCKTON, 6109
DAVID B. SURBER, 5819
THERESA A. TALBERT, 3563
PAMELA S. THEORGOOD, 9444
DAVID V. THOMAS, 2593
MATTHEW J. THOMAS, 2325
JENNIFER E. THOMPSON, 5065
ROGELIO L. TREVINO, 7483
EVELYN J. TYLER, 1004
BRIAN L. WEINSTEIN, 1341
ANTHONY W. WINSTON, 2540
CHRISTOPHER C. WOHLFELD, 5936
MICHAEL L. WOLFE, 8235

To be ensign

DANIEL B. AYOTTE, 6604
MICHAEL D. BISBEE, 2615
THOMAS W. GREEN, 0025
LAURA C. MCCLELLAND, 6831
CLINTON D. TRACY, 3456
STEPHEN M. WILSON, 9924

HOUSE OF REPRESENTATIVES—*Tuesday, April 20, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BASS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 20, 1999.

I hereby appoint the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 52. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

H. Con. Res. 81. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony in honor of the Fiftieth Anniversary of the North Atlantic Treaty Organization (NATO) and welcoming the three newest members of NATO, the Republic of Poland, the Republic of Hungary, and the Czech Republic, into NATO.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 249. An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 330. An act to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.

S. 361. An act to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest.

S. 426. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes.

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

S. 449. An act to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property.

S. 531. An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

EARTH DAY 1999

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this week, we celebrate Earth Day, Thursday, April 22. Many will use this occasion to highlight major policy issues, as well they should, issues dealing with greenhouse gases, the effects of global warming, and the pollution of our world's oceans.

However, I feel that the real power to be demonstrated is at the other end of the spectrum, dealing with individual actions. Many of us here on Capitol Hill will celebrate Earth Day with a bike ride. People from the Capitol, commuters, business people from all over the region, will converge on Freedom Plaza on Pennsylvania Avenue, illustrating the impact that people can have dealing with this very simple and efficient mode of transportation. Yet, we do not need to have everybody trade their car in for a bicycle. If people in our community will choose to take just one less trip a week, whether that is by foot, by transit, by bicycle, or simply consolidating their other journeys to produce that one trip reduction, it can have a phenomenal impact in terms of reducing air pollution, congestion, and the requirement for more investment in infrastructure.

The most important thing is for people to think about their behavior and think about the little things we can do to make things better: Shopping locally, or treating their own yard like they would like farmers and industry to conserve their property. Whether it is conserving water, dealing with native vegetations, using less toxic herbicides or fertilizer, we can all make a big difference.

Mr. Speaker, I think there is plenty of room for us in Congress to have an impact on the environment. To be sure, I hope this session will deal with things like water policy, spending our money in more environmentally responsible ways, in Superfund reform, but I would hope that this Congress will also continue the effort to try and focus on the little things that we can do to make a difference.

I am pleased that this year we have finally caught up with the rest of America, as the Federal Government has for years told the private sector to reduce employee commute trips by single-occupant vehicles. Congress has finally started to do what we have asked the private sector to do by providing an opportunity for our employees to have subsidized Metro passes.

I am, however, continually embarrassed, as I know most Members of Congress are, when the reports come out, as they did last week, about our abysmal record of recycling here on Capitol Hill. In the 3 years I have been a Member of Congress, the total proceeds from all of our recycling effort for over 8,000 employees on Capitol Hill has been less than $27,000. I am sure that there are Boy Scout troops in my community that have raised more money from recycling Christmas trees, bottles and cans than the entire U.S. Congress did in those 3 years. For the year of 1997, the net proceeds was $7.51 for recycling high-grade paper. There are homeless people around Capitol Hill that make more than that in a day recycling bottles and cans.

Mr. Speaker, I hope as we have a lot of rhetoric around Congress that we want to live by the rules that we apply to other people. I hope that in the final analysis we will apply that to our individual offices, and step up to behave the way we are asking the rest of America to behave in terms of recycling. I think our record ought to be something that we ought to be proud of, not something that makes us cringe, and I hope that each Member of Congress will dedicate themselves this Earth Day to make it a record that we can, in fact, show to the American people and be proud of.

SOCIAL SECURITY DEBT LIMIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, there is good news in terms of this Congress, this President, acknowledging that we must solve the Social Security problem.

Social Security was started back in 1935 with the anticipation that there would be a continuing growth in the labor force. What has happened with this pay-as-you-go program where existing workers are paying in their Social Security taxes, and that tax is immediately sent out to existing retirees, is the demographic changes. The number of individuals working and paying in that tax in relation to the increasing number of retirees is creating a situation where Social Security is becoming insolvent. It cannot be sustained.

Let me just give a couple of examples. In 1940 we had 41 individual workers paying in their tax for every one retiree. By 1950, it went down to 17 workers paying in their Social Security tax for every one retiree. Guess what it is today. Today there are three workers paying in their Social Security tax to pay the benefits for every one retiree.

The estimate is that by the year 2030 there will only be two people working. So we can see a huge problem in continuing to ask the fewer and fewer number of workers to pay in a higher and higher tax to accommodate every retiree. Taxes have already significantly increased over the last several years.

Since 1971, Social Security taxes have been increased 36 times. More often than once a year, we have increased the rate of the base for Social Security taxes to accommodate the increased requirement to pay benefits for existing retirees from a fewer number of workers.

So the question that we are now faced with is how do we change the Social Security system to keep it solvent? How do we either increase revenues coming into the system or reduce benefits so that the Social Security system can last for tomorrow's retirees and not put a huge burden on future generations to pay more and more taxes for Social Security?

I think the President suggesting that we have to put Social Security first has increased the awareness that something has to be done. In the next several days and weeks, I will be introducing my Social Security bill. It will be the third Social Security bill I have introduced that will keep Social Security solvent. Other Members, such as the gentleman from Arizona (Mr. KOLBE) and the gentleman from Texas (Mr. STENHOLM), will be introducing the bill that they worked up to keep Social Security solvent. Some are suggesting only temporary solutions.

I see problems in temporary solutions. I see even greater problems in solutions such as those proposed by some Democrats, the President, that have suggested that we simply add a new giant IOU to the Social Security Trust Fund and therefore somehow it is calculated that that is going to keep Social Security solvent without any changes in the program. It cannot happen. It will not work. Simply adding another IOU to the Social Security Trust Fund, in effect mandates that taxes will be increased on our kids and our grandkids to pay future benefits.

Mr. Speaker, we can only raise taxes so high, and right now taxes in this country are the highest in history. Partial solutions divert attention for long term solutions and also increase the likelihood of future tax increases.

Both Republicans and Democrats have suggested that until we come up with a long term solution, the Social Security Trust Fund surplus be used to pay down the public debt. However, some people in Washington want to replace the current public debt limit with two debt limits, one for Treasury securities held by the public, and one for IOUs held by the Social Security Trust Fund. This is a bad idea that would send a message that debt owed to the trust fund is less important than the debt owed to Wall Street.

Some want the new statistics so that they can brag about reducing the debt held by the public. That is true, but it does not matter because the total government debt would continue to increase. Others suggest that we could consider writing off the debt owed to the trust fund because really that is just what government owes itself. That is wrong and dangerous.

Mr. Speaker, I ask my colleagues to fight against any proposal that simply adds a new giant IOU to the trust fund but does not change the system to keep it solvent. I ask my colleagues to oppose temporary solutions which again just demand a tax increase in some future years. Let us step up to the plate, let us do what is necessary to solve Social Security now and keep it solvent for future generations.

A STRONG U.S.-ARMENIAN PARTNERSHIP IS NEEDED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, among the international dignitaries coming to Washington this weekend to take part in the NATO summit will be President Robert Kocharian of the Republic of Armenia. Although Armenia is not currently a member of NATO, President Kocharian, like other leaders of new democracies that were captive nations under the Soviet bloc, has been invited to Washington as part of the Partnership for Peace program.

As NATO celebrates its first half century, and particularly now, with NATO forces involved in the first combat operation in the history of the alliance, it is important for us to consider how we can make NATO a meaningful force for peace and security in the next century. We recently took our first major step towards changing the composition of the alliance to recognize the realities of the post-Cold War by admitting three former Warsaw Pact nations: Poland, Hungary and the Czech Republic. We need to continue this momentum by identifying other democratic nations whose security is important to the United States, who may wish to join NATO in the future.

While Armenia may be a small country, its importance as a strategic asset for the Western alliance should not be minimized. In the months and years following the summit, I hope we will see greater efforts to build on the U.S.-Armenian relationship, and along these lines, I will be circulating a letter among the Members of the House asking the President to devote greater attention to establishing a strong U.S.-Armenian partnership.

□ 1245

Mr. Speaker, Armenia would be a logical candidate for future NATO expansion, and in the short term, as a closer partner on a wide range of security issues. Armenia is a pro-western Nation, despite its years as part of the Soviet Union. President Kocharian is a legitimately elected head of state who must answer to a democratically-elected parliament and be held accountable to a free press.

Despite a lack of experience with democracy and despite the security threats posed by hostile nations, Armenia is moving rapidly to establish the institutions of civil society and democratic governments.

On the domestic economic front, Armenia has moved aggressively with a privatization campaign. Small businesses are blossoming. Armenia's success as a free democracy in a region of the world where both of these qualities are lacking makes it a notable example of an emerging Nation that has embraced many of our values against very daunting odds.

On the security front, Mr. Speaker, NATO Secretary General Javier Solano has already met with Armenia defense and national security officials. Armenia's central location at the crossroads between Asia and Europe has been recognized by American officials and our allies, but we need to pay more attention.

Armenia has also earned increased respect from the United States and the Western alliance for its constructive role in the Nagorno Karabagh conflict.

As I have mentioned in this Chamber on several occasions, Nagorno

Karabagh is an Armenian-populated region that has declared its independence, but is still claimed by the neighboring Republic of Azerbaijan. A bloody war was fought earlier in this decade, with the Karabagh Armenians successfully defending their homelands. A ceasefire was accepted by both sides in 1994, but a political settlement has not been reached.

Under the Organization for Security and Cooperation in Europe, the United States is a cochair of the negotiating group formed to resolve this conflict.

The United States and our OSCE partners have put forward a peace plan to resolve this conflict. Armenia and Nagorno Karabagh have both accepted the American-supported plan as a basis for negotiation, and Azerbaijan unfortunately has rejected the approach. Considering how policymakers in Congress and the administration have identified an establish the Caucasus region as a vital interest, we should do more to reward those countries which are willing to work constructively to resolve longstanding differences.

Mr. Speaker, President Kocharian's visit coincides with an important and tragic date. April 24 is solemnly commemorated as the anniversary of the unleashing of the genocide by the Ottoman Turkish empire of 1915 through 1923 that ultimately claimed the lives of 1.5 million Armenians.

There will be a reception tomorrow evening in commemoration of the genocide, as well as a series of speeches by Members of Congress. We cannot allow the world to forget the genocide. The lesson of the Armenian genocide should not be lost on us as we witness the heartbreaking TV images from Kosovo. Truly, a major justification for the NATO campaign is to try to ensure that the 20th century, which began in genocide, not end in genocide.

Back in the waning years of the Ottoman Empire, when Armenians were being murdered and deported, and their homes and communities burned and destroyed, and all record of the Armenian presence erased, there was no Western alliance of democracies like NATO committed to stopping aggression, brutality and genocide.

I just want to say in conclusion, I want to take this opportunity to express my admiration for our men and women in uniform who are fighting to stop the horrible ethnic cleansing of the Kosovar Albanians. At the same time, I urge the administration to assert far more pressure on Azerbaijan to constructively participate in the Nagorno Karabagh peace process.

As we remember the martyrs of the Armenian genocide, and as we witness the tragic events unfolding today in the Balkans, we must do all in our power to prevent another genocide in the mountains and valleys of Nagorno-Karabagh.

THE 50TH ANNIVERSARY OF NATO

The SPEAKER pro tempore (Mr. BASS). Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to comment on the upcoming celebration this weekend of the 50th anniversary of the North Atlantic Treaty Organization and, of course, on the ongoing military operation against Yugoslavia.

The NATO allies will also meet for its annual summit and formally welcome the three new members, Hungary, Poland, and the Czech Republics.

I was watching Nightline on Friday evening, Mr. Speaker, and the subject was NATO and its 50th anniversary. In one segment of the program, they went around Washington, D.C. and actually asked different citizens what they believed the role of NATO should be.

Most answered that NATO should be "peacekeepers for any conflict," or that NATO "should protect humanity," or they should stop genocide. With all due respect to their opinions, each of these Americans were not correct about what NATO's initial responsibility should be.

NATO was created to be solely a collective security arrangement for the Western allies against Soviet and Eastern Bloc aggression. NATO came into being 50 years ago when the U.S. joined its allies in signing the treaty on April 4, 1949. The U.S. Senate went on to ratify the treaty on July 21, 1949.

I am concerned with the current operations against Yugoslavia as a NATO operation. NATO does not have the authority under the current treaty terms to engage in the actions against Yugoslavia. By doing so, the stakes have been raised dramatically high. The President has allowed NATO to be put into a position that in order to prove its validity and effectiveness in a post-Cold War world, NATO has to win this war at all costs. This rigidity has prevented the administration and our NATO allies to take the sensible steps on seeking diplomatic solutions.

In fact, the administration last week flatly refused to consider a possible diplomatic opening that Germany was trying to seek with Yugoslavia.

Again, the President is intentionally raising the stakes in this engagement that makes anything less than our all-out victory a defeat. This strategy places U.S. prestige and ability to carry out our will in the world at tremendous risk. As stated before, this operation also brings into question the purpose of NATO in today's world.

The current operation against Yugoslavia is draining our military capability. There are some reports that the Navy was down to 200 cruise missiles in the theater of operation.

Nightline reported last night that out of over 6,000 sorties flown in the last 28 days, only 1,700 have been bombing missions. After 6 years of stretching our military too thin, the administration has placed our Nation's military abilities at dangerously low levels.

The shrinking cruise missile supply, combined with our military having to convert our nuclear-tipped missiles to conventional warheads, places our abilities in a global scale at hazardous levels. If our Nation is faced with a second conflict, the security of the world is at great peril.

During this weekend's NATO summit, the NATO leaders will discuss changing the strategic concept of NATO from a defensive organization towards a more proactive force to combat new global risks such as proliferation of nuclear, chemical, and biological weapons. The administration seems to want NATO to be a global force ready to tackle any trouble in the world.

If this administration seeks to change the basic concept of NATO, it would violate the U.S. Constitution. Here is why. The treaty signed in 1949 was to provide for the defense of Western Europe. Any change to that treaty would require a new treaty, and therefore confirmation by the U.S. Senate by a two-thirds majority.

Mr. Speaker, it seems this administration is out to conduct a military action here. Secretary Madeleine Albright recently stated, "The military are our regulars now, so this is their job. What else would they be doing if we didn't give them their battles to fight?"

Secretary Albright also recently testified before Congress and said, "I would rather be up here defending myself for not having a plan than having to defend myself for not doing anything."

So, Mr. Speaker, when we have this kind of rhetoric from the White House, choosing to use our military in a questionable war because the military has "nothing better to do," or that their use without a strategy is better than "not doing anything," is when events like Vietnam occur.

AMERICA'S EXPORT CONTROL POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise today to discuss our Nation's export control policy. Obviously, economic growth is a key to a prosperous future in this country, but that fact points out how important exports are.

When we look at the world right now, we have a unique situation where, though the United States represents only 4 percent of the world's population, we currently consume 20 percent of the world's goods, services, and products.

In other words, if we are going to have economic growth in the country, we are going to have to open up foreign markets. We are going to have to export, and take advantage of that 96 percent of the world's population that does not reside in the United States.

When we look at it once again, the recent trade deficit figures just released today show another record trade deficit. There are a lot of issues that contribute to that. Today I would like to talk about just a couple that have to do with our export control policy, the policy of the United States in limiting the number of goods and products that can be exported from this country.

These are limited in a couple of ways. One of them is through what are called unilateral economic sanctions. That is basically where we as a country decide we disapprove of some action of another country, and then decide that we are not going to allow U.S. businesses to export to them.

I completely agree that we as a country need to stand up for things like democratic freedoms, religious freedoms, economic freedoms in the rest of the world, and do everything we can to encourage and promote those, but policies of unilateral economic sanctions do not get us there. Basically, all they do is force those countries to buy their goods from some other place.

The reason for this is the changing economy. As we have all heard, it has become a cliche now, we live in a global economy. What that means is if we attempt to impose our will on another country through unilateral economic sanctions, we will fail. It will not work, because that country can simply go to any one of the other members of this global economy and purchase what they want. All we accomplish in that situation is restricting our own companies' abilities to export.

Multilateral economic sanctions make a certain amount of sense. If we can get enough of our global partners together, as was in the case in South Africa, as is the case in Iraq, to institute export control policies so that it is not just us alone, the United States, then the policies can work and can exercise some influence to make some changes, as they did in South Africa.

What I am opposed to is the proliferation of unilateral economic sanctions that do not succeed in their stated goal and harm our economy. There are several bills in Congress right now that will attempt to change that policy. I am proud to be a cosponsor of the House bill, and I think we need to move in that direction.

I have brought a chart with me to illustrate the point. This chart shows the number of countries in the world that currently have some export controls on them; in other words, the number of countries which U.S. businesses are somehow limited in their ability to export to. We can see that it is a large number of countries, as they are represented in red. They cover a substantial portion of the globe and a substantial number of people; in other words, possible markets that we are losing out on as a country.

If we could change that policy and open up those markets, it could be a boon to U.S. industry, and I must once again point out these policies have not had much effect on changing the policies of the other countries that we want to see changed.

So unilateral economic sanctions have reached the point where they do not work. All they are is bad for U.S. companies. If we want to expand and grow, we are going to need access to these markets. We need to make those changes to get there.

There are a couple of other aspects of our export controls policy right now that are particularly troubling because they focus on technology. In other words, they focus on the highest-growing segment of our economy, and indeed of the world's economy. They are controls on encryption software and on computers.

Basically, the U.S. has a policy right now that basically looks at technology and says, we need to develop the best technology here in this country, and then for national security reasons, we are going to put our arms around it and prevent the rest of the world from getting it, it will be protecting our national security.

There are a number of flaws with this theory, but the biggest one I want to point out is, once again, the global economy. There is access to this technology from other countries other than the U.S. We cannot stop that. By implementing these policies, all we are doing is restricting U.S. companies' ability to participate.

The biggest point I want to make on restrictions of technology, this is not, and I repeat, not a choice between business and national security. If that was the case, absolutely, we would choose national security, end of story. The point is it does not help because these countries access the information elsewhere.

Take encryption as just one example, a simple software designed to protect programs. We restrict the exportation of top-of-the-line encryption technology, but top-of-the-line encryption technology is available from a number of other countries, and in fact we can download it off the Internet.

Our restrictions do not prevent these other countries from getting it, they only prevent our countries from being the ones that are able to sell it. In the long run this even harms national security by restricting our ability to develop the next best technology. We need to reexamine our policy of export controls for all of these reasons.

SUPPORT THE AFRICAN GROWTH AND OPPORTUNITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. ROYCE) is recognized during morning hour debates for 5 minutes.

Mr. ROYCE. Mr. Speaker, it is crucial that the United States encourages economically reforming African countries. One of the ways to do that would be to pass the African Growth and Opportunity Act, a bill that will really put Africa on the course of joining the world economy.

Africa is the poorest continent today, largely because of the state-dominated development strategy that predominated for the first three decades of its era of independence. It was called African socialism, and it did not work for Africa. It did not work for Africa any better than it worked in Eastern Europe.

□ 1300

Those economic policies help explain the difference today between a country like Ghana in West Africa and South Korea. In the early 1960s these two countries had similar per capita incomes. Ghana and most of Africa took the route of socialism, and they paid a very heavy price as a result.

Now, fortunately, many African countries, including Ghana, have changed course ever since the Berlin Wall came down. Ever since the West and Third World countries began to look at what had actually happened in Eastern Europe and in the former Soviet Union, they began liberalizing their economies. They began permitting private ownership of assets and becoming more welcoming of foreign investment and implementing the rule of law.

These reforms, which were encouraged by the United States and were undertaken with considerable political difficulty, have produced desirable results in many African countries. Many countries are seeing consistent economic growth of higher than 5 percent. In some, it is 10 percent, up to 17 percent growth rates per year.

These reforms advance America's many interests in Africa. It is very important when we think about this to realize that, realistically, the U.S. could not isolate itself from a 21st Century where Africa is suffering with increased war and social upheaval and environmental degradation or international terrorism and drug trafficking.

Growing economic means for Africa is an antidote for this scenario, translating into improved educational and health services, better environmental protections and greater social stability.

President Museveni said that to meet all of the health and education needs of Uganda, they would have to build the tax base through economic reforms and introduce free enterprise. That is exactly what they have done, with very positive results.

So recovering African economies already offer the U.S. significant commercial opportunities. While African countries are still in the early stages of economic reform, America's growing exports, exports to Africa already total $6 billion per year. That supports 100,000 American jobs. American investment on the continent is increasing. American corporations, looking beyond the headlines of civil strife, are clearly recognizing opportunities in Africa.

The African Growth and Opportunity Act would strengthen these positive trends by putting Africa more firmly on the trade and investment map. This legislation would encourage qualifying African countries in annual, high-level trade forums, modeled after forums the U.S. holds with other regions of the world, to continue along this route of reducing tariffs and reforming the economy. These forums would have symbolic value, demonstrating that the world's most powerful economy takes Africa's economic development seriously.

American exporters and investors stand to benefit by the African Growth and Opportunity Act. Qualifying African countries would be reducing barriers to American goods and investment, including reducing tariffs and regulatory burdens and protecting private property. In other words, this legislation treats trade and investment as a two-way street.

The African Growth and Opportunity Act has received strong support from American businesses, particularly those already engaged in Africa and aware of the opportunities. There should be a sense of urgency about the African Growth and Opportunity Act. There should be a sense of urgency about Africa itself.

While several African countries are making encouraging economic progress, others are not. Africa's share of world trade and developing world foreign direct investment is small. Unless these trends are reversed, Africa runs a real risk of becoming economically irrelevant. I urge passage of the African Growth and Opportunity Act.

AGOA promises to make Africa more relevant to the world economy. That is why it enjoys the support of virtually every African country.

The African Growth and Opportunity Act is not a panacea for Africa's many challenges. But it would help.

While modest from an American perspective, AGOA promises tangible benefits and a psychological boost to those African countries wishing to become economic partners with the U.S.

This is the least we can do for countries fighting their best against the continent's economic marginalization, and worse.

Having encouraged difficult market-opening reforms, denying greater market access for a modest amount of African goods disrespects our many interests in Africa.

It is also indefensible policy toward the world's poorest continent just as it is developing some momentum.

I urge my colleagues to vote in favor of this Act when it reaches the House floor.

CHINESE ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. BASS). Under the Speaker's announced policy of January 19, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, last Tuesday, I came to the floor to speak about the escalating rush of illegal immigrants coming from the People's Republic of China directly into Guam. Just within the past week, another 257 more illegal immigrants coming from the People's Republic were apprehended at sea and brought to shore.

Last Thursday, on April 15, 152 Chinese nationals suspected of trying to enter Guam were interdicted by the U.S. Coast Guard. Fortunately, as a result of the efforts of my office, the governor's office, and I think a sensible policy pursued by the White House, and the cooperation of the government of the Northern Marianas, this vessel, instead of being taken to Guam, was taken to the Northern Marianas, where it was assumed because of the differing laws which are applicable to the Commonwealth, these nationals of the People's Republic of China will be more easily repatriated back to China.

Immediately after that vessel was detained, another vessel carrying 105 nationals from the People's Republic of China docked at Apra Harbor on Guam. This was yet the largest single apprehension on Guam, with 34 women and at least 6 juveniles.

According to the INS, the number of apprehended illegal immigrants from the People's Republic caught on Guam since January this year is now up to 585. As I have informed the House before and people of this country, these immigrants are coming directly from Fukien Province, are paying crime syndicates anywhere from $10,000 to $30,000 to ship them to the United States. Guam being the closest American territory, these criminal organizations then funnel them right into our island, and we are now experiencing boat landings nearly every 2 to 4 days.

Upon arrival, these people who are being sent to Guam by criminal organizations are eventually apprehended by primarily local officials, turned over to Federal officials, and they are expected to apply for some form of asylum.

Mr. Speaker, what we see here is a clear exploitation of INA, the Immigration and Naturalization Act, as it is applicable to Guam, by Chinese crime syndicates. Chinese nationals who succeed in finding employment inside the United States, who have come to this dream, are actually turned into indentured servants with no legal papers and immense debts to pay. They continue to pay off these Chinese crime syndicates, even after they are in the United States, for well over a decade. This is a criminal activity which must end.

Now we have this humanitarian crisis on the high seas. It takes approximately anywhere from 10 to 15 days on these decrepit vessels, which are expected to simply take a one-way trip from Fukien Province in China.

This has created a number of crises on Guam. It has created a resource crisis. The INS does not have any funds to attend to these, so it has been left up to the government of Guam to feed them, house them, and clothe them. Now over 400 Chinese nationals are currently being housed in a Guam facility with a capacity of 150 at a cost of approximately $97 per immigrant per day.

The government of Guam estimates that the total expense for apprehending, staffing, housing, and detaining these illegal immigrants from the People's Republic has cost the people of Guam nearly $2.5 million. This is a Federal responsibility. No State in the Union would put up with this.

There is also a potential environmental crisis as these boats deliberately run aground on our reefs. There is also a potential health crisis. In one shipment of these illegal immigrants, well over half of the illegal immigrants were tested positive for TB.

Over the past few days, I have had several meetings, including officials at the Department of Justice, officials in the National Security Council and the White House, and I am happy to report that they have taken some action on this. But the Federal Government needs to take clearly more responsibility over this.

It is very interesting to note that, as widely reported in the news about 2½ weeks ago, Guam was considered a possible destination point for Kosovar refugees. It was estimated that Guam may have to house as many as 5,000 to 10,000 Kosovar refugees.

Everyone willingly acknowledged that the Federal Government would be responsible for such an eventuality on Guam. Yet, in this particular instance where we are talking about 400 illegal Chinese immigrants for a Federal responsibility, the Federal Government today has not paid the government of Guam and is now only beginning to become engaged in the process.

I urge my colleagues to take a good look at this issue. I have introduced H.R. 945 to address the issue of the applicability of the INA to Guam.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2:00 p.m.

Accordingly (at 1 o'clock and 10 minutes p.m.), the House stood in recess until 2:00 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Here in the peaceful beauty of this place, we remember those who at this moment experience the stress of conflict and know not the peace that we enjoy. In our prayer we bring to mind the men and women who face risk this day in a far off land.

We remember all who suffer and know the travail of hunger and violence. We commend those who care for the refugee and the homeless, those who give food to the hungry and shelter to those in great need.

We earnestly pray for resolution to the conflict, a resolution, as the Scripture says, where justice will flow down as waters and righteousness like an ever-flowing stream.

You have promised in Your word, O gracious God, that Your spirit abides with each one, and we pray this day that Your spirit will abide with us and with every person, whatever their place or special need. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. RODRIGUEZ) come forward and lead the House in the Pledge of Allegiance.

Mr. RODRIGUEZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

CONFERENCE REPORT ON H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. GOODLING submitted the following conference report and statement on the bill (H.R. 800) to provide for education flexibility partnerships:

CONFERENCE REPORT (H. REPT. 106–100)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 800), to provide for education flexibility partnerships, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Flexibility Partnership Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.

(2) Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State educational agencies and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide educational reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

(5) The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, such as the important focus on improving mathematics and science performance under title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program), and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY; OUTLYING AREA.—The terms "local educational agency", "State educational agency", and "outlying area" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(2) ELIGIBLE SCHOOL ATTENDANCE AREA; SCHOOL ATTENDANCE AREA.—The terms "eligible school attendance area" and "school attendance area" have the meanings given the terms in section 1113(a)(2) of the Elementary and Secondary Education Act of 1965.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(4) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(2) ELIGIBLE STATE.—For the purpose of this section the term "eligible State" means a State that—

(A) has—

(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a)(3) of such Act; or

(ii)(I) developed and implemented the content standards described in clause (i);

(II) developed and implemented interim assessments; and

(III) made substantial progress (as determined by the Secretary) toward developing and implementing the performance standards and final aligned assessments described in clause (i), and toward having local educational agencies in the State produce the profiles described in clause (i);

(B) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4) and for engaging in technical assistance and corrective actions consistent with section 1116 of the Elementary and Secondary Education Act of 1965, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b)(2) of such Act; and

(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) STATE APPLICATION.—

(A) IN GENERAL.—Each State educational agency desiring to participate in the educational flexibility program under this section

shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education;

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan;

(iv) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965;

(v) a description of how the State educational agency will evaluate, (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers; and

(vi) a description of how the State educational agency will meet the requirements of paragraph (8).

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

(i) the eligibility of the State as described in paragraph (2);

(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(iii) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

(iv) the degree to which the State's objectives described in subparagraph (A)(iii)—

(I) are clear and have the ability to be assessed; and

(II) take into account the performance of local educational agencies or schools, and students, particularly those affected by waivers;

(v) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(vi) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver, and for the students served by the local educational agency or school who are affected by the waiver;

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively;

(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance; and

(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and an opportunity for a hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in paragraph (4)(A)(iii)—

(i) has been inadequate to justify continuation of such waiver; or

(ii) has decreased for 2 consecutive years, unless the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances.

(5) OVERSIGHT AND REPORTING.—

(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section.

(B) STATE REPORTS.—

(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State's annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, shall include—

(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

(C) SECRETARY'S REPORTS.—The Secretary, not later than 2 years after the date of enactment of this Act and annually thereafter, shall—

(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers—

(i) has been effective in enabling such State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

(ii) has improved student performance.

(B) PERFORMANCE REVIEW.—Three years after the date a State is designated an Ed-Flex Partnership State, the Secretary shall review the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and an opportunity for a hearing, that such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

(C) RENEWAL.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

(i) has made progress toward achieving the objectives described in the application submitted pursuant to paragraph (3)(A)(iii); and

(ii) demonstrates in the request that local educational agencies or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the educational flexibility program under this section for each of the fiscal years 1999 through 2004.

(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency seeking a waiver under this section—

(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver *authority or waiver in a widely read or distributed medium, including a description of any improved student performance that is expected to result from the waiver authority or waiver;*

(B) shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

(D) shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.

(b) Included Programs.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs carried out under the following provisions:

(1) Title I of the Elementary and Secondary Education Act of 1965 (other than subsections (a) and (c) of section 1116 of such Act).

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) Waivers Not Authorized.—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) distribution of funds to States or to local educational agencies;

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

(G) the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b);

(H) use of Federal funds to supplement, not supplant, non-Federal funds; and

(I) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) Treatment of Existing Ed-Flex Partnership States.—

(1) In general.—Except as provided in paragraphs (3) and (4), this section shall not apply to a State educational agency that has been granted waiver authority under the provisions of law described in paragraph (2) for the duration of the waiver authority.

(2) Applicable provisions.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading "EDUCATION REFORM" in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).

(3) Special rule.—If a State educational agency granted waiver authority pursuant to the provisions of law described in subparagraph (A) or (B) of paragraph (2) applies to the Secretary for waiver authority under this section—

(A) the Secretary shall review the progress of the State educational agency in achieving the objectives set forth in the application submitted pursuant to section 311(e) of the Goals 2000: Educate America Act; and

(B) the Secretary shall administer the waiver authority granted under this section in accordance with the requirements of this section.

(4) Technology.—In the case of a State educational agency granted waiver authority under the provisions of law described in subparagraph (A) or (B) of paragraph (2), the Secretary shall permit a State educational agency to expand, on or after the date of enactment of this Act, the waiver authority to include programs under subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(e) Publication.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.

SEC. 5. FLEXIBILITY TO DESIGN CLASS SIZE REDUCTION PROGRAMS.

Section 307 of the Department of Education Appropriations Act, 1999, is amended—

(1) in subsection (b)(2), by inserting "(except as provided in subsection (c)(2)(D))" before the period; and

(2) in subsection (c)(2), by adding at the end the following:

"(D) If a local educational agency has already reduced class size in the early grades to 18 or fewer children and intends to use funds provided under this section to carry out professional development activities, including activities to improve teacher quality, then the State shall make the award under subsection (b) to the local educational agency without requiring the formation of a consortium.".

SEC. 6. ALTERNATIVE EDUCATIONAL SETTING.

(a) In General.—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

"(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or".

(b) Application.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

And the Senate agree to the same.

Bill Goodling,
Peter Hoekstra,
Michael N. Castle,
James Greenwood,
Mark Souder,
Bob Schaffer,
Managers on the Part of the House.

Jim Jeffords,
Judd Gregg,
Bill Frist,
Mike DeWine,
Michael B. Enzi,
Tim Hutchinson,
Susan Collins,
Sam Brownback,
Chuck Hagel,
Jeff Sessions,
Ted Kennedy,
Chris Dodd,
Tom Harkin,
Barbara A. Mikulski,
Jeff Bingaman,
Patty Murray,
Jack Reed,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 800) to provide for education flexibility partnerships, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

SHORT TITLE

1. Both the House bill and the Senate amendment are identical in this section.

FINDINGS

2. The findings are identical in both the House bill and the Senate amendment except for finding (6). See note 3.

Descriptive note.

3. The House bill, but not the Senate amendment, mentions the important focus on math and science in the Eisenhower Professional Development Program as an example of the intent and purposes of programs to be maintained under Ed-Flex.

The Senate recedes.

DEFINITIONS

4. The House bill, but not the Senate amendment, contains two additional definitions. Those are: "attendance area" because this term is mentioned in (c)(F), which defines an unauthorized Title I school eligibility waiver and "Ed-Flex Partnership State" in order to make clear that the term refers to an eligible state. The Senate amendment, but not the House bill includes a definition of "outlying areas". The House bill refers to this definition under ESEA.

The Senate recedes on attendance area. The House recedes on Ed-Flex Partnership State and the Senate recedes with an amendment to include cross-reference to the definition of "outlying area."

EDUCATION FLEXIBILITY PARTNERSHIP PROGRAM

5. The Senate amendment, but not the House bill, in Part (a)(1)(A) does not permit the State to waive requirements on itself.

The House recedes.

ELIGIBLE STATE

6. The House bill requires a state to have implemented more of their Title I plan than the Senate amendment. See Notes 7 and 8. The House bill and the Senate amendment differ in how they measure the performance of local applicants. See Note 9.

7. The Senate amendment but not the House bill, includes the phrase, "including the requirements of that section relating to disaggregation of data." The House bill refers to disaggregation of data by reference.

The Senate recedes. Provisions regarding disaggregation of data are included in the portion of section 1111(b) of the Elementary and Secondary Education Act which deals with assessments. These provisions were highlighted in the Senate bill, but specific reference to them was not included in the conference agreement. Conferees were concerned that a specific reference to only one of the requirements of section 1111(b) could create the inaccurate impression that States wanting to participate in the educational flexibility programs would be held to requirements beyond those currently in the law.

8. The House bill requires content standards and interim assessments to be in place, in addition to having made substantial progress towards developing and implementing performance standards and final aligned assessments. The Senate amendment requires substantial progress for content and performance standards as well as final aligned assessments.

The Senate recedes. The Conferees would like to clarify congressional intent with respect to State compliance with the Elementary and Secondary Education Act (ESEA) Title I, Part A, standards and assessment requirements (Sec. 1111(b)) as an eligibility criterion both for Ed-Flex authority under H.R. 800 and for participation in ESEA, Title 1, Part A. Under both Ed-Flex and Title 1, Part A, uniform State standards and uniform State assessments are not required as a condition for either being granted Ed-Flex authority or continuing to receive financial assistance under Title 1, Part A. However, if a State does not have uniform State standards and assessments, the State must have in effect, or be making substantial progress toward having in effect, local standards and assessments approved by the State in order for the State to be granted Ed-Flex authority. The Conferees expect the Department of Education to maintain its current interpretation of the provisions of ESEA, Title 1, Section 1111(b) as published in the policy guidance in 1997. This guidance reflects the understanding of the Conferees that States, such as Nebraska and Iowa, can comply with section 1111(b) of Title 1, Part A if the State has implemented uniform statewide standards and assessments, has a statewide system with local standards and assessments approved by the State; or has local standards or assessments approved by the State on the basis of models or criteria to ensure challenging standards and high quality, aligned assessments.

9. The House bill requires states to hold LEAs and schools accountable for meeting goals listed in waiver applications to be eligible. The Senate amendment has an additional requirement that States are implementing corrective action measures under Title I for schools that fail to make adequate yearly progress.

The Senate recedes with an amendment to insert the words "and for engaging in the technical assistance and corrective actions consistent with section 1116 of the Elementary and Secondary Education Act of 1965, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b) of that Act" after "paragraph (4)".

STATE APPLICATION

10. The House bill and Senate amendment differ in how States are to measure and set objectives. See Note 11–14.

11. The House bill, but not the Senate amendment, requires states to describe specific objectives in their application.

The Senate recedes with an amendment to delete "specific" and insert "clear."

12. The Senate amendment, but not the House bill requires state applications to reference State comprehensive plans or Section 1111(b) of ESEA (Title I standards and assessments).

The House recedes.

13. The House bill, but not the Senate amendment, requires local *progress* to be measured by using the local applicants' objectives, as defined by the section of the bill (a)(4)(A)(iii) requiring local applicants to set specific and measurable goals for schools and groups of students affected by waivers. The Senate amendment, but not the House bill, requires States to evaluate the *performance* of local applicants and students affected by waivers in general, not defined by local applications.

The House recedes.

14. Both the House bill and the Senate amendment require States to describe how they will notify the public of waivers granted. The House bill requires States to provide assurances that it will provide notice with a minimum requirement of 30 days or in accordance with state law. The Senate amendment requires "adequate and efficient" notice and opportunity for comment. See note 18 for local comment and notice.

The House recedes.

APPROVAL AND CONSIDERATIONS

15. The Senate amendment, but not the House bill, explicitly requires the Secretary to consider a state's eligibility for Ed-Flex in approving their application. The House bill, but not the Senate amendment requires the Secretary to evaluate their objectives according to their specificity and their connection to students, schools and districts.

The Senate recedes with an amendment to add (B)(i) from the Senate bill and to revise (B)(iii) of the House bill to read as follows: "(iii) the degree to which the State's objectives described in subparagraph (A)(iii)—

"(I) are clear and have the ability to be assessed; and

"(II) take into account the performance of local educational agencies or schools and students, particularly those affected by waivers."

LOCAL APPLICATION

16. Both the House bill and the Senate amendment are identical with the exception of (iii) and (v). See notes 17 and 18.

17. The House bill, but not the Senate amendment, requires goals for each *group of students* affected by a proposed waiver, in addition to the LEA or school.

The Senate recedes with an amendment to revise "(iii)" to read as follows:

(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver and their students;

18. Local public notice and comment: See Note 14.

The House recedes.

EVALUATION OF APPLICATIONS

19. Both the House bill and the Senate amendment are identical.

20. The Senate amendment stipulates that the SEA should consider how a waiver will help improve school and student performance when evaluating applications. The House bill requires the SEA to be satisfied that the LEA or school will continue to meet the underlying purposes of the statues included in this legislation.

The House and Senate recede taking both provisions.

21. The House bill requires a statistically significant decrease for two consecutive years until waivers can be terminated. The Senate amendment requires termination if performance has been "inadequate" to justify continuing the waiver.

The House recedes with an amendment to have the title read "Termination" and to insert at the end of (5)(B) of the Senate bill the following: "or has decreased for two consecutive years (unless the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances)."

OVERSIGHT AND REPORTING

22. The House bill entitles this section OVERSIGHT AND REPORTING. The Senate amendment entitles this section "MONITORING AND PERFORMANCE REVIEW."

The Senate recedes.

23. The House bill, but not the Senate amendment, stipulates that monitoring "shall include a review of relevant audit, technical assistance, evaluation, and performance reports." Both the House bill and the Senate amendment require states to submit an annual report, but the House bill states this in (ii) and the Senate amendment states this in (i).

The Senate recedes with an amendment to strike "Such monitoring shall include a review of relevant audit, technical assistance, evaluation, and performance reports." While not listing in statute the specific reports to be reviewed, the conferees anticipate that State educational agencies will utilize these resources in their monitoring of local educational agencies and schools which have received waivers.

24. The House bill and the Senate amendment require states to submit performance data. However, the House bill, but not the Senate amendment, requires States to submit performance data after two years of being an Ed-Flex state.

The Senate recedes.

PROGRESS REPORTS

25. The House bill requires the Secretary to report to Congress on an annual basis the impact of Ed-Flex on performance objectives and to make state reports available to Congress. The Senate amendment requires a report to Congress after the first year and biennially thereafter. In general, the Senate amendment requires the Secretary to report what the House bill prescribes for the states. The Senate amendment in (1) requires the Secretary to describe the federal statutes and regulations for which they have received waiver authority. The House bill but not the Senate amendment specifies the type of information to be reported on waivers granted. The Senate amendment only requires information on waivers of state regulations and statutes. The House bill, but not the Senate amendment requires specific data on types of waivers granted and requires a report on the relationship between the waivers and meeting objectives. The Senate amendment in 3 and 4 requires that they describe "the effect" on implementation of reforms and student performance. (cf. Note 38).

The Senate recedes with an amendment to: (a) change (B)(i)(II) to read as follows—"information describing the effect of waivers granted on the implementation of State and local educational reforms pertaining to school and student performance;" (b) add a new (B)(i)(III) to read as follows—"information describing the relationship of waivers granted to the performance of schools and students affected by the waivers." (c) add a new (B)(i)(IV) "an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State." (d) change (B)(ii)(II) to read as follows—"submit to Congress a report that summarizes the State reports ensuring that such reports address the effect that the educational flexibility program under this section has had on the implementation of State and local educational reforms and on the performance of students affected by the waivers."

DURATION OF FEDERAL WAIVERS

26. The Senate amendment, but not the House bill, requires that states "continue to meet the accountability requirements described in subsection (a)(2)(B), and has improved student performance" in order for authority to be extended.

The House recedes.

PERFORMANCE REVIEW

27. The House bill requires that the Secretary review the performance of States after three years of being an Ed-Flex State. The Senate amendment requires the Secretary to review the performance of States "periodically."

The House recedes with an amendment specifying that the review be conducted three years after designation and to insert ", including meeting the objectives described in paragraph (3)(A)(iii)," after "performance".

AUTHORITY TO ISSUE WAIVERS

28. The House bill authorizes this program beginning in FY 1999. The Senate amendment begins this authorization in FY 2000.

The Senate recedes.

PUBLIC NOTICE AND COMMENT

29. See Notes 14 and 18.

The House recedes with an amendment to insert after "waiver" in line 6 ", including a description of any improved performance of students that is expected to result from the waiver authority or waiver," and to insert after "received" on line 11 "and made available for review by any member of the public,".

INCLUDED PROGRAMS

30. The House bill and the Senate amendment are identical except that subsection 4(b)(1) of the Senate amendment excludes the Local Review and School Improvement sections of Title I.

The House recedes. It is the intent of the conferees that, if an LEA has higher standards than the State standard, then locally approved standards may be used for purposes of determining schools in need of improvement or need for corrective action.

WAIVERS NOT AUTHORIZED

31. The Senate amendment specifies that the Secretary and the State may not waive these provisions. The House bill only addresses the Secretary.

The House recedes.

TITLE I WAIVERS

32. The House bill prohibits Title I school eligibility waivers unless they are marginally below the necessary poverty level. The Senate amendment prohibits waivers of Title I rank-order requirements for schools with more than 75% poverty.

The House recedes on Senate language and the Senate recedes on House language with an amendment changing the low-income percentage from within 5 percentage points to 10 percentage points, and clarifying the applicable subsections of section 1113 of Title I, Part A of the Elementary and Secondary Education Act.

TREATMENT OF EXISTING ED-FLEX STATES

33. The House bill protects the authority of current Ed-Flex States by stating that this Act does not apply to them until they apply to renew their authority. The Senate amendment permanently exempts existing Ed-Flex States from being affected by this statute.

The Senate recedes with an amendment which makes clear that the performance of the current 12 Ed-Flex States will be judged, when they re-apply for Ed-Flex status at the end of their current 5 year period, on the basis of section 311(e) of the Goals 2000: Educate America Act. The application itself, must conform to the new requirements of the Education Flexibility Partnership Act. The amendment also provides that, upon enactment of this Act, the 12 existing Ed-Flex States may exercise Ed-Flex waiver authority with respect to the technology programs under subpart 2 of part A of Title III of the Elementary and Secondary Education Act (other than section 3136 of such Act).

RENEWAL

34. The House bill stipulates when renewing Ed-Flex Authority, the Secretary must determine whether SEAs have made measureable progress in accordance with their measurable objectives, as well as whether SEAs demonstrate that LEAs or schools have made measurable progress. The House bill also exempts current Ed-Flex States (see Note 33). The Senate amendment requires the Secretary to review generally the progress of those affected by Ed-Flex authority or waivers towards meeting goals set in local applications.

The Senate recedes with an amendment striking the word "measurable" in (e)(1)(A) and (B) and changing the word "Accountability" in the heading to "Renewal".

35. The House bill, but not the Senate amendment, clarifies that when current Ed-Flex States apply to renew their authority, their progress should be measured in accordance with the terms under which they were granted their authority. However, when their authority expires and they receive renewed authority this law will apply to them.

The Senate recedes. The conferees have addressed renewal for the 12 Ed-Flex States in note 33.

PUBLICATION

36. The Senate amendment, but not the House bill, requires the Secretary to include the rationale for granting a State Ed-Flex authority when publishing notice in the Federal Register.

The House recedes.

EFFECTIVE DATE

37. The House bill, but not the Senate amendment, sunsets this law when ESEA reauthorization is enacted.

The House recedes. The Conferees believe that when the Congress considers the Elementary and Secondary Education Act it will have to take into consideration the changes made to this Act and make whatever changes and adjustments are required to ensure that both laws operate in a coordinated fashion so as to provide as much flexibility as possible to States and local educational agencies.

FLEXIBILITY TO DESIGN CLASS SIZE REDUCTION

38. The Senate amendment, but not the House bill, includes findings stating the impact of fully funding IDEA and amends the 1999 Omnibus Appropriations Act to allow LEAs to use class size reduction funds for IDEA part B.

The Senate recedes with an amendment providing that, if a local educational agency has a class size in grades 1 through 3 of 18 or fewer children, the local educational agency may use the funds made available for class-size reduction under the Department of Education Appropriations Act for fiscal year 1999 for professional development without entering into a consortia.

Currently, a local educational agency that is eligible for amounts less than the starting salary for a teacher must form a consortium in order to receive any class-size reduction funds. Under the conference agreement, such an agency would still have to form a consortium if it does not meet the criteria of having a class size in grades 1 through 3 of 18 or fewer children or if it plans to use the funds to reduce class size. Such an agency would not have to form a consortium if it has a class size in grades 1 through 3 of 18 or fewer children and plans to use the funds for professional development.

In addition, the conferees note that—under current law—any local educational agency that has a class size of 18 or fewer children may use class-size-reduction funds made available to take further class size reductions in grades 1 through 3, to reduce class size in kindergarten, or other grades, or to carry out activities to improve teacher quality—including professional development.

FLEXIBILITY TO DESIGN DROPOUT PREVENTION PROGRAMS

39. The Senate amendment, but not the House bill includes findings stating that fully funding IDEA would free up funds at the local level to develop dropout programs to best address their needs and amends the 1999 Omnibus Appropriations Act to allow LEAs to use class size reduction funds for IDEA part B.

The Senate recedes.

AUTHORIZATION OF APPROPRIATIONS

40. The Senate amendment, but not the House bill authorizes $150 million in additional funds for IDEA.

The Senate recedes.

FLEXIBILITY TO DEVELOP AFTER SCHOOL PROGRAMS

41. The Senate amendment, but not the House bill includes findings stating that fully funding IDEA would free up funds at the local level to develop after-school programs to best address their needs and amends the 1999 Omnibus Appropriations Act to allow LEAs to use class size reduction funds for IDEA part B.

The Senate recedes.

ADDITIONAL AUTHORIZATION OF APPROPRIATIONS

42. The Senate amendment, but not the House bill, authorizes $600 million in additional appropriations for IDEA part B.

The Senate recedes.

FLEXIBILITY TO DEVELOP PROGRAMS TO REDUCE SOCIAL PROMOTION AND ESTABLISH SCHOOL ACCOUNTABILITY PROCEDURES

43. The Senate amendment, but not the House bill includes findings stating that fully funding IDEA would free up funds at the local level to develop programs to reduce social promotion, establish school accountability programs or any other programs to best address their needs and amends the 1999 Omnibus Appropriations Act to allow LEAs to use class size reduction funds for IDEA part B.

The Senate recedes.

ALTERNATIVE EDUCATIONAL SETTING

44. The Senate amendment, but not the House bill, includes an amendment to IDEA that subjects a child with a disability to the discipline provisions if they *possess* a weapon at school, in addition to *carrying* a weapon to school (current law) and applies this new provision to conduct occurring not earlier than the date of enactment of this Act.

The House recedes.

FURTHER AUTHORIZATION OF APPROPRIATIONS

45. The Senate amendment, but not the House bill, authorizes $500 million in additional appropriations for IDEA part B.

The Senate recedes.

BILL GOODLING,
PETER HOEKSTRA,
MICHAEL N. CASTLE,
JAMES GREENWOOD,
MARK SOUDER,
BOB SCHAFFER,
Managers on the Part of the House.

JIM JEFFORDS,
JUDD GREGG,
BILL FRIST,
MIKE DEWINE,
MICHAEL B. ENZI,
TIM HUTCHINSON,
SUSAN COLLINS,
SAM BROWNBACK,
CHUCK HAGEL,
JEFF SESSIONS,
TED KENNEDY,
CHRIS DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
JEFF BINGAMAN,
PATTY MURRAY,
JACK REED,
Managers on the Part of the Senate.

AMERICA'S TRADE DEFICIT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last month's trade deficit hit another record, $20 billion. One month, $20 billion. If it keeps up, $240 billion a year, a quarter of a trillion dollars.

Japan and China are now taking $10 billion a month out of our economy. Beam me up. It is not going to stop because of our current Tax Code that rewards imports. I say it is time to throw out income taxes, throw out the IRS, and pass the national retail sales tax program. It will reward our exports.

Let us tell it like it is. Our Tax Code stinks so bad, if we sprayed it with Chanel No. 5, it would still smell like the Environmental Protection Agency.

I yield back 400,000 jobs lost last month due to our trade deficit.

LIFE 101 ORGAN DONATION PROGRAM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, every 18 minutes a new name is added to the list of those who wait for an organ transplant. With the current supply of donors, unfortunately, someone dies every 2 hours and 24 minutes because an organ was not available. These are the grim statistics.

The University of Miami Organ Procurement Organization and the Transplant Foundation of South Florida, however, are doing something to improve these dismal numbers. They have undertaken a donor education program designed to target young audiences, helping them to understand at an early age the need for organ donations and the benefits of transplants.

This program, entitled "Life 101," has been presented at 58 high schools, reaching over 50,000 local area students in Miami-Dade and Broward County in South Florida.

This Friday, "Life 101" will be unveiling its new web site dedicated to providing an exciting and informative forum for students to learn more about organ donations. I encourage America's youth to visit their web site beginning Friday and learn how they can make the difference in the lives of others.

ORANGE COUNTY ONION FARMERS AND DISASTER ASSISTANCE

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, in May of last year, New York's Hudson Valley farmers were hard hit by a severe hailstorm that devastated their crops. Particularly impacted were our onion growers.

Already facing difficulties due to a prior storm, our Orange County onion growers found themselves confronted by a new hardship. Their hardship was compounded by a failed Federal Government crop insurance program.

Most of our farmers who had no significant yields as a result of this storm were forced to zero out their crops. And when they applied for crop insurance, they found a cumbersome, poorly managed system that provided absolutely no relief.

Following last year's disaster, Congress passed the Omnibus Appropriations Act of 1999, appropriating $5.9 billion for emergency assistance. To date, our farmers have not received one penny of these funds, while payments were made shortly after its enactment to dairy, to cotton, to wheat and hog farmers.

The Agriculture Department has not responded to our farmers' needs. Following this storm, starting in February, Secretary Glickman instituted a sign-up period for disaster funding, stating that the delay was due to working out a proper formula.

Mr. Speaker, I urge Secretary Glickman to release these funds immediately to prevent any further delay so that our growers may be able to continue their farming.

THANKS TO OUR SERVICE MEN AND WOMEN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, just 3 days ago, I was in the war-torn region of Kosovo along with many of our colleagues from the House and Senate.

And, as a veteran of two wars, I know the great sacrifice that our U.S. military men and women are making for our country and for world peace. And I am thankful that I was able to travel to the Kosovo region to personally thank these brave soldiers, sailors, and airmen for their service to our great Nation.

I want to take this opportunity to reinforce my commitment to them in what may very well be the most trying time in their life. I thank them and America thanks them for having the courage to carry out this selfless duty to our country.

From both the Vietnam and Persian Gulf Wars, I am personally and gravely aware of the enormous challenges that these brave men and women face. Having been deployed far away from my family for countless weeks and months, I can relate to the myriad of emotions that these troops and their families must be experiencing during this very traumatic time in the world.

Our prayers and our full support are with them. May God speed and bring each of them home safely and as soon as possible.

STATE OF MONTANA WANTS TO BE PART OF ECONOMIC PROSPERITY

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, every day it seems that we get some good economic news: Unemployment is down, incomes are up, the stock market at a new high. But in parts of America that are not doing so well, my colleague from North Dakota often comes to the floor and talks about the increase, the record number of farm bankruptcies in his home State.

My home State of Montana now ranks last in the Nation with average income. Why has rural America been left out of this economic prosperity? Well, it is because our economy relies on agriculture and timber and mining and oil and gas, commodities, and it is because this administration has failed to pursue fair trade policies.

This administration has pursued extreme environmental policies that lock up our public land and our natural resources, and this administration has neglected the importance of international markets.

Mr. Speaker, we do not want to be left out. We want to be part of this prosperous economy, but we need common sense. We need a common sense agriculture policy. We need a common sense environmental policy. We need a common sense trade policy.

Mr. Speaker, bring us into this new economic prosperity.

DOLLARS TO THE CLASSROOM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today Senator TIM HUTCHINSON and I introduced the Dollars to the Classroom Act, to benefit schoolchildren and teachers all across this country in our public schools by directing that Federal funding for elementary and secondary education goes directly to classrooms and to teachers where the learning process actually takes place, by restricting how much money can be spent on bureaucracy.

By requiring that 95 cents of every Federal dollar gets into the classroom, the children and teachers of this Nation will see an additional $870 million out of existing appropriations. That is $10,000 per school, translating into $450 for every single classroom in America.

I have with me a check that the Senate and House Members signed earlier today in the amount of $870 million. We presented this directly to the children.

My colleagues have an opportunity to help bring needed change. Join me and the 127 cosponsors in sponsoring and introducing the Dollars to the Classroom Act today.

TOM LEYDEN, TEXAS PRINCIPAL OF THE YEAR

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to bring special attention to an outstanding individual who is making a real difference in the lives of children in my district. He is Principal Tom Leyden of the Plano Independent School District in Plano, Texas.

Tom Leyden was recently named the Texas principal of the year by the Texas Association of Secondary School Principals. This honor qualifies Mr. Leyden for eligibility as the National Principal of the Year, which will be announced in October.

Tom Leyden is a shining reminder of what a difference our local officials can make in the lives of our children. I am proud to represent Tom Leyden, and I plan to do everything I can to make sure we help all the Tom Leydens of America by keeping the Federal Government out of their way and putting education back in the hands of local principals, parents, and teachers.

EDUCATION FLEXIBILITY BILL

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, for too long, our educational system has been handcuffed by the misguided ideas of Federal bureaucrats. For too long our children have been used as pawns in this political game.

The time for that to end is now. It is time for us to stop the partisanship, to stop the bickering, and roll up our sleeves and get to work. We cannot, as a Nation, allow our children to become adults without the tools to succeed. The key to unlocking the powers of first-rate education is the freedom to make choices, giving parents the power to choose their children's education.

Let us pass the Education Flexibility bill, which was announced just moments ago by the chairman of the committee. It will be on the floor this week. Let us pass the bill to allow the States to move past bureaucratic rules that actually inhibit success and bring new and innovative solutions to their classrooms.

This bill will expand education flexibility to all 50 States. It will empower every school district to move past the bureaucracy and do what they believe is best to help their students learn. Let us return education decision-making to those who know what is best for America's students. We will find them in each student's community, not in Washington.

SUPPORT DOLLARS TO THE CLASSROOM

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, this morning I had the opportunity to join the gentleman from Pennsylvania (Mr. PITTS) at a press conference for the Dollars to the Classroom Act. And also present were students from around the country and teachers and administrators speaking in support of the bill.

Unfortunately, as the system is set up now, as little as 65 cents on the dollar makes it to the classroom. That is wrong. Many children are being shortchanged. Congress must downsize bureaucracy to ensure students get the best possible education.

What the Dollars to the Classroom Act would do is to mandate that at least 95 percent of Federal education dollars end up where it is needed most. Teachers, and most importantly our children, will be direct beneficiaries of the spending, and not the bureaucrats. And under this legislation each school would receive an increase of $10,000.

Cole Allen is an 8th grader. He is from Pennsylvania. He spoke at today's conference about the need for more money in the classroom. He said his geography book is titled "World Geography Today," but it should be called "World Geography 13 Years Ago."

□ 1415

Mr. Speaker, we need the money in the schools for the books.

HONORING EMILY GREGOR OF THE BUCKEYE TRAIL ASSOCIATION

(Mr. Regula asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, many of my colleagues know of my strong support for trails throughout this beautiful Nation. No trail is more dear to my heart though than the Buckeye Trail in the great State of Ohio. Today I would like to pay tribute to Emily Gregor, an icon of the Buckeye Trail. Emily Gregor's devotion to the preservation of the trail as a long-time member of the Buckeye Trail Association spans the entire 40 years of its existence. She has served as its historian and legislative coordinator and is its president for 5 years.

Mr. Speaker, I often tell people that the greatest legacy we can leave is not what we put in our will, but what we put in our communities. On the 40th anniversary of the Buckeye Trail Association, I today would like to commend Emily Gregor for the legacy she has given and continues to give to the people of Ohio through the Buckeye Trail. Her tireless commitment to the trail will be cherished for generations to come as they explore the wonders of nature in the great State of Ohio.

OUR SERVICEMEN HAVE OUR TOTAL, UNQUALIFIED SUPPORT

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Mr. Speaker, there is a 20-year-old airman out there who is working incredible hours, 7 days a week, all for a cause that he trusts is just.

He puts his faith in his government, in officers above him and in the people of the United States that he will only be put in harm's way for noble and worthy reasons.

That 20-year-old is stationed in Aviano, Italy, and elsewhere across the globe. He does not have time to read the New York Times or to watch CNN to see how the war is going because he is too busy doing his job, making sure that the planes being flown in actual combat missions are as safe and effective as humanly possible. He is unaware of the debates going on in Congress about the wisdom of our policy in the Balkans. He cares little for politics, but he does expect his political leaders to put one concern above all others, do whatever it takes to see that our mission is successful.

We are only Americans now, and that 20-year-old airman and all of his fellow servicemen have our total, unqualified, full support. May God bring him home safely.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 8, rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

AUTHORIZING AWARDING OF GOLD MEDAL TO ROSA PARKS

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 573) to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation, as amended.

The Clerk read as follows:

H.R. 573

Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Rosa Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Edwards) McCauley.

(2) Rosa Parks is honored as the "first lady of civil rights" and the "mother of the freedom movement"; her quiet dignity ignited the most significant social movement in the history of the United States.

(3) Rosa Parks was arrested on December 1, 1955, in Montgomery, Alabama, for refusing to give up her seat on a bus to a white man, and her stand for equal rights became legendary.

(4) News of Rosa Parks' arrest resulted in 42,000 African Americans boycotting Montgomery buses for 381 days beginning on December 5, 1955, until the bus segregation laws were changed on December 21, 1956.

(5) The United States Supreme Court ruled on November 13, 1956, that the Montgomery segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses.

(6) The civil rights movement led to the Civil Rights Act of 1964 which broke down the barriers of legal discrimination against African Americans and made equality before the law a reality for all Americans.

(7) Rosa Parks is the recipient of many awards and accolades for her efforts on behalf of racial harmony, including the Springarn Award, the NAACP's highest honor for civil rights contributions, the Presidential Medal of Freedom, the Nation's highest civilian honor, and the first International Freedom Conductor Award from the National Underground Railroad Freedom Center.

(8) Rosa Parks has dedicated her life to the cause of universal human rights and truly embodies the love of humanity and freedom.

(9) Rosa Parks was the first woman to join the Montgomery chapter of the NAACP, was an active volunteer for the Montgomery Voters League, and in 1987 cofounded the Rosa and Raymond Parks Institute for Self-Development.

(10) Rosa Parks, by her quiet courage, symbolizes all that is vital about nonviolent protest; she endured threats of death and persisted as an advocate for the simple, basic lessons she taught the Nation and from which the Nation has benefited immeasurably.

(11) Rosa Parks, who has resided in the State of Michigan since 1957, has become a living icon for freedom in America.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to Rosa Parks, on behalf of the Congress, a gold medal of appropriate design honoring Rosa Parks in recognition of her contributions to the Nation.

(b) DEISGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

(Mr. BACHUS asked and was given permission to revise and extend his remarks.)

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to honor the mother of the civil rights movement, Rosa Parks. As an Alabamian, I am proud to stand side by side with my friends on both sides of the aisle and pay respects to a native Alabamian and a civil rights heroine. Before saying more, I would also like to commend the bill's author, the gentlewoman from Indiana (Ms. CARSON), for obtaining well over 290 signatures necessary to move this bill to the floor of the House.

Mr. Speaker, Rosa Parks is an American heroine because she is an ordinary citizen with extraordinary courage. She had the fortitude to claim for herself the most ordinary, the most basic of civil rights, to be treated fairly and equally.

She was born in Tuskegee, Alabama in 1913. She was the first child of James and Leona McCauley.

Rosa Parks took a heroic stand and refused to give up her seat on a bus. Montgomery buses were boycotted for 381 days. After court cases, legislative upheaval, the bus segregation laws were changed on December 21, 1956.

An aside to that, Mr. Speaker, is that Dr. Martin Luther King was appointed spokesman for the bus boycott and taught nonviolence to all the participants, and there were over 40,000 participants in that boycott.

But more importantly, Rosa Parks led a prairie fire for freedom which helped ignite and inspire the civil rights movement. Ultimately, this act of courage played a major role in breaking down the barriers of legal discrimination and continues to play a role in making equality an imperative goal in America.

Rosa Parks is the recipient of many awards for her efforts on behalf of racial harmony. Among them, the Springarn Award, the NAACP's highest honor for civil rights contributions, the Presidential Medal of Freedom, the Nation's highest civilian honor, and the first International Freedom Conductor Award from the National Underground Railroad Freedom Center.

Rosa Parks has dedicated her life to the cause of universal human rights. She truly embodies the spirit of respect for humanity and personal freedom that is central to the American ideal.

Rosa Parks by her quiet courage symbolizes all that is great in the American spirit. She endured threats of death in defending and demanding for all the most basic rights embodied in the Constitution and the Bill of Rights. This Nation has benefited immeasurably from her heroic efforts, and the U.S. Congress is proud to celebrate her achievements by awarding her the Congressional Gold Medal.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Indiana (Ms. CARSON) be permitted to control 10 minutes of the time allocated to me.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every now and then God places in our midst an angel, a human being of extraordinary character and immeasurable compassion with the energy and courage to fuel their undying commitment to justice. Rosa Parks is that person. Rosa Parks is that angel, a woman of divine inspiration who, on December 1, 1955, refused to move from the white only section of the bus in Montgomery, Alabama. When she was told to move to the back of the bus, she was arrested.

Rosa Parks was a working woman, a seamstress of very modest means. She had neither political power nor influence. She simply had the courage of her convictions. Mrs. Parks did not move to the back of the bus. She took a stand.

She was arrested. Her arrest sparked a revolution on December 5, 1955. The defiant spirit of Rosa Parks ignited the long suppressed longing for freedom, and the contagious sparks of new possibilities sailed through the Montgomery air. Men, women and children decided they would no longer suffer the indignities of a city that discriminated against them, marginalized them, brutalized and disrespected them.

Montgomery's most egregious manifestation of segregation was in public transportation, in particular the bus company where African Americans were cursed and sometimes assaulted by bus drivers without provocation, forced to board from the rear door after depositing the fare in the driver's box and then often left behind after paying their fare, strictly forbidden from ever sitting in the first four rows reserved for whites.

Black pride and self-determination took hold. Blacks got off the bus and the plantation. Blacks carpooled, blacks walked, blacks found a way to get around without bus transportation. They boycotted.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, I rise today to encourage and to applaud Congress for putting this resolution before us to honor Rosa Parks. Rosa Parks changed the course of history when, on December 1, 1955, she refused to give up her seat to a white man. The fact is I would like to think that there were white folks in her city that wanted things to change, that wanted equal opportunity and equal access and equal rights to all parts of society in her community, but they did not act.

Rosa Parks did act, and she had the courage, the quiet courage, to make a profound difference. By her actions, she encouraged and created a movement that was largely credited for passage of the 1964 Civil Rights Act in the 1965 Voting Rights Act.

Today we still do not have the harmony that we seek in this country. We are still not a country that has figured out how to live together with all the good and best interests for every child, every individual in this country.

Rosa Parks served as an inspiration to us in 1955. I hope that by awarding this congressional medal she will continue to serve as an inspiration to all of us and to our children.

Many times today people do not believe that one person can make a difference. They feel cynical and they feel hopeless and helpless, and because of that, they do not act.

So, as we award this medal, maybe what Rosa Parks did will give us all courage and confidence that one person does make a difference and that if we are to have equality and a common sense of good and love across racial lines, that all of us have to stand up and take that action, that courageous action that Rosa Parks did.

Ms. CARSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to thank the other 329 Members of the 106th Congress who joined me in unprecedented numbers to award the Congressional Medal of Honor to the Honorable Rosa Parks, a human being extraordinaire.

This is my first bill that I will pass from Congress, and there is no better way for me to inaugurate my service in the United States Congress than to introduce a bill that will give a Congressional Gold Medal to Rosa Parks. Her courage propelled her to great heights. She is profiled as the leader of the century by major news media universally.

□ 1430

Her selflessness embraced the spirit of the British National Anthem: "My country 'tis of thee, sweet land of liberty."

Mrs. Parks in Montgomery, Alabama, sought to, tried to validate this pledge of ours, one nation under God, with liberty and justice for all people. Her steadfastness and unmovable decision revisited the words of Abraham Lincoln, the great emancipator, in his Gettysburg Address, that we would have a government of the people, by the people and for the people.

Mrs. Parks, thank you very much for watching this long-delayed honor by the United States Congress in celebration of your 86th birthday present. What a great present, Mrs. Parks, for the United States Congress to give to you in this particular way.

I am grateful for your steadfastness, your perseverance, the kind of contribution that you made to America almost 44 years ago, and it is because of your good work and your determination, the fact that you sacrificed yourself and went to jail. And a woman that was not of color, Mrs. Virginia Foster Durr, who was known as the matron of the civil rights movement, bailed Mrs. Parks out, which underscored that there were people who were not people of color necessarily who came to the forefront to ensure that justice prevails.

So, Mrs. Parks, while you watch this live from California and while both you and I are alive to see it pass, I want to publicly, for America, thank you very much, Rosa Parks.

Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. RODRIGUEZ).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that their remarks are to be addressed only to the Chair.

Mr. RODRIGUEZ. Mr. Speaker, today we pay tribute to a great civil rights leader, Rosa Parks. It was a great honor to see Rosa Parks at the State of the Union address earlier this year. Looking up at her in the gallery, sitting there with the First Lady and other distinguished guests, it gave me great pride and reminded me of what America is and how great it is.

The Gold Medal is a fitting tribute. Congress has honored more than 100 great Americans and world citizens, including George Washington and most recently Mother Theresa and Nelson Mandela. It is the highest award that can be given by Congress and we know that she deserves the Gold Medal of Honor.

Mr. Speaker, today we pay tribute to a great civil rights leader as we prepare to vote on awarding the Congressional Gold Medal to Rosa Parks. Her quiet, non-violent refusal to adhere to racist segregation helped break open the flood gates of freedom in this country. That act put us all on the road to a more equal society and to an integrated society.

It was a great honor to see Rosa Parks in person as a guest of the President at the State of the Union address earlier this year. Looking up at her in the gallery, sitting with the First Lady and other distinguished guests, gave me great pride and reminded me why America is the land of great potential.

The Gold Medal is a fitting tribute. Congress has honored more than 100 great Americans and world citizens, including George Washington and most recently Mother Theresa and Nelson Mandela. The highest award given by Congress to civilians, it is my honor to be a co-sponsor and supporter of this legislation.

Since that historic day on December 1, 1955, in Montgomery, Alabama, when she took a stand against a fundamentally unfair and immoral system, Rosa Parks has served as a source of inspiration and courage to those who continue the struggle for civil rights and equality for all Americans. She taught us that one individual can make a profound difference, that one individual can bring down the walls of division in our society, that one individual can clear the path to a better tomorrow. Rosa Parks has earned this medal.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I rise in support of the resolution of the gentlewoman from Indiana (Ms. CARSON), authorizing a Congressional Gold Medal for Rosa Parks in recognition of her contributions to this Nation.

Rosa Parks is known as both the first lady of civil rights and the mother of the civil rights movement.

She began to earn these titles back in 1955 for her courageous refusal to comply with the Montgomery, Alabama, law which required her to give up her seat on a public bus for a white man. For this, she was thrown in jail. However, an interesting historic footnote is that Rosa Parks was ejected from a bus further back in time, in 1943, for entering through the front door instead of the back door as then prescribed by the law.

To protest the segregated public bus system and Rosa Parks' arrest, a fledgling civil rights group, the Montgomery Improvement Association, organized a historic boycott of the Montgomery, Alabama buses, led by a young civil rights leader named Martin Luther King, Jr. The boycott lasted 381 days.

Thanks to Rosa Parks' conviction and the steady determination of the civil rights movement, the U.S. Supreme Court struck down the Montgomery, Alabama, segregated seating law and the buses were legally integrated.

Mr. Speaker, many history books stop there, but I believe it is important to note that Rosa Parks' courageous stand was not without cost to her and to her family. Rosa Parks was harassed continuously. She lost her job. Her husband lost his job and suffered a nervous breakdown. Rosa Parks and her husband could not find work anywhere near Montgomery, so they moved to Detroit where her husband had to be hospitalized further.

Ultimately, Rosa Parks began working for the congressional office of our colleague, the gentleman from Michigan (Mr. CONYERS), and she still remains active to this day in the civil rights movement.

Mr. Speaker, as we fast forward to today, I find it amazing how much we take for granted thanks to Rosa Parks' courageous stand almost 45 years ago. For this reason, I urge all of my colleagues to support this resolution. I congratulate my colleague from Indiana (Ms. CARSON) for introducing it.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise to celebrate the awarding of the Congressional Gold Medal to Mrs. Rosa Parks. Reverend Dr. Martin Luther King once said that anybody can be great because anybody can serve. You do not have to have a college degree to serve. You do not have to make your subject and your verb agree to serve. You do not have to know Einstein's theory of relativity to serve. You only need a heart full of grace and a soul generated by love.

In 1955, at the time of Mrs. Parks' heroic act, I was 6 years old, a daughter of a skycap and a factory worker, a student of the civil rights movement and now, thank God, a Congresswoman, able to vote to award the Congressional Gold Medal to Rosa Parks. I only hope that many young people, African-American, Caucasian, Asian, Indian, Hispanic, brown, black, white or yellow, will continue to be inspired by the integrity and work of Mrs. Rosa Parks and will be willing to stand and make a public gesture.

Mr. BACHUS. Mr. Speaker, I am honored to yield 1 minute to my fellow Alabaman and friend, the gentleman from Alabama (Mr. HILLIARD)

Mr. HILLIARD. Mr. Speaker, I have the great good fortune of having known Mrs. Rosa Parks for many years. It was in my congressional district that she lived and it was in my congressional district that she refused to move to the back of the bus.

Rosa Parks' courage ignited a movement. Her courage provided the spark for a movement that was smoldering. I am a personal benefactor of Mrs. Parks' act and I am very grateful to her.

Rosa Parks was an ordinary citizen who performed an extraordinary act which changed America in a positive way forever. Rosa Parks is an American hero. As my Spelman College sisters would say, she is an American shero.

To Mrs. Parks, I say thank you for not moving to the back of the bus. Thank you for a lifetime of service to civil rights. I am humbled and deeply grateful for this opportunity to personally say to you I appreciate your courage.

Mr. Speaker, America is a better place because Rosa Parks came its way.

Ms. CARSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), in whose district Mrs. Parks is now a legal resident.

Ms. KILPATRICK. Mr. Speaker, I thank my colleague, the gentlewoman from Indiana (Ms. CARSON) for yielding me this time on this very special day as we honor one of America's greatest heroes, she-roes, I might add, Mrs. Rosa Parks. As was mentioned, Mrs. Parks lives in my district in Michigan. She came to my district as she left Alabama and for all of these years has been a hero of courage and inspiration for all of us, near and afar.

I am here today to add my voice to those who have said, let us award Mrs. Parks a medal that is long overdue, the highest honor that this body can offer, the Congressional Gold Medal. I am here further to ask for something again. Mrs. Parks in 1987 established the Raymond and Rosa Parks Institute in Michigan. She cared for and assisted hundreds of children across America to learn about civil rights, to learn about their history.

We are asking in this budget year, fiscal year 2000, in the Labor-HHS budget for $3 million for the Raymond and Rosa Parks Institute for Self-Development so she can continue inspiring and motivating children. I hope this body will accept and adopt the appropriation. It is just a small amount of what has already been put in through her courage, through her work and through the funds that we have collected over the last 10 years. Let us support the Raymond and Rosa Parks Institute for Self-Development so that our children can know, as we have lived through this 20th Century, that as we move forward, let us take the spirit of Raymond and Rosa Parks with us and fund the institute adequately.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, over 40 years ago, Rosa Parks, a Montgomery, Alabama seamstress, showed how one woman, no matter what her background, can light a spark which changes the world. By refusing to give up her bus seat to a white man on a dark December day in 1955, Rosa Parks defied the oppressive legal system of segregation and set off a bus boycott that became one of the first victories in the civil rights revolution of the '50s and the '60s. For this brave stand for liberty and her many other contributions to our Nation and her community, she definitely deserves the Congressional Gold Medal which we are voting to award her today.

Her heroic action resulted in her arrest and the loss of her job, but the ensuing struggle resulted in a U.S. Supreme Court ruling just a year later which declared that the Montgomery segregation law was unconstitutional and that Montgomery officials must desegregate their bus system.

This courageous act changed her life and our Nation forever, but it did not change the character and the humility of Rosa Parks, who still shuns the spotlight and has never sought the recognition which she so richly deserves. After moving to Detroit in 1957, in which she continued to work hard for the many causes which benefited both our Nation and her community, she worked for the gentleman from Michigan (Mr. CONYERS), running his Detroit office until her retirement in 1988.

Rosa Parks also founded the Detroit-based Raymond and Rosa Parks Institute for Self-Development, which helps young people gain self-esteem through a variety of programs, as well as assists them with their education.

By honoring Rosa Parks today, we are also endorsing her message which she so eloquently addressed in her book "Quiet Strength: The Faith, the Hope and the Heart of a Woman Who Changed a Nation." It ends with a plea for people of all races to work together for a world free of violence and racism, where all races and religions unite to improve the quality of life for everyone. Amen.

Passage of this bill will be our contribution to her legacy today.

Ms. WATERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for yielding, and I thank her and the sponsors of this bill for putting it forward at this time.

This body seeks to honor a woman upon whom honors have been heaped. It is worth asking, why so many honors? What is her personal appeal, beyond what she has accomplished? It is worth asking why it is that this is such a revered woman of our times. I think it is for much the same reason that we honor Nelson Mandela.

Three reasons: First, courage against overwhelming odds; two, the action that few would have taken, remember, this was Alabama, circa 1955; and, three, modesty. She claimed to be too tired to move to the back of the bus. The fact is she had complained of segregation and had spoken of being tired of segregation for years.

It was bravery, Mr. Speaker. Two huge and historic effects flow from her act. Her act led to the Supreme Court decision barring segregation in public transportation and, of course, she sparked an entire movement, the Montgomery bus movement.

Those of us who participated in the sit-in movement regard the day of the college sit-ins as when that movement began. In point of fact, that movement began when Rosa Parks sat where she insisted on sitting. The Congressional Gold Medal cannot add glory to a woman who has never sought it. We can only express our appreciation through this medal today.

Mr. BACHUS. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. GILMAN).

□ 1445

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased to join today with the gentlewoman from Indiana (Ms. CARSON) and the gentleman from Alabama (Mr. BACHUS) as a cosponsor of this long-overdue legislation honoring Rosa Parks with the Congressional Gold Medal. Mrs. Parks is a courageous woman, a woman who stood up for justice and equality, and in the process, changed the course of our Nation's history.

In the early 1950s, blacks were still facing the hardships inflicted by segregation. The term "separate but equal" was not really equal, but rather a loophole used to deny rights to blacks. This began to change, though, in Montgomery, Alabama on December 5, 1955 when Mrs. Parks, then a passenger on a Montgomery, Alabama bus, refused to give up her seat to a white passenger on that bus. She was promptly arrested for violating a city law requiring that whites and blacks sit in separate rows on buses. Mrs. Parks' courage triggered a boycott of the entire Montgomery bus system. That lasted for almost a full year, until the U.S. Supreme Court declared segregated seating on the city's buses unconstitutional.

While Mrs. Parks' refusal to relinquish her seat on that December day and the ensuing boycott ended in success, the effects of her actions were much more far-reaching. Specifically, the boycott's success triggered the civil rights movement of the 1960s, and in addition, it paved the way for the boycott organization's President, Dr. Martin Luther King, Jr., to press forward for full racial equality.

Mrs. Parks' efforts were integral to the civil rights movement, and it is my pleasure to be associated with this legislation presenting Rosa Parks with the Congressional Gold Medal.

Ms. CARSON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Indiana (Ms. CARSON); my colleague, the gentleman from Georgia (Mr. LEWIS), the remaining civil rights leader that worked with Dr. King and Rosa Parks for many years, and to all of my colleagues on both sides of the aisle and both sides of the Capitol.

Now, there are several reasons why Rosa Parks' name can be lifted up with such eloquence today. First is that she developed this theory that applies to every human being that struggles for justice: "I am only one person, but I am one. I cannot do everything, but I can do something." For her to sit down on the bus that day was an enormously courageous act that still thrills the world when they realize this seamstress had determined what she would do, not with Dr. King, not with the civil rights movement, not with the NAACP, not with anyone.

Secondly, she, by her act, brought Dr. King into the movement, and we will have more on that very shortly. But that an oppressed people could take upon themselves to change the de jure and de facto status of race relations by their own action was thought to be impossible by many at that time.

Finally, it was the theory of nonviolence that a woman faced with violent oppressors could say, "You can do whatever you want." Remember, the bus driver begged her to please sit down. And the theory of nonviolence later enunciated by Dr. Martin Luther King makes the Gold Medal a very appropriate response to her today.

Mr. BACHUS. Mr. Speaker, we have heard speaker after speaker who has described how Rosa Parks' quiet and courageous act changed America and redirected the course of history, and for that we are all for the better.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), one of the leaders of that movement.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague from Alabama, my native State, for yielding me this time.

On December 1, 1955, Rosa Parks sat down on a bus in Montgomery, Alabama and refused to give up her seat to a white man. By sitting down, Rosa Parks was standing up. With dignity, with pride, and with one simple defining act, she began a nonviolent revolution in the American south, a nonviolent revolution that swept across America and swept aside segregation and the laws that divided us into two nations, one black and one white.

As a 15-year-old boy growing up in rural Alabama, 50 miles from Montgomery, I was deeply inspired, moved and touched by this simple act of civil disobedience. Rosa Parks taught me and an entire generation the power that one individual can have in standing up for what is right and for what is just.

The history books of the civil rights movement will recall Rosa Parks as one of the founders of the new America. This woman, this one woman, was tracked down by the spirit of history. She saw indignity and she exposed it. She saw inequality and she confronted it. She saw injustice and she defeated it.

So, Mr. Speaker, it is fitting and appropriate that we honor Rosa Parks by awarding her the Congressional Gold Medal. By honoring Rosa Parks, we honor all of us. We honor America. We honor unborn generations.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, Congressional Gold Medals are awarded to individuals who have made significant contributions to our Nation or humanity. Why bestow this honor on a woman who refused to give up her seat in the white section of a segregated Montgomery bus? The answer is very simple. Rosa Parks' selfless fortitude became the symbol of a commitment to freedom, equality and justice that paved the way to the end of legal segregation in America.

As we salute our matriarch of civil rights, I am reminded of the words of Dr. King: "We are caught up in an inescapable network of mutuality, tied in a single garment of destiny."

Mrs. Parks recognized that in order for our Nation to move from what it has been to what it can be, our garment of destiny must be tightly woven with the policies of justice and inclusion as opposed to discrimination and separation. Again, I congratulate Mrs. Parks for her heroism, and challenge all Americans to embrace her concept of freedom and equality for all people.

Mr. BACHUS. Mr. Speaker, I ask unanimous consent for an additional 20 minutes on this measure, 10 minutes to myself and 5 minutes to each of the gentlewomen.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I think every American over 45 years of age remembers the heroic stand that Rosa Parks took. That stand inspired the Nation, and the inspiration of the Nation ultimately inspired Congress—both the House and the Senate.

She did this at the beginning of the last half of the decade of the 1950s. She set an example of what one person can do to change a Nation. And she did change a Nation, because from her act of resistence on a segregated bus and the organization that followed led to the role of Dr. Martin Luther King. Rosa Parks gave recognition to all who might have doubted about conditions in the South.

Of course, the Supreme Court ruled that what she fought was unconstitutional, and that was one of the many particular state segregation laws that the Supreme Court of the United States struck down in the decade of the 1950s and the 1960s.

There was still going to be a longer struggle ahead. I was on the Senate staff at that time working on these bills. The Civil Rights Act of 1964 was certainly one of them. The Voting Rights Act of 1965 was another.

Rosa Parks' definance showed that black Americans—African-Americans—could organize themselves, could do the right thing in line with the Constitution. That is exactly what her inspiration meant. Whether it was segregation in the South or in the North, or in the West, or in the East, no group would stand for any form of discrimination against any group because of their race, color or creed.

She began with the defiance of one human being. She deserves the Congressional Gold Medal. Few Americans have had an impact which touched this country and put it on the right course as has Rosa Parks.

Mr. Speaker, I would certainly hope that all Members will support this particular resolution. It is a vital example of the impact one can have in the legislative process. Martin Luther King had a great impact, but he would not have had that impact if it were not for the actions of Rosa Parks, showing that there will be no more discrimination on the buses of Montgomery, Alabama.

What Rosa Parks did is a good lesson in civics for every American: one person can make a difference in our government. She did. She has. We should recognize that significant accomplishment which changed our nation.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from California for yielding me this time. I want to commend her, and I want to commend the gentlewoman from Indiana (Ms. CARSON) for her leadership and persistence in this bill.

I rise today to join my colleagues in this House in paying tribute to Rosa Parks, the mother of the civil rights movement. All of us will recite the facts, but they cannot be recited enough.

On a cold day in December 1955, Rosa Parks decided that she would sit down in order to stand up and stand up for America. She sat down to stand up for equal rights for all across this Nation. The quiet "no" of this gentle southern lady to the demand that she give up her bus seat to a white man gave a new meaning to the word "courage."

The courage of this ordinary seamstress who worked in a department store pricked the conscience of the Nation in an extraordinary way. As the bus boycott mounted, activity came to a screeching halt and the world stopped and paid attention.

Rosa Parks spoke quietly, but the whole world heard and understood that it was indeed time for a change. She took a stand that will be forever remembered and appreciated by people all across this Nation. And thanks to Rosa Parks, I now stand proudly as a Congresswoman here, able to pay tribute to her and to do business for the American people.

□ 1500

I intend later to vote, as I hope all of my colleagues will, for the Congressional Medal of Honor to go to a most worthy American. Few people are deserving of such an honor. Rosa Parks indeed is.

I again commend my colleague, the gentlewoman from Indiana (Ms. JULIA CARSON) for introducing this measure and being persistent, and because of that we are here today. All of us should pass this unanimously.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am really delighted to be here as this resolution comes before us. I was one of the original cosponsors, and I want to add my accolades to the gentlewoman from Indiana (Ms. CARSON) for introducing the legislation and persevering, on both sides of the aisle, so we have a bipartisan measure before us.

Mr. Speaker, Rosa Parks, the mother of the civil rights movement, with one simple act of defiance in Montgomery, Alabama, Rosa Parks set off a revolution that made this country live up to its constitutional ideals.

When Dr. Martin Luther King, Junior, proclaimed his famous "I have a dream speech" atop the steps of the Lincoln Memorial, he lay before America a vision of a society free of hatred and inequality. Rosa Parks provided the initial spark for this broad movement on December 1, 1955, by bravely refusing to give up her bus seat to a white passenger after a long day of work.

Mr. Speaker, today we celebrate her courage with the passage of legislation to award the Congressional Gold Medal to this remarkable woman. Her action helped to trigger the civil rights movement. Rosa Parks' simple refusal brought her, Martin Luther King, Jr., and the arduous struggle for equality to the attention of our Nation.

In a later interview, Mrs. Parks stated that during critical moments on the bus she felt determined to take the opportunity "to let it be known that I did not want to be treated in that manner, and that people had endured it for far too long."

The leadership, confidence, and faith that she displayed was a glorious achievement. Rosa Parks' courageous act was one of tremendous significance. Her outstanding accomplishment deserves to be recognized by a Congressional Gold Medal.

I am proud to join with my colleagues today in support of H.R. 573, recognizing the contribution that Rosa Parks has made to our society. Today we join together to salute her courage. But let us also renew our commitment to work together for a more just and equitable society.

Ms. CARSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Tavis Smiley, who is a great commentator across the country, said something last week that I will never forget. He said that each of us must live for a cause, and not just because. Rosa Parks emulates that spirit in a very profound way, and Tavis Smiley does, too.

Mr. Speaker, it is my honor to yield 2 minutes to the gentlewoman from the State of Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Indiana for her eloquence and for her leadership, and to the ranking member and the chairman, I thank them both for their guidance on this very important legislation.

Mr. Speaker, is it not a great day that we rise to the Floor of the House in a bipartisan and collaborative way to acknowledge Rosa Parks, to give her her due, the Congressional Gold Medal? It is important that we acknowledge that when Rosa Parks sat down, for all of the young people of America who were born after this most heroic act, in a segregated Alabama, almost frightened for her life, America won.

The most important thing that happened, and my colleague, the gentlewoman from Indiana (Ms. CARSON) has lived it in her life, is that we infused into America the best of what America stands for, and that is, the human resolve to change what is evil and what is wrong.

Forty-two thousand people entered into a Montgomery boycott of the buses because of the quiet spirit of Rosa Parks. Again, I say to the young people, when Rosa Parks sat down, America won.

So today I am most honored to be able to stand and join my colleagues in acknowledging that many of us whould not be here today, would not be on the Floor of the House, would not have the opportunity, had Rosa Parks not sparked the infusion of energy that brought about the civil rights movement in this country, that helped to gel it, that helped to give those who were moving towards it the courage to stand up and be counted.

We would not have had the Voting Rights Act of 1965, the Civil Rights Act of 1964, the Affirmative Action Executive order of Richard Nixon, the opening of doors of institutions of higher learning, none of that would have occurred without Rosa Parks.

So I say to Rosa, wherever she might be today, my sister, the mother of civil rights, thank you for giving me the opportunity to stand free in America and to stand with my brothers and sisters today.

Rosa Parks said in her book, when she decided not to stand up and to remain in her seat, it was not a selfish viewpoint. She said, I did not feel any fear. All I felt was tired, tired of being pushed around, tired of seeing the bad treatment and disrespect of children, Mr. Speaker, women, and men, just because of the color of their skin.

Mr. Speaker, I am honored today to now stand up for Rosa Parks as she stood up for all of us to win. With this vote and this honor given to Rosa Parks today, America wins always.

Mr. Speaker, I stand here today with my Colleagues to honor a true American's-hero, Rosa Parks. Today, we come one step closer to giving the "Mother of the Civil Rights Movement" the honor she is due by voting to award Ms. Park the Congressional Medal of Honor.

Rosa Parks embodies the spirit of American Freedom and is wholly deserving of this honor. Her single act of courage was the catalyst that transformed this land from a nation divided to a nation striving for unity.

Rosa Parks's story is familiar to us all. On December 1, 1955, she boarded a bus in Montgomery, Alabama, paid her fare and took a seat. As the bus got crowded, Ms. Parks was ordered to give up her seat by the bus driver for a white man. She refused and was arrested. Her simple refusal to give up her seat initiated the Montgomery bus boycott that began the Civil Rights Movement.

In her book, Quiet Strength, Ms. Parks reflected on her feelings when she refused to give up her seat, "When I sat down on the bus the day I was arrested, I was thinking of going home. I made up my mind quickly about what it was that I had to do, what I felt was right to do . . . I did not feel any fear. . . All I felt was tired. Tired of being pushed around. Tired of seeing the bad treatment and disrespect of children, women and men just because of the color of their skin."

In her quiet manner, Rosa Parks ignited a spark of defiance, of civil disobedience that has been the hallmark of the Civil Rights Movement. Today, we are all grateful that Ms. Parks had the courage and the faith to do what was right.

It is past time that Congress recognizes and honors this American legend. Rosa Parks has earned her place in history as a brave heroine for her lifelong dedication to civil rights.

It is with great honor and privilege that I support H.R. 573, awarding the Congressional Medal of Honor an American legend, Rosa Parks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded to address their remarks to the chair.

Ms. CARSON. Mr. Speaker, I yield the remainder of my time to the gentleman from Missouri (Mr. GEPHARDT), a young man who has done so much in terms of aiding me in getting this to where we are.

Mr. GEPHARDT. Mr. Speaker, I thank the gentlewoman from Indiana for yielding time to me, and salute her for her work and effort in bringing this matter before the United States House of Representatives. I also appreciate that she called me young. That was very nice; not true, but very nice.

Mr. Speaker, in the 105th Congress we honored Nelson Mandela, the father of the struggle for freedom and equality in South Africa, with Congress' highest honor, the Congressional Gold Medal. Now, in the 106th Congress, we have the opportunity to bestow a similar honor on Rosa Parks, the mother of the American struggle for freedom, our civil rights movement.

Through the simple act of keeping her seat on a Montgomery bus in 1955, Rosa Parks stood for the hopes of a people and a Nation. In a 1958 speech, Martin Luther King, Jr., said and I quote, "You would never have heard of Martin Luther King if it had not been for Rosa Parks and the humble people of Montgomery, Alabama, who decided to walk in dignity, rather than ride in disgrace."

Rosa Parks symbolizes the greatness in all of us and our ability to rise above our circumstances to achieve the extraordinary. One brave act of humble greatness triggered an avalanche of change which helped our country fulfill its commitment to equal rights for all Americans, regardless of race, regardless of anything.

For her leadership and her example, Rosa Parks deserves to be honored with this Congressional Gold Medal. I am very proud of all of the Members who cosponsored this resolution. I am very proud of all of the Members in both the Democratic and Republican Party who stood with their names for this resolution.

I want to salute my colleague, the gentlewoman from Indiana (Ms. JULIA CARSON) for her efforts in bringing this matter to the Floor of the Congress. I want to thank the leadership on the Republican side for helping to bring this to the Congress.

This act today is in the highest tradition of this great body. We salute together, as one voice, the example, the life, the bravery, the courage, of Rosa Parks, who made this country and everybody in it better.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I rise today to pay tribute to a lady, and I mean a lady in every sense of the word, Ms. Rosa Parks. Forty years ago Mrs. Parks, in her quiet, gentle way, said enough is enough. Forty years ago Mrs. Parks sat down so others could stand up for freedom, justice, and equality. Forty years ago this gentle lady gave birth to a movement that broke the chains of Jim Crowism and its ugly, cruel, and inhuman ways.

Her actions on that fateful day in December of 1955 set forth a chain of events for which every citizen, black, white, Latino and Asian, Jew and Gentile, everyone of this great country will be forever in her debt.

I cannot express how her act of heroism has impacted my life personally. Growing up in public housing in New York City, she inspired me as a young child to join the fight for freedom and to always stand up for dignity and justice. Her quiet, gentle actions commanded that every man, woman, and child has the right to be treated with dignity and respect, not how the Jim Crow regime perceived many or all African Americans to be, less than human.

I do not know where we would have been today without this great woman, for without Ms. Parks there would not have been a Montgomery bus boycott. Without the Montgomery bus boycott there might not have been a Southern Christian Leadership Conference. Without the Southern Christian Leadership Conference, we would not have known Dr. Martin Luther King in the manner that we have known him and the contributions he has made to this great Nation.

Back in 1955 there were only three Members, three African American Members of this body. Now we stand 39 strong, and in large part it is due to this woman. Mr. Speaker, I say that no one is more deserving to receive the Congressional Medal of Honor than Ms. Rosa Parks.

Mr. BACHUS. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I stand in strong support of this measure. I am certainly glad we are doing it in the bipartisan fashion that we are.

We often describe Rosa Parks as a civil rights hero, and as noble as civil rights heroes are, sometimes we forget that they are, in a larger sense, American heroes belonging to all of us. In fact, she is a true American hero, an American hero who has had an impact on all of us simply by one act of not leaving her seat. In doing so, she exploded into society a concept of full participation into the American institutions, so that not just people would be sitting next to each other on buses, but riding the same cabs, sitting in the same restaurants, and perhaps, most importantly, so children would be sitting next to children in schools.

I know. I entered the school system in Athens, Georgia, in 1962 in an all-white school system. We had white schools and we had black schools. Then when I was in fifth grade, Talmadge Vernell Wilson, the one black child, was in our class. There were four classes, four fifth grade classes, with a black child in each class. There were still white and black schools, but we were integrated. Yet by the time I graduated from high school in 1973, there were no more black schools and no more white schools.

That became ancient history because of the brave determination of people like Rosa Parks. She broke the barriers, and led the way for other boycotts and other icebreakers who would go in and bravely stand up, speak out, sit down, or whatever it took to bring the changes that needed to be made in the 1950s, 1960, and 1970s.

In ancient Rome the tradition of the Cincinnatus, the citizen hero soldier who stood up, who left his plow, fought the war, and then went back to being a citizen, that is what Rosa Parks was, a civilian, a citizen, a nonprofessional who happened to put what was right above her own needs.

As Robert Frost said in his poem, the Road Less Traveled, by not taking the road popular but taking the road less traveled, it made all the difference. By doing the brave thing, the uncomfortable thing, the thing that probably millions wanted to do but perhaps were scared or had reasons not to do, Rosa Parks did, and Mr. Speaker, that made all the difference.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN.)

☐ 1515

Ms. BROWN of Florida. Mr. Speaker, to whom God has given much, much is expected. I rise today to say thank you, Mrs. Parks, on behalf of the residents of my district and the people of the State of Florida, for your unselfish commitment to civil rights.

This country is a better place because of her courage. Rosa Parks is a hero. I hope that we consider this Congressional Medal of Honor a first step in finally recognizing Mrs. Parks for her role in our Nation's history.

Mrs. Parks, wherever you are, we love you, we thank you, and we stand on your great shoulders.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

I simply say that is it not ironic that Mrs. Parks, by remaining seated, stood up for all of us and for our right to fair treatment and to equality. For that, we are a better country and a better people. This is a just and overdue honor.

Mr. Speaker, I yield the balance of the time to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I commend the gentlewoman from Michigan (Ms. CARSON) for her resolution, and I was honored to work with her to get this resolution to the floor.

Today, Mr. Speaker, the people's House celebrates and honors the courage of one woman, Mrs. Rosa Parks. On December 1, 1955, she refused to give up her seat on a bus in Montgomery, Alabama.

Her arrest ignited a chain of defiance throughout the South. Perhaps the most important lessen we can all learn of our triumph over segregation is that one person has the power to start a movement to right a wrong.

But today nearly 45 years later is an equally important day, because today marks a day of great reconciliation for our Nation. In 44 years we are transformed from a country bitterly and violently divided along color lines into a country that unites to honor the courage of one black woman.

I am honored to stand on the floor of the United States House of Representatives representing the great State of Oklahoma and introducing this resolution, which already has overwhelming bipartisan support, to honor Mrs. Parks. A woman who has been considered a heroine for African-Americans is today a heroine for all Americans.

The United States of America, the greatest democracy the world has ever known, is a country of laws, not of men. However, our laws have not always protected all of its citizens.

The South's "Jim Crow" laws oppressed its African-American citizens and undermined the very spirit of our democracy. Although segregation subverted the integrity of equal justice under law, it cannot diminish the most indelible element of democracy: that one man, one woman can stand in the face of injustice and change a Nation. This is the legacy of Mrs. Parks.

Often courage is not deliberate, but rather quiet, unexpected, and subtle. Frequently, maybe daily, we all face simple dilemmas that require us to decide to either follow the pack or forge our own path.

It would have been easy enough for Mrs. Parks to get up and take a back row seat. It would have been simple enough for her to comply with the status quo and relinquish her seat. After all, it was only a seat in a bus, a bus she took back and forth every day. It would have been easy enough.

However, I believe true courage and heroism does not necessarily emerge from the monumental challenges of life but rather from the simple ones. It is easy to let an insult go, easy to yield in an argument, easy to acquiesce, and it would have been easy to give up a seat on the bus in Alabama in 1955, but we are here today to honor a woman who chose not to make the easy choice.

It is the people who choose not to make the easy decisions who change hearts, who change minds, who change history. We should all have the courage not to make the easy choices, for true democracy depends on those who choose their own path.

Democracy is a fragile concept. It is one that rests equally on the shoulders of each individual. Therefore, if one person's liberty is threatened, then everyone's liberty is at risk.

People like Mrs. Parks ensure democracy for all of us, because without them we risk submitting to the simple challenges and slowly surrendering the freedoms we all hold so dear.

I am proud and grateful for Mrs. Parks' past achievement and tenacious disposition, but I am also proud and inspired by the task we undertake today. By supporting the commemoration of Mrs. Parks' accomplishments with a Gold Medal of Honor, we are not only honoring her past achievements, but we also celebrate our present gratitude.

Because when Mrs. Rosa Parks refused to give up her seat that evening on a bus in Alabama, she stood up not only for the civil rights of Southern blacks, but for the civil rights of every red, yellow, brown, black and white American. She did not bend under the formidable pressure democracy can sometimes place on one's shoulders. She stood tall and she stood firm so that we all might stand a little taller and a little prouder.

As the gentleman from Georgia (Mr. LEWIS) said, we all, red, yellow, brown, black, or white, are benefactors of Mrs. Parks' courage. For that, Mrs. Parks, we all say "Thank you."

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her great leadership in bringing this very, very important piece of legislation to the floor.

This is a great day for the House of Representatives. This is a day that brings honor to the work we do here as we honor Rosa Parks. Rosa Parks is the legitimate heir of the founders of our country. I hesitate to say Founding Fathers because in some ways she is a founding mother for all that our country stands for. She is in the tradition of freedom, equality, and of liberty.

How wonderful, how wonderful that this House of Representatives and thus then this Congress of this United States will award her the Gold Medal. Every American who has ever lived and who ever will live owes Rosa Parks a great debt of gratitude for her courage, for her leadership. It did not stop when she changed the course of history in our country. She continues to be a source of inspiration to all of us.

Again, we thank Rosa Parks for her courage and for allowing us the privilege of honoring her.

Ms. WATERS. Mr. Speaker, I yield to myself the balance of my time.

Ms. WATERS. Mr. Speaker, I take this moment to thank the gentlewoman from Indiana (Ms. CARSON) for her hard work, for her vision, and for the care that she has shown in bringing to us what we should have done a long time ago, the honoring of Rosa Parks in this very special way.

I would like to thank the gentleman from Alabama (Mr. BACHUS), my colleague, the chair of our committee. I would like to thank him for all of his cooperation, for his support, and for the work that he did to make sure that we got this measure up before this House. I thank him very much for all that he has done to ensure that Rosa Parks is honored.

We seek to honor Rosa Parks with the Congressional Gold Medal of Honor because of her love of justice and equality, because of her love of self and her people and all people, because she has helped to save America and pointed the Nation in the right direction after a favorable Supreme Court decision brought to an end the Montgomery bus boycott.

Mrs. Parks moved to Detroit, Michigan, where she worked for the gentleman from Michigan (Mr. CONYERS), her good friend and our colleague. I thank the gentleman from Michigan (Mr. CONYERS) for seeing to it that Ms. Parks had food on her table. She stayed there until her retirement.

Now, as if she had not done enough, in February of 1987, along with Mrs. Elaine Eason Steele, Mrs. Rosa Parks co-founded the Rosa and Raymond Parks Institute for Self-Development. The institute, which focuses on social action and economic development among America's youth, is a realization of one of Mrs. Parks' long-awaited dreams.

When we honor Mrs. Rosa Parks, we honor the best in ourselves. If she had not sat down, where would we stand today?

Mr. Speaker, I hope the time the Members of the House have spent on the floor here today will serve as a history lesson to the young people of this Nation. We want them, like Rosa Parks, to be the absolute best human beings they can possibly be.

We would like them and all Americans to dedicate their lives to freedom, justice, and equality for all people. We would like all Americans who have focused today on this history lesson to live for justice, to work for justice, to sacrifice for justice, and if necessary to even die for justice.

Mr. HASTERT. Mr. Speaker, racial prejudice, as the American novelist Pearl Buck once said, "is a shadow over all of us and the shadow is darkest over those who feel it least and allow its evil effects to go on." Fortunately for the United States, this statement does not describe Rosa Parks.

Her courageous, yet simple act, made clear that the evil of racial prejudice could not go on. In an era when words seemed to speak louder than deeds, her small act of defiance spoke volumes—and we are still hearing the reverberations today.

Rosa Parks not only deserves, but has more than earned the Congressional Gold Medal. When I met her recently over tea, it was an amazing—and humbling—event to meet a living legend. Like American heroes before her, she has created a lasting legacy as truly the first lady of civil rights and the mother of the freedom movement. I am honored to have met her and honored to recommend that she receive the Congressional Gold Medal. I am proud that this Congress has taken the initiative to honor this American legend.

Mr. DREIER. Mr. Speaker, it is with deep admiration for Ms. Rosa Parks that I support H.R. 573, authorizing the President to award a gold medal on behalf of the Congress to her. As most Americans know, on December 1, 1955, Rosa Parks refused to give-up her seat to a white man on a Montgomery, Alabama bus. It is hard to imagine that up until the 1960s, Americans in the south lived in legal segregation. It took the strength and courage of one seamstress who had a particularly rough day to bring the injuries and injustices that a whole race had felt for decades to the forefront of our national discourse.

Her whole-hearted contribution to the civil rights movement and to the doctrine of nonviolent protest was an inspiration to those who had lost hope during such a dark and tense time in American history. By not yielding her seat on that bus, Ms. Parks ignited a fever for change that was not quenched until the passage of the Civil Rights Act of 1964. That fever started with the Montgomery Improvement Association beginning a bus boycott that grew larger and spread to cities across the country. The nation soon became aware of the social injustices that were being placed on its own citizens. Great civil rights leaders took up Rosa Parks' torch and began fighting for legislation that would repel laws calling for discrimination and unequal treatment.

Rosa Parks' dedication to equality and individual rights strikes at the heart of America's founding principles. It was through her steadfast will and enduring faith in the human spirit that a nation torn by racism and hate was able to see the folly of its misguided actions. Her quiet courage taught us all how to follow our hearts and stand-up for the freedom all Americans deserve. To this day, Ms. Parks embodies freedom and is a living example of individual power. Her actions ultimately culminated in the greatest civil rights movement of the century. After years of social strife and protest, America recognized the need to ensure all citizens equal treatment under the law. At the end of the long, loud struggle that Ms. Parks quietly began, all Americans could legally enjoy the rights that our great Constitution entitles all of us to. For those reasons alone she is a monumental figure and worthy of our deepest praise and thanks.

Mrs. JONES of Ohio. Mr. Speaker, anybody can be great because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You don't have to know Einstein's theory of relativity to serve, or theory of thermodynamics to serve. You only need a heart full of grace and a soul generated by love.

In 1955 at the time of Mrs. Parks heroic act, I was six years old, a daughter of a sky cap and factory worker, a student of the Civil Rights Movement, and now thank God a Congresswoman able to vote to award Rosa Parks a Congressional Gold Medal. I only hope that more young people African American, Caucasian, Asian American, Hispanic, American Indian, brown, black, white, or yellow will continue to be inspired by her heroic acts.

Mr. ROEMER. Mr. Speaker, I rise in strong support of H.R. 573, a bill to convey the Congressional Gold Medal to Rosa Parks. I am proud to be an original cosponsor of this measure, and I want to also express my thanks to my Hoosier Colleague Julia Carson for authoring the bill.

I thoroughly agree that Rosa Parks is a living role model for all of us. Her grace and dignity are inspiring, and her simple refusal to accept injustice is deservedly a noted highlight of American history. Rosa Parks is one of the most important icons of the century, and today we honor her living contribution to history.

Rosa Parks committed an act of valor that did not just disturb a community—it sent a wake up call to the nation. The foundations of history are built of simple acts of heroism. Ms. Parks earns her rightful place among the notable for her bravery and commitment. For her accomplishments, bestowing this medal is the least that Congress can do.

Mr. Speaker, Rosa Parks' experience teaches us about endurance, about pride, and about self-respect. The lessons learned from her life should reach everyone, and bring us closer together.

Mr. BENTSEN. Mr. Speaker, I rise to honor Rosa Parks for her role in American History. It is long overdue that the Congress recognize her with the Congressional Gold Medal for her contribution to the Civil Rights Movement.

On December 1, 1955, Rosa Parks stood up for human rights when she refused to give up her seat on a bus in Montgomery, Alabama. Her simple yet enormous act of defiance led to the 382 day Montgomery Bus Boycott. Rosa Parks stared down racism and hatred by simply saying "No." No to Jim Crow.

Not to second-class citizenship. No to segregation. By doing so, she said yes to freedom and yes to the principle that "all men are created equal."

We should not think however, that this resistance was easy. Rosa Parks was thrown in jail, harassed, and humiliated. But, this did not stop her from pressing forward. She displayed exemplary courage at a time when it was unsafe for a black woman to do so. She wanted equality not only for African-Americans, but for all Americans.

During this tumultuous time America, Rosa Parks was a beacon of light for our country. Her defiance and the persistence of African-Americans led to the desegregation of public transportation in Montgomery. She has earned her place in history with other civil rights pioneers such as Harriet Tubman, Frederick Douglass, and Dr. Martin Luther King, Jr.

Prior to the Montgomery Bus Boycott, Rosa Parks served as the Secretary of the NAACP and later Adviser to the NAACP Youth Council. She tried to vote at a time when it was impossible for African Americans to do so. She was constantly turned away at the polls, but these obstacles did not hinder her pursuit of justice.

Segregation was evil, demeaning, and belittling to our Constitution. Today is our chance to reaffirm our faith in freedom.

This honor should not have taken so much time. We should remember Dr. Martin Luther King's words in his letter from A Birmingham Jail:

> Actually, time itself is neutral: it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than the people of good will. . . Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God, and without this 'hard work,' time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right.

Rosa Parks lived these words.

Mr. Speaker, Americans have made great strides in equality, but we still have a long way to go. Awarding Rosa Parks a Congressional Gold Medal is the least we can do to recognize her achievements to the Civil Rights Movement. She truly inspired a nation.

Mr. FORD. Mr. Speaker, I rise today in strong support of bill H.R. 573 to honor the eternal Mother of the Modern Civil Rights Movement, Rosa Parks. Ms. Parks' humble and courageous resistance on that great day in 1955 served as a catalyst for great change in our nation. Her refusal of "second class citizenship" served as a testimony to her pursuit of equality and justice for all Americans. Ms. Parks' is one of the great figures of modern times, and it is, in the words of Abraham Lincoln, "altogether fitting and proper" that we repay her dedication with the Congressional Gold Medal.

When they arrested and removed Ms. Parks from that bus in Montgomery, Alabama, she did not know the momentous impact of her actions. She didn't know that her quiet courage would spark the bus boycotts and the emergence of a young minister by the name of Dr. Martin Luther King, Jr. Ultimately, the movement ignited by Ms. Parks led to the monumental civil rights legislation passed by this great body.

Ms. Parks has been recognized by virtually every national organization dedicated to equality and social justice in this nation, yet until today, the U.S. Congress had not extended such an honor. I urge each and every person in this House to vote "yes" to bill H.R. 573. Join me in honoring Rosa Parks, a champion of the Civil Rights Struggle, with the Congressional Gold Medal.

Mr. FILNER. Mr. Speaker and colleagues, I rise today in strong support of this legislation to honor one of my heroes and a great American, the venerable Rosa Parks.

On a wintery afternoon in December 1955, Rosa Louise Parks could not have known she would soon become a national symbol and civil rights icon. But in standing her ground and demanding her fair and equal treatment on that bus in Montgomery, Alabama, Rosa Parks became the first lady of civil rights and the mother of the freedom movement.

Her simple action and committed resolve that day empowered a people, ignited a movement and changed the course of American history.

The events that followed Ms. Park's protest that day—her arrest, the Montgomery bus boycott, and the eventual integration of the bus system—set the stage for Dr. Martin Luther King and the Civil Rights Act.

As a young college student, I was inspired by the stories of Ms. Park's courageous action. I traveled to the south as a "freedom rider" in support of the blossoming civil rights movement, and I too was jailed for my actions.

Rosa Parks determination and tenacity that day continues to be an inspiration to all those committed to non-violent protest and change more than 40 years later. She continues to be a symbol and tireless advocate for justice and equality throughout America. She is a priceless lesson on the "power of one."

Mr. Speaker, Rosa Parks is a national treasure. Our debt to her is great, and awarding her the Congressional Gold Medal is an honor long overdue.

I am proud to co-sponsor this legislation, and I urge my colleagues to join me in awarding the Congressional Gold Medal to my hero, Rosa Louise Parks.

Mr. ARMEY. Mr. Speaker, 44 years ago this December, Rosa Parks refused to give up her seat on a bus to a white man who wanted it. Rosa Parks didn't know that she was making history. And she certainly had no idea that she would become a genuine American hero. What she knew was that she was tired after a long day's work and she wanted to rest her weary feet.

In the first half of this century, Montgomery, Alabama, represented the worst segregation had to offer. Daily life in Montgomery included such insulting facts of life as "blacks only" elevators, segregated lunch counters, and Jim Crow laws which relegated African-Americans to second-class status. And on public buses, the first four rows of seats were reserved for whites, and usually remained empty when there were not enough whites to fill them. The back section, of course, was always very crowded, was reserved for blacks.

One December evening after a long day at work, Rosa Parks stepped on a bus for the ride home to a restful night of sleep. Parks was sitting in the middle section of the bus when a white man boarded the bus and demanded that she move because the white section of the bus was full. Parks, very tired from a long day working as a seamstress, quietly refused to move. When told by the bus driver that the police were about to be called, Parks said, "Go ahead and call them." The police came and they arrested this gentle, middle-aged women for refusing to move to the back of the bus.

It was this stand against racism and prejudice in Montgomery, Alabama, that has led many to refer to Rosa Parks as, "The mother of the Civil Rights movement." Because of the courage of individuals like Rosa Parks, the ugly head of segregation was eventually severed and the violence and indignities that once faced African-Americans in the South are now grim reminders of a shameful part of American history.

Mr. Speaker, school children today read in their history books about the strength, dignity and heroism of Rosa Parks. She is a living treasure and her heroism serves as a constant reminder that freedom only works if freedom applies equally to all Americans, regardless of color or circumstances.

Mr. LARSON. Mr. Speaker, today I rise to offer my support for H.R. 573, which would "Authorize the President to Award a Gold Medal on Behalf of the Congress to Rosa Parks in Recognition of her Contributions to the Nation."

Rare are the people who can be called "living legacies." But today I am fortunate to have the opportunity to honor one of these rare people. Her name is Rosa Parks.

It is probably hard for any of us to understand the inner strength and fortitude that it took for Ms. Parks to take the simple, but momentous action she did on that fateful day of December 1, 1955. Yet, what we can understand is why she is most deserving of a Presidential Gold Medal.

We often hear the phrase "one person can make a difference." No one more embodies that phrase than Rosa Parks. Not only did she make a difference to her generation—since it was her action that inspired the creation of the 1964 Civil Rights Act and the 1965 Voting Rights Act—but she continues to inspire generations that have followed. Through the Rosa and Raymond Parks Institute for Self-Development, a non-profit organization she co-founded in 1987, she works with young people to help them achieve their full potential.

No words can better state the difference that one person can make than what Ms. Parks wrote herself in her book *Quite Strength* "Our mistreatment was just not right, and I was tired of it. I kept thinking about my mother and my grandparents, and how strong they were. I knew there was a possibility of being mistreated, but an opportunity was being given to me to do what I had asked of others."

When she refused to give up her seat on a bus to a white man she inspired 42,000 African Americans to boycott Montgomery buses for 381 days. Rosa Parks' fight against the barriers of racism could have easily ended there. The fact that it did not is what makes her so special.

Rosa Parks is a woman who lived her life with the strongest of convictions for what is right, what is good and what is just. I urge my colleagues to support this bill to honor one of our Nation's living legacies who has devoted her life to making a difference in this country.

Thank you, Rosa Parks for all that you have done.

Mr. LEVIN. Mr. Speaker, I am proud to be a cosponsor of H.R. 573 to authorize the President to award a gold medal honoring Mrs. Rosa Parks.

She has embodied the importance of individual responsibility and the significance of individual action. When she stood up for her rights as a human being, she truly made a difference.

In her autobiography *Quiet Strength,* Mrs. Parks explains that she did not change things alone. She writes, "Four decades later I am still uncomfortable with the credit given to me for starting the bus boycott. I would like people to know I was not the only person involved. I was just one of many who fought for freedom."

Her enduring modesty has also been an example for others, reminding us that standing up for principle is enough of a reward, whether it is in the limelight or in the shadows.

The reality is, of course, that Rosa Parks was the pebble that started an avalanche, and for that she is honored as the Mother of the Civil Rights Movement in America.

I have had the privilege of knowing Rosa Parks over the decades of the civil rights movement. As she has for millions of Americans, she has been for me a source of inspiration in the battle for good will among us all.

I urge support for this important resolution.

Mr. BARR of Georgia. Mr. Speaker, I rise today in support of H.R. 573, legislation which will authorize a congressional gold medal to Rosa Parks. H.R. 573 will authorize the President to award a gold medal on behalf of the Congress to Rosa Parks. Rosa Parks is the Mother of America's civil rights movement. Her efforts opened new doors of opportunity and brought true equality for all Americans closer to reality.

In 1955, Rosa Parks touched off the bus boycott in Montgomery, Alabama, when she was arrested for refusing to yield her seat at the front of the bus to a white man. Boneweary from a long day at work, Rosa Parks was on her way home. The only seat available on the bus was in the 'white' section. Outraged by her arrest, the black community in Montgomery launched a bus boycott demanding racial integration of the bus system.

The bus boycott introduced Dr. Martin Luther King, Jr. to America as a civil rights leader. Led by Dr. King, African-Americans took car-pools to their destinations in Montgomery and pushed the bus system to the brink of financial ruin. After months of running nearly-empty buses, Montgomery relented and agreed to integrate the system. For the first time bus riders, no matter what their color, could sit anywhere they wanted.

The movement sparked in Montgomery culminated several years later in the Civil Rights Act, and other civil rights legislation, and a new affirmation of the equal rights promised all Americans by the Constitution. The quiet courage of Rosa Parks changed the course of American history and came to symbolize the power of non-violent protest.

In the 44 years since that day in Montgomery, the nation has derived immense benefit from the leadership Rosa Parks inspired, and she continues to dedicate her life to the cause of universal human rights.

Mr. Speaker, in recognition of Rosa Parks' contributions to the nation, I ask my colleagues to join me in honoring this unique woman and authorizing a congressional gold medal.

Mr. EVERETT. Mr. Speaker, today the U.S. House is honoring the contributions of a distinguished native Alabamian who helped change the social fabric of the nation. I'm speaking of Rosa Parks, known as the mother of the civil rights movement.

On Thursday, December 1, 1955, Rosa Parks, an African-American seamstress, boarded a city bus in Montgomery, Alabama on her way home from work. She took her seat on the crowded bus just behind the white section. A few stops later, as more passengers boarded, the driver ordered her to give up her seat to a white man. She refused and the bus driver called the police. Parks was arrested for violating the Montgomery segregation code, having to pay a $10 fine and $4 in court costs.

It was this single act of courage that served as the catalyst for the Montgomery bus boycott of 1955 and the U.S. Supreme Court's eventual declaration that bus segregation was unconstitutional. By her quiet defiance, Rosa Parks laid the foundation of the peaceful resistance movement for American civil rights.

Today, the House has honored Rosa Parks's place in the history of our nation by authorizing the minting of a Congressional Gold Medal to be presented to her. I am proud to support this tribute to a great American who continues her quiet struggle for racial and social harmony.

Mr. DAVIS of Illinois. Mr. Speaker, on December 1, 1955, Rosa Parks sat down for justice, sat down for righteousness, and then she would not get up when faced with tyranny and oppression. In this immortal act, refusing to give her seat to a white man, she inspired the oppressed masses of minorities in America to reach for what America owed them. Ms. Parks also inspired a modern American myth that has allowed generations of children to aim higher, to reach for something better, and to believe that justice is possible for all people. This myth allows children and grown folk to believe that, maybe, all men are created equally. This woman inspired children from Soweto to Tibet, from Turkey to Columbia, and she still inspires children from Harlem to Watts, from Austin to Minneapolis, and from Chicago's west side to the south side and up to the north side.

Martin Luther King, Jr., while standing on the Mall of America in our Nation's Capitol said, "We refuse to believe that the bank of justice is bankrupt . . . So we have come to cash this check, a check that will give us upon demand the riches of freedom and security of justice." Now we, as Members of Congress, we are voting to cash a check and give a poor black woman from Montgomery, Alabama, a Congressional Gold Medal. Because she helped America realize that injustice permeated the land, realize that African-Americans would no longer accept the repeated abuse and inequity that went with their supposed life. Because she helped a nation realize we can only be as great as our most oppressed citizens. Because she was a catalyst for the greatest civil rights change in this Nation's history.

In the later years, the struggle progressed and spread this great nation, those who followed her path of civil disobedience while fighting for justice looked to her for strength and for inspiration. If Rosa Parks could go to jail for justice then so could they, and the jails across the southern States filled to the bursting point with people demanding equality. By awarding this medal today we bestow a rightful honor owed, an honor required, and an honor that is overdue.

It is high time we added Rosa Parks to the Pantheon of American heroes along Robert Kennedy, George Washington, and Nelson Mandela and this medal does just that. By awarding this medal we let the world know the bank of justice and righteousness is no longer returning checks to African-Americans marked as "insufficient funds," but we are on the road to distributing the dividends of justice and equality for all.

Mr. VISCLOSKY. Mr. Speaker, today, led by a remarkable woman, Congresswoman JULIA CARSON, we honor the actions of another remarkable woman, Mrs. Rosa Parks. Congresswoman CARSON has worked tirelessly to insure that Mrs. Parks receives a Congressional Gold Medal, a distinction reserved for only the most heroic individuals who have affected change on a grand scale. It is particularly fitting that Mrs. Parks receive this award, since through her simple action, refusing to give up her seat on a crowded Montgomery bus, she affected the modern history of the most powerful nation in the world. However, Mrs. Parks is not only the Mother of the Civil Rights Movement, she is one of its current guardians, and I believe that in honoring her most well-known deeds, we must honor the other contributions she has made as well.

Another leader who refused to see people stripped of the dignity and self-respect they deserve, Mahatma Ganhi, once said that. "Whatever you do, however small and insignificant it may seem, it is most important that you do it." Mrs. Parks' actions, and the enormous ramifications her small action has had, are a perfect example of the importance each individual must put in their own endeavors. Mrs. Parks' actions since that fateful day in Montgomery have helped many people reach their full potential. Although her leadership in the Montgomery bus boycott made her famous, her subsequent 33 years of work as a member of Congressman CONYERS' staff also made a real impact on the lives of others. In fact, Mrs. Parks has spent her whole life, not merely one day in 1955, providing an example for all of us of the difference one person can make.

In 1987, Mrs. Parks founded the nonprofit Rosa and Raymond Parks Institute for Self-Development, which motivates youth to reach their potential through many programs, including bank training, substance-abuse prevention and goal setting. The institute she founded is not designed to organize a mass rebellion or spark a sense of outrage in the children it reached. Instead, Mrs. Park believes that spending time with children, giving them a good sense of their history and the pride they should have in it can affect real change. She spends a good deal of her time teaching the children she works with about the contributions of Africans in America, she sets the record straight about events during the civil rights movement with the expertise of someone who knows. The program she designed emphasizes pride, dignity, courage, leadership, and the importance of marketable skills. The institute's most well-known program, Pathway to Freedom, enables youth to research history around the country—by bus—tracing the underground railroad. Mrs. Parks teaches kids, ages 11–17, about the Underground Railroad that carried slaves through a secret route of wooded hideouts and safe houses to freedom in Canada. She given them the opportunity to participate in a month-long tour of those "Pathways to Freedom."

An example of personal responsibility who cleaned the bathrooms in her private school to pay for her own tuition, Mrs. Parks also passes this empowering sense of self on to the children with which she works. Awarding Mrs. Parks the Congressional gold Medal not only honors her stand, so to speak, in 1955, it also honors the many contributions she has made since then. Congresswoman CARSON'S tribute to Mrs. Parks reflects her understanding of the importance the leadership of African-American women has on the nation.

Mr. JACKSON of Illinois. Mr. Speaker, I rise in strong support of H.R. 573, a bill to award a Congressional gold medal to Ms. Rosa Parks.

As the 91st African-American Member of Congress, I stand on the shoulders of Ms. Rosa Parks and the other mothers, martyrs, and soldiers of the struggle to create a more perfect Union.

On December 1, 1955, a weary seamstress in Montgomery refused to give up her seat on the public bus to a white man for the long ride home. She was just too plain tired. By her simple yet significant act of defiance, Ms. Parks struck a mighty blow against the states' rights philosophy that justified Jim Crow American Apartheid, and helped set the nation back on the course of Reconstruction.

Ninety years after the end of the Civil War, her actions were the catalyst for the sweeping and revolutionary changes that culminated in some of the most significant legislation to ever pass the House of Representatives: The Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

In fact, my election to Congress, and the elections of every African-American serving in Congress, can all be directly attributed to her courage on that fateful day.

But if we are to honor Ms. Rosa Parks for her courageous actions on that bus in Montgomery, surely we must also honor her for the life of activism that led up to that event. Ms. Parks was as a familiar participant in the civil rights struggle long before that bus ride.

Through the forties and fifties, she served as an active and vocal member of the NAACP. She joined the Montgomery Voters League, and was active in registering others to vote well before her 44 years of fame began.

Mr. Speaker, Members of the House, as we add our names to the litany of those who have paid tribute to the legacy Ms. Parks has created, let us also recognize the larger significance of her acts.

The true legacy for all Americans in the beginning of the Montgomery bus boycott is the years of hard work, perseverance, preparation, and faith that preceded that moment.

Mr. Speaker, Honorable Members of the House, Rosa Parks did not make history by refusing to give up her seat on a bus in downtown Montgomery in 1955; she made history by preparing herself to stand and be counted long before the spotlight was cast on her weary feet.

She is a model citizen of this nation. And it is the entirety of her actions and the singularity of her purpose—a freer and more just nation—that we ought honor here today. Even more, we ought to continue to work in her legacy by striving to deliver on the constitutional promise of a more perfect Union, a Union in which no American is left behind.

Ms. Parks, on behalf of myself, my staff and the constituents of the Second District of Illinois, I thank you for all of the sacrifices you made for the United States of America.

Mr. RUSH. Mr. Speaker, I rise today in support of legislation to award a Congressional Gold Medal to Rosa Parks.

Occasionally in our nation's history there are pivotal moments and indispensable individuals that move America away from its divisive past and closer to its imagined promise. December 1, 1955, produced such a moment and such a person.

Rosa Parks grew up in segregation. Every day she was forced to deal with the violation of America's constitutional guarantees. On December 1, 1955, this American woman, exacted of this country the freedom and equality the Constitution promises.

Tired, like most citizens after a hard day's work, Rosa Parks refused to obey a shameful law that required her to sit at the back of a Montgomery, AL, bus. Her actions set the stage for the civil rights movement of a people who were unfairly and unjustly living under racist law.

Because of this brave American woman, segregation laws around the nation began to crumble and our nation began to respond to the call for African-American equality. Because of her invaluable contribution to our nation, every American lives better lives today. For that reason, it is quite appropriate that Mrs. Rosa Parks receive the Congressional Gold Medal.

But I must add Mr. Speaker, that today, our nation continues to call for equality and freedom. There are still issues in our America that were issues in 1955. There are still Americans who do not enjoy the promises enumerated in the constitution. So, if we are to truly honor this great woman, we must do so, not only with a Gold Medal, but also with actions that further her purpose. We must all become individuals working to end the discrimination and inequalities that exist in our great nation.

I urge my colleagues to support this legislation and honor the mother of the civil rights movement, Mrs. Rosa Parks.

Mr. PAUL. Mr. Speaker, I rise today in opposition to H.R. 573. At the same time, I rise in great respect for the courage and high ideals of Rosa Parks who stood steadfastly for the rights of individuals against unjust laws and oppressive governmental policies. However, I oppose the Congressional Gold Medal for Rosa Parks Act because authorizing $30,000 of taxpayer money is neither constitutional nor, in the spirit of Rosa Parks who is widely recognized and admired for standing up against an overbearing government infringing on individual rights.

Because of my continuing and uncompromising opposition to appropriations not authorized within the enumerated powers of the Constitution, I must remain consistent in my defense of a limited government whose powers are explicitly delimited under the enumerated powers of the Constitution—a Constitution, which only months ago, each Member of Congress, swore to uphold.

Perhaps we should begin a debate among us on more appropriate processes by which we spend other people's money. Honorary medals and commemorative coins, under the current process, come from allocated other people's money. We should look for another way.

It is, of course, easier to be generous with other people's money.

Mr. LAFALCE. Mr. Speaker, I offer my enthusiastic support to H.R. 573, a bill to authorize the President of the United States to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contribution to the nation.

In recent years, the Congress has bestowed this important honor to Nelson Mandella, Mother Theresa and Frank Sinatra. In their own way, each of these individuals has made significant social contributions. Moving beyond their basic roles as a political figure, a nun, and a musician, these Congressional Medal recipients have, by deed and example, influenced history.

The life of Rosa Parks and her heroic act of defiance on a Montgomery, Alabama bus on December 1, 1955, have forever changed history for millions of Americans. Few Americans can be more deserving of the Congressional Gold Medal. Rosa Parks's contribution to our society goes far beyond what she did one day in Montgomery, Alabama. From that day on, Rosa Parks has spent her life fighting for equity and justice, including her roles as the founder of the Rosa and Raymond Parks Institute for Self-Development to offer guidance to young African-Americans in preparation for leadership careers.

Having recently celebrated her 86th birthday, Rosa Parks deserves the thanks of the American public for decades of dedication to the cause of racial equality. By her own admission, the "mother of the civil rights movement" is still uncomfortable with the accolades she has received over the years. In remains, however, our obligation as the elected representatives of our nation to single out those among us who deserve special recognition as role models for our society. Today, we have such an opportunity. By supporting the resolution before us we honor the principles that are the foundation of the American democracy.

I am pleased to cast an "aye" vote on the legislation before us and honor a most deserving recipients of the Congressional Gold Medal.

Mr. DIXON. Mr. Speaker, I rise to join my colleagues in honoring Mrs. Rosa Parks. As we approach the millennium, it is fitting that we bestow the Congressional gold medal on a woman whose simple, but profound response to unfairness marked a defining moment in our American century.

I offer the words of another of this century's courageous Americans as a tribute to Rosa Parks. As he accepted the Nobel Peace Prize, Reverend Dr. Martin Luther King, Jr. had this to say:

"I [have] an abiding faith in America and an audacious faith in the future of mankind. I refuse to accept despair as the final response to the ambiguities of history. I refuse to accept the idea that the 'isness' of man's present nature makes him morally incapable of reaching up for the eternal 'oughtness' that forever confronts him. I refuse to accept the idea that man is mere flotsam and jetsam in the river of life, unable to influence the unfolding events which surround him."

Mrs. Parks' courage to reach up for the "oughtness" before her continues half a century later to inspire others who refuse to accept the "ambiguities of history." Mrs. Parks, we thank you for your profound contribution to our nation.

Ms. STABENOW. Mr. Speaker, I would like to join my colleagues in recognizing Rosa Parks, whom by her brave action became a catalyst in the Civil Rights Movement. When Rosa Parks refused to give up her seat on a Montgomery bus on December 1, 1995, no one realized the national impact her actions would have. Rosa Parks was simply one courageous woman who did what she believed was fair and right. She is a testament to the power of one individual willing to fight for her beliefs.

"Ms. Parks' actions set the Civil Rights Movement in motion and set a precedence for protest without violence. I would like to thank Rosa Parks for her contribution to freedom and justice for all men and women in this country. Her actions changed the course of history. Today Rosa Parks will take her rightful place among the legends of history when Congress presents her with the Congressional Medal of Honor."

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in tribute to Rosa Parks and in support of a bill introduced by Congresswoman JULIA CARSON of Indiana to authorize President Clinton to award the Congressional Gold Medal to Rosa Parks.

Rosa Parks was the spark that lit the fire in the civil rights movement. In 1955, in Montgomery, Alabama Ms. Parks refused to give up her bus seat to a white man. She was arrested and ordered to pay $14. Her actions led other civil rights leaders to protest bus desegregation creating a city-wide boycott. Martin Luther King, Jr. became a household name when he became involved in the boycott by preaching to others about the injustice of the bus segregation policy.

Ms. Parks continued to be a national civil rights leader even after the success of the bus boycott. She lectured about the civil rights movement and attended demonstrations. She worked for Congressman JOHN CONYERS of Detroit, Michigan until 1988.

Congress should recognize Ms. Parks for her actions that defied the policies of separation and humilitation. Through this legislation, Congress should salute Ms. Parks for her current work in combating racism at the Rosa and Raymond Parks Institute of Self Development which teaches young people about the legacy of the civil rights movement.

Because of Rosa Parks' courage, I stand before you here today. Because of her courage, America is a stronger nation.

I am proud to be an original cosponsor of this legislation. I am proud to serve in a Congress that recognizes the importance of the civil rights movement and is willing to honor a woman who ushered in the movement. Our past should not be forgotten and our heroines should be honored.

I hope that this legislation will serve to bring America together. That is Ms. Parks' legacy.

Ms. WATERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 573, as amended.

The question was taken.

Ms. WATERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 573.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ALLOWING FOR CONTRIBUTIONS OF CERTAIN ROLLOVER DISTRIBUTIONS TO ACCOUNTS AND ELIMINATING CERTAIN WAITING-PERIOD REQUIREMENTS FOR PARTICIPATING IN THRIFT SAVINGS PLAN

Mr. SCARBOROUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 208) to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBLE ROLLOVER DISTRIBUTIONS.

(a) IN GENERAL.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) For the purpose of this subsection—

"(A) the term 'eligible rollover distribution' has the meaning given such term by section 402(c)(4) of the Internal Revenue Code of 1986; and

"(B) the term 'qualified trust' has the meaning given such term by section 402(c)(8) of the Internal Revenue Code of 1986.

"(2) An employee or Member may contribute to the Thrift Savings Fund an eligible rollover distribution from a qualified trust. A contribution made under this subsection shall be made in the form described in section 401(a)(31) of the Internal Revenue Code of 1986. In the case of an eligible rollover distribution, the maximum amount transferred to the Thrift Savings Fund shall not exceed the amount which would otherwise have been included in the employee's or Member's gross income for Federal income tax purposes.

"(3) The Executive Director shall prescribe regulations to carry out this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2000, or such earlier date as the Executive Director (as defined by section 8401 of title 5, United States Code) may by regulation prescribe, but not before September 1, 2000.

SEC. 2. IMMEDIATE PARTICIPATION IN THE THRIFT SAVINGS PLAN.

(a) ELIMINATION OF CERTAIN WAITING PERIODS FOR PURPOSES OF EMPLOYEE CONTRIBUTIONS.—Paragraph (4) of section 8432(b) of title 5, United States Code, is amended to read as follows:

"(4) The Executive Director shall prescribe such regulations as may be necessary to carry out the following:

"(A) Notwithstanding subparagraph (A) of paragraph (2), an employee or Member described in such subparagraph shall be afforded a reasonable opportunity to first make an election under this subsection beginning on the date of commencing service or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

"(B) An employee or Member described in subparagraph (B) of paragraph (2) shall be afforded a reasonable opportunity to first make an election under this subsection (based on the appointment or election described in such subparagraph) beginning on the date of commencing service pursuant to such appointment or election or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

"(C) Notwithstanding the preceding provisions of this paragraph, contributions under paragraphs (1) and (2) of subsection (c) shall not be payable with respect to any pay period before the earliest pay period for which such contributions would otherwise be allowable under this subsection if this paragraph had not been enacted.

"(D) Sections 8351(a)(2), 8440a(a)(2), 8440b(a)(2), 8440c(a)(2), and 8440d(a)(2) shall be applied in a manner consistent with the purposes of subparagraphs (A) and (B), to the extent those subparagraphs can be applied with respect thereto.

"(E) Nothing in this paragraph shall affect paragraph (3).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 8432(a) of title 5, United States Code, is amended—

(A) in the first sentence by striking "(b)(1)" and inserting "(b)"; and

(B) by amending the second sentence to read as follows: "Contributions under this subsection pursuant to such an election shall, with respect to each pay period for which such election remains in effect, be made in accordance with a program of regular contributions provided in regulations prescribed by the Executive Director.".

(2) Section 8432(b)(1)(B) of title 5, United States Code, is amended by inserting "(or any election allowable by virtue of paragraph (4))" after "subparagraph (A)".

(3) Section 8432(b)(3) of title 5, United States Code, is amended by striking "Notwithstanding paragraph (2)(A), an" and inserting "An".

(4) Section 8439(a)(1) of title 5, United States Code, is amended by inserting "who makes contributions or" after "for each individual" and by striking "section 8432(c)(1)" and inserting "section 8432".

(5) Section 8439(c)(2) of title 5, United States Code, is amended by adding at the end the following: "Nothing in this paragraph shall be considered to limit the dissemination of information only to the times required under the preceding sentence.".

(6) Sections 8440a(a)(2) and 8440d(a)(2) of title 5, United States Code, are amended by striking all after "subject to" and inserting "this chapter.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2000, or such earlier date as the Executive Director (as defined by section 8401 of title 5, United States Code) may by regulation prescribe, but not before September 1, 2000.

(2) SAVINGS PROVISION.—Notwithstanding any other provision of this section, until the amendments made by this section take effect, title 5, United States Code, shall be applied as if this section had not been enacted.

SEC. 3. ADDITIONAL GOVERNMENT CONTRIBUTIONS FOR RETIREMENT.

(a) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8423(a) of title 5, United States Code, is amended by adding at the end the following:

"(5) Notwithstanding any other provision of this chapter, effective with respect to contributions for pay periods beginning on or after October 1, 2000, the normal-cost percentage used for purposes of any computation under this subsection shall be equal to—

"(A) the percentage that would otherwise apply if this paragraph had not been enacted, plus

"(B) .01 of 1 percentage point.".

(b) SUPPLEMENTAL LIABILITY.—For purposes of applying section 8423(b) of title 5, United States Code, and section 857(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071f(b)), all amounts shall be determined as if this section had never been enacted.

(c) LIMITATION ON SOURCE OF ADDITIONAL CONTRIBUTIONS.—Notwithstanding section 8423(a)(3) of title 5, United States Code, or any other provision of law, the additional Government contributions required to be made by reason of the amendment made by subsection (a) shall be made out of any amounts available to the employing agency involved, other than any appropriation, fund, or other amounts available for the payment of employee salaries or benefits.

(d) CONFORMING AMENDMENT.—Section 307 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 5 U.S.C. 8401 note) is amended by inserting ", including the additional amount required under section 8423(a)(5)(B) of such title 5," after "Federal Employees' Retirement System".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SCARBOROUGH).

GENERAL LEAVE

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 208.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 208. H.R. 208 would achieve two worthwhile objectives. First, it would allow newly hired Federal employees to begin contributing their own money to the Thrift Savings Plan, the Federal Government's 401(k) plan, almost immediately. Second, Federal employees would be able to consolidate their retirement funds in the Thrift Savings Plan.

I believe the policy underlying H.R. 208 is sound. I commend the gentlewoman from Maryland (Mrs. MORELLA) for introducing this legislation and for all of her hard work to advance this bill.

I also would like to thank the distinguished gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Subcommittee on Civil Service, for his strong support for this legislation. I thank the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform and Oversight, and the gentleman from California (Mr. WAXMAN) for expediting this very important legislation.

Mr. Speaker, in light of all the uncertainty surrounding Social Security, Congress should encourage everyone, including Federal employees, to assume more responsibility for their own retirement. H.R. 208 does exactly that.

According to the Congressional Research Service, each $1,000 employees contribute their first year will increase their Thrift Savings Plan balances after a 30-year career by almost $19,000. That is assuming a 10 percent rate of return, which is very good. It is a very good incentive to save.

Finally, Mr. Speaker, the gentlewoman from Maryland (Mrs. MORELLA) and I have been working closely together to help offset and pay for this benefit, and I greatly appreciate her cooperation in this process. As a result of this work, H.R. 208 fully offsets the cost of this benefit without raising taxes on the American people.

I encourage all Members to support this very important bill.

Mr. Speaker, I reserve the balance of my time.

□ 1530

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my colleague, the gentlewoman from Maryland (Mrs. MORELLA), for sponsoring H.R. 208. I also want to thank our subcommittee chairman, the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Indiana (Mr. BURTON), the full committee chairman, and certainly our ranking member, the gentleman from California (Mr. WAXMAN), for bringing this bill up so quickly.

H.R. 208 makes significant reforms in the Thrift Savings Plan. This bill contains proposals that are contained in President Clinton's fiscal year 2000 budget. It would permit new Federal employees to begin contributing to their TSP immediately rather than waiting a year, as required under current law, and would let Federal employees transfer balances from other tax deferred savings plans, including private sector 401(k) accounts, to their TSP accounts.

Early participation in the Federal Employees Retirement System, particularly in the Thrift Savings Plan, is critical if an employee is going to maximize the amount of savings earned for his retirement.

The importance of saving for one's retirement is more evident to me as the Subcommittee on Civil Service of the Committee on Government Reform considers legislation to offer long-term care insurance as a benefit option to Federal and postal employees and military personnel and retirees. A study released at the beginning of this month shows that baby boomers are concerned about their retirement security, but are not saving adequately for their long-term care needs. H.R. 208 is one initiative that will help the Federal work force save money for their golden years.

At the full committee markup of this bill, the Republicans offered an amendment to pay for the cost of the legislation by requiring agencies to divert money from their already hard-pressed salaries and expense accounts into the Civil Service Retirement and Disability Trust Fund. The Democrats strongly opposed this provision and worked in a swift and bipartisan manner to formulate an acceptable alternative that would require agencies to pay for the cost, but prohibit them from using salaries and benefit accounts for this purpose.

I support this prohibition, Mr. Speaker, because Federal employees have been squeezed enough. Inadequate pay raises, increasing costs in health insurance premiums, and the constant threat of layoffs and contracting out have caused serious problems in Federal agencies. Enough is enough.

I am pleased now to be able to support this legislation because it helps Federal employees save for their retirement and removes the possibility that any of them would have to lose their jobs to pay for it.

Again, I congratulate the gentlewoman from Maryland (Mrs. MORELLA), my colleague, and I urge all Members to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCARBOROUGH. Mr. Speaker, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA), who is, of course, a great champion of Federal employees and who is the architect of this bill.

Mrs. MORELLA. Mr. Speaker, I thank the chairman of the subcommittee for yielding me this time, and I am really delighted this important legislation is coming before the House today.

I certainly want to thank the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), the chairman of the Subcommittee on Civil Service, the gentleman from Florida (Mr. SCARBOROUGH), as well as the committee's ranking minority member, the gentleman from California (Mr. WAXMAN), and of course we have just heard from the subcommittee's ranking minority member, the gentleman from Maryland (Mr. CUMMINGS), my colleague, for all their strong support throughout.

Mr. Speaker, when I thank my colleagues I know that I also speak for the thousands of Federal employees with whom I have met and who have written and called my office and the offices of others in support of this legislation.

This legislation would bolster two critical components of Federal employees' retirement benefits, the Thrift Savings Plan. The Thrift Savings Plan is critical for all Federal employees but is particularly important for those employees hired in the last decade who, under the Federal Employees Retirement System, receive smaller civil service benefits and need to invest more to enhance their retirement income.

Currently, employees can elect to begin contributing to the TSP only during two semiannual election periods that are established by law. Newly hired employees are first eligible to participate during the second election period after being hired. Now, what that means is that these employees must wait from 6 to 12 months, depending upon their dates of hire, before they may contribute their own funds.

Allowing employees to begin contributing to the Thrift Savings Plan immediately makes it more likely that employees will get into or continue the habit of saving for retirement through payroll deduction. Early saving is especially important in order to maximize the effect of compound earnings and to take full advantage of the benefit of pretax savings accorded to tax deferred retirement plans.

This bill would eliminate all waiting periods for employee contributions to the TSP for new hires and rehires. Employees who are hired or rehired would be eligible to contribute their own funds immediately.

Further, ensuring the portability of retirement savings is important because portable retirement savings can follow employees as they change jobs. It also would preserve the special tax status accorded to these funds. So while the Internal Revenue Code currently allows transfers of retirement savings between 401(k) plans, such transfers are not authorized for the Thrift Savings Plan. There is no justification for this limitation.

H.R. 208 would authorize employees to transfer funds from certain tax deferred savings plans from a previous job to their TSP accounts. The funds so transferred would be subject to the rules governing the plan which accepts the transfer.

Mr. Speaker, during the committee markup of H.R. 208, I offered an amendment in the nature of a substitute to this bill to provide offsets to the anticipated decrease in Federal Government general tax revenues that would result from employees taking advantage of the benefits offered by H.R. 208. Because H.R. 208 would eliminate all waiting periods for employee contributions to the TSP for new hires and rehires, it is estimated that about 400,000 employees hired over the 1999–2003 period would participate in the TSP. As a result, the Federal Government would forgo tax revenues over that period, 1999–2003.

The amendment I offered will provide funding to compensate the Federal Government for these lost revenues. And I want to make it clear, this amendment does not require agencies to use any of their salary and expense account funding to accomplish these goals. In fact, it makes clear that they may not use funding intended for employees' salary and expense accounts for those expenses. The amendment assures Federal employees that the legislation is designed to improve benefits for Federal employees, and it will not unintentionally result in furloughs or reductions in force at Federal agencies.

In closing, Mr. Speaker, I want to stress that H.R. 208 is a sensible way to encourage Federal employees to take personal responsibility and increase their savings for retirement, something we want all Americans to do. I urge my colleagues to join me in supporting this important measure, and again I thank the committee chair, the ranking member, the subcommittee chair, the gentleman from Florida (Mr. SCARBOROUGH), and the ranking member, the gentleman from Maryland (Mr. CUMMINGS), for their support throughout the way.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), my distinguished colleague who has constantly been at the forefront of protecting the rights of Federal employees, and who has been constantly sensitive to their needs and their concerns.

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member, my colleague, the gentleman from Maryland (Mr. CUMMINGS), for his kind comments and for his leadership on this bill, and in particular for his leadership on ensuring the fact that we did not rob from Peter to pay Paul as it related to employee pay and benefits.

I also want to thank the gentleman from Florida (Mr. SCARBOROUGH), the distinguished chairman of the subcommittee, for his leadership in facilitating this bill to the floor. He is motioning that Mr. Nesterczuk made him do it, but for whatever reasons, he did it. We are pleased; I want him to know that.

I also want to take the opportunity to congratulate my colleague, the gentlewoman from Maryland (Mrs. CONNIE MORELLA), who, as the gentleman from Florida (Mr. SCARBOROUGH) said, is always in the forefront of advocating on behalf of our Federal employee work force.

Mr. Speaker, I would simply add this. The bill has been explained by the gentlewoman from Maryland (Mrs. MORELLA) herself, the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Maryland (Mr. CUMMINGS), and many Members on this floor talking about the necessity to recruit and retain good people. This will be a major recruitment tool, in my opinion, for the Federal Government because it will give the ability to Federal employers to say that first of all its employees can transfer whatever savings they now have in a 401(k) or similarly situated program from a tax standpoint and switch that into the Thrift Savings Plan.

The Thrift Savings Plan, which, by the way, was the creation of Senator TED STEVENS from Alaska and Congressman Bill Ford from Michigan, has been an extraordinarily good program for Federal employees. It was created in 1984 and took effect in 1987 as the integrated retirement system that we now have dealing with retirement and Social Security and the Thrift Savings Plan. Those three components now make up a Federal employees retirement benefit package.

So not only will we allow them to put their money in from previous programs, but in addition to that, we will let them do so from the very beginning of their employment. I think that is a critical aspect of this legislation. I think it will be an incentive for employees to come on board; and I congratulate the committee for bringing this legislation to the floor and will certainly support it enthusiastically.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. ELEANOR HOLMES NORTON).

We are very pleased, Mr. Speaker, at this point to recognize my distinguished colleague from the District of Columbia, and a member of our subcommittee who, too, has been at the forefront of protecting the rights of Federal employees, and one who has put forth her own legislation from time to time to make sure that those rights are protected. I am just so glad that she is on our subcommittee because she makes sure that we keep an institutional memory of the things that we should have been doing for Federal employees and the things that we must do.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Maryland for his very kind remarks and for yielding me this time, and I congratulate him for his consistent hard work and vigilance on behalf of Federal employees, especially for his particular contribution to this bill and seeing how it was paid for.

I congratulate the gentlewoman from Maryland for writing this bill, and the gentleman from Florida (Mr. SCARBOROUGH) for his hard work in making sure that the bill was shaped in a bipartisan manner and reached the floor here today.

Mr. Speaker, this bill is, first and foremost, a richly deserved benefit for Federal employees who have fallen way behind the private sector in state-of-the-art benefits, but it has a more important implication for the Federal Government itself.

Mr. Speaker, the Federal Government seems not to have heard that there is a labor shortage out there, and it is a shortage that goes from the top to the bottom of the work force.

There is a fierce competition for labor at all levels. The Federal Government has literally not joined this competition. It is as if this were 1960, when college graduates and skilled workers automatically gravitated to Federal employment. That has not been the case now for a long time, and it is going to show in our Federal work force. Therefore, the implications of this bill are larger than the modest benefit it provides to our employees in eliminating the waiting period for when an employee can make a contribution to the Thrift Savings Plan and in allowing transfers from a 401(k) savings account.

A way to understand the importance of this bill, if we mean to attract good people to work for the Federal Government, is to imagine an employee looking around among her options and seeing that she could not transfer her 401(k), and seeing that she would have a 6-to-12-month break in engaging in tax-exempt savings herself. It seems to me she might well move on to almost any large employer today where we will find such benefits to be state-of-the-art. There are plenty of alternatives. No large, smart employer would fail to have comparable benefits to those which this bill modestly affords.

☐ 1545

Social Security is the most important issue facing the 106th Congress. The President and the Republican majority together are encouraging private savings and investment. If we are serious about encouraging Americans to engage in private saving and our savings are at a low point, then it is time we took care of home first, and the Thrift Savings Account is the place to begin.

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Maryland (Mr. CUMMINGS) has 10½ minutes remaining, and the gentleman from Florida (Mr. SCARBOROUGH) has 12½ minutes remaining.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume. We have no additional speakers.

In summary, Mr. Speaker, I am very, very pleased that this legislation is before us. I think it sends a very strong statement to our Federal employees and those who are considering possibly coming into the Federal Government, and that is that the Congress of the United States of America cares about them and cares about their security in retirement.

Mr. Speaker, I just urge all of my colleagues to vote for this very, very important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself the balance of my time.

H.R. 208 is a sound bill, and it is fully paid for. Once again, I want to commend the gentlewoman from Maryland (Mrs. MORELLA) for her hard work on this bill, as well as the gentleman from Maryland (Mr. CUMMINGS), the ranking member, and I urge all Members to support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SCARBOROUGH) that the House suspend the rules and pass the bill, H.R. 208, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONDEMNING MURDER OF ROSEMARY NELSON AND CALLING FOR PROTECTION OF DEFENSE ATTORNEYS IN NORTHERN IRELAND

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 128) condemning the murder of human rights lawyer Rosemary Nelson and calling for the protection of defense attorneys in Northern Ireland, as amended.

The Clerk read as follows:

H. RES. 128

Whereas on September 29, 1998, Rosemary Nelson, a prominent defense attorney in Northern Ireland, who testified before the Subcommittee on International Operations and Human Rights of the Committee on International Relations of the House of Representatives, stated that she had been harassed and intimidated by the Northern Ireland police force, the Royal Ulster Constabulary (RUC) in her capacity as a defense attorney, and that she had been "physically assaulted by a number of RUC officers" and that the difficulties with the RUC included "at their most serious, making threats against my personal safety including death threats";

Whereas Param Cumarswamy, the United Nations Special Rapporteur on the independence of judges and lawyers, also testified before the Subcommittee on International Operations and Human Rights citing the grave dangers faced by defense attorneys in Northern Ireland and stated that "there have been harassment and intimidation of defense lawyers by RUC officers" and that "these harassments and intimidation were consistent and systematic";

Whereas the United Nations Special Rapporteur recommended that authorities other than the RUC conduct "an independent and impartial investigation of all threats to legal counsel in Northern Ireland" and "where there is a threat to physical integrity of a solicitor" the "Government should provide necessary protection";

Whereas Northern Ireland's Independent Commission for Police Complaints (ICPC) reported "serious concerns" about the RUC's handling of the inquiry into the death threats Rosemary Nelson received and described the RUC officers investigating the death threats as "hostile, evasive and disinterested" and also noted an "ill-disguised hostility to Mrs. Nelson on the part of some police officers";

Whereas the government, which provided protection for Northern Ireland judges after paramilitary violence resulted in the death of four judges and some family members, should also provide appropriate protection for defense attorneys;

Whereas despite the threats and the intimidation, Rosemary Nelson courageously continued to represent the rights of Catholic clients in high profile cases, including the residents of Garvaghy road in their bid to stop controversial marches in their neighborhood and the family of Robert Hamill who was beaten to death by a sectarian mob in 1997;

Whereas, because of her human rights work, Northern Ireland solicitor Rosemary Nelson, the mother of three young children, suffered the ultimate harassment and intimidation and was brutally murdered on March 15th, 1999, by a bomb placed on her car;

Whereas all those involved in the targeting and killing of defense attorney Rosemary Nelson, including the Red Hand Defenders, a militant loyalist paramilitary group that is opposed to the peace process and that has claimed responsibility for the murder, must be brought to justice;

Whereas the success of the peace process is predicated on the ability of the people of

Northern Ireland to believe that injustices such as the murder of Rosemary Nelson will be investigated thoroughly, fairly, and transparently;

Whereas the murder of Rosemary Nelson is reminiscent of the 1989 murder of human rights attorney Patrick Finucane, who, according to the United Nations report, had also received numerous death threats from RUC officers;

Whereas the United Nations Special Rapporteur reported that since the Patrick Finucane murder, further information that seriously calls into question whether there was official collusion has come to light; and

Whereas Rosemary Nelson's stated fear of the RUC, the recent release of Northern Ireland's Independent Commission for Police Complaints (ICPC) report, and the United Nations report, all necessitate the establishment of an independent inquiry into Rosemary Nelson's murder in order to foster confidence and credibility in this investigation as well as the peace process: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historic significance of the 1998 Good Friday Peace Accords and commends the people of Northern Ireland for their commitment to work together in peace;

(2) condemns all violence committed in violation of the Northern Ireland cease-fire agreement, an agreement that has been largely successful; and

(3) calls on the Government of the United Kingdom—

(A) to launch an independent public inquiry for the investigation of the murder of defense attorney Rosemary Nelson so that evidence gathering, witness interviews, and the issuance of a detailed, public report can be based on the work of law enforcement experts not connected to or reliant upon the efforts of the Royal Ulster Constabulary (RUC);

(B) to institute an independent judicial inquiry into allegations that defense attorneys are systematically harassed and intimidated by security forces; and

(C) to implement the United Nations Special Rapporteur's recommendation for an independent inquiry into the possibility of collusion in the killing of defense attorney Patrick Finucane.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 128.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I want to thank the gentleman from New Jersey (Mr. SMITH), the gentleman from New York (Mr. KING), the gentleman from Connecticut (Mr. GEJDENSON), the gentleman from New Jersey (Mr. PAYNE), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from New York (Mr. CROWLEY), and all those on both sides of the aisle for working together on this bipartisan resolution on the murder of Rosemary Nelson in Northern Ireland that is now before us. It passed without objection last week in our committee because we all know what is at stake here, the very integrity of the Northern Ireland peace process.

On March 15, in Lurgan, Northern Ireland, Rosemary Nelson, prominent Northern Ireland solicitor who had long defended nationalists, Catholics, as well as having represented the nearby Drumcree nationalist community in the controversy over forced Orange Order triumphant marches through their neighborhoods, was murdered. In a brutal, cowardly, and professionally done car bomb near her home, this mother of three lost both her legs from the bomb and died shortly thereafter in the hospital.

A loyalist group, the Protestant Red Hand Defenders, claimed credit for this cowardly terrorist act. Mrs. Nelson was killed solely because she was engaged in advocacy and providing vital legal counsel to many of those who have little faith in a unionist dominated society, and especially the police service, RUC, many fear and want disbanded.

Just late last September, Mrs. Nelson, who had faced numerous threats on her life because of her advocacy and feared the local police as much as the loyalist killers, testified before our House Committee on International Relations.

Mrs. Nelson told our committee of her hope in our committee room that, as a solicitor engaged in representing her clients, many of whom were nationalists, and I quote, "The test of a new society in Northern Ireland will be to the extent to which it can recognize and can respect our role and enable me to discharge it without proper interference. I look forward to that day," said Mrs. Nelson.

The day, sadly, is not yet here. And the resolution before us is intended to help hasten that day. The British Government must establish a completely independent inquiry into Mrs. Nelson's tragic murder and publicly report its findings. The trust and support of all of the people of Northern Ireland in any inquiry into Mrs. Nelson's death is essential.

It is now more important than ever that change must come, and the old "business as usual" is not what the nationalist community needs to see in the new north of Ireland. Covering up possible police abuse and negligence is not the way to build lasting peace and justice in Northern Ireland.

What we need to see is an overall independent inquiry into the intimidation of defense lawyers in Northern Ireland, as the U.N. Special Rapporteur called for last year, and told our committee was needed the very same day Mrs. Nelson was before us. We have heard all sorts of stories so far on what is being done in the Nelson inquiry, but none of them are satisfactory.

First, we heard the FBI would be helping the inquiry, and then the Chief Constable of Kent in England would be running the show. Now we have another deputy constable brought in from England to run the investigation.

All the time the local RUC in the Portadown region has been involved from where some of the threats on Mrs. Nelson's life in fact originated. One RUC officer reportedly told another client of Mrs. Nelson when he was arrested that, "Nelson won't help you this time. She won't be here that long. She will be dead."

Now no objective and fair person would want that police service investigating this courageous solicitor's murder. This is one of the factors why the original investigation of these RUC threats against Mrs. Nelson were referred to the London Metropolitan Police for investigation, not the RUC, by the Northern Ireland Independent Commission on Police Complaints.

Yes, a lot rides in how this inquiry is fairly and independently handled by the British Government, as well as the future for the north of Ireland. There is a point in time when the peace process is stalled.

Accordingly, I urge the adoption of this important and timely bipartisan resolution before us and urge my colleagues to vote "yes" on the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support, strong support, of House Resolution 128 and the work of the gentlemen from New Jersey (Mr. SMITH) and (Mr. PAYNE) and the work that they have done to honor the memory of Rosemary Nelson.

It is amazingly fitting that we celebrated in the previous resolution with the Congressional Gold Medal being given to Rosa Parks, and deservedly so. The fact is that Rosemary Nelson was a Rosa Parks in Northern Ireland. But she, unlike Rosa Parks, will never see the day where she will be so honored in her homeland.

Mr. Speaker, Rosemary Nelson's death should not have happened. Mrs. Nelson dedicated her life to improving human rights in Northern Ireland as a defense attorney for the Catholic minority community. Her work earned her much respect, as well as enemies.

In 1998, Congress heard Mrs. Nelson's fear when she testified before the subcommittee of the gentleman from New Jersey (Mr. SMITH), the Subcommittee on Human Rights, about her defense work in the north of Ireland. She feared for her life because of the lack of police protection she and other Catholic defense attorneys received or did not receive from the Royal Ulster Constabulary.

In addition to her own fears, the Independent Commission for Police Complaints has reported that the RUC disregarded previous death threats against Mrs. Nelson and that RUC officers repeatedly threatened her during her course of work.

Frankly, I believe the RUC itself is partly responsible for the death of Rosemary Nelson because of their lack of protection of her and its prior history of collusion with loyalist militias.

This resolution brings justice to Rosemary Nelson and her legacy. This resolution calls upon the United Kingdom to carry out an investigation, not connected with the RUC, into the death of Rosemary Nelson.

In the past, quasi-independent investigations have not borne any fruit and typically have been disregarded, unpublished, and swept under the carpet. Reputations have been destroyed and justice has never been served.

In addition, this resolution calls upon investigators to issue a detailed report on police harassment of defense attorneys by RUC forces and forces it to implement the United Nations Special Rapporteur's recommendation for an independent inquiry into the death of defense attorney Patrick Finucane.

This Thursday, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), two great friends of human rights and the peace process in the north of Ireland, are holding hearings in the Committee on International Relations, which I have the pleasure of sitting on, about the reconstitution of the RUC and police reform in Northern Ireland.

The RUC is made up of a force which is over 92 percent Protestant and 100 percent loyalist to the British Government. They have systematically denied basic judicial and human rights to the Catholic minority in Northern Ireland, and have no respect in the Catholic community or in the world community at large. In fact, due to their abysmal human rights record, there is a ban on weapons sales to the Royal Ulster Constabulary by the Government of the United States.

I look forward to working with all my colleagues on both the Committee on International Relations and in the House to work with the international community in creating a police force which more accurately reflects the religious makeup of Northern Ireland, a force which all Irish can be proud of.

In closing, Mr. Speaker, I urge all my colleagues in Congress to stand up for human rights in the north of Ireland and to honor the legacy of Rosemary Nelson.

Again, I want to thank my co-chairs of the Congressional Ad Hoc Committee for Irish Affairs, the gentleman from New York (Mr. GILMAN), the gentleman from New York (Mr. KING) and the gentleman from Massachusetts (Mr. NEAL), along with the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New Jersey (Mr. SMITH), for their work in bringing attention to and making a difference on Irish issues and human rights in the north of Ireland.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN) for his fine work on this resolution and for helping us when we got to the full committee, and also the gentleman from New York (Mr. CROWLEY) and the gentleman from New Jersey (Mr. PAYNE), as was mentioned, and the gentleman from New York (Mr. KING), one of the cosponsors. We have worked as a team, and I think this is a very important resolution for House consideration today.

Mr. Speaker, the resolution before us today condemns the brutal murder of Northern Ireland defense attorney Rosemary Nelson and calls for the British Government to launch an independent inquiry into Rosemary's killing.

The resolution also calls for judicial inquiry into the allegations of official collusion in the 1989 murder of defense attorney Patrick Finucane and an independent investigation into broader allegations of harassment of defense attorneys by Northern Ireland's police force, known as the Royal Ulster Constabulary or the RUC.

Rosemary Nelson was a champion of due process rights and a conscientious and courageous attorney in Northern Ireland. She was the wife of Paul Nelson and the mother of three young children: Sara, Gavin, and Christopher.

Her murder, Mr. Speaker, on March 15, 1999, was a cowardly act by those who are the enemies of peace and enemies of justice in Northern Ireland. Her death is a loss felt not just by her family and friends but by all who advocate fundamental human rights.

Consideration of this resolution today is particularly timely, as officials in Northern Ireland, the Republic of Ireland, and the U.K. continue to question the ability of the RUC to properly conduct this murder investigation.

In fact, last week the European Parliament passed its own resolution, offered by Dublin's representative Bernie Malone, which calls for "a fully independent team of investigators to conduct the inquiry as a means of securing confidence and objectivity."

Anyone who knows anything about human rights in Northern Ireland would have little confidence that the RUC could produce a credible or a transparent or thorough investigation of the murder of a Catholic defense attorney. The history of intimidation of defense attorneys by the RUC has been documented by my subcommittee as well as by the United Nations Commission on Human Rights.

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Thus, Mr. Speaker, there is little reason to believe that Rosemary Nelson, who was mistreated by members of the RUC throughout her professional life as an attorney, would now be treated respectfully and justly in death.

I first met Rosemary Nelson in Belfast a few years ago when she shared with me her genuine concern for the administration of justice in the Northern Ireland. She explained how, as an attorney, she had been physically and verbally assaulted by RUC members and how they sent death threats to her through her clients. Many of her clients were harassed as well.

Notwithstanding these threats, Rosemary still carried an exhaustive docket which included several high-profile political cases, such as representing the family of Robert Hamill, who was beaten to death by a sectarian mob and representing the residents of Garvaghy Road in their bid to stop controversial marches through the neighborhood. Through her work, she became an international advocate for the rule of law and the right of the accused to a comprehensive defense and an impartial hearing of their case.

For this, however, Rosemary was often the subject of harassment and intimidation. For her service to her clients, Rosemary Nelson paid the ultimate price with her life, the victim of a car bomb.

Mr. Speaker, in September of last year, just 7 months ago, Rosemary testified before my subcommittee. She told us how she feared, she feared the RUC. She reported that she had been, quote, and I quote from her testimony, "physically assaulted by a number of RUC officers" and that the harassment included "threats against my personal safety, including death threats." She said she had no confidence in receiving help from her government, because in the end her complaints about the RUC would be investigated by the RUC.

Testifying along with Rosemary Nelson was a man by the name of Mr. Cumaraswamy, a U.N. Special Rapporteur on the independence of judges and lawyers, who led an extensive human rights investigative team to the UK and published a report in 1998. Mr. Cumaraswamy stated that he found evidence, and I quote him, of "consistent and systematic," close quote, RUC harassment and intimidation of defense lawyers in Northern Ireland. His report was quite critical of the excessive authority granted to the RUC by the so-called “emergency laws,” and he expressed dismay that the government had not moved decisively to protect lawyers that were under threat.

Mr. Cumaraswamy recommended a judicial inquiry into the threats and the intimidation of Rosemary Nelson and other defense attorneys. Last week at the UN Commission on Human Rights at their annual summit in Geneva, Mr. Cumaraswamy reported that in the years since the release of his report about the great dangers facing Northern Ireland's defense attorneys that the RUC had shown, and these are his words, “complete indifference.” He accused the RUC chief, Constable Ronnie Flanagan, and I quote him again, of “allowing the situation to deteriorate,” and like the rest of us, the Special Rapporteur says he has, and these are his words again, “a nagging feeling that the RUC involvement in what is now a murder investigation could affect and taint the impartiality and the credibility of that investigation.”

And yet, our friends in the Blair government seem unmoved.

Despite Rosemary Nelson's testimony, her concerns and the concerns now raised by human rights experts around the world, the British Government has forfeited the investigation of Rosemary Nelson's murder to the very agency she feared and mistrusted the most. It does not seem to phase them that a report just released by Northern Ireland's police watchdog, the government's Independent Commission for Police Complaints, the ICPC, said that RUC investigators investigating the death threats against Rosemary Nelson were themselves evasive and disinterested. It also found an ill-disguised hostility to Mrs. Nelson on the part of some police officers.

Astonishingly, even the police from the bereaved family, even the pleas from the father himself, the husband and father of the three children, Paul Nelson; he went to Geneva just the other day, and his quote:

“If the ICPC had no confidence in the ability of the RUC to investigate the death threats against Rosemary, how can my family,” he says, “be expected to have confidence in their ability, indeed their willingness, to effectively investigate her murder?”

Mr. Speaker, the bill before us, the resolution before us today, truly captures Mr. Nelson's sense of despair and reflects the growing international consensus that the British Government needs to act decisively and remove any and all doubts about the investigation into Rosemary Nelson's murder. RUC Ronnie Flanagan has rejected the call for an RUC-free investigation and has instead been spinning his wheels trying to create the image of impartiality and external influence on his investigation. It does not cut, nobody is buying it, and we need now an RUC-free investigation.

Let me just conclude, Mr. Speaker, by noting that the major international human rights organizations, including Amnesty International, the Lawyers Committee for Human Rights, British/Irish Human Rights Watch, the Committee for the Administration of Justice, Human Rights Watch and the Geneva-based Commission of Jurists all support the call for an independent inquiry. That is what we tried to do in this resolution. The time is long past for this to happen, and I hope we get the full support of this body in support of this resolution.

The resolution before us today condemns the brutal murder of Northern Ireland defense attorney Rosemary Nelson and calls on the British Government to launch an independent inquiry into Rosemary's killing.

The resolution also calls for a judicial inquiry into allegations of official collusion in the 1989 murder of defense attorney Patrick Finucane and an independent investigation into broader allegations of harassment of defense attorneys by Northern Ireland's police force, the Royal Ulster Constabulary (RUC).

Rosemary Nelson was a champion of due process rights and a conscientious and courageous attorney in Northern Ireland. She was the wife of Paul Nelson and the mother of three young children: Sarah (8), Gavin (11), and Christopher (13). Her murder on March 15, 1999, was a cowardly act by those who are the enemies of peace and justice in Northern Ireland. Her death is a loss felt not just by her family and friends, but by all who advocate fundamental human rights.

Consideration of this resolution today is particularly timely as officials in Northern Ireland, the Republic of Ireland, and the United Kingdom continue to question the ability of the RUC to properly conduct this murder investigation. In fact, last week, the European Parliament passed its own resolution—offered by Dublin's representative, Bernie Malone (MEP)—which calls for “a fully independent team of investigators” to conduct the inquiry as a means of securing confidence and objectivity.

Anyone who knows anything about human rights in Northern Ireland would have little confidence that the RUC could produce a credible, transparent, thorough investigation of the murder of a Catholic defense attorney. The history of intimidation of defense attorneys by RUC members has been documented by my subcommittee, as well as by the United Nations Commission on Human Rights. Thus, there is little reason to believe that Rosemary Nelson, who was mistreated by members of the RUC throughout her professional life as an attorney, would now be treated respectfully and justly in death.

I first met Rosemary Nelson in Belfast a few years ago, when she shared with me her genuine concern for the administration of justice in Northern Ireland. She explained how, as an attorney, she had been physically and verbally assaulted by RUC members and how they sent death threats to her through her clients. Many of her clients were harassed as well.

Notwithstanding these threats, Rosemary Nelson still carried an exhaustive docket which included several high profile political cases, such as representing the family of Robert Hamill, who was beaten to death by a sectarian mob, and representing the residents of Garvaghy Road in their bid to stop controversial marches in their neighborhood. Through her work, she became an international advocate for the rule of law and the right of the accused to a comprehensive defense and an impartial hearing.

For this, however, Rosemary Nelson was often the subject of harassment and intimidation. For her service to her clients, Rosemary Nelson paid the ultimate price with her life—the victim of a car bomb.

In September 1998—just 7 months ago—Rosemary testified before our subcommittee. She told us she feared the RUC. She reported that she had been “physically assaulted by a number of RUC officers” and that the harassment included, “threats against my personal safety including death threats.” She said she had no confidence in receiving help from her government because, she said, in the end her complaints about the RUC were investigated by the RUC.

Testifying along with Rosemary Nelson was Mr. Param Cumaraswamy, the U.N. Special Rapporteur on the independence of judges and lawyers, who led an extensive human rights investigative mission to the United Kingdom and published a report in 1998. Mr. Cumaraswamy stated that he found evidence of “consistent and systematic” RUC harassment and intimidation of defense lawyers in Northern Ireland. His report was quite critical of the excessive authority granted to the RUC through the so-called “emergency laws” and he expressed dismay that the government had not moved decisively to protect lawyers under threat.

Mr. Cumaraswamy recommended a judicial inquiry into the threats and intimidation Rosemary Nelson and other defense attorneys had received. He endorsed the establishment of a police ombudsman and he called on the British government to provide protection for defense attorneys who had been harassed. Today, it is hard not to wonder: if only the British Government had taken the Special Rapporteur's recommendations more seriously, Rosemary Nelson might have been better protected and still with us today.

But last week, at the U.N. Commission on Human Rights annual summit in Geneva, Mr. Cumaraswamy reported that in the year since the release of the UN report about the grave dangers facing Northern Ireland's defense attorneys, the RUC has shown “complete indifference.” He accused RUC Chief Constable Ronnie Flanagan of “allowing the situation to deteriorate.” And like the rest of us, The Special Rapporteur says he has a “nagging feeling” that RUC involvement in what is now a murder investigation “could affect and taint the impartiality and credibility of the investigation.”

And yet, the our friends in the Blair government seem unmoved.

Despite Rosemary Nelson's testimony, her concerns, and the concerns now raised by human rights experts the world over, the British government has forfeited the investigation of Rosemary Nelson' murder to the very agency she feared and mistrusted most, the RUC.

It doesn't seem to faze them that a report just released by Northern Ireland's police watchdog, the government's Independent Commission for Police Complaints (ICPC), said that RUC officers investigating the death threats against Rosemary Nelson were themselves "evasive and disinterested." It also found an "ill-disguised hostility to Mrs. Nelson on the part of some police officers."

Astonishingly, even the pleas of the bereaved family have fallen on deaf ears at Stormont Castle. As a result, Rosemary Nelson's husband, Paul, went to Geneva last week to gain outside help in his push for an independent investigation into the murder of his wife. He has said very simply, "if the ICPC had no confidence in the ability of the RUC to investigate the death threats against Rosemary, how can my family be expected to have confidence in their ability—indeed their willingness to effectively investigate her murder?"

The bill before us today captures Mr. Nelson's sense of despair and reflects the growing international consensus that the British Government needs to act decisively to remove any and all doubts about the investigation into Rosemary Nelson's murder. RUC Chief Ronnie Flanagan has rejected the call for an RUC-free investigation and has instead been spinning his wheels trying to create an image of impartiality and external influence in his investigation.

But, it's all an illusion.

While the Chief Constable's diversionary tactics have flattered some—even one or two in our own FBI—the people in the affected community have not been fooled. This week, both the Irish News and the Irish Times reported that despite Mr. Flanagan's posturing about external influences on the investigation, community witnesses "have been reluctant to talk to the police."

And who can blame them?

Local residents remain skeptical of the RUC's window dressing and have no confidence in an investigation that has already swapped one non-RUC lead investigator for another.

They don't buy an investigation that advertises itself as a 50-member "outside" investigate force even though 40 members of the team are RUC and only 10 are not.

They have low expectations and little trust in an "investigative team" that tells people its working hard on the crime but can't get the date of the murder right and issues a telephone hotline number that's already been disconnected or never put in service.

The camouflage on Mr. Flanagan's so-called independent, outside inquiry has already worn thin. Because of the documented, open hostility that RUC officers displayed towards Rosemary Nelson, the RUC simply does not have the credibility to answer the burdensome questions: Who killed Rosemary Nelson? Who ordered her murder? And did the RUC officers who threatened her life in the past either instigate, condone, or cover-up her killing?

In order for this investigation to be beyond reproach, and to have the confidence and cooperation of the Catholic community that Rosemary Nelson adeptly represented, it must be organized, managed, directed and run by someone other than the RUC. Anything short of that may have surface appeal, but it still leaves too much of the grueling investigation under the charge of an organization of which the murder victim herself was extremely suspect, and to whom the local people are afraid to talk.

The major international human rights groups, including Amnesty International, Lawyers Committee for Human Rights, British/Irish Human Rights Watch, the Committee for the Administration of Justice, Human Rights Watch and the Geneva-based International Commission of Jurist support the call for an independent inquiry.

Mr. Speaker, one of the major tenets of the 1998 "Good Friday Agreement" is its promise of an acceptable police force that will secure due process rights—rather than thwart them—for members of both communities in Northern Ireland. The success of the peace process is predicated on the government's ability to deliver on a police force that will protect fundamental human rights and to demonstrate to the people of Northern Ireland that injustices such as harassment of defense attorneys and the murders of Patrick Finucane and Rosemary Nelson will be investigated by top-notch, dedicated and impartial personnel.

For these reasons, I urge final passage of this bill.

Mr. CROWLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support and join my colleagues in lamenting the assassination of Rosemary Nelson. With the prospect of the Good Friday Accords in Northern Ireland and the fact that they are still being pursued, and we are hopeful that they will be brought to resolution, clearly this action against such a high-profile defense lawyer and defense representative in Northern Ireland was calculated to, in fact, stop those peace accords from going through, as other actions that have taken place have also been aimed at that; and I think all of us are hopeful that the Northern Ireland Government, the Government in the UK will recognize that the objectivity of the Royal Ulster Constabulary to in fact do this investigation has been forfeited because of the events that have occurred in the recent past and certainly with regards to Rosemary Nelson obviously, the testimony here, the fact that she feared them and so forth, I think is a statement that demonstrates that they have, in fact, compromised their neutrality in terms of being able to go forward with such investigation.

I think that the government structure clearly want to and hope that they would like to get to the bottom of this, and so I think we must find an objective investigation that is independent to get to the bottom of it; and I think we should get to the bottom of it and prosecute those that are guilty of this assassination and proceed with the business at hand.

I think that events in Northern Ireland are pretty clear. Recently I had the privilege to travel and participate in Northern Ireland with Habitat for Humanity, the Belfast celebration providing homes to both Catholics and Protestants. The economy of all of Ireland is on the upswing, employment and opportunities are growing, and hopefully the discrimination that has persisted in the past can now finally be laid to rest. It has taken hundreds of years to get to where we are, but these are, this type of behavior is learned behavior, and I think that the human spirit certainly can rise above it, and we have seen some pretty good examples of that in the past year.

The electoral process has been successful, and while outstanding issues exist, I am optimistic that the Clinton administration, the former Senator, George Mitchell-led Good Friday Peace Accord Agreement of 1998 will be implemented, and that the IRA decommissioning and reform at the RUC will be achieved.

I commend the leadership of the republic's Prime Minister Ahern, Mr. Trimble and Jerry Adams, who are attempting to bring to conclusion and completion the goals of peace and reconciliation in Northern Ireland.

This horrific murder of the attorney, Rosemary Nelson, represents a sad day in the long peace process in Northern Ireland, but hopefully it will not be the last chapter. Hopefully, the last chapter will be one with this type of symbolic action of this outstanding personality and person, that this will be one in which this loss of life will help to push us and push these governments to a point of reconciliation and building the type of community and the type of understanding that will settle this matter for decades into the future.

Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise today to join my colleagues in lamenting the plight of Rosemary Nelson. Sadly, Rosemary, a leading Catholic human rights attorney and campaigner, was murdered by a car bomb in Lurgen, Northern Ireland on March 15, 1999. This cowardly act is believed to have been orchestrated by an outlaw band of extreme Protestant Red Hand Defenders who claimed responsibility for the killing.

Rosemary's commitment to social justice and defense of nationalist activities in high-profile cases throughout Northern Ireland led to intimidation tactics by the Protestant-dominated police force, the Royal Ulster Constabulary (RUC) and several death threats by unionist para-militaries. Nelson, who was married and the mother of three children aged 8 to 13, represented the Catholic residents of Carvaghy Road, who refused to allow a Protestant fraternal organization to parade past their homes in annual sectarian commemorations that prompted province-wide violence. She also defended the family of Robert Hamill, who was the victim of the "Portadown kicking" incident, while RUC police officers did not address this atrocity. Unfortunately, due to Rosemary's death, this case is still pending.

Rosemary made a very impressive and powerful impact when she testified before the

House Subcommittee on International Operations and Human Rights, on September 29, 1998. Her testimony exposed the harassment and intimidation of defense lawyers representing nationalists in political cases in Northern Ireland. She accused the RUC of making death threats against her and her family through clients as well as sending threatening telephone calls and letters directly to her. In addition, it is also alleged that the RUC made similar threats against the safety of other defense attorneys in Northern Ireland. I would point out that 10 years ago, prominent Catholic defense attorney Patrick Funucane was murdered by an alleged loyalist death squad. To this day, no one has every been charged with that crime. Further allegations suggests that the RUC has conducted searchers without warrants, arrested and detained suspects without providing access to legal council. These allegations clearly violate international civil rights laws and compromise the neutrality of the RUC to enforce the law.

The murder of Rosemary Nelson has the potential to uproot and undermine last year's historic Good Friday peace agreement. Further retaliation from nationalist paramilitary forces could take the British province back toward a state of sectarian warfare that has regrettably prevailed for 30 years.

In response to Rosemary's murder and the past and current intimidation tactics, I rise in strong support of H. Res 128, which condemns all violence committed in violation of the largely successful Northern Ireland ceasefire agreement. Specifically, this measure condemns the murder of Rosemary and calls on the British government to overturn its decision to allow the RUC to investigate Rosemary's death. While the objectivity of the RUC is under question, the investigation will not be accepted. H. Res 128 rightly urges the British government to conduct an independent inquiry and issue a detailed public report on the car bombing which killed Rosemary Nelson. Furthermore, this important measure requests the British government to conduct a judicial investigation of the treatment of defense attorneys by the RUC and continue to investigate the death of Patrick Finucane.

Recently, I had the privilege to travel and participate with Habitat for Humanity in a Belfast celebration of providing homes for both Catholics and Protestants. The economy of all Ireland is on the upswing, employment opportunities are growing and hopefully the discrimination that has persisted in the past can now finally be laid to rest. The electoral process has been successful and while outstanding issues exist, I am optimistic that the Clinton administration and the former Senator George Mitchell-led Good Friday peace agreement of 1998 will fully be implemented and IRA decommissioning and reform of the RUC achieved. I commend the leadership of the Republic's Prime Minister Ahern, Mr. Trimble and Jerry Adams, who are attempting to bring to conclusion and completion the goals of peace and reconciliation in Northern Ireland.

The horrific murder of attorney Rosemary Nelson represents a sad day in the long peace process in Northern Ireland. The role of defense attorneys in any democracy and in Northern Ireland is vital. The test of a new society in Northern Ireland will be to recognize and respect such roles without any intimidation or improper interference. We must all look forward to that day by building a truly democratic society, brick by brick, and building a community which respects one another.

Mr. CROWLEY. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise today in support of this legislation before us in honor of Rosemary Nelson who gave her life on Monday, March 15. It is so ironic that today we also honor Rosa Parks. Rosa Parks and Rosemary Nelson have a lot in common. They both stood up for injustices in the world. Rosa Parks refused to give up her seat at the front of a bus in Selma, Alabama, and did not give in to intimidation of police.

Like Mrs. Rosa Parks, continents away, Rosemary Nelson continued to receive death threats from those who continue to see Catholics as second-class citizens.

In the shadow of peace talks, I know that Prime Minister Tony Blair and Irish Premier Bertie Ahern met yesterday for 5 hours at Downing Street. Although the parties showed little outward signs of progress, I do believe that they must continue.

But let me say this. The peace process is in serious trouble if perpetrators of Mrs. Nelson's death do not come forward. To date, the RUC has yet to bring anyone accused of any crime associated with the killings of the minority Catholic community. How do they have no indictments or imprisonments over several years of sustained and continued intimidation and abuse?

There is something wrong with this picture. The investigation into the assassination of not only Rosemary Nelson is disturbing, but the death of Pat Finucane as well. I have asked for an independent investigation, one that is totally independent of RUC involvement. Since there is well-founded evidence that there was collusion by the RUC in both these murders, it is imperative that the investigation be totally delinked.

Last year, the United Nations Rapporteur called for an independent investigation and pointed specially to look at the harassment of civil rights attorneys in the north of Ireland. Many lawyers on behalf of residents in Ireland are routinely excluded from interviews with their clients and are detained in holding centers.

The troubles in the north of Ireland did not begin with this one courageous woman's death. We must also investigate Bloody Sunday which began on Easter Sunday in 1972. Two years ago I went to the Pat Finucane Center in West Belfast and met with Miss Ruth Taillon of the West Belfast Economic Forum. While there, I also met with the wife of imprisoned lawyer, Colin Duffy, and Oliver Kearney, Chairman of the Fair Employment Group of Equity and relatives of the Justice Committee. The Justice Committee sent me a letter, and I quote: "It would be untenable for RUC to have the inquiry."

Moved by what I saw, I came back to the States committed to seeing that justice is done. I introduced legislation that will call for full disclosure of the inquiry reports of both Pat Finucane and the Nelson case, and it also calls on the United Nations to form an independent inquiry into the long-term harassment of these individuals. I have worked with the sponsors of this bill, and I believe my concerns have been incorporated in the bill.

It is public knowledge that Mrs. Nelson's life was threatened on several occasions by the RUC Special Branch. Mrs. Nelson testified before the Committee on International Relations' Subcommittee on International Operations and Human Rights on September 29 of last year that she had been threatened by the RUC officials. Rosemary Nelson lost both of her legs and suffered extensive abdominal injuries in the blast and died despite intensive medical efforts to save her life. Ms. Nelson was a prominent Armagh County human rights attorney and was a defender of the basic principles that this country has fought for during the height of the civil rights movement and continues to fight for today, the equality of mankind.

She died to enable our world to live more amply with greater vision and finer spirit of hope and achievement. We impoverish her memory if we forget the task at hand.

Mr. Speaker, I appreciate the opportunity to address the House and ask for passage of this legislation.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New Jersey for all his work for all concerned not only in Northern Ireland and around the world, but particularly for his work and his effort in the north of Ireland. We thank him.

Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL).

□ 1615

Mr. NEAL of Massachusetts. Mr. Speaker, let me begin by commending the gentleman from New Jersey (Mr. SMITH) and certainly the gentleman from New York (Mr. GILMAN), the gentleman from New York (Mr. CROWLEY) and the gentleman from New Jersey (Mr. PAYNE) and people who have been so faithful to this cause for so long.

For the better part of two decades I have been immersed in the details of what life is like in Northern Ireland, particularly for the nationalist community, and we are reminded today that this conflict represents the longest standing political dispute in the history of the Western world.

Once again, on occasions like this we are also reminded that it is the United States that lights the way for hope in terms of man and womankind. It is the United States, and its ability to shed light on inequities and injustices in other parts of the globe, that calls attention to events like the murder of Rosemary Nelson.

I had the opportunity to meet Rosemary Nelson, and I can say that in an unbridled manner she was the champion of the rights of the nationalist community to stand in front of a court system that they do not always trust, but nonetheless to be treated in a manner that was fair and equitable.

The killing of Rosemary Nelson reinforces my belief and the belief of millions of Americans that the criminal justice system in the north of Ireland, including policing, is in need of dramatic change and indeed reform and perhaps even abolition.

Just last week, the United Nations' special investigator released a report that raises serious questions about the professional integrity and independence of the Royal Ulster Constabulary. The report documents cases of collusion between the RUC and the paramilitary groups.

Let me picture this for the American people: The policing organization tips off members of the paramilitary loyalist groups who then, once the individual is fingered as a suspect, is not only subject to verbal intimidation and harassment, but as is the case of Rosemary Nelson, one may well be murdered for their beliefs.

It draws attention to the fact that solicitors who choose to represent individuals in the nationalist community, like Rosemary Nelson and another friend of mine through his family, Pat Finucane, were always the targets of harassment and intimidation by the Royal Ulster Constabulary.

Following the recommendations of organizations such as the British-Irish Watch, Amnesty International, and the Lawyers Committee for Human Rights, the U.N. Special Investigator demanded independent judicial inquiries into the deaths of Rosemary Nelson and Patrick Finucane.

Mr. Speaker, if we do not say something in this Chamber, if we do not say something in the halls of this Congress, then typically these events are brushed under the carpet. It is only the United States, in its ability to call attention to these inequities, that in the end causes us to travel down the path of what might be a satisfactory system of justice.

Ireland is closer today than it has been at any time in this century to the settlement of peace; as John Hume and Jerry Adams frequently say, an agreed upon Ireland. That should be the goal of all of us. We cannot have one part of the community, the policing organization, being seen as being part of the occupying force, and expect the minority or the nationalist community to accept that judgment.

It is people like John Hume and Jerry Adams who for the better part of 30 years have stood for the rights of people in the nationalist community, to ensure that when someone stands in front of a judge, that they are not found guilty because of their religious beliefs or because of their ethnicity. That is what Jefferson and Madison gave us in America and that is what we ought to attempt, wherever we can, to export to the rest of the world.

I must say that it will be the United States in the end that calls attention to these injustices, that could lead to a conclusion of swift justice to bring the perpetrators of the murderer of Rosemary Nelson and Patrick Finucane to the bar of justice.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, without question, we must all condemn the murder of Rosemary Nelson in the strongest terms. She was a remarkable woman who fought for justice, human rights and respect for the law in the north of Ireland.

I once again commend my colleagues, the gentleman from New Jersey (Mr. SMITH), the gentleman from New Jersey (Mr. PAYNE), and all the sponsors of this resolution. The facts surrounding the Nelson murder and investigation demonstrate the need for overall police reform in Northern Ireland. Northern Ireland must have a police force that all of its citizens, all of its citizens, can have confidence in.

The reason the RUC had to call in an independent investigator was because they lacked credibility to conduct this investigation. The degree to which lower level RUC officers were involved in the murder of Ms. Nelson must be explored. We must have an independent entity direct this investigation, which produces a public and transparent report, finding out all the facts, all of the facts, behind the Rosemary Nelson murder. It must be a prelude to radical and thorough police reform in Northern Ireland and cannot have any substitute. I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from New Jersey (Mr. SMITH) will control the time allocated to the gentleman from New York (Mr. GILMAN).

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. CROWLEY) for his good, strong statement and for his work on this resolution.

Let me close very briefly. British justifications for not having an independent inquiry were further undercut by the Northern Ireland Independent Commission on Police Complaints, which expressed doubts that the RUC could objectively address Mrs. Nelson's earlier allegations of police harassment and threats.

The commission, after initially watching the RUC's investigation of itself, concluded that the RUC did not inspire confidence. The commission noted the need for independence and referred the matter to the metropolitan police in London for investigation even before Mrs. Nelson's tragic murder.

That referral report has leaked out since Mrs. Nelson's murder, and it is a scathing indictment of the RUC and its indifference to her safety. For example, the report says that of the RUC officers involved in the investigation, that there was, "observable hostility, evasiveness and disinterest. One officer attended the interview 45 minutes late without explanation and smelled of alcohol."

It is time now to act independently, to encourage real independence in this investigation and Pat Finucane and for protection of all the defense attorneys in Northern Ireland. That is why this resolution sends that clear message to the British.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. SMITH), the gentleman from New York (Mr. CROWLEY), the gentleman from Massachusetts (Mr. NEAL), and others who have been working on this for some time.

For those in this country that have come to expect a judicial system that is fair, that is honest, police investigations that we can put our faith in, sometimes it is hard to understand when a country's entire respect for law is adversely affected by concerns about the honesty of investigations and police activities.

This Congress time and time again has led the fight for fair justice for all citizens of every country. That is what we are doing here today. Again, I commend the gentleman from New Jersey (Mr. SMITH), the gentleman from New York (Mr. CROWLEY), and in particular my good friend, the gentleman from Springfield, Massachusetts (Mr. NEAL), for the efforts they have made fighting for justice here again.

Mr. ROTHMAN. Mr. Speaker, last week, during consideration of the State Department reauthorization bill in the House International Relations Committee, I rose with Congressman MENENDEZ to present an amendment to that bill. Its purpose was to ban the further training of members of the Royal Ulster Constabulary by the FBI at their National Academy in Quantico, Virginia. There were many reasons why we introduced that amendment, but one of the most compelling was the suspicion of RUC complicity in the assassination of Rosemary Nelson.

Accusations of RUC support for the murder of Catholic leaders abounds. Rosemary Nelson appeared before the International Relations Committee and testified that she had received death threats from members of the RUC.

The U.N. Special Rapporteur on the Independence of Judges and Lawyers has found that the RUC is engaged "in activities which constitute intimidation, harassment, [and] hindrance" of defense lawyers [in Northern Ireland] in the course of their professional duties. He also labeled the RUC's intimidation of defense lawyers in Northern Ireland as, and I quote, "consistent and systematic."

This is not acceptable. There must be an independent investigation into the murder of Rosemary Nelson to determine who is responsible. Those who are responsible must be brought to justice. If members of the RUC are confirmed to have been involved, the RUC should be disbanded and a new police force created.

Mr. Speakers, Northern Ireland needs a police force for all the people. Defense attorneys in Northern Ireland must be protected so that they can do their jobs. I support H. Res. 128 and I urge my colleagues to do so as well.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of House Resolution 128, a resolution which condemns the brutal murder of Northern Ireland human rights lawyer Rosemary Nelson and calls for an independent inquiry into her death.

Ms. Nelson's murder was truly a tragedy—a cowardly act by those who are enemies of peace and justice in Northern Ireland.

Rosemary Nelson spent her life trying to help others. She was a champion of human rights worked tirelessly to protect ensure these basic rights for her fellow countrymen. Ultimately, she was killed because of her work.

We must not allow her death to be in vain—we must not allow the enemies of peace to win. We have all worked too long and hard to achieve peace and the people of Ireland deserve no less.

Today, I join with my colleagues and call for an independent investigation into the death of Rosemary and all human rights attorneys in Northern Ireland who have lost their lives in the pursuit of helping others.

We owe it to the memory of these courageous individuals—and we owe it to the cause of peace and justice, both in Ireland and throughout the world.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time and urge a "yes" vote.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 128, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING HISTORIC SIGNIFICANCE OF FIRST ANNIVERSARY OF GOOD FRIDAY PEACE AGREEMENT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 54) recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement, as amended.

The Clerk read as follows:

H. CON. RES. 54

Whereas Ireland has a long and tragic history of civil conflict that has left a deep and profound legacy of suffering;

Whereas since 1969 more than 3,200 people have died and thousands more have been injured as a result of political violence in Northern Ireland;

Whereas a series of efforts by the Governments of the Republic of Ireland and the United Kingdom to facilitate peace and an announced cessation of hostilities created an historic opportunity for a negotiated peace;

Whereas in June 1996, for the first time since the partition of Ireland in 1922, representatives elected from political parties in Northern Ireland pledged to adhere to the principles of nonviolence and commenced talks regarding the future of Northern Ireland;

Whereas the talks greatly intensified in the spring of 1998 under the chairmanship of former United States Senator George Mitchell;

Whereas the active participation of British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern was critical to the success of the talks;

Whereas on Good Friday, April 10, 1998, the parties to the negotiations each made honorable compromises to conclude a peace agreement for Northern Ireland, which has become known as the Good Friday Peace Agreement;

Whereas on Friday, May 22, 1998, an overwhelming majority of voters in both Northern Ireland and the Republic of Ireland approved by referendum the Good Friday Peace Agreement;

Whereas the United States must remain involved politically and economically to ensure the long-term success of the peace agreement; and

Whereas on Good Friday, April 2, 1999, a one-year deadline passed without agreement among all major parties, putting the entire peace process in jeopardy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the historic significance of the first anniversary of the Good Friday Peace Agreement;

(2) salutes British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern and the elected representatives of the political parties in Northern Ireland for creating the opportunity for a negotiated peace;

(3) commends Senator George Mitchell for his leadership on behalf of the United States in guiding the parties toward peace;

(4) congratulates the people of the Republic of Ireland and of Northern Ireland for their courageous commitment to work together in peace;

(5) encourages the Governments of the United Kingdom and the Republic of Ireland with the active involvement of the United States to continue to work together to ensure the forward movement of the peace process; and

(6) reaffirms the bonds of friendship and cooperation that exist between the United States and the Governments of the Republic of Ireland and the United Kingdom, which ensure that the United States and those Governments will continue as partners in peace.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measure now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, next week the British and Irish governments will resume talks with the major political parties of Northern Ireland in an attempt to move the promises held in the 1998 Good Friday Agreement, to try to move them from good rhetoric to actual implementation.

This resolution that is being offered by the gentleman from New York (Mr. CROWLEY) is really a message of encouragement and hope. It urges all those who have worked so hard to achieve the Good Friday Agreement on paper to now rededicate themselves to the actual implementation of its provisions so that peace and justice will take root in the north of Ireland.

Last year, by overwhelming majorities, the people of Ireland, both north and south, embraced the ideals put forth by this peace agreement. Only those who are enemies of peace and justice in Northern Ireland could be content with the prospect that the agreement may be stalled or parked as a result of new time lines and deadlines injected into the process.

Instead, as friends of Northern Ireland and sponsors of this resolution, we call on the leaders of all parties to move beyond the current impasse, to stick to the agreement as approved, resist renegotiating or clarifying the promises it holds, and do whatever can be done to ensure that the guarantee of fundamental human rights for both communities of Northern Ireland remains the driving force behind all that is done and worked for.

When the guarantee of fundamental human rights supersedes all other negotiation considerations, then we will see a just and lasting peace take hold in the north of Ireland.

This resolution puts us on record as saying go forward, and I want to commend the gentleman from New York

(Mr. CROWLEY) for his sponsorship of this very timely and important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I want to also thank the gentleman from New York (Mr. CROWLEY) and say that in the short period of time that he has been here he has been able to raise the profile of these kinds of issues. I think it is a testament to how successful and effective he has been in this short period of time.

I certainly want to thank the gentleman from New Jersey (Mr. SMITH) as well for the Rosemary Nelson, I think, opportunity where we could shed some light on that issue for the world to indeed see.

While we celebrate the first anniversary of the Good Friday Agreement in the north of Ireland, an agreement which people in the north of Ireland and the Republic of Ireland have now offered their support for, we nonetheless, I think, have to call attention to the 1-year anniversary in this sense: The people voted for an agreement which is historic in nature. This problem, again the longest standing political dispute in the history of the Western world, begins in geography eight centuries ago, certainly was reinforced during the Reformation, but during the last 30 years it has been a battle about civil rights.

What I think is significant about the Good Friday Agreement is that again both communities in the north of Ireland, both traditions, voted for the agreement. So we ask ourselves today, why has it not been implemented as the people voted?

The answer is this: Because once again the unionist community has said the famous word "no". They are now suggesting that because decommissioning has not taken place from the Irish Republican Army, that in fact that is the reason not to proceed with the agreement.

Now, let me say this. After both traditions voted for this agreement, decommissioning was supposed to take place simultaneously to, not in advance of, the institutions of governance being put in place.

What is striking about this current disagreement is this: All parties agreed to decommission in the month of May in the year 2000.

So now what we are seeing is, all parties have gotten to the goal line, and at the goal line David Trimble and the unionist community have essentially said, no, there was no touchdown scored; we are going to move the goalpost back.

The signal that that sends to the nationalist community is the historic reinforcement that no matter what is done, it is not good enough; that if we are not arguing today about decommissioning we will be arguing tomorrow about how to fly which flag. We will be arguing again about what the schools are to be like, and just wait until we get to that issue of the role that Dublin is going to play in the day-to-day affairs of the north.

□ 1630

If we think that we are now at impasse, believe me, that is the next unionist position that they will reinforce.

David Trimble typically contributes to his own political problems by reminding everybody how difficult it is. If one wants to be the prime minister of the north of Ireland, one has to be the leader of all of the people. Forty-one percent of the people in America voted against Bill Clinton. He is still President of the United States. That is the notion of democracy. The greater number decide. That is precisely what we subscribe to here in our democratic ideals.

So why is it after there has been an agreement and the public has ratified the agreement, bringing that island closer to peace than they have been at any time in the last 30 years, does one party once again have the ability to veto what people have voted for?

I would call upon Prime Minister Blair, who by the way I think deserves some credit, the Taoiseach Bertie Ahern, and certainly Bill Clinton who deserves credit as well, to say to the unionist community, "We are going to proceed with the implementation of this agreement. On a prescribed date, we hope you are on board, because this is what the people voted for." That is the path that we should be traveling down; not once again to say, "Here is an agreement ratified by the public," only have to a small number of people say, "That cannot be," after it has been duly ratified by the voting public.

As those old visions and bad feelings sunset on that tiny island, I think we have an opportunity here to set an agenda where both traditions can live in accord. But we cannot do it if one party always says no. We cannot do it if one party simply says, yes, but. We cannot do it if one party says that our tradition somehow allows us to lord over the other tradition. In the end, that only generates bad feeling and it generates lasting feelings that cannot be overcome.

Let me close on this simple note. John Hume said it best, the Nobel Prize winning John Hume. He said, at the end of the day, what we all ought to be able to come to accord on is an agreed upon Ireland, and that should be the goal of all of us.

I thank the gentleman from New York (Mr. CROWLEY) and I thank the gentleman from New Jersey (Mr. SMITH) and I thank the gentleman from New Jersey (Mr. PAYNE), who have traveled therewith, for their visionary leadership on this issue. Indeed, there is an opportunity to make the implementation of this historic accord stick.

Mr. CROWLEY. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, let me compliment the gentleman from New York (Mr. CROWLEY) for taking this time and handling this very important bill.

Mr. Speaker, I would like to rise today in support of the continuation of the peace process in the north of Ireland. I must begin by complimenting President Clinton, because it was his decision to allow Jerry Adams and the Sinn Fein organization to visit the United States after many years of being refused a visa, and that began to get the other side and the story of the work that was being done by the political wing of the movement in the north of Ireland.

Also, I have to compliment the skills and the patience and the deliberation of Senator George Mitchell for his work of for years forging an agreement between the parties. People who said they would never sit down together sat down and worked together, and I must compliment the people of the north of Ireland and Ireland for overwhelmingly approving the referendum that came to the agreement of the Good Friday Accords.

The Good Friday Accords were promulgated nearly a year ago this April with the best intent in mind: To end the authoritative rule and domination of the Protestant party over minority Catholics. It gave Catholics a real voice, for once, by ending three decades of conflict in the north of Ireland.

I became very interested and involved because as a youngster I was involved in the civil rights movement in this country, and I emulated and felt very close to the movement in the north of Ireland because of the same obstacles and the same freedom songs that they sang about "We Shall Overcome." So I became very involved as a young person in the struggle there.

But it will be two years this July since I went and spent time in the north of Ireland and had the opportunity to see for myself the violence and the killings associated with the Orange Order march in the village of Drumcree where I stayed, right there in the center of town. I also had the opportunity to visit the north of Ireland and Ireland with President Clinton on his historic trip back to that region.

The celebration of the victory of William of Orange, in which Irish land was seized and confiscated, is an assault to Catholics everywhere. Sadly, this parade glorifies a part of history and is provocative in its nature, and I have seen the walls that they marched down and threw pennies on both sides of the area, which just provokes people.

I believe that the political prisoner release of paramilitary groups on both sides was a good issue. I know that Tony Blair is receiving pressure to overturn this rule. I think it would be a very bad precedent for all involved if it was overturned.

In the same light, I know that the decommissioning issue was one of the last things discussed before all parties made the last push toward peace. We cannot allow decommissioning to be used as a wedge to keep Jerry Adams and Sinn Fein out of the government. Decommissioning of paramilitary weapons will take place, but I think we know that disarming the paramilitaries is going to be a very difficult task. This was never a precondition of power-sharing.

But let me say this: The peace agreement does not explicitly require a start on disarmament, but the politics of the accord compel it. I will hope that this could be worked out soon because we must have decommissioning, but it should not be a precondition.

If it is not, we are faced with confronting Bloody Sunday all over again in the future. We have gone too far, we have worked too hard, we have pushed too long to allow this. So this is the stakes that we all must make to ensure that peace in the north of Ireland becomes a reality and irreversible.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H. Con. Res. 54 with the intent to honor and celebrate as a Congress the one-year anniversary of the Good Friday Peace Accord and the involvement of the United States Senate majority leader, George Mitchell; our President, Bill Clinton; Irish Taoiseach Bertie Ahern; and British Prime Minister Tony Blair for their work in securing this important and historic agreement.

In particular, recognition has to be given to Senator George Mitchell. This peace agreement would not have been possible without his involvement, and also without the support of our President, Bill Clinton.

On May 22, 1998, an overwhelming majority of voters in Northern Ireland and the Republic of Ireland approved the referendum to support the Good Friday peace agreement and establish a Northern Ireland Assembly. Unfortunately, though, the peace process has been dealt some recent setbacks.

The demand by unionist forces that Sinn Fein unilaterally decommission one year ahead of schedule before taking seats in the Northern Ireland Assembly has stalled the peace process. On Good Friday of this year, peace talks were suspended. The same happened again when talks in London were suspended. The outlook is not very optimistic. Today's Washington Post quotes Sinn Fein leader Jerry Adams as saying, "The Good Friday Peace Agreement is in free fall."

Mr. Speaker, the United States and the Republic of Ireland and the United Kingdom have invested too much to let this delicate peace agreement fall apart. Without a resolution between all parties, the peace process will come to a halt and the Northern Ireland Executive will not be established.

There is talk of closing down the Northern Ireland Assembly of 108 elected members until all parties can come to an agreement. This latest setback comes at a very terrible time. Weighing heavily is the fact that we are fast approaching the start of the Protestant Orange Order marching season, which acts as a catalyst for sectarian violence in the north of Ireland.

Now, let me say that my resolution does not attempt to take sides in the dispute over decommissioning and the seating of the Northern Ireland Executive, but rather commemorates the one-year anniversary of the Good Friday Peace Accord. I personally believe that Sinn Fein and Jerry Adams have been honest peace brokers in the peace process, and I find it troubling that David Trimble and the Ulster unionists have added preconditions to this agreement. They are holding hostage the people of Northern Ireland's right to determine their own local government and establishment of the Northern Ireland Assembly's Executive.

Again, Mr. Speaker, my resolution does not attempt to speak on the subject of who is or is not to blame for the recent stall in progress. My resolution does attempt to speak loudly as a Congress and as a country that the United States is committed to working with both the Republic of Ireland and the United Kingdom to ensure the success of the peace process in Northern Ireland.

Mr. Speaker, we cannot sit idly by while the peace process in Northern Ireland comes to a halt. I am disheartened that instead of celebrating, we are admonishing the parties to come back to the bargaining table, to understand that peace will bring prosperity to their children and to their children's children.

Making peace is difficult. It involves sacrifice, it involves hard work, and it involves dedication. As someone who has worked in a former career in the State Assembly of New York and has been involved all my life in Irish affairs, and whose mother is from Northern Ireland, I personally know how important the Good Friday Peace Accord was and still is to those who live in Northern Ireland, as well as to Irish throughout the world.

As conflicts rage around the world, especially in Kosovo, we must not forget about Northern Ireland and the work that had been done and the work that will continue to be done to bring peace to this troubled region. This resolution, which has 107 cosponsors, intends to move the peace process forward beyond this temporary hurdle and reaffirms the support of the Congress to the peace process as well as the work of all parties in establishing and securing a long-lasting peace in Northern Ireland.

In closing, I want to thank my colleagues and my cochair of the congressional ad hoc committee again, the gentleman from New York (Mr. GILMAN); the gentleman from Connecticut (Mr. GEJDENSON), the ranking member; the gentleman from Massachusetts (Mr. NEAL); the gentleman from New York (Mr. KING); the gentleman from New Jersey (Mr. SMITH), and all who have worked on bringing peace to Northern Ireland.

Mr. Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time and for the leadership that he has provided on this most important of issues in our international relations. I would also like to thank my colleague, the gentleman from New York (Mr. CROWLEY), new to this Congress certainly, but not new to the issues regarding Ireland and the civil rights issues that we have seen come so clear in these past few weeks and months.

The Good Friday Agreement, which is what we have been talking about for the better part of the afternoon, seemingly died this Good Friday on its first anniversary. The discussions surrounding bringing the government together, as Jerry Adams, the leader of Sinn Fein said just yesterday, are in free fall.

This agreement is a good agreement. It has brought all sides and factions together to form a government. It has been supported by the Republic of Ireland government, it has been supported by the British government, it has been supported by the Clinton administration and by this Congress, and we have played a very constructive and important role, the Members of Congress, and especially the President.

At this point, however, it is in danger of going the way of other agreements and other peace arrangements in the history of Ireland. I do not know, Mr. Speaker, what the answer is, but it strikes me, and I don't know if anyone else has suggested this, but it strikes me that maybe what we need to do is go to the President and say, Mr. President, you offered George Mitchell's good offices once before, and he was able to bring everyone together and get everyone working together to resolve this. Maybe what we need to do is see if we can enlist George Mitchell once again, the Senator from Maine, to go back and revisit this issue and try to get people back on track and back on board in implementing the original agreement.

□ 1645

The original agreement was so finely crafted that nobody could change a comma, a period, a dot, or the crossing of a T. It was very delicate, and maybe he is the only one that can do that again.

But this was a good agreement. It needs to be stayed with. It requires the patience of all parties. But it is clear we are off track, and that even the best efforts of our president and the leaders of England and of Ireland have not been able to get parties back on track.

Mr. Speaker, having said that, I would also suggest that we need to be patient. We need to pray, and we also need to stay in contact with the leadership of those political parties to try to get them to keep working this out.

Mr. Speaker, I have just been advised that the gentleman from New York (Chairman GILMAN) has reached out to Senator Mitchell to try to bring him back into this. I think that is wise, and I certainly support those efforts.

Let me conclude by saying that the issue regarding the murder of the civil rights attorney who has been discussed, Ms. Nelson, which has been discussed this afternoon, that inquiry into her death absolutely must be independent of the RUC.

The RUC was implicated, not directly, certainly, but by her own testimony before the Committee on International Relations last year. She was concerned about them, about their statements and their actions regarding her own personal security, her inability to reach out to those, to that law enforcement agency, to help her to defend herself against threats against her life. It just makes good sense that they need to be held at arm's length.

We have offered the FBI. England has offered her constabulary in Kent. They need to do the investigation. The RUC needs to take a step back, especially given the volatility of the politics of the times, take a step back and let the professionals outside of Northern Ireland conduct this investigation, and do it fairly. Because if no one has any faith in the inquisitor in this, then there will be no faith in the result. There absolutely must be good faith in this process.

Mr. Speaker, I thank the gentleman for the opportunity to speak on these important issues. I thank my friends and colleagues for bringing this before the Congress, and I urge unanimous support.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. WALSH) for his excellent statement and his leadership these many years on the issue of Northern Ireland, just to underscore how important it is that that investigation be completely independent of the RUC in order to procure a result that we know we can live with, and will hopefully yield the results and catch the perpetrators, because there are people who actually did the killing, and there are many others who are probably a part of that killing, and the officials need to get to the bottom.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KING), my good friend and another great leader in the cause of human rights in the north of Ireland.

Mr. KING. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to commend the gentleman from New Jersey (Chairman SMITH) for his resolution regarding the investigation into the murder of Rosemary Nelson, and I want to commend the gentleman from New York (Mr. CROWLEY) for his work on bringing this resolution forward on this Good Friday Agreement.

Mr. Speaker, the Irish peace process is now in a very critical point in Ireland. The fact is that it was over a year ago that the Good Friday Agreement came to fruition. It was a hard-fought compromise with all sides making concessions, moving forward.

The fact is that the Ulster Unionist Party and the leadership of David Trimble is preventing implementation of this agreement by insisting on the precondition of decommissioning.

It is really not for us to be arguing the merits of decommissioning. The fact is that the parties signed an agreement. It was ratified by over 80 percent of all the voters on the island of Ireland. It was 95 percent in the south, and 75 percent in the north agreeing to the Good Friday Agreement, which did not impose any precondition whatsoever as far as the issue of decommissioning or any other issue, for that matter.

The fact is that right now the agreement is not being fully implemented. It is being stalemated, it is being held up, and there is a real risk that the peace process could come undone unless the agreement is implemented and unless the parties go forward.

I know suggestions were made here today that Senator Mitchell get involved. Certainly to me that is a good recommendation. But I think most importantly, the parties have to realize, and the governments have the prime responsibility, specifically the British government, have to realize that the agreement must be implemented. They cannot allow David Trimble to be holding it up.

I would ask that the administration continue the very good work it has done in helping to bring about the agreement in the first place, and now to ensure that the agreement not be allowed to founder and to collapse. Too much has gone on, too many lives have been lost, too much hard work has gone into this, too many sacrifices were made to allow one party to in any way frustrate the full implementation of the agreement.

This is something which has a tremendous human rights ramification, and it is something where so many people in the United States, including the President, have done so much to bring about the Good Friday Agreement.

When we talk about the implementation of the agreement, the fact is that it will never be fully implemented unless there is faith in the law enforcement system in the north of Ireland.

Quite frankly, there is very little faith in the Royal Ulster Constabulary among those in the nationalist community. That is why the resolution of the gentleman from New Jersey (Chairman SMITH) calling for an independent investigation into the murder of Rosemary Nelson is so essential.

Rosemary Nelson testified before the Committee on International Relations last year. She felt that she was being threatened by the RUC. Now to allow the Royal Ulster Constabulary to investigate a murder in which its own members may have been involved to me is unbelievable, it is wrong, it cannot be done, it should not be done, and if it is done, then it is going to cause more and more disenchantment by the nationalist community toward the law enforcement authorities in the north.

This is not the first case. There was the case of Pat Finucane which I am sure has also been mentioned earlier today, 10 years ago where there was strong evidence that the RUC was involved in his murder, yet it has never been fully investigated.

So on both these resolutions, I think it is a tremendous step forward by the Congress of the United States to show our involvement, to show our interest; to show that all Americans, whether they be of Irish ancestry, whether they be Catholic, Protestant, Jew, Muslim, atheist, agnostic, nonbeliever, we stand for the cause of freedom, the cause of justice, the cause of human rights.

That can best be advanced by the full enactment of this agreement, and secondly, by a full, complete, and independent investigation into the murder of Rosemary Nelson. I thank the gentleman from New Jersey (Chairman SMITH) for yielding time to me. I commend the gentleman from New York (Mr. CROWLEY) for his resolution, and I urge the adoption.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today in support of House Concurrent Resolution 54.

We are here today in for a very important reason—to recognize the importance of the first anniversary of the Good Friday Peace Agreement.

House Concurrent Resolution 54 honors all those who played an instrumental role in bringing peace to northern Ireland—from the Irish and English political leaders, to Senator Mitchell, to the people of northern Ireland. These people deserve our deepest respect—for their leadership, dedication and courage. They are the true heroes of the Irish Peace Process.

The resolution also reaffirms the bonds of friendship and cooperation that exists between our countries and that we will continue to work together towards peace in northern Ireland. Because now is a crucial time in the peace process. It would be easy for us to say we have the peace accord and then put it on the back burner.

But we can't do that. If we are going to ensure the long-term success of the peace accords and really achieve peace in Ireland, we must remain involved.

It is only through our continued commitment and the commitment of the people involved that we will see a true and lasting peace in Ireland.

Mr. LEVIN. Mr. Speaker, I strongly support House Concurrent Resolution 54, recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement. In stark contrast to recent events in Yugoslavia, the Good Friday Peace Agreement stands out as a hopeful example of how deeply-rooted, persistent and intransigent problems can be resolved peacefully, and how the cycle of hatred and violence can be brought to a halt.

In Northern Ireland, we see a situation in which the two sides have taken courageous steps towards bridging the gap that divides them. Many steps remain, but the principles for peace have been agreed upon, and they are embodied in the Good Friday Peace Agreement. Now is the time for full and timely implementation.

Problems and violence persist in Northern Ireland. The murder of human rights lawyer Rosemary Nelson represents one such unacceptable act of violence and a step in the wrong direction.

House Concurrent Resolution 54 communicates to our friends in Northern Ireland that we support them on their difficult road to a lasting peace, and that they must, now more than ever, stay the course. I urge support for the resolution.

Mrs. KELLY. Mr. Speaker, I come to the floor today in strong support of H. Con. Res. 54, which recognizes the historic significance of the first anniversary of the Good Friday Peace Agreement. When this agreement was reached on April 10, 1998, those who's lives had been destroyed by the last 30 years of violence, rejoiced at the promise of peace. Now, a year later, this historic peace agreement is dangerously close to failing.

The resolution before us today, salutes the parties who worked so diligently to bring about this historic accord, and it does so at a very appropriate time. Not only has the first anniversary of this agreement just passed, but its future is in jeopardy, the resolution reaffirms the need for the preservation of this accord and the ideals which it stands for. In today's Washington Post the head of Sinn Fein, Gerry Adams, is quoted as having said that "the Good Friday Agreement is in free fall." At this juncture, all of the parties involved in the creation and implementation of this Agreement must try even harder to work together to create a lasting peace in Northern Ireland.

The commitment and support of the agreement by the people, in both Northern Ireland and the Republic of Ireland, was demonstrated by the overwhelmingly supportive outcome of the vote on the referendum on May 22, 1998. This affirmation further demonstrates the need to ensure that this accord make it past this troublesome point.

The United States has committed to remain involved, politically and economically, to ensure the long-term success of the peace agreement. We realize the importance of continued economic growth and stability in the region, as it will prove to be an instrumental part of any lasting peace. This resolution reaffirms this commitment, and reaffirms that the United States, as a friend of both Ireland and the United Kingdom, will continue to facilitate this peace.

None of this can be accomplished however, without the commitment of both sides to this peace. The violence needs to end and the seeds of trust need to be planted.

As you know, Mr. Speaker, this issue is very important to me. I will continue to do what I can to assist in this peace process, the violence has gone on long enough. I urge my colleagues to support this resolution and to continue to support the peacemaking efforts in Ireland.

Mr. DINGELL. Mr. Speaker, President Lincoln once said, "Let us have faith that rights makes might, and in that faith let us to the end dare to do our duty as we understand it."

Today, the leaders of Northern Ireland face a delicate, worrisome situation. It is up to the leaders to decide if the path to the future will be one of peace or one of war. After centuries of animus, and thirty years of vicious factional bloodshed, the opportunity for a lasting peace is real and within grasp. Just as real, unfortunately, is the grave possibility of renewed bloodshed, further factionalism, and renewed war.

Over a year ago, the leaders of factions in Northern Ireland made a monumental decision; they decided to pursue peace. It was a brave decision, one supported by all the people of Ireland but bitterly opposed by those unable to set aside their entrenched hatreds and swallow their bitterness.

One year after the signing of the Good Friday Agreement, the people of Northern Ireland again face tumultuous waters that could easily cast their boat into the sea of despair. They must have faith that the course they are on is the right one, and must believe, as Lincoln said, that right will make might. They must do their duty as best they can, and build the peace that they seek and deserve.

Last year, Nationalists and Loyalists, Protestants and Catholics, were successful in reaching the Good Friday Agreement only by engaging in democratic dialogue, serious yet principled compromise, and a mutual understanding that continued violence benefits no one. I commend their efforts, and hope that in the future they will be able to focus on other issues of mutual concern: bettering the economy, educating their children, and creating a democratic society where every man and woman is equal.

There have been setbacks. The murder of advocates of peace and justice, like Rosemary Nelson, should not be forgotten. But it is not their untimely deaths that should be remembered, but their lives, which they gave in hopes that others would enjoy the fruits of peace.

Mr. Speaker, on behalf of the many Irish-American residents of Michigan, I rise today in recognition of the many brave souls who have chosen peace over violence, and compromise over confrontation. I ask that all parties work together as partners to implement the Good Friday Agreement, and end the senseless violence that has plagued Ireland for far too long.

Mr. BENTSEN. Mr. Speaker, I rise today in support of H. Con. Res. 54, which recognizes the ongoing peace process in Northern Ireland and the historical significance of the Good Friday Peace Accord which was achieved just over a year ago, on April 10, 1998.

I join with my colleagues in congratulating the people of the Republic of Ireland and Northern Ireland for their courageous commitment to peace. By signing the historic Good Friday Peace Agreement in April 1998, leaders such as John Hume, David Trimble and Gerry Adams created a new era of peace and reconciliation for all the people of Northern Ireland. The recognition given to John Hume and David Trimble in receiving the Nobel Peace Prize was an important step toward memorializing the extraordinary achievements made by the proponents of peace. We should not forget, however, the many other people, without whom this process would not have even been possible. I commend the valuable and vital contributions to the peace process by President Clinton, former Senator George Mitchell, Prime Minister Bertie Ahern of Ireland and Prime Minister Tony Blair of Great Britain.

The Good Friday Peace Accord was an important achievement, marking the first step to ending thirty years of violence and bloodshed in Northern Ireland, reducing divisions between Unionists and Nationalists, and building new bridges of opportunity between the two communities. Through this process, they have committed ending years of mistrust and hatred, which has cost the lives of more than 3,200 people since 1969.

The text of the Good Friday Peace Accord contains important provisions calling for the formation of a Northern Ireland Assembly, a North/South Ministerial Council and a British-Irish Council. The agreement also contains critical provisions on human rights, decommissioning of weapons, policing, and prisoners. Voters in both Northern Ireland and the Republic of Ireland approved the Peace Agreement by a remarkable 85 percent majority on May 22, 1998, and elections to the new assembly were held on June 25. Since that time, prisoners have been released and the British have reduced their troop levels to the lowest point in twenty years.

Last August, I had the opportunity to participate in a seven-member Congressional delegation trip to Ireland, led by the Speaker of the House, Newt Gingrich and DEAN JOHN DINGELL. Our visit included meetings with representatives of the various parties to the Good Friday Peace Agreement, including representatives of the Ulster Unionist Party, Sinn Fien and the Social Democratic and Labour Party. We also met with senior leaders of Ireland and Northern Ireland, including Taoiseach Bertie

Ahern, John Hume of the SDLP and Seamus Mallon, the Deputy First Minister of the Northern Ireland Assembly.

We were also able to review the peace process and discuss measures to strengthen political, economic, and cultural ties between the United States and the Irish people. Through my experience, it was clear that there is a strong bond of cooperation between the people of the United States and Ireland, and deep appreciation for the U.S. role in negotiating the Peace Agreement.

Clearly, the discord in Northern Ireland will not be solved by the signing of one document. Significant progress must be made before lasting peace can be finally achieved. But we should recognize that the Good Friday Peace Agreement has changed the course of history for all the people in Northern Ireland. Lasting peace will only be realized by a thorough adherence to and completion of the measures outlined in the Good Friday Agreement and mandated by the people of Ireland.

As we recognize the first anniversary of this agreement, I am hopeful that all sides take every opportunity to make real progress toward its implementation. The United States has a strong national interest in helping this agreement to succeed.

Mr. GILMAN. Mr Speaker, Mr. CROWLEY's resolution on the Northern Ireland peace process is noncontroversial and worthy of everybody's full and strong support. It is also very timely. I congratulate the gentleman from New York, Mr. CROWLEY, for his efforts. The Irish peace process today needs a little more encouragement, as it has once again run into some obstacles in Belfast.

It is worthwhile praising the tireless and courageous efforts of British Prime Minister Blair, and Irish Prime Minister Bertie Ahern, and former Senator George Mitchell on the Good Friday peace accord. I have done so myself on many occasions.

President Clinton, I am also proud to say, has always had strong bipartisan support here in the Congress on his own efforts to find lasting peace and justice in Northern Ireland. I urge that he and our nation stay fully involved to help see the process through to lasting peace and justice in the north.

However, today we still see the old "unionist veto" in play. Once again the issue of arms decommissioning is being used to prevent the establishment of the cabinet executive as provided for in the Good Friday accord. There are some on the unionist side who when faced with the reality of living by the terms of the Good Friday accord and sharing power to which they and all of the Irish people consented to, decided to change the terms of the accord.

The negotiated solution in the north was based upon consent. It isn't the consent as dictated by one side, it's the consent of all of the Irish people—and they have spoken and agree to share power and end the unworkable unionish domination of the north.

The first anniversary of the Good Friday accord has come and gone. Yet today we do not yet have established the power sharing mechanism that the accord and the good Irish people both north and south, fully envision for the new Ireland. The people voted in referendum last May and then elected a new assembly to bring about real and concrete change. The status quo will no longer do.

I would urge both governments in the region, and President Clinton, to again call upon the good offices of Senator George Mitchell to once again be an honest broker to end the current impasse that may lead to the collapse of the Good Friday accord.

It may take again the master stroke of a man like George Mitchell, who is accepted by all sides as fair and objective, to save the Good Friday accord he worked so hard to develop and to gain consent from all the parties. George, we need you one more time! I hope both Governments will take this proposal to heart.

It is really time to get on with it, to create a new cabinet and to bring about real change and power sharing that will make the bomb and gun an obsolute means for resolution of grievances on both sides in the north of Ireland.

I urge the adoption of the Crowley resolution to both send a message of support for the peace process, as well as a call for the process to go forward within the frame work of the Good Friday accord as agreed to by all the parties.

Mr. RODRIGUEZ. Mr. Speaker, I rise to pay tribute to the Good Friday Peace Agreement signed on April 10, 1998, and to the continuing efforts to bring peace to Northern Ireland.

The conflict in Northern Ireland has been agonizing, not only in the region, but also among many Americans, including myself.

As a Texas State representative, I visited Belfast in the early 1990's and learned a great deal about the sources of so much tension and hatred in that historic region.

On that trip, I had a chance to meet many of the principals on all sides of the dispute.

I was able to put faces and personalities behind the struggle: members of Sinn Fein, Unionists, and other individuals that were trying to make a difference.

After my return from Northern Ireland, I worked with both parties in the Texas Legislature on the issue.

We passed legislation based upon the MacBride Principles to hold companies in Northern Ireland engaged in business with the State of Texas to nondiscrimination and equal justice.

As a Congressman, I have continued to deal with the Northern Ireland issue, endorsing efforts to leverage our presence in the region to foster a more tolerant and stable society.

I joined all of us in welcoming the breakthrough for peace last year by Special Envoy George Mitchell and the administration as they tackled this delicate problem.

As a cosponsor of this bill, H. Con. Res. 54, I continue to share in the hope that this region will take the final steps in realizing a just and lasting peace.

Mr. CROWLEY. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con Res. 54, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution,. as amended, was agreed to.

A motion to reconsider was laid on the table.

WESTERN HEMISPHERE DRUG ELIMINATION TECHNICAL CORRECTIONS ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1379) to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to an emergency supplemental appropriation for international narcotics control and law enforcement assistance, as amended.

The Clerk read as follows:

H.R. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Hemisphere Drug Elimination Technical Corrections Act".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS RELATING TO RESOURCES FOR ILLICIT NARCOTICS IN CERTAIN FOREIGN COUNTRIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subtitle B of title VIII of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended by adding at the end the following:

"SEC. 826. FURTHER MISCELLANEOUS ADDITIONAL RESOURCES.

"(a) IN GENERAL.—There are authorized to be appropriated for the Department of State for fiscal year 1999 such sums as may be necessary to carry out section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291).

"(b) RULE OF CONSTRUCTION.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) are in addition to amounts made available to carry out section 481 of such Act under any other provision of law.".

(b) CONFORMING AMENDMENT.—Title VIII of division C of such Act (Public Law 105–277) is amended in the table of contents in section 801(b) by adding at the end of the item relating to subtitle B the following:

"Sec. 826. Further miscellaneous additional resources.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in subtitle B of title VIII of division C of such Act (Public Law 105–277).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, this bill is designed to correct a minor drafting error which was omitted in the legislative provision that was passed last year as part of the Omnibus appropriation bill.

Because the waiver of the requirement for authorization was omitted from last year's supplemental, certain unauthorized parts of the agreed-upon package of assistance for Latin America to continue to help with the suppression of drugs cannot move forward.

In response, we have prepared an amendment to the underlying authorization bill. The change to the authorization will allow this to go forward as agreed upon in the statement of managers of the supplemental appropriations legislation.

The Department of State supports this legislation and is anxious to get these programs going. It is important, we believe, to the jurisdiction of the Committee on International Relations that the statutory requirement that all spending on foreign assistance be authorized, or that such a requirement for authorization be waived by statute.

All of this money has been appropriated and it will be spent. Our purpose here is to have it spent on the list that the Congress and the administration, and in particular General McCaffery, our drug czar, finally agreed upon. That is the list in the statement of managers accompanying the supplemental appropriations.

Accordingly, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. This bill has been on and off the schedule today a few times, and I think we finally have a version that everyone is comfortable with. We are right to move this assistance to Peru, Columbia, Bolivia. Critical interests are at stake there. We have delayed this assistance long enough.

This bill will allow the Agency for International Development to provide assistance to those three countries for alternative development, which is critical to helping those farmers move from the cultivation of illicit and illegal crops to cultivation of legitimate and licit crops.

I was in Columbia recently, Mr. Speaker, to survey the damage of a recent earthquake in that country. The damage was unbelievable. Thousands were dead and tens of thousands were homeless. My colleague, the gentlewoman from New York (Ms. VELÁZQUEZ) and I were able to bring home to Queens two young girls who had been injured in that earthquake.

The people of the United States have provided critical assistance to the suffering people of Columbia. We as a Congress should be doing the same, putting together emergency assistance to address that emergency in Columbia.

I look forward to working with my colleagues to make sure that the suffering people of Columbia, ravaged by a tremendous earthquake, get the help that they need from the U.S. Congress. I support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1379, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained. Votes will be taken in the following order:

H.R. 573, by the yeas and nays;

H. Res. 128, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AUTHORIZING AWARDING OF GOLD MEDAL TO ROSA PARKS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 573, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 573, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 1, not voting 9, as follows:

[Roll No. 92]

YEAS—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery

McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—9

Boehlert
Ewing
Forbes
Gekas
Kasich
McCollum
Nussle
Saxton
Serrano

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

AUTHORIZING AWARDING OF GOLD MEDAL TO ROSA PARKS

Mr. BACHUS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 531) to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Rosa Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Edwards) McCauley;

(2) Rosa Parks is honored as the "first lady of civil rights" and the "mother of the freedom movement", and her quiet dignity ignited the most significant social movement in the history of the United States;

(3) Rosa Parks was arrested on December 1, 1955, in Montgomery, Alabama, for refusing to give up her seat on a bus to a white man, and her stand for equal rights became legendary;

(4) news of Rosa Parks' arrest resulted in 42,000 African Americans boycotting Montgomery buses for 381 days, beginning on December 5, 1955, until the bus segregation laws were changed on December 21, 1956;

(5) the United States Supreme Court ruled on November 13, 1956, that the Montgomery segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses;

(6) the civil rights movement led to the Civil Rights Act of 1964, which broke down the barriers of legal discrimination against African Americans and made equality before the law a reality for all Americans;

(7) Rosa Parks is the recipient of many awards and accolades for her efforts on behalf of racial harmony, including the Springarn Award, the NAACP's highest honor for civil rights contributions, the Presidential Medal of Freedom, the Nation's highest civilian honor, and the first International Freedom Conductor Award from the National Underground Railroad Freedom Center;

(8) Rosa Parks has dedicated her life to the cause of universal human rights and truly embodies the love of humanity and freedom;

(9) Rosa Parks was the first woman to join the Montgomery chapter of the NAACP, was an active volunteer for the Montgomery Voters League, and in 1987, cofounded the Rosa and Raymond Parks Institute for Self-Development;

(10) Rosa Parks, by her quiet courage, symbolizes all that is vital about nonviolent protest, as she endured threats of death and persisted as an advocate for the simple, basic lessons she taught the Nation and from which the Nation has benefited immeasurably; and

(11) Rosa Parks, who has resided in the State of Michigan since 1957, has become a living icon for freedom in America.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to Rosa Parks, on behalf of the Congress, a gold medal of appropriate design honoring Rosa Parks in recognition of her contributions to the Nation.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 573) was laid on the table.

CONDEMNING MURDER OF ROSEMARY NELSON AND CALLING FOR PROTECTION OF DEFENSE ATTORNEYS IN NORTHERN IRELAND

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 128, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 128, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 10, as follows:

[Roll No. 93]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry

Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Hostettler
Paul

NOT VOTING—10

Chenoweth
Cox
Ewing
Forbes
Kasich
McCollum
Nussle
Saxton
Serrano
Taylor (MS)

□1727

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRANSMITTAL OF ACCOUNT OF ALL FEDERAL AGENCY CLIMATE CHANGE PROGRAMS AND ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations, the Committee on International Relations, the Committee on Science, the Committee on Commerce, and the Committee on Ways and Means:

To the Congress of the United States:

In accordance with section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), I transmit herewith an account of all Federal agency climate change programs and activities. This report includes both domestic and international programs and activities related to climate change and contains data on both spending and performance goals.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1999.*

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1184, EARTHQUAKE HAZARDS REDUCTION AUTHORIZATION ACT OF 1999

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 106–101) on the resolution (H. Res. 142) providing for consideration of the bill (H.R. 1184) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 106–102) on the resolution (H. Res. 143) waiving points of order against the conference report to accompany the bill (H.R. 800) to provide for education flexibility partnerships, which was referred to the House Calendar and ordered to be printed.

AUTO CHOICE ACT OF 1999

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, today I am introducing the Auto Choice Act of 1999. This bipartisan bill, which is also being introduced today in the other body, is designed to give the American people a choice in the type of auto insurance they can buy.

Auto Choice offers drivers a way out of the current expensive lawsuit lottery by giving consumers the option to buy a policy that offers them prompt compensation for medical bills and lost wages from their own insurer, regardless of fault. According to the Joint Economic Committee, those who choose the new system would save 45 percent on their bodily injury premiums. This translates into an average savings of nearly $200 per policy, with low-income drivers seeing the greatest benefits. Over 5 years, the savings could total nearly $200 billion.

Mr. Speaker, this is like a tax cut for the drivers across the country, and it does not cost the Government a single dime. But not only does Auto Choice give consumers a choice, it also gives

States a choice. States retain their traditional authority over auto insurance regulation and can accept or reject Auto Choice. Because it respects States' rights, Auto Choice has by called a "model of federalism."

Mr. Speaker, Auto Choice protects consumers' wallets, ensures compensation for victims, respects States' rights, and gives drivers a choice when and where to buy their auto insurance.

I am proud to sponsor this important bipartisan initiative and look forward to its passage in the 106th Congress.

Mr. Speaker, I include the following statement for the RECORD:

The Auto Choice Reform Act will go far toward taking needless litigation costs out of our auto insurance system. It will save consumers billions of dollars annually, while ensuring speedier recovery of medical bills, lost wages, and other economic damages. By encouraging states to eliminate the middle-man—trial lawyers who add significant costs to the system—the Auto Choice Reform Act will produce significant savings while also fully protecting injured motorists' right to recover.

When injured parties are involved in a car accident under the tort system, legal fault must be established to recover money for economic damages. This is not an easy task, and often requires the parties involved to hire lawyers and go to court. It is a costly and tedious process, and can take up to 16 months for adjudication, and longer when the injury is serious. The delay in payment puts pressure on the seriously injured, particularly the poor, to settle their claims for less than they are worth.

The determination of legal fault is no guarantee that an injured person will receive equitable compensation. People with economic losses up to $5,000 recover two and three times their losses, while a victim with medical expenses and lost wages between $25,000 and $100,000, recovers on average only half of those losses. For people with catastrophic injuries and losses over $100,000 recovery drops to nine percent on average. There are two main reasons for this: First, insurance companies find it more cost-efficient to settle small nuisance claims for more than they are actually worth to avoid expensive litigation costs. Second, seriously injured accident victims recover just a small percentage of their damages because their losses typically exceed the other driver's policy limits.

The Auto Choice Reform Act gives drivers a less expensive, more efficient alternative to this process. It allows victims to bypass the litigation maze and guarantees more just compensation, helps to prevent fraudulent claims, and provides the possibility of tremendous savings for American auto insurance consumers. A few of the benefits of the Auto Choice Reform Act are highlighted below:

Flexible Choice. Under the Auto Choice Reform Act, drivers can choose the form of auto insurance they believe is best for them and their families. One route would be for drivers to choose a policy similar to that now available in their state, either tort or no-fault insurance. Another route would be to choose the new PIP option.

Prompt Payment. The new choice, called personal insurance protection (PIP), would pay the injured person within 30 days for medical bills and lost wages, regardless of fault. The victim could also recover compensation from the at-fault driver for any additional medical bills and lost wages above the victim's policy limits.

Better Compensation for Serious Injuries. Under both systems, parties could make a claim against at-fault drivers for medical bills and lost wages in excess of their own insurance. In such situations, because injured persons could recover from both their own coverage and the at-fault driver's coverage, people would receive more compensation for serious injuries. Additionally, drivers in either system would be able to seek both economic damages and pain and suffering from drivers who operate a vehicle while under the influence of alcohol or illegal drugs, or engage in intentional misconduct.

Less Fraud. Because people who choose the new PIP option could neither sue nor be sued for pain and suffering, most of the incentives for fraud would disappear. As a result, for those who choose PIP, compensation for economic losses would increase dramatically, while dollars paid for fraud, pain and suffering and unnecessary attorneys' fees would plummet.

Savings. A March 1998 Joint Economic Committee study estimates the savings at about 45 percent on average for personal injury premiums, which translates into about 24 percent of overall premiums, or about $184 per year, per car for the typical American driver. The JEC also found that low-income drivers would see higher savings—about 36 percent on their overall premiums.

In addition, Auto Choice promotes federalism. It gives states the option to not extend the first-party liability coverage option to their residents by passing a law precluding such a system. Regardless of whether states choose to subscribe to the bill's insurance choice system, they will maintain their current regulation authority over all aspects of auto insurance.

Finally, it is important to note what Auto Choice will not do. Auto Choice will not abolish lawsuits or eliminate the concept of legal fault. Drivers who chose to remain in the current tort system will still be able to recover for both economic and noneconomic losses. Those who choose to enter the new system can still sue for any uncompensated economic loss. And, victims of drunken or other negligent driving may sue for both economic and noneconomic losses.

Given these significant benefits to consumers, the Auto Choice Reform Act enjoys bipartisan political support—from Rudy Guiliani to former Massachusetts governor Michael Dukakis. It is endorsed by the U.S. Chamber of Commerce; consumer advocate Andrew Tobias; Citizens for a Sound Economy; and taxpayer advocate Grover Norquist.

My colleague, Mr. MORAN, and I hope that others will consider joining in our ongoing effort to find ways to help hard-working Americans to save more of the money they earn.

April 20, 1999.

DEAR COLLEAGUE: On Tuesday, April 20, 1999, I introduced the Auto Choice Reform Act of 1999. The Monday, April 19, 1999 edition of the Washington Times carried an oped by Robert R. Detlefsen of Citizens for a Sound Economy (CSE) which outlines the philosophy behind Auto Choice—ridding our nation's courts system of frivolous lawsuits and helping car insurance consumers achieve lower annual premiums. I commend this article to you as yet another way that we can help American families and consumers keep more of what they earn for themselves.

Sincerely,

DICK ARMEY,
Member of Congress.

TRAINING EXERCISE IN VIEQUES KILLS DAVID SANET RODRIGUEZ AND INJURES FOUR OTHERS

(Mr. ROMERO-BARCELO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELO. Mr. Speaker, I rise this afternoon with very sad news indeed.

Yesterday, during a training exercise in Vieques, Puerto Rico, two U.S. F-18's dropped bombs that exploded 65 feet from an observation post in Camp Garcia, which is a Navy facility, and killed Mr. David Sanet Rodriguez, a civilian employee of the Navy, and injured four others.

I am saddened by this most unfortunate and tragic error, and I want to convey my deepest sympathy to the family of Mr. Sanet Rodriguez and the Navy employees that were injured.

The need to defend our democracy has required many personal sacrifices for the people of Vieques throughout the past 30 years. The bomb yesterday was off target, although still within the military base, but who can guarantee that sometime in the future it will not be off target in the inhabited part of Vieques?

Because my biggest concern is for the safety, security and welfare of the 8,500 American citizens residing in Vieques, I join the Governor of Puerto Rico in calling for an order to cease all bombing and military maneuvers in Vieques until a thorough investigation is conducted and until it can be guaranteed that there are no future risks to the residents of Vieques.

Mr. Speaker—I rise this afternoon with very sad news indeed. Yesterday, during a training exercise in Vieques, Puerto Rico, two U.S. F-18's from the U.S. Navy dropped bombs that exploded 65 feet from an observation post in Camp García, which is a Navy facility in Vieques, and killed Mr. David Sanes Rodríquez, a civilian employee of the Navy and injured four other Navy employees.

I am saddened by this most unfortunate and tragic error and want to convey my deepest sympathy to the family of Mr. Sanes and the Navy employees that were injured. Our prayers and blessings at this trying time are with them and their families.

This military accident is a tragedy. Vieques has held an important role in the defense readiness of our armed forces, and the maneuvers being carried out during this week involve the USS John F. Kennedy battle group as the force prepares for deployment in Operation Southern Watch ongoing in Southern Iraq in the Gulf War.

The ability to defend our American democracy effectively has entailed many personal sacrifices and I want to express my support at this critical time to the people of Vieques who have sacrificed throughout the past 30 years in support of our armed forces. The bomb was off target in military soil yesterday, but who can guarantee that sometime in the future it will not be off target in the inhabited part of Vieques.

Because my biggest concern is for the safety, security and welfare of the 8,500 American citizens residing in Vieques, I join the Governor of Puerto Rico in calling on President Bill Clinton, Secretary of Defense Cohen and Navy Secretary Richard Danzig to cease all bombing and military maneuvers until a thorough investigation is conducted and until it can be guaranteed that there are no future risks to the population of Vieques.

As the 8,500 Puerto Rican-Americans in Vieques have so contributed to our nation's defense readiness, I am hereby calling on the Navy to recognize their contributions and their unwavering support despite the inherent risks. The Navy must make further efforts to look for alternatives to the use of ¾ of Vieques for military exercises, so that Vieques may look forward to a peaceful, safe and prosperous future.

□ 1730

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEDICAL SAVINGS ACCOUNTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise tonight to say a few words about medical savings accounts. Unfortunately, medical savings accounts have fallen victim to partisan political posturing. That is unfortunate because MSAs will insure the uninsured, allow for choice of a doctor, and put the health care decisions in the hands of the individual, not a managed care administrator.

Six years ago, along with a dozen of my Democratic colleagues, I cosponsored legislation to create medical savings accounts. In fact, Democrats were the initial sponsors of MSAs, and MSAs unanimously passed the House Committee on Ways and Means in 1994 during the debate on the Clinton health care plan. However, after the Republicans took over Congress, MSAs became a partisan football that was used to polarize the House of Representatives.

But I want to make medical savings accounts a bipartisan issue once again. So the gentleman from Texas (Mr. ARCHER) and I have introduced H.R. 614, the Medical Savings Account Efficiency Act of 1999. This bill repeals the 750,000-person cap that was placed on MSAs by the 1996 Kennedy-Kassebaum Health Insurance Act and it makes medical savings accounts permanent, thereby repealing the year 2000 sunset of MSAs.

Repealing the 750,000 cap is significant in that many insurers have been reluctant to offer MSAs because these restrictions limited the size of the market in which MSAs could be offered. Therefore, insurers will mass market MSAs and make millions of Americans aware of the benefits of medical savings accounts.

By opening up MSAs to all Americans, MSAs would encourage savings for health care. By forcing doctors and hospitals to compete for patients who are concerned about quality and cost, health care spending will slow down. Likewise, MSAs will provide a real incentive to shop around for the best values and alternatives when nonemergency treatment is needed. The incentive? Consumers will keep the money they save.

Critics of MSAs claim that this incentive will lead healthy people to choose MSAs, leaving sick people in a separate and therefore more expensive health insurance pool. But while many healthy people will choose to save the money, the sick will also choose MSAs because their out-of-pocket cost will be less.

In addition, MSAs are not just for the wealthy. A GAO study found that one-third of all new MSAs are opened by previously uninsured individuals.

These are additional reasons that MSAs are good for the consumer. Medical savings accounts will reduce administrative overhead, as small bills will be settled and paid directly between provider and consumer. They will also increase the record low savings rates of Americans. Lastly, MSAs provide an incentive to stay healthy. Preventive medicine will be encouraged.

These are the reasons I supported MSAs back in 1994 when I first heard about them, and these are the reasons I support medical savings accounts today. So I say to my colleagues, as we wade into health care reform in the 106th Congress, include medical savings accounts in any health insurance measure that will come out of this Congress because medical savings accounts will cut cost, provide choice, promote healthy lives, and save money for the consumer. Mr. Speaker, that is the epitome of reform.

SITUATION IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I have spoken several times over the last few days about the situation in Kosovo. Unfortunately, as a former editor of Foreign Affairs magazine wrote recently in the Washington Times, the President has put us in an impossible situation.

There is no good answer. As Henry Kissinger said, "Ethnic and religious fighting is endemic to the Balkans and has been going on there for hundreds of years." We cannot stop it unless we stay there forever at unbelievable costs to our taxpayers.

Do we mortgage the futures of our children and grandchildren to temporarily make things a little bit better in Kosovo? Everyone agrees that Milosevic is a tyrant. He is a communist dictator. I am certainly not defending him in any way.

In fact, I went to Yugoslavia 2 years ago with the National Defense Council. While in Belgrade, I, along with three other Members of this body, appeared on radio station B-92, which was the main opposition station to Milosevic. But as many columnists and commentators have pointed out, our bombings have basically created the refugee situation and have strengthen Milosevic.

Everyone has tremendous sympathy for the refugees. But several hundred thousand Serbians were forced out of Croatia not long ago. They were victims of ethnic cleansing then, and we did nothing about it. And as many people have pointed out, there are small wars or fighting going on in 30 or 40 different places around this world right now. Several of those situations were far worse than in Kosovo before we started the bombing.

There apparently is little disagreement with the description that the Kosovar Liberation Army is a terrorist organization and one that has been funded primarily by illegal drugs.

On MSNBC this past Saturday night, the question was asked about the refugee crisis, whether it was created by NATO bombs or Serbian troops. Sixty-five percent of the many thousands of callers said NATO bombing was mainly at fault.

NATO is getting ready to hold one of the biggest parties this city has ever seen here this weekend. I believe NATO and our President thought Milosevic would cave after just a few days of bombing and that they could then toast each other in a great victory celebration for the 50th anniversary party of NATO this weekend.

What a miscalculation. That was certainly one of the greatest miscalculations in American history and, unfortunately, one that is costing American taxpayers $46,000 a minute and many, many, many billions before it is all over.

We are about to be asked to appropriate $6 billion in emergency funding.

And if we go into a ground war, they estimate that is going to be $10 or $15 billion and that before it is all over, if this thing drags out, we could spend $40 or $50 billion that would have to be taken from other programs or from the Social Security fund.

All of this that I am saying today was said much more eloquently in a column written by A.M. Rosenthal of the New York Times which ran in the Knoxville News Sentinel this morning. Mr. Rosenthal wrote this. He said, "The way adults of any intelligence can find out how well they are dealing with a crisis, personal or national, is to ask themselves two questions: Would we do the same things again if we had a chance? If not, what do we now do to get out of this mess?"

Then Mr. Rosenthal asked these questions: "Would the United States again decide that to help Kosovo's Albanians we would give Slobodan Milosevic what he wanted most, the cover to drive a million of them into foreign exile or become displaced persons at home, wandering their roads in terror? Would we spray bombs at a dictator without it occurring to our leaders he would immediately drive out or slaughter the people we were supposed to save? Were our leaders fools?" "Yes" Mr. Rosenthal says.

Would the U.S. President again decide that before going to war he would guarantee not to send ground troops so Milosevic need not get all worried?

"Would we again bomb-bomb-bomb the capital of the Serbs, who thought of themselves as far more our friends than his? So far this has produced three major results: humiliating Serbs forever, turning friendship into enmity, and persuading many to rally around a man they detest and fear.

"Would we be roaming around again with a diplomatic begging cup asking Russia, the same addled country that we pity, or any other country that will answer the phone, to find a way out for us?

"Would we again allow Washington to weaken the world's human rights movements by arousing fears that they will one day mean more bombing assignments for America?"

Mr. Speaker, just to sum up what we really have done, we have turned friends into enemies at great cost to this country. And I think that, unfortunately, we have gotten into one of the biggest messes we have ever gotten into in this country, and we need to negotiate and get out of this mess as soon as we possibly can.

WAGER ON DUKE UNIVERSITY-MICHIGAN STATE GAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I am here to acknowledge defeat in a wager that I encountered with the gentleman from North Carolina (Mr. ETHERIDGE). We bet, as unsuitable as some might feel about wagering, but we bet on the Duke-Michigan State game, and the loser was to furnish each member of the Committee on Agriculture with an agricultural product from their State.

As great a team as Michigan State is and was, they ended up slightly being defeated by Duke University. And I just wanted to announce publicly that I am furnishing each member of the Committee on Agriculture with tokens that represent Michigan, navy beans from the State of Michigan, the world's top producer of navy beans; and also from Battle Creek, Michigan, a new cereal by Kellogg.

□ 1745

GOLD MEDAL FOR ROSA PARKS IN RECOGNITION OF HER CONTRIBUTIONS TO THE NATION

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under a previous order of the House, the gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I stand today in support of H.R. 573, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

Mr. Speaker, I want to commend my colleague, the gentlewoman from Indiana (Ms. CARSON), for introducing this important piece of legislation to honor a true American heroine and, indeed, a great American.

Forty years ago, Rosa Parks risked everything when she refused to abide by the Jim Crow laws of segregation. In 1955, blacks were considered secondary human beings. Everything was segregated, Mr. Speaker, in 1955, schools, parks, restaurants, rest rooms and neighborhoods. I lived through that time, Mr. Speaker. This was just to name a few of the areas where segregation reigned.

In Montgomery, Alabama, Rosa Parks became a pioneer of black people, being the catalyst that changed the course of history. Rosa Parks spoke out for every black person throughout the Nation who was being denied equality and freedom. Mrs. Parks refused to move and relinquish her seat to a white man because she was tired. She was tired of the foolishness, she was tired of the selfishness, of the rudeness, and she was tired of the disrespect, and the day that Mrs. Parks refused to move was a turning point, was a turning stone in America that changed the unfair, indiscriminate laws that were made for blacks in the United States.

In one simple act of defiance, Mr. Speaker, Rosa Parks, on December 1, 1955, in Montgomery, Alabama, history was made. I am a part of that history, Mr. Speaker, and so is every other African American that we see in the Congress. Because of the courageous act of Rosa Parks, I stand before my colleagues today as the first African American from Florida elected to the Congress since Reconstruction. It was Rosa Parks who made this happen, Mr. Speaker, and we want America to understand this. This will help America understand, to see the fight that Rosa Parks put up so that the rest of us could have a better chance.

This award perhaps should have been bestowed on Rosa Parks several years ago because her deeds have paved the way for generations of African Americans today. My daughters and my son, Mr. Speaker, will have a better chance now of coming to Congress or even being President of these great United States because of Rosa Parks.

I ask my colleagues to join me and urge our President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her outstanding contributions to the Nation. She gave to the world the best she had, and now the best will come back to her.

A DRUM MAJOR FOR JUSTICE—MRS. ROSA PARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I stand tonight as a very proud black woman, a woman who came from Alabama, one who was there during the time of the Rosa Parks venture. Before I go on to talk about this woman who should, by all stature, receive this congressional medal, let me congratulate my colleague and friend, the gentlewoman from Indiana (Ms. CARSON), who had to come to the 105th Congress to sensitize us of the importance of recognizing this heroine that we call Rosa Parks.

She is the mother of civil rights because it was in December of 1955, Mr. Speaker, that Rosa Parks refused to get up after having spent all day as a seamstress to give her seat to a man who was nonblack, who thought that he was to sit at the front of the bus and she was to sit in the back where there were no more seats.

Mr. Speaker, Rosa Parks showed courage, dedication and commitment to the cause of saying that everyone should be equal when they paid their fare to ride a bus. That ignited the civil rights movement.

We know that the mother of civil rights, Rosa Parks, was the catalyst in bringing about the civil rights laws that we now know because when Rosa Parks refused to get up from her seat, it was the Reverend Dr. Martin Luther King who said: I will not stand for this woman to be removed from a bus and not fight for cause. Indeed, she is a drum major for justice.

So on Monday, April 19, 1996, the United States Senate unanimously approved legislation to award the congressional medal to a woman who is deserving of that, an icon of the civil rights movement. According to Mrs. Parks, she has been pushed as far as she could stand when she was arrested in Montgomery, Alabama, in 1955, for refusing to give up her seat and move to the back of the bus.

As I look at myself as the vice chair of the Women's Caucus here in the U.S. Congress, I know that I would not be standing here had it not been on the shoulders of Rosa Parks, a woman who saw a need to open the doors for opportunities for all of us, not only African American women, but for all women in this country. Mrs. Parks is an integral part of the civil rights movement which led to sweeping changes of the laws and the social fabric of these United States. These changes, due in part to the efforts of Mrs. Parks, have paved the way for not only the opportunities for me, but for my grandchildren, my granddaughters and my grandson.

She is a quiet strength, Mr. Speaker. If you have seen her, you would wonder how this woman, who seemed to be so frail perhaps, would have done this; but her strength and her courage and her commitment and her faith caused her to say: I shall not be moved, I shall not return back to the days of degradation . . . So, she is truly a drum major for justice, Mr. Speaker.

I am so proud that this House now has seen befitting for it to bestow a congressional medal on a woman who deserved this. She will now take her position and stand with Mother Teresa and Nelson Mandela as persons who changed the core of this civil rights movement in this country and in this world and made it better for all of our children, black children, white children, brown children, red children, yellow children, to have the opportunities that should be accorded them in these United States.

Mr. Speaker, I am so happy to be a part of the 106th Congress who bestowed a congressional medal on such an outstanding woman.

Mr. Speaker, on Monday, April 19, 1999, the United States Senate unanimously approved legislation to award the Congressional Gold Medal to Rosa Parks, an icon of the civil rights movement.

According to Mrs. Parks she: "had been pushed as far as she could stand," when she was arrested in Montgomery, Alabama in 1955 for refusing to give up her seat and move to the back of the bus, as mandated by law. This courageous act of civil disobedience led to the Montgomery bus boycott, which helped to form the foundation of the civil rights movement in this country.

Mrs. Parks was an integral part of the civil rights movement, which led to sweeping changes of the laws and social fabric of the United States. These changes, due in part to the efforts of Mrs. Parks, have paved the way for increased opportunities for all Americans.

The title of Mrs. Parks' autobiography "Quiet Strength," is a fitting title and description of a woman whose selfless act made this country a better place, and whose life should serve as an example of public service. Mrs. Parks is truly a drum major for justice and it is for these reasons that Congress should honor this American hero with the Congressional Gold Medal.

MATHEMATICS AND SCIENCE EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 60 minutes as the designee of the minority leader.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is a pleasure to lead the House's special order on mathematics and science education.

Mr. Speaker, it is difficult to imagine a successful enterprise during the 20th century that has not involved proficiency in math and science. Skilled mathematicians and scientists have led the way in smashing the atom, discovering vaccines and cures for diseases, landing astronauts on the moon and developing the Internet. In fact, a notable author has heralded the last 100 years as the American Century.

It is no exaggeration to say that mathematics and science provided the bricks and mortar that helped the U.S. construct its prominence on the world stage as a leader in the global economy and its sole status as superpower.

Mr. Speaker, if the U.S. is to maintain its status as a world leader, it is necessary to fundamentally change how America looks at education and specifically mathematics and science education.

The House Democrats have joined with President Clinton to improve education. We recognize that a high-quality education will ensure that today's students will become the skilled employees and business leaders of tomorrow. The Democrats have strongly supported measures to reduce class size, to repair outdated school facilities, to construct new schools and to ensure that public schools are safe places for our children to learn. These are important initiatives.

We believe that it is in the national interest that improvements are made not only in our country's school architecture, but also in how we teach our students mathematics and science in kindergarten through the 12th grade. Toward this end, we believe that greater emphasis needs to be placed on the training and recruitment of mathematics and science teachers. We need to make changes in mathematics and science curricula to give some students more access to computers. We can make improvements to study math and science in greater detail rather than focusing on just the basics.

Today I would like to highlight some of the problems that exist when it comes to mathematics and science education. We will examine how these educational shortcomings adversely affect the recruitment of employees to businesses, particularly in the field of information technology and other information-based fields.

When it comes to mathematics and science education in the U.S., students need practice and more practice. Compared to their international peers, American students ranked near the bottom in the Third International Mathematics and Science Study that was released last year and in 1996. Results at the third and fourth grade levels showed that Korea was the top-performing country in science; Japan was second; and the U.S. and Austria shared the third position.

In mathematics, Singapore, Korea, Japan and Hong Kong were the top, while American students came in in 12th place. For 12th graders, U.S. students ranked 16th in their knowledge of science and 19th in their knowledge of mathematics among the 21 competing countries. That is unsatisfactory.

These findings underscore that U.S. students do not share the same proficiency in mathematics and science that their overseas peers have. Since these students will comprise tomorrow's work force, they will have a direct impact on our country's ability to compete in the global economy.

There are many of us in the House who believe that the President and Congress need to embrace public policies to improve mathematics and science education. As the Subcommittee on Basic Research's ranking member, I have had several discussions with representatives of the information technology community. These business people have expressed their frustration in not being able to find qualified job applicants. In fact, one chief executive officer testified last month that in his company he had received 630 resumes in the first 6 months of its start-up, and of those considered qualified, none were American born. One out of 10 jobs in information technology is currently unfilled according to the Information Technology Association of America. One in three job applicants tested by U.S. companies lacks the reading and mathematics skills for the job as reported by the American Management Association.

These statistics reveal that there is a direct relationship between proficiency in math and science as a student and one's ability to be a successful employee in the evolving information-based workplace.

□ 1800

American Airlines, for example, is a major employer in my congressional district. This company has written me to express its interest in having a highly-trained workforce.

"Dear Representative JOHNSON: American Airlines, for instance, relies heavily on complex computer systems in order to plan and coordinate 2,200 flights, track over 300,000 pieces of baggage moving through our system and manage 343,000 reservation calls each day. Approximately two-thirds of American Airlines' 125,000 employees use computers on a daily basis, and our pilots, yield management specialists, and flight operation personnel depend on advanced math and computer skills in the routine performance of their jobs."

Some schools have already recognized the importance of promoting mathematics and science education. They have implemented programs that are developing our students' skills in math and science. These institutions ought to be commended for their efforts and encouraged to push the envelope when it comes to math and science instruction.

The Yvonne A. Ewell Townview Magnet Center located in Dallas in the low income area of my district is one school that provides cutting edge instructions of mathematics and science through its School of Science and Engineering.

In addition to the Science and Engineering School, the Townview campus has schools of business and management; education and social services; government and law; health professions; and talented and gifted.

The Townview campus, particularly in the Science and Engineering School, has many of the features that other American schools need to help other students compete in the 21st century's workforce. These components include small classroom size, the latest in computer technology, job site based internships that are related to the curriculum, independent learning, and a highly trained teaching staff.

Townview students participate regularly in academic and technological competitions. They have even built voice-activated robots. I salute Townview students and its faculty. One component of the Townview experience sheds some light on one way that schools can improve education opportunities for children. That is through the development of partnerships between schools and the businesses in their community.

Businesses can work with schools in their communities to do such things as donate computer equipment, set up job site internships for students, as well as the establishment of college scholarships for promising math and science students.

Last month, I introduced the Math and Science Proficiency Partnership Act, H.R. 1265, to improve mathematics and science education for students kindergarten through the 12th grade, as well as to increase training for math and science teachers.

The purpose of H.R. 1265 is to encourage partnerships between schools and businesses in their communities, to improve lower test scores by students and to enrich the applicant pool for high technology firms in other fields dependent upon engineering and math. My area is prolific in its need for this skill and it will grow as we move into the 21st century.

Schools in urban and rural areas do not always have the resources that other schools have. Schools and the businesses located in their communities are strategically poised to partner with each other. My bill authorizes the National Science Foundation to award 10 partnership grants through its urban and rural systemic initiative programs.

The National Science Foundation director will make five grants to urban areas and five grants to rural areas. Each grant will not exceed $300,000 and the total amount authorized is only $3 million, a small amount for the need that this entire Nation needs for its workforce for the future.

The purpose of the partnership grants is to assist in training of math and science teachers and to further education opportunities for science and math students. The grants will be awarded to schools that have successfully established partnerships to accomplish the above-mentioned teacher training and educational opportunities for mathematics and science students.

Eligibility of the grants will be based on how well the participating schools and businesses have forged their partnerships. Ways that schools can participate include sponsoring advanced and innovative training for math and science teachers. Ways that businesses can participate in the partnership include setting up college scholarship programs for promising math and science students, establishing mentoring and internship programs at the company's job site, as well as donation of computer hardware and software to participating schools.

The legislation directs the National Science Foundation director to conduct a long-range study on the students who have participated in the partnership program and their ability to land and to retain jobs in math and science and information technology.

I urge my colleagues to cosponsor this bill but, moreover, I continue to urge the entire Congress to look at these areas because it impacts directly on our economy in this global society. The ability of students to be skilled in mathematics and science education is directly linked to whether the U.S. and its companies will be successful in the 21st century. That is why schools and businesses need to increase their efforts to establish these partnerships now, so that today's students can take their places in the skilled information workforce tomorrow.

Mr. Speaker, I yield to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for yielding me this time.

Mr. Speaker, as a former high school physical science teacher, I know the value of science education, and I remember the sense of anticipation and excitement that my students shared with me when we huddled around a television set as Neil Armstrong stepped onto the moon in 1969. I saw the gleam in their eyes that inspired them to become our future engineers and scientists, those of today.

Unfortunately, today's scientists and engineers do not accurately represent the ethnic and racial makeup of our melting pot society. In fact, the Beaumont Independent School District is comprised of about 70 percent minority students and, of those, 55 percent are considered to be economically disadvantaged.

We must do something today to ensure that every child in every home or apartment building in this Nation, regardless of their color, religion, economic status, can realize their dream of becoming an astronaut or physics instructor or researcher.

Mr. Speaker, I rise this evening to talk about an exciting program in my southeast Texas district that motivates school-aged minority students to study math and science and explore new frontiers where no man or woman has gone before.

As a member of the Subcommittee on Space and Aeronautics, I was able to help Lamar University in Beumont to secure a space, science and technology educational program grant to provide disadvantaged high school students with science curriculum and related hands-on interactive learning activities.

For example, students from my hometown will be going on a field trip to Austin, Texas, to explore the relationship between astroid impacts and the extinction of dinosaurs more than 65 million years ago by studying dinosaur tracks. So far, this program has trained more than 200 teachers and has benefited more than 23,000 students in Beaumont public schools.

It is also worth pointing out that the in-kind and cash contributions of the consortium members total more than $800,000. Moreover, Lamar University, which is my alma mater, waived the institutional overheads for this program because of its wide-ranging regional impact on the education of southeast Texas youth.

I am not a gambling man, Mr. Speaker, but I bet that NASA's educational grant will turn out to be a wise investment in the future of engineering, technology and scientific research. My guess is that a decade or so from now there will be men and women who attended Beaumont Independent Schools working as astronauts and physicists at NASA and other space industries. That is what I am banking on.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for putting this together and giving us a chance to speak on the important subject of science and math, and also for representing our subcommittee.

I also want to thank the gentlewoman from Texas, our distinguished ranking member of the Subcommittee on Basic Research, for bringing us here together today. I am very proud to serve on her committee, and under her leadership I am enjoying exploring important issues like math, science and technology education for our children.

As one of the few members of both the Committee on Science and Committee on Education and the Workforce, how our children learn math, science and technology is extremely important to me and I consider it important for everyone in this Nation.

Math and science have not only shaped our history but now, more than ever, will shape our future. I am concerned, however, that our students are not learning math, science and technology as well as students of other countries, the countries that we compete against in the global marketplace. This is reflected in the Third International Mathematics and Science Study, which measured fourth, eighth and twelfth grade students in the United States with comparable countries.

Disturbingly, by the 12th grade our students were ranked among the lowest in math and science, and in physics we finished last. I know we can do better. We must do better and we will, but we first need to deepen our commitment to math, science and technology education.

A recent President's Committee of Advisors on Science and Technology, or PCAST, report recommended an applied research study to determine what has been effective and what has not been effective in teaching our children math, science and technology. The Ehlers report last year pointed out that we spend about $300 billion annually on education but only about 1/100th of a percent of that is spent on researching how our students learn.

Again, I hope that the bipartisan desire to improve math, science and technology education will lead to increased funding for education research so that our children can grow into our country's current role as a nation of innovation.

Even more concerning to me, however, is that too many girls have been largely left out of the technological revolution. A recent news story had a brother and a sister talking about their interest in computers. The girl said, and I quote, I do not like them. I only use them when I have to. The boy, on the other hand, saw computers as a tool to make his work easier.

It is clear that there are inequities in the education system between boys and girls, and that this would be the worst time to step away from fixing those imbalances. We are finding that girls do well with math and science education until about the ninth grade. After that, they are largely absent in classes and programs that teach math, science and technology.

As we talk today about the criteria to measure success, we want to include criteria for measuring the progress of girls and boys in these fields. We need to learn more about how girls and boys learn, both about math, science and technology; what makes it interesting and what keeps it interesting. We cannot expect girls to be motivated the same way as boys.

We also need to improve what our students are being taught and by whom. Teacher training is a vital link in improving our students' math, science and technology education. Again, the Ehlers report saw this need and recommended recruiting teachers with a formal education in these disciplines. However, retaining quality math, science and technology teachers is very difficult. That is why I strongly recommend compensating them accordingly.

Again, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for convening this very important special order. Hopefully, through events like these and through our work on the Committee on Science, we can help find a direction that takes all students, girls, boys, wealthy and disadvantaged, younger and older, into the 21st century.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN), an outstanding legislator.

Mr. GREEN of Texas. Mr. Speaker, I would like to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), my good friend and colleague from Dallas, for organizing this special order tonight on education in math and science.

Just to digress for a minute on a personal note, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and I have served together since both of us were many years younger, starting in 1973 as a State representative in Austin, Texas, and then in the State Senate before we both felt the urge to run for Congress in 1992. It is good to serve with her for all these 26 years. I need to go back to my math to count all of those years now.

□ 1815

Mr. Speaker, our country, a leader in the world, has fallen dramatically behind the rest of the world in the critical subjects of math and science. When compared to students in European nations, our students finish at the bottom of their class.

I would like to commend my colleague for introducing the Mathematics and Science Proficiency Partnership Act, and I am proud to be a cosponsor of this legislation. This important legislation will help us provide both students and teachers the critical skills in math, science and information technology. Without these skills, our youth will be ill-equipped to compete in tomorrow's high-tech, computer-oriented marketplace.

I would like to also highlight the success of our home State of Texas in developing the tools necessary to begin addressing the problem. Texas, in 1984, set an example and created the TAAS test, the test that represents a comprehensive assessment of problem-solving ability and higher-order thinking skills that all students must pass to earn their high school diplomas. It is given all during their latter years in school, but it is an exit-level exam that is required for graduation.

Texas has taken it even one step further. In 1994, Texas schools began administering an end-of-course exam. These exams are designed to measure student progress toward the achievement of academic goals. These tests not only provide a solid measure of student achievement, they can also provide a benchmark that can be used to measure the performance of future students and provide for institutional accountability.

Texas schools have used these tests to find out what works and what does not when it comes to educating our children. I sometimes think we can test too much, and with both TAAS and the end-of-course exams, that may be too much, but I know we do not need anymore, because now we need to focus on content, and that is what my colleague has in her legislation.

Mr. Speaker, in 1994 in the Houston ISD, only 49 percent of the students in HISD could pass the TAAS exams for mathematics. Among African-American students, it was only 41 percent. Among Hispanic students, 44 percent, and among low-income students, the rate was 42 percent. That was in 1994. In 1998, four years later, we have seen the dramatic impact that these tests have in helping increase the rate of passage.

Mr. Speaker, 77 percent of all students passed the TAAS mathematics test, an increase of 28 percent in 4 years. Among African-American students, the passage rate went to 73 percent; that is a 32 percent increase in 4 years. Among Hispanic students, the passage rate rose to 74 percent, an increase of 30 percent; and the passage rate among low-income students also rose to 74 percent, and that is a 32 percent increase.

We saw similar results in the Aldine ISD, a district that is just north of Houston; again, two very urban districts, Mr. Speaker, and another school district that I am proud and honored to represent. In Aldine, we have seen an even more dramatic increase in the number of students passing the mathematics portion of the TAAS test. In 1994, in the Aldine district, 56 percent of all students passed. Among African-Americans it was only 42 percent, and among Hispanics, 55 percent, and among low-income students, 49 percent. In four years, what a difference four years makes. In 1998, 87 percent of all Aldine students passed their math TAAS, an increase of 31 percent. Among African-American students, the passage rate rose to 82 percent, an astounding increase of 40 percent. Among Hispanic students, their passage rate rose to 88 percent, an increase of 33 percent, and among low-income students, the passage rate rose to 86 percent, an increase of 36 percent.

Mr. Speaker, we are testing the students now on the quality of what they are learning. We have seen success in the last 4 years, at least in the two districts that I represent, and that is true with a lot of our districts. But we still need to do programs like my colleague from Dallas has suggested, because what may work today will surely be behind the times tomorrow.

Two weeks ago I had the opportunity with NASA, and NASA assigned an astronaut to me in my district, and so we went to middle schools in a predominantly Hispanic community in my district and had an astronaut, Dr. Franklin Chambias, along with a businessperson to talk about the importance of math and science. That is a one-day-a-year chance, we can only do three middle schools, to encourage those seventh and eighth graders to realize math and science are important. Programs like my colleague has introduced is something that needs to be done every day of the year, because if we do not, surely our students will be behind and the United States will not be the competitive Nation that we are now, and that is why this legislation is so important.

Mr. Speaker, I would like to thank my colleague not only for tonight, but also for authoring this legislation, and again, I am proud to be a cosponsor.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I recognize the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I want to thank the gentlewoman from Texas for yielding me time, and I also want to express my deep appreciation for her setting up this Special Order and providing leadership on this very important issue. It is an issue of grave importance I think to this country and certainly to the economic life and viability of America.

I also want to thank the gentlewoman and congratulate her for introducing this legislation, and I am proud to be a cosponsor, that will go a long way, in my opinion, in encouraging our youngsters to take an interest in the fields of science, math, and really an area we sort of tend to forget sometimes; we talk about it as if it is a separate piece, and that is this whole area of information technology that really is deeply rooted in science and mathematics.

We can talk about standards for students and teachers and we can talk about the math and science curriculum until we are blue in the face, but if we do not generate more interest in these fields among our children, these efforts will mean very little. Talk is cheap, but it takes a lot of hard work to do it. So I want to thank the gentlewoman for her leadership on this issue. It is an issue that I think deserves the interest and an awful lot of time of Members of this Congress.

I am sure it does not come as a surprise to the gentlewoman or to anyone else on this floor tonight that as the former superintendent of the schools of the State of North Carolina, the topic of science and math education is not only near and dear to me, but it is an important one that I have spent an awful lot of time working on. When I was superintendent in our State, one of our primary goals was to improve the science and math education for our children, and we did a number of things in this regard in North Carolina.

As the gentlewoman knows, her home State and my State of North Carolina, the States of Texas and North Carolina are two States that have been singled out by the Secretary of Education and the President on numerous occasions as two States that really are doing some of the right things. But, the thing to remember is, we have a long ways yet to go. Science and math education is a long journey.

We have worked hard in North Carolina to encourage local curriculum. We have a State system of schools really, and we worked on it hard in the early grades to make learning of math and science fun for our children, but at the same time, putting a lot of rigor in it. We have done a lot of applied learning at the same time. Rather than just the analytical kind we have done for years, we have put a lot of applied opportunities in the classroom, and that takes money. It means that we need to have tools to work with.

We have worked hard in North Carolina to increase the availability of technology in the classroom and to link our schools to the information highway, what we now call the Internet, and that is so critical. If we want to open up the opportunities for teachers to teach and children to learn, they have to have access to the things that we take for granted in the business community every day.

I used to say when I traveled the State that if one wants to go into any modern office, one will find a telephone, a computer and a whole number of other things. If one goes into a school, we expect the teachers to go to the office to use the telephone, and they may have a computer in the library or the media center, as we call it, and that is not acceptable in the 21st century if we want our children to learn.

We placed a great emphasis on putting children into a more rigorous math and science curriculum and we have done a lot of that in North Carolina. We raised standards in our math and science curriculum, increased the units of math and science every child needed for graduation, and probably one of the most significant developments that we made, and this was done early on as I went in as superintendent, we required algebra as a requirement for graduation for our students. We said, well, that is nothing great. Well, the truth is, too many students were allowed to get out with just general math and we went to requiring it for graduation, and many said, it will not work. We are going to fail a lot of students. Well, what happened, too many times algebra has been used as a filter. It filtered out an awful lot of students that had an opportunity and ability to do it: females, African-Americans and a number of our minority students were filtered out. We turned it into a pump primer. And what that meant is we forced more into it, and we got better at teaching; we had to do a better job of staff development for our teachers. And lo and behold, guess what happened. Math scores went up, and so did our reading scores.

So we have used it in a way to make a difference. I think if we enrich the curriculum and we give the teachers the tools and we help them in staff development and we encourage students, they will rise to the occasion. I read with interest this weekend that other States are beginning to follow our lead and require algebra in earlier grades.

Obviously, there is no silver bullet to improve science and math education. It is hard work. However, there is no doubt that we must start in the earlier grades to help our children develop the skills that they need to be successful in the science and technology-based economy of the 21st century.

The debate over science and math curriculum is not simply one of improving test scores or making our children smarter. It is fundamental to the future of our country and its prosperity in the 21st century, and it is absolutely fundamental to our children's ability to deal with the complicated issues that they will face in the 21st century.

North Carolina has become a hub of our Nation's technology revolution. The Research Triangle Park area boosts some of the best research universities in the world and is the home to a host of a world renowned pharmaceutical, biotechnology, telecommunications and computer companies, the same list that you can read in Texas and some of our other high-tech centers.

The technology revolution has been good to North Carolina. But hardly a week goes by that I do not talk to a company's CEO who tells me that we need to improve science and math education and that we need more people with technical skills entering the workforce. It is true in our State, it is true across this country. Unfortunately, too often in this town, what is best for our children gets bogged down in petty politics and partisan power struggles.

Take the Dollars for the Classroom program, block grants that were just introduced today by the loyal opposition. Having been a superintendent for 8 years and been at that level, I can tell my colleagues that block grants are great if we have a great grant-writer. It is a sorry way to dispense money for poor folks who do not have grant-writers. Guess which children have the greatest need for science and math education? It is those children in those districts that do not have good grant-writers. And I think it is a sham if we go through such a charade talking about putting more in the classroom. People who have the greatest need are hurt the most by block grants.

Now, Mr. Speaker, when we are forced to stand on the floor and debate whether or not we should increase the number of foreign workers we allow in this country to meet the needs of our companies here for workers in some of the fields that our high-tech companies and biotech companies and others need, something is wrong. I can tell my colleagues that something is wrong, and we need to fix it. I am here to tell my colleagues that there is one Member of Congress that is committed to fixing it, because the future of this country, the future of my State and the future of our children depend on it.

□ 1830

I want to thank my friend, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), because she has decided that she is going to do more than talk about it. She has put together a bill, and I commend her for it.

I am proud to be a cosponsor on a piece of legislation that does something about the issue of putting resources out there where children are across the country in rural districts that have great needs, as well as urban districts, because the one thing that we are short of in this country is having the kind of staff development that teachers need to be able to teach math and science in a way that children can learn, and we can move them into a higher level as we approach the 21st century.

I commend the gentlewoman from Texas for her vision, and I thank her for highlighting the importance of this issue.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman from North Carolina, and I yield to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her leadership on the Committee on Science.

I am delighted to join her this evening as a member of the Committee on Science, and also a chair of the Congressional Children's Caucus, to congratulate her for her legislation that really has as its underlying premise that children can learn.

I think that that is the key element of what we are discussing this evening: One, the importance of math and science, and the fact that America's children should not be at any less of a level than any of the children of the world; that America's children can learn math, they can learn science, and more importantly, they can enjoy it.

As a member of the Texas delegation and a member of the Committee on Science and a member of the Subcommittee on Space and Aeronautics, I interact a lot with NASA and the needs of NASA, the funding needs, of course, but the technological needs.

How exciting it is for young people, as I had the opportunity to bring into my district a number of the astronauts to introduce to young people what the fun things are that one can do by knowing math and science. How interested they were, elementary school students, high school students, in being exposed to the career options that math and science can bring about.

The fact is that our children are not willing to not learn, if I can use a double negative, science and math. They only have to be inspired to do so. I think it is very important that we include the corporate combination that the gentlewoman has included in her legislation, the partnership, the mentoring that is so very important to encourage our young people to study math and science.

Mr. Speaker, I am a ranking member on the Subcommittee on Immigration and Claims. In that there is great discussion always about the number of individuals we must bring in from other places outside the United States because we do not have enough of an employee base to provide for the various technological companies around the Nation. We do not have enough people to fill the slots.

This past weekend I met with and talked with one of the human resource persons of our number two company in this Nation that deals with technological issues. He documented that there are not enough Americans trained in math and science or coming through the pipeline to be able to provide all of the positions that will be needed as we move into the 21st century.

I say shame, shame, shame on us. So I hope that this legislation can move quickly. I hope we can collaborate with the gentlewoman to do even more.

This is an authorizing piece of legislation. I hope that we will find more dollars in the appropriating forces to ensure that we give dollars to our school districts or complement the school programs that will help make math and science interesting.

My daughter had a professor, or there was a professor in her school, and there was a rumor going around that he taught physics, and he taught it by laying horizontally across the desk. Some people say he even levitated into the air. That was a rumor going around in the school. Well, there was standing room only in his physics class, as we can imagine. That is because he made math and science interesting.

Therefore, I would look forward to supporting the legislation of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). I think it is extremely important that we say to America's children, you can learn, and that we pass legislation that will emphasize the value of math and science to provide career opportunities for all of the children of America, and that we can stand equal in the world's market, that we will be the leaders in math and science. I know we can.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield to the gentleman from Michigan (Mr. SMITH), the chair of this subcommittee.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentlewoman for yielding to me. I would like to commend the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for moving ahead with something we need to accomplish, because it is so important that we look at all avenues in encouraging additional students to pursue the sciences.

Let me just say, as we contemplate more seriously the world's situation, as we consider where America might be in the next 10 or 20 or 30 years, the challenges of staying ahead and being on the cutting edge of science and technology and information so that we can maximize our productivity and therefore our competitiveness is so very important today, probably more so than it has ever been in history.

Again, I commend the gentlewoman from Texas for exploring and looking at these avenues of how we might continue to encourage more students and higher qualifications in the area of science and mathematics.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to also express my appreciation for having the opportunity to visit scientists from New Zealand on a recent trip.

I appreciate the gentleman's leadership in looking to see what other places around the world might be doing so that we can better understand what we need to be doing. I thank the gentleman very much.

Mr. Speaker, I do want to do some final closing remarks by reading a portion of the statements of the gentleman from California (Mr. GEORGE BROWN), ranking member of the full committee, an outstanding Member of this Congress, who knows full well what we are talking about here. He is not able to be here this evening, but he sent his statement.

In part, it reads:

"The importance of science and math education to the Nation's future well-being is without question.

"The post-industrial society will have an ever growing need for highly trained individuals in science and technology. Clearly, we must ensure a full pipeline of students moving towards careers in these fields, if we are to compete successfully with our Major economic competitors in the 21st century. To meet the demand, the Nation must take advantage of the human resource potential of all the people.

"But there is an equally important reason for effective science and math education in all parts of the Nation. Technology now infuses more and more aspects of daily life. Most workplaces are becoming increasingly technological. This means that all citizens need a basic grounding in science and math to function in an increasingly complex world and to lead fulfilling lives.

"The situation is complicated by the uneven quality of educational opportunities across the broad diverse Nation. We are running the risk of a widening gulf between those with the training to thrive in this new work environment and those lacking the basic skills to qualify for the high-tech workplace.

"It is important to find ways to spur the interest and encourage the study of science and math by students at all levels of ability. The growing reality is that a strong back and a strong work ethic will not be enough to ensure a good job in the 21st century.

"In addition to mastering the three Rs, students must learn as much as they can about science and technology, because such knowledge will be a key to their future. Efforts to reform science and math education must seek to engage and cultivate the interest of all children.

"There is much evidence that young children are naturally interested in science and that grade school students in the U.S. perform well in science and math. This was shown to be the case in the recent results of the Third International Math and Science Study, known as TIMSS. U.S. students at the fourth-grade level were near the top in the international comparison.

"However, the picture changes for the worse as students move through the school system. By middle school, again from the TIMSS findings, U.S. students have drifted down to the average performance level of the international comparisons, and well below most of our major economic competitors. And by the terminal year of high school, U.S. students are near the bottom of the rankings in math and science performance.

"There are no simple answers for reversing this dismal situation. Many interrelated factors are involved. Engaging curriculum materials coupled with a hands-on, inquiry-based approach to teaching have promise for improving student outcomes in science and math. This will require curriculum development and teacher professional development." But we also must be motivated, and our children must be motivated and excited.

"An excellent example of an educational program that has a proven record for providing such excitement is the JASON Project. The brainchild of world-famous explorer Dr. Robert Ballard, JASON is a year-round scientific expedition designed to engage students in science and technology through live satellite and Internet broadcasts.

"For 2 weeks, students at interactive network sites in the U.S. and other countries can watch the expedition live, interact with scientists, control live-feed video cameras. The JASON network now reaches over 2 million students.

"The tenth expedition in this series this past march focused on a comparative study of temperate, tropical and fossil rainforests, with the live segment originating from the Peru tropical rainforest."

The gentleman from California (Mr. BROWN) had the opportunity to spend a day participating in this exploration at one of the JASON network downlink sites located at the A.B. Miller High School in Fontana, in his district. This is currently the only JASON downlink site in Southern California.

"JASON is helping to change how science is taught in the classroom and will help to reverse the harmful decline of students interest in science and technology."

The gentleman from California (Mr. BROWN) has been a JASON supporter since its inception, and is pleased to see its expansion and continuing excellence.

"The JASON Project is driven largely by private sector initiatives and supported mainly by industry contributions. But there is also a role for Federal programs to improve science education.

"There is no doubt that the Federal role in K–12 education is limited and that the Federal resources available are but a small fraction of the national investment in K–12 education. But the Federal Government can be a catalyst for constructive change in our schools, if its a relatively small education investment and is wisely directed."

Mr. Speaker, I include for the RECORD the text of the entire statement of the gentleman from California (Mr. BROWN).

The text of the statement of Mr. BROWN of California is as follows:

Mr. BROWN of California. Mr. Speaker, the importance of science and math education to the nation's future well being is without question.

The post-industrial society will have an ever growing need for highly trained individuals in science and technology. Clearly, we must ensure a full pipeline of students moving toward careers in these fields, if we are to compete successfully with our major economic competitors in the 21st century. To meet the demand, the nation must take advantage of the human resource potential of all our people.

But there is an equally important reason for effective science and math education in all parts of the nation. Technology now infuses more and more aspects of daily life. Most workplaces are becoming increasingly technological. This means that all citizens need a basic grounding in science and math to function in an increasingly complex world and to lead fulfilling lives.

The situation is complicated by the uneven quality of educational opportunity across this broad and diverse nation. We are running the risk of a widening gulf between those with the training to thrive in this new work environment and those lacking the basic skills to qualify for the high-tech workplace.

It is important to find ways to spur the interest and encourage the study of science and math by students at all levels of ability. The growing reality is that a strong back and a strong work ethic will not be enough to ensure a good job in the 21st century.

In addition to mastering the 3R's, students must learn as much as they can about science and technology, because such knowledge will be a key to their future. Efforts to reform science and math education must seek to engage and cultivate the interest of all children.

There is much evidence that young children are naturally interested in science and that grade school students in the U.S. perform well in science and math. This was shown to be the case in the recent results of Third International Math and Science Study, known as TIMSS. U.S. students at the fourth-grade level were near the top in this international comparison.

However, the picture changes for the worse as students move through the school system. By middle school, again from the TIMSS findings, U.S. students have drifted down to the average performance level of the international comparisons, well below most of our major economic competitors. And by the terminal year of high school, U.S. students are near the bottom of the rankings in science and math performance.

There are no simple answers for reversing this dismal situation. Many interrelated factors are involved. Engaging curricular materials coupled with a hands-on, inquiry-based approach to teaching have promise for improving student outcomes in science and math. This will require curriculum development and teacher professional development. But we also must have motivated, excited children.

An excellent example of an educational program that has a proven record for providing such excitement is the JASON Project. The brainchild of world-famous explorer, Dr. Robert Ballard, JASON is a year-round scientific expedition designed to engage students in science and technology through live satellite and Internet broadcasts.

For two weeks, students at interactive network sites in the U.S. and other countries can watch the expedition live, interact with scientists, and control live-feed video cameras. The JASON network now reaches over two million students.

The tenth expedition in the series this past March focused on a comparative study of temperate, tropical and fossil rainforests, with the live segment originating from the Peru tropical rainforest. I had the opportunity to spend a day participating in this exploration at one of the JASON network downlink sites located at the A.B. Miller High School in Fontana in my district. This is currently the only JASON downlink site in Southern California.

JASON is helping to change how science is taught in the classroom and will help to reverse the harmful decline of student interest in science and technology. I have been a JASON supporter since its inception and am pleased to see its expansion and continuing excellence.

The JASON Project is driven largely by private sector initiative and supported mainly by industry contributions. But there is also a role for federal programs to improve science education.

There is no doubt that the federal role in K–12 education is limited and that the federal resources available are but a small fraction of the national investment in K–12 education. But the federal government can be a catalyst for constructive change in our schools, if its relatively small education investment is wisely directed.

School budgets are tight and meager resources are available for such things as supporting experimentation with new curricular materials or training teachers on how to implement science standards in the classroom. The federal science and math education programs can provide an important supplement that can have an influence on reform efforts out of proportion to the size of the investment.

In addition to providing financial resources, the federal government can bring to bear the scientific talent available in federal laboratories as an important resource for support of teachers, many of whom are unprepared to teach science and math subjects.

An example of a Federal program to help train science and math teachers is a recent initiative involving the National Science Foundation and the Department of Energy's national labs. Teachers from school systems participating in NSF's education reform programs will be eligible to attend in-service training programs at the labs where they will use state-of-the-art facilities and instrumentation.

The program will provide hands-on experience and help improve teachers' skills in integrating the tools of computer simulation and modeling with implementation of science and math standards. In California, the Lawrence Berkeley Lab, Lawrence Livermore Lab, and the Stanford Linear Accelerator Center will participate in the program.

Another example of an innovative federal education programs is the NASA Student and Teacher Excellence Project, or STEP. STEP includes participation by some schools from San Bernardino County in my district.

STEP has several complementary components to increase student performance in science and math. It will draw on NASA's resources to develop curriculum tied to real-world problems; it will provide professional development opportunities for teachers; and it will provide for home access by students and parents to STEP resources.

The last component is a particularly important innovation which will greatly enlarge student access to the educational materials and draw in participation by parents.

As I indicated earlier, there are no simple answers for improving K–12 science and math education. Federal, state and local government, and the private sector all have important roles. We must identify best practices and effective programs, and then work to achieve their widest dissemination. Much remains to be done, but we cannot afford not to succeed.

Mr. Speaker, I will close by simply making one more plea, that we must give attention to this most critical need. We owe it to our Nation. We certainly owe it to our future.

Our jobs will ultimately follow where the skills are located. If our companies are now having to hire mostly people that are non-American born, we can be sure that our companies cannot remain competitive until we make sure that every American child is excited about math and science.

We must start with teacher preparation. Many of our best teachers graduated more than 10 years ago from college. Our colleges did not have the integrated system of including our technologies at that time, so most of our teachers will have to return for further education.

That further undergirds the notion that education is lifelong, and teachers more and more will have to continue to return for their offerings of improving their skills, but our institutions must be responsible for offering those needed skills. Mr. Speaker, we will continue working.

AMERICA'S NATIONAL DRUG POLICY AND THE ROLE OF CONGRESS IN REDUCING DRUG USE BY AMERICANS

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I come before the House again tonight to talk about the subject of our national drug policy, and what Congress can do to improve the situation relating to the abuse and misuse of illegal narcotics, not only by our young people but by all Americans.

I come before the House as chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, which has been charged with trying to help develop a better policy, better legislation, and better action by Congress to deal with the growing social problem that we have.

Tonight I am sure that the eyes of the Nation are focused on Kosovo, where we have a very difficult international situation, and probably rightfully so. We have thousands of our troops in potentially harm's way. We have our pilots and other dedicated military involved in that conflict.

I believe that the focus of attention tonight also is on the tragic shootings in Colorado. I believe some young people were involved there. A large number of young people were killed in that tragic incident.

Rightfully, America should be concerned about Kosovo. America should be concerned about international situations and also about a situation where we have death and mayhem of young people in our Nation. It is a very serious situation. I know that both the Colorado situation and Kosovo will capture the attention of the Nation for the next number of days.

As a courtesy to the gentleman from Colorado (Mr. TANCREDO), who has expressed concern about what has happened in that State, Mr. Speaker, I yield to him at this time for his comments on that, again, tragic situation.

PRAY FOR PARENTS AND CHILDREN, VICTIMS IN TRAGIC COLORADO HIGH SCHOOL SHOOTINGS

Mr. TANCREDO. Mr. Speaker, I come here tonight to ask everyone listening, watching around America, I come here to ask you for your prayers for those parents who have lost children in this incredible, horrible, devastating event.

There are no words any of us can utter from this position, even in this House, that can ever soothe the hearts of the people who have lost their family members. But it behooves us all to think about how precious life is and how quickly it can be taken away any time, any place, anywhere.

It must make us all think again about turning to God and asking for his counsel and for wisdom which we all need in order to address these kinds of issues and others that will confront us.

So I have no other speeches to make. I have no other words to utter than to simply say again to everyone, please pray for the grieving, pray for the lost, and pray that this never, ever happens again.

Mr. MICA. Again, my prayers are with the gentleman from Colorado and with the families who have experienced this great tragedy in their community. Again, it is something that will be reflected in the news reports for the coming days just as Kosovo and other tragic events of our Nation.

Tonight I came to the House to really address another social tragedy that is facing our Nation. As I said, I chair the House Subcommittee on Criminal Justice, Drug Policy, and Human Resources and trying to formulate some legislative efforts, some actions by this Congress to deal with a situation that has taken last year the lives of 14,000 Americans.

We have an illegal narcotics and drug abuse problem in this country that is reaching unparalleled proportions, particularly among our young people. I want to review again, and I did this last week, and I have done this a couple of times before, the situation that led I believe to the current problem we see with epidemic narcotics use by our young people across the Nation and the drug situation that faces almost every community across our land.

In 1993, when I came to Congress and I was in the minority, the majority party at that time, the Democrats that controlled both the House, the other body, and the White House, I think that they made some very tragic mistakes at that point in, first of all, cutting the resources of the drug czar's office, almost eliminating all of the staff in the drug czar's office.

The next step that was taken was to appoint a Surgeon General that in fact did not take the drug situation seriously, that helped advocate a policy of "just say maybe" to our young people, and this of course eventually has had consequences as we see in the drug statistics which I will cite.

Unfortunately, the administration also, and the majorities of 1993 to 1995, with the concurrence of the administration, they held majorities again in this body, the other body, they cut the source country programs where drugs are produced, slashed some of the funds to countries. I for one believe it is most cost effective if we stop illegal narcotics at their base of production, in the country of origin, in the fields where they are produced. I think that the cuts that were made back then had some tragic results, and we will talk about them.

The next thing that the administration did, and the Democrat-controlled Congress, was to take the military out of the drug war, to a large extent cut the Coast Guard resources. The Coast Guard is important in protecting our shores. Even the Commonwealth of Puerto Rico was protected up until that time by our Coast Guard.

Again, this theme of "just say maybe" and tolerance to illegal narcotics has eventually found its way into the minds of our young people, and we are now suffering with tremendous problems, particularly in the abuse of heroin.

Let me cite some statistics, if I may, tonight. The number of Americans who used heroin in the past month increased since 1992. The number of Americans who used heroin in the past month increased from 68,000 in 1993 to 325,000 in 1997. This is from a national household survey on drug abuse.

Now, I come from Florida. I come from central Florida. Florida has been particularly hard-hit by this epidemic of illegal narcotics, and in particular heroin. Heroin deaths in Florida increased by 51 percent from 1997.

I reported this last week to the House and my colleagues, and I thought that these statistics were quite remarkable and should get everyone's attention. There were in Florida 206 heroin deaths in 1997. I also thought that that was a very startling figure, and I have some additional information tonight I would like to reveal.

Orlando's 36 deaths yielded the highest death rate. So although we had, maybe, a lower number of heroin deaths in central Florida than larger populations, south Florida areas, we ended up with 3.6 deaths per 100,000 population, the highest death rate in Florida.

Heroin deaths again have just blossomed and mushroomed out of proportion. We have a new drug czar who was the deputy director of the Office of National Drug Policy, Jim McDonough. Jim McDonough stated in the Miami Herald that the drug problem in Florida, and his quote is, "is totally out of control." That is from the Miami Herald comment and quote from him, April 7, 1999, recently.

What is interesting is that change in the pattern of drug trafficking in central Florida. A recent article in the Orlando Sentinel pointed out that $20 hits, $20 doses of heroin were being sold in central Florida last year that were considered as much as 90 percent pure narcotic. That means the purity level was 90 percent.

Ten, 15 years ago, the heroin that we saw on the streets in the United States was 10, 12 percent pure. The heroin that we are seeing today is particularly deadly. Ninety percent pure is what they are seeing. Formerly on the street, this article says that the product of heroin that was found there had a much less deadly content; and that is one of the reasons we are seeing so many tragic deaths in central Florida.

According to Tim Moore, the director of the Florida Department of Law Enforcement, at these purity levels heroin is killing many of our first-time users. I quoted again how dramatically the number of deaths have increased in the State of Florida and in central Florida. Unfortunately, the news in Florida is actually worse than was reported for 1998.

I bring to the floor a copy of an article that appeared this week. The headline is, "News on Heroin Gets Even Worse", and it is from this Monday's Orlando Sentinel.

This report indicates that in some counties up to 20 percent of the people who died after taking heroin did not make the statewide list that I cited last week and again tonight of 206 deaths which were released several weeks ago. This is because the State Medical Examiner's Commission tracks only what it considers to be fatal overdoses. College students who drop dead after drinking beer and taking heroin were not counted. The same was true for motorists killed in an automobile accident while stoned on heroin. This is also part of this report revealed in an Orlando Sentinel article this week.

In contrast, the Florida medical examiners have a long-standing practice of reporting in Florida every cocaine-related death. State officials reported 1,128 such fatalities. That is deaths by cocaine in Florida in 1998. That is a startling figure by itself.

But we see that the figures that I have been given previously on heroin deaths were not accurate. They are even higher, and the situation gets much worse. Again, in the Orlando area, which has the highest rate of heroin deaths in Florida, State guidelines prompted the Orange-Osceola medical examiners, our local county examiner's office, to disregard eight heroin deaths. The office reported 36 deaths in two counties, not the 44 that actually took place.

In Daytona Beach, the Volusia County medical examiner discounted one of five heroin deaths. So, again, this practice is not common just to central Florida and Orange County and Osceola, but Volusia County. In West Palm Beach, the medical examiner's office reported 19 heroin deaths. The office spokesman said two more deaths from 1998 had been confirmed and 19 more cases were still pending.

So the epidemic that we have heard about is even worse than what has been initially reported. The Florida Department of Law Enforcement is now asking the State's 24 medical examiners to expand the way they track the drug deaths. Florida has also asked the medical examiners to create a separate category for users who die after taking one or more drugs, which is a problem that appears to be on the rise.

In the Orlando area and somewhere else, the trend appears to be abuse of heroin and cocaine with alcohol, all of which, I might tell my colleagues and those listening, has a very deadly effect again with this high purity, high content of heroin. Even small doses of heroin can be fatal when taken with beer, wine, or whiskey. The research clearly shows this. Alcohol increases the odds of a fatal heroin overdose by a factor of 22. The three heroin deaths that were discounted in Orlando in 1998 involve victims who died after taking heroin and alcohol, according to this report.

Mr. Speaker, I have talked about what has happened in central Florida, what has happened in our Nation. From 1993, when we had this change in policy, when we had this lack of direction by the administration, the lack of attention to the national drug problem, heroin use among our teens has increased in a 5- or 6-year period 875 percent.

□ 1900

I have mentioned the deaths in central Florida. Up dramatically. Actually undercounted, as we reported from this article released this week in this investigative report by the Orlando Sentinel, a situation totally out of control with, again, our young people.

I want to do something tonight to show my colleagues and to show the American public and those listening that we have a very serious situation. We have thousands of deaths in Florida. We have hundreds of deaths in central Florida. We have over 14,000 deaths across the Nation from drug overdoses or drug-related deaths.

This situation is not making the front page every day across our country, even though we have a heroin epidemic, a methamphetamine epidemic across this land, and other hard drugs. But these heroin deaths and these other deaths have a face and a name on them; and tonight I want to share with my colleagues just for a few minutes a photograph that I hope will be riveted in everyone's mind forever.

I want to show my colleagues that this death and destruction has a face on it and it is a face one can never forget. It is a face that was provided to me by a mother who lost a son to heroin in central Florida. It is a face that this mother and other mothers who gathered together, dozens of mothers in central Florida and parents who gathered together, some of whom I met with, related their stories of how their young people did not realize the purity of heroin, they did not realize the effects of heroin, they did not realize the impact of heroin or hard drugs on their bodies and their minds.

What I am going to show my colleagues should happen to no parent and should happen to no young person in our Nation. This is a picture of a man who is 26 years old. He was loved by his parents, the Stevens family. Loved by his family. He had a life to live. He was loved by his parents, and this young man died tragically of a drug overdose of heroin. I am going to show this picture only for a few seconds because it is quite shocking.

If there are young people watching, I do not want them to look if they do not want to. But this is the face of these 14,000 people who are dying of drug overdoses. This is the tragedy that we see. This is how this mother found her son and this is the sad effect of heroin on our young people across this Nation.

The glory that is portrayed by drug use and abuse in Hollywood and pop songs, this is the result; and this is what happens to those young people, and this is a face, a very tragic face.

This is how that young man ended up, on a sofa, and then in a morgue. The mother gave me permission to show this and has also put other pictures of her loved one from these police reports in a videotape, along with photos and evidence gathered from other scenes of tragic deaths of young people in central Florida, because they want to let the parents know what is happening. They want to let the young people know what is happening. They want the people who are considering using heroin and other hard drugs to know what is going to happen to their loved ones, to their bodies.

I had described to me a scenario of what happens when a person ingests heroin into the body, and I will describe that, if I may, tonight, to give those who are listening, my colleagues, a flavor of what happens and the horror of the death that these young people, thousands and thousands of them, have experienced across our Nation.

Heroin is ingested into the body. There is a period of time, usually within 30 seconds, where the drug hits the nervous system. Euphoria and a warm sensation overcomes the user. The user is beginning to feel the effects of the respiratory system breaking down and the user's breathing becomes labored.

As the respiratory system breaks down, the breathing becomes very slow. A corresponding drop in the body temperature begins and the heart becomes irregular. If the user is conscious at this point, this is the stage where fear grips the user.

Soon, the body is demanding more oxygen, and the user's respiratory system cannot accommodate the growing need for oxygen. The user feels cold. Fluid begins to enter the lungs. This is the beginning of the drowning stage.

So first there is the choking stage and the drowning stage.

Sometimes, during this phase, blood vessels and capillaries begin to rupture, as evidenced by the photograph that we saw of the young Mr. Stevens. The blood on the face of the heroin user is a result of blood vessels rupturing. It is not a very pretty sight. It is not a way for anyone to meet their Maker.

Entering into the final phase, the user is now in great distress and experiencing severe pain throughout the chest and throat, much like a heart attack. The user's head is splitting with pain. The amount of fluid in the lungs has increased. The user is now in excruciating pain and begins to drown as his lungs fill with fluid.

The pain is now overwhelming and the user becomes fitful, jerking wildly and thrashing at the air. This continues for a time until the user becomes unconscious and begins seizures. Death is slow and inevitable.

And this is how these young people end up, unfortunately. This is how a young person in central Florida ended up paying with his life for this use and abuse of drugs. And, in particular here in central Florida, as I have said, we have this incredible epidemic of heroin use.

The high purity in this heroin, mixed sometimes with alcohol, mixed sometimes with other drugs, the results are inevitably fatal. And this has been repeated over and over and over and over again, to the tune of thousands and thousands of people across our land.

So I bring a message tonight that is not very pleasant, but a message, I think, that is very necessary about what is going on and about how people end up who become the victims of this surge of heroin that we see coming into our communities.

My next point to my colleagues, Madam Speaker, is where is this heroin coming from? I submit, my colleagues, that we know exactly where this heroin is coming from. And let me point out tonight how we know where heroin and other hard drugs are coming from, and let us take just a moment to look at this chart.

Our Drug Enforcement Administration has a very sophisticated system of tracking illegal narcotics, and in particular in this case, heroin. It is almost like a DNA tracking where they can trace a DNA back to an individual. This is so sophisticated, this heroin signature tracking program, that they can tell exactly where the heroin came from, what country, almost what field.

Seventy-five percent of the heroin entering the United States in this 1997 analysis came from South America. Seventy-five percent came from South America; another 14 percent from Mexico. Add those up and we have 89, nearly 90 percent of the heroin coming into the United States, this highly deadly, very pure heroin is coming in from two places, South America and from Mexico.

We know about 90 percent, 99 percent of this heroin that is now coming from South America is coming from Colombia, one country, and we know the balance is coming from Mexico. We have 6 percent from southwest Asia and 5 percent from Southeast Asia. But through the sophisticated tracking and analysis program DEA can tell us exactly where these narcotics are coming from, and this deadly heroin that I spoke of.

Now, the question is, what has the administration done about stopping this? We know this heroin is coming in. I have shown very graphically what the heroin does to our young people. I have cited 14,000 deaths in the last 6, 7 years of this administration. Nearly 100,000 Americans have met their death through these sorts of drug-related incidents, and no one is paying attention to this.

The Clinton administration does not pay attention to where these drugs are coming from. In fact, as I said, most of the heroin is coming from South America and, in particular, from Colombia.

What is absolutely amazing, if we were to look at this chart for 1992 and 1993, we would see almost zero percent of heroin coming in from Colombia. There is very little heroin produced in Colombia, and there was a small percentage of heroin coming in from Mexico, much smaller than the 14 percent we see there.

Over the history of this administration, what has this administration done to keep illegal narcotics from coming, and in particular deadly heroin and cocaine coming from Colombia? We know it is produced there, and heroin is now produced there.

Actually, what they did is, they blocked all of the aid, all of the assistance to Colombia on a repeated basis.

I cannot tell my colleagues, as a member of the committee with jurisdiction, working with other Members of the Congress, how many times we wrote, requested, how many times this new majority has funded equipment and ammunition resources to go to Colombia that we have been blocked repeatedly by this administration.

So now, today, I am here. And instead of being a small producer of cocaine, Colombia is now the largest producer of cocaine. Previously, the cocaine came from Bolivia and from Peru. Now we have the distinction of Colombia winning this award, this deadly award, for being the biggest producer of cocaine. Because, again, this administration blocked any type of assistance to stop the production and growing of coca.

Additionally, and of even greater concern, is the heroin production, again of incredible proportions, that has grown up as an industry in Colombia since 1993. Again, the administration failed to get equipment, helicopters, parts, ammunition, assistance, resources to Colombia to deal with this problem.

Additionally, they cut the source country programs of eradication of coca and poppies at their source, the most cost-effective programs, to stop narcotics.

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So this is where heroin comes from. This is where the bulk of heroin and cocaine comes from. And the administration has not acted properly to assist the biggest producer, which is Colombia.

Now, the biggest source of these narcotics coming into the United States in this past 5 or 6 years is Mexico. Mexico has become the major transit center of illegal narcotics, hard narcotics, heroin and cocaine. Not only are they the major transit center, as we can see now from the signature program on heroin, they are also getting into the big league of producing very deadly, very pure heroin in Mexico. And, again, they were a very small player just some short years ago.

What has the administration done to deal with Mexico? Well, repeatedly they have certified Mexico as fully cooperating in the war on drugs. We have on the books, on our Federal legal statutes, a requirement that the President and Department of State every year certify every country that is a drug-producing or drug-transiting country, that the administration must certify that they are cooperating, taking positive steps to stop the production and trafficking of illegal narcotics. It is called drug certification.

What do they get in return? If they cooperate, they are eligible for trade assistance, for foreign aid, for international financial assistance and other resources that we make available as a Congress and also as a government to our allies.

We have had no greater friend or ally or closer neighbor than Mexico. There has been no ally that we have assisted more in trying to maintain their financial stability, treating them as an equal trading partner, granting them NAFTA trade status, assisting them again as a good partner and much to our advantage.

We now have a big trade imbalance. They are shipping more goods, dramatically more, into the United States. And they are also the source of illegal narcotics. This Congress and I were part of that effort several years ago when the administration certified Mexico as fully cooperating. We knew they were not fully cooperating. And we passed about 2 years ago, March 13, 1997, by a vote of 251–175, a resolution that asked that the President be responsible for reviewing the progress of Mexico in helping with some specific items.

First of all was to allow the United States law enforcement agents in Mexico to carry firearms and also to protect themselves in defense and also to increase the numbers in Mexico and the cooperative effort in going after illegal narcotics dealers. Basically, nothing has been done in that regard. Our agents are still at risk. Mexico still refuses to cooperate. And this is a request of the Congress from 2 years ago.

We asked, secondly, that Mexico take concrete measures to find and eliminate corruption in Mexico, particularly among law enforcement and also among military, and to cooperate fully with the United States law enforcement personnel on narcotics control matters. Now, they have not complied with this second request. Mexico has not complied.

In fact, when we conducted an investigation of money laundering in the hundreds of millions of dollars, the Mexican officials in this operation, called Casablanca, instead of assisting the United States Customs officers who were involved in it, threatened to indict and prosecute and go after our agents. Is this fully cooperating?

So, again, this request of 2 years ago of Mexico still has not been attended to by Mexico. In fact, they slapped us in the face, our enforcement officers in the face, with their actions.

We have asked, thirdly, and we continue to request, we asked 2 years ago that Mexico extradite one major drug trafficker. Have they done that? Not really. We want, again, cooperation in extraditing those identified drug traffickers, major drug traffickers, to the United States for prosecution who are under indictment and under request. Have they complied with that? No, not really. They have actually, just close to the decertification time here, extradited one individual and not a major drug trafficker. They know who they are.

What is even worse is, I accompanied some of my colleagues and met with Mexican officials, the attorney general and others, and we know that the Yucatan Peninsula was completely controlled by drug lords, including the corrupt governor of Quintana Roo, the Yucatan Peninsula state. We know the Baha Peninsula is completely controlled by drug and other narco-traffickers. We know that other states in Mexico are completely overrun by drug dealers and they control the political apparatus, judicial apparatus.

Not only have they not cooperated on extradition, they promised when we were there that they would seek the arrest of the governor of the Yucatan Peninsula, who they knew was involved in drug trafficking, who our agents had the goods on, who internationally is renowned for drug trafficking, who turned the Yucatan Peninsula in a narco-terrorist state.

Unfortunately, in Mexico they have a law that does not allow them to really go after folks in office and it makes it difficult to prosecute. So we were told that as soon as the governor of the Yucatan Peninsula leaves office, he will be arrested and he will be made responsible for his actions, which everyone knew were corrupt.

And what happened 4 or 5 days just before the governor was to leave office? He fled the country, I believe on a banana boat, and is on an island off of Cuba we are told. So again the Mexicans failed to extradite, they failed to keep their commitment to go after corrupt officials.

And what is also a request that has been pending for over 2 years now is that Mexico sign a maritime agreement with the United States, that it allow us to halt and hold drug traffickers and pursue them into Mexican waters. This request was made several years ago, has been made repeatedly, and still the Mexicans have not complied with the simple request of trying to bring this situation under control.

Now, if this is not bad enough, if all these requests that were made by this House of Representatives and this Congress 2 years ago, a little over 2 years ago, March 13, 1997, are ignored, just toss it, forget about it, if this was not bad enough, listen to what the Mexicans have done in trying to assist us with stopping the huge quantities of illegal narcotics coming into the United States. These are the statistics we have for Mexican drug seizures, opium, heroin.

From 1997, the number of metric tons that have been seized by Mexican officials, heroin, again killing our young people, a 56 percent drop in drug seizures from 1997 to 1998 of heroin by Mexican drug officials. A 56 percent drop. And this stuff is flooding into our communities in unprecedented quantities, in unprecedented levels of purity.

Cocaine. What did they do to stop cocaine coming into the United States? How much cocaine did they seize in 1997 versus 1998? A 35 percent drop in the metric tons of cocaine that was seized in Mexico. Have they been fully cooperating with the United States? I say not.

The vehicles seized by Mexico. These are actually vessels seized by the Mexican Government. The boats, in 1997 they seized 135. In 1998 they seized 96, a 29 drop in the number of vessels seized. My colleagues can see why we want a maritime agreement because they failed to even interdict. These are these folks who are dealing in huge quantities of deadly drugs.

According to again the DEA, 14 percent now of the heroin in the United States is of Mexican origin. That was a very small figure some years ago. So what Mexico is doing rather than being a small producer, is now even a large producer in producing deadly heroin into our communities and across our open commercial borders with Mexico.

So these are some of the things that the administration has done in the past several years in dealing with Colombia, a major producer of death and destruction through cocaine or coca production and poppies and heroin production. This administration failed to respond, failed to aid, failed to stop it.

Mexico, they certified them even though Mexico is kicking dirt in the face of every Member of Congress in the United States of America by their lack of cooperation on the basic items that we have asked for and their lack of effort in trying to seize illegal narcotics, particularly heroin, cocaine, and now the rage is methamphetamines.

I conducted a hearing yesterday on INS and illegal immigration in Atlanta, Georgia; and the district attorney in the Atlanta region told us that methamphetamines are becoming a serious problem in that community. And also in hearings we have heard across the Midwest, places like Minnesota, Iowa, and again the western part of the United States, where endemic levels of meth, which is very deadly, and designer drugs are now making their way from Mexico into these parts of our country.

Now, my colleagues might say, this new majority Chair up here talking, what has he done? What has the new Republican majority done? I might say that under the leadership of the gentleman from Illinois (Mr. HASTERT), who is now the distinguished Speaker of the House of Representatives, who had this responsibility for putting back together the last 2 years our drug policy, we have made great progress.

Through his leadership and the work of the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and other chairs, the gentleman from Ohio (Mr. PORTMAN) who has worked on the demand side in the community programs dealing with drug abuse and community efforts in that regard, and the gentleman from Florida (Mr. MCCOLLUM), who works on legislative efforts particularly as they deal with the criminal justice system and also helping to restore some of our international efforts, these individuals, part of the new majority, part of the new team, with the leadership of the gentleman from Illinois (Mr. HASTERT), put nearly a billion dollars into various programs, additional dollars into programs, raising our expenditures on this drug issue to $17.9 billion.

Now, this administration, ironically, proposed a $100 million cut in the drug budget and they portrayed that as an increase. I do not know when $100 million less can be an increase, but somehow they are trying to suggest that to the Congress.

But again, we put money into education, into interdiction, money into stopping drugs at their source, starting with these source countries, getting aid to Colombia, helicopters, equipment, resources, the manpower necessary to support their effort to eradicate the poppy fields, the coca fields, the drugs at their source, which I guarantee is the most cost-effective way.

The gentleman from New York (Mr. GILMAN), the chairman of the full Committee on International Relations, and myself have talked for many days about this situation with Mexico.

The situation with Colombia is a little bit different. We do have the cooperation of the new government, President Pastrana. We are getting aid and assistance there. This Congress has provided that assistance, again, under the new majority leadership.

The situation with Mexico is much more difficult, and we have discussed this with leadership and with others. We took the unprecedented steps 2 weeks ago, the gentleman from New York (Mr. GILMAN) and myself and other Members of the House, to extend the period of decertification consideration by the House of Representatives indefinitely until we come up with some additional concrete solutions, until we come up with cooperative efforts, until we come up with some concrete cooperative measures that we can take working with Mexico to gain their cooperation, to seek their real actions in stopping illegal narcotics at their source, stopping the tracking through their country, working on a maritime issue, allowing our agents to be armed and to protect themselves when they are working on these problems in their country, working on real extradition, and identifying these individuals that are major drug traffickers that are under indictment from the United States and extraditing them to the United States and seeing that they are prosecuted and serve time and are taken out of the streets, and also enforcing the laws that Mexico has passed.

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They have passed some laws, I will give them that credit, but they are not executing those laws.

So we need the cooperation of Mexico. We will find a way, working with Mexican officials and with Members of this Congress, to gain their cooperation because they are an important ally, they are an important trading partner, but we cannot sell our souls and the lives of our young people for the sake of trade, for the sake of dollars, for the sake of doing business with a narcotrafficking state.

And we would hate to see Mexico become a narcotrafficking state, and I am quite concerned, Madam Speaker, that we may be on the verge, after having seen Mexico lose the Yucatan Peninsula, after seeing Mexico lose the Baja Peninsula with hundreds of deaths, narcoterrorist deaths, in that state right across our border, some of them heinous, lining up women and children and machine-gunning them. Again, narcoterrorist drug trafficking that has taken over a great deal of Mexico.

We must work together and find some solutions to stop these hard drugs, heroin, cocaine, methamphetamines, other illegal narcotics coming into the United States and restore the programs that again are cost effective, that have unfortunately been ignored by this administration, but will be passed by this Congress, were passed in the last Congress, to restore effectiveness in dealing with these problems.

Again, the toll is tragic. Over 100,000 Americans have lost their lives in the years since this administration took charge, due to the problem of illegal narcotics, and the problem is growing worse particularly among our young people.

Tonight I did detail one tragic death, a young person who lost his life, whose family now is bravely portraying the horrendous death that he died to set an example for others, particularly young people who may not know that there is not glory, that there is not celebrity status in using narcotics, that the narcotics out there today are very deadly when mixed with other drugs or with alcohol, or sometimes for first-time users with 90 percent purity. These individuals meet very tragic, painful, ugly deaths that are just too horrible to describe in additional detail.

But we want the Members of Congress to know what is taking place across this land, we want the American people to know that there is an effort in Congress to correct this situation and that, although the tragedies, as I said at the opening, that have occurred in Colorado and have taken the lives of numerous young people, although Kosovo is a serious situation and there has been ethnic cleansing, we still have a number one social problem in this country that took 14,000 lives last year, is taking lives as I speak tonight, and will continue to take them until we get this situation under control, until we make a commitment to just say no, until we make a commitment to make certain that our young people are educated about the potential tragedy of using illegal narcotics and until we restore those source-country programs that were cut and get the military and whatever other agencies we need, including resources to law enforcement, and to cooperative countries like Colombia, Bolivia and Peru to stop drugs at their source, again in a cost-effective manner. All of us, particularly those who pay the taxes, their hard-earned tax dollars, want an effective program that deals again with the major social problems.

So tonight, as I conclude, I look forward to working with my colleagues on both sides of the aisle to correct the problems of the past. Hopefully, we will not make the same mistakes to draw the attention of the Congress to this problem, to draw the attention of the American people and particularly our young people about illegal narcotics and what it can do to their lives. We do not want anyone else to end up like this young person did on this sofa, so badly mangled, his life destroyed, his family's future destroyed in a body bag in central Florida or in any other community.

So that is why we are here, that is why we will be back next week. It may get to be a somewhat repetitive message, and people may get tired of hearing me. But I guarantee for the next number of months that I continue to chair this drug policy subcommittee we will call this to the attention of the Congress. The American people seek our help and support, every Member, until we get this situation under control.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Members are reminded to direct their comments to the Chair and not to the television audience.

SHARING THE PROSPERITY OF AMERICA WITH WORKING FAMILIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Madam Speaker, I would like to talk about the need to share the current wealth and prosperity of America with working families.

In 1989, the value of the stock market was $3 trillion. Ten years later, today in 1999, the value of the stocks in all the exchanges is $13 trillion. From $3 trillion to $13 trillion, that is what the increased value of the stock market has been. That is quite an overwhelming increase in wealth.

Madam Speaker, we enjoy unprecedented prosperity today, so I would like to talk about how this prosperity and wealth should be shared with workers. Instead of attacking working families, we need to find ways to reward working families and to share this wealth.

There are many ways to share the wealth and prosperity of the Nation at this point. Certainly I do not propose that we do what the Roman Empire did. At one point the Roman Empire was so wealthy as a result of its conquests, its taxation policies on its oppressed victims, defeated nations around it, that it had so much money that it decreed that every Roman citizen would be paid each year a certain amount of money out of the Treasury. That was real sharing.

I do not think it succeeded for very long because once the word got out that every Roman citizen could share in the booty and they would pay them part of the accumulated wealth of the Nation, all the people in the surrounding countryside moved into Rome. In large numbers, they filled up Rome, and that policy was brought down by the sheer weight of numbers.

Madam Speaker, I do not think we should ever try to repeat anything of that kind; however, I think that we can share the wealth of the Nation with working families by improving health care and making certain that every American citizen has decent health care. I think we can share the prosperity and the wealth of the Nation by making certain that education is available for every American citizen.

The children of working families, for example, are the children who go to public schools. They have no alternative. So our public system of education which, by the way, has 54 million enrolled pupils, that system should be given as much help as possible by all sectors of our economy, governmental and private as well.

So education, health care, I think if you improve those things, it would be two ways to share the wealth with working families.

There is another very concrete and direct way to share the wealth with working families, and that is to share the dollars. The best way to help somebody who is poor is to give them money directly. Dollars in the hands of the poor are the most efficient and effective way to deal with poverty. So, instead of attacking the working families, as some of our present Republican legislation is seeking to do, let us have a bipartisan coalition on helping working families by raising the minimum wage. Let us raise the minimum wage and put some dollars in the pockets of working families, and they can put food on the table, better clothes, better housing and take care of themselves.

We do not have that spirit here in this Congress. I appreciate the fact that we do not have a situation similar to the one that existed just a little more than 2 years ago in the 105th Congress. The 105th Congress started out with a set of direct assaults on working families. We had direct assaults, and we came on with the very first bill of the year. The very first bill in the 105th Congress was H.R. 1, which was designed to take away the cash overtime payments from working families.

Madam Speaker, that may seem like ancient history now, but it was on a roller coaster in the first debates of the 105th Congress. It was on a roller coaster because it had support from the White House, it had support from the majority of the Democrats, a bill which said we will not pay workers any more in cash overtime, we will force them to take comp time, and the comp time has to be taken at the discretion of the employer.

I pointed out, in fact, that what the workers needed was the cash, extra cash that the overtime provided, more than anything else. An argument was offered that, well, there are a lot of professionals and middle-class people who would like to have the option of having time off instead of more cash. I pointed out at that time that we in no way, the Fair Labor Standards Act does not really interfere with people having time off instead of cash. There are ways to deal with that if people prefer that voluntarily.

But what they were doing by mandating that the Fair Labor Standards

Act be changed was mandating that every worker had to accept the situation where time off would be at the discretion of the employer and no cash. I pointed out at that time that two-thirds of the people in America who worked for a living, wage earners, two-thirds made less than $10 an hour, less than $10 an hour, and I said: Let those two-thirds who make less than $10 an hour be exempted from your proposed legislation which would mandate time off instead of overtime. And it did get a few votes on the floor, my amendment, but it did not pass.

However, thank God, the forces of common sense were at work all the time, and what seemed like a steamrolling proposition in the early days of the 105th Congress petered out. The labor unions got moving, the common sense of the average worker out there got moving, public opinion became involved, and the whole concept of forcing a change in the Fair Labor Standards Act to require comp time instead of overtime and cash just disappeared. I am very appreciative of the fact that we do not hear any more about it.

There are some other frontal attacks on working families that we do not hear about this year, and I am glad we do not hear them any more. There were frontal attacks on OSHA to merely wipe out the agency, reduce the budget by two-thirds.

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OSHA takes care of the health and safety of workers. The Occupational Safety and Health Administration is there to take care of providing safe workplaces. There were attacks which said that OSHA was threatening American industry, that business could not survive if OSHA continued to exist.

These attacks persisted despite the fact that many of us pointed out the fact that OSHA staff had been so reduced that in my lifetime it was not likely that a business would be visited. It takes a cycle of more than 100 years for the inspectors to get around to visiting those businesses out there to examine the conditions to see if they meet OSHA standards.

So OSHA was not a gestapo like agency with numerous staff members to come down on business. That was not true. That frontal attack has ceased, and we are grateful for that.

There was also an attack on the unions and their ability to use their funds for any political purposes. It was called the Paycheck Protection Act. The Paycheck Protection Act was really going for the jugular vein. Wipe out the ability of unions to speak for their members, cut it off completely and if it could not be won at the Federal level there were also movements in the States fomented and encouraged by the leadership of the Republican majority here in the House.

The Paycheck Protection Act is no longer being discussed this year. We are grateful that working families do not have to worry about losing their voice in the political arena. That is no longer a problem.

Then there were the attacks on Davis-Bacon that came loud and frequently. Davis-Bacon was being attacked relentlessly, although as I often point out Davis and Bacon were two Republicans who devised a system for protecting workers in situations where large Federal contracts were involved. They did not want the wages of the local areas to be eroded by having these large contractors come in and bring outside workers in to do the work at lower wages. So it was common sense built in all the way from the beginning.

These frontal assaults, the constant unrelenting attempt to batter down the protections for working families, are not happening here in the 106th Congress.

I serve as the ranking Democrat on the Subcommittee for Workforce Protections of the Committee on Education and the Workforce, and I know that at the committee level and the subcommittee level we are getting a guerilla attack. Guerilla ambushes have replaced the frontal assault. Not the same amount of noise is being made. They do not rush these items to the floor and expect immediate endorsements and passage, but there is a slow chipping away at the protections for working families.

Working families are still in danger in this Republican controlled Congress. Working families still have to fear a bush whacking, a quiet assault, an ambush, in a number of areas. I say that I want to call on this 106th Congress, where all of us, most of us, subscribe to the notion that we are more civil and would like to have a bipartisan approach to certain issues, let us have a bipartisan approach to rewarding working families.

Working families make up the majority of America out there. Working families need better health care. They need decent education. They need more help from the Federal Government for education. First of all, working families need dollars in their pockets, and we can do that by increasing the minimum wage.

Increasing the minimum wage is what I want to talk most about. It is all integrally interwoven. We need to increase the minimum wage and the minimum wage is where there are entry level workers who are now making $5.15 an hour. We have proposed to raise that by fifty cents in one year. That is the President's proposal, fifty cents in one year and then another fifty cents another year, which means a dollar increase over a 2-year period. It will not make anybody rich. People who are making $10,000 a year would be making a little more than $12,000 a year after we raise the minimum wage.

A lot of people have a lot of questions about whether the minimum wage really is important because, after all, most Americans are not making minimum wage. I am going to show some statistics, recent statistics, in a few minutes, to let everyone know that quite a number of Americans still make minimum wage and there are a lot who make below minimum wage, that are working every day for wages below minimum wage because minimum wage is not mandated for the smallest business. There are a number of situations where minimum wage does not impact.

So instead of attacks on working families, I propose that we move forward in a bipartisan effort to reward working families by increasing the minimum wage.

At a town meeting that I had just last night, where there were quite a number of people who came out, people are very concerned about a number of items, a number of Federal actions that are being taken. At the top of the list, of course, is Kosovo and what is going to happen with Kosovo and the intervention of our American forces along with NATO; will we send in ground troops or will they appropriate more money for the effort and in the process of appropriating more money for the war effort will we downgrade the efforts to improve Medicare by having something added to Medicare which will cover prescription drugs; will we downgrade our efforts to improve the education system and say that we have no money because this war effort is going to absorb all the resources? Those are very important questions and people are very concerned about that.

By the way, I asked for a show of hands in an audience of about 200 people as to was there support for the present actions in Kosovo, the bombing of Kosovo, to stop the dictator Milosevic, Slobodan Milosevic, which I call a sovereign predator, responsible for unspeakable horrors in that area of the country, was there support for the present action that the United States was taking along with its NATO allies. Practically every hand in the house went up supporting it. The overwhelming majority, 95 percent of the people, supported taking action.

However, I might point out that when I asked how many would support escalating the combat effort, escalating the effort to the use of ground troops, I had just the opposite reaction. Only about 5 percent raised their hands. I think that is very informative.

To get back to today's subject, their primary concerns, or I might not say primary but equal to Kosovo were concerns about Social Security and concerns about Medicare and concerns about education. These are all things that are very important to working families. When we help to improve education, we are improving a lot of working families.

The public school system that is being attacked by a lot of people in the majority, the Republican majority, they want to replace the public school system with a privatized system. They want vouchers to replace Federal aid to education. They want to give up on the public school system. As I said before, there are 54 million students in the public school system. Fifty-four million students are enrolled.

Only a small percentage of our population of school-age students attend private schools today and if we were to make some kind of effort to greatly increase the funding for private schools, it would still be a very slow process of moving more and more of our youngsters into private schools. So just logistically and statistically, not much help is going to come in the near future from a private school effort or from giving vouchers and sending working family children off to find a private school. So any attacks on public education are also attacks on working families.

One might want to know that the Federal Government does not do very much for these 54 million children out there in public schools. Our expenditure for elementary and secondary education presently is about $22 billion a year. The annual expenditure for elementary and secondary education is about $22 billion. Our current expenditure for highways and transportation is $51 billion, to let everyone see what the contrast is. We are spending only $22 billion for education but $51 billion for highways.

I use that example because a lot of people continue to confront me with the issue of local control and say that it is not the Federal Government's business to worry about education. It is not the Federal Government's business to be involved in education. They ask, why would I want to saddle the Federal Government with responsibilities in the area of education?

Well, let me ask this: Is it the Federal Government's responsibility to be involved in roads and highways? That was always a local responsibility. Highways and roads were for States and local governments to take care of. Nothing in the Constitution gives the Federal Government the responsibility for maintaining the highways and the roads, but now we are at the point where we currently are spending $51 billion.

Last year we had the biggest expenditure in history for highways and transportation approved. That expenditure will be about $218 billion over a 6-year period, $218 billion over a 6-year period. Contrast that with what the President is proposing to spend for school construction. Over a 5-year period he is proposing to spend $3.7 billion to pay the interest on $25 billion worth of loans that the local governments and the State governments will have to make for education. So the contrast is overwhelming.

These are children of working families who go to the public schools. School construction would be an initiative to help working family children.

People say that inner cities do not deserve to be given priority for education funding and we should take away the Title I money and put it into ed-flex and let the governors and the local decisionmakers spend the money for anything they want to related to education. Do not concentrate on the original purpose of Title I. The original purpose of the Federal Government's involvement in education was to help the poorer communities. Forget about that. They do not deserve that. There are Democrats who say that we should not have a construction bill, a school construction bill which gives first priority to the cities. Well, we give first priorities to the inner cities because that is where most of the children are. Most of the population of America lives in the big cities.

When it comes time to fight wars, most of the people who go off to die are the young people from big cities. If one goes to the Vietnam Memorial wall they will find that the wall is full of people who come from the big cities and it is full of the children from working families. Children from working families went out to die in World War I and World War II and children from working families died in Vietnam. If we have a war in Kosovo that expands to a ground war, the majority of those who would die in combat will be from working families in big cities.

Madam Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Speaker, I wanted to come down here to the Floor of the House to compliment the gentleman from New York (Mr. OWENS), my fine colleague, for his special order this evening.

Madam Speaker, I was listening to the gentleman in my office and I was motivated to come down here when he was talking about the minimum wage and the struggle of people from our country to earn a decent living.

I wanted to engage the gentleman in a colloquy, if I might, based on a speech that was made over the weekend and reported in the gentleman's home city of New York City by none other than the chairman of the Federal Reserve, Alan Greenspan.

The story was reported in my local paper back home, the Toledo Blade, because he was talking about workers in our country and saying that, and I quote from the article, "pockets of workers in America sometimes have to suffer for the national economy to get stronger." It was very interesting and, Madam Speaker, I would like to include that article for the RECORD at this point.

Madam Speaker, I ordered a copy of his speech today, and I have read it, because he was speaking to a group in Texas and he was talking about NAFTA. He was talking about how successful it has been.

I was very interested in the gentleman's remarks on minimum wage because Mr. Greenspan, in his speech, argues that international trade has lifted the standard of living of people in this country. I guess I wanted the gentleman to comment whether it is his view that some of the trade arrangements that we have locked ourselves into have been beneficial to the standard of living and to working families' incomes in this Nation. From what the gentleman was saying about the minimum wage, something is not working here.

Obviously, all boats are not being lifted. What was interesting to me about Mr. Greenspan's remarks, in fact, when he said who had to suffer as a result of our trade agreements, he only said workers. He did not say shareholders. He did not say chief executive officers. He did not say executive assistants. He did not say managers.

[From the Toledo Blade, April 17, 1999]

GREENSPAN CONTRADICTS U.S. TRADE VIEW—COMPETITION IS THE GOAL, HE SAYS

WASHINGTON (NYT).—Alan Greenspan waded into the debate over trade policy yesterday, denouncing protectionist pressures and arguing that pockets of workers sometimes have to suffer for the national economy to get stronger.

The Federal Reserve chairman did not address the biggest question on the trade agenda, the possible entry of China into the World Trade Organization. But he outlined a broad case for eliminating trade barriers and warned that attempts to halt the development of a more global economy are futile and harmful.

Mr. Greenspan's influence could help the Clinton administration as it seeks to complete a deal with China and win congressional approval for the pact.

But Mr. Greenspan criticized the administration for framing the benefits of trade in what he called the wrong way. The point of expanding trade is not to create jobs, Mr. Greenspan said, contradicting the President's main argument for why the United States should open new markets.

Rather, Mr. Greenspan said, trade forces the United States to become more competitive, and to use its resources—people, technology and money—in the most productive way.

The Fed chairman took the administration and Congress to task for taking what he called an overly narrow view of trade relations.

"I am concerned about the recent weakening of support for free trade in this country," Mr. Greenspan said in a speech to business executives and foreign ambassadors in Dallas.

"Should we endeavor to freeze competitive progress in place, we will almost certainly slow economic growth overall and impart substantial harm to those workers who would otherwise seek more effective long-term job opportunities," he said.

Mr. Greenspan spoke after 10 days of debate within the administration and throughout Washington over how hard to push for a deal that would put China under the international rules of trade.

> Last week, Mr. Clinton backed away from a deal with China's prime minister, Zhu Rongji, despite sweeping concessions from the Chinese on a variety of trade issues. Mr. Clinton concluded that he would not be able to win approval from Congress because lawmakers are unhappy with China over accusations that it has violated human rights, spread nuclear weapons, and spied on American weapon programs.
>
> But after criticism from business leaders, Mr. Clinton restarted talks with China.

□ 2000

My own view, and perhaps the gentleman would want to comment on this, if we look at our trade deficit with Mexico, now nearly $16 billion a year, making more down there than we are able to sell. They ship their goods here, we do not get as much down there, their people cannot afford to buy; our people lose jobs.

China, which is an issue we are going to be discussing here, $50 billion, $60 billion in trade deficits. The poor workers in China are making 10 cents an hour, and yet we have the downward ratcheting of wages and benefits in this country, which force us to come to the floor here to ask for an increase in the minimum wage.

I just wanted to come down to the floor and to introduce this news article where Mr. Greenspan contradicts U.S. trade views and criticizes Congress. I am mystified why we might be concerned. I thought the gentleman might want to add something to his earlier remarks.

Mr. OWENS. Madam Speaker, I certainly appreciate the gentlewoman from Ohio joining me because she has studied this situation very closely over a long period of time and has a great deal of knowledge and institutional memory as to how we have progressed to the present situation.

I think the gentlewoman will sympathize with me when I say any country which is earning in its stock markets $13 trillion in 1999 versus $3 trillion in 1989, has seen a $10 trillion increase over a 10-year period, why are they worried about the economy faltering and why must that keep going on the backs of workers? We certainly have no danger; if we raise the minimum wage or if we were to pay workers better and create more jobs, that $13 trillion cannot be threatened, or if it wavers a bit and goes down to $12 trillion, what is the difference?

So I had to restrain myself because when I began, our colleagues from the other side had just finished talking about Mexico and the drug trade, and NAFTA came to mind right away. We should have disapproved of NAFTA just for the reason that the Government of Mexico is overwhelmed by the drug trade and that any kinds of laws that we try to enforce there are impossible. We cannot enforce laws that require trade unions to have freedom. We cannot enforce laws on the environment. We cannot enforce laws which would maintain decent minimum wages and working conditions.

Then, when we move to China, China overnight has an overwhelming balance of trade with us, and it is obscene, the amount of the surplus with China in their favor at this point. They not only employ people at low wages, they use prison labor. I heard just this past weekend a manufacturer of toys who openly said that it is manufacturing in the prisons of China. We do not want anything to do with that; do not ask me any questions about it. I do not care what it manufactures, we get a much cheaper price.

So the workers here are directly threatened by that kind of activity in Mexico and in China, and of course the people who benefit are the ones who reap tremendous profits by bringing the very cheap goods in here and selling them at prices that are more consistent with our standard of living and reaping the profit. That is where the $13 trillion versus $3 trillion has been accumulated.

Ms. KAPTUR. Madam Speaker, if the gentleman would just yield to me for one more minute, I would say that Mr. Greenspan seems to think that all trade raises the standard of living of the American people. It might raise the standard of living of people who can afford to take him out to lunch or dinner along Wall Street in New York City or K Street here in Washington, D.C., but it has not raised the wages of the people that the gentleman from New York is talking about here, where we in Congress have to forcibly ratchet up the minimum wage because people are being told where they work here in the United States, well, if you want any kind of a small wage increase, or maybe you want better health insurance or health insurance at all, if you do not agree to that, we are going to Mexico. I do not understand why an intelligent person like Mr. Greenspan cannot feel the pain and understand the impact of these trade agreements on the vast majority of the American public that has not benefited from the big bang on Wall Street.

The average wages of people in this country and their real buying power has not been going up. They are working; thank God we have done some things right in this country, but they are not able to meet prices.

The other day I went to get a blouse back home, and I walked up to this one rack and I pulled it off the rack and I looked at it, it was $129 made in China. And Mr. Greenspan says in his speeches here that this trade is great for America because we get all these cheap goods. Where? Where are the cheap goods? All the garment workers in the gentleman's city who lost their jobs who were making not great wages, but at least they could keep house and home together, when those jobs were wiped out and replaced by Chinese jobs, I really do not see how he can say this helps the standard of living of the ordinary rank and file, the majority of people in this country. It certainly helps those who trade in stocks on Wall Street, would the gentleman not agree?

Mr. OWENS. Madam Speaker, the $129 blouse probably cost less than $10 to make.

Ms. KAPTUR. I know.

Mr. OWENS. So large profits are reaped by somebody, and that is where the $13 trillion has been accumulated, a $10 trillion increase over the last 10 years. That is obscene when we look at the fact that 40 million people are not covered with any kind of health care and we are nickel and diming our education system in terms of support from the Federal Government, and on and on it goes.

Mr. Greenspan insulted all working people previously by saying that unemployment is good for the economy, and the last thing we wanted was to have full employment. It is ridiculous to allow these icons to go on unchallenged, but as the gentlewoman and I know, we are lucky that lightning has not come down and struck both of us for criticizing Mr. Greenspan. The power structure wants Mr. Greenspan. The President keeps reappointing Mr. Greenspan, the majority of Republicans want Mr. Greenspan. Mr. Greenspan is no friend of working families, and there is a philosophy, and a lot of people in decision-making positions who are not friends of working families. We are missing a golden opportunity in America to have the working families share the prosperity, and it would be good for the entire country to have them share it.

Ms. KAPTUR. Madam Speaker, would the gentleman, who has been such a leader on education, allow me just to say this, because I do not know of any member of the gentleman's committee that has fought as hard for education as the gentleman has in his tenure here in this Congress, and the American people owe you a debt of gratitude for that.

What is very interesting to me in our area of Ohio and around the Midwest, many companies that used to pay taxes for education and used to help schools, got abatement, tax abatement over the last 20 years, and now what is happening is educational systems across this country are faltering at the local level and asking the Congress to appropriate money in order to help for school construction. The President of the United States a couple of months ago was up here asking for money for school construction. This is a shift in priorities of the Federal Government to move into school modernization and construction.

One of the reasons this is happening is that locally, these very same companies that have gotten abatement and are cutting back on their public responsibilities are then shifting that burden up to the Federal Government where we have a lot of other responsibilities, and it is very interesting to me that the gentleman has to fight for dollars for education, dear dollars that we need for curriculum, for instruction, for making up the differential between lower income districts and higher income districts, and yet now we also have to fund buildings. It is amazing to me how much foregone tax revenue there is at the local level. Just another example of corporate America not meeting its public responsibilities.

I would wish for the Federal Reserve to do a study on that.

Mr. OWENS. Madam Speaker, as soon as the tax abatement run out for many of these companies, they are going to leave the gentlewoman's State and go to Mexico or somewhere else.

This is a great argument; of course, I do not like to see the Federal Government be forced to assume new responsibilities, but it is a great argument for the Federal Government assuming more responsibilities for school construction, because the wealth is in the country. It is not in the counties, as it was before, but it is somewhere in the country when we see the $13 trillion stock market value. Let the Federal Government take part of that wealth and use it to build schools across the country. It did not apply 20 years ago; it was not necessary 20 or 25 years ago, but it is necessary now.

What is wrong with safeguarding the national interests by seeing to it that we have adequate schools and school construction is one of those areas where it is most intense in terms of capital. School systems are struggling for operating budgets to keep the right number of teachers and suppliers and all of the other expenses going. Surely, a one-shot expenditure on a massive scale to deal with the fact that the General Accounting Office says we need about, in 1995, we needed about $110 billion just to repair schools that needed repair and to build, to keep up with the current enrollment in 1995, and now we need much more.

So we need a massive injection, similar to the highway bill injection. When we need big money for a purpose that people see day-to-day in having some applicability, then let us spend the money there instead of wasting it in other places, and school construction is one of those places where it is needed.

I think the Federal Government expenditure right now for elementary and secondary education is about $415 per child per year. That is our involvement. Most of the cost of education is still borne by State and local governments. We could afford to have an infusion, a one-shot, one-time set of expenditures for construction and let the Federal Government then get out and leave it to the States on an ongoing basis.

I sympathize when some people say the Federal Government should not interfere with education at the local level. Well, if we build schools, we are not interfering with curriculum and procedures and processes, we are just helping to build schools and then getting out and leaving it to the local government. That is an area where we should be involved. Of course, as I said before, most of those schools are for working families who cannot afford the alternative in terms of private schools. No matter how we play around with that, most working families are going to have to send their children to public schools.

Madam Speaker, I thank the gentlewoman for bringing more light on this subject.

The minimum wage right now is $5.15 an hour. That comes out to $10,000, $10,300 for a worker who works 50 weeks in a year, $10,300 per year. Let that sink in and let people understand that two-thirds of the workforce makes less than $20,000 a year. I did this research when I was fighting the bill which required people to take time off instead of receiving overtime. Two-thirds of the workforce is at the level where they are making only $10 an hour. Two-thirds of the workforce in America are making only $20,000 a year, twice the minimum wage at this point. That is two-thirds of those who earn a living as wage-earners.

The Fair Labor Standards Act of course was amended, and the minimum wage, on September 30, 1996 it was raised to $4.75 an hour, and then September 1, 1997 it was raised to $5.15 an hour. That was when we had the last increases. Of course at that time we also had to bear an amendment which was called the Opportunity Wage Provision. The Republican majority insisted that workers under age 20 can be paid $4.25 an hour for the first 90 consecutive calendar days after they are hired. That was a compromise that I did not care for, but we had to make that in order to get the bill passed.

Now, people say that well, most workers are already above the minimum wage; they do not have to worry about that. But 1.6 million workers were paid by the hour at hourly wages of $5.15 in 1998. Madam Speaker, 2.8 million workers were making less than that. Some workers are paid below the minimum wage because, as I said before, because of the provision for youth workers, and then there are small businesses that are exempted from the minimum wage, very small businesses exempted.

Over the last 30 years, how has the minimum wage kept pace with inflation? I just said before that in 10 years, the stock market value went from $3 trillion to $13 trillion. Now, do we have any kind of overwhelming increase like that with the minimum wage? No. From 1961 to 1981, the real value of the minimum wage was above $6 an hour every year but one. During that period, it fell below $6 an hour one time in 1973.

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Since 1981 the real value of the minimum wage has stayed below $6 an hour. President Clinton's proposed increase would restore hardworking minimum wage families' purchasing power to the level that it held for almost 6 years, almost 20 years, way back.

It did hold, with the cost of living and inflation, for a 20-year period, but now 20 years has gone by since it was at the level of $6 an hour. We would be going to that level if we increased the present minimum wage in two stages, $5.15 and then, 35 cents one year and 50 cents another year up to the point where it would be $6.15.

People say that most of the minimum wage workers are young people in fast food joints and odd jobs after school, and it does not matter if they make the minimum wage, but the statistics and the studies show that 65 percent of minimum wage workers are adults 20 years or older. Sixty-five percent of the people who earn the minimum wage are adult workers 20 years or older.

Some people say it does not help women and minorities because as we raise the minimum wage, employers lay off people, and a lot of women and minorities who would benefit from more jobs lose jobs as the minimum wage forces employers to cut the number of jobs.

Well, women would be helped by increasing the minimum wage. Most minimum wage workers are women right now. Almost 1 million women are paid $5.15 an hour. An additional 5.8 are paid wages less than $6.14 an hour.

Fifty-nine percent of all who would benefit from the increase are women. Nineteen percent of all hourly paid women would benefit from the increase. Seventy four percent of female low-wage workers are adults. Five million of the women are age 20 years or older. They are paid these minimum wages. Raising the minimum wage would provide a modest pay raise to the poorest working women, many of whom are raising children.

Over 15 percent of those who would benefit from an increase are African American women, and 18 percent are Hispanic women. Together they number 3.8 million workers.

The question was asked, is the minimum wage targeted to help poor people? As I said before, the myth is that as we raise the minimum wage, we have decreased the number of jobs because employers lay off people, or they cut the jobs in order to increase their profits.

That is not true. According to a study by the Economic Policy Institute on the impact of the 1996 50-cent increase in the minimum wage, the benefits of the increase went primarily to low-income working families.

The minimum wage can provide a foothold into the middle class. A family with two full-time workers who work all year round would earn $25,000 a year with a $6.15 minimum wage. Increasing the minimum wage will help these workers to make up for lost ground due to inflation. It will help make work pay.

Some other facts are, people always argue that the unskilled jobs and the disadvantaged workers are not going to be benefited, again because the number of those jobs will be decreased if we raise the minimum wage.

But between September, 1996, and March of this year, 1999, the unemployment rate for high school dropouts has declined from 8.2 percent to 6.1 percent. The unemployment rate for African Americans has dropped from 10.6 percent to 8.1 percent.

The unemployment rate for Hispanic Americans has dropped from 8.3 percent to 5.8 percent. The unemployment rate for teens has dropped from 15.7 percent to 14.3 percent. The unemployment rate for black teens has dropped from 33 percent to 31 percent.

We would like to see all of these drops be more dramatic, but the fact is that the arguments that we do not help the poorest people or we do not help teenagers or we do not help minorities when we raise the minimum wage are totally discredited. No study has shown that this is true.

When we talk about welfare recipients, a major problem of welfare recipients who entered the labor market so far is not their inability to find a job, but the fact that the earnings are very low. Increasing the minimum wage would increase the earnings of former welfare recipients and make it really worthwhile for them to be working instead of on welfare.

Starting wages of welfare recipients in the job market average about $6.50 an hour, with significant fractions of recipients earning $5 and $6 an hour. Quarterly earnings of welfare recipients tend to be about $2,000 to $2,500 per quarter when they work, and just about $1,500 to $2,000 for high school dropouts.

These low earning figures reflect the low wages as well as the high turnover rates in these jobs. Two problems, the low wages, and these jobs do not usually last for all year round. They are sporadic. There are periodic layoffs, and people do not earn money 50 weeks in a year.

Virtually all research on minimum wage increases show little or no effects on the employment rates of young people. The vast majority of studies also show that minimum wage increases do reduce poverty rates, and no credible study has shown anything different, as I said before.

Minimum wage workers benefit more and sooner if we raise the wages, as we did before, 50 cents per year. So the present proposals that are being floated by the Republicans, where some call for increases of only 25 cents per year, do not propose to move fast enough with enough money to make it significant. It is not sharing with workers, when we have a $13 trillion economy, to talk about we will give them a minimum wage increase of only 25 cents per year.

Minimum wage workers benefit more and they benefit sooner under the proposed Kennedy-Bonior proposal than under any of the Republican proposals. The Republican proposals would take money out of the minimum wage pockets.

For example, in the first year of the Quinn bill, a full-time minimum wage worker earns nearly $200 less than under the Kennedy-Bonior bill. In the second year, the Republican bill gap rises to $571 less than they would make under the Kennedy-Bonior bill.

There is a Shimkus proposal also, and the wage gap is worse under the Shimkus proposal. If the minimum wage increases by 25 cents in 1999, a full-time minimum wage worker earns $487 less in real terms than they would earn under the Kennedy-Bonior proposal.

A second 25-cent increase in 2000 leaves workers even further behind, with a $951 gap between the Kennedy-Bonior proposal and the Shimkus proposal.

In the first 2 years, the Kennedy-Bonior bill would benefit more workers than the Quinn proposal, which is 11.4 million workers compared to 7 million. The Quinn bill does nothing for over 4 million needy workers and their families. The Shimkus proposal helps even fewer low-wage workers.

As I said before, the President's proposal is a simple 50-cent increase on September 1, 1999, and a 50-cent increase on September 1, 2000. As I said before, that would bring the minimum wage earner from the $10,000 a year up to $12,000 a year if they worked 50 weeks in a year, still much too low but an important improvement.

Congress did raise the minimum wage by 50 cents in 1996 and 40 cents on September 1, 1997, and this time we propose to do it, through the President's proposal, a little better than that.

The minimum wage is still low in historical terms. The value of the minimum wage reached its peak in 1968, when the value in real dollar terms was $7.49 in terms of dollars, dollar values in 1998. We were up that high, $7.49 in 1968.

During President Reagan's 8 years in office, the real value of the minimum wage went down by about 25 percent. Today, even after the 90-cent increase that President Clinton pushed through Congress, the minimum wage is only $5.15 an hour, and the new proposal would increase it by another $1 in two steps. This last increase in percentage terms is in line with previous ones that helped low wage workers without adversely affecting the economy. Both this proposal and the last one increased the minimum wage by about 20 percent.

I could go on and on, but I do not want to talk more about facts related to the minimum wage. I think the point is made, that no studies have been brought forward to show that the economy is in any way harmed by an increase in the minimum wage. Workers certainly are not harmed by losing jobs. Unemployment now is much higher than it was when the minimum wage increase started 2 years ago.

States have minimum wages. A few of them have minimum wages larger than the Federal Government minimum wage, but some States, of course, have no minimum wage, and often do not abide by the Federal minimum wage. They have a lot of jobs that do not pay even the minimum wage.

I think Texas, if we want to look at the largest number of people earning the minimum wage, Texas has 211,000 in its State, and 4.2 percent of the work force is earning minimum wage. They have another 838,000 people who earn between $5.15 an hour and $6.14 cents an hour. That comes to 16.6 percent of the work force at very low wage levels.

So we need to share the wealth. If we have $3 trillion, if we move from $3 trillion to $13 trillion on the stock market, there is no sound argument for not raising the minimum wage. Of all the ways to share the wealth, the best and easiest way, the most direct way, is to increase the dollars in the pockets of the workers. Working families need more money.

So I appreciate the fact that we are not openly attacking workers, as we did in the 105th Congress. I appreciate the fact that the first bill on the agenda was not a bill to take away overtime, as we did in the 105th Congress.

I appreciate the fact that we are not any longer waging war on labor unions, to take away their ability to speak for their workers by having a so-called Paycheck Protection Act, which throttles the voices of unions. I appreciate the fact that there are no loud voices being raised to try to end Davis-Bacon for Federal contract jobs.

But the truth is, in all of these areas there is still a guerilla war going on. The guerilla war is more subtle. The guerilla war is designed to hoodwink working families.

Davis-Bacon is being attacked behind the scenes. Davis-Bacon is being again used as a scapegoat for not approving a massive school construction appropriation. They are saying that Davis-Bacon drives up the cost of school construction, despite the fact that there have been several scientific studies which show that Davis-Bacon does not drive up the cost.

Mr. Peter Phillips has made several studies showing that if we remove Davis-Bacon, the cost may remain the same or go higher, but what happens is that the wages of the workers go down and the profits of the contractors go up. That is the only thing we accomplish when we remove Davis-Bacon from contracts.

State Davis-Bacon laws, similar State Davis-Bacon prevailing wage laws have been changed in certain Midwestern States. They have seen that it does not lower the cost of school construction, it only raises the profits of contractors. So Davis-Bacon should not be an issue.

However, in the circles of Congress there is still talk of blocking any appropriation for school construction because of Davis-Bacon, or holding school construction appropriations hostage by saying that we will do it only if you get rid of Davis-Bacon.

I understand the Committee on Ways and Means has made some steps forward in terms of the Democratic leadership over there. The ranking Democrat on the Committee on Ways and Means recently announced in a session of the Congressional Black Caucus that he would certainly support the continuation of Davis-Bacon on the school construction bill proposed through Committee on Ways and Means.

That is the President's proposal that we borrow $25 billion, and the States and local governments would be helped by the Federal Government, by the Federal Government paying the interest through a tax credit vehicle on the $25 billion for school construction.

So I hope that the guerilla warfare will cease. We had some problems recently in the subcommittee on Workforce Protections, my subcommittee where I serve as the ranking Democrat. We had a problem with an attempt to get rid of bonuses as part of the computation of the rate of pay for a worker.

If we remove the bonuses, then the hourly rate of the worker goes down, and we can have the worker work overtime and he gets less money if the bonus is not computed as part of his hourly pay. That is what we call a bushwacking, an ambush of the working families, to try to take away their overtime through a much less visible approach.

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H.R. 1 was a highly visible direct assault by mandating, it called for mandating the use of comp time instead of cash payments for overtime. So we would like to see working families not have to fight so hard to get their share of the wealth.

I would like to even go further and say that the problem of Social Security, problem of health care, we should look at taxing unearned income. Unearned income may be the source of the solution to the Social Security problem. If we would put a Social Security tax, as I am proposing, on unearned income, we would guarantee Social Security for an infinite number of years in the future.

At the same time, we could lift the tax off the backs of the workers. Working families have had the biggest tax increase over the last two decades through the payroll tax. Most people do not realize that because they do not look at taxes in that way. But the payroll tax increase has been not a progressive tax, but a regressive tax, and fallen on the backs of wage earners. At the same time, we have had this tremendous increase in wealth for the people who have unearned income.

I did not invent these two terms. These are economic terms that have been around for a long time. Earned income is the income of working people, the people who earn wages. Those dollars are called earned income. Investments and income from rent and other sources are called unearned income.

I do not know why we discriminate against earned income and all the taxes are just on earned income. Only 11 percent of unearned income is taxed. We ought to take a look at a tax reduction policy for working families. That is another issue that should be considered.

But, first of all and foremost, I think that the current consideration is the need for a bipartisan approach to the passage of a meaningful increase in the minimum wage, a meaningful increase. We do not want a bipartisan increase. The bipartisanism forces us to sacrifice the reality of it.

The reality is that no less than $1 over a 2-year period is acceptable. We need so much more than that. Consider the $13 trillion versus the $3 trillion, and my colleagues will see the kind of magnitude that our wealth has increased by.

No less should happen in terms of the various programs that we, as the policymakers here in Congress, approve for working families. We need to help working families through health care. We need to help working families by providing health care plans and health care systems that take care of everybody.

We need to help working families by increasing Federal aid to education, first of all building more schools and better schools and repairing schools and modernizing schools and equipping schools with the technology that they need.

Finally, we need to help working families first of all, most immediately and most directly, by passing immediately an increase in the minimum wage.

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, APRIL 19, 1999 AT PAGE H2135

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 16, 1999 at 12:00 noon.

That the Senate passed without amendment H.R. 911.

That the Senate passed without amendment H.R. 1376.

That the Senate agreed to the Conference Report on H. Con. Res. 58.

Appointments: Congressional advisers on trade agreements. United States Commission on Civil Rights.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SAXTON of New Jersey (at the request of Mr. ARMEY) for today and until 3 p.m., Wednesday, April 21, on account of personal reasons

Mr. NUSSLE (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OSE) to revise and extend their remarks and include extraneous material:)

Mr. SHADEGG, for 5 minutes, today and April 21.

Mr. HORN, for 5 minutes, April 21.

Mr. HULSHOF, for 5 minutes, today and April 21.

Mr. DEMINT, for 5 minutes, April 21.

Mr. PORTER, for 5 minutes, April 21.

Mr. TANCREDO, for 5 minutes, today.

Mr. KNOLLENBERG, for 5 minutes, April 21.

Mrs. MORELLA, for 5 minutes, April 21.

Mr. DUNCAN, for 5 minutes, today.

Mr. HUTCHINSON, for 5 minutes, April 21.

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. ROMERO-BARCELÓ, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 249. An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes; to the Committee on Education and the Workforce.

S. 426. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes; to the Committee on Resources.

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes; to the Committee on Resources.

S. 453. An act to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the "Hurff A. Saunders Federal Building"; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. OWENS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 21, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1594. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide for livestock price reporting; to the Committee on Agriculture.

1595. A letter from the Director, Office of Management and Budget, transmitting a report that the enclosed appropriation to the Department of Agriculture has been apportioned on a basis that indicates the necessity for a supplemental appropriation, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

1596. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to extend the expiration date of the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Financial Services.

1597. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule—Bumper Standard [Docket No. NHTSA 99–5458] (RIN: 2127–AH59) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1598. A letter from the Director, Office of Administration and Management, Department of Defense, transmitting a report pursuant to section 3349 of the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1599. A letter from the Director, Office of Administration and Management, Department of Defense, transmitting a report pursuant to section 3349 of the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1600. A letter from the Secretary of Agriculture, transmitting notification of two vacancies within the Department of Agriculture in positions which require appointment by the President, by and with the advice and consent of the Senate; to the Committee on Government Reform.

1601. A letter from the Secretary of Housing and Urban Development, transmitting a copy of the Government National Mortgage Association management report for the fiscal year ended September 30, 1998; to the Committee on Government Reform.

1602. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting a draft of proposed legislation to extend the authorization for Title XI of Public Law 104–333, California Bay Delta Environmental Enhancement Act; to the Committee on Resources.

1603. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines [Docket No. 98–ANE–39–AD; Amendment 39–11123; AD 99–08–17] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1604. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–80A, CF6–80C2, and CF6–80E1 Series Turbofan Engines [Docket No. 98–ANE–49–AD; Amendment 39–11119; AD 99–08–13] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1605. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines [Docket No. 98–ANE–61–AD; Amendment 39–11120; AD 99–08–14] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1606. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines [Docket No. 98–ANE–47–AD; Amendment 39–11118; AD 99–08–12] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1607. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International (CFMI) CFM56–2, –2A, –2B, –3, –3B, and –3C Series Turbofan Engines [Docket No. 98–ANE–38–AD; Amendment 39–11122; AD 99–08–16] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1608. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; International Aero Engines AG (IAE) V2500–A1/–A5/–D5 Series Turbofan Engines [Docket No. 98–ANE–45–AD; Amendment 39–11117; AD 99–08–11] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1609. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–6, CF6–45, and CF6–50 Series Turbofan Engines [Docket No. 98–ANE–41–AD; Amendment 39–11124; AD 99–08–18] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1610. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 98–ANE–66–AD; Amendment 39–11121; AD 99–08–15] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1611. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 99–SW–25–AD; Amendment 39–11127; AD 99–07–18] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1612. A letter from the Program Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters [Docket No. 99–SW–24–AD; Amendment 39–11126; AD 99–07–17] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1613. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes [Docket No. 97–NM–315–AD; Amendment 39–11128; AD 99–08–20] (RIN: 2120–AA64) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1614. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29528; Amdt. No. 415] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1615. A letter from the Program Analyst, Office of the Chief Counsel, Department of

Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Port Clinton, OH [Airspace Docket No. 98-AGL-73] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1616. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes; jointly to the Committees on Armed Services, Ways and Means, Government Reform, Commerce, Transportation and Infrastructure, Resources, Rules, Banking and Financial Services, International Relations, Veterans' Affairs, and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee of Conference. Conference report on H.R. 800. A bill to provide for education flexibility partnerships (Rept. 106–100). Ordered to be printed.

Mr. DREIER: Committee on Rules. House Resolution 142. Resolution providing for consideration of the bill (H.R. 1184) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes (Rept. 106–101). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 143. Resolution waiving points of order against the conference report to accompany the bill (H.R. 800) to provide for education flexibility partnerships (Rept. 106–102). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARMEY (for himself, Mr. Moran of Virginia, Mr. Cox, Mr. Boehner, Mr. Miller of Florida, Mr. Bartlett of Maryland, Mr. Weldon of Florida, Mr. Royce, Mr. McIntosh, Mrs. Northup, Mr. Cooksey, Mr. Pitts, and Mr. Dooley of California):

H.R. 1475. A bill to enable drivers to choose a more affordable form of auto insurance that also provides for more adequate and timely compensation for accident victims, and for other purposes; to the Committee on Commerce.

By Mr. EVANS (for himself, Ms. Brown of Florida, Mr. Costello, Ms. Danner, Mrs. Meek of Florida, Mr. Bishop, Mr. Doyle, Mrs. Jones of Ohio, Mr. Strickland, Mrs. Kelly, and Mr. Lipinski):

H.R. 1476. A bill to direct the Secretary of Veterans Affairs to establish additional national cemeteries for veterans; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself, Mr. Deutsch, Mr. Shows, Mr. Brown of Ohio, Mr. Brady of Pennsylvania, Mr. Lipinski, Mr. McGovern, Mr. Franks of New Jersey, Mr. Gutierrez, Mrs. Jones of Ohio, Mr. Pascrell, Mr. Saxton, Mr. Pallone, Mrs. Maloney of New York, Mr. Sherman, Mr. Wexler, Mr. King, Mr. Maloney of Connecticut, Mr. Crowley, Mr. Ackerman, Mr. Frost, Mr. Gonzalez, Ms. Woolsey, Ms. Kaptur, Mr. Thompson of Mississippi, Mr. Waxman, Mr. Kennedy of Rhode Island, Mr. Stark, Ms. Norton, Mr. Smith of Washington, and Ms. Slaughter):

H.R. 1477. A bill to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes; to the Committee on International Relations.

By Mrs. MALONEY of New York:

H.R. 1478. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1479. A bill to amend the Multifamily Assisted Housing Reform and Affordability Act of 1997 to provide for renewal of contracts for rental assistance under section 8 of the United States Housing Act of 1937 for moderate rehabilitation projects in the same manner as other projects with such expiring contracts; to the Committee on Banking and Financial Services.

By Mr. SHUSTER:

H.R. 1480. A bill to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY:

H.R. 1481. A bill to designate the United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, as the "Lloyd D. George United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CARDIN (for himself, Mr. Stark, Mr. Matsui, Mr. Coyne, Mr. Jefferson, and Mr. Levin):

H.R. 1482. A bill to reauthorize the Welfare-To-Work program to provide additional resources and flexibility to improve the administration of the program; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Bentsen, Mr. Rangel, Mr. Stark, Mr. Camp, Mr. Coyne, Mr. Cardin, Mr. English, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mrs. Thurman, Mr. Romero-Barcelo, Mr. Green of Texas, and Mr. Frost):

H.R. 1483. A bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and paramedical education programs under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 1484. A bill to authorize appropriations for homeless veterans reintegration projects under the Stewart B. McKinney Homeless Assistance Act; to the Committee on Banking and Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. Frost, Mr. Diaz-Balart, Mr. Bentsen, Mr. Delahunt, Mr. Deutsch, Mr. Filner, Mr. Gonzalez, Mr. Green of Texas, Mr. Gutierrez, Mr. Hall of Texas, Mr. Lampson, Ms. Lee, Mr. Hinchey, Mr. Hinojosa, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mrs. Maloney of New York, Mr. Martinez, Mr. McGovern, Mrs. Meek of Florida, Mr. Menendez, Mrs. Morella, Mr. Ortiz, Mr. Pastor, Mr. Reyes, Mr. Rodriguez, Ms. Ros-Lehtinen, Ms. Roybal-Allard, Mr. Shays, and Mr. Wynn):

H.R. 1485. A bill to permit certain long-term permanent resident aliens to seek cancellation of removal or waiver of inadmissibility under the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself and Mr. Meehan):

H.R. 1486. A bill to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 1487. A bill to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906; to the Committee on Resources.

By Mr. HYDE (for himself and Ms. Woolsey):

H.R. 1488. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to repeal provisions relating to the State enforcement of child support obligations and the disbursement of such support and to require the Internal Revenue Service to collect and disburse such support through wage withholding and other means; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H.R. 1489. A bill to clarify boundaries on maps related to the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. KOLBE:

H.R. 1490. A bill to authorize the Secretary of the Interior to set aside up to $2 per person from park entrance fees or assess up to $2 per person visiting the Grand Canyon or another national park to secure bonds for capital improvements to the park, and for other purposes; to the Committee on Resources.

By Mr. MATSUI (for himself, Mr. Bonior, Mr. Bentsen, and Mr. Becerra):

H.R. 1491. A bill to amend the Trade Act of 1974 to consolidate and enhance the trade adjustment assistance and NAFTA transitional adjustment assistance programs under that Act, and for other purposes; to the Committee on Ways and Means.

By Mr. Gary MILLER of California:

H.R. 1492. A bill to amend the Safe Drinking Water Act to provide for parity between private entities and public entities with respect to civil actions against the entities that arise from the ownership or operation of public water systems; to the Committee on Commerce.

By Mr. NUSSLE:

H.R. 1493. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to transfer Federal participation in the America's Agricultural Heritage Partnership in the State of Iowa to the Secretary of the Interior, and for other purposes; to the Committee on Resources.

By Mr. PITTS (for himself, Mr. Goodling, Mr. Hastert, Mr. DeLay, Mr. Armey, Mr. Watts of Oklahoma, Mr. Istook, Mr. Salmon, Mr. Smith of New Jersey, Mr. Schaffer, Mr. Hayworth, Mr. Royce, Mr. Hilleary, Mr. Chambliss, Mr. Sununu, Ms. Granger, Mr. Cooksey, Mr. Talent, Mrs. Emerson, Mr. Smith of Michigan, Mr. Bartlett of Maryland, Mr. Bliley, Mr. McIntosh, Mr. Hutchinson, Mr. Horn, Mr. Chabot, Mr. Hefley, Mr. Jenkins, Mr. Pickering, Mr. Bass, Mr. Doolittle, Mr. Hoekstra, Mr. Peterson of Pennsylvania, Mr. Burton of Indiana, Mr. Stump, Mr. Manzullo, Mrs. Myrick, Mr. Hansen, Mr. Dreier, Mr. Bereuter, Mr. Boehner, Mr. Gibbons, Mr. Metcalf, Mr. Canady of Florida, Mr. Barr of Georgia, Mr. Forbes, Mr. Gutknecht, Mr. Lewis of Kentucky, Mr. Tiahrt, Mr. McCrery, Mr. Duncan, Mr. Ehrlich, Mr. Kolbe, Mr. Fossella, Mr. Sensenbrenner, Mr. Thune, Mr. English, Mr. Coburn, Mr. Shimkus, Mrs. Chenoweth, Mr. Latham, Mr. Rogan, Mr. Ewing, Mr. Hostettler, Mr. Kasich, Mr. Hastings of Washington, Mr. Collins, Mr. Cannon, Mr. Wicker, Mr. Hall of Texas, Mr. Gillmor, Mr. Burr of North Carolina, Mr. Herger, Mr. Weldon of Florida, Mr. Tancredo, Mr. Mica, Mr. Skeen, Mr. Franks of New Jersey, Mr. Largent, Mr. Blunt, Mr. Pombo, Mr. Knollenberg, Mr. DeMint, Mr. Scarborough, Mr. Gary Miller of California, Mr. LoBiondo, Mr. Bryant, Mr. Sessions, Mr. Barton of Texas, Mr. Hayes, Mr. Sam Johnson of Texas, Mr. Radanovich, Mr. Spence, Mr. Ryun of Kansas, Mr. Diaz-Balart, Mrs. Cubin, Mr. Brady of Texas, Mr. Regula, Mr. Lucas of Oklahoma, Mr. Rush, Mr. Foley, Mrs. Roukema, Mr. Calvert, Mr. McCollum, Mr. Toomey, Mr. Terry, Mr. Combest, Mr. Goodlatte, Mr. Green of Wisconsin, Mr. Sweeney, Mr. Kuykendall, Mr. Fletcher, Mr. Everett, Mr. Taylor of North Carolina, Mr. Nussle, Mr. Jones of North Carolina, Mr. Graham, Mrs. Bono, Mr. Norwood, Mr. Buyer, Mr. Aderholt, Mr. Hulshof, Mr. Dickey, Mr. Ryan of Wisconsin, and Mr. Miller of Florida):

H.R. 1494. A bill to provide dollars to the classroom; to the Committee on Education and the Workforce.

By Mr. STARK (for himself, Mr. Dingell, Mr. Waxman, Mr. Rangel, Mr. Brown of Ohio, Mr. McDermott, Mr. Lewis of Georgia, Mr. Baldacci, Mr. Frost, Mr. Filner, Mr. Allen, Mr. Moakley, Mr. DeFazio, Ms. Kaptur, Mr. Frank of Massachusetts, Mr. Meehan, Mr. Boucher, Ms. Schakowsky, Ms. Pelosi, Mr. Tierney, Mr. Delahunt, Mrs. Thurman, Mr. Capuano, and Mr. Markey):

H.R. 1495. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT (for himself, Mr. Dooley of California, Mr. Hastert, Mr. Moran of Virginia, Mr. Goodling, Mr. Costello, Mr. Greenwood, Mr. Condit, Mr. Ehlers, Mr. Goode, Mrs. Kelly, Mr. Blagojevich, Mrs. Biggert, and Mr. Armey):

H.R. 1496. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. Thune, Mr. Pascrell, Mrs. Kelly, Mr. Hilliard, Mr. McIntyre, Mr. Sanders, Mr. Brady of Pennsylvania, Ms. Schakowsky, Mr. Phelps, Mr. English, Mr. Davis of Illinois, Mrs. Jones of Ohio, Mr. Moore, and Mr. Weiner):

H.R. 1497. A bill to amend the Small Business Act with respect to the women's business center program; to the Committee on Small Business.

By Mrs. WILSON:

H.R. 1498. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCKEON (for himself, Mr. Goodling, Mr. Petri, Mr. Ballenger, Mr. Barrett of Nebraska, Mr. Boehner, Mr. Hoekstra, Mr. Castle, Mr. Greenwood, Mr. Graham, Mr. Norwood, Mr. Souder, Mr. Deal of Georgia, Mr. Ehlers, Mr. Fletcher, Mr. DeMint, Mr. Isakson, Mr. Hulshof, Mr. Herger, Mr. Rogan, Mr. Kuykendall, and Mr. Gary Miller of California):

H. Con. Res. 88. Concurrent resolution urging the Congress and the President to increase funding for the Pell Grant Program and existing Campus-Based Aid Programs; to the Committee on Education and the Workforce.

By Mr. MINGE:

H. Con. Res. 89. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage; to the Committee on Resources.

By Mr. LAMPSON (for himself, Mr. Frank of Massachusetts, Mr. Sanders, Mr. Blagojevich, Mr. Brown of California, Mr. Costello, Mr. Berman, Mr. Sherman, Mr. Romero-Barcelo, Mr. Frost, Mr. Kennedy of Rhode Island, Ms. Schakowsky, Mr. Udall of New Mexico, Mr. Green of Texas, Mr. Farr of California, Ms. Jackson-Lee of Texas, Mr. Kucinich, Mr. Barrett of Wisconsin, Mr. Bentsen, Mr. Rodriguez, Mr. Filner, Ms. Lofgren, Mr. Gonzalez, and Mr. Wu):

H. Res. 144. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued commemorating Cesar E. Chavez; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LAMPSON introduced a bill (H.R. 1499) for the relief of Jean-Loup J. M. Chretien; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Clyburn, Mr. Jones of North Carolina, Mr. Hutchinson, Mr. Coburn, Mr. Manzullo, Mr. Gibbons, Mr. Ewing, Mr. Talent, Mr. Clement, and Mr. Leach.

H.R. 8: Mr. Duncan, Mr. Hilleary, and Mr. Hoekstra.

H.R. 9: Mr. Goode.

H.R. 17: Mr. Dickey.

H.R. 19: Mr. Ryan of Wisconsin.

H.R. 25: Mr. Nadler, Mr. Serrano, Mr. Crowley, and Mr. King.

H.R. 36: Mr. Meehan, Mr. Cummings, Mr. Lewis of Georgia, Mr. Nadler, Mr. Kucinich, Mr. Costello, Mr. Waxman, and Mr. Clay.

H.R. 44: Mr. Weldon of Florida, Mrs. Capps, Mr. Smith of Washington, Mr. Canady of Florida, and Mr. Sanders.

H.R. 45: Mr. LaHood, Mr. Sununu, Mr. Mica, and Mr. Isakson.

H.R. 49: Mr. Wynn, Mr. Lantos, Mr. Matsui, and Mrs. Morella.

H.R. 65: Mr. McIntyre and Mr. Smith of Washington.

H.R. 88: Mr. Ehlers, Mrs. Myrick, Mr. Price of North Carolina, Mr. LaFalce, Mr. Walsh, Mr. Holt, Ms. Rivers, Mr. Etheridge, Mr. Doyle, Mr. DeFazio, Mr. Ford, Mr. Blumenauer, Mr. George Miller of California, Mr. Clement, Mr. English, Mr. Moran of Virginia, Mr. Barrett of Nebraska, Mr. Snyder, Mr. Camp, Mr. Sandlin, Ms. Baldwin, Mr. Waxman, Mr. Bateman, Mr. Barrett of Wisconsin, Mr. Markey, Mr. Dicks, and Mr. Hoekstra.

H.R. 104: Mr. Gary Miller of California.

H.R. 106: Mr. Barcia.

H.R. 107: Mr. Cox and Mr. Barcia.

H.R. 148: Mr. Brown of Ohio and Ms. Lee.

H.R. 165: Mr. Hyde and Mr. LaFalce.

H.R. 170: Mr. Wu, Mr. Kuykendall, Mr. Rush, Mr. Gonzalez, Mr. Duncan, Mr. Cramer, and Ms. Schakowsky.

H.R. 194: Mr. Houghton.

H.R. 206: Mr. Bonior.

H.R. 208: Mr. Hoyer.

H.R. 218: Mrs. Emerson.

H.R. 220: Mr. Pombo.

H.R. 284: Mr. Hall of Texas.

H.R. 303: Mrs. Chenoweth, Mr. Turner, Mr. McIntyre, Mr. Hall of Texas, and Mr. Hastings of Florida.

H.R. 347: Mr. Skelton.

H.R. 351: Mr. Maloney of Connecticut and Mr. Minge.

H.R. 357: Mr. Minge.

H.R. 382. Mr. Farr of California and Mr. Waxman.

H.R. 383: Mr. Cook, Mr. Matsui, Mr. Whitfield, and Ms. Stabenow.

H.R. 410: Mr. Luther.

H.R. 413: Mrs. Capps, Mr. Clement, Mr. Brown of California, Ms. Woolsey, Mr. Davis of Illinois, Mr. Meeks of New York, Mr. Gonzalez, Ms. Schakowsky, Mr. Faleomavaega, Mr. Becerra, Mr. Price of North Carolina, Mr. Bentsen, Mr. Hall of Ohio, Mr. Boucher, Mr. Boehlert, Mr. Gejdenson, Ms. McKinney, Mr. Barrett of Wisconsin, Ms. Jackson-Lee of Texas, Mr. McCollum, Mrs. Kelly, Mr. Andrews, and Mr. Campbell.

H.R. 423: Mr. Royce and Mr. Costello.

H.R. 424: Mr. Kucinich, Mr. Sandlin, and Mr. Davis of Illinois.

H.R. 430: Mr. Condit, Mr. Frelinghuysen, Mr. Coburn, Mr. Berman, Mr. Hall of Texas, and Mr. Pombo.

H.R. 456: Mr. Bonilla.

H.R. 464: Mr. Hilleary.

H.R. 497: Mr. Bonilla, Mr. Hall of Texas, Mr. Combest, Mr. John, Mr. Ney, Mr. Sandlin, Mr. Lucas of Oklahoma, Mr. Bentsen, and Mr. Stenholm.

H.R. 498: Mr. Bonilla, Mr. Combest, Mr. Stenholm, Mr. John, Mr. Sandlin, and Mr. Hall of Texas.

H.R. 518: Mr. Campbell.

H.R. 521: Ms. Lofgren.

H.R. 614: Mr. Whitfield.

H.R. 623: Mr. Barr of Georgia and Mr. Riley.

H.R. 673: Mr. Foley and Mr. Hastings of Florida.

H.R. 690: Mr. Hall of Texas.

H.R. 721: Mr. Boucher.

H.R. 728: Mr. Whitfield, Mr. Moran of Kansas, Mr. Gonzalez, and Mr. Schaffer.

H.R. 749: Mr. Gary Miller of California.

H.R. 750: Mr. Nussle, Mr. Weldon of Florida, and Mr. Pombo.

H.R. 762: Mrs. Jones of Ohio, Mr. Rahall, Ms. Waters, Mr. Diaz-Balart, Mrs. Christensen, Ms. Rivers, Ms. Brown of Florida, Ms. Roybal-Allard, Mr. Lipinski, Mr. Menendez, Mr. Hastings of Florida, Mr. Neal of Massachusetts, Mr. Faleomavaega, Mr. Hilliard, Mr. Rush, Mr. Boehlert, Mr. Watt of North Carolina, Mrs. Kelly, Mr. Price of North Carolina, Mr. Deutsch, Mr. Etheridge, Mr. Hinchey, Mr. Jefferson, Mr. Graham, Mr. Mollohan, Mr. Matsui, Mr. Thompson of Mississippi, Mr. Brady of Pennsylvania, Mr. Weiner, Ms. McKinney, Mr. Cummings, Mr. Borski, Mr. English, Mr. Vento, Mr. Andrews, Mr. Lantos, Mr. Oberstar, Ms. Woolsey, and Mr. Jackson of Illinois.

H.R. 765: Mr. Turner, Mr. Moore, Mr. Pastor, Mrs. Chenoweth, and Mr. Moran of Kansas.

H.R. 776: Mr. Pastor.

H.R. 777: Mr. Rush and Mr. Kucinich.

H.R. 783: Mr. Allen, Mr. Schaffer, Mr. Wolf, Mr. George Miller of California, Mr. Weldon of Florida, Mr. Goode, Mr. DeFazio, and Ms. Slaughter.

H.R. 784: Mr. Sisisky, Mr. Taylor of Mississippi, Mr. Spratt, Mr. Pastor, Mr. Hayes, Mrs. Thurman, Mr. Hall of Texas, Mr. Strickland, Mr. Smith of Washington, and Mr. Abercrombie.

H.R. 796: Mr. Riley, Mr. Maloney of Connecticut, Mr. Shaw, Mr. Tiahrt, Mr. Pitts, Mr. Petri, and Mr. Watts of Oklahoma.

H.R. 803: Mr. Thompson of Mississippi.

H.R. 811: Mr. Cummings, Ms. Norton, and Mr. Doyle.

H.R. 834: Mr. Udall of Colorado and Mr. Duncan.

H.R. 842: Mr. Schaffer, Mr. Diaz-Balart, Mr. Cramer, Mr. English, Mr. Barcia, and Mr. Foley.

H.R. 845: Mr. Wynn, Mr. Baldacci, and Mr. Capuano.

H.R. 860: Mr. Lewis of Georgia, Mr. Hall of Texas, Mr. Lantos, and Mr. Lucas of Kentucky.

H.R. 875: Mr. Crowley and Mr. Lantos.

H.R. 878: Mr. Manzullo.

H.R. 879: Mrs. Mink of Hawaii and Mr. Hilliard.

H.R. 895: Mr. McDermott.

H.R. 899: Mrs. Roukema.

H.R. 912: Mr. Clay.

H.R. 932: Ms. Norton, Ms. Pelosi, Mr. Bonior, and Mr. Gonzalez.

H.R. 942: Mr. Doyle.

H.R. 958: Mr. Lantos.

H.R. 959: Mr. Neal of Massachusetts, Mr. Lantos, Mr. Cummings, Mr. Kucinich, Mr. Dixon, Mr. Waxman, Mr. Doyle, Mr. Baldacci, and Mr. Romero-Barcelo.

H.R. 976: Mr. Hinchey, Mr. Klink, Mr. Kildee, Mrs. Thurman, Ms. Eshoo, Mr. Calvert, Ms. DeLauro, Mr. Gonzalez, Mr. Brady of Pennsylvania, Mr. Weiner, Mr. Wynn, and Mr. Bilbray.

H.R. 1032: Mr. Cannon, Mr. Stenholm, Mr. Ryun of Kansas, Mr. Taylor of North Carolina, Mr. Hastings of Washington, Mr. Whitfield, Mr. Crane, and Mr. Everett.

H.R. 1039: Mr. Sawyer, Mr. Gekas, Mr. Green of Texas, and Mr. Salmon.

H.R. 1046: Mr. Bonior and Mrs. Thurman.

H.R. 1050: Ms. Waters and Mr. Tierney.

H.R. 1054: Mr. Riley, Mr. Shows, Mr. Scarborough, Mr. Hostettler, Mr. Ballenger, Mr. Bartlett of Maryland, and Mrs. Myrick.

H.R. 1063: Mr. Martinez, Mr. Farr of California, Ms. Woolsey, Ms. Waters, and Mr. Pastor.

H.R. 1070: Mr. Tierney, Mr. Bentsen, Mr. Whitfield, Mr. Wolf, Mr. Jackson of Illinois, Ms. Kaptur, Ms. McKinney, Mr. Condit, Ms. Rivers, Ms. Waters, and Ms. Kilpatrick.

H.R. 1079: Mr. Stupak, Mr. Vento, and Mr. Doyle.

H.R. 1082: Mr. Vento, Ms. Eshoo, Mr. Stupak, and Mrs. Jones of Ohio.

H.R. 1095: Mr. McNulty, Mrs. Morella, and Ms. Lee.

H.R. 1109: Mr. Hilliard and Mrs. Jones of Ohio.

H.R. 1129: Mr. Green of Texas, Ms. Brown of Florida, and Mr. Gonzalez.

H.R. 1130: Mr. Frank of Massachusetts and Mr. Evans.

H.R. 1144: Mr. Everett.

H.R. 1180: Mr. Baldacci, Mr. Blumenauer, Mr. Luther, Mr. Larson, Mr. Dicks, Mr. Whitfield, Mr. Sawyer, Ms. Rivers, Mrs. Meek of Florida, Mr. Hilliard, Mr. Bass, Mr. Ney, Mr. Weiner, Mr. Evans, Mr. Baird, and Mr. Deal of Georgia.

H.R. 1193: Mr. Weller, Mr. Matsui, Mr. Cunningham, Mr. Phelps, Mr. Houghton, Mrs. Mink of Hawaii, Mr. Bereuter, and Mr. Whitfield.

H.R. 1203: Mr. Sununu.

H.R. 1219: Mr. Terry.

H.R. 1224: Mr. Coyne and Ms. Kaptur.

H.R. 1229: Mr. Kildee.

H.R. 1248: Ms. Baldwin, Mr. Moore, Ms. Pryce of Ohio, Mr. Lewis of Georgia, Mr. Blumenauer, Mr. Bentsen, Mr. Frelinghuysen, and Mr. Cummings.

H.R. 1250: Mr. Walsh.

H.R. 1253: Mr. Weller.

H.R. 1275: Mr. Brown of California, Mr. Capuano, Mr. Hastings of Florida, Mr. Sessions, Mr. Costello, and Mr. Moran of Virginia.

H.R. 1278: Mr. Shows, Mr. Maloney of Connecticut, Mr. Bereuter, Mr. Metcalf, Mr. Dooley of California, and Mr. Frost.

H.R. 1295: Mr. Schaffer.

H.R. 1298: Ms. Pelosi, Mr. Matsui, and Mr. Frank of Massachusetts.

H.R. 1307: Mr. English and Mr. Kuykendall.

H.R. 1320: Mr. Dooley of California, Mr. Smith of Washington, Mr. Green of Texas, and Mr. Kind.

H.R. 1326: Mr. Kuykendall, Mr. Underwood, Mr. Shows, Mr. Sawyer, Mrs. Mink of Hawaii, Mr. Etheridge, Mr. Traficant, Mr. Cummings, and Ms. Brown of Florida.

H.R. 1328: Mr. Gary Miller of California, Mr. Nethercutt, and Mr. Udall of Colorado.

H.R. 1349: Mr. Whitfield and Mr. Evans.

H.R. 1355: Ms. Lee, Mr. Matsui, Mr. Hinchey, Mr. McNulty, Ms. Kilpatrick, Mrs. Tauscher, Mr. McDermott, Mr. Pastor, Mr. Meehan, Mr. Berman, Mr. Wynn, Mr. Vento, and Ms. Schakowsky.

H.R. 1356: Mr. Wolf and Mr. Franks of New Jersey.

H.R. 1358: Mr. Weldon of Florida, Mr. Bereuter, and Mr. Boehlert.

H.R. 1363: Mr. LaHood.

H.R. 1366: Mr. Rohrabacher, Mr. Walsh, Mr. Crane, Mr. Saxton, Mr. Bishop, Mr. Young of Alaska, Mr. Sensenbrenner, Mr. Lewis of California, Mr. LaHood, Mr. Turner, Mr. Duncan, Mr. Stump, Mr. Burton of Indiana, Mr. Hilleary, Mr. McCrery, Mr. Shadegg, and Mr. Hill of Montana.

H.R. 1368: Mr. Hostettler, Mr. Deal of Georgia, Mr. Canady of Florida, Mrs. Johnson of Connecticut, Mr. Young of Alaska, Mr. Ney, and Mr. Salmon.

H.R. 1395: Mr. Duncan and Mr. Radanovich.

H.R. 1458: Mrs. Emerson.

H.J. Res. 21: Mr. Norwood.

H.J. Res. 41: Mr. Gutierrez, Mr. Tierney, Mr. Kennedy of Rhode Island, Mrs. Biggert, Mr. Wynn, Ms. Roybal-Allard, and Mr. Brown of California.

H.J. Res. 45: Mr. Burton of Indiana.

H. Con. Res. 22: Mr. Knollenberg.

H. Con. Res. 34: Mr. Tierney and Mr. Bonior.

H. Con. Res. 39: Mr. Tiahrt.

H. Con. Res. 54: Mr. Lucas of Kentucky.

H. Con. Res. 78: Mr. Brown of California, Mr. McGovern, Ms. Lee, Mr. Price of North Carolina, Mr. Waxman, and Ms. Baldwin.

H. Con. Res. 82: Mr. Doolittle and Mr. Tancredo.

H. Res. 41: Mr. Clement, Mr. Largent, and Mr. Shays.

H. Res. 82: Ms. Lee and Ms. Baldwin.

H. Res. 94: Mr. Greenwood and Mr. Whitfield.

H. Res. 106: Mr. Tiahrt.

EXTENSIONS OF REMARKS

HOUSE CONCURRENT RESOLUTION URGING THE CONGRESS AND THE PRESIDENT TO INCREASE FUNDING FOR THE PELL GRANT AND EXISTING CAMPUS-BASED AID PROGRAMS PRIOR TO FUNDING ANY NEW EDUCATION INITIATIVES

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. GOODLING. Mr. Speaker, I rise today in support of a House Concurrent Resolution that calls on the Congress and the President to work together to increase funding for the Pell Grant Program and existing campus-based student aid programs before funding new education initiatives.

This resolution establishes two priorities for higher education funding. The first priority is increasing the maximum Pell Grant awarded to students from low-income families to $3,525. This amount represents an increase of $400 to the maximum grant award and would be the largest increase since the inception of the program in 1972.

The second priority involves increased funding for the existing campus-based student aid programs. These programs provide financial aid administrators at colleges across the country with considerable flexibility in the packaging of financial aid awards that best meet the needs of their students.

The Pell Grant Program is one of the largest voucher programs in the country and it is considered the foundation program for all Federal student aid. Students eligible for a Pell Grant can use that money to attend one of more than 6,000 postsecondary institutions in the country.

The Pell Grant Program was created in 1972 and the goal of the program was simple. Congress wanted to assist students from low-income families who would not otherwise be financially able to attend a postsecondary institution. In the first year of the program, 176,000 students received Pell Grant awards. For the upcoming academic year, almost 4 million students are expected to receive Pell Grant awards. Of these students, 90% have family incomes under $30,000 and 54% of those families have incomes under $10,000. I believe we can all agree that the Pell Grant Program continues to serve the vital purpose for which it was originally created.

Why increase the Pell Grant maximum by $400 dollars? In real dollars, the appropriated maximum individual grant, adjusted for inflation, has decreased 4.7% between 1980 and 1998. At a time when yearly increases in college costs have greatly exceeded the rate of inflation, as well as family earnings, the Pell Grant has covered less and less of a student's cost of attendance. Although all students and their families suffer as a result of exorbitant increases in the cost of attending college, students from low-income families suffer the most adverse consequences.

Today, will billions of dollars available in student aid from the Federal government, State governments and institutions of higher education, children from high-income families continue to enroll in college at almost twice the rate of children from low-income families. For many of these families, the cost of college is the overwhelming factor in their decision to forego a college education.

In 1997, we helped the President enact tax credits related to postsecondary education for middle and upper income families. At the same time, we voiced strong concerns about the need to continue making substantial commitments to the Pell Grant Program in order to assist those students from low-income families who would not receive any benefits from the new tax credits. Unfortunately, the President's request to increase the maximum Pell Grant by $125 dollars is not the substantial commitment I had in mind.

In addition to the Pell Grant Program, this resolution supports increased funding for the campus-based student aid programs. While Pell Grants open the door to postsecondary education for many students from low-income families, it's the campus-based programs that provide these same students some degree of choice in selecting a postsecondary institution. After years of double-digit increases in the cost of a college education, the maximum Pell Grant no longer covers the cost of attendance at most public 4-year institutions in the country. However, a Pell Grant coupled with awards from the campus-based programs goes a long way in reducing the amount a student needs to borrow in student loans in order to pay the bills for tuition and room and board.

The campus-based student aid programs also require institutions to provide matching funds in order to receive funds from the Federal Government. The $1.5 billion dollars devoted to the campus-based programs last year leveraged almost $400 million dollars in additional aid to college students across the country. These are fundamentally sound programs that have served our nation's college students well for the past three decades and we should consider them a higher education funding priority.

I urge my colleagues to support this resolution and the higher education funding priorities it establishes for the Congress and the President.

TRIBUTE TO MARTHA JEAN "JILL" WIELAND

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. SHIMKUS. Mr. Speaker, I rise before you today to congratulate a constituent of mine, Martha Jean "Jill" Wieland, for being named the "1999 Illinois Mother of the Year."

Often today our Nation measures success by the level of the Dow Jones Industrial Average or the value of the dollar. While these are certainly significant, nothing is more important to the success and future of our Nation than our children.

As a father of two young boys, I am aware of the many responsibilities and challenges that face parents today. Jill Wieland went above and beyond those expectations by acting as an excellent mother to her own children while also providing leadership for other children through Sunday School and Girl Scouts. Furthermore, since 1962, Jill has been a foster parent for the Children's Home and Aid Society of Illinois where she has cared for over 100 children.

Again, I would like to congratulate Jill on being named "1999 Illinois Mother of the Year." She has not only had a positive impact in the lives of many children, but has also made a significant contribution to society.

TRIBUTE TO CHIEF ROBERT J. PIZZUTI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. PASCRELL. Mr. Speaker, I rise today to pay tribute to Chief Robert J. Pizzuti of Montclair, New Jersey, an outstanding individual who has dedicated his life to public service. He will be honored this Friday, April 9, 1999, by parents, family, friends, and professionals for his 43 years of outstanding contribution to the community through his outstanding leadership of the Montclair Fire Department. Chief Robert Pizzuti personifies public service through his true commitment to firefighting and the people of Montclair, New Jersey.

Robert J. Pizzuti was born on Willow Street in Montclair, New Jersey on the first day of January, nineteen hundred thirty five. He attended Immaculate Conception School in Montclair from first grade until eighth, where he then attended Montclair High School, where he graduated in 1952. After graduating from high school Chief Pizzuti fought in the Golden Gloves as a Welter Weight, weighing in at 147 pounds, where he was very successful winning a numerous amount of awards. In

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1953, he joined the armed forces and served for the next two years as a soldier in the Army. While there he attended a leadership school at Camp Chaffee in the state of Arkansas. Chief Pizzuti was released from the Army on September 13, 1955.

In June of 1956, Chief Pizzuti took his first Fire Exam and passed scoring the highest grade on the exam. He was officially sworn in as a firefighter on August 1, 1956. Chief Pizzuti has continued to serve on the Montclair Fire Department for 43 years and has performed in a variety of positions. He was sworn in as Lieutenant FireFighter on December 10, 1968, then as Captain on March 6, 1980. He was sworn in as Deputy Chief FireFighter on August 14, 1984, then as Acting Chief on October 1, 1990. Finally on July 1, 1991, Mr. Robert Pizzuti was sworn in as Chief Robert Pizzuti of the Montclair Fire Department, and it is in that capacity in which he has served for the last eight years. He is a member of the F.M.B.A. and is also the Sergeant at arms of the Chief's Association.

Chief Pizzuti has been acknowledged by many groups over the years for his civic awareness; the March of Dimes, Christ Church, the Borough of Glen Ridge, the New Jersey General Assembly, the Dr. Martin Luther King Jr. Youth Summit, and the Montclair Optimist Club, to name just a few. Chief Pizzuti has also been involved with First Night in Montclair, as well as coaching softball, baseball, and football.

Chief Robert Pizzuti has been married to Eleanor Majewski since May 18, 1957. And they have five children; Diana, Tracy, Robert Jr., Robin, and Thomas. He and his wife are also grandparents to seven grandchildren and they are presently expecting their eighth.

Mr. Speaker, since I took office in January of 1997, Chief Robert Pizzuti has been a member of my Eighth Congressional District Public Safety Committee that has been so instrumental in counseling me on issues of importance to those who are charged with saving lives every day. In fact, Chief Pizzuti was one of the forces behind the Firefighter Investment and Response Enhancement (FIRE) Act which I recently introduced in this esteemed body. This law will provide federal grants directly to paid, part-paid, and volunteer fire departments to hire more firefighters, train firefighters in state-of-the-art techniques, and better equip firefighters so that they can more effectively save lives. It was in large part to Chief Pizzuti's imagination and initiative that this innovative piece of legislation was crafted.

Mr. Speaker, I ask that you please join me, our colleagues in the United States House of Representatives, Robert's family, friends, and co-workers, the Montclair Fire Department, and the Township of Montclair, New Jersey, in thanking Chief Robert Pizzuti for all his years of service to the community and congratulating him on his well deserved retirement, his presence will be greatly missed.

TRIBUTE TO COMMANDER JOSEPH ANTHONY CRUZ SAN AGUSTIN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to commend and congratulate Commander Joseph Anthony Cruz San Agustin of the United States Navy on his distinguished career and his upcoming well-earned retirement.

Born on October 19, 1957, in the village of Tamuning, Commander San Agustin is the son of Joaquin and Ana San Agustin. Prior to being accepted at the Naval Academy Preparatory School in Newport Rhode Island in 1975, he attended Father Duenas Memorial School. In 1980, he earned a degree in Physical Science from the U.S. Naval Academy in Annapolis, Maryland.

Joseph was awarded his Navy Wings from the U.S. Navy Flight School at Pensacola Florida in 1982 and went on to serve as a pilot of military aircraft for 20 years. He was commissioned as a second lieutenant in the United States Marine Corps in 1980 and was assigned to VMGR–352 "Raiders" El Toro, California, VMGR–152 Okinawa, and Battalion 7th Marines, Camp Pendleton, California. Having transferred over to the Navy side as a lieutenant in 1987, he went on to serve with VQ–3 "Ironman" Barbers Point, Hawaii, PMRF, Barking Sands Hawaii, and VQ–3 "Ironman" Oklahoma City, Oklahoma, prior to being assigned to COMNAVMARIANAS, Guam.

Commander San Agustin holds the distinction of being one of only a handful of Chamorros to graduate from the Naval Academy and retire from the United States Navy. In addition to the numerous commendations and awards he received for his military service, he had also been presented various certificates and aviation qualifications which have included the Airline Transport Certificate, the Airline Single/Multi-engine land, the Flight Engineer Certificate, the Turbojet Powered, and the FAA First Class Medical Certificate.

While on Guam, he played a large role in the required process of normalization in the aftermath of various military operations and natural disasters. Joseph was involved with Operation Pacific Haven in support of over 6,600 Kurdish evacuees fleeing Iraq to seek political asylum in the United States. Along with various military personnel, he provided humanitarian assistance during the stressful times after the crash of Korean Air Flight 801 and the devastation left by super-typhoon Paka. He was also instrumental in maintaining a positive mutual relationship between the Navy and the Government of Guam in his position as Guam Liaison for COMNAVMARIANAS.

Joseph has also been active in community activities on Guam. For the past two years, he was the PTA president for Mt. Carmel School in Agat. He also finds time to get involved in various community projects with the Agat Elementary School, the Agat Mayor's Office, the Agat Running Club, the Barrigada Mayor's Office, and the San Vicente Catholic Church.

After more than two decades of distinguished and dedicated service, Commander San Agustin has chosen to retire from the Navy. In addition to the great contributions his military career has made towards the strength and security of this nation, Joseph's achievements and community involvement have undoubtedly brought pride to the island of Guam and its people. He is a role model; he is a leader; he is a great representative of his island home.

I join his wife, Maria, their children Rachel, Rebecca, and Alan, in celebrating his accomplishments throughout his long and successful military career. On behalf of the people of Guam, I commend and congratulate Commander Joseph Anthony Cruz San Agustin on his well-earned retirement. I wish him well in his future endeavors and expect from him only the best as he once again becomes part of Guam's civilian community.

IN HONOR OF THE FIRST YEAR ANNIVERSARY OF THE MONTGOMERY COUNTY HOSPITAL DISTRICT EMERGENCY MEDICAL SERVICE

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. BRADY of Texas. Mr. Speaker, today marks the 1-year anniversary of the new Montgomery County Hospital District Emergency Medical Service (MCHDEMS). Therefore, on this occasion, I want to recognize and applaud the accomplishments of MCHDEMS in providing quality patient care and customer service for the citizens and visitors of Montgomery County.

During its first year, MCHDEMS implemented a system-wide improvement program focused on accountability to the patient and the community. They have also joined with area hospitals and school health programs to provide educational classes for pediatrics, trauma, and cardiac emergencies.

Furthermore, the Montgomery County Hospital District Emergency Medical Service has provide CPR certification for over 300 lay persons, who through this training, increased the survival rate for people in our community. Many of the CPR rescues and other critical interventions they have performed have saved patient lives and restored patients to their families.

In addition, its community outreach programs, including how to "dial 911" featuring Andy the Ambulance and Twinkle the Clown, have reached over 5,000 children. Their Driving While Intoxicated (DWI) awareness programs, provided across county high schools, have been beneficial in preventing many needless tragedies.

For all of these and other efforts, Allen Johnson, Operations Manager of the Montgomery County Hospital District Emergency Medical Service was recognized as the Administrator of the Year for the State of Texas for his leadership in the resumption of the Emergency Medical Service for Montgomery County Hospital District.

Mr. Speaker, I wish the Montgomery County Hospital District Emergency Medical Service well as they begin their 2nd year of service.

HONORING ST. MARY'S CHAMBER OF COMMERCE 25TH ANNIVERSARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. HOYER. Mr. Speaker, I rise today to acknowledge the St. Mary's County Chamber of Commerce on their twenty-fifth anniversary.

Their initial meeting was held in April, 1974 by combining the Leonardtown and Lexington Park Chambers. A board of directors was installed and George Sparling was elected president. Eddie Bailey, Rubye Beaman, Eddie Burroughs, Robert Dudley, Bert Fenwick, Jack Fletcher, Joe M. Gough, Stewart Hobbs, Jim Kenney, Richard Lubbers, Charles Mason, Bill Raley, Buzzy Ridgell, Mary Salisbury, Les Shaw, Harry Lee Smith, Leroy Thompson, Jr., Elliot Weisman, and Rocky Willis served as the board of directors.

The chamber had 150 charter members. Office space was two rooms on the second floor of the First National Bank of St. Mary's in Leonardtown, courtesy of Joe M. Gough. They occupied those offices until 1988 when the chamber moved to Mechanicsville. Not only has the chamber grown in membership with 400 members today, but also in service to the community, with members serving on a number of county and state boards and local committees.

Over the years, the chamber has supported county events such as the Oyster Festival and Maryland Day. The Trade Fair was started in 1983 to give local businesses the chance to show their wares and to promote county businesses. As a result of a good working relationship with county government, state government and the Southern Maryland Congressional delegation, major accomplishments of direct and indirect services to the business community have been achieved. The chamber lobbied for five years to have the commercial inventory tax reduced, which affected 80% of the county's wholesale and retail businesses.

In 1976, the chamber operated the tourist information center at Charlotte Hall. In 1980, the Tourist Information Center found its permanent home at the chamber office in Mechanicsville. Over the years the chamber has evolved into a vital entity of St. Mary's County. Despite its growth, one thing has not changed; the original core values to promote local business and empower local citizens.

Mr Speaker, I ask you and the remainder of my colleagues to join with me in applauding the service and sacrifice of the St. Mary's County Chamber of Commerce.

TRADE ADJUSTMENT ASSISTANCE REFORM ACT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. MATSUI. Mr. Speaker, joined by my colleague, Mr. BONIOR, today I introduce the Trade Adjustment Assistance Reform Act of 1999. This legislation will expand the safety net for American workers by reauthorizing and improving existing adjustment programs for workers who are adversely impacted by trade. It combines the best features of the existing Trade Adjustment Assistance (TAA) and the NAFTA Transitional Adjustment Assistance (NAFTA–TAA) programs into a consolidated TAA program and improves the effectiveness and timeliness of services provided to American workers hurt by international trade.

The bill would authorize the consolidated TAA program for 5 years through fiscal year 2004. Most importantly, the consolidated program would expand eligibility to workers who lose their jobs due to shifts in production by their firm to other countries. Currently, TAA eligibility is restricted to workers hurt by imports and NAFTA–TAA is limited to workers adversely affected by imports from, or shifts in production to, Mexico or Canada only. Our bill will ensure that comprehensive assistance is available to workers who lose their jobs due to imports from, or shifts in production to, any foreign country.

The legislation also ensures that rapid response and basic readjustment services will be made available to workers upon the filing of a petition for TAA eligibility. These services are critical to facilitating rapid reemployment of workers and providing important information relating to the resources available at the Federal, State, and local level to assist them. The measure also requires a one-third reduction in the time period for the Department of Labor to process eligibility petitions under TAA in order to ensure that benefits are made available to trade-impacted workers as soon as possible after their displacement. To ensure that these workers get the assistance they need, the bill provides a much-needed increase in the annual cap on training expenditures to $150 million; a portion of which supports the training costs associated with the expanded "shift in production" provision, and a portion of which is needed to fund the significant increase in program caseload currently being experienced.

The legislation also harmonizes the differing rules of the current programs relating to requiring enrollment in training as a condition for receiving income support. The new rules retain the program's emphasis on linking income support to training but permit specified exceptions where appropriate to assist certain workers. In addition, the bill would reduce the hardship currently experienced by workers who attend community colleges by expanding the period for scheduled breaks in a training program during which a worker may continue to receive income support.

In keeping with an increased emphasis on integrated service delivery, the legislation seeks to enhance coordination between the consolidated TAA program and the dislocated worker program under the recently-enacted Workforce Investment Act. In particular, the bill would significantly improve the accountability of the consolidated program by ensuring that TAA and the dislocated worker program have common performance outcome measures; i.e. information on the placement in employment, earnings, and retention of employment by participants.

The legislation also assures that information will be collected and maintained that identifies the countries to which production is shifted to and, to the extent practical, from which articles are imported. This will include information on the number of certifications relating to imports from, or shifts in production to, Mexico or Canada—which will assist in making eligibility determinations under related NAFTA programs and in assessing the adequacy of the consolidated program.

In addition, this legislation provides for the extension of the Trade Adjustment Assistance for Firms Program administered by the Department of Commerce under chapter 3 of title II of the Trade Act of 1974. And finally, the bill establishes a Presidential Commission on Workers and Economic Change in the New Economy to make further recommendations on program improvements.

Mr. Speaker, while much of the country is enjoying a booming economy, there are geographic areas and industries which are experiencing significant worker dislocation. It is critical that the Congress support programs that give workers the tools they need to find and prepare for good-paying jobs in the new economy. One of the important ways we can begin to develop a broad consensus on trade policy is to address the negative consequences of globalization by reaffirming and improving on our longstanding commitment to assist workers impacted by trade. I urge my colleagues to join in supporting these reforms.

MARINO SIMONETTI HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my good friend Marino Simonetti, who will be honored by the Italian American Veterans of Luzerne County at their Past Commanders Ball on April 24. I am pleased to have been asked to participate in this tribute.

A 1948 graduate of Wilkes-Barre Township High School, Marino served in the U.S. Navy from 1948 to 1952, a period that included the Korean Conflict. Marino returned to the Wyoming Valley following his discharge and worked as an electrical inspector. He also operated Simonetti's Pizzeria.

Marino is active in all local veterans organizations. He is a member of the Korean War Vets, the Catholic War Vets, and the Veterans of Foreign Wars. He is the Bersagliere for the Italian American Vets, overseeing the color guard. He is best known for his dedicated volunteer activities at the Wilkes-Barre Veterans Affairs Medical Center, each year portraying Santa Claus and entertaining hospitalized vets on Saturday mornings at his own expense. His Halloween costumes are now a tradition in the halls of the Medical Center each October.

Marino is a member of the Korean War Vets Memorial Committee, the Committee to Preserve the Memorial at Letterkenny Army Depot, and the Committee to Restore the Italian-American Honor Roll Memorial in the Italian Cemetery. He was a guard at the "Moving Wall" Vietnam Vets memorial when it came to our area and he carried the American

Flag on a march with the Canadian Legion on two occasions.

In 1992, Marino received the Humanitarian Service Award from the United Cerebral Palsy Association and in 1993, he was named "Man of the Year" by the Italian-American Veterans of Luzerne County.

Mr. Speaker, Marino Simonetti is a proud example of the strong tradition of patriotic volunteerism of our area veterans. Our veterans rise to any occasion to assist and support each other and are an integral part of our community in Northeastern Pennsylvania. I send my very best wishes to Marino on this special occasion and to all of my good friends in the Italian-American Veterans of Luzerne County.

HONORING MARTIN ETLER

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to give birthday greetings to a constituent in Fair Lawn, New Jersey, Martin Etler of Elmary Place, who celebrates his birthday on April 24.

Marty was born in Holliswood (Queens), New York, on April 24, 1929, and eight years later in 1937, moved with his parents to Paterson where he graduated from East Side High School in 1947, and then went into the service for four years and three months, serving his country in the Air Force.

As a member of the 301st Bomb Group (352nd Squadron), Marty was stationed first in Guam, then at a Royal Air Force facility outside London, and still later at several bases inside the United States.

In 1952, he moved to Fair Lawn, a town in our district I am proud not only to represent, but also to reside in. He married the lovely Violet DeVries, and though his work in the maintenance department of United Airlines kept him busy for nearly 40 years, he still found time to give back to his community.

As a member of the Zoning Board of Adjustment for some 20 years, he has given of himself willingly on the first Monday of each month, and many third Mondays—rarely missing a meeting except in the summer when he has coordinated the reunions of his Air Force Squadron and Bomber group all over the United States.

Marty has taken the "job" of being a member of the Zoning Board of Adjustment very seriously, almost always going out to the premises for which a variance is sought, looking at the neighborhood, the relief sought, and then trying to work the inevitable compromise between the zoning ordinance and those seeking a variance or relief from something that is otherwise prohibited.

On the occasion of this milestone birthday, Mr. Speaker, I am certain that the entire Borough of Fair Lawn, and this House of Representatives, wishes him well.

TRIBUTE TO DR. ROBERT H. HOLSTER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. PASCRELL. Mr. Speaker, I rise today to pay tribute to Dr. Robert H. Holster of Clifton, New Jersey, an outstanding individual who has dedicated his life to public service. He will be honored this Friday, April 9, by parents, family, friends, and professionals for his many years of outstanding contribution to the community. It is only fitting that we are gathered here tonight in his honor, for he epitomizes caring and generosity of spirit.

Bob Holster has a truly storied past, starting with his education from my alma mater, Fordham University, where he graduated in 1969 with a Bachelor of Arts in Education and a minor in Education Psychology. In 1974, Bob attended Colombia University, where he received his Masters of Art in Curriculum and Instruction Specialization. Recently in January of 1999, Bob received his latest achievement, by earning his Doctorate Degree in Administration and Supervision from Fordham University. This educational background serves as the foundation for the outstanding work he is doing each day on behalf of our students.

Educated in Passaic, New Jersey, Bob understands that a successful future for any individual is built upon a strong education. Toward that end, he has served the Passaic School System with distinction for two decades. This exemplary career includes eight years as the Director of Curriculum and nearly six years as Assistant Superintendent of Schools for Curriculum and Staff Development. In both roles, Dr. Holster helped to shape the path of learning for thousands of young people in his community.

His tenure has most recently included six years as the Superintendent of Passaic's Public Schools. His tenure has been marked by innovation, steadfast leadership, and an unwavering commitment to each and every student in Passaic, New Jersey.

Superintendent Holster has been recognized many times for his community service, including being named Passaic City Man of the Year in 1987, Lions Club Man of the Year in 1994, and the prestigious "Dissertation Choice Award" from his alma mater Fordham University in 1995.

On a personal note, Mr. Speaker, over the years I have not only come to know Bob Holster as an outstanding educator, but I am proud to call him a genuine friend. He can always be counted on in tough times and in good ones as well. It is thus with distinct pleasure and privilege that I say these words.

Mr. Speaker, I ask that you please join me, our colleagues in the United States House of Representatives, Bob's wife Sharon, his family, friends, and co-workers, the Passaic School System, and the City of Passaic in thanking Superintendent Robert Holster for all his years of service to the community.

TRIBUTE TO "RSVP"

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to call to your attention the importance of volunteerism to our Nation. It seems that too often today we turn to the government when we need assistance. While this may be appropriate as a last resort, the government is not the answer to all our distinctly individual problems. Instead, a greater importance must be placed on volunteerism as a means of helping people.

One group of my constituents that is performing this very important societal function is the Retired Senior Volunteer Program (RSVP). In May, RSVP is celebrating their 25th anniversary of service to society. For the past 25 years, this group of 417 active volunteers have served the counties of Brown, Calhoun, Pike, and Schuyler.

RSVP provides hundreds of different community services including tutoring, mentoring, companionship, disaster relief, and child care. The list of community services that RSVP provides goes on and on to fit the needs of individuals in the community. A few examples of the personal care and service that RSVP has given include making sure that Dorothy, who is homebound, receives her afternoon meals and that Jesse, a young student, gets the help he needs with his spelling.

Too often people use "lack of time" as an excuse when declining to volunteer their time. However, some RSVP members volunteer only a few hours a week to helping their community. While a few hours might not sound like a lot, it sure means a lot to Dorothy and young Jesse.

I would like to personally congratulate the Retired Senior Volunteers Program on their upcoming 25th anniversary. They have not only helped their community by volunteering their time and services, but have also helped our Nation by setting an example for all to follow.

A TRIBUTE TO MATTHEW O'LEARY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mrs. MEEK of Florida: Mr. Speaker, I rise today to pay tribute to the late Matthew Paul O'Leary, who was born on April 20, 1977, in the state of Victoria, Australia. Matt O'Leary was an outstanding athlete who earned the title, "Best and Fairest," on many occasions in the rugged sport of Australian Rules Football. He was an exemplary sportsman in golf, tennis, and cricket, as well. Physical training was a daily part of his happy life. Loving the outdoors, he accompanied his aunt, Helen Soulsby, in an extended bicycle tour across his home state.

Highly intelligent, kind, and immensely popular, Matthew O'Leary lived life intensely and brought great joy to those who knew him. He loved to accompany his energetic uncle, Kevin Soulsby, in swimming in the irrigation channels and in agricultural work on the family farm. When Matt died at the age of seventeen in a tragic car accident on October 30, 1994, he left a glowing example of how to truly appreciate the gift of life.

Matthew's funeral was attended by so many hundreds of people that even the church grounds were overflowing. In the moving funeral Mass, Matt's grandparents, aunts, uncles, and great-uncles all assisted in the celebration of his life by performing some of the readings, by singing, by distributing the Holy Eucharist, and by serving on the altar as acolytes.

Matthew O'Leary was a credit to his upbringing. He was the second, beloved son of Margaret and Terri O'Leary, and was the devoted brother of Sean, Haydn, and Emily, all of whom he cherished dearly. He is survived by his loving grandmothers, Pat O'Leary and Alice Soulsby; his affectionate grandfather, Jack Soulsby; his sister-in-law, Renee O'Leary; and nephew, Ryan Matthew; as well as his many loving aunts and uncles. He was preceded in death by his grandfather, Owen O'Leary.

Matthew O'Leary seized life and reveled in it. It is privilege to honor the memory of a young man who truly lived by the "Golden Rule" of treating others fairly.

TRIBUTE TO ART AND SANDY GINSBURG

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my good friends, Art and Sandy Ginsburg. Art and Sandy are the owners of Art's, one of the best delicatessens in Los Angeles. In addition to their skills as restaurateurs, Art and Sandy are known for their dedication to assisting others. They never seem too busy to help another worthy cause, or to provide much-needed support to another outstanding organization.

This year, Art and Sandy Ginsburg are being honored by Women's American ORT, in recognition of their service and generosity over many years. Sandy, in fact, has been a member of Women's American ORT for 34 years! The Ginsburgs are committed to ORT's goal of providing technical training to students around the world and preparing them for good jobs in the emerging global economy. Hundreds of thousands of men, women, and teenagers have benefited from the education provided by ORT schools.

Closer to home, the Ginsburgs are tireless in their support of the activities of the Jewish community. They have helped to establish a program at Temple Beth Hillel that has integrated disabled and handicapped people into the mainstream of Jewish life and Art's Delicatessen has consistently provided food for the Shabbat dinners that are sponsored by this program.

Art and Sandy's generosity extends to other programs and organizations as well. Art's Deli donates food to Chandler House, which provides alcohol rehab services, and also participates in a program that feeds the poor and homeless throughout the Southern California area. Art has also served his community as Vice President/Board of Directors of the Studio City Improvement Association and as a member of the Board of Directors of the Studio City Chamber of Commerce.

As the parents of three grown children, Art and Sandy have also spent a good portion of their lives helping such organizations as the Girl Scouts, as well as a variety of schools in the San Fernando Valley. They contributed to the athletic program at Grant High School, and to this day they invite kids from a local junior high school to tour the Delicatessen as part of a careers program.

I ask my colleagues to join me in saluting Art and Sandy Ginsburg, devoted parents and grandparents, successful business people, and great friends of our community. Their altruism and compassion inspire us all.

THE NATIONAL CEMETERIES ACT OF 1999

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. EVANS. Mr. Speaker, I am today introducing the National Cemeteries Act of 1999. This legislation requires the Secretary of Veterans' Affairs to establish three new national cemeteries. Each of these new cemeteries will be established in an area of the country determined by the Secretary of Veterans Affairs to be most in need of Cemetery space to serve veterans and their families.

VA statistics show that demand for burial benefits will increase sharply in the near future, with interments increasing 42% from 1995 to 2010. Unless new national cemeteries are established soon, VA will not be able to meet the need for burial services for veterans in several metropolitan areas of the country.

I am concerned that too many veterans lack access to the final—and for many, the only—veterans benefit they will receive from our grateful nation. The number of veterans who lack adequate access to burial in a national cemetery will increase during the next decade, and the Department of Veterans Affairs has not demonstrated a commitment to establishing obviously-needed new national cemeteries. I was deeply disappointed that the Administration FY 2000 budget for VA failed to include a request for the funding required to initiate new national cemeteries. When we on the Veterans Affairs Committee finally agreed last year to enact legislation requested by the VA to enhance the State Cemetery Grants program, it was only after we were assured by the Department that this program would continue to simply supplement the national cemetery system—not replace it. In view of this, I expected the Department to demonstrate its commitment to the expansion of the national cemetery system by including funding for at least one new cemetery in the FY 2000 budget request. It is because that funding was not in the VA's budget request that I am introducing this legislation today.

Accordingly, my bill would require the Secretary to establish a new national cemetery in the three areas of the country that are determined by the Secretary to be most in need of burial space. Additionally, this legislation would require the Secretary to provide Congress with a report 4 months after enactment of the National Cemetery Act of 1999. This report will identify the three areas where new national cemeteries are to be established, a schedule for cemetery construction, and an estimate of the costs associated with establishment of these cemeteries.

In 1862, President Abraham Lincoln signed legislation authorizing the purchase of "cemetery grounds" to be used as national cemeteries "for soldiers who shall have died in the service of the country." The fourteen cemeteries that were established that year were the beginning of what has become the National Cemetery System. Today, more than 130 years after the first national cemeteries were established, the National Cemetery Administration of the Department of Veterans Affairs is responsible for more than 2.2 million gravesites at 115 national cemeteries in 39 states. Of these 115 cemeteries, 57 are open to all interments, 36 can accommodate cremated remains and family members of those already interred, and 22 are closed to new interments.

On May 31st of this year, many of us will attend Memorial Day observances at our national cemeteries during which we will, with humility and thanks, pay sincere respect to those whose sacrifices and dedication have protected the ideals on which America was founded. We will remember the more than 42 million patriots who, through two centuries and too many wars, have taken up arms to defend America and to guarantee that the blessings of liberty are secure. Remembering, however, is not enough. We as a nation must also meet our historic commitment to provide health care, compensation, and readjustment assistance to the living—and provide a hallowed resting place for our American heroes when they die.

I urge Members to support the National Cemeteries Act of 1999.

TRIBUTE TO CLYDE MADDOX

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. BROWN of California. Mr. Speaker, it is with a great sense of pride that I rise today, on the floor of the U.S. House of Representatives, to pay tribute to Clyde Maddox, a Vietnam veteran, who was elected Commander of the 110,000 member Disabled American Veterans, Department of California, last year.

Clyde Maddox was born in Americus, Georgia to a family which included eight other brothers and sisters. He spent the first 18 years of his life in Americus. He graduated from Sumtar County High School in 1968 prior to beginning a career in the United States Marine Corps where he spent 21 years serving his country.

Clyde Maddox served a tour of 13 months in Vietnam. He has also served in two tours overseas and has been stationed in several other cities including Earl Colt Neck, New Jersey, Cherry Point, North Carolina, and El Toro and Camp Pendleton, California.

Mr. Maddox has been the recipient of numerous awards and certificates for exemplifying professionalism and initiative to reflect the highest traditions of the Marine Corps and the United States Naval Service. On January 28, 1988, Mr. Maddox was recognized with a Certificate of Good Conduct Medal. He was awarded a Navy Achievement Award Medal for serving as Ground Supply Chief, 3rd Marine Air Craft Wing Fleet Marine from May, 1979 to July, 1982. He received a Meritorious Service Medal during the period of November, 1986 to May, 1989. In October, 1996 Maddox was awarded with another Navy Achievement Award.

On January 1, 1991, Mr. Maddox officially retired from the U.S. Marine Corps after a distinguished career. He then accepted a position with the Disabled American Veterans Organization, at the Jerry L. Pettis Hospital in Loma Linda, California.

While working with the Disabled American Veterans, Mr. Maddox was awarded a Certificate of Appreciation on February 4, 1993, for distinguished and exemplary service. On March 20, 1996, he received a certificate for Outstanding Service as a Service Officer.

Mr. Maddox continues to serve as a volunteer with the Disabled American Veterans. He is currently employed by the Department of Veterans Affairs in the Material Management Department at the Loma Linda Veterans Affairs Medical Center.

Clyde Maddox is a life member of Riverside Chapter #28, he and his wife Ruby, the parents of two children, reside in Moreno Valley.

A testimonial dinner will be held on Saturday, April 17, 1999 in Riverside, California at the Riverside Convention Center to pay tribute to Clyde Maddox.

Mr. Speaker, I ask my colleagues to join me and veterans in my congressional district in paying tribute to Clyde Maddox for his exemplary service and patriotism to our country. We also recognize his hard work to safeguard and promote the benefits and programs that disabled veterans have earned through their military service to our Nation.

IN MEMORY OF ALLISON MICHELE MILLS OF BELLAIRE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. NEY. Mr. Speaker, I rise today in memory of Allison Michele Mills, who passed away on April 12, 1999. Allison was born December 6, 1980, the daughter of Dave and Lynne Temple Mills.

Allison was a senior at Bellaire High School, where she was announced as the Valedictorian of the graduating class of 1999. At Bellaire High School, Allison was the president of the National Honor Society, a Hugh O'Brian Youth Ambassador as well as a cheerleader and a member of the marching band. Additionally, Allison was a member of the French Club, the Quill and Scroll, and a four-year class officer.

Mr. Speaker, it is a privilege for me to pay my last respects to a young woman who gave so much of herself to her community, her school and her family. Allison will be missed by all whose lives she touched. I am honored to have represented her and proud to call her a constituent.

GENERAL ELECTRIC APPLIANCES EMPLOYEES HELP THE YOUTH OF AMERICA

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mrs. NORTHUP. Mr. Speaker, I rise today to pay tribute to the employees of General Electric (GE) Appliances for their contribution to over 1 million hours of volunteer work to the youth of America. In April 1997, GE pledged that by the year 2000, its employees, retirees, and family members would volunteer over 1 million hours in community service. Not only did GE reach this goal, but surpassed it, with 1.3 million hours contributed thus far.

In Louisville, Kentucky, GE Appliances contributes an average of 210,000 volunteer hours each year and donates approximately $2 million to community service organizations. Its efforts are far reaching and have a tremendous impact on this community. They include refurbishing the campus of Brooklawn Youth Haven, an organization which serves boys who suffer from severe emotional and behavioral problems; working with students from Western High School to create Kentucky's first student team to participate in the F.I.R.S.T. Program, a national robotics competition; providing mentoring and leadership to thousands of African-American youth; refurbishing the Wayside Christian Mission Family Crisis Center; and refurbishing two classrooms at Family Place, a child abuse treatment agency.

Mr. Speaker, I am proud to honor the volunteers of GE Appliances, especially those in Louisville, Kentucky. They have shown that taking pride in your community and working to improve the lives of its residents is an important part of being a United States citizen. Their outstanding efforts truly make a difference in the lives of Kentucky's youth, and I hope that they will serve as a source of inspiration to communities throughout this country.

CONGRATULATING THE SCHOOL SISTERS OF NOTRE DAME ON THE OCCASION OF THEIR 50TH ANNIVERSARY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. UNDERWOOD. Mr. Speaker, I take this opportunity to recognize the School Sisters of Notre Dame on Guam who are celebrating their 50th anniversary on May 9, 1999. I also extend my congratulations to Sister Joseph Ann Quinene, the local regional director, and all the Notre Dame Sisters on this very special occasion. Given the success of numerous students who have grown in wisdom and knowledge under their tutelage, their 50-year presence represents more than simply a measure of time. Their commitment to the children of Guam, their dedication to teaching, and their strong faith have enriched our island community in ways that cannot be measured.

The School Sisters of Notre Dame arrived on Guam in 1949 as a Mission of the Milwaukee Province at St. Francis in Yona. Invited by Rev. Bishop Apollinaris Baumgartner and Rev. Father Alvin Lafeir over the years, the mission grew to include the establishment of St. Francis School in Yona, San Vicente School in Barrigada, Our Lady of Mount Carmel in Agat, and the Notre Dame High School in Talofofo. They have also provided the opportunity for many young Guamanian women to join their mission.

By the end of their first year on Guam, Guamanian girls became candidates for membership in the Notre Dame Sisters family. In August of 1955, the first two professed Guamanian Sisters returned to Guam to help in the teaching force of the School Sisters of Notre Dame. In 1969, Sister Mary Bernard Unpingco, a native Guamanian, was elected to represent the island in Rome, and in 1974, Sister Cecile Marie Crisostomo was elected as the first Guamanian Regional Leader. This opened other administrative positions for the Guamanian School Sisters of Notre Dame. Since 1974, the principals and community leaders have been held by local Sisters.

To assist in their mission on Guam, an Aspiranture was built for young girls who were interested in pursuing the life of the School Sisters of Notre Dame while finishing their high school. In addition, a boarding house was opened at Notre Dame High School for girls from the other islands who were interested in finishing high school.

Following several visitations, the Provincial leaders of the Milwaukee Province decided that Guam was ready to carry on the work of the School Sisters of Notre Dame, and the Guam District was established as a Region of the Milwaukee Province. The Region of Guam, under the leadership of the local Sisters, carried the work of Mother Therese Cerhardinger to the islands of Rota and Saipan, and today they have extended their leadership in education to the islands of Chuuk, Ebeye and Yap. In 1977, the Guam Region became a vital unit of the International Community when Sister Francine Perez was elected a General Councilor of the central governing body of the School Sisters of Notre Dame in Rome. It is also with great personal pride that I note that my godmother, Sister Carmen Francis Siguenza, is a member of this order.

As a fellow educator, I applaud the record of the School Sisters of Notre Dame on their 50th anniversary and thank each and every one of them for their diligence and dedication to our children and to Guam. Si yo'os ma'ase paro todo i che'cho' miyu para I famagu'on-ta yan it taotao-ta guini gi isla-ta.

INTRODUCTION OF A HOUSE CONCURRENT RESOLUTION URGING THE CONGRESS AND THE PRESIDENT TO INCREASE FUNDING FOR THE PELL GRANT AND EXISTING CAMPUS-BASED AID PROGRAMS PRIOR TO FUNDING ANY NEW EDUCATION PROGRAMS

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. McKEON. Mr. Speaker, I rise today to introduce a House Concurrent Resolution calling on the Congress and the President to significantly increase funding for the Pell Grant and Campus-Based Aid programs.

Every year since we gained the majority, Republicans have worked to increase the maximum Pell Grant, and we've worked hard to strengthen higher education programs with a proven track record of success. We have also enacted tax incentives which help working families save for the education of their children, and ease student loan repayment for those who must borrow.

Most importantly, just over 6 months ago, we enacted the Higher Education Amendments of 1998. This vitally important legislation saved the student loan program and cut borrower interest rates; dramatically increased the maximum authorized Pell Grant; and strengthened the Campus-Based Aid programs which provide needy students with grants, work study opportunities, and low-interest loans. This legislation went a long way to achieving our goals of:

Making college more affordable;

Simplifying the student aid system; and

Ensuring academic quality.

In short, we have truly made higher education a priority, and we will continue to do so.

However, I was shocked when the administration sent us a budget proposal along with the proclamation that the doors to college were now open to all Americans. I was surprised to learn that the administration actually believes that it has opened the doors to college for all. I was disappointed with the details of that budget, which cut overall funding for Pell Grants by 3 percent, allowed for only modest growth in the Campus-Based programs, and proposed student loan cuts which Congress had rejected on a bipartisan basis only months before. Instead of supporting these core programs which are proven to work, the administration pursued funding for four new "designer" programs, which have not, and probably will never, help one student graduate. In talking to students and educators alike, I know they share my disappointment.

Let's look at the priorities we are setting forth today in this resolution. First, it calls for a $400 increase to the maximum Pell Grant award. The Pell Grant program is the largest and most important Federal need-based higher education grant program. It is a voucher for higher education, which students can take to an institution of their choosing and use to pursue the type of education that will most benefit them. Every dollar that a student receives from the Pell program is a dollar that won't have to be borrowed. With average student indebtedness now at $9,700, this is more important than ever before.

The Pell Grant program was created in 1972, and currently serves 3.8 million students. In the late 1970's, Pell Grants covered 75 percent of the cost of attending a 4-year public college or university. Today, it covers only 36 percent of that cost. Restoring some of this lost buying power is probably the single most important thing we can do to reassure students from low-income families that college is possible. Funding Pell Grants at the level set forth in the resolution would have the added benefit of making an additional 215,000 students eligible, including 21,000 in my home State of California.

Second, this resolution makes funding for the Campus-Based Aid programs a priority. These programs provide institutions with Federal support for grant, loan, and work study programs. They are need based. However, they do provide financial aid professionals with more flexibility to tailor the aid package to the student's needs. Most importantly, these programs require schools that participate to provide matching funds, which allows us to leverage our investment with private dollars.

Finally, this resolution sets priorities. It says to the President and to the American people that we are serious about funding the financial aid programs we know work, and that we shouldn't create new programs until we meet these commitments.

Mr. Speaker, we are faced with a choice. We can blindly buy the "program du jour" on the President's education menu, cooked up by the bureaucrats at the Department of Education, or we can wisely fund the "meat and potato" scholarship programs that have put America's students through college for more than a generation.

I urge my colleagues to show their support for America's students, and cosponsor this resolution.

TRIBUTE TO ALONZO MOODY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. PASCRELL. Mr. Speaker, I rise today to pay tribute to Mr. Alonzo Moody of Paterson New Jersey, an exceptional individual who has dedicated his life to public service. He will be honored this Thursday evening, April 8, 1999, by family, friends, and professionals for his outstanding contributions to the community.

Mr. Speaker, Alonzo Moody was born the sixth child to the late Allard Moody, Sr. and Mary Jane Moody. He has been married to his wife Sarah for 28 years and is the proud father of three sons; Malik Ali Angaza, Zatiti Kufaa, and Kwesi Tacuma.

Alonzo earned a Bachelor of Arts degree in the field of Urban Planning from Ramapo College of New Jersey in 1976. He also attended Honolulu Business College from 1968–1969 in Hawaii, majoring in Systems Analysis. He has worked for the Department of Human Resources and the Paterson Youth Services Bureau for the past twenty five years as Executive Director. His responsibilities include supervision and administration of programs, with direct accountability for their use in the community. He also coordinates all youth agency activities within the City of Paterson. Mr. Moody directs and supervises two youth agencies and fifteen staff members.

On October 21, 1998, Mr. Moody was appointed and sworn in as Deputy Mayor of the City of Paterson by the Honorable Mayor Martin G. Barnes. As Deputy Mayor, he oversees issues involving youth, families, and recreation. In March of 1992, Mr. Moody became Director of the Alexander Hamilton Development Resident Management Youth Program. He implemented homework study hour, a variety of recreational activities, counseling services, and other activities for the youth of the Alexander Hamilton Housing Development during the evening hours. Since 1991 Alonzo has been serving as a member of the Paterson Board of Education.

From 1977 until 1989 Alonzo and his wife Sarah have served as Children's Haven House Parents, providing a nurturing and supportive family environment for eight boys ages eight to fourteen placed by the Division of Youth and Family Services.

Alonzo served as an Assistant Basketball Coach at Passaic County Community College in 1979. From 1973 to 1980 he was an administrator for the Children's Shelter, Community Youth Worker Probation Counselor for Passaic County Probation Department and Director of the Youth Summer Twilight Program for the Catholic Youth Organization. From 1966 until 1969 Mr. Moody also served in the United States Air Force, as an Airman First Class.

Many community organizations have benefited from Mr. Moody's participation. He was a former member of the Paterson Task Force for Community Action, Inc.; the Community Action Day Care Center, Inc. Board of Directors; and the Paterson YMCA Board of Directors. He currently serves on the Eastside High School's Home School Council, RISK, NJ Black United Fund; Passaic County Youth Commission; Municipal Drug Alliance; Village Initiative Executive Board, Children's Haven Board of Directors; and the Minority Concerns Committee.

Mr. Speaker, over the years, Mr. Moody has touched the lives of many people in his community. His warmth of spirit and caring nature has inspired an enormous amount of people. We are all gathered here tonight as a testament to Alonzo and to thank him for all that he has done for the well being of his fellow man.

Mr. Speaker, please join me, our colleagues in the United States House of Representatives, Alonzo's family, friends, and colleagues, and the City of Paterson, New Jersey, in commending a truly great man.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. THOMPSON. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

BLACK PARENTS FACE SPECIAL CHALLENGES RAISING A SON TO BE A MAN

(By Le Datta Grimes)

LEXINGTON, KY.—Donita Harris is biracial. Her momma is Chinese. Her daddy is black. She grew up in a predominantly white neighborhood near Turfland Mall. Whenever she reflects on her childhood area, one memory is clear: the neighborhood carpool.

Each week, the neighborhood moms took turns driving the local children to school.

One woman, however, refused to pick up Donita and her brother. The woman didn't like black people, Harris said, so she sped past their house.

Harris, now 27, recalls this episode as she looks into the chubby-checked, bright-eyed face of her 4-month-old son, Robert Jr.

". . . I just wonder what prejudice will look like 10 to 15 years from now."

Donita, a social worker, and her husband, Robert Sr., who works at a lamp factory, know that their son will face certain hardships simply because he is a black male.

Their job as Robert Jr.'s parents, they said, is to raise a man capable of withstanding today's stereotypes and achieving success in spite of them.

Raising black males in a society that depicts them as angry, aggressive, lazy and ignorant presents a unique task for black parents, said William Turner, an associate professor of family studies at the University of Kentucky.

While all parents seek to raise healthy, well-adjusted children, black parents raising sons have some additional tasks.

They must teach their sons, Turner said, to navigate and function in a society that sometimes views them through a distorted looking glass.

"There are some extra things that black parents have to teach their kids," he said. "Facts about race and racism are among them."

Tracey Bartleson is raising two sons, Xavier Spence, 7, and Damone Thompson, 3.

Damone's father and Bartleson are no longer together. Xavier's father lives in Canada.

When life puzzles her sons, it is Bartleson they run to. She works the overnight shift, 11 p.m. to 7 a.m., so she can be home for their questions during the day.

A few months ago, as they were watching Selma, Lord, Selma, a Disney movie depicting the sometimes violent anti-segregation marches that took place three decades ago in Selma, Ala., Bartleson turned her head to see tears streaking Xavier's face.

"Momma?" he asked. "Why would people do things like that?" Bartleson pulled her son into her arms and explained. "People don't know us from the inside," she said rocking him. "They pass judgment before they know us."

That's not right, she told him, but it happens. Bartleson handled Xavier's questions on race in a positive, reassuring manner. That's the best way, Turner said, to build self-confidence and self-love.

Defensive statements like, "You're black and people won't like you for it," put children on a path to anger and aggression.

"Finding a way (to discuss race) that isn't traumatic to the child is very important," Turner said.

Along with positive conversations about race, parents can build their children's self-esteem by reading with them about and acknowledging black role models.

It is critical that parents do these things early, Turner said, because around age 6, parents lose the ability to control their children's environment.

When children are 6, parents send them to school and into a salad bowl of opinions and ideas tossed by a variety of chefs. Not all of the seasonings are good.

Turner said most boys enter kindergarten excited and overjoyed with their new environment.

He said research shows, however, that this excitement in black males is often interpreted by teachers as problem behavior or hyperactivity.

In their white male counterparts, this same enthusiasm is labeled rambunctious and outgoing.

Like most boys, Xavier hurtled into kindergarten excited. but his enthusiasm dwindled quickly, his mother said.

Shortly after the school year began, Xavier's teachers began sending notes home about his behavior. The notes said he had problems keeping still and that he was disturbing other children, Bartleson said.

She said she knew her son was not a problem child. "I know my child," she said. She then enrolled Xavier in a new school.

The problem, she later discovered, was that Xavier finished his work earlier than the other children, so he had time to cut up. Xavier's new school, Ashland Elementary, challenges him more, Bartleson said, leaving him less time to talk or horse pay. Any additional energy Xavier has, Bartleson channels into extracurricular activities such as piano lessons, basketball and church.

Tobey and Debra Gray of Wilmore, formerly of New York, were married three years ago.

Tobey brought five children to the union from a previous marriage, Debra brought three. They have one child together.

The family lived in a two-bedroom apartment in Manhattan. Though the apartment was crowded, the Grays said the chaos inside the home didn't bother them.

It was the violence outside that kept them awake at night. "We were in an atmosphere where cursing was the order of the day," Tobey Gray said. "In New York City, there's the opportunity to fall into a whole bunch of mess."

In addition to the violence, two of their sons, sixth-grader Colin and fourth-grader Trevor, were failing in school.

Many black boys lose interest in school about the fourth grade. This pattern is addressed in the book "Countering the Conspiracy to Destroy Black Boys," by Jawanza Kunjufu.

The phenomenon is called fourth-grade failure syndrome. "In fourth grade they begin to fail and fail horribly," said Nate Sullivan, a social work professor at UK. "This culminates in dropping out either emotionally or physically from the academic arena."

Sullivan said black males often detach themselves from academics because they are ignored in the classroom and receive little recognition for their academic achievement.

"The subtle cues you pick up on lead to a self-fulfilling prophecy," said Margo Monteith, an assistant professor in UK's department of psychology whose area of expertise is prejudice and stereotypes.

When black males fail to win approval in the classroom, they seek it elsewhere, from their peers, on the streets or on the athletic field, Sullivan said.

Trevor and Colin chose the streets. Colin got into fights and ran away often. Trevor fought and back-talked his teachers. Seeing this, Tobey Gray resolved to get more involved in his sons' lives. Gray had worked two jobs to support his family, so he rarely saw the boys.

"If you don't give them attention, they will stray," he said. "I used to work all kinds of weekends and hours. But I don't do that anymore. It's important to me that they grow up well."

Gray arranged special getaways with each of his sons. Some days it was a walk in the park with Colin. Other days he'd surprise Trevor and drop by his school for lunch.

"My father was always busy, so I said I'm going to break this cycle," Gray said.

Six months ago, the Grays decided New York was no place to raise their kids. Yet, they had nowhere to go.

Debra said she prayed on it and came up with Kentucky. Tobey wasn't sold on the idea.

"You sure God said Kentucky?" he asked. Debra was sure and the family—Tobey and Debra and five of their children—took an 18-hour bus ride to Kentucky. Tobey is a custodian at Asbury College, and Debra is a substitute teacher. Both want to attend Asbury Theological Seminary someday.

Colin, now 14; Loren, 12; Trevor, 11; Tyler, 4; and Timothy, 17 months, came with them. Tobey and Debra Gray's grown children stayed behind in New York.

Since the family's arrival, Loren said, she has seen a difference in her brothers.

"I think they've matured a lot," she said. "I think now they can be a lot more of themselves because in New York they were trying to be like other people, and down here they can just express themselves."

The Grays wake up at 5 each morning. After greeting one another with a kiss, they gather in Debra and Tobey's bedroom. There, the family prays for guidance. Their prayer time also doubles as a family circle during which each family member discusses plans for the day.

In the home of Barbara Commodore-Connor, a similar family circle takes place around the dinner table. Whenever a family decision is to be made, Barbara gathers her three sons—Caleb, 10; Joshua, 14, and Maureece, 21—for a family meeting.

At a recent meeting, the issue was Barbara's possible engagement. "What do you think about Momma marrying Mr. Steve," she asked.

The boys then took turns answering. This type of structure and family cohesiveness is essential during the teen years when black males are struggling to carve out their identifies, Turner said.

"I understand parents have stresses that take away quality time, (but) there needs to be family time," he said.

As black males mature into their teens, stereotypes about them become more pronounced. Media depictions of black teens dead or on their way to prison send bleak messages to black males about their futures, Turner said.

During the teen years, black males become painfully aware of how others view them: If their pants sag, they are thugs. If they walk in groups, they are a gang. And, if they drive a nice car, they are drug dealers.

Accepting the reality of being stereotyped is not easy, Turner said. But it is never an excuse to give in to the stereotypes and fail. "They just have to be aware that there will be times when they will be excluded because of race and they will be misjudged," he said.

The teen years brought strife to Commodore-Connor's home. When Maureece reached 15 or so, he and his mother began to butt heads: She wanted him in at a certain time; Maureece wanted to stay out late.

She wanted him to go to church; he didn't want to go every Sunday. The central problem, Commodore-Connor later realized, was one of freedom. Maureece wanted it, but she wasn't willing to give it.

"Momma," Maureece would tell her, "I got my own mind." His mother said she wasn't ready to hear that, so she became stricter.

And Maureece rebelled more. Finally, Commodore-Connor, a resource specialist in the office of civil rights for Fayette County Schools, said she turned to her big sister Peggy and brother-in-law Ike.

"I felt like I was losing him," she said. "We were having confrontations, and I began to question myself."

Maureece's Uncle Ike played a big role in helping him navigate the teen years. He gave Maureece advice, spent time with him and helped him communicate with his mother better.

Male role modeling is essential to young black males, Turner said. It can come from church, school, extended family or big brother programs, but the ideal source is a committed father.

"In situations where there is a father engaged, talks come about naturally and the child internalizes it," Turner said.

Tobey Gray is teaching his children to love. Whenever the Gray children walk into a room, they are to greet one another with, "I love you." They also must kiss one another good morning and good night.

Gray teaches by example. Wheverver the mood strikes, he smooches his boys on the jaw or the forehead. Colin brought a friend home from school once, and Gray kissed him, too.

"There aren't many men being men today," Gray said. "Women are taking the lead in everything. But, if you want to lead, you got to lead by example."

In the seven decades since Langston Hughes wrote the poem "Mother to Son," the stairwell to black manhood has remained a steep climb.

Still, that is not a reason to quit scaling the stairs, Turner said.

It is OK to get angry, he said, but it is never OK to quit climbing.

Whether a child leaps the stairs two at time or gives up midway depends on how the child was equipped by his parents.

"Black males are successful when they see a barrier but say 'I'm not going to let this stop me.'"

South Florida's racial, ethnic and cultural landscape transformed—Juliet Masters can see it in their eyes.

That inquisitive look that asks "What are you?" The spoken question comes a moment later.

"Wow, I hate being asked that because I don't know what to say," said Masters, a 24-year-old special events coordinator who lives in South Miami. "My first answer is human. Then I say I'm mixed and I tell them that my mother is from England, my father is from Jamaica and I was born in New York. And I ask them what they think."

In a country that for much of its history has been preoccupied with race, and for generations largely has considered racial and ethnic identity in black and white terms, how to deal with people of mixed heritage is becoming an ever-intriguing question. Because of the nation's changing demographics, it is also one that will help shape the nation's debate on race well into the next century.

The debate is important, philosophically and economically, because how the country views race will shape aspects of life and determine how resources are allocated. Data collected on race will decide such issues as how federal and state governments spend money, where political boundaries begin and end as well as what will be the content of entertainment and marketing campaigns.

The issue is particularly relevant in South Florida, where huge waves of immigrants have transformed the racial, ethnic and cultural landscape in the last three decades.

Today's children are growing up in a country where many of recent immigrants and their offspring do not share the United States' historical notions on race.

Along with the children of mixed marriages, they will be less disposed to accept the premise that people are either black or white.

There are now millions of Americans who claim more than one heritage or whose cultural and ancestral roots lead them to reject the American racial dichotomy, said Roderick Harrison, a demographer for the Joint Center for Political and Economic Studies, a Washington think-tank.

Harrison said his research has revealed an unprecedented change in attitudes about race, especially in metropolitan areas of California, New York, Texas, Illinois, New Jersey and Florida—states that have substantial black, white and Hispanic populations.

Attitudes are changing, he said, because a nation that numerically and conceptually has been divided is becoming more multiracial and multiethnic.

"When people look at a white, black, Hispanic or Asian person 40 years from now I doubt racial or ethnic identity is going to mean the same thing as it means to us," Harrison said. "We won't want complete assimilation but the ability to retain some of our cultures."

For many people in South Florida, a pluralistic world exists now. Hispanics, for example, generally do not define themselves in terms of race—although they're aware that American culture heavily relies upon it.

"I know it sounds corny, but hopefully, we will reach a day when we talk about each other's culture rather than the color of our skin," said Washington Collado, a native of the Dominican Republic who like many people from the Caribbean has a mixed ancestry.

"I never am put in a position where I have to define myself by color," said Collado, 36, of Coconut Creek. "That's a question I don't even know how to answer."

Collado and his wife, Carmen, want their three sons, Mario, 9, Alejandro, 5, and Miguel, 1, to think of themselves as they do—as Dominicans and Hispanics.

"Without being blinded by the fact that they undoubtedly have to mark a little box that says Hispanic, I don't think my kids see themselves as dark skinned," Collado said. "Skin color is not the most important thing. I would rather my kids know who they are."

Such an outlook on race is prevalent among many Latin Americans, who prefer to view themselves as a diverse group united by culture and language.

"In their own countries, national identity is so important that racial identity isn't as important," said Helen Safa, a retired professor of Anthropology and Latin American Studies at the University of Florida.

"That doesn't mean there is no prejudice and discrimination," Safa said. "There is. But racial identity tends to be subordinated to the national identity."

Harrison and other demographers say it's possible that future generations of Hispanics and other immigrants of mixed heritage could classify themselves more along racial lines. But it is just as possible that they will not.

For much of the nation's history, however, the racial divide was such that the children of interracial marriages—as well as black immigrants—found a home only in black America.

Moreover, until about three decades ago, 16 states had laws designed to prevent marriages between people of different races. Then, in 1967, the Supreme Court ruled anti-miscegenation laws unconstitutional.

Since then, the climate of intolerance and separation that led to such laws has faded. The number of mixed marriages has steadily risen, as has the number of people of African descent and mixed ancestry who have immigrated to the United States.

But even today, mixed couples often must overcome barriers. Though more common, such unions are not universally accepted. Often, the sternest opposition still comes from family members.

That's what Trayce Denise Santoro, who is black, discovered four years ago when she married her husband Filippo, the son of Italian immigrants.

"His mother and father were completely against it," said Santoro, 36, of West Palm Beach. "They didn't come to the wedding or anything. They didn't want to meet me."

Since then, however, Santoro's in-laws have warmed to her and she does not hold their feelings against them. Santoro even wants her children, 2-year-old Filippo II and Lena Marina, 3 months, to learn how to speak Italian so they can better enjoy their dual heritage.

When Trayce Santoro looks at her two children, she sees both black and white—the way she hopes they will also will view themselves. That's why she supports the efforts to establish a new multiracial category on the Census and other forms.

"I would prefer them to choose multiracial if biracial isn't on the list or they couldn't choose (both) black and white," she said. "I wouldn't want them to pick one or the other."

Sociologists say it's no surprise that multiracial and multiethnic people are beginning to reject the nation's outdated racial codes.

Sarah Willie, a professor of sociology and black studies at Swarthmore College in Swarthmore, Pa., outside Philadelphia, said civil rights leaders and black nationalists laid the groundwork for the nation's broader racial and ethnic framework a generation ago.

That African-Americans could celebrate their roots made it possible for today's immigrants to take such pride in their countries of origin.

No longer so intent upon embracing American culture at the expense of their own, many Hispanics and others now proudly display the flag of their homeland on their cars.

"We forget that nobody was putting a flag on their car 30 years ago," Willie said. "That was the tail end of a very explicit assimilationist policy in the U.S.

"Most immigrants subscribed to that at an incredible cost to language and culture. Ties to the past were lost."

She believes integration and the evolving sense of pride multiracial people have developed in their diverse backgrounds has allowed many to redefine themselves.

"People will still tend to identify with a group," said Willie, who has a black and a white mother. "But they will say I'm black or Latino or Asian—and I have another parent on the other side."

Allowing people to label themselves as they choose may cause waves, however.

Some Americans—white and black—are offended when they see others stress nationalistic roots.

And black Americans may lift an eyebrow when a person they perceive as black acts as if he or she is something else—a sign that being black in the American sense isn't good enough for them.

But those attitudes, too, will change, said Tanya Simons-Oparah, assistant director for outreach for the Broward County Library.

"If you choose not to want to identify with black people I feel badly for you because I know the riches and the value of being of African descent," said Simons-Oparah, 52, an African-American whose parents are from the Bahamas and Panama. "We can't claim everybody."

Harrison said the degree to which children of mixed marriages claim "multiracial" as an identity will help determine how far the changes in attitude go.

"When we look at some of the earlier success for the multiracial categories (on test Census surveys and school district forms, for example) about 50 percent of the people who exercised that option were under 18," Harrison said. It's reflective of the recent acceptance of mixed marriage, he said.

If Masters is any indication, the change in identification will come because biracial offspring don't want to pretend as if one of their two parents doesn't exist. Even if they consider themselves black, as she does.

"I can't possibly choose between them," Masters said. "They're both from very rich cultures and I have to respect them both."

TRIBUTE TO THE MEDIA

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to recognize Bob Branen and the local newspapers in my district who are helping the refugees of Kosovo. I strongly believe the most effective way to help those in need is through an individual's time and efforts to volunteer at local charities and churches. This works when helping the homeless and hungry in your own community, or when helping the homeless and hungry thousands of miles away in war-torn Kosovo.

Southern Lakes Media, Inc. of Burlington and Walworth Newspapers, Inc. of Walworth have launched a nine-city effort to generate support of those fleeing Kosovo. Bob Branen, president of the newspaper chains, is asking, through editorials and advertisements, for Wisconsin citizens to donate to World Relief, an international assistance organization.

World Relief is working with Albania's churches to assist the men, women and children who were forced to flee their homes without food, water or clothing. This organization is fighting to give these refugees not only material comforts, but spiritual hope as well. The Kosovars, expelled from their homeland by Serbian president Slobodan Milosevic, are finding safety in the open homes and open arms of the people of Tirana. The outpouring of generosity by my neighbors in Wisconsin translates into meaningful action, half a world away, for the victims of the Kosovo conflict.

Mr. Speaker, I want to take this opportunity to honor their extraordinary example and encourage them to continue their efforts and I commend Mr. Branen for the initiative he took to inform his newspaper readers.

TRIBUTE TO ADREA G. COHEN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of Adrea Cohen of Belleville, New Jersey on this the occasion of her Retirement and Testimonial Dinner. Adrea is being honored tonight because of her 25 years of service to the township of Belleville and the Belleville Public Library and Information Center. It is only fitting that we gather here tonight in her honor, for she epitomizes caring and generosity of spirit.

Adrea Cohen has served as Director of the Belleville Public Library and Information Center since 1993. She began as its Assistant Library Director in 1974 after completing her second Masters Degree in Library Science from Pratt Institute. Cohen also holds a Master's Degree in History from Montclair State University. She has taken graduate courses in history at Harvard University, where she was schooled under the President of the Library of Congress.

Adrea was formerly a tenured teacher of English, history, and literature in the City of Passaic, from 1958 to 1964, a school librarian in the City of Passaic from 1964 to 1966, she was a supervisor of student teachers for Montclair State University, and a teacher of ESL (English as a Second Language) and she also taught English in the Wayne and Passaic Adult Schools for 15 years.

Many people in the community of Belleville, New Jersey have benefited from Adrea's vast commitment to civil programs. She has been made a Paul Harris Fellow by the Rotary Club, as well as served as their public relations chair. She was the literature chair of the Woman's Club, and Vice-President of the Chamber of Commerce. She is a past president of Zonta International of the Greater Wayne area. She has served as president of the administration section of NJLA and is still an active member of the first regional library cooperative.

She has served as president of libraries in focus, a Cablevision consortium for Essex County libraries and has actively videotaped over one hundred programs at the library for the past ten years, which have appeared on local cablevision. She has also held a yearly Martin Luther King, Jr. event at School No. 9 in Paterson, New Jersey, and has worked closely with local artists and photographers whose work she has displayed in the library.

In the spring, Adrea will be honored by Kappa Delta Phi, New York University, as Educator of the Year for her library directorship and contributions to the community. The award will be presented to her by the United States Ambassador and deputy governor, Dr. Inez Bull.

Adrea has been married to Roy Cohen for 37 years, and has two children, Pamela and Bonnie Cohen.

Mr. Speaker, I ask that you please join me, our colleagues in the United States House of Representatives, Adrea's family, friends, and coworkers, the Belleville Library and Information Center, and Township of Belleville, New Jersey, in thanking Mrs. Adrea Cohen for all her years of service to the community and congratulating her on her well deserved retirement, her presence will be greatly missed.

REGARDING THE SBC-AMERITECH MERGER

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. JACKSON of Illinois. Mr. Speaker, there have been a number of recent, very positive developments involving the proposed merger of Ameritech and SBC Communications. I was delighted when the Justice Department gave its green light to the merger on March 23rd. This approval followed a thorough review by the Justice Department and confirms that the merger is not anti-competitive.

The merger approval by DOJ was followed by a favorable recommendation from a hearing examiner for the Illinois Commerce Commission. Then, just last week, the Public Utility Commission of Ohio formally voted to approve the merger. I would also note that the Rainbow-PUSH Coalition endorsed the merger on March 29th. In announcing its support, the Coalition said, "Rainbow PUSH found that these companies are truly concerned about implementing corporate practices that favor workers and consumers, creating employment opportunities and fostering small business growth." Additionally, the Coalition pointed out that the merger enjoys strong, broad-based support from organized labor.

Ameritech announced on April 6th that, consistent with the conditions imposed on the merger by the Justice Department, it was selling half of its cellular properties to GTE Corp. for about $3.3 billion. One of GTE's principal allies in this transaction is Georgetown Partners, a minority owned and operated company. Assuming the merger is approved, Georgetown Partners will become one of the most significant minority-owned communications firms in the United States.

While all of these developments are extremely positive, Mr. Speaker, I must express my strong concern over FCC Chairman Bill Kennard's recent action adding a new, and unprecedented, hearing process to the Commission's deliberations on the Ameritech-SBC merger. I appreciate the Chairman's desire for thoroughness, but I must question the fairness of injecting such a process in a deliberation that has now been before the FCC for almost eleven months.

In conclusion, I would note that as long as this merger remains in limbo before the FCC, it substantially harms the competitive positions of both companies in the national and international markets. I hope we keep in mind that, between them, Ameritech and SBC employ more than 200,000 people. Many of these people are my constituents in the 2nd District of Illinois. I strongly encourage the FCC to consider the Ameritech-SBC merger with the same efficiency and fairness that it has considered other recent mergers in the highly competitive telecommunications industry.

DOLLARS TO THE CLASSROOM

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. PITTS. Mr. Speaker, today at a news conference, Senator TIM HUTCHINSON and I reintroduced the Dollars to the Classroom Act, a bill to benefit school children and teachers all across this country.

The Dollars to the Classroom Act will direct federal funding for elementary and secondary education directly to the states, requiring that 95% of K–12 funding reach classrooms and teachers. This Act passed the House in the 105th Congress 212–198. Joining us today in support of the bill were seventh and eighth-grade students from Charles Patton Middle School in Unionville, PA, along with their teachers, Math and History teacher Shannon Tate and Spanish teacher Christine Bailey. Maryland public school administrator Stephen Wallis also spoke on behalf of the legislation.

Senator HUTCHINSON and I have been working on this legislation because we believe in the importance of doing all that we can to improve the academic achievement of our public school children. How do we accomplish that? We believe that empowering the teachers and bolstering the classroom resources of our kids directly improves their learning process. One of the young middle school students presented the need for the Dollars to the Classroom Act better than anyone else could. Seventh-grader Cole Allen said, "The geography books that we use were printed when our teacher was in eighth grade. Well a lot has changed since then. They should be called 'The Geography of the world as it was 13 years ago.'" As Cole pointed out, many teachers use their own funds to buy tools for their classrooms, because so much of education funding gets eaten up before it makes it to the classroom.

When we think of our childrens' efforts to learn, we often think of the tools that go into forming and shaping their young minds: tools like books, classrooms, computers . . . and things like flash cards, spelling tests, and calculators. Yet, many of our federal dollars that go to elementary and secondary education do not reach our kids. That's why we've come up with the Dollars to the Classroom Act. This is a simple concept. Instead of keeping education dollars here in Washington, let's ensure that 95 cents on every federal dollar is sent directly to parents, teachers, and principals who are truly helping our children in the learning process.

Passage of the Dollars to the Classroom Act would mean $870 million in new dollars for school children across the country. That means an additional $10,000 for each public school in America. That also translates into $450 for every class in America.

This is a common sense step in our efforts to improve public education for the students of the next millennium.

THE WOMEN'S BUSINESS CENTERS SUSTAINABILITY ACT OF 1999

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to introduce the Women's Business Centers Sustainability Act of 1999.

Over the past few decades the contribution of women-owned businesses to our economy has grown exponentially. Today, the 8 million women-owned firms in this country contribute more than $2.3 trillion annually to the U.S. economy and offer jobs to one out of every five U.S. workers. Moreover, women-owned businesses are now starting at twice the rate of all other businesses in the United States, and, by the year 2000, it is expected that nearly one out of every two businesses will be owned by a woman. In my home state of New Mexico, in particular, women-owned firms account for 41 percent of all businesses, provide employment for over 35 percent of the state's workforce, and generate 21 percent of all sales. This success is even more remarkable in that it ranks New Mexico third of all the states in women-owned business incorporations—a statistic that identifies women-owned firms as an important part of New Mexico's efforts to improve the lives of all its residents.

One of the efforts responsible for the success of women-owned businesses is the Small Business Administration's Women's Business Center program. Currently, there are 59 centers in 36 states, the District of Columbia and Puerto Rico. These centers provide technical assistance, business information and counseling, and other specialized assistance to socially and economically disadvantaged women entrepreneurs. The services provided by women's business centers include assistance in gaining access to capital, procuring government contracts, and helping women to work their way off public assistance. In New Mexico alone, the six women's business centers run by the Women's Economic Self-Sufficiency Team (WESST Corp.), facilitated the start-up and growth of over 600 small businesses, provided technical assistance to over 3,500 client firms, and conducted business-training activities for over 6,000 individuals. Most importantly, 81 percent of the clientele of these women's business centers have been low-income individuals and 47 percent have been women of color.

The impact of women's business centers in New Mexico is illustrated through a number of success stories that were told by Agnes Noonan, Executive Director of the WESST Corp., during a recent hearing on women's business centers:

> Heidi Monotya's desire to run her own firm grew out of the frustrations of working for years as a draftsperson for a company which offered few benefits and no retirement opportunities. In 1989, Heidi took the leap, opening Builders Hardware of New Mexico, which sells commercial grade doors and frames and finish hardware. Heidi and WESST Corp. joined forces when Heidi attended an orientation meeting, and WESST Corp. granted Heidi a loan for a computer that enabled her to create a presence on the Internet and market more effectively to government agencies. Since 1993, Builders Hardware's gross sales have increased by 129 percent. A single mother, Heidi maintains a second office at home for after-school hours.
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> Two years ago, Diane Barrett was receiving food stamps, sleeping on a friend's floor and struggling to provide for her son. But she also had a background as a chef. In 1996, Diane approached WESST Corp.'s regional office in Las Cruces, which helped her create a business plan and receive a $5,000 loan to open a bakery and café. Since then, Diane has expanded the seating area, added a dinner menu, and is currently employing 19 people. In 1996, Diane's Bakery and Café was selected as the Mainstreet Business of the Year in Silver City, New Mexico. Recently interviewed by the Travel Section of the New York Times, Diane is a great example of how hard work and commitment to a business pays off.
>
> Norma Gomez, a native of Mexico, came to the United States in the 1980s. On welfare, with three children and limited proficiency with English, Norma had difficulty being taken seriously when the opportunity arose to open her own business. With her small savings, she opened her shop in a strip mall in Farmington, only to find the overhead exceeded her income. She came to WESST Corp. for help with planning, marketing and financing assistance. With technical assistance from WESST Corp., Norma relocated, adopted an inventory tracking system, and developed a long-term business plan. WESST Corp. also convinced suppliers to provide Norma with accounts and better terms. The result of these efforts was a 300% increase in profits in the first year.
>
> Agnes Cordova, of Taos, New Mexico, has combined her cultural heritage with business acumen to create "Sube!"—a multimedia, bilingual educational program designed to teach Spanish to preschool and early elementary children. The set of flashcards, board game, videotapes with original music, and computer software have all been well received in the local area and plans are being hatched for broader marketing efforts. Each component is offered separately so that parents can afford the educational supplies that can supplement formal language education. Agnes is now planning to develop materials for older kids as well. By matching her heritage with business opportunity, Agnes is creating economic opportunity for herself and helping to preserve the unique culture of northern New Mexico.

Nevertheless, in spite of their demonstrated contributions to the national economy and to individual women—recent surveys and testimonials have highlighted that many women's business centers have been forced to cut back on services or prematurely close their doors when they lose the support of the Small Business Administration's Office of Women's Business Ownership. Today, 25 percent of the women's business centers initially funded by the SBA are closed—and of this 25 percent, many are only partly operational. In fact, while several of the WESST Corp. sites in New Mexico have already lost SBA funding and have been able to continue providing programs, others have suffered considerably in their work due to the loss of support.

To address this problem, I am introducing the Women's Business Centers Sustainability Act of 1999. This legislation will allow recompetition for Federal funding by Women's Business Centers which have completed a funding term, and will raise the authorization of appropriations for FY 2000 and FY

2001 Women Business Center funding from $11 million to $12 million per year. Additionally, the legislation will reserve 60 percent of these appropriations for grants to new centers—to continue to promote women's business centers in more communities throughout the nation as well as to ensure adequate, continuing support for established, effective centers.

The Women's Business Center program has helped countless women start and expand their own businesses. It is vital that we continue to support this valuable program. I invite and encourage all of my fellow Members of Congress to join me in supporting this program.

INTRODUCTION OF RESOLUTION ON PELL GRANT FUNDING

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. CASTLE. Mr. Speaker, I am pleased to join with my colleagues on the Committee on Education and the Workforce to introduce a resolution urging Congress and the President to increase funding for the Pell Grant Program and existing Campus-Based Aid Programs.

The Pell Grant Program was first authorized in 1972 in the Higher Education Act Amendments.It has become the largest need-based federal higher education scholarship program and is considered the foundation for all federal student aid. The purpose of the Pell Grant Program is to assist students from low income families who would not otherwise be financially able to attend a postsecondary institution by providing grants to students to pay the costs of attending the college of their choice. In the late 1970s, the Pell Grant Program covered 75 percent of the average cost of attending a public 4-year college. By the late 1990s, however, it has only covered 36 percent of the cost of attending a public 4-year college.

Families across the country are concerned about the rising cost of a college education, and for children from low income families, the cost of college continues to be an overwhelming factor in their decision not to attend. Children from high income families are almost twice as likely to enroll in college as compared with children from low income families. This is particularly noteworthy given the fact that higher education promotes economic opportunity for individuals and economic competitiveness for our nation. The Pell Grant Programs and Campus-Based Aid Programs help to begin to fill the cost gaps that will, in turn, encourage students from low income families to attend college.

Over the past few years, I have been pleased to support an increase in the Pell Grant maximum. Last year, under the Higher Education Amendments, the Committee on Education and the Workforce increased the authorization to a maximum grant level of $4,500 for 1999–2000, with annual increases of least $300 thereafter. However, the maximum Pell Grant appropriated has historically not kept pace with inflation and when college tuition increases are factored in, the buying power of the Pell Grant has been significantly reduced.

Providing access to higher education for students across the nation is vitally important, and while I believe that colleges have the primary responsibility of ensuring that rate increases are fair and reasonable, I also believe that the Federal Government should assist students when postsecondary education is out of their reach.

I am pleased to join with my colleagues today who believe that need based grant aid for low-income students must be our number one priority in higher education funding.

H.C. BERGER BREWING COMPANY OF COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. SCHAFFER. Mr. Speaker, last week, I visited several small businesses in Fort Collins, Colorado involved in beer making. Northern Colorado is fast becoming known for its growing number of high-quality, small brewers, in addition to being home of America's largest breweries.

Beer is a significant industry in Colorado's Fourth Congressional district supporting agriculture suppliers, farmers, shippers, and others. Among the manufacturers I visited was the H.C. Berger Brewing Company of Fort Collins.

Mr. Speaker, the H.C. Berger Brewing Company, rapidly establishing a name throughout much of the U.S. as a maker of superior quality beers, finds its strength in family tradition. Owners Peter and Bob Davidoff trace their family's culinary roots back to the Café Schiller in turn-of-the-century Berlin; at one time, their grandfather owned Central Park's famous Tavern on the Green Restaurant. The name of the brewery is traced to an old German Brewmaster from the early 1900's. This sense of history and a resolute commitment to excellence have fueled H.C. Berger's expansion in the booming microbrewery market.

H.C. Berger opened in Fort Collins, Colorado, in the spring of 1992. In its first year, the company sales were 930 bbls, all to the Fort Collins area. The brewery now (1996) sells in excess of 5500 bbls a year to buyers throughout Colorado, Wyoming, Ohio, Texas, Kentucky, Illinois, Michigan, and London, England. Plant expansion, completed during the summer of 1996, provided a new capacity of 25,000 barrels a year, while still maintaining the high H.C. Berger standards of quality. Bob Davidoff handles all Distributor relations and sales both in Colorado and the rest of the United States. Peter Davidoff handles brewery operations and marketing.

H.C. Berger beverages are brewed in both American and German styles using blended malts to produce truly outstanding microbrewed beers and ales. H.C. Berger creates beers with the care and dedication of a vintner, and like a great wine, the company has flourished with age.

Mr. Speaker, here are a few key facts about the brewery.

H.C. Berger Brewing Company was founded in 1992 in Fort Collins, Colorado.

Web site: www.hcberger.com

Since its opening in 1992, the company has expanded sales from the Fort Collins area to all of Colorado, as well as Wyoming, Ohio, Illinois, Texas, Kansas, Kentucky, North Carolina, Indiana, Virginia, North Dakota, South Carolina, Georgia, Michigan, Pennsylvania, and Minnesota.

Recent plant expansion increases the brewery's capability to 25,000 barrels a year. H.C. Berger offers a stellar selection of beers and ales under its label, including Whistlepin Wheat, Mountain Kölch, Indégo Pale Ale, Red Banshee Ale, Chocolate Stout, Red Raspberry Wheat as well as several specialty and seasonal ales.

During 1996, H.C. Berger launched their high-end Grand Crù Brewmaster's Choice Dunkel, Kölsch, and Stout. The Brewmaster's Choice label also includes seasonal specialties such as Maibock (in May) Dopplebock (fall), and smoke beer (Rauchbier)—ideal beverages for fine dining establishments.

Mr. Speaker, I commend the Davidoff brothers for their community leadership and business success. The fine employees at H.C. Berger are committed to the Fort Collins community and dedicated to the craft of beer making. I deeply appreciate the time they spent to help me better understand the small brewery business and the many contributions H.C. Berger Brewing Company makes to Colorado's superior quality of life.

CONGRATULATIONS TO NATIONAL AP SCHOLARS FROM THE 41ST CONGRESSIONAL DISTRICT

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to congratulate 15 outstanding students from my district who have been recognized as "National AP Scholars." This is no small accomplishment. Out of 635,000 students who took Advanced Placement (AP) exams last year, only 1,451 of them have earned the distinction of being named a "National AP Scholar." That puts them in the top .2 percent of all high school students taking Advanced Placement exams.

I am proud that such a large group of the students who have earned this national distinction live in the 41st Congressional District.

David M. Kallemeyn from the City of Upland, Von P. Fernandes from the City of Chino Hills, Fred J. Freeman from the City of Yorba Linda, Matthew G. Lee from the City of Yorba Linda, Don Wang from the City of Upland, Jacqueline T. Kung from the City of Yorba Linda, Adam S. Feffer from the City of Upland, William A. Therien from the City of Upland, Vijaya K. Reddy from the City of Chino Hills, Nicholas G. Genesta from the City of Pomona, Omri M. Ceren from the City of Ontario, Gilpeter M. Layugan from the City of Pomona, Jeremy N. Wong from the City of Rowland Heights, Christopher Lau from the City of Diamond Bar and Brinda Balakrishnan from the City of Upland are "National AP Scholars."

I know that their families and their teachers are proud of their academic accomplishments and their hard work.

RECOGNIZING THE ROCK AQUA JAYS PARTICIPATION IN THE "1999 ZEHENG CHANG CUP," AMERICAN WATER SKI STAR SHOW & SINO-AMERICAN WATER SKI COMPETITION IN JIANGSU PROVINCE, CHINA

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to highlight the remarkable accomplishments of the Rock Aqua Jays, a water ski show team from my hometown of Janesville, Wisconsin. The Rock Aqua Jays have been source of entertainment and pride for the people of Southern Wisconsin for several decades.

Their membership includes over 210 people ranging in ages from 1 to 70 years old. The Aqua Jays have won a record 11 U.S. National Show Championships titles, placed first or second in every National Show Tournament from 1979 through 1997, and hold a record of 5 Triple Crown Championships.

In view of their accomplishments, the Rock Aqua Jays have been invited to represent the United States at the "1999 Zheng Chang Cup," American Water Ski Star Show & Sino-American Water Ski Competition in Jiangsu Province, China.

The members of the team are scheduled to participate in the 6-day program which is scheduled from April 27 through May 2. Show Director Tim Cullen and Event Coordinator Gerry Luiting will also be joining them for this first ever competition.

The team will perform a number demanding water ski maneuvers through individual and group competitions. It is a credit to their hard work, training, and the community support the Rock Aqua Jays' have received, that they have been asked to perform at this competition.

With attendance estimated between 50,000 to 80,000, this will be the first American ski show team ever to visit and perform in China. The event is sponsored in conjunction with the Chinese Water Ski Association and serves as part of a celebration recognizing the 20th anniversary of diplomatic relations between China and the United States.

Considering the Aqua Jays past successes, I believe their Chinese counterparts will have some stiff competition. In the broader scope of things, however, I hope this trip to China will be the first of many for this talented team.

It is an honor for anyone to represent their nation abroad and I am confident the Aqua Jays will serve our country well. I wish them the best luck and hope that they develop many lasting friendships from their visit to China. They are a credit to their community and to the United States.

A TRIBUTE TO MAGGIE STEWART

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my very dear friend, Maggie Stewart. Maggie will be recognized by a grateful community for her many years of volunteer service to the San Bernardino County Republican Federation of Republican Women with a tree planting ceremony in her honor on Friday, April 30.

Maggie Stewart has been actively involved in local Republican Party politics for over 40 years. During this time, she has successfully promoted candidates for every conceivable elective office including the school board, city council, well as many state and federal legislative offices. Over the years, she has shown enormous dedication and gained the enduring respect of many people within the Republican Party.

Maggie began her service as a member of the Republican State Central Committee in 1954. Since that time—for over 45 years—she has served in every conceivable capacity with the California Republican Party including chairman of the San Bernardino County Republican Party. In my mind, no one has done more to advance the goals of the Party at the local level. Maggie's work and commitment has also been particularly instrumental to the long-term success of the San Bernardino County Federation of Republican Women.

Over the years, Maggie has been widely recognized for her contributions to our local community. She has received numerous awards for her leadership roles by such varied groups as the Old Baldy Boy Scout Council, Ontario Lioness Club, Kiwanis Club of Upland, Soroptimist Club of Ontario, the West End Chapter of the National Conference of Christians and Jews, the Inland Empire Chapter of Public Relations Society of America, and the California State Assembly, among others.

Mr. Speaker, I ask you and our colleagues to join me in recognizing the tremendous contributions of this remarkable woman. Maggie Stewart has made a difference in the lives of so many people in our local community and I am grateful beyond words for her long and dedicated service. I want to wish Maggie and her husband of 52 years, Walter, much good health and happiness in the coming years. I remain confident that the tree planted in her honor will, like the Party she has guided for years, grow and prosper for many years to come.

THE PASSING OF ISADORE KARTEN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. GILMAN. Mr. Speaker, it is my sad duty to inform my colleagues of the passing of a remarkable American, one I was honored to have as a close friend.

As a youth, Izzy Karten was a freedom fighter in the forests near Lvov, in his beloved homeland of Poland. The brave stance the Jews and other oppressed minorities in Poland had taken against their Nazi oppressors, while the Red Army watched nearby, refusing to help, is one of the most heroic yet tragic episodes of the 20th Century. I am proud to have known and been a friend of one of these courageous heroes, Izzy Karten.

Izzy spent two years in the forests of Poland, fighting the Nazi oppressors. It was there that he met another freedom fighter, a young girl named Julie, who soon became his beloved wife of over 54 years.

Upon emigrating to America, Izzy Karten started what became a highly successful export-import business and subsequently became a banker. Despite his phenomenal success in business, Izzy never forgot his roots or his desire to help others. He was involved in a host of philanthropic activities, including Yad Vashen, the national organization of Holocaust Survivors. He was a trustee at the Park East Synagogue, and was especially generous in endowing its day school.

Julie and Izzy were the proud parents of three children: Marsha Toledano, Bernice Bookhammer, and Harry Karten. Izzy and Julie's three children presented them with seven grandchildren who were the light of their lives.

Georgia and I always cherished being with the Kartens, and their family. Our lives were deeply enriched by our friendship with Izzy and Julie. Sadly, I was with Izzy at a Holocaust Memorial Service in Rockland County just a few hours prior to his sudden death.

I will always remember Izzy Karten as a warm hearted, philanthropic humanitarian, with a bright view for the future, and a champion in the battle against bigotry and for human rights.

Mr. Speaker, the funeral for Isadore Karten will be held at his beloved Park East Synagogue on Wednesday of this week. I invite my colleagues to join me in paying homage to a truly remarkable human being, who will be sorely missed.

WILLIAM F. (BILL) CODY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. MURTHA. Mr. Speaker, on April 1, 1999, William F. (Bill) Cody completed a distinguished career with the General Dynamics Corporation. His outstanding work played a major role in insuring the national security of the United States of America. He was a driving force in the development, fielding, and support for the Abrams M1A1 and M1A2 main battle tanks for the U.S. Army. These main battle tanks have been proven to be the world's finest in the recent Desert Storm war, and will be the cornerstone of our Nation's ground combat forces for many years to come. Mr. Cody's contributions to the Abrams tank program were marked with great wisdom, total dedication, and tenacious hard work to get the job done right despite the obstacles encountered.

Prior to his outstanding career with General Dynamics, Mr. Cody further served his country for 30 years in the U.S. Army. He began his military service as a cadet at the United States Military Academy in 1952 and was commissioned as a 2d Lt., Field Artillery upon his graduation in 1956. While a cadet, Mr. Cody excelled in various leadership capacities, and was an outstanding baseball and football player. During his Army career, Bill Cody progressed rapidly through the ranks while holding many important command and staff positions to include combat in Vietnam. He was decorated for bravery several times and received numerous meritorious service awards for his outstanding service. He completed his outstanding military career with particular distinction and honor in the grade of Colonel, U.S. Army.

Bill Cody has served his country with distinction in both a civilian and military capacity for nearly 47 years. He is a man of rare ability and devotion to his country. We salute him on his retirement, and wish him the best in his well-deserved retirement, and thank him for his dedicated service to his country.

HONORING DOMINIC DRAGISICH OF WEIRTON, WEST VIRGINIA

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. MOLLOHAN. Mr. Speaker, I am pleased to congratulate Mr. Dominic Dragisich of Weirton, West Virginia, for his award-winning entry in the Veterans of Foreign Wars' Voice of Democracy Contest. His script is entitled "My Service to America." I submit for the RECORD the text of his entry, and commend the VFW for making the Voice of Democracy scholarship program available to students across our Nation.

MY SERVICE TO AMERICA

"Ask not what your country can do for you—ask what you can do for your country." With these words during his Inaugural address in 1961, President John F. Kennedy challenged every citizen to serve America.

Today, the world is a very different place. The changes that have occurred since those words were spoken are phenomenal. Yet, the changes that lie ahead will be greater. Therefore, his challenge to serve America is even more timely today.

I can best serve America by preparing myself to meet the challenges that face us. We must retain those values and institutions that have made America great, but we must be willing to change and accept new ideas that meet the challenges of the information age. The ability to adapt to change will determine our success. To survive we must adapt, to adapt we must change.

Today, being a teenager and a high school student is no easy task. We live in a high tech information based society where we are bombarded by negative influences on a daily basis. "What's wrong with this young generation" seems to be the question of the day—everyday. It's the same question that has been asked throughout history, and I believe the answer remains the same—NOTHING is wrong. I believe my generation is ready, willing, and able to serve America, just as well as those who preceded us. I know I am.

For me, it may be a little easier because of the foundation laid by my family. My ancestors immigrated to America in search of freedom and a better life. They brought with them a tradition of hard work, discipline, strong family values, and spirituality. I am fortunate that my parents passed them on to me. They challenged me to grow intellectually, emotionally, and spiritually. They gave me a value system founded upon high moral and ethical standards. By example, they showed me that we have a responsibility to give something back to our communities, especially to those less fortunate. I can serve America by following their example and by passing it on to others.

Today, America still represents hope throughout the world. Where there is repression, persecution, poverty, or a lack of human rights, America continues to be a symbol of freedom and liberty. I can serve America by helping to preserve those ideals and share them with others. I can also serve America by setting a positive example for my peers to follow and by helping them when needed.

America faces enormous challenges in our global economy. I can help her meet those challenges by pursuing academic excellence and by refining my leadership skills. My parents stressed the importance of academics and the powerful role that knowledge will play in the future. They planted the seeds of leadership within me and nurtured their growth. It is now my responsibility to further develop them.

We must always remember that many people are quick to follow; therefore, leadership is a responsibility that should not be taken lightly. It requires creativity, imagination, courage, decisiveness, and confidence. Leaders must have the courage to make decisions based on what is right. Leaders must be assertive but patient. They must be skilled listeners and effective mediators. They must be confident but not arrogant. Finally, they must be able to accept responsibility, acknowledge their faults, admit their mistakes, and learn from them.

I can serve America by developing these skills and by accepting a leadership role in her future. However, to preserve the future, we must never forget those who gave us the America we have today.

President Kennedy's Inaugural Address also contained the following words: "Since America was founded, each generation has been summoned to give testimony to its national loyalty. The graves of young Americans, who answered the call to serve, surround the globe."

One day the torch will be passed to my generation. We too will proclaim our loyalty. We will be ready to serve. However, we will retain our readiness only if we continue to honor and respect those who paid the ultimate sacrifice so that we could live to serve America and perpetuate the ideals she represents.

THE UNDERWATER ADVENTURE SEEKERS CELEBRATE THEIR FORTIETH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Ms. NORTON. Mr. Speaker, I rise today to invite the Members of this body to join me in saluting the Underwater Adventure Seekers (UAS) as they celebrate forty years in the District of Columbia.

UAS was established in the District of Columbia on February 25, 1959 for the purpose of offering water safety and skin and SCUBA diving training to African-Americans in the metropolitan area during a period in this country's development when such training was not available to African-Americans or other minorities through the usual industry venues.

UAS is and always has been, an organization that welcomes people of all backgrounds. It has trained more than 1,700 people in the sports of skin and SCUBA diving. Additionally, UAS contributes thousands of hours of volunteer service to the community by sponsoring field trips for marine science students at the University of the District of Columbia; providing 2-year scholarships in marine science or oceanography to District residents; providing instruction in swimming and other water activities for persons of all ages; and providing safety divers for the President's Cup Regatta. The UAS also provides rescue divers to assist federal and local agencies during emergencies when there is a critical need for trained, experienced divers.

Mr. Speaker, I applaud the achievements and commitment of the UAS to promoting water safety, conserving aquatic life, and providing services to the citizens of the District of Columbia.

IN HONOR OF WORCESTER COUNTY SHERIFF JOHN "MIKE" FLYNN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to a true legend in Massachusetts politics, Worcester County Sheriff John "Mike" Flynn. On Sunday, April 11, Sheriff Flynn was honored at the Grafton Democratic Town Committee's Froment-Moroney Memorial Breakfast, where he was presented the Froment-Moroney Leadership by Action award.

Mr. Speaker, in many ways the name of that award sums up Mike Flynn—Leadership by Action. Sheriff Flynn has been an integral part of the Worcester County Sheriff's Department for 36 years, and in that time he has helped the Department become a model for effective corrections and law enforcement policy. In 1973, Sheriff Flynn was involved in the planning, construction and successful occupancy of the Worcester County Jail and House of Correction in West Boylston. In 1990, he oversaw the planning and construction of a 300-bed modular facility. He currently supervises a staff of over 650, many of whom are veterans.

Indeed, Sheriff Flynn himself served his country in the military, earning distinction in World War II in the Asian-Pacific Theater. By risking his life for our freedom, Mike Flynn displayed true leadership by action.

Beyond his duties as Sheriff, Mike Flynn has been extraordinarily active in volunteer and community service. In addition to his involvement with the American Legion and the

Veterans of Foreign Wars, Sheriff Flynn has dedicated his time, his energy and his very big heart to the Mercy Center, a facility for developmentally handicapped children in our community. Through his work, the difficult lives of these young people have been made less difficult. I cannot think of a better definition of leadership, not just by action, but by compassion and decency.

Mike Flynn has a favorite expression—"Only in America." Only in America could the son of a steamfitter get such a tremendous opportunity to serve his family, his community, and his country. Sheriff Flynn has seized that opportunity and made the most of it.

Through all of this, Mike's wife Joan has been an invaluable partner and companion. Their six children and four grandchildren provide them with immense joy, and Sheriff Flynn would be the first to tell you that family always comes first.

Mr. Speaker, I know the entire House joins me in congratulating Worcester County Sheriff Mike Flynn on receiving the Froment-Moroney Leadership by Action award and for his decades of public service.

HONORING THE CAMPANIA CLUB FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to congratulate the Campania Club of New Haven on its 85th Anniversary. An Italian-American organization, the Campania Club has been a tremendous asset to the New Haven community since its inception in 1914.

Founded by a small group of Italian immigrants, members have worked to promote strong family values. These values—love for family and friends, the importance of giving to others, a commitment to hard work are the foundation upon which our community stands. These are the values passed on from generation to generation. Though it began as a small neighborhood gathering, the Campania Club has grown and developed into an integral part of the foundation on which the New Haven Italian-American community stands. The Italian neighborhood where I grew up was a place where people knew each other, and looked out for each other. It's great to see that things haven't changed.

The strength and integrity of the club lies in the character and commitment of its members, and the historical list of club members' names, past and present, are a true reflection of the quality of the Campania Club. Over the years, membership lists have included many local officials and personalities including former Mayor William C. Celantano, as well as his brother 1967 Man of the Year, Dr. Luca Celentano. Local personalities included Packy DeFonzo and Joseph DeGale for whom the DeGale Trophy was named. Considering a major award in the athletic field, for years the DeGale Trophy was presented to an outstanding city athlete. As the organization has grown, Club members continue to serve the community by supporting a variety of service organizations, including the Boy Scouts and Girl Scouts, as well as local businesses and sports teams. It is this type of dedication that has kept alive the close-knit New Haven Italian community, passing on the legacy and traditions to the next generation.

The Campania Club has strived to promote family values while continuing to foster a proud Italian heritage. It is with great pride that I stand before you today to honor the Campania Club and its members for 85 years of outstanding service to the New Haven community.

"MY SERVICE TO AMERICA"

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. HOEFFEL. Mr. Speaker, I am here today to recognize and honor Eleanor Forbes. She is the recipient of the 1998–1999 VFW Voice of Democracy Scholarship Competition. Eleanor wrote a very moving and patriotic account of American democracy. I ask that the text of her script be inserted into the RECORD in its entirety at the completion of my remarks. Once again, I am proud to recognize Ms. Eleanor Forbes.

"MY SERVICE TO AMERICA"—1998–1999 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION

(Pennsylvania Winner—Eleanor Forbes)

The voice you hear now is the voice of an American, a proud American. This same voice pledges allegiance to our flag every morning, and sings proudly along with our national anthem when it is played. I am fifteen years old. I do not have the resources to go out and change the world. I do not have the money to give to all my fellow Americans who need it, nor am I old enough to run for president or serve my country in a war. But these are not the only ways I can serve my country. My service to America is expressed in many other ways.

America has provided me with numerous opportunities for which I am grateful. I have the opportunities of education, participation in athletics, work, art and music, among other things. It is my duty as an American to grasp these opportunities firmly now, in my teenage years, so that I can give back to my country later in life. I owe it to America to be the best student I can be, to learn how to write and speak properly, to spell correctly, and to read the intricate works of the great American writers. I must learn to appreciate the artistic and musical works of the great American artists, and learn mathematics, science and history. It is my duty to visit the numerous places that make up American history books; to climb the steep steps of the Statue of Liberty and feel the warmth of heart that the immigrants felt when they first arrived in America. I need to look at the Liberty Bell with glistening eyes and understand its full meaning. To be a good American in the future, I must learn, understand, and accept all of America's past.

Right now, the opportunities to serve my country are limited, but are, by no means, small. For the land itself, I recycle, I put trash in the trashcans to keep our streets clean. I plant trees to keep our environment healthy. For my fellow citizens I keep myself clean and presentable, I work hard for my money, and buy American products. I do not judge others in an unjust manner, if at all. I abide by the great laws of the country, and I keep myself up to date with the current affairs of America. After all the opportunities and services that America will have provided me by the time I am twenty years old, I will be obliged, not by law but by choice, to give back. I feel that the best way to help America is to help others in the name of my country. I am provided with such an opportunity by organizations like the Peace Corps. Then, in my adult years, I shall be fully prepared to choose a job that will help fellow Americans. I shall work honestly, hard, and be a good citizen. I shall vote and pay my taxes on time. All these things may seem small and trivial to some, but to me, they are ways I can give back to a country that has given so much to me.

America is truly the land of opportunity. My service to America is to grab all the opportunity that is thrown my way and make the most out of it, so that later in my life as an American I am able and ready to provide such an opportunity for others.

TRIBUTE TO WILLIE L. STRAIN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to Mr. William L. Strain, Assistant Director of the Communications Department at the Alabama Cooperative Extension Service. On March 31, Mr. Strain retired from the extension service after 45 years and two months of service.

Mr. Strain is a native of Morgan County, Alabama and a graduate of Morgan City Training School in Hartselle, Alabama. He graduated with honors from Tuskegee Institute where he received his Bachelor of Science and Master of Education degrees. He also completed his Master of Science degree in Agricultural Journalism at the University of Wisconsin. In addition to Mr. Strain's academic accomplishments, he served his country as a Second Lieutenant in the United States Air Force.

In 1958, Mr. Strain served the people of Alabama as an Assistant Negro County Agent in Butler County. He went on to serve similar positions in Coosa and Tuscaloosa Counties respectively. In 1971, he served as the plaintiff in the civil action landmark court case Strain vs. Philpot, which establish the tone to bring about equal opportunity for Extension minority employees and clients, throughout Alabama and the rest of the nation.

Ever since that landmark case, Mr. Strain continued to dedicate his life to improvements in the Extension Service. He served as a member of numerous professional associations and has received many awards for his outstanding leadership in higher education, development of community relations and professional involvement in local, state and national levels.

Mr. Speaker, in closing I want to add that I am honored to stand here today and congratulate Mr. Willie Strain. He was a trailblazer in his field and paved the way for many African-Americans.

GALBRAITH A.M.E. ZION CHURCH CELEBRATES ONE HUNDRED FIFTY-SIX YEARS, 1843-1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Ms. NORTON. Mr. Speaker, I ask my colleagues to join me in congratulating the officers, members, and friends of the Galbraith African Methodist Episcopal Zion Church for "156 Years of Charting Our Legacy Through Spirituality With an Unchangeable God."

Mr. Speaker, Galbraith A.M.E. Zion Church was organized before slavery was abolished and while the city of Washington was still in its infancy. The church grew out of the efforts of the late Bishop Singleton T. Jones, then pastor of the Zion Wesley A.M.E. Zion Church in Southwest Washington. He extended the borders of Zion by establishing a mission in the northwest section of the city. In 1843, with a meeting in the home of Mr. and Mrs. Samuel Payne on New Avenue, Northwest, between Fourth and Fifth Streets, the mission was established. Rev. Singleton T. Jones preached the sermon. Professor R.H. Dyson, Chorister of the then noted Clintonian Songsters, furnished the music. Six members joined the mission—Father and Mrs. Bartlett, Mr. and Mrs. Samuel Payne, and two other individuals whose names have been lost in history. Rev. Richard Tompkins, a local preacher from Zion Wesley Church, was appointed to take charge and served for approximately ten months.

The Mission struggled and fluctuated for a period of eight years until its reorganization in 1852, under the leadership of Rev. R.H.G. Dyson. The success of the Mission at this time was due primarily to the efforts and determination of Father and Mrs. Bartlett, Mr. and Mrs. Payne, and Mr. Julius Warren, the Assistant Class Leader to Rev. Dyson. The first building, a room 8 feet by 20 feet, was erected by Mr. Payne and was used for Sunday School and preaching services on Sunday, and for day school taught by Miss Martha Ross. As there were few facilities for the education of Black children in those days, the church served a double purpose.

After only two months, the church became too small for the congregation. Mr. Payne stretched a number of tents in the rear of the building, providing accommodations for three hundred people. In 1853, because of the danger and lack of protection from a band of lawless white men, who amused themselves by stoning the tents during services, Mr. Payne erected another home for the mission with two stories.

Upon the recommendation of Presiding Elder J.H. Hammer, Rev. Dyson joined the Annual Conference May, 1853, and was again sent to the Mission. In the fall of 1852, a lot was purchased on L Street between Fourth and Fifth Streets, Northwest for $225.00. The owner, Dr. Hall, donated $25.00 for the purchase price, and Brothers Julius Warren and Payne each paid $25.00 for a deed of trust. Mr. Naylor, a builder and contractor, agreed to build a church for a reasonable sum to be paid in small amounts. The cornerstone was laid in 1853, the first to be laid by the Colored Masons of Washington. Rev. Dyson selected the name "Galbraith A.M.E. Zion Chapel" in memory of Bishop George Galbraith. The dedication was March 1854.

Mr. Speaker, this city is grateful for the spiritual guidance and the progressive leadership of the current pastor, Rev. Frederick B. Massey, Sr., and those who preceded him, coupled with the cooperation of the officers and members of Galbraith A.M.E. Zion Church.

IN SPECIAL RECOGNITION OF JANE ZEIS, IN CELEBRATION OF HER RETIREMENT FROM THE OTTAWA COUNTY BOARD OF ELECTIONS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay a very special tribute to one of the truly outstanding individuals from Ohio's Fifth Congressional District, Jane Zeis. On Friday, April 30, 1999, Jane Zeis will retire from her position as Clerk at the Ottawa County Board of Elections.

Jane Zeis is truly a committed employee and a valuable asset to the Ottawa County Board of Elections. Having started as a part-time employee in early January of 1978, Jane worked diligently as Ottawa County began to register its voters, and very soon thereafter was hired to a permanent, full-time position. Her dedicated efforts and outstanding contributions over the past twenty-one years have enabled Ottawa County to have one of the best Boards of Elections in the state of Ohio.

Mr. Speaker, Jane Zeis embodies the very spirit of American workmanship through her conscientious attention to detail. In doing her job of processing changes of address, absentee balloting, and ensuring the country's precinct maps are up-to-date, among many others, Jane has performed utterly wonderfully. Her meticulous organizational skills and motivation have produced a thorough and complete county planning commission guide including precinct, school, and congressional district information.

Mr. Speaker, it has often been said that America succeeds due to the remarkable accomplishments and contributions of her citizens. It is very evident that Jane Zeis has given freely of her time and energy to assist in the preservation of American ideals. Our electoral process is the backbone of our nation, and those individuals, like Jane Zeis, who worked hard to make that system free and democratic are true American patriots.

Mr. Speaker, at this time, I would urge my colleagues to stand and join me in paying special tribute to Jane Zeis. On the occasion of her retirement from the Ottawa County Board of Elections, we thank her for her service and we wish her all the best in the future.

TRIBUTE TO CORPORAL LAWRENCE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. PACKARD. Mr. Speaker, today I would like to reiterate my admiration for our men and women in uniform. These courageous soldiers risk their lives daily, both on and off the battlefield.

Our soldiers give the ultimate level of commitment by defending freedom, not just for the citizens of this great country, but also for others around the world. Today the soldiers in the Baltic region are specifically in our thoughts. We all look forward to their quick and safe return home to their families.

Our military forces are a magnificent team. All the branches of service work together to ensure the security for our nation. Whether these soldiers are training at home or defending freedom abroad, this well-oiled machine has become one of the best fighting forces the world has ever known.

Recently there was a tragic loss in my District at Camp Pendleton Marine Base. A Marine soldier heroically gave his life during a daily training exercise and in turn saved the life of a fellow Marine. The quick thinking of Corporal Bobby J. Lawrence saved his partner, but sadly took the life of this bright young man. Thank you Corporal Lawrence for your honor. You are truly the optiome of what makes our military great, and this country will forever be proud to claim you as a United States Marine. Our thoughts and gratitude are with your family.

Mr. Speaker, we should never forget the dedication of the men and women for our Armed Services. The courage shown by Corporal Lawrence is an example of the price some often pay so that others can enjoy freedom. The sacrifices of our brave military personnel should not be forgotten.

INTRODUCTION OF THE WELFARE TO WORK AMENDMENTS OF 1999

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. CARDIN. Mr. Speaker, to ensure the long-term success of welfare reform, we must confront two hard truths. First, as welfare rolls decline, those remaining on assistance are increasingly likely to be those who have multiple barriers to employment, such as low levels of education, language barriers, disabilities, and substance abuse problems. These barriers will require major investments to overcome—certainly far greater resources than provided to many of those who have left welfare over the last few years. This issue becomes even more important when you consider that by the end of 1999, recipients and their children will have reached welfare time limits in 19 states. And second, the primary responsibility for raising low-income children is too often left solely to mothers. It is true the welfare reform law strengthened our Nation's child support enforcement system, but that does not address situations in which non-custodial fathers want to support their children but do not have a job. In short, our current programs and policies do not make a clear enough distinction between deadbeat dads and dead broke dads.

To address these two critical issues, I rise today to introduce legislation to reauthorize the Welfare to Work program. The bill would provide $1 billion in FY 2000 to help long-term and hard-to-employ welfare recipients join the work force and to help non-custodial parents support their children. The legislation would extend the Welfare to Work (WtW) program established by the Balanced Budget Act of 1997, which provided $1.5 billion a year in FY 1998 and FY 1999 for states and local communities to help move a long-term welfare recipients in high poverty areas into jobs and help them succeed in the work force.

By providing greater flexibility to States and localities, the legislation would make substantial improvements to the original WtW program. The focus would continue to be on long-term recipients or the fathers of their children, but the program would be considerably simpler to operate. For example, under this proposal, eligible participants would be those which meet at least one, rather than two, barriers to employment. Furthermore, the list of barriers would be expanded to include with disabilities, those who are homeless, or those who have been victims of domestic violence. In addition, the first barrier listed in current law, which requires that the recipient not have a high school diploma and have low skills in reading or math would be split into two categories in order to serve those who gained a degree but whose low skills still form a major barrier to employment. And finally, the bill would allow States to offer vocational education to WtW participants and allow services to be provided to children aging out of the foster care system.

Noncustodial fathers will also face simpler eligibility requirements, so long as they agree to establish paternity and to pay child support once they are employed. The importance of non-custodial fathers in children's lives is often forgotten, except when it is time to collect child support. The majority of children on welfare live with a single parent, and only about 20% of them receive child support from their noncustodial parent. The vast majority of these noncustodial parents are either unemployed or only able to obtain intermittent, low-wage employment. Assisting these fathers in finding and keeping employment and increasing their earnings is therefore critical to enhancing child support payments and to increasing their involvement in their children's lives. For these reasons, at least 20% of new formula funds would be targeted to noncustodial parents.

Under this proposal, as under current law, about 75 percent of Welfare-to-Work funds will be allocated to States on a formula basis, with 85 percent of these funds passed through to local Private Industry Councils of Workforce Boards. The remaining 25 percent of the funds will continue to be awarded on a competitive basis by the Department of Labor to support innovative projects by a variety of private and public organizations.

In 1998, the first year of the WtW program, 44 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands received Welfare-to-Work formula grants. Approximately $368 million in competitive grants have also been awarded by the Department of Labor to 126 grantees in communities throughout the country. A third round of competitive grants will be awarded in 1999, with high priority for applications which focus on recipients or non-custodial parents with limited English proficiency, disabilities, substance abuse problems, or a history of domestic violence. It is worth noting that there was only sufficient resources to fund one out of every ten applications for the first two rounds of the competitive grant program.

In Baltimore, Maryland, part of which I represent in Congress, the City Office of Employment Development received a 1998 competitive grant of $3.3 million to provide comprehensive services to recipients and non-custodial fathers in public housing. Participants will work for 6 months in supported jobs (while also getting life skills training), and then be placed in unsubsidized employment. Baltimore is also the headquarters for three major national efforts supported by $16.5 million in Welfare-to-Work competitive funds. The efforts are managed by Marriot International, by Johns Hopkins University, and by the Enterprise Foundation. In each case, these nationally recognized organizations will be testing innovative, work-oriented strategies focused on job retention, skills development and career advancement.

Mr. Speaker, the Welfare to Work program helps the hardest-to-employ welfare recipients make the transition to employment. I urge all of my colleagues to support this extension of the program to ensure the long-term success of welfare reform not only in reducing dependency but also in reducing poverty.

IN HONOR OF THE 1ST ANNUAL DONOR AWARENESS BIKE-A-THON

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. McGOVERN. Mr. Speaker, I rise today in tribute to the 1st Annual Donor Awareness Bike-A-Thon which will occur on Sunday, April 25. This event, which consists of an eleven mile course around Lake Quinsigamond, will raise awareness and money for the University of Massachusetts Memorial Blood Donor Center, the HLA Registry Foundation, Inc., and The New England Organ Bank. Individuals and their families who have donated or received blood products, bone marrow and organ and tissue transplants will be there to bike for and/or lend their support to the issue of supply and demand for these "Gifts of Life."

As we draw attention to this event, the 1st Annual Donor Awareness Bike-A-Thon, it is important to remember that every day in the United States fifteen individuals die for lack of an organ, ten die for lack of a compatible bone marrow match, and countless others are dependent upon blood transfusions.

Therefore, Mr. Speaker, I proudly rise today to commend the organizers and participants of this event for their great efforts.

HONORING JOSEPH A. ZACCAGNINO FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Ms. DELAURO. Ms. Speaker, it gives me great pleasure to rise today to honor one of New Haven's most respected community leaders. Today, the Connecticut Anti-Defamation League will honor Joseph Zaccagnino with the 1999 Greater New Haven Torch of Liberty Award.

Through his leadership as President and Chief Executive Officer of Yale-New Haven Hospital and the Yale New Haven Health System, Joe Zaccagnino has significantly improved and enhanced the health care services available to our community. Yale-New Haven Hospital is an internationally renowned medical center, no doubt due in part to his talented leadership.

The face of health care in New Haven has changed for the better under Joe's direction. We have witnessed the opening of the Yale-New Haven Children's Hospital, the creation of six school-based health clinics, a substantial investment in AIDS care services, and the provision of over $27 million in free health care annually. The number of people who have benefitted from Joe's commitment to health care is incalculable. It is rewarding for all of us to know that because of his work, thousands of children and people in need are receiving the care they deserve.

Among his most significant accomplishments, Joe led the development of the Yale New Haven Health System, Connecticut's largest and most comprehensive integrated health care provider and financing system. The entire region is now able to benefit from a broad range of quality, comprehensive health care services, ranging from primary care to long-term and home health services. Joe is widely recognized as an expert in our community in developing and implementing successful health care policy. He has a vision that is balanced with the skill and expertise to carry it through.

Joe has also demonstrated his deep commitment to the Greater New Haven community through his service to a variety of local organizations. He is a former board member of the United Way, the YMCA of Greater New Haven, and the International Special Olympics Summer Games and currently serves on the Boards of the University of Hospital Consortium, National Committee for Quality Health Care, New Haven Regional Leadership Council, and New Haven Savings Bank. Joe spearheaded an innovative initiative pairing the City of New Haven and Yale University with the Anti-Defamation League to extend cultural diversity training programs into the community.

It is with great pride that I rise today to honor my good friend Joseph Zaccagnino for his outstanding service as he receives the 1999 Greater New Haven Torch of Liberty Award. His dedication to quality health care and service to the community is an example to us all. I join family, friends and the city of New Haven to congratulate Joe for this honor. I wish him continued success and prosperity, and thank him for the difference he has made in our community.

QUEEN ESTHER CHAPTER NO. 1, ORDER OF THE EASTERN STAR, PRINCE HALL AFFILIATION CELEBRATES 125 YEARS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Ms. NORTON. Mr. Speaker, I rise to congratulate and celebrate the Queen Esther Chapter No. 1, Order of the Eastern Star, Prince Hall Affiliation, of the District of Columbia, on the occasion of its 125th birthday.

The Queen Esther Chapter No. 1, Order of the Eastern Star, Prince Hall Affiliation, is a female organization that is part of Free Masonry, and was the first Eastern Star Chapter for women of color. It is a nonprofit organization dedicated to community involvement and improvement, the provision of scholarships for our youth, support of our public schools, and service to the indigent. The chapter was organized in the home of its founder, Sister Georgiana Thomas, on December 1, 1874 by Brother Thornton A. Jackson, Pythagoras Lodge No. 9., F. and A.M., who received the Degree of Adoptive Rite of the Eastern Star from Brother C.B. Case, a deputy and agent of Robert McCoy, 33°, the Supreme Patron of the Rite of Adoption of the World. The chapter's first Worthy Matron was Sister Martha Welch and the first Worthy Patron was Brother Thornton A. Jackson.

In 1875, Pythagoras Lodge No. 9, F. and M. presented the chapter with its first badges, known as Rosettes, emblems of power, honor, and ability. W.P. Thornton A. Jackson wished the chapter success and prosperity, and admonished the members to wear the badges with dignity, keeping ever before them the memory of the five heroines, Adah, Ruth, Esther, Martha, and Electa. Queen Esther Chapter was under the complete directives of Pythagoras Lodge No. 9 from 1874 until 1892, when the Georgiana Thomas Grand Chapter was organized.

The history of Queen Esther Chapter is rich in tradition and honors. The first among them being Sister Georgiana Thomas, P.M., after whom the Georgiana Thomas Grand Chapter was named, Sister Marie I. Smith for whom the Marie I. Smith Court of Cyrenes was named, and Phyllis S. Byrd, P.M. who became P.G.W.M., P.I.G.M., and after whom the Phyllis S. Bird Youth Fraternity was named.

Mr. Speaker, I ask the Members of this body to join me in wishing the Queen Esther Chapter No. 1, Order of the Eastern Star, Prince Hall Affiliation, a future that is as glorious as its past.

IN MEMORY OF FR. ALCUIN MIKULANIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Father Alcuin Mikulanis, Associate Pastor of St. Stanislaus Church in Slavic Village.

Father Alcuin, as he was known to the many parishioners he served, had ministered in the Cleveland area since 1984. During these years, he was well known in the Polish community not only as a compassionate and dedicated Pastor, but also as an accomplished singer. In fact, he was frequently called to sing introductory prayers and benedictions at meetings and gatherings.

Fr. Alcuin was a man of many talents, and he shared them graciously with his parishioners in the several states where he served. For example, from 1958 to 1962, in addition to being Vocations Director of his Franciscan Province, he was Director of a Polish radio program entitled "Christ the King Hour." Recordings of Polish folk songs and Christmas carols from this program is still in high demand after 40 years. While serving as Chaplain at St. Joseph Hospital in Meridian, MS from 1963–1966, he was involved in the civil rights activities of the time.

In Ohio, he served as Chaplain of the Sisters of St. Joseph of the Third Order of St. Francis at Marymount Convent. Later, as Associate Pastor of the historic St. Stanislaus Church, he was able to focus directly on the Polish ministry of his new parish. Fr. Alcuin witnessed the completion of one of his dreams last year with the restoration of St. Stanislaus Church on its 125th anniversary as a parish.

My fellow colleagues, please join me in honoring the memory of Fr. Alcuin.

HONORING THE OAKLAND HIGH SCHOOL FOOTBALL TEAM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a long-awaited goal.

The group is the Oakland High School football team of Murfreesboro, TN. The goal the team achieved is winning the State 5–A football championship this past season.

These men of Oakland High trained vigorously and played tirelessly. They deserve recognition for a job well done.

I congratulate each team member, head coach Marty Euverard, assistant coaches Donnie Webb, Lebron Ferguson, Mike Cantrell, Mark Burke, Joey Freeman, Chuck Swafford, Todd Williamson, managers Alicia Garcia, Laura Austin, Katie Wright, Amanda McDougal, Matt Bingham, trainer Mike Gross, video technician Brian Josey, the team doctors and school Principal Ken Nolan. I know they won't soon forget this milestone.

The players are true champions. They are Alvin McDermott, Jeremy Harrison, Dejuan Hathaway, Kendrick Roper, Decarlos Carneal, Roland Ogletree, Trey Mosby, James Smith, Robbie Knight, Wardell Alsup, Desmond Rhodes, Matt King, Victor Stevenson, Mark Drew, Colby Wright, B.J. Malone, Mario Lyles, Derrick Savannah, Tee Thompason, Aaron Wells, Freddie King, Cory Hixson, Chad Pfalmer, Mason Jones, Jamie Malletta, Jeff Weaver, Chris Counts, Gabriel Batten, Essex Johnson, Jeff Atkins, Greg Spray, Justin Hutchins, Chris Parrot, Newt Ealy, Jeremy Spivey, Josh Peay, Mitch Welborne, Tommy Lawwell, Jeff Harvey, Dustin Griswold, Troy Broughton, Brett Trott, Zach Hollins, Jay Adkins, Dustin Jones, and Luke Ferguson.

HONORING ROBSTOWN HIGH SCHOOL BAND

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. ORTIZ. Mr. Speaker, I rise today to shine the light on a performance later this week on the west side of the Capitol. I would like to invite all of you and your staff to hear the Robstown High School Band from my hometown of Robstown, TX.

Many of you have heard me talk about my hometown. Robstown is the biggest little town in Texas. Robstown has given the community, the state and the nation much of which they can be proud. Some prominent politicians at the local, the state and the national level hail from this big little town.

Robstown has thrilled us with their state baseball titles. The Cottonpickers baseball team is consistently underrated by the opposition from the bigger, more affluent school districts.

This week, however, Robstown High School sends its band to entertain us on the lower west terrace of the U.S. Capitol on April 23 from 1:30 to 2:15. The 120 young people in the band will be in the area on an educational trip during which they will see the museums and monuments Washington has to offer.

I hope all my colleagues will join me in welcoming the Robstown High School band to the U.S. Capitol.

IN RECOGNITION OF RICHARD BEDARD

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Richard Bedard, who is retiring this year after nearly 38 years of service to the Worcester Public Schools.

Dick Bedard began his career where it counts the most—in the classroom, as a math and physics teacher. From there he moved into administrative positions, including Audiovisual Director, Director of Instructional Media, and, most recently School Plant Manager.

As the man in charge of the physical plant of the Worcester Public Schools, Dick Bedard has done an extraordinary job of keeping our schools safe, clean and conductive to learning. He was in the lead as Worcester opened 5 new schools; 3 more are on the way.

Through all of this, Dick Bedard has approached his responsibilities with good humor, hard work and dedication. He is widely respected in the city of Worcester as a man who gets the job done. And although we will miss him and his expertise, it is only fair to finally share him with his wife Joan, their four children and their five grandchildren.

Mr. Speaker, I know this entire House joins me in congratulating Dick Bedard for a job very well done, and expressing our best wishes for a healthy, productive and very well-earned retirement.

A FRIENDLY WAGER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. SMITH of Michigan. Mr. Speaker, I rise today to acknowledge two great college basketball teams that met in the Final Four of the NCAA tournament. In a meeting of the House Agriculture Committee last month, Rep. Bob Etheridge of North Carolina and I entered into a friendly wager on whether Michigan State University or Duke University would win their semifinal match up.

The wager called for the loser to furnish each member of the Agriculture Committee with a wholesome food product from his state. Mr. Speaker, I rise today to acknowledge that Michigan State University's great basketball team, the Big 10 champion, riding a record win streak, lost an exciting and close game to Duke University.

Mr. Speaker, to pay off this wager, I want to officially announce that I am furnishing each member of the Agriculture Committee with a bag of Michigan navy beans and I would like to note that Michigan is one of the top navy bean producers in the world. In addition, I'm furnishing each member with a box of Kellogg's new Smart Start cereal. Kellogg, which is based in Battle Creek, MI, is one of the world's top breakfast cereal producers.

Finally, I would like to acknowledge the fine example of effort and determination of all the players in the NCAA tournament.

IN HONOR OF THE U.S CHAMPION MOORPARK HIGH SCHOOL DECATHLON TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the Moorpark High School Academic Decathlon as the U.S. National Decathlon Champions.

This is the first time a team from Ventura County, California, has won this premiere scholastic contest. In fact, it's the first time a team from Ventura County has competed in the nationals. Team members Arturo Barragan, Alexandria Dove, John Ellis, Valerie Lake, Nick Lange, Mitul Patel, Ari Shaw and Rebecca Wershba are now recognized as the best and the brightest in the country. They are the pride of their county and their country.

These youngsters won by literally dedicating their lives to the challenge. For months, these teen-agers studied at school until 10 p.m., then hit a coffee shop or a student's home to study some more. They gave up weekends, vacations, part-time jobs and time with their families.

Their coaches, head coach Larry Jones and assistance coach Michelle Bergman, did the same. Larry Jones has said he will retire. Not everyone believes him. But, at a minimum, he and Michelle have earned some relaxation in the glow of a job well done. We wish both of them the best in whatever their futures bring.

Moorpark High School fielded two teams to complete in the Ventura County Academic Decathlon on February 6. Moorpark High's two teams bested all the rest, coming in first and second. The A Team then competed against the best in California on March 12, coming away with the state title, and opening the way for their national title this weekend.

Mr. Speaker, one of the team members, Ari Shaw, served as an intern in my office last year. He brought the knowledge gained inside the halls of Congress to the contest by giving a speech on his experiences here, a speech that won him several accolades. It should please my colleagues to know that our young people leave Capitol Hill with positive memories.

As we get ready to approve the Education Flexibility bill this week and consider other education measures this year, let us keep in mind the members of the Moorpark High School Academic Decathlon team and all the worthy competitors they faced from schools across our great nation. These are the real people behind our efforts to improve our schools. They are representative of those striving to get the best education they can, to be the best they can. It is incumbent upon us to keep them to reach their goals.

Mr. Speaker, I know my colleagues will join me in applauding eight such real people who achieved a very prestigious goal—Arturo Barragan, Alexandra Dove, John Ellis, Valerie Lake, Nick Lange, Mitul Patel, Ari Shaw and Rebecca Wershba—the U.S. champion Moorpark High School Academic Decathlon Team.

"EXTRAORDINARILY EWING" OFFERS VALUABLE LESSON IN CIVIC RESPONSIBILITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. HOLT. Mr. Speaker, I rise today to call the attention of my colleagues to a remarkable example of community service and civic responsibility that is occurring in my Congressional District in central New Jersey.

Two years ago, alarmed at low voter turnout, local parent Candace Mueller, of Ewing, New Jersey, formed "Extraordinarily Ewing" a group of PTA members, parents, business people and taxpayers committed to getting the word out about the importance of participating in school board elections and being involved in local education issues.

This community-based effort to educate citizens about the importance and responsibility of voting, and in taking part in other matters relating to local elections, has been a remarkable success. Since the program was started, voting turnout has increased and residents have taken more interest in issues like the local school budget. The effect of this involvement has been contagious, leading to a more informed, more involved citizenry, regardless of their position on the issues.

At the urging of the citizens of "Extraordinarily Ewing," today in Ewing has been designated "Take Your Child to Vote Day." The campaign, which urges parents and guardians to take twenty minutes out of their busy schedules to go to the polls with their children to vote is an important lesson in civic responsibility. By seeing their parents voting, young people understand very clearly the importance of being involved in their community and its decisions.

The efforts of "Extraordinarily Ewing" have been recognized by Ewing Mayor Al Bridges, the Town Council and by County Executive, Robert Prunetti. "Extraordinarily Ewing's" efforts have also been spotlighted by the *Ewing Weekly Times* and *The Trenton Times*.

Mr. Speaker, at a time when voter participation and involvement is on the wane, the efforts of "Extraordinarily Ewing" are a refreshing reminder of the importance of being involved. The efforts of these parents and business people offer a valuable lesson in civic responsibility for all of us.

I hope that my colleagues will join me in recognizing this group and these efforts.

MEDICARE PRESCRIPTION BENEFIT FOR ALL SENIORS IS URGENTLY NEEDED; GOOD HEALTH CARE REQUIRES ACCESS TO PHARMACEUTICAL TREATMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. STARK. Mr. Speaker, today, Representatives Henry Waxman, John Dingell, myself and others are introducing the Access to Rx Medications in Medicare Act of 1999. Senators Edward Kennedy (D–Mass.) and Jay Rockefeller (D–W. Va.) are introducing the bill in the Senate. It provides a basic, affordable Part B benefit of $1,700 per year that will cover 80% of pharmaceutical costs for all seniors and eligible disabled individuals with more than $200 in annual drug costs. The bill also helps all Medicare beneficiaries by covering 100% of their costs above $3,000 in annual out-of-pocket prescription drug expenditures.

The benefit is to be administered by private-sector entities such as pharmacy benefit managers (PBMs), insurers, or networks or wholesale and retail pharmacies, which would competitively bid for Medicare's business. Entities contracting with HHS to provide the drug benefit would be required to meet certain standards, including establishing an adequate formulary and an exceptions process to the formulary, as well as a 24-hour counseling program for enrollees, an education program for medical providers on appropriate prescribing and dispensation of covered drugs, and drug utilization review.

To stabilize employer-sponsored retiree health coverage, we're proposing to subsidize employer's coverage by paying companies a capitated amount that would otherwise be paid to a private entity—but only if that coverage is at least as good as what Medicare is offering. In return, employers would have to agree to pay the cost of their retirees' Medicare Part B prescription drug premium for at least a year.

Clearly, adding a prescription drug benefit to Medicare is not an inexpensive proposition. But the price of leaving pharmaceutical medications out of the programs' benefits package and instead paying for unnecessary hospitalizations for those who just 'try to do without' is also high. The Food and Drug Administration estimated that the cost of hospitalizations caused by inappropriate use of prescription medicines was $20 billion annually higher in 1995.

There are several financing options that I hope will be considered as the Medicare prescription drug debate advances. One is to assess tobacco companies for what they cost the program to treat smoke-related illnesses. A second is to support a strategy of recouping Medicare expenditures on tobacco-related diseases through suits against Big Tobacco. A third is to consider dedicating a portion of projected budgetary surpluses to paying for Medicare drug coverage.

Debate about the financing options for a Medicare drug benefit will inevitably be contentious. But there is no better time to join this debate than today—when the program's solvency has been extended until 2015 even without an infusion of money from budgetary surpluses. With an infusion, the solvency timeline stretches far into the future—until 2027.

It is time to turn our attention to meeting the needs of the growing number of senior citizens who are being rapidly priced out of drug coverage. Adding a prescription drug benefit is an investment—one of the most important we can make—in the health of tens of millions of our citizens.

I recently sent out a survey to seniors in my district to assess the prices they pay for a range of specific prescription medications. Their responses were both revealing and sad. Asked what percentage of her monthly $547 income is dedicated to prescription drugs, one elderly women suffering from osteoporosis replied very simply: "I cannot afford them." Queried about how this makes her feel, she said: "I just try to cope."

Another of my constituents, who has asthma, wrote: "During the winter and spring my asthma is particularly bad and I have to use my inhaler quite often; and I sometimes am not able to purchase another, and I limit my use." Asked whether she has ever had to choose between paying for items like food or electricity because of the high cost of prescription drugs, she said: "Yes, and I felt frightened."

People who are sick need pharmaceutical treatment. Many who aren't take pharmaceuticals to stave off illness. In my case, taking Zocor lowers my blood cholesterol and helps reduce my risk of winding up in the hospital for costly bypass surgery.

There are millions more elderly Americans with similar stories in congressional districts across the country. There are people who suffer from lack of medically appropriate access to pharmaceutical treatment.

I submit that for a health plan in the year 2000 not to offer pharmaceutical care is preposterous.

In today's era of unprecedented prosperity, who would say "No" to legislation providing prescription drug coverage to the one group that would benefit most—our nation's seniors?

In the 105th Congress, we invested in children's health when we enacted the State Childrens' Health Insurance Program. Now we must fix the huge hole in Medicare's benefit package. If we don't a bolder future Congress will.

TRIBUTE TO HARRISON COBB

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. SCHAFFER. Mr. Speaker, few people I know have committed as much intellectual attention to the topic of natural resources as my long-time friend and constituent, Mr. Harrison Cobb, of Fort Collins, Colorado. My first acquaintance with Mr. Cobb was made in 1987. He invited me into his home and spent generous time allowing me the benefit of his vast education, experience, and passion for mining.

Supremely dedicated to preserving the environmental integrity of America's western heritage, Mr. Cobb's civic devotion is to influence public debate about natural resources issues with balanced opinion employing practical, logical, and scientific reason, and historical perspective. His persuasive treatment of natural resource questions is unmatched. Mr. Cobb is, in my opinion, a giant among his colleagues in the field of mineral extraction.

Mr. Speaker, Mr. Cobb's contributions are bigger still in scope. His professional talents have been directed toward many of the broader topics confronting all Americans: Economics, national character, education, and cultural decay are issues about which Mr. Cobb has engaged his countrymen and to which he has held many public officials accountable.

Mr. Speaker, I commend the example of Mr. Cobb to my colleagues in the House, and hereby submit to the RECORD for their consideration some thoughts of Mr. Cobb's conveyed in a letter he recently posted to me.

HARRISON S. COBB.
Ft. Collins, CO.

The world's most important commodity, after air and water, is ROCK. Everything that we use, need and want comes out of rock. Even food, clothing and housing are taken from soil, which is disintegrated rock.

To get the autos, aeroplanes, trains, toothpaste fluoride, catalytic convertors, printing presses, electric power, running tap water and almost everything else out of the solid rock, it HAS to be mined. Thus far there's no other way to produce it.

The primary purposes of mountains are not skiing, hiking or viewing. Mountains are the only places where you can walk directly into the inside of the earth and look for those things so necessary to our lives. There may be equally rich sources of gold, copper, iron, platinum, fluorite, tungsten, molybdenum under the Kansas-Nebraska prairie, but who can sink through 2000 feet of sedimentary rock in order to start prospecting for them?

Here and there natural forces have squeezed the somewhat plastic inside of the earth up through cracks in the sedimentaries, forming protuberances that we call mountains, giving us our only opportunities to see and search for those minerals that occur only inside the earth. This is the primary purpose of and use for mountains.

The enviros and the bureaucratic Lilliputians who aim to end mining through over-regulation, land withdrawals, Kyoto treaties and UN heritage sites demonstrate lack of education and complete ignorance of fact. In the end, the people will suffer—but who cares about that?

CONGRESSMAN BOB: This is just to add to your ammunition. Thanks for good work.

HARRISON.

Mr. Speaker, I am grateful to Mr. Cobb for his love of our mighty nation, for his consistent exhibition of patriotic spirit. He is truly an inspiration to me to continue on our important work advancing the freedom and liberty of our beloved Republic.

NATIONAL MONUMENT NEPA COMPLIANCE ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. HANSEN. Mr. Speaker, today I have introduced 'The National Monument NEPA Compliance Act." This Act would enhance public participation in the creation of national monuments.

Two and a half years ago President Clinton created the 1.8 million acre Grand Staircase-Escalante National Monument in the State of Utah. This national monument was created in the dark of night. No one from Utah knew about it until just before it happened. The public was completely excluded from the process.

This is not the way that public land decisions should be made. The public should be allowed to participate in public land decisions.

This bill would do just that, it would allow the public to participate in the national monument designation process. It would require the President, through the Secretary of the Interior, to follow the National Environmental Policy Act when formulating a national monument proposal. Since the preparation of an environmental impact statement takes some time, it would call for a 2-year emergency withdrawal of the lands in question during deliberations on the monument proposal to ensure protection of the resources.

This bill would not affect the power of the President to create national monuments. It would just require him to involve the public in the decision process. It would eliminate the clandestine creation of national monuments in smoke-filled back rooms. I believe this is a very good bill and I hope it will garner bipartisan support.

I urge my colleagues to cosponsor and support "The National Monument NEPA Compliance Act." We need to return public participation to public lands management.

TRIBUTE TO ROBERT M. "BOB" MCLAUGHLIN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Robert M. McLaughlin, an outstanding individual who has dedicated his life to education. He will be celebrating his retirement from Saint David's School, where he has taught English and Latin, as well as 4th and 8th grade, since 1963. He will be honored on May 5 by parents, family, friends, and professionals for his outstanding contributions to the community.

Born in the Bronx in 1936, Mr. McLaughlin, known as Bob to his friends, attended Cardinal Hayes High School and Fordham University where he earned a bachelor's degree in English and a master's degree in Latin and Roman History.

As Rose Marie Gionta Alfieri eloquently reported in Saint David's Magazine: "A bibliophile is one of the terms most often used by McLaughlin's colleagues and friends at Saint David's to describe him. Others include 'loyal,' 'funny,' 'supportive,' 'argumentative,' and 'good sport.' But perhaps the most on-the-nose quality that captures the essence of this master teacher can be summed up in one word: passion."

Mr. Speaker, I think that quote speaks volumes about Mr. McLaughlin's character.

Mr. McLaughlin will retire in May of this year after a fruitful career in public service. He will leave us with many lessons learned about leadership in education and about wisdom. A talented leader and educator, Mr. McLaughlin will continue sharing his knowledge and views with his family and friends.

Mr. McLaughlin is married to Mary McAndrews and they are the proud parents of five children, Robert, Matthew, Andrew—all three attended Saint David's School—Mary Joyce, and Kristin.

Mr. Speaker, I ask my colleagues to join me in recognizing Robert M. "Bob" McLaughlin for his outstanding achievements in education and his enduring commitment to the community.

HOUSE OF REPRESENTATIVES—*Wednesday, April 21, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHIMKUS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 21, 1999.

I hereby appoint the Honorable JOHN SHIMKUS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Bill Shimkus, Hope Lutheran Church, Idaho Falls, Idaho, offered the following prayer:

Most gracious heavenly Father, this morning we are shocked and saddened by the tragic killings that took place yesterday in Colorado. Our hearts go out to all of those who have lost loved ones in this terrible act of violence. Comfort the survivors in their time of sadness and loss. Grant healing to those hospitalized from wounds received in this attack and to those who will carry wounds inside them for years to come.

As we again witness the sad spectacle of senseless violence perpetrated on our school campuses, we ask Your guidance. Help us, we pray, find ways to safeguard the schools in which our children learn and grow, and to help dysfunctional families with troubled children prone to violence. In Jesus' name, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. RADANOVICH) come forward and lead the House in the Pledge of Allegiance.

Mr. RADANOVICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 507. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Majority Leader, announces the appointment of the Senator from Ohio (Mr. DEWINE) to serve as a member of the National Council on the Arts.

CHILDREN ARE OUR FUTURE

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, yesterday our Nation witnessed a senseless tragedy in Littleton, Colorado. Before I begin my 1 minute, I would like the House to take a moment of silence to remember the lives of those poor students who died at Columbine High School.

Mr. Speaker, Americans across this Nation are trying to come to grips with the latest senseless tragedy that hit one of our schools. Why do some of our children feel the need to kill? How can they feel such hate? And why do they not have the moral framework that would stop this kind of tragedy?

There are no easy answers to these questions, but some things I do know, that we must do our best to make our schools safe. We must provide our children with the moral framework from which they can distinguish between right and wrong. We must stop the culture of death that makes vicious killers out of too many of our children.

Mr. Speaker, our children are our future. If we do not teach them the differences between right and wrong, our Nation's future is in peril.

My deepest condolences go out to the community of Littleton, Colorado and especially to the parents of the students of Columbine High School. As a parent of two boys, I can only imagine the grief that you are feeling today as you try to make sense of yesterday's tragedy.

WE NEED PRAYER IN OUR SCHOOLS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the remarks of our distinguished Speaker and his leadership.

We have another school tragedy now in Colorado. Experts are calling for more money, more police, more counselors, and certainly that would be a help. But I think there is something else fundamentally missing.

In America, when our schools can teach about Hitler and war but we cannot discuss God, something is very wrong. I say to my colleagues. Not to use this great tragedy as the catalyst for a proposition we should be considering, but I believe school prayer should be strongly considered by this body. People who pray together are not likely, through history, to kill one another. I believe it is a reasonable thing to pursue. It may not be the total answer, but it is a start in the right direction.

Let me remind Members that the Constitution may separate church and state, but it was never intended to separate God and the American people. We all pray for the families and grieve for the victims.

SENSELESS VIOLENCE IN COLORADO

(Mr. GIBBONS asked and was given permission to address the House for 1 minute.)

Mr. GIBBONS. Mr. Speaker, like my colleagues here, we all rise today to express our grief and sadness to the families of Littleton, Colorado, and once again the television sets across this country have flashed the words, "breaking news." This is another incident of violence that has occurred at one of our Nation's schools.

Yesterday, senseless and tragic shooting at Columbine High School is another painful reminder of the risk our children face every day as they attend school.

Last year in my district I held several townhall meetings to discuss the issue of school violence. The interest generated by these forums provided an important dialogue for community leaders across Nevada. They are doing an important job in helping to find the solutions to prevent these terrible incidents from occurring in our State.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As Members of Congress, we have the responsibility to work in a bipartisan manner to provide our teachers, parents, students and school officials with a safe, drug-free learning environment. Our students, their education, their future and their safety demand no less.

Mr. Speaker, with a heavy heart, I yield back the balance of my time and pray for the families in Colorado.

ONE CITIZEN, ONE VOTE

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute.)

Mr. CUMMINGS. Mr. Speaker, I rise today to call attention to the fundamental principle of one citizen, one vote. Sadly, high campaign costs and fund-raising abuses are eroding this essential feature of our democracy.

In 1976, $540 million was spent on all elections and 20 years later, in 1996, that figure had risen to an alarming $4 billion.

Our political process has become a marketplace where a higher value is placed on economic and fund-raising activities than on political ideology, accountability and service.

The American people want political commitment, not a political market. They want a system where inequalities generated by the market economy do not undermine political equality. Let us give the American people what they want: Equal access and a commitment to service instead of campaigns. Let us pass bipartisan campaign finance reform and revive the guarantee of one citizen, one vote.

ARMENIAN GENOCIDE

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Mr. Speaker, I rise today to join my colleagues, the gentleman from California (Mr. ROGAN); the gentleman from Michigan (Mr. BONIOR); the gentleman from New Jersey (Mr. PALLONE), and a bipartisan group of legislators in introducing a resolution to bring together all the U.S. records on the Armenian Genocide and to provide this collection to the House Committee on International Relations, the U.S. Holocaust Memorial Museum, and the Armenian Genocide Museum in Yerevan, Armenia.

U.S. archives contain extensive documentation of the widespread opposition to Ottoman Turkey's brutal massacres and deportations. They contain, as well, records of the unprecedented efforts of the American people to bring relief to the survivors of this, the century's first genocide.

In introducing this legislation, we challenge those who would deny genocide, past or present.

Please add your name today as a cosponsor of this legislation and join with me at the Armenian National Committee's Genocide Observance being held this evening at the Rayburn House Office Building.

SISTER TO SISTER FLY-IN

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, for several years I have sponsored the Sister to Sister Fly-In, an event that allows women from my district to come to Washington and discuss issues that are important to them, issues like health care, child care, improved public education, and protecting Social Security.

Today, I would like to welcome some 50 women from Georgia's 4th Congressional District who are here with me to experience firsthand how our political system works and how they, as women, are changing the landscape of American politics.

Currently, 65 women serve in the U.S. Congress, a record 9 in the Senate, and a record 56 in the House. Although we have been shut out of the political process in the past, we have always been in the vanguard of social change, including women like Rosa Parks, whom we honored yesterday with the Congressional Medal of Honor.

The increased participation of women in the political process is a must for ensuring that women have an equal say in the crucial issues that affect us all.

STOP THE VIOLENCE

(Ms. DUNN asked and was given permission to address the House for 1 minute.)

Ms. DUNN. Mr. Speaker, there are no words to describe the tragedy that took place yesterday at Columbine High School in Colorado. As a mother, I can only empathize with those parents who were waiting for hours to find out if their son or daughter was able to leave that school safely.

These young people have seen more in a few hours than any of our Nation's children should see in a lifetime. Parents whose children were one month from graduating, one month from starting a brand-new chapter in their lives are now grieving with an inconceivable loss. This community has a heartache no one in his worst nightmare could ever have imagined.

After the school shooting in Springfield, Oregon last year, the gentleman from Oregon (Mr. DEFAZIO) and I teamed up in an effort to do something to stop the violence on our Nation's school grounds. There is no cure-all, but the Schoolyard Safety Act will help by beginning awareness before the tragedy occurs.

We know that legislation is not the final solution. High school students at Columbine reported they knew the suspects in the shooting were troubled, youths who needed our help long before the tragedy occurred. But how do we help these children before they act out violence?

A discussion needs to take place with our students across the Nation. We need to talk to our children, after they get home from school, every night at the dinner table, on weekends, to find out what they are thinking, what they are feeling. The solution is found with our children.

Mr. Speaker, nothing can stop the heartache of the community of Littleton, Colorado. We can only pray for students and families and pull our communities together to stop violence.

TRAGEDY IN COLORADO

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, as a member of the Committee on Education and the Workforce and a father of three children, I rise to ask for the prayers and join in the grieving for the families that lost children in Littleton, Colorado. We lost, reports indicate, maybe 16 of our children. We have lost more children in one day than we have lost in four weeks of bombing in Kosovo. We have lost children in Pearl, Mississippi and Paducah, Kentucky. We have lost children in Jonesboro, Arkansas and Springfield, Oregon. We have lost children to violence throughout the last several years.

While our children are entitled to a very good education and safe schools, we also need to enforce discipline in our schools, to target these children that are coming to school with problems in an early fashion, and we need to enforce the values in American society.

When we have guns in society, we are going to have guns in our schools. When we have violence in society, we are going to have violence in our schools. And when we have hatred in society, that hatred is going to permeate into our schools.

Let us, as Madison said, have a larger vision of America. Let us have and engage in a national dialogue to stop this hatred and violence in our schools.

ASKING AMERICANS TO PRAY FOR FAMILIES IN LITTLETON, COLORADO

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, 15 years ago a childhood friend of mine from Athens, Georgia, Ross Fox, moved out to Denver to start his career and raise his family.

□ 1015

Yesterday, as I heard, as did millions of other Americans, about the tragedy that went on in Littleton, I thought immediately of Ross and 17-year-old Richard Fox and 15-year-old David Fox. I did not know if they went to Columbine or not, so I called Ross. His wife Paloma answered the phone and said they did not go there, that Ross wanted to talk to me.

Ross, who is a successful stockbroker out there, had come home earlier to hug his children and to meet them in the driveway as they went rushing out to see their dad and embrace. They did not go to Columbine, but their friends did. As recently as Sunday, David had been playing basketball with kids from Columbine.

As I called them last night, they did not know if their friends were victims or survivors. The sadness, the confusion, the overwhelming frustration and anguish, was just too much for them. As we talked on the phone last night, I think both of us had tears in our eyes.

We do not know the easy solutions, the quick answers. The tendency in society is to rush out and say we need to change this law or pass this bill, or maybe get this off TV. We do not really know what would be the one panacea that would end this sort of strange, bizarre, peculiar, repugnant type behavior and incidents.

One thing we do know: Right now this country is united with the families of the victims; that they have our sympathy and they have our prayers. As the Speaker called for prayer today, we ask other Americans to pray, and perhaps we should remember that unlike high school kids throughout the country, at least this institution can openly say a prayer for them.

COMMERCE COMMITTEE LEGISLATION TO AMEND NUCLEAR WASTE POLICY

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, this Congress is on the verge of making a monumental mistake.

As we speak, the House Committee on Commerce is trying to pass legislation that would dump more than 70,000 tons of lethal nuclear waste just 90 miles from my hometown, Las Vegas, home to over 1 million men, women, and children.

What is worse, this bill proposes to move this waste on our Nation's highways and rail lines through 43 States through the backyards of 50 million Americans.

Mr. Speaker, it is estimated that this mobile Chernobyl will create between 200 and 400 potential deadly nuclear accidents. I ask my colleagues if such an accident occurred in their district and they voted for this legislation, what possible explanation could they give their constituents? Who would they send to clean up the radioactive mess, or care for the radioactive injured?

There is an alternative. Energy Secretary Bill Richardson has come up with a good plan to keep the deadly radioactive waste off our Nation's highways and railways. He wants the Energy Department to take control of nuclear waste at our Nation's reactor sites.

Please vote against this horrible mobile Chernobyl before it causes a nuclear accident.

GRIEVING FOR VICTIMS OF SENSELESS VIOLENCE IN LITTLETON, COLORADO

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, first, Pearl, Mississippi; then, West Paducah, Kentucky; then Jonesboro, Arkansas; then Edinboro, Pennsylvania; then Springfield, Ohio; and now, Littleton, Colorado. It all seems too much to bear.

We have no cure-all answers, quick and easy solutions, only questions and prayers. Parents pray for many things in life: that their children grow up to share the same values they tried to teach them, that they realize all their hopes and dreams, that they feel love, and that they love people and life.

One thing they all pray for is that their children spend their days in a safe and wholesome environment at school. There are too many schools in America where the children are not safe, where the environment is not wholesome, where positive values and experience do not triumph. It is a failing, and we must work together to answer the prayers of parents who worry every night about their children's safety.

Today we express our sorrow. We all pray and grieve for those suffering from the senseless violence in Colorado.

VETERANS' MEMORIAL

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, to change the subject a little bit, today, along with the gentleman from Pennsylvania (Mr. JOHN MURTHA), I will introduce legislation to authorize a memorial to honor our wounded and disabled veterans. This memorial, the only one dedicated to disabled veterans, would give the American people an opportunity to honor and express gratitude to those who sacrificed so much for our freedom.

We must never forget the terrifying human costs, physical, psychological, and spiritual, that so many paid that we might be free. They were citizen soldiers, everyday Americans who were willing to make the ultimate sacrifice, and who offered themselves for the good of all. They should never be forgotten.

This memorial will stand forever as a tribute to our disabled veterans and their sacrifices for our great Nation.

NORTHERN CALIFORNIANS ASK REPUBLICAN LEADERSHIP TO BRING MANAGED CARE REFORM TO THE FLOOR OF THE HOUSE FOR DEBATE

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, in the last weeks dozens of national health organizations launched a nationwide online petition demanding the passage of comprehensive Bill of Rights. This would protect the basic rights of patients enrolled in managed care plans.

In my district north of the Golden Gate Bridge, even though we have some very good health maintenance organizations, people are telling me that they are very concerned about whether their health plan will be there when they need it. So they are getting on this petition, and they are asking the Republican leadership to bring the Patients' Bill of Rights forward so that we can debate it here in the Congress.

They are calling on the Speaker of the House to bring managed care reform to the Floor of the House, managed care reform that will guarantee access to emergency room care, ensure that doctors and patients, not insurance companies, have the final word on medical decisions, and give patients recourse when care is denied.

It is pretty basic, Mr. Speaker. In our health care system patients should be number one, not the almighty dollar.

OFFERING PRAYERS TO THE GRIEVING AFTER A SENSELESS TRAGEDY

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, there is little that can be said during such moments of tragedy such as what the Nation witnessed yesterday in Colorado. There are thousands of disaffected, terribly disturbed teenagers across the country, but few will resort to violence. In this case, two of them did. Their violence was of a self-destructive sort resulting in their own self-inflicted deaths after they took the lives of innocent children.

It is all too easy for armchair psychologists to draw hasty conclusions about what explains this tragedy and the five other school shootings our Nation has witnessed over the past 2 years: guns, the culture, violence on television, nihilistic music and video games, frightening Internet sites. It is simply not possible to explain the cause.

Who could explain why millions and millions of other teenagers, nearly all exposed to the same influences, do not choose to embark on such a senseless path? It is a senseless tragedy, nothing more. We can only offer our prayers to the grieving.

MEDICAID NURSING INCENTIVE ACT

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, today I am reintroducing the Medicaid Nursing Incentive Act of 1999, and I want to thank the gentlewoman from Connecticut (Mrs. NANCY JOHNSON) and the 13 other original cosponsors, men and women from all over this country and from both parties, for joining me in this introduction.

This bill will provide direct Medicaid reimbursement for all nurse practitioners and college nurse specialists. Each year millions of Americans go without the health care they need simply because physicians are not available to treat them. From the streets of Los Angeles to the hill towns of western Massachusetts and all in between, Americans cannot find physicians who are willing to practice in their urban or small rural communities.

There is an exception to this trend, however. Nurse practitioners and clinical nurse specialists often serve in areas where others refuse to work. Federal law requires Medicaid reimbursement only for certified family and pediatric nurse practitioners and certified nurse midwives.

Extending Medicaid coverage to all nurse practitioners and clinical nurse specialists, as 22 States have done, makes good common sense. By expanding this coverage, these qualified health professionals will finally be able to provide the care so many of our constituents need.

PRAYERS FOR THE PEOPLE OF LITTLETON, COLORADO, AND FOR CONCERNED SCHOOL OFFICIALS WORKING TO HELP CHILDREN

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, the deaths caused by two troubled youths in Littleton, Colorado, point out the tragedy of those lonely, alienated teens in our society who feel there is no one to help, no one to turn to when their lives seem empty and pointless.

Many turn to self-destructive outlets: drugs, alcohol, nihilistic subcultures which celebrate death and destruction. They think there is no one to help them, but they are wrong. The help that is offered by parents, teachers, school psychologists and kindly guidance counselors is rejected. No one can reach them.

But those whose occupations touch the lives of our teenagers must not lose heart. They must continue to do the good work that they rightly take pride in. They must not be discouraged by the failures that they see, the children whom they cannot comfort, and the anger they cannot dispel.

Our prayers go out today to the people of Littleton, and to all those school officials who try so hard to help all of our children.

CONFERENCE REPORT ON H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 143 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 143

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 800) to provide for education flexibility partnerships. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 143 provides for the consideration of the conference report on H.R. 800, the Education Flexibility Partnership Act of 1999, better known as the Ed-Flex bill.

Yesterday the Committee on Rules, by a vote of 11 to zero, granted the customary rule waiving all points of order against the conference report. The House will have 1 hour to debate the merits of this legislation.

As my colleagues may recall, back in March the House passed the Ed-Flex bill by a bipartisan vote of 330 to 90.

□ 1030

The Senate followed suit by passing its Ed-Flex legislation by an overwhelming vote of 98 to 1.

It is encouraging to know that Democrats and Republicans can come together on at least one aspect of our Nation's education policy. There are numerous competing ideas for improving our schools and teaching our children; but we all agree that education, perhaps more than any other issue, will dictate our Nation's future, and it must be a top priority.

I do not think anyone would argue that many of our Nation's schools are failing, and there is no excuse. We are the world's only remaining superpower, yet we allow our children to graduate from high school without basic reading and writing skills. Something is not working. It is time to move beyond the status quo and encourage innovative reform.

Passing the Ed-Flex conference report is a good first step in the right direction. This legislation will allow all 50 States to participate in a program that gives local school districts the freedom to implement effective reforms by liberating them from restrictive one-size-fits-all Federal requirements.

This approach recognizes that the Federal Government does not have the magic pill that will remedy the ailments of each and every school. But the least we can do is clear away some of the obstacles found in onerous Federal regulations that are blocking our schools' path to improvement.

The Ed-Flex program is founded in the principle of trust, trust in our State and local leaders who we believe will make good choices for their communities. Ed-Flex has worked in the 12 States that are currently eligible, including my own State of Ohio. This success strongly suggests that we expand Ed-Flex to all 50 States, and that is what this legislation is all about.

Let us be clear. The Ed-Flex program does not simply dissolve Federal education law. We are not simply handing out money and turning our heads the other way. To be eligible for Ed-Flex, States must demonstrate that they have an effective plan for improving the education of poor and disadvantaged children, and they must agree to be held accountable for the results. In fact, this conference report strengthens the accountability provisions of current law.

All told, the conference report actually contains very few changes from the House-passed bill, and it should receive the same broad support. The bipartisan spirit surrounding the Ed-Flex bill was carried over into the conference committee to produce a bill that both the House and Senate can approve and the President should sign.

One example of this bipartisan effort is the decision of the Republican conferees to drop a Senate amendment which the Democrats and the President opposed. The amendment would have provided additional flexibility to schools, giving them discretion to devote more funds to special education, which is a top Republican priority.

I cannot say I understand the President's opposition to giving local school districts the option of putting resources into education for children with special needs. However, I appreciate the decision of Republican conferees to compromise on this issue in the interest of quickly moving this important legislation to the President's desk where it can be signed into law.

I am pleased to report that the gentleman from Pennsylvania (Chairman GOODLING) has assured the Committee on Rules that the Republican commitment to funding special education will remain high on his committee's agenda. Other changes agreed to in the conference will ensure that our Nation's poorest schools continue to receive priority consideration for Title I funding.

In addition, the conference report clears up some confusion created by the Department of Education's interpretation of the Individuals with Disabilities Act which governs the treatment of children who possess a weapon at school. Under this legislation, it is made clear that children who possess weapons will be subject to the same discipline procedures as children who carry weapons. After yesterday's horrifying incident in Colorado, it is clear that we must enforce strict rules of no tolerance for guns in school. This is a step in that direction.

The conferees also agreed to an amendment designed to benefit rural school districts. Specifically, small school districts that reduce class size to 18 or fewer children will be allowed to devote funds to professional development without joining consortiums.

Outside of these few changes, the conference report mirrors the House-passed bill. Fifty governors, the National School Board Association, the Chamber of Commerce, the American Association of School Administrators all support this legislation.

So I urge my colleagues, in the spirit of bipartisanship and in the name of innovative education reform, to move expeditiously to adopt this rule and agree to the Education Flexibility Conference Report. We cannot afford to wait any longer to remove the obstacles that stand in the way of our children's opportunities to learn.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary time.

Mr. Speaker, even as the Committee on Rules was considering the rule to accompany H.R. 800, the Education Flexibility Partnership Act, an unspeakable tragedy was unfolding in Littleton, Colorado.

Mr. Speaker, I am a parent, and my grandson is visiting me here this week. We know what is truly precious in our lives, and we are literally heartsick over what has happened to the people of Littleton. Our prayers are said for them, and our hearts are heavy for them, and the Nation mourns their terrible loss and ours.

Mr. Speaker, we have children and family members in our schools across the country, and parents are afraid to send their children to school. But we are also members of our communities in which we live and who send us here. Here on this floor, we are elected officials with the responsibility to do what we can to guard against future tragedies. As we continue to discuss how to improve our schools, we have got to redouble our efforts to keep our children from slipping through the cracks.

I have offered legislation to provide students, educators, and communities constructive activities that they can be involved in, not just during but after-school activities to steer our children away from guns and drugs and violence. I implore this House to pass it.

This and the tragedies that other communities have endured all too recently remind us that we have children living their lives in the shadows, on the edges, children who may not be reached by traditional means, who may not be involved in traditional school activities; too many guns, too much violence in the media, too little love in our hearts, who knows for certain? But, sadly, we really cannot yet explain what is truly unexplainable. We really do not know what makes children who have lived so little feel so hopeless about the rest of their lives, but what we do not know we are obliged to try to learn.

Our efforts at after-school education and education in general cannot focus solely on students whose behavior might more readily identify them as in need or at risk. We must also cast the light of caring and concern into those shadows where our children have retreated. By doing so, we can begin to help them build the self-esteem that is crucial in their ability to respect themselves and others.

Mr. Speaker, as the author of after-school legislation, I will urge this House and this Congress to set aside funds for school districts who want to provide their students more counseling and mentoring opportunities as well as tutoring. That request and my efforts in that regard are in keeping with the legislation which we are considering today, legislation giving schools more flexibility to do what works while being accountable for the results.

Earlier last month the House passed a bill to extend the eligibility of the Ed-Flex program to all 50 States. This program, which has broad bipartisan support, allows State education agencies to waive a wide range of requirements that generally apply to certain Federal elementary and secondary education assistance programs.

Along with many of my colleagues, I stood in this very well and urged Members to consider the importance of accountability when undertaking such an endeavor.

I am pleased that, during the conference on this legislation, the majority agreed to make two important changes to this bill. First, they chose not to include language which would have reversed the decision of this body to hire and train 100,000 new teachers so that we may begin to reduce class size in the early grades. Mr. Speaker, study after study has told us the importance of doing just that. Second, they allowed a provision requiring that Title I funding must continue to give priority to schools with more than 75 percent of their children below the poverty line.

This bill is an improvement over what passed last month and, as a result, I will not oppose it. But I will remain concerned with its timing, particularly with the decision to bring it forward when the majority knows full well that these decisions will have to be reevaluated as Congress continues work on reauthorization of all of our elementary and secondary education programs.

Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentlewoman from New York, for yielding me the time.

Mr. Speaker, I rise as a coauthor of the Ed-Flex bill with the gentleman from Delaware (Mr. CASTLE), and proudly proclaim that we have made it a long way in the last 8 or 9 months when we introduced this bill through committee, through the markup process, on to the floor where we had 112 Democrats support this bill, and then into a conference last week. I am delighted to say that we have accomplished this with true trust and reaching out, Democrat to Republican and Republican to Democrat.

We have improved on a pilot bill that has existed in 12 States for the last 4 years, built on the successes that the pilot program and Ed-Flex has accomplished in States like Maryland and Texas and Ohio, improved on those pilot programs, applied some of the strengths of those programs to our bill.

So that is the first reason I hope that people will vote for this conference report, that this is an old value and a new idea. The old value is to trust the local schools to do what is in their best interest, to educate our children with the right curriculum, the right values, the right discipline. We will trust those local schools in Indiana and Delaware and California to do it.

But the new idea is to say that we are not going to keep new handcuffs on them and new regulations and new paperwork. But we are going to have one rope of accountability for this Federal money, and that is student scores and student performance. If students do better, they will stay in the Ed-Flexibility program. If their students see significant declines in their scores, they will be terminated from the program and they will go back to the old regimented system. So it is an old value. It is a new idea. It is based upon a 12-State pilot program.

The second reason is accountability. We have tougher accountability in our bill than in current law. We must make our schools accountable for better school performances from our students. This bill does it. It does it through the gateway into the program. It does it with tougher assessment and accountability standards. It does it, as I mentioned before, with the termination clause.

Thirdly, I urge my colleagues to vote for this bill because it is even improved coming out of the Senate. In the Senate they attached the Lott amendment to the bill which would have restricted the President's proposal, initiated last year, already being practiced, that allows the localities the opportunity to hire new teachers and do something about the teacher-student ratio.

The Lott amendment would have greatly curtailed the availability of that program, the applicability of that program at our local level. It would have not allowed that program to go forward. That Lott amendment has been removed. That was a concern of the President. That was a concern of some Members when they came to the floor, when this bill first went from the floor into conference. That amendment has been removed.

So I would hope that my colleagues would vote for this Ed-Flex Conference Report, and we can build on the 112 Democrats that support it on the floor. We can build on the bipartisanship that we reached in crafting this bill and getting it through to the President. The President has indicated that he will support this bill in addition to the 50 governors supporting this bill.

I look forward to helping children get a better education when this bill becomes law.

☐ 1045

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I clearly want to recognize the hard work that the subcommittee chair, the gentleman from Delaware (Mr. CASTLE), and the gentleman from Indiana (Mr. ROEMER) put into this legislation, and I clearly want to state that I strongly support the concept of increased flexibility to improve educational programs at the local level, and I have voted for the original legislation, Goals 2000, which was to establish the Ed-Flex program, but I must say, after viewing the conference report, that I come at it from a different direction with respect to accountability.

I think it is time that the Federal Government, in its use of the taxpayers' money to fund the Elementary and Secondary Education Act, start to hold the States and local districts accountable for the education of all children. We all know that public officials today are talking about holding people accountable but rarely do we, in fact, do it.

Most recently, as we have started a program of high standards and assessment of how students are doing on those standards, we now see we are plagued with school districts all over the country that are taking poor performing students out of the testing pool so that it will look like they are doing better when they report to the parents in that school district. It will look like everybody achieved better. But what they did is they went around and took the tests of the kids that were not doing so well out of the pool. They rigged the results, and now they want to say that they are accountable.

Just recently a prosecution was entered against a school district in Texas for tampering with the public evidence. That is why we need accountability. We need accountability because we must know how all of our children are doing, in rich school districts, in poor school districts, how minority children are doing, how poor children are doing, and others. Unfortunately, this legislation is weak on accountability. They have failed to require the States aggregate the data so that those States will be held responsible for all students. They give a passing notion that maybe they will look at it by groups, but even there the language has been weakened from what the House put in.

In the committee and on the floor the gentleman from Michigan (Mr. KILDEE), the gentleman from New Jersey (Mr. PAYNE), the gentleman from Virginia (Mr. SCOTT), and myself offered an amendment to try to hold school districts accountable, to try to make sure that we, in fact, knew how children were doing, because the time has come when we must, in fact, make sure.

We have now invested over the last decade maybe $50, $60 billion in this program, and one of the great hallmarks was touted the other day when it was suggested that the reading scores have improved. Yes, they have. They have improved back to where they were in 1990. So we have invested $60 billion in a program and we are getting ready to invest another $60 billion in the program and yet we are unable as public stewards of public policy and of the taxpayers' money to ask the States what is it we can expect in the way of success 5 years from now? Because what we have gotten over the last decade is failure.

If we are going to put the public's money back into this program, we want to know how are they going to measure and how are they going to tell how these students are doing. Unfortunately, that evidence failed, and that is why I must oppose this legislation.

I think a number of States that have engaged in some of the provisions that are allowed under flexibility have done some very good things, and the committee heard testimony from States like Texas and Maryland and North Carolina that do not have it but are engaged in that kind of process, to rethink how they are delivering education. But flexibility cannot be an excuse for accountability. They must go hand-in-hand, and, unfortunately, the evidence we have to date through the GAO report, through the Inspector General's report tells us that the States have not done terribly well under the pilot program and, unfortunately, this legislation does not go far enough to hold them accountable.

No longer can we as a society write children off. No longer can we accept the level of failures that we see today in our local school districts. The time has come to cut the mustard. The time has come to hold districts accountable, to hold States accountable for the uses of these dollars, and I do not think we can continue to accept a lot of rationales for why districts should not be held accountable.

It is rather simple. We know there are proposals that have been submitted to the Federal Government to hold districts accountable in a very strict fashion. Then we would be able to tell how this Nation is doing in education. Today we cannot. Today, many of the States cannot put the data together to tell us how their schools are doing or, at best, they can tell us how the average student is doing but it does not tell us how the other students are doing.

I urge a "no" vote on the conference report.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I would like to report back to my colleagues of the enthusiastic response I received from my time in the district at a number of schools about the Ed-Flex legislation.

I rise today to speak in favor of the rule, but let me begin by saying, Mr. Speaker, how deeply sorry I am for the parents, classmates, friends and families of the students who perished and were wounded in the tragic events of yesterday in Littleton, Colorado. I am truly sick with grief over this tragedy, and I pledge to the mourning families and all Americans alike that I will do all I can as a Member of Congress to end the senseless violence preying on our students, our families, and our communities.

After initial passage of the Education Flexibility Partnership Act of 1999 in

March, I spent time during the Easter recess in the classrooms of the schools of my 8th District in North Carolina talking to teachers, students, and administrators about Ed-Flex. This bill will allow innovative ideas in teaching to evolve at the local level.

I spoke with Captain Jack L. Ahart at A L Brown High School in Kannapolis, North Carolina, who is teaching civics in his JROTC class. He told me that Ed-Flex will allow him to incorporate more computers into his classroom and expand the students' learning experience.

I spoke with Scott Bennett and his 9th grade history students at Ellerbee Junior High regarding their visit to Washington, D.C. and Mr. Bennett's creative involvement with the kids' experiences in the classroom environment.

I spoke with Miss Pam Van Riper and Principal Kevin Wimberly at Wingate Elementary School about the challenges they face in a rural community.

Each of these teachers are excited about the possibilities that greater freedom to work within their local school districts will provide in the way of a better learning experience for all their students.

As I have said before, Ed-Flex addresses the basic fact that what works in New York City does not necessarily work in Rockingham, North Carolina. I encourage my colleagues to support the rule and to show our teachers in the classroom that we support their hard work and their new ideas.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Fort Wayne, Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank my friend, the gentlewoman from Ohio, and want to again commend those who have worked so hard for this bill; to the gentleman from Pennsylvania (Mr. GOODLING), and subcommittee chairman, the gentleman from Delaware (Mr. CASTLE) castle, and the gentleman from Indiana (Mr. ROEMER), my colleague from an adjacent district.

It has been a long process, but we are nearing the end of at least this small step towards flexibility for schools in Indiana and around this country. I say it is a small step because we should not kid ourselves. We had other opportunities and will have more opportunities to actually make funding available. I personally am very disappointed that we had to withdraw the Senate amendment that would have allowed some of these funds to be used from last year's teachers program, if a school so chose, for IDEA.

Because, in fact, this sets parameters for the Federal Government to grant waivers under certain conditions, but that would have given real dollar flexibility to schools if they felt that they had their class size down. Like in Indiana, where we have mandated that the class size go down, many of the schools have reached those class sizes. Therefore, they are not eligible for the teachers funds in most cases and they would like to be able to use their money for IDEA.

So to some degree, when we micromanage from Washington, we punish those States that have actually done a better job of fixing certain conditions and problems in their States and to reward those States that have not done it. That is why we cannot micromanage schools all over America. We need to have flexibility.

Unlike many bills that come out of the House, this is at least slightly better than when it went into conference committee. So we have a little bit more flexibility, but I am very disappointed that we had to yield on the House side and the Senate withdrew on the Lott amendment. We will revisit that subject.

Because one consequence of looking at the terrible tragedy of yesterday in Colorado ought to be to say it is not the school's fault. The schools and the teachers are struggling with tremendous social problems in this country. We in Washington should not try to tell them how to do it. We need to help them in their local flexibility, not by having more standards or more accountability.

The problem here is not that they are not reporting enough to us. The problem is they are fighting in their local communities with how to deal with the terrible problems of reading, of social adjustments, of violence on television. We need to give them the flexibility in their schools that says, what is that particular school's need for their high-risk students? Are some emotionally disadvantaged? Do some have physical handicaps that they are short of money on? Do some have particular reading needs where they have LDD or ADD, or is it their class size is too big, or do they need school construction or do they need it for computers?

The local people know this. They are committed to education. We should not sit here in Washington and say we do not trust our teachers, we do not trust our principals, we do not trust our school boards, we do not trust our superintendents. They are on the line. They are fighting every day. They have terrible problems they are struggling with, and we need to help them by giving them flexibility, and this bill is a first step.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the balance of my time, and just say in closing that I want to emphasize once again this is a bipartisan bill. The conference report is virtually identical to the bill that the House passed by a vote of 330 to 90. All of my colleagues who supported this legislation back in March should register their support again today.

Let us take the first step toward education reform together by voting "yes" on both the rule and the Ed-Flex conference report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GOODLING. Mr. Speaker, pursuant to House resolution 143, I call up the conference report on the bill (H.R. 800) to provide for education flexibility partnerships.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MCHUGH). Pursuant to House Resolution 143, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of April 20, 1999, at page H2144.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

This morning we had a panel discussion on bipartisanship in education, and I indicated to them at that time that they really were missing some people that should be on the panel, and those people, I reminded them, were the press. Because just yesterday, as a matter of fact, my staffer said to the press, we will have a press conference on education flexibility and the response was, "Oh, the fight's over. We only cover fights."

I say that simply because in the last 2 years we had the most effective education effort in the history of the Congress of the United States in a bipartisan fashion. The Higher Education Act, the new Individuals with Disabilities Education Act, the Reading Excellence Act, the Perkins Vocational Educational Amendments, the Work Force Investment Act, the Head Start Reauthorization, the Charter Schools Expansion Act, and the Child Nutrition Reauthorization Act all passed the House and the Senate with more than three-fourths of the total vote.

□ 1100

So we start out the new year with another bipartisan effort. As was mentioned several times, it passed overwhelmingly here in a bipartisan effort, and I think it was something like 97–1 or 98–2 or something of that nature in the other body.

Well, the bill is Ed-Flex; and Ed-Flex is about giving local schools and districts the freedom to do things a little differently if they can demonstrate it is in the best interest of the children and then prove by using performance data that it works. Ed-Flex gives the local schools the freedom to request permission to make some of these changes.

It is not that the Federal Government was necessarily wrong when it passed the law. It is impossible for Congress to design programs that effectively and adequately address the needs of every school district in the Nation.

If a school district can demonstrate that they have a more effective way of helping poor and disadvantaged children improve faster and are willing to be accountable for the results, the Federal Government should want to remove all obstacles as soon as possible.

And accountability we have in the bill is proportional to the flexibility we are giving. States cannot take their Federal dollars and turn it into a block grant, so we should not require any more of States than we give them.

It was mentioned that some people in some areas removed people from tests in order to show that they have done better. Well, I want to remind my colleagues that those tests that were talked about were Federal tests, were the NAEP tests; and I assume the Federal Government permitted them to remove those students from taking those tests. If they did not permit it, then they should not have been crowing about the fact that there have been tremendous gains under this administration because of the results of those tests. They were Federal tests.

I want to take this opportunity to thank those people who have been instrumental in crafting the legislation and guiding it through the legislative process. First of all, I would like to thank the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) for all of their efforts to produce a bipartisan bill that grants real flexibility to States.

I would like to thank the members of the conference committee, the Republican members of the House Committee for their efforts, as well as Senators FRIST, WYDEN and JEFFORDS, who moved this legislation through a grueling process on the Senate side.

Many thanks to all the 50 governors who supported this bill, but in particular to Governor Ridge of Pennsylvania and Governor Carper of Delaware.

Then I would like to thank many staff members, some of which I will forget, who worked long and hard on the legislation: Christine Wolfe and Kent Talbert; Sally Lovejoy and Vic Klatt; Melanie Merola and Booth Jameson; and Gina Mohoney, Jo-Marie St. Martin, and Pam Davidson, to mention a few.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose this conference report for the same reason that I voted against the original bill, H.R. 800. This report fails to include strong accountability provisions and fails to adequately protect Title I provisions that target assistance to our poorest children.

It is legislative folly, Mr. Speaker, to let States and school districts waive the Elementary and Secondary Act before its reauthorization has been even drafted or passed. To proclaim an urgent need for this bill is part of the folly and the foolishness.

Current law authorizes Secretary Riley to give flexibility to States and school districts by waiver. And the Secretary has granted hundreds of waivers to school districts based on requests that permitted flexibility yet preserved the sound principles of accountability and targeting the funds to areas of greatest educational need.

But, Mr. Speaker, this bill creates unprecedented loopholes for States and school districts to avoid their obligation to serve poor school children first. It eliminates the long established requirement that only schools with poverty rates of 50 percent or greater can create school-wide programs with these Federal funds.

This bill permits States to serve wealthier schools before serving poor ones and allows States to reduce per-student allocations at poor schools or pass over poor schools entirely to fund those wealthier schools.

This conference report also strikes the sunset provision sponsored by the gentleman from Michigan (Mr. KILDEE) which was contained in the House-passed bill. The Kildee provision would have required us to review these waiver provisions during the ESEA reauthorization. Despite the strong recommendation by Secretary Riley to consider the waiver provisions as part of the reauthorization of ESEA, the majority conferees agreed to strike the sunset provision.

I am pleased however, Mr. Speaker, that the conferees did support my motion instructing conferees to strike the Lott amendment. This amendment was a reckless abandonment of our commitment to parents and students to reduce class sizes. By striking the Lott amendment, we ensured that the $1.2 billion class size reduction fund will be made available this July as promised.

Now that we are nearing the completion of this bill, I hope that we can go to work on reauthorizing the Elementary and Secondary Education Act and other education priorities. Mr. Speaker, we must act to authorize the class size reduction program so we can finish the job of hiring 100,000 new teachers that we started last year.

We should help communities struggling to pay for school modernization by supporting the Clinton school construction legislation. We must also continue our work to help communities recruit new, highly qualified teachers, and to strengthen accountability for our elementary and secondary education programs.

So I urge Members to vote "no" on this legislation because it fails to contain minimum accountability provisions and basic protections for poor school children. We should vote against this proposal because it permits Federal funds to be taken from those students in greatest need and given to those in least need.

Mr. Speaker, I urge a "no" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield what time he may consume to the gentleman from Delaware (Mr. CASTLE), former Governor of Delaware, one of the authors of the legislation and the subcommittee chair.

Mr. CASTLE. Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. GOODLING) not only for yielding but for the excellent input and value the assistance that he gave to the gentleman from Indiana (Mr. ROEMER) and to myself in getting this bill to the place where it is today. We appreciate that tremendously.

I do rise today in absolute full support of the conference report to H.R. 800, the Education Flexibility Partnership Act of 1999. I cannot thank the gentleman from Indiana (Mr. ROEMER) enough. He was there through thick and thin. We went through about 8 or 9 months of this. We thought we were going to get it done last year. We were not able to do so. We were able to come back and get it done this year. And I think this is a day of great hope for both the gentleman from Indiana (Mr. ROEMER) and myself and I think for all of us in Congress and the school kids across the country.

I would also like to acknowledge particularly the help of my Governor, who is both my predecessor and successor because he is now the Governor of Delaware, Tom Carper. His pushing for this was tremendously helpful amongst all the governors, as well.

The gentleman from Indiana (Mr. ROEMER) and I introduced this legislation because we believe it will provide schools and their students with the tools to improve academic achievement. It allows local school districts to think outside the box, which is something we needed forever, in order to design a system that is truly focused on improving student performance.

Instead of having to plan a specific project around a set of separate and conflicting program requirements, which is so often the case now, now the districts will be able to develop a vision of how to use local, State, and Federal resources to more effectively improve student performance and to make that vision a reality.

This will extend education flexibility to all 50 States. We all need to understand that 12 of our States have it now.

They have used it extraordinarily well. They have shown dramatic improvement in certain areas. Now all of our States are going to be able to use it, which we think is of vital importance, as well.

We have measurably improved current law by increasing that flexibility and making more programs eligible for Ed-Flex waivers. In fact, one of the things in the conference was the Technology Literacy Challenge Fund, and that is I think an important step as well.

Under the conference agreement, States are required to submit clear educational objectives and locals are required to set specific and measurable objectives. So while the gentleman from California (Mr. MILLER) apparently is not going to support it, a lot of what he had to say I think ended up being incorporated, not as far as he wanted to go of course, in what we are doing. And in that way I think his position on this was constructive, as well.

We have also improved current law by providing protections for Title I schools and students. Now, this is important, because Title I is a program that all of us should be legitimately concerned about. It is a program which basically is aimed at those school districts which have more children in poverty than others. And for the first time in a demonstrable way under Ed-Flex, particularly in Maryland and Texas, we are seeing test scores from Title I schools which are actually showing dramatic improvement for those students who are poorer students in those schools, because of things they were able to put together through the Ed-Flex program.

That is something that has been undemonstrated over all the years with all the monies put into Title I. So it is a tremendous help for that reason. I hope my colleagues will consider that when they come to the floor to vote on this particular piece of legislation.

The Senate, as we know, prohibited waivers to the requirement that school districts must allocate funds to schools with more than 75 percent poverty first, and in the rank order. And we said in the House provision, we had a different measure in the conference report that basically retained both of these measures, which provides a lot of protections to people in the Title I programs.

Now, who supports this bill? And this is important I think for all of us to consider. It was reported out of committee in March here in the House by a vote of 33–9. It was passed in the House by a vote of 330 yeas to 90 nays, both parties voting in the majority for it. It was passed in the Senate by a vote of 98 yeas to 1 nay.

Last week it was reported out of conference by voice vote. It has the support of every single governor in this country. And as a former governor, I can attest to the fact that getting all 50 governors to agree to anything is a miracle.

In addition, it has received support from the administration and other education organizations around the country. It is a good strong bill that each and every one of us can proudly support because it supports schools and students, it loosens the reins of the Federal Government, and allows for creativity in student learning. Ed-Flex will help our Nation's schools, and I hope we will all support it.

I would like to close, Mr. Speaker, this probably will not help with the problems directly in Littleton, Colorado, and I do not even want to connect it to that. But since we are discussing education on the floor, my own grief in this situation and sorrow for the people out there is something that I should state and that everybody in this country feels.

I do not know if the problem is with our ability to obtain guns, it is with our families, it is with the perhaps lack of help needed in school to help the children who seem to have troubles, or it is a societal problem at large with all the activities we read about, cults and everything else. So there are no easy answers. But I, for one, believe we need a national discussion on this issue; and I hope, if there is anything possibly good that could ever come out of a tragedy like that, it is that we have that discussion.

I appreciate the time that the chairman has yielded me. I would ask for my colleagues' support for the Ed-Flex legislation.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, the bill before the House today does not have the full scope of provisions which I and other Democrats have sought during the several months which we have worked on this legislation.

The conference report on H.R. 800 does, however, make much-needed improvements to the existing Ed-Flex demonstration program in the areas of accountability and targeting of resources, and because of this will receive my support today.

The existing Ed-Flex demonstration program is found by GAO to require little accountability for increased student achievement. The gentleman from California (Mr. MILLER) and I offered an amendment, both in committee and on the floor, which attempted to address these concerns.

While this amendment was not adopted, the legislation's provision requiring the Secretary to judge the specificity and measurability of a State's educational goals and strengthen reporting requirements, including the requirement to provide reliable and accurate data on student performance, are improvements over the existing demonstration program that will provide us with the information we need to truly analyze the link between flexibility and student performance.

In addition, while the existing Ed-Flex demonstration program allows waivers of nearly all Title I targeting protections, this new legislation ensures that States must continue to fund the highest poverty schools and have only marginal flexibility in sending Title I dollars to lower poverty schools.

It is important to note that even existing Ed-Flex States, such as Michigan, once their opportunity to operate under the present authority expires, will have to apply under the stricter requirements of this legislation.

I was also pleased that the conferees realized the importance of dropping the Lott amendment dealing with class size reduction and IDEA funding. This amendment injected politics into what was a healthy debate over the policy objectives of expanding flexibility, and pitted the needs of disabled children against non-disabled children.

□ 1115

This was an ill-advised amendment, and its absence from the conference report is critical to the success of today's legislation.

Overall, I believe this bill makes some needed improvements to the present Ed-Flex demonstration programs. It is not the bill I would have written, but it is a bill I will vote for. I think it is vital to reexamine the decisions made in this legislation in the context of the policy decisions we make during our work this Congress. That is why I wanted the sunset, but we put language in the report talking about this reexamination.

While I will support the legislation before the House today, I strongly believe we need to revisit Ed-Flex to ensure that the steps taken by this bill to ensure accountability and protect targeting of resources are sufficient. I look forward to this reexamination of Ed-Flex during our deliberations in ESEA.

Mr. GOODLING. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA), a senior member of the Committee on Education and the Workforce.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for having yielded this time to me.

Mr. Speaker, I rise in strong support of this legislation and appreciate the fact that we have yet again seen another demonstration of bipartisan support, and I think that is very important for all of us to understand, as the gentleman from Pennsylvania (Mr. GOODLING) has already referenced. But

I want to make a couple of points here about how I think we are meeting the needs here.

Certainly one of the most important things, in my opinion, is that we are preserving State and local control in terms of what Ed-Flex is doing for us. The decisions about our children's education should be made by parents and educators and at the local and State level, not by politicians in Washington, D.C., and I think that is terribly important for us to protect. We in Washington should be supporting and supplementing those efforts and giving direction but not overriding them.

So, aside from, however, the local control and State control aspect of this, I think this legislation very well preserves accountability, accountability that will require the States and the school districts to make their own decisions, but they must meet specific and measurable educational objectives. The school may apply for a waiver, but they must justify that waiver when the application is made, and I think the bill very well puts that into not only perspective but into enforceable ways. Ed-Flex gives greater authority to the States to determine their particular goals but holds them accountable.

In terms of the accountability, I think this bears repeating and stressing. The accountability means first that under the monitoring provisions the States and local educational agencies must report their progress on how they are specifically meeting their goals. Secondly, regulations relating to parental involvement cannot be waived. I think that is very important. And third, by providing public notice and comment for application for waivers Ed-Flex recognizes the importance of community input and so that there must be notification for that kind of waiver.

In summary I guess, Mr. Speaker, I would say that this legislation gives authority over decisions concerning children's education to principals, teachers, parents and local communities, where in my opinion it belongs. That is the only way we can strengthen our public school system, and I think this will be an extraordinarily valuable tool for advancing the quality of education across the Nation.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my friend and my ranking member, the gentleman from Missouri (Mr. CLAY) for the time, and I appreciate his friendship while we have disagreed on the policy of this legislation.

I rose to speak on the rule, Mr. Speaker, so I will not get into the specifics and the minutiae and the detail of the legislation that I have offered with my good friend from Delaware (Mr. CASTLE). I did want to thank two additional people. I want to thank Governor Frank O'Bannon, who worked this issue very, very hard for our delegation in the State of Indiana and with his colleagues at the National Governors' Association, and I also want to thank Gina Mahony, who without good staff, we do not go as far as we would like and we are not as important as we think as a Member of Congress, where we have and are blessed with great staff in this body, and I wanted to thank her for her help.

I also want to talk about the larger picture of education. It has been very difficult, Mr. Speaker, to penetrate through the press, through the stories of impeachment and now war, about some of the successes we have had in bipartisan ways on education. We have written a bipartisan bill on charter schools and public choice, which is helping. We have written and passed a bill on alternative route certification to get more people in mid careers into the teaching profession. That is helping. We passed a down payment on teacher ratio last year, 30,000 of the 100,000 teachers, and we need to emphasize quality of those teachers. That is helping. And now today we have education flexibility, which will soon pass.

But we need even more arrows for the quiver. We need a national dialogue. James Madison talked about a larger vision of America, and we need that now for our most important issue in America, which is education.

When we talk about Kosovo, Mr. Speaker, and we will soon talk about an emergency supplemental for our troops in Kosovo, we do not talk about are we going to fund Apaches, or F–16s; are we going to fund F–15s, or are we going to fund B–2 bombers? We are going to get the troops the support they need. And now, with the most important issue we face in this country, our next step after Ed-Flex, we need to make sure we fund IDEA, but it does not have to come out of education funds, it should be out of a tax cut. We need to look at how we fund more troops to teachers. That is an idea that has worked, moving people from the military into the teaching profession; we need to move it into the private sector. We need to look at ways by which we put safe schools as a priority and have a national dialogue on more of our guns in society penetrating more of our schools, more of our hatred in society penetrating our schools.

Let us rise to James Madison's call for a national dialogue, and let us address all these education issues in a fair and bipartisan and thorough way in the future.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON), our newest member on the committee and an outstanding Member.

Mr. ISAKSON. Mr. Speaker, I consider it a fortunate privilege for me to have been elected to this House in a special election, even more fortunate to have met the two principal cosponsors in my first committee meeting in education and for that to have dealt with the Ed-Flex bill, and I obviously stand in support of the conference report and in support of the initiative, but in particular to address the question of the national dialogue.

I would like to share for just a minute what a great first step I think this Congress is taking, but I would like to share it not from the perspective of a Congressman who stands and thinks he knows a lot about a subject, but rather from one who just fortunately, the last act I did in Georgia before I left to come here was a submission of the $5 billion state education budget for the State of Georgia, 97.2 percent of which was State tax dollars and local government tax dollars, but 2.8 percent of which was money, much of it covered by the flexibility we are now granting in terms of regulations and rules within seven categorical programs.

Giving flexibility and the ability to waive Federal and state standards on the spending of this money with accountability to ensure that after 2 years there must be improvement and cannot be a decline is a great gift to the people in public education, our States. The fact of the matter is the amount of money necessary for creativity in education at the local level is shrinking every day because of mandates that we pass on in our areas or mandates the general assemblies pass on. But it is those small dollars that sometimes flexibility is granted upon that bring about the greatest of change.

I just like to give one example which both gives credit to a school back in Georgia, but also demonstrates precisely what I think we are on the verge of doing in this country. I attended a school that was about to be closed 3 years ago. It is 100 percent free and reduced lunch, total poverty, surrounded by a chain link fence with razor wire. It was my first visit as the chairman of the State Board of Education, and my visit was because we had been asked to grant substantial waivers by that principal, a new principal, of State rules to try and allow him to get his hands around the problems of discipline and despair and a system that was failing. Two years later the school was turned around in large measure because we granted at the State level the flexibility to allow that school to deal with the difficulties it was confronting, and a school that was hopeless, maybe even hapless, was turning around the lives of poor and disadvantaged children.

It is my belief that the flexibility granted in this act, in the programs that it governs, is the beginning of greater flexibility that we can grant to educators that deal with the most precious asset we have and hopefully will be the foundation upon what national dialogue we do have on many other areas where this Congress and this country must focus on our greatest asset and resource of all, and that is the children of the parents of the United States of America.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, the bill before us today boasts better flexibility while allocating Federal funds in school districts, but I have to say a number of times, as I have done in the past in reference to Ed-Flex, if we want to give States the flexibility they desire, we need to get in return some type of assurance that funds will still go to low income Title I children as Title I was created to do.

Title I funds are supposed to go to children in disadvantaged school districts or children who are disadvantaged. This bill will give school districts and States the right to take Title I funds and spread them among other students in the school that are not necessarily disadvantaged. This dilutes the entire purpose of Title I, and it will leave students who are poor and indeed in need of special attention without the help they need.

The final version of the bill will ensure schools with poverty levels of above 75 percent are served Title 1 funds first, and it retains language from the House bill that allows a larger number of schools to receive Title I funds only if the number of children living in poverty is at most 10 percent below the districtwide poverty level. This seems the least we can do to protect the children who are most in need of Title I funds.

But I was supportive of even stronger measures to assure that those students were being served during the House consideration of the Ed-Flex bill, and I continue to believe that language addressing targeting in Title I schoolwide programs must be included in this bill. The absence of such language is one of the reasons that I cannot support the final version of this bill we are asked to vote on today.

Additionally, as the gentleman from California (Mr. GEORGE MILLER) has stated, much of the language in the House bill that improved the reporting and accountability measures of those states and school districts that are given Ed-Flex authority has been removed from the final version of this bill. The absence of strong accountability language will leave us in the dark about how effective Ed-Flex has been, and I know no one wants to revisit Ed-Flex issues, preferably during the reauthorization of Elementary and Secondary Education Act, with little or no information about how it works and who it is working for. But it looks like that will be the case because without accountability and without targeting for schoolwide programs, I continue to oppose this bill, because it is not, in my opinion, in the best interest of people that Title I was supposed to serve, those who are disadvantaged, and with the lack of accountability we are moving in the dark as we move towards more legislation.

□ 1130

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. FOLEY), and I want to take this opportunity to thank his father publicly, since I never wrote a thank you note, for the fine golf match we had when I visited Florida a couple of years ago.

Mr. FOLEY. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. Speaker, while the gentleman brings up the subject of my father, I am the proud son of an educator, a public school teacher and a public school principal. So I have grown up in a home where education came first, and dealing in the public setting, public education was vitally important. So I suggest, as we look at the Education Flexibility Partnership Act of 1999, capably brought to this floor by the gentleman from Pennsylvania (Chairman GOODLING), we see an issue now that can give local schools, local officials, the tools they need to educate our students.

We know the Federal Government contributes less than 7 percent to our overall budget for schools, but it is our responsibility here in this Chamber to ensure that this funding has the greatest possible impact, and Ed-Flex, this bill, does just that. By handing control back to local educators, Ed-Flex gives schools the flexibility to navigate the mire of federally imposed and often conflicting program requirements.

Our good friend, the gentleman from Delaware (Mr. CASTLE), traveled to Florida on his own time this past month to visit with educators, to visit with school board members, to visit with parents and students in a panel we set up, and there was over 3 hours of discussion and debate.

One of the things that became most clear from each of those who contributed to the dialogue was please unleash us from the shackles of mandates from the Federal Government. We want to teach. We want to be face-to-face with students. We want to make a difference. We want to seek alternatives. We want to do things that will enable us to bring children up in the 21st Century with the tools they need to be successful.

Regrettably, in Washington, everybody here in this city thinks they have got a better idea of how to mandate just a little opportunity for the kids back home.

My father is a principal and a Marine and a person who loves this country. He was often spending hours at his desk just trying to read the books that they were sending from the DOE down to the Department of Education in Tallahassee. He would read all these volumes of books, and he was conflicted about what to do, how to teach, how to give guidance to teachers in his school.

So I rise in very strong support of this measure. I know it will result in efficiencies, in greater improvement in the school system, in higher academic achievements, because we will unleash the potential of teachers who best know how to solve the academic dilemmas of their students.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman from Missouri (Mr. CLAY), the ranking member, for yielding me this time.

Mr. Speaker, first of all I want to commend my good friends, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) for the bipartisan spirit in which they approached this legislation. It is a good peace of legislation.

As a member of the Committee on Education and the Workforce, I am proud to stand here on the floor in support of the legislation. As I travel around my district in western Wisconsin meeting with the educators and parents, one of the constant refrains they continuously tell me in regards to programs that they are in charge of implementing is to give us some flexibility so we can implement some creative and innovative ideas that work at the local level. That is what this legislation will give them.

I think the other provision, important provision in this legislation, is equally as important, and that is the accountability provisions that exist. That is what we policymakers need so when we go home and face the people that we represent and look them in the eyes we can tell them that their money is being wisely spent.

One of the other issues that the administrators and educators and parents continuously tell us is, yes, we like the flexibility; in fact, heap on all the accountability on us, but do not underfund the programs that we are being asked to implement. Give us the resources we need to make the changes that are necessary to improve quality education at the local level.

The Committee on Education and the Workforce just this last Monday had a field hearing in Chicago with the gentleman from Illinois (Mr. HASTERT), where we met with Paul Vallas, chief executive officer of Chicago Public schools, and others in charge of the reforms happening at the Chicago public school system. That was something that he emphasized time and time again, is that give us flexibility, give us all the accountability as well, but also make sure that the programs are funded that we need to succeed.

That is going to be the true mark of whether or not we succeed in this session. The hallmark of the 106th session should not just be how much we can increase defense spending but whether or not we are going to increase the commitment of education reform and the quality of education for our children. That is the test that we face in this session of Congress.

Let us hope that, working together in a bipartisan spirit, we are going to rise and meet that test and not fail it, for the sake of our children.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I think it comes down to this: We ran a pilot project on educational flexibility with 12 different States and when we got back the results of that pilot project, what we found was that essentially 9 or 10 of those States gave us back educational babble about what they were going to do with this money and how they were going to be accountable for the money in terms of the performance of their students, in terms of how well their students were able to improve their mathematics scores, their reading capabilities and their critical thinking.

We got back educational babble about realizing the potential of the educational atmosphere to enhance the environment, to improve the capabilities of the students to perform better. Babble.

One State, the State of Texas, came back to us and said, in exchange for flexibility our goal in the State of Texas over the next 5 years, in a numerical sense, is to have 90 percent of our students pass the Texas State Assessment, and to go beyond that, to have 90 percent of our Hispanic students, 90 percent of our African-American students, 90 percent of our poor students, pass the Texas State Assessment. That is how we wish to be measured, and we put into the State law and into our agreement with the Federal Government that that is our goal.

I do not know whether Texas will make it or not, and I am not here to micromanage the system to tell them how to make it, but at least they came forward and set down on the table a numerical means by which they were prepared to be measured. They also told us that they would be using the same assessment from year-to-year.

This bill does not require the same assessment from year-to-year. Numerical goals, this bill does not require numerical goals. There is no requirement here that States make the effort to close the gap between minority students and majority students, and yet in the most recent assessment we have received, after pouring billions of dollars into this program, the gap between Hispanic and white students, the gap between African-American and white students, continues to increase, continues to increase, but there is no requirement here or accountability for school districts to try and to close that gap.

There is no accountability here that we have an assessment system so we can measure that over the life of this program. I think it is important to understand that that is the difference about why we support or oppose this legislation, that this legislation continues to put the Federal Government in the position of being the enabler, being the enabler of States not having to be accountable, not having to be accountable for the performance of all students, not the average student, not some students but all students, so then we can measure whether or not we as the investors of the public money, some $60 billion to $70 billion over the next 5 years, whether or not we are getting a return on our investment that the public is in fact entitled to.

We cannot assure the public that we can get that return on the investment and therefore I will vote "no" on this conference report.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I once again urge all Members to vote against this legislation for two reasons. One, that it fails to contain minimum accountability provisions and, two, that the basic protections for spending Federal money in the poorest districts have been stripped away from this legislation. I urge a "no" vote on this.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too want to join my colleagues in indicating to the people of Colorado who are going through a very, very difficult time, and many of those young men and young women will have that scar with them for years to come, that our thoughts and our prayers in the Congress of the United States are certainly with them.

Some years ago, the State of Pennsylvania introduced a program called Communities that Care. They gave an opportunity to local school districts to join in that effort if they wished. Communities that Care is a research-based prevention program that identifies and seeks to reduce the risk factors that make children vulnerable to crime. I am very proud of one of several of the districts in my district that took advantage of this opportunity.

I, at one point, was the president of the school board, and the Dallastown area school district joined in this effort. They joined with the Healthy York County Coalition, which is an affiliate of the York Health Systems, because that system had determined that the greatest health problems that we faced in the area were those dealing with violence.

One of the things that the Dallastown area school district did is started tracing early in the elementary career of a student just exactly what their attendance factors show. It became very evident to them that as these early childhood children, in elementary school, were missing more and more school, there certainly had to be a reason and a cause.

One of the things that they did was assign a high school mentor to each of these children that were having difficulty in elementary school, and in 90 percent of those cases those mentors became very, very positive role models for those children. The whole effort was to steer them away from violence, to keep them in school and to do well in school, just a program that is working and a program that, of course, I think will be duplicated and replicated and is being replicated all over the country.

Early intervention is very, very important and those signs show up very, very early in a child's life in elementary school. We need to deal with those problems early on to prevent what we have seen happen yesterday and what is happening across the country on an all too regular basis.

Ms. SANCHEZ. Mr. Speaker, I rise today in support of H.R. 800, the Education Flexibility Partnership Act of 1999. But on behalf of the students, parents and educators of my district in Orange County, California, I'd like to remind you of a few things.

Yes, the "Ed Flex" bill returns the decision-making power to our local school districts. And that's why I support this bill, because teachers, parents and administrators know what's best for our kids.

But remember that this isn't the only problem facing American schools. You don't have to look any further than the TV screen in the wake of yesterday's tragedy to know that schools have other problems to deal with.

Particularly in states like California, schools are struggling to keep up with the demands of educating a student population with growing needs. And they're doing it with a level of federal support that hasn't kept up with these trends.

In particular, schools are bursting at the seams. Kids are going to school in portables and rooms that used to be closets. They're going to school in split schedules, they're going to school on different year-around plans, they're taking double lunches—all in order to keep them from overflowing our buildings.

I've introduced HR 415, The Expand and Rebuild America's Schools Act. It enables local communities to raise the bond money they need—if and when the voters approve—to build new schools and classrooms.

My fellow colleagues, Ed Flex is great. But all the educational flexibility in the world does no good in a school with no place to put it to use. So as we prepare to give this bill our final stamp of approval, let us not forget that this is just a beginning. We have so much more work to do.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to congratulate the managers of this bill. This a very important step in the process to move educational control back to the local level. After all, a government that governs closest to the people governs best, and this bill promotes this principle.

I do, however, want to express my disappointment that language that would have allowed school districts to use class-size reduction funds to cover their special-education budget shortfalls was removed from the H.R. 800 conference report. This was an important piece of the education flexibility bill and it would have been a great benefit to schools struggling to fund their special-education budgets.

Mr. Speaker, the state of Wisconsin is experiencing a huge special-education shortfall. In the name of special-education, the federal government has put in place unfunded manages that are crippling schools in Wisconsin and throughout the country.

For example, I have spoken with Mr. Tom Everett, the Janesville, Wisconsin school superintendent back in the First District about his special education budget shortfall. Dr. Everett explained that the Janesville School system has a $191,000 special-education budget shortfall. Average class-size in the Janesville School system for grades K–3 is between 18–20 students. Janesville *doesn't* have a problem with overcrowding. Had the special-education provision been included in the conference report, Dr. Everett would have been able to use the $187,000 allocated to his school system under the President's class-size reduction to cover their special-education shortfall. In fact, it would have covered the shortfall almost completely.

Mr. Speaker, I will vote in favor of this legislation because it will promote flexibility at both the state and federal level, and it will provide the opportunity for schools administrators to "think outside the box" and design systems that truly focus on improving student performance. This is a very good bill. However, the special-education language would have made it an even better piece of legislation.

Ms. HOOLEY of Oregon. Mr. Speaker, today I am glad to support the conference report for the Education Flexibility Act of 1999.

As one of the twelve pilot states, Oregon has been able to utilize this program to avoid bureaucratic hurdles and simplify efforts to reform our school system.

The Ed-Flex program has provided new opportunities to create partnerships between community colleges and high schools throughout my state.

Rather than creating two separate and duplicative programs, community colleges and high schools have worked together to improve their professional technical education programs.

This flexibility has resulted in an increased number of students graduating from high school.

The Act also allows for flexibility in regulations and requirements so that schools can maximize efforts to produce results.

The Oregon Department of Education has been able to utilize the program to simplify its planning and application process.

This has allowed local school districts the ability to develop a single plan that meets state and federal planning requirements, consolidate applications for federal funds, and request waivers of both federal and state requirements.

For these reasons, I urge my colleagues on both sides of the aisle to support this report.

Mr. McKEON. Mr. Speaker, I rise in strong support of the conference report accompanying the Education Flexibility Partnership Act, otherwise known as Ed-Flex.

I am pleased to see that the House and Senate conferees were able to quickly reach an agreement on this very important legislation.

Already, our states and school districts are implementing reform plans that would be aided by providing them with Ed-Flex waiver authority.

Our states want it. Recently, all of our governors—Republican and Democrat alike—recently came to Washington and asked for quick passage of this legislation.

Additionally, when I was home over Easter recess, I met with my local school superintendents. Every one of them expressed support for this legislation, because it provides them with the latitude they desire in order to ensure our children go to the best and safest schools possible.

Through the passage of this conference agreement, this Congress furthers its efforts to return dollars and control to the classroom.

The states currently participating under this program have shown remarkable achievement. Now, with this legislation, all of our States will be able to have more flexibility to cut redtape so that they can implement the effective programs and reform efforts that are being held back by Federal requirements and regulations.

It is too important for this Congress to ignore the successes of the Ed-Flex program. Even more important, we must not ignore the needs of our state and local education leaders to pass this bill. Our children are just too important.

Again, I rise in support of the conference report and urge all my colleagues to support its passage.

Mr. PACKARD. Mr. Speaker, I rise today in support of our Nation's children. Our children are this country's most precious resource and we must place them at the front of our agenda. H.R. 800, the Education Flexibility Partnership Act of 1999 will grant states greater flexibility in using federal education funds.

The goals of "Ed Flex" are very simple. H.R. 800 will allow schools to best meet the needs of their individual students by allowing school districts to spend federal education dollars as they see fit. This legislation will get our education system back to the basics by sending dollars back to the classroom, and encouraging parental involvement.

Mr. Speaker, the fact is, Washington doesn't know best how to educate our children, parents and local school boards do. H.R. 800 will send money where it belongs, back to our local communities. Federal dollars should be helping students and schools, not hindering them.

A child's educational success is crucial to their future and the future of our Nation. I urge my colleagues to support the Ed Flex Conference Report and support our children.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MICA). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 57, not voting 9, as follows:

[Roll No. 94]

YEAS—368

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly

Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt

Ney
Northup
Norwood
Oberstar
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster

Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—57

Becerra
Bonior
Borski
Brady (PA)
Brown (FL)
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
Dingell
Engel
Fattah
Filner
Gutierrez

Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Kennedy
Kilpatrick
Kucinich
Lee
Lewis (GA)
Markey
Martinez
McDermott
McKinney
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Nadler

Obey
Olver
Owens
Pastor
Payne
Pelosi
Rivers
Roybal-Allard
Rush
Scott
Serrano
Stark
Thompson (MS)
Tierney
Velázquez
Vento
Waters
Watt (NC)
Woolsey

NOT VOTING—9

Lantos
McCarthy (NY)
Nussle

Salmon
Saxton
Schakowsky

Smith (MI)
Thompson (CA)
Udall (CO)

□ 1207

Messrs. HILLIARD, GUTIERREZ, MARTINEZ, CROWLEY, RUSH, Ms. BROWN of Florida, and Ms. PELOSI changed their votes from "yea" to "nay."

Mr. DEUTSCH changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 94, I was stuck in the No. 4 elevator in the Cannon House Office Building. Had I been present, I would have voted "yea."

Mr. THOMPSON of California. Mr. Speaker, during rollcall vote No. 94 on April 20, 1999. I was unavoidably detained. Had I been present, I would have voted "yea."

Mrs. McCARTHY of New York. Mr. Speaker, I was absent for rollcall vote No. 94. Had I been present, I would have voted "yea" on the Conference Report to H.R. 800—the Education Flexibility Act.

EARTHQUAKE HAZARDS REDUCTION AUTHORIZATION ACT OF 1999

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 142 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 142

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1184) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of the rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. EWING). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Dayton, Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded will be for the purposes of debate only.

Mr. Speaker, House Resolution 142 is an open rule providing for the consideration of H.R. 1184, the Earthquake Hazards Reduction Authorization Act of 1999.

The purpose of the bill is to reauthorize the Federal government's earthquake research and hazard mitigation programs. The rule provides for the customary 1 hour general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

The rule waives clause 4(a) of rule XIII requiring a 3-day layover of the committee report against consideration of the bill because the report could not be filed in the House until 2 days ago.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Science as an original bill for the purpose of amendment which will be open to amendment by section. The rule further encourages priority recognition of Members who preprinted their amendments in the CONGRESSIONAL RECORD, and allows the Chair to postpone votes.

Mr. Speaker, in my State of California and in too many other regions of the United States, earthquakes are a fact of life. They are something we accept and work through. Thankfully, most are not devastating occurrences. We clean up, rather than rebuild. However, we cannot overlook the fact that the average annual cost from earthquakes in the United States is about $4.4 billion. Of course, the toll imposed by a major earthquake can be much greater.

In California, we have suffered two major quakes in the past decade. In 1999, the Loma Prieta earthquake in the San Francisco area cost $6 billion, and then in 1994 in Los Angeles what was known as the Northridge earthquake, which I felt and was horrible, cost $40 billion. Of course, major earthquakes cost a lot more than dollars and cents.

In both cases, both of those earthquakes in California in the last decade, the Loma Prieta and the Northridge quakes, people were killed and lives were very, very disrupted. An earthquake can wreak havoc on a community. During the 1987 earthquake in Whittier, an area that I used to represent, I saw firsthand how unreinforced buildings can fail.

Mr. Speaker, I am happy to have the attention of my California colleagues who are in the back, and I know this is of great importance to them.

During that 1987 earthquake in Whittier, I saw how unreinforced buildings can fail. I saw how faults can act in a random manner and cause complete devastation to one block while leaving untouched another block that is right nearby.

☐ 1215

Mr. Speaker, the Boy Scout motto is "Be Prepared." This legislation is crafted in that spirit. H.R. 1184 authorizes the National Earthquake Hazards Reduction Program, the Advanced National Seismic Research and Monitoring System, and the Network for Earthquake Engineering Simulation. These programs will modernize the existing seismic network, which is both outdated and disjointed, and interconnect earthquake engineering research facilities.

We all know that we cannot stop earthquakes from happening. However, we can plan for them and improve our readiness. We can improve our detection and warning systems and build roads and buildings to better serve so that we can survive them. In short, we can be better prepared. This bipartisan legislation clearly moves us in that direction.

I would like to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on Science, the members of his committee for their efforts.

The payoff will be in lives saved, homes and businesses protected, and communities preserved. We cannot afford to do anything less for the people of California or the 39 other States that are inclined towards earthquakes.

Therefore, I urge my colleagues to support both this open rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for yielding me the time.

This is an open rule. It will allow full and fair debate on H.R. 1184. As the gentleman from California (Mr. DREIER) has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Science.

The rule permits amendments under the 5-minute rule, which is the normal amendment process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

According to the National Earthquake Information Center, about 12,000 to 14,000 earthquakes take place each year. That is 35 each day. Of these, we can expect about 18 major earthquakes in a year.

Earthquakes can cause enormous loss of life, injury, and destruction. They can occur almost anywhere at any time. They cannot be prevented. However, damage, destruction, and loss of life can be significantly reduced if we are prepared.

That is why this bill is important. This bill establishes a system to organize earthquake monitoring systems in the United States. It makes other improvements to help our Nation plan for earthquakes. It authorizes funds for the existing Federal programs that study and provide information about earthquakes.

The rule waives the requirement for a 3-day layover of the committee report. This is necessary because the report was not filed until Monday. The purpose of the requirement is to give adequate time to all Members before a bill comes to the House floor. Because of the bipartisan support and the uncontroversial nature of the bill, waiving the requirement is appropriate in this case. However, I hope that waiving this rule does not become routine.

This is an open rule. It was adopted unanimously by the Committee on Rules. I urge adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I do not have any requests for time, and I yield myself such time as I may consume.

Mr. Speaker, I would like to say that I mentioned the very distinguished chairman of the Committee on Science, and I am very pleased that this will be very ably handled on the minority side by my very good friend, the gentleman from California (Mr. BROWN), who has been intimately involved in these issues and has probably suffered through a number of earthquakes himself.

I look forward to seeing bipartisan movement on this very important measure, and I would like to congratulate the gentleman from Michigan (Mr. SMITH) who has done a great deal of work on this.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, as I said, I urge support for both the rule and the bill itself.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 142 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1184.

The Chair designates the gentleman from Illinois (Mr. LAHOOD) as chairman of the Committee of the Whole, and requests the gentleman from Texas (Mr. SESSIONS) to assume the chair temporarily.

☐ 1220

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1184) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes, with Mr. SESSIONS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I come before the House today to urge its support for H.R. 1184, the Earthquake Hazards Reduction Act of 1999.

Mr. Chairman, it is a common complaint that we cannot control the weather, neither can we control earthquakes, nor after years of effort can we even forecast them with any confidence. But we can prepare for them, and that is the main purpose of the National Earthquake Hazard Reduction Program, known as NEHRP.

According to the U.S. Geological Survey, 39 States are subject to serious earthquake risk, and 75 million people live in urban areas with moderate to high earthquake risk. The Federal Emergency Management Agency estimates the annual loss resulting from earthquakes is $4.4 billion. The Northridge earthquake of 1994 alone resulted in damages of $40 billion.

Still, to date we have been fortunate that an earthquake with the destructive force of the Tangshan, China event of 1976 or the Kobe, Japan event of 1995 has not struck a large U.S. city. But if history is any guide, the U.S. will be hit by violent shocks sometime in the not too distant future. Indeed, major earthquakes have been recorded throughout our Nation's history: in southern Missouri in 1811 and 1812, southern California in 1857, Hawaii in 1868, South Carolina in 1886, Alaska in 1899, and northern California in 1906.

The same geologic processes that led to these cataclysmic events are still at work today. That we know. What we do not know is when and where these forces will be unleashed.

Earthquakes may be inevitable, but catastrophic losses of life and property need not be if we use science to help communities prepare. The provisions in H.R. 1184 do just that.

Four agencies participate in NEHRP: the Federal Emergency Management Agency, the U.S. Geological Survey, the National Science Foundation, and the National Institute of Standards and Technology.

For fiscal year 2000, H.R. 1184 authorizes $99.6 million for the base activities in these agencies, including specific authorizations for the U.S. Geological Survey for the Global Seismic Network, the Real-Time Seismic Warning System pilot program, external research, and an advisory committee. For fiscal year 2001, the bill authorizes $102.6 million for these base earthquake programs, an increase of 3 percent.

In addition, H.R. 1184 includes multiyear authorizations for two new projects, each of which grew out of congressional direction in the last NEHRP bill. The Advanced National Seismic Research and Monitoring System will update the Nation's existing seismic monitoring network, which is based on 30-year-old technology.

The bill authorizes $170.8 million over 5 years for the U.S. Geological Survey for equipment, and a further $14.8 million over 2 years for the incremental costs of system operation.

The Network for Earthquake Engineering Simulation will link more than 30 earthquake engineering research facilities and upgrade and expand major earthquake testing facilities. H.R. 1184 provides the National Science Foundation with a 5-year authorization totaling $81.8 million for this program.

Finally, the bill authorizes a Scientific Earthquake Studies Advisory Committee at the U.S. Geological Survey, requires greater interagency coordination in formulating the Program's budget, requests a report on how the Program meets the needs of at-risk populations, and repeals obsolete provisions of the statute.

With earthquakes, it is not a question of if, but when the next one will strike. Through its emphasis on monitoring, research, and mitigation, H.R. 1184 will help the Nation prepare for the inevitable and save lives and property.

I would like to thank the gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Basic Research, for drafting such a fine bill; the gentleman from California (Mr. BROWN), the minority ranking member of the Committee on Science, for his continued support of the program; and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her valued input in the consideration of this bill.

Mr. Chairman, H.R. 1184 represents the sensible, long-term investment that will pay for itself many times over and save lives and reduce property costs. I urge my colleagues to support it.

Mr. Chairman, I insert the following for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, April 20, 1999.

Hon. DON YOUNG,
Chairman, Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of April 16, regarding H.R. 1184, the Earthquake Hazards Reduction Act of 1999.

I understand that your waiver of Resources Committee jurisdiction should not be construed to affect any future referrals of bills dealing with the same subject matter. I also will support the Resources Committee request to be represented on any conference on H.R. 1184 or related bill.

H.R. 1184 is scheduled for Floor consideration on April 21 and I will include this letter as part of the floor proceedings.

I, as well as my staff, look forward to working with you if H.R. 1184 should go to conference and also, collaborating with you on any legislation on which we may share jurisdiction in the future.

Sincerely,
F. JAMES SENSENBRENNER, JR.,
Chairman.

Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1184, the reauthorization of the National Earthquake Hazards Reduction Program, NEHRP. It has been over 20 years since the Congress first authorized the Earthquake Hazards Reduction Act; and, during the intervening two decades, the program has made tremendous strides in combating these natural disasters.

We now have maps that inform engineers, architects, and builders of seismic hazards, model building codes, and greater understanding of the science of earthquake hazards and the response of buildings to seismic movement.

In practical terms, federally funded research in geosciences, social sciences, and engineering has saved countless lives, in addition to saving personal property and critical infrastructures. I am certain that with continued support we can make even greater strides in the innovative areas that FEMA, the U.S. Geological Survey, the National Seismic Foundation, and NIST are currently exploring.

Advances such as early warning of seismic events, more structurally sound buildings, regional analysis of seismic risk, mobile research centers, and widespread use of the Internet and our other telecommunication capabilities are going to make marked reductions in the impacts of not just earthquakes, but almost all natural and man-made disasters.

But the story does not end there. While our increased understanding of earthquake kinematics and the mitigation procedures proves that we have made progress, there are still challenges we must face and assessments that must be made periodically to make sure that we are doing everything that we can to ensure the safety and security of the American people.

There are still earthquake-prone communities that have not adopted appropriate building codes. Monitoring in earthquake-prone areas is still done with less than state-of-the-art equipment, and disparities in earthquake losses due to age and socioeconomic status and physical limitations still exist.

For these reasons and more, the earthquake programs must continue to evolve to address these new challenges.

□ 1230

I feel that the bill before us today will help us meet these new needs.

In addition to authorizing increased funding for these base NEHRP programs, the bill authorizes the Network for Earthquake Engineering Simulation, an effort by the National Science Foundation to modernize earthquake engineering research facilities; the Advanced Seismic Research and Monitoring System, which will enable the Geological Survey to upgrade and expand our seismic monitoring networks to reflect the needs across the Nation, and a study on elements of NEHRP that address the needs of at-risk populations.

Today's bill will not solve all of these challenges that remain, but it will move us in the right direction.

In closing, Mr. Chairman, let me say that while natural disasters are inevitable, the extent of the damage is not. We must attack the problem from all sides with renewed efforts to implement seismically safe building standards, to increase our pool of data on natural disasters, to respond rapidly to disasters when they strike, and, in general, to understand the risks associated with earthquakes in whatever form they may manifest themselves.

Mr. Chairman, I commend the gentleman from Wisconsin (Mr. SENSENBRENNER); the gentleman from Michigan (Mr. SMITH), our subcommittee chair, for their work; and certainly our leader, the gentleman from California (Mr. BROWN).

I also note that this bill is the product of a bipartisan effort, and I urge passage of this bill, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time, and also thank him for his leadership on this legislation; of course, along with the gentleman from California (Mr. BROWN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Mr. Chairman, H.R. 1184 is legislation to reauthorize what is called the National Earthquake Hazard Reduction Program, NEHRP. It is a bill I am pleased to sponsor on behalf of the Committee on Science.

The National Earthquake Hazard Reduction Program, this NEHRP, has long enjoyed strong bipartisan support in the Committee on Science. The primary purpose of NEHRP is simple: To save lives and to reduce property damage. But while the goal may be stated simply, getting a grip on this problem of earthquakes poses a greater dilemma.

Since its inception in 1977, NEHRP has done a credible job of contributing to our store of knowledge about the causes and effects of earthquakes, and it has reduced our vulnerability to them through engineering research and new building designs. The program's monitoring component also holds the promise of providing real-time warning to citizens and a wealth of data to researchers.

Indeed, improving earthquake warning by just a few seconds can mean the difference between life and death. It can mean those few seconds where we might send a signal to shut off the gas going through gas mains and many other areas which can significantly reduce the damage of earthquakes.

The National Earthquake Hazard Reduction Program also has an international and humanitarian aspect. Because of the almost tens of thousands of earthquakes around the world, all of these countries look to our research and information to help reduce their damage to property and save lives. Many countries around the world continually monitor and use the information that will develop through the authorization in this bill.

The advanced national seismic research and monitoring system, authorized in this bill, is important. Not only will it improve warning times, but the data it collects will provide researchers with information that will lead to safer buildings and designs and a greater understanding of how earthquakes propagate.

The periodic nature of earthquakes can often lead to complacency. Probably that is human nature. But that kind of complacency can carry great risk. Let me just hold up this map a minute, Mr. Chairman, to give my colleagues an idea. If we can see sort out the dark images of little spots across this globe, tens of thousands of earthquakes happen every year. In fact, in the United States last year there were over 1,000 earthquakes. Some modest, some very severe.

Certainly the earthquake that struck Kobe, Japan in early 1995 caused nearly 6,000 deaths and over $100 billion in damages. And of course, more recently, the tragedy in Armenia, Colombia, in which well over 1,000 people lost their lives I think are stern reminders of the destructive power of earthquakes. The Loma Prieta earthquake caused $6 billion in damage, Northridge earthquake caused $40 billion in damages, and provide, I think, a glimpse of what could happen here if we are not adequately prepared.

As the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), noted in his statement, 39 States in this country are exposed to a significant earthquake risk, and about 75 million people live in urban areas with a moderate to high earthquake risk. Thankfully, in my home State of Michigan, earthquakes are very rare, but even Michigan is vulnerable to earthquakes.

In closing, Mr. Chairman, I would again certainly like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman, the gentleman from California (Mr. BROWN), and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member of our Subcommittee on Basic Research of the Committee on Science, for their assistance in preparing this important bill and for their efforts in bringing it to the floor, and I would urge my colleagues on both sides of the aisle to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, first let me indicate my very strong support for H.R. 1184, which will reauthorize the National Earthquake Hazard Reduction Program, NEHRP.

Since its inception in 1977, and particularly in the last decade, NEHRP has been successful in assessing how earthquakes affect us and what we can do to prepare for the next one. Too bad they cannot prevent earthquakes from happening in the first place.

NEHRP has been reaching out to State and local officials, improving building codes, and assessing the level of seismic risk in different areas across the country. This is a very important program, especially in my Congressional District, which has the San Andreas Fault running through it.

During the Committee on Science markup of this bill, I was pleased that my amendment to H.R. 1184 was unanimously accepted and is in the bill today. My amendment directs FEMA to report on the element that addresses the needs of at-risk populations. Specifically, this includes the elderly, the non-English speaking, persons with disabilities, single parent households and the poor.

There are risk factors that cannot be determined by seismological or engineering research and analysis. These risks deal with the social culture and the economic factors that are presented nationwide when there is a disaster. I am aware that the National Science Foundation, which is a part of NEHRP, supports social sciences research, and I am aware how this research relates to at-risk populations. This would be addressed in our report.

Not only will this report provide valuable information on what has been accomplished to date, it also will bring into focus what needs to be done in the future to reach those populations that incur more damage in disaster because of their age or their economic status or their physical limitations.

Because disasters affect us all, this bill is one that Congress, as a whole, should be very interested in and totally supportive of. I ask that everyone support H.R. 1184.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON. Mr. Chairman, I thank the gentlewoman from Texas for yielding me this time, and I rise today to support this bill, the Earthquake Hazard Reduction Act.

A few weeks ago we approved this bill unanimously in the Committee on Science. This bill, as before mentioned by my colleagues, would reauthorize nearly $40 million in funding over the next 2 years for earthquake preparedness and programs.

I would also like to thank our esteemed chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) for his help, and the venerable ranking member of our committee, the gentleman from California (Mr. GEORGE BROWN), and my colleagues, of course, who have sponsored and introduced this legislation, the gentleman from Michigan (Mr. SMITH), and the gentlewoman from Maryland (Mrs. MORELLA) for graciously accepting two amendments I offered during the markup.

My amendments were aimed at making sure information generated under the program is localized and available on the Internet, and specifically that the backbone of the Internet communication system be considered part of the Nation's critical infrastructure. The original law cites communication facilities as lifeline, but not communications infrastructure.

Today, as we all know, there are fiber-optic links dedicated solely to the transfer of information over the Internet. Data traffic is currently increasing about 10 times the rate of phone traffic, therefore creating this need.

We should also be concerned about routers and servers managing and storing this traffic. Disaster recovery plans must account for restoring high-speed links and for backing up critical databases. This increasingly critical data infrastructure should be recognized as part of the bill language and, as amended, is.

Again, I wish to thank my colleagues on the committee for supporting the amendment and encourage all of my colleagues in the House to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I rise in strong support today of H.R. 1184, the reauthorization of the National Earthquake Hazard Reduction Program. I particularly applaud the farsightedness of the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science, and the gentleman from California (Mr. BROWN), the ranking member, in authorizing $168 million over the next 5 years for expansion and modernization of the seismic monitoring infrastructure of the United States.

Oregon is, unfortunately, at great risk for earthquakes, and I am looking forward to the benefits that will flow from such a modernization effort in Oregon and nationwide. My amendment, which has been incorporated into the bill, will add an additional $2.8 million over 2 years to the seismic network to procure two portable seismic networks.

Seismologists routinely deploy temporary mobile networks to monitor aftershocks or to better understand the impact of an earthquake in a particular region. The two networks supported by my amendment would be a natural supplement to the permanent monitoring networks.

The chairman has been conscientious in authorizing the elements of a seismic monitoring system contained in a plan that will be forwarded to us shortly by the administration. I believe these portable networks will also be part of that plan.

These portable networks are very necessary to a comprehensive capability for post-earthquake monitoring. I would hate to see any delay in developing them, and I urge adoption of this amendment.

In closing, I would like to commend the chair and ranking member of the Committee on Science and the chair and ranking member of the Subcommittee on Basic Research for facilitating bipartisan cooperation in this bill within the committee and here. With that, Mr. Chairman, I urge passage of this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I thank the gentlewoman for yielding me this time. I am enthusiastic about rising to support H.R. 1184 and, of course, it has been a favorite piece of legislation of mine for many years.

I also note that one of our colleagues, the gentleman from Connecticut (Mr. LARSON), has used, I think for the first time on the floor, the description of an elderly member as being venerable. Normally that is an ecclesiastical term, and this is not an ecclesiastical body, but I appreciate the intent.

The point that I wanted to make, I think most strongly, is that in the first 22 years of the existence of this act we actually had a stable and declining funding for this program, much to my regret.

□ 1245

In real terms, the amount authorized for the program decreased by 26 percent over that period of time. Consider the fact that, as has already been mentioned, that in the 1989 Loma Prieta earthquake alone, estimates of the cost of damage and business interruptions were more than $10 billion. I think it now becomes clear that the U.S. needs to invest more than it has to date in earthquake hazards reduction.

I would like to congratulate the two committees, Science and Resources, that enjoy joint jurisdiction over this legislation for recognizing that this is an area and now is the time in which we should invest more heavily for the benefit of all the people of this country.

As has been mentioned, I was involved with the passage of the original bill in 1977, which focused almost exclusively on the research necessary for earthquake prediction. We were motivated at the time by rumors that the Chinese had developed novel ways of predicting earthquakes, and we were intrigued by the fact that they could be ahead of us in this regard.

It did not turn out to be true, but it did lead us to some focus on the research necessary for prediction, which is still of great interest but unlikely to bear the economic return that reducing hazards would bear.

The current act which we are considering still contains provisions for research but has been broadened to include seismic safety standards, coordination with State and local governments, dissemination of information, and public education and awareness. And all of these features will add new value to this important piece of legislation.

Looking back at the evolution of the act of 1977, I believe that with its renewed focus on mitigation and preparedness, Congress is now on the right path to reducing the risk to life and property caused by earthquakes.

Mr. Chairman, I thank all of those who have participated in bringing the bill to the floor, and I urge the passage of this important bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I support the legislation. There is some money in here for procurement. I will offer a buy-American amendment. It has been standard language.

I remind the Congress that the last month quantified was February 1999 and we set another record trade deficit, close to $20 billion. China and Japan alone accounted for $10 billion in February of 1999.

So it is just a simple, straightforward amendment and says any money expended under this, if they possibly could find it in their heart to buy American, we encourage that. But if they affix a fraudulent made-in-America laden label, then they would have trouble with the further contract.

It is not a major thing, we passed it before, and I would appreciate the support for it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have no objection to this amendment; and I have no further requests for time, so I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise today in support of H.R. 1184, a bill to reauthorize the National Earthquake Hazards Reduction Program—a multi-agency effort to reduce the terrible effects of earthquakes on life and property.

Of particular interest to the Resources Committee, the bill would authorize appropriations for FY 2000 and 2001 to the U.S. Geological Survey (USGS) to carry out its responsibilities under the Act, including a related USGS grant program and another program to develop a prototype real-time seismic warning system. Finally the bill would require the USGS Director to establish a Scientific Earthquake Studies Advisory Committee.

The Clinton Administration has testified in strong support of reauthorization of the National Earthquake Hazards Reduction Program. This program has made significant progress and contributions in the reduction of earthquake risks during its 23-year history. While the Resources Committee's jurisdiction in this matter is limited to activities of the USGS, the effort to reduce earthquake risks is shared among other federal agencies including the Federal Emergency Management Agency, the National Science Foundation, and the National Institute of Standards and Technology. As a native Californian, I am grateful to the fine work done by all of these agencies.

Under this critical program, USGS produces earthquake hazard assessments and national seismic hazard maps for earthquake loss reduction; provides timely and accurate notifications of earthquakes and information on their location, size, and damage potential, and carries out studies and research on earthquake occurrence and effects.

For example, during 1999–2001, USGS will develop more detailed, larger scale products that depict variations in the expected ground shaking across the San Francisco Bay urban area. The data compiled will enable local officials and planners to see probabilities of earthquake occurrence, amplification or extension of shaking caused by geologic deposits and structures, and susceptibility of these deposits to liquefy and slide during an earthquake.

In another major partnership authorized by this program, the USGS, National Science Foundation, National Aeronautics and Space Administration, and the Southern California Earthquake Center are installing a state-of-the-art geodetic network to monitor fault movements and Earth strain in Southern California. Utilizing a satellite navigation system operated by the Department of Defense, which permits points on the Earth's surface to be located to a precision of a millimeter, the network will track the movement of 250 stations concentrated along a corridor through the Los Angeles basin, but also extending south to the Mexican border and east to the Colorado River. Basically, the data derived from this effort will not only improve general understanding of large-scale tectonic processes responsible for earthquakes but will also provide indications where earthquakes might occur in the near future.

Earthquakes are one of the most devastating natural hazards known to man and pose a severe threat to life and property in many regions of our Nation and around the world—and in particular in my home state of California. The United States has a fundamental responsibility and self-interest in reducing the risks associated with earthquakes. Mitigation and finding new applications should continue to be an integral factor in efforts to lessen the terrible consequences of earthquakes on our populace.

At the same time, we must continue to develop a strong scientific understanding of where earthquakes will occur, why they occur, how big they can be, and to learn more about the effects that they will generate. Basic research and monitoring have contributed significantly to our improved mitigation capacity. Good science has also led to application and informed decision-making. The USGS Earthquake Hazards Reduction Program addresses many of the more serious earthquake risks, and I am pleased to support its reauthorization.

I recommend an "aye" vote on its passage.

Mr. COOK. Mr. Chairman, I rise in support of H.R. 1184, the National Earthquake Hazards Reduction Program. In addition to authorizing funding for basic earthquake programs, H.R. 1184 provides 5-year authorizations for a new program—the Advanced National Seismic Research and Monitoring System. H.R. 1184 authorizes USGS to spend $170.8 million over the next 5 years to modernize the current antiquated system.

The Utah Geological Survey estimates that my district, Salt Lake County, Utah is due for a magnitude 7 earthquake. The UGS estimates that a major quake of this magnitude could kill up to 7,600 people, injure 44,000 more and cause nearly $20 billion in damages.

With this new monitoring system we could send out early warning of impending earthquakes that utilities could use to shut off valves, and schools to rush our children to safety. There also is additional money for the University of Utah to continue their earthquake research on the Wasatch Front. The Wasatch Front is the newest range in the Rocky Mountains and it is getting bigger. It was created by earthquakes and it will continue to grow with the help of earthquakes. Earthquakes occur regularly in my district and we need to be prepared for them. 80% of Utah's population resides on top of active earthquake faults. The University of Utah is one of our nation's leading earthquake research centers. This money will also be used to collect information needed to deploy resources after an earthquake. We will be able to map the severity and location of an earthquake to know how and where to send emergency response teams. This bill is a good investment in protecting our citizens from a disaster that we know is coming. It would be a disaster for the American people for Congress to run away from their responsibilities and not prepare our country for earthquakes.

I urge all my colleagues to support H.R. 1184.

Mr. SENSENBRENNER. Mr. Chairman, I have no further requests for time, and I yield back the balance my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Earthquake Hazards Reduction Authorization Act of 1999".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 12(a) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended—

(1) by striking "(1) GENERAL.—" and all that follows through "(7) There" and inserting "GENERAL.—There";

(2) by striking "1998, and" and inserting "1998,"; and

(3) by inserting ", $19,800,000 for the fiscal year ending September 30, 2000, and $20,400,000 for the fiscal year ending September 30, 2001" after "September 30, 1999".

(b) UNITED STATES GEOLOGICAL SURVEY.—(1) Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(A) by inserting "There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act $46,100,000 for fiscal year 2000, of which $3,500,000 shall be used for the Global Seismic Network and $100,000 shall be used for the Scientific Earthquake Studies Advisory Committee established under section 6 of the Earthquake Hazards Reduction Authorization Act of 1999; and $47,500,000 for fiscal year 2001, of which $3,600,000 shall be used for the Global Seismic Network and $100,000 shall be used for the Scientific Earthquake Studies Advisory Committee established under section 6 of the Earthquake Hazards Reduction Authorization Act of 1999." after "operated by the Agency.";

(B) by striking "and" at the end of paragraph (1);

(C) by striking the comma at the end of paragraph (2) and inserting a semicolon; and

(D) by inserting after paragraph (2) the following new paragraphs:

"(3) $9,000,000 of the amount authorized to be appropriated for fiscal year 2000; and

"(4) $9,500,000 of the amount authorized to be appropriated for fiscal year 2001,".

(2) Section 2(a)(7) of the Act entitled "An Act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes" is amended by inserting ", $1,600,000 for fiscal year 2000, and $1,650,000 for fiscal year 2001" after "1998 and 1999".

(c) NATIONAL SCIENCE FOUNDATION.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking "1998, and" and inserting "1998,"; and

(2) by striking the period at the end and inserting ", and (5) $19,000,000 for engineering research and $10,900,000 for geosciences research for the fiscal year ending September 30, 2000. There are authorized to be appropriated to the National Science Foundation $19,600,000 for engineering research and $11,200,000 for geosciences research for fiscal year 2001.".

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking "1998, and"; and inserting "1998,"; and

(2) by inserting ", $2,200,000 for fiscal year 2000, and $2,265,000 for fiscal year 2001" after "September 30, 1999".

SEC. 3. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

SEC. 4. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

"(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish

and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

"(b) MANAGEMENT PLAN.—Not later than 120 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 1999, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) EXPANSION AND MODERNIZATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

"(A) $33,500,000 for fiscal year 2000;

"(B) $33,700,000 for fiscal year 2001;

"(C) $35,100,000 for fiscal year 2002;

"(D) $35,000,000 for fiscal year 2003; and

"(E) $33,500,000 for fiscal year 2004.

"(2) OPERATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

"(A) $4,500,000 for fiscal year 2000; and

"(B) $10,300,000 for fiscal year 2001.".

SEC. 5. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

"(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish a Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Science Foundation, $7,700,000 for fiscal year 2000 for the Network for Earthquake Engineering Simulation. In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the Network for Earthquake Engineering Simulation—

"(1) $28,200,000 for fiscal year 2001;

"(2) $24,400,000 for fiscal year 2002;

"(3) $4,500,000 for fiscal year 2003; and

"(4) $17,000,000 for fiscal year 2004.".

SEC. 6. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) ORGANIZATION.—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to ten individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) MEETINGS.—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

(d) DUTIES.—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey's roles, goals, and objectives within that Program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee's activities and address policy issues or matters that affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.

SEC. 7. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) in subsection (b)(1)—

(A) by striking subparagraph (A) and redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively; and

(B) by moving subparagraph (E), as so redesignated by subparagraph (A) of this paragraph, so as to appear immediately after subparagraph (D), as so redesignated; and

(2) by adding at the end the following new subsection:

"(c) BUDGET COORDINATION.—

"(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

"(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

"(A) identifies each element of the proposed Program activities of the agency;

"(B) specifies how each of these activities contributes to the Program; and

"(C) states the portion of its request for appropriations allocated to each element of the Program.".

SEC. 8. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs, and make recommendations for any additional legislative authority required to take such actions.

SEC. 9. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting ", and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes" after "and the general public".

SEC. 10. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting "and infrastructure" after "communication facilities".

The CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment, and I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill add the following new sections:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Transportation shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT. Mr. Chairman, the amendment has been explained in the general debate time. It is a straighforward, buy-American amendment. It has passed on several other pieces of legislation. I encourage the committee to accept it.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding.

We are pleased to accept this constructive amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have no objection to the amendment.

Mr. TRAFICANT. Mr. Chairman, I urge an "aye" vote, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BONILLA) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1184) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes, pursuant to House Resolution 142, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 3, not voting 16, as follows:

[Roll No. 95]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—3

Duncan
Paul
Sanford

NOT VOTING—16

Chenoweth
Deal
Gekas
Hastings (FL)
Klink
Lantos
Metcalf
Miller, Gary
Nethercutt
Nussle
Owens
Oxley
Radanovich
Saxton
Souder
Young (FL)

☐ 1315

Mr. DUNCAN changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GARY MILLER of California. Mr. Speaker, on rollcall No. 95, I attempted to return from lunch to vote; however, there was an accident and I arrived one minute after the vote was taken. This was unavoidable and beyond my control. Had I been present, I would have voted "yea."

Mr. GEKAS. Mr. Speaker, today, April 21, 1999, I was unavoidably detained during rollcall No. 95, and thus my vote on the passage of H.R. 1184 was not recorded. Had I been present, I would have voted "yea" in support of the legislation.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1184, the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 850

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 850, the Security and Freedom Through Encryption Act.

My name was erroneously added as a cosponsor to this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

VIOLENCE AMONG OUR YOUTH, AND THE INCIDENT IN LITTLETON, COLORADO

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we have heard my colleagues rising to the Floor of the House, I, too, stand with a heavy heart to offer my sympathy and concern to the families of the deceased, to the children, to the students, to all who have been impacted by yesterday's tragic incident in Littleton, Colorado. We are shocked by the sheer randomness of it.

We realize that our schools in America should be safe places for our children to learn, and we are disturbed that these shootings were out of revenge, and because someone made fun of these young people.

Let us now not point the finger of blame, but let the people of America like and organizations like the National Rifle Association, children's advocacy groups, churches, synagogues, and parishes, let us look to solutions such as more health services for juveniles. Two-thirds of our children in America are denied real mental health counseling services when they need it. Let us, on Friday, April 23, 1999, Children's Memorial Day, commemorate the thousands of children and youth who are killed by violence.

As one who works with the Congressional Children's Caucus and chairs it, I ask that all of the caucuses in this House that are concerned about children gather for one meeting to begin a real agenda that deals with safety in schools, getting mental health services to our children, counseling to the families, and stop the blame game.

This is an American crisis. We must heal our Nation. To the people of Littleton, Colorado, my prayers are with you.

Mr. Speaker, I stand today with a heavy heart to talk about the tragic incidents of yesterday in Littleton, Colorado. First of all, I would like to extend my deepest sympathy to the families of the victims of yesterday's horrific shootings.

Along with being shocked by the sheer randomness and senselessness of the violence yesterday, I am dismayed by the string of violent incidents that have occurred in our schools within the past 18 months.

The statistics on adolescent death trends are startling: homicide deaths for teenagers between 15–19 accounted for 85 percent or 2,457 deaths by firearms and suicide rates have increased by more than 300 percent in the last three decades. In yesterday's shootings, more than 20 people were killed including the two suspects who killed themselves.

Schools should be safe and secure places for all students, teachers and staff members. All children should be able to go to and from school without fear for their safety.

According to news reports, these young suspects were outcasts in the school community. During the shooting, the suspects reportedly said that they were "out for revenge" for having been made fun of last year. This is truly a cry for help that was not heard in time.

This incident underscores the urgent need for mental health services to address the needs of young people like the suspects from yesterday. Without concerted efforts to address the mental health disorders that affect our children, we may witness more terrifying violence in our schools.

Friday, April 23, 1999 is Children's Memorial Day to commemorate the thousands of children and youth who are killed by violence each year. On that day, the governors of every state have been asked to fly the Children's Memorial Flag.

As chair of the Children's Caucus, I would like to urge my Colleagues to remember Friday as a national day to honor children whose lives have been cut short by violence. I also ask that we pray for the families who have been devastated by the violence of Monday.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEDICARE TRUTH IN BILLING ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today on behalf of hospitals and Medicare beneficiaries across this country who have a vested interest in changing the way the Health Care Finance Administration, HCFA, and its financial intermediaries itemize the explanation of Medicare benefits and Medicare summary notices, both of which are statements each Medicare beneficiary receives from HCFA for services rendered them that they are reimbursed by Medicare.

Unfortunately for hospitals and Medicare beneficiaries, these statements all too often contain inaccurate and misleading information; specifically, information that overstates the amount that Medicare reimburses hospitals for inpatient services, and understates a hospital's contribution to financing any shortfall in Medicare reimbursements for such services; information that clouds the truth for Medicare beneficiaries instead of clarifying the truth.

At a time when hospitals' margins are shrinking due to changes in Medicare reimbursement rates, at a time when hospitals have been plagued by the inappropriate use of the False Claims Act and at a time when the President in his fiscal year 2000 budget has proposed further cuts in Medicare, it is about time that hospitals be given the credit they deserve for financing part of the inpatient expenses as a result of Medicare's underpayment.

Moreover, at a time when seniors are barraged by vague billing information, it is about time that they be given the full truth regarding the amount Medicare reimburses hospitals for services provided them.

I am happy to announce that I have introduced the Truth in Medicare Billing Act, a measure that will ensure that HCFA reports the correct amount Medicare reimburses hospitals for inpatient services. The Medicare Truth in Billing Act, in addition to requiring HCFA to report the actual amount it reimburses hospitals for inpatient services, will require that HCFA add a line to all Medicare summary statements disclosing the amount equal to the difference between the amount of total inpatient charges incurred and the amount Medicare reimbursed the hospital for those charges.

It is a simple fix to a problem that I believe should be resolved in the very near future.

The initial level of support that the Medicare Truth in Billing Act has received has been tremendous. The measure has been endorsed by the American Hospital Association. In addition, numerous State hospital associations, staff and hospital administrators in my district and throughout the country have contacted my office to express their overwhelming support for the bill. Furthermore, seniors in my district, during my most recent round of town meetings, were very supportive of the measure.

I hope that my colleagues in the House on both sides of the aisle will join me in working with the House leadership, the Committee on Ways and Means and its Subcommittee on Health, HCFA, and most importantly, the hospitals and seniors to ensure that the changes set forth in the Medicare Truth in Billing Act will become law.

AIRBUS, THE EUROPEAN AIRCRAFT MANUFACTURER, A COMPANY THAT CANNOT FAIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise this afternoon to bring an important trade issue to the attention of my colleagues. Within the past 2 years, Boeing's share of the aircraft market has fallen from 70 percent to 50 percent. Boeing is losing market shares to Airbus, the European aircraft manufacturer.

Airbus was created in the early 1970s for the sole purpose of maintaining and fostering a European role in the production of large commercial jet aircraft. It is a combination of the major aerospace companies of France, Germany, the United Kingdom and Spain. Airbus, which is 60 percent owned by private companies, is not the property of the four European nations. However, it is still hard to view Airbus as a private business just like any other business.

First of all, Airbus does not operate as a public corporation but, rather, it has special legal status under French law. This special status allows member companies to pool resources without having to disclose specifics about their combined financial activities. Therefore, Airbus remains a financial mystery.

Also, France still has not completed the privatization of its aerospace firm, Aerospatiale. Given France's long history of substantial support to Aerospatiale, it is hard to believe that the French government will give up complete control of the company any time soon.

Perhaps most importantly, the European Commission has the ability to save Airbus from bankruptcy if the need ever arises. Therefore, Airbus, due to its government backing, is a company that cannot fail. This gives Airbus a tremendous advantage because it has the luxury of making its business decisions with very little risk compared to Boeing, which must defend its business decisions to questioning stockholders, not supportive government officials.

Airbus contends that it has earned its increased market share against Boeing by simply building the type of aircraft the airline industry wants to buy. It is important to note, however, that Airbus' success was achieved with significant governmental assistance. Because Airbus does not publish financial statements, it is difficult to know exactly how much government support it has received over the course of the years. However, it is known that the largest amount of financial support was provided in the 1980s when Airbus launched major development programs for new aircraft such as the A-320, the A-330 and the A-340. Therefore, Airbus was able to make new and different types of aircraft which helped attract new customers only because of increased, direct governmental aid.

Although most of the government aid was in the form of repayable loans, it was still a subsidy because it would have cost Airbus much more to raise money on the private market. It would be nearly impossible for a private company to obtain aircraft development funds at a government borrowing rate. It is true that Airbus must repay the government aid with interest, but only as aircraft are sold. Therefore, there is no risk for Airbus when it develops new products, because if customers do not buy their new product, Airbus does not have to repay the loans.

Again, Airbus, due to its government backing, is a company that cannot fail. It is no wonder that Boeing continues to lose market shares to Airbus. Airbus enjoys a tremendous competitive advantage because of the substantial and direct government aid it receives from four European nations.

Airbus is no longer a young company trying to enter the aircraft market. It is number two in the market and gaining on Boeing each and every day, yet Airbus still relies on substantial government support. This is not right. We should not sit idly by as Boeing continues to lose out simply because it does not enjoy the same protectionist treatment as Airbus.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, every year it is a solemn moment when we gather on the floor of the U.S. House of Representatives to remember and commemorate the victims and the survivors of the Armenian genocide, but this year the unspeakable crimes against humanity and genocidal acts perpetrated by the Turkish Ottoman Empire against the Armenian people carry an even more profound resonance. The desperate cries of the Armenian people as their villages were pillaged and burned, as their family members and community leaders were murdered before the eyes of their children, as children were separated from their parents, as they were driven from their homes and forcefully marched into war camps and exiled, as the land worked by Armenian hands for generations was taken by force, the cries of these Armenians are echoed in today's headlines and broadcast from the Balkans.

In 1915, at the start of the systematic and premeditated genocide of the Armenian people by the young Turk government of the Ottoman Empire, there were no television broadcasts from the field to let the world see what was happening. There was no NATO to punish the Turks for their actions against a defenseless civilian population, and there was no resolve on the part of the international community to return Armenians to their homeland.

In the end, 1.5 million people perished at the hands of the Turks between 1915 and 1923, through direct killings, starvation, torture and forced death marches. Another million fled into permanent exile from their ancestral homes. An ancient civilization was expunged from its homeland of 2,500 years.

Mr. Speaker, scarcely 250 days away from the start of the 21st century, we remain a world of generations haunted by the ghosts of the victims of genocide, from the Armenians at the beginning of the century to the ethnic cleansing of Kosovar Albanians.

□ 1330

In Worcester, Massachusetts, which it is my honor to represent, Mayor Raymond Mariano has designated April 24th as Armenian Martyrs Day, for that is really what we are talking about: A century of martyrs. It is important to remind the current generation and future generation that the seeds of the Holocaust and the seeds of ethnic cleansing were planted by the Turks in their genocide against the Armenian people at the beginning of the 21st century. When Raphael Lemkin coined the word "genocide" in 1944, he cited the 1915 annihilation of the Armenians as an example of genocide.

In Worcester, we are blessed with a number of survivors whose lives not only teach us the lessons of history, but also about the resiliency and dignity of the human spirit. I would like to name but a few of them today:

Marion Der Kazarian, Nevart Kinosian, Sara Sahakian, Almas Boghosian, Sarah Bulbulian, Aghavni Garabedian, Mary Kalashian, John Kasparian, Ovsanna Nordigian, George Ogden, Raffi Samkiranian, Hrant Yaghmourian and Nouemzar Sarkisian.

Along with all of the other members of the Armenian-American community in Worcester in the Third Congressional District of Massachusetts, they enrich the life of our communities and society.

If there is one lesson of the 20th century, it is that these heinous acts against humanity will continue if we allow ourselves to forget history. We must all commit ourselves to never forget. That is why I am proud to join my colleagues, the gentleman from California (Mr. RADANOVICH) and the gentleman from Michigan (Mr. BONIOR), on their bill to officially observe the Armenian Genocide, to have the United States officially recognize this period of history as the Armenian Genocide, and to have the United States press the Turkish government to acknowledge the Armenian Genocide.

Yet, in the shadow of Kosovo, our Nation and other nations still resist acknowledging the Armenian Genocide. Last May, the French National Assembly passed a bill to publicly recognize the Armenian Genocide of 1915. This spring the French Senate and the government of France, under pressure from Turkey, are in a turmoil over whether to approve this legislation. In the United States, we find the government of Turkey attempting to influence our universities, to pretend these acts of genocide against the Armenian people did not happen, and we find U.S. strategic interests in arms sales to Turkey are more influential in setting our foreign policy priorities than acknowledging the truth about acts that took place 84 years ago.

That is because in 84 years, the truth of the Armenian genocide is still powerful and still resonates in current events, and that is why it must be officially acknowledged, why it must be taught in our schools, remembered in our houses of worship and honored in our communities. Now, more than ever, we must recognize, acknowledge, commemorate, mourn and remember the Armenian Genocide. To do less is to doom future generations to repeat and relive these horrors.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. PORTER) and the gentleman from New Jersey (Mr. PALLONE) in particular for their leadership on this issue, and I hope that this government will do the right thing.

NATIONAL DISCUSSION CALLED FOR CONCERNING CAUSES AND SOLUTIONS FOR VIOLENCE AMONG NATION'S YOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, everyone was horrified by these terrible shootings in Littleton, Colorado yesterday. This is one of the worst tragedies that has ever occurred in this Nation. There is nothing worse that can happen to parents than to outlive one of their children, and certainly, the sympathies of all of us go out to the families who lost loved ones in Colorado yesterday.

Many years ago I taught American government and journalism at T.C. Williams High School here in Alexandria, Virginia. I go to 75 or 80 schools each year and have 15 or 20 school groups visit me here in Washington, as well as speaking to many, many youth groups through the year. I am around thousands of teenagers each year. So this tragedy has really been on my mind last night and today.

I remember several months ago, after one of these other school shootings, I was driving to the airport here in Washington to go home to Tennessee. The national head of the YMCA was on the CBS national radio news. He said something that I have never forgotten. He said that our children are being neglected today in this country as never before in our history.

I am a father too. In our quest to get ahead, almost all of us in our quest to get ahead and to make more money and really to feel better about ourselves, we are not spending nearly enough time with our children.

No one can ever fully explain these shootings that occurred yesterday. I am sure there are many reasons for these horrible events. There is far too much violence on television and in the movies. There is too much warped, weird stuff on the Internet. I know we are supposed to worship the computer today, but much of what is on the Internet is harmful, especially to children, and parents should realize that.

But probably the thing that concerns me the most is the trend toward mega schools, bigger and bigger schools. I read not long ago that the largest high school in New York City had 3,500 students, and then they broke it up or divided it up into 5 different high schools and most of the drug and discipline problems became much, much better. When students have to go to huge high schools such as the one in Littleton yesterday, most young people are not able to make a sports team or be a cheerleader or be president of a group. Most students are just numbers and feel anonymous. Most can handle this okay, but some unfortunately resort to weird, warped or at times even criminal behavior to get noticed or a desperate cry for attention. Young people who feel good about themselves would never do anything even remotely close to the horrible events that occurred in Littleton yesterday.

I think another thing that has caused many serious problems is the breakup of the family. Before coming to Congress, I spent 7½ years as a criminal court judge in Tennessee, trying felony criminal cases. I have always remembered that the first day I was judge they told me that 98 percent of the defendants in felony cases came from broken homes. I know that many, many wonderful people, many successful people have come from broken homes. But I read thousands of reports over those years which said, the defendant's father left home when defendant was two and never returned; defendant's father left home to get pack of cigarettes and never came back.

Then, after I came to Congress, I remember reading in one of the Washington papers a few years ago that two leading criminologists have studied 11,000 felony cases from across the country and they found that the biggest single factor in serious crime, bar none, nothing else was even close, was father-absent households.

So I rise today to make a plea for fathers to stay with their children. This is so very important, and there are so many young people growing up in this country today without the love or the discipline or the encouragement or the support or the combination of all of those things that they really need. If the families keep breaking up at such a tremendous rate in this country, we are going to see problems continue to grow and grow and horrible events such as we saw in Littleton yesterday.

Yet, there is a government role, because in 1950 the government at all levels, the Federal Government took about 4 percent of the income of the average family, the State and local governments took another 4 percent, and many mothers had the privilege of staying home with their children. And now, government at all levels takes about 40 percent of the income of the average family and regulatory costs take another 10 percent, and so many, as FRED THOMPSON said one time, Senator FRED THOMPSON said, one spouse works to support the family while the other spouse works to support the government. Many mothers who would like to stay home with their children do not have that choice or that option. So if we could decrease the cost and size of our government, it would help more families stay together because most families break up in arguments over finances.

When we put all of this together, it is hard to explain, but we need to have a national discussion, Mr. Speaker, about the causes of events such as what happened in Littleton yesterday, and we need to do everything we possibly can to see that nothing like that ever happens again in this country.

IN COMMEMORATION OF THE 84TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today, as I have for the past 6 years, to acknowledge the atrocities suffered by the Armenian people at the hands of the Ottoman Turks over 84 years ago. This Saturday, April 24, will mark the 84th anniversary of the Armenian

Genocide, the very first genocide of the 20th century. On that date, more than 200 Armenian religious, political and intellectual leaders were massacred in Turkey. It is important that we take this time to remember one of the greatest tragedies that humankind has ever witnessed.

Little did anyone know that April 24, 1915, would signify the beginning of a Turkish campaign to eliminate the Armenian people, eliminate them from the face of the Earth. Over the following 8 years, 1.5 million Armenians perished and more than 500,000 were exiled from their homes. Armenian civilization, one of the oldest civilizations, virtually ceased to exist. Of course, that was the Turkish plan. Unfortunately the Armenian Genocide is not as well-known in history as it deserves to be.

Little attention was paid to this tragic episode in history by the victorious allied powers at the end of World War I, or by historians. So much of it had faded into our painful memories, and many people are beginning to forget what occurred in those terrible times. Even worse, as time passes by and people are distracted and distanced from the atrocities, naysayers and revisionists may prevail.

In fact, some might say it is a waste of time to continue fighting to get recognition for this, the first genocide of the 20th century. Mr. Speaker, I strongly disagree. This fight is not a waste of time. I believe it is a battle worth fighting, one where we have already made great strides. We are making great leaps forward in educating people as to what really occurred to the Armenians at the hands of the Ottoman Turks, and also what is really happening with the widespread network of denials since the genocide.

Still, because of the failure of some nations to acknowledge this horrible tragedy, the Turkish crimes have remained unpunished. An international court has yet to condemn the holocaust of an entire Nation. This impunity has permitted the Turks to repeat similar crimes against the Greek inhabitants of Asia Minor, the Syrian orthodox people and, recently, the people living in Cyprus.

Fortunately, despite this unspeakable tragedy committed 84 years ago, Armenians today remain a proud, dignified and compassionate people. Despite the unmerciful efforts of the Turks, Armenian civilization lives on and thrives today.

It lives on in the Independent Republic of Armenia, and it lives on in communities throughout America, particularly in my home State of California. In fact, every proud Armenian is the product of generations of perseverance, courage and hope, hope always for a better tomorrow.

So today, we honor the innocent Armenians who tragically lost their lives. Today we acknowledge that the Ottoman Turks committed genocide against the Armenian people.

Mr. Speaker, I look forward to the day when the world says in one united voice, we remember Armenian genocide, and it will never be repeated. Until that day comes, I will continue to remind the House of Representatives that it is our responsibility to learn from the past, and it is our responsibility to prevent any such atrocity in the future.

PROTECTING THE MEMORY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I thank the gentleman from California (Mr. RADANOVICH) and the gentleman from Michigan (Mr. BONIOR) for their work to introduce the resolution this week which will ensure that the United States of America continues to play an active role in protecting the memory of the Armenian Genocide that began 85 years ago.

As we so unfortunately see in Kosovo today, documenting the horrors of genocide, or ethnic cleansing as they call it, as it is called and it is supposed to be an euphemism I am sure for the murderers, it is vital to get these records if we are ever to stop such actions from occurring again on this Earth.

The resolution that is being introduced calls upon the President of the United States to collect and house all relevant U.S. records relating to the Armenian Genocide and provide them to Congress, the U.S. Holocaust Memorial Museum, and the Armenian Genocide Museum in Yerevan, Armenia.

It is necessary to do this because there are many who live in denial. Sadly, among those who live in denial are those in the government of Turkey, 85 years later, that somehow continue to deny what we know from repeated testimony of thousands of immigrants, and we knew at the time from reporters and others.

□ 1345

The Turkish government continues to deny what occurred at the beginning of this century, just as there are some misguided people who still deny the Jewish Holocaust, where 6 million people were murdered by the Nazi Germans, and probably some are still denying the murderous efforts of Pol Pot in Cambodia, where he and his gang of ideologues murdered 2 million Cambodians.

The innocent civilians in the Balkans, the innocent civilians in South Asia, the innocent civilians in the Middle East and in Germany, all of those are why we should talk about their problems and their genocide on the appropriate occasions.

No one can take for granted the ability of some people to clearly look at the facts and still deny that the facts do not exist. Each year we join the world commemoration of the Armenian genocide because it must not be forgotten. Time, distance, current events frequently cloud the past and reduce horrible events to little more than a footnote in history.

The Armenian genocide is not a footnote. Neither is the Jewish Holocaust. Neither are the 2 million Cambodians murdered by Pol Pot. The 1.5 million Armenians killed by the Turkish government and others, and the deep scars left upon those who survived, deserve our vigil, because too many want us to forget.

Even in our country, on the situation in civil rights, where black citizens were beaten in the South and other parts of the United States, and we passed laws to overcome that, even this generation of young high school people does not know what this Nation went through and does not know what other nations have gone through.

Documenting the horrors of the genocide cannot stop those who would deny it, any more than the extensive documentation of the Holocaust has stopped individuals from denying that abominable period. However, we cannot begin the fight against ignorance if we do not preserve the records of those crimes as they were committed.

The Armenian genocide marked the beginning of a barbaric practice in the 20th century, and is it not ironic that we are ending the 20th century and those practices still exist in the Balkans, as vis-a-vis Serbia and its neighbors? By remembering, if we can help prevent future actions and punish the guilty in the future, this will be a noble cause.

I recall the Armenians in my own county when I grew up in San Benito County and in Long Beach, and some of the men and women who were maybe small children, and their parents got them through the Turkish lines and they escaped death. As with other immigrants, including my father, the Armenians, the Jews, the Cambodians, and we have 50,000 in Long Beach, California, from Cambodia, they know what freedom means. They know what the United States means.

I will never forget a dinner when Governor George Deukmejian, a child of Armenian parents who had escaped, had many of his Armenian friends and supporters at that dinner. Tears streamed down all of our eyes. These people were in their seventies and their eighties, and they knew those horrors. They knew the haven that America was, a haven of freedom. Some have called it the city on the Hill. What it means is this is a place where we would not tolerate that.

But we thought other countries would not tolerate that, and yet that is exactly what happened. They killed people with whom they disagreed, whether it be for religion, whether it be the color of their skin. This must not happen, and the world should do something about it.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 987

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent to have my name removed as cosponsor of H.R. 987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CALLING FOR SIGNIFICANT REFORMS IN AMERICA'S SANCTIONS POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DOOLEY) is recognized for 5 minutes.

Mr. DOOLEY of California. Mr. Speaker, I rise today to be an advocate for the United States making significant reforms in our sanctions policy. It is becoming increasingly apparent that an increasing share of our gross domestic product and indeed the growth of our economy is becoming related to trade.

It is obvious, I think, too, to most Americans when we look at the fact that only 4 percent of the world's population live inside our borders, with 96 percent living outside our borders, that this country has to adopt policies to ensure that we will have the greatest access to these markets, because that is where the interests of increased job opportunities that are so important to the working men and women of this country as well as the market opportunities for the businesses lie.

I have beside me here a chart which really demonstrates one of the reasons and makes one of the most compelling arguments for sanctions reform. We currently impose some form of sanctions on over 75 countries. The most distressing aspect of this is the fact that it is costing our economy up to $15 to $20 billion a year in lost imports, and that means we have $200,000 fewer jobs, high-paying jobs in this country because of the sanctions we have imposed.

I have introduced a piece of legislation with my colleague, the gentleman from Illinois (Mr. Crane). It is a bipartisan piece of legislation that is asking us to adopt a new policy to ensure that we will use sanctions only as a last resort.

It does not say that Congress and this country cannot impose unilateral economic sanctions, but it does require that before we do so we have to do an analysis and make sure that when we impose a sanction, that it will indeed achieve the objective of mitigation of the behavior of a country which we are targeting.

It also goes further, to say to Members of Congress that we need to have a study to analyze what will be the cost to our economy, what will be the cost in terms of jobs lost, what will be the cost to our economy in terms of markets lost to U.S. companies by the imposition of that sanction?

I am confident that once Members of Congress have that information in front of them, they are going to realize that the policy and the utilization of unilateral economic sanctions is a policy that harms the interests of the working men and women, as well as the businesses in this country.

A group of us who work closely with the New Democrat Coalition have made this one of our highest priorities, and we are also expanding our effort to deal with some issues which are important to the technology sector.

It is clear when we look at the fact that the United States has almost remained an island of prosperity and economic growth in the midst of a world which is suffering from financial crisis, that in large part that is due because of the fact that the United States has the relative advantage internationally in the development of new technology.

Yet, we have some sanctions and some export restrictions in place which jeopardize our opportunity to continue to have this advantage internationally. It is time for us to relax some of our restrictions on the export of technology, and particularly restrictions on encryption technology.

Unfortunately, we have a policy that restricts the sale of some of our computers embedded with an encryption technology that is using a technology that is over 10 years old. The fact that we have a policy in place now that will preclude U.S. companies from marketing some of their computers and other technology internationally because of our restrictions on encryption, how ludicrous this is witnessed by the fact that anyone in the world today can go to the Internet and download encryption that is far more powerful than that we are imposing upon or restricting our companies from selling that product overseas. That just does not make sense any longer.

We also have a policy in place in this country where we restrict the speed of computers and microprocessors that we can export outside of our borders. That might have made sense 10 years ago or even 5 years ago, when we were worried about jeopardizing the national security of this country by giving powerful computers and putting them in the hands of some of the people who threaten world peace.

But unfortunately, we have maintained an old policy that has not kept pace with the advancements in technology. Back 20 years ago when we had our Cray supercomputers, that were certainly so powerful and so important that we needed to have responsible restrictions on them, today we have reached the point where there is going to be a computer sold today, or in this next 6 months, with a chip developed by Intel which will have the capacity to perform the number of operations per second, and that chip alone will exceed the restrictions we have in place.

It is time for us to make some responsible reforms in encryption policy, our restrictions on computer technology, and the overall reform of our sanctions policy.

IN REMEMBRANCE OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I rise this afternoon in remembrance of a dark period in American history, or actually in history, period. That point is the Armenian genocide.

When most people hear the word "genocide" they immediately think of Hitler. They think of the persecution of the Jews during World War II. Most individuals are unaware that the first genocide of the 21st century occurred during World War I and was perpetrated by the Ottoman Empire against the Armenian people.

Concerned that the Armenians would move to establish their own government, the Ottoman Empire embarked on a reign of terror that resulted in the massacre of over 1.5 million Armenians. This atrocious crime began on April 15, 1915, when the Ottoman Empire arrested, exiled, and eventually killed hundreds of Armenian religious, political, and intellectual leaders.

Once they had eliminated the Armenian people's leadership, they turned their attention to the Armenians serving in the Ottoman army. These soldiers were disarmed and placed in labor camps, where they were either starved or executed.

The Armenian people, lacking political leadership and deprived of young, able-bodied men who could fight against the Ottoman onslaught, were then deported from every region of Turkish Armenia. The images of human suffering from the Armenian genocide are graphic, and are as haunting as the pictures of the Holocaust.

Why, then, it must be asked, are so many people unaware of the Armenian genocide? I believe the answer is found in the international community's response to this disturbing event.

At the end of World War I, those responsible for ordering and implementing the Armenian genocide were never brought to justice, and the world casually forgot about the pain and suffering of the Armenian people.

This proved to be a grave mistake. Just a few years later in a speech on the eve of World War II, Hitler justified his brutal tactics with the infamous statement, "Who today remembers the extermination of the Armenians?" Six years later, 6 million Jews had been exterminated by the Nazis. Never had, as the phrase goes, "Those who forget the past will be dêstined to repeat it," been more applicable.

If the international community had spoken out against this merciless slaughtering of the Armenian people instead of ignoring it, the horrors of the Holocaust might never have taken place.

As we commemorate the 84th anniversary of the Armenian genocide, I believe it is time to give this event its rightful place in history. So let us pay homage to those who fell victim to their Ottoman oppressors, and tell the story of the forgotten genocide, for the sake of the Armenian heritage. It is a story that must be heard.

GUN SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, my concern as a Member of Congress is that the Federal Government does everything it can to be a full partner in promoting the livability of our communities, because at the end of the day, what our families care about is that their children are safe when they go out the door to go to school in the morning, that the families are economically secure and healthy. Of those factors, the most important, I am sure, is the safety of those families.

We have had within the last 24 hours another tragic reminder that handgun and firearm violence continues to be either the first or second leading cause of death and injury to America's children. It does not have to be this way. A few weeks ago I was honored to host a forum on this topic with several distinguished scholars who discussed ideas with Members of Congress of things we can do to reduce firearm violence with our children.

For instance, we have the opportunity to make firearms safer. All we need here in Congress is the will to change Federal policy so that gun manufacturers meet consumer safety standards for their products.

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It is a shame and a national disgrace that toy guns currently have higher consumer product safety standards than real guns. It is outrageous in America that we cannot adopt the simple suggestion to require an indicator that will tell somebody whether or not a gun is loaded or require, for a few cents or maybe a couple of dollars, a device that will not let a gun fire if the clip has been removed, or requiring a trigger lock on a gun.

It is sad that, given the tragic nature of gun injuries and violence, that there is not a single source of information in the entire United States Government to help us understand the pattern, to isolate the patterns and types of violence and be able to do something about it. It is not the case in other parts of American society.

There are regulations that will in fact make a difference to disrupt this pattern of violence. We have demonstrated that by taking away the right to own guns from people who have demonstrated that they are not responsible gun owners; that we can make a difference in how those guns are used. We have shown that there are consistent areas of support to expand that pattern of denial to people who have consistently shown patterns of violent and reckless behavior. The vast majority of the American public supports it. The majority of gun owners support it.

It is time for us to take that simple step to reduce unnecessary gun violence. It is time for the Federal Government to step forward and stop purchasing firearms for our use that do not have smart gun technology that ensures that that gun that we give to a law enforcement officer cannot be used against him or her, to personalize the weapon. Similarly, we would not think of having an automobile that did not have a key that personalized its use, so we should do the same with firearms.

There are other important areas that we have tried to bring before people in this Chamber. Law enforcement wants us to help them tackle the all-too-frequent problems of firearm violence. Fifteen States have child access protection laws which make it harder for children to gain access to guns.

We have had the tragic example of Jonesboro, Arkansas where the children's first stop was at a home that used safe storage of the weapons. There, even using a blowtorch, they were unable to get access to weapons. They went to the next home, and there the weapons were open and accessible. The rest is tragic history.

The horror that we witnessed yesterday in Colorado is part of a larger pattern. How many more examples are we going to have to witness before we come to our senses on the floor of this Chamber and take simple steps?

There is no one single solution to solve the epidemic of gun violence, but we have the responsibility to undertake these simple, common sense steps. I pray the Republican leadership will allow us to vote on some of them in the course of this session.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

84TH COMMEMORATION OF ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, today I come to the floor to again commemorate the anniversary of one of the darkest stains on the history of modern civilization, the genocide of the Armenian people by the Ottoman Turkish Empire.

I greatly appreciate the strong support of so many of our colleagues in this effort, especially the gentleman from New Jersey (Mr. PALLONE), my fellow cochairman of the Armenian Issues Caucus. I commend him for arranging this special order and for his continued dedication to these vitally important issues.

I would also like to recognize the gentleman from California (Mr. RADANOVICH) and the gentleman from Michigan (Mr. BONIOR) for introducing a resolution calling for a collection of all U.S. records relating to the Armenian genocide.

Mr. Speaker, I wish, as every Member does, that this special order did not have to take place. We would like to believe that such a tragedy could never have happened in the modern world because it is painful to accept that man is capable of committing and tolerating such atrocities.

Unfortunately, we have seen over and over the tragic results of hatred and ignorance: the Holocaust, the Rwandan genocide, and today the ethnic cleansing in the former Yugoslavia. Far too often the so-called civilized nations of the world have turned a blind eye.

I cannot stand here at this moment and talk about genocide without mentioning a genocide which is happening right now before our eyes. Today the United States is not sitting by and simply watching this happen, unlike its reaction to the Armenian genocide 84 years ago. The United States is embarking on a new phase of foreign policy.

This is perhaps, Mr. Speaker, the first time in all of human history that the greatest power in the world is not using its power with the aim of advancing itself and its own interests, but with the intent of protecting and defending a group of oppressed people. The American people can be proud that we are finally using every effort to stop the ethnic cleansing of innocent people. These efforts were not made in the past, resulting in the genocides of the Holocaust Rwanda, and Armenia. They are, thank God, being made today.

Today, I come to the House floor to commemorate a very specific genocide which began on April 24, 1915. On that date, over 200 Armenian religious, political, and intellectual leaders were arrested in Istanbul and killed, marking the beginning of an 8-year campaign which resulted in the destruction of the ethnic Armenian community which had previously lived in Anatolia and Western Armenia. Between 1915 and 1923, approximately 1.5 million Armenians were killed and more than 500,000 were exiled.

The U.S. Government was aware of what was happening during these tragic years. U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr. sent back graphic descriptions of death marches and mass killings, as did other Western diplomats. Although the U.S. and others voiced concerns about the atrocities and sent humanitarian assistance, little was actually done to stop the massacres.

The Armenian genocide was the first genocide of the modern age and has been recognized as a precursor of subsequent attempts to destroy a race through an official systematic effort. We must call this what it was, genocide, and we must never forget that it happened. Congress has consistently demanded recognition of the historic fact of the Armenian genocide.

The modern German government, although not itself responsible for the horrors of the Holocaust, has taken responsibility for and apologized for it. Yet, Mr. Speaker, the Turkish government continues to deny that the Armenian genocide even happened. This, unfortunately, is consistent with the Turkish government's position that it, today, has no problem concerning the rights of its Kurdish population.

Armenia and Armenians will remain vigilant to ensure that this tragic history is not repeated. The United States should do all that it can in this regard as well, including a clear message about the historic fact of the Armenian genocide. We do Turkey no favors by enabling her self-delusion, and we make ourselves hypocrites when we fail to sound the alarm on what is happening in Turkey today.

Armenia, Mr. Speaker, has made amazing progress in rebuilding a society and a nation, a triumph of the human spirit in the face of dramatic obstacles. Armenia is committed to democracy, market economics and the rule of law. We must continue to take a strong stand in Congress in support of these principles and respect for human rights, and I am proud to stand with Armenia in so doing.

Mr. McKEON. Mr. Speaker, I join many of my colleagues today in remembering and acknowledging the atrocities endured by the people of Armenia earlier this century.

Eighty-four years ago, on the night of April 24, 1915, the Turkish government placed hundreds of the most prominent public figures in the Armenian community under arrest. They were apprehended and sent to prison. In the end, most of these cultural leaders and scholars were executed. The most disturbing part is that these deaths were only the beginning as an attempted extinction of an entire civilization was to shortly follow. For this reason, April 24 is commemorated as the date of the beginning of the Armenian Genocide.

The atrocities committed against the Armenian people during this time can be categorized as a genocide because such an organized killing of a people would require the central planning and resources only a government is capable of implementing. The Armenian Genocide was centrally planned and administered by the Ottoman Empire against the entire Armenian population under its rule. It was carried out during World War I between the years 1915 and 1918. The Armenian people were subjected to deportation, torture, massacre, and starvation. Hundreds of thousands of Armenians were forcibly moved from Armenia and sent to the desert to die of thirst and starvation. Others were methodically massacred throughout the region.

Most estimates illustrate that one and a half million Armenians perished between 1915 and 1923. There were an estimated two million Armenians living in the Ottoman Empire prior to World War I, and more than one million Armenians were deported in 1915. Hundreds of thousands more were either killed or died of hunger or exhaustion.

Even after the systematic and deliberate actions of the Ottoman empire and the millions of Armenian lives that were taken, there still remains a denial on the part of the Turkish government that this genocide actually occurred. This is a mistake. This is wrong.

Our world today is filled with nations fighting against one another. The lives of thousands of men, women, and children are taken every day from these conflicts. If we hope to ever stop these merciless killings and ensure that lives can be saved, it is imperative that we acknowledge the perilous acts of our past. We can learn from our history and make sure that it never repeats itself.

Today, I join my colleagues in condemning the atrocities committed against the Armenians and continue to emphasize our need to prevent similar tragedies from developing. We must recognize and openly acknowledge the atrocities committed against humanity before we are able to prevent them from happening again in the future.

I am proud to have been able to participate in this special tribute to the Armenian community.

Mr. SMITH of New Jersey. Mr. Speaker, once again I rise, along with my colleagues, in solemn commemoration of the events of April 24th, 1915. On that day, a group of leaders of the Armenian community in Turkey was murdered. That fateful day marked the beginning. By 1923, about a million and a half Armenians had been killed and 500,000 more had been deported. The Armenian community of the Ottoman Empire was uprooted, as this bloody century witnessed its first genocide.

Many survivors came to the United States to rebuild their lives. As a community and as individuals, they attained remarkable successes, contributing greatly to their new homeland and consolidating Armenians' longstanding reputation for resourcefulness and resilience. But they never forgot their roots or their ancient homeland or the terrible wrong done to them. Our remarks today demonstrate our solidarity with them as they grieve over their losses, even while contemplating how much Armenia and Armenians have accomplished in this century.

Every commemoration of the Armenian Genocide is somber. But 1999's ceremonies are especially so. After all these years, after all the invocations and prayers, after all the memorials, it is horrifying to realize that the century is ending as it began. Once again, a government is using all its instruments of war against a civilian population solely because of its ethnic and religious affiliation. In Kosovo, marauding soldiers and paramilitary groups are terrorizing and killing men, women and children, in the implementation of a deliberate policy devised by truly evil people, led by Slobodan Milosevic. The twisted drive for "purity" is bad enough when reflecting the sincere convictions of intolerant and unenlightened masses of people; but it is somehow even more awful when stirred and manipulated by cynical politicians, determined to hang on to power and willing to employ literally any means—even the most unconscionably savage—to do so. The worst instincts of the human heart are claiming new victims, despite our earnest pledges that such atrocities would never happen again.

In this century, Armenian Christians, European Jews, and Muslims in the former Yugoslavia—among others—have been singled out as targets. The fate that has befallen them all demonstrates the universality of the lesson of their suffering. If the international community ignores the massacre of minorities, its perpetrators will be emboldened. Though nothing can compensate the Armenians for the losses of the genocide, the sacrifice they made earlier this century helped change the world's consciousness. I pray that we have learned from the hard lesson taught us by the Armenians and their sufferings. Days of commemoration are meant to honor those who have gone before us, and hopefully the lessons learned will provide some solace to the grieving on this sacred day.

Ms. PELOSI. Mr. Speaker, I rise today to commemorate the 84th anniversary of the Armenian Genocide that took place in Turkey between 1915 and 1923. This antecedent for all subsequent 20th-century genocides began on April 24, 1915, when the rulers of the Ottoman Empire began the systematic and ruthless extermination of the Armenian minority in Turkey. By the end of the Terror, more than 1.5 million Armenian men, women, and children had been massacred and more than half a million others had been expelled from the homeland that their forbearers had inhabited for three millennia.

Last weekend I traveled to the Kosovo war zone with other members of a bipartisan, bicameral Congressional Delegation. The official briefings were important and informative; but the visit to a refugee camp was staggering. I saw whole landscapes of misery, broad vistas of suffering, vast panoramas of despair and destruction. Yet I heard very little. The silence was deafening. It was the sound of deep sadness. I was in Macedonia, but I suspect that the scenes I was witnessing are reminiscent of the Anatolian plateau circa 1920, when the Armenian population was experiencing a demographic disaster of Biblical proportions.

As we enter the Third Millennium of the Christian Era, it behooves us to remember. If we ignore the lessons of the Armenian Genocide, then we are destined to continue our stumblings through the long, dark tunnel of endless ethnic-cleansings, genocides, and holocausts. Let us, then, remember to remember.

Mr. COSTELLO. Mr. Speaker, I rise today to remember and commemorate the Armenian genocide of 1915 through 1923. Each year, we pause from our legislative schedule to pay tribute to those killed in the terrible Armenian Genocide, which began in 1915 under the Ottoman Empire. We take time to remember those who were forcibly removed from their homeland and relocated, killed or imprisoned solely for their Armenian heritage. One reason we do this is to draw importance to the event so it never happens again. Unfortunately, we are in the midst of another ethnic cleansing in the Balkans.

One and one half million people perished during the Armenian genocide. Virtually the entire Armenian population was eliminated from the Ottoman Empire in the eight years of the Armenian Genocide. This terrible point in history marked the first genocide of the 20th Century. It is a sad and shameful period in history. We must remember it, and work toward preventing such terrible atrocities in the future.

In my district in Southwestern Illinois, there is a significant population of Armenian-Americans. I would like to pay special tribute to those survivors who eventually made their way to the 12th District. These survivors suffered terrible atrocities and upheaval. They have never forgotten their ordeal, and through them we hear their history. These survivors are an important link to a past that we cannot ignore. Many in the Armenian community in my district attend St. Gregory's Armenian Apostolic Church in Granite City, Illinois. St. Gregory's has a strong tradition of preserving Armenian heritage and remembering the atrocities of the Genocide of 1915–1923.

I would like to mention that I am a cosponsor of Rep. RADANOVICH and BONIOR's resolution which affirms the U.S. record on the Armenian Genocide. This important resolution calls on the President to collect and house all relevant U.S. records on the Armenian Genocide and provide them to the House International Relations Committee, the United States Holocaust Memorial Museum and the Armenian Genocide Museum in Yerevan, Armenia. The legacy of the genocide must be remembered.

Each year, my colleagues and I take to this floor to pay tribute to the victims of a terrible crime against humanity. This is just one way in which the Congress can continue to pay recognition to those who were killed during this terrible episode in Armenia's history. It is my sincere hope that we and future generations will never forget these atrocities.

Mr. BILIRAKIS. Mr. Speaker, I rise today to share my thoughts on one of the most atrocious events in human history—the genocide of the Armenian people. I would like to thank Mr. PORTER of Illinois and Mr. PALLONE of New Jersey, the co-chairs of the Congressional Caucus on Armenian issues, for holding this special order.

It shames and saddens me to say that the human race is no stranger to genocide—the great purges in Russia, during which Stalin methodically killed millions of Russians; the holocaust, in which 6 million Jews were systemically slaughtered by the Nazis; and less well known, but certainly just as significant, the Armenian genocide in which 1.5 million Armenians were exterminated by the Ottoman Turks.

I feel a special kinship to the Armenian people. As many of you know, I am a Greek-American, and my ancestors, too, suffered at the hands of the Ottoman Turks.

In fact, every March, I conduct a special order in this Chamber to commemorate Greek Independence Day. On that day, one hundred and seventy-eight years ago, the Greeks mounted a revolution which eventually freed them from the tyranny of the Ottoman Empire.

Unfortunately, the Armenians were not as fortunate as their Greek brothers and sisters. This atrocity lasted from 1915 till 1923. In the end, one and one half million Armenians had been systematically eliminated and hundreds of thousands were driven from their homes by the Ottoman Turks. They were people like you and me. People with families and friends, hopes and dreams, and they were all destroyed by the Ottoman Turks.

Today, I want to acknowledge this dark moment in history and remember the Armenian people who tragically lost their lives. We in Congress must always remember tumultuous moments in history where people suffered because they were different.

Of course, we all want to forget these horrific tragedies in our history and bury them in the past. However, it is only through the painful process of acknowledging and remembering that we can keep similar dark moments from happening in the future.

In closing, Mr. Speaker, I would like to ask that we take a moment to reflect upon the hardships endured by the Armenians. In the face of adversity the Armenian people have persevered. The survivors of the genocide and their descendants have made great contributions to every country in which they have settled—including the United States, where Armenians have made their mark in business, the professions and our cultural life.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to observe one of the most tragic events in our history, the Armenian Genocide, which took place during the final years of the Ottoman Empire. Each year on April 24th, the Armenian community, along with their friends and supporters around the world gather in remembrance of the 1.5 million Armenians who lost their lives.

The facts on the Armenian genocide are well documented. By the direction of the Ottoman Government, thousands of Armenian citizens were ruthlessly killed in their eastern Anatolian villages. Hundreds of thousands more were forcibly deported to Syria and then marched into the desert and abandoned without water, food, or shelter. This tragedy of history has left deep scars in the hearts and minds of its survivors and their descendants. In remembrance of one of the twentieth century's darkest chapters, we must make a commitment to ourselves and to our children that such atrocities will not be allowed to repeat themselves ever again.

Following the war, hundreds of displaced Armenians came to the United States to rebuild their shattered lives. Their contribution, as well as that of their descendants, has greatly enriched American society. It is my hope that the memories of the past will serve to remind us of the importance of tolerance and respect for the diversity of our people.

Mr. WAXMAN. Mr. Speaker, I want to express my appreciation to Mr. PALLONE and Mr. PORTER for organizing this special order today to commemorate the Armenian genocide. This year, as NATO fights ethnic cleansing in Kosovo, it is especially important for us to remember the Armenian genocide, and to remember our promise of "never again."

On April 24, 1915, more than two hundred Armenian religious, political, and intellectual leaders were arrested and killed. From 1915 to 1923, 1½ million people lost their lives in the slaughter. Another half million lost their homes and property, and watched as the symbols of their religion and culture were destroyed.

Anyone who has studied or discussed these tragic events 84 years ago—not to mention the preposterous historical revisionism that still exist to this day—can fully understand how important this tribute is to the Armenian community in this country, some of whom still live with the memories of the horror.

Regrettably, the world's inaction in the face of these atrocities sent a message that human rights violations would be tolerated. The line from Armenia to Auschwitz is direct. When contemplating the destruction of the Jewish people, Hitler is reported to have said, "who remembers the Armenians?"

This day is set aside to remind us that those who forget history are doomed to repeat it. As we speak, in Yugoslavia, Serbian President Slobodan Milosevic is engaged in gross violations of the human rights of ethnic Albanians in Kosovo. The images splashed across our television screens and newspapers of ethnic cleansing, forced deportations, and random executions there are horrors for which the Armenian genocide was a tragic precedent.

Today, we honor the memory of the victims of the Armenian genocide, and vow once more that genocide will not go unnoticed and unmourned. We gather today to reaffirm our unwavering commitment to fight all crimes against humanity.

Mrs. MCCARTHY of New York. I rise today to join my colleagues in paying homage to the countless number of Armenians who were deprived of their freedom and senselessly killed because of their religious or political beliefs. The Armenian Genocide that occurred between 1915–1923 represents a disgraceful period in world history that should not be ignored or distorted.

Armenians have endured many hardships and unwarranted treatment by foreign countries throughout their history. This was most prevalent during the late 19th and early 20th century when Armenians were persecuted by Ottoman and Russian leaders for attempting to reform their political system. The Ottoman government, in particular, was responsible for causing the death of more than 1 million Armenians between 1915 and 1923. As disgraceful as these acts were, the Armenian people persevered and eventually seceded from the USSR to become an independent state. In 1992 they became a member of the United Nations and in 1995 held their first open legislative elections as an independent country.

Although Armenia has made great strides to become an independent state, the scars of their past remain. The senseless acts of violence inflicted upon their ancestors deserve historical recognition. It is important to ensure that future generations are made aware of the countless number of Armenians who were killed because of their religious and political affiliation.

With similar acts of human rights violations occurring in the Balkans and elsewhere, the world should never forget the atrocities that occurred in Armenia.

Ms. ESHOO. Mr. Speaker, I am once again rising to honor the anniversary of the 1915 Armenian Genocide to remember the 1.5 million Armenian men, women, and children who were killed, and the additional 500,000 Armenians who were forcibly deported by the Ottoman Empire during an eight-year reign of brutal repression.

As history reveals, a group of Armenian leaders were forcibly taken into Turkey on April 15, 1915, and subsequently murdered. Over the next eight years, Armenians were deprived of their homes, their humanity, and ultimately their lives. In addition, post-World War I did not see those who were responsible come to justice. Although the Allied Powers, England, France, and Russia, jointly issued a statement that for the first time charged another nation with committing "a crime against humanity," war criminals were never brought to justice. In years to come, firsthand sources indicate that Hitler proclaimed, "Who, after all, speaks today of the annihilation of the Armenians;" thus allowing him to believe that his "Final Solution" could not only begin but also would be forgotten.

It brings me great sadness to remark on these terrible events not only because of the tragedy itself but also because we are seeing history repeat itself in Kosovo. Genocides occur when humanity ignores the cries of those being exterminated and forgets to hold those responsible accountable. We cannot and should not let that happen again.

As we in Congress grapple with the problems of today, I ask that we learn from the terrible events of yesteryear and move to educate today's generation about the lessons we have learned. The fact that the United States still hasn't even formally recognized the Armenian Genocide remains a stain on our heritage and the values we hold dear to us. It is for this reason that I am proud to be an original cosponsor of the "U.S. Record on the Armenian Genocide Resolution" that will be introduced this week. This resolution directs the President to provide a complete collection of all United States records related to the Armenian Genocide to document and affirm the United States record of protest and recognition of this crime against humanity. Co-sponsoring this resolution is a small step but an important one.

In closing, I would like to thank Representatives PALLONE and PORTER for their ongoing support of Armenian issues and for organizing this special order remembering the people and events surrounding the Armenian Genocide. I am proud of my Armenian heritage and the contributions of so many Armenians to our great nation. It is my sincere hope that we not forget this tragedy and that we learn from it so that we never repeat its course.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today on this somber occasion to pay tribute to the victims of the Armenian Genocide, and to remind our nation and the world about one of the greatest tragedies and darkest moments of the 20th Century.

On April 24, 1915, the Armenian Genocide began. Within the next eight years, 1.5 million Armenians had been massacred and 500,000 more had been deported during the final years of the Ottoman Empire. They were denied their freedom, deprived of their possessions, and systematically massacred.

For those who have spent years attempting to refute the facts or minimize the extent of this tragedy, the facts are indisputable. The Armenian Genocide is a fact, a disturbing fact. Those who deny it are guilty of historical sabotage, and just as guilty as those who continue to deny that six million Jews were murdered during the Holocaust in Europe. I am certain that years from now some will also deny the human tragedy and ethnic cleansing taking place in Kosovo today.

Many survivors of the Armenian Genocide came to America in search of freedom. Their stories, passed from one generation to the next, serve as a record of the horrors faced by millions. Their stories will help in our efforts to ensure that history is not distorted and that future generations are fully aware of what truly happened.

On this solemn day, I commend Armenian Americans for their contributions to our nation and join with them in paying tribute to the victims of the Armenian Genocide.

Mrs. KELLY. Mr. Speaker, I am pleased to stand and join with my colleagues in commemorating the 84th anniversary of the Armenian Genocide. I would like to thank the other members of the Congressional Caucus on Armenian Issues, and particularly the co-chairmen Mr. PORTER and Mr. PALLONE, for their tireless efforts in organizing this fitting tribute.

84 years ago Saturday, April 24, 1915, the nightmare in Armenia began. Hundreds of Armenian religious, political, and educational leaders were arrested, exiled, or murdered. These events marked the beginning of the systematic persecution of the Armenian people by the Ottoman Empire, and also launched the first genocide of the 20th century. Over the next eight years, 1.5 million Armenians were put to death and 500,000 more were exiled from their homes. These atrocities are among the most cruel and inhumane acts that have ever been recorded.

As we reflect today on the horrors that were initiated 84 years ago, I cannot help but be disturbed by those who wish to deny that these deeds occurred. Despite the overwhelming evidence to the contrary—eyewitness accounts, official archives, photographic evidence, diplomatic reports, and testimony of survivors—they reject the claim that genocide, or any other crime for that matter, was perpetrated against Armenians. Well, History tells a different story.

Let me read a quote from Henry Morgenthau, Sr., U.S. Ambassador to the Ottoman Empire at the time: "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.* * *"

The world knows the truth about this tragic episode in human affairs. We will not allow those who wish to rewrite History to absolve themselves from responsibility for their actions. This evening's event here in the House of Representatives is testament to that fact. We can only hope that the recognition and condemnation of this, and other instances of genocide, will prevent a similar instance from happening again as we move into the 21st Century. I would like to once again thank the organizers of this event and I would like to once again reaffirm my sincere thanks for being given the opportunity to participate in this solemn remembrance.

Mrs. LOWEY. Mr. Speaker, April 24th marks the 84th anniversary of the Armenian Genocide, an act of mass murder that took 1.5 million Armenian lives and led to the exile of the Armenian nation from its historic homeland.

It is of vital importance that we never forget what happened to the Armenian people. Indeed the only thing we can do for the victims is to remember, and we forget at our own peril.

The Armenian Genocide, which began 15 years after the start of the twentieth century, was the first act of genocide of this century, but it was far from the last. The Armenian Genocide was followed by the Holocaust, Stalin's purges, ethnic cleansing in Kosovo, and other acts of mass murder around the world.

Adolf Hitler himself said that the world's indifference to the slaughter in Armenia indicated that there would be no global outcry if he undertook the mass murder of Jews and other he considered less than human. And he was right. It was only after the Holocaust that the cry "never again" arose throughout the world. But it was too late for millions of victims. Too late for the six million Jews. Too late for the 1.5 million Armenians.

Today we recall the Armenian Genocide and we mourn its victims. We also pledge that we shall do everything we can to protect the Armenian nation against further aggression; in the Republic of Armenia, in Nagorno-Karabagh, or anywhere else.

Unfortunately, there are some who still think it is acceptable to block the delivery of U.S. humanitarian assistance around the world. Despite overwhelming international condemnation. Azerbaijan continues its blockade of U.S. humanitarian assistance to Armenia.

It is tragic that Azerbaijan's tactics have denied food and medicine to innocent men, women, and children in Armenia and Nagorno-Karabagh, and created thousands of refugees.

The U.S. must stand firm against Azerbaijan's brazen violations of international law until it ends this immoral blockade. We must make clear that warfare and blockades aimed at civilians are unacceptable as means for resolving disputes.

Mr. Speaker, after the Genocide, the Armenian people wiped away their tears and cried out, "Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors."

As the Armenian-American author William Saroyan wrote, "Go ahead, destroy this race.* * * Send them from their homes into the desert.* * * Burn their homes and churches. Then see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia."

I rise today to remember those cries and to make sure that they were not uttered in vain. The Armenian nation lives. We must do everything we can to ensure that it is never imperiled again.

Mr. GEKAS. Mr. Speaker, I rise somberly to remember and commemorate the tragedy of the Armenian Genocide.

During the final years of the Ottoman Empire, from 1915–1923, 1.5 million Armenians had been massacred and 500,000 more were forcibly removed from their native land. April 24 is the day which is annually remembered by not only the world's Armenian community, but by people all over the world who hold basic human rights sacred. On this day in 1915, hundreds of Armenian leaders and intellectuals were arrested in Constantinople and killed. Additionally, thousands more were murdered in the streets. The attempt at systematic extermination of the Armenian people was conducted over the next eight years.

The lack of an international response to this disaster is frightening. Hitler saw this as proof that he could carry out the holocaust with no consequences, and, like tyrants afterward, used the Armenian Genocide as a blueprint for his campaign of terror.

Unfortunately, the Turkish government, despite overwhelming evidence, refuses even today to acknowledge that the genocide ever occurred. The disaster we commemorate today has sadly been repeated often throughout the century. Today we sometimes refer to it as ethnic cleansing, but it all adds up to the same result—mass murder. We see this terror continue throughout the world today. In Somalia, Hutus systematically murdered hundreds of thousands of Tutsis, and afterward received refugee assistance from the United Nations once the Tutsis gained control. The massacre of Christians and other peoples in Somalia by Muslims goes practically unnoticed by the world.

Today we must make sure that we never forget the Armenian Genocide, and work to ensure that individuals who commit these atrocities are brought to justice.

Mr. DIAZ-BALART. Mr. Speaker, I rise to address the Houston on this very sad day. In Colorado, parents are grieving their murdered sons and daughters. In the Balkans, Albanian refugees are running for their lives, having been kicked out of their homes by Serbian thugs who rape, torture, and kill their former neighbors. In central Africa, civil wars are rocking the Cargo furthering the horror started there by the genocidal murders of Hutus and Tutsis. In China, North Korea and Cuba, communist dictators continue to deny their citizens basic human rights and imprison anyone who dissents.

That is the world today. But I rise, joining my colleagues, to remind the world of a genocide that happened 84 years ago in the part of the world we now call Turkey. On April 24, 1915 more than 200 Armenian religious, political and intellectual leaders from Constantinople—what is Istanbul—were arrested and sent into exile. By silencing the leading representatives of the Armenian people, the government of the Ottoman Empire was able to proceed with its premeditated and methodical extermination of the Armenian people. Between 1915 and 1923, more than 1.5 million Armenian men, women and children were deported, forced into slave labor concentration camps, tortured, and murdered. The goal of this atrocity was to remove all traces of the Armenian people and their rich heritage from Anatolia.

At the time, the world had not coined such terms as concentration camps, genocide, ethnic cleansing or holocaust. It is tragic that in this century we have had to come up with new words to describe Man's inhumanity to Man. And it is tragic that as we end this century, history is repeating itself as Serbs in Yugoslavia unleash their cruelty upon the Kosovar people.

It is vital that we remember the countless victims of the Turkish genocide against the Armenians. We honor the memory of those killed and the bravery of those who, having been forced out of their homes and off their land, traveled throughout the world and re-established themselves in distant lands far from home.

We remember, Mr. Speaker. We remember and we speak here today so that History will record that 80 years later, the victims of this genocide are not forgotten. It is important that people like Mr. Slobodan Milosevic and other tyrants around the world realize that we do not forget and we will not let the world forget the evils they perpetrate against their own people.

Mr. ACKERMAN. Mr. Speaker, I rise along with many of my colleagues, to commemorate the Armenian Genocide of 1915–1923. Many of us here are already quite familiar with the details: on April 24, 1915, 84 years ago this week, over two hundred Armenian religious, political, and intellectual leaders were executed by the Turkish government. This mass execution was not an isolated incident, but rather was the beginning of a systematic campaign perpetrated by the Ottoman Turk government. These executions had also been preceded by a historic pattern of persecution officially sanctioned by the Ottoman Sultan. To Armenians around the world, April 24th marks the start of an organized campaign by the government of Ottoman Turkey to completely eliminate the Armenian population from the Ottoman Empire. During the following eight years, from 1915–1923, 1.5 million Armenians lost their lives, whether directly or indirectly at the hands of the Ottoman government.

I stand here before my colleagues to also praise the efforts that we make today to end persecution and genocide around the world. I rise not as a Democrat or a Republican, but as a human being, honoring the memory of those massacred, so that this will never happen again. It is our responsibility and obligation as humans to acknowledge these tragic events in history and to ensure that the memories of those massacred are honored and respected for all time. In that light, we must not allow the Turkish government's denials of the Armenian genocide to go unanswered. Explaining away the Genocide as a series of internal conflicts during and after WW I that caused the unfortunate death of many Armenian people, not only insults the memories of the victims and survivors, but also offends our own sensibilities. It is therefore our responsibility to ensure that events such as the Armenian Genocide are not forgotten and NEVER repeated. As a Congressman, a Jew, and as a person, I stand here today to honor the memory of those who have been massacred by totalitarian governments throughout history. In fact, there are many comparisons between the suffering of the Armenian people and the Jewish people. Quite simply, just as we pledge to never forget the tragedy of the Holocaust, we must also not let the Armenian Genocide go unacknowledged, as that would be the equivalent of forgetting. The obvious lesson in this is that we must not ever turn our backs to the suffering of any people. In fact, I think this lesson resonates loudly in our actions today in Kosovo.

Lastly, I want to thank my colleagues, Congressmen JOHN PORTER and FRANK PALLONE, for leading this effort in the House of Representatives. Their combined leadership on the Armenian Issues Caucus makes us all proud to work together on this issue of concern to all human beings.

Mr. MARKEY. Mr. Speaker, I join Armenians throughout the United States and around the world on this solemn day of remembrance commemorating the genocide of innocent Armenian people perpetrated during the waning days of the Ottoman Empire. On this day, the 84th Anniversary of the Armenian Genocide committed in Ottoman Turkey from 1915 to 1923, it is crucial that we recall the horrific events of this dark chapter in world history and dedicate ourselves to preventing such atrocities in the future.

History shows that in 1915 the systematic massacre of Armenian political, religious, and intellectual figures began. This slaughter continued until 1923, although the memories of this campaign of terror still haunt us today. From 1915–1923, the Armenian population was expelled from their homeland. One and a half million Armenians lost their lives and over 500,000 surviving refugees rebuilt their lives outside of Armenia, many of them coming to the United States to build their new homes. The Armenian-American population, many of whom reside in my district, have prospered in the United States and contributed to our cultural enrichment, enhanced our diversity and become strong members of our society.

Despite the calculated effort to banish the Armenian people from their land and eradicate Armenian culture and tradition, today the Republic of Armenia is striving to establish a strong and progressive nation committed to establishing democratic institutions and ideals. The Armenian government has launched a program of industrial reform, privatized agricultural land, and made substantial progress in small-enterprise privatization. Armenia has also made an effort to take steps to resolve the Karabagh conflict and moved to stabilize its economy based upon free market principles. I am proud we are here today to demonstrate American solidarity in our support of Armenian efforts to achieve a bright future.

As we acknowledge the 84th anniversary of the Armenian genocide, we join with our Armenian friends in remembering those who lost their lives as a result of this terrible tragedy. While we reflect upon the past and commit ourselves to learning from the history of this humanitarian disaster, we also look forward to a brighter future for Armenia. We look forward to a time in which Armenia will, we hope, grow prosperous, achieve economic strength, and, above all, enjoy peace.

Mr. DINGELL. Mr. Speaker, in a dark time in Europe, a nation slowly collapsed. At this tumultuous time of great societal transformations, uncertain futures, and with governmental change looming on the horizon, leaders fell back on the one proven weapon that assured their personal survival. It is a weapon that feeds upon fear, desperation, and hatred. It transforms the average citizen into a zealot, no longer willing to listen to reason. This weapon is, of course, nationalism. It's result is ethnic strife and senseless genocide, committed in the name of false believes preached by immoral, irresponsible, reprehensible leaders.

Today I rise not to speak of the present, but in memory of the victims of the past, who suffered needlessly in the flames of vicious, destructive nationalism. On April 24, 1915, the leaders of the Ottoman government tragically chose to systematically exterminate an entire race of people. We gather in solemn remembrance of the results of that decision, remembering the loss of one-and-a-half million Armenians.

The story of the Armenian genocide is in itself appalling. it is against everything our government—and indeed all governments who strive for justice—stands for; it represents the most wicked side of humanity. What makes the Armenian story even more unfortunate is history has repeated itself in all corners of the world, and lessons that should have been learned long ago have been ignored.

We must not forget the Armenian genocide, the holocaust, Rwanda, or Bosnia. Today, on this grim anniversary, we must remember why our armed forces fight in the skies over Yugoslavia.

We must not sit idly by and be spectators to the same kind of violence that killed so many Armenians; we must not watch as innocent Kosovars are brutalized not for what they have done, but simply for who they are. Ethnic cleansing is genocide and cannot be ignored by a just and compassionate country. We owe it to the victims of past genocides to stamp out this form of inhumanity.

It is an honor and privilege to represent a large and active Armenian population, many who have family members who were persecuted by their Ottoman Turkish rulers. Michigan's Armenian-American community has done much to further our state's commercial, political, and intellectual growth, just as it has done in communities across the country. And so I also rise today to honor the triumph of the Armenian people, who have endured adversity and bettered our country.

But again, Mr. Speaker, it is also my hoe that in honoring the victims of the past, we learn one fundamental lesson from their experience: Never Again!

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today in commemorating the 84th anniversary of the Armenian genocide.

We observe the Armenian genocide today so as not to forget. We remember the horrific conflagration that engulfed the lives of 1.5 million innocent Armenian men, women, and children so that governments around the world will know that they will be held accountable for their bloody deeds by the consciousness of mankind. In one of the darkest chapters of the 20th century, the government of the Ottoman Empire systematically implemented a policy of extermination against its Armenian population through ruthless marches of forced starvation and endless waves of bloody massacres.

Over 8 decades have now come and gone since the tragic event unfolded and, yet, the Turkish Government continues to deny the undeniable. The Armenian genocide is a historical fact that has been indelibly etched in the annals of history. If cannot be erased from our collective memory.

To heal the open wounds of the past, the Turkish Government has a moral obligation to acknowledge and recognize the Armenian genocide. Turkey must come to terms with its past. It must also come to terms with its present actions against the Republic of Armenia.

The government of Turkey should immediately lift its illegal blockade of Armenia, which it has had in place since 1993. Turkey must also stop obstructing the delivery of United States humanitarian assistance to Armenia. This is not only unconscionable but it also damages American-Turkish relations. Turkey is indeed an important ally of the United States. However, until Turkey faces up to its past and stops its silent but destructive campaign against the Republic of Armenia, American-Turkish relations will continue to be strained.

Mr. MOAKLEY. Mr. Speaker, I rise today to join with my colleagues in remembering the Armenian people who lost their lives in one of history's greatest atrocities, the Armenian genocide. Today, the importance of such a commemoration could not be more timely, as our brave troops in Yugoslavia struggle to stop another similar atrocity. As new reports of ethnic cleansing, torture and rape continue to arise in the Balkans, I believe it is especially important that the United States officially recognize this horrible episode.

Mr. Speaker, despite attempts to minimize its effect, the Armenian Genocide is a historical fact. This was an episode so terrible that our ambassador to the Ottoman Empire at the time, Henry Morgenthau, commented, "The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

On April 24, 1915, Turkish officials arrested and exiled more than 200 Armenian political, intellectual and religious leaders. This symbolic cleansing of Armenian leaders began a reign of terror against the Armenian people that lasted for the next 8 years, and resulted in the death of more than 1.5 million Armenians. In the assault, another 500,000 Armenians were exiled from their homes.

Acts of deportations, torture, enslavement and mass executions obliterated the Armenian population and changed the world forever. These mass exterminations and incidents of ethnic cleansing are the first examples of genocide this century, and have often been referred to as the precursor to the Nazi Holocaust.

Mr. Speaker, the accounts by survivors of this incident are chillingly similar to those we are currently hearing from those lucky enough to escape Milosevic's terror in Yugoslavia. It is amazing how often history will repeat itself, and how often we don't listen to the past. The memory of the Armenian Genocide, no matter how cruel and brutal, must serve as a lesson to us all to never ignore such actions. We owe that to the Armenian people who showed such bravery in a time of great pain and tragedy.

Mr. GILMAN. Mr. Speaker, on this occasion each year we remember the terrible events that took place in Ottoman Turkey 84 years ago.

While the rise of independent Armenia just 8 years ago serves as a clear symbol of the Armenian nation's will to survive, the tragic events that occurred over 80 years ago should not be forgotten—and have not been forgotten.

Beginning in 1915, the decaying Ottoman Empire, in a final struggle against its own disintegration, engaged in a genocidal campaign of executions and attacks against many of its ethnic Armenian residents in a vain effort to turn the tide of the First World War.

Those attacks, while failing to turn the tide of war, resulted in the loss of tens of thousands of lives of innocent men, women and children.

This special order today honors those victims and commemorates their untimely deaths.

Mr. Speaker, as I have said on earlier occasions, I am hopeful that, as we today honor the memory of those who lost their lives long before the Armenian nation regained its independence, we can nonetheless look forward to that day when the new, independent Republic of Armenia and its people will live in peace with their neighbors—a peace that will never see Armenian men, women and children subjected to the horrors and atrocities their ancestors experienced over 80 years ago.

Mr. RADANOVICH. Mr. Speaker, I rise today to announce that later this week I will be joined by my colleagues Mr. ROGAN, Mr. BONIOR, Mr. PALLONE and a bipartisan group of legislators in introducing legislation to affirm the U.S. historical record on the Armenian Genocide.

We take this step to bring together in a collection all the U.S. records on the Armenian genocide and then to provide this collection to the House International Relations Committee, the U.S. Holocaust Memorial Museum, here in Washington, DC, and the Armenian Genocide Museum in Yerevan, the capital of Armenia.

In so doing, we reaffirm the principled stand taken by U.S. diplomats, religious leaders, and government officials during the years of the Genocide, and in the years since that terrible tragedy.

Our archives contain extensive documentation of the widespread opposition to Ottoman Turkey's brutal massacres and deportations. They contain, as well, records of the unprecedented efforts of the American people to bring relief to the survivors of this, the century's first genocide. As many in this Chamber know, the United States led the international humanitarian campaign to aid those who escaped the Genocide, the countless thousands who found refuge in the camps and orphanages established through the generosity of the American people.

In introducing this legislation, we also take a stand against those who would, in a cold political calculation, deny genocide, past or present. By affirming the U.S. historical record of the Armenian Genocide, we challenge this denial and reinforce our national resolve to prevent future genocide.

Please add your name today as a cosponsor of this legislation and join with me at the Armenian National Committee's Genocide Observance being held this evening in the Rayburn House Office Building.

Mr. BERMAN. Mr. Speaker, this Saturday, April 24, marks the 84th anniversary of the beginning of the Armenian genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure it will be forgotten.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being charged with crimes. Soon thereafter the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination. From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

We should not be alone in commemorating these horrific events. We will know that humanity has progressed when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and honor as well the memory of genocide's victims.

Sadly, we cannot say that such atrocities are history. We have only to recall the "killing fields" of Cambodia, mass ethnic killings in Bosnia and Rwanda, and "ethnic cleansing" in Kosovo to see that the threat of genocide persists. We must renew our commitment never to remain indifferent in the face of such assaults on humanity.

We also remember this day because it is a time for us to celebrate the contribution of the Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

Surrounded by countries hostile to them, to this day the Armenian struggle continues. But now with an independent Armenian state, the United States has the opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

Mr. LEVIN. Mr. Speaker, I am proud to join with my colleagues in Congress, Armenian Americans in my district, and Armenians all over the world as we commemorate the 84th anniversary of the Armenian Genocide.

Between 1894 and 1923, approximately 2 million Armenians were massacred, persecuted, or exiled by the Ottoman Empire. Today, fewer than 80,000 declared Armenians remain in Turkey. The Eastern provinces, the Armenian heartland, are virtually without Armenians. There are still Armenian refugees and internally displaced persons in Russia, an issue not well-known internationally. They face extreme difficulties and hardship.

The years since the Armenian Genocide have magnified its tragedy, not diminished it. It is true for the hundreds of thousands who lost their lives as well as their families for whom the void can never be filled.

It also has been true for all the world. The Holocaust of the 1930's and 1940's has been followed by a number of genocides in the last three decades. The failure of the Turkish government to acknowledge the sinful acts of its predecessors sent the wrong message to the rulers of Cambodia, Rwanda and Yugoslavia. It is especially poignant at this time to observe and remember the Genocide against the Armenian people in 1915 as the world watches man's inhumanity to men, women and children in Kosovo in 1999.

The failure of countries of the world to take prompt notice of these modern atrocities should remind all of us of the failure of other nations to promptly acknowledge the massacre of Armenians in the Ottoman Empire.

There is more that the United States can do to ensure that history does not forget the Armenian genocide. Along with Representatives BONIOR and RADANOVICH, I will shortly join as an original cosponsor of the "United States Record on the Armenian Genocide Resolution." This legislation calls on the President to collect all U.S. records on the Armenian Genocide and provide them to the House International Relations Committee, the United States Holocaust Memorial Museum, and the Armenian Genocide Museum in Yerevan, Armenia.

It is the duty of all of us to join Armenian Americans in remembering the Armenian genocide. We have been fighting this battle for formal acknowledgment by the Turkish government for many years. We must not give in until the battle is won.

Mr. DOOLEY of California. Mr. Speaker, I rise today to join my colleagues in commemorating the 84th anniversary of the Armenian genocide.

Like the Holocaust, the Armenian genocide stands as a historical example of the human suffering which persecution and intolerance have brought far too often this century.

One and one-half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

However great the loss of human life and homeland that occurred during the genocide, a greater tragedy would be to forget the Armenian genocide took place. As recent events in the Balkans illustrate, to ignore the horror of such events almost assures their repetition in the future. Adolf Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, "Who remembers the Armenians?"

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish government still refuses to acknowledge the Armenian genocide. The truth of this tragedy can never, and should never be denied. The ethnic Albanian refugees of Kosovo attest to the suffering which accompanies forced exile.

This 84th anniversary also brings to mind the current suffering of the Armenian people, who are still immersed in tragedy and violence. The unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people have already perished in this dispute, and still many more have been displaced and are homeless.

In the face of this difficult situation comes an opportunity for reconciliation. Now is the time for Armenia and its neighbors, including Turkey, to come together, to work toward building relationships that will ensure lasting peace.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. Now numbering nearly 1 million, the Armenian-American community is bound together by strong generational and family ties, an enduring work ethic, and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to place blame, but to answer a fundamental question, "Who remembers the Armenians?'

Let us take this opportunity today to contemplate the Armenian genocide, and with the global community standing as witnesses, affirm that we do remember them.

Mr. WEYGAND. Mr. Speaker, I rise today in somber recognition of the beginning of the Armenian genocide. This horrific tragedy claimed the lives of over one million Armenians in a nine-year campaign of systematic persecution, expulsion, and violence, and displaced at least a further 500,000 Armenians from their historic homeland in eastern Turkey.

Few Americans are aware that the Holocaust of World War II was in fact the second genocide of this century; for political reasons, the United States government has long refused to recognize the Armenian exterminations and expulsions as a genocide. Make no mistake: this persecution was not the accidental and unfortunate by-product of a period of upheaval and chaos. From 1915 through 1923, the Young Turk government of the Ottoman Empire attempted to erase all trace of the Armenian people and culture from Turkey. In order to achieve this goal, government forces engaged in direct killing, starvation, torture, and forced death marches. The term "genocide" constitutes the only means sufficient to describe such an outrage, and the suffering of the Armenian people dictates that we acknowledge the Armenian genocide as such.

While paying tribute to the victims of the Armenian genocide, however, we must not forget to celebrate the fortitude and persistence of the Armenian people who have survived and thrived in spite of this persecution. The United States has a large Armenian-American population which has made significant and positive contributions to their communities and to this nation as a whole. The Republic of Armenia struggled through the turmoil of the dissolution of the Soviet Union to emerge as a force for democracy and a strong civil society in that region. The Armenian people have transformed tragedy into triumph, and I salute the power of their spirit.

As many of my colleagues may recognize, this anniversary becomes particularly poignant in light of the ongoing crisis in the Balkans today. I am reminded of the words of President Theodore Roosevelt, who observed, "* * * the Armenian genocide was the greatest crime of the war, and the failure to act against Turkey is to condone it * * * the failure to deal radically with the Turkish horror means that all talk of guaranteeing the future peace of the world is mischievous nonsense." Sadly, these words are all too applicable to the situation we now face in Kosovo and Serbia.

Hitler, when outlining the strategy that culminated in the "Final Solution," reportedly remarked: "Who today remembers the extermination of the Armenians?" Today, let us all prove Hitler wrong by not only remembering and mourning the Armenian genocide, but also by continuing our efforts on behalf of the Kosovar people to ensure that such a tragedy can never again be visited upon any people in this world.

Mr. GEJDENSON. Mr. Speaker, I stand with my colleagues today to remember the Armenian genocide which occurred between 1915 and 1923.

Eighty four years ago the Ottoman Empire began a systematic eight-year purge of Armenians within its borders. Ultimately, 1.5 million men, women and children were executed. In addition, 500,000 Armenians were forced to leave their homes and seek refuge in other countries. Many of those refugees came to the United States. In the decades since, these immigrants have made innumerable contributions to American society.

This first genocide of this century of genocides demonstrates the depths of brutality and evil that humanity can reach. By remembering it, we remember how important it is to work to prevent such evil from recurring.

I have a special connection to the fate that befell the Armenians, as my family has also fallen victim to ruthless genocide. My family was nearly destroyed by the genocide that Hitler led throughout Europe against the Jews. Two of my grandparents were killed in the Holocaust. My father survived the extermination of his village by the Nazis and my mother spent the war fleeing the Nazis by going deeper and deeper into Russia. I was born in a displaced-persons camp in Germany after World War II.

Today, we look across the world and see history repeating itself in the most horrific terms. We are in the midst of a battle in the Balkans to confront the genocide being carried out by Yugoslavian President Slobodan Milosevic.

However, even the most terrible events can have a ray of hope for the survivors. We can look at Armenia today and see that a people can indeed be restored after suffering such a devastating blow. After the genocide, the Armenians were oppressed for decades by the Soviet Union, but they persevered. Finally, in 1991, the Armenian people voted for, and achieved, their independence. Their young republic was the first of the former Soviet republics to achieve economic growth. This is a proud people, and with good reason. They are survivors—survivors who look to a brighter future, but who will never forget what happened. As you can see by the outpouring in Congress today, Mr. Speaker, we won't forget either.

Mrs. NAPOLITANO. Mr. Speaker, it is with a great sense of honor, compassion and resolve that I rise to speak on the floor of our United States House of Representatives on behalf of the 1.5 million Armenian victims of the 1915 genocide. As a member of the Congressional Armenian Caucus, I am deeply honored to represent a large Armenian community located in the city of Montebello in my 34th Congressional District.

Together with my colleagues, I share a heartfelt compassion for the tremendous suffering visited upon the Armenian populations as a result of the systematic and deliberate campaign of genocide by the rulers of the Ottoman Turkish Empire during the period of 1915 to 1923. Let no succeeding generation forget these unspeakable atrocities, nor seek to deny the terrible truth of its occurrence.

The United States Archives are replete with material documenting the Ottoman Turkish government's premeditated exterminations, including the executions of the Armenian leadership in Istanbul and other Armenian centers, and the male population conscripted into the Ottoman Army. The surviving women, children and elderly were sent on horrific death marches through the Syrian Desert and subjected to rape, torture and mutilation along the way.

Mr. Speaker, the Armenian-American communities throughout the United States, as well as all people of goodwill, stand firm in our resolve not to let the world forget the Armenian genocide of 1915. In solidarity with the countless victims of the Jewish Holocaust, the Cambodian genocide and the present massacres being committed in Kosovo, we must continually recognize these crimes against humanity and reaffirm the American people's commitment to steadfastly oppose the use of genocide anywhere in the world.

It is altogether fitting that on this last anniversary of the Armenian genocide of 1915 in this 20th century, and in recognition of the atrocities being committed in the Balkans today, to restate from this same floor of the House, the truly memorable words of our late colleague, the Honorable Les Aspin, then chairman of the House Armed Services Committee on April 28, 1992:

> We look back in order to memorialize those who died under Ottoman rule, to restate that they shall not have died unmourned and unnoticed, to shout that millions of us, Armenians and non-Armenians alike, will never forget.
>
> We look forward to declare that this must never happen again, that the deaths of one and a half million people must serve as a perpetual warning to the world, alerting us to the threat of evil and uniting us to combat anyone who might again think of committing wholesale murder.

Mr. Speaker, in remembrance of those Armenian leaders executed during the genocide of 1915, I am honored to recognize some of the outstanding Armenian-American leaders of today, who have contributed so much to the betterment of our nation, our beloved state of California and our communities in the 34th Congressional District.

In particular, I wish to honor the Most Reverend Archbishop Lapajian, and the Reverend Babouchian, Pastor of the Holy Cross Armenian Apostolic Cathedral in Montebello, California for their faithful spiritual guidance.

And, it is appropriate to recognize two former Armenian-American elected officials who made an enormous contribution to the State of California and the communities of the 34th Congressional District, the Honorable George Deukmejian, who served as a Member of the State Assembly, state Senator, Attorney General and Governor of California; and the Honorable Walter J. Karabian, who served as Majority Leader of the California State Assembly. Their exemplary service has been a beacon of hope to all that wish to realize the American dream of opportunity and success.

In addition, I am pleased to recognize the service of the Honorable Tom Malkasian, City Treasurer of the city of Montebello, and member of the board of the Armenian Mesrobian School.

I have also recently had the privilege to visit several worthy leaders and institutions of the Armenian community in my district including Raffi Chalian, President of the Armenian National Committee; David Ghoogasian, Principal of the Armenian Mesrobian School; Anita Haddad, Co-Chairwoman of the Armenian Relief Society; Manouk Zeitounian, leader of the Homenetmen Athletics and Boy Scouts; Joseph Gharibian, Member of the Board of Representatives of the Holy Cross Armenian Apostolic Cathedral; and most significantly, Lucy Der Minassian, Co-Chairwoman of the Armenian Relief Society, and herself a survior of the Armenian genocide of 1915.

Mr. Speaker, in closing let every American stand with our Armenian brothers and sisters noting this anniversary throughout the world, together with the victims of torture and genocide whenever and wherever it occurs, to honor their precious memory, in compassion for their terrible suffering, and with unflinching resolve to never, never forget.

Mr. KENNEDY. Mr. Speaker, today, we solemnly observe the Armenian genocide, a tragedy that took place nearly 84 years ago.

The courage and strength of the survivors and the memory of those who perished are an inspiration to all of us to stand up here today. It is our task to make sure that the Armenian genocide will never be forgotten.

Over 6 million people of Armenian descent live in this country. Many of them can still recount the persecution they faced from the Ottoman Empire and the stories of the night of April 24, 1915, the night the genocide began.

In observance of this date, we must remember the hard lessons learned from this tragedy so that we will never forget our duty to fight against human rights abuses, "ethnic cleansing," genocide and other crimes against humanity.

As we support the brave men and women fighting to stop the genocide of ethnic Albanian's in Kosovo, we see that genocide is not simply a sad chapter in history. The lessons of the Armenian genocide are ever salient. In the Kosovo case, our country's message must be clear. When a leader decides to erase a race of people from the earth, we will react with all due force and determination to make sure that leader fails.

The blood of genocide victims stains not only the hands of the perpetrators, but also those who do nothing to stop it. We can not wash our hands of this tragedy. We must remember the crimes of the past and work to end all types of genocide. This includes dedicating ourselves to ending the ethnic cleansing in Kosovo.

Mr. PORTER. Mr. Speaker, we must never forget what happened to the Armenians 84 years ago, just as we must never overlook the human rights violations which are happening today in all corners of the world.

SAN JACINTO DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise today to continue with a series of speeches designed to explain to my colleagues the history of my home State of Texas.

On March 2 of this year I spoke to this body of the brave actions taken by 54 men who signed the Texas Declaration of Independence, a document modeled after the one signed almost 60 years earlier by our Founding Fathers.

I also spoke to my colleagues of the brave sacrifices of the defenders of the Alamo and of the massacre of Texas forces at Goliad. Six weeks later, on the banks of San Jacinto River, approximately 750 Texans under General Sam Houston assembled, determined to avenge their brothers.

On the morning of April 20, 1836, over 1,500 Mexican soldiers under General Santa Ana approached the Texans' position. Driving off by fire from the famous "Twin Sisters" cannon, he fell back to regroup.

The Texans, inspired by their initial success, were champing at the bit. Houston, however, held them back, and sent his most trusted spy, Erastus "Deaf" Smith, with a few men to burn Vince's Bridge, thus cutting off the path of retreat for the Mexican Army. Mr. Speaker, Vince's Bridge is in the 29th Congressional District that I am proud to represent.

On the 21st, today's anniversary, though, Houston was ready to strike. With the Mexican Army still in its camp, Houston gave the order to advance, and the Texans did not hesitate. I say "Texans," Mr. Speaker, because that force was made up of a lot of new immigrants to Texas from the United States. Texas has always been an immigrant State.

When within 70 yards the word "fire" was given, the Texan shouts of "Remember the Alamo" and "Remember Goliad" rang along the entire line. Within a short time 700 Mexican soldiers were slain, with another 730 taken as prisoners. The whole battle lasted less than 30 minutes.

From that point on, Texas was firmly established in the community of nations, seeking recognition. For 10 years she would remain an independent nation, until President James K. Polk signed the treaty admitting Texas to the United States in 1845.

A panel on the side of the monument at the San Jacinto battleground today underscores the importance of the battle after more than a century and a half of reflection: "Measured by its results, San Jacinto was one of the most decisive battles of the world."

The freedom of Texas from Mexico won here led to annexation and to the Mexican War in 1845, resulting in the acquisition by the United States of the States of Texas, New Mexico, Arizona, Nevada, California, Utah, and parts of Colorado, Wyoming, Kansas, and Oklahoma.

Now, Mr. Speaker, at one time or another I am sure, coming from Texas, we claimed all those States as part of Texas, but they really were not. Almost one-third of the present area of the American Nation, nearly a million square miles, changed sovereignty starting with the battle of San Jacinto.

The San Jacinto battlefield was in the 29th Congressional District until 1996 when the Federal courts changed our lines, and now it is in the 25th Congressional District.

This major event in our history is remembered not only as a battle for Texas independence, but is a victory over freedom and dictatorship. Mr. Speaker, I hope the House and all of America will join those of us from Texas in celebrating that victory for freedom.

Mr. Speaker, I include the following for the RECORD:

[From the Houston Chronicle, Apr. 21, 1999]

SAN JACINTO

A DAY TO REMEMBER GREAT, UNVARNISHED HISTORY OF TEXAS

"Measured by its results, San Jacinto was one of the decisive battles of the world."

"So begins the simple inscription at the base of the towering San Jacinto Monument. The obelisk, visible from the modern glass castles of downtown Houston, holds its head high over a few quiet, lowland acres at the confluence of Buffalo Bayou and the San Jacinto River. There fate and the future noisily and auspiciously crossed paths and swords on this date in 1836.

"The freedom of Texas from Mexico," the inscription continues, "won here led to annexation and to the Mexican War, resulting in the acquisition by the United States of Texas, New Mexico, Arizona, Nevada, California, Utah, and parts of Colorado, Wyoming, Kansas and Oklahoma. Almost one-third of the present area of the American nation, nearly a million square miles, changed sovereignty."

That is more than worthy of note and remembrance.

But, even unvarnished, Texas history is a magnificent story in and of itself. And that is too often lost in these days of headline news and semi-literacy and our natural preoccupation with the present.

When Gen. Sam Houston and Gen. Antonio Lopez de Santa Ana, and their respective armies, met on the field that day, the combat lasted but 18 minutes—the killing went on for more than two hours. Knowing and understanding the reasons why, indeed the reasons there was a battle in the first place, ought to be at least as much a part of modern Texans' knowledge base as, say, what the weather might be tomorrow.

But, sadly, it far too often is not. Yes, we remember the Alamo, but too few of us these days can remember and recount exactly why.

And so, we pick a day of anniversary, a day of remembrance to give more than just a passing thought to what and why and how what we see before us, both the good and the bad, came to be.

We observe San Jacinto Day with good cause here in Texas, our Texas.

CEREMONIES TO MARK BATTLE OF SAN JACINTO

Chief Justice Tom Phillips of the Texas Supreme Court will deliver the keynoted address today during a ceremony marking the anniversary of the Battle of San Jacinto.

The 10:30 a.m. ceremony at the San Jacinto Monument is to honor the Texans who died April 21, 1836, when a small force led by Sam Houston surprised and defeated a larger Mexican force led by Gen. Antonio Lopez de Santa Anna.

The Mexican leader fled during the battle but was captured a short time later, leading to Texas' independence from Mexico.

Today's ceremony also will salute the 30th anniversary of the modern-day Texas Army, which appears in costume at such events and performs cannon and musket salutes.

Musical entertainment will be provided by the Skylarks and by K.R. Woods and the Fathers of Texas. A barbecue also is planned, for which tickets are $10. Admission to the ceremony is free.

On Saturday, the San Jacinto Volunteers will present their ninth annual re-enactment of the Battle of San Jacinto. The living history camp will feature Texan and Mexican armies beginning at 10 a.m., with uniformed characters demonstrating camp cooking, candle and soap making, weapons and other activities from the Texas Revolution era.

A narrated "battle" is set for 3:30 p.m. with cannons booming, muskets firing and battle drums echoing to signal the clash of Texan and Mexican cavalry and infantry. The day concludes with a re-enactment of Santa Anna's surrender to Houston and a ceremony honoring those who died in the battle 163 years ago.

The San Jacinto Battleground is on Texas 134, or Battleground Road, north of Texas 225. For more information call 281-479-2431.

FAIR TRADE LAW ENFORCEMENT ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, the headlines are very grim today. We are facing in America a record trade deficit, one that threatens to cut the economic growth rate of this country. This is in the context of an international economic malaise in which unfair trade practices and naked mercantilism have proliferated on the part of our trading partners.

What America needs, Mr. Speaker, is not only a stronger trade policy but stronger legal protections put in place to guarantee a level playing field in this challenging international environment.

Mr. Speaker, I rise today to introduce, on behalf of myself and six bipartisan cosponsors, the Fair Trade Law Enhancement Act of 1999. This bill takes a broad approach to trade law reform and includes important necessary changes to the antidumping and countervailing duty laws. These reforms are essential if we are going to keep the trade laws effective and relevant to current conditions in a newly turbulent global economy.

America's trade laws have long been critically important to U.S. jobs in both the manufacturing and agricultural sectors. These laws form the last line of defense for U.S. industries, which must operate on market-based principles even though their foreign competitors frequently do not, against injury caused by unfairly traded imports.

The basic covenant at the heart of U.S. trade policy holds that while America maintains an open market to fairly traded goods of any origin, our trade laws will ensure that our industries and workers will not be subject to injury from unfairly traded imports.

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Unfortunately, American industry and our working men and women have suffered because we have failed to update these laws even as the world economy continues to change. The trade laws must now be strengthened to prevent unfairly traded imports from undermining our manufacturing and agricultural base.

The last general reform of the U.S. trade laws, unconnected to any particular trade agreement, occurred more than a decade ago. In that time, the problems to which these laws must respond have changed considerably, as underscored by the recent Asian and Russian economic disasters and the steel trade crisis that has ensued. It has become painfully clear, for example, that the current trade laws are not capable of responding to the kinds of sudden import surges, causing dramatic and rapid injury, which now seem to be part of the international economic scene.

The reforms in my bill are fully consistent with WTO rules and fall into three categories: One, amendments to the safeguard law; two, amendments to the antidumping and countervailing duty laws; and, three, provisions establishing a steel import notification program.

The safeguard amendments update the remedy in section 201 of the Trade Act of 1974 to make it more effective for U.S. industries trying to deal with damage in import surges. In particular, the amendments conform some of section 201's unnecessarily stringent standards to the more appropriate standards in the WTO safeguards agreement.

The antidumping and countervailing duty law amendments would amend Title VII of the Tariff Act of 1930 in light of some of the new global economic realities and conditions to which those laws must now respond. Some of these changes reverse flawed court decisions that have limited the laws' remedial reach in a manner never contemplated by Congress. Again, the primary focus of these reforms is to eliminate unnecessary obstacles American manufacturers and farmers face in securing relief under current law, and to assure through WTO-consistent means that U.S. firms and workers can face their foreign competitors on a level playing field.

Having effective and up-to-date trade laws in place is important to internationally competitive U.S. farm and manufacturing industries, especially the steel industry, where international trade has been more heavily distorted by subsidies, closed markets cartelization and dumping than any other economic sector.

For these reasons, Mr. Speaker, I urge my colleagues to join me in supporting the Fair Trade Law Enforcement Act of 1999. These fundamental reforms will help keep a credible and effective deterrent against unfair trade in place into the next millennium, and they deserve enthusiastic support from friends of America's manufacturers and farmers and workers all over.

CONDOLENCES EXTENDED TO PEOPLE OF LITTLETON, COLORADO

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I am profoundly shocked and saddened by yesterday's school tragedy in Littleton, Colorado, where two students opened fire on their classmates and then turned their guns on themselves.

The most common question we ask ourselves in a situation like this is "why?" Well, we do not know yet all the "hows" or "whys" of this tragedy, and we may never understand it. What we can do, without question and hesitation, is extend our thoughts and prayers to the families who have lost their loved ones, to the parents who have lost their beloved children, to the wounded children and their families, and to the people of the community of Littleton, Colorado.

Mr. Speaker, I can empathize with what the people of Littleton are going through. There was an incident of senseless school violence in my own south Texas congressional district a little over 1 year ago. On January 13, 1998, two masked gunmen, armed with automatic assault rifles, stormed into a building at South Texas Community College and opened fire where students were registering for class. Two students were seriously wounded and one security guard died in that shooting.

In McAllen, Texas, this was certainly not something that we ever imagined possible on a community college campus. Shock and grief swept across our community in the immediate aftermath of the violent incident. To this day, it remains a shock and a horror.

In the days ahead, it is important that we do all we can to hammer home to our children and to young adults that violence is wrong. As a member of the House Committee on Education and the Workforce, school safety is an issue that I take very seriously. In fact, it is the number one educational concern of hundreds of my constituents I surveyed earlier this year.

Today, Mr. Speaker, as we struggle to understand this tragedy, our hearts go out to the people of Littleton, Colorado. On behalf of every man, woman and child of Texas's 15th Congressional District, please accept our deep condolences and sympathy.

COMMEMORATING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, I rise today to join my colleagues in remembrance of the victims of the Armenian Genocide. I would like to thank the cochairs of the Armenian Caucus, the gentleman from New Jersey (Mr. FRANK PALLONE) and the gentleman from Illinois (Mr. JOHN PORTER) for arranging this important special order in observance of this tragic event.

During the second half of the nineteenth century, between the years 1915 and 1923, the Armenian population of the Ottoman Empire became a target of heightened persecution by the Ottoman Turks. These persecutions culminated in a 3-decade period during which more than 1.5 million Armenians were systematically uprooted from their homelands of 3,000 years and eliminated through massacres and deportation.

Mr. Speaker, this historic event can no longer be denied. Vast amounts of documentation exist in the United States archives, as well as in the public domain, which lend proof that the horrific event surrounding this period did in fact take place. It is important that we, as Members of Congress, continue to officially recognize the genocide because it is an important part of our world history, just as historically important as World War II, and a prelude to the Holocaust that followed. It is a shame and an outrage that the Genocide is still not recognized by many, many nations.

Mr. Speaker, it is also important that we continue to mark this event on an annual basis. Although most of the survivors of the Genocide are unfortunately no longer with us, their relatives continue to remember and to mourn them to this day. I am proud that the State of New York is one of the few States which has offered a human right/genocide curricula for teachers and students to use at their discretion, which includes the Armenian Genocide. I was a sponsor of that curricula, and I believe educational programs such as this allow our children to learn more about the tragic events such as the Armenian Genocide, hopefully ensuring a peaceful existence for future generations.

Mr. Speaker, we cannot forget that the persecution and mistreatment of the Armenian people continues today in Nagorno-Karabagh. Since 1988, fighting there has left more than 1,500 Armenians dead and uprooted hundreds more, forcing them to flee to other parts of this unstable region. As a member of the Congressional Armenian Caucus, I will work to end the repression of the Armenian people in Nagorno-Karabagh and will continue to support their efforts to ensure a stable future for their people.

COLUMBINE HIGH SCHOOL SHOOTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of Colorado. Mr. Speaker, as a Coloradoan and as an American, I am profoundly shocked and saddened by the shootings at Columbine High School in Littleton, Colorado, yesterday. My thoughts and prayers go out to the families who have been victims of this terrible crime.

I can hardly imagine the horror and pain experienced by the families who lost loved ones in this tragedy, and as the father of two school aged children, I am deeply distressed by the prospect that our schools have become places where this kind of violence can take place.

Today, however, is not a time to rush to judgment about the causes or cures for this tragedy. I do believe, however, that parents, community leaders and policymakers at all levels, including school boards, State legislators and our national government need to come together in coming weeks and reflect upon this tragedy. We need a fuller discussion of the values we share as Americans, and we need to work more actively than ever before to make our schools safe and to ensure that our Nation's classrooms are places for learning and for nurturing the full potential of our young people.

Mr. Speaker, I hope that as a Nation we will respond to this incident by looking beyond our prejudices and political leanings. My concern is that the violence that took place in Colorado has deeper implications for our future than we can fully fathom at this moment. I fear it goes deeper than observations about a decline in our values or moral decay as a society.

Ultimately, this tragedy will challenge us to carefully explore our understanding of rights and freedoms, whether it is access to the Internet or access to guns. Moreover, it will challenge us to place an even greater priority on the quality of our lives and the lives of our children.

COMMEMORATION OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY of New York) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise today to join my colleagues in the sad remembrance of the Armenian Genocide.

First, I would like to commend the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. PORTER), cochairs of the Caucus, for all of their hard work on this issue and other issues of human rights.

April 24, 1999 marks the 84th anniversary of the beginning of the Armenian Genocide. It was on that day in 1915 that over 200 Armenian religious, political and intellectual leaders were arrested and murdered in central Turkey. This date marks the beginning of an organized campaign by the young Turk government to eliminate the Armenians from the Ottoman Empire. Over the next 8 years, 1.5 million Armenians died at the hands of the Turks, and a half million more were deported.

As the United States Ambassador to the Ottoman Empire, Henry Morgenthau, Sr. has written, and I quote, "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well and made no particular attempt to conceal the fact."

As a supporter of human rights, I am dismayed that the Turkish government is still refusing to acknowledge what happened and, instead, is attempting to rewrite history.

In a sense, even more appalling than Turkey's denial is the willingness of some officials in our own government to join in rewriting the history of the Armenian Genocide. It is vital that we do not let political agendas get in the way of doing what is right.

Mr. Speaker, the issues surrounding the Armenian genocide should not go unresolved. I call upon the United States Government to demand complete accountability by the Turkish Government for the Armenian genocide of 1915–1923.

To heal the wounds of the past, the Turkish Government must first recognize the responsibility of its country's leaders at that time for the catastrophe. Nothing we can do or say will bring those who perished back to life, but we can require them and bring everlasting meaning by teaching the lessons of the Armenian genocide to future generations.

The noted philosopher George Santayana has said, "Those who cannot remember the past are condemned to repeat it." We should heed this wise principle and do all we can to ensure that those that died, the people of the Armenian genocide, that these people are not forgotten.

VICE-PRESIDENT GORE'S VIEWS ON ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DOOLITTLE) is recognized for 5 minutes.

Mr. DOOLITTLE. Mr. Speaker, today marks the first in a series of special orders members of the Conservative Action Team and Western Caucus hope to hold on the record of Vice President AL GORE.

For the past 6½ years AL GORE has been Bill Clinton's point man on the environment and on a number of key issues. He has been particularly aggressive in attacking the work of congressional Republicans, often portraying the positions of congressional Republicans as being very extreme and very anti-people, if you will.

The members of the Conservative Action Team believe it is important for the American people to understand why AL GORE finds our record of cutting taxes, balancing the budget, eliminating wasteful government, and restoring commonsense environmental policies so contemptible, and to do this we think we must look at what AL GORE actually stands for.

Today we will examine the Vice President's views on the environment. This examination is important because, upon being elected, Bill Clinton ceded control of his administration's environmental policy to AL GORE. In fact, GORE was given the authority to select the EPA Administrator and other high-ranking environmental policy positions.

The timing of this special order also is important because tomorrow is Earth Day. Earth Day is a curious event, curious because we will not hear as much talk about protecting the environment, which all Americans support, as we will about what the Federal Government and Federal bureaucrats can do to curtail individuals' rights to use private property.

What makes Earth Day more curious is that the first such celebration took place in the 100th anniversary of communist revolutionary Vladimir Lenin's birthday.

One thing we have come to expect is that AL GORE will use Earth Day to criticize Republicans for not micromanaging every river, wetland, and estuary across America from Washington, D.C.

AL GORE's extreme views on the environment have not been given the attention they deserve, despite the fact that he has written an entire book explaining them. That book is entitled "Earth in the Balance," and I would encourage all of my colleagues to buy a copy and to read it. I think it will be most instructive. Let me just cite a couple of things out of the book in the limited time I have:

"The 20th century has not been kind to the constant human striving for a sense of purpose in life. Two world wars, the Holocaust, the invention of nuclear weapons, and now the global environmental crisis have led many of us to wonder if survival, much less enlightened, joyous and hopeful living, is possible. We retreat into the seductive tools and technologies of industrial civilization, but that only creates new problems as we become increasingly isolated from one another and disconnected from our roots."

Does any reasonable person really sit here and wonder if survival is even possible? I mean, this is unimaginable. And to compare this threat that he sees to the two world wars or to the Holocaust? And yet we live in a time of unimagined prosperity and a time when people in many ways are more well off than ever. I just think this is an interesting observation, to see that someone of this high office actually holds this kind of view which is so far out of the mainstream.

The Vice President made a statement about the future of cars, and that is in the book and I will quote within that. Mr. Speaker, I will end on this note: Within the context of the Strategic Environment Initiative, which I understand to be a proposal the Vice President has worked on, it sought to be able to establish a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a 25-year period.

Let me just observe, the internal combustion engine has been a great blessing to Americans and to people around the world. I have never really heard of an adequate replacement for it. And it has certainly been the source, in the manufacture of that and related industries, that has created hundreds of thousands of jobs. And yet here the Vice President is essentially lauding the elimination of the internal combustion engine.

We will conduct further discussions on this in the weeks ahead.

TIME HAS COME FOR THE UNITED STATES AND IRAN TO HAVE DIRECT COMMUNICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. NEY) is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, Bruce Langden was a hostage in Iran with the takeover of the embassy; and as he has stated many times in the past couple of years, it is time for the two countries to talk.

It has now been 20 years since the United States and Iran have had any direct communications with each other. Official exchanges have all been indirect via the Swiss. Its embassy in Tehran today officially represents the American interests there. But these have been very rare and limited amounts of contact.

On the face of it, that fact makes little sense, for either country to not talk, given the way the interests of the United States and Iran in that part of the world overlap. We cannot ignore the reality of Iran. Neither can Iran ignore the reality of America's strategic interests and military presence today in the Persian Gulf.

We have some obvious shared interests. An improved situation in the Mideast is good for the world and good for us and good for Iran. We obviously also share interests of better control of traffic in narcotics in the region and freedom of navigation in the Persian Gulf for everyone.

But the absence of dialogue with Iran inevitably impacts even more broadly on our strategic interest throughout the region. More specifically, Mr. Speaker, it complicates our relationship with the Central Asian states that evolved out of the former Soviet Union, with whom Iran has had historic cultural and strategic interests.

It also denies contact in commerce between the two countries, which can benefit many of the Iranian people and also the American people. It leaves the vast oil and gas sector of Iran, in serious need of infrastructure modernization and expansion, open to European interests but not to the Americans.

It also postpones the time when we inevitably will need to accept the reality of Iran's naval presence in the Gulf and the need for Iran to be included in essential long-term, multilateral security arrangements in those waters.

It denies us conduct with the emerging generation of future leaders in that country, particularly amongst the young people. Some 50 percent of Iran's population are under the age of 25, and the educational exchanges between the two countries would be of benefit to everybody.

Now, we never are going to be able to communicate by saying, "These are the four points that we are unhappy with with Iran," and Iran saying to the United States, "These are the four points we are unhappy with." I think we simply have to agree to begin to talk and to communicate.

Now, regrettably, the Tehran government continues to assert that it is not open to dialogue except under conditions that make dialogue impossible; in other words, no dialogue from government to government. And it is clear that the continuing political confrontation in Iran between conservative elements and those preaching moderation makes overtures towards the U.S. unlikely soon.

We also have our own amounts of arguments in our democracy here about whether we should or should not commune. I am sure other Members of Congress would take a different point of view, Mr. Speaker, from what I am saying today.

But on our part, I think we need to make it clear that we are ready to communicate and agree to talk with each other. One immediate way to signal that interest would be for us to facilitate the license that would be needed under our current trade embargo for the sale of up to 500,000 tons of American agricultural commodities that American and Iranian private interests seek to complete. According to Secretary of Agriculture Glickman, the request remains under review.

Former Secretary of State Cyrus Vance, in a speech at the Asia Society in New York, urged the reestablishment of relations between the two countries. Looking down the road, a restored relationship between Iran and the United States would find special strength in one important factor. The U.S. today is the second largest Persian-speaking country in the world.

Some million and a half Iranian Americans now live here in the United States. Many had fled the country or emigrated since the Iranian revolution. Like the many other ethnic minorities who make up our country, that is a special strength for the long term. Families should be able to go back and forth. Iranians should be able to visit their families here.

So I conclude, Mr. Speaker, by just saying that the time has come to at least begin to agree to communicate so that differences that we have can be brought to the table, and I think it will make for a better world and a better Mideast and more of a resolve to have peace on our planet.

U.S. POLICIES RESTRICT GROWTH OF CERTAIN EXPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, one of the most important issues we face as a country and will continually face is the issue of economic growth, basic prosperity, creating an economy where all of our constituents can have good jobs that last and enable them to take care of themselves and their family.

We must always be thinking of ways to increase economic growth, to increase economic prosperity to provide those jobs. I think that is one of those basic and fundamental services that I think of myself providing for the people I represent in the 9th District of the State of Washington, is to try to help do what we can to encourage a strong economy, and one of the cornerstones of a strong economy is exports.

In order to create a possibility for economic growth, we have to have a strong export market, and a few basic facts make this point clear. Ninety-six percent of the world's population lives outside of the United States. But despite the fact we only make up 4 percent of the world's population, we consume 20 percent of the world's goods and services and products.

So we can basically look at those figures and realize that if we are going to have economic growth, it is probably going to have to occur outside of the United States. We are going to have to do something to get access to that 96 percent of the world that does not live here.

There is massive potential for growth in those markets for all of our products. Technology products, goods, services, you name it, exports are an incredible possibility for growth. Currently we have a number of policies in the U.S. that restrict the ability of those exports to grow, and that is what I want to address the House about today.

Now, there are some very good reasons for why these restrictions on exports exist. Unfortunately, as times have changed, those reasons are no longer valid, so it is very important that we reexamine our policy of restricting exports. And there are two that I want to touch on today. One is unilateral economic sanctions, and the second is restrictions that we police on the exportation of certain technologies, certain software and certain computers.

When we look at the issue of unilateral economic sanctions, it is important to first look at why we do it. We do it because we want to change the policies of other countries, policies that we are absolutely right in condemning and wanting to change, policies such as restrictions on religious freedoms, restrictions on democratic freedoms, restrictions on economic freedoms, and basic human rights concerns.

Unilateral economic sanctions are perceived as one way to get other countries to change those policies. But the problem is we live in a global economy, and in a global economy a unilateral, which means only us, the U.S., placing export restrictions on our companies doing business with other countries, does not get us there because those other countries have dozens of other options. They can go to other countries and get their goods and services elsewhere, and all that happens is that we lose market share and those policies that we are concerned about do not change.

Economic sanctions, in order for them to work, must be multilateral in order for them to have full impact. I brought a chart with me today to show my colleagues, in red, the countries that we have placed some sort of economic restriction on. In other words, these are countries that there are some sort of restrictions on U.S. companies exporting to them. These are markets that we are shutting off or reducing access to for U.S. companies.

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Mr. Speaker, the important point here is it just does not work. If it worked, if we could actually change human rights policy, change democracy policy, change economic repression through a policy of unilateral economic sanctions, certainly it would be worth doing it, but it does not work. We need to reexamine that policy.

Mr. Speaker, we have a bill in the House to do that sponsored by the gentleman from California (Mr. DOOLEY), who spoke earlier on this issue. I think it is critical that we support that.

On technology, we restrict it for a slightly different reason. We restrict it for national security concerns. Perfectly valid concerns, but the question is: Do our restrictions on encryption software and computers actually help national security? I would argue, first, that they do not and, second, that they actually hurt our national security interests.

This technology is not something we can put our arms around. It is growing so fast and in so many countries other than the U.S. We are not the only ones making encryption software in computers. Other countries are doing it. Therefore, these countries that we want to restrict access to will get access to it anyway. All we will do is hurt our own companies and hurt their ability to grow.

This is not a choice between commerce and national security. In fact, I would argue that our national security could be best enhanced by opening up these markets to our U.S. technology companies so that U.S. technology companies can continue to be the leaders in technology and, therefore, share that technology with our national security interests. We are not going to be able to get the sort of interplay back and forth between the private sector and our defense companies if Germany or Canada or any number of other countries suddenly is out in front of us in technology. We will lose our national security edge.

So, paradoxically, the policy of restricting the ability of our technology companies to have access to other markets for goods like computers and encryption software winds up harming our national security policies.

The world has changed. It is global, and technology is very accessible. We need to reexamine old policies that no longer accomplish what they set out to do.

ADMINISTRATION SHOULD CALL ON OUTSIDE COUNSEL TO HELP DEVELOP BALKAN STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise to express concern over the conditions in the Balkans. I am particularly concerned with the continued deterioration in the lives of ethnic Albanian refugees ripped from their homes in Kosovo at the direction of Serbia President Milosevic. I have been concerned enough to visit this troubled region twice in the past 2 months. I watched conditions get worse and worse and worse. Reports indicate that half a million refugees have fled Kosovo for Albania, Macedonia, Montenegro, with many more than that uprooted and hiding in terror in Kosovo. And the free world has found no way to stem this fall into despair for over a million men, women and children.

Relief efforts are underway to help the refugees. Mr. Speaker, while it may be too late and too little, help is beginning to be provided. But nothing has worked to date to overturn the root cause. Milosevic has campaigned to drive ethnic Albanians out of Kosovo in a manner so evil that fear will linger in their hearts forever.

NATO and Clinton administration efforts thus far have not stopped the brutality. Despite daily briefings to the contrary, bombing in Serbia is just not going that well. At the rate things are going, it may take a long time to stop Milosevic, and the refugees do not have forever. For too many, time has already run out. The Clinton administration has so many times ruled out the use of ground troops that Milosevic may have been emboldened by what he perceives as a lack of commitment by the other side to win. I fear that the Clinton administration has no clear strategy or idea as to what it will take to win in the Balkans.

Last Friday I called the White House and spoke with someone on the National Security Council about this issue. I asked if they had sought outside thinking from knowledgeable and previously experienced people, such as Warren Christopher, George Shultz, Larry Eagleburger and others, including battle-proven former military commanders. I was told they had not, but this idea might be an idea they would entertain. To my knowledge they have not followed up.

I personally would have chosen a different plan than the current effort of trying to bomb Milosevic into compliance. I believe a fiercely enforced embargo might have been a better first step. An effort to induce Milosevic to step aside by telling him he would have been forcibly pursued and taken and tried as a war criminal would have also been worth trying. But NATO and the Clinton administration chose another course that has led to where we are today.

Even though the results are so far not what we would like to see, we are committed to the effort and cannot back off. We must win, not only for the sake of the refugees and for stability in Eastern Europe, but now for the credibility of both the U.S. and NATO. If credibility is lost, will there not follow a host of other tyrants eager to challenge the will of the free world in pursuit of their own gain?

Today I call on President Clinton to assemble a group of American leaders knowledgeable of and with proven ability in foreign affairs, diplomacy, warfare and statecraft to provide counsel and direction to the Balkan effort which now seems to be stalled. I hope he considers men and women of high stature and achievement such as George Shultz, Warren Christopher, Zbigniew Brzezinski, Senator Sam Nunn, Casper Weinberger, Bob Zoellick, Morton Abramowitz, William Perry, Frank Carlucci, Max Kampelman, Paul Wolfowitz, Lee Hamilton, Robert Hunter, James Baker, Lawrence Eagleburger, Jeane Kirkpatrick, former Admiral William Crowe, former General Schwarzkopf and former General Colin Powell. These would be men and women who would sit at the table with their President not to criticize what has or not been done, but to suggest a workable plan for the future. They would offer privileged counsel to the President rather than critical critique to the press. They would help define an acceptable way to end the Balkan strategy.

All Americans want to bring peace to the Balkans and help the refugees from Kosovo. Mr. President, I call on you and I urge you to call on some of the best people in America to help show the way, and please, please do it soon.

COMMEMORATING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I am pleased to join with some of my colleagues who have been here today to commemorate the Armenian genocide. This observance takes place every April, for it was in that month in 1915 that more than 200 Armenian religious, political and intellectual leaders were arrested in Constantinople and murdered. Over the next 8 years persecution of Armenians intensified. By 1923 more than 1.5 million had died and another 500,000 had gone into exile. At the end of 1923, all of the Armenian residents of Anatolia and western Armenia had been either killed or deported.

The genocide was criticized at the time by U.S. Ambassador Henry Morgenthau, who accused the Turkish authorities of, quote, giving the death warrant to a whole race, unquote. The founder of the modern Turkish Nation, Kemal Ataturk, condemned the crimes perpetrated by his predecessors, and yet this forthright and sober analysis has been spurned by Turkey and the United States during the last decade.

The intransigence of this and prior administrations to recognizing and commemorating the Armenian Genocide demonstrates our continued difficulty in reconciling the lessons of history with real politic policies; that is, those who fail to learn the lessons of history are condemned to repeat them. We have seen continually in this century the abject failure to learn and apply this basic principle. The Armenian Genocide has been followed by the Holocaust against the Jews and mass killings in Kurdistan, Rwanda, Burundi and the Balkans. Many of these situations are ongoing, and in most cases there seems little apparent sense of urgency or moral imperative to resolve them.

Commemoration of the Armenian Genocide is important. It is important not only for its acknowledgment of the suffering of the Armenian people, but also for establishing a historical truth. It also demonstrates that events in Armenia, Nazi Europe and elsewhere should be seen not as isolated incidents, but as part of a historical continuum showing that the human community still suffers from its basic inability to resolve its problems, to resolve them peacefully and with mutual respect.

I hope that today's remarks by Members concerned about Armenia will help to renew our commitment and that all of the American people will oppose any and all instances of genocide.

TURKISH GOVERNMENT CONTINUES TO DENY ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, today I join with my colleagues to commemorate this day, April 24, as the day of the Armenian genocide carried out by the young Turk government of the Ottoman Empire in 1915. It was on that day in 1915 when 300 Armenian leaders, writers and thinkers were rounded up, deported and killed, and 5000 of the poorest Armenians were killed in their homes. Between 1894 and 1921 there were 1.5 million Armenians in the Ottoman Empire that were killed, and 500,000 were deported.

This Armenian genocide was carried out in a tragically inhumane and systematic fashion. First, Armenians in the army were disarmed, placed into labor battalions and then killed. Next, Armenian political and intellectual leaders were rounded up and killed as well. Finally, the remaining Armenians were called from their homes and marched to concentration camps in the desert where they were left to starve to death or were placed on barges and sunk in the Black Sea. During that time Turks who protected Armenians were killed.

To this day, Mr. Speaker, the Turkish government denies that there was an Armenian genocide and claims that Armenians were only removed from the eastern war zone. America has benefited in countless ways from the survivors of the genocide who have come to the United States with their families and now their descendants. As a representative from Michigan, we have been blessed by the contributions of the Armenian community in our cities and counties across Michigan.

Today I call on the Republic of Turkey to stop being the only country in the world to deny the Armenian genocide. It is time to admit what happened. The Republic of Turkey must show goodwill as well by allowing American aid to present-day Armenians to pass through to their citizens unhampered.

This is a day to remember, a day to pause in prayer and a day to commemorate our desire and commitment for this not to happen again.

HONORING THE MEMORY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROGAN) is recognized for 5 minutes.

Mr. ROGAN. Mr. Speaker, imagine an entire village, 10,000 people, drowned at once. Imagine watching as your fathers and brothers are burned to death. Imagine watching men in your community tied to horses and dragged away. Or watching children see their mothers and sisters raped and then beaten and dragged away. Imagine, if you will, smiling soldiers posing alongside the corpses of those who were just moments before family, friends and neighbors. Imagine if all this happened in front of your eyes, and then as you grew old, history and indeed nations of the world choose to ignore it all.

Mr. Speaker, these memories were not imagined, they were witnessed by thousands. Today these memories live in the hearts and minds of many of my friends and thousands of my constituents. It is our duty not to let these memories fade.

□ 1500

Mr. Speaker, I rise to support legislation that will forever recognize the atrocities committed against the Armenian people at the hands of the Ottoman Turks between 1915 and 1923. In eight short years, more than 1.5 million husbands, wives and children suffered and died.

The eyewitness accounts of this tragedy come not from the history books but from my own hometown. Today, nearly one-quarter of a million Armenians reside in the Los Angeles area, a majority in my hometown of Glendale, California. This is the largest concentration of Armenian Americans outside the Republic of Armenia. I have been blessed with their friendship.

Armenian Americans have served our country faithfully as members of the armed services, as public officials, as business and community leaders. Their story is the story of America, one of hard work, dedication, commitment to faith and to family. I have heard their story. I have heard it from survivors of the genocide and from their descendants.

My good friend Gregory Krikorian has told me the story of his grandmother, Yegnar Atamian, who after witnessing the brutal death of her father, the capture and slaughter of her brothers, the rape of her mother and sisters, endured her own deportation through the deserts of Syria. Her faith and her will to live somehow guided her to America.

She is not alone. Last year, I spoke of the tragedy witnessed by another constituent, Haig Baronian. As a child, he watched his own mother dragged away, never to be seen again.

In the memory of their families and in reverence to our founding principles of liberty at all costs, we must not let these images be erased from history. We must work together today to put to rest the painful memories of these and so many Armenians who were forced to begin their lives anew, far from their homeland. We must properly acknowledge the past.

I urge my colleagues to join me in supporting our efforts to commemorate the genocide against Armenia. Let us join together to close the gaping wound history has scored on the body of humanity. Let us give the martyrs of the Armenian people the eternal rest they have been seeking for nearly a century.

ALAMEDA COUNTY CHILDREN'S MEMORIAL DAY AND FLAG PROJECT

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise today to ask that my colleagues join me in supporting a Children's Memorial Flag Project and establishing a National Children's Memorial Day to remember all of the children who die by violence in our country. As I speak today, my thoughts and prayers go out to the Littleton, Colorado, community and the families of the students and faculty members who were tragically murdered yesterday.

Not only during January, when we celebrate Dr. Martin Luther King, Jr.'s birthday, should we discuss and teach nonviolence. Demonstrating and teaching our children that violence is wrong should be a part of our daily lives.

Each day in the United States five infants and children die from abuse and neglect and seven teens are murdered. In fact, more children lose their lives to criminal violence in the United States than in any of the 26 industrialized nations of the world. Many would be shocked at these statistics.

The Children's Memorial Flag Project was created to raise awareness about the violence towards children in our country and to organize community and national prevention strategies. It is with pride that I say that this project was originated in 1996 in the district which I represent, the 9th Congressional District of California.

In the past 5 years alone we have lost more than 140 children in Alameda County to preventable violence. Each time a child is killed, we fly the Children's Memorial Flag at half-staff. The Child Welfare League of America has adopted Alameda County's Children's Memorial Flag and promotes it nationally.

Last year 33 states participated on Children's Memorial Day, the fourth Friday in the month of April, which is both Child Abuse Month and Crime Prevention Month. This year we anticipate 20 States flying the flag at half-mast, with 13 others memorializing the children by other means.

Soon my friend and our Bay Area colleague, the gentleman from California (Mr. STARK), will introduce legislation that would adopt the Children's Memorial Flag and establish the fourth Friday in April as National Day of Observance. I ask my colleagues to cosponsor and support this legislation, and honor the memory of children lost to violence in our country on this Friday, April 23rd. I will continue to work to establish this day as a remembrance to honor children by flying the Children's Memorial Flag at half-mast, and I urge my colleagues to join with me in this effort.

Ms. BROWN of Florida. Mr. Speaker, I rise on behalf of one of our society's most valuable and most vulnerable groups of citizens: our Children.

For more than a decade, April has been recognized as Child Abuse Prevention Month. The U.S. Department of Health and Human Services reported that nearly one million children were abused and neglected in 1997.

Child abuse is society's concern. Prevention of child abuse demands that everyone—Federal, State and local government as well as community service providers, teachers, businesses, families, friends and neighbors must work as a unit to protect our children.

This Friday is Children's Memorial Day; a day set aside to memorialize the thousands of children and youth killed each year as a result of child abuse. I challenge each Member of Congress to help expand awareness and encourage prevention efforts for this nationwide problem.

Violence against our children must end. Preventing child abuse is everybody's business. Make it yours.

MANY ARMENIAN SURVIVORS CAME TO THE UNITED STATES SEEKING A NEW BEGINNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SWEENEY) is recognized for 5 minutes.

Mr. SWEENEY. Mr. Speaker, it is with great pride that I rise before the House today, taking this opportunity to speak out about one of the 20th century's earliest atrocities and worst atrocities. I do so because this subject is close to my heart.

Mr. Speaker, I am the son of a second generation Armenian American. My own grandfather, a native Armenian, witnessed the bloodshed firsthand when on April 24, 1915, 254 Armenian intellectuals were arrested in Istanbul and taken to the provinces in the interior of Turkey, where many of them were later massacred.

My grandfather often told my sisters and I how he had witnessed the execution of his own uncle and his teacher in a one room classroom as a child. In total, approximately 1.5 million Armenians were killed in a 28-year period. This does not include the half a million or more who were forced to leave their homes and flee to foreign countries like our own.

Together with Armenians all over the world and people of conscience, I would like to honor those that lost their homes, their freedom and their lives. Many Armenian survivors came to the United States seeking a new beginning, among them my grandfather, who was a recipient of the Russian Medal of Honor during World War II as a demolition specialist. He was awarded this honor for his incredible valor in the midst of this premeditated genocide. In fact, my grandfather went back to his own country to fight the Turks, to fight the Turks to stop the massacres of his family and his friends.

It is important that we do not forget about these atrocities. Mr. Speaker, I am very proud of my Armenian heritage, and I believe my Armenian grandfather, if he were still alive today, would be proud to know that he has such strong defenders of Armenians in the United States Congress, and I thank my colleagues who have risen today to support this recognition.

WE MUST EXAMINE THE KOSOVO CRISIS IN LIGHT OF OUR VITAL NATIONAL INTERESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, as we approach the NATO summit in Washington this weekend, I would hope that this will be a somber occasion for serious reflection about the issues of war and peace that confront us.

It seems clear that the crisis in Kosovo is nearing a decision point. There are reportedly some in the administration and in other NATO governments who are contemplating the commitment of ground forces to secure Kosovo. Before we consider such a step, and before our country even thinks of putting more Americans in harm's way, it is essential that we stop, pause for reflection and examine the Kosovo crisis in light of our vital national interests, our humanitarian obligations and our enduring need for a more peaceful and stable world.

It would be a grave error to replace no long-term policy, which is what I believe the administration has executed thus far, with the wrong long-term policy. We need to carefully draw up a strategic road map of the Balkans, a road map that gets us as quickly as possible to our desired outcome.

The fundamental question we must answer is whether our military intervention in a centuries-old civil war in the Balkans is likely to be either resolved on our terms or be successful over the long term. Make no mistake about it, this is a centuries-old conflict dating to 1389. If it could be accomplished, intervention on the ground might be worth doing, assuming casualties could be minimized, but I have come to the conclusion that military escalation is neither in the national interest nor can it achieve a stable long-term peace in the region.

Those who have called for ground troops have not specified the goal. Is it to take Kosovo, fortify it and occupy it for years, perhaps decades, against the threat of Serbian guerilla warfare? Or should the goal be to conquer all of Serbia, with incalculable consequences to wider Balkan stability, our relationship with Russia and our ability to respond on short notice to other regional flash points around the world?

Do those who advocate such a course understand that it may take months to properly build up such an invasion force? How much more misery and devastation will have occurred by then? In this particular conflict, does ratcheting up the violence serve our national interests or, for that matter, the interests of refugees and innocent civilians?

Those who say we should pursue victory by any means necessary and at all costs fail to answer the question, what would victory be if in the process it brought us a bitterly hostile Russia, made even more dangerous than the old Soviet Union by the volatile combination of loose nukes and a restive military? Do we strengthen our national security by potentially undoing all the good work that we have done since the fall of the Berlin Wall in getting Russia to be a responsible power?

The issue of the refugees is, of course, a terribly, terribly important issue and cannot be dodged by anyone in the debate on Kosovo. I am deeply moved by their plight. The United States has a moral obligation to get Milosevic to withdraw his forces from Kosovo, help return the refugees in an orderly manner and generally assist in reconstruction.

Just as surely, we need to help Albania and Macedonia get up on their feet economically, but we must ask ourselves whether military escalation is the best way to achieve those goals in light of our moral reasoning, which teaches us to preserve human life and limit material destruction as best we can.

The problem is now bigger than Kosovo, and America should actively encourage the mediation of a settlement before this crisis flashes over into a wider conflict. Rambouillet was almost destined to fail because it required the acceptance by both parties of a draft document with no substantive changes allowed. The administration's absolute requirement for a NATO implementation force and the probability of independence for Kosovo after 3 years were conditions of Rambouillet that neither Yugoslavia or any other sovereign country was likely to accept.

A realistic mediation needs the efforts of neutral parties to develop a flexible framework to get the parties to say yes. To the objection that mediation will never work, I say that judgment is overly pessimistic. We will never know unless we try. Rather than seeking opportunities to escalate the military campaign, we should be seeking opportunities for peace. It is strategically wise to involve the Russians, not only because of their influence with Serbia but because we must tangibly show Boris Yeltsin and other democratic forces in Russia that they will be rewarded, not spurned, for their efforts on behalf of peace.

A too rigid rejection of Russian peace overtures, by contrast, would simply strengthen extremists in Russia. Other countries such as Sweden and the Ukraine should be encouraged to take part, and we must consult actively with countries in the region. From Italy and Bulgaria to Greece and to Turkey, they will have to live with any settlement in the Balkans for decades to come.

I do not underestimate the difficulties involved, but should Milosevic balk, we will retain the ability to apply military pressure and continue to apply military pressure from the air. Once a settlement is reached, an international force may be necessary to assist the refugee return and to oversee reconstruction. We should be more flexible about the makeup of this force than we have been in the past. Rather than making its composition a non-negotiable end in itself, we should bear in mind that the international force is the means to an end. That means to an end is peace and stability in Kosovo, where ethnic Albanians can live in safety and with autonomy.

□ 1515

World War I began in the Balkans because a great power, Austria-Hungary, scoffed at the idea that Russia would intervene on the behalf of its Serbian ally. The world has turned over many times since 1914, but it could be an equally grave mistake to assume that the Russians will remain passive indefinitely. They have already sent truck columns carrying relief supplies to Yugoslavia, and there is public agitation in Russia to send military equipment.

This situation is far too dangerous for the U.S. public debate to get carried away by amateur generals in and out of public office. Many of these people insist that the Russians are too weak to do anything about it, precisely the error the Austrians made in 1914.

There is a better way. Who doubts that Theodore Roosevelt, one of our greatest Presidents, knew the national interests and acted vigorously in its behalf. Of course he did. But he also knew when military action brought no advantage and actually weakened a Nation, when a source of regional instability arose, such as the war between Russia and Japan, his every instinct was to be an honest broker and mediate peace. His efforts were rewarded with the Nobel Prize.

While we are now a party to the Kosovo dispute, we should be seen as a supportive element in such a solution. Americans need the moral courage to lead in peace as well as war. I have urged the President to use the occasion of NATO's 50th anniversary summit to call for a special meeting of the group of eight nations, the so-called G–8, to begin a formal effort to achieve a peaceful settlement. This G–8 meeting should help initiate a framework for a diplomatic solution of the crisis, and begin to put into place the foundation for economic assistance to this region. Delegations from Ukraine and other affected regional countries should also be invited to participate in the G–8 session.

I emphasize that this is not a panacea. It is only the beginning of a long and difficult process, but it is a step our country should not be afraid to take. The fact that negotiation is a long-term process should be no obstacle to our trying to achieve it.

The United States can and should remain strongly engaged internationally, because regional instability will not solve itself. But we must choose our tools very carefully, for the stakes do not allow failure. Power is a finite quantity. If we wantonly expend it all over the world for every thinkable cause, we diminish ourselves. America should carefully husband its military power. We should act militarily only in the cases of clear national interests and always keep an eye on the strategic end game: Protecting the American people and using our power effectively where it will provide greater stability and security for the world.

A mediated settlement of the Kosovo crisis may not be politically popular at the moment, but it may look considerably wiser to us and our children in the future.

84TH ANNIVERSARY OF ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentleman from Massachusetts (Mr. TIERNEY) is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, I want to commend the thoughtful remarks of my colleague, the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget, before I begin my remarks.

On this 84th anniversary of the Armenian Genocide, we take a moment to remind ourselves anew of the atrocities that people are capable of committing against others. The Armenian Genocide of 1915 to 1923 ranks among the most tragic episodes of the 20th century. It serves as a constant reminder for us to be on guard against the oppression of any people, particularly based on their race or religion. Too often during this century, the world has stood silent while whole races and religions were attacked and nearly annihilated. This cannot be allowed to happen again. Particularly as we face revived and brutal ethnic hatred in Kosovo, we must take this opportunity to reaffirm our commitment to the achievement of liberty and peace worldwide.

I would also like to take a moment, thinking about the individuals who lost their lives during that Armenian genocide. One-and-a-half million innocent Armenians had their lives snuffed out mercilessly. When we try to contemplate the idea of one-and-a-half million lives, it is a staggering number, almost incomprehensible. But we must remember the victims of the genocide as they were. Not numbers, but mothers and fathers, sons, daughters, brothers, sisters, aunts, uncles, cousins and friends. Each and every victim had hopes, dreams and a life that deserved to be lived to the fullest. It is our duty to remember them today and everyday.

As a member of the Congressional Armenian Caucus, we work every day with many of our colleagues to bring peace and stability to Armenia and its neighboring countries. Division and hatred can only lead to more division and hatred, as the genocide proved. Hopefully, the work of the caucus and of the others committed to the same cause will help ensure that an atrocity such as the genocide will never happen again. Kishar paree and Shnorhagalootyoon. I thank you for your time.

MEMORIALIZING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MCNULTY) is recognized for 5 minutes.

Mr. McNULTY. Mr. Speaker, I join with my many colleagues today in remembering the victims of the Armenian Genocide. But rather than repeat what has already been said, let me say a few words about the very positive spirit of the Armenian people, because they endured a great deal before, during and after the genocide, and they were under the totalitarian dictatorship of the Soviet Union for many decades.

That all ended in 1991, and I was there to see it. I was one of the four international observers from the United States Congress to monitor that independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of all of the people over the age of 18 went out and voted in that referendum. And of course, the thought did not escape me how great it would be if we could get that kind of participation in our own democratic government here in the United States of America. But, as always, sometimes we take things for granted.

But the Armenian people had been denied for so many years, they were so excited about this new opportunity, almost everyone was out in the streets, and that number, I am sure, Mr. Speaker, was not inflated because as best I could determine it, no one was in their homes. They were all out into the streets going to the polling places. I watched people stand in line literally for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home, because they had brought little covered dishes with them, and all of these little polling places across the country, they would have little banquets afterwards to celebrate what had just happened.

What a great thrill it was to be with them the next day in the streets of Yerevan when they were celebrating the great victory, because 98 percent of the people who voted, of course, voted in favor of independence. It was a great thrill to be there with them when they danced and sang and shouted, Getze Haiastan, long live free and independent Armenia. That should be the cry of all freedom-loving people throughout the world today.

HONESTY IN GOVERNMENT, PRESERVATION OF SOCIAL SECURITY, AND RELATED ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, I am going to have several Members of Congress join me today, and we are going to talk about several issues, but I wanted to start out on this one, and I want to apologize to the people who are seeing this over C–SPAN in that they cannot read it. But I think it shows a tremendous disparity in our foreign policy that most of us do not understand, and I think we are not very well educated on it as a Nation.

So I want to take some information that is provided by our State Department. This is the latest year's report on two separate countries that we have dealings with presently. This is the report straight from the U.S. State Department's 1998 Human Rights Practices Report.

Country A: The government's human rights record worsened significantly during the last year. There were problems in many areas, including extrajudicial killings, disappearances, torture, brutal beatings, arbitrary arrests and arbitrary detentions.

Country B: This government's human rights record deteriorated sharply beginning in the final months of 1998 with a crackdown against organized political dissent. Abuses included instances of extrajudicial killings, torture, and mistreatment of prisoners, forced confessions, arbitrary arrests and detention, lengthy incommunicado detention, and denial of due process.

Country A: The government infringes on the citizen's right to privacy.

Country B: The government infringes on the citizen's right to privacy.

Country A: The government severely restricts freedom of speech and of the press.

Country B: The government continued restrictions on freedom of speech and of the press.

Country A: Discrimination and violence against women remained a serious problem. Discrimination against religious and ethnic minorities worsened during the year.

Country B: Discrimination against women, minorities and the disabled, violence against women, including coercive family planning practices, which included forced abortion and forced sterilization, prostitution, trafficking in women and children and abuse of children are all problems.

Country A: The government infringed on freedom of worship by minority religions and restricted freedom of movement.

Country B: Serious human rights abuses persisted in minority areas where restrictions on religion and other fundamental freedoms intensified.

Country A: Police committed numerous serious and systematic human rights abuses.

Country B: Security police and personnel were responsible for numerous human rights abuses.

Country A is a constitutional republic; country B is an authoritarian state.

Let me describe these two countries. This is Yugoslavia. We are presently bombing it as we speak. This is China. We presently give them Most Favored Nation's status. The President just spent a week in association with trying to establish World Trade Organization status. There is something wrong with our foreign policy when we take two countries who have equal human rights abuses, one we are trying to make a friend and do things for economically; the other we are bombing. Very, very difficult for us to understand.

As we bring about this discussion of the bombing and the war, the only reason I want to bring it up is because of how it is going to impact what the major topic is that I want to talk about, and that is honesty in government and the preservation of the Social Security system and the utilization of Social Security funds for Social Security and not something else. I would like to yield to my friend from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, for the benefit of Members like myself who were not listening carefully at the beginning of your presentation, it sounded as if you were quoting from some magazine or document. Where did the gentleman get the quotes he was talking about?

Mr. COBURN. This is from the United States Department of State Report on Human Rights Practices for 1998. This is our government's own evaluation of these two countries.

Mr. GUTKNECHT. Mr. Speaker, one of the countries was Serbia and the other was China?

Mr. COBURN. Correct.

Mr. GUTKNECHT. It is hard to tell which was which from the comments?

Mr. COBURN. One cannot tell which is which from these excerpts from the Human Rights Report.

Mr. GUTKNECHT. This is a nonpartisan group in the State Department?

Mr. COBURN. This is a nonpartisan group. This does not have anything to do with Republicans or Democrats. This has to do with our international relations and our assessment of human rights status, and we do this on every country that we deal with, it is required by law, and here is the assessment for those two countries.

□ 1530

It blows the mind to think that we have the same evaluation by the U.S. State Department, and one country we are trying to befriend and economically aid, and the other country we are bombing today.

THE BUDGET

Mr. COBURN. What I really want to talk about today is the budget, the money. The U.S. Congress for the last 45 to 50 years has been dishonest with the American public about the budget.

I am in my third and final term as a Member of the House from Oklahoma. I am a practicing physician. I have continued to practice medicine since I have been in the House. I delivered 97 babies last year as a Member of Congress. It is the thing I do that I think keeps my perspective the same as those people that I represent.

I heard in the State of the Union, and I also would tell the Members that I am not partisan; my district is mainly Democrats, and I am reelected as a Republican because I am seen as nonpartisan.

But I want to share some of the things that the President said in his State of the Union, and then I want to show the Members that the government is complicit in being less than honest with the American public about where our financial situation is, what the risk of that is to us for the future, what the risk is for our children and grandchildren, and that we tend to minimize, and we talk out of two sets of books.

The first principle that I want to make sure that we understand is the only time the Federal Government really has a surplus is when the debt goes down for our children.

We currently have almost $6 trillion of debt that my grandchildren, and I have two of them, they are going to help repay that debt. That is because we have used a double accounting standard. We do not speak as a body truthfully to the American public about our accounting system or our deficits and our surplus, and neither does the executive branch.

I want to use a couple of points to bring that out, and then I really want to try to make sure that the American public knows where we are in the social security trust fund, how we solve that problem, and what a surplus is and what a surplus is not. Because we continually hear today that we are in a surplus. We are not in a surplus. We do not have a budget surplus associated with this government.

At the State of the Union speech, I want to give the Members some quotes that I heard. I hope that Members will be patient to understand why this is important. This is not about Democrats and Republicans, it is about returning the people's House to the people by truthfully speaking about what our situation is, so they can in fact have confidence that we are going to deal properly with it, rather than telling a little white lie about what the situation is, and the public knowing that we cannot be trusted to deal properly with it.

President Clinton said this in the State of the Union speech this year: For the first time in three decade, the budget is balanced. From a deficit of $290 billion in 1992, we had a surplus of $70 billion last year.

That is not true. We actually, and I want to show that, if we had a surplus last year in 1998, how come the debt went up $200 billion? How come our children owe $200 billion more this year than they did last year, if in fact we had a surplus? We did not. We borrowed $200 billion, almost, in terms to fund and run the Federal Government above what we actually took in.

It is true, some of that we borrowed from the social security trust fund, but any time we put an IOU to the social security trust fund, we are recognizing a liability that our children are going to have to pay back.

We also are going to have to pay interest, so it is like borrowing from our retirement account to pay off the debt, and then saying we do not have a debt anymore, because we have a debt. If we allowed public companies to raid their retirement programs, we would put the people who made that decision in jail, because we have said that they cannot touch retirement funds. They are projected and protected for the purpose that they will be there in the future.

If we look at this chart, the politicians in 1997 said we had about a $20 billion deficit. But the debt rose from $5,200,000,000,000 to $5,325,000,000,000. In 1998, voila, we have a surplus, the first time since 1969, but look what happened to the debt. The debt rose. How can we have a surplus?

This is a politician's surplus. This is the difference between what we took in in social security and what we paid out and we did not spend, of that difference. If we took in $10 and we spent $6, then we had a $4 difference and we are calling that a surplus, where we still owe the social security system $10.

So it is important for the American public to understand what a surplus is.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding to me.

If we might, just in comparing our respective charts, because I want to show this thing off, staff has been kind enough to put this together, it illustrates the exact point that the gentleman is getting at, which is the yellow here basically is what we borrow in total from each of my three young boys each year. I have a 6-year-old, a 5-year-old, a 3-year old, and a 6-month-old.

The yellow number, for instance, back here in 1994, we borrowed $293. The deficit was $203. In 1995 it was——

Mr. COBURN. If I can interrupt the gentleman, the difference between what we borrowed and what the deficit was is what we stole from social security.

Mr. SANFORD. That is exactly right.

Mr. COBURN. The spin on programs other than social security.

Mr. SANFORD. Yes. So basically $100 billion, to keep the math simple, got borrowed here, and 277 versus 164, again a difference of about $100 billion that was borrowed in 1995. In 1996, $261 was what we borrowed, and 107, a little more than that. We could round it out to be in the neighborhood of $100 billion.

Then going back to the number that the gentleman just talked about, which I think is interesting, because this is this $70 billion surplus, and yet we borrow over $100 billion. So the gentleman is exactly right, common sense and regular language and regular accounting back home would say what we are running right now is not exactly what the rest of America would call a surplus.

Mr. COBURN. Let us spend a little time and tell why it is important that we start being honest with the American public.

Even with the latest numbers that most people in America have read with social security's outflow-inflow changing by 1 year to the year 2014, what we can see is the bars in black represent more money coming into social security than we are paying out.

We can see until the year 2014 we are going to be doing okay. We are going to have more money coming into social security than we are actually going to pay out, so there is cash there that the Federal Government has.

It is smart to borrow that and pay off external debt. I do not deny that that is a smart thing to do. But it does not lower the total debt that our children and grandchildren are going to have to pay back. It is an untruthful statement to say that it lowers our debt. It does not. It just lowers that portion of the debt that the public holds, that Japan holds, that Switzerland holds, that Germany holds. It just lowers that percentage and shifts more IOUs to the social security system.

What is important about fixing social security, and fixing it on the basis that we are going to start being truthful about the surplus, we are going to be truthful about the surplus in the social security account, which is totally different than the surplus for the Federal Government, is that look what happens after the year 2014.

If we take all money that comes from social security, starting in 2014, plus all this, what we will find is we are going to have to go to the taxpayer or to our general revenue. We are going to start having to cut a whole lot of other spending to keep a balanced budget, if in fact we are going to be able to pay what we owe for my generation, the baby-boomers.

I was born in 1948. I am the proverbial baby-boomer. There are going to be a whole lot fewer people working when I get ready to draw social security than were working when I started paying into it. Consequently, we can see out here at the year 2035, $850 billion a year is going to be required in additional revenues for us to just meet the payments of the baby-boomers, just to meet the needs.

We have a couple of ways that we can deal with that.

Mr. SANFORD. As the gentleman is pulling that chart up, Mr. Speaker, what I think is interesting about what the gentleman was getting at, again, is this whole notion that we have said we are going to have surpluses basically as far as the eye can see.

Last year, as the gentleman mentioned earlier, the surplus was $70 billion, but we borrowed $100 billion to get there. Next year they are talking about a surplus of again around $80 billion, but borrowing $130 to get there; the year after that, a surplus of about $100 billion, but again, borrowing $100 billion to get there.

Mr. COBURN. The point we are saying is we do not truly have a surplus until we quit borrowing money external to the United States. Until our debt stops rising we have not achieved a surplus, and it is not proper to tell the American people that our books are balanced until we quit adding to the debt for our children and grandchildren.

We have three options when we get to the year 2014 at that time. We can, one, save 100 percent of the social security surplus, transition to a system with a portion of that in individual accounts, so that what we invest in social security we get a decent return on. Right now the average over the past 30 years has been about 1.2 percent on our investment. We could have had it in a passbook savings and done three times better.

Number two, we can repay the money taken from the trust fund by raising everybody's income taxes, and it is important to understand what that does. That lowers the standard of living for our children and our grandchildren, because the politicians in Washington have not had the courage to be honest and not spend money that belongs to the social security system. Or we can delay the benefit structure. We can say we are going to wait until we are a certain age, or we can cut the benefits.

There are only three things that we can do to fix social security. There are not more than three things to do. We have to do one of those three things. We can deny, the politicians can deny this as a problem, because they are really more interested in getting reelected; or they can say, we have a problem with social security and it is okay to talk about that, because I do not have one senior citizen in my counties, and that is 18 of them in Oklahoma, who want their grandchildren to lose an opportunity because the politicians in Washington have not done the right thing. They would much rather sacrifice dollars for their grandchildren.

We have an obligation before us. We are at a turning point. The first turning point is being honest with the American people about the budget, not letting the politicians' lingo, because it sounds better, it is easier, and we will not be subject to criticism if we are a little bit untruthful. It is the old question about, a half truth is a full lie. My daddy taught me that from the time I was 2 years old. And a surplus is a half truth. It is a surplus in social security.

We have to do one of these three things. I notice that the gentleman from Michigan (Mr. HOEKSTRA) has joined us. I wanted to welcome him and thank him for being here to discuss this issue with us.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague, the gentleman from Oklahoma, for yielding to me.

The options that the gentleman lays out are probably the range of options that we have, although under option one, we probably have a number of different alternatives for how we would reform and strengthen the foundation for social security.

I hope that that is the option that this Congress pursues and pursues aggressively, because if we begin in 1999 to take a look, a serious look at reform, and if we implement reform in this Congress, that gives us, then, you know, we have a time window then of 14 or 15 years to get ready before we hit that wall in 2014. That is a much better option than the number two, which is raising taxes.

Or we end up cutting a bunch of services in the other area of the government, but I do not think that will ever happen, or to change the fundamental structure of social security by delaying the retirement age or cutting benefits and those types of things.

So the opportunity, and really, the thing that we have to take a look at in this Congress is reforming social security along the lines that our colleague is developing a plan on, but that is the mandate that is in front of us.

Mr. COBURN. It is interesting to note, as this deficit, this amount of money that we are going to have to take from the general fund comes up, what we are going to do is we are either going to raise taxes or we are going to raise FICA taxes to take care of this, it is estimated a 25 percent FICA tax instead of the 12.5 percent FICA tax.

The other thing to note, so everybody can really understand this idea about the debt, is the debt is growing at $275 million a day right now. Right now the national debt is growing at $275 million a day.

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That is a number that I cannot comprehend, let alone billions. If we divide it up to individuals, look what the individuals now owe. In 1997 every man, woman, and child in this country was responsible for $19,898; 1998, $20,123; 1999, at the end of this fiscal year, they will be responsible for $20,693.

That does not include the interest that is being charged on that every year, which is now, I guess, the largest or fast becoming the largest component of the Federal budget at about 17 or 18 percent of the money that we collectively spend of the tax dollars that come in.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield, I wonder if the gentleman from South Carolina (Mr. SANFORD) would put that chart up again.

The gentleman from Michigan (Mr. HOEKSTRA) did not come in in the class of 1994, but the rest of the three of us did. I might just say that I almost wish that the gentleman from Oklahoma (Mr. COBURN) had not promised to limit himself to three terms, and I believe the gentleman from South Carolina (Mr. SANFORD) did the same. We desperately need people like them in the Congress because they have been valuable Members and people who have been willing to take the tough votes to make the progress.

I want to point out I think whenever we are talking about the budget or making any kind of long-term plans, we have sort of got to look at where we are and where we are going. I think the important thing about this chart, it really points out two things.

First of all, we still have got a problem. But I think it also points out that we have made significant progress. I think the voters back in 1994 said enough is enough and they said let us send a whole new team to Washington that really is committed to balancing the budget, fiscal responsibility, and what I call generational fairness, because at the end of the day what we are talking about is being fair to the next generation.

But I want to point out, though, that at least we are moving in the right direction as it relates to the deficits, no matter now we measure them, because in 1994 we were looking at deficits of over $200 billion, and actually we were talking over $300 billion if we included the Social Security Trust Fund money. In fact, the Congressional Budget Office told us in the spring of 1995, based on the President's budget recommendations, that that deficit was going to grow from about $225 billion to about $690 billion.

Some of us said that that is not the direction that the American people want to us go. We got busy. We eliminated 400 programs. We have cut the rate of growth in Federal spending by more than half. As a result, at least we are headed in the right direction.

But I think the point of this discussion today is there is so much more to be done. I do want to say at least a good thing about the budget that we recently passed, I think there are four important points that need to be made about the budget resolution that just passed this House, and in fact passed the House and the Senate in the form of a joint budget resolution.

But first and foremost, every penny of Social Security taxes for the first time is going to be reserved for Social Security. Secondly, we preserve the spirit of the balanced budget agreement of 1997 in saying that we do intend to keep those spending caps. Third, we actually begin to pay down some of the debt that is owed to the public.

We are not talking about the overall debt because we have got this big problem with Social Security. Frankly, the only thing that Social Security surpluses can go to is buying government bonds. That may be something that we want to look at as we go forward.

But, finally, and I think this is important as well, we make room for some tax relief for working families. Americans today are paying the highest total tax rate that Americans have paid since World War II.

So we do believe that if we can exercise the fiscal discipline that we need to exercise over the next several years, we can actually begin to strengthen Social Security, have honest budget surpluses, and provide tax relief for the American families if we are willing to continue to apply the kind of fiscal responsibility that we have had for the last 4 years.

Mr. COBURN. Mr. Speaker, let me show my colleagues how that plays out. Down here is the President and Vice-President Gore's budget as submitted to the House and the Senate. Here is the budget that was passed, that passed the House. In terms of the effect, the zero line is right here. This is real surplus. This is honest accounting. This is not playing games. I would remind people, this is not my opinion, this is Congressional Budget Office and OMB numbers. All right, so they are not my numbers.

If we restrain spending, as the gentleman from Minnesota (Mr. GUTKNECHT) just discussed, where we stay within the budget caps that were agreed to in 1997 and that we get our hands off Social Security, what we see is that somewhere right after the year 2000 we start running a real surplus. As a matter of fact, there are people who are projecting this year that because the economy is so good, and because one is paying so much in taxes and that we have restrained spending, that we may have a $6 billion or $7 billion true surplus, real honest non-Washington-based surplus this year.

But if we do not restrain spending, and we increase taxes as the President has suggested and we increase programs and we increase spending, look what happens. Under his plan there is no real surplus till 2004. All this in the red below the line and all this in the green below the line goes to our children in debt. Everything above the line, the little bit of red there and the whole bunch of green there, reduces the debt. So we do have a way to take this burden of lack of opportunity for our children away from the future, and that is restraining spending.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I think this is a point that I do not think we can drive home often enough. There are those back in our districts who talk about cutting spending. We have not cut spending.

Mr. COBURN. That is right.

Mr. HOEKSTRA. Mr. Speaker, what we have done is we have slowed the growth of Federal Government. So my colleagues know spending has not been cut. What we have done over the last 3 or 4 years, and what we did in the balanced budget agreement of 1997, which we continue in this budget agreement that we just passed a couple of weeks ago, is we agreed to live within the caps that restrain the growth of new spending that we would incorporate here in Washington.

So we said, government, we are going to allow it to get bigger, we are just not going to grow it quite as fast. By just slowing the growth of government and sticking to that plan, we achieve real surpluses, and we achieve a significant surplus over the years beyond 2000 and allow some room for some of that money to go back to the American people.

Mr. COBURN. Mr. Speaker, let me make a little correction. We hope to achieve real surpluses if the tendency of Washington is restrained to throw money at everything, and so that is our job.

We are going to be talking here in a little bit about how what the President has put us into in terms of Kosovo is going to affect all these numbers. It is important that we have a discussion about that and how it is going to impact us.

The gentleman from South Carolina (Mr. SANFORD) actually has a chart that shows what has happened.

Mr. SANFORD. Mr. Speaker, if the gentleman will yield, I just want to follow up what the gentleman from Michigan (Mr. HOEKSTRA) is suggesting.

I have got friends back home that said, "MARK, are you all a bunch of green-eye-shade-covered accountant types in Washington, or are you not the guys that are cutting spending in Washington, taking stuff away from people?" Again, as the gentleman from Michigan (Mr. HOEKSTRA) just pointed out, no. In other words, that may be the rap that at times people send in this direction, but reality is very, very different.

That is, if we look at this one-way upward curve, what we are talking about is trying to restrain the growth and spending in Washington as opposed to cutting. There is not any cutting that is going on here, but an attempt to restrain the growth. The reason that I think that is so important is well illustrated with the second chart, which shows that basically Washington has been getting a lot more of a pay raise than folks back home.

If we look at each year, the purple line is the degree to which spending has been going up in Washington versus the orange, I guess that is orange, orange line showing the rate at which growth or incomes have been going up at home. All we are trying to do is keep the two equal. In other words, if Washington is getting a pay raise, it ought to be equal with what folks are doing back home, not above that.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield for a minute, when we are talking about a Washington pay raise, we are not talking about what they pay Members of Congress versus what people back home are getting.

Mr. SANFORD. Mr. Speaker, we are talking about how much goes through this place, which is $1.7 trillion.

Mr. HOEKSTRA. Mr. Speaker, we are talking about the money that Washington believes we ought to spend, instead of the American people spending, on a variety of programs and services.

Mr. COBURN. So even with the hard work we have done in trying to restrain spending since the three of us came to Congress, the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from South Carolina (Mr. SANFORD), and myself, Federal Government spending has still, including this budget that we just passed, risen 20 percent. Over $300 billion a year, us fighting with all our energy to try to limit spending, it has still gone up by that. So it is very important that this concept of restraining spending be helped.

I want to get back to Social Security just for a minute, if we can, because the other thing that is important, and we talked about what is going to happen, is Social Security taxes. If we just let the tax rate rise on one's working wages, remember, this hurts middle income and lower income more than it hurts anybody because there is a maximum limit at which one pays Social Security taxes on. So what happens is the rate is going to go from this 12.5 percent to a rate of almost 20 percent as we get out into the next millennium, the next century.

So if we take the fact that right now we are paying 12.5 percent, and we are going to take and almost double that rate of taxes on our children so that we double the amount of money that is coming out of their paycheck every month, we can see very easily what we are going to do is lower their standard of living. So it is a real problem. It is a problem we have to address.

One other thing that I think is important is, if we look at the demographics of the Social Security system, and if one happens to be 65 right now, one will have a life expectancy of about 82.5 years. If one earned the average wage in 1998, one will have to live 5.1 years past one's life expectancy ever to get the money that one puts into Social Security back, let alone get any earnings off of it.

If one is 54 right now, one's average life expectancy is 82.9. One will have to live to 99.1 years to just get even with one's money.

The third age group, 44, one's life expectancy is 83.3 years. One is going to have to have to live to 102 to ever get one's money back that one put in, let alone any benefit off that money.

If one happens to be 34 years of age, one is going to have to live an extra 16.7 years past one's life expectancy ever to get one's money back.

There is something fundamentally unfair about making our grandchildren drop their living standard to pay for their retirement when we can do it another way and still provide every benefit that has ever been promised to anybody that is on Social Security or who is going to be on Social Security.

So it is not an impossible problem, but it is a problem that the politicians use to drive wedges between candidates when our real job up here ought to be solving the problems for the American public, not trying to make political hype.

So I think this is one of the most revealing things. It is unfair to our children and our grandchildren to ask them to pay into something that they know they are never going to get the return back.

The polling data, which I hate polling data but I like this one, more young people believe in UFOs than believe that they are going to get their money back out of Social Security. And they are right, because they are not going to get their money out of Social Security the way the system is set up today.

Mr. SANFORD. Mr. Speaker, if the gentleman will yield, it is funny what those numbers translate into, because I had seen recent numbers that showed for a young person born in 1970, making $24,000 a year, which is average income, assuming they never made a pay raise, in other words they never had an increase in their pay over the course of their lives, they kept earning that $24,000 a year, what they could expect to get returned to them on their Social Security was 0.4 percent if they were male. That is not 1 percent, that is four-tenths of a percent. If they are female, it is 0.7, seven-tenths of a percent.

Mr. COBURN. Mr. Speaker, reclaiming my time, it is important that we explain what that means because a lot of people at home may not. That means if one had $100, one would get 40 cents for it if one were a male. If one had $100 invested and one were a female, one would get 70 cents for it.

If one puts it in a CD or even a passbook savings, one gets $3.50 on it. So one gets four to five to six to even almost nine times, if one is a man, more money investing the same amount of money into a passbook savings account that is guaranteed by the Federal Government to $100,000, than one would by paying one's Social Security money.

Mr. SANFORD. Mr. Speaker, the same study, if one were black, one would actually earn a negative rate of return on the investment because of the shorter life expectancy with black males.

So this translates into real money over a person's retirement, because that difference that the gentleman from Oklahoma pointed out, the difference between $3.50 or $4 of earnings on $1 versus 70 cents or 40 cents can make a big difference over time.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield.

Mr. COBURN. I am happy to yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I think the other thing that is important when the gentleman is talking about explaining this, the numbers, when one takes a look at one's check stub and it says the FICA and the Social Security and one sees the 6.25 percent, recognize that one's employer matches that dollar for dollar.

One of the bills that I have introduced says that at the end of the year when one gets one's W-2, that the W-2 ought to state clearly what one has paid in FICA taxes and what one's employer has paid in matching FICA taxes, because really it is all one's income. That is paid specifically on how much one makes. If the employer did not have to be paying that in taxes to the Federal Government, that could be a part of one's wage.

It is a hidden tax on each and every American. Again it is one of these ways, secret ways that a time back they went to Washington and they said how can we get some more money without letting the American people know how much we are really taxing them? They said, well, there is the employee's share. Let us create a matching employer's share. It never gets reported anywhere.

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It never gets reported anywhere, but it clearly is income. It is revenue that an employer receives that, if they did not have to pay it in taxes to the Federal Government, they could pay it to the employee. Then when an individual gets a .004 return on that, he or she is not only getting a .004 return on the money that the employee had set aside; it is the same return that the money that is being set aside by the employer is earning. And that is not right.

Mr. COBURN. There is an interesting case law on this. There was a company, I will not mention their name, that had several thousand employees in the State of Colorado who decided to do that on their paycheck stubs, and the IRS and the Social Security System took them to court and made them stop and they won.

So the idea that there is some secrecy about this is true. If the American public actually recognizes the amount of money withdrawn from their paycheck, and paid also additionally by their employer, and that that money is really theirs that they cannot have because Washington is consuming it, the participation rate and the recognition of the value of what they are getting would rise in terms of their acknowledgment of it, and we would see much more activity on the part of the regular citizen to help us try to change the mindset of spending more of their money.

One final point I would make is that all through this we have shown this graph that depicts the rise in spending. And the question that I continue to be asked, and the question that I ask to people in my district, is how many people believe that the Federal Government is efficient? They kind of snicker.

That is not to say we do not have some great Federal employees, but bureaucratic run programs typically are not very efficient. There are exceptions to that. But the fact is that we have allowed growth while we are sitting here scraping our fingernails against the chalkboard trying to hold down growth in the Federal Government. We have still allowed a $300 billion increase over the last 5 years in terms of budgets. This counts the fact that we have not really squeezed any efficiency into this government yet. We have just trimmed some of the programs.

But there are many gains that can be made in efficiency. There is over 100,000 IRS employees. How many people in this country are spending tons of money having their taxes prepared? How many of them understand how to fill out their taxes? There are productive jobs for everybody that works at the IRS somewhere else in the economy today. And if we take and drop 90,000 or 95,000 people out of the Internal Revenue Service and put them into productive jobs elsewhere, and we have simplified the Tax Code where we know what we will pay and we do not have to have 90,000 additional people to collect the money, we get benefits both ways. We save money paying our taxes and the government spends less money collecting.

So there are just hundreds and hundreds of things we can do, but we do not have the political power to do it yet and it is because America is not awake. They were awake a little bit in 1994, and they fell back asleep because they were disappointed because they felt all politicians were the same. I am here to tell them that we are not. There are those who want to change things. We want Americans to send people here, I certainly want them to send people here who are willing to make the sacrifices and the political sacrifice to do some of the changes.

I think the gentleman from South Carolina (Mr. SANFORD) had a very interesting chart, and this has to do, and I will let him introduce it, but I want to give it a little preview.

Had the politicians done what they said they were going to do starting in 1938 with Social Security, what we would find out is the amazing principle the gentleman is about to talk about.

Mr. SANFORD. This just goes back to what we were talking about, which is the very poor rate of return that could be projected for future retirees in the current system. That is not to say that Social Security has not done a lot of good for my mom or my grandmom. It is simply a question of the demographics that are coming our way that the gentleman outlined earlier.

That translates to a real squeeze in the system and a real squeeze in terms of the rate of return that a young worker can expect to get out of the current system.

One of the things I most frequently hear from folks back home is, "You know, MARK, if you all would just keep your hands off my Social Security money, I would have been fine." And we actually looked into that, and it turns out they are right.

Because if the surpluses that had come along in past years, and again we missed the number 1937 in the upper left-hand corner, but in 1937 there was a surplus of $766 million in the Social Security System. If instead of that money being borrowed and spent on other things in government, if that had gone into a real account and it had grown and compounded over time, and again this is not a hypothetical number, if it simply had been invested in the stock market, and I am not saying we should put all of Social Security money in the stock market, I am not saying anything like that, just using this as an example of the power of compound interest, if that money had simply gone into the S&P 500, it would today be worth $1.17 trillion.

If we follow this argument out, in 1938 our surplus was $365 million in Social Security. If we had put that in the S&P 500, let it grow and compound over time, today that would be worth $485 billion.

In 1939, our surplus for Social Security was $590 million. If we had invested that money in the S&P 500, and simply let it grow and compound over time, today that would be worth $680 billion.

When we add all these up, we are looking, between the years 1938 and 1942 alone, if Washington had kept its hands off the money, we would have $4 trillion in the bank, which would be solving the whole problem we are here discussing in the place.

Again, I am not saying this to suggest that we should put all Social Security money in the stock market.

Mr. COBURN. What the gentleman is saying is, if we had had a 12 percent rate of return rather than 6/10ths of 1 percent of real rate of return, we would not have a problem with Social Security.

Mr. SANFORD. Right.

Mr. COBURN. And the other answer to that is, when are we going to start? And we have to start now. Now is the opportunity. The American public is awake and knows that there is a problem with Social Security. It is time to be totally honest about that regardless of what the political costs are. We were sent here to solve problems, not to protect ourselves politically.

Mr. SANFORD. That is right.

Mr. COBURN. And if we start today by preserving what money there is, and allowing it to earn a rate of interest that is comparable with other investments that we can have in a retirement program, and we can do that, and we can do that without putting it in the stock market, then we will start on the road to making it healthy again.

The other point that I would make is that had we done what the gentleman suggested just for those 6 years, just those 6 years and not done it for any of the rest, we would have $4 trillion earning about $300 billion a year, which is more than what we are going to pay out in Social Security this year. And we would not be having to pay a penny in Social Security taxes. In other words, the power of compound interest, had we saved the money instead of spending it, we could lower everybody's Social Security taxes now.

So we have to move to that, and we have to create that opportunity for our children.

The gentleman from Minnesota.

Mr. GUTKNECHT. I thank the gentleman for yielding. I was not listening as carefully as I should to our colleague's presentation about the magic of compound interest because I was visiting with our former colleague, also a classmate of 1994, Mr. Neumann from Wisconsin, who is here with us today. And we are delighted to have him back in Washington because he was one of the people who really was a trailblazer in terms of balancing the budget, paying down debt, and actually becoming honest with the way we account for Social Security.

I want to come back to a couple of points that the gentleman from South Carolina (Mr. SANFORD) raised, and I think they are very important points, the first of which is, and many Americans do not know this, that one of the most brilliant Americans, one of the most brilliant people of the 20th century, was, arguably, Albert Einstein. I think most people would agree with that. And he was the one who was once asked what the most powerful force in the universe was. And he said, somewhat in jest, the magic of compound interest. So when we have one of the most brilliant men of the 20th century talking about the magic of compound interest, it adds even more credibility.

I have been giving this presentation on Social Security in my town hall meetings, and I talk about generational fairness. I have talked to seniors, and I give the presentation to high school kids, and I give the presentation to baby boomers, rotary clubs, wherever I can get a chance to talk about this, because I do think people need to understand where we are, where we have been and where we need to go. I think in terms of generational fairness we need to talk to all those groups. But I always ask them, whatever age group I am speaking with, and it is particularly true of the younger people, how many of them would put 12.5 percent of their income, because that is, in effect, what people put into Social Security right now, how many of them would put 12.5 percent of their income into a retirement plan which, over the last 20 years, has had an average rate of real rate of return of 1.9 percent.

None of them. Absolutely none of them. In fact, it is a tribute to our American educational system because our kids in high school and college today are smart enough to figure out that is not a very good rate of return 1.9 percent. And I must apologize to them, because I was not quite as familiar with the numbers. Actually, for those younger people, people who are in high school and college and younger workers perhaps under the age of 30, it is not a 1.9 percent rate of return on their money, it is actually a negative rate of return on their money.

And at some point I think we have to be honest with all those generations, and I say it from this perspective. I was born in 1951. And, actually, there were more kids born in 1951 than any other year. I represent the peak of the baby boomers. My parents are both living. The last thing we are ever going to do is pull the rug out from under our parents. We cannot do that. Medicare, Social Security, my parents depend on it and lots of people's parents depend on Medicare and Social Security.

As a baby boomer, though, I recognize that we represent such a huge glut that it is going to take some Herculean efforts on the part of our kids to keep this thing afloat. So we are going to have to make some adjustments. And I am one who says that baby boomers ought to be able and ought to be willing, in order to save the system for our kids, to take some modest changes.

I do not know if any of my colleagues agree with this, but I think, on behalf of our generation, I would be willing to work another year, maybe another 2 years. I would be willing to adjust the way the cost of living adjustments works. I would be willing to make some rather significant adjustments, if only, and this is a big if, if I and younger generations could have an opportunity to at least take a portion of that 12.5 percent tax that we pay on Social Security and be able to put that into some kind of a personalized retirement account.

Because I am nervous about letting the Federal Government invest in the stock market. And many seniors that I have talked to are very nervous about having the Federal Government invest directly in the stock market. Alan Greenspan has argued that. But I do think we ought to set up a system that allows individuals to invest a portion of that 12.5 percent in their own personalized retirement account.

I hope that is the direction this group and this Congress is going to go.

Mr. SANFORD. If the gentleman will yield, one of the reasons I think the gentleman's point is so interesting is the Supreme Court decision of 1960, which was Fleming v. Nestor. And, basically, what it said is that none of us have any legal claim whatsoever to our own Social Security money.

So this whole issue of private property rights, the issue of owning our own account, seeing a monthly statement, knowing to the penny how much is there, I think, is very, very important.

Mr. COBURN. I want to discuss just one more little learning model that we can learn from the past. One of the ways Social Security got in trouble is called political expediency.

If I want seniors to vote for me, I give them more benefits. But I do not ever tell them that the cost for that benefit is, number one, we cannot afford it; and, number two, if we are really going to pay for it, it will cost their grandchildren and their children a whole lot of money. And what has happened over the past 40 years, as things have been added in terms of Social Security, as benefits have changed and have been raised, the politicians did not have the courage to say, wait a minute, from an extrapolation and a demographics standpoint, this does not work. Well, we will ignore that; that can be somebody else's problem down the road.

Well, we are at that point. We are down the road. We have not in the past done the responsible thing to make sure Social Security was viable. The only thing we can take from that is learn from it and not make the same mistakes.

So the integrity of being honest about the problems in Social Security, the commitment to making sure that those that are dependent on it today and in the future will have, that are the two principles that we have to follow as we try to solve this problem. And the number one portion of that is to try to keep the Social Security money out of the hands of spending in the U.S. Congress.

Mr. HOEKSTRA. If the gentleman will yield, I think the reason that we are now in the Social Security debate is because of the progress that we have made in the last 3 or 4 years, where, relatively speaking, we are near or at a surplus. This year we may have an actual surplus, disregarding the inflow into the Social Security Trust Fund.

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Now is the time to have that debate. And as we said in our budget, the first thing we want to do is to set aside all of the Social Security dollars so that we can have a meaningful debate on Social Security reform, we can have a meaningful debate on Medicare reform.

I mean, we see it every day. There are all kinds of suggestions out there about how we should take this "surplus" and how we should spend it. And as my colleague from South Carolina has said, what that means is, if we got a surplus, there are all kinds of ideas how people are now suggesting that this surplus stays here in Washington and we spend it rather than securing our future for the next generation or paying down the debt or reducing the taxes. It seems like there are a lot of people who believe Washington should be first in line and we ought to accelerate now that growth in spending, and that is the wrong thing to do.

Mr. COBURN. Mr. Speaker, let me go into one area so that we are completely honest with the American public.

The President has sent the House and the Senate a supplemental bill. There is great debate on what the deficit is in terms of the need of our military, especially now when we are now exposed on one front and potentially exposed on another front. There is no question that we have underfunded the requirements to have a readiness capable military. There is some debate about the money.

But the American public needs to make known to this body and to the Senate that if in fact they do not want Social Security money used to pay for that, they better let their representatives know it, because that is exactly what is going to happen.

The group of gentlemen that are with me have routinely fought to pay for everything that we do up here by cutting some program somewhere else. I do not believe that is going to happen this time, and it is not ever going to happen until we continue to contrast that when we spend money, that we are not willing to have the courage to cut spending somewhere else.

Where are we getting the money? We are stealing it from Social Security. We should not run from that issue. We should talk about that issue. And as we talk about it, I believe the public will demand on the body politic in this country to do the sharpening and cut the fat and promote the efficiency that we need.

Mr. SANFORD. Mr. Speaker, if the gentleman would further yield, Madeleine Albright came and testified before one of the committees that I am on, the Committee on International Relations, today, and she testified before the Senate yesterday. And on this very point, I think her reply was interesting, because when asked, should we offset the proposed supplemental for Kosovo, the answer was no, because if we did that it would mean money could come out of USAID, the State Department and a host of other priorities, as she put it, here in Washington.

The simple question the people need to ask back home is, is USAID and State Department spending a higher priority for them or is the money going to their Social Security a higher priority, is a question that needs to be asked.

Mr. COBURN. Absolutely. And it needs to be raised and continue to be talked about so that Washington hears. I know what that answer is in the American public. It is the same everywhere. "Get your hands off my Social Security money. Make the hard choices somewhere else."

Mr. HOEKSTRA. I think the other interesting question is not only to ask is this more important than Social Security, it is if we are risking young men and young women's lives in Kosovo, is there no place else in the budget that we could find $6 billion? Is the only thing to say it is an emergency, not say everything else is as equal of a priority?

I think as we have taken a look at all of this, we spend $1.7 trillion per year. We all know that there is lots of bureaucracy, there is lots of red tape. There are other places where, if we really went after it, we could find the dollars to fund this without raiding Social Security and be able to do Kosovo and just say for those Members that believe it, this mission in Kosovo is so important we are willing to reduce spending in some other areas because this is a new priority.

Mr. GUTKNECHT. Mr. Speaker, I want to follow up on that because I think sometimes that does get lost in this whole debate.

This budget we are talking about this year is $1,700 billion. Even $6 billion, which I think is a little bit pricey for what we hope to achieve in Kosovo, but that is a separate debate, even that, though, represents a relatively small percent and about one-half of 1 percent of the total Federal budget. So the idea that we cannot find the money with offsets somewhere else in the budget, I think outside of this Capitol and outside of the circle here in Washington, I think most people do not believe that.

But I want to come back to another point, and really it does come back to in terms of our cost for defense in these special supplemental appropriations and I think it is an important one. I think the American people need to know that over the last 40 years, up until the last 8 years, the United States had deployed troops around the world 8 times, but in the last 8 years, we have deployed troops 33 times. And I think sometimes we have to ask, is all of this really that necessary? Is it worthwhile? I mean, this is an enormous expense to the taxpayers.

I think there is another question that needs to be asked before we vote on the supplemental, and that is about burden sharing. When President Bush decided that we had to stand up to Saddam Hussein, he went to our allies and he got them to pony up. And the net was the war in the desert actually made money for us. We actually came out ahead on the Desert Storm operation.

I think it is time for us to be brutally honest with our allies in Europe, that if they want us to help participate in a war that is really much more important to Europe than it is to people of the United States, then there ought to be a better cost sharing, a burden sharing.

Because right now, basically, our obligation to NATO is to pick up between 22 and 25 percent of the cost. Some of us believe that is still a little bit steep. But right now we are flying 75 percent of the sorties, we are delivering 90 percent of the ordnance, and I suspect when the accounting is done, we are shouldering about 75 to 90 percent of the cost of this operation.

And those are legitimate questions and I think we, as representatives of the people of the United States, have a right to ask those questions and demand honest answers.

Mr. COBURN. Mr. Speaker, I want to close this out. One of my heroes is Martin Luther King. And I have said this many times on this floor, but I do not think it could be said often enough, his last major speech that he made was at the National Cathedral here in Washington; and in that speech he said, "Cowardice asks the question, is it expedient? And vanity asks the question, is it popular? But conscience asks the question, is it right?"

It is popular to not talk about the problems we have with Social Security. It is politically very expedient not to be honest about the budget. But it is not right. And until this body, all sides of the body, until the executive branch starts becoming honest and accurate with the words they use about our budget and our situation with Social Security, we are not going to solve the problems.

We have to ask the right questions. And the first question we have to ask is, "is it right?"

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 999, BEACHES ENVIRONMENTAL ASSESSMENT, CLEANUP AND HEALTH ACT OF 1999

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–103) on the resolution (H. Res. 145) providing for consideration of the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes, which was reported to the House Calendar and ordered to be printed.

DEMOCRATS CELEBRATE EARTH DAY

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this year the Democrats are celebrating Earth Day, which is tomorrow, by continuing our efforts to leave a real environmental legacy for this year and future years, for this generation and for the next generation. And we are proving that environmental protection and economic competitiveness are not mutually exclusive. In fact, they will be even more compatible as technology continues to advance and as we head into the next millennium under a Democratic administration.

On the other hand, my colleagues on the other side, the Republicans, and particularly the Republican leadership, will once again try to look green for a day on Earth Day. They will tout their one or two token environmental bills.

I already heard the gentleman from the Committee on Rules, I believe, report one of those bills which is ready for tomorrow. They are going to tout these one or two token environmental bills that actually are far weaker than Democratic alternatives.

Let us really compare our agendas. Already this year the Republicans have defeated the defense of the environment amendment, designed to hold Republicans accountable for back-door attempts to roll back 25 years of environmental protection. The Republican budget also would drastically cut environmental funding by $5.3 billion over the next 5 years. And the American people can do the math, they can see through the Republican Party's empty Earth Day gestures.

For Earth Day last year, the Republicans held a rally, and Newt Gingrich, the then Speaker, visited a zoo. However, the Republican majority spent the rest of the year gutting environmental programs in the budget and loading up appropriation bills with anti-environmental riders. These riders attempted to construct roads through national parks and forests, delay the release of important environmental standards, allow the dumping of PCBs into other nations' rivers, and increase haze in our national parks.

In fact, last year was a record year, with over 40 anti-environmental riders. In 1995 the Republicans' inability to give up on these kind of riders resulted in a government shutdown. And during the 104th Congress, the Republicans introduced the dirty water bill, which would have significantly lowered treatment standards for nearly 7,000 toxic pollutants, allowed more sewage to be dumped in the ocean, and exposed much of our remaining wetlands to pollution or development. They also proposed changes to Superfund that would have let major Fortune 500 companies off the hook for hazardous waste pollution they caused. So do not let them fool my colleagues, not even for a day.

Meanwhile, the Democrats and the Clinton-Gore administration have been working hard to strengthen health, safety, and environmental protection across the Nation, and will continue to do so into the next century.

Together, the Democrats in Congress and the administration have worked to preserve precious land, fight water pollution, improve air quality, and protect communities and children. President Clinton and Vice President GORE have completed twice as many Superfund cleanups in the last 5 years as in the previous 12 years of Republican administration, and the Clinton-Gore administration established tough new clean air standards to protect our Nation's children from asthma and other illnesses.

This year the Clinton-Gore administration's Lands Legacy Initiative will protect, enhance, and expand our national parks, forests, and wildlife refuges. The initiative will also set aside $150 million for urban parks.

Now, while the Republicans were busy gutting the environment, the Democrats also enacted legislation to protect children's health, fully funded right-to-know and water monitoring initiatives, and issued a directive extending the moratorium on offshore oil drilling. Vice President GORE, I should add, spearheaded a nationwide Smart Growth Initiative to build livable American communities as a foundation for continued economic competitiveness in the 21st century.

Mr. Speaker, speaking on the subject of economic competitiveness, as I said at the outset, Democrats have continually proven that we can protect the environment without harming the economy. In fact, many environmental improvement efforts actually create jobs. Jobs and the environment, job creation and environmental protection go together, and we have proved that as Democrats.

Brownfields development, for example, conserves resources by turning abandoned waste sites into productive industrial property, instead of using pristine land and encouraging urban sprawl. This creates jobs in the construction industry. But the Republicans have repeatedly held funding for Brownfields cleanups and they hold it hostage to their sham of an environmental agenda. They refuse to do it.

Let me talk about energy efficiency and renewable energy programs promoted by the administration that save energy and money and simultaneously improve environmental protection. Development of newer, more efficient and renewable technologies also creates jobs, and such efforts also enhance our competitiveness both domestically and internationally.

The administration's Smart Growth Initiative I mentioned serves as another example of providing tools to protect the environment and preserving economic competitiveness and, yes, creating new jobs. An example of the administration's success in preserving the environment and protecting our economic security can best be found in my own backyard in New Jersey, in my district. Let me give my colleague this example.

The Port of New York and New Jersey generates $4.6 billion in annual revenue for the New Jersey and New York region and supports over 160,000 jobs. Maintaining the port's depth, the depth, if you will, for the ships to come in, is critical to the region's economy. But the Port of New York and New Jersey requests for dredging permits were continually delayed over objections of the disposal of dredge materials.

Let me explain that the traditional practice, and this was off the coast of my district, was to dispose of contaminated dredge spoils at an ocean dump site about 6 miles off the coast of my district, 6 miles really off the coast of where I live in my town, literally in our backyard. We felt that this practice was unacceptable not only to our area but for the environment in general, because of the impact on the ocean of that contaminated dredge material.

Well, the result, though, was that because the Port could not be dredged because the material could not be disposed of because of the objections to the contaminants in the disposed dredge materials, that dredging was not taking place, and there was a potential impact on the Port of New York and New Jersey in terms of jobs if shipping moved out or commercial cargo could not come in.

Well, there was a struggle. The industry and the labor people struggled for many years because of these delays. Both sides threatened litigation. But all of a sudden Vice President GORE came along and he brought everyone to the table. He brought the environmentalists who did not want the toxic dredge spoils dumped in the ocean. He brought the industrial representatives who wanted to be able to ship their goods in and out of the New York/New Jersey Harbor. And he brought the labor representatives who were concerned about the jobs.

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He brought them all to the table, and he was critical. He was critical in brokering an agreement to close the mud dump site, the toxic waste site in the ocean, and simultaneously allow critical dredging projects at the port to move forward. So now we have major funding to do the dredging, we have closed the ocean dumping site so that the environment is no longer threatened, and we are developing beneficial reuse alternatives for the dredged material which allows the material to be used for other purposes, perhaps on land, and doing all this essentially promotes the port's viability, allows the commercial shipping to increase, allows the environment to be protected and allows even more jobs to be created in the port.

I use that as an example because I want to stress on the eve of Earth Day the leadership that the President and Vice President GORE have taken not only on environmental issues but in an effort to try to deal with environmental concerns in a way that also protects jobs and leads us toward a new technology and a new future where the environment and industry and jobs all basically work together for growth and for a good environment.

There are a lot of other examples I could use like that to show how the environment and jobs and the economy can work together.

The reason I mentioned it in part is because I think it is wrong for the Republican leadership on the other side of the aisle to make these sort of stealth attacks on the environment that they have been making for the last few years since they have been in the majority here in the House as well as in the Senate, and I think that they do not understand that by trying to break down the last 25 years or 26 years of environmental protection that has been a hallmark of the Democratic years in Congress since the first Earth Day, that by making these stealth attacks and trying to break down the legislation, the laws that protect the environment, that they are very much out of touch with the American people and what the American people want.

Mr. Speaker, the American people understand that you can have a good environment and good jobs, and they want us here in this Congress, together with Vice President GORE and President Clinton, to promote that agenda.

So I just want to say one last thing, and then I would like to yield to one of my colleagues.

On this Earth Day I am proposing a challenge to the Republicans. First, I challenge them not to do anything on the environment; in other words, try to do something progressive. I also challenge them not to gut the environment by sneaking harmful riders into the appropriations bills. That appropriations process is about to begin, Mr. Speaker. I challenge them not to sneak the harmful riders into the appropriations bills this year. I also challenge my colleagues on the other side not to cater to corporate interests and not to slash funds for important environmental health and safety programs. Rather than just making a little show tomorrow on Earth Day with one or two bills that are not very meaningful, I would challenge the Republicans to join us in creating a real environmental legacy for our children by passing the administration's livable communities and lands legacy initiatives on a broadly bipartisan basis.

And let us say that on the eve of Earth Day 1999, let us once again talk about truth. The truth is the health of our environment is in jeopardy at the hands of the Republican majority in this Congress, and the truth is that Democrats and President Clinton and Vice President GORE are the true protectors of the environment.

Mr. Speaker, with that I yield to the gentleman from Washington (Mr. DICKS), who is here with some others to join me this evening.

Mr. DICKS. Mr. Speaker, I want to compliment my colleague, the gentleman from New Jersey (Mr. Pallone), for his outstanding leadership and his record as a Member of this Congress in support of the environment.

All of us are saddened today of course by the events yesterday out near Denver, Colorado. Our sympathies go out to the families and to the schoolchildren who suffered through that terrible crisis yesterday, and none of us here today, and I think all of us are saddened by that, and we are not about to get into a partisan fight, but I think it is obvious to me that on the day before Earth Day we should take the floor to talk about the record of the Democratic Party in the Congress, the record of the Vice President and the President.

I am proud to be a Democrat because of our consistent record over the years in support of environmental legislation. I can remember when I was a staffer working in the other body when the Clean Water Act was passed, the Clean Air Act, the Endangered Species Act was enacted, and it is interesting. As my colleagues know, there were some Presidents in the past like Richard Nixon who signed some of these important legislative vehicles into law, and there was broad bipartisan support in the 1970s here in this Congress for improving the environment.

So I hope that today we will remember that this is the 29th celebration of Earth Day. The first one was April 22, 1970, and it is appropriate to call attention here in the House of Representatives to the progress that has been made in those past three decades, and certainly to the progress we have made during the 1990's to the initiative of the Clinton- GORE administration, and that is why a lot of us were concerned when we saw in the Roll Call this week that the majority leader of the majority party had decided that he was going to form a truth squad to talk about the Vice President's record on the environment.

Mr. Speaker, if it is a truth squad, it is going to be a very positive report then, because I do not think there has been a public official in my career that has done more during their term of office to work on environmental issues than Vice President GORE .

Now under this administration we have made great progress in protecting the environment, toughening enforcement of clean air and clean water laws, improving the safety of our drinking water and the food we eat, and, as my colleagues know, a couple years ago we had a terrible disaster in the State of Washington related to E. coli, and, as my colleagues know, I came back here, I talked to Secretary Glickman. We wanted to make certain that we got tougher standards for our meat packing plants in order to protect our kids from E. coli. Frankly, I was shocked in the Committee on Appropriations when one of my colleagues got up to offer a limitation to stop those regulations from going into effect, and it was enacted at the Committee on Appropriations level and then later was dropped. And I was glad that it was dropped here on the floor of the House because it would not have strengthened these safety regulations, it would have in fact weakened them. And so we were glad that that was prevented.

Also, this administration, and I can talk to my colleagues about this, has been active in restoring and preserving roadless and wilderness areas across the Nation, and we have done all this while the Federal budget has been brought into balance and largely while the majority party here in the Congress has fought against our environmental protection efforts.

So I think the Vice President, certainly Vice President GORE, must be given a large share of the credit for this administration's successes.

I know from my State of Washington how involved and constructive the Vice President has been in helping us address some of our toughest environmental challenges in the last 6 years. He was there with President Clinton at the Forest Summit in early 1993, one of the first acts of the Clinton-Gore administration, helping to balance the need to protect habitat for endangered species and the need to sustain a way of life in the timber communities in our State. The Vice President's leadership was critically important at that time in assembling the Northwest Forest Plan which has been a great success. He was there for us when we needed help in approving several habitat conservation plans in Washington State which have become blueprints for balancing the requirements of protecting critical habitat and providing certainty for people and businesses who make their living off the land, and he is still there today helping Washington and three other West Coast States address the new challenge of the salmon listings.

I asked the Vice President and the President if they would not add $100 million in the budget for a west coast salmon recovery initiative, and that money was added, and we are very much appreciative of it. I also asked the Vice President if he could help us with a conservation reserve enhancement program between the Department of Agriculture and the State of Washington, and he intervened to help make sure that that happened, sent Secretary Glickman again out to our State to work with us on these important issues.

Mr. PALLONE. Mr. Speaker, I yield to my friend from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the gentleman for yielding, and I want to build just for a minute on the remarks that he said.

I do not know where this attack or the truth squad comes with respect to the Vice President, but clearly his record is unparalleled not only in getting our country to address and be aware of problems concerning the environment, but as a troubleshooter and as a problem solver.

We all remember the Forest Summit. Prior to that in the previous administration all we had was a train wreck where nothing was being done, more and more people were losing their job, it looked like more and more endangered species were going to be threatened, and nothing was being done. And as a result of the Vice President and President Clinton's work and your work and others, we have started to work our way out of that problem. We have started to put new jobs back into the forest, we are starting to reconstruct some of the damage that has been done in the past, we have worked out habitat conservation areas. But that is true in the Everglades under the leadership of the Vice President. That is true on the Conference on the Oceans. That is true in Lake Tahoe. These huge natural assets, wonderful ecological environmental assets that are the jewels in this Nation, the forests of the Pacific Northwest, the Tongass, the rain forest in Alaska, the Everglades, the southern Utah wilderness areas, Lake Tahoe I have already mentioned, Monterey Bay Sanctuary; these are areas where we had nothing but controversy before, nothing but controversy and arguments and at the same time having the ecosystems deteriorate and go downhill.

This administration, under the leadership of the Vice President, stepped in and started to get communities to work together so we see in the most recent and dramatic listing of the salmon, we see the City of Seattle, we see the Governor of Washington, the Governor of Oregon, the Mayor of Portland, people talking about making this an event that they can work with, that they can help bring economic activity to the area and save the environment at the same time.

That has been the thinking of this Vice President, that the environment could be a win-win. He has also told America about the markets that are available in trade on environmental equipment to help clean up the environment in other countries. He has pushed to open those markets, billions of dollars in business that is available for companies in the United States.

So I think that, as the gentleman points out, and I will have more to say about those who would attack them and what their record would be on the environment, but my colleague makes an incredibly important point, that he has been a troubleshooter and he has brought communities together, he has given people a seat at the table where they never had one before, and as a result of that in a number of these instances we are working out a consensus, we are working out a consensus on California water, a consensus on the Everglades, a consensus on the marine resources in this Nation because people have been given a stake in the outcomes of those arrangements.

So I think you have raised a very, very important point about his role and his effectiveness over the last several years.

Mr. DICKS. Mr. Speaker, I want to compliment the gentleman for his statement, and I always appreciate working with the gentleman from California (Mr. GEORGE MILLER), who probably, as our ranking member on the Committee on Natural Resources, has probably been the strongest advocate for protecting the environment that there is in the Congress. And his point about the northwest timber situation was so absolutely on point. We were enjoying, there were zero sales coming off the Federal timber lands.

Now, as my colleagues know, there are some people in my district who were not thrilled about the levels that we got to, but at least we got something going, and at the same time the Vice President worked to get 1.2 billion over 5 years to help all these communities in northern California, in Oregon, in Washington State that had been affected by this and helped them diversify their economies, helped them get into other new businesses.

So it was not just leaving these people out there. They resolved the problem and then helped the communities deal with the transitional period.

Mr. Speaker, that is why I think that instead of attacking the Vice President, we should be praising the Vice President for that kind of a problem-solving, constructive, sensible approach to dealing with environmental issues.

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I have known this man. He was in my class. We came to Congress together. He deeply cares about these issues, and I will say this, there is nobody who is more informed. He does his homework. He looks into these matters in great detail, whether it is national security issues, environmental issues or economic issues.

The other point my colleague makes that is so important here is that the economy today in the United States is as good as it gets. As the gentleman from New Jersey (Mr. PALLONE) said, here we are, we have decided as a country we are going to protect the environment, that Earth Day means something to us, and we still have the lowest unemployment, the lowest inflation.

The Vice President has been in charge of doing a lot of work on reinventing government to try to deal with regulations that are unnecessary and to help in those respects.

I do not think the House floor should be used to go out and attack people, especially when we have an agenda. We have to get down and get busy now and start dealing with Medicare. We have to get busy on education. We have to get busy on Social Security. We have to start passing the appropriations bills.

So for the majority to say they are going to waste the time, I think, of the House getting into a partisan attack, it just does not make any sense. We should be spending that time trying to work together in a bipartisan way to deal with these issues.

One of those issues, by the way, is the environment. I will say this, one thing that I am pleased about is that there is a sensible group of people on the other side of the aisle who have joined with the Democrats, the gentleman from New York (Mr. BOEHLERT), the gentleman from Maryland (Mr. GILCHREST) and people of that nature who have joined with us on the important environmental issues and, frankly, I think we have a majority, a significant majority in this House in favor of protecting the environment.

So I think we should make this an issue that is bipartisan, that we work together on, not trying to go out and scapegoat, take partisan advantage. There is plenty of time for politics when we get to the year 2000. I think we have to do the people's business now, work on legislation, develop a record, and we can all go home and run again in 2000 on the basis of getting something done rather than playing political games.

Mr. PALLONE. Mr. Speaker, let me thank the gentleman from Washington (Mr. DICKS) for his remarks. Just briefly, if I could support some of the things the gentleman said.

I was listening to what the gentleman said about the Republicans, and it is true there are some Republicans on the other side, and historically we have had Richard Nixon supporting most of the environmental legislation in the seventies, signing the law; Teddy Roosevelt with the conservation movement. I just do not understand why the Republican leadership now and for the last 4 or 5 years has taken this track of basically trying to tear down every major environmental legislation; and now, as the gentleman has said, based on this article in Roll Call, literally discussing coming to the floor to attack the Vice President rather than to do something constructive.

I just wanted to say, I was listening to what the gentleman from California (Mr. GEORGE MILLER) said about the Vice President bringing people together, developing a consensus, giving people a seat at the table. It was amazing, when we had this whole battle over the Port Authority, how true that was. Until he came in, everybody was at odds; everybody was fighting. Nobody wanted to do anything. Nobody even wanted to sit down. We could not even get people to sit down at a table and talk, but when he showed up and then took the initiative from there, all of a sudden people were willing to listen, and they ended up standing on a stage together signing an agreement that I never thought was possible. He managed to achieve that.

I just wanted to say one more thing in that regard. The gentleman from Washington (Mr. DICKS) pointed out how there are important issues here legislatively that can be dealt with in this same way. I will just use the example of the Clean Water Act. For the last 5 years now, every effort that we have made to try to reauthorize the Clean Water Act has failed because the Republicans do not want to do it. The Republican leadership refuses to bring it up.

Interestingly enough, I went to a New Jersey building trades meeting earlier this week, and the number one issue that the building trades were concerned about was the Clean Water Act. They said we need the jobs that are created, because if we do not have the money and higher-authorization levels for infrastructure needs, to build new sewage plants or other ways to deal with clean water that creates all kinds of jobs that we would like to have, those needs are unmet.

There again is an example of how we can do something to protect the environment, clean up the water, and at the same time create jobs. They recognize it themselves. Labor recognizes it themselves. So this notion that somehow jobs and the environment and economic growth do not go together is false.

The kinds of things that AL GORE has done to point out how we can bring people together to achieve those goals together is a perfect example of why it can be done if we just have a positive attitude.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding and very much appreciate being able to join two of the gentlemen from the West who know firsthand the importance of preserving the environment. Since I join them out West in Texas, a State that appreciates open space, I too come to the floor to share the shining examples that have benefited Texas but as well the Nation.

If I might join my colleague, the gentleman from Washington (Mr. DICKS), in saying how sad I am that we have to even have this kind of debate in the shadow of the tragedy that has befallen our friends in Colorado, and to their families and to the young people that have been injured and those who have lost their lives. I clearly think that we will have a time in the future to collaborate on saving lives of young people, ending the violence.

Tragically, the day before Earth Day we are here because we hear rumors that some will come to the floor, my friends on the other side of the aisle, and begin throwing dirt one day before Earth Day about who is better for the environment or who is not, or whose position is contrary to that which promotes economic development, promotes economic stability, and I am saddened that we would do that.

This is a day, of course, that I want to offer all of my sympathies to those families.

I think it is important that we speak more positively, and in speaking more positively, I think it is important to note the facts. In particular, let me note the Vice President's assistance and support for some of the activities that we think are important in Texas. I am reminded of the hard work of former land Commissioner Gary Mauro, who worked for some 12 years in the State of Texas to promote cleaning up beaches and keeping those areas attractive for all of Texas and all of America to enjoy.

It was the Clinton administration, the Clinton-Gore administration, that was most helpful in those efforts to recognize that our beaches, our waterfront areas, are national treasures; and therefore led the fight, along with former Commissioner Gary Mauro, to excite the people of Texas to clean up their beaches and to have the resources to do so.

I remember very much joining with members of this caucus and Members of this House to fight against eliminating the Environmental Protection Agency, which is something that had been sought by those who did not see the value. Vice President GORE was out front in preserving the Environmental Protection Agency.

How many of us remember growing up with brown water, or knowing what can happen when one turns on their faucet and the water is not clean?

So I am very grateful that Texas has been the beneficiary of some of the valuable efforts by the administration to clean up water, such as with new sewage resources. The City of Houston is in the process of a major overhaul of its sewage wastewater system, something that is extremely important, a local issue that impacts our day-to-day lives.

Particularly I think the Vice President has been a leader on tough limits on smog and soot, accelerating toxic waste cleanups, expanding the public's right to know about toxins released to air, water and land. Talk to those who suffer from asthma and other respiratory ailments and they will say who has been soft on the environment. They will say how they are pushing for us to do more about the Clean Air Act, how they are pushing to ensure that they do not have to walk around every day, whether it is in Houston, Texas, or Washington, D.C., with the air inhaler because of the difficulties in breathing.

So I think it is important to really take this day and highlight the needs of this Nation and really call a spade a spade, or to call the facts. Let us call the roll on what the Vice President has been able to do.

I will tell a personal story. Houston is known for its enormous geography, its wide spaces, enormous freeways and round-abouts and everybody in their cars, and that creates just a terrific traffic jam; the frustration of the early morning traveler, the late evening traveler; and also its desire, although we have still a long ways to go to preserve green space, to sort of encourage people to get into green spaces so that hopefully the air will be clean enough for them to be outdoors.

We are a very warm city but we are encouraging that, and in doing so we have a commitment to more hike and bike trails because we want people to get out in nature in the cities. We want the inner city to be warmly receptive to families and children. So it was the Vice President's leadership, along with the President's leadership, that helped this transportation bill not only to be a bill of rebuilding hard infrastructure but also to focus on hike and bike trails.

I am very proud that we were able to secure some of those resources so that inner city residents in Houston, Texas, and particularly in my district, will have hike and bike trails constructed as we speak, to give them the opportunity to experience the beauty of nature, along with our clean air, to walk the trails, to see the trees, to enjoy the birds. That is all at the leadership of the Vice President.

So I think it is extremely important that we do more, and I join the gentleman from New Jersey (Mr. PALLONE) in welcoming the efforts of the Livable Communities Task Force. I am a member of it. The legislation that they offered today, what a perfect example to show our constituents that we can work together on things that pain them: suburban sprawl, the difficulty of living in an urban area, everyone in their cars, the lack of public transportation.

I hope we can get that legislation moving. I certainly am supporting it, certainly will be encouraging the City of Houston to join in. I would simply say that it is of great desire that we do something positive and not do something negative as it relates to the environment. That is why I am here today, to say let us move the engine of change for promoting the environment and not listen to rumors about who has been doing the best and who has not. The Vice President has been at the forefront of these very important issues.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her remarks. She raises a number of very important points. We have talked about what the Vice President has done in the past, but also the fact that the Vice President has vision in talking about the future and clearly talking about issues in terms of livable communities that all of our constituencies struggle with on a daily basis.

I represent a district on the east side of San Francisco Bay where people find themselves locked in on the Interstate 80, which runs through my district, at 15 miles an hour on a good morning. People have to get up at 4:00 in the morning to commute long distances to their work.

The Vice President has asked that we start to address these issues and start to use his influence to get people to address these issues so that people can have a more livable community. That shows the kind of vision he has.

I think also when we read in the newspaper that there is going to be an attack by the leadership, the Republican leadership, on the Vice President, maybe it is a compliment. Maybe we know a man by his enemies, because if we look at the Republican leadership it is rather shocking.

Senator LOTT has a zero rating with the League of Conservation Voters. Senator NICKLES has a zero rating with the League of Conservation Voters. Our Speaker, the gentleman from Illinois (Mr. HASTERT) has 17 percent; the gentleman from Texas (Mr. ARMEY), the Majority Leader ARMEY, 17 percent; the gentleman from Texas (Mr. DELAY) has 10 percent; Senator MURKOWSKI, Chairman YOUNG, 3 percent.

Maybe we know the Vice President's effectiveness. Maybe we know his vision and maybe we know his record by those who would seek now to attack him and somehow try to diminish his stature in the environmental movement, not only in this country but around the world.

We have to understand that just in the last session, when we had the McGovern amendment to restore State park funding, 78 percent of the Republicans voted against it. The Waxman global climate change amendment, 88 percent of the Republicans voted no. The amendment I offered to stop subsidized road construction in the Tongass National Forest, 93 percent of the Republicans voted no.

We used to have a coalition here. Conservation in the United States. It was a bipartisan coalition. Many people go back and properly give Teddy Roosevelt credit for starting that. It is interesting that Business Week, hardly a voice of environmental activism, laments that the Republican Party tradition under Teddy Roosevelt of protecting land is being trashed, and it is shameful. It is the leaders of that effort who are now somehow going to attack the environmental credentials of the Vice President or say that he is wrong-headed.

□ 1700

The fact is, through his efforts both in the House and in the Senate, and as the Vice President of the United States, he has led the efforts to clean up our air, to clean up our water, to clean up the toxic sites in this Nation; to clean up the Superfund sites that plague our communities, the brownfields campaign that he started that allows us to take these toxic sites and turn them into economic opportunities, and as we have seen now in Palo Alto, California, in Richmond, California, in communities that now have economic opportunities that did not exist there before that kind of program under the leadership of this administration.

So we know what the Republicans have been doing, and we know certainly what the Republican leadership has been doing, and that is that they have launched, the minute the Gingrich revolution came to town, their first effort was to launch an attack on the basic and fundamental environmental laws of this Nation.

Now let us look at what the Vice President has been doing. He has been going out to communities that have great environmental strife, that have had all kinds of controversy, and he has brought people together to try to sit down and work those things out. Most recently in California where we had the headwaters forest deal, where we were going to lose some of the last of the ancient grand redwoods in this Nation on the face of this Earth, it was the involvement of the Vice President and this administration that finally secured a deal. I do not like all of it, but I will tell my colleagues, it secured a deal by which we can protect those redwoods, we can allow some timber activity to continue, and the economy in that area can continue. That had been years of controversy before the administration got involved.

The same is true in California water, where the administration has brought people together to solve one of the most difficult problems, the survivability of San Francisco Bay, the survivability of the San Francisco Bay delta. In our huge, complex Federal and State water systems that are the cornerstone of our future economic growth in California, there has been the involvement and the leadership of the Vice President.

The Everglades speaks for itself. The Everglades speaks for itself. Working with the Florida delegation, making sure that the Corps of Engineers thought about the future as opposed to the past, changed the manner in which the Kissimmee River flowed, the flow of the water through the Everglades, the cleaning up of the marine resources, all with the leadership of the Vice President working with local communities. That has been the hallmark.

Finally today let me say, I know that there are many on the other side that want to attack the Vice President for his positions on global warming. Today I sat in my office with the CEO of an energy company that is building a new generation of gas-fired turbines to replace the old that will clean up the air, will provide new jobs that did not exist before, will provide a lower rate of energy because of the efficiency of these new generators, and will allow us in California, he is one part of a large industry that will allow us to start trading in the old polluting industries, get higher efficiency, lower cost out of a new generation, because of the concern. And they are willingly doing this. They have investors, they are putting venture capital into this, putting money at risk to clean up the air, recognizing and responding to the concerns about global warming.

So I want to thank the gentleman for bringing this special order. I agree with the gentleman from Washington that it is sad that we have to do this; it is sad that somehow some on the Republican side would believe that Earth Day should be celebrated by attacking the vice presidential environmental credentials, his motives and his actions and his work that has been so sterling and has meant so much for this Nation, for the health of our water, the health of our air and the health of our families and our communities. It is unfortunate.

I believe we are in the process of restoring that bipartisan environmental coalition. More and more we see Democrats and Republicans working together. But the Republican leadership apparently still has not gotten the message, and somehow they want to try to make mileage by attacking the Vice President. It is a horrible mistake for them, and the biggest problem of it is it simply has no credibility, it is not true, and their record does not allow them to speak with any credibility about the environmental record of the Vice President or anyone else in this Nation.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman, and particularly for this idea of what Vice President GORE and this administration have tried to do is to be people of action. They think that we can accomplish some of these environmental goals and still save jobs and still have economic growth. There are so many examples we can use of things that need to be done in the future: Superfund, clean water, brownfields, whatever, and they have the positive attitude. Now we have the Republicans on the other side just wanting to waste our time with all of these personal attacks.

I yield to another gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I appreciate the gentleman yielding to me.

It is a great opportunity to address on Earth Day an interesting thing, and I think it is interesting that we are here today just before Earth Day.

I am told that some of my colleagues across the aisle are going to have some occasion where they seek to attack Vice President AL GORE on the environment, which seems to me a bit like attacking Mohammed Ali for not having a quick left hook. But nonetheless, we are here to discuss an important issue. Maybe somebody has already said this, but sort of attacking the Vice President the day before Earth Day on the environment, it is sort of disappointing to me. This ought to be Earth Day, not Dirt Day, and trying to spread a little dirt is disappointing.

Nonetheless, I want to add my voice to those who say that we have someone in leadership on environmental issues that are important to real people with real problems. I think when we test anyone's leadership, we ought to test it in five ways. I am going to give five tests that we ought to test the Vice President on. We ought to test whether his leadership has been real rather than abstract; we ought to test whether it has been practical rather than pie-in-the-sky; we ought to test on whether it is based on optimism rather than pessimism; and we ought to test whether he is out front and not behind; and whether or not he is a fighter or he has just given up.

I want to test him on those five issues. I want to start with whether he is a realist instead of just in the abstract. I want to tell my colleagues that I think America, Mr. Speaker, is waking up to the fact that Vice President AL GORE has come to address real, tangible, everyday concerns of commuters and workers in my district in north Seattle who are sitting in traffic, wasting their time when they could be home with their children, sitting in traffic because we have not adopted the public transportation solutions we need and we have not fully come to grips with creating livable communities. There is no one, no one, myself included, who has been as vigorous an advocate, Mr. Speaker, to say that our communities should be armed with the tools to develop livable communities, to be able to do the land use planning to stop urban sprawl. I point this out because this is not an abstract issue of my constituents; it is whether they can get home at night to play catch with their kids. That is a real issue, and this Vice President has been a realist, not an abstract, thinker.

Second, as he suggested, practical solutions. Well, I want to tell my colleagues, we have a real challenge up in the Northwest right now on salmon issues. We are losing our salmon runs and they are now on the endangered species list, and we have real challenges. This Vice President has not sat around in an ivory tower just sort of abstractly thinking about this problem. He has rolled up his sleeves, he has come to the Pacific Northwest more than any Vice President in American history, and he has gotten down literally in the trenches and the streams to talk about how we are going to solve those salmon problems, how we are going to improve habitat for salmon, how we are going to make sure salmon can spawn. He is not in Washington D.C.; he is in my district helping communities solve these salmon problems. I appreciate that, and so do the people of these communities. He is practical.

The third issue, is he an optimist or is he one of those guys that sort of says, Chicken Little, the sky is falling. Well, if we listen to what this Vice President has been saying, for instance, about the greenhouse gas problem, and everybody knows we have a problem, CO_2 emissions are going up huge amounts, this is creating a greenhouse effect, and people are fully familiar with that. But what I have heard this Vice President say, instead of wringing our hands and saying we are going to be destroyed by this problem, he has shown optimism which good leaders need to do. Because what he has said is, we are going to go out and we are going to develop the technologies, the alternate technology sources that do not create these greenhouse gases. That is optimism, and that is what leadership is. Without a vision, people will perish. The good book was right. And having a vision saying that our country is going to have the best technology in the world and we are going to make money off of this technology, and there is nothing wrong with making money, we are going to have the most competitive, energy-efficient technology in the world and it is going to be good for our economy. That is optimism and that is what we need when we talk about the environment.

The fourth issue, is he out front. Is he up front or is he behind the parade? I want to tell my colleagues a little story about AL GORE, those who happen to be watching this on C-SPAN. We ask ourselves, who was the first member of this body to give a speech that the American people could actually see unless they were lucky enough to get one of these few seats up in the Chamber, and it was AL GORE who gave the very first speech on C-SPAN because he was the fellow who fought to open up this Chamber to the American people so that they could watch it at home on C-SPAN. He was way ahead of the curve, way ahead of the curve when a bunch of fuddy-duddies were around here saying we cannot let the American people know what we are doing. That is typical of his efforts to be out front, and he is out front on the environment too.

The fifth issue, is he a fighter or does he give up? I want to tell my colleagues that when some of my colleagues on the other side of the aisle came to try to weaken the Clean Air Act, came to try to weaken our safe food provisions which are really important. We had E. coli deaths, kids dying of E. coli poisoning in my hometown a few years ago, and incredibly, people in this body wanted to, and still want to reduce some of our food protections in our food inspection system, incredibly. Who stood up and said no to those efforts to reduce our food safety? Who stood up and fought them tooth and tongue and even said, even if you threaten to shut down the Government of the United States, I am not going to yield on that issue. It was AL GORE. He had a little help from President Bill Clinton as well.

He was right, and the American people knew he was right, and even though the folks on the other side of the aisle shut down the U.S. Government, he did not yield, he stood as a stone wall and said, you are not going to weaken the environmental laws of this country, and America knew it and America said, in part; some people, including myself, to stand up for the environment.

So, Mr. Speaker, I would like to suggest that by any test of leadership we have a Vice President who has been real, who has been practical, who has been optimistic, who has been out front, and who is a fighter, and it does not get much better than that.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. I thought that test that the gentleman brought forward was really a good way to show how valuable the Vice President has been on these environmental concerns and just in general.

Mr. Speaker, it is interesting. I have been listening to what some of the speakers have been saying about different programs where one can both protect the environment and save jobs and where the economy can grow, and I think it was the other gentleman from Washington (Mr. DICKS) that said that the problem with the Republican leadership is that they do not want to move forward on this agenda.

A very good example of that, I think someone mentioned, is brownfields. I live in the most densely populated State in the country. We have more Superfund sites and more hazardous waste sites that are not on the Superfund list, but still need to be cleaned up, than any other State. Yet, at the same time in our urban areas where a lot of these sites are located, if they could be cleaned up and used again for commercial or industrial or other purposes, it would mean such an economic boost to those communities because jobs would be created, new businesses would be created, and Vice President GORE has been pushing forever since he was the Vice President and when he was in the Senate and the House that we take the initiative on brownfields. Yet, this Republican leadership has continued to say, well, they do not want to deal with that, we have to deal with Superfund in general; maybe we will take it up in the context of Superfund, and they never get to it.

So there are so many examples like this where we need to move in a positive way. As the gentleman said, Vice President GORE has been very optimistic and knows we can be positive about these things, but we are constantly stymied by the other side, so I want to thank the gentleman.

I yield to the gentlewoman from Illinois, (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding his time.

Tomorrow is Earth Day, and I remember well as a young mom in 1970 when Earth Day was established, and at that time, we really had an environmental crisis. We had a desperate need for passage of legislation to guarantee clean air and clean water. We had toxic waste sites that were crying out for something to be done. So Earth Day highlighted that. As a result, we did see the passage of this important legislation.

We have made progress, and this is a time to really celebrate that progress. We now have Superfund legislation to clean up toxic sites, the clean air and clean water legislation, and we have a booming economy, and that is a surprise to some, not to me and others on our side of the aisle, but those are compatible concepts, that they go hand in hand, a booming economy and environmental protection.

The environment really is a nonpartisan issue when one goes to a national park or one breathes clean air, regardless of whether one is a Democrat or a Republican, these issues are important. But unfortunately, over the recent years, it has become just that, and it is so unfortunate, even today, that it has been raised in a partisan context.

□ 1715

It does, however, give us the opportunity, as Democrats, to celebrate our Democratic administration and all that it has done to fend off efforts to turn back the clock, if we look at what happened in 1995 when the Republicans actually allowed corporate lobbyists to draft attacks on environmental standards. Or when the Republicans passed bills that cut environmental funding by 25 percent, or what I really want to talk about for a minute is the regulatory reform bill that would have actually dismantled the food inspection program.

In my district lives a woman named Nancy Donley, who, because of her own personal tragic situation, that is, the death of her 6-year-old son Alex from eating meat poisoned with E. Coli bacteria, created an organization. She turned her tragedy into an organization that will now fight to make sure that no other children die called STOP, Safe Tables Our Priority.

As a result of working with this administration, and in particular Vice President AL GORE, the food safety initiative was adopted. They were able to defeat the so-called regulatory reform which would have dismantled the meat and poultry inspection system in this Nation, and actually pass new regulations that began in 1998, more sophisticated ways of inspection.

That inspection program was really initiated in the Upton Sinclair days at the beginning of the century and really required updating, not dismantling. So we now have a more sophisticated system that is being phased in over time. It began in 1998, and the establishment of a food safety initiative.

As part of that initiative I know that Nancy had, Nancy Donley, had Vice President AL GORE, at the announcement of what we call PulseNet, which is a new program that we have to track food-borne illness outbreaks over the Internet, so we are now able to link an outbreak of food poisoning in Maine with one that might happen in Montana, and be able to see that it is from the same cause.

In fact, there was a terrible outbreak of Listeria, which is a virulent form of foodborne illness, deli food, soft cheeses, et cetera, last year that resulted in major recalls across the country of those foods, and has already proven itself to save lives.

At the announcement of PulseNet, our Vice President, AL GORE, was there to talk about it as an initiative that would save lives. As we know, he has been the person who has figured out how to use the most high-tech systems to bring them down to protecting families and now protecting our food supply.

So as we look forward to Earth Day this year and we look forward to the 21st century, I think we can be happy that we have someone who has been our point person on the environment, who has been an advocate and a fighter, and has implemented already those programs that will make our air, our water, and our world safer for our families.

Mr. PALLONE. I want to thank the gentlewoman. Mr. Speaker, I yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding to me.

Last year when the appropriation bills were folded into an omnibus bill, the majority here added a long list of anti-environmental riders. They could not get those proposals through on their own merits, but they tried to hold funding for all Federal programs and services hostage to those riders. They figured that their opponents in Congress would be forced to swallow them, and that the President would agree to accept them to keep other programs operating.

But the President did not accept them. He insisted that they be taken out of the appropriations bill before he would sign it. That surprised the people who wrote the riders.

The factor they did not count on in their strategy was the Vice President of the United States, AL GORE. The President relies on AL GORE for advice on environmental matters, and it was AL GORE who said no, we cannot allow these things to happen. We have to take a stand. We have to take a stand, so that the riders faded away.

Let me give some examples of what AL GORE would not allow. He said no to proposals that would have blocked the EPA from conducting research or educational activities on global warming, a gag rule to block even a discussion of what may be the most serious environmental problem of our time.

He said no to a proposal that would have blocked clean-up of toxic PCBs, even in places where children could be affected.

The Vice President said no to proposals that would have blocked the EPA from reducing children's exposure to pesticides, and we now know that pesticides pose a much greater risk to children than they do to others, much more than we thought.

He said no to proposals that would have canceled environmental reviews on timber sales, where logging could threaten wildlife. He said no to a proposal to build a road through the middle of a migratory bird refuge, a place that is supposed to be wilderness.

He said no to proposals that would have required uneconomical logging that would have permanent damage to one of our most pristine forests. He said no to proposals that would have barred EPA from trying to improve air quality in our national parks. Because AL GORE took a firm stand, those proposals were blocked.

He has stood with us when we blocked efforts to roll back 25 years of work on cleaning up our rivers. He stood with us when we blocked efforts that would have prohibited EPA from doing more to clean up the air that we all breathe.

He stood with us on protecting children's health from asthma caused by airborne pollution, illness caused by food poisoning, and pesticide poisoning, permanent damage caused by toxic wastes let loose in the environment. The Vice President stood with us on all those issues.

The American people want clean air and water. They want freedom from pollution and contamination. They want protection of our beautiful public lands and forests, and they want protection for our wildlife. AL GORE wants them, too, and he wants all of them to have them as well. He is willing to stand up and fight for it to see that they get it.

He has been a very big help by having the courage to say no and to mean it. I am looking forward to seeing what he can do when he gets the opportunity to say yes.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman, and everyone who participated in this special order this evening. It is the eve of Earth Day. Earth Day is tomorrow. I think there is a lot of talk up here about what the truth is.

The truth is that the health of our environment is in jeopardy at the hands of the Republican majority in the Congress. The truth is that the Democrats and the Clinton-Gore administration are the true protectors of the environment for this Earth Day and the Earth Days in the future.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The Chair will remind all Members to address their remarks to the Chair, and not to refer to residents of the gallery.

Members should also not make personal references to Members of the Senate.

A TRIBUTE TO MAYOR RALPH J. PERK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, tonight Cleveland, Ohio, is much poorer than it was yesterday because of the passing of Mayor Ralph J. Perk. If we were to ask residents of the city of Cleveland about its recent history, they might point us to the bridge at State Route 21 over the Cuyahoga River as the point where 25 years ago the Cuyahoga River caught on fire, or they might direct us to the factory where Mayor Perk, while attempting to show some blue collar voters that he was proficient in the use of a blow torch, accidentally set his hair on fire.

But Clevelanders love to tell the story about when Mayor Perk, a Republican, was invited to a State dinner by then President Richard Nixon, and it conflicted with his wife Lucy's bowling night, so he was not able to be in attendance on that particular evening.

Mr. Speaker, Ralph Perk was vintage Cleveland, and he will be greatly missed. He is best known as Cleveland's mayor, but he had a distinguished career as a public servant. He began his political career in 1940 as a Republican precinct committeeman, and was appointed to the staff of the Ohio Attorney General's Office in 1950. He then went on to represent the Broadway East 55th Street area of Cleveland as a councilman from 1953 to 1962.

He was then elected to county-wide office, and served as the county auditor for 9 years. When he was elected mayor, Mayor Perk had the distinction of being the first Republican mayor of Cleveland since the 1930s. In fact, only two Republicans have served as the mayor of Cleveland in my lifetime, Ralph Perk and also our new Senator from Ohio, GEORGE VOINOVICH.

God love Ralph Perk, Mr. Speaker. He was a Republican in the days when being a Republican was not very cool. His political base was found in Cleveland's heavily Democratic ethnic communities, which supported him regardless of party label. He won folks over with his heart and his ability to be just like everyone else, to connect with his fellow man without pretense.

If another mayor had turned down a State dinner at the White House because of his wife's bowling engagement, it would have been a serious breach of etiquette. To Ralph Perk and the city of Cleveland, it is a badge of honor.

Mayor Perk served as mayor from 1972 to 1977, at a time when the city was developing some financial difficulties, but Ralph Perk was able to work with the Federal Government and the Nixon White House to secure funding to alleviate a number of those difficulties.

He is credited with establishing a regional sewer district, and he is also credited with paying off the bonds, using city funds to pay off the bonds of the financially strapped Cleveland Transit Authority to create what is now the Greater Cleveland Regional Transit Authority.

Mr. Speaker, although it has been more than 20 years since Ralph Perk served as the mayor of our fair city, he has never been nor will he ever be forgotten. He was a true Cleveland original, a man who loved his hometown with all of his heart and served it with great spirit and dedication. He will be sorely missed.

Mayor Perk was reelected as mayor in both 1973 and 1975. In 1977, there was a nonpartisan primary and he was defeated by two other individuals. One was a Member who served in this House, Ed Feighan, and the other is my very distinguished greater Clevelander, the gentleman from Ohio (Mr. DENNIS KUCINICH), who then went on to serve as mayor of Cleveland, and now serves with us in the House.

I yield to my friend, the gentleman from Ohio (Mr. KUCINICH) for his thoughts and remembrances of Mayor Perk.

Mr. KUCINICH. I thank the gentleman for yielding to me, Mr. Speaker.

Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) also for the opportunity to share in this very important reflection on a former mayor of the city of Cleveland, Mayor Ralph J. Perk.

Ralph Perk leaves us at a time when the world could use the message of his life, which was to unite people across racial and ethnic lines. For generations he led us in celebrating the beautiful cultural mosaic that is our inheritance in greater Cleveland. He understood the beauty and the strength of each individual expressing his or her own uniqueness.

I shared with Ralph many a platform, festooned with colorful flags, many an ethnic picnic, many polka-filled moments. He had a great enthusiasm for life. He was a wise and dedicated public servant who served Cleveland long and well as a city councilman, a county auditor, and mayor. His greatest strength was his common touch, his ability to stay close to the life of Cleveland's neighborhoods.

Throughout his long life he never left the city he loved, and because of his dedication to Cleveland, his memory will never leave us. My deepest sympathies go out to his dear wife, Lucy, and to his children.

I will miss Ralph, but I shall never be able to think of him without smiling about this engaging, energetic, passionate public man and dear friend.

U.S. FOREIGN POLICY AND NATO'S INVOLVEMENT IN YUGOSLAVIA AND KOSOVO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, supporters of internationalism celebrated NATO's 50th anniversary with the Senate's 1998 overwhelming approval for expanding NATO to include Eastern European countries. This year's official inclusion of Poland, Hungary, and the Czech Republic made all NATO's supporters proud, indeed. But in reality, NATO now is weaker and more chaotic than ever.

In the effort to expand NATO and promote internationalism, we see in reaction the rise of ugly nationalism.

The U.S. and NATO policy of threats and intimidation to establish an autonomous Kosovo without true independence from Serbia, and protected by NATO's forces for the foreseeable future, has been a recipe for disaster. This policy of nation-building and interference in a civil war totally contradicts the mission of European defense set out in the NATO charter.

Without the Soviet enemy to justify the European military machine, NATO had to find enemies and humanitarian missions to justify its existence. The centuries-old ethnic hatreds found in Yugoslavia and the militant leaders on all sides have served this purpose well. Working hard to justify NATO's policy in this region has totally obscured any objective analysis of the turmoil now raging.

Some specific policy positions of NATO guaranteed that the ongoing strife would erupt into a full-fledged and dangerous conflict. Once it was determined in the early 1990s that outsiders would indict and try Yugoslavian war criminals, it was certain that cooperation with western negotiators would involve risks. Fighting to the end became a practical alternative to a mock international trial. Forcing a treaty settlement on Serbia where Serbia would lose the sovereign territory of Kosovo guaranteed an escalation of the fighting and the forced removal of the Kosovars from their homes.

☐ 1730

Ignoring the fact that more than 500,000 Serbs were uprooted from Croatia and Bosnia with the encouragement of NATO intervention did great harm to the regional effort to reestablish more stable borders.

The sympathy shown Albanian refugees by our government and our media, although justified, stirred the flames of hatred by refusing to admit that over a half million Serbs suffered the same fate and yet elicited no concern from the internationalists bent on waging war. No one is calling for the return of certain property and homes.

Threatening a country to do what we the outsiders tell them or their cities will be bombed is hardly considered good diplomacy. Arguing that the Serbs must obey and give up what they see as sovereign territory after suffering much themselves as well as face war crimes trials run by the West makes no sense. Anyone should have been able to predict what the results would be.

The argument that, because of humanitarian concerns for the refugees, we were forced to act is not plausible. Our efforts dramatically increased the refugee problem. Milosevic, as he felt cornered by the Western threats, reacted the only way he could to protect what he considered Serbia, a position he defends with international law while being supported by unified Serb people.

If it is the suffering and the refugees that truly motivate our actions, there is no answer to the perplexing question of why no action was taken to help the suffering in Rwanda, Sudan, East Timore, Tibet, Chechnya, Kurdish, Turkey, and for the Palestinians in Israel. This is not a reason; it is an excuse.

Instead, we give massive foreign aid to the likes of China and Russia, countries that have trampled on the rights of ethnic minorities.

How many refugees, how many children's death has U.S. policy caused by our embargo and bombing for 9 years of a defenseless poverty-ridden Iraq. Just as our bombs in Iraq have caused untold misery and death, so have our bombs in Serbia killed the innocent on both sides, solidified support for the ruthless leaders, and spread the war.

This policy of intervention is paid for by the U.S. taxpayer and promoted illegally by our President without congressional authority, as is required by the Constitution.

The United States Government has in the past referred to the Kosovo Liberation Army leaders as thugs, terrorists, Marxists, and drug dealers. This current fight was initiated by Kosovo's desire for independence from Serbia.

The KLA took on the Serbs, not the other way around. Whether or not one is sympathetic to Kosovo's secession is not relevant. I for one prefer many small independent governments pledged not to aggress against their neighbors over the international special interest authoritarianism of NATO, the CIA, and the United Nations.

But my sympathies do not justify our taxing and sending young Americans to fight for Kosovo's independence. It is wrong legally and morally; and besides, the KLA is not likely to institute a model nation respecting civil liberties of all its citizens.

The biggest irony of this entire mess is to see the interventionists, whose goal is one world government, so determined to defend a questionable group of local leaders, the KLA, bent on secession. This action will not go unnoticed and will provide the philosophic framework for the establishment of a Palestinian state, Kurdistan, and independent Tibet, and it will encourage many other ethnic minorities to demand independence.

Our policy of intervention in the internal affairs of other nations, and their border disputes is not one that comes from American tradition or constitutional law. It is a policy based on our current leaders' belief that we are the policemen of the world, something we have earnestly and foolishly pursued since World War II and in a more aggressive fashion since the demise of the Soviet Union.

Interventionism is done with a pretense of wisdom believing we always know the good guys from the bad guys and that we will ignore the corporate and political special interests always agitating for influence. Nothing could be further from the truth.

Instead of being lucky enough on occasions to pick the right side of a conflict, we instead end up supporting both sides of nearly every conflict. In the 1980s, we helped arm, and allied ourselves with, the Iraqis against Iran. Also in the 1980s we supported the Afghan freedom fighters, which included Osama Bin Laden. Even in the current crisis in Yugoslavia, we have found ourselves on both sides.

The United States, along with the United Nations, in 1992 supported an arms embargo against Kosovo essentially making it impossible for the Kosovars to defend themselves against Serbia. Helping the Albanian Muslims is interpreted by some as token appeasement to the Arab oil countries unhappy with the advantage the Serbs got from the arms embargo.

This balancing act between three vicious warring factions was doomed to fail and has only led to more instability and the spreading of the war in the region.

Instead of pretending to be everything to everyone, while shifting alliances and blindly hoping for good to come of it, we should reconsider the advice of the Founders and take seriously the strict restraints on waging war placed in the Constitution.

Not much long-term good can come of a foreign policy designed to meddle and manipulate in places where we have no business or authority. It cannot help the cause of peace.

Unfortunately, our policies usually backfire and do more harm than good. When weaker nations are intimidated by more powerful ones, striking back very often can be done only through terrorism, a problem that will continue to threaten all Americans as our leaders incite those who oppose our aggressive stands throughout the world.

War has been used throughout history to enhance the state against the people. Taxes, conscription and inflation have been used as tools of the state to pursue wars not popular with the people. Government size and authority always grows with war, as the people are told that only the sacrifice of their liberties can save the nation. Propaganda and threats are used to coerce the people into this careless giving up of their liberties.

This has always been true with military wars, but the same can be said of the war mentality associated with the war on drugs, the war on poverty, the war against illiteracy, or any other war proposed by some social do-gooder or intentional mischief maker.

But when a foreign war comes to our shores in the form of terrorism, we can be sure that our government will explain the need for further sacrifice of personal liberties to win this war against terrorism as well. Extensive preparations are already being made to fight urban and domestic violence, not by an enhanced local police force, but by a national police force with military characteristics.

Even the war against national disasters led by FEMA, usurps local authority while imposing restraints on movement and controlling recovery efforts that should be left to local police, private insurance, and voluntary groups.

Our overseas efforts to police the world implies that with or without success, resulting injuries and damage imposed by us and others will be rectified with U.S. tax dollars in the form of more foreign aid, as we always do. Nation building and international social work has replaced national defense as the proper responsibility of our government.

What will the fate of NATO be in the coming years? Many are fretting that NATO may dissolve over a poor showing in Yugoslavia, despite the 50th anniversary hype and its recent expansion. Fortunately for those who cherish liberty and limited government, NATO has a questionable future.

When our leaders sanctioned NATO in 1949, there were many patriotic Americans who questioned the wisdom and the constitutionality of this organization. It was by its charter to be strictly a defensive organization designed to defend Western Europe from any Soviet threat. The NATO charter clearly recognized the Security Council of the United Nations was responsible for the maintenance of international peace and security.

Likewise, the legislative history and congressional testimony maintained NATO could not usurp from Congress and the people the power to wage war. We have drifted a long way from that acknowledgment, and the fears expressed by Robert Taft and others in 1949 were certainly justified.

United States and NATO, while deliberately avoiding a U.N. vote on the issue, have initiated war against a sovereign state in the middle of a civil war. A Civil War that caused thousands of casualties and refugees on both sides has been turned into a war with hundreds of thousands of casualties and refugees with NATO's interference. The not-so-idle U.S. threats cast at Milosevic did not produce compliance. It only expanded the violence and the bloodshed.

The foolishness of this policy has become apparent, but Western leaders are quick to justify their warmongering. It was not peace or liberty or national security they sought as they sent the bombs flying. It was to save face for NATO.

Without the Soviets to worry about, NATO needed a mission, and stopping the evil Serbs fit the bill. It was convenient to ignore the evil Croates and the Kosovars, and it certainly was easy to forget the United Nations', NATO's, and the United States' policies over the past decade that contributed to the mess in Yugoslavia.

It was soon apparent that bombing was no more a successful diplomatic tool than were the threats of dire consequences if the treaty, unfavorable to the Serbs, was not quickly signed by Milosevic. This drew demands that policy must be directed toward saving NATO by expanding the war. NATO's credibility was now at stake and how could Europe, and the United States war machine, survive if NATO were to disintegrate.

Hopes as expressed by Ron Brown and his corporate friends were not extinguished by the unfortunate and mysterious Air Force crash while on their way to Bosnia to do business deals. Nobody even bothers to find out what U.S. policy condones business trips of our corporate leaders in a war zone on an Air Force aircraft. Corporate interests and the military-industrial complex continues to play a role in our Yugoslavian war policy. Corporate America loves NATO.

Most politicians and the public do not know what NATO's real mission is, and today's policy cannot be explained by reading its mission statement written in 1949. Certainly our vital interests and national security cannot justify our escalation of the war in Yugoslavia.

The excuse that we are the only superpower is hardly a moral reason to justify bombing nations that are seen as uncooperative. Military strength gives neither a right to bully nor a monopoly on wisdom. This strength too often, when held by large political entities, is used criminally to serve the powerful special interests.

The Persian Gulf and Yugoslavia obviously are much more economically intriguing than Rwanda and Sudan. There are clearly no business benefits for taking on the Chinese over its policy toward Tibet. Quite the contrary, we do business with China and subsidize her to boot.

In spite of the powerful political and industrial leaders' support behind NATO, and the budgets of 19 Western countries, NATO's days appear numbered. We shall not weep when NATO goes the way of the Soviet Empire and the Warsaw Pact. Managing a war with 19 vetoes makes it impossible for a coherent strategy to evolve. Chaos, bickering, bureaucratic blundering, waste and political infighting will surely result.

There is no natural tendency for big government to enjoy stability without excessive and brute force, as was used in the Soviet system. But eventually the natural tendency towards instability, as occurred in the Soviet Empire, will bring about NATO's well-deserved demise. NATO, especially since it has embarked on a new and dangerous imperialistic mission, will find using brute force to impose its will on others is doomed to fail.

It has been said that, in numbers, there is strength. But in politics, it can also be said that, in numbers, there is confusion as differences become magnified.

Nationalism is alive and well even within the 19-member NATO group. When nationalism is non-militaristic, peace loving, and freedom oriented, it is a force that will always undermine big government planners, whether found in a Soviet system or a NATO/U.N. system.

□ 1745

The smaller the unit of government, the better it is for the welfare of all those who seek only peace and freedom. NATO no longer can hide its true intent behind an anti-communist commitment.

Some have wondered how a 1960s generation administration could be so proned to war. The 1960s were known for their rebellion against the Vietnam War and a preference for lovemaking and drugs over fighting, even Communists. In recent months four separate sovereign nations were bombed by the United States. This has to be some kind of a record. Bombing Belgrade on Easter has to tell us something about an administration that is still strangely seen by some as not having the determination to fight a real war. There is a big difference between being antiwar when one's life is at risk as compared to when it is someone else's. That may tell us something about character, but there is more to it than that.

Many who were opposed to the Persian Gulf and Vietnam Wars are now strongly supporting this so-called just and humanitarian war to punish those who are said to be totally responsible for the Yugoslavian refugee problem. The fact that Serbia is not Communist in the sense of North Vietnam may play a part for some in making the decision to support this war but not the war in Vietnam. But the Persian Gulf War was not at all about communism, it was about oil.

Some from the left, if strongly inclined toward internationalism, supported the Persian Gulf War, but for the most part the opposition came from those who chose not to support a president of the opposite party, while today, supporting one's own party's position to bomb the Serbs becomes politically correct.

The same can be said of those who are opposed to the Yugoslavian war. Where they supported the Persian Gulf War, this administration has not garnered their support for partisan reasons. The principle of interventionism, constitutionality and morality have not been applied consistently to each war effort by either political party, and there is a precise reason for this, over and above the petty partisanship of many.

The use of government force to mold personal behavior, manipulate the economy and interfere in the affairs of other nations is an acceptable practice endorsed by nearly everyone in Washington regardless of party affiliation. Once the principle of government force is acknowledged as legitimate, varying the when and to what degree becomes the only issue. It is okay to fight Communists overseas but not Serbs; it is okay to fight Serbs but not Arabs. The use of force becomes completely arbitrary and guided by the politician's good judgment. And when it pleases one group to use constitutional restraint, it does, but forgets about the restraints when it is not convenient.

The 1960s crowd, although having a reputation for being anti-war due to their position on Vietnam, has never been bashful about its bold authoritarian use of force to mold economic conditions, welfare, housing, medical care, job discrimination, environment, wages and working conditions, combined with a love for taxes and inflation to pay the bills. When in general the principle of government force to mold society is endorsed, using force to punish Serbs is no great leap of faith, and for the interventionists is entirely consistent. Likewise, the interventionists who justified unconstitutional fighting in Vietnam, Panama, Nicaragua, Grenada, Libya and the Persian Gulf, even if they despise the current war in Yugoslavia, can easily justify using government force when it pleases them and their home constituency.

Philosophic interventionism is a politician's dream. It allows arbitrary intervention, domestic or international, and when political circumstances demand opposition, it is easy to cite the Constitution which always and correctly rejects the use of government force, except for national self-defense and for the protection of life, liberty and property.

Politicians love interventionism and pragmatism, the prevailing philosophy of our age, a philosophy based on relative ethics. No rigid adherence to law or morality is required. Even the Constitution can be used in this delicate debate of just when and for whom we go to war. The trick is to grab the political moral high ground while rejecting the entire moral foundation upon which the law rests, natural rights, rejection of force and the requirement politicians be strictly bound by a contract for which all of us take an oath to uphold.

What does this hodgepodge philosophy here in the Congress mean for the future of peace and prosperity in general and NATO and the United Nations in particular? Pragmatism cannot prevail. Economically and socially it breeds instability, bankruptcy, economic turmoil and factionalism here at home. Internationally it will lead to the same results.

NATO's days are surely numbered. That is the message of the current chaos in Yugoslavia. NATO may hold together in name only for a while, but its effectiveness is gone forever. The U.S. has the right to legally leave NATO with a 1-year's notice. That we ought to do, but we will not. We will continue to allow ourselves to bleed financially and literally for many years to come before it is recognized that governance of diverse people is best done by diverse and small governments, not by a one-world government dependent on the arbitrary use of force determined by politically correct reasons and manipulated by the powerful financial interests around the world.

Our more immediate problem is the financing of the ongoing war in Yugoslavia. On February 9 of this year I introduced legislation to deny funds to the President to wage war in Yugoslavia. The Congress chose to ignore this suggestion and missed an opportunity to prevent the fiasco now ongoing in Yugoslavia.

The President, as so many other presidents have done since World War II, took it upon himself to wage an illegal war against Yugoslavia under NATO's authority, and Congress again chose to do nothing. By ignoring our constitutional responsibility with regards to war power, the Congress implicitly endorsed the President's participation in NATO's illegal war against Yugoslavia. We neither declared war nor told the President to cease and desist.

Now we have a third chance, and maybe our last, before the war gets out of control. We are being asked to provide all necessary funding for the war. Once we provide funds for the war, the Congress becomes an explicit partner in this ill-conceived NATO-inspired intervention in the civil war of a sovereign nation, making Congress morally and legally culpable.

Appropriating funds to pursue this war is not the way to peace. We have been bombing, boycotting and killing thousands in Iraq for 9 years with no end in sight. We have been in Bosnia for 3 years, with no end in sight. And once Congress endorses the war in Yugoslavia with funding, it could take a decade, billions of dollars, and much suffering on both sides, before we put it to an end.

Bellicosity and jingoism associated with careless and illegal intervention can never replace a policy of peace and friendship whenever possible. And when it is not, at least neutrality. NATO's aggressive war of destruction and vengeance can only make the situation worse. The sooner we disengage ourselves from this ugly civil war, the better. It is the right thing to do.

COMMEMORATION OF THE REMEMBRANCE OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. BASS). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes.

Mr. SHERMAN. Mr. Speaker, I know I am the last Speaker before the staff goes home, and they will be gratified to know that I will use roughly half the allotted time. Even with half the allotted time, 30 minutes is quite long, perhaps too long to devote to a single subject, and that is why I wish to give, in effect, three separate speeches.

The first speech I would like to give is in commemoration of the remembrance of the Armenian Genocide. April 24 is the day when Armenians and those of good conscience around the world remember the genocide that took place at the beginning of this century. Because it was on April 24 that 200 Armenian religious, political, intellectual leaders were rounded up in Constantinople, taken into the interior and executed.

This was a seminal day in a pattern of oppression that began in the 1890s, and at a level of oppression which between 1915 and 1923 caused the death of 1.5 million Armenians in mass executions in forced marches, through disease, and through starvation, thus eliminating virtually the entire Armenian population of Anatolia and Western Armenia.

There were many contemporaries who were there to see this first genocide. Perhaps no one speaks with the authority of our own ambassador to the Ottoman Empire, Ambassador Henry Morgantheau. I will probably mispronounce our ambassador's name, so I will simply refer to him as our ambassador to the Ottoman Empire. He recounts in his statement, "When the Turkish authorities gave orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well, and in their conversations with me made no particular attempt to conceal this fact."

In the poignant passage in his book, Black Dog of Faith, Peter Balakian relates the story of a genocide survivor. After seeing the massacre of Armenians in her own village, her father beheaded and crucified on the door of their home on one morning, the Armenian woman was forced to dance in the village square while being brutalized and set on fire, as their children clapped, and other images too horrific to describe. The death march and the Euphrates so filled with blood and corpses that no reasonable person could see it and not be sick.

The first genocide of this century laid the foundation for the Holocaust, the largest genocide and the most horrific of this or any century. It was interesting that our ambassador to the

Ottoman Empire happened to be an American Jew who was told by Turkish authorities, "These people, these Armenians, are Christians. Since you are a Jew, why don't you let us do with the Christians as we please?"

Well, whether it is in Anatolia or in Europe or anywhere in the world, we cannot countenance genocide simply by saying the victims are not of our religion or ethnic group. No wonder 30 years later Adolf Hitler uttered his infamous statement about the Armenian Genocide.

Eight days before the invasion of Poland, which would place 3 million Jews under his control and which allowed Hitler to send them to their deaths, he told those in his inner circle who thought that the world might question this policy, "Who today remembers the extermination of the Armenians?" Clearly, the impunity that the Turkish government felt that they had in annihilating the Armenians emboldened Hitler before the worst of the Holocaust.

□ 1800

And that is why those of us of Jewish faith, Armenians, and everyone of good conscience must say, "never again."

The last act of a genocide is genocide denial. Because those who have committed it wish to blot out even the memory of those who they have killed. And it is, in fact, unfortunate that the Turkish Government continues its genocide denial, a genocide denial that is not just passive, not just intransigent, but takes the form of trying to erase from the history books of others that which happened at the beginning of this century.

Today I was honored to meet with the new chancellor of UCLA, my alma mater. And I am proud of UCLA. I was a Bruin when Walton was on the basketball court. And I was proud to meet our new chancellor, who described what is happening at UCLA. But the proudest day for UCLA was when it rejected a gift of over a million dollars from the Turkish Government, rejected a gift of over a million dollars.

It is not in the nature of universities to reject gifts, but this gift came with strings attached. It was to fund a chair in Ottoman history with various strings and provisos that virtually ensured that the Turkish Government would control who sat in that chair. It would not have been a chair for legitimate inquiry into historical facts but rather a chair in genocide denial. And UCLA stood firm and rejected that gift and said that the academic integrity of my alma mater and the academic integrity of all American universities is not for sale.

It is time for the American State Department to show this same level of courage and determination. It is time for the State Department and the U.S. executive branch of Government not just to remember the day April 24 but to use the word that describes what that day remembers. The word is "genocide." And it is time for the State Department to recognize what happened.

Clearly, at a time when the State Department is trying to rally our support to prevent mass murders in the Balkans, they should be honest as to what happened in Anatolia some 80-plus years ago.

PLAN NEEDED TO PROVIDE DIRECTIONAL SIGNS AT U.S. CAPITOL COMPLEX

Mr. SHERMAN. Mr. Speaker, I would now like to address a completely different subject and one that is not nearly so grave.

I had a chance to meet with the Architect of the United States Capitol, the man who keeps the facilities here running, to talk to him about some of the ways we could make this institution work better as a physical plant.

Mr. Speaker, we get four to five million tourists every year. Now, that does not cause us to rival Disneyland, although there are those who assert that the U.S. Congress rivals Disneyland in other respects, but it is indeed a large number of people to accommodate. And yet, I will just illustrate the problem with a story that happened last year.

Some constituents of mine came and visited the gallery, right up there. And after watching their fill of Congressional pontificating, they decided to walk back to my office in the Longworth building through the tunnels. For it was winter and the tunnels were warm. And, as everyone knows, there are a network of tunnels that connect the Capitol with the House office buildings. Well, they walked down into the tunnels and they have not been heard from since. For that labyrinth, that maze, lacks almost any sign to tell them where they are going.

Now, as a serious matter, the absence of signage so far has not been responsible for somebody being lost to the point where they were never heard from again, but it does imperil the efficiency not only of this House's business, the efficiency of those who come here to persuade us on various issues, but it also impairs the efficiency of the Capitol Police that are here to protect us. And last year the importance of that protection was illustrated.

If we talk to any Capitol policeman or Capitol police woman, if we talk to them for a while and ask them to let down their guard a little bit, they will tell us they spend less than a third but close to a third of their time giving directions.

Well, that is not surprising. There are four to five million tourists here each year not to mention a few freshmen and sophomore Members of Congress who ourselves do not always know the best way to get from one place to another. We need a plan to provide signs throughout the Capitol complex.

I am happy to report to the House that the architect has already signed a consulting contract, half of that contract is completed, for a plan to put signs virtually everywhere, literally thousands of new directional signs so that people who visit us will know where they are and how to get to where they are going.

I was told once, if we want to influence what happens in Washington, we need to hire an expensive lobbyist who knows his way around the Capitol. I thought that meant understanding parliamentary procedure. But parliamentary procedure is simple compared to the labyrinth of tunnels underneath this building, and knowing our way around Washington may very well mean simply knowing how to get from one building to the other.

Thousands of directional signs throughout the buildings and tunnels will make it easier for people to do business whether they are here for a day or whether they are just coming to Congress as freshmen or new staffers. I will simply point out that the way they test the intelligence of rodents is they put them in a maze of tunnels and see how quickly they can figure out their way around.

I personally am not going to go one-on-one against the more intelligence white rats because, if my own experience in the tunnels is any indication, I am not certain that I would prevail. We need these directional signs.

And I am also happy to report to those who protect the entrance at the southeast corner of the Longworth building that I have the assurance of the Architect that a new series of signs will be put up there very soon so that they can do their job instead of telling people that they are in the Longworth Building and where the Rayburn Building is and where the Cannon Building is.

There is one other step that we could take. It has been analyzed by the consultants. I believe the consultants have not embraced it, but it deserves some additional attention. And that is the idea of putting colored striping not in the beautiful buildings but in the I will use the term "ugly" tunnels that are underneath this building.

I think my colleagues are well aware that those tunnels are not in any way aesthetic. They have open pipes and dangling wires, and certainly colored stripes on the ground would do nothing to decrease their aesthetic appeal. But those colored lines could direct people from one building to the other effectively and direct them to the Capitol building effectively.

There is perhaps a plan to make those tunnels a little bit more aesthetically consistent with the rest of the Capitol; and if that is the case, I would well understand why colored lines on the ground are inconsistent with that. But if the tunnels are going to remain the functional-only tunnels that they are today, then nothing should be ruled out as far as making them more usable and providing some direction to those who use them.

A second issue I would like to raise would perhaps make it easier on Americans by not requiring them to even come to Washington at all, although it is beautiful and I urge Americans to come here to see their Government in action, and that is an idea that has been used in the California capitol in Sacramento for over 20 years.

Each of the hearing rooms for each of the committees here in Congress has a microphone system and anywhere in that room we can hear whoever is speaking, and that means their voice is going through a wire to the loudspeakers. But, unfortunately, that wire only goes to loudspeakers in that hearing room.

As has been remarked on many occasions, Congress in committee is Congress at work. What goes on in committee is every bit as important as what goes on on this floor. And if my speech lasts as long as it might, perhaps many would argue that what goes on in committee is far more interesting than what is going on on the floor.

But, in any case, what goes on in committee, whether it is a subcommittee or full committee, is of critical importance. And yet in Sacramento, if we are anywhere in the capitol complex, they have at their desk a box and they can simply turn a 1970s technology dial on that box and listen through a speaker to what is happening in committee hearing room number 1 or number 2 or number 15 or number 22, so that every legislative assistant in Sacramento can hear what is going on in their Ways and Means Committee while at the same time being able to prepare their member for what is going to go on in their Appropriations Committee.

Just as C-SPAN plays what is going on on the House floor, which is of occasional interest to the legislative assistants, they could instead listen to what is going on in an appropriations subcommittee of direct relevance to the district that their Member represents.

So I think that we can also rig up a system at virtually minimal cost so that each of us in each office here in the Capitol could listen on a box to what is going on in the committee hearing room of our choice, listening perhaps on one hour to what is going on in the International Relations hearing room and then turning a dial to listen to what is going on in Ways and Means.

But we do not have to stop at 1970s technology. We could work our way up to 1980s technology. We could take those same 20 or 30 audio choices and put them on an 800 number. Or if we wanted to be cheap, we could put them on a 900 number. But either way, we can allow people all over the country to dial in and hear what is going on in this or that committee of the House of Representatives.

Today there their only alternative is to hire some expensive lobbyist to come monitor a committee or, alternatively, to fly to Washington so that they could be there for a committee hearing.

Now, I know that C-SPAN covers what seems to be an interminable number of committee hearings. But, in fact, only two or three percent of the committee hearings are carried live and those interested in what is going on in committee and subcommittee have to be physically in the room to hear what is going on. We could, through 1980s technology, provide that to every American everywhere in the country. And I know there are people who watch this floor on C-SPAN who would prefer to know what is going on in the committee that is relevant to them.

But we do not even have to stop at 1980s technology. As we approach the new century, we could even think of 1990s technology. At virtually no cost, we could put that same audio signal on the Internet and anyone with a computer and a modem and 10 or 20 bucks to provide their Internet service provider could listen anywhere in the country to what is going on in any committee room here in the House of Representatives.

This is the people's House, but the people should not have to fly to Washington to hear what is going on.

Now, I realize that the system will not be perfect. They will not necessarily be certain who is speaking when listening on a squawk box or listening on the Internet. But certainly this is an option that we should provide. And those who listen carefully will hear who the chairman or chair woman of a committee has recognized and will be able to remember who is speaking.

Mr. Speaker, I would now like to give my third speech. And while I said that I would use only half of the allotted hour, I fear that I may use perhaps two-thirds of it. And I apologize to those staff members who are extremely anxious to leave.

☐ 1815

THE CONFLICT IN THE BALKANS

Mr. SHERMAN. But the third issue that I would like to address is the one that is on all of our minds, and that is the conflict in the Balkans, and I have a few basic observations before I would like to give a more organized and cogent presentation.

The first observation is that we are about to play host to the NATO ministers. They are coming here to celebrate 50 years of NATO, but I fear that what they are here to celebrate is 50 years of us spending on our defense budget enough money to protect them and the peace of their continent while Europe fails to spend enough on its own defense.

Now when NATO was born 50 years ago, the European economies were in shambles, and the concept of burden sharing was perhaps not applicable. But today, as the alliance engages in military affairs in the Balkans, the most that can be said is the Europeans are helping us.

Europe is the richest continent on the planet. Its gross domestic product exceeds that of the United States. We are told that the reason we are focusing on Kosovo is that this is destabilizing to the most powerful continent on the planet, Europe, and yet somehow the most this great colossus can provide is some assistance while a North American country is required to do the work. And we are even told that we should be grateful that they are assisting our efforts to protect their continent.

Now is not the time for restructuring the military relationships, but clearly the time has come to end American acquiescence as the Europeans slash their own defense budgets far below what they proved they could afford during the 1980's. If there is a peace dividend, it should be paid to the American taxpayers who bore the lion's share of the economic burden of winning the Cold War. It should not be reaped by a European continent which demanded through its own inaction American protection.

If we look at what is happening in the Balkans, we see that America is now required to mobilize its reserves. Certainly all of the European air forces should have mobilized all of their reserves before Europe asked us or NATO asked us to mobilize ours, and the importance of stopping the mass murder in the Balkans may exceed these concerns for now. But 6 months from now, a year from now, we must make it clear to the Europeans that dialing 911 and reaching the Pentagon is not a substitute for spending their own money for their own defense forces.

The second observation I would like to make is that the vilification of Slobodan Milosevic is justified but may impede our efforts because I do not think, and I will get to this later, that we can be certain of such total battlefield dominance that we can just send a telegram or a fax to Belgrade instructing them what to do. Instead, I suspect that we will have to negotiate a compromise or a settlement with Mr. Milosevic, and while he is a mass murderer, the people of this country must be aware that Saddam Hussein is an even worse mass murderer and we had to negotiate with Saddam, and the government in Beijing has killed millions of Chinese, and we just welcomed their prime minister.

Why must America do this? Why does America do this? Why do we deal with mass murderers? Why must we deal with Milosevic?

I would put forward that if we want to hide from the truth, we could try to convince ourselves that Milosevic is the only malignancy on this planet and that everywhere else governments are free, people are safe, yet nothing could be further from the truth. Half of the people of this world are ruled by governments that have committed mass murder, and as long as the world is as it is rather than as we would like to pretend it is, like to deceive our children and even our voting age citizens into believing it is, as long as half the world is governed by governments guilty of mass murder, we will have to deal with those governments.

Third, I would like to observe an unfortunate tendency in the rhetoric surrounding Kosovo, both rhetoric of our own State Department and rhetoric in London and in other European capitals. That rhetoric is to increase the objectives that we demand that we reach in Kosovo while at the same time, frankly, our military campaign is not working out as we planned. To increase the objective while not achieving any of your objectives on the battlefield, or any of your major objectives, is folly and sets us up for defeat. We must instead recognize that we did not begin these hostilities for the purpose of sending American troops into Belgrade with an arrest warrant for Slobodan Milosevic and the British did not begin their effort alongside us for that purpose either, and while those who are watching action thrillers out of Hollywood may believe that you can land one Jean Claude Van Dam and maybe a Schwartzenegger or two, and rush into the Presidential Palace in Belgrade, extract Milosevic and fly him to the Hague for trial, in fact the overthrow of Milosevic is probably not going to occur, and to enter Belgrade means either you enter us with a small force, which would probably be completely extinguished, and I will point to our lack of success in sending a small force into Tehran to rescue our hostages. Perhaps we should thank God that that force never actually reached Tehran because I am not sure that it would have been successful had it reached that city. In fact, it was not successful in even reaching the capital of Iran.

So, sending in a small force risks the annihilation of that force. Sending into Belgrade, that means all the way through Serbia, a force capable of exercising dominion over that city would probably involve a military campaign involving thousands and thousands of American casualties. So while it is glorious to beat our chests and to say that the world must rid itself of Milosevic, and perhaps some day that will come, to make that an objective of our current campaign is to doom that campaign to failure and perhaps to ensnarl us in a ground campaign that would have very high casualties.

I do want to point out that our actions in Kosovo are motivated by the highest level of idealism, that we are willing to spend our treasure and, more importantly, to risk the lives of our men and women to prevent atrocities and to assure the Albanian Kosovars of a chance to live in peace, security and autonomy. Perhaps there is no more moral statement that can be made about America than that we are willing to do that. But in any such great idealistic undertaking there is a risk that the idealism that motivates the action will cloud your judgment and have idealism cloud the effort to develop a realistic strategy. Realism requires us to remember some unpleasant facts.

The first of these is that Kosovo is not the only place of mass murder, of tragedy and atrocity. It is not a place where we can spend our entire willingness to work for humanitarian ideals, because in fact there are other victims of mass murder, perhaps also that would be just as just for us to try to help as the Kosovars.

I will point out that 800,000 members of the Tutsi tribe were killed in Rwanda, but that is pretty much passed, but today there is massive tragedy, death and atrocity in the Congo, in Myanmar, in East Timor, and especially in southern Sudan where 2 million people have been killed, and the killing goes on every year.

There are those that say we cannot stand by and watch atrocities in the Balkans. We should not watch, but we have demonstrated our capacity to watch atrocity because for 10 years we have ignored the atrocities in southern Sudan where 2 million people have been killed and where America has done almost nothing to help them.

I would hope that our actions in Kosovo are so successful that we are emboldened to provide some limited level of assistance, and I am not proposing sending American Armed Forces, but some limited level of assistance to those in southern Sudan who are trying to protect their lives from a government more guilty of mass murder than the government in Belgrade.

A second fact that we are perhaps unwilling or at least reluctant to recognize is that our goal creating a multiethnic, autonomous Kosovo, multiethnic and harmonious may be beyond reach. Realistically it is unlikely that Albanians and Serbs will live in Kosovo in harmony and peace in the absence of an outside force. We should remember that it is not just the Serbs who have committed massive atrocities, but the KLA that has committed atrocities on a smaller scale as they have killed Serb civilians, and we may have to settle for a Kosovo in which part is inhabited by Albanians, the lion's share, and part is inhabited by Serbs. The goal of them living side by side is a noble and idealistic goal, but one that a realist might say cannot be achieved any time soon.

Finally, or another important fact to point out, one that we are clouded in our judgment for not realizing, is that this is not a battle between pure good and pure evil. Yes, in an idealistic melodrama there is pure good and pure evil, yet that is not the case here. I have already mentioned that the KLA has engaged in atrocities to try to expel Serbs from Kosovo, far smaller in number, far less heinous a policy, but murder is murder, and the KLA, who are fighting more or less on our side, fighting for the Kosovars, is an organization with some ties to Iran, an organization that Osama Bin Laden has tried to assist and we are not certain of whether those entreaties and offers of assistance have been honored and an organization with ties to drug dealers. Until a few months ago, the official policy of our State Department was to call the KLA a terrorist organization.

Likewise, the Serbs are not just victimizers, but also victims. 180,000 Serbs were ethnically cleansed from Croatia just a few years ago, forced at the point of bayonet and gun to leave homes they had lived in for centuries.

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I would point out that during that ethnic cleansing, where Serbs were the victims, America did almost nothing.

It is true, while there were a few murders they did not reach the level of mass murder that has been achieved in Kosovo, but still some murders and 180,000 to 200,000 people ethnically cleansed, this was an atrocity. Yet at the time, the Croatians who were committing this atrocity were our allies with regard to bringing the Bosnian conflict to a conclusion so America said virtually nothing and did absolutely nothing.

Finally, blind idealism would say that we should be increasing our objectives to reach pure justice for our cause, and I have mentioned this earlier, adding on to our objectives the idea that not only Kosovo but all of it would be liberated and under total NATO domination but that Milosevic would be taken prisoner, et cetera, et cetera. In fact, given the situation, militarily it would be wise for the United States to define a more realistic objective.

We should not give up on the idea that the Albanian Kosovars need a place to live in Kosovo where they are safe and where they can succeed with our aid in building a prosperous homeland, but this does not necessarily need to be 100 percent of Kosovo in multiethnic harmony, which is our stated objective.

Let me talk for a moment about some of the strategies that we should at least explore to go along with those that we are using. Today I had the opportunity in hearings to hear from and question our Secretary of State Madeleine Albright.

Mr. Speaker, if anyone saw me running into this hall it was so that I could make it here on time because we had a meeting, with several of my colleagues, with Sandy Berger, who is the President's national security advisor.

The administration remains welded to its existing policies. They are optimistic that continued bombing will lead to a collapse of the Milosevic capacity to resist. If they are right, we will find out because nothing this Congress does, nothing the people of this country do, will prevent a continued bombing campaign for at least several weeks, perhaps a month, before there is even the possibility that anyone other than the administration would cause in any way a change in policy.

If during those weeks there are not signs and far greater signs than we have seen so far of success, we do need to look at other strategies. One of those strategies is being embraced by the administration but only to a limited extent, and that is to involve Russia in the peacemaking process. Russia is critical because Russia can persuade the Milosevic government to do things and to make concessions they would not make on their own. Russia is important because they can provide a fig leaf or political cover so that Milosevic can make any concessions that he decides are in his interest to make but he needs a political excuse to make.

Finally, Russia is important to the Balkans because Russia could provide an essential part of the peacekeeping force, and I will get to some of the possibilities for a makeup of a peacekeeping force later. Involving Russia in the Balkans may be more important than anything that is happening in the Balkans.

Ten years from now Kosovo may be somewhat forgotten but Russia will remain a critical nuclear arms state, and if we do not treat Russia with respect now the Russian people and the Russian leadership will remember that in the future.

By way of historical footnote, I should mention that 85 years ago Russia mobilized its Army in support of Serbia, and that led directly to World War I. It is not surprising that the Russians, mindful of their own history, mindful of the sacrifices of World War I, believe that they have a definite stake in what happens to Serbia.

So we can and should involve Russia, and if Russia gets the credit for peace that is two good things. It is peace and it is a Russian Government that can hold its head high against the ultranationalists in Moscow and elsewhere.

Second, and this is controversial, we need to signal that we are not demanding that Rambouillet, that the Rambouillet agreement, apply to all of Kosovo's territory but, rather, that it apply to only the lion's share of that territory.

No one doubts that the Serbs, like the Albanian Kosovars, have rights in Kosovo. The Serbs represent 10 percent of the population, the Kosovars a little over 80 percent. Kosovo has been part of Serbia for hundreds of years, and Kosovo is the religious and cultural birthplace of the Serbian nation. In fact, even the Rambouillet agreement recognizes Serb rights in Kosovo by stating that Kosovo should remain part of Serbia.

We should imagine an agreement that does not involve one peacekeeping force but, rather, two geographically separate peacekeeping forces. One of those forces should occupy 70, 80 percent of Kosovo and should be led by NATO. This force will provide the security necessary so that Albanian refugees feel free to return, and on that 80 percent of the territory they will build lives more prosperous than the lives they had before this conflict because they will enjoy not only American aid but, with a little common sense, we will allocate to them all of the former Yugoslavia's textile quota and other trade concessions, aid and trade. This would leave another 20 percent of Kosovo that would be patrolled exclusively by Russian peacekeepers.

The final status of Kosovo could wait, but in this area Serbia would feel secure. In this area, the Serb population would feel very secure and, frankly, in this area I am not certain that refugees would choose to return. This would allow the Serbs to notice that their friends, the Russians, were the force occupying the ancient site and origin of the Serbian orthodox church, the important monastery lands, at least those that are contiguous, and the battlefield of Kosovo Polje, where the Serbs fought the Turks in the 14th century.

By letting the Serbs know that there will be no NATO occupation of this section of Kosovo, we leave them with a reason to bargain. Otherwise, they lose not one more square inch of territory by losing this war than they would if they agreed to our bargaining position. Giving them security in 20 percent of Kosovo gives them a reason to make concessions other than ending the bombing, and clearly ending the bombing has not imperiled them to reach a compromise with us so far.

It is true that the Serbs claim to have monasteries virtually all over Kosovo, but I am confident that they would regard it as a compromise rather than a total defeat if they were allowed to see the Russians, rather than NATO, who is bombing them, occupy the most important sites, particularly in the far west and the far east of Kosovo.

Finally, we need to look at other mechanisms to either defeat the Serbs or perhaps more importantly to let the Serbs know that they may be defeated. Milosevic, I believe, is convinced that he can continue to occupy Kosovo because we will never send in ground troops. His tanks will be there as long as they hide among civilians or dig in so that they cannot be destroyed by our Apache helicopters. What Apache helicopter is going to fire at a tank if they put 10 or 20 unwilling Albanians on top of it? So he can keep his tanks and his heavy armor and his artillery in Kosovo unless a ground force, with tanks and with heavy armor and willing to take casualties, can be deployed against him.

When he sees us training an army of Albanians to use American tanks and American artillery and American heavy weapons, then he will know that such an Army may soon be deployed against him. At that point, a Russian brokered compromise will begin to look far more appealing.

We do not have to let the Albanians take control of these weapons. They can train on them during the day and American soldiers can retain them at night. Therefore, we are not even technically violating any of the rules against providing weapons to any of the residents or citizens of the former Yugoslavia since we are not giving them any weapons; we are just giving them training. If at some point in the future we decide to unleash them, we can give them the custody of those weapons and heavy armored divisions of Albanians with America's best armored weapons can move in to Kosovo along with the lightly armed KLA. That is what it would take to dislodge Milosevic, a ground army with both heavy weapons and lightly armed mobile soldiers and an army willing to take casualties.

I want to talk a little bit about the other alternative, and that is sending in NATO ground troops. One alternative is to send in NATO ground troops behind an Albanian Army, in support of it. Under those circumstances, NATO might take only slight casualties, but if instead NATO has to defeat by itself the Serbian Army deployed in Kosovo, then NATO will take casualties and then the danger is this: What if those casualties are too much for Americans to endure? What if those casualties are too much for the French to endure or the British or the Germans?

The first NATO nation that cries uncle and demands that its soldiers be withdrawn or even moved to the rear will cause the other NATO countries to demand the same level of safety for their soldiers. If all of the NATO troops need to be put at the rear, then our efforts against Milosevic will be over. If that happens, then every tyrant and mass murderer in the world will feel that he can act with impunity. The Vietnam syndrome and the Somalia syndrome will return.

That is why we need at our disposal not only the KLA, and they are operating independently and they will get light weapons with or without us, but also another well-armed Albanian force.

In conclusion, the American people have shown their willingness to commit their treasure and more importantly the lives of our sons and daughters to preventing atrocity, ameliorating tragedy. If we realistically define our objectives and if we prepare to use all of the tools at our disposal, we may secure a reasonable life for the Kosovars, and just as important we may inspire the American people to use limited realistic efforts to try to stop the ongoing atrocities in Sudan and Myanmar, in the Congo and East Timor and elsewhere.

If instead we fail, if we devote inadequate resources to a pristine, perfect, no-compromise objective and fail to achieve it, then this is going to be a tragedy; first for those servicemen and women who die in an unsuccessful American effort.

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More importantly perhaps even than that, it will be a tragedy for the Kosovars who will be told that well, we tried, but we did not use all of the options and we are too idealistic to make compromises, and so you will live your life here in a refugee camp.

Finally, if we use inadequate resources to try to achieve the absolute objective, it will be a tragedy for victims of atrocities around the world, both today and whatever atrocities are committed in the decades to come, by tyrants who at that time would know that America had tried in Kosovo unsuccessfully.

It will be a while before the administration is looking for new alternatives. They are convinced that the current strategy will be successful, and I hope that whatever comes out, it is good enough so that the administration can claim that it is a total victory and not a compromise. But we must begin to look at other alternatives, and if, in a few weeks, we recognize that the current strategy has not been successful, we must have the courage to use them.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:

Mr. LIPINSKI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. CAPUANO, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. BERMAN, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

(The following Members (at the request of Mr. LUCAS of Oklahoma) to revise and extend their remarks and include extraneous material:)

Mr. NEY, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, on April 22nd.

Mr. KASICH, for 5 minutes, today.

Mr. ROGAN, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, on April 28th.

Mr. DOOLITTLE of California, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HINOJOSA, for 5 minutes, today.

Mr. UDALL of Colorado, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KNOLLENBERG, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SWEENEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LATOURETTE, for 5 minutes, today.

ADJOURNMENT

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, April 22, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1617. A communication from the President of the United States, transmitting a request for emergency FY 1999 supplementals for the Department of Defense, the Department of State, and the U.S. Agency for International Development; (H. Doc. No. 106–50); to the Committee on Appropriations and ordered to be printed.

1618. A letter from the Chairman, National Credit Union Administration, transmitting the 1998 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1752a(d); to the Committee on Banking and Financial Services.

1619. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Acquisition Letter—received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1620. A letter from the Deputy Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Mutual Recognition of Pharmaceutical Good Manufacturing Practice Inspection Reports, Medical Device Quality System Audit Reports, and Certain Medical Device Product Evaluation Reports Between the United States and the European Community; Correction [Docket No. 98N–0185] (RIN: 0910–ZA11) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1621. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–44, "Lease Approval Technical Amendment Act of 1999" received April 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1622. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–46, "Tax Conformity Temporary Act of 1999" received April 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1623. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–45, "Motor Vehicle Excessive Idling Fine Increase Temporary Amendment Act of 1999" received April 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1624. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–624, "Solid Waste Facility Permit Amendment Act of 1998" received April 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1625. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–53, "Community Development Program Amendment Act of 1999" received April 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1626. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–48, "Homestead Housing Preservation Amendment Act of 1999" received April 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1627. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Ground Fishery; Trip Limit Adjustments [Docket No. 981231333–8333–01; I.D. 032599A] received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1628. A letter from the Director, Torts Branch, Civil Division, Department of Justice, transmitting the Department's final rule—Radiation Exposure Compensation Act: Evidentiary Requirements; Definitions; and Number of Times Claims May Be Filed [A.G. Order No. 2213–99] (RIN: 1105–AA49) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1629. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Air & Sea Show, Fort Lauderdale, Florida [CGD07–99–017] (RIN: 2115–AE46) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1630. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: St. Croix International Triathlon, St. Croix, USVI [CGD07 99–016] (RIN: 2115–AE46) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1631. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation; Fireworks Display, St. Helens, Oregon [CGD13–98–037] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1632. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Fort Vancouver Celebrate Freedom Fireworks Display [CGD13–98–036] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1633. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Big Island Upper Reach Cape Fear River, North Carolina [CGD05–98–112] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1634. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Big Island Upper Reach Cape Fear River, North Carolina [CGD05–98–110] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1635. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Big Island Upper Reach Cape Fear River, North Carolina [CGD05–98–109] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1636. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Big Island Upper Reach Cape Fear River, North Carolina [CGD05–98–108] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1637. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Big Island Upper Reach Cape Fear River, North Carolina [CGD05–98–107] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1638. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Big Island Upper Reach Cape Fear River, North Carolina [CGD05–98–105] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1639. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Big Island Upper Reach Cape Fear River, North Carolina [CGD05–98–104] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1640. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Atlantic Intracoastal Waterway at Mile Hammock Bay; Vicinity of Marine Corps Base Camp Lejeune, North Carolina [CGD05–98–091] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1641. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; West Point Crab Carnival Fireworks Display, [CGD05–98–085] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1642. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Michelob Golf Championship Fireworks Display, James River, Williamsburg, VA [CGD05–98–080] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1643. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Opening Night Fireworks, Newport, RI [CGD01 98–182] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1644. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; First Night Gloucester Fireworks Display, Gloucester Harbor, Gloucester, MA [CGD01–98–181] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1645. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; First Night Marblehead Fireworks Display, Marblehead Harbor, Marblehead, MA [CGD01–98–180] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1646. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Security Zone: Presidential Visit, Newport, RI [CGD01 98–177] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1647. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Security Zone; Presidential Visit, Newport, RI [CGD01 98–176] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1648. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Children of Chernobyl, Hudson River, Manhattan, New York [CGD01–98–169] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1649. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Explosive Load, Bath Iron Works, Bath, ME [CGD1–98–167] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1650. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Tow Of The Decommissioned Battleship Massachusetts, Boston Harbor, Boston, MA [CGD01–98–166] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1651. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone: White and Case Fireworks, Hudson River, Manhattan, New York [CGD01–98–164] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1652. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of

Transportation, transmitting the Department's final rule—Safety Zone: Bras Across the Hudson, Hudson River, Albany, New York [CGD01-98-160] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1653. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone: Yankees Celebration Fireworks, Hudson River, Manhattan, New York [CGD01-98-159] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1654. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone: Italian Heritage Month Fireworks, Hudson River, Manhattan, New York [CGD01-98-152] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1655. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone: Pier 60 Opening Day Fireworks, Hudson River, Manhattan, New York [CGD01-98-134] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1656. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Port of San Juan, Puerto Rico [COTP San Juan 98-073] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1657. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: San Juan, Puerto Rico [COTP San Juan 98-072] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1658. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay; 98-025] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1659. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay; 98-024] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1660. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay; 98-023] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1661. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Ohio River mile 919.0 to 920.0 [COTP Paducah, KY Regulation 99-001] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1662. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Tennessee Tombigbee Waterway mile 429 to 431 [COTP Paducah, KY Regulation 98-006] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1663. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Tennessee River mile 304.5 to 306 [COTP Paducah, KY Regulation 98-007] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1664. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA Regulation 98-027] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1665. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA Regulation 98-026] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1666. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Mile 229.5 to Mile 230.5 Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA Regulation 98-025] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1667. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA Regulation 98-024] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1668. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Mile 94.0 to Mile 95.0, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA Regulation 98-021] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1669. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Miami, Florida [COTP MIAMI-98-074] (RIN: 2115-AA97) Recieved April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1670. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Palm Beach County, Florida [COTP MIAMI-98-071] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1671. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Palm Beach County, Florida [COTP MIAMI-98-069] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1672. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Security Zone Regulations; Bal Harbor, Florida [COTP MIAMI-98-067] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1673. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; West Palm Beach, Florida [COTP MIAMI-98-066] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1674. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; West Palm Beach, Florida [COTP MIAMI-98-064] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1675. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Licking river, Campell County, Kentucky [COTP LOUSIVILLE 98-003] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1676. A letter from the Acting Chief, Office of Regulations & Administrative Law, Department of Transportation, transmitting the Department's final rule—Safety Zone Cancellation: Santa Barbara, CA [COTP Los Angeles-Long Beach, CA 98-011] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1677. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S.

Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone; Long Beach Harbor, CA [COTP Los Angeles-Long Beach, CA; 98-009] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1678. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone; Long Beach Harbor, CA [COTP Los Angeles-Long Beach, CA; 98-008] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1679. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Pierpont Bay, Ventura, CA [COTP Los Angeles-Long Beach, CA; 98-007] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1680. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Long Beach Harbor, CA [COTP Los Angeles-Long Beach, CA; 98-006] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1681. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Houston Ship Channel, Houston, TX [COTP Houston-Galveston 98-011] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1682. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone: Agana Bay, Guam [COTP GUAM 98-004] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1683. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone: Waters inside the Firing Dangerous Area as designated on NOAA Chart number 81054 [COTP GUAM 98-003] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1684. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Victoria Barge Canal [COTP Corpus Christi, Texas 98-005] (RIN: 2115–AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1685. A letter from the Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Santa Barbara Channel, CA [COTP Los Angeles-Long Beach, CA; 99-001] (RIN: 2115–AA97) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1686. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Import Restrictions Imposed On Byzantine Ecclesiastical and Ritual Ethnological Material from Cyprus [T.D. 99-35] (RIN: 1515–AC46) Recevied April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1687. A communication from the President of the United States, transmitting an account of all Federal agency climate change programs and Activities; jointly to the Committees on Appropriations, International Relations, Science, Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 145. Resolution providing for consideration of the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes (Rept. 106–103). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HANSEN (for himself, Mr. Young of Alaska, Mr. Hill of Montana, Mrs. Chenoweth, Mr. Radanovich, Mr. Salmon, Mr. Stump, Mr. Hefley, Mr. Gibbons, Mr. Shadegg, Mr. Simpson, Mr. Pombo, Mr. Hunter, Mr. Hayworth, Mr. Calvert, Mr. Peterson of Pennsylvania, Mr. McInnis, and Mr. Rohrabacher):

H.R. 1500. A bill to accelerate the Wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal Lands; to the Committee on Resources.

By Mr. McCOLLUM (for himself, Mr. Scott, Mr. Hyde, Mr. Conyers, Mr. Chabot, Mr. Barr of Georgia, Mr. Gekas, Mr. Coble, Mr. Smith of Texas, Mr. Canady of Florida, Mr. Hutchinson, Mr. Meehan, Mr. Rothman, Mr. Weiner, Ms. Jackson-Lee of Texas, Mr. Watt of North Carolina, Mr. Delahunt, Mr. Wexler, and Ms. Lofgren):

H.R. 1501. A bill to provide grants to ensure increased accountability for juvenile offenders; to the Committee on the Judiciary.

By Mr. BARCIA (for himself, Mr. Brown of California, Mrs. Morella, Ms. Rivers, Mr. Capuano, Ms. Eddie Bernice Johnson of Texas, Mr. Costello, Ms. Jackson-Lee of Texas, Mr. Weiner, Mr. Udall of Colorado, Mr. Gordon, Mr. Wu, and Mr. Doyle):

H.R. 1502. A bill to minimize the disruption of Government and private sector operations caused by the Year 2000 computer problem; to the Committee on Science.

By Mr. BARRETT of Nebraska (for himself and Mr. Pomeroy):

H.R. 1503. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from sale of farmland which is similar to the exclusion from gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. CANADY of Florida (for himself, Mr. Ewing, Mr. Ehrlich, Mr. Etheridge, Mr. Condit, Mr. Foley, Mr. Blumenauer, Mrs. Thurman, Mr. Boyd, and Mr. Hayes):

H.R. 1504. A bill to streamline, modernize, and enhance the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on the Judiciary, Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. Cardin, Mr. Regula, Mr. Coyne, Mr. Ney, Mr. Traficant, and Mr. Aderholt):

H.R. 1505. A bill to amend United States trade laws to address more effectively import crises; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 1506. A bill to provide for the orderly disposal of certain Federal land in the State of Nevada and for the acquisition of environmentally sensitive land in the State, and for other purposes; to the Committee on Resources.

By Mr. HANSEN:

H.R. 1507. A bill to require the Secretary of Transportation to grant exemptions under section 41714 of title 49, United States Code, to allow 30 additional slot exemptions at Ronald Reagan Washington National Airport for air carriers to provide daily air service between Ronald Reagan Washington National Airport and other airports that are more than 1, 250 statute miles from Ronald Reagan Washington National Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HUNTER:

H.R. 1508. A bill to prohibit entry of the Russian vessel KAPITAN MAN into any port in the United States at which there is a United States naval presence; to the Committee on Intelligence (Permanent Select).

By Mr. SAM JOHNSON of Texas (for himself, Mr. Murtha, Mr. Cunningham, Mr. Scarborough, Mr. Reyes, Mr. Peterson of Pennsylvania, Mr. Towns, Mr. Hunter, Ms. Rivers, Mr. Weldon of Pennsylvania, Mr. Lantos, Mr. Stearns, Mr. Franks of New Jersey, Mr. Green of Texas, Mrs. Myrick, Mr. English, Mr. Gary Miller of California, Mr. Gibbons, Mrs. Kelly, Mr. Filner, Mr. Tancredo, Mrs. Jones of Ohio, Mr. Thompson of Mississippi, Ms. Granger, Mr. Dickey, Ms. Kilpatrick, Mrs. Chenoweth, Mr. Hill of Indiana, Mr. Maloney of Connecticut, Mr. Jefferson, Mr. Evans, Mr. Shows, Mr. Holden, Mr. Bishop, Mr. Rahall, Mr. Underwood, Mr. Frost, Mr. McKeon, Mr. Pastor, Mr. Rangel, Mr. Gejdenson, Mr. Sisisky, Mr. Dixon, Mr. Pallone, Mr. Borski, Mr. Stupak, Mrs. Meek of Florida, Mr. Goodling, Mr. Inslee, Mr. Sandlin, Mr. Capuano, Mr. Spratt, Mr. Cooksey, Mr. Pitts, Ms. Pryce of Ohio, and Mr. Kingston):

H.R. 1509. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Resources.

By Mr. LEWIS of Georgia (for himself, Mr. Conyers, Mr. Jackson of Illinois, Mr. Hinchey, Ms. Waters, Ms. Pelosi, Ms. Lee, Mrs. Maloney of New York, Mr. Gutierrez, Mr. Bishop, Ms. Kilpatrick, Mr. LaFalce, Mr. Frost, Mr. Filner, Ms. Eshoo, Ms. Norton, Mrs. Christensen, Mr. Brown of California, Mr. Faleomavaega, and Mr. Thompson of Mississippi):

H.R. 1510. A bill to promote environmental justice, public health, and pollution reduction efforts; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Agriculture, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma:

H.R. 1511. A bill to amend title XVIII of the Social Security Act to require certain additional information in statements of explanation of benefits provided to Medicare beneficiaries under the Medicare Program; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD (for herself, Mr. Markey, Mr. Hinojosa, Mr. George Miller of California, Ms. Carson, Mr. Hastings of Florida, Mr. Dixon, Mrs. Mink of Hawaii, Mrs. Clayton, Mrs. Christensen, Mr. Jackson of Illinois, Ms. Lofgren, Ms. Norton, Mr. Conyers, Mrs. Meek of Florida, Mr. Rush, Mr. Owens, Mr. Clyburn, Mrs. Jones of Ohio, Mr. Davis of Illinois, Ms. Schakowsky, Ms. Pelosi, Mr. Underwood, Mr. Payne, Mr. Cummings, and Mr. Weiner):

H.R. 1512. A bill to improve the safety of firearms; to the Committee on the Judiciary.

By Ms. NORTON (for herself and Mr. Nadler):

H.R. 1513. A bill to allow Federal employees to take advantage of the transportation fringe benefit provisions of the Internal Revenue Code that are available to private sector employees; to the Committee on Government Reform.

By Mr. OLVER (for himself, Mrs. Johnson of Connecticut, Mr. Shows, Mr. LaTourette, Mr. Sanders, Mr. Stupak, Mr. Evans, Mr. Serrano, Mr. Boucher, Mr. Kind, Mr. Frost, Mr. Rahall, Mr. Ney, Ms. Rivers, and Mr. Frank of Massachusetts):

H.R. 1514. A bill to amend title XIX of the Social Security Act to provide for mandatory coverage of services furnished by nurse practitioners and clinical nurse specialists under State Medicaid plans; to the Committee on Commerce.

By Mrs. ROUKEMA (for herself, Mr. Wise, Mr. DeFazio, Mr. Strickland, Mr. Baird, Mrs. Capps, Ms. Kaptur, Mr. George Miller of California, Mrs. McCarthy of New York, Mr. Andrews, Ms. DeLauro, Mr. McDermott, Mr. Gilman, Mrs. Morella, Mr. Shays, Mrs. Kelly, Mr. Sanders, Mr. Mica, Mr. Leach, Mr. McCollum, Mr. Greenwood, Mr. Boehlert, and Mrs. Johnson of Connecticut):

H.R. 1515. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to prohibit group and individual health plans from imposing treatment limitations or financial requirements on the coverage of mental health benefits and on the coverage of substance abuse and chemical dependency benefits if similar limitations or requirements are not imposed on medical and surgical benefits; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKEEN (for himself, Mr. McInnis, Mr. Cannon, Mr. Hayworth, and Mr. Udall of New Mexico):

H.R. 1516. A bill to amend the Radiation Exposure Compensation Act to provide for payment of compensation to individuals exposed to radiation as the result of working in uranium mines and mills which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 1517. A bill to provide for the test and evaluation by the Armed Forces of the Mobile Expeditionary Accurate Night Vision Compatible Portable Airfield Lighting System; to the Committee on Armed Services.

By Mr. WEYGAND:

H.R. 1518. A bill to amend title X of the Housing and Community Development Act of 1992 to authorize the Secretary of Housing and Urban Development to provide assistance for startup costs of community programs to prevent residentially based lead poisoning in children; to the Committee on Banking and Financial Services.

By Mrs. WILSON:

H.R. 1519. A bill to provide for humanitarian assistance for Kosovar Albanian refugees, and for other purposes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. STABENOW (for herself and Mrs. Jones of Ohio):

H. Con. Res. 90. Concurrent resolution expressing the sense of Congress that all Members mourn the loss of life at Columbine High School in Littleton, Colorado, and condemn this and previous incidents of deadly violence in our Nation's schools; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H. Con. Res. 91. Concurrent resolution authorizing the use of the Capitol Grounds for a clinic to be conducted by the United States Luge Association; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 53: Mr. Hostettler.

H.R. 72: Mr. Traficant, Mr. Sessions, Mrs. Kelly, Mr. Cunningham, Mr. King, and Mr. Sununu.

H.R. 111: Mr. Goodling, Mr. Peterson of Minnesota, and Mr. Combest.

H.R. 179: Mr. Deutsch.

H.R. 225: Mr. Sam Johnson of Texas, Mr. Wu, Mr. Hinchey, Mr. Bryant, Mr. Capuano, Mr. Jenkins, Mr. Kind, Mr. Phelps, Mr. Skeen, and Ms. Eddie Bernice Johnson of Texas.

H.R. 226: Mr. Frank of Massachusetts, Mr. Weiner, Mr. Weygand, Mr. Bentsen, and Mr. Bonior.

H.R. 230: Mr. Price of North Carolina.

H.R. 241: Mr. Shays, Mr. King, Mr. Kolbe, Mr. Boucher, Mr. Bilirakis, Mr. Cooksey, Mr. Paul, Mrs. Thurman, and Mr. Shows.

H.R. 263: Mr. English and Mr. Becerra.

H.R. 274: Mr. Kennedy of Rhode Island, Ms. Eshoo, Mr. Wolf, Mr. Frank of Massachusetts, Mr. Phelps, Mrs. Mink of Hawaii, and Mr. Tierney.

H.R. 275: Mrs. Morella and Mrs. Northup.

H.R. 362: Ms. Kilpatrick.

H.R. 371: Mr. Smith of New Jersey.

H.R. 415: Ms. Waters.

H.R. 417: Mr. Becerra and Mr. Blagojevich.

H.R. 488: Ms. DeLauro.

H.R. 491: Mr. Olver and Mr. Bonior.

H.R. 492: Mr. Skeen.

H.R. 500: Mr. Dicks.

H.R. 516: Mr. Isakson.

H.R. 525: Mr. Inslee, Ms. McKinney, Mr. Watt of North Carolina, Mr. Blagojevich, Mr. Sawyer, Mr. Capuano, Ms. Slaughter, and Mr. Maloney of Connecticut.

H.R. 527: Mr. Crowley.

H.R. 552: Mr. Kuykendall, Mr. Stupak, Mr. Smith of Washington, Mr. Franks of New Jersey, Mr. Hyde, Mr. Pascrell, Mr. Stump, Mr. Bentsen, Mr. Campbell, Mr. Burton of Indiana, Mr. Capuano, Mr. Frost, Mr. Ney, and Mr. Sununu.

H.R. 557: Mr. Hall of Ohio and Mr. Sawyer.

H.R. 582: Ms. Woolsey and Mr. Dicks.

H.R. 654: Ms. Baldwin.

H.R. 708: Mr. Lantos and Mr. Hall of Texas.

H.R. 716: Mr. Hinchey.

H.R. 719: Mr. Boehlert.

H.R. 732: Mr. Boehlert, Mr. Borski, Mr. Kennedy of Rhode Island, Mr. Baldacci, Mr. Walsh, Mr. Owens, Mr. Jackson of Illinois, and Mr. Davis of Illinois.

H.R. 739: Mr. DeFazio, Mr. Kuykendall, Mr. Martinez, Ms. Lofgren, and Mr. Levin.

H.R. 766: Mr. Talent.

H.R. 767: Mr. Talent.

H.R. 773: Mr. Klink, Mr. LaHood, Mr. Lantos, Mr. Condit, and Mr. Gary Miller of California.

H.R. 776: Mr. English, Mr. Boehlert, Mr. Clay, Mr. Owens, Mr. George Miller of California, Mr. Kildee, Mr. Martinez, Mr. Payne, Mrs. Mink of Hawaii, Mr. Scott, Ms. Woolsey, Mr. Romero-Barcelo, Mrs. McCarthy of New York, Mr. Ford, Mr. Kucinich, Mr. Holt, and Mr. Hoeffel.

H.R. 827: Mr. McNulty.

H.R. 833: Mr. Camp and Mr. Simpson.

H.R. 844: Mr. McInnis, Mr. Frost, Mr. Rangel, Mr. Hayworth, and Mr. Houghton.

H.R. 845: Mr. Stupak and Mrs. Emerson.

H.R. 924: Mr. Andrews, Mr. Bereuter, Mr. Doolittle, Mr. Etheridge, Mr. Gutierrez, Mr. Skelton, Mr. Spence, Mr. Strickland, and Mrs. Thurman.

H.R. 987: Mr. Ney, Mr. McCrery, Mr. Ganske, Mr. DeMint, Mrs. Northup, Mr. Simpson, Mrs. Biggert, Mr. Everett, and Mr. Toomey.

H.R. 989: Ms. Slaughter and Mr. Gary Miller of California.

H.R. 1000: Mrs. Cubin, Mr. Hill of Montana, and Mr. Peterson of Minnesota.

H.R. 1046: Mr. COSTELLO.

H.R. 1064: Mr. MARKEY and Mr. WEXLER.

H.R. 1071: Mr. STUPAK, Mr. DIXON, Mr. LIPINSKI, Mr. ROMERO-BARCELÓ, Mr. WU, Mr. LANTOS, Mr. STRICKLAND, Mr. FORBES, and Ms. SCHWAKOWSKY.

H.R. 1082: Ms. HOOLEY of Oregon.

H.R. 1083: Mr. BOEHNER and Mr. SHAYS.

H.R. 1096: Mr. VENTO and Mr. FARR of California.

H.R. 1098: Mr. TANCREDO.

H.R. 1102: Mr. HERGER, Mr. CAMP, Mr. WHITFIELD, Ms. WOOLSEY, Mr. PALLONE, Mr. SHOWS, and Mr. LAHOOD.

H.R. 1108: Mr. MALONEY of Connecticut and Mr. MARKEY.

H.R. 1111: Mr. KENNEDY of Rhode Island, Mrs. EMERSON, Mr. BISHOP, Mr. VENTO, and Mr. PALLONE.

H.R. 1123: Mr. LANTOS, Mr. WAXMAN, and Mr. ACKERMAN.

H.R. 1130: Mr. WYNN.

H.R. 1138: Mr. MENENDEZ.

H.R. 1159: Mr. MARTINEZ and Mr. SKELTON.

H.R. 1168: Mr. STRICKLAND, Mr. GEORGE MILLER of California, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. MOAKLEY, Mr. BOEHLERT, Mr. CAPUANO, and Ms. RIVERS.

H.R. 1172: Mr. SHAYS, Mr. BEREUTER, Mr. EVANS, and Mr. GEPHARDT.

H.R. 1178: Mr. LOBIONDO, Mr. CRANE, Mr. YOUNG of Alaska, Mr. SMITH of Washington, Mr. LAMPSON, Mr. TOOMEY, Mr. COLLINS, Mr. PAUL, Mr. KASICH, and Mr. GREEN of Wisconsin.

H.R. 1187: Mr. WOLF, Mr. CROWLEY, Mr. JEFFERSON, Mr. TRAFICANT, Mr. QUINN, Ms. MILLENDER-MCDONALD, Mr. STEARNS, and Mr. TIERNEY.

H.R. 1200: Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. GEORGE MILLER of California, Ms. LEE, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. TIERNEY, Mr. STARK, and Ms. BALDWIN.

H.R. 1214: Mr. BALDACCI and Mr. RANGEL.

H.R. 1233: Ms. PELOSI and Mr. GEORGE MILLER of California.

H.R. 1238: Mr. LANTOS, Mr. GEORGE MILLER of California, and Mr. MCNULTY.

H.R. 1239: Ms. MCKINNEY, Mr. BISHOP, Mr. MCGOVERN, Mr. TOWNS, Mr. BROWN of California, Mr. WEINER, Mrs. CHRISTENSEN, Mr. RUSH, Mr. JACKSON of Illinois, and Mr. UDALL of New Mexico.

H.R. 1247: Mr. HOUGHTON and Mr. HALL of Texas.

H.R. 1250: Mr. POMEROY and Mr. LEVIN.

H.R. 1276: Ms. JACKSON-LEE of Texas, Mr. CONYERS, Ms. RIVERS, Mr. RUSH, Mrs. CHRISTENSEN, and Mr. BRADY of Pennsylvania.

H.R. 1286: Mr. HALL of Texas and Mr. STRICKLAND.

H.R. 1294: Mr. SHOWS, Mr. UDALL of Colorado, Mr. FOLEY, and Mr. COOKSEY.

H.R. 1298: Ms. RIVERS and Mr. MCDERMOTT.

H.R. 1301: Mr. DELAY, Mr. GREEN of Texas, Mr. NUSSLE, Mr. STRICKLAND, Mr. MCINTOSH, Mr. BERRY, Mr. BURR of North Carolina, and Mr. STUMP.

H.R. 1304: Mr. NETHERCUTT, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Virginia, Ms. LOFGREN, Mr. NORWOOD, Mr. SMITH of Texas, Ms. WOOLSEY, Mr. BONIOR, Mr. ANDREWS, and Mr. WHITFIELD.

H.R. 1307: Mr. PASTOR.

H.R. 1350: Mr. BROWN of California, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. ALLEN, Mr. WEINER, Ms. KILPATRICK, Mr. TIERNEY, Ms. DEGETTE, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, Mr. BLUMENAUER, Mr. LANTOS, Mrs. BIGGERT, Mr. BRADY of Pennsylvania, Ms. RIVERS, and Mr. STARK.

H.R. 1355: Mr. WEXLER, Mr. FROST, and Mr. DAVIS of Illinois.

H.R. 1388: Ms. WOOLSEY, Mr. BURTON of Indiana, Mr. WYNN, Mr. BAIRD, Mr. BALDACCI, Mr. CLEMENT, Mr. GREENWOOD, and Mr. BONIOR.

H.R. 1389: Mr. SHOWS, Ms. ROS-LEHTINEN, Mr. MOORE, Mrs. BIGGERT, Mr. DEFAZIO, and Mr. BARRETT of Wisconsin.

H.R. 1402: Mr. BERRY, Mr. TAUZIN, Mr. BONIOR, Mr. WICKER, Mr. BALLENGER, Mr. JONES of North Carolina, and Mr. BENTSEN.

H.R. 1408: Mr. FRANKS of New Jersey and Mr. MCNULTY.

H.R. 1414: Mr. WISE, Mr. HOUGHTON, Mr. BALDACCI, Mr. WYNN, and Mrs. EMERSON.

H.R. 1432: Mrs. MINK of Hawaii, Mr. STRICKLAND, Mr. PETERSON of Pennsylvania and Mr. ENGLISH.

H.R. 1443: Mr. WAXMAN, Ms. NORTON, and Mrs. CHRISTENSEN.

H.R. 1459: Mr. FORD.

H.R. 1476: Ms. RIVERS, Mr. SHOWS, Mr. ENGLISH, and Mr. FRANK of Massachusetts.

H.R. 1484: Mr. EVANS.

H.R. 1495: Mr. STUPAK.

H.R. 1497: Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. FROST, and Mr. BORSKI.

H.J. Res. 34: Mr. HALL of Texas.

H. Con. Res. 21: Mrs. MALONEY of New York.

H. Con. Res. 43: Mr. GARY MILLER of California.

H. Con. Res. 46: Ms. LOFGREN.

H. Con. Res. 51: Mr. HORN, Mr. WAXMAN, and Mr. MORAN of Virginia.

H. Con. Res. 58: Mr. HALL of Texas and Mr. DAVIS of Illinois.

H. Con. Res. 60: Mr. SNYDER, Mrs. BIGGERT, Mr. STRICKLAND, Mr. WAXMAN, and Mr. KUCINICH.

H. Con. Res. 82: Mr. BARTLETT of Maryland, Mr. MANZULLO, Mr. BARR of Georgia, and Mr. ROHRABACHER.

H. Res. 41: Ms. ESHOO and Ms. ROS-LEHTINEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 850: Mr. HOLDEN.

H.R. 987: Mr. MARTINEZ.

SENATE—*Wednesday, April 21, 1999*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have given humankind freedom of will to choose to love and to serve You. Today we are painfully aware of the tragic misuse of this freedom in Kosovo and yesterday in Littleton, Colorado, at Columbine High School. It is with grief that we have followed the merciless bloodshed of ethnic cleansing in Kosovo. On television and in our daily newspapers, we have looked into the haunted, anguished faces of the refugees driven from their homes.

And now, this morning, we are shocked by the accounts of the shooting of fellow students by disaffected young men filled with hate and anger. We pray for the parents, families, and friends of the many teenagers who were killed or wounded.

O God, when there is no place else to turn, we return to You. You have not given up on humankind in spite of all the dreadful things we do to ourselves and to one another. We confess our own little sins of prejudice and rejection that we see written large in the crises of our times. O Lord of Hosts, be with us yet, lest we forget to love You and glorify You by respecting the wonder of each person's life. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Washington State is recognized.

SCHEDULE

Mr. GORTON. Mr. President, for the information of all Senators, under the order of last night, the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will begin debate on the conference report to accompany the education flexibility bill. By previous order, there are 3 hours of debate on the conference report, and a vote can be expected at the conclusion or yielding back of that time.

On Tuesday, a cloture motion was filed on the lockbox amendment to S. 557. Therefore, Senators should expect that cloture vote on Thursday. As a reminder, pursuant to rule XXII, second-degree amendments must be filed 1 hour prior to a vote on cloture.

I thank my colleagues for their attention.

Mr. President, I seek recognition in my own right. I believe the remarks I am about to make are more proper from my own desk than from the majority leader's.

The PRESIDING OFFICER (Mr. CRAPO). If the Senator will permit, the Chair will read these orders and then the time will be granted.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak for up to 10 minutes each.

Under the previous order, the Senator from Washington, Mr. GORTON, is recognized to speak for up to 15 minutes.

WAR IN THE BALKANS

Mr. GORTON. Mr. President, the Congress is about to be asked to appropriate $10 billion, and perhaps more, in emergency funds to finance a war in the Balkans and to help the refugees that war has created. We will be asked to do so after a brief debate and with no opportunity to impose conditions or to add reservations. That is the wrong way to deal with so grave an issue.

On March 23, the Senate authorized air attacks on Yugoslavia in the hope that they would motivate the Government of Yugoslavia to grant autonomy to the Kosovars, a status far less than the independence they seek, enforced by the presence of American and other NATO troops for an undefined period of time, and thus to prevent a refugee crisis. We have been spectacularly unsuccessful at attaining either goal.

I voted against the March resolution. I did so because I believe that the United States should engage in armed conflict only when its vital interests are at stake, and that the then Serb repression of the Kosovar Albanians did not involve any of our vital national interests.

My vote was also motivated by the belief that the limited bombing proposed would be unlikely to help us reach the dubious goal of occupying Kosovo. When we do engage our Armed Forces in conflict, we should do so decisively and with overwhelming force aimed at the cause of the conflict—in this case, the Milosevic government in Belgrade.

This conflict, to the contrary, was begun in too limited a fashion to be likely to bring the Serbs to heel, with no contingency plans should the early bombing not work, and with no anticipation of the brutal Serb reaction in driving hundreds of thousands of Kosovars out of home and country.

It is that failure that brings us to our present state. The President will not acknowledge our failure to reach his goals, will not speak seriously to the American people about both ends and means, and will not ask Congress to authorize him to act decisively and to support him in doing so. Instead, we are engaged in a conflict in which the primary goal seems to be to avoid American casualties, the secondary goal to avoid Serbian casualties. So the only real casualties are among the Kosovar Albanians, the people the conflict was designed to protect.

The President will not, and should not, send our troops into Kosovo and won't arm the Kosovo rebels so they can defend themselves. We bomb buildings that we are certain are empty but not television towers or airports. We bomb oil storage depots but allow oil tankers to unload replacement oil within sight of our fleet.

At this point, of course, a conflict over an issue that was not vital to our national security in the beginning has now escalated to one that is, both with respect to the refugees and to the survival of NATO itself, all due to the frivolous and half-hearted nature of our military operations. In the abstract, this fact lays weight to the arguments of Senators LUGAR and MCCAIN, among others, to lift the artificial and self-defeating renunciation of ground operations.

But their arguments flounder disastrously with the first whiff of reality. This is a war run by committee. A dozen politicians from almost as many countries must sign off on targets even with respect to the air war. The United States has not even sought NATO consent to arm the Kosovars and to blockade Yugoslavia.

Does any Senator believe for a moment that this administration will wage or is capable of waging a real war with victory as its goal? No.

We have only four realistic alternatives, all unpalatable. First, there is the remote hope that Milosevic will surrender and agree to our demands. Under those circumstances, we would get to occupy Kosovo for perhaps 25

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

years. Second, we may quit and go home, leaving chaos in our wake. Third, the most likely outcome now is a settlement brokered by the Russians in which the 90 percent of Albanian Kosovars get the poorest half of a devastated province and the 10 percent Serb Kosovars get the best half. We will then be asked to rebuild Kosovo, Albania, Macedonia, and probably Serbia as well. President Clinton will proclaim this a victory.

The fourth and last alternative is a gradual escalation of the air war, followed by gradual escalation on the ground, without any prospect of real victory but at a very real cost in American lives and the expenditure of billions of American dollars.

Each of these alternatives, Mr. President, is a terrible disservice to the brave American men and women who are loyally fighting this war and who deserve better from our leaders. Each is a tragedy for the hundreds of thousands of Kosovar Albanians rooted out of destroyed homes, turned into impoverished refugees or killed outright.

It is those prospects that the Senate should be debating, using such time as is proportionate to the seriousness of the issues.

But we are now faced with the prospect of a $12 billion add-on to a $2 billion supplemental appropriations bill, with little opportunity for debate and no opportunity to amend or condition that appropriation. What should have been an occasion for a serious debate will become instead a venture in avoiding the responsibility to ask and to answer hard questions.

That is a game the Senate should not play. At the very least, we should allow those who propose intervention on the ground an opportunity to make their case, and those of us who wish to arm the rebels a chance to make ours.

An appropriation covering the cost of this conflict until October without seriously debated conditions is a blank check to the President to conduct the conflict as he pleases. It is all the authorization for war on the ground he is ever likely to seek. It is a total abdication of our responsibilities. I cannot support such an action. I will do all I can to defeat it.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

TRAGIC SCHOOL SHOOTINGS

Mr. WYDEN. Mr. President, once again the Senate is grieving for one of our communities that has suffered a tragic school shooting. We are all profoundly saddened today by the news out of the State of Colorado.

For those of us from my home State of Oregon, this feeling is, unfortunately, too familiar. It was just about a year ago that this same form of evil visited Thurston High School in Oregon. And I want to say, first and foremost, to the people of Colorado that Oregon's heart goes out to all of you today. The people of Colorado are in our prayers.

If our experience can be any measure of comfort, I would offer the observation that in Colorado, just as it was in Oregon, the parents and students will find that their neighbors can be an incredible resource of support. There is more strength in our communities than we realize. And while nothing—nothing—can ever ease this sort of pain, that strength does possess a tremendous healing power.

Mr. President, why are we seeing these tragedies in our country? We feel so good about the very strong economy. We play a preeminent leadership role in the world. There are so many good things in our Nation. But we send our children off to school in the morning and so often we have to worry that they might be gunned down by a classmate. What has produced this horrible evil?

I do not come to the floor of the Senate today to say I have the answers, but I know that we are not doing our job in this body if we do not try to find them. And it seems to me those of us from the States that have seen this horrible scourge—the Senators from Colorado and Arkansas and Kentucky and my own of Oregon—need to sit down together—and soon—and begin a meaningful conversation about the practical and concrete steps that can be taken to prevent these tragedies. We ought to talk with everyone, we ought to talk with Sarah Brady, who has one point of view, talk with the National Rifle Association, who has another point of view. We need to have a concrete dialogue with all who have been part of this national discussion to find a way to stop these tragedies.

In the wake of what happened in Springfield, OR, Senator GORDON SMITH and I worked, on a bipartisan basis, to make sure that if a kid brought a gun to school, action would be taken to treat that as a five-alarm warning. Looking at yesterday's tragedy, it seems to me that our bipartisan bill would not have been enough, because these students had never been caught with guns in school before. But the facts appear to be that the students there knew that this group was involved with weapons and that they had been engaged in potentially dangerous activities. We need to find ways to translate this knowledge into concrete approaches so the authorities can take steps to protect our youngsters in our schools.

Mr. President, so many Members of this body are parents. Many of our colleagues have been blessed with grandchildren. It chills all of us to the bone to think that this can happen in our communities, and that it has happened too often.

The people have elected us to lead. This is a problem which cannot be avoided. I am going to do everything I can, in a bipartisan fashion, with colleagues from other States that have seen these tragedies, to find those practical steps so parents across this country can have the certainty that when they send their youngsters to school they will come home safely at the end of the day.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I wanted to just take a few minutes to focus the attention of the Senate on this terrible tragedy that occurred yesterday in our schools. We all now know two students of Columbine High School in Littleton, CO, stormed into their school and began shooting at students and teachers, yesterday. The last that I heard, police believed that 16 people have been killed. Many of them were either just beginning their lunch or were studying in the library at the time they were assaulted. The details behind the violence are overwhelming, and the motivations leading to it are incomprehensible to all of us. But we are left wondering how this could happen in a suburban community like Littleton, CO.

I know we all grieve with the parents of those students and the families of the faculty who were killed yesterday.

Our Nation has witnessed five violent events in our schools during the past 17 months and we need to focus on that pattern of activity. Five communities have experienced this violence firsthand:

In Paducah, KY, in December of 1997, December 1, 1997, a 14-year-old boy shot and killed three girls at Heath High School in Kentucky and the shooter wounded five others.

On March 24, 1998, in Jonesboro, AR, two young boys hiding in the woods began shooting at their classmates and their teachers.

At Edinboro, PA, on April 25 of 1998 another 14-year-old student of Parker Middle School shot and killed a teacher and two other boys were wounded.

In Fayetteville, TN, less than a year ago, on March 19 of 1998, a senior at Lincoln County High School in Tennessee shot and killed a fellow student. And then in Springfield, OR, 2 days after the Tennessee incident, on May 21 of 1998, a 15-year-old student opened fire at Thurston High School in Oregon and killed two students and wounded 22 others.

We should not wait for another incident to happen before we take some action here in the Congress. These tragedies are the reason that last year I introduced a bill entitled "The Safe Schools Security Act." The bill passed the Senate unanimously, I believe. Unfortunately, it was dropped in the conference. This year, a little over a month ago, on March 17, I again introduced the Safe Schools Security Act. In my view, we need to move ahead with that legislation. We have waited too long.

Yesterday the importance of this bill was made more evident by what we observed in Colorado. Recent studies show that our children fear they will be the victims of crime in school. Mr. President, 29 percent of our elementary schoolchildren fear that, 34 percent of our junior high, and 20 percent of our high school students fear they will be a victim of a crime while at school, according to a recent poll.

The schoolyard fight which I was familiar with when I was growing up is no longer the worst fear that students have. Mr. President, 75 percent of children ages 7 through 10 say they do worry about being shot or stabbed, and 13 percent of high school seniors report being threatened by a weapon between 1995 and 1996.

In 1997, a high school in my home State, Belen High School in Belen, NM, decided to improve school security. They did so in an effort to protect their students and their teachers and the school property. Belen partnered with Sandia National Laboratories, one of our Department of Energy Labs in Albuquerque, to try to accomplish this security upgrade. The results have been impressive. After 2 years, Belen High School experienced a 75-percent reduction in school violence, a 30-percent reduction in truancy, an 80-percent reduction in vehicle break-ins in the school parking lot, and a 75-percent reduction in vandalism.

Most noteworthy, Belen realized a 100-percent reduction in the presence of unauthorized people on school grounds. This is an issue in more and more of our schools today. They implemented several security measures, including placing security officers on permanent patrol on the campus, fencing the property, and restricting access to a single entrance where students and visitors could be monitored. They installed cameras in the parking lots to monitor vehicles and student activities. Through cooperation with the local police, the high school in Belen secured a police officer to work with the campus security officers and to patrol the school grounds after school to prevent unauthorized access.

This Safe Schools Security Act, which I have introduced again this year, S. 638, will also establish a security technology center that Sandia would operate to provide security assessments of middle schools and high schools, and to offer advice to schools about the security measures that are needed to be implemented and improved. The act would provide money and grants to local schools so they could purchase the appropriate technology and hire the necessary personnel to beef up security.

Obviously, improving school security will not guarantee that violence ceases in our schools.

It is a start. By restricting access, we can reduce unauthorized persons coming onto school grounds. By installing cameras on some of our school campuses, schools can be forewarned of problems in certain areas of the campus, and law enforcement can utilize those cameras in situations like the hostage situation that occurred yesterday in Colorado.

By planning the construction of schools with security in mind, we can begin to minimize the risks of violence occurring in our schools. Teachers and administrators need to identify their schools' security weaknesses. The personnel who have been working on this issue at Sandia Labs, with Federal money I should point out, have developed some expertise that can be helpful to some of our schools in this regard. Because of yesterday's tragedy, parents, teachers, and community leaders are asking, what can be done to protect our schools, and all of us in America are debating what can be done.

This bill cannot ensure that our children will be safe in school, but it will provide schools with a course of action to follow and with some resources to begin addressing this problem in a meaningful way.

We all know that most schools do not have the financial resources to purchase security technology, and high schools and middle schools often lack the technical expertise to know what kind of technology will best serve their school. This bill could help to provide that expertise and help to give good advice, expert advice to schools on appropriate technology and on appropriate actions that could be taken to make our schools more secure.

Mr. President, with this terrible tragedy still very much in front of us, I urge that we consider the proposals that I have set forth in this bill. I urge that we think about what action we can take to lessen the likelihood of these types of incidents in the future. Obviously, our children are our most important resource in this country, and I believe some additional effort in this regard would be well advised and strongly supported by all my colleagues.

I hope we can move ahead on this bill. I appreciate very much the chance to speak on it today.

I yield the floor.

Mr. DASCHLE. Mr. President, this morning we all have to return to business, but it is an especially difficult day to do so.

It is difficult to think of anything other than the terrible tragedy in Littleton, CO yesterday.

Our thoughts and prayers are with the families of Columbine High School—the students and staff injured; the families of those who were killed; and everyone who suffered the terrifying ordeal there.

Our nation is suffering, too—at the thought that such horrifying events are taking place all too often in our country.

It was heartening to see so many parents reunited with their children yesterday. Still, those joyful hugs were bittersweet reminders of the families waiting for students and staff who didn't come home.

These families and the community of Littleton have lost their loved ones, and their lives will never be the same again. Their losses cannot be replaced. They, and everyone affected by yesterday's events, have lost their innocence, too.

We all want to believe that our schools will be places where children can learn in a safe, supportive environment, where they will learn not only what they need to go on to college or vocational school or work, but also what they need to become well-balanced, emotionally secure people.

Certainly schools cannot be expected to do the job by themselves. It does take a village to raise a child.

It takes, first and foremost, parents who love and respect and talk to and spend time with their children. Parents must be prepared to meet the daunting challenge of rearing children in a society that seems to move too fast. As important as schools are, parents are their children's first and most compelling teachers. Parents must realize that, even when they aren't conscious of it, they are teaching their children constantly. Their example is the most powerful teaching tool available, and it can be used to constructive or destructive ends. Our children's values originate from their parents' values—those taught, and those exemplified, those that are negative and those that are positive.

It also takes a child care system that pays its workers more than the minimum wage. It takes schools that truly educate and do their best to give every student the attention he or she needs. It takes qualified teachers who value their students and, in turn, are valued by us. It takes friends and neighbors who get involved in supporting parents, schools, and children. It takes a juvenile justice system that protects society from violent criminals and strives to intervene in youthful offenders' lives before they are beyond our help. It takes a society that shows children the way without alienating them.

It takes all of us.

Our schools are populated by a talented, committed generation of young people. I am optimistic about our future, their future. It is a sad reality that just a few people can cause such great devastation—in our schools and on our streets. The problem is not our children—it is our failure to deal adequately with their needs. Too many of today's children face intense fear, anger, and confusion. They need our time and attention. They need us to teach them how to deal with those emotions in constructive ways.

Even children who have good values—and are good kids—face incredible emotional and societal challenges and pressures that most children of my generation never had to worry about. And they need our help. I never had to worry about assault weapons or pipe bombs when I went to school. I wasn't confronted with drug pushers. And I had two loving parents who were involved in my education and my life.

We can't go back in time, and we shouldn't undercut our basic freedoms. But we do have to work together—every one of us—to address the problems that threaten the fabric of our society.

We can—and should—have a thoughtful discussion about how to shape a comprehensive national response to the problem of violence in our schools and our communities. We should have that discussion soon.

But today is about grieving the loss of those killed, sending positive thoughts to those who were injured, and praying for everyone involved in this terrible tragedy.

Mrs. MURRAY. Mr. President, yesterday's tragedy in Littleton, Colorado has brought the nation together in our sense of shock and horror. I want the people of Littleton to know that they are in our thoughts and our hearts. We cannot know the devastation they must feel, and we can only imagine, "what if that were my child?" In this time of terrible sorrow, your nation sends its profound sympathy.

Yesterday, two heavily-armed students went into Columbine High School in Littleton, in what has been described as a suicide mission, to bring violence and death on their classmates, their teachers, and themselves.

One student last night, a girl from another high school who visited Columbine to show her support, made a very important observation: "People always say 'it couldn't happen here; it couldn't happen to me,' well, it did happen here; it did happen to us." We must ask ourselves what we can to stop this senseless violence from happening again in another town, another community, another school.

As we begin to sort through the aftermath of this terrible tragedy, inevitably we will arrive at the question "why?" It is too easy for a young person these days to feel anonymous—to go unseen. Too many young people in America will wake up today, walk through the neighborhood, attend a crowded school, walk through the shopping mall, and return home—without ever getting acknowledgment or recognition or support from even one adult.

As a nation, we must make a determined effort to change this unfortunate fact. We have a responsibility to the nation's young people to do better. I have talked to too many young people who say that "adults just don't seem to care about me." Sometimes just a conversation or even a smile can send an important message to a young person—"You matter. I want things to go well for you. If you need help, I'm here."

Young people today are different in many ways than when we were young, but one thing hasn't changed. They still need our understanding, and our compassion. And they need to know that someone cares about them so that they don't see violence as a solution. Violence is not an option. We cannot tolerate violence in our schools.

Tragically, these two students at Columbine High School, who so desperately wanted someone's attention have finally succeeded. In their cry to be heard, they have done irreparable damage to the families and community of Littleton. And as we search for an explanation, we find ourselves struggling to understand who those two boys were and how they could commit such an awful crime.

There is not a legislative solution to the problem of violence in our schools. Instead, we must begin a national dialogue about what we all can do to let children know that violence is simply not acceptable. As we all reflect on yesterday, each one of us should ask ourselves what we can do to make a difference. We each must take responsibility to do a better job in letting all children know that adults care about them . . . that there are other ways to make their voice heard . . . that they matter.

For the last three years, I have cosponsored, with former Senator Kempthorne, a resolution establishing the Day of Concern About Young People and Gun Violence. Every year we have received dozens of Senate cosponsors—56 last year—and widespread support from the Parent-Teacher Association, Mothers Against Violence in America, the National Association of Student Councils, and others.

But more importantly, last year more than a million students signed a pledge promising they would never take a gun to school, would never use a gun to settle a dispute, and would use their influence to prevent friends from using guns to settle disputes. I hope all of my Senate colleagues will join me this year in cosponsoring and passing this important resolution establishing the Day of Concern on October 21, 1999.

Thank you, Mr. President.

Mr. ALLARD. Mr. President, my wife Joan and I were shocked and dismayed at the violence and bloodshed at Columbine High School in Littleton, Colorado yesterday.

Words cannot do justification to the deep sense of loss all of us are feeling today following the tragedy. But words—these words, and the words of our prayers—are what we have to offer now.

I offer my condolences to all those who lost loved ones, and to those whose loved ones have been wounded, hurt, and terrified.

I would like to ask America for their prayers as well. They are needed. The Columbine High School community is in shock, the State of Colorado is in shock, and America is in shock.

Before I left my office just now, I heard the final number of casualties—15. Fifteen lives, most of them young, ended yesterday by savage violence.

This is a wound, a scar, that will not be removed, and for those who bear the worst of this burden my wife and I offer all our compassion, our sympathy and our prayers.

We should recognize the heroism of the local police, the emergency personnel, and others who responded, as well as the heroism of the students and teachers caught in the attack. Many put their lives on the line to rescue students and escort them to safety.

The simple, unplanned bravery and courage of those who did whatever they could—in the midst of mayhem and terror—to avert further tragedy might never be fully known but should be fully acknowledged.

There are far too many of my colleagues who have had this experience—who have watched as news of school shootings and teen violence spread across the media. This tragedy erupted in Colorado, but it is part of a nationwide concern.

In the coming months there will be time, and there will be a need, for us to commit ourselves to finding a solution to this tragic problem. We must ask ourselves how this could happen, and what can be done to prevent it from ever happening again. There is, I am sure, no simple solution. But we must pledge ourselves to doing what we can.

Right now, however, I think the best response in the aftermath of this horror is, as Governor Bill Owens said, to hug our children. To hug them, and think about providing a better, more secure future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I think, be it Senator ALLARD or his wife or myself or my wife or any American, we woke up this morning to watch the morning news to be saddened by the situation in Kosovo but to be brought to tears by the situation in Littleton, CO. It is a tragic time and a very sad day for America. I concur with my colleague from Colorado, there are no easy answers. There were brave people and there were wonderful young people who lost their lives. So let me join with my colleague from Colorado in expressing our concern, our sympathy, and our condolences to all involved in this tragic issue.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that Senator BOXER and I have been given 30 minutes in morning business today. Is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

EARTH DAY

Mr. REID. Mr. President, there is a lot going on in the world today. We have the conflict in Kosovo. We have, as the Senator from Oregon pointed out, the calamity that has taken place in the State of Colorado, dealing with the death of 16 children, or maybe even more.

In spite of these very dramatic events taking place around the world, I think it is appropriate that we pause and reflect on one of the most important days we have each year, and that is Earth Day, which is tomorrow.

As we know, tomorrow will be the culminating day of this week legislatively because of the events that will take place with the 50th anniversary of NATO. So tomorrow we will be unable to celebrate Earth Day here in the Senate. So Senator BOXER and I felt it was appropriate that we spend some time with some of our colleagues talking about Earth Day and the importance of Earth Day.

There are a number of ways we can celebrate Earth Day, but I think there is no way that is more appropriate than talking about one of the things which sets the United States apart from any other nation, and that is our great National Park System. We are the envy of the rest of the world. When people talk about successes in Government, I think they must reflect upon our National Park System.

We have 54 national parks in the United States. In addition to that, we have a number of other entities within our National Park System that are important. But today I want to talk about our national parks.

We are very fortunate in Nevada; we have one of the 54 national parks. It is a unique setting. The Great Basin National Park is the baby of our National Park System. There is only one national park that is newer than the Great Basin National Park. And we are so happy to have the Great Basin National Park. It was 60 years in its coming.

I can remember when I introduced legislation to have this beautiful facility become a national park. This chart shows part of our national park. It is Wheeler Peak, which is about 13,000 feet high. You can see the majesty of this great mountain.

When I introduced this legislation, President Reagan was President of the United States. There were times that were very partisan then, as now, and the Secretary of Agriculture was asking the President to veto the creation of the national park.

I called in the Director of the National Park System, William Penn Mott, and I said, I am really worried that the President is going to veto the legislation creating this national park. He looked at me and said, There is no way President Reagan is going to veto this national park. He said, I have been with President Reagan; I worked with him when he was Governor of the State of California, and he has assigned me to be the superintendent of the parks for our country. He said, It was in the 1930s when I was a park ranger that I was called upon by Senator Key Pittman, a Senator from Nevada, to travel to Nevada to find a location for a national park. I went there, and I found that location. It is this exact spot that you have chosen to designate as a national park.

And he said, for political reasons, it has never come to reality. He said that possibility is now, and there is no way that President Reagan would veto the creation of this gem that we have in the State of Nevada.

He was right. The President gladly signed the bill, and we now have as part of our National Park System the Great Basin National Park. We could pick any one of the 54 units in our National Park System, and I am sure people from those States would be just as proud of that park as I am of the Great Basin National Park. This park has Wheeler Peak, which I show you here, but in addition to that, we have in the Great Basin National Park the only glacier in the State of Nevada.

In addition to that, you cannot see them here, but in this park we have bristlecone pine trees, the oldest living things in the world, more than 5,000 years old. We are going to celebrate a new millennium, 2,000 years. Well, 3,000 years before Christ was born, these trees started growing. That is an old tree, oldest living thing in the world located in this national park.

In addition to that, we have the Lehman Caves. The Lehman Caves are interesting because they were discovered unintentionally by a cowboy out doing whatever cowboys do. Suddenly he finds he and his horse have dropped into this subterranean cavern that became the Lehman Caves, which has been visited by hundreds of thousands of people over the years.

I am very proud of our National Park System. I am proud of the Great Basin National Park. Senator GRAHAM and I introduced legislation yesterday that will take $500 million a year from a fund that is already created, not new taxes, and put it into the National Park System where we are $4 billion in arrears just maintaining our national parks, maintaining the trails, the bathrooms, the information centers, the things that are so necessary to maintain this great program we have called our National Park System.

Certainly as part of Earth Day, we must recognize the fact that part of celebrating Earth Day has to be our National Park System. One last thing, because I see my colleagues on the floor, we are so honored in the State of Nevada, Dale Antonich, who is the chief park ranger of the Lake Mead recreation area, which is part of our National Park System, was chosen as this year's recipient of the Harry Yount National Park Ranger Award for excellence in rangering. This is important because he has been chosen by his peers to be the top park ranger. This says a lot. We are very proud of Lake Mead. It receives about 12 million visitors a year. He is the chief ranger there. I am sure that people who come to the park, to Lake Mead, receive a good experience. I want to give this resident of Boulder City, NV, all the accolades that he deserves as being selected as the top park ranger in our country.

As I indicated, we have set aside 30 minutes. That is all the time we could get today to celebrate Earth Day. I did see in the Chamber my friend from California. I wonder if I could get the attention of my two colleagues. We have 30 minutes that we have set aside to talk about the parks. I am wondering if I could yield time to my friend from California. We are very proud of Nevada, but there is no State in the Union that has more natural beauty than California. I think Nevada has as much natural beauty, but there is no State that has any more natural beauty than the great State of California, which is the neighboring State of the State of Nevada.

I am very happy that the Senator from California, Mrs. FEINSTEIN, is here to talk about some of the beauties of the State of California. I am sure that is what she is going to do; is that not true?

Mrs. FEINSTEIN. I will speak about global warming.

Mr. REID. Global warming is perfect. That deals with Earth Day, and that is why we are here to talk. How much time does the Senator need?

Mrs. FEINSTEIN. Is it possible to have 10 to 15 minutes?

Mr. REID. I am sure we have 10 minutes. I yield the Senator from California 10 minutes to talk about global warming and the importance of Earth Day.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair, and I thank the distinguished Senator from Nevada.

Mr. President, I note that the Senator from Colorado is on the floor. I really want to extend to him and to all of the people of Colorado my deepest sympathy and sorrow for the events yesterday. After I finish a brief global warming statement, I would like to make a more inclusive statement about the events that took place in Colorado, but I want him to know that my heart and thoughts are with him and the people of Colorado today.

Mr. President, as we prepare to celebrate Earth Day tomorrow, I wanted to speak for a few minutes about what I consider to be the single greatest environmental threat facing our planet: the threat of global warming.

The phenomenon of global climate change really hit home for me in January of 1997. That year, devastating floods killed seven people and caused nearly $2 billion in damage in California. California is famous for its weather extremes, but the 1997 floods were unusual in terms of their ferocity, the loss of life they caused, and the tremendous property damage that occurred.

Even more striking, the 1997 flood was only one of four 100-year floods that occurred in California in the 1990s. Therefore, it certainly got my attention when I read that the National Oceanic and Atmospheric Agency believes that major changes in the El Nino and La Nina ocean currents, which brought so much rain to California, may be linked to changes in the ocean's temperature.

Last fall, I received an in-depth briefing from Dr. John Holdren, the Teresa and John Heinz Professor of Environmental Policy and Director of the Science, Technology, and Public Policy Program at Harvard University. Dr. Holdren presented clear and compelling evidence to me that global warming is real. It is happening, and it will have significant impacts on human health, our environment, and our economy.

Despite the overwhelming scientific evidence, however, literally every week my office receives bulletins from groups that continue to dispute the reality of global warming. Today I would like to lay out the evidence that global warming is indeed occurring.

There is overwhelming scientific consensus about the following facts: The natural greenhouse effect (which is primarily a product of water vapor, carbon dioxide, and methane) makes the earth habitable, keeping the average surface temperature about 33 degrees Celsius warmer than it would otherwise be.

Large increases in greenhouse gas concentrations resulting from human activities produce significant further global warming, accompanied by other changes in climatic patterns.

Today's atmospheric carbon dioxide concentration is about 30 percent higher than pre-industrial levels. The methane concentration is over 100 percent higher. These levels are higher than at any time in the last 160,000 years.

The Intergovernmental Panel on Climate Change, an assembly of 2,000 of the world's leading experts on climate and related disciplines, has found that human activities are increasing the greenhouse effect, and therefore raising the temperature of the planet. It is important to note that the IPCC includes scientists from all member states of the World Meteorological Association and the United Nations.

To quote the IPCC:

> The atmospheric concentrations of the greenhouse gases, and among them, carbon dioxide, methane and nitrous oxide, have grown significantly since pre-industrial times . . . These trends can be attributed largely to human activities, mostly fossil fuel use, land-use change and agriculture. Concentrations of other anthropogenic greenhouse gases have also increased. An increase of greenhouse gas concentrations leads on average to an additional warming of the atmosphere and the Earth's surface. Many greenhouse gases remain in the atmosphere—and affect climate—for a long time.

The IPCC estimates that carbon dioxide concentrations in the atmosphere have risen from 280 parts per million before the Industrial Revolution, to 360 parts per million today. By the end of the next century, the carbon dioxide level will be somewhere between 480 and 800 parts per million.

According to the IPCC, this change is "unlikely to be entirely natural in origin. The balance of evidence, from changes in global mean surface air temperature and from changes in geographical, seasonal, and vertical patterns of atmospheric temperature, suggest a discernible human influence on global climate."

Already, these increased greenhouse gas emissions are changing the earth's climate. Here are the facts:

The average temperature of the earth has risen 1.3 degrees in the last 100 years.

Ten of the warmest years on record have occurred in the last 12 years. 1998 was the hottest year on record.

The last 50 years appear to have been the warmest half century in 6,000 years, according to evidence from ice core samples.

Scientific evidence convincingly shows increased rates of evaporation and rainfall, glacier retreat, sea ice shrinkage, and rising sea levels.

The IPCC estimates that by 2100, the earth's temperature will have risen by two to six degrees. This rate of warming, if it were to occur, would be the fastest warming rate in the last 10,000 years.

Even if an overwhelming body of scientific evidence regarding global warming did not exist, the weather map alone would tell us something is wrong. According to the National Climatic Data Center, weather extremes are becoming more and more frequent: hurricanes, tornadoes, blizzards, flooding, droughts. So far this century, extreme weather events have increased by 20 percent. Annual precipitation is up 6 percent since 1900, and total winter precipitation is up 8 percent.

Just look at the period from November 1997 through July 1998, when a series of extreme weather events hit this nation. Northern California had its wettest May ever in 1998, with precipitation in at least one area hitting 800 percent of normal. Meanwhile, Texas suffered under a devastating drought, with San Antonio getting only 8 percent of its normal rainfall in May. In Florida last summer, the U.S. Forest Service estimated that 80 percent of the State was at a drought level equivalent to a desert. Ohio, the Upper Midwest, and New England had no shortage of rain, however; floods in those areas claimed 13 lives.

While individually none of these events can be linked directly to global warming, collectively they show a troubling pattern consistent with what the best science tells us global warming will look like.

Things could get worse. According to the IPCC, one third to one half of all mountain glacier mass could disappear in the next century. Melting glaciers, combined with melting of the antarctic ice shelves, could raise sea level by as much as three feet in the next 100 years. This could cause severe flooding in the San Francisco Bay Area, New Orleans, the Everglades, and the Chesapeake Bay.

The weather changes caused by global warming also could wreak havoc upon the environment and human health. The University of California estimates that global warming could render 20 to 50 percent of the State's natural areas unsuitable for the current species who live there. Major vegetation changes are occurring over one-eighth of the planet. The effects of global warming on human health, including outbreaks of tropical diseases such as malaria and yellow fever, are so significant that I plan to discuss those separately in a floor statement soon.

Global warming is not a problem that we can afford to ignore or dismiss. The scientific evidence is overwhelming and persuasive, and we need to take steps now to reduce global warming. That is why I am circulating a letter, along with Senators GORTON and BRYAN, that encourages the President to work with Congress to implement improved Corporate Average Fuel Efficiency Standards. Cars and light trucks, including sport utility vehicles, are responsible for 20 percent of all carbon emissions in the United States, and emit more carbon than all sources in Great Britain combined.

By raising fuel efficiency standards, we can reduce carbon dioxide emissions by over 240 million tons per year. This will help curb global warming, improve air quality, save consumers at the gas pump, and reduce our reliance on imported oil.

Stronger fuel efficiency standards alone will not solve the global warming problem, but they are a very good place to start. I am pleased to say that a bipartisan group of 22 Senators have already signed the letter to the President, and I am hopeful that more will sign soon.

I also urge all of my colleagues—especially those who may remain skeptical about the existence of global warming—to attend a briefing that I am hosting on May 11 with scientists from the University of California, including Nobel Laureate Sherwood Rowland. These scientists will discuss recent satellite measurements concerning global climate change; disturbing new evidence that climate change may be occurring more abruptly than scientists had earlier forecast; and possible solutions to the problem.

Global warming is an extremely complicated issue, and I understand that a number of policy alternatives are currently on the table—from the Kyoto Protocol supported by President Clinton, to the "Credit for Early Action" bill sponsored by Senator CHAFEE, to the bill currently being drafted by Senator MURKOWSKI. I do not presume to stand here today with a master plan for how to stop global warming.

But I do feel strongly that global warming's existence cannot be disputed. It is real. It could cause the greatest environmental crisis of our time. I hope that we can at least recognize the threat, and begin working together to address it.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Colorado, Senator CAMPBELL, be recognized on his own time, and that his speech not appear as part of the 30 minutes dedicated to Senators BOXER and REID, and that his speech appear separate in the RECORD. After that, I tell the Chair that the final approximately 10 minutes that is left for Senators BOXER and REID would be given to the Senator from New Jersey, Mr. LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized for 10 minutes.

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, our mission this morning is to discuss the environment, and to celebrate the birth of Earth Day, which takes place tomorrow. I will use my time for that purpose.

But I want to take just a minute, because I, like everyone else in this country, am heartbroken by what we saw take place yesterday. In my conversation with the Senator from Colorado, I expressed my sympathies. But I want to point out something. Those children were killed by deranged young people of their own class. But they used guns, and they used weapons that are, frankly, I think out of control in our society. This isn't just happening in Colorado. It is a terrible happening in Colorado. But look at the other days. It happened in Utah. It has happened in Arkansas, Mississippi, Kentucky, Oregon, and Illinois. Just search your mind and you can find almost every State having had a problem. It is a plague in our society. It is a blight across our country.

There is a bit of a paradox as we talk about Earth Day and the positive aspects of what Earth Day can mean so that children can bathe in the waters, fish in the streams, play on the Earth, and breathe the air—all positive things looking toward an improvement in their health—just under the shadow of the murderous rampage that took place yesterday.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Lisa Haage, a detailee in my office, be granted the privilege of the floor for the duration of the 106th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise to join my colleagues to discuss the Democratic environmental agenda on the eve of Earth Day.

We have an ambitious agenda to protect open spaces, reduce sprawl and relieve congestion.

While Congressional Democrats have an excellent agenda for the future, we also have a proud history of accomplishment since the first Earth Day in 1970. Our nation's major environmental laws were written and passed under Democratic leadership.

Democrats passed the first Clean Water Act. Democrats wrote the first Superfund law. Democrats authored the Clean Air Act.

And the Clinton Administration has an impressive record of enforcing these laws. The EPA has an outstanding record of cleaning up toxic waste sites under the Superfund program.

For example, by the end of this Fiscal Year, September 30, 95 percent of all Superfund sites will have remedies selected and cleanups beginning or underway.

Overall, the Clinton Administration has cleaned up more Superfund sites in the past two years than in the first 12 years of program.

Administrator Browner has also had success protecting our nation's drinking water, reducing smog so that children breathe healthier air, and cleaning up our lakes and rivers for swimming and fishing.

Mr. President, today, I would specifically like to talk about my brownfields bill and its promise to reduce sprawl and protect our environment.

My common sense brownfields bill, S. 20, will help accomplish all of these goals.

My bill will help turn a contaminated, abandoned parcel of land into a new school, an new business or a new playing field. And the benefits will multiply from there. Cleaning up brownfields protects open spaces by keeping commercial development inside our cities, where it creates jobs and can lower property taxes.

With more reuse and redevelopment in our cities, there will be less pressure to develop farmland and parkland outside our cities.

How do we make this happen? By making grant money available for States and cities to start the redevelopment of brownfields, and using their own zoning codes and no Federal regulations with that so that they can make sure people who are interested in buying and developing these sites aren't sued for the contamination that was never their fault.

Brownfields need not be a blight on our communities but an opportunity for smart growth.

Mr. President, fortunately, brownfields is not a partisan issue. In fact, many Republican Senators have supported the thrust of my legislation. This means, on this Earth Day, we have a chance to do something that will protect our environment and open spaces, and leave a better world for our children and grandchildren.

We should not miss the opportunity to do so.

Mr. President, we have pending before us the reauthorization of Superfund. It is now 2 years since the Superfund bill expired, and we still continue to operate. But we don't derive any of the revenues that were supposed to be part of the bill. We can't get a Superfund bill that is decent that doesn't protect the polluters, which is what Superfund was all about. It says, let the responsible parties pay for their damage. It has worked pretty well.

I was at a site in New Jersey that was the No. 1 Superfund site in the country. A company there agreed, finally, to pay $100 million toward the restoration of this site. I was there on Saturday to commemorate this new development. It was a spectacular day. I was there with the Little League. They even let me throw out the first pitch. That is the only first pitch I have thrown out. I haven't been invited by the Yankees, or otherwise. But to be able to throw out a pitch to the Little League, to see a softball field next to that, a hardball, a regular baseball field next to that, a soccer field next to that, all developed out of what was a horrible toxic waste site. The lake is clean. Before, there were signs for the children to avoid getting too near the lake because there was poisonous material in there. No fish could live—nothing.

When he celebrated the cleanup of that lake 2 years ago, the mayor of Pitman, NJ, a fellow named Bruce Ware, stood next to me, and, he said, "I am going to fulfill a promise that I made years ago that if this lake ever got cleaned up I am going in it." With that, he turned, fully dressed, with his tie and his jacket and his suit, and he jumped in the lake. He was so ecstatic about the fact that this community was going to be rid of this blighted parcel of land—about 100 acres, a big piece of land.

It is fantastic. I believe it will result in not only more revenues for the community but also a lifting of the spirit in that community.

That is what we ought to be doing. We ought not tinker with Superfund, to reduce it, to emasculate it such that it has no power and no strength.

I hope we are going to be able to do that in the next few days. I hope the American people will insist that as we attempt to clean up our land and avoid the sprawl that we are living with that we will pay attention to what we have as a society in terms of an obligation to future generations.

Mr. President, I thank the Chair for the opportunity to have the floor.

I yield the floor.

TRAGEDY IN LITTLETON, COLORADO

Mrs. FEINSTEIN. Mr. President, I want to say a few words about the tragedy in Colorado. I want to express my sincere sympathies for the families and victims of yesterday's events.

Once again, we have witnessed a deadly school shooting in America's heartland. Yesterday's events, although greater in magnitude than other shootings in recent years, have, it seems, become part of a growing trend in this country, and particularly among young people, and that is to solve everyday problems with deadly violence.

Now, some of us have heard firsthand the gruesome effects of gun violence. But we can't imagine what the classmates and families of those Colorado children must be going through today. The senseless loss, the graphic memories, the fear of violence, the lack of explanation.

Who among us can imagine how we would feel if two dozen of our friends and classmates were gunned down in a matter of minutes? Who among us knows what we would say to our own children if something like this happened at their school? And who among us wants to imagine what it would be like to receive that phone call telling us that our child is no more.

Mr. President, this is a time for grieving, but it is also a time for sincere reflection on the direction of this country and the nature of child on child violence. Sadly, this nation has experienced an ever increasing number of these incidents in the last two years. We saw it happen in Pearl, Mississippi where two students were killed. We saw it happen in West Paducah, Kentucky where three students were killed. We saw it in Jonesboro, Arkansas where five were killed and in Springfield, Oregon where two were killed.

We saw a five-year-old Memphis, Tennessee kindergartner last year bring a gun to school because the teacher had given him "timeout" the day before. Now Littleton, Colorado joins that tragic list.

We are still learning the specifics of this latest tragedy. But while this most recent incident may have been executed with more deadly results, it is all too familiar. We must struggle to learn why these incidents are happening with ever increasing frequency. Are children more troubled than they have been in the past? Do parents need to pay more attention to danger signals within their own homes? Do parents even have the ability to recognize danger signs? And do they know what to do when they see the signs of trouble?

I am certain that we will all continue to ask these questions in the coming days and weeks. I hope we don't stop asking until we find some answers.

One area in which I have been working for many years is the problem of gun access. I realize that bringing up gun control at this time might be viewed by some as trying to capitalize on yesterday's tragedy. I am sure the NRA will criticize those of us who connect this violence with the easy access of guns in America. But sadly, times of tragedy like this are often the only times people pay attention to the problems plaguing our society. If we do not speak up now, we may not prevent future Littletons from occurring.

Children have easy access to guns of every sort and every caliber—including assault weapons and high capacity clips that make it all too simple to strike fellow students down in mere seconds. Whereas in the past a grievance might be settled in a brief fistfight, today our children often turn to firearms.

Yesterday, two masked gunmen killed as many as 25 people with semiautomatic gunfire and explosive devices. Other students hid under desks and in rooms throughout the school, watching the gruesome scene develop on televisions within the classrooms, and in some cases calling the media to report crying, gunfire, and the sound of running feet from within the school walls. One student reported to police that he saw two of his classmates carrying shotguns, automatic weapons, and pipe bombs.

We may never be able to stop children from feeling alone and wanting to strike out. But we can certainly stop them from gaining the use of high capacity weapons with which to strike. And we should.

In 1994, we passed a ban on assault weapons and high capacity ammunition clips, with the intent to get these guns off the streets, out of the hands of criminals, and away from our kids. But because of strong NRA opposition, we were forced to allow pre-existing guns and clips to remain on the shelves of stores across this country. And although the President has stopped the importation of most assault weapons to this country, millions of high capacity ammunition magazines continue to flow onto our shores and into the hands of criminals and, indeed, our children.

In fact, between March and August of last year alone, BATF approved more than 8 million large-capacity clips for importation into America. The clips approved during this one short period accounted for almost 128 million rounds of ammunition—and every round represents the potential for taking one human life.

Mr. President, 75, 90, and even 250-round clips have no sporting purpose. They are not used for self defense. They have only one use—the purposeful killing of other men, women and children.

I have introduced legislation, supported by the President, that will stop the flow of these clips into this country. I know that we cannot eliminate these clips from existence. But we must—we must—do our best to make it harder and harder for children to find these clips and to use these guns.

It is both illogical and irresponsible to permit foreign companies to sell items to the American public—particularly items that are so often used for deadly purposes—that U.S. companies are prohibited from selling. It is time to plug this loophole and close our borders to these tools of death and destruction. Our domestic manufacturers are complying with the law, and we must now force foreign manufacturers to comply as well.

In closing our borders to these high capacity clips, we will not put an end to all incidents of gun violence. But we will limit the destructive power of that violence. We will not stop every troubled child who decides to commit an act of violence from doing so, but we can limit the tools that a child can find to carry out that act.

Each of us has been touched in some way by the devastating effects of gun violence. Each of our states has faced unnecessary tragedy and senseless destruction as a result of the high-powered, high-capacity weapons falling into the hands of gangs, drive-by shooters, cop killers, grievance killers, and yes, even children. My own state of California has too often been the subject of national attention due to incidents of gun violence.

We must work to console the victims of this crime and the families of those who have been injured. My thoughts and prayers go out to those who have been affected by yesterday's events. We must now rededicate our efforts to prevent future tragedies from developing. I for one want to stop the easy access juveniles have to weapons of war, reduce this violence we see every night on TV, and help strengthen and nurture a new family ethic that says "enough" to this kind of violence.

TRAGEDY IN COLORADO

Mr. CAMPBELL. Mr. President, I thank my friends, the Senator from Nevada, Mr. REID, and the Senator from California for the condolences and well wishes they have offered.

Yesterday, the parents in Jefferson County, CO, said goodbye to their children on their way to school as they have done on countless mornings, and as I have done, and as you have also done as a parent over the years. But for some, that goodbye must now be their final farewell. As a parent and grandparent and the husband of a person who taught school for over 10 years, I can't imagine the agony those families are feeling this morning. Today, my whole State is paralyzed with grief, as you might know.

Hundreds of families in Colorado endured a life-or-death lottery—knowing students at Columbine High School were dead, but not knowing if their youngsters were among those killed. It is tragic that on Earth Day the remains of those students will be returned to the Earth while their souls go to heaven.

The community of Littleton is a very nice town. I visit there often. Mr. President, Columbine High School is a fine school, with a fine staff, a good curriculum and nice youngsters. It has no history of racial violence or gang trouble or anything of that nature. It was not a school you would ever expect something like this to happen in. Certainly, there is a story in that and a tragedy. For those families, there will be no more hurried breakfasts, no more arguments over curfews when they send the youngsters to school, no more report cards, no more money for trips to the malls, and no more plans for after they leave high school.

What really frightens me is that, despite our best intentions to prevent this from happening, these horrors find a way to continue. In fact, Colorado has had a law on the books since 1994 that prevents any weapons from going into a public school. But they still do. With a gun, a bomb, a knife, a club, or whatever, young people are using violence as a way to resolve disagreements.

I don't know how we got there. Perhaps nobody does. I can remember the days when young people decided it was OK to have disagreements in the streets and they might have fist fights after school, or drag races, things of that nature. Those means were not right or acceptable, but those days are long gone. Now, too often they tend to kill their way to solutions. The disputes in those days were between two individuals, and they ended up shaking hands. Somebody lost and somebody won. In those days, we all lived through it. Now, all too often some of the parties to a conflict lose their lives. I don't know when we traded pugilism for pipe bombs. Frankly, I don't think they have found all the bombs at Littleton High School. They are still searching.

In fact, one went off at 2 o'clock this morning.

I don't know when these youngsters got accustomed to killing each other. But I know we often blame television, we blame movies, we blame video games, and we blame a number of other things.

But those children in Jefferson County and their families ache every day. I just wanted to tell the people of Colorado that my colleagues, Senator WYDEN, Senator FEINSTEIN, Senator REID, Senator LAUTENBERG, and a number of others have all offered their sympathies, and want people in Colorado to know that our hearts in the United States Senate are with all of the families through this terrible and tragic time.

Thank you, Mr. President.

Mrs. BOXER. Mr. President, in 1969, American astronauts heading for the first walk on the moon sent back breathtaking pictures of the Earth. Later that year, Senator Gaylord Nelson called on teachers and students to hold a national teach-in on environmental issues.

The two events were closely related. The NASA photos gave everyone on Earth an inescapable image of our planet as one world, a tiny "blue ball" floating in the vastness of space. Along with Senator Nelson's call to action, it helped galvanize a growing consciousness of the Earth's fragile environment and how it was affected by human activity.

Millions of people answered Gaylord Nelson's call. On April 22, 1970, over 20 million Americans—including students at 10,000 public schools and a thousand colleges—gathered to express their concern about environmental issues. "Earth Day" was born.

Congress responded quickly by establishing the Environmental Protection Agency and enacting three sweeping laws that laid the cornerstone for the environmental protections we enjoy today: the Clean Air Act, the Clean Water Act, and the National Environmental Policy Act.

The first Earth Day and its aftermath were a great success. On Earth Day 1999, we can celebrate the fact that the air we breathe, the water we drink, and our oceans, rivers, and streams are cleaner now than when Earth Day was first celebrated. In the past three decades, we have banned lead in gasoline. We banned DDT. We reduced toxic air emissions. We established strong public health standards for drinking water. We eliminated direct dumping of sewage into our oceans, rivers, lakes, and streams.

We have made great progress in providing a safer and healthier environment for ourselves and our children. But we still have a long way to go, especially where children are concerned. Most of our environmental standards are designed to protect adults rather than children. In most cases, we haven't even done the tests that would allow us to measure how harmful substances affect our children. And, perhaps most surprisingly, in the face of that uncertainty, we don't presume that harmful substances may present special dangers to our children and adopt a more protective standard.

In effect, our environmental laws assume that what we don't know about harmful substances won't hurt our children.

That is why I wrote my Children's Environmental Protection Act, or CEPA. CEPA would child-proof our environmental laws. It would require the Environmental Protection Agency (EPA) to set environmental standards to protect children. And, most importantly, if there is no specific data that would allow EPA to measure the dangers to children, it requires EPA to set a more protective standard to take that lack of information into account.

As we strive to give our children a safer environment, we must also consider the natural legacy we hope to leave them. Along with clean air and water, we need to preserve wild places and wide-open spaces for future generations to enjoy. We need to preserve historic sites, conserve farmland, and maintain public parks.

Earlier this year, Congressman GEORGE MILLER and I introduced sweeping legislation in the Senate and the House of Representatives to protect America's historic and natural heritage. The Permanent Protection for America's Resources 2000 Act—or Resources 2000—sets aside $2.3 billion annually in offshore oil and gas drilling revenues to create a sustainable source of funding to acquire and maintain public lands, expand urban recreation opportunities, and protect the Nation's marine, wildlife, and historic resources.

To mention just one example, Resources 2000 would mandate full funding of the Land and Water Conservation Fund. In 1965, Congress established this Fund, which was to receive $900 million a year from Federal oil revenues for acquisition of sensitive lands and wetlands. The good news is that Fund has collected over $21 billion since 1965. The bad news is that only $9 billion of this amount has been spent on its intended uses. More than $12 billion has been shifted into other Federal accounts. Resources 2000 would fund the Land and Water Conservation Fund at $900 million per year, the full level authorized by Congress.

On Earth Day 1999, I ask my colleagues once again to answer Gaylord Nelson's noble call to action. Let us enact an agenda that will sustain both a healthy economy and a healthy environment. Let us rededicate ourselves to the principles of Earth Day and do all we can to heal, protect, and honor the Earth.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I came here today to talk about the work we are doing to protect our environment, but first I would just like to express my deep sorrow over yesterday's tragic shooting in Littleton, Colorado and to tell the students, teachers and their families that they are in our thoughts and our hearts.

Mr. President, we are here to celebrate the last Earth Day before the 21st century. As a nation, we have made great strides in the last three decades in protecting important ecosystems, cleaning up past mistakes and improving the environmental records of industry and agriculture. I am confident that as we move into the 21st century, our Nation will continue to be a leader in both environmental protection and economic strength.

In the Pacific Northwest, one of our most pressing challenges is to restore our dwindling wild salmon stocks. This year, the Puget Sound chinook salmon was listed on the endangered species list, making it one of the first species in the Nation to require protection efforts in an intensely developed metropolitan area.

This will give our region an opportunity to highlight again how we can both thrive economically and provide critical protection to other species. Already we have seen examples across our State. Farmers have modified irrigation systems to make them more salmon-friendly. Forest landowners have foregone timber harvest in sensitive areas and replanted along streams with vegetation particularly beneficial to fish. Citizens of our urban areas have taken the first steps toward a comprehensive plan to restore urban salmon and have joined forces to restore devastated wetlands and streams.

One of the important lessons we should have learned about environmental protection is it is much easier—and far less costly—to preserve an ecosystem rather than try to repair it once it has been destroyed. That is one of the reasons I am pushing my colleagues so hard to pass my legislation to create a Wild and Scenic River on the Hanford Reach of the Columbia River. These are the last free-flowing 51 miles of this mighty river and they contain some of the most productive and important fish spawning habitat in the lower 48 States. The reach produces 80 percent of the Columbia Basin's fall chinook salmon, as well as thriving runs of steelhead trout and sturgeon. While most of the Columbia River Basin were being developed during the middle of this century, the Hanford Reach and other buffer areas within the Hanford Nuclear Reservation were kept pristine by the same veil of secrecy and security that lead to the contamination of the central Hanford Site.

Mr. President, we have been offered an opportunity to continue to grow the rural economy of central Washington while protecting this vital source of our economic strength that the Columbia River provides. Creating a Wild and Scenic River could help us avoid drastic protection measures, like breaching the dams along the Columbia Snake River systems to save salmon. This simple step will demonstrate our commitment both to protecting wild salmon and to the economic and social structure of the inland West.

Today, we also celebrate the introduction of legislation to protect another national treasure: the wilderness of the Arctic National Wildlife Refuge. Senator ROTH will again introduce, and I will cosponsor, his bill to protect one of the only remaining complete and undisturbed arctic ecosystems in the world. It is home to an abundance of wildlife, including grizzly and polar bears, musk-oxen, wolves, and a host of migratory bird species. It is also home to the magnificent porcupine caribou herd, whose 160,000 members rely on this coastal plain for their calving grounds.

This bill will prohibit development of oil within the fragile wilderness of the refuge. Oil development would likely disrupt the porcupine caribou and force them to change their calving grounds and migratory routes. This, in turn, will adversely impact the lifestyle and culture of their neighbors, the Gwich'in people.

Proponents of development claim that only 13,000 acres of the refuge will be impacted. While this may be true, that development will take place in the biological heart of ANWR and have a devastating impact on the wilderness values of the area. In this biological heart, developers will create a major industrial complex. They will build hundreds of miles of roads and pipelines, erect housing for thousands of workers, and construct two sea ports and one airport. These developments will lead to mining of enormous amounts of gravel, will require diversion of streams and will result in pollution of fragile tundra.

Mr. President, as we celebrate the last earth day before the 21st century, I urge my colleagues on both sides of the aisle to come together to support both of these bills in order to hand down to our children and grandchildren a part of America's great natural legacy.

I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MCCONNELL and Mr. LIEBERMAN pertaining to the introduction of S. 846 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of New Hampshire, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Ms. Angela Ewell-Madison, Mr. Sean McCluskie, and Mr. Jordan Coyle of my staff be afforded privileges of the floor during the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

BUDGET REFORM

Mr. GRAHAM. Mr. President, I prepared these remarks yesterday in anticipation that we would be debating the budget reform bill today. It is my understanding that subsequent to yesterday's offering of an amendment, which was referred to as the lockbox amendment, in lieu of the budget reform bill, that now the budget reform bill has been withdrawn.

But anticipating that that is a relatively temporary step, because we cannot avoid having to deal with the issues of budget reform if we are serious about our goal of preserving the momentum that is currently underway towards a surplus in the Federal Government fiscal accounts, I offer some comments today which I hope will be useful as we prepare for that return to the budget reform discussion.

I am very pleased that we are focusing on this issue, because it is an indication of our commitment to retain the fiscal discipline that has gotten us to the point where we have the opportunity to talk about a Federal budget surplus and how it should be appropriately used.

I want to discuss two interrelated issues. One I will call the issue of the "vault": How will we protect the surplus that we have once it has been attained? But the even more significant predicate issue is, How do we achieve the surplus?

I am concerned by some of the actions that were taken in 1998 which indicate a lack of resolve to protect the surplus. It is no good to have the securest vault in the bank possible if we fritter away the money we would like to place in that vault. If we do not address the underlying issues of fiscal discipline, responsibility, the Social Security trust fund will be endangered no matter how strong our lockbox is to protect it.

This Congress is in a unique position to reaffirm the stated commitment to fiscal discipline and to cure the previous willingness of Congresses to undermine that discipline through budget trickery.

As recently as 1993, the Federal budget deficit was at a record high of $290 billion. Last year, we learned that 5 years of effort, fiscal austerity, and a strong economy had transformed that staggering deficit into the first budget surplus in more than a generation. While we celebrated that success—it was a cause for celebration—it did not give Congress carte blanche authority to return to its spendthrift ways of the past. Especially daunting was the reality that 100 percent of the surplus was the result of surpluses in the Social Security trust fund.

We have a responsibility to our current generation, as well as to their children and grandchildren, to save that extra money until Social Security's long-term solvency is assured. Unfortunately, the 105th Congress stumbled in its commitment to that goal. Though it resisted a proposal to spend surplus funds on a catch-all omnibus list of tax cuts, and it similarly rejected suggestions that the surplus could be used for increased spending, it did not exercise similar good judgment during the end-of-the-year rush to adjourn. The same Congress that claimed to be saving the surplus for Social Security participated in raids on that same surplus through the back door.

In the waning hours of last year's budget negotiations, we passed a $532 billion omnibus appropriations bill. Inserted in that $532 billion spending bill was $21.4 billion of so-called emergency spending. As we know, the fact that that $21.4 billion was designated as an emergency meant that it did not have to be offset by spending reductions elsewhere in the budget or by additional revenue. Rather, it was funded by reducing the surplus, that 100-percent Social Security-derived surplus.

Let me illustrate with these charts what has been happening.

In 1998, the stated Social Security surplus, that is the amount of revenue into the Social Security trust fund in excess of the checks that were written to the beneficiaries of Social Security, was $99 billion. But before that $99 billion could be realized, there was a predicate called for in it, and that was for $27 billion in order to offset the deficit that the Federal Government was running in its non-Social Security accounts. And then we added to that $27 billion an additional $3 billion in the fiscal year 1998 expenditures through that emergency appropriation that did not have to be offset by reductions in spending or additional revenue but came directly out of the surplus fund. So instead of having a surplus of $99 billion, we ended up with a surplus of $69 billion.

What is the projection for fiscal year 1999? This year, the Social Security surplus has grown to $127 billion, but, again, the first call is going to be to offset the deficit which will be projected for the non-Social Security portion of the budget, which is $3 billion, the next $13 billion, which is this year's component of last year's emergency spending bill, and in addition to that, we are now discussing the possibility of additional funding for the Kosovo emergency of $6 billion. That is the most modest number which has been suggested thus far. Others are suggesting that number might be doubled or tripled in terms of its cost.

Instead of a Social Security surplus of $127 billion, we are now at $105 billion in Social Security surplus, with that number itself being subject to further dilution if there are additional emergency outlays allocated.

For fiscal year 2000, we are looking at a Social Security surplus of $138 billion, minus $5 billion to pay for deficits other than Social Security in the Federal budget, $5 billion, which is the final installment on that 1998 emergency appropriation bill, and, again, the possibility of additional emergency spending for Kosovo or other purposes.

Mr. President, it is critical that we exercise constraint in terms of how we use the emergency spending power available to Congress, or we will substantially dilute the funds that are going to be locked up in this lockbox vault protected for Social Security beneficiaries. I think there are several steps we need to take.

The first is that Congress needs to commit itself to reexamining that $21.4 billion we spent last year and determine what portions of that $21.4 billion did not meet the standards for an emergency appropriation. With that commitment, we should restore those funds to the Social Security surplus during this year's budget consideration. I am pleased that the Senate adopted an amendment to our budget resolution which committed us to that objective. That should be a commitment in which we should be joined by the House and the President.

Over the long haul, it is critical that we institute some additional spending procedures which will allow us to respond to true emergencies without, as we did in 1998, opening the door to misuse.

Senator SNOWE of Maine, Senator VOINOVICH of Ohio, and I have introduced legislation to permanently close these loopholes in our current budget procedure. These procedures would basically provide for a 60-vote supermajority of the Senate to be required in the event there was a challenge that items which were listed as emergencies in an emergency spending bill were not true emergencies and did not meet the statutory definition; also, a 60-vote supermajority for the passage of any bill which contained emergency spending so we could not have a repetition of what happened last year in that emergency spending was inserted into a large omnibus spending bill and, therefore, not effectively subject to removal.

Those are some of the procedural steps that should be taken in order to assure we do not have a continued repetition of a dilution of the Social Security surplus before it has a chance to get into the lockbox.

Now let me make a few points about the lockbox itself, the vault into which we intend to place these surpluses that, hopefully, we have protected with greater vigilance than we did in the fall of 1998.

I strongly support developing measures which will create a financially solvent Social Security system for current and future beneficiaries. This is not only a fiscal goal, but it is a moral responsibility, a moral responsibility to carry out the contract that exists between the American people and the American Government for their financial security in retirement. I am pleased the Senate is debating this issue, since the trustees of the Social Security system are predicting that in the year 2034 the current Social Security system will not be solvent. It is critical that we take steps now to protect long-term solvency.

However, the proposed lockbox, which was a part of the budget reform legislation, in my opinion, is not sufficient to accomplish this objective.

What are its deficiencies?

First, it allows the Social Security surplus, in addition to paying down the national debt, to be used for unspecified "Social Security reform."

Now, Social Security reform can mean different things, but not all of those things are related to achieving solvency in the Social Security system. Would Social Security reform include increasing the benefits which would make the program potentially even more subject to insolvency at an earlier date? Would it mean reducing revenue into the system, including such proposals as returning to a pay-as-you-go system or diverting a portion of the current revenue out of the Social Security system into some individual retirement accounts? All of those ideas may or may not have merit, but they should not be accomplished at the expense of our commitment to solvency in the current Social Security system.

I propose to offer an amendment at such time as it is appropriate that would have the Social Security surplus used solely to pay off national debt, specifically that component of the debt which is held by the public. Only this action will ensure the Social Security surplus is used for its intended purpose of meeting our obligations to the American people and, in so doing, contribute to a stronger American economy, which is the fundamental basis upon which the Federal Government will be able to meet its future obligations to Social Security beneficiaries.

There will be a cascading series of positive effects on the economy if we commit the Social Security surplus to paying down the national debt. Paying down the debt will lower long-term interest rates. These lower rates will make it less expensive for Americans to borrow money, and this lower cost of borrowing will encourage business ventures to expand, to increase their productivity, to increase their hiring.

It will encourage increased investment in long-term fundamental areas such as education. The new economic activity and increased labor productivity will lead to increased economic growth. This growth will lead to the strengthened capacity of the National Government to meet its Social Security obligations.

These points were best expressed by the chairman of the Federal Reserve System, Mr. Alan Greenspan, when he said,

> . . . in light of these inexorable demographic trends, I have always emphasized that we should be aiming budgetary surpluses and using the proceeds to retire outstanding Federal debt. This would put further downward pressure on long-term interest rates, which would enhance private capital investment, labor productivity, and economic growth.

If I were allowed, I would also have offered a second amendment that would not tie the Government's ability to borrow debt from the public to a 10-year budget projection. In the legislation that was before us, there was a proposal to use future estimates of our national debt as the benchmark for determining whether we had protected the Social Security surplus. I think there is merit in that approach, but I believe this legislation had carried that merit beyond its reasonable limits.

I would provide, through the amendment I had intended to offer, for a more reasonable and credible debt ceiling target. It also would have provided enhanced flexibility to accommodate unanticipated events, both domestic and foreign. I would suggest that it is an impossible task for any person to estimate the budget and to estimate the national debt on a 10-year basis. I would offer as my basis for that statement a look-back just 5 years, not 10 years, which this legislation proposed.

In January of 1993, the Congressional Budget Office estimated what the national debt would be 5 years hence, in the fiscal year 1998, which ended September 30, 1998. Their projection was that the national debt on that date would be $4.863 trillion. At the same time, in January of 1993, the administration made an estimate of what they thought the national debt would be 5 years hence. Their projection was $4.576 trillion. The actual number was $3.720 trillion. So the CBO was off by over a trillion dollars. The administration was off by $856 billion. That was a 5-year projection.

What we are proposing in this legislation is to use 10-year projections and to give those the sanctity of almost biblical correctness, because they would become the basis upon which our future budgets would be predicated.

Mr. President, seeing my time is about to expire, I offer these amendments as an indication of the direction which I think we should be proceeding in as we strive together to achieve a very important goal, which is to protect the Social Security surplus for its intended purpose of meeting the obligations that we have for this and future generations of Americans. I believe the amendments I will offer will help both assure that the money is protected before it goes into the vault, and that the vault itself is a reasonable and secure place in which we can place those funds.

Protecting Social Security for our children and grandchildren is one of the highest goals of the Federal Government. We can make the lockbox stronger, and we can and should control emergency spending so there will be money to put in the lockbox for future generations.

Thank you, Mr. President.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

VIOLENT CRIME

Mr. BREAUX. Mr. President, I rise to make comments about the very unfortunate situation that occurred in Denver, CO, yesterday at Columbine High School. I know that our entire Nation mourns and grieves for the students and the teachers who lost their lives in the very tragic occurrence that happened just yesterday.

I, and I know all of my colleagues, hope for a day when the young people, our Nation's children, will never again have to fear for their safety anywhere in this country—but especially in their own schools that they attend each day. I certainly want to join with others who have extended their sympathies and condolences to the families and friends of those children who lost their lives. We hope for the very best for their families as they deal with this very tragic situation. I express my desire that they know our prayers are with them and their families.

As I, along with millions of Americans, watched on television yesterday the carrying out of something that used to be only in theatrical performances and in the movies—the tragic situation—I was drawn to the men and women of the Denver Police, Colorado law enforcement officials, members of the SWAT team, and the emergency medical personnel who were all working so diligently to spare people from suffering grave damages that were being inflicted on the victims in that community. They were doing everything they could to minimize the loss of life and human suffering and misery that was being brought about by the tragic actions of two apparently very disturbed and deranged young students who carried out these dastardly deeds.

I was also reminded of all of the people in my home State of Louisiana who, at the same time, have been working every day, night, week, and month to try to do something about the abnormal crime rate that has affected my own State of Louisiana. I report to my colleagues and to the people of our State that there is, indeed, some good news. The good news is contained in a report I saw just yesterday while this tragic event was going on in Colorado. The good news was that violent crime in the city of New Orleans, for example, has fallen 21 percent just since the month of January. This is the 11th consecutive quarter in which total crime—and particularly violent crime—was down.

This is not something that just happened. It happened because of the joint efforts of Mayor Marc Morial and the city council, along with the police force and, in particular, the superintendent of police in New Orleans, Superintendent Richard Pennington, and all the men and women of the New Orleans police force who have been working very diligently in a joint and cooperative effort to try to reach the success that now is becoming more and more apparent.

Since Chief Pennington took over the New Orleans Police Department, violent crime has dropped 55 percent. Overall, crime has fallen 33 percent. Murders are down 30 percent. Armed robberies, which numbered 1,200 every quarter, are now down to the 390s. Assaults are down 15 percent compared to the first quarter of 1998.

The New Orleans story is truly a real success story in confronting violent crime and doing something about it and doing something that has been enormously successful. Chief Pennington has said this success is a result of "saturating the streets with more officers and putting them in key places" and improving the investigations of repeat offenders.

I remember, for many months, we talked about President Clinton's proposal that the Congress adopted regarding community policing. This is a real example of the fact that community policing does in fact get the job done when you have people who believe in it. This administration can be justifiably proud of their proposal, and the States that implemented it and benefited from it can justifiably be pleased with the results. Chief Pennington has not only worked with Mayor Marc Morial and the city council to hire more people, he has been able to use the COPS program to hire 200 additional officers. New Orleans has received $8.6 million through this Federal program, dollars that have paid the salaries of extra and new police officers—obviously, money that has been well spent. Also, Chief Pennington has installed Comstat, which uses block-by-block data to track crime and find so-called hot spots in the community.

Using this data, the chief and his enforcement officials can move his offices from quiet areas to those areas that need more attention and need more police presence.

Obviously, the bottom line is these strategies and community policing programs are working. We now see actual indications and statistics which say that New Orleans is today a much safer place than it used to be, so that the thousands and thousands of people who regularly visit our cities for the numerable festivals, activities and celebrations which are part of our Louisiana culture, and particularly part of the New Orleans culture, can come to our city knowing it is a much safer place than it used to be.

I am particularly reminded of the next two weekends. We celebrate the jazz festival in New Orleans, and literally thousands of people from all over this country and literally from all over this world will be visiting our city. The good news is that they now know that when they visit these cities it is much safer than it has been in the past because of the actions of so many people who are dedicated, just as the people in Denver, to making their communities a safer place.

While we remember the tragedies in one city today in our Nation, we can also take great pride in knowing that activities by dedicated people are making a difference and that things in most communities are getting better. New Orleans is one example of that.

Mr. President, I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO'S STRATEGIC CONCEPT

Mr. WARNER. Mr. President, as we approach the 50th anniversary Summit of NATO this weekend, I rise today to share with my colleagues my concerns about a key document that will be considered at this summit. It is entitled "Strategic Concept for NATO."

Mr. President, I have been privileged to be in the Senate 21 years. Throughout those years of time, there has often been a need to speak on behalf of NATO in this Senate. I say humbly and most respectfully that I have been at the forefront of Senate support for NATO. I can remember the early years of my time in the Senate. There was Member after Member that assaulted the need for the United States to remain in NATO. "Let's cut back. Let's save the money. Let's bring our men and women home. We have done our job." I was among that group that had the long-range vision for NATO. It must remain. It must be strong, and U.S. leadership in NATO is absolutely essential.

So the remarks that I contribute today, here on the floor, are the result of a series of consultations I have had with the administration, and I hope will be taken in a constructive light and not as an expression in any way of criticism of this great organization, NATO.

With that in mind, I wrote to the President of the United States on April 7 to urge him to initiate, among the other 18 nations and the heads of state and government of NATO, the thought that at this 50th summit we should not try and write the final draft of the "Strategic Concept." I repeat, "the final draft." Certainly at this important gathering, a draft should be considered. Maybe several drafts should be considered, but we should not etch in stone the final draft of the "Strategic Concept." That document spells out the future strategy and mission of the alliance. It states the parameters by which the alliance decides whether it should or should not send forward military units to engage in operations, possibly combat operations.

Why do I take this position? Because the old "Strategic Concept," enacted in 1991, was largely oriented towards the Soviet Union and the threats from the Soviet Union and the Warsaw Pact. So obviously it is time to change it. But it can remain in effect for an additional, brief period of perhaps 6 months so that we can evaluate the lessons learned from the Kosovo operation.

Periodically in the 50-year history of NATO, NATO has changed its mission statement, or "Strategic Concept." But that can remain in effect for 8, 9 sometimes 10 years.

So this document to be revised at this summit could well control NATO operations for the next decade.

I do not see the urgency to put it, as I say, in stone at this time. The urgency is to consider it, to put out a draft, and let the nations of NATO and their respective legislators and the Congress of the United States consider those drafts and consider them—this is the key reason that I rise—"consider" them in the light of the lessons learned in Kosovo.

This 50th anniversary Summit is taking place against the background of perhaps the most serious conflict we have seen on the European continent—indeed, the most serious, in my judgment, since the conclusion of World War II. It is the first actual combat of a great magnitude in which NATO has been involved.

We are operating on what is known as the "consensus" of the 19 nations—any one of which has a veto power—directing the military operations, which are under the command of General Clark, the Supreme Allied Commander.

I am not here to in any way criticize these operations. But I will simply say, Mr. President, that there will be many, many lessons learned at such time as this operation—and the sooner the better—is concluded with NATO having succeeded in reaching the objectives that have been made very clear by the NATO alliance and addressed many times by our President, the Prime Minister of Great Britain, the Chancellor of Germany, and others.

Mr. President, the alliance must have time to evaluate the lessons learned from the Kosovo operations before, again I say, setting in stone for possibly the next decade documents which will guide future NATO military operations.

While everyone recognizes the "Strategic Concept" of 1991 must be updated, it has not impeded the current Kosovo operation. Indeed, this operation is going forward with that "Strategic Concept" still in place. So it could stay in place another 6 months.

That is the only period of time I am asking for—an additional 6 months before the "Strategic Concept" is finalized. A short delay has advantages, if for no other reason than to show respect for the Congress of the United States and the people of this country will have their own evaluation of how well the Kosovo operation went, what was done right and what could have been improved.

The Secretary of Defense, when he was before the Armed Services Committee last week, said in response to questioning, "We are guided by the consensus of the alliance." We need all 19 voices to say yes. And then he made a very important addition, "Had we been there alone or with a coalition similar to what we had in 1991 in the Persian Gulf we might have done it another way."

This is a lesson learned. We should not be allowed to deny to the Congress and to other legislatures the opportunity to study lessons learned and to make our contribution as a member nation to the future "Strategic Concept for NATO."

As I speak today, the draft of the "Strategic Concept" continues to be reworked, during this very hour, by the staffs of the 19 nations before it will be submitted to the NATO heads of state this weekend at the summit. There are press reports today that key elements of the "Strategic Concept" might not be completed by the summit—due to be continued—because of disagreement among the allies. The key element there is the relationship between NATO and the United Nations—a very, very important relationship. At no time should the United Nations have a veto over a decision by the NATO powers to use force. That is this Senator's view.

My main concern is, to what extent does the draft "Strategic Concept" reflect the views expressed in a May 15, 1998, speech in Berlin that President Clinton made? I am addressing the draft being reworked against a background of a statement by the President of the United States a year ago. President Clinton stated:

> Yesterday's NATO guarded our borders against direct military invasion. Tomorrow's Alliance must continue to defend enlarged borders and defend against the threats to our security from beyond them [meaning borders]—the spread of weapons of mass destruction, ethnic violence, regional conflict.

That thought expresses a desire to broaden and go beyond the 1991 concept. Is that being worked in this final draft? I know not; collectively, we in this Chamber do not know.

Other administration officials, most notably the Secretary of State, Ms. Albright, have been outspoken in the belief that the revised "Strategic Concept" should place increased emphasis on NATO's future role in non-Article 5—she said "out of area"—threats to our "common interests," threats such as Kosovo. The definition of these common interests and the various military missions NATO is prepared to undertake in defense of these interests will establish the foundation for NATO military operations, possibly for the next decade.

Against the backdrop of the uncertainties in Kosovo, NATO should pause, in this Senator's judgment—I repeat, take a breath, a long deep breath and pause—before rendering judgment on these important issues. Let us review, over the next 6 months, the lessons learned as a consequence of the Kosovo operation.

Unfortunately, the NATO summit will take place against the background of continuing, unfolding events relating to Kosovo which we cannot predict at this moment. The United States and our allies may have many lessons to be learned from Kosovo to assess as we look to NATO's future for the next decade and its military missions. That assessment must be a pivotal part of any new strategic concept. NATO is simply too important to the United States, to our allies in Europe, and indeed to those nations who seek admission to NATO. NATO is essential for the future of the European continent and our relationships with that continent.

We are just beginning to learn important lessons now in the Kosovo situation. For example, it is obvious to all that the U.S. military is the primary source of attack aircraft. We are flying 60 percent of the missions of the high-performance aircraft. Most of the ordnance being used is high-tech, precision-guided ordnance, an arsenal of which the United States possesses in far greater numbers than the other nations of NATO. They simply do not have in their military inventories this equipment.

I add to that, the airlift; that is, the cargo planes that must put in place the necessary resupply, the necessary equipment; for example, the helicopters, the Apaches which are moving in at this very moment, to be positioned in Albania for future use in the Kosovo operation. The other nations simply do not have that airlift. They do not have the tanker aircraft. Airplanes going into Kosovo now take off from Italy or other places. They move in, they have to get refueled in most instances before the strikes, they are refueled coming out of the strikes, and indeed refueled over the area so they can remain over the target area. It is the U.S. tanker aircraft that are carrying on the greater proportion of that essential part of this mission. The other nations of NATO do not have in their inventories that equipment.

Until other nations do acquire or at least have in place firm contractual commitments to acquire such equipment, the United States will likely be the only source of that equipment for any future operation other than Kosovo. It is our taxpayers, it is our men and women of the Armed Forces, who support and maintain this equipment. As we write the future concept for operations in NATO, we have to recognize that much of the equipment for modern warfare is possessed by the United States. Are we ready to sign that in stone now, recognizing particularly that the new nations do not have that equipment? A lesson to be learned, a lesson to be thought through very carefully.

The American people will soon be asked to support an emergency supplemental budget request to pay for the costs of the Kosovo operation. Are Americans ready to sign up to a new strategic concept that could well commit the U.S. military to other such operations requiring the same type of weaponry?

There are other lessons to be learned. It is now becoming apparent that our military planners are being subjected to many levels of review—this is a consensus military operation by 19 nations—for it is a fact that NATO can only operate by consensus; 19 nations must agree before a military action can be taken. A single nation can stop the planners—indeed, even stop the operation.

The result can be a military planning operation of the "lowest common denominator." Are we now making military decisions not on the basis of the professional military judgment or on the basis of what will be most effectively done to achieve our objectives on the battlefield but, rather, on what agreement we can get among the 19 nations to carry out the recommendations of the professional military? These are issues which are to be examined as lessons learned in the future of Kosovo.

On April 7 I wrote the President a letter expressing the various concerns that I have related here on the floor. The President responded to my letter, on April 14, indicating his position that, "the right course is to proceed with a revised 'Strategic Concept'" at this conference, and sign it into stone.

Therefore, I ask unanimous consent to print in the RECORD the exchange of letters; my letter sent to the President and his response.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, April 7, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Administration, in consultation with our NATO allies, is now finalizing various documents to be submitted to the Heads of State for ratification at the upcoming 50th anniversary NATO Summit to be held in Washington later this month. A key decision, in my view the most important one, is the revision of the Strategic Concept for the future—perhaps a decade—that will guide NATO in its decision making process regarding the deployment of military forces.

I am recommending, Mr. President, that a draft form of this document be reviewed by the principals, but not finalized, at this 50th anniversary Summit. Given the events in Kosovo, a new Strategic Concept for NATO—the document that spells out the future strategy and mission of the Alliance—should not be written "in stone" at this time. Instead, NATO leaders should issue a draft Strategic Concept at the Summit, which would be subject to further comment and study for a period of approximately six months. Thereafter, a final document should be adopted.

NATO is by far the most successful military alliance in contemporary history. It was the deciding factor in avoiding widespread conflict in Europe throughout the Cold War. Subsequent to that tense period of history, NATO was, again, the deciding factor in bringing about an end to hostilities in Bosnia, and thereafter providing the security essential to allow Bosnia to achieve the modest gains we have seen in the reconstruction of the economic, political and security base of that nation.

Now NATO is engaged in combating the widespread evils of Milosevic and his Serbian followers in Kosovo.

I visited Kosovo and Macedonia last September and witnessed Milosevic's repression of the Kosovar Albanians. Thereafter, I spoke in the Senate on the essential need for a stabilizing military force in Kosovo to allow the various international humanitarian organizations to assist the people of Kosovo—many then refugees in their own land, forced into the hills and mountains by brutal Serb attacks. Since then, I have consistently been supportive of NATO military action against Milosevic.

Unfortunately, it is now likely that the NATO Summit will take place against the background of continuing, unfolding events relating to Kosovo. At this time, no predictions can be made as to a resolution.

We are just beginning to learn important lessons from the Kosovo conflict. Each day is a new chapter. For example, NATO planners and many in the Administration, and in Congress, have long been aware of the disparities in military capabilities and equipment between the United States and our allies. Now, the military operation against Yugoslavia has made the American people equally aware and concerned about these disparities. The U.S. has been providing the greatest proportion of attack aircraft capable of delivering precision-guided munitions. Further, the United States is providing the preponderance of airlift to deliver both military assets (such as the critically needed Apache helicopters and support equipment) and humanitarian relief supplies, the delivery of which are now in competition with each other.

Until other NATO nations acquire, or at least have in place firm commitments to acquire, comparable military capabilities, the United States will continually be called on to carry the greatest share of the military responsibilities for such "out of area" operations in the future. This issue must be addressed, and the Congress consulted and the American people informed.

It is my understanding that the draft Strategic Concept currently under consideration by NATO specifically addresses NATO strategy for non-Article 5, "out of area" threats to our common interests—threats such as Bosnia and Kosovo. According to Secretary Albright in a December 8, 1998 statement to the North Atlantic Council, "The new Strategic Concept must find the right balance between affirming the centrality of Article V collective defense missions and ensuring that the fundamental tasks of the Alliance are intimately related to the broader defense of our common interests." Is this the type of broad commitment to be accepted in final form, just weeks away at the 50th anniversary Summit?

During the Senate's debate on the Resolution of Ratification regarding NATO expansion, the Senate addressed this issue by adopting a very important amendment put forth by Senator Kyl. But this was before the events in Kosovo. The lessons of Kosovo could even change this position.

The intent of this letter is to give you my personal view that a "final" decision by NATO on the Strategic concept should not be taken—risked—against the uncertainties emanating from the Kosovo situation.

The U.S. and our allies will have many "lessons learned" to assess as a pivotal part of the future Strategic Concept. Bosnia and Kosovo have been NATO's first forays into aggressive military operations. As of this writing, the Kosovo situation is having a destabilizing effect of the few gains made to date in Bosnia. This combined situation must be carefully assessed and evaluated before the U.S. and our allies sign on a new Strategic Concept for the next decade of NATO.

A brief period for study and reflection by ourselves as well as our Allies would be prudent. NATO is too vital for the future of Europe and American leadership.

With kind regards, I am

Respectfully,

JOHN WARNER,
Chairman.

THE WHITE HOUSE,
Washington, DC, April 14, 1999.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your thoughtful letter on the upcoming NATO summit and the revised Strategic Concept. I appreciate your attention to these important issues, and I agree strongly with your view that NATO's continued vitality is essential to safeguarding American and European security.

I have thought carefully about your proposal to delay agreement on the revised Strategic Concept in light of NATO's military operations in Kosovo. While I share your deep concern about the situation in Kosovo and the devastating effects of Serb atrocities, I am convinced that the right course is to proceed with a revised Strategic Concept that will make NATO even more effective in addressing regional and ethnic conflict of this very sort. Our operations in Kosovo have demonstrated the crucial importance of NATO being prepared for the full spectrum of military operations—a preparedness the revised Strategic Concept will help ensure.

The Strategic Concept will reaffirm NATO's core mission of collective defense, while also making the adaptations needed to deal with threats such as the regional conflicts we have seen in Bosnia and Kosovo as well as the evolving risks posed by the proliferation of weapons of mass destruction. It will also help ensure greater interoperability among allied forces and an increased European contribution to our shared security. The Strategic Concept will not contain new commitments or obligations for the United States but rather will underscore NATO's enduring purposes outlined in the 1949 North Atlantic Treaty. It will also recognize the need for adapted capabilities in the face of changed circumstances. This approach is fully consistent with the Kyl Amendment, which called for a strong reaffirmation of collective defense as well as a recognition of new security challenges.

The upcoming summit offers a historic opportunity to strengthen the NATO Alliance and ensure that it remains as effective in the future as it has been over the past fifty years. While the situation in Kosovo has presented difficult challenges, I am confident that NATO resolve in the face of this tyranny will bring a successful conclusion.

Your support for the NATO Alliance and for our policy in Kosovo has been indispensable. I look forward to working closely with you in the coming days to ensure that the summit is an overwhelming success.

Sincerely,

BILL CLINTON.

Mr. WARNER. Mr. President, I address the Senate today because I have done my very best as one Senator to bring this to the attention of our President, and hopefully, through this floor speech, to the attention of the other heads of state and government who will come to Washington. Again, I continue to urge my plea not to put this "Strategic Concept" in final form in this forthcoming Summit. I encourage my colleagues who may share my views on this critical issue to likewise speak out before it is too late, in an effort to prevent a rush to judgment on NATO's future. NATO is simply too important to our national security to do any less.

On a related issue, I am distressed to hear statements by my colleagues, and some in the administration, which tie NATO's future to a successful—I repeat successful—outcome in Kosovo. I personally support the objectives that have been stated time and time again by the NATO ministers, and indeed our President, our Secretaries of State and Defense. We all know we have to create a situation so the refugees can be returned. We know we have to have in place a military force, the composition of which I think should be flexible. It does not have to be all United States—absolutely not. Maybe other nations not in NATO will join. We need flexibility there to allow these people to return in a secure environment and to have a measure of self-government, of autonomy. They deserve no less. Those are the basics.

But to say unless everything we lay down today has succeeded, we have success and we have victory, and if we do not achieve it, it is the end of NATO—I urge my colleagues not to make such a statement. NATO must go on. NATO must go on and survive the Kosovo operation. It is the responsibility of those of us here in the Senate, of the President of the United States, and the other heads of state and government to make certain that is achieved, because we know not at this moment what the outcome will be in Kosovo. Yes, we have to achieve the basic goals, but in my humble judgment, diplomacy will reenter at some point. So I suggest we pledge ourselves to the future of NATO and be more cautious in our statements.

Kosovo-like operations are not NATO's reason for being. They are "out-of-area" operations that NATO does if it can. We should not be making pronouncements on NATO's future based on the outcome of these "out-of-area" operations.

This alliance has withstood the test of time for 50 years. It has exceeded the expectations of those minds that gathered 50 years ago to conceive it. It is the most significant military alliance in the history of mankind, and it has to continue to be for the future.

Mr. President, I thank my colleagues for their patience in allowing me to deliver these remarks, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in morning business.

Mr. JEFFORDS. Mr. President, I believe under the special order, the conference report on the Ed-Flex bill should be brought forward at this time.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999—CONFERENCE REPORT

Mr. JEFFORDS. Mr. President, I submit a report of the committee of conference on the bill (H.R. 800) to provide for education flexibility partnerships and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The Legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 800), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 20, 1999.)

Mr. JEFFORDS. Mr. President, today, we are considering the conference report to the only outstanding education issue remaining from the last Congress—the Education Flexibility Partnership Act. Today, we will complete last year's unfinished business.

Over a year ago, the President told the Nation's Governors that passage of this legislation "would dramatically reduce the regulatory burden of the federal government on the states in the area of education."

The National Governors' Association has strongly urged the Congress to pass Ed-Flex this year and today we will act on their request.

The Education Flexibility Partnership Act, H.R. 800, will give States the ability, if they so choose, to make limited resources go further toward the goal of improving school and student performance. It offers a deal no one can refuse—results rather than red tape.

Under Ed-Flex, the Department of Education gives a State authority to grant waivers within a State, affording each State the ability to make decisions about whether school districts may be granted waivers pertaining to certain Federal requirements.

It is very important to note that States cannot waive any Federal regulatory or statutory requirements relating to health and safety, civil rights, maintenance of effort, comparability of services, equitable participation of students and professional staff in private schools, parental participation and involvement, and distribution of funds to state or local education agencies.

Currently 12 States have Ed-Flex authority which was created through a Federal demonstration program, originally created in 1994.

My home State of Vermont is one of the twelve using Ed-Flex authority. Vermont has used Ed-Flex to improve and maximize Title I services for those students participating in Title I programs in smaller rural school districts. In addition, my home state has also used their Ed-Flex authority to provide greater access to professional development, which is essential to educational reform and improvement.

Two weeks ago, the Independent Review Panel, which was created under the 1994 Elementary and Secondary Education Act for the purpose of reviewing federally funded elementary and secondary education programs, issued its report.

One of the sections of the report focuses on waivers including the use of waiver authority by the current 12 Ed-Flex States. The report states:

> Waivers also encourage innovation; they allow educators to focus first on identifying the most promising strategies for improving academic achievement and then on requesting waivers to remove obstacles to their efforts.

I believe H.R. 800 is structured to ensure that the primary function of issuing waivers is to positively impact overall school and student performance.

The bill before us today, H.R. 800, under the sponsorship of Senator Bill FRIST and Senator Ron WYDEN, has significantly improved the accountability aspects of the 1994 Ed-Flex demonstration program. This legislation emphasizes that flexibility is a tool in helping States and districts achieve education goals and standards. It also highlights the importance of States having, in place, first-rate accountability systems that will track the progress of schools and students impacted by the waivers granted under Ed-Flex.

I believe passage of this legislation also gives us an excellent introduction to the debate we must have on the Elementary and Secondary Education Act, the law which contains most of the federal programs designed to assist students and teachers in our elementary and secondary schools. This law must be renewed in this Congress.

Through the Ed-Flex debate, we have discussed the importance of accountability, the roles that the various levels of Government play in the elementary and secondary education system, professional development activities for teachers and other school personnel, and most importantly, student achievement. All of these issues are essential elements to the structure of the Elementary and Secondary Education Act reauthorization effort.

As we embark on a new century, it is the perfect opportunity for us to examine the federal role in our education delivery system. At the beginning of this current century, the biggest education challenge facing this country centered around increasing the number of individuals graduating from high school. In the early 1900s, fewer than seven percent of seventeen year-olds graduated from high school. In 1999, that percentage has risen to slightly over eighty percent.

Although continuing our efforts on increasing high school graduation rates is still important, our biggest challenge at the close of the 20th century is to ensure that our Nation's schools are all high quality academic institutions. The bill before us today gives states and towns greater flexibility in meeting that challenge.

This legislation is not meant to serve as the sole solution for improving school and student performance.

However, it does serve as a mechanism that will give states the ability to maximize various education initiatives through flexibility with real accountability. I urge my colleagues to support the passage of the conference report to H.R. 800, the Education Flexibility Partnership Act.

I would like to take this opportunity to thank Senator BILL FRIST for his leadership in this area. He has worked tirelessly over the last year on this legislation with Senator WYDEN. I thank both of them for their dedication and efforts.

I would also like to thank the ranking member of the committee, Senator KENNEDY. He has been especially helpful in adding many of the accountability provisions contained in the conference bill before us. I thank him for his cooperation and leadership.

I also thank all of the Senate conferees for their assistance and cooperation.

I would also like to acknowledge the hard work of the chairman of the House Education and Workforce Committee, Congressman BILL GOODLING and the House sponsors of this legislation, Representatives MIKE CASTLE and TIM ROEMER. They have worked very hard on this legislation.

I would also like to thank Wayne Riddle with the Congressional Research Service and Mark Sigurski with the Senate Legislative Counsel Office. They have been very helpful with their technical advice and assistance.

I also extend my appreciation to Gail Taylor and Bob McNamara with the Vermont Department of Education. They have been extraordinarily helpful with their technical assistance.

Mr. President, we are now considering the Ed-Flex conference report which passed the House 368–57 about an hour and a half ago, so we are on our way, at this moment, to getting the bill down to the President, so that he can sign it. And, the President has agreed to sign this bill.

This is the last unfinished business that we had on a number of education bills that we passed last year. This one passed the education committee, but did not go any further.

The major changes that were made in conference dealt with the question of how much flexibility we should give the States in the utilization of funds for the purpose of the 100,000 teacher provisions that were attached to the bill.

When the bill left here, the Senate gave the towns the flexibility to use the teacher hiring funds for IDEA if they felt it would be better utilized. That was objected to by the President, who felt it was more important to have the funds elsewhere other than to help with special education.

We did reach an agreement, however, which was satisfactory, obviously from the vote in the House. This agreement is that those States which are already at the 1-teacher-to-18-students ratio would not have to utilize the funds to hire teachers. Rather, those States that have already reached the goal of 1 teacher per 18 students would be able to use the funds for professional development.

We have, I think, a good compromise, though I am sure the Senate, as indicated by its previous vote, would prefer to help special education. Another very high priority is the question of improving teacher performance.

Mr. President, I yield to Senator FRIST such time as he may consume.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Tennessee.

Mr. FRIST. Mr. President, as the sponsor of this critical education bill that we have before us, I would like to thank Senator JEFFORDS, who is Chairman of the Senate Health, Education, Labor, and Pensions Committee, for his hard work on this bill that began well over a year ago. He really undertook the initiative and expressed his willingness to take this bill, a bill that will benefit millions of children in public schools all across this country, through his committee, not once but actually two different times, and then to shepherd it through the process of floor consideration and, most recently, the debate and discussion in the conference committee.

Last Congress, the chairman had a truly remarkable record of passing numerous education bills through Congress and having them signed into law. Most people in America are not aware of the significant number of bills, all of which get translated down to investing in the future by investing in our youth today.

Ed-Flex was the only one of all of those bills that we did not complete last year. It was unfinished last year and fell over into this year. I am glad the chairman took the initiative of saying this is the final building block from the last Congress and shepherded it through the legislative process to where we are today. Today we will have several hours of debate and ultimately a vote that I am confident will result in adoption of this conference report. It will ultimately be signed by the President of the United States, again to be translated into an investment in our children.

I think we all hope that the passage of Ed-Flex bodes well for another 2 years of positive education accomplishments in the Senate Health, Education, Labor, and Pensions Committee.

Mr. President, I started working on this bill to expand Ed-Flex with Senator RON WYDEN, who will address this body in a few minutes, along with Governors VOINOVICH and Carper at the National Governors' Association a little over a year ago. That occurred just following completion of a task force which was set into motion by the chairman of the Senate Budget Committee who felt very strongly that an important role for us in the Senate Budget Committee is to provide oversight of existing programs.

Senator DOMENICI basically said: What I would like to do in the Budget Committee is look at some of the programs that we have out there in education. That task force resulted in us looking at a number of programs, one of which was a demonstration project called Ed-Flex.

Shortly after that oversight process, we began to ask more and more questions. We went to the Governors, and the Governors came to us. It became very clear that Governors—Democrat, Republican and Independent—felt very strongly that one of the most important things that we could do, if our goal in this body is really to improve our public schools, is go back and look at some of the problems. And one of the obvious problems the Governors pointed out was the excessive regulations—not the intended goals but the excessive regulations. The Governors addressed this, at the level of the National Governors' Association, and they came out with numerous statements. This is one of their statements from February 23 of this year in which they said:

> Congress should grant all states this important tool that will accelerate the pace of school reform and move the nation closer to meeting its goal of raising student achievement. Congress should pass Ed-Flex now.

I am delighted that now is the time, that we will all have the opportunity to cast that final vote in this body, so that not just 12 States but all States in this country can have the opportunity to have increased flexibility, maintaining strong accountability with Ed-Flex.

In the task force in the Budget Committee, as many of my colleagues know, what we learned is not necessarily good news as we look at education. We spend billions of dollars every year on a system that, unfortunately, if we look at the final product—and that is an educated student—is failing our students miserably. Achievement levels are staggering at almost every age group in almost every subject matter. And if we compare our students to students in other countries, it appears that the longer a child is in an American school, the worse off he or she is when compared to their international counterparts. That is in the United States of America today.

At the same time, we see, as we look at this global comparison, that the world is getting smaller, barriers are falling down. Our students today are and will be competing internationally. New technologies and an increasingly global marketplace are fueling a growing need for well-educated workers who are able to compete with their peers worldwide. Unfortunately, we are equipping too few American students with the ability to compete in those jobs.

Ed-Flex is not a panacea; it is a first step. What this particular piece of legislation will do is take a demonstration project that is currently underway in the 12 States—which appear in yellow on this chart—and expand that opportunity of flexibility with accountability to all 50 States. We have a really clear-cut demonstration in States like Texas, where Ed-Flex programs have been implemented, that they have been successful in increasing student achievement. It is not a panacea though; again, in my mind, it is a first step. But it does shout certain things. It shouts that we can do better. It shouts the importance of elimination of unnecessary regulations. It shouts flexibility coupled with accountability. It shouts efficiency. And it shouts state and local control of education.

As we look forward, I suspect that we will devote a large portion of our legislative session to considering other education issues, many of which were discussed on the floor in our debate of Ed-Flex. These education reform measures will be addressed in the reauthorization of the Elementary and Secondary Education Act. But Ed-Flex, the bill today, is, I believe, the first step in that process.

The success stories we have heard again and again come from innovation at the state and local level. I am sure all my colleagues in this body could share an example of one sort or another from their particular State of an innovative school, an innovative principal, innovative teachers.

One such in my own State of Tennessee is the Cason Lane Academy in Murfreesboro. Another example we have all heard about again and again in this body is the Chicago Public School System which went from being the—I quote—"worst school system in America," as deemed by then-Secretary of Education Bill Bennett, to a model for reform and innovation.

Part of the reason that both Cason Lane back in Murfreesboro, TN, and

Chicago have been successful is that they have been free from some of the heavyhanded or shackling Government recommendations at both the State and the Federal level. Once they are freed from these regulations, clearly having a well-defined plan, having strong accountability built in, they have been able to creatively address some of the problems they face and give their students that opportunity to achieve a better education.

What our Ed-Flex bill does is give that same opportunity to States which do not have that opportunity today. It will give it to those states, and local schools and those local school districts so they will have the opportunity to meet the stated goals of Federal legislation, but how they meet those goals will be determined and based on local need. And that is what our Ed-Flex bill does.

We have heard a lot from Texas about the success there. Test scores have been on the rise for all students, even for those categorized as "educationally disadvantaged" who receive title I services. Paperwork demands on teachers and principals were dramatically reduced. The bureaucratic demands on their administrators were greatly reduced. Texas even claims that a whole new environment has been created that is—and I quote—"free of any real or perceived barriers to education reform." All States will be able to have that flexibility and that accountability.

I am pleased that Congress came together in a truly bipartisan way for what really should be and is a nonpartisan effort to enact this education reform. I was disappointed, however, that the Administration was very threatened by the provision which offered states greater flexibility in using appropriated dollars to either reduce class size or for individuals with disabilities in our school systems. That particular amendment is not part of the legislation we are debating today.

That Lott amendment would have given States yet another option how they would use that money. That was important, I believe, in the debate that came forward because Ed-Flex is about that fundamental principle of untying the hands of those people who are closest to our students, those people who are in the best position to identify what needs there might be—whether it is construction or class size or more computers or hooking up to the Internet.

The Lott amendment was very much in this same vein. I am disappointed that the President came forward and threatened to veto this particular vision to give States more choice. The Administration's veto threat, which we dealt with last week in the Conference Committee, I believe underlies the President's rhetoric about increased flexibility—which he made in this building during the State of the Union Message—but that in truth is more limited than what we see in reality. Nevertheless, I am delighted with the outcome of this particular bill to cut redtape, to increase flexibility in education.

I have enjoyed working with a number of Governors. Later in the afternoon I hope to be able to recognize some of them by name, a number of Members in the House of Representatives, and a number of Senators. I am pleased that the 106th Congress has started out on such a positive note in addressing one of America's most pressing issues, and that is the education of our children. I am proud to have been a coauthor of this bill and look forward to seeing millions of schoolchildren benefit from an expanded Ed-Flex program.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

Mr. President, I thank the Senator from Massachusetts. I know he is waiting to speak as well. I thank him for the chance to follow my colleague, Senator FRIST.

For too long the major political parties in this country have been at war on the education issue. Today, with this bipartisan legislation, we are beginning to make the peace and to do it in a way that is good for America's children.

I especially thank my colleague, Senator FRIST. He and I have worked together on this legislation for many months. The heart of this legislation is that now we will be able to take the dollars away from various bureaucratic Federal requirements and pour those dollars into our classrooms to help our kids.

This legislation involves eight Federal programs and more than $12 billion. What we have found in the course of our hearings is that again and again across this country we are wasting a substantial portion of that money on various duplicative Federal rules that essentially put our local school districts through what one called to me "bureaucratic water torture," when what they want to do is put those dollars into our classrooms.

I happen to think both political parties have made an important contribution in this discussion about education. A number of my colleagues have said, before we spend additional money, we are going to have to spend billions and billions of dollars that the Federal Government allocates today in a more effective way.

The Ed-Flex legislation does that. That is why Senator FRIST and I have made it a priority, and that is why we have told our colleagues in the Senate we want that to be the first education bill to come to the floor of the Senate: Before you go to the American people and ask for additional funds, demonstrate clearly you are spending the dollars that are allocated today effectively. That is what this legislation does.

I also think a number of our colleagues, led by the distinguished Senator from Massachusetts, Mr. KENNEDY, are absolutely right in saying that additional money is going to be needed for education. It is going to be needed to ensure we have the technology we need for youngsters. It is going to be needed to reduce class size in America, and I think that is an important part of this debate as well. When this legislation is signed into law by the President of the United States, we are going to go on to consider that legislation. I submit to our colleagues, we are in a lot better shape going to the American people to ask for additional funds when we have proven with legislation like Ed-Flex that we can squeeze more value out of the existing dollars that are being allocated.

Make no mistake about it, existing funds are going to be liberated with Ed-Flex and are going to help us achieve some objectives that Members of this body feel very strongly about.

For example, Members of the Senate on both sides of the aisle very much want to reduce class size in America. Existing dollars using the Ed-Flex program can do that. In fact, in a school a short distance from here, in Howard County, MD, the Phelps Luck Elementary School used the Ed-Flex program to reduce the average student/teacher ratio in math and reading from 25 to 1 to 12 to 1.

Some of us believe we are going to need additional dollars to reduce class size in America, but make no mistake about it; under the legislation that Senator FRIST and I have brought to the Senate today, we can use existing dollars to reduce class size in America. I think that is something of value to our colleagues.

I will pass on one example from my home State of Oregon from The Dalles High School that I think sums it all up. We found at one of our high schools in rural Oregon that low-income students were unable to take advanced computer courses at a local community college because the high school lacked the necessary equipment and instructors. Yet there was a community college very close by, and we were not able to use the dollars that had to be spent at the high school at that nearby community college without going through all kinds of redtape and bureaucracy. With Ed-Flex, we were able to use those dollars earmarked for the high school at the local community college without any additional cost to the taxpayers. The students were able to go to the community college. They got the training they needed. Ed-Flex, again, showed that with just a modest change in Federal regulation, we could do a better job of educating young people in America.

We have had this program, as my colleague from Tennessee has noted, in 12 States. We have debated this on the floor of the Senate for some time. And through that debate, there has not been offered one example, not one in any community or any State, of low-income students being exploited in any way. I cannot recall another Federal program where it has not been possible to show some problem somewhere, but in the course of this debate, which has gotten a bit contentious, as we know, over the last few months, not one example has been produced with respect to how this program in 12 States has been abused.

The fact is, it has worked. It has worked everywhere. The scores are up in the State of Texas where they are using it. Class size is down in Howard County where they are using it. Students are getting access to advanced technologies in my home State of Oregon. It has worked virtually everywhere, but it is going to work even better when we pass this legislation.

I will close this part of the debate by saying I am especially pleased, and I thank my colleague from Tennessee for his help on this, with the changes in this legislation to ensure that the role of Ed-Flex will be expanded in a variety of areas involving interactive computer technology in our schools. When this Ed-Flex legislation becomes law in my State, which was the very first in the country to pioneer this, it is going to start a new program using Ed-Flex authority so that every second grader in the State of Oregon will be able to use interactive computer technology to learn and improve their reading skills.

I am especially pleased that we have been able to add this technology waiver program. This is a good day for the Senate.

My colleague, Senator FRIST, thanked so many people when we were on the floor before, but I especially thank Ms. Lindsay Rosenberg of my staff who is with us here today.

Bipartisan legislation such as this does not happen by osmosis. It happens because a lot of our staff have spent a lot of weekends and evenings working on this legislation. Today the first bipartisan education bill is coming to the floor of the Senate. It offers a fresh, creative approach to Federal/State relations, one with enormous potential for improving education for all our citizens.

Mr. President, I yield the floor.

Mr. FRIST. Mr. President, again, I want to thank my cosponsor, Senator WYDEN, as we have taken this bill forward, for all of his tremendous assistance on the task force last year, as well as today.

Also, because I mentioned the National Governors' Association, I want to very briefly point out how important was their participation in this legislation. Again, it was bipartisan from the outset. I think much of what we do in the future will be with the Governors, as we work together, recognizing the local control of education being so vital and important. Governor Carper, chairman of the National Governors' Association; Governor Ridge, chairman of the Republican Governors Association; Governor O'Bannon, chairman of the Democrat Governors Association; former Governor and now Senator VOINOVICH, who has been so instrumental in this legislation; and Governor Leavitt, vice chair of the NGA, as well.

At this juncture, I yield 15 minutes to my colleague from the great State of Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank the Chair.

Mr. President, I look forward to the passage of the Ed-Flex Partnership Act, which I believe will liberate schools and teachers from the costly burden of Federal mandates and regulations. It is very important that we free our teachers to teach and that we free the resources of the educational system to meet the needs of students, rather than to satisfy directives of the bureaucracy.

I believe this bill will give America's teachers more freedom to teach. It will release them from countless hours spent filling out forms from Washington, DC. The State of Missouri's 525 school districts will have more time to educate their children and a greater ability to decide how best to use the precious resource of taxpayer dollars, and how to use those to devote them to the best interests of students and student achievement, and not for a sort of edification of the bureaucracy in Washington.

So I want to thank Senator WYDEN, Senator FRIST, and Senator JEFFORDS: Senator JEFFORDS as chairman of the relevant committee, and Senators FRIST and WYDEN, who are the lead cosponsors of this important legislation. They have done wonderful work here.

This is work designed to find its way all the way to the student in the school system. So much of what is done in the name of education never finds its way to the student. So often it edifies the bureaucracy, or builds it, or strengthens it. So often it applies to some hierarchical part of the State educational system. But Ed-Flex is designed to carry the benefit all the way to the student. There is one thing that we care about more than anything else, and that is the student in the school system. Sometimes we lose sight of that. I commend Senators FRIST, WYDEN, and JEFFORDS for their having kept the student in focus in this particular measure.

I am also pleased to support this conference report because it contains an amendment that I proposed, which makes an important change to a discipline provision within the Individuals with Disabilities Education Act. Now, this provision, which the Senate approved by a vote of 78–21, gives school authorities the opportunity and the right to discipline any student who possesses a weapon on school premises. This provision allows a school to place a student—even a student with a disability—in an interim alternative educational setting if the student carries or possesses a gun on school premises. This action closes a loophole in the IDEA law that only permitted a school to take disciplinary action if the child carried the weapon to school, but not if he or she possessed the weapon at school.

My intent in offering this provision over a month ago was to empower schools to maintain a safe and secure learning environment for students, teachers, and for other school personnel.

America is saddened today, and we all grieve at yesterday's tragic situation in the Columbine High School in Littleton, CO. That situation underscores the need for us to continue to find ways to help teachers, parents, and school officials maintain safer schools. We need to be creating a learning environment that is free of undue disruption or violence. We should give local school officials the authority to enforce zero tolerance of weapons brought to school. That is a step in which this bill goes when it includes the ability to discipline students who bring guns to school or possess guns at school.

I know all of us here offer our condolences, heartfelt sympathies, to all of the families, the loved ones, the teachers, and to the communities that surround or are involved in the tragedy in Colorado.

We don't know all the facts of this incident. We don't know the complete background on the students who are allegedly involved in this situation. But this incident should prompt in us a desire to examine our current Federal laws and to make whatever necessary changes there are, if there can be changes made to prevent tragedies like this from occurring.

Since I became a Member of the Senate in 1995, I have had concerns about school safety. I have already worked to make improvements in Federal law to create a safer learning environment for students and teachers. My involvement on this issue began with the 1995 killing of the 15-year-old in St. Louis named Christine Smetzer. She was killed in the restroom of a high school in St. Louis County.

Now, the male special education student convicted of murdering Christine had a juvenile record and had been caught in women's restrooms at a previous school. However, the teachers and the administrators at McCluer High School where he was transferred say they were not informed of the student's record when he transferred to their school. So here you have a student who should have been identified, could have been identified as a student who had a special potential for the kind of violence and danger that transpired. The student was transferred, but the information that would have alerted school officials to make the school a safer environment, to help that student avoid the commission of the crime, and certainly to prevent the kind of tragic outcome, the killing of another student, our Federal laws were part of the problem that kept that from happening.

So in response to that, I secured a provision in the law requiring that student disciplinary records transfer to a new school when the student transfers to a new school. That was just a small step taken in response to that 1995 problem with student discipline requirements that the Federal Government imposes.

Now, the discipline provision in the bill that we are discussing here today was something that I, frankly, came to understand as a result of discussing concerns with Missouri schools. A suburban Missouri school district told me it found a disabled student to be in possession of a weapon at school, but the school could not be sure that the student had actually carried the weapon to the school premises. This school told me it needed this loophole closed to ensure that it could act swiftly and with confidence to an obviously dangerous situation.

You can imagine the inability to discipline somebody because they said, "I didn't carry the gun on to the premises, I just got it after I was here," or "I found it in my locker or on the floor," or "You can't prove that I brought it into the school. Therefore, you can't discipline me for having a gun at school."

What a terrible situation that is. So when I sought to offer this amendment—which was passed overwhelmingly by the Senate and remains in the conference committee report—it was in response to this need to make sure that the Federal Government doesn't have rules that make it impossible for local schools to be able to maintain a secure and safe school environment.

Interestingly enough, 2 weeks ago, I was traveling in the State of Missouri, talking with teachers and parents and principals and administrators to get their input about education. Time after time, they talked to me about safety and about discipline. Very often, they even mentioned weapons at school. They mentioned that the Federal law was handcuffing their ability to take appropriate steps to keep their schools safe.

In a specific school—I was told by the administrator of that school, this is not a hypothetical, but I choose not to name the school because the school would prefer not to be identified—I was told of a situation in a rural Missouri school where a disabled student had made numerous threats against both students and staff, had threatened on at least seven occasions to kill other students or staff. The school was aware of the threats, but was hindered by the Federal law from taking steps that they thought were most appropriate to deal with the student.

Later, this high school student finally shot another student. The shooting happened off school grounds and the school was able to remove the student from the classroom once the shooting had taken place.

But I wonder if we might think carefully as to whether or not the Federal requirements which tie the hands of State officials and school officials regarding school discipline, whether those Federal knots, Federal handcuffs—ought to be taken off our school principals, our teachers, our administrators, our school boards so that they have the ability at an early time when there is an early warning to take steps to avoid the tragedy that can otherwise exist. In this situation they weren't able to actually get done what they needed to do until another student had been shot. I don't believe that resulted in a fatality. But the difference between someone wounded and someone killed is frequently not something we can take a great deal of consolation in because that bullet could have been deadly.

Another school superintendent reported to me that Federal law required him to return a disabled student to the classroom after the student threatened to shoot school employees.

We have seen the tragic gruesome events in States close to Missouri, in schools in Jonesboro, AR, in Paducah, KY, and now in Littleton, CO. I don't want to see this happen in my home State of Missouri. I don't want to see these kinds of things happen anywhere.

Again, I emphasize: We do not—I repeat "do not"—know all of the facts of the Littleton incident. We do not know if they were special education students subject to the Federal IDEA laws or not. But we do know that this situation should prompt us to examine all of our Federal laws involving school safety.

We have a massive tragedy waiting to happen if we have Federal rules and regulations which keep our school officials across America from being able to control schools, control students, and discipline students appropriately.

We have a massive tragedy waiting to happen if we don't allow teachers and administrators to keep students who have guns from coming onto the campus and being on the campus.

The provision that is in this measure, which I have had the privilege of sponsoring, ends one of these laws and helps protect our kids from gun violence in schools.

The tragic events at schools across the nation in the last year or so say something very, very troubling about our culture.

In Springfield, MO, which is my hometown—I grew up there, went through school grades 1 through 12 in Springfield—just hours after the shootings at Columbine High School in Colorado, the school board voted to approve arming its school district security guards with weapons. I am saddened that the board had to take this action. But it reflects the harsh reality of our culture today.

I think all of us wonder why these incidents of violence happen. Children against children—what does it say about our culture?

Have we developed a culture of violence which degrades the value of life?

We wonder about the movies, movies and video games and music, the so-called gangster rap—I am not even sure how to label it—which talk about this kind of killing and suicide, and the disrespect for fellow students and fellow human beings.

I think we need in our society to reexamine what our culture is teaching our children.

What are we saying? What are we promoting with the death, with the violence, with the glorification of drugs in so much of the literature, and as a matter of fact, in much of the music?

Parents need to be concerned.

These aren't all things that government can have much to do about, but I think our parents need to be concerned about the level of exposure that our children have to things which degrade the appreciation for life and desensitize our feelings toward death.

The joystick on a video game may punch out an opponent on the screen, and one might be able to kill, kill, kill, kill just by punching the button on the computer.

I think we have to be careful that we don't create in ourselves the mentality of disrespect of what ought to be an appreciation for life, and desensitize our feelings.

Obviously, Congress can't solve all the problems.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. ASHCROFT. I ask unanimous consent that I have another 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, we can act to ensure that our legislative policies empower parents, teachers, principals and administrators with the ability to ensure that our children have a safe learning environment. I believe that is something we owe America.

Current Federal education laws preclude schools from dealing with early warning signs of danger. It is time for us to end that. I am pleased that we have done it to a small degree in the Ed-Flex measure.

I am grateful for the sponsors of this measure and for the excellent work they have done for America and education.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I understand the Senator from New York will be speaking for about 5 minutes, after which I will have 5 minutes.

The PRESIDING OFFICER. The Senator from New York.

Who yields time?

Mr. KENNEDY. I would be glad to yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank the Senator from Tennessee and the Senator from Massachusetts for yielding me this time.

Mr. President, this afternoon we are talking about education legislation.

Today, all of our thoughts and prayers go to one school in Littleton, CO. Yesterday's massacre is all too familiar. It is America's recurring nightmare. It leaves us shocked and numb. It takes away our innocence. It makes children afraid to go to school.

This morning I had breakfast with my daughters. I do that every day before they go off to the schoolbus. Usually, it is routine, but today the conversation was a little different, both for me and for my girls.

Yesterday, as we sat transfixed to our television sets praying for those caught in the crossfire and hoping for an explanation of the carnage, we heard the same phrases that we heard in Pearl, in Springfield, in Jonesboro and Paducah.

"This is a quiet town."

"Nothing like this happens here."

"We do not have crime problems in this town."

"It didn't seem real."

"This is a good school."

"Could it have been prevented?"

"How could someone be so distraught to murder, and, yet, no one in authority knew?"

"How did they get a gun?"

"What can we do?"

The same words each time.

Each time there is a new tragedy, we act as if this will be the last in a list of school shootings. But it is not the last.

As sad and as horrible as it seems, this will definitely not be the last time we tune in to our television sets to see children fleeing from their schools.

I have taken to the floor today to ask that we in Congress make a concerted and comprehensive attempt to address school shootings. I want, today, to list some ideas, many of which have already been discussed, some of which haven't, which I hope we can agree to work on and come up with some solutions that may make a difference. We have counselled teenagers since time began who have struggled with personal and psychological problems. The difference today is that through computers, fantasy worlds, lethal guns, and explosives, the damage that a disturbed boy can do today is 1,000 times worse than it was when we were kids. Some schools are very good at counseling. Most are not. We need to help schools get better at counseling.

We need the Federal Government to help share information among schools so that good schools can teach those schools that do not do very well how to do it. There are too many young boys and girls with troubles and too few well-trained people to handle them.

Second, the people who best knew that there were troubled kids in Columbine High were the students at the school.

Students need to be encouraged to confidentially identify for the school psychologists and counselors those in the school who are exhibiting dangerous behavior and who need help. It is usually not the nature of a teenager to approach an authority figure to say someone in class is doing something strange. But it is not impossible to change that. If they know they are helping someone, kids will answer the call.

Then there is the issue of hate groups. It is shocking that a large number of students in Littleton knew that yesterday was Hitler's birthday. That is because this group of so-called Goths idealize and proselytize about Hitler. But school authorities had no idea that there were those who worship Hitler in the school.

We have to identify and we have to exchange information about hate groups and be far more vigilant in condemning these activities. Principals, teachers, and students must be encouraged to speak out. We have to get hate, white supremacy, and guns out of the schools. We don't know yet how these youths got their weapons. Did they take them from their parents? Did they steal them from a neighbor? Did they buy them off the Internet? Did they get them at a gun show or store?

We must accept that any solution has to involve a change in gun laws. A teenager can only do so much damage with his fists. There have always been troubled teenagers. All of a sudden they seem to have the ability to do so much more damage. We can work on trying to change teenagers. We should also work on making sure that the instrumentalities of death and destruction cannot end up in their hands.

We have to close off loopholes that allow kids to get a gun. We should ban unlicensed Internet sales. We should pass Senator KENNEDY's child access prevention law. The House should pass Congresswoman McCARTHY's comprehensive legislation. We need the President to help us, to lead us in passing this type of legislation. We should also begin an effort in the public and private sectors to invest research money in "smart" guns that cannot be used by anyone other than the owner. This is an area where the military and the private sector can come together and do a lot of good. I will be talking more about that later in the week.

Mr. President, it is not enough to wring our hands and pray it won't happen again. We need to act. Let's resolve to work together to do what is necessary to protect our children. Let us focus on better counseling, condemnation of hate groups within the school, encouraging students to come forward, and much better laws preventing kids from getting guns.

We are all in mourning today. When the tears are dry, let's not pretend that this won't happen again.

Mr. DURBIN. Will the Senator yield?

Mr. SCHUMER. I am happy to yield.

Mr. DURBIN. Mr. President, I say at the outset, I salute the Senator on his remarks. I think he struck the right tone. There is a sense of mourning and sadness across America for what happened in Colorado.

We have to address the needs of troubled children. I think the Senator from New York was correct in highlighting that. I think he also calls us to task, too, to do something sensible about gun control. A troubled child is a sad thing; a troubled child with a gun can be a tragedy not just for himself but for a lot of innocent youngsters.

I ask the Senator if he can indicate to Members those legislative initiatives we should be considering that might slow down the violence we are seeing too often in America and too frequently in our schools?

Mr. SCHUMER. I thank my colleague from Illinois for his comments. There are a lot of initiatives. The Senator from Illinois himself has been a leader in this area. There are many things we can do.

In this specific instance, we don't know where the guns came from. They may have come from gun shows. Gun shows are open markets where virtually anyone can buy a gun. They may have even been bought off the Internet. There are almost no rules for controlling gun sales on the Internet.

We also can proceed with trigger locks and much stronger legislation in terms of making schools gun free.

These are things we can come together on. I think they are things that most experts agree would not eliminate the chance for this occurring but greatly reduce it.

I look forward to working with the Senator and all Members of this body to do something about this. It is just awful when you see the pictures. Everyone is moved to try to do something to prevent it.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Angela Williams and David Goldberg, detailees in my Senate Judiciary Committee, be permitted floor privileges.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. KENNEDY. I see the good Senator from Ohio. I know he has been waiting. I yield 5 minutes to Senator VOINOVICH.

Mr. VOINOVICH. Mr. President, I appreciate the courtesy of the Senator from Massachusetts.

I rise to support approval of the conference report on Ed-Flex. However, I would be remiss if I didn't respond to the remarks of Senator SCHUMER and Senator ASHCROFT in terms of the tragedy that took place in Colorado and expressing the sympathy of the people of the State of Ohio to those families who are suffering today as a result of that tragedy. As one who has lost a child from a tragic automobile situation—instant death—I can understand the trauma those families are experiencing right now.

I think it is a sad commentary on our society that this happened in Colorado, as well as other States, as mentioned by Senator ASHCROFT and Senator SCHUMER. There is something wrong with our society and I am not sure we can solve it here on the floor of the Senate. I think it has to be solved in the hearts and the minds of the people who reside in our country. I think a lot has to do with turning back to our family and our moral values that are so important and which inculcate in us respect for our fellow man.

I grew up in a family where I was taught to respect all individuals. It wasn't a man's color of skin, their religion, or their socioeconomic status that mattered; it was their character.

I think there may be lots of responses to this tragedy, but I cannot help but think if they go back to the Boy Scout motto, the Girl Scout motto, and some of the basic fundamental organizations that build character, that this country will be far better off.

In spite of everything we do, in my State I was ridiculed because we made a major capital improvement to put metal detector devices into our high schools. Many people said we shouldn't have to do that in our high schools, and that money went that quick. We wanted to guarantee that at least when kids were in school, they knew their classmates didn't have some kind of weapon. I am sure that perhaps in that school district, nobody even gave any thought that that kind of a situation could occur.

The other area I think we need to recognize is that, unfortunately, youngsters today aren't getting the kind of moral and family and religious training at home and the responsibilities are falling more on our schools. In Ohio, we aggressively pursued a mediation and dispute resolution program in kindergarten and first grade to try to teach children that when they have differences of opinion with other individuals, they sit down and talk them out; they don't use physical force to resolve their problems. We have recognized in our State that social service agencies have to be connected. We are locating them now in our schools. If we identify a youngster with a problem, that student can get the help they need. More important than that, most of the time the family gets the help they need so that they don't participate in antisocial behavior.

There are a number of things that need to be done. I hope we don't, as a response to this, think there is just one approach that will make a difference. It will require a multifaceted approach, and again, looking into our own heart and soul.

Ed-Flex, which I have worked on as well as the Presiding Officer, Senator FRIST, might also help because it will give school districts around this country the opportunity to take money which is available to them through the Federal Government, and if they feel there is a better way that money can be spent to make a difference in the lives of children, they are going to be able to do that.

Many children who don't do well early on in school become frustrated; as a result of that frustration, they turn to antisocial behavior. One of the things that stands in the way is that they are unable to read.

Because of Ed-Flex, school districts that are title I schools, school districts that can take advantage of the Eisenhower Professional Grant Program, are going to have the opportunity to change the use of those dollars and put them into reading. We found that in the State of Ohio, when we have taken the Eisenhower professional grant money that says you have to use it for science and math and it has allowed us to take that money and use it for reading. We did that because in the early grades, if a kid cannot read, he cannot do math, he cannot do science. If I had my way, every title I school, every Eisenhower grant in the primary and secondary grades that are eligible for those programs would take advantage of Ed-Flex, would come back to their State school organizations and say, we could use this money better so we can make a difference in the lives of these kids.

Just think what a difference that will make in America today. We have in Ohio now what we have called a fourth grade guarantee. No child will go to the fifth grade unless they are able to read at that fourth grade level. That in itself, I think, would help a great deal with some of the problems we have in our schools today.

I would like to finish my remarks by giving some people some credit for this work on Ed-Flex: The majority leader who helped make this a priority for this Senate; you, Senator FRIST, for the terrific work that you have done; Senator JEFFORDS, Senator WYDEN, and everyone who has come together; the National Governors' Association, on a bipartisan basis, that supported this legislation.

I just want it known, I do not know what is going to happen with elementary and secondary education. I do not know whether our Republican block grant is going to work or Senator KENNEDY's various education programs are going to work. But one thing I do know is going to work: Ed-Flex is going to work. I think if we let it work for the next couple of years we will prove, just like we have with our welfare reform system, if you give people on the local level the flexibility to use the dollars and to use the brains that God has given them, they can really make a difference in the lives of people. That is the thing about which we really should feel very, very good. I am glad I had a little part of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time now remains?

The PRESIDING OFFICER. There remain 43 minutes.

Mr. KENNEDY. Following that time, or at least some time, the good Senator from Minnesota has an hour, is that correct?

The PRESIDING OFFICER. That is correct, the Senator from Minnesota has an hour.

Mr. KENNEDY. Mr. President, I join with others who rise today to express our great sense of sorrow to those families and all of those who have experienced the loss and suffering in Littleton, CO.

Our hearts go out to the children and their families and all the victims of this latest senseless school tragedy. In the days and weeks to come, we will learn much more about how and why it could have happened—and why it happened again, after the fair warning we have had from similar tragedies that shocked the nation so deeply in recent years.

This terrible tragedy has scarred the Nation and reminded us, once again, about the fragile nature of the young children in our country who are going off to school every day. It reminds all of us that we have an important responsibility to do everything we can to give children the support and love they need, to help them as they walk the path of adolescence into maturity.

Obviously, the schools are an extremely important element in that development. But we know nothing replaces the home, nothing replaces a parent, nothing replaces those members of the family or friends who are loving, caring, and encouraging. Those who offer firmness in establishing guidelines and guideposts for children as they develop. So all of us are very mindful of those tragedies that are being experienced even while we meet here, of the tears that are being shed, and the struggle of many of those young children for their lives, even as we meet here today.

There is a certain poignancy since we are meeting on education legislation. It is important legislation. It is worthwhile of passage. But I think all of us today are remembering Jonesboro, AR; Notus, ID; Springfield, OR; Fayetteville, TN; Edinboro, PA; West Paducah, KY; and Pearl, MS. Now we have Littleton, CO. All of those communities have been affected by violence in their community schools.

Perhaps reviewing the kinds of acts of violence that take place in schools, they do not appear to be overwhelming in total numbers, as we might think of total numbers. I think all of us are enormously moved and touched by these human tragedies, because, of course, all of us believe young children have such hope and promise and opportunity to live in our communities and in our country. Children offer so much to their families and to their loved ones. To see the violence snuff out innocent lives is a factor, a force in all of our souls that rings heavily.

So, all of us here in the Senate reach out to those families.

Mr. President, in reading through the newspapers in my own city of Boston today, there were some rather interesting articles which I will just mention here on the floor of the Senate, and then I will take time to address the measure that is at hand.

There was a conference taking place in Boston and there were excellent articles about that conference. I ask unanimous consent to have them printed in the RECORD.

There being no objection, the articles were order to be printed in the RECORD, as follows:

[From the Boston Herald, Apr. 21, 1999]

EXPERTS: GUN ACCESS, SOCIAL ANGER TO BLAME

(By David Weber)

Easy access to guns, an increasingly blurred line between fantasy and reality, and anger sparked by social rejection fueled the epidemic of school violence, according to experts.

"It's getting a little crazier and a little more frequent. It seems to be the boundaries between reality and fantasy are decreasing more and more," said Dr. Bernard Yudowitz, a forensic psychiatrist.

"As young people project themselves in virtual reality at movies and arcades and get their heads into that, life becomes virtual reality, which is not reality," he said.

Combine that with the age-old traits of teenagers—strong urges, feelings of aggression and a sense of omnipotence—and you have a dangerous mix, Yudowitz said. He said the feeling of omnipotence allows teens to ignore consequences to themselves and others.

"It (adolescence) can be a fun and creative time. But you need a context to provide boundaries," he said.

Citing his 30 years of working with young people, he said; "Adolescents are less and less grounded. If you don't have the proper sense of reality, you can't attach your values to anything of substance, and it all becomes a great big game."

For students rejected by their peers, that game is all the more dangerous, said author Hara Estroff Marano, who addresses the string of recent school shootings in the book, "Why Doesn't Anybody Like Me: A Guide to Raising Socially Confident Kids."

"I don't think the most important issues are gun control or security in the school," said Marano, an editor-at-large of Psychology Today.

"The real issue is what's causing this behavior, and the fact is kids who pull the trigger have problems along with their peers."

Working parents and school officials don't pay enough attention to the social competence of children. And when children become social outcasts, they're more susceptible to dark media messages.

"A normal, adjusted child who watches violent programming will come away with a different message than a child who lacks the social skills to get along with his peers." "They feel violent programs are in fact endorsing revenge."

John Rosenthal, co-founder of Stop Handgun Violence, said a proliferation of ever more lethal guns, along with irresponsible storage of the weapons in homes, is a big part of the deadly epidemic.

"I'm horrified but not surprised (by yesterday's shootings) because there were eight schoolyard shootings last year that killed 15 kids and wounded 44 others. All were perpetrated by teenagers, most of whom had access to high-powered assault weapons.

"In many cases, they were stolen from their parents or other relatives who left their weapons around loaded and unlocked," Rosenthal said.

"Like those other schoolyard shootings, (yesterday's) tragedy could have been prevented by reducing access to guns by kids. We can blame TV, the media and any number of violent movies, but access to guns is the real issue."

[From the Globe, Apr. 21, 1999]

DEADLY ACTS PUT FOCUS ON NEED FOR PREVENTION

(By Ellen O'Brien)

It has happened in Alaska, Arkansas, Oregon, Pennsylvania, Mississippi, and Kentucky.

All boys, all armed with guns and rifles, all creating a deadly fantasy where one day they would strike back, and often telling teachers and classmates their plans in advance.

And now, the nation turns its attention to the youths in Littleton, Colo., where the toll was the deadliest yet.

Once again, the country will stop talking about standardized testing and teacher's salaries and view children in classrooms as potential targets and killers. People will wonder how it could have been prevented and will worry about where it will happen again.

The incidence of juvenile crime in big cities, and of school violence, has been decreasing in recent years.

But these days, each angry act carries a far greater threat.

"These are still rare crimes," said Jack Levin, director of the Brudnick Center on Violence at Northeastern University. "But because of the easy access to handguns, we are seeing larger and larger body counts."

"All it takes," Levin said, "is one alienated, marginalized youngster who decides to get even."

In general, Levin and other specialists said, big cities have tried to respond to the issue of school violence with more preventive measures. Meanwhile, Levin said, the high-profile school massacres of the last decade occurred in suburban or rural towns.

"I think small-town America has to realize they also are in trouble, and need to supervise their children and take guns out of their hands—the way big cities have tired to do," Levin said.

Metal detectors and police presence in schools, lawsuits against gun manufacturers and media giants, and sentencing of juvenile criminals as adults have all been suggested or tried. But none of these options, advocates agree, can stop school violence.

Academics, activities, politicians, and parents around the nation say solutions are obvious, though less tangible than an instrument that detects gun metal. They cite the British Parliament's approval of one of the world's strictest gun laws after 16 children and their teacher were gunned down in Dunblane, Scotland, in 1997.

They also point to overburdened schools, where the system is faced with a growing number of angst-ridden students.

"There's a real connection between" this violence "and the fact that counselors have huge case loads" and "an enormous amount of kids who evidence worry," said Margaret Welch, director of the Collaborative for Integrated School Services at the Harvard Graduate School of Education.

Still, deadly violence in schools is rare. June Arnette, associate director of the National School Safety Center in Westlake, Calif., which monitors school violence from news accounts, said that before yesterday, they had identified nine school-related violent deaths, including three suicides, during the 1998–99 school year. She said there were 42 violent school deaths in 1997–98 and 25 violent deaths the previous school year.

In Boston and many surrounding cities and towns, Community Based Justice has identified several boys who fantasized about killing their classmates or teacher and bragged about it or dedicated an English essay to it. The program, which brings together teachers, students, prosecutors, and police, updates reports on troubled children and suggests ways to help.

Few officials believe the students were going to carry out their elaborate plans. However, the children who appeared troubled were visited at home, and at least one, who was also displaying a fascination with setting fires, was referred this year to a program for violent youths.

As for metal detectors, Boston Public School Superintendent Thomas W. Payzant said they cannot prevent all students from carrying guns and knives onto school property.

Boston's Madison Park High School posted metal detectors at doors, but other city high schools supply officials with handheld detectors that are used sporadically.

Because it is feared that expulsions can lead to violent students returning with even more anger, troubled teens in Boston are sometimes referred to counseling centers, and can be readmitted after evaluation.

But Boston's school system has heard countless complaints from headmasters that there are not enough alternative schools where students obviously in need of help can attend classes.

> "You can't do it with metal detectors," Welch said. "Support services need to be provided for all kids."

Mr. KENNEDY. Let me just mention a few quotations. This is one of the participants:

> "It's getting a little crazier and a little more frequent. It seems to be the boundaries between reality and fantasy are decreasing more and more," said Dr. Bernard Yudowitz, a forensic psychiatrist.
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> "As young people project themselves in virtual relative movies and arcades and get their heads into that, life becomes virtual reality, which is not reality," he said.
>
> Combine that with the age-old traits of teenagers—strong urges, feelings of aggression and a sense of omnipotence—and you have a dangerous mix Yudowitz said. He said the feeling of omnipotence allows teens to ignore consequences to themselves and others.
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> "It (adolescence) can be a fun and creative time. But you need a context to provide boundaries," he said.
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> The real issue is what's causing this behavior, and the fact is kids who pull the trigger have problems getting along with their peers."
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> Working parents and school officials don't pay enough attention to the social competence of children. And when children become social outcasts, they're more susceptible to dark media messages.
>
> "A normal, adjusted child who watches violent programming will come away with a different message than a child who lacks the social skills to get along with his peers." "They feel violent programs are in fact endorsing revenge."

Mr. KENNEDY. Then it continues on with some very constructive suggestions, from Mr. Rosenthal, who is a cofounder of Stop Handgun Violence, talking about responsibility, responsibility with regard to the availability of weapons. He is talking about the responsibility of parents who own guns to make sure the guns are securely locked and kept separately from ammunition, so no weapon is left loaded and accessible to children in a house; the responsibility of both manufacturers and dealers to prevent the proliferation of guns that are sold to children directly and on the black market, and that too easily get into the hands of gangs and the criminal element. These are important responsibilities that adults must meet. They are not going to be a cure-all. They are not going to be an end-all.

But they are a beginning. A beginning to provide a measurement of responsibility. We want responsibility from young people, from children, and we want responsibility from others as well who have the access and the ability to see that either weapons are available or not available to children.

We have 14 children die every single day from gun violence. None of us this afternoon have come up with a silver bullet to resolve all of these kinds of problems, but we ought to be able to take some measured steps to make some difference. It is not going to be enough to just shed tears, because they are empty tears, unless we are prepared to take some actions on these measures.

(Mr. HUTCHINSON assumed the Chair.)

Mr. KENNEDY. Mr. President, I listened to my friend from Missouri speak about a particular provision about guns which he offered to the legislation and which was retained in the ED-Flex conference report. I am also reminded that there was a very close referendum in his home State, only decided 53–47, on whether a felon could purchase and carry a concealed weapon—even allowing a felon to carry that weapon onto school grounds. The National Rifle Association said yes, they should be able to do that. There is a similar measure in Colorado itself, right now it is ready to be voted on by the state legislature. We will soon enough see statements from the National Rifle Association supporting this law—urging that criminals ought to be able to have concealed weapons, even though they have committed felonies, that for their own self-protection they can carry those weapons anywhere, even into a school—come on now. Come on now. We cannot solve all the problems here, but we can reduce the access and the availability in these kinds of circumstances. We ought to at least ask ourselves, How hard is the National Rifle Association going to press on these measures? How many times do we have to be reminded about the tragic consequences these measures can have?

The good citizens of Missouri rejected that law. It is the first time we have had a referendum, and it was rejected by the public.

I am not here to describe what the position of the Senator was on that issue, but it does seem to me that to pass a law that says someone who has committed a felony—they could have been convicted of a felony like domestic violence—is permitted to go out and buy and carry a concealed weapon is not moving us in the right direction.

I hope as my good friends and colleagues have mentioned—Senator SCHUMER, Senator DURBIN and others who will speak on this—that we will be able to at least present to the Senate some recommendations which really demand responsibility from those who have access to keep those guns safely away from children.

It is interesting to me that this body has voted to effectively prevent the Centers for Disease Control from accurately calculating the number of injuries from gun violence because of the power of the National Rifle Association on the floor of the Senate and the House of Representatives. They do not want to know how much gun violence is out there. We do not let the Centers for Disease Control, using all their capabilities, even tell us how big the problem is.

Today, as we sit in the Senate, the Consumer Products Safety Commission has the ability to provide safety for toy guns for children so that the ends will not break off and a child will not gag or choke. But virtually all protections available to the Consumer Products Safety Commission for real guns that can be used against the citizens have been taken away. Isn't that extraordinary? The Consumer Products Safety Commission can issue regulations on toy guns for your children but not real guns that can kill you. Why? Because of the power of the National Rifle Association.

Mr. President, I hope people around the country who are sharing the grief of those families understand that there are no magic bullets to resolve these issues, but we can take some steps and we should take some steps to do something about it. I believe in requiring responsible actions by manufacturers who produce guns to have safety locks so that they will not discharge and kill children if they are dropped and cannot be fired by a child who takes the gun without parental supervision, and requiring other safety provisions so they can only be used by those who purchase the weapon.

There are all kinds of technology available which add maybe a few dollars to the cost of those weapons, but can greatly improve the safety of the guns with just a little responsible action by the manufacturers, by the dealers, and by the gun owners. Hopefully, we can get their support for legislation that can at least reduce access and availability of weapons to children who are going to school. I hope we will be able to do that.

I think we can give the assurance that we will have an opportunity to debate those issues in this Congress, hopefully very soon, with or without the hearings in the Judiciary Committee; preferably with, but, if necessary, without. I do not think those measures are so difficult and so complex that the Members of this body cannot grasp them. We can have some accountability in the Senate on those measures.

Mr. President, on the underlying legislation, I urge my colleagues to support the ED-Flex conference report. We will have many opportunities over the course of this session to improve and expand the partnership with States and local communities to strengthen public schools across then nation.

I commend Senator FRIST and Senator WYDEN for their leadership on the ED-Flex Partnership Act of 1999. And, I commend Chairman JEFFORDS, Congressman GOODLING, and Congressman CLAY for their leadership in making education a priority in this Congress.

To date, the Federal Government has been a limited partner in supporting elementary and secondary education. However, we have made a substantial investment increasing the accessibility and affordability of college for all qualified students. For elementary and secondary education, the Federal Government provides 7 cents out of every dollar at the local level. The ED-Flex legislation is not going to provide an additional nickel or dollar to any school district.

In 1994, when Senator Hatfield offered, and I supported, an amendment to provide that ED-Flex program for 6 pilot states. Then we expanded the program to 6 more states so that there are currently 12 ED-Flex pilot States. The conference report today is simply an expansion of that program.

Mr. President, some may say, why don't we give complete flexibility to the local community? Communities need additional support. We know that the primary responsibility for the education of the nation's children remains within the local community, the local school boards, teachers, and parents, and with help and assistance from the States, and some help and assistance from the Federal Government.

When we first passed title I—I was here when we did it—we did not provide the kind of statutory protections and accountability that we have today, many of which can be waived under ED-Flex. And what do you know? Five years later, they were using the title I programs to build swimming pools and buy shoulder pads for football players in local communities. It did not ensure that the neediest children who had the greatest needs were served and served well. So we amended the law to ensure that federal support for education was targeted on the neediest students and used on targeted purposes.

There is an appropriate role for greater flexibility—with accountability—and we recognized that in the 1994 reauthorization of the Elementary and Secondary Education Act. The ED-Flex Partnership Act is a worthwhile step towards improving public schools. By giving states the authority to waive certain statutory and regulatory requirements that apply to federal education programs, we hope to support and enhance state and local education reforms that will help all children reach high standards of achievement.

Families across the nation want Uncle Sam to be a partner in improving education. Parents are impatient about results. They want their communities, states, and the federal government to work together to improve public schools. In fulfilling our federal responsibility, we must continue to ensure that greater flexibility is matched with strong accountability for results, so that every parent knows their children are getting the education they deserve.

The ED-Flex conference report meets that goal by including strong accountability measures. Flexibility and accountability must go hand-in-hand in order to ensure that we get better results for all students.

If states are going to accept federal resources paid for by public tax dollars, we must ensure strong accountability. In the ED-Flex Conference Report, the House and the Senate maintained our commitment to serving the neediest and poorest children to help improve their academic achievement. Senator WELLSTONE worked hard to ensure that we retained these targeting provisions.

We have retained the amendment of my friend and colleague from Rhode Island, Senator REED, that insisted that we ensure that parents have a strong role in the waiver process and that they are going to be a strong partner in the educational decisions that affect their children. I commend Senator REED.

The conference report also helps see that increased flexibility leads to improved student achievement. Accountability in this context means that states must evaluate how waivers actually improve student achievement. Open-ended waivers make no sense. Results are what count. The Secretary of Education has the power to terminate a state's waiver authority if student achievement is not improving. States must be able to terminate any waivers granted to a school district or participating schools if student achievement is not improving. If the waivers are not leading to satisfactory progress, it makes no sense to continue them.

I also commend Senator MURRAY for her work to ensure that our downpayment on hiring 100,000 new teachers to reduce class sizes in the early grades I retained. We will have an opportunity in this session to come back to the broader issue about whether it is going to be a matter of national priority that we continue our commitment to reducing class size. This commitment is one of President Clinton's most important initiatives on education. The Senate-passed bill would have undermined it, and the decision by the conferees to retain it is a significant victory for the nation's schools and students.

But, these accomplishments are not enough. More—much more—needs to be done to make sure that every community has the support it needs to implement what works to improve their public schools. We must do more to meet the needs of schools, families, and children, so that all children can attend good schools and meet high standards of achievement.

We should do more to help communities address the real problems of rising student enrollments, overcrowded classrooms, dilapidated schools, teacher shortages, underqualified teachers, high new teacher turnover rates, and lack of after-school programs. These are real problems that deserve real solutions.

We should meet our commitment to reducing class size over seven years. We should help recruit more teachers. We should improve and expand professional development of teachers. We should expand after-school programs. We should help ensure all children have access to technology in the classroom. And we should rebuild and modernize school buildings.

ED-Flex is a good bipartisan start by Congress to meeting all of these challenges. My hope is that these other proposals to address critical issues will also receive the bipartisan support they deserve, so they can be in place for the beginning of the next academic year this fall. Improving education is clearly one of our highest national priorities. Investing in education is investing in a stronger America here at home and around the world, and I look forward to working with my colleagues on both sides to address the critical education issues facing communities across the country.

Finally, Mr. President, I was visiting today with the leader in the House of Representatives, Congressman GEPHARDT, and we talked about education. He spoke very knowledgeably about a school he visited in Harlem, NY, that has had significant success in improving academic achievement of students. He pointed out that this school had been a school with 2,000 students. Overcrowding and discipline were a problem that was impeding the academic success of its students. They decided to divide it into 10 schools of 200 students each.

The point is that the head mistress at that particular school was asked—as everyone asks—What is really the secret? Of course, we all know that there is no one answer to improving education. But this one course of action was one that both Leader GEPHARDT and I found very persuasive. By reducing the size of the school and classrooms, every teacher in that school knew the name of every student in that school; and every student in that school knew the name of every teacher. And every teacher in every class knew the parents by name of every one of their students and had a relationship with every one of those parents. They were then able to effectively reach students and academic achievement and discipline improved. They were able to develop a spirit and a sense of family in an area where students feel many kinds of pressures. Students were given the support, love, attention, discipline, and firmness, they needed to get results.

So, Mr. President, if we, as a society generally and as a people individually, offer our prayers for those families who have been affected and as a country begin to try to look at some of the issues that are presented by these tragedies in an important way, then perhaps even the extraordinary clouds that are over this, and particularly in Colorado, might part just briefly so some sunshine might come in and we may do better for our children in the future.

I commend and thank all the staff members for their skillful assistance on this ED-Flex legislation: Susan Hattan, Sherry Kaiman, and Jenny Smulson of Senator JEFFORDS' staff; Townsend Lange and Denzel McGuire of Senator GREGG's staff; Lori Meyer and Meredith Medley of Senator FRIST's staff; Sûzanne Day of Senator DODD's staff; Elyse Wasch of Senator REED's staff; Greg Williamson of Senator MURRAY's staff; Bev Schroeder and Sharon Masling of Senator HARKIN's staff; Lindsay Rosenberg of Senator WYDEN's staff; and Connie Garner, Jane Oates, Dana Fiordaliso, and Danica Petroshius of my own staff.

I also commend the skillful work of the House staff on the conference committee, including Vic Klatt, Sally Lovejoy, Christy Wolfe, and Kent Talbert of the House Committee's Republican staff; Melanie Merola of Representative CASTLE's staff; Mark Zuckerman, Sedric Hendricks, and Alex Nock of the House Committee's Democratic staff; Charlie Barone of Representative MILLER's staff; and Page Tomlin of Representative PAYNE's staff.

I reserve the remainder of my time.

Mr. WELLSTONE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I have been down here for about an hour and a half. I was under the impression that I would follow Senator KENNEDY. I am in opposition to this bill. I was supposed to have an hour to speak. This is the only time, actually, I have.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you.

I say to my colleague from Vermont, I will not take up all that time, but my colleague from Virginia asked to speak briefly. So I ask unanimous consent that he be allowed to speak for several minutes, and then I follow him.

Mr. DODD. Reserving the right to object, I would just like to have a few short minutes to speak on the bill, on the Ed-Flex bill.

Mr. WELLSTONE. These are good friends, but I know Senators' "short minutes." I also have to leave to meet with a lot of students from Minnesota. I ask unanimous consent that my colleague from Virginia be allowed to speak for a few short minutes and then my colleague from Connecticut, who asked to speak, be allowed to speak for a few "short minutes," after which I will be able to speak.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I amend my unanimous consent request. I ask unanimous consent that Senator KENNEDY not be allowed to speak, as he can't speak for a few "short minutes."

Mr. KENNEDY. I object. (Laughter.)

The PRESIDING OFFICER. Without objection, it is so ordered, the unanimous consent request by the Senator from Minnesota is agreed to.

The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President. I thank my colleague from Minnesota for his courtesy.

Mr. President, I want to, first of all, say that I support the Ed-Flex bill, so I particularly appreciate my friend and colleague from Minnesota yielding just a couple minutes to me.

But like so many of our other colleagues today, I want to express my condolences to all of those in Littleton who have suffered such a tragic loss in such a traumatic event to the community. I think it was obvious last night when the President was asked after his statement if there was anything we could do to prevent tragic incidents like this from happening, he acknowledged that there aren't any easy answers. But we all know that recognizing the warning signs of stress and depression and substance abuse and violent behavior starts at home and extends well into our communities. Littleton, as other communities, is suffering in ways we can only imagine. My three daughters are now grown, but I cannot imagine the agony of waiting to find out what fate might have befallen them under similar circumstances.

I grieve with the families, as all others do. I note to my colleagues that I had introduced legislation in 1993 which I believed would make a contribution to the effort to reduce and prevent school violence. I plan to reintroduce similar legislation sometime in the next week or two. I welcome the work of any colleagues who desire to help.

I appreciate the fact that in 1997 we were able to divert money from the Community Oriented Policing Services funds to fund school safety initiatives, and we were able to increase those funds by tenfold in 1998. We can do more, and I hope the legislation I plan to offer will advance that cause.

But for right now, I simply join with all of our colleagues here in the Senate in expressing to those families grieving in Littleton, CO, and all over the country, that we understand the agony through which they are hopefully passing at this moment, and we will do our best to work with them.

With that, I thank the Chair and particularly thank my colleague from Minnesota for yielding to me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I join with my colleague from Virginia and others who I know have spoken this morning in the Chamber about the tragic and unbelievable events in Littleton, CO. I can't help but observe that the Presiding Officer has more than just a passing familiarity with this kind of tragedy, in that in his own State we saw a similar situation. It has occurred in other States around the country as well.

Crime rates are coming down all across the Nation. So many positive things seem to be happening with new policing, community policing, efforts being made all across the board. That we still find what appears to be an increase in this kind of crime is confounding and sort of cries out for us to be thinking harder about how we can deal with these situations.

I, too, want to add my voice in expression of sorrow to the families in the community of Littleton, CO. We have to do more than just grieve and talk about our kids, their education, the day after these tragedies. That is certainly appropriate. But we must talk about them and try to come up with some answers the day before and the day before that so that we minimize these kinds of incredible circumstances from occurring.

If we are going to be responsive to the needs of our young people and the educational needs of Americans, then we have to invest our time and energy in healing whatever has gone so terribly wrong in the lives of these youth who allegedly were responsible for these events, even though we don't know in total what has occurred there, or we are going to be revisiting these kinds of stories all too frequently.

With that, Mr. President, I am pleased to stand in the Chamber today and add my voice of support to this conference report on the Ed-Flex bill. The concerns of children and education are not going to be entirely solved by this legislation, but I think it is a positive step forward.

I am pleased to support the legislation, the education flexibility partnership bill, as it is called. I compliment Senators FRIST of Tennessee and WYDEN of Oregon who sponsored the legislation and have been involved as forceful advocates for it. I also thank the chairman of the committee, Senator JEFFORDS, and the ranking Democrat, Senator KENNEDY, who played a very important role in trying to strengthen the legislation and have worked hard to improve the bill in this bipartisan effort.

The conference report before us reauthorizes and expands the existing education flexibility demonstration program to all eligible States. We first enacted Ed-Flex in 1994 as part of the Goals 2000 legislation. Since that time, 12 States have been selected to participate. With the Ed-Flex authority, States can waive Federal statutory and regulatory requirements in several key elementary and secondary education programs where those requirements impede local efforts to improve schools. That was the idea, test this out.

Although few States have used this authority broadly and results are still being compiled, reports from the States suggest that this authority is making a difference. State officials report Ed-Flex has changed the climate of school reform in their States. It has led to far more innovation. Texas, which has been the only State to use this authority broadly—and I commend them for it—and to gather achievement data has shown impressive student achievement increases among all groups of students.

While each State is different, and certainly Texas would be the first to tell you how different they are, when it comes to education, particularly elementary and secondary education, the lessons learned in Texas, I think, could be very helpful to all of us regardless of which section of the country we are from.

Clearly there is potential in Ed-Flex, and I am hopeful that the expansion we are enacting today will lead to more and better innovations in our States to improve schools. I am very pleased that the final legislation before us today includes several provisions which I believe will lead the States to use this authority more and to use it appropriately to improve the performance of our schools.

I am particularly pleased that language Senator KENNEDY and I offered, improving the link between flexibility and accountability for student performance, is retained. Senator REED of Rhode Island's language on community and parental involvement in the process of applying for these waivers will, I believe, result in much stronger applications.

In addition, I believe the provisions protecting the targeting Federal dollars to the neediest students, offered by our colleague from Minnesota, Senator WELLSTONE, who fought tirelessly on behalf of that provision to see to it that the neediest of our students would certainly be the principal beneficiaries of his program. He worked, I know, with Congressman GEORGE MILLER of California on this, who has a deep interest in this subject matter and is very knowledgeable about these issues as well. I commend them for their efforts. This will ensure that States and local communities continue to serve, as I said, the neediest of our population.

Finally, and most importantly, I am pleased that the conference committee preserved our commitment to lowering class size by removing the divisive language that pitted class size reduction against funding for special education. However, even with these changes, I believe the measure before us is a modest one—a good one but a modest one. I view it as a first step, if only a modest one, in the direction of stronger education policy.

I am very hopeful that we can now move onto bigger education issues. Not to belittle the importance some have placed on education flexibility, but I have never had one parent, one teacher, or one student raise this issue with me. But I have had many, many parents, students, and teachers concerned about class size. I have had school districts looking for reassurance that the full promise of 100,000 teachers will reach them. I have had many parents and teachers and students concerned about the overcrowding and the overall condition of schools in my State and across the country.

I have had numerous inquiries about the safety of children in school, and obviously the events in Littleton, CO, punctuate that concern, but it is one that all of us hear every day, regardless of what State we are from.

As well, Mr. President, parents and teachers and students raise concerns about how many children start school not ready to learn. Many students go home to empty houses without supervision or the enrichment of afterschool programs. That issue is raised by parents who have young children all the time. Lastly, they raise concerns that the needs in our schools outpace the Federal funding in this crucial area. We must move to these pressing issues as well.

Ed-Flex can make a difference in some States, but it cannot substitute for real education policy, broad policy. I look forward to building on the success of this bill and looking for the kinds of bipartisanship that created this legislation, and to assist in coming up with some answers that will make a difference on class size, school safety, afterschool programs, and condition of school buildings, which also must be a critical part—each one—of improving the quality of education and preparing this new generation of Americans to be the kind of leaders we all want them to be in the coming century. I thank my colleague from Minnesota for allowing me to express my views.

I yield the floor.

Mr. WELLSTONE. Mr. President, I don't know that I have anything to add to what other Senators have said about the awfulness and terror of what happened in Colorado. I really don't know—as Senator DODD and Senator HUTCHINSON have said—what this means in personal terms. I simply say to Senators NIGHTHORSE CAMPBELL and ALLARD and the people of Colorado, as the Senator from Minnesota, I send my prayers, my love and support. I wish to God that it was within my ability to snap my fingers, or to be able do something to have prevented this from ever happening. I wish I could understand how kids—children—could ever do this. I actually don't know the answer.

I certainly agree with colleagues who have talked about measures that try to make it as difficult as possible for kids to get ahold of guns. I do a lot of work in the mental health area. I know it can't do any harm—it can only do good—to see whether we can do better by way of working with kids at a young age, and maybe we can head off kids that are heading in this direction. When such a God-awful act of violence is committed, it is very difficult to understand why. It is very difficult to understand why. I suppose that anything and everything that can be better in a family, should be better in families and better in communities and better in churches and synagogues and mosques, and in legislation that would pass. But for today, I just want to, as a Senator from Minnesota, express my sorrow. I wish yesterday had never happened.

Mr. President, I find myself in the position of speaking against this conference report. My colleagues have talked about some things that happened in conference committee that they felt were positive, and I agree with them. I am going to divide my argument up into two parts. Part 1 is sort of to say, I think there is a distinction between flexibility, and I think—having been a community organizer for several decades, I think that the more people are able to make positive things happen at the local and community level, including the school district level, the better. So I think when it comes to the title I program, you really do want decisions about whether or not you put more of the money into teaching assistants, or into community outreach, or into other things—many of those decisions to be made at the local level.

I will tell you why I think this Ed-Flex bill legislation is a profound mistake—however well-intentioned those who are proposing it and who have fought for it are, like Senator WYDEN here on the floor; it is just an honest difference of opinion. If I am wrong, I will be glad to be wrong. My own feeling is that this piece of legislation will actually be a step backward. The reason I say that is that when we passed the Elementary and Secondary Education Act back in 1965, a lot of sweat and tears went into that.

Part of the idea then and over the years—we are talking about a 30-year history here, 30 years plus—is that you wanted to have certain core requirements, certain core standards that had to be met. And in particular, we wanted to make sure that, as a national community, we made a commitment to poor children and that there were certain kinds of core standards that every school district in the land had to meet in this title I program.

So I introduced an amendment to the Ed-Flex bill in which I took the basic core requirements and I said, look, under no circumstances are we going to enable a State to allow a school district to be exempt from the following requirements. Let me just read these. This is incredible, what happened on the floor of the Senate. That is why I am going to be the only vote against it, though I wish others would vote against it. What were these core standards that would not be waivable? They are: Provide opportunities for all children to meet changing achievement levels—I will list a few. Provide instruction by highly qualified professional staff. Provide professional development for teachers and aides to enable all children in the school to meet the State student performance standards. Review on an ongoing basis the progress of participating children, and revise the program, if necessary, to provide more assistance to children, to enable them to meet the State student performance standards.

This amendment just said, when it comes to the basic core requirements and core protection of title I for all children in America, the heart and soul of what we did with title I, going back to 1965, we weren't going to waive these. No, we weren't, because we were going to make sure that these title I children—even if they are low-income children, we were going to make sure they were going to get good instruction and make sure that every title I program in every school district at least lived up to these standards. Now we have a piece of legislation, with all due respect to all of my colleagues, that allows a State to allow its school district to exempt itself from these requirements.

I introduced this amendment which would have straightened out this legislation. It was basically a party vote; it was a straight party vote, really. I am sorry I didn't get more support from Republicans. I am really sorry more Democrats aren't voting against this bill. That is just my own honestly held view.

Here is what is so troubling about this. I will try not to be technical. What would have been the harm in keeping these core requirements? Surely, I can tell you the school districts in Minnesota would say, fine, keep that core requirement because this is what we want to do and this is what we do.

Why would this core requirement be considered overly bureaucratic or cumbersome or regulatory for any school district in America? The idea that you have highly qualified instruction and you hold children to high standards and you do everything you can to make sure children meet these standards, why would any school district want to be exempt from the core requirements of the title I program? My argument would be that they would not. This would not be a problem—unless you have the potential for abuse. And you do. That is what is going to happen. We have moved away from a kind of value which says that we, as a Nation, have certain kinds of core commitments and beliefs, and one of them is that we are going to make sure there is protection and some commitment to poor children in America when it comes to education.

This piece of legislation called Ed-Flex does away with that basic commitment. That is why I will vote against this. That is why I will be proud to be one to vote against this.

Mr. President, my second point is a little different. I am going to say this with not bitterness but with some anger. I just want people in the country to know as I get a chance to speak before the Senate, every time I get a chance to speak, I think I am really lucky. I am one of 100 people who gets a chance to speak on the floor of the U.S. Senate. I get to say what I believe is right. I try to marshal evidence from my point of view.

I want people in our country to know that not only is this piece of legislation, I think, not a step forward but a great leap backward; it also is a great leap sideways.

When I am in schools and I meet with students and I meet with parents—I have been in a school about every 2 weeks for the last 8 years since I was elected to the Senate. I have been in inner-city schools. I have been in rural schools. I have been in suburban schools. I don't meet parents and children or students who talk to me about Ed-Flex. They do not even know what it is. They don't even know what it is. They talk about, "Senator, this school is crumbling. This school is not an inviting place for us to be. Can't there be some Federal dollars that will enable us to rebuild our crumbling schools?" Or, "Senator, you had better believe that with smaller classes teachers could spend more time with us. And the best teachers are teachers who spend time with us."

Where is the commitment to smaller classes?

Or, "Senator, you want to know the best single thing you could do. You could make sure that somehow we would address this learning gap," where so many kids come to school already way behind having never really had the opportunity to have been read to widely, to have really received that kind of intellectual stimulation with the absence of affordable child care, or so little of it is available and they come to school behind. Then they fall further behind. Then they drop out. And then they wind up in prison.

Again, I hope I am right about this. I am trying to oversimplify it. But I believe—I read it, I think, in the New York Times, or somewhere—that in the State of California, I think between the ages of 18 to 26, there are five times as many African American young men in prison than in college. That is stunning.

Let's not hype this legislation. Let's not pretend like we have done something great which will lead to the dramatic or positive improvement in the lives of children.

There is not one cent more for title I. Let me just tell you. In my State of Minnesota, we have schools there where 65 percent of the kids are low income, free or reduced lunch program participants. And they don't get any title I money. They have run out of the money.

All over the country there are schools with a huge percentage of kids who could use the additional reading instruction, who could use the additional encouragement.

The title I program does great things. There is a lot of good work being done.

I assume my other colleagues did this. I met with title I teachers and title I parents. I met with kids around the State of Minnesota. There is a lot of good work being done.

Does Ed-Flex add $1 to a program that is severely underfunded? No. Do you want to know what is worse? We are not going to, not with this budget that we have.

Let's be clear about this. This program, according to Rand Corporation, is funded at about the 50-percent level. I think the Congressional Research Service said it is at about the 33-percent level.

Given the budget resolution that we have and 10 years of tax cuts, we will see who gets the major benefit. And with the money put aside for Social Security and reducing the debt, do you think there is going to be any money that is going to go into increased funds for title I? No. Does this piece of legislation do anything by way of making child care more affordable? No. Does it do anything about the Head Start program? No. The Head Start Program has served—I can't even remember now. I had the figure. I spoke to a national gathering in Minnesota, a great group of people. I think the Head Start Program has served maybe 17 million children since 1965.

Do you know that the Head Start Program, the goal of which is to give a head start to kids who come from impoverished backgrounds, isn't even funded at a 50-percent level? Do you know that with Early Head Start, Mr. President, which is ages under 3, 3 and under, the most important years for development, do you know how many of the 3 million children who are eligible for some Head Start help so they get a head start and do better, do you know how much funding we have for them? One percent.

I would love it if somebody would come out here on the floor of the Senate—I would actually give up the rest of my time—and say, "You are wrong, PAUL. Given the budget resolution that we passed, we are going to be committing more money to Early Head Start. We are going to be committing huge amounts of money to making sure there is good child care for children before kindergarten."

We are not going to do it at all. In fact, with this budget, we will probably end up cutting it before it is all over.

Mr. President, here is where we can be a player. We can have Ed-Flex. I think it is a big step backward. I have explained why. I don't know why colleagues are not willing to make this standard. We shouldn't allow a State to allow a school district to waive it.

There is a real danger here. We are taking away some protection for poor children. We are doing that. That is not a step forward.

Frankly, if we want to be a player, when you talk to your people back in your States, especially when you are talking to the people who are involved in public education, they say you can be a player in prekindergarten. You, the Federal Government, could, out of your huge Government budget, be allocating some resources back to our communities for affordable child care, to fully fund Head Start. You could make a huge difference so that children come to kindergarten ready to learn and do better. We are not going to do it. We are going to pass something called Ed-Flex and pretend like this is some great step forward.

This applies perhaps more to my colleagues on the other side of the aisle than my colleague from Oregon, who is constantly committed to more funding. He has a strong commitment to more funding for these programs.

I want to be real clear about what we are doing and not doing today. I don't want us to get away with a piece of legislation that we pass that is heralded as some great step forward when we don't really do what we should be doing.

Mr. President, we talk about law enforcement. Talk to the community people, and they tell you everywhere that there are too many kids who come from families where both parents are working, or where a single parent is working. There are no after-school programs with positive things for them to do. There are not the community programs, the community-based programs. I hear it everywhere.

In this budget, which is going to lead to these appropriations bills, are we going to make any kind of major investment of resources so we are going to have some of these afterschool programs, some of this afterschool care for kids for children? No. Are there first and second and third graders who go home and there is no one there after school, sometimes in very dangerous neighborhoods? Yes, there are. I have met with them. Are there kids who go home and don't play outside even when it is a beautiful day because their parents tell them, "Go home, lock the door, don't take any phone calls?" Yes. Are we doing anything in the Senate about making any kind of investment of resources? Is the majority party doing that? No.

There was a woman named Fannie Lou Hamer. I wished I could have met her. She was a great civil rights activist from Mississippi. Fannie Lou Hamer said once, "I am so sick and tired of being sick and tired." I am sick and tired of photo opportunity politics. I am sick and tired of the breed of political person who wants to have their picture taken next to children, and how we all say we are for education. We all say we are for children. I look at the White House budget. They are pathetic. I look at our budget; the majority party's is even worse. I, frankly, see very little commitment to making sure that we have equal opportunity for every child in America.

This Ed-Flex bill doesn't do one thing to provide equal opportunity for every child in America. Worse, and let me repeat it, we could have had all the flexibility in the world, but for some reason when it came to the basic core protections and core requirements of the title I program—making sure there are highly qualified instructional staff, making sure kids are held to high standards, making sure we help the kids who are falling behind—my colleagues on the other side of the aisle didn't want to have this basic core requirement. Without that core requirement, we don't have that core protection.

I will finish my remarks in both a positive way and in a not-so-positive way. I want to again say to the title I teachers and the title I education people in Minnesota—I spent more time with them—I deeply appreciate the work being done and I do not want a misinterpretation of my vote against this bill as not being in support of your work.

Let me read some wonderful testimonials from students, parents and teachers at the Garfield Elementary School in Brainerd, MN.

> I love reading really much. When I grow up I'm gonna be a teacher. When I'm a teacher, I'm gonna read a lot of books to my children. When in college, I'm gonna read tons of books and books. Right now I'm in second grade.
>
> This class has helped me with reading and writing. I like this class because it's fun and I'm 10 going on 11.

Some of the spelling is not perfect but the sentiment is wonderful.

> Reading and writing help you get a job. Make that a good job. My favorite thing that we've done is when we're drawing a picture and characters from our book. I like the 5 minute word tests. My highest score was 28 and I'm smart.

I love it when children believe they are something. That is good. That is the way it should be.

Here is a statement from an educational assistant at Garfield School:

> To whom it may concern: Every fall at the start of the new school year I get my list of title I children that need a little extra help in the classroom. I know I can help them. Every spring when the school year ends, I know I have helped these children. I know title I works when the light bulb goes on after that child gets that math problem we have been working on. I know that title I works when that child is reading and understands what he reads. They can write a story that makes sense.
>
> Please keep the money for title I just for title I. Title I money pays for my job, but it is also something very dear to my heart. When I see a child get it, I know it works.

Mr. President, all over the United States of America there are schools with 30, 40, 50, 60, 70 percent low-income children that don't get any title I money because we have so severely underfunded this program. This legislation does not increase one dime, and we are not going to increase one dime for title I—not given this budget that we have.

In addition, when it comes to how we as a nation can renew and live up to our vow that there will be equal opportunity for every child in America, it is not here in this legislation. It is not here to make sure that the children come to kindergarten ready to learn. It is not hear to rebuild crumbling schools. It is not here for smaller class sizes. It is not here to make sure we have better teachers. It is not here to make sure that we do better on after school programs. It is not here to make sure there is affordable housing. It is not here for child nutrition programs. It is not here at all. And I want to say on the floor of the Senate, I don't believe it will be here in this Senate. I don't think the majority party will move on this agenda. Sometimes I worry a little bit about my party, as well.

I will be the only vote against this legislation. If I am wrong, I am sure my colleagues—Senator WYDEN and Senator JEFFORDS, both good Senators, real good Senators—will tell me a few years from now, You were mistaken. By not keeping that language in on the core requirement—that is what I am focused on. We didn't create any loophole. We didn't take a step backwards. This legislation didn't fail poor children.

If they can tell me I'm wrong, I will be glad to be wrong. Today I shall vote no. Today I shall wonder why more colleagues aren't voting no. Today I sound the alarm that I believe this piece of legislation is profoundly mistaken.

That is my honest view. I am sorry to be so critical of my colleagues' proposal because I respect their work, but I cannot support this legislation.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 28 minutes 45 seconds remaining.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Emilia Beskind be allowed floor privileges during the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I reserve the balance of my time.

Mr. WYDEN. Mr. President, I ask the Senator from Minnesota for 10 minutes to address some of the important issues the Senator raised.

Mr. WELLSTONE. I am pleased to yield 10 minutes to my colleague.

I have to meet with students from Minnesota. I will try to get a chance to respond, but I may have to respond at a later point.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. WYDEN. Mr. President, I thank the Senator from Minnesota.

I think he has raised a number of important issues and several that I agree with. During my 3 years in the Senate, I have consistently stated, along with the Senator from Minnesota, that we must do more. It is a moral imperative that we do more in terms of the Head Start Program, child care programs, and the variety of domestic needs that the Senator from Minnesota is talking about. To build support in America for additional funding for those programs, we ought to go to taxpayers and show them that with programs such as Ed-Flex we are squeezing more value out of the existing $12 billion that we are spending.

There is no quarrel between the Senator from Minnesota and I about the need for additional funding for these programs. It is absolutely essential. We also happen to agree about eliminating some of the tax boondoggles and get the money. But, if we are going to get support from the American people for additional funding, it seems to me we ought to pass the bipartisan Ed-Flex bill and show that we are squeezing existing value out of the current spending, get dollars out of bureaucracy and get them into the classroom.

The one point I would differ with my friend from Minnesota on, and I am happy to discuss this with him, is that in the weeks and weeks that we have been debating on the floor of the Senate, there has not been one example given of how much this program has been abused in the past. This program is operating in 12 States in the country in countless communities, and we are told now we are taking a step backwards with respect to this program though there has not been one example put before the Senate of how this program is being abused.

We have plenty of examples of how it works. The fact is, there is one very close to this Capitol Building. Just a few miles from here in Howard County, for example, they have reduced class size by one half. They did not do that by spending extra dollars. You already heard the Senator from Minnesota and I agree on that point. We ought to spend additional funds to reduce class size. But a few miles from here they have reduced class size with existing funds.

So we have examples of how this program works. Yet we are told this is a big step backwards while there has not been one example, not one, of how this program has been abused though it has been in place since 1994 in 12 States. It does not change any of the core requirements of title I—civil rights laws, labor laws, safety laws; all the things that are important for vulnerable children, that the Senator from Minnesota and I agree on, are kept in place. What this is going to do, as it did in my home State of Oregon, is make it possible for poor kids, who could not get advanced computing because of Federal redtape, to use Ed-Flex so they can get those skills and get the high-wage, high-skilled jobs the Senator from Minnesota and I want to see poor kids get.

I am very hopeful we will see overwhelming support today for this legislation. I think by showing you can use existing dollars more effectively, this is going to lay the groundwork for the objective the Senator from Minnesota and I would like to see, which is additional support for Head Start, child care programs, domestic programs.

I look forward, after we pass Ed-Flex and after it works, not talking about who is wrong between the Senator from Minnesota and I, but talking about how we can join together and get additional support for Head Start, child care programs, and these domestic needs, because we can go to the American taxpayer and show that, with Ed-Flex, we use existing dollars in a more efficient way so we build more credibility with them for domestic services.

I look forward to working with my colleague towards those ends. I thank him for giving me the time. He feels strongly about it. I do as well.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I appreciate the comments of my colleague from Oregon. I just wanted for the record on this debate on examples—before, my colleague, Senator KENNEDY, was speaking about past abuses, abuses of title I money. As to what has happened with those States, part of the Ed-Flex States, he was talking just about the abuse of title I money in the past, not talking about abuse of Ed-Flex States.

What we are talking about now is, we do not know. When we look at what GAO has said, the results are inconclusive one way or the other, and for that reason we should have waited and done this during the Elementary and Secondary Education Act reauthorization. I will quote from the GAO report:

> While some States have put in specific goals (such as improving student achievement in math and science) and established clear and measurable objectives for evaluating the impact of waivers (such as improving average test scores by a certain number of points) many Ed-Flex states have not established any goals or have defined only vague objectives.

That is only one example. I can go on. This is a rather longer quote in this report as well.

Actually I think Senator WYDEN is probably the wrong Senator for me to be having this debate with. The point is, No. 1, GAO expresses some concern about what could happen. The results are not conclusive one way or the other. But more important, why not—you voted for the amendment. I would have voted for this bill if we had just erred on the side of these children. Why not keep in that core provision? If we do not have to worry about States abusing this, if we do not have to worry about States not having this commitment to children, then surely this language which talked about making sure they are good teachers, making sure kids are held to high standards, making sure if they are not, we are going to give them the instruction they need—why would any school district want to waive that? Why would we not have kept that?

I would be willing to say that Arkansas and Minnesota and Oregon and Vermont and the State of Washington school districts would say, "Keep it in, that is what we are about." Why was it taken out? And why, when I introduced this amendment—this goes to the heart, the core, of the standards of the protection—was this taken out? That is the problem.

When we had the vote on this language, you voted for it, Senator WYDEN. I am sure Senator LINCOLN voted for it and Senator MURRAY voted for it. I don't know what Senator JEFFORDS did. But that is my point.

So, in all due respect, it is not true that we do not have evidence of some problems. We have plenty from the past. As to the Ed-Flex States, I just read from the GAO report. And then I had an amendment. I say to my colleague over there, Senator JEFFORDS from Vermont, that would have kept in the basic core protection. I do not think it would have been a problem for Vermont or any other State. It should not have been taken out, because just by chance, Senator WYDEN, just by chance, what if someplace, somewhere in the country, some of these kids fell between the cracks? Their parents did not have the most clout and there was some investment of title I money in areas where it did not really make a difference in these kids' lives. It should not have happened. We would not have the protection. Why would we not want to err on the side of these children? Why would we not want to err on the side of core requirements? That is my point.

I reserve the remainder of my time and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I ask unanimous consent that 20 minutes be added to the time, divided equally, 10 minutes a side, between Senator KENNEDY and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, on that time, no one could talk about education today without thinking of the tragedy yesterday in Colorado. As Members have expressed their sorrow over yesterday's events and the five earlier school tragedies, the same question comes to everyone's lips: What can we do to prevent this from happening again?

The contribution of the Federal Government towards State schools has been defined in the Safe and Drug-Free Schools Act. It has always been my intention, as a part of the hearings being held by the Health and Education Committee toward reauthorizing the Elementary and Secondary Education Act, that I would hold hearings especially examining the Safe and Drug-Free Schools Act.

So, to those who have asked me today what is the Federal Government doing, or what can we do, I want to inform my colleagues that the Health and Education Committee will have hearings addressing the problem of drugs and violence in schools and I will hold the first hearing early next month.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield myself 15 minutes from the Democratic side.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mrs. MURRAY. Mr. President, today we have an opportunity to discuss passage of the first education legislation of the 106th Congress. My sincere hope is that this is only the first step in bipartisan agreement about the path we are traveling toward improving America's schools.

The Education Flexibility Partnership Act itself is not an earth-shaking proposal. Essentially, for a set of provisions under a list of Federal programs, school districts will be able to get waivers from their States instead of having to ask Secretary Riley. Since Secretary Riley grants these waivers fairly routinely, some might ask why we need this bill. There has been so much talk about the great things this bill contains that I just want to clarify what we are talking about.

Within the bill, we are not reducing paperwork or bureaucracy or cost or time spent away from the classroom. You will hear from some of my colleagues that this bill does all those things and probably many other claims. To some people, Ed-Flex has become the great tonic that will fix all the ailments of our schools.

I want you to notice something that Senator FRIST has mentioned that I agree with. Ed-Flex is not a silver bullet or a panacea. It will not solve all the challenges our schools face.

The important part of the message that does not always get through is that no effort in the Congress or in your local school is that silver bullet or that panacea. The problems that affect today's schools, as we saw yesterday in Colorado, are never easy to solve. They are always more complex than a sound bite. Always.

Each part of the American school community, from classroom to committee room, must do its part. Every student, every family, every educator, every community leader, every local school board, every State government, and every national policymaker—all of us must do what we can.

The language of the Ed-Flex bill does not really provide any direct relief to any of these problems. All it really does is say that in addition to asking Secretary Riley for a waiver from a provision of a Federal program, you can now ask your State officials.

So why would someone like me, someone who is a parent, a preschool teacher, a former school board member, why would I come to the Senate Chamber and proclaim that we should pass the Ed-Flex bill? Because it can help change thinking, and that is a vital and important goal.

Education flexibility is an important idea and concept. If, by passing this expansion of the education flexibility program, we can change the thinking in just one community about what steps they can take to improve their local public school, then that is a major victory.

Too many local decisions, things that would directly improve the learning of hundreds of children, are stopped before they get started. The message this Congress needs to say to local communities is, if you have a proven, effective way to improve learning for your students and you have your community behind you and you are willing to be held accountable for the results, we should be doing everything we can to get the obstacles out of your way.

Sometimes the obstacle is a Federal law or regulation. Sometimes the obstacle is a State law or a State regulation. Sometimes the obstacle is a local school board policy that needs to be changed. Sometimes the obstacle is the bus schedule or the school lunch schedule or the sports schedule. Sometimes, believe it or not, the obstacle to improvement does not have anything to do with education law or with government at all.

Whatever the obstacles are, we all have a responsibility to do what is best for the students by holding the school accountable and helping them get the obstacles out of the way.

My belief is that we should all be thanking Senator WYDEN and Senator FRIST, Senator KENNEDY and Senator JEFFORDS for giving us an opportunity with this bill to help change thinking across this Nation, to remind communities that they have more power than they know to make improvements in their schools, and to say in a meaningful way that their Federal Government is their partner in making their best schools better or in helping their struggling schools to thrive.

There are plenty of great schools and plenty of great thinking out there right now without any further action on our part. But this bill will encourage the discussion that is happening at every local school about how to improve student learning and how to get even our best schools performing at higher levels. Great thinking alone will not do it.

That brings me back to my statement that although the Ed-Flex bill is the first education bill in this Congress, it cannot be the last, because what local school communities need more than flexibility are the resources and support to do something positive with it.

The Ed-Flex bill alone will not give your students more individual attention in the classroom. The Ed-Flex bill alone will not stop up a leak in your school's roof, unless it is a very small one. The Ed-Flex bill alone will not improve teacher training or any number of other important issues that real people across this Nation have to deal with every day, which is why it is important for me and many of my colleagues to start the larger debate about education with this bill.

We know we will not have many opportunities this year. This Congress must continue to address the very real needs of school communities. The public school is a powerful engine for social improvement and equity of opportunity. Millions of Americans have created lives that were measurably better in all ways than that of their parents because of something they learned in a public school.

As communities continue to update and improve and redesign their own public schools to meet the changing needs of our economy and society, they will need a very real, measurable investment from the other members of this great community we call our Nation.

We must continue our important national investment in reducing class size by helping communities to hire 100,000 well-trained, high-quality teachers. We must do everything we can to improve the professional development and ongoing education of our teachers to make sure they are ready for each challenge they face with each student each day they enter the classroom.

We must use every tax bill this year as a vehicle to help school communities modernize their school buildings and technology capabilities.

None of these, nor the many other important investments we should make, should be seen as a silver bullet or a panacea. But when you give local communities the freedom from regulation that we continue by expanding the education flexibility program today, and then combine that flexibility with the very real investment in the communities' ability to hire good people, to improve school buildings, to pay for improvements to the teaching process, and to choose the very best educational tools possible, then you are doing something really big, then we are talking about a major investment in our Nation's future which will pay off for us in many ways—reduced crime, more economic opportunity for people, the improved well-being of our neediest citizens, better citizenship, stronger communities with an improved quality of life for all of us.

That is why I and my colleagues have come to the debate on the Ed-Flex bill and also talked about the other important national investments we must make and continue to make in our schools.

In the process, there have arisen some threats to that overall, more important national effort. There was an amendment to this bill that would have undone the very important, vital, bipartisan agreement we all came to last year in helping communities reduce class size. If that amendment had prevailed, we would have seen communities—communities that are now struggling to put together their budgets for next year—we would have seen them forced to make some very ugly choices in school board meetings that already have enough disagreement and contention.

The good news is, that amendment which would have forced school districts to pit special education and regular education students against each other has been dropped. In its place, we have bipartisan language which will allow more flexibility to the very small school districts who have already reduced class size. That is progress.

This year, we can have the opportunity to debate class size reduction and many other efforts to improve communities' abilities to improve their schools. My hope is that we take that opportunity. My hope is that we have a full discussion and make some compromises and get to further progress.

Passing the Ed-Flex bill is a good first step. Continuing with our effort to leverage class size reduction across the Nation will be a good next step because school boards are making those decisions now. Moving forward on school construction this year will be another good move.

Increasing funding for special education by at least $500 million will be another step towards progress. Improving the resources communities have to improve teacher training will be progress. We should reauthorize the elementary and secondary school bill this year, just as we are scheduled to do.

We must continue talking and working. It is what the American people expect of us. It is our responsibility.

We must increase flexibility and resources at the same time. People want their schools to have the freedom to act and the funds to pay for it. Most people are, frankly, shocked by the fact that less than 2 percent of our overall national spending goes to education. We must make that a higher priority. We have started our work. Now let's continue and do our part in the great partnership we call America's public schools.

Thank you, Mr. President.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mrs. LINCOLN. Thank you, Mr. President. And I thank my colleague for yielding.

It certainly is ironic that we should be scheduled to vote on education legislation today in the wake of last night's tragedy in Colorado. All of the Nation is wondering how we can help our children.

Since a school shooting a year ago in my home State of Arkansas, I have been grappling with ideas to ensure that this type of tragedy never happens again. Unfortunately, it did happen again yesterday when the peacefulness of a Denver, CO, suburb was shattered by the sounds of explosions and gunfire.

The first line of defense against the terrible television images that we have seen over and over during the last 24 hours, and all too often during the last year, is guidance and love in the home. Parents must take responsibility for their children. And we, as a society, must do all that we can to provide the support our children need.

Our children are truly our greatest national resource. We must make their education a national priority. In order to do this, our teachers need help, too.

Each year our Nation's educators are asked to wear more than one hat, to take on more roles—all the while teaching our most precious resource. They make sacrifices every day, and quite literally in some instances have put their lives on the line for the safety of our children.

I do not claim to have all of the answers, but I do think we should provide more assistance to our teachers in identifying troubled children and giving them skills to deal with these students. One of the single common denominators I get from school principals in K through 3 elementary grades is that they must have more resources in their schools, more medical professionals to deal with the severity of problems that our young children are coming to school with today.

We have to give the teachers and the administrators the support and trust necessary to guide our children when we cannot be there. And finally, we must put more counselors and qualified medical health professionals in our schools as resources for teachers and administrators.

Yes, we can install more metal detectors and surveillance cameras in schools, but we will not get to the root of the problem. The youth of America are suffering, and all of the increased security in the world may ease our minds but it will not ease their pain.

I plan to work with the Senate Education Committee on school counseling and mental health legislation so that we can take proactive, commonsense steps toward seeing that tragedies such as those in Colorado and Jonesboro, AR, become only a distant, painful memory.

But we are here today to move forward in the field of education. I am proud to be an original cosponsor of the Ed-Flex bill. I am pleased that both sides could reach an agreement in conference so we can proceed to final passage of S. 280.

Although this process has taken longer than most of us wanted, there is a silver lining in this cloud. The Ed-Flex bill has given the Senate the opportunity to talk seriously and comprehensively about education—one of the most important issues facing our country.

It is absolutely essential that we continue that debate in the Senate. I have a county in southwest Arkansas where our superintendent made it an obligation to his school district that within 3 years he would minimize the size of K through 3 grades to well below 18 students per teacher. This school year they achieved that goal and have seen remarkable differences in their students.

Once the Ed-Flex bill passes, and States have greater flexibility with Federal funds, we hope to see so much more of that. We still have lots of work to do to ensure that our children get a good education and the best possible start in life.

Why? Because education is a national investment, with the highest possible return for which we could ask. The knowledge and training that we provide our children are the tools that they will carry with them for the rest of their lives. When we give them these tools, we have successfully invested in the success of our workforce and the future of our country.

How do we accomplish this? First, let's talk about school construction and renovation.

As a product of Arkansas's public schools, I know they are not just buildings where students and teachers spend their time; they are the cornerstones of our communities. And when a community works together to improve its schools, everyone benefits.

We have to physically fix our schools that are crumbling. What kind of a message does it send to our children when we send them to a school that has been allowed to literally fall apart? We have to devote the resources necessary to improving these situations.

School buildings also need to be adapted and equipped for computers that are wired to the Internet. All of our Nation's children should be able to take advantage of technology and a ride on the information superhighway.

In Arkansas, a recent survey of school facilities conducted by the Arkansas Department of Education reports that facility maintenance is one of the largest expenses for schools. The need for maintenance is often forgotten or overlooked, but in fact, the cost of roof repair or replacement is one of the largest expenses that schools incur.

The study also indicates that 364 buildings are occupied beyond their capacity. Some areas of the state are struggling to provide adequate facilities to accommodate the student population growth. No one wants our children to study in make-shift classrooms. Portable buildings and mobile trailers don't serve children or teachers well.

As a Senator who represents a predominantly rural state, let me point out that we can't ignore our rural schools when we talk about school construction and renovation. I raised the needs of rural schools last week on the Senate floor and will continue to do so as long as the education debate continues. I look forward to working with Senator KENNEDY on the needs of rural schools as well as other Senators on both sides of the aisle who share my concern.

In addition to building new schools and renovating older ones, we must reduce class size by hiring new teachers. Studies show that children learn better in smaller classrooms and teachers are able to do a better job teaching children when they can devote more time to fewer children.

I have spent a lot of time talking with teachers in Arkansas. They are desperate for Federal assistance to help them reduce class size because a crisis is looming. Only 15 percent of the teachers in Arkansas are under the age of 40.

This summer, Arkansas will receive $11.6 million as its first installment of funds to hire teachers to reduce class size in early grades. Clearly, State educators are excited about this new pool of funding to hire more teachers, but they are quick to point out that they need commitments from Congress for additional funding to maintain the new teachers in years 2 through 7. They simply don't have the funds to pay for these new teachers in years 2 through 7. What an important field. But we also must encourage young adults to go into education.

Schools are now in the process of making hiring decisions for the fall. Let's make a commitment to this funding soon so school boards and principals can hire new teachers and promise them jobs for more than just one year.

I believe that as Senators, we can come together and do the right thing by our Nation's children, parents and educators. Let's take steps to end violence, reduce class size and rebuild our schools so America's children can thrive. Let us, in the Senate, not end our discussion on education—our greatest national investment with this Ed-Flex bill, but let us continue this discussion and truly make our children's education a national priority.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. LINCOLN. I appreciate and certainly add my support to the Ed-Flex bill. I encourage the rest of the Members of this body to continue this debate on education throughout the next 2 years of this Congress.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. HUTCHINSON. Thank you, Mr. President. And I thank the chairman for yielding.

I am glad to join my colleague from Arkansas in supporting the Ed-Flex bill, also in joining all of my colleagues in our expressions of grief for the families who are suffering such a loss in Colorado today. I have been struck, as I have listened to my colleagues on the Senate floor. Time and time again words fail me to express the grief, the sorrow, that we all feel and really the lack of answers that we have.

As I presided a few moments ago, Mr. President, and listened to Senator WELLSTONE, he made the statement that if he could snap his fingers and somehow make yesterday not happen, he would do that. I think all of us feel that way.

I would add that if we could somehow pass a law today, if we knew the silver bullet, if we knew what it is that we could pass legislatively from Washington, DC, and put it in statutes, and that it would prevent these kinds of tragedies from occurring, I think we would have a 100–0 vote this evening in the Senate.

Unfortunately, the solutions are not so simple. The answers are not so obvious. Perhaps it goes to the cheapening of life in our society. Perhaps it goes to the culture of violence that permeates so much of the popular media today. I do not know all the answers, and perhaps today isn't the day to even talk about what the answers are or whether we can do something from Washington, but certainly there is agreement that it is a deep and shocking problem in our society. What is it in America that allows this to happen?

I will join my colleagues in seeking to find answers and trying to make this the kind of society where these tragedies are fewer and fewer.

I am glad to rise in support of the Ed-Flex bill. Certainly this is a step in the right direction in education reform in our country.

The Ed-Flex program is about cutting the unnecessary strings attached to Federal education funds. It does not cede accountability. In fact, the States must use the funds for the purpose intended; the money must remain targeted to the population it is designated to serve.

This bill, though, is recognition that when limited Federal funding is spread so thinly over such a wide area, the result is ineffective programs that fail to provide students with the basic skills they need to succeed.

If we are to expect schools to increase their performance and provide a better education for our children, then we must allow them to coordinate school reform plans and to implement plans that coordinate program funds. We do not need to compartmentalize education, and this bill makes that coordination between programs easier.

In States such as Arkansas, where there are many small school districts, rural school districts that receive only small grants through various Federal programs, flexibility is the key. We must allow local school districts to decide how to spend Federal dollars in the way that will work for them, not the way that Washington tells them to do it.

That is why, in addition to supporting this bill, I have introduced the Dollars to the Classroom Act, which also gives more flexibility to local school districts. It would eliminate the bureaucracy and allow schools to continue the reform efforts that they have already started to implement.

Why do we think that Washington bureaucrats, who are over 1,100 miles from Arkansas school districts, can decide how to improve our children's education better than the parents, the teachers, the principals who live there?

We must give schools the tools that are necessary to let them address the needs they are facing.

It is time to stop the one-size-fits-all approach to education, and allow those at the State and local level to decide what is best for their children. The problems facing Arkansas schools are not necessarily the same as those facing schools in other parts of the Nation. Ed-Flex allows States and local school districts to address these problems without restrictions that can inhibit school reform.

If Congress expects improvement in our Nation's schools, then we must not add any additional regulatory burdens that only create more paperwork for our teachers and principals. If we really want teachers to spend more time with their students, then we must cut the red tape that occupies so much of their time.

In his testimony before the Senate Health and Education Committee on February 23, as we well remember, Michigan Governor John Engler stated:

> Many governors feel so strongly that the bureaucracy is the problem that we cannot imagine being unable to improve education with greater funding flexibility.

In fact, he and the 49 other Governors support this legislation, along with the President and, most importantly, the teachers, the principals, the school boards and the administrators of this country.

The U.S. Department of Education's 1998 report to Congress on waivers states:

> Waiver authorities can be useful tools for promoting improved student achievement and for promoting flexibility to support local efforts to improve teaching and learning for students.

Finally, I am disappointed that the Lott amendment regarding IDEA was removed during conference.

The main objective of the Ed-Flex legislation is to give schools more flexibility. Allowing school districts more options in how to spend their federal dollars can only benefit those districts by giving them control at the local level.

After talking with an administrator for the Class Size Reduction program in Arkansas, there are still several school districts who will choose not to participate in this program because of excessive regulations. Many of the small- to medium-sized school districts in Arkansas who have not yet reduced class size to 18 students per class will choose not to go through the burdensome steps to form a consortia with several other school districts for the hiring of only one teacher that they must then share.

While this is an issue that we must continue to resolve, I am proud to have supported this legislation, and I hope that the education debate that we have had in Congress will not end with the passage of this piece of legislation. A significant amount of work remains in improving our schools, and I look forward to further consideration of this issue.

That is what this bill is about. That is why it has such broad support. Though we need to go much further, this is an important first step in providing greater local flexibility.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just take a moment and then I am prepared to yield back my time. I guess the Senator from Minnesota still wants to address the Senate. I yield myself a moment.

In my absence, our chairman has indicated that we will move forward and have some hearings about violence in schools for our Committee on Education and Human Resources. I commend him for being willing to undertake that. I think that could be enormously important.

I do not think at the outset we are expecting the magical solution, but I do think that we probably will get some very constructive ideas.

I can remember it wasn't long ago that several Members of the Senate got together with the Attorney General and some of the parents from schools that had seen this kind of violence in the recent past. The parents had a number of ideas and recommendations and suggestions. I think doing this in the formal setting of a committee hearing so that we will have the record and have it kept and make it available to our colleagues perhaps will be one of the most important things that we undertake in our committee—and we have many important things to undertake.

I thank the chairman of the committee for his willingness on that and indicate that we are all looking forward to cooperating and working very closely with the Chair in every way that we possibly can to hold meaningful hearings and perhaps to help not just the families, but to help our country come to grips with at least the role of the school in this whole process of young people's development and what we might be able to suggest that might be a constructive and useful idea.

We will not have all the answers, but maybe we will have some. I think with that kind of commitment today, many of us feel at least the Senate is attempting to deal with this in an important way.

I thank the Chair.

Mr. JEFFORDS. Mr. President, I thank the Senator for his thoughts.

Mr. BROWNBACK. Mr. President, I rise today to once again voice my support for the Education Flexibility Partnership Act or Ed-Flex. With the passage of this important legislation, we are taking an important first step towards reducing the intrusive regulations and bureaucratic red tape the federal government imposes on local schools in Kansas and around the nation.

First, I would like to note that Ed-Flex legislation did not make it to this point without the combined efforts of a great many talented people. I would like to commend and thank my colleagues Senators JEFFORDS and FRIST for their dedication to this legislation. I would also like to thank our colleagues in the House and all of the staff that have dedicated their time and ability to increasing flexibility for school districts.

Mr. President, Ed-Flex is a truly significant piece of legislation. For too long, the Federal Government, through the Department of Education, has prevented local schools and school districts from creating and implementing original programs custom designed to help their students learn. Ed-Flex provides local schools a chance to waive Federal regulations and statutes which prevent them from implementing these innovative programs. We are sending an important message to teachers, parents and local school boards that we recognize that they know best how to educate their students.

My home State of Kansas is one of the 12 States already covered under Ed-Flex, and which have benefited from the waivers. Schools from across Kansas have submitted 43 waiver requests, none of which have yet been rejected. To hear from the folks back home with whom I visited, students are much better served by flexibility than they are by rigid Federal mandates.

And Kansans aren't the only people who have supported our efforts to provide more flexibility. Both the Senate and House versions of this bill passed with broad bi-partisan support. All fifty governors have endorsed Ed-Flex. In fact, even President Clinton agrees that Ed-Flex will help to improve education in this country.

However, while Ed-Flex is an important first step towards relieving the pressure of Federal mandates on local schools, it is still just the first step. Recognizing that the Federal Government is not best suited to set the rules under which we educate our students, we must continue to reduce the role of the Federal mandates in local education. The demands on a school district in urban California are quite different from those on districts in rural Kansas—no less daunting—simply different. We, as a body, must continue to move legislation which will allow those two districts to decide for themselves how best to educate their children.

Mr. REED. Mr. President, I rise in support of the Conference Report on the Education Flexibility Partnership Act.

I am particularly pleased that the Conference Report contains my amendment to ensure that parents have a strong voice in the Ed-Flex waiver process. My amendment requires states and school districts to provide public notice and comment opportunities to parents and other interested members of the community before requesting waiver authority or waivers.

As an added accountability measure to ensure that parents and communities across the nation have confidence in the waiver process, my amendment also requires states and school districts to submit these comments along with their application to the Secretary or the state as appropriate.

Such requirements provide parents an opportunity to play an active role in the waiver process, and, by doing so, empower them to help their children succeed in school.

I believe that it is extremely important for parents to be involved in their child's education. As the Center for Law and Education has noted, "when parents are involved at school, their children not only go further, the schools become better for all children."

Moreover, the implications of waiver requests are broad. Input and participation by parents and other interested members of our communities can only lead to more effective use of any waivers. Indeed, parents are more likely to be receptive to the waivers and work to see that the goals intended by the waivers are achieved if they actually know about the waivers; are involved in shaping the waivers; and have a real stake in the waiver process.

With Ed-Flex, we have an opportunity to provide more flexibility to enhance state and local education reform efforts. I am pleased that the Conference Report recognizes the need to balance that flexibility with accountability by containing provisions that I worked on closely with Senators KENNEDY and DODD to ensure that the increased flexibility provided to states and school districts is tied to strong accountability.

When we send scarce federal dollars to states and school districts, we need to hold them accountable for results. Indeed, too many of our children do not get the education they deserve. Without accountability, we will never reverse this situation.

Mr. President, I am also pleased that the bipartisan commitment we made last year to fund the class size reduction initiative is maintained in the Conference Report. Indeed, the Republican attempt to pit the needs of children with disabilities against the general student population is both counterproductive and destructive.

Lastly, I want to note that Ed-Flex alone is not going to turn around the education of our children. Ed-Flex is one of the easier and less complex education issues we may consider this year. Now it is time to begin the hard work of truly improving teacher quality, strengthening parental involvement, equipping our school libraries with up-to-date books, repairing and modernizing our schools, and reducing class size. These initiatives are the hallmarks of real education reform—not slogans about block grants and vouchers.

Mr. President, the issue of education is one of the greatest challenges facing our nation. There are no quick fixes. It is only through hard work and sensible reauthorization of the Elementary and Secondary Education Act that we can begin to truly improve education.

Ms. COLLINS. Mr. President, I rise as an original cosponsor of the Education Flexibility Partnership Act to speak in support of the conference report on this important legislation designed to improve the quality of our children's education.

This is a straightforward, bipartisan proposal with no budgetary impact. It is endorsed by the governors of all fifty states. It will give to every state the flexibility that twelve states have had for the last five years—flexibility that will allow states and communities to pursue innovative efforts for the improvement of K–12 education. We should approve the conference report and take an important first step toward returning the control of education to our states and local communities.

Opponents of education flexibility claim that it reduces the accountability of the states and will divert federal funds away from programs that support low-income children. These arguments simply have no validity because of the safeguards we have written into the act. To be eligible to participate in Ed-Flex, a state must have made significant progress toward developing and implementing challenging standards for education content and performance for all of its students. Moreover, an Ed-Flex waiver can not exceed five years unless the Secretary of Education determines the waiver has been effective in assisting schools in implementing education reforms.

It is not accountability that Ed-Flex eliminates; what Ed-Flex does away with is the direct federal control of local decisionmaking. The objectives of federal education funding remain the same—improve the performance of all students and all schools. Ed-Flex encourages and supports the states and local school districts in developing innovative new approaches to education reform and improvement. The intent of existing education programs is preserved while the administrative burden on the states and local communities is lessened. States and communities will be allowed to tailor these programs to fit local needs and conditions. In short, the legislation we are now considering recognizes that the people closest to our schools—our school board members, teachers, principals, and parents—are the best able to craft reforms that respond to local needs.

As pleased as I am to support this conference report, I am very disappointed that it has eliminated the Senate's provision that would have afforded local schools the choice of using the funds appropriated for class-size reduction to pay for special education. Contrast the progressive objectives of the Ed-Flex bill with this decision. Some members insisted on placing new federal requirements on local schools through a new categorical program at the same time we are moving toward more local control through this bill. We need to move away from this "Washington knows best" approach.

I am a strong supporter of public education and believe that the federal government should increase its support for our schools. It should realize this goal first by meeting its commitment to pay the federal share of special education, not by creating new Washington-driven programs. If we meet our obligation to pay forty percent of the cost of special education, millions of dollars of local education dollars will become available for the needs of education in every state and in every school district. These are dollars that can be spent on more teachers—or on school construction, drop-out prevention, after school programs, or on any other need a local school establishes as its priorities.

Clearly, the Education Flexibility Partnership Act is only the starting point. We need to go much further in cutting the federal red tape that binds our local schools and hinders their ability to respond to the needs of their students. Giving schools greater flexibility must be a major priority as we proceed with the reauthorization of the Elementary and Secondary Education Act. I plan to take another step in the direction of less federal control by introducing a bill to give small, rural schools greater flexibility in the way they use federal education funding.

The federal government must help our local schools to improve their performance. But control and management from Washington are not what is needed. Extending the option of Ed-Flex to every state eases the federal hold on our local schools. I urge my colleagues to approve the conference report that is before us today and to move forward in supporting more local decision-making as we reauthorize the Elementary and Secondary Education Act later in this Congress.

Mr. KOHL. Mr. President, I am pleased to express my support for the Education Flexibility Partnership Act conference report. I commend the conferees for working so hard to remove the provisions of the bill that would have been harmful to our schools, and for keeping the elements that really will provide much-needed flexibility to States and local school boards to try new, innovative approaches to improving public education.

I support this conference report for several reasons. First, it removes the provisions in the Senate bill that would have forced school districts to choose between hiring teachers or serving students with special needs. I strongly support putting more money into IDEA. The Federal government is required to pay for up to 40 percent of special education costs; yet, we are currently only contributing about 10 percent. This is unacceptable and I am committed to increasing the Federal contribution to IDEA. But taking the money away from teachers is not the way to do it. We must find the will and the resources to meet all of our educational needs and responsibilities—we should fund teachers, and special education, and technology, and school construction. We should not force school districts to choose between these important priorities, and I am pleased that the conference report no longer does so.

Second, I strongly support the provision in the conference report that allows schools to place disabled children who carry or possess a weapon at school in an alternative education setting. Unfortunately, during consideration of the Senate Ed-flex bill, the amendment that contained this important provision also contained other harmful provisions that would have diverted funding away from teacher. Although I voted against the amendment because of the funding piece, I support this provision to appropriately discipline and remove any student who brings a weapon to school. I am pleased that the harmful pieces of that amendment were dropped in conference, and that this provision to keep guns out of our schools was retained.

It seems particularly appropriate, yet tragic, that this requirement should be passed on the day after the school shooting that occurred in Littleton, Colorado. Although authorities are still sorting through the facts and details of that horrifying incident, one thing is clear: we must aggressively take every step possible to keep guns out of the hands of children and out of our schools. Enactment of my Gun Free School Zones Act was a good start, and this provision continues to move us in the right direction, but I believe we must go further and make the safety of our school children a national, state and local priority.

Finally, the Ed-Flex conference takes a small but important first step in correcting a glitch in last year's Class Size Reduction Act. Current law requires that if a school district receives less money than is necessary to hire a teacher, that district must form a consortium with other districts, pool their money together, and share a teacher. This simply won't work in many places in Wisconsin; the teacher would spend more time traveling between school districts than teaching. Yet, under current law, unless the district formed the consortium, they would not have access to the class size money at all.

The Conference report partially fixes this problem by allowing those school districts that have already reduced class size in the early grades to access this money without forming a consortium. They are free to use this money for professional development to improve teacher quality. I am pleased by this change, but this does not address the problem for those districts that have not yet reached the target class size reduction goals. These districts want and need this money, and I will continue to work with my colleagues and with the Department of Education to make sure they get it.

Mr. President, the Ed-Flex bill does not solve every problem in public education. We still have many issues to address when we reauthorize the Elementary and Secondary Education Act. But I support the principle of providing more flexibility to States and local school districts, who have the ultimate responsibility of educating our Nation's children. Although it is a modest step forward, I am pleased to support the Ed-Flex conference report.

Mr. BIDEN. Mr. President, I rise in support of this conference report on the Education Flexibility Partnership Act of 1999. When this so-called "Ed-Flex" bill was last before this body, it contained a plan to cut back on the commitment this Congress made last year to help put 100,000 new teachers in our schools. Now that this contentious provision has been removed, I'm pleased this afternoon to support the final passage of this bill and to clear this measure for the President's signature.

There's little doubt that education is something that can help set an individual free or consign him or her to a lifetime of uphill battles. And as a Nation, the quality of our educational system can make us a world leader or relegate us to a second-class status.

While most education decisions are—and should continue to be—made at the state and local level, the Federal Government has a crucial role to play in helping schools to educate all our children for the high-tech world of the 21st Century. I believe this bill will help us to better reach our goals.

All across America, parents, teachers, school boards, students, and policy makers are looking to improve their schools, and the Federal Government has offered help to schools in developing and instituting innovative reforms. In 1994, we took the important step of setting up a demonstration program in six states to allow certain regulations in Federal education programs to be waived if those regulations impede progress on school improvement efforts. We later expanded that demonstration program to twelve states.

This legislation we are passing today will allow all states, including Delaware, the same flexibility that was afforded the states in the demonstration program. The Federal dollars will still be spent for the purposes intended, but states will be freed to use the money in the most efficient and creative ways, most responsive to local needs. Importantly, this bill also includes strong provisions to ensure that schools will be held accountable to meet educational goals.

In the struggle to improve our education system, this is an important step in promoting new ideas and solutions to better our schools and make the most of our education dollars.

Mr. GRAMS. Mr. President, I take this opportunity to again express my strong support for the education proposals currently before the Senate, which would direct more dollars and decision-making authority to states, teachers, and parents.

Today the Senate considers an important bill designed to facilitate education administration and free more resources for our students. The "Education Flexibility Partnership Act of 1999" would extend the "Education Flexibility Partnership Demonstration Program," otherwise known as "Ed-Flex."

Ed-Flex allows eligible local school districts to forgo federal red tape that consumes precious education resources. In return, states must have sufficient accountability measures in place and continue to make progress toward improving student education. States must also comply with certain core federal principles, such as civil rights. The concept of Ed-Flex is simple, yet the benefits would be significant. In other words, let's put more money into educating our kids in the classroom rather than lining the pockets of bureaucrats.

The Ed-Flex demonstration program is currently in place in 12 states. The "Ed-Flex Act of 1999" would allow all 50 states the option to participate in the program. With good reason, the program has been very popular. Unnecessary, time-and-money-consuming federal regulations are rightly despised by school administrators. Did you know that the federal government provides only seven percent of local school funding, but requires 50 percent of all school paperwork? That's ridiculous. We need to put education dollars into the classroom instead of bureaucracy.

Ed-Flex takes a critical step in allowing more localized decision-making authority—the power to decide when the federal regulations are more troublesome and expensive than they're worth. Today, there are simply too many regulations which are despised by school administrators.

Giving more decision-making authority to states and local school districts is good common sense. Naturally, those who are closest to our students are in the best position to make the most appropriate and effective decisions concerning their education. One-size-fits-all legislation may work well in other areas, but not in education. Some of the most successful classrooms across our nation vary tremendously in their structure, functioning, and appearance.

In my home state of Minnesota, for instance, we have very rural communities, urban communities, and everything in between. We've got farm kids, suburban kids, and city kids. All of these kids are students. And I know this sort of rural-to-urban community-mix is typical for most states. How much sense does it make then, to require local school districts and classrooms—all with their own particular strengths and weaknesses—to follow, in lock-step, the homogenized, uniform routine of federal bureaucracy? Not much.

This week in Minnesota, the focus in the State Legislature is on education, and those involved in the debate over spending priorities and education initiatives will be Minnesota state officials, teachers, and parents: people much better suited to be making decisions for our students than Washington bureaucrats.

We have opportunities before us to do something meaningful for our children's education. A complementary bill to Ed-Flex which promotes local decision-making power is Senator HUTCHINSON's Dollars to the Classroom Act. Under this proposal, many federally funded K-12 programs would be consolidated and the dollars sent directly to states or local school districts—free from the usual Washington red tape. The bill would require that at least 95 cents out of every dollar spent on 31 primary and secondary federal education programs go to the classroom, allowing teachers and parents to support local education priorities.

It would take money from competitive federal grant programs, which rarely reach the local classrooms that need them, and send this money directly to local schools and districts for their spending needs.

Mr. President, in a more general sense, we need to address the reasons why our students aren't achieving the levels of academic excellence they should. Of course we all want the best education available for our children, and to improve the state of American education and schools for all children.

It's in the best interest of our kids and of our country. It would be nice to think that we could solve the problems of education by spending more and more money. Unfortunately, that doesn't work. The United States is the world leader in national spending per student. Yet our test scores show that our system is failing our children.

Test results released last year show that American high school seniors score far below their peers from other countries in math and science. We're at rock bottom. It's going to take more time and effort to solve these problems—and the most important work will be done by those in the best position to do so: parents, teachers, and local administrators. We must give them the freedom they need to accomplish the job. This freedom comes with the authority to make decisions based on a variety of specific needs. I will continue to support measures like the Ed-Flex legislation and the Dollars to the Classroom Act, that return money and control—from Washington—to parents, teachers, and local school districts. After all, they know best how to spend education dollars.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I know that education has a lot to do with what happens in these cases, and the failure of our educational system in some regards is certainly a contributing factor. As we get into the dropout protection aspects of the bill and also the Safe and Drug Free Schools Act, I think you will learn some startling things.

I remember not long ago here we had a speaker who told about the amoral generation we are raising in gangs across the country leading to these kind of problems. I think it is incredibly important that when we do take up, which only occurs once every 5 years, the Elementary and Secondary Education Act, we have to examine what happens and why we have these problems. I look forward to working with my friend to design hearings which should be productive to our society.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on the conference report on H.R. 800.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. Mr. President, we cannot yield the remainder of the time until we have the Senator from Minnesota.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum on his time.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I have checked with the minority, and I yield back all remaining time.

The PRESIDING OFFICER. The question is now on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—1

Wellstone

NOT VOTING—1

Moynihan

The conference report was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. JEFFORDS. Mr. President, I will briefly speak to thank the staffs on both sides. They worked so hard on this bill. When we went to the conference with the House, there were many things that had to be worked out and they worked extremely fast and very competently to allow us to have this bill passed and on to the President as soon as possible.

I especially thank all of the staff who worked on this bill: Meredith Medley and Lori Meyer with Senator FRIST, Danica Petroshius with Senator KENNEDY, Suzanne Day with Senator DODD, Denzel McGuire and Townsend Lange with Senator GREGG, and Lindsay Rosenberg with Senator WYDEN. I also thank Susan Hattan and Sherry Kaiman with my staff.

I thank all the Members for their excellent cooperation on this bill, which will do a lot to help our local schools in particular to be able to better face the problems they encounter.

Mr. President, I yield the floor.

RECESS

Mr. CRAIG. Mr. President, I ask the Senate recess for no longer than 10 minutes and at the end of that recess period the senior Senator from West Virginia be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 4:16 p.m., the Senate recessed until 4:25 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is to be recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from North Carolina for such time as he may require to introduce some guests.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair and certainly thank the distinguished Senator from West Virginia for whom I have the greatest admiration.

VISIT TO THE SENATE BY PARLIAMENTARIANS OF THE REPUBLIC OF CHINA ON TAIWAN

Mr. HELMS. Mr. President, today we have in this Chamber a distinguished group of parliamentarians from the Republic of China on Taiwan. I invite Senators who have not already done so to come over and say a quick hello to our visitors.

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes.

There being no objection, the Senate, at 4:26 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Thank you, Mr. President.

NATO: THE NEXT GENERATION

Mr. BYRD. Mr. President, this weekend, the 19 member nations of the North Atlantic Treaty Organization will gather in Washington to commemorate the 50th anniversary of the establishment of NATO. Some may see the juxtaposition of this summit against the images of NATO airstrikes over Yugoslavia as being ironic. I see it differently. I see it as prophetic.

The world has changed in the past 50 years, but as the events in Kosovo so graphically illustrate, the world has grown no less dangerous. NATO, likewise, has undergone significant changes over the years but remains no less important to the security of Europe. The key challenge facing NATO today is the dramatic change in the nature of the threat. The cold war is history; the Soviet Union is defunct; the Berlin Wall is just a pile of rubble. Forces massed along the borders have given way to flash points dotted around the globe. The tense but symmetrical standoff in Europe between the East and the West has been exchanged for the capriciousness of terrorists and tyrants.

Just as the nature of the threat has evolved, so must the structure and mission of NATO metamorphose if it is to remain relevant into the 21st century.

In 1949, when the alliance was formed, the Soviet Union and its satellites posed the only credible threat to Western security. It was the chilly dawn of the cold war era, and NATO was precision-tuned to meet the cold war challenge. In the ensuing decades, as NATO expanded from the original 12 to 16 member nations, the alliance grew in strength and stature to guard Western Europe against the formidable forces of the Warsaw Pact nations.

Conflict in Korea and Vietnam, turbulence in the Middle East, the growing influence of China—none of the cataclysmic events of the second half of the 20th century deterred NATO from its focus on the Soviet Union and Eastern Europe. And, in the end, NATO's intensity and single-mindedness paid off handsomely, with the fall of the Berlin Wall and the subsequent collapse of the Soviet Union and the Warsaw Pact.

Through the years, NATO has adjusted its strategy and its mission to meet changing circumstances, but never has the challenge been as great or as far reaching as it is today. Where once NATO contended with the shifting fortunes of a cold war enemy massed along a single front, today the alliance is confronted with brush fires in its backyard, the threat of terrorism from geographically remote nations and organizations, and the proliferation of nuclear weapons in virtually every direction.

To meet this shifting political and military landscape, NATO has expanded on its primary focus of defending its members against the threat of attack by reaching out to its former foes to promote European stability and security. Only last month, Poland, Hungary, and the Czech Republic were welcomed into the alliance. And nine other nations are clamoring for membership.

It is in this context that the 19 members of the alliance will gather in Washington to mark the anniversary of NATO and to discuss the future of the alliance. And it is in this context that the conflict in Kosovo can serve as a useful template for many of the challenges that the alliance is likely to face in the early years of the 21st century.

The lessons learned in Kosovo, preliminary though they may be at this point, should be brought to the summit table. The lessons that are still to come, as NATO prosecutes the attack on Yugoslavia, must be accommodated in any future strategy.

Several specific issues arising from the Kosovo conflict deserve careful consideration by the members of the alliance. And these include the following:

First, NATO should discuss the wisdom of establishing a more robust forward operating presence in Europe beyond alliance headquarters. Given their history, the Balkans are a logical choice. The time and logistical constraints built into ferrying people and equipment from the United States, Britain, France and elsewhere to the front are formidable. The result is a potentially serious disconnect in the ability of commanders in the field to respond rapidly and effectively to changing circumstances. One example of the problems this remote staging has caused is the agonizing wait for the U.S. Apache helicopters to arrive in theater—a delay that has cost NATO in terms of tactical flexibility and has given the Serbs in Kosovo a lethal window of opportunity to carry forward their ethnic cleansing activities.

Second, and in conjunction with a more aggressive NATO forward operating presence, the allies must accelerate their efforts to field common systems and increase interoperability. This does not mean that the United States should become an open-ended pipeline for the transfer of technology to our NATO allies, but there are basic military tools that should be available to, and designated for, NATO operations.

Third, the Kosovo operation should be the genesis for a top-to-bottom review of the NATO decisionmaking process. While the system seems to be working reasonably well considering that it is a conflict being fought by committee, there is no doubt in my mind that decisionmaking must be streamlined. It is, for example, far too cumbersome to give each of the member nations veto power over the list of military targets. It may be well for NATO to consider establishing subgroups of responsibility defined operationally and perhaps even geographically. At all costs, NATO should not blunder into the decisionmaking no-man's-land that has paralyzed the effectiveness of the United Nations.

And finally, NATO should continue to engage Russia as a vital partner in its quest for stability and security, and redouble it efforts to bring other former Soviet bloc nations into the alliance once they have met NATO membership criteria. This is the time to reach out, not to pull back. NATO's sphere of interest and influence no longer spans just the Atlantic Ocean; it spans a vast and complex territory never contemplated in 1949. In this new operating arena, a broader but still solid base will mean a stronger, more vigorous alliance.

We would be foolhardy to believe that Kosovo is an anomaly, just as we would be foolhardy to believe that Kosovo will be the only model of future conflict. The threats that face the NATO alliance at the beginning of the 21st century are many and varied, and they will doubtless proliferate in the coming years. The threat of nuclear attack from rogue nations, the possibility of so-called "loose nukes" falling into the hands of terrorists, the danger of chemical or biological warfare, the prospect of cyber-attack, the reality of increasing ethnic tensions amid shifting resources and contested borders—these are some of the threats that the United States and its NATO allies face in the coming years. And these are just the threats we can predict today. Who knows, ten years or twenty years from now, what perils the world will face and what shape our defenses will have to take. But as the conflict in Kosovo so sharply indicates, we must be prepared for the unexpected, even the unimaginable. If NATO has the staying power to celebrate its centennial fifty years from now, it will be in a world that few of us can image today.

NATO has served a worthy purpose since its inception in 1949. Its role in the future security and stability, not only of Europe, but also of the United States as well as far-flung corners of the world, is equally essential. And so I salute NATO on its 50th anniversary, and I urge its representatives to weigh carefully the future goals and mission of the alliance. NATO is at a crossroads: it can remain a force for security and stability in the world, or it can become just another relic of the cold war. For the sake of us all, I hope that NATO charts a course of action that will steer it safely through the turbulence of today and into the 21st century.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative assistant read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as a part of the budget process.

The Senate resumed consideration of the bill.

Pending:

LOTT (for Abraham) amendment No. 254, to preserve and protect the surpluses of the Social Security trust funds by reaffirming the exclusion of receipts and disbursements from the budget, by setting a limit on the debt held by the public, and by amending the Congressional Budget Act of 1974 to provide a process to reduce the limit on the debt held by the public.

Abraham amendment No. 255 (to amendment No. 254), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I was about to ask what business we were on, and the Chair has answered the question.

What I will do now is talk for a few minutes about the reasoning behind the amendment I brought on behalf of myself and Senators DOMENICI, ASHCROFT, LOTT, NICKLES and several others, the so-called Social Security lockbox.

First, I think it is important for our constituents to understand exactly what process happens now and what has been happening to their Social Security payroll taxes.

If you are a working American, Social Security payroll taxes are taken out of your paycheck. Most Americans rue that little FICA box, as they know it means a reduction in the amount of take-home pay they have. The money that falls under the Social Security component of the FICA tax goes into the Social Security trust fund. From there it is used to pay Social Security benefits to retirees.

Right now, however, the Social Security trust fund is taking in more money in taxes than it is paying out in benefits. We are doing that because in 1982 and 1983, as a result of the Bipartisan Commission's recommendations, we came up with an increase in the payroll taxes, the goal of which was to begin to build a surplus that could be used to meet the retirement demands, in terms of the system, of baby boomers.

As a result, over the next 10 years, starting this year, Social Security will build up a surplus of $1.8 trillion. That means 1.8 trillion more payroll tax dollars are going to go into the Social Security trust fund than will be needed to meet the retirement benefit paychecks that will be paid during that timeframe.

As I think most Americans know, and it seems at least virtually every senior or person nearing senior citizen age in my State that I meet with knows, Social Security surpluses have, in recent years, been used to mask the size of the Federal deficit and basically to finance other Government spending—everything from foreign aid to funding for the bureaucracy in the Internal Revenue Service.

Now, however, Mr. President, as a result of the hard work this Congress and previous Congresses have done in the last several years, we are on the verge of balancing the budget without using the Social Security surplus. In fact, over the next 10 years, the Federal Government will accumulate a total budget surplus of $2.7 trillion—$1.8 trillion, as I mentioned, in the Social Security trust fund and $900 billion in non-Social Security surpluses.

The question, then, is what should we do with the Social Security surpluses that we are contemplating generating over the next 10 years? Should we continue spending those surpluses on other Government programs, on new spending programs, or on increases in existing programs? Or should we save those dollars for Social Security? Remember, that was the intent of developing the surplus, to set aside additional surplus Social Security dollars for the day when Social Security income is no longer meeting its outflow in terms of paychecks.

Well, those of us bringing this amendment today say, very simply, let's save it all. We want to save every penny of every dollar to fix the Social Security program, to modernize the program, so that it is ready to meet the demands of the 21st century. If we don't pass a Social Security modernization plan, then it is our belief that that money should be used to reduce the public debt and not used for new spending programs, for tax cuts, or for anything else.

That is the purpose of the legislation we are offering in the form of this amendment—to set up, in effect, a safe-deposit box into which we would put Social Security surpluses to guarantee that they are used solely to modernize Social Security or to pay down the debt.

Mr. President, this protection is needed. It is needed because, without it, the Social Security surplus will be spent. President Clinton said in a press statement of November 15, 1995, that he wanted "to assure the American people that the Social Security trust fund will not be used for any purpose other than to pay benefits to recipients."

"Under current law," he went on to say, "the Secretary of the Treasury is not authorized to use the fund for any purpose other than to pay benefits to recipients. There will be no exceptions under my watch. None. Not ever."

That is pretty unequivocal language: The Social Security trust fund will not be used for any purpose other than to pay benefits to recipients. Unfortunately, in 1998, as you will recall, the President threatened to shut down the Government if we didn't appropriate $21 billion in new Federal spending, to be funded, in effect, from the Social Security surplus. And now the Congressional Budget Office reports and has estimated that the President's latest budget, the one he submitted in February, spends $158 billion of the Social Security surplus—20 percent of the surplus that will be generated over the next 5 years on non-Social Security programs.

If we have learned anything else over the last several years, we should have learned beyond a shadow of a doubt that money left in Washington will be spent in Washington. That includes money in the Social Security trust fund.

I have singled out the President in my comments here because of this year's budget submission, as well as last year's spending bills; but it is not one side of the aisle alone that has a tendency to spend dollars. We have all voted for spending bills here that have taken the Social Security trust fund money and spent it elsewhere. In my judgment, the failure of the current budget process to provide safeguards against such spending demands that we put in place the kind of safe-deposit lockbox we are discussing here today in order to make sure that in the future the Social Security surplus dollars are protected, because unless we protect that surplus, in my judgment, it will be spent and we will not have adequate money to make sure that Social Security is not only available to today's seniors but tomorrow's seniors as well.

The purpose of our Social Security lockbox is to make Social Security funds unavailable to those who want to spend them. First, it reaffirms that Social Security is off budget. Second, it establishes a 60-vote Senate point of order against any resolution or legislation that spends the Social Security surplus. Third, it establishes in law a declining limit on the amount of debt to be held by the public, which keeps Social Security moneys from being spent on Washington programs.

In other words, Mr. President, initially on an annual basis, and then on a biannual basis, this legislation would mandate that the publicly held debt be decreased by the amount of money in the Social Security trust fund surplus until such time as we pass Social Security modernization legislation that would use those surpluses. In other words, if Congress does not pass a Social Security modernization plan, we will reduce the public debt, and the total amount over that 10-year period would be over $1.2 trillion—well over $1 trillion that would otherwise have been simply spent would, under this proposal, be used to pay down our debt. That, in turn, would lower interest rates, strengthen our economy, and strengthen the Social Security system accordingly. By strengthening our economy, this debt reduction will directly impact, in my judgment, not only economic growth but the strength of Social Security.

Mr. President, in light of the time, I want to turn at this point to some of the comments that have been made on the Senate floor with regard to this amendment. Perhaps the most serious we have heard are serious charges that this amendment would prevent the Federal Government from meeting its obligation to pay Social Security benefits themselves. This is premised on a letter that was sent by Secretary of the Treasury Rubin some time ago—before this legislation was even drafted, I might add—criticizing the as-yet-to-be-drafted legislation on a number of counts. Some have referred to the letter from Secretary Rubin in expressing his concern about a bill not yet introduced.

I urge my colleagues who have raised these concerns to please read the text of the amendment before us today. Let me point out in this regard that no fewer than three provisions in this amendment guarantee that there will be absolutely no disruption of any kind in the payment of Social Security benefits. We attempted—even though we had not yet drafted the legislation—in drafting the initial bill itself, which is offered in this amendment, to make sure that the concerns raised by the Secretary of the Treasury were, in fact, addressed. First, we included a recession trigger, which would suspend these public debt limits in times of recession and reinstate them only after we had recovered from a recession at a newly adjusted public debt level. Second, we included a provision seeing to it that no short-term task management problems would endanger Social Security payments. We have done that very specifically. Finally, we provided for a 7-month delay in implementing the lower debt limit figures—a delay that would make sure that when the publicly held debt limit was reduced, that event would occur at a time when the Treasury was at its maximum annual cash flow position, so that any type of management of money challenges the Secretary of the Treasury might have that might precipitate a short-term cash flow problem would not be encountered.

In our judgment, this will provide the Secretary with a buffer that will be more than adequate, in terms of cash flow, to meet all Social Security obligations. In addition, the amendment contains a legal declaration that Social Security benefit payments required by law have priority claim on the U.S. Treasury. Such provision should not be necessary because in the highly unlikely and, indeed, unprecedented case of a default, I would be shocked to find that Secretary Rubin, or any of his successors, would give greater priority to spending dollars on foreign aid, corporate welfare, or the IRS bureaucracy than paying benefits to seniors. Nonetheless, to ensure that does not happen, we have included in this amendment a guarantee that, in the highly unlikely event of a default, Social Security benefits will be paid first.

Finally, I must add one other guarantee of Social Security payments. I must mention one, and that is the Members of Congress themselves. I cannot conceive, and I am sure the Presiding Officer cannot conceive, that there is any Member of this body who would not vote to suspend these debt limits immediately if there was any risk of failing to meet our Social Security obligations. That would not happen. I don't think there is a Member in the House or the Senate who would vote to make sure those payments were met, and that is what we have—a point of order that can be overturned by a 60-vote Senate vote on the legislation.

Social Security benefits are not endangered by this amendment. They are, in fact, made much safer by its provisions for saving Social Security, as well as the clear priority the amendment gives to all Social Security payments.

The bottom line, Mr. President, is that we believe this amendment would make Social Security safer, and that is why 99 Senators recently voted for a sense-of-the-Senate resolution declaring that every nickel of the Social Security surplus should be saved in this way to fix Social Security, or to reduce the public debt.

I urge those same 99 Senators to vote for cloture so that we can have an up-or-down vote on this amendment.

I also say this. I know there are other Members who have other ways in mind as to how, perhaps, to address the challenge of protecting the Social Security surplus. In fact, I suspect the Senator from South Carolina, who spoke about this yesterday, will perhaps offer an amendment that he offered in committee. That is fine. I think we should offer different proposals. Let's vote them up or down. Let's not prevent votes from taking place. I would like a vote on this amendment, and I would certainly be happy to have a vote on amendments offered from other Members on either side of the aisle. But let's move the process forward.

I think most people would like to see us addressing this issue head on and not deferring it and not refusing to take votes on it. I think what we should do is try to offer those various approaches and have the chance to have them debated in the context of the bill on the floor, and then vote on the amendment we are proposing, and on others as well, and we will see where the Senate judgment ultimately lies.

In any event, Mr. President, I appreciate the opportunity to speak here today, and that I will now replace the Presiding Officer. I notice that the time for that, too, has arrived.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield for a question?

Mr. ABRAHAM. I will yield for one. I have to relieve the Presiding Officer.

Mr. HOLLINGS. He doesn't mind. He loves it.

I just heard coming on the floor the expression that "every nickel" is expended for Social Security. Is that correct, under this amendment?

Mr. ABRAHAM. Our proposal, as the Senator knows, is to make sure that every Social Security surplus dollar is either spent in conjunction with legislation to modernize and guarantee the long-term solvency of Social Security, or used, as I said, to pay down the publicly held debt.

Mr. HOLLINGS. That isn't what it says. "Every nickel," the Senator said, could be used for Social Security. What I am trying to distinguish here, and asking the question, is the doubletalk, which obviously when you say "every nickel" used to reform or pay for Social Security or pay down the debt, now when you use moneys to pay down the debt, that is not for Social Security.

Mr. ABRAHAM. As I think I laid out very clearly what the amendment does, I think the Senator from South Carolina would agree with me that when we take the Social Security surplus dollars and spend them on new spending programs or tax cuts or the expansion of existing programs—that is what has been going on—I don't think that is what we want to see done with those dollars.

Mr. HOLLINGS. Right.

Mr. ABRAHAM. The issue is what do we do with them, if we don't spend them or use them for more spending programs?

The legislation we are proposing says we either use those dollars to fix Social Security to deal with this long-term insolvency, or until we pass such legislation that we would use it to pay down the national debt.

In my State, at least, I find an overwhelming number of people who feel that paying down the national debt is the one and only alternative for using these dollars. That makes sense to them because they know that will help us in the long term to address Social Security and solvency and a variety of other challenges that we face as a country.

Mr. HOLLINGS. How do you pay down the debt with Social Security money, thereby causing a debt in Social Security? Social Security, I ask the distinguished Senator, is not responsible for the debt. In fact, Social Security is running a surplus, a surplus which was created intentionally to help fund the retirement of the Baby Boom generation.

So let's both agree that Social Security hasn't caused the debt.

Mr. ABRAHAM. That is right. I agree.

Mr. HOLLINGS. When you use the expression "to pay down the national debt," or the "public debt," or whatever debt, it is debt caused by spending, or by tax cuts, or both. So you are not using every nickel for Social Security. On the contrary, what you are using is Social Security moneys to pay other debts for any and every purpose but Social Security.

I don't understand the distinguished Senator coming along and supporting this. I don't want to see him get in trouble, because I am going to ask the majority leader to pull this amendment down. They don't want a vote on this. What he is saying is that he wants to save Social Security. I have the quotations in the file of everyone.

Senator DOMENICI says "every nickel" to be spent on Social Security. Senator GRAMM says "every nickel" to be spent on Social Security. I come in on the floor, and Senator ABRAHAM says "every nickel" to be spent on Social Security. Then when you use the expression "pay down the debt," which everybody wants, I agree with that. But when you use that expression and use that legislation, the amendment, to pay down the debt, in essence what you are saying is you are going to use Social Security, not for "every nickel" on Social Security, but for every nickel on any and everything other than Social Security.

Mr. ABRAHAM. As the Senator from South Carolina knows, Mr. President, right now we are spending as much money as the current benefit system requires. We are fulfilling every single benefit which Social Security on an annual basis requires. The question is, If you have additional money, what do the American people want done with it? I think the American people do not want it spent for and don't want to see that additional surplus used for tax cuts. I think the American people are fed up with that.

In my judgment, if the amendment were offered and passed, then that money will be spent, or it will be used in one of the fashions you have just described, the very way it has been used since 1983.

So the question is which option do we prefer? I would like to see the money used to modernize Social Security. I hope we can on a bipartisan basis come forward with a plan that, in fact, modernizes Social Security for the 21st century. Until we do that, of the three choices left to us, it seems to me that at least the constituents in my State want to make sure that money doesn't get spent. I don't want to see it used for tax cuts. We want to see it used either to fix Social Security, or to bring down the national debt, because by bringing down the national debt we will, in effect, strengthen our position as we attempt to solve Social Security in the long term.

Mr. HOLLINGS. I will get into the point about the national debt. I wish, as the Senator just outlined, "pay down the national debt"—the truth of the matter is paying down the public debt has caused the national debt to continue to rise. We are not paying down the national debt.

I wish Mr. Greenspan and Chairman DOMENICI, and all the rest who are talking about paying down the debt, would say, just as the Senator from Michigan has said, pay down the national debt, but the assumption is you have money left over. The truth of the matter is having used Social Security over the last several years, since 1983, to pay down the public debt, we now owe. We don't have a surplus in Social Security. This year the Social Security surplus is estimated to be $127 billion, but by the end of the year we actually will owe $857 billion to Social Security. Why? Because we loot money from the trust fund and use it for other things.

That is my problem. And it was intended for the surplus money to stay there and to earn under section 201, in regular Treasury bills, government securities. And this year, if left untouched, it would earn almost $50 billion in interest for the Social Security trust fund.

Incidentally, I know the Senator is a good businessman. That is the policy for corporate America. We make it a felony to pay down the company debt with the pension fund. Here we are paying down the government debt, whether it is public or the national debt, we are paying down the debt with Social Security, or the pension money, where it is a felony in private practice. We think that is a wonderful policy.

Mr. ABRAHAM. We are sort of moving a little beyond the question here, I say to the Senator, in that I have to relieve the Presiding Officer.

Here is what I say to the Senator from South Carolina. We have a lot of ideas. Senator HOLLINGS has offered in the committee his alternative as to how we should deploy these resources, these surplus dollars. Others have talked about an even bigger lockbox than the one we are proposing that might encompass other areas of Federal spending. That is fine. I am more than happy to debate each of these options. I would just like to see us vote on this option.

I would like to see the Members of the Senate have a chance to vote yes or no on the question of whether or not we create as an option to using these dollars for spending or tax cuts the option that would have to be followed of using it to pay down the debt.

In my judgment, Mr. President, that is an option that seniors, and people who will soon be seniors, would prefer to see these dollars used for as opposed to the way they have been spent in recent years.

But if a majority of the Senate thinks that they prefer to see these dollars spent, whether on tax cuts or new spending programs, they can vote on it. And they should have a chance to vote on it. In fact, tomorrow they will have their first chance to vote on it. I say let's give the various plans their day in court here and let's see if the majority of the Senate supports one over the others.

Mr. President, I yield the floor to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I appreciate the distinguished Senator from Michigan yielding and engaging in a colloquy with me.

Moving right to the point, it is not a question of this particular approach or that particular approach. It is this particular amendment by the distinguished Senator from Michigan. I think it ought to be withdrawn.

What has been prompting this maneuver? They have been planning to see how in the world they could kill the President's program in one instrument while ensuring a tax cut on the other hand. In order to do that, they brought out the budget resolution with all that language I pointed out earlier yesterday repealing the pay-go rule. After repealing that pay-go rule, they can come in later with tax cuts.

Incidentally, the tax cut is going to be scheduled so that it brings in, over the first 5 years, only a tax cut of about $142 billion; but over the next 5 years, $736 billion. That is how they get by the pay-go rule with that language in the concurrent resolution.

Reading from the handout from the distinguished majority leader, and the author, the distinguished Senator from Michigan, it "uses Social Security surplus to reduce debt held by public." What they are saying is they are using Social Security money to pay a debt.

Now, if it was to pay the debt owed Social Security, the $857 billion which we will owe at the end of this year. Why is that? Because we have been paying down the public debt with Social Security trust funds. That is exactly why there is a debt in Social Security. Under the policy set by this particular amendment, you say that is exactly what we love to do, we are going to use the Social Security surplus to reduce the debt held by the public.

This activity is illegal, in the sense that section 13301 of the Budget Act says you cannot use the particular moneys of Social Security in the general budget. There should never be a budget reported using Social Security moneys by the Congress, by the President, or in the budget resolution. That law, the Budget Act of 1990, was signed by President Bush. I heard a Member mention 99 Senators; 98 Senators, bipartisan, voted for section 13301, but that has been violated ever since its enactment, and that is why the debt continues to grow.

Now, I would shut up, sit down, and take my seat if this amendment said "use Social Security surplus to pay down the Social Security debt," but you are going to use the Social Security surplus to pay down any and every debt but the debt in Social Security and in the same breath say we want to save Social Security and this is how—put it in a lockbox. You say we will put it in a lockbox, and every nickel will be used for Social Security, yet this amendment actually guarantees that every nickel of that surplus will be used for any and every thing but Social Security.

I am sure the Senator from Michigan wants to look at that closely with the Senator from Mississippi, the majority leader, because I had this particular debate last year in the election. My poor Republican opponent came with the same kind of language, and we put him right. We have different organizations to save Social Security. Max Richmond and the rest came down and gave me an award. This is a fact.

And we wonder why there is no confidence in the Congress and why our Republicans get in trouble on Social Security. They get in trouble on Social Security because they tried to take it away in 1986. That is when they lost the U.S. Senate. Then they fought me. I finally embarrassed them into voting in 1990 to save it. I thought they would obey their own law. They didn't.

Now, in an effort to get on top of the Social Security, they put out the rhetoric that every nickel is going to be saved for Social Security. I can state in this submission exactly what was said. Senator DOMENICI, the chairman, when asked, "Why is that the case?" "Because we say put 100 percent of the accumulated surplus that belongs in the trust fund in the trust fund."

That isn't what the amendment says. It doesn't say, "keep it in the trust fund." It says, "use the money to reduce the debt"—any and every debt.

How is the debt caused? Kosovo spending. How is the debt caused? Military pay. How is the debt caused? Foreign aid. Any and every program.

The distinguished Senator from Michigan said that the Commerce Department was running up a debt unnecessary to the Department—abolish the Department. We are going to use Social Security money to pay for the Commerce Department—the very Department that the distinguished Senator said we ought to abolish.

Let me read further. Here is the chairman of the Budget Committee:

> In addition, for those who are wondering what we are doing about Social Security and what the President does about it, let me remind you, we do not spend one nickel of Social Security, of their money, for any new program. When the President of the United States spent $158 billion in the first 5 years out of Social Security trust fund without any apologies, just said spend it, we say "Don't spend it, keep it in the trust fund and put it in a statutorily created lockbox that would be tied to debt so it never can be spent."

Further down:

> You do not have to be worried whether that Social Security trust fund is going to be used for tax cuts because we cannot direct that any of that money be used for tax cuts. It can be used for the debt caused by tax cuts.

They are running around wanting to reduce the debt. How can you reduce the debt by giving an across-the-board tax cut? That reduces your revenues and causes the debt to increase.

Senator GRAMM says:

> What this budget does on Social Security is very, very simple. It says every penny [not just every nickel; the Senator from Texas is a real conservative] every penny that we collect in Social Security taxes that we don't have to pay Social Security benefits should be dedicated to Social Security, not to any debt caused by other programs in the government.
>
> We should not spend it on any other Government programs, nor should we use it for tax cuts. Senator DOMENICI, in a proposal that is enshrined in this budget that we will have to vote on, sets up a lockbox. We will not be able to spend one penny of the Social Security surplus. This is vitally important because, as everybody in the Senate knows [I am quoting Senator GRAMM] and I wish every American knew, our Government has been using every penny of money coming into the Social Security trust fund for other programs. We currently have IOUs for this money.

Mr. President, $857 billion, those are the IOUs. So the Senator from Texas and I agree that we have been stealing it. And how do we steal it? We use it to pay down the public debt. How is the debt caused? By tax cuts.

So, what goes around comes around. I know the distinguished Senator does not want to join in that because he wants to save every nickel, he says. I will get the Congressional RECORD tomorrow and I hope they do not change it. But the quotation is there: "Every nickel to be spent for Social Security." That is what Senator GRAMM, the chairman of the Budget Committee, Senator DOMENICI, and the majority leader said. If you really want to save Social Security rather than spend it, you are going to, by gosh, vote against cloture, continue this debate so people can come to their senses. I can tell you that right now, I do not mind voting against it. You can tell my opposition to it.

I will ask the distinguished Senator from Idaho, what about Social Security? I am trying to get sense out of this language here. Fortunately, the 19-page amendment is reduced. As it is described in the handout by the distinguished majority leader, it "uses the Social Security surplus to reduce the debt."

How do you use the Social Security moneys to reduce the debt and yet spend every nickel—or every penny, as Senator GRAMM says—for Social Security? The debt is not caused by Social Security. The debt is caused by anything and everything but Social Security. So, once you use Social Security moneys to pay the debt—I will be glad if somebody will just explain that to me and I will be glad to stop. But I just do not understand how we save Social Security by spending its money on any and every other program—the debt of every other program but Social Security.

Would the distinguished Senator want to respond?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Idaho.

Mr. CRAIG. Mr. President, I will certainly be happy to try to respond to the Senator. The Senator has been here a good deal longer than I, has spent a good deal more time on this issue than I, but he also understands the term "the debt held by the public." Any time you decrease the debt held by the public, you increase the ability of Government to pay their obligations to Social Security. Because those obligations will not be ingrained in new spending—be it discretionary or entitlement spending—we set it aside and we do not obligate it except for, as you would have in this instance, a reduction of debt and a decline, therefore, of interest paid on debt.

That specifically is what the language does. I think it is quite clear and it is quite obvious that we are not obligating Social Security trust funds anymore to entitlement spending or to discretionary spending. And, therefore, when the obligations of the trust fund come due, you have money available because you did not obligate it. Therefore, this Senator and I do not have to go to the public to raise taxes to pay for a system for which the public had already been taxed.

I am not a budgeter, nor am I on the Finance Committee, but I have worked with the chairman of the Budget Committee in the crafting of the language. I find it quite clear, not very confusing at all.

Mr. HOLLINGS. Does the distinguished Senator find that Social Security has caused the debt that we are talking about paying, whether it be public, private or otherwise?

Mr. CRAIG. The Federal Government has borrowed money from the trust funds, as the Senator knows. That is the law that was created.

Mr. HOLLINGS. But I am asking does it cause any debt? Did Social Security overspend?

Mr. CRAIG. It creates an obligation to repay because it is taken out in the form of Treasury notes and interest paid, and certainly there is an obligation to pay back. Whether it is an obligation to pay back or a debt, then that is a game of semantics, but it is an obligation. If I had an obligation to pay, as the Government does, to the trust funds of Social Security, I would consider that a debt burden and something I would have to pay. And I am quite sure my accountant would want me to put that in the "debt" column of "bills outstanding" or "money to be paid" or "owed to" a particular payment scheme. I call that debt.

Mr. HOLLINGS. That is because the Government has taken the money from Social Security?

Mr. CRAIG. They have borrowed it by law, as was prescribed in 1935, from the trust funds. That is the only way the money can be held in the trust funds to generate interest on the account. That is correct.

Mr. HOLLINGS. Held in the trust fund? Let's you and me stop there. Why not hold it in the trust funds? Why spend it?

Mr. CRAIG. No, no. Because you would have to use it. If it sat idle, it would lose anywhere from 8 to 10 percent a year on interest it could be earning.

Mr. HOLLINGS. It could be held in trust over in the Treasury. We have a measure to do that.

Mr. CRAIG. And done what with it, invested in the stock market to gain money?

Mr. HOLLINGS. No, invested under section 201. Under section 201 it must be invested.

Mr. CRAIG. Loaned to the Government.

Mr. HOLLINGS. Long-term securities. It takes securities but you can take that money and put it back into the trust funds so it can earn the interest.

Mr. CRAIG. The Senator from South Carolina and I both know exactly what we are talking about. We are talking about the same thing. The law is very specific.

Mr. HOLLINGS. Right.

Mr. CRAIG. You don't loan it out to a bank. You don't play it in the stock market. You loan it back to the Government and the Government uses the money that they borrowed.

Mr. HOLLINGS. That is where we differ. Why would they loan the money? Why not put it back in trust when we make that profit, the maximum amount allowable under law.

Mr. CRAIG. If the Senator will yield just briefly, and I will let him have the floor for the remainder of his time, the Government is not going to pay interest on money they can do nothing with.

Mr. HOLLINGS. We can buy those—you said the Government needs to do it?

Mr. CRAIG. No, the law requires it.

Mr. HOLLINGS. It is not a question of need, it is a question of law.

Mr. CRAIG. The Government doesn't need to do it, the law requires it to do it. I did not write the law; it was written in 1935 before the Senator from South Carolina and I ever got here.

Mr. HOLLINGS. That is what I want to say, exactly. And I think it is a very sound law and I am not trying to repeal it. I am trying to carry out its intent. That is, we reap those benefits like any other Treasury security. Mr. President, there is not any question we are in a dickens of a fix. The CBO predicts that at the end of 1999 we will owe Social Security $857 billion; in the year 2000, it will be $994 billion that will be owed to Social Security. I want you to get the feel and the picture of exactly what is coming. They are talking like this is the only way to do it.

This is the only way to absolutely savage and destroy Social Security. They want to continue to do it formally with this particular amendment, because this amendment, by the year 2001, paying down the public debt with the Social Security surplus, we will owe Social Security $1.139 trillion. Extrapolating it on out, by the year 2007 we will owe Social Security, paying down the public debt, $2.205 trillion; and on the 10th year out, the year 2008, we will owe Social Security $2.417 trillion.

There is where we are going to be faced, before we get to the point of the year 2012–2013, where they said the interest costs then are going to have to be consumed and not earned in order to make the payments. And by 2022, we will be totally out of money. By that time it will be about $4 to $5 trillion. But just in the short period, by 2008, they are talking about all of this going up and how we are paying down the public debt over the years, we are increasing the Social Security debt, all under the auspices and policy of saving Social Security. That is what this Senator is trying to ram home.

This is not saving Social Security. This is spending Social Security, putting it in a deep hole, totally in the red, and there is nobody in his right mind going to come and start trying to raise taxes for $2.417 trillion. That is the course we are on with this particular amendment. That is why the Senator from South Carolina is exercised.

We have several problems. One, of course, is to save Social Security. The way they do it is to continue to pay down the public debt with this particular amendment. It uses the Social Security surplus to reduce the debt held by the public. That is exactly what we have been doing, and now we want to formalize it. In essence, in paragraph 1 of the amendment, they reaffirm section 13301 saying that you cannot do that, and then in a further paragraph on page 10, they say that is what we can do.

I remember, Mr. President, when I was the Governor of South Carolina, we had a contest. We were cleaning up the insurance industry. We had the Capital Life Insurance Company. They were looking for a slogan. We came up with the winning slogan: "Capital Life will surely pay if the small print on the back don't take it away."

That is exactly what we have in this amendment. They are trying to say, "Oh, no, we're not changing the law at all. We have the very same thing. We are doing it exactly the way it has been done over the years."

This is a long amendment:

> This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act."

Then, it cites a finding. In the finding, Mr. President, right in the very beginning, page 3, section 1, it says:

> (1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

That is to keep the money in Social Security.

But if you turn to page 10, it has a very tricky clause in here. It is called "calculation." They were calculating when they wrote this one:

> After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified . . . and subtract that actual level.

When you subtract that actual level, you pay down the public debt. That is where they satisfy we are going to use Social Security trust moneys to pay down or reduce the debt. Fine business. It is reducing the debt for any and every program in Government, whether it is entitlement, discretionary, defense spending, or whatever, for any and every debt caused by every and any program other—other—except for Social Security. That is what gets me.

Then they say every nickel is going to be spent, every penny is going to be spent, lockbox, nobody can touch it, you can't get to this money for any tax cut or for any spending programs or anything else, but you can get it for the debt caused by tax cuts, for the debt caused by spending programs.

That is exactly what this amendment does. I think it ought to be withdrawn, because Members should not want to be in a subterfuge situation of this kind trying to save Social Security and actually savaging the program.

Mr. President, I got into this debate with the Office of Management and Budget when they used the word "surplus." There is no surplus.

We can see from another chart that as of the year 1998, the expected deficit, according to the Congressional Budget Office—and this is the most recent April 15 figure—is $109 billion. Then 1999, $105.2 billion. They expect on the current policy—current policy is not $17 billion to $18 billion for military pay; it is not $6 billion more for Kosovo; it is not the caps being busted; it is really, since we already spent $12 billion last year and already busted the caps in this year's budget, $21 billion.

We are looking for $32 billion there. We ought to pocket right this minute over $50 billion. The task of the Congress to keep current policy to only get to a deficit—again, next year on the 2000 budget of $91.8 billion, Mr. President, we have to start cutting programs some 50 billion bucks.

That is not in the cards at all. My friends on the other side of the aisle who came and said, "Look, what we want to do is get rid of the Department of Education," now say, "What we want to do is increase spending for education," because education, we found out in the political polls, is a very important issue in the Governors' races.

All over America, everybody is interested in education. So now we want to increase spending for education, and instead of abolishing the Department, they are looking at election 2000. So they say, "What we are going to do is actually increase money." You can see at a glance that we are in trouble there.

The deficit, under current policy, continues to go up, as you can well see by the gross Federal debt on page 38 of the most recent economic and budget outlook fiscal years of the Congressional Budget Office. They see that the debt continues to go up in the years 2000, 2001, 2002, 2003, 2004, 2005. And then by the year 2006, the actual debt will start coming down. We will actually get in more money. We will spend less, for the first time, than what we take in.

Right now, our dilemma is that just with current policy and not cutting $51 billion, we are going to have a $91 billion deficit. And if we do not cut some $50 billion from the spending programs to take care of the military, Kosovo, and the particular targets set, then we are going to be back to about $140 billion.

We had a good record in 1993, and it was not Greenspan. I keep hearing how the people out there did it. No; we sweat blood and tears. We voted to increase taxes on Social Security. I hear about all the tax cuts. Where is the tax cut to reestablish the moneys back to Social Security? They have given that up. The Senator from Texas said they were going to hunt us down in the streets and shoot us like dogs with that thing. Senator Packwood stood on the floor and said he would give you his house if the program worked. Congressman KASICH, chairman of the Budget Committee on the other side, said he would change parties.

The stock market has gone over 10,000. Still we have the lowest inflation, lowest unemployment rate, business confidence, what have you, and the program is still working. Greenspan has not had anything to do since 1993. He just sits there as a sage and talks about some kind of increased excitement or whatever else, however he phrases it. Actually, he just lets our particular program work, and we are proud of it. The deficit has been coming down each year.

Now under this amendment, you can bet your boots that you are spending Social Security to pay down the public debt. While saying you are trying to save it, you actually are going to increase the debt.

That is how the CBO figures show it. That is what has been done over the years. That is the current policy. And this particular amendment does not change it. It is just fancy language to come about and try to get credit for "100 percent." The rhetoric is correct: "100 percent, every penny, every nickel, lockbox, lockbox," everything else. But the actual instrument itself—"Watch what we do, not what we say," as the former Attorney General, Mr. Mitchell, said.

So what we do have is fiscal cancer. I say that advisedly, Mr. President, because everybody in America should understand that this year we are going to waste $356 billion in interest costs on the national debt. That is money spent for nothing productive. And when you do that, you really are taxing the people.

If you could start paying down that debt—not the public debt, because when you pay down the public debt it increases the Social Security debt. It is like two credit cards, of course, having a MasterCard and Visa card, and you want to pay down the MasterCard, the public debt, with your Visa card, the Social Security card. So as you pay down what they can see, and what the stock market loves—because they do not want the Government, with its sharp elbows, coming into the market running up interest rates, crowding out corporate capital, maybe causing inflation, and otherwise, slowing the economy, actually paying its bills.

There is no free lunch. What happens is, your interest costs go up, up and away, as this particular chart shows.

Back when we last balanced the budget, Mr. President, under President Lyndon Baines Johnson, the debt was less than $1 trillion. And the interest cost for 200 years of history and the cost of all the wars—the Revolution, the Civil War, World War I, II, Korea, Vietnam—the interest cost of 200 years of history and all the wars, the interest cost was only $16 billion. And since that time, without the cost of a war, it has gone up to $356 billion—think of that—$340 billion more that we have taxed the American people that we have to spend.

"Government's too big," is the charge about tax cuts. "The Government is way too big." What is too big is the waste that has been caused by this political rhetoric and litany going on about "the Government's too big; therefore, we need a tax cut."

What we need is a tax increase. Can you imagine a Senator saying that on the floor? I am like the Senator from Michigan. I do not think too much spending cuts are going to occur to take care of this particular problem for the simple reason we had 8 years of President Reagan cutting spending, we had 4 years of President Bush cutting spending, we have had now another 6 years of President Clinton cutting spending—that 1993 Act cut spending $250 billion, and in fact it was way more than what we thought.

As we went into the different programs, we increased taxes $250 billion, which really amounts to about $310 billion. And we taxed the upper brackets, we taxed Social Security, as I have just described, but we got the economy going, and we started bringing the deficits down; but the debt kept going up because we kept spending Social Security on the public debt.

That is how the debt has continued to go up, up and away on the Social Security. And the national debt has gone up. And it is fiscal cancer. You cannot give a tax cut if you are not paying your bills. You do not want to cut your revenue. You do not want to increase spending. Everybody agrees with that.

But one way to make sure your debt continues to increase, which means the waste of interest costs continues, is a tax cut. But that is political jargon. We had that debate last year. And the distinguished colleague that I had opposing me, he wanted to have a tax cut. I said, let's pay down the debt. And we had put in a plan—I think the distinguished Presiding Officer should remember this because it was bipartisan.

We had a conscience back 10 years ago. In 1988, we met in the Budget Committee, and you could see this so-called supply side—I wish my friend, Jack Kemp, was here because we would have a good debate. I will not describe that bus wreck that Senator Dole would always talk about, the bus going over the side—a bunch of supply-siders. He said that was the good news. He said what was the bad news was one empty seat.

We were just causing the debt to go up, up. By the way, that is in the CONGRESSIONAL RECORD. That is not off-color by the Senator from South Carolina. I will get it out of the CONGRESSIONAL RECORD and show it to you. That is one reason I think Senator Dole lost. Because he and I worked on cutting down the debt, cutting down the spending, and then he went for a 15-percent across-the-board tax cut knowing that it was not any way to pay the bills and cut down the debt.

But in any event, we realized, Mr. President, that we had to do something. So in the Budget Committee, in 1988, I presented a value-added tax, a value-added tax of 5 percent, each percent raising about $35 billion, for about $185 billion.

The distinguished Senator on the floor just momentarily asked, What are you going to do with the money? I say, put it in trust to not be expended except on reducing the deficit and debt. "Reducing the deficit and debt," that was the language.

I had Senator Armstrong from Colorado. I had Senator Boschwitz from Minnesota. I had six other Democratic Senators. We had eight Senators vote for that, and I appeared before the Finance Committee, and they quietly told me—they said, If we could have a secret ballot, we would pass it in a minute because we have to start doing it. I even wrote my friend, President Bush, and told him I would be glad to head up the Budget Committee effort and everything like that if he was really doing it. He said now is not the time. I will show you the letter.

But we have been trying our best. If we had a VAT here, a tax increase allocated to the deficit and the debt, it would not only start paying it down, it would immediately remove about a 15- to 17-percent disadvantage of producing in the United States of America.

Now we have all of these different commissions on competitiveness and productivity. Every industrialized country has a value-added tax. Canada has one. Japan has one. In Europe the average is about 17 percent. And what we did is we brought the expert, Van Canosom was his name, from Holland, who had worked on both the Canadian and the Japanese, as well as the United Kingdom VAT. And he helped in an appearance before the Finance Committee.

What we pointed out, in addition to paying down the debt, if everybody really wants to pay down the debt, we could also reconcile what you saw in the morning paper—$310 billion this year in deficit in the balance of trade. It went on to say that the economic experts were worried because we were consuming more than we are producing.

The policy is not to produce in the United States. We are not competing really with the Japanese, really with the Mexicans. We are competing with ourselves. If you have a manufacturing plant, and 30 percent of your volume is your labor cost, you can save as much as 20 percent of the volume by moving your manufacturing to a lower-wage, offshore country. So if you have $500 million in sales, you can move to that low-wage, offshore country your manufacturing—just keep your executive office and your sales force in the United States—and immediately, before taxes, you make $100 million; or you continue to work your own people and go broke, because your competition is moving like gangbusters just over and fast.

The only industries—as a former Governor I was in that game of industry attraction— we are getting in South Carolina and in the South are foreign manufacturers who are trying to get into the American market, the richest market in the world.

That is what is really happening. We are not getting any expansions. On the contrary, the already instituted manufacturer is moving, like textiles, with NAFTA. We have lost 30,000 jobs since NAFTA in the little State of South Carolina. We have Ambassador Barshefsky. She is worrying about bananas. And then I hear about the WTO with China, the People's Republic of China. I notice my friend, Tom Friedman, wrote an article that we had everything to win and nothing to lose.

He doesn't understand there is a nonmarket economy in the People's Republic of China. Whereas, yes, we can bring a steel dumping case in here and have legislation already passed overwhelmingly in the House of Representatives, now before the Senate. The bill is at the desk, and we are ready to pass it. We could do that on our own. Join the WTO and you are bogged down in bureaucracy. You won a little vote. Cuba will cancel you out in the WTO. But he doesn't see anything wrong.

We are trying to maintain our economic strength. The security of the United States of America is like a three-legged stool. The one leg is your values as a nation. We dedicate ourselves, again, in Kosovo and Bosnia, Somalia, feed the hungry and everything. America is the envy of the world for its values, individual rights, equal rights, freedom of all mankind. The second leg is the military, unquestioned, the superpower. The third leg economically has been fractured over the last 50 years intentionally. We did it with the Marshall Plan. We sent over the expertise. We sent over the best machinery, and we won. Capitalism has generally prevailed in Europe and in the Pacific rim over communism. So we are proud of that.

But now, as we try to build back our economic strength, we are spending like gangbusters. Our job policy program in this country is to get rid of all the jobs, send them all overseas. We are talking about the rich getting richer on the stock market, but we are actually eliminating the middle class in this country.

So, yes, if you want to pay down the debt, I will be glad to work with someone on the other side, because that is the only way to get any legislation passed. It has to be bipartisan. If I can find somebody on the other side who is willing to take the risk, we can debate it. It might not pass this year, but then we have next year and maybe we can pass it next year. But somehow, somewhere we have to start paying the bill and quit running up deficits, politically describing them as surpluses in order to reelect ourselves. That is the biggest phony activity that is going on, the worst political charade. And then we wonder why, for example, we don't have the public's confidence.

Mr. President, I got with Ken Apfel out at the Social Security Administration, because I was encouraged at the beginning of the year. I heard the

President say he was going to save Social Security. And then, of course, he was only going to save 62 percent. He was going to spend 38 percent. And to be candid with you, the 38 percent was what he had been spending all along. The 38 percent now amounts to the $50 billion that he was spending when he first took office in 1993. So he was getting the same amount of money. The Social Security moneys went up, up and away, as you well know.

I heard my Republican friends say, in a 99-0 vote, that we were going to save Social Security, every nickel of it, the distinguished gentleman said.

So I introduced S. 605 after the advice of the counsel of the Social Security Administration itself. I can read paragraph 5 to you:

> Notwithstanding any other provision of law throughout each month that begins after October 1st, 1999, the Secretary of the Treasury shall maintain in a secure repository or repositories cash in a total amount equal to the total redemption value of all obligations issued to the Federal Old Age and Survivors Insurance trust funds—

The Senator asked me on the floor a little while ago what we are going to do with it. You are going to comply with the law—

> pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of the month.

So, yes, complying with the act back in 1935 that we invest the moneys of Social Security in Treasury bills, Government securities and immediately at the first of each month put that money back in trust in Social Security thereby earning its interest, very easily done and absolutely required to the point that if it is not done, it constitutes a felony in corporate America.

I guess the McLain family is going to write me and say, please, don't quote my situation anymore. There was one gentleman up there in Detroit, where the distinguished Presiding Officer is familiar with, became the head of the corporation and paid down the company debt with a pension fund and was sentenced to jail. Now, you could find that gentleman, where he is serving, and say, next time run for the Senate; instead of a jail term, you get the "good government award."

We put in here, with all dignity, we are going to save Social Security. We are going to have every nickel, every penny spent on Social Security, not on anything else. Here it is. Here is the handout. Using Social Security to reduce the debt. And it is to reduce the debt for any and every other program that you can think of other than Social Security.

Social Security hasn't caused the debt. There is a debt; it doesn't pay the Social Security debt of $857 billion. It just allows that to continue to increase the next year to 900 some. If I could get that chart, I would like for them to see that.

It goes up, then, to 994, almost $1 trillion, and then at the end of the 5-year period you owe $1.6 trillion and at the end of the 10-year period, you owe some $2.400 trillion. That is paying down the public debt. That is what my colleagues do not want to vote for.

Let's keep the conversation and let's keep the debate going so that they all understand. I do not mind voting to kill it, but being in the minority—and I happen to be a minority of a minority, and I know how minorities feel and have to act; they do the best they can. Some would say I am taking an inordinate amount of time. Well, I have been trying to get time on the budget, but every time they get the budget, they control the time. I was going to have 20 minutes when we passed the budget resolution. They got me down to 15 minutes. They got me down to 10. Then when they said I could have 5 and got up to talk, they said, no, you only have 3. So how can you explain the facts of life?

We do have fiscal cancer, and this amendment continues to spread the cancer. You pay down the debt with Social Security moneys so that not every penny goes to Social Security, not every nickel goes to Social Security, but every penny and every nickel goes to any and other programs that have caused debt.

Now, that is running the debt up in Social Security, all trying to save Social Security, trying to pay a worthy cause, trying to pay down the debt, another particular worthy cause.

Let me make a proposition to the distinguished Presiding Officer. I know he is conscientious about this particular initiative, so if you really want to pay down the debt, we can go in with a VAT. I know he is for tax cuts. Maybe we can put in a 5-percent value-added tax and cut the payroll tax.

It is very, very interesting, because all of these tax cuts, we need. The Government is too big. The Government is too big, so let's cut our revenues, but do not cut the working man's payroll tax, the fellow who is keeping the country together by the sweat of his brow. No, take the super rich where they have $10,000 in the stock market and give them a capital gains tax cut. Take the other rich who have money so they can get a write-off to go to college. Take another group and say, what you need is not to inherit these millions so you can sail around and join all the country clubs and drink up all the liquor and just have a happy time; let's have a reduction in the estate tax, all of these things, never saying cut the payroll tax.

What is causing the surplus? What is causing the surplus they never get to. They do not have a conscience. I know that the distinguished Presiding Officer has a conscience, and maybe he will join me. If we can, you have to give a little in order to get a little, I understand, in this political game.

I am ready to put a value-added tax out right and allocate it in Treasury like we tried to do back in 1988, but I will try it again here in 1999. But in order to get some votes, since they are interested in giving tax relief, we can get an offset, a certain amount of the payroll tax, a 5-percent cut in the payroll tax, 5-percent value-added tax.

Once we put that in, then we will really do away with consuming America; we will really start paying down the bills and you will increase the strength of the economy and you will, in essence, be giving a double tax cut to that poor fellow in the middle on the payroll tax. Those are the men and women who really need consideration.

If we can do that and stop spreading this fiscal cancer, Mr. President, we can really get this country continuing to move into the next century. But what we are doing now, as we are looking at November 2000—the election—and we have to cut the revenues to increase the debt, all the time talking about we want to pay it down, we want to spend Social Security in order to save Social Security, increasing its debt going into the red, and its instability, and otherwise in trade continue not enforcing our dumping laws, but rather going along with bananas and citrus—they think they have something.

I don't know how many banana growers we have and how many citrus growers. I think the citrus comes in a big tanker down in Florida from Brazil. They send a big concentrate tanker in, and I would be willing to wager that the majority of citrus consumed in the United States is coming out of South America, or maybe Mexico. I remember Castro was sending his citrus to Mexico, and Mexico was sending its up here. So it was a foreign aid program for Castro and Cuba all the time with the so-called embargo.

What we need is to continue to have a dynamic manufacturing economic strength program where, like Henry Ford said, "I want to pay my workers enough money so they can buy what they produce." That produced and developed the strength of democracy in America, the middle class. What we are doing with this gamesmanship is saying we are going to pay down debt while we increase the debt, and saying we are going to save Social Security while we savage it, and saying we are looking out for the economy, and the Government is too big, while increasing its size and spending for nothing, and increasing the waste, as we give these so-called tax cuts.

Mr. President, we are on the wrong road. The state of the Union is not all that good. The country is in good shape, but the Government—if we had a board of directors or stockholders to vote on it, and they knew exactly what was going on with corporate USA, they would run us all off, because it is one grand fraud, a fraud that is intent to deceive.

I know the people backing this particular amendment know better. They understand that when they say they pay down the debt, it sounds pretty, but the truth of the matter is that they take Social Security, increasing its debt, taking its money to pay down the debt, but all the time increasing the national debt and increasing the interest costs and increasing the fiscal cancer.

I yield the floor.

Mr. LAUTENBERG. Mr. President, as we continue to debate the so-called Social Security lock box legislation, let me again emphasize that we Democrats strongly support the purported goal of protecting Social Security surpluses. But many of us also feel that this legislation would be a serious mistake, for three reasons.

First, it does nothing to protect Medicare. Instead, it allows Congress to squander funds needed for Medicare on tax breaks for the wealthy.

Second, it threatens Social Security. Under the amendment, an unexpected economic downturn could block the issuance of Social Security checks.

Also, the amendment contains a loophole that would allow Social Security contributions to be diverted for purposes other than Social Security benefits, such as risky new privatization schemes or tax breaks.

And, third, the amendment threatens a government default. This could undermine our nation's credit standing, increase interest costs, block benefit and other payments, and ultimately lead to a world-wide economic crisis.

For all these reasons, as I explained in more depth yesterday, I believe the pending amendment is seriously flawed.

Today I want to talk a little more about some of the practical problems involved with the amendment, and why the last minute changes proposed by its sponsors fail to adequately address these problems.

Mr. President, the amendment before us would establish limits on public debt that were constructed based on the Congressional Budget Office's projections for the next ten years. Under the proposal, those limits would be locked into law, and could be changed only for a few very narrow reasons, such as wars or emergencies.

But it's important for our colleagues to understand that CBO's projections are highly uncertain. And it doesn't make sense to create inflexible and legally-binding debt limits based on those projections.

Consider what happened to CBO's budget estimates last year. On March 6, CBO revised its earlier estimate and said that we would have a fiscal year 1998 surplus of $8 billion. That was March 6. Two months later, on May 6, that $8 billion estimate mushroomed to a new estimate of $43 to $63 billion.

So, in just two months, CBO's surplus projection changed by up to $55 billion. And, I would note, even the upper range of the May estimate turned out to be too low. The actual surplus was about $70 billion.

Keep in mind that these projections were for a figure five to seven months in the future. Now we're being asked to rely on projections of up to ten years. And if we're wrong, what's the result? A government default and a world wide economic crisis.

Mr. President, you don't have to be a critic of CBO to question the accuracy of their estimates. CBO itself devoted an entire chapter of its Economic and Budget Outlook to uncertainties in budget projections.

CBO compared the actual surpluses for 1988 through 1998 with the first projection of the surplus it produced five years before the start of the fiscal year. Excluding the effects of legislation, the remaining errors averaged about 13 percent of actual outlays.

According to CBO, a deviation of 13 percent of projected outlays in 2004 would produce an increase or decrease in the surplus of about $250 billion. In 2009, a 13 percent error would produce a swing of about $300 billion. In fact, since the errors made ten years in advance are probably larger than the errors in estimates made five years ahead—which, again, is where the 13 percent figure came from—the deviation in 2009 is likely to produce an even larger swing.

It is simply dangerous to establish a rigid 10-year plan based on such speculative projections. The whole approach is fundamentally flawed.

Our Republican colleagues have added two provisions to their legislation that they argue would provide a sufficient cushion to prevent an unintended default. But these provisions won't solve the problem.

The new proposal would delay the implementation of each year's new debt limit by seven months, to kick in on May 1 of each one- or two-year period rather than on October 1. The sponsors argue that this would make the new limit effective at a time when the Treasury tends to be flush with cash. This, they say, would ensure that the new, lower limit would not immediately trigger a default.

Unfortunately, this change is like plugging a small hole on the *Titanic*. And it won't prevent disaster.

First, it can only work if the CBO projections on which the debt limits are based prove accurate. And, as I've already discussed, we know they won't be.

But even if by some miracle the estimates are right, that still may not take care of the problem.

Let's take, for example, a year in which there is a recession. Now, my friends on the other side of the aisle will point out that they have provided an exception for recessions. But that exception won't work very well.

Mr. President, we're not very good at predicting recessions. And, typically, by the time we know we're in one, we've actually been in it for a while.

The recession exception in the amendment only kicks in after we have two quarters of low economic growth. But a slowdown could easily begin in one quarter, but late enough to keep growth for that quarter above the threshold for the exception. We then might have two quarters of low growth followed a few weeks later by the release of the official data triggering the exception.

By that time, we would be eight or nine months into a recession. We would have had months of lower tax revenues and higher outlays for unemployment compensation and other programs. And, together, those changes already could have pushed us over the new debt limit and into default.

Mr. President, a recession exception does no good if it is declared a few months after we've gone into default. We cannot take default back and say an exception should have been in place.

It already would have happened. And Americans would have to pay for it through higher interest rates on their mortgages, car loans, and credit cards. Businesses would have to pay for it through higher borrowing costs. And taxpayers would have to pay for it because investors will demand higher interest rates on Treasury bonds.

This would be an economic disaster for our country. And it would create an international economic crisis of unknown dimensions.

Mr. President, under the Republican lock box, I'm afraid the question is not "will this happen?" The question is "when will it happen?"

That more than anything is why this proposal is so irresponsible. It's why Secretary Rubin is recommending a veto. And it's why it's so important that senators be allowed to offer amendments to improve it.

Mr. President, this proposal was finalized only yesterday afternoon. And when they presented it, the sponsors themselves expressed openness to further tinkering. Unfortunately, there will be no opportunity to make any improvements unless we reject cloture tomorrow.

So I would urge all my colleagues to oppose cloture. This proposal is seriously flawed. If we're serious about protecting Social Security, let's take the time to do it right.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, the debate today on the floor on S. 557 is not a fraud; it is a real shakeup with reality that a lot of our Senators and some Members of this Congress don't want to face, because for years we have had the tremendous flexibility in this country of borrowing money from the Social Security trust fund and spending, and spending, and spending.

I think the American public is suggesting to us that that time ought to come to an end. There is no question that, in 1994, it began to come to an end. Some Senators can't face the reality of the changes that occurred then. But the American economy did, and it responded robustly when Government curbed its appetite to progressively spend a greater amount of the gross domestic product of this country. And it is now with a balanced budget and a surplus, generated by Social Security payroll taxes, that we have an opportunity to turn to the American people and, for the first time in a long while, say to the American people that we can not only ensure your Social Security without a new tax increase, but we can modernize it for future generations so that it will be a reliable and an earning annuity of the kind that most people would like their retirement account to be.

At the end of this fiscal year, the Social Security trust fund will hold an estimated $853 billion. This year alone, it is projected to run a $127 billion surplus. The Social Security trust fund's $853 billion balance equals roughly half of the total Federal budget for this year. It equals America's total income tax payment for this year. Every cent of every dollar that every American pays in income tax will just equal the Social Security trust fund balance. Yet, how much actual money has been set aside for Social Security's $853 billion balance? Not one cent. Not one cent.

Why are we, then, arguing about the concept, if not the reality, of an idea that begins to set it aside? Now we are starting to split the hairs on how it is set aside. I don't think it is time for that anymore, because I believe the American people no longer trust us. You cannot argue Social Security from 1935 to today and say, "Trust us," because the American people have said, "You spent the money, you indebted the country." We are saying that time should stop.

Of course, the White House is playing one of the most phenomenal double standards that I have ever seen a White House play, because, as we know, President Clinton proposes quite the opposite today from what he proposed a year ago. I have not seen the Senator from South Carolina, in any way, try to defend what his President is talking about—and I am glad he isn't—because what the President talked about is raiding Social Security this year, when last year he said that every penny of it ought not to be spent, except for Social Security.

What we are suggesting to the President is that he honor his first commitment instead of his latter commitment. What was it called? Save Social Security first. This year, he wants to spend $158 billion of the surplus, and he just sent up a bill for $6 billion more. Perhaps the time has come when defending the definition of "is" really isn't worth defending because what was last year isn't this year.

The American people are very wise to the man in the White House who says one thing one day and contradicts himself the next day with a straight face. President Clinton's proposal reminds me of St. Augustine's confession on having prayed for chastity— "but not just yet."

Over the last holiday, I traveled home to my State of Idaho. I spoke to hundreds of people across my State about Social Security. I called it "seniors to seniors" town meetings. I asked the high school teachers to send their seniors from high school, and I asked the AARP and the senior centers to ask if their seniors would attend. We had the charts and we had the graphs of Social Security, and where it is, and where it is from the 1983 act, and how it will be solvent to 2014 or 2015, and then by 2034 it is in trouble. Everybody sat and listened and anticipated.

Then we talked about the surplus and the opportunity to modernize, as a result of that, to transition ourselves generationally into the 21st century with the true annuity program that not in any way blights the American economy but probably creates the kind of energy and driving force it deserves. It was not where we just played the old pyramid, Bismarckian game of Social Security where you had 1 retiree versus 8 or 10 at the base paying.

The Senator from South Carolina is right when he talks about the working person today and that response, because in 2034—I think I might be around then—I am going to be a Social Security recipient. I am going to be getting more than $1,000 a month in Social Security. There are going to be two people out there working, each one of them paying $500 out of their hard-earned money so I can live well. That is a travesty.

I have a feeling that my grandkids are going to turn and say, "Grandpa, we can't afford you anymore. You are a liability to us because we can't afford to put our kids in college because your Social Security is costing us too much."

So what does that have to do with the debate this evening? It has a great deal to do with this debate, because what we are talking about is a generational opportunity. I am not going to debate Reagan economics. That would be like debating FDR and blaming him for the big Government we have today, and forgetting Congresses from FDR to today that could have made those changes.

We have changed a lot since Ronald Reagan and George Bush. My guess is, decades from now we will change a lot more from what the Senator from South Carolina or the Senator from Idaho will do or would be about to do. That is the way our Government should work. It is not stagnant. It is not static. It is dynamic, sometimes for positive and sometimes for negative.

But today and tomorrow, a balanced budget and a true surplus on the operating accounts means we have a generational opportunity to make a change like none I have seen in the years I have had a chance to serve Idaho in the Congress.

Idahoans find it hard to believe that the President and future Congresses can resist the temptation to raid future surpluses and spend them. Why should they trust us? That is what we have done in the past. Sure enough, we have a balanced budget, and now we are at war in Kosovo, and here comes a new bill for $6 billion. What are we going to do? My guess is we could tighten our belt just a little bit, guarantee the stability of Social Security and the integrity of the trust fund, and recognize the priority of war, as past Americans did, over certain kinds of domestic spending, and spend accordingly.

That is going to be the test of this Congress in the coming days, and it is a legitimate test, it is a responsible test.

So I thank Senator ABRAHAM, Senator DOMENICI, Senator ASHCROFT, and others who, like many Americans, said, you know, we have an opportunity, and let's build a lockbox safeguard to assure that we can make this generational shift to modernize Social Security for the 21st century, to guarantee it to those who are receiving today and those who will receive from this system in the near future, but possibly—just possibly—create an environment where we can make some changes for the future.

I say it is nothing short of historical. I believe it to be true. For the first time since Social Security began over 60 years ago, we would set aside all its moneys for all its intended purposes. This would amount to about $1.8 trillion over the next 10 years.

The Abraham-Domenici-Ashcroft proposal would require 60 votes for the Senate to dip into the Social Security surplus. And it would require the money be set aside by instituting and then lowering a limit on the public debt. It is a legislative money belt for Social Security. It is not a straitjacket for government. We recognize there are true emergencies. While as much as 29 days ago we would not have recognized ourselves in war, we now must recognize that we are at war. So we have shown the flexibility for that concern.

It would allow an exemption for real Social Security reform. It would save not only Social Security money but Federal money too.

Setting aside Social Security surpluses also means retiring Federal debt. I don't care how the debt was generated. The public holds the debt in a general sense. It may have been generated by defense spending or social spending. Government borrowed the money and spent it. The debt is not categorical to each area of government. We all know that.

So I think it reasonably unfair to debate it in that manner. That is why we focus on the debt as debt held by the public.

According to the Congressional Budget Office, compared to spending that $1.8 trillion, as has been done until now, setting it aside would reduce Federal interest payments $468 billion over the next 10 years.

Some Senators want to talk about a tax increase to fund the largess of Government. How about running the system right so we save that kind of obligation and outlay? $468 billion worth of savings in 10 years is pretty darned good. It can be done, and we should do it now with a balanced budget and a surplus.

We save Social Security's $1.8 trillion surplus for its modernization of the system, and we save $468 billion in interest payments as a result.

Guaranteeing Social Security and guaranteeing savings—who wants to be against that?

Now there are going to be some who will find rather unique arguments to say we have to vote "no" against this. It is a political trap for the year 2000. How about a political reality for the 21st century? That is what this legislation is all about—guaranteeing Social Security and guaranteeing savings.

Who wants to be against that? The same people who wanted to raid it for $158 billion this year. I would expect the American people do not find that too surprising.

John Dillinger hated bank vaults. It made his job harder.

Big spenders in Washington will hate this lockbox because it leaves their appetite for spending without food.

In last year's State of the Union Address on the other side of this very Capitol, President Clinton said:

> I propose that we reserve 100 percent of the surplus—that's every penny of any surplus—until we have taken all the necessary measures to strengthen the Social Security system for the 21st century.

What a difference a year makes, or a word, or the opportunity to focus the American public in a different direction. Now he proposes not to keep his promise. But, rather than admitting he opposes it because of his desire to keep his hand in the Social Security cookie jar, he uses the same old scare tactics to which he has always resorted when cornered.

The administration has sent us a veto threat on the Social Security lockbox. That has been about the 40th or 50th veto threat we have had from this administration in a reasonably short period of time.

It is also out of date—remarking on a proposal that is far different from what we debate here today, because that veto threat had the question of money management in it. And that was taken care of by the authors of this bill.

Why did President Clinton claim to oppose the security lockbox?

First, he claimed that it would hurt in times of recession.

If we are in a recession, we can declare that to be an emergency and we all know that. However, the proposal before the Senate would not even apply in a time of recession. We have taken that safeguard.

Second, President Clinton claims it would limit the Treasury's ability to manage the Government's normal cash flow. This, however, has been addressed in the legislation now before the Senate. In addition, limits already exist on Treasury's ability to borrow and have since 1917. Listen to your Secretary of the Treasury, Mr. President. Does President Clinton want us to abandon the statutory debt limit that now exists? I presume, under his Treasury's twisted logic, that he would oppose the existing legal limits if it were now being offered for the first time.

It is ironic that he uses his Treasury Secretary to make his opposition for him. This is the same Treasury Secretary that just 3 years ago circumvented the existing statutory debt limit by raiding Social Security trust funds for billions of dollars. Let me repeat that: The President who appoints a Secretary of the Treasury and says leave every dime in the trust funds is the same President whose Secretary of the Treasury just 3 years ago moved the law around existing statutory debt limits by raiding Social Security trust funds for billions of dollars.

They called that disinvestment. "Scheme" is a better word. I call their opposition now disingenuous, because if that was disinvestment, what they say today is truly disingenuous to what this Congress wants to do and what the American people have demanded and are now asking for.

Other than these, President Clinton offers no reason with any justification to argue opposing the lockbox. He claims it will not help the Social Security trust fund, and others are now claiming that, too. Yet saving the surplus is what he proposed just a year ago. I guess now that we are proposing it, it is not a good idea; when he proposes it, it is a good idea.

Does he claim that his spending of $158 billion of the Social Security trust fund over the next 5 years will help Social Security? President Clinton also claims, again, that his phony transfer scheme would help Social Security. I could go on in those details, but other Senators are waiting to speak on this issue.

There ought to be no schemes or gimmicks this time. This is a very straightforward proposal. I guess it is honesty that frustrates the other side. It is clarity, it is easy to understand by the American people. The idea that you just cannot spend at will anymore, you have to balance your budget and you have to face the hard truth of spending, and maybe the honest truth that if you are going to spend more, you have to tax more. Then you give the Congress a choice: Should we cut spending to balance the budget, or should we shift our priorities in a time of war, while assuring to the American people that their pensions, their retirement, their security will remain stable and that the Congress will not raid it. That is what the issue is here.

It is not a matter of quoting history anymore. It is a matter of looking into the future. It is a matter of taking the unique opportunities today that we have to move forward.

In those town meetings that I held across Idaho less than 3 weeks ago, I think senior citizens left feeling that Social Security for themselves was intact; they also left recognizing that probably their grandchildren did not expect it to be there for them, that they would pay three or four times more money into it and get three or four times less out of it. I think it is time that we think about all generations of Americans, young and old alike.

I voted for the 1983 Social Security Reform Act. I am proud that we built that strength and that stability into the system, but I am not at all proud of the way this Congress spent the reserves in those trust accounts and built the debt that it built. While there is a lot of fingerpointing as to how that debt got there, there is one easy way to solve it: that is, to vote no.

Finally, we have a Congress that is willing to face up to it. Out of that Congress comes a balanced budget. Out of that balanced budget comes a surplus. Out of that surplus comes the unique opportunity to strengthen and modernize Social Security. We do that by assuring to the American people that we will no longer borrow it off into all branches of government, but that we will lock it up, we will pay down debt, we will increase the strength and the financial stability of our government and we will honor the trust funds' commitments to recipients of Social Security. That is what the debate is about today. That is what we have created with S. 557. No more, no less.

We don't need to quote a lot of history. The American people know what we have done. Most importantly, they are extremely excited about what we are proposing to do. For the first time, there is a strength of honesty and stability to their government with balanced budgets and surpluses that they have not seen for a long while. They are not fearful of debt anymore because debt begins to decline. More importantly, we begin to pay it down so that we have the strength to honor our commitments in the future.

That is what S. 557 is all about. I am amazed it finds opposition. I think it ought to be bipartisan. It is, without question, the way to save Social Security: Honor its commitments and project its strength and its modernization into the 21st century.

I yield the floor.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I am proud to be a cosponsor of the Lott-Domenici Social Security lockbox amendment. This is the first real step in the effort to save Social Security. I thank the Senator from New Mexico, Senator DOMENICI, and Senator ABRAHAM for their hard work in drafting this legislation and ensuring it comes to this Senate floor.

During my campaign last year for the Senate, I visited almost every region of the State of Ohio. During those visits, I asked the question of those in attendance, How many in this room pay a payroll tax? Every hand went up. Then I asked, How many of you expect to receive Social Security? Only those close to retirement raised their hands.

It was perplexing to me because it verified something my son George said to me—George, the summa cum laude graduate, undergraduate law school, CFE of a corporation—"Dad, I'm not going to see a dime of Social Security."

What a terrible thing, in a country like ours, where about two-thirds of the people who pay more into the Social Security funds than they do in taxes don't believe when the time comes for them to retire there is going to be anything there for them. I said during those visits that I was going to do everything I could to put a firewall between the Social Security trust fund and the general fund of the United States of America.

I think we all recognize that part of the problem that we have had in this country since the Vietnam war is that after that war we didn't have the money to pay for it, nor did we have the money to pay for the great society. So we took the trust funds and placed them into the general fund, using them to mask a deficit. In other words, we weren't willing to pay for those things that we were spending our money on.

Today, we have a chance to pass some legislation which gives honor to the sacred trust between the Federal Government and every American. I believe we need to get away from treating the Social Security trust fund as a part of the budget and wall it off from any temptation to use it for tax cuts or for new spending. We have been playing games with Social Security for too long. It is time to stop.

The Senator from Idaho in his remarks today mentioned the fact that the President will be sending up a request for some $6 billion to pay for the war in Kosovo. The American people should know that that money is going to come from Social Security.

Because the Social Security surplus is all there is. That is the surplus that we have today. There is not any onbudget surplus. There will not be any onbudget surplus until the year 2001, if we are lucky.

So it seems to me that one way we can guarantee to my son and to all those other people I visited during that campaign, and to the American people, that one way we can at least begin to guarantee there will be something there when they retire is to put that money away so it cannot be touched.

I wish there was a way you could put it into Fort Knox, so it could not be touched. But the fact of the matter is, the way this Government works today is that money in the Social Security trust fund is used to buy Treasury bills that are then used to pay for a lot of things that we do not have money to pay for. The thing about this lockbox proposal is that it takes all the Social Security trust fund and uses it to pay down the public debt, which means instead of it being used for spending programs, at least we are going to get the benefit for a period of time of paying down that public debt.

I think it is real important that we are candid with the American people and tell them this is not the end of the solution, we have to tackle reform of Social Security. But one step, one gigantic step is for the first time saying we are no longer going to use it to pay for spending programs.

In all due respect to the President of the United States, when this debate started several months ago, he said: I want to protect Social Security and I am going to use 62 percent of the unified budget, as Senator HOLLINGS just said here this afternoon, to protect Social Security. The fact of the matter is the only surplus we have is Social Security, so he is going to take 62 percent of the Social Security surplus to protect it and use the other 38 percent of it for spending programs or whatever. On my side of the aisle, they talked about using the 38 percent to reduce taxes. On the other side of the aisle, we are going to use it for a little tax reduction, we are going to use it for spending programs, protect this and protect that. But it was a fraud. The only surplus we have is Social Security.

So I am really quite concerned that today we hear the President saying: I am going to veto this legislation. Either you are for taking the first step to protect Social Security or you are not. You also ought to be in favor of putting all of this in the lockbox because you know what it is going to do? It is going to force us, if we want to keep the budget agreement, or if we want to maintain the budget caps, to find some other money; either reprioritize the dollars that are being spent on other programs or perhaps raise the dollars, raise more money to pay for these programs on which people want to spend money.

I repeat, all of this started back after the Vietnam war. We will have a big decision here one of these days to decide whether or not we are going to get involved in an all-out war with Serbia. That is going to cost a whole lot of money and the American people ought to know that one of the considerations is how are we going to pay for it? Are we going to pay for it with the Social Security surplus? Are we going to borrow the money? Think about it.

I have a great deal of respect for Senator HOLLINGS. I think he and I are the only ones who had amendments to use the onbudget surplus to reduce the debt. I concur in that. I think that is what we ought to do.

I just had my second grandchild and my grandchildren's gift from the Federal Government was a bill for $187,000 to pay interest on a debt they had nothing to do with. I think it is horrible that this debt keeps going up. Senator HOLLINGS is right; the debt is going to continue to go up.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. VOINOVICH. Certainly.

Mr. HOLLINGS. Mr. President, I congratulate the distinguished Senator from Ohio. He got a lot of heat. But what he was trying to do, like we both did as Governors, is just hold the line and make certain that we can save something. On the figures of the Congressional Budget Office, he said 2001, they said 2006, that there would be an actual surplus and we could then pay down the debt. So I voted for the VOINOVICH amendment, and the distinguished Senator helped me on our amendment. We got 24 and he got even more votes, if I remember.

So I congratulate the Senator's sincerity in his endeavor. Let me ask the distinguished Senator the question, when he says the only surplus we have is that of Social Security, that is true, although we have some other surpluses in the military retirement, civil service retirement, and other matters here. But isn't it the fact that the only debt we have is other than Social Security? In other words, Social Security has not caused the Government debt, be it public debt, private debt, or any other kind of debt, because we have been paying off Social Security and enjoying the surplus each year since 1983. Is that not the case? I mean, when you say pay off the debt——

Mr. VOINOVICH. If the Senator will yield?

Mr. HOLLINGS. Yes.

Mr. VOINOVICH. It is my understanding what we would do with this lockbox money is to use it to pay down the public debt, which would lower the interest costs to our Federal budget every year. But at the same time it would mean that money ultimately would have to be paid back to the Social Security trust fund.

Mr. HOLLINGS. Right. But when you say "pay it back," you will use Social Security moneys to pay down debt that is caused by any and every other Government program, be it entitlements or defense or foreign aid or Kosovo or military pay that we voted for—whatever it is—but it is not a debt that was caused by Social Security. Is that correct?

Mr. VOINOVICH. If the Senator will yield, that is correct. But the alternative to that, from my perspective, is that the money, the Social Security money, would then be used for spending programs that could be used to pay for the war or to pay for education or pay for a lot of other things.

Mr. HOLLINGS. And that is how you pay for it, by paying down their debt. You pay down the debt of the war, the debt of the spending program and everything else. That is what we have been doing. That is why on this chart, I showed it, under CBO we owe Social Security $857 billion. The particular amendment that has been introduced and is now subject to a vote tomorrow does not pay down Social Security's debt. It pays down the public debt, which is any and every other debt than Social Security.

Mr. VOINOVICH. I say to the Senator, in all due respect, that is a whole lot better than doing nothing at this time, when he knows and I know if it is there to be taken—let's just take what the President did. The President said, "I want to protect Social Security," and said, "but I want to use 38 percent of it for other spending programs." This would eliminate this money being used for those other spending programs. This would allow the money to be used to pay down the debt and give us a little time in the meantime to come up with a real reform of that Social Security program. We know that is something this Congress is going to have to do if we really want to guarantee to the next generation that there will be something there for them.

Mr. HOLLINGS. I know the Senator was not here with Senator John Heinz, a Republican Senator from Philadelphia. He and I worked together back in 1990 and we held the floor for quite some time. We thought at that time—that is why I am questioning and speaking advisedly—we thought at that time we had a lockbox. We put in section 13301.

Mr. President, I ask unanimous consent to have section 13301 printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) Exclusion of Social Security From All Budgets.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Exclusion of Social Security From Congressional Budget.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.".

Mr. HOLLINGS. That said, you could not use Social Security in a unified budget; namely, you could not use it for any spending programs, tax cuts, and everything else. But they ignored it, since it was only a budget law and we did not make it a criminal statute to lock up the Congress or lock up the President of the United States for doing it.

It has been totally honored in the disobedience thereof. We have not done it. Now I work with the administrator of Social Security. I want to show this to the distinguished Senator. It is S. 605, and it puts the money over in Treasury. You said you wish we could put it in Fort Knox. I can change that if the distinguished Senator would cosponsor it. We will say put it in Fort Knox, not to be spent for any purpose other than Social Security. It can be done.

The dilemma we are in is, section 201 of the original Social Security Act says to use those moneys to buy Treasury bills or Government securities. Don't leave the money, then, with the Government when you buy that security. Count that same amount of money to be transferred back into the Social Security trust fund. Thereby, you have the money and you have also earned the interest each month.

That is the way to do it, under the counsel of the Social Security Administration. I have checked it with other lawyers because I had been frustrated. I thought we had a lockbox. Oh, boy, Senator Heinz and I talked about the lockbox back in 1990, and President George Bush, on November 5, signed it into law. That is the law today. That is reiterated in this amendment to S. 557, on page 3:

Congress reaffirms its support of the provisions of section 13301.

But then on page 10, they spend it. What do they spend it for? For debt. Who caused that debt? All other programs, all programs other than Social Security. Social Security does not cause public debt, it is caused by other programs. That is how they get around the nuance of spending it.

What we have, I say to the Senator, is a lockbox that everybody has the key to except one group—the Social Security folks. When you pay down the public debt, you can spend it for everything because that is what causes the public debt. That is why I was a little taken aback—you try to talk politely on the floor, and my distinguished friend from Idaho said he was really worried about the honesty of this thing. You don't want me to get up and holler about the dishonesty, because I know the intent of the distinguished Senator from Michigan who offered it is good. I would not accuse him of being dishonest. But it is inaccurate, I can tell you that. It is totally, totally inaccurate to say that you have a lockbox. It is misleading when you use the expression "pay down the public debt."

Mr. VOINOVICH. If the Senator will yield, one of the things I have learned, and this is my 33rd year in the business, is that you crawl and you walk and you run. You tried with Senator Heinz to come up with something you thought was going to lock it up.

Mr. HOLLINGS. Right.

Mr. VOINOVICH. I have been working with Senator Domenici since the day I came here to figure out something, and it is not easy to put that lockbox in place. Based on all of the information that I have, the best thing that we could do at this stage of the game, if we really want to block it off, is this legislation. It may not be perfect, but the fact of the matter is that it is much better than the current situation which allows the Social Security surplus to be used for spending programs.

Mr. HOLLINGS. In violation of section 13301.

Mr. VOINOVICH. If the Senator will yield, you know and I know, we have had all that language in there, and they keep doing it. They have used that money to pay for new programs.

Mr. HOLLINGS. You are right.

Mr. VOINOVICH. They have used that money to provide for tax reductions. Can you imagine that, tax reductions?

Mr. HOLLINGS. Exactly. I agree. You are exactly right on that score, and you and I have the same intent. But I am trying to explain the best I can. All you have to do is read the language.

I ask unanimous consent, Mr. President, that a document titled "The Social Security Surplus Preservation and Debt Reduction Act, Summary of Amendment," dated April 20, 1999, by the majority staff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SUMMARY OF AMENDMENT, APRIL 20, 1999

The Act is effective for ten years and then sunsets. This is the same time period covered by the recently adopted Concurrent Resolution on the Budget for Fiscal Year 2000—H. Con. Res. 68. It is a period of time in which the Social Security Trust Fund balances are expected to grow by nearly $1.8 trillion. These balances would retire debt held by the public which would help prepare the country for the retirement of the baby boom generation early in the next century.

1. Reaffirms Off-Budget Treatment of Social Security Program.—The Act reaffirms current law that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the federal budget submitted to Congress by the President or any Congressional budget.

The Act creates a new budget act point of order against Congress adopting a budget that uses social security surpluses to achieve balance, and requires the President to submit a budget that does the same.

2. Uses the Social Security Surplus to Reduce the Debt Held by the Public.—The Act establishes a new enforceable limit on the amount of debt held by the public over the period from 2000 to 2010. These debt limits specified in the Act are current estimates of the level of borrowing from the public over this period that result from the social security surplus only being used to retire public debt. The surplus could not be used for non-social security spending or tax cuts. Legislation increasing these limits would require a super-majority vote in the Senate.

The Act establishes the first limit to become effective as of May 1, 2000, and effectively ratchets down this limit May 1 and periodically thereafter. The effective date accommodates Treasury Department's federal cash management responsibilities. The newly established debt held by the public limits would not disrupt the cash management operations of the Bureau of the Public Debt nor would it jeopardize Social Security benefit payments.

The limits follow:

May 1, 2000 through April 30, 2001—$3.628 trillion

May 1, 2001 through April 30, 2002—$3.512 trillion

May 1, 2002 through April 30, 2004—$3.383 trillion

May 1, 2004 through April 30, 2006—$3.100 trillion

May 1, 2006 through April 30, 2008—$2.775 trillion

May 1, 2008 through April 30, 2010—$2.404 trillion

3. Adjustments to Limits for: Social Security Reform, Recessions, Emergencies and War.—1. Social Security Reform. The Act authorizes adjustments to the limits established for legislation enacted that reforms social security during this time period. If Social Security reform legislation is enacted, and if that legislation has the effect of changing the debt held by the public specified in this Act, then the Secretary of the Treasury shall adjust the limits in this Act to reflect those changes.

2. Recessions. The provisions of this Act are suspended during a period of low economic growth. Two consecutive quarters of less than 1 percent real economic growth would automatically make the debt limits in this Act inoperative. After the recession has ended, the Act would reinstate new debt limit levels adjusted for the impact of the recession.

3. Emergencies. The Act also provides for an automatic adjustment to the debt limit levels specified if, after the adoption of this Act, the Congress enacts into law "emergency" spending defined under the Balanced Budget Act. If emergency spending uses a non-social security surplus, then no adjustment to the limits would be necessary. If, however, emergency spending requires the usage of social security surpluses, then the limits specified in the Act would be adjusted for that amount.

4. Declaration of War. The Act would be suspended upon Congress enacting a declaration of war.

PROJECTIONS OF FEDERAL DEBT ASSUMING THAT ON-BUDGET SURPLUSES ARE REDUCED TO ZERO AFTER 2000 USING CBO'S MARCH 1999 BASELINE

[By fiscal years, in billions of dollars]

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Debt Held by the Public at the Beginning of the Year	3,771	3,720	3,628	3,512	3,383	3,245	3,100	2,945	2,775	2,595	2,404	2,203
Changes:												
Surplus[1]	−69	−111	−133	−145	−153	−162	−171	−184	−193	−204	−212	−218
Other	18	19	16	16	16	16	15	14	13	12	11	11
Total	−51	−92	−117	−129	−137	−145	−156	−169	−180	−191	−201	−206
Debt Held by the Public at the End of the Year	3,720	3,628	3,512	3,383	3,245	3,100	2,945	2,775	2,595	2,404	2,203	1,997
Debt Held by Govt Accounts	1,769	1,956	2,164	2,376	2,601	2,833	3,072	3,321	3,577	3,842	4,107	4,373
Gross Federal Debt	5,479	5,584	5,676	5,758	5,846	5,933	6,016	6,096	6,172	6,246	6,311	6,370
Debt Subject to Limit	5,439	5,545	5,838	5,721	5,809	5,897	5,981	6,062	6,139	6,214	6,279	6,339
	AS A PERCENTAGE OF GDP											
Debt Held by the Public at the End of the Year	44.3%	41.4%	38.6%	35.7%	32.8%	29.9%	27.2%	24.5%	21.9%	19.4%	17.0%	14.8%
MEMORANDUM												
Baseline Total Surplus	69	111	133	156	212	213	239	263	309	338	358	383
On-Budget Deficit (−) or Surplus	−30	−16	−5	11	59	61	68	79	116	134	146	165

[1] Surpluses are shown here as negative because they decrease the debt.

NOTES.—Projections of debt assume that discretionary spending will equal the statutory caps on such spending through 2002 and will grow at the rate of inflation thereafter. Reduction of the on-budget surpluses is assumed to have no effect on trust fund holdings.

Source: Congressional Budget Office.

Mr. HOLLINGS. The Senator has the floor. I apologize for interrupting. It says: "Uses the Social Security Surplus to Reduce the Debt. . . ." Then it goes on to say:

> The surplus could not be used for non-social Security spending or tax cuts.

But when you say pay down the debt, that is actually what you are doing, is using the money for non-Social Security spending or maybe a tax cut, but it is not Social Security spending.

Mr. VOINOVICH. If the Senator will yield, the problem that we have is that currently under the law, my understanding is that you need to buy the special Social Security Treasury bills with this money, and when you do that, the Federal Government has those dollars. What they have been doing with those dollars is paying for programs that they would not be able to pay for if they had not been using those special bills.

This legislation at least stops that from occurring.

Mr. HOLLINGS. How?

Mr. VOINOVICH. It is going to take the money, and instead of spending it, at least we are going to get the benefit of reducing the debt which brings down the interest rate. It is a worthy alternative to the current situation.

Mr. HOLLINGS. We have about $3.6 billion in public debt and about $1.8 billion or $1.9 billion in Government debt. Yes, you reduce the public debt, but you increase the Social Security or Government debt. What happens is the overall debt continues to go up.

It is like I explained a little bit earlier about having two credit cards. I have a Visa card and a MasterCard. I want to pay down the public debt with the MasterCard. I said what I will do is use my Visa. So I pay down the MasterCard with the Visa card, but my name is on the Visa card, and I owe just that same amount of money.

You can see by paying down the public debt, that is the unified deficit using the trust funds. It has been going down, and even the regular debt has been going down until now. It is going to start back up. The overall debt has been increasing up, up and away. It was less than $1 trillion.

This is the cancer you and I worry about, not just the Social Security recipient getting their money, but it was less than $1 trillion when President JOHNSON balanced the budget, and the interest cost was only 16. Now it is $5.7 trillion and interest costs of almost $1 billion a day. That is all for nothing. That is almost $340 billion in increased spending each and every year for absolutely nothing. That is the biggest waste. When you say Government is big, that is the big part.

Mr. VOINOVICH. We are spending $600 million a day on interest costs.

Mr. HOLLINGS. Actually almost a billion a day. Interest costs are over $363.8 billion a year. So the debt is going up.

That is a beautiful little description that Alan Greenspan and the rest give that when you pay down the public debt, the interest costs go down. That is not the fact at all. Interest costs continue to increase.

The Senator from Ohio has been very indulgent. He has the floor, and I apologize. I think he and I have the same frustration and the same intent. I advisedly and very seriously and very sincerely say look at this particular entry on page 3. That is exactly what they do, they reaffirm the lockbox, but on page 10 they transfer the money back to the debt, and it is every and any debt but Social Security. It can be spent for any and every amount, and it runs up Social Security and that goes into the national debt and that goes into the interest costs and that continues to increase. That is what has happened.

When I was Governor, we had an insurance scandal, and we began to clean up the industry. One of the companies reorganized and said, "Now we need a new slogan." I said, "Capital Life will surely pay if the small print on the back don't take it away." That is exactly what we have here in this amendment. You have it on page 3, the lockbox, and now on page 10, you take it away.

Mr. VOINOVICH. The Senator yields back his time. Thank you.

I have enjoyed the discussion we have had. Obviously, there is a difference of opinion between the Senator from South Carolina and the Senator from Ohio.

Based on all of the research work that I have done, and the options that are available to us, to me this is the most practical way, Mr. President, to deal with the problem that we have had for too long in this country. I believe that with the passage of this lockbox legislation, we are going to go a long way in making sure that this money is not being used for spending programs that we are unwilling to pay for and have not been willing to pay for in the past. The real beginning of the deficits that we have had began when we merged the Social Security surplus in with the unified budget and started to spend it.

In fact, in 1979 the national debt was something like $860 billion. Today it is $5.7 trillion. I believe that this is the first step that we need to take to restore trust in those people in this country who are worried about Social Security, understanding that it is not perfect—understanding that it is not perfect—and understanding that this Congress needs to come together, on a bipartisan basis, hopefully with the leadership of the President, and tackle the problems that we have with the Social Security system in terms of guaranteeing its viability for the future. And that is something that hopefully we will get to this year; and if not then, hopefully next year; and if we do not then, when we elect a new President.

Mr. President, I yield the floor.

Mr. HOLLINGS. Mr. President, I will yield the floor in just a few seconds here. The statement was made that it would not put Social Security in a straitjacket. But the amendment does.

I have the letter here from the distinguished Secretary of the Treasury. In yesterday's debate, we introduced the letter, substantially the same, dated March 17.

This is dated April 21. It explains the serious objections that the distinguished Secretary of the Treasury has to the particular amendment. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, April 21, 1999.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR TOM: This letter transmit an analysis of the Social Security Surplus Preservation and Debt Reduction Act, the amendment offered by Chairman Domenici and Senators Abraham and Ashcroft to S. 557, which is currently being debated on the Senate floor. This Act would create new statutory limits on debt held by the public in addition to the existing ceiling on the total debt held by the public and the Federal trust funds. Our analysis indicates that this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn. Let me refer you to my earlier letter as I will not repeat here all of the concerns I have with this proposal. For all of the reasons I mention there, I would recommend to the President that he veto this Act if it were presented to him for his signature.

It is still my view and the view of the Administration that fiscal restraint is best exercised through the tools of the budget process. Debt limits should not be used as an additional means of imposing restraint. By the time a debt limit is reached the Government is already obligated to make payments and must have enough money to meet its obligations. These proposed new debt limits, despite the changes made, could run the risk of precipitating a debt crisis in the future.

The proposal makes only limited exceptions for unanticipated developments on the non-Social Security side of the budget. However, the potential for forecast error is great even for estimates made for one year in the future, let alone for ten years. Projections of future budget surpluses are made using hundreds of assumptions, any of which is subject to error. Indeed, the Congressional Budget Office (CBO) studied the errors in its own five-year estimates and concluded that, based on their average deviation, the annual surplus estimate for 2004 could vary by $250 billion. Much smaller forecast errors could cause these new debt limits to be reached.

The amendment's shift of the effective date from October 1 to May 1 may provide some degree of cushion but it does not eliminate the risk that the debt limit could be reached in the normal course of business. It reduces the debt limit just after the large revenue bulge in April. However, the size of the cushion and the impact of the timing shift can be far smaller than the deviations from surplus projections described above.

The amendment could run the risk of worsening an economic downturn. The debt limit would be suspended following two consecutive quarters of real GDP growth below one percent. However, an economic slowdown of any duration that did not result in real growth of less than one percent for two consecutive quarters could increase spending and reduce recipts—and both CBO and OMB estimates indicate that such a moderate slowdown could require the borrowing of hundreds of billions of dollars over a period of just a few years. Absent a super-majority vote to raise the debt limit, Congress would need to reduce other spending or raise taxes. Either cutting spending or raising taxes in a slowing economy could aggravate the economic slowdown and substantially raise the risk of a significant recession. In addition, there would be a lag of at least seven months from the onset of a recession to the time that the statistics were available to demonstrate two consecutive quarters of real growth of less than one percent. During these seven or more months, as in the first case, revenues would likely decline and outlays increase necessitating that Congress either reduce other spending or raise taxes. In both cases, the tax increases and spending cuts could turn out to be inadequate to satisfy all existing payment obligations and to keep the debt under the limit, and the debt-limit crisis could worsen.

In addition, the Act does not guarantee that Social Security benefits will be paid as scheduled in the event that the debt ceiling were reached. The Act requires the Treasury Secretary to give priority to the payment of Social Security benefits but, if the Treasury could no longer borrow any money, there might not be enough cash to pay all Social Security benefits due on a given day. We believe that all obligations of the Federal government should be honored. We do not believe that prioritizing payments by program is a sound way to approach the government's affairs (*e.g.*, giving Social Security payments precedence over tax refunds or other benefits, such as those for veterans). In addition, this Act does not indicate how this complex prioritization process should be implemented, no system currently exists to do so, and any such system would be impractical.

Clearly, there could be very serious risks to Social Security and other benefits and to the credit worthiness of the United States if this Act were enacted into law. To ensure fiscal discipline, the Administration recommends instead that the pay-go rules and the discretionary spending caps in current law be extended beyond FY 2002. These tools of fiscal disciline—which do not rely on debt limits—have been highly effective since they were adopted in 1990 on a bipartisan basis. I urge the Congress to consider these provisions—rather than new debt ceilings—as the best choice for maintaining our hard-won fiscal discipline.

Sincerely,

ROBERT E. RUBIN,
Secretary of the Treasury.

Mr. HOLLINGS. I ask unanimous consent to have printed in the RECORD also section 21 of the Greenspan Commission report, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Social Security and the United Budget

(21) A majority of the members of the National Commission recommends that the operations of the OASI, DI, HI, and SMI Trust Funds should be removed from the unified budget. Some of those who do not support this recommendation believe that the situation would be adequately handled if the operations of the Social Security program were displayed within the present unified Federal budget as a separate budget function, apart from other income security programs.

Mr. HOLLINGS. The reason I do that is the distinguished Senator from Idaho said he was here and voted for the Greenspan Commission report. And the Greenspan Commission report said: Look, as sort of a lockbox, take the Social Security trust funds out of the unified budget.

A majority of the members of the National Commission recommends that the operations of the OASI, the DI, HI, and SMI Trust Funds should be removed from the unified budget.

You see we contemplated back in 1983 the baby boomer problem. And it is now determined to be not a baby boomer problem, but an adult problem on the floor of the National Government right here in the Congress.

I will ask consent also to have printed in the RECORD the surpluses so they will have the exact figure. But we have the surpluses go up each year. I ask unanimous consent to have printed in the RECORD the Social Security trust fund surpluses from the year 1999 through the year 2008, as computed by the Congressional Budget Office.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY TRUST FUND SURPLUS, CBO DECEMBER 1998 BASELINE

[By fiscal year, in billions of dollars]

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Trust fund surplus	126	137	144	153	161	171	183	193	204	212
Interest received by fund	−52	−58	−64	−71	−79	−87	−96	−105	−115	−126
Non-interest surplus	74	80	80	82	83	84	88	88	88	86
Trust fund balance, end of fiscal year	857	994	1,139	1,291	1,453	1,624	1,807	2,000	2,204	2,416

Source: Congressional Budget Office.

Mr. HOLLINGS. Mr. President, in 1999 we have a $126 billion surplus; in 2000, a $137 billion surplus; and then out into the year 2009, a $217 billion surplus. We contemplated that at the time of the enactment of the Greenspan Commission and said we are going to build up, like a good, responsible insurance company, a reserve so that we could take care of demands of the baby boomers in the next generation.

If we said, at that particular time, Mr. President, that the money is going do be spent for any and everything, as the Senator from Ohio and I have just been discussing, we would have never voted for the payroll tax. You could not have gotten a vote except to save Social Security at that particular time. And we contemplated a reserve fund. Instead, they got all of these super-duper plans to solve the baby boomer problem; when the truth of the matter is, the big thing to do—and it almost puts it back solvent—is quit looting the Social Security trust fund for debt caused by any and every other program but Social Security.

And one final point: The lockbox, in other words, with this particular measure, gives everybody the key but Social Security. When you say, pay down the public debt, you are paying down the debt caused by any and every other program, whether it is entitlement, discretionary or defense. That is the debt. Because it is not Social Security's debt. I wish they would pay down the $857 billion they owe Social Security.

But they said, pay down the public debt. That increases the Social Security debt. The debt increases, as shown for the next 5 years by the Congressional Budget Office. The debt increases, interest costs increase.

We are getting by now, but if we go back to the regular order of business economically in this country, we are really going to be savaged. And when they say honesty, what really frustrates the people who oppose this amendment is the honesty of it—I don't want to say the dishonesty, but the incorrectness of it.

This amendment ought to be withdrawn. It actually continues what we have been doing that got us into this particular fix in formalizing. And they know it is formalizing and dignifying the savaging of the Social Security trust fund.

I thank the distinguished Senator from Wisconsin for his indulgence. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. And let me especially thank the Senator from Ohio and the Senator from South Carolina for their courtesy in allowing me to speak at this time.

I want to simply acknowledge that the Senator from South Carolina is, in my mind, the leader in the entire Congress on trying to make sure that we actually protect the Social Security trust fund and that it not be subject to the kind of raids it has been subjected to for the last 30 years. I give him enormous credit for that. He has been my leader on this issue. I thank him for his continued advocacy in protecting the Social Security trust fund.

Ms. SNOWE. Mr. President, tomorrow's vote on the Social Security lockbox legislation will be a defining moment for the Senate. Members will be making an unequivocal statement about how they feel about the Social Security program: Do we truly believe Social Security's monies should be protected and preserved from spending raids? Or are we willing to allow Social Security monies to be treated as a "piggy bank" that can be tapped and diverted to other federal programs?

I think the answer to these questions should be obvious—and I believe the 99 Senators who voted on March 24 for an amendment calling for adoption of the lockbox provision during the consideration of the Senate's FY 2000 budget resolution have an obligation to uphold the commitment they made to protect Social Security's monies and vote for the lock-box proposal.

Every Republican and every Democrat present voted for the substance of this proposal just a few short weeks ago and—accordingly—I hope they will vote to conclude debate tomorrow. The Administration's opposition to this legislation should come as no surprise, especially considering that President Clinton's FY 2000 budget proposal relied heavily on Social Security's surpluses to fund numerous other programs. Specifically, the President's budget would have raided $158 billion from the Social Security surplus over the coming five years to pay for other programs, while the Republican budget preserves every penny of the Social Security surplus.

In light of the President's diversion of Social Security monies to other programs, the members of the Budget Committee—by a nearly unanimous vote of 21 to 1—voted for an amendment I offered during the markup that called on Congress to reject any budget that would spend any portion of Social Security surpluses for any program other than Social Security. Not coincidentally, when the President's budget was later brought to a vote in the Senate, it was resoundingly rejected by a vote of 97 to 2.

The bottom line is that the time has come for Congress and the President to stop relying on Social Security's surpluses to fund other government programs. The Social Security lock-box legislation we are now considering provides a hard and fast means of protecting these monies, while providing needed "safety valves" for recessions, emergencies, declarations of war, or legislation that strengthens the Social Security program. Accordingly, I urge my colleagues to uphold their commitment to this proposal by voting to conclude debate and bring the Social Security lock-box proposal to a Senate vote.

Thank you, Mr. President. I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 20, 1999, the Federal debt stood at $5,628,407,736,077.41 (Five trillion, six hundred twenty-eight billion, four hundred seven million, seven hundred thirty-six thousand, seventy-seven dollars and forty-one cents).

One year ago, April 20, 1998, the Federal debt stood at $5,514,300,000,000 (Five trillion, five hundred fourteen billion, three hundred million).

Five years ago, April 20, 1994, the Federal debt stood at $4,569,088,000,000 (Four trillion, five hundred sixty-nine billion, eighty-eight million).

Ten years ago, April 20, 1989, the Federal debt stood at $2,754,104,000,000 (Two trillion, seven hundred fifty-four billion, one hundred four million).

Fifteen years ago, April 20, 1984, the Federal debt stood at $1,486,967,000,000 (One trillion, four hundred eighty-six billion, nine hundred sixty-seven million) which reflects a debt increase of more than $4 trillion—$4,141,440,736,077.41 (Four trillion, one hundred forty-one billion, four hundred forty million, seven hundred thirty-six thousand, seventy-seven dollars and forty-one cents) during the past 15 years.

CBO ESTIMATE OF Y2K ACT

Mr. McCAIN. Mr. President, when the Commerce Committee filed the report for S. 96, the Y2K Act, the Congressional Budget Office had not completed the cost estimate for the bill. Recently, the committee received the estimate. In summary, the estimate concludes that the measure would most likely result in a savings to the Federal court system. I look forward to debating this measure, and I ask unanimous consent that the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, March 19, 1999.

Hon. John McCain,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for S. 96, the Y2K Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for federal costs), Lisa Cash Driskill (for the state and local impact), and John Harris (for the private-sector impact).

Sincerely,

Barry B. Anderson
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 96—Y2K ACT

Summary: Enacting S. 96 would provide some liability protection for businesses that fail to repair their year 2000 (Y2K) computer problems. CBO estimates that the net effect of S. 96 would most likely be a savings to the federal court system but we cannot estimate the extent of any such savings because we cannot predict the number of lawsuits that would arise—under either S. 96 or current law—from computer failures associated with the year 2000.

The cost of addressing the Y2K problem in the United States is expected to total hundreds of billions of dollars. The extent to which such problems will be resolved prior to next January (or shortly thereafter) remains highly uncertain. Even more uncertain is the extent to which companies and individuals might file lawsuits against businesses because of problems encountered next year. CBO expects that enacting S. 96 could deter some potential plaintiffs from filing such lawsuits.

Some class action lawsuits may be shifted from state courts to federal court under this bill, so the federal courts could incur an increase in costs because class action lawsuits tend to be very timely and costly. However, CBO expects that any such increase would be more than offset by savings attributable to having fewer Y2K cases, overall, under the bill than under current law. Any net change in costs to the federal court system would affect appropriated spending. The bill would not affect direct spending or receipts, so pay-as-you-go procedures would not apply.

S. 96 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) but, overall, CBO expects that enacting this bill would lead to a savings for state and local governments. The threshold established in UMRA ($50 million in 1996 dollars, adjusted annually for inflation) would thus not be exceeded. The bill also would impose a new private-sector mandate but CBO cannot estimate the cost of the mandate.

Description of the bill's major provisions: S. 96 would provide various liability protections for businesses and state and local governments facing possible litigation arising from Y2K computer problems. In particular, the bill would: limit punitive damages to $250,000 or three times the actual damages that a plaintiff suffered, whichever is larger, and cap punitive damages at $250,000 for companies with fewer than 25 employees; require potential plaintiffs to give a prospective defendant 90 days to propose a plan to resolve the Y2K problem before any legal action could be taken under a lawsuit; assess any liability on a proportional basis, whereby a person against whom a judgment is made would be liable for only the portion of damages corresponding to that person's percentage of responsibility as determined by the judge; and ease restrictions for filing class action lawsuits in federal court.

Estimated cost to the Federal Government: CBO estimates that enacting S. 96 would probably result in a net reduction in the workload of the federal court system as compared to what would occur under current law. Thus far, about 60 complaints associated with Y2K problems have been filed; the majority of cases based on those complaints are class action lawsuits that have been filed in state courts. Several of the larger cases have been settled, but there is little basis for predicting the number or outcome of Y2K lawsuits that would be filed under S. 96 or under current law. Therefore, CBO cannot estimate the magnitude of any net savings to the federal government under the bill.

To the extent that a significant number of lawsuits related to Y2K problems are filed under current law, the Judiciary will either need to seek legislation authorizing additional judgeships and support personnel to address the increased workload or experience a severe backlog in cases. Because S. 96 would limit punitive damages associated with Y2K cases, give businesses 90 days to respond to Y2K problems before any legal action could be taken against such businesses, and make other changes affecting liability laws, CBO expects that parties to lawsuits would be encouraged to reach a settlement. Thus, we anticipate that many lawsuits would not result in a trial, which can be timely and expensive. However, some class action lawsuits could be shifted from state to federal jurisdiction under S. 96 because the bill would ease restrictions for filing such actions in federal court. On balance, CBO estimates that the savings from eliminating trials for many lawsuits would more than offset any increased costs that might be incurred from trying additional class action lawsuits in federal court.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: S. 96 contains intergovernmental mandates as defined in the UMRA but would impose no significant costs on state, local, or tribal governments. The bill would preempt state law by applying certain federal requirements to Y2K civil lawsuits in state courts after February 22, 1999. CBO expects that enacting this legislation would deter some potential plaintiffs from filing and pursuing lawsuits, thus reducing the resources state courts would expend on this type of litigation.

In addition, by easing the requirements for filing Y2K class action lawsuits in federal court, the bill could diminish some of the burden on state courts, where most of the current lawsuits have been filed. On the other hand, more individual cases might be filed in state courts to complement class action suits in federal courts. Overall, CBO anticipates the net effect of this bill would be a savings to state courts.

This bill would supersede any state laws inconsistent with it. While no state has established Y2K liability protection for the private sector, several states currently are considering that issue in their legislative bodies. Finally, S. 96 would provide state and local governments protection from punitive damages arising from a Y2K action. Only six states and the District of Columbia have already passed legislation protecting themselves and their localities from Y2K liability. To the extent that state and local governments could become defendants in Y2K litigation and have not protected themselves from liability, this bill would provide such protection and could result in a savings.

Estimated impact on the private sector: S. 96 would impose a new private-sector mandate by requiring prospective plaintiffs in legal actions related to Y2K computer problems to notify prospective defendants of their intent to file suit and wait up to ninety days after such notification before filing. The notice must identify the cause and size of the prospective plaintiff's loss, the remedy sought, and the legal basis for the suit.

For a single prospective plaintiff, the cost of complying with the mandate, the expense incurred in drafting and delivering the notice, is relatively small. The notice is, in effect, a summary of the suit to be filed, so that preparation for the suit is also preparation for the notice. CBO cannot, however, produce an estimate of the aggregate costs of the mandate, largely because we have no way to predict the number of Y2K lawsuits.

Estimate prepared by: Federal Costs: Susanne Mehlman; Impact on State, Local, and Tribal Governments: Lisa Cash Driskill; Impact on the Private Sector: John Harris.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, I rise to observe the Armenian Genocide Remembrance Day which takes place on April 24. Each year we remember and honor the victims, and pay respect to the survivors we are blessed to still have with us.

During the periods 1915–1918 and 1920–1923, approximately 1.5 million Armenians perished under the rule of the Turkish Ottoman Empire. The Armenian people fell victim to deportation, expropriation, torture, starvation and massacre. We signify April 24, 1915 as the day of remembrance because of the more than 200 Armenian community leaders who were systematically hunted down in Constantinople on this date.

The Armenian genocide was the result of a consciously orchestrated government plan. The United States Ambassador to the Ottoman Empire, Henry Morgenthau, stated at the time that, "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact . . . I am confident that the whole history of the human race contains no such horrible episode as this."

In an effort to further our understanding of this tragic period, one of my constituents, Mae Derdarian, has written an important survivor's account of the Armenian genocide. Her book, Vergeen, recounts a thirteen-year old girl's deportation from her home, the atrocities she survived, her escape from her tormentors, and her ultimate triumph over the horrors she witnessed and which were perpetrated on her. In a review of Ms. Derdarian's book, The Detroit Jewish News wrote "Every now and then a book comes along that haunts the reader long after the last page is turned. Vergeen is one of those stories . . . Mae Derdarian has created a page-turner, combing Vergeen's memoir and her own mother's recorded accounts of what both women endured as survivors of the first genocide of the 20th century." Such first-hand accounts from survivors are critical to our understanding of genocide, and help us all to recognize and honor the lives of the victims.

Mr. President, each year we remember the horrors suffered by the Armenian people during the periods 1915–1918 and 1920–1923 under the Ottoman Empire. However, it is not enough to simply remember those who have perished. We must dedicate ourselves to see that tragedies such as the Armenian Genocide are not revisited on our planet. This is the highest tribute we can pay to the victims of any genocide.

The Armenian people have earned our enduring admiration for withstanding the horrors of two world wars and several decades of Soviet dominance in order to establish modern Armenia. The United States must continue its efforts to support freedom, prosperity and stability in Armenia as we honor and remember the victims of the Armenian Genocide.

ARMENIAN GENOCIDE COMMEMORATION

Mr. TORRICELLI. Mr. President, I rise today to commemorate the 84th anniversary of the Armenian genocide. This is an event that has defined the Armenian people for the past 84 years, and my thoughts and sympathies are again with them as they remember these events.

It is with a great sense of sorrow that we mark the 84th year since the tragic genocide and exile of the Armenian people. The Turkish Ottoman Empire expelled nearly 1.5 million Armenians as part of a staged campaign. In doing so, the world witnessed one of the most sobering events in modern history. As the first genocide of the 20th century, the period between 1915 and 1918 deserves our attention and respect, and it should remind us of the need to keep all those who perished during the Genocide alive in our memory.

While humankind has the ability to sponsor acts of great kindness and sacrifice, we also have the capacity for great evil. By pausing to commemorate the Armenian Genocide, we ensure that it will never slip into the recesses of history. Along with the Holocaust, the Armenian Genocide signifies our ability to promote evil, but if we close our eyes to the tragedies of the past, we risk the chance of repeating them in the future.

Sadly, the Armenian American community has its roots in the Armenian Genocide. Many individuals living here in the United States either lost family members at the hands of the Ottomans, or are survivors themselves. They have risen above adversity to become prominent and successful citizens despite a tragic past. The Armenian American community has been vocal in expressing its anguish about the Genocide. It is my hope that their perseverance in marking this event each year, as well as our own efforts here in the United States Senate, will be enough to allow us to remember the lessons of the Genocide. We are constantly forced to relearn the effects of evil unchecked, but I hope, in this case, we will be guided to a better future.

SECURITY AT AMERICA'S NUCLEAR LABORATORIES

Mr. JOHNSON. Mr. President, I would like to talk briefly on the critically important hearings being conducted in Congress regarding the alleged national security breaks at our Department of Energy nuclear weapons laboratories. As a member of the Senate Energy and Natural Resources Committee, I am committed to finding the answer to what may have happened and ensure that our national security is just that—secure.

I share the concern of most Americans that starting during the Reagan Administration, Chinese spies reportedly stole secrets from New Mexico's Los Alamos National Laboratory to assist China in developing advanced nuclear weapons. I am also concerned with the perceived inaction by individuals and agencies within our government for almost ten years. However, I strongly discourage my colleagues and others in framing this issue in partisan terms because the timeline we are discussing here today includes three Administrations of both parties. The goal of placing blame on Republicans or Democrats is counterproductive to the ultimate need of finding answers that lead to solutions.

The American public is entitled to know whether critically important secrets were stolen from our nuclear laboratories. We, as citizens of a democracy, also have the right to know what steps our government took—or failed to take—to protect our interests and livelihood. The accusations surrounding the Los Alamos Nuclear Laboratory have shaken the trust Americans have in our national security, our government, and our developing relationship with China, the most populated country in the world. It is the responsibility of this committee, Congress as a whole, and the Administration to provide the American public with the answers they deserve.

Accountability and accuracy must be established in this matter. However, knowing what happened and who was responsible is not enough. I am hopeful that out of this committee hearing and subsequent investigations by other Congressional committees and governmental agencies, we can make sure our national security secrets are safe in a world where it is inevitable and necessary that scientists from different countries work together.

Action must be taken if it is found that security lagged and individuals failed to respond in a timely and appropriate manner. Action must also be taken if it is found that foreign governments actively spied in our nuclear laboratories. However, we will not know what action is necessary until all the information is presented. I look forward to working with my colleagues on this issue and will continue to work to ensure that important questions are answered fully.

RECENT EVENTS IN GEORGIA

Mr. BROWNBACK. Mr. President, I rise today to mark a milestone in the history of the Georgian nation towards consolidating its independence and sovereignty and the progress Georgia has made in moving towards becoming a democratic government with a free market economy.

On the 9th of April 1999, Georgian Orthodox Good Friday, Georgia commemorated a tragic anniversary: ten years ago on that day in 1989, twenty-two people died for daring to express their desire for the independence of their country. During a peaceful demonstration in Tbilisi, Soviet troops moved in on the unarmed crowd with tanks. Soldiers carrying field engineer spades bludgeoned these brave people to death—all of them were unarmed and many of them were women. The troops also used an unknown type of poisonous gas which put thousands of people in hospital. These people paid a heavy price for expressing their desire for independence.

This week, almost exactly 10 years later, Georgia is celebrating another major step towards the goal of full independence for which those people died: this time economic independence. On April 17th, Georgia celebrated the inauguration of the Baku-Supsa oil pipeline. With this step, Georgia has gained another significant measure of independence.

This is a long way to have come in just ten years. And these have been very tumultuous years filled with strife and hardship: assassination attempts against President Shevardnadze; pressures from Russia which continues to harbor Igor Giorgadze, the mastermind behind the 1995 assassination attempt against President Shevardnadze; ethnic conflicts, over 300,000 refugees from Abkhazia, and tremendous economic hardships for the Georgian people.

This refugee problem is one which should resonate with all of us. The television pictures and the stories told by the Kosovar refugees of ethnic cleansing, people pushed out of their homes and villages is a sight which shocks us and has galvanized the United States and the west to action. Similar scenes were taking place in Georgia which in a very short time had to assimilate over 300,000 refugees driven out of Abkhazia as part of ethnic cleansing in that part of the country. Had there been TV cameras there the world might have reacted. But there weren't and Georgia has been left to deal with this difficult problem on its own.

Despite this difficult backup, President Shevardnadze and the reformers in the Georgian parliament have started and made significant progress in building a new nation. What we are witnessing in Georgia is truly that: the building up from scratch of a new state. This is a daunting task and one which requires immense fortitude and persistent commitment.

There is no quick formula for building a state, no blueprint to follow which will smooth the way. In fact, the road is anything but smooth and there have been wrong turns along the way. But it is taking place. There are a number of indicators.

One is the regaining control of borders. After much negotiating, and persistence, Georgia is starting to regain control of its borders: in the strategic sea-port of Poti, the northern border as well as parts of the border with Turkey. Georgia is also scheduled to take control of the entire Turkish-Georgian border in Ajara in 1999.

Another is in the area of basic legal reforms. Not only have President Shevardnadze and the reformers in Parliament tackled problems systematically, they have clearly demonstrated their commitment by passing legislation which will set the foundations for a free and prosperous society. A recent example is the overhaul of the judiciary. Most of Georgia's judges are being forcibly retired and replaced by new ones chosen by competitive examinations. This is a bold move in the right direction. While the reform of the legal system is moving forward at a fast pace, one area of concern is the recent decision to return to the Soviet system of appointing lay judges for high crimes' sentencing. These judges don't have to pass tests or meet the same standards as federal judges. This is a dangerous road to go down as it could slow down the pace of legal reform and open the door to corruption. Nevertheless, on the whole Georgia should be proud of this wonderful step forward. In a civil society, the legal system should work for the society and not for the benefit of the authorities. The overhaul of the judiciary sets Georgia on that course.

Another is the fight against corruption. The reformers in Georgia have also taken on one of the most pervasive problems which is the legacy of 70 years of communism: corruption. Recent examples of the commitment to take on this overwhelming problem can be found in a number of decisions relating to the areas in which corruption is the most prevalent in any society. Georgia has hired foreign companies to take over areas which are traditionally the richest sources of bribes and corruption: the distribution of electric power in Tbilisi and the customs service. In another bold move, the Georgian government will be taking procurement away from the ministries: a law passed recently requires that as of 1 July 1999, all government procurements beyond 20,000 lari must be subject to tender by the Ministry of Economy. This law is most significant and will be further enhanced by establishment of a system for third party procurement. The Ministry of Economy working with seasoned western companies can make these tenders work for the government and not for individual people looking for their own personal gain. Leading the way in this effort is the military and the border guards. This will concretely contribute to the more efficient use of Georgian government resources and reduce the temptation of corruption.

The progress made to date has not come easily and has not necessarily been smooth; mistakes have been made along the way. But we must remember that there is no easy map to chart the way from the economic shambles Georgia and the other former Soviet republics inherited to a full blown free market economy and democratic institutions. Building them takes some time, determination and perseverance.

Mr. President, once implemented, the Georgian people will surely begin to see that they are on the right track toward a serious improvement in their circumstances. I congratulate President Shevardnadze and the parliamentarians who have stood up for the freedom and long-term wellbeing of their country.

Mr. President, the geostrategic importance of Georgia to the United States is clear and has been mentioned often. It also has another claim on our attention and support: the progress toward democratization and free market economy there is a strong example to the other countries in the region. Georgia deserves our support as well as our congratulations.

TRIBUTE TO ADMIRAL ROY LEE JOHNSON, USN (RET.)

Mr. WARNER. Mr. President, our nation has lost a truly great American in the recent passing of Admiral Roy Lee Johnson, USN (Ret.), who died March 20th in Virginia Beach, Virginia at the age of 93. My Senate colleagues should know that he was the father of Jo-Anne Coe, long-time top aide to Senator Bob Dole. We all join in sending our deepest sympathy to Jo-Anne and her family.

Admiral Johnson had a distinguished Naval career of over 38 years, culminating in his appointment as Commander in Chief of U.S. Naval forces in the Pacific (CINCPACFLT) from 1965–67 at the height of the Vietnam conflict. Prior to this, he was Commander, U.S. Seventh Fleet. In his capacity, he gave the order to the USS Maddox and USS Turner Joy to fire back at Viet Cong gunboats in the Tonkin Gulf incident.

Admiral Johnson graduated from the U.S. Naval Academy in 1929. A pioneer of naval aviation, he received his wings in 1932, and served as a flight instructor at the U.S. Navy flight school at Pensacola, Florida, in the biplane era in the early 1930's and again in the 1950's. After retirement, he served a term as president of the Early and Pioneer Naval Aviators Association, nicknamed "The Golden Eagles", and from 1980–81 was President of the Naval Academy Alumni Association.

During World War Two he served on the USS Hornet, which won a Presidential Unit Citation. He was awarded the Bronze Star, the Air Medal, and the Legion of Merit with gold star for his service in action which included campaigns against Japanese forces in the Philippines, Wake and Truk Islands, Iwo Jima and Okinawa. He also saw action during the Korean War, as Commanding Officer of the escort carrier USS Badoeng Strait.

In 1955 he became the first Commanding officer of the USS Forrestal (CVA 59), the first of the "supercarriers", receiving this coveted appointment after developing operational procedures for this new class of carrier which were still in use at least 15 years later. In this role he was promoted to Rear Admiral and later assumed command of Carrier Division Four, with the Forrestal as his flagship.

In January 1960, he was named Assistant Chief of Naval Operations for Plans and Policy. Two years later he was promoted to Vice Admiral and became the Navy's senior representative in determining U.S. air strike priorities during the Cuban Missile Crisis.

In July 1963, he became Deputy Commander in Chief of the U.S. Pacific Fleet and a year later was appointed Commander of the U.S. Seventh Fleet. For his service in these assignments he was awarded a second Distinguished Service Medal. In 1965, he was promoted to full Admiral and became CINCPACFLT. He was the last U.S. Military Governor of the Bonin Islands, which include Iwo Jima.

Admiral Johnson's exceptionally distinguished military career and achievements as a private citizen stand out as an example of the selfless devotion to our country that only a few Americans have exemplified. Hopefully, his achievements will serve as the standard for our naval officers and citizens to strive to achieve. His lasting contributions to ensuring the freedoms and greatness of our nation are his legacy. Admiral Johnson will be profoundly missed and fondly remembered by all who knew him and by others who only know of his exceptional service to our country.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:49 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 208. An act to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

H.R. 1379. An act to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 54. Concurrent resolution recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement.

The message further announced that the House has passed the following bill, without amendment:

S. 531. An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

The message also announced that pursuant to the provisions of section 1 of the Act to create a Library of Congress Trust Fund Board (2 U.S.C. 154), as amended by section 1 of Public Law 102-246, the Speaker appoints the following member on the part of the House to the Library of Congress Trust Fund Board for a five-year term to fill the existing vacancy thereon: Mr. John Henry of Florida.

At 12:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 800) to provide educational flexibility partnerships.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 208. An act to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes; to the Committee on Governmental Affairs.

H.R. 1379. An act to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance; to the Committee on Foreign Relations.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 54. Concurrent resolution recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2648. A communication from the Program Analyst of The Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (18); Amdt. No. 415/4-15 (4-15)"(RIN2120-AA63 (1999-0001)), received on April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2649. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Port Clinton, OH; Correction; Docket No. 98-AGL-73/4-15 (4-15)" (RIN2120-AA66 (1999-0135)), received on April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2650. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allison Engine Company, Inc. AE3007A and AE3007C Series Turbofan Engines; request for Comments; Docket No. 99-01/4-5 (4-8)", (RIN2120-AA64 (1999-0162)), received on April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2651. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Mexico Memorial Airport Class E Airspace Area, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-4/3-31 (4-1)" (RIN2120-AA66 (1999-

0127)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2652. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Toccoa, Ga; Docket No. 99–ASO–3/4–5 (4–5)" (RIN2120–AA66 (1999–0134)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2653. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Pontiac; Pontiac, Il.; Docket No. 98–AGL–81/4–5 (4–5)" (RIN2120–AA66 (1999–0132)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2654. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E and F Airspace; Orlando Executive Airport; FL; Request for Comments; Docket No. 99–ASO–5/4–5(4–5)" (RIN2120–AA66(1999–0133)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2655. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Watertown, WI; Docket No. 99–AGL–2/4–5(4–5)" (RIN2120–AA66(1999–0129)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2656. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Auburn, IN; Docket No. 99–AGL–3/4–5(4–5)" (RIN2120–AA66(1999–0130)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2657. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sault Ste Marie, ON; Docket No. 99–AGL–1/4–5(4–5) July 15, 1999" (RIN2120–AA66(1999–0131)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2658. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (109); Amdt. No. 1924/4–9 (4–12) (RIN2120–AA65(1999–0020), received on April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2659. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (66); Amdt. No. 1925/4–12 (4–12)" (RIN2120–AA65(1999–0019), received on April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2660. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (80); Amdt. No. 1923/4–12 (4–12)" (RIN2120–AA65(1999–0018), received on April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2661. A communication from the Program Analyst of the Office of Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Palmyra, NY; Docket No: 99–AEA–03/4–1 (4–1)" (RIN2120–AA66 (1999–0125), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2662. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Logan, WV; Docket No: 99–AEA–02/4–1 (4–1)" (RIN2120–AA66 (1999–0124)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2663. A communication from the Program Analyst of the Office of the General Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Farmington, NM; Docket No: 95–ASW–18/4–1 (4–1)" (RIN2120–AA66 (1999–0123)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2664. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Excobas, TX; Direct Final Rule; Request for Comments; Docket No: 99–ASW–05/1 (4–1)" (RIN2120–AA66 (1999–0121)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2665. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Lake Charles, LA; Direct Final Rule; Request for Comments; Docket No: 99–ASW–04/4–1 (4–1)" (RIN2120–AA66 (1999–0122)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2666. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Shawnee, OK; Direct Final Rule; Request for Comments; Docket No: 99–ASW–07/4–1 (4–1)" (RIN2120–AA66 (1999–0119)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2667. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Guthrie, OK; Direct Final Rule; Request for Comments; Docket No: 99–ASW–06/4–1 (4–1)" (RIN2120–AA66 (1999–0120)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2668. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes, and Model MD–88 Airplanes; Docket No. 98–NM–166–AD; Amendment 39–11099; AD 99–07–14 (RIN2120–AA64), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2669. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft-manufactured Model CH–54A Helicopters; Docket No. 97–SW–60–AD (RIN2120–AA64), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2670. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes; Docket No. 98–NM–265–AD; Amendment 39–11100; AD 99–02–18 R1 (RIN2120–AA64), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2671. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments; Bell Helicopter Textron, Inc.-manufactured Model HH–1K, SW204, SW204HP, SW205, SW205A–1, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L and UH–1P Helicopters; Docket No. 98–SW–31–AD (RIN2120–AA64), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

Mr. JEFFORDS. Mr. President, for the Committee on Health, Education, Labor, and Pensions, I report favorably a nomination listed which was printed in the Record of January 19, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that the nomination list lie at the Secretary's desk for the information of Senators.

In the Public Health Service, a nomination list beginning Grant L. Campbell, and ending Ann M. Witherspoon, which was received by the Senate and appeared in the Congressional Record of January 19, 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL (for himself and Mr. LIEBERMAN):

S. 846. A bill to make available funds for a security assistance training and support program for the self-defense of Kosova; to the Committee on Foreign Relations.

By Ms. MIKULSKI (for herself, Mrs. MURRAY, Mr. INOUYE, Mr. WYDEN, Mr. JOHNSON, Mr. HOLLINGS, Mr. REID, and Mr. BINGAMAN):

S. 847. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 848. A bill to designate a portion of the Otay Mountain region of California as wilderness; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 849. A bill to amend the Public Health Service Act to provide grant programs for youth substance abuse prevention and treatment; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 850. A bill to make schools safer by waiving the local matching requirement under the Community Policing Program for the placement of law enforcement officers in local schools; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mr. MOYNIHAN):

S. 851. A bill to allow Federal employees to take advantage of the transportation fringe benefit provisions of the Internal Revenue Code that are available to private sector employees; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN:

S. 852. A bill to award grants for school construction; to the Committee on Health, Education, Labor, and Pensions.

S. 853. A bill to assist local educational agencies to help all students achieve State achievement standards, to end the practice of social promotion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 854. A bill to protect the privacy and constitutional rights of Americans, to establish standards and procedures regarding law enforcement access to location information, decryption assistance for encrypted communications and stored electronic information, and other private information, to affirm the rights of Americans to use and sell encryption products as a tool for protecting their online privacy, and for other purposes; to the Committee on the Judiciary.

S. 855. A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and other purposes; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. WARNER, and Mrs. HUTCHISON):

S. 856. A bill to provide greater options for District of Columbia students in higher education; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself, Mr. SARBANES, Mr. CONRAD, Mr. ASHCROFT, Mr. HUTCHINSON, Mr. GREGG, Mr. WELLSTONE, Mr. SCHUMER, Mr. WARNER, Mr. LUGAR, Mr. HAGEL, Mr. CRAPO, Mrs. MURRAY, Mr. BIDEN, Mr. FEINGOLD, Ms. COLLINS, Mr. DEWINE, Mr. McCAIN, and Mr. COVERDELL):

S.J. Res. 21. A joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself, Mr. CHAFEE, Mr. BAUCUS, and Mr. REID):

S. Res. 81. A resolution designating the year of 1999 as "The Year of Safe Drinking Water" and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. DEWINE, Mr. DODD, Mr. HUTCHINSON, Mr. HARKIN, and Mr. REED):

S. Con. Res. 28. A concurrent resolution urging the Congress and the President to increase funding for the Pell Grant Program and existing Campus-Based Aid Programs; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL (for himself and Mr. LIEBERMAN):

S. 846. A bill to make available funds for a security assistance training and support program for the self-defense of Kosova; to the Committee on Foreign Relations.

THE KOSOVO SELF-DEFENSE ACT

Mr. McCONNELL. Mr. President, I rise today to introduce the Kosovo Self-Defense Act. I am pleased to be joined by my good friend from Connecticut, Senator LIEBERMAN, in offering this bill. Our proposal would provide $25 million to arm and train members of the Kosovo Liberation Army, or KLA. This would equip 10,000 men or 10 battalions with small arms, antitank weapons, for up to 18 months. Let me repeat that: For less than the cost of one evening's air raids, we can provide significant defensive capabilities to those most willing to fight Serb aggression inside Kosovo.

I know the administration questions why the United States should take this bold step. My question is, Why haven't we already made the decision to arm and train the Kosovar Albanians who are on the ground fighting for their homes, their loved ones, and their rights? It seems to me that the question is not why, but why not? It took 4 years of bloodshed to recognize we should arm the Bosnians. How many lives will be lost before we do the right thing in Kosovo?

There is widespread agreement that President Clinton and his National Security Advisers have made a grave tactical error in removing even the threat of U.S. ground troops. With this declaration seemingly repeated hourly by top Clinton officials, the United States has signaled to Milosevic that, regardless of his actions—including genocide—America does not have the determination to stop this outrageous behavior. After months of hollow American threats, we are now crippling our prospects for success by signaling to Milosevic just how far we are willing to go. No option should have been taken off the table.

Just last October, with great fanfare, the President announced a cease-fire, but it was a farce. The Serbs continued their brutal war against the Kosovars. In Pristina, cynics were heard to say, "If they only burn a village a day it keeps NATO away." The Serb campaign to exterminate all semblance of Albanian society raged daily—just not on a massive, headline-grabbing scale.

Unless faced with serious and sustained military pressure on the ground, this war will go on until Kosovo is empty of all Albanians. Given administration and public reluctance to deploy U.S. troops, there is only one option: The KLA must be given the means to defend their homeland. All reports indicate that the KLA is growing in number and remains willing to fight Serb aggression. Given the right equipment and limited training, the KLA could offer a significant deterrent to Milosevic's murderous thugs.

If the administration had armed the Kosovar Albanians in January when I first suggested that approach, I believe the daily tragic exodus of refugees could have been avoided.

I ask unanimous consent the op-ed I wrote which appeared in the Washington Post back in January advocating this course of action be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 22, 1999]

INDEPENDENCE FOR KOSOVO

(By Mitch McConnell)

Once again, NATO ambassadors have condemned barbaric atrocities deliberately inflicted by Serb forces on cold, hungry, exhausted civilians. Top generals have been dispatched to warn that Western patience has been strained by Belgrade's slaughter of 45 villagers in Racak. The Serbs have retaliated by evicting the American chief of the observer mission of the Organization for Security and Cooperation in Europe (OSCE)—leaving a more sympathetic French official in place.

It is time for the United States to accept reality, recognize Kosovo's independence and provide Pristina's leadership with the political and security assistance necessary to halt Serbia's genocidal war.

Kosovo's humanitarian disaster continues today. Although it is true that some 300,000 refugees have left the mountains where they fled from Serb ethnic cleansing last summer, the catastrophe has simply moved behind closed doors. International relief agencies support a program of one warm room per household, but this effort is barely meeting the basic human needs of the extended or expanded families created by the war. Families ranging in size from 12 to 18 people, half of whom are children, are crammed into the only standing room left in a house, usually no larger than 12 by 20 feet. With freezing temperatures and heavy snow, shortages of mattresses, blankets, warm clothing and food are evident throughout Kosovo. Schools and clinics are shuttered or shattered.

Nongovernmental organizations and the U.S. Disaster Team have performed heroically in hostile conditions. Unfortunately, the U.N. High Commissioner for Refugees, the World Food Program and Agency for International Development headquarters have become bureaucratic bottlenecks slowing the availability of relief supplies to these able partners.

The Holbrooke-Milosevic agreement for Kosovo has failed. There is no cease-fire. The massacre in Racak is only the latest example of weekly Serbian violence. Invariably, the victims are civilians. Each time the Serbs offer the same explanation: Violence resulted from their search for the perpetrators of a crime. The Serb military response is always brutally disproportionate to the needs of any legitimate law enforcement effort. As one little girl cried after her village was shelled, "I would understand if they killed soldiers, but they killed my home. Why?"

In addition to violating the cease-fire, the Serbs have failed to comply with another key aspect of the agreement. Belgrade was required to substantially reduce its Kosovo force level. In fact, a senior American official acknowledged the effort to verify the troop withdrawal was a farce. No one knows how many Serbs are still deployed in Kosovo.

Hopeful of replacing this menacing presence, the administration is developing an ill-advised plan to create a new civilian police force. Unarmed and with the benefit of only a few weeks training, this force is destined to fail or, far worse, become hostages. An American diplomat summed up the situation: "The Serbs will continue to go where they want, do anything they want, whenever they want." Neither OSCE nor a civilian police force will change that outcome.

The primary reason the agreement has collapsed is that the use of force has been abandoned as an option. A senior OSCE French official observed, "In October, Milosevic was presented with two options—to be bombed or to accept verifiers. He agreed to the OSCE mission. We now stand in lieu of any military option. . . . Our political intervention is incompatible with military action. No nation will be willing to take military action and risk retribution against its citizen verifiers." In short, 2,000 potential hostages prevent any meaningful debate about force.

The use of force has been further undermined by the withdrawal of virtually all 300 aircraft deployed in the fall, and by members' statements that any effort to implement the Activation Order for airstrikes will require more votes by NATO. Challenge inspections of potential Serb military violations were forfeited in a Belgrade-NATO document guaranteeing prior notice of all air verification flights. Finally, the Serbs know from daily testing that aggression will produce little more than a rhetorical rebuke and renewed talks.

George Mitchell is said to have produced Ireland's Good Friday Agreement by shuttling between 12 factions, few of which were ever in the same room at the same time. The case in Kosovo has been much simpler, with only two real points of view, one seeking independence, one an interim autonomy settlement. Since the summer ethnic cleansing campaign there has been only one view: independence.

American negotiators, constrained by European anxiety and inertia, have failed to accept the inevitability of this objective. The administration clings to the idea that this goal is unachievable politically and unwinnable through combat. This is no longer the case.

The United States should have learned several pertinent lessons in Vietnam. To win, the Kosovo Liberation Army does not need to control territory. It must be able to maneuver at will, be well trained, equipped and financed and enjoy popular support. Last year's Serb offensive energized universal popular support for the Kosovo Liberation Army (KLA), and military analysts now point to substantial improvements in the KLA's tactics, command and control, financing and arsenal.

Our policies must recognize the essential goal: independence for Kosovo. To achieve it, we must take several steps:

Expand direct U.S. aid to nongovernmental humanitarian organizations and improve the management of international organization relief efforts.

Suspend U.S. funds for the OSCE observers.

Demand a NATO vote to implement the Activation Order for airstrikes.

Recognize Kosovo's independence and implement plans to arm the KLA.

Facing hard realities has always been America's best course. It is the only course to follow in Kosovo.

Mr. McCONNELL. Rather than choosing this course, the U.S. and NATO have relied solely on the use of controlled airstrikes. Now, I supported this use of force and believe we should come to the defense of the Kosovar Albanians, the victims of genocide. However, the nightly strikes on Milosevic's terror machine have not stopped the massive killing. In fact, the atrocities have dramatically increased since NATO action began. Our halfhearted effort has allowed Milosevic the freedom to feed the most evil of instincts. Police, paramilitary, and army units are engaged in an effort to deport or exterminate 2 million Albanians.

Air power alone cannot stop this slaughter. This week the Albanian Government recognized this fact and called on the United States Government to arm the KLA. That was a shift in position of the Albanian Government. Recognizing the growing strength and tenacity of the KLA, the Albanian Government has switched positions and said we ought to arm the KLA.

I ask unanimous consent the article concerning that matter in the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 20, 1999]

ALBANIA ASKS WEST TO ARM REBELS

(By Peter Finn)

TIRANA, Albania, April 19—The Albanian government has asked the United States and other NATO countries to arm the Kosovo Liberation Army and Albanian President Rexhep Mejdani is prepared to raise the subject when he meets with President Clinton during the NATO summit in Washington this week, a senior adviser to the Albanian leader said today.

The decision is a significant policy shift for Albania, which until NATO airstrikes against Yugoslavia began last month had maintained an official policy of neutrality toward the different Kosovo Albanian political movements, including the KLA, which has been fighting to win the province's independence.

But Prec Zogaj, a senior adviser to the Albanian president, said today that one of the effects of the mass expulsion of ethnic Albanians from Kosovo, as well as reports of Serbian massacres of civilians, has been to transform the rebel army into the single voice of Kosovo Albanians, sidelining provincial leaders who advocate nonviolence.

Albania, in response, is now willing to throw its diplomatic weight behind the guerrillas' appeals for arms from the West, Zogaj said in an interview. "We have to find ways to send military aid to Kosovo," Zogaj said. "In Kosovo, the only force that protects civilians is the KLA, but they do not have enough arms."

The change of policy threatens to deepen the strains in relations between Albania and the Serb-led government of Yugoslavia, which broke off diplomatic ties with Tirana on Sunday and whose armed forces have fired shells into northern Albania in the past week. Although the Albanian army is in disarray, the West has long been concerned that it would be drawn directly into the Kosovo conflict and ignite a broader war.

The rebels set up training camps in mountainous northern Albania and smuggled arms into Kosovo from there. But the Albanian government has not officially sanctioned their activities on its soil, and argued that it was unable to control the rebels' movements in the north because the region was so lawless.

"The KLA was [previously] a military segment of the Kosovo liberation movement," Zogaj said. "Today, now, the KLA is the movement itself. There is no other option."

In Washington, State Department spokesman James P. Rubin said he was not aware of a formal request from Albania to arm the rebels, but he said Albania has informally communicated its desire to do so. The United States has made clear it continues to oppose arming or training the rebels, Rubin said.

The Clinton administration does not support the rebels' objective of a Kosovo independent of Serbia, Yugoslavia's dominant republic. However, administration officials have warned that the longer NATO's air war continues, the greater the chances are that the guerrilla army will fill a power vacuum in Kosovo.

Zogaj said Albanian officials raised the question of arming the Kosovo rebels with U.S. Army Gen. Wesley K. Clark, NATO's supreme commander, when he visited Tirana Saturday. Zogaj said officials have made the same request repeatedly to U.S. officials in the past three weeks. Zogaj said Clark refused, adding that the general cited the arms embargo placed on Yugoslavia as a barrier to such a move.

But Zcgaj said that Albanian officials inferred from their conversations with Clark that he really feared that if NATO armed the rebels, Russia would arm the Serbs. Zogaj said the KLA was obtaining new arms on the international black market and continued to buy weapons from Serbian arms merchants despite the war. Zogaj also estimated that 8,000 new rebel recruits from other countries have arrived in Albania in the past four weeks. If true, that could nearly double the size of the rebel fighting force.

Albania is one of more than two dozen European countries that will join NATO's 19 members in Washington, for a three-day summit that begins Friday.

Mr. McCONNELL. Milosevic's storm troopers must face operations in the air and on the ground. The KLA is willing to wage this war on the ground. It is their homes that are being burned, their businesses destroyed; and, worse, their wives and sisters being raped, their families being slaughtered. They don't need convincing to summon the will to fight. What they need is international support.

Senator LIEBERMAN and I have a proposal which will begin this effort. If the only people willing to fight are the KLA, we should do what we can to see that they have the ability to do so. Who else will provide the necessary deterrent to Milosevic and his army? The administration has made it clear that it will not be America's sons and daughters. I don't want to see United States soldiers fighting this war, but I also cannot abide the continued extermination of the people of Kosovo. They are entitled to defend themselves. We should not delay any further in our commitment to their legitimate cause.

Let me sum this up as I see my friend from Connecticut is here. What we have is a situation with the KLA where their leaders are in communication with the State Department and our military on a daily basis. We have an organization which, by telephone, is identifying military targets inside Kosovo for our planes. We are dealing with the KLA multiple times a day, both diplomatically and militarily. We are obviously pulling for them. We are egging them on. We are saying, "Go out there and do it." But when they request an opportunity to be adequately armed, we say no. It is an utterly absurd position.

We have heard the rumors around town. We heard these in the 1980s, when the issue was supporting the contras, that there are some bad characters in the KLA. I don't think we have time to run a background check on everybody involved in this effort. The question is simply this: Who else is willing to fight the fight on the ground inside Kosovo on behalf of the Kosovar Albanians? There is nobody else willing to fight this war on the turf. We are already cooperating with them. We already deal with them on a daily basis. We are encouraging them. They are our allies. Why not give them the opportunity to engage in a fair fight on the ground inside Kosovo where the atrocities are occurring?

The growing suspicion of all of us is that this air war can go on forever and not have an impact on the real problem, which is inside Kosovo. The Senator from Connecticut and I believe we are advocating here a proposal that is in the best interests of the United States of America and of NATO. We have obviously picked a side. We are on their side. The question is whether we should fight this war entirely on their behalf or whether we should give them an opportunity to help us fight it—since it is their land, their family, and their principal concern. We think we have a proposal here that makes sense.

Finally, for a mere $25 million—which is less than we are spending on these air raids per night—we could arm the KLA for up to 18 months to give them a chance to defend their wives, their homes, and their families.

So I thank the Senator from Connecticut for joining with me on this proposal. I see he is here now to speak on its behalf.

Mr. President, I ask unanimous consent the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kosova Self-Defense Act of 1999".

SEC. 2. POLICY OF THE UNITED STATES.

It shall be the policy of the United States to provide the interim government of Kosova with the capability to defend and protect the civilian population of Kosova against armed aggression.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SECURITY ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763), there are authorized to be appropriated to the President to carry out the provisions of such section, $25,000,000, which amount shall be made available only for grants to the interim government of Kosova to be used for training and support for the established self-defense forces to carry out the policy of section 2.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 4. RELATION TO EXISTING AUTHORITIES IN LAW.

Assistance provided under section 3 may be made available notwithstanding any other provision of law (including any executive order or directive or any rule or regulation).

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Kentucky, with whom I am proud to join in this effort, and I thank him, really, for his initiative and leadership in this regard. He was the first, that I am aware of, to make this proposal. It made a lot of sense to me when we talked about it.

I must say, from the time we introduced it—which must be 4 weeks ago, now, when the NATO air campaign began—to today, it seems to me the logic and the morality that was behind the original proposal has grown greater. In fact, the support has grown for this proposal from those whom I respect, who think deeply about this matter. Some at the high levels of our Government, while not supporting our proposal to arm the Kosovars, nonetheless have increasingly spoken of the Kosovar Liberation Army positively, as the Senator from Kentucky indicated, referring to its members as our allies, and even defended them against some of the criticisms that have been heard against them.

Yesterday I came to the floor to join with several colleagues on both sides of the aisle to introduce a resolution which would authorize the President, as Commander in Chief, to take all actions necessary to achieve the objectives that NATO has stated for our action in the Balkans: To remove the Serbian military and paramilitary from Kosovo, to allow the Kosovars to return to their homes to live in peace, and to provide for an international peacekeeping force. It seems to me one of the steps that might be taken—and taken as soon as humanly possible—which supports the three NATO objectives, is exactly the proposal that Senator McCONNELL and I are making, which is to offer some truly minimal support to help arm and hopefully, at some point, better train the Kosovars who are fighting to defend their own communities, their own families, their own freedom, their own lives.

I think there are compelling strategic and moral reasons that argue for this legislation. The fact is, we are engaged in a battle, and it is a difficult battle. I am one who believes the NATO aerial bombardments, which will probably continue for weeks, are hurting the Serbs. Hopefully this bombardment will bring the leadership in Belgrade to their senses so they will order the Serbian troops out of Kosovo, which is one of our objectives. But let's speak truthfully about this. There is no indication of any breaking of will in Belgrade at the current time. There simply is none. If, after weeks and perhaps months of bombardment and still Milosevic does not yield we will not have achieved our objectives. Then we will face a stark choice. What my friend from Kentucky and I are saying is, at that point we will ask ourselves, how can we alter the status quo on the ground, since the air campaign has not done it? And the only way to do that, of course, is with forces on the ground. Then we will face a very difficult choice, which I have said I believe we have to at least begin to think about and consider and plan for, if that is necessary. That is whether to introduce NATO ground forces, including American soldiers into conflict in the Balkans.

But the fact is, as the Senator from Kentucky said, there are forces on the ground now fighting the Serbian invaders. They are the Kosovars themselves. They have by far the deepest and most genuine reason to fight, and they have the will to do so. They are fighting to defend themselves and their neighbors, their communities. They are fighting with remarkable resilience. The fact is, Milosevic had two aims in invading Kosovo. One was obviously to eliminate the Kosovars, to slaughter some of them, to torture and rape others, and expel the rest. A critical part of that strategy, the other aim was to defeat, totally defeat, the force on the ground, the indigenous force that is fighting Milosevic and frustrating his desires. That is the KLA, the Kosovar Liberation Army. Remarkably, He has failed totally at that.

Of course many people who have worn the uniform and carried the flag of the KLA have lost their lives already, but the numbers in uniform there have grown as people from all over the world, not just from within Kosovo—including hundreds, maybe thousands, from the United States, Albanian Americans—have gone over there to fight this just fight. So they are on the ground, ready to fight. But they do not have enough to fight with. They do not have a lot of ammunition. In some cases they do not even have a lot of food.

But we have a common enemy here. Remember the old slogan, "The enemy of my enemy is my friend." The enemy of our enemy, Milosevic, is now our ally in this fight. Senator MCCONNELL said it. Our military is talking to them every day. They are providing us with valuable information from the ground that has helped us to target enemy locations in Kosovo. So we have crossed that bridge. Why not do the next logical step to advance our military purposes and to support them with arms?

I make a moral argument here, too, as well as a strategic argument. No matter what else was happening, these poor people have been victimized in a way we hate to imagine. But we have to imagine it because we see it on TV every day. We read about it in the newspaper. The fortunate ones do not look very fortunate at all. They are the ones who have been expelled. I say that comparatively, of course, because the ones who are less fortunate are the ones who have been slaughtered, who have lost their lives, who have been separated from their families and may well be trapped in areas of Kosovo now where they are starving.

So these people are exercising not just their legal right but their moral right to defend themselves. That right is at the heart of our own history and our own moral system. What was our Revolution about? It was about a valiant attempt by a band of patriots, freedom fighters, to break loose of the Crown and the suppression it was imposing on colonial America—fortunately, much less brutal and barbaric than that imposed on the people of Kosovo by the Serbs, and by Milosevic particularly.

So I think we cannot stand by and watch this slaughter. That is why we got involved in the first place. But I also think we cannot stand by and watch these brave people, against superior forces, equipped with much more than they have, fight, and not want to come to their defense.

I know there are critics of these people, as Senator MCCONNELL has said. Some say the KLA is composed of extremists, Marxists; they may have connection with groups in the world which we oppose. Some even say some of them are drug runners. I cannot vouch for every one of the thousands of members of the Kosovar Liberation Army. I cannot speak to every place they are receiving funds, though I would say that a starving person does not ask the ideology or source of income of a person offering him or her food.

In the same way, in ways that we may not like, people who are fighting for their freedom against very difficult odds may not always question the sources of help they need so desperately.

Of course, the best way for us to overcome these questions is for ourselves and, hopefully, some of our NATO allies to become the sources of financial support for the Kosovar Liberation Army. I will share with you my impression, based on all that I have read and studied about the Kosovar Liberation Army—the UCK, as they are called in their native language—and all that I have heard about them from their friends and relatives in this country, fellow Americans.

If I may, it reminds me of that old line about what is the definition of a conservative? A conservative is a liberal who has been mugged. That is from an earlier time. What is the definition of a member of the KLA? It is probably a citizen of Kosovo who has watched his house burn, his brother murdered and his daughter raped.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. MCCONNELL. Mr. President, I ask unanimous consent for 2 more minutes for the Senator from Connecticut and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Mr. MCCONNELL. Can I ask the Senator from Connecticut a question related to the point he just made?

Mr. LIEBERMAN. Yes, indeed.

Mr. MCCONNELL. Does the Senator from Connecticut not agree that if your house is being burned and your wife is being raped, you are not likely to ask the question: Who is this person who is offering to help me? And if our Government were truly offended or if our Government were truly convinced about all these rumors that have been spread around about the KLA, does not my friend from Connecticut agree we would not be taking their phone calls at the State Department and the military and we would not be accepting their advice about what military targets to hit? Is that a reasonable assumption?

Mr. LIEBERMAN. The Senator is correct. It is more than a reasonable assumption. I am a member of the Armed Services Committee. We recently had a hearing on Kosovo with Secretary Cohen and General Shelton. I was quite struck by two things: First, to hear General Shelton say that one of our aims of our air campaign is to degrade the Serbian military in Kosovo so that the UCK—the KLA—can achieve a balance of power with the Serbian forces there. So we have the Chairman of our Joint Chiefs of Staff linking us with them. Of course, the better way, the easier way to achieve that balance of power is by arming the Kosovars.

The second is, one of the members of the committee echoed some of the criticisms of the KLA—terrorists, extremists, drug merchants. And Secretary Cohen, our Defense Secretary, serving with remarkable skill in this crisis, came to the defense of the KLA and said, yes, he couldn't say that everyone there was an angel, but that the balance of equities of morality was clearly on the side of the KLA.

Mr. MCCONNELL. Does my friend from Connecticut also share my memory, since we have been in several of these meetings with the President on this subject, that the only piece of good news about what is going on inside Kosovo at the last meeting was a report that the KLA was growing in strength? It was the only piece of good news about the condition within Kosovo. Does my friend from Connecticut also share my memory of that?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. May I ask, Mr. President, for an additional 5 minutes for the Senator from Kentucky and myself?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair. The Senator from Kentucky is quite right. That is my recollection, that there was a very good report given, with some surprise, but admiration, I say, by the intelligence communities that the numbers fighting with the KLA have, in fact, grown. There is such a painful irony here. As we both said, while the air campaign goes on, the suffering, the expulsion, the murder nonetheless goes on in Kosovo on the ground, and the only force there that can stop it now is the KLA, and we are hesitating to support them.

I take them to be much more in the spirit of partisans who fought during the Second World War against overwhelming odds, perhaps even the freedom fighters in Hungary during 1956 and later in Prague, during the Prague spring. We have not only a strategic tie with them, it is much more consistent with our own history and values and our belief in democracy that we try to support this group, which, as the Senator says, is not being vanquished.

The truth is, if I were Milosevic, the one thing I would fear is the United States and the West arming the KLA because he knows their zeal, their purpose, the will they have to fight. They are brave. They will take losses because they are fighting for a greater purpose, and, in fact, if I were Milosevic, the one thing I would fear, and what I believe he will face in any case, is a long-term indigenous insurgency, which I predict he will never be able to stop. The sooner we help them, the sooner we bring them to the result that they and we want.

Mr. McCONNELL. I say to my friend from Connecticut, what our bill is all about is really an effort to call on the President to change this policy. We should not have to offer the bill that we are offering. We are offering it, but we should not have to offer it because it makes elementary good sense to give the people, on whose behalf we are fighting this war, a chance to participate themselves.

I say to my friend from Connecticut, does he not agree, this is what this is about, to give the people, on whose behalf we are fighting this war, a chance to participate themselves?

Mr. LIEBERMAN. The Senator from Kentucky is absolutely right. That is the purpose. The purpose is to push this option, this act which will support our objectives, objectives for which we are spending billions of dollars and already risking American lives, to push us closer to achieving those objectives and also, if I may add, to hopefully force some discussion of this option among our NATO allies.

One of the arguments we hear about why this is not being considered by the administration is that there is opposition to it among our NATO allies. But we also hear there is opposition among our NATO allies, which I understand at this point, to the introduction of NATO ground forces. If there is opposition in NATO, as there is in Congress and in the administration, as the Senator has said, to the introduction of ground forces, including Americans, then, again, isn't it both wise militarily and powerful morally for us to as soon as possible be helping the fighters on the ground, the KLA?

Mr. McCONNELL. In fact, I say to my friend from Connecticut, isn't it reasonable to argue that the only reason these refugees have been created is because there was no effective fighting force on the ground inside Kosovo? No way to defend your home, no way to defend your family, and what do you do when you are afraid? You run. That is what has created the refugee problem, which is presumably what our European allies care about most—the spillover into their countries.

The only effective way, the Senator from Connecticut and I are saying, to prevent a further accumulation of refugees is for there to be some fighting force on the ground in Kosovo adequately trained and equipped in order to fight this battle where it counts.

Mr. LIEBERMAN. The Senator from Kentucky is right, and there is a painful irony here. He is absolutely right both about our objectives on the ground and our objectives to maintain stability in the region which is being destabilized now by these large refugee flows.

The victories, if one can call them that, that the tragic, brutal, barbaric victories that Milosevic's forces have had over the Kosovars are hollow. They are barbaric because this was an armed force fighting against unarmed, undefended people. It is a question that will hang in the air—and some later time we will come back to it—what might have been different if, in fact, the KLA had been better armed at the outset of this a month or two or three ago, because I think that might have deterred, certainly delayed the massive exodus and slaughter that has been carried out against this undefended indigenous population.

Mr. McCONNELL. There is no question the Senator from Connecticut is correct. The good news is, it is not too late. The KLA is bigger and more committed today than it was 2 months ago when this policy also made sense.

Mr. President, I encourage cosponsorship on behalf of our colleagues on both sides of the aisle.

Mr. LIEBERMAN. I thank my friend from Kentucky for his leadership. We intend to pursue this and urge our colleagues to consider it as quickly as possible so that we may do something concrete and tangible that really can alter the balance of power and the balance of morality and the balance militarily on the ground in Kosovo.

By Ms. MIKULSKI (for herself, Mrs. MURRAY, Mr. INOUYE, Mr. WYDEN, Mr. JOHNSON, Mr. HOLLINGS, Mr. REID, and Mr. BINGAMAN):

S. 847. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system; to the Committee on Finance.

MEDICARE SOCIAL WORK EQUITY ACT OF 1999

Ms. MIKULSKI. Mr. President, I rise today to introduce the Medicare Social Work Equity Act of 1999. I am proud to sponsor this legislation which will amend section 4432 in the Balanced Budget Act of 1997 which prevents social workers from directly billing Medicare for mental health services provided in skilled nursing facilities (SNF's). This bill will also ensure that clinical social workers (CSW's) can receive Medicare reimbursement for mental health services they provide in skilled nursing facilities. I am honored to be joined by my good friends Senators MURRAY, INOUYE, HOLLINGS, WYDEN, JOHNSON, REID, and BINGAMAN who care equally about correcting these inequities for social workers and about ensuring quality mental health services for nursing home residents.

The Balanced Budget Act of 1997 (BBA) changed the payment method for skilled nursing facility care. Before BBA, reimbursement was made after services had been delivered for the reasonable costs incurred. However this "cost-based system" was blamed for inordinate growth in Medicare spending at skilled nursing facilities.

The Balanced Budget Act of 1997 phased in a prospective payment system for skilled nursing facilities that was fully implemented on January 1, 1999, for Medicare part A services. Payments for part B services for skilled nursing facility residents are to be consolidated. This means that the provider of the services must bill the facility instead of directly billing Medicare. The consolidated billing provision has been delayed indefinitely by the Health Care Financing Administration (HCFA) while it addresses Year 2000 (Y2K) compliance issues.

However, Congress was careful to not include psychologists and psychiatrists in this consolidated billing provision. Social workers were included, I think by mistake. Clinical social workers are the primary providers of mental health services to residents of nursing homes, particularly in underserved urban and rural areas. CSW's are also the most cost effective mental health providers.

This legislation is important for three reasons: First, I am concerned that section 4432 inadvertently reduces mental health services to nursing home residents. Second, I believe that the consolidated billing requirement will result in a shift from using social workers to other mental health professionals who are reimbursed at a higher cost to Medicare. Finally, I am concerned that clinical social workers will lose their jobs in nursing homes or will be inadequately reimbursed.

In addition, this bill ensures that clinical social workers can receive Medicare reimbursement for mental health services they provide in skilled nursing facilities. An April 1998, HCFA rule would have effectively eliminated Medicare reimbursement for clinical social worker services provided to residents of SNF's, whether or not their stay was being paid by Medicare, Medicaid, or a private payer. It would have deemed all mental health services provided to nursing home residents "required" services, not distinguishing between the mental health diagnosis and treatment services provided by CSW's and the required medically-related social services provided at the SNF.

Facilities would likely bring in a psychiatrist or psychologist (if available) because services provided by them could still be billed separately This would affect seniors in many rural and underserved areas where CSW's are often the only available mental health provider and have developed relationships over time with these SNF patients. HCFA delayed this rule for two years. However, clarification is needed in the law to ensure that CSW's can be reimbursed by Medicare for the mental health services they provide to inpatients in SNF's. This bill makes that necessary change.

I like this bill because it will correct inequities for America's social workers, it will assure quality of care for nursing home residents, and will assure cost efficiency for Medicare. This bill is strongly supported by the National Association of Social Workers, Clinical Social Work Federation, American Psychological Association, American Group Psychotherapy Association, Bazelon Center for Mental Health Law, National Mental Health Association, National Council for Community Behavioral Health Care, National Association of Protection and Advocacy Systems, Anxiety Disorders Association of America, and the Mental Health and Aging Network of the American Society on Aging. I now look forward to the Senate's support of this important legislation.

By Mrs. FEINSTEIN:

S. 848. A bill to designate a portion of the Otay Mountain region of California as wilderness.

OTAY MOUNTAIN WILDERNESS ACT OF 1999

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Otay Mountain Wilderness Act of 1999. This bill would designate an 18,500 acre portion of the Otay Mountain region in Southern California as wilderness. The bill passed the House last week on a voice vote, with broad bi-partisan support.

Otay Mountain, which is located near the U.S.-Mexico border in eastern San Diego County, is one of California's most special wild places. The mountain is a unique ecosystem, home to 20 sensitive plant and animal species. The endangered quino checkerspot butterfly calls Otay Mountain home, and the only known stand of Tecate cypress, as well as the only known population of the Mexican flannel bush, also thrive on the mountain. For these reasons, the U.S. Bureau of Land Management first recommended Otay Mountain for wilderness designation in the 1980s.

In addition, Otay Mountain is key to San Diego County's habitat conservation planning efforts. The County has identified the region as a core reserve in the multi-species habitat conservation plan that it is currently developing.

Otay Mountain is scenic, rugged, and beautiful. The area is well worth preserving as wilderness for generations to come. This bill will ensure that San Diegans, and indeed all Americans, will be able to experience and enjoy Otay Mountain in all its unique splendor.

Unfortunately, in recent years Otay Mountain's sensitive habitat has been damaged by illegal immigration and narcotics activity in the area. The U.S. Bureau of Land Management has worked closely with the U.S. Border Patrol to bring these problems under control, and they have experienced great success. This legislation would specifically allow Border Patrol and firefighting activities to continue in the new wilderness area, so long as they remain in accordance with the 1964 Wilderness Act. This provision in the legislation is specific to Otay Mountain and will not apply to any other wilderness area.

I want to thank Congressman BRIAN BILBRAY for his leadership in introducing the Otay Mountain Wilderness Act and guiding it through the House of Representatives. I also want to thank Congressman FILNER, who has been a steadfast supporter of the legislation, along with the Clinton Administration. The California Departments of Fish and Game and Fire and Forestry Protection support the bill, as do the Endangered Habitats League and other environmental groups. Finally, the bill has strong support from the San Diego County Board of Supervisors and the San Diego Association of Governments.

Mr. President, I hope that the Senate will move expeditiously to approve the Otay Mountain Wilderness Act and send the bill to the President for signature.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Otay Mountain Wilderness Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the public land in the Otay Mountain region of California is one of the last remaining pristine locations in western San Diego County, California;

(2) this rugged mountain adjacent to the United States-Mexico border is internationally known for having a diversity of unique and sensitive plants;

(3) this area plays a critical role in San Diego's multi-species conservation plan, a national model made for maintaining biodiversity;

(4) due to the proximity of the Otay Mountain region to the international border, this area is the focus of important law enforcement and border interdiction efforts necessary to curtail illegal immigration and protect the area's wilderness values; and

(5) the illegal immigration traffic, combined with the rugged topography, present unique fire management challenges for protecting lives and resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) WILDERNESS AREA.—The term "Wilderness Area" means the Otay Mountain Wilderness designated by section 4.

SEC. 4. DESIGNATION.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System certain public land in the California Desert District of the Bureau of Land Management, California, comprising approximately 18,500 acres as generally depicted on a map entitled "Otay Mountain Wilderness" and dated May 7, 1998.

(b) OTAY MOUNTAIN WILDERNESS.—The area designated under subsection (a) shall be known as the Otay Mountain Wilderness.

SEC. 5. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, a map and a legal description for the Wilderness Area shall be filed by the Secretary with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary, as appropriate, may correct clerical and typographical errors in the map and legal description.

(c) AVAILABILITY.—The map and legal description for the Wilderness Area shall be on file and available for public inspection in the offices of the Director and California State Director of the Bureau of Land Management.

(d) UNITED STATES-MEXICO BORDER.—In carrying out this section, the Secretary shall ensure that the southern boundary of the Wilderness Area is—

(1) 100 feet north of the trail depicted on the map referred to in subsection (a); and

(2) not less than 100 feet from the United States-Mexico international border.

SEC. 6. WILDERNESS REVIEW.

All public land not designated as wilderness within the boundaries of the Southern Otay Mountain Wilderness Study Area (CA-060-029) and the Western Otay Mountain Wilderness Study Area (CA-060-028) managed by the Bureau of Land Management and reported to the Congress in 1991—

(1) have been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782); and

(2) shall no longer be subject to the requirements contained in section 603(c) of that Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of those areas for preservation as wilderness.

SEC. 7. ADMINISTRATION OF WILDERNESS AREA.

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Area shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that for the purposes of the Wilderness Area—

(1) any reference in that Act to the effective date of that Act shall be considered to

be a reference to the effective date of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) BORDER ENFORCEMENT, DRUG INTERDICTION, AND WILDLAND FIRE PROTECTION.—Because of the proximity of the Wilderness Area to the United States-Mexico international border, drug interdiction, border operations, and wildland fire management operations are common management actions throughout the area encompassing the Wilderness Area. This Act recognizes the need to continue such management actions so long as such management actions are conducted in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as the Secretary considers appropriate.

SEC. 8. FURTHER ACQUISITIONS.

Any land within the boundaries of the Wilderness Area that is acquired by the United States after the date of enactment of this Act shall—

(1) become part of the Wilderness Area; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

SEC. 9. NO BUFFER ZONES.

(a) IN GENERAL.—The designation of the Wilderness Area by this Act shall not lead to the creation of protective perimeters or buffer zones outside the boundary of the Wilderness Area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness Area shall not, in and of itself, preclude nonwilderness activities or uses outside the boundary of the Wilderness Area.

By Mr. BINGAMAN:

S. 849. A bill to amend the Public Health Service Act to provide grant programs for youth substance abuse prevention and treatment; to the Committee on Health, Education, Labor, and Pensions.

YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT

Mr. Bingaman. Mr. President, I rise today to introduce the Youth Substance Abuse Prevention and Treatment Act. This bill is designed to increase access to drug prevention and treatment services for our nation's youth. It also provides for critical training of health care professionals who work tirelessly with young people with drug problems.

Nationwide only 20% of the 648,000 youth with severe substance use or dependency receive treatment. The statistics tell the tale and it is an unacceptable story.

Heroin use has doubled among teenagers in the 1990's.

More than 50% of 12th graders have tried an illicit drug.

In senior high schools across the country, 25% of students use an illicit drug on a monthly basis, and by the 12th grade, more than three-fourths of students have used alcohol, and over 30 percent are binge drinkers (more than five drinks at a sitting).

By the time they are seniors, almost one in four teens are current marijuana users and 1 in 20 use every day and this number is on the rise.

Studies have also indicated that youth who have used marijuana and other drugs in the past year were more likely than non-users to report problem behaviors including running away from home, stealing, skipping school, selling drugs, drunkdriving, and considering suicide.

Over the past several months, I have had the opportunity to hear first hand about the drug problem in New Mexico and the barriers for providing services that confront health care professionals and families everyday.

Drug use seems to be more common among youth in New Mexico than nationally. In fact, most underage teens in New Mexico drink alcohol; over one-third of seventh grade students and over three-fourths of 12th grade student reported drinking alcohol. Eighteen percent of 8th graders in New Mexico used illegal drugs other than marijuana in the past year compared to 12% nationally. In my state, ninth graders' illicit drug use has been increasing. This trend is of great concern because we also know that the younger people begin to use drugs or alcohol, the greater the chance they will continue to use drugs as adults.

With drug and alcohol use come other problem behaviors, violence, property damage, and threatening behavior; and in New Mexico these behaviors occur at a greater frequency than the national rates. In fact, nationally, the majority of teens enter substance abuse treatment only after they have had contact with juvenile justice authorities.

There is another significant problem confronting our nation. Illicit drug use among Native American youth is very high. According to Bureau of Indian Affairs officials, alcohol-related automobile accidents are the leading cause of death among Native American youth. We must address this issue.

The Youth Substance Abuse Prevention and Treatment Act provides funds for:

School-based community after-school prevention programs; schools and health providers working hand-in-hand with students and families to assure early identification and referral for at-risk students.

This bill also provides funding for youth treatment and encourages the use of community-based wrap around services.

This measure also includes special provisions for youth who live in rural areas as well as for Native Americans. These two youth populations are particularly suffering from a serious lack of prevention and treatment services.

The Director of the National Institute of Drug Abuse, Dr. Alan Leschner has stated that addiction is a treatable disease. While there have been advances in the prevention and treatment of substance abuse, dissemination of this valuable and potentially life-saving information is not consistently getting out to grassroots health care providers. That is why this legislation also assists healthcare professionals in accessing the latest information on emerging drug threats and the most recent advances in prevention and treatment techniques.

I am especially concerned with rural and remote areas where health care professionals may have to travel hours to attend a conference, many times on their limited time off.

The evidence in support of prevention and treatment is overwhelming; both in social and economic terms. Several studies have demonstrated that for every dollar spent on drug treatment the community gets back anywhere from six to seven dollars in reduced crime, and other lowered social costs. For youth especially, we see improved school attendance, better grades, and a reduction in violent and other anti-social behaviors.

There is one other benefit that is derived from adequately treating young people; when we help these young people, they are healthier and happier. We cannot forget the personal and family tragedy associated when youth are involved with drugs.

I recognize that this bill does not provide the entire solution, but it is a necessary step in addressing this national problem. I am committed to solving the problem of inadequate access to drug prevention and treatment services for all young people. I welcome my colleagues to work with me to ensure that all American youth who need access to these services, have the opportunity to pursue their dreams and when they stumble, we are there as a community to help. That is what this bill is all about and I ask my colleagues for their support.

Mr. President, I ask unanimous consent to have the text of the Youth Substance Abuse Prevention and Treatment Act printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the ``Youth Substance Abuse Prevention and Treatment Act''.

SEC. 2. GRANT PROGRAMS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

“PART G—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT

“SEC. 581. GRANTS TO CONSORTIA.

``(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

"(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

"(c) USE OF FUNDS.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs, to provide services that address youth substance abuse, including services that—

"(1) identify youth at risk for substance abuse;

"(2) refer any youth at risk for substance abuse for substance abuse treatment;

"(3) provide effective primary prevention programing;

"(4) target underserved areas, such as rural areas; and

"(5) target populations, such as Native Americans, that are underserved.

"(d) APPLICATION.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

"(2) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.

"SEC. 582. GRANTS TO TREATMENT FACILITIES.

"(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

"(b) ELIGIBLE APPLICANT.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural areas, for Native Americans, or for underserved populations.

"(d) USE OF FUNDS.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

"(e) APPLICATION.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

"SEC. 583. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.

"(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

"(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

"(1) there is a demonstrated high rate of substance abuse by youth; and

"(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

"(c) APPLICATION.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.

By Mrs. BOXER:

S. 850. A bill to make schools safer by waiving the local matching requirement under the Community Policing program for the placement of law enforcement officers in local schools; to the Committee on the Judiciary.

COPS IN SCHOOLS ACT OF 1999

Mrs. BOXER. Mr. President, today we are faced again with an tragedy in one of America's schools. There are many things that schools are and could be doing to prevent violence—and many ways the federal government could help. But, today, I am going to speak to just one of them.

Under the COPS program—President Clinton's initiative to put 100,000 new police officers on our streets—local governments are required to provide 25 percent of the funding. But, the Attorney General has the authority to waive the local matching requirement for any reason.

Last summer, I called on the Justice Department to establish a blanket waiver policy for any local community that wanted to place a law enforcement officer in a public school. To its credit, the Department has done so in some cases, and it says it will continue to do so on a case-by-case basis.

But, Mr. President, that is not good enough. We need to tell our local communities that the local match will be waived, period, for any new police officer hired to be in the schools. I have again called on the Administration to establish such a waiver policy—and to tell our local communities about it. Just in case, however, I am also introducing legislation today—the COPS in Schools Act—to require a waiver.

I am not advocating putting police officers in the schools just to patrol. Nor do I want people to think our schools are or should be jails or combat zones. Police officers in schools are important to work with school staff to develop anti-crime policies on campus, to implement procedures to ensure a safer school environment, and to reassure parents that a police officer is there to deal with those students that might cause problems.

Children in public schools have a right to be safe, and it is our obligation to ensure their safety. It is as fundamental as the right to a free public education. Let's not wait for yet another tragedy to get adequate protection for America's school children. My bill is a small step, and it is not the only step we need to take. But, it can help to reduce the chance of more bloodshed at yet another school.

By Mr. CHAFEE (for himself and Mr. MOYNIHAN)

S. 851. A bill to allow Federal employees to take advantage of the transportation fringe benefit provisions of the Internal Revenue Code that are available to private sector employees; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE FLEXIBILITY ACT OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce, with Senator MOYNIHAN, the Federal Employee Flexibility Act of 1999, a bill that would provide flexibility and choices for Federal employees.

This flexibility was provided to private sector employees in the Taxpayer Relief Act of 1997 and the Transportation Equity Act for the 21st Century (TEA 21). We believe that these provisions provide to employers and employees important new flexibility which should reduce single occupant vehicle trips from our highways and therefore contribute to reduced congestion, a cleaner environment, and increased energy conservation.

The Taxpayer Relief Act of 1997 and the Transportation Equity Act for the 21st Century include significant changes to the way the Internal Revenue Code treats employer-provided transportation fringe benefits. Unfortunately, we have become aware that personnel compensation law for Federal employees restricts implementation of this new flexibility.

Prior to enactment of these two bills, the Federal tax code provided that employer-provided parking is not subject to Federal taxation, up to $170 per month. However, this tax exemption was lost for all employees if the parking was offered in lieu of compensation for just one employee. In other words, if an employer gave just one employee a choice between parking and some other benefit (such as a transit pass, or increased salary), the parking of all other employees in the company became taxable. It goes without saying that no employers jeopardized a tax benefit for the overwhelming majority of their employees to provide flexibility to others. In effect, the tax code prohibited employers from offering their employees a choice. Parking was a take-it or leave-it benefit.

The changes in these two laws make it possible for employers to offer their employees more choices by eliminating the take-it or leave-it restriction in the Federal tax code. Employees whose only transportation benefit is parking can now instead accept a salary enhancement, and find other means to get to work such as car pooling, van pooling, biking, walking, or taking transit.

Unfortunately, Federal employees will not be able to benefit from the increased flexibility available to private sector employees, unless Federal compensation law is modified. Current Federal law provides that a Federal employee may not receive additional pay unless specifically authorized by law. Therefore, a Federal employee could not "cash out" a parking space at work, and instead receive cash or other benefits.

To address this limitation for transit passes and similar benefits, the "Federal Employees Clean Air Incentives Act" enacted in 1993 allows the Federal government to provide transit benefits, bicycle services, and non-monetary incentives to employees. However, when this legislation was enacted, the Federal tax code prohibited the so-called "cash out" option discussed above, and therefore was not included in the list of transportation-related exemptions in that statute.

The short and simple bill we introduce today would add "taxable cash reimbursement for the value of an employer-provided parking space" to the list of benefits that can be received by Federal employees.

This bill is very similar to a bill Senator MOYNIHAN and I sponsored in the 105th Congress, S. 2575 and H.R. 4777 sponsored in the House by Representatives NORTON, NADLER, MORELLA, and MORAN. These same House colleagues are today introducing a bill identical to the bill we introduce today.

Let me assure my colleagues and Federal employees that this bill would not require that Federal employees lose their parking spaces, as may be feared when there is discussion of Federal employee parking spaces. The bill simply provides Federal employees the same flexibility that is available to private sector employees. Employees who want to retain their tax-free parking space would be free to do so.

We think it is vital that the Federal government show leadership on the application of new and innovative ways to solve our transportation and environmental problems. I hope that my colleagues will join me in supporting this bill and that we can act swiftly on it in this session of Congress.

Mr. President, I ask that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CASH PAYMENT TO FEDERAL EMPLOYEES FOR PARKING SPACES.

(a) SHORT TITLE.—This Act may be cited as the "Federal Employee Flexibility Act of 1999".

(b) IN GENERAL.—Section 7905 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(C) by inserting "and" after the semicolon;

(B) in paragraph (3) by striking "; and" and inserting a period; and

(C) by striking paragraph (4); and

(2) in subsection (b)(2)—

(A) by amending subparagraph (A) to read as follows:

"(A) a qualified transportation fringe as defined in section 132(f)(1) of the Internal Revenue Code of 1986;";

(B) in subparagraph (B) by striking "and" after the semicolon;

(C) in subparagraph (C) by striking the period and inserting a semicolon and "and"; and

(D) by adding at the end the following:

"(D) taxable cash payment to an employee in lieu of an agency-provided parking space.".

By Mrs. FEINSTEIN:

S. 852. A bill to award grants for school construction; to the Committee on Health, Education, Labor, and Pensions.

EXCELLENCE IN EDUCATION ACT OF 1999

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to provide funds to build new schools. It is the Excellence in Education Act of 1999.

The purpose of this bill is to (1) reduce the size of schools and (2) reduce the size of classes. The bill would create a 50–50 matching grant program to build new schools to meet the following size requirements:

School size requirement:

for kindergarten through 5th grade, not more than 500 students;

for grades 6 through 8, not more than 750 students; and

for grades 9 through 12, not more than 1,500 students.

Class size requirement:

for kindergarten through grade 6, not more than 20 students per teacher;

for grades 7 through 12, not more than 28 students per teacher.

The bill authorizes $5 billion each year for the next five years for the U.S. Department of Education to award grants to local school districts. School districts would have to match federal funds with an equal amount. In addition to making the above reductions, school districts would be required to terminate social promotion, provide remedial education and require that students be subject to state achievement standards in the core academic curriculum.

Why do we need this bill?

First, many of our schools are just too big, especially in urban areas. The "shopping mall" high school is all too common. "It's not unusual to find high schools of 2,000, 3,000, or even 4,000 students and junior high schools of 1,500 or more, especially in urban school systems," writes Thomas Toch in the Washington Post. In these monstrous schools, the principal is just a disembodied voice over the public address system.

Equally serious is the fact that our classes are too big. Even though we have begun to reduce class sizes in my state, California still has some of the largest class sizes in the U.S. The National Center for Education Statistics says California's classrooms have the highest pupil-teacher ratios in the nation.

This bill will provide a new funding source for school districts or states to match to build new schools and reduce both school size and class size. There is no good estimate of how many schools would be needed to reduce schools and classes to the levels specified in the amendment, but we all know that there are many large schools and large classes in public education today.

The U.S. Department of Education estimates that we need to build 6,000 new schools just to meet enrollment growth projections. This estimate does not take into account the need to cut class and school sizes. The needs are no doubt huge.

My state that has some of the largest schools in the country. Our students are crammed into every available space, even in cafeterias and libraries. Today, 20 percent of our students are in portable classrooms. There were 63,000 relocatable classrooms in use in 1998. Here are some examples:

High Schools:

Roosevelt High School (Los Angeles), 4,902;

Huntington Park High School, 4,275;

Roosevelt High School, Fresno, 3,692;

Berkeley High School, Berkeley, 3,025; and

Mt. Carmel High School, San Diego, 3,279.

Intermediate Schools:

Clark Intermediate School, Clovis, 2,744 students;

Gianni Middle School, San Francisco, 1,336; and

O'Farrell Middle School, San Diego, 1,441.

Elementary Schools:

Rosa Parks Elementary School, San Diego, 1,423;

Winchell Elementary School Fresno, 1,392;

Zamorano Elementary School, San Diego, 1,424; and

Kerman/Floyd Elementary School, Fresno, 1,000.

California also has some of the largest classes sizes in the nation. In 1996–1997, California had the second highest teacher-pupil ratio in the nation, at 22.8 students per teacher. Fortunately since 1996, the state has significantly cut class sizes in grades K–3, but 15 percent or 300,000 of our K–3 students have not benefitted from this reform. And students above grade 3 have not been touched.

Here are some examples of classes in my state:

Fourth grade, statewide, 29 students; sixth grade, statewide, 29.5 students.

National City Middle School San Diego, English and math, 34 to 36 students.

Berryessa School District in San Jose—fourth grade, 32 students; eighth grade, 31 students.

Long Beach and El Cajon School Districts, tenth grade English, 35 students.

Santa Rosa School District—fourth grade, 32 students.

San Diego City Schools, tenth grade biology, 38 students.

Hoover Elementary and Knox Elementary in E. San Diego Elementary, grades 5 and 6, 31 to 33 students.

Hoover High School 10th grade Algebra, 39 students.

To add to the problem, California will have a school enrollment rate between 1997 and 2007 of 15.7 percent, triple the national rate of 4.1 percent. We will have the largest enrollment increase of all states during the next ten years. By 2007, our enrollment will have increased by 35.3 percent. To put it another way, California needs to build seven new classrooms a day at 25 students per class just to keep up with the surge in student enrollment. The California Department of Education says that we need to add about 327 schools over the next three years, just to keep pace with the projected growth.

The cost of building a high school in California is almost twice the national cost. The U.S. average is $15 million; in California, it is $27 million. In California, our costs are higher than other states in part because our schools must be built to withstand earthquakes, floods, El Nino and a myriad of other natural disasters. California's state earthquake building standards add 3 to 4 percent to construction costs. Here's what it costs to build a schools in California: an elementary school (K–6), $5.2 million; a middle school (7–8), $12.0 million; a high school (9–12), $27.0 million.

Studies show that student achievement improves when school and class sizes are reduced.

The American Education Research Association says that the ideal high school size is between 600 and 900 students. Study after study shows that small schools have more learning, fewer discipline problems, lower dropout rates, higher levels of student participating, higher graduation rates (The School Administrator, October 1997). The nation's school administrators are calling for more personalized schools.

California's education reforms relied on a Tennessee study called Project STAR, in which 6,500 kindergartners were put in 330 classes of different sizes. The students stayed in small classes for four years and then returned to larger ones in the fourth grade. The test scores and behavior of students in the small classes were better than those of children in the larger classes. A similar 1997 study by Rand found that smaller classes benefit students from low-income families the most.

Take the example of Sandy Sutton, a teacher in Los Angeles's Hancock Park Elementary School. She used to have 32 students in her second grade class. In the fall of 1997, she had 20. She says she can spend more time on individualized reading instruction with each student. She can now more readily draw out shy children and more easily identify slow readers early in the school year.

The November 25, 1997, Sacramento Bee reported that when teachers in the San Juan Unified School Districts started spending more time with students, test scores rose and discipline problems and suspensions dropped. A San Juan teacher, Ralphene Lee, said, "This is the most wonderful thing that has happened in education in my lifetime."

A San Diego initiative to bring down class sizes found that smaller classes mean better classroom management; more individual instruction; more contact with parents; more time for team teaching; more diverse instructional methods; and a higher morale.

Teachers say that students in smaller classes pay better attention, ask more questions and have fewer discipline problems. Smaller schools and smaller classes make a difference, it is clear.

My state needs a total of $34 billion to build schools from 1998 to 2008. Of this, $26 billion is needed to modernize and repair existing schools and $8 billion is needed to build schools to meet enrollment growth. In November 1998, California voters approved state bonds providing $6.5 billion for school construction.

California needs to build 7 new classrooms a day at 25 students per class between now and 2001 just to keep up with the growth in student population. By 2007, California will need 22,000 new classrooms. California needs to add about 327 schools over the next three years just to keep pace with the projected growth.

Other bills in the Congress that I am supporting provide tax incentives for holders of school bonds to modernize old schools and we have many old schools. One third of the nation's 110,000 schools were built before World War II and only about one of 10 schools was built since 1980. More than one-third of the nation's existing schools are currently over 50 or more years old and need to be repaired or replaced. The General Accounting Office has said that nationally we need over $112 billion for construction and repairs to bring schools up to date.

Big schools and big classes place a heavy burden on teachers and students. They can be a stressful learning environment.

The American public supports increased federal funding for school construction. The Rebuild American Coalition last month announced that 82 percent of Americans favor federal spending for school construction, up from 74 percent in a 1998 National Education Association poll.

Every parent knows the importance of a small class where the teacher can give individualized attention to a student. Every parent knows the importance of the sense of a school community that can come with a small school.

I hope my colleagues will join me today in passing this important education reform.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Excellence in Education Act of 1999".

SEC. 2. DEFINITIONS

In this Act:

(1) CORE CURRICULUM.—The term "core curriculum" means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY.—The terms "elementary school", "local educational agency", "secondary school" and "Secretary" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term "practice of social promotion" means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)).

(4) CONSTRUCTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "construction" means—

(i) preparation of drawings and specifications for school facilities;

(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

(iii) inspection and supervision of the construction of new school facilities.

(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

(5) SCHOOL FACILITY.—The term "school facility" means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $5,000,000,000 for each of the fiscal years 2000 through 2004.

SEC. 4. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

SEC. 5. CONDITIONS FOR RECEIVING FUNDS.

In order to receive funds under this Act a local educational agency shall meet the following requirements:

(1) Reduce class and school sizes for public schools served by the local educational agency as follows:

(A) Limit class size to an average student-to-teacher ratio of 20 to 1, in classes serving kindergarten through grade 6 students, in the schools served by the agency.

(B) Limit class size to an average student-to-teacher ratio of 28 to 1, in classes serving grade 7 through grade 12 students, in the schools served by the agency.

(C) Limit the size of public elementary schools and secondary schools served by the agency to—

(i) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

(ii) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

(iii) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

(2) Terminate the practice of social promotion in the public schools served by the agency.

(3) Require that students be subject to State achievement standards in the core curriculum at key transition points, to be determined by the State, for all kindergarten through grade 12 students.

(4) Use tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment.

(5) Provide remedial education for students who fail to meet the State achievement standards, including tutoring, mentoring, summer programs, before-school programs, and after-school programs.

(6) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

SEC. 6. APPLICATIONS.

(a) IN GENERAL.—Each local educational agency desiring to receive a grant under this Act shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) CONTENTS.—Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with this Act;

(2) a brief description of the construction to be conducted;

(3) a cost estimate of the activities to be conducted; and

(4) a description of available non-Federal matching funds.

SUMMARY OF THE EXCELLENCE IN EDUCATION ACT OF 1999

Funds authorized, purpose: Authorizes $20 billion over 5 years ($5 billion each year) for the U.S. Department of Education to award grants to local education agencies to construct new school facilities from fiscal year 2000 to 2004.

Eligibility: Local education agencies as defined in 14101 of the Elementary and Secondary Education Act of 1965 (public schools).

Use of funds: Local education agencies are authorized to use funds to construct new school facilities.

Conditions for receiving funds: As a condition of receiving funds, local education agencies are required to—

Reduce school and class sizes as follows:

Limit class size to—

In the elementary grades to an average student-teacher ratio of 20 to one.

In grades 7 through 12 to an average student-teacher ratio of 28 to one.

Limit school size to—

Elementary schools (K–5): no more than 500 students.

Middle schools (6–8): no more than 750 students.

High schools (9–12): no more than 1,500 students.

Terminate the practice of social promotion;

Require that students be subject to state academic achievement standards, to be determined by the states, for all K–12 students in the core curriculum, defined as subjects such as reading and writing, language arts, mathematics, social sciences (including history); and science;

Test student achievement in meeting achievement standards periodically for advancement to the next grade, in at least three grades (such as the 4th, 8th and 12th grades), distributed evenly over the course of a student's education;

Provide remedial education for students who fail to meet academic achievement standards, including tutoring, mentoring, summer, before-school and after-school programs; and

Provide matching funds from non-Federal sources in an amount equal to the Federal funds provided under the grant.

By Mrs. FEINSTEIN:

S. 853. A bill to assist local educational agencies to help all students achieve State achievement standards, to end the practice of social promotion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

STUDENT ACHIEVEMENT ACT OF 1999

Mrs. FEINSTEIN. Mr. President, today I am introducing legislation to end the practice of social promotion in our public schools and to provide remedial education to help students meet academic achievement standards. The Student Achievement Act of 1999 authorizes $500 million for five years for local school districts to provide extended learning time so that K–12 students can achieve.

Social promotion is the formal or informal practice of promoting a student from grade to grade even when the student fails to achieve a level of achievement and proficiency in the core curriculum.

To receive funds, schools would have to:

Adopt a policy prohibiting social promotion;

Require that students be subject to academic achievement standards in the core curriculum, defined as subjects such as reading, writing, language arts, mathematics, social sciences and science;

Test student achievement in meeting standards at certain benchmarks, to be determined by the states;

Provide remedial education; and

Have substantial numbers of low-performing students.

I am introducing this bill because I believe that the linchpin to educational reform is the elimination of the path of least resistance whereby students who are failing are simply promoted to the next grade in hopes that they will learn. The product of this practice of simply promoting youngsters when they are failing to adequately learn has produced a generation of young people who are below standard and high school graduates that cannot read or write, count change in their pockets or fill out an employment application. It is that bad.

And my state is just about the worst. There's a steady stream of bad news. On March 5, we learned, yet again that California ranks second to last among 39 states in fourth-grade reading skills. Eighty percent of my state's fourth graders are not proficient readers. For eighth graders, California is 33rd out of 36 states and only 22 percent of California's eighth graders are proficient readers.

On March 24, the San Francisco Chronicle reported that the state received a grade of D+ from the American Electronics Association for the quality and availability of an educated workforce. This conclusion is in the state that is the home of Silicon Valley, the premier high-tech area of the country, in a state that received an A for electronic commerce and is number one in high tech employment. But California does not have a school system that trains students well enough to work in the high-paying, skilled jobs available.

These numbers are a stunning indictment of a failing system.

It is time to end social promotion, a practice which misleads our students, their parents and the public. As long as social promotion exists and is widespread, youth who cannot read or write and who won't be able to find jobs in the future will continue to graduate from high school.

I agree with the conclusion of the September 1997 study conducted by the American Federation of Teachers:

> "Social promotion is an insidious practice that hides school failure and creates problems for everybody—for kids, who are deluded into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the nation."

There is no hard data on the extent of social promotion in our public schools, but most authorities, in the schools and out, know that it is happening—and in fact, in some districts it is standard operating procedure.

The September AFT study surveyed 85 of the nation's 820 largest school districts in 32 states, representing one-third of the nation's public school enrollment, about their promotion policies.

Saying that social promotion is "rampant," AFT leaders found that school districts' criteria for passing and retaining students is vague. Only 17 states have standards in the four core disciplines (English, math, social studies and science) that are well grounded in content and that are clear enough to be used.

A January 14, 1998 Los Angeles Times article reported that four in 10 teachers said that their schools automatically promote students when they reach the maximum age for their grade level.

None of the districts surveyed by AFT have an explicit policy of social promotion, but almost every district has an implicit practice of social promotion. Almost all districts view holding students back as a policy of last resort and many put explicit limits on retaining students. Districts have loose and vague criteria for moving a student from one grade to the next. This approach, concludes AFT, is implicit approval of social promotion.

Last fall, thankfully, former California Governor Pete Wilson signed into law a bill to end social promotion. In July 1998, I wrote some of California's school districts and asked about their policy on social promotion. Here are some of the reports I got back:

Some school districts did not have specific policies in place regarding social promotion. Exceptions to normal progression from one grade to another may be made when it is "in the best interest of the student." Teachers may provide recommendations but final decisions on retention are made by the parent of the student.

In other cases, school districts required students to earn 220 credits to receive a high school diploma so that the district feels that "social promotion is not an issue."

One school district believes that "it is seldom desirable for a student to be retained by reason of achievement, maturity or attendance because research has shown that retention is likely to have strong negative effects." Retention is therefore discouraged in the primary grades and prohibited thereafter.

Here's another example: Dr. Rudy Crew, Chancellor of the New York City Schools, said in the January 25 New York Times that virtually every student is promoted from one grade to the next, regardless of performance on standardized tests.

Mike Wright, a San Diegian, is an example. Cited in the February 16 San Diego Union-Tribune, Mr. Wright says he routinely got promoted from grade to grade and even graduated from high school, even though he failed some subjects. At age 29, he is now enrolled in a community college program to learn to read—at age 29!

Here are some examples of the harm of social promotion:

In California, a December 1997 report from a state education accountability task force estimated that at least half of the state's students—3 million children—perform below levels considered proficient for their grade level.

A January 1998 poll by Public Agenda asked employers and college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63% of employers and 76 percent of professors said that the diploma is not a guarantee that a graduate can read, write or do basic math.

Nationwide, about one third of college freshmen take remedial courses in college and three-quarters of all campuses, public and private, offer remediation, says the AFT study.

A March 27 California State University study found that more than two-thirds of students entering Cal State campuses in Los Angeles lack the math or English they should have mastered in high school. At some high schools, not one graduate going on to one of Cal State's campuses passed a basic skills test. At Cal State Dominguez Hills, for example, 8 out of 10 freshmen enrollees last fall needed remedial English and 87 percent needed remedial math.

Sadly, these numbers represent an increase. In the fall of 1997, 47 percent of freshmen enrolled at CSU needed remediation, compared to 43 percent in each of the previous three years. In math, 54 percent needed remedial help, compared to 48 percent in 1994.

Similarly, almost 35 percent of entering freshmen at the University of California do poorly on UC's English proficiency test and must receive help in their first year.

Florida spent $53 million in college on remedial education, says the AFT study.

In Boston, school principals estimate that half their ninth graders are not prepared for high school work.

In Ohio, nearly one fourth of all freshmen who attend state public universities must take remedial math or English (Cleveland Plain Dealer, July 7, 1997)

Employers tell me that their new hires are unprepared for work and they have to provide very basic training to make them employable. For example, last year, MCI spent $7.5 million to provide basic skills training.

Fortunately, many policymakers are beginning to realize that we must stop social promotion. President Clinton called for ending it in his last two State of the Union speeches. Last year, he said, "We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools."

Last year, California's former Governor Pete Wilson, signed into law a bill to end social promotion in our public education system. The bill requires school districts to identify students who are failing based on their grades or scores on the new statewide performance tests. The schools would have to hold back the student unless their teachers submitted a written finding that the student should be allowed to advance to the next grade. In such a case, the teacher would be required to recommend remediation to get the student to the next level, which could include summer school or after-school instruction.

Los Angeles Unified School District is currently working to develop a plan to end the practice of social promotion. Los Angeles Unified School Board plans to identify those students who are at risk of flunking and require them to participate in remedial classes. The alternative curriculum will stress the basics in reading, language arts and math, and special after-school tutoring. The district's plan would take effect in the 1999-2000 school year and target students moving in the third through sixth grades and into the ninth grade.

In San Diego, the School Board adopted requirements that all students in certain grades must demonstrate grade-level performance. And they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades and for high school graduation. For example, San Diego's schools are requiring that eighth graders who do not pass core courses be retained or pass core courses in summer school.

At least three other states—Florida, Arkansas and Texas—explicitly outlaw social promotion.

The Chicago Public Schools have ditched social promotion. After their new policy was put in place in the spring of 1997, over 40,000 students failed tests in the third, sixth, eight and ninth grades and then went to mandatory summer school. Chicago School Superintendent calls social promotion "educational malpractice." He says from now on his schools' only product will be student achievement.

Cincinnati's students are now promoted based on specific standards that define what students must know.

The AFT study says: "In most districts, there are no agreed-upon explicit standards of performance to which students are held accountable."

Our schools need clear, specific achievement levels for the core academic disciplines for every student. Many states are developing those achievement levels or standards. California's Commission for the Establishment of Academic Content and Performance Standards is developing statewide, grade-by-grade academic standards.

Without them, we will never know (1) what our students need to learn and (2) whether they have learned what they should learn. How, I ask, can you measure what you have accomplished if you don't know where you are going?

Sixty-one percent of Californians agreed in 1998 that our schools need a "major overhaul," up from 54 percent who answered the same question two years earlier. A mere six percent believe that schools provide a "quality education."

A poll by Policy Analysis for California Education found that only 17 percent of the public considers the state's schools "good" or "excellent," down from about 33 percent three years ago.

I hope my colleagues will join me today in stopping social promotion and providing remedial education because we must stop shortchanging our students.

School achievement must mean something. It must mean more than filling up a seat at a desk for 12 years. A diploma should not just be a symbol of accumulating time in school.

Social promotion is a cruel joke. We are fooling students. We are fooling ourselves. Students think a high school diploma means something. But in reality, a diploma does not mean much when we are graduating students who cannot count change, who cannot read a newspaper, or who cannot fill out an employment application. I hope this bill can help.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Achievement Act of 1999".

SEC. 2. REMEDIAL EDUCATION.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and academic instruction, that enable the students described in subsection (a) to meet State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students who need additional help or alternative instructional strategies;

(2) strengthening instruction and learning by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as before school, after school, and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) adopts a policy requiring that all kindergarten through grade 12 students be subject to State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, and 12th grades, before promotion to the next grade level;

(3) uses tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards at key transition points (to be determined by the State), which tests shall be valid for the purpose of such assessment;

(4) provides remedial education to all students not meeting the State achievement standards; and

(5) has substantial numbers of students who are low-performing students.

(e) DEFINITIONS.—In this section:

(1) CORE ACADEMIC CURRICULUM.—The term "core academic curriculum" means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term 'practice of social promotion' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d).

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for each of the fiscal years 2000 through 2004.

SUMMARY OF THE STUDENT ACHIEVEMENT ACT OF 1999

PROVIDING REMEDIAL EDUCATION & ENDING SOCIAL PROMOTION

Remedial Education: Authorizes $500 million for each year, FY 2000 to 2004, to local education agencies for remedial education programs to enable K–12 students to meet achievement standards in the core academic curriculum.

Eligibility: Local education agencies (school districts) as defined in current law (public schools).

Use of funds: Authorizes school districts to use funds to provide academic instruction to enable students to meet academic achievement standards. Funds can be used to—

implement early intervention strategies for students at risk of failing;

develop intensive instructional intervention strategies for low-performing students;

hire certified teachers and provide professional development;

provide extended learning time, such as before school, after school and summer school.

Conditions for Receiving Remedial Education Funds: Requires school districts to—

adopt a policy prohibiting the practice of social promotion;

require that all K–12 students be subject to achievement standards, to be determined by the states, in the core curriculum, defined as subjects such as reading and writing, language arts, mathematics, social sciences, including history; and science; and

test student achievement in meeting standards at certain benchmarks, to be determined by the states, for advancement to the next grade, distributed evenly over the course of a student's education; and

provide remedial education for students who fail to meet achievement standards;

have substantial numbers of low-performing students.

Social Promotion Defined: The "practice of social promotion is defined as "a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the state achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act."

By Mr. LEAHY:

S. 854. A bill to protect the privacy and constitutional rights of Americans, to establish standards and procedures regarding law enforcement access to location information, decryption assistance for encrypted communications and stored electronic information, and other private information, to affirm the rights of Americans to use and sell encryption products as a tool for protecting their online privacy, and for other purposes; to the Committee on the Judiciary.

ELECTRONIC RIGHTS OF THE 21ST CENTURY ACT

Mr. LEAHY. Mr. President, concern over privacy is reaching an all time high. In 1978, 64 percent of Americans reported that they were "very concerned" or "somewhat concerned" about threats to their personal privacy. By 1998, this number had skyrocketed. According to the Center for Social and Legal Research, 88 percent of Americans reported being "very" or "somewhat concerned" about threats to their personal privacy. We in Congress must take this concern seriously, and in this regard I look forward to examining the privacy issues confronting us in hearings before the Senate Judiciary Committee.

Good privacy policies make good business policies. New technologies bring with them new opportunities, both for the businesses that develop and market them, and for consumers. It does not do anyone any good for consumers to hesitate to use any particular technology because they have concerns over privacy. That is why I believe that good privacy policies make good business policies.

Protecting privacy plays an important role in the exercise of First Amendment rights. Ensuring that we have adequate privacy laws has a more significant and important role in our democracy than just fostering hi-tech businesses, however. We also must defend our on-line free speech rights from heavy-handed content regulation. That was my purpose in voting against the unconstitutional Communications Decency Act that became law in 1996.

Stopping efforts to create government censors is critical to allow our First Amendment rights to flourish, but it is not enough. For people to feel comfortable in exercising their First Amendment rights—by speaking, traveling and associating freely online or in physical space—they must be able to keep their activities confidential and private. When Big Brother is watching, the exercise of First Amendment rights is chilled no less than the threat of a government censor.

It is therefore not surprising that our country has a long and honorable tradition of keeping our identities private when we exercise our First Amendment rights. The Federalist Papers, which is probably the most important political document ever written about our Constitution, was authored anonymously by James Madison, John Jay and Alexander Hamilton and published under a pseudonym.

Healthy advocacy and debate often rests on the ability of participants to keep their identities private and to act anonymously. Indeed, the Supreme Court has said, "Anonymity is a shield from the tyranny of the majority."

Healthy commerce also depends on satisfying consumers' desire to keep their business affairs private and secure. A report I released last month on Vermont Internet commerce is very telling on this point. The strongest obstacle among consumers from shopping and doing business online was their fear of the online security risks. This is why promoting the use of encryption is so important, so that businesses and consumers can use this technology to provide the privacy and security they want and best suits their needs.

The legislation I introduce today would help ensure that Americans' Fourth Amendment rights to be secure in their persons, houses, papers and effects against unreasonable government searches and seizures are given ample protection in a networked computer environment. In addition, several provisions address the concern Americans have about the use and handling of their personally identifiable records and information by businesses, satellite carriers, libraries and book sellers.

Industry self-regulation efforts should be encouraged. In contrast to a citizen's relationship with his or her government, consumers have a choice of whether they want to deal or interact with those in the private sector. In my view, this choice should be generally recognized in the law by allowing consumers and businesses in the marketplace to set the terms of their interaction. This is an area where the Congress should tread cautiously before regulating. Online businesses are engaging in serious efforts to make available to consumers information on privacy policies so that consumers are able to make more educated choices on whether they want to deal. I commend and applaud those efforts.

That being said, however, current laws do not apply privacy principles in an even-handed manner. Video rental stores and cable operators are subject to privacy laws to protect our right to keep our viewing habits private, but no protections exist for the books we borrow from the library or buy from a bookstore, or the shows we watch via satellite. This bill would provide more uniform privacy protection for both books and videos, no matter the medium of delivery.

Similarly, telephone companies and cable operators are subject to legal restrictions on how they may use personally identifiable information about their Internet subscribers, while other Internet and online service providers are not. The E-RIGHTS bill promotes a more level playing field in terms of the privacy protections available to Internet users, no matter whether they obtain their Internet access from AOL, their cable company or their local phone company.

This legislation addresses a broad range of emerging hi-tech privacy issues. For example:

When should the FBI be allowed to use cell phones to track a user's movements?

Should Kosovo human rights organizations that use a Web site to correct government misinformation be able to get a domain name without having their names publicly available on a database? Should we have the same ability to get an "unlisted" domain name (or Internet address) as we are able to get an "unlisted" phone number?

Should we allow other federal prosecutors to act like Special Prosecutor Kenneth Starr and go on fishing expeditions with subpoenas issued to bookstores to find out what we are reading? Should we protect our choices of reading and viewing materials the same way we protect our choice of videotapes that we rent from our local Blockbuster?

Should an Internet user who maintains a calendar on Yahoo! get the same privacy protection as people who keep their calendars on their desk or on their PCs' hard-drive? Will people avoid certain network services offered by Netscape or new Internet start-ups because they get less privacy protection for the information stored on the network than on their own PCs?

These are all important issues, and I have worked to propose solutions to each of these and to other questions, as well, in the E-RIGHTS bill. This bill has the following four titles:

Title I: Privacy Protection for Communications and Electronic Information. This title has ten sections that propose certain Fourth Amendment protections to guide the government's access to, or exercise of, law enforcement's enhanced surveillance capabilities due to new technologies. In addition, this title also contains sections that limit how domain name registrars and Internet/Online service providers may use information collected on Internet users.

Network Stored Information.—The bill would require that law enforcement give a subscriber notice of a subpoena or warrant before seizing electronic information stored on a network service. This is the same notice that the subscriber would get if the information were stored on his or her own computer.

Cell Phone Location Information.—Before law enforcement may use a person's cell phone as a tracking device, the bill would require a court order based on probable cause that the person is committing a crime.

A related provision that has already passed the House in February as part of the "Wireless Communications and Public Safety Act of 1999," H.R. 438, would require wireless phone providers to inform a cell phone user's family and emergency services of their location in emergency situations, while requiring the prior customer consent before that location information may be used for any other purpose.

Pen Registers.—The bill would authorize a judge to review information presented by a federal prosecutor to determine whether the pen register is likely to produce information relevant to an ongoing criminal investigation, since under current law the judge plays only a ministerial role and must approve any order upon presentation by a prosecutor. Current law compels judges to be only a rubber stamp.

Conference Calls.—The FBI has claimed that the Communications Assistance for Law Enforcement Act (CALEA) requires that they be given the capability to monitor conference calls which continue even after the target of a wiretap order has dropped out of the call. This provision would require that a court authorize such continued monitoring of conference calls in the absence of the target.

Roving Wiretaps.—A substantial change that provides easier access to roving wiretaps was inserted without debate or hearings into last year's Intelligence Authorization Act. With this change, the FBI is able to get a roving wiretap whenever a person's action could have the effect of thwarting interception. The bill would rectify this change to permit roving wiretaps only when the person actually changes phones in a way which has the effect of thwarting surveillance.

Domain Name Registrars.—Internet users or businesses who get an Internet address with a second level domain name must also provide information about contact names, physical and E-mail addresses, network location, and other information that is posted in a publicly available database called WHOIS. The bill would give users registering for a domain name/Internet address authority to prohibit disclosure of the information, and keep the information confidential. Of course, the registrar would be able to override the user's choice of confidentiality and to disclose the information as necessary to provide service or in response to a subpoena or court order.

Internet users who want an "unlisted" Internet address just as they have the choice of getting an "unlisted" telephone number will be able to do so.

Internet and Online Service Providers.—The 1986 Electronic Communications Privacy Act (ECPA) set up procedures for law enforcement to obtain records about subscribers from "electronic communication service providers", but contained a blanket exemption allowing such providers to disclose a record or other information pertaining to a subscriber or customer to any non-governmental entity. Due to this exemption, ISPs and OSPs may sell their subscriber lists or track the online movements of their subscribers and sell that information—all without the subscribers' knowledge or consent.

The bill would cut back on this blanket exemption. The bill would require electronic communication service providers to give their subscribers an opportunity to prohibit disclosure of their personal information, and enumerates the situations in which the information may be used or disclosed without the subscriber's approval. These proposed rules are generally analogous to restrictions already in place for other providers of Internet services, including cable operators and phone companies, which are restricted in how they may use personally identifiable information about customers without the customers' approval.

No criminal penalties attach for violation. ECPA currently authorizes an aggrieved person to bring a civil action.

Title II: Promoting the Use of Encryption. This title contains three sections: (1) prohibiting domestic controls on encryption and government-compelled key escrow encryption; (2) requiring encryption products used by federal agencies to interoperate with commercial encryption products; and (3) adding a chapter to the federal criminal code detailing procedures to law enforcement and foreign government access to decryption assistance.

Specifically, the bill would require the release of decryption keys or assistance to law enforcement in response to a court order based upon a finding that the key or assistance is necessary to decrypt lawfully intercepted encrypted messages or data.

Title III: Privacy Protection for Library Loan and Book Sales Records. This title would extend the privacy protection in current law for video rental and sale records to library loan and book sale records.

Library.—The library provisions are a reprise of sections that were dropped from the Video Privacy Protection Act enacted in 1988. This provision would prohibit libraries from disclosing personally identifiable information about patrons without the written consent of the patron or in response to a court order to release the information to a law enforcement agency, with prior notice to the patron, if there is probable cause to believe a crime is being committed and the information sought is material to the investigation.

Booksellers.—The public outcry over Independent Counsel Kenneth Starr's subpoena in March 1988 to Kramerbooks & Afterwords for any books purchased by Monica Lewinsky, and the potential threat such government fishing expeditions pose to First Amendment rights, prompted examination of the privacy rules protecting the records maintained by bookstores. There are no rules barring book sellers from disclosing records about their customers.

This section would impose the same nondisclosure rules on booksellers—whether online or in physical spaces—that apply to video rental stores. Generally, book sellers would be barred from disclosing personally identifiable information concerning a book purchaser without that purchasers' written consent given at the time the disclosure is sought.

Title IV: Privacy Protection for Satellite Home Viewers. In the 1984 Cable Act, Congress established a nationwide standard for the privacy protection of cable subscribers. Since the Cable Act was adopted, an entirely new form of access to television has emerged—home satellite viewing—which is especially popular in rural areas not served by cable. Yet there is no statutory privacy protection for information collected by home satellite viewing services about their customers or subscribers. This title fills this gap by amending the privacy provisions of the Cable Act to cover home satellite viewing.

The amendments do not change the rules governing access to cable subscriber information. Instead, they merely add the words "satellite home viewing service" and "satellite carrier or distributor" where appropriate.

The amendment does not address another inconsistency in the law, which bears mentioning: should a cable company that provides Internet services to its customers be subject to the privacy safeguards in the Cable Act or in the Electronic Communications Privacy Act (ECPA), which normally applies to Internet service providers and contains obligations regarding the disclosure of personally identifiable information to both governmental and nongovernmental entities different from those in the Cable Act? One court has described this as a "statutory riddle raised by the entrance of cable operators into the Internet services market."

New technologies and new uses for old technologies pose challenging "riddles" for privacy, but they are solvable in ways that balance competing commerce, civil rights, and law enforcement interests. The E-RIGHTS bill proposes balanced solutions that protect our privacy rights. I invite others to share their ideas on these matters. There are few matters more important than privacy in maintaining our core democratic values, so I look forward to hearing their comments on ways to improve this legislation.

I ask unanimous consent that the E-RIGHTS bill and the sectional analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Electronic Rights for the 21st Century Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Findings.
Sec. 4. Definitions.

TITLE I—PRIVACY PROTECTION FOR COMMUNICATIONS AND ELECTRONIC INFORMATION

Sec. 101. Enhanced privacy protection for information on computer networks.
Sec. 102. Government access to location information.
Sec. 103. Enhanced privacy protection for transactional information obtained from pen registers and trap and trace devices.
Sec. 104. Privacy protection for conference calls.
Sec. 105. Enhanced privacy protection for packet networks, including the Internet.
Sec. 106. Privacy safeguards for information collected by Internet registrars.
Sec. 107. Reports concerning governmental access to electronic communications.
Sec. 108. Roving wiretaps.
Sec. 109. Authority to provide customer location information for emergency purposes.
Sec. 110. Confidentiality of subscriber information.

TITLE II—PROMOTING USE OF ENCRYPTION

Sec. 201. Freedom to use encryption.
Sec. 202. Purchase and use of encryption products by the Federal Government.
Sec. 203. Law enforcement decryption assistance.

TITLE III—PRIVACY PROTECTION FOR LIBRARY LOAN AND BOOK SALE RECORDS

Sec. 301. Wrongful disclosure of library loan and book sale records.

TITLE IV—PRIVACY PROTECTION FOR SATELLITE HOME VIEWERS

Sec. 401. Privacy protection for subscribers of satellite television services for private home viewing.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote the privacy and constitutional rights of individuals and organizations in networked computer systems and other digital environments, protect the confidentiality of information and security of critical infrastructure systems relied on by individuals, businesses and government agencies, and properly balance the needs of law enforcement to have the access to electronic communications and information in appropriate circumstances;

(2) to encourage Americans to develop and deploy encryption technology and to promote the use of encryption by Americans to protect the security, confidentiality, and privacy of their lawful wire and electronic communications and stored electronic information; and

(3) to establish privacy standards and procedures by which investigative or law enforcement officers and foreign governments may obtain decryption assistance for encrypted communications and stored electronic information.

SEC. 3. FINDINGS.

Congress finds that—

(1) the digitization of information and the explosion in the growth of computing and electronic networking offers tremendous potential benefits to the way Americans live, work, and are entertained, but also raises new threats to the privacy of the American people and the competitiveness of American businesses;

(2) a secure, private, and trusted national and global information infrastructure is essential to promote economic growth, protect privacy, and meet the needs of the American people and businesses;

(3) the rights of Americans to the privacy and security of their communications and in the conducting of personal and business affairs should be promoted and protected;

(4) the authority and ability of investigative and law enforcement officers to access and decipher, in a timely manner and as provided by law, wire and electronic communications, and stored electronic information necessary to provide for public safety and national security should also be preserved;

(5) individuals will not entrust their sensitive personal, medical, financial, and other information to computers and computer networks unless the security and privacy of that information is assured;

(6) businesses will not entrust their proprietary and sensitive corporate information, including information about products, processes, customers, finances, and employees, to computers and computer networks unless the security and privacy of that information is assured;

(7) America's critical infrastructures, including its telecommunications system, banking and financial infrastructure, and power and transportation infrastructure, increasingly rely on vulnerable information systems, and will represent a growing risk to national security and public safety unless the security and privacy of those information systems is assured;

(8) encryption technology is an essential tool to promote and protect the privacy, security, confidentiality, integrity, and authenticity of wire and electronic communications and stored electronic information;

(9) encryption techniques, technology, programs, and products are widely available worldwide;

(10) Americans should be free to use lawfully whatever particular encryption techniques, technologies, programs, or products developed in the marketplace that best suits their needs in order to interact electronically with the government and others worldwide in a secure, private, and confidential manner;

(11) government mandates for, or otherwise compelled use of, third-party key recovery systems or other systems that provide surreptitious access to encrypted data threatens the security and privacy of information systems;

(12) a national encryption policy is needed to advance the development of the national and global information infrastructure, and preserve the right to privacy of Americans and the public safety and national security of the United States;

(13) Congress and the American people have recognized the need to balance the right to privacy and the protection of the public safety with national security;

(14) the Constitution of the United States permits lawful electronic surveillance and the use of other investigative tools by law enforcement officers and the seizure of stored electronic information only upon compliance with stringent standards and procedures designed to protect the right to privacy and other rights protected under the fourth amendment of the Constitution of the United States;

(15) there is a need to clarify the standards and procedures by which investigative or law enforcement officers obtain decryption assistance from persons—

(A) who are voluntarily entrusted with the means to decrypt wire and electronic communications and stored electronic information; or

(B) have information that enables the decryption of such communications and information;

(16) Americans are increasingly shopping online and purchasing books from online vendors, and expect that their choices of reading or viewing materials will be kept confidential;

(17) protecting the confidentiality and privacy of the books, other written materials, and movies that a person chooses to read or view should be protected to ensure the free exercise of first amendment rights regardless of medium;

(18) generally, under current law, telecommunications carriers may not disclose individually identifiable customer proprietary network information without their customers' approval, while providers of electronic communications services and remote computing services may make such disclosure to anyone other than a governmental entity and have no legal obligation to notify their subscribers when they do so;

(19) subscribers of Internet services through facilities of cable operators must be given notice and an opportunity to prohibit disclosure before the cable operator may disclose any personally identifiable information, including name or address, about a subscriber to any other person, while providers of electronic communications services and remote computing services have no similar legal obligation to protect the privacy of their subscribers; and

(20) given the convergence among wireless, wire line, cable, broadcast, and satellite services, privacy safeguards should be applied more uniformly across different media in order to provide a level competitive playing field and consistent privacy protections.

SEC. 4. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency", in the case of the United States Government, has the meaning given the term in section 6 of title 18, United States Code, and includes the United States Postal Service.

(2) ENCRYPT; ENCRYPTION.—The terms "encrypt" and "encryption" refer to the scrambling (and descrambling) of wire communications, electronic communications, or electronically stored information using

mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized recipients from accessing or altering, such communications or information.

(3) Encryption product.—The term "encryption product" means a computing device, computer hardware, computer software, or technology with encryption capabilities.

(4) Key.—The term "key" means the variable information used in or produced by a mathematical formula, code, or algorithm, or any component thereof, used to encrypt or decrypt wire communications, electronic communications, or electronically stored information.

(5) Person.—The term "person" has the meaning given the term in section 2510(6) of title 18, United States Code.

(6) State.—The term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(7) United states person.—The term "United States person" means any—

(A) national of the United States; or

(B) legal entity that—

(i) is organized under the laws of the United States or any State; and

(ii) has its principal place of business in the United States.

TITLE I—PRIVACY PROTECTION FOR COMMUNICATIONS AND ELECTRONIC INFORMATION

SEC. 101. ENHANCED PRIVACY PROTECTION FOR INFORMATION ON COMPUTER NETWORKS.

Section 2703(b) of title 18, United States Code, is amended by striking paragraph (1) and inserting the following new paragraph (1):

"(1) In general.—A governmental entity may require a provider of remote computing service to disclose the contents of any electronic communication to which this paragraph is made applicable by paragraph (2)—

"(A) pursuant to a warrant issued under the Federal Rules of Criminal Procedure or equivalent State warrant, a copy of which warrant shall be served on the subscriber or customer of such remote computing service before or at the same time the warrant is served on the provider of the remote computing service; or

"(B) pursuant to a Federal or State grand jury or trial subpoena, a copy of which subpoena shall be served on the subscriber or customer of such remote computing service under circumstances allowing the subscriber or customer a meaningful opportunity to challenge the subpoena.".

(b) Conforming Amendments.—Paragraph (2) of that section is amended—

(1) by indenting the paragraph 2 ems;

(2) by inserting "Applicability.—" after "(2)"; and

(3) by indenting subparagraphs (A) and (B) 4 ems.

SEC. 102. GOVERNMENT ACCESS TO LOCATION INFORMATION.

(a) Court Order Required.—Section 2703 of title 18, United States Code, is amended by adding at the end the following:

"(g) Disclosure of Location Information to Governmental Entities.—

"(1) Disclosure upon court order.—A provider of mobile electronic communication service shall provide to a governmental entity information generated by and disclosing the current physical location of a subscriber's equipment only if the governmental entity obtains a court order issued upon a finding that there is probable cause to believe that the equipment has been used, is being used, or is abcut to be used to commit a felony offense.

"(2) Disclosure upon subscriber or user consent.—A provider of mobile electronic communication service may provide to a governmental entity information described in paragraph (1) with the consent of the subscriber or the user of the equipment concerned.".

(b) Conforming Amendment.—Subsection (c)(1)(B) of that section is amended by striking "(b) of this section" and inserting "(b), or wireless location information covered by subsection (g)".

SEC. 103. ENHANCED PRIVACY PROTECTION FOR TRANSACTIONAL INFORMATION OBTAINED FROM PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3123(a) of title 18, United States Code, is amended to read as follows:

"(a) In General.—Upon an application made under section 3122, the court may enter an ex parte order—

"(1) authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds, based on the certification by the attorney for the government or the State law enforcement or investigative officer, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation; and

"(2) directing that the use of the pen register or trap and trace device be conducted in such a way as to minimize the recording or decoding of any electronic or other impulses that are not related to the dialing and signaling information utilized in call processing by the service provider upon whom the order is served.".

SEC. 104. PRIVACY PROTECTION FOR CONFERENCE CALLS.

Section 2518 of title 18, United States Code, is amended by adding at the end the following:

"(13) The interception of wire or electronic communications pursuant to an order under this section must be terminated when the facility identified in the order authorizing such interception is no longer being used, unless the judge determines on the basis of facts submitted by the applicant that there is probable cause to believe that an individual continuing as a party to the communication is committing, has committed, or is about to commit a particular offense enumerated in the order and there is probable cause to believe that particular communications concerning that offense will be obtained through such continuing interception.".

SEC. 105. ENHANCED PRIVACY PROTECTION FOR PACKET NETWORKS, INCLUDING THE INTERNET.

Section 3121(c) of title 18, United States Code, is amended by striking "other impulses" and all that follows and inserting "other impulses—

"(1) to the dialing and signaling information utilized in call processing; or

"(2) in the case of a packet-switched network, to the addressing information.".

SEC. 106. PRIVACY SAFEGUARDS FOR INFORMATION COLLECTED BY INTERNET REGISTRARS.

(a) In General.—Section 2703 of title 18, United States Code, as amended by section 102(a) of this Act, is further amended by adding at the end the following:

"(h) Records Concerning Domain Name Registration Service.—A provider of domain name registration service may disclose a record or other information pertaining to a subscriber or customer of such service—

"(1) to any person—

"(A) if the provider has provided the subscriber or customer, in a clear and conspicuous manner, the opportunity to prohibit such disclosure;

"(B) in the case of information that identifies the service provider hosting the website of the subscriber or customer; or

"(C) to the extent such disclosure is necessary incident to the provision of such service or for the protection of the rights or property of the provider of such service; or

"(2) without notice or consent of the subscriber or customer in response to a subpoena or warrant authorized by a Federal or State statute.".

(b) Domain Name Registration Service Defined.—Section 2711 of such title is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'domain name registration service' means a service to the public for the assignment and management of domain names and Internet Protocol addresses.".

SEC. 107. REPORTS CONCERNING GOVERNMENTAL ACCESS TO ELECTRONIC COMMUNICATIONS.

Section 2703 of title 18, United States Code, as amended by section 106(a) of this Act, is further amended by adding at the end the following:

"(i) Reports.—In April each year, the Attorney General shall transmit to Congress a full and complete report on—

"(1) the number and kind of warrants, orders, and subpoenas applied for by law enforcement agencies of the Department of Justice under this section;

"(2) the number of such applications granted or denied; and

"(3) with respect to each warrant, order, or subpoena issued under this section—

"(A) the number and type of communications disclosed;

"(B) the approximate number and frequency of incriminating communications disclosed;

"(C) the offense specified in the application; and

"(D) the approximate number of persons whose communications were intercepted.".

SEC. 108. ROVING WIRETAPS.

(a) Scope of Wiretaps.—Subsection (11)(b) of section 2518 of title 18, United States Code, is amended by striking clauses (ii) through (iv) and inserting the following new clauses:

"(ii) the application identifies the person believed to be committing the offense and whose communications are to be intercepted and the applicant makes a showing that—

"(I) the person changes facilities in a way that has the effect of thwarting interception from a specified facility; or

"(II) the person intends to thwart interception by changing facilities; and

"(iii) the judge finds that such showing has been adequately made.".

(b) Limitation.—Subsection (12) of that section is amended—

(1) by inserting "(a)" after "(12)"; and

(2) by adding at the end the following:

"(b) Each order and extension thereof to which the requirements of subsections (1)(b)(ii) and (3)(D) of this section do not apply by reason of subsection (11) of this section shall provide that the authorization to intercept only applies to communications to which the person believed to be committing the offense and named in the order is a party.".

SEC. 109. AUTHORITY TO PROVIDE CUSTOMER LOCATION INFORMATION FOR EMERGENCY PURPOSES.

(a) USE OF CALL LOCATION AND CRASH NOTIFICATION INFORMATION.—Subsection (d) of section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(4) to provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d))—

“(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety official, fire service official, law enforcement official, hospital emergency facility, or trauma care facility in order to respond to the user's call for emergency services;

“(B) to inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; or

“(C) to providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency; or

“(5) to transmit automatic crash notification information as part of the operation of an automatic crash notification system.”.

(b) CUSTOMER APPROVAL OF USE OF CALL LOCATION AND CRASH NOTIFICATION INFORMATION.—That section is further amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) CUSTOMER APPROVAL OF USE OF CALL LOCATION INFORMATION AND CRASH NOTIFICATION INFORMATION.—For purposes of subsection (c)(1), without the express prior authorization of the customer, a customer shall not be considered to have approved the use or disclosure of or access to—

“(1) call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)), other than in accordance with subsection (d)(4); or

“(2) automatic crash notification information to any person other than for use in the operation of an automatic crash notification system.”.

(c) USE OF LISTED AND UNLISTED SUBSCRIBER INFORMATION FOR EMERGENCY SERVICES.—That section is further amended by inserting after subsection (f), as amended by subsection (b) of this section, the following new subsection (g):

“(g) SUBSCRIBER LISTED AND UNLISTED INFORMATION FOR EMERGENCY SERVICES.—Notwithstanding subsections (b), (c), and (d), a telecommunications carrier that provides telephone exchange service shall provide information described in subsection (h)(3)(A) (including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.”.

(d) DEFINITIONS.—Subsection (h) of that section, as redesignated by subsection (b)(1) of this section, is amended—

(1) in paragraph (1)(A), by inserting “location,” after “destination,”; and

(2) by adding at the end the following:

“(4) PUBLIC SAFETY ANSWERING POINT.—The term ‘public safety answering point’ means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

“(5) EMERGENCY SERVICES.—The term ‘emergency services’ means 911 emergency services and emergency notification services.

“(6) EMERGENCY NOTIFICATION SERVICES.—The term ‘emergency notification services’ means services that notify the public of an emergency.

“(7) EMERGENCY SUPPORT SERVICES.—The term ‘emergency support services’ means information or data base management services used in support of emergency services.”.

SEC. 110. CONFIDENTIALITY OF SUBSCRIBER INFORMATION.

Section 2703(c) of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by inserting before the period at the end the following: “only if such disclosure is—

“(i) necessary to initiate, render, bill, and collect for such service;

“(ii) necessary to protect the rights or property of the provider of such service;

“(iii) required by law;

“(iv) made at the request of the subscriber or customer; or

“(v) if the provider has provided the subscriber or customer, in a clear and conspicuous manner, with the opportunity to prohibit such disclosure.”; and

(2) by adding at the end the following:

“(3) Nothing in this subsection may be construed to prohibit a provider of electronic communication service or remote computing service from using, disclosing, or permitting access to aggregate subscriber information from which individual subscriber identities and characteristics have been removed.”.

TITLE II—PROMOTING USE OF ENCRYPTION

SEC. 201. FREEDOM TO USE ENCRYPTION.

(a) NO DOMESTIC ENCRYPTION CONTROLS.—It shall be lawful for any person within the United States, and for any United States person in a foreign country, to use, develop, manufacture, sell, distribute, or import any encryption product, regardless of the encryption algorithm selected, encryption key length chosen, existence of key recovery or other plaintext access capability, or implementation or medium used.

(b) PROHIBITION ON GOVERNMENT-COMPELLED KEY ESCROW OR KEY RECOVERY.—

(1) IN GENERAL.—Except as provided in paragraph (3), no agency of the United States may require, compel, set standards for, condition any approval on, or condition the receipt of any benefit on, a requirement that a decryption key, access to a decryption key, key recovery information, or other plaintext access capability be—

(A) required to be built into computer hardware or software for any purpose;

(B) given to any other person, including any agency of the United States or a State, or any entity in the private sector; or

(C) retained by the owner or user of an encryption key or any other person, other than for encryption products for the use of the Federal Government or a State government.

(2) USE OF PARTICULAR PRODUCTS.—No agency of the United States may require any person who is not an employee or agent of the United States or a State to use any key recovery or other plaintext access features for communicating or transacting business with any agency of the United States.

(3) EXCEPTIONS.—The prohibition in paragraph (1) does not apply to—

(A) encryption used by an agency of the United States, or the employees or agents of such agency, solely for the internal operations and telecommunications systems of the United States Government; or

(B) the authority of any investigative or law enforcement officer, or any member of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), acting under any law in effect on the date of enactment of this Act, to gain access to encrypted communications or information.

(c) USE OF ENCRYPTION FOR AUTHENTICATION OR INTEGRITY PURPOSES.—No agency of the United States shall establish any condition, tie, or link between encryption products, standards, and services used for confidentiality purposes and those used for authentication, integrity, or access control purposes.

SEC. 202. PURCHASE AND USE OF ENCRYPTION PRODUCTS BY THE FEDERAL GOVERNMENT.

To ensure that secure electronic access to the Federal Government is available to persons outside of and not operating under contract with agencies of the United States, the Federal Government may not purchase any encryption product with a key recovery or other plaintext access feature if such key recovery or plaintext access feature would interfere with use of the full encryption capabilities of the product when interoperating with other commercial encryption products.

SEC. 203. LAW ENFORCEMENT DECRYPTION ASSISTANCE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

“CHAPTER 124—ENCRYPTED WIRE OR ELECTRONIC COMMUNICATIONS AND STORED ELECTRONIC INFORMATION

“Sec.
“2801. Definitions.
“2802. Access to decryption assistance for communications.
“2803. Access to decryption assistance for stored electronic communications or records.
“2804. Foreign government access to decryption assistance.

“§ 2801. Definitions

“In this chapter:

“(1) DECRYPTION ASSISTANCE.—The term ‘decryption assistance’ means assistance that provides or facilitates access to the plaintext of an encrypted wire or electronic communication or stored electronic information, including the disclosure of a decryption key or the use of a decryption key to produce plaintext.

“(2) DECRYPTION KEY.—The term ‘decryption key’ means the variable information used in or produced by a mathematical formula, code, or algorithm, or any component thereof, used to decrypt a wire communication or electronic communication or stored electronic information that has been encrypted.

“(3) ENCRYPT; ENCRYPTION.—The terms ‘encrypt’ and ‘encryption’ refer to the scrambling (and descrambling) of wire communications, electronic communications, or electronically stored information using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized recipients from accessing or altering, such communications or information.

“(4) FOREIGN GOVERNMENT.—The term ‘foreign government’ has the meaning given the term in section 1116.

“(5) OFFICIAL REQUEST.—The term ‘official request’ has the meaning given the term in section 3506(c).

“(6) INCORPORATED DEFINITIONS.—Any term used in this chapter that is not defined in this chapter and that is defined in section 2510, has the meaning given the term in section 2510.

“§ 2802. Access to decryption assistance for communications

“(a) CRIMINAL INVESTIGATIONS.—

“(1) IN GENERAL.—An order authorizing the interception of a wire or electronic communication under section 2518 shall, upon request of the applicant, direct that a provider of wire or electronic communication service, or any other person possessing information capable of decrypting that communication, other than a person whose communications are the subject of the interception, shall promptly furnish the applicant with the necessary decryption assistance, if the court finds that the decryption assistance sought is necessary for the decryption of a communication intercepted pursuant to the order.

“(2) LIMITATIONS.—Each order described in paragraph (1), and any extension of such an order, shall—

“(A) contain a provision that the decryption assistance provided shall involve disclosure of a private decryption key only if no other form of decryption assistance is available and otherwise shall be limited to the minimum necessary to decrypt the communications intercepted pursuant to such order; and

“(B) terminate on the earlier of—

“(i) the date on which the authorized objective is attained; or

“(ii) 30 days after the date on which the order or extension, as applicable, is issued.

“(3) NOTICE.—If decryption assistance is provided pursuant to an order under this subsection, the court issuing the order shall cause to be served on the person whose communications are the subject of such decryption assistance, as part of the inventory required to be served pursuant to section 2518(8), notice of the receipt of the decryption assistance and a specific description of the decryption keys or other decryption assistance disclosed.

“(b) FOREIGN INTELLIGENCE INVESTIGATIONS.—

“(1) IN GENERAL.—An order authorizing the interception of a wire or electronic communication under section 105(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(b)(2)) shall, upon request of the applicant, direct that a provider of wire or electronic communication service, or any other person possessing information capable of decrypting such communications, other than a person whose communications are the subject of the interception, shall promptly furnish the applicant with the necessary decryption assistance, if the court finds that the decryption assistance sought is necessary for the decryption of a communication intercepted pursuant to the order.

“(2) LIMITATIONS.—Each order described in paragraph (1), and any extension of such an order, shall—

“(A) contain a provision that the decryption assistance provided shall be limited to the minimum necessary to decrypt the communications intercepted pursuant to such order; and

“(B) terminate on the earlier of—

“(i) the date on which the authorized objective is attained; or

“(ii) 30 days after the date on which the order or extension, as applicable, is issued.

“(c) GENERAL PROHIBITION ON DISCLOSURE.—Other than pursuant to an order under subsection (a) or (b), no person possessing information capable of decrypting a wire or electronic communication of another person shall disclose that information or provide decryption assistance to an investigative or law enforcement officer.

“§ 2803. Access to decryption assistance for stored electronic communications or records

“(a) DECRYPTION ASSISTANCE.—No person may disclose a decryption key or provide decryption assistance pertaining to the contents of stored electronic communications or records, including those disclosed pursuant to section 2703, to a governmental entity, except—

“(1) pursuant to a warrant issued under the Federal Rules of Criminal Procedure or an equivalent State warrant, a copy of which warrant shall be served on the person who created the electronic communication or record before or at the same time service is made on the keyholder;

“(2) pursuant to a subpoena, a copy of which subpoena shall be served on the person who created the electronic communication or record, under circumstances allowing the person meaningful opportunity to challenge the subpoena; or

“(3) upon the consent of the person who created the electronic communication or record.

“(b) DELAY OF NOTIFICATION.—In the case of communications disclosed pursuant to section 2703(a), service of the copy of the warrant or subpoena on the person who created the electronic communication or record may be delayed for a period of not to exceed 90 days upon request to the court by the governmental entity requiring the decryption assistance, if the court determines that there is reason to believe that notification of the existence of the court order or subpoena may have an adverse result described in section 2705(a)(2).

“§ 2804. Foreign government access to decryption assistance

“(a) IN GENERAL.—No investigative or law enforcement officer may—

“(1) release a decryption key to a foreign government or to a law enforcement agency of a foreign government; or

“(2) except as provided in subsection (b), provide decryption assistance to a foreign government or to a law enforcement agency of a foreign government.

“(b) CONDITIONS FOR COOPERATION WITH FOREIGN GOVERNMENT.—

“(1) APPLICATION FOR ORDER.—In any case in which the United States has entered into a treaty or convention with a foreign government to provide mutual assistance with respect to providing decryption assistance, the Attorney General (or the designee of the Attorney General) may, upon an official request to the United States from the foreign government, apply for an order described in paragraph (2) from the district court in which the person possessing information capable of decrypting the encrypted communication or stored electronic information at issue resides—

“(A) directing that person to release a decryption key or provide decryption assistance to the Attorney General (or the designee of the Attorney General); and

“(B) authorizing the Attorney General (or the designee of the Attorney General) to furnish the foreign government with the plaintext of the communication or information at issue.

“(2) CONTENTS OF ORDER.—An order described in this paragraph is an order directing the person possessing information capable of decrypting the communication or information at issue to—

“(A) release a decryption key to the Attorney General (or the designee of the Attorney General) so that the plaintext of the communication or information may be furnished to the foreign government; or

“(B) provide decryption assistance to the Attorney General (or the designee of the Attorney General) so that the plaintext of the communication or information may be furnished to the foreign government.

“(3) REQUIREMENTS FOR ORDER.—The court described in paragraph (1) may issue an order described in paragraph (2) if the court finds, on the basis of an application made by the Attorney General under this subsection, that—

“(A) the decryption key or decryption assistance sought is necessary for the decryption of a communication or information that the foreign government is authorized to intercept or seize pursuant to the law of the foreign country;

“(B) the law of the foreign country provides for adequate protection against arbitrary interference with respect to privacy rights; and

“(C) the decryption key or decryption assistance is being sought in connection with a criminal investigation for conduct that would constitute a violation of a criminal law of the United States if committed within the jurisdiction of the United States.”.

(b) CLERICAL AMENDMENT.—The analysis for part I of title 18, United States Code, is amended by adding at the end the following:

“124. Encrypted wire or electronic communications and stored electronic information .... 2801”.

TITLE III—PRIVACY PROTECTION FOR LIBRARY LOAN AND BOOK SALE RECORDS

SEC. 301. WRONGFUL DISCLOSURE OF LIBRARY LOAN AND BOOK SALE RECORDS.

(a) IN GENERAL.—Section 2710 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by striking the section designation and all that follows through the end of subsection (b) and inserting the following:

“§ 2710. Wrongful disclosure of video tape rental or sale records and library loan and book sale records

“(a) DEFINITIONS.—In this section:

“(1) The term ‘book seller’ means any person, engaged in the business, in or affecting interstate or foreign commerce, of selling books, magazines, or other printed material, or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

“(2) The term ‘consumer’ means any renter, purchaser, or subscriber of goods or services from a video tape service provider or book seller.

“(3) The term ‘library’ means an institution that operates as a public library or serves as a library for any university, school, or college.

“(4) The term ‘ordinary course of business’ means only debt collection activities, order fulfillment, request processing, and the transfer of ownership.

“(5) The term ‘patron’ means any individual who requests or receives—

“(A) services within a library; or

"(B) books or other materials on loan from a library.

"(6) The term 'personally identifiable information' includes the following:

"(A) Information that identifies a person as having requested or obtained specific video materials or services from a video tape service provider.

"(B) Information that identifies a person as having requested or obtained specific books, magazines, or other printed material from a book seller.

"(C) Information that identifies a person as having requested or obtained any materials or services from a library.

"(7) The term 'video tape service provider' means any person, engaged in the business, in or affecting interstate or foreign commerce, of rental, sale, or delivery of prerecorded video cassette tapes or similar audio visual materials, or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

"(b) VIDEO TAPE RENTAL AND SALE AND BOOK SALE RECORDS.—

"(1) IN GENERAL.—A video tape service provider or book seller who knowingly discloses, to any person, personally identifiable information concerning any consumer of such provider or seller, as the case may be, shall be liable to the aggrieved person for the relief provided in subsection (d).

"(2) DISCLOSURE.—A video tape service provider or book seller may disclose personally identifiable information concerning any consumer—

"(A) to the consumer;

"(B) to any person with the informed, written consent of the consumer given at the time the disclosure is sought;

"(C) to a law enforcement agency pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (4);

"(D) to any person if the disclosure is solely of the names and addresses of consumers and if—

"(i) the video tape service provider or book seller, as the case may be, has provided the consumer, in a clear and conspicuous manner, with the opportunity to prohibit such disclosure; and

"(ii) the disclosure does not identify the title, description, or subject matter of any video tapes or other audio visual material, or books magazines, or other printed material, except that the subject matter of such materials may be disclosed if the disclosure is for the exclusive use of marketing goods and services directly to the consumer;

"(E) to any person if the disclosure is incident to the ordinary course of business of the video tape service provider or book seller; or

"(F) pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by any other means, if—

"(i) the consumer is given reasonable notice, by the person seeking the disclosure, of the court proceeding relevant to the issuance of the court order; and

"(ii) the consumer is afforded the opportunity to appear and contest the claim of the person seeking the disclosure.

"(3) SAFEGUARDS.—If an order is granted pursuant to subparagraph (C) or (F) of paragraph (2), the court shall impose appropriate safeguards against unauthorized disclosure.

"(4) COURT ORDERS.—A court order authorizing disclosure under paragraph (2)(C) shall issue only with prior notice to the consumer and only if the law enforcement agency shows that there is probable cause to believe that a person has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this subsection, on a motion made promptly by the video tape service provider or the book seller, may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on such provider or seller, as the case may be.

"(c) LIBRARY RECORDS.—

"(1) IN GENERAL.—Any library that knowingly discloses, to any person, personally identifiable information concerning any patron of the library shall be liable to the aggrieved person as provided in subsection (d).

"(2) DISCLOSURE.—A library may disclose personally identifiable information concerning any patron—

"(A) to the patron;

"(B) to any person with the informed written consent of the patron given at the time the disclosure is sought;

"(C) to a law enforcement agency pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (4);

"(D) to any person if the disclosure is solely of the names and addresses of patrons and if—

"(i) the library has provided the patron with a written statement that affords the patron the opportunity to prohibit such disclosure; and

"(ii) the disclosure does not reveal, directly or indirectly, the title, description, or subject matter of any library materials borrowed or services utilized by the patron;

"(E) to any authorized person if the disclosure is necessary for the retrieval of overdue library materials or the recoupment of compensation for damaged or lost library materials; or

"(F) pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by any other means, if—

"(i) the patron is given reasonable notice, by the person seeking the disclosure, of the court proceeding relevant to the issuance of the court order; and

"(ii) the patron is afforded the opportunity to appear and contest the claim of the person seeking the disclosure.

"(3) SAFEGUARDS.—If an order is granted pursuant to subparagraph (C) or (F) of paragraph (2), the court shall impose appropriate safeguards against unauthorized disclosure.

"(4) COURT ORDERS.—A court order authorizing disclosure under paragraph (2)(C) shall issue only with prior notice to the patron and only if the law enforcement agency shows that there is probable cause to believe that a person has engaged, is engaging or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this subsection, on a motion made promptly by the library, may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on the library.".

(b) CLERICAL AMENDMENT.—The item relating to section 2701 in the analysis for chapter 121 of title 18, United States Code, is amended to read as follows:

"2710. Wrongful disclosure of video tape rental or sale records and library loan and book sale records.".

TITLE IV—PRIVACY PROTECTION FOR SATELLITE HOME VIEWERS

SEC. 401. PRIVACY PROTECTION FOR SUBSCRIBERS OF SATELLITE TELEVISION SERVICES FOR PRIVATE HOME VIEWING.

(a) IN GENERAL.—Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended to read as follows:

"SEC. 631. PRIVACY OF SUBSCRIBER INFORMATION FOR SUBSCRIBERS OF CABLE SERVICE AND SATELLITE TELEVISION SERVICE.

"(a) NOTICE TO SUBSCRIBERS REGARDING PERSONALLY IDENTIFIABLE INFORMATION.—At the time of entering into an agreement to provide any cable service, satellite home viewing service, or other service to a subscriber, and not less often than annually thereafter, a cable operator, satellite carrier, or distributor shall provide notice in the form of a separate, written statement to such subscriber that clearly and conspicuously informs the subscriber of—

"(1) the nature of personally identifiable information collected or to be collected with respect to the subscriber as a result of the provision of such service and the nature of the use of such information;

"(2) the nature, frequency, and purpose of any disclosure that may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

"(3) the period during which such information will be maintained by the cable operator, satellite carrier, or distributor;

"(4) the times and place at which the subscriber may have access to such information in accordance with subsection (d); and

"(5) the limitations provided by this section with respect to the collection and disclosure of information by the cable operator, satellite carrier, or distributor and the right of the subscriber under this section to enforce such limitations.

"(b) COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor shall not use its cable or satellite system to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber.

"(2) EXCEPTION.—A cable operator, satellite carrier, or distributor may use its cable or satellite system to collect information described in paragraph (1) in order to—

"(A) obtain information necessary to render a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor to the subscriber; or

"(B) detect unauthorized reception of cable or satellite communications.

"(c) DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor may not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or the cable operator, satellite carrier, or distributor.

"(2) EXCEPTIONS.—A cable operator, satellite carrier, or distributor may disclose information described in paragraph (1) if the disclosure is—

"(A) necessary to render, or conduct a legitimate business activity related to, a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor to the subscriber;

"(B) subject to paragraph (3), made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed; or

"(C) a disclosure of the names and addresses of subscribers to any other provider of cable or satellite service or other service, if—

"(i) the cable operator, satellite carrier, or distributor has provided the subscriber the opportunity to prohibit or limit such disclosure; and

"(ii) the disclosure does not reveal, directly or indirectly—

"(I) the extent of any viewing or other use by the subscriber of a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor; or

"(II) the nature of any transaction made by the subscriber over the cable or satellite system of the cable operator, satellite carrier, or distributor.

"(3) COURT ORDERS.—A governmental entity may obtain personally identifiable information concerning a cable or satellite subscriber pursuant to a court order only if, in the court proceeding relevant to such court order—

"(A) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and

"(B) the subject of the information is afforded the opportunity to appear and contest such entity's claim.

"(d) SUBSCRIBER ACCESS TO INFORMATION.—A cable or satellite subscriber shall be provided access to all personally identifiable information regarding that subscriber that is collected and maintained by a cable operator, satellite carrier, or distributor. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator, satellite carrier, or distributor. A cable or satellite subscriber shall be provided reasonable opportunity to correct any error in such information.

"(e) DESTRUCTION OF INFORMATION.—A cable operator, satellite carrier, or distributor shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (d) or pursuant to a court order.

"(f) RELIEF.—

"(1) IN GENERAL.—Any person aggrieved by any act of a cable operator, satellite carrier, or distributor in violation of this section may bring a civil action in a district court of the United States.

"(2) DAMAGES AND COSTS.—In any action brought under paragraph (1), the court may award a prevailing plaintiff—

"(A) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is greater;

"(B) punitive damages; and

"(C) reasonable attorneys' fees and other litigation costs reasonably incurred.

"(3) NO EFFECT ON OTHER REMEDIES.—The remedy provided by this subsection shall be in addition to any other remedy available under any provision of law to a cable or satellite subscriber.

"(g) DEFINITIONS.—In this section:

"(1) DISTRIBUTOR.—The term 'distributor' has the meaning given that term in section 119(d)(1) of title 17, United States Code.

"(2) CABLE OPERATOR.—

"(A) IN GENERAL.—The term 'cable operator' has the meaning given that term in section 602.

"(B) INCLUSION.—The term includes any person who—

"(i) is owned or controlled by, or under common ownership or control with, a cable operator; and

"(ii) provides any wire or radio communications service.

"(3) OTHER SERVICE.—The term 'other service' includes any wire, electronic, or radio communications service provided using any of the facilities of a cable operator, satellite carrier, or distributor that are used in the provision of cable service or satellite home viewing service.

"(4) PERSONALLY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' does not include any record of aggregate data that does not identify particular persons.

"(5) SATELLITE CARRIER.—The term 'satellite carrier' has the meaning given that term in section 119(d)(6) of title 17, United States Code.".

(b) NOTICE WITH RESPECT TO CERTAIN AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor who has entered into agreements referred to in section 631(a) of the Communications Act of 1934, as amended by subsection (a), before the date of enactment of this Act, shall provide any notice required under that section, as so amended, to subscribers under such agreements not later than 180 days after that date.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to any agreement under which a cable operator, satellite carrier, or distributor was providing notice under section 631(a) of the Communications Act of 1934, as in effect on the day before the date of enactment of this Act, as of such date.

SECTION-BY-SECTION ANALYSIS OF LEAHY E-RIGHTS ACT

SEC. 1. SHORT TITLE.—The Act may be cited as the "Electronic Rights (E-RIGHTS) for the 21st Century Act."

SEC. 2. PURPOSES.—The Act has three general purposes: (1) promoting the privacy and constitutional rights of individuals and organizations in networked computer systems, and the security of critical information infrastructures, while properly balancing law enforcement access needs; (2) encouraging Americans to develop and deploy encryption technology and to promote the use of encryption by Americans to protect the security, confidentiality and privacy of their lawful wire and electronic communications and stored electronic information; and (3) establishing privacy standards and procedures for law enforcement officers to obtain decryption assistance for encrypted communications and information.

SEC. 3. FINDINGS.—The Act enumerates twenty congressional findings that law enforcement investigative and electronic surveillance needs must be balanced with the right to privacy and other rights protected under the Fourth Amendment of the Constitution; encryption technology, which is widely available worldwide, is useful in protecting the privacy, security, and confidentiality of the national and global information infrastructure; Americans should be free to use, and American businesses free to compete and sell, encryption technology, programs and products; and given the convergence among digital media, privacy safeguards should be applied more uniformly to provide a level competitive playing field.

SEC. 4. DEFINITIONS.—The terms "agency", "person" and "state" have the same meaning given those terms in specified sections of title 18, United States Code, except that the term "agency" also includes the United States Postal Service.

Additional definitions are provided for the following terms:

The terms "encrypt" and "encryption" mean the use of mathematical formulas or algorithms to scramble or unscramble electronic data or communications for purposes of confidentiality, integrity, or authenticity. As defined, the terms cover a broad range of scrambling techniques and applications including cryptographic applications such as PGP or RSA's encryption algorithms; steganography; authentication; and winnowing and chafing.

The term "encryption product" includes any hardware, software, devices, or other technology with encryption capabilities, whether or not offered for sale or distribution.

The term "key" means the variable information used in or produced by a mathematical formula to encrypt or decrypt wire or electronic communications or electronically stored information.

The term "United States person" means any citizen of the United States or legal entity organized under U.S. law that has its principal place of business in this country.

TITLE I—PRIVACY PROTECTION FOR COMMUNICATIONS AND ELECTRONIC INFORMATION

SEC. 101. ENHANCED PRIVACY PROTECTION FOR INFORMATION ON COMPUTER NETWORKS.—The Act modifies subsection (b) of section 2703 of title 18, United States Code, to extend privacy protections to electronic information stored on computer networks.

When held in a person's home, records may only be seized pursuant to a warrant based upon probable cause, or compelled under a subpoena, which may be challenged and quashed. In both instances, the record owner has notice of the search and an opportunity to challenge it. By contrast, under United States v. Miller, 425 U.S. 435 (1976) (customer has no standing to object to bank disclosure of customer records), and its progeny, records in the possession of third parties do not receive Fourth Amendment protection. A governmental agent with a subpoena based upon mere relevance may compel a third party to produce records originating with or belonging to another person, without notice to the person to whom the records pertain. The record subject may never receive notice or any meaningful opportunity to challenge the production.

This lack of protection for records held by third parties presents new privacy problems in the information age. With the rise of network computing, electronic information that was previously held on a person's own computer is increasingly stored elsewhere, such as on a network server. In many cases the location of such information is not even known to the record's owner.

Furthermore, Web-based information services are attracting customers by offering free storage and services accessible from any computer. Companies like When.com, Briefcase.com, Yahoo and Netscape offer calendars, address books, "to do" lists, stock portfolios and storage space, while more targeted companies, like dietwatch.com let users keep track of their diets. Potential customers of such services should not be discouraged from subscribing due to the weaker privacy and confidentiality protections afforded their remotely stored records than if those records were stored on the customer's own laptop or PC.

Under current law, these services are covered by the remote computing service provision in 18 U.S.C. §2703(b), which authorizes a governmental entity to require disclosure of those communications without notice to the subscriber. A remote computing service provides storage or computer processing services to customers and is not authorized to access the contents of the electronic communications created by the customer.

The Act amends section 2703(b) to extend the same privacy protections to a person's records whether storage takes place on that person's personal computer in their possession or in networked electronic storage. The amendment to section 2703(b) would authorize a governmental entity to require disclosure of electronic communications or records stored by a remote computing service pursuant to (i) a state or federal warrant (based upon probable cause), with a copy to be served on the customer or record owner at the same time the warrant is served on the remote computing service holding the record; or (ii) a subpoena that must also be served on the customer or record owner with a meaningful opportunity to challenge the subpoena.

The penalties for violating this section would not change and do not currently carry criminal fines or any term of imprisonment. (See 18 U.S.C. §2701(c) (criminal offense provision does not apply to "conduct authorized . . . in section 2703"). Instead, under 18 U.S.C. §2707, a government agent that violates this section is subject to disciplinary action, and a service provider that violates this section is subject to civil action for appropriate relief.

SEC. 102. GOVERNMENT ACCESS TO LOCATION INFORMATION.—The Act adds a new subsection (g) to section 2703 of title 18, United States Code, to extend privacy protections for physical location information generated on a real time basis by mobile electronic communications services, such as cellular telephones. This section requires that physical location information generated by a wireless service provider may only be released to a governmental entity pursuant to a court order based upon probable cause.

Location information on wireless telephones is fundamentally different from the type of location information that can be associated with a wireline telephone. Wireless telephones are normally directly associated with the physical presence of the individual user, and are carried by those users into places where there is a reasonable expectation of privacy. Tracking of cellular telephones, even more-so than automobiles, implicates the movements of a person going about his or her business and personal life.

Should the government seek to track a person by surreptitiously placing a mobile tracking device on that person's automobile, a court order would be required based upon a finding of probable cause. (See 18 U.S.C. §3117; Fed. R. Cr. P. 41; *U.S.* v. *In re Application*, 155 F.R.D. 401, 402 (D. MA 1994)). No less should be required for use by the government of a wireless telephone as a tracking device.

Civil liberties experts have noted that cellular telephone technology "is proceeding in the direction of providing more precise location information, a trend that has been boosted by the rulings of the Federal Communications Commission (FCC) in its "E911" (Enhanced 911) proceeding, which requires service providers to develop a locator capability for medical emergency and rescue purposes." (Testimony of Deirdre Mulligan, Center for Democracy and Technology, before the House Committee on the Judiciary, Subcommittee on Courts and Intellectual Property, March 26, 1998). Specifically, the FCC is requiring wireless service providers to modify their systems to enable them to relay to public safety authorities the cell site location of 911 callers. Carriers must also take steps to deploy the capability to provide latitude and longitude information of wireless telephone callers within 125 meters and, ultimately, to locate a caller within a 40-foot radius for longitude, latitude and altitude, to enable locating a caller within a tall building. (See In re Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Sys., CC Docket No. 94–102, Report and Order and Further Notice of Proposed Rulemaking (last modified Jan. 2, 1997)).

In a separate proceeding, the FCC in October 1998 proposed ruling that a location tracking capability for wireless telephones was required under the Communications Assistance for Law Enforcement Act (CALEA). The FCC has tentatively concluded that carriers must have the capability of providing to law enforcement a caller's cell site location at the beginning and termination of a call. (See In re CALEA, CC Docket No. 97–213, Further Notice of Proposed Rulemaking (adopted October 22, 1998), 63 Fed. Reg. 63639, November 16, 1998). Whether this capability is ultimately required by the FCC as part of CALEA, there is no doubt that real-time location information will be increasingly available to law enforcement agencies. Accordingly, the appropriate standard for law enforcement access to such location information should be clarified.

SEC. 103. ENHANCED PRIVACY PROTECTION FOR TRANSACTIONAL INFORMATION OBTAINED FROM PEN REGISTERS OR TRAP AND TRACE DEVICES.—The Act enhances privacy protections for information obtained from pen register and trap and trace devices by amending section 3123(a) of title 18, United States Code. Under current law, the court is relegated to a mere ministerial function and must issue a pen register or trap and trace order whenever presented with a signed certification of a prosecutor.

This amendment authorize the court to review the information presented in the certification to determine whether the information likely to be obtained is relevant to an ongoing criminal investigation. The amendment would not change the standard for issuance of an ex parte order authorizing use of a pen register or trap and trace device.

In addition, the amendment would require law enforcement to minimize the information obtained from the pen register or trap and trace device that is not related to the dialing and signaling information utilized in call processing.

Currently, pen registers capture not just such dialing information but also any other dialed digits after a call has been connected. The Department of Justice has taken the position in connection with legislation pending in the 105th Congress regarding law enforcement access to clone numeric pagers that digits dialed and transmitted after a call has been placed may consist of electronic impulses but "are the 'contents' of the call," subject to more stringent privacy protections under the Fourth Amendment. This provision would provide protection for those "contents."

SEC. 104. PRIVACY PROTECTION FOR CONFERENCE CALLS.—This section clarifies the circumstances under which the government may continue monitoring a three-way call or conference call after a facility specified in the wiretap order is no longer connected to the call. The Fourth Amendment requires the government when conducting a search and seizure to have a warrant "particularly describing the place to be searched, and the person or things to be seized." Under the terminology of the wiretap laws, the place to be searched is called a "facility," which has generally been interpreted to mean a subscriber telephone line.

Modern three-way and conference calling technology allows an individual to initiate a three-way or conference call with two or more other parties and then to "drop off" the call while the other parties continue communicating. At that point, the telephone line specified in the order is no longer connected to the call. This section makes it clear that the government may continue monitoring the communications of parties remaining on a conference call when the facility identified in the wiretap order is no longer participating only if the government has shown and the authorizing judge has found that an individual who remains a party to the communication is committing, has committed or is about to commit a particular offense enumerated in the wiretap order and that communications concerning that offense will be obtained through the continuing interception. Since these are the basic standards of the wiretap law, which the government must satisfy for any interception, the effect of the change is to make it clear that the interception of the remaining parties to a three-way or conference call must satisfy the basic requirements of the wiretap law.

SEC. 105. ENHANCED PRIVACY PROTECTION FOR PACKET NETWORKS, INCLUDING THE INTERNET.—This section amends subsection 3121(c) of title 18 to require law enforcement agencies conducting pen register or trap and trace investigations on packet communications to use reasonably available technology to ensure that they do not intercept the content of communications without a Title III order. The electronic surveillance laws draw a distinction between the interception of content, which requires a court order based on the high probable cause standard, and the interception of call routing information, which is obtained under the lower pen register or trap and trace authority in sections 3121–3127. The Communications Assistance for Law Enforcement Act of 1994 requires carriers, to the extent reasonably achievable, to design their systems to ensure that law enforcement agencies conducting pen register and trap and trace investigations do not intercept the content of communications. Subsection 3121(c), originally added by CALEA, imposed a mirror obligation on law enforcement to use pen register or trap and trace equipment that does not record or decode content.

Sec. 105 amends 3121(c) to make it clear that obligation applies to packet switched communications, which are based on technology that breaks a digital message into many small packets, each consisting of addressing or routing information plus a segment of content. This change makes it clear that law enforcement agencies using pen registers or trap and trace devices in packet switched environments must, if the technology is reasonably available, record or decode only addressing information, not content.

SEC. 106. PRIVACY SAFEGUARDS FOR INFORMATION COLLECTED BY INTERNET REGISTRARS.—The Act would amend section 2703 of title 18, United States Code, to add a new subsection (g) protecting the privacy of records pertaining to persons who register for a second-level domain name, which serves as an Internet address. Just as consumers may, by obtaining an unlisted telephone number for privacy, safety or other reasons, keep confidential personally identifiable information associated with telephone numbers, such as name and address, Internet users should be able to get an "unlisted" Internet address. A domain name registration service provider that violates this section would be subject to civil action for appropriate relief, under 18 U.S.C. §2707.

Internet domain names are the unique identifiers or addresses that enables businesses, organizations, and individuals to communicate and conduct commerce on the Internet.

Until recently, pursuant to a cooperative agreement with the Department of Commerce, Network Solutions, Inc. (NSI), was the exclusive registrar assigning domain names ending in .com, .net, .org and .edu. As a registrar, NSI enters new domain names into the master directory or registry.

The U.S. government is in the process of privatizing the administration of the Internet domain name system (DNS) to increase competition in the registration of domain names. With the advent of competition in the DNS, NSI will continue to operate the .com, .net, .org registries, but other companies, including domain name registration resellers, country code registries, ISPs, and major telecommunications firms, may be able to offer competing registrar services or registry/registrar services using other top level domains.

Normally, in order to process a request for a domain name, registrars and registries must collect personal information for billing and other purposes. The information currently collected by NSI includes: name, organization, address, country, contacts for administrative, technical and billing matters, telephone and fax numbers, and e-mail address. This information, along with the date on which the name was registered and information on the computer network used by the registrant to connect to the Internet, is compiled in a registry and made publicly available on an Internet-accessible "WHOIS" database.

This database provides an efficient way of identifying and contacting persons operating Web sites for both legitimate or illegitimate purposes, such as online trademark and copyright infringement. The personally identifiable information placed on the WHOIS database has been misused for "spamming", or sending unsolicited and unwanted e-mail messages to the persons who are registered with domain names. In addition, this information has been used by "cyber-squatters" to appropriate domain names for resale to the rightful owners. Despite these misuses and abuses of the WHOIS database, this information is valuable to marketers, news organizations, governments, and intellectual property owners.

Personally identifiable information collected by domain name registrars has privacy implications. For example, when human rights organizations obtain a domain name to use the Internet for political activities, disclosure of the required mailing and contact information may be dangerous. The importance of anonymity is amply demonstrated by the recent example of people in Kosovo, who are using anonymous remail services to try to maintain confidential communications and avoid detection by Serbian forces. (See New York Times, at C4, April 19, 1998). As one civil liberties organization has said, "Internet users should not have to sacrifice their privacy and personal safety to exercise their right to free speech and expression."

The amendment seeks to balance these competing interests by setting procedures for access to personally identifiable information regarding domain name holders. The procedures allow continued public access to information identifying the service provider hosting the website of the subscriber or customer, and are consistent with procedures adopted by the Congress in the Digital Millennium Copyright Act (DMCA), P.L. 105–304, 112 STAT. 2883 (1998), which authorizes copyright owners to obtain information identifying the operators of Web sites or other Internet addresses engaged in possible copyright infringements through use of an expedited subpoena process. The DMCA provides that copyright owners "may request a clerk of any U.S. district court to issue a subpoena to a service provider for identification of an alleged infringer." 17 U.S.C. § 512(h)(1).

SEC. 107. REPORTS CONCERNING GOVERNMENTAL ACCESS TO ELECTRONIC COMMUNICATIONS.—This section requires the Attorney General to provide to Congress annual reports on the number and nature of government interceptions of E-mail and other electronic communications. To provide the appropriate oversight, the Congress, other policy makers and the public need information about government practices under the law. While the wiretap provisions of Title III require detailed reports by the courts and prosecutors on the number of wiretap orders issued, there is no similar requirement for collecting and publishing information on the nature and extent of government access to E-mail and other electronic communications under section 2703. Section 107 corrects this deficiency by requiring the Attorney General to transmit to Congress on an annual basis a report on the warrants, court orders and subpoenas applied for and issued under section 2703.

SEC. 108. ROVING WIRETAPS.—This section amends subsection (11)(b) of section 2518 of title 18, United States Code, concerning the standard for issuance of a roving wiretap. This standard was modified without debate or hearing in the Intelligence Authorization Act for Fiscal Year 1999, P.L. 105–272, that passed in the final days of the 105th Congress, to address the concern of the Department of Justice that the prior standard for roving taps was too difficult to meet because it required the government to demonstrate that the subjective intent of the target was to avoid surveillance. However, the modification eliminated virtually any standard at all.

This section would amend the roving wiretap provision by preserving the central rationale for roving taps: that they are only appropriate where the subject is changing facilities in a way that thwarts interception. As amended by this section, (b)(i) does not require the government to prove intent; it only requires the government to show effect. Alternatively, under (b)(ii), the government can obtain a roving tap where it can show the intent of the target, e.g., where an associate of the target informs the government that the target intends to evade surveillance by changing facilities.

SEC. 109. AUTHORITY TO PROVIDE CUSTOMER LOCATION INFORMATION FOR EMERGENCY PURPOSES.—This section amends section 222 of the Communications Act of 1934 (47 U.S.C. 222) to authorize telecommunications carriers to: (1) provide call location information concerning the user of a commercial mobile service to providers of emergency services, to inform such user's legal guardian or family members of the user's location in an emergency situation involving the risk of death or serious bodily injury, or to providers of information services to assist in the delivery of emergency response services; and (2) transmit automatic crash notification system information as part of the operation of such a system. In addition, this amendment requires the express prior customer authorization of the use of either of the above information for other than the stated purposes.

Finally, the amendment requires a telecommunications carrier that provides telephone exchange service to provide subscriber list information (including information on unlisted subscribers) that is in its sole possession or control to providers of emergency services and emergency support services for use solely in delivering, or assisting in delivering, emergency services.

This provision was included by Representative Markey (D-MA) to the "Wireless Communications and Public Safety Act of 1999," H.R. 438, which passed the House on February 23, 1999.

SEC. 110. CONFIDENTIALITY OF SUBSCRIBER INFORMATION.—This section amends section 2703(c) of title 18, United States Code, to protect the confidentiality of information provided to and collected by electronic communication and remote computing services about their subscribers. Under current law, these service providers may disclose a record or other information pertaining to a subscriber or customer to any person other than a governmental entity.

By contrast, cable operators may not release to any person, including the government, "personally identifiable information" about a customer" without the prior written or electronic consent of the subscriber concerned and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or cable operator." 47 U.S.C. § 551(c)(1). Similarly, telecommunications carriers are generally barred from using, disclosing or permitting access to individually identifiable customer proprietary network information, such as the services used and billing information, except "with the approval of the customer." 47 U.S.C. § 222(c)(1). Telecommunications carriers are now offering online and Internet access services. In addition, digital convergence is allowing cable operators to provide Internet services. These developments only highlight the disparities in the privacy regimes applicable to different providers.

This section would authorize providers of electronic communication and remote computing services to disclose records or information pertaining to their subscribers or customers only if such disclosure is: (1) necessary in connection with rendering services; (2) necessary to protect the rights or property of the provider; (3) required by law; (4)

requested by the subscriber; or (5) if the provider has provided the subscriber with the opportunity in a clear and conspicuous manner, to prohibit such disclosure. In addition, providers of electronic communication and remote computing services are authorized to use aggregate subscriber information from which individual subscriber identities have been removed in any manner they wish.

TITLE II—PROMOTING THE USE OF ENCRYPTION

SEC. 201. FREEDOM TO USE ENCRYPTION.

(A) NO DOMESTIC ENCRYPTION CONTROLS.—The Act legislatively confirms current practice in the United States that any person in this country may lawfully use any encryption method, regardless of encryption algorithm, key length, existence of key recovery or other plaintext access capability, or implementation selected. Specifically, the Act states the freedom of any person in the U.S., as well as U.S. persons in a foreign country, to make, use, import, and distribute any encryption product without regard to its strength or the use of key recovery, subject to the other provisions of the Act.

(B) PROHIBITION ON GOVERNMENT-COMPELLED KEY ESCROW OR KEY RECOVERY ENCRYPTION.—The Act prohibits any federal or state agency from compelling the use of key recovery systems or other plaintext access systems. Agencies may not set standards, or condition approval or benefits, to compel use of these systems. U.S. agencies may not require persons to use particular key recovery products for interaction with the government. These prohibitions do not apply to systems for use solely for the internal operations and telecommunications systems of a U.S. or a State government agency.

(C) USE OF ENCRYPTION FOR AUTHENTICATION OR INTEGRITY PURPOSES.—The Act requires that the use of encryption products shall be voluntary and that no federal or state agency may link the use of encryption for authentication or identity (such as through certificate authority and digital signature systems) to the use of encryption for confidentiality purposes. For example, conditioning receipt of a digital certificate from a licensed certificate authority on the use of key recovery would be prohibited.

SEC. 202. PURCHASE AND USE OF ENCRYPTION PRODUCTS BY THE FEDERAL GOVERNMENT.—The Act authorizes agencies of the United States to purchase encryption products for internal governmental operations and telecommunications systems. To ensure that secure electronic access to the Government is available to persons outside of and not operating under contract with Federal agencies, the Act requires that any key recovery features in encryption products used by the Government interoperate with commercial encryption products.

SEC. 203. LAW ENFORCEMENT DECRYPTION ASSISTANCE.—The Act adds a new chapter 124 to Title 18, Part I, governing the procedures for governmental access, including by foreign governments, to decryption assistance from third parties.

(a) IN GENERAL.—New chapter 124 has four sections. This chapter applies to wire or electronic communications and communications in electronic storage, as defined in 18 U.S.C. § 2510, and to stored electronic data. It proscribes procedures for law enforcement to obtain assistance in decrypting encrypted electronic mail messages, encrypted telephone conversations, encrypted facsimile transmissions, encrypted computer transmissions and encrypted file transfers over the Internet that are lawfully intercepted pursuant to a wiretap order, under 18 U.S.C. § 2518, or obtained pursuant to lawful process, under 18 U.S.C. § 2703, and encrypted information stored on computers that are seized pursuant to a search warrant or other lawful process.

§ 2801. Definitions. Generally, the terms used in the new chapter have the same meanings as in the federal wiretap statute, 18 U.S.C. § 2510. Definitions are provided for "decryption assistance", "decryption key", "encrypt; encryption", "foreign government" and "official request".

§ 2802. Access to decryption assistance for communications. In the United States today, decryption keys and other decryption assistance held by third parties constitute third party records and may be disclosed to a governmental entity with a subpoena or an administrative request, and without any notice to the owner of the encrypted data. Such a low standard of access creates new problems in the information age because encryption users rely heavily on the integrity of keys to protect personal information or sensitive trade secrets, even when those keys are placed in the hands of trusted agents for recovery purposes.

Under new section 2802, in criminal investigations a third party holding decryption keys or other decryption assistance for wire or electronic communications may be required to release such assistance pursuant to a court order, if the court issuing the order finds that such assistance is needed for the decryption of communications covered by the order. Specifically, such an order for decryption assistance may be issued upon a finding that the key or assistance is necessary to decrypt communications or stored data lawfully intercepted or seized. The standard for release of the key or provision of decryption assistance is tied directly to the problem at hand: the need to decrypt a message or information that the government is otherwise authorized to intercept or obtain.

This will ensure that third parties holding decryption keys or decryption information need respond to only one type of compulsory process—a court order. Moreover, this Act will set a single standard for law enforcement, removing any extra burden on law enforcement to demonstrate, for example, probable cause for two separate orders (i.e., for the encrypted communications or information and for decryption assistance) and possibly before two different judges (i.e., the judge issuing the order for the encrypted communications or information and the judge issuing the order to the third party able to provide decryption assistance).

The Act reinforces the principle of minimization. The decryption assistance provided is limited to the minimum necessary to access the particular communications or information specified by court order. Under some key recovery schemes, release of a key holder's private key—rather than an individual session key—might provide the ability to decrypt every communication or stored file ever encrypted by a particular key owner, or by every user in an entire corporation, or by every user who was ever a customer of the key holder. The Act protects against such over broad releases of keys by requiring the court issuing the order to find that the decryption assistance being sought is necessary. Private keys may only be released if no other form of decryption assistance is available.

Notice of the assistance given will be included as part of the inventory provided to subjects of the interception pursuant to current wiretap law standards.

For foreign intelligence investigations, new section 2802 allows FISA orders to direct third-party holders to release decryption assistance if the court finds the assistance is needed to decrypt covered communications. Minimization is also required, though no notice is provided to the target of the investigation.

Under new section 2802, decryption assistance is only required from third-parties (i.e., other than those whose communications are the subject of interception), thereby avoiding self-incrimination problems.

Finally, new section 2802 generally prohibits any person from providing decryption assistance for another person's communications to a governmental entity, except pursuant to the orders described.

§ 2803. Access to decryption assistance for stored electronic communications or records. New section 2803 governs access to decryption assistance for stored electronic communications and records.

As noted above, under current law third party decryption assistance may be disclosed to a governmental entity with a subpoena or even a mere request and without notice. This standard is particularly problematic for stored encrypted data, which may exist in insecure media but rely on encryption to maintain security; in such cases easy access to keys destroys the encryption security so heavily relied upon.

Under new section 2803, third parties holding decryption keys or other decryption assistance for stored electronic communications may only release such assistance to a governmental entity pursuant to (1) a state or federal warrant (based upon probable cause), with a copy to be served on the record owner at the same time the warrant is served on the record holder; (2) a subpoena that must also be served on the record owner with a meaningful opportunity to challenge the subpoena; or (3) the consent of the record owner. This standard closely mirrors the protection that would be afforded to encryption keys that are actually kept in the possession of those whose records were encrypted. In the specific case of decryption assistance for communications stored incident to transit (such as e-mail), notice may be delayed under the standards laid out for delayed notice under current law in section 2705(a)(2) of title 18, United States Code.

§ 2804. Foreign government access to decryption assistance. New section 2804 creates standards for the U.S. government to provide decryption assistance to foreign governments. No law enforcement officer would be permitted to release decryption keys to a foreign government, but only to provide decryption assistance in the form of producing plaintext. No officer would be permitted to provide decryption assistance except upon an order requested by the Attorney General or designee. Such an order could require the production of decryption keys or assistance to the Attorney General only if the court finds that (1) the assistance is necessary to decrypt data the foreign government is authorized to intercept under foreign law; (2) the foreign country's laws provide "adequate protection against arbitrary interference with respect to privacy rights"; and (3) the assistance is sought for a criminal investigation of conduct that would violate U.S. criminal law if committed in the United States.

TITLE III—PRIVACY PROTECTION FOR LIBRARY AND BOOKSTORE RECORDS.

SEC. 301. WRONGFUL DISCLOSURE OF LIBRARY AND BOOKSTORE RECORDS.—The Act amends section 2710 of title 18, United States Code, to extend the privacy protections currently in place for video rental and sale records to library and book sale records, whether the transactions take place on-line or in a physical store.

Section 2710(a) is amended with definitions for the following new terms: (1) "book seller" means any person engaged in the business of selling books, magazines or other printed material; (2) "library" means an institution which operates as a public, university, college, or school library; and (3) "patron" means a person who requests or receives services within, or books or other materials on loan from, a library.

Section 2710(b) is amended by applying the same privacy safeguards that apply to video tape rental and sale records to book sale records. As amended, a book seller who knowingly discloses personally identifiable information about a consumer of such seller is liable to an aggrieved person in a civil action. A book seller is authorized to disclose such information: (1) to the consumer; (2) with the informed, written consent of the consumer; (3) to a law enforcement agency pursuant to a warrant or a court order based upon probable cause to believe a person is engaging in criminal activity and the records sought are material to the investigation of such activity; (4) to any person, if the disclosure is limited to the names and addresses of consumers and these consumers have been given the opportunity to prohibit such disclosure, which does not identify the subject matter of the material purchased or rented by the consumers; (5) to any person, if the disclosure is incident to the ordinary course of business; or (6) pursuant to a court order in a civil proceeding upon a showing of compelling need and if the consumer is given reasonable notice and an opportunity to appear and contest the claim of the person seeking disclosure.

A new section 2710(c) is added to address privacy protections for library records. This new subsection provides that a library which knowingly discloses personally identifiable information about a patron is liable to the aggrieved person in a civil action. A library is authorized to disclose such information: (1) to the patron; (2) with the informed, written consent of the patron; (3) to a law enforcement agency pursuant to a warrant or court order based upon probable cause to believe a person is engaging in criminal activity and the records sought are material to the investigation of such activity; (4) to any person, if the disclosure is limited to the names and addresses of patrons and the patrons have been given the opportunity to prohibit such disclosure, which does not identify the subject matter of the library services used by the patrons; (5) to any person, if the disclosure is necessary for the retrieval of overdue materials or the recoupment of compensation for damaged or lost library materials; or (6) pursuant to a court order in a civil proceeding upon a showing of compelling need and if the patron is given reasonable notice and an opportunity to appear and contest the claim of the person seeking disclosure.

TITLE IV—PRIVACY PROTECTION FOR SATELLITE HOME VIEWERS

SEC. 401. PRIVACY PROTECTION FOR SUBSCRIBERS OF SATELLITE SERVICES FOR PRIVATE HOME VIEWING.—This section amends section 631 of the Communications Act of 1934 (codified at 47 U.S.C. § 551), to extend the privacy protections currently in place for subscribers of cable service to subscribers of satellite home viewing services or other services offered by cable or satellite carriers or distributors.

In the Cable Communications Policy Act of 1984 ("Cable Act"), Congress established a nationwide standard for the privacy protection of cable subscribers. (See H.R. Rep. No. 98-934, at 76, reprinted in 1984 U.S.C.C.A.N. 4655, 4713). Since the Cable Act was adopted, an entirely new form of access to television has emerged—home satellite viewing—which is especially popular in areas not served by cable. Yet there is no statutory privacy protection for information collected by home satellite viewing services about their customers or subscribers. This title fills this gap by amending the privacy provisions of the Cable Act to cover home satellite viewing.

The amendments do not change the rules governing access to cable subscriber information. Instead, they merely rewrite section 631 to add the words "satellite home viewing service" and "satellite carrier or distributor" where appropriate.

The amendment does not address another inconsistency in the law, which bears mentioning: should a cable company that provides Internet services to its customers be subject to the privacy safeguards in the Cable Act or in the Electronic Communications Privacy (ECPA), which normally applies to Internet service providers and contains obligations regarding the disclosure of personally identifiable information to both governmental and nongovernmental entities different from those in the Cable Act? At least one court has noted the "statutory riddle raised by the entrance of cable operators into the Internet services market," but declined "to resolve such ephemeral puzzles." In re Application of the United States,— F.Supp.2d—, 1999 WL 74192 (D.Mass. Feb. 9, 1999).

By Mr. LEAHY:

S. 855. A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and other purposes; to the Committee on the Judiciary.

PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 1999

Mr. LEAHY. Mr. President, I rise today to introduce legislation that would clarify the professional standards that apply to federal prosecutors and identify who has the authority to set those standards. These are two questions that have cried out for answers for years, and created enormous tension between the Justice Department and virtually everyone else.

The Citizen's Protection Act, which is also known as the "McDade law," was passed last year to address these important questions. This new law was intended to make clear that a State — not the Attorney General— has the authority to make rules of conduct for attorneys practicing before courts of that State. Rather than resolve the long-standing tensions over this issue, the new law has only exacerbated them. At a hearing before a Judiciary Subcommittee last month, a number of law enforcement officials lined up to criticize the new law.

The Justice Department aggressively but unsuccessfully opposed passage of the McDade law last year in favor of continued reliance on controversial Justice Department regulations issued in 1994—regulations which allow contacts with represented persons and parties in certain circumstances, even if such contacts are at odds with state or local ethics rules.

Independent Counsel. The debate over the professional standards that apply to federal prosecutors comes at a time of heightened public concern over the high-profile investigations and prosecutions conducted by independent counsels. Special prosecutors Kenneth Starr and Donald Smaltz are the "poster boys" for unaccountable federal prosecutors. They even have their own Web sites to promote their work. By law, these special prosecutors are subject to the ethical guidelines and policies of the Department of Justice, and all of them claim to have conducted their investigations and prosecutions in conformity with Departmental policies. Yet, in practice, even the Department has conceded in its March 1999 responses to my written questions in connection with a July 1998 oversight hearing that "in general, the Department avoids commenting in any way on how an independent counsel conducts his or her investigation."

I am not alone in my concerns about the tactics of these special prosecutors and, specifically, requiring a mother to testify about her daughter's intimate relationships, requiring a bookstore to disclose all the books a person may have purchased, and breaching the longstanding understanding of the relationship of trust between the Secret Service and those it protects. I was appalled to hear a federal prosecutor excuse a flimsy prosecution by announcing after the defendant's acquittal that just getting the indictment was a great deterrent. Trophy watches and television talk show puffery should not be the trappings of prosecutors.

One of the core complaints the Justice Department has against the McDade law is that federal prosecutors would be subject to restrictive State ethics rules regarding contacts with represented persons. Yet a letter to The Washington Post from the former Chairman of the ABA ethics committee pointed out:

> "[Anti-contact rules are] designed to protect individuals like Monica Lewinsky, who have hired counsel and are entitled to have all contacts with law enforcement officials go through their counsel. As Ms. Lewinsky learned, dealing directly with law enforcement officials can be intimidating and scary, despite the fact that those inquisitors later claimed it was okay for her to leave at any time."

The McDade Law. This is not to say that the McDade law is the answer. This new law is not a model of clarity. It subjects federal prosecutors to the "State laws and rules" governing attorneys where the prosecutor engages in his or her duties. A broad reading of this provision would seem to turn the Supremacy Clause on its head. Does the reference to "State laws" mean that federal prosecutors must comply with state laws requiring the consent of all parties before a conversation is recorded, or state laws restricting the use of wiretaps? Furthermore, by referencing only the rules of the state in which the prosecutor is practicing, does the new law remove the traditional authority of a licensing state to discipline a prosecutor in favor of the state in which the prosecutor is practicing? The new law subjects federal prosecutors not only to the laws and rules of the state in which the attorney is practicing, but also to "local Federal court rules." What is a federal prosecutor supposed to do if the state rules and local federal court rules conflict? Finally, the new law does not address the possibility of a uniform federal rule or set of rules governing attorney conduct in and before the federal courts. Would this oversight inadvertently interfere with the Supreme Court's existing authority to prescribe such rules under the Rules Enabling Act?

These are all significant questions and the lack of clear answers is a significant source of the concern expressed by law enforcement over implementation of the McDade law.

S.250. At least one bill, the "Federal Prosecutor Ethics Act," S.250, has been introduced to repeal the McDade law. This bill is a "cure" that could produce a whole new set of problems.

First, this bill would grant the Attorney General broad authority to issue regulations that would supersede any state ethics rules to the extent "that [it] is inconsistent with Federal law or interferes with the effectuation of Federal law or policy, including the investigation of violations of federal law." I am skeptical about granting such broad rulemaking authority to the Attorney General for carte blanche self-regulation.

Moreover, any regulation the Attorney General may issue would generate substantial litigation over whether it is actually "authorized". For example, is a state rule requiring prosecutors to disclose exculpatory information to the grand jury "inconsistent with" federal law, which permits but does not require prosecutors to make such disclosures? More generally, must there be an actual conflict between the state rule and federal law or policy? Can the Attorney General create conflicts through declarations and clarifications of "Federal policy"? Does a state rule "interfere with" the "investigation of violations of Federal law" merely by restricting what federal prosecutors may say or do, or is more required?

In addition to challenges concerning whether a Justice Department regulation was actually authorized, violations of the regulations would invite litigation over whether the remedy is dismissal of the indictment, exclusion of evidence or some other remedy.

Second, S.250 provides nine categories of "prohibited conduct" by Justice Department employees, violations of which may be punished by penalties established by the Attorney General. These prohibitions were initially proposed last year as a substitute for McDade's ten commandments, which were extremely problematic and, in the end, not enacted. With that fight already won, there is no useful purpose to be served by singling out a handful of "prohibitions" for special treatment, and it may create confusion. For example, one of the commandments prohibits Department of Justice employees from "offer[ing] or provid[ing] sexual activities to any government witness or potential witness in exchange for or on account of his testimony." Does this mean that it is okay for government employees to provide sex for other reasons, say, in exchange for assistance on an investigation? Of course not, but that is the implication by including this unnecessary language.

Although the bill states that the nine "commandments" do not establish any substantive rights for defendants and may not be the basis for dismissing any charge or excluding evidence, they would invite defense referrals to the Department's Office of Professional Responsibility to punish discovery or other violations, no matter how minimal. In other words, these "prohibitions" and any regulations issued thereunder could provide a forum other than the court for a defendant to assert violations, particularly should defense arguments fail in court. This could be vexatious and harassing for federal prosecutors. The workload could also be overwhelming for OPR, since these sorts of issues arise in virtually every criminal case.

Two of the nine prohibitions are particularly problematic because they undermine the Tenth Circuit's recent en banc decision in United States v. Singleton that the federal bribery statute, 18 U.S.C § 201(c), does not apply to a federal prosecutor functioning within the official scope of his office. The court based its decision on the proposition that the word "whoever" in §201(c)—"Whoever . . . gives, offers, or promises anything of value to any person, for or because of [his] testimony" shall be guilty of a crime—does not include the government. But the bill would expressly prohibit Department employees from altering evidence or attempting corruptly to influence a witness's testimony "in violation of [18 U.S.C. §§ 1503 or 1512]"—the obstruction of justice and witness tampering statutes. These statutes use the same "Whoever . . ." formulation as §201(c). By providing that government attorneys are subject to §§ 1503 and 1512, the bill casts doubt on the Tenth Circuit's reasoning and may lead other courts to conclude that §201(c) does, indeed, apply to federal prosecutors, thereby reopening another can of worms.

Third, S.250 establishes a Commission composed of seven judges appointed by the Chief Justice to study whether there are specific federal prosecutorial duties that are "incompatible" with state ethics rules and to report back in one year. The new Commission's report is not due until nine months after the Attorney General is required to issue regulations. Thus, to the extent that the Commission is intended to legitimize the Attorney General's regulations exempting federal prosecutors from certain state ethics rules (by providing the record and basis for the exemption), its purpose is defeated by the timing of its report. In addition, the Commission's report must be submitted only to the Attorney General, who is under no obligation to adopt or even consider its recommendations in formulating her regulations.

For these reasons and others, S.250 is not the answer to resolving the disputes over who sets the professional standards for federal prosecutors and what those standards should be.

Professional Standards for Government Attorneys Act of 1999. The question of what professional standards govern federal prosecutors is only a small part of the broader question of what professional standards govern federal practitioners. The Justice Department has complained loudly about the difficulty in multi-district investigations of complying with the professional standards of more than one state. Yet, private practitioners must do so all the time. No area of local rulemaking has been more fragmented than the overlapping state, federal, and local court rules governing attorney conduct in federal courts.

The Judicial Conference of the United States has been studying this problem for some time. I sent a letter last month to the Chief Justice requesting information on when the Judicial Conference was likely to forward its final recommendations to Congress concerning rules governing attorney conduct in federal court. The Chief Justice responded:

> The Judicial Conference Committee on Rules of Practice and Procedure has appointed an ad hoc subcommittee composed of two members each from the Advisory Committees on Appellate, Bankruptcy, Civil, Criminal, and Evidence Rules to make specific recommendations to their respective committees. The subcommittee meets on May 4, 1999, and will meet again later this summer in Washington, D.C. Consideration of any proposed amendments would proceed in accordance with the Rules Enabling Act rulemaking process. 28 U.S.C. §§ 2071–77. Under that process the subcommittee's recommendations are expected to be considered by the respective advisory rules committees at their fall 1999 meetings. The advisory committees' recommendations will in turn be acted on by the Committee on Rules of Practice and Procedure at its January 2000 meeting. If amendments to the Federal Rules of Practice and Procedure are approved, they would likely be published for public comment in August 2000.

Any ethics legislation dealing with the particular problem of federal prosecutors should be sensitive to the broader issues and not foreclose reasonable solutions to these issues on recommendation of the Judicial Conference.

Furthermore, while I respect this Attorney General and the government attorneys at the Department of Justice, I am not alone in my unease at granting the Department authority to regulate the conduct of federal prosecutors in any area the Attorney General may choose or whenever prosecutors confront federal court or State ethics rules with which they disagree.

Therefore, the bill I introduce today would make clear that, with respect to conduct in connection with any matter in or before a federal court or grand jury, attorneys employed by the federal Government are subject to the professional standards established by the rules and decisions of the relevant federal court. For other conduct, government attorneys are subject to the professional standards established by the States in which they are licensed to practice. Beyond this, and consistent with the Rules Enabling Act, this legislation would ask the Supreme Court to prescribe a uniform national rule for government attorneys relating to contacts with represented persons, taking into consideration the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law.

How would this bill work in practice? It would, for the most part, simply codify existing practices and common-sense choice-of-law principles patterned on Rule 8.5(b) of the American Bar Association's (ABA) Model Rules of Professional Conduct. Consider as an example the three stages of a federal criminal prosecution. Under this legislation, a federal prosecutor who is handling an indicted case before a federal district court would be subject to the standards of attorney conduct established by the rules and decisions of that district court. A prosecutor who is conducting or preparing a federal grand jury presentation would be subject to the standards of the district court under whose authority the grand jury was impanelled. In other circumstances, where no court has clear supervisory authority over particular conduct, a prosecutor would be subject to the standards of the licensing State in which he or she principally practices.

Of course, every one of the 94 federal districts has its own local rules and its own body of judicial decisions interpreting those rules. Some districts have adopted their state's ethics standards; some have adopted model standards developed by the ABA; some have taken other approaches. As I mentioned, the Judicial Conference has been studying this balkanization among federal court ethics standards, and it may soon recommend changes. Nothing in this bill would interfere with this process; rather, the bill simply makes clear that, in most circumstances, government attorneys are subject to local court rules and decisions, whatever they may be.

Nor would anything in this bill disturb the traditional authority of the state courts to discipline attorneys, including government attorneys, who are licensed to practice in their jurisdictions. The issue here is what standards apply, not who gets to enforce them.

The bill also makes clear that the Department of Justice does not have the authority it has long claimed to write its own ethics rules. This authority properly belongs with the federal courts, and that is where it would stay under this legislation. With one exception, where there is a demonstrated need for a uniform federal rule, the courts would retain their current authority to prescribe rules of professional conduct for the attorneys who practice before them.

It has become clear, in recent years, that effective federal law enforcement is impeded by the proliferation of local rules, and the resulting uncertainty, in the area of contacts with represented persons and parties. Rule 4.2 of the ABA's Model Rules and analogous rules adopted by state courts and bar associations place strict limits on when a lawyer may communicate with a person he knows to be represented by another lawyer. These "no contact" rules preserve fairness in the adversarial system and the integrity of the attorney-client relationship by protecting parties, potential parties and witnesses from lawyers who would exploit the disparity in legal skill between attorneys and lay people and damage the position of the represented person. Courts have given a wide variety of interpretations to these rules, however, creating uncertainty and confusion as to how they apply in criminal cases and to government attorneys. For example, courts have disagreed about whether these rules apply to federal prosecutor contacts with represented persons in non-custodial pre-indictment situations, in custodial pre-indictment situations, and in post-indictment situations involving the same or different matters underlying the charges.

We need to ensure that government attorneys can participate in traditionally accepted investigative techniques without undue fear of ethical sanctions arising from perceived violations of the "no contact" rule. Absent clear statutory authority to engage in communications with represented persons—when necessary and under limited circumstances carefully circumscribed by law—the government will be significantly hampered in its ability to detect and prosecute federal offenses.

The "no contact" rule has been a focus of controversy, study and debate for many years. Given the advanced stage of dialogue among the interested parties—the federal and state courts, the ABA, the Department of Justice, and others—I am confident that a satisfactory uniform federal rule governing contacts with represented persons by government attorneys can be developed, through the Rules Enabling Act, within the time frame established by this bill. Until then, government attorneys would be well advised to seek court approval before engaging in contacts with represented persons, at least in jurisdictions where the relevant standards are uncertain.

The problems posed to federal law enforcement investigations and prosecutions by the McDade law may be real, but resolving those problems in a constructive and fair manner will require thoughtfulness on all sides.

I ask unanimous consent that my full statement, the bill, and the sectional summary of the bill be included in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Professional Standards for Government Attorneys Act of 1999".

SEC. 2. PROFESSIONAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT.

(a) IN GENERAL.—Section 530B of title 28, United States Code, is amended to read as follows:

"§ 530B. Professional standards for attorneys for the Government

"(a) DEFINITIONS.—In this section—

"(1) the term 'attorney for the Government' means any attorney described in section 77.2 of part 77 of title 28 of the Code of Federal Regulations (as in effect on the date of enactment of the Professional Standards for Government Attorneys Act of 1999) and includes any independent counsel, or employee of such a counsel, appointed under chapter 40;

"(2) the term 'court' means any Federal, State, or local court or other adjudicatory body, including an administrative board or tribunal; and

"(3) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) CHOICE OF LAW.—Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional conduct governing an attorney for the Government shall be—

"(1) with respect to conduct in connection with a proceeding in or before a court, the standards established by the rules and decisions of that court;

"(2) with respect to conduct in connection with a pending or contemplated grand jury proceeding, the standards established by the rules and decisions of the court under whose authority the grand jury was impanelled;

"(3) with respect to all other conduct—

"(A) the standards established by the rules and decisions of the State in which the attorney is licensed to practice; or

"(B) if the attorney is licensed to practice in more than 1 State—

"(i) the standards established by the rules and decisions of the licensing State in which the attorney principally practices; or

"(ii) if the conduct has a predominant effect in another State in which the attorney is licensed to practice, the standards established by the rules and decisions of the licensing State so affected.

"(c) UNIFORM NATIONAL RULE.—(1) In order to encourage the Supreme Court to prescribe, under chapter 131, a uniform national rule governing attorneys for the Government with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of the Professional Standards for Government Attorneys Act of 1999, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Civil and Criminal Procedure to provide for such a uniform national rule.

"(2) In developing the recommendations included in the report under paragraph (1), the Judicial Conference of the United States shall take into consideration, as appropriate—

"(A) the needs and circumstances of multiforum and multijurisdictional litigation;

"(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

"(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

"(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to abridge, enlarge, or modify the power of the Supreme Court or of any court established by an Act of Congress, under chapter 131 or any other provision of law, to prescribe standards of professional conduct for attorneys practicing in and before the Federal courts, including attorneys for the Government.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking "Ethical" and inserting "Professional".

SUMMARY OF THE "PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 1999"

The Professional Standards for Government Attorneys Act would clarify the professional standards that apply to Government attorneys and identify who has the authority to set those standards. Consistent with the Rules Enabling Act, this legislation would further ask the Supreme Court to prescribe a uniform national rule for Government attorneys in an area that has created enormous tension between the Justice Department and virtually everyone else—contacts with represented persons and parties.

More specifically, this bill would substitute for the "McDade law"—enacted at the end of the last Congress as part of the omnibus appropriations bill—a new 28 U.S.C. §530B governing professional standards for Government attorneys. The new section 530B consists of four subsections:

Subsection (a) defines the term "attorney for the Government" in the same manner as it is defined in the McDade law, by reference to existing Federal regulations. It also provides simple definitions for the terms "court" and "State".

Subsection (b) establishes a clear choice-of-law rule for Government attorneys with respect to standards of professional conduct. Modeled on Rule 8.5(b) of the ABA Model Rules of Professional Conduct, this subsection simply codifies existing practice: for conduct in connection with any matter in or before a court or grand jury, Government attorneys are subject to the professional standards established by the rules and decisions of the relevant court; for all other conduct, Government attorneys are subject to the professional standards established by rules and decisions of the States in which they are licensed to practice.

Because this subsection addresses what standards apply, not who gets to enforce them, nothing in this subsection would disturb the traditional authority of the State courts to discipline attorneys, including Government attorneys, who are licensed to practice in their jurisdictions.

Subsection (c) directs the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule governing the conduct of Government attorneys with respect to communications with represented persons and parties. The Judicial Conference is directed to take various law enforcement concerns into consideration when crafting a proposed rule, and to complete its work within one year.

Subsection (d) provides that nothing in the bill would interfere with the Federal courts' existing authority, under the Rules Enabling Act or any other provision of law, to prescribe standards of attorney conduct for Federal practitioners.

By Mr. JEFFORDS (for himself, Mr. WARNER, and Mrs. HUTCHISON):

S. 856. A bill to provide greater options for District of Columbia students in higher education; to the Committee on Governmental Affairs.

EXPANDED OPTIONS IN HIGHER EDUCATION FOR DISTRICT OF COLUMBIA STUDENTS ACT OF 1999

• Mr. JEFFORDS. Mr. President, I am introducing today—along with Senators HUTCHISON and WARNER—the "Expanded Options in Higher Education for District of Columbia Students Act of 1999." The purpose of this measure is to provide citizens of the District with a greater range of options in pursuing postsecondary education by having the Federal government offer support that, in other areas of the country, is provided by State governments.

Our legislation takes a three-pronged approach toward meeting this objective:

First, it offers a broader array of choices available to students who wish to attend public institutions of higher education by picking up the difference in cost between in-state and out-of-state tuition for DC residents who attend public postsecondary institutions in Maryland and Virginia.

Second, it provides additional support to the one public postsecondary education institution in the District, the University of the District of Columbia (UDC), by authorizing funds for the strengthening activities outlined in Part B of Title III of the Higher Education Act.

Third, it offers support to those students choosing to attend private institutions in the District and neighboring counties by providing grants of up to $2,000 to help defray tuition costs.

With respect to public postsecondary education, students exploring their options find they have a more limited set of choices than any other group of students in the country. A student in any of the 50 states who wishes to attend a public institution of higher education has a number of institutions among which to choose. That student can base his or her decision on considerations such as the size of the institution and the strengths of the various programs it offers. A student in the District of Columbia finds that only one public institution is available.

As a practical matter, the District cannot expand its boundaries, nor can it establish a system of public higher education that can offer the diversity of offerings available in the various states. Every State provides support for higher education from which their residents benefit through lower in-state tuition, while out-of-state residents pay a premium to attend. I believe it is appropriate for the Federal government to assume the role of the State, effectively pushing the boundaries to a point where District students are placed on an equal footing in terms of the public education choices available to them.

The legislation also makes additional support available to the District's public institution, UDC. Although UDC is a Historically Black College and University (HBCU), it has been precluded from obtaining the support made available to other HBCUs under Part B of Title III of the Higher Education Act. Part B funds are designed to enable institutions to strengthen their programs through activities such as acquisition of laboratory equipment, renovation and construction of instructional facilities, faculty exchanges, academic instruction, purchase of educational materials, tutoring, counseling, and student activities. The funds made available to UDC under my legislation are to be used for activities authorized under Part B.

Finally, the legislation recognizes that many District residents choose to attend one of the many private postsecondary institutions in the DC area. Many of these institutions have made extraordinary efforts to enable District residents to succeed in their pursuit of advanced education. A number of states have developed programs, such as the Virginia Tuition Assistance Grant (TAG), to assist students at private institutions in defraying costs. The program authorized in this bill is modeled after these initiatives.

An investment in education is one of the most important investments we as a society and we as individuals can make. There are boundless opportunities in the DC area for individuals with education and training beyond high school. DC residents should not be left behind in obtaining the capacity to take advantage of these opportunities.

There is a need at every level of the education system to improve the opportunities available to District students. Throughout my career in Congress, I have made support for education one of my top priorities, and I have regarded the education of DC students as being an important component of my efforts.

The legislation we are introducing today complements not only those programs such as "Everybody Wins!" and the Potomac Regional Education Partnership (PREP) with which I have been directly involved, but also the many other initiatives undertaken by individuals and institutions who work tirelessly to nurture the potential of the children of our Nation's capital. Members of the business community have recently launched a program known as the D.C. College Access Program (DC-CAP) which will offer both financial support for students pursuing postsecondary education and assistance to high school students to assure they are prepared to tackle the challenges of higher learning.

I am encouraged by the positive response which I have received in discussing this concept and which has greeted similar legislation put forward by Representative TOM DAVIS. I look forward to working with all my colleagues in advancing this proposal.

Mr. President, I ask that a summary of my legislation appear in the RECORD.

The material follows:

EXPANDED OPTIONS IN HIGHER EDUCATION FOR DISTRICT OF COLUMBIA STUDENTS ACT OF 1999—SUMMARY OF PROVISIONS

PUBLIC INSTITUTION TUITION PROVISIONS

The Secretary of Education is authorized to make payments to public institutions of higher education located in Maryland and Virginia to cover the difference between in-state and out-of-state tuition charged to residents of the District of Columbia attending those institutions. The legislation does not alter in any way the admissions policies or standards of those institutions.

Students eligible to participate in the program include DC residents who begin postsecondary study within 3 years of high school graduation (excluding periods of service in the military, Peace Corps, or national service programs) and who are pursuing a recognized educational credential on at lease a half-time basis.

Individuals who have already obtained an undergraduate baccalaureate degree or whose family income exceeds the level at which eligibility for the Hope Scholarship tax credit is set are not eligible to participate.

The program will be administered by the Secretary of Education, in consultation with the Mayor of the District of Columbia. The Secretary is authorized to delegate the administration of the program to another public or private entity if he determines it would be more efficient to do so. The Secretary will report annually to Congress regarding the operation of the program.

Funding of $20 million in fiscal year 2000 and "such sums as may be necessary" for each of the 5 succeeding fiscal years are authorized for the program.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

Funding of $20 million in fiscal year 2000 and "such sums as may be necessary" for each of the 5 succeeding fiscal years authorized to enable UDC to carry out activities authorized under Part B of Title III of the Higher Education Act.

PRIVATE INSTITUTION PROVISIONS

The Secretary of Education is authorized to make awards of up to $2,000 per academic year on behalf of students to help defray tuition costs for attendance at private postsecondary education institutions.

The student eligibility requirements are identical to those provided for the public institution tuition program.

Private postsecondary education institutions which are eligible to participate in the program include non-profit institutions of higher education and degree-granting proprietary institutions which are located in the

District of Columbia or in neighboring counties.

The program will be administered by the Secretary of Education, in consultation with the Mayor of the District of Columbia. The Secretary is authorized to delegate the administration of the program to another public or private entity if he determines it would be more efficient to do so.

Funding of $10 million in fiscal year 2000 and "such sums as may be necessary" for each of the 5 succeeding fiscal years are authorized for the program.●

● Mr. WARNER. Mr. President, I am pleased to join as an original cosponsor of this important legislation offered by Senator JAMES JEFFORDS, Chairman of the Senate Committee on Health, Education, Labor and Pensions. Through this proposal, we seek to significantly expand post-secondary educational opportunities for high school graduates residing in the District of Columbia through the provision of financial aid to compensate for non-resident tuition rates at colleges and universities in Maryland and the Commonwealth of Virginia.

This legislation is comparable in many ways to the highly innovative bill put forth in the House of Representatives by Congressman TOM DAVIS of the 11th Congressional District of Virginia. Mr. DAVIS' bill, H.R. 974, is different in scope, with national rather than regional college access, but our intent is the same. District of Columbia high school students need a broader horizon of more affordable public colleges and universities.

We would assist those students who have been admitted on the basis of their own academic achievement, and once admitted, as an example, to George Mason University or James Madison University, the U.S. Department of Education would make funding available so that the student's net cost would be the same as that of an in-state resident. I want to stress that these students would not receive preference in anyway in the admissions procedure.

I believe this is an exciting concept for the youth of the nation's capital, and one which has already been embraced by a number of important local community figures who wish to further strengthen the program with private donations.

Mr. DAVIS' legislation is on a fast track in the House Government Reform Committee, and I understand that our bill will be referred to the Senate Committee on Government Affairs. I look forward to working with our Senate Chairman FRED THOMPSON, our D.C. Subcommittee Chairman GEORGE VOINOVICH, as well as D.C. Appropriations Chairman KAY BAILEY HUTCHISON as we work our way through the legislative process.

I believe if we can all keep our focus on the common goal of improving college access for D.C. students, our local youth will turn up winners. I commend Senator JEFFORDS and Congressman DAVIS for their leadership in this endeavor, and I look forward to a healthy and productive debate as we hammer out the final form of the legislation.●

By Ms. SNOWE (for herself, Mr. SARBANES, Mr. CONRAD, Mr. ASHCROFT, Mr. HUTCHINSON, Mr. GREGG, Mr. WELLSTONE, Mr. SCHUMER, Mr. WARNER, Mr. LUGAR, Mr. HAGEL, Mr. CRAPO, Mrs. MURRAY, Mr. BIDEN, Mr. FEINGOLD, Ms. COLLINS, Mr. DEWINE, and Mr. MCCAIN):

S.J. Res. 21. A joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day"; to the Committee on the Judiciary.

VETERANS OF FOREIGN WARS OF THE UNITED STATES DAY

Ms. SNOWE. Mr. President, I rise today to introduce a joint resolution honoring the Veterans of Foreign Wars (VFW) of the United States.

This resolution designates September 29, 1999, as Veterans of Foreign Wars of the United States Day, and urges the President to issue a proclamation in observance of this important day. September 29, 1999 marks the centennial of the VFW. As veterans of the Spanish American War and the Philippine Insurrection of 1899 and the China Relief Expedition of 1900 returned home, they drew together in order to preserve the ties of comradeship forged in service to their country, forming what we know today as the VFW.

Mr. President, when many of us think about war veterans, we think about the tremendous sacrifices these defenders of freedom made to safeguard the democracy we cherish, especially those who made the ultimate sacrifice. My resolution recognizes those contributions and sacrifices. It also recognizes the contributions that VFW members continue to make day-in and day-out in our communities—the youth activities and scholarships programs, the Special Olympics, homeless assistance initiatives, efforts to reach out to fellow veterans in need, national leadership on issues of importance to veterans and all Americans, and others too numerous to mention. Over the last 100 years, members of the VFW have contributed greatly to our nation both in and out of uniform in many ways.

I have nothing but the utmost respect for those who have served their country. This is an opportunity to honor the men and women and their families who have served this country with courage, honor and distinction. They answered the call to duty when their country needed them, and this is a small token of our appreciation.

The centennial of the founding of the VFW presents all Americans with an opportunity to honor and pay tribute to the more than two million active members of the VFW and to all veterans, as well as to the ideals for which many made the ultimate sacrifice. I urge my colleagues to join me in a strong show of support and an expression of appreciation for the VFW and all veterans.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I am proud to join today with my colleague, the Senator from Maine, Mrs. SNOWE, in introducing a resolution honoring the Veterans of Foreign Wars (VFW) of the United States and commemorating the 100th Anniversary of the founding of the VFW, by declaring September 29, 1999 as Veterans of Foreign Wars of the United States Day.

Since its inception after the Spanish-American War in 1899, the VFW has dedicated itself and its members to improving twentieth century America. The value of the contributions that members of the VFW and its Ladies Auxiliary have made to their communities and to this nation cannot be overstated. After returning home from foreign service during times of war and armed conflict, these men and women have continued to give of themselves to ensure that this nation protects and maintains the democratic ideals upon which it was founded, and that the veterans and their dependents are cared for. From providing services for veterans and their families, to sponsoring community action and charity projects, the VFW strengthens not only its members, but each and every American as well.

On a personal note, I have had the unique pleasure of sharing the floor of the United States Senate with several decorated veterans, as well as enjoying the privilege of having several veterans of American conflicts on my own staff. I've also enjoyed the ongoing opportunity of meeting and working with the very patriotic citizens of Delaware whom this resolution honors. Throughout my entire tenure in the United States Senate, the members of Delaware's VFW have been, for me, a continued source of knowledge, insight, and inspiration.

Particularly with the members of our armed forces currently serving in the Balkans in mind, whom I just visited, I offer my humble recognition to all of those who have so bravely and selflessly served America in the past. I sincerely trust that my colleagues will join me in acknowledging the courage, the sacrifice, and, frequently, the sheer bravery of our members of the Veterans of Foreign Wars, whose contributions to this country will be reaped for generations to come. I want to both demonstrate and convey to them my profound gratitude.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Washington

(Mr. GORTON) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 14

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 39

At the request of Mr. STEVENS, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Delaware (Mr. ROTH), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 59

At the request of Mr. BREAUX, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 171

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 218

At the request of Mr. MOYNIHAN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 218, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 322

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 343

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 401, a bill to provide for business development and trade promotion for native Americans, and for other purposes.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 434

At the request of Mr. BREAUX, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 462

At the request of Mr. DEWINE, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Kentucky (Mr. BUNNING), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 462, a bill to amend the internal Revenue Code of 1986, the Social Security Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970 to improve the method by which Federal unemployment taxes are collected and to improve the method by which funds are provided from Federal unemployment tax revenue for employment security administration, and for other purposes.

S. 471

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 471, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 556

At the request of Mr. BAUCUS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 556, a bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes.

S. 569

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 569, a bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 579

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 579, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia.

S. 638

At the request of Mr. ROBB, his name was added as a cosponsor of S. 638, a bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes.

S. 661

At the request of Mr. ABRAHAM, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 665

At the request of Mr. COVERDELL, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 665, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 680

At the request of Mr. HATCH, the names of the Senator from Nevada (Mr. REID) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 789

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S.

789, a bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

S. 791

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 819

At the request of Mr. GRAHAM, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 819, a bill to provide funding for the National Park System from Outer Continental Shelf revenues.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nevada (Mr. BRYAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of Senate Resolution 33, a resolution designating May 1999 as "National Military Appreciation Month."

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE CONCURRENT RESOLUTION 28—URGING THE CONGRESS AND THE PRESIDENT TO INCREASE FUNDING FOR THE PELL GRANT PROGRAM AND EXISTING CAMPUS-BASED AID PROGRAMS

Mr. JEFFORDS (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. DEWINE, Mr. DODD, Mr. HUTCHINSON, Mr. HARKIN, and Mr. REED) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 28

Whereas the Basic Educational Opportunity Grant Program, now known as the Pell Grant Program in honor of Senator Claiborne Pell of Rhode Island, was first authorized in the 1972 amendments to the Higher Education Act of 1965;

Whereas the Pell Grant Program has become the largest need-based Federal higher education scholarship program and is considered the foundation for all Federal student aid;

Whereas the purpose of the program is to assist students from low income families who would not otherwise be financially able to attend a postsecondary institution by providing grants to students to be used to pay the costs of attending the postsecondary institution of their choice;

Whereas in the late 1970's, the Pell Grant covered seventy-five percent of the average cost of attending a public four-year college; by the late 1990's, it only covered thirty-six percent of the cost of attending a public four-year college;

Whereas families across the country are concerned about the rising cost of a college education, and for children from low income families, the cost of college continues to be an overwhelming factor in their decision to forego a college education;

Whereas children from high income families are almost twice as likely to enroll in college as children from low income families;

Whereas higher education promotes economic opportunity for individuals and economic competitiveness for our Nation;

Whereas the Pell Grant and Campus-Based Aid Programs target aid to low income students as effectively as any programs administered by the Federal government; and

Whereas student borrowing to finance a postsecondary education has increased to an average indebtedness of $9,700, and therefore increased grant aid is more important than ever: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress and the President, should, working within the constraints of the balanced budget agreement, make student scholarship aid the highest priority for higher education funding by increasing the maximum Pell Grant awarded to low income students by $400 and increasing other existing campus-based aid programs that serve low-income students.

Ms. JEFFORDS. Mr. President, "Education is a social process . . . Education is growth . . . . Education is, not a preparation for life; education is life itself."

John Dewey, a distinguished Vermonter, philosopher and educator wrote these words decades ago, yet they ring true today. Education provides us with opportunities to explore, to experience, to grow, and to improve. Education is a great equalizer—it affords these positive opportunities to anyone who is able and interested in pursuing knowledge. Yet often times, young people in our country are discouraged from engaging themselves in learning because of financial hardship.

It is with these thoughts in mind that I rise today to submit this Senate Concurrent Resolution—a resolution that calls on the Congress and the President to increase funding for the Pell grant program and for campus based student aid programs—programs that provide assistance to individuals with financial need to participate in higher education. I am pleased to be joined by Senators COLLINS, KENNEDY, DEWINE, DODD, HUTCHINSON, HARKIN and REED in this effort.

Last Congress we had a number of great successes in the area of education. Passage of the Higher Education Amendments of 1998 is high on that list of important education bills that the Congress authored. With bipartisan backing and unanimous support, the Senate adopted the conference report to accompany the Higher Education bill. It is my belief that we achieved broad agreement on this bill because we all kept focused on the ultimate goal of crafting a bill that offered all our nation's students more opportunities to pursue post-secondary study.

And in fact, as a result of this legislation, the window of opportunity for students has been opened wider than ever before. The Higher Education Amendments of 1998 lowered the interest rate for new students to the lowest level they have been in 17 years. It strengthened and improved grant aid and campus based programs. It will improve the delivery of financial aid for all students through the newly created performance based organization housed in the Department of Education. It invests in programs like TRIO and GEAR UP so that many more of our nation's young people who aspire to getting a college education will be able to pursue their dream. Finally, the bill reaffirms and strengthens the federal government's small but important commitment to graduate studies and will provide important support for our nation's neediest graduate students.

In submitting this resolution today, we have taken another step forward in meeting the goals that we set out in the Higher Education Amendments of 1998. Our resolution follows the blueprint that was laid out during reauthorization. It follows up on the important work of Senator COLLINS who sponsored the Sense of the Senate amendment on Pell grants, campus based aid and TRIO that was included in the final budget resolution.

As some of my colleagues may recall, in February I called for a $400 increase in the maximum Pell grant. The importance of this program cannot be overstated—it is the cornerstone of our federal investment in need-based grant aid. It has helped millions of young people obtain a degree. The Pell grant has made a positive difference in the lives of individual students who received it and it had made a positive difference in the well being of our nation. Thanks to the Pell grant, more Americans have received a post secondary degree, the knowledge base of our nation has been expanded and the earnings base of our nation has increased.

Our resolution also calls on Congress and the President to boost funds for other programs that complement the Pell grant and provide needed supplementary aid to our nation's neediest students. The campus based programs are targeted to provide additional assistance to students who really need it the most. These funds often times make the difference for a student between making it through school or dropping out. Therefore, our efforts today in support of these programs are critical.

It is my hope that we will be able to work together, in a bi-partisan fashion, as we did during consideration of the Higher Education Act and pass this resolution. It is my hope that in adopting this resolution, it will bring us one step closer to adopting higher levels of funding for these important programs. In funding these programs at a higher level we will be making the dream of college a reality for so many young people. We will be helping motivated and engaged young people to achieve to the full level of their potential.

I urge my colleagues to join us in sponsoring this resolution.

SENATE RESOLUTION 81—DESIGNATING THE YEAR OF 1999 AS "THE YEAR OF SAFE DRINKING WATER" AND COMMEMORATING THE 25th ANNIVERSARY OF THE ENACTMENT OF THE SAFE DRINKING WATER ACT

Mr. CRAPO (for himself, Mr. CHAFEE, Mr. BAUCUS, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 81

Whereas clean and safe drinking water is essential to every American;

Whereas the health, comfort, and standard of living of all people in this Nation depends upon a sufficient supply of safe drinking water;

Whereas behind every drop of clean water are the combined efforts of thousands of water plant operators, engineers, scientists, public and environmental advocacy groups, legislators, and regulatory officials;

Whereas public health protection took an historic leap when society began treating water to remove disease-causing organisms;

Whereas over 180,000 individual water systems in the United States serve over 250,000,000 Americans;

Whereas the Safe Drinking Water Act is one of the most significant legislative landmarks in 20th century public health protection;

Whereas the enactment of the Safe Drinking Water Act on December 16, 1974, enabled the United States to take great strides toward the protection of public health by treating and monitoring drinking water, protecting sources of drinking water, and providing consumers with more information regarding their drinking water;

Whereas Americans rightfully expect to drink the best water possible, and expect advances in the public health sciences, water treatment methods, and the identification of potential contaminants; and

Whereas the continued high quality of drinking water in this country depends upon advancing drinking water research, vigilantly monitoring current operations, increasing citizen understanding, investing in infrastructure, and protecting sources of drinking water: Now, therefore, be it

Resolved, That the Senate—

(1) designates the year of 1999 as "The Year of Safe Drinking Water";

(2) commemorates the 25th anniversary of the enactment of the Safe Drinking Water Act; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the year with appropriate programs that enhance public awareness of—

(A) drinking water issues;

(B) the advancements made by the United States in the quality of drinking water during the past 25 years; and

(C) the challenges that lie ahead in further protecting public health.

AMENDMENTS SUBMITTED

BUDGET PROCESS EMERGENCIES DESIGNATION LEGISLATION

LOTT AMENDMENTS NOS. 256-258

(Ordered to lie on the table.)

Mr. LOTT submitted three amendments intended to be proposed by him to the bill (S. 557) to provide guidance for the designation of emergencies as a part of the budget process; as follows:

AMENDMENT NO. 256

At the end of the instructions add the following:

with an amendment as follows:

At the end of the bill, add the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) EXCEPTION.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)." and inserting "301(k), 301(l), 305(b)(2), 318.".

(d) Conforming Amendment.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) Exception for Defense Spending.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) Amendments to the Congressional Budget Act of 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) General Statement of Purpose.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) Limit.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and.

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) Adjustments for Actual Social Security Surplus Levels.—

"(1) Estimated levels.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) Adjustment to the limit for actual social security surpluses.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) Calculation.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) Adjustment.—

"(i) 2000 through 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 through 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) Adjustment to the Limit for Emergencies.—

"(1) Estimate of legislation.—

"(A) Calculation.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) Adjustment.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) Exception.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) Adjustment to the Limit for Low Economic Growth and War.—

"(1) Suspension of statutory limit on debt held by the public.—

"(A) Low economic growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) War.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) Restoration of statutory limit on debt held by the public.—

"(A) Restoration of limit.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) Adjustment.—

"(i) Calculation.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) Adjustment.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) Adjustment to the Limit for Social Security Reform Provisions that Affect On-Budget Levels.—

"(1) Estimate of legislation.—

"(A) Calculation.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) Adjustment to limit on the debt held by the public.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) Definitions.—In this section:

"(1) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(2) Social security reform legislation.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) Social security reform legislation.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) Social security reform provisions.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) Social security reform provisions.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

Amendment No. 257

At the end of the instructions add the following:

with an amendment as follows:

At the end of the bill, add the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) Protection by Congress.—

(1) Reaffirmation of support.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Protection of social security benefits.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) Points of Order.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) Social Security Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) Debt Held by the Public Point of Order.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) Social Security Surplus Protection Point of Order.—

"(1) In general.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) Exception.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2), 318,".

(d) Conforming Amendment.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) Exception for Defense Spending.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) Amendments to the Congressional Budget Act of 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) General Statement of Purpose.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) Limit.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) Adjustments for Actual Social Security Surplus Levels.—

"(1) Estimated levels.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) Adjustment to the limit for actual social security surpluses.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) Calculation.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) Adjustment.—

"(i) 2000 through 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 through 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) Adjustment to the Limit for Emergencies.—

"(1) Estimate of legislation.—

"(A) Calculation.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) Adjustment.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) Exception.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) Adjustment to the Limit for Low Economic Growth and War.—

"(1) Suspension of statutory limit on debt held by the public.—

"(A) Low economic growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) War.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) Restoration of statutory limit on debt held by the public.—

"(A) Restoration of limit.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) Adjustment.—

"(i) Calculation.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) Adjustment.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) Adjustment to the Limit for Social Security Reform Provisions that Affect On-Budget Levels.—

"(1) Estimate of legislation.—

"(A) Calculation.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) Adjustment to limit on the debt held by the public.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) Definitions.—In this section:

"(1) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(2) Social security reform legislation.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) Social security reform legislation.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) Social security reform provisions.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) Social security reform provisions.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

Amendment No. 258

At the end of the instructions add the following:

with an amendment as follows:

At the end of the bill, add the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) Protection by Congress.—

(1) Reaffirmation of support.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes

of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Protection of social security benefits.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) Points of Order.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

“(j) Social Security Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

“(k) Debt Held by the Public Point of Order.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

“(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

“(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

“(l) Social Security Surplus Protection Point of Order.—

“(1) In general.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

“(2) Exception.—Paragraph (1) shall not apply if—

“(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

“(B) the deficit for a fiscal year results solely from the enactment of—

“(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

“(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking “305(b)(2),” and inserting “301(k), 301(l), 305(b)(2), 318,”.

(d) Conforming Amendment.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

“(c) Exception for Defense Spending.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.”.

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) Amendments to the Congressional Budget Act of 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

“(11)(A) The term ‘debt held by the public’ means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

“(B) For the purpose of this paragraph, the term ‘face amount’, for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

“(i) the original issue price of the obligation; plus

“(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

“(12) The term ‘social security surplus’ means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.”;

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

“(6) the debt held by the public; and”; and

(3) in section 310(a) by—

(A) striking “or” at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

“(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or”.

(b) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

“(b) General Statement of Purpose.—This part provides for the enforcement of—

“(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

“(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.”;

(2) in section 250(c)(1), by inserting “‘debt held by the public’, ‘social security surplus’” after “outlays’,”; and

(3) by inserting after section 253 the following:

“SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

“(a) Limit.—The debt held by the public shall not exceed—

“(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

“(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

“(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

“(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

“(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

“(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

“(b) Adjustments for Actual Social Security Surplus Levels.—

“(1) Estimated levels.—The estimated level of social security surpluses for the purposes of this section is—

“(A) for fiscal year 1999, $127,000,000,000;

“(B) for fiscal year 2000, $137,000,000,000;

“(C) for fiscal year 2001, $145,000,000,000;

“(D) for fiscal year 2002, $153,000,000,000;

“(E) for fiscal year 2003, $162,000,000,000;

“(F) for fiscal year 2004, $171,000,000,000;

“(G) for fiscal year 2005, $184,000,000,000;

“(H) for fiscal year 2006, $193,000,000,000;

“(I) for fiscal year 2007, $204,000,000,000;

“(J) for fiscal year 2008, $212,000,000,000; and

“(K) for fiscal year 2009, $218,000,000,000.

“(2) Adjustment to the limit for actual social security surpluses.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

“(A) Calculation.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

“(B) Adjustment.—

“(i) 2000 through 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

“(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

“(II) each subsequent limit.

“(ii) 2004 through 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

“(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

“(II) each subsequent limit.

“(c) Adjustment to the Limit for Emergencies.—

“(1) Estimate of legislation.—

“(A) Calculation.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

“(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

“(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

“(2) Adjustment.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

“(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

“(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

“(ii) each subsequent limit; and

“(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

“(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

“(ii) each subsequent limit.

“(3) Exception.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) Adjustment to the Limit for Low Economic Growth and War.—

"(1) Suspension of statutory limit on debt held by the public.—

"(A) Low economic growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) War.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) Restoration of statutory limit on debt held by the public.—

"(A) Restoration of limit.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) Adjustment.—

"(i) Calculation.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) Adjustment.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) Adjustment to the Limit for Social Security Reform Provisions that Affect On-Budget Levels.—

"(1) Estimate of legislation.—

"(A) Calculation.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) Adjustment to limit on the debt held by the public.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) Definitions.—In this section:

"(1) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(2) Social security reform legislation.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) Social security reform legislation.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) Social security reform provisions.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) Social security reform provisions.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act,   of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 28, 1999 at 9:30 a.m. in Room SR–301 Russell Senate Office Building, to receive testimony on the operations of the Architect of the Capitol.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4–6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, April 28, 1999 at 9:30 a.m. to conduct an Oversight Hearing on Bureau of Indian Affairs Capacity and Mission. The hearing will be held in Room 485, Russell Senate Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, April 21, 1999. The purpose of this meeting will be to review the USDA Office of the Inspector General's report on crop insurance reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 21, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on whether the United States has the natural gas supply and infrastructure necessary to meet projected demand.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 21, 1999 at 10 a.m. to hold a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 21, 1999 at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on April 21, 1999, at 9:30 a.m. for a hearing on S. 746, the Regulatory Improvement Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 21, 1999 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "Privacy in the Digital Age: Discussion of Issues Surrounding the Internet."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 21, 1999 at 3 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 21, for purposes of conducting a hearing Subcommittee on Forests & Public Lands Management hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to discuss the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 A.M. on Wednesday, April 21, 1999, in open session, to review the readiness of the United States Navy and Marines operating forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 21, 1999, at 2 p.m. on the technology administration FY/2000 Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEA POWER

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet on Wednesday, April 21, 1999, at 2:30 p.m., in open session, to receive testimony on ship acquisition programs and policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Wednesday, April 21, 1999, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GRASSLEY-TORRICELLI HEALTH CARE BANKRUPTCY BILL

• Mr. TORRICELLI. Mr. President, it is an unfortunate result of today's modern health care system that many health care providers face serious financial difficulties. Increasingly, these health care providers are filing for the protection of the bankruptcy system. This reality was demonstrated recently in New Jersey where the parent company of the HIP Health Care Plan went bankrupt, leaving the plan's 194,000 subscribers in health care limbo.

The bankruptcy system, for all of the benefits it provides to debtors, creditors and the public, does little to protect patients of insolvent health care providers. These patients have no choice when their provider files for bankruptcy, they are, quite literally, innocent victims. In some cases such as the HIP HMO in New Jersey, state insurance commissioners have stepped in to manage failing providers. However, such steps will not always be possible, and in those cases patients must have adequate protections. Furthermore, this bill applies not only to HMOs, but also to hospitals, nursing homes, and long term care providers.

Senator GRASSLEY and I have worked diligently to craft a fair bankruptcy bill that addresses the true problems of the bankruptcy system. We believe that the increasing frequency of health care bankruptcy and the problems it creates for patients is a serious problem that deserves to be addressed in our bankruptcy reform effort.

Our bill would create several important patient protections. It would provide for the appointment of an ombudsman to monitor and assure continued quality of the care being provided to patients. The bill would set up procedures to ensure that the confidentiality of patient records is strictly maintained as a health care provider closes its operation.

Our legislation would also raise the priority in bankruptcy of the costs associated with closing a health care business. Those cost are often incurred by state agencies, and thus the taxpayers. Finally, the bill would require a bankruptcy trustee to use best efforts to transfer patients to alternative providers when a health care business fails.

The reality of today's health care system is that there will inevitably be providers who fall upon financial difficulties and seek the protection of the bankruptcy system. Given that reality, we must take the steps today to ensure that the patients of these providers have adequate protections.•

BILL McSWEENY

• Mr. LEAHY. Mr. President, since coming to Washington, Marcelle and I have had an opportunity to meet very special people who have become special friends. Among those are Bill and Dorothy McSweeny.

A great regret I had was having to miss Bill's surprise 70th birthday party recently, but it showed the genius of Dorothy that she was able to keep it a secret. That so many turned out shows a great respect for this multi-faceted man—people across the political spectrum and including some of the best representatives of arts and entertainment. It definitely reflected all of his background.

I would ask unanimous consent that an article in Monday, March 15th Washington Post be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 15, 1999]

A FULL-BLOWN SURPRISE FOR BILL McSWEENY'S BIRTHDAY, 70 CANDLES AND 200 FRIENDS

(By Roxanne Roberts)

Some men think birthdays are depressing. Some think getting older is preferable to the alternative, but nonetheless annoying. Then there are the few, the happy few, who think each birthday is a passport to wonderful new opportunities.

"The great thing about being 70 is that you get to kiss all the beautiful ladies," said. Bill McSweeny with only a slightly wicked grin. "When you're 70, you don't look dangerous. Little do they know."

The local businessman, arts advocate and community leader was the guest of honor at a surprise party Friday night at Ford's Theatre. What started out as a small gathering for family ballooned into a celebration with more than 200 friends and longtime fans. Everyone was sworn to not drop a single, solitary hint—and judging by the look at McSweeny's face when he walked into the theater, they succeeded.

"Who said people couldn't keep secrets in Washington?" said his wife, Dorothy.

This was no small feat, considering the guest list included the likes of Mayor Anthony Williams, former mayor Marion Barry, Education Secretary Richard Riley, Dorothy Height, Veterans Affairs Secretary Togo West, comedian Mark Russell, WJLA anchor Paul Berry, talk show host Diane Rehm, NASA administrator Dan Goldin, media moguls Arnaud de Borchgrave and Phil Merrill, and former FBI director Bill Sessions. The crowd was full of prominent Washingtonians—LaSalle Leffall, John Hechinger, Esther Coopersmith, Marshall Coyne, Peggy Cafritz and Frankie Hewitt, to name a few—a testament to McSweeny's lifelong involvement with his adopted home town.

"I met him more than 40 years ago and we've been friends ever since," said Height, the president emerita of the National Council of Negro Women. "He's so genuine. And in addition to everything else, he's lots of fun."

"When you think about people who have done something for the community, you think about Bill," said Leffall. "He's always been there."

McSweeny, former president of Occidental International, has spent most of his life trying to make Washington a better place to live. He was crucial in reopening Ford's Theatre and has served on the boards of the Kennedy Center, Folger Shakespeare Theatre and Helen Hayes Awards. He's been a longtime advocate for the D.C. schools, housing and inner-city youth, and a key fundraiser for the Lombardi Cancer Center and other charities.

"Bill is a real inspiration for this city," Williams said. "I think he's a real role model for every American citizen to contribute to Washington, D.C."

"I think Bill McSweeny is one of God's special people on Earth," said Cora Masters Barry.

They like him. They really, really like him. So his wife and friends wanted to do something special for his 70th birthday this month.

Problem was that the birthday boy already had decided how he was going to celebrate. McSweeny made a deal with his wife to bring their four children and grandchildren down to Mexico for two weeks. The official birthday is March 31, and he planned to scubadive and have a nice, low-key party on the beach.

So, naturally, his wife of more than three decades decided that a huge bash was exactly what he needed.

Dorothy McSweeny proceeded to issue invitations, juggle a thousand details, lie sweetly when her husband walked in on telephone conversations and lure her unsuspecting spouse to the theater with the help of pals Leon and Lynn Fuerth. It was natural to go to Ford's, where McSweeny—a longtime member of the board—thought he was going to see "Eleanor: An American Love Story," a musical based on the marriage of Eleanor and Franklin Roosevelt.

The hardest part for the guests was remembering not to blurt out something stupid in advance: "When you see someone an awful lot, it's hard not to let the cat out of the bag," said Victor Shargai, who serves with McSweeny at the Kennedy Center and Hayes awards.

The surprise worked, it seems, because the party took place two weeks before his actual birth date. McSweeny walked in, did a double take and slapped hand to forehead as his friends sang a ragged rendition of "Happy Birthday." There was much hugging and kissing. Everyone looked terribly pleased, probably because the surprise was not on them.

"I love surprise parties—for others," said Leon Fuerth.

"I want to choose the people who come to my birthday party," said Diane Rehm.

"It's about control," Rehm's husband, John, said knowingly.

Luckily, McSweeny is one of those rare creatures who like surprise parties. "I think it's the most wonderful way of all," he said. "You don't have to worry about anything. It's a very emotional thing to walk in and see all your friends."

In this case, he also got to see "Eleanor"—any resemblance to the current first lady is strictly coincidental: Then the party moved downstairs to the Lincoln Museum, where there were more hugs and kisses, a telegram from Vice President Gore, a medal from the VA's West and a presentation and testimonial by NASA's Goldin.

"He helps people," Goldin said of McSweeny. "In addition to knowing people, he helps people."

The menu consisted of McSweeny's favorite foods: hot dogs, Boston baked beans, corn pudding and Black Forest cake. McSweeny was having such a good time he kept inviting everybody to his 100th birthday party.

No wonder they like him: This is an optimist, count-your-blessings, look-to-the-future kind of guy. "Hey, Bill!" shouted Mark Russell. "Seven more years and you'll be old enough to be an astronaut!"

Meanwhile, there are plenty of ladies to kiss.●

RHODE ISLAND RESERVE OFFICERS ASSOCIATION 75TH ANNIVERSARY

● Mr. REED. Mr. President, I rise to congratulate the Rhode Island Department of the Reserve Officers Association of the United States (RIROA) on the 75th Anniversary of its founding.

The Reserve Officers Association was established in 1922 to link together Reserves from each of the armed services. The fighting force of the 21st century is a joint force, yet Rhode Island's Reserves implemented this concept 75 years ago when the Army, Navy Reserve, and National Guard joined together to form the RIROA.

The purpose of the Reserve Officers Association is to support a military policy for the United States that will provide, promote, and develop the execution of adequate national security. The RIROA has dedicated itself to this purpose and to bringing all military services closer in a common bond. The RIROA is a leading proponent of developing strong Reserve forces in each of the uniformed services to work for the welfare of citizen soldiers in Rhode Island and the interests of the national security of the entire country.

The Reserves are essential members of the national security force, facing greater challenges than ever before. Today's military is leaner, yet the number of missions has steadily increased. Therefore, the services are relying more and more on reserve forces to carry out the task of protecting the U.S. and its principles. Reservists are not only an integral part of any mobilization overseas, but are increasingly on the front lines of protecting the home front from terrorist acts, information warfare, and attacks on our critical infrastructure.

With over 85,000 members nationwide, and over 600 members from Rhode Island, today's Reserves are a significant and vital part of the United States' military force. The United States military would not be the finest fighting force in the world without the commitment and professionalism of the Reserves, an integral part of the Total Force.

I commend the Reserves' commitment to the nation's defense, and I salute the dedicated members of the RIROA on this historic occasion.●

FOCUS: HOPE

● Mr. LEVIN. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD an article which appears in the April 19, 1999, edition of Forbes magazine regarding Focus: HOPE, an extraordinary organization in Detroit, Michigan which is dedicated to human development.

The article follows.

[From Forbes, Apr. 19, 1999]

TEACH A MAN TO FISH

(By Srikumar S. Rao)

Eleanor Josaitis can remember the moment in March 1965 her life changed. She was in her comfortable home in a Detroit suburb watching a television program on the Nuremberg trials. A news flash cut in: Selma, Ala. Mounted troopers, wielding electric cattle prods, charged peaceful protesters. Minutes earlier she was pondering what she would have done if she had been in Nazi Germany. A new question intruded: "What will I do now?"

Two years later Detroit exploded in flames. Touring the decimated area with Father William Cunningham, her weekend parish priest, they swore to alleviate the suffering. But what could be accomplished by a housewife with two young children and a radical priest trained as an English professor?

Quite a bit, actually. Focus: Hope, the nonprofit organization they birthed in Detroit's rubble, today occupies well over a million square feet on 40 acres of that once-devastated area. It started with urgent but limited goals—feeding poor mothers and their infants. Now it has grown into a powerful and world-recognized job-training machine. An education boot camp has lifted nearly 5,000 city residents to high school equivalence and placed them in real jobs. A machinist institute has trained 1,800 urban youngsters in reading blueprints and operating numerically controlled machine tools, and put them in high-paying positions with outfits like GM, Ford and Chrysler. A Center for Advanced Technologies has just started to churn out engineers with bachelor's degrees. Next up: an information technology center, funded by the likes of Microsoft and Cisco Systems, to teach computer skills.

Josaitis, age 67, built Focus: Hope on the simple proposition that many of the chronically underemployed yearn for an opportunity to haul themselves into the middle class. She says: "We are failing our poorest citizens when we don't provide them the means to break out of their poverty."

What welfare official has not echoed precisely that thought? The Focus: Hope difference is one of execution. Josaitis runs the centers with businesslike efficiency and sets demanding standards for the students. She coddles no one: Use profane language after two warnings and you're out. Steal something and you're out immediately. She believes that discipline and responsibilitly are keys to improvement. Rewards must be earned.

That philosophy has made Focus: Hope a landmark in Detroit. It has attracted more than 50,000 Detroit-area volunteers, including big names at the car companies, like Ford Chief Executive Jacques Nasser. A sizable business itself, Focus: Hope employs more than 800 people and has a budget of $68 million, half from government, a third from contracts with for-profit companies and the rest from private contributions.

That's eons away from the rather inauspicious beginnings. To get closer to the problem, Eleanor and her husband, the owner of a chain of hobby shops, sold their house and moved into an integrated neighborhood in 1968. Her mother, alarmed for their safety, even hired a lawyer to try to wrest custody of her children away. Eleanor retained custody and bears no animosity toward her mother.

She and Father Cunningham, who died of cancer in 1997, began with food. Tapping federal funding, they launched a tiny program to distribute food to pregnant women and small children. It still does that, at last count for 46,000 people a month (half the peak in 1991). The program succeeded so well that it became a model for similar efforts in other states. A food program for senior citizens followed.

But Josaitis and Father Cunningham wanted to turn the recipients into productive jobholders. They browbeat and cajoled federal agencies and private foundations to raise $250,000 to start a job-training program. In 1981 they opened the Machinist Training Institute to train Detroit's youths in machining and metalworking, especially for the automobile industry.

It's an intensive program that can last for 57 weeks if students choose the entire curriculum. Students spend the first 5 weeks, eight hours a day, learning blueprint reading and some math and working the lathe. On the shop floor they later learn to work with mills, grinders and computer-controlled machine tools. In the classroom they learn more about manufacturing theory and quite a bit about computer-aided design and manufacturing.

In a more advanced program they work on commercial production contracts for about $7 an hour in between doses of classroom instruction.

Among the students who start the machinist school, 70% stay to the end. For those that do, the job placement rate is 100%. "We have placed our graduates in all sorts of machine shops," says Josaitis. "Some had never previously hired a minority or a female."

Josaitis has structured tuition to reflect her philosophy: a helping hand—with strings attached. Tuition for MTI is $14,500. Government grants pay about half that, depending on income. The balance is paid through a 5% loan from Focus: Hope. Repayment begins 90 days after graduation—by which time most students have jobs. A further incentive to land and keep a job is that many employers, like General Motors, will pick up half of the student's loan payments.

William Motts is one of the success stories. He dropped out of high school in the 11th grade and got his girlfriend pregnant at 18. He pulled in $6 an hour as a maintenance worker at a hotel, struggling to help support his daughter.

But he caught a break. He was steered to MTI by his father's friend who knew Father Cunningham. He entered the program in 1992 and never looked back. In 1998, he got a bachelor's degree in manufacturing engineering from the University of Detroit, Mercy. Today Motts, 25, is an engineer at General Motors earning around $45,000, and married to a dental hygienist.

"Focus: Hope challenged me to push my boundaries," Motts says. "It forced me to be disciplined. It gave me very marketable skills."

Focus: Hope helps students surmount practical problems. For examples, it runs a day care center and before- and after-school programs, so parents can attend classes without worry.

Josaitis also doesn't want to discard potential candidates who don't have the math, reading or social skills to succeed in a program for machinists. So for the past ten years an educational boot camp called Fast Track has taken students—average age 26—with 8th grade math and reading skills and brought them up two grade levels. And two years ago, realizing some students needed even more help, she started First Step, to offer more remedial works.

More than 80% of those who enter Fast Track finish the program and go on the Machinist Training Institute. Thomas Murphy, a former sergeant major for American troops in Europe who runs Fast Track, can take some credit for that. He is bluff, tough and good-natured. The seven-week Fast Track program runs all day Monday through Friday, and Saturday mornings.

"Saturday classes serve clear notice that we expect real hard work and commitment from them in return for the opportunity we provide," Murphy says. Clock in at 8:01 and you get a demerit. Enough demerits and you get booted out.

Murphy was initially shocked when a candidate asked him if there was a place where he could nap during breaks. Turned out that he left the institute at 4 p.m., worked an eight-hour shift at a job to support his family and was back at 8 a.m. the next day. Murphy found him a place to nap and overlooked occasional tardiness.

"One of our graduates called me up the other day to announce that he was missing his first day of work in years," says Murphy. "He was closing on a brand new home. His home. The first home anyone in his family had ever owned."

Josaitis also understands that getting and holding a job requires certain social skills. Thus trainees are taught how to shake hands, make eye contact and absolutely, positively get to jobs on time.

Every month Josaitis brings a group of students to a formally laid out dining room where she teaches table manners, from which fork to use to how to make small talk. "I want you to feel comfortable when you are invited to the White House," she tells them. She also takes trainees to formal affairs, such as the opening of the Michigan Opera hosted by Ford's Nasser.

In 1993 Focus: Hope decided to offer its best and brightest students a further step up the ladder. It opened the Center for Advanced Technologies, which, in collaboration with local colleges, offers bachelor and associate degrees in manufacturing engineering and technology. The executive dean is Lloyd Reuss, who took the nonpaying job after he was ousted as president of General Motors in 1993.

CAT students get classroom instruction plus work in a for-profit manufacturing company located on Focus: Hope grounds. Using next-generation equipment from Cincinnati Milacron, says Reuss, students produce machined parts for outfits including GM, Ford and the Department of Defense. Students accept a below-market $8 an hour on these contracts. In return, they get free tuition.

The hands-on part of this apprenticeship is as important as the classroom instruction. Denise Ankofski, candidate for an associate degree and single mother of a 6-year-old son, was milling brake shoes for 5-ton trucks on a defense contract and figured she could do it better by splitting operations and performing them on different machines. She was encouraged to give a technical presentation and her suggestion reduced cycle time on some operations by 80%.

When they graduate, CAT students do extremely well. Last year the six CAT bachelor graduates were paid an average of $47,200, compared with the $45,300 earned by Massachusetts Institute of Technology mechanical engineering graduates. "Graduates are not hired for diversity reasons or charity," says Reuss. "They are hired because they are skilled workers with an excellent ethic."●

TRIBUTE TO JEFFREY POLLOCK, OF BEDFORD, NEW HAMPSHIRE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Jeffrey Pollock on being named "New Hampshire's 1999 Small Business Financial Services Advocate of the Year" by the Small Business Association.

As President of New Hampshire Business Development Corporation in Manchester, New Hampshire, Jeffrey was selected for this award for his outstanding advocacy for entrepreneurs in New Hampshire. In fact, Jeffrey's strong support and dedication to small businesses has been a pivotal force in helping many small businesses succeed.

During the banking crisis of the early 1990's Jeffrey worked alongside the Small Business Administration and state leaders to revive the New Hampshire Development Corporation for the purpose of providing loans to credit-starved small businesses in New Hampshire.

Today, the New Hampshire Development Corporation offers a wide array of financial products and services aimed at helping small businesses succeed. Over the past nine years, Jeffrey has been instrumental in providing $12 million of investment to New Hampshire businesses.

In 1995, Jeffrey represented New Hampshire as a delegate to the White House Conference on Small Business, and in 1998 New Hampshire's current Governor appointed him to the State Board of Education. In addition, Jeffrey has also served on numerous state and congressional boards and advisory committees.

As a former small business owner, I recognize the important contributions that Jeffrey has made to the Small Business Administration and, especially, to small businesses across the Granite State. Mr. President, small business is the backbone of our economy in the United States. I am proud to honor and congratulate Jeffrey for receiving this award and it is an honor to represent him in the United States Senate.●

TRIBUTE TO FREDERICK LOEFFLER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Rick Loeffler, on being named the "New Hampshire 1999 Small Business Person of the Year" by the U.S. Small Business Administration. This recognition is a great achievement.

Rick is the CEO of Shorty's Mexican Roadhouse, a successful chain of restaurants in New Hampshire. Rick started his business ten years ago, with thirty five employees and one restaurant. Today, Shorty's employs over four hundred and fifty people and has five locations.

Rick attributes the success of his chain to his partners and employees; always stressing the importance of attention to the customer. Rick and his employees are also involved in the community in other positive ways. Rick is a member of a number of civic organizations and serves on many charitable organization's board of directors.

As a former small business owner, I understand the difficulties of starting a business. Rick demonstrates excellent entrepreneurial spirit and management skills. New Hampshire has always been a state that prides itself on the success of small businesses and Rick is an excellent example.

Once again, I would like to congratulate Rick on receiving this prestigious award. It must have been a great sacrifice and risk to Rick as well as his wife Maureen and two daughters, to undertake the effort of starting up a new business. His dedication paid off and he has been a great asset to the state of New Hampshire. It is an honor to represent him in the United States Senate.●

TRIBUTE TO THE UNIVERSITY OF NEW HAMPSHIRE'S HOCKEY TEAM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the University of New Hampshire's hockey team, the Wildcats, on their outstanding season. Their stellar performance was a great accomplishment.

The University of New Hampshire hockey team had the best record in NCAA hockey this season. They were ranked number one in the nation in college hockey. Senior Captain Jason Krog was the winner of the Hobey Baker Award, the most prestigious award in college hockey. In short, they had a tremendous season.

The Wildcats competed in the NCAA final four tournament (the Frozen Four) in Anaheim, California. The team went into the final round of the tournament as the favorite. They beat Michigan on April 1 by a score of five to three. They advanced to the finals to face the University of Maine. The game between the University of Maine and the University of New Hampshire was extremely exciting. The game went into sudden death over time before the University of Maine ultimately prevailed. Although they were not successful, the team showed true sportsmanship and team spirit in the wake of an amazing season.

Once again, I would like to pay tribute to the University of New Hampshire Wildcats hockey team, as well as their coach, Dick Umile. I wish them luck in the future and their following seasons. It is an honor to represent them in the United States Senate.●

TRIBUTE TO ARLENE MAGOON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Arlene Magoon for being named 1999 "New Hampshire Women in Business Advocate of the Year" by the U.S. Small Business Administration. This award is a great accreditation to her work.

Arlene is a childcare advocate and the founder and operator of American Nanny and Family Care Services, an Amherst-based child and elderly care referral agency. She founded her organization to provide family child care after she had difficulty finding childcare for her own three young children. Arlene's business offers a referral service, as well as training for child care providers in the state. Her service is an asset to the state of New Hampshire.

Arlene founded her business in 1990. She personally met with 300 New Hampshire family care providers in the process of deciding which child care facilities she feels are deserving of referrals. Over 65 percent of the childcare providers she has assisted in the past decade are still in business. Many of her business colleagues have commended her dedication and professionalism of her work.

Her service to the children of New Hampshire is a gift. I wish to thank her for her efforts and wish the best of luck in her future endeavors. It is an honor to represent her in the United States Senate.●

TRIBUTE TO CHRISTOPHER NORWOOD ON ACHIEVING THE RANK OF EAGLE SCOUT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Christopher Norwood, of New Hampshire, on achieving the rank of Eagle Scout. This first-rate young man was awarded the rank of Eagle Scout in March of 1999.

Through his final project, Christopher has demonstrated his unwavering dedication to his community and country. I wish to commend Christopher for receiving the highest award that is attainable in Scouting.

Christopher's good natured volunteerism and commitment to Scouting exemplifies the qualities for which all Scouts strive: Honor, Loyalty, Courage, Cheerfulness and Service. For all of Christopher's hard work and devotion to these ideals, he has earned this coveted recognition.

As the father of two former Scouts, I understand the time and effort that is involved in fulfilling the ideals of being a Scout. I know that Christopher will continue to be a positive role model among his peers, a leader in his community, a friend to those in need and an inspiration to all. I want to extend my sincerest congratulations and best wishes to Christopher. His achievement of Eagle Scout and significant contributions to his community are truly outstanding. It is an honor to represent him in the United States Senate.●

TRIBUTE TO CHRISTINE GILLETTE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Christine Gillette on being named the U.S. Small Business Administration's "1999 Small Business Media Advocate of the Year" for New Hampshire. This is a very commendable honor.

Christine is a journalist for the Portsmouth Herald. Her responsibilities entail covering business related news stories in the State. She produces two weekly business sections and covers business stories of local and regional interest.

She has received awards for her coverage of business in New Hampshire, including from New Hampshire Press Association for business and economic reporting and the New England Press Association. She has constantly shown a knack for reporting on the business community.

Her business associates commend Christine's dedication and enthusiasm about her job. They describe her as highly motivated, knowledgeable and talented. She has shown an ability to interpret change on a local scale as well as an international scale, and how it will affect Portsmouth area businesses. Her hard work and talent are commendable.

Once again, I wish to commend Christine on her receiving this award. I wish her the best of luck in her future endeavors. It is a pleasure to represent her in the United States Senate.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 1 through 4, Nos. 37 through 43, and all nominations on the Secretary's desk in the Public Health Service.

Additionally, I ask unanimous consent that the Senate consider the nominations reported today from the Committee on Health, Education, Labor, and Pensions.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Susan G. Esserman, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF THE TREASURY

Timothy F. Geithner, of New York, to be an Under Secretary of the Treasury.

Gary Gensler, of Maryland, to be an Under Secretary of the Treasury.

Edwin M. Truman, of Maryland, to be a Deputy Under Secretary of the Treasury.

NATIONAL SCIENCE FOUNDATION

George M. Langford, of New Hampshire, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Joseph A. Miller, Jr., of Delaware, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Robert C. Richardson, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Cleo Parker Robinson, of Colorado, to be a Member of the National Council on the Arts for a term expiring September 3, 2004.

NATIONAL SCIENCE FOUNDATION

Maxine L. Savitz, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Luis Sequeira, of Wisconsin, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Alice Rae Yelen, of Louisiana, to be a Member of the National Museum Services Board for a term expiring December 6, 2001.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Roger I.M. Glass, and ending Richard C. Whitmire, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 19, 1999.

Public Health Service nominations beginning Grant L. Campbell, and ending Ann M. Witherspoon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 19, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, APRIL 22, 1999

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, April 22. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin 2 hours of debate, equally divided, on the lockbox amendment, with a vote taking place on cloture at 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. VOINOVICH. For the information of all Senators, the Senate will convene at 9:30 a.m., and immediately resume debate on the Social Security lockbox legislation, with a vote on cloture at approximately 11:30 a.m. If cloture is not invoked, it is the intention of the leader to proceed to the important Y2K legislation following the vote. Interested Senators should be prepared to stay for the debate. The Senate may also consider other legislative or executive items cleared for action.

ORDER FOR ADJOURNMENT

Mr. VOINOVICH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator FEINGOLD.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARTH DAY 1999

Mr. FEINGOLD. Mr. President, today, as a part of the celebration of Earth Week, I join with my other colleagues who have come to the floor calling for a renewal of this body's longstanding bipartisan commitment to the Nation's environment. I am doing so because, following the 29th Earth Day celebration tomorrow, the Nation and the 106th Congress will begin planning to commemorate three decades of Earth Days this time next year.

We need to begin now to shape and bring forward a positive environmental agenda which will earn the support of both political parties so that when the 30th Earth Day arrives, our actions to protect the environment will not be viewed as falling short of the mark.

At the beginning of this Congress, I wrote to the majority leader and the Democratic leader with suggestions of legislative areas where I believe significant opportunities actually exist for bipartisan cooperation. Among the areas I highlighted was the environment; specifically, the protection of public lands, such as passing comprehensive natural resources funding legislation which would allow the States and the Federal Government to protect our land resources, designating new wilderness areas on our public lands, and reforming environmentally harmful subsidies that damage our lands and also hurt the American taxpayer.

I also think opportunities exist to try to work together to reauthorize several of our major environmental protection laws, such as Superfund, the Clean Water and Air Acts, and the Endangered Species Act. We have struggled with the reauthorization of these laws for several Congresses, and the time has come to look for ways to break the impasse on these very important issues.

We have also struggled, frankly, with getting more Senators involved in environmental issues as well. Several of my colleagues have remarked that with the retirement last Congress of our colleague from Arkansas, Mr. Bumpers, we on the Democratic side of the aisle find ourselves having lost a consistent and persistent champion of the environment. Fortunately, we still have wonderful leaders, and I have been pleased to support the efforts of my Democratic colleagues, such as the Senator from Montana, Mr. BAUCUS, and the Senator from New Mexico, Mr. BINGAMAN, and many others of my colleagues who have stepped forward to take up these issues. But, frankly, Mr. President, none of us can do this alone.

Not only are environmental issues by their nature complicated and technical, but they are critically important to the American people who overwhelmingly support environmental protection. We need Senators from both parties to take up these issues and move them forward, and we are having some bipartisan successes on environmental issues where Members are working together.

For example, I will have the pleasure later this week of joining with my colleague, the Senator from Delaware, Mr. ROTH, in being an original cosponsor of legislation to designate the coastal plain of the Arctic National Wildlife Refuge as a wilderness area. I have had the opportunity to be a cosponsor of this legislation since I joined the Senate in 1993.

In addition, this week I was delighted when the junior Senator from Maine, Ms. COLLINS, decided to join me as a cosponsor of legislation I introduced to eliminate the percentage depletion allowance tax subsidy for mining on public lands subject to the 1872 mining law.

Mr. President, part of the legacy of Earth Day is a commitment to bipartisanship, and a review of the history reveals that fact.

For me, celebrations of Earth Day are always intertwined with thoughts of the day's founder, former Senator Gaylord Nelson from my home State of Wisconsin. I am extremely proud to hold the Senate seat he held with distinction from 1963 to 1981. Not only did Senator Nelson help to set aside a day for the Nation to think and learn more about the environment, he acted by using the power of his office to work with colleagues to protect the environment.

Senator Nelson was a two-term Governor. During his gubernatorial tenure, the environment became a priority for the State of Wisconsin with the creation of the State's stewardship program, one of the important models for the Federal Land and Water Conservation Fund, putting Wisconsin far ahead in recreational opportunities for the general public.

During his 18 years in the Senate, he saw, as he is still quick to remind me, great proenvironmental change under both Republican and Democratic administrations. The Senate created the Environment and Public Works Committee, passed the majority of our Federal environmental statutes with significant bipartisan support, and created the Environmental Protection Agency. Senator Nelson himself was the author of the Wild and Scenic Rivers Act, which passed the Senate by a vote of 84-0. He was also the primary sponsor of the Apostle Islands National Lakeshore Act, one of northern Wisconsin's most beautiful areas, at which I spend a portion of my vacation time with my family every year.

I am now the author of legislation to provide some improvements to Apostle Islands and to review these lands for their wilderness potential. In his 1969 book on the environment entitled "America's Last Chance," Senator Nelson issued a political challenge which I find relevant today. He said:

> The number one domestic problem facing this country is the threatened destruction of our natural resources and the disaster which would confront mankind should such destruction occur. There is a real question as to whether the nation, which has spent some two hundred years developing an intricate system of local, State and Federal Government to deal with the public's problems, will be bold, imaginative and flexible enough to meet this supreme test.

I believe Senator Nelson meant two things by his challenge. Not only did he mean that government must act immediately and decisively to protect resources in crisis, but he also meant that politicians must maintain that commitment over the long term. A renewal of this body's commitment to work together to protect the environment, fully respecting the commitment former Members of the Senate have made to us by placing us in the position of being vigilant stewards of Federal environmental laws, is an appropriate way on the eve of Earth Day to celebrate the true nature of ecological stewardship.

Mr. President, I urge my colleagues to be committed to that endeavor.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. BROWNBACK). The Senate stands adjourned under the previous order.

Thereupon, the Senate, at 7:07 p.m., adjourned until Thursday, April 22, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 21, 1999:

DEPARTMENT OF STATE

GWEN C. CLARE, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

OLIVER P. GARZA, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

RICHARD L. MORNINGSTAR, OF MASSACHUSETTS, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3033:

To be general

GEN. ERIC K. SHINSEKI, 3256.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be colonel

PAUL C. PROFFITT, 7921

To be lieutenant colonel

JOHN E. SIGGELOW, 3835

To be major

*PHILLIP R. ADAMS, 0099
FRANK D. BEESLEY, 5968
MICHAEL D. ZABRZESKI, 4004

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5043:

To be general

LT. GEN. JAMES L. JONES, JR., 2699.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN F. BRUNELLI, 8026.
REAR ADM. (LH) JOHN N. COSTAS, 6461.
REAR ADM. (LH) JOSEPH C. HARE, 2723.
REAR ADM. (LH) DANIEL L. KLOEPPEL, 8985.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SYLVESTER P. ABRAMOWICZ, JR., 9247
LUTHER C. ALEXANDER, JR., 2278
SAMUEL P. ALFORD, 5244
ALLEN C. ALLEN, 7799
ERNEST G. ANASTOS, 5669
MICHAEL H. ANDERSON, 0131
BRIAN S. APRILL, 9074
RONALD G. ARINGTON, 8008
MARK W. AUSTIN, 3069
JOHN M. AVALLONE, 1311
WILLIAM H. AYERS III, 0698
ALBERT J. BANKS, JR., 6166
THOMAS M. BARANSKY, 1010
ANGELE W. BARROW, 5169
MARSHA J. BEAUGRAND, 7835
RICHARD A. BECKER, 1911
CURTIS R. BERGEY, 0847
RAYMOND E. BERUBE, 0187
TIMOTHY F. BIGGINS, 9561
RONALD L. BIXLER, 6280
JAMES R. BLOOM, 4146
RAQUEL C. BONO, 7309
PAUL BOSCO, 8913
KER BOYCE, 4613
JEFFREY D. BRADEN, 9524
TIMOTHY J. BRADY, 1614
JAMES R. BROOKS, 2641
JAMES P. BURANS, 9630
JAMES A. BUTLER, 3530
KENNETH P. BUTRYM, 4353
GORDON A. BYRNES, 1280
GREGORY G. CAIAZZO, 6845
CYNTHIA S. CAPPELLO, 5911
WILLIAM B. CARROLL, 6196
LAURA A. CASTLEBERRY, 1866
EDWARD CHEESEMAN, 7941
THOMAS G. CHULSKI, 1450
MICHAEL J. CHUTICH, 8006
MARTIN T. CLARK, 7328
RONALD J. CLARK, 0338
STEVEN R. CLARKE, 8590
GEORGE M. CLIFFORD III, 7416
HENRY CONDE, 1948
GERARD R. COX, 3591
RAYMOND G. CRAIGMILES, 0996
JOHN W. CROWLEY, 8636
WILLIAM E. CURTIS, JR., 2154
PETER H. CUSTIS, 8689
JONATHAN P. CUTTING, 7115
WARREN R. DALTON, 0376
PAUL R. DAVID, 2933
DAVID A. DAVIS, 0979
ANTHONY W. DEAN, 4518
JEFFREY W. DEMPSKI, 9625
JOHN W. DENOBILE, 6035
MICHAEL P. DOYLE, 7636
ALMOND J. DRAKE III, 7324
WILLIAM S. DUFFY, 7101
CHARLES L. EDWARDS, 8090
RYAN B. EICHNER, 5719
JAMES D. ELLISON, 5731
CYNTHIA M. FELLER, 2085
JOHN FIDLER, 0514
FREDERICK FISCHER III, 8028
DAVID M. FITZGERALD, 0422
CLINTON L. FLETCHER, 8237
RICHARD C. FOSTER, 6542
ROBERT K. FRISK, 3135
GODFREY J. FUNARI, 3584
JOHN V. GARAFFA, 2219
MARK B. GEMENDER, 1848
PAUL B. GILLOOLY, 1590
GLENN M. GOLDBERG, 0950
JEFFREY R. GREENWALD, 2390
SCOTT C. HANEY, 1105
GERARD R. HARMS, 9025
VATHRICE H. HARTWELL, 9410
LOREN V. HECKELMAN, 4631
JAMES R. HEMP, 3197
PAUL M. HOFFMAN, 0296
DONALD B. HOFFMANN, 5766
JAMES F. HOLLAND, 0633
THOMAS S. HOLLINBERGER, 3911
KARL A. HOLZINGER, 1187
ROBERT E. HOOD, JR., 7268
STEPHEN G. HOOKER, 3712
ROGER A. HOUK, 8397
JANE K. HOURIGAN, 4279
LEROY T. JACKSON, 4658
WOLLOM A. JENSEN, 6294
ELAINE M. KAIME, 9278
KIRK D. KALLANDER, 2842
KEVIN S. KAMINSKE, 0830
EDWARD J. KANE, JR., 1439
GREGORY V. KEATING, 8319
ROBERT M. KELLOGG, 5316
ROBERT L. KENNEY, 4468
STEVEN S. KERRICK, 5236
KHALID C. R. KHAN, 0105
TODD C. KINCER, 9533
ROBERT H. KING, 0487
SHARI H. KIRSHNER, 9961
MARY A. KLINE, 7901
KEVIN J. KNOOP, 4840
KENT G. KNUDSON, 8027
ROBERT L. KOFFMAN, 2642
PAUL M. KUZIO, 0931
ARMAND D. LAMBERT, JR., 0748
EDWARD M. LANE, 0272
JOYCE A. LAPA, 6897
PATRICK W. LAPPERT, 7010
CHRISTOPHER L. LAURENT, 5158
TERRANCE C. LEARY, 0173
MARCIA H. LEMON, 1734
EVELYN L. LEWIS, 1654
JOHN A. LEWIS, 2940
CHARLES M. LILLI, 2604
JAMES E. LONGSTAFF, 4456
TRACY A. MALONE, 8907
JAMES K. MARKWELL, 0318
RICHARD L. MARRS, 0132
JOHN J. MARTIN, 2278
DAVID W. MATHIAS, 7895
JAMES S. MATTHEWS, 1484
MICHAEL D. MCCARTEN, 8516
KELLY J. MCCONVILLE, 9467
DEBORAH A. MCKAY, 5512
LAURIE A. MCKEE, 9803
MICHAEL F. MC NAMARA, 6672
PAUL L. MC NEILL, 8003
TERRENCE R. MC WILLIAMS, 4624
WALTER L. MELVIN, 2337
SONIA R. MENENBERG, 8046
RONALD F. MEYER, 3252
JACQUELINE A. MITCHELL, 8614
JOSEPH F. MONDSCHEIN, 6965
JEAN C. MONTGOMERY, 1076
EDWARD MORGAN, 7068
JANE M. MORGAN, 7419
OLLIS J. MOZON, JR., 8849
THOMAS E. MURPHY, 3307
ELIZABETH A. NOLAN, 4310
JAMES B. NORMAN, 6201
KENNETH W. NORWOOD, 2290
DIANA M. NOVAK, 7913
MARK C. OLESEN, 6922
KEVIN M. ONEIL, 8946
JOHN C. OSGOOD, 9136
CLAIRE M. PAGLIARA, 8450
BEVERLY PAIGEDOBSON, 9340
ROBERT J. PALMQUIST, 2129
MARILYN R. PAST, 4609
JAMES E. PASTOR, 7311
MICHAEL D. PATTISON, 3250
SCOTT R. PECK, 2837
SAMUEL J. PENA, 9393
ANDREW D. PETERS, 0909
ROGER E. PIGEON, 2810
DENNIS J. PLAJA, 9962
MICHAEL J. PLUNKETT, 4528
JOHN J. PRENDERGAST III, 0415
LEO PRUSINSKI, 9371
JAMES T. PULLEN, 2286
ROBERTO QUINONES, JR., 0842
JAMES C. RAGAIN, JR., 3239
ROBERT B. RAINES, 5153
MARK E. RALSTON, 8530
SANDRA L. REED, 5719
CHARLES A. REESE, 2941
ROBERT S. RHODES, 8857
CAROL G. RICCIARDELLO, 6400
JAMES P. RICE, 1265
THOMAS L. RICHIE, 0197
ROBERT J. RITCHIE, 3785
WAYNE L. RITTER, JR., 3793
ALLEN H. ROBERTS II, 4401
WILLIAM H. ROBERTS, JR., 9515
DON E. ROBINSON, 3226
WILLIAM G. RUDOLPH, 7317
DAVID A. RUSSELL, 7729
JOSEPH E. RUSZ, JR., 3540
WILLIAM S. SAGEMAN, 6392
DIANE L. SAGGUS, 6327
STEPHEN J. SAVARINO, 6572
DOUGLAS SCHALL, 4762
DALE K. SCHEFFS, 6602
KENNETH W. SCHOR, 1346
ROBERT L. SCHWANEKE, 4449
JOEL L. SCHWARTZ, 0975
DANIEL A. SCOTT, 6693
GERALD D. SEELY, 1927
WAYNE G. SHEAR, 3891
ROBERT G. SHERMAN, 8504
SCOTT W. SHIFFER, 8334
ELENOR M. SHIGLEY, 6941
DAVID L. SHIVELEY, 0609
ROSALIND SLOAN, 9858
WILLIAM F. SMITH, JR., 1373
MARTIN L. SNYDER, 2949
AL L. SORENSEN, 6355
STEVEN M. SOVICH, 2994
PAUL C. STANFIELD, 7772
THOMAS E. STEFFEN, 7615
ALTON L. STOCKS, 7240
WILLIAM R. STOVER, 0599
ERNEST L. STYRON, 7011
ROBERT TAFT, 9541
JESSIE R. TATE, 5898
CHARLES E. TAYLOR, 9877
DARRYL L. TAYLOR, 3966
PAUL V. TOMASIC, 2063
JOSEPH C. TORKILDSON, 3472
SCOTT A. TREZZA, 4009
LYNN M. UTECHT, 4207
FREDA K. VAUGHAN, 8958
BENJAMIN L. VIELLIEU, 7759
STEPHEN J. WAITE, 1472
KEVIN R. WALTER, 4993
JAMES J. WARE, 3395
DANIEL A. WASNEECHAK, 0606
JULIE E. WEBB, 4230
PATRICK J. WELTER, 6359
CYNTHIA M. WILLIAMS, 8548
JOHN P. WILLIAMS, 5331
LARRY N. WILLIAMS, JR., 6362
HENRY A. WOJTCZAK, 4391
STEVEN M. WOLFF, 4820
DANIEL L. WONDERLICH, 5727
ROGER D. WRAY, 0456
ROBERT L. WREN, 5092
WILLIAM F. YAUNERIDGE, 8480
ANDREW K. YORK II, 5358
LORENZO C. YORK, 9380
FREDERICK G. YOUNG, 9209
SHELLEY W. S. YOUNG, 5409

IN THE NAVY

THE FOLLOWING NAMED OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be Captain

BRUCE A. ABBOTT, 1263
JOHN J. J. ACLIN, 7676
RAYMUNDO AGUILAR, 6443
FREDERIC ALLEN, 6596
THOMAS G. ALLEN, 5877
FORREST H. ALLISON II, 0413
DEBRA K. ANDERSON, 4442
RAYMOND V. ANDERSON, JR., 8281
DOUGLAS M. ANDREWS, 8934
JOSEPH T. ARCANO, 2266
JEFFREY A. ARD, 8458
WILLIAM ATWILL, 4374
EDWARD C. BADEN, 3157
KAREN L. BAETZEL, 1245
MARK A. BALASKA, 5898
MARY E. J. BALE, 2967
GREGORY W. BARAN, 9639
DEBORAH E. BARNHART, 6427
JON W. BAYLESS, JR., 0539
RONALD A. BEASLEY, 4229
TERREL V. BECKHAM, JR., 1243
RAYMOND E. BELLANT, JR., 2047
JUDITH J. BENDIG, 3507
TOMMIE D. BENEFIELD, JR., 6319
DAVID R. BENNETT, 0334
GERALD L. BENNETT, 2738
ROGER E. BENTLAGE, 6297
PAUL D. BERG, 1559
ELWOOD J. BERZINS, 0283
LOUIS J. BEYER, 2986
GREGGORY D. BOATRIGHT, 9118
CLINTON S. BOLTON, JR., 3225
RONALD E. BOWDEN, 0557
PAULINE M. BOZDECHVEATER, 9240
DEAN A. BRAZIER, 7386
BENJAMIN M. BRINK, 4394
KEITH S. BROCKER, 0225
DAVID L. BROWN, 8138
MICHAEL R. BRUNSKILL, 3081
TOBY J. BUEL, 7594
KEITH E. BURTNER, 5302
CAREY R. BUTLER, 4692
DANIEL E. CANNAN, 0033
MICHAEL D. CARATHERS, 9908
M. K. CARLOCK, 9210
LAWRENCE R. CARLSON, 6832
STANLEY D. CARPENTER, 2473

PETER L. CARRIER, 4952
ROBERT CARROLL, JR., 3739
EDWARD J. CHOMAS, 4977
IRVIN W. CHRISTOPHER, 5745
GEORGE L. CLARDY, 6641
MICHAEL P. CLARK, 5368
MICHAEL D. COLEMAN, 1605
DAVID L. COLES, 1941
JACK P. CONNELLY, 3643
THOMAS P. CONNOLLY, 9325
RICHARD B. COOPER, 0954
LAUREL M. COSTEN, 8322
DALE R. CURTISS, 7737
FRANCIS C. DACHILLE, 0637
RICHARD C. DALE, 4765
JACK F. DALRYMPLE, JR., 7248
PETER W. DAMISCH, 5542
PAUL L. E. DAVIS, 1160
PIERS L. DAWSON, 2243
LOUIS N. DECUIR III, 1932
CHARLES R. DEDRICKSON, 6468
ROCKIE J. DELOACH, 4514
HARRY S. DENSON, 8227
JILL N. DEPPE, 1220
DONALD C. DEVRIES, 4352
DENNIS D. DEWULF, 0110
RICHARD G. DODSON, 9972
MARK P. DOEHNERT, 5223
JOHN G. DONAHUE, 2654
PATRICK J. DONOVAN, 2387
DAVID H. DOULONG, 6019
LARRY E. DOVE, 2030
NORMAN B. DUPRE, 1756
WILLIAM H. DUXBURY, 8152
MICHAEL M. EAGEN, 5526
RUSTIN ECKSTROM, 2674
MEREDITH A. EDWARDS, 6238
ROBERT EHRHARDT, 7681
JOHN S. ELLIOTT, 7378
MARK S. ELLIS, 0837
ROLAND L. ELLIS, 9171
ROBERT J. ENGEL, 3450
DANIEL T. ENLOE, 6485
CHARLES E. ENOS, 4892
RICHARD C. ENSZ, 1161
CHARLES A. FARRELL, 2733
CHRISTOPHER G. FENNIG, 7250
PAUL P. FILIAK, 8651
MICHAEL S. FINLEY, 0929
MARCUS J. FISK, 5867
BETSY A. FITZGEREL, 3291
JOYCE D. FLEISCHMAN, 8315
GLENN A. FLETCHER, 0479
JOHN A. FLORIO, 3887
CHARLES T. FLOYD, 9278
DUNCAN K. FOBES, 7401
RICHARD E. FORMAN, Jr., 9242
JEFFREY W. FRANKLIN, 2607
VICENTE C. GARCIA, 4168
JOHN E. GARDNER, 7867
ANN D. GILBRIDE, 3120
PATRICK F. GILDEA, 1662
TAEYONG W. GINN, 1969
DEAN A. GLACE, 3856
LANNY B. GLOVER, 3385
KENNETH I. GOLDBERG, 2056
KEITH B. GOOD, 1283
GORDON W. GOSS, 4857
RANDY L. GRIFFIN, 6644
DAVID B. GRIMLAND, 7872
MICHAEL C. GRISCHY, 2101
ROBERT B. GULLEY, 0723
ROBERT E. GUMPRIGHT, Jr., 4552
ERIC M. HAAS, 7474
PETER M. HACKETT, 0482
DALE V. HAFER, 2115
EARL K. HAMILTON, 1718
STEVEN W. HAMILTON, 5172
RONALD S. HANDROP, 2140
MARC A. HARRISON, 2323
MICHAEL J. HAUBNER, 2037
RONALD G. HAVLICK, 9412
RICHARD A. HAYES, 4355
RONALD E. HECOX, 7316
THOMAS HERRMANN, 7786
GEORGE A. HILDEBRAND II, 9626
ROGER C. HINE, 2324
CHERYL D. HOLE, 6868
WILLIAM W. HOLMES, 5211
ROBERT D. HOWELL, Jr., 7483
STANLEY P. HUDSON, 8737
CHRISTOPHER J. HUNSAKER, 5069
ROBERT A. HUNT, 5047
GEORGE W. HYNES, Jr., 4350
ALFRED E. IKELER, Jr., 7801
ANDRE A. JALBERT, 3005
FRED M. JAMES, Jr., 2325
LINDA C. JANIKOWSKY, 8179
JOHN E. JOLLIFFE, 2278
KENNETH L. JONES, 2994
JOHN P. KAISER, 8602
ROBERT J. KAMENSKY, 9058
JAMES W. KELLEY, Jr., 1901
DONNA C. G. KELSEY, 1816
ROBERT M. KESLINKE, 5462
EDWARD H. KIESSLING, 0438
RONALD H. Y. KIM, 1977
BRUCE W. KIRCHENHEITER, 3398
MARK L. KIRKLEY, 4343
HAROLD L. KNISLEY III, 4528
JUSTINE F. G. KOSCIELNY, 7949
STEPHEN R. KRAUSE, Jr., 1251
PETER J. KRUG, 4265
GARY L. LABUDA, 1456
EDDY W. LAI, 3562
ROBERT A. LAKIS, 6006
JOHN M. LANDON II, 6987
KEVIN J. LASHER, 9485
THOMAS K. LAWMAN, 5631
GREGORY K. LEGGETT, 8443
MICHAEL A. LEIGH, 6687
JEFFREY A. LEMMONS, 2314
DANIEL J. LOWEN, 7827
KEVIN S. LYLES, 5585
CHARLES J. MARK, 2540
CHARLES F. MARKS, Jr., 5814
JAMES R. MARTIN, 5056
JOHN C. MARTIN, 7755
RICHARD P. MARTINEZ, 4112
DOUGLAS A. MARTONE, 6596
CHARLES H. MAYNARD, 7055
RICHARD C. MAZZA, 9754
EDWARD G. MC ANANEY, 6842
WARREN-MC AULIFFE, 7426
MICHAEL E. MC CAFFREY, 0060
WILLIAM D. MC CAIN, 2915
WILLIAM M. MC KINLEY, 1911
DAVID L. MC KINNEY, 1239
JOHN J. MC NAMARA, 7722
JAMES A. MC NITT, 5354
MICHAEL L. MEANEY, 3845
FRANK B. MEASE, 8944
CORBY J. MEGORDEN, 8564
KENNETH L. MERRICK, 7837
JAMES MESSENGER, 2647
JOHN G. MESSERSCHMIDT, 7746
CHARLES T. MILLER, 3943
CHRISTINE M. MILLER, 0938
MARY H. MILLER, 0942
ROBERT H. MITCHELL, 7541
NICHOLAS L. MONROE, 4945
DAVID L. MONTGOMERY, 1098
TIMOTHY D. MOON, 5084
KATHY R. MOORE, 8545
DOUGLAS H. MORET, 4521
BARBARA P. MORGAN, 0181
PATRICK D. MORGANELLI, 0957,
SAVINO N. MOSCARIELLO, 6119
DAVID R. MUENKEL, 6364
JOHN J. MULDOON, 1934
JAMES E. MUSICK, 6033
DONALD F. NAKAMURA, 7221
GREGORY D. NEARY, 9429
RUSSELL D. NEVITT, 2614
HERMAN A. NICHOLS, 0962
DOUGLAS W. OARD, 4983
THOMAS O. O'BRYANT, 4894
JOHN J. O'KEEFE III, 2394
RAYMOND OKIMURA, 8679
EARLE Z. OLSON, 8129
TIMOTHY L. O'NEIL, 9240
JOHNNY R. OSBORN, 4678
CHARLES E. OVERCASH, Jr., 7772
PAUL J. PACE, 3437
PAUL F. PAINE, 9367
KENNETH J. PANOS, 4724
PATRICK R. PARIS, 5703
JAMES C. PARKS, 6925
DANIEL F. PARRILLO, 0282
HILLMAN PATTEN, 0064
RUSSELL S. PENNIMAN, 8863
DAVID M. PERDUE, 1816
RAY A. PIETRZAK, 1737
JOHN C. PIPER, 2272
VENTZEL J. POTOCHNIK, 2270
TEN E. B. POWELL III, 1069
SAMUEL D. PRATTON, 8013
RONALD W. PRINDLE, 7589
ANTHONY F. QUIDATANO, Jr., 4406
MICHAEL K. RAAB, 9720
DOUGLAS R. RALPH, 1408
WILLIAM P. RAMSEY, 0672
KIRK S. REDWINE, 5513
JAMES N. REED, 9804
G. R. REINHARDT, 0796
STEVEN W. RESS, 6507
STANLEY R. RICHARDSON, 8043
TIMOTHY L. RIGGINS, 3845
WILLIAM C. ROBERTS, 6863
SUSAN L. ROCKWELL, 6501
JOHN H. ROGERS, 3711
GEORGE H. ROSE, 0354
DONALD L. ROY, 8350
FERNANDO A. RUIZ, 7442
STEPHEN D. RUTTER, 3478
PATRICK W. RYAN, 5967
ROGER W. SASSMAN, 1694
MARTIN B. SATTISON, 8376
THOMAS R. SCHAEFER, 6052
HENRY R. SCHELLER, Jr., 1619
ALAN T. SCHERER, 4691
PAUL S. SCHMITT, 6271
JOSEPH E. SCHMITZ, 9873
ALAN K. SCHNEIDER, 8347
WILLIAM J. SCHNEIDER, 1839
FREDERICK F. SCHOCK, IV, 6091
EDWARD A. SCHUNK, 1225
GEORGE J. SCOTT III, 7787
CHESTER J. SETO, 1885
RICHARD C. SEVERS, 0115
DONALD R. SEXTON, 5222
MICHAEL M. SHATYNSKI, 1839
MICHAEL J. SHEWCHUK, 4365
ROBERT K. SHIFLET, 7105
KEVIN P. SINNETT, 4362
BARBARA A. SISCO, 2123
VICTORIA G. SKINNER, 5851
RANDELL C. SMITH, Jr., 2858
SELVEN L. SMITH, 9901
STEVEN D. SMITH, 5238
ROGER P. SNEDEN II, 9292
CRAIG M. SOBE, 2262
WILLIAM T. SPOSATO, 2093
ERIC N. SPRINGER, 8801
CLIFTON E. W. SPRUILL, 1873
RICHARD P. SPURR, 5323
MARK B. STEELMAN, 7098
KEITH E. STEIGER, 3300
RON J. STICINSKI, 8751
KIRBY A. STROSS, 0159
JEFFREY B. SUBKO, 7488
KATHRYN D. SULLIVAN, 3061
ROBERT J. SWANSON, 4346
DUANE E. SZALWINSKI, 3181
JOHN F. TAFT, 1698
ROBERT J. TATE, 1668
WILLIAM H. TATE, 5973
ROBERT E. TEMPLETON, 0614
BRADLEY THOMANN, 2096
COLLEEN C. THOMAS, 0018
CRAIG H. THOMAS, 4838
KEITH D. TINDALL, 1593
JERRY TRUDELL, 7284
DANIEL E. TURBEVILLE III, 3341
DIANA M.L. TURONIS, 8768
ANTHONY J. VELLUCCI, 4171
DONALD W. VINCI, 1554
MICHAEL H. VINEYARD, 9821
DANIEL R. VORTHERMS, 2711
RICHARD A. VOYTEK, 6413
ANNA T. WAGGENER, 0775
DALE A. WAPPES, 6432
ROBERT F. WARTHER, 8283
EDMOND D. WATSON, 0599
DOUGLAS E. WERTZ, 2854
RANDALL T. WESTHAUS, 5268
GEORGE E. WESTWOOD III, 3965
WILLIAM T. WHALE III, 9455
MACUSHLA M. WIEDORN, 0039
THEODORE A. WILCOX, 4407
DAVID S. WILSON, 0842
JAMES A. WILTSHIRE, 6094
ROBERT J. WISEMAN, 5676
JAMES A. WOMBWELL, 4379
ROBERT O. WRAY, JR., 6954
ROBERT P. WRIGHT, 7860
WILLIAM A. WRIGHT, 8339
ROBERT WUESTNER, 2989
BENJAMIN S. YATES, 7152
FRANCES YATES, 7692
ALLEN C. YOUNG, 9665
BERTRAND L. ZELLER, 3456

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS ABERNETHY, 6734
ALLAN A. ADELL, 9728
DONALD W. AIKEN, 8020
TONY L. ALBANO, 0743
GEORGE S. ALBERTSON, 8027
KEVIN C. ALBRIGHT, 8362
JOHN D. ALEXANDER, 6574
THEODORE P. ALGIRE, 8189
MARK A. ANDERSON, 7936
THOMAS R. ANDRESS, 2439
CRAIG K. AUSTAD, 7228
NANCY L. AVILA, 6445
JEFFREY L. BACON, 2400
GEORGE H. BAKER, 5949
DAVID BARANEK, 8397
RICHARD S. BARCUS, 4183
ROBERT L. BEATTIE, 3063
DAVID J. BECK, 6521
DAVID W. BELLA, 6342
TIMOTHY L. BENHAM, 3659
JON F. BERGJOHNSEN, 0645
DUDLEY B. BERTHOLD, 4599
DAVID D. BIGELOW, 7198
STEPHEN P. BLACK, 4746
ROBERT A. BOGDANOWICZ, 6292
WILLIAM G. BOND, 0962
WILLIAM H. BORGER, 4500
JOHN C. BOYCE, 7882
MICHAEL E. BOYD, 3843
MICHAEL E. BRADY, 7443
MICHAEL W. BRANNON, 0616
MARTIN P. BRICKER, 7278
JOHN A. BROWN, JR., 0595
DAVID A. BURKHARD, 2347
DANIEL W. BURSCH, 7181
MARK H. BUZBY, 9492
DANNIE L. CAIN, 5198
VALERIE E. CARPENTER, 4376
NEVIN P. CARR, JR., 4285
DALE E. CARSON, 9320
BRUCE W. CARTER, 1114
CHRISTOPHER B. CHACE, 3888
JOHN H. CHASE, JR., 1088
MARTIN E. CHURCH, 4128
JAMES D. CLOYD, 7219
CHARLIE C. CODE, JR., 8709
JAMES J. COLGARY, 7581
TONYA J. CONCANNON, 2673
DAVID M. COONEY, JR., 5389
GARRAT E. COOPER, 5091
MAUREEN T. COPELOF, 7462
ANTHONY T. CORTESE, 0581
TONY L. COTHRON, 8027
JAMES C. COX, 8759
RONALD R. COX, 6404
BERNARD J. CRAMP, 2167
ROBERT K. CRUMPLAR, 2059
GREGORY S. CRUZE, 8093
ROBERT L. CULLINAN, 3393
PHILIP H. CULLOM, 8151
STEPHEN P. CURTIS, 9894
TERRANCE A. CUSH, 8220
STEVEN M. DALLAIRE, 0129
DAN W. DAVENPORT, 4237
JERRY S. DAVIDSON, 7764
MICHAEL D. DAVIS, 9095
GERALD F. DECONTO, 8840
STANLEY V. DEGEUS, 7858
JAMES J. DEGREE, 4555
PHILIP M. DELPERO, 5374
DONALD G. DIGGS, 1456
KATHRYN A. DIMAGGIO, 8666
CHARLES B. DIXON, 5453
MARTIN A. DRAKE, 2418
PATRICK DRISCOLL, 5178
KIM M. DRURY, 5946
RICKEY L. DUBBERLY, 7209
DRU M. DUBUQUE, 5629
JOHN T. DUGENE, 2710
RICHARD W. DURHAM, 9055
MICHAEL A. DURNAN, 1532
ANTHONY J. DZIELSKI, 6581
GERDA W. EDWARDS, 6322
RONALD R. EVANS, 9594
DAVID W. FAASSE, 7109
DANIEL P. FARSON, 8709
MICHAEL J. FISCHER, 8427
R.D. FITZPATRICK, 3218
MOIRA N. FLANDERSWURZEL, 1143
JAMES K. FOLEY, 7046
JAMES M. FORDICE, 4693
DENNIS R. FOX, 4127
DOUGLAS FREMONT, 7933
DAVID J. FROST, 3510
GEORGE J. FULLERTON, 5245
STEPHEN G. GABRIELE, 7175
DANIEL R. GAHAGAN, 3014
BEULAH C. GALVIN, 0338
DAVID C. GEER, 9517
GERALD W. GELETZKE, 0684
TIMOTHY M. GIARDINA, 6234
DAVID W. GILLARD, 4094
JEFFREY R. GINNOW, 0544
STEVEN D. GNASSI, 4007
DANIEL A. GOMRICK, 1354
THOMAS D. GOODALL, 4822
EDWARD R. GOODMAN, 8172
DOMINIC L. GORIE, 7528
KENNETH S. GRAESER, 8866
FRANK J. GRANDAU, 2935
STEVEN D. GRANT, 4817
WALTER S. GRAY, 8958
FRANCIS J. GRECO, 3677
CHARLES W. GREEN, 3716
JAMES K. GREENE, 7797
PHILIP H. GREENE, 9852
MARK F. GREER, 0065
MARK E. GUNGGOLL, 7585
ROBERT H. GUY, JR., 9346
TERRY W. HAGGARD, 1350
DEON A. HARKEY, 2729
ROY H. HARKINS, 8075
BASIL N. HARRIS, 2889
JOSEPH C. HARRISS, 0976
ROBERT S. HARWARD, 7314
PETER J. HEALEY, 5534
MICHAEL A. HECKER, 7520
ZACHARY A. HENRY, 1412
GARY B. HICKS, 7340
ROBIN L. HIDDEMEN, 9104
PAUL D. HILL, 6647
JAMES B. HILLAN, 8991
PAULA H. HINGER, 5571
FRANCIS A. HISER III, 4952
ALEXANDER B. HNARAKIS, 5552
KATHRYN M. HOBBS, 0658
JOHN S. HOEFEL, 5630
THOMAS K. HOHL, 8754
WILLIAM P. HOKER, 0692
JOHN B. HOLLYER, 3810
JACK W. HOLT, 2887
PATRICK C. HOPFINGER, 5910
ROBERT HUDDLESTON, 9858
JERRY L. HYDE, JR., 4430
VINCENT S. IFILL, 4365
JANEEN W. IGOU, 0562
DONALD S. INBODY, 6478
JOHN D. INGRAM, JR., 8764
GLEN R. IVES, 9721
BERNARD L. JACKSON, 2164
DAVID M. JACKSON, 3515
GREGG S. JACKSON, 0159
MICHAEL L. JAMES, 1340
ROGER D. JASKOT, 2434
DAVID J. JERABEK, 3126
JOSEPH E. JOHANNES, JR., 3938
ARTHUR J. JOHNSON, JR., 1340
DAVID C. JOHNSON, 1406
EDWARD A. JOHNSON, JR., 9457
STEPHEN J. JOHNSON, 9056
MICHAEL JOHNSTON, 2321
LEONARD B. JONES, 2135
PAULA L. JORDANEK, 8325
THOMAS M. JOYCE, 7663
ANDREW T. KARAKOS, 3461
TIMOTHY P. KEATING, 1968
DOUGLAS W. KEILER, 0036
RUSSEL C. KELLER, 0921
STUART O. KENDRICK, 0740
RICHARD J. KISER, 7771
DEAN M. KIYOHARA, 3857
FRANCIS V. KLEIN, 5750
TOMMY D. KLEPPER, 5275
JEFFREY E. KLINE, 0897
KARL E. KOLESNIKOFF, 2892
STEVEN R. KREMER, 6881
JOHN A. KUNERT, 8686
DAVID A. LEARY, 0068
ROBERT G. LEEDS, 0893
STEVEN E. LEHR, 7874
SHARON M. LEONARD, 6812
LINDA M. LEWANDOWSKI, 5593
SUSAN M. LIBBY, 5385
DAVID E. LIENARD, 3442
STEPHEN C. LINNELL, 5790
DANIEL J. LOONEY, 5303
JOHN R. LOYER, 0081
CARLOS LOZANO, 1530
MICHAEL C. LUCARELLI, 8553
STEVEN E. LUCE, 3938
KEITH O. LYLES, 7480
ARCHER M. MACY, JR., 7023
MICHAEL K. MAHON, 3439
RUDOLPH E. MALUSH, 9380
STUART B. MARKEY, 3362
WILLIAM P. MARRIOTT II, 5136
JOSEPH R. MARTIN, 0940
STEPHEN E. MARTIN, 9618
RICARDO MARTINEZ, 4903
CHARLES W. MARTOGLIO, 2785
JAMES S. MAYNARD, 7304
GEORGE A. MC CAFFREY, 7732
THOMAS R. MC CARTHY, 3211
BRIAN J. MC CORMACK, 4678
LARRY S. MC CRACKEN, 2255
TERRY L. MC CREARY, 1209
THOMAS F. MC GUIRE, 7893
THOMAS MC KEON, 0351
CLARENCE W. MC KOWN, JR., 2823
JOHN C. MC LAWHORN, 3037
MARY B. MC LENDON, 4702
EDWARD P. MC NAMEE III, 9491
KEVIN K. MC NEES, 1580
JERRY L. MC WITHEY, 1846
MARK S. MEREDITH, 9814
SHERMAN G. METCALF, 5107
JOHN C. MICKEY, 0980
KENNETH MILHOAN, 0262
JAMES D. MILLER, 1159
ROBERT A. MIRICK, 0472
MAURICE M. MONTANA, 1562
LESTER L. MOORE, JR., 6204
PAULA L. MOORE, 2753
JANE B. MORGAN, 8489
DAVID B. MORRISON, 8483
GLEN E. MOWBRAY, 0310
MICHAEL G. MULCAHY, 6592
ROLAND J. MULLIGAN, 4958
JOSEPH P. MULLOY, 0400
CHRISTOPHER C. MURRAY, 8538
MICHAEL J. MURRAY, 8426
DALE M. NEES, 5165
MICHAEL E. NELLER, 8131
GLEN A. NIEDERHAUSER, 8901
FRANCIS J. NINER, 3993
RICHARD J. NOLAN, JR., 5415
JOHN C. NOULIS, JR., 4235
ALFRED S. NUGENT III, 9140
EUGENE T. OBRIEN, 5725
PETER A. OBRIEN, 0895
JAMES W. OCONNELL, 1858
JAMES L. OKEEFE III, 0437
RYNN B. OLSEN, 2078
JOHN H. OREM, 6241
JOHN C. ORZALLI, 6643
CATHERINE H. OSMAN, 9661
ANTONY F. PAPAPIETRO, JR., 4223
RAYMOND PARA, 6792
SETH F. PARADISE, 8656
GREGORY S. PARKER, 2319
JOHN A. PASKO, 9014
MATTHEW S. PASZTALANIEC, 6571
JAMES V. PENDLEY, 8263
PATRICK K. PEPPE, 2963
MARK D. PETERSENOVERTON, 7901
JOSEPH C. PETERSON, JR., 4031
THOMAS P. PHELAN, 4798
DAVID L. PHILMAN, 6805
CHARLES J. PIERCE, JR., 2985
PAUL M. PIETSCH, 1091
GEORGE L. PONSOLLE, JR., 7515
WILLIAM L. PORTER, 0527
CHRISTOPHER L. POWERS, 4849
DENNIS M. PRICOLO, 4524
BRIAN C. PRINDLE, 1835
DAVID W. PROTHERO, 7484
JOHN M. PRUITT, JR., 4771
MILES C. QUIGLEY III, 8020
DONALD P. QUINN, 9338
MICHAEL V. RABENS, 2018
ROBERT W. RADLOFF, 0469
JAMES E. RATTE, JR., 3221
JOHN R. REICHL, 4620
WILLIAM F. REISKE, 5073
JAMES M. RENNIE, 1492
LAWRENCE S. RICE, 7901
WANDA L. RIDDLE, 2998
JAN G. RIVENBURG, 3673
TIMOTHY C. RIVERS, 2353
BRIAN M. ROBY, 5727
ERNEST J. ROESKE, 5672
KENNETH P. ROEY, 2880
JAMES E. ROGER, 0578
KENT V. ROMINGER, 8718
DONALD L. ROOT, 4127
STEPHEN S. ROSS, 8634
STEVEN H. ROSS, 1713
THOMAS A. RUSSELL, 6977
JANET S. RUSTCHAK, 6840
ROBERT H. RUTHERFORD, 9655
ROBERT W. RYAN, 1137
ROBERT C. SAIN, 4818
STEPHEN B. SALE, 4158
DAVID T. SAPONE, 6049
MATTHEW E. SCHELLHORN, 2790
JAMES K. SCHOLL, 2800
KURT D. SCHULZE, 3350
JAMES M. SEAGLE, 3378
MARK D. SEAMAN, 1597
VICTOR C. SEE, JR., 8526
MARK K. SEGLEM, 2683
ROBERT R. SENTER, JR., 2612
GRACE V. SHEEHAN, 7894
JUSTIN M. SHERIN, JR., 4177
WILLIAM O. SHEWCHUK, 1076

ANTHONY A. SHUTT, 3832
CARY A. SILVERS, 9992
MARLENE A. SIMMONSTREFETHEN, 4714
DARRELL T. SINK, 6244
RICHARD E. SMETHERS, JR., 2074
STEPHEN T. SMIETANA, 1813
CHARLES E. SMITH, 4827
STEVEN P. SMOLINSKI, 1285
RAY L. SNELL, 2664
JOHN A. SOKOLOWSKI, 4741
CARLOS A. SOTOMAYOR, 4728
ROBERTA SPILLANE, 5924
TIMOTHY P. SPRAGUE, 1038
DANIEL L. SQUIRES, 9794
STEPHEN G. SQUIRES, 0423
WILLIAM B. STEDMAN, 2836
JEFFREY M. STEELE, 3423
ROBERT R. STERLING, JR., 0564
HOWARD L. STONE III, 0819
STEVEN R. STRAUSSER, 8998
ROBERT M. STUART, 6671
JOHN B. STURGES III, 3320
CHRISTOPHER J. SULLIVAN, 9621
PAUL K. SUSALLA, 2208
ERIC L. SWEIGARD, 6816
MICHAEL J. SZOSTAK, 9373
SHAWN R. TALLANT, 3653
RICHARD R. TAYLOR, 6937
MARK TEMPESTILLI, 3405
RONALD L. THOMAS, 1852
DAVID N. THORSON, 6533
PAMELA E. THROWERLESESNE, 3136
SPENCER P. TOLIS, 7235
RAYMOND F. TOLL, JR., 3220
WILLIAM J. TOTI, 7999
WILLIAM T. TRAINER, 1620
HOWARD F. TROST, 2825
DAVID W. TUNGETT, 0098
ALEXANDER L. URRUTIA, 0948
WILLIAM D. VALENTINE, JR., 9089
SCOTT R. VANBUSKIRK, 0831
THOMAS M. VANDENBERG, 1631
JAN M. VANTOL, 8515
DAVID A. VEATCH, 2103
DAVID M. VOLONINO, 4968
CONSTANCE A. WALKER, 8675
THOMAS L. WALSTON III, 5385
THOMAS S. WARD, 7846
THEODORE J. WASYLKIW, 8615
WALTER B. WATSON, JR., 0300
JAMES M. WECKERLY, 8901
MARK S. WELCH, 8970
RICHARD C. WEST, 5694
THOMAS S. WETHERALD, 0158
WILLIAM G. WILCOX, JR., 8243
THOMAS R. WILLIAMS, 6519
MICHAEL L. WILLIAMSON, 9535
CHARLES E. WILSON, JR., 7944
JEFFERY W. WILSON, 9867
DAVID L. WIRT, 3619
JAMES E. WISE II, 1220
JAMES G. WOOLWAY, 1433
MARK A. WOOTTEN, 7034
KEITH L. WRAY, 6940
CHARLES R. WRIGHT, 4303
ERIC J. WRIGHT, 1914
STUART A. YAAP, 8739
WILLIAM E. YEAGER, 4915
KARL E. YEAKEL, 9016
EARLE S. YERGER, 3737
ROLF A. YNGVE, 8128
WILLIAM D. YOPP, 6536
DAVID G. YOSHIHARA, 0750
ORRIN W. YOUNG, 2231
RANDOLPH K. YOUNG, 3806
ROBERT A. YOUNG, 1442
RONALD W. ZAPERACH, 2399

EXTENSIONS OF REMARKS

THE HISTORY OF THE PRIVATE CALENDAR OF THE U.S. HOUSE OF REPRESENTATIVES

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. SENSENBRENNER. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe, the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House Calendars, the Private Calendar is the one to which all private bills are referred. Private bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were private laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available, passed 1,031 private laws, as compared with 434 public laws. At the turn of the century the 56th Congress passed 1,498 private laws and 443 public laws, a better than three to one ratio.

Private bills were referred to the Committee on the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62nd Congress changed this procedure by its rule XXIV, clause six which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 22, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that Act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82nd Congress passed 1,023 private laws, as compared with 594 public laws. The 88th Congress passed 360 Private Laws compared with 666 Public Laws.

Under rule XXIV, clause six, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. It a bill called is objected to by two or more Members, it is automatically recommitted to the Committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday ago over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members the Official Objectors system the House has established to deal with the great volume of private bills.

The Majority Leader and the Minority Leader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the Floor ready to object to any private bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or questions about a particular private bill, he or she can get assistance from objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bill, and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. With this agreement adopted on April 21, 1999, the Members of the Private Calendar Objectors Committee have agreed that during the 106th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) days, excluding the day the bill is reported and the day the calendar is called. Reports must be available to the Objectors for three (3) calendar days.

It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from North Carolina (Mr. COBLE), the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from Virginia (Mr. BOUCHER), and the gentlelady from Connecticut (Ms. DELAURO).

I feel confident that I speak from my colleagues when I request all Members to enable us to give the necessary advance consideration to private bills by not asking that we depart from the above agreement unless absolutely necessary.

TRIBUTE TO FBI NATIONAL ACADEMY GRADUATES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to recognize a young man dedicated to a career of service and protection. On March 26, 1999, Commander Charles Austin Baker of the Commerce City Police Department, Commerce City, CO., graduated from the 196th session of the FBI National Academy in Quantico, Virginia.

Each year the FBI National Academy selects several of our nation's top law enforcement officers to participate in an extensive 11-week training program. Throughout this training, particular emphasis is placed on leadership development. Courses in the program relate to Police management, Behavioral Science, Criminal Law, Law enforcement, Communication Arts, Forensic Science, and Health/Fitness. After Graduation, they expect that these officers will be prepared to assume even greater responsibilities and pass on to others the benefits of their advanced training.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, it is my privilege to congratulate Commander Baker and all of the FBI National Academy graduates. With confidence, I look forward to their leadership in America.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

IN THEIR OWN VOICES, AFRICAN AMERICANS TELL THE HISTORY OF BIGOTRY

(By Ovetta Sampson)

COLORADO SPRINGS, COLO.—History books paint Colorado Springs as a haven of goodness—a beautiful resort town for the healthy and wealthy tucked at the bottom of Pikes Peak.

In its early years, the city seemed almost ambivalent about race compared with other places around the country. The city didn't have segregated schools or neighborhoods. Its first police force, formed in 1887, included black officer Horace Shelby. By 1898, Colorado Springs had two weekly newspapers for blacks: The Colorado Springs Sun and The Enterprise.

A closer look reveals a piece of Colorado Springs' past that's rarely talked about. It's a piece of history locked in the hearts and minds of many longtime black residents. It shows a Colorado Springs that sanctioned separatism in the city's finest hotels, restaurants and shops.

It tells of a Jim Crow existence ushered in by the Ku Klux Klan. To find such history, you have to look beyond the usual books about the city and into the lives of its ordinary black residents. To get the truest sense of the triumphs and tragedies black people endured here, you have to let them have their say, in their own words.

* * * Kelly Dolphus Stroud was born in 1907, the third of 11 children in one of Colorado Springs' pioneering families.

While the children were still young, their father, Kimbal Stroud, would fill the home with music, playing the French harp or singing. He also told them stories about slavery, biblical adventures and happenings around the world.

In an unpublished book, Dolphus recounts how his dad's after-supper musings gave them the head start they needed for school.

"The Stroud children learned a great deal at the feet of their parents and were well advanced beyond their grade levels upon entering Bristol elementary school. This placed them in the enigmatic position of being the brains of their classes because of their knowledge and the butt of all jokes and embarrassments because of the color-phobia of White America."

Dolphus realized, even in his youth, that being smart didn't exempt blacks from the racist attitudes of others.

"It hurts when one approaches his high school Latin teacher as I did after the first semester of my first year of Latin class to ask why I have been graded 'B' when I had passed every test with 100 percent grade, had done every translation without error and had not been absent or tardy to any class," Dolphus wrote in a letter to his biographer, Inez Hunt, years after he'd left Colorado Springs.

"Thus, I received this curt answer 'I don't give A's to colored kids.'"

Dolphus transferred to another Latin class and "received an A-plus on every Latin semester report thereafter for the next three years."

He was good at masking his pain but angry at the way he was treated: "To be forced to carry a pocket full of rocks at all times for a measure of self-defense against unprovoked attacks," he wrote in another letter to Hunt. The letter can be found in John Holley's book "Invisible People of the Pikes Peak Region."

"To be unable to eat food inside any of the numerous restaurants in Colorado Springs and Manitou, to be unable to enter any of the city theaters, and to be harassed by Chief Hugh D. Harper and his police to the point where Negro youngsters were constantly under the threat of being kidnapped from the streets and taken to City Hall and forced to dance and clown for the entertainment of the police, were among the minor irritations one faced daily."

Still, Dolphus excelled in college, becoming the first black man at Colorado College to earn membership in the prestigious honor society Phi Beta Kappa.

After graduation, however, he couldn't get a job teaching at his alma mater where he had done so well.

Dolphus thought it was a cruel joke. Although black students here received an equal education long before the 1954 U.S. Supreme Court decision desegregating schools, they ran up against the same wall as in Southern cities that separated them from professional jobs. Dolphus ended up working for his father's company hauling everything from ash to trash because he couldn't find a better job.

"Naturally, the experience at Bristol School, Colorado Springs High School and the general atmosphere of the town left emotional * * * scars upon the Negroes of my generation," he wrote.

Dolphus, like most of his siblings, eventually left Colorado Springs. He taught political science at a black school in Georgia, coached a baseball team and owned his own trucking and storage business in Portland, Ore. He died in 1975 at 68.

The heavy cloud of discrimination that floated throughout the city during Dolphus' youth soon became a whirlwind of prejudice, racism and downright terrorism for blacks.

In Colorado Springs, old-timers say, the Ku Klux Klan reigned with the backing of the city government. A 1921 Gazette clipping tells how the Klan, formed in July of that year, couldn't be shut down or touched by order of the police chief and district attorney. Other clippings tell of the Klan burning crosses on front lawns and even on Pikes Peak.

'The brutality was horrible," said 75-year-old Eula Andrews, who vividly remembers the Klan uprisings from when she was a little girl. "It was so unpleasant. I was frightened, my mother was frightened. The Klan was so strong here."

Andrews may have felt the sting of hatred more than most. She was the daughter of Charles Banks, one of the city's most vocal crusaders against racism.

Bank's suffering was more of a conscious choice. He was born in 1880 to an American Indian mother and English father. With his caramel-colored skin, Banks didn't have to identify himself as black, but because he was raised in a black household, he did.

When he signed up with the military, he joined black men who were forced to fight segregated troops. After contracting malaria in the Philippines, the Spanish-American War veteran retired to Colorado Springs, where he used the city as the battleground to fight a civil rights war.

Andrews said her father's activism could be traced to a face-to-face meeting Banks had with abolitionist Frederick Douglass, who encouraged him.

In Colorado Springs, Banks didn't hesitate to threaten, coerce or cajole the folks of Colorado Springs to go his way.

"I am sending you this communication on behalf of the National Colored Democratic Club of El Paso County protesting against the appointment of Judge Little for assistant district attorney," Banks wrote to another El Paso County judge in July 1932. "There was a time when the colored people of this county put their unmost confidence in him and would have supported him in almost anything he would have asked for. But his attitude toward us during the reign of the Ku Klu (Klan) shattered all confidence beyond a reasonable doubt that he was not our friend. We did everything in our power to ensure your election, and we still have undying confidence in you and believe when you look into this matter further that you will decline to make the appointment of Judge Little."

Bank's activism generated enemies, including the Klan, which burned a cross in his neighbor's yard thinking it was Banks' yard. His activism also helped him get elected as president of the NAACP, a post he held for five years.

As part of the National Association for the Advancement of Colored People, he was a pistol, packing political clout and a penchant for filing lawsuits against businesses that violated civil rights laws. He sent his children and other relatives to stores, theaters and cafes around town to document the discrimination.

Andrews remembers being send one time by her father to Walgreens. She sat down in a booth and ordered coffee. When the waitress served her, she poured salt instead of sugar into her cup. "I got so angry," Andrews said.

Her father, through, had given her strict orders not to fight—just pay, leave and document the event.

In an undated speech titled "Will Democracy or Fascism Reign in Colorado?" Banks took the city's government to task.

A five-man committee was appointed by the City Council; they investigated very thoroughly and cleared the police of the brutality charge. Of course, it couldn't be expected that anyone would be appointed to that committee who would make a fair investigation. The committee stated it was not brutality but self-defense when a policeman cruelly beat up a man Well, if self-defense means going into a cell when a man is already behind bars and beating him unconscious, then we will call it self-defense. Of course I realize that sometimes it is necessary for a policeman to use his black jack. But the way they have beaten some of these boys, you would think they had just caught a desperate criminal. . . . The committee also stated the police were sincere and devoted and above average in intelligence. What I want to know (is) who and what are they devoted to besides the chief and the taxpayers' money? Yes, maybe they are above average in intelligence, they have the intelligence to arrest a man, drunk or sober, fine him $25 to $250 for drunkenness, disturbing the peace or whatever else they can think of to get the money . . . They have the intelligence to order Negroes out of theaters and to uphold other public facilities and breaking the civil rights law."

Banks' fervor didn't sit well with some of the other civil rights leaders in town, and he was called a Communist. Eventually he was ostracized and ousted as NAACP head, but residents say his legacy will be as a freedom fighter in Colorado Springs. He died in 1976.

In 1942, Camp Carson came to town, and in one day, the city's black population increased 10 percent. By the time Camp Carson turned into a permanent Army base and became Fort Carson in 1954, the military installation was regularly drawing new residents to the city.

Joyce Gilmer came to Colorado Springs by way of a military husband. Her first impressions were outlined in an extensive interview she did in 1994 for the Pioneers Museum's Voices and Visions Oral History project.

"When I first came here, I didn't know any black who worked at a newspaper," she said. "I don't think they had a lot of black professors at Colorado College for sure, and they had a lot fewer black teachers than they have now. They didn't have any black doctor. . . . Now they have several doctors and lawyers and things like that, but not nearly as many as they should have for a town this size."

It certainly wasn't a climate that looked friendly for Gilmer, who soon became an unemployed, divorced mother of three. Yet, she was driven to survive. She went back to school and became the city's first black woman real estate agent.

She was so good she convinced her landlord to put the house she was renting on the market, and it was the first one she sold. She was homeless but successful.

The clouds of Colorado Springs' past were there as Gilmer began her ascension into the realm of selling real estate.

"When I first started in real estate working with men, (I was) the only woman and (the only) black woman," she said in the oral history interview. "They don't even expect you to say anything. When I used to do a closing . . . I would sit through the whole closing, I'd make sure I found a mistake at the beginning, and then I would call their attention to the mistake so we'd all have to start over."

Though Gilmer was never exposed to it personally, she talked about the existence of red-lining, the practice of showing houses only in certain neighborhoods to people of color while steering white people to other neighborhoods.

"You were not allowed to point out a neighborhood that you couldn't go into," she said. "I guess white people knew more about that than I did because they're not going to tell a black person these are areas they don't want you to live in or sell in. . . . But it was beginning to be the topic of conversation at meetings and things like that, that this was not legal and you had better not be caught doing it."

Her personal triumphs—earning a degree, starting her own business, becoming one of the most successful real estate agents in the city—shows just how much the city has changed.

While many old-timers say racism in Colorado Springs is still just below the surface, stories such as Gilmer's point toward fairness.

Last year, signs were erected to identify the newly named Martin Luther King Jr. bypass. The NAACP also celebrated its 10th annual Juneteenth festival—a community party celebrating freedom—on the grounds of Colorado College. Also, the city is in its second round of talks as part of a Community Conversation on Race.

The transformation is by no means complete, but residents who know this city's history say there have been changes.

"I think this city has made a 180-degree turn," said Franklin Macon, grandson of Charles Banks and a Springs native. "No matter what people say, it's gotten so much better."

TWIN BROTHERS CHARGED WITH CONSPIRING TO INCITE RACE WAR

RICHMOND, VA. (AP).—A grand jury has indicted twin brothers on charges of conspiring to incite a race war between black's and whites.

Kevin and Kalvin Hill, who allegedly belong to a white supremacist group, were indicted Monday in the Richmond suburb of Henrico County on charges of "conspiracy to incite one race to insurrection against the other race." They were released on bond pending a March 25 hearing in Circuit Court.

The brothers, 28, were indicted twice earlier this year—on Feb. 4 and Feb. 25—on various drug distribution and conspiracy charges. They also face an abduction charge.

The brothers "prominently displayed Nazi paraphernalia" and "read passages from their white supremacy 'Bible'" to people who came to them to buy marijuana, according to a search warrant affidavit filed in the case.

Court papers indicated the brothers possessed a document that "described and espoused the burning of synagogues and violence against people based upon race or religion."

Police found numerous items related to the white supremacy movement in searches of the brothers' residences in Henrico County and Bluefield, W.Va., court records indicate.

The items included Nazi flags, posters of Adolf Hitler, clothing with Nazi slogans, World War II Nazi paraphernalia, applications to join the Ku Klux Klan and pamphlets containing racist slogans, the records indicate.

Police believe the Hill brothers moved to the Richmond area from West Virginia shortly before 1995.

The organization that the man allegedly belong to was identified in the court documents as "Christian Identity."

Among several other suspects who were indicted on drug charges related to the Hills was Sylvester J. Carrigton, 27, of Chesterfield County. Police said the brothers recruited Carrington, who is black, as a drug supplier.

"Basically it was just a money thing," said narcotics investigator Michael J. Barron. ". . . They didn't care for him too much, but it was business."

Police seized about 5 pounds of marijuana, 25 to 50 doses of LSD, more than 20 drug pipes, several knives, 15 guns, ammunition and military flak jackets in the Richmond area and West Virginia. The weapons included .30–.30 rifles with scopes, AR–15 assault-style rifles and Tec 9 semiautomatic pistols.

Police said the 2-year investigation is ongoing.

BLACK AG DEPARTMENT MANAGERS PURSUE DISCRIMINATION COMPLAINT

WASHINGTON (AP).—Black managers working for the Agriculture Department are moving forward with a complaint that accuses the agency of denying them promotions.

The Equal Employment Opportunity Commission has scheduled an April 12 hearing on the class action complaint, which alleges that more than 300 black managers at the department's Farm Service Agency were discriminated against.

The Farm Service Agency, which administers loans and credit, also had been cited by black farmers in a lawsuit that resulted in a multimillion-dollar settlement—currently under review by a federal judge.

"It's not surprising that the Farm Service Agency was discriminating against the black farmers when they have for years systematically excluded African-Americans from policy-making positions in the upper levels of agency management," said lead attorney Joseph D. Gebhardt.

The complaint, which was filed in February 1997, requests a promotion for each member of the class along with appropriate back pay and benefits.

Tom Amontree, a spokesman for Agriculture Secretary Dan Glickman, said the agency has been "aggressively dealing with the backlog of employee civil rights complaints." In the past two years, the agency has resolved three-fourths of such outstanding complaints, he said.

"Secretary Glickman will not tolerate acts of discrimination at this department," Amontree said. "Anyone found doing so will be dealt with appropriately."

The action before the EEOC is just one of two under way by black department employees. Another group is meeting with attorneys to pursue a complaint on behalf of all black employees within the agency, organizers said.

"Obviously the only thing the department is going to respond to is across-the-board action," said Lawrence Lucas, president of the USDA Coalition of Minority Employees and an organizer of the effort. "Employees who have been in the system and seen the discrimination have decided the only way they can get to the systemic nature and the culture of racism is through a class action."

REMEMBERING THE 85TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. HORN. Mr. Speaker, I thank Representatives RADANOVICH and BONIOR for their work to introduce a resolution this week to ensure that this nation continues to play an active role in protecting the memory of the Armenian Genocide that began 85 years ago. As we so unfortunately see again in Kosovo today, documenting the horrors of genocide—or "ethnic cleansing" as it is called in some circles—is vital if we are to ever stop such actions from occurring.

The resolution that is being introduced calls upon the President to collect and house all relevant U.S. records relating to the Armenian Genocide and provide them to Congress, the U.S. Holocaust Memorial Museum, and the Armenian Genocide Museum in Yerevan, Armenia. It is necessary to do this because there are many who live in denial. Sadly, the Government of Turkey continues to deny what occurred at the beginning of this century, just as there are too many people who still deny the Jewish Holocaust where six million people were killed. Two million Cambodians were killed in the 1970s–1980s by Pol Pot and his communist thugs and ideologues. Even now in the Balkans there must be solid evidence of violence against the innocent civilians for no other reason than their ethnic identification.

No one can take for granted the unexplainable ability of some people to look clearly at facts and still dêny its very existence. Each year, Members of Congress join the world commemoration of the Armenian Genocide because it must not be forgotten. Time, distance, and current events frequently cloud the past and can reduce horrific events to little more than a footnote in history. The Armenian Genocide is not a footnote. More than 1.5 million Armenians were killed and the Genocide left deep scars upon those who survived. Those survivors carried their memories with them to my home state of California and the many other places they settled. Still, memories cannot fight those who would deny this tragedy.

Documenting the horrors of the Genocide cannot stop those who would deny it, any more than the extensive documentation of the Holocaust have stopped individuals from denying that abominable period. However, we cannot begin the fight against ignorance if we do not preserve the record of these crimes. The Armenian Genocide marked the beginning of a barbaric practice in the Twentieth Century. By remembering it we can help prevent future actions and punish the guilty in the future.

CAMPAIGN FINANCE REFORM IS LONG OVERDUE—THE SAN MATEO COUNTY TIMES URGES ACTION TO STRENGTHEN OUR DEMOCRACY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. LANTOS. Mr. Speaker, no issue affects the future of our democratic political system to a greater extent than does campaign finance reform. The infusion of unregulated dollars to political parties and officeholders has reached record levels in the past few years, making elections more and more the province of wealthy candidates and special interests. This development can only serve to increase cynicism and limit political participation among our nation's individual citizens. I strongly believe that we have a civic duty to take action to reverse this dangerous trend.

For this reason, Mr. Speaker, I am proud to be an original co-sponsor of H.R. 417, the Bipartisan Campaign Reform Act of 1999. I have also signed the discharge petition now pending before the House, in order to bring this important legislation up for consideration despite the opposition of some of the leaders of this body. This legislation, known popularly as the Shays-Meehan campaign finance reform bill, unites a broad coalition of Democrats and Republicans who share the conviction that we must act firmly and swiftly to prevent elections from becoming out-of-control auctions.

H.R. 417 would ban unregulated "soft money" contributions to national and state political parties, abolishing once and for all this unfortunate loophole. It would also impose restrictions on the broadcast of so-called "independent expenditure" issue ads by third-parties, add requirements for the full disclosure of campaign contributions, limit political party assistance to wealthy candidates who spend millions of dollars of their own personal fortunes on political campaigns, and institute several other vital improvements to our method of electing congressional officeholders.

I urge my colleagues to join me in supporting this legislation and in signing the discharge petition that is necessary to bring it before the House of Representatives,

On April 16, 1999, the highly-respected San Mateo County Times newspaper in San Mateo, California, published a thoughtful editorial on this important issue entitled "Campaign Finance Reform Is Long Overdue." Mr. Speaker, I urge my colleagues to read this excellent editorial and consider the consequences of failing to defend the integrity of our system of campaigns and elections. I ask that this editorial be placed in the RECORD.

[From the San Mateo County Times, Apr. 16, 1999]

CAMPAIGN FINANCE REFORM IS LONG OVERDUE

The majority of Americans favors campaign finance reform, which remains a crucial issue even if its breathing often labored. Paradoxically, few legislators appear to like reform well enough to see it through to passage. And some large corporations, which endorse the need for reform, still play by the old rules.

Speaker of the House Dennis Hastert, R–Ill., promised to work in a bipartisan manner on issue of concern to the average American, but he has told the press that campaign finance reform is not a legislative priority. The House will concentrate instead on what he calls the "really important issues," including Social Security, health care, tax policy and education. These are undoubtedly key issues on the legislative agenda, but the back-burner approach to the bipartisan Shays-Meehan campaign finance reform bill is irritating the American public.

"The Washington influence money game will continue and will distort the legislative policy on these very issues," reports Common Cause, which lobbies for tighter campaign finance rules. "The Speaker's failure to understand the need for reform as a prerequisite to congressional action on these important issues is to deny how Washington really works."

The passage of Shays-Meehan would mean the end of the corrupt soft-money system that permits wealthy individuals, labor unions and corporations to give millions of dollars in unregulated campaign contributions to the political parties to buy influence and access in Congress and the White House. The bill would also require special-interest groups to pay for campaign advertisements masquerading as impartial "issue discussions" with money raised according to federal campaign finance laws.

A federal economic panel—composed of businessmen—recently released a report recommending that soft money should be outlawed. "The public cannot help but believe that these donors enjoy special influence and receive special favors," the report said. "The suspicion of corruption deepens public cynicism and diminishes public confidence in government. "More important, these activities raise the likelihood of actual corruption."

The panel co-chairman, who is also the chairman and chief executive of his firm, concluded at a news conference. "Bad government is bad business." He later told a reporter: "Until I understood the depth of the problem, I was like a lot of Americans: I don't think I cared too much." This executive's accounting and consulting firm, as reported in The New York Times, was quick to repudiate its own leader by issuing a statement saying the chairman's opinions were "his personal views and do not necessarily represent the views" of his company.

A review of Election Commission records shows that three large American corporations, which announced they would swear off soft money donations in 1997, have fallen off the wagon. Only the Monsanto Company, which donated $75,000 in 1995 and '96, has given no soft money since then.

Speaker Hastert has failed to schedule Shays-Meehan for floor action this spiring despite the passage of an earlier bill in the House. A later filibuster in the Senate killed it. We urge prompt attention and passage of Shays-Meehan as we have urged in the past. A campaign finance reform law is needed right now.

Why must the public always assume the obligation to wake up its own elected officials?

APRIL IS OCCUPATIONAL THERAPY MONTH

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mrs. MORELLA. Mr. Speaker, we've all heard it said that "when you've got your health, you've got everything," we also know how hard it is to stay healthy as we get older. One profession that helps people deal with the problems of aging is occupational therapy. Because April is Occupational Therapy Month, I would like to recognize the many fine practitioners of this field of health care who live and work in my district and across the nation.

Occupational therapy helps people recover their "skills for the job of living" so they can have independent, fulfilling lives. It's the occupational therapist who shows those afflicted with arthritis new techniques of how to shop and care for their homes and gardens in order to continue the life to which they are accustomed.

It is the occupational therapist who shows those afflicted by a stroke how to dress and bathe and hold a cup again, even though limited in strength, in order to care for their own needs, instead of having to rely on others for the basic necessities of daily life.

The proven efficacy of occupational therapy as a health treatment for older persons has recently been documented in the Journal of the American Medical Association. Millions more Americans will personally be made aware of the invaluable role that occupational therapists play in their own lives when the huge baby boom generation begins to retire in the next 10 years. It is estimated that there will be more Americans over age 85 than under 5!

I salute the many dedicated occupational therapists and occupational therapy assistants for the fine jobs they do each and every day in helping older Americans live more productive and rewarding lives.

LEGISLATION TO IMPROVE MILITARY AIRFIELD SAFETY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. TRAFICANT. Mr. Speaker, earlier today I introduced legislation to authorize the U.S. military to test and evaluate Mobile Expeditionary Accurate Night Vision Compatible Portable Airfield Lighting Systems (MEANPALS). This legislation will allow all branches of the U.S. military to benefit from enhanced vision technologies, which have a proven track record of dramatically improving airfield visibility under any weather conditions.

MEANPALS is a mobile airfield lighting system that provides all the necessary elements to establish a 10,000 foot runway on improved or unimproved airfield landing sites. It utilizes enhanced vision technologies, including laser guidance systems. It provides accurate runway centerline lineup cues along with glidepath lineup information during landing approach to the airfield. My bill authorizes $1.3 million for the U.S. Army to research, develop, test, and evaluate two MEANPALS at one location that serves both fixed wing and rotor aircraft; $650,000 for the U.S. Marine Corps to evaluate one MEANPALS for use by Marine aircraft, as well as amphibious landing craft and the direction of ground vehicles; and $1.95 million for the Air Force Reserve or Air National Guard to evaluate MEANPALS at three different locations for use as assault runways and for large commercial airport use.

Enhanced vision technologies such as laser guidance systems have been fully tested and deployed by some branches of the U.S. military, including the U.S. Navy. The technology has proven itself under a myriad of conditions. Enhanced vision technologies represent a dramatic breakthrough in improving flight crew situational awareness during airplane landings—especially in low visibility situations. Laser guidance systems provide pilots with a visual navigation flight path from as far as 20 miles from the runway, with the precision of an advanced instrument landing system. Best of all, the installation of laser guidance and cold cathode technologies to replace or enhance conventional landing light systems will require no additional aircraft equipment. The combination of enhanced vision technologies with the latest ground proximity warning systems will dramatically reduce the number of controlled flight into terrain accidents.

As noted above, the U.S. Navy has deployed enhanced vision technologies on its aircraft carriers. Here's what some Navy pilots had to say about laser guidance systems:

> There's no guessing involved. It's light years ahead of what we have.
>
> Response to simple color change puts you on line as far out as 20 miles.
>
> I think the laser line-up is the greatest technical improvement for landing at night ever. It is invaluable for safety, comfort, and efficiency when landing.
>
> I really like the system. It will prove especially valuable on days when weather conditions are a factor in approaches.

Here's what the head of the U.S. Park Police had to say about tests the Park Police helicopter units conducted last year:

> The Cold Cathode heliport lights . . . have received very favorable comments by our pilots . . . They have reported that their ability to see and recognize these lights was greatly enhanced compared to the existing incandescent lights . . . In some cases my pilots reported that they could be seen twice as far away compared to the incandescent lighting. During the evaluation period we had to replace all of the incandescent lighting several times while only one of the Cold Cathode lights burned out.

These technologies, especially laser guidance systems and cold cathode lights, have been extensively tested. They are also cheaper to maintain than conventional lighting. For example, cold cathode lights have a lifetime cost of only 20 percent of that of incandescent lights.

My legislation will allow all branches of the U.S. military to benefit from this exciting technology. Mr. Speaker, the deployment of MEANPALS by the Army, Marines and Air Force will save lives and save money. I urge all Members to support this bill.

TRIBUTE TO FBI NATIONAL ACADEMY GRADUATES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to recognize a young man dedicated to a career of service and protection. On March 26, 1999, Captain Kenneth Duane Donahue of the Greeley Police Department, Greeley, CO., graduated from the 196th session of the FBI National Academy in Quantico, Virginia.

Each year the FBI National Academy selects several of our nation's top law enforcement officers to participate in an extensive 11-week training program. Throughout this training, particular emphasis is placed on leadership development. Courses in the program relate to Police management, Behavioral Science, Criminal Law, Law enforcement Communication Arts, Forensic Science, and Health/Fitness. After Graduation, they expect that these officers will be prepared to assume even grater responsibilities and pass on to others the benefits of their advanced training.

Mr. Speaker, it is my privilege to congratulate Captain Donahue and all of the FBI National Academy graduates. With confidence, I look forward to their leadership in America.

PERSONAL EXPLANATION

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. KASICH. Mr. Speaker, on Tuesday, April 20, 1999, I was unable to record a vote by electronic device on rollcall No. 92, a bill to authorize the President to award a gold medal on behalf of Congress to Rosa Parks in recognition of her contributions to the nation. Had I been present, I would have voted "aye" on rollcall No. 92.

Mrs. Parks is not only a pioneer in the struggle for racial equality, she is an example of the courage and determination we all need to overcome adversity. Mrs. Parks is an inspiring symbol to all Americans and is much deserving of the Congressional Gold Medal. I am proud to be a cosponsor of Congresswoman Carson's bill, H.R. 573, and look forward to Rosa Parks receiving this long-overdue honor.

HONORING JESUS SAUCEDO

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mrs. CAPPS. Mr. Speaker, I rise to bring to the attention of my colleagues an extraordinary man and friend who retired as the Director of the Guadalupe Community Center on December 31, 1998.

After a decade of traveling between Mexico and various states under the Bracero program Señor Jesus Saucedo first came to Guadalupe, California in 1961. He was joined five years later by his wife Refugia and their children. Once settled in the community, it didn't take long for Señor Saucedo to become a leader in the fight for justice and equality.

In 1969 he became a member and organizer of the United Farm Workers. He began working with businesses to establish training programs for local farm workers and other residents to diversify their skills and expand their opportunities. To this end, he developed his own job training programs and citizenship workshops and made these resources open to whoever needed them.

Mr. Speaker, I am inspired by Señor Saucedo's leadership and commitment to his community. Perhaps his most important accomplishment is his work with the Guadalupe Community Health Clinic. The Clinic has become the centerpiece for the community providing means to the needy, transportation options for the public, educational and recreational resources, and referrals of all kinds for those in need of advice. The impact of his service and vision will never be forgotten by the community of Guadalupe.

Mr. Speaker, I was honored to join the City of Guadalupe this past weekend in celebrating the accomplishments of Señor Jesus Saucedo. He is a man who has devoted his life to community service and I thank him for all he has done through the years.

HONORING DENIS AND CAROLYN RIBORDY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend two of Northwest Indiana's most distinguished citizens, Denis and

Carolyn Ribordy of Ogden Dunes, Indiana. Denis and Carolyn were honored for their exemplary and dedicated service to our community on April 7, 1999. Their praiseworthy efforts were recognized at the Center for Visual and Performing Arts as they received the 1999 Distinguished Citizen's Award, sponsored by the Calumet Council of Boy Scouts of America. The Distinguished Citizen's Award is given to worthy recipients who demonstrate their dedication and outstanding service to the community.

Denis and Carolyn Ribordy, longtime residents of Northwest Indiana, hale from East Chicago and Indianapolis, respectively. After both graduated from Butler University College of Pharmacy, they returned to Northwest Indiana, and have made our area their permanent home. In 1955, the Ribordy's opened their own pharmacy, Ribordy Drugs, Incorporated. Denis Ribordy served as the founder and President of the 26-store retail drug chain in Northwest Indiana until Ribordy Drugs was sold to Walgreens in 1985.

While the Ribordys have dedicated considerable time and energy to their work, they have always made an extra effort to give to the community. Denis is very involved in several organizations including: Chicago Motor Club, Hunter Corporation, Lake County Easter Seal Society for Crippled Children and Adults, Incorporated, Mercantile National Bank, Northern Indiana Public Service Company, Northwest Indiana Forum, and Trade Winds Rehabilitation Center, Incorporated. Additionally, he serves as a trustee for Butler University and Methodist Hospital of Gary, Indiana. Carolyn serves as an elder at the Ogden Dunes Presbyterian Church and was a past recipient of the Robert Anderson Award for Exceptional Commitment to Community Service.

Though the Ribordys are dedicated to their career and community, they have never limited their time and love for their family. The Ribordys have raised four children; Cheryl, 41; Scott, 39; Nancy, 36; and Mark, 33, of whom they are immensely proud.

Mr. Speaker I ask that you and my distinguished colleagues join me in congratulating Denis and Carolyn Ribordy for receiving the 1999 Distinguished Citizen's Award. Their dedicated service to Northwest Indiana is commendable and admirable. Indiana's First Congressional District is proud to count two such dedicated, conscientious citizens, Denis and Carolyn Ribordy, among its residents.

HONORING RUBY LEE JOSEPH

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor the life of Ruby Lee Joseph, who died at the age of 67, on her birthday, June 20, 1998. Ruby Lee died surrounded by the people she loved most, her family. She was a role model, a community leader, and a dedicated mother and grandmother.

Ms. Joseph was born and raised in Houston, Texas. She graduated from Jack Yates High School in 1949. Later she was married to Leroy Joseph, and together they had seven children. They raised their children with love and a strong sense of values, and all seven successfully graduated from college.

Ruby Lee extended her familial bonds beyond those who were her blood. Throughout the community she was affectionately known as "Grann" or "Ms. Ruby". She leaves behind numerous "adopted" children and friends who will cherish her memory.

Ms. Ruby was well-known in the community for her service at East Bethel Missionary Baptist Church and the Blue Triangle YWCA. She touched many lives, friends and strangers alike. She taught her family and friends to live by the Golden Rule. She instilled in her children that you should help others who needed it and to forgive others selflessly. Ruby Lee not only taught these valuable lessons, but exhibited them in her everyday life.

Ruby Lee is preceded in death by her husband, parents, granddaughter Jasmine Joseph, and great granddaughter Tatiayana Garner.

She leaves behind her children: Paula Sharleen and husband Ronald Crawford; Jeffrey Leon, Gerald Wayne and wife Marjorie; Gregory Allen and wife Debra; Iona Pearl, Reuben Lawrence and wife Deidré; Sharon Ann and husband Aaron Hughes; grandchildren: Gregory Wayne, Consuela and husband David Garner; Marcus, Antrice, Yolande, Candace, Crystal, Corey, Courtney, Justin, Christian, Jared, Gregory II, Reuben II, Reginald, and Aaron Alexander, Audrey and Denesa; her great grandchildren: Demontray, Ariel, A'reona and Danté. She also leaves her sister Kathleen Sander and husband Lonnie; her brother Wayne Anderson and wife Rosamond; her uncle Horace Mann Moore; her cousin Helen Jones; her stepmother Ruth Allen; her aunt Maggie Moore; three brothers-in-law Arthur, Ellis and Earl Joseph, and numerous "adopted" children, grandchildren and a host of relatives and friends.

Mr. Speaker, I ask all the Members of the House to join me in paying tribute to the life of Ruby Lee Joseph. She touched our lives and our hearts, and she will be greatly missed.

TRIBUTE TO GARTH REEVES

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mrs. MEEK of Florida. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding citizen of Florida's 17th Congressional District, Garth Reeves. I am recognizing Garth Reeves for receiving the lifetime achievement award from the Florida's black business investment board. Garth is a renowned recipient who is surely deserving of such a prestigious award.

Garth comes from four generations of Reeves who have managed the Miami Times, which was founded by his father, Mr. Henry E.S. Reeves, in 1923.

It is clear why Garth has been honored for this important award. He has been a reporter, editor, publisher, banker, entrepreneur, community activist and humanitarian in the Miami area who has made outstanding contributions to our community. Currently, Garth serves as publisher emeritus of the Miami Times.

The Miami Times has been instrumental in covering the human dimension of African American culture. The Reeves family has made a successful effort in establishing an African American newspaper even before Ebony and Jet Magazine. Over the years, the Miami Times has covered such outstanding African Americans as Phyllis Wheatley, Richard Allen, Florida's very own Athalie "Mama" Range, the Honorable Joe Lang Kershaw and Gwen Sawyer Cherry.

The dreams, aspirations and achievements of the African American community were also recorded in the Miami Times. Garth has made the Miami Times the voice and over the years, the written history of the African American community.

The Miami Times is the pre-eminent newspaper serving the African American community in all of Florida. It became one of the first black newspapers in America to exchange editorials, letters, and articles with the Miami Jewish Tribune. A few years later, the Miami Times began exchanging opinion pieces with one of America's great Spanish-language weeklies, the Diario Las Americas. The Miami Jewish Tribune and the Diario Las Americas have worked closely with the Miami Times to close what was seen as a growing chasm between the communities.

Garth Reeves' life has been dedicated to the achievement of excellence and service to humankind. For these reasons, I ask my colleagues to please join me in acknowledging a great American and Floridian, Mr. Garth Reeves, Sr.

IN HONOR OF PULITZER PRIZE WINNER DAVID HORSEY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. McDERMOTT. Mr. Speaker, I rise today to honor and bring the attention of this body to the Nation's outstanding award for journalism, which was given recently to Mr. David Horsey, editorial-page cartoonist for the Seattle Post-Intelligencer.

In winning the Pulitzer Prize for editorial cartooning, Mr. Horsey has capped what is turning out to be a remarkable career in the press.

I have known and appreciated Mr. Horsey's work for more than 20 years since his graduation from the University of Washington and career at several of the State's daily newspapers, before joining the P–I staff in 1979.

As you well know, the job of an editorial cartoonist is not to make politicians feel good about themselves, and I have been a target of Mr. Horsey's journalism from time to time. But he also has the integrity to honor as well as puncture political stands, and cartoons of both types hang on the walls of my offices in Seattle and Washington, DC.

The Pulitzer might be the latest and most-recognized, but it hardly is the first journalistic honor to come David's way.

He was the National Press Foundation's 1998 Berryman Cartoonist of the Year and won first place in the Society of Professional Journalists' 1996 and 1997 competition for editorial cartooning in the Pacific Northwest. He'd already won 10 SPJ regional awards for cartooning and reporting. He won the 1994 award for Best of the West journalism competition and was the first cartoonist to win the Environmental Media Award.

David Horsey does more than draw. He was editor of his college newspaper and has worked as a reporter as well as a cartoonist. In 1986, as a Rotary Foundation Scholar, Mr. Horsey earned a master's degree in international relations from the University of Kent, at Canterbury, England. In 1993, he was one of only 25 Americans chosen to take part in the European Community Visitorship Program in Brussels.

He's also a busy husband and parent and is at work on his first novel.

Please join me today in honoring this outstanding member of Washington State's public community.

ERIC LAW HONORED FOR BRAVERY

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. PHELPS. Mr. Speaker, I rise today to congratulate and honor Eric Law, a very brave and courageous young man. Last summer, while Eric and his family were at a hotel in Peoria, Eric noticed a girl who was at the bottom of the hotel pool, and appeared to be in trouble. Taking the initiative, Eric jumped into the pool and brought the girl to the surface. Eric was assisted in efforts to save the life of this young girl by Mitch Jones, who helped drag the girl out of the pool and Cathy Highley, who performed CPR on the girl and restarted her breathing. On the morning of April 19th the Macon County Safe Kids Committee awarded Eric their safety Award for his bravery at Mt. Zion Jr. High School, where Eric is a student in the seventh grade.

Mr. Speaker, with the recent tragedy at a high school in Colorado, where we have all witnessed the potential destructiveness of children, it is refreshing and uplifting for me to address the Congress with Eric's story. I invite all of my colleagues to join me in wishing the best of luck to Eric in the future and thanking him for his undaunted act.

HONORING GRACE N. MITCHELL

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mrs. CAPPS. Mr. Speaker, I rise to bring to the attention of my colleagues the retirement of an extraordinary community leader, Dr. Grace N. Mitchell, the President of San Luis Obispo's Cuesta College.

Grace has spent her 10-year tenure as President of Cuesta College making the college shine, not only in the eyes of its students and faculty but also in the eyes of the community. Under Grace's magnificent leadership, Cuesta College earned the first-ever "Best-in-Class" California Quality Eureka Award, presented by the California Council for Quality and Service.

Grace's 35-year career has been dedicated to excellence in higher education as well as outstanding community activism. She has worked as a vice chancellor, a vice president, an assistant superintendent, dean, counselor, and advisor to many community colleges throughout California. In 1995 she was named Citizen of the Year by the San Luis Obispo Chamber of Commerce. She has also been recognized for her work with the Foundation for Community Design, the SLO County Economic Advisory Committee and UCSB Economic Forecast Project, and a host of other community and professional organizations.

Mr. Speaker, Grace N. Mitchell's dedication to the people with whom she works and lives is vast and unrelenting. She has proven herself to be a valuable asset to our community. I know I speak for many when I say that her commitment and vision for Cuesta College will surely be missed upon her retirement. I congratulate Grace on 35 years of service to her community and wish her all the best as she embarks on a new life journey.

HUMAN RIGHTS VIOLATIONS IN CHINA'S XINJIANG REGION: AMNESTY INTERNATIONAL REPORT DOCUMENTS SERIOUS ABUSES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of our Colleagues an outstanding but deeply troubling report by Amnesty International which was released by Amnesty at a press conference earlier today sponsored by the Congressional Human Rights Caucus.

The report—entitled "People's Republic of China: Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region"—documents in an unprecedented fashion the outrageous human rights violations in this autonomous region of China, which borders several Central Asian countries. These egregious human rights violations are committed primarily against the Uighurs, the majority ethnic group among the predominantly Muslim local population.

The appalling human rights violations, which are documented and verified for the first time by a leading international human rights organization, include a pattern of arbitrary and summary executions, torture, arbitrary detention and unjust political trials. For the first time, the Amnesty report was able to document 210 death sentences and 190 executions of political prisoners in this region. In addition, the report also documents the cases of 200 political prisoners and prisoners of conscience who were arrested during the 1990s and are still believed to be imprisoned.

Amnesty International further highlights the outrageous use of particular torture techniques which are sexual in nature, and not known to be used in other areas of the People's Republic. These forms of torture include the insertion of horsehair into the penis, as well as wires with small spikes.

Mr. Speaker, this important report further documents the dismal human rights record of the People's Republic of China. On Friday, the international community has an opportunity to take a stand against these despicable human rights practices in China, when the U.S.-sponsored resolution condemning the PRC for its human rights violations comes up for a vote at the UN Human Rights Commission. In the face of such unspeakable atrocities which are documented in the Amnesty report, I urge nations who are friends and allies of the United States to support the strong and principled stand for human rights resolution which the United States had introduced.

Mr. Speaker, I ask that the executive summary of the Amnesty International report on human rights violations in the Xinjiang Uighur Autonomous Region be placed in the RECORD, and I urge my colleagues in the Congress to give thoughtful attention to its documentation of the deplorable human rights record of China.

[From Amnesty International, April 1999]

PEOPLE'S REPUBLIC OF CHINA—GROSS VIOLATIONS OF HUMAN RIGHTS IN THE XINJIANG UIGHUR AUTONOMOUS REGION

In a new 92-page report, Amnesty International documents a pattern of gross violations of human rights in the Uighur Autonomous Region of Xinjiang (XUAR), one of the five autonomous regions of the People's Republic of China (RPC), which borders several Central Asian countries.

These violations include arbitrary and summary executions, torture, arbitrary detention, and unfair political trials. The main victims of these abuses are the Uighurs, the majority ethnic group among the predominantly Muslim local population in the region.

Thousands of people have been arbitrarily detained in the XUAR over the past few years and arbitrary arrests continue. Thousands of political prisoners, arrested at various times during the 1990s, are reported to remain imprisoned, some have been sentenced to long prison terms after unfair trials, others still detained without charge or trial after months or years in jail. Many of those detained are reported to have been tortured, some with particularly cruel methods which, to Amnesty International's knowledge, are not being used elsewhere in the PRC. Scores of Uighur political prisoners have been sentenced to death and executed in the past two years. Others are alleged to have been killed by the security forces in circumstances which appear to constitute extra-judicial executions.

These gross violations of human rights are occurring amidst growing ethnic unrest. With a massive influx of ethnic Chinese (or Han) in the XUAR since 1949, the indigenous population has felt increasingly marginalised in what they regard as their ancestral land. Ethnic discontent has also been fuelled by government policies, unemployment, discrimination, unequal economic opportunities, and curbs on fundamental freedoms, including freedom of religion.

Over the past ten years the local ethnic population has witnessed a steady erosion of its social, economic and cultural rights. Economic development in the region has largely bypassed the local ethnic population and benefited mainly Han Chinese. Racial discrimination is reported to be common and unemployment is high among Uighurs. Despite that, the influx of Han migrant workers has considerably increased in recent years.

These trends have exacerbated long-standing ethnic tensions between Uighurs and Han Chinese in the region, and contributed to the escalation of violence. A growing number of violent incidents have been reported in the region in recent years, including attacks on government officials and offices, and the planting and detonation of bombs. Some of these incidents have been carried out by underground opposition groups seeking independence from China.

Aspirations towards independence have their roots in both the distant past and recent history. During the 1930s and 1940s, two independent Republics of Eastern Turkestan were formed successively in Kashgar (1933) and Ili (1944) as attempts to resist Chinese rule. Both republics were short-lived, but they have continued to inspire nationalist oppositions since 1949, particularly among the Uighurs. Over the years, various opposition groups militating for Eastern Turkestan's independence were formed clandestinely in the XUAR—some reportedly supported by exiled nationalist groups established among the Uighur diaspora in various countries. Some of these groups have resorted to violence.

Since 1990, the Chinese authorities' fears of organised political opposition in the XUAR appear to have been heightened by the emergence of independent Central Asian states which followed the breakup of the Soviet Union, and the rise of Islamic movements as well as protracted conflicts in other neighbouring countries. This has led to a reversal of the relatively liberal policies implemented in the region during the 1980s, notably concerning religion.

While the "open door" policy led to a religious revival in the XUAR during the 1980s, since 1990 the government has reverted to restrictive policies amidst fears that Islam might provide a rallying point for ethnic nationalism and that Islamic movements abroad might inspire young Uighurs. Many mosques and Koranic schools have been closed down in the region and religious leaders who are deemed to be too independent or "subversive" have been dismissed or arrested. Muslims working in government offices and other official institutions are prohibited from practising their religion, failing which they lose their jobs.

In the past few years, the Chinese government has responded with harsh repression to growing unrest in the region, blaming it on a "small number" of "separatists", "terrorists" and "religious extremists" accused of having links with "foreign hostile forces" whose aim is to "split the motherland". Since 1996, the government has launched an extensive campaign against "ethnic separatists", imposing new restrictions on religious and cultural rights, and resorting increasingly to executions, show trials and arbitrary detention to silence real and suspected opponents.

Amnesty International recognizes the state's duty to take the measures necessary to maintain law and order, but even in situations of internal strife, this must be exercised within the limits set by international human rights law. Killings by members of armed opposition groups can never provide justification for government forces to deliberately kill defenceless people or torture prisoners in police custody.

Furthermore, the official reports about "separatists and terrorists" in the XUAR obscure a more complex reality in which many people who are not involved in violence have become victims of human rights violations. Over the years, Uighurs' attempts to air their views or grievances and peacefully exercise their most fundamental human rights have been met with repression.

Amnesty International is calling on the Chinese government to establish a special commission to investigate human rights violations and economic social and cultural needs in the region, to suggest remedial measures and provide a forum for individuals and groups to voice their grievances. It is also calling on the authorities to take immediate measures to stop the gross violations of human rights occurring in the region.

ARBITRARY DETENTION AND IMPRISONMENT

Thousands of people have been arbitrarily detained in the XUAR over the past few years. Suspected Uighur "separatists", nationlist sympathisers and people taking part in Koranic classes or religious groups have been particularly targeted. Repression increased in 1997 following protests by Uighurs on 5 and 6 February that year in the city of Gulja (Yining), located near the border with Kazakstan in the west of the XUAR. Between 3,000 and 5,000 people are believed to have been detained in Gulja during the two weeks which followed the protests. Many of them were tortured. Some were released after being held without charge for weeks or months. Others have remained in detention. Arbitary arrests have continued since then, both in Gulja and elsewhere in the region.

One of those detained for involvement in the February 97 protests in Gulja is Abdulhelil, a 28 year-old businessman in the city, married with three children. He was arrested on 5 February 1997 for taking part in a peaceful demonstration calling for religious freedom and equal treatment for Uighurs. Abdulhelil was the main leader of the "meshreps", a traditional form of social gathering revived by members of the Uighur community in Gulja in 1994 in order to tackle social problems, particularly drug addiction which had become widespread among unemployed young Uighurs. The meetings of the meshreps were tolerated by the authorities for a few months. They were popular and rapidly spread to other areas. As the number of participants grew, however, the authorities banned the meshreps in 1995. Abdulhelil was detained for a short period at that time. Following his re-arrest on 5 February 1997, he was reportedly severely tortured in detention. As of late 1998, his family had not received any official notification about the charges against him or his place of detention. He is not known to have been charged or tried. Amnesty International believes that Abdulhelil is arbitarily detained for the peaceful exercise of his fundamental human rights, in violation of international standards, and that he should be released immediately and unconditionally.

Among many others arbirarily imprisoned in the XUAR is Abidjan Obulkasim, one of four students from Kashgar who were arrested in early 1995 and subsequently sentenced to prison terms ranging from 5 to 15 years for having discussed political issues among themselves. They were aged in their late teens or early 20s at the time of their arrest. Abidjan Obulkasim, now aged about 23, was a student at the Physics Department of the Kashgar Teacher's Training College at the time of his arrest. In mid-1995, he was sentenced to 15 years' imprisonment after being convicted of forming a "counter-revolutionary group" and "planning" to engage in "separatist" activities. The sentence against him was reportedly increased by one year in appeal.

POLITICAL PRISONERS AND UNFAIR TRIALS

Thousands of political prisoners are reported to be imprisoned in the XUAR. In its report, Amnesty International documents the cases of about 200 political prisoners arrested during the 1990s who are believed to be still detained or imprisoned.

In the XUAR, as elsewhere in the PRC, political trials are a mere formality. The verdict is usually pre-determined and decided by or in consultation with the political authorities. Political prisoners are often held incommunicado for months or even years before they are tried, and torture is reported to be systematic. Few defendants have access to lawyers. According to some sources, some defendants in the XUAR are not given a formal trial hearing but are simply informed of their sentences after the court's adjudication committee deliberates on the case among themselves and decides on the verdict on the basis of files prepared by the police and procuracy.

Many political prisoners have been sentenced to long prison terms after unfair trials. Some were convicted of politically-motivated crimes which usually involved the advocacy or the use of violence. In many cases, they were tried behind closed doors, often without defence lawyers. Some of them were taken to "public sentencing rallies"—show trials attended by hundreds or thousands of people—during which their sentences were announced. In all cases, the prisoners are reported to have been tortured to force them to give incriminating information or to sign "confessions." Amnesty International is concerned that they were convicted and sentenced after unfair trials and that some of them may be prisoners of conscience held for the peaceful exercise of fundamental human rights.

One example is Abudkiram Abduveli, a 42-year-old Uighur from Kucha county in Aksu district, who was sentenced in May 1993 to 12 years' imprisonment and four years' deprivation of political rights of political charges. The court verdict against him by the Urumqi city Intermediate People's Court shows that Abdukiram Abduveli did not have an open trial and no lawyer to represent him. Abduveli was found guilty of "organising a counter-revolutionary group" for having allegedly planned with others in October 1990 to form a political party called the "Islamic Reformist Party." Abduveli was arrested on 17 November 1990 before the group had undertaken any activities. He was also accused of "carrying out counter-revolutionary propaganda and agitation" for taking part in religious activities to explain the Koran, during which he allegedly advocated violence. He was initially charged (on 24 July 1991—eight months after he was taken into police custody) with the second charge only. The charge of "organizing a counter-revolutionary group" was therefore added later. The addition of this second charge at a late stage raises strong doubts as to the nature of the evidence against him both on this count and on the other charge. Abdukiram Abduveli's current place of detention is not known.

TORTURE

Under international human rights law, the right not to be tortured can never be derogated from, even "in time of public emergency which threatens the life of the nation". This right applies whoever the detainee may be and whatever the crimes he or she is suspected of having committed.

Although Chinese law explicitly prohibits "torture to extract confessions", and China has been a party to the UN Convention against Torture since 1988, torture remains widespread in the PRC. The XUAR is no exception. The reports received by Amnesty International from many sources indicate that torture and ill-treatment of prisoners are endemic in the region.

Some prisoners are reported to have died in prison due to torture or combination of ill-treatment and neglect. This was the case with Nyzamidin Yusayin, a 70 year-old scholar from Urumqi and former journalist for the official newspaper *Xinjiang Daily*, who reportedly died in police custody due to torture on 7 April 1998.

Particularly disturbing allegations have been made about the brutal treatment of people held in Gulja after the February 97 protests there. Some reportedly had to have their feet amputated, suffering severe frostbites after being hosed with icy cold water by the security forces. Severe torture of suspected political opponents is reported to have continued in that area since then. According to some sources, the extent of torture is such that many political detainees have been brought to court barely conscious and unable to walk.

Various sources had also reported the use in the XUAR of some particularly cruel forms of torture which, to Amnesty International's knowledge, are not being used elsewhere in the PRC. This includes the insertion of horse hair into the penis, or a special wire with small spikes which fold flat when inserted into the penis but extend when the wire is pulled out. According to former political prisoners, such methods of sexual torture have been used in the XUAR for many years.

While torture is reported to be widespread across the XUAR, some places of detention are particularly notorious for the extent of torture and harsh treatment inflicted on prisoners. This is notably the case at Liudaowan jail in Urumqi where many political prisoners are held.

Testimonies and cases of torture are cited in the Amnesty International report. While Amnesty International is not in a position to verify the specific allegations made in individual testimonies and reports, it believes that the number and consistency of these allegations suggest a pattern which warrants immediate action by the authorities, including thorough and impartial investigations of all reports and complaints of torture.

The authorities appear to have taken no action to curb torture in the region or to bring alleged perpetrators of torture in the XUAR. Amnesty International has not come across any such report in the regional media over the past two years. This contrast sharply with the Chinese provinces, where local newspapers and other media have often reported cases in which police officials have been prosecuted for torture. The absence of such reports in the XUAR suggests that the authorities either ignore or cover up the widespread practice of torture in the region, or may even sanction its use in the context of repression.

ARBITRARY AND SUMMARY EXECUTIONS

The XUR is the only region of the People's Republic of China where political prisoners are known to have been executed in recent years. As elsewhere in the PRC, the death penalty is also applicable for a very wide range of offenses, including many non violent offenses such as theft, economic and drug related crime.

Since January 1997, Amnesty International has recorded at least 210 death sentences in the region, of which 190 were executed shortly after sentencing—the real figures are believed to be higher. Almost two thirds of the cases recorded were publicly reported by Chinese official sources. The vast majority of those sentenced to death and executed were Uighurs.

These figures indicate that the ratio of death sentences to the population is several times higher in the XUAR than elsewhere in China. The execution rate vis a vis the number of death sentences appears also to be higher.

Most of those sentenced to death and executed in the region are political prisoners. They have been accused of offenses related to clandestine opposition activities, street protests, violent clashes with the security forces, or terrorist incidents. Some of these cases have been publicly reported by the Chinese authorities, but others have not. When they are reported, official sources merely list the accusations against the defendants and do not provide any detail about the evidence against them or the trial proceedings.

Political prisoners charged with such offenses are often tried in secret, under procedures which are reported to be summary. Trials are a mere formality, with the verdict usually decided by the authorities before the trial. Convictions are frequently based on forced confessions and statements extracted under torture. The families are often excluded from the trials and few defendants are known to have had the assistance of defense lawyers. Defendants who appeal against the verdict invariably see their appeal rejected.

In many cases, the authorities have staged "public sentencing rallies" to publicly "pronounce" sentences imposed on alleged offenders. The defendants taken to such rallies have usually been tried behind closed doors beforehand, though in some cases it is unclear whether they have actually gone through any prior formal trial process. Official reports about such rallies show that the judicial process is a mere formality tailored for the purpose of these show trials. They also usually make clear that justice is dictated by political considerations.

Defendants who are taken to public sentencing rallies are made to stand facing the audience with their hands tied behind their back and wearing a placard on their chest, on which their name and crime are written. They are usually forced to keep their head bowed by soldiers escorting them. In some cases, their feet are also chained and their mouth is gagged with a rope or wire tied tightly at their back to prevent them from speaking or shouting. These practices violate international standards on the treatment of prisoners, by which China has agreed to abide, and unnecessary add to the inherent cruelty of the death penalty. Prisoners sentenced to death at such rallies are invariably executed immediately after the rallies.

There have been reports that some prisoners have been executed in public, notably in villages of Ili Prefecture in the west of the XUAR. It has also been reported that the authorities have refused to return the bodies of some executed prisoners to their family, thus preventing the families from burying their dead according to Muslim customs. This increases concern about reports that the prisoners were tortured to extract forced confessions. Often, the families of those sentenced to death have not been informed until the last minute about the fate of their imprisoned relatives. For example, the parents of 23 year-old Jappar Talet, one of those executed after a sentencing rally in Gulja on 22 July 1997, were reportedly informed of his execution just a few hours before it was carried out. They had no prior warning of what awaited their son. After his execution, they requested his body in order to give him a proper burial, but the authorities refused to return the body.

Amnesty International is also concerned about reports alleging that civilians and, in some cases, prisoners have been killed by the security forces or prison guards in the XUAR in circumstances which appear to constitute extrad-judicial executions: deliberate and arbitrary killings by government forces acting outside the limits of the law. The Amnesty International reports describes incidents in which such killings allegedly occurred. International law provides that lethal force should only be used when absolutely necessary and in direct proportion to the legitimate objective it is intended to achieve.

Amnesty International is calling on the Chinese government to take immediate measures to curb the gross violations of human rights occurring in the region, in particular executions and torture. These measures are described in the concluding section of the report. Amnesty International is also calling on the government to institute an impartial commission of enquiry to investigate reports of human rights violations in the region and provide a forum for individuals and groups to voice their grievances. Amnesty International believes this should be accompanied by a comprehensive assessment of the needs in education, health and the economic disparities in the region, particularly given China's signature of the International Covenant on Economic, Social and Cultural Rights in 1997.

PERSONAL EXPLANATION

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. KASICH. Mr. Speaker, on Tuesday, April 20, 1999, I was unable to record a vote by electronic device on rollcall No. 93, condemning the murder of human rights lawyer Rosemary Nelson and calling for the protection of defense attorneys in Northern Ireland. Had I been present, I would have voted "aye" on rollcall No. 93.

HONORING BILL COORS AND THE ALUMINUM BEVERAGE CAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to note an important event taking place forty years ago in the State of Colorado. An occurrence so remarkable, it forever changed industry and society worldwide. In 1959 the Coors Brewing Company, with the initiative of Bill Coors, began distributing its beer in seven-ounce aluminum cans.

By eliminating the use of steel cans and replacing them with aluminum, Coors Brewing Company led industry and the populace into a world of recycling. Consequently, they saved natural resources, conserved energy, reduced municipal solid waste, and established the infrastructure for today's curbside recycling programs. Highways and landfills once littered with single-use steel cans are becoming a thing of the past. Today, more than 70 percent of aluminum cans are recycled and placed back into the consumer's hands.

Mr. Speaker, I am proud to pay tribute to Mr. Coors and the anniversary of his invention. His passion for environmentally-conscious business continues to set a worldwide example.

GIFTS FROM TWO FATHERS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. DUNCAN. Mr. Speaker, some of the finest and most patriotic people that we have in this Nation today are naturalized citizens who came from other countries.

This is true in Knoxville, TN where we have many leading citizens who have come from other nations.

We have a exceptional strong Greek Community and one of the finest of that group is a man named George Consin.

He and other members of the Knoxville Greek Community have contributed in too many ways to list at this time, however, the Knoxville News Sentinel recently published an article telling the story of how Mr. Consin and his wife, Mary, adopted a small boy from Greece many years ago.

This is a touching human interest story that I would like to call to the attention of my fellow Members and other readers of the CONGRESSIONAL RECORD.

[From the Knoxville News-Sentinel, Apr. 11, 1999]

GIFTS FROM TWO FATHERS

(By Kristi L. Nelson)

In 1958, in the small town of Volos, Greece, the young wife of 27-year-old Soterios Kalliakoudas gave birth to a boy, their first child. The mother died of complications a few weeks after the birth, and Kalliakoudas, a shepherd and himself the oldest of six children, didn't feel he could raise the boy himself or burden his parents with another child. After the baby was christened—the mother's dying wish—he was placed with a foster family in Greece and put up for adoption.

About a year later, Kalliakoudas married his second wife, Meropi.

After learning her husband had a son, she told him, "You go and find that baby. I will raise him as my own." The family gathered at the Kalliakoudas' home to welcome George, who was named, in the Greek tradition, after his paternal grandfather.

But Kalliakoudas returned home empty-handed to face the disappointed family. Upon arriving at the foster home, he was told George had already been adopted and taken to America. Afterward he always spoke with regret of losing his first son and told people he had four children, including the son who had gone to America.

Soterios and Meropi had two sons—the first again named George in Greek tradition and the second named Dimitri—and a daughter, Viriana. As they grew, they would see men in town who resembled them and wonder if the mystery brother might not be in America after all. As adults, they made an unsuccessful attempt to locate George in America.

"They knew I was in the United States, but the United States is a very big place," Consin Jr. said. "They didn't know where to look."

George and Mary Consin Sr. were born in Greece but met in America. George Sr. came to America with his family in 1933. Mary came to America in 1946, after World War II. After marrying, the couple tried for a decade—without success—to bear a child.

A relative who was a congressman in Athens, Greece, arranged for the Consins to adopt 20-month-old George. Although American adoption agencies considered George Sr. and Mary old to be adoptive parents, Greek adoption agencies preferred older couples, whom they considered more stable.

The Consins were thrilled, but a trip to Greece would be expensive. They asked for help from longtime family friends Jim and Jenny Peroulas, who were planning a family vacation to Greece with their children, Maria and Johnny.

"They were very close friends," said Jim Peroulas, former owner of a Market Square restaurant and now a bailiff for Sessions Judge Brenda Waggoner. "They were depending on us to bring the baby up here."

The Peroulases picked up the boy and kept him with them in Greece for a few weeks before boarding a 12 hour flight to the United States. The Peroulases then stayed with the Consins for a few days, until George Jr. was used to his new home.

"He was a very nice boy," Jim Peroulas said. "They took care of the boy and brought him up right. They told him that and was involved in (the adoption), and George asked me several times to tell him those tales."

George Jr. grew up in Knoxville, fully aware that the was adopted. "It was never an issue or a secret," he said, Being an only child, he was "spoiled rotten," he said.

His parents, like many other Greeks, emphasized the importance of family, hospitality and church. George Jr. grew up close to aunts, uncles and cousins as well as the extended "family" of St. George Greek Orthodox Church, where he was an altar boy and attended church school. In public school, he learned English.

As a child, George Jr. Was regaled with his father's stories of a childhood in Greece and his mother's stories of Greece during the war. Though he was interested in the Greek culture, growing up in America suited George Jr. fine.

"I'm sure that I was afforded opportunities I wouldn't have had there," he said.

When he was 20, George Jr. met 17-year-old Angela Barkas on a vacation in Myrtle Beach, where her father owned a restaurant. Twelve years ago—after his graduation from the University of Tennessee and her graduation from the University of North Carolina at Greensboro—they were married. Now George Jr. is vice president of retail sales at First American National Bank and Angela's an interior designer. They have two sons—Alex, 8, and Nicholas, 6.

George Jr.'s parents told Angela of his background, and from time to time the couple would discuss the possibility of finding his birth father.

"Because he was adopted in Greece, it wasn't like we ever thought a reunion would be possible." Angela said "It's so far away, and there's the language barrier. * * * We never thought it would happen."

In April 1997, a Greek delegation from Larissa, Greece—about 45 minutes from George Jr's birthplace in Volos—visited Knoxville. After reading about the delegation's journey in the News-Sentinel, George Sr. approached someone in the group about trying to locate George Jr's birth father, whose last name and first initial he had on a document. George Sr. wasn't sure the other man still lived in Volos, or whether he was even still living, but an attorney in Greece helped him locate the Kalliakoudas family.

In October 1997, George Sr. made a phone call to Volov and spoke with Meropi, who told him Soterios had his vocal cords removed as a result of throat cancer and could not speak on the phone. Meropi and Soterios immediately sent letters to George Sr., while George, Dimitri and Viriana each sent family photograph with information written on the back.

They were overjoyed to have finally found the "other brother."

George Jr. was at work one day when he got a phone call from George Sr., now, 78 and working is the 78 and working in the Knox County property assessors office. "I've got something for you" he told him. "Can you come down to my office?"

The elder Consin presented his son the envelope of letters and photographs. "He wanted to give me this opportunity while he was still alive," George Jr. said. "He was awaiting for the right time."

He took the envelope home to Angela. Together they pored over the first letter which took George Jr. two hours to read because his knowledge of the Greek language was rusty. That weekend, apprehensive of the language barrier, they placed a long-distance call to Viriana.

"We didn't want to shock his father, and we knew he couldn't speak," Angela said.

The phone call cost $80—and countless tears of joy.

"We started getting calls from Greece almost immediately—aunts, uncles, cousins and siblings," said George Jr., who said Soterios at first was afraid his son would be angry at him for giving him up. George Jr. quickly made it clear that wasn't the case and now talks to his Greek relatives at least twice a month.

The Consins had been saving money for living room furniture and a family trip to Disney World. "George came in and said, 'Forget the furniture! Forget Disney! We're going to Greece!'" Angela said.

In May 1998, the couple went, taking along their sons to meet a "new" grandfather. About 30 relatives met them at the airport. "We were all crying," Angela said. "It was very exciting."

The Consins stayed in Greece for three weeks. "It was very comfortable," George said. "It was like we had known them all our lives."

Because both George Jr. and Angela had grown up only children, their sons met their only first cousins. Four of Soterios' five brothers as well as all their children and their families lived within three blocks of Soterios and Meropi. "My children didn't speak Greek, and the cousins didn't speak English, but they played together all the time." Angela said.

Nor did his inability to speak English keep Soterios from bonding with his new grandsons. "He spent a lot of time with (Alex and Nicholas), taking them for walks and out for ice cream," George Jr. said. "If they were doing something wrong, he'd whistle to let them know."

George Jr. got to meet his own paternal grandparents, now in their 90s, as well as his godfather—who was present at his christening—and countless other relatives. "We probably met 100 people while we were there," Angela said.

Moreover, Meropi tracked down the family of George's biological mother—of whom she was a friend—and invited them over for a meal, an unselfish gesture that stunned the Consins.

"Here she was, the second wife, having to deal with the first wife's child," Angela said, "and she invited the first wife's sister over for lunch, having her there in the house crying over the dead wife's picture. She was so gracious."

This meeting with the mother's sister led to a trip to her house in Trikala, an hour-and-a-half drive from Volos. Three of George Jr.'s mother's four sisters and their families—about 30 people in all—attended a luncheon to welcome the newfound relatives. Again, the Consins were overwhelmed by hospitality.

"They slaughtered a pig for us," Angela said. "They even made their own feta cheese—they even made their own wine! Even the salad we ate was from their own garden."

The Consins were "treated like kings and queens" throughout their stay, they said. They would admire an object in town, only to find it on their bed the next day. They had to buy two extra suitcases in Greece to bring home all their gifts.

The Consins also brought American gifts for their new Greek family—perfume for the women, jewelry for the girls, Beanie Babies and Legos for the children. But it was a gift sent the previous Christmas that was most precious to Soterios and Meropi.

Angela had made the Kalliakoudases a photo album of George growing up, using two photographs from each year of his life, and had a friend fluent in Greek write captions underneath. She ended the photo album with photos of Alex and Nicholas and left blank pages for future pictures of the family's times together.

"When we went to visit, that album was on their coffee table with the photo albums of the other children," Angela said. "Meropi said (Soterios) showed it to everyone who came over."

They hope to fill the album to overflowing. George Jr. will leave for another trip to Greece later this month—Angela and the children will join him for another trip next year—and the Consins hope their Greek relatives will be able to visit them in America.

George Jr. said his adoptive parents and newfound biological parents get along well. Meropi calls George and Mary Consin, he said, and the Kalliakoudases always ask about the Consins and refer to them to George Jr. as "your parents."

And they all realize their debt to George Consin Sr., who gave his son a second father—and Soterios back his son.

INTRODUCTION OF THE PLANT PROTECTION ACT OF 1999

HON. CHARLES T. CANADY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. CANADY of Florida. Mr. Speaker, I rise today to introduce the Plant Protection Act of 1999. Our nation's farmlands, wilderness, and public lands are facing a serious threat from invasive plants and plant pests that can destroy valuable crops and other natural resources. The United States loses thousands of acres and billions of dollars in lost produce and prevention costs each year due to invasion species. In addition, the ecosystems of our parks and wilderness areas are confronting devastating harm from these non-indigenous plants and pests. The rapid growth of international trade has resulted in a vastly increased volume of goods flowing into the country—goods that may carry prohibited foreign plants or noxious weeds.

These harmful invasive plants and species are causing considerable economic damage to natural resources nationwide. In my home state of Florida, Citrus Canker poses the largest threat to citrus crop production in recent history, necessitating over $160 million in state and federal government funding to curb the disease. In the South, cotton producers and the federal government have spent nearly $500 million to prevent damage to crops due to Bollweevil pests. Chicago and New York have suffered significant losses to the Asian longhorned beetle, which has destroyed thousands of trees in city neighborhoods. Noxious weeds have attacked crops in the Carolinas and in the rangelands of Oregon, Idaho and Washington. In California and Florida, invasive species have halted high-value agricultural exports from disease infested areas. The effect of invasive plants and species throughout the country is profound.

Exacerbating this problem are the outdated, fragmented, and confusing quarantine statutes that govern interdiction of prohibited plant and plant pests. Many of these laws date back to the early part of this century and have not been updated in decades. Our agricultural sector and public lands need a modern, effective statutory authority that will protect our crops from the introduction of harmful pests.

The Plant Protection Act of 1999 will build a solid foundation for the future by streamlining and modernizing plant interdiction laws. This legislation consolidates eleven existing statutes into one comprehensive law and eliminates outdated and ambiguous provisions. It also establishes effective deterrents against trafficking of prohibited species by increasing the monetary penalties for smuggling; providing the U.S. Department of Agriculture with a comprehensive set of investigatory tools; ensuring transparency for U.S. trading partners; and recognizing the benefits of new technologies such as biological control organisms.

The Plant Protection Act, originally introduced in the 105th Congress, will enhance the ability of our nation to protect its lands and crops by giving the Animal and Plant Health Inspection Service the investigatory and enforcement tools it needs. The U.S. Department of Agriculture, as well as 45 agricultural organizations from throughout the country support the Plant Protection Act. I look forward to working with my colleagues to pass this vital and important legislation.

TRIBUTE TO HIS HIGHNESS SHEIKH ISSA BIN SALMAN AL-KHALIFA, LATE EMIR OF THE STATE OF BAHRAIN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. GILMAN. Mr. Speaker, on Saturday, March 6th, His Highness Sheikh Issa Bin Salman Al-Khalifa, the Emir of Bahrain, died suddenly. The world mourned with the people of Bahrain, and, last week, on April 14th, the State of Bahrain commemorated the 40th, and last, day of mourning.

Sheikh Issa played an important role as the leader of Bahrain. He supported U.S. and international efforts to promote peace and stability during the most difficult and contentious times in the Gulf and the Middle East. He was a man who relied on his intuition and led Bahrain from an oil-based economy to a diversified one. Under the Emir, Bahrain advanced in the Arab world, becoming the regional headquarters for many U.S. corporations doing business in the Middle East and a major financial hub in the Gulf.

Sheikh Issac's son, Sheikh Hamad Bin Issa Al-Khalifa, assumed his father's position as Emir of Bahrain, and is expected to follow in his father's footsteps in promoting economic development at home and political cooperation abroad. Soon after the Emir's death, His Highness, Sheikh Khalifa Bin Salman Al-Khalifa, the Prime Minister of Bahrain, gave a eulogy in memory of the late Emir.

Accordingly, Mr. Speaker, I request that his remarks be included in the CONGRESSIONAL RECORD for our colleagues' review. I know that we all share in the sorrow of the citizens of Bahrain. Yet, we look forward to even closer bilateral relations between the United States and the State of Bahrain under Emir Hamad in the months and years to come.

EULOGY OF HIS HIGHNESS SHAIKH KHALIFA BIN SALMAN AL-KHALIFA, PRIME MINISTER OF THE STATE OF BAHRAIN

It is a most said occasion to stand here today over the lost of the dearest and most cherished of men, the late Emir H.H. Sheikh Issa Bin Salman Al-Khalifa, leader, father, and dear brother. May his soul rest in eternal peace and may God Almighty grant him mercy.

With the passing of H.H. Sheikh Issa Bin Salman Al-Khalifa, Bahrain and the Arab and Islamic world have lost a unique leader, who pledged himself and devoted his entire life to building and developing his country in all fields. He was tireless in his endeavors to achieve peace and security in the region and in the world. He was also a kind and gentle leader, full of love and devotion for his people. He set himself as an example that is hard to follow. As a leader and father, he combined wisdom with a loving heart and high moral standards of decency. In dealing with his people and other nations, he relied on justice and honesty. His ultimate goal was cooperation and peace for all relations among nations.

H.H. Sheikh Issa's reign was an era of peace, a time of building and progress, a time of development and national unity. During his reign, Bahrain achieved regional and international recognition in all fields—

an achievement that makes us all very proud. Bahrain made progress and development in health, education, and housing. Our nation reached a higher economic status, as well as an excellent reputation of credibility abroad. Bahrain played a prominent role in establishing and strengthening the Gulf Cooperation Council. Under his leadership, our nation had a very positive role in all Arab issues, calling for solidarity, urging the removal of all matters of discord, and defending Arab rights and issues. Internationally, Bahrain attained a distinguished status due to the respect, trust, and friendship he personally developed with leaders of the world. Those leaders appreciated his great contributions in promoting world peace, security, and stability and in strengthening international cohesion and cooperation, as well as supporting humane values and issues.

No words can really give adequate credit to the last Emir H.H. Sheikh Essa Bin Salman Al-Khalifa for his love for his country and his kindness to his people. He was a sincere Emir—a wise leader, an idealist in his devotion with concern and care for all Arab, Islamic, and world issues. H.H. Sheikh Issa shall remain a giant among men in the history of this nation for his great achievements and his high morals and ethics. His memory shall forever remain alive in the minds and hearts of his country and his loving people.

In this time of great sorrow for H.H. Sheikh Issa we take solace his son and successor, H.H. Sheikh Hamand Bin Issa Al-Khalifa, with every confidence that he will be a fit and able successor to his father. We are confident that his reign shall witness further development, progress, and prosperity due to his wisdom, excellent leadership capabilities, and strong administrative abilities. It is our pride to exert the utmost dedication in supporting H.H. Sheikh Hamad to continue the path of development which was established by the beloved, great leader nationally, regionally, and internationally.

We would also like to extend our best wishes to our dear son H.H. Sheikh Salman Bin Hamad Bin Issa Al-Khalifa on his appointment as Crown Prince—an appointment that has received the full consideration and support of all.

The proper transfer of leadership in this nation has a positive impact on all, since it reflects the solidity of the rule of law and all its institutions that the late Emir has established. In this sad time, we would like to express our sincere pride for the show of support displayed by the Bahraini people, symbolizing the spirit of a single family that the late leader was keen to develop. This spirit reflects the cohesion between the people of Bahrain and their leadership, as the late leader had wished.

We wish to extend our deepest gratitude and appreciation to the leaders, governments, and peoples of all brotherly and friendly states for their true sentiments and their generous participation with Bahrain on the sad demise of the late great leader, the father, and beloved brother H.H. Sheikh Issa.

May God Almighty grant our beloved leader mercy and rest in heaven. Peace and God's mercy by upon you all.

MATT MOSELEY IS A FINE EXAMPLE OF EXTRAORDINARY COURAGE

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. COLLINS. Mr. Speaker, I rise today to honor a resident of my Congressional district from Locust Grove, Georgia, who recently demonstrated extraordinary courage and bravery in the face of extreme danger.

Atlanta Professional Firefighter (member of Local 134) Matt Moseley began his day on April 12 like many others, at 7 am. He was called to a chemical spill in the morning, ate lunch at Fire Station 4 on Ellis Street, and then planned to spend the afternoon training. Little did he know what lay ahead.

A fire raging at the 120 year old Fulton Bag and Cotton Mill in southeast Atlanta had trapped construction worker Ivers Sims on a crane for over an hour some 220 feet above the ground. After arriving on the scene, Moseley was hooked to a harness and flown in by helicopter to battle the intense heat, smoke, and swirling winds. His incredible skill and courage, along with that of pilot Boyd Clines and navigator Larry Rogers, all provided for a very daring and unbelievable rescue.

This is but another achievement in an already distinguished career for Mr. Moseley. He began his service as a firefighter with the Fayette County Fire and Emergency Services in 1991. He then went on to become a paramedic and a member of the department's hazardous materials response team. His hard work and dedication earned him recognition by his fellow department members as Firefighter of the Year in 1995. Shortly thereafter, he joined the Atlanta Fire Department where he continues to serve.

Following his brave act, Firefighter Moseley humbly remarked, "Heroes are for the last show." Well they are also for towns like Locust Grove, cities like Atlanta, and states like Georgia. Mr. Speaker, we often overlook the daily sacrifices our brave firefighters make each and every day to our communities. I would like to extend my personal commendation and gratitude to Mr. Moseley and to all the men and women who put their lives on the line serving as firefighters. They truly are heroes of our Nation.

TRIBUTE TO WILLIAM MORROW ON HIS INDUCTION TO THE UPPER PENINSULA LABOR HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. STUPAK. Mr. Speaker, since 1993 eleven outstanding labor leaders, individuals who have contributed to organizing, workplace fairness, worker dignity, and the advancement of the labor movement in northern Michigan, have been honored with induction into the Upper Peninsula Labor Hall of Fame. The Hall of Fame is housed in the Superior Dome on the campus of Northern Michigan University in Marquette.

I have the honor once again this year to participate in this important and inspiring induction ceremomy, which pays tribute to the dedicated efforts of the late William Morrow of Escanaba on behalf of the labor movement.

Mr. Morrow is being recognized for his efforts in organizing the construction laborers in the Upper Peninsula and his assistance in obtaining a charter for Laborer's International Union of North America, Local 1329, based in Iron Mountain, Mich.

William Morrow's parents died when he was young, and he began working at age 16 as an operator of heavy equipment on dredges. He joined a union, because he believed a working person could receive a fare wage and decent working conditions with a union contract.

Mr. Speaker, William Morrow believed unions helped both the ordinary working person and the employer, and he believed in the basic principle, "an honest day's work for an honest day's pay."

He was a member of the International Union of Operating Engineers, Local 324, and business representative from 1951–1968. He served as vice president for Local 324 from 1964–1968, and he achieved lifetime membership in Local 324 in December 1977. William Morrow's widow, Gertrude, still lives in Escanaba.

We can praise the everyday efforts of the hard-working men and women of Michigan, Mr. Speaker, but there are monuments to the quality of their work that make our mere words seem insufficient to the task. One such monument is the great Mackinac Bridge, which connects Upper and Lower Michigan across the deep and dangerous Straits of Mackinac.

Mr. Morrow worked on the bridge, part of the dredging operation necessary for construction of the two great towers of the suspension bridge. He was one of the more than 11,000 workers—3,500 on the site and 7,500 in shops and quarries off the site—required to construct this engineering marvel and testament to the courage and dedication of working America.

I look forward each year to the opportunity to gather with friends and associates in northern Michigan to praise these men and women, people like William Morrow, who have dedicated themselves to doing great work as an ordinary, everyday task. I ask my colleagues in the House to join me in praising these remarkable efforts.

HONORING THE SACRIFICE, SERVICE, AND HEROISM EXHIBITED BY THE WORLD WAR II UNITED STATES NAVAL ARMED GUARD VETERANS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the World War II United States Naval Armed Guard Veterans. Created in World War I and expanded in

World War II, the Naval Armed Guard performed the vital service of protecting our merchant vessels and their precious cargo from enemy attack. Without these service-members' heroic and inspirational service, the United States' overseas supply lines would have been compromised and our Nation's efforts abroad would have been impeded. Indeed, the United States' owes its ultimate victory in the preservation of freedom and democracy to the struggles and sacrifices of the 144,900 members of the Navy serving in the Armed Guard during World War II.

Although lacking the best available weapons and technology, these servicemembers insured the safe passage of thousands of troops overseas by manning the guns on both Army and War Shipping transports. By sheer determination, these members transcended the harrowing dangers involved in riding slow cargo ships across what German U-boat captains called the "shooting gallery" and fought off countless enemy planes, submarines, and other enemy vessels. In these efforts nearly 2,000 servicemembers lost their lives and thousands more were wounded or taken prisoner.

Many nations like Great Britain, France, Russia, and the Philippines have awarded high honors to the members of the Naval Armed Guard for their valor and accomplishments in aiding these nations during World War II. It is now long past due that the United States follow suit and commend these servicemembers for their invaluable service in the preservation of freedom and democracy and in the protection of our troops abroad.

I therefore ask that my colleagues pause with me to honor the World War II Naval Armed Guard Veterans. I am greatly honored to join many others throughout the world in saying thank you to the Naval Armed Guard veterans for their vigilance in defending our great country. We salute you for your service to our nation, and your willingness to sacrifice your lives and safety so that others might enjoy your legacy of freedom. Your efforts will not be forgotten.

THE NEED FOR SUSTAINABLE COMMUNITIES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Ms. KAPTUR. Mr. Speaker, by the middle of the next millennium, the world's population is expected to reach 8 to 12 billion people. Right now we are adding about 86 million people annually. All of us must find common ground on the issues of land and resource use and sustainable communities.

Recently, a groundbreaking took place in North Toledo to provide 49 families with new homes in the North River neighborhood. That event gave me great hope that, as a community—a multitude of jurisdictions in one of the most bountiful regions of the world—people in northwest Ohio are improving the quality of life in existing neighborhoods and making it attractive for commercial investment on reusable land—precious land.

As an Urban Planner myself, I hope that gone are the days that we neglect and abandon what has been developed for another site at the expense of the original location.

To promote a livable community, cooperation between public and private institutions is essential. Cooperation between neighboring communities, cities, suburbs and rural areas will be the key to meeting the needs of the 21st century—greater populations, more traffic, sprawl, and pollution.

We must have as our goal, a community that works together for our common good, not just individual special interests.

Together, individuals, families, businesses and civic organizations must become involved in local planning, to ensure that every voice is heard and all concerns are represented at the table.

By planning more wisely for more livable communities, we will be able to preserve our precious open spaces for generations to come. Such a conscious vision will enable families to enjoy our country's natural beauty. And we'll be able to preserve our precious farms and prime farmland which America has been losing at alarming record rates.

U.S. Census figures show that from 1982 to 1992 Ohio lost 1.2 million acres of irreplaceable farmland to development. But unfortunately, this isn't native only to Ohio. Across the nation, prime farmland with the highest productivity is being lost. Globally, these sources of food, fiber and vegetable production cannot be reinvented.

I'm pleased that the state of Ohio has stepped up to the plate and passed a farmland preservation bill. As a co-author of national legislation to preserve for agricultural production, I am gratified that our state will now join dozens of other in adopting a policy for land reuse and for the voluntary set-aside of land for agricultural production in perpetuity.

Preserving our farmlands means revitalizing the core of our cities, townships and villages. The Mayor of Fostoria, Ohio had it right recently when he said, "the best thing I can do to protect farmland is make my city worth investing in."

For America's first two centuries, our communities have grown without more constraints. We could easily cast away old city neighborhoods for the suburbs and treat prime productive land as though it were no different from asphalt. Those choices won't be the same for those who live in the 21st century as the world's population reaches eight to twelve billion people.

I'm reminded of the words of Daniel Webster:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.

We must put people and vision back at the center of our planning efforts. We must be conscious of our region and the earth as an ecosystem that needs tending. A common vision for an American future that is sustainable must be our objective.

CHILDREN'S DAY IN TURKEY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. SMITH of New Jersey. Mr. Speaker, later this week the Republic of Turkey will celebrate "Children's Day" as has been the custom every April 23rd since the early 1920s. Such festive occasions are important reminders of the wonderful blessing that children are to family and society alike. Regrettably, the joy of this celebration will not be shared by all children in Turkey. Recently, I chaired a hearing of the Helsinki Commission that reviewed human rights practices in Turkey, an original signatory to the 1975 Helsinki Final Act. The disturbing testimony presented at that hearing underscored the vulnerability of children.

Assistant Secretary of State for Democracy, Human Rights and Labor, Harold Koh, cited the case of two-year-old Azat Tokmak to illustrate how terrible and dehumanizing the practice of torture is for everyone involved, including children. Azat was tortured, according to Mr. Koh, in an effort to secure a confession from her mother. He testified: "In April [1998] the Istanbul Chamber of Doctors certified that Azat showed physical and psychological signs of torture after detention at an Istanbul branch of the anti-terror police. Azat's mother, Fatma Tokmak, was detained in December 1996 on suspicion of membership in the Kurdistan Workers Party (PKK). Azat was burned with cigarettes and kicked in an effect to make her mother confess." Mr. Speaker, we are talking about a two-year-old child—a baby—being tortured by police.

At the same March 18th hearing, Stephen Rickard, Director of the Washington Office of Amnesty International USA, observed, "There is something Orwellian about calling units that torture and beat children and sexually assault their victims "anti-terror" police." Mr. Rickard displayed a photograph of Done Talun, a twelve-year-old girl from a poor neighborhood in Ankara, to give a human face to the problem of torture in Turkey. "For five days, she was beaten and tortured while her frantic family asked for information about her whereabouts and condition," Rickard said. Done was accused of stealing some bread. Her torture reportedly occurred at the Ankara Police Headquarters. "Is this young girl's case unique? Unfortunately, it is not," he concluded. Mr. Rickard presented the Commission with a recent AI report: "Gross Violations in the Name of Fighting Terror: The Human Rights Record Of Turkey's 'Anti-Terror' Police Units." The report includes a section on the torture of children.

Mr. Douglas A. Johnson, Executive Director of the Center for Victims of Torture, testified that there are thirty-seven different forms of torture practiced in Turkey today. Addressing the torture of children, Johnson observed, "twenty percent of our clients over the years were tortured when they were children, and usually that was to use them as a weapon against their parents," similar to the case of two-year-old Azat Tokmak.

Mr. Speaker, I urge the Clinton Administration to press the Government of Turkey to eliminate the climate of impunity that has allowed children like Azat and Done to be subjected to such gross abuse at the hands of the police. Then, and only then, will children such as these—"the least of these"—be able to fully partake in the joy of this special Children's Day set aside to celebrate their lives and those of all children in Turkey.

PROTECT OUR CHILDREN

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, gun related violence is an issue that has, in recent years adversely affected the lives of American children and adults. We have a responsibility, as leaders and parents to address this problem and work towards creating a solution. Children should feel safe in our Nation's urban and rural areas, and in order to create an environment that is a safe one, we must deal with the issue of the misuse and abuse of guns. I feel that this issue may be addressed by requiring manufacturers to fit firearms with a child safety lock. Therefore, I felt that it was necessary to introduce the Child Safety Lock Act of 1999.

This bill will prohibit any person from transferring or selling a firearm, in the United States, unless it is sold with a child safety lock. Further, this legislation would prohibit the transfer or sale of firearms by federally licensed dealers and manufacturers unless a child safety lock is an integral component of the firearm.

A child safety lock is a locking mechanism that attaches to the trigger guard of a firearm. The device fits over the trigger guard and the trigger, preventing the firearm from unintentionally discharging. Once the device is properly applied, it cannot be removed unless it is unlocked.

According to statistics from the Centers for Disease Control, more than 5,000 innocent boys and girls have lost their lives due to unintentional firearm related death. Between 1983 and 1994, 5,523 males between the ages of 1 and 19 were killed by the unintentional discharge of a firearm. The loss of these young lives can be prevented, which is why this legislation is necessary.

To improve the quality of life for children and adults, and avoid the continued senseless bloodshed and loss of life of children around this country, we should work together to pass the Child Safety Lock Act of 1999. It is our obligation to protect our children. This bill does just that, it protects our children and it protects their future.

SUMMARY OF LEGISLATION AS INTRODUCED

Section 1. Short title

This Act may be cited as the "Child Safety Lock Act of 1999."

Section 2. Findings

Presents findings to support the need for this legislation.

TITLE 1—CRIMINAL PROVISIONS

Section 101. Handgun safety

Defines what a locking device is, provides for locking devices and warnings on handguns and penalties related to locking devices and warnings.

TITLE 2—REGULATORY PROVISIONS

Section 201. Regulation of trigger lock devices

Establishes general authority for the Secretary of the Treasury to prescribe regulations governing trigger lock devices.

Section 202. Orders inspections

Allows the Secretary of the Treasury to issue an order and/or inspections regarding a trigger lock device which is in violation of this title.

Section 203. Enforcement

Allows the Secretary of the Treasury to assess civil penalties and/or criminal penalties for violation of a provision of this title.

Section 204. No effect on State law

This title does not annul, alter, impair, or affect, or exempt any person subject to the provisions of this title from complying with, any provision of the law of any State or any political subdivision thereof, except to the extent that such provisions of State law are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

Section 205. Definitions

Defines terms used in this title.

TITLE 3—EDUCATION PROVISIONS

Section 301. Portion of firearms tax revenue to be used for public education on safe storage of firearms

Uses 2 percent of the firearms tax revenue and uses it for public education on the safe storage and use of firearms.

HONORING MR. JOHN P. VASSAK FOR 25 YEARS OF SERVICE

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mrs. KELLY. Mr. Speaker, I rise to honor a very special person. This morning I have the pleasure of meeting the North Salem Middle School's 8th Grade Class on the steps of the U.S. House of Representatives.

This is not the first time I have met with the fine young men and women of the middle school. What makes this visit so extraordinary is that this year marks the 25th time Mr. John P. Vassak—a dedicated social studies teacher—has personally escorted his classes to our nation's capitol.

By investing his time year after year to bring his students to Washington, DC he excites their minds and instills in them a greater understanding for how our government works. He is able to show them the Capitol, the Supreme Court and the White House while he teaches the importance of the checks and balances in the three branches of our government. He is also able to point out the various monuments to our heroes who have served to protect the freedom we all enjoy.

Through his generosity of time and talents, Mr. Vassak has exemplified the pride for our nation and instills in these children the respect for our democracy it so deserves. These children will understand the foundation of our government and their rights and responsibilities in our democracy. Because of Mr. Vassak's dedication, they will forever be better citizens. Congratulations to you, Mr. Vassak.

CONGRATULATING THE BOWIE BLADE-NEWS ON WINNING NEWSPAPER OF THE YEAR

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. HOYER. Mr. Speaker, I rise today to recognize one of Maryland's most informative and well respected newspapers, "The Bowie Blade-News." The Blade-News was recently named Newspaper of the Year for its division, by the Maryland-Delaware-District of Columbia Press Association. In addition, Editor John Rouse and five other members of the editorial staff were recognized for their work in various categories for a total of 14 awards.

Blade-News photographer Sharon Tazelaar received a first-place award for the division in the category of Spot News Photo, beating out photojournalists from daily newspapers such as the Washington Post and the Baltimore Sun. Other Blade-News staff receiving awards were Sports Editor Christine Krapf, and staff writers Cheryl Allison, David Emanuel and Donna Reifsnider.

Having been involved in public service in Maryland for much of my life, I have had the distinct honor of working with John Rouse and his staff of reporters and photographers. Rouse, who has held the title of Editor at the Blade-News for 27 years has worked hard to ensure that the Bowie Blade-News upholds the Capital-Gazette Newspapers philosophy which is, "Every issue of every newspaper represents a battle for excellence." Under Rouse's leadership, the Bowie Blade-News has become a vital source of information for the community.

Mr. Speaker, the Capital-Gazette Newspapers, which owns and publishes the Bowie Blade-News, has a long and rich history of informing the people of Maryland and is one of the oldest newspaper publishers in the country. The company's original newspaper, the Maryland Gazette, was first published in 1727 and many of the reports published in the Gazette were copied by Benjamin Franklin and other Colonial editors for their own newspapers. This newspaper also has the distinction of having had the first woman editor and publisher of a newspaper in the American Colonies.

The Maryland Gazette also survived strong local sympathies for the Confederacy, all the while sharply criticizing the movement to dissolve the Union. In fact, the newspaper was saved by President Abraham Lincoln when he appointed the publisher as the federal paymaster for the state of Maryland, helping the publisher to subsidize his newspaper.

Under the guidance of John Rouse, the Bowie Blade-News is upholding this tradition of seeking out the truth and providing the information to the surrounding community. It plays a vital role in the daily lives of the people who rely on it for news and information about their neighborhoods. Mr. Speaker, I am proud to have such an honorable news organization in my Congressional District and I ask my colleagues to join me in congratulating the Bowie Blade-News on being named the 1998 Newspaper of the Year by the Maryland-Delaware-District of Columbia Press Association.

AUTHORIZING AWARDING OF GOLD MEDAL TO ROSA PARKS

SPEECH OF

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. CLAY. Mr. Speaker, I am honored to pay tribute today to one of our Nation's heroes. Rosa Louise McCauley Parks has been called the Mother of the modern civil rights movement. She was born in Alabama in 1913 and grew up in a racially segregated world. Rosa was forced to endure the horrors of white hooded racists who burned crosses and terrorized blacks. She was part of a generation of black children who were denied access to a public education and denied their basic human rights as equal citizens under law. But Rosa Parks was among those who championed the cause of right over might, for the sake of black Americans and all Americans. She overcame her fears of the segregated society in which she lived and faced down the racial hatred that clouded her childhood.

December 1, 1955, marked a turning point in the life of Rosa Parks. After a hard day of work, she claimed a seat on a Montgomery city bus and then she refused to give it up to a white male. Her actions inspired the Montgomery bus boycott that led to the Supreme Court ruling overturning the laws of Alabama. This simple act of courage changed her life forever. Her decision is now remembered as the spark that lit the path of the march for civil rights. In 1955 Rosa Parks stayed in her seat and stood up to scores of unjust and racist laws. She has spent the rest of her life working and struggling for justice and equality for all.

Mrs. Parks' peaceful defiance of racial segregation made her a legend in the history of this Nation. Today, children who understand little of the real horrors of racial segregation know the tale of Rosa Parts and how she helped to lead our nation to the end of this truly terrible chapter in our history.

Today, Mrs. Parks is a legend who reminds us that though much has been accomplished since that cold December night in Montgomery AL, nearly 44 years ago, the struggle to end racism and inequality is far from over. I salute Rosa Parks for her innumerable contributions to our Nation—she is a woman whose story will inspire generations to come. I urge passage of H.R. 563, authorizing the President of the United States to award the Congressional Gold Medal to Mrs. Rosa Parks.

TRIBUTE TO DOROTHY AND OZZIE GOREN AND THEIR FAMILY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my good friends, Ozzie and Dorothy Goren, and their children, Jerry, Carol, and Bruce, who are all being honored this year by Jewish Family Service of Los Angeles. Every member of the Goren family gives tireless and selfless service to a wide variety of Jewish organizations and agencies. The Goren family is legendary for its generosity and commitment to human rights, civil rights and human relations.

The Gorens have not only served their community in Los Angeles, they have extended their benevolent service to many institutions in Israel as well. Since their first visit in 1962, Ozzie and Dorothy have returned 62 times. Like few other visitors, the Gorens have left their mark on Israel. If you are in Mitze Ramon, you can visit the Dorothy and Ozzie Goren Day Care Center, which serves children from infancy to 3 years old. Together with our mutual friends, Richard and Lois Gunther, the Gorens created a special park in Tel Aviv where Arab and Israeli children play together every day.

The Gorens taught their children well and the entire family is involved in philanthropic activities. Jerry Goren, (the Goren's oldest son) and his partner Julia Coley, have implemented a law and public school magnate program at Dorsey High School in southwest Los Angeles. Daughter Carol, together with her husband Rob Corn, volunteers at the Board of Hertzel School, the Colorado Humane Society and the Jewish Family Service of Denver. Bruce, Dorothy and Ozzie's youngest son, met his future wife, Susie, during a leadership mission to Israel. Now a successful businessman, he is a past board member of Jewish Family Service of Santa Monica. Susie is active with the Stephen Wise Temple board, the Jewish Federal Council and is completing the Wexner Heritage Program.

Among Dorothy's notable achievements is service as past president of Jewish Family Service, as a member of the Board of the Jewish Home for the Aging, and as the first woman to chair the overall United Jewish Fund Campaign.

Ozzie has also chaired the United Jewish Fund Campaign and served as Jewish Federation President. His close work with the Southern California Human Relations Commission and the Urban League has benefitted thousands of people, including those who received the 1,000 Christmas dinners he has provided annually to the poor for the past five decades.

He is dedicated to the causes of civil rights and human rights. I saw his devotion first hand in our work together to initiate a program which used Israeli institutions to train South African leaders of the anti-apartheid movement.

This listing is only a sample of the good works of the Gorens and so it is with enormous pride that I ask my colleagues to join me in saluting Dorothy and Ozzie Goren and their family, and in recognizing their extraordinary spirit of charity and compassion.

DON CAMPBELL, DIRECTOR OF NASA GLENN RESEARCH CENTER, NAMED LABORATORY DIRECTOR OF THE YEAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. KUCINICH. Mr. Speaker, I would like to call the attention of my colleagues to recognize the NASA Glenn Research Center Director Donald J. Campbell who has been named the 1998 Laboratory Director of the Year by the Federal Laboratory Consortium (FLC) for Technology Transfer.

The award, presented annually, honors federal laboratory directors who have made exemplary contributions to the overall enhancement of technology transfer for economic development.

Mr. Campbell was selected to receive the award in recognition of his successful efforts to broaden the commercialization of Glenn's technologies. In the last five years, at least 20 new products have been created due to Glenn-developed technologies.

Under Mr. Campbell's leadership, the newly created Garrett Morgan Commercialization Initiative helps to increase the competitiveness of disadvantaged and small businesses in Ohio and the Great Lakes region through the use of NASA technologies.

The Glennan Microsystems Initiative is another highly successful program which was launched under Mr. Campbell's direction. The Glennan Initiative, a public private partnership between NASA Glenn Research Center and Case Western Reserve University, will enable companies to capture significant market share in the area of miniaturized sensors and actuators.

In addition, the Lewis Incubator for Technology was established to help entrepreneurs and start-up companies gain financial and marketing assistance as they commercialize NASA-developed technologies.

Mr. Campbell also has been instrumental in providing a hands-on educational experience to African-American and Hispanic students each year through the Science, Engineering, Mathematics and Aerospace Academy (SEMAA). The program, a collaborative effort between Glenn and Cuyahoga Community College, in Cleveland, Ohio, has proven to be extremely successful. Since its inception, SEMAA has been replicated twice, with plans for seven additional sites in major cities.

Mr. Campbell's leadership and personal commitment to work with industry and our community is exemplified in the highly successful programs described. I am happy to be able to recognize his contributions today. He has been a role model throughout his career. He is the first African American to win the FLC Director of the Year.

More than 600 of the largest federal government research laboratories and centers, representing 16 federal departments and agencies, are presently members of the FLC. The mission of the FLC is to promote and facilitate the rapid movement of federal laboratory research results and technologies into the mainstream of the U.S. economy.

Thank you, Mr. Speaker, for allowing me the opportunity to share this success story with my colleagues. Once again I commend the efforts and dedication of Mr. Campbell and the entire staff at NASA Glenn Research Center for a job well done.

THOSE WHO GAVE THEIR LIVES IN SERVICE OF OTHERS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. WOLF. Mr. Speaker, on Sunday, April 18, David McCall, Penny McCall and Yvette Pierpaoli died in a car accident while on their way to assist the refugees in Northern Albania. David and Penny McCall were on assignment for Refugees International. Ms. Pierpaoli was their Albanian driver. I insert into the RECORD a press release from Refugees International detailing their mission.

Having traveled the same road myself just weeks ago, I know how dangerous it can be. The road—the only route between Tirana and Kukes—is crowded and crumbling.

David, Penny and Yvette gave their lives to serve others and bring some desperately needed relief to the displaced Kosovar Albanians. Their death should serve as a stark reminder of the daily risks faced by aid workers and the heroic efforts of all those risking their lives to help the world's needy.

My sympathy goes out to the families of the McCalls and Ms. Pierpaoli.

REFUGEES INTERNATIONAL—APRIL 19, 1999

It is with deep pain that we must confirm the deaths of David B. McCall, his wife Penny McCall and Yvette Pierpaoli in a car accident Sunday on the road heading towards Kukes, Albania. Their Albanian driver was also killed. David and Penny were Board Members of Refugees International, and Yvette was RI's European Representative. The three were in Albania on a humanitarian assessment mission. They were heading from Tirana, the capital, to Kukes, the primary reception point for Kosovar refugees, when their car apparently slid off the mountain road in bad weather.

David, Penny, and Yvette gave their lives for refugees they never met, but for whom they cared deeply. Refugees International is an advocacy organization which seeks to identify failures or gaps in the refugee protection and assistance system and then presses for corrective action. David, Penny and Yvette had made numerous such missions in the past, including a humanitarian assessment mission to Albania last June. This time, a part of their mission was to explore the possibility of providing region-wide help through radio broadcasts to refugees seeking to locate missing family members. The widespread separation of families is a problem with profound human consequences, and David, Penny, and Yvette wanted it solved as quickly as possible. It was not the first time these three took matters into their own hands for refugees around the world. David, Penny, and Yvette personally brought water pumps, sought to improve the system for clearing land mines and provided basic assistance for refugees in Thailand, Cambodia, and numerous countries in Africa. Their humanity was deep, abiding and selfless, and inspired us all. We will miss them terribly.

IN CELEBRATION OF TUFTONIA DAY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. MARKEY. Mr. Speaker, I rise today to recognize Tufts University in Medford, MA, in honor of the more than 80,000 alumni who will turn their attention today to their alma mater in celebration of the university's 15th annual Tuftonia Day.

This special day marks the anniversary of Tufts University, the second oldest college in the Boston area. Tuftonia celebrates the day in 1852 when Massachusetts Gov. George Boutwell signed Tufts' charter. The celebration was established in 1985 as an opportunity for alumni to celebrate their thoughts of the institution and reminisce with old friends about the bonds made at the university. The gathering provides an opportunity for those connected with the school to celebrate the many achievements of the institution.

For these reasons, the focus of Tuftonia is once again, TuftServe, which centers on the school's volunteer alumni in community service. The alumni of the institution have logged over 350,000 hours of volunteer service ranging from a wide array of endeavors. The intent of the celebration is to allow the opportunity for current students, alumni, professors, administrators, and parents to join in a gathering commemorating the achievements of the college community.

Tufts University enrolls approximately 8,500 students representing all 50 states and 90 countries around the world. The campus community extends from Medford, Boston, and Grafton, MA, to the campus abroad in Talloires, France. The diverse student body and vast cultural experiences it reflects further instills Tufts' reputation as a formidable institution of higher education. Tufts has a reputation of excellence in academic achievement, and its commitment to volunteerism and contribution to the community serve as an integral part of the impressive reputation.

Tufts University should be applauded for instilling in its students, both past and present, the importance of voluntarism. Their contributions to the community on all levels should serve as an inspiration to us all. I commend the students, alumni and faculty of Tufts University for their hard work and commitment to the community.

TRIBUTE TO JOHN M. ELLIS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an outstanding citizen, Mr. John M. Ellis, of Sacramento, CA.

John began his career March 3, 1966 with the U.S. Army at the Sacramento Army Depot and in 1969 transferred to the U.S. Air Force at McCellan AFB, CA. After 33 years of dedicated Federal service he is retiring on April 30, 1999.

John is among the most successful and tireless advocates of Federal managers and his success is widely acknowledged. He has a widespread and richly deserved reputation as a passionately involved caretaker of federal employees. Through his personal efforts, Federal workers in the Sacramento area knew that someone was fighting for their cause. His colleagues recognized his strong leadership and vision and chose him to serve in a long list of distinguished elected positions.

Few people have given to their community with the vision and commitment that John offered to us. He founded the McClellan Defense Task Force (MDTF) in early 1992. The task force organized local community letter writing campaigns and produced almost 400,000 letters supporting McClellan AFB. He personally delivered 127,000 letters to Department of Defense Secretary Les Aspin and 270,000 letters to the BRAC commission during their hearings on Capitol Hill in 1995.

During his career, John became known as an expert on base closures and Federal employees' issues by many local Sacramento radio and television stations. He was a highly sought after panelist for interviews and logged many hours on live and taped, local and national television and even international radio. John always shared his time and knowledge, and made many appearances as a guest speaker at local schools, societies, and government agencies.

He founded the Alliance of Government Managers (AGM) at the beginning of 1987 to protest Federal managers pay, entitlements and benefits. John's organization also included an emphasis on participation and worked to support beneficial legislation and programs, avert destructive administration issues, and promote Federal managers' prosperity and public harmony.

John served as president of Chapter 77, Federal Managers Association for 5 years. During his tenure, he implemented many innovative programs and provided members with an unprecedented level of support. He never hesitated to go to any means necessary when his members needed help. John received a Gold Card (lifetime) membership from the Federal Managers Association for his extraordinary leadership in their organization. The extremely selective nature of this award may not be immediately apparent, but some of us know how few in the history of FMA have earned this level of gratitude.

In 1983, John cofounded the Nor-Cal Federal Coalition (NCFC) and became their first President. The NCFC offered Federal labor unions and management groups an outlet for common interest matters. Through his efforts with the many organizations he founded and presided over, John consistently championed the rights of Federal employees to make a stronger more united Federal community.

John never settled for anything less than his best. He is a friend, a successful Federal manager, a political activist, a husband, a father, a grandfather, and an inspiration to thousands of people in and around Sacramento, CA.

I would like to offer my heartfelt congratulations to John on his very distinguished career and I wish him and his family my best. Although we will sorely miss his presence, we wish him great success in his future endeavors.

A TRIBUTE TO JULIA A. KRASCHNEWSKI

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to pay tribute to a student from my Congressional District in Wisconsin, Julia Kraschnewski. Julia is senior at Burlington High School, and she is the winner of the VFW's 1999 Voice of Democracy scriptwriting contest for the state of Wisconsin. Julia wrote about an experience she had while volunteering at a local nursing home and the effect that experience had upon her life. Julia is no stranger to civic and student activities. She has been involved in 4–H, Student Council, Girls State and Girls Nation, and she is the current Miss Burlington. Julia is truly an example for students all across the country.

Mr. Speaker, I'd like to introduce Julia's winning script for the RECORD.

I walked into the nursing home that day, with no idea of what I was getting into. What I would say? How I would act around elderly people? Would I be matched with someone specific? Soon I was paired with a short old man in a plaid shirt. The caretaker told me that this man's name was Roy. I wheeled Roy down to the Activity Room, not sure of what to say. When we get to the room, we both set up our BINGO cards and prepared to play. "B–5" said the lady behind the head table. Roy gave me a shy smile as I helped him place a little red chip on the card.

It has been said, "The purpose of life is life with a purpose." What better purpose is there than to serve—to help someone else, someone who is perhaps less fortunate than us?

The United States of America is committed to safeguarding the rights to "life, liberty, and the pursuit of happiness," for all of its citizens, regardless of their financial status or physical abilities. While our country has come a long way since the signing of the Declaration of Independence in 1776, some aspects of our society continue to demand our concern.

One such area is the treatment of our elderly. While it was traditional in years past for older relatives to live with younger family members, these days, with both parents working outside the home, this can often become quite impossible. True, the government helps aid the elderly through programs such as our Social Security system and Medicare, but today's alternative for caring for aging members of the family who are unable to care for themselves is a nursing, or retirement home. Such places provide a residence for the elderly and take care of their physical needs. However, even in a "percent world," our government could not possibly be expected to meet the mental or emotional needs of some of our forgotten elderly. But this does not mean that as individuals, we cannot do something.

"N–45!" the director called in the afternoon's first game. "BINGO!" Roy called, his hand shaking slightly. Roy was excited about the bird ornament he won, recalling that "there were lots of birds like this one" back on his farm. He told me about the "special" birdseed he used to but to attract his wife's favorite orioles. As he stared at the little bird ornament, Roy seemed to be reliving happier days gone by. When we got to his room, my new friend showed me his pictures on the wall, unable to identify everyone in them. He talked about his farm and about his grandchildren. He started crying when he explained that he had not seen them in over a year, and they had forgotten his 100th birthday the month before. While I tried to comfort Roy, I began to understand the loneliness that our forgotten elderly must feel everyday.

Our government allows us to excel. It gives us priceless freedoms but we cannot abuse them or fail to cherish them. We must give as well as take. We must serve to strengthen society. "A life without service to others is a life not worth living." These words of President Woodrow Wilson illustrate our country's tradition of helping others. People serve our country in many ways. Some hold political office, some devote themselves to teaching or social work. Some volunteer their time helping others through community service. Some give the ultimate service—placing their lives on the line in times of war.

I can still remember Roy's words to me at the end of our visit. "This is so nice that you young people take the time to come out here and spend with us. We don't have a lot to look forward to here, but we love it when you come and visit us. Thank you." I looked at his eyes, old and tired, yet sparkling with something so alive. At that moment my heart glowed with a certain satisfaction to know that I had helped to make someone's day a little bit brighter. My visit had meant a lot to him. I had taken my first step of service to our society.

In the 3 years, since my 1st visit to Mount Carmel to see Roy, I have come to know Alex, Sadie, and Henry. I have shared stories, and pushed wheelchairs and I cherish every moment in this experience.

Andrew Carnegie once said, "All good things start out small." As Americans, we must challenge ourselves to be the best we can. In our "one nation under God," we must do unto others. On the little league sidelines, in soup kitchens, in nursing home BINGO rooms, with our monetary donations to worthy causes, with our well informed votes, and with our lives on the battlefield, if need be, from sea to shining sea we must unite in our commitment to "service to America."

TRIBUTE TO STEVE COURIER ON HIS INDUCTION TO THE UPPER PENINSULA LABOR HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. STUPAK. Mr. Speaker, since 1993, 11 outstanding labor leaders, individuals who have contributed to organizing, workplace fairness, worker dignity, and the advancement of the labor movement in northern Michigan, have been honored with induction into the Upper Peninsula Labor Hall of Fame. The Hall of Fame is housed in the Superior Dome on the campus of Northern Michigan University in Marquette.

I have the honor once again this year to participate in this important and inspiring induction ceremony, which pays tribute to the dedicated efforts of Steve Courier of Escanaba on behalf of the labor movement.

A brief look at his resume, Mr. Speaker, reveals an individual who had dedicated himself to community service. Not only has Steve demonstrated his commitment to the labor movement, but he has served his friends, neighbors and community in elective office and in social and professional organizations.

Here's just a glimpse, an index, a catalogue listing, of the many groups that have benefited from Steve's many hours of service.

The son of a pipefitter in Plumbers & Pipefitters Local 506, Steve served his own apprenticeship and went on to become the youngest elected business manager in the history of the Michigan Pipe Trades Council. He is now Third Vice President of the Michigan State Pipe Trades, and serves on the Board of Trustees for the Upper Peninsula Plumbers and Pipefitters Fringe Benefits Funds. Steve also serves as a member of the executive board of the Upper Peninsula Construction Labor Management Council.

Steve served on the Delta County Board of Commissioners, has been active in his local Masons lodge, served with the Escanaba Community Foundation, Elks Lodge 354, and the fund-raising committee of Escanaba's Bonifas Arts Center.

By his lifelong commitment in support of a wide variety of activities, Steve has convincingly demonstrated how strongly the labor movement is tied to the general well-being of the entire community. He has truly earned his place of honor with other labor leaders in our region.

I look forward each year to the opportunity to gather with friends and associates in northern Michigan to praise these men and women, people like Steve Courier, who have dedicated themselves to doing great work as an ordinary, everyday task. I ask my colleagues in the House to join me in praising these remarkable efforts.

HONORING THE 9TH ANNUAL WILLIE VELASQUEZ HISPANIC EXCELLENCE AWARD

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor the 9th Annual Willie Velasquez Hispanic Excellence Award. This Award is designed to honor the Foremost Distinguished Hispanic Citizen in the arts, education, business, public and community service realm within Houston.

For nine years, the National Hispanic Scholarship Fund, the Tejano Center for Community Concerns, and KTMD–TV Telemundo 48 have sponsored this Gala event that is designed not only to award outstanding Hispanic citizens but to raise money to benefit Hispanic education. Recipients of the award are citizens who demonstrate extraordinary community service, particularly in the areas of education of the Hispanic community.

It is appropriate that the award is named after Willie Velasquez. Willie was awarded the Presidential Medal of Freedom for his contributions to democracy. He spent his life ensuring that the Democratic voice of Hispanics would be heard, and he envisioned a society that would be empowered to change the world around them.

The proceeds of the event benefit the Tejano Center and the National Hispanic Scholarship Fund. These organizations work to ensure that the growing needs of the community are met. They contribute scholarship funds to improve the educational opportunities for our children. They also provide neighborhood centers which provide a wealth of programs that not only benefit our children's social opportunities but works to ensure them a healthy and safe future.

I would also like to commend Marcelo Marini of Telemundo Channel 48 for organizing the yearly event. Without his hard work and perseverance neither this award, not the scholarship would be available. Therefore, Mr. Speaker I would like to ask all the Members of the House to honor the Willie Velasquez Award and the vital role that it plays in the community.

INTRODUCTION OF H.R. 1256 THE SAVINGS AND INVESTMENT RELIEF ACT OF 1999

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. FOSSELLA. Mr. Speaker, I am pleased to announce that together with the Vice Chair of the Democratic Caucus, Mr. MENENDEZ of New Jersey, I have introduced H.R. 1256, the Savings and Investment Relief Act of 1999. This legislation is designed to address the growing problem of excess Securities and Exchange Commission (SEC) transaction fee collections. H.R. 1256 would cap SEC fees which are imposed on stock transactions at more reasonable levels than are currently being collected, thereby saving investors approximately $2 billion over the next seven years. At the same time, the legislation would provide a flexible funding mechanism that would ensure the SEC's budget needs are always met.

The SEC collects various "user fees" imposed by the securities laws in order to recover the government's costs of running the SEC, including registration fees on stock offerings and transaction fees on stock trades. Over time, these fees had grown to significantly exceed the SEC's budget. In fiscal year 1996, for example, total SEC fee collections were more than two and one-half times the SEC's budget.

Under the leadership of the Chairman of the Commerce Committee, Mr. BLILEY, and the Chairman of the Commerce Subcommittee on Finance and Hazardous Materials, Mr. OXLEY, Congress significantly restructured the SEC fee structure in 1996, as part of the National Securities Markets Improvement Act of 1996 (NSMIA). NSMIA's fee provisions were intended to reduce total SEC fee collections over time. Transaction fees were explicitly designed to recoup the costs of the SEC's able supervision and regulation of the securities markets and securities professionals—indeed, they were intended to be user fees, not general taxes. Unfortunately, actual SEC collections grew to over $990 million in FY97—over three times the SEC's budget of $305 million.

This situation prompted one of our most respected former colleagues, then-House Rules Committee Chairman Jerry Solomon, to introduce a bill last year with Mr. MENENDEZ, H.R. 4213, which sought to place an annual cap on transaction fees.

H.R. 4213 gained 62 cosponsors from both sides of the aisle, and was endorsed by the Security Traders Association, the Chicago Stock Exchange, the Pacific Stock Exchange, the New York Stock Exchange Specialists Association, the NASD, the Electronic Traders Association, and the Profit Sharing/401(k) Council of America. It was also endorsed by Americans for Tax Reform, the National Taxpayers Union, Citizens for a Sound Economy, and numerous state-level pro-taxpayer groups, as well as the U.S. Chamber of Commerce and the National Federation of Independent Businesses. The Chairman of the Ways & Means Committee, BILL ARCHER, was also a strong supporter of the bill, and expressed the Committee's view that transaction "fees" were really taxes because they greatly exceeded the SEC's regulatory costs.

A revised version of H.R. 4213 was drafted to avoid the PAYGO scoring problems which would have otherwise arisen from a reduction in transaction fees deposited as general revenues. By letter dated September 24, 1998, the Congressional Budget Office (CBO) scored the revised legislation as revenue neutral.

Since last year, the situation has only worsened. In FY98, SEC fee collections ballooned to a staggering $1.78 billion—five and one-half times the SEC's $322 million budget. Quite frankly, Mr. Speaker, this situation is absurd and unfair. These "fees" have undeniably become a backdoor tax of over $1 billion on all American investors and businesses raising capital.

Transaction fees are paid by all hardworking investors in my home district and across America. This tax directly affects individual investors, and impacts those large number of Americans who own stock indirectly, such as mutual fund investors and pension plan beneficiaries. It also has a particularly severe impact on the many NASDAQ market makers and exchange specialists who live in my district. These market professionals must frequently put their own capital at risk to buy and sell as principals in order to fulfill their legal obligation to maintain orderly markets. Excess transaction fees drain capital and liquidity from the markets—which disparately impacts the smaller, start-up companies that are creating new jobs and fueling economic growth.

Mr. Speaker, there are a number of ways to achieve the desired result of reducing transaction fees, including a cap and reducing the rate at which fees are levied. While H.R. 1256 embodies the cap approach, I want to stress that I would also endorse a rate cut as well. My intent in introducing this legislation is to continue to advance the debate on this issue, and to provide much-needed (and long overdue) relief to American investors.

I am gratified that Securities and Exchange Commission Chairman Levitt has gone on record in support of fee relief. In a recent hearing in the Senate Banking Securities Subcommittee, he testified that "[t]he SEC shares the Subcommittee's concern that fee collections are currently well in excess of initial projections." Chairman Levitt stated that he is willing to work with Congress to address this issue, and indicated that a flexible cap on fees is the most workable solution. I commend Chairman Levitt for these comments and for his continued leadership on issues of great importance to American investors.

Mr. Speaker, I pledge to work hard to ensure that the goal of providing investors with relief from these excessive fees is accomplished in the 106th Congress. I look forward to working in a bipartisan fashion to achieve this result, and I urge my colleagues to cosponsor H.R. 1256.

CENTENNIAL CELEBRATION OF WILEY ELEMENTARY SCHOOL IN RALEIGH, NORTH CAROLINA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. ETHERIDGE. Mr. Speaker, as the former North Carolina Superintendent of Schools and as the Second District's Congressman, I rise today to call the attention of the Congress to the centennial anniversary of Wiley Elementary School in Raleigh, North Carolina.

Last year, Wiley Elementary School was preparing to celebrate its 75th Anniversary when student researchers discovered an earlier Wiley School, making the school 100 years old this year. Wiley Principal Cecilia Rawlins describes the institution and this occasion best by saying. "Wiley School has a rich history. There are so many people in this community who played a part in our school, and we need to celebrate our history. There are many people who were a part of the school in the past. We want to celebrate the past so we can continue on that tradition toward the future." I am pleased to say that two members of my staff, Zeke Creech and Mark Hilpert, attended Wiley.

Over the past year, the students, parents, teachers, and the community have been preparing for this celebration. Students have researched the "old" Wiley and "new" Wiley, reviewed old PTA scrapbooks, and visited the state Archives and History division. Some students who were graduating to junior high school even devoted part of their summer working on a video and "memory book" to record the history of Wiley. As a part of this effort, students have recorded Wiley's rich history, architecture and alumni memories.

The current school was built in 1923 by C.V. York Construction Co. Its beautiful three story Jacobean Revival brick building was designed by architect Gadsen Sayre. The school was named for attorney, author, and educator Calvin H. Wiley, who also served as one of my predecessors as the first North Carolina Superintendent of Public Instruction, then referred to as Common Schools, form 1852 to 1865.

Today, Wiley is an "International Magnet" Elementary School and is one of the oldest continuously operating schools in North Carolina. As it has for so long, Wiley serves as a model for all our public schools in America to follow now and in the future.

Mr. Speaker, I commend the long history of educational achievement and parental and community involvement at Wiley Elementary School and join students, teachers, alumni, and the community in this centennial celebration.

I encourage my colleagues to join me in this celebration and to read the following articles from the News and Observer in Raleigh, North Carolina making Wiley's 100th anniversary.

[From the Raleigh News and Observer, Aug. 26, 1998]

TENACIOUS YOUTHS DETAIL SCHOOL'S PAST

(By Treva Jones)

RALEIGH—Wiley Elementary School was preparing to celebrate its 75th anniversary when planners realized they were off the mark.

Actually, there was an earlier Wiley School in downtown Raleigh—a fact discovered by student researchers—meaning the institution will be 100 years old next spring.

The school is collecting stories and information about Wiley from former students who learned their ABCs, and more, in the big red brick school house on St. Mary's Street.

"Wiley School has a rich history," Principal Cecila Rawlins said. "There are many people in this community that played a part in our school, and we need to celebrate our history. There are many people who were a part of the school in the past. We want to celebrate the past so we can continue on that tradition toward the future."

The official celebration will be in April. Planning is under way for a school pageant as well as a get-together for all alumni and friends.

"We want to make it a fund—but educational—experience," Rawlins said.

Becky Leousis, a Wiley video and photography teacher, got a small grant last year and used it to buy a piece of equipment that adds titles and credits to videotape. One of her video classes, launched specifically to look into Wiley history, interviewed and videotaped Raleigh residents who attended Wiley in its early years.

Severally Wiley students spent some of their summer break finishing the tape. Among them were Tom Martin, Chelsea Nicolas and Sam Shaber, all of whom started sixth grade in other schools this month. The three said they were so interested in digging up Wiley history that they wanted to finish what their class has started.

"It's one of the [city's] older schools. It has wonderful architecture. It's just real interesting." Tom said.

Students combed old school PTA scrapbooks and took a field trip to the state Archives and History division to look up pictures. They researched "old" Wiley, "new" Wiley, the school architect and Calvin Wiley, for whom it was named. They recorded their findings in a scrapbook and the video, which will be shown during the celebratory activities next spring.

The current school was built in 1923 by C.V. York Construction Co., by authority of the Raleigh Township School Committee. The architect, Gadsen Sayre, designed the three-story Jacobean Revival brick building, one of several Raleigh schools he designed during the 1920s.

It was named for Calvin H. Wiley, a lawyer, author, educator and the first state superintendent of public instruction—his actual title was State Superintendent of Common Schools—from 1852 to 1865. The first Wiley school was a two-story building at West Morgan and South West streets.

As part of a school course this fall, students will produce a booklet about Wiley history and architecture and alumni memories.

Anne Bullard, co-chairman of the Wiley Anniversary Committee, appealed to anyone connected with Wiley to write his or her recollection of an event that happened there or write about their most vivid memory of Wiley and send it to the school. Accounts should be limited to 250 to 500 words, Bullard said, and they should be sent before Christmas.

"We do hope to collect quite a lot of them," she said. The committee also is seeking photographs of people who had a connection to Wiley and photos of the building.

Former students, teachers and parents with memories of and memorabilia from Wiley school are asked to call the school office at 857-7723; to write to Anne Bullard, 208 Forest Road, Raleigh, N.C. 27605; or send e-mail to ajbullard@mindspring.com

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[From the Raleigh News and Observer, Feb. 25, 1999]

THOSE OLD BRICK WALLS ARE ABOUT TO TALK

(By Jim Jenkins)

Raleigh's Wiley Elementary School looks every inch the sturdy old schoolhouse—the steep steps headed up from St. Mary's Street, the deep-red edifice, the tall doors. It's easy to imagine the generations of kids from Cameron Park, Boylan Heights and surrounding neighborhoods tripping up the steps, parents in tow, for the first day—75 years of first days, in fact, at the present location, another 25 before that at other locales.

Yes, it adds up to a century, which means a centennial celebration is in order, and in fact, in progress now. They're doing it up right at Wiley, which is Raleigh's second-oldest continuously operating school. (Washington Elementary is the oldest.) Students have produced a documentary film on the place, a "memory book" is off to the publisher and a celebratory pageant is slated for April 23. The current generation of students at what is now an "international magnet" elementary school, along with alums, teachers and revered former principal Pearle Poole, will play roles in tracing its history.

And Wiley wants you alums out yonder, wherever yonder might be, to know that you are cordially invited to join the festivities at 7 p.m. on that day. Finding as many of the alumni as possible remains, really, the only string yet to be tied. Those who have been found already have enriched the memory book considerably, and there is no shortage of what schools call "distinguished" alums on Wiley's old rolls, among them a former editor of the Wall Street Journal, the late Vermont Royster, and still-active local pillars like attorneys Bill Joslin and Robert McMillan.

If few of us living and breathing types make it to a personal centennial, it's certainly true that not many schools light 100 candles either. What with the need to "upgrade" for the computer age, or to replace structures that wear and fray, or to honor some illustrious personage from a more modern era with the naming of a school, this sort of thing just doesn't happen that often.

(Wiley, in fact, has through the years survived a push by some officials to sell it or to demolish it and replace it. Among those who argued for saving it was former Mayor Smedes York, whose father, Raleigh developer Willie York, carried water to construction workers when the present school was being built in the early '20s.)

If the vivid memories of Wiley's legions of long ago are any indication, we might be better off preserving the old structures whenever possible and thus nurturing the loyalties of those who learned therein. For their recollections are part of a city's heritage.

Consider Frank Jeter Jr.'s offering for the memory book; he (still a Raleigh resident) was a 1st grade student in the fall of 1924. "*Wiley School*," he wrote, "was actually one of several public works improvements made in the early 1920s. For those of us who lived on Forest Road, this was the time when they paved the red clay street with blacktop . . . and also installed the sidewalk that made it possible for us to build speedy cares, using old lawn mower wheels, that could race down the hill in the 300 block."

Or the recollections of Nancy Hobbs Banks of Raleigh, who enrolled in *Wiley* in 1942, when her father, Dr. A.J. Hobbs, was appointed pastor of Edenton Street Methodist Church: ". . . Most of us had brothers or other relatives in the services. Ration books were distributed to families who waited in long lines in the gym. We had occasional air raid drills and were marched to the auditorium where we squatted between the rows of seats until the 'all clear' sounded."

Mrs. Banks has another lasting memory of the place; she met her husband, Myron, there.

Alum Melissa Harris, like many of her classmates from the early 1970s, recalls the controversy that erupted when in 1972 Principal Ben Tench encouraged students to build "*Wiley City*" on the back yard of the school. "We (the students) literally built ourselves a small city—complete with a courthouse, and a jail and an elected mayor."

Neighborhood protests led to its demolition, Harris recalled, "but no before realizing the diversity of tastes and the power of unified voices." Harris must have learned even more; she is an associate professor of architecture at the University of Michigan.

Wiley today is run by a dynamo, Principal Cecilia Rawlins, and its international magnet status invigorates the school with five languages taught, a "country of the month," and a focus on the different cultures of the world in the teaching of many subjects. If the grand old structure is a monument to memory for some, it is as well a monument to the robust health of public education when it is nurtured and sustained by neighborhoods, by involved parents, by dedicated teachers and by enthusiastic administrators. *Wiley* is a healthy 100. The candles, if you please.

H. CON. RES. 7

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. McCOLLUM. Mr. Speaker, home ownership plays a vital role in creating stable, vibrant communities in our country. As a firm supporter of home ownership and the strong communities that home ownership fosters, I would like to encourage all my colleagues to join with me, Congresswoman ROUKEMA, and all other original cosponsors of H. Con. Res. 7 to ensure that mortgage interest and property tax deductions remain in our tax code.

The beauty of the mortgage interest deduction is multi-faceted. Unlike the reams of forms and documentation required to qualify for many other deductions, the mortgage interest tax deduction is simple, widely understood and used by taxpayers. It benefits hard-working, middle class Americans. Forty-two percent of households that claimed the mortgage interest deduction in 1995 reported incomes below $50,000, and many of those benefiting from the mortgage interest deduction are minorities and first time home owners.

Taxing the interest on the most significant purchase that most individuals will make in their lives sends the wrong message to potential home buyers. The mortgage interest deduction helps individuals who are willing to make a stake in their communities and take on the responsibility of home ownership. We should encourage home ownership and the commitment to our communities that home ownership represents. H. Con. Res. 7 clearly does so by assuring Americans that Congress will continue to protect the mortgage interest deduction.

INTRODUCTION OF THE FEDERAL EMPLOYEE FLEXIBILITY ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Ms. NORTON. Mr. Speaker, I rise today to reintroduce the Federal Employee Flexibility Act of 1999. This bill will extend to federal employees the same commuting benefits that have been given to private sector employees under the Transportation Equity Act for the 21st century (TEA–21). This is a very important bill which could have a significant impact in helping the Washington metropolitan region and a great many others with federal employees come into attainment with Environmental Protection Agency air quality standards. For this reason, I am introducing this bill in time for Earth Day. Senators JOHN CHAFEE and DANIEL PATRICK MOYNIHAN also recognize the potential environmental benefits of this bill, and they are reintroducing companion legislation in the Senate today.

Prior to the enactment of TEA–21, the federal tax code contained an anomaly that in practice discouraged employers from using mass transportation or other means other than driving. Previously, employers could provide tax-free up to $65 per month ($100 by 2002) in transit benefits in lieu of taxable salary. However, if any employee within a company elected to take the salary instead of the transit benefit, the transit passes for all the other employees would lose their tax-free status. This made employers wary of offering any transit benefits.

Likewise, employers were allowed to offer tax-free parking up to a value of $170 per employee in lieu of some other taxable benefit, such as salary. However, if any employee chose to receive the taxable benefit rather than parking privileges, the parking of all employees of the company became taxable. The result was that employers were encouraged to grant all employees tax-free parking and employees were given no choice as to "cashing out" the benefit and commuting by other means such as walking or car pooling.

TEA–21 included language that eliminated this all-or-nothing approach for the private sector. However, federal employees were inadvertently left out of this more flexible approach. Federal compensation law must be modified to specifically authorize federal employees to have the option of receiving transit, parking, or additional salary. The bill that I introduce today provides this specific authorization.

The absence of a specific authorization has had a greater negative impact on the Washington, D.C. metropolitan area than on other cities and regions. As the federal city, Washington, D.C. has a far greater percentage of federal workers than other cities. In addition, the region has the second worst traffic congestion in the United States, behind the Los Angeles area. I believe my bill will go a long way toward relieving some of that unbearable congestion if federal employees who live in Maryland, Virginia, and outlying areas of the District are given incentives to commute into downtown Washington by means other than driving every day.

Since coming to Congress, I have worked hard to ensure that federal agencies and their accompanying jobs remain in the District. Last year, I signed a Federal Facilities Recruitment and Retention Pledge for Washington D.C. and its Inner Suburbs to "actively work to locate Washington Metro area federal facilities within ½ mile of a Metrorail station" and to "give preference in federal facility location decisions to sites first within the Nation's Capital . . ." This is a critical goal, and I work hard to carry out this pledge. However, we do not have much trouble getting federal agencies to remain in the District, and indeed have insufficient land for many federal facilities that would prefer to be here. Our greatest unmet challenges are the air quality and the congestion that pose immediate and dangerous threats to the quality of life, the growth, and the economy of this region. This bill is an important step toward moving us in the quest to overtake this challenge. I urge the support of Members as well to eliminate unintentional discrimination in benefits for federal employees when compared to those this body has already granted private sector employees.

TRIBUTE TO JACK POWELL ON HIS INDUCTION TO THE UPPER PENINSULA LABOR HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. STUPAK. Mr. Speaker, since 1993 eleven outstanding labor leaders, individuals who have contributed to organizing, workplace fairness, worker dignity, and the advancement of the labor movement in northern Michigan, have been honored with induction into the Upper Peninsula Labor Hall of Fame. The Hall of Fame is housed in the Superior Dome on the campus of Northern Michigan University in Marquette.

I have the honor once again this year to participate in this important and inspiring induction ceremony, which pays tribute to the dedicated efforts of the late Jack Powell of Escanaba on behalf of the labor movement.

Jack Powell had the kind of working career that could be the outline for an adventure novel. He was wildcat oil drilling at 13. Wildcatting, Mr. Speaker, is the risky venture of drilling a well outside a known field. It's a fitting start for life that included pioneering labor efforts in northern Michigan.

After some years as a painter and wallpaper hanger in Chicago, Mr. Powell came to the Upper Peninsula of Michigan in the late 1930s, to find work, and he found it in the iron mines. In 1944 he was the first man to be assigned as an International Representative of the United Steelworkers of America on the Marquette Iron Range.

Jack was known as an outstanding leader and a tough negotiator, and he made clear he had joined the labor movement to improve working conditions in the mines. He was active in organizing and negotiating for all USWA locals in the Upper Peninsula, but in the history of the Northern Michigan labor movement, Jack Powell may be best known to many for providing strong leadership and keeping his workers united during the 104 days of the 1946 Iron Mining Strike.

In a long career that ran until his retirement in 1965, Jack was a member of the Michigan AFL executive board, a legislative representative for the United Steelworkers of America, and he was a good friend of August Scholle, better known as Gus, the Michigan AFL president at the time. A self-educated man, Jack was also a close friend of former NMU President Edgar Harden.

Married to Marie Bracco of Ishpeming, Jack had two stepdaughters, one step-granddaughter, and three step-great-grandchildren.

I look forward each year to the opportunity to gather with friends and associates in northern Michigan to praise these men and women, people like Jack Powell, who have dedicated themselves to doing great work as an ordinary, everyday task. I ask my colleagues in the House to join me is praising these remarkable efforts.

TRIBUTE TO REVEREND DOC FRADY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. BARR of Georiga. Mr. Speaker, I rise today to honor a great man who has set an example for all of us by the way he has lived his life. That man is Reverend Marvin "Doc" Frady, pastor of Clarkdale Baptist Church in the Seventh Congressional District, who, on April 28, 1999, celebrates his 60th birthday.

Thirty years ago, Doc Frady had a successful practice as a chiropractor, which he built up over years of hard work. However, when he was called by God to leave that lucrative practice and enter the ministry, he didn't hesitate for a moment. Since then, he has served as pastor to four different churches, and ministered to many thousands of men, women, and children.

Fortunately for all who live in the community Doc serves, he doesn't let his efforts to help others stop at the church door. He has organized numerous religious events, actively involved himself in public policy issues, and spent more hours in hospital rooms, weddings, and memorial services than most people who do those things for a profession. Throughout it all, he still found time to serve for 10 years on the board of Cumberland Christian Academy, and for nine years as Chaplain to the Cobb County Sheriff's Department.

Doc Frady's life has been a model of public service from which we can all learn. In everything he does, Doc has made helping himself a last priority, and devoted his life to serving God and others. Doc deserves the thanks of a grateful community for all he has done to make Cobb County one of the best places to live in America. Everyone who knows, or who has had their lives touched by Doc Frady's love and commitment, joins in wishing him a very, very happy birthday.

TRIBUTE TO EL CHICANO NEWSPAPER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. BROWN of California. Mr. Speaker, it is with a great sense of pride that I rise today to pay tribute to El Chicano Newspaper on the occasion of its 30th anniversary.

El Chicano Newspaper, the first Chicano publication to serve the Inland Empire, was first published in 1968 on a monthly basis under the auspices of the University of California, Riverside. In 1969, through dedication and perseverance of local pioneers in the field of journalism, El Chicano Newspaper became independent and locally owned with Marta Macias Brown as its editor and her sister, Gloria Macias Harrison as its publisher, and William B. Harrison as its business manager.

Within six months of independent ownership, the newspaper went from a monthly to a bimonthly, then to a weekly publication, and has made journalism history as the longest-publishing Chicano owned publication in the State of California. El Chicano Newspaper was originally staffed by six volunteers working from their homes. Today, the newspaper has a 4,000 square foot home office located in the San Bernardino Hospitality Lane Business District. Since its launch in 1968, El Chicano Newspaper has grown to become a self sustaining, minority owned business with a current paid staff of more than 20 using the state of the art computer technology for all its production.

On June 1, 1987, a sister corporation was formed with other minority investors to acquire two community newspapers serving the cities of Colton and Rialto. This acquisition created the second group of newspapers in the state owned by Hispanic investors. In 1998 the Harrisons further expanded their newspaper holdings to include the Victorville Legal Reporter and the Sun Newspaper group, seven weekly newspapers serving North County San Diego. This expansion makes a total of eleven newspapers owned by the Harrisons who started their newspaper career with El Chicano Newspaper in 1969.

Throughout its 30 years of service to the Inland Empire, El Chicano Newspaper has been a vital link in the Chicano community, serving as a cohesive factor in keeping the community aware of current issues and encouraging a high level of community interest and involvement in local events. Therefore, El Chicano Newspapers has demonstrated its commitment to serving the fastest-growing segment of the population of the United States.

Mr. Speaker, I ask my colleagues to join me in congratulating El Chicano Newspaper on its 30 years of service. At home in my district in California, we are proud of the contributions El Chicano Newspaper is making to the community. This publication is representative of the emerging economic force of the Chicano community of California.

BUSINESS WOMEN'S NETWORK WOW! FACTS LAUNCH

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Ms. DUNN. Mr. Speaker, congratulations to the Business Women's Network (BWN) and to all of you, the thousands of women committed to fostering leadership, and to men who are champions of the positive change reported in Business Women's WOW! Facts. WOW! Facts is a one-of-a-kind resource database on women in business designed to highlight facts on women—from their access to capital to their access to child care. Below are a few examples of the impressive measurements of women's success found in the Business Women's WOW! Facts (which can be found on the Internet at www.BWNi.com):

Women are starting businesses at twice the rate of men, creating 8.5 million small businesses in this country that generate nearly $3 trillion in revenue. New companies headed by women stay in business longer than the average U.S. company.

Women make the investment decisions in 32 percent of households where investments are made. Women are a critical part of investment decisionmaking in another 51 percent of households. In saving and investing for their families, women cite the 401(k) as their primary investment vehicle. Women make up of 47 percent of all stock owners.

Ninety-nine percent of women in the U.S. will work for pay at some point in their lives. While in 1960, 30 percent of mothers worked, 70 percent of all mothers are now employed outside of the home.

With estimates that women make up 48 percent of all Internet users, women are the fastest growing segment on-line. In fact, by the year 2000 women will make up 50 percent of the total on-line audience and 52 percent by the year 2002.

Women are the fastest growing part of future projections for electronic commerce—one of the hottest trends in the nation and the globe. Edie Fraser of BWN tells me that soon we will have more than 1.2 million women-owned businesses on the Internet for the purpose of electronic commerce.

I want to recognize Working Woman Magazine for their partnership with BWN on many efforts, including a salute to the 500 top Working Women. Thank you to the Small Business Administration, the National Association of Women Business Owners, National Foundation of Women Business Owners and others for generating data which BWN has captured for this project. This is an impressive effort that will connect the world with the growing influence and accomplishments of women.

INTRODUCTION OF THE ENVIRONMENTAL JUSTICE ACT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. LEWIS of Georgia. Mr. Speaker, today I am pleased to introduce the Environmental Justice Act. This legislation would help address the concerns of poor and minority communities throughout our nation who may be disproportionately exposed to incinerators, toxic waste dumps, and other forms of pollution.

As many of you know, back in 1992, then Senator AL GORE and I introduced the first Environmental Justice Act. Even back then, we knew about the dangers of toxics and other forms of pollution. We heard the stories of Love Canal, Cancer Alley and Chicago's Toxic Donut. We knew that poor and minority families, and children in particular, were getting sick. Children were getting cancer. Parents were dying of rare diseases. Something was going on.

The Environmental Justice Act seeks to establish the link between environmental pollution and the communities that were riddled with cancer and other diseases. This legislation also would provide help to these communities. It would restrict the siting of new polluting facilities and provide basic health services to residents.

As I have always said, people have the right to know what is in the air they breathe, the water they drink, the food they eat. We have the right to know if the chemical plant down the street—or that incinerator around the corner—is poisoning our families. Each and every one of us has that right.

And if that chemical plant, or incinerator, or toxic waste dump is killing our neighbors, our children, our communities—then it is time for the killing to stop. Protecting the health and well-being of our families is a matter of justice. It is a fundamental human right—just like freedom of speech—just like freedom of press—just like the right to vote.

The Environmental Justice Act is an important step toward guaranteeing this right. I am hopeful that my colleagues will lend their support to this legislation and will help ensure that all Americans grow up in, and live in, a healthy environment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 22, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 26

1 p.m.

Aging

To hold hearings to examine the growing assisted living industry, focusing on consumer protections and quality of care in assisted living.

SD-106

APRIL 27

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine medical records privacy issues.

SD-628

Armed Services

To hold hearings on the nomination of Lawrence J. Delaney, of Maryland, to be an Assistant Secretary of the Air Force; and the nomination of Brian E. Sheridan, of Virginia, to be an Assistant Secretary of Defense.

SR-222

Commerce, Science, and Transportation

To hold hearings on effectiveness of the Office of Motor Carrier and Truck Safety, Department of Transportation.

SR-253

Energy and Natural Resources

To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 819, to provide funding for the National Park System from outer Continental Shelf revenues.

SD-366

10 a.m.

Commission on Security and Cooperation in Europe

To hold joint hearings on Belarus.

340, Cannon Building

Finance

To hold hearings to examine revenue raising proposals as contained in the administrations fiscal year 2000 budget.

SD-215

2:15 p.m.

Judiciary

Immigration Subcommittee

To hold hearings on the need for additional border patrol at the northern and southern borders.

SD-226

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings on the threat of international narcotics-trafficking and the role of the Department of Defense in the nation's war on drugs.

SR-222

Foreign Relations

To hold hearings on nonproliferation, arms control and political military issues.

SD-562

3 p.m.

Printing

To hold an organizational meeting.

H-163, Capitol

APRIL 28

9:30 a.m.

Indian Affairs

To hold oversight hearings on Bureau of Indian Affairs capacity and mission.

SR-485

Health, Education, Labor, and Pensions

Business meeting to consider S. 385, to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments; the nomination of Joseph Bordogna, of Pennsylvania, to be Deputy Director of the National Science Foundation; the nomination of Kenneth M. Bresnahan, of Virginia, to be Chief Financial Officer, Department of Labor; the nomination of Lorraine Pratte Lewis, of the District of Columbia, to be Inspector General, Department of Education; the nomination of Arthur J. Naparstek, of Ohio, to be a Member of the Board of Directors of the Corporation for National and Community Service; the nomination of Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board; the nomination of Chang-Lin Tien, of California, to be a Member of the National Science Board, National Science Foundation; and the nomination of Gary L. Visscher, of Maryland, to be a Member of the Occupational Safety and Health Review Commission.

SD-628

Commerce, Science, and Transportation

Business meeting to markup pending calendar business.

SR-253

Rules and Administration

To hold oversight hearings on the operations of the Architect of the Capitol.

SR-301

Judiciary

To resume hearings on S.J. Res. 14, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SD-226

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

10 a.m.

Foreign Relations

Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee

To hold hearings on issues relating to state demaocracy and the rule of law in the Americas.

SD-562

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 607, reauthorize and amend the National Geologic Mapping Act of 1992; S. 415, to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; and S. 416, to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

SD-366

2:30 p.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on the future of the ABM Treaty.

SD-342

Environment and Public Works

To hold hearings on the nomination of George T. Frampton, Jr., of the District of Columbia, to be a Member of the Council on Environmental Quality.

SD-406

APRIL 29

9:30 a.m.

Appropriations

Interior Subcommittee

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold joint oversight hearings to review the report of the Government Accounting Office on the Everglades National Park Restoration Project.

SD-366

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on project delivery and streamlining of the Transportation Equity Act for the 21st Century.

SD-406

10 a.m.

Health, Education, Labor, and Pensions

To resume hearings on issues relating to the Elementary Secondary Education Act.

SD-628

Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine the impact of international software piracy on the software industry and the American economy.
SD–562

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2000 for the National Aeronautics and Space Administration.
SR–253

2 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine political and military developments in India.
SD–562

APRIL 30

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings on issues relating to the Older Americans Act.
SD–628

MAY 3

3:30 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia
Subcommittee
To hold hearings on management reform issues in the District of Columbia.
SD–342

MAY 4

9:30 a.m.
Indian Affairs
To hold oversight hearings on Census 2000, implementation in Indian Country.
SR–485

Energy and Natural Resources
To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 819, to provide funding for the National Park System from outer Continental Shelf revenues.
SD–366

MAY 5

9:30 a.m.
Indian Affairs
To hold oversight hearings on Tribal Priority Allocations and Contract Support Costs Report.
SR–485

MAY 6

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the results of the December 1998 plebiscite on Puerto Rico.
SH–216

MAY 11

10:30 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia
Subcommittee
To hold hearings on multiple program coordination in early childhood education.
SD–342

MAY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on HUBzones implementation.
SR–485

MAY 19

9:30 a.m.
Indian Affairs
To hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; and S. 613, to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes,and for other purposes.
SR–485

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

SENATE—*Thursday, April 22, 1999*

The Senate met at 9:37 a.m. and was called to order by the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Jack C. Bishop, Jr.

PRAYER

The guest Chaplain, Dr. Jack C. Bishop, Jr., pastor, First Baptist Church, Waynesville, NC, offered the following prayer:

Our gracious Lord, Your word declares, "They that wait upon the Lord shall renew their strength." You summon us to reverence and honor this day as in every day. By seeking Your wisdom, we can make wise and fair choices. By trusting Your love and justice, we can aspire to a democracy that protects and provides for all citizens. By accepting Your forgiveness and grace, we can be forgiving and graceful ourselves. What a blessed Nation we are!

In the stillness of Your power and glory, may Your spirit prevail upon these national leaders. Give them the steady assurance of Your will and goodness in the most complex of matters they will consider this day. Give them devout courage, humility, and vision for their tasks. Give them fantastic energy from their fellow citizens who wear no badge of honor but who pray for them every day. Protect the Senators from disillusionment and invigorate them with the progress of Your righteousness. Let them see Your glory when people freely do good and serve others. Let the nations see the glory of the God-given democracy where equality and justice abound.

O Lord, we are particularly mindful of the grieving community in Littleton, CO, and the burdens of our Nation considering war. Deliver our world from violence and war that through You we might be peacemakers and keepers.

Thank You for the gifts of these national leaders, their service to our Nation, and their faith in You. Be with their families and let them all feel appreciated. O God. You are the Author of liberty, both now and forevermore. In Your holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 1999.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SANTORUM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ENZI. Mr. President, this morning the Senate will immediately resume debate on the Social Security lockbox legislation with a vote on cloture at 11:30 a.m. Pursuant to rule XXII, Senators have until 10:30 a.m. to file second-degree amendments to the Lott amendment. Following the vote, if cloture is not invoked, it is the intention of the leader to proceed to the important Y2K legislation. The Senate may also consider any other legislative or executive items cleared for action. As a reminder, the Senate will not be in session on Friday due to the NATO summit taking place in Washington throughout the weekend.

I thank my colleagues for their attention and, Mr. President, I yield myself such time as might be necessary.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 hours of debate, equally divided, on amendment No. 254 to S. 557, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as part of the budget process.

The Senate resumed consideration of the bill.

Pending:

Lott (for Abraham) amendment No. 254, to preserve and protect the surpluses of the social security trust funds by reaffirming the exclusion of receipts and disbursement from the budget, by setting a limit on the debt held by the public, and by amending the Congressional Budget Act of 1974 to provide a process to reduce the limit on the debt held by the public.

Abraham amendment No. 255 (to amendment No. 254), in the nature of a substitute.

Mr. ENZI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise in support of the Social Security lockbox amendment as offered by the distinguished majority leader, Senator LOTT, and the Budget Committee chairman, Senator DOMENICI.

You can't spend IOUs. Right now, Social Security is a marked trust fund, but it is a box of IOUs. This amendment represents an unparalleled commitment by the Senate to pay off some IOUs, truly lock the Social Security money up and thereby assure present seniors and following generations of seniors that their Social Security benefits will be there when they need them most. When Social Security first started, there were 45 people working to take care of one person who is retired. It has been a huge pyramid, but it is now becoming inverted. We are fast approaching a time when only two or three people will be funding the one who is retired. If you have kids, think about how you would feel about making your children pay your Social Security by themselves out of their paychecks. That is what the future looks like. You can see what a bite out of a paycheck that is going to be for two or three people to be able to pay the monthly benefit of one retiree.

Being fiscally responsible is one way to remedy this problem. Passing this lockbox amendment is a means to avoiding a last-minute Draconian event. As an accountant, I have an appreciation and respect for numbers. They can be just as misleading as they are truthful. But there should be no misconception about what our Nation's budget projections tell us. The surplus we expect to get over the next 15 years is Social Security revenue.

This is an important point to understand. Budget surplus revenue, during the next 15 years, comes from mandatory Federal payroll taxes paid by working Americans. What is paid into the Federal Government as FICA taxes goes towards keeping the Social Security program running. What is paid in by the people working gets paid out to the people who are on retirement, and there is a slight excess at the moment. It just happens to match up with what we called the surplus last year.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I have never seen an administration squeeze so much political mileage as there has been on the budget surplus. That is not hard to do when folks are promised funding for every popular Federal program, including a few that don't even exist at the moment. Unfortunately, I am unable to look people in the eye and tell them that the budget surplus is America's "golden calf." Not only is it unconscionable, it is simply not true.

These empty promises are how folks get the impression that the budget surplus is based on general revenue. It could be in just a few years, if we only respect and act on what the numbers really tell us, that the current surplus isn't general revenue but actually Social Security receipts. There can be some surplus if we have some discipline. If the Senate adopts the Social Security lockbox amendment, Congress could be debating what to do with true general revenue surplus shortly.

For now, we have a duty to do what is right, preserve Social Security by retiring part of the $5.5 trillion debt and locking out the spending of Social Security money. Even though the economy is strong, I am surprised that so few people are aware that we, as a Nation, are in danger of passing on to our kids and our grandkids a $5.5 trillion debt and a potentially bankrupt Social Security system. Our society has become so tied to the immediate gratification received from spending money that we fail to recognize the danger that looms from this Federal credit card spending.

Congress has no room to talk. Our massive Federal debt and ever-changing demographics will place a tremendous amount of pressure on our young workforce. Future generations deserve the same opportunities we demand for ourselves. Neglecting our responsibility to ensure Social Security solvency for future retirees begs distrust from our kids. We must not leave a financial burden we created for them to repay and no Social Security. If this amendment fails, we will continue to pay 13½ percent of total budget outlays in interest on the Federal debt. That alone amounts to $231 billion that could be used to help preserve Social Security each year.

If this amendment does not pass, over $10 trillion of interest payments over the next 30 years will continue to be paid by taxpayers. Preserving the Social Security program by retiring our debt is the only way to avoid such senseless spending without a major reform. It isn't just Members of the Senate that believe in fiscal responsibility. I encourage the administration to read the testimony of Federal Reserve Chairman Alan Greenspan before the Senate Budget Committee earlier this year. He advises caution in our spending because Federal revenues are not guaranteed and they may fall short of expectations. Rather, we should be aiming for budget surpluses, true budget surpluses, and using the proceeds to retire outstanding Federal debt. That, he said, will help the economy and protect Social Security for a long time to come. That is Alan Greenspan.

This amendment does just what Alan Greenspan said and recognizes real-life economic situations. We are in one of those real-life economic situations now with the war. Senators DOMENICI and ABRAHAM have gone to great lengths to ensure that the pending Social Security lockbox amendment is sound and fair, providing flexible administration. If passed, it would authorize adjustments to the debt limits established for any Social Security modernization legislation that Congress and the administration enacts in the coming years.

I continue to hope that the administration is serious about sensible structural changes to the program itself. In addition, the requirements of this amendment would be suspended during a period of economic recession, as well as for emergency spending and a declaration of war. Most would agree that such situations should not be subjected to statutory debt limitations.

No tricks or gimmicks here. This is upfront fiscal responsibility. By retiring our debt, this amendment would protect the Social Security budget surplus from being spent on non-Social Security programs. It begins an overdue process of paying back the Government creditors and helping the taxpaying workers. Why should the Federal Government be allowed to incur a debt it currently has no intention of paying back? Repayment is the responsible thing to do. It makes sound economic sense.

I strongly support the passage of the Social Security lockbox amendment. I commend the authors for this legislation. Their dedication to preserving Social Security through fiscal responsibility is admirable. I encourage all of my Senate colleagues to vote in favor of this amendment.

I yield the floor and reserve the remainder of our time.

Mr. HOLLINGS. Will the Senator yield for a question?

Mr. ENZI. If it is off your time, yes.

Mr. HOLLINGS. Yes. The distinguished Senator said, as I was coming in, that there was a box of IOUs. How do you think in the Social Security trust fund you got the IOUs?

Mr. ENZI. The Social Security trust fund is lent to the Federal Government and we spend every dime that is lent to us. It is a loan.

Mr. HOLLINGS. That is right. While spending every dime of the trust fund, we reduce the public debt, so that what we have is the unified debt. I have heard the Senator and everybody else say, this time, leave it out of the unified deficit. That is how you bring out the unified deficit, and rather than the regular deficit, and the unified budget; isn't that correct?

Mr. ENZI. No. If you paid the Social Security portion of the debt, you are really taking money out of the bank and putting it right back into the piggy bank. It has to be reloaned. There is no other alternative. Until there is reform on it, there is no other alternative except to loan it out. When it gets loaned out, we spend every penny.

We are not supposed to spend the Social Security money. We are not supposed to be robbing the piggy bank. But that is what happens. That piggy bank, that trust fund, is IOUs. It is money lent to the Federal Government again, and spent again.

Mr. HOLLINGS. That is exactly right. It is a Social Security piggy bank. That is the whole point I am trying to make—the same point the Senator from Wyoming is making—that we have been robbing the Social Security piggy bank, as I show you here, and other banks, incidentally, whereby this year we owe Social Security $857 billion.

Isn't that correct?

Mr. ENZI. That is correct.

Mr. HOLLINGS. Then we apply it using these trust funds to pay down the debt. That is what we have been doing, by any and every other program, whether it is a tax cut, whether it is defense spending, whether it is disaster in the farm areas, whatever it is. That runs up the debt. When you pay down the debt, you get to the unified deficit.

That is what they have all been bragging about—how the unified deficit has been coming down and we have a surplus. We don't have an actual surplus. We spend $100 billion more than we take in this year—$100 billion more than we take in this year. But yet we say we have a surplus, because it is unified, because we have used Social Security to pay down the public debt.

Mr. ENZI. Absolutely. We have used Social Security, and then we put the money back into Social Security again, and then we spend it again. There has to be some major reform if we are going to have some Social Security money that is actually a trust fund that people will be able to use on their own.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Wyoming is exactly right. We have to do something. That is what we did. We say this charade has to stop. We are really looting Social Security while we say we are trying to save it. As a result, we have gotten Social Security into a tremendous debt. We have savaged the fund. Now everybody comes to say they want to save Social Security.

That's why I put in the bill S. 605. We will introduce it. I ask unanimous consent to have it printed in the RECORD as if delivered right now.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Fiscal Protection Act of 1999".

SEC. 2. OFF BUDGET STATUS OF SOCIAL SECURITY TRUST FUNDS.

Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 3. EXCLUSION OF RECEIPTS AND DISBURSEMENTS FROM SURPLUS AND DEFICIT TOTALS.

The receipts and disbursements of the old-age, survivors, and disability insurance program established under title II of the Social Security Act and the revenues under sections 86, 1401, 3101, and 3111 of the Internal Revenue Code of 1986 related to such program shall not be included in any surplus or deficit totals required under the Congressional Budget Act of 1974 or chapter 11 of title 31, United States Code.

SEC. 4. CONFORMITY OF OFFICIAL STATEMENTS TO BUDGETARY REQUIREMENTS.

Any official statement issued by the Office of Management and Budget or by the Congressional Budget office of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices, shall exclude all receipts and disbursements under the old-age, survivors, and disability insurance program under title II of the Social Security Act and the related provisions of the Internal Revenue Code of 1986 (including the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund).

SEC. 5. REPOSITORY REQUIREMENT.

Notwithstanding any other provision of law, throughout each month that begins after October 1, 1999, the Secretary of the Treasury shall maintain, in a secure repository or repositories, cash in a total amount equal to the total redemption value of all obligations issued to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of such month.

Mr. HOLLINGS. Mr. President, that is drawn up with the counsel of the Social Security Administration whereby we do exactly what the distinguished Senator from Wyoming would like to do. We get the interest. We allow the Government to buy our Social Security moneys and give us the Treasury bills. Then each month, at the first of the month, we transfer that same amount of money back into a trust fund to be spent on Social Security, and only Social Security.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, today the Senate is debating the so-called Social Security lockbox. This is legislation that was intended to protect the Social Security surpluses. Unfortunately, it failed.

Throughout my tenure in the Senate, as a member of the Senate Budget Committee and the Senate Finance Committee, I have done my level best to support balancing the budget without counting Social Security surpluses and to protect those surpluses.

That is why I was looking forward to this debate. I was hoping we were going to have a chance to really engage in a discussion about how to protect Social Security—to go through the normal legislative process, to offer amendments, to have votes and to let Senators decide the outcome.

Unfortunately, the advocates of this particular approach apparently are so insecure about their approach that they won't permit any amendments. They don't want a debate. They do not want votes to decide the outcome. That is unfortunate.

But I think it speaks volumes about the weakness of their position. It seems incredibly ironic to this Senator that a bill whose sponsors say is designed to protect Social Security actually puts Social Security benefit payments at risk.

Let me repeat that.

This bill which is advertised to protect Social Security actually puts Social Security benefit payments at risk.

That is not just the view of this Senator. That is the view of the Secretary of the Treasury, who has the responsibility for making Social Security payments. The Secretary of the Treasury, Mr. Rubin, in a letter dated yesterday, wrote in part:

> Our analysis indicates that this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn.

The Secretary of the Treasury says this bill is the wrong way to protect Social Security.

Interestingly enough, it is not just the Secretary of the Treasury who says that and has reached that conclusion. We also have a letter from the Chairman of the Ways and Means Committee in the House of Representatives, Chairman ARCHER. Chairman ARCHER in a letter to the Chairman of the Budget Committee in the House of Representatives, dated April 9, says:

> One has only to read the arguments presented in the March 17, 1999, letter from Secretary Rubin to appreciate the dire consequences always presented during a debt limit crisis—disruption of Treasury bond management and worldwide financial markets, doubts about making government payments including Social Security benefits, and raising borrowing costs to the taxpayers—and why Congress always votes to raise the limit.

Chairman ARCHER, the Republican Chairman of the Ways and Means Committee in the House of Representatives that has jurisdiction over this issue, says in conclusion in his letter:

> I see no need to enact limits, even if merely advisory, that do not directly protect the Social Security surplus and re-ignite the debt limit controversy that proved so bitter and futile for everyone four years ago.

That is the Chairman of the Ways and Means Committee in the House of Representatives warning that this legislation is not the way to protect Social Security.

Instead, he says:

> In my view, strict budget enforcement measures are the most effective way to control spending. To reduce debt, the President and the Congress, like every American household, must commit themselves to spending constraint.

The Chairman of the Ways and Means Committee is exactly right. The Secretary of the Treasury is exactly right. We are pursuing an illusion here. It is an attractive illusion. It is an illusion that suggests if we just will adopt it, that it is going to save Social Security. Unfortunately, it will not.

I would really like to know what the sponsors of this legislation are so afraid of. Why have they, through a contorted plan, blocked anybody from offering an amendment? Why do they want to prevent Senators from voting on alternatives? Why? Because they are afraid of the results. They are afraid they would lose in the cold, hard light of day. They fear that if we have a real debate out here about options and alternatives that their alternative wouldn't hold up.

What is there to fear by having votes right here on the floor of the Senate, and deciding this issue the way we decide all others? Why have they gone through their contorted legislative process, this legislative scheme, to prevent people from voting their conscience? I think it is because they know they have a plan that does not hold up.

I think you really have to wonder. Are they really interested in protecting Social Security, including its trust funds and benefit payments? Or do they just want a quick vote on a bill whose provisions can't withstand scrutiny?

Mr. President, I think we should subject this legislation to scrutiny just as we do other legislation. If we do, we will see that instead of protecting Social Security, this legislation endangers Social Security, while risking more Government shutdowns and default on our obligations.

Mr. President, the lockbox that has been offered here today creates limits on publicly-held debt that are supposedly enforceable with 60-vote points of order.

I strongly support the goal of paying down publicly-held debt. But creating supermajority points of order against raising the debt limit won't accomplish that goal. The ability of the Federal Government to pay down publicly-held debt is created through tough fiscal decisions, decisions to control spending, decisions not to squander the surpluses that are projected to occur over the next 10 years.

If Congress fails to make those tough decisions and spends the surpluses, debt will rise. Creating a debt crisis at that point in time is too late. At that point, the Federal Government has obligations it simply must meet.

Interestingly enough, Chairman ARCHER agrees with me on this point as well. He says:

> . . . debt limits have a long history of failure in preventing spending and deficits. Hitting a debt limit, like a credit card limit, merely represents the consequences of government spending already approved by the President and Congress.

So these new limits on debt could preclude the United States from meeting its future financial obligations to repay debt and to honor its commitments. They would produce permanent damage to our credit standing. The debt obligations of the United States are currently recognized as the most creditworthy of any investment in the world. It is in our interest to maintain that standard. Even the appearance of risk would impose significant additional costs on American taxpayers.

I think we all remember November of 1995. A debt crisis was precipitated when Government borrowing reached the debt limit; two months later, in January, Moody's, the credit-rating firm, placed Treasury securities on review for possible downgrade. It is absurd to put us back in that position—endangering the credit rating of the United States to supposedly protect us against rising debt, when this legislation doesn't do that.

In addition to the damage that can be done to the U.S. credit rating, this lockbox also puts Social Security benefit payments at risk, as I have indicated before. Again, that is not just my opinion, it is the opinion of the Secretary of the Treasury who has the responsibility to make those payments. It is the opinion of the Chairman of the Ways and Means Committee in the House of Representatives who has jurisdiction over these issues.

The point is simple: during a debt crisis, the Treasury Department has no ability to prioritize the payment of Government benefits that are coming due. If Congress cannot raise the debt limit, Social Security benefits cannot be made.

The sponsors of this lockbox claim they have addressed this problem in their legislation. They say they have directed Treasury to give priority to Social Security payments. Unfortunately, the Treasury Department has no ability to do that now. If the Treasury Department runs out of borrowing authority and has no cash coming in, prioritization of payments won't help anyway. The Treasury would have no ability to pay Social Security benefits that are due. Using the debt limit as a fiscal policy tool is bad policy. It directly places at risk the benefit payments to Social Security recipients.

These are not the only shortcomings of this legislation. Another of the serious problems with the legislation before the Senate is that it risks creating longer and deeper recessions than our economy might otherwise experience.

I am concerned about the economic and fiscal impact these debt limit targets could have on the economy during a time of recession. I believe these limits would require the Federal Government to take the wrong actions during recessionary periods, making recessions more severe and negating the stabilizing counter-cyclical tools the Federal Government can use during times of recession.

Sometimes I wonder if we learn from the past. Sometimes I wonder if we are not condemned to repeat the unfortunate experiences of the past because we don't learn those lessons. We suffered depression after depression in this country before we finally figured out how to counter the cycle of recession and depression. What this legislation could do is take away those tools at the very time they are most needed.

This lockbox legislation requires the Federal Government to hit a debt limit target on May 1 of each year. Throughout the year, the debt target could not be exceeded. During years when we are heading towards the trough of the business cycle, revenues grow more slowly because more people are unemployed and expenditures for programs like unemployment insurance and food stamps rise. When those two things happen, the deficit gets larger and the Treasury has to issue more debt. Under this proposal, the Treasury couldn't issue more debt. At that point, the lockbox would become a noose on this economy, making the recession worse, requiring the Congress to either raise taxes or cut spending at precisely the wrong time.

That is economic folly. It is at that very time that the counter-cyclical tools ought to be used to lessen the recession, to prevent depression. That is what our economic history teaches. We should not forget the lessons so bitterly learned.

Our friends advocating this legislation say they have included an exception for recession in their lockbox. The problem is, it won't work. The exception allows the debt limit targets in the lockbox to turn off if the U.S. economy experiences two quarters of real GDP growth that is less than 1 percent.

This chart shows a few examples of recessions over the last 20 years to see what would have happened had this legislation been in place. For example, the recession of 1981–1982 lasted from July of 1981 to November of 1982. The chart shows what was happening with economic growth during that period. The recession began back in July of 1981. But the trigger under this lockbox legislation would come nine months after the recession had already begun. It chokes off the counter-cyclical tools needed for the first nine months, guaranteeing a deeper recession and perhaps even plunging this economy into depression.

This is truly dangerous legislation. It should not be passed. We have the Secretary of the Treasury warning, "Do not pass this legislation;" we have the Republican chairman of the House Ways and Means Committee warning, "Do not pass this legislation." What is wrong with those who continue to advocate, in the face of those warnings, legislation that will not protect Social Security, that will endanger it, that further endangers plunging this economy into a worse recession or perhaps even a depression in a time of economic downturn—especially when we have alternatives that we know will work.

Those alternatives can't be considered because the advocates of this legislation have engaged in a legislative scheme to prevent amendments, to prevent the consideration of alternatives. What a way to legislate.

If we look at another example, the recession of 1973–1975, we see the quarterly economic growth fluctuated greatly. That recession lasted from November of 1973 to March of 1975. The lockbox provided for in this legislation would not have kicked in until January of 1975, when the recession had been going on for more than a year. We can see on the chart why that is the case. The recession started back in 1973. We can see economic growth fluctuated back and forth—growing, falling; growing, falling. It would have only been late in the recession that this lockbox legislation would have allowed the counter-cyclical policies of the Government to come into play. This legislation simply does not work. This U.S. data shows that a recession in the U.S. economy will very likely precipitate a debt crisis, despite the exemption provided in the lockbox.

These are not the only defects of this legislation. There is another major problem with the lockbox that is before us, because there is something not included in the lockbox. Medicare is not included in this lockbox. Not one penny of non-Social Security surpluses is included in this lockbox, not one penny. Medicare is under more severe fiscal pressure than Social Security, but Medicare has been left out. Why? Because our friends who are the advocates of this proposal prefer to use the surplus for a tax break scheme. They prefer a tax break scheme, so they do not guarantee one penny of the non-Social Security surplus for Medicare.

We have an important decision to make. Do we use the non-Social Security surplus in a tax cut scheme that will provide the greatest relief for the wealthiest among us? Or do we save the Social Security surpluses for Social Security, extend the solvency of Medicare, and still provide room for targeted tax relief and high-priority domestic needs like education, agriculture, health care, and defense? To me, the choice is absolutely clear; we must honor our commitments to the seniors of America.

That does not mean we do not need to reform Medicare; obviously we do. I think everybody understands we need to take action to put Medicare on a more sound financial footing, and I have voted consistently in the Finance Committee to do that. But we must also ensure that whatever we do to put Medicare on a more sound financial footing also preserves affordable access to high-quality health care for our senior citizens.

Responsible Medicare reform will be much more difficult if we do not provide additional resources to Medicare during this time of severe pressure, because of the demographic changes in this country. The very real pain the balanced budget act of 1997 is already causing suggests to me that making additional cuts of hundreds of billions of dollars over the next 10 years in Medicare, without providing additional resources, would be irresponsible. That is why the lockbox I have supported protects Social Security and Medicare.

Senator LAUTENBERG and I have an alternative lockbox that really does protect Social Security, that does protect Medicare, that does pay down the Federal debt even more aggressively than what our friends on the other side of the aisle are proposing, that does provide room for targeted tax relief and for high-priority domestic needs like education, agriculture, health care, and defense.

Our Social Security and Medicare lockbox creates supermajority points of order against any legislation that does not save the entire Social Security surplus in each year and does not save at least 40 percent of the non-Social Security surplus for Medicare. Our lockbox is enforced with points of order and sequestration. It is not enforced through the debt limit. It follows the advice of the Secretary of the Treasury, Mr. Rubin. It follows the advice of the Chairman of the Ways and Means Committee in the House of Representatives.

Our amendment provides a remedy if Social Security surpluses are spent—across-the-board cuts in other programs. That is a real defense of Social Security. That is something we know works. Our amendment also adds a new supermajority point of order against a budget resolution that violates the off-budget treatment of Social Security. Our amendment reserves $65 billion for Medicare over the next 5 years, and $376 billion over the next 10 years. After passage of comprehensive Social Security and Medicare reform, our alternative provides $385 billion over the next 10 years for targeted tax relief and for high-priority needs like education, agriculture, health care, and defense. And our amendment reduces publicly-held debt by $300 billion more than the Republican lockbox. It protects Social Security, the surpluses and the benefit payments, and it provides additional resources for Medicare.

That is the type of lockbox the Senate should approve. I hope we have an opportunity to consider this alternative. But under the current legislative structure we will not, because the advocates of the legislation before us do not want an alternative considered. They do not want any amendments. They do not want any alternatives. They do not want to give Senators a chance to choose. They want it their way or no way.

Mr. ABRAHAM. Will the Senator yield for a question?

Mr. CONRAD. I have ended my presentation. I will be happy to respond to a question.

Mr. ABRAHAM. If the Senator will yield, perhaps I will seek time.

Mr. CONRAD. I yield.

The PRESIDING OFFICER (Mr. ROBERTS). Who yields time?

Mr. ABRAHAM. Mr. President, I will in a moment yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, just a quick response. The cloture vote which we will be having is cloture on the amendment. It is not cloture on the bill. If we were able to invoke cloture, then we would go to a vote ultimately on this amendment. But assuming that amendment was then dispensed with, either by passage or failure in a final vote, the bill itself would remain on the floor subject to other amendments which could include, of course, the ones that have been alluded to by the Senator from North Dakota and a variety of other people; the Senator from South Carolina has talked about his approach; and so on.

Our goal is simply to get a vote on this amendment, and then we can consider other options after that. So I want to clarify this for all Senators. This is a vote on cloture on this amendment. It is not cloture on the bill, so the bill would still be subject to other amendments if and when we dispense with this.

At this time I yield such time as he may need to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our colleague for clarifying that.

When our colleague says he doesn't get a chance to present his proposal—obviously, being in the majority, we have the opportunity to present bills and the majority leader has the right to offer amendments first. We have offered our proposal and we are trying to move toward the passage of a bill. But the amendment of the Senator would be in order if it was relevant to the underlying bill—actually, even if it were not relevant it would be in order—after we had completed action on the amendment by the majority leader. So that part of the argument simply will not hold water. But that makes it parallel to every other part of the argument, since none of it will hold water.

What our colleague has said and what we are hearing here is basically this: That a lockbox is a bad, terrible, destructive, dangerous idea that could cause a recession or a depression and be catastrophic for America. That is argument No. 1. But argument No. 2 is: If you want to do it, we have a better way of doing it and ours will do all these things better.

If logic could speak for itself on the floor of the Senate, it would scream at the torture that it is being put to here. What we are seeing here is very simply the President being called on a commitment he has made, and the President was not telling the truth when he made the commitment, and he desperately does not want to have to live up to it. Those are strong words and I would not say them if I could not back them up.

Here is the reality of where we are. In 1993 Social Security took in $45 billion more than it spent in benefits, and under the Clinton administration and the Congress every penny of that $45 billion was spent on something other than Social Security.

In 1994, Social Security took in $56 billion more than it paid out in benefits, and under the Clinton administration and the Congress every penny of that $56 billion was plundered and spent on something else.

In 1995, $62 billion was taken in in Social Security taxes above the amount we needed to pay benefits, and every penny of that $62 billion was plundered and spent funding other Government programs.

In 1996, it was $67 billion that was plundered.

In 1997, it was $81 billion that was plundered.

In 1998, the President said, "Save Social Security first; don't spend a penny of this surplus on Government programs; don't give a penny of it back in tax relief." Everybody remembers the President saying that. But in 1998, we spent $30 billion of the $99 billion that Social Security took in above the amount it needed to pay benefits.

The plain truth, despite all this talk about saving the Social Security trust fund, is we have consistently spent the money that came into the trust fund on other Government programs.

Let's get one thing clear from the language. Nobody is talking about saving Social Security here. To save Social Security, you have to have a program to replace all these IOUs with wealth. You have to have a program to replace all this debt with investment.

As you will remember, when the President said, "Save Social Security first," he was going to study the problem for a year. He studied it for a year. Then he had a big meeting down at the White House, which I and many others here attended. We were waiting for some proposal from the President. What we got was a political copout which, for all practical purposes, did nothing and it continued plundering the Social Security trust fund.

Senator DOMENICI has come up with a very simple program. It has not saved Social Security. It does not deal with the huge financial liability in Social Security in the future. What it does is it tries to prevent us from taking the Social Security surplus and spending it on something else, something that many of our colleagues desperately want to do, but they do not want people to know they want to do it.

How does the Domenici proposal work and the proposal that has been refined by Senator ABRAHAM? What the Abraham-Domenici proposal does is this: It sets the amount of money that the Government can borrow each year so that the Social Security surplus has to be used to buy down the Government debt, so that the Social Security surplus cannot be spent, and so that it cannot be used for tax cuts.

The proposal before us is not very complicated, despite all the cloud of rhetoric and doublespeak. The proposal before us is very, very simple. It says that next year, we are going to be taking in $138 billion of surplus in Social Security, so that we want to set the amount of money the Government can borrow without having to vote on borrowing again, such that none of that $138 billion can be spent.

That is pretty simple. If it is spent, what we will have to do is have a vote in the Senate where someone will have to get 60 votes in order to plunder that money from Social Security.

This is not unlike what families do when they sit around the kitchen table and get out their pencil and on the back of an envelope and set out a budget and say: I want to save this much money, and we are setting this limit on the amount of money that we can spend because we want to use this money to pay off some of the debt we have, or we want to use this money to send our children to college or buy a new refrigerator, go on vacation, or whatever they want to do.

In response to our proposal to prevent the Social Security surplus from being spent or used for tax cuts, for that matter, since our colleague launched off on that program, what do our Democrat colleagues say, and what does the administration say? They say, if you do not leave the law as it is so we can plunder the Social Security surplus, we could have a recession. They say: If you don't allow us to plunder the Social Security surplus, the creditworthiness of the Government could be lowered because we could have trouble borrowing money. In essence, they are saying that the financial world, the prosperity of America, the creditworthiness of the Federal Government will all come to an end if we do not let the Federal Government steal money from the Social Security surplus.

It seems to me if we are talking about the creditworthiness of the Government, in terms of its credibility with working Americans, that the way we get real credibility in the Government is to stop stealing the Social Security surplus.

In terms of the Secretary of the Treasury saying we are doing it the wrong way, the reality is, they do not want to do it any way. If they have a better proposal, let's see it. If it is enforceable, let's consider it. If they are willing to set out a procedure which strengthens our ability to stop stealing money from the Social Security trust fund, I would like to get a chance to look at it.

Let me tell you, the reality is that the opposition to the proposal by Senator ABRAHAM and Senator DOMENICI is, they do not want to stop stealing from the Social Security trust fund, so they create this giant ruse that somehow the Treasury will not be able to operate if it cannot take money out of the Social Security trust fund; that we are going to have a recession if we cannot take money out of the Social Security trust fund. Any legitimate concern about the flexibility of the Treasury in borrowing, we have said from the beginning we are willing to work on. Any flexibility they need in dealing with short-term cash problems, we are willing to work on. But what we are not willing to negotiate away is a commitment to stop this plundering of the Social Security trust fund. That is what this issue is about.

The President's budget this year, and I have the budget right here, if we do everything the President proposes to do, most of which we are not going to do, it says he will take $42 billion out of the Social Security trust fund this year and spend it on other things. We believe that is wrong. We do not believe the Social Security trust fund should be spent on other Government programs.

What we are trying to do with this lockbox is to guarantee that none of this Social Security money is spent and none of this Social Security money is used for tax cuts; that the money is used, until we decide how we are going to fix Social Security, to simply buy down the Government debt.

The amazing thing to me is that this is exactly what the President says he wants to do. It is exactly what our Democrat colleagues say they want to do. But when we try to put teeth in it and make it enforceable with a supermajority vote, suddenly they do not want to do it. Suddenly, when we try to make it enforceable, they say, "Well, we could have a recession; the Federal Government could lose its creditworthiness and its ability to borrow."

What does it tell you when the President says, "Save Social Security first, don't spend the surplus, don't give it back in taxes"; when our Democrat colleagues say, "Save Social Security, don't spend the surplus, don't give it back in taxes"; and then we have two of our Members, Senator ABRAHAM and Senator DOMENICI, come forward with a proposal that actually does what they say they want to do, and not only does it, but would require 60 votes in the Senate, rather than 51, in order to actually violate the commitment. In other words, the difference here is, we are not talking about words, we are not talking about rhetoric, we are talking about a real lockbox program.

A real lockbox program is put forward that would require a supermajority vote in order to plunder the Social Security trust fund. Then, all of a sudden, the President does not want to do what he told us he wanted to do.

All of a sudden, our Democrat colleagues have all kinds of concerns: We are going to have a recession; we are going to destroy the creditworthiness of the Federal Government; prosperity as we know it is going to come to an end—if we stop the Federal Government from plundering the Social Security trust fund. It would lead one to believe that they did not mean it when they said it.

We are all in agreement if we say do not plunder the Social Security trust fund. If we held up our hands here, 100 Members would say do not plunder the Social Security trust fund. But when two Members come forward with a program to really prevent it from being plundered, then all of a sudden we do not agree anymore. I know these issues get confusing, but I think people are going to have to make a judgment here as to who is serious about protecting the Social Security surplus and who is not.

We have a proposal to stop the plundering of Social Security by simply requiring that the debt be bought down by the amount of the surplus and that if you do not do that, you have to get 60 votes in the Senate; in other words, you have to prove that something extraordinary happened to convince 60 Members of the Senate to go back on their word. That is all this bill does. It is not complicated.

If you do not want to do that, it suggests to me that you were not serious to begin with, that you did not mean it when you said, "Save Social Security first," that you did not mean it when you said, "Don't plunder the Social Security trust fund."

We know the President did not mean it because in his budget he plunders $42 billion right here in black and white. The question is not, Was the President being straight with the American people? We know he was not. The question is, Is Congress being straight with the American people when we say we are not going to do it?

If our Democrat colleagues have a better way to do this, I would like to see it. I do not believe we have any monopoly on wisdom. But the plain truth is, I do not believe everybody wants to stop plundering the Social Security trust fund. I believe there are people who want to continue to plunder it. And I think that is what this debate is about.

Let me run over some of these issues. "It is risky to stop stealing from the Social Security trust fund." That is what our colleagues say. I think it is risky to continue to steal from the Social Security trust fund because when the baby boomers start to retire, unless we begin to invest this money, there is no way we can pay benefits, and we are going to have to raise the payroll tax or cut benefits. So our colleagues say it is risky not to steal the trust fund. I say it is risky to continue to steal it.

They say using the debt limit as a policy tool is dangerous. Well, what other tool do we have? They act as if we are just simply robots—that every time the President goes out and spends money, that when the bill collector is knocking on the door, all we do is just pay out the money and go on about our business. That is not the way America works.

When the bill collector comes and knocks on the door of the modest dwellings of working men and women in America, they do have to pay the bill collector. But they do not just keep merrily going along their way. They sit down, get out their credit cards, get out the butcher knives, cut up the credit cards, they write out a budget, they have a "come to Jesus" meeting at the kitchen table, and then they start again.

What we are trying to do in Government with this amendment is nothing less than what Joe and Sarah Brown do on the first day of the month every month that comes along; and that is, set out priorities and set some kind of limit on our spending. If we cannot use the debt collector being at the door to do something about spending and plundering the Social Security trust fund, what can we use? If you do not get alarmed when the bill collector is knocking on your door, you are going to end up going bankrupt. Now is the time, when the bill collector is at the door, to try to change the way we are doing business. That is all this bill does.

As far as the suggestion that if we try to prevent stealing from the Social Security trust fund, we are going to have a recession, I mean, please, it is one thing to try to confuse people, it is another thing to insult their intelligence. How can reducing Government debt cause a recession? How can stopping stealing from the trust fund send the economy into a tailspin? Exactly the opposite is true.

Now then, the final bromide, unimaginable suggestion is, "Well, what about Medicare? They are solving the Social Security problem, but they're not solving the Medicare problem." There are a lot of problems we are not solving here. This bill does not bring peace in Kosovo either. This bill does not stop violence in our schools either. This bill does not make people love their families and pay their bills either. This bill does not make people feel good about themselves in all cases either. But the bill does not claim to do all those things.

Why don't we solve the Social Security problem today, and then start working on Medicare? But to suggest that there is something wrong with this bill because it only stops plundering from Social Security and that we have not fixed the Medicare problem—we can always find something we have not done, but what we ought to be concerned about is what we are doing.

There is no surplus in the Medicare trust fund. Medicare is a very different program from Social Security. But I would like to say that on a bipartisan basis, led by Senator BREAUX, we had a bipartisan majority on a commission that wanted to fix Medicare; and this President, Bill Clinton, killed that effort—killed that effort. So to stand up here and suggest that when Senator ABRAHAM is trying to stop the stealing from Social Security, that there is something wrong because he had not solved the problems of Medicare is absolutely outrageous—outrageous.

Let's solve the problem with Social Security today, and start working on Medicare tomorrow. And, by the way, it seems to me that Senator BREAUX and Senator BOB KERREY and most Members who sit on this side of the aisle are ready to deal with Medicare and the President and most Members who sit on the other side of the aisle do not seem to care.

The next thing is, somehow this has to do with tax breaks for the rich. Our colleagues can never debate an issue without engaging in class warfare. They can never debate an issue without saying somehow this is helping the rich: "If you stop stealing from the Social Security trust fund, you are helping the rich. If you let people keep more of what they earn, you are helping the rich." Of course, whenever they are raising taxes, they are taxing only the rich, even if the rich make $25,000 a year.

The point is, this bill has absolutely nothing to do with tax cuts for the rich, the poor, or the people in between. In fact, this bill says that the Social Security surplus cannot be used for tax cuts. And to suggest that somehow, by locking away the Social Security trust fund, and not letting it be plundered either to spend, which is the real danger, or to be used for tax cuts, that somehow to suggest that helps rich people, what it does is it helps the creditworthiness of the Government and it puts us in a position to fix Social Security.

But the idea that this somehow helps the wealthiest among us—anytime the Democrats do not want to do something, always their excuse is, the wealthiest among us are going to benefit. "If we do not keep plundering the Social Security trust fund, the wealthiest among us are going to benefit. If we can't steal that money and spend it on all these programs, the wealthiest among us are going to benefit. Let us keep stealing the Social Security trust fund because, if you don't keep stealing it, the wealthiest among us will benefit."

I do not know who these people are talking about. The wealthiest among us do not depend on Social Security as much as middle-income Americans depend on Social Security. What does this wealthiest among us business have to do with stealing from Social Security?

Finally, they say they have another way. It reminds me when we were debating a balanced budget amendment to the Constitution and we were one vote short of sending it to the States. We know the States would have ratified it. Our colleagues who were against it and who voted against it and who killed it, they weren't really against it. They just didn't like the way we were doing it. They had other ways of doing it. They had a better program, which by the way contained a limit on debt held by the public, the very mechanism contained in this amendment. They would have done it better than we would have done it. They killed the balanced budget amendment to the Constitution. It failed by one vote. It could have changed American history.

They didn't say they were against it. They are not against the lockbox. They are not against what Senator ABRAHAM is trying to do. They just want to do it differently. They think it is a bad idea and it could cause a recession and it could help the wealthiest among us and it could do all those things, but they want to do it. If you decide you want to do it after they tell you what a terrible idea it is to quit stealing from Social Security, after you have crossed that threshold, then they say, well, actually we are not against it, but we want to do it a different way. If we took their way, they would be for doing it another way.

The problem is, they are not for it. The problem is, they want to keep stealing this money out of the Social Security trust fund. That is what this debate is about.

The sadness of this whole deal is that instead of debating a legitimate issue, we are engaged in this gigantic ruse to confuse and befuddle the American people. We have a proposal before us that is very simple. It says we are going to collect $138 billion more than we are spending in Social Security, and we do not want any of that money spent. So we are going to adjust the amount of money Government can borrow and force that $138 billion to be used to reduce the indebtedness of the Federal Government. That is what this amendment does.

But rather than our colleagues standing up and saying, no, we do not want to do that because we want to spend part of that money on other things, instead of standing up and saying, here is what we want to spend it on, we want to spend it on A, B, C, D, and E, and these are all vitally important and it is worth stealing the money from the Social Security trust fund to fund it, rather than standing up and saying that, they say you are going to cause a recession. You are going to destroy the creditworthiness of the Federal Government. You are going to help the richest among us. The richest among us are going to benefit if you don't steal from the Social Security trust fund.

Maybe the American people are confused or maybe with all the terrible things that are happening in the world today, maybe they do not care. But it seems to me that we can't have a meaningful political dialogue when we do not debate the issues that are before us. If you are not for preventing the Social Security trust fund from being spent for other things, stand up and say it. But this tortured logic that if you really force the money to be used to buy down the debt of the Federal Government, you are risking a recession or you are helping the richest among us or that if you decide to get through all that, well, but there is a better way to do it, they could do it in a better way if we just let them do it, I wish for once we could have a straightforward debate. Do you want to stop taking this money out of the Social Security trust fund and spend it on other things or not? Yea or nay. Yes or no. Black or white. But you know why we are not having that debate—because our colleagues have already said they want to do this. The President has already said he wants to do this. He has urged us to do it.

What is the difference between what they are saying and what Senator ABRAHAM is doing? The difference is simple. They are saying it, and he is doing it. The difference is, they are getting the rhetoric right; he is getting the program right. The difference is, they are saying don't spend it, don't use it for tax cuts, use it to pay off debt. The problem they have is that the Abraham amendment actually pays the debt off, and it would force the Federal Government to get a supermajority vote in order to violate that principle.

If you say you are for something and then somebody has a way of doing it and you vote no, what does it mean? Well, to finish and yield the floor, what it means is, you weren't serious when you said it to begin with.

The debate here is between people who do want to pillage the trust fund and those who do not. It is that simple.

Using this to buy down debt does not solve the Social Security problem, but we have in this amendment the vehicle that would let us use this money we are saving to solve the Social Security problem, if we could reach a bipartisan agreement. But we can't solve it if we don't have the money, and if we don't do something very much like the Abraham amendment has proposed, we are going to end up spending this money.

Do you want to spend the money or do you want to see it buy down debt? If you want to buy down debt, support the Abraham amendment. If you don't, vote no but say so. I think that is really what the debate is about.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Texas said we ought to have a good political debate, and he allows me to make a good political debate in that he made it political talking about Democrats and taxes and the wealthy.

The truth of the matter is, that is how the economy got this way, outstandingly good, in that we taxed the wealthy back in 1993 on Social Security. It was that gentleman, the Senator from Texas, who said they are going to be hunting us down in the street and shooting us like dogs.

He raises these strawmen. Another strawman—I am going to use his text; I wouldn't say these things if I couldn't back them up—he says, the trouble here is that we feel that a lockbox is a dangerous thing.

That is exactly what he said back in July 1990. I made the motion on the Budget Committee and we voted 19 to 1 for a lockbox, bipartisan except for one. It was the distinguished Senator from Texas who said it was a dangerous thing. But we went ahead, passed it in the House and Senate, and President George Bush, on November 5, 1990, signed that lockbox into law. That lockbox is part of the amendment of the majority leader and the Senator from Michigan. Look on page 3. You see they reiterate 13301, but on page 10 they take it away.

The distinguished Presiding Officer heard me tell about that insurance company slogan that "Capital Life will surely pay, if the small print on the back don't take it away."

My Republican colleague talked about how we always get into a wealth argument. They get into any and every effort to get rid of Social Security. They don't like it. In 1964, I remember, in the Goldwater campaign, they were going to abolish Social Security. In 1990, I finally got the Senator from Pennsylvania, Mr. Heinz, to agree with me, and he changed around the mindset. I wish we had him here now and in the caucus to straighten out this nonsense, because what they are doing is exactly what they are not doing. They guarantee that every dime that is spent is going to be spent on either tax cuts or other spending rather than Social Security, when you pay down the debt. That is what they are saying.

How is the debt caused? The debt is caused by spending too much. Spending too much on what? Any and every program. It could be defense. It could be Kosovo. It could be food stamps. It could be foreign aid. It could be law enforcement. But when you spend too much, you have a debt.

We haven't spent too much on Social Security. That is one particular point on which I agree with the distinguished Senator from Texas. When he says, plundering, plundering—I use the word "loot"—we can just say: Trust funds plundered in order to give that balanced budget, that unified budget, that unified debt—you don't hear that word—that is the same thing as paying down the public debt.

So, yes, we plundered Social Security for $857 billion, and we plundered military retirement, civil retirement, unemployment, highway, airport, and even Medicare, and we have been violating our very doctrine, making it a criminal penalty to use trust funds, pension funds, to pay the company debt. That is the Pension Act of 1994. I know the distinguished Presiding Officer—he and I ended up talking about Denny McLain. I won't have to say that again. I can tell you now what we say in the private economy is, if you use the company pension fund to pay down the company debt, it is a felony. But it is good Government up here.

But back to my poor Republican friends. Not only '64 and '90, but in '93 we got to the balanced budget amendment and we said, gentlemen, on the other side of the aisle, I will vote for you on a balanced budget amendment to the Constitution if you do not plunder Social Security. It is section 7, on page 5—I remember it well—where they said, no, we have to still plunder it. They could have gotten a group of us Senators on this side of the aisle, but they demanded to plunder Social Security. Then, Mr. President, right on up to the present date, read what they say. They say that the surplus shall not be used for non-Social Security spending or tax cuts, but then when they say it uses the Social Security surplus to reduce the debt, that is exactly what it does.

The distinguished Senator from Texas says there is no plan here to save Social Security or make up for its debt. Why don't we say, use the Social Security surplus for only Social Security purposes, namely, pay down the $857 billion we owe it? They don't come and say that, Mr. President, no siree. They just demand, at every particular turn, that we get rid of it and now they want to privatize it. I refer, of course, to the particular language in section 202 of the budget resolution that they just brought in here as a group. This says that when the Committee on Ways and Means of the House and the Finance Committee in the Senate gets a conference report submitted that enhances retirement security—that is nebulous; they think it is enhanced when they savage it, plunder it—through structural programmatic reform, the appropriate chairman of the Committee on the Budget—that means Mr. KASICH on the House side and Mr. DOMENICI on the Senate side—they can do anything: increase the appropriate allocations and aggregates of the budget authority; they can adjust the levels to determine compliance with pay-as-you-go, which in essence repeals the pay-as-you-go provision; and they can reduce the revenue aggregates.

What does it mean? You have to call New Mexico and find out from the Senator from New Mexico what it means. That is what is going to happen. Monkeyshines here is going into the particular amendment.

I can tell you here and now, Mr. President, that this is really a disaster. What we are doing is formalizing spending, spending all the Social Security surplus. At least the President of the United States says he wants to save 62 percent and he is going to spend 38 percent on something else. That is what the President said in his budget. We are going to save 62 percent, but we are going to spend 38 percent on something else.

Do you know what this Republican amendment says? It says we want to make sure we spend 100 percent on something else because it is not for Social Security, it is for the debt. When they use that euphemism "public debt," as I have explained many times, you have an American Express and a Visa card. The Senator from Texas has abandoned Dickie Flats; he has gone to Joe and Sarah Brown. He says when Joe and Sarah Brown sit around the kitchen table and pay their bills—but I can tell you what Joe and Sarah Brown never do: They don't take their Visa card and pay off their American Express. But that's what this amendment does. It says take your Social Security card, the surplus, and pay off the debt of any and every other program or tax cut—100 percent. They formalize what we tried to stop having been done in the law, when we passed the Balanced Budget Act of 1990. This amendment repeals that particular discipline, the pay-as-you-go program. It goes right on down there plundering. That is all it can be used for. It can't be used for Social Security. There, Mr. President, is the fiscal cancer. This Senator has been working on it for years.

I ask unanimous consent to have printed this chart in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TRUST FUNDS LOOTED TO BALANCE BUDGET

[By fiscal year, in billions]

	1999	2000	2004
Social Security	857	994	1,624
Medicare:			
HI	129	140	184
SMI	39	44	64
Military Retirement	141	148	181
Civilian Retirement	490	520	634
Unemployment	79	88	113
Highway	25	26	32
Airport	11	14	25
Railroad Retirement	23	24	28
Other	57	59	69
Total	1,851	2,057	2,954

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed this budget realities chart.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

HOLLINGS' BUDGET REALITIES

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Truman:						
1945	92.7	5.4	47.6		260.1	
1946	55.2	−5.0	−15.9	−10.9	271.0	
1947	34.5	−9.9	4.0	13.9	257.1	
1948	29.8	6.7	11.8	5.1	252.0	
1949	38.8	1.2	0.6	−0.6	252.6	
1950	42.6	1.2	−3.1	−4.3	256.9	
1951	45.5	4.5	6.1	1.6	255.3	
1952	67.7	2.3	−1.5	−3.8	259.1	
1953	76.1	0.4	−6.5	−6.9	266.0	
Eisenhower:						
1954	70.9	3.6	−1.2	−4.8	270.8	
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	1.7	272.7	
1957	76.6	3.0	3.4	0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
1961	97.7	−1.2	−3.3	−2.1	292.6	
Kennedy:						
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
Johnson:						
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	2.9	365.8	16.6
Nixon:						
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
Ford:						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1

HOLLINGS' BUDGET REALITIES—Continued

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Carter:						
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	503.5	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.8	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.3	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,003.9	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−155.2	−255.2	2,601.3	214.1
Bush:						
1989	1,143.2	114.2	−152.5	−266.7	2,868.3	240.9
1990	1,252.7	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,323.8	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−290.4	−403.6	4,002.1	292.3
Clinton:						
1993	1,408.2	94.3	−255.0	−349.3	4,351.4	292.5
1994	1,460.6	89.2	−203.1	−292.3	4,643.7	296.3
1995	1,514.6	113.4	−163.9	−277.3	4,921.0	332.4
1996	1,453.1	153.5	−107.4	−260.9	5,181.9	344.0
1997	1,601.2	165.9	−21.9	−187.8	5,369.7	355.8
1998	1,651.4	179.0	70.0	−109.0	5,478.7	363.8
1999	1,704.1	215.7	110.5	−105.2	5,583.9	356.3
2000	1,737.0	224.8	133.0	−91.8	5,675.7	349.6

*Hsitorical Tables, Budget of the U.S. Government FY 1998, beginning in 1962 CBO's 2000 Economic and Budget Outlook.

Mr. HOLLINGS. Mr. President, as you pay down the debt—that was the unified—that is how it was going down. That is where they got here this year to talk about a surplus for the first time. But we got together with the Concord Coalition and we got together with Barrons and several other responsible groups and they said there isn't any surplus. This Barrons headline says, "Hey, Guys, There is No Budget Surplus."

The only reason they can call it a surplus is because of what they recommend in this amendment, paying down the public debt. That is the unified budget. But in the regular overall budget, the debt continues to increase and increase, and the interest costs continue to increase and increase, and you can't give a tax cut without raising taxes. You can't just cut your revenues without increasing your debt.

We have had all the spending cuts for 8 years of Reagan, 4 years of Bush, 6 years of Clinton. Nobody is recommending around here any cut in spending. The first order of business was $18 billion more for the military pay. The next order of business we are going to vote on is another $6 billion to $10 billion for Kosovo. Everybody is going to support that. So the spending goes up, up and away. We are down to bare bones. Yes, instead of abolishing the Department of Education, now they want to increase spending for education. So we can save, and the Presiding Officer can save, $10 billion or $20 billion; any individual can. But, collectively, as a Congress, we are not going to do it. What happens is that we need revenues in here, and we need to quit playing the game of paying down the public debt.

Our problem is that the White House doesn't know how to run a war and our Republican Congress doesn't know how to run a peace. They come up here with this Mickey Mouse amendment, saying exactly the opposite of what it really provides. They say you can't use it or any spending. You have to use it on all spending but Social Security, because you are using Social Security money. You can't use it on tax cuts, you have to use it for tax cuts. Certainly, you can't use it for Social Security.

Mr. DORGAN. I wonder, will the Senator yield?

Mr. HOLLINGS. I am glad to yield to the Senator from North Dakota for a question.

Mr. DORGAN. Mr. President, I appreciate the Senator yielding for a question. I wanted to note that for, I guess, the seventh year now that I have been here in the Senate, the one consistent voice on this issue has been the Senator from South Carolina. I find it interesting, and I wonder if he sees the same irony as I do, that the very people that now bring us the notion of a lockbox, because they are worried about the Social Security trust fund, were just a few years ago on the floor of the Senate ridiculing the Senator from South Carolina, myself, my colleague from North Dakota, and others, because we said what you want to do with a constitutional amendment to require a balanced budget is to put a provision in the Constitution that says Social Security revenues must be counted not as part of a trust fund, but as part of the ordinary operating revenues of the Federal budget.

In other words, they wanted to put in the Constitution the misuse of the Social Security trust funds and decide that you have a budget surplus only when you have used the Social Security trust funds to get there. So we said no; if you are going to do something in the Constitution about a constitutional amendment to balance the budget, let's at least be honest with the trust funds and say the budget is only balanced when you have not misused Social Security trust funds.

I should have brought the charts. I was thinking about bringing the charts over to read all of the comments that were made on the floor of the Senate about our position at that point.

They have three stages of denial:

First, we are not misusing the Social Security trust funds.

Second, they said but if we are misusing them, we promise to stop.

If we promise to stop, we can't do it for the first 8 years. We will promise to stop 12 years from now.

Those were the three stages of denial when we debated the issue of a constitutional amendment.

But I just find it interesting that those who now say they are the protectors are the ones who are building a lockbox and are the very, very same interests who are on the floor of the Senate saying we should amend the Constitution in a manner that provides that Social Security revenues will be treated like all other revenues of government. It is no protection at all, and they would cement that in the Constitution of the United States. When we objected, they said: You are wrong; this is exactly what we want to do. Now we have this little pirouette on this floor when they come back and say we are the ones who want to protect Social Security.

I just wanted to ask the question if the Senator from South Carolina sees the same irony here, although this amendment doesn't do what it is advertised to do. The Senator from South Carolina is absolutely correct; the rhetoric in support of this amendment is directly in contradiction to the kind of things we heard from that side of the aisle just 3 to 4 years ago.

Mr. HOLLINGS. This the same trickery. It is one grand farce. It is one grand fraud.

So to the lockbox everyone is given the keys, whether you want a tax cut, or spending for a particular program on policy, or otherwise. They are given the key, except Social Security. That is the only crowd that can't spend it. You can spend it for any and everything but Social Security.

I yield the floor.

Mr. KENNEDY. Mr. President, the Republican lockbox proposal is deeply flawed, and does not deserve to be adopted. It does nothing to extend the life of the Social Security Trust Fund for future beneficiaries. In fact, it would do just the reverse. This legislation actually places Social Security at greater risk than it is today. It would allow payroll tax dollars that belong to Social Security to be spent instead on risky privatization schemes. And, because of the harsh debt ceiling limits it would impose, this plan could produce a governmental shutdown that would jeopardize the timely payment of Social Security benefits to current recipients.

It is time to look behind the rhetoric of the proponents of the lockbox. Their statements convey the impression that they have taken a major step toward protecting Social Security. In truth, they have done nothing to strengthen Social Security. Their proposal would not provide even one additional dollar to pay benefits to future retirees. Nor would it extend the solvency of the Trust Fund by even one more day. It merely recommits to Social Security those dollars which already belong to the Trust Fund under current law. At best, that is all their so-called lockbox would do.

By contrast, President Clinton's proposed budget would contribute 2.8 trillion new dollars of the surplus to Social Security over the next 15 years. By doing so, the President's budget would extend the life of the Trust Fund by more than a generation, to beyond 2050.

There is a fundamental difference between the parties over what to do with the savings which will result from using the surplus for debt reduction. The Federal Government will realize enormous savings from paying down the debt. As a result, billions of dollars that would have been required to pay interest on the national debt will become available each year for other purposes. President Clinton believes those debt savings should be used to strengthen Social Security. I wholeheartedly agree. But the Republicans refuse to commit those dollars to Social Security. They are short-changing Social Security, while pretending to save it.

Currently, the Federal Government spends more than 11 cents of every budget dollar to pay the cost of interest on the national debt. By using the Social Security surplus to pay down the debt over the next 15 years, we can reduce the debt service cost to just 2 cents of every budget dollar by 2014; and to zero by 2018. Sensible fiscal management now will produce enormous savings to the Government in future years. Since it was payroll tax revenues which make the debt reduction possible, those savings should in turn be used to strengthen Social Security.

That is what President Clinton rightly proposed in his budget. His plan would provide an additional $2.8 trillion to Social Security, most of it debt service savings, between 2030 and 2055. As a result, the current level of Social Security benefits would be fully financed for all future recipients for more than half a century. It is an eminently reasonable plan. But Republican Members of Congress oppose it.

Not only does the Republican plan fail to provide any new resources to fund Social Security benefits for future retirees, it does not even effectively guarantee that existing payroll tax revenues will be used to pay Social Security benefits. They have deliberately built a trapdoor in their lockbox. Their plan would allow Social Security payroll taxes to be used instead to finance unspecified reform plans. This loophole opens the door to risky schemes to finance private retirement accounts at the expense of Social Security's guaranteed benefits. If these dollars are expended on private accounts, there will be nothing left for debt reduction, and no new resources to fund future Social Security benefits. Such a privatization plan could actually make Social Security's financial picture far worse than it is today, necessitating deep benefit cuts in the future.

A genuine lockbox would prevent any such diversion of funds. A genuine lockbox would guarantee that those payroll tax dollars would be in the Trust Fund when needed to pay benefits to future recipients. The Republican lockbox does just the opposite. It actually invites a raid on the Social Security Trust Fund.

Republican retirement security reform could be nothing more than tax cuts to subsidize private accounts disproportionately benefiting their wealthy friends. Placing Social Security on a firm financial footing should be our highest budget priority, not further enriching the already wealthy. Two-thirds of our senior citizens depend upon Social Security retirement benefits for more than 50 percent of their annual income. Without it, half the Nation's elderly would fall below the poverty line.

To our Republican colleagues, I say: "If you are unwilling to strengthen Social Security, at least do not weaken it. Do not divert dollars which belong to the Social Security Trust Fund for other purposes. Every dollar in that Trust Fund is needed to pay future Social Security benefits."

The proposed lockbox poses a second, very serious threat to Social Security. By using the debt ceiling as an enforcement mechanism, it runs the risk of creating a government shutdown crisis. The Republicans propose to enforce their lockbox by mandating dangerously low debt ceilings. Such a reduced debt ceiling could make it impossible for the Federal Government to meet its financial obligations—including its obligation to pay Social Security benefits to millions of men and women who depend upon them. The risk is real.

The misguided debt ceiling proposal would create a Sword of Damocles which could fall at any time with the slightest miscalculation. If the Congressional Budget Office's economic projections are slightly off, if there is an economic downturn and unemployment rises, if the on-budget surplus is not quite as large as anticipated—any of these events could cause the sword to fall. The proposal is so extreme that it could trigger a shutdown crisis even if the level of debt was declining, merely because it was not declining as quickly as projected. The Government shutdown provoked by irresponsible Republican tactics in 1995 taught us the danger inherent in taking such risks. Yet, the current debt ceiling scheme seems to suggest that the Republican elephant's memory is failing.

There would be many innocent casualties of a new government shutdown. It is ironic that many of those who would be harmed most by a shutdown are the elderly and disabled citizens dependent on Social Security. If the debt ceiling is reached, the government would be unable to issue their benefit checks. The law is very clear. The President would have no discretion. Social Security benefits could not be paid.

The sponsors of the lockbox claim that the legislation protects Social Security benefits by making them a "priority" for payment. However, that will not solve the problem. Once the debt limit has been reached, payment priorities will be irrelevant. The debt ceiling will prevent all payments from being made. There will be no money to pay any obligation of the federal government—including Social Security benefits.

Those advocating this harsh bill will also claim that Congress would never allow Social Security recipients to go without their checks for long. However, this bill would require a supermajority to raise the debt ceiling so that the checks could be issued. Getting the necessary votes would take time. I believe even a few days would be too long for us to ask the elderly and disabled to wait. For many Social Security recipients, that monthly check is a financial lifeline. They need it to buy food and prescription drugs, to pay the rent, and for other necessities of life. They can't afford to wait while Congress debates. This legislation, if enacted, would make Social Security recipients potential pawns in a future debt ceiling crisis. That may not be the sponsor's intent, but it could very well be the result. It is fundamentally wrong to put those who depend on Social Security at risk in this way.

The lockbox which proponents claim will save Social Security actually imperils it. As Treasury Secretary Rubin has said, "This legislation does nothing to extend the solvency of the Social Security Trust Fund, while potentially threatening the ability to make Social Security payments to millions of Americans."

While this lockbox provides no genuine protection for Social Security, it provides no protection at all for Medicare. The Republicans are so indifferent to senior citizens' health care that they have completely omitted Medicare from their lockbox.

By contrast, Democrats have proposed to devote 15 percent of the surplus to Medicare over the next 15 years. Those new dollars would come entirely from the on-budget portion of the surplus. The Republicans have adamantly refused to provide any additional funds for Medicare. Instead, they propose to spend the entire on-budget surplus on tax cuts disproportionately benefitting the wealthiest Americans.

According to the most recent projections of the Medicare Trustees, if we do not provide additional resources, keeping Medicare solvent for the next 25 years will require benefit cuts of almost 11 percent—massive cuts of hundreds of billions of dollars. Keeping it solvent for 50 years will require cuts of 25 percent.

The conference agreement passed by House and Senate Republicans earmarks the money that should be used for Medicare for tax cuts. Eight-hundred billion dollars are earmarked for tax cuts—and not a penny for Medicare. The top priority for the American people is to protect both Social Security and Medicare. But this misguided budget puts Medicare and Social Security last, not first.

Democrats oppose this "lockbox" because we want real protection for Social Security and Medicare. Our proposal says: save Social Security and Medicare first, before the surpluses earned by American workers are squandered on new tax breaks or new spending. It says: extend the solvency of the Medicare Trust Fund, by assuring that some of the bounty of our booming economy is used to preserve, protect, and improve Medicare.

Our proposal does not say no to tax cuts. Substantial amounts would still be available for tax relief. It does not say no to new spending on important national priorities. But it does say that protecting Medicare should be as high a national priority for the Congress as it is for the American people.

Every senior citizen knows—and their children and grandchildren know, too—that the elderly cannot afford cuts in Medicare. They are already stretched to the limit—and often beyond the limit—to purchase the health care they need. Because of gaps in Medicare and rising health costs, Medicare now covers only about 50 percent of the health bills of senior citizens. On average, senior citizens spend 19 percent of their limited incomes to purchase the health care they need—almost as large a proportion as they had to pay before Medicare was enacted a generation ago. By 2025, if we do nothing, that proportion will have risen to 29 percent. Too often, even with today's Medicare benefits, senior citizens have to choose between putting food on the table, paying the rent, or purchasing the health care they need. This problem demands our attention.

Those on the other side of the aisle have tried to conceal their own indifference to Medicare behind a cloud of obfuscation. They say that their plan does not cut Medicare. That may be true in a narrow, legalistic sense—but it is fundamentally false and misleading. Between now and 2025, Medicare has a shortfall of almost $1 trillion. If we do nothing to address that shortfall, we are imposing almost $1 trillion in Medicare cuts, just as surely as if we directly legislated those cuts. No amount of rhetoric can conceal this fundamental fact. The authors of the Republican budget resolution had a choice to make between tax breaks for the wealthy and saving Medicare—and they chose to slash Medicare.

I urge my colleagues, on both sides of the aisle, to reject this ill-conceived proposal. It jeopardizes Social Security and ignores Medicare. It is an assault on America's senior citizens, and it does not deserve to pass.

Mr. ALLARD. Mr. President, I support this effort to wall off the surplus Social Security revenues.

By establishing a lockbox we ensure that all savings in the program are used to build the trust fund and extend the solvency of Social Security.

We learned last year that to leave unobligated money lying around Washington is a bad idea because it gets spent!

This is one of several budget reforms that I have been actively supporting.

First, the budget process is too complicated and frequently abused. I feel it needs to be simplified. This is a step in that direction.

With this provision we can remove the temptation that the Social Security surplus presents to those who tend to spend our money carelessly.

As we search for ways to modernize Social Security, it makes sense to dedicate the Social Security surplus to repaying debt owed to the trust fund. Paying down the debt and modernizing Social Security need to happen together.

It is important to take this issue up now, especially since we have already considered three requests for supplemental spending for this year, totaling $1.36 billion.

These proposals spend the surplus without regard to major budgetary commitments such as Social Security.

I have long been a supporter of debt repayment.

I believe that Federal debt retirement should be a priority when decisions must be made regarding a Federal budgetary surplus. That is why I sponsored the American Debt Repayment Act, which requires repayment of the federal debt.

Likewise, I support the legislation before us today that sets a statutory limit on federal debt held by the public.

We must obligate ourselves to a plan in order to make any progress toward paying down the debt; otherwise, the surplus will most likely invite increased spending.

Consider the impact that debt reduction would have on the fate of Social Security.

We would be making positive changes to ensure the solvency of Social Security for future generations.

We would be making payments on the national debt which is the best way to provide flexibility and a source of funds for changes in Social Security that will modernize it for the generations of the next century.

So long as the federal government carries a $5.6 trillion debt, we cannot tell our children and grandchildren that we have provided for their future.

By enacting this plan we will be helping to preserve Social Security for future generations.

I hope my colleagues will join me in supporting the Social Security lock box to keep the Social Security surplus safe from raids that further threaten the financial condition of the fund.

Mr. ROBB. Mr. President, I rise to announce my position on the cloture petition on the so-called Social Security lockbox legislation before the Senate.

First, let me say that I am disappointed with our Republican colleagues for making this a political issue. The fact of the matter is that both Democrats and Republicans in this body believe that Social Security surpluses should be protected and, absent extraordinary circumstances, should be used to reduce the public debt. Budget resolutions sponsored by both Democrats and Republicans abided by that rule. In essence, then, the legislation presented to us today is designed as little more than a political show vote that will give a basis for claiming that Republicans alone are committed to protecting Social Security while Democrats are not. Nothing could be more disingenuous.

Let me also say that we could use some truth-in-advertising around here. This is not even a true lockbox. There are significant exceptions included in this legislation. No. 1, the so-called lockbox allows for adjustment of its scriptures for emergency spending, with the likelihood that significant defense-related emergency spending will be enacted. As one individual commented, "if we don't have an on-budget surplus to fund emergencies, then we adjust the debt limits to borrow from the Trust Fund." No. 2, it should also be pointed out that the debt limits can also be adjusted for whatever is deemed Social Security reform. That is so open-ended in my view it gives Congress a loophole through which it could easily evade the so-called lockbox altogether.

What concerns me most in this proposal, however, is that it gives the American people the false impression that this is the answer to our fiscal problems. Instead of just resisting the temptation to go on a tax-cutting or spending spree, dealing honestly with solving the long-term funding challenges in Social Security and Medicare, and paying down our enormous debt with the entire surplus, we claim that the lockbox, an artificial mechanism which only commits part of the total surplus to reduce the debt, is the most fiscally responsible thing we can do. What makes this proposal all the more disingenuous from our Republican colleagues is that the large tax cut that they hope to enact threatens most our ability to meet the scriptures of the so-called lockbox.

In the final analysis, this political stunt isn't worth risking the credit worthiness of the United States.

Mr. President, I agree wholeheartedly with the thrust of this legislation that the Social Security surplus should be used to pay down the publicly held debt, although I would commit the entire surplus to that purpose. My concern is that the proposal before us is nothing more than an attempt to politicize an issue on which we all agree, and that it has the potential to do more harm than good by risking the credit worthiness of the United States.

Mr. LIEBERMAN. Mr. President. I rise today to express my strong opposition to Senator DOMENICI's amendment "The Social Security Surplus Preservation and Debt Reduction Act". I supported the original legislation, S. 557, which was reported out of the Committee on Governmental Affairs, and would have provided guidance for the designation of emergencies. But this amendment uses S. 557 as a vehicle to introduce a highly controversial and partisan proposal on Social Security. It also changes an important provision in the original bill regarding emergency designations, in a way that undermines the bipartisan compromise which we had reached in Committee. As Ranking Democrat of the Committee on Governmental Affairs, I will limit my comments to the bill we reported out of committee, and to the reasons I object to the changes made to those emergency designation provisions.

First, I would like to provide some background about why I support the unamended version of S. 557, and how it came to be reported out of the Governmental Affairs Committee. Passed in 1990, the Budget Enforcement Act requires that the cost of appropriations legislation stay within spending caps and that the cost of all other legislation satisfies the "pay-as-you-go" requirements. At the time the bill was passed, however, there was a legitimate concern that these new limits on spending could impede Congress' ability to provide additional funds for emergencies. As a result, Congress provided that if the President designates a provision as an emergency requirement and the Congress agrees in legislation, then the spending caps and "pay-go" limitations do not apply to that provision. Congress did not provide any guidance regarding what constitutes an emergency.

Not counting 1991, when emergency spending spiked because of the Persian Gulf War, the annual emergency expenditure had ranged from $16 billion to $5 billion before last year's Omnibus spending legislation set a new record, at $21.5 billion. The emergency spending designation has been used appropriately in many cases. Every year money is provided to the Federal Emergency Management Agency to respond to natural disasters such as hurricanes and floods. Emergency spending has included military funding for Operation Desert Storm and for peacekeeping efforts in Bosnia. The emergency designation has also been used to provide funds after other cataclysmic domestic events, such as the riots in Los Angeles in 1992 and the terrorist bombing in Oklahoma City in 1995. The 1999 emergency funds addressed a wider variety of needs than in prior years. According to the Congressional Budget Office, last year emergency funds were used for the first time for increased security at U.S. embassies, for price supports for U.S. farmers, to respond to the Year 2000 Computer problem, for counter-drug and drug interdiction efforts, for ballistic missile defense enhancements, and to address funding shortfalls in the defense health program, among other things.

While these expenses may all be legitimate uses of tax dollars, Senators on both sides of the aisle feel that some of the past designations of emergency spending were inappropriate, and have been looking for a statutory solution. The problem is the complete absence of guidelines on what constitutes an emergency, as well as insufficient procedural safeguards to prevent the misuse of the subjective emergency designation.

The provision on emergency spending originally contained in Senator DOMENICI's "Budget Enforcement Act of 1999" addressed this problem by establishing a 60-vote point of order against any emergency spending provision contained in a bill, amendment, or conference report. A number of Senators in the Committee on Governmental Affairs, myself included, felt that the super-majority point of order was neither necessary nor appropriate. It would have trampled on the rights of the Minority, and might have led to scenarios where aid is held up in cases of regional emergencies, particularly if a determined bloc of senators hoped to extract some unrelated legislative concession in return for the release of funds. We have seen cases where floods have ravaged the river valleys of the Dakotas, or tornadoes have decimated swaths of countryside in just one or two rural states. Severe droughts are emergencies to the farmers suffering their long-term effects, but may not seem quite so urgent to Senators representing other states. Allowing a reticent voting bloc to hold up funding for emergencies that are recognized by both the President and a majority of Senators seems to be an extreme measure to take, before having attempted a more measured response.

Accordingly, I was quite pleased when we were able to work out an agreement with Senator DOMENICI and Chairman THOMPSON regarding emergency spending. Our compromise preserved the point of order against all emergency spending, but converted it from a super-majority point of order to a simple majority point of order. The agreement retained criteria defining what constitutes an emergency.

The bill we reported out frames the debate whenever an emergency expenditure is challenged. The bill requires the President and congressional committees to analyze whether a proposed emergency funding requirement is necessary, sudden, urgent, unforeseen, and not permanent. If a proposed requirement does not meet one of these five criteria, the President or committee must justify in writing why the requirement still constitutes an emergency. Although the five criteria are not binding, the existence of this new statutory guidance, along with the explanations that may be contained in any accompanying report, will provide an essential framework for emergency spending designation decisions that has heretofore been lacking. A Senator raising a point of order against an emergency spending designation would have codified criteria to point to, and the process contained in this legislation encourages more challenges of abuses of the emergency spending designation.

After our bipartisan bill was reported to the full Senate, Senator DOMENICI included in his budget resolution a 60-vote point of order against any emergency designation. During the ensuing consideration of the resolution, Senators DURBIN, BYRD and I co-sponsored an amendment bringing back the simple-majority point of order. Senator DOMENICI accepted this amendment rather than hold a roll-call vote; nevertheless, our measure was subsequently stripped out in Conference. Accordingly, for the next year we will be governed by a Senate rule which requires a super-majority to designate emergencies, a rule which has not won the approval of even a simple majority of any Senate body.

Now we have before us an amendment that goes even further than the provision contained in the budget resolution. The amendment would re-establish the 60-vote point of order against emergency designations which had been removed by consensus in the committee. This point of order would last for ten years, and it would be codified rather than be a Senate rule. For reasons that are not clear, there would be an exception for Defense emergencies, but not for any other type of emergency, including natural disasters.

Importantly, the amended point of order applies to the emergency designation and not the spending itself. If it is raised and sustained, the bill's spending for scoring purposes would be increased, thereby potentially causing it to exceed its allocation. That would leave the entire bill vulnerable to a second point of order. This potential for procedural logjams would only complicate Congress' efforts to provide adequate funding to cope with real and pressing emergencies.

Accordingly, I urge my colleagues to reject the amendment to S. 557, and to accept instead the bill originally reported out of Committee, which addresses the issue of emergency designations in a sensible way, and which has won the support of members of both parties in the Committee.

Mr. ROTH. Mr. President, I rise to oppose the measure now before the Senate. This bill would create new budget procedures to prevent the spending of any surpluses attributed to Social Security, other than for reducing the public debt or for Social Security reform. Although this bill is well intended, in my view the bill is unlikely to accomplish its objectives and, worse, may have negative, unintended consequences.

Before describing specific objections, let me first commend Senator DOMENICI for his leadership on the budget resolution and his commitment to Social Security. The FY 2000 budget resolution that passed Congress last week sets aside every penny of every dollar of the $1.8 trillion in Social Security surpluses expected over the next 10 years. This measure demonstrates unequivocally our commitment to protecting Social Security and to restoring confidence and accountability in Social Security's financing.

On the other hand, the President's budget would spend $158 billion of the Social Security surpluses over the next 5 years, and even more thereafter. The differences between the President's budget plan and Congress's could not be more clear.

Mr. President, the bill now before the Senate intends to provide additional protections against spending so-called "off budget" surpluses, by, among other things, creating a new public debt limit.

In my view, the bill has serious substantive problems. The simple fact is that if Congress does not authorize spending, money cannot be spent. Debt is issued solely to pay for spending Congress authorizes. Indeed, Congress delegated its exclusive constitutional authority to borrow money on the credit of the United States in 1917 to the Treasury Department. Prior to 1917, Congress individually authorized each debt issue, specifying interest rates and maturity

Over the years, debt ceilings have made little difference in preventing spending or deficits. But, as those of us who have been involved with debt ceiling legislation know too well, the need to raise the debt ceiling can and has often created a sense of crisis. Indeed, this bill could hamper the Federal government from paying its bills in a timely manner; injure the Federal government's credit standing; and limit the Treasury's flexibility to manage the debt in the most efficient manner.

Having said that, the legislation before us does attempt to address some of these problems. For example, the bill contains exceptions for emergency spending, recession, and war. However, these exceptions seem to undo the very purposes of the bill, without providing the flexibility needed to properly manage the debt. Moreover, the language of the bill ensuring the timely payment of Social Security benefits should be strengthened.

The best solution is to prevent spending, not to undo spending with a new type of debt limit. Indeed, the whole point of the 1974 Congressional Budget Act, and subsequent budget process legislation, has been to provide an organized, disciplined framework for consideration of the nation's budget and of public spending. If the current budget procedures are not adequate to prevent spending authorizations, new remedies should be devised without creating a new type of debt limit.

I received a letter from Treasury Secretary Rubin which addresses the pending amendment. In this letter Secretary Rubin raises concern that the amendment, if enacted, could actually jeopardize the payment of Social Security benefits. This concerns me as well.

Mr. President, I ask unanimous consent to print the letter from the Treasury Secretary in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ROTH. Mr. President, let me turn now to one other issue before closing—the importance of prompt action on Social Security reform. The bill before us is at best intended to be a stopgap measure until Social Security reform is accomplished. Social Security has long-term financial problems, which the President and Congress must address. Indeed, there is broad agreement—in Congress and by the President—that Social Security reform is better done sooner than later. I strongly agree, although any action will require Presidential leadership and a bipartisan consensus in Congress.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, April 21, 1999.

Hon. WILLIAM ROTH,
U.S. Senate, Washington, DC.

DEAR BILL: This letter transmits an analysis of the Social Security Surplus Preservation and Debt Reducation Act, the amendment offered by Chairman Domenici and Senators Abraham and Ashcroft to S. 557, which is currently being debated on the Senate floor. This Act would create new statutory limits on debt held by the public in addition to the existing ceiling on the total debt held by the public and the Federal trust funds. Our analysis indicates that this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn. Let me refer you to my earlier letter as I will not repeat here all of the concerns I have with this proposal. For all of the reasons I mention there, I would recommend to the President that he veto this Act if it were presented to him for his signature.

It is still my view and the view of the Administration that fiscal restraint is best exercised through the tools of the budget process. Debt limits should not be used as an additional means of imposing restraint. By the time a debt limit is reached the Government is already obligated to make payments and must have enough money to meet its obligations. These proposed new debt limits, despite the changes made, could run the risk of precipitating a debt crisis in the future.

The proposal makes only limited exceptions for unanticipated developments on the non-Social Security side of the budget. However, the potential for forecast error is great even for estimates made for one year in the future, let alone for ten years. Projections of future budget surpluses are made using hundreds of assumptions, any of which is subject to error. Indeed, the Congressional Budget Office (CBO) studied the errors in its own five-year estimates and concluded that, based on their average deviation, the annual surplus estimate for 2004 could vary by $250 billion. Much smaller forecast errors could cause these new debt limits to be reached.

The amendment's shift of the effective date from October 1 to May 1 may provide some degree of cushion but it does not eliminate the risk that the debt limit could be reached in the normal course of business. It reduces the debt limit just after the large revenue bulge in April. However, the size of the cushion and the impact of the timing shift can be far smaller than the deviations from surplus projections described above.

The amendment could run the risk of worsening an economic downturn. The debt limit would be suspended following two consecutive quarters of real GDP growth below one percent. However, an economic slowdown of any duration that did not result in real growth of less than one percent for two consecutive quarters could increase spending and reduce receipts—and both CBO and OMB estimates indicate that such a moderate slowdown could require the borrowing of hundreds of billions of dollars over a period of just a few years. Absent a super-majority vote to raise the debt limit, Congress would need to reduce other spending or raise taxes. Either cutting spending or raising taxes in a slowing economy could aggravate the economic slowdown and substantially raise the risk of a significant recession. In addition, there would be a lag of at least seven months from the onset of a recession to the time that the statistics were available to demonstrate two consecutive quarters of real growth of less than one percent. During these seven or more months, as in the first case, revenues would likely decline and outlays increase necessitating that Congress either reduce other spending or raise taxes. In both cases, the tax increases and spending cuts could turn out to be inadequate to satisfy all existing payment obligations and to keep the debt under the limit, and the debt-limit crisis could worsen.

In addition, the Act does not guarantee that Social Security benefits will be paid as scheduled in the event that the debt ceiling were reached. The Act requires the Treasury Secretary to give priority to the payment of Social Security benefits but, if the Treasury could no longer borrow any money, there might not be enough cash to pay all Social Security benefits due on a given day. We believe that all obligations of the Federal government should be honored. We do not believe that prioritizing payments by program is a sound way to approach the government's affairs (*e.g.*, giving Social Security payments precedence over tax refunds or other benefits, such as those for veterans). In addition, this Act does not indicate how this complex prioritization process should be implemented, no system currently exists to do so, and any such system would be impractical.

Clearly, there could be very serious risks to Social Security and other benefits and to the credit worthiness of the United States if this Act were enacted into law. To ensure fiscal discipline, the Administration recommends instead that the pay-go rules and the discretionary spending caps in current law be extended beyond FY 2002. These tools of fiscal discipline—which do not rely on debt limits—have been highly effective since they were adopted in 1990 on a bipartisan basis. I urge the Congress to consider these provisions—rather than new debt ceilings—as the best choice for maintaining our hard-won fiscal discipline.

Sincerely,

ROBERT E. RUBIN.

Mr. BUNNING. Mr. President, I rise to make a few remarks concerning the Social Security lockbox legislation. Last year, as chairman of the Social Security Subcommittee in the House of Representatives, I introduced legislation which would have reserved 100 percent of the anticipated budget surpluses for Social Security.

When that bill was marked up in committee, it was changed to 90 percent. Subsequently, that bill was passed by the full House of Representatives but it was attacked viciously by the President and our colleagues on the other side of the aisle because it did not protect 100 percent of the Social Security surplus.

The bill we are considering now in the Senate would do exactly what I originally set out to do in 1998. It would do exactly what the President promised to do in 1998. It locks up the Social Security surpluses to protect them and to insure those surpluses are not used for other programs, tax cuts, or additional spending. It locks up 100 percent of the Social Security surpluses—not 62 percent—not 90 percent—but 100 percent. It requires that those surpluses—and we are talking about a lot of money, as much as $1.8 trillion over the next 10 years—are not recycled out as debt and spent on other Government programs as we have done in the past.

This is a good bill. It is a good concept. It pays down the debt and it protects Social Security. I urge my colleagues to support this bill and to vote for the motion to invoke cloture.

Mr. REED. Mr. President, I rise today to express my profound concern with several provisions in the Abraham "lock box" amendment pending before us here today. I share many of the objectives the sponsors of this amendment portend to support, such as preserving the Social Security Trust Fund, promoting fiscal responsibility and paying down the debt. However, I fear this amendment could potentially have dangerous and disastrous effects on our nation's economy and Social Security.

The Abraham "lock box" proposal establishes statutory annual, declining limits for debt held by the public over the next ten years, based on projections from the Congressional Budget Office (CBO). Proponents of the amendment contend that these statutory limits will force a greater degree of fiscal responsibility upon the federal government. In order to raise the debt limit, a 60-vote point of order in the Senate would be required.

On the surface, this legislation may appear to provide potential benefits to the American economy and government spending. However, there are several fundamental flaws to this approach, which is why I am unable to support the proposal.

First, the Abraham proposal relies upon CBO budget projections to derive the statutory public debt limits. While CBO budget projections are an insightful and beneficial tool for policymakers, they are in no way an exact measure of future budget levels. As any economist would tell you, there are too many uncontrolled factors that can come into play. By CBO's own admission, unanticipated developments in the economy, demographics, or other factors may alter the nations' budget landscape.

For instance, an assessment of CBO budget projections between fiscal years 1988 and 1998 found that projections were off by an average of 13 percent per year. Looking ahead to 2004, this margin of error would mean that CBO's current budget projections could be off by as much as $250 billion. Yet, under this proposal, these inaccurate projections would become the standard.

Second, the statutory debt limits proposed by the Abraham amendment could make the federal government's responsibility to meet daily financial obligations extremely difficult. Treasury Secretary Robert Rubin has stated that debt limits may drastically hinder the Treasury's ability to cover near-term shortfalls in the government balance sheet. The government receives revenues and makes payments on a daily basis. Daily, weekly, or monthly swings in cash flows can exceed balances, and under the "lock box" scenario, debt limits as well. If the government has reached the debt limit, it would likely become necessary to temporarily suspend unemployment benefits, or other payments, until budget cuts or tax increases are implemented to make up the difference.

Third, arbitrary debt limits could exasperate economic downturns. The amendment includes a provision that its supporters claim would lift the debt limit during a recession, which is defined as two consecutive quarters where real economic growth is less than one percent. However, lags in economic reporting mean that data on GDP growth are generally not available until several months after an economic downturn has actually begun.

For example, the recession that started in July 1990 was not revealed through economic data until April 1991. When the economy slows, unemployment compensation and other outlays rise, while tax revenues slow or decline. As a result, debt limits could be breached more quickly. However, unless Congress musters 60 votes to breach the debt limit, cutting government expenditures or raising taxes would be required. These delays could push an already weak economy into a recession.

Fourth, effective measures are already in place to ensure fiscal restraint. Over the last ten years, pay-as-you go and discretionary spending caps have been highly successful in producing fiscal discipline without threatening budget cuts or tax increases. These enforcement mechanisms, which were enacted as part of the Budget Enforcement Act of 1990, have been key elements in maintaining fiscal discipline over the past decade. Supplementing these successful laws is unnecessary and may create greater volatility in our budget process.

Lastly, I would be remiss if I did not point out that the "lock box" proposal does nothing to stimulate meaningful Social Security reform, nor does it extend the solvency of the program. In fact, the amendment contains a clause that would allow money dedicated to the payment of Social Security benefits to be siphoned off for other purposes, like the creation of private accounts. It also completely ignores the solvency problems facing Medicare.

Mr. President, although the "lock box" amendment is seemingly well intended, if enacted, it could dramatically impact the federal government's ability to meet its financial obligations and react to economic downturns. Furthermore, it could exacerbate times of economic hardship and tie the hands of the federal government in meeting its financial commitments to the American people. Most importantly, the amendment does nothing to secure the solvency of Social Security and Medicare. I urge my colleagues to reject this potentially harmful amendment.

Thank you, Mr. President.

Mr. McCAIN. Mr. President, I am proud to join Senators LOTT, DOMENICI, and others in cosponsoring this amendment to S. 577, The Budget Reform Act. I was an original cosponsor along with Senator ABRAHAM and others of the legislation upon which the Lott-Domenici amendment is based.

This amendment expresses clearly our commitment to protect the Social Security Trust Fund for current and future beneficiaries. This legislation reiterates the importance of adhering to the provisions of the 1990 law that prevented Congress and the President from using Social Security surpluses to mask the size of annual budget deficits. It also urges the establishment of a budgetary "lock box" for Social Security funds, with effective enforcement mechanism, to prevent Congress and the President from using Social Security receipts to pay for other government spending or to offset tax cuts.

We all have seen the predictions that the Social Security system will be bankrupt in 2032, short-changing the millions of Americans who included Social Security benefit payments in their retirement planning. Simply walling off the Trust Fund from depletion for other purposes will not solve this long-term problem. Clearly, we must continue to work to find a viable long-term solution to the financial problems of the Social Security system that restructures the system in a manner which provides working Americans with the opportunity, choices, and flexibility necessary to ensure their future retirement needs are fully met. At the same time, we must guarantee that everyone who has worked and invested in the Social Security system receives the benefits they were promised, without placing an unfair burden on today's workers.

Saving Social Security should not be a partisan issue. For our parents today and our grandchildren tomorrow, saving Social Security is too important for politics to guide us rather than principle. With predictions of sustained budget surpluses for at least the next ten years, saving Social Security should be our first priority.

I endorse the President's proposal to set aside two-thirds of the estimated $2.8 trillion non-Social Security surplus to shore up the Social Security system. However, I question whether the President is truly wedded to saving Social Security. His own budget shows that he does not set aside a single extra dollar for Social Security for at least ten years. Instead, he spends the surplus on new government programs.

It is also alarming that the President feels that the government should become an institutional investor in the stock market, using Social Security funds. The government has no business going into business. How could the government bring action against a company for violating anti-trust laws if it has a large equity investment in that same company? And can anyone fathom how the forces of political correctness might distort the market? Would the government eventually become the majority stockholder in Ben and Jerry's?

Saving Social Security has one simple objective: to guarantee that everyone who has worked and invested in Social Security receives the benefits they were promised. We must establish an effective "lock box" to ensure that 100 percent of Social Security receipts go to the Social Security trust fund and stay there earning interest. We must stop the federal government from stealing money from the Social Security trust fund to pay for its excessive spending habits. Social Security is a sacred promise which must not be broken. Fiscally responsible members of Congress must stand up and not allow the Federal Government to take the hard-earned money of taxpayers and threaten the financial security of our nation's retirement system.

Let me just point out that walling off the Social Security Trust Fund and reserving future surpluses to ensure the solvency of our nation's retirement system does not mean we can not also have a tax cut. Americans need and deserve a tax cut. Federal taxes consume nearly 21 percent of America's gross domestic product, the highest level since World War II. A recent Congressional Research Study found that over the next ten years an average American family will pay $5,307 more in taxes than the government needs to operate. Congress did not balance the budget so Washington spending could grow unnecessarily at the taxpayer's expense. Letting the American people keep more of their own money to spend on their priorities will continue to fuel the economy and help create more small business jobs and other employment opportunities.

We can provide meaningful tax relief to American families and still save Social Security. The Federal Government wastes billions of dollars every year on pork-barrel spending projects, much of which is earmarked by powerful Members of Congress for their home states and districts. Just this past year, Congress directed over $9 billion to special-interest projects. We also continue to allow businesses to use tax loopholes and other subsidies that do not make economic sense. According to the Progressive Policy Institute, we could easily save $200 billion over the next five years by eliminating inequitable corporate subsidies, including phasing out operating subsidies for Amtrak and eliminating the ethanol tax credit.

We can and should pay for tax relief for middle-class Americans and families with the money we throw away on pork-barrel projects and inequitable corporate subsidies, not money raided from Social Security surpluses.

Mr. President, on behalf of the millions of Americans who have paid into the Social Security system for decades and those who are working and paying into the system today, I urge my colleagues to support this amendment and demonstrate their continued commitment to truly saving Social Security for future generations.

Mr. DASCHLE. Mr. President, there is an old saying heard quite often in the midwest and perhaps other parts of the country as well. The saying is "what you see is what you get." The adage is as simple as it is straightforward. It's a way of letting another person know there will be no surprises—good or bad—associated with the person or object in question. Things are pretty much as they appear.

Unfortunately, the proponents of this legislation, the so-called "Social Security Surplus Preservation And Debt Reduction Act," do not subscribe to this plainspoken logic. In fact, quite the contrary. What you see when you examine their language is quite different from what you get when you listen to their rhetoric. They argue they are preserving Social Security. Their own bill language says otherwise. They argue they are reducing the public debt. Again, their bill language betrays them. And finally, they argue they have created a sound mechanism to lock away Social Security. The Treasury Department tells us differently. Mr. President, if votes on this bill are based on what people see and not on what they would actually get, I am confident this measure will be defeated. I strongly recommend that course of action.

Let me state at this time that I and every member of the Democratic caucus totally support the objectives expressed by this bill's authors. We must ensure that every dollar of Social Security taxes is dedicated solely and exclusively to Social Security benefits. I have joined with Democrats to fight for this principle earlier this year on the budget resolution. Furthermore, Democrats advocate taking an additional step. We feel Medicare also faces grave challenges and will need additional resources to ensure that radical reform is not necessary. The Democratic alternative to the bill before us today locks away every dollar of Social Security and helps Medicare. It does so in a secure manner that will not threaten the fiscal stability of this country.

Unless there is a change in the current procedural situation, Democrats will be precluded from getting a vote on our proposal at this time. If the proponents of this legislation were truly interested in a serious, substantive debate on how to protect Social Security and Medicare, they would not, as a first step, seek to limit Senators' rights to offer amendments. There is only one reason you would stack the deck in this manner on such an important bill before the Senate could even begin debating the merits of the legislation. That reason is partisan politics. The proponents of this bill have decided they would rather play politics with this issue than work together to produce good policy. Only by voting against cloture will Senators be allowed to work their will and offer improvements or substitutes to the Republican bill.

I would like to spend a few moments discussing my concerns about the specifics of the Republican bill. To do that, I must take a brief look back. Earlier this year, we witnessed an event that many members of Congress, indeed many Americans, never thought we would see in our lifetimes. After decades of deficits and trillions of debt, the Congressional Budget Office issued its fiscal report projecting budget surpluses as far as the eye could see. According to CBO, surpluses would total $2.6 trillion, including $787 billion in non-Social Security surpluses. Over 15 years, these totals would reach $4.6 trillion and $1.8 trillion, respectively. Democrats proposed on the budget resolution last month that we lock away every penny of the $2.8 trillion Social Security surplus and set aside close to $700 billion of the remaining surplus to keep our commitments to Medicare. Republicans opposed this approach then, and their actions today indicate they have not changed their minds. A $4.6 trillion surplus and the Republicans continue to say nothing for Medicare. Not a dollar. Not a dime.

This attitude might be somewhat easier to explain if the Republican bill truly set aside the $2.8 trillion in surplus Social Security taxes for Social Security benefits. Unfortunately, Mr. President, the title of the bill notwithstanding, the Republican proposal fails to preserve Social Security taxes for Social Security benefits. What is the basis for my assertion? Take a look at page 16 of the Republican bill. This page contains language that all Social Security taxes will be set aside unless Congress enacts "Social Security Reform Legislation." And what is "Social Security Reform Legislation"? Reading from the Republican bill, "[it] means a bill or joint resolution that is enacted into law and includes a provision stating the following: Social Security Reform Legislation. For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this act constitutes Social Security reform legislation."

In other words, Social Security Reform is anything a majority of Congress says it is. And, once declared, this same majority can spend Social Security taxes on anything they choose. Far from setting aside Social Security taxes for Social Security and paying off the national debt, this language allows its supporters to use these proceeds to bankroll tax cuts or other spending programs—hardly a sound means for preserving Social Security or reducing the federal debt. If you are serious about protecting Social Security taxes for Social Security benefits, this is not the bill for you. If you think we should lock in debt reduction, this bill falls short. In light of this huge loophole, it is Orwellian for Republicans to entitle their bill the Social Security Surplus Preservation and Debt Reduction Act.

My third criticism of this bill centers on the impact its enactment would have on the full faith and credit of the United States government and our economy. This bill creates new statutory limits on debt held by the public. By linking enforcement of its provisions to the publicly held debt ceiling, the Secretary of the Treasury has concluded, "this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn." In spite of the alterations made to the original version of this bill, the Treasury Secretary has wisely concluded the bill still puts at risk the creditworthiness of the federal government, the U.S. economy, and indeed, Social Security itself. Not surprisingly, Secretary Rubin recommends that the President veto this bill.

Now the proponents of this bill have challenged the statement that enactment of their bill could threaten Social Security payments. They point to section 203 of their bill. This section purports to protect Social Security benefits by asking the Secretary of the Treasury to give priority to the payment of Social Security benefits if Treasury funds are running low. Secretary Rubin has looked at this provision very carefully. His conclusion? "The act does not guarantee that Social Security benefits will be paid as scheduled in the event that the debt ceiling were reached. . ..We do not believe that prioritizing payments by program is a sound way to approach the government's affairs. In addition, this act does not indicate how this complex prioritization process should be implemented, no system currently exists to do so, and any such system would be impractical."

Mr. President, clearly the bill before us is fatally flawed. In spite of the desires and remarks of its supporters, the Social Surplus Preservation And Debt Reduction Act actually accomplishes neither. Social Security is not truly preserved, and debt reduction is by no means guaranteed. Ideally, Senators would be able to offer amendments to improve this bill and accomplish the stated objectives of its supporters. Unfortunately, that choice is not currently before the Senate. Instead, we are being asked to cut off debate before it has even begun. This is an option we can afford to pass up. I ask that my colleagues oppose cloture.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that each side of the aisle be allotted 1 hour each for debate on the pending amendment, and that all time consumed to this point count against the time limitation, and the scheduled vote occur at the expiration of that time.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, how much time is that?

Mr. ABRAHAM. Let me explain.

The PRESIDING OFFICER. Five minutes to a side, in answer to the question.

Mr. ABRAHAM. In effect, we started late, and the original plan was to have a 2-hour discussion, equally divided, from 9:30 until 11:30. We started 10 minutes late. So the purpose of this unanimous consent agreement would be to add in the additional 5 minutes to each side because of our late initiation. That isn't how much time is left. That is how much time will be added to each side because of the loss.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I yield to the Senator from Minnesota for 5 minutes to speak to the amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Thank you very much, Mr. President.

Mr. President, I wanted to be here this morning to strongly support safe deposit box legislation that would lock in any future Social Security surpluses, again only to be used for Social Security.

That doesn't sound like rhetoric to me, although that is what others are charging. But this is an effort to make sure the surpluses for Social Security go forward to making sure that Social Security is going to be solvent in the future.

I commend the Senate majority leader and Senator DOMENICI for making this legislation a top priority. I am pleased to join Senators ABRAHAM, ASHCROFT, and DOMENICI to offer this important substitute amendment.

The recently released 1999 Social Security Trustee's Report shows the financial status of the Social Security Trust Funds has slightly improved due to our strong economy.

The Trustee's report that Social Security will begin operating in the red in 2014, a year longer than last year's report, and it will go broke in 2034, two years later than projected last year.

This does not mean we don't need to worry about Social Security any more, and that future economic growth will wipe out all of our problems with Social Security as some suggest.

On the contrary, it reveals that Social Security unfunded liability has increased by $752 billion, which means Social Security is falling deeper into debt. It makes reform of Social Security more urgent than ever.

Although the increased surplus has slightly pushed back the date of insolvency, the significant increase of unfunded liability makes it harder to fix Social Security. Clearly, nearly $20 trillion in unfunded liability makes Social Security reform more imperative, not less—$20 trillion in unfunded liability. That means $20 trillion worth of benefits that the Government has promised that is not available in the Social Security Trust Funds.

That's why we are introducing this legislation today as an essential first step to save and strengthen Social Security.

Mr. President, this legislation is an enforceable mechanism to preserve the surplus generated by Social Security. It is designed to lock in every penny of the $1.8 trillion Social Security surplus in the next 10 years to be exclusively used for Social Security.

Pending reforms, these surpluses would retire debt held by the public to increase cash reserves in the Social Security trust funds. This mechanism ensures the surplus will be used in the future to pay for promised Social Security benefits once retired baby boomers threaten the solvency of the trust funds.

Although I prefer an immediate reform to move Social Security to a fully-funded retirement system, I believe this is the only way to actually save Social Security at this time, and to provide the dollars needed of any reform package in the offing.

President Clinton unveiled his Social Security proposal under his FY 2000 budget. The bottom line of his plan is that it allows the Government to control the retirement dollars of the American people by investing for them. It does nothing, however, to save Social Security from bankruptcy.

Worse still, despite his rhetoric about saving every penny for Social Security, President Clinton has proposed to take $158 billion in Social Security dollars to finance Government programs unrelated to Social Security.

The only positive aspect of his proposal is that the President has admitted the insolvency of Social Security and has recognized the power of the markets to generate a better rate of return, and therefore improved benefits.

The fundamental problem with our Social Security system is that it's basically a Ponzi scheme—a pay-as-you-go pyramid that takes the retirement dollars of today's workers to pay benefits for today's retirees.

It has no real assets and makes no real investment. With changing demographics that translate into fewer and fewer workers supporting each retiree, the system has begun to collapse.

There is a lot of double-counting and double talk in President Clinton's Social Security framework. The truth of the matter is the President spends the same money twice and claims that he has saved Social Security.

All the President has done is create a second set of the IOUs in the trust fund. It is like taking the money he owes Paul out of one pocket and applying it to the money he owes Peter in the other pocket, and then pretending that he has doubled his money and is now able to pay them both.

In addition, the President has proposed to spend $58 billion of Social Security money in FY 2000 for new Government spending. Over the next five years, he will spend $158 billion of our Social Security money.

President Clinton's plan does not live up to his claim of saving Social Security. He has not pushed back the date when the Social Security Trust Fund will begin real deficit spending. That date is still the same—2014. Social Security will have a shortfall that year and the shortfall will continue to grow larger year after year.

There are no longer surpluses building up in the Social Security account. There will actually be a deficit, and the shortfall will be $200 billion a year by the year 2021. By the year 2048, that deficit would run $1.5 trillion a year.

Since the government has spent the surplus and has not set aside money to make up for this shortfall, it will have to raise taxes to cover the gap—something that economists estimate will require a doubling of the payroll tax.

The proposal by the President to have the government invest a portion of the Social Security Trust Funds is no solution. It would give the government unwarranted new powers over our economy, and it will not provide retirees the rate of return they deserve.

Mr. President, it's going to take real reform, not Washington schemes, to help provide security in retirement for all Americans. The first essential step is to stop raiding from the Social Security Trust Funds, and truly preserve and protect the Social Security surplus to be used exclusively for Social Security.

This is exactly what this safe-deposit box legislation will achieve.

Mr. President, the best part of this legislation is that it will prevent Congress and the Administration from spending the Social Security surplus.

As I mentioned earlier, Social Security operates on a cash-in and cash-out basis. In 1998, American workers paid $489 billion into the system, but most of the money, $382 billion, was immediately paid out to 44 million beneficiaries the same year.

That left a $106 billion surplus. The total accumulated surplus in the trust fund is $763 billion.

Unfortunately, this surplus exists only on paper. The government has consumed all the $763 billion for non-Social Security related programs. All it has are the Treasury IOUs that "fit in four ordinary brown accordian-style folders that one can easily hold in both hands."

Despite the President's rhetoric of using every penny of Social Security surplus to save Social Security, last year's Omnibus Appropriations bill alone spent over $21 billion of the Social Security surplus.

Without the enforceable lockbox created by this legislation, future surpluses are likely to be spent to fund other government programs, leaving nothing for baby boomers and future generations.

Another important component is that this legislation would use the Social Security surplus to reduce the amount of federal debt held by the public.

Clearly, there is a valid economic reason to pay down the federal debt. Although I join most economists who agree that paying off the federal debt with a budget surplus would not stimulate growth in the same way that a tax cut would, it is still far preferable to having the government spend all the surplus.

Mr. President, many of us in Congress agree with the President that we should, and indeed must, devote the entire Social Security surplus to saving Social Security. However, his plan does not do what he says while our legislation does.

Mr. President, this legislation will be an essential first step to save and strengthen Social Security. I urge my colleagues to support this important legislation.

Thank you, Mr. President.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I rise in opposition to this Republican lockbox for two very basic reasons: No. 1, it does nothing to extend the solvency of Social Security which we all, as Americans, ought to be concerned about; No. 2, the so-called lockbox is really no lockbox at all; it does not provide the protection we need.

First, let me speak to this issue of the extension of the financial viability of Social Security. We know from projections that Social Security's financial viability is expected to last through the year 2034. This proposal does nothing to extend that time. It adds no funds to the Social Security fund at all. We have a very fundamental problem. This is not pocket money we are talking about; this is money that elderly Americans all over this country and in North Carolina depend on for their livelihood.

For example, over 90 percent of Americans over the age of 65 depend on Social Security and receive Social Security benefits. Nine out of ten elderly Americans who have escaped poverty as a result of Government or Federal help have done so as a result of Social Security. In my home State of North Carolina, over half of the elderly would be in poverty—54 percent—in the absence of Social Security.

I have a simple question and I think it is a question the American people ask: What will happen when the year 2034 arrives and these folks can no longer receive their Social Security payments? We made a promise to these people. They spent their lives working, doing exactly what they were obligated to do, paying their payroll taxes. Now the question is whether we, as a government, are going to meet our promise and our responsibilities to them.

There is a second fundamental problem with this proposal. The lockbox is really no lockbox at all. It is a lockbox with lots of keys. The problem is, those keys are in the hands of folks who in the past have shown a willingness to let Social Security go to the side and instead use the money for tax cuts and other such things. What we need is a real lockbox, a lockbox that cannot be opened, a lockbox that does not have a provision, as this bill does, that provides for Social Security reform. This lockbox can be opened.

The elderly Americans need to know this Social Security money is, in fact, locked. We need to do what is necessary to accomplish that. We have an obligation to our elderly Americans. We made them a promise. They fulfilled their part of that obligation.

There is a fundamental question. If we are going to lock up this Social Security money, we need to lock it up in the correct way, in a way that it can't be reached. We need to do what is necessary to extend the life of Social Security. We have an obligation to do that. We have an obligation not to undermine the integrity of the Social Security system. We need to meet our promise and our obligation to elderly Americans who spent their whole lives working, expecting they would receive these benefits when they retired.

I yield back the remainder of my time.

Mr. LAUTENBERG. Mr. President, I yield 6 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this amendment before the Senate, which I do not favor, saddens me. It is not being straight with the American people. It is packaged in a way to look as if it is protecting Social Security. It is like a lot of products: They are packaged, with a promise on the label which may or may not describe what is inside the package.

The package here is called a lockbox to save Social Security. That is the package. That is the wrapping around the product. It is not indicative of the product inside. What is the product inside? Inside the package, the so-called lockbox package, not one penny is added to Social Security. The Social Security trust fund is due to expire in roughly the year 2034. The passage of this amendment does not extend that by one day. There is no difference, no change.

What is the product inside this so-called package? What is inside is essentially a provision which will be in the law which says public debt has to decline by the amount that the Congressional Budget Office projects. If at any date it does not, then the debt ceiling is in effect. That means that Government cannot make its payments and meet its obligations as we bump up against the debt ceiling.

The amendment before the Senate, the public debt ceiling limit, declines right along with reductions in public debt as projected by the CBO. Why is that a problem? It is a problem because the debt limit is not the way we force fiscal discipline. It is a charade. I have been in the Senate for almost 20 years. I have been part of many debt limit extension debates. They are very embarrassing, very embarrassing. The Government has, through the Congress, through authorization programs, obligations. Of course we have to increase the debt limit or we don't meet our obligations and the creditworthiness is in jeopardy, as in 1975 when Moody put us on a list for possible downgrade. At that point, we were flirting with whether or not to raise the debt limit.

Some Senators wanted to add different provisions. It was a political nonargument because we all knew we had to pass the debt. It is a game that is being played here. That is why I stood at the outset to say I am saddened by this amendment. It is not being straight with the American people.

Enforce fiscal discipline by spending less, pay-go, or through spending caps we enact and adhere to. That is the main reason the budget deficit declined and now we are reaching surpluses. It is not because of any debt limits. We already have a total debt limit in existence—the public debt plus the debt the Government owes to itself. We have that. This is inside the package, a new debt limit, which is meaningless, totally meaningless, because, obviously, if we meet the debt limit, we have to either raise the debt limit or we do not meet our obligations, which means we cannot spend money we are obligated to spend.

Social Security is supposed to be protected, but it is only a priority. If the debt limit is exceeded by such a great amount, it is possible that Social Security beneficiaries will not be receiving their payments. It is a priority above veterans. Veteran benefits could be cut if we pass the debt limit.

In addition, the usual debates in the past of whether to extend or raise debt limit ceilings are only majority votes. They are very, very difficult to get even though we all know it has to happen. The amendment before the Senate says it has to be a supermajority, 60 votes. We all know that is practically impossible.

The honest approach to saving Social Security and the honest approach to fiscal discipline is to continue the pay-go provisions, extend the caps on discretionary spending. We do our job here because this so-called lockbox, public debt limit provision, is not what it is cracked up to be. The other side is trying to make it look like they are protecting Social Security when, in fact, that is not what they are doing.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I yield 30 seconds to the Senator from California.

Mrs. BOXER. Mr. President, we don't have a lockbox for Social Security before the Senate. We should be clear; this lockbox as it pertains to Social Security has no lock; it has no box. The fact is, there is a huge, giant crack in the box that says, "Exception: Social Security reform."

We have heard it before from the other side of the aisle: Privatization of Social Security. That is another way to say end Social Security as we know it.

My mother used to say, just because someone says he is your friend does not mean he is your friend. Listen to who is speaking. Know who the true friends of Social Security are.

Vote "no."

Mr. LAUTENBERG. Like all the Democrats, I strongly support the purported goal of this amendment to secure the future funding of Social Security. I, like some of the other speakers on our side, believe this legislation is seriously flawed. We cannot rely on this plan to protect Social Security.

This lockbox, by any other name, could be called a leaky sieve. First, the amendment poses a direct threat to Social Security beneficiaries. Treasury Secretary Rubin has explained that under the proposal, an unexpected economic downturn could block the issuance of Social Security checks, as well as Medicare, veterans, and other benefits.

Additionally, the amendment changes a huge loophole, a minefield that would allow Social Security contributions to be diverted for purposes other than Social Security benefits. It is described as Social Security "reform" that would be exempt from the lockbox. That tells us beware, be on your guard, because it says something along the way might permit us, in the interest of reform, to divert funds that should be directed exclusively to Social Security. Things suggested could be risky privatization plans, tax cuts—who knows what?

The second problem with the amendment is that it does absolutely nothing to protect Medicare. Instead, it allows Congress to use what might be necessary funds for Medicare on tax breaks for wealthy individuals. I had hoped to be able to offer an amendment to establish a lockbox, one that is truly locked, one that is truly secure, to protect both Social Security and Medicare. That lockbox proposal would reserve all of Social Security surpluses exclusively for Social Security, and 40 percent of the non-Social Security surpluses for Medicare. Unfortunately, the majority is unwilling to even give us an opportunity to offer an amendment. They are not willing to subject it to the wishes of the Senate. Why? Is there something they are afraid of?

Finally, and perhaps most importantly, this amendment could present us with a Government default in the long term. In the short term, it could undermine our Nation's credit standing and increase interest costs. Ultimately, blocked benefit payments could lead to a world economic crisis. Our Nation has never defaulted on an obligation that is backed by the full faith and credit of our country. Yet, according to the Treasury Secretary, Bob Rubin, who is very respected, the creditworthiness of the United States could be subject to very serious risks if this legislation were enacted, and that is why he would recommend the President veto the bill if it ever reached his desk.

We Democrats have a proposal, a lockbox that protects both Social Security and Medicare, and our lockbox would not require a new debt limit, and it would not risk a default. It would use supermajority points of order and across-the-board cuts to guarantee enforcement. That is a better, more responsible approach. Unfortunately, the majority is not going to give us an opportunity to present our plan to the Senate. I do not think it is right. I wish we could have a reversal of the majority opinion or the majority view on that.

Social Security lockbox legislation is a new proposal. It has not gone through a committee. It has not been subjected to hearings. In fact, it was not even introduced until a couple of days ago, and it resulted from a conference in the privacy of a single room. Yet the majority is using parliamentary tricks to prevent us from offering any amendments to improve the bill. It is not the right way to do business, especially given the high stakes involved both for Social Security and for our entire country. So I am going to ask my colleagues to oppose cloture on this legislation. Let us continue this debate. Let us find out what really is in this proposal. Let us make it a real lockbox, not one that could be threatening Social Security benefits and does not do anything for Medicare and risks our national credit.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I yield myself an initial 5 minutes, and if the Chair will let me know when that time is reached, we will see how much time is remaining to speak.

I have had the pleasure of listening now for about 3 days to a variety of criticisms raised by the other side of the aisle on this amendment, almost all of which are baseless in every conceivable way. Some of them, I think, are caused by failure to read it, some because of a reliance on letters received from the Department of Treasury before it had even been drafted, and some for reasons that are frankly, to me, still confusing—the most recent being the comments of the distinguished ranking member of the Budget Committee that they have had no opportunity to address the issue. What we have before us is cloture on this amendment, not cloture on this bill. If cloture is invoked, then we will go ultimately to a vote on this amendment, and once it is dispensed with, up or down, the bill will still be available for amendment. If there are better lockbox proposals or alternative proposals, there will be an opportunity for that.

Let me also say, this Senator certainly is receptive to, and anxious to hear from, the Secretary of the Treasury or anybody else with respect to ways to perfect the approach we have taken. But what we have tried to do is simply put into a legislative form that which we passed as part of our budget resolution on a 99–0 vote. What that said, very simply, was we were going to reduce the Federal debt held by the public because it is a national priority; that Social Security surpluses should be used for Social Security reform, or to reduce the debt held by the public and should not be used for any other purpose.

Mr. President, 99 people voted for this. Now, all of a sudden, we hear that having the words "Social Security reform" in this amendment is some kind of diabolical plot; or using the Social Security surplus to pay down the national debt is somehow a threat to the economy. If people believe that, I cannot imagine why they voted in the first place 99–0 for this amendment when it was offered by myself and others during the budget resolution debate. The only thing that has happened since then is that we have tried to put into legislative context that which everybody said they were for. If there are criticisms of this, I think they would have to be technical ones because the basic principles that were voted on 99–0 are exactly what are embodied in this amendment before us today.

We recently heard the statement: Who are the real friends of Social Security? We will find that out here in a few minutes. The question will be this, and this will be a question for seniors and those who will soon be recipients of Social Security benefits to answer for themselves: Are your friends the people who want to make sure the Social Security surpluses are protected from being spent or used for other Government programs or tax cuts or anything other than to reduce the national debt? Or are your friends the people who want to spend the Social Security surplus, such as the President proposed in his budget, or those who will vote against a provision, this amendment, that would protect the surpluses from being spent?

Every time I talk to seniors in my State, I hear complaints that we have plundered the Social Security trust fund and spent those dollars on other things. This amendment is designed to put an end to that, to require 60 Senators to stand on this floor and to vote to spend Social Security money on something other than Social Security. Yet all of a sudden we find all kinds of excuses to oppose that.

We will let the seniors decide who their friends really are. I think for too long we have seen these surplus dollars spent on other Government programs. It is time for that to stop. It is time for those dollars to be protected, to be used to pay down the public debt, or used as part of a Social Security modernization program. And that is not going to happen until we have bipartisan consensus on such a program.

In the meantime, do we send those dollars off to other priorities in the budget, or do we put them into the reduction of the publicly held debt so that we, in fact, strengthen the economy, reduce our interest payments, and make more funds available in the future for Social Security when it will need it?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the entire text of Senate Amendment No. 143, as well as the results of the Senate vote on that amendment be entered in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At the appropriate place, insert:

AMENDMENT NO. 143

SEC. XX. FINDINGS; SENSE OF CONGRESS ON THE PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a) The Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security trust funds;

(2) reducing the federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comments that debt reduction "is a very important element in sustaining economic growth," as well as President Clinton's comments that it "is very, very important that we get the government debt down" when referencing his own plans to use the budget surplus to reduce federal debt held by the public;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the Social Security trust funds will reduce debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009, $417,000,000,000, or 32 percent, more than it would be reduced under the President's fiscal year 2000 budget submission;

(4) further according to the Congressional Budget Office, that the President's budget would actually spend $40,000,000,000 of the Social Security surpluses in fiscal year 2000 on new spending programs, and spend $158,000,000,000 of the Social Security surpluses on new spending programs from fiscal year 2000 through 2004; and

(5) Social Security surpluses should be used for Social Security reform or to reduce the debt held by the public and should not be used for other purposes.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall pass legislation which—

(1) Reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a Point of Order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section.

(2) Mandates that the Social Security surpluses are used only for the payment of Social Security benefits, Social Security reform or to reduce the federal debt held by the public, and not spent on non-Social Security programs or used to offset tax cuts.

(3) Provides for a Senate super-majority Point of Order against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public.

(4) Ensures that all Social Security benefits are paid on time.

(5) Accommodates Social Security reform legislation.

ROLLCALL NO. 58, MARCH 24, 1999

YEAS—99

Abraham
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Allard
Ashcroft
Baucus
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Biden
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Boxer
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Brownback
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Coverdell
Craig
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DeWine
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Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Lugar

Mr. ABRAHAM. Mr. President, I thank you, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. Eleven minutes and about 5 seconds.

Mr. DOMENICI. And then we vote, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Mr. President, me thinks they doth protest too much. That is my paraphrasing of what some great writer said applying it in the singular. I am applying it in the plural.

First of all, I recall vividly my very good friend and one-time chairman of the Budget Committee coming to the floor of the Senate with a big sign that said: "Quit embezzling Social Security money." In fact, he said embezzlement is what is happening when we use their trust fund money for Government. Isn't it interesting that there are many Senators who at least feel that way enough to talk about it as embezzlement or stealing money from the senior citizens?

Today, the seniors ought to ask: If it is embezzlement, what are you all going to do to prevent the embezzlement from continuing? The answer is going to be: Little or nothing, because whatever you try to do that is really serious and makes it hard to embezzle, they have some reason on that side of the aisle for not doing it.

If you think this Senator, who has listened attentively and asked his staff to summarize the arguments on that side, is not frustrated when he hears, first, that a financial crisis will occur—let me tell you, the seniors think a financial crisis has already occurred because we are taking their money and spending it for Government.

Secretary Rubin, for whom I have the highest respect, who does not want to tie the future debt limit of the United States to whether or not you use this Social Security trust fund, has written a letter and, essentially, the letter says he needs more flexibility because the money does not come in every month at the same level. We gave him the flexibility. Read the statute before you. If Secretary Rubin is worried about that, we gave him the flexibility.

Now he raises a new argument: We may not be able to pay Social Security beneficiaries—an absurd argument. But we gave him the authority in this statute. We said if that the Secretary should give payments of Social Security checks priority.

We thought we clearly took care of the most significant problem and concern of the Secretary of the Treasury.

Then we hear: You have done nothing to extend the solvency of Social Security. Of course, we haven't. We said don't touch their fund until you have a reform package that helps with the solvency of Social Security, and if you have that, you can use it for that.

Why wouldn't the senior citizens like that? Do they want us to just leave it there or they want us to use it in case we need it for Social Security reform or transition? Of course, that is an argument in favor of this statute, not against it.

Then we were accused of perhaps putting Medicare in this Social Security trust fund. That was last week. It should just be for Social Security. Right? That was the big argument. We made it just for Social Security.

Now what is the argument? You did not take care of Medicare. This money does not belong to Medicare. This money belongs to Social Security. If you want to take care of Medicare, take care of it another way. Do not use the Social Security money for Medicare.

Last week, the Democrats were saying that lockbox is not going to be good because you might be able to use the money for Medicare. We agreed with them. We did not put it in this statute. Now we are not doing enough for Medicare.

Then we are accused of making this Government live on too rigid a budget for the appetite for spending or tax cuts. We are being accused of tying the hands too tightly.

What do we do? We say, OK, we want to be reasonable about this. If we have a recession for two quarters, then this does not apply. Who would want this to apply in the middle of a recession if you needed money for unemployment compensation? Of course, you would not want it to. If you needed to do something to help the economy come up so the Social Security program would be helped by recovery and prosperity, who would object to that?

Put that alongside of having no lockbox so you could use it for anything, like the President wanted to in his budget. It is amazing. The President wants to spend $158 billion of this trust fund for just programs, not emergencies, not a war, just for programs to expand on the Government. You can count on it, seniors. You cannot do that if this lockbox is put in effect. You will have to find the money in other program cuts or do something else, but you could not use it.

We also said, if there is a war, if there is an emergency with reference to the defense of our country, you could use it, but not for ordinary expenditures of Government.

I remind everyone, this is a lot of money, $1.8 trillion going in this trust fund over a decade which belongs to the seniors and takes down our national debt while it sits there waiting for us to use it for Social Security purposes only. Now we have somebody arguing it may be some new Social Security program that just Republicans want that you would use it for. That is kind of preposterous.

When you have a reform Social Security program, it is going to have to clear both Houses of Congress and be signed by a President. It is obviously going to be a good program. Seniors are going to be watching it. But that is what we think this money ought too be used for.

As I view it, everybody on both sides of the aisle and the White House talk about not using this trust fund for anything but Social Security. I worked very hard to find a way that will clearly say: You can't do it; you can't spend it; you need 60 votes, and you are going to have to increase the debt limit in order to spend this money.

I thought that was something everybody would like. Frankly, I thought those running across America saying, "We want to take care of Social Security," would not be for this.

Do you know what I think? I think it is just too tight a lockbox. It is not a loose lockbox like they are talking about. It is too tight. You are not going to be able to embezzle from it anymore. You are not going to be able to rob from it anymore. You are not going to be able—if you do not think it was embezzlement or robbery; if you just think we were spending the money—you are not going to be able to spend the money anymore.

What is wrong with that? I believe that is exactly what we ought to do. Frankly, I anxiously await the vote. I do not believe we will get cloture, but everybody knows by not giving us cloture, the Democratic side of this Senate is clearly saying: We want to make sure you cannot spend the money, but don't make too sure that we can't spend the money; don't make it too certain that we can't spend the money; just leave a little bit open there so in case we need it, we can spend it, because we would like some new programs or we would like to cut taxes.

Actually, this applies to tax cuts, too. You cannot use it for tax cuts because it says in there what it can be used for and nothing else.

I thank everyone for the debate. It has probably been a healthy one. In particular, I thank Senator ABRAHAM, a valid member and respected member of our Budget Committee. He is the principal sponsor of this proposal. I think he has carried the load admirably on the floor, and I thank him for his efforts.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER. Two minutes.

Mr. DOMENICI. Would Senator LAUTENBERG like 1 minute of my time?

Mr. LAUTENBERG. That would be very generous.

Mr. DOMENICI. I give the Senator 1 minute of my time.

Mr. LAUTENBERG. Thank you, Mr. President.

The chairman of the Budget Committee knows his products very well. But I am forced to ask this question, and that is whether or not, under any stretch of view, Social Security reform could include a tax cut measure, perhaps in the interest of raising some retirement benefit that someone might have?

Mr. DOMENICI. No, unequivocally no.

Mr. LAUTENBERG. So it could only be used for Social Security reform, which would mean what?

Mr. DOMENICI. It means any programmatic reform that the Congress of the United States passed and a President signed that increases the longevity of the trust fund and makes the Social Security program available for longer periods of time, increasing the solvency of the fund and guaranteeing the payments.

Mr. LAUTENBERG. I thank the Senator.

Mr. DOMENICI. Let me close this. If nobody objects, we can vote 30 seconds early.

I thank everybody for their participation. From my standpoint, I wish we had a reform-Social-Security package before us. That is my wish. But since we do not, we ought to leave the money there until we do. I hope everybody understands it is easy to make excuses; it is hard to come up with things that will really lock this money up. We have one before us today.

I yield back my time. And obviously, the yeas and nays have been ordered; have they not?

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 254 to Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as part of the budget process:

Trent Lott, Pete V. Domenici, Ben Nighthorse Campbell, Jeff Sessions, Kay Bailey Hutchison, Craig Thomas, Slade Gorton, Chuck Hagel, Spencer Abraham, Thad Cochran, Pat Roberts, Conrad Burns, Christopher S. Bond, John Ashcroft, Jon Kyl, and Mike DeWine.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 254 to Senate bill 557, a bill to provide guidance for the designation of emergencies as part of the budget process, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moynihan

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST—S. 96

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 34, S. 96 regarding an orderly resolution to the Y2K problems.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I object.

Y2K ACT—MOTION TO PROCEED

Mr. LOTT. I now move to proceed to S. 96, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 34, S. 96, the Y2K legislation:

Trent Lott, John McCain, Rick Santorum, Spencer Abraham, Judd Gregg, Pat Roberts, Wayne Allard, Rod Grams, Jon Kyl, Larry Craig, Bob Smith, Craig Thomas, Paul Coverdell, Pete Domenici, Don Nickles, and Phil Gramm.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I regret having to file a cloture motion on this important piece of legislation. However, we need to have a vote on Monday afternoon so that Members will be here. We can have committee meetings hopefully Monday and Tuesday.

We have a number of very important issues that need to be considered by committees. We need to move forward on the now two supplemental appropriations requests that we have. So we are going to have a vote on Monday in any case.

But also I think this is very important legislation in and of itself. It is important that we get up and get started on the discussion. I had hoped we could actually work on it today and tomorrow. But because of the NATO meeting and the congestion and the concerns about access to and from the Capitol, we will not be in session on tomorrow. That gives the Members who are working together—Senator MCCAIN I know is working with others, Senator BIDEN, Senator DODD—time to try to work out some of the remaining problems on this legislation.

We can go forward with this cloture vote on Monday afternoon. Or, if something is worked out where it is not necessary, we could still vitiate the cloture vote.

We need to get this done. This is urgent. The clock is ticking. We are moving towards 2000. This liability, this problem, is hanging over us like a sword. I think it is important that we go forward. I hope that next week—Tuesday or Wednesday, certainly—we will be in the substance of the bill and we can get to a final conclusion on the substance.

I encourage Members on both sides of the aisle to work together to see if we can't resolve this issue and move it on into conference.

I thank Senator MCCAIN, Senator HATCH, and Senators from both sides who have been working on it.

Having said that, I ask unanimous consent that Friday be considered the intervening day under the provisions of rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY addressed the Chair.

Mr. LOTT. Mr. President, if I could, if there was not an objection, I would be glad to yield to the Senator from Massachusetts for a question.

May I confirm that there is not an objection to that request?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I would be glad to yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the majority leader for yielding. I simply wanted to inform him, I wasn't on the floor at the moment the objection was raised to the Senate proceeding as Senator MCCAIN hoped to do.

I want to say that I had a discussion with Senator MCCAIN, Senator DODD, Senator HOLLINGS, and others. A bona fide effort is being made right now to work with the technology community as well as with the legal community. I think there is the capacity to come together around some form of compromise.

I thank Senator MCCAIN for his leadership on this. I think it may be possible within hours to come together around something.

Mr. LOTT. That is certainly my hope. It is encouraging that the Senator from Massachusetts would say that.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. LOTT. Yes. I am happy to yield to the Senator from South Carolina.

Mr. HOLLINGS. We are trying to work out the matter of the quorum call that is required with, of course, the vote on Monday. I would have to object to dispensing with that call for a quorum on Monday, and maybe we can change it by the end of the afternoon. I am trying to check around right now.

The Senator from Arizona doesn't mind, does he?

Mr. MCCAIN. No. I will always do what the Senator from South Carolina says.

(Laughter.)

Mr. LOTT. Did the Senator from South Carolina have anything further he wanted to say?

Mr. HOLLINGS. No. That is all.

Mr. LOTT. Then I will go ahead and ask unanimous consent that the cloture vote occur at 5 p.m. on Monday, and that the mandatory quorum under rule XXII be waived.

Mr. HOLLINGS. I object to the mandatory waiver of the quorum call.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Of course under the request that has already been agreed to and under the rules of the Senate, we will have a vote on Monday afternoon. It is just a question of time. I know there is an effort here to try to set the schedule at a later time.

I remind Senators that I wrestle with this all the time. For every two Senators you are trying to protect who won't get here until 6, you are hurting a couple of Senators who may have to leave at 5:30. This is a very delicate dance.

Mr. HOLLINGS. I understand. That is why we are calling around now trying to work it out with the leader. He just hasn't gotten it worked out yet.

Mr. LOTT. I hope the Senator would keep in mind that we are going to be squeezed on both ends. We will try to work out a time that benefits the maximum number of Senators. But if you go into the night beyond 6 o'clock, you have all kinds of problems on the other side of the issue.

With that, I yield the floor. Mr. President, we are ready to proceed with the debate on the issue.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, obviously I am disappointed that we did not proceed to S. 96. I am encouraged by the comments of the Senator from Massachusetts and others. The Senator from Oregon and I are continuing to have a dialog also with the Senator from Connecticut, Mr. DODD, and, of course, with the distinguished Democrat on the committee, Senator HOLLINGS.

So I hope we can come to some agreement. I am given occasionally to flights of rhetoric, but the fact is, this is a very, very serious issue and one that we really cannot delay too much longer. The clock is ticking. We need to move forward. There may be some differences. I don't think anybody believes that we need to do something destructive.

This problem is critically important. The potential for litigation to overwhelm the judicial system for the most egregious cases involving Y2K problems is very real. Litigation costs have been estimated as high as $1 trillion. Certainly the burden of paying for litigation will be distributed to the public in the form of increased costs in technological goods and services.

The potential drain on the Nation's economy and the world's economy from fixing computer systems and responding to litigation is staggering. While the estimates being circulated are speculative, the costs of making the corrections in all the computer systems in the country are astronomical. Chase Manhattan Bank has been quoted as spending $250 million to fix problems with its 200 million lines of affected computer codes. The estimated costs of fixing the problem in the United States ranges from $200 billion to $1 trillion. The resources which would be directed to litigation are resources that would not be available for continued improvements in technology-producing new products and maintaining the economy that supports the United States position as a world leader.

Time is of the essence. If the bill is going to have the intended effect of encouraging proactive prevention and remediation of Y2K problems, it has to be passed quickly. This bill will have limited value if it is to be passed after the August recess. I urge my colleagues to vote for cloture on Monday when we move forward with that.

I have a number of letters, studies, and a lot of information I will present when we move to the bill. I will be very clear. From the technology network, we have letters of support from Cisco Systems, Intel, Microsoft, American Online, Merrill Lynch, Novell, Adobe Systems, Alexander Ogilvy Public Relations Worldwide, Platinum Software, American Electronics Association, Marimba, Inc., NVCA, Kleiner Perkins Caulfield & Byers, LSI Logic—the list goes on and on.

This is an important issue to the high-tech industry in America. It is very important. It is of critical importance as to how these corporations that are leading the American economy are able to proceed with the business of business rather than the business of litigation.

I hope all of my colleagues will support this legislation and that we can move forward. As the Senator from Connecticut will state, we still have differences but we are working hard on working those out with the Senator from Oregon, the Senator from Massachusetts, and of course, the much esteemed Senator from South Carolina, Mr. HOLLINGS.

I see my other colleagues would like to make comments on this very important issue. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I'll be brief because I know my colleagues from Oregon and South Carolina and others may want to speak on this. I think there is a need to try to come up with some legislation to minimize what could be runaway litigation in this Nation. There have already been some 80 lawsuits, many of them class action lawsuits, filed on the Y2K issue.

I think all of my colleagues are aware that the leaders asked Senator BENNETT of Utah and myself to chair this Special Committee of the Senate to examine the Y2K problem. We have been working for well over a year. We have had some 17 hearings in which we have invited various sectors of our economy —both private and public—to give their assessment of how the remediation efforts are progressing and the condition of our institutions. Both of us, I think, feel confident that things are progressing well, that we are not going to have as much of a problem as we thought a few months ago, but that there still could be difficulties. Y2K issues internationally may be a much greater problem than those here at home.

There is a report out which has been sent to each and every Senate office, which I encourage our colleagues to take a look at to get a sense of how the issue is progressing. It is an open-ended question whether we are going to have a whole new area of litigation here—unwarranted litigation—which could destroy some small companies that lack the capacity to take on the kind of predatory lawsuits that too often do more damage than good.

Simultaneously, I adamantly oppose any legislation to try to use this issue as a way of rewriting the tort laws of the country. This ought not to be that kind of vehicle. There is a legitimacy to the Y2K problem, but no one should think it possible to take advantage of the Y2K problem to achieve tort reform beyond the scope of the actual problem. I don't think our colleagues would support it—at least not a majority, and the legislation, if it managed to get through Congress, would be vetoed. As the Senator from Arizona pointed out, we would have failed in our obligation to try to do something in an intelligent, thoughtful, common-sense way that legitimately deals with the issue presented by the Y2K problem without going overboard and doing, as some have suggested, a lot more damage than good.

I am hopeful we can work something out here. Senator WYDEN has been working on it. I know the Senator from South Carolina has strong interests in this issue, as he has on so many other issues. We can find some common language here. My hope is that we will enjoy broad-based support in the Congress, achieve the desired effects, and provide some real assistance in the face of this potential problem that lurks 253 days from today, which begins the new millennium.

Senator BENNETT and I have spent the last year serving on a Senate committee totally devoted to the Y2K issue. We've held 18 hearings exploring every sector of our economy that might be affected by the Y2K problem, including financial institutions, utilities, healthcare, telecommunications, and business. Throughout this year one thing has been made abundantly clear. Wherever the Y2K problem exists next year, litigation will follow.

Americans have become accustomed to living in a litigious society. The occasional abuses of the legal system that come along arise from problems that are limited in scope. As a result, the numbers of lawsuits related to those problems are limited, and our legal system and economy continue to function notwithstanding these occasional abuses. But the Y2K problem is not limited in scope. Potentially, any business in the country might be swept into the Y2K problem, either because it is itself not prepared or because a firm it depends upon is not prepared. Just six weeks ago the committee reported that as many as 15 percent of the businesses in this country will suffer Y2K-related failures of some kind. Even now we read that small and medium-sized businesses across the globe are not taking the necessary steps to become Y2K-compliant, and many think they don't have a Y2K problem. Since businesses are interconnected these days, just one failure in one business may generate cascading failures that may then generate numerous lawsuits.

It has been suggested that as a result of Y2K, the United States could easily find itself witnessing a huge surge in litigation. This potential litigious bloodletting could have long-term consequences on the economic well-being of our country. Various experts, including the Gartner Group from my own state of Connecticut, have estimated that the costs of litigation may rise to $1 trillion, a phenomenal figure. Such a massive amount of litigation has the potential to overwhelm the court system, disrupting already-crowded dockets for years into the next millennium. We must be careful that an avalanche of lawsuits does not smother American corporations and bury their competitive edge. A maelstrom of class action lawsuits could have long-term consequences on the American economy and the American people. The rush to file lawsuits might curb the future economic development in a number of different sectors. Moreover, all of the money that would be set aside this year by businesses for legal expenses associated with the Y2K problem, both as defendants and as plaintiffs, cannot be spent on fixing the Y2K problem. As we heard in our hearing on this issue, both large and small businesses are concerned that the fear of litigation later is preventing them from solving problems now.

For this reason, I have long believed that the Congress could perform an essential service to the nation's economy by developing legislation that would encourage companies, in the first instance, to solve their own Y2K problems instead of going to court right away, and to curtail the inevitable frivolous litigation that accompanies any national problem. We should not force businesses to choose between spending money on remediation or spending money on preparing for litigation. An alternative to this choice is reasonable litigation reform.

Within the Banking Committee, I am on record for supporting significant securities litigation reform. Our 1995 bill, which was passed, despite veto by the White House, spoke to definitive and repetitive litigation abuse. At that time the legal system was no longer an avenue for aggrieved investors seeking justice and restitution. Instead, it had become a pathway for a few enterprising attorneys to manipulate legal procedures for their own profit. This profit came at the expense and the detriment of legitimate companies and investors across the nation. The crucial factor driving securities reform legislation was a specific, clear-cut pattern of abusive litigation. In the case of Y2K, however, we don't yet know what abuses might arise.

In other words, I have strongly supported litigation reform efforts in the past. But clearly we need a bipartisan, narrowly crafted, well-structured, and easily understandable bill. As with securities litigation reform, the need for Y2K litigation reform arises from a national problem amenable to a narrow, tailored solution, such as the bill I introduced.

I have great concerns that the bill before us today does not represent the narrow, tailored solution to the Y2K problem that I believe is necessary. It contains broad provisions tantamount to massive tort reform, which should be saved for another day. The Y2K problem should not be used as an excuse to pile on these broad measures. I think we can all agree on what we'd like a bill to do; indeed, the bill before us today and the Hatch-Feinstein bill contain many of the same provisions as are in my bill. I take issue, however, with a few provisions in both of these bills that I veiw as unnecessary window dressing for interests unrelated to the Y2K problem.

First, the bill before us places caps on punitive damages except where the defendant acted intentionally. Nothing inherent in the Y2K problem requires that this be done. No state allows for the award of punitive damages unless the defendant has acted in some egregious manner. Defendants who have behaved responsibly will not be assessed punitive damages, and defendants who have behaved egregiously should not be rewarded by limiting the amount of punitive damages which they might be required to pay. My bill does not cap punitive damages because it is not necessary to do so.

Second, the bill before us places caps on the personal liability of officers and directors, those individuals with the ultimate responsibility for the management of their firms. For years now Senator BENNETT and I have done everything possible to get upper management, including officers and directors, not only to pay attention to the Y2K efforts of their firms but to become directly involved and responsible for those efforts. After a lot of hard work in this area, our efforts have finally paid off and most upper management of major firms have appropriately shouldered these responsibilities. To come in now and place caps on the personal liability of officers and directors would set back our efforts to get management's attention on this issue. Passing such caps gives these ultimate decision-makers less incentive to maintain their active involvement in Y2K remediation efforts. A related provision in the bill that raises the standard of proof for such individuals for many tort actions gives them the same excuse. My bill does not contain such provisions because I believe they are an excessive solution to an uncertain problem.

What my bill does do is provide the narrow, tailored provisions I think necessary to address the problem presented by the spectre of Y2K litigation. Just as the other two Y2K liability bills introduced in the Senate do, my bill provides for a 90-day cooling off period to allow businesses to work out their Y2K problems together before they are forced to go to court. Just as the other bills do, my bill places a duty to mitigate damages on all parties which gives them an incentive to seek out solutions to their own Y2K problems. Just as the other bills do, my bill discourages frivolous litigation by including specific pleading requirements and a requirement that defects alleged in class action lawsuits by material. Just as the other bills do, my bill rewards companies that have taken steps to become Y2K compliant by allowing for a reasonable balance between proportionate liability and joint and several liability.

While I strongly believe that a Y2K liability bill is necessary, I have great concerns about this Y2K liability bill in its present form. No one wants to see a solution to this problem more than I do, but I am not willing to compromise efforts to solve the Y2K problem to satisfy unrelated interests, nor am I willing to trade in the Y2K problem only to get a litigation problem down the road. While we are rushing to solve the Y2K problem and the policy issues therein, we should above all strive to enter the next century with a sense of vision, and this vision should include a prudent analysis of the looming challenges of potential Y2K litigation. I assure you that no one wants to begin the next millennium by trading a vision of the future for a subpoena.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I know the Senator from South Carolina has important remarks to make this morning.

I have joined with Senator McCAIN in cosponsoring this legislation that comes before the Senate, after voting against the bill that came out of the Senate Commerce Committee. I have done so because there have been at least seven major changes made in the legislation after it came out of committee so that now when it comes before the Senate it is a balanced bill. It is a bill, in my view, that will ensure that innocent consumers are fully protected while at the same time helping to prevent the kind of chaos we could have in our economy if we have scores and scores of unwarranted lawsuits as a result of the Y2K problem.

As we all know, the Y2K issue is not a partisan issue. It affects every computer system that uses date information, every piece of hardware, every piece of an operating support system and all software that uses date-related information. Our goal ought to be to try to bring about Y2K compliance. That is our principal focus. The Senate is already on record in that regard. At the same time, we ought to put in place a safety net to ensure that innocent consumers, particularly small businesses, will have a remedy and will not see their businesses devastated.

I wrap up my brief remarks this morning by outlining a few of the changes that Senator McCAIN and I worked on with Senator DODD, Senator FEINSTEIN, Senator LIEBERMAN, and others, so that the Senate has a sense of the many changes that have been made to ensure consumers get a fair shake and that are in the bill before the Senate today.

The first that I think is particularly important is we will make sure there is a sunset provision in this legislation. The original bill contained no sunset provision. There were some who said this is just opening up brand new areas of tort law that are going to exist forever, this is just a backdoor effort to hot wire the legal system and ensure that we are restricting liability suits in the future. That is not the future. There is a sunset date to ensure that we are addressing just legitimate problems that have come about as a result of the Y2K failures.

Second, and another area I feel so strongly about, is we ensure, when there are really egregious, outrageous offensive instances of conduct in the private marketplace, fraudulent conduct, that punitive damages will still be available. It is important to us that there not be new preemptive Federal standards in that area. That has been done.

Next, we have made changes with respect to the principle of joint liability. This is especially important where you have defendants who are involved, again, in committing these outrageous acts, essentially fraudulent acts. That is kept in place as well.

So I do believe this is a bill that is targeted specifically at the kinds of problems that are going to be seen if we do not pass a balanced, responsible piece of legislation. This involves business-to-business activity. I suggest to some of our colleagues this has nothing to do with personal injury issues. If someone is injured, for example, as a result of an elevator accident because computers have broken down, and is maimed or killed, all of those personal remedies will lie.

So those are briefly some of the changes since the bill came from committee. We have seen, again, the Senate wants to work in a collegial way on this. My good friend from South Carolina and I have had several spirited discussions on this issue in recent days. He feels very strongly about it. My part of the country has looked at technology as a big part of our economic future. We want to come up with a responsible, balanced bill.

The Senator from Connecticut and I have put on the desks of all Democratic Members of the Senate today a letter which outlines a number of the changes that have been made. We heard earlier Senator KERRY is pursuing some discussions as well. So I am hopeful between now and next week we can have a bipartisan bill that is balanced, that comes before the Senate and builds on the work Senator MCCAIN and I have tried to do since the partisan vote in committee. I look forward to working with my colleagues towards that end, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, with respect to the Y2K problem, it is very interesting to note, the problem has been prepared for technologically, by the very groups they say the bill is to protect, for 30 years. They have the technology. There is no hocus-pocus about that.

I wish everyone would look back about 4 weeks ago and pull out of an edition of Business Week an extensive article to the effect that the market force is working. Large businesses, the GEs, the Ford Motors, the Xeroxes, the IBMs and everybody else, working with their suppliers down the line, have long since put them on notice. I do not have my file with me, but the drop dead date is the end of this particular month, April 1999, where you still have several more months to comply. But the market, knowing the technology is there, knowing of course you are going to be facing this, is trying to, like a Paul Revere, wake the town and tell the people. And they have been doing it. We did it last year, on a bipartisan basis, when we said: "Wait a minute, if we cannot work these problems out, we will be slammed with antitrust." We got together quickly, the Senator from Connecticut and others, and on a bipartisan basis we passed that measure. Everything has been working fine.

I spoke earlier this year—I do not want to mislead—I spoke with my friend, Mr. Andy Grove of Intel, who is very much concerned about proportionality. But other than that, we spent a good hour in my office talking about large computerization and everything else. That community knows. They are way ahead of lawyers and lawsuits, I can tell you that, as the business leaders.

William Gates—Bill Gates, out at Davos, Switzerland, at the conference, said there was no problem. And this past week the New York Times wrote a summary article on the Y2K problem.

Mind you me, this is the middle of April 1999, months ahead, of course, of January 2000. They said people are moving along and everything else. You see, it is a practical problem. There is a bunch of old equipment on hand. Every automobile dealer faces this every year because they are going to bring out another model. So they all know about bringing out new models and everything else like that. Of course the new model needed for 2000 is the Year 2000-compliant model.

But what happens is that a side group has come in, upon this particular concern and interest, not at all interested in the Y2K. We could win this debate hands down on Y2K. But they are interested in distorting the tort liability laws of America. They have been about it and I have been with them for 20 years. There is a wonderful gentleman named Victor Schwartz with the National Association of Manufacturers, and he sends me a wonderful Christmas greeting, thanking me for the wonderful year he has had, because I keep his clients current as long as we can continue to defeat product liability.

But now we have another gentleman who has come over to the Chamber of Commerce named Tom Donohue, and I know him well. I worked with him in the Truckers'. He is coordinating this conspiracy. There is a great problem. "We have legitimate business folks in the computerization business who are going to front for us. We don't want to argue about taking away the rights of trial by jury that we have beat upon." They don't want to have to take on the Association of State Supreme Court Justices and everything else of that kind. "We want to talk about Y2K, Y2K, Y2K, crisis, crisis, crisis." And they even act like there is one, 7 months ahead of time.

My little State of South Carolina just reported they would be compliant in July of this particular year, 1999. If South Carolina can get ready, everybody and anybody can get ready by the year 2000, I can tell you that. But they come in under the auspices of a crisis, to try to change punitive damages, try to change trial by jury, try to change joint and several liability—they are trying to change it all. Anywhere they can get a foot in the door for this particular precedent by this particular Congress under the general phraseology "tort reform," they think they are home free. And I am afraid they would be.

The truth of the matter is, under the present legal system of the States', we are having the finest, most booming economy you have ever seen. The stock market has gone over 10,000, the interest rates are low, the unemployment rate is about the lowest it has ever been in 30 years, and right on down the list. So what you are finding out, right to the point, is that there is not a problem. Business is doing well.

In fact, the analysis done in this particular debate over 20 years has found it has not been greedy trial lawyers bringing fanciful suits with no substance whatsoever, just harassing. Mr. President, the good trial lawyer has no time for that nonsense. He does not get paid until he wins. He has to prevail. He has to come to court, he has to prove his case by the greater preponderance of evidence. He has to get not just 5 or 6 votes, he has to get all 12 votes. Then he has to go through the obstacle course of an appeal to the Supreme Court. Why? Because corporate America continues to get paid as long as the clock runs.

It is a tragic thing that has been occurring in the system of jurisprudence in America, because I practiced law for 20 years and I practiced representing businesses, incorporated and otherwise, but predominantly on the trial side with poor clients. I did not get a recovery unless the client got a recovery.

I was against continuances, against motions, against more depositions, against more discoveries. You see that mahogany-wall, oriental-rug crowd down here. There are 60,000 registered to practice in the District of Columbia trying to fix your vote and my vote, just fixing juries. They will never get to the courtroom. They sit around and tell the clients: Come on, computer industry, we can change the tort system so we can take away the rights of the very group, Mr. President, that it is supposed to protect—mainly small business.

They have the National Federation of Independent Businesses. That is the small business group that the law now protects. Instead, under the bill as proposed, a small business owner will have to wait 90 days before he or she could bring proceedings in court to recover damages. They know at the very beginning what is contracted for and what is wrong, but this requirement is going to delay them, increasing the time and costs of the suit. Then you have to prove various other measures by one of the highest standards of proof, almost like in a civil case. In cases where a party generally is required to prove by a preponderance, they seek to have the standard to be clear and convincing.

I say that advisedly because with this particular system, as it has worked out over the years—come to South Carolina. We had tort reform, but I have, they say, the competitive businesses. I am bringing in the Hondas, the BMWs, as well as the expansion of the GEs and other industries from all over the United States and the world coming into South Carolina where we have a civil statewide tort system.

Actually, these contracts are under the Uniform Commercial Code and ought to be tried on a contract basis. But, no, they do not want to even talk about the defect in the entire measure. The measure is not needed. The measure is misguided. The measure is an adulteration of the system, and bringing it to the Federal level, trying to tell the States—and that is what I hear from the other side of the aisle, that the people back home know best, they keep quoting Jefferson to me, less Government, let the States operate and everything else of that kind. They do that until they get something for big business. Now they want to come in and make sure they can have that clock run, that they can make a fortune, and the little man cannot even afford to bring his particular action.

I have every objection in the world to this measure. I do not mind compromising. I have always dealt with that particular approach for the almost 50 years now that I have been in public service. But I can tell you what this is. This is not Y2K. They have everybody running all around. Look at the morning Washington Post and you will see the different people. It is like: "Sooey, pig, you come, we got them, we're going to get you to do this, get them to do that," and take the person who has made the contract—and right now they can look at their contract and see what is what in April 1999, months ahead of January 1.

They know whether they have the bad model or the right contract, and they know what is going to be required. This really allows an industry to offload all the old stuff and then come in with an adaptation next year that is going to cost over and above the particular computer.

It is bad business. It really distorts the jury system and the tried-and-true system of American jurisprudence. That is why I had to object, because I have been busy on this other farce, this so-called lockbox that allows everybody to have the key but the poor Social Security crowd that is bringing about the surplus. There is not any question about that farce that is going on. They are just trying to make for a TV short in next year's campaign. We are going to make TV spots and show the inaccuracy of it. That is exactly what we have been doing, paying down public debt with Social Security money, thereby running up, up, up and away the Social Security debt. When you pay down someone else's debt with your money, you incur an indebtedness increase in your own program, namely Social Security.

There we are. They are trying their best to ram it through on Y2K, and they are all going around oozing and goozing how reasonable we are and we are trying to work this out. It ought to be killed dead in its tracks. Anybody who is looking out for the individual rights of the small businessman, the little doctor, the little law firm—any little business person who does not keep a lawyer on retainer and they have an instrumentality, namely a computer, that they say is ready to comply, and then they find out it does not comply, that is a breach of contract under the Uniform Contract Code. They can bring that action. Mr. President, unless there is a fraudulent breach, it does not come under tort law, it comes under the contract law.

Incidentally, it is businesses suing businesses. That is the big logjam. Any study, any research done with respect to the actual increase in the volume of lawsuits in America will find businesses suing businesses. I am exhibit 1 on this particular issue, for the main and simple reason, we worked for 4 years to get through the 1996 Telecommunications Act. Once we got it through, rather than businesses doing what they said, namely competing, they all started with their lawyers: It was unconstitutional, take it up to this court—they have all been in court. Why? The ratepayers are paying for the lawyers. It does not cost them any money, and they are going around buying up each other, combining rather than competing.

They have a legal game going, which is in some measure the same thing they had going with AT&T that caused Judge Greene to break it up. It seems to me that we are going to have to break it up again. That is what we are looking at now with the FCC: getting a drop-dead date for them to comply with the law that they wrote.

They do not want to comply. They want to combine. They want to use their monopolistic powers with their lawyers in business. But it is not the poor little injured party in court with a jury trial that is at issue, generally speaking, with respect to Y2K. It is the downtown crowd that is scaring up clients and scaring up fees and scaring up activity against the States.

The States have their own laws. The State of Illinois is well regarded as a place of high jurisprudence, and they do not need the Federal Government coming in and telling them how to protect the little man. Here, under the auspices of protecting the little man, we are going to take away his rights and drag him out, as if he had a lawyer waiting. It is to discourage the little man's day in court. That is why we will be watching it very closely.

I don't know that this one will be worked out. In all reality, I think we can get the votes—not necessarily on the matter of proceeding. We do not mind proceeding, we are just trying to get the time. We can get the votes on the cloture to kill this measure.

If the computer industry is really serious about it, there may be some compromise, but for this particular Senator, I have no plans at all of compromising on the fundamental constitutional rights of a trial by jury and what the States have developed over many, many years, which is the finest business environment that exists in the world today. Nothing is hurting them. I do not have any of these foreign industries coming in and saying, "But, Senator, we're worried about product liability, we are worried about joint and several, we are worried about trial by jury, we are worried about all these other punitive damages." You do not hear that until you can get politicians running for national office, and then they put it in the polls.

Under "Henry V," Shakespeare said, "Kill all the lawyers." Of course, it was the biggest compliment. The only way that individual rights and freedom could not be sustained is to kill off the crowd that was going to protect individual rights and freedom. So it really was the greatest of all compliments. It was not that they were against lawyers, but they knew how to start anarchy. So that is what they told Dick the Butcher when they shouted, "Kill all the lawyers."

That is what you have on Monday when we get to the regular debate. We will see which lawyer crowd we are going to kill off.

I yield the floor.

Mr. LEAHY. Mr. President, the sweeping terms of the bill before us are not justified. Senator MCCAIN's substitute, like the underlying bill, unfortunately, remains a wish list for special interests that are or might become involved in Y2K litigation. The broad liability limitations in the legislation risk rewarding irresponsible parties at the expense of the responsible and the innocent. That is not fair or responsible.

I cannot support such one-sided legislation that restricts the rights of American consumers, small business owners and family farmers who seek redress for harms caused by Year 2000 computer problems.

I remain open to continuing to work with interested members of the Senate on bipartisan, consensus legislation that would deter frivolous Y2K lawsuits and encourage responsible Y2K compliance. In my judgment, today's bill would more likely have the opposite effect. It proposes sweeping liability protection that will encourage more Y2K litigation and discourage curing Y2K problems.

The right approach is to fix as many of these problems ahead of time as we can. Ultimately, the best defense against any Y2K-based lawsuit is to be Y2K compliant.

Let me offer a few examples how this bill would restructure the laws of the 50 states and cause great harm to the nationwide effort to fix our Y2K computer problems in 1999.

First, this bill provides special liability protection to directors and officers of companies involved in Y2K disputes. Why are we doing this? Directors and officers are already protected by the business judgment rule, which has been adopted by each of the 50 states. How will this special legal protection for corporate directors and officers affect the well-established precedents interpreting the business judgment rule in our states?

Moreover, every director and officer of a corporation has standard insurance coverage to protect him or her from personal liability in the course of their duties. Will insurance companies reap windfall profits from this special legal protection for corporate directors and officers? Or should insurance companies rebate the premiums they have charged for existing insurance coverage for corporate directors or officers because it might be superfluous now? Who knows? But these questions will be hot spots for future litigation if this bill becomes law.

Providing special Y2K liability protection to the key decision makers in a company at this juncture sends the wrong message to the business community.

We want to encourage these key decision makers to be overseeing aggressive year 2000 compliance measures. Instead, this bill says to corporate officers and directors: "Don't worry, be happy."

I want those corporate officers motivated to fix their company's Y2K problems now. After their corporation is Y2K compliant and they have worked with their suppliers and customers and business partners and we have avoided Y2K problems is the time to be happy.

Second, this bill caps punitive damages to 3 times the amount of compensatory damages or $250,000, whichever is greater. If the defendant is a small business, then $250,000 is the ceiling for any punitive damage award.

These punitive damages caps again send the wrong message to the business community by protecting the bad actor, instead of rewarding the responsible business owner.

The bill contains an exception to these punitive damages caps if a plaintiff can prove by clear and convincing evidence that the defendant intentionally defrauded the plaintiff. This exception will prove meaningless in the real world because no one will be able to meet this high and specific standard for proving the injury was specifically intended. How in the world is a plaintiff going to prove some intentionally tried to injury him or her in a Y2K case? Get real.

Punitive damages are awarded only in cases of outrageous conduct. If a business takes responsible steps to become Y2K compliant, it will not be subject to punitive damages. These caps on punitive damages, like many other parts of the bill, discourage responsible Y2K remediation efforts.

Indeed, by limiting punitive damage to a dollar figure, $250,000, these special legal protections may encourage some companies to analyze the costs and potential risks of Y2K noncompliance and make the calculated business decision not to make the investment needed to come into compliance. The same type of calculation, for example, apparently made by Ford in the exploding Pinto gas tank case.

A cost-benefit approach does not fix a corporation's Y2K problems, but only leads to more litigation. Litigation with punitive damages caps may, in the judgment of the company's accountants, be worth enduring if it costs less than Y2K compliance.

Third, the bill severely restricts the amount of damages that an innocent plaintiff can recover from a guilty defendant by abolishing joint and several liability in most cases. The exceptions to this proportionate liability are so complex that they invited more litigation, not less.

This proportionate liability may unfairly penalize innocent consumers and small businesses and reward irresponsible companies.

For example, a small business forced to shut down temporarily because of a Y2K computer malfunction may not be able to recoup all of its losses under proportionate liability if it fails to identify all the responsible parties that caused that Y2K problem. As a result, that small business may be forced to file for bankruptcy because of its limited resources. Why is the innocent small business owner, who may not know and should not know all the responsible parties in the manufacturing chain of a non Y2K compliant product, forced to go out of business?

Moreover, this bill's many federal preemptions of state contract and tort law are all one-sided. The bill's provisions benefit only defendants, not plaintiffs, in Y2K disputes.

The bill raises the standards of proof from a preponderance test to a clear and convincing test for plaintiffs to prove negligence and other torts claims without any corresponding responsibility on defendants. The bill adds new state of mind requirements on plaintiffs to prove tort claims without any corresponding responsibility on defendants.

The bill also greatly expands the jurisdiction of the federal courts to consider Y2K cases under its class action provisions—an approach soundly rejected last month by Chief Justice Rehnquist and the Judicial Conference. The Judicial Conference found that shifting Y2K cases from state courts "holds the potential for overwhelming the federal courts, resulting in substantial costs and delays."

In addition, the Judicial Conference concluded "the proposed Y2K amendments are inconsistent with the objective of preserving the federal courts as tribunals of limited jurisdiction." I ask unanimous consent that a letter from the Judicial Conference opposing this expanded federal court jurisdiction be printed in the RECORD.

Finally, the bill adds a sunset date of January 1, 2016, according to the latest public draft. A bill that stays effective for the next 17 years is not narrow in scope. This sunset date is not reasonable. Is this bill intended to cover year 2015 computer problems?

I agree with Assistant Attorney General Eleanor Acheson who testified at the Judiciary Committee hearing a few weeks ago on similar Y2K liability legislation that "this bill would be by far the most sweeping litigation reform measure ever enacted."

So why do we need these sweeping litigation reforms to address year 2000 computer problems? I don't know. The proponents of this legislation have offered no solid evidence to justify these sweeping provisions.

There is no reasonable justification for the sweeping liability protections in this bill because these protections are not reasonable. This bill overreaches again and again. It is not close to being balanced.

Worst of all, this bill as presently drafted would preempt the consumer protection laws of each of the 50 states and restrict the legal rights of consumers who are harmed by Y2K computer failures. Why is this bill taking away existing protections for the ordinary citizen?

We all know that individual consumers do not have the same knowledge or bargaining power in the marketplace as businesses with more resources. Many consumers may not be aware of potential Y2K problems in the products that they buy for personal, family or household purposes.

Consumers just go to the local store downtown or at the mall to buy a home computer or the latest software package. They expect their new purchase to work. But what if it does not work because of a Y2K problem?

Then the average consumer should be able to use his or her home state's consumer protection laws to get a refund, replacement part or other justice. During the Judiciary Committee consideration of similar legislation, I offered an amendment to allow consumers to do just that. I may offer a similar amendment on this bill.

Those of us in Congress who have been active on technology-related issues have struggled mightily, and successfully, to act in a bipartisan way. It would be unfortunate, and it would be harmful to the technology industry, technology users and to all consumers, if that pattern is broken over this bill.

I sense that some may be seeking to use fear of the Y2K millennium bug to revive failed liability limitation legislation of the past. These controversial proposals may be good politics in some circles, but they are not true solutions to the Y2K problem. Instead, we should be looking to the future and creating incentives in this country and around the world for accelerating our efforts to resolve potential Y2K problems before they cause harm.

Last year, I joined with Senator HATCH to pass into law a consensus bill known as "The Year 2000 Information and Readiness Disclosure Act." We worked on a bipartisan basis with Senator BENNETT, Senator DODD, the Administration, industry representatives and others to reach agreement on a bill to facilitate information sharing to encourage Y2K compliance.

The new law, enacted six months ago, is working to encourage companies to work together and share Y2K solutions and test results. It promotes company-to-company information sharing while not limiting rights of consumers. That is the model we should use to enact balanced and narrow legislation to deter any frivolous Y2K litigation while encouraging responsible Y2K compliance.

I am continuing to work with Senators from both sides of the aisle to negotiate a narrow and balanced bill.

Unfortunately, this special interest legislation before us today is not narrow and it is not balanced.

I must oppose it.

Mr. President, I ask Unanimous Consent that a letter received by the Judiciary Committee from the Judicial Conference of the United States be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUDICIAL CONFERENCE OF
THE UNITED STATES,
Washington, DC, March 24, 1999.

Hon. ORRIN G. HATCH,
Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Judicial Conference of the United States, I write to transmit views with respect to pending year 2000 ("Y2K") legislation. S. 461, as well as S. 96 and H.R. 775, seeks to promote the resolution of potentially large numbers of Y2K disputes. The federal judiciary recognizes the commendable efforts of Congress to resolve Y2K disputes short of full-scale litigation so as to alleviate the burden of such litigation on private parties as well as on federal and state courts. These are clearly laudable public policy objectives.

Some of the provisions, however, will affect the administration of justice in the federal courts. The Judicial Conference, at its March 16th session, determined to oppose the provisions expanding federal court jurisdiction over Y2K class actions in bills (S. 461, S. 96, and H.R. 775) currently under consideration by the 106th Congress. In addition, because the Y2K pleading requirements included in these bills circumvent the Rules Enabling Act, the Conference also opposes these provisions.

CLASS ACTIONS

These bills create no federal cause of action. Instead, they assume that plaintiffs will rely on typical state causes of action to provide relief in Y2K disputes. Under the bills, individual plaintiffs, as opposed to class action plaintiffs, can bring their tort, contract, and fraud suits in a state court where they will remain until resolved. While federal defenses and liability limitations established in the legislation may be raised in such litigation, the bills recognize that state courts are fully capable of applying these provisions and carrying out federal policy. This reliance on state courts, which today handle 95 percent of the nation's judicial business, follows the traditional allocation of work between the state and federal courts.

The provisions of these Y2K bills take a radically different approach to Y2K class actions—one that would effect a major reallocation of class action workloads. These bills create original federal court jurisdiction over any Y2K class action based on state law, regardless of the amount in controversy, where there is minimal diversity of citizenship—that is, where any single member of the proposed plaintiff class and any defendant are from different states. They also provide for the removal of any such Y2K class action to federal court by any single defendant or any single member of the plaintiff class who is not a representative party. While these bills do identify limited circumstances in which a federal district court may abstain from hearing a Y2K class action, it is unlikely that many actions will meet the specified criteria. The net result of these provisions will be that most Y2K class action cases will be litigated in the federal courts.

This assignment of the class action workload to the federal courts is particularly troubling because the Y2K problem may result in a very large number of class actions. While no one knows how many cases will be filed, Senator Robert Bennett, Chair of the Special Committee on the Year 2000 Technology Problem, has predicted that there could be a "tidal wave" of litigation resulting from Y2K problems. Given the nature of the Y2K problem, it is reasonable to expect that similar claims will often arise in favor of multiple plaintiffs against the same defendant or defendants. Thus, it can be expected that a substantial portion of these cases will be brought as class actions. Responding to class actions, regardless of where they are filed, will likely be a monumental task. If the current class action provisions remain in these bills, however, the important contribution the state courts would otherwise make to meeting this challenge will be lost, and the burden of the federal system will be correspondingly increased. The transfer of this burden of the federal courts holds the potential of overwhelming federal judicial resources and the capacity of the federal courts to resolve not only Y2K cases, but other causes of action as well.

Federal administration of these state-law class actions will impose other substantial burdens. By shifting state-created claims into federal court, the bills confront the federal courts with the responsibility to engage in difficult and time-consuming choice-of-law decisions. The *Erie* doctrine requires that federal district courts, sitting in diversity, apply the law of the forum state of determine which body of state law controls the existence of a right of action. The wholesale shift of state-law class actions into federal court makes this choice-of-law obligation all the more daunting as the sheer number of possible subclasses and relevant bodies of state law multiples. Some federal courts have taken the position that such multiplicity of law itself stands as a barrier to the certification of a nationwide class action. Even where a district court agreed to certify a class, it would have to make choice of law and substantive determinations that would have no binding force in subsequent Y2K litigation in the states in question.

In addition to the potential adverse docket impact on the federal courts, the proposed bills infringe upon the traditional authority of the states to manage their own judicial business. State legislatures and other rule-making bodies provide rules for the aggregation of state-law claims into class-wide litigation in order to achieve certain litigation economies of scale. By providing for class treatment, state policymakers express the view that the state's own resources can be best deployed not through repetitive and potentially duplicative individual litigation, but through some form of class treatment. The proposed bills could deprive the state courts of the power to hear much of this class litigation and might well create incentives for plaintiffs who prefer a state forum to bring a series of individual claims. Such individual litigation might place a greater burden on the state courts and thwart the states' policies of more efficient disposition.

Federal jurisdiction over class action litigation is an area where change should be approached with caution and careful consideration of the underlying relationship between state and federal courts. The Judicial Conference Advisory Committee on Civil Rules has recently devoted several years of study to the rules in class action litigation. One outgrowth of that study was the appointment by the Chief Justice of a Mass Torts Working Group. The Working Group undertook a study which revealed the complexities of litigation that aggregates large numbers of claims and illustrates the need for a deliberative review of the issues that must be addressed in attempting to improve the process for resolution of such litigation. Such issues involve not only procedural rules, but also the jurisdiction of federal and state courts and the interaction between federal and state law. Y2K class action litigation implicates the same complex and fundamental issues that the Working Group identified. Even for familiar categories of litigation, these issues can be satisfactorily resolved only by further study. An attempt to address them in isolation, for an unfamiliar category of cases that remains to be developed only in the future, is unwise.

It may well be that extending minimal diversity to mass torts may be appropriate if accompanied by suitable restrictions. The Judicial Conference, for example, has endorsed in principle the use of minimal diversity jurisdiction in single-event, mass tort situations, like airplane crash litigation, and there may be other situations in which the efficiencies to be gained from consolidating mass tort litigation in federal courts are justified. Expansion of class action jurisdiction over Y2K class actions in the manner provided in the pending bills, however, would be inconsistent with the objective of preserving the federal courts as tribunals of limited jurisdiction and the reality that the federal courts are staffed and supported to function as tribunals of limited jurisdiction.

Judicial federalism relies on the principle that state and federal courts together comprise an integrated system for the delivery of justice in the United States. There appears to be no substantial justification for the potentially massive transfer of workload under these bills, and such a transfer would seem to be counterproductive. State courts provide most of the nation's judicial capacity, and a decision to limit access to this capacity in the face of the burden that Y2K litigation may impose could have significant consequences for the efficient resolution of Y2K disputes.

PLEADING REQUIREMENTS

S. 461, as well as S. 96 and H.R. 775, sets forth specific pleading provisions in Y2K litigation that would require a plaintiff to state with particularity certain matters in the complaint regarding the nature and amount of damages, material defects, and the defendant's state of mind. These requirements are inconsistent with the general notice pleading provisions found in the Federal Rules of civil Procedure (i.e., Rule 8), which apply to civil cases. The bills' provisions bypass the rule-making provisions in the rules Enabling Act (28 U.S.C. §§2071–77). They have not been subjected to bench, bar, and public scrutiny envisioned under the Rules Enabling Act and are inconsistent with the policies underlying the Act, which the Judicial Conference has long supported.

Not only do the statutory pleading requirements bypass the Rules Enabling Act, they do so in a particularly objectionable way because they are contained in stand-alone statutory provisions outside the federal rules. This will cause confusion and traps for unwary lawyers who are accustomed to relying on the Federal Rules of civil Procedure for pleading requirements. It also would signal yet another departure from uniform, national procedural rules, following closely in the wake of similar pleading requirements contained in the Private Securities Reform Litigation Act.

On behalf of the federal judiciary, I appreciate your consideration of these views. If you or your staff have any questions, please contact Mike Blommer, Assistant Director, Office of Legislative Affairs (202–502–1700).

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. I further ask unanimous consent that Senator BINGAMAN be recognized to speak following my remarks, but that before I speak, Senator STEVENS be recognized for a couple of minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

BEYOND THE BOUNDS OF PROPRIETY

Mr. STEVENS. Mr. President, in the past several months when radio personalities—sometimes known as "shock jocks"—have gone beyond the bounds of propriety, their employers have been quick to dismiss them.

For example, the Charlotte, NC, station just yesterday fired a radio talk show host who made an on-the-air joke about this week's tragedy in Littleton, CO. There was also a Washington, DC, station that immediately fired the "Greaseman" for his racist remarks after the tragic dragging death of a Texas man that we all remember.

Now in Chicago we learn of another one of these offensive on-the-air personalities who has stepped over the line. He made insulting remarks against Special Olympians. What he said about these brave athletes is indefensible. What he said was—and it bothers me even to repeat it—

> Watch them run, watch them fall, watch them try to catch a ball. Olympics, Special Olympics. Watch them laugh, watch them drool, watch them fall into the pool. That's diving at the Special Olympics. And I know full well that I will burn in Hell, but those guys playing wheelchair basketball gotta be about the funniest—

And the expletive is deleted; they took that out—

> thing I've ever seen in my life. [And it is all] at the Special Olympics.

Mr. President, these young men and women have overcome obstacles that we cannot understand. They deserve our applause and admiration. They should not be the targets of juvenile jokes on the public airwaves.

Instead, despite this disgusting display of ill-manners and bad taste, this radio station has refused to fire that shock jock.

Mr. President, I urge all of those who listen to this man in Chicago to call for his immediate dismissal.

I yield the floor.

NATO, KOSOVO AND SLOVENIA

50 YEARS OF NATO & KOSOVO

Mr. VOINOVICH. Mr. President, on Friday, the official recognition of the 50th anniversary of the North Atlantic Treaty Organization, NATO, will begin.

And even as the participants acknowledge 50 years of NATO achievements, a cloud of war hangs over the proceedings.

No doubt NATO's involvement today in Yugoslavia will be the most talked about topic among the attendees.

And as I have stated on this floor, I oppose the introduction of ground troops. I reiterate that opposition today.

As the members gather, it is my fervent hope that they will give their full devotion to those actions that can be done to prevent further bloodshed. I believe there is no greater challenge facing the United States, NATO, and the United Nations than finding a peaceful solution to this current crisis.

NATO must also look to the future to determine what its role will be in the world and what will be the responsibility of its respective members.

And, Mr. President, I would like to draw attention to a recent Washington Post article that gives an excellent historical reference for my colleagues and NATO on the perils of introducing ground troops into the Balkan region. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 14, 1999]

U.S. NATO STUDY WWII YUGOSLAV REBELS

(By John Diamond)

WASHINGTON, (AP).—Pentagon and NATO officials considering ground troop options for Yugoslavia are studying the history of Yugoslav resistance during World War II, when hundreds of thousands of German soldiers failed to pacify determined guerrilla opposition.

The Nazi campaign was called Operation Punishment, reflecting Adolf Hitler's rage against Yugoslav partisans who overthrew their own government after Belgrade made a pact with Berlin. The campaign was well-named—Yugoslav civilians were attacked with an intensity far beyond anything NATO would contemplate.

In the end, though, the Wermacht took plenty of punishment. And five decades later, the campaign offers lessons for any force reckoning to do battle with the hardy "South Slavs" who plagued the German army in a costly guerrilla war.

When NATO first studied ground troop options last fall, Clinton administration planners cited the German experience as one reason to rule out ground troops as an option in the Kosovo crisis.

"We always look at historic campaigns—that's something we always do" when planning a deployment, said Maj. Shelly Stellwagen, an Army spokeswoman. But she cautioned, "History alone is not enough—you've got to look at the big picture."

After insisting for weeks that no plans for ground troops were in the works, top Clinton administration officials now concede that some contingencies were studied and that plans could be activated quickly if NATO decided on ground assault. U.S. lawmakers, frustrated with the continuing ethnic cleansing in the Kosovo province of Yugoslavia despite a three-week NATO air campaign, are pushing a resolution to authorize ground troops.

Pentagon planners said they were careful not to overdo the comparison of two markedly different armies fighting with different equipment in different political contexts. Moreover, Yugoslavia today constitutes a country less then half the size of the one the German army invaded in 1941. But the difficulty of the terrain and the stubbornness of the Yugoslav people remain powerful common denominators, they said.

The German invasion force of nearly 200,000—a figure some U.S. officials have cited as necessary to invade Yugoslavia today—fluctuated after 1941 from a low of 60,000 to a high of 700,000. Through it all, the German were never able to quell the multiple and dogged Yugoslav resistance forces.

An official U.S. Army history of the campaign, written in the early 1950s, contained a warning for any future force contemplating challenging Yugoslavia on the ground.

"The success achieved by the (Yugoslav) guerrillas against the Germans . . . strengthened considerably the tradition of resistance to foreign occupation forces," the Army history concluded. "There is little doubt that a foreign invader today, whether from East or West, would be confronted with a formidable task of pacification following a successful campaign against the regular forces of the Balkan nations."

As Hitler planned Operation Barbarossa, the German invasion of the Soviet Union, he wanted to secure his southern flank by neutralizing Greece. To do that he needed Yugoslavia's cooperation, and in early 1941 he thought he had it.

But Hitler badly misjudged the sentiments of the Yugoslav people.

A coup in March 1941 toppled Yugoslavia's royal government, setting a precedent that undoubtedly influences the thinking of Yugoslavia's current leadership: Governments that cave in the foreign pressure will be ousted from within.

Hitler, in a rage, ordered the carpet-bombing of Belgrade.

Hitler's War Directive No. 25 said, "The ground installations of the Yugoslav air force and the city of Belgrade will be destroyed from the air by continual day and night attacks." The strikes began 58 years ago this month, on April 6, 1941.

The Germans aimed specifically at killing civilians during 48 hours of near-continuous bombing. Hitler wanted to spare Yugoslavia's factories for his own use. NATO, by contrast, has been seeking to avoid civilian casualties while aiming at destroying Yugoslav military and weapons installations. The Germans used 1,000 attack and escort aircraft in those 48 hours. NATO has employed 700—soon to be 1,000—strike and support aircraft in three weeks of attacks.

Estimated death tolls from the Nazi bombing range widely, but published German and American estimates put the total as high as 17,000.

The German ground invasion consisted of a dozen divisions—roughly 180,000 troops—supplemented by forces from Bulgaria and Italy. German forces completed their conquest of the Balkans in 11 days.

But the lightning conquest only began Germany's troubles in the Balkans.

Despite brutal tactics, summary executions and wholesale burning of villages, German forces assaulted guerrilla strongholds again and again only to see the rebels slip into the hills and forests. By mid-1943, the U.S. Army history recounted, "It was obvious that more German troops would be required if the Balkans were to be held."

Total German forces peaked at 700,000 at the beginning of 1943, though many of these troops were either green or battle-weary veterans resting from the Russian front. No precise casualty figures exist for German forces in Yugoslavia.

Belgrade fell to the westward-marching Russians on Oct. 20, 1944.

POLAND, HUNGARY AND CZECH REPUBLIC

Mr. VOINOVICH. Today we have three new members in NATO—Poland, Hungary, and the Czech Republic.

I have long been an ardent supporter of what we use to call "the Captive Nations." There are many events that I remember as mayor of Cleveland and Governor of Ohio where we celebrated the resolve of these people to one day taste the freedoms that we have here in America.

In those days, I often wondered if I would ever witness a free Poland or a free Hungary or other nations hat used to be dominated by the then-Soviet Union. This morning I attended a reception sponsored by the Polish American Congress where Prime Minister Buzek shared with me that the wondered if it would happen in his lifetime that the would see a free and independent Poland—going from the iron curtain to solidarity to NATO.

And let me say—it's just wonderful that these nations now have self-determination and they are making great progress politically and economically from where they were 20 or even 10 years ago.

I am very proud that I was one of those who encouraged the inclusion of these three nations into the NATO alliance.

And as NATO opened its arms to these three nations, I hope NATO will open its arms to take-in the Republic of Slovenia as a member. This would be an additional of particular importance considering the events happening in Kosovo today.

SLOVENIA

I strongly support the NATO membership of the Republic of Slovenia.

As many of my colleagues know, a large number of the countries of central and eastern Europe who formerly were considered "Warsaw Pact" nations have struggled economically and politically in the years since the collapse of the Soviet Union.

The former Yugoslavia, with whom we are now at war with, has been one of our greatest foreign policy challenges in recent years.

However, despite facing many of the same challenges that have hampered other states, Slovenia has emerged as the one state in the Balkans that has established itself as the model of our democratic ideals. Slovenia possesses a stable political system, has committed to free market principles and has modernized their armed forces. It is clearly a beacon in the region.

I believe that Slovenia's involvement in NATO would powerfully underscore to the other nations of the region that reforms bring rewards, and that full acceptance by the international community is a real and attainable goal.

Further, and I think this is important, I believe that the Alliance would be strengthened by Slovenia's participation.

And let me just add that I know that my colleague, Senator ROTH has been a champion for the inclusion of Slovenia in NATO and I would be remiss if I did not mention his efforts in that respect.

CANDIDACY FOR NATO

NATO's 1995 Study on Enlargement laid out the general guidelines to be used by NATO member governments during the consideration of additional members.

Candidates must have five qualifications:

(1) free-market economies;

(2) a democratic political system based on the rule of law;

(3) a commitment to the norms of the Organization for Security and Cooperation in Europe (OSCE), including resolution of ethnic and territorial disputes with neighboring countries;

(4) civilian control over militaries; and

(5) the ability to contribute to NATO's collective defense as well as to NATO's new missions.

Since gaining independence from Yugoslavia in 1991, Slovenia has met all of these obligations and has surpassed the standard set for NATO membership established with the invitation of Poland, the Czech Republic and Hungary to the NATO Alliance.

(1) FREE-MARKET ECONOMY

Slovenia has committed to a market economy and enjoys the highest per capita Gross Domestic Product (GDP) in central and eastern Europe. This has given them the highest international credit rating in the region.

In a further indication of Slovenia's economic development, the European Union, EU, began membership talks with Slovenia in March of 1998. A November 1998 Commission report indicated that Slovenia "can be regarded as a functioning market economy." Clearly, Slovenia has met this candidacy requirement.

(2) DEMOCRATIC POLITICAL SYSTEM

Slovenia has a vibrant parliamentary democracy characterized by peaceful and meaningful political debate. Elections are free, fair, and open. There is an independent judiciary.

As the U.S. State Department's Report on Human Rights Practices for 1998 mentioned, "the press is a vigorous institution" and "in theory and practice, the media enjoy full freedom in their journalistic pursuits."

Further, the Report states that "the Government respects the human rights of its citizens, and the law and judiciary provide adequate means of dealing with individual instances of abuse." Slovenia has met the NATO candidacy requirement.

(3) COMMITMENT TO OSCE

With regards to Slovenia's role in the international community thus far, it is a member of the Organization for Security and Cooperation in Europe, OSCE, the Council of Europe, NATO's Partnership for Peace and Euro-Atlantic Partnership Council, the World Trade Organization, the International Monetary Fund as well as the World Bank.

Property rights concerns that had existed with Italy were resolved in 1996 with the Association Agreement between Slovenia and the European Union. Slovenia has again met the NATO candidacy requirement.

(4) CIVILIAN CONTROL OVER MILITARY

Since Slovenia had not fielded a military prior to its independence, ensuring civilian control was not as problematic as it might have been otherwise.

Specifically, the armed forces are controlled by the civilian defense minister while the legislative branch plays an oversight role. The NATO candidacy requirement has been met.

(5) ABILITY TO CONTRIBUTE TO NATO'S COLLECTIVE DEFENSE AND MISSIONS

While Slovenia has more than exceeded the other requirements for NATO membership, there have been some criticisms regarding its ability to contribute to NATO's collective defense as well as future NATO missions.

Slovenia's population is just under 2 million people. This reality limits the viable size of its armed forces.

In response to this challenge, Slovenia has focused on developing a professional force that is smaller in size than many of the NATO aspirants but which may be more effective in the field.

To that end, Slovenia has set defense spending at 1.89 percent of its GDP—which I might add is a higher percentage than a number of current NATO member countries. Plans are in place to raise this to 2.3 percent by the year 2003.

Thus far, these monies have largely been spent on air defense, antiarmor weapons and communications equipment that are designed to be interoperable with existing NATO forces and equipment.

While Slovenia's forces are comparatively small in size, they have been actively involved in a variety of international operations over the years. Slovenia is involved in peacekeeping missions in Albania, the NATO-led Stabilization Force in Bosnia (SFOR) and United Nations efforts in Cyprus.

Finally, Slovenia has expressed its willingness to participate in any NATO deployment initiated to promote peace in Kosovo. Again, Slovenia has met difficult challenges to achieve NATO membership and has responded creatively and positively.

ECONOMIC INTEREST TO AMERICA

Let me point out that in addition to these strategic foreign policy concerns, there is a very real economic interest for the United States in bringing Slovenia further into the international community.

During the 1992 through 1997 time period, U.S. exports to Slovenia increased by 197 percent. Over the same period, Ohio's exports have increased a staggering 220 percent.

TRADE WITH OHIO

In an effort to further develop these trade ties, as Governor of the State of Ohio, I had the opportunity to lead two trade missions of business leaders to Slovenia in 1993 and 1995. Soon after these missions, Goodyear Tire & Rubber Company of Akron, OH, made the largest direct U.S. investment in Slovenian history. The inclusion of Slovenia in the NATO community would provide an important incentive for this type of trading relationship in the future.

CONCLUSION

Our nation is on a path to enlarge NATO and ensure that the freedom and prosperity that western Europe has enjoyed for decades spreads to the nations of central and eastern Europe.

With those goals in mind, we must support Slovenia's entrance into NATO. And there is no perfect time than this, the 50th Anniversary of ANTO summit to let the people of Slovenia, as well as the rest of Europe, know that their democratic changes, economic reforms and military modernization will be rewarded with full participation in the international community.

Mr. President, with your permission, I will make a statement in regard to one of Ohio's outstanding citizens who is celebrating his 80th birthday.

The PRESIDING OFFICER. Without objection, it is so ordered.

80TH BIRTHDAY OF CARL LINDNER

Mr. VOINOVICH. Mr. President, today, my dear friend, and one of Ohio's and America's most successful businessmen, Carl Lindner, is celebrating his 80th birthday. I extend to him my sincere best wishes.

Carl got his business start in 1940, founding United Dairy Farmers along with his father and his brothers, Bob and Dick and his sister Dorothy.

From that first beginning, Carl Lindner fine-tuned his business acumen and has never looked back. As he says, "only in America." Today, he is chairman of the board and chief executive officer and founder of American Financial Group, one of our Nation's largest insurance firms.

He is also chairman of the board and CEO of Chiquita Brands International as well as the Great American Group of Insurance Companies.

He is active in a number of organizations and institutions in the Cincinnati area and in Washington.

He is the recipient of numerous awards and accolades—and there are a number of them—including the Golden Plate Award by the American Academy of Achievement in 1978. He is also a 33rd degree Mason and is the recipient of the Van Rensselaer Medal—one of only 14 people worldwide to receive such a distinction.

In 1998, he was awarded the Gourgas Medal, which is the most distinguished honor given by the Supreme Council of the Scottish Rite "in recognition of notably distinguished service in the cause of Freemasonry, country or humanity."

A religious man, Carl Lindner has given of himself to those of faiths other than his own. In 1989, the Hebrew Union College awarded Carl the Jewish Institute of Religion Interfaith Award. In 1995 he received the Jewish National Fund's International Peace Award—the highest international honor and award given by the Jewish National Fund.

Carl's civic and business accomplishments run the gamut, from the Friars Club's Centennial Award in 1985 to the National Council of the Boy Scouts of America's "Silver Beaver" award in 1995 to the Distinguished Service Citation by the National Conference of Christians and Jews.

He has also been inducted into the Greater Cincinnati Business Hall of Fame and the Junior Achievement National Business Hall of Fame. Further, in 1997, he received the Heritage Award from the Cincinnati Urban League.

Carl Lindner is also a great believer in quality education, and has devoted his time, energy and resources to encourage students and provide them with institutions in which to learn. His service and generosity have earned him three honorary doctorates from Judson College in 1983, the University of Cincinnati in 1985 and Xavier University in 1991. He was also presented with the Lincoln Award from Northern Kentucky University in 1993.

In addition, the College of Business Administration at the University of Cincinnati is housed in Carl Lindner Hall and the school has established the Carl Lindner Annual Medal for Outstanding Business Achievement and a new honors program—the Carl Lindner Honors-Plus program. Xavier University has dedicated the Carl Lindner Family Physics Building. Carl and his wife Edyth are also major benefactors of Cincinnati Hills Christian Academy, a school founded by their son, Carl Lindner III.

The generosity of Carl and Edyth Lindner has been felt by the Cincinnati Zoo with its Lindner Family Center for Reproduction of Endangered Wildlife, the Museum Center with its Lindner Ice Age Exhibit, the Health Alliance of Cincinnati with its Lindner Center for Clinical Cardiovascular Research Center, and the Scottish Rite with its Lindner Learning Center.

Carl Lindner's success in business is only surpassed by his outstanding service to his fellow man. He is not a man to point to his achievements; people only know a fraction of what he has contributed to the community. He has given to scores of charities that no one knows about, and he gives because he has a tremendous heart. In fact, he goes out of his way to avoid publicity.

I will never forget that when in 1996 the gambling interests in the country were trying to bring casino gambling into Ohio. As the Governor, I didn't think it was in the best interest of the State to have casino gambling, that the liabilities far outweighed the benefits. Those in favor of gambling were spending money like water on advertising. I wanted to oppose it, but I didn't have the money to match even a fraction of what they were spending. I called upon Carl Lindner.

I explained to him the other side of the story on gambling and why we needed to keep it out of Ohio. Fortunately, I didn't have to convince him. He, too, agreed that gambling was not the way for Ohio and he offered whatever assistance we needed to ensure that gambling did not come to our state. The proponents of gambling fought hard, but we fought back thanks to Carl. And we won—two-thirds of the voters rejected casino gambling in Ohio. I will say today on the Senate floor, without Carl Lindner's help we would not have won that battle.

It is because of his selflessness and humility that I felt it important to rise on the Senate floor today to pay tribute to this great American. There are few people in this nation who have the kind of strength of their beliefs that Carl Lindner has, and usually they end at people's wallets, but Carl backs up his beliefs with his support both in time and money. We need more people in this country like Carl Lindner.

And one more thing that impresses me about Carl is his relationship with his wonderful family. Carl rejoices in his marvelous family, his children and particularly his wife, Edyth. Edyth has been a wonderful partner of his over the years, and they have a great marriage. And I know Carl is especially proud of his sons. As a father, I understand that so often the successes of our children surpasses anything we do in our own right.

Mr. President, there are few Americans I know who have done as much and have given as much to their nation as Carl Lindner. I have been truly blessed with his friendship and I am inspired by his warmth and humility, and Mr. President, if you look up humility in the dictionary, there should be a picture of Carl Lindner. May Carl and his beloved family celebrate many more birthdays together.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 864 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN addressed the Chair.

YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT AND THE CHILDREN'S DENTAL HEALTH IMPROVEMENT ACT

Mr. BINGAMAN. Mr. President, I want to make a very short comment on two measures that comprise a basic cornerstone for the efforts that I made to ensure that the fundamental needs of children in my State of New Mexico and throughout the country are met.

The basic idea here is that children have to have, if they are going to grow into full and honorable adulthood, access to quality, affordable health care. A child who is sick cannot go to school, and cannot be expected to learn in school, and cannot be expected to grow up and thrive and go on to be a productive citizen. In New Mexico, we have a particularly compelling case because the Children's Defense Fund, this last year, identified our State as having a higher number of uninsured children than any other State in the Union—uninsured for health care insurance. Consequently, I have two measures that try to address this need.

The first deals with a problem that has sadly become an epidemic in New Mexico; it is the Youth Substance Abuse Prevention and Treatment Act. This is designed to increase access to drug prevention and treatment services for young people in the country.

Second is the Children's Dental Health Improvement Act, which is designed to increase access to dental services for young people, particularly young people who are eligible to participate in Medicaid.

Mr. President, I will be introducing both of those bills and I commend them to my colleagues. I hope they will also get a full hearing this Congress and that we can enact them into law and send them to the President as well.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Bryan Giddings, Kelly Maher, Leesa Washington, Suzanne Matwyshen, and Jordan Coyle be granted floor privileges for the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 868 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the pending parliamentary situation?

The PRESIDING OFFICER. The Senate is conducting morning business and Senators may speak for up to 15 minutes each.

Mr. LEAHY. I thank the distinguished Presiding Officer. I believe this is the first time I have spoken when the Senator from Illinois has been in the Chair. I appreciate the opportunity.

SCHOOL VIOLENCE

Mr. LEAHY. Mr. President, we are all grieving again for victims of school violence. Pearl High School in Pearl, MS; Heath High School in West Paducah, KY; Westside Middle School in Jonesboro, AR; Parker Middle School in Edinboro, PA; Lincoln County High School in Fayetteville, TN; Thurston High School in Springfield, OR; and Columbine High School in Littleton, CO.

The President spoke for all Americans Tuesday night when he expressed the shock and sadness of the Nation. He spoke about reaching out to our children and our prayers for the families of those who have suffered loss.

I heard Senator KENNEDY reach out to the families yesterday from the Senate floor. I commend Senator DASCHLE also for his thoughtful statement. I know other Senators from both sides of the aisle have spoken to this tragedy, as well.

This morning, my wife and I watched on television one of the most painful and difficult interviews I have ever watched. The father of a young African American boy killed in Colorado spoke of his hopes and dreams for his son. Sitting next to him was another student, who is white and who recounted how his classmate and friend, an African American, had died, how he had been selected because he was black and because he was an athlete. To compound the tragedy, the young man who had spoken also recounted the fact that his own sister died in the shooting. It ended with the African American father holding the hand of the young student, each trying to comfort the other, each seeking solace in their faith, but each at a loss, as we are, to what might have caused this terrible, terrible event.

How could students be picked out to be murdered because they were athletes, or because of the color of their skin, or because they happened to be wearing a certain kind of clothes? What kind of nihilistic aberration causes something like this to happen? What causes a person to do that? What causes the kind of behavior around the world where people die because of their faith, because of their color, because of who they are, their ethnic background?

I suggest the Senate pause for a moment in the wake of this tragedy and rededicate ourselves to the work ahead and turn our attention to these matters.

I serve on the Judiciary Committee and we spent a lot of time this week and this past year on a proposed flag amendment to the Constitution. We spent a lot more time on that than we have on school violence. We held three hearings on a proposed constitutional amendment within the last year. We have held none on the tragic school incidents that have occurred throughout the country. We ought to reconsider the agenda of that committee, maybe even of the Senate.

We have become so polarized and so politicized in this Senate—more than I have seen at any time in my 25 years here. We do no good to the country, Republican or Democrat, if we allow that to continue. We ignore the real problems of this Nation when we allow that.

We are going to devote our time in the Senate to an artificially truncated debate of proposals to limit corporate liability for Y2K problems because the business lobby wants us to do that. Yet we cannot have a full debate on the needs for a real Patients' Bill of Rights, something that would affect not a special interest group, but every single American.

The Senate will turn to a bankruptcy bill to help financial institutions extract additional payments from consumers forced into bankruptcy instead of considering a much needed increase in the minimum wage.

The majority leader has indicated that we will be debated on the proposed constitutional amendment to cut back on the first amendment for the first time in our history to make a symbolic statement against flag burning, because that will be popular. Mr. President, no flags were burned at Columbine High School earlier this week, but children and a teacher died at Columbine High School. That is the reality.

We should start applying ourselves to substance and not symbols in the Senate. Let the reality get past the rhetoric. We all need to redouble our efforts to find ways to help parents and State and local authorities on matters of school safety. We need to redouble our efforts to help local law enforcement keep our streets safe. After 3 years in which we have missed opportunity after opportunity to cooperate in a bipartisan way on these matters, it is long past time to put partisanship aside and work together with the administration to make progress in prevention and security that remains so desperately needed.

We are all Americans in this—not Republicans and Democrats. Let's set partisanship aside for a change. How many Senators, as parents, worry when our children go to school? How many of the staff and the visitors in our galleries have children who go to school and now are terrified and worried and are almost afraid to hear the phone ring?

We all know the Federal Government and Federal law cannot solve the problem of school violence or local crime, but we should at least help or make help available. I know the Federal Government has been providing assistance in Littleton; victims services and counselors are being provided. I am proud of the efforts that have been made by the Office for Victims of Crime in coordination with States and local assistance providers. A special reserve fund from my 1996 amendment to the Victims of Crime Act is available to help. These are concrete initiatives, not symbolic things.

I want to praise President Clinton for having convened the October 1998 White House Conference on School Safety, and those people, Republicans and Democrats alike, who joined with him. We are working with him to provide additional community police and school resource officers across the country. In addition, the Attorney General, the Secretary of Education, and the Surgeon General are all working on additional initiatives.

Over the last several years, I have sponsored legislation in this area with Senator BIDEN, Senator KENNEDY, Senator DASCHLE, Senator BINGAMAN and a number of others. A lot of that legislation has never even been considered in our committee, although we were able to incorporate pieces of it in measures that have been enacted. We reintroduced, again, on the first legislative day of the session one of the Democratic priorities, S. 9, the Safe Schools, Safe Streets, and Secure Borders Act of 1999, which builds on the successful programs we implemented in the 1994 crime law, but also addresses emerging crime problems.

It is a comprehensive and realistic bill. We tried to avoid the easy rhetoric about crime that some have to offer in this crucial area. Instead, we put in legislation that might make a difference. The Safe Schools, Safe Streets, and Secure Borders Act targets violent crime in our schools, it reforms the juvenile justice system, combats gang violence, cracks down on the sale and use of illegal drugs, enhances the rights of crime victims, and provides meaningful assistance to law enforcement officers.

Title I deals with proposals for combating violence in the schools and punishing juvenile crime. It gives technical assistance to the schools, reforms the juvenile justice system, and assists States for prosecuting juvenile offenders, but it also protects children from violence, including violence from the misuse of guns.

It includes Senator BINGAMAN's proposal for a School Security Technology Center, an inventive proposal building upon expertise from the Sandia National Labs. There are a lot of very real things in it.

It is short on rhetoric. It is strong on reality. This is a law that could work. It could be done without federalizing juvenile offenses. It follows what many from the Chief Justice on through have said is important.

Our bill contains important initiatives to protect children from violence, including violence resulting from the misuse of guns. Americans want concrete proposals to reduce the risk of such incidents recurring. At the same time, we must preserve adults' rights to use guns for legitimate purposes, such as home protection, hunting and for sport. The bill imposes a prospective gun ban for juveniles convicted or adjudicated delinquent for violent crimes. It also require revocation of a firearms dealer's license for failing to have secure gun storage or safety devices available for sale with firearms. The bill enhances the penalty for the violation of certain firearm laws involving juveniles. In addition, the bill authorizes competitive grant programs for the establishment of juvenile gun courts and youth violence courts.

The bill would also make important reforms to the federal juvenile system, without federalizing run-of-the-mill juvenile offenses or ignoring the traditional prerogative of the States to handle the bulk of juvenile crime. One of the significant flaws in the Republican juvenile crime bills last year was that it would have—in the words of Chief Justice Rehnquist—"eviscerate[d] this traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary." The Chief Justice has repeatedly raised concerns about "federalizing" more crimes. The Democratic proposals for reform of the Federal juvenile justice system heed this sound advice and respect our Federal system.

Our bill authorizes grants to the States for incarcerating violent and chronic juvenile offenders (with each qualifying State getting at least one percent of available funds), and provides graduated sanctions, reimburses States for the cost of incarcerating juvenile alien offenders, and establishes a pilot program to replicate successful juvenile crime reduction strategies.

Also directly relevant is Title IV of the bill, which includes a number of prevention programs that are critical to further reducing juvenile crime. These programs include grants to youth organizations and "Say No to Drugs" Community Centers, as well as reauthorization of the Runaway and Homeless Youth Act, Anti-Drug Abuse Programs and Local Delinquency Prevention Programs. Additional sections include a program to establish a competitive grant program to reduce truancy, with priority given to efforts to replicate successful programs.

The bill would also reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA) in a similar fashion to H.R. 1818, a bill passed by the House with strong bipartisan support in the last Congress. This section creates a new juvenile justice block grant program and retains the four core protections for youth in the juvenile justice system, while adopting greater flexibility for rural areas.

Last year, the Senate Republicans tried to gut these core protections in their juvenile crime bill, S. 10. This Democratic crime bill puts ideology aside, and follows the advice of numerous child advocacy experts—including the Children's Defense Fund, National Collaboration for Youth, Youth Law Center and National Network for Youth—who believe these key protections must be preserved in order to protect juveniles who have been arrested or detained. These core protections ensure that juveniles are not housed with adults, do not have verbal or physical contact with adult inmates, and any disproportionate confinement of minority youth is addressed by the States. If these protections are abolished, many more youth may end up committing suicide or being released with serious physical or emotional scars.

I previously described the other titles, programs and initiatives of the Safe Schools, Safe Streets, and Secure Borders Act when we introduced it. It is a comprehensive and realistic set of proposals for keeping our schools safe, our streets safe, our citizens safe when they go abroad, and our borders secure. I look forward to working on a bipartisan basis for passage of as much of this bill as possible during the 106th Congress and to working with the Administration, with the Department of Justice and with the Department of Education to do what we can to be helpful in the continuing school safety crisis.

Why I am here today is to join with the Democratic leader in his call for a "thoughtful discussion about how to shape a comprehensive national response to the problem of violence in our schools and in our communities." I commend him for including the Safe Schools, Safe Streets, and Secure Borders Act on the priority list that he sent to the majority leader on Monday.

From a personal observation, I recall one time when my children were young, they were in grade school, and I was a prosecutor. Without going into all of the details, a very credible threat was made against me and my family. In fact, one that, had the person been able to carry it out before being apprehended, all of us would have died. I recall during that time, when the police were coming to me and saying, we will set up this cordon of armed police officers around you, my only concern, and the natural concern of any parent, was for my children; I recall even today the terror I felt in my heart and soul.

I remember today, almost 30 years later, how I felt until I knew they were safe. They were young children. They saw the police officers coming to school to pick them up and for them it was a lark, they were getting out of school early. For their mother and me, it was a matter of some great concern.

Think how parents around this country feel today when they kiss their children goodbye in the morning, and virtually all of them will come back safely, but every parent has to have in his or her soul the thought, what if they don't come back? How does a parent live through this? How do the other students ever go back to a school where this has happened? What about our young people themselves, when they read about this or see this and wonder are they next?

There are two areas of great violence in the world today. One we see unfolding in the former Yugoslavia, where the United States and our NATO allies are trying to stop a person who is exercising war crimes that we have not seen in that part of the world since the time of Hitler. We see the people who are suffering there. Yet some respond by seeing who can get out the best sound.

Then we see this in Mississippi, Kentucky, Arkansas, Pennsylvania, Tennessee, Oregon and Colorado—enough variety of States to tell every one of us that our own State and our own community is not immune.

We are still tempted to dwell on symbols. Symbols do not stop this; substance does. It is not symbolic to set up programs that we know will work, that will allow teachers and parents and police and others to work with students to stop something from happening. That is the key. It is not to respond afterward—and we will respond. We are sending out counselors and investigators and everybody else to Colorado now. How much better, though, if we could respond before it happens.

So I ask Senators when they go home this weekend, pause and think: Do we help solve the problems of Littleton, CO, or the problems of Kosovo, or the problems that face our great Nation, by continuing heavy, destructive, unnecessarily partisan actions in the Senate and in the other body? Or do we come back together, as we have so many times in the past, Republicans and Democrats alike, admit the United States faces many crises and that we solve them only by working together, not in seeking short-term political gain?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

GUN CONTROL

Mr. SCHUMER. Mr. President, first let me commend the Senator from Vermont for his remarks. As always, they are considered and thoughtful and right to the point. His career and legislation has been just the same way. I consider myself, as always, privileged to be here to listen to his remarks. I thank the Senator. I also thank the Senator from Maine for her courtesy, allowing me to make these brief remarks before she makes hers.

Mr. President, as we remain transfixed and horrified by the images of Littleton, as we listen to the stories of the survivors and hear the sobs of the families of the victims, we can feel that America is looking to Congress to do something to keep lethal weapons out of the hands of kids. This morning I watched television as did millions of Americans. My eyes filled with tears, listening to the families of the students talk about their ideal, and to hear them ask what can be done. Since time began, there have been troubled teenagers. We have always sought to help them through their families, through spiritual leadership, through schools. That is nothing new. But what is new today is that it is far too easy for a disturbed young person to get his hands on a gun or a bomb and channel his anger into carnage.

Mr. President, 25 years ago all an angry, troubled teenager had was his fists. Scores of students were not killed when that troubled boy vented his rage. Today we live in a different world. It is no coincidence that the tragedies that we have heard and read about throughout the last year did not occur 10, 15, and 20 years ago with this kind of horror, with this kind of frequency.

In Littleton, we do not know how these two teenagers managed to get their guns. We don't know if they took the guns from their parents or stole them from a neighbor. We don't know if they bought them at a gun show or if they bought their guns off the Internet, although certainly they were immersed in a computer fantasy world, and there are dozens of web sites that offer guns to anyone, anywhere, no questions asked.

We know that gun control alone is not the only solution. We need better counseling in the schools. We have to be more vigilant at identifying and condemning hate groups in schools. But, my colleagues, let us not kid ourselves. It is not possible to confront the epidemic of violence in our schools without dealing with guns.

Yesterday there was a shift in the gun debate that I have never seen before in my career in Congress, and it gives me a glimmer of hope that maybe we can do something to make schools safer. Yesterday, pro-gun lawmakers of Colorado, Florida, and Illinois each withdrew their legislation which would have made it easier for people in those States to buy and/or carry firearms.

They did it because of Littleton. They did it because they know that the easy availability of guns is part of the problem. They put a stop to their own legislation.

Yesterday, the National Rifle Association scaled back its annual convention, which is to be held in 2 weeks. It will not admit it, but the NRA did it because of Littleton. It will not admit that it is simple common sense that rational gun control equals fewer Littletons, but in its collective heart, the NRA knows that that is true.

So in a small but significant way, the NRA has changed. Now we have to change. Congress has to wake up. America's mothers and fathers are looking to us. To my Democratic and Republican colleagues, many of whom have traditionally opposed gun restrictions, we can pass reasonable, targeted, measured laws that make guns safer and keep them away from kids but still respect people's right to bear arms.

I would like to mention several of these modest measures, measures that will make a great deal of difference and have little or no impact on the people in your State who hunt, who target shoot, who own guns for sport, collection, or protection.

We should pass the parts of either the Kennedy or the Durbin legislation which require adults to safely store their handguns and rifles in their homes. Nearly every day, some kid takes their parent's gun and does something horrible with it. Why? Because half the families who own guns do not lock them away or leave the gun unloaded. We can change that, and we should change that. No one will be harmed, and no one will be inconvenienced.

We have to ban the unlicensed sale of guns on the Internet. It is numbing what a kid can buy simply by going on line and searching gun web sites—handguns, semiautomatic weapons, ammunition feeders; everything is available with no questions asked. This morning, a parent came up to me and said he asked his son how kids get guns. His son answered, without a blink of the eye: "On the Internet."

I have a bill which will stop that. It will have no effect on law-abiding gun owners or licensed gun dealers. Ask yourself: Who needs to buy a gun with no questions asked? The answer is only two groups—kids and criminals. Let's pass this bill.

We should also bring public and private dollars together to develop smart guns. These are guns which contain a device that permits only the owner to fire the weapon. Imagine a gun that is useless when it is stolen, taken without authorization, or sold on the black market. It can be done. The technology is available. I will talk more in the next week about ways we can bring gun makers and the military together to develop a gun that is safe. This could transform the gun industry and make us all rest easier.

Finally, and in the meantime, let's make a strong, secure trigger-lock requirement on all guns. Every car has a seat belt; every gun should have a lock.

Mr. President, each of these measures will make schools, homes, and neighborhoods safer without denying a single law-abiding citizen the right to buy the gun of their choice. How can anyone oppose that?

In conclusion, every time we tune in and see another group of innocent children fleeing from school, we pray that it will be the last time. We can help make our prayers come true. America is waiting for us to do what is right and necessary to keep guns out of the hands of kids. Let's not let them down.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 870 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MTBE IMPORTS AFFECT U.S. ENERGY SECURITY

Mr. DASCHLE. Mr. President, we are approaching the tenth anniversary of the birth of the reformulated gasoline (RFG) program. This initiative, enacted in 1990 as part of the Clean Air Act Amendments, established strict fuel quality standards for the nation's most polluted cities in order to reduce air pollution. It includes a minimum oxygen content requirement, which was intended to provide an opportunity for America to reduce its dependence on foreign oil through the use of domestically produced ethanol and MTBE.

Reformulated gasoline was introduced in the American marketplace in 1995. Today it accounts for approximately one-third of all gasoline sold in this country.

Congress had several objectives in establishing the RFG program: (1) to substantially reduce harmful air pollutants caused by fuel-related emissions, especially ground level ozone and air toxics; (2) to reduce imports of crude oil and petroleum products, especially those from unstable regions like the Middle East; and (3) to stimulate investment in domestic ethanol and ether plants, thus creating jobs and adding value to grains and other domestic raw materials.

The first objective has been not only met, it has been exceeded. In fact, EPA Administrator Carol Browner has called the RFG program "the most successful air pollution reduction program since the phase-out of lead in gasoline." The other two objectives also have been met, though not to the extent that many of us had hoped.

A major impediment to full realization of the potential of the RFG program has been the importation of massive volumes of MTBE, much of it subsidized by the Saudi Arabian government, into the United States. Domestic ethanol and MTBE producers have been harmed, and American plants have not been built, largely due to the influx of subsidized product from offshore that makes potential investors unwilling to commit capital to U.S. ethanol and ether plants.

The winners in this situation are the Saudi government and a few multi-national corporations. The losers are U.S. corn farmers, butane suppliers and plant workers as well as American consumers who remain potential hostages to foreign energy suppliers.

Mr. President, the benefits of the RFG program have been substantial. However, as we prepare to enter Phase II of the program, it is incumbent upon policymakers to reflect upon whether it is achieving its potential in terms of air quality improvements and oil import reductions.

It seems clear that the answer to the first question is "yes." RFG is generating substantial air quality benefits and even exceeding the predictions that many had made when the original rules were written.

The answer to the second question, however, is a resounding "no." Imports of Saudi Arabian MTBE are growing, and the exclusionary effect of unfairly traded MTBE imports on ethanol usage in key markets such as California has become increasingly problematic.

On April 1, 1999, the International Trade Commission (ITC) held a public hearing on its Investigation No. 332-404, concerning MTBE imports and their impact on the domestic oxygenate industry. This inquiry is timely and important. It will cut through the rhetoric, provide policymakers with a clear picture of the nature and effect of MTBE imports on domestic production and U.S. energy security, and set a factual foundation for discussion of what, if anything, should be done about this situation.

With those objectives in mind, I commend to my colleagues attention the testimony presented before the ITC by Bob Dinneen, Legislative Director of the Renewable Fuels Association, and Todd Sneller, Executive Director of the Nebraska Ethanol Board, that underscores the damage that has been done by unfairly traded MTBE imports. Mr. Dinneen and Mr. Sneller present cogent analyses of the impact that increasing volumes of heavily subsidized MTBE are having on the domestic oxygenates industry. Their testimony should be a warning to us all.

I ask unanimous consent that the testimony of Mr. Dinneen and Mr. Sneller be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF BOB DINNEEN, LEGISLATIVE DIRECTOR, RENEWABLE FUELS ASSOCIATION

Mr. Chairman and members of the Commission, on behalf of the members of the Renewable Fuels Association, the national trade association for the domestic ethanol industry, I want to thank you for the opportunity to provide comments today on the Commission's investigation of MTBE. Ethanol and MTBE are competitive additives to gasoline that increase octane and oxygen to fuels, resulting in dramatically reduced emissions. As such, the domestic ethanol industry is directly and negatively impacted by the importation of subsidized MTBE, and we commend the Commission's decision to investigate this issue.

Ethanol is a renewable fuel produced from corn and other agricultural feedstocks. Today, ethanol is the third largest user of corn, behind only feed and export markets. Virtually all ethanol consumed in the U.S. is produced domestically. Last year, the U.S. ethanol industry processed approximately 560 million bushels of grain into 1.4 billion gallons of fuel ethanol at 53 plants located in 20 states. A report completed for the Midwestern Governors' Conference, The Economic Impact of the Demand for Ethanol, concludes that the ethanol industry: increases net farm income more than $4.5 billion; boosts total employment by 195,000 jobs; improves the balance of trade over $2 billion; adds over $450 million to state tax receipts; and results in a net savings to the Federal budget of more than $3.5 billion.

Background: Since the twin oil supply shortages and price shocks of the 1970's, promoting increased energy security has been a national priority. Toward that end, beginning with the National Energy Security Act of 1979, the Congress has worked to stimulate the production and use of domestically-produced alternative fuels. As noted by the U.S. Senate Committee on Energy and Natural Resources:

"Increased dependence on oil imports means, inevitably, increased dependence on the nations of the Persian Gulf. The potential for economic disruption and war in the event of interruptions in Persian Gulf supplies will increase...

"If the projected United States dependence on Persian Gulf oil materializes, not only will the probability of economic disruption and war increase, but policies available to the United States to deal with political turmoil in the world, including the Mideast, will be affected."—S. Rep. No. 72, 102nd Cong., 1st Sess. at p. 204.

In 1990, the Congress extended its commitment to the development of domestic energy resources by passing the Daschle/Dole amendment to the Clean Air Act requiring refiners to add certain levels of oxygen to new reformulated gasolines. A critical rationale for the oxygen requirement was the energy security benefits attributable to the increased use of ethanol and other domestically-produced oxygenates. At the time, more than 400,000 troops were stationed in the Persian Gulf, in large part to protect the free flow of oil from the Mideast. The U.S. Environmental Protection Agency estimated the oxygen requirements of the Clean Air Act would reduce energy imports by 500,000 to 800,000 barrels per day. Consider these statements by proponents of the RFG program:

"I support this amendment because it will reduce the toxic aromatics currently used to boost octane in gasoline; it will reduce ozone-forming automobile emissions; it will begin to reduce our dependence on imported oil; and it will enhance rural and farm economies. [136 Cong. Rec. S3522 (Statement of Senator Kent Conrad)(daily ed. March 29, 1990)]

"The second thing we ought to recognize is this is the only part of the bill that helps our extraordinary dependence on imported oil." [136 Cong. Rec. S3519 (Statement of Senator Tim Wirth)(daily ed. March 29, 1990)]

But the promise of increased market opportunities for ethanol in the RFG program has been undermined by the unanticipated and rising levels, of MTBE imports. EPA data shows that despite the intention that ethanol market opportunities be significantly expanded in RFG, ethanol has actually garnered just 12% of the RFG market, primarily in Chicago and Milwaukee. In coastal RFG markets where MTBE is readily imported, ethanol has virtually no market penetration.

At the same time, the RFG program has proven a boon to imported MTBE. MTBE imports have risen from just 30 million gallons in 1990 to more than 1.4 billion gallons in 1998. Moreover, the majority of MTBE imports are from Saudi Arabia and other OPEC countries. In 1997, 70% of U.S. imports of MTBE came from Saudi Arabia and other OPEC countries. Imports now represent a third of U.S. MTBE consumption, and is roughly equal to U.S. merchant production.

To respond to these alarming levels of MTBE imports, particularly from Saudi Arabia Senate Democratic Leader Tom Daschle (SD) has introduced legislation that would require the Commerce Department to investigate, under Section 702 of the Tariff Act of 1930, whether Saudi Arabia has provided unfair subsidies to its exporters of MTBE, giving them an unfair market advantage in the U.S. oxygenate market. If it is determined to be so, S. 2391 would impose an import fee large enough to offset the subsidiaries. The RFA supporters S. 2391, as MTBE imports have increased U.S. dependence on foreign supplies at the expense of domestic oxygenate producers.

The following is a break-down of 1998 MTBE production and imports:

1998 MTBE PRODUCTION

Source	Production b/d	Annual gals (billion)
Merchant Plants	103,000 b/d	1.5
Captive Plants [1]	102,000 b/d	1.5
Imports	90,000 b/d	1.4
Total	295,000 b/d	4.4

[1] A captive plant refers to MTBE produced at refineries, used by those refineries for octane trimming and is not available for merchant oxygenate or octane markets.

Source: Energy Information Administration.

In the absence of such precipitous MTBE import level, the domestic ethanol industry would have been able to double in size—creating more domestic jobs, providing increased rural economic development and further enhancing our balance of trade.

MTBE DUTY RATES

An important issue for the Commission to consider is the variable duty rates paid on MTBE. There are currently three classifications of the Harmonized Tariff Schedule (HTS) under which MTBE may be imported: as a motor fuel (2710.00.15); as MTBE (2909.19.14); or as a gasoline additive (3811.90.00). Each classification has a different duty rate. Current HTS duty rates for each classification are as follows:

Product	HTS classification	General rate of duty
Motor Fuel (RFG)	2710.00.15	52.5¢/bbl (1.25¢/gal).
MTBE	2909.19.14	5.5% ad valorem (approx. 5¢/gal).
Gasoline Additives	3811.90.00	2.2¢/kg & 10.8% ad valorem (approx. 11.6¢/gal) [1].

[1] Assumes $0.90 cost and .74 kg. weight of MTBE.

It is becoming clear the MTBE is increasingly being imported under the HTS classification for motor fuel. According to the Energy Information Administration, 66,000 b/d of MTBE was imported last year. But an additional 24,000 b/d of MTBE was imported in finished RFG. (Assumes MTBE at 11% by volume to meet federal 2.0 wt.% oxygen requirement in RFG.) This compares to 74,000 b/d as MTBE and 18,000 b/d as RFG in 1997. Thus, the trend is to import more MTBE as finished RFG, and pay the reduced duty. Moreover, according to DeWitt & Company, an MTBE industry trade publication and research group, the actual amount of MTBE imported in finished gasoline could be much higher. That is possible because importers could overblend MTBE for shipment and blend down to meet U.S. RFG oxygen specifications at the gasoline terminal. It is, in effect, a means of circumventing the duty on MTBE. It should be stopped.

MTBE IMPORTS

Year	MTBE	MTBE in RFG (assumes 11% by volume)	Total
1997	74,000 b/d	18,000 b/d +	92,000 b/d +
1998	66,000 b/d +	24,000 b/d +	90,000 b/d +

Thus, under current law refiners importing MTBE in RFG are short-changing the Treasury at least $16.5 million annually (24,000 x $0.90 x .05 x 42 [42 gallons/barrel] x 365) by importing MTBE under the motor fuel classification.

OXYGENATE TYPE ANALYSIS 1997 RFG SURVEY DATA

Area	Percent of samples with majority of oxygen from [1]				
	MTBE	Ethanol	ETBE	TAME	Combo/ other [2]
Atlantic City, NJ	97.47	1.27	0.00	1.27	0.00
Baltimore, MD	98.94	0.00	0.00	1.06	0.00
Boston-Worcester, MA	95.93	1.74	0.00	2.33	0.00
Chicago-Lake Co., IL, Gary, IN	5.84	94.16	0.00	0.00	0.00
Dallas-Fort Worth, TX	100.00	0.00	0.00	0.00	0.00
Hartford, CT	98.44	1.56	0.00	0.00	0.00
Houston-Galveston, TX	92.73	0.00	0.00	6.57	0.69

OXYGENATE TYPE ANALYSIS 1997 RFG SURVEY DATA—Continued

Area	Percent of samples with majority of oxygen from[1]				
	MTBE	Ethanol	ETBE	TAME	Combo/other[2]
Los Angeles, CA	100.00	0.00	0.00	0.00	0.00
Louisville, KY	74.75	25.25	0.00	0.00	0.00
Manchester, NH	100.00	0.00	0.00	0.00	0.00
Milwaukee-Racine, WI	4.60	95.40	0.00	0.00	0.00
NY-NJ-Long Is.-CT	98.93	1.07	0.00	0.00	0.00
Norfolk-Virginia Beach, VA	100.00	0.00	0.00	0.00	0.00
Phila.-Wilm, DE-Trenton, NJ	98.69	0.65	0.00	0.98	0.00
Phoenix, AZ	49.18	50.82	0.00	0.00	0.00
Portland, ME	100.00	0.00	0.00	0.00	0.00
Poughkeepsie, NY	97.76	2.24	0.00	0.00	0.00
Rhode Island	98.82	1.18	0.00	0.00	0.00
Richmond, VA	100.00	0.00	0.00	0.00	0.00
Sacramento, CA	100.00	0.00	0.00	0.00	0.00
San Diego, CA	100.00	0.00	0.00	0.00	0.00
Springfield-MA	98.20	1.80	0.00	0.00	0.00
Washington, D.C. area	98.07	0.00	0.00	1.54	0.39

[1] RFG Survey samples taken at retail gasoline stations. Categorization based on the oxygenate providing more than 50% by weight of total oxygen in a sample.

[2] The "Other" category is composed of samples containing combinations of oxygenates with no single oxygenate providing more than 50% of total oxygen.

Comments Submitted By: Todd C. Sneller, Administrator, Nebraska Ethanol Board

BACKGROUND

The Nebraska Ethanol Board is a state agency established in 1971 by Nebraska statute. The board is directed to assist the private sector in establishing ethanol production facilities; promote air quality improvement programs; establish marketing procedures for ethanol based fuels; and sponsor research related to the use of ethanol fuels.

In 1988 the board entered into an agreement for research and development of ethanol based ethers and fuels containing combinations of alcohol/ether mixtures. Partnership in this effort was with American Eagle Fuels (AEF), a private corporation. The board and AEF expended more than $2 million to develop a small commercial scale facility capable of producing ethyl tertiary butyl ether (ETBE). ETBE was produced at the facility near Lincoln, Nebraska and small quantities of the product were sold in Japan, Europe and the United States for experimental purposes. At the same time, the board engaged in an extensive cooperative testing program with Sun Refining Company and other parties to examine the properties of ethanol/ether combinations. This work was intended to form the basis for an application to the U.S. EPA that would seek approval for higher concentrations of ethanol/ether mixtures to be blended in gasoline for commercial sale.

The board's investment in research and development of ETBE was based on the expectation that ethanol and ETBE would play a significant role in oxygenated and reformulated fuel programs required under the Clean Air Act Amendments of 1990. Discussions during debate on CAA amendments, and recorded floor debate in the Senate, clearly reflect the expectation that ethanol and ETBE use would increase significantly as a result of the oxygenate requirements included among the 1990 amendments to the Act.

IMPACT OF MTBE

Despite expectations that ethanol and ETBE would capture a significant share of the oxygenated fuel market, experience in the marketplace differed significantly from early expectations. In one of the first oxygenated fuel markets, the Colorado Front Range, the oxygenate most often used at the outset of the Colorado program was MTBE. In the initial years of the program, MTBE use constituted as much as 95% of the oxygenated fuel sold during the carbon monoxide abatement program. This occurred despite the fact that ethanol could easily be transported by rail and truck from Nebraska and other locations at rates competitive with gasoline. In other oxygenated fuel program areas in the Midwest, such as Milwaukee, MTBE quickly captured the market for oxygenated gasoline despite the proximity of such areas to large ethanol production facilities. In oxygenated fuel program areas outside the Midwest, the aggressive marketing of low priced MTBE allowed virtual market control. Price was clearly a key and MTBE was available at rates equal to or below the cost of gasoline.

The experience in reformulated gasoline market areas was similar to the carbon monoxide abatement program. A review of U.S. EPA market surveys of RFG areas for 1995–97 clearly illustrates the trend toward MTBE. Early surveys show modest use of ethanol in a few metropolitan areas and nominal use of ETBE in fewer areas. However, the data show a clear trend toward MTBE use following he first year of the federal RFG program. The trend generally continues, with few exceptions, in 1999.

The technical attributes of ETBE are well documented. Compared to MTBE, ETBE is superior in virtually all areas except price. ETBE, in the opinion of many refiners and auto makers, is the perfect oxygenate because "it acts like gasoline". Octane and distillation properties, low vapor pressure characteristics, and ability to reduce aromatic and sulfur levels while maintaining other performance qualities of gasoline make ETBE an excellent component for cleaner burning gasoline. However, economics in the highly competitive world of petroleum refining and marketing is the key criteria in most oxygenate purchasing transactions. MTBE has a distinct advantage in pricing due, in large part, to the low cost of methanol.

Methanol and MTBE are global commodities and as such respond to pricing strategies of the largest producers of these products. The public announcement of King Fahd's 1992 royal decree was clearly a confirmation that a significant incentive was being instituted in the pricing of methanol and related components of MTBE. This incentive has been calculated to provide raw material price discounts at levels thirty per cent below world prices. The impact of this decree has been apparent over the past seven years. MTBE production from Saudi Arabian plants has increased rapidly and steadily, to nearly 100,000 barrels per day according to published reports. That volume constitutes nearly half of total U.S. MTBE demand. Due to this low cost, made possible by the Saudi Arabian subsidy, a significant volume of the MTBE used in the U.S. today is imported directly or indirectly from plants in Saudi Arabia. As a result, ETBE cannot possibly be competitive with this product on a cost basis, despite the obvious technical advantages of ETBE. In addition, domestic MTBE producers are keenly aware of this pricing differential and the adverse impact it has on domestic supply and price.

CONCLUSION

The result of the Saudi Arabian subsidy is clear. Domestic ethanol and MTBE producers are disadvantaged and oxygenates from domestic production facilities are often displaced by low cost MTBE imports from Saudi Arabia. The intent of Congress has been thwarted by imported MTBE use in the oxygenate programs which were intended to stimulate a domestic industry. U.S. grain producers who were told of the predictions for increased corn and grain sorghum use via ethanol and ETBE plants have not seen that domestic market materialize in the substantial way predicted in 1990. The U.S. balance of trade, already reeling from a high level of imported petroleum products, is further exacerbated by increased imports of MTBE from off shore plants. Oxygenate pricing, pegged to the lower cost MTBE imports from Saudi Arabia, reduces revenue and return on investment of domestic oxygenate producers, thereby discouraging investment in new or expanded plants in the United States. As a result, the oxygenated fuel provisions of the Clean Air Act are not generating domestic economic benefits to the extent possible. The mechanism generating these adverse impacts, instituted following the 1992 royal decree, must be removed or offset to protect domestic economic interests.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 21, 1999, the federal debt stood at $5,630,289,872,162.63 (Five trillion, six hundred thirty billion, two hundred eighty-nine million, eight hundred seventy-two thousand, one hundred sixty-two dollars and sixty-three cents).

One year ago, April 21, 1998, the federal debt stood at $5,518,978,000,000 (Five trillion, five hundred eighteen billion, nine hundred seventy-eight million).

Five years ago, April 21, 1994, the federal debt stood at $4,555,161,000,000 (Four trillion, five hundred fifty-five billion, one hundred sixty-one million).

Ten years ago, April 21, 1989, the federal debt stood at $2,754,358,000,000 (Two trillion, seven hundred fifty-four billion, three hundred fifty-eight million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,875,931,872,162.63 (Two trillion, eight hundred seventy-five billion, nine hundred thirty-one million, eight hundred seventy-two thousand, one hundred sixty-two dollars and sixty-three cents) during the past 10 years.

COMMEMORATION OF THE ARMENIAN GENOCIDE

Mr. REED. Mr. President, I rise to commemorate the 84th anniversary of the Armenian Genocide.

This weekend, members of Armenian communities around the world will gather together to remember the spring morning of April 24, 1915, when the Ottoman Empire and the successor Turkish nationalist regime began a brutal policy of deportation and murder. Over the next eight years, 1.5 million Armenians would be massacred at the hands of the Turks and another 500,000 would have their property confiscated and be driven from their homeland.

Despite having already undergone such terrible persecution and hardship, the people of the Armenian Republic still suffer today. The peace talks have regrettably made little progress toward the resolution of the Karabagh conflict. Turkey continues to blockade humanitarian aid to Armenia.

However, the Armenian people look hopefully to the future. Their quest for peace and democracy continues to inspire people around the world. On May 30th, Armenia will again hold democratic elections. Armenians who have emigrated to other countries, especially those in my home state of Rhode Island, bring their traditions with them. They enrich the culture and contribute much to the society of their new homelands.

Although each year's commemoration of the Armenian genocide is important, I believe this year's observance is particularly significant—because of the crisis in Kosovo. Each night the television shows images of hundreds of thousands of refugees forced from their homes and each morning the paper is filled with stories of innocent civilians robbed and killed. These stories and images are heartwrenching—but the people of Kosovo have not been abandoned. The nineteen nations of NATO are united in their resolve that another genocide will not be tolerated.

One of the reasons the world could not stand idly by watching events unfold in the Balkans is because of commemorations like the observance of the Armenian Genocide. We must stand as witnesses to protect those who are persecuted because they are different. We must remain vigilant as long as hate and intolerance exist in our world.

Menk panav chenk mornar. Thank you, Mr. President.

Mrs. BOXER. Mr. President, each year on April 24 many of us in Congress pause to remember the tragedy of the Armenian Genocide. On that date in 1915, more than 200 Armenian religious, political and intellectual leaders were arrested in Constantinople—now Istanbul—and killed, marking the beginning of an organized campaign to eliminate the Armenian presence from the Ottoman Empire. This brutal campaign would result in the massacre of a million and a half Armenian men, women and children.

Thousands of Armenians were subjected to torture, deportation, slavery and murder. More than 500,000 were removed from their homes and sent on forced death marches through the deserts of Syria. This dark time is among the saddest chapters in the history of man.

But Armenians are strong people and their dream of freedom did not die. More than seventy years after the genocide, the new Republic of Armenia was born as the Soviet Union crumbled. Today, we pay tribute to the courage and strength of a people who would not know defeat.

Yet, independence has not meant an end to their struggle. There are still those who question the reality of the Armenian slaughter. There are those who have failed to recognize its very existence. We must not allow the horror of the Armenian genocide to be either diminished or denied.

Genocide is the worst of all crimes against humanity. As indications of genocide arise in Kosovo, it is especially important to remember those who lost their lives in the first genocide of this century. We must never forget the victims of the Armenian Genocide.

HONORING CARL LINDNER

Mr. DEWINE. Mr. President, I rise today to salute a truly great American on the occasion of his eightieth birthday. Carl Lindner is an important figure in the history of American business—he is also a good man and a dear friend.

The Carl Lindner story is a genuine, old-fashioned American success story. He came from a modest background. He started out delivering milk—and ended up owning an ice cream company. And many other companies besides!

He was born in Dayton, Ohio, on April 22, 1919. He grew up in the small town of Norwood, in Hamilton County. And he brought the values he learned there to the creation of a huge business empire—United Dairy Farmers, American Financial Corporation, Chiquita Brands, Penn Central Corporation, Great American Communications Company.

And throughout all of this, Carl Lindner remains today a kind, unassuming family man—with the values of a businessman beloved by his friends in a small town. A man who cares about others—and about the welfare of his whole community.

It has been said that just about everybody who grows up in southwest Ohio spends at least some time working for one of Carl Lindner's companies. He is certainly one of the key employers in the entire Tristate area, if not the country.

But he doesn't just help people by employing them. He is also one of the most generous philanthropists in America. He is a quiet man with a heart of gold—and he works tirelessly to improve the health and education of the people of Ohio, our nation, and the whole world.

Mr. President, America gave Carl Lindner the opportunity to work hard and achieve a great deal. And he has given a lot back to this country. His most important contribution—is his example. He proves that the most important thing in a man's life is not how much money he makes, but what he does for people.

He is not a man who clamors for attention; this week, he is in the headlines because of his purchase of the Cincinnati Reds. But the real Carl Lindner—the one I know—is a man whose most important priority is helping people.

To Carl Lindner, on his eightieth birthday, the people of Ohio say congratulations, and a deep and heartfelt thank you from all of us whose lives you have touched!

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 531. An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve quality of coastal recreation waters, and for other purposes.

H.R. 1184. An act to authorize appropriations for carrying out the Earthquake hazards Reductions Act of 1977 for fiscal years 2000 and 2001, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. SKEEN, Mr. WOLF, Mr. KOLBE, Mr. PACKARD, Mr. CALLAHAN, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. OBEY, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. HOYER, Mr. MOLLOAHN, Ms. KAPTUR, Ms. PELOSI, Mr. SERRANO, AND Mr. PASTOR as the managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1184. An act to authorize appropriations for carrying out the Earthquake Hazards Reductions Act of 1977 for fiscal years 2000 and 2001, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2672. A communication from the Director, Torts Branch, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Radiation Exposure Compensation Act: Evidentiary Requirements; Definitions, and Number of Times Claims May Be Filed" (RIN 1105–AA49), received on April 15, 1999, to the Committee on the Judiciary.

EC–2673. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a detailed boundary map for a 39-mile segment of the Missouri National Recreation River; to the Committee on Energy and Natural Resources.

EC–2674. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled "The Comprehensive Electricity Competition Act"; to the Committee on Energy and Natural Resources.

EC–2675. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notice of the proposed issuance of an export license relative to Turkey; to the Committee on Foreign Relations.

EC–2676. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the report under the Foreign Agents Registration Act for the period January 1, 1998 through June 30, 1998; to the Committee on Foreign Affairs.

EC–2677. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the annex on domestic preparedness to the report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC–2678. A communication from the Under Secretary, Policy, Department of Defense, transmitting, pursuant to law, a report relative to actions taken to develop an integrated program to prevent and respond to terrorist incidents involving weapons of mass destruction; to the Committee on Armed Services.

EC–2679. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC–2680. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the financial report of the United States government for fiscal year 1998; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL:

S. 857. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

S. 858. A bill to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Ms. Snowe):

S. 859. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. Mack, Mr. Hollings, and Mr. Levin):

S. 860. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. Feingold, Mr. Lautenberg, Mrs. Murray, Mr. Kennedy, Mr. Torricelli, Mr. Kerry, Mr. Reed, Mrs. Boxer, Mr. Harkin, Mr. Schumer, and Mr. Wellstone):

S. 861. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. Conrad):

S. 862. A bill to protect Social Security surpluses and reserve a portion of non-Social Security surpluses to strengthen and protect Medicare; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mrs. Boxer, and Mr. Dorgan):

S. 863. A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. Chafee):

S. 864. A bill to designate April 22 as Earth Day; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 865. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for danger pay allowance as for combat pay; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. Craig, and Mr. Dorgan):

S. 866. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. Chafee, Mr. Baucus, Mr. Jeffords, Mr. Lieberman, Mr. Biden, Mr. Lautenberg, Mrs. Murray, Mrs. Boxer, Mr. Kerry, Mr. Kennedy, Mr. Wellstone, Mr. Torricelli, Mr. Harkin, Mrs. Feinstein, Mr. Schumer, Mr. Feingold, Mr. Kohl, Mr. Dodd, Mr. Leahy, Mr. Wyden, and Mr. Durbin):

S. 867. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. Mack):

S. 868. A bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 869. A bill for the relief of Mina Vahedi Notash; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. Roth, Mr. Grassley, and Mr. Bond):

S. 870. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspecter General within Federal departments, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEAHY:

S. 871. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other reasons; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. Bayh, Mr. DeWine, Mr. Abraham, Mr. Levin, and Mr. Lugar):

S. 872. A bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. Schumer, Mrs. Boxer, Mrs. Feinstein, Mrs. Murray, Mr. Harkin, Mr. Kerry, Ms. Landrieu, Mr. Feingold, and Mr. Wellstone):

S. 873. A bill to close the United States Army School of the Americas; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself, Mr. Lott, Mr. Daschle, Mr. McConnell, and Mr. Dodd):

S. Res. 82. A resolution expressing the gratitude of the United States Senate for the service of Thomas B. Griffith, Legal Counsel for the United States Senate; considered and agreed to.

By Mr. THURMOND:

S. Res. 83. A resolution expressing the sense of the Senate regarding the settlement of claims of citizens of Germany regarding deaths resulting from the accident near Cavalese, Italy, on February 3, 1998, before the settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD):

S. Con. Res. 29. A concurrent resolution authorizing the use of the Capitol Grounds for concerts to be authorized by the National Symphony Orchestra; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COVERDELL:

S. 857. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

FEDERAL FACILITIES COMMUNITY RIGHT TO KNOW ACT OF 1999

Mr. COVERDELL. Mr. President, I rise today to introduce legislation—the Federal Facilities Community Right-To-Know Act of 1999—which provides that the federal government is held to the same reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986 as private entities. In 1986, Congress directed the Environmental Protection Agency (EPA) to establish a national inventory to inform the public about chemicals used and released in their communities. Since enactment of the Emergency Planning and Community Right-To-Know Act, manufactures have been required to keep extensive records on how they use and store hazardous chemicals and report releases of hundreds of hazardous chemicals annually. EPA compiles the reported information into the Toxic Release Inventory (TRI).

The Toxic Release Inventory is a publicly available data base containing specific chemical release and transfer information from manufacturing facilities throughout the United States. The TRI is intended to promote planning for chemical emergencies and to provide information to the public regarding the presence and release of toxic and hazardous chemicals in their communities.

In August 1993, President Clinton signed Executive Order 12856, which required Federal facilities to begin submitting TRI reports beginning in calendar year 1994 activities. I commend President Clinton for taking this action. However, this executive order does not have the force of law and could be changed by a future Administration. The National Governors Association's policy on federal facilities states that "Congress should ensure that federal and state 'right to know' requirements apply to federal facilities." My legislation simply amends the Emergency Planning and Community Right-To-Know Act to cover federal facilities. It is important for the Federal government to protect the environment and its citizens from hazardous substances. People living near federal facilities have the right to know what hazardous substances are being released into the environment by these facilities so they can better protect themselves and their children from these potential threats. It is my strong belief that federal facilities should be treated the same as private entities. My legislation attempts to move us closer towards that goal.

By Mr. JEFFORDS (for himself and Ms. SNOWE):

S. 859. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL BEVERAGE CONTAINER REUSE AND RECYCLING ACT OF 1999

Mr. JEFFORDS. Mr. President, I rise today in celebration of Earth Day to introduce the National Beverage Container Reuse and Recycling Act of 1999. I introduce this bill again today because I firmly believe that deposit laws are a common sense, proven method to increase recycling, save energy, create jobs, and decrease the generation of waste and proliferation of landfills. Unfortunately, recycling rates for beverage containers have recently dropped, making this legislation even more important.

The experience of ten states, including Vermont, attest to the success of a deposit law or bottle bill as it is commonly called. The recycling rates in these states for aluminum cans is 80 percent, while the overall national average in 1998 was only 55 percent. Cans recycled in deposit states accounted for half of all cans recycled in the country during this period. Although a national recycling rate of 55 percent may seem significant, every three seconds, 14,000 aluminum cans are discarded as waste.

Such waste is rapidly overflowing landfills, washing up on our beaches, and piling up on our roadways. Our country's solid waste problems are very real, and they will continue to haunt us until we take action. The throw-away ethic that has emerged in this country is not insurmountable, and recycling is part of the solution.

The concept of a national bottle bill is simple: to provide the consumer with an incentive to return the container for reuse of recycling. Consumers pay a nominal cost per bottle or can when purchasing a beverage and are refunded their money when they bring the container back either to a retailer or redemption center. Retailers are paid a fee for their participation in the program, and any unclaimed deposits are used to finance state environmental programs.

Under my proposal, a 10-cent deposit on certain beverage containers would take effect in states which have beverage container recovery rates of less than 70 percent, the minimum recovery rate achieved by existing bottle bill states. Labels showing the deposit value would be affixed to containers, and retailers would receive a 2-cent fee per container for their participation in the program.

This legislation I introduce today is consistent with our nation's solid waste management objectives. A national bottle bill would reduce solid waste and litter, save natural resources and energy, and create a much needed partnership between consumers, industry, and local governments. I urge my colleagues to join these ten states, including Vermont, and support a nationwide bottle deposit law. Because for our children, the health of the planet may be our most enduring legacy.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. HOLLINGS, and Mr. LEVIN):

S. 860. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTED PRODUCE LABELING ACT OF 1999

Mr. GRAHAM. Mr. President, I rise today to introduce legislation that would require country of origin labeling of perishable agricultural commodities imported into the United States. I offer the "Imported Produce Labeling Act" to ensure that Americans know the origin of every orange, banana, tomato, cucumber, and green pepper on display in the grocery store.

For two decades, Floridians shopping at their local grocery stores have been able to make educated choices about the food products they purchase for their families. In 1979, in my first year as Governor, I proudly signed legislation to make country of origin labels commonplace in produce sections all over Florida. This labeling requirement has proven to be neither complicated nor burdensome for Florida's farmers or retailers.

Country of origin labeling is not new to the American marketplace. For decades, "Made In" labels have been as visible as price tags on clothes, toys, television sets, watches, and many other products. It makes little sense that such labels are nowhere to be found in the produce section of grocery stores in the vast majority of states.

The current lack of identifying information on produce means that Americans who wish to heed government health warnings about foreign products or who have justifiable concerns about other nations' labor, environmental, and agricultural standards are powerless to choose other perishables. In fact, according to nationwide surveys, between 74 and 83 percent of consumers favor mandatory country of origin labeling for fresh produce.

This is a low-cost, common sense method of informing consumers, as retailers will simply be asked to provide this information by means of a label, stamp, or placard. Implementation of this practice in Florida resulted in an estimated cost of only $10 monthly per grocery store, a remarkably small price to pay to provide American consumers with the information they need to make informed produce purchases.

In addition, a study by the U.S. Department of Agriculture found that twenty-six of our key trading partners require country of origin labeling for fresh fruits and vegetables. By adopting this amendment, our law will become more consistent with the laws of our global trading partners.

Consumers have the right to know basic information about the fruits and vegetables that they bring home to their families. Congress can take a major step toward achieving this simple goal by passing the "Imported Produce Labeling Act," thereby restoring American shoppers' ability to make an informed decision.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Mr. TORRICELLI, Mr. KERRY, Mr. REED, Mrs. BOXER, Mr. HARKIN, Mr. SCHUMER, and Mr. WELLSTONE):

S. 861. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

AMERICA'S RED ROCK WILDERNESS ACT

Mr. DURBIN. Mr. President, today I am introducing America's Red Rock Wilderness Act to protect an important part of our nation's natural heritage. America's Red Rock Wilderness Act designates 9.1 million acres of public land in Utah as wilderness.

Passage of America's Red Rock Wilderness Act is essential to protect a national treasure for future generations of Americans. It provides wilderness protection for magnificent canyons, red rock cliffs and rock formations unlike any on earth. The lands included in this legislation contain steep slick rock canyons, high cliffs offering spectacular vistas of rare rock formations, desert lands, important archeological sites, and habitat for rare plant and animal species.

The areas designated for wilderness protection in America's Red Rock Wilderness Act are based on a detailed inventory of lands managed by the Bureau of Land Management conducted by volunteers from the Utah Wilderness Coalition. Between 1996 and 1998, UWC volunteers and staff surveyed thousands of square miles of BLM land, taking over 50,000 photos and compiling documentation to ensure that these areas meet federal wilderness criteria.

As a result of this inventory, an additional 3.4 million acres not included in earlier Utah wilderness bills have been added to the wilderness designations in America's Red Rock Wilderness Act. Most of the areas added to the bill are in the remote Great Basin deserts in the western portion of the state and the red rock canyons in Southern Utah, which had not been included in earlier inventories.

Recently, BLM completed a re-inventory of approximately 6 million acres of federal land which had been proposed for wilderness designation in previous wilderness bills. The results provide a convincing confirmation of the inventory conducted by UWC volunteers. Of the 6 million acres it re-inventoried, BLM found that 5.8 million acres qualified for wilderness consideration. Almost all of these lands are included in America's Red Rock Wilderness Act.

Theodore Roosevelt once stated, "The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value." Unfortunately, these fragile, scenic lands in Utah are threatened by oil, gas and mining interests, destructive use by off-road vehicles, increased commercial development, and proposals to construct roads, communication towers, transmission lines, and dams. We must act now to protect these lands for future generations.

America's Red Rock Wilderness Act is supported by a broad coalition of over 150 environmental, conservation, and recreational organizations and citizen groups. In independent television and newspaper surveys and public hearings on this issue, the citizens of Utah also have expressed overwhelming support for a strong wilderness bill.

Yesterday was John Muir's birthday. He observed that "Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wilderness is a necessity; that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life." America's Red Rock Wilderness Act honors his vision.

The preservation of our nation's vital natural resources will be one of our most important legacies. I urge my colleagues to join me as a cosponsor of this important bill to protect the America's Red Rock Wilderness area in Utah for future generations.

Mr. FEINGOLD. Mr. President, I am very pleased to join the Senator from Illinois (Mr. DURBIN) as an original cosponsor of legislation to designate 9.1 million acres of Bureau of Land Management (BLM) lands in Utah as wilderness.

Though this is the second time this particular measure has been introduced in this body, this year's legislation has been substantially revised. As the Senator from Illinois (Mr. DURBIN) has already described, these revisions have been made on the basis of a citizen-led re-inventory of the wilderness quality lands that remain on BLM lands in Utah.

During the April recess I had an opportunity to travel to Utah. I viewed firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal, and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls.

I support this legislation, for a few reasons, Mr. President, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the BLM lands of Southern Utah.

Second, Mr. President, I support this legislation because I believe it sets the broadest and boldest mark for the lands that should be protected in Southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompases all the BLM lands of wilderness quality in Utah. Unfortunately, Mr. President, the Senate has not, as we do today, always had the benefit of considering wilderness designations for all of the deserving lands in Southern Utah. During the 104th Congress, I joined with the former Senator from New Jersey (Mr. Bradley) in opposing that Congress' Omnibus Parks legislation. It contained provisions, which were eventually removed, that many in my home state of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of Southern Utah are very special to the people of Wisconsin. In writing to me last Congress, my constituents described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of the Capital Times, a paper in Madison, WI, wrote:

> Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans.
>
> The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines

of the Great Basin include some of the last of our country's wilderness which is not fully protected.

We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah.

This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.

Some may say, Mr. President, that this legislation is unnecessary and Utah already has the "monument" that Wallace Stegner wrote about, designated by President Clinton on September 18, 1997. However, it is important to note, the land of the Grand Staircase Escalante National Monument comprises only about one tenth of the lands that will be granted wilderness protection under this bill.

I supported the President's actions to designate the Grand Staircase Escalante National Monument. On September 17, 1997, amid reports of the pending designation, I wrote a letter to President Clinton to support that action which was co-signed by six other members of the Senate. That letter concluded with the following statement "We remain interested in working with the Administration on appropriate legislation to evaluate and protect the full extent of public lands in Utah that meet the criteria of the 1964 Wilderness Act."

I believe that the measure being introduced today will accomplish that goal. Identical in its designations to legislation sponsored in the other body by Rep. MAURICE HINCHEY of New York, it is the culmination of more than 15 years and four Congresses of effort in the other body beginning with the legislative work of the former Congressman from Utah (Mr. Owens).

The measure protects wild lands that really are not done justice by any description in words. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the new National Monument. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, answered an important question I am often asked when people want to know why a Senator from Wisconsin would co-sponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that "These are not scenes that you could see in Wisconsin. That's part of what makes them special." He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness, "the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the nation's most splendid areas."

Wisconsinites are watching this test case closely. I believe, Mr. President, that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the nation is headed with respect to its stewardship of natural resources. For example, some in my home state believe that among federal lands that comprise the Apostle Islands National Lakeshore and the Nicolet and Chequamegon National Forests there are lands that are deserving of wilderness protection. These federal properties are incredibly important, and they mean a great deal to the people of Wisconsin. Wisconsinites want to know that, should additional lands in Wisconsin be brought forward for wilderness designation, the type of protection they expect from federal law is still available to be extended because it had been properly extended to other places of national significance.

What Haslanger's Capital Times comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness insures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Third, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the federal government for the people of the United States. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans.

Finally, I support this bill because I believe that there will likely be action during this Congress to develop consensus legislation to protect the lands contained in this proposal. We all need to be involved in helping to forge that consensus in order to ensure the best stewardship of that land. As many in this body know, the BLM has completed a review of the lands designated in the bill sponsored in the last Congress by the Senator from Illinois (Mr. DURBIN) and adjacent areas. BLM has found that 5.8 million acres of lands, slightly more than the acreage of the old bill, meet the criteria for wilderness protection under the Wilderness Act. While the re-inventory is not a formal recommendation to Congress for wilderness designation, it suggests that there are and should be more lands in play as the debate over wilderness protection in Utah moves forward.

I am also watching closely the ongoing dialogue between Governor Leavitt and Secretary Babbitt regarding possible wilderness protection for some of the West Desert lands that are contained in this legislation, and the formal Section 202 process in which the BLM will be engaged in Utah. I hope that the leaders of those efforts will look to this legislation as a guide in identifying the areas that need to be protected as wilderness.

I am eager to work with my colleague from Illinois (Mr. DURBIN) to protect these lands. I commend him for introducing this measure.

By Mr. LAUTENBERG (for himself and Mr. CONRAD):

S. 862. A bill to protect Social Security surpluses and reserve a portion of non-Social Security surpluses to strengthen and protect Medicare; to the Committee on the Budget and the Committee on Government Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

SOCIAL SECURITY AND MEDICARE LOCK BOX ACT

Mr. LAUTENBERG. Mr. President, today, along with Senator CONRAD, I am introducing legislation, the Social Security and Medicare Lock Box Act, to reserve budget surpluses for both Social Security and Medicare.

Mr. President, this bill is an alternative to the Abraham-Domenici-Ashcroft lock box legislation now before the Senate. There are several differences between the two versions. But I want to highlight this, most importantly: the Republican proposal claims to protect Social Security, but it doesn't even pretend to protect Medicare. This bill would reserve surpluses for both Social Security and Medicare. And the main question for the Senate is whether we care enough about Medicare to provide it with a real lock box.

Mr. President, as I explained earlier, the Republican lock box has three major flaws.

First, it fails to protect Social Security, and actually threatens benefits.

Second, it reserves nothing for Medicare.

And, third, it could result in a government default, which could trigger a world-wide economic catastrophe.

Our plan corrects each of these problems in a responsible way that will work. It provides an ironclad guarantee that 100 percent of the Social Security surplus will be saved for Social Security. It reserves 40 percent of the non-Social Security, on-budget surplus for Medicare. And, the lock box is enforced not by a risky new limit on public debt, but though the same budget procedures that produced the first budget surplus in 30 years.

With respect to Social Security, Mr. President, our lock box would create a new point of order against a budget resolution that spends the Social Security surplus. This provision is also in the Republican amendment. But our point of order requires a supermajority to waive while theirs can be waived by a simple majority vote.

The Republican amendment also contains a trap door that would allow Social Security contributions to be diverted for purposes other than Social Security benefits, such as risky new privatization schemes. Our proposal includes no such trap door. To the contrary, its enforcement procedures would remain in effect until legislation is enacted certifying that Social Security's life has been extended for the long-term.

In addition to protecting Social Security, Mr. President, our lock box extends similar protections to the Medicare program. The proposal creates supermajority points of order against a budget resolution or any subsequent legislation that fails to reserve roughly 40 percent of the on-budget surplus for Medicare over the next 15 years.

Mr. President, the Medicare Trust Fund is now expected to be bankrupt by 2015. We should move quickly to reform and modernize the program. But it's also clear that we'll need additional resources when the baby boom generation starts to retire. Even with reforms that substantially reduce costs, the revenues coming to the Medicare Trust Fund will not support this larger number of beneficiaries. Nor will they provide the resources needed to modernize the program or provide a prescription drug benefit.

In case anyone has any doubt about that, consider the so-called Breaux-Thomas plan that was considered by the bipartisan Medicare Commission.

By their own calculation, that plan would save $100 billion over ten years and extends the Trust Fund for only 3 additional years. In the scheme of things, that's not very long. But even this meager extension of the Trust Fund relies on several controversial proposals, including raising the age of eligibility for Medicare, establishing unlimited home health copayments, and completely eliminating the Direct Medicare Education program from Medicare.

The bottom line, Mr. President, is that we need more resources for Medicare. And our amendment would give us an opportunity to provide them.

Under our proposal, in the short term, the Medicare reserve would be used to reduce the debt. Over the next ten years, our proposal would reduce debt held by the public by $30 billion more than the Republican plan. By reducing debt held by the public, our lockbox would dramatically reduce the government's interest costs. And that would free up resources to allow the government to meet its existing commitments to Medicare. By contrast, under the Republican plan, every penny of the non-Social Security surplus is consumed. That would increase interest costs and almost guarantee further cuts in benefits in the future.

Mr. President, not only does our lockbox do more to protect Medicare and reduce debt, it also has a stronger lock and more responsible enforcement procedure for both Social Security and Medicare.

As I've explained, Mr. President, the Republican amendment includes a reckless new scheme that relies on the threat of a default to enforce its provisions. That not only could permanently damage our credit standing, it could force the government to stop issuing Social Security checks.

We have a better idea, Mr. President. As I said earlier, we have a 60-vote point of order against including Social Security in the budget totals, as well as a 60-vote point of order against using any of the Medicare reserve. Then, even if Congress tries to spend that money, our lockbox blocks it through automatic across-the-board cuts, rather than creating a crisis.

Mr. President, this is the best way to ensure fiscal restraint. Not by causing a crisis after money has already been committed. But by using the tools of the budget process to block those commitments in the first place. That's why our legislation would enforce the lock box through the tried and true mechanisms of the pay-go rules and across-the-board cuts.

If Congress attempts to spend part of the Social Security surplus or Medicare reserve, the sequester rules of the Balanced Budget Act would make automatic spending cuts in order to keep the reserve intact. This is far better than triggering a debt crisis, and threatening a government default, as the Republican amendment proposes.

To sum up, Mr. President, the Republican amendment claims to protect Social Security, but it really threatens Social Security benefits. Ours is a real lockbox that protects both Social Security and Medicare. It's a more responsible alternative that avoids the risk of default. And it would reduce debt by more than the underlying amendment.

I hope my colleagues will support it and I ask unanimous consent that a copy of the bill, along with certain related materials, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security and Medicare Lock Box Act".

SEC. 2. DEFINITIONS.

Section 3 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(11) The term 'Medicare surplus reserve' means the surplus amounts reserved to strengthen and preserve the Medicare program as calculated in accordance with section 316.".

SEC. 3. PROTECTION BY CONGRESS

Congress reaffirms its support for the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 4. SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.

Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.—It shall not be in order in the House or the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that violates section 13301 of the Budget Enforcement Act of 1990.".

SEC. 5. MEDICARE SURPLUS RESERVE POINT OF ORDER.

Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(k) MEDICARE SURPLUS RESERVE POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the surplus in any of the fiscal years covered by the concurrent resolution below the levels of the Medicare surplus reserve for those fiscal years calculated in accordance with section 316.".

SEC. 6. ENFORCEMENT OF MEDICARE SURPLUS RESERVE.

Section 311(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(4) ENFORCEMENT OF THE MEDICARE SURPLUS RESERVE.—After a concurrent resolution on the budget has been agreed to, it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in the Medicare surplus reserve in any of the fiscal years covered by the concurrent resolution. This paragraph shall not apply to a provision that appropriates new subsidies from the general fund to the Medicare Hospital Insurance Trust Fund.".

SEC. 7. SUPERMAJORITY.

Subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 are amended by inserting after "301(i)," the following: "301(j), 301(k), 311(a)(4),".

SEC. 8. MEDICARE SURPLUS RESERVE.

Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"MEDICARE SURPLUS RESERVE

"SEC. 316. (a) IN GENERAL.—Subject to adjustment pursuant to subsection (b), the amounts reserved for the Medicare surplus reserve in each year are—

"(1) for fiscal year 2000, $0;
"(2) for fiscal year 2001, $3,000,000,000;
"(3) for fiscal year 2002, $26,000,000,000;
"(4) for fiscal year 2003, $15,000,000,000;
"(5) for fiscal year 2004, $21,000,000,000;
"(6) for fiscal year 2005, $35,000,000,000;
"(7) for fiscal year 2006, $63,000,000,000;
"(8) for fiscal year 2007, $68,000,000,000;
"(9) for fiscal year 2008, $72,000,000,000;
"(10) for fiscal year 2009, $73,000,000,000;
"(11) for fiscal year 2010, $70,000,000,000;

"(12) for fiscal year 2011, $73,000,000,000;

"(13) for fiscal year 2012, $70,000,000,000;

"(14) for fiscal year 2013, $66,000,000,000; and

"(15) for fiscal year 2014, $52,000,000,000.

"(b) ADJUSTMENT.—

"(1) IN GENERAL.—The amounts in subsection (a) for each fiscal year shall be adjusted in the budget resolution each fiscal year through 2014 by a fixed percentage equal to the adjustment required to those amounts sufficient to extend the solvency of the Federal Hospital Insurance Trust Fund through fiscal year 2027.

"(2) LIMIT BASED ON TOTAL SURPLUS.—The Medicare surplus reserve, as adjusted by paragraph (1), shall not exceed the total baseline surplus in any fiscal year.".

SEC. 9. PAY-AS-YOU-GO AND DISCRETIONARY CAP EXTENSION.

(a) IN GENERAL.—Notwithstanding any other provision of law, sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 202 of H. Con. Res. 67 (104th Congress) shall be enforced until Congress enacts legislation that—

(1) ensures the long-term fiscal solvency of the Social Security trust funds and extends the solvency of the Medicare trust fund through fiscal year 2027; and

(2) includes a certification in that legislation that the legislation complies with paragraph (1).

(b) DISCRETIONARY CAP EXTENSION.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after paragraph (7) the following:

"(8) for each fiscal year after 2002, the current services baseline based on the discretionary spending limit for fiscal year 2002;".

SEC. 10. ADJUSTMENT OF BUDGET LEVELS AND REPEAL.

(a) ADJUSTMENTS.—Upon the enactment of this Act, the Chairmen of the Committees on the Budget shall file with their Houses appropriately revised budget aggregates, allocations, and levels (including reconciliation levels) under the Congressional Budget Act of 1974 to carry out this Act.

(b) REPEAL.—Section 207 of H. Con. Res. 68 (106th Congress) is repealed.

TWO LOCK BOX PROPOSALS

REPUBLICAN LOCK BOX

The Republican lock box purports to protect Social Security surpluses by establishing new limits on debt held by the public. The proposal creates a new super majority point of order against legislation that would increase the limits on public debt. The limits are set at levels that would allow all non-Social Security surpluses to be used for tax cuts or spending.

The GOP lock box has three major problems:

(1) *It does nothing to protect Medicare.* Instead, it allows Congress to use funds needed for Medicare to provide tax cuts.

(2) *It threatens Social Security.* If the economy slows, the government could be unable to issue Social Security or other benefit checks. Also, the GOP amendment includes a provision that would allow Social Security surpluses to be used for purposes other than Social Security benefits, if labeled as "Social Security reform."

(3) *It threatens default.* Secretary Rubin is concerned that the proposal could permanently *damage our credit standing.* The risk of default would increase interest costs for American taxpayers.

In November 1995, a debt crisis was precipitated when Government borrowing reached the debt limit and in January Moody's credit rating service placed Treasury securities on review for possible downgrade.

The proposal *could trigger an actual default based on factors beyond Congress's control.* Although the GOP proposal adjusts the debt ceiling for discrepancies between the actual and projected Social Security surpluses, it does not make similar corrections for unanticipated developments on the non-Social Security side of the budget. This means that an economic slowdown, a reduction in anticipated revenues, or an unexpected increase in mandatory spending could cause publicly held debt to exceed the new limits and create a debt crisis.

DEMOCRATIC LOCK BOX

The Democratic Lock Box creates a supermajority point of order against a budget resolution or any legislation that does not save at least 40 percent of the on-budget surplus for Medicare over the next 15 years and adds a new supermajority point of order against a budget resolution that violates the off-budget treatment of Social Security. (The budget act already contains supermajority points of order against a budget resolution or any legislation that reduces the Social Security surplus.)

The Democratic Lock Box has several advantages over the Republican approach.

(1) *It protects Social Security.* The language reserves all Social Security surpluses for Social Security, and does not allow these surpluses to be used for anything that does not increase the Solvency of the Social Security program.

(2) *It protects Medicare.* The Democratic bill reserves 40 percent of the on-budget surplus for Medicare; allows sufficient funding to extend the life of the Medicare HI Trust Fund through at least 2027.

(3) *It relies on responsible enforcement mechanisms.* The Democratic approach does not establish binding limits on publicly held debt and does not create a risk of default. Enforcement is through current budget procedures and across-the-board cuts. The Lock Box also restores the current pay-as-you-go point of order, which makes certain that no on-budget surplus can be used. Without a change in law, the Republican tax cuts will result in a pay-as-you-go sequester, which will come largely from Medicare.

(4) *It reduces more debt.* The Democratic Lock Box reduces more debt than the Republican proposal, which will lower future interest costs and free up government resources to meet its existing Social Security and Medicare obligations.

COMPARISON OF DEMOCRATIC AND REPUBLICAN LOCK BOX PROPOSALS

Democratic	Republican
Reserves 77 percent of unified surplus for Social Security and Medicare.	Claims to reserve 62 percent of unified surplus for Social Security but includes "trap door" loophole.
Prevents Social Security surplus from being used for other purposes.	Allows Social Security surplus to be used for anything labeled "Social Security reform" including tax cuts.
Reserves 40 percent of on-budget surplus for Medicare; allows solvency through 2027.	Reserves nothing for Medicare.
Enforcement through existing budget rules and across-the-board cuts; procedures that created the first budget surplus since 1969.	Enforcement through debt crisis; putting United States credit worthiness at risk and jeopardizing Social Security benefits.
Requires 60 votes to violate off-budget treatment of Social Security or for using Medicare reserve.	Requires 60 votes to violate off-budget treatment of Social Security; reserves nothing for Medicare.
Reduces debt held by the public to $1.6 trillion in 2009, $300 billion below the Republicans.	Reduces debt held by the public to $1.9 trillion in 2009.

SOCIAL SECURITY AND MEDICARE LOCK BOX ACT

The "Social Security and Medicare Lock Box Act" creates new budget points of order and budget enforcement mechanisms that would preclude any portion of the Social Security surplus *or* any portion of the surplus reserved for Medicare from being used for new spending or tax cuts. Over the next 15 years, the lockbox would save *77 percent* of the total unified surplus. The Medicare reserve would save 15 percent of the unified surplus and 40 percent of the on-budget surplus over the next 15 years.

SECTION 1: SHORT TITLE

Titles the bill the "Social Security and Medicare Lock Box Act."

SECTION 2. DEFINITIONS

Amends section 3 of the Congressional Budget Act of 1974 by adding a definition of the term "Medicare surplus reserve." The Medicare surplus reserve refers to surplus amounts reserved to strengthen and extend the Medicare program.

SECTION 3: PROTECTION OF SOCIAL SECURITY TRUST FUNDS

Section 3 reaffirms Congress's support for the off-budget treatment of Social Security (section 13301 of the Omnibus Budget Reconciliation Act of 1990).

SECTION 4: SOCIAL SECURITY OFF-BUDGET POINT OF ORDER

Section 4 creates a supermajority point of order in the House and Senate against a budget resolution that violates the off-budget treatment of Social Security (section 13301 of the Omnibus Budget Reconciliation Act of 1990).

SECTION 5: MEDICARE SURPLUS RESERVE POINT OF ORDER

Section 5 creates a supermajority point of order in the House and Senate against a concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the surplus in any of the fiscal years covered by the budget resolution below the level of the Medicare surplus reserve.

SECTION 6: ENFORCEMENT OF MEDICARE SURPLUS RESERVE

Section 6 creates a supermajority point of order in the House and Senate against any bill, joint resolution, amendment, motion, or conference report that would decrease the Medicare surplus reserve in any of the years covered by the budget resolution.

SECTION 7: SUPERMAJORITY POINTS OF ORDER

Section 7 makes all new points of order created in this amendment waivable only by a three-fifths supermajority vote.

SECTION 8: MEDICARE SURPLUS RESERVE

Section 8 lists the amounts reserved for Medicare in each year from 2000-2014. These amounts total $65 billion over 2000-2004; $376 billion over the period 2000-2009, and $707 billion for the period 2000-2014. This section also creates a procedure that requires these amounts to be adjusted annually in the budget resolution to make certain that they are sufficient to extend the solvency of the Hospital Insurance Trust Fund through 2027. The Medicare surplus reserve, however, cannot exceed the total on-budget surplus in any year so as not to deplete the Social Security surplus.

SECTION 9: PAY-AS-YOU-GO AND DISCRETIONARY CAP EXTENSION

Section 9 extends current budgetary discipline embodied in the discretionary spending caps, the paygo rule in the Senate, and the paygo sequestration provisions of the Budget Enforcement Act until Congress enacts legislation certifying that it has ensured the long-term fiscal solvency of Social

Security and extend the solvency of Medicare through fiscal year 2027.

SECTION 10: ADJUSTMENT OF BUDGET LEVELS AND REPEAL

Section 10 directs the Chairmen of the Budget Committees to revise the budget resolution to make it consistent with this Act and repeals the provision of the budget resolution that weakened the paygo rule in the Senate by allowing the on-budget surplus to be used for tax cuts.

By Mr. DASCHLE (for himself, Mrs. BOXER, and Mr. DORGAN):

S. 863. A bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists; to the Committee on Finance.

MEDICAID NURSING INCENTIVE ACT

Mr. DASCHLE. Mr. President, today I am introducing the Medicaid Nursing Incentive Act, a bill to provide direct Medicaid reimbursement for nurse practitioners and clinical nurse specialists.

This legislation eliminates a counterproductive Medicaid payment policy. Under current law, State Medicaid programs may exclude certified nurse practitioners and clinical nurse specialists from Medicaid reimbursement, even though these practitioners are fully trained to provide many of the same services as those provided by primary care physicians. This policy is both discriminatory and shortsighted; it severs a critical access link for Medicaid beneficiaries.

The ultimate goal of this proposal is to enhance the availability of cost-effective primary care to our nation's most vulnerable citizens.

Studies have documented the fact that millions of Americans each year go without the health care services they need, because physicians simply are not available to care for them. This problem plagues rural and urban areas alike, in parts of the country as diverse as south central Los Angeles and Lemmon, South Dakota.

Medicaid beneficiaries are particularly vulnerable, since in recent years an increasing number of health professionals have chosen not to care for them or have been unwilling to locate in the inner-city and rural communities where many beneficiaries live. Fortunately, there is an exception to the trend: nurse practitioners and clinical nurse specialists frequently accept patients whom others will not treat and serve in areas where others refuse to work.

Studies have shown that nurse practitioners and clinical nurse specialists provide quality, cost-effective care. Their advanced clinical training enables them to assume responsibility for up to 80 percent of the primary care services usually performed by physicians, often at a lower cost and with a high level of patient satisfaction.

Congress has already recognized the expanding contributions of nurse practitioners and clinical nurse specialists. For more than a decade, CHAMPUS has provided direct payment to nurse practitioners. In 1990, Congress mandated direct payment for nurse practitioner services under the Federal Employee Health Benefits Plan. The Medicare program, which already covered nurse practitioners and clinical nurse specialist services in rural areas, was modified under the Balanced Budget Act of 1997 to provide coverage for these services in all geographic areas. The bill I am introducing today establishes the same payment policy under Medicaid.

Mr. President, the ramifications of this issue extend beyond the Medicaid program and its beneficiaries. There is a broader lesson here that applies to our effort to make cost-effective, high-quality health care services available and accessible to all Americans.

One of the cornerstones of this kind of care is the expansion of primary and preventive care, delivered to individuals in convenient, familiar places where they live, work, and go to school. More than 2 million of our nation's nurses currently provide care in these sites—in home health agencies, nursing homes, ambulatory care clinics, and schools. In places like South Dakota, nurses are often the only health care professionals available in the small towns and rural counties across the state.

These nurses and other nonphysician health professionals play an important role in the delivery of care. And this role will only increase as we move from a system that focuses on the costly treatment of illness to one that emphasizes primary preventive care and health promotion.

But, first, we must reevaluate outdated attitudes and break down barriers that prevent nurses from using the full range of their training and skills in caring for patients. In 1994, the Pew Health Professions Commission concluded that nurse practitioners are not being fully utilized to deliver primary care services. The commission recommended eliminating fiscal discrimination by paying nurse practitioners directly for the services they provide. This step will help nurse practitioners and clinical nurse specialists expand access to the primary care that so many communities currently lack.

As I have worked on access and reimbursement issues related to nurse practitioners and clinical nurse specialists, I have encountered two related issues I would also like to highlight.

Later this month, I plan to introduce legislation to increase the reimbursement rate for nurse practitioners and clinical nurse specialists who practice in rural and underserved areas. Currently, physicians who serve in a health professional shortage area receive a 10 percent boost in their Medicare payment as an incentive to provide services in the regions that need them the most. As we know, nurses are already providing critical primary and preventive care in these areas and deserve the bonus payments that physicians are already receiving.

I would also encourage my colleagues to closely monitor the impact of Medicaid managed care on access to care provided by nurse practitioners and clinical nurse specialists. In some areas of the country, implementation of managed care has prevented patients from continuing to receive health care services from nurse practitioners and clinical nurse specialists because they are not listed as primary care providers or preferred providers. Advanced practice nurses provide cost-effective, local, quality care, and I am concerned about early reports that access to these professionals is being limited by new health delivery arrangements. We should certainly keep an eye on this issue as Medicaid managed care systems develop.

Mr. President, I hope my colleagues will carefully consider the issues I have raised and support the measure I am introducing today, recognizing the critical role nurse practitioners and other nonphysician health professionals play in our health care delivery system, as well as the increasingly significant contribution they can make in the future. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Nursing Incentive Act of 1999".

SEC. 2. MEDICAID COVERAGE OF ALL CERTIFIED NURSE PRACTITIONER AND CLINICAL NURSE SPECIALIST SERVICES.

(a) IN GENERAL.—Section 1905(a)(21) of the Social Security Act (42 U.S.C. 1396d(a)(21)) is amended to read as follows:

"(21) services furnished by a certified nurse practitioner (as defined by the Secretary) or clinical nurse specialist (as defined in subsection (v)) which the certified nurse practitioner or clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), whether or not the certified nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider;".

(b) CLINICAL NURSE SPECIALIST DEFINED.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end the following:

"(v) The term 'clinical nurse specialist' means an individual who—

"(1) is a registered nurse and is licensed to practice nursing in the State in which the clinical nurse specialist services are performed; and

"(2) holds a master's degree in a defined area of clinical nursing from an accredited educational institution.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to payments for calendar quarters beginning on or after January 1, 2000.

By Mr. BINGAMAN (for himself and Mr. CHAFEE):

S. 864. A bill to designate April 22 as Earth Day; to the Committee on the Judiciary.

EARTH DAY ACT

Mr. BINGAMAN. Mr. President, this bill that I have sent to the desk is being introduced on behalf of myself and Senator CHAFEE. It is entitled "The Earth Day Act." Its purpose is to designate April 22 as Earth Day.

Today, of course, is April 22. Let me provide a little history for my colleagues or anyone listening.

The first Earth Day was 29 years ago, in 1970, and I think we are all aware that Earth Day was first conceived by our former colleague, Senator Gaylord Nelson, who is universally considered the founder of Earth Day.

He has written a short summary of what brought Earth Day about, how it came about. In it he points out that in a speech that he gave in Seattle in September of 1969, he announced that there would be a national environmental teach-in in the spring of 1970. And the wire services picked up that story. And the next thing he knew, there was a movement afoot to actually have that happen.

That first Earth Day involved some 20 million Americans. Since then, the concept and the idea of Earth Day has focused the attention of the country, focused the attention of the world, in fact, on the importance of our environment and the importance of preserving and maintaining our environment. We have a great debt of gratitude we owe to former Senator Nelson for his leadership on this.

We also owe a great debt of gratitude to the person that did the nuts and bolts work of organizing that first Earth Day, and that, of course is Denis Hayes. He is now president of the Seattle-based Bullitt Foundation, but he has been recognized recently by Time magazine as one of their heroes of the planet. I think his instrumental role, his essential role in bringing about that first Earth Day, making such a success of it, has been recognized by all.

He is now, of course, trying to get in place the organization to make Earth Day 2000, which will occur exactly a year from today, an even greater celebration than we have known before.

Mr. President, I firmly believe that it is appropriate that we officially designate April 22 as Earth Day and that we permanently designate it as Earth Day. It has come to be known as Earth Day—April 22—for all of us. There are celebrations and teach-ins, and recognitions going on throughout our country today. As we hear the news about Kosovo, which is bad, and the news about Littleton, Colorado, and the terrible tragedy there, which is bad, and many of the other news stories that bombard us, it is good to know that there is one news story that we can all celebrate and rally around, and that is that today, again, we will be able to celebrate Earth Day.

Mr. President, it is my sincere hope that Senator CHAFEE and I can work in the next year to gain additional cosponsors and to obtain enactment of this, so that by the time Earth Day 2000 arrives, we will be able to have this in law, have it signed by the President. I am sure it will be supported by all of our colleagues. I think we all recognize the importance of this to many of the people we represent. I hope very much that the bill can be enacted.

By Mr. BIDEN:

S. 865. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for danger pay allowance as for combat pay; to the Committee on Finance.

DIPLOMATIC DANGER PAY

Mr. BIDEN. Mr. President, today I want to right a wrong—a small wrong, but a wrong nevertheless. It affects a handful of our diplomats who serve in the world's most dangerous places: Beirut, Bosnia, Kosovo, the unsettled nations of Africa and the former Soviet Union and elsewhere. And unfortunately, as the events of recent weeks prove, the need for Americans—soldiers and diplomats alike—to go in harm's way, is unlikely to abate.

Our diplomats, colleagues of those killed last summer in the tragic embassy bombings in Africa, receive an allowance for their service in the most frightening places in the world—a danger allowance.

This allowance is not unlike that paid to our military when they are in combat. In fact, in some places, such as Bosnia, where our military and diplomatic personnel serve side by side, both receive a special allowance for their sacrifices.

The military justifiably receives this benefit tax-free. But our diplomatic personnel do not. Through an oversight in the Internal Revenue Code, diplomats are taxed on their danger pay, even though they often face similar hardships and dangers. I think that's wrong.

I have a bill which would amend the Internal Revenue Code to right this wrong. It affects just a handful of people. But to them it will serve as recognition of the sacrifice they make when they represent the American people in dangerous settings overseas. I urge its quick passage.

I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF DANGER PAY ALLOWANCE.

(a) IN GENERAL.—Subchapter C of chapter 80 of the Internal Revenue Code of 1986 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following:

"SEC. 7874. TREATMENT OF DANGER PAY ALLOWANCE.

"(a) GENERAL RULE.—For purposes of the following provisions, a danger pay allowance area shall be treated in the same manner as if it were a combat zone (as determined under section 112):

"(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

"(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

"(3) Section 692 (relating to income taxes of members of Armed Forces on death).

"(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

"(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

"(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

"(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

"(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

"(b) DANGER PAY ALLOWANCE AREA.—For purposes of this section, the term 'danger pay allowance area' means any area in which an individual receives a danger pay allowance under section 5928 of title 5, United States Code, for services performed in such area."

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 7874. Treatment of danger pay allowance."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid in taxable years ending after the date of the enactment of this Act.

Mr. THURMOND. Mr. President, among the worst situations facing spouses, children, and families of members of the United States Armed Forces, is to be greeted by an official party, wearing their dress blue uniforms, announcing the grim news that their loved one has been killed or declared missing.

On Sunday, September 14, 1997 nine families endured such an experience as the United States Air Force declared one of its C–141 Starlifter cargo planes, en route from Namibia to Ascension Island, was overdue and presumed to have gone down in the Atlantic Ocean. At the same time, a German military plane was also declared missing in the same area, amid indications that the two planes had collided and crashed into the Atlantic.

An extensive search was begun, during which only a few airplane seats, a few papers, some debris from the U.S. cargo plane, remnants of the German aircraft, and the body of one victim were recovered. No other remains were recovered, and no survivors were located. On Saturday, September 27, 1997 the search for the crewmen of the Air Force jet ended and all were declared dead.

Mr. President, an investigation confirmed everyone's worst fears. In fact, on that fateful day—September 13, 1997—a German Luftwaffe Tupelov TU-154M collided with a U.S. Air Force C-141 Starlifter off the coast of Namibia, Africa. As a result of that mid-air collision nine United States Air Force Service members were killed. These are the rank, name, age, assignment, and hometowns of those killed: Staff Sergeant Stacy D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania;

At McGuire Air Force Base, New Jersey, families and members of the crewmen's squadron from the 305th Operation Group were trying to make sense of what happened. Monica Cindrich, wife of the pilot, had to explain to her 3 year-old son why his father would not be returning. On the day following the crash, Sharla Bucknam went alone to her son Andrew's third birthday party. Any Smart held out hope that her fiancé, Captain Ramsey, would return for their wedding, planned for the following May. And Justin Drager's father, Larry, a retired Air Force Master Sergeant prayed for a miracle. It was his son's very first mission since the Air Force certified him as a loadmaster on the giant cargo plane that would take the 19-year-old from Colorado Springs to the faraway places he joined the military to see.

At a memorial service at McGuire Air Force Base, the nine crew members were honored as heroes who gave their lives for a humanitarian mission. The plane was returning home to McGuire after delivering troops and 32,000 pounds of mine-clearing equipment to Namibia. As the chaplain called the names of each crew member in a final roll call, a squadron member answered "Absent, sir." The crowd of more than 3,000 stood solemnly as a lone bugler played taps and three C–141s flew over in formation.

Formal investigations by both the government of Germany and the United States Air Force found that the German military plane was flying at the wrong altitude. The two planes, occupying the same air space, at the same altitude, closed on each other at a combined speed of over 1,000 miles per hour. The two planes hit almost nose to nose.

The German crew saw the U.S. plane about a second before impact and struggled for two-and-a-half minutes to regain control of the TU-154 as it crashed into the Atlantic.

The German military transport was carrying 12 German marines, two of their spouses and 10 crew members. Unfortunately, there were no survivors. The German Air Force plane was en route from Germany to Cape Town, South Africa, where the marines were to have participated in a boat race marking the 75th anniversary of the South African Navy.

The details concerning the crash are unsettling and I doubt anyone would want to die in the manner that the crew of "MISSION REACH 4201" did. While the German crew had about a one-and-one-half second warning that they were going to collide with another aircraft, the crew aboard the C–141 literally did not know what hit them.

The cockpit voice recorder aboard the American aircraft chillingly captures the conversations of the "MISSION REACH 4201" crew as fate cruelly steers the two military transports toward a deadly collision. Reviewing the transcript shows that Captains Greg Cindrich and Peter Vallejo—the two pilots of the Starlifter—had no inclination that a collision was imminent until it was too late. The two officers were discussing topics such as Social Security and the exploration of Mars.

The tape indicates that the crew survived for at least 13 seconds following the impact with the German transport. In those 13 seconds, the C–141 and crew of "MISSION REACH 4201" began hurtling toward the Atlantic Ocean. They spent the last 13 seconds of the flight, of their lives, strapping on oxygen masks and looking for flashlights to cope with a failed electrical system. Aviation experts have determined that it is possible that the nine doomed men may have actually survived for as long as 30-seconds before the C–141 exploded. For thirteen to 30 seconds, these men fought to survive, fought to right their plane, fought for their very lives. If thirteen to 30 seconds sounds like a short amount of time, I challenge anyone to try holding their hand over a burning match for that amount of time, let alone spend that amount of time aboard a multi-ton aircraft as it plummets toward the ocean. These men were able to contemplate for thirteen to 30 seconds that their aircraft was damaged and diving toward the ocean from an altitude of 35,000 feet. That was thirteen to 30 seconds that these men could have been thinking that no C–141 had successfully survived a crash landing in water. It was thirteen to 30 seconds for these men to realize that they were about to die.

Somewhere between thirteen and thirty seconds after the collision, the C–141 of "Mission Reach 4201" exploded and what did not vaporize became debris that was spread on the surface of the ocean, or sunk to its cold and murky depths. Needless to say, rescuers and salvage operators never recovered much of the American aircraft or crew. The Air Force ultimately found a few parts of the airplanes and 15 pounds of human remains of such minute quantities that DNA testing had to be conducted to determine who was who. As a point of comparison, a bag of cement is approximately 20 pounds. You could have put the entire remains of nine adult men in a bag that is used to hold cement and have room left over. There were not enough remains left of any one of the crew members to afford their families the comfort of laying their sons, fathers, brothers, and husbands to rest. Instead, only mementos were placed in caskets and buried.

Accident investigations conducted by the United States Air Force and the German Ministry of Defense both concluded that fault for the collision and deaths lay with the German crew, who not only filed an inaccurate flight plan, but were flying at the wrong altitude. The crew of the C–141 were operating appropriately, and were exactly where they were supposed to be when they met their untimely deaths. These nine men died through no fault or negligence of their own, the United States Air Force, or the government of the United States.

The families of each of the nine victims have endured not only tremendous mental anguish and suffering, but significant financial losses, and understandably, they are seeking compensation from the German government. Sadly, despite the fact that this crash took place almost two-years-ago, the German government has still to make the first pfenning of compensation to any of the victims' families.

I rise today to offer a Sense of the Senate resolution that calls upon the German government to make quick and generous compensation to these families. Just as this Body agreed by unanimous consent on March 23, to authorize the Secretary of Defense to make humanitarian relief payments of up to $2 million to each of the families killed in Cavalese, Italy when a Marine Corps jet struck a ski gondola, we should go on the record as expecting equitably fair and expeditious relief for the families of our servicemen killed through the negligence of the German government.

It gives me no pleasure to offer this resolution. The German government and people are unquestionably among the closest of allies and the best of friends. We stood side-by-side during the Cold War, facing down the Eastern threat; we are working side-by-side in the Balkans now; our economies are linked; and we value the strong relationship between our two nations. Nevertheless, the Federal Republic of Germany has an undeniable responsibility to make quick and generous compensation to the nine families who lost loved ones aboard "MISSION REACH 4201" and I have pledged to Monica Cindrich, the widow of Captain Gregory Cindrich and the mother of their four-year-old son, that I will do all within my power to bring not only compensation to her, but closure to this tragedy. Passing this sense of the Senate resolution will help do just that.

Each of us gets into public service because we desire to help people, to do what is right, and to fight for fairness. This Sense of the Senate resolution allows us to achieve each of those goals. By securing compensation for the deaths of the nine men killed, we will unquestionably be helping their families; we will be making a stand for what is right by making a stand for our military families; and finally, we will be fighting for fairness. Just as our government has recognized our responsibility in the case of the Italian ski gondola incident, it is only fair that the German government recognize their responsibility and obligation in this matter.

It is my hope that this resolution will pass with the support of an overwhelming majority of Senators. By voting for this provision, each of you will not only be sending an unmistakable message to the German government, but perhaps even more importantly, you will be signaling to our men and women in uniform that their elected officials will always stand by them.

By Mr. CONRAD (for himself, Mr. CRAIG, and Mr. DORGAN):

S. 866. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the Medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements; to the Committee on Finance.

ANESTHESIA SERVICE PRESERVATION ACT

Mr. CONRAD. Mr. President, I rise today to introduce legislation which would help clarify an issue that relates to Medicare coverage for anesthesia services and its impact on rural health care.

As a senator representing a predominantly rural state, I know only too well the difficulties facing rural health care needs. Access to care in rural areas is slowly worsening as more and more rural hospitals close their doors in the face of overwhelming cost pressures. Clearly, one aspect of access to care is access to surgical procedures. And without anesthesia services, general surgery becomes impossible.

Certified registered nurse anesthetists (CRNAs) tend to be the predominant anesthesia provider in rural and undeserved urban areas. In fact, CRNAs are the sole anesthesia provider in 65% of rural hospitals and in addition, provide at least 65% of the nation's anesthesia needs. The simple fact is that anesthesiologists have not been moving into rural areas in any significant numbers, and are not expected to do so in the foreseeable future. Given this trend, if rural hospitals are going to stay open, they desperately need CRNAs for their anesthesia and ultimately their surgical needs. That means we have to maintain a healthy supply of CRNAs to maintain access to care for rural Medicare beneficiaries.

Unfortunately, current Medicare rules with respect to supervision provide a disincentive for hospitals to use nurse anesthetists. Medicare's regulations require physician supervision of CRNAs as a condition for hospitals or ambulatory surgical centers to receive Medicare reimbursement, despite many state laws that allow nurse anesthetists to practice without such supervision. Although HCFA has issued a proposed rule that would drop this requirement and defer to states on the issue of supervision, this rule has never been finalized.

The federal supervision requirement creates several problems for CRNAs. First, some surgeons and hospitals have been dissuaded from working with CRNAs, in the face of arguments that the physicians may be subjecting themselves to liability for engaging in supervision. But the truth is, the attending physician—or the hospital—is no more legally liable for the CRNAs actions than he or she is for the acts of an anesthesiologist. Second, the federal restriction is anti-competitive, acting as a disincentive for CRNAs to be used. Finally, the restriction creates an inaccurate perception among some surgeons that they have an obligation to direct or control the substantive course of the anesthetic process, even though there is no such obligation.

The legislation I am introducing today would eliminate the Federal supervision requirement and instead direct Medicare to defer to state law requirements on supervision. By eliminating this prescriptive federal regulation, we can better maximize the use of nurse anesthetists and eliminate the confusion surrounding CRNA supervision. At a time when the Congress is seeking ways to reduce costs for the Medicare program without sacrificing quality or access to care, increasing the use of nurse anesthetists seems particularly appropriate.

In terms of quality of care, there are no significant differences between anesthesia provided by CRNAs or that provided by anesthesiologists. Notwithstanding the claims of anesthesiologists, it is clear from a careful reading of the studies that there are no quantifiable differences in outcomes when CRNAs work with anesthesiologists, or when anesthesiologists provide anesthesia alone. CRNAs have been providing anesthesia services for more than a century. They have been the principal anesthesia providers in combat areas in every war the United States has been engaged in since World War I. CRNAs have received medals and accolades for their dedication, commitment and competence. And CRNAs perform the same anesthesia delivery function as anesthesiologists and work in every setting in which anesthesia is delivered: traditional hospital suites, obstetrical delivery rooms, dentist's offices, HMO's ambulatory surgical centers, Veterans Administration facilities and others.

Mr. President, the Federal Government is deferring to state judgment on a whole host of issues, so it seems completely consistent to let states decide how best to use nurse anesthetists, particularly in light of CRNA's long track record of success. States, which have the primary responsibility for regulating nurse practice, have generally not seen any need for a physician supervision requirement in non-Medicare settings. Twenty-nine states do not require supervision of CRNAs in nurse practice acts or board of nursing rules. This clearly indicates that many states, as a matter of public policy, do not believe it is necessary to require physician supervision of CRNAs. It is easy to understand why. Anesthesia is provided only when necessary to permit some medical procedure or intervention. Thus, as a practical matter even when supervision is not required as a matter of law, a surgeon, podiatrist, or dentist will be in the room when anesthesia is provided, and would be capable of handling any emergency that might arise.

Finally, I would note that when CRNAs were given direct Medicare reimbursement in 1986, there was no statutory requirement that CRNAs be supervised by physicians in order to receive reimbursement. This was not a requirement imposed by Congress then, nor has there been one since. Had Congress believed that such a requirement was appropriate, it would have been imposed as a condition of reimbursement at that time. Moreover, HCFA routinely defers to the states on scope of practice issues as its relates to other health care professionals.

This proposed change is supported by the American Hospital Association and the National Rural Health Association. I urge my colleagues to support this legislation and let the states make their own decisions about how to regulate a health care professional's scope of practice. Rural and undeserved urban areas need CRNAs and it's time the federal government removed impediments in regulations so that consumers' access to anesthesia care, particularly in rural areas, will not be jeopardized.

By Mr. ROTH (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. BIDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. BOXER, Mr. KERRY, Mr. KENNEDY, Mr. WELLSTONE, Mr. TORRICELLI, Mr. HARKIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. KOHL, Mr. DODD, Mr. LEAHY, Mr. WYDEN, and Mr. DURBIN):

S. 867. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

ARCTIC NATIONAL REFUGE WILDERNESS ACT OF 1999

Mr. ROTH. Mr. President, in 1960 President Dwight Eisenhower had the wisdom to set aside a portion of America's Arctic for the benefit and enjoyment of future generations. His Arctic National Wildlife Refuge protected the highest peaks and glaciers of the Brooks Range, North America's two largest and most northerly alpine lakes, and nearly 200 different wildlife species, including polar bears, grizzlies, wolves, caribou, and millions of migratory birds.

Eisenhower's Secretary of Interior Fred Seaton called the new Arctic Range, "one of the most magnificent wildlife and wilderness areas in North America . . . a wilderness experience not duplicated elsewhere.

With this in mind, I reintroduce legislation today, Earth Day 1999, that designates the coastal plain of Alaska as wilderness area. At the moment this area is a national wildlife refuge—one of our most beautiful and last frontiers. This legislation, the Arctic National Refuge Wilderness Act of 1999, would forever safeguard this great national treasure from oil exploration and development.

And I can't stress how important this is.

The Alaskan wilderness area is not only a critical part of our Earth's ecosystem—the last remaining region where the complete spectrum of arctic and subarctic ecosystems comes together—but it is a vital part of our national consciousness. It is a place we can cherish and visit for our soul's good.

The Alaskan wilderness is a place of outstanding wildlife, wilderness and recreation, a land dotted by beautiful forests, dramatic peaks and glaciers, gentle foothills and undulating tundra. It is untamed—rich with caribou, polar bear, grizzly, wolves, musk oxen, Dall sheep, moose, and hundreds of thousands of birds—snow geese, tundra swans, black brant, and more. Birds from the Arctic Refuge fly to or through every state in the continental U.S. In all, Mr. President, about 165 species use the coastal plain.

It is an area of intense wildlife activity. Animals give birth, nurse and feed their young, and set about the critical business of fueling up for winters of unspeakable severity.

The fact is Mr. President, there are parts of this Earth where it is good that man can come only as a visitor. These are the pristine lands that belong to all of us. And perhaps most importantly, these are the lands that belong to our future.

Considering the many reasons why this bill is so important, I came across the words of the great Western writer, Wallace Stegner. Referring to the land we are trying to protect with this legislation, he wrote that it is 'the most splendid part of the American habitat; it is also the most fragile.' And we cannot enter 'it carrying habits that [are] inappropriate and expectations that [are] surely excessive.'

What this bill offers—and what we need—is a brand of pragmatic environmentalism, an environmental stewardship that protects our important wilderness areas and precious resources, while carefully and judiciously weighing the short-term desires or our country against its long-term needs.

Together, we need to embrace environmental policies that are workable and pragmatic, policies based on the desire to make the world a better place for us and for future generations. I believe a strong economy, liberty, and progress are possible only when we have a healthy planet—only when resources are managed through wise stewardship—only when an environmental ethic thrives among nations—and only when people have frontiers that are untrammeled and able to host their fondest dreams.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PORTION OF ARCTIC NATIONAL WILDLIFE REFUGE AS WILDERNESS.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

"(p) DESIGNATION OF CERTAIN LAND AS WILDERNESS.—Notwithstanding any other provision of this Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,559,538 acres, as generally depicted on a map entitled 'Arctic National Wildlife Refuge—1002 Area. Alternative E—Wilderness Designation. October 28, 1991' and available for inspection in the offices of the Secretary of the Interior, is designated as a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).".

Mr. LIEBERMAN. Mr. President, I am proud to again join with Senator ROTH in the very important bipartisan effort to designate the coastal plain of the Arctic National Wildlife Refuge as wilderness—forever.

Today is Earth Day 1999. The introduction of the Arctic Wilderness Act is particularly appropriate on Earth Day because it will provide permanent protection for the unique and irreplaceable natural resources of an area that is the "biological heart" of the North Slope of Alaska. The coastal plain is a vital part of the tundra ecosystem that some have referred to as "America's Serengetti."

On Earth Day, we should take extra measure of special, rare, and threatened places. The Arctic National Wildlife Refuge coastal plain is one of these places. It is one natural treasure that we must protect as wilderness for current and future generations.

The coastal plain of the Arctic National Wildlife refuge represents the wildest and most pristine arctic coastal ecosystem in the United States. The coastal plain is where the calves of the awe-inspiring Porcupine caribou herd are born every year. It is also where snow geese feed in the fall and many female polar bears choose to den.

During the summer, migratory birds such as the red-throated loon, American golden-plover, and semipalmated sandpiper and others flock to the coastal plain of the Arctic National Wildlife Refuge in great numbers. In the fall, they return southward to and through the state of Connecticut among other places. By dedicating the coastal plain of the Arctic National Wildlife Refuge as wilderness, we can help ensure that this ancient natural rite continues into the 21st Century.

For more than a decade, Congress has repeatedly debated the advisability of opening the Arctic National Wildlife Refuge coastal plain to oil and gas exploration and development. Time and again, Congress and the American people have rejected the notion that we should sacrifice our last vestige of arctic coastal plain to petroleum development. The decision to prohibit coastal plain petroleum development reflects the tremendous value Americans place in the preservation of our great wilderness areas.

The degradation caused by developing oil and gas in places worthy of wilderness designation is irreversible. Once developed, the wilderness value of a place is lost.

The Alaska Wilderness Act designates the coastal plain of the Arctic National Wildlife Refuge as wilderness—an area to remain wild and undeveloped in perpetuity—and thereby preserves one of the last great natural treasures on the North American continent for generations to come.

Mr. WELLSTONE. Mr. President, Earth Day is a celebration of the value and importance of our natural environment and a reminder of our duty to protect, rather than carelessly exploit and deplete, our natural heritage. Our commitment to future generations is something we in Minnesota take very seriously. It is a commitment to ensure that the environmental legacy we pass on to our children and grandchildren is not marred by failures such as the poisoning of our oceans, rivers, lakes and streams, the destruction of the natural habitat, and the irreversible extinction of species.

Environmental concerns have always been very important to me and to Minnesotans, and I am proud of the progress that we are making in protecting the environment. However, while recognizing the progress we have made, we Minnesotans also realize how much more needs to be done.

That is why I feel it is very appropriate that Senator ROTH, myself, and several of our colleagues, are introducing legislation on this day to designate a portion of the Arctic National Wildlife Refuge in Alaska as wilderness. My good friend Congressman BRUCE VENTO from Minnesota, along with over 150 of his colleagues, have introduced similar legislation in the House, called the Morris K. Udall Wilderness Act. This legislation is a tremendous step forward, crucial to preserving the biodiversity of one of our nation's last remaining frontiers.

This bill will designate the coastal plain of the Arctic Refuge as wilderness, protecting 1.5 million acres of some of the most unspoiled wilderness remaining in the United States. The Arctic National Wildlife Refuge is a one-of-a-kind national treasure, home to many unique species of plant and animal life, several of which are considered endangered or threatened. This magnificent wilderness contains a complete spectrum of arctic and sub-arctic ecosystems, which can be found nowhere else on the continent.

Moreover, the fragile balance of life in this wilderness is critical to the survival of the native Gwich'in Athabascan Indians of northeast Alaska, who depend on the land to maintain their centuries-old nomadic way of life. The Gwich'in rely on the 150,000-strong Porcupine River caribou herd, whose calving grounds are on the coastal plain.

Unfortunately, a few multinational oil companies have set their sights on this crown jewel of America's wilderness to extract their short-term profits. Oil drilling on the coastal plain would mean despoliation of this pristine land with hundreds of oil rigs, pipelines, air strips, and other industrial facilities. It would destroy one of the most magnificent wilderness areas in North America.

And it would do so much harm for so little gain. Allowing these multinationals to boost their profits by drilling oil would do nothing to solve our energy problems. The amount of oil that could potentially be recovered from the Refuge is relatively small, and most of it would likely be exported to Asia.

Instead of promoting oil drilling that destroys our natural environment, we should be promoting renewable sources of energy. In so doing, we could save more energy than would ever be extracted from the coastal plain of the Arctic Refuge.

Polls show that Americans strongly support protection of the Arctic Refuge. Yet the oil lobby in Washington has never suffered from a lack of representation. The oil multinationals pressure Congress every year to open up this coastal plain to drilling. It's time Congress stood up for the public interest, rather than the economic interests of the largest oil companies.

We have a responsibility to protect the environment for future generations. We must voice our protest and prevent those reckless policies which ignore the real costs of exhausting our natural resources and permanently distort our ecosystem's fragile balance.

We must continue to be a world leader in deterring the destruction of our natural heritage. We must continue to facilitate and promote successful programs that help us conserve and use our lands and resources wisely.

As we celebrate the last official Earth Day of the twentieth century, we must ensure that we will have cause to celebrate Earth Day in the twenty-first century. This legislation represents a significant step in the right direction, and I urge my colleagues to join us in cosponsoring this legislation on this very special day.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 868. A bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FORESTRY INITIATIVE TO RESTORE THE ENVIRONMENT ACT OF 1999

Mr. GRAHAM. Mr. President, I have asked recognition this afternoon to commend the firefighters providing relief to the State of Florida and its citizens, which is once again besieged by fire due to excessive drought conditions. This, unfortunately, is not the first occasion on which I have risen to speak about forest fires in Florida.

The natural conditions in the State have been altered to the point where fires, normally a natural and essential part of the pine forests of this region, have burned uncontrollably, causing damage to local communities, private homes, and to the Florida forestry industry.

Last year, Florida sustained almost $300 million in private fire-related damage, and State and local governments spent over $100 million in responding to wild fires. Approximately 500,000 acres of forest were completely destroyed in 1998. And in 1999, fires in Florida have again commenced a process with severe consequences. As of today, 2,542 fires have burned more than 58,000 acres; 18 divisional forestry firefighters have been injured; 59 structures have been destroyed, and another 81 were damaged by fire.

Florida is not alone. Similar fires are occurring in Georgia, North Carolina, Arizona and New Mexico. My heart goes out to the unfortunate victims of these fires, as well as to the firefighters and volunteers who are working bravely to save families, homes and communities. As we speak, Americans from Alabama, Delaware, and Georgia, are fighting side by side with Floridians to prevent these fires in my State from endangering more lives, homes, and property. National Guardsmen, meteorologists, insurance specialist, and volunteers have converged in Florida to assist in response and recovery. These individuals' bravery and willingness to support people who they never met reaffirms our belief in the selflessness and vitality of the human spirit.

Mr. President, they say that a picture speaks a thousand words. I would like to draw your attention to the front page of the St. Petersburg Times of Tuesday, April 20, which has this dramatic picture of the Everglades afire. The Everglades, home to many endangered species, and the water source for millions of Floridians, has for the last several days been besieged by fire.

Now, fire is a natural phenomenon in the Everglades. It serves an important part in maintaining the ecosystem. However, human manipulation of this system has decreased water levels, making the Everglades more susceptible to fire and more ravaging consequences of that fire. This condition mirrors circumstances throughout Florida and many other States where efforts to prevent fires have allowed a large quantity of undergrowth to accumulate in our forestry lands.

As many of you know, the long-leaf pine ecosystem, which is prevalent in Florida and other southeastern States, depends heavily on the role of natural fire to rejuvenate the ecosystem. Prescribed burning mimics naturally occurring lightening fires, clears excess underbrush, which can rob lower plants of sunlight. This frequent, low-intensity fire retains the rich flora of the healthy long-leaf pine ecosystem. Without these frequent fires, underbrush robs lower plants, which in drought condition creates a ready fuel source for a fire. It is this situation that has led to severe wildfires in Florida.

Mr. President, today, I will be introducing legislation that is aimed at the prevention of the recurrence in the future and to assure that this tragedy does not bring a second tragedy—a permanent loss of our forest lands in Florida and in the southeast. I am introducing the Forestry Initiative to Restore the Environment Act of 1999 to mitigate the damages and prevent fire disasters in the future.

What exactly does mitigation of losses mean for us today? Let me focus on my State of Florida. There are currently 16 million acres of forested lands, making up 47 percent of the State's total land area. The majority of this land—over 7 million acres—is owned by private farmers and individual corporate landowners. The State of Florida is continuing to grow at an explosive pace. It already has over 15 million people, and in 25 years it is projected to have over 20 million people. This rapid growth is creating pressure on land values throughout Florida and creating a circumstance in which there could be a massive conversion of this 7 million acres of privately owned timberland for development purposes.

These 7 million acres not only provide a substantial amount of forest products for the Nation but also provide critical habitats for a unique group of plants and animals.

These 7 million acres help to contain a human population explosion that would create additional demands on the already scarce water supply in Florida and lead to degradation of water quality.

It is therefore in our Nation's interest to maintain Florida's existing timber lands for community use.

This legislation provides a long-term plan to restore and protect private forestry lands damaged by wildfires and other natural disasters. It directs the U.S. Department of Agriculture to act on its existing authority to develop a crop insurance program for small forestry landowners.

This type of program—which allows producers to invest in their own future to protect themselves from natural disasters such as fires, hurricanes, or tornadoes—will provide the same protection for forestry producers as is provided through USDA insurance plans for crops such as wheat or corn.

The availability of this support in times of disaster will provide incentives for private landowners to retain lands in forestry after disasters such as the current wildfires that we are experiencing in 1999.

The second part of our legislation will help to reduce the severity of future fire disasters by increasing the incentives for prescribed burning.

The State of Florida has an active prescribed burning program and burns an average of two million acres per year, including forestry, grasslands, and agricultural lands.

However, as evidenced by this week's events, existing levels of prescribed burning are not enough.

Large quantities of brush fuel accompanied by drought have created dangerous wildfire conditions.

One solution is to increase the frequency of prescribed burning to reduce fuel levels and the severity of fires when they occur.

In a study conducted by the Florida Division of Forestry, Orlando District, for the period 1981 to 1990, it was shown that an increase in prescribed burning leads to a decrease in the frequency of wildfires.

The study compared two counties—Osceola County and Brevard County which differ in the amount of prescribed burning they conduct.

Approximately five-hundred thousand acres are burned in Osceola County every 2 or 4 years. This compares with just over two-hundred and fifty thousand acres of lands in Brevard County on which prescribed burning is conducted.

The study found that the number of wildfires, the acres burned, and the average wildfires per acre were lower in Osceola County than Brevard County.

Our legislation attempts to encourage the use of prescribed burning as a forest management tool on private lands.

First, it authorizes the U.S. Forest Service to provide both technical and financial assistance for prescribed burning to states.

Grants to pay up to 75 percent of the cost of carrying out prescribed burns would be made to private landowners.

Second, our legislation seeks to enhance public support for the use of prescribed fire by addressing one of the most challenging issues—the misunderstanding of urban and suburban residents of the purpose of prescribed burning.

In the urban interface zone where much of Florida's forested lands are located, the opposition of local residents to smoke plumes can stop any efforts to conduct prescribed burning.

Our bill requires that the U.S. Forest Service and the Environmental Protection Agency develop education and outreach programs on this topic and make them available to state environmental and forest management agencies.

With these actions, this legislation will create a system to mitigate damages from wildfires. It will help to reduce the severity of future fires by removing obstacles for private landowners to conduct prescribed burns.

I hope you will join me in our long-term efforts to create a system for mitigating damages from natural disasters and reducing the severity of future wildfires by encouraging prescribed burning.

Mr. President, I ask unanimous consent that two items be printed in the RECORD.

The first is an April 18 article from the Miami Herald describing some of the wildfire damage which occurred in that city last week.

The second is an Associated Press story summarizing remarks made by the Secretary of the Interior supporting the use of prescribed burning at a wildlife conference in Gainesville, Florida this week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Apr. 18, 1999]

"HUGE WAVE" OF FIRE STUNS PORT ST. LUCIE

(By Curtis Morgan)

PORT ST. LUCIE.—When Don Tagner pulled into his driveway at 4 p.m., the faint smoke curling in the pine scrub looked as harmless as late morning fog.

The fire seemed at a safe distance, a dozen blocks away. But as a precaution he sent his daughters off with a neighbor. Then he called around to cancel that evening's soccer practice.

When a neighbor pounded on his door 30 minutes later, Tagner opened it to a world he described as "hell on a rampage."

Black smoke blotted out the sun. He ran to his backyard just in time to recoil from a towering wall of fire rolling in like "a huge wave. It sounded like a subway coming through. Whoosh."

Like that, it engulfed Frank Schultz's home next door. Tagner rushed back in his home, grabbed his car keys and as he turned up a street toward safety, houses two blocks up San Sebastian Avenue turned into roaring red balls.

For the hundreds who fled it and the hundreds who fought it, Thursday's blaze truly was hellish, the wickedest, most destructive one-day wildfire in Florida in almost 15 years.

In a bit more than four hours, it raced three miles north-northeast from its starting point in southernmost Port St. Lucie—destroying 43 homes, damaging 33 others and scorching 545 acres in the heavily wooded neighborhoods east of Interstate 95.

"I've seen them travel fast before but I've never seen anything of this magnitude in the 16 years I've been fighting fires," said a weary, soot-stained Lt. Mike Gablemann of the St. Lucie County Fire District, who led a crew dousing hundreds of hot spots Friday—including a smoldering file cabinet in the Schultz home.

DROUGHT INDEX PEAKED

An unlucky combination of factors turned the small brush fire into a full-blown inferno.

Like most of Florida, a record drought has left much of rural St. Lucie County bone-dry and crisp as kindling.

"Just look at the grass," said Gene Madden, safety director for the state Division of Forestry. "It's not green, it's brown. It crunches when you walk on it."

At 1 p.m. Thursday, forecasters warned Treasure Coast counties that conditions for wildfires would peak that afternoon.

When the blaze flared up, so did the winds. It was like blowing on a hot coal.

A FIRE STORM

Fire crews rushing to contain the blaze battled to keep up, but couldn't, Gabelmann said. They were outmanned and outmaneuvered by the relentless winds. As quickly as trucks pulled up to one house, flames would appear in treetops a quarter of a mile away.

"No fire department, no fire personnel are going to get out in front of it and stop a fire like this," Madden said.

Fires leapt from point to point and house to house in a path a mile wide, with destruction as unpredictable as wind currents.

"What we saw was the definition of a fire storm," said Lt. Ron Parrish of the St. Lucie County Fire District.

Firefighters were frustrated by their inability to do what they normally do: Put out fires. This was more like triage. Sometimes, they had to drive past one burning house to get to another where they believed people were trapped.

"Having to leave a house unprotected . . . gives you a sick feeling," Parrish said.

UNPREDICTABLE PATTERN

The random patterns of damage showed just how difficult it was to predict where the fires would turn next.

On one block, two homes back-to-back burned but a wooden swing set between them wasn't even singed. Hundreds of brush-choked undeveloped lots and wood-framed homes provided plentiful fuel—enough for the fire to jump the 100-foot-wide C–24 Canal.

Franklin Navas, a former firefighter from Costa Rica and now an equipment manager, credited the survival of his home to clearing brush a few feet behind his property line. Flames left the vinyl siding on one side of his home drooping like limp spaghetti—but the home stood.

Ironically, a large group of Port St. Lucie residents had opposed bringing city water to their neighborhoods—and even sued the town to block the process. Hydrants had been scheduled for the area within two years.

NO TIME TO GET DRESSED

Navas and his wife, Mayra, and two sisters visiting from New Jersey left at 4 p.m. as police began rolling through the neighborhood ordering evacuations by loud-speakers.

"Just in time," he said. As they pulled away, the flames had hit the lot next door.

For many, there was little time to pack family papers or heirlooms or even to get dressed.

Mike Azbell said his wife, Shelby, pulled children Marissa, 4, and Tyler, 2, into the car in a panic once she got word. "Tyler was running around the house naked and he left naked."

At 5 p.m., Florida Power & Light shut off power to about 5,000 customers—a move to protect firefighters from live, fallen wires. it also left remaining homeowners defenseless. Without power, their pumps couldn't pull water from their wells for the garden hoses that some tried to use in mostly fruitless efforts to halt flames.

Outside the roadblocks, homeowners worried about what they would find when they returned or pitched in to help others protect their homes.

About 50 evacuees gathered at Mike Schachter's house a block outside the cordoned-off area. Some helped hose down his house, while Schachter's mother, Barbara, fed others and baby-sat panicky children—including Mike's son, who celebrated his first birthday that night.

"Everyone just tried to help everyone else," Mike Schachter said.

SURVEYING THE DAMAGE

By 7:30 that night, man and nature combined to tame the wildfire.

"Mother Nature started it and Mother Nature pinched it off," Madden said.

Local firefighters managed with the help of crews that came from as far south as Hollywood and vital reinforcements from water-bearing helicopters and a tanker plane.

Several hundred residents spent the night in a Red Cross shelter at the Port St. Lucie Community Center. At daylight on Friday residents returned to neighborhoods that, while devastated in spots, could have been hit much worse. No one was killed or hurt and the number of homes that escaped damage far outnumbered those lost.

Martha Brann began crying when she thought about all she lost: photos of her children, her mother's gold wedding band and the diamond ring from her former husband—mementos representing the special people in her life.

"I couldn't get nothing," said Brann, 59.

But Tagner found all: His wood-framed home remained almost as he had left it. Grass had burned to within a foot of his patio and he lost two plastic garbage cans and a recycling bin, which, as it burned, slightly charred a small section of his garage.

"Everybody keeps asking me what my secret was," he said. "It was just luck."

BABBITT ADVOCATES PRESCRIBED BURNING

GAINESVILLE, FLA. (AP)—State and local governments need to get more aggressive in preventing wildfires by using prescribed burns, Interior Secretary Bruce Babbitt said Tuesday.

"By taking fire off the land, we've actually increased the fire hazard," Babbitt said. "We must abandon a warfare suppression model and find a thoughtful, scientific, cooperative way to acknowledge this force of nature and harness it to provide a better balance on the landscape."

In addition to the controlled burns, which are intentionally set fires ignited to reduce fuel for wildfires, Babbitt also advocated requiring stringent building requirements that help fireproof communities.

Babbitt, whose office oversees national parkland, spoke to about 300 foresters at the University of Florida's John Gray Distinguished Lecture Series.

Babbitt said most legislators haven't done enough to plan for prescribed burns and push private property owners to act.

"In Oakland, Calif., after the fire in the early '90s which just about wiped out the city, Alameda County actually passed an ordinance requiring brush control," Babbitt said.

"For landowners who didn't do it, the county would do it and add the costs to their property taxes. I don't know if that's the right answer, but it's a way to do it," he said.

In Florida, the state's Division of Forestry said it has authorized prescribed burns for 700,000 acres of land this year.

There is no statewide plan for specific prescribed burns, though private and public landowners have their own plans. A state forestry official said landowners are encouraged to perform prescribed burns, but they can't be forced.

"We can designate areas as high fire hazards and by designating that we can burn it for them, but we can't tell them that they're going to burn one-third of their acreage," said Jim Brenner, fire management administrator for the forestry division.

As for fireproofing communities, Babbitt said local governments need to ensure that homes get built with fire resistant roofing. He also said the homes should be far enough away from thick woods and hanging trees, such as pines, to prevent damage from an approaching fire.

Babbitt also said if Florida's fires tap the state's firefighting resources, federal authorities will help provide the needed manpower and equipment.

By Ms. COLLINS (for herself, Mr. ROTH, and Mr. GRASSLEY):

S. 870. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of the Inspector General within Federal departments, and for other purposes; to the Committee on Governmental Affairs.

INSPECTOR GENERAL ACT

Ms. COLLINS. Mr. President, today I am introducing the Inspector General Act Amendments of 1999. I am very pleased to be joined by my colleagues, Senators ROTH, GRASSLEY, and BOND, who have demonstrated unparalleled leadership on IG issues in the Senate. Indeed, Senator ROTH is one of the architects of the inspector general law, having advocated its creation in 1978 and, in 1982, having introduced legislation that created IGs in the Departments of Defense, Justice, and the Treasury. In such distinguished company, I am confident that my legislation hits the mark of improving an already invaluable program.

As chairman of the Permanent Subcommittee on Investigations, one of my top priorities since coming to the Senate has been the seemingly never-ending fight against waste, fraud, and abuse. We have all heard the horror stories of $500 hammers and roads built to nowhere. The waste of scarce Federal resources not only picks the pockets of taxpayers, but also places severe financial pressures on already overburdened programs, in some cases forcing cutbacks in the delivery of vital Government services.

Over the past 2 years in my capacity as the subcommittee's chairman, I have seen disturbing fraud and waste firsthand in a wide variety of programs. Last year, for example, the subcommittee held several hearings to shine a spotlight on the massive fraud in the Medicare Program. To cite just one example of the subcommittee's findings, our investigation revealed that the Federal Government had been sending Medicare checks to 14 fraudulent health care companies. These companies provided absolutely no services to our senior citizens at all. Indeed, the address listed by one such company did not even exist, and if it had existed, it would have been located in the middle of the runway of the Miami International Airport.

The fraud we uncovered was stunning. It costs taxpayers millions of dollars each year, diverting scarce resources from the elderly and legitimate health care providers in a program already under enormous financial strain.

The Medicare fraud investigation and others like it were undertaken by my subcommittee working hand in hand with the inspectors general for a variety of Federal agencies. The inspectors general are charged with identifying and eliminating waste, fraud, and abuse in Federal programs administered by the agencies they monitor.

Last year marked the 20th anniversary of the IG Act, the law that Congress passed to create these guardians of the public purse. As we recognize this important milestone, it is important for Congress to take a close look at the IG system. We must build on its strengths and remedy its weaknesses.

Over the past 21 years, the inspector general community has grown from 12 in 1978 to 58 inspectors general today. Offices of Inspectors General receive more than a billion dollars in annual funding and employ over 12,000 auditors, criminal investigators, and support personnel. Each Office of Inspector General shoulders tremendous responsibilities and is given considerable power to uncover waste, fraud, and abuse within Federal programs.

By and large, the IG community has performed in an outstanding manner. IGs have made thousands of recommendations to Congress, ultimately saving taxpayers billions of dollars. Inspectors general have conducted investigations that have resulted in the recovery of hundreds of millions of dollars from companies and individuals who have defrauded the Federal Government.

The inspectors general have a demonstrated record of success over the past 20 years. But as with all Government entities, we must ensure that the IG community is as well-managed, accountable, and effective as possible. IGs are public watchdogs, but they, too, must be watched. With these principles in mind and drawing on my extensive work with the inspectors general over the past 2 years, I am today introducing legislation to improve the accountability, independence, and efficiency of the inspectors general program.

The legislation I am introducing is designed to increase the accountability of inspectors general while retaining and, in some aspects, strengthening the provisions in law that guarantee their independence from the agencies they oversee.

My bill establishes a renewable 9-year term of office for each of the inspectors general who are appointed by the President and confirmed by the Senate. Currently, Presidential IGs serve for an indeterminate term.

The IG community has testified that having a fixed term of office would provide them with the assurances they need to be able to perform their vital but, in some cases, unpopular oversight responsibilities in a more independent environment.

The 9-year term also would enhance IG autonomy because it would extend beyond two Presidential administrations.

There has been considerable turnover in some of the IG positions, and the establishment of a fixed term would also encourage inspectors general to serve for longer periods of time, thus, adding experience to the IG community. Finally, by providing a defined term of service, an appropriate framework is provided for the evaluation of the performance of each IG to determine if reappointment is warranted. Thus, Mr. President, the 9-year term I am proposing would both enhance the independence of the IGs while improving their accountability.

My legislation also takes steps to streamline the IG offices themselves, making them more efficient and flexible, by consolidating existing offices and by reducing the frequency with which IGs must prepare and file resource-intensive reports.

Some of the IGs' offices that exist today are very small, with just a handful of employees. They could be made more efficient and effective by transferring their functions to larger IG offices that oversee similar programs.

For example, my legislation consolidates the current stand-alone office of the Federal Labor Relations Authority IG, which has just one employee, into the Office of Personnel Management, thus eliminating unnecessary overhead and bureaucracy but continuing the vital audit and oversight capacity of both agencies. In total, three existing small IGs' offices would be consolidated into the IG offices of major departments and two smaller IG offices would be consolidated into one office.

Currently, Mr. President, the Offices of Inspectors General are required by law to provide semiannual reports to Congress. To increase the value of these reports, I am reducing this requirement to a single annual report and streamlining the information presented. In this way, Congress can focus on high-risk areas before they get worse and before the problems become more difficult to solve.

Mr. President, the inspectors general have made very valuable contributions to the efficient operation of the Federal Government. Their record, however, is not without blemish. For example, the community's record was tarnished by the activities of the inspector general at the Department of Treasury. After an extensive investigation, the Permanent Subcommittee on Investigations found this particular IG violated Federal contract laws in her award of two noncompetitive, sole source contracts.

These actions not only wasted thousands of dollars but also shook the confidence of Congress, the agency, and the public in the IG's ability to operate with the highest degree of integrity. It was extremely disturbing to find that this inspector general was herself guilty of wasting resources and abusing the public trust. At the conclusion of our investigation, one could not help but wonder, who is watching the watchdogs?

Let me emphasize, Mr. President, that in my view, problems like the ones we uncovered in the Treasury Department are very unusual. They are not characteristic of the IG community. They are not widespread. However, because the inspectors general are the very officials in the Government responsible for combating waste, fraud, and abuse, they should be held to the very highest ethical standards. Even one example of impropriety is cause for concern.

To increase accountability, my legislation requires independent external reviews of each IG office every 3 years. It gives each office the flexibility to choose the most efficient method of review, but it does require that the watchdogs themselves submit to oversight by a qualified third party. This provision is intended to help ensure public confidence in the management and the efficiency of the IG offices and will provide valuable guidance to Congress in fulfilling our oversight responsibilities.

Mr. President, I am pleased to announce that the National Commission on the Separation of Powers has endorsed my recommendation that such an independent, external review be conducted of each IG office. The Commission is a bipartisan committee sponsored by the Miller Center for Public Affairs at the University of Virginia, and includes among its members former Senator Howard Baker, former White House Counsel Lloyd Cutler, former U.S. Attorney William Barr, former Secretary of State Lawrence Eagleburger, and former Director of Central Intelligence William Webster. I am very proud that my proposal has been endorsed by such an esteemed organization.

Mr. President, the legislation I introduce today represents a major step toward improving the effectiveness, the independence, and the accountability of the inspectors general program. I urge my colleagues to join me in this effort to strengthen and improve the inspectors general program as we approach the next century.

Thank you, Mr. President.

By Mr. LEAHY:

S. 871. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other reasons; to the Committee on the Judiciary.

FAIRNESS TO IMMIGRANT VETERANS ACT OF 1999

Mr. LEAHY. Mr. President, I rise today to introduce legislation that would ensure that veterans of the

United States Armed Forces are not summarily deported from this country. This bill would correct a grave injustice wrought by the recent changes in immigration policy, which has resulted in decorated war veterans being deported without any administrative or judicial consideration of the equities.

Under the immigration "reform" legislation enacted in 1996, Congress passed and the President endorsed a broad expansion of the definition of what makes a legal resident deportable. In the rush to be the toughest on illegal immigration, the bill also vastly limited relief from deportation and imposed mandatory detention for thousands of permanent residents in deportation proceedings.

The zealousness of Congress and the White House to be tough on aliens has successfully snared permanent residents who have spilled their blood for our country. As the INS prepares to deport these American veterans, we have not even been kind enough to thank them for their service with a hearing to listen to their story and consider whether, just possibly, their military service or other life circumstances outweighs the government's interest in deporting them.

Here is the cold and ugly side of our "tough" immigration policies. Here are the human consequences of legislating by 30-second political ad. Unfortunately the checks and balances of our government have failed these veterans because Congress and this Administration are determined not to be outdone by each other. "Tough" in this case means blinding ourselves to the personal consequences of these people. It means substituting discretion with a cold rubber stamp that can only say "no."

Our national policy on deportation of veterans is particularly outrageous at a time when we are sending tens of thousands of U.S. servicemen and women, including untold numbers of permanent residents, into harms way. Why has Congress asked the INS to devote its limited resources to hunting down non-citizens who previously answered this country's call to duty, some of whom were permanently disabled in the course of their service?

Interestingly, it appears that even the INS agrees that military service or other life circumstances may, on occasion, outweigh the government's interest in deportation. In one recent case, which I brought to the attention of INS Commissioner Meissner, the INS eventually reached this conclusion. I am honored if my intervention played a part in obtaining some semblance of justice for Sergeant Rafael Ramirez and his family. However, Sergeant Ramirez's example confirms the need to ensure that every veteran's case is carefully reviewed by an immigration judge empowered to do justice.

The legislation that I introduce today restores for veterans the opportunity to go before an immigration judge to present the equities of their case and to have a Federal court review any deportation decision. It also provides veterans with an opportunity to be released from detention while their case is under consideration.

The injustice addressed by this bill is just one egregious example of how recent immigration "reform" has resulted in the break-up of American families and the deportation of people who have contributed to our country. This Congress needs to address the broader injustices that our prior one-upmanship caused. In the meantime, this bill is an important step in the right direction.

By Mr. VOINOVICH (for himself, Mr. BAYH, Mr. DEWINE, Mr. ABRAHAM, Mr. LEVIN, and Mr. LUGAR):

S. 872. A bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

MUNICIPAL SOLID WASTE INTERSTATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 1999

Mr. VOINOVICH. Mr. President, today I am introducing legislation along with my colleague, Senator BAYH, that will allow states to finally obtain relief from the seemingly endless stream of solid waste that is flowing into states like Ohio and Indiana and many others.

Our bill, "the Municipal Solid Waste Interstate Transportation and Local Authority Act," gives state and local governments the tools they need to limit garbage imports from other states and manage their own waste within their own states.

Ohio receives about 1.4 million tons of municipal solid waste annually from other states. While I am pleased that these shipments have been reduced since our record high of 3.7 million tons in 1989, I believe it is still entirely too high.

Because it is cheap and because it is expedient, other states have simply put their garbage on trains or on trucks and shipped it to states like Ohio, Indiana, Michigan, Pennsylvania and Virginia. This is wrong and it has to stop.

Many state and local governments have worked hard to develop strategies to reduce waste and plan for future disposal needs. As Governor of Ohio, I worked aggressively to limit shipments of out-of-state waste into Ohio through voluntary cooperation of Ohio landfill operators and agreements with other states. We saw limited relief. But honestly Mr. President, Ohio has no assurance that our out-of-state waste numbers won't rise significantly with the upcoming closure of the Fresh Kills landfill on Staten Island in 2001.

However, the federal courts have prevented states from enacting laws to protect our natural resources. What has emerged is an unnatural pattern where Ohio and other states—both importing and exporting—have tried to take reasonable steps to encourage conservation and local disposal, only to be undermined by a barrage of court decisions at every turn.

Quite frankly, state and local governments' hands are tied. Lacking a specific delegation of authority from Congress, states that have acted responsibly to implement environmentally sound waste disposal plans and recycling programs are still being subjected to a flood of out-of-state waste. In Ohio, this has undermined our recycling efforts because Ohioans continue to ask why they should recycle to conserve landfill space when it is being used for other states' trash. Our citizens already have to live with the consequences of large amounts of out-of-state waste—increased noise, traffic, wear and tear on our roads and litter that is blown onto private homes, schools and businesses.

Ohio and many other states have taken comprehensive steps to protect our resources and address a significant environmental threat. However, excessive, uncontrolled waste disposal in other states has limited the ability of Ohioans to protect their environment, health and safety. I do not believe the commerce clause requires us to service other states at the expense of our own citizens' efforts.

A national solution is long overdue. When I became Governor of Ohio in 1991, I joined a coalition with other Midwest Governors—Governor BAYH (now Senator BAYH), Governor Engler and Governor Casey, and later Governors Ridge and O'Bannon—to try to pass effective interstate waste and flow control legislation.

In 1996, Midwest Governors were asked to reach an agreement with Governors Whitman and Pataki on interstate waste provisions. Our states quickly came to an agreement with New Jersey—the second largest exporting state—on interstate waste provisions. We began discussions with New York, but these were put on hold indefinitely in the wake of their May, 1996 announcement to close the Fresh Kills landfill.

The bill that Senator BAYH and I are introducing today reflects the agreement that our two states, along with Michigan and Pennsylvania, reached with Governor Whitman.

For Ohio, the most important aspect of this bill is the ability for states to limit future waste flows. For instance, they would have the option to set a "permit cap," which would allow a state to impose a percentage limit on the amount of out-of-state waste that a new facility or expansion of an existing facility could receive annually. Or, a state could choose a provision giving them the authority to deny a permit for a new facility if it is determined that there is not a local or in-state regional need for that facility.

These provisions provide assurances to Ohio and other states that new facilities will not be built primarily for the purpose of receiving out-of-state waste. For instance, Ohio EPA had to issue a permit for a landfill that was bidding to take 5,000 tons of garbage a day—approximately 1.5 million tons a year—from Canada alone, which would have doubled the amount of out-of-state waste entering Ohio. Thankfully this landfill lost the Canadian bid. Ironically though, the waste company put their plans on hold to build the facility because there is not enough need for the facility in the state and they need to ensure a steady out-of-state waste flow to make the plan feasible.

With the announcement to close the Fresh Kills landfill, it is even more critical to Ohio that states should receive the authority to place limits on new facilities and expansions of existing facilities. The Congressional Research Service estimates that when Fresh Kills closes, there will be an additional 13,200 tons of garbage each day diverted to other facilities. However, CRS also points out that there is only about 1,200 tons per day of capacity available in the entire state of New York. Even if New York handles some of that 13,200 tons a day in-state, it is estimated that about 4 million tons per year will still need to be managed outside the state from that landfill alone.

In addition, this bill would ensure that landfills and incinerators could not receive trash from other states until local governments approve its receipt. States also could freeze their out-of-state waste at 1993 levels, while some states would be able to reduce these levels to 65 percent by the year 2006. This bill also allows states to reduce the amount of construction and demolition debris they receive by 50 percent in 2007 at the earliest.

States also could impose up to a $3-per-ton cost recovery surcharge on out-of-state waste. This fee would help provide states with the funding necessary to implement solid waste management programs.

And finally, the bill grants limited flow control authority in order for municipalities to pay off existing bonds and guarantee a dedicated waste stream for landfills or incinerators.

Flow control is important to states like New Jersey, which has taken aggressive steps to try to manage all of its trash within its borders by the year 2000. New Jersey communities have acted responsibly to build disposal facilities to help meet that goal. However, if Congress fails to protect existing flow control authorities, repayment of the outstanding $1.9 billion investment in New Jersey alone will be jeopardized.

I am deeply concerned that responsible decisions made by Ohio, New Jersey and other states have been undermined and have put potentially large financial burdens on communities and have encouraged exporting states to pass their trash problems onto the backs of others.

Twenty-four Governors, including Governor Whitman, and the Western Governors' Association have sent letters to Congress strongly supporting the provisions that are in our bill.

Unfortunately, efforts to place reasonable restrictions on out-of-state waste shipments have been perceived by some as an attempt to ban all out-of-state trash. On the contrary, Senator BAYH and I are not asking for outright authority for states to prohibit all out-of-state waste, nor are we seeking to prohibit waste from any one state.

We are asking for reasonable tools that will enable state and local governments to act responsibly to manage their own waste and limit unreasonable waste imports from other states. Such measures would give substantial authority to limit imports and plan facilities around our own states' needs.

I believe the time is right to move an effective interstate waste bill. The bill we are introducing today is a consensus of importing and exporting states—states that have willingly come forward to offer a reasonable solution.

Congress must act this year to give citizens in Ohio and other affected states the relief they need from the truckloads of waste passing through their communities. We have waited too long for a solution. Congress must act now to prevent this problem from spreading further to our neighbors out West and to help our neighbors in the East better manage the trash they generate.

I ask unanimous consent that the full text of the bill and a letter from Governors O'Bannon, Taft, Engler and Whitman and one from Governor Ridge be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999".

SEC. 2. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED LOCAL GOVERNMENT.—The term 'affected local government', with respect to a facility, means—

"(A) the public body authorized by State law to plan for the management of municipal solid waste for the area in which the facility is located or proposed to be located, a majority of the members of which public body are elected officials;

"(B) in a case in which there is no public body described in subparagraph (A), the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or proposed to be located; or

"(C) in a case in which there is in effect an agreement or compact under section 105(b), contiguous units of local government located in each of 2 or more adjoining States that are parties to the agreement, for purposes of providing authorization under subsection (b), (c), or (d) for municipal solid waste generated in the jurisdiction of 1 of those units of local government and received in the jurisdiction of another of those units of local government.

"(2) AUTHORIZATION TO RECEIVE OUT-OF-STATE MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'authorization to receive out-of-State municipal solid waste' means a provision contained in a host community agreement or permit that specifically authorizes a facility to receive out-of-State municipal solid waste.

"(B) SPECIFIC AUTHORIZATION.—

"(i) SUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), only the following, shall be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

"(I) an authorization to receive municipal solid waste from any place within a fixed radius surrounding the facility that includes an area outside the State;

"(II) an authorization to receive municipal solid waste from any place of origin in the absence of any provision limiting those places of origin to places inside the State;

"(III) an authorization to receive municipal solid waste from a specifically identified place or places outside the State; or

"(IV) a provision that uses such a phrase as 'regardless of origin' or 'outside the State' in reference to municipal solid waste.

"(ii) INSUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), either of the following, by itself, shall not be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

"(I) A general reference to the receipt of municipal solid waste from outside the jurisdiction of the affected local government.

"(II) An agreement to pay a fee for the receipt of out-of-State? municipal solid waste.

"(C) FORM OF AUTHORIZATION.—To qualify as an authorization to receive out-of-State municipal solid waste, a provision need not be in any particular form; a provision shall so qualify so long as the provision clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from places of origin outside the State.

"(3) DISPOSAL.—The term 'disposal' includes incineration.

"(4) EXISTING HOST COMMUNITY AGREEMENT.—The term 'existing host community agreement' means a host community agreement entered into before January 1, 1999.

"(5) FACILITY.—The term 'facility' means a landfill, incinerator, or other enterprise that received municipal solid waste before the date of enactment of this section.

‘‘(6) Governor.—The term ‘Governor’, with respect to a facility, means the chief executive officer of the State in which a facility is located or proposed to be located or any other officer authorized under State law to exercise authority under this section.

‘‘(7) Host community agreement.—The term ‘host community agreement’ means a written, legally binding agreement, lawfully entered into between an owner or operator of a facility and an affected local government that contains an authorization to receive out-of-State municipal solid waste.

‘‘(8) Municipal solid waste.—

‘‘(A) In general.—The term ‘municipal solid waste’ means—

‘‘(i) material discarded for disposal by—

‘‘(I) households (including single and multifamily residences); and

‘‘(II) public lodgings such as hotels and motels; and

‘‘(ii) material discarded for disposal that was generated by commercial, institutional, and industrial sources, to the extent that the material—

‘‘(I) is essentially the same as material described in clause (i); or

‘‘(II) is collected and disposed of with material described in clause (i) as part of a normal municipal solid waste collection service.

‘‘(B) Inclusions.—The term ‘municipal solid waste’ includes—

‘‘(i) appliances;

‘‘(ii) clothing;

‘‘(iii) consumer product packaging;

‘‘(iv) cosmetics;

‘‘(v) disposable diapers;

‘‘(vi) food containers made of glass or metal;

‘‘(vii) food waste;

‘‘(viii) household hazardous waste;

‘‘(ix) office supplies;

‘‘(x) paper; and

‘‘(xi) yard waste.

‘‘(C) Exclusions.—The term ‘municipal solid waste’ does not include—

‘‘(i) solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste;

‘‘(ii) solid waste resulting from—

‘‘(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606);

‘‘(II) a response action taken under a State law with authorities comparable to the authorities contained in either of those sections; or

‘‘(III) a corrective action taken under this Act;

‘‘(iii) recyclable material—

‘‘(I) that has been separated, at the source of the material, from waste destined for disposal; or

‘‘(II) that has been managed separately from waste destined for disposal, including scrap rubber to be used as a fuel source;

‘‘(iv) a material or product returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible potential reuse;

‘‘(v) solid waste that is—

‘‘(I) generated by an industrial facility; and

‘‘(II) transported for the purpose of treatment, storage, or disposal to a facility (which facility is in compliance with applicable State and local land use and zoning laws and regulations) or facility unit—

‘‘(aa) that is owned or operated by the generator of the waste;

‘‘(bb) that is located on property owned by the generator of the waste or a company with which the generator is affiliated; or

‘‘(cc) the capacity of which is contractually dedicated exclusively to a specific generator;

‘‘(vi) medical waste that is segregated from or not mixed with solid waste;

‘‘(vii) sewage sludge or residuals from a sewage treatment plant; or

‘‘(viii) combustion ash generated by a resource recovery facility or municipal incinerator.

‘‘(9) New host community agreement.—The term ‘new host community agreement’ means a host community agreement entered into on or after the date of enactment of this section.

‘‘(10) Out-of-state municipal solid waste.—

‘‘(A) In general.—The term ‘out-of-State municipal solid waste’, with respect to a State, means municipal solid waste generated outside the State.

‘‘(B) Inclusion.—The term ‘out-of-State municipal solid waste’ includes municipal solid waste generated outside the United States.

‘‘(11) Receive.—The term ‘receive’ means receive for disposal.

‘‘(12) Recyclable material.—

‘‘(A) In general.—The term ‘recyclable material’ means a material that may feasibly be used as a raw material or feedstock in place of or in addition to, virgin material in the manufacture of a usable material or product.

‘‘(B) Virgin material.—In subparagraph (A), the term ‘virgin material’ includes petroleum.

‘‘(b) Prohibition of Receipt for Disposal of Out-of-State Waste.—No facility may receive for disposal out-of-State municipal solid waste except as provided in subsections (c), (d), and (e).

‘‘(c) Existing Host Community Agreements.—

‘‘(1) In general.—Subject to subsection (f), a facility operating under an existing host community agreement may receive for disposal out-of-State municipal solid waste if—

‘‘(A) the owner or operator of the facility has complied with paragraph (2); and

‘‘(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

‘‘(2) Public inspection of agreement.—Not later than 90 days after the date of enactment of this section, the owner or operator of a facility described in paragraph (1) shall—

‘‘(A) provide a copy of the existing host community agreement to the State and affected local government; and

‘‘(B) make a copy of the existing host community agreement available for inspection by the public in the local community.

‘‘(d) New Host Community Agreements.—

‘‘(1) In general.—Subject to subsection (f), a facility operating under a new host community agreement may receive for disposal out-of-State municipal solid waste if—

‘‘(A) the agreement meets the requirements of paragraphs (2) through(5); and

‘‘(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

‘‘(2) Requirements for authorization.—

‘‘(A) In general.—Authorization to receive out-of-State municipal solid waste under a new host community agreement shall—

‘‘(i) be granted by formal action at a meeting;

‘‘(ii) be recorded in writing in the official record of the meeting; and

‘‘(iii) remain in effect according to the terms of the new host community agreement.

‘‘(B) Specifications.—An authorization to receive out-of-State municipal solid waste shall specify terms and conditions, including—

‘‘(i) the quantity of out-of-State municipal solid waste that the facility may receive; and

‘‘(ii) the duration of the authorization.

‘‘(3) Information.—Before seeking an authorization to receive out-of-State municipal solid waste under a new host community agreement, the owner or operator of the facility seeking the authorization shall provide (and make readily available to the State, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following:

‘‘(A) A brief description of the facility, including, with respect to the facility and any planned expansion of the facility, a description of—

‘‘(i) the size of the facility;

‘‘(ii) the ultimate municipal solid waste capacity of the facility; and

‘‘(iii) the anticipated monthly and yearly volume of out-of-State municipal solid waste to be received at the facility.

‘‘(B) A map of the facility site that indicates—

‘‘(i) the location of the facility in relation to the local road system; and

‘‘(ii) topographical and general hydrogeological features;

‘‘(iii) any buffer zones to be acquired by the owner or operator; and

‘‘(iv) all facility units.

‘‘(C) A description of—

‘‘(i) the environmental characteristics of the site, as of the date of application for authorization;

‘‘(ii) ground water use in the area, including identification of private wells and public drinking water sources; and

‘‘(iii) alterations that may be necessitated by, or occur as a result of, operation of the facility.

‘‘(D) A description of—

‘‘(i) environmental controls required to be used on the site (under permit requirements), including—

‘‘(I) run-on and run off management;

‘‘(II) air pollution control devices;

‘‘(III) source separation procedures;

‘‘(IV) methane monitoring and control;

‘‘(V) landfill covers;

‘‘(VI) landfill liners or leachate collection systems; and

‘‘(VII) monitoring programs; and

‘‘(ii) any waste residuals (including leachate and ash) that the facility will generate, and the planned management of the residuals.

‘‘(E) A description of site access controls to be employed by the owner or operator and road improvements to be made by the owner or operator, including an estimate of the timing and extent of anticipated local truck traffic.

‘‘(F) A list of all required Federal, State, and local permits.

‘‘(G) Estimates of the personnel requirements of the facility, including—

‘‘(i) information regarding the probable skill and education levels required for job positions at the facility; and

‘‘(ii) to the extent practicable, a distinction between preoperational and postoperational employment statistics of the facility.

‘‘(H) Any information that is required by State or Federal law to be provided with respect to—

“(i) any violation of environmental law (including regulations) by the owner or operator or any subsidiary of the owner or operator;

“(ii) the disposition of any enforcement proceeding taken with respect to the violation; and

“(iii) any corrective action and rehabilitation measures taken as a result of the proceeding.

“(I) Any information that is required by Federal or State law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

“(J) Any information that is required by Federal or State law to be provided with respect to gifts and contributions made by the owner or operator.

“(4) ADVANCE NOTIFICATION.—Before taking formal action to grant or deny authorization to receive out-of-State municipal solid waste under a new host community agreement, an affected local government shall—

“(A) notify the State, contiguous local governments, and any contiguous Indian tribes;

“(B) publish notice of the proposed action in a newspaper of general circulation at least 15 days before holding a hearing under subparagraph (C), except where State law provides for an alternate form of public notification; and

“(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

“(5) SUBSEQUENT NOTIFICATION.—Not later than 90 days after an authorization to receive out-of-State municipal solid waste is granted under a new host community agreement, the affected local government shall give notice of the authorization to—

“(A) the Governor;

“(B) contiguous local governments; and

“(C) any contiguous Indian tribes.

“(e) RECEIPT FOR DISPOSAL OF OUT-OF-STATE MUNICIPAL SOLID WASTE BY FACILITIES NOT SUBJECT TO HOST COMMUNITY AGREEMENTS.—

“(1) PERMIT.—

“(A) IN GENERAL.—Subject to subsection (f), a facility for which, before the date of enactment of this section, the State issued a permit containing an authorization may receive out-of-State municipal solid waste if—

“(i) not later than 90 days after the date of enactment of this section, the owner or operator of the facility notifies the affected local government of the existence of the permit; and

“(ii) the owner or operator of the facility complies with all of the terms and conditions of the permit after the date of enactment of this section.

“(B) DENIED OR REVOKED PERMITS.—A facility may not receive out-of-State municipal solid waste under subparagraph (A) if the operating permit for the facility (or any renewal of the operating permit) was denied or revoked by the appropriate State agency before the date of enactment of this section unless the permit or renewal was granted, renewed, or reinstated before that date.

“(2) DOCUMENTED RECEIPT DURING 1993.—

“(A) IN GENERAL.—Subject to subsection (f), a facility that, during 1993, received out-of-State municipal solid waste may receive out-of-State municipal solid waste if the owner or operator of the facility submits to the State and to the affected local government documentation of the receipt of out-of-State municipal solid waste during 1993, including information about—

“(i) the date of receipt of the out-of-State municipal solid waste;

“(ii) the volume of out-of-State municipal solid waste received in 1993;

“(iii) the place of origin of the out-of-State municipal solid waste received; and

“(iv) the type of out-of-State municipal solid waste received.

“(B) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

“(C) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a facility that receives out-of-State municipal solid waste under subparagraph (A)—

“(I) shall make available for inspection by the public in the local community a copy of the documentation submitted under subparagraph (A); but

“(II) may omit any proprietary information contained in the documentation.

“(3) BI-STATE METROPOLITAN STATISTICAL AREAS.—

“(A) IN GENERAL.—A facility in a State may receive out-of-State municipal solid waste if the out-of-State municipal solid waste is generated in, and the facility is located in, the same bi-State level A metropolitan statistical area (as defined and listed by the Director of the Office of Management and Budget as of the date of enactment of this section) that contains 2 contiguous major cities, each of which is in a different State.

“(B) GOVERNOR AGREEMENT.—A facility described in subparagraph (A) may receive out-of-State municipal solid waste only if the Governor of each State in the bi-State metropolitan statistical area agrees that the facility may receive out-of-State municipal solid waste.

“(f) REQUIRED COMPLIANCE.—A facility may not receive out-of-State municipal solid waste under subsection (c), (d), or (e) at any time at which the State has determined that—

“(1) the facility is not in compliance with applicable Federal and State laws (including regulations) relating to—

“(A) facility design and operation; and

“(B)(i) in the case of a landfill—

“(I) facility location standards;

“(II) leachate collection standards;

“(III) ground water monitoring standards; and

“(IV) standards for financial assurance and for closure, postclosure, and corrective action; and

“(ii) in the case of an incinerator, the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429); and

“(2) the noncompliance constitutes a threat to human health or the environment.

“(g) AUTHORITY TO LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE.—

“(1) LIMITS ON QUANTITY OF WASTE RECEIVED.—

“(A) LIMIT FOR ALL FACILITIES IN THE STATE.—

“(i) IN GENERAL.—A State may limit the quantity of out-of-State municipal solid waste received annually at each facility in the State to the quantity described in paragraph (2).

“(ii) NO CONFLICT.—

“(I) IN GENERAL.—A limit under clause (i) shall not conflict with—

“(aa) an authorization to receive out-of-State municipal solid waste contained in a permit; or

“(bb) a host community agreement entered into between the owner or operator of a facility and the affected local government.

“(II) CONFLICT.—A limit shall be treated as conflicting with a permit or host community agreement if the permit or host community agreement establishes a higher limit, or if the permit or host community agreement does not establish a limit, on the quantity of out-of-State municipal solid waste that may be received annually at the facility.

“(B) LIMIT FOR PARTICULAR FACILITIES.—

“(i) IN GENERAL.—An affected local government that has not executed a host community agreement with a particular facility may limit the quantity of out-of-State municipal solid waste received annually at the facility to the quantity specified in paragraph (2).

“(ii) NO CONFLICT.—A limit under clause (i) shall not conflict with an authorization to receive out-of-State municipal solid waste contained in a permit.

“(C) EFFECT ON OTHER LAWS.—Nothing in this subsection supersedes any State law relating to contracts.

“(2) LIMIT ON QUANTITY.—

“(A) IN GENERAL.—For any facility that commenced receiving documented out-of-State municipal solid waste before the date of enactment of this section, the quantity referred to in paragraph (1) for any year shall be equal to the quantity of out-of-State municipal solid waste received at the facility during calendar year 1993.

“(B) DOCUMENTATION.—

“(i) CONTENTS.—Documentation submitted under subparagraph (A) shall include information about—

“(I) the date of receipt of the out-of-State municipal solid waste;

“(II) the volume of out-of-State municipal solid waste received in 1993;

“(III) the place of origin of the out-of-State municipal solid waste received; and

“(IV) the type of out-of-State municipal solid waste received.

“(ii) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

“(3) NO DISCRIMINATION.—In establishing a limit under this subsection, a State shall act in a manner that does not discriminate against any shipment of out-of-State municipal solid waste on the basis of State of origin.

“(h) AUTHORITY TO LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE TO DECLINING PERCENTAGES OF QUANTITIES RECEIVED DURING 1993.—

“(1) IN GENERAL.—A State in which facilities received more than 650,000 tons of out-of-State municipal solid waste in calendar year 1993 may establish a limit on the quantity of out-of-State municipal solid waste that may be received at all facilities in the State described in subsection (e)(2) in the following quantities:

“(A) In calendar year 2000, 95 percent of the quantity received in calendar year 1993.

“(B) In each of calendar years 2001 through 2006, 95 percent of the quantity received in the previous year.

“(C) In each calendar year after calendar year 2006, 65 percent of the quantity received in calendar year 1993.

“(2) UNIFORM APPLICABILITY.—A limit under paragraph (1) shall apply uniformly—

“(A) to the quantity of out-of-State municipal solid waste that may be received at all facilities in the State that received out-of-State municipal solid waste in calendar year 1993; and

“(B) for each facility described in clause (i), to the quantity of out-of-State municipal solid waste that may be received from each State that generated out-of-State municipal solid waste received at the facility in calendar year 1993.

"(3) Notice.—Not later than 90 days before establishing a limit under paragraph (1), a State shall provide notice of the proposed limit to each State from which municipal solid waste was received in calendar year 1993.

"(4) Alternative authorities.—If a State exercises authority under this subsection, the State may not thereafter exercise authority under subsection (g).

"(i) Cost Recovery Surcharge.—

"(1) Definitions.—In this subsection:

"(A) Cost.—The term 'cost' means a cost incurred by the State for the implementation of State laws governing the processing, combustion, or disposal of municipal solid waste, limited to—

"(i) the issuance of new permits and renewal of or modification of permits;

"(ii) inspection and compliance monitoring;

"(iii) enforcement; and

"(iv) costs associated with technical assistance, data management, and collection of fees.

"(B) Processing.—The term 'processing' means any activity to reduce the volume of municipal solid waste or alter the chemical, biological or physical state of municipal solid waste, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

"(2) Authority.—A State may authorize, impose, and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

"(3) Amount of surcharge.—The amount of a cost recovery surcharge—

"(A) may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (5); and

"(B) in no event may exceed $3.00 per ton of waste.

"(4) Use of surcharge collected.—All cost recovery surcharges collected by a State under this subsection shall be used to fund solid waste management programs, administered by the State or a political subdivision of the State, that incur costs for which the surcharge is collected.

"(5) Conditions.—

"(A) In general.—Subject to subparagraphs (B) and (C), a State may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

"(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

"(ii) the surcharge is based on those costs to the State demonstrated under subparagraph (A) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

"(iii) the surcharge is compensatory and is not discriminatory.

"(B) Prohibition of surcharge.—In no event shall a cost recovery surcharge be imposed by a State to the extent that—

"(i) the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or a political subdivision of the State; or

"(ii) to the extent that the amount of the surcharge is offset by voluntary payments to a State or a political subdivision of the State, in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

"(C) Subsidy; non-discrimination.—The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A).

"(j) Implementation and Enforcement.—A State may adopt such laws (including regulations), not inconsistent with this section, as are appropriate to implement and enforce this section, including provisions for penalties.

"(k) Annual State Report.—

"(1) Facilities.—On February 1, 2000, and on February 1 of each subsequent year, the owner or operator of each facility that receives out-of-State municipal solid waste shall submit to the State information specifying—

"(A) the quantity of out-of-State municipal solid waste received during the preceding calendar year; and

"(B) the State of origin of the out-of-State municipal solid waste received during the preceding calendar year.

"(2) Transfer stations.—

"(A) Definition of receive for transfer.—In this paragraph, the term 'receive for transfer' means receive for temporary storage pending transfer to another State or facility.

"(B) Report.—On February 1, 2000, and on February 1 of each subsequent year, the owner or operator of each transfer station that receives for transfer out-of-State municipal solid waste shall submit to the State a report describing—

"(A) the quantity of out-of-State municipal solid waste received for transfer during the preceding calendar year;

"(B) each State of origin of the out-of-State municipal solid waste received for transfer during the preceding calendar year; and

"(C) each State of destination of the out-of-State municipal solid waste transferred from the transfer station during the preceding calendar year.

"(3) No preclusion of State requirements.—The requirements of paragraphs (1) and (2) do not preclude any State requirement for more frequent reporting.

"(4) False or misleading information.—Documentation submitted under paragraphs (1) and (2) shall be made under penalty of perjury under State law for the submission of false or misleading information.

"(5) Report.—On March 1, 2000, and on March 1 of each year thereafter, each State to which information is submitted under paragraphs (1) and (2) shall publish and make available to the public a report containing information on the quantity of out-of-State municipal solid waste received for disposal and received for transfer in the State during the preceding calendar year.".

(b) Conforming Amendment.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

"Sec. 4011. Authority to prohibit or limit receipt of out-of-State municipal solid waste at existing facilities.".

SEC. 3. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

(a) Amendment.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 2(a)), is amended by adding after section 4011 the following:

"SEC. 4012. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

"(a) Definitions.—In this section:

"(1) Terms defined in section 4011.—The terms 'authorization to receive out-of-State municipal solid waste', 'disposal', 'existing host community agreement', 'host community agreement', 'municipal solid waste', 'out-of-State municipal solid waste', and 'receive' have the meaning given those terms, respectively, in section 4011.

"(2) Other terms.—The term 'facility' means a landfill, incinerator, or other enterprise that receives out-of-State municipal solid waste on or after the date of enactment of this section.

"(b) Authority to Deny Permits or Impose Percentage Limits.—

"(1) Alternative authorities.—In any calendar year, a State may exercise the authority under either paragraph (2) or paragraph (3), but may not exercise the authority under both paragraphs (2) and (3).

"(2) Authority to deny permits.—A State may deny a permit for the construction or operation of or a major modification to a facility if—

"(A) the State has approved a State or local comprehensive municipal solid waste management plan developed under Federal or State law; and

"(B) the denial is based on a determination, under a State law authorizing the denial, that there is not a local or regional need for the facility in the State.

"(3) Authority to impose percentage limit.—A State may provide by law that a State permit for the construction, operation, or expansion of a facility shall include the requirement that not more than a specified percentage (which shall be not less than 20 percent) of the total quantity of municipal solid waste received annually at the facility shall be out-of-State municipal solid waste.

"(c) New host community agreements.—

"(1) In general.—Notwithstanding subsection (b)(3), a facility operating under an existing host community agreement that contains an authorization to receive out-of-State municipal solid waste in a specific quantity annually may receive that quantity.

"(2) No effect on State permit denial.—Nothing in paragraph (1) authorizes a facility described in that paragraph to receive out-of-State municipal solid waste if the State has denied a permit to the facility under subsection (b)(2).

"(d) Uniform and nondiscriminatory application.—A law under subsection (b) or (c)—

"(1) shall be applicable throughout the State;

"(2) shall not directly or indirectly discriminate against any particular facility; and

"(3) shall not directly or indirectly discriminate against any shipment of out-of-State municipal solid waste on the basis of place of origin.".

(b) Conforming Amendment.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 1(b)) is amended by adding at the end of the items relating to subtitle D the following:

"Sec. 4012. Authority to deny permits for or impose percentage limits on new facilities.".

SEC. 4. CONSTRUCTION AND DEMOLITION WASTE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 3(a)), is amended by adding after section 4012 the following:

"SEC. 4013. CONSTRUCTION AND DEMOLITION WASTE.

"(a) DEFINITIONS.—In this section:

"(1) TERMS DEFINED IN SECTION 4011.—The terms 'affected local government', 'Governor', and 'receive' have the meanings given those terms, respectively, in section 4011.

"(2) OTHER TERMS.—

"(A) BASE YEAR QUANTITY.—The term 'base year quantity' means—

"(i) the annual quantity of out-of-State construction and demolition debris received at a State in calendar year 2000, as determined under subsection (c)(2)(B)(i); or

"(ii) in the case of an expedited implementation under subsection (c)(5), the annual quantity of out-of-State construction and demolition debris received in a State in calendar year 1999.

"(B) CONSTRUCTION AND DEMOLITION WASTE.—

"(i) IN GENERAL.—The term 'construction and demolition waste' means debris resulting from the construction, renovation, repair, or demolition of or similar work on a structure.

"(ii) EXCLUSIONS.—The term 'construction and demolition waste' does not include debris that—

"(I) is commingled with municipal solid waste; or

"(II) is contaminated, as determined under subsection (b).

"(C) FACILITY.—The term 'facility' means any enterprise that receives construction and demolition waste on or after the date of enactment of this section, including landfills.

"(D) OUT-OF-STATE CONSTRUCTION AND DEMOLITION WASTE.—The term 'out-of-State construction and demolition waste' means—

"(i) with respect to any State, construction and demolition debris generated outside the State; and

"(ii) construction and demolition debris generated outside the United States, unless the President determines that treatment of the construction and demolition debris as out-of-State construction and demolition waste under this section would be inconsistent with the North American Free Trade Agreement or the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

"(b) CONTAMINATED CONSTRUCTION AND DEMOLITION DEBRIS.—

"(1) IN GENERAL.—For the purpose of determining whether debris is contaminated, the generator of the debris shall conduct representative sampling and analysis of the debris.

"(2) SUBMISSION OF RESULTS.—Unless not required by the affected local government, the results of the sampling and analysis under paragraph (1) shall be submitted to the affected local government for recordkeeping purposes only.

"(3) DISPOSAL OF CONTAMINATED DEBRIS.—Any debris described in subsection (a)(2)(B)(i) that is determined to be contaminated shall be disposed of in a landfill that meets the requirements of this Act.

"(c) LIMIT ON CONSTRUCTION AND DEMOLITION WASTE.—

"(1) IN GENERAL.—A State may establish a limit on the annual amount of out-of-State construction and demolition waste that may be received at landfills in the State.

"(2) REQUIRED ACTION BY THE STATE.—A State that seeks to limit the receipt of out-of-State construction and demolition waste received under this section shall—

"(i) not later than January 1, 2000, establish and implement reporting requirements to determine the quantity of construction and demolition waste that is—

"(I) disposed of in the State; and

"(II) imported into the State; and

"(ii) not later than March 1, 2001—

"(I) establish the annual quantity of out-of-State construction and demolition waste received during calendar year 2000; and

"(II) report the tonnage received during calendar year 2000 to the Governor of each exporting State.

"(3) REPORTING BY FACILITIES.—

"(A) IN GENERAL.—Each facility that receives out-of-State construction and demolition debris shall report to the State in which the facility is located the quantity and State of origin of out-of-State construction and demolition debris received—

"(i) in calendar year 1999, not later than February 1, 2000; and

"(ii) in each subsequent calendar year, not later than February 1 of the calendar year following that year.

"(B) NO PRECLUSION OF STATE REQUIREMENTS.—The requirement of subparagraph (A) does not preclude any State requirement for more frequent reporting.

"(C) PENALTY.—Each submission under this paragraph shall be made under penalty of perjury under State law.

"(4) LIMIT ON DEBRIS RECEIVED.—

"(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B).

"(B) REDUCED ANNUAL PERCENTAGES.—A limit on out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

"(i) in calendar year 2001, 95 percent of the base year quantity;

"(ii) in calendar year 2002, 90 percent of the base year quantity;

"(iii) in calendar year 2003, 85 percent of the base year quantity;

"(iv) in calendar year 2004, 80 percent of the base year quantity;

"(v) in calendar year 2005, 75 percent of the base year quantity;

"(vi) in calendar year 2006, 70 percent of the base year quantity;

"(vii) in calendar year 2007, 65 percent of the base year quantity;

"(viii) in calendar year 2008, 60 percent of the base year quantity;

"(ix) in calendar year 2009, 55 percent of the base year quantity; and

"(x) in calendar year 2010 and in each subsequent year, 50 percent of the base year quantity.

"(5) EXPEDITED IMPLEMENTATION.—

"(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B) if—

"(i) on the date of enactment of this section, the State has determined the quantity of construction and demolition waste received in the State in calendar year 1999; and

"(ii) the State complies with paragraphs (2) and (3).

"(B) EXPEDITED REDUCED ANNUAL PERCENTAGES.—An expedited implementation of a limit on the receipt of out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

"(i) in calendar year 2000, 95 percent of the base year quantity;

"(ii) in calendar year 2001, 90 percent of the base year quantity;

"(iii) in calendar year 2002, 85 percent of the base year quantity;

"(iv) in calendar year 2003, 80 percent of the base year quantity;

"(v) in calendar year 2004, 75 percent of the base year quantity;

"(vi) in calendar year 2005, 70 percent of the base year quantity;

"(vii) in calendar year 2006, 65 percent of the base year quantity;

"(viii) in calendar year 2007, 60 percent of the base year quantity;

"(ix) in calendar year 2008, 55 percent of the base year quantity; and

"(x) in calendar year 2009 and in each subsequent year, 50 percent of the base year quantity.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 3(b)), is amended by adding at the end of the items relating to subtitle D the following:

"Sec. 4013. Construction and demolition debris.".

SEC. 5. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 4(a)) is amended by adding after section 4013 the following:

"SEC. 4014. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

"(a) FLOW CONTROL AUTHORITY FOR FACILITIES PREVIOUSLY DESIGNATED.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste and recyclable materials voluntarily relinquished by the owner or generator thereof to particular waste management facilities, or facilities for recyclable materials, designated as of the suspension date, if each of the following conditions are met:

"(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, as such jurisdiction was in effect on the suspension date.

"(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or official act of the State or political subdivision that—

"(A) was in effect on the suspension date;

"(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution; or

"(C) was in effect immediately prior to suspension or partial suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of an injunction or other court order of the type described in subparagraph (B) issued by a court of competent jurisdiction.

"(3) The State or a political subdivision thereof has, for one or more of such designated facilities—

“(A) on or before the suspension date, presented eligible bonds for sale;

“(B) on or before the suspension date, issued a written public declaration or regulation stating that bonds would be issued and held hearings regarding such issuance, and subsequently presented eligible bonds for sale within 180 days of the declaration or regulation; or

“(C) on or before the suspension date, executed a legally binding contract or agreement that—

“(i) was in effect as of the suspension date;

“(ii) obligates the delivery of a minimum quantity of municipal solid waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials; and

“(iii) either—

“(I) obligates the State or political subdivision to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required timeframe; or

“(II) otherwise imposes liability for damages resulting from such failure.

“(b) Waste Stream Subject to Flow Control.—Subsection (a) authorizes only the exercise of flow control authority with respect to the flow to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which such flow control authority was applicable on the suspension date and—

“(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of the suspension date, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories on or before the suspension date; and

“(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of the suspension date, only of the classes or categories that were clearly identified by the State or political subdivision as of the suspension date to be flow controlled to such facility.

“(c) Duration of Flow Control Authority.—Flow control authority may be exercised pursuant to this section with respect to any facility or facilities only until the later of the following:

“(1) The final maturity date of the bond referred to in subsection (a)(3)(A) or (B).

“(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(C).

“(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit.

The dates referred to in paragraphs (1) and (2) shall be determined based upon the terms and provisions of the bond or contract or agreement. In the case of a contract or agreement described in subsection (a)(3)(C) that has no specified expiration date, for purposes of paragraph (2) of this subsection the expiration date shall be the first date that the State or political subdivision that is a party to the contract or agreement can withdraw from its responsibilities under the contract or agreement without being in default thereunder and without substantial penalty or other substantial legal sanction. The expiration date of a contract or agreement referred to in subsection (a)(3)(C) shall be deemed to occur at the end of the period of an extension exercised during the term of the original contract or agreement, if the duration of that extension was specified by such contract or agreement as in effect on the suspension date.

“(d) Indemnification for Certain Transportation.—Notwithstanding any other provision of this section, no State or political subdivision may require any person to transport municipal solid waste or recyclable materials, or to deliver such waste or materials for transportation, to any active portion of a municipal solid waste landfill unit if contamination of such active portion is a basis for listing of the municipal solid waste landfill unit on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such landfill unit has indemnified that person against all liability under that Act with respect to such waste or materials.

“(e) Ownership of Recyclable Materials.—Nothing in this section shall authorize any State or political subdivision to require any person to sell or transfer any recyclable materials to such State or political subdivision.

“(f) Limitation on Revenue.—A State or political subdivision may exercise the flow control authority granted in this section only if the State or political subdivision limits the use of any of the revenues it derives from the exercise of such authority to the payment of one or more of the following:

“(1) Principal and interest on any eligible bond.

“(2) Principal and interest on a bond issued for a qualified environmental retrofit.

“(3) Payments required by the terms of a contract referred to in subsection (a)(3)(C).

“(4) Other expenses necessary for the operation and maintenance and closure of designated facilities and other integral facilities identified by the bond necessary for the operation and maintenance of such designated facilities.

“(5) To the extent not covered by paragraphs (1) through (4), expenses for recycling, composting, and household hazardous waste activities in which the State or political subdivision was engaged before the suspension date. The amount and nature of payments described in this paragraph shall be fully disclosed to the public annually.

“(g) Interim Contracts.—A contract of the type referred to in subsection (a)(3)(C) that was entered into during the period—

“(1) before November 10, 1995, and after the effective date of any applicable final court order no longer subject to judicial review specifically invalidating the flow control authority of the applicable State or political subdivision; or

“(2) after the applicable State or political subdivision refrained pursuant to legislative or official administrative action from enforcing flow control authority expressly because of the existence of a court order of the type described in subsection (a)(2)(B) issued by a court of the same State or the Federal judicial circuit within which such State is located and before the effective date on which it resumes enforcement of flow control authority after enactment of this section,

shall be fully enforceable in accordance with State law.

“(h) Areas With Pre-1984 Flow Control.—

“(1) General authority.—A State that on or before January 1, 1984—

“(A) adopted regulations under a State law that required or directed transportation, management, or disposal of municipal solid waste from residential, commercial, institutional, or industrial sources (as defined under State law) to specifically identified waste management facilities, and applied those regulations to every political subdivision of the State; and

“(B) subjected such waste management facilities to the jurisdiction of a State public utilities commission,

may exercise flow control authority over municipal solid waste in accordance with the other provisions of this section.

“(2) Additional flow control authority.—A State or any political subdivision of a State that meets the requirements of paragraph (1) may exercise flow control authority over all classes and categories of municipal solid waste that were subject to flow control by that State or political subdivision on May 16, 1994, by directing municipal solid waste from any waste management facility that was designated as of May 16, 1994 to any other waste management facility in the State without regard to whether the political subdivision in which the municipal solid waste is generated had designated the particular waste management facility or had issued a bond or entered into a contact referred to in subparagraph (A) or (B) of subsection (a)(3), respectively.

“(3) Duration of authority.—The authority to direct municipal solid waste to any facility pursuant to this subsection shall terminate with regard to such facility in accordance with subsection (c).

“(i) Effect on Authority of States and Political Subdivisions.—Nothing in this section shall be interpreted—

“(1) to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law;

“(2) to permit the exercise of flow control authority over municipal solid waste and recyclable materials to an extent greater than the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials;

“(3) to limit the authority of any State or political subdivision to place a condition on a franchise, license, or contract for municipal solid waste or recyclable materials collection, processing, or disposal; or

“(4) to impair in any manner the authority of any State or political subdivision to adopt or enforce any law, ordinance, regulation, or other legally binding provision or official act relating to the movement or processing of municipal solid waste or recyclable materials which does not constitute discrimination against or an undue burden upon interstate commerce.

“(j) Effective Date.—The provisions of this section shall take effect with respect to the exercise by any State or political subdivision of flow control authority on or after the date of enactment of this section. Such provisions, other than subsection (d), shall also apply to the exercise by any State or political subdivision of flow control authority before such date of enactment, except that nothing in this section shall affect any final judgment that is no longer subject to judicial review as of the date of enactment of this section insofar as such judgment awarded damages based on a finding that the exercise of flow control authority was unconstitutional.

“(k) State Solid Waste District Authority.—In addition to any other flow control authority authorized under this section a solid waste district or a political subdivision of a State may exercise flow control authority for a period of 20 years after the enactment of this section, for municipal solid waste and for recyclable materials that is generated within its jurisdiction if—

“(1) the solid waste district, or a political subdivision within such district, is required through a recyclable materials recycling program to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste and recyclable materials, other than incineration programs; and

"(2) prior to the suspension date, the solid waste district, or a political subdivision within such district—

"(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

"(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

"(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

"(l) SPECIAL RULE FOR CERTAIN CONSORTIA.—For purposes of this section, if—

"(1) two or more political subdivisions are members of a consortium of political subdivisions established to exercise flow control authority with respect to any waste management facility or facility for recyclable materials;

"(2) all of such members have either presented eligible bonds for sale or executed contracts with the owner or operator of the facility requiring use of such facility;

"(3) the facility was designated as of the suspension date by at least one of such members;

"(4) at least one of such members has met the requirements of subsection (a)(2) with respect to such facility; and

"(5) at least one of such members has presented eligible bonds for sale, or entered into a contract or agreement referred to in subsection (a)(3)(C), on or before the suspension date, for such facility,

the facility shall be treated as having been designated, as of May 16, 1994, by all members of such consortium, and all such members shall be treated as meeting the requirements of subsection (a)(2) and (3) with respect to such facility.

"(m) RECOVERY OF DAMAGES.—

"(1) PROHIBITION.—No damages, interest on damages, costs, or attorneys' fees may be recovered in any claim against any State or local government, or official or employee thereof, based on the exercise of flow control authority on or before May 16, 1994.

"(2) APPLICABILITY.—Paragraph (1) shall apply to cases commenced on or after the date of enactment of the Solid Waste Interstate Transportation and Local Authority Act of 1999, and shall apply to cases commenced before such date except cases in which a final judgment no longer subject to judicial review has been rendered.

"(n) DEFINITIONS.—For the purposes of this section—

"(1) ADJUSTED EXPIRATION DATE.—The term 'adjusted expiration date' means, with respect to a bond issued for a qualified environmental retrofit, the earlier of the final maturity date of such bond or 15 years after the date of issuance of such bond.

"(2) BOND ISSUED FOR A QUALIFIED ENVIRONMENTAL RETROFIT.—The term 'bond issued for a qualified environmental retrofit' means a bond described in paragraph (4)(A) or (B), the proceeds of which are dedicated to financing the retrofitting of a resource recovery facility or a municipal solid waste incinerator necessary to comply with section 129 of the Clean Air Act, provided that such bond is presented for sale before the expiration date of the bond or contract referred to in subsection (a)(3)(A), (B), or (C) that is applicable to such facility and no later than December 31, 1999.

"(3) DESIGNATED.—The term 'designated' means identified by a State or political subdivision for receipt of all or any portion of the municipal solid waste or recyclable materials that is generated within the boundaries of the State or political subdivision. Such designation includes designation through—

"(A) bond covenants, official statements, or other official financing documents issued by a State or political subdivision issuing an eligible bond; and

"(B) the execution of a contract of the type described in subsection (a)(3)(C),

in which one or more specific waste management facilities are identified as the requisite facility or facilities for receipt of municipal solid waste or recyclable materials generated within the jurisdictional boundaries of that State or political subdivision.

"(4) ELIGIBLE BOND.—The term 'eligible bond' means—

"(A) a revenue bond or similar instrument of indebtedness pledging payment to the bondholder or holder of the debt of identified revenues; or

"(B) a general obligation bond,

the proceeds of which are used to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development costs, or finance costs, as evidenced by the bond documents.

"(5) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the regulatory authority to control the movement of municipal solid waste or voluntarily relinquished recyclable materials and direct such solid waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials within the boundaries of a State or political subdivision.

"(6) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given that term in section 4011, except that such term—

"(A) includes waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); and

"(B) does not include—

"(i) any substance the treatment and disposal of which is regulated under the Toxic Substances Control Act;

"(ii) waste generated during scrap processing and scrap recycling; or

"(iii) construction and demolition debris, except where the State or political subdivision had on or before January 1, 1989, issued eligible bonds secured pursuant to State or local law requiring the delivery of construction and demolition debris to a waste management facility designated by such State or political subdivision.

"(7) POLITICAL SUBDIVISION.—The term 'political subdivision' means a city, town, borough, county, parish, district, or public service authority or other public body created by or pursuant to State law with authority to present for sale an eligible bond or to exercise flow control authority.

"(8) RECYCLABLE MATERIALS.—The term 'recyclable materials' means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic materials such as food and yard waste, or reuse (other than for the purpose of incineration). Such term includes scrap tires to be used in resource recovery.

"(9) SUSPENSION DATE.—The term 'suspension date' means, with respect to a State or political subdivision—

"(A) May 16, 1994;

"(B) the date of an injunction or other court order described in subsection (a)(2)(B) that was issued with respect to that State or political subdivision; or

"(C) the date of a suspension or partial suspension described in subsection (a)(2)(C) with respect to that State or political subdivision.

"(10) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility for separating, storing, transferring, treating, processing, combusting, or disposing of municipal solid waste.".

(b) TABLE OF CONTENTS.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 4(b)), is amended by adding at the end of the items relating to subtitle D the following:

"Sec. 4014. Congressional authorization of State and local government control over movement of municipal solid waste and recyclable materials.".

SEC. 6. EFFECT ON INTERSTATE COMMERCE.

No action by a State or affected local government under an amendment made by this Act shall be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

STATE OF INDIANA, STATE OF OHIO,
STATE OF MICHIGAN, AND STATE OF
NEW JERSEY

April 22, 1999.

Hon. GEORGE V. VOINOVICH,
U.S. Senate, Washington, DC.
Hon. EVAN BAYH,
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH AND SENATOR BAYH: We are writing to express our strong support for the Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999, which you plan to introduce this week. This legislation would at long last give state and local governments federal authority to establish reasonable limitations on the flow of interstate waste and protect public investments in waste disposal facilities needed to address in-state disposal needs.

Both of you know firsthand the problems states face in managing solid waste, as required by federal law. During your terms of office as Governors, you worked to support the passage of effective federal legislation that would vest states with sufficient authority to plan for and control the disposal of municipal solid waste, including noncontaminated construction and demolition debris. The need for such legislation arose from various U.S. Supreme Court rulings applying the commerce clause of the U.S. Constitution to state laws restricting out-of-state waste and directing the flow of solid waste shipments.

We are committed to working with all states and building upon the broad state support which exists to pass legislation in the

106th Congress that will provide a balanced set of controls for state and local governments to use in limiting out-of-state waste shipments and directing intrastate shipments. The need for congressional action on interstate waste/flow control legislation is becoming more urgent. Last year, the Congressional Research Service reported that its most recent data showed interstate waste shipments increasing to a total of over 25 million tons. The closing of the Fresh Kills landfill in New York City is likely to dramatically increase that figure.

Your bill includes provisions which we believe are important for state and local governments such as the general requirement that local officials formally approve the receipt of out-of-state municipal solid waste prior to disposal in landfills and incinerators. The legislation does include a number of important exemptions for current flows of waste. It also provides authority for states to establish a statewide freeze of waste shipments or, in some cases, implement reductions. In addition, the legislation explicitly authorizes states to implement laws requiring an assessment of regional and local needs before issuing facility permits or establishing statewide out-of-state percentage limitations for new or expanded facilities.

The legislation would also allow states to impose a $3-per-ton cost recovery surcharge on out-of-state waste and would provide additional authority for states to reduce the flow of noncontaminated construction and demolition debris. Under a separate set of provisions, states would also be authorized to exercise limited flow control authority necessary to protect public investments.

We recognize that the Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999 would not establish an outright ban on out-of-state waste shipments; instead, it would gives states and localities the tools they need to better manage their in-state waste disposal needs and protect important natural resources. We pledge our support for your efforts to ensure that no state is forced to become a dumping ground for solid waste. We believe your bill will enjoy wide support and look forward to working with you to secure its passage.

Sincerely,

FRANK O'BANNON,
Governor, State of Indiana.
JOHN ENGLER,
Governor, State of Michigan.
BOB TAFT,
Governor, State of Ohio.
CHRISTINE T. WHITMAN,
Governor, State of New Jersey.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, PA, April 22, 1999.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.
Hon. EVAN BAYH,
U.S. Senate,
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Sincerely,

TOM RIDGE,
Governor.

Mr. BAYH. Mr. President, states have been struggling for years to ensure safe, responsible management of out-of-state municipal solid waste. As Governor of Indiana, I tried to ensure that Indiana's disposal capacity would meet Indiana's municipal solid waste needs. Efforts to institute effective waste management policies were—and continue to be—thwarted by two obstacles. The first is the massive and unpredictable amounts of out-of-state waste flowing into state disposal facilities. States' attempts to address that problem run into the second obstacle. The Supreme Court has established, in a series of opinions, that Congress must first provide the states the authority to regulate interstate waste.

I rise with my colleague today to introduce legislation to do just that.

Senator VOINOVICH and I, as Governors, participated in a cooperative effort to develop a set of principles for federal action on interstate waste. The Voinovich/Bayh interstate waste control bill is based on those principles. Mr. President, the need for controls in interstate waste is even more acute today than when I was a Governor. Current governors supporting our bill know this better than anyone.

In Indiana, waste imports are again on the rise. After decreasing from 1992 to 1994, waste imports increased significantly in 1995 and doubled in 1996. Between 1996 and 1998, out-of state waste received by Indiana facilities increased by 32 percent to their highest level in the last seven years. In fact, in 1998, 2.8 million tons of out-of-state waste were disposed of in Indiana—that's 19 percent of all the waste disposed of in Indiana's landfills. Our Department of Environmental Management has predicted that the state will run out of landfill space in 2011—or earlier, so the time for action is now.

Senator VOINOVICH and I believe we have crafted a comprehensive, equitable approach to interstate waste management. Our bill will give states the power to ensure manageable and predictable waste flows by freezing waste imports at 1993 levels. States bearing the greatest burden of interstate waste—those that disposed of more than 650,000 tons in 1993—could reduce imported waste to 65 percent of the 1993 level by 2006. Our bill will give states the power to set a percentage limitation on the amount of out-of-state waste that new or expanding facilities could receive and give states the option to deny a permit to a new or expanding facility if there is no regional or in-state need for the facility. Local governments would have more power to determine whether they want to accept out-of-state waste. They would be able to prohibit local disposal facilities that didn't receive out-of-state waste in 1993 from starting to take it until the local government approved. This presumptive ban on interstate waste would not interfere with facilities operating under existing host community agreements or permits.

This bill is the culmination of the work we did as Governors and the coalition we are building as Senators. It attempts to forge a new and workable compromise between the needs and rights of importing and exporting states and gives the people who must live with waste planning decisions the power to make them. I look forward to working with my colleagues to move this important legislation forward.

By Mr. DURBIN (for himself, Mr. SCHUMER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. HARKIN, Mr. KERRY, Ms. LANDRIEU, Mr. FEINGOLD, and Mr. WELLSTONE):

S. 873. A bill to close the United States Army School of the Americas; to the Committee on Armed Services.

LEGISLATION TO CLOSE THE U.S. ARMY SCHOOL OF THE AMERICAS

Mr. DURBIN. Mr. President, today I am introducing legislation to close the U.S. Army School of the Americas. The school is the Army's Spanish language training facility for Latin American personnel. It is located in Fort Benning, GA. The school is a relic of the cold war with a terrible legacy of teaching torture and assassination. It deserves to be closed for what it has taught in the past, what it stands for in Latin American democracies today, and what its counterinsurgency training at such a tainted institution may create in the future.

This school was formed after World War II. Its mission, starting in the 1960s, was to fight Communist insurgencies in Latin America. To do this, instruction manuals used at the school from 1982 to 1991 recommended execution, torture, and blackmail of insurgents. These manuals at the U.S. Army School of the Americas advocated that Latin American militaries spy on and infiltrate civic organizations such as opposition political parties, community organizations, and unions. They fundamentally confused what constitutes armed insurgency with genuine civic opposition. To the Latin American dictators of the time, insurgents were anybody who did not agree with them, leading to a virtual war against civilians, religious leaders, and Native Americans.

The Chicago Tribune recently wrote an editorial noting the fact that there would likely be very few reunions of the graduates of the Army School of the Americas. It is not surprising when you take a look at the list of the graduates of this U.S. Army School of the Americas and consider that it contains a list of some of the worst human rights abusers in recent Latin American history.

Let me be specific: 19 Salvadoran soldiers linked to the murder of 6 Jesuit priests, their housekeeper, and her daughter in El Salvador in 1989. Among the other graduates of the School of the Americas: 48 of 69 Salvadoran military members cited at the United Nations Truth Commission report on El Salvador for involvement in human rights violations. The list goes on: Former Panamanian dictator and convicted drug dealer Manuel Noriega and nine other Latin American military dictators; El Salvador death squad leader Roberto D'Aubuisson; two of the three killers of Catholic Archbishop Oscar Romero of El Salvador.

I continue reading the list of graduates from the U.S. Army School of the Americas at Fort Benning, GA: Mexican General Juan Lopez Ortiz, whose troops committed the Ocosingo massacre in Chiapas in 1994; Guatamalan Colonel Julio Alpirez, linked to the murder of U.S. citizen Michael Devine in 1990, and Efrain Bamaca, husband of Jennifer Harbury in 1992; 124 of the 247—more than half—Colombian military officials accused of human rights violations in the 1992 work "State Terrorism in Colombia," compiled by a large coalition of European and Colombian nongovernmental organizations; 2 of the 3 officers prosecuted by Guatemala for masterminding the killing of anthropologist Myrna MACK in 1992, as well as several leaders of the notorious Guatamalan military unit D-2.

I continue to read the list of graduates of the U.S. Army School of the Americas at Fort Benning, GA: Argentinian dictator Leopoldo Galtieri, a leader of the so-called "dirty war," during which some 30,000 civilians were killed or "disappeared;" Haitian Colonel Gambetta Hyppolite, who ordered his soldiers to fire on a provincial electoral bureau in 1987; several Peruvian military officers linked to the July 1992 killings of 9 students and a professor from La Cantuta University.

I read on from the list of graduates of the U.S. Army School of the Americas, Fort Benning, GA: Several Honduran officers linked to a clandestine military force known as Battalion 316 responsible for disappearances in the 1980s; 10 of the 12 officers responsible for the murder of 900 civilians in the El Salvadoran village of El Mozote; and, finally, 3 of the 5 officers involved in the 1980 rape and murder of 4 U.S. churchwomen in El Salvador. These are all graduates of the U.S. Army School of the Americas, Fort Benning, GA.

This school is not a victim of a few isolated incidents of wrongdoing by its graduates. This list shows that human rights violations are endemic among its graduates, with far in excess of 200 murders and other human rights violators by its past roll of honor graduates.

Can the School of the Americas claim innocence in the actions of its graduates? Many do not think it is possible. For example, just a few months ago the Guatemalan Truth Commission Report faulted the school's counterinsurgency training as having "had a significant impact on the human rights violations during the armed conflict," a conflict that killed 200,000 people.

How, in the name of humanity or democracy, can the people of America allow this school to remain open? How can we sanction the legacy perpetuated by its name today? The Latin American dictatorships of the 1970s and 1980s have given way to democracy, some fragile, some strong. But to the people of these countries, the continued existence of the Army School of the Americas perpetuates the unfortunate link between the United States and the perpetrators of the heinous crimes I have just listed. The school should be closed to send a powerful signal to democratic countries of Latin America that America repudiates the terror, the torture, and the murder carried out against civilian populations by Central and South American military forces run amok.

I am not proposing that we hold this U.S. foreign military program accountable for the actions attributed to the graduates. We know from experience that people can be brutal with or without training. But neither can we deny the links of those human rights abusers to the School of the Americas. Just a few of those examples should have been enough for us to quickly close that school in shame.

In the post-cold-war era, it is more important than ever for the United States to promote democratic values and human rights in developing countries and to reject militaries that view their own countries' citizens as the enemy.

The Pentagon will tell you that the Army has tried to make changes at the school by updating the curriculum to include discussions of human rights and by approving the selection process for students and the quality of the teaching staff. I do not doubt that some changes have been made, but I am not confident that these changes are enough or could ever be enough at a facility with such a sorry history.

To be sure the continuing counterinsurgency training will not lead to future abuses against legitimate civic opposition, we must close this school. The U.S. Army School of the Americas is trying to sell itself with a new mission—certainly a topical mission—counternarcotics training. But the Chicago Tribune in an April 16 editorial addressed this assertion of a new mission directly:

> Attempts to recast the school as an antinarcotics center are so much hokum. Little in the curriculum is related to drug interdiction, and it is not at all clear that the U.S. Army is qualified to impart such instruction or that training the notoriously meddlesome Latin militaries to get involved in civilian law enforcement is advisable.

Most importantly, cosmetic changes in the curriculum cannot salvage the savage reputation of this school's graduates or erase the U.S. Army School of the Americas' bloody and embarrassing legacy. We offer plenty of other training opportunities for Latin American military personnel. We do not need this school, Latin America's fragile democracies do not need it, and it should be closed.

Last weekend it was my privilege to be part of a delegation sent by the leadership in Congress to go to Germany, Italy, Albania, Macedonia, and Belgium. During that visit, we met many of America's finest men and women in uniform who are literally doing their duty for this country, fighting to protect democracy and to accomplish the mission that has been assigned to them. I was so proud to be there and greet those from Illinois and from around the country and to thank them for the job they are doing for this country.

What I am about today is no reflection on them. In fact, I suggest to the leaders in the Pentagon, in the name of the men and women currently in uniform, to make certain that they don't have to answer the troubling questions about the existence of this School of the Americas, it should be closed forthwith.

If there are those who want to come forward and suggest there are some missions at the school that can be transferred to another place, entirely peaceful, entirely constructive, entirely defensible, I will listen to that and I am open to it. But, please, once and for all let us close this sorry, sad chapter at the U.S. Army School of the Americas at Fort Benning, GA.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 72

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 72, a bill to amend title 38, United States Code, to restore the eligibility of veterans for benefits resulting from injury or disease attributable to the use of tobacco products during a period of military service, and for other purposes.

S. 247

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 344

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 345

At the request of Mr. ALLARD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 434

At the request of Mr. BREAUX, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare program, and for other purposes.

S. 556

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 556, a bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes.

S. 638

At the request of Mr. BINGAMAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 638, a bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 712

At the request of Mr. LOTT, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 720

At the request of Mr. HELMS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 720, a bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes.

S. 738

At the request of Mr. DODD, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 738, a bill to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

At the request of Mr. WELLSTONE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 796, supra.

S. 801

At the request of Mr. SANTORUM, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 815

At the request of Mr. ROTH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 815, a bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources.

S. 835

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 835, a bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from Minnesota

(Mr. GRAMS), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE CONCURRENT RESOLUTION 29—AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR CONCERTS TO BE CONDUCTED BY THE NATIONAL SYMPHONY ORCHESTRA

Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF NATIONAL SYMPHONY ORCHESTRA CONCERTS ON CAPITOL GROUNDS.

The National Park Service (in this resolution referred to as the "sponsor") may during each of calendar years 1999 and 2000 sponsor a series of three concerts by the National Symphony Orchestra (in this resolution each concert referred to as an "event") on the Capitol Grounds. Such concerts shall be held on Memorial Day, 4th of July, and Labor Day of each such calendar year, or on such alternate dates during that calendar year as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, each event authorized by section 1—

(1) shall be free of admission charge and open to the public, with no preferential seating except for security purposes as determined in accordance with section 4, and

(2) shall be arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with each event.

(c) AUDITS.—Pursuant to section 451 of the Legislative Reorganization Act of 1970 (40 U.S.C. 193m–1), the Comptroller General of the United States shall perform an annual audit of the events for each of calendar years 1999 and 2000 and provide a report on each audit to the Speaker of the House of Representatives and the Chairman of the Senate Committee on Rules and Administration not later than December 15 of the calendar year for which the audit was performed.

SEC. 3. STRUCTURES AND EQUIPMENT; BROADCASTING; SCHEDULING; OTHER ARRANGEMENTS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for each event.

(b) BROADCASTING OF CONCERTS.—Subject to the restrictions contained in section 4, the concerts held on Memorial Day and 4th of July (or their alternate dates) may be broadcast over radio, television, and other media outlets.

(c) SCHEDULING.—In order to permit the setting up and taking down of structures and equipment and the conducting of dress rehearsals, the Architect of the Capitol may permit the sponsor to use the West Central Front of the United States Capitol for each event for not more than –

(1) six days if the concert is televised, and

(2) four days if the concert is not televised.

The Architect may not schedule any use under this subsection if it would interfere with any concert to be performed by a military band of the United States.

(d) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out each event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

(a) IN GENERAL.—The Capitol Police Board shall for each event—

(1) provide for all security related needs, and

(2) provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds.

(b) EXCEPTION FOR CREDIT TO SPONSORS.—Notwithstanding subsection (a), credits may be appropriately given to private sponsors of an event at the conclusion of any broadcast of the event.

(c) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in an event as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which the sponsor and such persons agree to comply with the requirements of this section. The agreement shall specifically prohibit the use for a commercial purpose of any photograph taken at, or broadcast production of, the event.

SENATE RESOLUTION 82—EXPRESSING THE GRATITUDE OF THE UNITED STATES FOR THE SERVICE FOR THOMAS B. GRIFFITH, LEGAL COUNSEL FOR THE UNITED STATES SENATE

Mr. THURMOND (for himself, Mr. LOTT, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD) submitted the following resolution; which was submitted and agreed to:

S. RES. 82

Whereas Thomas B. Griffith, the Legal Counsel of the United States Senate, became an employee of the Senate on March 13, 1995, and since that date has ably and faithfully upheld the high standards and traditions of the Office of Legal Counsel of the United States Senate;

Whereas Thomas B. Griffith, from October 24, 1995, to April 18, 1999, served as the Legal Counsel of the United States Senate and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position, including providing legal defense of the Senate, its committees, Members, officers, and employees; representing committees in proceedings to obtain evidence for Senate investigations; representing the interests of the Senate as intervenor or amicus curiae in various court cases; and otherwise providing legal advice to Members, committees, and officers of the Senate;

Whereas Thomas B. Griffith, only the second person to hold the position of Senate Legal Counsel since it was created in 1979, has met the needs of the United States Senate for legal counsel with unfailing professionalism, skill, dedication, and good humor during his entire tenure; and

Whereas Thomas B. Griffith has tendered his resignation as Senate Legal Counsel, effective as of April 18, 1999, to return to the private practice of law: Now, therefore, be it

Resolved, That the United States Senate commends Thomas B. Griffith for his more than 4 years of faithful and exemplary service to the United States Senate and the Nation, including 3½ years as Senate Legal Counsel, and expresses its deep appreciation and gratitude for his faithful and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas B. Griffith.

SENATE RESOLUTION 83—EXPRESSING THE SENSE OF THE SENATE REGARDING THE SETTLEMENT OF CLAIMS OF CITIZENS OF GERMANY REGARDING DEATHS RESULTING FROM THE ACCIDENT NEAR CAVALESE, ITALY, ON FEBRUARY 3, 1998, BEFORE THE SETTLEMENT OF CLAIMS WITH RESPECT TO THE DEATHS OF MEMBERS OF THE UNITED STATES AIR FORCE RESULTING FROM THE ACCIDENT OFF NAMIBIA ON SEPTEMBER 13, 1997

Mr. THURMOND submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 83

Whereas on September 13, 1997, a German Luftwaffe Tupelov TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia;

Whereas as a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania;

Whereas the Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU-154M aircraft for flying at a flight level that did not conform to international flight rules;

Whereas the United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU-154M aircraft flying at an incorrect cruise altitude;

Whereas procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision;

Whereas the families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany; and

Whereas the United States Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, April 21, 1999. The purpose of this meeting will be to review the USDA Office of the Inspector General's report on crop insurance reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 21, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on whether the United States has the natural gas supply and infrastructure necessary to meet projected demand.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 21, 1999 at 10 a.m. to hold a Markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 21, 1999 at 2 p.m. to hold a Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on April 21, 1999, at 9:30 a.m. for a hearing on S. 746, The Regulatory Improvement Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 21, 1999 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "Privacy in the digital age: discussion of issues surrounding the internet."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Select Committee On Intelligence be authorized to meet during the session of the Senate on Wednesday, April 21, 1999 at 3 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 21, for purposes of conducting a hearing Subcommittee on Forests & Public Lands Management hearing which is scheduled to begin at 2 p.m. The purpose of the oversight hearing is to discuss the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, April 21, 1999, in open session, to review the readiness of the United States Navy and Marines Operating Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 21, 1999, at 2 p.m. on the technology administration FY/2000 budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee of the Committee on Armed Services on Seapower be authorized to meet on Wednesday, April 21, 1999, at 2:30 p.m., in open session, to receive testimony on ship acquisition programs and policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Wednesday, April 21, 1999, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ARCTIC NATIONAL WILDLIFE REFUGE

• Mr. MURKOWSKI. Mr. President, today a number of my colleagues introduced legislation to lock up America's best chance to reduce our dependence on foreign oil.

This legislation is bad policy Mr. President and should be vigorously opposed.

INCREASING DEPENDENCE ON FOREIGN OIL

Many times on the floor of the Senate my colleagues have heard me talk about the United State's increasing dependence on foreign oil.

I have made the point that we are importing too much of our oil from oversees while watching our domestic level of production decrease by the day.

Consider the following:

In 1994, domestic oil production dropped to 6.6 million barrels a day—the lowest annual level since 1954;

North slope oil fields—which provide 25 percent of our domestic production—has been in decline since 1988.

At the same time, national demand has steadily increased more than 17.7 million barrels per day—the highest level since the mid-1970's

Today the U.S. imports close to 56 percent of its oil.

Just how significant is a 56 percent dependence on foreign oil—lets look at it:

In 1973, the year of the Arab oil embargo—the year of the 2-hour wait at the gas lines—the United States was 36 percent dependent on foreign oil

In 1991, the year of Desert Storm, the United States was 46 percent dependent on foreign oil

Now we are 54 percent dependent.

And if we don't act soon there is no way to stop our increasing dependence on imported oil—a dependence our own Government says could be 67 percent by 2010.

In the meantime countries such as Algeria, Iraq, Libya, and Nigeria are all planning to increase their production levels.

Locking up ANWR in wilderness and increasing our dependence on foreign oil is bad policy.

ANWR RESERVE ESTIMATES ARE THE HIGHEST EVER

In 1998 the Department of the Interior published the results of over 3 years of research on the oil and gas potential of the 1002 area of ANWR.

The 1998 estimates is the highest estimate ever published regarding the 1002 area estimating a mean resource for the coastal plain of 7.7 billion barrels of produceable oil.

The new estimates are significantly higher than those produced by the Department of the Interior in 1987 which led to their recommendation to Congress to open the 1.5 million-acre area to responsible oil and gas leasing, exploration, and production.

TECHNOLOGY IN THE ARCTIC ALLOWS FOR SAFE DEVELOPMENT

The sponsors of the legislation do not recognize the incredible advances in development technologies on the North Slope.

This technology has reduced the size of the impact from development by more than 60 percent and is literally the best in the world.

ALASKANS AND NATIVE PEOPLE OF ALASKA OVERWHELMINGLY SUPPORT

Virtually all of Alaska's elected officials—both Republicans and Democrats support the careful development of this area.

The overwhelming majority of the Native people of Alaska support development of this area and strongly oppose wilderness designation, including the people who live in the Arctic National Wildlife Refuge Coastal Plain.

Recently the mayor of the North Slope Borough, Ben Nageak, who was born in the heart of the coastal plain at Kaktovik, wrote a letter to the President opposing wilderness designation.

> The oil industry has been a good friend to the environment here while providing us with money and jobs so that we could be more productive members of American society. It (wilderness designation) will cripple our ability to wean ourselves away from the Federal Government's subsidies and destroy our attempts at self reliance.

JOBS AND REVENUE

It is estimated between 250,000 and 750,000 jobs nationwide will be created through safe exploration and development.

Billions of dollars of Federal revenues would be generated by safe exploration and development.

As a nation dependent on energy for our economic survival we have to find and produce energy here at home.

We must stop driving our energy producing industries and our energy jobs overseas.

According to the Department of Energy, U.S. dependence on foreign oil is expected to rise to 70 percent by the year 2000.

How much more likely are we to put our children and grand children in hams way on foreign oil to protect our domestic interests when we import 70 percent of our oil?

How can elected officials of this country—Members of this body—think that it is better policy to rely on oil from the likes of Saddam Hussein for U.S. energy security that it is to develop and produce our own?•

TRIBUTE TO WALTER H. WEINER

• Mr. SCHUMER. Mr. President, I rise to pay tribute to Walter H. Weiner on his retirement from Republic National Bank of New York and Republic New York Corporation. Mr. Weiner has served Republic New York Corporation with acclaimed leadership as Chief Executive Officer from January 1, 1980 to April 21, 1999, as President from January 1, 1980 to July 26, 1983 and as Chairman of the Board from July 23, 1983 to April 21, 1999; also, Mr. Weiner has served Republic National Bank with excellence and distinction as Chief Executive Officer from January 1, 1980 to April 21, 1999, as President from April 22, 1981 to April 16, 1986 and as Chairman of the Board from April 16, 1986 to April 21, 1999.

Mr. Weiner has been a wise and trusted colleague, adviser and friend to the directors, officers, and employees of the Corporation and of the Bank. I would like to acknowledge and pay tribute to him for his active and vital participation in the Bank's affairs and for his loyal support of its business philosophy and corporate purposes.

Mr. Weiner's skill and wisdom have been a great asset to his colleagues. His dynamic and expert service has contributed to both the Bank and Corporation immeasurably. The great success achieved by the Corporation and by the Bank have been in large measure due to the excellent leadership, generosity of spirit and untiring devotion that Mr. Weiner has brought to his more than nineteen years of dedicated service as Chief Executive Officer of these organizations. I have no doubt that he will continue to offer guidance and valuable contributions to the Corporation and the Bank as a member of the Boards of Directors.•

2D LT. GEORGE W.P. WALKER

• Mr. REED. Mr. President, it is my pleasure to inform my colleagues that the U.S. Military Academy Class of 1958 is naming the debate room at Lincoln Hall, West Point, NY, in honor of their classmate, 2d Lt. George W.P. Walker.

George Walker was an outstanding soldier, scholar and leader. He graduated from the U.S. Military Academy No. 1 in his class. George Walker received many prestigious awards for his educational and military prowess. He was admired and respected by his classmates as a man of honor and a true friend. Tragically, 2d Lt. Walker died in an airplane accident in 1959 while he was en route to Oakland, CA, for an overseas assignment.

I wish to recognize the remarkable life of 2d Lt. George W.P. Walker by printing in the RECORD the February 2, 1959, remarks of Congressman Francis Dorn who appointed 2d Lt. Walker to the U.S. Military Academy. I ask that Congressman Dorn's remarks be printed in the RECORD.

The remarks follow.

2D LT. GEORGE W.P. WALKER

> Mr. DORN of New York. Mr. Speaker, it is with great sadness that I inform my colleagues of the death of 2d Lt. George W.P. Walker, son of Mr. and Mrs. George Walker of 1103 East 34th Street, Brooklyn, N.Y. Lieutenant Walker was in an aircraft accident in North Carolina while he was enroute to Oakland, Calif., for overseas assignment.
>
> Lieutenant Walker was my appointee to the U.S. Military Academy and when he was graduated from that institution in June of 1958, he stood No. 1 in his class. For the entire time he attended the Military Academy, he was carried on the dean's list.
>
> Upon graduation, he was presented with the following awards:
>
> For having the highest rating in mechanics of fluids, a portable typewriter, presented by the National Society, Daughters of the American Revolution.
>
> For excellence in intercollegiate debating, a wristwatch presented by the Consul General of Switzerland.

As the No. 1 man in military topography, a wristwatch presented by the Daughters of the Union Veterans of the Civil War.

The Francis Vinton Greene Memorial, caliber .45 pistol, presented in the name of Mrs. Green, for standing No. 1 in general order of merit for 4 years; a set of books presented by the American Bar Association for having the highest rating in law; a silver tray—called the Eisenhower Award—presented by the American Bar Association for having the highest rating in law; a silver tray—called the Eisenhower Award—presented by Mr. Charles P. McCormick of Baltimore, Md., for excellence in military psychology and leadership.

In addition to maintaining his very high military and academic standing while at the Academy, Cadet Walker was active in extracurricular activities, and during his last year held the rank of lieutenant in the Corps of Cadets.

The Nation has lost a potential outstanding military leader and the loss is indeed a great one. I was proud to have been his sponsor, and I join in grieving with his parents.●

BETHESDA MINISTRY'S 40TH ANNIVERSARY

● Mr. ASHCROFT. Mr. President, I rise today in recognition of the outstanding service that Bethesda Ministry has provided to the Colorado Springs community as well as to missions work around the world. It is with great pleasure that I commend them for their 40 years of remarkable achievements. They are a great inspiration.

As our Nation and the world look increasingly for moral guidance in a period of moral decay, Bethesda Ministry provides a path for others to follow. I wish to extend my heartfelt congratulations to Bethesda Ministry for their commitment to God and to the redemptive mission of Christ. Best wishes for a joyous and memorable 40th Anniversary.●

WATER RESOURCES DEVELOPMENT ACT—SAVANNAH HARBOR DEEPENING PROJECT

● Mr. HOLLINGS. Mr. President, I rise today to discuss the Water Resources Development Act that was passed by the Senate on Monday, April 19, 1999. I apologize for the tardy nature of my remarks, but I have been inundated with requests from my constituents to clarify the language regarding this project. I hope the Chairman of the Senate Environment and Public Works Committee will help clarify the intent of the Savannah Harbor Expansion Project authorization that appears in Section 101 of the 1999 Water Resources Development Act.

Mr. CHAFEE. I will try.

Mr. HOLLINGS. It is my understanding that this legislation does not exempt affected Federal, State, regional, and local entities from their independent legal duties to propose and evaluate navigation improvement projects in compliance with the requirements of applicable law; including the National Environmental Protection Act, the Water Resources Development Act of 1986, the Endangered Species Act, the Clean Water Act, the Coastal Zone Management Act, and the Fish and Wildlife Coordination Act, as well as the laws of South Carolina and Georgia.

Mr. CHAFEE. That is correct.

Mr. HOLLINGS. I also understand that the concurrence of the federal agencies in the implementation plan and mitigation plan will not compromise or impair those legal requirements. Is that correct?

Mr. CHAFEE. That is correct.

Mr. HOLLINGS. And I further understand that authorization of the project is contingent upon all applicable legal requirements being met. Is that correct?

Mr. CHAFEE. That is correct.

Mr. HOLLINGS. I thank the Chairman for the opportunity to clarify these understandings.●

CONGRATULATIONS TO PUEBLO PACHYDERM CLUB

● Mr. ALLARD. Mr. President, I wish today to recognize a group from Pueblo, Colorado—the Pueblo Pachyderm Club. This is Founders Week of the National Federation of the Grand Order of Pachyderm Clubs, and I think it is fitting that we acknowledge their civic efforts and attitude.

The Pueblo Pachyderm Club, and the National Federation of Pachyderm Clubs, have a motto—"Free government requires active citizens." Their goal is to develop future leaders and better citizenship through the promotion of wide-spread involvement by good citizens in politics. They advocate better government through club programs and open meetings, by providing scholarships for political science students, by sponsoring campaign workshops, and by encouraging awareness of political affairs.

The founders who have worked tirelessly for the Pueblo Pachyderm Club for years deserve special recognition. They have made the Club a fixture in the Pueblo community. The Club's regularly scheduled luncheons have become an avenue for local and state officials to meet with and listen to the concerns and thoughts of the community.

Bringing together citizens, and hosting politicians and officials, leads to greater and better communication and fosters the beginning of new political interests and political potential. To simplify it—the more the better. The larger the percentage of our public that is involved in policy decision making, the better. With this in mind, the Pachyderm Club continues its mission. I wish them the best.●

CONGRATULATIONS TO THE LOW VISION INFORMATION CENTER FOR 20 YEARS OF PUBLIC SERVICE

● Mr. SARBANES. Mr. President, I rise today to commemorate the 20th anniversary of the Low Vision Information Center, LVIC, located in Bethesda, Maryland. This unique center provides critical help to visually impaired individuals and their families.

Low vision is the third leading cause of disability in the United States whose causes, among others, include macular degeneration and glaucoma. Low vision is a life altering condition which prevents millions of Americans from performing ostensibly elementary tasks such as reading, walking without aid, dialing the telephone, and even recognizing the faces of family and friends. Unlike other vision complications, low vision cannot be corrected with glasses and contacts, nor are there medical or surgical solutions available. There are, however, research and rehabilitation centers which address low vision, including Maryland's own Johns Hopkins Lions Vision Research and Rehabilitation Center at the Wilmer Eye Institute, which research the condition and help formulate ways in which the challenges posed by low vision can be reduced.

The LVIC provides a related but unique service. Established 20 years ago, LVIC is dedicated to helping individuals with low vision cope with daily tasks in a home-like setting with the most up-to-date technology. LVIC has served more than 40,000 clients and their families during its 20-year history. Currently, LVIC staff and volunteers see up to 150 clients a month in their downtown Bethesda office. LVIC helps people with everything from successfully pouring a cup of coffee, to writing personal checks, to learning how to use a talking watch. Additionally, LVIC often shows vision professionals what it is like to suffer from low vision by providing them with goggles that simulate various eye afflictions. Staff and volunteers also visit senior centers and nursing homes to educate this populace about low vision.

Mr. President, it has always been my firm belief that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those fortunate enough to serve their fellow citizens. LVIC provides a critical public service to countless individuals in our society, both by directly helping those who suffer from low vision, and by educating professionals and lay people alike on the causes, symptoms and technology available relating to low vision. I am pleased to join with all of LVIC's clients and their families, staff and volunteers in celebrating 20 years of public service that has significantly improved the quality of life for low vision individuals in our society.●

THE CLEAN GASOLINE ACT OF 1999

• Mr. CHAFEE. Mr. President, today I am adding my name as a cosponsor of S. 171 the Clean Gasoline Act of 1999. This bill sets a national, year-round cap on the sulfur content of gasoline sold in the United States. The bill would bring American gasoline standards in-line with the low sulfur levels required in Japan, Australia, the European Union and the State of California.

As we all know, cars are a significant source of air pollution. This bill would have an effect on pollution equal to removing 54 million vehicles from the road. The reason for such a dramatic improvement is that sulfur in gasoline coats the car's catalytic converter and spoils its ability to reduce emissions smog-forming pollutants. More than 30 percent of these pollutants are emitted by cars and trucks.

In the new breed of low emission vehicles, sulfur is particularly damaging. Engineers have created a new generation of pollution control devices for these vehicles that more effectively reduce smog-forming emissions. But, these cutting-edge technologies are poisoned by even moderate sulfur levels in the gasoline. According to industry research on this new class of clean cars, reducing gasoline sulfur concentration from the current national average of 330 parts per million to 40 ppm will reduce hydrocarbon emissions by 34 percent, carbon monoxide emissions by 43 percent, and nitrogen oxides emissions by 51 percent.

If these devices fail to work properly because they are clogged with sulfur, those emissions reductions will be lost and much of our investment in cleaner automotive technology will be wasted.

More importantly, lower sulfur levels in gasoline will reduce emissions from nearly every car on the road today—not just those with the latest pollution control devices. This is because reducing the sulfur content of gaoline instantly improves the performance of all catalytic converters in all cars. Low-sulfur fuel adds value to our existing investments in pollution control technology. There are more than 125 million passenger cars on the road today, and this bill will make almost every single one of them cleaner.

I'm sure my colleagues recall the phase-out of leaded gasoline in the late 1970s. We undertook that phase-out because we understood that catalytic converters—a new technology at the time—would not work with lead in the gasoline. Now is the time to phase-out sulfur because, by reducing sulfur levels, we can reap more rewards from existing technology and eliminate barriers to new technology.

Reducing sulfur levels in gasoline will require some changes to oil refining and processing techniques, and there is a modest cost associated with that. But, no other strategy can achieve such large reductions in air pollutants so quickly. We must capitalize on two decades of improvements in automotive technology by making similar advances in the gasoline used in those cars.•

ENVIRONMENTAL EDUCATION CENTER DEDICATION

• Mr. ROCKEFELLER. Mr. President, I would like to share with my colleagues a very special occasion for education. I proudly want to share in the celebration as Oglebay Institute announces its new and sophisticated 11,700-square foot Schrader Environmental Educational Center in Wheeling, West Virginia. The incredible opportunities that will be offered by this state-of-the-art facility characterize the Oglebay Institute's dedication to educating students and adults about science, nature, and the environment.

The Oglebay Institute in Wheeling, West Virginia is a non-profit organization with a particularly distinguished mission of promoting lifelong learning in a variety of creative ways and areas. The Institute lends its support to the visual and creative arts, sponsoring regional and national artists in two museums as well as a fine arts center. By hosting numerous plays and concerts every year, the Oglebay performing arts department is equally important in adding to the cultural richness of the surrounding community. To promote regional natural history interpretation and preservation, the Institute carefully maintains 4.5 miles of discovery trails and a butterfly and wildflower garden in the 1,650 acre Oglebay Park. Such resources are well utilized in programs for regional wildlife education. The opportunities available range from nature walks to bird observation, and travel programs to celebrations of Earth Week. The environmental education department, whose accomplishments we honor today, caters to a wealth of individual interests while promoting universal environmental literacy and motivation. Particularly noteworthy in such endeavors are the hands-on experiences with various aspects of nature. In the program offerings such options abound; participants choose from among astronomy, maple sugaring and interactive computer simulations.

For sixty-eight years, the Oglebay Institute has been a pioneer in this field of nature, science and environmental education, successfully coupling recreation with the promotion of environmental awareness. The new Environmental Education Center, with its exceptional design and ideal location, insures a great contribution to this vision. The Schrader Center's exhibition areas will offer interactive opportunities exploring all issues, ranging from the self-supporting nature of the Earth to our role as its caretakers. At the newly constructed cutting edge learning center, outreach technology will enable adaption of educational programs to extend education to local students and others' thanks to distance learning. I have full confidence that the proximity of the Environmental Education Center to the expansive Oglebay Park, where many outdoor activities take place, will serve as further incentive to enjoy the remarkable opportunities available.

West Virginians and tourists from across the country visit Oglebay Park and learn from the Oglebay Institute. For seven decades, the Oglebay Institute has provided education, culture, and recreational activities for crowds throughout the region. Among the eager participants are school groups who can gain hands-on experience at the new center.

The Oglebay Institute's efforts to educate and fully engage are critical to an environmentally-conscious future, and worthy of our attention and praise. The Schrader Environmental Education Center will undoubtedly prove to be an enormous asset to West Virginians and the entire region as a way to improve our understanding of science and our nature. This is a special day for the Oglebay Institute and the entire Wheeling area.•

CHAMPIONING THE GIFT OF LIFE

• Mr. TORRICELLI. Mr. President, I rise today to recognize Dr. R. Gordon Douglas, Jr., President of the Vaccine Division of Merck & Co., Inc. as he prepares for his retirement after decades of distinguished service. As a leader in one of New Jersey's largest pharmaceutical companies, Dr. Douglas has been responsible for the research, development, manufacturing and marketing of Merck's vaccine line. In addition to his responsibilities at Merck, Dr. Douglas has helped improve the lives of thousands of people throughout the world through his leadership roles in his company's and the State's blood drives.

In 1998, Dr. Douglas encouraged over 3,400 Merck employees in New Jersey to give the life-saving gift of blood. He took a significant leadership role with the New Jersey Blood Services by chairing the Blood Donor Campaign in 1997–1998 and encouraging colleagues in other corporations to increase their blood drive efforts. Under his leadership, the Merck Blood Drive Program received the America's Blood Centers 1999 Platinum Award, the highest blood drive award given by the Nation's largest network of independent, community blood centers.

Dr. Douglas has served as a physician, academician, and world-class leader in the fight against infectious diseases. As a graduate of Cornell University Medical School, he has served as a clinical investigator at the National Institute of Health, a member of the faculty at the Baylor College of Medicine, and the School of Medicine at the University of Rochester, and later returned to Cornell as Chairman of the Department of Medicine in the Medical College before beginning his career at Merck.

In a career marked by many valuable achievements, I am pleased today to highlight Dr. Douglas' contributions to New Jersey and society.•

ORDER OF PROCEDURE

Ms. COLLINS. Mr. President, I do have some unanimous-consent requests that I would like to propound at the request of the leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar, No. 36.

I finally ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Gordon Davidson, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Ms. COLLINS. Mr. President, I do want to inform my colleagues who are waiting to speak that it will not take me long to conclude these unanimous consent requests and that it will not preclude them from being able to deliver their remarks.

COASTAL BARRIER RESOURCES SYSTEM CORRECTIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 83, S. 574.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A bill (S. 574) to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I am pleased to offer my support for S. 574, a bill that would direct the Secretary of the Interior to make two technical corrections to a coastal barrier unit in Delaware. Congress enacted the Coastal Barrier Resources Act in 1982 to address financial and ecological problems caused by development of coastal barriers along the eastern seaboard. The law was so successful that we expanded the Coastal Barrier System in 1990 with the support of the National Taxpayers Union, the American Red Cross, Coast Alliance, and Tax Payers for Common Sense, to name just a few.

When we mapped the coastline some mistakes were made, and S. 574 would make technical corrections. the first change modifies the upper northeastern boundary to exclude land under development at the time of its inclusion into the system. the second change modifies the northwestern boundary to include a section of the Cape Henlopen State Park that was mistakenly excluded when the boundary was drawn. S. 574 is identical to a bill that passed the Senate by unanimous consent last year.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 574) was considered read a third time and passed, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTIONS TO MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to include in the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled "Cape Henlopen Unit DE-03P".

USE OF THE CAPITOL GROUNDS FOR CONCERTS TO BE CONDUCTED BY THE NATIONAL SYMPHONY ORCHESTRA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 29, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A concurrent resolution (S. Con. Res. 29) authorizing the use of the Capitol Grounds for concerts to be conducted by the National Symphony Orchestra.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 29) was agreed to, as follows:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF NATIONAL SYMPHONY ORCHESTRA CONCERTS ON CAPITOL GROUNDS.

The National Park Service (in this resolution referred to as the "sponsor") may during each of calendar years 1999 and 2000 sponsor a series of three concerts by the National Symphony Orchestra (in this resolution each concert referred to as an "event") on the Capitol Grounds. Such concerts shall be held on Memorial Day, 4th of July, and Labor Day of each such calendar year, or on such alternate dates during that calendar year as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, each event authorized by section 1—

(1) shall be free of admission charge and open to the public, with no preferential seating except for security purposes as determined in accordance with section 4, and

(2) shall be arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with each event.

(c) AUDITS.—Pursuant to section 451 of the Legislative Reorganization Act of 1970 (40 U.S.C. 193m–1), the Comptroller General of the United States shall perform an annual audit of the events for each of calendar years 1999 and 2000 and provide a report on each audit to the Speaker of the House of Representatives and the Chairman of the Senate Committee on Rules and Administration not later than December 15 of the calendar year for which the audit was performed.

SEC. 3. STRUCTURES AND EQUIPMENT; BROADCASTING; SCHEDULING; OTHER ARRANGEMENTS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol

Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for each event.

(b) BROADCASTING OF CONCERTS.—Subject to the restrictions contained in section 4, the concerts held on Memorial Day and 4th of July (or their alternate dates) may be broadcast over radio, television, and other media outlets.

(c) SCHEDULING.—In order to permit the setting up and taking down of structures and equipment and the conducting of dress rehearsals, the Architect of the Capitol may permit the sponsor to use the West Central Front of the United States Capitol for each event for not more than—

(1) six days if the concert is televised, and

(2) four days if the concert is not televised.

The Architect may not schedule any use under this subsection if it would interfere with any concert to be performed by a military band of the United States.

(d) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out each event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

(a) IN GENERAL.—The Capitol Police Board shall for each event—

(1) provide for all security related needs, and

(2) provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds.

(b) EXCEPTION FOR CREDIT TO SPONSORS.—Notwithstanding subsection (a), credits may be appropriately given to private sponsors of an event at the conclusion of any broadcast of the event.

(c) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in an event as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which the sponsor and such persons agree to comply with the requirements of this section. The agreement shall specifically prohibit the use for a commercial purpose of any photograph taken at, or broadcast production of, the event.

ORDERS FOR MONDAY, APRIL 26, 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, April 26. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period of morning business until the hour of 3:30 p.m. with Senators permitted to speak for up to 10 minutes each.

I further ask unanimous consent that at 3:30 p.m. on Monday, the Senate resume the motion to proceed to S. 96, the Y2K legislation, and that there be 2 hours of debate equally divided in the usual form. I finally ask unanimous consent that the vote on invoking cloture on the motion to proceed occur at 5:30 p.m. on Monday, with the mandatory quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. COLLINS. For the information of all Senators, on Monday the Senate will resume consideration of the motion to proceed to the Y2K legislation. A cloture vote on that motion will occur at 5:30 p.m. on Monday. Senators can therefore expect the next rollcall vote on Monday at 5:30. The Senate may also consider any other legislative or executive items that can be cleared for action.

ORDER FOR ADJOURNMENT

Ms. COLLINS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator LANDRIEU, Senator THURMOND, Senator DURBIN, Senator LEAHY, Senator CHAFEE, and Senator LOTT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair, and I thank my colleagues for their patience. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President. I yield 1 minute to my friend, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Louisiana for her customary courtesy.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 96 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. LEAHY pertaining to the introduction of S. 871 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

KOSOVO

Ms. LANDRIEU. Mr. President, on the eve of the gathering of all of NATO to celebrate the successful completion of our first 50 years, I wanted to take this opportunity to comment on the current situation in Europe.

As you know, we are blessed to live in a country which enjoys a deeply rooted democracy and a deeply rooted sense of equality. However, these same characteristics and qualities which make America a model for the world also present very real challenges in times like these.

It is often said that the most difficult task for any democracy is deciding to go to war. The reasons are self-evident. When you live in a nation that believes all people are created equal, how do you ask some citizens to sacrifice so much so that others may continue to enjoy their freedom? When you live in a nation where human life is sacred, where, in fact each individual life has dignity, how do you build a consensus for the sacrifices that may be necessary to achieve the victory that we hope for?

The task is even more complex when the challenge to American freedom is more indirect, as it is in this case. We have confronted this reality since the beginning of the war in Kosovo. No one in America believes that Serbia intends to invade the United States. We will never look out of the window and see Yugoslavian tanks driving down Pennsylvania Avenue to squelch American liberties. It remains, then, for those of us in the leadership of this Nation who support NATO operations in Kosovo to explain why we are prepared to ask American troops to make the sacrifices that may be necessary, in this seemingly remote and distant land.

I believe there is one central reason that justifies our actions, and that is the price, the tremendous price, we have already paid for freedom in America and in Europe.

Our parents' generation and their parents were asked to risk their lives to fundamentally alter the way the world operates. In World War I, President Wilson asked our grandparents to fight to make the world "safe for democracy," and they did. In World War II, when fascism threatened to conquer the democracies of Europe, President Roosevelt asked America to become "the arsenal of democracy," and we were. During the cold war, President KENNEDY called on Americans to "pay any price, to bear any burden," to meet the threat of communism, and we have. Finally, President Reagan said insisted that we "tear down that wall," and it was.

We emerged victorious from World Wars I and II, as well as the cold war, but not without a price. American blood was spilled in the trenches of World War I and on the beaches of Normandy during World War II. Americans fought and died in Korea and Vietnam to contain communism during the Cold War. So, for more than three generations, Americans have been making the sacrifices necessary to change the world in which we live and to maintain democracy in Europe and, yes, indeed, to help spread it throughout the entire world.

It is important to remember that this sacrifice has not been in vain. It is easy today to be cynical about human nature and the prospects for lasting peace in Europe. After all, these feuds in Europe predated America's existence by many centuries. But to dwell on the worst instincts of Europe and Western civilization is to ignore the very real progress and the tremendous victories that have been made possible by our allied unity and American intervention.

Who would have imagined that in a little over 50 years, since the end of World War II, bitter enemies like France and Germany, England and Italy, would be joined by a common currency, a common market, and a pledge to defend one another against a common enemy? It was the sacrifice of many, including Americans, that made it possible for Europe to turn its back on a history of bloody conflict and embrace a vision for peace and democracy across its great continent.

Ironically, as NATO expands to the east and the European Union incorporates still more of Europe, we are faced with a war in Yugoslavia that threatens to undo all of this good work. It is ironic because that is how this century began, with an act of violence from Serbia which sparked a world war.

The President is fond of saying that the war in Kosovo will either be the last war of the 20th century or the first war of the 21st. What I believe he is trying to say is, that we can defeat Milosevic and give meaning to nearly 100 years of American struggle and effort to bring peace to Europe and secure the gains of our parents and grandparents, or we can turn our backs on their sacrifice, ignore the human tragedy, ignore the tremendous financial investment that has already been made. Then we will hope against our experience that the conflict in Kosovo will simply fade away.

Many have remarked that the 20th century has been the most bloody in human history. It is hard to verify such claims. Nevertheless, it is true that we live in an era where the efficiency of industry and technology has been matched, unfortunately, by our expert ability to kill one another. We must, however, stay the course and join with our NATO allies to finish our work and eliminate military aggression and ethnic cleansing as a legitimate tool of national policy.

There is a sleepy little town in Austria, near the German border called Branau am Inn. It is not one of those towns at the crossroads of Europe; it is not the home of kings and emperors. In fact, no one in Branau, if it were not for a small event, no one in the world would have ever heard of Branau. But it is the birthplace of Adolf Hitler. The sad legacy of this town is not marked with any great monument. Instead, above the home where Hitler was born, two simple words are written: Never again.

Those two words represent a solemn pledge that this country and all civilized nations made at the close of World War II: Never again would we stand idly by while innocent men, women, and children were massacred. Never again would we allow a nation to invade its neighbors without consequences.

Some of my colleagues here in the Senate are consistently remind us that Kosovo is not the Holocaust. I agree. What has occurred in the last few months, does not yet compare to the crimes the Nazi's perpetrated. But this is a senseless justification for inaction. Should we wait for another Holocaust to occur before we act decisively? What, then, is the point of action? How many children must be traumatized? How many homes need to be destroyed? How many women need to be victims of brutality before we can act? I say the words "never again" mean that we should not wait and we will be decisive in our action. That is why I support using whatever means is necessary to accomplish the goal set out by NATO. The President and our NATO allies believe we can achieve this purpose through air attacks. I certainly hope this is correct. But I also agree with many of my colleagues, led by Senators McCAIN and BIDEN, that we cannot rule out other measures that can assure our victory and success. I am proud to join them in cosponsoring an important resolution that they introduced earlier this week, which seeks to give the President the authority and tools necessary to win this war. I urge my colleagues to consider joining with us to send this powerful and much-needed message of resolve during the conflict.

The only way that we can have peace in the Balkans is for people like Milosevic and the thugs underneath him to understand that there are real and personal consequences for their barbaric atrocities.

The reports are very disturbing and it is very hard for me to repeat them. I predict, unfortunately, that more and more horror stories will be appear in our papers, as more survivors escape to tell their stories. As NATO spokesman, Jamie Shea, explained, the Serbs are engaging in a sort of "human safari" where they methodically flush out their victims from their homes using tear gas and herd them like animals out of Kosovo. There have been repeated reports of the systematic rape of girls and women. Very conservative NATO estimates indicate that over 100,000 people have simply disappeared, many of them men who have been separated from their families—probably many to their early deaths. When we pledged "never again," these were the sorts of atrocities that we were talking about.

As a result of these reports that, I intend to introduce a resolution in the Senate calling on the President to ask for war crimes indictments against the Serbian leadership before the International Criminal Tribunal for the former republic of Yugoslavia. The chief prosecutor has already announced that the jurisdiction of the tribunal extends to Kosovo.

We must ask ourselves what kind of situation will we have if Milosevic and his allies go unpunished. Will we have another rogue nation, this time in the heart of Europe, with little else motivating them besides age-old desires for revenge and an interest in interfering with the stability and prosperity of the United States and the entire European continent? We simply cannot allow another Iraq in the middle of Europe. One of the central tenets of our policy must be that these individuals will be brought to justice. Only then will these hundreds of thousands of refugees have any chance of returning to their homes. Only then will we have peace and democracy in the Former Republic of Yugoslavia, and only then will we have at least begun to live up to our solemn promise of "never again." I wish the best of success for the gathering here in Washington of our NATO allies.

TAKE YOUR DAUGHTER TO WORK DAY

Ms. LANDRIEU. Mr. President, on a note closer to home, I would like to say a special word of thanks to all the Senators and staffers that joined together in support of a very special day here in Washington and in America that we hope will spread to many places in the world, and that is Take Your Daughter to Work Day. I have with me here working in the Capitol two of my nieces, Holly Landrieu and Emily Landrieu, and two of my friends from college and their daughters are here, Sarah Margaret and Claire.

With the hundreds of other young girls that have joined us, they are learning that our work is about domestic issues and international issues, that we have to be concerned with what happens in our own communities and in far places around the world. So it has been a good experience for many of them. I thank our colleagues for sharing this day with so many special girls in this area and around the country.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRAMS. Mr. President, I ask unanimous consent that I be able to change the previous order and that I be allowed to speak for up to 10 minutes in morning business following Senator DURBIN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, Mr. THURMOND, is recognized.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 865 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). We thank the distinguished President pro tempore for the remarks.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I send a bill to the desk for introduction and appropriate referral to committee.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 873 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

KOSOVO

Mr. DURBIN. Mr. President, I would like to address for a moment as well some reflections on the visit I made this past weekend as part of this delegation. It was a delegation that flew from Washington Andrews Air Force base to Ramstein Air Force Base in Germany where we met with General Wesley Clark, the Supreme Allied Commander of the NATO forces for our mission in Kosovo and Serbia. We then went to a war room at that base and met, as I mentioned earlier, with some of the most amazing young men and women that America could ever hope to bring to this cause. They are so filled with energy and commitment and enthusiasm that it really makes you proud to be an American, to be in their midst. You see the amazing technology at their disposal and realize without their dedication and their talent it would mean little or nothing.

We flew the next morning from that Air Force base directly, on a cargo plane, to Albania, one of the poorest countries in Europe, where, on a lengthy landing strip, we saw one of the most massive humanitarian efforts undertaken since World War II in Europe. Countries literally from all over the world are rallying for the Kosovo refugees. Among them you could see evidence of humanitarian assistance from the French, the Swedes, of course the Americans; helicopters from the United Arab Emirates—so many different countries coming together in this humanitarian undertaking. The men and women who have to endure the most primitive conditions living there to protect this humanitarian airlift, again, deserve our praise, because there they sit literally on a muddy delta in their tents doing their duty. I was proud to represent this Nation and represent the State of Illinois in thanking them so much for their sacrifice.

We flew from Albania, after meeting with the Prime Minister, to Macedonia, part of the trip which I may never forget as long as I live, because we visited a refugee camp at a place outside of Skopje, Macedonia, the camp known as Brazda, or Stakovac. Two weeks ago, this camp did not exist. Today, it has 32,000 people in it. In the 48 hours before we arrived, over 7,000 refugees came across the border out of Kosovo, looking for safety.

I walked into that camp which had been built by NATO and was being managed by the Catholic Relief Services and was literally mobbed when I offered a piece of candy to a young child. They saw an American with a bag full of candy and they wanted to come up and meet me right away. I passed out a lot of these Hershey Kisses to the kids, and their parents stood around. With a translator, I asked them: Why are you here? Open-ended question, no propaganda: Why did you leave Kosovo?

The story was the same over and over again. Simple people leading ordinary lives in the villages of Kosovo would hear a knock on the door in the middle of the night, only to be greeted by people in black ski masks, some of whom they knew right away to be their neighbors, who announced they had 5 minutes to pick up anything they wanted to pick up with them and leave the country because their house was about to be burned down or blown up. In many cases, the head of the family, if he were a young adult male, was taken away from them. The rest were pushed out in the road and they started their walk, their walk to safety, their walk out of Kosovo.

You know, when you see pictures of refugee camps around the world, you see some very sad scenes. Many times the people are very poor, starving, very sick, some dying on the spot. That was not the case at these refugee camps. These people, as I said, were ordinary people leading their lives, who were disrupted because of Slobodan Milosevic's ethnic cleansing. What was their crime? They committed no crime other than to have, as far as Mr. Milosevic was concerned, the wrong ethnic background, the wrong culture, the wrong religion. You see, he is cleansing his country, as he says, of these undesirables.

I am not sure what the word genocide means to most people, but when I saw these people, the tens of thousands, shunned, rejected, persecuted and pushed out of their homes, now trying to make a simple life in a refugee camp, I understood genocide and "geno-suffering."

Some people ask a question: Why is the United States involved in this? Why do we care? What does this have to do with America? Come on, these are people in Serbia and they always fight, don't they?

I think there is more to the story because what is at stake here is Europe, and Europe has always had a special meaning to the United States. In this century, we fought two World Wars, we have given the best of our country in defense of causes that we felt were right against Nazism, against communism, to make certain that Europe was peaceful, had stability, was there, and they were friends of the United States. It means something to the people of Europe.

This morning, as part of the NATO summit, the Polish Prime Minister came here on Capitol Hill. It was a wonderful celebratory gathering, for breakfast: Poland, so proud and happy to be part of NATO. Think of that, that this country that went through such deprivation during World War II under the heel of communism for so many decades had finally pushed it aside through their own courage and determination and said once and for all: We are not neutral in our future. We are part of the West. We want to be part of NATO. That is where we belong.

I am proud of that, proud of that as an American that Hungary, the Czech Republic and Poland became part of NATO and are dedicated to the principle of democracy, something we are all about in the United States. What a great celebration will happen in Washington, even under the shadow of the war that goes on, as these NATO allies come together, determined to make a better future in Europe. That is one of the reasons we are there.

Second, NATO itself is being tested. The NATO alliance has come forward and said we will not allow a dictator in Europe who pursues these policies of genocide, who has initiated four wars in 10 years, who tomorrow will start another war and pick some more innocent victims—we cannot have a stable Europe with this in place. Slobodan Milosevic must be stopped. Mr. President, 18 allied nations turned to the United States and said: Are you with us? Will you be with us in this mission? I am glad President Clinton said yes. I voted for the airstrikes. I think it was the appropriate response for NATO against Milosevic.

The third issue is one of values, values as to whether or not we stand for anything as Americans. God knows we have throughout our history. We do not get engaged in wars to pick up territory or to come back with loot and booty. We get engaged in wars for values. That is what it was all about in World War II; to make sure that Hitler and his genocide would come to an end once and for all, to make certain in the cold war that we stopped the spread of communism in Europe. Now, today, in this mission in Kosovo, we say we are standing again for values that are important, not only in the United States, but in Europe and around the world.

There are some who question this, and I understand it. I am not one who runs quickly to get involved in any military undertaking. I only wish those who have doubts about this would have been with me last Saturday afternoon, walking through this camp in Brazda, in Macedonia, or, frankly, in many other camps, where the 350,000 Kosovo refugees now in Albania are living in tents and under sheets of plastic—over 120,000 in Macedonia, over 30,000 in Montenegro. Honestly, these are the lucky refugees. They got out alive. They are under the protection of NATO.

The unluckiest are still left behind, those who are still hiding out as refugees in Kosovo, in the woods, hoping they can survive another day until this war comes to an end and it is safe to go home. Those who were brought in, conscripted as slave labor in the Serbian Army, those are the ones who were unlucky. Those are the ones we have to always remember are part of our mission.

Earlier this morning, we were visited by the Prime Minister of Great Britain, Tony Blair. I had never met him before. He is an impressive individual. I can understand why the people of that nation have decided to choose him as a leader. He said some things that were flattering, but I think well worth sharing as I speak to you today. He said the United States has a special place in this world. It is an example to the rest of the world so many times. He said, "I can't tell you how many times we say thank God for America and its leadership." I am proud of that. And I am proud of the men and women who have made it possible,

Those pilots who put their lives on the line every night in the bombers, soon in the helicopters, to try to bring this war to a conclusion and peace to Yugoslavia.

I am proud, too, of the families back home who wait, hoping that they will return safely. I am proud of the families of the three POWs who have been captured there. I want to let them know we will never forget those prisoners. They are in our thoughts and our prayers every moment until they come home safely, as they will.

I think we have to stay this course. We have three difficult choices at this moment. We can leave, and if we leave, what have we left behind? This penny-ante dictator with his genocide and ethnic cleansing who will pick another helpless target?

Some say we should have a ground war. I am not for that. I do not think that will work. Or we can pursue this air campaign, a campaign which has gone on about 26 days, about which 13 or 14 days we have had good weather. If we pick up the intensity of this bombing, Mr. Milosevic will understand there is a price to pay for his horrible policy of ethnic cleansing.

If this ends as we want it to, we will close the 20th century with peace in Europe. We will be able to say to Europeans wherever they live that the United States, your partner, stood by your side during one of the bloodiest centuries in the history of Europe. When it was all over, the values we cherish, the values we fought for, prevailed. That is what is at stake here, and that is what I hope most Americans will recall.

Mr. President, I yield back the remainder of my time.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President.

EARTH DAY

Mr. GRAMS. Mr. President, today across our country, Americans are commemorating Earth Day, a day vitally important to all who serve in this Chamber as well.

As my colleagues know, Earth Day was first observed on April 22, 1970. Its purpose was, and it remains, to make people across the country and around the world reflect on the splendor of our planet, an opportunity to get the people to think about the Earth's many gifts we often take for granted.

Earth Day is a day for us to renew our commitment to protect our environment and recognize the respect we must give our natural resources, recycling and replenishing whenever possible.

The New York Times, on the original Earth Day, ran a story which in part read:

> Conservatives were for it. Liberals were for it. Democrats, Republicans and Independents were for it. So were the ins, the outs, the executive and the legislative branches of Government.

Mr. President, the goals of Earth Day 1970 were goals upon which all of us agree. They are goals still shared across the country, regardless of age, gender, race, economic status, or religious background, and they are shared by this Senator as well.

I consider myself a conservationist and an environmentalist, and I think everyone who serves in the Senate also does. No one among us is willing to accept the proposition that our children or grandchildren will ever have to endure dirty water or filthy skies. Our children deserve to live in a world that affords them the same environmental opportunities that their parents enjoy today.

When speaking about the Earth and our environment, however, it is becoming increasingly difficult to highlight the consensus that exists in Congress on protecting the environment, because the environmental debate is now so focused on the margins.

The proliferation of special interest groups has forced our debate away from our common concerns and left the American people with the idea that an individual is either for the environment or against it, and that determination is made not by the voters or by one's record, but by the scorecard or the rhetoric of a particular organization.

I would like to take a moment this Earth Day to remind my constituents and the American people of the tremendous progress we have made on a bipartisan basis towards protecting the Earth and its inhabitants and, at the same time, improving and conserving our precious natural resources.

In the 104th Congress, we passed several major pieces of legislation to improve the environment. They include the Safe Drinking Water Act, the conservation title to the farm bill, the Coastal Zone Management Act, the Invasive Species Act, the Everglades Protection Amendments, the Food Quality Protection Act, the Water Resources Development Act, the Battery Recycling Act, and the Parks and Public Lands Management Act, just to name a few.

Those public laws are now at work helping Americans protect the environment by including billions of dollars to improve the safety of our Nation's drinking water and billions more on conservation efforts on more than 37 million acres of sensitive land.

Those programs will help improve our cities' waterfronts, control invasive species in our lakes, and increase visitor enjoyment and natural resource protection in our Nation's parks and in our visitors' enjoyment.

Unfortunately, if a Member's constituents did not take the time to review the complete record of their Member of Congress, they would not know the truth.

While the accomplishments of the 104th Congress are impressive, the 105th Congress did not rest on its laurels over the past 2 years. The environmental accomplishments of the 105th Congress include the National Wildlife Refuge System Improvement Act, the North American Wetlands Conservation Act, the Dolphin Conservation Act, the Great Lakes Fish and Wildlife Restoration Act, the National Park System Restoration Act, the National Wildlife Refuge System Volunteers and Community Partnership Act, the Tropical Forest Conservation Act, the African and Asian Elephant Conservation Acts, and a host of programs contained within the provisions of the appropriations legislation.

Again, these programs will provide even more money, billions of dollars across the spectrum of environmental protection. These programs were passed only through bipartisan cooperation and were largely supported by most Members of Congress.

In the 106th Congress, we are off to another good start. I have focused my efforts on looking at legislation which improves our Nation's energy efficiency and security and promotes the use of alternative renewable sources of energy.

I am a cosponsor of legislation to extend the wind energy tax credit and to provide a tax credit for the production of energy from poultry litter.

I have also cosponsored legislation with Senators COVERDELL, BREAUX, and DEWINE which would force Federal facilities to comply with the provisions of the Clean Water Act, something they are currently able to avoid by claiming sovereign immunity.

I will soon be joining Senators MURKOWSKI and HAGEL as an original cosponsor of the Energy and Climate Policy Act which, through tax credits and public-private partnerships, will promote research and development of technologies which reduce or sequester greenhouse gas emissions.

We have had tremendous accomplishments in Congress over the past 4 years, and I make this point not to illustrate a difference between Republican and Democratic Congresses, but to highlight our shared commitments to protecting the environment, improving our wildlife habitats, making our water supply safer, increasing visitor enjoyment in our Nation's parks, and also strengthening our dedication to leaving a proud legacy of natural resource protection for our children and grandchildren to enjoy.

Mr. President, I make these points because they are often not properly presented to the American public, because many proenvironmental initiatives are passed by unanimous consent or by voice vote. They often do not appear on our voting records. Instead, Americans are left with the five or six votes over an entire year that a special interest group portrays as the complete environmental record of Members of Congress.

Anyone who closely monitors Congress knows that these issues are not as simple as some make them out to be, and a Member's record is not accurately reflected by five or six selective votes, votes which are many times procedural votes and not votes on final passage. That is why I have long believed we can do a better job of promoting our shared commitment to both environmental protection and economic growth by highlighting our many common beliefs, rather than taking a microscope to those beliefs upon which differences arise.

Clearly, partisanship will always be present in congressional debates, but no American is well served when issues as important as environmental protection are dominated by the flagrant distortion of the truth.

Mr. President, I suggest that on this Earth Day, we pledge to come together to improve our environment and strengthen our natural resources. I suggest that we recognize both our failures and also our successes of the past. We must recognize that today compliance with regulations is the rule and that blatant attempts to pollute and circumvent regulations are the exception. With this in mind, I believe we must renew our Nation's commitment to pragmatism.

Government on all levels must do its part as watchdog while empowering those being regulated to develop unique and innovative means of compliance. At the same time, we must promote ideas that create public-private partnerships and encourage companies and individuals to take voluntary steps to protect our natural resources. Through education and awareness, we will be able to approach environmental issues in a way that fosters compromise and in a way that ensures public policy is pursued in the best interest of all.

It is time we commit ourselves to achieving real results through environmental initiatives. We must make sure that Superfund dollars go to clean up the Superfund sites, not go into the pockets of lawyers. We must base our decisions on clear science with stated goals and flexible solutions. We must give our job creators more flexibility in meeting national standards as a means of eliminating the pervasive "command and control" approach that has infected so many of our Federal programs.

And finally, the Federal Government needs to promote a better partnership between all levels of Government, with job providers, environmental interest groups, and with the taxpayers. Moving forward together in eliminating the inflammatory rhetoric which sometimes consumes the entire environmental debate will not be easy, but if we are going to work together to ensure the splendor of our natural resources far into the future, I believe it is a step that we are going to have to take.

Thank you very much, Mr. President.

THE 29TH ANNUAL EARTH DAY

Mr. LOTT. Mr. President, today marks the 29th annual Earth Day —a day to evaluate our environment—a day to celebrate. Along with all Americans, I too want to live in a clean environment, and like most Americans, I fully believe efforts are needed to "protect the environment." However, I question how "protecting the environment" is defined and bureaucratically implemented, especially when it begins to truly hurt Americans.

Mr. President, I hope my colleagues will look at each environmental policy—new and old—carefully, to make sure the benefits are both real and achievable. Congress should make sure the costs are tolerable and properly allocated, and Congress needs to ensure that the standards and time tables make sense. Most importantly, the Congress needs to make sure that the science is legitimate.

There are some who advance an agenda under the guise of environmental concern. This is not only wrong, but harmful. There are some who do not provide accurate costs and who inflate benefits. This too is wrong. There are some who have no concern about those who will really be affected by the new policy. This is also very wrong—Congress should never lose sight of the constituents.

Mr. President, the Senate needs to continue to "protect the environment" while "protecting the people" who live in that environment. The Senate must examine the costs inflicted upon our society, as it relates to the environmental protection, to make sure it is acceptable.

This Earth Day anniversary is a good anniversary. There are many things of which to be proud, and many people and organizations which should be proud. Many can rightly take credit. Yes, the federal government stepped in. However, over the past three decades I've seen states and local governments also step up to the plate and act responsibly. After 30 years states should be given more responsibility, because of their effectiveness in environmental matters.

Mr. President, this Earth Day anniversary is a good anniversary, because the corporate world has invested billions and billions of dollars more than thirty years to clean the environment—the air, the soil, and the water. Everyone has benefited. The initial federal rules worked, but over the past 30 years industry has learned how to take environmental action in a more effective way. The federal government, not known for its efficiency, should do a better job of asking for these environmental solutions, because the same results at lower costs are good for America. Industry wants to be a partner in this effort.

Mr. President, today the new environmental enemy is urban sprawl. This is unfortunate because Congress does not need to find a new evil enemy to pursue to make environmental policy work. Suburbs, backyards, and shopping centers are not our enemy. Mr. President, the family living in the suburbs is not the enemy. I hope my colleagues will take a more balanced approach, and look for ways to legislate that avoid the adversarial approach. For thirty years industry was blamed for our environmental problems, now it's the family living in the suburbs. This is counter productive. This is a terribly destructive way to "protect the environment."

Mr. President, nearly 30 years of Earth Days has heightened everyone's awareness—yours and mine. I truly believe everyone is now a better steward of our planet. Lets unleash America's entrepreneurial spirit and search for new approaches and new incentives to protect America's air, soil, and water. Happy Earth Day.

EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF THOMAS B. GRIFFITH

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 82, submitted earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 82) expressing the gratitude of the United States Senate for the service of Thomas B. Griffith, Legal Counsel for the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. THURMOND. Mr. President, I rise today to commend Mr. Thomas B. Griffith, who, on April 18, 1999, resigned from the position of Senate Legal Counsel to return to the private practice of law. Mr. Griffith served in that office for the past four years.

Mr. President, as President pro tempore of the Senate, it was my pleasure to oversee the work of the Office of Legal Counsel during Mr. Griffith's tenure. I appreciated the great dedication and professionalism he displayed in his capacity as Legal Counsel.

The Office of Senate Legal Counsel plays an important role for the United States Senate. It is responsible for providing legal defense to the Senate, its committees, Members, officers, and employees when authorized to do so. The Legal Counsel represents Senate committees in proceedings to obtain evidence for Senate investigations. As directed, it intervenes or appears as amicus curiae in the name of the Senate and Senate committees. It also represents the interests of the Senate as intervenor or amicus curiae in various other court cases. On an ongoing basis, the Senate Legal Counsel Office provides legal advice to Members, committees, and officers of the Senate.

Among the highlights of Mr. Griffith's career in the Senate would undoubtably be the impeachment trial of the President of the United States. During those proceedings, Mr. Griffith provided the Senate with professional and nonpartisan advice on a range of issues related to the impeachment process.

Other significant actions in which Mr. Griffith participated or directed as Senate Legal Counsel include the consideration of the Louisiana Contested Election Petition by the Committee on Rules and Administration; the investigation of Campaign Finance Practices by the Senate Committee on Governmental Affairs; the Judiciary Committee's review of the White House use of FBI files; and the work of the Special Committee To Investigate Whitewater Development Corporation.

In addition, Mr. Griffith represented the interest of the Senate, its Members, employees and Officers, in a number of cases filed in the courts. At the top of this list would be his work on the Line Item Veto cases.

In all of these activities, Mr. Griffith has seen to it that we are all served well by a professional, career, and nonpartisan staff.

Mr. President, I am proud to sponsor this resolution and I am proud to have known and worked with Thomas Griffith. He has served his Nation well. I wish Thomas, his wife Susan, and their children the very best for the future.

Mr. DODD. Mr. President, as an original cosponsor of the resolution, I rise today to add my remarks in support of, and in gratitude to, our former Senate Legal Counsel, Mr. Tom Griffith.

It is always with mixed emotions that I speak on occasions such as this; while I am glad for Tom and wish him well in his return to private practice, I know that the Senate will miss the wise counsel and dedication he demonstrated during his nearly 4 years of service to this body.

The ancient Chinese had a curse in which they wished their victim a life "in interesting times". For better or for worse, Tom lived such a life as Senate Legal Counsel. From my place on the Rules Committee—first as a member and now as Ranking Member—I had a unique perspective on the Legal Counsel's efforts to deal with numerous "interesting" issues presenting novel, rare and in some cases historic issues, including implementation of the Congressional Accountability Act, resolution of the Louisiana election challenge, and, of course, the recent impeachment trial. Speaking for myself—and, I suspect, most of my colleagues—I must say that Tom handled those difficult responsibilities with great confidence and skill.

A more contemporary observer—and one of Connecticut's most famous residents—Mark Twain, once suggested: "Always do right—this will gratify some and astonish the rest." During his tenure as Legal Counsel, Tom exemplified this philosophy, impressing all who knew him with his knowledge of the law and never succumbing to the temptation to bend the law to partisan ends. All of us who serve here in the Senate know the importance of the rule of law; but let us never forget that it is individuals like Mr. Thomas Griffith whose calling it is to put that ideal into practice.

Once again, I wish to express my gratitude to Tom for his years of service, and I ask that my colleagues join me in supporting this resolution.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 82) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 82

Whereas Thomas B. Griffith, the Legal Counsel of the United States Senate, became an employee of the Senate on March 18, 1995, and since that date has ably and faithfully upheld the high standards and traditions of the Office of Legal Counsel of the United States Senate;

Whereas Thomas B. Griffith, from October 24, 1995, to April 18, 1999, served as the Legal Counsel of the United States Senate and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position, including providing legal defense of the Senate, its committees, Members, officers, and employees; representing committees in proceedings to obtain evidence for Senate investigations; representing the interests of the Senate as intervenor or amicus curiae in various court cases; and otherwise providing legal advice to Members, committees, and officers of the Senate;

Whereas Thomas B. Griffith, only the second person to hold the position of Senate Legal Counsel since it was created in 1979, has met the needs of the United States Senate for legal counsel with unfailing professionalism, skill, dedication, and good humor during his entire tenure; and

Whereas Thomas B. Griffith has tendered his resignation as Senate Legal Counsel, effective as of April 18, 1999, to return to the private practice of law; Now, therefore, be it

Resolved, That the United States Senate commends Thomas B. Griffith for his more than 4 years of faithful and exemplary service to the United States Senate and the Nation, including 3½ years as Senate Legal Counsel, and expresses its deep appreciation and gratitude for his faithful and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas B. Griffith.

ADJOURNMENT UNTIL MONDAY, APRIL 26, 1999, AT 1 P.M.

Mr. GRAMS. Mr. President, I understand that there is no further business to come before the Senate, so I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 3:12 p.m., adjourned until Monday, April 26, 1999, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate April 22, 1999:

THE JUDICIARY

H. ALSTON JOHNSON, III, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE JOHN M. DUHE, JR., RETIRED.

KERMIT BYE, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE JOHN D. KELLY, DECEASED.

ANNA J. BROWN, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE MALCOLM F. MARSH, RETIRED.

FAITH S. HOCHBERG, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE JOSEPH H. RODRIGUEZ, RETIRED.

DEPARTMENT OF DEFENSE

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1999, VICE ALAN MARSHALL ELKINS, TERM EXPIRED.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2005. (REAPPOINTMENT)

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS J. NICHOLSON, 4342.
COL. DOUGLAS V. ODELL, JR., 0212.
COL. CORNELL A. WILSON, JR., 9123.

CONFIRMATION

Executive nomination confirmed by the Senate April 22, 1999:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

GORDON DAVIDSON, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2004.

HOUSE OF REPRESENTATIVES—*Thursday, April 22, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

At times of conflict we pray for peace; at times of violence we long for serenity; at times of anger and hatred we hope for charity and respect; and at times of senseless acts, we pray for meaning and purpose. O gracious God, from whom all blessings flow, we plead for Your peace that passes all human understanding and we pray for the comfort of Your presence in our lives. Bless all who grieve, give strength to all who suffer, and keep us all in Your grace, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Washington (Mr. INSLEE) come forward and lead the House in the Pledge of Allegiance.

Mr. INSLEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 800) "An Act to provide for education flexibility partnerships.".

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes on each side.

Will the gentlewoman from Missouri (Mrs. EMERSON) kindly assume the Chair.

HONORING YOSEMITE NATIONAL INSTITUTES ON EARTH DAY 1999

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, what a better way to celebrate Earth Day than to honor the great example of a public-private partnership known as the Yosemite National Institutes, an organization that provides award-winning environmental education programs in America's national parks.

YNI now welcomes more than 32,000 participants each year to its three institutes in the magnificent natural settings of Yosemite and Olympic National Parks as well as the Golden Gate National Recreational Area.

Since its founding in 1971, more than 450,000 school children and adults have experienced YNI programs. The partnership between YNI and the National Park Service is commendable. YNI does not receive government funding, but performs a great percentage of the interpretation in each of the parks where it exists.

At YNI, learning occurs in an advocacy-free environment. Ideas and values are not forced upon students; instead, they learn important processes of applying critical thinking to questions and choices that will confront them now and in the future.

YNI is now celebrating 28 years of extraordinary service. I commend all of those who have contributed to this wonderful program and its achievements.

SHARING RESPONSIBILITY IN KOSOVO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, it is time. Time to arm the Kosovo Liberation Army, not send in ground troops. Let Europe send in the ground troops. It would cost less than one night of bombing to arm the KLA, and that is what we should be doing.

It is also time to indict Milosevic for war crimes, and it is also time to recognize independence for Kosovo, and NATO should support and defend those borders.

I think this is something very important, Madam Speaker. No doubt, America is a superpower, but America is not the only power, and it is time for Europe to step up and take care of problems in their own backyard.

LEARNING OUR HISTORY LESSON OF THE 1960'S

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, it is strange to me that doves and peaceniks, people who dodged the draft and protested the war, now want to wage war in Yugoslavia, while many defense hawks and former military veterans are raising voices of concern and objection.

As a Vietnam veteran, I cannot help but reflect on the mistakes being made by the Clinton administration with the war in the Balkans. The White House does not even want to call it a war; they prefer the term "conflict." Does that mean our POWs are now going to be called POCs?

There are some people who have yet to learn the lessons of Vietnam. The use of limited air strikes can only accomplish limited results. We are witnessing that right now. And having politicians select targets rather than letting military commanders fight the war they know and are trained to do is absolutely wrong.

When President Clinton first initiated the air strikes, we were told we would be in and out in a week or two, and that bully Milosevic would be put in his place. Well, now we are hearing the administration say that we might be in for the long haul, maybe ground troops, an ill-conceived plan obviously from the get-go.

The American people do not know what to believe as this war escalates. We need to learn the history lessons of the 1960's.

BANKING PRIVACY ACT

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, Americans are generally concerned about their withering rights of privacy, and my fellow Members will be shocked to learn how at-risk those rights are in regard to our banking records.

Serving on the Committee on Banking and Financial Services, I recently learned that we Americans do not even have the right to insist that our banks not disclose our personal financial information, our checking account, our savings account records to other companies, and other companies want these records so that they can market and sell us products.

Madam Speaker, I believe that America ought to have the right to simply inform our banks that those records

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are private records of to whom we write checks, from whom we receive checks. What is in our savings account is a private matter, and we ought to have the right to advise our banks not to share it with anyone.

To that end, Madam Speaker, I will shortly be introducing the Banking Privacy Act, which will give Americans the right to simply keep their records private, keep their private personal lives to themselves, to give Americans what they deserve.

I urge my colleagues to support this bill.

CONTINUING OUR FIGHT AGAINST CHILD ABUSE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, when I look at my young nephews, I see the innocence and joy that only childhood can bring. This is the time of their lives that should be treasured and preserved. It saddens me to know that so many children are robbed of this innocence, or even worse, lose their lives at the hands of abuse.

Even while our overall crime statistics have declined dramatically, child abuse continues to rise. According to the Child Welfare League of America, five children and infants die each day from abuse and neglect. This is five children too many.

Last year I sponsored the Volunteers For Children Act, a bill that was signed into law by President Clinton. Volunteers For Children will help to protect children in after-school activities from being in the care of people with dangerous criminal records.

This is an important step, but it is not enough. We must attack child abuse at every opportunity, by investigating reported abuse thoroughly, by ensuring that children are not returned to abusive environments that they have been taken out of, and penalties for convicted abusers need to become much tougher. Furthermore, we must ensure that children have safe places to go whenever they are in danger.

Madam Speaker, as my colleagues all probably know, April is Child Abuse Prevention Month, and today has been designated Children's Memorial Day, a day to remember children who have been killed and to resolve anew to stop violence against children. I would hope that the spirit of this day and this month will carry on, and that we can increase our efforts to prevent these terrible and violent acts against innocent and defenseless young people.

WHAT AMERICANS CAN DO IN THE FIGHT AGAINST HATRED AND VIOLENCE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, children are our future, and as our prayers remain with the families in Littleton, Colorado, in the shadow of the conflict in Kosovo, it is important that we acknowledge that we can do something. Yes, we can offer our prayers. We can commend those young people who were brave and courageous and helped their fellow students. We can give our most heartfelt affection and love to those who have lost their loved ones.

But we can do other things. I want to thank the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Virginia (Mr. SCOTT), as we just passed out of the Subcommittee on Crime H.R. 1501, which would include intervention on behalf of those children at risk who need mental health services, who are substance abusers, and who, in fact, can be helped.

We need to stop the proliferation of guns. We need to find out why the Internet allows us to have instructions to build bombs, and yes, we must teach our children not to hate. I do not think we can stand by idly and say we do not know what to do, we cannot do anything. We can lift our voices in prayer, but at the same time, we can fight against hatred, we can fight against the misuse of the Internet and guns, and certainly we can help our children who are disturbed and need mental health services.

WORKING TOGETHER TO ACCOMPLISH GOOD ENVIRONMENTAL POLICY

(Mr. CANNON asked and was given permission to address the House for 1 minute.)

Mr. CANNON. Madam Speaker, I rise today on Earth Day to introduce legislation that will clean up a significant environmental problem in southern Utah: the Atlas uranium mill tailings. This legislation will begin the process of removing 10 million tons of low-level radioactive contaminants from the banks of the Colorado River.

These wastes sit just outside of Moab, Utah at the gates of the breathtaking Arches National Park where hundreds of thousands of people visit each year.

The Colorado River provides the sole source of drinking water for tens of millions of people in Arizona, Nevada and California. These radioactive wastes threaten that water supply.

Currently the Nuclear Regulatory Commission has responsibility for cleanup. My legislation will transfer jurisdiction from the NRC to the Department of Energy, where remediation and relocation can begin so as to avoid any further health risks and environmental degradation.

I urge my colleagues to support this legislation. Today on Earth Day, let us put aside our ideological differences and commit together to accomplish good environmental policy.

PUBLIC PAYS FOR BAD GOVERNMENT POLICY

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Madam Speaker, the Atlanta Task Force for the Homeless in my home State of Georgia provides funds for housing and other services for the homeless in the Atlanta metropolitan area. But an amendment offered by the gentleman from Georgia (Mr. BARR) to H.R. 1073 would delay funding to the Task Force and set a bad precedent in the distribution of funds for homeless services in the metropolitan area.

This amendment creates an administrative carve-out that supersedes current policy. In other words, this amendment is aimed at micromanaging HUD. And why would anyone want to do this? Because the Cobb Family Resources, an affordable apartment community in Cobb County, is run by the wife of the representative who introduced the amendment and who was able to get it passed out of the subcommittee.

Madam Speaker, it appears that the amendment is trying to give preferential treatment at the expense of the needy in our communities. That is what I call bad policy and bald-faced personal service at the public's expense.

□ 1015

But then, what would anyone expect from anyone who supports the Council of Conservative Citizens, a modern day Ku Klux Klan?

CONGRESS CAN GIVE OUR TROOPS AND THE DEFENSE BUDGET THE PRIORITY THEY DESERVE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Madam Speaker, we are beginning to see evidence of military shortages everywhere. At the same time, our military is dangerously overstretched. We have fewer and fewer resources and more and more missions, many of them of dubious value and wisdom.

Less than a month into a small operation, the President is already calling up 30,000 reservists. The U.S.S. *Enterprise* went to sea short of 400 personnel. Today there are 265,000 American troops in 135 countries. Our troops are not being taken care of properly.

It is tragic that it has taken the war in Kosovo to expose the total mismatch between resources and missions in the U.S. military: world policeman, global social worker, all the while cutting back dramatically and drastically on weapons procurement, training, and personnel.

This administration has not given our troops the priority they deserve. For 7 straight years, the President has sent Congress a defense budget that falls short of its needs. If Congress had not added to this budget each year since 1995, we would be in even worse shape.

Kosovo illustrates the problem, but we in Congress have the power to correct it.

LET US COMMIT TO ENDING PAY INEQUITY ON "TAKE YOUR DAUGHTER TO WORK DAY"

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Madam Speaker, today is "Take Your Daughter to Work Day," and on this day Democrats call for action to make sure that our daughters can earn the same wages as our sons.

As we go into the 21st century, pay inequity is persistent and real. Today women must work for 14 months to earn what their male counterparts earn in a year. We earn 74 cents to every dollar that a man earns. In Illinois, my State, it is actually worse. Women earn only 70 cents.

Pay inequity hurts women and their families. Women lose about $420,000 in wages and benefits because of unfair pay practices. It is time to put an end to this very real and costly inequity in the workplace once and for all. Democrats, the gentlewoman from Connecticut (Ms. ROSA DELAURO), and I am proud to have joined her, have introduced the Paycheck Fairness Act, H.R. 541, to help eliminate the wage gap that still exists between men and women.

When my granddaughter Isabel, who is just 1 year old, enters the work force, I certainly want to be part of the solution guaranteeing that she makes exactly what her male counterparts make.

WILL LEADERS ADMIT A FAILING POLICY IN YUGOSLAVIA?

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, Michael Kelly, the editor of the National Journal, said, "It is not too much to ask that the planners (of the war) do not lie, to themselves and to the public, about how their plans are faring. And what is going on with the plan in Yugoslavia is that it is failing, catastrophically."

He added that: "We started a war to protect a people, and we know that, far from being protected, the people are being slaughtered and driven destitute from their homes to starve in the hills."

Columnist Doug Bandow, in yesterday's Washington Times, wrote: ". . . NATO's blundering assault on Yugoslavia has created every condition it was supposed to prevent."

Even Senator JOHN MCCAIN said yesterday, "The NATO bombing was intended to bring Milosevic to the bargaining table. Most evidence indicates this has had the opposite effect. Apparently, he has greater support than he had before."

We have made things many times worse by our bombings. I doubt, though, that our leaders are big enough to admit that they made a horrible mistake and that we should get out of this war as soon as we possibly can.

SCHOOL VIOLENCE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Madam Speaker, we are always shocked and stunned by the unexpected, unpredictable, the unimaginable. Perhaps that is why the incident in suburban Columbine High School in Littleton, Colorado, 2 days ago has left us dazed and numb. But should this incident have been unexpected?

In serene Springfield, Oregon, in friendly, congenial, Paducah, Kentucky, even in the home State of our president, Jonesboro, Arkansas, in fact over the past 38 months eight other major school shootings that have occurred and taken lives of far too many of our youth.

Very recently, in fact last week in my home county of North Carolina, a teenager 19 years old shot and killed a deputy sheriff. Earlier this month in my district, Vance County, North Carolina, two twins 11 years old shot their family, killed their father, injured their mother and sister.

Madam Speaker, I believe we must search for and find a prescription for peace, both in our lives and in the lives of our children. We should seek to engage our youth. Perhaps each day we should pause, put aside our problems, take stock in our blessings. Each day we should take time to make an extra effort to go out of our way to be kind to someone. We should avoid the differences that divide us, and concentrate on the many common interests that bring us together.

We should get involved. We should work together, confront the problems, and seek to find a prescription for peace within our families and with our youth.

APPOINTMENT OF CONFEREES ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, be instructed to disagree with the across the board reduction of funds appropriated with an emergency designation in division B of Public Law 105–277 in the Senate amendment, having the effect of reducing by 44 percent funds made available for counter drug activities, antiterrorism programs including security enhancements at U.S. embassies, Y2K computer upgrades, Plutonium disposition and Uranium purchase, the Coast Guard, Domestic Disaster Assistance, Child Survival, and other emergencies.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) will be recognized for 30 minutes, and the gentleman from Florida (Mr. YOUNG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me say that in the handling of this supplemental appropriation, the Republican majority in this House has given us a case study in how not to proceed. It seems that virtually every time we have an emergency which this Congress is asked to fund, we are being asked by the majority caucus to do one of two things: either to do nothing, or to blow up agreements which had just been reached in the previous year's budget bill by finding offsets to pay for emergency items designated by the administration.

Madam Speaker, I would simply observe that if the provisions of the previous year's budget were so easy to reformat, it would not have taken the majority party 2 months into the new fiscal year before they got their work done last year. The decisions that were arrived at in the budget last year were extremely hard to reach.

When the administration first provided its request to this Congress to respond to the emergency events in Central America with the greatest natural disaster we had in this century, and when they asked us to deal with what is an emerging emergency in farm country, at first the Committee on Appropriations, under the chairmanship of the gentleman from Florida, produced a proposal which would have had the bipartisan support of this House. It was an honest, practical, sensible way to proceed. We thought we had a bipartisan agreement.

Then what happened is that contrary signals were sent from the House leadership to the committee leadership. They said no, throw out that approach and identify offsets, so these items will be funded on a nonemergency basis.

What the House did, in my view, was to come up with offsets which could not be more misguided if we had conducted a seminar on how to make mistakes. So we were asked by the majority party to eliminate funding which is necessary for us to have on the table in order to begin discussion with the Russians about how to secure plutonium now in the hands of the Russians so that it does not fall into the hands of terrorists or rogue Nation's, and I think that is a pretty important initiative.

Yet we are being asked to sandbag the ability of the administration to begin those discussions by taking that money out. We are also being asked to take out money which the Congress had previously appropriated for callable capital to the international financial institutions, an act which has caused our Secretary of the Treasury to become extremely concerned about the long-term instability which that could bring in dealing with many of our international economic problems.

In my judgment, those provisions were dumb enough, but then when this proposal went to the Senate, we saw a congressional version of the movie Dumb and Dumber. What they proceeded to do was to suggest that we ought to cut 43 percent from a number of other items in the budget last year, items which just a few months ago both parties thought were important enough to include in the budget.

They suggested that we cut, or the Senate amendment suggested we cut $973 million in funding to correct the Y2K computer problem, which plagues many government agencies, as well as many private businesses.

□ 1030

They suggest that we cut more than $200 million from various antiterrorism activities, including $9.3 million in antiterrorism efforts of the FBI and $43 million from the antiterrorism efforts of the Federal Aviation Administration to prevent bombings and other acts of violence against commercial airlines and their passengers.

It cuts $288 million from antidrug efforts, including reductions in enforcement activities of the Drug Enforcement Agency, the Coast Guard, and the Customs Service. It would have us cut more than $600 million for the improvement of security at U.S. embassies overseas just 1 month after the administration was chastised in three hearings on this side of the Hill for not putting enough money in that item.

I have seen people fall off both sides of the same horse, but never at the same moment. Yet, that is what this Congress is doing by the actions that the Senate is trying to take on this conference report. It just seems to me that we ought to resist what they are doing.

We have an emergency in Kosovo, and we are hoping that that will be dealt with on a bipartisan basis. We have also had an emergency in our own backyard in the Caribbean with the worst natural disaster that has occurred in this century, and we are trying to do something about that.

We are being told that we are going to take 20,000 refugees from Kosovo to try to relieve that situation, and yet we face the prospect of having many times that number of refugees inundate our own country because of the economic collapse that is attendant to the natural disaster which occurred in Central America.

Yet that funding is not being called an emergency and it is being delayed by actions taken by this House and the actions taken by the other body. It just seems to me that we ought to recognize an emergency when we see it.

We cannot do much today about the fact that the House has already adopted what I consider to be incredibly ill-advised and misguided and certainly, in the case of the Russian plutonium item, a spectacularly destructive act. We cannot prevent the fact that the House has already done that in voting for the offsets that it has voted on. But we certainly should not compound the problem as the Senate amendment does.

So, very simply, what this motion does is ask the House to go on record asking the conferees to reject that Senate amendment so that we are not in the ludicrous position of blocking efforts to fix the Y2K computer problems, that we are not in a position of cutting off drug funding, funding about which many Members of this body just a couple months ago were posing for holy pictures, trying to show who is most for drug control efforts.

So I would simply say, I do not know any reason why any Member of either party would oppose this motion. We are going to have strong debates in the conference about the ill-advised offsets which this House adopted. But I would think that the House would at least agree that the Senate amendments which were adopted were at least as equally ill-advised and would agree that they ought to be rejected by the conference.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Wisconsin (Mr. OBEY) and I agree on the need to move this bill quickly. We are dealing with a true emergency in Central America.

Immediately upon recognizing the result of Hurricane Mitch, American armed forces were sent to Central America, and they did a tremendous humanitarian job. They saved lives. They pulled people out of swollen rivers. They helped get people out of the mud. They helped people get water that they could drink, and they improved sanitary conditions. The United States military did an outstanding job in Hurricane Mitch, but there is more to be done.

As one of their good neighbors who spent billions of dollars in the late 1970's and early 1980's to stop communism from taking over that part of the world, which was a successful effort, by the way, I might say, we now have an obligation to help our friends and neighbors when they are in a real time of need.

The gentleman from Wisconsin (Mr. OBEY) and I do not disagree too much on what we included in the bill for the obligations that needed to be met with the funding that we did include in this bill.

We did have some differences on whether or not the spending should be offset by reducing other accounts in our Federal budget. The decision was made to offset all but the military part of this bill, and we did that.

We had already seen the offsets provided by the other body when we developed our bill. As the gentleman from Wisconsin (Mr. OBEY) said, we disagreed with the offsets suggested by the other body, and so we developed our own list of offsets. The gentleman from Wisconsin (Mr. OBEY) and I disagree somewhat on some of those.

But, Madam Speaker, the important thing is we need to get this bill moving. We need to get to conference. In conference, we will have great debates, especially about the offsets in this proposal. But we need to get it done, and we can't get it done until we appoint the conferees today.

I have no objection to the motion that the gentleman from Wisconsin (Mr. OBEY) has offered because I agree with him. We do not agree with the offsets that the other body used. There will be, as I said, some vigorous debate on this issue. But, Madam Speaker, I do not object to this motion today, and

I would hope that the House could expedite our consideration of it, and move on to its next regular piece of business.

Madam Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this motion to instruct conferees and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. OBEY. Madam Speaker, I yield 6 minutes to the distinguished gentlewoman from California (Ms. PELOSI), the ranking Democrat on the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Ms. PELOSI. Madam Speaker, I thank the gentleman from Wisconsin for yielding me this time and for bringing this motion to instruct to the floor.

I am pleased to hear that the distinguished chairman of the Committee on Appropriations has no objection to the motion to instruct and would not agree to the Senate offsets. I wish he would not agree to the House offsets as well.

The reason we are here having this discussion, as the Speaker knows, is that, according to the budget rules, when there is an emergency funding bill, an emergency supplemental, we do not have to have offsets.

What is an emergency? Well, many of us think that the greatest natural disaster in this hemisphere in this century, Hurricane Mitch, was thousands and thousands of people losing their lives, millions of people losing their homes and their jobs. The economy is wiped out in Central America. We think that constitutes an emergency. By any measure, it is more of an emergency than most bills we have called emergencies, most of the situations we have called emergencies before.

It was our understanding, going into the bill, that the distinguished leadership of the Committee on Appropriations of the subcommittee and the full committee did not see the necessity for offsets. But instructions from the Republican leadership were to have offsets.

The gentleman from Wisconsin (Mr. OBEY) has very eloquently described the consequences of some of the offsets in the House bill relating to plutonium, relating to callable capital, thrusting uncertainty on the international financial institutions.

But this motion to instruct is about not making matters worse by having the House conferees not agree to the Senate offsets, which, as I say, would only make matters worse.

So here we are in a situation where ordinarily we would not need offsets, but this time the Republican leadership has foisted them upon the leadership of the Committee on Appropriations.

We have a bill coming up soon for Kosovo where I hope we will not have offsets. It is hard to explain the inconsistencies in how we deal with these emergencies.

We agree that we must move this along, as the distinguished chairman said. But in order to do that, we have to have some very serious, mature conversations about these offsets.

I just want to convey to the House briefly some of the consequences of this delay that has been caused by this debate on the offset, this departure from the regular order in terms of funding an emergency supplemental bill.

Most of the world seems to have forgotten, because other events have begun to eclipse what has happened in Central America. It is the fate of the Central American countries who suffered the devastation of Hurricane Mitch.

It is now the end of April, 6 months after Hurricane Mitch struck, and none of the sorely needed reconstruction assistance has been approved by Congress. This is an emergency. AID and the Defense Department were able to respond to the immediate needs and restore basic health and sanitation to the devastated areas. However, in doing so, they are using existing resources that have been exhausted.

I associate myself with the comments of the gentleman from Florida (Mr. YOUNG), our distinguished chairman, when he talks and sings in praise of the work of the DOD and the U.S. military in Central America and their assistance there. They are to be praised; the situation would have been much worse without them. We are very proud of their effort.

But it is hard to understand why the money going to the DOD does not need to be offset, but all the other spending on Hurricane Mitch needs to be offset, again, another inconsistency.

To be more precise, several of the major NGOs operating in Honduras, such as CARE, the Catholic Relief Service, and Save the Church are running out of funding, really momentarily. The major Food for Work program under way in Honduras has run out of food to pay its workers.

One hundred thousand small-scale farms will not receive credit or inputs for the first crop of basic grains, corn, bean, and rice as the planting season gets under way.

Planting season is now upon us, and many farmers are without seeds to begin their first major crop since the hurricane. Low yields on the first crop will of course continue the food shortages and increase the emergency food requirements.

Over 2,940 miles of roads and 300 bridges destroyed by the hurricane remain unusable. No significant funding has been provided to begin this rebuilding. Without funds for infrastructure or agricultural recovery, the over 100,000 laborers displaced by the hurricane will remain unemployed or underemployed. This increases pressure on migration to the U.S.

Roughly 200,000 school kids have no schools or are managing in open-air facilities. Over 1,700 schools were destroyed by the hurricane, and little funding to rebuild them has been made available.

Over 700 health clinics, providing the most basic of health services to the impoverished area, were destroyed. The chances for the recurrence or the spread of epidemics for malaria, cholera and dengue fever increases as the recovery of health systems delayed.

Congress needs to act now to make this funding available. It is in fact long overdue. We want an economic recovery in Central America. We do need to provide some assistance to spur that along. We should be doing it without offsets. Certainly we should do it without the Senate offsets.

It is in that regard that I once again commend the gentleman from Wisconsin (Mr. OBEY) for his leadership in bringing this very enlightened motion to instruct to the floor, and I am delighted that the distinguished gentleman (Mr. YOUNG) has no objection to it.

Let us move forward, keep our promises to our Latin American neighbors and relieve their plight as we move forward. We must move now.

Mr. OBEY. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the ranking Democrat on the Subcommittee on Treasury, Postal Service and General Government.

Mr. HOYER. Madam Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me the time, and I rise in support, very strong support of this motion to instruct. I am not surprised that the gentleman from Florida (Mr. YOUNG) is not objecting to this motion, and I congratulate the chairman on his leadership.

I want to associate myself with the remarks both that the gentleman from Wisconsin (Mr. OBEY) made earlier and that the gentlewoman from California (Ms. PELOSI) has just made.

With respect to offsets and with respect to the necessity to move the supplemental as quickly as possible both for our farmers and for those victims of Mitch, we have, as the gentlewoman indicated, and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) may have referenced as well, some 800,000-plus people.

We see the pictures of refugees in Albania and in Macedonia being created by the violence and, from my perspective, war crimes being committed by the Milosevic army. But having said that, we also know that there are other reasons to support this motion to instruct.

□ 1045

I want to specifically refer to the Y2K emergency fund that was put in, the supplemental that we proposed last year, or the omnibus bill we appropriated last year, some $2.25 billion for nondefense agencies to make sure their critical computer systems are Year 2000 compliant. The motion that the Senate adopted would cut that by 44 percent. Quite obviously, that would have a devastating effect on all the other programs, but as well on the Y2K, which all of us, all of us, admit is an emergency.

There is not a day that goes by that we do not hear on our televisions or our radio or read in our newspapers about the issue of Y2K. Are we, on December 31 of 1999, going to have our computer systems, which are involved in almost everything we rely on on a daily basis, going to recognize the change and be able to ensure that the systems remain operative as they should? Obviously most critical, I suppose, with the FAA airplanes flying, but to so many other systems, large and small.

On the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations, we tried in a bipartisan manner to enact the critical appropriation as an emergency fiscal year 1998 supplemental. But we were continually told by the leadership to wait until the end of the year. Unfortunately, now the Senate has waited until well into the fiscal year and are proposing a 44 percent cut.

Madam Speaker, I am hopeful that not only will this motion to instruct prevail, which I presume it is going to, but also that the Senate, in conference, will see the wisdom of this motion to instruct and will not only reconsider this amendment to cut by 44 percent those supplemental funds but will, in addition, also see the necessity, the emergency of reconsidering their requirement for offsets. And that on those matters that are truly emergency, which we believe the supplemental is, we will move ahead without political rancor, without debate about offsets, to see that our farmers, those ravaged by an act of God such as Mitch, and those as well ravaged by war and by genocide will all be given the help of this Nation and of our people as quickly as possible.

Mr. OBEY. Madam Speaker, I yield myself 3 minutes.

Let me simply say in closing, Madam Speaker, that I think this Congress needs to recognize that we are facing a genuine emergency in the consideration of this bill. A bunch of people wearing suits on the floor of the House of Representatives, or sport coats, might not think that there is an emergency in farm country, but real live dirt farmers see the fact that world farm prices are at near record low levels; they see that commercial lenders are refusing to extend the credit that is necessary in many instances for farmers to proceed with planting; and they understand why the President thought that this was an emergency and so designated it.

I would simply note that it is now the latter part of April and we are just now talking about going to conference on this legislation. It is getting dangerously late for those American farmers. And I would say the situation in Central America is also pressing.

Now, many people will ask why should we provide emergency funding because of the Hurricane Mitch problems in Central America. I would simply make the following observation.

We spent almost $9 billion in countering what we thought was a military threat in Central America through the funding of the Contras, through the funding of military aid and economic aid to El Salvador and a number of other Central American countries when they were having military problems. But we now run the danger of ignoring what is happening in that region at a time when something is going on which is just as destabilizing and in fact could be more so than the military confrontations that were taking place just a few short years ago.

Polls have shown that almost 10 percent of the population of Honduras, Nicaragua and El Salvador are thinking about leaving their countries and moving north because of the devastation caused by that hurricane. If that happens, we could see over a million people trying to work their way up, either legally or illegally, into this country. If people have a choice of simply standing in the rain or walking in the rain, they are going to start walking north. That could cost this country as much as $7,000 a child for every child who comes into this country.

And so it seems to me even if we do not want to focus on the humanitarian obligations we have to our neighbors, it seems to me at least we have a self-interest reason for moving this legislation on and recognizing it for the emergency that it really is.

I would urge adoption of the amendment and a recognition that, in general, the offsets which are being proposed both by this body and the other body are ill-advised, counterproductive, and in some cases downright dangerous.

Madam Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations.

Ms. KAPTUR. Madam Speaker, I thank the gentleman for yielding me this time and want to thank him for his leadership on bringing this motion to the House.

I felt compelled to speak on this because of the condition of rural America and the fact that again we are encountering delay in the consideration of this legislation; more amendments being offered in the other body, slowing down a very important supplemental package that contains many items relating to assistance for Central America and Hurricane Mitch, but equally important for the farmers here in this country.

There is a literal depression that is affecting our country from coast to coast among people who are hard-working, taxpaying Americans, and this Congress is incapable of clearing a bill quickly to help the American people who so desperately need it.

I find it completely ironic that now we here in the House have to instruct the conferees to go back to the other body and say, no, we do not want this amendment either because they are dipping into cuts in other accounts that deal with Y2K and other programs, but tucked under all of that is this giant need in rural America where farmers are being put at the end of the line waiting as Congress dithers more, is unable to reach any kind of conclusion, and we have to have more delays.

So, to me, I will support the motion to instruct simply as an act of protest against the inability of this institution to protect the American people's interests. Frankly, I am very much interested in us being internationally involved and doing what is responsible elsewhere, but the point is that rural America is in depression and we are acting like nothing is happening.

I just wish every tractor would come back to Washington and surround this place and make the leadership of this institution and the other body responsible for what is happening. Farm income is going to drop another 20 percent this year. USDA has used up all of its emergency loan authority. Credit is not being extended this spring. Seed companies back home are holding debt from last year.

Now is planting season, my colleagues. Spring has been in existence for over a month now and we cannot bring a bill out of this Congress. Where is the leadership of this institution and the other body in trying to meet the real needs of the American people, which are urgent? For the life of me I do not understand. To me, it is a disgrace that we have to debate these kinds of amendments that are being loaded on over in the Senate and not clear that portion of the bill which is so desperately needed by our own people.

I want to thank the ranking member on our full committee, the gentleman from Wisconsin (Mr. OBEY), whose State is as heavily affected as my own, as well as every other Member here who understands the pain of the rural countryside today, what has happened to prices, as we sit here on our haunches and are unable to clear a bill. I ask again, where is the leadership in this body and in the other one to recognize the pain of the rural countryside?

Please support the motion to instruct and, more importantly, disgorge the farm portion of this bill and get it moving.

Mr. YOUNG of Florida. Madam Speaker, having been led to believe there was not to be any debate on this motion, I yielded back my time. But at this time I ask unanimous consent that I may reclaim my time.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume.

I did believe that we were not to have any debate here so that we could expedite this motion and get on with the rest of the business of the House. But I would like to respond again, as I said earlier, we did not agree with the Senate offsets in the bill. That is why I am willing to support this motion that does not agree with the Senate offsets. There has been sufficient leadership in the House on this measure to move this to conference, and we will move it to conference quickly.

The gentlewoman is right, there has been a little bit of a delay on the part of the other body. I met with the majority leader of the Senate yesterday and discussed that issue and we are prepared to move expeditiously.

There will be differences, even among those of us who are conferees, on the House offsets. But what I have to tell my colleagues on both sides of the aisle, we made a determination that we were going to, except for true national defense emergencies, offset the spending bills.

Now, when we dealt with disasters in our own country just a few years back, we offset the money that we spent for those disasters. In fact, one of the sources for those offsets was one of the offsets that the other side objects to now.

So we will work this out, but I would hope that we would keep this from becoming a partisan political issue. I am attempting to move the appropriations bills in such a way that they relate to the needs of the country and to move them as expeditiously as possible under the House rules.

So we are prepared to do this, and we are prepared to accept this motion today. I would suggest that I am ready to vote if the gentleman from Wisconsin is ready to vote.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield myself 3 minutes.

I am informed now that I have one additional request for time, and then that will be the last person I yield to on this side on this issue.

I just think the record is clear and we need to be reminded of it. This side has not made this supplemental a partisan issue. This side made clear to the gentleman that we were willing to support, on a bipartisan basis, his initial recommendations that he intended to make to the committee and to the House on how we ought to proceed on this supplemental, because the gentleman did correctly recognize that this was an emergency which should be funded on an emergency basis.

It was then the gentleman's caucus or his leadership, I am not sure which, who then instructed the majority side of the Committee on Appropriations to take a different route and, instead of seeking common ground with the President and us on this issue, they produced a proposal which they knew we would not buy.

I am sorry, but I believe it is downright stupid and dangerous for us to take off the table the money which we need in order to negotiate a settlement with the Russians that will remove the possibility that weapons-grade plutonium, which is now in their hands, will be diverted to other far more dangerous hands.

□ 1100

It is stupid and ridiculous for this House to take that position, and yet that is one of the offsets that this House decided to impose on the President. At the very time that we are talking about trying to get the Russians to help in solving the Yugoslav mess, they are yanking off the table the principal carrot that we have to reach agreement on the disposal of the most dangerous material in the universe.

Now, there is nothing partisan about that, but there is something very stupid about it. And that is why we are opposed to what the House did. We regret the fact that a proposal, which started out to be bipartisan because of the wise and correct judgments of the gentleman, have now been turned into something else by the determination of the Republican leadership of this House to have yet another unnecessary fight with the President.

Madam Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Madam Speaker, I thank the gentleman for yielding me the time.

Let me just say in the 1 minute that I have, this is in the national interest of the United States. Forget about being humanitarian and helping Central Americans, which we want to do.

Do we want to see a million people who have no home and no place to work and have nothing to lose? They will come north; that is their mission if they have no opportunity, no hope. Do we want to see disease spread? It will spread north. Do we want to see the drug cartels take over regions that otherwise have no other hope? They will do that.

It is in the national interest of the United States to provide this funding, to have done so already. The rainy season starts. A million people who have nothing to lose. It is in the national interest of the United States to do this.

But our Republican friends have proposed those provisions that are impossible to accept as offsets to the supplemental. Imagine in the Senate having domestic drug programs cut at a time that the drug cartels are even moving more forcefully forward.

So I support the amendment of the gentleman, but our cause and our case is that this is an emergency. We have got a million people right to the south of us and they need help now and we are languishing with this. We need to move it and move it now.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume.

I would like to suggest that if the worst thing the gentleman from Wisconsin (Mr. OBEY) calls me during the balance of the appropriations process this year is stupid, I will be happy because there are other things that will be mentioned.

Mr. OBEY. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I did not call him stupid, and I do not believe him to be stupid. I called the action taken by this House stupid, and I stand by that statement.

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, I must respond that offsetting spending when we are trying to balance the Federal budget is not stupid. When we have a national debt that has debt service that is equal to or exceeds what we invest in our only national security, it is not stupid to try to do something about that debt and to try to balance the budget.

And if we are going to spend on one hand without taking the budget into a deficit situation, we have got to take it away somewhere else. And we cannot go visiting around the world dropping off commitments for money for one thing or another without even consulting with the Congress and expect the Congress to just pay the bill when it gets here.

Now, that is not partisan either. What it is is trying to be responsible and keep the commitment that all of us have made.

I do not know of anyone, there may be one or two, that have said we should not balance the budget. But everyone that I know in this House has committed themselves to a balanced budget. And you cannot balance the budget by continuing to spend. So we take some of the items that are not quite as important as responding to the disaster and we offset them.

Now let me mention what the offset was that the gentleman is so upset about. We used as an offset callable capital to the World Bank, callable capital which has not been called in over 20 years and that is not even important, but callable capital which was the same source that was used in this House to offset a disaster appropriations bill. For a disaster in the United States in the western part of our country, we used callable capital as the offset.

I know the gentlewoman is shaking her head, but the fact is, the CONGRESSIONAL RECORD has it on record and indicates who voted for that amendment by our friend and previous colleague from California (Mr. Fazio) to reduce the callable capital for the World Bank by the amount needed to offset that bill.

Now, if that consistency was mentioned before, if we are going to be consistent, if callable capital as an offset was okay now, why is it not okay now?

So I think, Madam Speaker, that we have what I think Harry Truman called a red herring, but we are going to debate these issues in conference and we will come to a resolution and this bill will be provided.

We are not withholding the immediate emergency support that was needed in Central America. We did that already. We sent troops and they took care of the immediate emergency requirements.

So, anyway, despite all of this debate and despite this argument, I still support the motion made by the gentleman from Wisconsin (Mr. OBEY), and I say we get on about our business and get into conference and settle this bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 19, as follows:

[Roll No. 96]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Bonilla
Brown (CA)
Brown (FL)
Engel
Ford
Hastings (FL)
Kasich
Lewis (GA)
Linder
McKeon
Moore
Nussle
Radanovich
Rahall
Saxton
Tancredo
Tanner
Towns
Weiner

☐ 1126

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KASICH. Mr. Speaker, on Thursday, April 22, 1999, I was unable to record a vote by electronic device on roll No. 96. Had I been present, I would have voted "yea" on roll No. 96.

The SPEAKER pro tempore (Mr. BOEHNER). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, WOLF, KOLBE, PACKARD, CALLAHAN, WALSH, TAYLOR of North Carolina, HOBSON, OBEY, MURTHA, DICKS, SABO, HOYER, MOLLOHAN, Ms. KAPTUR, Ms. PELOSI, Mr. SERRANO and Mr. PASTOR.

There was no objection.

□ 1130

BEACHES ENVIRONMENTAL ASSESSMENT, CLEANUP AND HEALTH ACT OF 1999

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 145, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 145

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Shuster or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. After disposition of that amendment, the provisions of the bill as then perfected shall be considered as original text for the purpose of further amendment under the five-minute rule. During further consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 145 is an open rule providing for the consideration of H.R. 999, the Beaches Environmental Assessment, Cleanup, and Health Act of 1999.

The purpose of this legislation is to improve the quality of coastal recreational waters by establishing national uniform criteria for testing and monitoring coastal recreational waters.

In addition, H.R. 999 establishes uniform notification to the public on the quality of those waters in order to protect both the environment and public health.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be open for amendment by section.

Additionally, the rule provides for the consideration of the amendment printed in the Committee on Rules report, if offered by the gentleman from Pennsylvania (Mr. SHUSTER) or his designee.

The rule further provides that the manager's amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall not be subject to amendment or to a division of question, and is debatable for 10 minutes equally divided between the proponent and an opponent.

If adopted, the amendment is considered as part of the base text for further amendment purposes.

The Chair is authorized by the rule to grant priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Madam Speaker, I believe House Resolution 145 is a fair rule. It is an open rule for the consideration of H.R. 999, the Beaches Environmental Assessment, Cleanup and Health Act of 1999.

As I understand it, some Members may wish to offer germane amendments to this bill, and under this open rule they will have every opportunity to do so.

H.R. 999 establishes uniform criteria for testing coastal recreation waters and for public notification of water quality. Indeed, as this Nation's first and most ardent conservationist, President Theodore Roosevelt noted upon the establishment of the Waterways Commission our natural resources are so closely connected that they should be coordinated and should be treated as part of one coherent plan and not in haphazard or piecemeal fashion.

By establishing public notification, this bill will not only protect public health, but will encourage tourism and business development along our coastal areas.

Each year, an estimated 180 million people from around the world visit America's coastal waters for recreational purposes, supporting over 28 million jobs and leading to investments of over $50 billion each year in goods and services.

Madam Speaker, H.R. 999 is not a regulatory bill. It gives the EPA no new regulatory authorities. The bill instead offers an incentive to State and local governments to test beaches for pathogens which are dangerous to human health.

By establishing a grant program, H.R. 999 gives the States the ability to monitor the safety of coastal recreational waters and to set a deadline for updating State water quality standards for these waters to protect the public from disease-carrying organisms.

In my own district, which includes a portion of Lake Ontario, this bill will encourage tourism by furthering public confidence in the water quality. By ensuring that water quality, the very integrity of our waterways, this bill will meet President Roosevelt's challenge that this Nation should strive to leave to the next generation the national honor unstained and the national resources unexhausted.

I would like to commend the gentleman from California (Mr. BILBRAY), and the gentleman from New York (Mr. BOEHLERT) for their hard work on H.R. 999, and I urge my colleagues to support both this open rule and the underlying bill.

In conclusion, Madam Speaker, House Resolution 145 is fair, a completely open rule, and I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from New York

(Mr. REYNOLDS), my colleague and my friend, for yielding me the customary half-hour, and I yield myself such time as I may consume.

Madam Speaker, I am pleased to join nearly all of my colleagues in support of this beaches bill.

We in Massachusetts are very fortunate to have some of the most beautiful beaches in the country. Once the warm weather hits, residents of the Commonwealth of Massachusetts and tourists from around the world head to Cape Cod, the south shore or the north shore.

This bill will help them enjoy themselves even more in keeping our beaches clean and making sure the clean beaches do not stop at the next State.

Madam Speaker, it will also help create and monitor public health standards to make sure that our beaches and coastal areas are clean and safe.

Each year over 180 million people visit our American beaches. Those visits create over 28 million jobs, they generate millions of dollars in revenue, and we need to make sure that our people can swim in our oceans and feel confident that the water quality is what it should be.

At the moment, there are no Federal standards for testing or monitoring our beaches. That means that one State could allow a higher level of dangerous pathogens than its neighbor, and some of these pathogens have names I cannot even pronounce, and I certainly do not want to swim in them.

This bill will set the State standards more in line with one another and if, heaven forbid, a public health risk should arise, this bill will help inform people when the beaches are unsafe for swimming.

It will also authorize $150 million over 5 years to help States put the monitoring programs in place and keep our clean water rules uniform from sea to shining sea.

Madam Speaker, it is a good rule. It is a good bill.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I rise in strong support of this rule and the underlying bill. I would like to congratulate first the gentleman from California (Mr. BILBRAY), my friend who has worked long and hard on this; his fellow surfer, the gentleman from California (Mr. ROHRABACHER), who I know is going to be here to back him up; and the very important chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania (Mr. SHUSTER), who has worked long and hard on this issue, too. It is very important that we move ahead in a bipartisan way.

I would also like to congratulate the brilliant statement from my good friend from south Boston who has not quite as many beaches as California or Florida, but they are beautiful beaches in Massachusetts, I will agree.

Today is Earth Day and it is a very important time to mark what is obviously an important environmental accomplishment for us here. We all know how enjoyable it is for people to spend time with their families at the beaches, and as we head into the summer months obviously we are going to see an increase in that.

Every year, in fact, over 180 million Americans spend time on our coastal waters and that is the case, as I have said, in both California and in many other States. However, it is important to note that clean coastal waters are not just about fun. They really are about business, because there are 30 million jobs and roughly $50 billion in investments that take place and are supported by recreation along our Nation's shores.

This bill itself is a very strong, prohealth, proenvironment measure. It shows that environmental issues are best handled using common sense and consensus building; and the bill's sponsors and, of course, as I said, the Committee on Transportation and Infrastructure, deserve a great deal of credit for moving us in the direction of a common-sense approach to a very, very important environmental issue.

□ 1145

So I would simply like to congratulate my friend from New York who is doing a superb job of managing this rule, and the authors of this legislation, as I said, and the Surfers Caucus, which is a very important, very, very important group in this body, and again the Committee on Transportation and Infrastructure for their hard work. I look forward to seeing strong bipartisan support for this measure.

Mr. MOAKLEY. Madam Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Pursuant to House Resolution 145 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 999.

The Chair designates the gentleman from Nebraska (Mr. BARRETT) as Chairman of the Committee of the Whole, and requests the gentlewoman from Missouri (Mrs. EMERSON) to assume the Chair temporarily.

□ 1146

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes, with Mrs. EMERSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Chairman, I yield myself such time as I may consume.

Today we indeed are considering the Beaches Environmental Assessment bill, and it is a bipartisan bill that was reported by our committee, the Committee on Transportation and Infrastructure, by unanimous vote. Indeed, this is legislation that is most appropriate on this Earth Day.

The distinguished members of the Committee on Rules have quite clearly explained both the rule and the bill. I would like to focus on a couple of specific points.

The first is to note and emphasize, this is not a regulatory bill. It gives EPA no new regulatory authorities. After analyzing the bill, the Congressional Budget Office concluded that it contains no intergovernmental or private sector mandates as defined in the unfunded mandates act, and it would impose no costs to State, local or tribal governments.

I also wish to allay some concerns expressed by some of the States. The grant program established by this bill does not provide EPA with an opportunity to micromanage State monitoring programs if a State chooses to seek Federal assistance. I also wish to be sure that the Members understand, particularly those Members from farm States, that we worked out a previous concern that was expressed by the American Farm Bureau Federation, and indeed we have an en bloc amendment which we will be offering shortly, and we have a letter from the American Farm Bureau which states:

"The en bloc amendment to the beaches bill addresses our concerns about this legislation.

"The proposal to define coastal recreation waters to not include any inland waters addresses our concerns about nonpoint source impacts. The proposal that a State can use its criteria for human health if they are as protective as Federal criteria addresses our concerns about unfunded mandates. Thank you for your attention to this matter."

So we removed any concern that the Farm Bureau might have. So we indeed do bring a bill to the floor today which has overwhelming bipartisan support. I urge its adoption.

Today the House is considering H.R. 999, the Beaches Environmental Assessment, Cleanup and Health Act of 1999.

This is a bipartisan bill that was reported by the Committee on Transportation and Infrastructure by unanimous voice vote.

H.R. 999 amends the Clean Water Act to establish a grant program for States to monitor the safety of coastal recreation waters, and to set a deadline for updating State water quality standards for these waters to protect the public from disease-carrying organisms.

Each year over 180 million people visit coastal waters for recreational purposes. This activity supports over 28 million jobs and leads to investments of over $50 billion each year in goods and services.

Public confidence in the quality of our Nation's waters is important not only to each citizen who swims or surfs, but also to the tourism and recreation industries that rely on safe and swimmable coastal waters.

It is important to note that H.R. 999 is not a regulatory bill. It gives EPA no new regulatory authorities. After analyzing the bill, the Congressional Budget Office concluded that "H.R. 999 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments."

The legislation that we are bringing up today has been carefully crafted to balance the concerns of States, EPA, the environmental community and other interested parties.

This is a bipartisan bill that uses incentives, not mandates, to improve public health and safety by monitoring the quality of our Nation's coastal waters.

I urge you to join me in supporting this legislation.

I wish to allay one outstanding concern expressed by some States. The grant program established by this bill does not provide EPA with an opportunity to micro-manage State monitoring programs if a State chooses to seek Federal assistance.

Under this legislation, EPA is to establish a level of protection for monitoring programs, which will be used to determine if a program is eligible for a grant. But each individual State program determines how that level of protection is reached.

By providing grants this legislation provides incentives to all States to develop monitoring programs that protect public health and safety. This does not mean uniform monitoring programs. This does not mean that EPA may impose a Federal template on States.

I also wish to allay some concerns I have heard that the Farm Bureau may have. As I stated earlier, this is not a regulatory bill. It does not address control of pollution from point or nonpoint sources. It imposes no new mandates, unfunded or otherwise.

Madam Chairman, I ask unanimous consent that the gentleman from New York (Mr. BOEHLERT), the chairman of our subcommittee, be authorized to manage the balance of the time on this bill.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BORSKI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I first want to commend and congratulate the gentleman from New York (Mr. BOEHLERT), my friend, the distinguished subcommittee chairman of the Committee on Transportation and Infrastructure, on his leadership. He has dealt with us in a fair and bipartisan manner, which is the way he always treats us and we appreciate it very, very much.

This simple but important legislation aims at protecting our Nation's beachgoers from unhealthy ocean water quality conditions. Whether it is swimming along the Great Lakes, surfing off of southern California, or vacationing at the Jersey shore, beachgoers everywhere have the right to know that the beaches they choose to visit are safe for themselves and their families.

Madam Chairman, this legislation is the product of work conducted over the past few Congresses. Originally introduced by our friend and former colleague, Bill Hughes, in 1990, this issue has subsequently been picked up by the gentleman from New Jersey (Mr. PALLONE) and the gentleman from New Jersey (Mr. LOBIONDO), and by the chief sponsor of this legislation, the gentleman from California (Mr. BILBRAY). I want to commend these gentlemen for their dedication and tireless efforts to protect the public from unhealthy water conditions at our Nation's beaches, and I hope that this time we can have it signed into law.

The BEACH bill advocates three simple principles:

First, beach water quality should be monitored. We cannot know whether waters are safe unless the waters are adequately tested.

Second, water quality criteria should be uniform. Just as we provide assurances to the public that water supplies will be safe for drinking no matter which State a person happens to be in, the public should feel confident that the public health standards at our Nation's beaches meet minimum consistent health requirements.

Finally, if a health problem is discovered at a beach, the public has the right to prompt, accurate and effective notification so that they may protect themselves and their families.

To accomplish these principles, this legislation authorizes over $30 million in funding for Federal, State and local partnerships for water quality monitoring and notification. Under this legislation, States and localities will be given the flexibility to tailor their monitoring and notification programs to meet local needs, so long as these programs comply with EPA's minimum requirements for the protection of public health and safety.

In addition, the BEACH Bill directs the EPA to periodically review and develop revised water quality criteria for coastal areas to ensure we are using the best scientific information available. The public deserves no less.

Finally, this legislation requires EPA to maintain a publicly available database of our Nation's beaches, listing those beaches that comply with water quality standards and those that do not. This information will be very helpful to many Americans for summer vacation planning, so that they will know whether the waters at their favorite vacation spot are safe and will choose accordingly.

Every year, over 180 million individuals vacation along our Nation's coastal waters. As another summer season rapidly approaches, let us make sure that we take the appropriate steps to protect our Nation's beachgoers from unnecessary threats to their health and safety.

Madam Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Madam Chairman, I yield myself 1 minute.

Madam Chairman, the American Oceans Campaign, in a communication sent to every member of this body, pointed out the following:

"The current approach to beach water testing is a mixture of inconsistent criteria and practices. Passing the BEACH bill will wipe out the inconsistencies and improve public health protections nationwide."

As one of America's favorite actors, Ted Danson, who is president of the American Oceans Campaign has said, "A day at the beach should not end with a visit to the doctor's office."

I have to give great credit where great credit is due, to the gentleman from southern California (Mr. BILBRAY). This bill will set minimum standards for beach water quality, and it will require EPA to establish performance criteria, and it will require the Environmental Protection Agency to establish a national beach water pollution database that will let the public know where monitoring programs are in place and where beach waters are impaired.

Madam Chairman, the en bloc amendment improves upon the bill, H.R. 999, that we reported out of committee by unanimous voice vote.

This package includes noncontroversial technical, and clarifying items and has been worked out with the ranking minority Member.

In summary, the en bloc:

Clarifies that State criteria for pathogens or pathogen indicators for coastal recreation waters must be as protective of human health as EPA's criteria.

This does not mean that States must adopt criteria that are identical to those that have been published by EPA. States adopt water quality criteria under section 303(c) of the Clean Water Act and continue to have the flexibility, provided under that section to change EPA's criteria based on site-specific conditions, or to adopt different, scientifically-justified criteria.

Thus, if a State can demonstrate that the pathogen indicators that it is using are as protective of human health as the criteria for pathogen indicators that EPA has published, a State may continue to use its existing criteria.

As a result, if no appropriations are provided to EPA for this purpose, EPA does not need to take funds away from other clean water act Programs to provide grants for monitoring and notification programs.

Clarifies that the information provided to the public in the information database authorized under section 406(c) is intended to be information on exceedances of water quality standards in coastal recreation waters only. This database does not address other matters.

Clarifies that EPA implementation of a monitoring and notification program will occur only in situations where a state is not implementing a program that protects public health and safety.

The bill does not provide for partial EPA implementation and partial state implementation of a monitoring and notification program.

In addition, EPA's duty to conduct a monitoring and notification program is subject to the same conditions as a state program implemented under section 406(b)(2). This means that EPA has the same flexibility that states are provided under that section to target available resources to those waters that it determines are the highest priorities. EPA's duty to implement a monitoring and notification program is no more expansive than a State's duty.

Clarifies that the term "coastal recreation waters" includes only the Great Lakes and waters that are adjacent to the coastline of the United States. "Coastal recreation waters" is not synonymous with the "coastal zone" as defined under the Coastal Zone Management Act. The geographic scope of this act does not include any inland waters and does not extend beyond the mouth of any river or stream or other body of water having unimpaired natural connection with open sea.

Clarifies that Indian tribes with coastal recreation waters are eligible for grants for monitoring programs.

Clarifies that Federal agencies are to implement monitoring programs for federally-owned beaches, such as national seashores.

Finally, the amendment changes the short title of the bill to refer to "awareness" rather than "assessment."

Madam Chairman, it is my pleasure to yield 6 minutes to the distinguished gentleman from California (Mr. BILBRAY), the person most responsible in this whole United States of America, out of 250 million people, for bringing us to this point today, the author of the bill.

Mr. BILBRAY. Madam Chairman, I would first like to thank the gentleman from New York (Mr. BOEHLERT), the chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. SHUSTER), our full committee chairman, along with our ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. BORSKI), for all the help. Their bipartisan effort has really shown that we cannot only protect the environment, but we can do it together.

This bill is a good example of not only talking about working together here in Congress to help the public and to protect the public's health, but actually having States and counties and health officials and the EPA and the Federal Government all working together for this goal.

I would like to thank the gentleman from California (Mr. FARR), the gentleman from Maryland (Mr. GILCHREST), the gentlewoman from California (Mrs. CAPPS), the gentleman from California (Mr. KUYKENDALL), the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Florida (Mr. SHAW), the gentleman from New Jersey (Mr. SMITH), and the gentlewoman from Ohio (Mrs. JONES), and the gentleman from Florida (Mr. FOLEY), and many others for their encouragement and their help in bringing this together.

I want to really thank the people that helped bring this bill to reality because so often our good intentions here in Congress do not reflect the reality out in mainstream America, and out in the waters of our Nation. I want to thank the San Diego County Environmental Health Department and the Surfrider Foundation, specifically, Chris Gonaver of the County of San Diego, and Gary Sirota and Darryl Hatheway of the Surfrider Foundation for their instrumental work on the development of this public health measure.

Additionally, I want to join the chairman in thanking the San Diego County Medical Association for its support, the Center for Marine Conservation, and specifically, the American Oceans Campaign, led by Ted Danson, whose son is also a surfer. I want to thank them for their critical help on this item.

Madam Speaker, roughly 60 percent of Americans live within 30 miles of a coastline. I happen to have had the privilege of growing up a block from the beach and I live nine blocks from the beach now, and sometimes we wonder, we might as well live in Kansas when we are that far away from the ocean!

But this bill, the Beach Environment Awareness Cleanup and Health Act of 1999, is a bill that I think all of us that use the beaches of America will recognize has been a long time in coming. We all know about and we can talk about the problems that affect people with certain health aspects for long-term exposure. We worry about what happens to our children if they live 20 years next to a hazardous waste dump. We are worried about our senior citizens if they drink certain water for over 40 years.

This bill is addressing something that we have overlooked, and that is the fact that our children and our families can enter coastal waters on one day, for one moment, and contract diseases such as hepatitis, encephalitis, and different related illnesses related to pathogens. I have had surfers in my district actually get inner brain infections and almost die from one exposure. These are things that we need to address.

I want to point out that H.R. 999 is really aimed not at finding fault, but at finding answers. It is a way to include, first of all, our public health directors in the formation of criteria for this country, not from Washington on down, but from America's communities on up, and have the Federal Government work as a partner in the formation of the criteria to protect our families' health.

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Also, H.R. 999 understands and recognizes the unique differences in these regions. When I come back to this coast and see these coastal waters and surf with my children, it is totally different than what we see in the West Coast.

H.R. 999 has the type of flexibility that we have only talked about for so long, that allows the local communities to address their local environmental concerns and do that with the aid of the Federal Government, rather than what we have seen so often, sadly, where we have seen local conflict with the Federal strategies.

The bill requires the development of updated criteria, in cooperation with public health agencies. It does not require the local States to take action if they choose not to. It does require the EPA to address the public health problems with this issue in every region, but in cooperation if the local communities want it.

H.R. 999 creates a uniform level of protection, so that when any parent goes to any beach that is being used anywhere in the United States, that parent can feel with some level of confidence that the water that their children is entering is safe to have contact with. That situation does not exist now.

Mr. Chairman, I would ask support for H.R. 999, not just for those of us who use the water, and not just for those of us who like to look at the water. I would ask that H.R. 999 also be passed because it is the beginning of a new way to fulfill our responsibilities, not just to the environment but to our citizens and to ourselves.

The cooperative effort of H.R. 999, Democrats and Republicans, local and Federal and State people all working together, really shows that to care for the environment, we must care about the community and every community, not just Washington, D.C. H.R. 999 sets an example to protect the public health, and do it in a fair and reasonable and effective way.

I ask my colleagues on both sides of the aisle, do not find excuses to oppose this bill. Look into the future and see what this bill can do for our public health and for our processes.

Mr. Chairman, I rise in strong support of H.R. 999, the BEACH bill. I have some supporting material here, which I would ask to be included in the record along with my statement.

I want to first thank the chairman of the Transportation Committee, Mr. SHUSTER, and the chairman of the Water Resources Subcommittee, Mr. BOEHLERT, for all their hard work, and that of their staffs, on this bill, and for making this important public health issue a priority. The ranking members on the committee, Mr. OBERSTAR and Mr. BORSKI, have worked with them hand in hand to help advance and strengthen this bill, and their bipartisan collaboration has been key to the bill's progress. I also want to acknowledge and thank all my colleagues that have rolled up their sleeves and worked with me on the BEACH bill, both this year and in years past.

I am also very grateful for the input and assistance that I received during the drafting of this bill, and in the subsequent discussions on its progress, from the county of San Diego's Department of Environmental Health Services, which administers one of the best ocean testing programs in the world, and from the Surfrider Foundation, which has also been instrumental in helping to improve public education on water quality issues. Input from local health agencies and from organizations like Surfrider have been key in identifying existing problems and shortcomings which make this bill so essential. In particular, Mr. Chairman, Chris Gonaver at the County's Environmental Health Department and Gary Sirota of the Surfrider Foundation have provided critical advice and input to me and my office on this bill since its inception, and deserve a great deal of credit for its development.

I would also like to thank the San Diego County Medical Society for taking an advocacy role on this issue by endorsing H.R. 999, and the American Oceans Campaign and the Center for Marine Conservation for their continuing support and efforts in helping to move this bill along. This is an exceptional range of support—public health officials, medical professionals, and the environmental community—and it further underscores both the merits of and need for H.R. 999.

This bill, Mr. Chairman, is a matter of significant importance not only to myself and my San Diego district, but to all Americans who live near or love visiting our coastal areas. As someone who has grown up and lived in and near the ocean all his life, surfing, swimming, and sailing in it, it is quite simply an integral part of my life. Most importantly, as a father of five children who share my passion for the sea, I want nothing more than for them to be able to spend their lives enjoying it in a clean, safe, and health risk-free environment.

I was with this in mind that I worked closely with my colleague from New Jersey in the 105th Congress to develop a "precursor" of this legislation, then H.R. 2094, as a means to work toward establishing reasonable national criteria for coastal water quality. While certain parts of the United States (led by my hometown of San Diego) have already developed and implemented comprehensive and progressive coastal testing and monitoring programs at both the state and local level, there are needs which up to this point have not been met, and problems which have not been fully addressed. This lack of consistency in the levels of protection provided by such monitoring and notification nationwide puts at risk beachgoers from coast to coast.

Roughly 60 percent of all Americans live within 30 miles of a coast, and far too often, surfers, swimmers, and others who enjoy using the water serve as inadvertent "canaries in the coal mine". These are the people, particularly children, who are susceptible to and develop the ear, nose, and throat infections, fevers, and respiratory or stomach ailments that can and do occur as a result contact with pathogen-contaminated water. There is a clear need, both for people who live on the coastlines in places like San Diego and Rehobeth Beach and surf or swim every day, and for people who live inland and bring their families to the shore once or twice a year, to be able to understand and be provided with information as to whether the water is safe for them to enjoy before they enter it. This is where consistency in the levels of protection provided by monitoring and notification at coastal areas is necessary.

This is the basic focus of H.R. 999—to be a first step towards identifying where problems exist and where there is a need for monitoring, recognizing the science and capacity we have to respond to them, and providing the tools, incentives, and flexibility to states and communities that they need to create programs and implement them appropriately. Most importantly, the bill provides the ability to develop and administer these programs in a "bottoms up" fashion, while moving away from outdated "command and control" strategies which may have served us well in the past, but are too cumbersome and unwieldy to provide useful solutions to today's challenges.

The en bloc amendment which will be offered shortly will be carefully explained, but I'd like to speak to one of the seemingly minor aspects of the amendment. In the short title of the bill, "assessment" is changed to "awareness". While this may seem insignificant, I wanted to make this change at this time to help underscore the entire point of the bill. Increased awareness is what this bill seeks to achieve, starting at the community level, and is what will lead to better protection of the public health and the environment at our coastal recreational water, both within and without the scope of H.R. 999.

The whole concept of this bill is to encourage nationwide monitoring of coastal recreation waters where it is needed to protect the public health, and public notification of the results—but from the community on up, not the top down. By empowering local health officials and communities to work directly with state and federal officials, H.R. 999 provides the opportunity and incentive to develop monitoring plans that will protect public safety on a regional or beach by beach basis.

It is important to recognize that H.R. 999 is not an expansion of regulatory authority under the Clean Water Act—it provides no new regulatory authority to any federal agency, and the bill language and accompanying congressional intent in the Committee report makes it clear that it may not be interpreted to do so. Its scope is limited to the monitoring of coastal recreation waters for pathogens or their indicators which are harmful to public health; it does not provide for source identification or regulation (specifically, at present non-point sources are not regulated under the Clean Water Act, and H.R. 999 does not change that).

H.R. 999 creates no unfunded mandates. States or local governments which may already have a robust monitoring program in place, as in Florida, California, or New Jersey—are not required to submit or develop a "new" program under this bill. The intent of the bill is not to lead to "dual monitoring" by the EPA in areas where appropriate monitoring is already taking place; it is to serve to encourage the development of monitoring programs in areas where none exist and where there is a need to protect the public health. Further, the updating and review of science-based criteria which will occur under the bill will be an asset to both new and existing monitoring programs, and lead to better levels of protection across the board.

The bill clarifies that state criteria for pathogens or pathogen indicators must be at least as protective of human health as previously published EPA criteria, which date back almost 14 years to 1986, and the incorporation of these new or revised criteria into state programs will also help to ensure that the scientific information on which the criteria themselves and individuals programs are based is kept current.

EPA is required under the bill to develop these criteria through a public process, which includes collaboration with appropriate local, state, and federal officials. This will include criteria for determining what areas of coastal recreation waters do not need to be monitored to protect the public health. The bill does not require, nor does it expect, that monitoring and notification programs will be the same in all states for all recreation waters where it is needed. Here is where the flexibility of the bill is essential, to allow for specific needs to be addressed on a regional basis.

Again, the goal of H.R. 999 is to create uniform levels of protection, not uniform monitoring programs, as might have been the case under previous incarnations of this bill.

The information database which will be established under the bill is an important asset to maintaining and improving measures for protecting the public health at coastal recreation waters, and pains have been taken to ensure that the databases will be used effectively for that specific purpose. I should clarify at this point that such a database was considered an essential tool for public health purposes by both my County Department of Environmental Health and by the Surfrider Foundation, and I think the dialogue which we have had in developing H.R. 999 has reinforced this view.

The bill specifies that this database will consist only of information on exceedances of water quality standards for pathogens that are harmful to human health, not to sources of causes. To address concerns which were expressed over potential misuse of the databases, the bill language was strengthened to clarify that only information on water quality standard exceedances for pathogens or pathogen indicators, from reliable water quality monitoring programs, may be included in the database. Access to important scientific information is what is intended and will be derived from the development and use of this database.

In sum, this is very much an incentive-based process; the bill provided that availability of federal grant funding to state and/or local governments which have established or are encouraged to establish an adequate monitoring program. The list which H.R. 999 requires to be maintained of area which do and do not have monitoring programs in place will serve as an additional incentive to state and local governments to develop and implement a monitoring program which best meets their own specific regional needs. It will also demonstrate to both residents and tourists alike that there is a system in place to make sure coastal recreation waters in question are safe and protective of human health, and give them a means by which they can understand and be aware of water conditions in a given area, and make their own decisions as a result.

By providing financial and public incentives rather than the threat of punitive action, H.R. 999 creates a fair process by which to establish means to effectively monitor coastal waters, and to make the public aware of those results and conditions.

Mr. Chairman and my colleagues, thank you again for this opportunity and your support. Together we can make sure that the American people, whether they live on the coast or in the heartland, are never again accidental "canaries in a coal mine" at our nation's beaches. Let's pass H.R. 999 today, and see it signed into law this year.

Mr. Chairman, I include for the RECORD the following material:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 999—Beaches Environmental Assessment, Cleanup, and Health Act of 1999

Summary: H.R. 999 would amend the Federal Water Pollution Control Act to require states to adopt water quality criteria for coastal recreation waters consistent with those developed by the Environmental Protection Agency (EPA) for the purpose of protecting human health in coastal recreation waters (beaches). The bill would authorize EPA to provide grants to states of $30 million annually over the 2000–2004 period to implement programs to monitor the quality of coastal waters and to notify the public of any conditions where beach water does not meet the established standards. In addition, the legislation would require EPA to issue new water quality criteria for recreational coastal areas based on studies of potential human health risks in these areas, make available to the public a database of the water quality at coastal recreational areas, and report to the Congress on the efforts under this program.

Becuse the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 999 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 999 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority[1]	3	0	0	0	0	0
Estimated Outlays	3	0	0	0	0	0
Proposed Changes:						
Estimated Authorization Level	0	34	34	34	34	34
Estimated Outlays	0	19	28	34	34	34
Spending Under H.R. 999:						
Estimated Authorization Level[1]	3	34	34	34	34	34
Estimated Outlays	3	19	28	34	34	34

[1] The 1999 level is the amount appropriated for that year.

Basis of estimate: For purposes of this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2000 and that the full amounts authorized will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns of similar EPA programs.

The bill authorizes the appropriation of $30 million a year for grants to states to implement programs to monitor and report on beach water quality. Based on information from EPA, CBO estimates that the agency would incur additional costs of about $4 million annually over the 2000–2004 period to study health hazards in coastal recreational waters, establish new criteria for monitoring water quality for these waters, develop a national database on pollution of beaches, and report to the Congress on the effectiveness of this program.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 999 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. While the bill would require states to establish acceptable water quality standards for coastal areas within three and a half years, if states choose not to establish these standards, the EPA would do it for them. The bill would authorize $30 million annually from 2000 through 2004 for states and local governments to implement eligible monitoring and notification programs. If they choose not to implement these programs, the EPA would be directed to use remaining money authorized by this bill to provide those programs for them. Any costs incurred by state and local governments to implement these programs would be voluntary and conditions of receiving grant assistance.

Estimate prepared by: Federal costs: Kim Cawley. Impact on State, local, and tribal governments: Lisa Cash Driskill.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Press Release: March 4, 1999.
From: American Oceans Campaign.

AMERICAN OCEANS CAMPAIGN HAILS CONGRESSMAN FOR HIS COMMITMENT TO THE PUBLIC'S RIGHT TO KNOW ABOUT BEACH WATER QUALITY

WASHINGTON, DC.—Representatives of American Oceans Campaign (AOC) voiced their strong endorsement of legislation introduced today by Representative Brian Bilbray (R-CA). The Beaches Environmental Assessment, Cleanup and Health Act of 1999 (the B.E.A.C.H. Bill) addresses the problems of inconsistent beach water quality testing and public notification practices across the nation.

"From coast to coast, surfers, children, and others are becoming ill after swimming in beach waters contaminated with disease-causing microorganisms," said Ted Danson, President of American Oceans Campaign. "All recreational beach waters should be tested consistently and the public should be informed when waters are unsafe."

"Beach goers have a right to know that the waters they choose to play in are safe for recreation. A fun day at the beach should not make you sick the morning after," said Danson.

"Gastroenteritis and various eye, ear, nose, and throat infections can develop after contact with waters contaminated with bacteria and viruses," explained David Younkman, AOC's Executive Director. "The U.S. Environmental Protection Agency has recommended water quality criteria for beach waters; however, many states either use weaker standards or do not regularly test their waters for the presence of bacteria and viruses. Shockingly, many states that do test their waters do not always alert the public about unhealthy water conditions."

"The current approach to beach water testing is a mixture of inconsistent criteria and practices," said Younkman. "Passing the B.E.A.C.H. bill will wipe out the inconsistencies and improve public health protections nationwide."

"The B.E.A.C.H. bill will make certain that whether a person chooses to surf in San Clemente or snorkel in the Florida Keys, she enters the ocean with greater confidence about the quality of the water," said Danson. "Representative Bilbray and other members of Congress who have introduced similar measures are to be congratulated for their leadership on this environmental and public health concern. American Oceans Campaign looks forward to energetically working with them to pass a strong B.E.A.C.H. Bill in 1999."

[From the San Diego Union Tribune, Mar. 5, 1999]

END POLLUTED BEACHES

BILBRAY BILL WOULD REQUIRE NATIONAL TESTING

San Diego County instituted an aggressive testing program for its coastal waters year ago. Now it has begun DNA screening of polluted runoff to find out exactly why our beaches are sometimes polluted.

And what have we gotten for this effort? Nationwide scrutiny and criticism for having dirty beaches.

But the fact is, our beaches aren't dirtier than other places. (They're actually cleaner than many others.) We've been singled out only because we test more vigorously and close beaches when bacteria levels are too high. Most coastal areas in other states don't maintain effective testing programs. And some places never tell the public when they do find high pathogen levels.

Rep. Brian Bilbray, R-Imperial Beach, introduced legislation yesterday that would put all coastal regions on an equal plane. Endorsed by several environmental groups, including the Surfrider Foundation, Bilbray's Beaches Environmental Assessment, Cleanup and Health Act (with the clever acronym BEACH), would establish uniform national criteria for testing and monitoring recreational coastal waters. It also would require public notification when those waters endanger public health.

This is a very good idea. Now, the standards for beach water cleanliness are very loose. Some coastal states use very weak standards. Others have a policy of silence even when they do test, probably because of concerns about scaring away tourists.

Bacteria and viruses in coastal waters can sicken bathers, causing gastroenteritis and ear, eye, nose and throat infections. People in states that don't test properly could be getting sick from polluted water and never know the cause.

The BEACH bill would develop standards with the help of local health officials. Also, since some coastal areas have different problems or conditions, individual monitoring programs tailored to certain regions would be allowed. Federal grants would be available for local monitoring programs.

Bilbray's legislation doesn't include a strong enforcement mechanism for beach areas that don't comply. However, the federal Environmental Protection Agency would keep a list of such areas and make it available to the public. Compliance must be addressed at some point after water quality standards and monitoring programs are developed.

While Congress considers monitoring beach pollution nationwide, San Diego County is taking an advanced step in cleaning up its coastal waters. After local environmental advocate Donna Frye pushed the idea for a year, the county is set to begin DNA testing to find the origins of bacterial pollution at our beaches. This scientific monitoring should tell us exactly where the pollution originates, so we can take steps to stop it at its source.

Monitoring beach pollution isn't expensive. But most coastal regions neglect it because they're afraid of what they might find. It's time to stop ignoring coastal pollution, and start doing something about it, as San Diego County does. Congress should approve Bilbray's BEACH bill.

[From Inside EPA, Mar. 19, 1999]

LEGISLATION WOULD REQUIRE NEW EPA STANDARDS FOR BEACH QUALITY

(By Jean Wiedenheft)

Legislation requiring EPA to establish water quality monitoring standards for recreational beaches may pass this year as environmentalists and states appear to be on the verge of an acceptable compromise, observers agree.

In previous sessions, bills have been introduced into both houses of Congress that would require certain baseline monitoring of water quality, followed by notification of the public if the water does not meet set standards. But the language has always been shot down by states concerned over its implementation.

Under the new legislation introduced by Rep. Brian Bilbray (R-CA), EPA would set monitoring standards for beaches, though states would not be forced to implement those standards. Instead, EPA would publicize states that failed to meet the federal standards. If states still do not implement a monitoring program, under the legislation EPA would monitor the beaches in the state. EPA already has guidelines in place for states, suggesting contaminants to monitor for and contaminant levels at which the public should be notified of possible danger.

States are saying the new version of the bill—H.R. 999—is much closer to being acceptable to them, with one source adding that the bill's sponsors are "serious" about working with them to see the bill pass. Environmentalists are endorsing the measure.

As the bill is written, states would be required to monitor beaches for certain pollutants and pathogens, and make that information available to the public through the Internet and local newspapers if there is a threat.

Such legislation is necessary, environmentalists and bill supporters say, because only some states monitor their beaches, and even fewer post warnings or close beaches when water contaminants reach unsafe levels.

It is difficult to get a handle on how many coastal areas are actually being monitored, sources say, because often it is through a local initiative, not a state program.

The bill provides $7.5 million a year, from 2000 to 2004, in grants for states to implement the programs. But a state source says that while the funding is an increase over last year's proposal, it is still too low. There are over 30 states that have coastal areas and would need funding to implement and maintain a monitoring program, this source points out, and any one state can only apply for half of its costs.

Some state sources also say the structure of the proposed law would need to be modified to allow them more flexibility. Any legislation should focus on meeting performance objectives, one source points out, not on procedural monitoring requirements.

The timeliness proposed in the legislation, for example, may need to have more flexibility for gathering and reporting data. In some cases, one source points out, it takes several days to get laboratory analyses back before knowing whether the public should be warned about swimming at a particular beach.

The legislation can also only reasonably apply to public beaches, one source points out, because the states do not have the resources—or the authority—to impose such regulations on private citizens.

But several state sources say Bilbray's staff have been open to their suggestions, and are willing to negotiate in order to get the legislation through.

A similar House bill has been introduced by Rep. Frank Pallone (D-NJ), and Sens. Frank Lautenberg (D-NJ), Frank Torricelli (D-NJ), Barbara Boxer (D-CA), and Joseph Lieberman (D-CT) are cosponsoring the beach bill in the Senate.

Mr. BORSKI. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR), the original cosponsor of the bill.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 999. I want to thank my fellow Californian (Mr. BILBRAY) for his leadership on this issue.

Today is Earth Day, and I want to wish all Members a happy Earth Day, and I want to encourage them to do something about this being Earth Day by supporting this legislation.

Most of us do not think about how the oceans and coasts are important to our lives, but they really are. A beautiful coastline is important to each of us in each of our districts. We are a Nation that travels and visits relatives, we visit beautiful places. An awful lot of those places are coastlines, because 70 percent of America's population lives within 50 miles of the coast.

Americans love the oceans. According to the 1997 SeaWeb and Melman poll and a 1999 USA Today poll, more than half of Americans have observed that the conditions of our coasts are worsening, especially due to pollution and overfishing, and they want us, Members of Congress, to do something about it.

We are critically dependent upon the ocean for ocean resources for tourism purposes, for travel dollars. Eighty-five percent of the tourist revenues spent in the United States are spent in the coastal States. Over 180 million people visit our coastal waters nationwide each year. In California alone the ocean-related tourism revenue exceeds $38 billion.

Yet, our oceans are imperiled. Most of the major fish stocks in the world are overfished. Seventy-five percent of the endangered and threatened mammals and birds rely on coastal habitat. This will only get worse. Americans are moving to the coasts and exploiting them more than ever. By the year 2010, 75 percent of the U.S. population will live within 50 miles of the coast.

What are we going to do about this? What are we going to do to care for our coasts, to ensure that our coasts can support this intensity of habitation? We have not demonstrated our commitment yet to the oceans. We have not passed the Oceans Act, but we have this, and we can do something about it.

We have created national marine sanctuaries, which are essentially national parks in the ocean. We have 12 of those, yet with less than 1 percent of the funding that we give to our national parks. We have 378 national parks, 155 national forests, but only 12 national marine sanctuaries.

We need to make our coasts safe for everyone, including swimmers, surfers, fishers, and even the sea life, the fish themselves, the plants and the smallest of plankton organisms that they rely on. This bill is a step in that direction.

I urge all my colleagues to support H.R. 999, and I wish my colleagues a happy Earth Day.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I want to thank the gentleman from New York (Mr. BOEHLERT) and all those who have put a lot of hard work and effort into this piece of legislation.

I especially want to tip my hat to the gentleman from California (Mr. BRIAN BILBRAY). Before BRIAN got here, I was the best surfer in the House of Representatives. Unfortunately, BRIAN was elected, and seeing that there is another surfer, he is the best surfer in the House, even though sometimes he is a wave hog.

Let me say this, that this bill is a terrific piece of legislation. The gentleman has put a lot of effort into it. There are some conservatives with a few apprehensions, and the fact is that we do believe that the States should play a major role.

The gentleman from New York (Mr. SHERRY BOEHLERT) and the gentleman from California (Mr. BRIAN BILBRAY) have made sure that this bill represents a cooperation with the States, and not a domination of the States by the Federal Government.

The oceans, both as a recreational resource and an economic resource, are perhaps the most valuable asset we have in the United States of America. We have scuba diving, we have people like the gentleman from California (Mr. BRIAN BILBRAY) and myself who do a lot of surfing in the ocean, and we also have fishing and other recreational uses that add a tremendous value and are a tremendous asset to our people.

I am very pleased that this bill is the very first time where surfing is actually identified as a federally-recognized recreational activity. Whether when you are a surfer or a scuba diver, which I am also a scuba diver, but when one is in the ocean, one is experiencing one of God's most awesome gifts to humankind. It is a living force, and it is also in itself an entity of tremendous power and energy.

Those of us who surf and use the ocean know this, and it is like skiing on a mountain, except the mountain is going right with you. It is this tremendous, awesome power that you are with. The ocean represents this to all of humankind, this potential.

Mr. Chairman, I think it is important for us to realize that this bill, H.R. 999, is officially recognizing the ocean and recognizing this asset as a valuable asset in which we all in the States and in local communities and in the Federal Government will cooperate with in order to maintain this asset, and make sure it is available to those of us who use it. So many millions of Americans use this asset.

Let us also remember when we talk about the ocean, our bodies are made out of water. God made human bodies out of water, just like he made the world mainly out of water, so we are caretakers for God's gift.

Finally, my colleagues who have any thought of opposing this bill should know and be advised that if the amendment fails, the gentleman from California (Mr. BILBRAY) and I will double the number of surfing videos that are played in the Congressional Gym.

Mr. BORSKI. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS), another sponsor of the bill.

Mrs. CAPPS. Mr. Chairman, I rise today in support of the Beaches Environmental Awareness Cleanup and Health Act, the BEACH bill. I am fortunate to represent and call home one of the most beautiful districts in our Nation, the central coast of California. People come from all around the world to visit the area, and they are especially attracted to our spectacular coastline and incredible beaches, where fishing, all kinds of tourism, and indeed, surfing go on on a regular basis. We had surfboards outside my family home all through the growing up years of my children.

Sadly, an increasingly familiar blight on these majestic beaches is a bright yellow sign reading "Advisory" or "Closure." Santa Barbara County issues beach advisories to warn the public of harmful elevated bacterial levels in the surf. Unfortunately, during the past years, and in 1997, a record 199 days saw this bright yellow beach sign in front of beaches on the Santa Barbara coastline.

The public should be able to enjoy their beaches without worrying about their health. We cannot tolerate people getting sick from swimming in the ocean.

Santa Barbara is blessed with a vibrant local citizen group which was formed as a public outcry to these polluted beaches. It is called Heal the Ocean. It is a grass roots group. I am proud to be a supporter. Heal the Ocean conducts testing of our coastal waters, and is engaged in a significant public outreach campaign to educate the community on this important issue. This group enjoys tremendous and well-deserved local support.

The bill we are debating today will provide critical Federal support to groups around the country, such as Heal the Ocean in Santa Barbara.

We all share a common goal, to protect and improve the quality of our coastal waters, and to ensure public safety. By establishing national recreational water quality standards and empowering local communities to develop monitoring plans, the BEACH bill represents a strong step forward. This legislation will not only protect the health of our beaches, but also the health of our economy.

My district, like so many other coastal communities around the Nation, depends on recreation and tourism for its economic vitality. The cost of beach water quality monitoring is minuscule compared to the revenue that is generated by coastal tourism.

I do appreciate the hard work of my colleague, the gentleman from Pennsylvania (Mr. BORSKI) and my friend, the gentleman from California (Mr. BILBRAY) in establishing this bill.

I would like to recognize the efforts of my colleague, the gentleman from New Jersey (Mr. PALLONE), who has been a leader on this issue for many years and has introduced critical beach legislation in the 105th Congress as well as the 106th Congress.

I urge my colleagues on both sides of the aisle to join me in supporting this important bill to protect public health, our beaches, and our coastal communities.

Mr. BOEHLERT. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, today we celebrate Earth Day. It is only fitting that we take up this piece of legislation today as it deals with one of the most significant components of our environment, the coastal and recreational waters.

Each year millions of tourists flock to our beaches, and in Los Angeles County alone our tourism industry is worth about $13 billion in average revenue. The beaches in that county generate most of that, and three or four of those beaches are in my district: Hermosa Beach, Manhattan Beach, household names in our area. They play a significant role in generating that revenue.

There are real economic consequences that stem from protecting our environment, particularly the water resources. Helping build the public's confidence in the quality of this water will ensure its protection in the future.

The BEACH bill will help build this confidence in beaches across the country by establishing a uniform national standard. The bill will also allow local communities to tailor the monitoring and notification that meet their unique regional needs, and it provides incentives, not mandates, to meet the national criteria, incentives that take the form of grants from the Federal Government to implement monitoring and notification programs. In other words, instead of dictating to each jurisdiction how to meet a national standard, the Federal Government will give them flexibility and help cover part of the cost. This is unprecedented environmental regulation.

Finally, several people say, why should we do this if California already has good monitoring? My constituents, when they go other places in this country, and Members' constituents all over the country, deserve to have good quality water to play in when they go to surf or swim in our recreational waters. If we standardize that monitoring, we all know, whether we are from California or from Michigan, whether the water is safe to be in.

I urge Members' support of the BEACH bill. It is solid national environmental policy. It brings together flexibility and incentives instead of mandates. It has local control instead of force-fed Federal policy. It is a good example of environmental policy supplementing economic policy. I urge Members' aye vote.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

As a representative of a Florida coastal district, I rise today to applaud my colleague, the gentleman from California, (Mr. BILBRAY) of San Diego for bringing this legislation to the Floor today.

In addition to being some of the nicest in this country, the beaches in my district are already clean and safe, and I am proud of that fact. I am a supporter of the BEACH bill because rather than taking a command and control approach to protecting our Nation's beaches, it utilizes a far more powerful approach, the power of information.

The BEACH bill establishes mechanisms that will let the public know where and when beaches are safe.

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If coastal communities choose to risk the quality of their water, they will risk losing valuable tourist dollars. Floridians know this firsthand. When we improved the health of the local environment, we also improved the health of the local economy. Tourists are smart. Armed with information, they will spend their money where they know the beaches are clean and safe.

Mr. BORSKI. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. OBERSTAR), ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Chairman, I want to compliment my good friend and colleague, the gentleman from Pennsylvania (Mr. BORSKI), for the long hours he has spent on this bill and his personal dedication and commitment in bringing it to this point of achievement; and to the gentleman from New York (Mr. BOEHLERT), chairman of the subcommittee, who has a long and distinguished record in the protection of the environment, and for his concern that we fashion a bill that will be useful and meaningful and effective and for bringing it to the floor on this Earth Day; and of course to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee, who already spoke quite pointedly of his support for this legislation.

But I rise today, not only in support of this legislation, but to recall for our colleagues my very dear friend and classmate, the class of the 1974 election, 94th Congress, Congressman Bill Hughes, who made this issue his cause during the time that he served in the House.

It is the culmination of years of effort, but culmination of a very deep-seated, genuine, ardent, vocal effort by Congressman Bill Hughes during his service in the Congress.

Together we served on the House Committee on Merchant Marine and Fisheries. I recall both in committee and in one-on-one conversations with Bill Hughes his deep, genuine concern about the deterioration of the quality of water in the ocean that bordered on his State of New Jersey, his accounts of hypodermic needles washing up on the beaches, bringing some of the debris with him to our committee meetings and to one-on-one member meetings, the numerous health warnings that disturbed us so greatly, the beach closings, and the health effects on users of the New Jersey coastline; and that brought him to other coastlines in other parts of the country, and he really made this a great concern.

I will recall his statement on introducing essentially this bill, his version, which was a predecessor to today's legislation, "This bill is a great improvement to the policies that currently exist in beach testing and monitoring. It provides a public health stamp of approval for States proudly to show people who live and vacation along the shore that the coastal waters are safe for swimming and other related activities."

Following Bill Hughes' retirement from Congress, the gentleman from New Jersey (Mr. PALLONE), a successor, not particularly from that district, and the gentleman from New Jersey (Mr. LOBIONDO), directly from that district, championed the cause along with the later arrival in the House of the gentleman from California (Mr. BILBRAY), who has been persistent and vigorous and single-minded in his purpose of getting this legislation through the committee and to the House floor. Great advocates. The torch really has been passed from Bill Hughes to a new generation of advocates for quality of life along our freshwater and saltwater beaches.

This bill attempts to assure American families that the only concern they will have when going to the beach is how much sunblock they have on, not what rashes or illnesses they may have developed after an outing to the beach.

When we consider, as our colleague from California (Mrs. CAPPS) a moment ago cited, 199 days of beach closings in areas of her district, there were 22,746 beach closings in the decade from 1988 to 1998, that is not acceptable. We have to do a better job of monitoring, of stewardship for these great resources of the Nation's freshwater and saltwater beaches.

The idea of a monitoring bill is good. This bill has two public health goals, to have uniform monitoring of coastal recreational waters and uniform means of notification to the public of unhealthy water conditions.

The partnerships between the Federal Government and the coastal States and the local communities that this bill brings about are good. They are good steps in the right direction, $30 million for grants to States and communities to establish monitoring programs.

But I just want to make it clear that, and no one should misunderstand the purpose of this bill, this is for monitoring and for notification. It does not go to cleanup. It does not address the upland issues of nonpoint source runoff, of discharges by cities and other entities into those rivers and estuaries that discharge on and lay their debris upon the beaches.

It will be argued that there are other programs, other means, other ways of doing this. But because I have heard from people who say, oh, we are going to do something about cleaning up the beaches, no, we are going to do something about notifying people about unsafe conditions. We are going to do something about monitoring those conditions with this legislation.

I also note repeated references to giving the States their responsible authority to undertake this role, and that is true. This is a Federal-State partnership. But I do want to remind my colleagues that the thin line of sand or pebbles that are the beach is the dividing point between the ocean and the land.

It is the ocean that is the common heritage of all mankind. It does not belong to a State or a Nation. As a Nation, we have a greater responsibility than any individual State does for the quality of that ocean and the littoral, the linkage between the land and the water.

This is a good step in the right direction. It will be a step, I hope, that heightens our awareness of the individual responsibility each of us has, that the responsibility to each State has and that this Nation has toward that greater body of water, the ocean, the common heritage of all mankind and, in the case of the Great Lakes, one-fifth of all the freshwater on the face of the Earth.

So I urge our colleagues to support this legislation and that we move it along to signature by the President as quickly as possible.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close by once again thanking the gentleman from California (Mr. BILBRAY), all those who worked so hard to make this day a reality. Let me compliment the House of Representatives on this Earth Day 1999. On a bipartisan basis, we have Democrats and Republicans working constructively to develop responsible public policy that will protect the families health and well-being.

Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. BILBRAY) for a closing word.

Mr. BILBRAY. Mr. Chairman, I would like to thank both the ranking members and the chairmen for their work on this bill.

Let me just say, Mr. Chairman, in closing, this bill has had a lot of people who have worked on it for a long time who are not here today. The gentleman from New Jersey (Mr. PALLONE) worked hard with me at trying to figure out how to get to this point to where we can get the Federal Government working with the States, and now with H.R. 999 we will be able to do something that, as the gentleman from Minnesota (Mr. OBERSTAR) pointed out, is getting the information to the local community so that they are empowered to know there is a problem, which is the first and most critical step of knowing how to respond to it.

I would say in closing, personally, back in 1970 on the first Earth Day, I was a high school senior and I wore the green and blue armbands, and I was protesting the pollution of my beaches in south San Diego. Sad to say, almost 30 years later, our beaches are still polluted by the Republic of Mexico, and that is something that we need to and are working to address.

But this bill does something that we said back in 1970, and it was a big battle cry that we had in the environmental movement, "Think globally but act locally." This bill empowers the local community to have the local information so that they can address their problems in their neighborhood, in their community, and have the Federal Government as an ally in the local effort to act locally, to be able to take care of the global problem.

I thank this body, and I thank the chairmen and the ranking members for the chance to be able to bring this bill up for action.

Mr. BOEHLERT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BORSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 106–103 if offered by the gentleman from Pennsylvania (Mr. SHUSTER) or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

After disposition of that amendment, the bill, as perfected, shall be considered as an original bill for the purpose of further amendment.

During further consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

An amendment made in order by House Resolution 145 offered by Mr. BOEHLERT:

Page 2, line 5, strike "Assessment" and insert "Awareness".

Page 3, line 8, strike "If a State" and all that follows through "paragraph (1)(A)," on line 10 and insert the following:

If a State has not adopted water quality criteria referred to in paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters that the Administrator has published under section 304(a)(9),

Page 6, line 13, after "State," insert "tribal,".

Page 7, line 9, strike "shall" and insert "is authorized to".

Page 7, line 10, after "States," insert "Indian tribes,".

Page 7, line 14, after "State," insert "and tribal,".

Page 7, line 16, strike "shall" and insert "is authorized to".

Page 7, line 16, after "State" insert "or Indian tribe".

Page 7, line 23, after "State" insert "or Indian tribe".

Page 7, line 25, strike "shall" and insert "is authorized to".

Page 8, line 1, after "State" insert "or Indian tribe".

Page 8, line 9, after "State" insert "or Indian tribe".

Page 8, line 14, after "State" insert "or Indian tribe".

Page 8, line 19, after "State" insert "or Indian tribe".

Page 10, line 17, after "State" insert "or tribal".

Page 11, line 8, strike "shall" and insert "is authorized to".

Page 11, line 17, strike "shall" and insert "is authorized to".

Page 12, line 15, after "State" insert "or Indian tribe".

Page 12, line 17, after "State" insert "or Indian tribe".

Page 13, after line 20, insert the following:

"(c) FEDERAL AGENCY PROGRAMS.—Each Federal agency shall develop, through a process that provides for public notice and an opportunity for comment, a program for monitoring and notification to protect public health and safety that meets the performance criteria established under subsection (a) for coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and subject to the jurisdiction of the Federal agency. Each Federal agency program shall address the matters identified in subsection (b)(2)(B)(iii).

Page 13, line 21, strike "(c)" and insert "(d)".

Page 14, line 5, strike "The Administrator" and all that follows through line 10 and insert the following: "The Administrator may include in the database other information only if the information is on exceedances of applicable water quality standards for pathogens and pathogen indicators for coastal recreation waters and is made available to the Administrator from other coastal water quality monitoring programs determined to be reliable by the Administrator. The data base may provide such information through electronic links to other databases determined to be reliable by the Administrator."

Page 14, line 11, strike "(d)" and insert "(e)".

Page 14, line 12, after "States" insert ", Indian tribes,".

Page 14, line 16, strike "(e)" and insert "(f)".

Page 15, strike lines 8 through 19 and insert the following:

"(g) EPA IMPLEMENTATION.—With respect to a State that has no program for monitoring for and notification of exceedances of the applicable water quality standards for pathogens and pathogen indicators in coastal recreation waters adjacent to beaches (or other points of access) open to the public that protects public health and safety, after the last day of the 3-year period beginning on the date the Administrator identifies, on a list required pursuant to subsection (f), discrete areas of coastal recreation waters in the State that are not subject to a monitoring and notification program meeting the performance criteria established under subsection (a), the Administrator shall conduct, subject to the conditions of subsection (b)(2), a monitoring and notification program for such discrete areas using the funds appropriated for grants under subsection (b), including salaries, expenses, and travel.

Page 15, line 20, strike "(g)" and insert "(h)".

Page 15, line 21, after "States" insert ", Indian tribes,".

Page 16, line 7, insert "coastal" before "estuaries".

The CHAIRMAN. Pursuant to the rule, the gentleman from New York

(Mr. BOEHLERT), as the designee of the gentleman from Pennsylvania (Mr. SHUSTER), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

This will be very quick. The en bloc amendment deals with noncontroversial bipartisan amendments, technical and clarifying. They have been worked out by the ranking minority member. I would like to give special credit to the gentleman from California (Mr. POMBO), who helped with the agriculture community to get us to this point. I urge their adoption.

Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, as the author of the bill, I support the en bloc amendment. I would like to also take this opportunity to thank the gentleman from California (Mr. POMBO) for his cooperative effort and willingness to work with me in addressing the concerns that the agricultural community had initially expressed, and which are addressed by the en bloc.

Mr. BOEHLERT. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Beaches Environmental Assessment, Cleanup, and Health Act of 1999".

The CHAIRMAN. Are there any amendments?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.

Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end the following:

"(i) Coastal Recreation Water Quality Criteria and Standards.—

"(1) Adoption by States.—

"(A) Initial criteria and standards.—Not later than 3½ years after the date of enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for such waters for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).

"(B) New or revised standards.—Not later than 3 years after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for such waters for all pathogens and pathogen indicators for which the Administrator publishes new or revised water quality criteria.

"(2) Failure of States to adopt.—If a State has not complied with paragraph (1)(A) by the date specified in paragraph (1)(A), the Administrator shall promptly prepare and publish proposed regulations for the State setting forth revised or new water quality standards for coastal recreation waters for the pathogens and pathogen indicators subject to paragraph (1)(A). If the Administrator prepares and publishes such regulations under subsection (c)(4)(B) before the date specified in paragraph (1)(A), the Administrator shall promulgate any revised or new standard under this paragraph not later than the date specified in paragraph (1)(A).

"(3) Savings clause.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection.".

The CHAIRMAN. Are there any amendments to section 2?

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.

(a) Studies.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:

"(v) Studies Concerning Pathogen Indicators in Coastal Recreation Waters.—Not later than 3 years after the date of enactment of this subsection, and after consultation and collaboration with appropriate Federal, State, and local officials (including local health officials) and other interested persons, the Administrator shall conduct, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—

"(1) a more complete determination of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including effects to the upper respiratory system;

"(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;

"(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and

"(4) guidance for State application of the criteria for pathogens and pathogen indicators to be issued under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.".

(b) Revised Criteria.—Section 304(a) of such Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

"(9) Revised criteria for coastal recreation waters.—

"(A) In general.—Not later than 4 years after the date of enactment of this paragraph, and after consultation and collaboration with appropriate Federal, State, and local officials (including local health officials), the Administrator shall issue new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate) based on the results of the studies conducted under section 104(v) for the purpose of protecting human health in coastal recreation waters.

"(B) Reviews.—At least once every 5 years after the date of issuance of water quality criteria under this paragraph, the Administrator shall review and, as necessary, revise the water quality criteria.".

SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341–1345) is amended by adding at the end the following:

"SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

"(a) Monitoring and Notification.—Not later than 18 months after the date of enactment of this section, after consultation and collaboration with appropriate Federal, State, and local officials (including local health officials), and after providing public notice and an opportunity for comment, the Administrator shall publish performance criteria for—

"(1) monitoring (including specifying available methods for monitoring) coastal recreation waters adjacent to beaches (or other points of access) that are open to the public for attainment of applicable water quality standards for pathogens and pathogen indicators and for protection of public safety from floatable materials; and

"(2) promptly notifying the public, local governments, and the Administrator of any exceedance of applicable water quality standards for coastal recreation waters described in paragraph (1) (or the immediate likelihood of such an exceedance).

The performance criteria shall provide for the activities described in paragraphs (1) and (2) to be carried out as necessary for the protection of public health and safety.

"(b) Program Development and Implementation Grants.—

"(1) In general.—The Administrator shall make grants to States and local governments for the purpose of developing and implementing programs for monitoring and notification, as provided in paragraphs (2) and (3).

"(2) State programs.—

"(A) In general.—The Administrator shall make grants to a State for developing and implementing a program for monitoring and notification to protect public health and safety that meets the performance criteria established under subsection (a) for coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are subject to the jurisdiction of the State.

"(B) Requirements.—The Administrator shall make grants for implementation of a program of a State under subparagraph (A) only if the Administrator determines that—

"(i) the program has been developed through a process that provides for public notice and an opportunity for comment;

"(ii) the program meets the performance criteria under subsection (a), based on a review of the program, including information provided by the State under clause (iii); and

"(iii) the program—

"(I) identifies coastal recreation waters within the jurisdiction of the State;

"(II) identifies those coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and subject to the jurisdiction of the State and that are covered by the program;

"(III) identifies those coastal recreation waters covered by the program that would be given a priority for monitoring and notification if fiscal constraints prevent compliance at all coastal recreation waters covered by the program with

the performance criteria established under subsection (a);

"(IV) identifies the process for making any delegation of responsibility for implementing the program to local governments, the local governments, if any, to which the State has delegated or intends to delegate such responsibility, and the coastal recreation waters covered by the program that are or would be the subject of such delegation;

"(V) specifies the frequency of monitoring based on the periods of recreational use of such waters and the nature and extent of use during such periods;

"(VI) specifies the frequency and location of monitoring based on the proximity of such waters to known point and nonpoint sources of pollution and in relation to storm events;

"(VII) specifies which methods will be used for detecting levels of pathogens and pathogen indicators that are harmful to human health and for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters, including in relation to storm events;

"(VIII) specifies measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of such an exceedance (or the immediate likelihood of such an exceedance) to the Administrator and a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters covered by the State program for which an exceedance is identified; and

"(IX) specifies measures for posting of signs at the beach (or other point of access), or functionally equivalent communication measures, sufficient to give notice to the public of an exceedance (or the immediate likelihood of an exceedance) of applicable water quality criteria for pathogens and pathogen indicators for such waters and the potential risks associated with water contact activities in such waters.

"(3) LOCAL PROGRAMS.—

"(A) IN GENERAL.—The Administrator shall make a grant to a local government for developing and implementing a program for monitoring and notification to protect public health and safety that meets the performance criteria established under subsection (a) for coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and subject to the jurisdiction of the local government.

"(B) REQUIREMENTS.—The Administrator shall make grants for implementation of a local government program under subparagraph (A) only if the Administrator determines that—

"(i) the State in which the local government is located did not submit a grant application meeting the requirements of paragraph (2)(B) within one year following the date of publication of performance criteria under subsection (a);

"(ii) the local government program has been developed through a process that provides for public notice and an opportunity for comment;

"(iii) the local government program meets the performance criteria under subsection (a), based on a review of the local government program, including information provided by the local government under paragraph (2)(B)(iii); and

"(iv) the local government program addresses the matters identified in paragraph (2)(B)(iii) with respect to such waters.

"(4) LIST OF WATERS.—Following receipt of a grant under this subsection, a State or local government shall apply the prioritization established by the State or local government under paragraph (2)(B)(iii)(III) and promptly submit to the Administrator—

"(A) a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided where the performance criteria under subsection (a) will be met; and

"(B) a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided where fiscal constraints will prevent compliance with the performance criteria under subsection (a).

"(5) FEDERAL SHARE.—The Federal share of the cost of developing and implementing a monitoring and notification program under this subsection shall be not less than 50 percent nor more than 100 percent, as determined by the Administrator. The non-Federal share of such cost may be met through in-kind contributions.

"(6) DELEGATION.—If a State delegates responsibility for monitoring and notification under this subsection to a local government, the State shall make a portion of any grant received by the State under paragraph (2) available to the local government in an amount commensurate with the responsibilities delegated.

"(c) INFORMATION DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides information on exceedances of applicable water quality standards for pathogens and pathogen indicators for coastal recreation waters using information reported to the Administrator pursuant to a monitoring and notification program that meets the performance criteria established under subsection (a). The Administrator may include in the database information made available to the Administrator from other coastal water quality monitoring programs determined to be reliable by the Administrator. The database may provide information through electronic links to other databases determined to be reliable by the Administrator.

"(d) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable materials to protect public health and safety in coastal recreation waters.

"(e) LIST OF WATERS.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), the Administrator shall maintain a list of discrete areas of coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are not subject to a program for monitoring and notification meeting the performance criteria established under subsection (a) based on information made available to the Administrator. The list also shall identify discrete areas of coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are subject to a monitoring and notification program meeting the performance criteria established under subsection (a). The Administrator shall make the list available to the public through publication in the Federal Register and through electronic media. The Administrator shall update the list at least annually.

"(f) EPA IMPLEMENTATION.—After the last day of the 3-year period beginning on the date the Administrator identifies a discrete area of coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are not subject to a monitoring and notification program meeting the performance criteria established under subsection (a), the Administrator shall conduct such a monitoring and notification program for the discrete area using the funds appropriated for grants under subsection (b), including salaries, expenses, and travel. The Administrator's duties under this paragraph shall be limited to the activities that can be performed using such funds.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants to States and local governments under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (f), $30,000,000 for each of fiscal years 2000 through 2004.".

SEC. 5. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(21) COASTAL RECREATION WATERS.—The term 'coastal recreation waters' means the Great Lakes and marine coastal waters, including estuaries, used by the public for swimming, bathing, surfing, or other similar water contact activities.

"(22) FLOATABLE MATERIALS.—The term 'floatable materials' means any foreign matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood products, bottles, and paper products.

"(23) PATHOGEN INDICATORS.—The term 'pathogen indicators' means substances that indicate the potential for human infectious disease.".

SEC. 6. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, and within the succeeding 4-year period and periodically thereafter, the Administrator of the Environmental Protection Agency shall transmit to Congress a report including—

(1) recommendations concerning the need for additional water quality criteria for pathogens and other actions needed to improve the quality of coastal recreation waters;

(2) an evaluation of Federal, State, and local efforts to implement this Act, including the amendments made by this Act; and

(3) recommendations on improvements to methodologies and techniques for monitoring of coastal recreation waters.

(b) COORDINATION.—The Administrator may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for carrying out the provisions of this Act (including amendments made by this Act) for which amounts are not otherwise specifically authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2004.

The CHAIRMAN. If there are no amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

□ 1230

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLILEY) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes, pursuant to House Resolution 145, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. BLILEY). Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill just passed, H.R. 999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT TO MONDAY, APRIL 26, 1999

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 27, 1999

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 26, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, April 27, 1999, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, if the distinguished gentleman from California (Mr. BILBRAY) would be so kind as to provide us with an explanation of next week's schedule.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I am pleased to announce that we have concluded legislative business for this week. There will be no votes tomorrow, Friday, April 23. However, I would like to remind Members that there is a ceremony in the Capitol tomorrow celebrating the 50th anniversary of NATO and all Members are invited.

Of course, we will be releasing our official schedule this afternoon, but I would like to take this opportunity to outline next week's agenda.

The House will meet at 2 p.m. on Monday, April 26, for pro forma, but no legislative business will be held and no votes will be held on that day.

On Tuesday, April 27, the House will meet at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business.

We will consider a number of bills under suspension of the rules, a list of which will be distributed to all Members' offices. Members should note that we expect votes after 2 p.m. on Tuesday.

On Wednesday, April 28 and Thursday April 29, the House will take up H.R. 1480, the Water Resources Development Act; H.R. 833, the Bankruptcy Reform Act of 1999; and a motion to go to conference on H.R. 4, the Missile Defense Act.

Members should also be advised that there may be action next week on the War Powers Resolution introduced by the gentleman from California (Mr. CAMPBELL).

Mr. WISE. Mr. Speaker, reclaiming my time, if the gentleman would be so kind as to continue to respond, does the gentleman anticipate that next week the supplemental appropriation bill providing Kosovo funding will be on the floor?

Mr. BILBRAY. If the gentleman will continue to yield, right now it is in committee and we are hoping that it will be expedited as quickly as possible. We do not have any guarantees at this time, but the committee is assuring us that they will get it to the floor as soon as possible.

Mr. WISE. The gentleman also referred to the Campbell resolution regarding the War Powers Act. Does he anticipate those actually being on the floor next week?

Mr. BILBRAY. We are expecting that it is very possible.

Mr. WISE. Since that is often as good as it gets in a legislative body, I thank the gentleman and wish him a good weekend.

Mr. BILBRAY. Mr. Speaker, if the gentleman will continue to yield, I want to clarify to Members that they should note that we expect to conclude legislative business on Thursday, April 29, and we will not have any votes on Friday, April 30.

We hope this advance notice on scheduling enables Members to adjust their schedules.

Mr. WISE. Actually, the gentleman has kind of sparked something with me. If I could ask, following up on the Campbell resolution, if it is very possible, do we know what day it might be very possible that it would be coming to the floor?

Mr. BILBRAY. We are looking forward to Wednesday or Thursday.

Mr. WISE. I thank the gentleman.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EARTH DAY AND THE GREAT LAKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, this is Earth Day. This is the day when, in the simplest of terms, we are supposed to say smokestacks are bad and trees are good, that cars are bad and bicycles and buses are good. Those of us concerned about the environment, of course, realize that environmental issues have many more facets.

Consider the case of the Great Lakes. It was in October, Mr. Speaker, that many of my colleagues gave unanimous approval to my resolution which called on the President and the other body to act to prevent the sale or diversion of Great Lakes water to foreign countries, businesses, corporations and individuals.

□ 1245

The House, speaking with one voice, asked that procedures be established to guarantee that any sale or diversion of Great Lakes water be fully negotiated and approved by representatives of the Governments of the United States and Canada.

I want to remind our colleagues of this House action because, Mr. Speaker, there is another threat to the Great Lakes, one which is posed by the drilling of oil and gas in and under the waters of our Great Lakes.

Let me take a few moments on this Earth Day to discuss water diversion and drilling in the Great Lakes. First, let me pose these questions: Are we being alarmists? Are diversion and drilling real threats to one of the world's most valuable resources?

Consider, Mr. Speaker, these facts in terms of this potential impact on the

Great Lakes. Seventy percent of the Earth's surface is covered with water, but 97.5 percent of that is sea water. Only 2.5 percent of the surface water is fresh water. And nearly 70 percent of the fresh water is frozen glacial water.

The Great Lakes contains 6 trillion gallons of fresh water, one-fifth of the Earth's fresh water supply. The Great Lakes are home to 40 million people. One-quarter of Canada's population lives in the Great Lakes basin.

The World Bank predicts that by the year 2025, more than 3 billion people in 52 countries will suffer water shortages for drinking or sanitation. More than 300 cities in China right now are experiencing water shortages, and more than 100 are deemed to be in a condition of acute water scarcity. Citizens of the United States and Canada use and consume more than 100 gallons of water per day per person. The global water demand is doubling every 21 years. Eighty percent of all fresh water is used for agricultural purposes.

I would like to thank the Buffalo News for many of these facts, Mr. Speaker. I present them as random facts because, like pieces of a puzzle, they must be analyzed and arranged to see their importance.

The World Bank has studied this puzzle, and I call the attention of my colleagues to a quote from a World Bank report, which the Buffalo News used as the jump lead in a March 1999 story. The World Bank report predicted, "Wars of the next century will be fought over water."

Are we really be willing alarmists? A company in Sault St. Marie, Ontario, just one company, was given a permit to take up to 2.6 million gallons per day of water for the next 5 years. I was joined by members of the Ontario parliament and the New Democratic Party in bringing public attention to this permit, which was then revoked by the Ontario government.

But all fresh water will increasingly be eyed as a potential commodity on the world market.

A Vancouver-based company, Global Water Corporation, has an agreement with the Alaskan community of Sitka to take water from a lake and ship it by tanker to China. The deal allows Global to take up to 5 billion gallons a year for 30 years.

Now, I have spoken of just two companies. We know the market is there. We can easily see the overhead is minimal, the market is expanding, and the potential number of speculators and potential shippers is unlimited.

Let me say that one more time, Mr. Speaker, that although I have mentioned China twice in my remarks, I am not attempting to invoke it as a threat to our own security. China is merely a customer who is in need of water now. The world, the entire world, will be eyeing our natural resources in the Great Lakes.

As of today, the sale and diversion of Great Lakes water and all fresh water from North America remains unresolved. Following the House vote on my resolution, the U.S. and Canada have asked the international Joint Commission to study the issue of water diversion along the entire border from Alaska to the St. Lawrence River. Their preliminary report on diversion should be ready in about 5 months. A final report on our joint water resources should be done early next year.

In the meantime, it is the policy of my home State of Michigan to press for drilling of oil and gas under the Great Lakes. Canada allows gas drilling directly in the Great Lakes. Proponents of oil drilling in the Great Lakes say the risk is minimal, small, tiny.

I say tiny is too big. A gallon of oil spilled in Lake Superior would take 999 years to be cleared out by natural flow; Lake Michigan, 99 years; Lake Huron, 60 years.

So if my colleagues want to play Russian roulette, Mr. Speaker, how many barrels on their gun would they be comfortable with? 100,000? One million?

I wish my colleagues in the Nation a happy Earth Day, and I ask them to consider my legislation to protect this valuable resource.

ARMENIAN GENOCIDE OF 1915–1923

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today, as my colleagues and I do every year at this time, in a proud but solemn tradition to remember and pay tribute to the victims of one of history's worst crimes against humanity, the Armenian Genocide of 1915 to 1923.

The issue of genocide has been forced onto our conscience and consciousness at the end of the 20th century by the tragic events in Kosovo. The ugly term "ethnic cleansing" has become a frequently heard expression. Indeed, one of the major rationales for the current NATO campaign has been to prevent the 20th century, which began with genocide, from ending with genocide.

Comparisons can serve a useful and instructive role, but it is important at the same time to remember the uniqueness of an event such as the Armenian Genocide, one of the most horrible events of the 20th century and in all human history. Yet many, perhaps most Americans, and most people around the world are barely aware of this extremely significant historical event.

Even more troubling than ignorance or indifference is the phenomenon of denial. Yes, just as with the obscene efforts to deny the Nazi Holocaust, there are actually people who try to deny that the Armenian Genocide ever happened. And we must meet these denials, these so-called revisionist claims, head on with the truth. The Armenian Genocide did happen.

The Armenian Genocide was the systematic extermination of one-and-a-half million Armenian men, women, and children during the final years of the Ottoman Turkish Empire. This was the first genocide of the 20th century, but sadly not the last.

Saturday, April 24, will mark the 84th anniversary of the unleashing of the Armenian Genocide. And Armenian-Americans throughout the United States, and people of conscience everywhere are commemorating this event in various ways. The commemoration that I will participate in will be held on Sunday afternoon in Times Square in New York City. And there will be commemorations in my home State of New Jersey, around the country, and around the world.

The ANCA and the Armenian Assembly of America have both been in the forefront of calling for recognition of the genocide not just for the people of Armenian descent but for all of us as an act of education and witness about the evils of genocide and the danger of forgetting.

Yet, Mr. Speaker, I regret to say that the United States still does not officially recognize the Armenian Genocide. Bowing to strong pressure from Turkey, the U.S. State Department has for more than 15 years shied away from referring to the events of 1915 through 1923 by the word "genocide." President Clinton and his recent predecessors have annually issued proclamations on the anniversary of the genocide but always stopped short of using the word "genocide," thus minimizing and not accurately conveying what really happened.

In an effort to address this lapse in our own Nation's record, a bipartisan coalition of Members of Congress will be working to enact legislation affirming the U.S. record on the Armenian Genocide.

Expected to be introduced by the gentleman from California (Mr. RADONOVICH) and the gentleman from Michigan (Mr. BONIOR), our Democratic whip, the legislation calls on the President to collect all U.S. records on the genocide and to provide them to the House Committee on International Relations, the U.S. Holocaust Memorial Museum, and the Armenian Genocide Museum in Yerevan.

I have to say, Mr. Speaker, that the U.S. should go clearly on record and unambiguously recognize the Armenian Genocide and set aside April 24 as a day of remembrance.

It is also nothing short of a crime against memory and human decency in my opinion, Mr. Speaker, that the Republic of Turkey denies that the genocide ever took place and has even mounted an aggressive effort to try to present an alternative and false version of history, using its extensive financial and lobbying resources in this country. The Turkish Government has embarked on a strategy of endowing Turkish studies programs at various universities around the U.S., including a program at Princeton University in my home State of New Jersey.

Mr. Speaker, for nearly a decade, the solemn remembrance of the tragedy of the genocide has been alleviated somewhat about the remarkable progress made by the Republics of Armenia and Nagorno-Karabakh.

Among the international dignitaries coming to Washington this weekend to take part in the NATO summit will be President Kocharian of the Republic of Armenia. President Kocharian will also address Members of Congress next Tuesday in this Capitol Building. He will take time out from the NATO activities on Saturday to lay a wreath at the tomb of President Woodrow Wilson, whose administration recognized that what was happening to the Armenian people under the Ottoman Empire during and after World War I represented a unique kind of evil, and President Wilson tried to at least somewhat alleviate the suffering.

It is interesting that President Kocharian will be here as NATO is involved in a campaign against atrocities being committed against a civilian population. Back in the time of the Armenian Genocide, when Armenians were being murdered and deported and all record of the Armenian presence was erased, there was no Western alliance of democracies committed to stopping aggression, brutality, and genocide. Do we wish that there had been then?

Mr. Speaker, in conclusion, let me just say I know that the Armenian Genocide is a painful subject to discuss. Yet we must never forget what happened and never cease speaking out.

ACADEMIC EXCELLENCE AND ENVIRONMENTAL SCIENCES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, today is Earth Day. I chose to commemorate Earth Day by introducing the Academic Excellence and Environmental Sciences Act. My bill seeks to encourage academic rigor in scientific education by beginning at the lower grades through the study of the environmental sciences and the use of hands-on recycling.

This, of course, is the year of the reauthorization of the Elementary and Secondary Education Act, and I hope that my bill will be included in the act. I have two goals here. The first comes from what I understand to be the difficulty of imparting and explaining scientific ideas and concepts, some of them fairly abstract, to elementary schoolchildren.

As a result of this difficulty, in the elementary grades, children are often relegated to "play science." This "play science" not only does not prepare them for science; it turns them off of science.

Secondly, I believe that hands-on recycling will help children learn at an early age habits that conserve our resources at the same time that it will help concretize their interest in science and their understanding of science. By the time many youngsters are exposed to science in high schools, large numbers of them have lost interest or are simply unready for the rigors that are necessary to become proficient.

We are suffering from starting too late to interest children in science. We are suffering because of the reduced pool of scientists and scientific experts.

Increasingly, many of our seats in colleges and universities are filled by young people from abroad, coming here to study science because we have the best science in the world. Part of the impetus for my bill comes from my experience in recruiting my own D.C. youngsters to the military academies.

I am pressing my own school system, the D.C. public schools, to begin science and math at earlier years so that children retain their interest in science and get prepared for the rigors of the military academies.

Although the major emphasis of my bill is scientific education for young children, I also hope to encourage recycling approaches. I believe that recycling techniques involving children—saving papers and crushing cans and talking about where these materials come from and why they degrade, etc.—will help concretize the underlying scientific ideas.

I also think children are the best messengers for recycling and for the environment. They are the real environmentalists in this society. If we want scientists, we had better get them before they get turned off and we had better learn that we must not begin in junior high school; we should begin much earlier than that or else they are off to computer games or cable or other interests.

We must begin at the beginning. The beginning is at the lower grade level. We must start there if we mean to groom scientists. We cannot start grooming when they already have other interests. We want it started young, as well, because these young people can help us conserve our own resources by learning about recycling early and teaching us how to do it and why it is so necessary.

□ 1300

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 1480, WATER RESOURCES DEVELOPMENT ACT OF 1999

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, this is to notify Members of the House that the Committee on Rules is planning to meet the week of April 26 to grant a rule which may limit the amendment process on H.R. 1480, the Water Resources Development Act of 1999.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 5 p.m. on Tuesday, April 27, to the Committee on Rules room, which is H-312 right here in the Capitol.

Amendments should be drafted to the text of the bill, as reported by the Committee on Transportation and Infrastructure.

Mr. Speaker, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KASICH (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for Thursday, April 22, 1999, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. BILBRAY) to revise and extend their remarks and include extraneous material:)

Mr. DEMINT, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. OSE, for 5 minutes each day, on April 27 and 28.

Mr. GOSS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. PEASE, for 5 minutes, on April 27.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 531. An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, April 26, 1999, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1688. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Standards: Market Risk (RIN: 3064–AC14) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1689. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Collateral Eligible to Secure Federal Home Loan Bank Advances [No. 99–20] (RIN: 3069–AA77) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1690. A letter from the Assistant to the Board, Division of Consumer and Community Affairs, Federal Reserve Board, transmitting the Board's final rule—Consumer Leasing [Regulation M; Docket No. R–1028] received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1691. A letter from the Assistant to the Board, Division of Consumer and Community Affairs, Federal Reserve Board, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R–1029] received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1692. A letter from the Assistant to the Board, Policy Development, Federal Reserve Board of Governors, transmitting the Board's final rule—Risk-Based Capital Standards: Market Risk [Regulations H and Y; Docket No. R–0996] received April 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1693. A letter from the Assistant General Counsel Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Gaining Early Awareness and Readiness for Undergraduate Programs (RIN: 1840–AC59) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1694. A letter from the Assistant General Counsel for Regulations, Office of Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Year (FY) 1999 under the Native Hawaiian Curriculum Development, Teacher Training, and Recruitment Program—April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1695. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wasilla, Anchorage and Sterling, Alaska) [MM Docket No. 97–227, RM–9159, RM–9229, RM–9230] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1696. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Condon, Oregon) [MM Docket No. 98–173, RM–9361] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1697. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Palestine and Frankston, Texas) [MM Docket No. 98–37, RM–9238] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1698. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hawesville and Whitesville, Kentucky) [MM Docket No. 98–2, RM–9217] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1699. A letter from the Director, Regulation Policy and Management Staff, Food and Drug Administration, transmitting the Administrations' final rule—Medical Devices; Retention in Class III and Effective Date of Requirement for Premarket Approval for Three Preamendment Class III Devices [Docket No. 98N–0405] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1700. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Elimination of Reporting Requirement and 30–Day Hold in Loading Spent Fuel After Preoperational Testing of Independent Spent Fuel Storage or Monitored Retrievable Storage Installations (RIN: 3150–AG02) received April 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1701. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Orlando, Florida, Appropriated Fund Wage Area (RIN: 3206–AI04) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1702. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Redefinition of the Orlando, Florida, Appropriated Fund Wage Area (RIN: 3206–AI13) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1703. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Preparation of Rolls of Indians (RIN: 1076–AD89) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1704. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Swordfish Fishery; Dealer Permitting and Import Documentation Requirements [Docket No. 970829218–9064–03; I.D. 080597E] (RIN: 0648–AK39) received April 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1705. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon, OR, to Point Pitas, CA [Docket No. 980429110–8110–01; I.D. 032499B] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1706. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Cape Fear River, Wilmington, North Carolina [CGD 05–98–106] (RIN: 2115–AE46) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1707. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; City of Augusta, GA [CGD07–98–068] (RIN: 2115–AE46) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1708. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10 (Military) Airplanes [Docket No. 98–NM–197–AD; Amendment 39–11131; AD 99–08–22] (RIN: 2120–AA64) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1709. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Puritan-BENNETT Aero Systems Company C351–2000 Series Passenger Oxygen Masks and Portable Oxygen Masks [Docket No. 98–CE–29–AD; Amendment 39–11130; AD 99–08–21] (RIN: 2120–AA64) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1710. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes [Docket No. 96–CE–60–AD; Amendment 39–11129; AD 97–15–13 R2] (RIN: 2120–AA64) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1711. A letter from the Chief, Regulations Unit, Customs Service, transmitting the Service's final rule—Withdrawal of International Airport Designation of Akron Fulton Airport [T.D. 99–40] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. Rogan):

H.R. 1520. A bill to amend the Immigration and Nationality Act to give priority, in the allotment of immigrant visas to unmarried sons and daughters of citizens, to an alien who attains the age of 21 after the date on which a petition to classify the alien is filed, and for other purposes; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 1521. A bill to preserve and protect archaeological sites and historical resources of the central Mississippi Valley through the establishment of the Mississippi Valley National Historical Park as a unit of the National Park System on former Eaker Air Force Base in Blytheville, Arkansas; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH (for herself, Mr. Hill of Montana, Mr. Herger, and Mr. Doolittle):

H.R. 1522. A bill to safeguard communities, lives, and property from catastrophic wildfire by authorizing contracts to reduce hazardous fuels buildups on forested Federal lands in wildland/urban interface areas while also using such contracts to undertake forest management projects to protect noncommodity resources, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH (for herself, Mr. Young of Alaska, Mr. Duncan, Mr. Schaffer, Mr. Hill of Montana, Mr. Doolittle, Mr. Radanovich, Mr. Herger, Mr. Pombo, Mr. Peterson of Pennsylvania, Mr. Walden of Oregon, Mrs. Cubin, Mr. Taylor of North Carolina, Mr. Simpson, and Mr. Nethercutt):

H.R. 1523. A bill to establish mandatory procedures to be followed by the Forest Service and the Bureau of Land Management in advance of the permanent closure of any forest road so as to ensure local public participation in the decisionmaking process; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH (for herself, Mr. Herger, and Mr. Doolittle):

H.R. 1524. A bill to authorize the continued use on public lands of the expedited processes successfully used for windstorm-damaged national forests and grasslands in Texas; to the Committee on Resources.

By Mr. KLECZKA (for himself, Mr. Houghton, Mr. Stark, Mrs. Johnson of Connecticut, Mr. Matsui, Mr. English, Mr. Levin, Mr. Weller, Mr. Coyne, Mr. Foley, Mr. McDermott, Mr. Lewis of Georgia, Mr. Boehlert, Mr. Evans, Mr. King, Mr. Barrett of Wisconsin, Mr. Quinn, and Mr. Forbes):

H.R. 1525. A bill to amend the Internal Revenue Code of 1986 to provide simplified criteria, in lieu of the common law rules, for determining whether an individual is an employee or an independent contractor and to limit retroactive employment tax reclassifications; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself and Mrs. Capps):

H.R. 1526. A bill to promote the international competitiveness of the United States commercial space industry, to ensure access to space for the Federal Government and the private sector, and to minimize the opportunities for the transfer to other nations of critical satellite technologies; to the Committee on Science.

By Mr. BROWN of California (for himself, Mr. Gordon, Mr. Costello, Ms. Eddie Bernice Johnson of Texas, Ms. Rivers, Ms. Jackson-Lee of Texas, Ms. Stabenow, Mr. Lampson, Mr. Udall of Colorado, Mr. Wu, Mr. Weiner, Mr. Capuano, Mr. Etheridge, and Mr. Barcia):

H.R. 1527. A bill to provide funding for the academic programs of the National Aeronautics and Space Administration; to the Committee on Science.

By Mrs. CUBIN (for herself, Mr. Young of Alaska, Mr. Rahall, Mr. Gibbons, Mr. Tancredo, and Mr. Udall of Colorado):

H.R. 1528. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Resources.

By Mr. ENGLISH (for himself, Mr. Coyne, Mr. Weldon of Pennsylvania, Mr. Brady of Pennsylvania, Mr. Peterson of Pennsylvania, Mr. Borski, Mr. Gekas, Mr. Doyle, Mr. Goodling, Mr. Fattah, Mr. Greenwood, Mr. Hoeffel, Mr. Pitts, Mr. Holden, Mr. Sherwood, Mr. Kanjorski, Mr. Shuster, Mr. Klink, Mr. Murtha, Mr. Toomey, and Mr. Mascara):

H.R. 1529. A bill to require the Secretary of Health and Human Services to modify the treatment of certain patient days for purposes of determining the amount of disproportionate share adjustment payments to hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 1530. A bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning on private forest land, and for other purposes; to the Committee on Agriculture.

By Mr. FROST:

H.R. 1531. A bill to ensure safety in public schools by increasing police presence; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 1532. A bill to strengthen warning labels on smokeless tobacco products; to the Committee on Commerce.

By Mr. MOORE (for himself and Mr. Young of Alaska):

H.R. 1533. A bill to compensate the Wyandotte Tribe of Oklahoma for the taking of certain rights by the Federal Government, and for other purposes; to the Committee on Resources.

By Ms. NORTON:

H.R. 1534. A bill to amend title VI of the Elementary and Secondary Education Act of 1965 to include programs that encourage academic rigor in scientific education in elementary schools; to the Committee on Education and the Workforce.

By Mr. PETERSON of Minnesota (for himself, Mr. Holden, Mr. McHugh, Mr. Boehlert, Mr. Bishop, Mr. Condit, Mr. Kind, Ms. Baldwin, Mr. Gutknecht, Ms. Kaptur, Mr. Pastor, Mr. Calvert; Mrs. Emerson, Mr. Thune, Mr. Stenholm, Mr. Obey, Mr. Watkins, Mr. Wise, Mr. Baldacci, Mr. Shows, and Mr. Clement):

H.R. 1535. A bill to extend the milk price support program through 2002 at the rate in effect for 1999; to the Committee on Agriculture.

By Mr. POMEROY (for himself, Mr. Thune, Mr. Minge, and Mr. Boswell):

H.R. 1536. A bill to amend the Federal Crop Insurance Act to encourage the broadest possible participation of producers in the Federal crop insurance program and to ensure the continued availability of affordable crop insurance for producers; to the Committee on Agriculture.

By Mr. QUINN:

H.R. 1537. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide for the development and use of brownfields, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGAN (for himself, Mr. Souder, Mr. Pitts, Ms. Granger, Mr. Wamp, Mr. McIntosh, and Mr. Tiahrt):

H.R. 1538. A bill to provide flexibility to certain local educational agencies that develop voluntary public and private parental choice programs under title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA (for herself and Mr. Vento):

H.R. 1539. A bill to repeal the stock loan limit in the Federal Reserve Act; to the Committee on Banking and Financial Services.

By Mr. SAXTON:

H.R. 1540. A bill to reform the Exchange Stabilization Fund; to the Committee on Banking and Financial Services.

H.R. 1541. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for business meals and entertainment; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1542. A bill to amend title XVIII of the Social Security Act to provide for screening retinal eye examinations under the Medicare Program for individuals diagnosed with diabetes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mrs. Thurman, Mr. Shays, Mr. Weygand, Mr. Lewis of Georgia, Ms. DeGette, Mr. Brown of Ohio, Mr. Crowley, Mr.

CLEMENT, Mr. LAMPSON, Mr. RODRIGUEZ, Mr. GREEN of Texas, and Mr. PAUL):

H.R. 1543. A bill to amend title XVIII of the Social Security Act to combat fraud and abuse under the Medicare Program with respect to partial hospitalization services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1544. A bill to require the Secretary of Health and Human Services to establish a demonstration project to provide Medicare beneficiaries greater information with respect to various courses of treatment for certain diseases or injuries to enable the beneficiaries to make more informed decisions when selecting a course of treatment for the disease or injury; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 1545. A bill to amend title XXI of the Social Security Act to provide for improved data collection and evaluations of State Children's Health Insurance Programs, and for other purposes; to the Committee on Commerce.

By Mr. THOMAS:

H.R. 1546. A bill to amend the Internal Revenue Code of 1986 to provide increased retirement savings opportunities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 1547. A bill to amend title 10, United States Code, to make certain improvements with respect to the TRICARE program; to the Committee on Armed Services.

By Mr. TRAFICANT:

H.R. 1548. A bill to provide for a 3-judge division of the court to determine whether cases alleging breach of secret Government contracts should be tried in court; to the Committee on the Judiciary.

By Mr. VISCLOSKY (for himself, Mr. TOWNS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. GEJDENSON, Ms. NORTON, Mr. OWENS, Mr. BONIOR, Mr. LIPINSKI, Mr. TRAFICANT, Ms. MCKINNEY, Mr. BENTSEN, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. EVANS, Mr. QUINN, Mr. KUCINICH, Mrs. CLAYTON, Mr. DAVIS of Florida, Ms. DELAURO, Mr. ANDREWS, Mr. LEWIS of Georgia, Mr. DEFAZIO, Ms. DANNER, Mrs. LOWEY, Mr. STARK, Mr. BLUMENAUER, Mr. MATSUI, Mr. DAVIS of Illinois, Mr. FILNER, Mr. KLINK, Mr. MINGE, Mr. HILL of Indiana, Ms. CARSON, and Ms. HOOLEY of Oregon):

H.R. 1549. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in that Fund to carry out projects to restore and recover waters of the United States from damages resulting from violations of that Act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FARR of California (for himself, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. WALSH, Mr. BLUMENAUER, Mr. GILCHREST, Ms. PELOSI, and Mr. VISCLOSKY):

H. Res. 146. A resolution providing for the mandatory implementation of the Office Waste Recycling Program in the House of Representatives; to the Committee on House Administration.

By Mr. STARK:

H. Res. 147. A resolution supporting the goals and ideas and commending the organizers of "Children's Memorial Day"; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. PITTS, Mr. JENKINS, and Mr. ADERHOLT.

H.R. 135: Mr. FILNER, Mr. SHOWS, Mr. RODRIGUEZ, Mr. SANDERS, Ms. BROWN of Florida, Mr. HILL of Indiana, and Mr. MCHUGH.

H.R. 205: Mr. GILMAN.

H.R. 240: Mr. VENTO.

H.R. 248: Mr. FOLEY.

H.R. 351: Mr. CONDIT, Mr. HINOJOSA, and Mr. FORBES.

H.R. 358: Mr. DEFAZIO.

H.R. 425: Mrs. LOWEY, Mr. WAXMAN, Mr. LUTHER, Mr. MOAKLEY, and Mr. LEWIS of Georgia.

H.R. 530: Mr. ISAKSON.

H.R. 576: Mr. BONIOR.

H.R. 617: Mr. FROST and Ms. BALDWIN.

H.R. 632: Ms. BERKLEY and Mr. SCARBOROUGH.

H.R. 716: Mr. FLETCHER.

H.R. 721: Mr. TIERNEY, Ms. LEE, and Mr. GOODE.

H.R. 725: Mrs. CAPPS.

H.R. 775: Mr. MORAN of Kansas, Mr. LAHOOD, Mr. THORNBERRY, Mr. WOLF, Mr. BEREUTER, Mrs. NORTHUP, Mr. BALLENGER, Mr. HILL of Montana, Mr. LARGENT, Mr. ROHRABACHER, and Mr. GARY MILLER of California.

H.R. 797: Mr. HASTINGS of Florida.

H.R. 828: Mr. SHIMKUS.

H.R. 872: Mr. LANTOS.

H.R. 876: Mr. NETHERCUTT and Mr. TALENT.

H.R. 883: Mr. WHITFIELD, Mr. GREEN of Wisconsin, Mr. BALLENGER, and Mr. COBLE.

H.R. 997: Mr. ISAKSON, Mr. PASCRELL, Ms. ESHOO, Mrs. BIGGERT, Mrs. MINK of Hawaii, Mr. WOLF, Mr. PHELPS, Mr. GILLMOR, Mr. TIERNEY, and Mr. INSLEE.

H.R. 1041: Mr. FRANKS of New Jersey.

H.R. 1109: Mr. MEEKS of New York and Mr. FILNER.

H.R. 1111: Mr. HEFLEY.

H.R. 1130: Mr. KING.

H.R. 1183: Mr. GARY MILLER of California, Mr. CALVERT, Mr. EHLERS, Mr. GUTKNECHT, Mr. SHIMKUS, Mr. MANZULLO, and Mr. PASTOR.

H.R. 1221: Mr. COSTELLO, Mrs. MINK of Hawaii, Mr. WOLF, Ms. ROYBAL-ALLARD, Mr. PALLONE, and Mrs. NORTHUP.

H.R. 1261: Mr. WHITFIELD and Mr. FORBES.

H.R. 1265: Mr. CROWLEY, Mr. WU, Mr. OLVER, Mr. CAPUANO, and Mr. PASTOR.

H.R. 1278: Mr. LAHOOD and Mr. BISHOP.

H.R. 1301: Mr. STENHOLM, Mr. BOEHLERT, Mr. JOHN, and Mr. FOLEY.

H.R. 1309: Ms. MILLENDER-MCDONALD.

H.R. 1342: Mr. BARRETT of Wisconsin, Mr. HINOJOSA, and Mrs. TAUSCHER.

H.R. 1368: Mr. BEREUTER, Mr. MANZULLO, and Mr. ARMEY.

H.R. 1408: Mr. PASTOR.

H.R. 1467: Mr. BURTON of Indiana.

H.R. 1491: Mr. LIPINSKI, Mr. MCNULTY, Mr. PASCRELL, Mr. HINCHEY, Mr. BROWN of Ohio, Mr. FROST, Mr. MCDERMOTT, Mr. SHOWS, and Mr. BERMAN.

H.J. Res. 44: Mr. BARR of Georgia.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 2, April 20, 1999, by Mr. CAMPBELL on H. Res. 126, was signed by the following Member: Tom Campbell.

EXTENSIONS OF REMARKS

YEAR 2000 ACT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. BARCIA. Mr. Speaker, I rise today to introduce the Year 2000 Act. Everyone in this House is aware of the Year 2000 computer problem and the federal government's effort to fix its computer systems. The Subcommittee on Technology, of which I am the Ranking Member, has taken the lead in holding hearings on the Y2K issue. We have spent a lot of time reviewing Federal efforts and promoting companies sharing information on the Y2K problem. However, there are several gaps in our Y2K efforts, the intent of this legislation is to fill in these gaps. This bill has six very specific goals: (1) to raise consumer awareness and to create a consumer Y2K checklist; (2) to raise small and medium-sized businesses Y2K awareness and create a Y2K self-assessment checklist for the Nation's small and medium-sized companies: (3) to ensure that Federal agencies have worked with outside entities to ensure that all date sensitive data exchanges are Year 2000 compliant; (4) require a report to Congress on the economic implications to the United States of the global Y2K problem; (5) raise Y2K awareness in the health care sector and disseminate a list of Y2K compliant biomedical devices and other health care equipment that could lead to life threatening situations due to a Y2K related failure; and (6) raise Y2K awareness in the water utility sector and disseminate a list of Y2K compliant products and equipment used in key elements of the water utility sector.

With this information in hand, I believe that the public and Congress will be able to make the right decisions and avoid the panic which is so often predicted in articles about the Y2K computer crisis.

During the Subcommittee on Technology's hearing on the Y2K issue, I have constantly been struck by the lack of specific information on the exact nature and magnitude of the problem. Other than federal agencies, witnesses have been able to provide little more than anecdotal evidence and generalities. However, there is agreement that computer hardware and software, as well as embedded microchips found in many consumer products could possibly fail as a result of the Year 2000 computer problem. In talking with my constituents, I find that they are generally aware of the problem, but do not know how it impacts them nor do they know what specific actions they can take to minimize the impact of the Y2K problem in their lives. This bill requires the Undersecretary for Technology at the Department of Commerce to develop a Year 2000 self-assessment checklist for consumers; provide a resource center for consumers of all federal government Year 2000 computer problem resources; a listing of all GSA approved Year 2000 compliant products; and conduct a series of public awareness announcements and seminars on the impact of the Y2K problem on consumer products and services. These goals are consistent with the recommendations made by witnesses who have appeared before the Subcommittee on Technology.

The situation facing small and medium-sized businesses mirrors that of consumers. The Nation's more than 381,000 small- and medium-sized manufacturers contribute more than half of the country's total value in manufacturing. However, as of 1998, 75 percent of all companies with fewer than 2000 employees had not yet started Year 2000 remediation projects.

Small and medium-sized companies are an integral part of the business supply chain. Increasingly, they rely on computers for their manufacturing operations, for accounting and billing practices, and to meet just-in-time order and delivery concepts. To assist our small- and medium-sized manufacturers meet the Y2K challenge, this bill requires that the National Institute of Standards and Technology and highly successful Manufacturing Extension Partnership program to work with the Small Business Administration to define the Year 2000 problem and develop best practices to attack the problem, develop a Year 2000 self-assessment checklist, and list all federal government Y2K resources including the General Services listing of approved Y2K compliant products.

Federal agencies make thousands of date sensitive data exchanges on a daily basis. These data exchanges include social security information, Medicare, information related to the air traffic control system, financial transactions, and the list goes on and on. Consequently, as federal computer systems are converted to process year 2000 dates, the associated data exchanges must also be made Year 2000 compliant. The testing and implementation of Year 2000 compliant data exchanges must be closely coordinated with exchange partners. Agencies must not only test its own software, but effective testing includes end-to-end testing, and agreed upon date formats with all exchange partners. If these Year 2000 data exchanges do not function properly, data will not be exchanges between systems or invalid data could cause receiving computer systems to malfunction. In other words, regardless of federal efforts to fix its own computer systems, unless their data exchange partners have Y2K compliant systems the computer network as a whole will fail. A recent GAO report "Year 2000 Computing Crisis: Actions Needed on Electronic Data Exchanges" found that federal agencies had made little progress in addressing this data exchange issue. The GAO made specific recommendations for federal government actions. This legislation is based on the GAO's recommendations and would help ensure that federal agencies address the data exchange issue fully. The legislation requires agencies to establish a test schedule with data exchange partners, notify exchange partners of the implications and consequences of non-compliance; develop contingency plans and report to Congress quarterly on their progress.

The bill also requires Secretary of Commerce to report to Congress on the international implications of the Y2K problem and its potential impact on the U.S. economy. Again, we lack specific information on how other countries are addressing the Y2K issue. However, the international implications are profound, disruptions in international financial services, international air travel, international telecommunications, and international commercial transactions to name a few. However, it is nearly impossible to make contingency plans in the face of little and inadequate information. And as I mentioned earlier, it is the lack of information that leads to panic and uncertainty. I believe that such an international assessment could be a guide post for federal and private sector actions.

The Senate Committee on the Year 2000 recently released their report on the extent of the Y2K problem. In that report was a sectoral analysis that specifically recognized the significant potential for Y2K problems within the health care and water utility sectors. In an effort to address these findings, this legislation requires the development of a Y2K self-assessment checklist, an explanation of the problem and identification of best practices for resolution, and a list of Federal Government Y2K computer problem information resources for each sector.

Additionally, this bill requires the Food and Drug Administration, in consultation with the Veterans' Administration, to develop a list of biomedical devices and other products used by health care providers that are both Y2K compliant and or could lead to life-threatening situations due to a Y2K related failure. Also included will be an indication of whether the Year 2000 compliance of such equipment has been independently verified. Similarly, the Environmental Protection Agency is required to list the Y2K compliant products and equipment used in key elements of the water utility sector, including whether the Y2K compliance of these products has been independently verified.

In closing, this legislation is one of many important issues that need to be addressed. Nevertheless, I believe the most important element of any Y2K strategy is informing consumers and medium-sized businesses on how the Year 2000 computer problem could affect them. The public, as well as those sectors particularly sensitive to Y2K problems, need to know what questions to ask and how to determine their Y2K readiness. I am confident this legislation provides the necessary framework to accomplish this and I urge its swift passage.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A TRIBUTE TO PARK SLOPE NEIGHBORHOOD FAMILY CENTER

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Park Slope Neighborhood Family Center on the occasion of its Annual Dinner Dance.

This event is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who embody the spirit of community service. This year's honorees truly represent the best of what our community has to offer.

The Park Slope Neighborhood Family Center (PSNFC) is home to five community organizations serving thousands of south Brooklyn residents. PSNFC was founded in 1983 by a small group of neighborhood residents in response to the need for safe, affordable space shared by local community organizations. By placing a variety of social service programs under one roof, PSNFC encourages the creation of innovative intergovernmental and multicultural programming while answering the interrelated needs of many agency clients.

Martin Gomez serves as the Executive Director of the Brooklyn Public Library, the nation's fifth-largest library system. He is an elected member of the American Library Association Executive Board and a board member of the Metropolitan New York Library Council. He established the Library's first foundation board to raise private funds for library programs and was instrumental in creating an online wide-area network providing free public access to the Internet at Brooklyn's 60 public libraries. With a lifelong commitment to encouraging diversity in libraries, Martin has designed programs for the California Literacy Campaign and its Minority Services Recruitment and Scholarship program.

Tupper Thomas serves as the administrator of Prospect Park where she is responsible for the ongoing operation of the park. In addition to overseeing the ongoing restoration of Prospect Park, Tupper Thomas has been instrumental in increasing the park's usership through special events, public information and outreach programs. Tupper Thomas also serves as the president of the Prospect Park Alliance, an organization dedicated to funding activities and services for park visitors, landscape projects, and selected capital projects.

Judith D. Zuk serves as the president and chief executive officer of the Brooklyn Botanic Garden. An horticulturist with experience as an educator, researcher, and administrator, she heads one of America's preeminent public grandens. With members in every State and 52 foreign countries, the Brooklyn Botanic Garden attracts 800,000 visitors annually. She is active in a number of professional and civic organizations and serves as the chairman of the Cultural Institutions Group. Judith also serves on the boards of the Brooklyn Chamber of Commerce, Chase Manhattan Regional Advisory Board, Greenwood Cemetery, New York City Street Tree Consortium, and the New York City Water Conservation District.

All of today's honorees have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by the Park Slope Neighborhood Family Center.

PARTIAL HOSPITALIZATION SERVICES IN INTEGRITY ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STARK. Mr. Speaker, my colleagues and I are proud to introduce the "Partial Hospitalization Services Integrity Act of 1999" that will enact much-needed reforms to Medicare's partial hospitalization benefit.

Partial hospitalization is an important component of Medicare. In-patient hospitalization for psychiatric treatment is expensive and disruptive to the person's life. Therefore, Congress created partial hospitalization as a cost-effective alternative for treating seniors with acute psychological disorders. The program allows them to live at home and receive intensive treatment.

Unfortunately, many dishonest individuals have abused the partial hospitalization program and defrauded the government of millions of dollars. On October 5, 1998, the Department of Health and Human Services Office of Inspector General issued a report that exposed egregious waste, fraud, and abuse by many partial hospitalization providers. The report quickly gained national attention. Later that evening, NBC News featured the report in their "Fleecing of America" segment.

The results of that audit represent a clear case of greed and fraud committed by dishonest mental health care providers. For example, the total program costs increased by approximately 482 percent between 1993 and 1997, from $15 to $349 million per year! More distressing is the fact that much of this was squandered on unreasonable and unnecessary services, given to people who were not eligible, and provided by organization that were not certified to provide the services.

The bill that I am introducing will correct the conditions that lead to the abuse of the program. The Partial Hospitalization Services Integrity Act of 1999 clarifies the current definition of the organizations that can provide partial hospitalization services and includes clear civil monetary penalties for fraudulent claims. The legislation represents a broad consensus of interested parties that include the Administration, representatives of qualified partial hospitalization providers, and patient advocates.

It is time to act quickly and decisively to preserve a valuable service and to stop the waste, fraud, and abuse perpetrated by unscrupulous operators.

HONORING ALL THE PEOPLE WHO OFFERED ASSISTANCE DURING THE AMTRAK TRAIN TRAGEDY IN BOURBONNAIS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor Kankakee County Sheriff Tim Bukowski; Bourbonnais Mayor, Grover Brooks; Bourbonnais Police Chief, Joseph Beard, Bourbonnais Fire Chief, Mike Harshbarger; employees of Riverside Medical Center; employees of Provena St. Mary's Hospital; paid and volunteer firefighters and emergency personnel; employees of Birmingham Steel; employees of Farm & Fleet; all policemen and firemen in Kankakee County; as well as all those who reside in the Kankakee River Valley for their acts of heroism during the recent Amtrak train tragedy in Bourbonnais.

The Village of Bourbonnais is known as the "Village of Friendship". The Village as well as the entire Kankakee River Valley has proven worthy of the title. Both local and national news accounts were filled with stories of heroism and acts of kindness. The world was watching and Bourbonnais arose to the occasion. People of all ages rose to the occasion. Half a million pennies collected by Kankakee County school children during the past year even helped save lives. The pennies were recently used to purchase a night vision camera which was used to help see in the night through the fumes and smoke from the wreckage.

I have been told of small acts of kindness throughout the Kankakee River Valley. Anyone who took part in the rescue effort would not be allowed to pay for their own meals in any area restaurant. Food, clothing, and toy donations poured into the local hospitals for over 8 hours. Offers of assistance came from all surrounding communities and counties. Even local teenagers donated blood to the Red Cross.

The Village of Bourbonnais was incorporated in 1875, nearly two centuries after French explorer Cavalier de La Salle established contact with the Potawatomi Indians who lived there. According to Village history, the town takes its name for an early pioneer, Francois Bourbonnais, Sr., a French-Canadian Fur trapper who set up a trading post in 1830. Today, Bourbonnais is a growing community and was named by Reader's Digest as one of the best communities in the United States in which to raise a family.

Mr. Speaker, I urge this body to identify and recognize other towns and villages in their own districts whose actions have so greatly proven to be a community which works together during both good and bad times.

AND THE WINNER IS, ANGELIN BASKARIN

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. LAMPSON. Mr. Speaker, while our nation continues to grieve over the school tragedy in Littleton, Colo., I'd like to turn our attention for a moment to a middle school student from Galveston, Texas, who is already making contributions toward advancing our understanding of the aging process at age 13.

All too often we only hear about the problem children in our society. As a former high school teacher, I know that there are hundreds of kind, intelligent, and productive students, like Angelin Baskarin, who are working hard to become the next generation of scientists, professors, and even Members of Congress.

I'd like to congratulate Angelin, who has won awards at the Galveston County Science and Engineering Fair, the Houston Science and Engineering Fair, the state of Texas Science and Engineering Fair, for her research project, entitled "Math Semantics." She has been selected to present her research findings, which looked at how age, gender, and profession affect math proficiency, at a national science fair here in Washington, D.C., in June.

It is the bright future and promise of students like Angelin, who make teaching worthwhile and rewarding experience. Good luck at the national competition, Angelin!

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. HOYER. Mr. Speaker, April 24 marks the commemoration of the massacre of the Armenian people in Turkey during and after the First World War. More than 1.5 million people were expelled from their homes and marched to their deaths in what is recorded as the first of this century's state-ordered genocides against a minority group. Tragically, at the close of the century we again bear witness to the universality of human cruelty and fanaticism as the Kosovar Albanians are ethnically cleansed from their homeland.

We must remember, we must reflect and we must learn. One of the great thinkers and advocates of our time—indeed, the conscience of this century—Elie Wiesel, has said that "indifference makes humans inhuman; indifference is always the friend of the enemy; indifference is not only a sin, it is a punishment." We must not be indifferent, Mr. Speaker, we must also act.

We remember the Armenians and their suffering, the incomprehensive magnitude of their loss. We honor those who perished. Yet, Mr. Speaker, we also remember the survivors and are inspired by their sacrifice, their strength and their creativity in building a future for the Armenian people. Today, independent Armenia guarantees the security and future of the nation and is a beacon of hope to Armenian people everywhere. Its people work tirelessly to strengthen democratic institutions and build a flourishing market economy to ensure peace and prosperity for generations to come. It is my hope, Mr. Speaker, that those to come will not have to sacrifice as their ancestors have. It is also my hope that the parties to the conflict in Nagorno-Karabakh will renew and redouble their efforts to reach a negotiated settlement and to help bring peace and prosperity to the entire region.

Mr. Speaker, the Armenian people did not "disappear," as their persecutors intended. They survived and they flourished. Their strength of spirit, endurance and prosperity of the Armenian people give hope for the future to all of us—especially those who suffer now.

CHILD ABUSE PREVENTION MONTH

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to speak in support of Child Abuse Prevention Month. There is nothing more important than the safety and protection of our children. To highlight the seriousness of this issue, the month of April was declared Child Abuse Prevention Month by President Reagan in 1982.

In 1997, nearly one million children were victims of either neglect, physical, emotional or sexual abuse. In many cases, the children experienced all of these abuses. What is even more shocking is that in 1996, a little more than three children died each day as a result of child abuse or neglect. These numbers are startling and in my opinion are unacceptable. Our children deserve to grow up in an atmosphere that is not filled with fear and violence.

The good news is that child abuse is preventable. Through the proper assistance we can put an end to this monstrous action. Children represent the most vulnerable and precious part of our society and we must do what we can to protect them.

I urge all of my colleagues to join me in acknowledging the seriousness of this issue and supporting actions to prevent this problem from getting bigger.

IN HONOR OF THE SHERWIN-WILLIAMS CO.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Sherwin-Williams Co., and its charitable arm, the Sherwin-Williams foundation, as one of Cleveland's most charitable corporate partners.

The company not only employs thousands of people in the greater Cleveland area, but also contributes significant funds and strong support for some of the region's most deserving organizations. The CEO of Sherwin-William, Jack Breen, has just completed his twentieth year with the company. Mr. Breen has been the recipient of a number of awards, including top honors from the Wall Street Transcript in the Building Materials Industry. In 1996, he was inducted into the Business Hall of Fame sponsored by Cleveland Magazine's Inside Business. This award is presented to individuals who not only have achieved business success, but who generously shared that success with the community. Mr. Breen is a native Clevelander, and during his time with the Sherwin-Williams Co., the stock price has increased about 50 times and earnings per share have increased dramatically.

Beginning on April 26, 1999, Sherwin-Williams will again demonstrate its commitment to the Northeast Ohio community through a week-long "Spruce Up Our Parks" program which will benefit Cleveland's Lakeshore State Park. Working in conjunction with Keep America Beautiful, Inc., Sherwin-Williams will underwrite the cost of paints and supplies that will be used to beautify various structures throughout Edgewater, Gordon, Euclid Beach, Villa Angela, Wildwood, and Mentor Headlands parks.

Sherwin-Williams will also coordinate with Keep America Beautiful to oversee the work of more than 500 students from area high schools who are serving as volunteer painters for the event. The participating high schools include: Lakewood, St. Edward, St. Ignatius, Glenville, John Hay, Collinwood, Benedictine, Villa Angela-St. Joseph, Harvey, Riverside, Kirkland, and Mentor High Schools.

My fellow colleagues, please join me in honoring the good work the Sherwin-Williams Company is doing to help beautify the Cleveland area and parks across the country.

ROUND TOP, TX, DEDICATES A NEW POST OFFICE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. PAUL. Mr. Speaker, dedication ceremonies will soon be held in Texas to mark the completion of a new postal facility in Round Top, TX. This is the first new post office in this city since the 1968 dedication of the old one.

The route this new post office took from blue print to completion expresses the basis of being a Texan and an American. The U.S. Postal Service approached Round Top with a pre-designed post office building that had apparently been designed in Washington without the input of the people of Round Top. In true Texas fashion the people of this city stood up to say this new building would be in their town for their use and therefore insisted that it reflect the city in which it would be built. As a result, they now have a beautiful new building that reflects their history as a community and as Texans. Since Round Top has had a post office since the days of the Republic of Texas, it is only fitting that this new building points to the proud heritage of our great state.

Our Founding Fathers intended for decisions to be made as close to the people as possible. By rejecting plans that had no connection to their city, the people of Round Top continue to live up to this great tradition.

Mr. Speaker, Postmaster Carol Oritz and her community are deservingly proud of their new post office and the history behind it. As our great state continues to grow and our major cities get even larger, we would be wise to remember the people of Round Top and other such communities.

It is fitting that the new post office in the Texas town of Round Top today flies an American flag that very recently flew over our nation's capitol building.

TRIBUTE TO THE ANCIENT ORDER OF HIBERNIANS DIVISION 21 AND LADIES ANCIENT ORDER OF HIBERNIANS DIVISION 22

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Ancient Order of Hibernians Division 21 and Ladies Ancient Order of Hibernians Division 22 on the occasion of it's Annual Hibernian Dance.

This event is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to Mary Anne Kirby and Patrick (Pat) M. Moynihan who have been named as "Hibernians of the Year" by the Ancient Order of Hibernians Division 21 and Ladies Ancient Order of Hibernians Division 22. This year's honorees truly represent the best of what our community has to offer.

Mary Anne Kirby, an active member of the Ladies Ancient Order of the Hibernians Division since 1980, was born in Lyrecompane, County Kerry, Ireland. After attending Renagown National School in County Kerry, Mary Anne immigrated to the Middle Village section of Queens and relocated to Rckaway Beach in 1962. Mary Anne was married on June 28, 1958 at the Resurrection Ascension Church in Rego Park to her late husband, Timothy Kirby, who was a member of the men's Ancient Order of Hibernians Division 21. With her loving husband, Mary Anne rasied four wonderful children and currently takes great joy in the accomplishments of her four grandchildren.

Patrick (Pat) M. Moynihan was born in Dublin, Ireland in 1937 and is the second eldest of a family of nine. After immigrating to New York in 1957, Pat was inducted into the Army where he served with honor and distinction in the Armed Forces Medical Corps until his discharge in 1963.

Since his arrival in New York, Pat has been active in the Irish-American community. He is a member of the Ancient Order of Hibernians Division 21 and has served as the group's financial secretary, treasurer, historian and president. Pat has also served the Queens County Board of Hibernians as their organizer, historian, chairman of the grievance committee, chairman of the publicity committee, recording secretary, and vice president. He has also served as the chairman of by-laws and resolution committees at several biennial convention of the Queens County Board and has been a delegate to numerous state and national Hibernian conventions.

Both of today's honorees have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by the Ancient Order of Hibernians Division 21 and Ladies Ancient Order of Hibernians Division 22.

A TRIBUTE TO RON WOHLWEND UPON HIS RETIREMENT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor Mr. Ron Wohlwend of Morris, Illinois, as he retires from his duties as President of the Grundy County National Bank.

In 1981, Mr. Wohlwend was elected as President of the Grundy County National Bank and has maintained that position for 18 years. Mr. Wohlwend joined the Bank in 1966 where he began his career. His integral role in the Bank's activity has contributed to its reputation in the community.

Mr. Wohlwend has served the banking industry well. He has been a member of the American Bankers Association's Community Banker's Council, the Illinois Bankers Association's Board of Directors and Executive Committee. Mr. Wohlwend also was the Chairman of the Association's Federal Legislative Committee and chaired the Banker's Advisory Committee at the Graduate School of Banking at the University of Wisconsin.

Outside of the banking industry, Mr. Wohlwend has been a pillar of the city of Morris and Grundy County communities. Among the organizations Mr. Wohlwend has served are the Grundy County United Fund and the Morris Cemetery Association. He was President of the Grundy County Chamber of Commerce and served as Treasurer of Morris Community High School District #101, Saratoga Grade School District #60C, the Grundy Area Vocational Center, the Morris Cemetery Association, and the Grundy Economic Development Council. He is currently a member of the Grundy County Farm Bureau and serves on the Board of Directors of Illinois Valley Industries, the Morris Hospital Foundation, the Morris Downtown Development Partnership, Breaking Away, and the Joliet Junior College Foundation.

Mr. Speaker, I believe it is fitting and appropriate to honor the achievements and years of service of Mr. Wohlwend. I wish Mr. Wohlwend's wife Jackie; his children Mary, Laura, and David; and his grandchildren Reilly and Taylor good will in the future. Also, I wish Mr. Wohlwend continued success with any future endeavors and hope he continues his leadership roles in the Morris and Grundy County communities.

IN CELEBRATION OF EARTH DAY 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STARK. Mr. Speaker, I rise today and ask my colleagues to join me in a commitment to the preservation of our environment as we celebrate Earth Day 1999.

We have made great strides in the conservation of our dwindling wilderness resources. I would like to thank Forest Service Chief Michael Dombeck for his decision to halt new road construction in roadless forest areas across the United States, and for his continued leadership in the preservation of these irreplaceable resources.

As someone who cares about protecting our environment, it has been frustrating to watch my colleagues in the majority pepper appropriations bills with language which would never pass Congress on its own merits. These special interest riders historically benefit only a few wealthy landowners and private interests; they do nothing for the good of our environment.

I ask my colleagues to join me and vote against any bill that will do damage to our environment. Our policies should help us to leave a legacy of clean air and water to our children and teach them the value of leaving that legacy to their children. I would sincerely hope that my colleagues share in my concern. Otherwise, they will take their place in history as the party that allowed the destruction of our nation's greatest resources.

Let's work together to ensure an environment in which our children can thrive.

IF IT WORKS, DON'T BREAK IT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. SCHAFFER. Mr. Speaker, if it isn't broken, don't fix it. If it works, don't break it.

I'm speaking in reference to the Social Security debate. Currently, some in Congress are looking at proposals to prevent the program's anticipated bankruptcy 32 years from now. In order to buy the system a couple more years of financial solvency, some of our colleagues are considering levying a new tax on state and local government employees who are currently covered by their own pension plans. They want to force newly-hired state and local government employees who would otherwise enjoy independent pension and disability programs with good returns to participate in Social Security which offers neither security nor a good investment opportunity.

If that isn't bad enough, by mandating new state and local employees into Social Security, they will short-circuit state and local programs by shutting down the capital stream necessary to maintain current benefit levels. Mandating Social Security will, in essence, break what isn't broken while failing to fix what is.

Mr. Speaker, five million state and local employees and two million retirees are covered by alternative plans. In Ohio, Colorado, California, Massachusetts, Nevada, Maine, Alaska, and Louisiana, over half of all state employees are covered by their own plans. In Texas and Illinois over one million employees are covered under state and local plans. Every state is impacted because about 75 percent of all public safety employees are not covered under Social Security. In Colorado there are more than 200,000 state, education, and local government employees who are outside of the federal retirement system.

These state and local disability and pension systems were developed because the original Social Security Act of 1937 excluded state and local governments from Social Security coverage. This was to avoid raising a possible Constitutional question of whether the federal government could tax state and local governments. Congress later amended the law to make state and local government employee participation in Social Security voluntary in 1950. In 1983, those already participating in Social Security were required to remain in the federal system.

In the absence of Social Security, Colorado state and local employees developed public retirement plans which have been able to provide solid, secure benefits at a reasonable cost. The plans earn better investment returns, through private sector investments, than are available through the current pay-as-you-go Social Security system. With a diversified investment fund, the state's largest public plan has earned an average annual investment return of over 11 percent during the last 25 years.

Furthermore, the plans are designed to meet the specific needs of public employees. Fire fighter pension plans, for example, are designed to take into account early retirement ages, high rates of disability and the need for extensive health care characteristic of this profession.

The one-size-fits-all approach of universal Social Security coverage would provide inadequate flexibility for safety workers' needs. Mandatory coverage will have additional consequences. Even on a new-hire basis, mandatory coverage will reduce the capital stream necessary for investment. In many plans around the country this will cause benefit cutbacks including reduced credit for future service, cuts in retiree health care coverage and cost of living adjustments.

Further, mandatory coverage represents a new tax and an unfunded federal mandate on states which would require state and local tax increases or a reduction in services for taxpayers. Health benefits for retirees would also be affected in many states.

Private sector workers would also be affected. Most states do not receive any income tax revenue from Social Security payments and the lost state revenue resulting from mandatory coverage would likely be made up from increased state taxes or budget cuts.

In Colorado, the public pension systems will be seriously compromised because most of the funding of benefit comes from investment income which would be severely cut by the transfer of significant contributions to Social Security. State retirement funds support Colorado's economy and the nation unlike Social Security funds which simply support other government programs. Reduced state pension investment means reduced Colorado capital investment. A decline in contributions translates into less investment in Colorado-based companies and real estate. Furthermore, when Colorado retirees receive fewer benefits they will pay fewer state income taxes.

The potential loss of revenue to the state is significant, but the loss of retirement contributions and security for Colorado state and local workers is even more troubling. Our state's Public Employees' Retirement Association (PERA) anticipates an end to plan improvements for current participants and retirees. New hires would receive a combined Social Security and PERA benefit that would be slightly less than three-fourths of the current PERA benefit.

To put it plainly, under mandatory Social Security state and local workers will lose out. New hires will lose the opportunity to participate in financially strong, high-earning retirement plans and they will be forced to partake in an inefficient system and receive far less or possibly nothing at all. Those already participating in state and local government retirement plans will experience a reduction in benefits when new hire funds are redirected to Social Security. In order to make contributions to both pension and Social Security plans, state and local governments will have to raise taxes or reduce services, in which case everyone loses.

The only advantage Congress would realize in this scheme would be to buy two extra years for Social Security.

Over the past year, I led our delegation to protect state and local government pension and disability plans. Letters I wrote expressing our united opposition to mandatory Social Security have reached your desk. Do not disregard them or underestimate our resolve.

Congress must preserve the freedom of states, school districts, and local governments to maintain plans which best meet their needs, independent of Social Security. Social Security can and must be fixed without destroying plans upon which our constituents depend for their retirement.

Mr. Speaker, if it works, don't break it.

THE MORTGAGE INTEREST DEDUCTION: A POWERFUL TOOL OF UPWARD MOBILITY

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. LUCAS of Kentucky. Mr. Speaker, to so many Americans, owning a home means living the American dream. And the mortgage interest deduction has allowed so many Americans to fulfill this dream. The mortgage interest deduction and the property tax deduction have been a part of the Internal Revenue Code since its inception in 1913. It is a broad-based deduction, widely available to all taxpayers.

In 1995, of the 28 million taxpayers who used the mortgage interest deduction, 71 percent had incomes below $75,000 and 42 percent had income below $50,000. Sixty-seven percent of American households own their own home. Most of this growth is among minorities and first-time homebuyers. We must ensure that we protect and preserve the mortgage interest deduction, a powerful tool of upward mobility.

PERSONAL EXPLANATION

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. NUSSLE. Mr. Speaker, on Tuesday, Wednesday, and Thursday (April 20–22), I missed a series of roll call votes (Roll Call Votes No. 92–96). I had been granted a leave of absence by the House of Representatives to travel to and from, and to attend, the funeral of my grandmother. Had I been present during those votes, I would have cast my vote in the following manner:

Rollcall vote No. 92 (To suspend the rules and pass H.R. 573) 'aye' yea;

Rollcall vote No. 93 (To suspend the rules and pass H. Res. 128) 'aye' yea;

Rollcall vote No. 94 (To agree to the Conference Report to H.R. 800) 'aye' yea;

Rollcall vote No. 95 (On passage of H.R. 1184) 'aye' yea; and

Rollcall vote No. 96 (On motion to instruct conferees on H.R. 1141) 'aye' yea.

WOMEN OF THE YEAR

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to pay tribute to some outstanding women from my congressional district being honored tomorrow as the South Bay Women of the Year. The honorees are Ms. Patricia Harik, Mrs. Sandra Jacobs, Ms. Carole Keen, Mrs. Fran Limbird, Mrs. Inez Van Lingen, Mrs. Aruna Roy, Dr. Patricia Sacks, and Dr. Janet Switzer. A special recognition award, called the Switzer Star, is being bestowed upon Mrs. Angie Papadakis.

This honor is given to outstanding women each year by the Switzer Center School and Clinical Services located in the city of Torrance, which serves children with learning, emotional, or social challenges. The theme of the 1999 award is Women Who Make a Difference: those who impact the lives of others, or better their communities, their businesses or simply fulfill a need. This type of philanthropic duty is truly outstanding and I am glad the Center takes time to honor these truly extraordinary individuals within our community.

This year, the Switzer Star Recipient is award-winning humorist, lecturer, and author, Mrs. Angie Papadakis. Mrs. Papadakis is a pillar in the South Bay. Currently, she is the Commissioner of the Little Hoover Commission, Commissioner of the California Nevada Super Speed Train Commission, Founder and Director of Gang Alternative Program, on the Executive Board of the Los Angeles Area Council Boy Scouts of America, Member of the Los Angeles Area Chamber of Commerce, and Director of the Rancho Los Alamitos Foundation Board. Mrs. Papadakis has received numerous awards from a variety of organizations like the Lions Club, the Salvation Army, the United Way, and the Y.M.C.A. Despite her many career accomplishments, Mrs. Papadakis is most proud of herself as a mother of three children and a grandmother to 10 grandchildren.

For her lengthy service to the South Bay, the Switzer Center has chosen to honor this outstanding individual and I am honored to add my own congratulations. I would also like to commend the other outstanding women being recognized by the Switzer Center.

ALDERMAN JOHN J. BUCHANAN'S ACTIONS HAVE BENEFITED WARD 10 IN THE CITY OF CHICAGO

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Alderman John J. Buchanan who is retiring after serving as Alderman for the 10th Ward in the City of Chicago for over 20 years.

Alderman Buchanan is a life-long resident and public servant of the 10th Ward. Alderman Buchanan attended St. Patrick's Grammar School and St. Francis de Sales High School, where he graduated as class Valedictorian. The only time Alderman Buchanan left the community was during his service in the U.S. Navy. After his service to our country, Alderman Buchanan returned to the 10th Ward and married his high school sweetheart, Lorraine Halbe. Alderman Buchanan and his wife have two children and five grandchildren.

Alderman Buchanan's knowledge of business and industry comes from his richly diverse work background. At the age of 13, he was already working after school at Gassman's, a well-known men's store on Commerical Avenue. His work experiences include positions at the Aluminum Company of America, the U.S. Post Office and the Chicago Board of Education. Alderman Buchanan is also a licensed Stationary Engineer and has both a real estate broker's license and an insurance broker's license. It is probably Alderman Buchanan's experience as an insurance salesman that opened doors to his deeper understanding of the needs of the community. This path eventually led the Alderman to a life in the public arena.

Alderman Buchanan was first elected to office in 1963 and served the community until 1971. From 1972 until 1977, he served as a Coordinator of Economic Development for the Chicago Mayor's Office. While in this position, he successfully instituted programs for the retention and attraction of new business and industry. In 1991, Alderman Buchanan was once again elected to serve as Alderman of the 10th Ward in the City of Chicago. His City Council Committee memberships included Aviation; Budget and Government Relations; Rules and Ethics; Economic and Capital Development; Finance, Human Relations; Police and Fire.

In honor of Alderman Buchanan's distinguished career, I have introduced federal legislation to change the name of the Hegewish Post Office to John J. Buchanan U.S. Post Office. I am also pleased to report that at my request, every member of the Illinois Congressional Delegation has agreed to support this legislation.

My Speaker, I urge this body to identify and recognize others in their own districts whose careers and actions have so greatly benefited and strengthened America's communities.

A TRIBUTE TO BROOKLYN PRIDE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to Brooklyn Pride on the occasion of its Spring Gala.

This event is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who embody the spirit of independence and community activism. This year's honorees truly represent the best of what our community has to offer.

Joo-Hyun Kang is the Executive Director of the Audre Lorde Project. Before coming to the Audre Lorde Project, Joo-Hyun was the Program Coordinator for Women's Rights at the Women's Environment and Development Organization, an international women's organization founded by the late Bella Abzug. She has been active in various struggles for justice, particularly those addressing concerns related to women of color and to the gay and lesbian community.

Regina Shavers is the Program Director and founding Board member of the Griot Circle, the only Senior Center committed to affirming the lives of seniors in the gay and lesbian community. She is currently employed by the New York City Department of Health's HIV Training Institute as a training supervisor and serves as a Literacy Tutor at the Bedford Learning Center.

Continuing her family's tradition of community activism, Regina became an advocate for workers' rights while working for the New York City Police Department as a supervisor in their Communications Division Training Unit. Regina has also served as the Co-Chair of DC 37's Lesbian and Gay Issues Committee and served on the American Federation of State, County, and Municipal Employees (AFSCME) Lesbian and Gay Rights National Advisory Board. An active member of Brooklyn Pride, Regina was an integral member of the city-wide coalition that negotiated with the City of New York to insure Domestic Partner benefits for all New York City employees.

Alan Fleishman is a lifelong Brooklyn resident who has lived in Park Slope for the last fifteen years. He has been an organizer in the lesbian and gay community and has served as the President of the Lambda Independent Democrats and the Gay Friends and Neighbors. Alan currently advises New York City Comptroller Hevesi on matters concerning the lesbian and gay community as well as on HIV/AIDS issues and concerns. Mr. Fleishman has been honored by the Central Brooklyn Independent Democrats, the Paul Robeson Independent Democrats and the Brooklyn AIDS Task Force for his organizing work in Brooklyn.

All of today's honorees have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by Brooklyn Pride.

INTRODUCTION OF THE PATIENT EMPOWERMENT ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STARK. Mr. Speaker, I am pleased to introduce the Patient Empowerment Act of 1999, the second in a series of Medicare modernization bills designed to improve program administration and the quality of health care for Medicare beneficiaries.

Mr. Speaker, Medicare beneficiaries currently have little or no control over their health care decisions. Instead of choosing the most appropriate course of treatment for their particular circumstance, some patients are being told what they should do based on an oversupply of hospital resources or physician specialists in their area. Many diseases have several treatment options available. In most cases, there is no evidence to suggest that one course of treatment is better than another.

Dr. John Wennberg, one of the world's most renowned health policy researchers, talks about this issue in the 1998 Dartmouth Atlas: "The greater the per capita supply of hospital resources, the greater will be their per capita use, and the greater the per capita expenditures." The Atlas provides overwhelming statistical proof that in the economics of health care, supply often drives demand.

Dr. Wennberg estimates that if Medicare spending for all hospital referral regions with higher rates were brought down to the level of spending in the Minneapolis region (considered a very high quality of care region), Medicare's financial problems would be solved.

Many costly hospital stays could be averted entirely if Medicare beneficiaries were fully informed about their treatment alternatives. Not surprisingly, when presented with the range of available options, patients will often choose less invasive treatments.

For example, treatment of benign prostatic hyperplasia, a common condition affecting the majority of men over the age of 65, ranges from surgical removal to watchful waiting. Each of the options raises a number of tradeoffs: while surgery is the most effective way to deal with symptoms, undergoing surgery presents certain risks. In Wennberg's analysis, most men with mild symptoms choose watchful waiting when educated about the full range of options, and watchful waiting is clearly the least expensive of all the options.

Patients have long deferred their medical decisions to their physicians. But medical care is becoming increasingly complex, and improvements in health technology have led to a multitude of available treatments. The treatment they choose should reflect the personal values and lifestyles of the patient and their family.

Therefore, I am introducing a demonstration bill to give patients more power over their health decisions. The findings from these demonstrations could lead to ways to greatly reduce the cost of the Medicare program, without jeopardizing health outcomes. I strongly urge members to support this legislation.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. KUCINICH. Mr. Speaker, I support the concept of flexibility in the way that our federal education programs are implemented at the state and local level. Local Educational Agencies and individual schools need flexibility to ensure that our programs are conducted in a manner that is responsive and relevant to local conditions and the divergent needs of all students. However, educational flexibility needs to be viewed in its proper context—specifically in terms of the reauthorization of the Elementary and Secondary Education Act. In this context the Conference Report on H.R. 800, the Ed-Flex legislation, falls short and I rise to oppose the Conference Report.

I am a member of the House Education and Workforce Committee, and this Committee has just begun to take up the numerous important issues that are involved in the Elementary and Secondary Education Act. It is folly, Mr. Speaker, for this final version of the Ed-Flex bill to come up before the ESEA has even been considered. How can we justify creating a system in which all states can have the option to waive federal education requirements when those federal education programs have not even been reauthorized? It is inappropriate and unjustified for the Congress to be granting across-the-board waiver authority to states before the House Education and Workforce Committee has reconsidered the ESEA.

In fact, the Conference Report on H.R. 800 is actually weaker than the version that was passed by the House of Representatives. At least our House version of the bill contained a sunset provision that mandated that Ed-Flex be taken up during the ESEA reauthorization process. The Conference Report eliminates this provision.

Furthermore, Mr. Speaker, accountability must not be sacrificed for the sake of flexibility. If the Congress grants greater flexibility to the states, the states must be held responsible to use these new powers in a way that improves educational quality and student performance. The Conference Report is weak on accountability provisions. We tried to strengthen these accountability provisions in Committee, but were not successful. Now the Congress has placed itself in a position that will grant huge loopholes to states and localities when it comes to measuring and enforcing accountability. This is another reason why I urge my colleagues to oppose the Ed-Flex Conference Report.

Finally, Mr. Speaker, I am concerned that the long-term effect of Ed-Flex will be to shift valuable federal resources away from schools in high-poverty neighborhoods towards school in more wealthy districts. It is a hallmark of national education policy that federal funds be used to benefit schools and school districts that are most in need of outside resources. Federal programs need to be targeted to the disadvantaged. It is very possible that this bill will open the way for states to redirect ESEA Title I funds away from the disadvantaged. This trend dilutes the essential purposes of Title I. For these reasons, Mr. Speaker, I urge my colleagues to vote "no" on the Ed-Flex Conference Report.

AUTHORIZING AWARDING OF GOLD MEDAL TO ROSA PARKS

SPEECH OF

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. SCOTT. Mr. Speaker, I rise today in support of H.R. 573, a bill to bestow a Congressional gold medal to Rosa Parks for her contributions to civil rights in the United States of America.

Rosa Parks and her contribution to the current American way of life, by today's standard involved a very simple act. However, that simple act, Mr. Speaker, proved to have some very extraordinary consequences.

In 1955, Jim Crow segregation was the law of the land. African Americans by law were not allowed to share public accommodations with Whites. We couldn't eat in the same restaurants, couldn't live in the same neighborhoods and we were relegated to sit in the back seats of a public bus. If the white only section of the bus became full, we had to give up our seats when told to do so.

Nevertheless, in 1955, on December 1st in Montgomery, Alabama, Mrs. Parks with one very simple act of civil defiance changed that practice and the course of American History. On that day Mrs. Parks refused to give her seat to a White patron when told to do so by a Montgomery Bus driver. In spite of that bus driver's insistence, and knowing the certain consequences of her actions, she chose not to give up her seat. The police took her off the bus, arrested and jailed her. Mrs. Parks was later released on a one hundred-dollar bond.

Mr. Speaker, I suspect the city fathers of Montgomery initially never thought twice about that one simple act on that day in December. In response to Mrs. Parks' arrest, the black citizens of Montgomery began a bus boycott that lasted for 381 days. Led by a young local minister named Dr. Martin Luther King, Jr., the Montgomery bus boycott helped to unravel the fabric of the South's social, economic and political culture of "Jim Crow" segregation.

This occasion has personal relevance to me also, Mr. Speaker. More than 40 years ago, during her brief tenure at Hampton University, I met Mrs. Parks. She worked there with my grandmother and I can well remember being struck by how unassuming and graceful she was, particularly in light of her role as a courageous civil rights pioneer.

Throughout the history of our nation, simple acts such as refusing to give up a seat on a bus as Rosa Parks did, often touch off a national movement that changes the course of history. This, Mr. Speaker, was one of those occasions and for this simple act, this House has taken the first step towards commemorating this demonstration of courage by Mrs. Parks and celebrating its tremendous impact.

I look forward, as many of my colleagues do, to the swift enactment of this resolution so that Mrs. Parks can receive the recognition she deserves from Congress.

ENVIRONMENTAL REGULATORY ISSUES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. PAUL. Mr. Speaker, I rise to commend the insight added to the policy debate on critical environmental regulatory issues by John McClaughry in an article he authored in yesterday's Washington Times. Mr. McClaughry succinctly highlights the danger which occurs when, as happened in the United States in the late 1800's and early 1900's, property rights are ignored in the name of "progress."

Mr. McClaughry, president of Vermont's Ethan Allen Institute, correctly explains that technological innovation is stunted when the legal system allows polluters to externalize their costs without allowing legal recourse by those whose property is polluted.

I commend the research of Mr. McClaughry and thank him for his important contribution to the policy debate regarding environmental regulation and recommend a careful reading of his article by everyone genuinely interested in both the proper moral and economic resolution of these issues.

CELEBRATING THE RESOURCEFUL EARTH

Tomorrow, many Americans will celebrate the 30th anniversary of Earth Day. The event was created in 1970 to call attention to humankind's despoliation of our planet. It's a good time to see what 30 years of Earth Day enthusiasm has given us.

The environmental awareness stimulated by the first Earth Day has had many beneficial results. Thanks to citizen awareness and ensuing state and national legislation, today the air is much cleaner, the water far purer, and risk from toxic and hazardous wastes sharply reduced. Polluters have been made to pay for disposal costs previously imposed on the public. Private groups like the Nature Conservancy have purchased and conserved millions of acres of land and natural resources.

But—and it always seems there is a but—like every promising new movement, the people who became leaders of the environmental movement stimulated by Earth Day soon found they could increase their political power (and staff salaries) by constantly demanding more command and control regulation. That heavyhanded government response has increasingly surpassed the boundaries of science and reason and severely strained the good will of millions of Americans who had eagerly responded to the initial call to clean up and protect our planet.

Here are just some of the "achievements" of an environmental movement that has flourished by promoting fantastic enviroscares, sending out millions of pieces of semihysterical direct mail fundraising letters, peddling junk science, and making ever-more-collusive legal deals.

A failed Endangered Species Act which, by substituting "ecosystem" control for species protection incentives, has caused thousands of landowners to drive off or exterminate the very species that were supposed to be protected.

A wetlands protection program that has gone from controlling real wetlands to regulating buffer zones around tiny "vernal pools" of spring snow melt, and even lands that have no water on them at all, but feature "hydric soils."

An air quality program that denies permits to dry cleaning plants unless they can prove that their emissions will not cause 300,001 instead of the normal 300,000 cancer deaths among 1 million people who will live for 70 consecutive years next door to the plant.

A "superfund" bill which has sucked billions of dollars out of taxpayers to pay lawyers to pursue "potentially responsible parties" instead of actually cleaning up toxic waste sites.

An ozone depletion scare whose purported effect—increasing incidence of dangerous ultraviolet B at ground level—turned out to be unsupportable by evidence.

A global warming hysteria, based on speculative computer models instead of actual temperature data, to justify a treaty to impose federal and international taxes, rationing and prohibitions on all U.S. carbon-based energy sources.

Ludicrous requirements imposed on the nuclear energy industry, such as requiring massive concrete vaults for the storage of old coveralls and air filters whose radioactivity level a few feet from the container is less than the background radiation produced by ordinary Vermont granite.

Enforcing many of these unsupportable policies is a federal and state bureaucracy eager to deny defendants any semblance of fair play, secure sweetheart consent agreements, and measure their success by fines and jail time imposed—for example, on the Pennsylvania landowner who removed car bodies and old tires from a seasonal stream bed on his land without a federal permit (fined $300,000).

As Roger Marzulla, a former assistant U.S. attorney general for land and resources, recently put it, "Like the enchanted broomsticks in the story of 'The Sorcerer's Apprentice,' the environmental enforcement program has gotten completely out of control."

Fortunately, a common-sense, fair play, rights-respecting alternative environmental movement has begun to appear. On Earth Day 1999, its member groups—as many as a hundred state and national organizations—are celebrating "Resourceful Earth Day." Their alternative is based on a remark made by Henry David Thoreau, who said, "I know of no more encouraging fact than the unquestionable ability of man to elevate his life by conscious endeavor."

The astonishing growth of science and technology in the past 30 years has proven over and over again that human ingenuity can and will rise to overcome every environmental challenge. Today's energy sources are far cleaner and more efficient than those of 1970, and even more pollution-free new energy devices are emerging from laboratories. New cars today, fueled with improved gasoline, produce 2 percent of the pollution of 1970 cars. Cost-effective resource recovery of everything from aluminum to methane, has made giant strides. Microsensors, global positioning satellites, and tiny computers allow farmers to dispense just the right concentration of fertilizer on every square yard of a field.

The friends of the "Resourceful Earth" believe in progress, not just to make and consume more stuff, but to protect our Earth as well. The tide is with them, and as their creative optimism prevails the better off Mother Earth—and its people—will be.

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. RUSH. Mr. Speaker, today I rise to remember a sad day in the world's history. Many of you may not remember this, but this year marks the eighty fourth anniversary of the Armenian genocide. During World War I, at least one million Armenians were killed in the Ottoman Empire between 1915 to 1923.

The brutal treatment that the Armenian people have suffered must never be repeated or forgotten. As a nation, we must never again allow a madman to exterminate an entire race of people to further his political ambitions. Every person and every race has a right to be free and safe in his own home. Those who commit these atrocities are criminals and must be tried for crimes against humanity.

Today as we remember the Armenian genocide, it is with sadness that we again witness a genocide of another race, the Albanian Kosovars. Unlike the Armenian genocide, I am proud to say that the United States and its NATO allies have learned from the past and are taking strong actions to halt the inhuman actions of Slobodan Milosevic and his minions who so eagerly engage in these atrocious crimes against humanity.

Through the blood of their ancestors, the Armenian people have struggled for their independence. In 1991, Armenia became a sovereign state. I know that the Armenian people and the Armenian-Americans are proud of their state and will forever remember the hardships that they, as a people, have endured to gain their freedom and independence.

On this very somber day, I feel very strongly that we can perform no greater act of remembrance than to express our strong conviction to never again allow genocide to go unchecked in this world and to state unequivocally that the U.S. and its NATO allies will stop at nothing to end the slaughter in Kosovo. We owe at least this much to the memory of the Armenian victims of the Turkish genocide of the First World War.

MEDICARE COVERAGE OF DIABETIC RETINAL EXAMS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STARK. Mr. Speaker, on Monday, April 19, the Washington Post ran a story about the failure of Medicare beneficiaries to get adequate preventive care. The article was based on a recent study by Dr. John Wennberg of the Dartmouth Medical School. Dr. Wennberg found that the level of retinal eye exams for Medicare beneficiaries with diabetes—so very important for helping prevent blindness in diabetics—was abysmally low. Only 43–45 percent of Medicare beneficiaries with diabetes received this critical service.

One reason this important test is not provided more frequently is that, unfortunately, Medicare does not cover this service or pay doctors to do it.

We should.

Today, I am introducing legislation to rectify this omission and add this service to the list of preventive care benefits covered by Medicare—the "Medicare Diabetic Eye Exam Act of 1999."

Diabetes affects over 16 million Americans, and over 150,000 die from diabetes and its complications each year. Individuals of African, Asian, and American Indian descent are particularly vulnerable to this disease. Most of the morbidity and mortality of diabetes is due to the complications associated with the disease, including blindness, kidney failure, nerve damage, and cardiovascular disease.

Diabetic retinopathy is the leading cause of blindness in the United States. Studies show that many of the complications of diabetes can be slowed or even prevented by better management of the disease, including regular eye examinations. Studies show that a periodic dilated eye exam is cost-effective in reducing the burden of diabetic retinopathy and blindness.

The Diabetes Quality Improvement Project (DQIP) is an effort to recommend a set of diabetes-specific performance and outcome measures that health plans and providers can use in treating patients with diabetes. DQIP began under the sponsorship of the American Diabetes Association, Foundation for Accountability, Health Care Financing Administration, National Committee for Quality Assurance, and joined by the American Academy of Family Physicians, American College of Physicians, and Veterans Administration. HCFA is asking Medicare+Choice plans to use the DQIP measures this year in improving their care of diabetic Medicare beneficiaries enrolled in the plans.

One of the measures contained in DQIP is retinal eye exams. DQIP recognizes that the dilated eye exam may not be necessary for everyone every year, and has developed a risk stratification scheme to guide plans and providers in determining frequency of providing the test.

It is inexcusable that Medicare does not provide coverage and payment for this test that is so critical in preventing blindness. If we expect Medicare+Choice plans to provide this test, we should also provide payment for it. And we should provide payment for it in traditional fee-for-service Medicare, as well.

Following is a copy of my bill. I urge that we add this provision to whatever Medicare bill is enacted by this Congress.

THE EARTHQUAKE HAZARDS REDUCTION AUTHORIZATION ACT OF 1999

SPEECH OF

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. GARY MILLER of California. Mr. Chairman, yesterday afternoon, I was unavoidably detained and was unable to make it to the House floor to vote in favor of H.R. 1184, The Earthquake Hazards Reduction Authorization Act of 1999 (rollcall vote No. 95). That is why I rise today to publicly submit my support for this important piece of legislation.

H.R. 1184 will do volumes to help prevent property damage and save lives that result from future earthquakes in the United States—with the ultimate goal of actually predicting seismic activity. The more we understand this natural phenomena, the more we can structure safety mechanisms to keep our communities safe during earthquakes.

I am very pleased that H.R. 1184 passed by such a large margin yesterday. Once again, I regret that I could not be here to lend my additional support. I look forward to witnessing the many scientific advances and future successes which will result from this legislation.

OREGON SCHOOL KIDS StRUT THEIR STUFF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WU. Mr. Speaker, Students Recycling Used Technology (StRUT) started in June 1995 with the goal of giving Oregon students the technical and business management skills they need for the next century. Over the next two years, four schools in my district: Forest Grove, Hillsboro, Tigard and Sherwood High School, refurbished 1,200 computers and donated them to local schools. This gave the students a working knowledge of computers and also provided their fellow students with better access to the Internet.

What started as a partnership between the Northwest Regional Education Services District and Intel was encouraged to grow by our governor and State legislature. The success of the program spread quickly, and the consortium of organizations expanded to include the Oregon Department of Education, Portland General Electric, and US West. There are now 94 StRUT programs around Oregon with 1,500 students involved, and over 22,000 computers have been placed by this program in our K–12 system.

This Friday, I will be meeting with teachers from around Oregon who will be trained in this exciting new program. I look forward to hearing their advice on how Congress can implement these kinds of programs at the Federal level. In fact, StRUT is already being replicated in Washington, California, New Mexico, Arizona, and Congresswoman JOHNSON's home state of Texas.

By allowing students access to these essential technical and business skills, and by providing their fellow students with improved access to the Internet, we can help prepare our children to be successful citizens in the information age.

CLEAN WATER TRUST FUND ACT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. VISCLOSKY. Mr. Speaker, today I am proud to introduce a measure which I have supported since the 103rd Congress. This bill, the Clean Water Trust Fund Act, would put all funds collected through Clean Water Act fines and penalties into a trust fund to be used specifically for cleaning up polluted waters. This common sense measure links environmental penalties with environmental remedies, and ensures that money collected for environmental violations will not be lost in Washington.

In Northwest Indiana, one of the most unique and naturally beautiful coastlines in the world has been the site of a major industrial center for over a century. With the advent of environmental regulation in the last fifty years, the companies which had before polluted the waters with impunity had to reform their manufacturing processes and begin paying fines and penalties if their new procedures did not decrease their pollution emissions to an acceptable level. The residents of my hometown were comforted by the understanding that these new rules would protect our environment—our coastline and groundwater and potable water supply—and keep us from being poisoned by the very industries on which we relied for work. But it just has not worked the way it should. Instead of working together, the hand that fines and the hand that cleans are attached to different bodies. Money collected for polluting drinking water can be used for anything from mohair subsidies to McDonalds' overseas advertising. This is clearly not the heroic role of environmental regulation envisioned by my friends and neighbors when we first supported the Environmental Protection Agency's control over how much and what an industry could dump into our nation's waters.

My bill would begin to repair this disconnect. Under the Clean Water Trust Fund Act, residents of Northwest Indiana who read about millions being paid by a local company in Clean Water Act fines will know that money will come back to the region and be used to repair the environmental damage. It is as simple as that. The measure instructs the EPA Administrator to work with the states and turn the funds collected in fines and penalties into environmental remediation for the areas affected.

We can have no higher priority than creating a society where our citizens have the opportunity to live safely and healthily. Making sure that everyone has access to safe, clean water is one of the most basic requirements of civilization. This measure, which would reconnect penalties to relief, is an important first step. Mr. Speaker, with the support of over thirty of my colleagues from both sides of the aisle, I am pleased to introduce the Clean Water Trust Fund Act.

CHILDREN'S MEMORIAL DAY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mrs. TAUSCHER. Mr. Speaker, I rise today in support of the Children's Memorial Flag Project and hope that my colleagues will join me in supporting the establishment of a National Children's Memorial Day where we remember all children who die by violence in our country.

The Children's Memorial Flag Project originated in Alameda County, CA, part of which falls in my Congressional district. This project is dedicated to remembering the children who die as a result of abuse, neglect, and homicide. Each time a child dies as a result of violence, the Children's Memorial Flag is flown at half-staff and a young oak tree is planted in the Children's Memorial Grove. This county effort has become a national effort and I would like to acknowledge the efforts of my dear friend, Alameda County Supervisor, Gail Steele, who created the project. Last year, 25 states flew the Children's Memorial flag over their state capitol on the fourth Friday in April which they designated as Children's Memorial Day. I am working with several Bay Area colleagues to introduce legislation that would adopt the Children's Memorial Flag and establish the fourth Friday in April as a national Children's Memorial Day.

Tragedies such as the school shooting which occurred recently in Littleton, Colorado, remind us of how precious our children are. We cannot let these children, nor the thousands of other children who die of violence, be forgotten. I urge my colleagues to join me honoring the memory of children lost to violence this Friday, April 23rd and to adopt this day as National Children's Memorial Day. I hope honoring and remembering these children will be the driving impetus for us to work together as a nation to keep America's children safe from violent crime.

NATIONAL FAMILY CAREGIVER SUPPORT ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WAXMAN. Mr. Speaker, I rise today to encourage my colleagues to sponsor H.R. 1341, "The National Family Caregiver Support Act of 1999." Last month, I joined my colleague, MATTHEW MARTINEZ, in sponsoring this important piece of legislation.

Every American family is doing more with less time—but none more so than the families who must care for an older relative with chronic illnesses like Alzheimer's or with mental or physical disabilities. Growing numbers of families are choosing to care for their own at home over placing sick relatives in institutionalized care settings.

This is what the New York Times calls "a fundamental shift in health care." Today, dutiful children and caring spouses provide the staggering equivalent of $200 billion in direct care to their elderly or ailing relatives. At least 21 million Americans provide such free care—and the number is growing very quickly. In fact, one in four Americans currently provides care to a person with a chronic medical condition.

Perhaps the best way to understand this tremendous demand on our families is to think of the time required of them. All of us are familiar with the 40 hour work week. Setting aside the expense, the emotional demands and the need for training of family caregivers, we know today that four million American households offer at least 40 hours of unpaid family care to an older relative every week. Family caregivers of Alzheimer's patients spent an average 69 to 100 hours per week providing such care.

We must also bear in mind that these families are juggling multiple responsibilities. More than 40 percent of family caregivers also care for children under 18—and two-thirds are full-time or part-time workers. You may have heard the term, "the sandwich generation" applied to the many Baby Boomers who are struggling to balance work, children and care for their parents. This is having an important impact on the workplace as well; according to corporate executives surveyed last year by the Conference Board, elder care will soon top child care as a major concern by employees.

There is every indication that these demands on family caregivers will grow. Americans are living longer and the need for long-term care is growing quickly. Cost pressures in our health care system are reducing hospital stays and increasing outpatient care. These trends virtually assure that family caregivers will play an increasingly indispensable role in our health care delivery system.

That is why we introduced H.R. 1341. These families need help. Modest, targeted initiatives like H.R. 1341 can do the most to help them by building on existing, successful efforts to provide assistance. Let me give a few examples.

According to experts, "the greatest need for most caregivers is rest." H.R. 1341 would provide them with quality respite care. States like California and Pennsylvania are leaders in providing assistance at "one-stop shops." H.R. 1341 would expand these efforts through Federal-State partnerships. Local agencies, nonprofits and community groups currently provide family caregivers with training, counseling, referrals and crucial respite care. H.R. 1341 would reward outstanding, innovative programs and identify those of national significance.

1999 is the International Year of Older Persons. In recognition of this important milestone. I encourage my colleagues to demonstrate their commitment to securing the dignity and health of older Americans and their families by cosponsoring H.R. 1434, "The National Family Caregiver Support Act of 1999."

IN RECOGNITION OF CHILDREN'S MEMORIAL DAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STARK. Mr. Speaker, I rise today to introduce a House Resolution supporting the establishment of the fourth Friday in April as "Children's Memorial Day."

We are all saddened by the tragic shootings at Columbine High School in Littleton, Colorado. Unfortunately, violent acts against children are occurring with increasing frequency—destroying innocent lives and devastating families and communities. In the United States each day, five infants and children die from abuse and neglect, and seven teens are murdered. In fact, more children lose their lives to criminal violence in the United States than in any of the 26 industrialized nations of the world. This is unacceptable.

In Alameda County, California, which I represent, the County Board with the hard work and strong dedication of Alameda County Supervisor Gail Steele, adopted in 1996 the Children's Memorial Flag Project and established a National Children's Memorial Day on the fourth Friday in the month of April to remember all of the children who have died by violence in our country. The Child Welfare League of America has adopted Alameda County's Children's Memorial Flag and promotes it nationally. This year we anticipate 20 State Capitol Buildings will fly the flag at half-mast, with 13 others memorializing these children by other means this Friday, April 23rd.

We have lost far too many children in violent, preventable deaths, through gun violence, fire, automobile accidents, suicide, and physical abuse and neglect. From this moment forward, let us approach our work in Congress with renewed resolve. It is our responsibility and the responsibility of adults everywhere to protect children and to ensure that they have a full opportunity to become healthy and productive adults. Even one child lost is one child too many.

I urge my colleagues to cosponsor this resolution and to honor the memory of children lost to violence in this country. Let us condemn acts of violence committed against the children of our communities and pledge to safeguard the welfare of the children in our nation.

AGENTS WHO SERVED AMERICA SHOULD HAVE THEIR DAY IN COURT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to mandate the establishment of a special federal judicial panel to determine whether cases involving breach of contract disputes between the U.S. Government and U.S. intelligence operatives should go to trial. The bill is identical to legislation I introduced in the last Congress.

The legislation directs the Chief Justice of the U.S. Supreme Court to assign three federal circuit court judges, senior federal judges, or retired justices to a division of the U.S. Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in an appropriate U.S. court for compensation for services performed for the U.S. pursuant to a secret government contract may be tried in court. The bill provides that the panel may not determine that the case cannot be heard solely on the basis of the nature of the services provided under the contract.

Currently, the Totten doctrine bars these types of cases from even going to trial. The Totten doctrine is based on the 1876 Supreme Court case of *Totten* versus *United States*. The case involved the estate of an individual who performed secret services for President Lincoln during the Civil War. The court dismissed the plaintiff's postwar suit for breach of contract, stating, in part:

> The service stipulated by the contract was a secret service; the information sought was to be obtained clandestinely, and was to be communicated privately; the employment and the service were to be equally concealed. Bathe employer and agent must have understood that the lips of the other were to be for ever sealed respecting the relation of either to the matter . . . It may be stated as a general principle, that public policy forbids the maintenance of any suit in a court of justice, the trial of which would inevitably lead to the disclosure of matters which the law itself regards as confidential, and respecting which it will not allow the confidence to be violated.

Other court rulings over the past 120 years have affirmed the Totten doctrine as it applies to breach of contract disputes arising form espionage services performed pursuant to a secret contract. Mr. Speaker, as a matter of policy, the Totten doctrine is unfair, unjust and un-American.

For the most part, U.S. intelligence agencies do a good job of fulfilling commitments made to U.S. intelligence operatives. However, there have been some disturbing lapses.

During the Vietnam War the Pentagon and the CIA jointly ran an operation over a seven-year period in which some 450 South Vietnamese commandos were sent into North Vietnam on various espionage and spy missions. The CIA promised each commando that, in the event they were captured, they would be rescued and their families would receive lifetime stipends. Due to intelligence penetrations by the North Vietnamese, most of the commandos were captured. No rescue attempts were ever made. Many of the commandos were tortured and some were killed by the North Vietnamese. Beginning in 1962, CIA officers began crossing the names of captured commandos off the pay rosters and telling their family members that they were dead. Many of the commandos survived the war. After varying periods of time they were set free by the Vietnamese government. Two hundred of the commandos now living in the U.S.

filed a lawsuit last year asking that all living commandos be paid $2,000 a year for every year they served in prison—an estimated $11 million. In 1996 the CIA decided to provide compensation to the commandos. Unfortunately, even after this decision was made, the CIA continued to invoke the Totten doctrine to avoid payment.

I have encountered numerous cases in which the CIA has reneged on commitments CIA agents made to foreign nationals who put their lives on the line to provide valuable intelligence to the United States. Absent Congressional action, the Totten doctrine allows the CIA and other intelligence agencies to ignore legitimate cases, and have these cases summarily dismissed without a trial.

In a paper published in the Spring, 1990 issue of the Suffolk Transnational Law Journal, Theodore Francis Riordan noted that "when a court invokes Totten to dismiss a lawsuit, it is merely enforcing the contract's implied covenant of secrecy, rather than invoking some national security ground." The bottom line: the U.S. government can, and has, invoked the Totten doctrine to avoid solemn commitments made to U.S. intelligence operatives.

Existing federal statutes give the Director of Central Intelligence the authority to protect intelligence sources and methods from unauthorized disclosure. I understand the importance to national security of preventing unauthorized leaks of information that could compromise U.S. intelligence sources and methods. That is why my bill directs the special judicial panel to take into consideration whether the information that would be disclosed in adjudicating an action would do serious damage to national security or would compromise the safety and security of U.S. intelligence sources. In addition, the bill provides that if the panel determines that a particular case can go to trial, it may prescribe steps that the court in which the case is to be heard shall take to protect national security and intelligence sources and methods, including holding the proceedings "in camera."

Supporters of the U.S. intelligence community have criticized court involvement in intelligence cases by noting that most federal judges do not have the expertise, knowledge and background to effectively adjudicate intelligence cases. In fact, in the United States verse Marchetti, the Fourth Circuit took the position that judges are too ill-informed and inexpert to appraise the magnitude of national security harm that could occur should certain classified information be publicized. I must respectfully and strenuously disagree with this type of reasoning. Federal judges routinely adjudicate highly complex tax cases, as well as other tort cases involving highly technical issues, such as environmental damage caused by toxic chemicals. It's absurd to assert that judges can master the complexities of the tax code and environmental law, but somehow be unable to understand and rule on intelligence matters.

The U.S. intelligence community has become too insulated from the regulations and laws that apply to all other federal agencies. Mr. Speaker, the Totten doctrine has outlived its usefulness. There is no legitimate national security reason why U.S. intelligence operatives should not be able to file a claim for beach of contract, and have the claim objectively reviewed.

I urge all Members to support my legislation. It's the right thing to do; it's the American thing to do.

HONORING FERNANDA BENNETT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Fernanda Bennett, whose dedication and perseverance has made the fifth district Annual Congressional High School Art Competition a resounding success year after year. This year marked the sixth year that the Nassau County Museum of Art generously hosted this noteworthy event, displaying the pieces entered into competition. As the Assistant Director and Registrar, Ms. Bennett directs the smooth installation and public display of these works.

Her enormous contribution to the art competition is indicative of her successful career at the museum. Fernanda Bennett started as an intern in 1983, and has since worked her way up through the staff. Over the years, she has helped plan, organize, and install over fifty exhibitions, ranging from Tiffany lamps to Picasso canvases. As the Registrar, Ms. Bennett handles the details on insurance, transport, and display of numerous, invaluable pieces of art. She also helps maintain records of all borrowed items by collecting photos and documenting their exhibition histories.

As Assistant Director, Ms. Bennett oversees the day to day operations at the museum. She ensures that the building is kept clean and that the gallery environment is properly maintained. In addition, she inspects the artwork to ensure that it is cared for in a manner benefiting its valuable status. Because of its location on a 145 acre preserve, The Nassau County Museum of Art exhibits a collection of monumental outdoor sculptures. Ms. Bennett oversees the preparation of the sites for sculpture installation, handles the removal and placement of these magnificent pieces, and administers the care needed to display the works at their finest.

Her commitment to the museum and years of service to the community have enabled the fifth district art competition to be one of the biggest and best in the country. Six years ago, only fifty students participated in this event. Due largely to Ms. Bennett's extraordinary dedication, over one hundred students took part in this year's competition. Therefore, I ask all of my colleagues to join me in honoring this remarkable individual, Fernanda Bennett.

TREATMENT OF FOREIGN VISITORS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I have been disturbed by the stories which have come to my attention from family and friends of constituents and from travelers from abroad, who have complained about the standard process for obtaining U.S. nonimmigrant visas. I certainly understand the challenge faced by our consulates around the globe in considering and processing the immense number of visa applications, and I recognize that dedicated consular officers serve as the vanguard for orderly and legal transit across our borders. Coupled with the responsibilities of customs officers posted at ports of entry, these are the public servants who are often the first to offer words of welcome to foreign visitors. Some personal accounts that have been shared with me, as chairman of the Subcommittee on International Operations and Human Rights, paint a different picture. Rather than words of welcome, the messages are for some ones of harassment and seemingly prejudicial treatment.

One particular collection of incidents is that experienced by my friend and fellow parliamentarian, Romanian Member of Parliament Peter Dugulescu, who travels with a Diplomatic Passport. When we last met in person, I asked that he prepare a written explanation of the difficulties which he has faced. The track record of this one man's treatment at a combination of ports of entry represents a sad commentary on the soiled welcome mat which is sometimes laid out for our visitors. I would hope that greater attention would be given to treating our foreign visitors with respect and the dignity deserved by each.

For the record, I would ask that the recent appeal to the President made by the Honorable Peter Dugulescu be printed in the RECORD.

To: Mr. William Jefferson Clinton—United States President, United States Congress, United States Department of State.

From: Petru Dugulescu, MP, Committee on Foreign Affairs.

Honorable Ladies and Gentlemen, I am grateful for the opportunity I have been given to take part in the 1999 National Prayer Breakfast. My colleagues and I want to express our gratitude for the relations established between your country and ours, and for continuing to build on this foundation.

In the spirit that has made United States of America a model country for the world, for its democracy and for the opportunities it gives to its citizens and non-citizens living here, I come before you with my sincere appeal in matters that pertain to further advance the relationship between your country and ours, between your people and the people of Romania. Saddened by the situation, I kindly ask for your attention to this letter and take it in adequate consideration with measures that only you can decide to take as you may see fit.

Prior to the Romanian Revolution of 1989, because of my admiration for your country, for its social-political system and the religious freedom, for my religious and political beliefs, I have suffered persecution, mistreatment, and was subjected to mockery many times in Romania. Only God kept me and my family alive through the hard times. (Aspects of my persecution have been made known in United States by reputable author Charles Colson in his book "The Body") Numerous leaders, such as US representatives: Frank Wolf (VA), Tony Hall (OH), Christopher Smith (NJ), have showed their support and intervened in different ways to the

Romanian authorities. Former US Ambassador to Romania, Mr. David Funderburk, has visited our church and my family several times, and continuously showed his support, thus alleviating some of the pain.

Following the 1989 Romanian Revolution, I have been blessed with an invitation to take part in the 1990 National Prayer Breakfast, as a pastor, together with a Romanian delegation. I have been part of this magnificent event every year. Since 1990, I have visited the United States several times for meetings with diplomats and/or social-cultural and religious organizations. My colleagues are looking at me as at someone who truly supports relations with the United States by proven activity. However, I am saddened to say that not all of my visits have been pleasant. This last arrival in your country has been most uncomfortable, to say the least.

On January 7th 1999, I arrived in the United States with a Visitor's Visa and Diplomatic Passport, on board flight no. 120 (Route: Bucharest-Zurich-Atlanta) of Swissair, at Atlanta's International Airport, around 2:00 p.m. Upon the U.S. Immigration inspection service, I was asked by a female officer of the U.S. Customs if I was from Romania. As a result of my positive answer, she asked me to open my luggage and they started taking my personal belongings out in the open while laughing. When I saw the scene caused by this incident, I asked kindly to see what they were looking for. "Food", they replied. I told them I didn't have any. However, they continued to do the same thing. When they were done emptying my luggage, I started collecting my pajamas and other belongings attempting to pack as people were looking at me as to a criminal who just got caught smuggling something illegal into the United States. I can't explain my hurt and embarrassment caused by these officers who continued to joke. When they asked me what I was coming to the States for, I told them that I was invited to attend the National Prayer Breakfast with their President. They laughed again. I showed them the Diplomatic Passport and the invitation, which prompted them to laugh even harder and said: "Send our greetings to Bill Clinton from us, Tom & Jerry". . . . I was shocked by their arrogance.

Of all the custom inspection services in the world, this should have been the most painless and most comfortable, especially since I did not break the law in any way. If a U.S. citizen travelling to Romania would be subjected to such humiliation and mockery, would probably say that Romanians are barbarians and the country is still communist. I honestly hope that you can imagine my frustration.

The fact is that this incident with the opening and emptying of luggages in customs was not a first. In September 1996, at the International Airport in Portland, Oregon, I had another similar experience. Other colleagues and acquaintances have told me their experiences as well, leading me to the conclusion that some measures must be taken.

What is the conception or the mentality of the U.S. Customs Officers pertaining to us Romanians who come in the United States as visitors? Why are we treated as 2nd class citizens (or even worse)? Why can't we feel welcomed into this great democratic country? Why are we Romanians different than other travellers? Or, if not considered different, then why are we treated differently? As a representative of Romanian people both in the Romanian Government and abroad in foreign relations, it is my duty to ask these questions and kindly appeal for your intervention to the proper departments in order to insure that the image United States is portraying to the Romanian tourists is a better one.

Another great concern that I have pertaining to travelling in the United States is the procedure that the U.S. Department of State has established for Romanian applicants for visitor's visas. I have raised this issue in conversations with U.S. Ambassador to Romania James Rosapepe and the U.S. Consul, Mr. Patterson, and was told that my concern was not uncommon but unfortunately procedures are set in Washington DC.

An application for a visitor's visa, which is, in fact, an interview tax, costs $45. Apart the fact that the applicant must demonstrate "strong ties" to the origin country and, therefore, for the U.S. Embassy to avoid the danger of a new immigrant, (demonstration that is not always taken into consideration on a consistent criteria basis), the applicant has to pay for the visa, for the travel to Bucharest in order to give an interview with the Consul, interview which occurs only 1 or 2 out of 10 applications, the rest being just useless conversations with some desk officer at the U.S. Consulate. A simple arithmetic shows that the applicant pays sometimes his or her monthly salary (an average salary in Romania is about $120/month) just to learn that he or she has been rejected and thus is not allowed to travel to the U.S.

Should I mention to you also that rejected applicants never get back their money? Or is there a way to make money out of the sincere and legitimate desire of Romanians to travel to the U.S.? And when taking into consideration the original if not strange technique of the "visa lottery", one could picture a very commercial way to observe the universal right to free travel and circulation of any citizen of the world. I strongly believe that principles are to be observed not only by declarations, but also by facts. And people can feel the difference. I remember a demonstration in front of the U.S. Embassy when people were carrying slogans like: "The Berlin's walls were moved to the U.S. Embassy".

Few years ago, talking to the U.S. consul in Bucharest about visa issues, I told him that the U.S. Government was accusing Ceausescu about restraining the Romanian's right to travel free and he replied that "traveling to America is not a right, but a privilege".

U.S. citizens come to Romania without applying for a visa, nor paying for one (unless they stay longer than 30 days). I strongly believe that in the spirit of democracy, The United States Department should take measures to waive discriminating treatment and to envisage a reciprocal one.

As an advocate for the democratic system of United States who has not given up under the pressure of communism, I come before you urging you to take this appeal in consideration. People of Romania are not 2nd class citizens, they are not beggars, nor criminals. We have our dignity and would like to be treated accordingly. We look up to the United States, to Americans, to anything that carrys a label "made in America" with open heart. Romanians want to be part of NATO and part of the Western culture, however, aspects of life such as ones mentioned here are making us believe that we are not welcomed. We are treated sometimes as we are not good enough to be worth a chance.

I close this appeal by saying that I will continue to believe and to preach the model of democracy that United States offers to the world, while believing that these things are going to be dealt with properly.

I thank you all for listening or reading this letter, for understanding our feelings and for taking action.

Respectfully yours.

SALUTE TO NEWT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Ms. DUNN. Mr. Speaker, at the "Salute to Newt" last Wednesday, our former Speaker of the House again proved that, in the words of TIME Magazine, he "belongs in the category of the exceptional." Newt Gingrich is a man who thinks both with a vision for our country and with compassion in his heart, and I bring his remarks from that special evening to your attention.

Joined by the Gingrich family and friends, the event was a wonderful tribute to Newt. Mary Tyler Moore, International Chair of the Juvenile Diabetes Foundation, said it best in her introduction of Speaker Gingrich. Moore said, "Newt Gingrich may be many things to many people, but to us he is a champion and a hero—and his leadership in Congress will be sorely missed." A portion of the proceeds from this event were donated to the Juvenile Diabetes Foundation.

As the man who led us in capturing and holding a Republican majority in Congress for the first time since 1928, his comments continue to offer each of us insight for the future.

In a very real way, I hope tonight does symbolize what America is all about. Jonathan as a person, not just a symbol for a cause. Mary Tyler Moore as a person, not just a symbol of a cause. But the fact that America is about 260 million real people of remarkable diversity, each of them with extraordinary God given talents, and each of them needing the help of their fellow American to use all those talents.

We were able, for a five-year period, to do a great job because of each of you. Because of those of you who are members, those of you who are on my staff, those of you who were supporters, donors, volunteers, friends; it was team effort.

Time magazine named me "Man of the Year" in 1995, but in fact, it should have been the "Team of the Year," because it was a very remarkable, collective effort, by an extraordinary range of people.

My daughters talked about me as a father, but the truth is, they're pretty good daughters. And they spent a lot of time on the phone with me, and now we're all into email so it's gotten even more chaotic, [laughter] and they and Marianne track me as much as I track them because I think life, in that sense, is a team effort.

Marianne recognized, and I was so grateful that she did so, and we talked about it earlier, but she recognized the Capitol Police. I think all of you, particularly those of you who go to the Capitol fairly often, who, as I often do, take them for granted, all of us were brought up short when Officer J.J. Chestnut and Detective John Gibson were killed. I think it was a reminder, a wake up call if you will, that these men and women literally risk their lives for their country, and in that case, two of them paid to protect the Capitol with their lives, and I want to repeat what Marianne said and just say to all of you who are here tonight, thank you for four years of wonderful service and protection and I am very grateful to each and every one of you, and I regard you as my friends, and I know from the fact that you participated in so many trips with me and on occasion laughed at various and sundry dumb things I was saying, that you are my friends.

You see different pictures, we talk about, one of the pictures was about mental health parity, and my mother has had challenges for over twenty years involving bi-polar disease. I walk every year in the breast cancer effort, and my sister Robbie, who is here, is a survivor of breast cancer and we know first hand how serious and how real it is.

I think at every level, my brother and my sisters are here tonight, my daughters, Marianne, all of us felt it personally, but I think for many of you, those in office and those out of office, those in Washington and those around the country, I think you know that you were as much a part of our extended family, and that it was very, very real, and that together, we accomplished a lot.

I think it's a very important thing that this city doesn't do a very good job of giving us credit for it, because it would make the establishment of this city very uncomfortable, but I think we ought to recognize that together, we ended, as that one video shows so lovingly, 40 years of Democrat control.

Together, for the first time in 68 years, we re-elected a Republican majority. Together, for the first time since 1926 we ended up keeping that majority for the third time. And it is with enormous pride that we have here tonight, my dear friend Speaker Denny Hastert.

As I told the House Republican Conference in a rather exciting meeting one afternoon just before we went on home for Christmas, I thought that in the context we were in that Denny was absolutely the only person who could hold the party together, and I called him today to congratulate him as the budget passed, something which I had not been able to accomplish for all of last year.

And to get it through, on time, and to pass it, even with a couple of Democratic votes helping add the margin, was a great achievement. I think this is part of what the human experience is about.

It's important to understand that I left the Capitol with an extraordinary sense of happiness because for 20 years I had been allowed to serve the people of Georgia, because for 5 years I was allowed to lead the House Republican party, one of those years in all honesty, with Bob Michel's total support because he was still the leader, but in every way he supported my effort for us to be a majority.

For four years, with your help, I was allowed to serve as the Speaker of the House, and I felt that as a visionary and a strategist and a teacher that I had carried us as far as I could, and that frankly we needed a legislative leader who would focus on leading the House Republican party as a legislative body, and I am extremely proud of Denny, and I think he is going to end up being a very effective Speaker, and I think when he is re-elected two or three more times he will be a very, very powerful Speaker, and I will be back at that point to visit you occasionally and chat with you about ideas that I'm developing, that I hope you will schedule.

It's important to remember that not only did we achieve a lot in power, because it was a decisive transition in power in this city, but we achieved a lot in policy.

We passed welfare reform. We passed it three times—twice it was vetoed, the third time the president announced he had invented it and signed it with great glee.

But frankly that's less important than the fact that today there are 43% fewer people on welfare and 43% more Americans out there earning a living, having a chance to pursue happiness, showing their children that the work ethic matters, and that's good for America, and it's good for individual Americans.

The pictures that Charlton Heston talked about, that he narrated, that showed John Kasich and Pete Domenici signing the budget deal which was in fact an extraordinary achievement.

People tend to forget, we were projected, when I became Speaker, we were projected to have over the next decade a three trillion, one hundred billion dollar deficit. I believe it was announced yesterday that the surplus for this year is one hundred and eleven billion on a unified basis and even if you discount all the Social Security revenue, we have reduced the deficit for the operating budget to 16 billion. Numbers which I would venture to say in the summer of 1994, you could have gotten a 50 million to one bet against that particular possibility.

We have now created, by balancing the budget, the lower interest rates that are fueling the economy. We also have a chance to save Social Security, and we are in a position where we can cut taxes and return to the American people the money that belongs to them.

And let me remind you that when we balanced the budget, we did so in a bill which cut taxes for the first time in seventeen years, and part of this prosperity is the fact that we cut the capital gains tax and, once again, lowering the cost of job creation paid off, as more and more people got in the business of creating jobs.

We also saved Medicare for what now looks like it will be a 15 or 20 year period, without having raised the FICA tax, and we began strengthening defense and intelligence, and I am particularly proud that Porter Goss, who is here tonight, is continuing to lead as the Chair of the Intelligence Committee and to give us a chance to really reshape our intelligence.

Now, I spent the last four months with Marianne studying, thinking, trying to learn a few things and get a chance to be outside the daily business of this city. And for just a few minutes, I'd like to share with you sort of my initial reflections. This has been my first chance to come back and to have a chance to share with you.

And let me say, I want to pick up on what Connie Mack said. I believe that we are the party of freedom, and we only make sense as the party of freedom. I believe that we represent the cause of freedom, which is even bigger than our party.

And I believe that America is the country of freedom. I believe that as you go around this town, from the Washington Monument built to a man who led the Continental Army, presided over the Constitutional Convention, and literally served as father of his country for eight years, a man without whom we could not be the country we are.

To the Jefferson Memorial, a man who wrote the Declaration of Independence, who was Governor of Virginia during the Revolutionary War, who helped us create the Bill of Rights, who founded the Democratic party to have legitimate dissent without treason, a new concept in the late eighteenth century, and then presided as president.

To the Lincoln Memorial, a man who by sheer will insisted that we would be a union, and a memorial which can never be visited without profit by any who would understand both what has made America, and how deeply God is a part of our experience

To the opposite end of the mall, where General Grant's statute stands below the Capitol that he defended, and we are reminded that this nation was, in the end, created in blood at Valley Forge and elsewhere, and stained in blood at Antietam and Gettysburg.

To the FDR monument. To the greatest president of the twentieth century, a man who presided over the defeat, and led in the effort to defeat, Nazi Germany, Fascist Italy and Imperial Japan.

Again and again, from monuments to the First and Second World Wars, to monuments to the Koran War, to the Vietnam Memorial, we are reminded that freedom is expensive, that it requires constant effort, and that we have a duty in our generation to take the freedom our parents gave Us and to strengthen it, improve it, and give our children, and grandchildren as my daughter pointed out, even more freedom. These are monuments to the sacrifices that lay at the very heart of freedom.

I believe that in the next two decades, we have an opportunity to decisively extend freedom. And I believe there are five key steps to greater freedom in the next decade or two.

Some of them are domestic, some of them international. Many of them will be controversial. Let me tell you what the five key steps to freedom are in the next few years.

The first is here at home. It is the freedom to save for your own retirement, without politicians controlling your money.

It will be controversial. There will be a fight. People will flinch from it at times. But it is an objective fact that the Social Security actuaries will report that being allowed to have a Social Security Plus account that you invest will save Social Security permanently, without a tax increase or a benefit cut, will do so with such enormous economic repercussions, that the Social Security actuaries believe that our children will have to cut the FICA tax, because the surpluses in the trust fund will simply grow too large to be managed.

Now, that is a future which the surplus of the budget gives us a window now to take advantage of, and I think we should have the moral courage to say to the American people, 'the president was half right.'

He was right in saying let's invest it, he was wrong in saying let the politicians invest it, and we believe enough in the American people to find a way to get them some kind of tax credit out of that surplus so that every American, when they go to work and they start to pay a FICA tax, they have the right, and the duty, to save for their own retirement, with them, not the politicians, in control of that saving.

And that will end class warfare in America in a half generation as every worker in America comes to own part of the American dream, and every worker in America sees their account, and their savings. And, in the process, the economy will grow faster, Social Security will be saved, and we will have moved power out of Washington, and back to the American people.

Second: We ought to have the freedom to work for ourselves, for our families, for our communities, for our religious institutions. And I believe, in peace time, that means that we should establish a cap on all taxation, state, federal and local combined, at 25% of income, and no American should pay more than 25%.

One of the purposes of this political action committee will be to write every Republican county, and district, and state organization as they have their conventions next year, and urge them to adopt a platform plank that calls for a 25% cap.

We're not going to get there overnight. We're not going to get there in three or four years. But as someone who did preside, after all, over reforming welfare, balancing the budget, cutting taxes and saving Medicare, I think I can say that I have some sense of what's doable.

And the fact is, in 1970, Governor Ronald Reagan went to the Governor's Association and proposed welfare reform. He was defeated forty-nine to one. Twenty-six years later, standing on his shoulders, we passed that welfare reform.

Government grew big because of the Depression and the Second World War. It has no justification for being this big except our lack of cleverness at applying privatization, setting priorities, and modernizing the system to make it smaller.

And I think as a party, we should adopt the principle that over the next 15 years we will shrink government until we get it down to no more than 25% of your income. Because, after all, if there was a big war, you would have to raise taxes, and if you are already at 45 or 50%, you have no margin to raise taxes without threatening freedom.

And if you believe in the Tocqueville vision of volunteerism, and Marvin Olasky's great book The Tragedy of Human Compassion, which I think was the key explanation—and I thank Bill Bennett, who is here tonight, for having originally asked me to read it—it was the key explanation that volunteerism, charities, and a willingness to go out and be involved in your community is vastly more effective at changing the human condition than is larger government.

And in that process, I believe, we can eliminate the death tax, cut the capital gains tax to 10%, and put ourselves in a position as a country to teach the rest of the world that we want big active citizens, not big active bureaucracies, because that's what makes freedom truly strong.

Third, and I'm going to step on virtually every interest group in the country with this next one. It comes directly out of Adam Smith's point about the modernization of the Middle Ages. We should have the freedom to use all the aspects of the information age to improve our lives.

We, as patients, ought to have all the knowledge about our health records. We should have all the knowledge about our own disease. We should have all the knowledge about all the different possible cures.

We, as citizens, should have access to every expert system we can to apply the law to ourselves, with minimum payments to attorneys rather than maximum payments.

We should have a common-sense approach to the environment. We should have a 24-hour a day, seven-day-a-week, year-round learning system where teachers get paid based on results rather than on tenure, and where, in fact, students have a chance to be learners all their lives, not just from 9 until 3 when it is convenient.

But that requires the courage, every morning, to get up and look at the technology and say, "how can I strengthen the consumer-slash-citizen's rights," rather than "how can I protect the guild the interest group, or whoever it is that is currently protecting their rice bowl."

Fourth, and this is particularly important for Republicans, but it is crucial to all Americans. We need freedom for all Americans to pursue happiness.

It really struck me about 2 weeks after the election. The democrats had run racist ads, and they were terrible, and it was a despicable campaign, and it was deliberate. But it was tragically our failure over the preceding four years to so behave that in every black and Hispanic community local people didn't automatically say, "That ad is baloney."

We have to decide that we truly mean that every American is endowed by their creator.

Every American with disabilities, and Jonathan is here tonight. Every American who has a long-term disease. The young people who were up here tonight who will spend a lifetime without hour help having to inject, having to monitor carefully, having to experience everything Mary shared with us.

Young Americans who are black, or Hispanic, or Native American. And we have to decide that we, as a party, and we as individuals mean it enough that we are going to break through the baloney, break through the bureaucracy, insist on results, and we're going to reach out in every neighborhood.

Some work has been done in this direction, but frankly it is far too little, we are far too timid, we don't challenge ourselves enough, and we should recognize that if God has truly endowed, as I believe he has, every single child in this country, in every single neighborhood, then we have an obligation to make that endowment real.

And if we are seen as being truly serious, and we are truly serious, I believe that for more than a generation, the vast overwhelming majority of Americans will give us the chance to implement that seriousness in creating a better future for all of us.

An example I though about, these are U.S. Representative JIM ROGAN's twins that are in this picture right up here. They are wonderful young girls. JIM loves them deeply. And all I would say to each of you is, we ought to be able to put the face of every child their age, of every single background, in every single neighborhood, in that picture. And they should have just as great a change to be happy, to be healthy, and to know that they are going to have a good future. And we should just force ourselves to do the hard work of freedom until that happens.

And finally, and this is going to sound a little daring, and I don't quite know how to say it, I lack U.S. Senate Chaplain, Rev. Lloyd Ogilvie's brilliance with interpreting God's will and language that the Senate will actually listen to. Not always obey, but at least listen, and that's a major achievement.

I think, and I want to say this as clearly as I can because it's so important. I think we ought to stand for freedom for the entire human race.

For fifty years, we led an anti-Communist coalition. And we won. We are now the preeminent power on the planet, and the time has come to ask of ourselves, "for what purpose has God given us this level of pre-eminence?"

And I believe the answer is exactly what Jefferson, Washington and Lincoln would have said: That we owe to every citizen.

Remember that the Declaration of Independence begins by saying, "We hold these truths to be self-evident. That all men are created equal, and that they are endowed by their Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness."

Notice that phrase, that entire phrase, is universal. It doesn't say they are American truths. It doesn't say they apply to white males. It doesn't say they are Western European. All are created equal. Endowed by their Creator.

I think the United States has to lead. I think we need a great debate, that's very straightforward. If you think the world will be safer if the United States hides, join that side. If you think the world will be safer if we lead, join this side. Let's divide up. Let's have a fight over it. I think overwhelmingly the country will choose that we have to lead.

When we start to lead, I think the goal of our leadership should be simple: We want every single citizen on the planet to be free, safe and prosperous.

And we are prepared to provide moral leadership, we are prepared to encourage missionary activities, both religious and secular, we are prepared to support commercial activity, we are prepared when necessary to support diplomatic, police and, if necessary, military activity. But we truly believe the time has come for the planet to be free, because our children will never be free if there are large pockets of dictatorship, tyranny and terrorism on this planet.

That requires us, and this is not a comment on the Clinton administration, it requires us as Americans to rethink our strategies and to rethink our systems.

We can't just bully the planet into following us. We could when it was the Soviet Union, because the alternative was so horrible that, in fact, people would follow us even when mad at us.

We're going to have to learn to listen a lot. We're going to have to learn to learn a lot. We're going to have to learn that leadership doesn't mean that you've got to fix breakfast for everybody every morning. And leadership doesn't mean that the 'cleanup campaign' is you cleaning out the garage of every one of your neighbors. But it does mean building teams, being patient, being persistent.

It does mean telling the truth. You can't have prosperity in Russia without the rule of law, and free enterprise, and private property. You can't have honesty and prosperity in Indonesia if you have corruption. You can't tolerate, in the long run, a government like North Korea because it is literally killing the people of North Korea. And you can't ignore Rwanda just because it is too difficult for CNN to get a reporter to cover the butchery.

We have an obligation to systematically, calmly and methodically lead across this planet everywhere, and we can't avoid it.

Now, I think that does mean we're going to have to learn to build institutions, better systems.

I think it means we've got to have a defense budget and a 'policing' budget. They are not the same thing. And for the last seven years, the 'policing' budget has eaten up the defense budget.

I think it means a larger total expenditure on national security, a total overhaul of the State Department, a total overhaul of the intelligence capabilities. If you knew the numbers, and I don't know if they are declassified or not, but if you knew the numbers of people we have in our security apparatus who can speak fluent Chinese, or can speak fluent Serbia, you would be humiliated at the inability of the richest, most powerful nation in the world to get its act together.

This is not a commentary just on this administration. This is going to take serious thought, serious work, and whoever the next president is, they're going to need leadership from the Congress based on a lot of hearings, and a lot of hard work.

Having said that, those are five large long-term goals. Let me very briefly talk about three immediate challenges.

One: I believe the Republican party should adamantly, at every level, adopt the 11th Commandment that Ronald Reagan used. And I think we ought to say, 'let's have a great presidential nominating process, with no negative ads. Let's get together and find who is the best person with the best ideas.'

But the idea that we should have eight, or nine, or ten of our candidates destroy each other, I think is absolutely ludicrous. And I think every serious leader of this party ought to say to every single candidate, 'go out there and tell everybody your best ideas in a positive way,' and let's have the person with the best ideas win the nomination, and then let's all get together behind them.

But I do think if we don't do that, you're going to have a bloodbath for three or four months next year, and out of that bloodbath you're going to have an incumbent administration with an incumbent president, with the media bias, prepared to spend six months taking our nominee apart. And I think we owe it to America to have a positive, unified Republican party offering a candidate with good ideas.

Second: Because it is so currently topical, let me just say briefly: I strongly urge that we end the Independent Counsel process, dead. Not modified, not improved, not partial. Kill it. Get rid of it. Go back to the system we had before 1972. It has been a monstrosity. It has served no one well, and it criminalizes and undermines the process of American government in a way which is tragic.

And I would also urge all of you to thorough reexamine the process by which the Executive Branch now gets appointees, because we stop many of the best people in this country from even thinking about applying, and there ought to be some way to appoint some kind of commission of honorable people on a bipartisan basis, so that the next administration will not find that two-thirds or half of the people it wants can't even consider trying to meet the ludicrous standards we now set, and trying to fill out the materials we now provide.

Lastly, I could hardly come back in lieu of Kosovo, and not comment for a minute. Kosovo is very, very serious. Much more serious than the evening news understands.

The President of the United States has compared Milosevic to Hitler. Has suggested that this is the worst process since Nazi Germany. Has announced that the United States and all the power of NATO is being brought to bear on a tiny, limited country, called Serbia.

The Germans yesterday floated an idea which would be a disaster. A papered-over, negotiated settlement, with a dictator who would have won.

Let me be very clear at two levels here. First, Serbia is important because the world is watching.

If the Chinese decide that we are an irresolute, finicky, confused, timid nation, they will try to take Taiwan. And we could stumble into a war of extraordinary proportions, because they are serious people.

If the Iranians decide that they could take out Tel Aviv, and we would do nothing—I don't want to bet that the Iranians wouldn't try it.

If the Iraqis decide that after all of our eight years of bluffing, they could use bacteriological or chemical weapons against their neighbors and we would do nothing.

Remember, the danger may not be that we would actually do nothing, the danger is that their confusion would lead to a war.

1914, the First World War was an accident. Nobody thought they'd fight. 1939, Hitler promised his generals that Chamberlain would never fight, and Britain would stay out of the war. 1950, the American Secretary of State publicly announced, "Korea is outside our defense zone," and the North Koreans believed him.

Wars occur more often because democracies are confused, than because people are deliberately risk-taking. And this president has now set a very high standard for the United States.

And I believe there is a simple responsibility. First, the president should go to the nation and outline unequivocally, in clear, simple language what are our goals. If Milosevic is this evil, how can he stay in power? If his government has been this horrible, how can it be tolerated? If the Albanians are to go back home, how can they do so while being disarmed, as the Germans suggested?

So what are our goals? Against what should we measure America two years from now? What should have happened? How will we know we were successful? And then the president and the Congress should debate those goals.

If they are the right goals, if that requires declaring war on Serbia, then we should declare was on Serbia. If it requires sending a military force of enormous proportions, we should send such a force.

But that should not be a politician's decision. Nor a presidential candidate's decision. The reason we call General Shelton "Chairman of the Joint Chiefs" is because he is assigned the duty of designing the campaign plan to execute the will of the American people.

And his assignment should be simple. With minimum American casualties, in the shortest possible time, deliver victory, as defined by the president.

Having finished with Serbia, we should return briefly to Iraq, and the world will be safe for at least twenty years, because the world will have learned that when the American nation is serious, it is un-opposable.

But if we are irresolute in Serbia, if we accept a papered-over, phony victory, not all the press conferences and all the spinning in the world will convince the North Koreans, the Chinese, the Indians, the Iranians, the Iraqis, the Russians and others, that we are a nation to be dealt with seriously.

This president has put his stamp in the middle of the table. He has said the American nation is now committed, and NATO, which is essentially the American nation and its European allies, is now engaged, and we have to insist, for our children's safety, that we succeed.

Let me close, by first of all thanking all of you. As was mentioned several times, part of this resource is going to go to Juvenile Diabetes research. The rest is going to go to help launch our political efforts, to continue with vision and strategies and education.

Let me also close at a very personal level. In 1958, as many of you have heard me say, my step-father took me to the battlefield at Verdun. He was serving in the United States Army, as he did for 27 years. And he convinced me, at the end of my freshman year of high school, that civilizations die, that wars are real, that freedom is precious.

It has been for 40 years, 41 years this coming August, my privilege, as a citizen, to be a part of this extraordinary process by which the ethnically most diverse nation in the world governs itself, and seeks to provide opportunity for all of its citizens.

In that time, I've watched Barry Goldwater launch a movement that was considered a little nutty, and went down in glorious defeat in 1964, and created modern conservatism.

I watched Ronald Reagan give wonderful speeches, retire as Governor, emerge briefly to be defeated for the nomination, do a radio show from the ranch, and then emerge, in a magic moment, as America lost its way, as malaise took over, as the economy decayed, as the Russians invaded Afghanistan, and with Margaret Thatcher gave us a dual performance of the power of human leadership that changed the future. And in eight brief years he defeated the Soviet Empire, reestablished the American economy, reestablished American morale, and reminded us of the difference between evil empires and bastions of freedom.

I was privileged to serve with President Bush at a decisive moment, which is often forgotten by our friends, when every member of the Democratic elected leadership in the Congress voted against Desert Storm. We tend to forget after victory how rapidly they are forgotten. And yet President Bush had the courage, from day one, to insist that Kuwait would be taken, that Saddam's army would be destroyed, and that we would do what was necessary.

With your help, with your hard work, with your contributions and your tireless effort, we broke a 40 year monopoly, transferred power in the legislative branch, and truly changed the lives for millions of Americans.

As Mary said earlier so generously, all of us working together saved people with diabetes, we saved people with breast cancer, we put massively more money into medical research, we began a process of preventive disease approaches that I think are going to lead to wellness and major changes.

We saved hundreds of thousands of Americans from poverty by moving then into work and education, we taught their children that there is a better future than waiting on the check and sitting in public housing.

We created opportunities for our parents to have better choices in Medicare, and we began the slow, laborious process of rebuilding and rethinking our defense and our intelligence capabilities.

From that tiny country, on the fringe of the Atlantic Ocean, to a nation which stands astride the world, it has been an amazing process of two hundred and twenty-three years this July 4th. Our generation has a chance to extend that freedom, that prosperity, and that safety to every person in America, and to every person in the world.

It is, in Franklin Delano Roosevelt's words, our generation's rendezvous with destiny.

To each of you in public office I wish you God-speed. As Marianne pointed out the night we announced we would step down, we will be around in public life, and we will work with you in every way we can to give our children, and now my grandchildren, a better future. Thank you, good luck, and God Bless you.

MISSISSIPPI VALLEY NATIONAL HISTORICAL PARK ACT OF 1999

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. BERRY. Mr. Speaker, I rise today to introduce the Mississippi Valley National Historical Park Act of 1999. This legislation will establish a Historical Park on the former Eaker Air Force Base in Blytheville, Arkansas.

The former Eaker Air Force Base, which is located just outside of Blytheville in the Mississippi Valley region, is the site of 14 archaeological sites associated with Native Americans. The central and lower Mississippi Valley region contained the highest population levels and the most complex Native American societies north of Mexico before the arrival of European peoples in the 16th century. It has also hosted Spanish, French, English, and ultimately American societies at different times in the last 450 years.

Because of its value in illustrating and interpreting the heritage of the United States, these sites have been recognized by the National Park Service in numerous ways, such as designation as being placed on the National Register of Historic Places in 1984, and as a National Historic Landmark in 1996.

Archaeological sites such as these benefit, educate, and inspire present and future generations of Americans, but no unified heritage park for the central Mississippi Valley region exists within the National Park Service. This legislation will protect the archaeological sites located on the former Eaker Air Force Base, and preserve, maintain, and interpret the natural, seismic, cultural, and recreational heritage of the central Mississippi Valley region.

A TRIBUTE TO ARLO PETERSON

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. LUTHER. Mr. Speaker, today, I would like to recognize the important achievements of Arlo Peterson, a Minnesotan who was a pioneer and visionary leader in bringing affordable energy and electricity to thousands of rural and later suburban Minnesota residents. Arlo is retiring from his position on the board of Connexus Energy after 34 years of service to his state. Arlo served 25 of those years as Chairman of the Board of Directors. He took on this leadership position for one of the country's leading electric cooperatives upon the death of his father Ed Peterson in 1964, who had been a board member for 17 years. Together, these two men gave their state more than a century of service to help bring affordable electricity to their fellow residents.

A farmer from the small town of St. Francis, Minnesota, Arlo has been a model of stewardship for rural cooperative growth, ensuring that Minnesotans in his vast service area would have the energy and electricity they needed at rates they could afford. He has embodied a spirit of dedication and commitment to service for more than 34 years. Arlo took time from his primary endeavor as a family farmer to improve the lives of others in his own and neighboring communities, and helped to provide a national model of a successful electric cooperative. We are grateful for his tremendous contributions.

INTRODUCTION OF THE CROP INSURANCE IMPROVEMENT ACT OF 1999

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. POMEROY. Mr. Speaker, I rise today to introduce the Crop Insurance Improvement Act of 1999. I am honored to have Representative THUNE, Representative MINGE, and Representative BOSWELL joining me as original cosponsors of this comprehensive crop insurance reform proposal.

The basis for this legislation is quite simple. Frankly, the current federal crop insurance program is broken and needs serious repair. Too many of our nation's farmers—especially in North Dakota—have suffered from severe weather disasters in recent years only to fall victim to a federal crop insurance program that does not protect them adequately. With so many producers being driven off the land because of uncontrolled circumstances caused by Mother Nature, the federal government must act quickly and thoroughly in enacting comprehensive crop insurance to allow our nation's farmers the opportunity to manage their risk. However, I caution that even though crop insurance reform is deperately needed, it is only the first step in reforming a safety net in American agriculture.

The Crop Insurance Improvement Act of 1999 reforms the current program by encouraging the broadest possible participation of producers in the program and to ensure greater affordability of the program for producers. It reforms the current program by increasing the subsidy levels to encourage higher participation at the buy-up coverage levels, alleviating the impact of natural disasters on producers' actual production history (APH), assigning 100 percent transitional yields (T-yield) for the newly acquired acreage and new crops, creates cost of production, rating methodologies, and livestock revenue insurance pilot projects, and restructuring the Federal Crop Insurance Corporation (FCIC) Board of Directors to better represent producers' interests.

During the 106th Congress, I am hopeful that the crop insurance reform will occur. Both Congress and the Administration, have made crop insurance their number one priority in agriculture. In fact, Secretary Glickman coined 1999 as the "year of the safety net." I look forward to working in a bipartisan manner with my colleagues in Congress to pass a comprehensive crop insurance reform bill. The Crop Insurance Improvement Act of 1999 is a step in that direction.

THE EDUCATIONAL OPPORTUNITIES ACT OF 1999

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. ROGAN. Mr. Speaker, it is for our impoverished urban communities that I am introducing the Educational Opportunities Act of 1999. This bill will empower low-income parents living in poverty-stricken areas to provide the best education possible for their children.

I am honored to introduce this education plan for our urban communities, which is embraced and co-authored by the Congressional Renewal Alliance. The Renewal Alliance is a coalition of representatives and senators committed to working with community leaders to find legislative proposals which facilitate local solutions in impoverished regions. This will lead to individual empowerment.

I have worked closely with my colleagues in the Renewal Alliance to craft a bill that provides educational alternatives in our inner cities, and provides relief for those parents who invest in their children.

The Educational Opportunities Act of 1999 adopts the principles of another bill I have introduced, H.R. 600, which provides up to a $1,000 per-child tax credit for educational expenses. In the Educational Opportunities Act of 1999, this tax credit is extended to parents in Enterprise Zones and Enterprise Communities to cover the cost of textbooks, tuition, tutors, computer software, and other needs that will increase a child's learning opportunities. Thanks to the education tax credit included in this bill, low income parents will have far more resources to educate their children from kindergarten through high school.

Another important component of this bill grants Opportunity Scholarships to children of the most needy parents. Under this Opportunity Scholarship Program, states and localities would be able to use existing federal funds to run a low-income public and private school choice program. Scholarships would be directed to students whose families are at or below 185 percent of the poverty rate. The scholarships would be used to cover the cost of tuition at any public or private school located in an Enterprise Zone or Enterprise Community. At least $310 million will be used for this scholarship program.

It is time to give children in the poorest communities a meaningful chance to learn and excel. Bureaucrats in Washington cannot meet this need; those who make a real difference in the lives of these kids are parents and local community leaders. With the Educational Opportunities Act of 1999, we will provide poor parents the resources and choices to educate their children. Furthermore, we will liberate low-income communities to create schools where children have a true chance to learn and rise up from their challenges before them.

I urge all Members who are interested in lifting children up from poverty to join me in supporting the Educational Opportunities Act of 1999.

COLONEL THOMAS S. LAMPLEY, USAF—A CAREER OF SERVICE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. BEREUTER. Mr. Speaker, this Member rises today to recognize Colonel Tom Lampley, USAF, who will retire tomorrow from the U.S. Air Force after 29 years of service. This Member has had the pleasure of working and traveling with Col. Lampley in this Member's capacity as Chairman of the NATO Parliamentary Assembly (formerly the North Atlantic Assembly). Col. Lampley has been serving as the Chief, Congressional Action Division, Air Force Legislative Liaison, Office of the Secretary of the Air Force, directly supporting the interaction between the Air Force's senior leaders and Members of Congress. In recognition of Col. Lampley's exemplary record of service, this Member would like to congratulate him upon his retirement and take this opportunity to acknowledge Col. Lampley's credibility and good will for which the Air Force and the Department of Defense will long reap the benefits of his tenure.

Colonel Thomas S. Lampley was born in Washington, DC on 31 August 1947. He attended the U.S. Military Academy at West Point, NY, where he received a Bachelor of Science degree in engineering and received his commission upon graduation in 1970. Col. Lampley also received a Master of Science degree in business management from Troy State University in Alabama.

As a master navigator with over 2,200 flying hours, Col. Lampley has served in numerous flying positions including 225 combat sorties in the F–4 Phantom as a forward air controller in Southeast Asia. Out of the cockpit, he has served in staff positions at Headquarters U.S. Air Forces in Europe, the Pentagon and Headquarters Tactical Air Command. Col. Lampley is an experienced commander, having commanded a flying training squadron at the U.S. Air Force Academy, and the 14th Support Group at Columbus Air Force Base, Mississippi. Prior to moving to his present position, Col. Lampley also commanded the 42nd Support Group, Maxwell Air Force Base, Alabama, and subsequently became the Vice Commander, 42nd Air Base Wing, Maxwell Air Force Base, Alabama. In addition, Col. Lampley has received the following major awards and decorations:

Legion of Merit;

Distinguished Flying Cross with one oak leaf cluster;

Defense Meritorious Service Medal;

Meritorious Service Medal with five oak leaf clusters;

Air Medal with 23 oak leaf clusters; and

Air Force Commendation Medal.

Again, this Member wants to offer his congratulations to Col. Tom Lampley for his fine record of service to the Air Force, to the Department of Defense, to the Members of the U.S. House of Representatives, and to our country.

Colonel Lampley, you have performed your duties as an officer in the United States armed forces in a manner which reflects the best traditions and principles of the U.S. Air Force and our nation.

TRIBUTE TO AN UNCOMMON LEGACY FOUNDATION'S FIFTH ANNUAL CELEBRATION OF WOMEN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Ms. NORTON. Mr. Speaker, I rise today to ask my colleagues in the House of Representatives to join me in a special tribute to An Uncommon Legacy Foundation, Inc. ("Legacy"). On Saturday, April 24, 1999, Legacy will host its Fifth Annual Celebration of Women at the home of Hilary Rosen and Elizabeth Birch. At the event, Legacy will honor Sheila Alexander-Reid, founder of Women in the Life, Inc. and publisher of Women in the Life Magazine. Legacy will also present grants to the Lesbian Health and Wellness Network ("LHWN") and After Stonewall and scholarships to three outstanding students: Katie Batza, Amanda M. Gunn, and Suzanne Degges White.

An Uncommon Legacy Foundation, Inc. is a nonprofit foundation dedicated to enhancing the visibility, strength, and vitality of the lesbian community. Legacy invests in the community by awarding scholarships to students with leadership potential and by awarding grants to fund projects and organizations that contribute to the lesbian community's health, education, and culture.

This year, Legacy will honor Sheila Alexander-Reid, who has made it her mission to empower lesbians of all colors. Women in the Life, Inc. is an events management company based in Washington, D.C., and it was honored last year with a prestigious grant from Avon and the Mautner Project to promote breast cancer awareness in the black lesbian community. Legacy will also award grants to the Lesbian Health and Wellness Network, a multi-disciplinary coalition of over 125 lesbian and lesbian competent providers serving the Baltimore-Washington, D.C. area. This grant will enable LHWN to improve access to health care for women in the lesbian, bisexual, and transgender communities. Legacy will also award a grant to After Stonewall, a 90-minute documentary airing nationally on PBS on June 23, 1999. This important documentary chronicles the lesbian and gay experience since the 1969 Stonewall riots—the historic moment 30 years ago which gave birth to the modern gay and lesbian civil rights movement. Finally, Legacy will award scholarships to three outstanding students: Katie Batza, who attends Johns Hopkins University as an undergraduate; Amanda M. Gunn who is pursuing her doctorate at the University of North Carolina at Greensboro; and, Suzanne Degges White who is pursuing her masters also at the University of North Carolina at Greensboro.

An Uncommon Legacy Foundation 1999 scholarship recipients are as follows:

Katie Batza is pursuing a bachelor's degree in history at John Hopkins University. At the age of 15, Katie helped start YouthPride, an Atlanta-based support group for gay, lesbian, bisexual, and transgender youth, which has, in less than five years, served over one thousand people.

Amanda M. Gunn is pursuing her doctorate in cultural studies through the Department of Education at the University of North Carolina/Greensboro (UNCG). She will be presenting her thesis, Lesbian Passing: Identity Construction as a Strategy for Survival in a Perceived Hostile Work Environment, at the Eastern Communication Association and UNCG Women's Studies luncheon.

Suzanne Degges White is a first-year masters student in the Counseling and Counselor Education program at the University of North Carolina/Greensboro (UNCG). She is enrolled in the MS/PHD track in community counseling at UNCG. Suzanne was instrumental in obtaining a state charter for the North Carolina Association for Gay, Lesbian, Bisexual Issues in Counseling, a division of the North Carolina Counseling Association.

Mr. Speaker, the Annual Celebration of Women in one of Legacy's most important and widely attended events. The generous contributions of the women in this community who actively support An Uncommon Legacy Foundation make the work vital to the lesbian community possible and represents a true investment in the future leaders of our great country. I ask the House to join me in expressing our gratitude to An Uncommon Legacy Foundation, its national co-chair, Andrea Sharrin, Board member, Mary Snider—both of whom I am proud to say are members of our D.C. family; and the entire national Board for their leadership and support to women across this nation.

EARTH DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. GILMAN. Mr. Speaker, Earth Day reminds us all that environmental issues know no political bounds and affects all of the people, plants, and animals of the world community. It is essential that the policies our Government enacts, and the personal activities we undertake reflect our profound concern for safeguarding the Earth.

From combating global climate change to protecting threatened species to providing clean water, we have a duty to act locally and globally to protect the environment for present and future generations.

Saving the planet may seem to be an insurmountable task, but in order for our children to have a brighter future we must commit ourselves to an environmental policy which seeks to establish a clean, safe, and productive environment.

The 106th Congress is working to preserve and protect our Nation's open spaces by reinvigorating the Land and Water Conservation Fund. Designed to protect our Nation's natural heritage, the Land and Water Conservation Fund is a vital program which has saved thousands of acres of forest, miles of river, and many of America's mountain ranges. However, this Congress has seen the importance of this program and the unfinished work which still lies ahead. In the face of issues of pollution and urban sprawl, the 106th Congress has responded by looking to preserve our Nation's greenways.

Moreover, we must not forget the air we breathe, our most precious resource. Americans can clearly see, smell, and feel the difference that pollution has made in their lives. As a strong supporter of the Clean Air Act, I recognize the need for clean air standards. By encouraging innovation, cooperation, and the development of new technologies for pollution reduction, these standards build upon the spirit of ingenuity that is the foundation of America's leadership in the world.

As chairman of the House International Relations Committee, I understand the importance of using our leadership in the United States to assist other countries in developing and maintain successful environmental programs. I personally have led efforts to protect whales from commercial hunting and to protect African elephants from the deadly effect of the international ivory trade. I have also been in the forefront in bringing greater awareness to the linkages between refugees, world hunger and national security to environmental degradation. In addition, if we do not assist in the survival of indigenous and tribal people, their wealth of traditional knowledge and their important habitats will no longer be available for the rest of mankind.

Earth Day is a successful incentive for ongoing environmental education, action, and change. Earth Day activities address worldwide environmental concerns and offer opportunities for individuals and communities to focus on their local environmental problems. I have requested funding for the Hudson Valley national heritage area, which would help preserve the history, culture, and traditions of this beautiful region. I am also proud to note that my 20th District of New York is home to the Lamont-Doherty Earth Observatory, one of the country's leading climate study institutions.

Earth Day is a powerful catalyst for people to make a difference toward a clean, healthy, prosperous future. We cannot continue with the attitude that someone else will clean up after us. We need to take care of our world today. I cannot think of a better day to commit to this worthy goal than today, Earth Day. I salute the people who observe Earth Day in all ways large and small.

HONORING THE 1999 BEST OF RESTON AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the individuals and businesses who are this year's winners of the "Best of Reston" Awards. These awards are made annually by the Reston Chamber of Commerce and Reston Interfaith. The "Best of Reston" Community Service Award was created to recognize companies, organizations, and individuals who have made outstanding contributions to community service, and/or who have improved the lives of the people of Reston, Virginia.

HCI Technologies, Inc. for their community outreach and leadership in Reston. HCI has been involved in a number of church activities with Faith Mission Church, Christ Fellowship, St. John Neumann, and Heritage Fellowship. HCI has sponsored intern programs associated with George Mason University and South Lakes High School, and is a major sponsor of youth programs that include Reston Youth Baseball and Softball, Basketball, and a newly created Tennis program for disadvantaged community children. HCI sponsors a monthly food drive to support those less fortunate, and has been a sponsor of the Chamber's Ethics Day for the senior class of South Lakes High School.

Karl Ingebritsen for being an outstanding pillar of our community. He served as the 1st president of the Greater Reston Chamber of Commerce and was the first employee and Executive Director of the Reston Association. He was instrumental in bringing Reston Hospital to our community and served on the Hospital's board of trustees until 1992. In his role as Director of LINK, Karl has worked tirelessly to improve the area's transportation by becoming a strong voice on behalf of the Reston community. Karl is steadfast in his belief that improving the area's transportation is a benefit to all citizens in the region.

Basil Jeffers for his inner drive to make Reston the best possible place to live and to raise a family. Basil has been classified as a "one man moving company." He's first to volunteer his hands and station wagon to anyone needing assistance as they move into a new home. A member of the Heritage Fellowship Church, Basil often brings community needs to the attention of the church. If he is unable to assist a given need, he sees that the church is aware of the situation and that they are able to provide the necessary support. Basil currently serves as the president of the PTA at South Lakes High School and served on the nominating committee for the College Partnership Program, a Fairfax County sponsored motivational program encouraging minority students to attend college. He is also involved with a Boy Scout and Cub Scout Troop.

Susan (Suzi) Jones for her tireless efforts to improve the community. From serving as a board member and President of the Reston Association to Presidency of the Greater Reston Arts Center to her Community Services Board work, people throughout Fairfax County have benefited from her volunteer services. Drawing upon her human resources skills and expertise, Suzi has generously and frequently contributed her time and skills for the development of a pool of community leaders and the identification and resolution of community issues. Her contributions to the Reston community have been, and continue to be, made through her active service to a number of community organizations and institutions, including St. Anne's Episcopal Church.

Alvarez LeCesne for the impact he has had on the lives of many students he's had contact with during his years in volunteer service. He is active in many area associations, including the Optimist Club, Character Counts! Coalition, St. Anne's Episcopal Church, Heritage Fellowship Church, the Medical Care for Children Partnership, and Reston Community Coalition, a community/school partnership promoting drug and alcohol use prevention. During January 1999, LeCesne chaired Reston's Martin Luther King Jr. Planning Committee for the celebration of Dr. King's birthday.

Patricia Macintyre for her steadfast efforts as a community volunteer. A renowned artist, she has spent more than 30 years volunteering her talent and love of art in many forums and spaces, including art galleries, government buildings, schools, preschools, festivals and celebrations. She spent 17 years as host of "You've Gotta Have Art," a weekly children's television program directed toward teaching Reston youth to appreciate art. Macintyre has spent her life working to preserve and promote the arts in Reston. Every Saturday morning she leads free family workshops in art and culture at the Reston Historic Trust Museum.

USAA for its commitment to a strong work ethic, customer service, and the value of its employees' personal, professional, and family needs. USAA supports efforts to improve the quality of life in its employees' communities, affording them many volunteer opportunities. Through USAA's involvement in the community, research funds have been raised to benefit the American Heart Association, the American Cancer Society, the American Arthritis Foundation, and others. USAA helps meet the material needs of our community through ongoing collection of food, clothing, books, and school supplies. USAA volunteers support education by giving their time as tutors, mentors, and speakers. A commitment to community involvement is so basic to USAA's corporate culture, that "Public Outreach" is a corporate "Key Result Area."

Jane Gilmer Wilhelm's mission in Reston and her entire career has been to be a vital, clear, caring resource for all people. She has given innumerable gifts of time and passionate presence to all our community's members from her early years in Reston as Director of Community Relations to the speeches she makes to this day, to save buses, libraries, and funding for the neediest. From infants to the elderly, from the homeless and needy, from young students to senior citizens in learning, from our various community organizations, to nature areas preserved by our founders, her caring has permeated her days. Not to mention her frequent visits with many on Lake Anne benches and her tireless volunteer work for our citizens' many concerns.

Mr. Speaker, I know my colleagues join me in honoring the "Best of Reston" Award winners for their dedicated commitment to making Reston, Virginia an exceptional place to live and work. This year's award recipients deserve recognition and gratitude from a very grateful community.

EARTH DAY CELEBRATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mrs. MORELLA. Mr. Speaker, I rise today to recognize and celebrate the twenty-ninth annual Earth Day. This spring observation provides the people of our nation and across the globe the opportunity to renew our dedication to environmental protection. We as a nation have a shared responsibility to preserve our vast and diverse natural resources. I have a longstanding commitment to conservation and environmental protection, and I am pleased to join in today's celebration.

While we have made significant progress since the first Earth Day celebration in 1970, we must continue our efforts to improve environmental quality. It is my belief that Earth Day activities heighten awareness about actions that we can take to improve our environment, both locally and globally. Today's observation offers us the opportunity to acclaim our progress, but more importantly, it allows us to renew our commitment to the challenges facing our planet.

Earth Day festivities take place all across the country. I would like to pay special tribute to my constituents in Montgomery County, Maryland who are so active in their support of environmental causes. This is especially true during this month, with activities and programs like the Earth Day Fair in Bethesda, the various stream cleanups across the county, and the Arbor Day celebration in Derwood.

I consider environmental protection to be national priority. I pledge to work with my colleagues to ensure the preservation of our natural resources and the protection of the public's health. And this Earth Week, as we also celebrate the 435th birthday of William Shakespeare, we remember his words, "to nature none more bound."Today, as we observe Earth Day, let us reaffirm our commitment to a cleaner world.

TRIBUTE TO THE LATE HENRY ATKINSON

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I would like to offer my sincere condolences to everyone whose life was touched by Mr. Henry Atkinson, who passed away earlier this week.

Henry Atkinson was one of the most dedicated men I've ever had the pleasure of knowing—dedicated to his friends, dedicated to his community, and dedicated to the students and schools he spent his career serving.

Among Henry's many achievements in 20 years on the Green Bay School Board were his oversight of the transition of junior high schools into middle schools and his work to create a drug and alcohol abuse program for the Green Bay Schools.

Henry was a small businessman who also served on the Green Bay Water Commission, the Brown County Bicentennial Committee and the Northeast Wisconsin Vocational, Technical and Adult Education District Board.

But he is most remembered by the generations of students and educators who witnessed his day-to-day efforts to make Green Bay education a rewarding and memorable experience.

Green Bay lost one of its finest community leaders this week, but he will surely live on in the memories of those who gained so much from knowing him.

THE RICKY RAY RELIEF ACT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. TALENT. Mr. Speaker, today, I rise in strong support of funding for the Ricky Ray Relief Act. The time has come for the federal government to accept its share of the responsibility for failing to protect the nation's blood supply and failing to properly regulate the sale of blood-clotting products used by sufferers of hemophilia. As a result of the government's failure more than 8,000 people with hemophilia have been devastated by HIV/AIDS.

Mr. Speaker, the financial burden of hemophilia and HIV is overwhelming. The average cost of hemophilia therapy is nearly $100,000 per year. If a person has an inhibitor, a condition that requires extensive treatment, therapy can exceed $1,000,000 in a year. These costs are further compounded by the costs of HIV/AIDS care which was estimated to be $10,000–$50,000 annually in 1995. These staggering cost are far beyond the financial capacities of most hard working American families.

The Ricky Ray Relief Act was named for a young Florida boy who came to symbolize the tragedy that is hemophilia-associated AIDS. This legislation establishes a $750 million trust fund from which victims of this tragedy can claim $100,000 each as partial compensation for their physical, emotional, and financial suffering. This legislation is not about charity, but about acknowledging the government's responsibility for this tragedy.

It has taken almost 5 years for members of the hemophilia community who are living with HIV/AIDS to reach this point. The Ricky Ray Relief Act was first introduced in 1995 and was reintroduced in 1997. When it passed both the House and the Senate by unanimous consent, this bill had the support of 270 bipartisan cosponsors in the House and 61 bipartisan cosponsors in the Senate. On November 12, 1998, the President signed the Ricky Ray Relief Act into law.

I was proud to be both a cosponsor and advocate of this legislature. Mr. Speaker, the time has come for the government to admit responsibility for failure to protect our nation's blood supply. We must fund the Ricky Ray Relief Act. The funding of this legislation will make a tremendous difference in the lives of many members of the hemophilia community who have faced and continue to face living with hemophilia and HIV/AIDS.

PERSONAL EXPLANATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. SAXTON. Mr. Speaker, on rollcall 92: To Authorize the President to Award a Gold Medal on Behalf of the Congress to Rosa Parks; rollcall 93: Condemning the Murder of Human Rights Lawyer Rosemary Nelson; rollcall 94: Education Flexibility Partnership Act Conference Report; and rollcall 95: Earthquake Hazards Reduction Authorization Act; I was unavoidably detained and unable to cast my votes. Had I been present, I would have voted "yea" on rollcall 92, "yea" on rollcall 93, "yea" on rollcall 94 and "yea" on rollcall 95.

DR. CARIDAD PEREZ COMPLETES THIRTY YEARS OF ACADEMIC EXCELLENCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, today I am honored to pay tribute to Dr. Caridad Perez, a dear friend and an outstanding educator who had completed thirty years of excellent academic achievements.

As Principal of Edison Private School, Dr. Caridad Perez has been a positive influence in the lives of the many students with whom she actively interacts, as well as with the teachers and faculty members who seek her wisdom and experience for guidance.

It is through Dr. Caridad's leadership, hard work and dedication to improving the lives of youth that she has helped scores of students acquire not only an exceptional, solid education, but a strong sense of values and morals that will help carry each student through a lifetime of success.

On Sunday, April 25th, at the Tropigala Fontainbleu Hilton in Miami Beach, many of Dr. Caridad's grateful students and highly appreciative staff will gather for a festive luncheon accompanied by music to honor the loyal and beloved principal of Edison Private School for the praise and honor that she so earnestly deserves.

I ask that my Congressional colleagues join me in celebrating Dr. Caridad's thirty years in educational excellence.

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. CAPUANO. Mr. Speaker, I rise today to commemorate the 84th anniversary of the Armenian Genocide. On April 24, 1915, a group of Armenian religious, political, and intellectual leaders were summarily arrested, taken to Turkey and murdered, commencing a dark and solemn period in the history of Armenians. From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In eight short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery, and torture. Most were ultimately slaughtered.

And yet, despite irrefutable evidence, Turkey has refused to admit the Armenian Genocide occurred, and continues to harbor hatred towards its neighbors. In addition to denying the crimes committed against the Armenian people, Turkey continues to block the flow of humanitarian aid and commerce to Armenia.

In the face of this tragedy, children and grandchildren of the survivors of the Armenian Genocide have gone on to positively impact society, while at the same time preserving their heritage and unique identity. Over 60,000 Armenian-Americans live in the greater Boston area. Within Massachusetts, many of these Armenians have formed public outreach groups seeking to educate society about Armenia's culture. One particular group, Project Save, operates out of Watertown, Massachusetts. "Project Save collects photographs of Armenian people and places in the homeland and the world-wide diaspora." This remarkable organization preserves the Armenian culture and history through restoration of photographs from all over the world. Some of these photographs date back as early as 1893.

Last year, the world, once again, united to condemn atrocities committed towards fellow human beings. Both the United Nations Human Rights Commission and the General Assembly adopted a resolution, introduced by Armenian Ambassador Rouben Shugarian, to commemorate the 50th anniversary of the UN Genocide Convention. By adopting the resolution, member nations recognized that "the crime of genocide [was] an odious scourge which had inflicted great losses on humanity and was convinced that international cooperation was required to facilitate the speedy prevention and punishment of the crime of genocide." Here in the United States Congress, I am a proud cosponsor of a resolution honoring the memory of the victims of the Armenian genocide and calling for the United States to encourage the Republic of Turkey to acknowledge and commemorate the atrocity committed against the Armenian population by the Ottoman Empire.

It is sad and frustrating that at the beginning of this century, Armenians were murdered en masse, and now at the end of the 20th century the same type of brutal killing of innocent people continues. Since 1988, the Nagorno-Karabakh conflict has costs thousands of lives and produced over 1.4 million refugees.

Let me say, that as a member of the Congressional Armenian caucus, I will continue to work with my colleagues and with the Armenian-Americans in my district. Together we will demand more accountability from Azerbaijan and Turkey for their persistent bullying of their neighbor and search for a way to end the Armenian people's suffering. We must continue to be viligant, we must preserve the cultural history of Armenians, and we must work towards ending crimes against all humanity.

EARTH DAY 1999

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. DAVIS of Illinois. Mr. Speaker, as a member of this body, I would like to take this opportunity to acknowledge Earth Day. We have made great strides in elevating the protection and knowledge of our treasured natural resources.

Mr. Speaker, Earth Day matters. It raises the awareness of Americans and is a catalyst for positive change. Since the first Earth Day in 1970, Americans have gathered to celebrate the preservation of our environment and to focus on the work that is left to be done. Earth Day has always been a day to celebrate the environment and our natural heritage. It has also served to mark the importance of environmental protection and responsible living.

Earth Day has been a catalyst for the enactment of some of our nation's most important laws. Laws such as the Clean Air Act of 1970; The Clean Water and Safe Drinking Water Act and the Community Right-to-Know laws. These laws have enabled regulatory agencies to better understand what, where, and when pollutants enter our environment.

I am proud of my strong environmental voting record. I strongly support H.R. 525, the Defense of the Environments Act. I challenge my colleagues to work towards its passage. I can think of no better way to commemorate the importance of Earth Day than to pass this comprehensive bill.

I am also proud to support H.R. 960, Endangered Species Recovery Act of 1999. If passed, this bill would ensure the recovery of our Nation's declining biological diversity; reaffirm and strengthen this Nation's commitment to protect wildlife; safeguard our children's economic and ecological future; and provide assurances to local governments, communities, and individuals in their planning and economic development efforts.

Earth Day must also serve as a reminder that even today, we still have a need for improvement. People in our poorest communities are struggling for environmental justice. They continue to struggle for their civil and human rights here and abroad. From Louisiana's "Cancer Alley" to Native American reservations' nuclear problems, and from the plight of the people living along the border in the Maquilidora region to Chicago's West and South Side, millions of Americans live in housing and surrounded by physical environments that are over-burdened with environmental problems from hazardous waste, toxins and dioxins, incinerators, petrochemical plants, lead contamination, polluted air and unsafe water. These factors continue to pose a real and grave threat to our nation's public health.

Environmental Justice matters. We must begin to eliminate the mentality that our nation's poorest communities can be used as dumping grounds for our industrial achievements. We must begin to look at the issues of unequal distribution and disproportional impacts on minorities, as well as the problems of green space and living standards. Low income communities must not bear the brunt of selective environmental standards. Today we must mark a new dedication towards bringing a more proper balance to the widening gap between rich and poor community standards.

I also want to speak briefly about our commitments to the international community. It is clear today, maybe more so than in 1970, that there is a global connection through the environment. Since the formation of the International Whaling Commission (IWC) in 1949 and the more recent meeting of the Kyoto convention, we have begun the needed international monitoring and protection of our environment on a global scale. We now must begin to realize the responsibility we have in providing under developed nation with the environmental technology that will allow them to grow as they move towards a more industrialized society.

So today as we mark the 29th anniversary of the first Earth Day, I am reminded that although we in the United States have made major improvements in the last 20 years, we have a way to go and look forward toward this improvement. We must also strive as global citizens toward safer drinking water and cleaner air at home and abroad.

In closing, I leave you with this thought, it is not a question of whether we can afford to protect the environment, rather it is a question of whether we can afford not to.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the Congressional Record.

[From the New York Times, Feb. 24, 1999]

47 Percent in Poll View Legal System as Unfair to Poor and Minorities

(By Linda Greenhouse)

Washington—Despite having only a minimal knowledge of the legal system, nearly half of the public thinks it treats minorities and the poor unfairly, a survey conducted for the American Bar Association indicates.

In the months before William H. Rehnquist raised his public profile by presiding over the Senate impeachment trial, only 17 percent could identify him as Chief Justice of the United States. More than one-third of those responding held the mistaken belief that in a criminal trial, it is up to the defendant to prove his innocence.

But a surprising 96 percent knew that a criminal defendant who is found not guilty can still be sued in a civil trial. The survey report, made public by the bar association today, speculated that widespread knowledge of this "relatively obscure concept" might be attributed to the intense coverage of O.J. Simpson's consecutive criminal and civil trials.

While most people believe that "the justice system needs a complete overhaul" and that "we would be better off with fewer lawyers," the public still agrees by a strong majority, 8 out of 10, that "in spite of its problems, the American justice system is still the best in the world," according to the survey.

But of the 1,000 adults polled by telephone in August, 47 percent said they believed that the courts did not "treat all ethnic and racial groups the same." Thirty-nine percent said there was equitable treatment of minorities and 14 percent had no opinion. Also, 90 percent of respondents said affluent people and corporations had an unfair advantage in court.

The bar group's president, Philip S. Anderson, who commissioned the survey, said in a statement that while he was cheered by the results showing public confidence in the system, he was disturbed by the indication that substantial numbers of people discerned racial unfairness in the behavior of courts and law-enforcement authorities.

"We are concerned that the current perception of bias will eventually erode confidence in our system of justice," Anderson said in remarks prepared for delivery on Wednesday at the National Press Club.

The results of the nationwide telephone survey are to be presented and discussed at a bar association symposium here later this week on "public understanding and perceptions of the American justice system."

An independent research firm in Chicago, M/A/R/C Research, conducted the survey, which had a margin of sampling error of plus or minus three percentage points.

The news media fared badly in public confidence, in fact worse than any other institution. Eight percent of the people had strong confidence in the news media, while 60 percent expressed slight or no confidence. The Supreme Court, by contrast, was at the top of the list, with 50 percent of the people expressing strong confidence in it. Compared with a similar survey conducted in 1978, public confidence in all levels of the judicial system has increased, while confidence in doctors, organized religion, public schools and Congress, as well as the news media, has declined. A majority rejected the statement that "the courts are just puppets of the political system."

Anderson, the bar group's president, urged the Supreme Court to enhance public understanding of the law by allowing television cameras into its argument sessions.

"One television camera in the Supreme court will educate more people more effectively in one morning than the traditional methods can reach in one year," he said.

Some of the survey's results appeared certain to warm the hearts of the American Bar Association's 400,000 members. Of people who had used a lawyer within the past five years, three-quarters were very satisfied or somewhat satisfied with the quality of service, with 53 percent in the "very satisfied" category.

Most people agreed that "it would be easy to get a lawyer if I needed one," while at the same time expressing the view that "it costs too much to go to court" and "it takes courts too long" to do their job.

THOMPSON DOESN'T CONDONE COUNCILMAN'S ACTIONS

JACKSON, MS.—U.S. Congressman Bennie Thompson, D-Miss., says he doesn't condone the actions of former City Council President Louis Armstrong, but he warns people not to condemn his longtime friend.

Armstrong pleaded guilty last week in U.S. District Court to charges of conspiracy to commit extortion and accepting part of a $25,000 bribe to influence a council vote on rezoning a topless bar. He is scheduled to be sentenced May 7.

Artie Armstrong, 30, his eldest son, faces trial March 1 on bribery, extortion and conspiracy charges in the same case.

"Nobody really supports individuals doing wrong. As long as the pursuit of the wrongdoers is within the confines of the laws and on balance, then the general public will support it. And I don't know any people that I talk to who support people doing wrong," Thompson said.

"People sympathize with people who make mistakes. And those people who are Christian hope that the people who do wrong will see the error of their ways and seek some opportunities for redemption."

Former state senator Henry J. Kirksey says FBI investigations into alleged corruption by black Jackson City officials and business leaders, like Armstrong and his son, are not based on race.

The veteran lawmaker who has been active in state and local politics criticized those who are labeling recent FBI investigations as selective prosecution of minorities.

Kirksey says last week's guilty plea by Armstrong, who is black, to bribery and extortion charges reflects the mentality of some politicians who have risen to power and subsequently abused it in search of the dollar.

"They are teaching that to their children—'You get it anyway you can'—and that's why the jails and detention centers are loaded with blacks," Kirksey said. "The problem is there is something wrong at City Hall, and it's not all just Louis Armstrong, either."

Councilmen Kenneth Stokes and Robert Williams testified during the December trial of two businessmen charged in the FBI cable investigation that they were never offered any money in exchange for their votes.

The councilmen have not been charged with wrongdoing. Car salesman Robert Williams, 50, and snack food distributor Roy Dixon, 56, were convicted Dec. 11 of conspiring to extort $150,000 from Time Warner Cable in an attempt to influence the city council's vote on the franchise renewal.

On Friday, U.S. District Judge Tom S. Lee gave Williams 21 months in prison and two years supervised probation.

U.S. Attorney Brad Pigott said the FBI's investigations centered only on criminal actions of suspects, not their race. He pointed to the guilty pleas of Armstrong and Clinton Moses Jr., a confessed bank robber who on Friday admitted he firebombed the Jackson Advocate and accused Armstrong of hiring him.

"From the fact that both of them have every reason to expect to go to prison for having confessed under oath for their criminal conduct, I certainly don't see where the room is to see that they're both just lying so that they can have the chance to go prison," Pigott said.

Moses, who worked in Armstrong's 1997 reelection campaign, told authorities that Armstrong paid him $500 to burn the black weekly newspaper.

Pigott won't say whether Armstrong will be charged in the Advocate's firebombing.

SCHOOL OFFICIALS SAY RACIAL TENSION A PROBLEM AMONG STUDENTS

FARMINGTON HILLS, MI.—School officials in several Detroit area schools find themselves investigating incidents linked to racial tension—and they're searching for ways to head off violence within school walls.

Kim Kennedy, who is black, never thought her son, Jeffrey, would have to face the kind of racial attacks she felt growing up in Detroit. Her son attends Walled Lake Western High School, where in January he was involved in a racially motivated fight.

"I never thought my children would have to experience what happened to us in the 1960s," Ms. Kennedy, 38, of Farmington Hills told The Detroit News for a Thursday story. "Sometimes, I question whether we made the right decision moving here."

Other recent racial incidents in area schools include: Dearborn Edsel Ford High School. On Dec. 2, an altercation between several Arab and non-Arab students escalated into a food fight.

West Bloomfield High School. Last week, tempers flared between groups of Chaldean-American and African-American students in the school's cafeteria.

Saline High School. Three white students were charged with felony ethnic intimidation in connection with a Dec. 17, 1998, hallway fight with two black students. A preliminary examination is scheduled for March 23.

Experts say schools can and should take responsibility for helping to solve ethnic and racial tensions—even though the conflict usually begins outside the schools.

"Schools must be on top of what is creating the tension, and be proactive, rather than waiting for something to happen," University of Michigan education professor Percy Bates said.

In Walled Lake, about 25 parents attended a "racial summit" for parents a week after the Jan. 21 incident involving Kennedy, 14, and several other students. Many of the students—including Kennedy—were suspended and one was expelled.

"We promised parents that the administration would meet with them to discuss their concerns and to invite them to participate in our initiatives," Walled Lake Western High Principal Gary Bredahl told the News.

"I hope the African-American students here can sense that we are reaching out to them to create a comfort zone to get them involved in school activities."

Experts say students often pick up their parents' feelings about other races, said Juanetta Guthrie of Wayne State University's Center for Peace and Conflict Studies.

"We are not born with the mechanism to hate. It's learned, and it can be unlearned," Ms. Guthrie said.

West Bloomfield senior Brad Fayer agrees that parents play a big role in raising their children to be free of biases and bigotry.

"If you have open-minded parents they can teach their kids to also be open-minded and fair," he said. "They can also teach equality."

So school districts are taking up the challenge to help combat conflicts.

In Dearborn, fights between Arab and non-Arab students have led to the creation of the Dearborn Community Alliance to establish clearer communication between members of the community.

"I see more dialogue," Edsel Ford Principal Jeremy Hughes said. "At one time, the Arab students all sat along one wall in the cafeteria, but now I see more interaction."

But Alex Shami, the only Arab American on the Dearborn public school board, said the district still has a long way to go.

"I've lived in Dearborn for 24 years," Shami said. "There was tension between Arabs and non-Arabs in the late 1970s and then it went down in the 1980s, but it is worse than ever now. I don't like what I see because people seem to be investing more on their prejudices than ever and I am frustrated."

In West Bloomfield, school officials say implementing ethnic diversity programs is the key to heading off potential problems.

"We have ongoing programs that get several kids from different backgrounds in dialogue," said Sharkey Haddad, the district's multicultural program director. "If you don't already have a program in place, then it's merely a reaction to the problem."

MISSISSIPPIANS TO GET CHANCE TO TELL HISTORY

(By Gina Holland)

JACKSON, MISS. (AP)—Mississippi history will be told through personal accounts of everyday residents as part of a project approved by the Legislature just in time for the turn of the century.

A bill passed by the House Wednesday would put $150,000 into a pilot project to collect interviews from residents in five areas of the state. The Senate has already approved the funding.

The University of Southern Mississippi, which has an oral history department, and the Mississippi Humanities Council would team up with community leaders on the work.

Residents will be interviewed about stories of their communities, government and civic life, and historical events.

Still pending in the Legislature is a request for $30,000 in continuation funding for an oral history program focusing on the civil rights era.

Elbert Hilliard, executive director of the Department of Archives and History, said the project will fill gaps in historical archives.

"Most of the existing oral history collections are interviews with prominent persons, political leaders, people who have been involved in significant events," he said. "It will expand the scope of these interviews to have a comprehensive approach."

Hillard, who expect some of the interviews to involve civil rights events, said he is hopeful the Legislature will also provide money for the civil rights project at USM.

Under the proposal approved Wednesday, one site will be chosen in each of Mississippi's congressional districts for a pilot program. People will be taught how to conduct interviews. The material will be archived and be made available on the Internet and it could be displayed in the communities.

Rep. Leonard Morris, D–Batesville, said his two teen-age children. "have no knowledge of what happened in the 1960s and 1970s."

"You don't want to dwell too much upon the negative part of it, but you also want to be able to do research on what happened and have an accurate documented source," said Morris, "How can you know where you're going if you don't have a good idea of the past?"

Sen John Horhn, D–Jackson, said he would like to see more work on the civil rights history.

"A number of the people who were involved in the movement have passed away, many of them are getting older. It's important we capture their stories," said Horhn.

The funding bill goes to the governor.

84TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. LARSON. Mr. Speaker, today I rise to honor the lives of 1.5 million Armenians who perished during the brutal genocide that took place on April 24, 1915. However, I also rise to celebrate the lives of those who have survived. We honor their spirit and the legacy they have provided. For it is this legacy that encourages their children and grandchildren, friends and neighbors, to remind people throughout the world of this horrific action. An action that tragically marked the century's first genocide.

According to the Archives of the Nuremberg Proceedings, Hitler instructed his SS units at a meeting in 1939 "to kill, without pity, men, women, and children" in their march against Poland, as such activities would have no long term repercussions. Who, he said, "remembers now the massacres of the Armenians?"

As a Member of Congress I say with force and I say with compassion: We remember. We remember horrible violence that sent 1.5 million Armenian leaders, intellectuals, and clergy to their deaths and forever changed the lives of generations of families.

Tomorrow I will carry that same message from the floor of the House of Representatives to the Connecticut State Capitol where I will address a group of survivors and children of survivors of the Armenian genocide. Every year these Connecticut residents make a commitment to come to Hartford to remind their friends, their community leaders, and their neighbhors of the solemn anniversary that is marked throughout the country on April 24.

The most disturbing part of this anniversary is that 84 years later genocide remains a part of our vocabulary. From Rwanda to Bosnia to the present day horrors of Kosovo, entire populations are being killed simply because of their ethnicity. It has been said that we can best plan for the future by learning from the lessons of the past. Unfortunately, it appears that too many nations are trying to find their path to the future by ignoring the past.

As we commemorate this 84th anniversary of the Armenian genocide, I urge my House and Senate colleagues to work toward this goal: that an entire generation never experiences the horrors of genocide, either by living through it or by feeling the pain of people half way around the world.

I send my deepest prayers and thoughts to this country's Armenian-American community.

INTRODUCTION OF THE NATIONAL GEOLOGIC MAPPING ACT

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mrs. CUBIN. Mr. Speaker, I rise today, on Earth Day, to introduce a bill to reauthorize the National Geologic Mapping Act, a cooperative program between the states and the federal government to prioritize efforts to delineate the bedrock and surficial geology of the country on a broad scale, sufficient for land-use planning, natural hazards abatement and mitigation, and mineral resource endowment estimates. This bill's antecedents are the National Geologic Mapping Act of 1992, and its reauthorization and amendment in 1997.

Mr. Speaker, my home state of Wyoming is rich in geologic wonders, thus I am well aware of the importance of having accurate geologic information in order to manage and appreciate the land around us. Geologic information in the form of maps, both as traditional hard copies as well as digital data for manipulation by computer, aid society in prudent land-use planning, waste disposal, mitigation of geologic hazards, and management of natural resources. Funding for the program is incorporated in the budget of the U.S. Geological Survey as a subset of its annual appropriation.

The main components of this bill remain the same as its precursors—with a State geologic mapping component, whose objectives are to determine the geologic framework of areas that the State geological surveys determine to be vital to the economic, social, or scientific welfare of individual States. Mapping priorities will be determined by multi-representational State panels, and shall be integrated with national priorities. Federal funding for the State components shall be matched on a one-to-one basis with non-Federal funds.

An educational component of the act is designed to train the next generation of geologic mappers—by providing for broad education in geologic mapping and field analysis through support of field studies; and to develop the academic programs that teach earth-science students the fundamental principles of geologic mapping and field analysis, and knowledge of the solid earth. These mapping investigations will be integrated into the other State geologic mapping components of the program. The reauthorization of the National Geologic Mapping Act shines as a sterling example of a cooperative partnership between the Federal government and the individual states for the benefit of society.

Mr. Speaker, geologists like to say that for them "every day is Earth Day." What better day than today to introduce the bill to keep the benefits of this important cooperative program flowing?

A TRIBUTE TO HIS HIGHNESS SHAIKH ESSA BIN SALMAN AL-KHALIFA, THE LATE AMIR OF THE STATE OF BAHRAIN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. SPENCE. Mr. Speaker, I rise today to pay tribute to His Highness Shaikh Essa Bin Salman Al-Khalifa, the late Amir of the State of Bahrain. On April 14th, 1999, the people of Bahrain commemorated the 40th day of mourning for the passing of the Amir.

His Highness Shaikh Essa Bin Salman Al-Khalifa will be missed by his friends all over the world. I had the honor of meeting Shaikh Essa in the 1970's in a tent under the desert sky of Bahrain. Our friendship deepened over the years as we had the opportunity to meet and work together to foster a relationship of warmth and cooperation between our countries.

Under his leadership, Bahrain diversified its economy and currently Bahrain is ranked as having the highest standard of living among the Arab countries according to the 1998 Human Development Report published by the United Nations Development Program.

According to The Wall Street Journal and the 1999 Index of Economic Freedom published by the Heritage Foundation, Bahrain has held the status of third freest economy in the world.

This year Bahrain is celebrating the 50th Anniversary of the strong relationship it has with the United States and the United States Navy. Bahrain is a key ally of the United

States and the 5th Fleet of the United States Navy is located in Bahrain.

His Highness Shaikh Essa Bin Salman Al-Khalifa supported the Middle East peace efforts, and I am confident that his son, His Highness Shaikh Hamad Bin Essa Al-Khalifa, who has succeeded his father, will continue his father's legacy of promoting peace and prosperity for the people of Bahrain.

Mr. Speaker, I ask that the attached eulogy of the late Amir, given by His Highness Shaikh Khalifa Bin Salman Al-Khalifa, the Prime Minister of Bahrain, be inserted in the RECORD.

HIS HIGHNESS SHAIKH KHALIFA BIN SALMAN AL-KHALIFA, THE PRIME MINISTER OF THE STATE OF BAHRAIN

"It is a most sad occasion to stand here today over the loss of the dearest and most cherished of men, the late Amir H.H. Shaikh Essa Bin Salman Al-Khalifa, leader, father, and dear brother. May his soul rest in eternal peace and may God Almighty grant him mercy.

With the passing of H.H. Shaikh Essa Bin Salman Al-Khalifa, Bahrain and the Arab and Islamic world have lost a unique leader, who pledged himself and devoted his entire life to building and developing his country in all fields. He was tireless in his endeavors to achieve peace and security in the region and in the world. He was also a kind and gentle leader, full of love and devotion for his people. He set himself as an example that is hard to follow. As a leader and a father, he combined wisdom with a loving heart and high moral standards of decency. In dealing with his people and other nations, he relied on justice and honesty. His ultimate goal was cooperation and peace for all relations among nations.

H.H. Shaikh Essa's reign was an era of peace, a time of building and progress, a time of development and national unity. During his reign, Bahrain achieved regional and international recognition in all fields—an achievement that makes us all very proud. Bahrain made progress and development in health, education, and housing. Our nation reached a higher economic status, as well as an excellent reputation of credibility abroad. Bahrain played a prominent role in establishing and strengthening the Gulf Cooperation Council. Under his leadership, our nation had a very positive role in all Arab issues, calling for solidarity, urging the removal of all matters of discord, and defending Arab rights and issues. Internationally, Bahrain attained a distinguished status due to the respect, trust, and friendship he personally developed with leaders of the world. Those leaders appreciated his great contributions in promoting world peace, security, and stability and in strengthening international cohesion and cooperation, as well as supporting humane values and issues.

No words can really give adequate credit to the late Amir H.H. Shaikh Essa Bin Salman Al-Khalifa for his love for his country and his kindness to his people. He was a sincere Amir—a wise leader, an idealist in his devotion with concern and care for all Arab, Islamic, and world issues. H.H. Shaikh Essa shall remain a giant among men in the history of this nation for his great achievements and his high morals and ethics. His memory shall forever remain alive in the minds and hearts of this country and his loving people.

In this time of great sorrow for H.H. Shaikh Essa we take solace in his son and successor, H.H. Shaikh Hamad Bin Essa Al-Khalifa, with every confidence that he will be a fit and able successor to his father. We are confident that his reign shall witness further development, progress, and prosperity due to his wisdom, excellent leadership capabilities, and strong administrative abilities. It is our pride to exert the ultmost dedication in supporting H.H. Shaikh Hamad to continue the path of development which was established by the beloved, great leader nationally, regionally, and internationally.

We would also like to extend our best wishes to our dear son H.H. Shaikh Salman Bin Hamad Bin Essa Al-Khalifa on his appointment as Crown Prince—an appointment that has received the full consideration and support of all.

The proper transfer of leadership in this nation has a positive impact on all, since it reflects the solidity of the rule of law and all its institutions that the late Amir had established. In this sad time, we would like to express our sincere pride for the show of support displayed by the Bahraini people, symbolizing the spirit of a single family that the late leader was keen to develop. This spirit reflects the cohesion between the people of Bahrain and their leadership, as the late leader had wished.

We wish to extend our deepest gratitude and appreciation to the leaders, governments, and peoples of all brotherly and friendly states for their true sentiments and their generous participation with Bahrain on the sad demise of the late great leader, the father, and beloved brother H.H. Shaikh Essa.

May God Almighty grant our beloved leader mercy and rest in heaven. Peace and God's mercy be upon you all."

INTRODUCTION OF "THE CHIP DATA AND EVALUATION IMPROVEMENT ACT OF 1999"

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STUPAK. Mr. Speaker, today I am introducing the CHIP Data and Evaluation Improvement Act of 1999. This legislation was introduced by Senator MOYNIHAN and Senator CHAFEE in the Senate earlier this year. I want to thank them for their hard work and their leadership on this legislation. I look forward to working with them, as well as Members of this body to ensure swift passage of this legislation.

This legislation would ensure comparable data and an adequate evaluation of children's health coverage under the new Children's Health Insurance Program (CHIP) and Medicaid.

In 1997, CHIP was established to provide health coverage for low-income uninsured children. The Balanced Budget Act of 1997 provided $48 billion over 10 years, mostly in the form of a block grant, for States to develop children's health insurance programs.

With new Federal CHIP funding, more States are beginning to develop their own programs. To date, 48 States have CHIP plans that have been approved by the Health Care Financing Administration, with most just beginning to implement their programs. In my home State of Michigan, reports have been mixed about the effectiveness of the program. All Members want to ensure that the program we instituted is carried out in an appropriate manner. We await reports on the effectiveness of their efforts to cover the Nation's uninsured children and I believe this bill will go along way in developing information on its effectiveness.

Implementing their programs is the first challenge the States must confront. For the Federal Government, the first challenge clearly will be to track the experience of children and of the CHIP programs. We will need data to answer some basic questions: Is the number of uninsured children being reduced over time, and how effective are the State CHIP programs at serving them? What are the best practices and initiatives for finding and enrolling the Nation's uninsured children?

The CHIP Data and Evaluation Improvement Act of 1999 calls for a detailed Federal CHIP evaluation by the Secretary of Health and Human Services. Current law requires a CHIP report from the Secretary to Congress; however, no funds were authorized. This bill would provide the necessary funds to conduct an evaluation. The evaluation would focus, in part, on outreach and enrollment and on coordinating the existing Medicaid program and the new CHIP program. In this era of devolution of social programs, the Federal Government has an increasingly critical responsibility to ensure adequate and comparable national data. This bill would ensure that standardized CHIP data is provided. At the very least, the Federal Government should provide, on a national level, estimates of the number of children below the poverty level who are covered by CHIP and by Medicaid.

The CHIP Data and Evaluation Improvement Act would provide funding so that existing national surveys would provide reliable and comparable State-by-State data. The most fundamental question we, as policy makers, will be asking is whether the number of uninsured children is going down. With an increasing percent of uninsured, a stable rate might be considered a success! This bill would provide additional funding to the Census Bureau for its Current Population Survey—a national data source of the uninsured—to improve upon the reliability of its State-by-State estimates of uninsured children.

In addition, the proposal would provide funding for another national survey to provide reliable State-by-State data on health care access and utilization for low-income children. Although this survey may also provide data on the number of uninsured, the CPS would be the primary source for such figures.

Also, to develop more efficient and centralized statistics, this bill would coordinate a Federal clearinghouse for all data bases and reports on children's health. Centralized and complete information is the key to sound policy and programs.

We need this information, not only to determine whether the States are properly instituting their CHIP programs, but to ensure that we continue our commitment to ensure that no children in this country are left without health care coverage.

I have included a summary of the bill prepared by Senator MOYNIHAN's staff to be included in the RECORD.

SUMMARY OF THE CHIP DATA AND EVALUATION IMPROVEMENT ACT OF 1999

PURPOSE

In 1997, 10.7 million children were uninsured. The new State Children's Health Insurance Program (CHIP) and existing state Medicaid programs are intended to provide coverage for low-income children. The crucial question is whether the number of uninsured children has been reduced. Improved state-specific data is needed to provide that information. In addition, the Federal government should evaluate the effectiveness of these programs in finding and enrolling children in health insurance.

PROPOSAL

State-by-state Uninsured Counts and Children's Health Care Access and Utilization. (1) Provide funds ($10 million annually) to the Census Bureau to make appropriate adjustments to the Current Population Survey (CPS) so that the CPS can provide reliable state-by-state data on uninsured children. (2) Provide funds ($9 million annually) to the National Center for Health Statistics to conduct the Children's Health portion of the State and Local Area Integrated Telephone Survey (SLAITS) in order to produce reliable state-by-state data on the health care access and utilization for low-income children covered by various insurance programs such as Medicaid and CHIP.

Federal Evaluation. With funding ($10 million), the Secretary of Health and Human Services would submit to Congress a Federal evaluation report that would include 10 states representing varying geographic, rural/urban, with various program designs. The evaluation would include more specific and comparable evaluation elements than are already included under Title XXI, such as including surveys of the target population (enrollees and other eligibles). The study would evaluate outreach and enrollment practices (for both CHIP and Medicaid), identify barriers to enrollment, assess states' Medicaid and CHIP program coordination, assess the effect of cost sharing on enrollment and coverage retention, and identify the reasons for disenrollment/retention.

Standardized Reporting. States would submit standardized data to the Secretary, including enrollee counts disaggregated by income (below 100%), race/ethnicity, and age. If income could not be submitted in a standard form, the state would submit a detailed description of eligibility methodologies that outline relevant income disregards. States would also submit percentages of individuals screened that are enrolled in CHIP and in Medicaid, and the percent screened eligible for Medicaid but not enrolled.

Administrative Spending Reports for Title XXI. States would submit standardized spending reports for the following administrative costs: data systems, outreach efforts and program operation (eligibility/enrollment, etc.).

Coordinate CHIP Data with Title V Data Requirements. Existing reporting requirements for the Maternal and Child Health Block Grant provide data based on children's health insurance, including Medicaid. This bill would include the CHIP program in its reporting. IG Audit and GAO Report. The Inspector General for the Department of Health and Human Services would audit CHIP enrollee data to identify children who are actually eligible for Medicaid. The General Accounting Office will report the results to Congress. Coordination of all Children Data and Reports. The Assistant Secretary of Planning and Evaluation in the Department of Health and Human Services would consolidate all federal data base information and reports on children's health in a clearinghouse.

THE INDEPENDENT CONTRACTOR CLARIFICATION ACT OF 1999

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. KLECZKA. Mr. Speaker, Congressman AMO HOUGHTON and I today are introducing the Independent Contractor Clarification Act of 1999. This bipartisan legislation attempts to solve one of the more troublesome aspects of the tax code—the proper classification of workers. I am pleased that Representatives STARK (CA), JOHNSON (CT), MATSUI (CA), ENGLISH (PA), LEVIN (MI), WELLER (IL), COYNE (PA), FOLEY (FL), MCDERMOTT (WA), LEWIS (GA), BOEHLERT (NY), EVANS (IL), KING (NY), BARRETT (WI), QUINN (NY), and FORBES (NY) are original cosponsors of the bill.

The bipartisan spirit of this legislation cannot be underestimated. Congress has struggled with this issue since 1978. Unfortunately, legislation introduced in recent years has tended to favor employers and only served to polarize the debate on this issue. Congressman HOUGHTON and I have worked with groups representing both employers and employees for most of the past year to develop the legislation we are introducing today.

The current 20 point test used to determine an individual's employment classification and the section 530 safe harbor are burdensome and unworkable. The 20 point test is a series of tests that provide employers with a general guideline as to how they are supposed to classify their workers. However, these tests do not provide employers with a clear definition of who is an independent contractor and who is an employee. This lack of clarity has led to countless workers being misclassified.

For example, one of the criteria used in the 20 point test is the level of training of the worker. Some have interpreted a level of training to be a college degree while others would argue it is a person's general work experience. Another criteria is furnishing significant tools and assets. For a computer programmer, significant equipment and assets might be an expensive computer system whereas in the case of a laborer an employer might deem a significant investment to be some basic tools.

With the increased enforcement of the employment tax laws beginning in the late 1960s, controversies developed between the IRS and businesses as to whether the businesses were properly classifying certain workers as independent contractors. As a result, Congress included section 530 in the 1978 tax bill, which created a safe harbor by which employers could treat a worker as an independent contractor for employment tax purposes regardless of the true employment status of the worker. To be eligible for the section 530 safe harbor, an employer simply had to have a "reasonable basis" such as a prior audit by the IRS, a private letter ruling from the IRS, or have relied on a long-standing recognized industry practice. Although it was intended to be a temporary solution, section 530 was permanently extended by Congress in 1982.

Furthermore, section 530 has prohibited the IRS from issuing regulations and guidance to employers to bring about the proper classification of workers. The inability of the IRS to issue rulings on employment status has prevented the IRS from clarifying the 20 point test.

As a result of the lack of clear direction, many businesses have misclassified their workers as independent contractors. Such misclassifications have resulted in workers being denied essential benefits such as health coverage, a retirement plan, or the employer's share of FICA taxes. Workers who are actual employees and who work at the direction of and under the supervision of a superior are entitled to these benefits as part of their employment.

The Independent Contractor Clarification Act would replace the current 20 point test with a simple, easy to understand 3 point test. An individual would be classified as an independent contractor if the employer does not control the manner in which the individual completes his or her assigned tasks; the individual is able to solicit and undertake other business opportunities; and the individual encounters entrepreneurial risk. The last point would include the ability of the independent contractor to generate a profit or bear the risk of financial loss.

However, any person that has a statutory exemption would maintain that exemption under this legislation. For example, current law says that real estate agents and direct sellers such as newspaper delivery persons are independent contractors, and they would maintain that status under the Independent Contractor Clarification Act.

The Independent Contractor Clarification Act would also repeal section 530 thereby allowing the Department of Treasury to issue guidance to employers so they can properly classify their workers.

However, businesses that are currently eligible for the Section 530 safe harbor will be covered by a transitional rule which would continue the current safe harbor protections until 2003 or until the IRS issues additional guidance. In addition, if the IRS requests a reclassification of any section 530 worker after the date of bill's enactment but before 2003, the employer must make the change prospectively but will not be held liable for back taxes.

The single largest hurdle to employers reclassifying their workers as employees is the fear the IRS is going to take the reclassification as an admission of wrongdoing and, as a result, assess retroactive employment taxes. Under this legislation, the IRS would be prohibited from collecting back taxes if an employer meets the following criteria: The business had consistently treated the individual, and all other persons in similar positions, as an independent contractor; the tax returns filed by the employers are consistent with the treatment of the workers as independent contractors; and the employer has a reasonable basis for the classification of the worker such as a prior audit or a letter ruling from the IRS.

The effective date of this legislation is January 1, 2001. This is designed to give businesses a reasonable amount of time to implement the changes in the independent contractor statutes. Furthermore, any business that is told to reclassify its workers would have 60 days after final notification from the IRS to implement the change.

Mr. Speaker, this legislation is a bipartisan solution to a difficult and longstanding problem. The Independent Contractor Clarification Act attempts to balance the interests of employers and their workers. If enacted, this legislation will provide employers the guidance they need to properly classify their workers. It will also serve the interests of hard-working Americans and their families. It is for these reasons I urge the adoption of this legislation.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Contractor Clarification Act of 1999".

SEC. 2. DETERMINATION OF EMPLOYEE AND EMPLOYER STATUS.

(a) In General.—Subsection (c) of section 7701 of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) Employee and Employer.—

"(1) In general.—For purposes of this title, except as otherwise expressly provided in this title—

"(A) an individual (hereinafter in this subsection referred to as the 'service provider') performing services for another person (hereinafter in this subsection referred to as the 'service recipient') shall be treated as an employee of the service recipient, and

"(B) the service recipient shall be treated as the employer of such service provider, unless the requirements of each of the subparagraphs of paragraph (3) have been satisfied.

"(2) Repeal of common law tests.—The rules of this subsection shall apply in lieu of any common law rules which would otherwise apply.

"(3) Requirements.—

"(A) Lack of control by service recipient.—The requirements of this subparagraph are met only if the service provider has the right, to the exclusion of the service recipient, to control and direct the manner of, and the means used in, the service provider's performance of services for the service recipient.

"(B) Availability of service to others.—The requirements of this subparagraph are met only if the service provider—

"(i) makes substantially similar services available to others, and

"(ii) is not precluded by the service recipient from soliciting business opportunities that involve providing substantially similar services for other persons during the period that the service provider is providing services for the service recipient.

"(C) Entrepreneurial risk.—The requirements of this subparagraph are met only if—

"(i) in the service provider's overall business activities, the service provider has the potential to generate profit and bears risk of loss and the extent to which profit is generated or loss is sustained depends on the service provider's efforts and decisions other than as to the amount of work performed, and

"(ii) in the event the service provider fails to perform the work in accordance with the service recipient's requirements, the service provider is either subject to liability to the service recipient for damages arising from claims sounding in contract or would be subject to such liability but for a waiver by the service recipient.

"(4) Person.—For purposes of this subsection, the term 'person' includes any governmental unit (and any agency or instrumentality thereof)."

(b) Repeal of Section 530 of Revenue Act of 1978.—Section 530 of the Revenue Act of 1978 is hereby repealed.

(c) Conforming Amendments.—

(1) Paragraph (2) of section 3121(d) of such Code is amended to read as follows:

"(2) any individual who is treated as an employee under section 7701(c); or".

(2) Paragraph (2) of section 210(j) of the Social Security Act is amended to read as follows:

"(2) any individual who is treated as an employee under section 7701(c) of the Internal Revenue Code of 1986; or".

(3) Subsection (a) of section 7701 of such Code is amended by inserting after paragraph (33) the following new paragraph:

"(34) Includes and including.—The terms 'includes' and 'including' when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined."

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to services performed after December 31, 2000.

(2) Repeal of limitations on regulations and rulings.—The repeal made by subsection (b), insofar as it relates to section 530(b) of the Revenue Act of 1978, shall take effect on the date of the enactment of this Act; except that regulations and Revenue Rulings permitted to be issued by reason of such repeal may not apply to services performed before January 1, 2001.

SEC. 3. LIMITATIONS ON RETROACTIVE EMPLOYMENT TAX RECLASSIFICATIONS.

(a) General Rule.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions applicable to employment taxes) is amended by adding at the end the following new section:

"SEC. 3511. LIMITATIONS ON RETROACTIVE EMPLOYMENT TAX RECLASSIFICATIONS.

"(a) General Rule.—If—

"(1) for purposes of employment taxes, the taxpayer treats an individual as not being an employee for any period after December 31, 2000, and

"(2) for such period, the taxpayer meets—

"(A) the consistency requirements of subsection (b),

"(B) the return filing requirements of subsection (c), and

"(C) the safe harbor requirement of subsection (d),

for purposes of applying this subtitle for such period, the individual shall be deemed not to be an employee of the taxpayer for such period. The preceding sentence shall cease to apply to periods beginning more than 60 days after the date that the Secretary notifies the taxpayer in writing of a final administration determination that the taxpayer should treat such individual (or any individual holding a substantially similar position) as an employee.

"(b) Consistency Requirements.—A taxpayer meets the consistency requirements of this subsection with respect to any individual for any period if the taxpayer treats such individual (and all other individuals holding substantially similar positions) as not being an employee for purposes of the employment taxes for such period and all prior periods after December 31, 1978.

"(c) Return Filing Requirements.—The taxpayer meets the return filing requirements of this subsection with respect to any individual for any period if all Federal tax returns (including information returns) required to be filed by the taxpayer for such period with respect to such individual are filed on a basis consistent with the taxpayer's treatment of such individual as not being an employee.

"(d) Safe Harbors.—

"(1) In general.—The taxpayer meets the safe harbor requirement of this subsection with respect to any individual for any period if the taxpayer establishes that it treatment of such individual as not being an employee for such period was—

"(A) in reasonable reliance on a written determination (as defined in section 6110(b)(1)) issued to the taxpayer that addressed the employment status of the individual or an individual holding a substantially similar position with the taxpayer;

"(B) in reasonable reliance on a concluded Internal Revenue Service audit of the taxpayer in which the employment status of the individual or any individual holding a substantially similar position with the taxpayer was examined and the taxpayer was notified in writing that no change would be made to such individual's employment status; or

"(C) supported by substantial authority.

For purposes of subparagraph (C), the term 'substantial authority' has the same meaning as when used in section 6662(d)(2)(B)(i); except that such term shall not include (i) any private letter ruling issued to a person other than the taxpayer, and (ii) any authority that does not address the employment status of individuals holding positions substantially similar to that of the individual.

"(2) Special rules.—

"(A) Applications to pre-2001 determinations, etc.— Paragraph (1) shall apply without regard to whether the determination, audit, or the authority referred to therein was before January 1, 2001.

"(B) Subsequent authority—The taxpayer shall not be considered to meet the safe harbor requirement of paragraph (1) with respect to any individual for any period if the treatment of such individual as not being an employee is inconsistent with any regulation, Revenue Ruling, Revenue Procedure, or other authority—

"(i) which is published by the Secretary at least 60 days before the beginning of such period and after the date of the determination, the conclusion of the audit, or the substantial authority referred to in paragraph (1), and

"(ii) which applies to the type of services performed by such individual or the industry or business in which such services are preformed.

"(3) Transitional rule.—Except as provided in paragraph (2)(B), the taxpayer shall be considered to meet the safe harbor requirement of paragraph (1) with respect to services performed by an individual during 2001 or 2002 if the taxpayer would be treated under section 530 of the Revenue Act of 1978 (as in effect on the day before the date of the enactment of this section) as having a reasonable basis for not treating such individual as an employee.

"(e) Other Special Rules.—

"(1) Notice.—An officer or employee of the Internal Revenue Service shall, before or at the commencement of any audit inquiry relating to the employment status of one or more individuals who perform services for the taxpayer, provide the taxpayer with a written notice of the provisions of this section.

"(2) AVAILABILITY OF SAFE HARBORS.—Nothing in this section shall be construed to provide that this section only applies where the individual involved is otherwise an employee of the taxpayer.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) EMPLOYMENT TAX.—The term 'employment tax' means any tax imposed by this subtitle.

"(2) EMPLOYMENT STATUS.—The term 'employment status' means the status of an individual as an employee or as an independent contractor (or other individual who is not an employee).

"(3) TAXPAYER.—The term 'taxpayer' includes any person or entity (including a governmental entity) which is (or would be but for this section) liable for any employment tax. Such term includes any predecessor or successor to the taxpayer.

"(4) SUBSTANTIALLY SIMILAR POSITION.—The determination as to whether an individual holds a position substantially similar to a position held by another individual shall include consideration of the relationship between the taxpayer and such individuals.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end the following new item:

"Sec. 3511. Limitations on retroactive employment tax reclassifications."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all periods beginning after December 31, 2000.

SEC. 4. STATUTE OF LIMITATIONS ON ASSESSMENT OF EMPLOYMENT TAXES TO RUN BEGINNING ON DATE CERTAIN INFORMATION RETURNS FILED.

(a) IN GENERAL.—Subsection (b) of section 6501 of the Internal Revenue Code of 1986 (relating to limitations on assessment and collection) is amended by adding at the end the following new paragraph:

"(5) CERTAIN INFORMATION RETURNS TO BEGIN LIMITATION PERIODS ON EMPLOYMENT TAXES.—For purposes of this section, if—

"(A) a return is filed under section 6041 or 6041A which specifies an amount of payments made to any individual for services performed by such individual, and

"(B) such payments are not taken into account in determining the taxes imposed by chapters 21 and 24,

then, notwithstanding the last sentence of subsection (a), such return shall be treated as the return referred to in subsection (a) for purposes of determining the period of limitations with respect to such taxes on such services."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2000.

HOUSE OF REPRESENTATIVES—*Monday, April 26, 1999*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. NETHERCUTT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 26, 1999.

I hereby appoint the Honorable GEORGE R. NETHERCUTT, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

When we bow our heads for this moment of prayer it is our petition, almighty God, that our hearts and souls will focus on Your abundant and forgiving love to us and to all people. In a troubled world where violence seems to be so rampant, we pray that we will lift our eyes to see Your vision of hope, a vision where the good words of faith and reconciliation and understanding will not only be the words of our lips, but will be translated into deeds that comfort and sustain and strengthen our human community. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 574. An act to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

S. Con. Res. 29. Concurrent resolution authorizing the use of the Capitol Grounds for concerts to be conducted by the National Symphony Orchestra.

APPOINTMENT OF MEMBERS TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore. Without objection and pursuant to section 801(b) of Public Law 100-696, the Chair announces the Speaker's appointment of the following Members of the House to the United States Capitol Preservation Commission:

Mr. TAYLOR, North Carolina;
Mr. FRANKS, New Jersey.

There was no objection.

OPPOSE H.R. 45, NUCLEAR WASTE POLICY ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Constitution, as I read and understand it, gives the House of Representatives the sole authority to raise taxes. However, now the nuclear industry wants to change this. H.R. 45, the Nuclear Waste Policy Act of 1999, proposes to grant taxing authority to the Secretary of Energy. That is right, the Secretary of Energy will have the authority to raise taxes on your electric rates, and that is a terrible precedent to set.

The bill also proposes to take the Nuclear Waste Trust Fund off budget. We all know what that means. No more congressional oversight on how much money goes into the account or how the money is spent. And it puts the Nuclear Waste Trust Fund in the same technical off-budget status as the Social Security Trust Fund. How bizarre.

H.R. 45 will break the balanced budget resolution and circumvent the bipartisan Budget Enforcement Act. Not to mention this bill still completely ignores our environmental laws, it ignores commonsense science, it ignores transportation hazards, and it ignores human health concerns.

Mr. Speaker, H.R. 45 circumvents the Constitution, it sets bad congressional precedent, and it is bad for America. We need to do what is right for our constituents and oppose H.R. 45.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FORT KING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, today I will introduce a bill of historical importance. My home, Ocala, Florida, is home to Fort King. This Fort played a direct role in the founding of Florida as a state.

On December 28, 1835, Fort King was the site of an outbreak of hostilities between the United States Government and the Seminole Indians. The Seminoles, were led in this attack by Chief Osceola. This attack began the Second Seminole War, which lasted longer than any other United States armed conflict, except for the Vietnam War.

Fort King and the surrounding area contain artifacts used in the attack and in the life of the Seminole Indians. This bill would help preserve Seminole history in Florida.

My bill authorizes a study by the Interior Department to identify a means of preserving and developing Fort King.

Preserving our past for our children and grandchildren is imperative. Fort King is a historical gem that should be accessible to all. I hope my colleagues will join me in supporting this important, historical bill.

THE MISSOURI TIGER ARMY & NAVY ANCHOR MEMORIAL—A TRIBUTE TO THE 55TH ANNIVERSARY OF WORLD WAR II EXERCISE TIGER OPERATION MAKING THE "TIGER" A REALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I rise today to pay tribute to the 55th anniversary of what may be the least known, yet most gallant naval effort ever waged, the operation known as Exercise Tiger.

Fifty-five years ago, 749 American soldiers and sailors lost their lives in the English Channel when they were attacked by German torpedo boats. Embarked aboard landing ship tanks or LSTs for a secret rehearsal of the Normandy landing, and without accompanying escorts, these brave men came under attack from nine German Navy E-boats patrolling the English Channel.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

With uncommon courage and valor, the soldiers and crew engaged in Exercise Tiger defended their ships in the greatest naval engagement ever conducted by LST's. However, in the battle that raged, three LSTs were torpedoed. Two of them, the U.S.S. LST–507, and the LST–531 sunk to the bottom of the English Channel, while a third LST, the U.S.S. LST–289, was able to reach port.

Their sacrifice played a key role in ensuring the success of the subsequent Normandy invasion, which ultimately freed Europe.

Today, I am here to honor and remember the veterans, living and dead, of Exercise Tiger, and to celebrate the placement of an anchor from an LST in Mexico, Missouri. This memorial will serve as a permanent reminder to all who see it of the high price of freedom that those involved in Exercise Tiger paid.

Mr. Speaker, I also want to recognize Walt Domanski, the National Director of the Tiger Foundation, and others who helped make this memorial a reality. On June 12, 1997, Mr. Domanski made a request to U.S. Navy Captain Gary Chiavarotti, Director of the U.S. Navy's Inactive Fleet, for the Navy to donate two 5,000 pound stern anchors from the Suffolk County Class tank landing ships, which operated under the code name Exercise Tiger, to serve as twin State and national memorials to commemorate the Battle of Exercise Tiger in New Jersey and Missouri. On July 13th, 1997, the request was approved.

In December of 1997, the anchor traveled a 1,500 mile journey from Norfolk, Virginia, to Columbia, Missouri, and was given to area "Tiger" veterans as a Christmas present. This action mainly resulted from the efforts of U.S. Navy Petty Officer Rocky Roberts, who served on the tank landing ship *LaMoure County* 1194, and by Uponeor ETJ of Columbia, who donated their transportation resources. The *LaMourne* ship was safely transported to Columbia for the 1995 Exercise Tiger ceremony. This was the first time the U.S. Navy had ever donated an active ship to honor such an event. Now, its anchor will stand as The Missouri Exercise Tiger Army & Navy Anchor Memorial.

Mr. Speaker, it should be noted that under the direction of Commissioner Dick Weber and the efforts of Mexico, Missouri, businessman Paul Koelling, both Audrain County and the Mexico community was assembled together to help donate the necessary work and funding for the Exercise Tiger Anchor Memorial project. At this time, I would also like to mention the efforts of the Mexico Veterans of Foreign Wars Post, the American Legion (who donated over $2,000 for this event), and the Exercise Tiger Association members. All have contributed to make this memorial a lasting tribute to those that served in the operation of Exercise Tiger.

It is my honor to acknowledge the indispensable role that members of Exercise Tiger played in making the D-day invasion a success. I am proud to call attention to the efforts of the U.S. Navy and the Mexico Veterans Post who served as the "anchor" of this commemorative effort—helping to make this dream a reality.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GIBBONS) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Pennsylvania, for 5 minutes, on April 28.

Mr. BURTON of Indiana, for 5 minutes each day, on April 27 and 28.

Mr. CUNNINGHAM, for 5 minutes, on April 27.

Mr. DEMINT, for 5 minutes, on April 27.

Mr. STEARNS, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 574. An act to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Resources.

S. Con. Res. 29. Concurrent resolution authorizing the use of the Capitol Grounds for concerts to be conducted by the National Symphony Orchestra; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. GIBBONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 27, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1712. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Potato Leaf Roll Virus Resistance Gene (also known as orf1/orf2 gene); Exemption from the Requirement of a Tolerance [OPP–300530A; FRL–6052–3] (RIN: 2070–AB78) received March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1713. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7256] received March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1714. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1715. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7273] received March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1716. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1717. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7700] received March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1718. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7697] received March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1719. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7698] received March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1720. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution County District [CA 152–0131; FRL–6235–4] received March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1721. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona and California State Implementation Plan Revision; Maricopa County, Arizona, Antelope Valley Air Pollution Control District, San Diego County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, and Ventura County Air Pollution Control District [CA 211–0126 EC; FRL–6235–5] March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1722. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Belzoni and Tchula, Mississippi) [MM Docket No. 97–243] (RM–9194) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1723. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (New Martinsville, West Virginia) [MM Docket No. 97–129] (RM–9076) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1724. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Malvern and Bryant, Arkansas) [MM Docket No. 98-53] (RM-9253) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1725. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rio Grande City, Texas) [MM Docket No. 98-186] (RM-9318) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1726. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Buxton, North Carolina) [MM Docket No. 98-144] (RM-9329) [MM Docket No. 98-145] (RM-9330) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1727. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pauls Valley and Wynnewood, Oklahoma) [MM Docket No. 98-140] (RM-9294, RM-9373) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1728. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clinton and Okarche, Oklahoma) [MM Docket No. 98-70] (RM-9276) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1729. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Effective Date of Requirement for Premarket Approval for Three Class III Preamendments Physical Medicine Devices [Docket No. 98N-0467] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1730. A letter from the Director, Regulation Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Quality Mammography Standards [Docket No. 98N-0728] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1731. A letter from the Under Secretary for Export Administration, transmitting notification that during the period from October 17, 1998 through November 17, 1998, the U.S. Department of Commerce issued export licenses for commercial communication satellites and related items currently under the Department's jurisdiction; to the Committee on International Relations.

1732. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1733. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Bering Sea and Aleutian Islands [Docket No. 990304063-9063-01; I.D. 030899B] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1734. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Gulf of Alaska [Docket No. 990304062-9062-01; I.D. 030899C] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1735. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 1999 Harvest Specifications for Groundfish [Docket No. 990304063-9063-01; I.D. 121098D] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1736. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea [Docket No. 990115017-9017-01; I.D. 022699B] received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1737. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 981222313-8320-02; I.D. 022699C] received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1738. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands [Docket No. 981021264-9016-02; I.D. 022699A] received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1739. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Mississippi River, LA: Regulated Navigation Area [CCGD08-97-020] (RIN: 2115-AE84) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1740. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Procedures for Participating in and Receiving Data from the National Driver Register Problem Driver Pointer System [Docket No. NHTSA-98-5084] (RIN: 2127-AH54) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1741. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Service Contracts Subject to the Shipping Act of 1984 [Docket No. 98-30] received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1742. A letter from the Deputy Executive Secretariat for DHHS, Department of Health and Human Services, transmitting the Department's final rule—Temporary Assistance for Needy Families Program (TANF) (RIN: 0970-AB77) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1743. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 99-21] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. H.R. 683. A bill to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 decennial census of population; with an amendment (Rept. 106-104). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 1058. A bill to promote greater public participation in decennial censuses by providing for the expansion of the educational program commonly referred to as the "Census in Schools Project" (Rept. 106-105). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1480. A bill to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; with an amendment (Rept. 106-106 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Resources discharged from further consideration. H.R. 1480 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1480. Referral to the Committee on Resources extended for a period ending not later than April 26, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (for himself and Ms. Eddie Bernice Johnson of Texas):

H.R. 1550. A bill to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes; to the Committee on Science.

By Mrs. MORELLA:

H.R. 1551. A bill to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes; to the Committee on Science.

By Mr. CALVERT:

H.R. 1552. A bill to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the Marine Research and related environmental research and development program activities of the National Oceanic and Atmospheric Administration and the National Science Foundation, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1553. A bill to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science.

By Mr. COBLE (for himself, Mr. Tauzin, Mr. Berman, Mr. Markey, Mr. Hyde, Mr. Bliley, Mr. Conyers, Mr. Dingell, Mr. Sensenbrenner, Mr. Oxley, Mr. Delahunt, Mr. Rush, Mr. Goodlatte, Mr. Stearns, Mr. Wexler, Mr. Boucher, Mr. Cannon, Mr. Pickering, Mr. McCollum, Mr. Sawyer, Mr. Gallegly, Mr. Upton, Mr. Rogan, Mr. Gillmor, Mr. Pease, Mr. Stupak, Mr. Jenkins, and Mr. Hilleary):

H.R. 1554. A bill to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite; Title I, referred to the Committee on Commerce; Title II, referred to the Committee on the Judiciary.

By Mr. GOSS:

H.R. 1555. A bill to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. GREENWOOD (for himself, Mr. Castle, Mr. Goodling, Mr. Kildee, Mr. Pickering, Mr. Tancredo, Mr. Berry, Mr. Inslee, Mr. Maloney of Connecticut, Mrs. Cubin, Mr. Boehlert, Mr. Hinchey, Mr. Bilirakis, and Mr. Deutsch):

H.R. 1556. A bill to establish a National Commission on the Prevention of School Violence; to the Committee on Education and the Workforce.

By Mr. BATEMAN (for himself and Mr. Underwood) (both by request):

H.R. 1557. A bill to authorize appropriations for fiscal years 2000 and 2001 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Armed Services.

H.R. 1558. A bill to authorize expenditures by the Panama Canal Commission for fiscal year 2000, and for other purposes; to the Committee on Armed Services.

By Mr. CANNON:

H.R. 1559. A bill to amend the Uranium Mill Tailings Radiation Control Act of 1978 to provide for the remediation of the Atlas mill tailings site near Moab, Utah; to the Committee on Commerce.

By Mr. COLLINS (for himself, Mr. Cardin, Mrs. Emerson, Mr. Hyde, Mr. Ramstad, Ms. Dunn, and Mr. Weller):

H.R. 1560. A bill to amend the Internal Revenue Code of 1986 to establish a 2-year recovery period for depreciation of computers and peripheral equipment used in manufacturing; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 1561. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals; to the Committee on Ways and Means.

By Mrs. FOWLER:

H.R. 1562. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless that deployment is specifically authorized by law; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1563. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless that deployment is specifically authorized by law; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 1564. A bill to require the Secretary of the Interior to conduct a study regarding Fort King, Florida; to the Committee on Resources.

By Mr. TANCREDO (for himself, Mr. Hefley, Mr. McInnis, Ms. DeGette, Mr. Schaffer, and Mr. Udall of Colorado):

H. Res. 148. A resolution expressing the sense of the House of Representatives with respect to the tragic shooting at Columbine High School in Littleton, Colorado; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Res. 149. A resolution expressing the sense of the House of Representatives that "Sugar" Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Government Reform.

H. Res. 150. A resolution expressing the sense of Congress with respect to Marcus Garvey; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. Riley, Mr. Pombo, Mr. Larson, Mr. Andrews, and Mr. Callahan.

H.R. 49: Mr. Diaz-Balart, Mr. Baldacci, and Mr. Whitfield.

H.R. 116: Ms. Baldwin and Mr. Levin.

H.R. 131: Mr. Weiner.

H.R. 175: Ms. DeLauro, Mr. Markey, Mr. George Miller of California, Mrs. Lowey, Mr. Terry, Mr. Holden, Mr. Clement, Mrs. Fowler, Mr. Pombo, Mrs. Bono, Mr. Brown of California, Mr. Smith of Michigan, Mr. Pitts, Mr. Gephardt, Mrs. Tauscher, Mrs. Northup, Mr. Sherman, Mr. Walden of Oregon, and Mr. Frelinghuysen.

H.R. 198: Mr. Nethercutt and Mr. Wicker.

H.R. 202: Mr. Lipinski, Mr. Houghton, and Mrs. Emerson.

H.R. 316: Mr. Lipinski.

H.R. 383: Mr. Vento and Mrs. Emerson.

H.R. 405: Mr. Ganske, Mr. Sawyer, Ms. Stabenow, and Mr. Kind.

H.R. 406: Mr. Wu and Mr. Bass.

H.R. 430: Mr. Weiner, Mr. Sununu, and Mr. Wynn.

H.R. 452: Mr. Maloney of Connecticut.

H.R. 531: Mr. Smith of New Jersey, Mr. McGovern, Mrs. Northup, Mr. Terry, Mr. Waxman, Mr. Baird, Mr. Dickey, Mr. Walsh, Mrs. Morella, and Mr. Pitts.

H.R. 541: Ms. Baldwin, and Mr. Oberstar.

H.R. 561: Mr. Frank of Massachusetts.

H.R. 710: Mr. Kanjorski, Mr. Bonilla, Ms. Velázquez, Mrs. Northup, Mr. Greenwood, Mr. Bentsen, Mr. Ehrlich, Mrs. Emerson, Mr. Hayworth, and Mr. Lewis of California.

H.R. 750: Ms. Danner, Mr. Cook, Mr. Sessions, Mr. Rodriguez, Mr. Farr of California, Mr. Pastor, and Mr. Lucas of Oklahoma.

H.R. 760: Mr. Sessions, Mr. Nethercutt, Mr. Gonzalez, Mrs. Morella, and Mr. Hostettler.

H.R. 798: Mr. Larson, Mr. Jackson of Illinois, Ms. Schakowsky, Mr. Allen, and Mr. Sawyer.

H.R. 804: Mr. Terry and Mr. Pomeroy.

H.R. 809: Mr. Wynn.

H.R. 835: Mr. Watts of Oklahoma and Mr. Davis of Virginia.

H.R. 853: Mr. Hobson.

H.R. 860: Mr. Stupak.

H.R. 864: Mr. Lampson, Mr. Taylor of North Carolina, Mr. Ehlers, Mr. George Miller of California, Mr. Rogan, Mr. Price of North Carolina, Ms. Roybal-Allard, Mr. Isakson, Mr. Skelton, Mr. Berman, Mr. Clement, Mrs. Wilson, Mr. Pombo, Mr. Gutierrez, Mrs. Lowey, Mrs. Bono, Ms. Eshoo, Mr. Brown of California, Mr. Pitts, Mr. Bereuter, Mr. Smith of Michigan, Mrs. Tauscher, Mr. Pastor, Mr. Mascara, Mr. Wicker, and Mrs. Northup.

H.R. 903: Mr. Ballenger and Mr. Hayes.

H.R. 912: Mr. DeFazio.

H.R. 1044: Mr. Hill of Montana.

H.R. 1054: Mr. Gary Miller of California.

H.R. 1092: Mr. Sabo.

H.R. 1111: Mrs. Meek of Florida, Mr. Wynn, and Mrs. Maloney of New York.

H.R. 1118: Mr. Maloney of Connecticut.

H.R. 1196: Mr. Rahall and Ms. Roybal-Allard.

H.R. 1213: Mr. Sandlin.

H.R. 1228: Mr. Frost, Mr. Tierney, Mr. Holden, Mr. Bonior, and Mr. LaFalce.

H.R. 1329: Mr. LoBiondo.

H.R. 1336: Mr. Bereuter and Mr. Sununu.

H.R. 1344: Mr. Wise, Mr. Gilchrest, Mr. LaHood, Mr. Young of Alaska, and Mr. Bass.

H.R. 1349: Mr. Chabot.

H.R. 1363: Mr. Blunt.

H.R. 1387: Mr. Davis of Illinois.

H.R. 1423: Mrs. Capps and Mr. Kennedy of Rhode Island.

H.R. 1424: Mrs. Capps and Mr. Kennedy of Rhode Island.

H.R. 1443: Ms. BROWN of Florida and Mr. DAVIS of Illinois.

H.R. 1456: Mr. RAMSTAD, Mr. THOMPSON of California, Mr. SANDERS, Mr. WATKINS, Mr. ETHERIDGE, and Mr. DOYLE.

H.R. 1485: Mr. LAFALCE and Mr. RANGEL.

H.J. Res. 22: Mr. LAMPSON.

H. Con. Res. 82: Mrs. CHENOWETH.

SENATE—*Monday, April 26, 1999*

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Father, we have not forgotten the three American infantry soldiers who were captured on March 31 while on patrol at the Macedonian border: Staff Sergeants Andrew A. Ramirez and Christopher J. Stone; Specialist Steven M. Gonzalez. Be with them, Lord. Bless them with courage and strength. During this anxious time, give their families Your comfort and assurance. May these men and their families know that they are not forgotten and that the Senate is praying today for their safety and their release.

Here in the Senate we begin this new week with renewed trust in You and a commitment to work together for Your glory and for Your will in our Nation and in the world. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. BROWNBACK. I thank the Chair.

SCHEDULE

Mr. BROWNBACK. Mr. President, today the Senate will be in a period of morning business until 3:30 p.m. Following morning business, the Senate will resume consideration of S. 96, the Y2K bill. A cloture motion on that legislation was filed on Thursday, and by unanimous consent that vote will take place today at 5:30 p.m. Members are encouraged to come to the floor to debate this important legislation.

I thank my colleagues for their attention.

Mr. President, I wish to address the body today on another matter during morning business. It is about the situation that has taken place in Colorado.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. KYL). The Chair will announce that under the previous order leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

TEEN VIOLENCE

Mr. BROWNBACK. Mr. President, I wish to address the Senate today on the subject of the violence in Littleton, CO. I note that over the weekend a number of funerals took place, and as I speak another funeral is occurring as a result of the shootings in Littleton, CO. I think it would be appropriate for us to observe a moment of silence for the victims of the shootings that took place.

(Period of silence.)

Mr. BROWNBACK. I thank the Chair.

Certainly, all of our thoughts and prayers are with the people in Colorado, across this country and across the world, who have been touched by the terrible tragedies in the shootings.

We cannot ignore the shootings that took place in Littleton, CO. I think we really must say that this time we will address these problems that are in our culture. They are here. We have a culture that glorifies violence and killing, where perverse things are put on television as normal. Ours is a culture that has far too much darkness in it.

Just listen to some of the words of the writers in various newspapers across this country when they have discussed today's culture. This was in last Thursday's Washington Post in the Style Section, mind you. Its headline: "When Death Imitates Art." It says:

> Before Teenagers Commit Violence, They Witness It in American Culture.

Here is how the writer starts:

> In what used to be the dark corners of our culture, there is now a prime time cartoon with a neo-Nazi character, comics that traffic in bestiality, movies that leave teenagers gutted like game, fashion designers who peddle black leather masks and doomsday visions. It's all in the open now, mass produced, widely available. Even celebrated. On countless PCs, killing is a sport. And there's Marilyn Manson, a popular singer who named himself after a mass murderer and proclaims he is the Antichrist.
>
> Film, television, music, dress, technology, games: They've become one giant playground filled with accessible evil, darker than ever before.

Listen to this:

> Consider: Of the last 11 major movies released on video since April 6, seven of them have violent themes. Among them, "Art Pupil," about a high school kid obsessed with Nazism; "American History X" about the rise and fall of a skinhead; and "I Still Know What You Did Last Summer," a teen slasher sequel.
>
> "There is no question in my mind that film and society interrelate," said Douglas Brode, a professor of film at Syracuse University and author of 18 books on the movies. "And not just films but music, video games, all of it. There is a connection. It may be tangential, it may be tight. Nobody knows for sure."

And so caution and perspective are urged.

> It is surely one of the great debates of this decade: Does the culture simply reflect the dark, decadent times in which we live or is society this way because the cultural proprietors have run amok.

Listen to this from the Wall Street Journal, written by Peggy Noonan, a columnist. This was in last Thursday's Wall Street Journal. She writes this:

> What walked into Columbine High School Tuesday was the culture of death. This time it wore black trench coats. Last time it was children's hunting gear. Next time it will be some other costume, but it will still be the culture of death. That is the Pope's phrase; it is how he describes the world we live in.
>
> The boys who did the killing, the famous Trench Coat Mafia, inhaled too deep the ocean in which they swam. Think of it this way. Your child is an intelligent little fish. He swims in deep water. Waves of sound and sight, of thought and fact, come invisibly through that water, like radar; they go through him again and again, from this direction and that. The sound from the television is a wave, and the sound from the radio; the headlines on the newsstand, on the magazines, on the ad on the bus as it whizzes by—all are waves. The fish—your child—is bombarded and barely knows it. But the waves contain words like this, which I will limit to only one source, the news.

Then she goes through and lists:

> . . . was found strangled and is believed to have been sexually molested. . . .

There are a number of headlines, and they finish this portion by saying:

> This is the ocean in which our children swim. This is the sound of our culture. It comes from all parts of our culture and reaches all parts of our culture, and all the people in it, which is everybody.

Listen to this from the New York Times today:

> By producing increasingly violent media, the entertainment industry has for decades engaged in a lucrative dance with the devil.

That was in the New York Times today. It goes on to describe a process that our young people are going through, that a former Army officer talked about being desensitization, conditioning of people, being able to do heinous violent acts that they are taking culture conditioning through a movie, music, the Internet that just constantly bombard them and it desensitizes them to the humanness surrounding them.

> Dave Grossman, a former Army officer and professor at West Point and also the University of Arkansas, says that these are the same techniques that were used to great effect during the Vietnam War to increase the "firing rate"—that is, the percentage of soldiers who would actually fire a weapon during an encounter from the 15 to 20 percent range in World War II to as much as 95 percent in Vietnam.
>
> Grossman has written "On Killing: The Psychological Cost of Learning to Kill in War and Society," in which he discusses how conditioning techniques were used to teach Vietnam-bound soldiers.

And then it goes on and he says many of these same techniques are involved in our culture today.

Mr. President, we have got to address this. It is time to do something. I think we in the Senate have to say we are not powerless to address this. We can fight back, and we must fight back. We know this is going on in the culture today. We know it is out there. We know what is happening. We know what happened in Columbine. We also know, most of us across the country, it is likely to happen again somewhere else, in some other good high school, in some other place where this never should happen, as it has happened in the past in Paducah, KY; Pearl, MS; other places; Jonesboro, AR; across this country. We can and we must fight back, and now is the time to do it.

I suggest two solutions. No. 1, anybody listening or watching, let's all pledge that we will change our culture, our individual culture we are involved in right now, what is it that is going on in our family, in our community, in our school, wherever we are within our culture that is part of this, and let's change it. We are not helpless to changing this. What is coming into your home right now? Do you have things coming into your home right now that are violent, that are of a nature with which you wouldn't agree, or over the Internet, magazines, video games, movies, television? We are not powerless to stop it coming into our homes. Let us all pledge to stop it.

I hope that many people across this country will start societies for cultural renewal within their communities where people can come together and say we are going to change the culture in our community; we are not going to wait on producers out of California; we are not going to wait on Washington to do this; we are going to change the culture here, now; we are going to bind together and we are going to say, what can we do in our community to reduce teen suicide, to reduce child abuse, to reduce out-of-wedlock births, to reduce the violence, the drug use, to reduce those sorts of things in our culture.

Let's not wait until it comes to us. Let's start binding together as people and forming societies to do this now. We can do it. If 10 people in any community of a limited size, say, of a quarter million, would come together and say, we are going to change the culture in our community, they could start this in their community and they could get it done. With passion, with prayer, with people of commitment, they could do it. It could happen. They could move forward. They can change their culture. We can each change our culture. Let us open our eyes and see what is happening.

The second thing I think we in the Senate need to do is create a special commission on cultural renewal. We need to address this topic. We in the Senate should have a high-level commission of people from multiple walks of life searching for the answers to two questions: One, what made this culture the way it is? How did we get to this point we are today? What made us this way? Second, and more important, how do we change it?

I will be hosting a hearing on May 4, asking about the marketing of violence, in the Commerce Committee. There we are going to be asking people to address the point about the marketing of violence in our society and how it is being used to sell various products and what we can do to stop it.

I want to be clear, too. We obviously have limits in government, and government is part of the culture, but it is not the total culture. Government is limited. This is much more about all of us joining together to say we can change these sorts of things. We want to highlight some problems such as what is taking place in the marketing of violence. Why are companies doing this? What is their mode of operation? How can we dissuade them from doing this? Because it has a profound effect throughout this culture, as the people in Littleton, CO, know all too well, as we know all the rest of the way across this Nation.

Cultures change, and we must determinedly change ours, not so much by laws as by changing our thinking about what we consume. We can do it. We must do it. We will do it. It is time we do it.

I am afraid people are getting to the point of wondering if we can. Yes, we can. As the culture moved in this direction, it can assuredly move away from it. But it is going to take a determined effort. It is going to take an effort not just of saying OK, Washington is going to solve it, or Hollywood is going to solve it, or New York is going to solve it. We each have to dig in and try to solve it in our own community, and we need to address it from here, too.

I will be pressing this on the leadership of the Senate, that we do have such a high-level special commission so we can get at these issues: How did we get to where we are? How do we get away from this? How do we solve it? And we can.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY REFORM

Mr. DORGAN. Mr. President, I would like to just briefly mention a couple of issues this morning.

First, I would like to comment on some of the statements made this weekend, especially by the Senate majority leader, but by others as well, dealing with the issue of Social Security.

This weekend, on a Sunday talk show, our colleague, Senator LOTT, indicated that he felt that the issue of Social Security reform was dead for this Congress.

Vice President GORE this morning expressed the fervent hope that this is not the case. I would join the Vice President in saying that it is not good public policy for our country to give up on the important task of reforming Social Security.

The Social Security program has been a critically important program for our country. It has made life so much better for so many older Americans for so long. The problems of our Social Security system are born of success—not failure. The success is that people are living longer and better lives in our country. At the start of this century, you were expected, on average, to live to be 48 years old. Now, at the end of the century, you are expected to live on average to about 78 years of age—a 30-year increase in life expectancy.

For a lot of reasons—better nutrition, breathtaking breakthroughs in medical science, better medical facilities—a whole series of things contribute to the success. But the result of the success is that people are living longer, and that puts strains on the Social Security system. But we ought not shrink from the challenge of those strains.

We can solve this issue. We can make Social Security solvent for at least the next 75 years and beyond. Let's not at this point decide that the 106th Congress cannot deal with the Social Security challenge. Of course we can.

President Clinton and Vice President GORE made a proposal at the start of this Congress. Just as a starting point, they put forward a proposal to let us sink our teeth into this issue, and make it a priority.

I know there is a lot of controversy about how you might reform and change and improve the solvency of the Social Security system for the long term. But I think the best way to approach this—I agree with Vice President GORE—is for both parties to resolve that this shall be a priority; we, together, should decide to save Social Security in this Congress.

I ask the majority leader here in the Senate and others to agree with President Clinton and Vice President GORE that this ought to be job No. 1 for this Congress. Let us together reform the Social Security program, and make the changes that are necessary to extend its solvency for the long term into the future.

Again, while we do it, let me remind those who listen to this debate that the problems confronted by the Social Security system are not problems of a program that doesn't work. It works, and works well. They are problems resulting from longer and better lives for many older Americans in this country.

THE TRAGEDY IN LITTLETON, COLORADO

Mr. DORGAN. Mr. President, I would like to talk just for a moment about the horrible tragedy that occurred in Littleton, CO, last week.

I am a North Dakotan. I have been a North Dakotan all of my life. I did, however, leave our State to go to graduate school in Colorado. Following graduate school, I worked in Colorado, and worked, in fact, in Littleton, CO. It is a nice community, a suburb of Denver.

Last week, I was, along with all other Americans, horrified to see the pictures on television of the school shooting at Columbine High School that took the lives of so many innocent young boys and girls, and also a teacher. And I asked myself, what is causing this? What is at the root of this kind of violence? The Littleton, CO, shooting is just the latest in a series of school shootings. Unfortunately, there have been many others in the last several years.

I can't watch the television set without getting tears in my eyes. Moments ago, I was turning on a television set and I saw the funeral for a very brave teacher who died that day in that school in Colorado. We ask ourselves over and over and over again, what has changed? What is causing all of this?

On Friday, I met with a high school assembly in North Dakota. We talked at great length about these issues. This morning I spent all morning at a youth detention facility called Oak Hill and talked to young folks at that facility from 12 years old on up, young people who had committed violent crimes and who are now committed to that detention facility not more than an hour from this Capitol Building.

I don't have any better answers perhaps than anyone else in America about these issues. I have some thoughts about some of it. Obviously, first, it all starts at home. There isn't a substitute for good parenting.

One of the young boys this morning at the Oak Hill Detention Center, who has been involved in drugs and violent crime, said he only had one parent. He said his parent checked on him from time to time but he said, "Checking in on young folks from time to time isn't enough."

Another part of the problem is drugs and the accessibility of drugs. In addition, a country with 220 to 240 million guns, and with seemingly easy accessibility to guns by children, makes parenting more difficult.

How about the violence children are exposed to every day? By the time children graduate from high school they will spend about 12,000 hours in a classroom and about 20,000 hours in front of a television set. Study after study after study, year after year after year shows that the steady diet of violence seen by our young people on television affects their behavior. Does it turn them into murderers? No. Does it affect their behavior? Yes, of course it does.

Corporations spend $200 billion a year in this country advertising in the media. Yet when we are suggesting through studies that the steady diet of violence offered to our young children on television is hurting them, the same people will say, "Gee, the media has no influence on our children." If that is the case, why is $200 billion a year spent advertising tennis shoes, jerseys, and more? If it doesn't work, why do we see it used so extensively? Of course the media has an enormous influence.

Last week, while these shootings at school were taking place, as horrifying as it was for everyone in America to watch SWAT teams move into the building and young children run from the building in panic, one of the networks broke for a commercial. The commercial break was to encourage us to watch a new program called "Mr. Murder." I thought to myself, I guess that says a lot, doesn't it? We are watching these children at this high school under siege by young gunmen, and then there is an advertisement for the new program, "Mr. Murder."

Is a murder program on television causing these murders in the school? That is not my allegation at all. Does it hurt our children? The pop culture of increasingly violent television, increasingly violent movies—or how about increasingly violent lyrics in music? There is a man in Minot, ND, whose young boy put a bullet through his brain. When he found his son, he was lying on his bed with his earphones connected to a compact disk that was playing over and over and over and over again lyrics to a Marilyn Manson song saying the way to end all of this "is with a bullet in your head." For 3 months, he obsessed on this kind of music, and then his father found him lying on his bed with a bullet in his head. The teacher of a young boy named Mitchell, who killed 4 of his classmates and 1 teacher and wounded 10 others, testified before the Senate Commerce Committee last June.

She talked about 13-year-old Mitchell. She was Mitchell's teacher, taught Mitchell English. He was always respectful, she said, saying "Yes, ma'am," "No, ma'am." She never saw him exhibit anger. After the killings, she said the classmates had a discussion. They discovered Mitchell had been obsessing on an entirely new kind of music—Bone Thugs and TuPac. And she told us the lyrics that Mitchell had been listening to in "Crept and We Came" by Bone Thugs:

> Cockin the 9 and ready to aim
> Pullin the Trigger
> To blow out your brains
> Bone got a gang
> Man we crept and we came.

This song has about 40 murder images, like "puttin them in the ground and pumpin the gun."

That is what Mitchell was listening to.

"Body Rott," by Bone Thugs. Or here are the lyrics from "I Ain't Mad at Ya" by TuPac.

> I can see us after school
> We'd bomb on the first [blank blank]
> With the wrong [blank] on. And from "2 of Amerikas Most Wanted:"
> Picture perfect, I paint a perfect picture.
> Bomb the hoochies with precision . . .
> Ain't nuttin but a gangsta party.

These lyrics are from Mitchell's teacher who wanted us to know what he was listening to.

Is this part of the culture? Does this hurt our children? Is it easy to parent with these kinds of images, these kinds of thoughts coming from our television set, from compact disks? Should we think through all of this—not just at the surface with parenting, drugs, and guns—but also the issue of pop culture?

If $200 billion is spent advertising in the media because it influences behavior, should we as parents and should we as legislators start understanding that the media then has a profound impact on children as well. Should we understand when the media pumps images—thousands and thousands and thousands of images—of murder that tell our young children the way adults solve their problems is to kill someone, to stab someone, to murder someone? That is the way adults solve their problems, according to television programs.

Yes, it is fiction, but how do children know that? Yes, you can say parents should do a better job of seeing what their children are watching, but it is very hard.

I have a lot more to say about this but I know colleagues are waiting. I am sure I join all of my colleagues in saying we are heartbroken by what is happening in this country and what happened in Littleton, CO. My thoughts and prayers go to all of those families and friends who lost loved ones.

I watched the images of the funerals today in Littleton, and I want to be part of anything any of us can do to try to find reasons and try to develop policies to see if we can't steer all of us in a more constructive direction. In the meantime, my thoughts and prayers are with all of those in Colorado and around this country who today grieve for those young children and the teacher who lost their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

PACIFIC NORTHWEST DAM REMOVAL

Mr. GORTON. Mr. President, dam removal as a serious option for salmon recovery on the Snake River died last week. It was killed by the National Marine Fisheries Service, the arm of the Clinton administration assigned to save those endangered salmon.

Why and how?

Three runs of salmon on the upper Snake River were listed as endangered in 1991 and 1992. On April 14, NMFS announced its determination that only 19 percent of salmon smolts barged around the dams, die. In fact, we now know that downriver survival rates are at least as high as they were in the 1960's before the Snake River dams were built!

As a result, NMFS now believes that the chance of recovery for the endangered runs is only 64 percent if all four Snake River dams are removed, as against 53 percent by continuing to transport smolts around the dams. The difference is barely statistically significant.

We can assume that NMFS science is the best available. That science is a vital component of public policy, but only one component of good public policy and not absolutely determinative to the exclusion of all other concerns.

So against the modest 11-percent improvement in survival chances for these populations of salmon from dam removal, we must weigh the immense costs of removal. Earlier this month at a Senate Energy Committee field hearing, a representative from Bonneville Power testified that BPA would lose approximately $263 million in power revenues in each average water year in perpetuity under medium future economic conditions. BPA also estimates that removal of the four lower Snake River dams is likely to increase its power rates by as much as 30 percent. The cost of removal itself, the destruction of navigation, the loss of irrigated farms and the human and community devastation add untold billions to that figure. That cost is vastly out of proportion to the salmon recovery goal, much less to the extremely modest improvement even in the prospects for recovery.

So dam removal as a rational option is dead. We in the Pacific Northwest, specifically residents in eastern, rural Washington, have been waging this war with the environmental community. It gives me great pleasure today to present my assessment of the recently released National Marine Fisheries Service report on Snake River dams and salmon recovery options.

I cannot support the effort to dismantle the world's most productive hydroelectric system when the costs are so great in relation to the benefit to a few selected salmon runs. Under the current management of the Columbia/Snake River system, Northwest ratepayers have contributed $366 million per year on average since 1995 to salmon recovery. The plan requires flow augmentation, dam spill, surface bypass, juvenile and adult fish passage improvements, water supply studies, PIT tag monitoring, and additional salmon barges. Although many, myself included, have been highly critical of Federal salmon recovery efforts, the results are beginning to show signs of progress. Based on new technology for salmon monitoring using Pit-Tags, NMFS estimates a significant increase in downriver survival for juvenile salmon. It estimates salmon are now surviving at a rate of 50 to 68 percent for juvenile salmon that migrate through eight Snake and Columbia River dams. Since about 60 percent of juvenile salmon are barged at a survival rate of 98 percent, the combined salmon survival rate to Portland, past eight dams, exceeds 80 percent.

Why are some in such a rush to consider dam removal when faced with these statistics? According to NMFS, these statistics may be further enhanced during the next three to four years of monitoring the adult fish returning to the river. However, the single-interest advocacy groups claim we can't wait any longer—they say we must remove the dams now.

Let me reemphasize one glaring fact. The overall survival rate past the four lower Snake dams is at least as high today as it was in the 1960's before the dams were built, according to NMFS' own biologists. Much of this recent improvement in survival rates can be attributed to technical and operational improvements at the dams. There is much more that can be done to improve survival rates past the four lower Snake dams. Unfortunately, the Army Corps of Engineers has been waiting to see if these dams are going to be removed before spending any more money on further improvements that could provide immediate benefits.

Although the passage survival is much higher now, adult salmon returns continue at a distressed level. A likely theory is that declines are due to the rise in ocean temperatures. During the Easter recess, my Interior appropriations subcommittee held a field hearing on Northwest salmon recovery in Seattle. One of NMFS' own fisheries biologists expressed optimism that the likelihood of decreasing ocean temperatures off the coast in the Pacific Northwest as indicative of an improving climate for salmon in the Northwest.

We are likely to obtain valuable new information about adult salmon returns and likely will witness a dramatic change in the ocean environment. Even under current circumstances, the difference between removing dams, to save fish or barging them around dams is too close to call. And when all the costs of dam removal are factored into this equation, it is hard to imagine why anyone would want to take this dubious course of action.

In the meantime, the debate over dam removal has led to unfortunate consequences. More realistic and cost effective salmon recovery measures with a proven track record have been delayed. I am committed to securing the funds necessary not only for dam improvements but also for local salmon enhancement groups and other conservation organizations to continue their efforts to restore salmon habitat throughout the state. Salmon recovery will take place when local people who care passionately about local watersheds have the freedom and the resources to take the steps needed on a stream-by-stream and river-by-river basis.

At my recent field hearing, I was most impressed with the way people in my state are coming together in unprecedented ways. Rather than focusing on past differences, farmers, loggers, fishermen, conservationists, locally elected officials, and countless others representing a vast array of interests and perspectives are working together to develop habitat restoration and watershed improvement plans throughout the state that will not only provide immediate benefits to our salmon resource but will do so in ways that will take into consideration the economic and social needs of our communities.

A good example of how collaborative efforts can achieve positive results for the salmon resource recently took place in the Hanford Reach area of the Columbia River. Ten years ago, the fall chinook stock in the Hanford Reach was in bad shape. Now it is the most abundant of the wild Columbia River stocks. This is due largely to the efforts of the Grant County Public Utility District which led the effort to reach an agreement that protects the fish by regulating river flows from the time the adults spawn to the time the juveniles emerge from the gravel.

Last year, biologists discovered juvenile chinook were stranded after emerging from the gravel. Grant County PUD again led discussions involving all review mid-Columbia hydroelectric projects, together with federal, state, and tribal fishery agencies to develop a program to reduce the number of young fish stranded because of river flow fluctuations. Implementing this agreement requires a substantial loss in valuable power generation, but represents an unprecedented example of how hydroelectric projects can work proactively and cooperatively with fishery management agencies to protect salmon. This model effort deserves our encouragement and support.

Clearly, the approach being taken by communities throughout my state is far preferable to the divisive one being advocated by those who want to rip out dams in the Northwest. Rather than continuing down this misguided and confrontational course which will cost more and provide no assurances of enhanced recovery, I today call on dam removal advocates to abandon their cause, and to recognize the real implications of the NMFS report. If they are truly interested in restoring salmon, they will work with me and others in the mainstream who want to do something now positively to recover our salmon resource.

But Mr. President, we must keep in mind one important fact. Environmental bureaucrats in the Clinton-Gore administration have made it their standard operating procedure not to listen to what I, much less the region, thinks about dam removal. In fact, the Administration must have an unwritten rule somewhere not to pay attention to local people in the communities that would be destroyed by such action. It's alarming that while the region is increasingly united in its effort to preserve dams and the Northwest way of life, from the local level to the statehouse to our congressional delegation—the administration and the environmental community refuses to concede.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent I be allowed to speak in morning business for up to 25 minutes.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

THE BALKANS

Mr. INHOFE. Mr. President, I returned from Albania just a few hours ago. This is the third time I have made such a trip. I went over to see whether or not the beliefs I have developed over the last 7 months were true, and I came back, really, very convinced that they in fact are true.

For one thing—I have been saying for quite some time—even though the President denies it, the President has planned all along to send American ground troops into Kosovo. I am prepared to document this.

I want to put my remarks into four categories: One is the administration's approach to this war that we are about to get in; secondly, the cost in terms of both national security and dollars; third, refugees; and fourth, what our troops are in right now.

Before I do that, I want to go back and review a couple of remarks I made on March 23, just a month ago, to put it in proper perspective.

A month ago, I stated that I felt if we did not try to put a stop to this, we would, in fact, be in a protracted, bloody long war. This is a war in which we do not have national security interests.

A lot of people say, "Well, we do have national security interests." I know this is a relative term. You can argue it, I suppose, but the people who are really knowledgeable on this are convinced that we do not have national security interests at stake.

Henry Kissinger said:

> The proposed deployment in Kosovo does not deal with any threat to American security. . . . Kosovo is no more a threat to America than Haiti was to Europe.

I further went into the conclusion that if, in fact, we do not have national security interests, it is the humanitarian motivation which is getting us involved in this war. We are concerned about it, and I want to get into some detail about that.

There are some things I have discovered in the last 3 days. However, a month ago I mentioned that if this is the case and if we are concerned about humanitarian problems that exist all around the world, why are we not concerned about the 800,000 who have been killed in ethnic strife in Rwanda, the thousands who have been killed in Ethiopia, the 140 civilians killed by paramilitary squads in Colombia, including 27 worshipers slain during a village church service? Why is there no outcry for United States involvement in these obvious humanitarian situations where far, far more people have been brutally murdered than in the current Kosovo crisis?

Let me share with you, as I did back on March 23, a couple of paragraphs from an article in the Minneapolis-St. Paul Star Tribune. This was written on January 31, 1999. This was just a few days after 45 people were killed in Kosovo. Let's keep that in mind when putting this in the proper context, Mr. President.

I am quoting from the Minneapolis-St. Paul Star Tribune:

> But no one mobilized on behalf of perhaps 500 people who were shot, hacked and burned to death in a village in eastern Congo, in central Africa around the same time. No outrage was expressed on behalf of many other innocents who had the misfortune to be slain just off the world's stage over the last few weeks.
>
> Why do 45 white Europeans rate an all-out response [from the administration] while several hundred black Africans are barely worth the notice?
>
> While U.S. officials struggled to provide an answer, analysts said the uneven U.S. responses to a spurt of violence in the past month illuminates not just an immoral or perhaps racist foreign policy, but one that fails on pragmatic and strategic grounds as well.

So now the President wants to send the U.S. military into Kosovo. Keep in mind, when we talked about this 1 month ago, he was still denying that he was going to send troops, and yet now we find out in the recent meeting which was held by NATO in Washington that they are doing an update strategy—an update strategy, Mr. President. That means perhaps an update of what we have previously said was our position on sending in ground troops.

I have to say, the whole purpose for me to be on the floor right now is to say I know there is no way to stop this. Once American troops are on the ground in Kosovo, we will all support them and do everything we can for the American troops. It will be the same situation we faced in Bosnia. We will not be able to turn this around. That is when it becomes protracted and without an end.

I will recount a trip I made to Kosovo recently—it was in January of this year—to find out what Kosovo was really like at that time. Keep in mind, Kosovo is only 75 miles across and 75 miles long. It is a place that has been in strife and civil war since 1389.

As I was going across Kosovo, I had a couple of experiences. One experience I had was seeing two dead bodies. These were obviously soldiers. When we turned them over, we saw that they were not Albanians; they were Serbs. They had been executed at close range by the KLA.

We went on a little bit further. I saw on the map something called a "no-go zone." I said: I would like to go in to see what it is like. They said: You can't do that; it is occupied by the KLA, the Albanian military, and they will kill anybody who comes in. They don't care if you are a United States Senator or someone from the press. Nonetheless, you will be dead if you go in there.

We did not go in.

Then we rounded another corner. There was a rocket-propelled grenade, an RPG–7, that was aimed right at our heads. They put it down, and we went over and found out they were Albanians, not Serbs.

I am saying this, and I said this back on the 23rd of March, for a specific reason, and that reason is that while Milosevic is a bad guy, he is not the only bad guy in that conflict which is taking place.

There is one more thing I will mention with Henry Kissinger that I mentioned back on the 23rd of March. He said:

> Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein . . . .

Of course, this is the most critical thing we are dealing with. I happen to chair the Senate Armed Services Subcommittee on Readiness. This committee is in charge of all readiness issues and military construction, all training. Since this President took office, we have watched what has happened with our military and our ability to defend ourselves. I am going to elaborate on that a little bit later.

The bottom line is, we are one-half the strength we were when he took office. I quantify that by saying one-half of the Army divisions, one-half of the tactical air wings, one-half of the ships. We have gone down from a 600-ship Navy to a 300-ship Navy. And all these things are happening at a time when we do not have the capacity to fund and to logistically support another ground movement.

A month ago, I went by the 21st TACOM. It is located in Germany. Its function is to logistically support ground operations. At that time, the 21st TACOM said they were at 100 percent capacity and could not take on any more responsibilities because they were devoting all their attention to Bosnia. The trucks were going into Bosnia from Hungary, taking everything necessary to keep that exercise going.

I looked at the problem we have within the administration in the 21st TACOM. This President has cut the number of troops managing from 28,500 to 7,300. They are operating with just a fraction of the number they had before, about one-fourth.

I asked the question: If we get into something—at that time, we thought it was going to be Iraq; we didn't know about Kosovo at that time—if something happens and we need ground troops in Iraq, what are you going to do? That is in your theater, too.

They said: We couldn't do anything. We would be 100 percent dependent upon Guard and Reserve. As we know, our critical operational specialities, MOSs, are failing in our Reserve and Guard components, and the reason is that we have had so many deployments under this administration that they cannot be expected to leave their jobs. A doctor can no longer expect to leave his practice for a period of 270 days and go back and have any practice left. And the same thing is true with the employers around the country. So we have those serious problems. Again, this is from a month ago.

And lastly, I mention, in a hearing before us, what the various generals had said. General Ryan, who is the Chief of Staff of the Air Force, said, "There stands a very good chance that we will lose aircraft against the Yugoslavian air defense." The Navy Chief of Staff said, "We must be prepared to take losses." The Marine Corps Commandant, General Krulak, said it will be "tremendously dangerous." And George Tenet, the Director of Central Intelligence of the United States, reminded us that Kosovo is not Bosnia, and if we get on the ground there, their participants are not tired and worn out, they are ready and willing and culturally prepared to fight and to kill Americans.

I mention that, Mr. President—that was a month ago—to get it in a context that helps me to understand where we are today. I want to mention, I am not saying this as a Republican; I am saying this as a Member of the U.S. Senate and as the chairman of the Senate Armed Services Readiness Subcommittee, with a responsibility to tell the truth about what is going on.

The American people have not been hearing the truth. They have heard that the President does not want to send in ground troops, and yet we know he does want to send in ground troops. I have to say that the President of the United States, Bill Clinton, has a propensity to say things that are untrue with great conviction. And for that reason, I am afraid there are a lot of people who are afraid of this man, because he is so adept at getting the American people behind him.

One of the things he has said that is not true is what he told the American people as to the reason why we were going to get involved. He talked about the history, and he said that this is exactly what precipitated World War I, and the same thing with World War II. I am not a historian, Mr. President, certainly not the historian that you are, but I would say there are some historians around who have voiced themselves on this.

Again, going back to Henry Kissinger, no one will question his credentials concerning the history of that region and that period of time. He said—and I am quoting now—"The Second World War did not start in the Balkans, much less as a result of its ethnic conflicts," totally refuting what the President told the American people. He goes on—and this is further quoting—"World War I started in the Balkans not as a result of ethnic conflicts but for precisely the opposite reason: because outside powers intervened in a local conflict. The assassination of the Crown Prince of Austria—an imperial power—by a Serbian nationalist led to a world war because Russia backed"—listen to this, Mr. President—"Russia backed Serbia and France backed Russia while Germany supported Austria."

That is exactly the same thing right now. If a person wanted to start World War III, based on the model that took place for World War I, they would do exactly what we are doing; that is, go in there and say to Russia and to China, who is with Russia, "All right. We don't care what you say, we're going to get involved in a war here," and rub their nose in it.

Let's keep in mind that China and Russia have missiles that will reach the United States of America, and they have every different kind of weapon of mass destruction put on those missiles. So it is just exactly the opposite of what the President said. That war started because the superpowers of the time took each side in a civil war that was taking place in what was then Yugoslavia.

I have said several times that the President has not been telling the American people the truth in terms of ground troops and the number of ground troops that are going to be going in. I would like to quote now to try to validate what I have said. General Wesley Clark, who is the Supreme Allied Commander for NATO and our troops in Europe, said—this is way back in the beginning, 7 months ago—"We never thought air power alone could stop the paramilitary tragedy . . . everyone understood it. . . ."

And just a week ago, Thursday, the Presiding Officer will remember, because he was sitting there, Secretary Bill Cohen, in whom I have the most respect, said, "We would try diplomacy, and that's what Rambouillet was all about . . . we would try deterrence . . . but failing that, we understood that [Milosevic] could take action very quickly and that an air campaign could do little if anything to stop him."

So we have not just the experts in the field, the commanding general, but also the Secretary of Defense who said they have known all along we are going to have to send troops in. Obviously, they both work for President Clinton. And President Clinton knew it.

I was a little disturbed last week when Joe Lockhart, in one of his press conferences, brushed off some questions, and then he volunteered without a question being asked—he said, "Senator Inhofe is wrong in that we are in great shape. Our state of readiness is just as good as it was back in 1991," or words to that effect. And I have to say either he is intentionally lying or just incredibly misinformed, because, as I said before, we, right now, are one-half the troop strength that we were in 1991. I think it is a terrible disservice for Joe Lockhart and the President to try to convince the American people that we are more prepared than we really are.

I would like to also mention that the President is breaking the law today. I was over there in just the last 3 days, and I went in there on a C–17. That C–17 had multiple launch rockets right there, all of them hot and ready to be fired—two of those, along with some two pallets of additional ammunition, a humvee, and additional troops.

Troops are there right now within the sight of the border of Kosovo. And one of our most brilliant Senators, Senator PAT ROBERTS, had passed an amendment to the 1999 defense appropriations bill where he said that the President cannot deploy troops to—and he named different places, which would include this area—unless eight different conditions were met. One was that we have national security interests; No. 2, why they are national security interests; No. 3, what is the mission; No. 4, what is the exit strategy; No. 5, what is the cost; No. 6, identify the cost; No. 7, how it will affect readiness; and there is an eighth one. He has not complied with any of these eight. I say just by sending them into Albania, he has already broken that law.

The second area I want to get into is cost. In "cost," I am not talking about just dollars but also national security.

Because the President has decimated our defense budget, we no longer can defend America on two simultaneous, what they call MTWs—major theater wars. Ninety percent of the American people think we can because they have been told we can, but we cannot. We are not able to do that. We are one-half the force strength we were.

In addition to that, we are handling all of these deployments. We have had more deployments in the last 6 years than we had in the 20 years prior to that. In almost every case, they are being deployed in areas where we have no national security interests. So we are paying without any national security interest.

I think it is very interesting to note that, of the great effort we have put forth in the air, which has been very successful in terms of our deployment and our ability and our equipment, a total of 480 aircraft were used. Well, guess what, Mr. President. Three hundred sixty-five of those 480 were us, the United States of America.

So we have Tony Blair standing up and making these great profound statements: "We have to escalate the war." That is easy for him to say. We have 365 airplanes over there. He has 20. I will tell you, that is a pretty good deal. "Let's go ahead and escalate," if you are Tony Blair.

I have a problem with all these multinationalist things, obligations or obsessions, that this President has. In the case of NATO, we have 80 percent of the effort right now we are paying for and yet we only have 5 percent of the vote.

General Hendrix is the commander in chief of the V Corps over there. The V Corps, Mr. President, has 50,000 troops. To give you an idea of the significance of what is going on right now with the deployment to Tirana, just south of the Kosovo border, where I just came back from—where you have already been—he is there now full time. And what do we have? As of today, we have 5,000 troops—wait a minute—we have 5,000 out of his 50,000, and he is spending all of his time there. Why is he doing that? I can tell you—and I am sure the others who have been over there are fully aware—the big problem is that the decisions on targets for our military aircraft are being made by committees. You have NATO. You have all these other countries that have to pass on targets. It is my understanding that even the President personally wants to pass on those targets.

This is a big difference from the war in Kuwait in 1991. George Bush and the administration got together and said, we have a serious problem over there. We are going to have to take care of it. This is our mission. Colin Powell and General Schwarzkopf, you go out and do it. These people are experts. They are professionals. So is General Hendrix, but he is not able to do it on his own because these are committee decisions as to where they are supposed to be able to fire at their targets.

I will just update for a minute. This is as of 2 or 3 days ago. We are just now approaching 400 sorties coming out of Ramstein Air Force Base. These are C-17s carrying our equipment. You go over there and you get on the ground where all of our troops are in tent cities. You see everything over there is American.

I will also mention the cost of this and the three scenarios. One scenario is you just send the troops in as far as Kosovo, and that would be about 60,000 troops, according to what I found out over there, 30,000 of which would be Americans. Or the next step, if we went all the way and took Belgrade, that would take 200,000 troops, of which half would be U.S. troops. Or if we wanted to destroy Yugoslavia altogether, it would take a half million troops, a quarter million of those would be Americans.

I thought this was interesting because I found this out when I was over there. And I thought I had heard these figures before. The Heritage Foundation came out on April 21 and put down the cost of the three options, and I found that to be exactly what I found out over there. The only thing is, they went one step further. They included U.S. casualties and the cost. The cheap way, going into Kosovo, would cost from $5 billion to $10 billion—this is the United States cost—and would take from 500 to 2,000 American casualties. The second, going into Belgrade, would be $10 billion to $20 billion. It would take a toll of 5,000 to 10,000 American casualties. The third, $50 billion to $60 billion, and that would result in 15,000 to 20,000 casualties.

I ask unanimous consent to have a chart printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

GROUND TROOP SCENARIOS FOR U.S. MILITARY ACTION IN YUGOSLAVIA

	Number of ground troops required	Time needed to field force	Time needed to execute mission	U.S. casualties ad cost
Destroy All of Yugoslavia's Military Forces and Occupy the Entire Country.	500,000 NATO troops, including at least 250,000 Americans	6–8 months	Open-ended	15,000–20,000 casualties: $40 to $50 billion in the first year.
Seize and Occupy Belgrade	150,000–200,000 NATO troops, including 75,000–100,000 Americans.	3–6 months	1–2 months	5,000–10,000 casualties: $10 to $20 billion.
Expel Yugoslavia's Forces in Kosovo	50,000–70,000 NATO troops, including 20,000–30,000 Americans.	1–3 months	4–6 weeks	500–2,000 casualties: $5 to $10 billion.

Mr. INHOFE. So we have that very serious problem.

I will briefly, in the remaining time, talk about the refugee situation. The toll we have heard about in terms of deaths over there has been somewhere between 2,000 and 3,500. NATO is now saying 3,500; some are saying 2,000. Let's say 3,000. That means that 1 out of 600 of the Kosovar Albanians has lost his life, 1 out of 600. If you compare that—I have a ministry in West Africa. Three weeks ago, I came back from there. In the two countries of Angola and Sierra Leone, for every 1 person who has lost his life in Kosovo, 80 have lost their lives in just those two countries alone.

We knew this was coming. I am reading now from the Washington Post of March 31:

> For weeks before the NATO air campaign against Yugoslavia, CIA Director George Tenet had been forecasting that Serb-led Yugoslavian forces might respond by accelerating ethnic cleansing.

Then when we asked Secretary Cohen about this, he said:

> With respect to George Tenet's testifying that the bombing could, in fact, accelerate Milosevic's plans, we also knew that.

So they knew it. The President knew it, and the administration knew it. I have to say this—and this has not been observed by anyone so far—I interviewed these refugees just 2 days ago. When I interviewed the refugees, I found some very interesting things. They all said the same thing. They said that, in fact, they didn't have any problems until the bombing started. I was interviewed by a Tirana TV station, I think it was Tirana. It was Albanian, anyway. And they said, What is the United States going to do about all these refugees? I said, What do you mean, what are we going to do? He said, You are the reason we are here. You are the ones that bombed, and that is what has caused the ethnic cleansing and the forced exodus.

Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I have to say one other thing about the refugees. The refugees, in spite of the fact it is a horrible thing that some 3,000 of them have lost their lives, still when you look at the refugees, I was shocked to find out, as perhaps you were, that they are very well off, considering they are refugees. Kids are all wearing Nikes and were very well dressed. They have the food that they need to eat. They seem to be in much better shape, certainly much better shape than the refugees in some other areas.

Lastly, I want to mention the troops. Our troops are doing a great job. I just couldn't feel better about that. But I really want to get into this, because the New York Times said, on April 13, we are going into Kosovo, the middle of nowhere, with no infrastructure. They will be naked, an official told the New York Times.

I went in there and I found that is exactly right. Our troops have just arrived there, and they are up to their knees, literally, in mud in a tent city. You have to keep in mind that Albania has some things that are very unique. First of all, it is the poorest country in Europe. Secondly, it is always listed as one of the three most dangerous countries in the world. And third, a guy named Hoxha came along right after the Second World War, and he actually declared, and it is still official policy, it is the only nation that has a declared policy of atheism. So we are dealing with that kind of people there, too.

Then something happened in 1997. It is called a pyramid scheme. In 1997, these poor Albanians, from this country in poverty, as poor as Haiti, revolted and they took over the military. When they did that, they took over all the weapons they had. What kind of weapons did they have? They had rocket-propelled grenades, RPG-7s. They had AK-47s. They had SA-7s, a shoulder-launched, surface-to-air missile that can knock down one of our Apaches very easily, and they had mortars. So here we have our troops who are there in the mud without any infrastructure protecting them and with all of this hostility around them. I might also add, I was sorry—I hate to even say this—that one of the units that came in there when I was there was the mortician unit, so the body bags have arrived.

Mr. President, if there is ever a scene that is set for gradual escalation and for mission creep, this is it. I can see our Troops going in right now. When the President, who has already decided he is going to send in American troops, takes these troops and puts them across the border—and we were standing there watching these high mountains where the border is—if they go in that way, or they go around through Macedonia or some other way, and they have to take over Kosovo and get the Serbs out of Kosovo, that mission is going to creep into the Belgrade scenario, and then that will creep into the Yugoslavia scenario, and let's remember what the Heritage Foundation said in terms of American casualties.

I will say this, and I am not enjoying doing this. There is only going to be one possible way to keep us out of a war, in my opinion, because the President is going to send in troops. Once our American troops get into Kosovo, it is irreversible. One way to keep that from happening is if the American people wake up and realize that we are getting involved in a war where we do not have any national security interests. We are getting involved in a war that is keeping us from adequately defending America in areas where we do have a national security interest such as Iraq or North Korea. Let us keep in mind that in Korea we still have about 367,000 troops and their families. This would greatly impair them. I hope we can have a concerted effort and a wake-up call to the American people to stop this President from starting this war that we will all live to regret.

Mr. President, I yield back the remainder of my time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Kansas and Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair. I thank the Chair doubly for the double acknowledgment of representation, the distinguished Presiding Officer being the Senator from Kansas and this Senator having been born and raised in Kansas. If the sitting Senator from Kansas acknowledges representation of that State, I second the motion.

Mr. President, I ask unanimous consent that I may speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO ACTION INVOLVING UNITED STATES AGAINST FEDERATION OF YUGOSLAVIA

Mr. SPECTER. Mr. President, now that NATO has celebrated its 50th anniversary with unity, I believe it is important that the Congress of the United States should now carefully assess what action is next to be taken by NATO involving the United States against the Federal Republic of Yugoslavia.

It is critical that Congress discharge its constitutional responsibility where the Constitution specifies that only the Congress of the United States has the authority to declare war and to involve the United States in war. The black-letter pronouncement of the Constitution is sufficient reason in and of itself for meticulous observance, but the public policy reasons behind that constitutional provision are very sound. Unless there is public support for war, shown first through the action of the Congress of the United States, it is not realistic or possible to successfully prosecute the war. We learned that from the bitter experience of Vietnam.

When the Congress of the United States makes a declaration, either formally or through a resolution, it happens after deliberation, after analysis, after an interchange of ideas and after a debate. In so many instances now, we have seen erosion of the congressional authority to declare war. Korea was a war without a declaration by Congress. Vietnam was a war without a declaration by Congress. Only the Gulf of Tonkin resolution has been held up by some as a thinly veiled authorization for the military action taken by the United States in Vietnam.

I believe that we must be very, very cautious not to repeat the mistake of the Gulf of Tonkin resolution and not to endorse hastily a resolution proposed by some of our colleagues in the United States Senate to authorize the President to use whatever force the President may determine to be necessary in the military action against the Federal Republic of Yugoslavia.

I am not prepared to give the President a blank check. I believe that the constitutional responsibility of a Senator and the entire Senate, both Houses of Congress of the United States, involves a deliberate judgment as to what ought to be undertaken before we involve the United States in war and before we, in effect, have a declaration of war. And there are many, many very important questions which have to be answered before this Senator is prepared to authorize the executive branch—the President—to use whatever force the President deems necessary.

First of all, we need to know what the U.S. commitment will be. We need to know what the plan is. We need to know the strength of the Serbian Army, the military forces of the Republic of Yugoslavia. We need to know to what extent the airstrikes so far have degraded or weakened the military forces of the Serbs or the Republic of Yugoslavia. We need to know what the other commitments will be from the other NATO nations. We need to know how long our commitment will be, or at least some reasonable estimate as to how long we may be expected to be in Kosovo.

We know that the initial deployment in Bosnia was accompanied by a Presidential promise to be out within a year. That was extended by a period of time. That extension was re-extended, and now we don't even have an outer limit as to how long we are to be in Bosnia.

We know that the President has come forward with a request for $5.9 billion in additional funding. I believe the Congress of the United States will support our fighting men and women. But that is a large bill; about $5.5 billion is for military machinery, operations and equipment. It was a surprise to many that in the course of that military operation, we were on the verge of running out of missiles; that our munitions supply was questionable; that our supply of spare parts was questionable. Many of us on this floor, including this Senator, have argued that our military has been reduced too much. And now there is a debate underway as to whether the President's request for $5.9 billion ought to be supplemented to take care of many items that have been overlooked in the past—issues of military pay, issues of munitions, the overall readiness of the United States.

When the distinguished Prime Minister Tony Blair was in the United States last week, I had occasion to talk to him personally and get his views as to what ought to be done in our military action, the NATO military action, against the Federal Republic of Yugoslavia. Prime Minister Blair talks about ground forces. I asked the obvious questions as to how many the United Kingdom is prepared to commit, how many the U.S. will be called upon to undertake, and what we have done by way of degrading the Yugoslav forces by air attacks. To his credit, Prime Minister Blair responded that those were all unanswered questions.

Well, before I am prepared to vote for the use of force, I think there ought to be some very concrete answers to those questions. The President of the United States was quoted as saying that he was prepared to reevaluate the question of the use of ground troops because that request had been made by the Secretary General of NATO. Frankly, I am just a little bit surprised that the Commander in Chief of the U.S. military forces is looking to the leadership of the Secretary General of NATO when the United States is playing the dominant role and supplying the overwhelming majority of air power and materiel in our military action against the Federal Republic of Yugoslavia.

It seems to me the leadership ought to be coming from the President. The leadership ought to be coming from the United States. We certainly are footing the bill, and we certainly are the major actor. So if, in fact, there is a justification for a greater authorization by the Congress, that word ought to come from the President, through the leadership of the President, telling us in a very concrete way the answers to the important questions that I have enumerated.

This Senator understands there are no absolute answers to the questions, but we ought to have best estimates, and we ought to have a very candid assessment from the United States military, who, so far, have been less than unequivocal in their responses as to whether the airstrikes alone can bring President Milosevic to his knees. The answer that is given by the Chairman of the Joint Chiefs of Staff, General Shelton, is that the military will be degraded. But there is a more fundamental question which needs to be answered—whether the airstrikes will be successful, or whether the airstrikes will sufficiently weaken the Republic of Yugoslavia so that we at least have an idea, if there are to be ground forces, what the results will be.

But I believe very strongly that we should not pass a resolution analogous to the Gulf of Tonkin Resolution, authorizing the President to use whatever force the President deems necessary. I believe there should be no blank check for this President, or for any President. But I am prepared to listen to a concrete, specific plan that evaluates the risks, that evaluates the costs in terms of potential U.S. lives. I am not prepared to commit ground forces without having a specific idea as to what the realistic prognosis will be.

The Senate of the United States passed a resolution on March 23 authorizing airstrikes, but strictly guarding against ground forces. The airstrikes constitute a clear-cut act of war, and the resolution of the Senate of the United States is not sufficient under the Constitution. There has to be a joinder with the House of Representatives. So it is my thought that before any further action is taken, before there is any suggestion of a commitment of ground forces, that matter ought to come before the Congress and ought to receive prior congressional authorization before any such force is used, and that the entire Congress of the United States ought to review the military action that is undertaken at the present time, and that it is in fact beyond the prerogative of the President under his constitutional authority as Commander in Chief, but it is realistically a matter that is decided by the Congress.

Make no mistake. There are very vital interests involved in the action now being undertaken against the Republic of Yugoslavia. NATO's credibility is squarely on the line. The credibility of the United States is squarely on the line. The activities of the Serbs, the Republic of Yugoslavia, in what is called ethnic cleansing, which is a polite name for "barbaric massacres," is unparalleled since World War II. And there are very major humanitarian interests which are currently being served.

This body has never come to grips, in my opinion, with the square determination as to whether vital U.S. national security interests are involved, and that is the traditional test of the use of force. But we are on the line; our country is on the line. NATO, a very important international organization, has its credibility on the line. And we must act in a very thoughtful, very careful way after important information is presented to the Congress by the President, because only the President is in a position to answer the critical questions. Then the deliberation of the Congress ought to take shape, and we ought to make a determination in accordance with the Constitution whether the Congress will authorize the executive branch to use force, to send in ground troops, or what the parameters of that declaration would be.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes 20 seconds remaining.

Mr. SPECTER. Mr. President, I ask unanimous consent that I might speak for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE PALESTINIAN AUTHORITY

Mr. SPECTER. Mr. President, I urge the Palestinian Authority not to take unilateral action on May 4 to declare a Palestinian state. That date, May 4, 1999, marks a period where significant speculation has been undertaken as to whether the Palestinian Authority would make such a unilateral declaration of statehood because of their dissatisfaction with the progress of the negotiations under the Oslo accords. I urge the Palestinian Authority not to take any such action on the grounds that is a matter for negotiation under the Oslo accords, and that it is something that ought to be decided between the parties to those accords—the State of Israel and the Palestinian Authority.

I had occasion to discuss this matter personally with Chairman Yasser Arafat when he was in the United States a little over a month ago when I was scheduled to visit him in his hotel in Virginia, but I had the opportunity to confer with Chairman Arafat in my hideaway.

For those who don't know what a hideaway is, it is a small room in the Capitol downstairs 2 minutes away from the Senate floor; small, but accommodating.

On that occasion, Chairman Arafat and I discussed a variety of topics, including the question of whether the Palestinian Authority would undertake a unilateral declaration of statehood.

I might say to the Chair in passing just a small personal note that when I accompanied President Clinton to Bethlehem in December of last year, I was struck by a large poster which had the overtones of a political poster. It had a picture of the President on one side with his thumb up, and it had a picture of Chairman Arafat on the other side. It was a political poster. The picture had not been taken with President Clinton and Chairman Arafat together, but it had that symbolism for the occasion of the President's visit to Bethlehem.

I took one as a souvenir. As we Senators sometimes do, I had it framed and it is hanging in my hideaway so that when Chairman Arafat came into the hideaway and saw the picture of himself and President Clinton, he was very pleased to see it on display and insisted on having a picture of himself taken in front of the picture of himself, which is not an unusual occurrence, whether you are a Palestinian with the Palestinian Authority, or from even the State of Kansas, or the State of Pennsylvania.

In the course of our discussions, I urged Chairman Arafat not to make the unilateral declaration of statehood. He said to me that it was not up to himself alone, but it was up to the council.

Then he made a comment that he questioned whether the Palestinian Authority had received sufficient credit for the change of its Charter eliminating the provisions in the PLO Charter calling for the destruction of Israel.

In 1995, Senator SHELBY and I proposed legislation, which was enacted, that conditioned U.S. payments to the Palestinian Authority on changing the Charter and on making the maximum effort against terrorists, so that when Chairman Arafat raised the question about whether there had been sufficient recognition given to the Palestinian Authority for changing the Charter, I told him that I thought he was probably right and that there had not been sufficient recognition given to the Palestinian Authority for that change.

He then asked me if there would be recognition given to the Palestinian Authority if it resisted a unilateral declaration of statehood.

I said to Chairman Arafat that I personally would go to the Senate floor on May 5 if a unilateral declaration of statehood was not made on May 4.

Being a good negotiator, which we know Chairman Arafat is, he asked if I would put that in writing. I said that I would. On March 31 of this year, I wrote to the chairman as follows:

> DEAR MR. CHAIRMAN: Thank you very much for coming to my Senate hideaway and for our very productive discussion on March 23rd.
>
> Following up on that discussion, I urge that the Palestinian Authority not make a unilateral declaration of statehood on May 4th or on any subsequent date. The issue of the Palestinian state is a matter for negotiation under the terms of the Oslo Accords.
>
> I understand your position that this issue will not be decided by you alone but will be submitted to the Palestinian Authority Council.
>
> When I was asked at our meeting whether you and the Palestinian Authority would receive credit for refraining from the unilateral declaration of statehood, I replied that I would go to the Senate floor on May 5th or as soon thereafter as possible and compliment your action in not unilaterally declaring a Palestinian state.
>
> I look forward to continuing discussions with you on the important issues in the Mid-East peace process.
>
> Sincerely,
>
> ARLEN SPECTER.

Mr. President, I decided to make this public comment to emphasize my view, and I believe the view shared by many, if not most, in the Congress of the United States that, in fact, the Palestinian Authority should not unilaterally declare statehood, but should leave it to negotiations under the Oslo accords.

I thank the Chair.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

Mr. President, I would like to talk for about 10 minutes as if in morning business, if I may.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. THOMAS. I thank the Chair.

SOCIAL SECURITY

Mr. THOMAS. Mr. President, clearly the discussions on Kosovo are dominating the day and should. But I hope that we don't forget that we do have an agenda that we need to go forward with as well. So I want to talk a few minutes today about Social Security.

Specifically, I would like to talk a little bit about our efforts to protect and strengthen the Social Security system. We have talked about it for a very long time.

It is not a surprise that without some changes, the Social Security program will not be able to accomplish what it is designed to accomplish. Nearly everyone recognizes that we have to do something different than we have been doing. I will, in fact, say that there is not a consensus as to what that "something different" ought to be.

But the goal surely can be shared by most everyone. The goal is to be able to know that we can continue to provide benefits for the beneficiaries and those that are close to being beneficiaries, and at the same time be able to provide benefits in the long run for young people who are now just beginning to have deducted from their salary Social Security payments. I suspect all of us want to do that.

I have a mother who I am concerned about who has Social Security. I have 5-year-old twin grandchildren and I am anxious about their security. That is the kind of issue we have.

I notice today's newspaper expresses relief that we will go forward with Social Security. There was some discussion last week that it would not move.

I will talk a little bit about the lockbox legislation. We are seeking to push through a Social Security lockbox. What does that mean? It means we take that amount of money which comes in as Social Security now and set it aside so that it will be used for Social Security.

Over the years, we have had what is called a unified budget, and all the money that comes in—whether from Social Security, income tax, highway funds, or whatever—goes into the unified budget.

This year, for the first time in 25 years, we have had a balanced budget, but it is a unified budget. If you took Social Security out of that balanced budget, it would not be balanced. Indeed, it would be somewhat in deficit.

We need to understand what that is. Now that we are close to having a unified budget in balance and close to having it without Social Security, now we have an opportunity to do the things with Social Security dollars that I believe we need to do.

The lockbox is designed to guarantee that all Social Security surplus funds will be reserved for Social Security alone. This, of course, has not been the case. It is difficult to do, frankly. We have never had a place to put it. When we have a life insurance program or an annuity program, there has to be somewhere to put those funds so they draw interest. Of course, under the law, the only place they can be invested is in government securities.

They are set aside here, but they are spent. Of course the President is suggesting he would raid the Social Security to the tune of about $158 billion, after having talked for 2 years about saving Social Security.

I am concerned that the current debate is going to become very difficult: How do we pay for Kosovo? How do we pay for increasing the support of the military? How do we pay for the emergency funds that are in the process of being provided for Central America?

We have budget spending limits which I think are key to keeping a smaller Government, to keeping a responsible Government. When we go outside of those spending limits with emergency spending, it goes from Social Security. Last year, for example, the President insisted, with the threat of closing down Government, that we had to spend $20 billion in emergency funding. I suppose no one would argue if emergency funds are a genuine emergency, such as weather disasters or taking care of our troops in Kosovo, we are going to do that, by all means. When we start talking about how we build up the Armed Forces, I think we ought to take a look at whether that comes as an emergency or, in fact, comes out of our budget.

We are trying to move to some kind of financially sound lockbox. In 2014, Social Security begins to run in a deficit. Social Security started about 60 years ago, I think—in the 1930s. People paid 1 percent of $3,000—$30—into Social Security. There were 31 people working for every beneficiary. Of course, now that has changed. Now we all pay 12.5 percent of our earnings up to $70,000 or more, moving up. There are, I think, fewer than three people working for each one drawing benefits. In the near future, it will be fewer than two. That is the sort of dilemma with which we are faced.

I suppose there are many considerations to look at, but there are three that are obvious.

One, you could reduce benefits. Not many are prepared to do that; even though Social Security, of course, is not a retirement program, it is a supplementary program. For a high percentage of people, that is, indeed, their largest income requirement.

Two, you could increase taxes. I don't think there is a great deal of excitement about that. I do not think it is a great idea. Social Security taxes are the largest tax that most Americans pay.

Three, increase the rate of return on the money that is in the trust fund. That is one of the things we are talking about doing, trying to put together a personal account—not to take all of the 12 percent but to take, say, 3 or 4 percent out of the 12, about a third of the money. Let it be your account, your personal account. If, unfortunately, you were not able to live long enough to get all of your money out of it, it would go to your estate.

How is it invested? By private investors, similar to the Federal savings program. Once a year, members get a sheet of paper asking how they would like this invested. The choice would be in equities, bonds, or in a combination of the two. So members would choose one of those options. It is invested for you—not invested, as the President has suggested, where he takes trillions of dollars and has the Government invest it. Then the Government would basically control the marketplace. None of us want that.

Personal ownership, it seems to me, ensures that the Federal Government can't come back later and reduce your benefits. That is a way to secure those dollars. They are not then in the Government ready to be spent for some other reason.

Depending on your view about the size of government—and there is a legitimate difference between those who are more conservative and those who are more liberal. There are always ways to spend more money. To control the size of government, as has been our goal over the last number of years, you can't have a lot of surplus money lying around or else it is simply spent and government grows. We have to do something to secure Social Security. Then, hopefully, when there is excess money, we can look for some kind of tax relief.

It has been a long time since we started on this. Quite frankly, I think the sooner we make a change, the less abrupt that change will have to be. I am hopeful we do get back. We started out this year wanting to do this. Now the President is reluctant to take any leadership. Some of the leaders in the Congress were saying we ought to set it aside. I don't agree.

Certainly, we need to focus on Kosovo, but it doesn't mean we don't do the other things that are before the Senate. It is time to design a first-class system that fulfills the needs of everyone—our older citizens, our younger citizens. We need a permanent fix, not just tinkering around the edges. People have thought for years that Social Security was the holy grail of politics—touch it and you are dead. I think it has changed, because people understand if it is not changed, Social Security will be dead.

I hope we move forward.

SENATOR ROMAN L. HRUSKA

Mr. HAGEL. Mr. President, I rise this afternoon to recall a towering public servant, Senator Roman L. Hruska, who spent 22 years of his life in this body and who died yesterday at Omaha, NE, at the age of 94. Senator Hruska served with my friend, the distinguished Senator from South Carolina.

In a day when some might question the morality of public service, the civility of public service, the genuineness of public service, and the goodness of public service, they did not know Senator Roman Hruska. Senator Hruska was one of 11 children, born in David City, NE, 94 years ago. His father had emigrated from Czechoslovakia, and moved his family to Omaha where he felt they would have a better opportunity to get an education and a better opportunity for a better life.

Senator Hruska's father was a teacher. Senator Hruska went on through public schools in Nebraska, attended a number of graduate schools, the University of Chicago, and obtained his law degree in Nebraska. He started a law practice in south Omaha.

When there became a vacancy on the Douglas County board of commissioners in Omaha, NE, his fellow citizens came to him and said, "Will you serve for one term?" That one term began in 1944.

A year later, he became chairman of the Douglas County board of commissioners, and until 1952 he served the Greater Omaha area and the State of Nebraska with great distinction.

In 1952, a House seat opened up. It was the seat of Howard Buffett. Mr. President, that name "Buffett" may ring a bell. Howard Buffett was the father of Warren Buffett. Howard Buffett decided not to run for reelection.

Again, Roman Hruska's friends and colleagues said, "Will you run for Congress?" Roman Hruska said, "Well, I will do that for a short period of time." Roman Hruska was overwhelmingly elected to the Congress in 1952. Two years later, the Senate seat opened and, again, the same people asked Roman Hruska to serve. He ran for the Senate in 1954 and never looked back. He retired from the Senate in 1976.

I recall my first exposure to Senator Hruska as a young chief of staff to Congressman John Y. McCollister in the early 1970s. I would come to the Senate once or twice a week to get a delegation letter signed by Senator Hruska and then Senator Curtis. Senator Hruska would see me occasionally standing outside a hearing room and would never fail to accord me not only some recognition, which as we know around here does not always happen with junior staffers, but he was beyond gracious. He always had time for young people, always had time to talk a little bit about what we thought and what was on our minds.

I really came to cherish those times when I had an opportunity to come over and see Senator Hruska. Senator Hruska was often in meetings, I say to Senator HOLLINGS, with some of Senator HOLLINGS' favorite colleagues, such as Senator Goldwater, Senator Eastland, Senator Long.

As a young staffer, I would be invited in to the outer ring of those distinguished United States Senators and would stand and watch and listen. Senator Hruska would never fail to introduce me to his colleagues and make me feel not only welcome but a part of Government, a part of what he was doing.

The dignity that Senator Hruska brought to his service is something well remembered by not just those of us who were privileged to have some relationship but all who served with Senator Hruska. He made this body a better body. He made America stronger. He believed in things.

Senator Hruska did not believe in governance by way of calibration of the polls. You knew where Senator Hruska was and why. He was always a gentleman—always a gentleman. He would debate the issues straight up. He won most of the time; he lost his share. But the relationships that Senator Hruska developed and the respect that underpinned his service is rather uncommon. We are all better for it. America is stronger for it. Nebraska loses a very wise counselor. America loses a great public servant.

When I ran for the Senate in 1996, one of the first people I went to see was Senator Hruska. The advice he gave me was consistent with his service and his life. He said, "Chuck, I would not feel competent to judge or give you counsel on the issues of our day, but I will tell you this: Play it straight, say it straight, respect your colleagues and respect yourself, but most important, respect the institution of the U.S. Congress and always understand the high privilege it is to be part of that great body."

He was much too modest to go beyond what he gave me as good, solid advice on issues, but I can tell you that on the big issues over the last 3 years, not only I, but many of my colleagues, have constantly gone back to Roman Hruska and asked for his judgment and his thoughts.

He will be greatly missed. I say to Senator HOLLINGS, I will leave these remarks on behalf of your former colleague and friend and my friend, Senator Roman Hruska, by referring to Senator Hruska the way your former colleague, Everett Dirksen, once referred to Roman Hruska, and that is: A salute to the noblest Roman of them all—Roman Hruska.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Nebraska, Mr. HAGEL, reminds me of a happier day. I say a happier day most sincerely in the sense that we had not become subject to all the consultants, all the pollsters to the point whereby today, in large measure, we more or less are marionettes to the consultants' hot-button items and issues and not the needs of the people.

There was a tremendous respect on both sides of the aisle. I was elected in 1966. At that time, Senator Hruska was the ranking member of the Senate Judiciary Committee and Senator Jim Eastland of Mississippi served as chairman. I remember the various measures that went before the Judiciary Committee for debate and action were those bills that were agreed upon by Senator Hruska and Senator Eastland.

Senator Hruska was a profound lawyer, and I say that advisedly in the sense of a little quibble. Everybody will remember or the media friends will remember when we were trying to nominate a Supreme Court Justice, that maybe he was not a graduate of Harvard and, therefore, sort of what they would call "mediocre talent." That nettled the Senator from Nebraska and he said, "Well, there are a lot of people in the land and a lot of lawyers of mediocre talent and maybe they need representation on the Court."

I remember him as a very erudite counsel who worked on these measures seriously and with purpose and was most respected. He has been a loss, I say to Senator HAGEL. He has been missed over the many years because he held the line. We deliberated in a bipartisan fashion, and he contributed to that bipartisan leadership which is so lacking today.

We ought to be working together. It would be a happier day. But, unfortunately, here we go again. The downtown crowd thinks they can embellish a computer glitch problem into a reform of the State tort laws with respect to joint and several liability, punitive damages, and everything else. As a result, it is a nonstarter.

Like last week, the folks thought it would be good, since the President said, "I'm going to save 62 percent for Social Security," they one-upmanshipped and said, "We'll save 100 percent," knowing all along the 100 percent going to pay down the debt was coming from Social Security, increasing the debt on Social Security, thereby savaging, not saving, the fund. But so it goes.

We do miss Senator Hruska. Mostly we miss his habits and his leadership and his balance in service. I think more than the balanced budget, what we need is balanced Senators.

With that, I yield the floor for a balanced Senator, the distinguished Senator from Arizona.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I listened with interest to the comments of the Senator from Nebraska about the late Senator Roman Hruska. There is something unique about Nebraska. There has been a long line of outstanding Senators to represent that State on both sides of the aisle. I know my colleagues and I appreciate very much both of our Senators from Nebraska, and they have carried on the tradition of Senator Curtis and Senator Hruska for honesty and integrity and a forthright addressing of the issues.

I know Senator Hruska is proud of Senator HAGEL, as Senator HAGEL and the rest of us who had the privilege of knowing Senator Hruska appreciate him and his service for 22 years in the Senate—a very long time.

I agree with the comments of my old, dear friend from South Carolina that we do need more balance in the Senate. He and I occasionally find ourselves on different sides of an issue, as we do on this one. But our disagreements have been characterized with mutual respect and appreciation. And frankly, I enjoy the debates I have had over the years with the Senator from South Carolina because he marshals his audience, and not only that, he from time to time injects a degree of humor that illuminates as well as elevates the debate.

Mr. THURMOND. Mr. President, I rise today to pay tribute to former U.S. Senator Roman Hruska, who served Nebraska and our Nation with honor, dignity and ability for 22 years in the U.S. Senate, from 1954 to 1976.

I join my colleagues in mourning the passing of Roman Hruska. Roman was a man who embodied all the positive traits of a good public servant. He was selfless, a man of integrity and character, and someone who was committed to helping others.

I had the pleasure of serving with Roman during his entire service in the U.S. Senate. He and I were both Members of the class of 1954.

It is my hope that others will be inspired by Roman's commitment to public service and helping others. He was a good man who will be missed by a large circle of friends in and out of the Senate.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. JEFFORDS. Mr. President, I rise today in support of legislation introduced by Senator ROTH that would permanently protect the Arctic National Wildlife Refuge. The fate of the Arctic Refuge has been one of the highest profile natural resources issues of the past 20 years and will continue to be a key issue in the environmental debate. The Refuge is one of the last unspoiled wilderness areas in the United States, and is most often referred to as the "biological heart" of Alaska and "America's Serengeti."

The Arctic National Wildlife Refuge is the only place in the United States where a full range of sub-arctic and arctic ecosystems are protected in one unbroken stretch of land. This 1.5 million acre coastal plain is home to a vast number of species including arctic foxes, musk oxen, wolves, polar and grizzly bears, wolverines, and more than 135 varieties of birds. The area is also the main calving ground for the 120,000 head porcupine caribou herd, which migrates each spring to feed on the vegetation found there.

In the summer of 1997, I traveled to the refuge and was able to see first hand how beautiful and important this land is to both Alaska and the Nation. As part of a Senate delegation, I visited the port of Valdez, where oil is loaded onto tankers, and I traveled along the pipeline that brings oil from the north. I also flew over the refuge itself, including the Mollie Beattie Wilderness. I was astounded by the natural beauty of this area that is home to such variety of plants and animals that rely on the delicate balance that exists in this pristine wilderness. I also visited a number of native communities along the North Slope and spoke to the inhabitants about their life in this unique environment that they depend on for both their cultural identity and their survival. As a nation we must continue to protect this vital ecosystem and work to bring good jobs, education, and health care to these native communities.

I continue to believe that the United States dependence on oil and its byproducts cannot overshadow the importance of keeping ANWR free from the traditional impacts of oil drilling and exploration. The technological improvements within the oil industry make it possible for the oil companies to use a slant drilling technique to harvest the oil in a manner that may not impact the ecosystem to the degree traditional techniques would. But drilling and exploration in this gentle Arctic wilderness at this time could have a lasting impact that would forever damage the environment of this region.

I applaud the Senator from Delaware's commitment to permanent protection for this unique linkage of ecosystems upon which the local communities depend, and the American community as a whole should value as a national and natural treasure.

U.S. COMMERCE DEPARTMENT'S NEW INTERNET PATENT AND TRADEMARKS DATABASE

Mr. LEAHY. Mr. President, I would like to commend Commerce Secretary William Daley, acting Commissioner of Patents and Trademarks Q. Todd Dickinson, and the U.S. Department of Commerce for their hard work and dedication in establishing the new Patent and Trademark Office Internet database. This online database truly reinvents how the government does business and how business innovation can flourish with government's help. This database will help erode some of the traditional barriers that have hindered business innovation in small, rural states like Vermont.

As an avid Internet user, I have long advocated a transition to an online database for trademarks and patents. The prior painstaking process of searching existing patents and trademarks was a time-consuming frustration for inventors. Last Congress I coauthored an amendment to the Omnibus Patent Act of 1997, which would have required the creation of computer networks to provide electronic access to patent information. I am proud that the database unveiled today achieves the goal of universal electronic access to trademarks and patents.

This new system of instant on-line access to the entire patent application—including the drawings—will greatly promote innovation and technology by showing researchers what the current science is. With this new database, there are now more than two million complete patents on-line dating back to 1976 and 1 million trademarks dating back to 1870.

This patent and trademark database could not have come at a better time. In the last 2 years, patent applications have increased by 25 percent and trademark applications have increased by 16 percent. In 1998, the Patent and Trademark Office received over a quarter of a million applications for patents alone, and they issued more than 150,000 patents.

Advancements in medicine, information technology, pharmaceuticals, transportation, environmental protection, manufacturing, agriculture, entertainment and countless other areas of science depend on patents. New investions build on exisitng science, and existing science will now be available to anyone with Internet access—whether they live in the Northeast Kingdom of Vermont or Nome, Alaska or Silicon Valley, California.

This free Internet access changes the dynamic for American independent inventors and for corporate giants. Citizens who simply want to learn more by browsing the Web, students doing school projects, independent inventors and corporate research departments now can search this vast database. I have supported this development for several years and am delighted that it is fully up and running.

TRIBUTE TO STATE DIRECTOR BILL LAMB UPON HIS RETIREMENT

Mr. BENNETT. Mr. President, I rise today to recognize Bill Lamb upon his retirement for his thirty-six years of dedicated service with the Bureau of Land Management. Mr. Lamb retired on April 2, 1999 after four successful years as BLM's State Director in Utah.

As native Utahn, Bill Lamb began to work for the BLM in 1963 at the age of 22. A graduate of Utah State University, he served in a number of positions varying from a range conservationist, Director of the Arizona Strip to a budget official here in Washington. For the last four years Bill has served as the Utah State BLM Director. I know that I speak for all of the members of the Utah delegation when I say that it has been a privilege to work with him.

I have watched Bill perform with grace under pressure, always dealing with the contentious land management issues in Utah with an even-hand and a listening ear. His well-deserved reputation for always being honest and candid helped sooth over the hard feelings and frayed nerves brought on by the creation of the Grand Staircase-Escalante National Monument. He was instrumental in the successful completion of the historic Utah Schools and Lands Exchange Act of 1998 which traded State Trust lands locked up in the Grand Staircase for other federal lands in Utah.

Bill worked to preserve important wildlife habitat and at the same time, increased public participation through the creation of the Washington County Desert Tortoise Habitat Conservation Plan and the reestablishment of the citizens' advisory board. He always strived to maintain a balance between conservation and utilization and in the process earned a reputation for being one of the most able and affable leaders within BLM. I will miss his valuable advice and perspective tremendously.

Secretary Babbitt said: "Bill Lamb has done a remarkable job in one of the most demanding positions in the BLM." I could not agree more. I thank Bill for his service that was at many times thankless. He will be sorely missed. I wish him great success in his future endeavors.

TRIBUTE TO JAMES B. McMILLAN

Mr. REID. Mr. President, I rise to day to pay tribute to James B. McMillan, pioneer and leader of the civil rights movement in Nevada. James McMillan was a longtime Las Vegas dentist whose name was often associated with the local civil rights movement as well as the desegregation of Las Vegas casinos.

Dr. McMillan has been widely praised for his role in bringing down the color barriers in Las Vegas. He began his exemplary career in Detroit and then moved to Las Vegas where he became the first practicing black dentist. His pioneering initiatives were displayed through such efforts as helping to form the Human Rights Commission and his 1964 Senate run as the first black from Nevada to run for the U.S. Senate. Additionally, in 1971, McMillan became the first black to be appointed to the Nevada Board of Dental Examiners.

When McMillan first arrived in Las Vegas the town was dubbed the "Mississippi of the West" and blacks were generally not allowed in hotel-casinos. While serving in the Korean war, McMillan opened his home to house black entertainers. At the time, black entertainers were rapidly escorted in and out of hotels and were not allowed to fraternize with hotel guests but only to perform in the show rooms. However, desegregation began shortly before McMillan first came to Las Vegas in 1955 with the opening of the Moulin Rouge, the first integrated hotel-casino. Throughout his career McMillan worked to further the accessibility to hotel-casinos for blacks.

McMillan first felt the call to participate in the civil rights movement amid a turbulent atmosphere in 1959 at a NAACP Freedom Front Dinner. The speaker was NAACP Field Secretary Tarea Hall Pittman whose subject was "Las Vegas, now is the time." Despite death threats, McMillan began organizing for a local peace march on the Strip which turned the tide in the struggle for integration. From this point on, McMillan devoted his life to provide and expand opportunities for blacks. He began to register black voters and recruit black teachers for local schools. At age 74 he was elected to the Clark County School Board. Eventually a school in northwest Las Vegas, The James B. McMillan Elementary School, was named in his honor.

Last year, McMillan published his autobiography, "Fighting Back—A Life in the Struggle for Civil Rights."

James B. McMillan's life truly was a reflection of a valiant, idealistic, and nonviolent struggle for equality. His lifeworks have opened doors for many blacks in the United States and will continue to be an inspiration for all who are engaged in the race for equality.

This U.S. Senator is a better person because of the efforts of Dr. McMillan. Nevada is a better state because of Dr. McMillan's refusal to accept the status quo and his lifelong dedication in the struggle for equality.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 23, 1999, the federal debt stood at $5,586,140,738,923.35 (Five trillion, five hundred eighty-six billion, one hundred forty million, seven hundred thirty-eight thousand, nine hundred twenty-three dollars and thirty-five cents).

One year ago, April 23, 1998, the federal debt stood at $5,501,159,000,000 (Five trillion, five hundred one billion, one hundred fifty-nine million).

Fifteen years ago, April 23, 1984, the federal debt stood at $1,486,568,000,000 (One trillion, four hundred eighty-six billion, five hundred sixty-eight million).

Twenty-five years ago, April 23, 1974, the federal debt stood at $471,225,000,000 (Four hundred seventy-one billion, two hundred twenty-five million) which reflects a debt increase of more than $5 trillion—$5,114,915,738,923.35 (Five trillion, one hundred fourteen billion, nine hundred fifteen million, seven hundred thirty-eight thousand, nine hundred twenty-three dollars and thirty-five cents) during the past 25 years.

THE INNOCENT VICTIMS AT COLUMBINE HIGH SCHOOL

Mr. CAMPBELL. Mr. President, last Wednesday, I came to the floor of the Senate to thank my colleagues who offered their sympathies for the victims and their families involved in the tragic shooting at Columbine High School in Littleton, Colorado. I also wanted the people in Colorado to know that our hearts in the United States Senate were with all of the families through this terrible and tragic time.

Since then, the victims have been identified. Today, it is with deep sadness that I include for the RECORD the names of the innocent victims at Columbine High School. I believe it is a fitting tribute for the United States Senate to recognize these 12 students and one teacher who lost their lives in such an unthinkable way.

Cassie Bernall, Steven Curnow, Corey De Pooter, Kelly Fleming, Matthew Kechter, Daniel Mauser, Daniel Rohrbough, William "Dave" Sanders, Rachel Scott, Isaiah Shoels, John Tomlin, Lauren Townsend, Kyle Velasquez.

PARENTS ABDICATE; FAITH IS ABANDONED

Mr. HELMS. Mr. President, I had tried numerous times without success during the weekend to reach by telephone a remarkable young mother whom I had never met. I learned about her while reading a newspaper back home in North Carolina that published on April 23 what is most often referred to these days as an "op-ed" piece headed, "Parents Abdicate; Faith Is Abandoned".

(An op-ed piece, of course, is the short-form identification of an article published on the page opposite a newspaper's editorial page.)

The op-ed piece which so impressed me was authored by Mrs. Ashley Ethridge of Mebane, N.C., a former school teacher who decided to spend her time raising her two little girls. (She and her husband are expecting a third child later this year).

I mentioned at the outset my having tried for much of the weekend to reach Mrs. Ethridge by telephone. Sunday afternoon those efforts were successful—and I must say, Mr. President, that my conversation with Mrs. Ethridge could not have been more meaningful.

Senators who read her "op-ed" piece will agree, I think, that this lady is a gifted writer. She is a graduate of N.C. State University and she has completed graduate work. She is excitingly profound in her analysis of what ails America in our time.

I must confess that I myself have long been alarmed by America's drift away from the moral and spiritual principles and priorities upon which our nation was founded more than two centuries ago. Many of my generation often lament the trend. But Mrs. Ethridge has diagnosed the moral malady better than I, and she offers the prescription to turn the nation's direction around more precisely, more specifically than I ever have.

Mr. President, I don't often do this but in the case of my remarks today, and Mrs. Ethridge's clarity and counsel, I shall urge my fellow Senators to read what this young mother in Mebane, North Carolina, feels that all of us ought to consider.

So I am glad that I tried, one more time, Sunday afternoon to reach Mrs. Ethridge. It was a blessing to hear her voice and to sense her understanding of the course America simply must take —now.

So, Mr. President, I say to Ashley Ethridge: God bless you for the clarity of your wake-up call to the most fortunate people on earth—we citizens of the United States of America. Mr. President, I ask unanimous consent that the text of Ashley Ethridge's observations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARENTS ABDICATE; FAITH IS ABANDONED

(By Ashley Ethridge)

Is it just me, or has the entire country gone completely mad?

In recent editions of the newspaper I have learned that it is good fun when sexually explicit and violent Marilyn Manson shock-rock concerts attract swarms of young adolescent boys—presumably sans parents—cheering Satan; that magazines for teenage girls are emblazoned with headlines such as "How To Totally Turn Him On"; and that parents are paying $800 a month to put infants in institutionalized day care while the mommies and daddies keep tabs on baby's milestones via surveillance camera. People frown upon giving a 3-year-old a doughnut, but don't even flinch at giving birth control pills to a young teen suspected of having sex.

Nickelodeon (remember, the network just for kids—no adults allowed?) is now changing the entire slant of its programming because its executives have discovered that children now, more than anything else, wish for time with their parents.

In the wake of the Littleton, Colo., massacre, Wake County's school superintendent, Jim Surratt, asked what kind of sick society would produce people who would want to do that kind of thing. I find the answers to Surratt's question in my newspaper almost every morning.

In his response to the tragedy, President Clinton said that perhaps now America will wake up to the dimensions of the challenge of juvenile violence. I can only assume that he is implying a need for more programs, courtesy of the government and thus the taxpayers. More counseling, more day care, more before-school care, more after-school care, more gun control and of course more counselors and mediators in the schools.

I too hope America will wake up—wake up to the fact that children need more parental love and guidance.

The parents who blame the media and other outside influences for teen violence should be diligent in shielding their children from the offending sources. Where are these parents when their under-17-year-olds are filling the theaters of the many R-rated teen flicks now playing? Where are these parents when their children are wading through the murky waters of the Internet? Where are these parents when their children are buying music bearing Parental Advisory warning labels? Where are these parents when their children are watching questionable—at best—prime time television shows?

How can parents remove themselves almost completely from their children's lives and then blame "Dawson's Creek" when their daughters become pregnant or Leo DiCaprio when their sons become violent?

Clinton also says that the nation must search for answers. This is absurd, and yet is also precisely the problem. The answer is obvious for anyone who will see it. Unfortunately, we are so ensconced in our spiritually empty, materialistic, self-centered lives that we do not seem to care that we are sacrificing our children. We applaud Clinton's initiative to fund more studies so that experts can search for answers because it lifts the burden from our pathetic shoulders.

Why is it that so few people seem to believe that parents have a responsibility to raise their own children, to spend time with them, to help them, teach them and nurture them toward a happy, productive adulthood? Parenting has now simply become a process of buying children anything they want, including guardians and homework-helpers, for as long as they want—often well into what should be adulthood.

> Stop searching the psychology journals and parenting magazines and federally funded studies for answers. Search your hearts and make your children, your families, your first priority.
>
> Clinton says that more must be done to help children deal with anger. This sounds like hiring more school counselors. Why not look to the cause of so much anger among our young people? Could it possibly have something to do with the fact that they know that their parents really don't want to be bothered with the task of raising them?
>
> Frankly, I don't think the schools are equipped to handle situations such as these, lamentable as they are, nor do I think they ought to. And I think some parents are just looking at school as a place to stick their kids to get them out of their hair.
>
> Over 400 years ago, Martin Luther warned that if God were removed from education, schools would prove to be the gates of hell. What happens when we remove God from our families and homes, forsaking our children as well? What happens when we remove Him from society as a whole, and worship instead the Almighty Dollar?
>
> Is it hot in here, or is it just me?

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Y2K ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 96, which the clerk will report.

The legislative assistant read as follows:

> Motion to proceed to the consideration of S. 96, a bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of the year's date.

The Senate resumed consideration of the motion to proceed.

Mr. HOLLINGS. Madam President, I yield myself so much time as may be permitted under the unanimous-consent agreement.

Pending the discussion with respect to the Y2K problem, let me say at the outset that if there were a Y2K problem, we on this side of the opposition, let's say, to the particular bill and the amendment forthcoming with respect to Senator MCCAIN and Senator WYDEN, anything within reason obviously could have been worked out; namely, anyone who has a computer knows glitches. So no one can deny there cannot be a glitch on January 1 of the year 2000. However, there is not really a problem that would cause us to try to change tort law. That is what is in the offing here.

I have talked to the best of the best in the computer industry with the idea that we could compromise and give the 90-day grace period.

People do not want to go to court when they find out their computer is not working. If there is one thing that takes time—the Securities and Exchange Commission and so-called tort reform—they are still in discovery, they are still in appeals, and they are still in court, without trying the case, some 2 years later, because they have yet to determine what was intended. The same would be the case here trying to really venture into the State responsibility and jurisdiction with tort with so-called overall reform law.

So I thought, fine, let's get together on what could be called a glitch. Nobody wants to go to court. Give them some time to fix the glitch, and then move on in the business world. However, we have some friends down at the National Chamber of Commerce who are really bent on actually trying to pass product liability and do away with trial by jury and all the other State tort systems.

I could spot this in my particular position because I have been engaged in it for at least 20 years on the Commerce Committee from which it has been reported each time. We have prevailed over the 20 years. The reason we have prevailed is that the professionals in this particular field, whether it be the American Bar Association, the Association of State Legislatures, the Association of State Supreme Court Judges, the Association of Governors, until it was changed in effect, all opposed, and we were able to withstand the onslaught of this particular political move.

I can tell you, Madam President, we are going to withstand it again on Y2K, unless they come around, of course. But I don't see a compromise in the offing.

So I think immediately of what should be discussed; namely, television violence. We started on that with hearings at the beginning of the 1990s. This is 1999. And this Senator introduced a TV violence bill. We reported it out at that time 19 to 1 from the Congress before the last.

I remember going up to Senator Dole, then majority leader, who was running for President, and saying, "Look, we have got this bill out. The Attorney General has already attested to the fact that it would withstand constitutional muster on the freedom of speech provisions, and I will step aside if you want to make it. I am just interested in getting the bill, not the credit. So why don't you take the bill?"

The point is that the distinguished Senator had just come in from the west coast, where he, if everyone will remember, had cussed out the movie industry for its gratuitous violence in all of its film making. So I thought it was a natural that he would want to follow through. He didn't. In the last Congress we then had it reported out by a vote of 20 to 0—TV violence.

This has nothing to do, of course, with the Nintendo games or the other little games they play on these machines. But it does have to do with the basic tendency towards violence without cost, without any harm, or injury, or feeling.

We understand, of course, when you document the civil rights, when you document the matter of the Civil War, or any of these other things, you have to show the violence associated therewith in order to make an honest depiction; that is going to be included. But we are talking about gratuitous, excessive violence not incidental to the plot.

The bill has been found to stand, as I say, constitutional muster.

So we wanted to control that.

I have that bill in again. I would rather think that really bowing to the Chamber of Commerce on particulars there with respect to State tort and State responsibilities—mind you me, my Republican friends in the leadership caterwaul that the best governed—or the less governed—that the best governed is at the local level.

Why not let these local school boards control, rather than mandate from Washington this, that, or the next thing? Now they come with a mandate that the States have not asked for and the States would certainly oppose.

I just talked to one of the great leaders in computerization who said, "Senator, please don't pass this measure. The fact that companies don't get ready, they don't comply, is a competitive edge. My customers are checking them out. If they don't comply, I'm using that as a competitive advantage."

Let the market forces operate I say to those who always caterwaul about market forces and deregulation and wanting to regulate.

Back to the main point. We really ought to whip through a bill on television violence and control that. We have quite a case to present to the Congress itself. In the initial stage of broadcasting, programmers said in the booklets, "Get a murder early on to hold the audience." They love violence, they love murders, so get in a murder scene. I can show you that word for word in the CBS program in the earlier stages of television.

We can also go to the Colorado case. About 4 years ago a solution was used that is working at this particular time. I went down to Columbia, SC, which is Richland County. The county sheriff, Leon Lott, said, "Senator, I want to show you a school that was the most violent we had in the county—more drugs and trouble. We put a uniformed officer in the classroom."

Let me attest to this. I am not talking about some uniformed officer out in the parking lot looking for theft of the automobiles. I am talking about a law enforcement officer in contact with the students. This officer has not only taught the course, but associated himself in the afternoon with the athletic programs and in the evenings with the civic programs. If I had to pick a law enforcement officer, I would pick some all-American like our friend Bill Bradley—someone they look up to immediately, and put them in uniform.

It is not too much to teach respect and have him associated on the campus. He walks, talks and teaches with the students, listens to the teachers and the principals. The students know who brings a weapon to the school grounds. The students know who brings drugs on the school properties. All they do is just nod their head, make a little motion. That security officer gets the hint immediately and goes in way ahead of time—preventing violence, preventing drugs—and if need be, gets them counseling or whatever.

Senator GREGG and I provided just this kind of provision in the State-Justice-Commerce bill for the cops on the beat to be used. That is what Sheriff Lott was using in the Richland County schools. It is working in the other schools all over South Carolina.

My reaction at the time of the Columbine High School in Littleton, CO, was, Did they have an officer? I heard some reports which said yes. If they did, that officer ought to be fired. Anybody that can offload that much weaponry—that security officer doesn't know what is going on. He is not even taking care of security.

The main thing is to become, as they have in this particular approach, a role model for the students themselves. You can't put sensitive devices in every school in America. And we are not going to do that. Praying and counseling are well and good, but let's go ahead with a tried and true provision and get some leadership now that we can see, again, more than ever the need. We can be discussing those things rather than some political fix that you find in the polls.

What about the lawyers? Every pollster and consultant says kill all the lawyers. That is popular. Reform, reform, reform; tort reform, get rid of the lawyers. Control their fees, control their verdicts, control the seventh amendment and the right of trial by jury. That is the whole scenario. We who understand and appreciate it and have been in the trenches now for 20 years are going to do our dead level best so that shall not go on.

I think this afternoon at 5:30 we can vote cloture. I needed the time because we were not given notice about this particular measure coming up, but we are going to have to do some more head counting. We will have to prepare some amendments and debate the real issues facing the American people—not those being taken care of by the Governors and the States. All of the Senators running around trying to play catchup ball with the Governors from the elections last November, all those that got elected and preached "education, education, education."

There is a primary responsibility of the Federal Government for national defense. A primary responsibility of the State government is education: 93 cents out of every education dollar is at the State or local level. We only have 6 or 7 cents that we can toy with. We cannot have all of that influence. We can come across with some good ideas in one particular State and try to make it possible on a pilot basis for other States and take the leadership that we gain locally and spread it. We support the Department of Education on that basis.

It is so ludicrous that those who came from the 1994 elections wanting to abolish the Department of Education are now running around throwing money at the Department of Education. It is all politics.

If we can stop using the government to get ourselves reelected with these silly consultants and what shows up in the poll, but what shows up on the front page. We know the need nationally to pay our bills. We had a debate about that—it was totally disregarded—all last week: "Save Social Security 100 percent." That was the majority leader's amendment.

Madam President, I turned on the TV and he said the $6 billion for Kosovo was not enough; we will have to add another $6 billion. When asked where they will get the money, he said, "From Social Security."

That is not the only surplus. That is the only way to hide it. But you can get $12 billion surplus from the civil service retirement fund, which they have been doing, and from the military retirement fund, which they have been using, but the mindset is immediately to go and spend Social Security to savage the fund. There again was another political charade. Today we are engaged in another political charade.

At this particular time, with respect to the motion to proceed, I do not see much interest in actually debating. When the proponents come to the floor, I would like an opportunity to make a few points relative to the demerits of this particular measure, why it should not be enacted, and get their response. Thereby, Madam President, I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, I ask unanimous consent the time for the call of the quorum here be allocated equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I will be offering, with my friend and colleague from Oregon, Senator WYDEN, a substitute amendment to S. 96, the Y2K Act, at the appropriate time. The substitute amendment we will be offering is a bipartisan effort. We worked diligently with our colleagues on both sides of the aisle to address concerns, narrow some provisions, and assure this bill will sunset when it is no longer pertinent and necessary.

Senator WYDEN, who said at our committee markup that he wanted to get to "yes," worked tirelessly with me to get there. He and others—but he especially—have offered excellent suggestions and comments. I think the substitute we bring today is a better piece of legislation for his efforts.

Specifically, the substitute would provide time for plaintiffs and defendants to resolve Y2K problems without litigation. It reiterates the plaintiff's duty to mitigate damages and highlights the defendant's opportunity to assist plaintiffs in doing that by providing information and resources.

That provides for proportional liability in most cases, with exceptions for fraudulent or intentional conduct, or where the plaintiff has limited assets. It protects governmental entities, including municipalities, schools, fire, water, and sanitation districts, from punitive damages. It eliminates punitive damage limits for egregious conduct, while providing some protection against runaway punitive damage awards. And it provides protection for those not directly involved in a Y2K failure.

The bill, as amended, does not cover personal injury and wrongful death cases. It is important to keep in mind the broad support that this bill has from virtually every segment of our economy. This bill is important not only to the high-tech industry, or only to big business, but it carries the strong support of small businesses, retailers, and wholesalers.

Many of those supporting the bill will find themselves as both plaintiffs and defendants. They have weighed the benefits and drawbacks of the provisions of this bill and have overwhelmingly concluded that their chief priority is to prevent and fix Y2K problems and make our technology work, not divert the resources into time-consuming and costly litigation.

One of the most troubling aspects of the looming Y2K problem is the new industry being created by opportunistic lawyers. Many companies feel they are "damned if they do, dammed if they don't" when it comes to acknowledging potential Y2K failures. If they do not say anything and later have a problem, they will certainly be sued. But if they say something now, they may still be sued, and before anything even has gone wrong. Over 80 lawsuits, mostly class actions, have already been filed and we are still many months away from the year 2000.

The SEC reported in February that many companies are not complying with the SEC disclosure requirements either as to what actions they are taking to prepare, how much the effort is costing, or what contingency plans are being put into place. The Senate Special Committee on the Year 2000 Problem reported February 24—and I quote—"Fear of litigation and loss of competitive advantage are the most commonly cited reasons for barebones disclosure."

It is my hope that S. 96 will be the catalyst for technology producers to work with technology users to ensure a seamless transition from the 1990s to the year 2000. The goal is to make January 1 a nonevent.

The purposes of this legislation is to ensure that we solve the Y2K technology glitch rather than clog our courts with years of costly litigation. The purpose is to ensure a continued, stable economy, which obviously is beneficial to everyone in our country.

The bill encourages efficient resolution of failures by requiring plaintiffs to afford their potential defendants an opportunity to remedy the failure and make things right before facing a lawsuit. We should encourage people to talk to each other, to try to address and remedy problems in a timely and professional manner.

The potential for litigation to overwhelm the Nation's judicial system is very real. We must reserve the judicial system for the most egregious cases involving Y2K problems. Litigation costs have been estimated as high as $1 trillion. Certainly the burden of paying for litigation will be distributed to the public in the form of increased costs for technological goods and services.

The potential drain on the Nation's economy, and the world's economy, from both fixing the computer systems and responding to litigation, is staggering. While the estimates being circulated are speculative, the cost of making the corrections in all the computer systems in the country is astronomical. Chase Manhattan Bank has been quoted as spending $250 million to fix problems with its 200 million lines of affected computer code. The estimated cost of fixing the problem in the United States ranges from $200 billion to $1 trillion. The resources which would be directed to litigation are resources that would not be available for continued improvements in technology, producing new products, and maintaining the economy that supports the position of the United States as a world leader.

As I said last week, time is of the essence. If this bill is going to have the intended effect of encouraging proactive prevention and remediation of Y2K problems, it has to be passed quickly. This bill will have limited value if it is passed later this fall.

Senator HOLLINGS, my friend, has expressed in committee his concerns. I want to state up front that while we disagree, we have never been disagreeable. I respect his views; we just disagree on this matter. And I know, as I said earlier, we will have a lively debate on this bill.

I urge my colleagues on both sides of the aisle to give careful consideration to the substitute amendment and join with me, Senator WYDEN, and our other cosponsors, Senators GORTON, ABRAHAM, LOTT, FRIST, BURNS, SMITH of Oregon, and SANTORUM, in bringing this substitute to fruition. It makes sense, it is practical, and we need it now.

There are several letters, Madam President, from various organizations throughout the country that I would like to quote from. I ask unanimous consent that they be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. McCAIN. Madam President, the first letter I would like to quote briefly from is from the National Federation of Independent Business, the Voice of Small Business.

> On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I would like to thank you for helping the nation's small business community prepare for the millennium.
>
> NFIB strongly supports S. 96 . . . specifically the provisions that limit punitive damages and urge quick resolution of legal disputes. We believe that S. 96 creates a fair and level playing field for the settlement of year 2000 (Y2K) disputes.
>
> Because small business owners operate on such a slim profit margin, every second and every dollar counts. Therefore, legislation addressing Y2K litigation must provide a speedy and effective solution to disputes. Small businesses do not have the luxury of waiting months or years for courts to replace lost revenues or failed products. S. 96 encourages the use of alternate dispute resolution (ADR) and provides a "cooling off" period during which disputes can be resolved outside of court. NFIB's goal is to keep small businesses out of court, and we believe S. 96 will do that in most cases.
>
> We do realize that some businesses will—and should—resolve their disputes in court. Regardless of whether they would be plaintiffs or defendants, 93% of NFIB members support limiting punitive damages. Caps help eliminate frivolous lawsuits and the unnecessary expenditure of legal fees by small businesses.

That is from the National Federation of Independent Business.

There are those who have argued in the media that this legislation is simply there to support the "high-tech community" and large corporations. I don't think that would make it possible for the NFIB, which represents 600,000 members, to support this legislation.

Next I would like to briefly quote from the American Insurance Association, which represents nearly 300 property casualty/insurers with millions of policyholders and thousands of employees across the Nation. Member companies insure families, small businesses and large businesses in every State.

> Even with this commitment and dedication to minimizing Y2K disruption, we can expect problems to occur. And unfortunately in our litigious society, lawsuits or the fear of lawsuits will inhibit solutions and multiply the disruptive impact of system failures.
>
> [Again,] on behalf of the member companies of the American Insurance Association, I urge you to support the year 2000 reforms on final passage and cloture.

The Intel Corporation, Tosco, the leading technology corporations, many of the leading technology industry companies in America, including the CEO of American Electronics Association, President and CEO of Alexander Ogilvy Public Relations Worldwide, CEO of Marimba, Managing Director of Merrill Lynch, chairman and CEO of Novell, Chairman and CEO of FileNet, and the list goes on of leading presidents and CEOs of the high-tech industries in America, MicroAge, Alcatel, and the International Mass Retail Association—all these organizations and more support this legislation. I don't think they necessarily do so for selfish reasons, although certainly they are motivated to a large degree by their ability to provide the necessary profits to their shareholders.

But I think also they are more committed to making sure that this incredible economy that we are experiencing would continue to provide so many jobs and opportunities for so many Americans, without draining hundreds of billions of dollars from the economy.

My friend, Senator HOLLINGS, has asserted that S. 96 is the camel's nose under the tent for product liability and tort reform. I clearly do not believe that is the case. I am a strong supporter of product liability tort reform, but I believe that this legislation clearly is not the case. It contains a sunset provision to assure that this is considered, as it should be, a temporary measure to deal with a unique situation.

The sunset language in section 4(a) of the bill provides that the act applies to a Y2K failure occurring before January 1 of the year 2003, hardly a victory for widespread tort or product liability reform. The potential for massive litigation involving virtually every industrial segment of our country, both small businesses and large, compels a rational and practical solution to prevent litigation from destroying the economic well-being of the country.

There is a need for this bill, Madam President. I will just point out one example of opportunistic legislation. I am told that Mr. Tom Johnson, acting as a private attorney general under California consumer protection laws, has brought an action against a group of retailers, including Circuit City, Office Depot, Office Max, CompUSA, Staples, Fryes, and the Good Guys, Incorporated for failing to warn consumers about products that are not Y2K compliant. He has not alleged any injury or economic damage to himself, but pursuant to State statute, has requested relief in the amount of all of the defendants' profits from 1995 to date from selling these products and restitution to "all members of the California general public."

Although he claims that numerous products are involved, he has not specified which products are covered by his allegations, but has generally named products by Toshiba, IBM, Compaq, Intuit, Hewlett Packard and Microsoft.

This is precisely, Madam President, the type of frivolous and opportunistic lawsuit which would be avoided by S. 96. Rather than have all of these named companies wasting time and resources preparing a defense for this case, S. 96 would direct the focus to fixing real problems. In this instance, it does not appear that Mr. Johnson has an actual problem. But if he does, he would need to articulate what is not working due to a Y2K failure. The company or companies responsible would then have an opportunity to address and fix the specific problem. If the problem isn't fixed, then Mr. Johnson would be free to bring his suit.

It is crystal clear that the real reason for this lawsuit is not to fix a problem that Mr. Johnson has with any of his computer hardware or software, but to see whether he can convince the companies involved that it is cheaper to buy him off in a settlement than to litigate, even if the case is eventually dismissed or decided in their favor. This case is the tip of the iceberg.

If thousands of similar suits are brought after January 1, the judicial system will be overrun and the Nation's economy will be thrown into turmoil. This is a senseless and needless abuse that we can avoid by passing S. 96.

Madam President, there are numerous provisions in this bill, but I just want to repeat one of the most crucial aspects of this legislation. If a problem is identified, then whoever it is that is the manufacturer has 90 days in order to fix the problem. If they do not fix the problem, then go to court. But it is hard for me to understand why a company or corporation who manufactured this particular product should not be allowed to have an opportunity to fix the problem for the user. It makes perfect sense—how could anyone object to such a thing—because these companies and corporations, if they are not committed to fix the problem, then they should be sued. That is what our court system is all about. But it makes perfect sense to me to give them an opportunity to fix a problem that they may not have knowledge of before they find themselves all day hauled into court.

EXHIBIT NO. 1

NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
Washington, DC, April 21, 1999.

Hon. JOHN MCCAIN,
Chairman, Senate Commerce Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN MCCAIN: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I would like to thank you for your leadership in helping the nation's small business community prepare for the millennium.

NFIB strongly supports S. 96, the McCain-Wyden "Y2K Act," specifically the provisions that limit punitive damages and urge quick resolution of legal disputes. We believe that S. 96 creates a fair and level playing field for the settlement of Year 2000 (Y2K) disputes.

Every day, more small businesses prepare themselves for potential Y2K problems within their own operations. No amount of preparation, however, can keep them from being affected by problems afflicting others: their suppliers, customers or financial institutions. For this reason, businesses of all sizes and types must be encouraged to address their Y2K problems now. S. 96 encourages mitigation now to avoid litigation later.

Because small business owners operate on such a slim profit margin, every second and every dollar counts. Therefore, legislation addressing Y2K litigation must provide a speedy and effective solution to disputes. Small businesses do not have the luxury of waiting months or years for courts to replace lost revenue or failed products. S. 96 encourages the use of alternative dispute resolution (ADR) and provides a "cooling off" period during which disputes can be resolved outside of court. NFIB's goal is to keep small businesses out of court, and we believe S. 96 will do that in most cases.

We do realize that some businesses will—and should—resolve their disputes in court. Regardless of whether they would be plaintiffs or defendants, 93% of NFIB members support limiting punitive damages. Caps help eliminate frivolous lawsuits and the unnecessary expenditure of legal fees by small businesses.

As S. 96 moves to the floor, I would like to commend and thank you for your leadership on Y2K preparedness legislation. I appreciate your consideration of the concerns of the small business community on this issue and look forward to working with you in the future.

Sincerely,

DAN DANNER,
VICE PRESIDENT,
Federal Public Policy.

AMERICAN INSURANCE ASSOCIATION,
Washington, DC, April 15, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The American Insurance Association represents nearly 300 property/casualty insurers, with millions of policyholders and thousands of employees across the nation. Our member companies insure families, small businesses, and large businesses in every state. A key issue of concern to AIA members and their employees is providing a predictable and fair framework within which the courts will consider Year 2000 disputes. On behalf of our member companies and their employees, I urge you to support both the cloture vote and final passage of the pending Year 2000 reforms (the revised S. 96, the Y2K Act).

American Insurance Association members are leaders in advocating loss prevention measures for our individual and business policyholders, and we're proud to say that AIA companies have worked diligently, some for as long as a decade, to ensure our systems are Y2K compliant. Across the nation, American businesses are preparing for the Year 2000 in the same way.

Even with this commitment and dedication to minimizing Y2K disruption, we can expect problems to occur. And unfortunately in our litigious society, lawsuits, or the fear of lawsuits, can inhibit solutions and multiply the disruptive impact of systems failures.

The American Insurance Association supports Congress' efforts to minimize the economic costs arising from this once-in-a-millennium event. The bipartisan bill under consideration, the revised S. 96 provides a balanced, measured, and modest response to the uncertainty posed by the Year 2000. Our members strongly support this legislation.

Our priority is legislation that encourages a legal environment where problem-solvers compete for business, not fear frivolous lawsuits, legitimate claims are resolved promptly, and where legal profiteering cannot take advantage of a once-in-a-millennium problem. The bipartisan bills accomplish these goals.

Again, on behalf of the member companies of the American Insurance Association, I urge you to support the Year 2000 reforms on final passage and cloture. With best wishes I remain,

Sincerely yours,

ROBERT E. VAGLEY,
President.

INTEL CORPORATION,
Santa Clara, CA, April 19, 1999.

Re Y2000 legislation.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I write to ask for your help in enacting legislation designed to provide guidance to our state and federal courts in managing litigation that may arise out of the transition to Year 2000-compliant computer hardware and software systems. This week, the Senate is expected to vote upon a bipartisan substitute text for S. 96, the "Y2K Act", which we strongly support.

Parties who are economically damaged by a Year 2000 failure must have the ability to seek redress where traditional legal principles would provide a remedy for such injury. At the same time, it is vital that limited resources be devoted as much as possible to fixing the problems, not litigating. Our legal system must encourage parties to engage in cooperative remediation efforts before taking complaints to the courts, which could be overwhelmed by Year 2000 lawsuits.

The consensus text that has evolved from continuing bipartisan discussions would substantially encourage cooperative action and discourage frivolous lawsuits. Included in its provisions are several key measures that are essential to ensure fair treatment of all parties under the law:

Procedural incentives—such as a requirement of notice and an opportunity to cure defects before suit is filed, and encouraged for engaging in alternative dispute resolution—that will lead parties to identify solutions before pursuing grievances in court;

A requirement that courts respect the provisions of contracts—particularly important in preserving agreements of the parties on such matters as warranty obligations and definition of recoverable damages;

Threshold pleading provisions requiring particularity as to the nature, amount, and factual basis for damages and materiality of defects, that will help constrain class action suits brought on behalf of parties that have suffered no significant injury;

Appointment of liability according to fault, on principles approved by the Senate in two previous measures enacted in the area of securities reform.

This legislation—which will apply only to Y2K suits, and only for a limited period of time—will allow plaintiffs with real grievances to obtain relief under the law, while protecting the judicial system from a flood of suits that have no objective other than the obtainment of high-dollar settlements for speculative or de minimus injuries. Importantly, it does not apply to cases that arise out of personal injury.

At Intel, we are devoting considerable resources to Y2K remediation. Our efforts are focused not only on our internal systems, but also those of our suppliers, both domestic and foreign. Moreover, we have taken advantage of the important protections for disclosure of product information that Congress enacted last year to ensure that our customers are fully informed as to issues that may be present with legacy products. What is true for Intel is true for all companies: time and resources must be devoted as much as possible to fixing the Year 2000 problem and not pointing fingers of blame.

For these reasons, we urge you to vote in favor of responsible legislation that will protect legitimately aggrieved parties while providing a stable, uniform legal playing field within which these matters can be handled by state and federal courts with fairness and efficiency.

Sincerely,

CRAIG R. BARRETT,
CEO.

TOSCO,
Stamford, CT, April 14, 1999.

Re Y2K Act (S. 96)—support.

Hon. JOHN MCCAIN,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of Tosco Corporation ("Tosco"), I commend you for sponsoring the Y2K Act (S. 96), which will facilitate computer preparations for the transition to the Year 2000. Tosco is one of nation's largest independent refiners and marketers of gasoline and petroleum products. We market gasoline in Arizona through more than 700 retail outlets in the state under our Circle K, Union 76, and Exxon brands. Our marketing headquarters is located at Tempe, Arizona, and we have 6,500 employees in the state.

Your Y2K Act will focus resources on the actual solution of Y2K problems and will reduce the risk of costly and unnecessary litigation. The opportunity for pre-litigation resolution will benefit both potential plaintiffs and potential defendants. The protection against liability for harm caused by other parties and the limits on punitive damages will reduce the incentive for widespread speculative lawsuits targeted on large companies such as Tosco.

We also urge you to oppose the alternative Y2K bills which do not provide for proportionate liability and do not limit punitive damages. These bills will not protect against "bounty hunting" lawsuits which could aggravate Y2K transition problems by hamstringing the business community with complicated litigation and potentially unlimited exposure.

Tosco is undertaking a comprehensive effort to have its computer systems ready for the transition to the Year 2000, and we are working closely with our customers and vendors. While we expect a smooth transition, we believe S. 96 will provide a useful framework for resolving any problems which may arise.

All members of the business community share the responsibility to be prepared for the computer transition to the Year 2000. Your well-conceived Y2K Act will help protect companies which prepare for the transition in a timely manner while retaining appropriate legal remedies in the event other companies do not meet their responsibilities.

Tosco strongly supports S. 96. We also oppose the alternative Y2K legislation which does not place reasonable limits on litigation exposure. Please call me if you would like any further information.

Very truly yours,

ANN FARNER MILLER,
Vice President,
Government Relations.

TECHNOLOGY NETWORK,
March 5, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: We are writing on behalf of some of the nation's leading technology industry companies to voice support for the "Y2K Act" (S. 96 as amended), and to thank you for introducing this bipartisan legislation to address the important issue of Year 2000 readiness.

Technology companies are working aggressively to achieve Y2K readiness as soon as possible. In close partnership with their suppliers and customers, our companies are working to identify potential problems, fix systems and conduct tests to ensure that they are ready for Y2K. The technology industries have committed extraordinary resources to ensure a smooth transition to the Year 2000. Unfortunately, industry efforts to address Y2K readiness are threatened by concern about potential litigation.

Lawsuits designed to exploit the Year 2000 issue will turn industry attention and resources away from the critical task of ensuring that computer systems are Y2K compliant. We fully support comprehensive legislation to ensure that companies that act in good faith to solve Y2K disruptions are protected from opportunistic litigation that slows the important work of remediation. Legislation is essential to ensure that companies concentrate their full attention and resources on Year 2000 readiness, and not on wasteful or abusive lawsuits.

The technology industry appreciates your leadership in championing a solution to this critical national issue. This legislation is an essential part of a comprehensive solution to the Y2K challenge and builds upon the "Good Samaritan" bill that Congress enacted last year.

Immediate action is necessary to protect our nation's economic vitality and security. We must address this pressing issue as early as possible in 1999. It is clearly in the interest of all Americans that we spend resources on remediation, and not on litigation. We commend you for your leadership and attention to this important issue and urge the Congress to enact Y2K legislation as soon as possible.

Sincerely,

John Chambers, President & CEO, Cisco Systems; Les Vadasz, Senior Vice President, Intel; Pam Alexander, President & CEO, Alexander Ogilvy Public Relations Worldwide; William Archey, CEO, American Electronics Association; Kathy Behrens, President, NVCA; Brook Byers, Partner, Kleiner Perkins Caufield & Byers; Steve Case, Chairman & CEO, America OnLine; Wilfred Corrigan, CEO & Chairman, LSI Logic; William Davidow, Partner, Mohr Davidow Ventures; Bob Herbold, Executive Vice President & COO, Microsoft Corporation; George Klaus, CEO, Platinum Software; Kim Polese, CEO, Marimba, Inc.; Colleen Poulliot, Senior VP, General Counsel & Secretary, Adobe Systems; Willem Roelandts, President & CEO, Xilinx; Michael Rowan, CEO, Kestrel Solutions; Scott Ryles, Managing Director, Merrill Lynch; Eric Schmidt, Chairman & CEO, Novell; Ted Smith, Chairman & CEO, FileNet.

INTERNATIONAL MASS
RETAIL ASSOCIATION,
Washington, DC. April 15, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the International Mass Retail Association (IMRA), I would like to thank you for sponsoring the Y2K Act (S. 96). This legislation is crucial to preventing frivolous Y2K lawsuits from imposing needless costs on businesses and congesting the court system.

Companies should focus their time and effort on assuring that their computer systems, and those of their suppliers, will be Y2K-compliant—not in preparing for lawsuits, that could harm a prospering U.S. economy and even cost some workers their jobs. Without adequate safeguards against frivolous lawsuits, American consumers may suffer more from Y2K lawsuits than from Y2K failures.

IMRA supports the Y2K Act (S. 96). S. 96 gives companies an incentive to work to prevent Y2K failures. The bill provides a chance to fix potential Y2K problems before lawsuits are filed. With an orderly process like this, which favors remediation over litigation, courts may soon become backlogged with Y2K lawsuits that could, and should, be resolved through faster, more cooperative methods.

The International Mass Retail Association represents the mass retail industry—consumers' first choice for price, value and convenience. Its membership includes the fastest growing retailers in the world—discount department stores, home centers, category dominant specialty discounters, catalogue showrooms, dollar stores, warehouse clubs, deep discount drugstores and off-price stores—and the manufacturers who supply them. IMRA retail members operate more than 106,000 American stores and employ millions of workers. One in every ten Americans works in the mass retail industry, and IMRA retail members represent over $411 billion in annual sales.

We deeply appreciate your support on this issue and look forward to working closely with you toward a successful outcome early next year. Once again, many thanks for your support of the mass retail industry.

Sincerely,

ROBERT J. VERDISCO,
President.

ALCATEL,
Plano, TX, March 26, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The purpose of this letter is to express my personal appreciation and support for the legislation you recently introduced in the United States Senate to limit runaway liability awards in the event of Y2K problems.

As a major telecommunications equipment company and an employer of over 11,000 people in the United States, Alcatel USA has a vested interest in this important issue. We have spent tens of millions of dollars on Y2K remediation and are making a continuing, company-wide effort to protect our valued customers from Y2K-related failures. We wholeheartedly endorse your emphasis on "remediation not litigation" and have put our money, technical expertise and manpower behind this concept.

I realize that aspects of your legislation are controversial and that some compromises may be necessary in the weeks ahead. During the negotiating process I would ask you to keep in mind what Alcatel considers to be the minimum essential elements of any legislation limiting the liability of responsible corporations.

They are:

Preeminence of existing contracts and agreements

Pretrial notice and cure periods

Proportional liability instead of joint and several liability

Damages limited to direct or consequential

If there is anything that Alcatel USA can do in support of your legislation, please feel free to contact me or David Owen, the head of our Washington Government Relations Office (703-724-2930). Our Washington office has instructions to work closely with the National Association of Manufacturers, the Telecommunications Industry Association, and the US Chamber of Commerce in order to guarantee that our advocacy activities for Y2K liability limitations are focused and well coordinated.

In closing, I would like to thank you once again for spearheading this important legislative initiative to protect our vibrant economy from a "feeding frenzy" of destructive and ultimately unproductive litigation.

Sincerely yours,

KRISH PRABHU,
President and CEO.

MICROAGE,
Tempe, AZ March 3, 1999.

Hon. JOHN MCCAIN,
Chairman, U.S. Senate, Committee on Commerce, Science & Transportation, Washington DC.

DEAR SENATOR MCCAIN: I support passage of Y2K Act, S. 96. I also represent the Computing Technology Industry Association (CompTIA) with 7800 company members representing IT Industry manufacturers, distributors and resellers. CompTIA support passage of Y2K Act, S. 96.

Small and large businesses are eager to solve the Y2K problem, yet many are not doing so, primarily because of the fear of liability and lawsuits. The potential for excessive litigation and the negative impact on targeted industries are already diverting precious resources that could otherwise be used to help fix the Y2K problem.

As I understand the bill, the purpose of this proposed legislation is to encourage Y2K remediation, not litigation. American industry already is making massive investments to prepare for the millennium computer problem. A deluge of lawsuits would inhibit these efforts—particularly in the growth sector of the economy. This legislation creates incentives to fix Y2K problems before they develop by encouraging parties to resolve disputes without litigation, but it also preserves the rights of those who suffer real injuries to file suits if necessary.

The Business Community Coalition, of which CompTIA is an active member, is also supporting Y2K reform, representing all industry sectors and business sizes, is supporting Y2K reform legislation designed to encourage a fair, fast and predictable mechanism for resolving Y2K-related disputes.

Respectfully yours,

ALAN P. HALD,
Co-Founder.

NPES,
Reston, VA, April 20, 1999.

OPEN LETTER TO THE SENATE IN SUPPORT OF S. 96—THE Y2K ACT

On behalf of the over 400 member companies of NPES the Association for Suppliers of Printing, Publishing and Converting Technologies I urge you to support S. 96, the Y2K Act, when it comes to the Senate floor this week.

S. 96 is a remediation bill that will encourage businesses to fix Y2K problems without undue concern for unlimited and unwarranted liability that could arise from Y2K failures. S. 96 does not insulate negligent companies from being held responsible for their actions, and it does not leave victims of Y2K-related problems without recourse within the legal system. S. 96 will discourage frivolous litigation, but it will not preclude legitimate claims.

Most importantly, S. 96 encourages resolution of disputes before the contentiousness and expense of litigation. If a business suffers a Year 2000 failure, the most important next step should be solving the problem and getting back to business, not engaging in counterproductive lawsuits that contribute little towards getting a company back serving its customers.

NPES' members, as equipment manufacturers and sellers, could well find themselves as both plaintiffs and defendants in potential Y2K-related lawsuits. With this perspective, we believe S. 96 strikes the proper balance encouraging appropriate remedial action and protecting legitimate interests of injured parties. Therefore, we urge you to support S. 96 so that the American business community can focus on addressing Y2K-related problems in the last months of the year, rather than diverting resources to responding to a potential calamity of counterproductive litigation following New Year's Day 2000.

Sincerely,

REGIS J. DELMONTAGUE,
President.

Mr. MCCAIN. Madam President, I note the presence of the Senator from Washington on the floor, and I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Is time controlled?

The PRESIDING OFFICER. The time is controlled. Does the chairman wish to yield time?

Mr. MCCAIN. Madam President, I yield to the Senator from Washington such time as he may consume.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, I support legislation designed to avert and control what could be a litigation bonanza stemming from the Y2K problem. We can't be sure what computer-based system, if any, may go awry at midnight, December 31, 1999, but we should not sit by idly and wait to find out. The Y2K Act attempts proactively to provide incentives for everyone, potential plaintiffs and defendants alike, to cure Y2K compliance problems before they occur and to impose reasonable limits on liability and rules for the prosecution of lawsuits arising from Y2K failures.

On today's editorial page, the New York Times criticizes Senator MCCAIN's Y2K legislation and opines that:

> Congress can also clarify the liability of companies once it becomes clear how widespread the problem really is. But before the new year, the government should not use the millennium bug to overturn longstanding liability practices. I strongly disagree. We know that our current liability system, longstanding as it may be, is flawed in that it increasingly lends itself to lawsuits of limited merit, but huge downside risks, excessive delays, and creative and often unfair theories of liability. Just as it is irresponsible for people not to take remedial action to avoid the Y2K problem, it would be irresponsible for Congress not to fix our litigation system with respect to its handling of this specific issue, to deal with the flood of potential cases and the enormous, possibly destructive, burden that litigation can impose on potential defendants. Of particular concern to me are the smaller high-technology companies that have been thriving in Washington State and across the Nation. I have met with and heard from numerous representatives from these companies. To them, the threat of abusive litigation is not speculative or illusory; it is real and potentially fatal.

Senator MCCAIN's substitute to S. 96, of which I am a cosponsor, is an improvement in some respects to the bill that we passed out of the Commerce Committee, not in the least because this substitute enjoys bipartisan support. Notably, the substitute modifies the provisions in S. 96 on punitive damages and joint liability. While S. 96 established strict caps on punitive damages, the substitute permits these caps to be pierced if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff. The absolute prohibition on joint liability originally contained in S. 96 has also been modified.

The substitute roughly tracks the exceptions to joint liability limits contained in the 1995 securities litigation reform legislation. Rather than to prohibit joint liability in all cases, the substitute permits joint liability, subject to State limits, in situations in which plaintiffs' assets are limited and damages exceed 10 percent of those assets; in situations in which damages cannot be recovered against another defendant; and against defendants who acted with specific intent to injure the plaintiff or who knowingly committed fraud.

Madam President, these changes have been made by Senator McCain in a genuine effort to see to it that the broad appeal of this bill becomes even broader.

In addition to modifying the limitations on punitive damages and joint liability, the substitute, among other changes, strikes the provision in S. 96 that created the defense for those using reasonable efforts to prevent Y2K problems; modifies the circumstances under which the terms of a written contract will be enforced by recognizing State statutes that limit enforcement of certain terms, and expands the exceptions to the economic loss rule.

Madam President, these are not simple legal concepts. While I think S. 96 has benefitted from more deliberative review by interested parties representing potential plaintiffs and defendants alike, I am still not convinced that the substitute has achieved the precisely correct balance of promoting remedial action, effectively curtailing abusive lawsuits, and not simply changing the way in which plaintiffs plead their cases, and ensuring that plaintiffs have adequate recourse for damages. I nevertheless wholeheartedly support Y2K liability legislation because I believe it is our responsibility to prevent foreseeable litigation that could clog our State and Federal courts and divert enormous resources away from production and toward litigation. The Senate should pass Y2K liability legislation and should do so as soon as possible. I expect that the bill can be further refined and improved during floor debate and again in conference.

I want to add to my formal written remarks my admiration for the tremendous amount of effort that the chairman of the Commerce Committee has put into attempting to see to it that we here end up with a bill that becomes law, even though it requires a number of compromises, rather than simply to become another item of debate and division.

Tort reform, product liability legislation, and medical malpractice legislation are all important national issues, but they are all extremely divisive. In this case, for this particular form of litigation, which has no precedent in the United States, reform is genuinely needed. The Senator from Arizona, the chairman of the Commerce Committee, has brought us a long way along the right road, and I have every confidence that we will finish with success.

Mr. McCAIN. Madam President, I thank the Senator from Washington for his kind remarks, but most importantly for his deep involvement in this issue. As a former attorney general of his State, he understands these issues better than I do, and his assistance in this effort is extremely valuable and important.

Madam President, I don't have any speakers at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, the distinguished Senator from Arizona, our chairman, talked about frivolous lawsuits and deep pockets and glitches. It strikes this Senator that what we have ongoing at the moment are computer glitches. Every now and again, we all run into it—on my computer and others' around. Certainly it is an industry that has deep pockets, is worth billions of dollars, and some never have made a profit. But the market is valuable, with investments in the billions of dollars. So with glitches and deep pockets, you would think, by the description about frivolous lawsuits, that there would be lawyers all running around with frivolous lawsuits, saying, "they got deep pockets," and there are glitches, and everybody would be suing everybody.

Of course, that just proves the contention of the need for this bill. You go from the different styles. I was here when they went after the oil money. I was here when the oil went after the milk money. Now, in 2000, they are going after Silicon Valley and everybody is running out there to get their money and their blessing, and they never had any lawyers before, or any representatives. Now they have them all marching into Washington. But other than the politics, the business community is taking care of it.

I refer, if the distinguished Presiding Officer pleases, to the March 1 issue of Business Week. On page 30, it says:

> Lloyd Davis is feeling squeezed. In 1998, his $2 million, 25-employee fertilizer-equipment business was buffeted by the harsh winds that swept the farm community. This year, his Golden Plains Agricultural Technologies, Inc. in Colby, Kansas, is getting slammed by Y2K. Davis needs $71,000 to make his computer systems bug-free by January 1. But he has been able to rustle up only the $39,000. His bank has denied him a loan because—ironically—he's not Y2K-ready. But Davis knows he must make the fixes or lose business. "Our big customers aren't going to wait much longer," he frets.
>
> Golden Plains and thousands of other small businesses are getting a dire ultimatum from the big corporations they sell to: Get ready for Y2K, or get lost. Multinationals such as General Motors, McDonald's, Nike, and Deere are making the first quarter—or the second at the latest—the deadline for partners and vendors to prove they're bug-free. A recent survey by consultants at Gemini America says 69 percent of the 2,000 largest companies will stop doing business with companies that can't pass muster. The National Federation of Independent Business figures more than 1 million companies with 100 workers or fewer won't make the cut, and as many as half will lose big chunks of business or even fail.
>
> I am glad the market is taking care of them so we will not have to sue them. So the products we get will be sound.

Reading further:

> Cutting thousands of companies out of the supply chain might strain supply lines and could even crimp output. But most CEOs figure it'll be cheaper in the long run to avoid bugs in the first place.
>
> But most CEOs figure it'll be cheaper in the long run to avoid bugs in the first place.

Here they have 7½ months to get rid of the bugs. Here, with this particular article, they had 10 months to get rid of all the bugs. The technology has been on course for over 30 years. Everyone has been talking about it. We passed special legislation in the debate last year to set aside the antitrust provisions so they could work together. And, yet, some still are going to lag and not do business.

This is why one of the leading computerization experts in the world just an hour ago in my office said, "Senator, don't pass this bill." He said, "I will use it for competition." Those who do not compete, who won't comply, and who won't get Y2K ready, ought to fall by the wayside, as this article and my friend were pointing out.

I quote again from the article:

> Some small outfits are already losing key customers. In the past year, Prudential Insurance Co. has cut nine suppliers from its "critical" list of more than 3,000 core vendors, and it continues to look for weak links, says the Vice President for Information Systems at the company. At Citibank . . . cuts have already been made.

Reading again:

> Big U.S. companies are not sugarcoating the problem.
>
> . . . "if a vendor is not up to speed by April or May," Rabat says, "it's serious crunch time."

Here it is 6 months away. We are going to pass emergency legislation for glitches and deep pockets. We have had glitches and deep pockets all during the 1990s, and there is no trillion dollars' worth of lawsuits and frivolous lawsuits.

That gets me to the point where I can tell you that the real lawyers who bring any cases don't have any time to bring frivolous lawsuits. They are not worth it. They can't get anything for it. And they don't get paid unless they win. And if they win, they have to prove to a 12-man jury and withstand all of the legal motions, delays, and everything else. So the real attorneys just do not bring frivolous lawsuits.

Later, when we get into the full debate on the measure, I will have the documents to prove that from the Rand Corporation.

Quoting further from the article:

> Through the Automotive Industry Action Group, GM and other car makers have set March 31 deadlines for vendors to become Y2K compliant.

Madam President, that is just 5 days from now.

> In March, members of the Grocery Manufacturers of America will meet with their counterparts from the Food Marketing Institute to launch similar efforts. Other companies are sending a warning to laggards—and shifting business to the tech-savvy. "Y2K can be a great opportunity to clean up and modernize the supply chain," says Roland S. Boreham, Jr., chairman of the board of Baldor Electric Co. in Fort Smith, ARK.

There is a statement. This particular so-called "problem" is cleaning out the inept, the inadequate, the incompetent, the uncompliant. But what they want to do is pass laws and change around all the States' tort systems for manufactured product downtown at the Chamber of Commerce, and that you will find in the political polls, so we can write out to Silicon Valley and say, "Look what I have done for you. I am looking out for you. Just contribute to my campaign."

That is all this is—another political exercise this week.

Quoting further:

> The World Bank has shelled out $72 million in loans and grants to Y2K-stressed nations, including Argentina and Sri Lanka. AT&T alone has spent $900 million fixing its systems.

It goes on and on in the article.

Madam President, the point here is, we are trying to solve a political problem, not a business problem. It is one to get the contributions from Silicon Valley. It is one that has put up a straw man about a trillion dollars' worth of verdicts and all of that. That is outrageous nonsense. We haven't had over $12 billion in product liability cumulatively in this Nation since the incidents of product liability, but every week we see some automobile company recalling 100,000. The week before last, it was a 1-million-car callback for retrofitting and everything else. Why? Because some good trial lawyer brought some good case and on the safety basis has saved many, many from injury and death.

No. I take the position of the lawyers in reality who really try the cases. They have deep pockets, and they are all there now, and they are all prospering and making more money. They haven't come to Washington to say, "Look, you know the changes that we have in computers." They change every other year—now almost yearly. So there is another new model. So there is a glitch. But people do not run around suing everybody on some kind of glitch. It is a business contract in the purchase under the Uniform Commercial Code to be controlled, and only when there is a fraudulent breach do we get into law, and tort law, which is State tort law.

I don't think we are going to change under this stampede here about what a grand thing we have—bipartisanship. Oh, no. It is as partisan as it can be for those trying to get their money, be they Republican or Democrat, out there in the Silicon Valley campaign.

I yield the floor and retain the remainder of my time.

I suggest the absence of a quorum to be divided by unanimous consent between both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 34, S. 96, the Y2K legislation:

Trent Lott, John McCain, Rick Santorum, Spencer Abraham, Judd Gregg, Pat Roberts, Wayne Allard, Rod Grams, Jon Kyl, Larry Craig, Bob Smith, Craig Thomas, Paul Coverdell, Pete Domenici, Don Nickles, and Phil Gramm.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 96, the Y2K Act, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), and the Senator from New Jersey (Mr. LAUTENBERG), are necessarily absent.

I also announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The yeas and nays resulted—yeas 94, nays 0, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—6

Biden
Boxer
Hutchison
Lautenberg
Moynihan
Murkowski

The PRESIDING OFFICER. On this vote the yeas are 94, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

UNANIMOUS CONSENT AGREEMENT—S. 96

Mr. McCAIN. Mr. President, I ask unanimous consent that at 11:30 a.m. on Tuesday, April 27, the Senate proceed to the consideration of S. 96, the Y2K legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The majority leader is recognized.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275, and further amended by S. Res. 75 (adopted March 25, 1999), the appointment of the following Senators to serve as members of the Senate National Security Working Group:

The Senator from Mississippi (Mr. COCHRAN) (Majority Administrative Cochairman);

The Senator from Alaska (Mr. STEVENS) (Majority Cochairman);

The Senator from Arizona (Mr. KYL) (Majority Cochairman);

The Senator from North Carolina (Mr. HELMS);

The Senator from Indiana (Mr. LUGAR);

The Senator from Virginia (Mr. WARNER);

The Senator from Oklahoma (Mr. INHOFE); and

The Senator from Wyoming (Mr. ENZI).

H. CON. RES. 68—CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

On March 25, 1999, the Senate passed H. Con. Res. 68, the concurrent resolution on the budget for fiscal year 2000. Printing of the resolution on April 14, 1999, failed to reflect the Senate amendment thereto. H. Con. Res. 68, as amended, follows:

Resolved, That the resolution from the House of Representatives (H. Con. Res. 68) entitled "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009.", do pass with the following amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

(a) DECLARATION.—

(1) IN GENERAL.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 2000 including the appropriate budgetary levels for fiscal years 2001 through 2009 as authorized by section 301 of the Congressional Budget Act of 1974.

(2) FISCAL YEAR 1999 BUDGET RESOLUTION.—S. Res. 312, approved October 21, 1998, (105th Congress) shall be considered to be the concurrent resolution on the budget for fiscal year 1999.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2000.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.
Sec. 104. Reconciliation of revenue reductions in the Senate.
Sec. 105. Reconciliation of revenue reductions in the House of Representatives.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Reserve fund for agriculture.
Sec. 202. Tax reduction reserve fund in the Senate.
Sec. 203. Clarification on the application of section 202 of H. Con. Res. 67.
Sec. 204. Emergency designation point of order.
Sec. 205. Authority to provide committee allocations.
Sec. 206. Deficit-neutral reserve fund for use of OCS receipts.
Sec. 207. Deficit-neutral reserve fund for managed care plans that agree to provide additional services to the elderly.
Sec. 208. Reserve fund for medicare and prescription drugs.
Sec. 209. Exercise of rulemaking powers.
Sec. 210. Deficit-neutral reserve fund to foster the employment and independence of individuals with disabilities.

TITLE III—SENSE OF THE CONGRESS AND THE SENATE

Sec. 301. Sense of the Senate on marriage penalty.
Sec. 302. Sense of the Senate on improving security for United States diplomatic missions.
Sec. 303. Sense of the Senate on access to medicare home health services.
Sec. 304. Sense of the Senate regarding the deductibility of health insurance premiums of the self-employed.
Sec. 305. Sense of the Senate that tax reductions should go to working families.
Sec. 306. Sense of the Senate on the National Guard.
Sec. 307. Sense of the Senate on effects of Social Security reform on women.
Sec. 308. Sense of the Senate on increased funding for the national institutes of health.
Sec. 309. Sense of Congress on funding for Kyoto protocol implementation prior to Senate ratification.
Sec. 310. Sense of the Senate on Federal research and development investment.
Sec. 311. Sense of the Senate on counter-narcotics funding.
Sec. 312. Sense of the Senate regarding tribal colleges.
Sec. 313. Sense of the Senate on the Social Security surplus.
Sec. 314. Sense of the Senate on need-based student financial aid programs.
Sec. 315. Findings; sense of Congress on the protection of the Social Security surpluses.
Sec. 316. Sense of the Senate on providing adequate funding for United States international leadership.
Sec. 317. Sense of the Senate that the Federal Government should not invest the Social Security Trust Funds in private financial markets.
Sec. 318. Sense of the Senate concerning on-budget surplus.
Sec. 319. Sense of the Senate on TEA-21 funding and the States.
Sec. 320. Sense of the Senate that agricultural risk management programs should benefit livestock producers.
Sec. 321. Sense of the Senate regarding the modernization and improvement of the medicare program.
Sec. 322. Sense of the Senate on providing tax relief to all Americans by returning non-Social Security surplus to taxpayers.
Sec. 323. Sense of the Senate regarding tax incentives for education savings.
Sec. 324. Sense of the Senate that the One Hundred Sixth Congress, First Session should reauthorize funds for the Farmland Protection Program.
Sec. 325. Sense of the Senate on tax cuts for lower and middle income taxpayers.
Sec. 326. Sense of the Senate regarding reform of the Internal Revenue Code of 1986.
Sec. 327. Sense of the Senate regarding Davis-Bacon.
Sec. 328. Sense of the Senate regarding access to items and services under medicare program.
Sec. 329. Sense of the Senate concerning autism.
Sec. 330. Sense of the Senate on women's access to obstetric and gynecological services.
Sec. 331. Sense of the Senate on LIHEAP.
Sec. 332. Sense of the Senate on transportation firewalls.
Sec. 333. Sense of the Senate on funding existing, effective public health programs before creating new programs.
Sec. 334. Sense of the Senate concerning funding for special education.
Sec. 335. Sense of the Senate on the importance of Social Security for individuals who become disabled.
Sec. 336. Sense of the Senate regarding funding for intensive firearms prosecution programs.
Sec. 337. Honest reporting of the deficit.
Sec. 338. Sense of the Senate concerning fostering the employment and independence of individuals with disabilities.
Sec. 339. Sense of the Senate regarding asset-building for the working poor.
Sec. 340. Sense of the Senate that the provisions of this resolution assume that it is the policy of the United States to provide as soon as is technologically possible an education for every American child that will enable each child to effectively meet the challenges of the twenty-first century.
Sec. 341. Sense of the Senate concerning exemption of agricultural commodities and products, medicines, and medical products from unilateral economic sanctions.
Sec. 342. Sense of the Senate regarding capital gains tax fairness for family farmers.
Sec. 343. Budgeting for the Defense Science and Technology Program.
Sec. 344. Sense of the Senate concerning funding for the Urban Parks and Recreation Recovery (UPARR) program.
Sec. 345. Sense of the Senate on social promotion.
Sec. 346. Sense of the Senate on women and Social Security reform.
Sec. 347. Sense of the Congress regarding South Korea's international trade practices on pork and beef.
Sec. 348. Sense of the Senate regarding support for State and local law enforcement.
Sec. 349. Sense of the Senate on merger enforcement by Department of Justice.
Sec. 350. Sense of the Senate to create a task force to pursue the creation of a natural disaster reserve fund.
Sec. 351. Sense of the Senate concerning Federal tax relief.
Sec. 352. Sense of the Senate on eliminating the marriage penalty and across-the-board income tax rate cuts.
Sec. 353. Sense of the Senate on importance of funding for embassy security.
Sec. 354. Sense of the Senate on funding for after school education.

Sec. 355. Sense of the Senate concerning recovery of funds by the Federal Government in tobacco-related litigation.
Sec. 356. Sense of the Senate on offsetting inappropriate emergency spending.
Sec. 357. Findings; sense of Congress on the President's fiscal year 2000 budget proposal to tax association investment income.
Sec. 358. Sense of the Senate regarding funding for counter-narcotics initiatives.
Sec. 359. Sense of the Senate on modernizing America's schools.
Sec. 360. Sense of the Senate concerning funding for the land and water conservation fund.
Sec. 361. Sense of the Senate regarding support for Federal, State and local law enforcement and for the Violent Crime Reduction Trust Fund.
Sec. 362. Sense of the Senate regarding Social Security notch babies.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2000 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,435,931,000,000.
Fiscal year 2002: $1,455,992,000,000.
Fiscal year 2003: $1,532,014,000,000.
Fiscal year 2004: $1,585,969,000,000.
Fiscal year 2005: $1,649,259,000,000.
Fiscal year 2006: $1,682,788,000,000.
Fiscal year 2007: $1,737,451,000,000.
Fiscal year 2008: $1,807,417,000,000.
Fiscal year 2009: $1,870,513,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$6,716,000,000.
Fiscal year 2002: −$52,284,000,000.
Fiscal year 2003: −$31,305,000,000.
Fiscal year 2004: −$48,180,000,000.
Fiscal year 2005: −$61,637,000,000.
Fiscal year 2006: −$107,925,000,000.
Fiscal year 2007: −$133,949,000,000.
Fiscal year 2008: −$148,792,000,000.
Fiscal year 2009: −$175,197,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,457,294,000,000.
Fiscal year 2002: $1,488,477,000,000.
Fiscal year 2003: $1,561,513,000,000.
Fiscal year 2004: $1,613,278,000,000.
Fiscal year 2005: $1,666,843,000,000.
Fiscal year 2006: $1,698,902,000,000.
Fiscal year 2007: $1,754,567,000,000.
Fiscal year 2008: $1,815,739,000,000.
Fiscal year 2009: $1,875,969,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,435,931,000,000.
Fiscal year 2002: $1,455,992,000,000.
Fiscal year 2003: $1,532,014,000,000.
Fiscal year 2004: $1,583,070,000,000.
Fiscal year 2005: $1,639,428,000,000.
Fiscal year 2006: $1,667,958,000,000.
Fiscal year 2007: $1,717,688,000,000.
Fiscal year 2008: $1,782,597,000,000.
Fiscal year 2009: $1,842,697,000,000.

(4) DEFICITS OR SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the deficits or surpluses are as follows:

Fiscal year 2000: −$6,313,000,000.
Fiscal year 2001: $0.
Fiscal year 2002: $0.
Fiscal year 2003: $0.
Fiscal year 2004: $2,899,000,000.
Fiscal year 2005: $9,831,000,000.
Fiscal year 2006: $14,830,000,000.
Fiscal year 2007: $19,763,000,000.
Fiscal year 2008: $24,820,000,000.
Fiscal year 2009: $27,816,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,635,900,000,000.
Fiscal year 2001: $5,716,100,000,000.
Fiscal year 2002: $5,801,000,000,000.
Fiscal year 2003: $5,885,000,000,000.
Fiscal year 2004: $5,962,200,000,000.
Fiscal year 2005: $6,029,400,000,000.
Fiscal year 2006: $6,088,100,000,000.
Fiscal year 2007: $6,138,900,000,000.
Fiscal year 2008: $6,175,100,000,000.
Fiscal year 2009: $6,203,500,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2000: $3,510,000,000,000.
Fiscal year 2001: $3,377,700,000,000.
Fiscal year 2002: $3,236,900,000,000.
Fiscal year 2003: $3,088,200,000,000.
Fiscal year 2004: $2,926,000,000,000.
Fiscal year 2005: $2,742,900,000,000.
Fiscal year 2006: $2,544,200,000,000.
Fiscal year 2007: $2,329,100,000,000.
Fiscal year 2008: $2,099,500,000,000.
Fiscal year 2009: $1,861,100,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $468,020,000,000.
Fiscal year 2001: $487,744,000,000.
Fiscal year 2002: $506,293,000,000.
Fiscal year 2003: $527,326,000,000.
Fiscal year 2004: $549,876,000,000.
Fiscal year 2005: $576,840,000,000.
Fiscal year 2006: $601,834,000,000.
Fiscal year 2007: $628,277,000,000.
Fiscal year 2008: $654,422,000,000.
Fiscal year 2009: $681,313,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $327,256,000,000.
Fiscal year 2001: $339,789,000,000.
Fiscal year 2002: $350,127,000,000.
Fiscal year 2003: $362,197,000,000.
Fiscal year 2004: $375,253,000,000.
Fiscal year 2005: $389,485,000,000.
Fiscal year 2006: $404,596,000,000.
Fiscal year 2007: $420,616,000,000.
Fiscal year 2008: $438,132,000,000.
Fiscal year 2009: $459,496,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2000 through 2009 for each major functional category are:

(1) National Defense (050):

Fiscal year 2000:
(A) New budget authority, $288,812,000,000.
(B) Outlays, $274,567,000,000.
Fiscal year 2001:
(A) New budget authority, $303,616,000,000.
(B) Outlays, $285,949,000,000.
Fiscal year 2002:
(A) New budget authority, $308,175,000,000.
(B) Outlays, $291,714,000,000.
Fiscal year 2003:
(A) New budget authority, $318,277,000,000.
(B) Outlays, $303,642,000,000.
Fiscal year 2004:
(A) New budget authority, $327,166,000,000.
(B) Outlays, $313,460,000,000.
Fiscal year 2005:
(A) New budget authority, $328,370,000,000.
(B) Outlays, $316,675,000,000.
Fiscal year 2006:
(A) New budget authority, $329,600,000,000.
(B) Outlays, $315,111,000,000.
Fiscal year 2007:
(A) New budget authority, $330,870,000,000.
(B) Outlays, $313,687,000,000.
Fiscal year 2008:
(A) New budget authority, $332,176,000,000.
(B) Outlays, $317,103,000,000.
Fiscal year 2009:
(A) New budget authority, $333,452,000,000.
(B) Outlays, $318,041,000,000.

(2) International Affairs (150):

Fiscal year 2000:
(A) New budget authority, $12,511,000,000.
(B) Outlays, $14,850,000,000.
Fiscal year 2001:
(A) New budget authority, $12,716,000,000.
(B) Outlays, $15,362,000,000.
Fiscal year 2002:
(A) New budget authority, $11,985,000,000.
(B) Outlays, $14,781,000,000.
Fiscal year 2003:
(A) New budget authority, $13,590,000,000.
(B) Outlays, $14,380,000,000.
Fiscal year 2004:
(A) New budget authority, $14,494,000,000.
(B) Outlays, $14,133,000,000.
Fiscal year 2005:
(A) New budget authority, $14,651,000,000.
(B) Outlays, $13,807,000,000.
Fiscal year 2006:
(A) New budget authority, $14,834,000,000.
(B) Outlays, $13,513,000,000.
Fiscal year 2007:
(A) New budget authority, $14,929,000,000.
(B) Outlays, $13,352,000,000.
Fiscal year 2008:
(A) New budget authority, $14,998,000,000.
(B) Outlays, $13,181,000,000.
Fiscal year 2009:
(A) New budget authority, $14,962,000,000.
(B) Outlays, $13,054,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2000:
(A) New budget authority, $17,955,000,000.
(B) Outlays, $18,214,000,000.
Fiscal year 2001:
(A) New budget authority, $17,946,000,000.
(B) Outlays, $17,907,000,000.
Fiscal year 2002:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,880,000,000.
Fiscal year 2003:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,784,000,000.
Fiscal year 2004:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,772,000,000.
Fiscal year 2005:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2006:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2007:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2008:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.

Fiscal year 2009:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $49,000,000.
(B) Outlays, −$650,000,000.
Fiscal year 2001:
(A) New budget authority, −$1,435,000,000.
(B) Outlays, −$3,136,000,000.
Fiscal year 2002:
(A) New budget authority, −$163,000,000.
(B) Outlays, −$1,138,000,000.
Fiscal year 2003:
(A) New budget authority, −$84,000,000.
(B) Outlays, −$1,243,000,000.
Fiscal year 2004:
(A) New budget authority, −$319,000,000.
(B) Outlays, −$1,381,000,000.
Fiscal year 2005:
(A) New budget authority, −$447,000,000.
(B) Outlays, −$1,452,000,000.
Fiscal year 2006:
(A) New budget authority, −$452,000,000.
(B) Outlays, −$1,453,000,000.
Fiscal year 2007:
(A) New budget authority, −$506,000,000.
(B) Outlays, −$1,431,000,000.
Fiscal year 2008:
(A) New budget authority, −$208,000,000.
(B) Outlays, −$1,137,000,000.
Fiscal year 2009:
(A) New budget authority, −$76,000,000.
(B) Outlays, −$1,067,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $21,720,000,000.
(B) Outlays, $22,444,000,000.
Fiscal year 2001:
(A) New budget authority, $21,183,000,000.
(B) Outlays, $21,729,000,000.
Fiscal year 2002:
(A) New budget authority, $20,747,000,000.
(B) Outlays, $21,023,000,000.
Fiscal year 2003:
(A) New budget authority, $22,479,000,000.
(B) Outlays, $22,579,000,000.
Fiscal year 2004:
(A) New budget authority, $22,492,000,000.
(B) Outlays, $22,503,000,000.
Fiscal year 2005:
(A) New budget authority, $22,536,000,000.
(B) Outlays, $22,429,000,000.
Fiscal year 2006:
(A) New budget authority, $22,566,000,000.
(B) Outlays, $22,466,000,000.
Fiscal year 2007:
(A) New budget authority, $22,667,000,000.
(B) Outlays, $22,425,000,000.
Fiscal year 2008:
(A) New budget authority, $22,658,000,000.
(B) Outlays, $22,361,000,000.
Fiscal year 2009:
(A) New budget authority, $23,041,000,000.
(B) Outlays, $22,738,000,000.
(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $14,831,000,000.
(B) Outlays, $13,660,000,000.
Fiscal year 2001:
(A) New budget authority, $13,519,000,000.
(B) Outlays, $11,279,000,000.
Fiscal year 2002:
(A) New budget authority, $11,288,000,000.
(B) Outlays, $9,536,000,000.
Fiscal year 2003:
(A) New budget authority, $11,955,000,000.
(B) Outlays, $10,252,000,000.
Fiscal year 2004:
(A) New budget authority, $12,072,000,000.
(B) Outlays, $10,526,000,000.
Fiscal year 2005:
(A) New budget authority, $10,553,000,000.
(B) Outlays, $9,882,000,000.
Fiscal year 2006:
(A) New budget authority, $10,609,000,000.
(B) Outlays, $9,083,000,000.
Fiscal year 2007:
(A) New budget authority, $10,711,000,000.
(B) Outlays, $9,145,000,000.
Fiscal year 2008:
(A) New budget authority, $10,763,000,000.
(B) Outlays, $9,162,000,000.
Fiscal year 2009:
(A) New budget authority, $10,853,000,000.
(B) Outlays, $9,223,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $9,664,000,000.
(B) Outlays, $4,270,000,000.
Fiscal year 2001:
(A) New budget authority, $10,620,000,000.
(B) Outlays, $5,754,000,000.
Fiscal year 2002:
(A) New budget authority, $14,450,000,000.
(B) Outlays, $10,188,000,000.
Fiscal year 2003:
(A) New budget authority, $14,529,000,000.
(B) Outlays, $10,875,000,000.
Fiscal year 2004:
(A) New budget authority, $13,859,000,000.
(B) Outlays, $10,439,000,000.
Fiscal year 2005:
(A) New budget authority, $12,660,000,000.
(B) Outlays, $9,437,000,000.
Fiscal year 2006:
(A) New budget authority, $12,635,000,000.
(B) Outlays, $9,130,000,000.
Fiscal year 2007:
(A) New budget authority, $12,666,000,000.
(B) Outlays, $8,879,000,000.
Fiscal year 2008:
(A) New budget authority, $12,642,000,000.
(B) Outlays, $8,450,000,000.
Fiscal year 2009:
(A) New budget authority, $13,415,000,000.
(B) Outlays, $8,824,000,000.
(8) Transportation (400):
Fiscal year 2000:
(A) New budget authority, $51,325,000,000.
(B) Outlays, $45,333,000,000.
Fiscal year 2001:
(A) New budget authority, $51,128,000,000.
(B) Outlays, $47,711,000,000.
Fiscal year 2002:
(A) New budget authority, $51,546,000,000.
(B) Outlays, $47,765,000,000.
Fiscal year 2003:
(A) New budget authority, $52,477,000,000.
(B) Outlays, $46,720,000,000.
Fiscal year 2004:
(A) New budget authority, $52,580,000,000.
(B) Outlays, $46,207,000,000.
Fiscal year 2005:
(A) New budget authority, $52,609,000,000.
(B) Outlays, $46,022,000,000.
Fiscal year 2006:
(A) New budget authority, $52,640,000,000.
(B) Outlays, $45,990,000,000.
Fiscal year 2007:
(A) New budget authority, $52,673,000,000.
(B) Outlays, $45,990,000,000.
Fiscal year 2008:
(A) New budget authority, $52,707,000,000.
(B) Outlays, $46,007,000,000.
Fiscal year 2009:
(A) New budget authority, $52,742,000,000.
(B) Outlays, $46,033,000,000.
(9) Community and Regional Development (450):
Fiscal year 2000:
(A) New budget authority, $5,343,000,000.
(B) Outlays, $10,273,000,000.
Fiscal year 2001:
(A) New budget authority, $2,704,000,000.
(B) Outlays, $7,517,000,000.
Fiscal year 2002:
(A) New budget authority, $1,889,000,000.
(B) Outlays, $4,667,000,000.
Fiscal year 2003:
(A) New budget authority, $2,042,000,000.
(B) Outlays, $2,964,000,000.
Fiscal year 2004:
(A) New budget authority, $2,037,000,000.
(B) Outlays, $2,120,000,000.
Fiscal year 2005:
(A) New budget authority, $2,030,000,000.
(B) Outlays, $1,234,000,000.
Fiscal year 2006:
(A) New budget authority, $2,027,000,000.
(B) Outlays, $931,000,000.
Fiscal year 2007:
(A) New budget authority, $2,021,000,000.
(B) Outlays, $795,000,000.
Fiscal year 2008:
(A) New budget authority, $2,019,000,000.
(B) Outlays, $724,000,000.
Fiscal year 2009:
(A) New budget authority, $2,013,000,000.
(B) Outlays, $688,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $66,549,000,000.
(B) Outlays, $65,355,000,000.
Fiscal year 2002:
(A) New budget authority, $67,295,000,000.
(B) Outlays, $66,037,000,000.
Fiscal year 2003:
(A) New budget authority, $73,334,000,000.
(B) Outlays, $68,531,000,000.
Fiscal year 2004:
(A) New budget authority, $76,648,000,000.
(B) Outlays, $72,454,000,000.
Fiscal year 2005:
(A) New budget authority, $77,464,000,000.
(B) Outlays, $75,891,000,000.
Fiscal year 2006:
(A) New budget authority, $78,229,000,000.
(B) Outlays, $77,189,000,000.
Fiscal year 2007:
(A) New budget authority, $79,133,000,000.
(B) Outlays, $78,119,000,000.
Fiscal year 2008:
(A) New budget authority, $80,144,000,000.
(B) Outlays, $79,109,000,000.
Fiscal year 2009:
(A) New budget authority, $80,051,000,000.
(B) Outlays, $79,059,000,000.
(11) Health (550):
Fiscal year 2000:
(A) New budget authority, $156,181,000,000.
(B) Outlays, $152,986,000,000.
Fiscal year 2001:
(A) New budget authority, $164,089,000,000.
(B) Outlays, $162,357,000,000.
Fiscal year 2002:
(A) New budget authority, $173,330,000,000.
(B) Outlays, $173,767,000,000.
Fiscal year 2003:
(A) New budget authority, $184,679,000,000.
(B) Outlays, $185,330,000,000.
Fiscal year 2004:
(A) New budget authority, $197,893,000,000.
(B) Outlays, $198,499,000,000.
Fiscal year 2005:
(A) New budget authority, $212,821,000,000.
(B) Outlays, $212,637,000,000.
Fiscal year 2006:
(A) New budget authority, $228,379,000,000.
(B) Outlays, $228,323,000,000.
Fiscal year 2007:
(A) New budget authority, $246,348,000,000.
(B) Outlays, $245,472,000,000.
Fiscal year 2008:
(A) New budget authority, $265,160,000,000.
(B) Outlays, $264,420,000,000.
Fiscal year 2009:
(A) New budget authority, $285,541,000,000.

(B) Outlays, $284,941,000,000.

(12) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $208,652,000,000.

(B) Outlays, $208,698,000,000.

Fiscal year 2001:

(A) New budget authority, $222,104,000,000.

(B) Outlays, $222,252,000,000.

Fiscal year 2002:

(A) New budget authority, $230,593,000,000.

(B) Outlays, $230,222,000,000.

Fiscal year 2003:

(A) New budget authority, $250,743,000,000.

(B) Outlays, $250,871,000,000.

Fiscal year 2004:

(A) New budget authority, $268,558,000,000.

(B) Outlays, $268,738,000,000.

Fiscal year 2005:

(A) New budget authority, $295,574,000,000.

(B) Outlays, $295,188,000,000.

Fiscal year 2006:

(A) New budget authority, $306,772,000,000.

(B) Outlays, $306,929,000,000.

Fiscal year 2007:

(A) New budget authority, $337,566,000,000.

(B) Outlays, $337,761,000,000.

Fiscal year 2008:

(A) New budget authority, $365,642,000,000.

(B) Outlays, $365,225,000,000.

Fiscal year 2009:

(A) New budget authority, $394,078,000,000.

(B) Outlays, $394,249,000,000.

(13) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $244,390,000,000.

(B) Outlays, $248,088,000,000.

Fiscal year 2001:

(A) New budget authority, $251,873,000,000.

(B) Outlays, $257,750,000,000.

Fiscal year 2002:

(A) New budget authority, $264,620,000,000.

(B) Outlays, $267,411,000,000.

Fiscal year 2003:

(A) New budget authority, $277,386,000,000.

(B) Outlays, $277,175,000,000.

Fiscal year 2004:

(A) New budget authority, $286,576,000,000.

(B) Outlays, $286,388,000,000.

Fiscal year 2005:

(A) New budget authority, $298,942,000,000.

(B) Outlays, $299,128,000,000.

Fiscal year 2006:

(A) New budget authority, $305,655,000,000.

(B) Outlays, $305,943,000,000.

Fiscal year 2007:

(A) New budget authority, $312,047,000,000.

(B) Outlays, $312,753,000,000.

Fiscal year 2008:

(A) New budget authority, $325,315,000,000.

(B) Outlays, $326,666,000,000.

Fiscal year 2009:

(A) New budget authority, $335,562,000,000.

(B) Outlays, $337,102,000,000.

(14) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $46,724,000,000.

(B) Outlays, $47,064,000,000.

Fiscal year 2001:

(A) New budget authority, $44,255,000,000.

(B) Outlays, $44,980,000,000.

Fiscal year 2002:

(A) New budget authority, $44,728,000,000.

(B) Outlays, $45,117,000,000.

Fiscal year 2003:

(A) New budget authority, $45,536,000,000.

(B) Outlays, $46,024,000,000.

Fiscal year 2004:

(A) New budget authority, $45,862,000,000.

(B) Outlays, $46,327,000,000.

Fiscal year 2005:

(A) New budget authority, $48,341,000,000.

(B) Outlays, $48,844,000,000.

Fiscal year 2006:

(A) New budget authority, $46,827,000,000.

(B) Outlays, $47,373,000,000.

Fiscal year 2007:

(A) New budget authority, $47,377,000,000.

(B) Outlays, $45,803,000,000.

Fiscal year 2008:

(A) New budget authority, $47,959,000,000.

(B) Outlays, $48,505,000,000.

Fiscal year 2009:

(A) New budget authority, $48,578,000,000.

(B) Outlays, $49,150,000,000.

(15) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $23,434,000,000.

(B) Outlays, $25,349,000,000.

Fiscal year 2001:

(A) New budget authority, $24,656,000,000.

(B) Outlays, $25,117,000,000.

Fiscal year 2002:

(A) New budget authority, $24,657,000,000.

(B) Outlays, $24,932,000,000.

Fiscal year 2003:

(A) New budget authority, $24,561,000,000.

(B) Outlays, $24,425,000,000.

Fiscal year 2004:

(A) New budget authority, $24,467,000,000.

(B) Outlays, $24,356,000,000.

Fiscal year 2005:

(A) New budget authority, $24,355,000,000.

(B) Outlays, $24,242,000,000.

Fiscal year 2006:

(A) New budget authority, $24,242,000,000.

(B) Outlays, $24,121,000,000.

Fiscal year 2007:

(A) New budget authority, $24,114,000,000.

(B) Outlays, $23,996,000,000.

Fiscal year 2008:

(A) New budget authority, $23,989,000,000.

(B) Outlays, $23,885,000,000.

Fiscal year 2009:

(A) New budget authority, $23,833,000,000.

(B) Outlays, $23,720,000,000.

(16) General Government (800):

Fiscal year 2000:

(A) New budget authority, $12,339,000,000.

(B) Outlays, $13,476,000,000.

Fiscal year 2001:

(A) New budget authority, $11,916,000,000.

(B) Outlays, $12,605,000,000.

Fiscal year 2002:

(A) New budget authority, $12,080,000,000.

(B) Outlays, $12,282,000,000.

Fiscal year 2003:

(A) New budget authority, $12,083,000,000.

(B) Outlays, $12,150,000,000.

Fiscal year 2004:

(A) New budget authority, $12,099,000,000.

(B) Outlays, $12,186,000,000.

Fiscal year 2005:

(A) New budget authority, $12,112,000,000.

(B) Outlays, $11,906,000,000.

Fiscal year 2006:

(A) New budget authority, $12,134,000,000.

(B) Outlays, $11,839,000,000.

Fiscal year 2007:

(A) New budget authority, $12,150,000,000.

(B) Outlays, $11,873,000,000.

Fiscal year 2008:

(A) New budget authority, $12,169,000,000.

(B) Outlays, $12,064,000,000.

Fiscal year 2009:

(A) New budget authority, $12,178,000,000.

(B) Outlays, $11,931,000,000.

(17) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $275,682,000,000.

(B) Outlays, $275,682,000,000.

Fiscal year 2001:

(A) New budget authority, $271,443,000,000.

(B) Outlays, $271,443,000,000.

Fiscal year 2002:

(A) New budget authority, $267,855,000,000.

(B) Outlays, $267,855,000,000.

Fiscal year 2003:

(A) New budget authority, $265,573,000,000.

(B) Outlays, $265,573,000,000.

Fiscal year 2004:

(A) New budget authority, $263,835,000,000.

(B) Outlays, $263,835,000,000.

Fiscal year 2005:

(A) New budget authority, $261,411,000,000.

(B) Outlays, $261,411,000,000.

Fiscal year 2006:

(A) New budget authority, $259,195,000,000.

(B) Outlays, $259,195,000,000.

Fiscal year 2007:

(A) New budget authority, $257,618,000,000.

(B) Outlays, $257,618,000,000.

Fiscal year 2008:

(A) New budget authority, $255,177,000,000.

(B) Outlays, $255,177,000,000.

Fiscal year 2009:

(A) New budget authority, $253,001,000,000.

(B) Outlays, $253,001,000,000.

(18) Allowances (920):

Fiscal year 2000:

(A) New budget authority, −$10,033,000,000.

(B) Outlays, −$10,094,000,000.

Fiscal year 2001:

(A) New budget authority, −$8,480,000,000.

(B) Outlays, −$12,874,000,000.

Fiscal year 2002:

(A) New budget authority, −$6,437,000,000.

(B) Outlays, −$19,976,000,000.

Fiscal year 2003:

(A) New budget authority, −$4,394,000,000.

(B) Outlays, −$4,835,000,000.

Fiscal year 2004:

(A) New budget authority, −$4,481,000,000.

(B) Outlays, −$5,002,000,000.

Fiscal year 2005:

(A) New budget authority, −$4,515,000,000.

(B) Outlays, −$5,067,000,000.

Fiscal year 2006:

(A) New budget authority, −$4,619,000,000.

(B) Outlays, −$5,192,000,000.

Fiscal year 2007:

(A) New budget authority, −$5,210,000,000.

(B) Outlays, −$5,780,000,000.

Fiscal year 2008:

(A) New budget authority, −$5,279,000,000.

(B) Outlays, −$5,851,000,000.

Fiscal year 2009:

(A) New budget authority, −$5,316,000,000.

(B) Outlays, −$5,889,000,000.

(19) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, −$34,260,000,000.

(B) Outlays, −$34,260,000,000.

Fiscal year 2001:

(A) New budget authority, −$36,876,000,000.

(B) Outlays, −$36,876,000,000.

Fiscal year 2002:

(A) New budget authority, −$43,626,000,000.

(B) Outlays, −$43,626,000,000.

Fiscal year 2003:

(A) New budget authority, −$37,464,000,000.

(B) Outlays, −$37,464,000,000.

Fiscal year 2004:

(A) New budget authority, −$37,559,000,000.

(B) Outlays, −$37,559,000,000.

Fiscal year 2005:

(A) New budget authority, −$38,497,000,000.

(B) Outlays, −$38,497,000,000.

Fiscal year 2006:

(A) New budget authority, −$39,178,000,000.

(B) Outlays, −$39,178,000,000.

Fiscal year 2007:

(A) New budget authority, −$40,426,000,000.

(B) Outlays, −$40,426,000,000.

Fiscal year 2008:

(A) New budget authority, −$41,237,000,000.

(B) Outlays, −$41,237,000,000.

Fiscal year 2009:

(A) New budget authority, −$42,084,000,000.

(B) Outlays, −$42,084,000,000.

SEC. 104. RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

Not later than June 18, 1999, the Senate Committee on Finance shall report to the Senate a *reconciliation bill proposing changes in laws within its jurisdiction necessary—*

(1) to reduce revenues by not more than $0 in fiscal year 2000, $138,485,000,000 for the period of fiscal years 2000 through 2004, and $765,985,000,000 for the period of fiscal years 2000 through 2009; and

(2) to decrease the statutory limit on the public debt to not more than $5,865,000,000,000 for fiscal year 2000.

SEC. 105. RECONCILIATION OF REVENUE REDUCTIONS IN THE HOUSE OF REPRESENTATIVES.

Not later than June 11, 1999, the Committee on Ways and Means shall report to the House of Representatives a reconciliation bill proposing changes in laws within its jurisdiction necessary—

(1) to reduce revenues by not more than $0 in fiscal year 2000, $142,034,000,000 for the period of fiscal years 2000 through 2004, and $777,587,000,000 for the period of fiscal years 2000 through 2009; and

(2) to decrease the statutory limit on the public debt to not more than $5,865,000,000,000 for fiscal year 2000.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. RESERVE FUND FOR AGRICULTURE.

(a) ADJUSTMENT.—If legislation is reported by the Senate Committee on Agriculture, Nutrition and Forestry that provides risk management and income assistance for agriculture producers, the Chairman of the Senate Committee on the Budget may increase the allocation of budget authority and outlays to that Committee by an amount that does not exceed—

(1) $500,000,000 in budget authority and in outlays for fiscal year 2000; and

(2) $6,000,000,000 in budget authority and $5,165,000,000 in outlays for the period of fiscal years 2000 through 2004; and

(3) $6,000,000,000 in budget authority and in outlays for the period of fiscal years 2000 through 2009.

(b) LIMITATION.—The Chairman shall not make the adjustments authorized in this section if legislation described in subsection (a) would cause an on-budget deficit when taken with all other legislation enacted for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(c) BUDGETARY ENFORCEMENT.—Revised allocations under subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations contained in this resolution.

SEC. 202. TAX REDUCTION RESERVE FUND IN THE SENATE.

(a) IN GENERAL.—In the Senate, the Chairman of the Committee on the Budget of the Senate may reduce the spending and revenue aggregates and may revise committee allocations for legislation that reduces revenues if such legislation will not increase the deficit for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2000 through 2009.

(b) BUDGETARY ENFORCEMENT.—Revised allocations and aggregates under subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) LIMITATION.—This reserve fund will give priority to the following types of tax relief—

(1) tax relief to help working families afford child care, including assistance for families with a parent staying out of the workforce in order to care for young children;

(2) tax relief to help individuals and their families afford the expense of long-term health care;

(3) tax relief to ease the tax code's marriage penalties on working families;

(4) any other individual tax relief targeted exclusively for families in the bottom 90 percent of the family income distribution;

(5) the extension of the Research and Experimentation tax credit, the Work Opportunity tax credit, and other expiring tax provisions, a number of which are important to help American businesses compete in the modern international economy and to help bring the benefits of a strong economy to disadvantaged individuals and communities;

(6) tax incentives to help small businesses; and

(7) tax relief provided by accelerating the increase in the deductibility of health insurance premiums for the self-employed.

SEC. 203. CLARIFICATION ON THE APPLICATION OF SECTION 202 OF H. CON. RES. 67.

Section 202(b) of H. Con. Res. 67 (104th Congress) is amended—

(1) in paragraph (1), by striking "the deficit" and inserting "the on-budget deficit or cause an on-budget deficit"; and

(2) in paragraph (6), by—

(A) striking "increases the deficit" and inserting "increases the on-budget deficit or causes an on-budget deficit"; and

(B) striking "increase the deficit" and inserting "increase the on-budget deficit or cause an on-budget deficit".

SEC. 204. EMERGENCY DESIGNATION POINT OF ORDER.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are whether it is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, upon a point of order being made by a Senator against any provision in that measure designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Presiding Officer sustains that point of order, that provision along with the language making the designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) GENERAL POINT OF ORDER.—A point of order under this subsection may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under this subsection against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

SEC. 205. AUTHORITY TO PROVIDE COMMITTEE ALLOCATIONS.

In the event there is no joint explanatory statement accompanying a conference report on the concurrent resolution on the budget for fiscal year 2000, and in conformance with section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget of the House of Representatives and of the Senate shall submit for printing in the Congressional Record allocations consistent with the concurrent resolution on the budget for fiscal year 2000, as passed by the House of Representatives and of the Senate.

SEC. 206. DEFICIT-NEUTRAL RESERVE FUND FOR USE OF OCS RECEIPTS.

(a) IN GENERAL.—In the Senate, spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that would use proceeds from Outer Continental Shelf leasing and production to fund historic preservation, recreation and land, water, fish, and wildlife conservation efforts and to support coastal needs and activities, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR MANAGED CARE PLANS THAT AGREE TO PROVIDE ADDITIONAL SERVICES TO THE ELDERLY.

(a) IN GENERAL.—In the Senate, spending aggregates and other appropriate budgetary levels

and limits may be adjusted and allocations may be revised for legislation to provide: additional funds for medicare managed care plans agreeing to serve elderly patients for at least 2 years and whose reimbursement was reduced because of the risk adjustment regulations, provided that to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional level and spending aggregates to carry out this section. These revised allocations, functional levels, and spending aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and spending aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(d) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 208. RESERVE FUND FOR MEDICARE AND PRESCRIPTION DRUGS.

(a) ADJUSTMENT.—If legislation is reported by the Senate Committee on Finance that significantly extends the solvency of the Medicare Hospital Insurance Trust Fund without the use of transfers of new subsidies from the general fund, the Chairman of the Committee on the Budget may change committee allocations and spending aggregates if such legislation will not cause an on-budget deficit for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) PRESCRIPTION DRUG BENEFIT.—The adjustments made pursuant to subsection (a) may be made to address the cost of the prescription drug benefit.

(c) BUDGETARY ENFORCEMENT.—The revision of allocations and aggregates made under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 209. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 210. DEFICIT-NEUTRAL RESERVE FUND TO FOSTER THE EMPLOYMENT AND INDEPENDENCE OF INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that finances disability programs designed to allow individuals with disabilities to become employed and remain independent: Provided, That, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

TITLE III—SENSE OF THE CONGRESS AND THE SENATE

SEC. 301. SENSE OF THE SENATE ON MARRIAGE PENALTY.

(a) FINDINGS.—Congress finds that—

(1) differences in income tax liabilities caused by marital status are embodied in a number of tax code provisions including separate rate schedules and standard deductions for married couples and single individuals;

(2) according to the Congressional Budget Office (CBO), 42 percent of married couples incurred "marriage penalties" under the tax code in 1996, averaging nearly $1,400;

(3) measured as a percent of income, marriage penalties are largest for low-income families, as couples with incomes below $20,000 who incurred a marriage penalty in 1996 were forced to pay nearly 8 percent more of their income in taxes than if they had been able to file individual returns;

(4) empirical evidence indicates that the marriage penalty may affect work patterns, particularly for a couple's second earner, because higher rates reduce after-tax wages and may cause second earners to work fewer hours or not at all, which, in turn, reduces economic efficiency; and

(5) the tax code should not improperly influence the choice of couples with regard to marital status by having the combined Federal income tax liability of a couple be higher if they are married than if they are single.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that significantly reducing or eliminating the marriage penalty should be a component of any tax cut package reported by the Finance Committee and passed by Congress during the fiscal year 2000 budget reconciliation process.

SEC. 302. SENSE OF THE SENATE ON IMPROVING SECURITY FOR UNITED STATES DIPLOMATIC MISSIONS.

It is the sense of the Senate that the levels in this resolution assume that there is an urgent and ongoing requirement to improve security for United States diplomatic missions and personnel abroad, which should be met without compromising existing budgets for International Affairs (function 150).

SEC. 303. SENSE OF THE SENATE ON ACCESS TO MEDICARE HOME HEALTH SERVICES.

(a) FINDINGS.—The Senate finds that—

(1) medicare home health services provide a vitally important option enabling homebound individuals to stay in their own homes and communities rather than go into institutionalized care; and

(2) implementation of the Interim Payment System and other changes to the medicare home health benefit have exacerbated inequalities in payments for home health services between regions, limiting access to these services in many areas and penalizing efficient, low-cost providers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate the levels in this resolution assume that the Senate should act to ensure fair and equitable access to high quality home health services.

SEC. 304. SENSE OF THE SENATE REGARDING THE DEDUCTIBILITY OF HEALTH INSURANCE PREMIUMS OF THE SELF-EMPLOYED.

(a) FINDINGS.—The Senate finds that—

(1) under current law, the self-employed do not enjoy parity with their corporate competitors with respect to the tax deductibility of their health insurance premiums;

(2) this April, the self-employed will only be able to deduct only 45 percent of their health insurance premiums for the tax year 1998;

(3) the following April, the self-employed will be able to take a 60-percent deduction for their health insurance premiums for the tax year 1999;

(4) it will not be until 2004 that the self-employed will be able to take a full 100-percent deduction for their health insurance premiums for the tax year 2003;

(5) the self-employed's health insurance premiums are generally over 30 percent higher than the health insurance premiums of group health plans;

(6) the increased cost coupled with the less favorable tax treatment makes health insurance less affordable for the self-employed;

(7) these disadvantages are reflected in the higher rate of uninsured among the self-employed which stands at 24.1 percent compared

with 18.2 percent for all wage and salaried workers, for self-employed living at or below the poverty level the rate of uninsured is 53.1 percent, for self-employed living at 100 through 199 percent of poverty the rate of uninsured is 47 percent, and for self-employed living at 200 percent of poverty and above the rate of uninsured is 17.8 percent;

(8) for some self-employed, such as farmers who face significant occupational safety hazards, this lack of health insurance affordability has even greater ramifications; and

(9) this lack of full deductibility is also adversely affecting the growing number of women who own small businesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that tax relief legislation should include parity between the self-employed and corporations with respect to the tax treatment of health insurance premiums.

SEC. 305. SENSE OF THE SENATE THAT TAX REDUCTIONS SHOULD GO TO WORKING FAMILIES.

It is the sense of the Senate that this concurrent resolution on the budget assumes any reductions in taxes should be structured to benefit working families by providing family tax relief and incentives to stimulate savings, investment, job creation, and economic growth.

SEC. 306. SENSE OF THE SENATE ON THE NATIONAL GUARD.

(a) FINDINGS.—The Senate finds that—

(1) the Army National Guard relies heavily upon thousands of full-time employees, Military Technicians and Active Guard/Reserves, to ensure unit readiness throughout the Army National Guard;

(2) these employees perform vital day-today functions, ranging from equipment maintenance to leadership and staff roles, that allow the drill weekends and annual active duty training of the traditional Guardsmen to be dedicated to preparation for the National Guard's warfighting and peacetime missions;

(3) when the ability to provide sufficient Active Guard/Reserves and Technicians end strength is reduced, unit readiness, as well as quality of life for soldiers and families is degraded;

(4) the Army National Guard, with agreement from the Department of Defense, requires a minimum essential requirement of 23,500 Active Guard/Reserves and 25,500 Technicians; and

(5) the fiscal year 2000 budget request for the Army National Guard provides resources sufficient for approximately 21,807 Active Guard/Reserves and 22,500 Technicians, end strength shortfalls of 3,000 and 1,693, respectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in the budget resolution assume that the Department of Defense will give priority to providing adequate resources to sufficiently fund the Active Guard/Reserves and Military Technicians at minimum required levels.

SEC. 307. SENSE OF THE SENATE ON EFFECTS OF SOCIAL SECURITY REFORM ON WOMEN.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security benefit structure is of particular importance to low-earning wives and widows, with 63 percent of women beneficiaries aged 62 or older receiving wife's or widow's benefits;

(2) three-quarters of unmarried and widowed elderly women rely on Social Security for more than half of their income;

(3) without Social Security benefits, the elderly poverty rate among women would have been 52.2 percent, and among widows would have been 60.6 percent;

(4) women tend to live longer and tend to have lower lifetime earnings than men do;

(5) women spend an average of 11.5 years out of their careers to care for their families, and are more likely to work part-time than full-time; and

(6) during these years in the workforce, women earn an average of 70 cents for every dollar men earn.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) women face unique obstacles in ensuring retirement security and survivor and disability stability;

(2) Social Security plays an essential role in guaranteeing inflation-protected financial stability for women throughout their entire old age; and

(3) the Congress and the President should take these factors into account when considering proposals to reform the Social Security system.

SEC. 308. SENSE OF THE SENATE ON INCREASED FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—The Senate finds that—

(1) the National Institutes of Health is the Nation's foremost research center;

(2) the Nation's commitment to and investment in biomedical research has resulted in better health and an improved quality of life for all Americans;

(3) continued biomedical research funding must be ensured so that medical doctors and scientists have the security to commit to conducting long-term research studies;

(4) funding for the National Institutes of Health should continue to increase in order to prevent the cessation of biomedical research studies and the loss of medical doctors and research scientists to private research organizations; and

(5) the National Institutes of Health conducts research protocols without proprietary interests, thereby ensuring that the best health care is researched and made available to the Nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that there shall be a continuation of the pattern of budgetary increases for biomedical research.

SEC. 309. SENSE OF CONGRESS ON FUNDING FOR KYOTO PROTOCOL IMPLEMENTATION PRIOR TO SENATE RATIFICATION.

(a) FINDINGS.—Congress finds the following:

(1) The agreement signed by the Administration on November 12, 1998, regarding legally binding commitments on greenhouse gas reductions is inconsistent with the provisions of S. Res. 98, the Byrd-Hagel Resolution, which passed the Senate unanimously.

(2) The Administration has agreed to allowing at least 2 additional years for negotiations on the Buenos Aires Action Plan to determine the provisions of several vital aspects of the Treaty for the United States, including emissions trading schemes, carbon sinks, a clean development mechanism, and developing Nation participation.

(3) The Administration has not submitted the Kyoto Protocol to the Senate for ratification and has indicated it has no intention to do so in the foreseeable future.

(4) The Administration has pledged to Congress that it would not implement any portion of the Kyoto Protocol prior to its ratification in the Senate.

(5) Congress agrees that Federal expenditures are required and appropriate for activities which both improve the environment and reduce carbon dioxide emissions. Those activities include programs to promote energy efficient technologies, encourage technology development that reduces or sequesters greenhouse gases, encourage the development and use of alternative and renewable fuel technologies, and other programs justifiable independent of the goals of the Kyoto Protocol.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that funds should not be provided to put into effect the Kyoto Protocol prior to its Senate ratification in compliance with the requirements of the Byrd-Hagel Resolution and consistent with previous Administration assurances to Congress.

SEC. 310. SENSE OF THE SENATE ON FEDERAL RESEARCH AND DEVELOPMENT INVESTMENT.

(a) FINDINGS.—The Senate finds the following:

(1) A dozen internationally, prestigious economic studies have shown that technological progress has historically been the single most important factor in economic growth, having more than twice the impact of labor or capital.

(2) The link between economic growth and technology is evident: our dominant high technology industries are currently responsible for 80 percent of the value of today's stock market, ⅓ of our economic output, and half of our economic growth. Furthermore, the link between Federal funding of research and development (R&D) and market products is conclusive: 70 percent of all patent applications cite nonprofit or federally-funded research as a core component to the innovation being patented.

(3) The revolutionary high technology applications of today were spawned from scientific advances that occurred in the 1960's, when the Government intensively funded R&D. In the 3 decades since then, our investment in R&D as a fraction of Gross Domestic Product (GDP) has dropped to half its former value. As a fraction of the Federal budget, the investment in civilian R&D has dropped to only ⅓ its value in 1965.

(4) Compared to other foreign nation's investment in science and technology, American competitiveness is slipping: an Organization for Economic Co-operation and Development report notes that 14 countries now invest more in basic and fundamental research as a fraction of GDP than the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Federal investment in R&D should be preserved and increased in order to ensure long-term United States economic strength. Funding for Federal agencies performing basic scientific, medical, and precompetitive engineering research pursuant to the Balanced Budget Agreement Act of 1997 should be a priority for the Senate Budget and Appropriations Committees this year, within the Budget as established by this Committee, in order to achieve a goal of doubling the Federal investment in R&D over an 11 year period.

SEC. 311. SENSE OF THE SENATE ON COUNTERNARCOTICS FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) the drug crisis facing the United States is a top national security threat;

(2) the spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy;

(3) effective drug interdiction efforts have been shown to limit the availability of illicit narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use; and

(4) the percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals included in this resolution assume the following:

(1) All counter-narcotics agencies will be given a high priority for fully funding their counter-narcotics mission.

(2) Front line drug fighting agencies are dedicating more resources for intentional efforts to continue restoring a balanced drug control strategy. Congress should carefully examine the reauthorization of the United States Customs service and ensure they have adequate resources and authority not only to facilitate the movement of internationally traded goods but to ensure they can aggressively pursue their law enforcement activities.

(3) By pursuing a balanced effort which requires investment in 3 key areas: demand reduction (such as education and treatment); domestic law enforcement; and international supply reduction. Congress believes we can reduce the number of children who are exposed to and addicted to illegal drugs.

SEC. 312. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES.

(a) FINDINGS.—The Senate finds that—

(1) more than 26,500 students from 250 tribes nationwide attend tribal colleges. The colleges serve students of all ages, many of whom are moving from welfare to work. The vast majority of tribal college students are first-generation college students;

(2) while annual appropriations for tribal colleges have increased modestly in recent years, core operation funding levels are still about ½ of the $6,000 per Indian student level authorized by the Tribally Controlled College or University Act;

(3) although tribal colleges received a $1,400,000 increase in funding in fiscal year 1999, because of rising student populations, these institutions faced an actual per-student decrease in funding over fiscal year 1998; and

(4) per student funding for tribal colleges is only about 63 percent of the amount given to mainstream community colleges ($2,964 per student at tribal colleges versus $4,743 per student at mainstream community colleges).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this resolution recognizes the funding difficulties faced by tribal colleges and assumes that priority consideration will be provided to them through funding for the Tribally Controlled College and University Act, the 1994 Land Grant Institutions, and title III of the Higher Education Act; and

(2) the levels in this resolution assume that such priority consideration reflects Congress' intent to continue work toward current statutory Federal funding goals for the tribal colleges.

SEC. 313. SENSE OF THE SENATE ON THE SOCIAL SECURITY SURPLUS.

(a) FINDINGS.—The Congress finds that—

(1) according to the Congressional Budget Office (CBO) January 1999 "Economic and Budget Outlook," the Social Security Trust Fund is projected to incur annual surpluses of $126,000,000,000 in fiscal year 1999, $137,000,000,000 in fiscal year 2000, $144,000,000,000 in fiscal year 2001, $153,000,000,000 in fiscal year 2002, $161,000,000,000 in fiscal year 2003, and $171,000,000,000 in fiscal year 2004;

(2) the fiscal year 2000 budget resolution crafted by Chairman Domenici assumes that Trust Fund surpluses will be used to reduce publicly-held debt and for no other purposes, and calls for the enactment of statutory legislation that would enforce this assumption;

(3) the President's fiscal year 2000 budget proposal not only fails to call for legislation that will ensure annual Social Security surpluses are used strictly to reduce publicly-held debt, but actually spends a portion of these surpluses on non-Social Security programs;

(4) using CBO's re-estimate of his budget proposal, the President would spend approximately $40,000,000,000 of the Social Security surplus in fiscal year 2000 on non-Social Security programs; $41,000,000,000 in fiscal year 2001; $24,000,000,000 in fiscal year 2002; $34,000,000,000 in fiscal year 2003; and $20,000,000,000 in fiscal year 2004; and

(5) spending any portion of an annual Social Security surplus on non-Social Security programs is wholly-inconsistent with efforts to preserve and protect Social Security for future generations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress shall reject any budget that would spend any portion of the Social Security surpluses generated in any fiscal year for any Federal program other than Social Security.

SEC. 314. SENSE OF THE SENATE ON NEED-BASED STUDENT FINANCIAL AID PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) public investment in higher education yields a return of several dollars for each dollar invested;

(2) higher education promotes economic opportunity for individuals, as recipients of bachelor's degrees earn an average of 75 percent per year more than those with high school diplomas and experience half as much unemployment as high school graduates;

(3) higher education promotes social opportunity, as increased education is correlated with reduced criminal activity, lessened reliance on public assistance, and increased civic participation;

(4) a more educated workforce will be essential for continued economic competitiveness in an age where the amount of information available to society will double in a matter of days rather than months or years;

(5) access to a college education has become a hallmark of American society, and is vital to upholding our belief in equality of opportunity;

(6) for a generation, the Federal Pell Grant has served as an established and effective means of providing access to higher education for students with financial need;

(7) over the past decade, Pell Grant awards have failed to keep pace with inflation, eroding their value and threatening access to higher education for the Nation's neediest students;

(8) grant aid as a portion of all students financial aid has fallen significantly over the past 5 years;

(9) the Nation's neediest students are now borrowing approximately as much as its wealthiest students to finance higher education; and

(10) the percentage of freshmen attending public and private 4-year institutions from families below national median income has fallen since 1981.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that within the discretionary allocation provided to the Committee on Appropriations of the Senate for function 500—

(1) the maximum amount of Federal Pell Grants should be increased by $400;

(2) funding for the Federal Supplemental Educational Opportunity Grants Program should be increased by $65,000,000;

(3) funding for the Federal capital contributions under the Federal Perkins Loan Program should be increased by $35,000,000;

(4) funding for the Leveraging Educational Assistance Partnership Program should be increased by $50,000,000;

(5) funding for the Federal Work-Study Program should be increased by $64,000,000;

(6) funding for the Federal TRIO Programs should be increased by $100,000,000.

SEC. 315. FINDINGS; SENSE OF CONGRESS ON THE PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a) The Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security Trust Funds;

(2) reducing the Federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comment that debt reduction "is a very important element in sustaining economic growth", as well as President Clinton's comments that it "is very, very important that we get the Government debt down" when referencing his own plans to use the budget surplus to reduce Federal debt held by the public;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the Social Security Trust Funds will reduce debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009, $417,000,000,000, or 32 percent, more than it would be reduced under the President's fiscal year 2000 budget submission;

(4) further, according to the Congressional Budget Office, that the President's budget would actually spend $40,000,000,000 of the Social Security surpluses in fiscal year 2000 on new spending programs, and spend $158,000,000,000 of the Social Security surpluses on new spending programs from fiscal year 2000 through 2004; and

(5) Social Security surpluses should be used for Social Security reform or to reduce the debt held by the public and should not be used for other purposes.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall pass legislation which—

(1) reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security Trust Funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a point of order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section;

(2) mandates that the Social Security surpluses are used only for the payment of Social Security benefits, Social Security reform or to reduce the Federal debt held by the public, and not spent on non-Social Security programs or used to offset tax cuts;

(3) provides for a Senate super-majority point of order against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the Federal debt held by the public;

(4) ensures that all Social Security benefits are paid on time; and

(5) accommodates Social Security reform legislation.

SEC. 316. SENSE OF THE SENATE ON PROVIDING ADEQUATE FUNDING FOR UNITED STATES INTERNATIONAL LEADERSHIP.

(a) FINDINGS.—The Senate finds that—

(1) United States international leadership is essential to maintaining security and peace for all Americans;

(2) such leadership depends on effective diplomacy as well as a strong military;

(3) effective diplomacy requires adequate resources both for embassy security and for international programs;

(4) in addition to building peace, prosperity and democracy around the world, programs in the International Affairs (150) account serve United States interests by ensuring better jobs and a higher standard of living, promoting the health of our citizens and preserving our natural environment, and protecting the rights and safety of those who travel or do business overseas;

(5) real spending for International Affairs has declined more than 50 percent since the mid-1980s, at the same time that major new challenges and opportunities have arisen from the disintegration of the Soviet Union and the worldwide trends toward democracy and free markets;

(6) current ceilings on discretionary spending will impose severe additional cuts in funding for International Affairs; and

(7) improved security for United States diplomatic missions and personnel will place further strain on the International Affairs budget absent significant additional resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that additional budgetary resources should be identified for function 150 to enable successful United States international leadership.

SEC. 317. SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT INVEST THE SOCIAL SECURITY TRUST FUNDS IN PRIVATE FINANCIAL MARKETS.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that the Federal Government should not directly invest contributions made to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) in private financial markets.

SEC. 318. SENSE OF THE SENATE CONCERNING ON-BUDGET SURPLUS.

(a) It is the sense of the Senate that the provisions in this resolution assume that if the Congressional Budget Office determines there is an on-budget surplus for fiscal year 2000, $2,000,000,000 of that surplus will be restored to the programs cut in function 920.

(b) It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of these offsets will come from defense or veterans, and to the extent possible should come from administrative functions.

SEC. 319. SENSE OF THE SENATE ON TEA-21 FUNDING AND THE STATES.

(a) FINDINGS.—The Senate finds that—

(1) on May 22, 1998, the Senate overwhelmingly approved the conference committee report on H.R. 2400, the Transportation Equity Act for the 21st Century, in a 88–5 roll call vote;

(2) also on May 22, 1998, the House of Representatives approved the conference committee report on this bill in a 297–86 recorded vote;

(3) on June 9, 1998, President Clinton signed this bill into law, thereby making it Public Law 105–178;

(4) the TEA–21 legislation was a comprehensive reauthorization of Federal highway and mass transit programs, which authorized approximately $216,000,000,000 in Federal transportation spending over the next 6 fiscal years;

(5) section 1105 of this legislation called for any excess Federal gasoline tax revenues to be provided to the States under the formulas established by the final version of TEA–21; and

(6) the President's fiscal year 2000 budget request contained a proposal to distribute approximately $1,000,000,000 in excess Federal gasoline tax revenues that was not consistent with the provisions of section 1105 of TEA–21 and would deprive States of needed revenues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and any legislation enacted pursuant to this resolution assume that the President's fiscal year 2000 budget proposal to change the manner in which any excess Federal gasoline tax revenues are distributed to the States will not be implemented, but rather any of these funds will be distributed to the States pursuant to section 1105 of TEA–21.

SEC. 320. SENSE OF THE SENATE THAT AGRICULTURAL RISK MANAGEMENT PROGRAMS SHOULD BENEFIT LIVESTOCK PRODUCERS.

(a) FINDINGS.—The Senate finds that—

(1) extremes in weather-related and natural conditions have a profound impact on the economic viability of producers;

(2) these extremes, such as drought, excessive rain and snow, flood, wind, insect infestation are certainly beyond the control of livestock producers;

(3) these extremes do not impact livestock producers within a State, region or the Nation in the same manner or during the same time frame or for the same duration of time;

(4) the livestock producers have few effective risk management tools at their disposal to adequately manage the short and long term impacts of weather-related or natural disaster situations; and

(5) ad hoc natural disaster assistance programs, while providing some relief, are not sufficient to meet livestock producers' needs for rational risk management planning.

(b) SENSE OF SENATE.—It is the sense of the Senate that any consideration of reform of Federal crop insurance and risk management programs should include the needs of livestock producers.

SEC. 321. SENSE OF THE SENATE REGARDING THE MODERNIZATION AND IMPROVEMENT OF THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The health insurance coverage provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is an integral part of the financial security for retired and disabled individuals, as such coverage protects those individuals against the financially ruinous costs of a major illness.

(2) Expenditures under the medicare program for hospital, physician, and other essential health care services that are provided to nearly 39,000,000 retired and disabled individuals will be $232,000,000,000 in fiscal year 2000.

(3) During the nearly 35 years since the medicare program was established, the Nation's health care delivery and financing system has undergone major transformations. However, the medicare program has not kept pace with such transformations.

(4) Former Congressional Budget Office Director Robert Reischauer has described the medicare program as it exists today as failing on the following 4 key dimensions (known as the "Four I's"):

(A) The program is inefficient.

(B) The program is inequitable.

(C) The program is inadequate.

(D) The program is insolvent.

(5) The President's budget framework does not devote 15 percent of the budget surpluses to the medicare program. The Federal budget process does not provide a mechanism for setting aside current surpluses for future obligations. As a result, the notion of saving 15 percent of the surplus for the medicare program cannot practically be carried out.

(6) The President's budget framework would transfer to the Federal Hospital Insurance Trust Fund more than $900,000,000,000 over 15 years in new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public, and these new IOUs would increase the gross debt of the Federal Government by the amounts transferred.

(7) The Congressional Budget Office has stated that the transfers described in paragraph (6), which are strictly intragovernmental, have no effect on the unified budget surpluses or the on-budget surpluses and therefore have no effect on the debt held by the public.

(8) The President's budget framework does not provide access to, or financing for, prescription drugs.

(9) The Comptroller General of the United States has stated that the President's medicare proposal does not constitute reform of the program and "is likely to create a public misperception that something meaningful is being done to reform the medicare program".

(10) The Balanced Budget Act of 1997 enacted changes to the medicare program which strengthen and extend the solvency of that program.

(11) The Congressional Budget Office has stated that without the changes made to the medicare program by the Balanced Budget Act of 1997, the depletion of the Federal Hospital Insurance Trust Fund would now be imminent.

(12) The President's budget proposes to cut medicare program spending by $19,400,000,000 over 10 years, primarily through reductions in payments to providers under that program.

(13) The recommendations by Senator John Breaux and Representative William Thomas received the bipartisan support of a majority of members on the National Bipartisan Commission on the Future of Medicare.

(14) The Breaux-Thomas recommendations provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring new IOUs to the Federal Hospital Insurance Trust Fund that must be redeemed later by

raising taxes, cutting benefits, or borrowing more from the public.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions contained in this budget resolution assume the following:

(1) This resolution does not adopt the President's proposals to reduce medicare program spending by $19,400,000,000 over 10 years, nor does this resolution adopt the President's proposal to spend $10,000,000,000 of medicare program funds on unrelated programs.

(2) Congress will not transfer to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public.

(3) Congress should work in a bipartisan fashion to extend the solvency of the medicare program and to ensure that benefits under that program will be available to beneficiaries in the future.

(4) The American public will be well and fairly served in this undertaking if the medicare program reform proposals are considered within a framework that is based on the following 5 key principles offered in testimony to the Senate Committee on Finance by the Comptroller General of the United States:

(A) Affordability.

(B) Equity.

(C) Adequacy.

(D) Feasibility.

(E) Public acceptance.

(5) The recommendations by Senator Breaux and Congressman Thomas provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(6) Congress should move expeditiously to consider the bipartisan recommendations of the Chairmen of the National Bipartisan Commission on the Future of Medicare.

(7) Congress should continue to work with the President as he develops and presents his plan to fix the problems of the medicare program.

SEC. 322. SENSE OF THE SENATE ON PROVIDING TAX RELIEF TO ALL AMERICANS BY RETURNING NON-SOCIAL SECURITY SURPLUS TO TAXPAYERS.

(a) FINDINGS.—The Senate finds the following:

(1) Every cent of Social Security surplus should be reserved to pay Social Security benefits, for Social Security reform, or to pay down the debt held by the public and not be used for other purposes.

(2) Medicare should be fully funded.

(3) Even after safeguarding Social Security and medicare, a recent Congressional Research Service study found that an average American family will pay $5,307 more in taxes over the next 10 years than the Government needs to operate.

(4) The Administration's budget returns none of the excess surplus back to the taxpayers and instead increases net taxes and fees by $96,000,000,000 over 10 years.

(5) The burden of the Administration's tax increases falls disproportionately on low- and middle-income taxpayers. A recent Tax Foundation study found that individuals with incomes of less than $25,000 would bear 38.5 percent of the increased tax burden, while taxpayers with incomes between $25,000 and $50,000 would pay 22.4 percent of the new taxes.

(6) The budget resolution returns most of the non-Social Security surplus to those who worked so hard to produce it by providing $142,000,000,000 in real tax relief over 5 years and almost $800,000,000,000 in tax relief over 10 years.

(7) The budget resolution builds on the following tax relief since 1995:

(A) In 1996, Congress provided, and the President signed, tax relief for small business and health care-related tax relief.

(B) In 1997, Congress once again pushed for tax relief in the context of a balanced budget, and President Clinton signed into law a $500 per child tax credit, expanded individual retirement accounts and the new Roth IRA, a cut in the capital gains tax rate, education tax relief, and estate tax relief.

(C) In 1998, Congress pushed for reform of the Internal Revenue Service, and provided tax relief for America's farmers.

(8) Americans deserve further tax relief because they are still overpaying. They deserve a refund. Federal taxes currently consume nearly 21 percent of national income, the highest percentage since World War II. Families are paying more in Federal, State, and local taxes than for food, clothing, and shelter combined.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the levels in this resolution assume that the Senate not only puts a priority on protecting Social Security and medicare and reducing the Federal debt, but also on middle-class tax relief by returning some of the non-Social Security surplus to those from whom it was taken; and

(2) such middle-class tax relief could include broad-based tax relief, marriage penalty relief, retirement savings incentives, estate tax relief, savings and investment incentives, health care-related tax relief, education-related tax relief, and tax simplification proposals.

SEC. 323. SENSE OF THE SENATE REGARDING TAX INCENTIVES FOR EDUCATION SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) families in the United States have accrued more college debt in the 1990s than during the previous 3 decades combined; and

(2) families should have every resource available to them to meet the rising cost of higher education.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that additional tax incentives should be provided for education savings, including—

(1) excluding from gross income distributions from qualified State tuition plans; and

(2) providing a tax deferral for private prepaid tuition plans in years 2000 through 2003 and excluding from gross income distributions from such plans in years 2004 and after.

SEC. 324. SENSE OF THE SENATE THAT THE ONE HUNDRED SIXTH CONGRESS, FIRST SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) nineteen States and dozens of localities have spent nearly $1,000,000,000 to protect over 600,000 acres of important farmland;

(2) the Farmland Protection Program has provided cost-sharing for 19 States and dozens of localities to protect over 123,000 acres on 432 farms since 1996;

(3) the Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) the Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) the Farmland Protection Program is a matching grant program that is completely voluntary in which the Federal Government does not acquire the land or easement;

(6) funds authorized for the Farmland Protection Program were expended at the end of fiscal year 1998, and no funds were appropriated in fiscal year 1999;

(7) the United States is losing two acres of our best farmland to development every minute of every day;

(8) these lands produce three quarters of the fruits and vegetables and over one half of the dairy in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the One Hundred Sixth Congress, First Session will reauthorize funds for the Farmland Protection Program.

SEC. 325. SENSE OF THE SENATE ON TAX CUTS FOR LOWER AND MIDDLE INCOME TAXPAYERS.

It is the sense of the Senate that the levels in this resolution assume that Congress will not approve an across-the-board cut in income tax rates, or any other tax legislation, that would provide substantially more benefits to the top 10 percent of taxpayers than to the remaining 90 percent.

SEC. 326. SENSE OF THE SENATE REGARDING REFORM OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Code of 1986 (referred to in this section as the "tax code") is unnecessarily complex and burdensome, consisting of 2,000 pages of tax code, and resulting in 12,000 pages of regulations and 200,000 pages of court proceedings;

(2) the complexity of the tax code results in taxpayers spending approximately 5,400,000,000 hours and $200,000,000,000 on tax compliance each year;

(3) the impact of the complexity of the tax code is inherently inequitable, rewarding taxpayers which hire professional tax preparers and penalizing taxpayers which seek to comply with the tax code without professional assistance;

(4) the percentage of the income of an average family of four that is paid for taxes has grown significantly, comprising nearly 40 percent of the family's earnings, a percentage which represents more than a family spends in the aggregate on food, clothing, and housing;

(5) the total amount of Federal, State, and local tax collections in 1998 increased approximately 5.7 percent over such collections in 1997;

(6) the tax code penalizes saving and investment by imposing tax on these important activities twice while promoting consumption by only taxing income used for consumption once;

(7) the tax code stifles economic growth by discouraging work and capital formation through high tax rates;

(8) Congress and the President have found it necessary on several occasions to enact laws to protect taxpayers from abusive actions and procedures of the Internal Revenue Service in enforcement of the tax code; and

(9) the complexity of the tax code is largely responsible for the growth in size of the Internal Revenue Service.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that —

(1) the Internal Revenue Code of 1986 needs comprehensive reform; and

(2) Congress should move expeditiously to consider comprehensive proposals to reform the Internal Revenue Code of 1986.

SEC. 327. SENSE OF THE SENATE REGARDING DAVIS-BACON.

It is the sense of the Senate that in carrying out the assumptions in this budget resolution, the Senate will consider reform of the Davis-Bacon Act as an alternative to repeal.

SEC. 328. SENSE OF THE SENATE REGARDING ACCESS TO ITEMS AND SERVICES UNDER MEDICARE PROGRAM.

(a) Findings.—The Senate finds the following:

(1) Total hospital operating margins with respect to items and services provided to medicare beneficiaries are expected to decline from 4.3 percent in fiscal year 1997 to 0.1 percent in fiscal year 1999.

(2) Total operating margins for small rural hospitals are expected to decline from 4.2 percent in fiscal year 1998 to negative 5.6 percent in fiscal year 2002, a 233 percent decline.

(3) The Congressional Budget Office recently has estimated that the amount of savings to the medicare program in fiscal years 1998 through 2002 by reason of the amendments to that program contained in the Balanced Budget Act of 1997 is $88,500,000 more than the amount of savings to the program by reason of those amendments that the Congressional Budget Office estimated for those fiscal years immediately prior to the enactment of that Act.

(b) Sense of Senate.—It is the sense of the Senate that the provisions contained in this budget resolution assume that the Senate should—

(1) consider whether the amendments to the medicare program contained in the Balanced Budget Act of 1997 have had an adverse impact on access to items and services under that program; and

(2) if it is determined that additional resources are available, additional budget authority and outlays shall be allocated to address the unintended consequences of change in medicare program policy made by the Balanced Budget Act, including inpatient and outpatient hospital services, to ensure fair and equitable access to all items and services under the program.

SEC. 329. SENSE OF THE SENATE CONCERNING AUTISM.

(a) Findings.—Congress makes the following findings:

(1) Infantile autism and autism spectrum disorders are biologically-based neurodevelopmental diseases that cause severe impairments in language and communication and generally manifest in young children sometime during the first two years of life.

(2) Best estimates indicate that 1 in 500 children born today will be diagnosed with an autism spectrum disorder and that 400,000 Americans have autism or an autism spectrum disorder.

(3) There is little information on the prevalence of autism and other pervasive developmental disabilities in the United States. There have never been any national prevalence studies in the United States, and the two studies that were conducted in the 1980s examined only selected areas of the country. Recent studies in Canada, Europe, and Japan suggest that the prevalence of classic autism alone may be 300 percent to 400 percent higher than previously estimated.

(4) Three quarters of those with infantile autism spend their adult lives in institutions or group homes, and usually enter institutions by the age of 13.

(5) The cost of caring for individuals with autism and autism spectrum disorder is great, and is estimated to be $13,300,000,000 per year solely for direct costs.

(6) The rapid advancements in biomedical science suggest that effective treatments and a cure for autism are attainable if—

(A) there is appropriate coordination of the efforts of the various agencies of the Federal Government involved in biomedical research on autism and autism spectrum disorders;

(B) there is an increased understanding of autism and autism spectrum disorders by the scientific and medical communities involved in autism research and treatment; and

(C) sufficient funds are allocated to research.

(7) The discovery of effective treatments and a cure for autism will be greatly enhanced when scientists and epidemiologists have an accurate understanding of the prevalence and incidence of autism.

(8) Recent research suggests that environmental factors may contribute to autism. As a result, contributing causes of autism, if identified, may be preventable.

(9) Finding the answers to the causes of autism and related developmental disabilities may help researchers to understand other disorders, ranging from learning problems, to hyperactivity, to communications deficits that affect millions of Americans.

(10) Specifically, more knowledge is needed concerning—

(A) the underlying causes of autism and autism spectrum disorders, how to treat the underlying abnormality or abnormalities causing the severe symptoms of autism, and how to prevent these abnormalities from occurring in the future;

(B) the epidemiology of, and the identification of risk factors for, infantile autism and autism spectrum disorders;

(C) the development of methods for early medical diagnosis and functional assessment of individuals with autism and autism spectrum disorders, including identification and assessment of the subtypes within the autism spectrum disorders, for the purpose of monitoring the course of the disease and developing medically sound strategies for improving the outcomes of such individuals;

(D) existing biomedical and diagnostic data that are relevant to autism and autism spectrum disorders for dissemination to medical personnel, particularly pediatricians, to aid in the early diagnosis and treatment of this disease; and

(E) the costs incurred in educating and caring for individuals with autism and autism spectrum disorders.

(11) In 1998, the National Institutes of Health announced a program of research on autism and autism spectrum disorders. A sufficient level of funding should be made available for carrying out the program.

(b) Sense of the Senate.—It is the sense of the Senate that the assumptions underlying this resolution assume that additional resources will be targeted towards autism research through the National Institutes of Health and the Centers for Disease Control and Prevention.

SEC. 330. SENSE OF THE SENATE ON WOMEN'S ACCESS TO OBSTETRIC AND GYNECOLOGICAL SERVICES.

(a) Findings.—Congress finds that:

(1) In the One Hundred Fifth Congress, the House of Representatives acted favorably on The Patient Protection Act (H.R. 4250), which included provisions which required health plans to allow women direct access to a participating physician who specializes in obstetrics and gynecological services.

(2) Women's health historically has received little attention.

(3) Access to an obstetrician-gynecologist improves the health care of a woman by providing routine and preventive health care throughout the women's lifetime, encompassing care of the whole patient, while also focusing on the female reproductive system.

(4) 60 percent of all office visits to obstetrician-gynecologists are for preventive care.

(5) Obstetrician-gynecologists are uniquely qualified on the basis of education and experience to provide basic women's health care services.

(6) While more than 36 States have acted to promote residents' access to obstetrician-gynecologists, patients in other States or in federally-governed health plans are not protected from access restrictions or limitations.

(b) Sense of the Senate.—It is the sense of the Senate that the provisions in this concurrent resolution on the budget assume that the Congress shall enact legislation that requires health plans to provide women with direct access to a participating provider who specializes in obstetrics and gynecological services.

SEC. 331. SENSE OF THE SENATE ON LIHEAP.

(a) Findings.—The Senate finds that—

(1) home energy assistance for working and low-income families with children, the elderly on fixed incomes, the disabled, and others who need such aid is a critical part of the social safety net in cold-weather areas during the winter, and a source of necessary cooling aid during the summer;

(2) the Low Income Home Energy Assistance Program (LIHEAP) is a highly targeted, cost-effective way to help millions of low-income Americans pay their home energy bills. More than two-thirds of LIHEAP-eligible households have annual incomes of less than $8,000, approximately one-half have annual incomes below $6,000; and

(3) LIHEAP funding has been substantially reduced in recent years, and cannot sustain further spending cuts if the program is to remain a viable means of meeting the home heating and other energy-related needs of low-income families, especially those in cold-weather States.

(b) Sense of the Senate.—The assumptions underlying this budget resolution assume that it is the sense of the Senate that the funds made available for LIHEAP for fiscal year 2000 will not be less than the current services for LIHEAP in fiscal year 1999.

SEC. 332. SENSE OF THE SENATE ON TRANSPORTATION FIREWALLS.

(a) Findings.—The Senate finds that—

(1) domestic firewalls greatly limit funding flexibility as Congress manages budget priorities in a fiscally constrained budget;

(2) domestic firewalls inhibit congressional oversight of programs and organizations under such protections;

(3) domestic firewalls mask mandatory spending under the guise of discretionary spending, thereby presenting a distorted picture of overall discretionary spending;

(4) domestic firewalls impede the ability of Congress to react to changing circumstances or to fund other equally important programs;

(5) the Congress implemented "domestic discretionary budget firewalls" for approximately 70 percent of function 400 spending in the One Hundred Fifth Congress;

(6) if the aviation firewall proposal circulating in the House of Representatives were

to be enacted, firewalled spending would exceed 100 percent of total function 400 spending called for under this resolution; and

(7) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, drug interdiction activities by the Coast Guard, National Highway Traffic Safety Administration activities, rail safety inspections, Federal support for Amtrak, all National Transportation Safety Board activities, Pipeline and Hazardous materials safety programs, and Coast Guard search and rescue activities would be drastically cut or eliminated.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that no additional firewalls should be enacted for function 400 transportation activities.

SEC. 333. SENSE OF THE SENATE ON FUNDING EXISTING, EFFECTIVE PUBLIC HEALTH PROGRAMS BEFORE CREATING NEW PROGRAMS.

(a) Findings.—The Senate finds that—

(1) the establishment of new categorical funding programs has led to proposed cuts in the Preventive Health and Health Services Block Grant to States for broad, public health missions;

(2) Preventive Health and Health Services Block Grant dollars fill gaps in the otherwise-categorical funding States and localities receive, funding such major public health threats as cardiovascular disease, injuries, emergency medical services and poor diet, for which there is often no other source of funding;

(3) in 1981, Congress consolidated a number of programs, including certain public health programs, into block grants for the purpose of best advancing the health, economics and well-being of communities across the country;

(4) the Preventive Health and Health Services Block Grant can be used for programs for screening, outreach, health education and laboratory services;

(5) the Preventive Health and Health Services Block Grant gives States the flexibility to determine how funding available for this purpose can be used to meet each State's preventive health priorities;

(6) the establishment of new public health programs that compete for funding with the Preventive Health and Health Services Block Grant could result in the elimination of effective, localized public health programs in every State.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that there shall be a continuation of the level of funding support for existing public health programs, specifically the Prevention Block Grant, prior to the funding of new public health programs.

SEC. 334. SENSE OF THE SENATE CONCERNING FUNDING FOR SPECIAL EDUCATION.

(a) Findings.—Congress makes the following findings:

(1) In the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (referred to in this resolution as the "Act"), Congress found that improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

(2) In the Act, the Secretary of Education is instructed to make grants to States to assist them in providing special education and related services to children with disabilities.

(3) The Act represents a commitment by the Federal Government to fund 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

(4) The budget submitted by the President for fiscal year 2000 ignores the commitment by the Federal Government under the Act to fund special education and instead proposes the creation of new programs that limit the manner in which States may spend the limited Federal education dollars received.

(5) The budget submitted by the President for fiscal year 2000 fails to increase funding for special education, and leaves States and localities with an enormous unfunded mandate to pay for growing special education costs.

(b) Sense of the Senate.—It is the sense of the Senate that the budgetary levels in this resolution assume that part B of the Individuals with Disabilities Act (20 U.S.C. 1400 et seq.) should be fully funded at the originally promised level before any funds are appropriated for new education programs.

SEC. 335. SENSE OF THE SENATE ON THE IMPORTANCE OF SOCIAL SECURITY FOR INDIVIDUALS WHO BECOME DISABLED.

(a) Findings.—The Senate finds that—

(1) in addition to providing retirement income, Social Security also protects individuals from the loss of income due to disability;

(2) according to the most recent report from the Social Security Board of Trustees nearly 1 in 7 Social Security beneficiaries, 6,000,000 individuals in total, were receiving benefits as a result of disability;

(3) more than 60 percent of workers have no long-term disability insurance protection other than that provided by Social Security;

(4) according to statistics from the Society of Actuaries, the odds of a long-term disability versus death are 2.7 to 1 at age 27, 3.5 to 1 at age 42, and 2.2 to 1 at age 52; and

(5) in 1998, the average monthly benefit for a disabled worker was $722.

(b) Sense of the Senate.—It is the sense of the Senate that levels in the resolution assume that—

(1) Social Security plays a vital role in providing adequate income for individuals who become disabled;

(2) individuals who become disabled face circumstances much different than those who rely on Social Security for retirement income;

(3) Social Security reform proposals that focus too heavily on retirement income may adversely affect the income protection provided to individuals with disabilities; and

(4) Congress and the President should take these factors into account when considering proposals to reform the Social Security program.

SEC. 336. SENSE OF THE SENATE REGARDING FUNDING FOR INTENSIVE FIREARMS PROSECUTION PROGRAMS.

(a) Findings.—Congress finds that—

(1) gun violence in America, while declining somewhat in recent years, is still unacceptably high;

(2) keeping firearms out of the hands of criminals can dramatically reduce gun violence in America;

(3) States and localities often do not have the investigative or prosecutorial resources to locate and convict individuals who violate their firearms laws. Even when they do win convictions, States and localities often lack the jail space to hold such convicts for their full prison terms;

(4) there are a number of Federal laws on the books which are designed to keep firearms out of the hands of criminals. These laws impose mandatory minimum sentences upon individuals who use firearms to commit crimes of violence and convicted felons caught in possession of a firearm;

(5) the Federal Government does have the resources to investigate and prosecute violations of these Federal firearms laws. The Federal Government also has enough jail space to hold individuals for the length of their mandatory minimum sentences;

(6) an effort to aggressively and consistently apply these Federal firearms laws in Richmond, Virginia, has cut violent crime in that city. This program, called Project Exile, has produced 288 indictments during its first two years of operation and has been credited with contributing to a 15 percent decrease in violent crimes in Richmond during the same period. In the first three-quarters of 1998, homicides with a firearm in Richmond were down 55 percent compared to 1997;

(7) the fiscal year 1999 Commerce-State-Justice Appropriations Act provided $1,500,000 to hire additional Federal prosecutors and investigators to enforce Federal firearms laws in Philadelphia. The Philadelphia project—called Operation Cease Fire—started on January 1, 1999. Since it began, the project has resulted in 31 indictments of 52 defendants on firearms violations. The project has benefited from help from the Philadelphia Police Department and the Bureau of Alcohol, Tobacco and Firearms which was not paid for out of the $1,500,000 grant;

(8) in 1993, the office of the United States Attorney for the Western District of New York teamed up with the Monroe County District Attorney's Office, the Monroe County Sheriff's Department, the Rochester Police Department, and others to form a Violent Crimes Task Force. In 1997, the Task Force created an Illegal Firearms Suppression Unit, whose mission is to use prosecutorial discretion to bring firearms cases in the judicial forum where penalties for gun violations would be the strictest. The Suppression Unit has been involved in three major prosecutions of interstate gun-purchasing activities and currently has 30 to 40 open single-defendant felony gun cases;

(9) Senator Hatch has introduced legislation to authorize Project CUFF, a Federal firearms prosecution program;

(10) the Administration has requested $5,000,000 to conduct intensive firearms prosecution projects on a national level;

(11) given that at least $1,500,000 is needed to run an effective program in one American city—Philadelphia—$5,000,000 is far from enough funding to conduct such programs nationally.

(b) Sense of the Senate.—It is the sense of the Senate that function 750 in the budget resolution assumes that $50,000,000 will be provided in fiscal year 2000 to conduct intensive firearms prosecution projects to combat violence in the 25 American cities with the highest crime rates.

SEC. 337. HONEST REPORTING OF THE DEFICIT.

It is the sense of the Senate that the levels in this resolution assume the following:

(1) In general.—Effective for fiscal year 2001, the President's budget and the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974 and the concurrent resolution on the budget should include—

(A) the receipts and disbursements totals of the on-budget trust funds, including the projected levels for at least the next 5 fiscal years; and

(B) the deficit or surplus excluding the on-budget trust funds, including the projected levels for at least the next 5 fiscal years.

(2) Itemization.—Effective for fiscal year 2001, the President's budget and the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974 should include an itemization of the on-budget trust funds for the budget year, including receipts, outlays, and balances.

SEC. 338. SENSE OF THE SENATE CONCERNING FOSTERING THE EMPLOYMENT AND INDEPENDENCE OF INDIVIDUALS WITH DISABILITIES.

(a) Findings.—The Senate makes the following findings:

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, or are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Coverage for personal assistance services, prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than ½ of 1 percent of Social Security disability insurance (SSDI) and supplemental security income (SSI) beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional ½ of 1 percent of the current Social Security disability insurance (SSDI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

(b) Sense of the Senate.—It is the sense of the Senate that the provisions of this resolution assume that the Work Incentives Improvement Act of 1999 (S. 331, 106th Congress) will be passed by the Senate and enacted early this year, and thereby provide individuals with disabilities with the health care and employment preparation and placement services that will enable those individuals to reduce their dependency on cash benefit programs.

SEC. 339. SENSE OF THE SENATE REGARDING ASSET-BUILDING FOR THE WORKING POOR.

(a) Findings.—The Senate finds the following:

(1) 33 percent of all American households and 60 percent of African American households have no or negative financial assets.

(2) 46.9 percent of all children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children.

(3) In order to provide low-income families with more tools for empowerment, incentives which encourage asset-building should be established.

(4) Across the Nation, numerous small public, private, and public-private asset-building incentives, including individual development accounts, are demonstrating success at empowering low-income workers.

(5) Middle and upper income Americans currently benefit from tax incentives for building assets.

(6) The Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) Sense of Senate.—It is the sense of the Senate that the provisions of this resolution assume that Congress should modify the Federal tax law to include provisions which encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

SEC. 340. SENSE OF THE SENATE THAT THE PROVISIONS OF THIS RESOLUTION ASSUME THAT IT IS THE POLICY OF THE UNITED STATES TO PROVIDE AS SOON AS IS TECHNOLOGICALLY POSSIBLE AN EDUCATION FOR EVERY AMERICAN CHILD THAT WILL ENABLE EACH CHILD TO EFFECTIVELY MEET THE CHALLENGES OF THE TWENTY-FIRST CENTURY.

(a) Findings.—The Senate finds that—

(1) Pell Grants require an increase of $5,000,000,000 per year to fund the maximum award established in the Higher Education Act Amendments of 1998;

(2) the Individuals with Disabilities Education Act needs at least $13,000,000,000 more per year to fund the Federal commitment to fund 40 percent of the excess costs for special education services;

(3) title I needs at least $4,000,000,000 more per year to serve all eligible children;

(4) over $11,000,000,000 over the next six years will be required to hire 100,000 teachers to reduce class size to an average of 18 in grades 1–3;

(5) according to the General Accounting Office, it will cost $112,000,000,000 just to bring existing school buildings up to good overall condition. According to GAO, one-third of schools serving 14,000,000 children require extensive repair or replacement of one or more of their buildings. GAO also found that almost half of all schools lack even the basic electrical wiring needed to support full-scale use of computers;

(6) the Federal share of education spending has declined from 11.9 percent in 1980 to 7.6 percent in 1998;

(7) Federal spending for education has declined from 2.5 percent of all Federal spending in fiscal year 1980 to 2.0 percent in fiscal year 1999.

(b) Sense of the Senate.—It is the sense of the Senate that the provisions of this resolution assume that it is the policy of the United States to provide as soon as is technologically possible an education for every American child that will enable each child to effectively meet the challenges of the twenty-first century.

SEC. 341. SENSE OF THE SENATE CONCERNING EXEMPTION OF AGRICULTURAL COMMODITIES AND PRODUCTS, MEDICINES, AND MEDICAL PRODUCTS FROM UNILATERAL ECONOMIC SANCTIONS.

(a) Findings.—The Senate finds that—

(1) prohibiting or otherwise restricting the donation or sale of agricultural commodities or products, medicines, or medical products in order to unilaterally sanction a foreign government for actions or policies that the United States finds objectionable unnecessarily harms innocent populations in the targeted country and rarely causes the sanctioned government to alter its actions or policies;

(2) for the United States as a matter of policy to deny access to agricultural commodities or products, medicines, or medical products by innocent men, women, and children in other countries weakens the international leadership and moral authority of the United States; and

(3) unilateral sanctions on the sale or donation of agricultural commodities or products, medicines, or medical products needlessly harm agricultural producers and workers employed in the agricultural or medical sectors in the United States by foreclosing markets for the commodities, products, or medicines.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that the President should—

(1) subject to paragraph (2), exempt agricultural commodities and products, medicines, and medical products from any unilateral economic sanction imposed on a foreign government; and

(2) apply the sanction to the commodities, products, or medicines if the application is necessary—

(A) for health or safety reasons; or

(B) due to a domestic shortage of the commodities, products, or medicines.

SEC. 342. SENSE OF THE SENATE REGARDING CAPITAL GAINS TAX FAIRNESS FOR FAMILY FARMERS.

(a) Findings.—The Senate finds that—

(1) one of the most popular provisions included in the Taxpayer Relief Act of 1997 permits many families to exclude from Federal income taxes up to $500,000 of gain from the sale of their principal residences;

(2) under current law, family farmers are not able to take full advantage of this $500,000 capital gains exclusion that families living in urban or suburban areas enjoy on the sale of their homes;

(3) for most urban and suburban residents, their homes are their major financial asset and as a result such families, who have owned their homes through many years of appreciation, can often benefit from a large portion of this new $500,000 capital gains exclusion;

(4) most family farmers plow any profits they make back into the whole farm rather than into the house which holds little or no value;

(5) unfortunately, farm families receive little benefit from this capital gains exclusion because the Internal Revenue Service separates the value of their homes from the value of the land the homes sit on;

(6) we should recognize in our tax laws the unique character and role of our farm families and their important contributions to our economy, and allow them to benefit more fully from the capital gains tax exclusion that urban and suburban homeowners already enjoy; and

(7) we should expand the $500,000 capital gains tax exclusion to cover sales of the farmhouse and the surrounding farmland over their lifetimes.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that if we pass tax relief measures in accordance with the assumptions in the budget resolution, we should ensure that such legislation removes the disparity between farm families and their urban and suburban counterparts with respect to the new $500,000 capital gains tax exclusion for principal residence sales by expanding it to cover gains from the sale of farmland along with the sale of the farmhouse.

SEC. 343. BUDGETING FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

It is the sense of the Senate that the budgetary levels for National Defense (function 050) for fiscal years 2000 through 2008 assume funding for the Defense Science and Technology Program that is consistent with section 214 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, which expresses a sense of the Congress that for each of those fiscal years it should be an objective of the Secretary of Defense to increase the budget request for the Defense Science and Technology Program by at least 2 percent over inflation.

SEC. 344. SENSE OF THE SENATE CONCERNING FUNDING FOR THE URBAN PARKS AND RECREATION RECOVERY (UPARR) PROGRAM.

(a) Findings.—The Senate finds that—

(1) every analysis of national recreation issues in the last 3 decades has identified the importance of close-to-home recreation opportunities,

particularly for residents in densely-populated urban areas;

(2) the Land and Water Conservation Fund grants program under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) was established partly to address the pressing needs of urban areas;

(3) the National Urban Recreation Study of 1978 and the President's Commission on Americans Outdoors of 1987 revealed that critical urban recreation resources were not being addressed;

(4) older city park structures and infrastructures worth billions of dollars are at risk because government incentives favored the development of new areas over the revitalization of existing resources, ranging from downtown parks established in the 19th century to neighborhood playgrounds and sports centers built from the 1920's to the 1950's;

(5) the Urban Parks and Recreation Recovery (UPARR) program, established under the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), authorized $725,000,000 to provide matching grants and technical assistance to economically distressed urban communities;

(6) the purposes of the UPARR program is to provide direct Federal assistance to urban localities for rehabilitation of critically needed recreation facilities, and to encourage local planning and a commitment to continuing operation and maintenance of recreation programs, sites, and facilities; and

(7) funding for UPARR is supported by a wide range of organizations, including the National Association of Police Athletic Leagues, the Sporting Goods Manufacturers Association, the Conference of Mayors, and Major League Baseball.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress considers the UPARR program to be a high priority, and should appropriate such amounts as are necessary to carry out the Urban Parks and Recreation Recovery (UPARR) program established under the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

SEC. 345. SENSE OF THE SENATE ON SOCIAL PROMOTION.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that funds will be provided for legislation—

(1) to provide remedial educational and other instructional interventions to assist public elementary and secondary school students in meeting achievement levels; and

(2) to terminate practices which advance students from one grade to the next who do not meet State achievement standards in the core academic curriculum.

SEC. 346. SENSE OF THE SENATE ON WOMEN AND SOCIAL SECURITY REFORM.

(a) FINDINGS.—The Senate finds that—

(1) without Social Security benefits, the elderly poverty rate among women would have been 52.2 percent, and among widows would have been 60.6 percent;

(2) women tend to live longer and tend to have lower lifetime earnings than men do;

(3) during their working years, women earn an average of 70 cents for every dollar men earn; and

(4) women spend an average of 11.5 years out of their careers to care for their families, and are more likely to work part-time than full-time.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) women face unique obstacles in ensuring retirement security and survivor and disability stability;

(2) Social Security plays an essential role in guaranteeing inflation-protected financial stability for women throughout their old age;

(3) the Congress and the Administration should act, as part of Social Security reform, to ensure that widows and other poor elderly women receive more adequate benefits that reduce their poverty rates and that women, under whatever approach is taken to reform Social Security, should receive no lesser a share of overall federally-funded retirement benefits than they receive today; and

(4) the sacrifice that women make to care for their family should be recognized during reform of Social Security and that women should not be penalized by taking an average of 11.5 years out of their careers to care for their family.

SEC. 347. SENSE OF THE CONGRESS REGARDING SOUTH KOREA'S INTERNATIONAL TRADE PRACTICES ON PORK AND BEEF.

(a) FINDINGS.—The Congress finds that—

(1) Asia is the largest regional export market for America's farmers and ranchers, traditionally purchasing approximately 40 percent of all United States agricultural exports;

(2) the Department of Agriculture forecasts that over the next year American agricultural exports to Asian countries will decline by several billion dollars due to the Asian financial crisis;

(3) the United States is the producer of the safest agricultural products from farm to table, customizing goods to meet the needs of customers worldwide, and has established the image and reputation as the world's best provider of agricultural products;

(4) American farmers and ranchers, and more specifically, American pork and beef producers, are dependent on secure, open, and competitive Asian export markets for their product;

(5) United States pork and beef producers not only have faced the adverse effects of depreciated and unstable currencies and lowered demand due to the Asian financial crisis, but also have been confronted with South Korea's pork subsidies and its failure to keep commitments on market access for beef;

(6) it is the policy of the United States to prohibit South Korea from using United States and International Monetary Fund assistance to subsidize targeted industries and compete unfairly for market share against United States products;

(7) the South Korean Government has been subsidizing its pork exports to Japan, resulting in a 973 percent increase in its exports to Japan since 1992, and a 71 percent increase in the last year;

(8) pork already comprises 70 percent of South Korea's agriculture exports to Japan, yet the South Korean Government has announced plans to invest 100,000,000,000 won in its agricultural sector in order to flood the Japanese market with even more South Korean pork;

(9) the South Korean Ministry of Agriculture and Fisheries reportedly has earmarked 25,000,000,000 won for loans to Korea's pork processors in order for them to purchase more Korean pork and to increase exports to Japan;

(10) any export subsidies on pork, including those on exports from South Korea to Japan, would violate South Korea's international trade agreements and may be actionable under the World Trade Organization;

(11) South Korea's subsidies are hindering United States pork and beef producers from capturing their full potential in the Japanese market, which is the largest export market for United States pork and beef, importing nearly $700,000,000 of United States pork and over $1,500,000,000 of United States beef last year alone;

(12) under the United States-Korea 1993 Record of Understanding on Market Access for Beef, which was negotiated pursuant to a 1989 GATT Panel decision against Korea, South Korea was allowed to delay full liberalization of its beef market (in an exception to WTO rules) if it would agree to import increasing minimum quantities of beef each year until the year 2001;

(13) South Korea fell woefully short of its beef market access commitment for 1998; and

(14) United States pork and beef producers are not able to compete fairly with Korean livestock producers, who have a high cost of production, because South Korea has violated trade agreements and implemented protectionist policies.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Congress—

(1) believes strongly that while a stable global marketplace is in the best interest of America's farmers and ranchers, the United States should seek a mutually beneficial relationship without hindering the competitiveness of American agriculture;

(2) calls on South Korea to abide by its trade commitments;

(3) calls on the Secretary of the Treasury to instruct the United States Executive Director of the International Monetary Fund to promote vigorously policies that encourage the opening of markets for beef and pork products by requiring South Korea to abide by its existing international trade commitments and to reduce trade barriers, tariffs, and export subsidies;

(4) calls on the President and the Secretaries of Treasury and Agriculture to monitor and report to Congress that resources will not be used to stabilize the South Korean market at the expense of United States agricultural goods or services; and

(5) requests the United States Trade Representative and the United States Department of Agriculture to pursue the settlement of disputes with the Government of South Korea on its failure to abide by its international trade commitments on beef market access, to consider whether Korea's reported plans for subsidizing its pork industry would violate any of its international trade commitments, and to determine what impact Korea's subsidy plans would have on United States agricultural interests, especially in Japan.

SEC. 348. SENSE OF THE SENATE REGARDING SUPPORT FOR STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) as national crime rates are beginning to fall as a result of State and local efforts, with Federal support, it is important for the Federal Government to continue its support for State and local law enforcement;

(2) Federal support is crucial to the provision of critical crime fighting programs;

(3) Federal support is also essential to the provision of critical crime fighting services and the effective administration of justice in the States, such as State and local crime laboratories and medical examiners' offices;

(4) current needs exceed the capacity of State and local crime laboratories to process their forensic examinations, resulting in tremendous backlogs that prevent the swift administration of justice and impede fundamental individual rights, such as the right to a speedy trial and to exculpatory evidence;

(5) last year, Congress passed the Crime Identification Technology Act of 1998, which authorizes $250,000,000 each year for 5 years to assist State and local law enforcement agencies in developing and integrating their anticrime technology systems, and in upgrading their forensic laboratories and information and communications infrastructures upon which these crime fighting systems rely; and

(6) the Federal Government must continue efforts to significantly reduce crime by maintaining Federal funding for State and local law enforcement, and wisely targeting these resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the amounts made available for fiscal year 2000 to assist State and local law enforcement efforts should be comparable to or greater than amounts made available for that purpose for fiscal year 1999;

(2) the amounts made available for fiscal year 2000 for crime technology programs should be used to further the purposes of the program under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); and

(3) Congress should consider legislation that specifically addresses the backlogs in State and local crime laboratories and medical examiners' offices.

SEC. 349. SENSE OF THE SENATE ON MERGER ENFORCEMENT BY DEPARTMENT OF JUSTICE.

(a) FINDINGS.—Congress finds that—

(1) the Antitrust Division of the Department of Justice is charged with the civil and criminal enforcement of the antitrust laws, including review of corporate mergers likely to reduce competition in particular markets, with a goal to promote and protect the competitive process;

(2) the Antitrust Division requests a 16 percent increase in funding for fiscal year 2000;

(3) justification for such an increase is based, in part, on increasingly numerous and complex merger filings pursuant to the Hart-Scott-Rodino Antitrust Improvements Act of 1976;

(4) the Hart-Scott-Rodino Antitrust Improvements Act of 1976 sets value thresholds which trigger the requirement for filing premerger notification;

(5) the number of merger filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, which the Department, in conjunction with the Federal Trade Commission, is required to review, increased by 38 percent in fiscal year 1998;

(6) the Department expects the number of merger filings to increase in fiscal years 1999 and 2000;

(7) the value thresholds, which relate to both the size of the companies involved and the size of the transaction, under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 have not been adjusted since passage of that Act.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Antitrust Division needs adequate resources and that the levels in this resolution assume the Division will have such adequate resources, including necessary increases in funding, notwithstanding any report language to the contrary, to enable it to meet its statutory requirements, including those related to reviewing and investigating increasingly numerous and complex mergers, but that Congress should pursue consideration of modest, budget neutral, adjustments to the Hart-Scott-Rodino Antitrust Improvements Act of 1976 to account for inflation in the value thresholds of the Act, and in so doing, ensure that the Antitrust Division's resources are focused on matters and transactions most deserving of the Division's attention.

SEC. 350. SENSE OF THE SENATE TO CREATE A TASK FORCE TO PURSUE THE CREATION OF A NATURAL DISASTER RESERVE FUND.

(a) It is the sense of the Senate that a task force be created for the purpose of studying the possibility of creating a reserve fund for natural disasters. The task force should be composed of three Senators appointed by the Majority Leader, and two Senators appointed by the Minority Leader. The task force should also be composed of three members appointed by the Speaker of the House, and two members appointed by the Minority Leader in the House.

(b) It is the sense of the Senate that the task force make a report to the appropriate committees in Congress within 90 days of being convened. The report should be available for the purposes of consideration during comprehensive overhaul of budget procedures.

SEC. 351. SENSE OF THE SENATE CONCERNING FEDERAL TAX RELIEF.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Congressional Budget Office has reported that payroll taxes will exceed income taxes for 74 percent of all taxpayers in 1999.

(2) The Federal Government will collect nearly $50,000,000,000 in income taxes this year through its practice of taxing the income Americans sacrifice to the Government in the form of Social Security payroll taxes.

(3) American taxpayers are currently shouldering the heaviest tax burden since 1944.

(4) According to the nonpartisan Tax Foundation, the median dual-income family sacrificed a record 37.6 percent of its income to the Government in 1997.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that a significant portion of the tax relief will be devoted to working families who are double-taxed by—

(1) providing taxpayers with an above-the-line income tax deduction for the Social Security payroll taxes they pay so that they no longer pay income taxes on such payroll taxes, and/or

(2) gradually reducing the lowest marginal income tax rate from 15 percent to 10 percent, and/or

(3) other tax reductions that do not reduce the tax revenue devoted to the Social Security Trust Fund.

SEC. 352. SENSE OF THE SENATE ON ELIMINATING THE MARRIAGE PENALTY AND ACROSS-THE-BOARD INCOME TAX RATE CUTS.

(a) FINDINGS.—The Senate finds that—

(1) the institution of marriage is the cornerstone of the family and civil society;

(2) strengthening of the marriage commitment and the family is an indispensable step in the renewal of America's culture;

(3) the Federal income tax punishes marriage by imposing a greater tax burden on married couples then on their single counterparts;

(4) America's tax code should give each married couple the choice to be treated as one economic unit, regardless of which spouse earns the income; and

(5) all American taxpayers are responsible for any budget surplus and deserve broad-based tax relief after the Social Security Trust Fund has been protected.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should eliminate the marriage penalty in a manner that treats all married couples equally, regardless of which spouse earns the income.

SEC. 353. SENSE OF THE SENATE ON IMPORTANCE OF FUNDING FOR EMBASSY SECURITY.

(a) FINDINGS.—The Senate finds that—

(1) Enhancing security at United States diplomatic missions overseas is essential to protect United States Government personnel serving on the front lines of our national defense;

(2) 80 percent of United States diplomatic missions do not meet current security standards;

(3) the Accountability Review Boards on the Embassy Bombings in Nairobi and Dar Es Salaam recommended that the Department of State spend $1,400,000,000 annually on embassy security over each of the next 10 years;

(4) the amount of spending recommended for embassy security by the Accountability Review Boards is approximately 36 percent of the operating budget requested for the Department of State in fiscal year 2000; and

(5) the funding requirements necessary to improve security for United States diplomatic missions and personnel abroad cannot be borne within the current budgetary resources of the Department of State.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this budget resolution assume that as the Congress contemplates changes in the Congressional Budget Act of 1974 to reflect projected on-budget surpluses, provisions similar to those set forth in section 314(b) of that Act should be considered to ensure adequate funding for enhancements to the security of United States diplomatic missions.

SEC. 354. SENSE OF THE SENATE ON FUNDING FOR AFTER SCHOOL EDUCATION.

(a) FINDINGS.—The Senate finds the following:

(1) The demand for after school education is very high. In fiscal year 1998 the Department of Education's after school grant program was the most competitive in the Department's history. Nearly 2,000 school districts applied for over $540,000,000.

(2) After school programs help to fight juvenile crime. Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3:00 p.m. and 6:00 p.m. After school programs have been shown to reduce juvenile crime, sometimes by up to 75 percent according to the National Association of Police Athletic and Activity Leagues.

(3) After school programs can improve educational achievement. They ensure children have safe and positive learning environments in the after school hours. In the Sacramento START after school program 75 percent of the students showed an increase in their grades.

(4) After school programs have widespread support. Over 90 percent of the American people support such programs. Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police, and the International Union of Police Associations support government funding of after school programs. And many of our Nation's governors endorse increasing the number of after school programs through a Federal of State partnership.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress will provide $600,000,000 for the President's after school initiative in fiscal year 2000.

SEC. 355. SENSE OF THE SENATE CONCERNING RECOVERY OF FUNDS BY THE FEDERAL GOVERNMENT IN TOBACCO-RELATED LITIGATION.

(a) SHORT TITLE.—This section may be cited as the "Federal Tobacco Recovery and Medicare Prescription Drug Benefit Resolution of 1999".

(b) FINDINGS.—The Senate makes the following findings:

(1) The President, in his January 19, 1999 State of the Union address—

(A) announced that the Department of Justice would develop a litigation plan for the Federal Government against the tobacco industry;

(B) indicated that any funds recovered through such litigation would be used to strengthen the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(C) urged Congress to pass legislation to include a prescription drug benefit in the medicare program.

(2) The traditional medicare program does not include most outpatient prescription drugs as part of its benefit package.

(3) Prescription drugs are a central element in improving quality of life and in routine health maintenance.

(4) Prescription drugs are a key component to early health care intervention strategies for the elderly.

(5) Eighty percent of retired individuals take at least 1 prescription drug every day.

(6) Individuals 65 years of age or older represent 12 percent of the population of the United States but consume more than 1/3 of all prescription drugs consumed in the United States.

(7) Exclusive of health care-related premiums, prescription drugs account for almost 1/3 of the health care costs and expenditures of elderly individuals.

(8) Approximately 10 percent of all medicare beneficiaries account for nearly 50 percent of all prescription drug spending by the elderly.

(9) Research and development on new generations of pharmaceuticals represent new opportunities for healthier, longer lives for our Nation's elderly.

(10) Prescription drugs are among the key tools in every health care professional's medical arsenal to help combat and prevent the onset, recurrence, or debilitating effects of illness and disease.

(11) While possible Federal litigation against tobacco companies will take time to develop, Congress should continue to work to address the immediate need among the elderly for access to affordable prescription drugs.

(12) Treatment of tobacco-related illness is estimated to cost the medicare program approximately $10,000,000,000 every year.

(13) In 1998, 50 States reached a settlement with the tobacco industry for tobacco-related illness in the amount of $206,000,000,000.

(14) Recoveries from possible Federal tobacco-related litigation, if successful, will likely be comparable to or exceed the dollar amount recovered by the States under the 1998 settlement.

(15) In the event Federal tobacco-related litigation is valid, undertaken and is successful, funds recovered under such litigation should first be used for the purpose of strengthening the Federal Hospital Insurance Trust Fund and second to finance a medicare prescription drug benefit.

(16) The scope of any medicare prescription drug benefit should be as comprehensive as possible, with drugs used in fighting tobacco-related illnesses given a first priority.

(17) Most Americans want the medicare program to cover the costs of prescription drugs.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that funds recovered under any tobacco-related litigation commenced by the Federal Government should be used first for the purpose of strengthening the Federal Hospital Insurance Trust Fund and second to fund a medicare prescription drug benefit.

SEC. 356. SENSE OF THE SENATE ON OFFSETTING INAPPROPRIATE EMERGENCY SPENDING.

It is the sense of the Senate that the levels in this resolution assume that—

(1) some emergency expenditures made at the end of the One Hundred Fifth Congress for fiscal year 1999 were inappropriately deemed as emergencies;

(2) Congress and the President should identify these inappropriate expenditures and fully pay for these expenditures during the fiscal year in which they will be incurred; and

(3) Congress should only apply the emergency designation for occurrences that meet the criteria set forth in the Congressional Budget Act.

SEC. 357. FINDINGS; SENSE OF CONGRESS ON THE PRESIDENT'S FISCAL YEAR 2000 BUDGET PROPOSAL TO TAX ASSOCIATION INVESTMENT INCOME.

(a) The Congress finds that:

(1) The President's fiscal year 2000 Federal budget proposal to impose a tax on the interest, dividends, capital gains, rents, and royalties in excess of $10,000 of trade associations and professional societies exempt under section 501(c)(6) of the Internal Revenue Code of 1986 represents an unjust and unnecessary penalty on legitimate association activities.

(2) At a time when the Government is projecting on-budget surpluses of more than $800,000,000,000 over the next 10 years, the President proposes to increase the tax burden on trade and professional associations by $1,440,000,000 over the next 5 years.

(3) The President's association tax increase proposal will impose a tremendous burden on thousands of small and mid-sized trade associations and professional societies.

(4) Under the President's association tax increase proposal, most associations with annual operating budgets of as low as $200,000 or more will be taxed on investment income and as many as 70,000 associations nationwide could be affected by this proposal.

(5) Associations rely on this targeted investment income to carry out tax-exempt status related activities, such as training individuals to adapt to the changing workplace, improving industry safety, providing statistical data, and providing community services.

(6) Keeping investment income free from tax encourages associations to maintain modest surplus funds that cushion against economic and fiscal downturns.

(7) Corporations can increase prices to cover increased costs, while small and medium sized local, regional, and State-based associations do not have such an option, and thus increased costs imposed by the President's association tax increase would reduce resources available for the important standard setting, educational training, and professionalism training performed by associations.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall reject the President's proposed tax increase on investment income of associations as defined under section 501(c)(6) of the Internal Revenue Code of 1986.

SEC. 358. SENSE OF THE SENATE REGARDING FUNDING FOR COUNTER-NARCOTICS INITIATIVES.

(a) FINDINGS.—The Senate finds that—

(1) from 1985–1992, the Federal Government's drug control budget was balanced among education, treatment, law enforcement, and international supply reduction activities and this resulted in a 13-percent reduction in total drug use from 1988 to 1991;

(2) since 1992, overall drug use among teens aged 12 to 17 rose by 70 percent, cocaine and marijuana use by high school seniors rose 80 percent, and heroin use by high school seniors rose 100 percent;

(3) during this same period, the Federal investment in reducing the flow of drugs outside our borders declined both in real dollars and as a proportion of the Federal drug control budget;

(4) while the Federal Government works with State and local governments and numerous private organizations to reduce the demand for illegal drugs, seize drugs, and break down drug trafficking organizations within our borders, only the Federal Government can seize and destroy drugs outside of our borders;

(5) in an effort to restore Federal international eradication and interdiction efforts, in 1998, Congress passed the Western Hemisphere Drug Elimination Act which authorized an additional $2,600,000,000 over 3 years for international interdiction, eradication, and alternative development activities;

(6) Congress appropriated over $800,000,000 in fiscal year 1999 for anti-drug activities authorized in the Western Hemisphere Drug Elimination Act; and

(7) the proposed Drug Free Century Act would build upon many of the initiatives authorized in the Western Hemisphere Drug Elimination Act, including additional funding for the Department of Defense for counter-drug intelligence and related activities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) funding for Federal drug control activities should be at a level higher than that proposed in the President's budget request for fiscal year 2000; and

(2) funding for Federal drug control activities should allow for investments in programs authorized in the Western Hemisphere Drug Elimination Act and in the proposed Drug Free Century Act.

SEC. 359. SENSE OF THE SENATE ON MODERNIZING AMERICA'S SCHOOLS.

(a) FINDINGS.—The Senate finds the following:

(1) The General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States.

(2) The General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement; 7,000,000 children attend schools with life safety code violations; and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found that the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least 1 building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. 46 percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. 56 percent of schools have insufficient phone lines for modems.

(6) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools.

(7) The General Accounting Office has determined that the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(8) Schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform.

and are less able to support computer and communications technology.

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(10) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(11) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this budget resolution assume that Congress will enact measures to assist school districts in modernizing their facilities, including—

(1) legislation to allow States and school districts to issue at least $24,800,000,000 worth of zero-interest bonds to rebuild and modernize our Nation's schools, and to provide Federal income tax credits to the purchasers of those bonds in lieu of interest payments; and

(2) appropriate funding for the Education Infrastructure Act of 1994 during the period 2000 through 2004, which would provide grants to local school districts for the repair, renovation and construction of public school facilities.

SEC. 360. SENSE OF THE SENATE CONCERNING FUNDING FOR THE LAND AND WATER CONSERVATION FUND.

(a) FINDINGS.—The Senate finds that—

(1) amounts in the land and water conservation fund finance the primary Federal program for acquiring land for conservation and recreation and for supporting State and local efforts for conservation and recreation;

(2) Congress has appropriated only $10,000,000,000 out of the more than $21,000,000,000 covered into the fund from revenues payable to the United States under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(3) 38 Senators cosigned 2 letters to the Chairman and Ranking Member of the Committee on the Budget urging that the land and water conservation fund be fully funded.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress should appropriate $200,000,000 for fiscal year 2000 to provide financial assistance to the States under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C 460l–8), in addition to such amounts as are made available for Federal land acquisition under that Act for fiscal year 2000.

SEC. 361. SENSE OF THE SENATE REGARDING SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AND FOR THE VIOLENT CRIME REDUCTION TRUST FUND.

(a) FINDINGS.—The Senate finds that—

(1) our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of Federal assistance such as the Local Law Enforcement Block Grant Program, the Juvenile Accountability Incentive Block Grant Program, the COPS Program, and the Byrne Grant Program, State and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a violent crime rate that has dropped in each of the past four years;

(2) assistance, such as the Violent Offender Incarceration/Truth in Sentencing Incentive Grants, provided to State corrections systems to encourage truth in sentencing laws for violent offenders has resulted in longer time served by violent criminals and safer streets for law abiding people across the Nation;

(3) through a comprehensive effort by State and local law enforcement to attack violence against women, in concert with the efforts of dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women;

(4) despite recent gains, the violent crime rate remains high by historical standards;

(5) Federal efforts to investigate and prosecute international terrorism and complex interstate and international crime are vital aspects of a national anticrime strategy, and should be maintained;

(6) the recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

(7) the Violent Crime Reduction Trust Fund, enacted as a part of the Violent Crime Control and Law Enforcement Act of 1994, funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996, without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions and the functional totals underlying this resolution assume that the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime shall be maintained, and that funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2005.

SEC. 362. SENSE OF THE SENATE REGARDING SOCIAL SECURITY NOTCH BABIES.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security Amendments of 1977 (Public Law 95–216) substantially altered the way Social Security benefits are computed;

(2) those amendments resulted in disparate benefits depending upon the year in which a worker becomes eligible for benefits; and

(3) those individuals born between the years 1917 and 1926, and who are commonly referred to as "notch babies" receive benefits that are lower than those retirees who were born before or after those years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congress should reevaluate the benefits of workers who attain age 65 after 1981 and before 1992.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on Thursday, April 26, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 531. An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contribution to the Nation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2682. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Environmental Differential Pay for Working at High Altitudes" (RIN3206–AI36) received on April 6, 1999; to the Committee on Governmental Affairs.

EC–2683. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program: Contributions and Withholdings" (RIN3206–AI33) received on April 6, 1999; to the Committee on Governmental Affairs.

EC–2684. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the annual report on drug and alcohol abuse prervention, treatment and rehabilitation programs and services for Federal civilian employees for fiscal year 1997; to the Committee on Governmental Affairs.

EC–2685. A communication from the Director, Office of Personnel Management, transmitting, a draft of proposed legislation relative to the Federal Executive Institute Annex; to the Committee on Governmental Affairs.

EC–2686. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report for the fiscal year 1998; to the Committee on Governmental Affairs.

EC–2687. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–2688. A communication from the Director, Employment Service, U.S. Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Temporary and Term Employment" (RIN3206–A145) received on April 6, 1999; to the Committee on Governmental Affairs.

EC–2689. A communication from the Director, U.S. Office of Personnel Management, transmitting, pursuant to law, the report of a rule relative to retirement, health, and life insurance for certain employees of the District of Columbia (RIN3206–A155) received on April 5, 1999; to the Committee on Governmental Affairs.

EC–2690. A communication from the Director, U.S. Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Abolishment of the Orlando, Florida, Appropriated Fund Wage Area" (RIN3206–A104) received on April 12, 1999; to the Committee on Governmental Affairs.

EC–2691. A communication from the Director, U.S. Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Redifinition of the Orlando, Florida, Appropriated Fund Wage Area" (RIN3206–A113) received on April 12, 1999; to the Committee on Governmental Affairs.

EC–2692. A communication from the Director, Employment Service-Workforce Restructuring Office, U.S. Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Reduction in Force Service Credit; Retention Records" (RIN3206–A109) received on April 6, 1999; to the Committee on Governmental Affairs.

EC–2693. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–2694. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 13-33, entitled "Potomac River Bridges Towing Compact Temporary Act of 1999" adopted by the Council on February 2, 1999; to the Committee on Governmental Affairs.

EC-2695. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-40, entitled "Children's Defense Fund Equitable Real Property Tax Relief and Children's Health Insurance Program Authorization Emergency Act of 1998 Fiscal Impact Temporary Amendment Act of 1999" adopted by the Council on March 2, 1999; to the Committee on Governmental Affairs.

EC-2696. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-634 entitled "District of Columbia Department of Health Functions Clarification Temporary Act of 1999" adopted by the Council on February 2, 1999; to the Committee on Governmental Affairs.

EC-2697. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-32 entitled "Omnibus Regulatory Reform Temporary Amendment Act of 1999" adopted by the Council on February 2, 1999; to the Committee on Governmental Affairs.

EC-2698. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-34 entitled "Solid Waste Facility Permit Temporary Amendment Act of 1999" adopted by the Council on February 2, 1999; to the Committee on Governmental Affairs.

EC-2699. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-48 entitled "Homestead Housing Preservation Amendment Act of 1999" adopted by the Council on March 2, 1999; to the Committee on Governmental Affairs.

EC-2700. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-46 entitled "Tax Conformity Temporary Act of 1999" adopted by the Council on March 2, 1999; to the Committee on Governmental Affairs.

EC-2701. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-53 entitled "Community Development Program Amendment Act of 1999" adopted by the Council on March 2, 1999; to the Committee on Governmental Affairs.

EC-2702. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-624 entitled "Solid Waste Facility Permit Amendment Act of 1998" adopted by the Council on January 5, 1999; to the Committee on Governmental Affairs.

EC-2703. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-45 entitled "Motor Vehicle Excessive Idling Fine Increase Temporary Amendment Act of 1999" adopted by the Council on March 2, 1999; to the Committee on Governmental Affairs.

EC-2704. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-49 entitled "Approval of the Application of Control of District Cablevision Limited Partnership from Tele-Communications, Inc. to AT&T Corporation Temporary Act of 1999" adopted by the Council on March 2, 1999; to the Committee on Governmental Affairs.

EC-2705. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-44 entitled "Lease Approval Technical Amendment Act of 1999" adopted by the Council on March 2, 1999; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 874. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

By Mr. ALLARD (for himself, Mr. Gramm, Mr. Bennett, Mr. Shelby, Mr. Abraham, Mr. Hagel, Mr. Enzi, Mr. Mack, and Mr. Grams):

S. 875. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS:

S. 876. A bill to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. Nickles, and Mr. Craig):

S. 877. A bill to encourage the provision of advanced service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI (for himself, Mr. Mack, Mr. Gregg, Mr. Graham, Mr. Moynihan, Mr. Kerry, Mrs. Boxer, Mr. Reed, Mrs. Feinstein, and Mrs. Murray):

S. 878. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself, Mr. Mack, Mr. Nickles, Mr. Robb, and Mr. Baucus):

S. 879. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leashold improvements; to the Committee on Finance.

By Mr. INHOFE:

S. 880. A bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Mr. Helms, Mr. Grams, Mr. Robb, Mr. Durbin, Mr. Edwards, Mr. Cleland, Mr. Hatch, Mr. Torricelli, Mr. Mack, Mr. Crapo, Mr. Graham, Mr. Lautenberg, and Mr. Dodd):

S. Res. 84. A resolution to designate the month of May, 1999, as "National Alpha 1 Awareness Month"; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself, Mr. Thomas, Mr. Reed, Mr. Helms, Mr. Wellstone, Mr. Coverdell, and Mr. Kerry):

S. Res. 85. A resolution supporting the efforts of the people of Indonesia in achieving a transition to genuine democracy, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 874. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

REPEAL THE REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION

Mr. INOUYE. Mr. President, I rise to introduce legislation to repeal the current fifty percent tax deduction for business meals and entertainment expenses, and to gradually restore the tax deduction to 80 percent over a five-year period. Restoration of this deduction is essential to the livelihood of the food service, travel, tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of the 50 percent tax deduction.

The deduction for business meals and entertainment was reduced from 80 percent to 50 percent under the Omnibus Budget Reconciliation Act of 1993, and went into effect on January 1, 1994. Many companies, small and large, have changed their policies and guidelines on travel and entertainment expenses as a result of this reduction. Additionally, businesses have been forced to curtail company reimbursement policies because of the reduction in business meals and entertainment expenses. In some cases, businesses have even eliminated their expense accounts. Consequently, restaurants which previously relied heavily on business lunches and dinners are being adversely affected by the reduction in business meals. For example:

Currently, there are 23.3 million business meal spenders in the U.S. down from 25.3 million in 1989.

The total economic impact on small businesses of restoring the business meal deductibility from 50 percent to 80 percent ranges from $8 to $690 million, depending on the state.

In Hawaii, the restaurant industry alone employs 47,400 people and generates $2 billion into the state's economy. An increase in the business meal tax deduction from 50 percent to 80 percent would result in a 13 percent increase in business meal spending in the State of Hawaii.

One issue of great importance to business travelers is the deductibility of expenses, particularly the business meal expense.

Restauranteurs have reported lower business meal sales forcing some restaurants to close during luncheon hours and lay off employees which in turn adversely affects those employed in agriculture, food processing, and any businesses related to the restaurant sector.

With sales equaling more than 4 percent of the U.S. gross domestic product, and more than 10.2 million persons employed in the industry, the restaurant business is obviously very important to the economic foundation of America. The 50 percent deduction has adversely affected the restaurant and entertainment industry and resulted in detrimental factors for the U.S. economy as a whole. I urge my colleagues to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking "50 percent" and inserting "the applicable percentage".

(b) APPLICABLE PERCENTAGE.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and inserting the following:

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined under the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
1999	56
2000	62
2001	68
2002	74
2003 or thereafter	80."

(c) CONFORMING AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking "ONLY 50 PERCENT" and inserting "PORTION".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. ALLARD (for himself, Mr. GRAMM, Mr. BENNETT, Mr. SHELBY, Mr. ABRAHAM, Mr. HAGEL, Mr. ENZI, Mr. MACK, and Mr. GRAMS):

S. 875. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Finance.

SMALL BUSINESS AND FINANCIAL INSTITUTIONS TAX RELIEF ACT OF 1999

Mr. ALLARD. Mr. President, today I am pleased to introduce legislation that will expand and improve Subchapter S of the Internal Revenue Code. I am joined in this effort by Senators GRAMM, BENNETT, SHELBY, ABRAHAM, HAGEL, ENZI, MACK, and GRAMS.

The Subchapter S provisions of the Internal Revenue Code reflect the desire of Congress to eliminate the double tax burden on small business corporations. Pursuant to that desire, Subchapter S has been liberalized a number of times, most recently in 1996. This legislation contains several provisions that will make the Subchapter S election more widely available to small businesses in all sectors. It also contains several provisions of particular benefit to community banks that may be contemplating a conversion to Subchapter S. Financial institutions were first made eligible for the Subchapter S election in 1996. This legislation builds on and clarifies the Subchapter S provisions applicable to financial institutions.

Mr. President, I ask unanimous consent that the text of the bill and the attached explanation of the provisions of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business and Financial Institutions Tax Relief Act of 1999".

SEC. 2. EXPANSION OF S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE IRAS.

(a) IN GENERAL.—Section 1361(c)(2)(A) of the Internal Revenue Code of 1986 (relating to certain trusts permitted as shareholders) is amended by inserting after clause (v) the following:

"(vi) A trust which constitutes an individual retirement account under section 408(a), including one designated as a Roth IRA under section 408A."

(b) TREATMENT AS SHAREHOLDER.—Section 1361(c)(2)(B) of the Internal Revenue Code of 1986 (relating to treatment as shareholders) is amended by adding at the end the following:

"(vi) In the case of a trust described in clause (vi) of subparagraph (A), the individual for whose benefit the trust was created shall be treated as a shareholder."

(c) SALE OF STOCK IN IRA RELATING TO S CORPORATION ELECTION EXEMPT FROM PROHIBITED TRANSACTION RULES.—Section 4975(d) of the Internal Revenue Code of 1986 (relating to exemptions) is amended by striking "or" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; or", and by adding at the end the following:

"(16) a sale of stock held by a trust which constitutes an individual retirement account under section 408(a) to the individual for whose benefit such account is established if such sale is pursuant to an election under section 1362(a)."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 3. EXCLUSION OF INVESTMENT SECURITIES INCOME FROM PASSIVE INCOME TEST FOR BANK S CORPORATIONS.

(a) IN GENERAL.—Section 1362(d)(3)(C) of the Internal Revenue Code of 1986 (defining passive investment income) is amended by adding at the end the following:

"(v) EXCEPTION FOR BANKS; ETC.—In the case of a bank (as defined in section 581), a bank holding company (as defined in section 246A(c)(3)(B)(ii)), or a qualified subchapter S subsidiary bank, the term 'passive investment income' shall not include—

"(I) interest income earned by such bank, bank holding company, or qualified subchapter S subsidiary bank, or

"(II) dividends on assets required to be held by such bank, bank holding company, or qualified subchapter S subsidiary bank to conduct a banking business, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 4. INCREASE IN NUMBER OF ELIGIBLE SHAREHOLDERS TO 150.

(a) IN GENERAL.—Section 1361(b)(1)(A) of the Internal Revenue Code of 1986 (defining small business corporation) is amended by striking "75" and inserting "150".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 5. TREATMENT OF QUALIFYING DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(f) TREATMENT OF QUALIFYING DIRECTOR SHARES.—

"(1) IN GENERAL.—For purposes of this subchapter—

"(A) qualifying director shares shall not be treated as a second class of stock, and

"(B) no person shall be treated as a shareholder of the corporation by reason of holding qualifying director shares.

"(2) QUALIFYING DIRECTOR SHARES DEFINED.—For purposes of this subsection, the term 'qualifying director shares' means any shares of stock in a bank (as defined in section 581) or in a bank holding company registered as such with the Federal Reserve System—

"(i) which are held by an individual solely by reason of status as a director of such bank or company or its controlled subsidiary; and

"(ii) which are subject to an agreement pursuant to which the holder is required to dispose of the shares of stock upon termination of the holder's status as a director at the same price as the individual acquired such shares of stock.

"(3) DISTRIBUTIONS.—A distribution (not in part or full payment in exchange for stock) made by the corporation with respect to qualifying director shares shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received."

(b) CONFORMING AMENDMENTS.—

(1) Section 1361(b)(1) of the Internal Revenue Code of 1986 is amended by inserting ", except as provided in subsection (f)," before "which does not".

(2) Section 1366(a) of such Code is amended by adding at the end the following:

"(3) ALLOCATION WITH RESPECT TO QUALIFYING DIRECTOR SHARES.—The holders of qualifying director shares (as defined in section 1361(f)) shall not, with respect to such shares of stock, be allocated any of the items described in paragraph (1)."

(3) Section 1373(a) of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and adding at the end the following:

"(3) no amount of an expense deductible under this subchapter by reason of section 1361(f)(3) shall be apportioned or allocated to such income."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 6. BAD DEBT CHARGE OFFS IN YEARS AFTER ELECTION YEAR TREATED AS ITEMS OF BUILT-IN LOSS.

The Secretary of the Treasury shall modify Regulation 1.1374-4(f) for S corporation elections made in taxable years beginning after December 31, 1996, with respect to bad debt deductions under section 166 of the Internal Revenue Code of 1986 to treat such deductions as built-in losses under section 1374(d)(4) of such Code during the entire period during which the bank recognizes built-in gains from changing its accounting method for recognizing bad debts from the reserve method under section 585 of such Code to the charge-off method under section 166 of such Code.

SEC. 7. INCLUSION OF BANKS IN 3-YEAR S CORPORATION RULE FOR CORPORATE PREFERENCE ITEMS.

(a) In General.—Section 1363(b) of the Internal Revenue Code of 1986 (relating to computation of corporation's taxable income) is amended by adding at the end the following new flush sentence:

"Paragraph (4) shall apply to any bank whether such bank is an S corporation or a qualified subchapter S subsidiary."

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 8. C CORPORATION RULES TO APPLY FOR FRINGE BENEFIT PURPOSES.

(a) In General.—Section 1372 of the Internal Revenue Code of 1986 (relating to partnership rules to apply for fringe benefit purposes) is repealed.

(b) Partnership Rules To Apply for Health Insurance Costs of Certain S Corporation Shareholders.—Paragraph (5) of section 162(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(5) Treatment of certain s corporation shareholders.—

"(A) In general.—This subsection shall apply in the case of any 2-percent shareholder of an S corporation, except that—

"(i) for purposes of this subsection, such shareholder's wages (as defined in section 3121) from the S corporation shall be treated as such shareholder's earned income (within the meaning of section 401(c)(1)), and

"(ii) there shall be such adjustments in the application of this subsection as the Secretary may by regulations prescribe.

"(B) 2-percent shareholder defined.—For purposes of this paragraph, the term '2-percent shareholder' means any person who owns (or is considered as owning within the meaning of section 318) on any day during the taxable year of the S corporation more than 2 percent of the outstanding stock of such corporation or stock possessing more than 2 percent of the total combined voting power of all stock of such corporation."

(c) Conforming Amendment.—The table of sections for part III of subchapter S of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 1372.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 9. EXPANSION OF S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE FAMILY LIMITED PARTNERSHIPS.

(a) In General.—Section 1361(b)(1)(B) of the Internal Revenue Code of 1986 (defining small business corporation) is amended—

(1) by striking "or an organization" and inserting "an organization", and

(2) by inserting ", or a family partnership described in subsection (c)(8)" after "subsection (c)(6)".

(b) Family Partnership.—Section 1361(c) of the Internal Revenue Code of 1986 (relating to special rules for applying subsection (b)), as amended by section 5, is amended by adding at the end the following:

"(8) Family partnerships.—

"(A) In general.—For purposes of subsection (b)(1)(B), any partnership or limited liability company may be a shareholder in an S corporation if—

"(i) all partners or members are members of 1 family as determined under section 704(e)(3), and

"(ii) all of the partners or members would otherwise be eligible shareholders of an S corporation.

"(B) Treatment as shareholders.—For purposes of subsection (b)(1)(A), in the case of a partnership or limited liability company described in subparagraph (A), each partner or member shall be treated as a shareholder."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 10. ISSUANCE OF PREFERRED STOCK PERMITTED.

(a) In General.—Section 1361 of the Internal Revenue Code of 1986, as amended by section 5(a), is amended by adding at the end the following:

"(g) Treatment of Qualified Preferred Stock.—

"(1) In general.—For purposes of this subchapter—

"(A) qualified preferred stock shall not be treated as a second class of stock, and

"(B) no person shall be treated as a shareholder of the corporation by reason of holding qualified preferred stock.

"(2) Qualified preferred stock defined.—For purposes of this subsection, the term 'qualified preferred stock' means stock which meets the requirements of subparagraphs (A), (B), and (C) of section 1504(a)(4). Stock shall not fail to be treated as qualified preferred stock solely because it is convertible into other stock.

"(3) Distributions.—A distribution (not in part or full payment in exchange for stock) made by the corporation with respect to qualified preferred stock shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received."

(b) Conforming Amendments.—

(1) Section 1361(b)(1) of the Internal Revenue Code of 1986, as amended by section 5(b)(1), is amended by striking "subsection (f)" and inserting "subsections (f) and (g)".

(2) Section 1366(a) of such Code, as amended by section 5(b)(2), is amended by adding at the end the following:

"(4) Allocation with respect to qualified preferred stock.—The holders of qualified preferred stock (as defined in section 1361(g)) shall not, with respect to such stock, be allocated any of the items described in paragraph (1)."

(3) Section 1373(a)(3) of such Code, as added by section 5(b)(3), is amended by inserting "or 1361(g)(3)" after "section 1361(f)(3)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 11. CONSENT TO ELECTIONS.

(a) 90 Percent of Shares Required for Consent to Election.—Section 1362(a)(2) of the Internal Revenue Code of 1986 (relating to all shareholders must consent to election) is amended—

(1) by striking "all persons who are shareholders in" and inserting "shareholders holding at least 90 percent of the shares of", and

(2) by striking "All shareholders" in the heading and inserting "At least 90 percent of shares".

(b) Rules for Consent.—Section 1362(a) of the Internal Revenue Code of 1986 (relating to election) is amended by adding at the end the following:

"(3) Rules for consent.—For purposes of making any consent required under paragraph (2) or subsection (d)(1)(B)—

"(A) each joint owner of shares shall consent with respect to such shares,

"(B) the personal representative or other fiduciary authorized to act on behalf of the estate of a deceased individual shall consent for the estate,

"(C) one parent, the custodian, the guardian, or the conservator shall consent with respect to shares owned by a minor or subject to a custodianship, guardianship, conservatorship, or similar arrangement,

"(D) the trustee of a trust shall consent with respect to shares owned in trust,

"(E) the trustee of the estate of a bankrupt individual shall consent for shares owned by a bankruptcy estate,

"(F) an authorized officer or the trustee of an organization described in subsection (c)(6) shall consent for the shares owned by such organization, and

"(G) in the case of a partnership or limited liability company described in subsection (c)(8)—

"(i) all general partners shall consent with respect to shares owned by such partnership,

"(ii) all managers shall consent with respect to shares owned by such company if management of such company is vested in 1 or more managers, and

"(iii) all members shall consent with respect to shares owned by such company if management of such company is vested in the members."

(c) Treatment of Nonconsenting Shareholder Stock.—

(1) In general.—Section 1361 of the Internal Revenue Code of 1986, as amended by section 10(a), is amended by adding at the end the following:

"(h) Treatment of Nonconsenting Shareholder Stock.—

"(1) In general.—For purposes of this subchapter—

"(A) nonconsenting shareholder stock shall not be treated as a second class of stock,

"(B) such stock shall be treated as C corporation stock, and

"(C) the shareholder's pro rata share under section 1366(a)(1) with respect to such stock shall be subject to tax paid by the S corporation at the highest rate of tax specified in section 11(b).

"(2) Nonconsenting shareholder stock defined.—For purposes of this subsection, the term 'nonconsenting shareholder stock' means stock of an S corporation which is held by a shareholder who did not consent to an election under section 1362(a) with respect to such S corporation.

"(3) DISTRIBUTIONS.—A distribution (not in part or full payment in exchange for stock) made by the corporation with respect to nonconsenting shareholder stock shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received."

(2) CONFORMING AMENDMENT.—Section 1361(b)(1) of the Internal Revenue Code of 1986, as amended by section 10(b)(1), is amended by striking "subsections (f) and (g)" and inserting "subsections (f), (g), and (h)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to elections made in taxable years beginning after December 31, 1999.

SEC. 12. INFORMATION RETURNS FOR QUALIFIED SUBCHAPTER S SUBSIDIARIES.

(a) IN GENERAL.—Section 1361(b)(3)(A) of the Internal Revenue Code of 1986 (relating to treatment of certain wholly owned subsidiaries) is amended by inserting "and in the case of information returns required under part III of subchapter A of chapter 61" after "Secretary".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SMALL BUSINESS AND FINANCIAL INSTITUTIONS TAX RELIEF ACT OF 1999—LEGISLATION TO REDUCE THE FEDERAL TAX BURDEN ON SMALL BANKS

This legislation expands Subchapter S of the IRS Code. Subchapter S corporations do not pay corporate income taxes, earnings are passed through to the shareholders where income taxes are paid, eliminating the double taxation of corporations. By contrast, Subchapter C corporations pay corporate income taxes on earnings, and shareholders pay income taxes again on those same earnings when they pass through as dividends. Subchapter S of the IRS Code was enacted in 1958 to reduce the tax burden on small business. The Subchapter S provisions have been liberalized a number of times over the last two decades, significantly in 1982, and again in 1996. This reflects a desire on the part of Congress to reduce taxes on small business.

This S corporation legislation would benefit many small businesses, but its provisions are particularly applicable to banks. Congress made S corporation status available to small banks for the first time in the 1996 "Small Business Job Protection Act" but many banks are having trouble qualifying under the current rules. The proposed legislation:

Permits S corporation shares to be held as Individual Retirement Accounts (IRAs), and permits IRA shareholders to purchase their shares from the IRA in order to facilitate a Subchapter S election.

Clarifies that interest and dividends on investments maintained by a bank for liquidity and safety and soundness purposes shall not be "passive" income. This is necessary because S corporations are restricted in the amount of passive investment income they may generate.

Increases the number of S corporation eligible shareholders from 75 to 150.

Provides that any stock that bank directors must hold under banking regulations shall not be a disqualifying second class of stock. This is necessary because S corporations are permitted only one class of stock.

Permits banks to treat bad debt charge offs as items of built in loss over the same number of years that the accumulated bad debt reserve must be recaptured (four years) for built in gains tax purposes. This provision is necessary to properly match built in gains and losses relating to accounting for bad debts. Banks that are converting to S corporations must convert from the reserve method of accounting to the specific charge off method and the recapture of the accumulated bad debt reserve is built in gain. Presently the presumption that a bad debt charge off is a built in loss applies only to the first S corporation year.

Clarifies that the general 3 Year S corporation rule for certain "preference" items applies to interest deductions by S corporation banks, thereby providing equitable treatment for S corporation banks. S corporations that convert from C corporations are denied certain interest deductions (preference items) for up to 3 years after the conversion, at the end of three years the deductions are allowed.

Provides that non-health care related fringe benefits such as group-term life insurance will be excludable from wages for "more-than-two-percent" shareholders. Current law taxes the fringe benefits of these shareholders. Health care related benefits are not included because their deductibility would increase the revenue impact of the legislation.

Permits Family Limited Partnerships to be shareholders in Subchapter S corporations. Many family owned small businesses are organized as Family Limited Partnerships or controlled by Family Limited Partnerships for a variety of reasons. A number of small banks have Family Limited Partnership shareholders, and this legislation would for the first time permit those partnerships to be S corporation shareholders.

Permits S corporations to issue preferred stock in addition to common. Prohibited under current law which permits S corporations to have only one class of stock. Because of limitations on the number of common shareholders, banks need to be able to issue preferred stock in order to have adequate access to equity.

Reduces the required level of shareholder consent to convert to an S corporation from unanimous to 90 percent of shares. Non-consenting shareholders retain their stock, with such stock treated as C corporation stock. The procedures for consent are clarified in order to streamline the process.

Clarifies that Qualified Subchapter S Subsidiaries (QSSS) provide information returns under their own tax id number. This can help avoid confusion by depositors and other parties over the insurance of deposits and the payer of salaries and interest.

By Mr. HOLLINGS:

S. 876. A bill to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience; to the Committee on Commerce, Science, and Transportation.

CHILDREN'S PROTECTION FROM VIOLENT PROGRAMMING ACT

Mr. HOLLINGS. Mr. President, I rise to offer legislation to help parents limit the amount of television violence coming into their homes. We have reviewed this issue for decades and the analysis has not changed. All of the assurances and promises have been insufficient to protect our children from the dangerous influence of television violence.

The bill that I introduce today requires a safeharbor time period during which broadcasters and basic cable programmers would not be permitted to transmit violent programming. The legislation directs the Federal Communications Commission to develop an appropriate safeharbor time period to protect television audiences that are likely to be comprised of a substantial number of children.

We can argue all day long about which study reaches what conclusion about the impacts of television violence. But it defies common sense to believe that television violence does not impact our kids in some adverse way. Even the National Cable Television Association's own study on television violence states that the "evidence of the harmful effects associated with televised violence" is "firmly established."

The recent events in Littleton, Colorado serve to highlight the sad and unfortunate fact that violence in our culture is begetting violence by our youths. violence is everywhere, it is readily accessible, and, to make matters worse, it is a source of corporate profits. A recent Washington Post article entitled, "When Death Imitates Art," made this very point. It states:

> For young people, the culture at large is bathed in blood and violence . . . where the more extreme the message, the more over the top gruesomeness, the better. . . . Film, television, music, dress, technology, games: They've become one giant playground filled with accessible evil, darker than ever before.

While we know we can't regulate every market and every technology, and don't want to, we also know that the purveyors of violence must be held accountable in those instances when we can do so, consistent with our values and our Constitution. One way to do this is through television programming.

This approach has already been successfully applied to television with respect to indecent programming, for which a safeharbor has been on the books since 1992—an approach that the D.C. Circuit has validated. I am confident that a similar result would be obtained if the video programming industry or First Amendment advocates were to attack this legislation that I introduce today. Indeed, prior legislative history also substantiates the constitutionality of my approach. In 1993, when I introduced my safeharbor legislation for the first time, the Commerce Committee held a hearing at which Attorney General Janet Reno and FCC Commissioner Reed Hundt both testified that the bill was constitutional.

Now, I know that there will be opponents of this legislation who will state that the ratings system is working, that the V-chip is being deployed, and that our parents are being armed with the tools to protect their children from television violence. I also know that some Senators wrote a letter in July 1997, suggesting that the government forbear from regulation TV violence. But I'm not convinced. We should not forbear from protecting our children.

Besides, the ratings system is incomplete. For example, one major broadcast network refuses to this day to use content ratings, and one major cable channel refuses to use any ratings at all. We all know what is going on here—money talks and violence sells. A recent article in USA Today illustrates this point. Entitled "TV Violence for Profit," the article reports that some TV networks and basic cable channels increase the amount of violent programming during "sweeps—the key months when Nielson measures audience size in every market."

Regardless, even if the industry is right that the V-Chip will eventually be the magic solution, we all know that thousands, and perhaps millions of families, will be without a V-chip for years. The V-chip is not required by the FCC to be manufactured in all television until January 1, 2000. Will every parent go to Circuit City on New Year's day and buy a new TV with a V-chip? Of course not. The V-Chip is not a complete solution. The only complete solution is a safeharbor.

To conclude, I want to stress that this is an issue about accountability and responsibility. Those responsible for supplying video programming have been granted a public trust through the availability of broadcast spectrum and FCC licenses to deliver their programming to America's children. They should be responsible in their programming choices. We know, however, that market forces may encourage them to be irresponsible and transmit excessive violent programming. We in the Congress therefore have a responsibility to hold them accountable. This legislation does just that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 876

Be it enacted by the Senate and House of Representatives of the United states of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Protection from Violent Programming Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Television influences the perception children have of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) Because some programming that is readily accessible to minors remains unrated and therefore cannot be blocked solely on the basis of its violent content, restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

(10) Warning labels about the violent content of video programming will not in themselves prevent children from watching violent video programming.

(11) Although many programs are now subject to both age-based and content-based ratings, some broadcast and non-premium cable programs remain unrated with respect to the content of their programming.

(12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has in fact been rated for violence.

(13) Technology-based solutions will not be installed in all newly manufactured televisions until January 1, 2000.

(14) Even though technology-based solutions will be readily available, many consumers of video programming will not actually own such technology for several years and therefore will be unable to take advantage of content based ratings to prevent their children from watching violent programming.

(15) In light of the fact that some programming remains unrated for content, and given that many consumers will not have blocking technology in the near future, the channeling of violent programming is the least restrictive means to limit the exposure of children to the harmful influences of violent programming.

(16) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, are unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solution, or are unable to determine the content of those shows that are only subject to age-based ratings.

SEC. 3. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

"(c) REPEAT VIOLATIONS.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

"(d) CONSIDERATION OF VIOLATIONS IN LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(e) DISTRIBUTE DEFINED.—In this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.".

SEC. 4. SEPARABILITY.

If any provision of this Act, or any provision of an amendment made by this Act, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this Act or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 5. EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section 3 of this Act) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

By Mr. BROWNBACK (for himself, Mr. NICKLES, and Mr. CRAIG):

S. 877. A bill to encourage the provision of advanced service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BROADBAND INTERNET REGULATORY RELIEF ACT OF 1999

Mr. BROWNBACK. Mr. President, I rise today to introduce the Broadband Internet Regulatory Relief Act of 1999 on behalf of myself, Senator NICKLES, and Senator CRAIG. This bill is intended to speed up the deployment of broadband networks throughout the United States and to make residential high-speed Internet access a widely-available service.

Mr. President, the Internet has revolutionized the way we communicate, conduct business, shop, and learn. The Internet presents us with the opportunity to remove distance as an obstacle to employment and education. But while tens of millions of Americans now log onto the Internet every day, narrowband connections to the Internet make using the Net a slow and cumbersome process.

Broadband connections, on the other hand, provide ultra-fast access to the Internet. With a broadband connection, users may download and upload data from and to the Internet at substantially greater speeds than with a narrowband connection. From downloading full-motion video to uploading an architect's plans, broadband permits consumers to utilize many more applications that will increase the value of the Internet as a communications medium.

The technology to provide broadband connections to the Internet is a reality. Cable companies are deploying hybrid fiber-coax (HFC) networks that will enable cable modems to provide high-speed Internet access. In addition, telephone companies have discovered a way to provide high-speed Internet access over their copper-based telephone loops. With the addition of a digital switch in a telephone company's central office, a digital modem at a customer's premises, and the conditioning of a copper loop, consumers may obtain access to the Internet at more than ten time the speed of narrowband connections.

The most promising technology employed by telephone companies for residential high-speed Internet access is digital subscriber line (DSL) technology. The family of DSL services, especially asymmetric digital subscriber line (ADSL) service, have the greatest potential to ensure that all consumers throughout the United States obtain high-speed Internet access. Cable service has penetration rates approaching telephone service in urban and densely-populated suburban areas. However, cable penetration is much lower in rural areas whereas the ubiquity of the telephone network makes telephone penetration rates close to one hundred percent even in rural areas. Thus, for many rural consumers, including those in Kansas, high-speed Internet access may only be available in the next several years through the telephone network.

As a result, Congress needs to ensure that high-speed Internet access is being made available over the public telephone network as rapidly as possible. While ADSL service is being rolled out in may urban and densely-populated suburban areas, most rural consumers do not have access to it.

I am introducing the Broadband Internet Regulatory Relief Act to ensure that high-speed Internet access is available to my rural constituents as soon as possible. To accomplish this goal, I am proposing to provide regulatory relief to telephone companies willing to deliver broadband connections to rural areas. My proposal has several components.

First, incumbent local exchange carriers that make seventy percent of their loops ready to support high-speed Internet access will not have to resell their advanced services to competitors and will not have to make the network elements used exclusively for the provision of advanced services available to competitors. Second, the prices for advanced services offered by incumbent local exchange carriers that face competition in the provision of such services will be deregulated. Third, where incumbent local exchange carriers are offering advanced services but do not face competition, the companies will receive pricing flexibility. Fourth, competitive local exchange carriers will not be required to resell their advanced services.

Mr. President, the ubiquity of our nation's telephone network presents us with a tremendous opportunity to deliver high-speed Internet access to our rural constituents at a pace comparable with the rate at which urban and suburban consumers will be offered such service. But to realize this goal, we must remove unnecessary regulation that has impeded the rapid deployment of broadband networks. Advanced services should not be regulated in the same manner as basic telephone service. Broadband services are an entirely new market, one in which no company can exercise market power.

In the absence of market power, the incumbents should not have to resell their advanced services or provide competitors with access to unbundled advanced service elements. And pricing regulations applied to telephone service should not be applied to advanced services. In addition, a competitive local exchange carrier willing to deploy the facilities necessary to provide broadband services should not be forced to resell its service.

Mr. President, I am confident that we can ensure the rapid deployment of broadband networks to rural areas. But to do so, we must be willing to provide companies with an incentive to build out their broadband networks in rural areas. The Broadband Internet Regulatory Relief Act would provide companies with such incentives, and I hope that my colleagues will support this crucial legislation.

By Mr. TORRICELLI (for himself, Mr. MACK, Mr. GREGG, Mr. GRAHAM, Mr. MOYNIHAN, Mr. KERRY, Mrs. BOXER, Mr. REED, Mrs. FEINSTEIN, and Mrs. MURRAY):

S. 878. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL ESTUARY CONSERVATION ACT OF 1999

Mr. TORRICELLI. Mr. President, today, Senators MACK, GREGG, GRAHAM, MOYNIHAN, KERRY, BOXER, REED, FEINSTEIN, MURRAY, and I are introducing the National Estuary Conservation Act of 1999. I rise to draw this country's attention to our nationally significant estuaries that are threatened by pollution, development, or overuse. With forty five percent of the nation's population residing in estuarine areas, there is a compelling need for us to promote comprehensive planning and management efforts to restore and protect them.

Estuaries are significant habitat for fish, birds, and other wildlife because they provide safe spawning grounds and nurseries. Seventy five percent of the U.S. commercial fish catch depends on estuaries during some stage of their life. Commercial and recreational fisheries contribute $111 billion to the nation's economy and support 1.5 million jobs. Estuaries are also important to our nation's tourist economy for boating and outdoor recreation. Coastal tourism in just four states—New Jersey, Florida, Texas, and California—totals $75 billion.

Due to their popularity, the overall capacity of our nation's estuaries to function as healthy productive ecosystems is declining. This is a result of the cumulative effects of increasing development and fast growing year round populations which increase dramatically in the summer. Land development, and associated activities that come with people's desire to live and play near these beautiful resources, cause runoff and storm water discharges that contribute to siltation, increased nutrients, and other contamination. Bacterial contamination closes many popular beaches and shellfish harvesting areas in estuaries. Also, several estuaries are afflicted by problems that still require significant research. Examples include the outbreaks of the toxic microbe, Pfiesteria piscicida, in rivers draining to estuaries in Maryland and Virginia.

Congress recognized the importance of preserving and enhancing coastal environments with the establishment of the National Estuary Program in the Clean Water Act Amendments of 1987. The Program's purpose is of facilitate state and local governments preparation of comprehensive conservation and management plans for threatened estuaries of national significance. In support of this effort, section 320 of the

Clean Water Act authorized the EPA to make grants to states to develop environmental management plans. To date, 28 estuaries across the country have been designated into the Program. However, the law fails to provide assistance once plans are complete and ready for implementation. Already, 18 of the 28 plans are finished.

As the majority of plans are now in the implementation stage, it is incumbent upon us to maintain the partnership the Federal Government initiated ten years ago to insure that our nationally significant estuaries are protected. The legislation we are introducing will take the next step by giving EPA authority to make grants for plan implementation and authorize annual appropriations in the amount of $50 million. To insure the program is a true partnership and leverage scarce resources, there is a direct match requirement for grant recipients so funds will be available to upgrade sewage treatment plants, fix combined sewer overflows, control urban stormwater discharges, and reduce polluted runoff into estuarine areas.

By Mr. CONRAD (for himself, Mr. MACK, Mr. NICKLES, Mr. ROBB, and Mr. BAUCUS):

S. 879. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements; to the Committee on Finance.

TEN-YEAR LEASEHOLD IMPROVEMENT DEPRECIATION

Mr. CONRAD. Mr. President, I rise today, joined by my colleagues Mr. NICKLES, Mr. MACK, Mr. ROBB, and Mr. BAUCUS, to introduce important legislation to provide for a 10-year depreciation life for leasehold improvements. Leasehold improvements are the alterations to leased space made by a building owner as part of the lease agreement with a tenant.

These improvements can include interior walls, partitions, flooring, lighting, wiring and plumbing—essentially any fixture that an owner provides in space leased to a tenant. They keep a building modern, upgraded, and energy efficient. In actual commercial use, leasehold improvements typically last as long as the lease—an average of 5 to 10 years. However, the Internal Revenue Code requires leasehold improvements to be depreciated over 39 years—the life of the building.

Economically, this makes no sense. The owner receives taxable income over the life of the lease (i.e., 10 years), yet can only recover the costs of the improvements associated with the lease over 39 years—a rate nearly four times slower. This wild mismatch of income and expenses causes the owner to incur an artificially high tax cost on these improvements.

The bill we introduce today will correct this irrational and uneconomic tax treatment by shortening the cost recovery period for certain leasehold improvements from 39 years to a more realistic 10 years. If enacted, this legislation would more closely align the expenses incurred to construct these improvements with the income they generate during the lease term.

For example, a building owner who makes a $100,000 leasehold improvement for a 10-year, $1 million lease would be able to recover this entire investment by the end of that lease at a rate of $10,000 per year. Under current law, this $100,000 improvement is recovered at a rate of $2,564 per year over 39 years.

By reducing this cost recovery period, the expense of making these improvements would fall more into line with the economics of a commercial lease transaction, and more property owners would be able to adapt their buildings to fit the demanding needs of today's modern business tenant. Small business should find this bill particularly helpful, because small businesses turn over their rental space more frequently than larger businesses. And we cannot forget that over 80 percent of building owners who provide space to small businesses are themselves small businesses.

We have an interest in keeping existing buildings commercially viable. When older buildings can serve tenants who need modern, efficient commercial space, there is less pressure for developing greenfields in outlying areas. Americans are concerned about preserving open space, natural resources and a sense of neighborhood. The current law 39-year cost recovery for leasehold improvements is an impediment to reinvesting in existing properties and communities.

This legislation has the strong backing of six major real estate organizations, including the National Realty Committee, the national Association of Realtors, the International Council of Shopping Centers, the national Association of Industrial and Office Properties, the national Association of Real Estate Investment Trusts, and the Building and Office Managers Association, International.

I urge all Senators to join us in supporting this legislation to provide rational depreciation treatment for leasehold improvements.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.

(a) 10-YEAR RECOVERY PERIOD.—Subparagraph (D) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 10-year property) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following new clause:

"(iii) any qualified leasehold improvement property.".

(b) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—Subsection (e) of section 168 of such Code is amended by adding at the end the following new paragraph:

"(6) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

"(I) by the lessee (or any sublessee) of such portion, or

"(II) by the lessor of such portion,

"(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

"(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefiting a common area, and

"(iv) the internal structural framework of the building.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) COMMITMENT TO LEASE TREATED AS LEASE.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

"(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

"(I) members of an affiliated group (as defined in section 1504), and

"(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection."

(c) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Paragraph (3) of section 168(b) of such Code is amended by adding at the end the following new subparagraph:

"(G) Qualified leasehold improvement property described in subsection (e)(6).".

(d) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of such Code is amended by inserting after the item relating to subparagraph (D)(ii) the following new item:

"(D)(iii) .... 10 ".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified leasehold improvement property placed in service after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 56

At the request of Mr. KYL, the name of the Senator from Alabama (Mr.

SHELBY) was added as a cosponsor of S. 56, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 85

At the request of Mr. BUNNING, the names of the Senator from Florida (Mr. MACK) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 88

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 434

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 459

At the request of Mr. BREAUX, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 577

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 608

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 608, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 679

At the request of Mr. GRAMS, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 679, a bill to authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes.

S. 692

At the request of Mr. KYL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 692, a bill to prohibit Internet gambling, and for other purposes.

S. 693

At the request of Mr. HELMS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 731

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 731, a bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries.

S. 761

At the request of Mr. ABRAHAM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 761, a bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

S. 803

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 803, a bill to make the International Olympic Committee subject to the Foreign Corrupt Practices Act of 1977, and for other purposes.

S. 858

At the request of Mr. COVERDELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 858, a bill to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse".

S. 860

At the request of Mr. GRAHAM, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 860, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 864

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 864, a bill to designate April 22 as Earth Day.

S. 867

At the request of Mr. ROTH, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 867, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

SENATE JOINT RESOLUTION 20

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of Senate Joint Resolution 20, a joint resolution concerning the deployment of the United States Armed Forces to the Kosovo region in Yugoslavia.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from New York (Mr. SCHUMER), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 84—TO DESIGNATE THE MONTH OF MAY, 1999, AS NATIONAL ALPHA 1 AWARENESS MONTH

By Ms. SNOWE (for herself, Mr. HELMS, Mr. GRAMS, Mr. ROBB, Mr. DURBIN, Mr. EDWARDS, Mr. CLELAND, Mr. HATCH, Mr. TORRICELLI, Mr. MACK, Mr. CRAPO, Mr. GRAHAM, Mr. LAUTENBERG, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 84

Whereas alpha$_1$-antitrypsin deficiency (A1AD) is the most common lethal single gene defect in the United States;

Whereas A1AD, having been identified only since 1963, is as common as cystic fibrosis, but is neither well known, nor well understood by many physicians and is virtually unknown by the general public;

Whereas A1AD is seen as a liver disease in infants and young children, as a lung or liver disease in young adults, and may be misdiagnosed as asthma, chronic bronchitis or smoker's emphysema due to lack of knowledge or understanding about this disease;

Whereas A1AD is particularly devastating to families since it strikes during the peak earning and child rearing years;

Whereas 80,000 to 100,000 persons in the United States are affected by the disease while only 5 percent have been identified; and

Whereas liver and lung transplants are sought by many individuals suffering from A1AD, detection screenings, educational conferences and other scheduled events will help raise awareness for early identification and organ donation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of May 1999 as "National Alpha$_1$ Awareness Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

Ms. SNOWE. Mr. President I rise today to submit a resolution to raise national awareness of Alpha 1-antitrypsin definiency. I am so pleased to be joined by 15 of my colleagues. Our resolution officially declares May 1999 as "National Alpha $_1$ Awareness Month."

Alpha-1 is a genetic condition that can cause severe early onset emphysema, liver disease in both children and adults, or more rarely, a skin condition called panniculitis. In infants, Alpha-1 causes neonatal cirrhosis of the liver, which is sometimes fatal. In adults, Alpha-1 can lead to pulmonary emphysema and or cirrhosis of the liver. This disease normally strikes young adults in their 30s and 40s.

Alpha-1 was first identified in 1963 and is the most common lethal single gene defect in the United States. It is as common as cystic fibrosis but it is neither well known, nor well understood by many physicians, and is virtually unknown to the American public.

An estimated 5,000 people have been diagnosed with Alpha 1-antitrypsin deficiency in the United States and statistical estimates indicate that there should be 80,000 to 100,000 people total in this country. In fact, one in 37 people are Alpha-1 carriers of this genetic defect. A simple blood test can detect Alpha-1 antitrypsin levels and let people know if they are carriers or have this genetic defect. In fact, in 1998, the Maine chapter of the Alpha-1 National Association Support Group screened 105 people for the genetic defect and found 15 carriers.

Alpha-one antitrypsin deficiency can be a devastating disease. Symptoms of Alpha-1 are similar to those of other respiratory diseases, and often Alpha-1 emphysema is accompanied by asthma, bronchitis, and chronic obstructive pulmonary disease. The most common indicators of Alpha-1 include worsening shortness of breath, a chronic cough and abnormal liver test results.

The good news is that many Alphas can stay healthy into old age, especially if they never smoke, avoid pollution, lung irritants, and do not suffer from frequent lung infections. The bad news is that there are many Alphas who are misdiagnosed for years, and this misdiagnosis can cause additional irreversible lung damage.

By declaring May, 1999 as "National Alpha $_1$ Awareness Month" we hope bring the problem of Alpha-1 antitrypsin deficiency to the attention to the Senate. I urge my colleagues who have not yet joined us on this important issue to add their name to the public call for increased national awareness of this genetic condition.

SENATE RESOLUTION 85—SUPPORTING THE EFFORTS OF THE PEOPLE OF INDONESIA IN ACHIEVING A TRANSITION TO GENUINE DEMOCRACY

Mr. TORRICELLI (for himself, Mr. THOMAS, Mr. REED, Mr. HELMS, Mr. WELLSTONE, Mr. COVERDELL, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 85

Whereas Indonesia is the world's fourth most populous country, has the world's largest Muslim population, and has developed friendly relations with the United States;

Whereas a stable and democratic Indonesia is important to overall security in Southeast Asia;

Whereas President Suharto resigned on May 21, 1998, in accordance with Indonesia's constitutional processes;

Whereas incidents of ethnic and religious violence have become more prevalent in the months following President Suharto's resignation and threaten to undermine Indonesia's delicate political balance;

Whereas President Habibie has indicated his willingness to consider granting independence to East Timor, if the people of East Timor reject a plan for greater autonomy within Indonesia;

Whereas Indonesia is pursuing a transition to genuine democracy, establishing a new governmental structure, and developing a new political order;

Whereas President Habibie signed several bills governing elections, political parties, and the structure of legislative bodies into law on February 1, 1999; and

Whereas free, fair, and transparent elections to the House of Representatives of Indonesia (DPR), now scheduled for June 7, 1999, will help the people of Indonesia continue their democratic transition: Now, therefore, be it

Resolved, That the Senate—

(1) supports the Indonesian people in their efforts to carry out the provisions of the new election laws and hold democratic elections as scheduled;

(2) calls upon the Government of Indonesia to take all steps necessary to ensure that the elections scheduled for June 7, 1999, are free, fair, and transparent;

(3) urges all political, military, and ethnic leaders to refrain from all violence and work toward a peaceful political campaign period;

(4) calls upon all Indonesian leaders, political party members, military personnel, and the general public to respect and uphold the results of all elections held in a free and fair manner;

(5) urges all candidates for political office to address the ethnic and religious tensions in Indonesia that have surfaced since President Suharto's resignation and incorporate possible solutions into their election platforms; and

(6) calls upon the Government of Indonesia and all prospective officeholders to work with the people of East Timor to achieve an equitable and realistic solution to the question of East Timor's future political status.

Mr. TORRICELLI. Mr. President, I rise today together with Senators THOMAS, REED, HELMS, WELLSTONE, COVERDELL, and KERRY, to submit a resolution on Indonesia's upcoming Parliamentary elections. These are both exciting and troubling times in Indonesia. The elections scheduled for June 7th could be the beginning of a new, democratic Indonesia. At the same time, though, we receive almost daily reports of increased social unrest and a bleak economic future.

While inflation and interest rates have fallen, the Indonesian economy remains unstable. Recent clashes between Muslims and Christians in Ambon remind us that Indonesia's ethnic tensions could overwhelm the country at any minute. The status of East Timor is an ongoing issue for the people of Indonesia, although President Habibie has vowed to come to resolution by the end of the year. Depending upon the outcome of the vote on autonomy, the Parliament elected in June could have a direct influence on East Timor's future.

The upcoming June elections are a critical benchmark for Indonesia's efforts to pursue democratic reform. A freely elected Parliament will further distance Indonesia from its past and help instill a democratic culture. If these elections are proven to be free, fair and transparent, Indonesia will be well on its way to having a government with popular legitimacy.

I applaud the Administration's efforts to ensure that the elections on June 7th are open and transparent. U.S. support for a fair election process will send a strong message to the participants. The pledge of $30 million to help Indonesia realize its goal of free and fair elections demonstrates an understanding of how important June 7th is, not only in Indonesia, but in Southeast Asia as a whole. While Indonesia's new election laws provide for monitors at the national, provincial and district levels, we must ensure that monitors are properly trained and educated. We must move quickly to maximize the interim period before the elections and encourage other nations to actively support our efforts to promote a free and fair process.

Producing transparent and legitimate election results is a responsibility that cannot be overlooked. However, we must look forward at the same time. The economic and social problems Indonesia is currently facing will be with the country past the election, and they need continued attention from this Congress and the Administration. The country's future will be uncertain if the pressing issues of today are ignored.

For this reason, I have introduced a resolution that supports Indonesia's efforts to hold free and fair elections. It calls upon all political, military and ethnic leaders to refrain from violence and work toward a peaceful campaign period. In addition, it urges all candidates to address some of these social problems and incorporate possible solutions into their election platforms. This Congress can have a positive impact on democracy in Indonesia by helping to keep its future leaders focused on achieving long term social and economic stability.

AMENDMENTS SUBMITTED ON APRIL 23, 1999

BUDGET PROCESS EMERGENCIES DESIGNATION LEGISLATION

LOTT AMENDMENTS NOS. 256–264

(Ordered to lie on the table.)

Mr. LOTT submitted nine amendments intended to be proposed by him to the bill (S. 557) a bill to provide guidance for the designation of emergencies as a part of the budget process; as follows:

Amendment No. 256

At the end of the instructions add the following:

with an amendment as follows:

At the end of the bill add the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) Protection by Congress.—

(1) Reaffirmation of support.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Protection of social security benefits.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) Points of Order.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) Social Security Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) Debt Held by the Public Point of Order.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) Social Security Surplus Protection Point of Order.—

"(1) In general.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) Exception.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2), 318,".

(d) Conforming Amendment.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) Exception for Defense Spending.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) Amendments to the Congressional Budget Act of 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph:

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) General Statement of Purpose.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) Limit.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) Adjustments for Actual Social Security Surplus Levels.—

"(1) Estimated levels.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) Adjustment to the limit for actual social security surpluses.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) Calculation.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) Adjustment.—

"(i) 2000 through 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 through 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) Adjustment to the Limit for Emergencies.—

"(1) Estimate of legislation.—

"(A) Calculation.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) Adjustment.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) Exception.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) Adjustment to the Limit for Low Economic Growth and War.—

"(1) Suspension of statutory limit on debt held by the public.—

"(A) Low economic growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) War.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) Restoration of statutory limit on debt held by the public.—

"(A) Restoration of limit.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) Adjustment.—

"(i) Calculation.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) Adjustment.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) Adjustment to the Limit for Social Security Reform Provisions that Affect On-Budget Levels.—

"(1) Estimate of legislation.—

"(A) Calculation.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) Adjustment to limit on the debt held by the public.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) Definitions.—In this section:

"(1) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(2) Social security reform legislation.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) Social security reform legislation.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) Social security reform provisions.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) Social security reform provisions.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

Amendment No. 257

At the end of the instructions add the following:

with an amendment as follows:

At the end of the bill add the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) EXCEPTION.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2), 318,".

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) LIMIT.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

"(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) ADJUSTMENT.—

"(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) Adjustment.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) Exception.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) Adjustment to the Limit for Low Economic Growth and War.—

"(1) Suspension of statutory limit on debt held by the public.—

"(A) Low economic growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) War.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) Restoration of statutory limit on debt held by the public.—

"(A) Restoration of limit.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) Adjustment.—

"(i) Calculation.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) Adjustment.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) Adjustment to the Limit for Social Security Reform Provisions that Affect On-Budget Levels.—

"(1) Estimate of legislation.—

"(A) Calculation.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) Adjustment to limit on the debt held by the public.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) Definitions.—In this section:

"(1) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(2) Social security reform legislation.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) Social security reform legislation.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) Social security reform provisions.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) Social security reform provisions.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

Amendment No. 258

At the end of the instructions add the following:

with an amendment as follows:

At the end of the bill add the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) Protection by Congress.—

(1) Reaffirmation of support.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Protection of social security benefits.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) Points of Order.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) Social Security Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) Debt Held by the Public Point of Order.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) Social Security Surplus Protection Point of Order.—

"(1) In general.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) Exception.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2), 318,".

(d) Conforming Amendment.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph:

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) LIMIT.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

"(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) ADJUSTMENT.—

"(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

"(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) ADJUSTMENT.—

"(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) Adjustment to limit on the debt held by the public.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) Definitions.—In this section:

"(1) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(2) Social security reform legislation.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) Social security reform legislation.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) Social security reform provisions.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) Social security reform provisions.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

Amendment No. 259

In the pending amendment strike all after the word "following" and insert the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) Protection by Congress.—

(1) Reaffirmation of support.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Protection of social security benefits.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) Points of Order.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) Social Security Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) Debt Held by the Public Point of Order.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) Social Security Surplus Protection Point of Order.—

"(1) In general.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) Exception.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2), 318,".

(d) Conforming Amendment.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) Exception for Defense Spending.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) Amendments to the Congressional Budget Act of 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph:

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) General Statement of Purpose.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) Limit.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) Adjustments for Actual Social Security Surplus Levels.—

"(1) Estimated levels.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) ADJUSTMENT.—

"(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

"(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) ADJUSTMENT.—

"(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) DEFINITIONS.—In this section:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, ________ of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on May 1, 2010.

AMENDMENT NO. 260

In the pending amendment strike all after the word "following" and insert the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury

shall give priority to the payment of social security benefits required to be paid by law.

(b) Points of Order.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

‘‘(j) Social Security Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

‘‘(k) Debt Held by the Public Point of Order.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

‘‘(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

‘‘(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

‘‘(l) Social Security Surplus Protection Point of Order.—

‘‘(1) In general.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

‘‘(2) Exception.—Paragraph (1) shall not apply if—

‘‘(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

‘‘(B) the deficit for a fiscal year results solely from the enactment of—

‘‘(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

‘‘(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.’’.

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking ‘‘305(b)(2),’’ and inserting ‘‘301(k), 301(l), 305(b)(2), 318,’’.

(d) Conforming Amendment.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

‘‘(c) Exception for Defense Spending.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.’’.

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) Amendments to the Congressional Budget Act of 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

‘‘(11)(A) The term ‘debt held by the public’ means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

‘‘(B) For the purpose of this paragraph, the term ‘face amount’, for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

‘‘(i) the original issue price of the obligation; plus

‘‘(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

‘‘(12) The term ‘social security surplus’ means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.’’;

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

‘‘(6) the debt held by the public; and’’; and

(3) in section 310(a) by—

(A) striking ‘‘or’’ at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph:

‘‘(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or’’.

(b) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

‘‘(b) General Statement of Purpose.—This part provides for the enforcement of—

‘‘(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

‘‘(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.’’;

(2) in section 250(c)(1), by inserting ‘‘ ‘debt held by the public’, ‘social security surplus’ ’’ after ‘‘outlays’,’’; and

(3) by inserting after section 253 the following:

‘‘SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

‘‘(a) Limit.—The debt held by the public shall not exceed—

‘‘(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

‘‘(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

‘‘(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

‘‘(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

‘‘(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

‘‘(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

‘‘(b) Adjustments for Actual Social Security Surplus Levels.—

‘‘(1) Estimated levels.—The estimated level of social security surpluses for the purposes of this section is—

‘‘(A) for fiscal year 1999, $127,000,000,000;

‘‘(B) for fiscal year 2000, $137,000,000,000;

‘‘(C) for fiscal year 2001, $145,000,000,000;

‘‘(D) for fiscal year 2002, $153,000,000,000;

‘‘(E) for fiscal year 2003, $162,000,000,000;

‘‘(F) for fiscal year 2004, $171,000,000,000;

‘‘(G) for fiscal year 2005, $184,000,000,000;

‘‘(H) for fiscal year 2006, $193,000,000,000;

‘‘(I) for fiscal year 2007, $204,000,000,000;

‘‘(J) for fiscal year 2008, $212,000,000,000; and

‘‘(K) for fiscal year 2009, $218,000,000,000.

‘‘(2) Adjustment to the limit for actual social security surpluses.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

‘‘(A) Calculation.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

‘‘(B) Adjustment.—

‘‘(i) 2000 through 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

‘‘(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

‘‘(II) each subsequent limit.

‘‘(ii) 2004 through 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

‘‘(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

‘‘(II) each subsequent limit.

‘‘(c) Adjustment to the Limit for Emergencies.—

‘‘(1) Estimate of legislation.—

‘‘(A) Calculation.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

‘‘(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

‘‘(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

‘‘(2) Adjustment.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

‘‘(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

‘‘(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

‘‘(ii) each subsequent limit; and

‘‘(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

‘‘(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

‘‘(ii) each subsequent limit.

‘‘(3) Exception.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

‘‘(d) Adjustment to the Limit for Low Economic Growth and War.—

‘‘(1) Suspension of statutory limit on debt held by the public.—

‘‘(A) Low economic growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) ADJUSTMENT.—

"(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) DEFINITIONS.—In this section:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, ____ of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on May 1, 2010.

AMENDMENT NO. 261

In the pending amendment strike all after the word "following and insert the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) EXCEPTION.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2), 318,".

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph:

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) LIMIT.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

"(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) ADJUSTMENT.—

"(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

"(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) ADJUSTMENT.—

"(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) DEFINITIONS.—In this section:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on May 1, 2010.

Amendment No. 262

In lieu of the proposed legislative amendment insert the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) Protection by Congress.—

(1) Reaffirmation of support.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Protection of social security benefits.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) Points of Order.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) Social Security Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) Debt Held by the Public Point of Order.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) Social Security Surplus Protection Point of Order.—

"(1) In general.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) Exception.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2), 318,".

(d) Conforming Amendment.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) Exception for Defense Spending.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) Amendments to the Congressional Budget Act of 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) General Statement of Purpose.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) Limit.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) Adjustments for Actual Social Security Surplus Levels.—

"(1) Estimated levels.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) Adjustment to the limit for actual social security surpluses.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) Calculation.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) Adjustment.—

"(i) 2000 through 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 through 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) Adjustment to the Limit for Emergencies.—

"(1) Estimate of legislation.—

"(A) Calculation.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) Adjustment.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) Exception.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) Adjustment to the Limit for Low Economic Growth and War.—

"(1) Suspension of statutory limit on debt held by the public.—

"(A) Low economic growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) War.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) Restoration of statutory limit on debt held by the public.—

"(A) Restoration of limit.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) Adjustment.—

"(i) Calculation.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) Adjustment.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) Adjustment to the Limit for Social Security Reform Provisions that Affect On-Budget Levels.—

"(1) Estimate of legislation.—

"(A) Calculation.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) Adjustment to limit on the debt held by the public.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) Definitions.—In this section:

"(1) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(2) Social security reform legislation.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) Social security reform legislation.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) Social security reform provisions.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) Social security reform provisions.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on May 1, 2010.

Amendment No. 263

In lieu of the proposed legislative amendment insert the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) Protection by Congress.—

(1) Reaffirmation of support.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Protection of social security benefits.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) Points of Order.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) Social Security Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) Debt Held by the Public Point of Order.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) Social Security Surplus Protection Point of Order.—

"(1) In general.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) Exception.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or "(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) Supermajority Waiver and Appeal.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2), 318,".

(d) Conforming Amendment.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) Exception for Defense Spending.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) Amendments to the Congressional Budget Act of 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph:

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) General Statement of Purpose.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) Limit.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) Adjustments for Actual Social Security Surplus Levels.—

"(1) Estimated levels.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) Adjustment to the limit for actual social security surpluses.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) Calculation.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) Adjustment.—

"(i) 2000 through 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 through 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) Adjustment to the Limit for Emergencies.—

"(1) Estimate of legislation.—

"(A) Calculation.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) Baseline levels.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) Estimate.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) Adjustment.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) Exception.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) Adjustment to the Limit for Low Economic Growth and War.—

"(1) Suspension of statutory limit on debt held by the public.—

"(A) Low economic growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) War.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) Restoration of statutory limit on debt held by the public.—

"(A) Restoration of limit.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) Adjustment.—

"(i) Calculation.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) Adjustment.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) Adjustment to the Limit for Social Security Reform Provisions that Affect On-Budget Levels.—

"(1) Estimate of legislation.—

"(A) Calculation.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) DEFINITIONS.—In this section:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act,   of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on May 1, 2010.

AMENDMENT NO. 264

In lieu of the proposed legislative amendment insert the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Social Security Surplus Preservation and Debt Reduction Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

"(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

"(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

"(2) EXCEPTION.—Paragraph (1) shall not apply if—

"(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

"(B) the deficit for a fiscal year results solely from the enactment of—

"(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking "305(b)(2)," and inserting "301(k), 301(l), 305(b)(2), 318,".

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

"(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.".

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

"(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

"(i) the original issue price of the obligation; plus

"(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

"(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.";

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and"; and

(3) in section 310(a) by—

(A) striking "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or".

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

"(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

"(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.";

(2) in section 250(c)(1), by inserting "'debt held by the public', 'social security surplus'" after "outlays',"; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

"(a) LIMIT.—The debt held by the public shall not exceed—

"(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

"(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

"(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

"(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

"(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

"(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

"(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

"(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

"(A) for fiscal year 1999, $127,000,000,000;

"(B) for fiscal year 2000, $137,000,000,000;

"(C) for fiscal year 2001, $145,000,000,000;

"(D) for fiscal year 2002, $153,000,000,000;

"(E) for fiscal year 2003, $162,000,000,000;

"(F) for fiscal year 2004, $171,000,000,000;

"(G) for fiscal year 2005, $184,000,000,000;

"(H) for fiscal year 2006, $193,000,000,000;

"(I) for fiscal year 2007, $204,000,000,000;

"(J) for fiscal year 2008, $212,000,000,000; and

"(K) for fiscal year 2009, $218,000,000,000.

"(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

"(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

"(B) ADJUSTMENT.—

"(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

"(II) each subsequent limit.

"(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

"(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

"(II) each subsequent limit.

"(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

"(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

"(ii) each subsequent limit; and

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

"(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

"(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

"(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

"(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

"(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

"(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

"(B) ADJUSTMENT.—

"(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

"(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

"(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

"(II) each subsequent limit.

"(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

"(1) ESTIMATE OF LEGISLATION.—

"(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

"(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(e) DEFINITIONS.—In this section:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

"'( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

"(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

"'( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.".

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking "in a manner consistent" and inserting "in compliance".

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on May 1, 2010.

AMENDMENTS SUBMITTED ON APRIL 26, 1999

Y2K ACT

HOLLINGS AMENDMENTS NOS. 265–266

(Ordered to lie on the table.)

Mr. HOLLINGS submitted two amendments intended to be proposed by him to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date; as follows:

AMENDMENT NO. 265

At the end add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Protection from Violent Programming Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Television influences the perception children have of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) Because some programming that is readily accessible to minors remains unrated and therefore cannot be blocked solely on the basis of its violent contents restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

(10) Warning labels about the violent content of video programming will not in themselves prevent children from watching violent video programming.

(11) Although many programs are now subject to both age-based and content-based ratings, some broadcast and non-premium cable programs remain unrated with respect to the content of their programming.

(12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has in fact been rated for violence.

(13) Technology-based solutions will not be installed in all newly manufactured televisions until January 1, 2000.

(14) Even though technology-based solutions will be readily available, many consumers of video programming will not actually own such technology for several years and therefore will be unable to take advantage of content based ratings to prevent their children from watching violent programming.

(15) In light of the fact that some programming remains unrated for content, and given that many consumers will not have blocking technology in the near future, the channeling of violent programming is the least restrictive means to limit the exposure of children to the harmful influences of violent programming.

(16) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, are unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solution, or are unable to determine the content of those shows that are only subject to age-based ratings.

SEC. 3. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming.'

"(c) REPEAT VIOLATIONS.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

"(d) CONSIDERATION OF VIOLATIONS IN LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(e) DISTRIBUTE DEFINED.—In this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.".

SEC. 4. SEPARABILITY.

If any provision of this Act, or any provision of an amendment made by this Act, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this Act or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 5. EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section 3 of this Act) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

AMENDMENT NO. 266

At the end, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Health and Safety Act of 1999":

SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.

Chapter 44 of title 18, United States Code, is amended—

(1) by—

(A) redesigning the text of the chapter as subchapter A;

(B) inserting after the chapter heading the following:

"Subchapter

"A. Firearms In General
—921
"B. Handguns
—941

"SUBCHAPTER A—FIREARMS IN GENERAL";

and

(C) striking "this chapter" each place it appears and inserting "this subchapter"; and

(2) by adding at the end the following new subchapter:

"SUBCHAPTER B—HANDGUNS

"Sec.
"941. Definitions.
"942. Unlawful acts.
"943. Licensing of handgun clubs.
"944. Registration of security guard services.
"945. Recordkeeping and reports; transfers to licensed handgun clubs.
"946. Voluntary delivery to law enforcement agency; reimbursement.
"947. Penalties.
"948. Regulations.
"949. Relation to other law.
"950. Severability.

"SEC. 941. DEFINITIONS.

"(a) TERMS DEFINED IN SECTION 921.—Unless otherwise defined in subsection (b), a term used in this subchapter that is defined in section 921 has the meaning stated in that section.

"(b) ADDITIONAL TERMS.—As used in this subchapter.

"'Handgun' means by firearm including a pistol or revolver that is designed to be fired by the use of a single hand, or any combination of parts from which such a firearm can be assembled.

"'Handgun ammunition' means ammunition that is designed for use primarily in a handgun.

"'Handgun club' means a club organized for bona fide target shooting with handguns.

"'Licensed handgun club' means a handgun club that is licensed under section 943.

"'Registered security guard service' means a security guard service that is registered under section 944.

"'Security guard service' means an entity that engages in the business of providing security guard services to the public.

"SEC. 942. UNLAWFUL ACTS.

"(a) OFFENSE.—Except as provided in subsections (b) and (c), it is unlawful for a person to manufacture, import, export, sell, buy, transfer, receive, own possess, transport, or use a handgun or handgun ammunition.

"(b) EXCEPTIONS.—Subsection (a) does not apply to—

"(1) the Army, Navy, Air Force, Marine Corps, Coast Guard, and National Guard;

"(2) Federal, State, or local government agencies charged with law enforcement duties that require its officers to possess handguns;

"(3) registered security guard services; or

"(4) licensed handgun clubs and members of licensed handgun clubs.

"(c) APPROVED TRANSACTIONS.—Pursuant to regulations issued by the Secretary, the Secretary may approve the manufacture, importation, sale, purchase, transfer, receipt, ownership, possession, transportation, and use of a handgun or handgun ammunition by licensed manufacturers, licensed importers, and licensed dealers as necessary to meet the lawful requirements of the persons and entities described in subsection (b).

"SEC. 943. LICENSING OF HANDGUN CLUBS.

"(a) HANDGUN CLUBS.—Pursuant to regulations issued by the Secretary, the Secretary may issue a license to a handgun club if—

“(1) no member of the handgun club is a person whose membership and participation in the club is in violation of State or local law;

“(2) no member of the handgun club is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922 (g) or (h);

“(3) no member of the handgun club has willfully violated this chapter or any regulations issued under this chapter;

“(4) the handgun club has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact in connection with its application;

“(5) the club has been founded and operated for bona fide target shooting; and

“(6) the handgun club—

“(A) has permanent premises from which it operates;

“(B) maintains possession and control of the handguns used by its members;

“(C)(i) has procedures and has facilities on its premises for keeping such handguns in a secure place, under the control of a designated officer of the club; or

“(ii) has made arrangements for the storage of the members' handguns in a facility of the local police department or other law enforcement agency, at all times when they are not being used for target shooting; and

“(D) meets all operational, safety, security, training, and other requirements that the Secretary may prescribe by regulation.

“(b) Revocation.—The secretary shall revoke the license of a licensed handgun club that does not continue to meet the requirements of subsection (a).

“(c) License Fee.—A licensed handgun club shall pay to the Secretary an annual license fee of $25.

“SEC. 944. REGISTRATION OF SECURITY GUARD SERVICES.

“(a) Security Guard Services.—Under regulations issued by the Secretary, the Secretary may approve the registration of a security guard service if—

“(1)(A) the security guard service has procedures and has facilities on its premises for keeping its handguns in a secure place, under the control of a designated officer of the security guard service; or

“(B) has made arrangements for the storage of its handguns in a facility of the local police department or other law enforcement agency, at all times when such handguns are not in use for legitimate business purposes;

“(2) the security guard service has obtained all necessary State and local licenses and meet all State and local requirements to engage in the business of providing security guard service; and

“(3) the security guard service meets all operational, safety, security, training, and other requirements that the Secretary may prescribe by regulation.

“(b) Revocation.—The Secretary shall revoke the registration of a registered security guard service that does not continue to meet the requirements of subsection (a).

“(c) Registration Fee.—A registered security guard service shall pay to the Secretary an annual registration fee of $50.

“SEC. 945. RECORDKEEPING AND REPORTS; TRANSFERS TO LICENSED HANDGUN CLUBS.

“(a) Recordkeeping.—A licensed manufacturer, licensed importer, licensed dealer, licensed handgun club or member of a licensed handgun club, or registered security guard service that sells or otherwise transfers handguns or handgun ammunition shall—

“(1) maintain records of sales, transfers, receipts, and other dispositions of handguns and handgun ammunition in such form as the Secretary may by regulation provide; and

“(2) permit the Secretary to enter the premises at reasonable times for the purpose of inspecting such records.

“(b) Reports of Loss or Theft.—(1) A licensed handgun club or registered security guard service shall report to the Secretary a loss or theft of any handgun in its possession or the possession of one of its members or employees not later than thirty days after the loss or theft is discovered.

“(2) A report made under subsection (a) shall include such information as the Secretary by regulation shall prescribe, including the date and place of theft or loss.

“(c) Transfers to Handgun Clubs.—A person that sells or otherwise transfers a handgun to a licensed handgun club or member of a licensed handgun club shall be shipped or otherwise delivered directly to the premises of the licensed handgun club where the handgun will be kept.

“SEC. 946. VOLUNTARY DELIVERY TO LAW ENFORCEMENT AGENCY; REIMBURSEMENT.

“(a) Delivery.—A person may at any time voluntarily deliver to any Federal, State, or local law enforcement agency designated by the Secretary a handgun owned or possessed by the person.

“(b) Disposition.—The Secretary shall arrange with each agency designated to receive handguns for the transfer, destruction, or other disposition of handguns delivered under subsection (a).

“(c) Reimbursement.—The Secretary shall pay to a person who delivers a handgun under subsection (a) on or prior to the date that is one hundred eighty days after the date of enactment of this subchapter an amount equal to the greater of—

“(1) $25; or

“(2) the fair market value of the gun as determined by the Secretary.

“(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as are necessary to make such payments under subsection (c).

“SEC. 947. PENALTIES.

“(a) Violation of Section 942.—(1) Except as provided in paragraph (2), a person who violates section 942 shall be fined not more than $5,000, imprisoned not more than five years, or both.

“(2) A person who voluntarily delivers a handgun under section 946(a) after the date that is one hundred eighty days after the date of enactment of this subchapter shall not be subject to criminal prosecution for possession of the handgun under any Federal, State, or local law, but shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $500.

“(b) Failure to Report Loss or Theft.—A licensed handgun club or registered security guard service that fails to report a loss or theft of a handgun as required by section 945(b)—

“(1) in the case of a negligent failure to report or a negligent failure to discover the loss or theft, shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

“(2) in the case of an intentional failure to report, shall be fined not more than $5,000, its officer designated under section 943(a)(6)(C)(i) or 944(a)(1)(A) imprisoned not more than five years, or both.

“(c) Failure to Deliver to Premises of Licensed Handgun Club.—A person that sells or otherwise transfers a handgun to a licensed handgun club or member of a licensed handgun club that causes the handgun to be shipped or otherwise delivered by any means or to any place other than directly to the premises of the licensed handgun club where the handgun will be kept, in violation of section 945(c)—

“(1) in the case of a negligent delivery to an unauthorized place, shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

“(2) in the case of an intentional delivery to an unauthorized place, shall be fined not more than $5,000, imprisoned not more than five years, or both.

“(d) False Statement or Representation.—(1)(A) person who—

“(A) makes a false statement or representation with respect to information required by this subchapter to be kept in the records of an importer, manufacturer, dealer, or handgun club licensed under this subchapter or security guard service registered under this subchapter; or

“(B) makes a false statement or representation in applying for a handgun club license or security guard service registration under this subchapter,

shall be subject to penalty under paragraph (2).

“(2)(A) In the case of a negligent making of a false statement or representation described in paragraph (1), the person shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

“(B) in the case of an intentional making of a false statement or representation described in paragraph (1), the person shall be fined not more than $5,000, imprisoned not more than five years, or both.

“(e) Failure to Keep or Permit Inspection of Records.—A person who fails to keep or permit inspection of records in violation of section 945(a)—

“(1) in the case of a negligent failure to maintain records, shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

“(2) in the case of an intentional failure to maintain records or any failure to permit inspection of records, shall be fined not more than $5,000, and its chief executive officer or other person responsible for the failure shall be imprisoned not more than five years, or both.

“(f) Forfeiture.—Any handgun or handgun ammunition involved or used in, or intended to be used in, a violation of this subchapter or any regulation issued under this subchapter, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1986 relating to the seizure, forfeiture, and disposition of firearms shall, so far as applicable, extend to seizures and forfeitures under this subchapter.

“SEC. 948. REGULATIONS.

“The Secretary may prescribe such regulations as the Secretary deems necessary to carry out this subchapter.

“SEC. 949. RELATION TO OTHER LAW.

“The regulation of handguns under this subchapter is in addition to the regulation of handguns under subchapter A and any other Federal, State, or local law.

“SEC. 950. SEVERABILITY.

“If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, the remainder of the subchapter and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected thereby.''.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as modifying or affecting any provision of—

(1) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1956);

(2) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), relating to munitions control; or

(3) section 1715 of title 18, United States Code, relating to nonmailable firearms.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) DELAYED EFFECTIVE DATE.—Sections 942 and 945 of title 18, United States Code, as added by section 3, shall take effect on the date that is one hundred and eighty days after the date of enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, April 27, 1999, 9:30 a.m., in SD–628 of the Senate Dirksen Building. The subject of the hearing is ''Medical Records Privacy.'' For further information, please call the committee, 202/224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a Executive Session of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, April 28, 1999, 9:30 a.m., in SD–628 of the Senate Dirksen Building. The Committee will consider S. 385, ''The SAFE Act.'' For further information, please call the committee, 202/224-5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, April 29, 1999, 10 a.m., in SD–628 of the Senate Dirksen Building. The subject of the hearing is ''ESEA Reauthorization.'' For further information, please call the committee, 202/224-5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging will be held on April 30, 1999, 10 a.m., in SD–628 of the Senate Dirksen Building. The subject of the hearing is ''Older Americans Act.'' For further information, please call the committee, 202/224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Full Committee on Energy and Natural Resources to receive testimony on, S. 698, a bill to review the suitably and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in Alaska, and for other purposes; S. 711, to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill, and for other purposes; and S. 748, a bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

The hearing will take place on Thursday, May 13, 1999 at 9:30 a.m. in room SD-366 of the Dirsken Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should sent two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224–6949.

AUTHORITY FOR COMMITTEE TO MEET

SPECIAL COMMITTEE ON AGING

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on April 26, 1999 at 1-5 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN REMEMBRANCE OF THOSE WHO DIED

• Mr. BUNNING. Mr. President, a tragedy occurred in my home state of Kentucky on the morning of April 22nd. A UH-60L Black Hawk helicopter crashed at Ft. Campbell during a training mission. Seven of the United States Army's 101st Airborne Division's finest soldiers died in that crash.

I would ask us all to remember Sergeant Anthony Wade Brown, Specialist Earl Condary Eoff, Sergeant Robert Gerald Millward, Sergeant James Robert Murphy, Jr., Chief Warrant Officer Two Aaron King Power, Specialist Fury John Rice, and Sergeant Julius Raymond Wilkes, Jr. We must also keep their fellow soldiers, friends, and especially their families in our prayers during this difficult time of mourning.

These seven soldiers took an oath when they joined the military to defend this great nation. We must not take for granted their service and their commitment to us. We should take an oath now that they will remain in our hearts forever and that we will never forget them.

God bless these men.•

10TH ANNIVERSARY OF GPCC YOUTH IN GOVERNMENT PROGRAM

• Mr. ABRAHAM. Mr. President, I rise today to honor the Greater Pontiac Community Coalition for its ten year anniversary of their Youth In Government and Business program.

The Greater Pontiac Community Coalition was founded by Reverend Douglas P. Jones, Pastor of the Welcome Missionary Baptist Church in Pontiac, Michigan, who serves as President of the Greater Pontiac Community Coalition.

The program has promoted educational excellence among middle and high school students, with over 3,500 youth participating in this fine program.

This year students were taught about government, law enforcement, education and business through hands-on visits with state and local officials representing each of those segments of the community. Valuable experiences are garnered through the Youth in Government and Business, inspiring many to carry the torch of community leadership into the future.

Building on his past successes, Reverend Jones now plans to engage the program at the elementary school level, and his program is also being duplicated in other communities in Metropolitan Detroit. This is a testament to the success faith-based and community-based efforts can have in making a difference for our youth.

I want to express my congratulations to Pastor Jones and wish him and all graduates continued success. Most importantly, I would like to thank him for his commitment to the youth in our communities.•

PRIVATE BRYAN J. WHITE GRADUATION

• Mr. ABRAHAM. Mr. President, I rise today to honor Private Bryan J. White of the 1st Battalion, C Company, Platoon 1038, on the occasion of his graduation from United States Marine Corps basic training at Parris Island, South Carolina, on April 30, 1999.

Private White is fulfilling his boyhood dream of serving his country as a soldier in the Marine Corps. To that end, throughout high school he maintained himself in peak physical condition and excelled on the swim and wrestling teams to meet the rigorous requirements of the Marine Corps.

His commitment to fight and sacrifice to protect the United States and the freedoms Americans cherish is to be commended. He deserves both respect and admiration for his dedication to country.

I want to express my congratulations to Private White and wish him the best of luck. Most importantly, I would like to thank him for his commitment to the United States of America.•

90TH ANNIVERSARY OF THE ITALIAN TRIBUNE

• Mr. ABRAHAM. Mr. President, I rise today to honor Ed and Marlene Baker as they celebrate the 90th Anniversary of the Italian Tribune.

The Italian Tribune was founded as a weekly newspaper by Vincent and Mary O. Giuliano in 1909 and has chronicled Italian-Americans for most of the 20th Century.

The Italian Tribune has sustained the link between American life and Italian culture which is vital in exemplifying how we are a nation of immigrants and how America has provided opportunities for those who have come to her shores.

The Tribune is one of the oldest weekly, and now bi-weekly, Italian-American newspapers in the United States and has kept Italian-American residents in Michigan informed for nine decades, bringing them news in the accurate manner and serving as an important community forum.

The paper continually promotes loyalty to the United States, pride of Italian heritage and fraternal spirit to a community of over 350,000 first, second and third generation Americans of Italian descent in Michigan.

Since the original issue was printed, the Tribune has gone through many changes, and is now published by Edward and Marlene Baker, descendants of the founding Giulianos.

I want to express my congratulations to Ed and Marlene Baker as they celebrate the 90th Anniversary of the Italian Tribune, making it a part of life for hundreds of thousands of people. The longevity of the paper is a testament to their diligence and the sacrifices made by Vincent and Mary O. Giuliano.•

TRIBUTE TO GIL CLARK

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to my dear friend Gil Clark. I have admired and respected Gil as a friend and coach for many, many years. My thoughts and prayers go out to him and his family today, as Gil continues a brave fight against liver cancer.

Gil and I go way back. I met Gil in the 1950's, when he was my little league baseball coach in Louisville. Gil began coaching with the Beechmont Youth Program at its inception in 1955, and served faithfully as president of the program for more than 35 years.

Gil always taught our little league team that the most important thing about sports was that you practice hard and play your best, not necessarily that you win. He loved baseball without qualification, and all of us on the team could tell. His enthusiasm for the game was infectious, and his desire to teach us lessons about life through sports was inspiring. Gil wanted our team of aspiring players to understand that in life, you're not always going to win—but you should always perform to the very best of your ability. Gil certainly made a lasting impression on my life, and I'm sure that in his many years as a coach he has positively influenced the lives of numerous other young people as well.

Gil committed himself to teaching and coaching young people at Beechmont, and worked on the administration of the Louisville/Jefferson County Metro Parks service for many years. Gil practiced what he preached to those around him, and showed runners year after year that perseverance and spirit could get the job done.

In 1974, Gil was asked by Louisville's mayor to take on the challenge of directing the "Kentucky Derby Festival miniMarathon." Gil organized many races during his tenure with Metro Parks, but he especially enjoyed putting on the miniMarathon each year. Gil took the mayor's challenge seriously, built the race to its present glory, and is now known in Kentucky as the "father of the miniMarathon."

Gil, thank you for working with me and coaching me as a young little leaguer at Beechmont, and thank you for your dedication to so many other young people throughout the years. I am certain that your service to the Louisville/Jefferson County community is appreciated by all, and I am amazed at your continued commitment to others even in your time of illness. May God continue to bless you, and give you strength in your valiant fight.

Mr. President, please include a copy of a Louisville Courier-Journal article from Sunday, April 25, 1999 recognizing Gil Clark's accomplishments.

[From the Courier-Journal, Apr. 25, 1999]

THERE'S ALWAYS BEEN GIL CLARK

(By Jim Adams)

Gil Clark stood on a slope beside Iroquois Park at 7:59:50 a.m. yesterday (runners never round off their minutes) and beheld what he had built: A wide river of 6,500 runners was standing in place, looking up at him.

"Ten," he said into the microphone.

"Nine," he said, firm of voice.

"Eight," he said. He waived a starting pistol above the pith helmet he was wearing, the trademark headpiece some might think is stitched to his scalp.

This moment could last no more than 10 seconds, of course, but it was a sight that caused the hearts of some of Louisville's serious road runners to soar yesterday at the start of the 26th Kentucky Derby Festival miniMarathon.

That's because the 78-year-old Clark—director of the 13.1-mile race since its inauguration on a Monday morning in 1974—was diagnosed with liver cancer last fall. Just a month ago, he lay unconscious in a hospital for five days; at death's door.

A stream of runners appeared at his bedside last month to say their personal farewells to the man who almost everyone acknowledges has done more than anyone else for road racing in Louisville.

He didn't invent the pre-Derby race—a politician did that—but Clark took it, built it, shaped it and nurtured it, and so a lot of people call him the father of the miniMarathon. The way the runners talk about him, he actually seems more like its favorite uncle.

"He's the one that made running in Louisville," said Jack La Plante, who has run in more than 20 miniMarathons and who stopped to grin for a picture with Clark yesterday morning. "He put the city on the map, as far as runners go," La Plante said right before running the race gain.

"He's it," said Stan Clark, long one of the leading runners in the miniMarathon, who is not related to Gil Clark. At last month's City Run, Gil Clark's absence was a huge hole, Stan Clark said. "He's always present; he's always there. There's always been Gil Clark.

Mary Anne Lyons, the leading female runner in the miniMarathon in recent years, tells this story: An acquaintance told her that years ago, she had set the miniMarathon as a personal goal and had trained long for it, but then ran into an unyielding schedule conflict on race day—a sister's wedding, Lyons thought it was.

Grasping at straws, the woman—unsure why—called Clark to explain her dilemma. Ever sympathetic, Clark listened, then told the woman to go out and run the route on her own and record her time, Lyons said—and that woman told her that her name appeared on a listing of race finishers that year.

The story captures the essence of what runners clearly feel about Clark. "He's for the middle and the back of the pack," said Kathy Priddy, Clark's assistant for 18 years when he was Metro Parks' manager for recreation services. He's been an advocate of what's fair and decent.

His view is at the very core of the miniMarathon itself, a race open to everyone, where neighbors run against neighbors, co-workers against co-workers.

The miniMarathon has always known it could be flashier and draw a different type of runner if it wanted to, but Clark has never thought much of those impulses. "I don't want to be director of a race that gives away money," he said in a telephone interview Friday. "If we can't do it for the fun of it, for the fitness of it, and for the camaraderie, then I would want it to die.

Clark was an unlikely road-race god on Feb. 4. 1974, when he was hired for the park job at age 53 after a career in sales. No one in his family has ever raced. Clark himself has always been a baseball man; he played in high school in Alton, Ill., and spent decades running the youth baseball league in Louisville's Beechmont neighborhood.

But within two days, he was transformed from baseball man to running man. "On the sixth day of February, the mayor (Harvey Sloane) came to see me and told me we were going to have a mini. I think he called it a half-marathon," Clark said. "I'll give them an audience," Clark said Sloane declared—and indeed the finish, then at the Riverfront Plaza and Belvedere, was generously attended by City Hall workers liberated for the occasion.

It was, Clark said, the first road race of its kind in Kentucky.

Businesses soon griped about work-day traffic tie-ups when the first miniMarathons were run on Mondays; the religious community wasn't happy when Sunday was considered as an alternative. So Saturday got the miniMarathon by default.

Today, Clark said, he believes Louisville has the only park department in the nation that oversees 20 or more races in a year—"for the good of the public," he added. "We have developed a lot of fine races in Louisville, Kentucky, and I'm proud of that," he said.

Priddy, Clark's assistant, said he actually retired and moved to Florida in 1997 with his wife Lorene, Whom he always called "Mom." But she died in March of that same year, just days after the move, and Clark canceled his retirement and came back to the city where he'd lived since 1948. "Louisville was his life," Priddy said. "He would have had nothing in Florida."

Back in Louisville, he also continued to be involved with the mini, although the Derby Festival had by then taken over official management of the race.

And he also had the unending appreciation of the running community—a community that seems to doubt it would even exist were it not for him. Runner Lyons, for example, who is 30, believes that if Metro Park's running program had not been built, she might not be running today. Running in that case would have required travel, she said, and she very well might not have done it.

Clark worked with the program he loved until late last year. He said he did well after surgery for his liver cancer, but early this year, "for some reason I can't explain, it all went berserk."

One of his two sons, Marvin Clark, said yesterday that in late March, it truly appeared that his father would die. Doctors held out little hope, then no hope, and prayers were said for a peaceful exit.

Then, Gil Clark began moving—first a leg, then he opened an eye, and soon he spoke. Marvin and his father both said a doctor wrote on his chart these two words: "Devine intervention."

"God's got something else for me to do, I guess," Clark said Friday. "I might see another Vencor (the road race that precedes the miniMarathon), but if He lets me live to tomorrow night, I will be most grateful."

Aside from whatever God has in mind for Clark, the Derby Festival had some ideas, too. Yesterday, it wanted him to fire the starting pistol for he mini-Marathon.

Friends Tandy Patrick and Jim Woosley, a Louisville police officer, picked Clark up at his son's home in eastern Jefferson County in Patrick's Camaro convertible—with the top down and the heater on.

Clark wore a white-and-purple jogging suite and his multicolored pith helmet—he doesn't remember who gave the helmet to him, and by now it's been through so many races it appears entirely held together by duct tape and paint. He was bundled in a blanket and scarf in the front seat of the Camaro. But this was the way he wanted it, so he could wave at the runners.

To travel the 25 feet from the Camaro to the starter's stage, Clark used a wheelchair, but stood strong when Mayor Dave Armstrong gave him a glass plaque, the Derby Festival's Lifetime Achievement Award.

And then the countdown to another race began.

ORDERS FOR TUESDAY, APRIL 27, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Tuesday, April 27.

I further ask that on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then be in a period for morning business until 11:30 a.m., with Senators allowed to speak for up to 10 minutes each with the following exceptions: Senator MURKOWSKI, for 20 minutes; Senator COVERDELL, for 30 minutes; Senator DURBIN, for 30 minutes.

Finally, I ask unanimous consent that following morning business at 11:30 a.m., the Senate immediately begin consideration of S. 96, the Y2K legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will convene at 10 a.m. on Tuesday and be in a period of morning business until 11:30.

After morning business, the Senate will begin consideration of the Y2K liability bill. Amendments to the bill are expected to be offered and debated throughout Tuesday's session. So rollcall votes can be expected during the day Tuesday, and perhaps in the late afternoon, but not into the night.

Also, any other legislation or executive calendar items that are cleared for action will be moved.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Tuesday, April 27, 1999, at 10 a.m.

EXTENSIONS OF REMARKS

THE COMPUTER EQUIPMENT COMMON SENSE DEPRECIATION ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. COLLINS. Mr. Speaker, today I rise to introduce legislation that will return common sense to the Internal Revenue Code by changing the depreciation period for computer equipment.

Currently, for tax purposes computer equipment must be depreciated over a five year period. Ironically, rapid technological advancements now being made in the computer industry guarantee that the average useful life of this equipment is 14–24 months. Highly competitive manufacturing businesses must continually replace computer equipment if they are to remain competitive. Although a business will often purchase a new system after 2 years, it must keep the outdated equipment on the books for 5 years.

This legislation will update the tax code to ensure that it acknowledges ongoing, rapid advancements being made in the computer industry. This measure will change the depreciation period from 5 years to 2 years, ensuring that businesses are nor penalized for making investments that ensure their ability to compete. This change will serve to promote economic growth and job creation within these competitive industries.

I strongly encourage my colleagues to join Representative BEN CARDIN, me and other original cosponsors in support of this important legislation.

HONORING OUTSTANDING RUBEN DEHOYOS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Ruben deHoyos, one of Baytown, Texas' most prominent citizens. Ruben deHoyos will be honored by the Lee College Educational Access Committee on April 30, 1999.

Ruben deHoyos' achievements and accomplishments are well-known in Baytown. He has helped pave the way for Baytown's growing and vibrant community and he has been instrumental in promoting the importance of education within the Hispanic community.

Mr. Speaker, Ruben deHoyos is a native Baytonian. During World War II, he served in the U.S. Navy. After the war, he want to work for Humble Oil and Refining where he was one of the first five Mexican-Americans certified as a technician.

Ruben deHoyos is truly a leader—his list of involvement in civic and community activities and organizations is extensive. He was the first Hispanic elected as president of the 2,600 member Exxon Club. He as served as chairman of the Community Development Advisory Board and was a member of the Human Relations Council of Baytown and the Baytown Development Center. He is a founding member of the very organization that is honoring him—the Lee College Hispanic Access Educational Access Committee, which was created in 1986. Additionally, he has assisted with the development and implementation of a tutorial and parental involvement program at Horace Mann Junior School and Carver Elementary School, where he volunteered for eight years.

Currently Ruben deHoyos serves on the board of the Southwest Resource Credit Union, Hispanic Chamber of Commerce, the YMCA, Friends of Lee College, Baytown Welfare League, National Notary Association, the American Cancer Society, and the American Diabetes Society. He is also active in the Kiwanis Club of Baytown, HEAC, Exxon Club and the Exxon Annuitants Club. Finally, Ruben deHoyos ably serves on a selection committee that screens applicants who wish to attend our military academies.

Mr. Speaker, Ruben deHoyos is a true civic leader. He is so dedicated and so active in Baytown helping to better educate our children, tomorrow's leaders. On behalf of the citizens of Baytown, I thank him for his hard work and dedication.

TRIBUTE TO MIKE MADIGAN

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. FILNER. Mr. Speaker and colleagues, I rise today to pay tribute to Mike Madigan, who is returning to his roots in the public sector after spending 21 years with Pardee Construction Company. Mike has retired as the Senior Vice President, Development Coordination for Pardee and agreed to coordinate a massive redevelopment project for the City of San Diego in the East Village—a redevelopment project that includes San Diego's new home for our National Baseball League Champion Padres.

Mr. Speaker, I have had the pleasure of knowing Mike Madigan for many years and found that we have many similarities. I am a life-long Democrat, while Mike belongs to the other party. Mike served San Diego Mayor Pete Wilson for more than five years, while I served Senator Hubert Humphrey. Mike is a former Naval officer and graduate of San Diego State University. I taught at San Diego State for more than 20 years.

Mike and I also share a deep commitment and dedication to our community. Mike has demonstrated his sense of civic duty in numerous ways. As a testament to his leadership, Mike has chaired the following organizations: the California Water Commission, the San Francisco Bay Delta Advisory Committee, the Bay Delta Oversight Council, Children's Hospital Health Center of San Diego, the San Diego Library Commission, the Board of Directors of the Greater San Diego Chamber of Commerce, the San Diego Armed Services YMCA, the San Diego County Council of the Boy Scouts of America, the San Diego Unit of the American Cancer Society, the San Diego County Water Authority and the San Diego County Council for Equality.

I had the honor of working with Mike Madigan in a number of these capacities. Mike taught me much about land use planning, water policy, and the development of high quality and affordable housing. It was my honor to work with Mike during the development of Pardee's California Terraces project in my Congressional district.

The California Terraces project had to overcome a number of obstacles before it could become reality. Mike had to fully utilize all of his skills and expertise to make this project happen. In the face of opposition on environmental grounds, Mike negotiated with environmental activists, planners and regulatory agencies to preserve needed open space while developing a profitable, yet affordable housing product. Through his efforts, Pardee Construction became a partner with local school districts and as a result, the San Ysidro School District will construct its first elementary school in decades. Mike also helped Pardee establish and support a childcare program operated by the Borderview YMCA. I know that Mike has the same deep concern and affection for Southern San Diego County—and it shows in his pride of the diversity of the homeowners that have selected California Terraces as their new neighborhood.

Mr. Speaker, Mike Madigan has been a true civic leader in San Diego. As an adviser to Mayor Wilson, as a library or water policy "wonk", as chairman of numerous non-profit organizations, and a representative of Pardee Construction, Mike has been one of the most influential San Diegans of his generation. I know that the City of San Diego will benefit from his skills and knowledge as he helps redevelop the East Village and our new ballpark. I hope that my colleagues will join me in extending our best wishes on his new endeavors.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ANNUAL CONGRESSIONAL ARTS COMPETITION PARTICIPANTS HONORED

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local school systems working with dedicated parents and teachers. I rise today to congratulate and honor 59 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the Annual Congressional Arts Competition, "An Artistic Discovery," sponsored by Schering-Plough Corporation. They were recently honored at a reception and exhibit. Their works are exceptional.

Mr. Speaker, I would like to list each of the students, their high schools, and their contest entries, for the official record.

Student	High School	Name of Entry
Gillian Cochran	Bayley-Ellard	"Untitled"
Alisa Rabinovich	Bayley-Ellard	"Untitled"
Brian Bell	Boonton	"Untitled"
Chris Holmes	Boonton	"Untitled"
Larissa Schaffnit	Boonton	"Untitled"
Susan Tieski	Boonton	"Untitled"
Mark Bunker	Chatham	"Composition #1"
Marc Mucciolo	Chatham	"Untitled"
Alissa Neibert	Chatham	"Untitled"
Danielle Servedio	Chatham	"Untitled"
Steven Bernaz	Delbarton	"Untitled"
Andrew Bruck	Delbarton	"Untitled"
John Harriman	Delbarton	"Untitled"
Anders Johnson	Delbarton	"Untitled"
Michael Cicchetti	Dover	"Still Life"
Victoria Cotero	Dover	"Horns"
Anne Peters	Dover	"Still Life"
Allyson Wood	Dover	"Still Life"
Vanessa Batters	Kinnelon	"Untitled"
Julie Jun	Livingston	"Untitled"
Meredith Klein	Livingston	". . . And Then I Woke Up"
Drew Kyser	Madison	"Untitled"
Juyoun (Young) Lee	Madison	"Untitled"
Diana Saidac	Madison	"Untitled"
Allison Epstein	Montville	"Jamie"
Eric Hubert	Montville	"Christmas"
Susan Sook-Kyung Lee	Montville	"Self Portrait"
Jeremy Levy	Montville	"Mayan Still Life"
Julie Ashworth	Morris Catholic	"Me"
Tina Anne Messina	Morris Catholic	"Dusk"
Denise J Murphy	Morris Catholic	"Winter's Chill"
Dat Tran	Morris Catholic	"Love on the Lake"
Tonya Autolitano	Morris Hills	"Bouquet"
Lisa Genovese	Morris Hills	"Untitled"
Tha-Anh Heani	Morris Hills	"Untitled"
Felicia Kazin	Morris Hills	"Untitled"
Brandon Dicks	Morris Knolls	"Inking of Stec"
Heather MacArthur	Morris Knolls	"Mikey"
Danielle Maupai	Morris Knolls	"Baby With Pink Hat"
Larissa Stec	Morris Knolls	"Achieving Balance"
Danielle Cerny	Morristown	"Untitled"
Laura Healy	Morristown	"Mr. Fumero"
JoAnn Johnson	Morristown	"Self Portrait"
Laura Konzelman	Mount Olive	"Untitled"
Meredith Richard	Mount Olive	"Untitled"
Andres Rivera	Mount Olive	"Untitled"
Patrick Slattery	Mount Olive	"A Dance"
Sean Bono	Randolph	"Chris"
Gregory Leveto	Randolph	"That Thing"
Francesca Oliveira	Randolph	"The Wright Stairs"
Heather Troast	Randolph	"Untitled"
Stephanie Bryan	Ridge	"Untitled"
Michael Pascarella	Ridge	"Untitled"
Jiri Seger	Ridge	"Untitled"
Mike Yang	Ridge	"Untitled"
Rachel Glaser	West Essex	"Untitled"
Joseph Morelli	West Essex	"Untitled"
Lindsay Trella	West Essex	"Untitled"
Joanna Choi	West Essex	"Untitled"

As you know, Mr. Speaker, each year the winner of the competition will have the opportunity to travel to Washington, D.C. to meet Congressional Leaders and to mount his or her artwork in a special corridor of the U.S. Capitol along with winners from across the country. This year, first place went to Andres Rivera of Ridge High School. Second place went to Lisa Genovese of Morris Hills High School, who was also selected by Schering-Plough employees and attendees of the show to receive the People's Choice Award. Stephanie Bryan of Ridge High School was awarded third place. In addition, seven other submissions received honorable mention by the judges, Young Lee, Sean Bono, Meredith Klein, Mike Yang, Larissa Stec, Julie Jun, and Larissa Schaffnit.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

A TRIBUTE TO JOE ROBERTS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. MURTHA. Mr. Speaker, last week saw the passing of a man who symbolized all that is good and productive about local government in the United States, Joseph Roberts of Cresson, Pennsylvania.

Joe was a Cambria County Commissioner for 32 years, and when he retired, he was the longest continuous county commissioner in Pennsylvania history.

Joe cared about people. Individuals responded to Joe because they knew instantly in talking with him how much he cared about each individual, and how much he wanted to help.

Typical of Joe's work was the leadership and constant oversight he provided in creating the county's long-term nursing care facility. Joe didn't develop the idea and turn it over to others, or appear to cut the ribbon and move on to something else, no, Joe was at the home constantly, visiting with people, making them feel better, overseeing the care for people who were his neighbors.

Joe was always looking for ways that the County could do more to help people, and help the community. Thousands of families in Cambria County are enjoying better lives today because of the work he did in bringing jobs to the community, expanding the airport and helping with road facilities, and providing a full range of county services.

And Joe did it all quietly. His reward wasn't in seeing his name in the news media, or in getting some award. Joe's legacy was in helping people, and seeing government be a force for good and for helping people and the community.

Everyone in government service could benefit from measuring themselves against the record and actions of Joe Roberts. Few of us will ever succeed to his standards, but we all should try.

TRIBUTE TO EITAN TEITLER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Eitan Teitler, program chairman of the annual Festival of Hope and Peace, which celebrates Israel's independence.

The Talmud states that "He who does charity and justice is as if he had filled the whole world with kindness." In the spirit of such words, innovative volunteers such as Eitan actively participate in delivering tremendous support, selflessly dedicating their time and energy to enriching our community. I can think of no better tribute to Eitan.

After being raised in Israel and completing his formal education, Eitan began his career through distinguished service in the Israeli army followed by 5 years of higher education in the Hebrew University School of Medicine.

Currently, Eitan serves on the board of B'nai B'rith/Shalom Lodge. He also serves as a board member of the Council of Israeli Organizations.

In addition to his service to the community, Eitan has worked in the construction business in Israel, Nigeria, Cameroon, and now in Los Angeles. Eitan has been happily married for 28 years to Erella, and is the father of three children who live on a kibbutz in Israel. His son, Nir, is now serving in the Israeli army.

Mr. Speaker, distinguished colleagues, please join me in honoring Eitan Teitler for his ongoing service to the Jewish community and the community at large.

TRIBUTE TO SAM GILMAN

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. EVANS. Mr. Speaker, I rise today to pay tribute to a dear friend of mine, Sam Gilman of Moline, IL. On April 29, 1999, the Quad Cities Israel Bonds Council will award Sam with the Jerusalem Medal for dedicated service to his community and Israel. I have learned so much from Sam about public service over the years, and take great joy in seeing him recognized for his outstanding achievements.

Sam understands what it means to give of yourself to help others. After graduating from college, he served his country for 4 years in the U.S. Army during World War II. Following law school at Harvard University, Sam returned to the Quad Cities to practice law, and later become a director of the Pinnacle Banc Group. He has also helped build enduring institutions that serve the entire community, including founding WQAD and WQPT and serving as Chairman of the Board of Franciscan Medical Center.

Sam has been instrumental in developing a strong Jewish community and support for Israel in Western Illinois. His leadership as a director and past president of the Jewish Federation of the Quad Cities, as founder of the Quad Cities Yom HaShoah Committee, and past director of the Tri-City Jewish Center strengthened those groups and laid a foundation for an active community for years to come.

I have also been a witness to Sam's love for Israel and his dedication to helping Jews in need around the world. In 1986, we traveled together in a group to Israel, and I learned to appreciate the deep affection he has for all that the land and its people represent. Two years later, on a journey to the former Soviet Union, I joined Sam as we met with refuseniks and worked to help Soviet Jews fighting for their freedom under an oppressive regime. Sam's work and that of countless others in the Jewish community is directly responsible for securing the right of Jews to emigrate from the former Soviet Union and for helping Israel to resettle this mass exodus of people in a land where they can be free.

Finally, I have been fortunate to benefit from Sam's wise counsel and support for almost twenty years. He has been a true mentor to me since I first sought to represent Western Illinois in Congress, and as treasurer of my campaign committee, has played a critical role in every race I have run. Most of all, I am proud to call Sam a friend, and look forward to many more years of sharing his advice.

IN RECOGNITION OF THE DISTINGUISHED CAREER OF POLICE LT. BARRY ZALESNY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. NEY. Mr. Speaker, I rise today in recognition of the distinguished career of Lt. Barry Zalesny. Lt. Zalesny has served the people of Bellaire for over four decades as a member of the city's police force. He will be retiring from the police department on May first of this year. During his career, Lt. Zalesny has played a crucial role in the department as well as the community.

Mr. Speaker, it is a privilege for me to declare my appreciation for Lt. Zalesny's commitment to his community. It is a privilege to call him a constituent.

13TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. LEVIN. Mr. Speaker, thirteen years ago today, an innocuous experiment designed to test the energy output of the No. 4 unit at the Chernobyl nuclear facility in Northern Ukraine precipitated the worst nuclear accident in history. The resulting explosions blew off a 2,000-ton metal plate that sealed the top of the reactor. The graphite core of the reactor burned out of control for days, releasing more than 100 tons of lethally radioactive material into the environment.

The human cost of this disaster is mind numbing. It is unlikely we will ever know how many deaths can be directly attributed to Chernobyl, but the figure is measured in the tens of thousands. Hundreds of thousands more were subjected to radiation poisoning.

The resulting damage from the Chernobyl disaster was greatly multiplied by the efforts of the Soviet Union to cover up the incident. It was nearly a week before the Soviet Union provided the world with anything more than a few sketchy details concerning the accident. Rescue workers and firefighters were initially sent to the scene without protective gear. For nearly all of these individuals, this was a death sentence. The 40,000 inhabitants of the nearby city of Pripyat, located just two miles from Chernobyl, were largely kept in the dark about the accident. They were not evacuated for days. Today Pripyat is a ghost town.

More than a decade later, the consequences of the Chernobyl accident continue to plague Eastern Europe. Ukraine has been especially impacted. According to the World Health Organization, thyroid cancer among children living near Chernobyl has risen to levels 80 times higher than normal. Vast tracts of what was once prime farm land remains dangerously contaminated and will remain so for decades to come. The ten-story protective sarcophagus that was later built around the ruins of the reactor is in need of repair and replacement. The legacy of Chernobyl is a heavy burden for the people of Ukraine, and our country must do more to help.

As we observe the thirteenth anniversary of the Chernobyl disaster, let us resolve to learn from this tragedy and prevent it from happening again.

HONORING WILLIAM "BILL" G. MALCOMSON

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor William (Bill) G. Malcomson for his 38 years of service in the Department of State. Bill will retire as Regional Director of the Houston Passport Agency.

A native of Pittsburgh, Pennsylvania, Bill Malcomson grew up in Morgantown, West Virginia and attended the University of West Virginia. He began his career in the Department of State as a clerk-typist in the Processing Section of the Washington Passport Agency when passport books were printed on Addressograph machines. He then briefly worked in the Department's Operation Center decoding and transcribing incoming telegraphic messages from overseas posts.

In 1962, Bill Malcomson was drafted into the U.S. Army and spent two years at the White Sands Missile Range in New Mexico. Upon completion of his military service and another semester of college, Bill Malcomson returned to the Department of State.

His subsequent assignments, included Chief of the Special Issuance Section, Chief of the Official Travel Section, Operations Officer on the Field Coordination Staff, and Assistant Regional Director of the Washington Passport Agency.

Not only has Bill Malcomson ably served his country, but he is also involved in the community. He is a member of the Greater Houston Partnership and last year, he was Chairman of the Combined Federal Campaign.

Mr. Speaker, I congratulate William (Bill) G. Malcomson for his thirty-eight years of service to our great nation. His contributions to the State Department and to all American citizens who traveled abroad in one capacity or another will not be forgotten.

HELP FOR HOMELESS VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. FILNER. Mr. Speaker, following is the testimony I gave on April 22, 1999 to the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations:

Thank you for the opportunity to testify this morning on behalf of the Homeless Veterans Reintegration Program.

There is virtually no disagreement that one-third of the homeless men in this country are veterans—and that approximately 58 percent of those individuals are veterans of the Vietnam era. In my home town of San Diego, it is estimated that 40–50% of the homeless served in our Armed Forces. This means, Mr. Chairman, that tonight in this great country of ours, more than 275,000 veterans who served their country with honor will sleep in doorways—in boxes—in alleys—and on grates in our cities—and in barns—and lean-tos—and on the ground in rural America. This is a troubling and shameful image and a troubling and shameful reality.

Since 1987, the Homeless Veterans Reintegration Program (HVRP), a modest, cost-effective program designed to help homeless veterans reenter and succeed in the job market, has proven its worth. More than 46,000 homeless veterans have received help and support from the community-based organizations funded under HVRP, and many were placed in jobs at a cost of less than $1,500 per veteran. Few government programs can claim to have achieved so much with so little.

At its fully authorized level of $10 million, HVRP is profoundly underfunded—and the $5 million funding level included in the Administration budget, although a welcome increase over past years, is woefully inadequate. The Department of Labor estimates that $5 million will enable HVRP grantees to assist more than 6,000 veterans and actually place 3,500 homeless veterans in jobs. I ask that you provide the maximum authorization of $10 million for this program so that more than 7,000 veterans may return to economic self-sufficiency and independence.

Mr. Chairman, the National Coalition for Homeless Veterans estimates that 550,000 veterans are homeless over the course of a year. This, to me, is an absolutely staggering and tragic statistic—and to limit funding to $10 million for the only program that focuses on employment of veterans who are homeless makes no sense. Consequently, I introduced legislation on Tuesday that would authorize $50 million for HVRP for each fiscal year through 2004. The need is enormous—and the need is real.

I know there are those who ask why we can't simply serve veterans along with other homeless populations. They want to know why we need veteran-specific programs. The answer is rooted in the uniqueness of the shared active-duty military experience—in the discipline, sacrifice, and camaraderie associated with military service. When they go through basic training, young recruits quickly learn that their lives could some day depend on the guy in the next bunk—and that they themselves may be responsible for the lives of their comrades. They learn that they must work together if they are to succeed in their mission—and they will succeed as a group only if each servicemember exercises the self-discipline required to perform responsibly. As a result of this training, homeless veterans respond to, and trust other veterans, and they succeed in programs that replicate the military structure. I expect that the non-veteran homeless population might not benefit from the organization and discipline of veteran-specific homeless programs, but veterans do thrive in this environment.

One of the key factors in the success of HVRP is the outreach to homeless veterans that is most often done by formerly homeless veterans. They are best able to reach out to and convince homeless vets to seek services and assistance. They are best able to recognize the symptoms of post-traumatic stress disorder (PTSD) and arrange for the necessary treatment. They are best able to determine when their fellow veterans are ready to get a job—and to keep a job. And, perhaps most importantly, they are the best possible role models for success. In a recent conversation about the importance of veteran-specific homeless programs, someone said to me—"If one-third of the homeless men in this country spoke only Latin, would it make any sense for homeless providers to speak to them only in English?" And the answer is—of course not! Veterans speak the same unique language, and they share the same unique experiences. The programs that are based on the principle of "vets helping vets" are most likely to succeed with homeless veterans. The Department of Labor is currently funding HVRP programs ion New York, Kentucky, Wisconsin, Texas, and California—and I hope that the members of this Subcommittee who represent those states will make a point of visiting their HVRP grantees and seeing their good work first hand.

Mr. Chairman, I listened closely to the impressive testimony I heard from the veterans' service organizations who testified before the House Veterans Affairs Committee over the past few months—and I sense an urgently and frustration that I've not heard before. America's veterans are telling us that they have done more than their fair share—and now they expect us to be their advocates. They are reminding us that America is safe and free only because of the generations of men and women who willingly endured the hardships and sacrifices required to preserve our liberty. I urge you to demonstrate your commitment to America's veterans and provide full funding for the Homeless Veterans Reintegration Program and help bring homeless veterans home.

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, as the horrors in Kosovo continue to unfold, we must not forget the other horrible acts against humanity that preceded it. That is why it is important today that we remember the Armenian Genocide, and honor the memory of the 1.5 million Armenians who died between 1915 and 1923.

The Armenian Genocide started in 1915, when the Turkish government rounded up and killed Armenian soldiers. Then, on April 24, 1915, the government turned its attention to slaughtering Armenian intellectuals. They were killed because of their ethnicity, the first group in the 20th Century killed not for what they did, but for who they were.

By the time the bloodshed of the genocide ended, the victims included the aged, women and children who had been forced from their homes and marched to relocation camps, beaten and brutalized along the way. In addition to the 1.5 million dead, over 500,000 Armenians were chased from their homeland.

It is important that we make the time, every year, to remember the victims of the Armenian genocide. Given global events, that commemoration seems more poignant now. We hope that, by remembering the bloodshed and atrocities committed against the Armenians, we can prevent this kind of tragedy from repeating itself. Unfortunately, these events have again proven us wrong.

So, Mr. Speaker, we must continue to talk about the Armenian genocide. We must keep alive the memory of those who lost their lives during the eight years of bloodshed in Armenia. We must educate other nations who have not recognized that the Armenian genocide occurred. Above all, we must remain vigilant.

Mr. Speaker, I commend Armenian-Americans—the survivors and their descendants—who continue to educate the world about the tragedy of the Armenian Genocide and make valuable contributions to our shared American culture. Because of their efforts, the world will not be allowed to forget the memory of the victims of the first 20th Century holocaust.

A TRIBUTE TO FRANK PASQUERILLA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. MURTHA. Mr. Speaker, it's with sadness that I note the passing last week of Mr. Frank J. Pasquerilla of Johnstown, Pennsylvania.

Frank Pasquerilla was the perfect example of the American Dream.

Growing up poor, through hard-work and dedication he built a Fortune 500 Company. Recognizing the opportunity America had given him, he supported a wide range of economic development, educational advancement, and cultural activities.

Frank made possible the Performing Arts Center at the University of Pittsburgh at Johnstown, educational facilities at Notre Dame, health care facilities at Georgetown University, and environmental opportunities such as the Heritage Discovery Center in Cambria City.

Frank was someone who could work with people of all philosophies, all backgrounds, and all regions because he always kept in mind what was best for the people, and because he always respected the needs of individuals.

Frank has been involved in every step of development in Johnstown for the last 40 years, and because of him today we have a community with more people working than ever before in history, with cultural activities broader than at any time in history, and with a core of educational opportunities.

A decade ago I was on an election oversight mission to Central America with then Notre Dame President Father Hesburgh. When he found out I knew Frank he asked me to intervene because Frank had given the university a contribution for a new building, but wouldn't let them name it for him. We called him from the plane, and it took a great deal of urging, but he finally consented to let the University place his name on the building.

Frank wasn't trying to build a name for himself, but rather to build a legacy for people to help improve their lives, as he'd been able to improve his. And he succeeded.

Frank Pasquerilla's life stands as a symbol of what we can accomplish in America, and his memory is a reminder of the greatness of an individual, and of our Nation.

RADIOACTIVE WASTE CLEAN-UP

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. CANNON. Mr. Speaker, today I rise to introduce legislation to clean up a 10.5-million ton pile of low-level radioactive waste from uranium mill operations just outside Moab, Utah. Currently, this pile sits 750 feet from the banks of the Colorado River, across the road from the Arches National Park, and threatens to contaminate the drinking water supply of 25 million people from Nevada, Arizona, and California.

In the 1950's the Atlas Corporation was called upon to process uranium to meet the defense and commercial fuel needs of the United States. As a result, for decades these wastes have accumulated and today we have a pile of low-level radioactive materials that sits just outside of Moab, Utah and at the gates of the Arches National Park, where hundreds of thousands of people visit each year.

This is not only an incredible eyesore among some of the most beautiful red rock cliffs in the country, but it poses a very significant environmental risk. As water leaches through this heap of tailings, it flows into the Colorado River, is swept downstream where it contaminates the sole drinking source for tens of millions of people in Nevada, Arizona, and California. These radioactive wastes threaten that delicate water supply and must be removed and relocated to a safe, secure location where neither public health and safety nor environmental degradation can occur.

Currently, the Nuclear Regulatory Commission has the responsibility for cleanup of this pile. Unfortunately, the NRC has determined that keeping this toxic mass in place is adequate. This simply is not the case. My legislation will transfer the jurisdiction from the NRC to the Department of Energy, where remediation and relocation can begin.

I urge my colleagues to join me in supporting this sensible and conscientious legislation.

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. MEEHAN. Mr. Speaker, I rise to commemorate the 84th anniversary of the Armenian Genocide that took place this past weekend at points across the country. The events that took place between 1915 to 1923, when 1.5 million Armenian men, women and children were systematically mistreated and killed, represent one of the most dark and the most devastating chapters in human history. Armenians were tortured, had their property confiscated, and thousands died from malnutrition and starvation during long, forced marches from their homeland in Eastern Turkey.

Tragically, the 20th century is now finishing much like it started. The Armenian Genocide not only foreshadowed the nightmare of the Nazi Holocaust, but now shows dangerous parallels to the situation unfolding in Kosovo. Like the Armenian before them, ethnic Albanians are struggling for their dignity and their lives.

That is why it is more critical than ever to revisit history, to listen and learn from the Armenian experience, and to honor the victims of the first genocide of this century. I am amazed that the Turkish government still refuses to admit its involvement in the atrocities, while at the same time our own government has yet to acknowledge the full extent of the genocide that occurred. When a tragedy of this magnitude takes place, it is our duty to face all the uncomfortable truths and to ensure that the story is not forgotten.

History holds valuable lessons for us as we enter the new millennium. "Who remembers the Armenian?" asked Adolf Hitler as he unleashed his wrath upon the Jews. This collective amnesia proved devastating. Fortunately, the answer is clear. We remember the Armenians. We remember the suffering of their people and will not allow their memories to fade.

I proudly represent a large and vibrant Armenian community in my district in Massachusetts. Every year survivors of the Armenian Genocide and their descendants make public and vivid the hidden details of the Armenian Genocide as they participate in commemoration ceremonies in Boston, Lowell, and other areas in the Merrimack Valley. These same Armenian-Americans have made great contributions to society through a wide range of professions, and have significantly enriched the cultural life of the 5th District.

Out of respect for them and for Armenians all over the world, let us renew our commitment here today that the American people will oppose any and all instances of genocide. We refuse to once again watch from afar, as the ethnic cleansing and genocide that ravaged the Armenians now plagues the people Kosovo. Our unified voices and actions must be strong and unequivocal. Violence born out of hatred and fear will never again be tolerated.

INTRODUCTION OF THE SATELLITE COPYRIGHT, COMPETITION, AND CONSUMER PROTECTION ACT OF 1999

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. COBLE. Mr. Speaker, I am pleased to introduce the Satellite Copyright, Competition, and Consumer Protection Act of 1999. This bill will improve the copyright compulsory license and the conditions of that license for satellite carriers of copyrighted programming contained on television broadcast signals by applying to such carriers the same opportunities and rules as their cable competitors. This competitive parity will lead to increased exposure of copyrighted programming to consumers who will pay lower prices for cable and satellite services which deliver programming to their homes. These lower prices will result from the choices consumers will have in choosing how they want their television programming delivered. Mr. Speaker, I know I speak for many of the Members in this House when I assert that creating competition in the video delivery market is the key to more choice and lower prices for our constituents.

This is a very dynamic time for the multichannel video marketplace, particularly for the satellite industry. The satellite copyright compulsory license is set to expire at the end of this year at a time when the industry enjoys a record number of subscribers. In the meantime, a federal court decision threatens to disconnect hundred of thousands of satellite customers from their distant network signals. Additionally, several other copyright restrictions still prevent the satellite industry from competing with the cable television industry on an even playing field.

The Copyright Act of 1976 bestowed on cable television a permanent copyright compulsory license which enables that industry to rebroadcast network and superstation signals to cable television viewers without requiring cable operators to receive the authorization of thousands of copyright owners who have an exclusive right to authorize the exploitation of their programs. The cable operators pay a set fee for the right to retransmit and the monies collected are paid to the copyright owners through a distribution proceeding conducted under the auspices of the United States Copyright Office.

In 1988, Congress granted a compulsory license to the satellite industry. Although the cable and satellite compulsory licenses have similarities, there are important differences which I believe prevent satellite from becoming a true competitor to cable. Technology has changed significantly since the cable and satellite compulsory licenses were created. Satellite carriers are starting to be able to bring local programming through their services to viewers of that local market. The time has come to take a comprehensive look at the satellite compulsory license as it relates to the long-term viability and competitiveness of the satellite television industry. The satellite compulsory license is set to sunset in December of this year, and the Federal Communications Commission has reported time and again that in areas where there is no competition to cable, consumers are paying higher cable rates. We must act for our constituents to level the playing field in a manner that will allow both industries to flourish to the benefit of consumers.

To that end, the "Satellite Copyright, Competition, and Consumer Protection Act of 1999" makes the following changes to the Satellite Home Viewer Act:

It reauthorizes the satellite compulsory license for five years.

It allows new satellite customers who have received a network signal from a cable system within the past three months to sign up for satellite service for those signals. This is not allowed today.

It provides a discount for the copyright fees paid by the satellite carriers.

It allows satellite carriers to retransmit a local television station to households within that station's local market, just like cable does, conditioned upon meeting requirements of the Communications Act.

It allows satellite carriers to rebroadcast a national signal of the Public Broadcasting Service.

It postpones the currently scheduled shut-off of distant network service until the FCC develops a new predictive model to more accurately determine who is entitled to receive distant network signals.

I commend the work of Representative BILLY TAUZIN, Chairman of the Commerce Subcommittee on Telecommunications, Trade and Consumer Protection, and with Representative TOM BLILEY, Chairman of the Committee on Commerce, on those provisions of this legislation complimentary to the copyright provisions. Their leadership and partnership have been and will continue to be invaluable and necessary in guaranteeing true competition between the satellite and cable industries, particularly as this legislation moves forward towards a conference.

I also want to recognize the leadership and care that Senator ORRIN HATCH and Senator PATRICK LEAHY, Chairman and Ranking Member of the Senate Committee on the Judiciary, have paid to the development of this important bill. We have worked together closely on its provisions and I look forward to continuing our work together as our bills move toward completion.

Let me make clear that this bill is a compromise, carefully balanced to ensure competition. Many doubters thought our two committees could never work together to forge such a compromise. I believe it contains the balance necessary to allow this bill to become law this session and I urge all Members to support its passage.

SECTION-BY-SECTION

TITLE I—SATELLITE COMPETITION AND CONSUMER PROTECTION

Section 101. Short title

The name of title I of the bill is the "Satellite Copyright, Competition, and Consumer Protection Act of 1999."

Section 102. Retransmission consent

Section 102 amends section 325 of the Communications Act to provide that satellite carriers must in certain circumstances obtain retransmission permission from a broadcaster before they can retransmit the signal of a network broadcast station. Like the regime applicable to the cable industry, network broadcasters are afforded the option of either granting retransmission consent, or they may elect must-carry status as provided in section 103 of the bill. All satellite carriers that provide local service of television network stations must obtain either retransmission consent of the local broadcasters, or carry their signals under the must-carry provisions.

Section 102 exempts carriage of certain broadcast stations from the retransmission requirement. Retransmission consent does not apply to noncommercial broadcasting stations, and superstations that existed as superstations on May 1, 1991, were retransmitted by satellite carriers under the section 119 satellite compulsory license as of July 1, 1998, and the retransmissions were in compliance with FCC rules governing network nonduplication, syndicated exclusivity and sports blackout.

The retransmission consent exemption for satellite-delivered distant network signals is eliminated 7 months after passage of the Act. Elimination of this exemption will foster retransmission of local network stations by satellite carriers by requiring satellite carriers to obtain retransmission permission from the distant network stations they wish to provide to their subscribers.

Section 102 also directs the Federal Communications Commission, within 45 days of enactment, to commence a rulemaking proceeding to adopt regulations governing the exercise of retransmission rights for satellite retransmissions. In addition to establishing election periods for must-carry/retransmission consent rights, the Commission is directed to establish regulations, effective until January 1, 2006, that prohibit broadcasters from engaging in discriminatory practices, understandings, arrangements and activities, including exclusive contracts for carriage, that prevent any multichannel video programming distributor from obtaining retransmission consent.

Section 103. Must-carry for satellite carriers retransmitting television broadcast signals

Section 103 of the bill creates must-carry obligations for satellite carriers retransmitting television broadcast signals, effective on January 1, 2002. The provisions are similar to those applicable to the cable industry. Any satellite carrier that retransmits a television broadcast signal to subscribers residing within the local market of that signal must carry all the television stations in the local market to subscribers residing in the local market. This approach of "carry one, then carry all" is subject to the retransmission consent election of section 102 of the bill. Thus, a satellite carrier does not have to carry a local television broadcast station if the station elects retransmission consent rather than must-carry.

Section 103 tracks the cable must-carry provisions of the 1992 Cable Act by relieving satellite carriers from the burden of having to carry more than one affiliate of the same network if both of the affiliates are located in the same local market. Local broadcasters are also afforded some channel positioning rights and are required to provide a good quality signal to the satellite carrier's local receive facility in order to assert must-carry rights. Satellite carriers are forbidden from obtaining compensation from local broadcasters in exchange for carriage. Section 103 also provides a means for broadcasters to seek redress from the Federal Communications Commission for violations of the must-carry obligations.

The Federal Communications Commission is directed to adopt regulations within 6 months of enactment of the legislation to implement the must-carry obligations for satellite.

Section 104. Nonduplication of programming broadcast by local stations

Section 104 of the bill directs the Federal Communications Commission, within 45 days of enactment, to commence rulemaking proceedings to adopt network nonduplication, syndicated exclusivity and sports blackout rules applicable to satellite retransmission of television broadcast signals. To the extent possible, the Commission shall model its new regulations after those that currently apply to the cable industry.

The bill sets forth express network nonduplication provisions that will solve the problems associated with satellite delivery of network signals and the recent shut-offs of network signals that have occurred as the result of federal court injunctions. This is accomplished through improvement of the signal intensity standard and predictive model, and creation of a system that allows subscribers who do not receive an adequate over-the-air signal from a network broadcaster to obtain a waiver to receive satellite service of that network.

The bill establishes that the current over-the-air signal intensity standard is the Grade B standard identified in the FCC's rules. Within 6 months of enactment, the Commission is directed to develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations to receive an over-the-air signal of Grade B intensity. Such predictive model will take into account terrain, building structures, and other land cover variations.

For those subscribers targeted by the predictive model as receiving an adequate over-the-air signal, but do not, there are two forms of relief. First, the subscriber may request a waiver from the local network broadcaster to receive satellite-delivered network service. The local broadcaster is given 30 days to issue a waiver or reject the request. If the station rejects the request, then the subscriber may submit a request to his/her satellite carrier that a test be conducted as the subscriber's household. The party conducting the test shall be designated by the satellite carrier and the local broadcaster or, if they cannot agree, the FCC. The cost of a test will be borne by the satellite carrier and the local broadcaster equally, and the subscriber shall not have any responsibility for the cost.

If a subscriber has installed satellite reception equipment on a recreational vehicle, that vehicle shall be exempt from a network broadcaster's nonduplication protection rights if the subscriber provides a local broadcaster seeking to enforce those rights with verification of the motor vehicle registration, license, and proof of ownership of such vehicle. Recreational vehicles to not include any residential manufactured homes.

Not later than 2 years after enactment, the Commission shall conduct an inquiry to determine whether the current Grade B signal intensity standard is adequate to measure subscribers' ability to receive an acceptable over-the-air television broadcast signal. In conducting this inquiry, the Commission will consider the number of subscribers requesting waivers, the number of denials, the number of tests requested and their results, the results of any consumer research study undertaken to carry out the purpose of section 104 of the bill, and the extent to which consumers are not legally entitled to install broadcast reception devices assumed in the Commission's signal standard. The Commission will report the findings of its inquiry to Congress not later than the end of the 2-year period and shall complete any action necessary to revise the Grade B signal intensity standard and the predictive model.

Section 105. Consent of membership to retransmission of public Broadcasting Service satellite feed

Section 105 amends the Communications Act to require the Public Broadcasting Service to certify on an annual basis to the Corporation for Public Broadcasting that the majority of its membership supports, or does not support, the retransmission by satellite carriers of the Public Broadcasting Service satellite feed. The Public Broadcasting Service is required to provide notice of the certification to each satellite carrier retransmitting the satellite feed.

Section 106. Definitions

Section 106 amend the Communications Act to provide definitions of a "local market," "satellite carrier," and "television network/television network station" for purposes of the amendments made by the bill.

Section 107. Completion of biennial regulatory review

Within 6 months of the date of enactment, the FCC is directed to complete its biennial review required by section 202(h) of the Telecommunications Act of 1996.

Section 108. Result of loss of network service

Section 108 provides that until the FCC implements its new regulations governing network nonduplication protection for broadcasters against satellite carriers, if a satellite subscriber has lost his/her network service as a result of the provisions of section 119 of the Copyright Act, the satellite carrier terminating such service must, upon request of the subscriber, provide the subscriber free-of-charge an over-the-air television broadcast receiving antenna that will provide the subscriber with an over-the-air signal of grade B intensity for those network stations that were terminated as a result of section 119.

Section 109. Interim provisions

Section 109 provides that no subscriber of satellite service who lives outside of the Grade A contour of a network station shall have his or her satellite service disconnected as a result of a finding of copyright infringement under Section 119 of the Copyright Act until the FCC has issued and implemented a new predictive model under this Act.

TITLE II—SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS

Section 201. Short title

The name of title II of the bill is the "Satellite Copyright Compulsory License Improvement Act."

Section 202. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets

Section 202 of the bill creates a new copyright compulsory license, found at section

122 of title 17 of the United States Code, for the retransmission of television broadcast stations by satellite carriers to subscribers located within the local markets of those stations. In order to be eligible for this compulsory license, a satellite carrier must be in full compliance with all applicable rules and regulations of the Federal Communications Commission, including any must-carry obligations imposed upon the satellite carrier by the Commission or by law.

Because the copyrighted programming contained on local broadcast programming is already licensed with the expectation that all viewers in the local market will be able to view the programming, the new section 122 license is a royalty-free license. Satellite carriers must, however, provide local broadcasters with lists of their subscribers receiving local stations so that broadcasters may verify that satellite carriers are making proper use of the license. The subscriber information supplied to broadcasters is for verification purposes only, and may not be used by broadcasters for other reasons.

Satellite carriers are liable for copyright infringement, and subject to the full remedies of the Copyright Act, if they violate one or more of the following requirements of the section 122 license. First, satellite carriers may not in any way willfully alter the programming contained on a local broadcast station.

Second, satellite carriers may not use the section 122 license to retransmit a television broadcast station to a subscriber located outside the local market of the station. If a carrier willfully or repeatedly violates this limitation on a nationwide basis, then the carrier may be enjoined from retransmitting that signal. If the broadcast station involved is a network station, then the carrier could lose the right to retransmit any network stations. If the willful or repeated violation of the restriction is performed on a local or regional basis, then the right to retransmit the station (or, if a network station, then all networks) can be enjoined on a local or regional basis, depending upon the circumstances. In addition to termination of service on a nationwide or local or regional basis, statutory damages are available up to $250,000 for each 6-month period during which the pattern or practice of violations was carried out. Satellite carriers have the burden of proving that they are not improperly making use of the section 122 license to serve subscribers outside the local markets of the television broadcast stations they are providing.

The section 122 license is not limited to private home viewing, as is the section 119 compulsory license, so that satellite carriers may make use of it to serve commercial establishments as well as homes. The local market of a television broadcast station for purposes of the section 122 license will be defined by the Federal Communications Commission as part of its broadcast carriage rules for satellite carriers.

Section 203. Extension of effect of amendments to section 119 of title 17, United States Code

Section 203 of the bill extends the expiration date of the current section 119 satellite compulsory license from December 31, 1999, to December 31, 2004.

Section 204. Computation of royalty fees for satellite carriers

Section 204 of the bill reduces the 27-cent royalty fee adopted last year by the Librarian of Congress for the retransmission of network and superstation signals by satellite carriers under the section 119 license. The 27-cent rate for superstations is reduced by 30 percent per subscriber per month, and the 27-cent rate for network stations is reduced by 45 percent per subscriber per month.

In addition, section 119(c) of title 17 is amended to clarify that in royalty distribution proceedings conducted under section 802 of the Copyright Act, the Public Broadcasting Service may act as agent for all public television copyright claimants and all Public Broadcasting Service member stations.

Section 205. Public Broadcasting Service satellite feed; definitions

Section 205 of the bill amends the section 119 satellite compulsory license for retransmission of distant signals by providing that satellite carriers may deliver the national satellite feed of the Public Broadcasting Service under the section 119 license. PBS will supply its national feed to satellite carriers in lieu of the signals of its affiliates, as long as PBS certifies to the Corporation for Public Broadcasting on an annual basis, as provided in section 105 of the bill, that the affiliates support the national feed. Such certification is not required until satellite carriers provide their subscribers with local PBS affiliates, or two years from date of enactment, whichever is earlier.

Section 206. Distant signal retransmissions

Section 206 of the bill amends the section 119 satellite compulsory license for the retransmission of distant signals by removing the "Unserved household" restriction from the Copyright Act. Instead of the "unserved household" use of the section 119 license by satellite carriers is contingent upon compliance with the FCC's nonduplication rules for satellite prescribed in section 104 of the bill.

Section 207. Application of Federal Communications Commission regulations

Section 207 of the bill amends the section 119 satellite compulsory license to clarify that satellite carriers' eligibility for the license is contingent upon their full compliance with all Federal Communications Commission rules governing carriage of television broadcast signals.

Section 208. Study

Section 208 provides that the Copyright Office and the NTIA shall jointly study the proliferation of local-to-local service to smaller markets.

Section 209. Effective date

The amendments made by the bill take effect on July 1, 1999, the first day of a new copyright accounting period for satellite carriers, except the amendments made by section 205 and 208 which take effect upon date of enactment.

INTRODUCTION OF THE SATELLITE COPYRIGHT, COMPETITION, AND CONSUMER PROTECTION ACT

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. TAUZIN. Mr. Speaker, the gentleman from North Carolina, Mr. COBLE and I are introducing the Satellite Copyright, Competition, and Consumer Protection Act. The bill represents the combined work of the House Committee on commerce and the House Committee on the Judiciary.

I am pleased to report that, through hard work and difficult consideration, we are able to present the House an agreement on changes to telecommunications and copyright law in order to provide the American consumer with a stronger, more viable competitor to their incumbent cable operator. This legislation will enact comprehensive reforms to the offering of satellite television service. I expect that the reforms contained in this bill will have a dramatic and beneficial effect on the multichannel video programming marketplace for years to come.

Consumers today expect more from their video programming providers, whether it be their cable company, their satellite company, their broadcaster or other distributors—including the Internet. Consumers are very savvy, and they now expect—indeed, demand—that their video programming distributor offer a wide array of programming at a reasonable cost, and with exceptional picture quality.

Today, however, there are some limitations on the ability of satellite carriers to meet consumer demand. These limitations put satellite carriers at a competitive disadvantage to incumbent cable operators. The main limitation on satellite providers is the inherent difficulties in providing local broadcast programming via satellite. Even though broadcasters are experiencing a dramatic reduction in overall audience share compared to just a few years ago, the overwhelming number of consumers want local broadcast programming. Consumer surveys conclude that the lack of local broadcast programming is the number one reason some consumers are unwilling to subscribe to satellite service.

The bill Mr. COBLE and I are introducing today is designed to put satellite on competitive equal footing with cable. The bill provides for a compulsory license to retransmit local broadcast programming, and ensures carriage for local broadcast stations through retransmission consent/must-carry elections. The bill also provides for network non-duplication, syndicated exclusivity, and sports blackout protections.

Mr. Speaker, this bill combines the telecommunications provisions of H.R. 851, the Save Our Satellites Act of 1999 (as reported), and the copyright provisions of H.R. 1027, the Satellite Television Improvement Act (as reported). The legislative history of this bill can therefore be found in the applicable portions of the reports filed by our two Committees (i.e., H. Rep. 106–79 for Title I, and H. Rep. 106–86 for Title II).

Mr. Speaker, let me thank the hard work of the large group of Members that had a role in bringing this new bill to introduction: Chairman BLILEY, Ranking Member DINGELL and Subcommittee Ranking Member MARKEY from the Commerce Committee; and Chairman HYDE, Subcommittee Chair COBLE, Ranking Member CONYERS and Subcommittee Ranking Member BERMAN from the Judiciary Committee. This is a bi-partisan, bi-committee approach to a very important legislative bill. I am pleased that we were all able to work together and bring this compromise to the House.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 27, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 28

9:30 a.m.

Energy and Natural Resources

To resume closed hearings on the damage to the national security from Chinese espionage at the Department of Energy nuclear weapons laboratories.

S-407, Capitol

Indian Affairs

To hold oversight hearings on Bureau of Indian Affairs capacity and mission.

SR-485

Judiciary

To resume hearings on S.J. Res.14, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SD-226

Health, Education, Labor, and Pensions

Business meeting to consider S. 385, to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments; the nomination of Joseph Bordogna, of Pennsylvania, to be Deputy Director of the National Science Foundation; the nomination of Kenneth M. Bresnahan, of Virginia, to be Chief Financial Officer, Department of Labor; the nomination of Lorraine Pratte Lewis, of the District of Columbia, to be Inspector General, Department of Education; the nomination of Arthur J. Naparstek, of Ohio, to be a Member of the Board of Directors of the Corporation for National and Community Service; the nomination of Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board; the nomination of Chang-Lin Tien, of California, to be a Member of the National Science Board, National Science Foundation; and the nomination of Gary L. Visscher, of Maryland, to be a Member of the Occupational Safety and Health Review Commission.

SD-628

Rules and Administration

To hold oversight hearings on the operations of the Architect of the Capitol.

SR-301

10 a.m.

Foreign Relations

Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee

To hold hearings on issues relating to state democracy and the rule of law in the Americas.

SD-562

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the National Guard Bureau.

SD-192

Finance

To hold hearings to examine the context and evolution of Medicare.

SD-215

10:30 a.m.

Judiciary

To hold hearings on hate crime issues.

SD-226

2 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH-219

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 607, reauthorize and amend the National Geologic Mapping Act of 1992; S. 415, to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; and S. 416, to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

SD-366

2:30 p.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on the future of the ABM Treaty.

SD-342

Environment and Public Works

To hold hearings on the nomination of George T. Frampton, Jr., of the District of Columbia, to be a Member of the Council on Environmental Quality.

SD-406

APRIL 29

9:30 a.m.

Year 2000 Technology Problem

To hold hearings to examine 911 and public service access points.

SD-192

Appropriations

Interior Subcommittee, Energy and Natural Resources, National Parks, Historic Preservation, and Recreation Subcommittee

To hold joint oversight hearings to review the report of the Government Accounting Office on the Everglades National Park Restoration Project.

SD-366

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Environmental Protection Agency, and the Council on Environmental Quality.

SD-138

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on project delivery and streamlining of the Transportation Equity Act for the 21st Century.

SD-406

10 a.m.

Governmental Affairs

To hold hearings on the nomination of Myrta K. Sale, of Maryland, to be Controller, Office of Federal Financial Management, Office of Management and Budget; and the nomination of John T. Spotila, of New Jersey, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

SD-342

Finance

To hold hearings on the implementation of the State Children's Health Insurance Program.

SD-215

Judiciary

Business meeting to consider pending calendar business.

SD-226

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine the impact of international software piracy on the software industry and the American economy.

SD-562

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2000 for the National Aeronautics and Space Administration.

SR-253

Health, Education, Labor, and Pensions

To resume hearings on issues relating to the Elementary Secondary Education Act.

SD-628

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the United States Agency for International Development.

SD-124

2 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH-219

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings on the Department of Housing and Urban Developmment's Grants Management System.

SD-538

2:30 p.m.

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine political and military developments in India.

SD-562

APRIL 30

10 a.m.

Health, Education, Labor, and Pensions

Aging Subcommittee

To hold hearings on issues relating to the Older Americans Act.

SD-628

MAY 3

2 p.m.
Judiciary
To hold hearings to examine youth violence issues.
SD–226

3:30 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings on management reform issues in the District of Columbia.
SD–342

MAY 4

9:30 a.m.
Indian Affairs
To hold oversight hearings on Census 2000, implementation in Indian Country.
SR–485

Energy and Natural Resources
To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 819, to provide funding for the National Park System from outer Continental Shelf revenues.
SD–366

MAY 5

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Commerce, Science, and Transportation
Business meeting to markup pending calendar business.
SR–253

Indian Affairs
To hold oversight hearings on Tribal Priority Allocations and Contract Support Costs Report.
SR–485

10 a.m.
Governmental Affairs
To hold hearings on the current state of Federal and State relations.
SD–342

MAY 6

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the results of the December 1998 plebiscite on Puerto Rico.
SH–216

Governmental Affairs
To hold hearings on Federalism and crime control, focusing on the increasing Federalization of criminal law and its impact on crime control and the criminal justice system.
SD–342

MAY 11

10:30 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings on multiple program coordination in early childhood education.
SD–342

MAY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on HUBzones implementation.
SR–485

MAY 13

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 698, to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the state of Alaska; S. 711, to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill; and S. 748, to improve Native hiring and contracting by the Federal Government within the State of Alaska.
SD–366

MAY 19

9:30 a.m.
Indian Affairs
To hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; and S. 613, to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.
SR–485

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

SENATE—*Tuesday, April 27, 1999*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, the true Source of spiritual, intellectual, emotional, volitional, and physical power, we need a fresh flow of Your Spirit for the work of this day. We confess our insufficiency and pray for Your power to think Your thoughts, to do Your will as You reveal it, to love unselfishly, to forgive graciously, and to act energetically with renewed strength and endurance. You have told us that You pour out Your greatest blessings on those who put their ultimate trust in You alone. You are the Rock of Ages on which we can stand, the Intervener when we are in trouble, the One who opens doors of opportunity for the next step of Your strategy for us, our Friend in life's lonely moments, and the Source of courage whenever we are tempted to give up in the battle for truth and righteousness in America.

Bless the Senators and all of us who are privileged to work with and for them. May this be a day in which we all sense Your presence and receive Your power. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will begin debate on S. 96, the Y2K bill, with amendments expected to be offered.

ORDER FOR RECESS

I ask unanimous consent that at 12:30 p.m. the Senate stand in recess until 2:15 p.m. for the weekly party caucus luncheons.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, following the policy lunch, at 2:15 the Senate will resume consideration of the Y2K bill. Rollcall votes on amendments to the bill are expected during today's session. Votes are also possible on any other legislative or executive item cleared for action.

I thank my colleagues for their attention.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. VOINOVICH assumed the chair.)

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

MORNING BUSINESS

MEDAL OF FREEDOM

Mr. LEAHY. Mr. President, on March 17, Senator George Mitchell received the Medal of Freedom at the White House.

The day was picked especially because Irish Americans had gathered at the White House, but also Irish from both Northern Ireland and the Republic of Ireland were in attendance.

All together, with the President of the United States, we honored the extraordinary achievements of the United States Senate's former majority leader.

Marcelle and I were in attendance with great pride in watching our friend, Senator Mitchell. We were honored also to be with his wife, Heather, and other members of his family. Having served with him, I know he is an extraordinarily capable, patient, and talented person. No one else could have done what he did.

Senator Mitchell received a standing ovation for his words that evening—words that came from his heart and mind.

I ask unanimous consent that his words be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR GEORGE J. MITCHELL ON RECEIPT OF THE MEDAL OF FREEDOM, THE WHITE HOUSE, MARCH 17, 1999

Thank you, Mr. President, for your generous remarks, and for your commitment to peace and reconciliation in Northern Ireland. You are the only American President ever to have placed Northern Ireland high on our national agenda, the only President ever to have visited there while in office. The people of Ireland, North and South, know of your concern for their future; and they are deeply grateful. In behalf of peace loving people everywhere, I thank you.

I also want to thank you for giving me the chance to serve in Northern Ireland. I must admit that I didn't always feel this way. During the years that I sat and listened to the same arguments, over and over again, I had other, less charitable thoughts about you and about my role there.

It was difficult and demanding, but it also was deeply rewarding. For me to have played a part in trying to end an ancient conflict, trying to make possible a more safe and secure life for generations to come; for me to have come to know, to admire, and to love the people of Northern Ireland—these are rewards which cannot be measured, or even described.

I can only say that my heart is overflowing with gratitude—to you, Mr. President; to the political leaders and to the people of Northern Ireland; to Prime Ministers Ahern and Blair and their predecessors; to Mo Mowlam and David Andrews and their predecessors and colleagues; to my colleagues, John de Chastelain and Harri Holkeri; to my staff, Martha Pope, David Pozorski, and Kelly Currie; and especially to my wife, Heather, who was patient and understanding through three-and-a-half long, lonely years.

On an occasion like this, it is tempting for me to take a nostalgic look back on my life. But instead we must look forward, with urgency, not to my life, but to the lives of the people of Northern Ireland.

The events of the past year have shown the great promise of peace. But they also have shown that huge obstacles remain to a durable and sustainable peace. On Good Friday of last year, the political leaders of Northern Ireland showed the world the meaning of political courage. Many of these leaders are present, and I'd like to recognize some of them: David Trimble, John Hume, Seamus Mallon, Reg Empey, Gerry Adams, John Alderdice, Sean Neeson, David Ervine, Monica McWilliams and Gary McMichael.

Ladies and gentlemen, these are the heroes of the Northern Ireland Peace process. These are the men and women who deserve the medals and the applause. They are my friends, and yours. Please join me in letting them know how much you value their Good Friday agreement.

I'd like to address those leaders directly. You've heard the applause. Perhaps better than anyone, I know how well deserved it was. But even before the applause fades, the future intrudes.

Getting the agreement was historic. But, as you know, by itself it doesn't provide or guarantee peace. It makes peace possible. Whether it will be realized is up to you.

The Good Friday Agreement transformed Northern Ireland. It also transformed you. You are no longer just the leaders of your parties, or members of the assembly. You are the vessels into which the people of Northern Ireland have poured their hopes and dreams. You sought public office and with it comes power and responsibility. You have the awesome responsibility of life or death. What you do, or don't do, could mean life or death for many of your fellow citizens.

As he left London to join us at the talks last April, Tony Blair said he felt the hand of history on his shoulder. It's still there, on your shoulders.

For a moment, come back in time with me to December 16, 1997, the last negotiating session of that year. We met in the small conference room at Stormont. We had tried for two intense weeks to get agreement on a statement of the key issues to be resolved, and we had failed. We were all bitterly frustrated and deeply discouraged.

As we walked out into the windswept and rainy night, it seemed so hopeless, so impossible. And yet, less than four months later, you reached agreement.

How did you do it? You did it because each of you took a risk for peace, each of you acted with wisdom and courage. And you did it because you knew, in your hearts, that the alternative was unacceptable.

It stills is. The alternative to peace in Northern Ireland is unacceptable. It should be unspeakable, unthinkable. The continued punishment beatings and the savage murder of Rosemary Nelson, who on Sunday was blown to death just a few yards from her eight year old daughter's school, are like alarm bells ringing in the night. They warn that the cancer of violence and sectarian hatred lurks just below the surface and could erupt at any time into wide-spread conflict.

History might have forgiven failure to reach an agreement, since no one thought it possible. But once the agreement was reached, history will never forgive the failure to carry it out. The people of Northern Ireland don't want to slip back into the cauldron of sectarian conflict. You can prevent it.

Those who oppose the agreement have failed to bring it down. As Seamus Mallon has said, the only people who can bring the Good Friday down are those who supported it. You cannot let that happen.

I know you. I trust you. I believe in you. And I say to you that the problems you now face are no greater or more difficult than those you faced, and dealt with, last year. You must once more rise above adversity. You must again defy history.

You must come together, now and as often as necessary until peace is assured. Then you will deserve and receive the honor that will transcend all others: the satisfaction of knowing that, in the most difficult and dangerous of circumstances, you have bestowed on your countrymen the ultimate prize peace and reconciliation.

After you reached agreement on Good Friday, we were exhausted, elated, and emotional. I conclude tonight by repeating what I told some of you then.

The agreement was for me the realization of a dream that had sustained me for three-and-a-half years. Now, I have a new dream. In a few years, I will take my young son to Northern Ireland. We will roam the country, taking in the sights and sounds of one of the most beautiful landscapes on earth, feeling the warmth and generosity of a great people. Then, on a rainy afternoon, we will go to the Northern Ireland Assembly. We will sit quietly in the visitors' gallery and watch and listen as you debate the ordinary issues of life in a democratic society: education, health care, agriculture, tourism. There will be no talk of war, for the war will have long been over. There will be no talk of peace, for peace will be taken for granted.

On that day, the day on which peace is taken for granted in Northern Ireland, I will be truly and finally fulfilled.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant called the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business. The Senator is granted 10 minutes.

Mr. BAUCUS. I thank the Chair.

FEDERALLY IMPACTED SCHOOL IMPROVEMENT ACT

Mr. BAUCUS. Mr. President, I rise today to speak to the Federally Impacted School Improvement Act.

As we all know, there is a very important debate going on in our country today concerning our Nation's schools. Schools all across our country are crumbling, in many cases in such disrepair that it affects the child's ability to learn or even feel safe. I hope and expect that this Congress will reach a consensus on a school construction bill very soon.

I support and have cosponsored several bills in the last Congress that encourage a nationwide effort to rebuild our public schools. Quite simply, it is the right thing to do.

But in a heated national debate, one group of children is continually left out in the cold; that is, students who live on federally owned land, usually an Indian reservation, very often a military installation. In my State of Montana, about 12,000 children are classified as federally impacted; that is, they live on Federal land.

For almost 50 years, Congress has provided financial assistance to school districts that are impacted by a Federal presence. We call this Impact Aid funding. Unfortunately, it has been underfunded for the last 15 years. And even worse, for the last 5 years Impact Aid schools have received zero dollars to help in paying for badly needed repairs and construction.

This has created an underclass of schools with glaring infrastructure problems that border on dangerous and inhumane.

How bad is it, you may ask? Let me tell you.

In one school in Montana, the Hays Lodge Pole Elementary School on the Fort Belknap Reservation, they say that the high school has infrastructure problems that are so bad that saying it has problems is like saying that the Titanic had a small leak.

Whenever it rains or snows, the roof leaks making classrooms unusable. The kindergarten is located on a stage, not in a classroom. The school nurse and counselor work out of a converted locker room shower with no ventilation. The decrepit sewage system regularly backs up into this same shower, filling the nurse's and counselor's office with raw sewage. And all special education services, which a large percentage of students use, are provided in a separate house requiring the children or staff to walk over an ice rink in high winds and adverse weather just to get to class.

While some may say, OK, that sounds like a bad deal, shouldn't the local taxpayers pass a mill levy to build a new school? Or shouldn't they get help from the President's school construction bill which gives billions of dollars in bonding authority to school districts for just these sorts of problems? The answer, sadly, is no.

The problem is that these schools have no bonding authority. Since the land is owned by the Federal Government, there is no local mill levy to raise. And since the Federal Government has, for 5 consecutive years, provided zero dollars for repairing Impact Aid schools, these problems have just gotten worse and more expensive. And it is our children who pay the price.

So the Baucus-Hagel Federal Impacted School Improvement Act aims to fix that. Make no mistake, this is not some budget-busting Government handout. The act authorizes a small but meaningful $50 million a year appropriation for the next 5 years for Impact Aid school construction and repair.

And 45 percent of the funds appropriated under the bill go to Indian lands. Another 45 percent is dedicated to military schools. The final 10 percent is reserved for emergency situations.

In order to make this small appropriation go further, our bill requires local school districts to match every Federal dollar except for the 10 percent reserved for true emergencies. The act also limits to $3 million the amount an individual school district can receive in any 5-year period. This is done to ensure that all—or at least more—impacted schools will have the opportunity to use these grants to improve the lives of their children.

Mr. President, this bill is vital to a vast number of children in Montana, Nebraska, and all across our country. I am hopeful that a comprehensive school construction bill can pass this Congress. But let me tell the Senate today, Senator HAGEL and I plan to make sure that any school construction bill that passes this Senate will also take care of federally impacted school districts.

We hope to pass this bill regardless of the larger debate. But if that does not happen, we will also work to include this act in a broader school construction bill.

In closing, I want to reiterate that the children who attend schools on Indian lands or military installations are all of our children. We must not ignore them or allow their schools to fall into dangerous disrepair. They deserve the same education as every other child. Let us take this opportunity to redress our negligence in ignoring these children, and show them that we care. Let's pass this bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA'S FAMILY FARMERS

Mr. DORGAN. Mr. President, I know there has been discussion about the agenda here in the Senate, what the Senate will take up, what it will consider, what it will debate in the coming days and weeks and months. I hear very little discussion about the need to respond to the farm crisis in the rural parts of our country.

I have, on half dozen occasions now, brought to the floor of the Senate a chart that shows our entire country with those counties blocked out in red that are losing population. What it shows is a large part of the middle of our country is being depopulated. We have a serious and abiding farm crisis. That depopulation in the middle part of America stems in large part from a farm economy that means family farmers are not making a living and all too often are having to leave the farm.

We keep hearing that it is a global economy. If it is a global economy, then why on earth do we have so many people hungry in the rest of the world? We are told 500 to 600 million people go to bed with an ache in their belly every night because they did not have enough to eat. Then in the same global economy, with so many hungry people, a farmer somewhere in Cando, ND, or Regent, ND, today loads up a truckload of wheat and takes it to the county elevator and is told that the food has no value. That is not a global economy that seems to work, in my judgment.

This chart shows what is happening in the heartland of our country. Most of it is because of the urgency of the economic crisis facing family farmers. These red counties are the counties which have lost more than 10 percent of their population. Many of them have lost far more. My home county [Hettinger] is right up in here. It has lost almost half of its population in the last 25 years.

The middle part of America is being depopulated. We have a farm program that doesn't work. We have natural disasters that affect these family farmers. We have crop diseases. A GAO study I just released last week shows that in North Dakota a crop disease called scab or vomitoxin has cost our farmers $200 million a year in lost income. They say 750 farmers have lost their farms because of just that one crop disease, the worst crop disease in a century in my home State.

Natural disasters, crop diseases; how about trade? How about telling our family farmers to compete in the global economy with the Europeans subsidizing their farmers in multiples of what we are while we try to help our farmers open foreign markets. You compete in the international marketplace with one hand tied behind your back. Or how about international trade that says, why don't we have the Canadians dump tens of thousands of semitruckloads of their grain, their durum wheat and their spring wheat into our marketplace in conditions of unfair trade, driving down our prices. That is all right, and we will sit by and do nothing about it.

That is not a fair circumstance for our farmers. Japan, China; how many in this Chamber know that currently the tariff on American beef going into Japan is 45 percent, a 45-percent tariff? If we imposed that on anybody, we would be considered a massive failure. China says maybe they will decrease their tariff on American beef going into China. It is now 42.5 percent.

Our farmers deserve better trade policies than they are getting from this Government of ours. Our Government cannot do much about natural disasters except respond to them with a helping hand at a time when people need help. It can do something about trade policy that is unfair to our producers. And certainly, this administration and this Congress, especially this Congress, ought to do something about a farm bill that shortchanges American farmers.

The current farm bill we have is a wonderful bill if you are Cargill or Continental or some large grain trading company. If you are one of the behemoths, one of the giant agrifactories in America, you have to like the current circumstance. You have low prices at which you can buy the grain. Then you can put it in your plant, apply some air to it, and you can puff it up. Now you can call it puffed wheat and put it on the grocery store shelf. And while you are paying less for the grain, you can increase your prices. That is exactly what is happening, and that is exactly what was announced last week.

Grain prices for family farmers are collapsed. Cereal manufacturers are saying, we want to increase cereal prices 2.5 percent. You talk about a disconnection. You talk about short-circuiting the economic system. That is a short-circuit.

The question for this Congress is, Do we care? I do. Do enough others care to want to save family farmers? Or is America's food production destined to go to the giant agrifactories that farm America from California to Maine with nary a person in sight—no farm lights, no yard lights out there illuminating where a family lives and does its work—because there won't be families on the farm?

Or does this country, does this Congress, as many other countries, believe that a broad network of family producers on America's farms and ranches represents the best economic system? Do we believe in the Jeffersonian model that Thomas Jefferson talked about: That which keeps America free is broad-based economic ownership, because economic freedom relates to political freedom?

Do we really believe in broad-based economic ownership? If so, let's start to manifest that belief in farm policy. Let's decide that current farm policy is a bankrupt policy. The bill that was passed, the current farm bill that was passed that pulls the rug out from under family farmers says, when prices collapsed, do not bank on us for help—when that bill was passed, without my vote in this Congress, there was feasting and rejoicing and celebrating here in this town by the largest agribusinesses because they thought they had just won the lottery. What a wonderful deal for them.

Someday we will have lower grain prices, they thought, and we will buy this grain from family farmers cheap, and then eventually the family farmers will be gone. They will take over the farms and farm all of our country. They will put that grain in plants and will make substantial money off of it. That is exactly what happened at the expense of family farmers.

The question before this Congress is: Are we going to have the will to do what is necessary to repair the hole in the safety net for family farmers? Do we care whether there are family farmers left in our country?

Wheat prices have fallen 53 percent. Let me show a chart which demonstrates what has happened to wheat prices. I ask any American, I ask any Member of the Senate, how would you feel if this was what was happening to your paycheck? How well would you do if this was what your income looked like? That is what the income looks like on our farms.

On America's farms, they see Depression-era prices in constant dollars, but their expenses keep going up. Try to buy a tractor or a combine, fertilizer, seed, fuel, at today's prices. See if you get a bargain. But then sell the grain that comes from the sweat and the labor, from driving the tractor, planting the seeds in the spring, tending that crop through the year and at harvesting in the fall. Try to sell that crop, and see what they tell you. Then it is not so much a circumstance where they say, well, times have changed and things cost more. They say, your product that you worked so hard to create is worth less, worth less or worthless.

This country can do better than that. If we don't do better than that, we won't have any farmers left.

We need to decide that by the Memorial Day break or by the July 4 break at the very latest, we need to do something to repair this safety net. The first step is obvious. I just spoke over in the Appropriations Committee hearing. We have an emergency bill which provides for the first spring planting loans. That emergency bill was passed many weeks ago here in the Senate and now, of course, awaits action on the Kosovo emergency question. But the climate doesn't wait. The spring doesn't wait. Spring planting is needed to move ahead now. Yet the loans that many farmers need to get into the field for the spring, to buy the fuel and buy the seed, those loans are not available because we haven't passed that emergency supplemental dealing with those emergency loans.

That is the first step. That ought to be done immediately.

The second step is, between now and the Memorial Day break or the July 4 break, we ought to do something to put in place a fair price plan for family farmers. We ought to have the good sense to do that. There is nothing wrong with making a U-turn when you discover where you are headed is the wrong direction. The current farm bill is the wrong direction. It seemed right at the time for a lot of folks who voted for it. As I said, I didn't. For those who voted for it when farm prices were better, it seemed like it was the right thing to do. But it was the wrong thing to do.

Now that farm prices have collapsed, the question is, Do we have a safety net left in this country for family farmers to try to get them across those price valleys? The answer is no. But we can repair and provide a safety net for family farmers if this Congress and this country believes it is important to have a broad-based network of family farm ownership across this country. I believe that very strongly, and I hope my colleagues who support family farming will feel the same way.

Now, Mr. President, last week, when I came to the floor of the Senate, I held up a newspaper that I got on an airplane in Minneapolis. This paper said: "Cargill Profits From Decline in Farm Prices; 53 percent jump in earnings." I don't know Cargill. It is a big agrifactory. "Cargill Profits From Decline in Farm Prices." As do all of the big economic interests. This was in the same newspaper: "General Mills to Boost Cereal Prices 2.5 Percent." There is a decline in farm prices, farm prices have collapsed, but cereal manufacturers are going to increase the price of breakfast food 2.5 percent.

I think the consumers and farmers are both victimized, and they have a right to ask what on Earth is going on in this country. Farmers are being shortchanged and consumers are being overcharged. What on Earth is happening and when is somebody going to do something about it?

On the same day in that newspaper, these two stories tell of the sad, sad events that now confront our family farmers: collapsed prices and a circumstance where all of those who take their product and use it, turn it into cereal for store shelves, those who haul it, those who trade it, and those who add value to that product are making record profits, increasing prices, and are doing fine. But family farmers, of course, are going broke.

This Congress must decide, and decide quickly. I and others will be coming to the floor repeatedly to ask this question: Why is it when people talk about family values they only refer to cultural values? Why is the family not valued as an economic unit in this country? Why aren't family economics important? The family farm, the family business—that is an economic unit that is important to this country, and our public policy ought to reflect that. It is long past the time when Congress ought to address this farm crisis in a serious and thoughtful way.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. Enzi). The Chair recognizes the Senator from Alaska.

(The remarks of Mr. Murkowski, Mr. Hagel, and Mr. Grams pertaining to the introduction of S. 882 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AGRICULTURE

Mr. CONRAD. Mr. President, I rise to speak today about the continuing crisis in agriculture. Last night I was watching CNN. They had the first of a series of programs on the crisis in agriculture. They interviewed a cotton farmer from the Deep South who has a 2,500-acre farm, which is not a small farm but certainly not one of the largest. He was telling the interviewer that he lost $500,000 last year.

I tell that story because that was a farmer from the Deep South. I represent North Dakota, the opposite end of the country. We are having exactly the same experience in our part of the country, a farm depression.

This is a cartoon that ran in the major newspaper back home. It is a picture of vultures sitting on signs of farm auctions, pointing the way to farm auctions. There are one, two, three, four, five, six, seven different signs pointing towards farm auctions with the buzzard sitting on top of the sign. The cartoon says, "Tis spring! Tis spring! Tis spring!"

That is how an awful lot of us are feeling because in most of the country we are celebrating spring. Certainly here in the Nation's Capital we see beautiful flowers in bloom and we are enjoying absolutely gorgeous weather. We are celebrating a rebirth, a renewal.

But we are not celebrating in farm country because spring has brought us up against hard reality. The hard reality is that our operations are not going to make it. They are not cash-flowing. Many farmers are not getting the credit they need to get into the field this spring.

That is why the now stalled emergency supplemental is important. It provides emergency disaster funding for farm credit to assure that those who are credit worthy can get into the field to plant this year's crop.

Too many feel that agriculture has turned against them, that policy here has turned against them, that trade policy has turned against them, and, yes, that market forces have turned against them.

Look at the very tough facts that our producers face. This chart shows wheat prices. The red line on the chart shows the cost of production across the country. Producing a bushel of wheat costs about $5. This jagged line shows what has happened to wheat prices. Wheat prices are now $2.40 a bushel, and it costs over $5 to produce it.

This is the pattern going back to 1996. The last time we were at the cost of production was back in 1996. Since that time, wheat prices have plunged. Why? It is a complicated series of factors, starting with the Asian financial collapse that cost us some of our best markets, followed by the financial collapse in Russia that did further damage to our farmers because, of course, Russia was a big customer of ours. Yet now they cannot pay because they are out of hard currency. We have had that double whammy. On top of that, we have had good production weather around most of the world, so production has been up, yet because of the financial problems in Asia and Russia, demand is down. That has led to a dramatic price weakening.

In the midst of that, we passed a new farm bill. The new farm bill, unfortunately, doesn't work well when prices collapse because there is no adjustment for price collapses. Under the old farm policy, when prices went down, support went up. Under this new policy, support goes down year by year no matter what happens to prices. The combination is leaving our farmers in the ditch, literally and figuratively. Our prices are so bad, so ruinously low, that literally tens of thousands of farm families face foreclosure.

This is not just true in our part of the country. The distinguished Chair is from a nearby State. They are experiencing the effect of these very low prices, not only in terms of row crops, not only in terms of wheat, barley, and other commodities, but in terms of beef, in terms of hogs. We see hog prices as low as 8.5 cents a pound. It costs 40 cents a pound to produce a hog. If farmers only get 8.5 cents a pound when they go to sell, they are in deep trouble.

We are down to only 800 hog producers in my State. We anticipate losing as many as three-quarters of them this year; 600 of the 800 are going to go out of business. The story is not much different in terms of beef because we see cattle prices at very, very low levels.

The combination—whether it is in our part of the country, the northern plains, or as I started these remarks talking about this cotton farmer in the Deep South losing $500,000 last year on only 2,500 acres—is a calamity. What is especially ironic is it is in the midst of a great economic boom across the country. We have probably never had better economic times in the larger economy, yet when we look at agriculture, we see the worst of times.

It is really a result of a triple whammy: bad prices, bad policy, and bad weather. To top it all off, in addition to the bad prices, these are the lowest prices in 52 years; on top of that, the bad policy—trade policy and farm policy—that has left farmers without much help in a time of this financial collapse; on top of that, we have had bad weather. In my State, 5 years of overly wet conditions have led to the biggest outbreak of a disease called scab that has also dramatically reduced production. Talk about a bad set of facts, that is it: bad prices, bad weather, and bad policy.

We have a chance to do something on the policy front. It won't solve the problem, but it will help. It is urgently needed. That is the disaster supplemental that is before the Senate.

I ask my colleagues, can't we move on that disaster supplemental? Can't we move on that legislation now? Can't we pass it? If we wait, it will be too late. If we wait, it is simply going to be too late. Farmers need to be in the field now. This is the end of April. Time waits for no man. Time does not wait when you are planting a crop.

I hope my colleagues will respond to this plea that we pass the urgent supplemental directly. I hope we do it this week and get that money out there where it can do some good and help these farmers through what is the worst crisis they have faced since the 1930s.

The time to act is now. I urge my colleagues to participate in that effort. We passed it here the end of March, and now here we are at the end of April. There is something dysfunctional when we have disaster emergency legislation before us and we passed it in this Chamber a month ago and it still is not out there; it is still not implemented.

Mr. President, I ask our colleagues to act on that disaster supplemental and to do it now. I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ASHCROFT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it so ordered.

NATIONAL MEDAL OF TECHNOLOGY AWARD

Mr. ASHCROFT. Mr. President, it is with great honor and privilege that I congratulate Dr. Robert T. Fraley, a member of the Monsanto team of scientists, on receiving the National Medal of Technology Award for developing biotechnology that will help meet the global agricultural challenges of the Twenty-First Century.

Dr. Robert T. Fraley is the co-President of the Agricultural Sector of Monsanto, and has worked extensively on the integration of Monsanto's chemical, biotech and seed businesses. He earned his Doctorate in microbiology and biochemistry in 1978, from the University of Illinois. Among his accomplishments, Dr. Fraley was a member of the science team that developed the world's first practical system to introduce foreign genes into crop plants. He continues to work on new improved methods in agriculture through his contributions in the development of insect and herbicide resistant plants.

Agriculture is the foundation of many countries' economies, and consequently, the majority of the world's population makes its living in agriculture and food-based activities. Transforming these agricultural economies is important to achieving broad-based economic growth, not only in the United States, but worldwide. In this respect, investments in new agricultural technologies will increase farmer incomes, promote food security, advance other critical development initiatives, and contribute to environmental improvements. Agricultural biotechnology was first introduced to farms in 1995, and today in the United States, there are over 53 million acres of biotech crops.

As global food demand continues to increase, there is an immediate need to develop new agriculture tools that are productive and sustainable. With the use of new agricultural biotechnologies, genetically enhanced seeds are already decreasing pest infestation, increasing crop yields, and reducing the need for pesticides. I believe that these new farming methods offer tremendous potential for farmers and consumers from an agronomic, economic, and environmental standpoint. As a result, our rural economies are strengthened, and our agricultural products are becoming more competitive in the global market.

I rise today to acknowledge and commend Dr. Robert Fraley and the Monsanto team of researchers for their excellent work. They have played a critical role in the pioneering of gene transfer technology and plant regeneration which began more than 15 years ago. As a result of their relentless pursuit of a vision, their development of agricultural biotechnology, as a science and as an industry, will continue to keep the United States at the forefront of food production.

Dr. Fraley and the Monsanto team of scientists are visionaries in their quest to improve the quality of life. Their perseverance, commitment, and dedication to science is an inspiration for others to reach their "highest and best." I wish them continued success as they guide us on a revolutionary path into the Twenty-First Century.

NATIONAL MEDAL OF TECHNOLOGY AWARD

Mr. ASHCROFT. Mr. President, it is with great honor and privilege that I congratulate Dr. Robert B. Horsch, a member of the Monsanto team of scientists, on receiving the National Medal of Technology Award for developing biotechnology that will help meet the global agricultural challenges of the Twenty-First Century.

Dr. Robert Horsch is the co-President of Monsanto's Sustainable Development Sector and general manager of Monsanto's Agracetus Campus. He earned his Doctorate in genetics in 1979, from the University of California. Among his accomplishments, Dr. Horsch was a member of the team that developed the world's first practical system to introduce improved genes into crop plants. Thereafter, he expanded Monsanto's gene transfer capability to most important crops such as soybeans, corn, wheat, cotton, canola, tomatoes, and potatoes.

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NATIONAL MEDAL OF TECHNOLOGY AWARD

Mr. ASHCROFT. Mr. President, it is with great honor and privilege that I congratulate Dr. Ernest G. Jaworski, a member of the Monsanto team of scientists, on receiving the National Medal of Technology Award for developing biotechnology that will help meet the global agricultural challenges of the Twenty-First Century.

Dr. Ernest G. Jaworski was the Director of Biological Sciences before retiring from Monsanto in 1993. Since then, he has served as Scientist In Residence at the St. Louis Science Center and Interim Director of the Donald Danforth Plant Science Center. He earned his Doctorate in biochemistry in 1952, from Oregon State University. Among his accomplishments, Dr. Jaworski assembled and led the team that developed the world's first practical system to introduce foreign genes into plants.

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NATIONAL MEDAL OF TECHNOLOGY AWARD

Mr. ASHCROFT. Mr. President, it is a great honor and privilege to congratulate Dr. Stephen G. Rogers, a member of the Monsanto team of scientists, on receiving the National Medal of Technology Award for developing biotechnology that will help meet the global agricultural challenges of the Twenty-First Century.

Dr. Stephen G. Rogers is the director of biotechnology projects for Europe located at Monsanto's Cereals Technology Center in Cambridge, England, where he is presently working on the integration of modern crop breeding with improved crop methods. He earned his Doctorate in biology in 1976, from the Johns Hopkins University. Among his accomplishments, Dr. Rogers is a member of the team that developed the first method for producing new proteins in plants, leading to the discovery of virus resistance and insect protection traits for crops—a development that is revolutionizing modern farming.

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CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Y2K ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 96. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems relating to processing data that includes a 2-digit expression of that year's date.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.

TITLE I—OPPORTUNITY TO RESOLVE Y2K PROBLEMS.

Sec. 101. Pre-filing notice.
Sec. 102. Pleading requirements.
Sec. 103. Duty to mitigate.
Sec. 104. Proportionate liability.

TITLE II—Y2K ACTIONS INVOLVING CONTRACT-RELATED CLAIMS.

Sec. 201. Contracts enforced.
Sec. 202. Defenses.
Sec. 203. Damages limitation .
Sec. 204. Mixed actions.

TITLE III—Y2K ACTIONS INVOLVING TORT CLAIMS.

Sec. 301. Damages in tort claims.
Sec. 302. Certain defenses.
Sec. 303. Liability of officers and directors.

TITLE IV—Y2K CLASS ACTIONS.

Sec. 401. Minimum injury requirement.
Sec. 402. Notification.
Sec. 403. Forum for Y2K class actions.

SEC. 2. FINDINGS AND PURPOSES.

The Congress finds that:

(1) The majority of responsible business enterprises in the United States are committed to working in cooperation with their contracting partners towards the timely and cost-effective resolution of the many technological, business, and legal issues associated with the Y2K date change.

(2) Congress seeks to encourage businesses to concentrate their attention and resources in short time remaining before January 1, 2000, on addressing, assessing, remediating, and testing their Y2K problems, and to minimize any possible business disruptions associated with the Y2K issues.

(3) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(4) Y2K issues will potentially affect practically all business enterprises to at least some degree, giving rise possibly to a large number of disputes.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses, particularly small businesses, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with the Y2K date change, and work against the successful resolution of those difficulties.

(7) Congress recognizes that every business in the United States should be concerned that widespread and protracted Y2K litigation may threaten the network of valued and trusted business relationships that are so important to the effective functioning of the world economy, and which may put unbearable strains on an overburdened and sometime ineffective judicial system.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, nonbinding mediation rather than litigation.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term "Y2K action" means a civil action commenced in any Federal or State court in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense of a defendant is related directly or indirectly to an actual or potential Y2K failure.

(2) Y2K FAILURE.—The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) ACTUAL DAMAGES.—The term "actual damages" means direct damages for injury to tangible property, and the cost of repairing or replacing products that have a material defect.

(4) ECONOMIC LOSS.—Except as otherwise specifically provided in a written contract between the plaintiff and the defendant in a Y2K action (and subject to applicable State law), the term "economic loss"—

(A) means amounts awarded to compensate an injured party for any loss other than for personal injury or damage to tangible property (other than property that is the subject of the contract); and

(B) includes amounts awarded for—

(i) lost profits or sales;

(ii) business interruption;

(iii) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(iv) losses that arise because of the claims of third parties;

(v) losses that must be pleaded as special damages; and

(vi) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law); but

(C) does not include actual damages.

(5) MATERIAL DEFECT.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or intended. The term "material defect" does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only on a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(6) PERSONAL INJURY.—The term "personal injury"—

(A) means any physical injury to a natural person, including death of the person; but

(B) does not include mental suffering, emotional distress, or like elements of injury that do not constitute physical harm to a natural person.

(7) STATE.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(8) CONTRACT.—The term "contract" means a contract, tariff, license, or warranty.

(9) PERSON.—

(A) IN GENERAL.—The term "person" has the meaning given to that term by section 1 of title 1, United States Code.

(B) GOVERNMENT ENTITIES.—The term "person" includes an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities) when that agency, instrumentality, or other entity is a plaintiff or a defendant in a Y2K action.

(10) ALTERNATIVE DISPUTE RESOLUTION.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or in an administrative proceeding, in which a neutral third party participates to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action under Federal or State law.

(c) ACTIONS FOR PERSONAL INJURY OR WRONGFUL DEATH EXCLUDED.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) WRITTEN CONTRACT CONTROLS.—The provisions of this Act do not supersede a valid, enforceable written contract between a plaintiff and a defendant in a Y2K action.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—In any Y2K action in which punitive damages may be awarded under applicable State law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the defendant acted with conscious and flagrant disregard for the rights and property of others.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Punitive damages against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for actual damages; or

(B) $250,000.

(2) SPECIAL RULE.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as a individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting "smaller" for "larger".

(c) GOVERNMENT ENTITIES.—Punitive damages in such a Y2K action may not be awarded against a person described in section 3(8)(B).

TITLE I—OPPORTUNITY TO RESOLVE Y2K PROBLEMS

SEC. 101. PRE-FILING NOTICE.

(a) In General.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall serve on each prospective defendant in that action a written notice that identifies with particularity—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) the remedy sought by the prospective plaintiff;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) Delay of Action.—Except as provided in subsection (d), a prospective plaintiff may not commence a Y2K action in Federal or State court until the expiration of 90 days from the date of service of the notice required by subsection (a).

(c) Response to Notice.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall serve on each prospective plaintiff a written statement acknowledging receipt of the notice, and proposing the actions it has taken or will take to address the problem identified by the prospective plaintiff. The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(d) Failure To Respond.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c); or

(2) does not describe the action, if any, the prospective defendant will take to address the problem identified by the prospective plaintiff,

then the 90-day period specified in subsection (a) will terminate at the end of the 30-day period as to that prospective defendant and the prospective plaintiff may commence its action against that prospective defendant.

(e) Failure To Provide Notice.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) and without awaiting the expiration of the 90-day period specified in subsection (b), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for 90 days after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during this 90-day period.

(f) Effect of Contractual Waiting Periods.—In cases in which a contract requires notice of nonperformance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided in the contract is controlling over the waiting period specified in subsections (a) and (e).

(g) State Law Controls Alternative Methods.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

SEC. 102. PLEADING REQUIREMENTS.

(a) Nature and Amount of Damages.—In all Y2K actions in which damages are requested, the complaint shall provide specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(b) Material Defects.—In any Y2K action in which the plaintiff alleges that a product or service is defective, the complaint shall contain specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(c) Required State of Mind.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, the complaint shall, with respect to each element of that claim, state with particularity the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 103. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably could have been, aware, including reasonable efforts made by a defendant to make information available to purchasers or users of the defendant's product or services concerning means of remedying or avoiding Y2K failure.

SEC. 104. PROPORTIONATE LIABILITY.

(a) In General.—A person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) Several Liability.—Liability in a Y2K action shall be several but not joint.

TITLE II—Y2K ACTIONS INVOLVING CONTRACT-RELATED CLAIMS

SEC. 201. CONTRACTS ENFORCED.

In any Y2K action, any written term or condition of a valid and enforceable contract between the plaintiff and the defendant, including limitations or exclusions of liability and disclaimers of warranty, is fully enforceable, unless the court determines that the contract as a whole is unenforceable. If the contract is silent with respect to any matter, the interpretation of the contract with respect to that matter shall be determined by applicable law in force at the time the contract was executed.

SEC. 202. DEFENSES.

(a) Reasonable Efforts.—In any Y2K action in which breach of contract is alleged, in addition to any other rights provided by applicable law, the party against whom the claim of breach is asserted shall be allowed to offer evidence that its implementation of the contract, or its efforts to implement the contract, were reasonable in light of the circumstances for the purpose of limiting or eliminating the defendant's liability.

(b) Impossibility or Commercial Impracticability.—In any Y2K action in which breach of contract is alleged, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by applicable law in existence on January 1, 1999, and nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 203. DAMAGES LIMITATION.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, consequential or punitive damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was executed or by operation of Federal law.

SEC. 204. MIXED ACTIONS.

If a Y2K action includes claims based on breach of contract and tort or other noncontract claims, then this title shall apply to the contract-related claims and title III shall apply to the tort or other noncontract claims.

TITLE III—Y2K ACTIONS INVOLVING TORT CLAIMS

SEC. 301. DAMAGES IN TORT CLAIMS.

A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party;

(2) such losses result directly from a personal injury claim resulting from the Y2K failure; or

(3) such losses result directly from damage to tangible property caused by the Y2K failure (other than damage to property that is the subject of the contract),

and such damages are permitted under applicable Federal or State law.

SEC. 302. CERTAIN DEFENSES.

(a) Good Faith; Reasonable Efforts.—In any Y2K action except an action for breach or repudiation of contract, the party against whom the claim is asserted shall be entitled to establish, as a complete defense to any claim for damages, that it acted in good faith and took measures that were reasonable under the circumstances to prevent the Y2K failure from occurring or from causing the damages upon which the claim is based.

(b) Defendant's State of Mind.—In a Y2K action making a claim for money damages in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant knew, or recklessly disregarded a known and substantial risk, that the failure would occur in the specific facts and circumstances of the claim.

(c) Foreseeability.—In a Y2K action making a claim for money damages, the defendant is not liable unless the plaintiff proves by clear and convincing evidence, in addition to all other requisite elements of the claim, that the defendant knew, or should have known, that the defendant's action or failure to act would cause harm to the plaintiff in the specific facts and circumstances of the claim.

(d) Control Not Determinative of Liability.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was within the control of the party against whom a claim for money damages is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action.

(e) Preservation of Existing Law.—The provisions of this section are in addition to, and not in lieu of, any requirement under applicable law as to burdens of proof and elements necessary for prevailing in a claim for money damages.

SEC. 303. LIABILITY OF OFFICERS AND DIRECTORS.

(a) In General.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or non-profit organization) shall not be personally liable in any Y2K action making a tort or other noncontract claim in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during

the 12 months immediately preceding the act or omission for which liability was imposed.

(b) EXCEPTION.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) intentionally made misleading statements regarding any actual or potential year 2000 problem; or

(2) intentionally withheld from the public significant information there was a legal duty to disclose to the public regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) STATE LAW, CHARTER, OR BYLAWS.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law, in existence on January 1, 1999, that establishes lower limits on the liability of a director, officer, trustee, or employee of such a business or organization.

TITLE IV—Y2K CLASS ACTIONS

SEC. 401. MINIMUM INJURY REQUIREMENT.

In any Y2K action involving a claim that a product or service is defective, the action may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law or applicable rules of civil procedure; and

(2) the court finds that the alleged defect in a product or service is material as to the majority of the members of the class.

SEC. 402. NOTIFICATION.

(a) NOTICE BY MAIL.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class by United States mail, return receipt requested. Persons whose receipt of the notice is not verified by the court or by counsel for one of the parties shall be excluded from the class unless those persons inform the court in writing, on a date no later than the commencement of trial or entry of judgment, that they wish to join the class.

(b) CONTENTS OF NOTICE.—In addition to any information required by applicable Federal or State law, the notice described in this subsection shall—

(1) concisely and clearly describe the nature of the action;

(2) identify the jurisdiction where the case is pending; and

(3) describe the fee arrangement of class counsel.

SEC. 403. FORUM FOR Y2K CLASS ACTIONS.

(a) JURISDICTION.—The District Courts of the United States have original jurisdiction of any Y2K action, without regard to the sum or value of the matter in controversy involved, that is brought as a class action if—

(1) any member of the proposed plaintiff class is a citizen of a State different from the State of which any defendant is a citizen;

(2) any member of the proposed plaintiff class is a foreign Nation or a citizen of a foreign Nation and any defendant is a citizen or lawful permanent resident of the United States; or

(3) any member of the proposed plaintiff class is a citizen or lawful permanent resident of the United States and any defendant is a citizen or lawful permanent resident of a foreign Nation.

(b) PREDOMINANT STATE INTEREST.—A United States District Court in an action described in subsection (a) may abstain from hearing the action if—

(1) a substantial majority of the members of all proposed plaintiff classes are citizens of a single State;

(2) the primary defendants are citizens of that State; and

(3) the claims asserted will be governed primarily by the laws of that State.

(c) LIMITED CONTROVERSIES.—A United States District Court in an action described in subsection (a) may abstain from hearing the action if—

(1) the value of all matters in controversy asserted by the individual members of all proposed plaintiff classes in the aggregate does not exceed $1,000,000, exclusive of interest and costs;

(2) the number of members of all proposed plaintiff classes in the aggregate in less than 100; or

(3) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief.

(d) DIVERSITY DETERMINATION.—For purposes of applying section 1322(b) of title 28, United States Code, to actions described in subsection (a) of this section, a member of a proposed class is deemed to be a citizen of a State different from a corporation that is a defendant if that member is a citizen of a State different from each State of which that corporation is deemed a citizen.

(e) REMOVAL.—

(1) IN GENERAL.—A class action described in subsection (a) may be removed to a district court of the United States in accordance with chapter 89 of title 28, United States Code, except that the action may be removed—

(A) by any defendant without the consent of all defendants; or

(B) any plaintiff class member who is not a named or representative class member of the action for which removal is sought, without the consent of all members of the class.

(2) TIMING.—This subsection applies to any class before or after the entry of any order certifying a class.

(3) PROCEDURE.—

(A) IN GENERAL.—Section 1446(a) of title 28, United States Code, shall be applied to a plaintiff removing a case under this section by treating the 30-day filing period as met if a plaintiff class member who is not a named or representative class member of the action for which removal is sought files notice of removal within 30 days after receipt by such class member of the initial written notice of the class action provided at the trial court's direction.

(B) APPLICATION OF SECTION 1446.—Section 1446 of title 28, United States Code, shall be applied—

(i) to the removal of a case by a plaintiff under this section by substituting the term "plaintiff" for the term "defendant" each place it appears; and

(ii) to the removal of a case by a plaintiff or a defendant under this section—

(I) by inserting the phrase "by exercising due diligence" after "ascertained" in the second paragraph of subsection (b); and

(II) by treating the reference to "jurisdiction conferred by section 1332 of this title" as a reference to subsection (a) of this section.

(f) APPLICATION OF SUBSTANTIVE STATE LAW.—Nothing in this section alters the substantive law applicable to an action described in subsection (a).

(g) PROCEDURE AFTER REMOVAL.—If, after removal, the court determines that no aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) of title 28, United States Code, may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, the court shall strike the class allegations from the action and remand the action to the State court. Upon remand of the action, the period of limitations for any claim that was asserted in the action on behalf of any named or unnamed member of any proposed class shall be deemed tolled to the full extent provided under Federal law.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, I am going to offer a compromise amendment that is at the desk, and I further ask unanimous consent that debate only be in order following the offering of that amendment until 2:15 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE AMENDMENT WITHDRAWN

Mr. McCAIN. Mr. President, as chairman of the Commerce Committee and with the authority of the committee, I withdraw the committee amendment.

The PRESIDING OFFICER. The committee amendment is withdrawn.

The committee amendment was withdrawn.

AMENDMENT NO. 267

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from Year 2000 problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. McCAIN. I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report the substitute amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. WYDEN, Mr. GORTON, Mr. ABRAHAM, Mr. LOTT, Mr. FRIST, Mr. BURNS, Mr. SMITH of Oregon, and Mr. SANTORUM proposes an amendment numbered 267.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCAIN. Mr. President, I am pleased to offer, with my friend and colleague from Oregon, Senator WYDEN, a substitute amendment to S. 96, the Y2K Act. The substitute amendment we offer is truly a bipartisan effort. We have worked diligently with our colleagues on both sides of the aisle and will continue to do so to address concerns, narrow some provisions, and assure that this bill will sunset when it is no longer pertinent and necessary.

Senator WYDEN, who said at our committee markup that he wants to get to "yes," has worked tirelessly with me to get there. He has offered excellent suggestions and comments, and I think the substitute we bring today is a better piece of legislation for his efforts.

Specifically, this substitute would provide time for plaintiffs and defendants to resolve Y2K problems without litigation. It reiterates the plaintiff's duty to mitigate damages and highlights the defendant's opportunity to assist plaintiffs in doing that by providing information and resources. It provides for proportional liability in most cases with exceptions for fraudulent or intentional conduct or where the plaintiff has limited assets.

It protects governmental entities, including municipalities, school, fire, water and sanitation districts from punitive damages, and it eliminates punitive damage limits for egregious conduct while providing some protection against runaway punitive damage awards. It provides protection for those not directly involved in a Y2K failure.

The bill as amended does not cover personal injury and wrongful death cases. It is important to keep in mind the broad support this bill has from virtually every segment of our economy. This bill is important not only to the high-tech industry or to big business but carries the strong support of small business, retailers and wholesalers. Many of those supporting the bill will find themselves as both plaintiffs and defendants. They have weighed the benefits and drawbacks of the provisions of this bill and have overwhelmingly concluded that their chief priority is to prevent and fix Y2K problems and make our technology work and not divert the resources into time-consuming and costly litigation.

Mr. President, I would like to interrupt my prepared statement at this time to mention that when we passed this legislation through the Commerce Committee, unfortunately, on one of the rare occasions in the more than 2 years that I have been chairman of the committee, it was passed on a party line vote, on a vote of 11 to 9.

At that time Senator WYDEN, Senator KERRY, Senator DORGAN and others expressed a strong desire to work in a bipartisan fashion so that we could pass this legislation. Most of us are aware that when legislation goes to the floor along party lines and is divided on party lines, the chances of passage are minimal, to say the least.

We worked with Senator WYDEN and others, and we made eight major compromises in the original legislation, sufficient in the view of many to enhance the ability of this legislation to be passed and, very frankly, satisfy at least some of the concerns of the trial lawyers and others that had been voiced about the legislation.

Last night, Senator WYDEN and the Senator from Connecticut, Senator DODD, and I met, and we discussed three major concerns that Senator DODD had, which two we could agree to, and on the third there was some discussion about language. It was my distinct impression at that time that we had come to an agreement on these three particular additional items.

Apparently this morning that is not the case. On the third item there is still not agreement between ourselves and Senator DODD and his staff. I hope we can continue to work on that language.

Mr. President, I have been around here now for 13 years. I have seen legislation compromise after compromise made to the point where the legislation itself becomes meaningless. We are approaching that point now.

I will be glad to negotiate with anyone. My friend from Massachusetts, Senator KERRY, and I have been in discussions as well. But we cannot violate some of the fundamental principles that I just articulated as the reason for this legislation. If we weren't facing a very severe crisis in about 7 or 8 months from now—7 months, I guess—then there would not be a need for this legislation.

Our object is to protect innocent business people, both large, medium and small, from being exposed to the kind of lawsuits which we know will transpire if we do not do something about the problem.

It is not only important that we receive the support of the "high-tech community," which is very important to the future of our Nation's economy, but the medium-size businesses, the small businesses, the retailers and others are all in support of this legislation.

I am aware of the power of the American Trial Lawyers Association. I have been beaten by them on several occasions. They have a string of victories to their credit. They are also, among others, another argument for campaign finance reform, which is a diatribe I will not enter in today. The fact is this issue needs to be resolved. I would be very disappointed if over a couple of points we cannot agree and this legislation fails to proceed.

Did my friend from Oregon have a question or a comment?

Mr. WYDEN. Yes.

Mr. MCCAIN. Mr. President, I ask unanimous consent to yield to the Senator from Oregon, without losing my claim to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. WYDEN. Thank you, Mr. President. I thank the chairman of the Commerce Committee for his comments. I will just advise my colleagues where I think we are.

First, I think it is important to note that the chairman of the Commerce Committee has made nine major changes in the legislation—all of them proconsumer, proplaintiff—since the time this legislation left the Commerce Committee. I and other Democrats felt it was important. I want the RECORD to show that those are major, substantive changes, and as the chairman indicated, we had some discussions with Senator DODD last night and I am hopeful they are going to bear fruit as well, because Senator DODD has tackled this in a very thoughtful way as well.

I also think it is important that our leadership, Senator LOTT and Senator DASCHLE, continue, as they have tried to do, to help us work through some of the procedural issues which are not directly relevant to this legislation, so that it is possible to vote on the McCain-Wyden substitute expeditiously.

I want to tell the Senate that now is the time when this can be done in a thoughtful and deliberative way. I don't think the Senate wants to come back next January, when there is a state of panic, as I believe there well could be, over this problem. The time to do it is now. That is what we have been working on in committee.

This is not a partisan issue. It affects every computer system that uses date information, and I want it understood how this happened. Y2K is not a design flaw; it was an engineering tradeoff. In order to get more space on a disc and in memory, the precision of century indicators was abandoned. Now, it is hard to believe today that disc and memory space used to be at a premium, but it was. The tradeoff became an industry standard, and computers cannot work at all without these industry standards. The standards are the means by which programs and systems exchange information, and it was recently noted: "The near immortality of computer software came as a shock to programmers. Ask anybody who was there. We never expected this stuff to still be around."

One way to solve the problem might be to dump all the old layers of computer code, but that is not realistic. So our goal ought to be to try to bring these systems into compliance as soon as possible and, at the same time—and this is what the McCain-Wyden substitute does—have a safety net in place.

This is a bipartisan effort. I would like to briefly wrap up by outlining several of the major changes. The first is that there is a 3-year sunset provision. There are a number of individuals and groups who said, "Well, this is just an effort to rewrite the tort law and make changes that are going to stand for all time." This provision says that any Y2K failure must occur before January 1, 2003, in order to be eligible to be covered by the legislation.

Second, there were various concerns that there were vague defenses in the legislation, particularly terms that involve a reasonable effort. We said that that ought to be changed, we ought to make sure there aren't any new and ill-defined Federal defenses. That has been changed.

Finally, and especially important, for truly egregious kinds of conduct and fraudulent activity, where people simply misrepresent the facts in the marketplace, we ensure that punitive damages and the opportunity to send a deterrent to egregious and fraudulent activity are still in place.

So I think these are just some of the major changes we are going to outline in the course of the debate. I also say that the latest draft also restores liability for directors and officers, which was again an effort to try to be responsive to those who felt that the legislation was not sufficiently proconsumer.

I only say—and I appreciate that the chairman of the committee yielded me this time—that I think after all of these major changes, which have taken many hours and, in fact, weeks since the time this legislation came before the Committee on Commerce, we have now produced legislation that particularly Democratic Members of the Senate can support.

This is not legislation where, for example, if someone had their arm cut off tragically in a tractor accident, they would not have a remedy. We make sure that all personal injuries which could come about—say an elevator doesn't work and a person is tragically injured. This legislation doesn't affect that. That person has all the remedies in the tort law and the personal injury laws that are on the books. This involves ensuring that there is not chaos in the marketplace early next year, that we don't tie up thousands of our businesses in frivolous suits and do great damage to the emerging sector of our economy that is information driven.

I thank the chairman for the many changes he has made, and I am especially hopeful that over the next few hours the two leaders, Senator LOTT and Senator DASCHLE, can help us work through the procedural quagmire the Senate is in, so we can pass this legislation now, at a time where there is an opportunity to pursue it in a deliberative way.

I yield the floor.

Mr. McCAIN. Mr. President, I thank the Senator from Oregon for his enormous work on this legislation. I think it bears repeating what we have been able to do here. I believe any objective observer would agree that what Senator WYDEN has brought to the bill represents a tremendous movement from the bill we originally passed in the Commerce Committee.

These discussions with Senator WYDEN and others resulted in at least eight major changes. The biggest change was that we eliminated the so-called good-faith defense, because we could not define good faith and reasonable efforts.

We also put in, as Senator WYDEN mentioned, a sunset of January 1, 2003. There is no cap on punitive damages when the defendant has intentionally caused harm to the plaintiff. It clarifies that if a plaintiff gives 30 days notice of a problem to the defendant, the defendant has 60 days to fix it. This doesn't result in a 90-day delay for litigation but does offer a critical opportunity to solve problems rather than litigate.

Language regarding the state of mind and liability of bystanders was significantly narrowed, redrafted, and clarified in order to assure that the provisions are consistent with the Year 2000 Information and Readiness Disclosure Act of 1998.

The economic loss rule was likewise rewritten and narrowed to reflect the current law in the majority of States.

Proportionate liability was significantly compromised to incorporate exceptions to the general rule to protect plaintiffs from suffering loss.

Class action language was revised and narrowed, and language respecting the effect of State law on contracts and the rules with respect to contract interpretation was also revised to address concerns that Senator WYDEN raised.

In other words, I believe we have gone a long way.

Mr. President, the opponents of this legislation will make several arguments. I respect those arguments. One will be that we are changing tort law—that we are somehow fundamentally changing the law despite the fact that this has a sunset provision in it of January 1, 2003.

Also, they will say it is not a big problem; it is not nearly as big a problem as you think it is; there are going to be suits dismissed; that the manufacturers and the high-tech community and the businesspeople are setting up a straw man here because it is not that huge an issue despite the estimates that there can be as much as $300 billion to $1 trillion taken out of the economy.

Let me quote from the Progressive Policy Institute backgrounder of March 1999. They state:

> As the millennium nears, the year 2000 computer problem poses a critical challenge to our economy. Tremendous investments are being made to fix Y2K problems with U.S. companies expected to spend more than $50 billion. However, these efforts could be hampered by a barrage of potential legislation as fear of liability may keep some businesses from effectively engaging in Y2K remediation efforts.
>
> Trial attorneys across the country are actually preparing for the potential windfall. For those who doubt the emergence of such leviathan litigation, one only needs to listen to what is coming out of certain quarters of the legal community. At the American Bar Association annual convention in Toronto last August, a panel of experts predicted that the legal costs associated with Y2K will exceed that of asbestos, breast implants, tobacco, and Superfund litigation combined. That is more than three times the total annual estimated cost of all civil litigation in the United States.

That is what was propounded at the American Bar Association convention in Toronto last August.

Mr. President, it isn't the Bank of America that is saying that. It isn't the high-tech community. It is the American Bar Association.

> Seminars on how to try Y2K cases are well underway, and approximately 500 law firms across the country have put together Y2K litigation teams to capitalize on the event. Also, several lawsuits have already been filed making trial attorneys confident that a large number of businesses, big and small, will end up in court as both a plaintiff and a defendant. Such overwhelming litigation would reduce investment and slow income growth for American workers.
>
> Indeed, innovation and economic growth will be stifled by the rapacity of strident litigators. In addition to the potentially huge costs of litigation, there is another unique element to the Y2K problem. In contrast to past cases of business liability where individual firms or even industries engaged in some wrongful and damaging practices, the Y2K problem potentially affects all aspects of the economy as it is for all intents and purposes a unique one-time event. It is best understood as an incomparable societal problem rooted in the early stages of our Nation's transformation to a digital economy. Applying some of the existing standards of litigation to such a distinct and communal problem is simply not appropriate.
>
> Legislation is needed to provide incentives for businesses to fix Y2K problems, to encourage resolution of Y2K conflicts outside of the courtroom, and to ensure that the problem is not exploited by untenable lawsuits.

The Progressive Policy Institute goes on to say at the end:

> In order to diminish the threat of burdensome and unwarranted litigation, it is essential that any legislation addressing Y2K liability do the following:
>
> Encourage remediation over litigation and the assignment of blame;
>
> Enact fair rules that reassure businesses;
>
> That honest efforts at remediation will be rewarded by limiting liability while enforcing contracts and punishing negligence;
>
> Promote alternative dispute resolution;
>
> And, finally discourage frivolous lawsuits while protecting avenues of redress for parties that suffer real injuries.

Mr. President, on those four principles we acted in this legislation, and then we moved back to, if not the principles of it, some of what, in my view, were the most desirable parts of the legislation on the nine major issues which I just described in our negotiations with Senator WYDEN and others. Then we even made concessions in two additional areas with Senator DODD. And now it is not enough.

Mr. WYDEN. Mr. President, will the Senator yield?

Mr. McCAIN. Does the Senator from Oregon have a question?

Mr. WYDEN. I do. I think there is one other important point that needs to be made. It seems to me that the legislation as it stands now makes it very clear that what is really going to govern the vast majority of cases is the written contractual terms between businesses.

If you look at page 11 of the subcommittee report, it makes it very clear that the act doesn't apply to personal injuries or to wrongful deaths. What is going to apply are the written contractual terms between businesses.

As I recall, the chairman of the Commerce Committee thought originally that in this and other major changes there ought to be a Federal standard in this area. There was a concern that was, again, writing new law and tort law. The chairman decided to make it clear that it was going to be written in contractual terms that were going to govern these agreements between businesses.

What is the chairman's understanding of how that came about, and why those written contractual terms were important in this reform?

Mr. McCAIN. I say to my friend from Oregon that he has pretty well pointed out that there were several standards which could be used for both legal as well as the sense of how the people who are involved in the Y2K situation are involved. To have one standard, I think, was clearly called for, although perhaps I would have liked to have seen a tougher standard. But the fact is that this was a process of how we develop legislation. We also wanted to respect the individual contracts, as the Senator from Oregon knows.

Mr. President, I just want to say again that my dear friend from South Carolina has been very patient, and I know that he wants to speak at some length. I appreciate both his compassion and commitment and knowledge of the issue.

We have tried to compromise. We will continue to try to compromise. We are now reaching close to a point where the legislation would be meaningless.

I am all in favor of a process where amendments are proposed, where they are debated and voted on. I think that is the way we should do business.

If the Senator from South Carolina has a problem with this legislation, I hope he will propose an amendment to this legislation. I will be glad to debate it, and we will be glad to have votes.

It is important that we resolve this legislation. I would not like to see, nor do I think the people of this country deserve, a gridlock where blocking of any legislation to move forward on this issue takes place. I don't think that is fair. I don't think it is fair or appropriate on an issue of this magnitude of which time is of the essence. We can't have a blockage of this issue and take this legislation up several months from now.

I respect the views of others who oppose this legislation. But let's go through a legislative process. I am willing to stay here all day and all night to debate the amendments, whatever they may be. I don't want to introduce a cloture motion, because obviously that cuts off people's ability to debate this issue because of the timeframe and time limits involved in a cloture motion.

But I also urge my colleagues who oppose this legislation, let's not engage in extraneous amendments on minimum wage, or violence on TV, or guns, or anything else. That, frankly, in all due respect to my colleagues, is avoiding this issue. This issue needs to be addressed.

In the eyes of every American, there is a huge problem arising at 12:01, January 1 of the year 2000. We have an obligation to address that problem.

For us to now be sidetracked with other issues and extraneous amendments, or others, is doing a great disservice to those men and women, small businesses and large and medium size, which will be affected by this serious problem, of which, by the way, even with a select committee we really haven't gotten a good handle on the magnitude of the problem. It depends on what part of our economy, what part of government, et cetera.

But there is no one who alleges that there is no problem. It is our obligation to try to address this problem. Let's do it in an orderly fashion with debate, with amendments, and then vote on final passage.

I urge my colleagues to respect such a process.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCAIN. Mr. President, I ask unanimous consent when the Senate reconvenes at 2:15 it be in order for the Senate Chaplain to offer a prayer in honor of the moment of silence being observed in Colorado, and following the prayer the junior Senator from Colorado be recognized to speak, to be followed by the senior Senator from Colorado who, after some remarks, will offer a moment of silence.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the 12:30 recess be extended 10 minutes, until 12:40.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I will go right to the point with respect to the compromise. I have in hand a letter from Craig R. Barrett, the distinguished CEO of Intel. Without reading the entire letter, the consensus is that what they would really need is a settlement or compromise regarding four particular points. One is procedural incentives; another is with respect to the provisions of contracts, that they have specificity; third, threshold pleading provisions and the amount of damages in materiality of defects which would help constrain class action suits; and, of course, the matter of proportionality, or joint and several.

I contacted Mr. Grove and told him we would yield on three points, but we didn't want to get into tort law with a contract provision—all triable under the Uniform Commercial Code. He didn't think he could yield on that fourth one.

Since that time, I understand that the downtown Chamber of Commerce says they are not yielding at all with respect to the test in tort law.

My colleague from Oregon says there are nine points and that we have gotten together. That is garbage. That is not the case at all, I can say that right now.

They are determined to change the proof of neglect by "the greater weight of the preponderance of evidence" to "clear and convincing." I thought that was compromise. Reviewing the McCain-Wyden amendment that is now under debate, Members will find on that page scratched out and written in, "clear and convincing evidence." They want to change the burden in tort cases from "the greater weight of the preponderance of evidence" to "clear and convincing."

How can you do that when you do not have the elements before you? You do not have control of the manufacturer; you do not have control of the software. If you are like me and other professionals like our doctor friends or CPAs, they don't know those kinds of things. They have to do the best they can by the greater weight of the preponderance of evidence—not clear and convincing.

So they stick to punitive, they stick to clear and convincing, they stick to joint and several, but they come on the floor of the Senate and exclaim how reasonable they are and then allude, of course, to the trial lawyers and talk about campaign financing, but say as an aside, We don't want to get into it—as if the Senator from South Carolina is paid by trial lawyers to do this.

I represented corporate America, and I will list those companies. I was proud of the Electric and Gas. I was proud of the wholesale grocer, Piggly Wiggly firm. We had 121 stores. I was their chief counsel on an antitrust case which I took all the way to the U.S. Supreme Court. I won. I had good corporate clients, too. I am proud of trial lawyers. We don't have time for frivolous cases.

This downtown crowd will never see the courtroom. They sit there in the mahogany rooms with the Persian rugs. Their colleagues call and say, Let's get a continuance, I want to play golf this afternoon—the clock runs on billable hours. The clock is running and the clients never know the difference. And they pay $450 to $500 an hour.

The distinguished Senator from Ohio who sat in front of me, now a national hero, is indebted to a case for billable hours.

We know about downtown. I don't understand aspersions with respect to the trial bar—we are looking out for the injured parties.

I want these matters in the RECORD. The case is clear cut, in this Senator's mind. For example, I talked for about an hour in the office with the distinguished head of Intel, Andy Grove, some weeks back. I don't want anyone to be misled, he is for proportionality.

That is explained in the letter. However, he said it wasn't a real problem.

I ask unanimous consent that an article in the March issue of Business Week entitled "Be Bug-Free or Get Squashed" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Business Week, Mar. 1, 1999]

BE BUG-FREE OR GET SQUASHED—BIG COMPANIES MAY SOON DUMP SUPPLIERS THAT AREN'T Y2K-READY

Lloyd Davis is feeling squeezed. In 1998, his $2 million, 25-employee fertilizer-equipment business was buffeted by the harsh winds that swept the farm economy. This year, his Golden Plains Agricultural Technologies Inc. in Colby, Kan., is getting slammed by Y2K. Davis needs $71,000 to make his computer systems bug-free by Jan. 1. But he has been able to rustle up only $39,000. His bank has denied him a loan because—ironically—he's not Y2K-ready. But Davis knows he must make the fixes or lose business. "Our big customers aren't going to wait much longer," he frets.

Golden Plains and thousands of other small businesses are getting a dire ultimatum from the big corporations they sell to: Get ready for Y2K, or get lost. Multinationals such as General Motors, McDonald's, Nike, and Deere are making the first quarter—or the second at the latest—the deadline for partners and vendors to prove they're bug-free. A recent survey by consultants Cap Gemini America says 69% of the 2,000 largest companies will stop doing business with companies that can't pass muster. The National Federation of Independent Business figures more than 1 million companies with 100 workers or less won't make the cut and as many as half could lose big chunks of business or even fail.

Weak Links. Cutting thousands of companies out of the supply chain might strain supply lines and could even crimp output. But most CEOs figure it'll be cheaper in the long run to avoid bugs in the first place.

Some small outfits are already losing key customers. In the past year, Prudential Insurance Co. has cut nine suppliers from its "critical" list of more than 3,000 core vendors, and it continues to look for weak links, says Irene Dec, vice-president for information systems at the company. At Citibank, says Vice-President Ravi Apte, "cuts have already been made."

Suppliers around the world are feeling the pinch. Nike Inc. has warned its Hong Kong vendors that they must prove they're Y2K ready by Apr. 1. In India, Kishore Padmanabhan, vice-president of Bombay's Tata Consultancy Services, says repairs are runing 6 to 12 months behind. In Japan, "small firms are having a tough time making fixes and are likely to be the main source of any Y2K problems," says Akira Ogata, general research manager for Japan Information Service Users Assn. Foreign companies operating in emerging economies such as China, Malaysia, and Russia are particularly hard-pressed to make Y2K fixes. In Indonesia, where the currency has plummeted to 27% of its 1977 value, many companies still don't consider Y2K a priority.

A December, 1998 World Bank survey shows that only 54 of 139 developing countries have begun planning for Y2K. Of those, 21 are taking steps to fix problems, but 33 have yet to take action. Indeed, the Global 2000 Coordinating Group, an international group of more than 230 institutions in 46 countries, has reconsidered its December, 1998 promise to the U.N. to publish its country-by-country Y2K-readiness ratings. The problem: A peek at the preliminary list has convinced some group members that its release could cause massive capital flight from some developing countries.

Big U.S. companies are not sugar-coating the problem. According to Sun Microsystems CEO Scott G. McNealy, Asia is "anywhere from 6 to 24 months behind" in fixing the Y2K problem—one he says could lead to shortages of core computers and disk drives early next year. Unresolved, says Guy Rabbat, corporate vice-president for Y2K at Solectron Corp. in San Jose, Calif., the problem could lead to price hikes and costly delivery delays.

Thanks to federal legislation passed last fall allowing companies to share Y2K data to speed fixes, Sun and other tech companies, including Cisco Systems, Dell Computer, Hewlett-Packard, IBM, Intel, and Motorola, are teaming up to put pressure on the suppliers they judge to be least Y2K-ready. Their new High-Technology Consortium on Year 2000 and Beyond is building a private database of suppliers of everything from disk drives to computer-mouse housings. He says the group will offer technical help to laggard firms—partly to show good faith if the industry is challenged later in court. But "if a vendor's not up to speed by April or May," Rabbat says "it's serious crunch time."

Warnings. Other industries are following suit. Through the Automotive Industry Action Group, GM and other carmakers have set Mar. 31 deadlines for vendors to become Y2K-compliant. In March, members of the Grocery Manufacturers of America will meet with their counterparts from the Food Marketing Institute to launch similar efforts. Other companies are sending a warning to laggards—and shifting business to the tech-savvy. "Y2K can be a great opportunity to clean up and modernize the supply chain," says Roland S. Boreham, Jr., chairman of the board of Baldor Electric Co. in Fort Smith, Ark.

In Washington, Senators Christopher S. Bond (R-Mo.) and Robert F. Bennett (R-Utah) have introduced separate bills to make it easier for small companies like Davis' to get loans and stay in business. And the World Bank has shelled out $72 million in loans and grants to Y2K-stressed nations, including Argentina and Sri Lanka. But it may be too little too late: AT&T alone has spent $900 million fixing its systems.

Davis, for one, is not ready to quit. "I've survived tornadoes, windstorms, and drought," he says. "We'll be damaged, yes, but we'll survive." Sadly, not everyone will be able to make that claim.

Mr. HOLLINGS. Through the Automotive Industry Action Group, GM and other carmakers have set a March 31 deadline for vendors to become Y2K compliant. In March, members of the Grocery Manufacturers of America will meet with their counterparts from the Food Marketing Institute to launch similar efforts. Other companies are sending warnings to laggards and shifting business, so the text-savvy Y2K can be a great opportunity to clean up and modernize the supply system.

The market is working. We pointed that out. In a report by none other than Bill Gates at the World Economic Forum, they believe the millennium bug, aside from some possible glitches in delivery and supply, may pose only modest problems. Mr. Gates talked about it not being a real problem.

I ask unanimous consent to have printed in the RECORD an article from the New York Times, dated April 12, entitled "Lawsuits Related to Y2K Problem Start Trickling Into the Courts."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 12, 1999]

LAWSUITS RELATED TO Y2K PROBLEM START TRICKLING INTO THE COURTS

(By Barnaby J. Feder)

A trickle of new lawsuits in recent months is expanding the legal landscape of the Year 2000 computer problem. But so far, the cases offer little support for the dire predictions that courts will be choked by litigation over Y2K, as the problem is known.

Some major equipment vendors, including IBM, AT&T and Lucent Technologies Inc., for example, have joined the ranks of those being sued for not forewarning customers that equipment they sold in recent years cannot handle Year 2000 dates and for not supplying free upgrades.

A California suit claims that Circuit City Stores Inc., CompUSA Inc. and other mass-market retailers violated that state's unfair business practices law by not warning customers about Year 2000 problems in computers and other equipment they sold. And an Alabama lawyer sued the state of Alabama on behalf of two welfare recipients, asking that the state be ordered to set aside money to upgrade its computer systems to ensure that benefits will be delivered without interruption.

Despite such skirmishes, though, which lawyers say only offer hints of the wide variety of cases yet to come, there is no sign yet of the kind of high-stakes damage suits that some have projected could overwhelm courts with $1 trillion in claims.

In fact, while Congress and many state legislatures are suddenly awash in proposed laws meant to prevent such a tidal wave, many lawyers actively involved with Year 2000 issues now question just how big the litigation threat really is.

"There was more reason to be alarmed a year ago," said Wynne Carvill, a partner at Thelen, Reid & Priest in San Francisco, one of the first law firms to devote major resources to Year 2000. "People are finding things to fix but not many that would shut them down."

The work and the litigation stems from the practice in older computers and software programs of using two digits to denote the year in a date; some mistakenly read next year's "00" as meaning 1900, and others do not recognize it as a valid number.

Somewhere between 50 and 80 cases linked to the Year 2000 problem have been filed so far, according to various estimates. The vast majority focus on whether hardware and software vendors are obligated to pay for fixing or replacing equipment and programs that malfunction when they encounter Year 2000 dates.

When such cases involve consumer products, a key issue has been whether lawsuits could be filed before any malfunctions have actually occurred. Plaintiff's lawyers have likened the situation to a car known to have a safety hazard; Detroit would be expected to take the initiative, send out recall notices to car owners and pay for the fix before an accident occurred, they say.

But in the major rulings so far, courts in California and New York have concluded that the law in those states does not treat the fast-changing, low-cost world of consumer software like cars.

Actions against Intuit Inc., the manufacturer of Quicken, a popular financial package, have been dismissed because consumers were unable to demonstrate that they had already been damaged.

Intuit has promised to make free software patches available before next Jan. 1, but is fighting efforts by plaintiffs' lawyers in California to force the company to compensate consumers who dealt with the problem by purchasing upgrades before learning of the free fix.

The case against mass retailers, filed in Contra Costa County, Calif., in January, argues that the stores violated a state consumer protection statute by selling a wide array of software, including Windows 98 and certain versions of Quicken, Microsoft Works, Peachtree Accounting and Norton Anti-Virus, without warning customers about potential Year 2000 problems or supplying free patches from the manufacturers.

In cases where consumers were told of software defects, the complaint contends, they were sometimes told that the least expensive solution was to buy an upgrade from the store, even though the manufacturers had a stated policy of providing free patches.

The complaint also cites hardware with Year 2000 defects that was sold in the stores without warning, including equipment from Compaq Computer, NEC and Toshiba from 1995 to 1997. it also contends that as recently as this year, the stores have been packaging a wide variety of new computers with software that contains Year 2000 defects.

The stores have moved to dismiss the suit, arguing among other things that failing to warn consumers about defects does not amount to misleading them under the California law.

Many other cases have involved business software, services and computer equipment, but lawyers describe them largely as "plain vanilla" contract disputes.

The first case to result in a settlement paying damages to a plaintiff involved Produce Palace International, a Warren, MI., grocery that had complained that its business had been repeatedly interrupted by the failure of a computerized checkout scanning system to read credit cards expiring in the Year 2000. In the settlement, reached last November, the vendor, TEC America Inc., an Atlanta-based unit of the TEC Corp. of Japan, paid Produce Palace $250,000.

Several software manufacturers have settled suits on terms that provide free upgrades and payments to the lawyers that sued them. Last month, for example, a magistrate for U.S. District Court in New Jersey approved a settlement that provided up to $46 million in upgrades and $600,000 in cash to doctors who had purchased billing management software from Medical Manager Corp.

That is not the end of Year 2000 problems for Medical Manager, which is based in Tampa, FL. It still has to contend with a shareholder lawsuit filed in U.S. District Court in Florida last fall after its stock tumbled on the news of the New Jersey class-action suit. Several other shareholder suits have been filed against other software companies based on claims linking Year 2000 problems to stock declines.

In general, defendants have fared well in Year 2000 business software cases. Courts have strictly interpreted contracts and licenses to prevent plaintiffs from collecting on claims for upgrades or services unless they were specifically called for in the contract.

In December, an Ohio court threw out a potential class-action claim against Macola Inc., a software company, contending that early versions of its accounting program with Year 2000 defects should be upgraded for free because the company advertised it as "software you'll never outgrow."

The court ruled that anyone actually licensing the software accepted the explicit and very limited terms of the warranty as all that Macola had legally promised. That decision has been appealed.

One closely watched case involves the Cincinnati Insurance Co.'s request that a U.S. District Court in Cedar Rapids, Iowa, declare that the company is not obligated to defend or reimburse a client that has been sued on an accusation that it failed to provide hospital management software free of Year 2000 defects.

It is the first case to raise the question of whether insurance companies may be ultimately liable for much of the hundreds of billions spent on Year 2000 repairs, if not damages from breakdowns in the future. But lawyers say the actual insurance policy at issue may not cover the crucial years in the underlying suit against Cincinnati Insurance's client. That wrinkle, they say, could let the insurer off the hook without the court's shedding light on the larger issues.

"The results in the initial cases have dampened the fervor somewhat," said Charles Kerr, a New York lawyer who heads the Year 2000 section of the Practicing Law Institute, a legal education group. "Legislation could change the landscape dramatically."

Many lawyers say the momentum for some kind of action in Congress looks unstoppable. Seven states have already barred Year 2000 damage suits against themselves and similar proposals were filed in 30 other legislatures this year. Some states have already passed bills limiting private lawsuits as well. A recent example, signed last Tuesday in Colorado, gives businesses that attempt to address their Year 2000 risks stronger defenses against lawsuits; it also bans punitive damages as a remedy in such litigation.

Mr. HOLLINGS. I ask unanimous consent to have printed in the RECORD an article entitled "Liability for the Millennium Bug" from the New York Times, dated April 26.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The New York Times, Apr. 26, 1999]

LIABILITY FOR THE MILLENNIUM BUG

With 249 days to go until the year 2000, many experts are alarmed and others are only mildly concerned about the danger of computer chaos posed by the so-called millennium bug. One prediction seems safe, however. Whatever the damage, there will be lots of lawsuits. In anticipation, some in Congress, mainly Republicans, want legislation to limit the right of people and businesses to sue in the event of a Y2K disaster. Their reasoning is that the important thing is to get people to fix their computer problems now rather than wait and sue. But the legislation is misguided and potentially unfair. It could even lessen the incentive for corrective action.

As most people know by now, the millennium bug arises from the fact that chips and software have been coded to mark the years with only two digits, so that when the date on computers moves over to the year 2000, the computers may go haywire when they register 1900 instead. A recent survey by a Senate Special Committee on the Year 2000 found that while many Government agencies and larger companies have taken action to correct the bug, 50 percent of the country's small- and medium-size businesses have not. The failure is especially worrisome in the health sector, with many hospitals and 90 percent of doctors' offices unprepared.

If hospitals, supermarkets, utilities and small businesses are forced to shut down because of computer problems, lawsuits against computer and software manufacturers will certainly result. Some experts estimate that liability could reach $1 trillion. Legislation to protect potential defendants, sponsored by Senator John McCain of Arizona, is expected to be voted on in the Senate this week. The bill would impose caps on punitive damages and tighter standards of proof of liability, and provide for a 90-day waiting period in which the sued company would be allowed to cure the problem. The bills would also suspend "joint and several liability," under which wealthy defendants, like chip or software companies, could have to pay the full cost of damages if other parties could not be sued because they were overseas or unable to pay.

These provisions would curtail or even suspend a basic protection, the right to sue, that consumers and businesses have long enjoyed. The White House and the Congressional Democratic leadership are right to view such a step as unnecessary. Existing liability laws offer plenty of protections for businesses that might be sued. Proponents of the legislation argue, for example, that companies that make good-faith efforts to alert customers of Y2K problems should not be punished if the customers ignore the warning, or if the companies bear only a small portion of the responsibility. But state liability laws already allow for these defenses. The larger worry is that the prospect of immunity could dissuade equipment and software makers from making the effort to correct the millennium-bug problem.

It might make sense to have a 90-day "cooling off" period for affected businesses to get help to fix as many problems as possible without being able to file lawsuits. But it would be catastrophic if stores, small businesses and vital organizations like hospitals and utilities were shut down for 90 days. They should have the same recourse to relief from the parties that supplied them with faulty goods that any other customer has.

Government can certainly help by providing loans, subsidies and expertise to computer users and, perhaps, by setting up special courts to adjudicate claims. Congress can also clarify the liability of companies once it becomes clear how widespread the problem really is. But before the new year, the Government should not use the millennium bug to overturn longstanding liability practices. A potential crisis is no time to abrogate legal rights.

Mr. HOLLINGS. This article says a potential crisis is no time to abrogate legal rights. They come out in opposition of this particular legislation.

My colleague from Oregon says that has all been cleaned up by his particular amendment. Not at all. I ask unanimous consent an article from the Oregonian, dated March 22, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Y2K ESCAPE CLAUSE

(By Paul Gillin)

Faced with an almost certain flood of year 2000-related litigation, industry groups are banding together to try to limit their liability. Users should oppose those efforts with all their power. This legal debate is tricky because the combatants are equally opportunistic and unpleasant. On one side is the Information Technology Association of America, in alliance with various other industrial groups. They have proposed a law that, among other things, would limit punitive damages in year 2000 cases to triple damages and give defendants 90 days to fix a problem before being named in a suit. On the other side are lawyers' associations that anticipate a bonanza of fees, even if the year 2000 problem doesn't turn out to be that serious.

Hard as it is to find a good guy, you have to give the lawyers their due. Year 2000 may be their opportunity, but it isn't their problem.

The problem belongs—hook, line and sinker—to the vendors that capriciously ignored warnings from as long ago as the late '70s and that now are trying to buy a free pass from Congress. It's appalling to look at the list of recent software products that have year 2000 problems. It has been five years since year 2000 awareness washed over the computer industry, which makes it difficult to believe that products such as Office 97 aren't fully compliant.

The industry players behind this legislation package are the same ones that helped push through the Trojan horse called the Year 2000 Information and Readiness Disclosure Act last October. That bill provides vendors with a cloak of legal protection based on past statements about efforts to correct the problem. The industry players have tried to color the bills as reasonable hedges against frivolous lawsuits that will sap the legal system post-new year. Yet defendants in personal injury and class-action suits enjoy no such protections.

Vendors have had plenty of time to prepare for 2000. The fact that some were more preoccupied with quarterly earnings and stock options than in protecting their customers is no excuse for giving them a get-out-of-jail-free card now.

Mr. HOLLINGS. One line in the article reads,

Sponsoring GOP Senators say this bill would provide incentives for solving technical issues before failures occur, but in fact it does just the opposite. It eliminates the threat of lawsuits as a negative incentive for companies that might otherwise neglect their responsibilities in addressing their Y2K problems or reimbursing consumers for their losses. Federal legislation that overrides State courts is a serious infringement on States' rights that merits only rare application, while a massive computer meltdown meets that criteria. Congress passed the tightly-crafted bipartisan bill to help companies work through the problem.

As you can see from the Business Week article, they worked through that problem.

Mr. President, there was some interesting testimony that we received before our committee a few weeks back from a Dr. Robert Courtney. It is talking about the cases.

Incidentally, I ask unanimous consent to print in the RECORD a letter of yesterday from the Honorable Ronald N. Weikers.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PHILADELPHIA, PA, *April 26, 1999.*

Re Y2K Legislation Unnecessary.

MR. MOSES BOYD,
Office of the Honorable Fritz Hollings, Washington, DC.

DEAR MR. BOYD: Thank you for speaking with me earlier. Thirteen (13) of the 44 Y2K lawsuits that have been filed to date have been dismissed entirely or almost entirely. Twelve (12) cases have been settled for moderate sums or for no money. The legal system is weeding out frivolous claims, and Y2K legislation is therefore unnecessary.

Thirty-five (35) cases have been filed on behalf of corporate entities, such as health care providers, retailers, manufacturers, service providers and more. Nine (9) cases have been filed on behalf of individuals. This trend will continue. Thus, the same corporations that are lobbying for Y2K legislation may be limiting their own rights to recover remediation costs or damages.

I have studied the Y2K problem carefully from the legal perspective, and have written a book entitled "Litigating Year 2000 Cases", which will be published by West Group in June. I frequently write and speak about this subject. I do not represent any clients that have an interest in the passage or defeat of any proposed Y2K legislation. Feel free to call me, should you have any questions. Thank you very much.

Very truly yours,

RONALD N. WEIKERS.

Mr. HOLLINGS. This letter is addressed to my staff, Mr. Moses Boyd. It says:

Dear Mr. Boyd: Thank you for speaking with me earlier. Thirteen (13) of the 44 Y2K lawsuits that have been filed to date have been dismissed entirely or almost entirely. Twelve (12) cases have been settled for moderate sums or for no money. The legal system is weeding out frivolous claims, and Y2K legislation is therefore unnecessary.

Thirty-five (35) cases have been filed on behalf of corporate entities, such as health care providers, retailers, manufacturers, service providers, and more. Nine (9) cases have been filed on behalf of individuals. This trend will continue. Thus, the same corporations that are lobbying for Y2K legislation may be limiting their own rights to recover remediation costs or damages.

I have studied the Y2K problem carefully from the legal perspective, and have written a book entitled "Litigating Year 2000 Cases," which will be published by West Group in June. I frequently write and speak about the subject. I do not represent any clients that have an interest in the passage or defeat of any proposed Y2K legislation. Feel free to call me, should you have any questions. Thank you very much. Very truly yours, Ronald N. Weikers, Attorney at Law, Philadelphia, Pennsylvania.

Mr. President, there are things in here to emphasize. One is: "I do not represent any clients that have an interest in the passage or defeat of any proposed Y2K legislation." And I emphasize that his book will be published by the West Group in June. The month after next, in about 5 or 6 weeks, this book will be coming out. I can tell you as a practicing attorney that the West Group is not going to publish any partisan political book or edition. It would not sell to the lawyers on both sides. We like to look up and find the authorities, not political arguments. The West Group is in that particular field professionally of documenting in a research fashion the matter of Y2K cases in this particular interest. I can tell you right now they have pretty good evidence about what has been occurring.

What has been occurring is best evidenced by the testimony of Dr. Robert Courtney before the Committee on Commerce, Science, and Transportation on February 9 on S. 96, the Y2K Act. I ask unanimous consent that his testimony be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TESTIMONY OF DR. ROBERT COURTNEY AT THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION HEARING ON S. 96, THE Y2K ACT, FEBRUARY 9, 1999

Good morning, my name is Bob Courtney, and I am a doctor from Atlantic County, New Jersey. It is an honor for me to be here this morning, and I thank you for inviting me to offer testimony on the Y2K issue.

As a way of background, I am an ob/gyn and a solo practitioner. I do not have an office manager. It's just my Registered Nurse, Diane Hurff, and me, taking care of my 2000 patients.

These days, it is getting tougher and tougher for those of us who provide traditional, personalized medical services. The paperwork required by the government on one hand, and by insurance companies on the other is forcing me to spend fewer hours doing what I do best—taking care of patients and delivering their babies.

But it was a Y2K problem which recently posed a serious threat to my practice, and that is why I am here this morning.

As a matter of clarification, although I am a doctor, I am not here to speak on behalf of the American Medical Association. Although I am also a small businessman, I am not here to speak on behalf of the Chamber of Commerce. I cannot tell you who these organizations feel about the legislation before the Committee. But I can tell you how it would have affected my practice and my business.

I am one of the lucky ones. While a potential Y2K failure impacted my practice, the computer vendor that sold me the software system and I were able to reach an out-of-court settlement which was fair and expedient. From what my attorney, Harris Pogust, who is here with me today tells me, I doubt I would have been so lucky had this legislation been in effect.

In 1987, I purchased a computer system from Medical Manager, one of the leading medical systems providers in the country. I used the Medical Manager system for tracking surgery, scheduling due dates and billing. The system worked well for me for ten years, until the computer finally crashed from lack of sufficient memory.

In 1996, I replaced my old system with a new, state of the art pentium system from Medical Manager for $13,000. This was a huge investment for a practice of my size.

I remember joking with the computer salesman at the time that this was a big purchase for me, and that I was counting on this system to last as long as the last one did.

I remember the salesman telling me that he was sure that I would get at least ten years out of it. He showed me a list of how many of his local customers had used the Medical Manager for longer than ten years.

And, the salesman pointed me to this advertising brochure put out by Medical Manager. It states that their product would provide doctors with "the ability to manage [their] future."

In truth, I never asked the salesman about whether the new system that I was buying was Y2K compliant. I honestly did not know even to ask the question. After all, I deliver babies. I don't program computers. Based on the salesman's statements and the brochure, I assumed the system would work long into the future. After all, he had promised me over ten years' use, which would take me to 2006.

But just one year later, I received a form letter from Medical Manager telling me that the system I had just purchased had a Y2K problem. It was a problem that would make it impossible for me to schedule due dates or handle my administrative tasks—as early as 1999.

Medical Manager also offered to fix the problem that they had created—but for $25,000.

I was outraged, as I suspect anyone sitting around this table would be. The original system had cost me $15,000 when I purchased it in 1986. The upgraded system cost me $13,000 in 1996. Now, a year later, they wanted another $25,000. They knew when they sold me the $13,000 system that it would need this upgrade—but of course, they didn't tell me.

I wrote back to the company that I fully expected them to fix the problem for free, since I had just bought the system from them and I had been promised that it would work long into the future.

The company ignored my request, however, and several months later, sent me an estimate for fixing the problem—again, for over $25,000.

At this point, I was faced with a truly difficult dilemma. My practice depends on the use of a computer system to track my patients' due dates, surgeries and billings—but I did not have $25,000 to pay for an upgrade. Additionally, I was appalled at the thought of having to pay Medical Manager for a problem that they had created and should have anticipated. If I had to pay that $25,000, that would force me to drop many of my indigent patients that I now treat for free.

Since Medical Manager insisted upon charging me for the new system, and because my one year-old system was no longer dependable, I retained an attorney and sued Medical Manager to fix or replace my computer system at their cost.

Within two months of filing our action, Medical Manager offered to settle by providing all customers who bought a non-Y2K compliant system from them after 1990 with a free upgrade that makes their systems Y2K compliant by utilizing a software "patch."

This settlement gave me what I wanted from Medical Manager—the ability to use my computer system as it was meant to be used. To my great satisfaction, the legal system worked for me and the thousands of other doctors who bought Medical Manager's products since 1990. In fact, since I brought my claim against Medical Manager, I have received numerous telephone calls and letters from doctors across the country who had similar experiences.

Additionally, even Medical Manager has stated that it was pleased with the settlement. According to the Medical Manager president who was quoted in the American Medical News, "[f]or both our users and our shareholders, the best thing was to provide a Y2K solution. This is a win for our users and a win for us." [pick up article and display to Senators]

I simply do not see why the rights of doctors and other small businesses to recover from a company such as Medical Manager should be limited—which is what I understand this bill would do. Indeed, my attorney tells me that if this legislation had been in effect when I bought my system, Medical Manager would not have settled. I would still be in litigation, and might have lost my practice.

As an aside, at roughly the same time I bought the non-compliant system from Medical Manager, I purchased a sonogram machine from ADR. That equipment was Y2K compliant. The Salesman never told me it was compliant. It was simply built to last. Why should we be protecting the vendors or manufacturers of defective products rather than rewarding the responsible ones?

Also, as a doctor, I also hope the Committee will look into the implications of this legislation for both patient health and potential medical malpractice suits. This is an issue that many doctors have asked me about, and that generates considerable concern in the medical community.

In sum, I do appreciate this opportunity to share my experiences with the Committee. I guess the main message I would like to leave you with is that Y2K problems affect the lives of everyday people like myself, but the current legal system works. Changing the equation now could give companies like Medical Manager an incentive to undertake prolonged litigation strategies rather than agree to speedy and fair out-of-court settlements.

I became a doctor, and a sole practitioner, because I love delivering babies. I give each of my patients my home phone number. I am part of their lives. This Y2K problem could have forced me to give all that up. It is only because of my lawyer, and the court system, that I can continue to be the doctor that I have been. This bill, and others like it, would take that away from me. Please don't do that. Leave the system as it is. The court worked for me—and it will work for others.

Thank you.

Mr. HOLLINGS. Mr. President, he is a doctor from Atlantic County, NJ. I will not read it in its entirety, but he said:

> . . . But it was a Y2K problem which recently posed a serious threat to my practice, and that is why I am here this morning.
>
> . . . Although I am a doctor, I am not here to speak on behalf of the [AMA]. Although I am a small businessman, I am not here to speak on behalf of the Chamber of Commerce. I cannot tell you how these organizations feel. . . . But I can tell you how it would have affected my business.
>
> I am one of the lucky ones. While a potential Y2K failure impacted my practice, the computer vendor that sold me the software system and I were able to reach an out-of-court settlement which was fair and expedient.
>
> . . . In 1987, I purchased a computer system from Medical Manager, one of the leading medical systems providers in the country. I used the Medical Manager system for tracking surgery, scheduling due dates and billing.

Incidentally, that is very important for a doctor. If he gets sued for malpractice, it might be based on his computer and not on his professional treatment.

I go on to read:

> . . . The system worked well for me for ten years, until the computer finally crashed from lack of sufficient memory.
>
> In 1996, I replaced my old system with a new, state of the art pentium system from Medical Manager for $13,000. This was a huge investment for a practice my size.
>
> I remember joking with the computer salesman at the time that this was a big purchase for me, and I was counting on this system to last as long as the last one did—

which was over 10 years—

> I remember the salesman telling me that he was sure that I would get at least ten years out of it. He showed me a list of how many of his local customers had used the Medical Manager for longer than ten years.

Jumping down:

> . . . one year later, I received a form letter from Medical Manager telling me the system I had just purchased had a Y2K problem. It was a problem that would make it impossible for me to schedule due dates or handle my administrative tasks—as early as 1999.
>
> Medical Manager also offered to fix the problem that they had created—but for $25,000.

He only paid $13,000.

> I was outraged, as I suspect anyone sitting around this table would be. The original system had cost me $15,000 when I purchased it in 1986. The upgraded system cost me $13,000 in 1996. Now, a year later, they wanted another $25,000. They knew when they sold me the $13,000 system that it would need this upgrade—but, of course, they didn't tell me.
>
> The company ignored my request, however, and several months later, sent me an estimate for fixing the problem—again, for $25,000.

But he said he didn't have the $25,000.

> . . . I was appalled at the thought of having to pay Medical Manager for a problem that they had created and should have anticipated.
>
> . . . I had to pay that $25,000. . .[so] I retained an attorney and sued Medical Manager [under the present law].
>
> . . . To my great satisfaction, the legal system worked for me and the thousands of other doctors who bought Medical Manager's products since 1990. In fact, since I brought my claim against Medical Manager, I have received numerous telephone calls and letters from doctors across the country who had similar experiences.

I can go down the letter, Mr. President. The point is that he settled the case that was for some $1,455,000 for 17,000 doctors.

I ask unanimous consent to print in the RECORD a note from Jack Emery of the American Medical Association.

There being no objection, the note ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION

Memo to: Washington Representatives, National Medical Specialty Societies
From: Jack Emery 202/789-7414
Date: March 4, 1999
Subject: Legislation Addressing Y2K Liability

Several specialties have called to ask about the American Medical Association's

(AMA) position on H.R. 455 and S. 461. The AMA is opposed to this legislation which would limit Y2K liability. I've attached a copy of testimony the AMA presented to the Ways and Means Committee last week on Y2K. I call your attention to page nine of that testimony where we address our specific concerns with this type of legislation.

We understand that Barnes Kaufman, a PR firm, is attempting to schedule a meeting on this issue later this week to mount opposition to such legislation. Someone from this office will attend the meeting whenever it is scheduled.

Mr. HOLLINGS. Mr. President, this is dated March 4, 1999:

> Several specialities have called to ask about the American Medical Association's (AMA) position on H.R. 455 and S. 461. The AMA is opposed to this legislation which would limit Y2K liability.
>
> I've attached a copy of testimony the AMA presented to the Ways and Means Committee last week on Y2K. I call your attention to page nine of that testimony where we address our specific concerns with this type of legislation.

I ask unanimous consent to have printed in the RECORD that testimony which was prepared before the committee on the House side.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF DONALD J. PALMISANO, M.D., J.D., MEMBER, BOARD OF DIRECTORS, AND CHAIR, DEVELOPMENT COMMITTEE, NATIONAL PATIENT SAFETY FOUNDATION, AND MEMBER, BOARD OF TRUSTEES, AMERICAN MEDICAL ASSOCIATION

(Testimony Before the House Committee on Ways and Means—Hearing on the Year 2000 Conversion Efforts and Implications for Beneficiaries and Taxpayers, February 24, 1999)

Mr. Chairman and members of the Committee, my name is Donald J. Palmisano, MD, JD. I am a member of the Board of Trustees of the American Medical Association (AMA), a Board of Directors member of the National Patient Safety Foundation (NPSF) and the Chair of the Development Committee for the same foundation. I also practice vascular and general surgery in New Orleans, Louisiana. On behalf of the three hundred thousands physician and medical student members of the AMA, I appreciate the chance to comment on the issue of year 2000 conversion efforts and the implications of the year 2000 problem for health care beneficiaries.

INTRODUCTION

The year 2000 problem has arisen because many computer systems, software and embedded microchips cannot properly process date information. These devices and software can only read the last two digits of the "year" field of data; the first two digits are presumer to be "19." Consequently, when data requires the entry of a date in the year 2000 or later, these systems, devices and software will be incapable of correctly processing the data.

Currently, nearly all industries are in some manner dependent on information technology, and the medical industry is no exception. As technology advances and its contributions mount, our dependency and consequent vulnerability become more and more evident. The year 2000 problem is revealing to us that vulnerability.

By the nature of its work, the medical industry relies tremendously on technology, on computer sytems—both hardware and software, as well as medical devices that have embedded microchips. A survey conducted last year by the AMA found that almost 90% of the nation's physicians are using computers in their practices, and 40% are using them to log patient histories.[1] These numbers appear to be growing as physicians seek to increase efficiency and effectiveness in their practices and when treating their patients.

Virtually every aspect of the medical profession depends in some way on these systems—for treating patients, handling administrative office functions, and conducting transactions. For some industries, software glitches or even system failures, can, at best, cause inconvenience, and at worst, cripple the business. In medicine, those same software or systems malfunctions can, much more seriously, cause patient injuries and deaths.

PATIENT CARE

Assessing the current level of risk attributable specifically to the year 2000 problem within the patient care setting remains problematic. We do know, however, that the risk is present and it is real. Consider for a minute what would occur if a monitor failed to sound an alarm when a patient's heart stopped beating. Or if a respirator delivered "unscheduled breaths" to a respirator-dependent patient. Or even if a digital display were to attribute the name of one patient to medical data from another patient. Are these scenarios hypothetical, based on conjecture? No. Software problems have caused each one of these medical devices to malfunction with potentially fatal consequences.[2] The potential danger is present.

The risk of patient injury is also real. Since 1986, the FDA has received more than 450 reports identifying software defects—not related to the year 2000—in medical devices. Consider one instance—when software error caused a radiation machine to deliver excessive doses to six cancer patients; for three of them the software error was fatal.[3] We can anticipate that, left unresolved, medical device software malfunctions due to the millennium bug would be prevalent and could be serious.

Medical device manufacturers must immediately disclose to the public whether their products are Y2K compliant. Physicians and other health care providers do not have the expertise or resources to determine reliably whether the medical equipment they possess will function properly in the year 2000. Only the manufacturers have the necessary in-depth knowledge of the devices they have sold.

Nevertheless, medical device manufacturers have not always been willing to assist end-users in determining whether their products are year 2000 compliant. Last year, the Acting Commissioner of the FDA, Dr. Michael A. Friedman, testified before the U.S. Senate Special Committee on the Year 2000 Problem that the FDA estimated that only approximately 500 of the 2,700 manufacturers of potentially problematic equipment had even responded to inquiries for information. Even when vendors did respond, their responses frequently were not helpful. The Department of Veterans Affairs reported last year that of more than 1,600 medical device manufacturers it had previously contacted, 233 manufacturers did not even reply and another 187 vendors said they were not responsible for alterations because they had merged, were purchased by another company, or were no longer in business. One hundred two companies reported a total of 673 models that were not compliant but should be repaired or updated this year.[4] Since July 1998, however, representatives of the manufacturers industry have met with the Department of Veterans Affairs, the FDA, the AMA and others to discuss obstacles to compliance and have promised to do more for the health care industry.

ADMINISTRATIVE

Many physicians and medical centers are also increasingly relying on information systems for conducting medical transactions, such as communicating referrals and electronically transmitting prescriptions, as well as maintaining medical records. Many physician and medical center networks have even begun creating large clinical data repositories and master person indices to maintain, consolidate and manipulate clinical information, to increase efficiency and ultimately to improve patient care. If these information systems malfunction, critical data may be lost, or worse—unintentionally and incorrectly modified. Even an inability to access critical data when needed can seriously jeopardize patient safety.

Other administrative aspects of the Y2K problem involve Medicare coding and billing transactions. In the middle of last year, HCFA issued instructions through its contractors informing physicians and other health care professionals that electronic and paper claims would have to meet Y2K compliance criteria by October 1, 1998. In September 1998, however, HCFA directed Medicare carriers and fiscal intermediaries not to reject or "return as unprocessable" any electronic media claims for non-Y2K compliance until further notice. That notice came last month. In January 1999, HCFA instructed both carriers and fiscal intermediaries to inform health care providers, including physicians, and suppliers that claims received on or after April 5, 1999, which are not Y2K compliant will be rejected and returned as unprocessable.

We understand why HCFA is taking this action at this time. We genuinely hope, however, that HCFA, to the extent possible, will assist physicians and other health care professionals who have been unable to achieve Y2K compliance by April 5. We have been informed that HCFA has decided to grant physicians additional time, if necessary, for reasonable good faith exceptions, and we strongly support that decision. Physicians are genuinely trying to comply with HCFA's Y2K directives. In fact, HCFA has already represented that 95% of the electronic bills being submitted by physicians and other Medicare Part B providers already meet HCFA's Y2K filing criteria. HCFA must not withhold reimbursement to, in any sense, punish those relatively few health care professionals who have lacked the necessary resources to meet HCFA's Y2K criteria. Instead, physicians and HCFA need to continue to work together to make sure that their respective data processing systems are functioning properly for the orderly and timely processing of Medicare claims data.

We also hope that HCFA's January 1999 instructions are not creating a double standard. According to the instructions, HCFA will reject non-Y2K compliant claims from physicians, other health care providers and suppliers. HCFA however has failed to state publicly whether Medicare contractors are under the same obligation to meet the April 5th deadline. Consequently, after April 5th

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See footnotes end of article.

non-compliant Medicare contractors will likely continue to receive reimbursement from HCFA while physicians, other health care providers, and suppliers that file claims not meeting HCFA's Y2K criteria will have their claims rejected. this inequity must be corrected.

Medicare administrative issues are of critical importance to patients, physicians, and other health care professionals. In one scenario that took place in my home state of Louisiana, Arkansas Blue Cross & Blue Shield, the Medicare claims processor for Louisiana, implemented a new computer system—intended to be Y2K compliant—to handle physicians' Medicare claims. Although physicians were warned in advance that the implementation might result in payment delays of a couple of weeks, implementation problems resulted in significantly longer delays. For many physicians, this became a real crisis. Physicians who were treating significant numbers of Medicare patients immediately felt significant financial pressure and had to scramble to cover payroll and purchase necessary supplies.[5]

We are encouraging physicians to address the myriad challenges the Y2K dilemma poses for their patients and their practices, which include claims submission requirements. The public remains concerned however that the federal government may not achieve Y2K compliance before critical deadlines. An Office of Management and Budget report issued on December 8, 1998, disclosed that the Department of Health and Human Services is only 49% Y2K compliant.[6] In a meeting last week, though, HCFA representatives stated that HCFA has made significant progress towards Y2K compliance, specifically on mission critical systems. In any case, we believe that HCFA should lead by example and have its systems in compliance as quickly as possible to allow for adequate parallel testing with physician claims submission software and other health care professionals. Such testing would also allow for further systems refinements, if necessary.

REIMBURSEMENT AND IMPLEMENTATION OF BBA

To shore up its operations, HCFA has stated that it will concentrate on fixing its internal computers and systems. As a result, it has decided not to implement some changes required under the Balanced Budget Act (BBA) of 1997, and it plans to postpone physicians' payment updates from January 1, 2000, to about April 1, 2000.

In the AMA's view, the Y2K problem is and has been an identifiable and solvable problem. Society has known for many years that the date problem was coming and that individuals and institutions needed to take remedial steps to address the problem. There is no justification for creating a situation where physicians, hospitals and other providers now are being asked to pay for government's mistakes by accepting a delay in their year 2000 payment updates.

HCFA has indicated to the AMA that the delay in making the payment updates is not being done to save money for the Medicare Trust Funds. In addition, the agency has said that the eventual payment updates will be conducted in such a way as to fairly reimburse physicians for the payment update they should have received. In other words, the updates will be adjusted so that total expenditures in the year 2000 on physician services are no different than if the updates had occurred on January 1.

We are pleased that HCFA has indicated a willingness to work with us on this issue. But we have grave concerns about the agency's ability to devise a solution that is equitable and acceptable to all physicians.

Also, as it turns out, the year 2000 is a critical year for physicians because several important BBA changes are scheduled to be made in the resource-based relative value scale (RMRVS) that Medicare uses to determine physician payments. This relative value scale is comprised of three components: work, practice expense, and malpractice expense. Two of the three—practice expense and malpractice—are due to undergo Congressionally-mandated modifications in the year 2000.

In general, the practice expense changes will have different effects on the various specialities. Malpractice changes, to some modest degree, would offset the practice expense redistributions. To now delay one or both of these changes will have different consequences for different medical specialties and could put HCFA at the eye of storm that might have been avoided with proper preparation.

To make matters worse, we also are concerned that delays in Medicare's reimbursement updates could have consequences far beyond the Medicare program. Many private insurers and state Medicaid agencies base their fee-for-service payment systems on Medicare's RBRVS. Delays in reimbursement updates caused by HCFA may very well lead other non-Federal payers to follow Medicare's lead, resulting in a much broader than expected impact on physicians.

CURRENT LEVEL OF PREPAREDNESS

Assessing the status of the year 2000 problem is difficult not only because the inventory of the information systems and equipment that will be affected is far from complete, but also because the consequences of noncompliance for each system remain unclear. Nevertheless, if the studies are correct, malfunctions in noncompliant systems will occur and equipment failures can surely be anticipated. The analyses and surveys that have been conducted present a rather bleak picture for the health care industry in general, and physicians' practices in particular.

The Odin Group, a health care information technology research and advisory group, for instance, found from a survey of 250 health care managers that many health care companies by the second half of last year still had not developed Y2K contingency plans.[7] The GartnerGroup has similarly concluded, based on its surveys and studies, that the year 2000 problem's "effect on health care will be particularly traumatic . . . [l]lives and health will be at increased risk. Medical devices may cease to function."[8] In its report, it noted that most hospitals have a few thousand medical devices with microcontroller chips, and larger hospital networks and integrated delivery systems have tens of thousands of devices.

Based on early testing, the GartnerGroup also found that although only 0.5–2.5 percent of medical devices have a year 2000 problem, approximately 5 percent of health care organizations will not locate all the noncompliant devices in time.[9] It determined further that most of these organizations do not have the resources or the expertise to test these devices properly and will have to rely on the device manufacturers for assistance.[10]

As a general assessment, the GartnerGroup concluded that based on a survey of 15,000 companies in 87 countries, the health care industry remains far behind other industries in its exposure to the year 2000 problem.[11] Within the health care industry, the subgroups which are the furthest behind and therefore at the highest risk are "medical practices" and "in-home service providers."[12] The GartnerGroup extrapolated that the costs associated with addressing the year 2000 problem for each practice group will range up to $1.5 million per group.[13]

REMEDIATION EFFORTS—AMA'S EFFORTS

We believe that through a united effort, the medical profession in concert with federal and state governments can dramatically reduce the potential for any adverse effects with the medical community resulting from the Y2K problem. For its part, the AMA has been devoting considerable resources to assist physicians and other health care providers in learning about and correcting the problem.

For nearly a year, the AMA has been educating physicians through two of its publications, AMNews and the Journal of the American Medical Association (JAMA). AMNews, which is a national news magazine widely distributed to physicians and medical students, has regularly featured articles over the last twelve months discussing the Y2K problem, patient safety concerns, reimbursement issues, Y2K legislation, and other related concerns. JAMA, one of the world's leading medical journals, will feature an article written by the Administrator of HCFA, explaining the importance for physicians to become Y2K compliant. The AMA, through these publications, hopes to raise the level of consciousness among physicians of the potential risks associated with the year 2000 for their practices and patients, and identify avenues for resolving some of the anticipated problems.

The AMA has also developed a national campaign entitled "Moving Medicine Into the New Millennium: Meeting the Year 2000 Challenge," which incorporates a variety of educational seminars, assessment surveys, promotional information, and ongoing communication activities designed to help physicians understand and address the numerous complex issues related to the Y2K problem. The AMA is currently conducting a series of surveys to measure the medical profession's state of readiness, assess where problems exist, and identify what resources would best reduce any risk. The AMA already has begun mailing the surveys, and we anticipate receiving responses in the near future. The information we obtain from this survey will enable us to identify which segments of the medical profession are most in need of assistance, and through additional timely surveys, to appropriately tailor our efforts to the specific needs of physicians and their patients. The information will also allow us to more effectively assist our constituent organizations in responding to the precise needs of other physicians across the country.

One of the many seminar series the AMA sponsors is the "Advanced Regional Response Seminars" program. We are holding these seminars in various regions of the country and providing specific, case-study information along with practical recommendations for the participants. The seminars also provide tips and recommendations for dealing with vendors and explain various methods for obtaining beneficial resource information. Seminar participants receive a Y2K solutions manual, entitled "The Year 2000 Problem: Guidelines for Protecting Your Patients and Practice." This seventy-five page manual, which is also available to hundreds of thousands of physicians across the country, offers a host of different solutions to Y2K problems that physicians will likely face. It raises physicians' awareness of the problem, year 2000 operational implications for physicians' practices, and identifies numerous resources to address the issue.

In addition, the AMA has opened a web site (URL: www.ama-assn.org) to provide the physician community additional assistance to better address the Y2K problem. The site serves as a central communications clearinghouse, providing up-to-date information about the millennium bug, as well as a special interactive section that permits physicians to post questions and recommended solutions for their specific Y2K problems. The site also incorporates links to other sites that provide additional resource information on the year 2000 problem.

On a related note, the AMA in early 1996 began forming the National Patient Safety Foundation or "NPSF." Our goal was to build a proactive initiative to prevent avoidable injuries to patient in the health care system. In developing the NPSF, the AMA realized that physicians, acting alone, cannot always assure complete patient safety. In fact, the entire community of providers is accountable to our patients, and we all have a responsibility to work together to fashion a systems approach to identifying and managing risk. It was this realization that prompted the AMA to launch the NPSF as a separate organization, which in turn partnered with other health care organizations, health care leaders, research experts and consumer groups from throughout the health care sector.

One of these partnerships is the National Patient Safety Partnership (NPSP), which is a voluntary public-private partnership dedicated to reducing preventable adverse medical events and convened by the Department of Veterans Affairs. Other NPSP members include the American Hospital Association, the Joint Commission on Accreditation of Healthcare Organizations, the American Nurses Association, the Association of America Medical Colleges, the Institute for Healthcare Improvement, and the National Patient Safety Foundation at the AMA. The NPSP has made a concerted effort to increase awareness of the year 2000 hazards that patients relying on certain medical devices could face at the turn of the century.

RECOMMENDATIONS

As an initial step, we recommend that the Administration or Congress work closely with the AMA and other health care leaders to develop a uniform definition of "compliant" with regard to medical equipment. There needs to be clear and specific requirements that must be met before vendors are allowed to use the word "compliant" in association with their products. Because there is no current standard definition, it may mean different things to different vendors, leaving physicians with confusing, incorrect, or no data at all. Physicians should be able to spend their time caring for patients and not be required to spend their time trying to determine the year 2000 status of the numerous medical equipment vendors with whom they work.

We further suggest that both the public and private sectors encourage and facilitate health care practitioners in becoming more familiar with year 2000 issues and taking action to mitigate their risks. Greater efforts must be made in educating health care consumers about the issues concerning the year 2000, and how they can develop Y2K remediation plans, properly test their systems and devices, and accurately assess their exposure. We recognize and applaud the efforts of this Committee, the Congress, and the Administration in all of your efforts to draw attention to the Y2K problem and the medical community's concerns.

We also recommend that communities and institutions learn from other communities and institutions that have successfully and at least partially solved the problem. Federal, state and local agencies as well as accrediting bodies that routinely address public health issues and disaster preparedness are likely leaders in this area. At the physician level, this means that public health physicians, including those in the military, organized medical staff, and medical directors, will need to be actively involved for a number of reasons. State medical societies can help take a leadership role in coordinating such assessments.

We also must stress that medical device and software manufacturers need to publicly disclose year 2000 compliance information regarding products that are currently in use. Any delay in communicating this information may further jeopardize practitioners' efforts at ensuring compliance. A strategy needs to be developed to more effectively motivate all manufacturers to promptly provide compliance status reports. Additionally, all compliance information should be accurate, complete, sufficiently detailed and readily understandable to physicians. We suggest that the Congress and the federal government enlist the active participation of the FDA or other government agencies in mandating appropriate reporting procedures for vendors. We highly praise the Department of Veterans Affairs, the FDA, and others who maintain Y2K web sites on medical devices and offer other resources, which have already helped physicians to make initial assessments about their own equipment.

We are aware that the "Year 2000 Information and Readiness Disclosure Act" was passed and enacted into law last year, and is intended to provide protection against liability for certain communications regarding Y2K compliance. Although the AMA strongly believes that information must be freely shared between manufacturers and consumers, we continue to caution against providing liability caps to manufacturers in exchange for the Y2K information they may provide, for several reasons. First, as we have stated, generally vendors alone have the information about whether their products were manufactured to comply with year 2000 data. These manufacturers should disclose that information to their consumers without receiving an undue benefit from a liability cap.

Second, manufacturers are not the only entities involved in providing medical device services, nor are they alone at risk if an untoward event occurs. When a product goes through the stream of commerce, several other parties may incur some responsibility for the proper functioning of that product, from equipment retailers to equipment maintenance companies. Each of these parties, including the end-user—the physician—will likely retain significant liability exposure if the device malfunctions because of a Y2K error. However, none of these parties will typically have had sufficient knowledge about the product to have prevented the Y2K error, except the device manufacturer. To limit the manufacturer's liability exposure under these circumstances flies in the face of sound public policy.

We also have to build redundancies and contingencies into the remediation efforts as part of the risk management process. Much attention has been focused on the vulnerability of medical devices to the Y2K bug, but the problem does not end there. Patient injuries can be caused as well by a hospital elevator that stops functioning properly. Or the failure of a heating/ventilation/air conditioning system. Or a power outage. The full panoply of systems that may break down as our perception of the scope of risk expands may not be as easily delineated as the potential problems with medical devices. Building in back-up systems as a fail-safe for these unknown or more diffuse risks is, therefore, absolutely crucial.

As a final point, we need to determine a strategy to notify patients in a responsible and professional way. If it is determined that certain medical devices may have a problem about which patients need to be notified, this needs to be anticipated and planned. Conversely, to the extent we can reassure patients that devices are compliant, this should be done. Registries for implantable devices or diagnosis- or procedure-coding databases may exist, for example, which could help identify patients who have received certain kinds of technologies that need to be upgraded and/or replaced or that are compliant. This information should be utilized as much as possible to help physicians identify patients and communicate with them.

As we approach the year 2000 and determine those segments of the medical industry which we are confident will weather the Y2K problem well, we will all need to reassure the public. We need to recognize that a significant remaining concern is the possibility that the public will overreact to potential Y2K-related problems. The pharmaceutical industry, for instance, is already anticipating extensive stockpiling of medications by individuals and health care facilities. In addition to continuing the remediation efforts, part of our challenge remains to reassure patients that medical treatment can be effectively and safely provided through the transition into the next millennium.

CONCLUSION

We appreciate the Committee's interest in addressing the problems posed by the year 2000, and particularly, those problems that relate to physicians. Because of the broad scope of the millennium problem and physicians' reliance on information technology, we realize that the medical community has significant exposure. The Y2K problem will affect patient care, practice administration, and Medicare/Medicaid reimbursement. The AMA, along with the Congress and other organizations, seeks to better educate the health care community about Y2K issues, and assist health care practitioners in remedying, or at least reducing the impact of, the problem. The public and private sectors must cooperate in these endeavors, while encouraging the dissemination of compliance information.

FOOTNOTES

[1] "Doctors Fear Patients Will Suffer Ills of the Millennium Bug; Many Are Concerned That Y2K Problem Could Erroneously Mix Medical Data—Botching Prescriptions and Test Results," Los Angeles Times, Jan. 5, 1999, p. A5.

[2] Anthes, Gary H., "Killer Apps: People are Being Killed and Injured by Software and Embedded Systems," Computerworld, July 7, 1997.

[3] *Id.*

[4] Morrissey, John, and Weissenstein, Eric, "What's Bugging Providers," Modern Healthcare, July 13, 1998, p. 14. Also, July 23, 1998 Hearing Statement of Dr. Kenneth W. Kizer, Undersecretary for Health Department of Veterans Affairs, before the U.S. Senate Special Committee on the Year 2000 Technology Problem.

[5] "Year 2000 Bug Bites Doctors; Glitch Stymies Payments for Medicare Work," The Times-Picayune, June 6, 1998, page C1.

[6] "Clinton Says Social Security is Y2K Ready," Los Angeles Times, December 29, 1998, p. A1. See "Government Agencies Behind the Curve on Y2K Issue," Business Wire, January 28, 1999 (stating that Computer Week on November 26, 1998 reported only a 34% Y2K compliance level for the Department of Health and Human Services).

[7] "Health Care Not Y2K-Ready—Survey Says Companies Underestimate Need For Planning; Big Players Join Forces," Information Week, January 11, 1999.

[8] GartnerGroup, Kenneth A. Kleinberg, "Healthcare Worldwide Year 2000 Status," July 1998 Conference Presentation, p. 2 (hereinafter, GartnerGroup).

[9] *Id.* at p. 8.

[10] *Id.*

[11] *Id.* at p. 10.

[12] *Id.* at p. 13.

[13] *Id*

Mr. HOLLINGS. I do not want to mislead. As I understand, as of this morning my staff contacted Mr. Emery. And they said that the AMA is not openly opposing the legislation, but if there is going to be legislation, they want to be taken care of. They want all the tort things to take care of them, too.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak for 3 minutes just to briefly respond to several of the points made by the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Thank you, Mr. President. I will be very brief.

I specifically want to talk on this matter with respect to the evidence which would be considered in these suits. The sponsors of the substitute have made it very clear in the Senate that we will strike the clear and convincing evidence standard. It is an important point that the Senator from South Carolina has made.

What we have indicated is that we think it is in the public interest to essentially use the standard the Senate adopted in the Year 2000 Information and Readiness Disclosure Act which passed overwhelmingly in the Senate. So we have something already with a strong level of bipartisan support, and it is an indication again that the sponsors of the substitute want to be sympathetic and address the points being made by the Senator from South Carolina.

But at the end of the day, this is not legislation about trial lawyers or campaign finance. And I have not mentioned either of those subjects on the floor of the Senate. But this is about whether or not the Senate is going to act now, when we have a chance to address this, in a deliberative way, and produce good Government—something which will make sense for consumers and plaintiffs who are wronged and at the same time ensure that we do not have tumult in the marketplace early next year.

I am very hopeful we can go forward with this legislation.

I thank the Presiding Officer for the opportunity to respond. I yield the floor.

Mr. HOLLINGS. Mr. President, I ask unanimous consent I may address the Senate for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I am reading page 30. The language there—the last 3 lines; 23, 24, and 25—"The defendant is not liable unless the plaintiff establishes that element of the claim in accordance with the evidentiary standard required," which is the greater weight by the preponderance of the evidence. That is lined out. And written—and I understand in Chairman McCAIN's handwriting—here, "by clear and convincing evidence."

Again on page 31 of the particular bill under consideration, on lines 19 and 20, "in accordance with the evidentiary standard required" is lined out; and inserted in lieu thereof "by clear and convincing evidence."

That is why I addressed it that way. That is what we have before us.

I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:43 p.m., the Senate recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

IN REMEMBRANCE OF THE TRAGEDY IN LITTLETON, COLORADO

The PRESIDING OFFICER. Pursuant to a unanimous-consent request, the Chaplain is recognized for a special prayer.

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray together.

O Gracious God, our hearts break over what breaks Your heart, and we join our hearts with the broken hearts of the families and friends of the teenagers and the teacher who were killed in the tragic shooting by two students at the Columbine High School in Littleton, CO.

We have been shocked by this senseless expression of rage and hatred in the twisted and tormented minds of these young men. Comfort the parents who lost their children, both as victims and perpetrators. Help us all to deal with the deeper issues of the need for moral renewal in our culture.

O God, bless the children of our land. May we communicate to them Your love and Your righteousness so that they have a rudder for the turbulent waters of our time and are able to present them with the charts to make it through these difficult waters.

O Gracious God, help us to communicate Your commandments and help them to know the joy of living in faithfulness with You. In our quest to separate church and State, there are times when we have divided God from our culture. Now when there is nowhere else to turn, we return to You.

O dear God, heal our land. In Your holy name. Amen.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I understand the leadership accommodated Senator CAMPBELL's and my request to observe a moment of silence out of respect for the victims of the tragic shooting at Columbine High School in Littleton, CO.

I also understand that later today the Senate will consider a resolution expressing sorrow and offering condolences to the families and friends and students, all of Littleton, CO. I will address the Senate in greater detail at that time.

In the meantime, I yield the floor to my senior colleague in order for him to request a moment of silence.

Mr. CAMPBELL. Mr. President, I thank my colleague. I, too, thank the leadership for affording the Senate an opportunity to express our profound sorrow and to offer condolences to the families and friends of the fallen people of Littleton, CO.

I understand that a resolution addressing this issue will arrive from the House of Representatives at about 4:30 today. I expect that many Members may want to make comments at that time.

The tragic truth is that the angels are now carrying the souls of 13 innocent people to the everlasting glory of heaven. A resolution alone would never express the degree of sorrow we feel. Certainly all of America has much to do to heal our Nation and to rid ourselves of hate and vengeance.

Until that resolution is pending, and in order to observe, acknowledge, and honor a moment of silence called for throughout the State of Colorado, I now ask that the Senate observe a moment of silent prayer for 2 minutes.

The PRESIDING OFFICER. The Senate will now observe a moment of silence.

[Period of silence.]

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I know that a number of Senators do wish to express their concern, sympathy, and great regret with regard to the incident for which we are all so very sorry, and suffering. As Senators ALLARD and CAMPBELL said, I think we can save that until we have the resolution up later this afternoon when Senators will have the opportunity to speak on this matter. I will be speaking with Senator DASCHLE and we will be talking about an appropriate way for the Senate to consider this matter for a reasonable period of time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that all remaining amendments in order to S. 96 be relevant to the pending MCCAIN amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. LOTT. Mr. President, I regret having to file a cloture motion. I hoped we would not have to do that, that we could get an agreement on how to proceed, and that the amendments would be relevant. But since we have not been able to, with the objection just heard, I have no alternative. Therefore, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment to Calendar No. 34, S.96, the Y2K legislation:

Senators Trent Lott, John McCain, Rick Santorum, Spence Abraham, Judd Gregg, Pat Roberts, Wayne Allard, Rod Grams, Jon Kyl, Larry Craig, Bob Smith, Craig Thomas, Paul Coverdell, Pete Domenici, Don Nickles, and Phil Gramm.

Mr. LOTT. Mr. President, I know there is a sincere effort underway on both sides of the aisle to work out an agreement on this Y2K legislation. I know that will continue. But we need to make progress, or have the opportunity for a cloture vote in the meantime, or, in case that doesn't work out, you always have the option, if we get everything worked out, to vitiate the cloture vote, or we could move to a conclusion earlier. If we can get an agreement worked out and conclusion on Wednesday, that would be ideal.

But, barring that, a cloture vote will occur on Thursday. As soon as the time for the vote has been determined, after consultation with the Democratic leader, all Senators will be notified.

CALL OF THE ROLL

In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 268 TO AMENDMENT NO. 267

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from the year 2000 problem, related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. LOTT. I send a first-degree amendment to the pending amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 268 to amendment No. 267.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 269 TO AMENDMENT NO. 268

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from the year 2000 problem, related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. LOTT. Mr. President, I send a second-degree amendment to the pending first-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 269 to amendment No. 268.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 270 TO AMENDMENT NO. 267

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from the year 2000 problem, related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. LOTT. Mr. President, I send a first-degree amendment to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 270 to amendment No. 267.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 271 TO AMENDMENT NO. 270

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from the year 2000 problem, related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. LOTT. I send a second-degree amendment to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 271 to Amendment No. 270.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, if I could make a couple of observations with regard to the schedule, I know Members are interested in a variety of very important issues they wish to be heard on. I have to be sympathetic to those requests. We don't have it worked out yet.

But I am discussing with Senator DASCHLE the possibility of having some measure on the floor of the Senate later on this week which would be an opportunity for further discussion and perhaps votes with regard to the Kosovo matter. We wish it to be a bipartisan resolution that allows Senators to state their position and to allow the Senate to take a vote on exactly how they wish to proceed at this point with regard to Kosovo. We will have to work through that. Hopefully, we can take it up Thursday and complete it Thursday night, or Friday, or later, if the Senators so desire.

On another matter, I know there are Senators who have a real desire to say something and have a policy discussion about what has happened in Colorado. I ask my colleagues, let's give this a moment. Let's allow a period of mourning and grief. Let's allow these families to bury their children. Let's all wait to see more about what happened and ask not only what but why.

Then 2 weeks from today, if the Senate thinks well of it, we will look for a vehicle—and we have one in mind, perhaps a juvenile justice bill—that we could take up, and the Senate would then have an opportunity for debate, have amendments, and have votes.

I think we need a period of time to think this through and allow our country, collectively, to have a period of mourning and then see if there is something we can do. I don't think the answer is here. I think the answer is out across America.

I wanted the Senators to know I recognize their desires and I am trying to find a way to accommodate those desires. I ask, also, that we must continue to work on Y2K and find a way to complete it without getting into a myriad of subsidiary issues and complete our work by Wednesday.

Mr. KENNEDY. Will the Senator yield?

Mr. LOTT. Mr. President, I am happy to yield to the Senator.

Mr. KENNEDY. Mr. President, I heard the majority leader. There are many Members who, obviously, agree with the majority leader and share the sentiments expressed here on the floor of the Senate a few moments ago in the moments of silence, and the very superb prayer of the chaplain in reaching out to those families. However, there are Members who want to at least consider some legislation dealing with responsibility in the area of firearms.

Is the leader now indicating to Members he will give us the opportunity to have some debate on those measures, and other measures, as well, within a period of 2 weeks? Measures that could help and assist parents, families and schools. Measures that are balanced and permit Members to reach across the aisle to try and work out bipartisan approaches? Could the majority leader indicate now whether we will have that opportunity and give assurance to the American people that the subject matter which is No. 1 in the minds of all families and children across this country—at least we will have the opportunity in the U.S. Senate to debate some proposals and to reach resolutions of those.

Mr. LOTT. Mr. President, in response to the Senator's question, I think it is always incumbent upon the leadership to make sure we proceed in an appropriate way and that Senators have an opportunity to express their views and offer amendments on issues of policy. I think we are doing that. We have appropriately had a moment of silence and a prayer for the children and the families, and for our country. We are going to have a resolution this afternoon officially expressing our regret and sympathy.

I have asked that we have a brief period of mourning where we don't rush to judgment before we start flinging amendments at each other. I mentioned the idea to Senator DASCHLE moments ago in which I said that 2 weeks from today we will look at bringing up a particular piece of legislation. I don't want to say it will be exactly that day or exactly that piece of legislation because Senator DASCHLE needs to confer with a lot of Members on that side.

However, it is my intent, that 2 weeks from today we give Senators an opportunity to offer amendments, thoughts and policy issues they wish to have addressed. I think the timing would be appropriate and I think that the issue or the issues are appropriate for Members to debate and vote on.

Mr. KENNEDY. If the Senator will yield for a moment, with those assurances, I have worked with a number of our colleagues—they may have differing views—and I think the assurances of the majority leader that the Senate would have an opportunity to debate legislation with regard to the limitations on weapons and also support and assistance for families and schools, and that we will have debate and resolution of some of those measures, then, I think at least I will look forward to that opportunity.

I think with the assurance of the majority leader—I know the Senate Democratic leader wanted to talk to colleagues—it is my certain belief the Democratic leader would support the majority leader in that undertaking. I think the message will go out this afternoon to families across the country that the Senate of the United States—hopefully, in a bipartisan way—will give focus and attention to different ideas, recommendations and suggestions of Members of this body, and hopefully from others, to try to see what we can do not only about the problems of the schools but the inner cities and other communities affected by guns, as well.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the distinguished chair.

First, I thank Senator LOTT and Senator DASCHLE for their commitment to try to work out a resolution, a LOTT-DASCHLE amendment on the Kosovo issue. I have been saying, as have many others, that we as U.S. Senators, individually and as a body, have a duty to be on record on this issue. Those who oppose our involvement, I believe, should be on record in that fashion as well as those who are in favor.

I think it is well-known by most observers of the U.S. Senate that the 1991 debate that took place in this Chamber on the Persian Gulf war resolution was one of the more enlightened and, frankly, sterling moments of this Senate. It was a very close vote, 53-47. I remember it very well. At that time, Senators on both sides of the aisle and both sides of this United States were heard. They were on record and the U.S. Senate was on record, as well.

I point out that immediately following that very close vote there was a unanimous vote in support of the men and women in the military who were conducting that conflict.

I thank Senator LOTT and Senator DASCHLE. I am pleased to work out the details of this resolution. I know it is a very, very contentious and difficult issue that we will be debating. I have heard allegations that some Senators don't wish to risk a vote on this issue. I don't believe that is the case. If it were the case, we have young men and women right now who are risking their lives. It is incumbent upon us as a body to act.

Second, I say to my friend from South Carolina, I am sorry that we have to go through the filling up of the tree and filing a cloture motion on this bill. I prefer the normal amending process.

I believe the pending legislation is the Y2K substitute. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 271, a second-degree amendment offered by the majority leader.

Mr. McCAIN. Mr. President, if there is an amendment that is germane that the Senator from South Carolina or anyone else would like to bring up, I believe we could by unanimous consent vacate the final amendment of the majority leader so that we can debate and vote on that amendment.

The purpose of filling up the tree was, clearly, to prevent nongermane amendments from clogging up this process.

I say to my friend from South Carolina, I think we should debate amendments. We should move forward as quickly as possible and get this issue resolved as quickly as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I was compelled momentarily to object to the request of our distinguished leader that the amendments be germane. I think a word is in order to understand my objection.

What happens is, No. 1, we have tried our dead-level best to compromise and move this particular piece of legislation along. My Intel friends wrote us a letter to the effect that there were four demands. I contacted Mr. Grove by phone and told him that of the four, I could agree to the waiting time period, to the materiality and the specificity, but the joint and several went to the heart of tort law and trials and I could not agree to that.

My understanding is and I am willing to fill out the record on this, our

Chamber of Commerce friend, Tom Donohue and NAM downtown, Victor Schwartz, have been working this thing for years. When we are asked about germane amendments, I think of the opportunity that I have in this perilous position, so to speak, with respect to the legislation.

Realizing that they are willing to amend the Constitution, article VII, taking away a trial by jury, and they are willing to amend article X of the rights of the States with respect to tort law, then I thought maybe at the moment it would be good to amend article II with respect to the bearing of arms.

Yes, Mr. President, I do have an amendment, and it is at the desk. It is very germane to our interest in real things. We are not really concerned at this minute, because the system is working. According to Business Week, according to the testimony, according to the evidence, according to the editorials, our tort system is working to protect doctors, small business folks and everyone else. What is not working in Colorado is this inordinate number of pistols and firearms in our society.

I came to the Senate as a strong-headed States righter and still try my best to follow that principle because I believe in it very, very strongly. However, I have had to yield with respect to that particular position when it came to the Saturday night specials. We had the FBI come with that. The States could not control that. We had the matter of assault weapons, and the States could not control that.

Then watching over the years, the States' response, instead of going in the direction of control, they actually are in the direction of running around with concealed weapons. All the States now are going in that direction. That is why the NRA, the National Rifle Association, was ready to meet in Denver last week. I figured we ought to bring this up for immediate discussion.

Rush to judgment? No; no. I have been there 33 years. I have watched this debate, I have listened, and I watched our society. It is not a rush to judgment. It is a judgment that I had a misgiving about over many years waiting on the States to respond.

I put at the desk the Chafee amendment relative to handgun control. I will be prepared later on, if we are allowed and we get into the debate, to bring that up, because I think it is very timely. It is not a rush to judgment. It is far more important to our society. According to Computerworld, according to the Oregonian, according to the New York Times, according to the witnesses, it is far more important than Y2K which may occur 7 or 8 months from now. Come; come.

We know good and well that everybody is getting ready. We have, in a bipartisan fashion, set aside the antitrust restrictions so that they could collaborate.

We have positive evidence of a young doctor in New Jersey who in 1996 bought a computer, and the salesman bragged how it can last for more than 10 years, that it was Y2K compliant. He gave references. By happenstance, they did go to one of the references and found out it was not Y2K compliant.

The young doctor then said: I need to get this thing modified and made compliant. The company that sold it to him said: Gladly, for $25,000. The main instrument itself was only $13,000.

What did he do? He wrote a letter and asked, and then he asked the second time. Months passed. He finally went to a lawyer. People do not like to go to lawyers and get involved in court. I hear all about frivolous lawsuits, frivolous, frivolous. Nobody has time for frivolous lawsuits. The real lawyer does not get paid unless he gets a result.

Finally, he did get a lawyer, and the lawyer was smart enough to put it on the Internet. The next thing you know, there were 17,000 doctors in a similar situation with the same company, and they finally reached a settlement and got it replaced and made compliant—free. That was all that was necessary.

The system is working now. There have been 44 cases. Over half of them have been thrown out as frivolous; half of the remaining cases have been settled. There are only eight or nine pending Y2K cases. The problem is real. You do not have to wait if you are going to have those supplies. It is like an automobile dealer faced every year with a new model and has to get rid of the old.

You will find some of the various entities will come around and offload and misrepresent. That is why we have the tort system at the State level, and that is why it works, and that is why we have this wonderful economic boom.

There is a conspiracy. They call it a bunch of associations that have endorsed the legislation. They have come around now and said this is a wonderful opportunity, we can just ask them for tort reform, and here it is going to save them from lawyers and frivolous lawsuits.

If I was an innocent doctor in regular practice with no time to study and pay attention to these matters, I would say, "Sure, put me on, that sounds good to me. I am having troubles enough now with Medicare and HCFA and all of these rules and regulations made ex post facto about charges for my particular treatments."

That is why it all builds and it mushrooms on the floor of the Senate. The Senator from South Carolina has been in the vineyards now 20 years on this one issue relative to trial lawyers and tort reform. He can see it like pornography. You understand it and know it when you see it, and I see this.

I was constrained on yesterday to not only put up the Chafee amendment relative to gun control, but more particularly, Mr. President, with respect to the violence in the schools. I know one of the causes. I have been fighting in that vineyard all during the nineties. We have had hearings on TV violence, and we have had study after study after study. They put us off again and again with another study. So in the Congress before last, we reported it out of committee 19 to 1 on barring gratuitous violence in these shows, excessive gratuitous violence.

When you run a Civil War series, necessarily you are going to have to have violent films and shots made and scenes that will appeal. But we got into the excessive gratuitous violence that they control in Europe, down in New Zealand and Australia. They use the one example, of course, in Scotland where they had the poor fellow who was estranged and insane come in and shoot up the little children. But they don't have this happening in Arkansas like it did or happening in Kentucky like it did.

You can see this occurring over the years. Monkey see, monkey do—youngsters emulate and they see more than anything else, not excessive gratuitous violence, but no cost, no result, no injury to the violence. Seemingly, it happens and you move right on. They become hardened. Then they go to the computer games shooting each other.

I called that bill up the Congress before last. We got it reported to the floor. I went to my friend, Senator Dole, who was running for President. He just returned from the west coast, and he had given the producers a fit. He said, "You have to act more responsibly."

I said, "Bob, why don't I step aside and you offer the bill and let it just be the Dole-Hollings bill? It is out here and reported. You put up one. You are the leader, and we can get a vote on that right quick."

We got a 19-to-1 vote in the committee. I never did get a response. So I put it in again, and in the last Congress it was reported out 20 to 1. But I cannot get the distinguished leader who wants to be oh so reasonable and everybody working together, and let's don't rush to judgment on TV violence—I have a judgment, and it is not a rush to it. It has been learned over the many, many years, looking at the experience of other countries, looking at the need in our society, having listened to the witnesses, the Attorney General saying this would pass constitutional muster with respect to the freedom of speech. I wanted to bring that up. That amendment sat at the desk. That is important, far more important than Y2K.

And otherwise we have hard experiences. We Senators do get home from time to time, and we do politic. And it was about 4 years ago when I got back to Richland County where I met my friend, the sheriff, Senator Leon Lott.

And he said, I want to show you a school out here that was the most violent, was infested with drugs and trouble and everything else of that kind.

He said, Senator, I took one of your cops on the beat. I put him in the classroom, in uniform, teaching classes, law, respect for the law, the penalties in driving for young folks coming along, the penalties, and why the controls in relation to respect and the severe penalties relative to drugs, so they would understand.

Now, that was in the classroom. He was not in the parking lot waiting for somebody to steal a car. Rather, he was teaching respect for the law. And then, in the afternoon, this particular officer was associated with the athletic activities, and in the evening with the civic activities. He became a role model.

I say this advisedly because I think about that poor security officer who did not know from "sic em" out there in the Columbine school in Colorado. Here they could unload pipe bombs, all kinds of pistols, all kinds of this, that, and everything else, like that going on the Internet, running down the halls in trench coats, butt everybody out of the way, and everything else. They were surprised by what happened.

So, yes, I have an amendment at the desk relative to our safe schools safety initiative because Senator GREGG, the chairman of our Subcommittee on State, Justice and Commerce—we put $160 million in the appropriations bill last year, and it is being used and employed with tremendous success all over the country.

The emphasis should be not as I heard on TV last night, where they said this law enforcement officer would be directly connected with law enforcement; I want him connected with the students. I want him to become a role model. I want him to understand and know the students and know the teachers. And the teachers know when they have a troublemaker, or whatever it is—a poor lad maybe does not have a mama or does not have a daddy, he is totally lost, so he brings about all kinds of extreme activity to get recognition.

But that officer can work. And we also added in counseling. I cannot have him do all the counseling and all the role modeling and everything else at once, as well as law enforcement, as well as instruction. So we included, after the advice from hearings, that we put in counseling; and we got a measure. It is on the statute books. It ought to be embellished and enlarged.

These are the kinds of things we ought to be talking about this afternoon rather than this bum's rush about a crisis that is going to happen 7 months from now. Come on. Here it is happening right underneath us and all we do is pray. We are the board of directors of corporate United States of America, and we are flunking our particular duties; we cannot pay any bills.

We talked all last week—and it is still on the calendar right now, and regular order—of saving 100 percent of Social Security, a lockbox. Then I heard instead the distinguished leader say, oh, no. He said, this money we are going to add on to the President's request for Kosovo—another $6 billion. When asked, where is it going to come from, he said, from Social Security.

The truth of the matter is, they say that is the only surplus, but it is not. Social Security is $720 billion shy. And with the estimation—and I have it by the Congressional Budget Office—at the end of September this year we will owe—not surplus—Social Security $837 billion, because what we have been doing is we have been paying down the debt.

It is like taking two credit cards, having a Visa card and MasterCard, and saying, "I'll pay off my MasterCard with the Visa card. It looks pretty good for the MasterCard debt—the public debt—but it increases the Visa debt over here—it increases the Social Security debt. So it has. And we owe Social Security $837 billion. The $137 billion in excess of what is required to be paid out this particular year is not surplus.

Under the law, 13301 of the Budget Act, it should go in reserve for Social Security for the baby boomers, but we are all talking about; oh, the President; oh, the Congress; no, the Congress; no, the President. Nobody wants to get a plan to save Social Security; and all the time we are stealing, we are looting the fund. It is a shame. It is a show. It is a spin. It is the message nonsense that you have up here in the Senate.

So let's get real now and let's get these issues out. Let's talk about handguns. Let's talk about Kosovo. Let's talk about TV violence. We have some real problems. Let's talk about paying the bill, and not any "Mickey Mouse" of one day it is going to be a lockbox and no one can get to it and 48 hours later saying, no, no, I'm going to use that lockbox for a $12 billion payment on Kosovo. We have to get honest with the American people.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

I have been here many fewer years than the Senator from South Carolina, but I can tell you, just listening to him over the last few minutes, I sure agree with what he has to say about Social Security, I sure agree with what he has to say about school violence and the connections that are so important in the community between law enforcement, counselors, and the students. I could go on and on. I have supported him on many of those issues in the past and am planning to do so in the future.

But I did want to take the floor for just a moment and address a couple of the points that were made with respect to the Y2K issue specifically.

I am very hopeful that we can still see the Senate come together on a bipartisan basis to deal with this issue. The fact of the matter is that the year 2000 problem is essentially not even a design flaw. It is a problem because a number of years ago, to get more space on a disc and in memory, the precision of century indicators was abandoned. And it is hard for all of us today to believe that disc and memory space used to be at a premium, but it was back then, and that is why we have this problem today.

So what a number of us in the Senate want is to do everything we possibly can to ensure companies comply with the standards that are necessary to be fair in the marketplace, but also to provide a safety net if we see problems develop and particularly frivolous, nonmeritorious suits.

Now, with respect to a couple of the points that have been made on the record, this notion that the sponsors, particularly Senator MCCAIN and I, are trying to rewrite tort law for all time is simply not borne out by the language of this bill. This is a bill which is going to sunset in 2003. It is not a set of legal changes for all time. It is an effort to deal in a short period of time with what we think are potentially very serious problems.

In fact, the American Bar Association—this is not a group of people who are against lawyers, but the American Bar Association itself has said this could affect billions and billions of dollars in our economy. So this bill will last for a short period of time. It doesn't apply to personal injuries, whatever. If a person, for example, is injured as a result of an elevator falling because the computer system broke down and is tragically injured or killed, all of the legal remedies in tort law remain.

This is a bill that essentially involves contractual rights of businesses. We respect those rights first, and only when the marketplace breaks down would this law apply.

We have heard a number of comments in the last few hours that this legislation throws out the window the principle of joint and several liability, a legal doctrine that I, following the lead of the Senator from South Carolina, have supported in many instances, particularly when it relates to vulnerable individuals who might be the victim of personal injuries. But this legislation specifically says that joint and several liability will, in fact, apply if you have egregious or fraudulent conduct on the part of the defendant. And, second, it will apply if you have an insolvent defendant so there will be an opportunity for the plaintiff to be made whole. We also make changes relating to directors and officers to ensure that they have to be held accountable.

As to the evidentiary standard, the sponsors of this legislation have made it clear that they want to work with Senator HOLLINGS and others who have questions about this standard to change it. What we wish to do is make it comply with the earlier legislation we overwhelmingly passed on Y2K.

There have been a number of comments made today about the Intel Corporation and their views. I ask unanimous consent that a letter from the CEO of the Intel Corporation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTEL CORPORATION,
Santa Clara, CA, April 19, 1999.

Re Y2000 legislation.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: I write to ask for your help in enacting legislation designed to provide guidance to our state and federal courts in managing litigation that may arise out of the transition to Year 2000-compliant computer hardware and software systems. This week, the Senate is expected to vote upon a bipartisan substitute text for S. 96, the "Y2K Act", which we strongly support.

Parties who are economically damaged by a Year 2000 failure must have the ability to seek redress where traditional legal principles would provide a remedy for such injury. At the same time, it is vital that limited resources be devoted as much as possible to fixing the problems, not litigating. Our legal system must encourage parties to engage in cooperative remediation efforts before taking complaints to the courts, which could be overwhelmed by Year 2000 lawsuits.

The consensus text that has evolved from continuing, bipartisan discussions would substantially encourage cooperative action and discourage frivolous lawsuits. Included in its provisions are several key measures that are essential to ensure fair treatment of all parties under the law:

Procedural incentives—such as a requirement of notice and an opportunity to cure defects before suit is filed, and encouragement for engaging in alternative dispute resolution—that will lead parties to identify solutions before pursuing grievances in court;

A requirement that courts respect the provisions of contracts—particularly important in preserving agreements of the parties on such matters as warranty obligations and definition of recoverable damages;

Threshold pleading provisions requiring particularity as to the nature, amount, and factual basis for damages and materiality of defects, that will help constrain class action suits brought on behalf of parties that have suffered no significant injury;

Apportionment of liability according to fault, on principles approved by the Senate in two previous measures enacted in the area of securities reform.

This legislation—which will apply only to Y2K suits, and only for a limited period of time—will allow plaintiffs with real grievances to obtain relief under the law, while protecting the judicial system from a flood of suits that have no objective other than the obtainment of high-dollar settlements for speculative or de minimus injuries. Importantly, it does not apply to cases that arise out of personal injury.

At Intel, we are devoting considerable resources to Y2K remediation. Our efforts are focused not only on our internal systems, but also those of our suppliers, both domestic and foreign. Moreover, we have taken advantage of the important protections for disclosure of product information that Congress enacted last year to ensure that our customers are fully informed as to issues that may be present with legacy products. What is true for Intel is true for all companies: time and resources must be devoted as much as possible to fixing the Y2K problem and not pointing fingers of blame.

For these reasons, we urge you to vote in favor of responsible legislation that will protect legitimately aggrieved parties while providing a stable, uniform legal playing field within which these matters can be handled by state and federal courts with fairness and efficiency.

Sincerely,

CRAIG R. BARRETT,
CEO, Intel Corporation.

Mr. WYDEN. I thank the Chair.

The key sentence is, the Senate is expected to vote upon a bipartisan text for S. 96, the Y2K Act, which we will strongly support. There is no question about the position of the company on this legislation.

Finally, we have made nine major changes in this legislation since it passed the committee. I voted against it in the committee because I thought Senator HOLLINGS was absolutely right—that the legislation at that time was not fair to consumers and to plaintiffs. But as a result of the changes that were made, I believed it was appropriate to try to come up with an approach that was fair to consumers and to plaintiffs as well as the small companies involved.

There are other negotiations that are still going forward. Senator DODD, for example, who is the leader on our side on the Y2K issue, has a number of good and practical suggestions. Senator KERRY has some thoughtful ideas on this as well.

I am very hopeful that we can resolve the procedural quagmire on this issue and quickly get to a vote, up or down. Then as a result of the very useful discussion that we had between the majority leader, Mr. LOTT, and Senator KENNEDY and others, we can move on to the juvenile justice issue. Because I can assure you, as a result of what we saw in Springfield, OR, last year, we wish to have some positive contributions on that.

Senator GORDON SMITH and I have a bipartisan bill which has already passed the Senate once. I am hopeful we can deal with this Y2K issue expeditiously and then go on to the topic that millions of Americans, just as Senator HOLLINGS has said this afternoon, are talking about and want to see the Senate respond to.

Mr. President, I yield the floor.

Mr. SESSIONS. Mr. President, I am pleased to rise and make some comments about the Y2K legislation designed to make sure that we spend our time and effort fixing this problem and not suing one another.

I really believe in the legal system. I had served as a lawyer my entire adult life, until 2 years ago, when I joined this Senate. I served as attorney general of Alabama. I was in private practice 12 years as U.S. attorney for the southern district of Alabama. During that time, I was involved in a lot of important legal issues.

I respect the law. I believe in our Constitution and our legal system. I have been to China, and I have heard the people in China say that what they need most of all right now for a modern economy is a good legal system.

I have been to Russia. I have heard the people in Russia talk about their need for an honest, fair, and efficient legal system.

We have a great legal system. We certainly ought not, as the Senator from South Carolina suggests, have a rush to judgment. But the problems that have occurred over a period of years involving excess litigation are not new. It has been occurring for a number of years, and it calls on us to think objectively and fairly as to how we are going to handle disputes.

This piece of legislation involves, as the Senator from Oregon just noted, one problem, a Y2K computer problem. It will terminate itself when that problem is over. But most of all, it is a commonsense and reasonable way for us to get through this problem without damaging our economy.

Let me share this story. These numbers that I am about to give were produced during a hearing at the Judiciary Committee not too long ago. We had some inquiry about the litigation involving asbestos and people at shipyards, and so forth, who breathe asbestos and had their health adversely affected.

What we learned was that over 200,000 cases had been filed, many of them taking years to reach conclusion. Two hundred thousand more were pending, and it was expected that another 200,000 would be filed out of that tragic problem.

What we also found was, when we made inquiry, we asked how much of the money actually paid by those defendant corporations got to the victims of asbestos. I am a person who believes in the legal system. I respect it. I was shocked and embarrassed to find out that the expert testimony was that only 40 percent of the money paid out by the asbestos companies actually got to the people who needed it, who were sick because of it. The legal fees are 30 and 40 percent. Court fees and costs all added to it take up 60 percent.

This is not acceptable. It is not acceptable if we care about a problem and how to fix it. That figure did not count the court systems that were clogged and remain clogged to this day by hundreds, even thousands of asbestos lawsuits.

I say to the Senate, we are facing a crisis.

These are some of the comments at the recent ABA, American Bar Association, convention in Toronto last August. A panel of experts predicted that the legal costs associated with the Y2K would exceed that of asbestos, breast implants, tobacco, and Superfund litigation combined. By the way, with regard to these asbestos companies, even with regard to big companies, there are limits to how much they can pay. Every single asbestos company in America that is still in business is in bankruptcy. Every asbestos company still in business is in bankruptcy. These are tremendous costs.

What this American Bar Association study showed was that the cost of this litigation would exceed asbestos, breast implants, a huge amount of litigation, tobacco, and Superfund combined. They note that this is more than three times the total annual estimated cost of all civil litigation in the United States.

We have too much litigation now. Seminars on how to try a Y2K case—these are lawyers' seminars, trying to teach each other how to file them—are well underway. Approximately 500 law firms across the country have put together Y2K litigation teams to capitalize on the event. They can't wait. Also, several lawsuits have already been filed, making trial attorneys confident that a large number of businesses, big and small, will end up in court as both plaintiffs and defendants. They are going to be suing because something went wrong with their computer, and the people they sold the computer to, or are doing business with, are going to be suing them for problems arising from the computers. We are going to be spending more money on litigation than on fixing the problem. This report indicates this litigation problem "would reduce investment and slow income growth for American workers. Indeed, innovation and economic growth would be stifled by the rapacity of strident litigators."

Well, I would say it is not a matter of whether there is a problem. There have been estimates of $1 trillion in legal costs for this thing. I think we do have a problem.

What is needed? I think this legislation goes a long way in meeting what is needed. What is needed is to spend our time and effort fixing the problem promptly. If we have all of our computer companies spending time hiring $500-per-hour lawyers to defend them in court, draining their resources from which to actually fix the problem, that is not the right direction to go in, I submit. In addition to that, when you are in litigation, you are not as open and willing to discuss the problem honestly with somebody because you are afraid anything you say and do will be used against you in a lawsuit. Lawyers are always saying, "Don't talk about it."

What we really want is the computer companies to get in there with the businesses that are relying on the computers and try to fix the problem at the lowest possible cost.

Now, we had one witness who didn't favor this in the Judiciary Committee. The Judiciary Committee voted out a bill very similar to Senator McCAIN's bill. I am pleased to support his bill, as well as the one in the Judiciary Committee. But this company that filed a lawsuit and received a substantial verdict was not in favor of the legislation, he said. I asked him how long it took to get his case over. He said 2 years. It took him 2 years to get the case to a conclusion.

Now, we are going to have hundreds of thousands of lawsuits in every county in America, every Federal court, clogged up with these kinds of cases, and it will take years to get to a conclusion, and that is not a healthy circumstance for America. I really mean that. That is not good for us, if we care about the American economy. So we need to do that. We need to get compensation to people who suffer losses promptly, with the least possible overhead, the least possible need to pay attorney fees, the least possible need to have expert witnesses and prolonged times to get to it. We need to get it promptly and effectively, and we need to make sure that people who have been fraudulent and irresponsible can be sued and can be taken to court and taken to trial. That will happen in this case.

Now, some have suggested that we are violating the Constitution if we do that. Well, that is not so. We believe in litigation and in being able to get redress in court. This law would provide for that. Historically, the U.S. Senate and the State legislatures, every day, set standards for lawsuits. They set the bases of liability. They say how long it takes before you can file a lawsuit. Sometimes the statute of limitations is 2 years, sometimes it is 1 year, sometimes it is 6 years. Legislatures set standards for litigation. That is what they do. We are a legislative body and we have a right and an obligation to consider what is best for America in the face of this unique crisis and to deal with it effectively.

Let me ask, if we don't have such a law as this, what will happen? Well, I submit that there will be thousands of lawsuits filed. You may file it in one court and maybe they don't have many cases; maybe you have an expeditious judge and you get to trial within a matter of 6 months. Maybe in another court, it takes 2 years because they have a backlog. But you get to trial within 6 months. And say two people in that court get to trial within 6 months. One of them goes to a jury and the jury says, wait a minute, computer companies can't be responsible for all this; we don't think they are liable. No verdict. Down the hall, where another trial is going on, they come forward with a verdict of $10 million, or whatever, for this lawsuit.

Lawsuits are wonderful things for redressing wrongs, but in mass difficulties like this, they tend to promote aberrational distributions of limited amounts of resources. So we have a limited amount of resources and, as far as possible, we ought to create a legal system that gets prompt payment, consistently evaluating the kind of people who ought to get it. In some States, you will be able to recover huge verdicts because the State law would be very favorable. In other States, it would not be.

Some have suggested that it would be a horrendous retreat to eliminate joint and several liability. That is, if six people are involved in producing and distributing this computer system—six different defendants—and one is 5 percent at fault, one of them is 60 percent at fault and the others are somewhere in between, and the ones most at fault are bankrupt, they want the one least at fault to pay it all if they have the money to do so.

Now, people argue about that. That is a major legal policy debate throughout America today. Many States limit joint and several liability. Others have it in its entirety, and many are in between. So for us to make a decision on that with regard to this unique problem of computer Y2K is certainly not irrational. It is important for us.

Now, I say to you that the more lawsuits are filed, the longer the delays will be in actually getting compensation to the people who need it. Literally, when you talk to people in your hometown and they are involved in litigation, ask them about major litigation and they will tell you it would be unusual, in most circumstances, to get a case disposed of and tried within 1 year. Sometimes it is 3, 4, and 5 years before they are brought to a conclusion.

So I say that a system that promotes prompt payment of damages and prompt resolution of the matter is good for everyone. Allocating funds to fix this problem is a difficult thing. But the way you do it through the lawsuit system is not good in a situation where we have a massive nationwide problem. It is not a good way to do it. We are, again, talking about extraordinary costs and the clogging of courts. So the focus is taken away from actually fixing the problem and more to assigning blame, trying to encourage a jury to render the largest possible verdict.

Now, some would say, why do you have to limit the amount of punitive damages? Well, three times the amount of damages under this bill—damages are limited to three times the actual damages incurred for punitive, or $250,000, whichever is greater. They say, why do you want to do that? As long as there is a possibility that a jury might render a verdict for $10 million, lawyers have an incentive not to settle and take that case to a jury.

I have talked to lawyers. I know how they think. They say, well, we can settle this case for $200,000. They have offered that. I don't think we are likely to get much more than that, but there is a chance that we can get $1 million or $2 million. I believe we have a couple of jurors there who are sympathetic with us, and I am inclined to say, let's roll the dice and see. We are not likely to get a whole lot less, but we can get 5 or 10 times as much. That is what I advise you, Mr. Client; let's go for it. So what happens is this possibility of unlimited verdicts makes it more and more difficult in a practical setting for cases to be settled.

You will have more realistic settlements if you have this kind of limitation on the top end of punitive damages.

This bill will encourage remediation. It actually encourages prompt negotiation, consolidation, and problem solving. That is the focus of it. That is why I favor it.

I would just say this. Mr. President, the Y2K problem is a unique problem. It has the potential of hurting our economy. One of the greatest assets this Nation has—I can't stress this too much—is the strength and viability of our computer industry. We are world leaders. There is not a State in this Nation that doesn't have some computer manufacturing going on, and certainly not a community in America that does not depend on the innovation and creativity of the computer industry. They benefit from that creativity.

As a matter of fact, I heard one expert say that his belief is, the reason our economy is so strong, the reason inflation is not going up, even though salaries of our workers are going up faster than inflation, is because computers have made our workers more productive and that they can afford to pay them more, because using the high-tech computers, that are really just now in America coming on line fully and effectively and wisely utilized by American business, is really helping us increase productivity.

This is a marvelous asset for us. Some years ago many of these companies focusing on innovation and creativity apparently did not fully focus on the problem that is going to happen at the year 2000.

I mentioned earlier in my remarks how every asbestos company in America is now in bankruptcy. Many of those had a lot more business than just bankruptcy. They made asbestos. They made a lot more things than just asbestos. Yet their whole company was pulled down by this.

If we don't get a handle on this, think about it. We have the capacity to severely damage, by placing in bankruptcy, the most innovative, creative, beneficial industry perhaps this Nation has today, the thing that is leading us into the 21st century. I think this is a matter of critical importance. It is quite appropriate for the Congress to legislate on it. It is clearly a matter of interstate commerce. These computers are produced in one State and sold in all 50 States.

I really believe it is a situation that is appropriate for the Congress to respond to. It is appropriate for us to bring some rationality to the damages that will be paid out by these companies, to limit the amount of money they spend on litigation, to make sure the money gets promptly to those who need it, and otherwise to allow them to continue as viable entities producing every year more, better, and more creative products that make us more competitive in the marketplace.

Mr. President, I don't have any Microsoft business in my State. But I know the Department of Justice sued them for antitrust. I think that is fine. We will just see how that chase comes out.

In a way, it is sort of odd. I remember saying at the time that most countries which have a strong industry in their nation that is exporting and selling all over the world and improving the lives of millions of people do not sue them; they support them. But in America we tend to sue them when they get big. This idea that you are big, you have a deep pocket, and we ought to sue, I think, is not a healthy thing at this time.

Again, I think, as the Senator from Oregon mentioned, this is a one-time piece of legislation. For those who are troubled about any changes in our tort system, I really think that is not a wise approach. We need to make some changes. We have always changed our legal system. When there is a problem, we ought not hesitate to improve it. But if you are, remember, this is just a one-time problem.

Looking at a report from the Progressive Policy Institute, they concluded with these remarks:

> Perhaps the most important big winner from liability limitation [that is, this bill] will be the United States economy and by extension U.S. consumers who will not have to indirectly bear up to $1 trillion in cost with a healthy share going to lawyers.

I like lawyers. I respect them. But they are not producers. They are not making computers. They are not fixing computers. What they are doing is filing lawsuits and taking big fees for it. And they will have at least a one-third contingent fee and usually maybe more than 40 percent.

> By promoting attempts to Y2K remediation and lowering the likelihood of litigation, the rules instituted by this legislation will benefit everyone, not just a few. In the last State of the Union address, President Clinton urged Congress to find solutions that would make the Y2K problem the last headache of the 20th century rather than the first crisis of the 21st.

I think that is a good policy. The President has recognized the need for that. It has had bipartisan support in our committee, bipartisan support in this Senate—Republicans and Democrats. But there do remain a few who, through any way possible, are really frustrated by this legislation and are attempting to undo it. In light of the crisis we are facing, the threat it poses to small businesses that need their systems fixed, and through our creative and imaginative computer industry which leads the world, I believe we must act.

I very much appreciate the leadership of Senator JOHN MCCAIN. He is a true leader in every sense of the word. He is a man of courage; he understands technology. He has done a great job on it.

I also express my appreciation to Senator ORRIN HATCH and the Members of the Judiciary Committee who have likewise worked on this legislation.

There are two separate bills. But they are very similar, and in conclusion they are very similar.

Mr. President, I thank the Members of this body for their attention.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I listened to the debate on this bill, S. 96. It is an important bill. It is an important bill because it protects American business.

There are elements of this bill which I think are wise policy. I am certain that at the end of the debate, if the amendment process is a reasonable one, we will pass legislation along these lines protecting business.

Mr. HATCH. Mr. President, I rise to state unequivocally my strong support for a Y2K bill.

Let me begin by stating how important Y2K remediation is to consumers, business, and the economy. This problem is of particular interest in my State of Utah which has quickly become one of the Nation's leading high tech States.

Working together, Senator DIANNE FEINSTEIN and I have produced a bill—S. 461, the Year 2000 Fairness and Responsibility Act—that encourages Y2K problem-solving rather than a rush to the courthouse. It was not our goal to prevent any and all Y2K litigation. It was to simply make Y2K problem-solving a more attractive alternative to litigation. This benefits consumers, businesses, and the economy. The bill was voted out of the Judiciary Committee.

But, Senator McCain's bill is the focus of the present debate. With some distinctions—this bill accomplishes the same ends as Senator Feinstein's and my bill. Let me say that I support a strong bill. I do not care who gets the credit. This is of no importance to me. What is important is that the Nation needs Y2K legislation. I thus will support any mechanism that is able to pass Congress. Let me explain why.

The main problem that confronts us as legislators and policymakers in Washington is one of uniquely national scope. More specifically, what we face is the threat that an avalanche of Y2K-related lawsuits will be simultaneously filed on or about January 3, 2000, and that this unprecedented wave of litigation will overwhelm the computer industry's ability to correct the problem. Make no mistake about it, this super-litigation threat is real; and, if it substantially interferes with the computer industry's ongoing Y2K repair efforts, the consequences for America could be disastrous.

Most computer users were not looking into the future while, those who did, assumed that existing computer programs would be entirely replaced, not continuously modified, as actually happened. What this demonstrates is that the two-digit date was the industry standard for years and reflected sound business judgment. The two-digit date was not even considered a problem until we got to within a decade of the end of the century.

As the Legal Times recently pointed out, "the conventional wisdom [in the computer business was] that most in the industry did not become fully aware of the Y2K problem until 1995 or later." The Legal Times cited a LEXIS search for year 2000 articles in Computerworld magazine that turned up only four pieces written between 1982 and 1994 but 786 pieces between 1995 and January 1999. Contrary to what the programmers of the 1950s assumed, their programs were not replaced; rather, new programmers built upon the old routines, tweaking and changing them but leaving the original two-digit date functions intact.

As the experts have told us, the logic bomb inherent in a computer interpreting the year "00" in a programming environment where the first two digits are assumed to be "19" will cause two kinds of problems. Many computers will either produce erroneous calculations—what is known as a soft crash—or to shut down completely—what is known as a hard crash.

What does all this mean for litigation? As the British magazine The Economist so aptly remarked, "many lawyers have already spotted that they may lunch off the millennium bug for the rest of their days." Others have described this impending wave of litigation as a feeding frenzy. Some lawyers themselves see in Y2K the next great opportunity for class action litigation after asbestos, tobacco, and breast implants. There is no doubt that the issue of who should pay for all the damage that Y2K is likely to create will ultimately have to be sorted out, often in court.

But we face the more immediate problem of frivolous litigation that seeks recovery even where there is little or no actual harm done. In that regard, I am aware of at least 20 Y2K-related class actions that are currently pending in courts across the country, with the threat of hundreds more to come.

It is precisely these types of Y2K-related lawsuits that pose the greatest danger to industry's efforts to fix the problem. All of us are aware that the computer industry is feverishly working to correct—or remediate, in industry language—Y2K so as to minimize any disruptions that occur early next year.

What we also know is that every dollar that industry has to spend to defend against especially frivolous lawsuits is a dollar that will not get spent on fixing the problem and delivering solutions to technology consumers. Also, how industry spends its precious time and money between now and the end of the year—either litigating or mitigating—will largely determine how severe Y2K-related damage, disruption, and hardship will be.

To better understand the potential financial magnitude of the Y2K litigation problem, we should consider the estimate of Capers Jones, chairman of Software Productivity Research, a provider of software measurement, assessment and estimation products and services. Mr. Jones suggests that "for every dollar not spent on repairing the Year 2000 problem, the anticipated costs of litigation and potential damages will probably amount to in excess of ten dollars."

The Gartner Group estimates that worldwide remediation costs will range between $300 billion to $600 billion. Assuming Mr. Jones is only partially accurate in his prediction—the litigation costs to society will prove staggering. Even if we accept The Giga Information Group's more conservative estimate that litigation will cost just $2 to $3 for every dollar spent fixing Y2K problems, overall litigation costs may total $1 trillion.

Even then, according to Y2K legal expert Jeff Jinnett, "this cost would greatly exceed the combined estimated legal costs associated with Superfund environmental litigation . . . U.S. tort litigation . . . and asbestos litigation."

Perhaps the best illustration of the sheer dimension of the litigation monster that Y2K may create is Mr. Jinnett's suggestion that a $1 trillion estimate for Y2K-related litigation costs "would exceed even the estimated total annual direct and indirect costs of—get this—all civil litigation in the United States," which he says is $300 billion per year.

These figures should give all of us some pause. At this level of cost, Y2K-related litigation may well overwhelm the capacity of the already crowded court system to deal with it.

Looking at a rash of lawsuits, we must ask ourselves, what kind of signals are we sending to computer companies currently engaged in or contemplating massive Y2K remediation? What I fear industry will conclude is that remediation is a losing proposition and that doing nothing is no worse an option for them than correcting the problem. This is exactly the wrong message we want to be sending to the computer industry at this critical time.

I believe Congress should give companies an incentive to fix Y2K problems right away, knowing that if they don't make a good-faith effort to do so, they will shortly face costly litigation. The natural economic incentive of industry is to satisfy their customers and, thus, prosper in the competitive environment of the free market. This acts as a strong motivation for industry to fix a Y2K problem before any dispute becomes a legal one.

This will be true, however, only as long as businesses are given an opportunity to do so and are not forced, at the outset, to divert precious resources from the urgent tasks of the repair shop to the often unnecessary distractions of the court room. A business and legal environment which encourages problem-solving while preserving the eventual opportunity to litigate may best insure that consumers and other innocent users of Y2K defective products are protected.

There are not at least 117 bills pending in State legislatures. Each bill has differing theories of recovery, limitations on liability, and changes in judicial procedures, such as class actions. This creates a whole slew of new problems. They include forum shopping. States with greater pro-plaintiff laws will attract the bulk of lawsuits and class action lawsuits. A patchwork of statutory and case law will also result in uneven verdicts and a probable loss of industry productivity, as businesses are forced to defend or settle ever-increasing onerous and frivolous lawsuits. Small States most likely will set the liability standard for larger States. This tail wagging the dog scenario undoubtedly will distort our civil justice system.

Some States are attempting to make it more difficult for plaintiffs to recover. Proposals exist to provide qualified immunity while others completely bar punitive damages. These proposals go far beyond the approach taken in the Judiciary and Commerce Committees' bills of setting reasonable limits on punitive damages. Other States may spur the growth Y2K litigation by providing for recovery without any showing of fault. A variety of different and sometimes conflicting liability and damage rules create tremendous uncertainty for consumers and businesses. If we want to encourage responsible behavior and expeditious correction of a problem that is so nationally pervasive, we should impose a reasonable, uniform Federal solution that substantially restates tried and true principles of contract and tort law. If there is an example for the need for national uniformity in rules, this has to be it.

The most appropriate role we in Washington can play in this crisis is to craft and pass legislation that both provides an incentive for industry to continue its remediation efforts and that preserves industry's accountability for such real harm as it is legally responsible for causing.

This will involve a delicate balancing of two equally legitimate public interests: the individual interest in litigating meritorious Y2K-related claims and society's collective interest in remediating Y2K as quickly and efficiently as possible. We need to provide an incentive for technology providers and technology consumers to resolve their disputes out of court so that precious resources are not diverted from the repair shop to the court room.

Let's face it, the only way a bill will pass is if it has significant bipartisan support. I think Congress can pass a bipartisan bill that is both fair and effective. Whatever bill is voted upon by this Chamber, it should at a minimum contain the following provisions that:

Preserves the right to bring a cause of action;

Requires a "problem-solving" period before suits can go forward. This delay must be reasonable and if so will spur technology providers to spend resources in the repair room instead of diverting needed capital;

Provides that the liability of a defendant would be limited to some percentage of the company's fault in causing the harm. This will assure fairness and lessen the push to go after deep pockets;

Allows the parties to a dispute to request alternative dispute resolution, or ADR during the problem-solving period;

Limits onerous punitive damages;

Contains a duty to mitigate. Plaintiffs should not be able to recover for losses they could have prevented;

Contains a contract preservation provision. This preserves the parties' bargain and prevents States from retroactively instituting strict liability;

Codifies the economic loss doctrine. This preserves the restatement of torts rule that you cannot get economic loss for tort injuries;

Allows evidence of reasonable efforts in tort. This section is very important because it prevents States from retroactively imposing strict liability or negligence per se; and

Contains a class action provision. The class action provision must contain a section that common material defect must be demonstrated to certify claims. It should also contain a section that allows for removal of State class actions to Federal courts based on minimal diversity.

Let me end by emphasizing that the Y2K problem presents a special case. Because of the great dependence of our economy, indeed of our whole society, on computerization, Y2K will impact almost every American in the same way.

But the problem and its associated harms will occur only once, all at approximately the same time, and will affect virtually every aspect of the economy, society, and Government. What we must avoid is creating a litigious environment so severe that the computer industry's remediation efforts will slacken and retreat at the very moment when users and consumers need them to advance with all deliberate speed.

I recognize that if we are to enact worthwhile Y2K problem-solving legislation this year, we must all work together—Democrats and Republicans—in a cooperative manner which produces a fair and narrowly tailored bill. I think we can do this. We can produce a measure which has broad political support, can pass the Congress, and become law.

I appreciate the efforts of the distinguished Senator from Arizona and others to try and get this bill through and will do everything in our power to assist him and help him to do so.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, all I will say is that we had a couple of long meetings of negotiations on this issue. We have still not resolved a couple of outstanding problems. They are tough, very difficult. I am not sure we will be able to resolve them, but we will continue negotiating tonight and into tomorrow. It is my understanding that the majority leader will move back on the bill at noon tomorrow, and we will have the morning to continue those negotiations.

I hope we can reasonably sit down together and resolve these remaining problems. We have resolved almost all of them, but there are two or three very difficult issues remaining. All I can do is assure my colleagues, I will make every effort to get them resolved as quickly as possible.

JUVENILE GUN VIOLENCE PREVENTION ACT

Mr. DURBIN. Mr. President, there are many of us who believe that today's debate should have been focused on protection of another group, not the businesses of America but the children of America, because, try as we might to capture public attention about the necessity for Y2K legislation, American's attention is still riveted on Littleton, CO, and Columbine High School.

We have had meetings across my home State of Illinois, as my colleagues have had across their States, talking to leaders, schoolchildren, police, psychologists, virtually every group imaginable, about what happened in Littleton, CO.

Sadly, it is a repetition of events which have occurred too often in our recent history.

October 1, 1997, Pearl, MS, a 16-year-old boy killed his mother, went to high school, and shot nine students, two fatally.

December 1, 1997, West Paducah, KY, three students were killed, five were found wounded in the hallway of Heath High School by a 14-year-old.

March 24, 1998, Jonesboro, AR, 4 girls and a teacher shot to death, 10 people wounded, during a false fire alarm in middle school when two boys age 11 and 13 opened fire from the woods.

April 24, 1998, Edinboro, PA, a science teacher shot to death in front of students at an eighth-grade dance by a 14-year-old.

May 19, 1998, Fayetteville, TN, 3 days before graduation, an 18-year-old honor student, allegedly opened fire in a parking lot of a high school, killing a classmate who was dating his ex-girlfriend.

May 21, 1998, Springfield, OR, 2 teenagers were killed and more than 20 people were hurt when a 15-year old boy allegedly opened fire on a high school; the boy's parents were killed at their home.

Then there is Littleton, CO, 13 victims and the 2 alleged perpetrators, dead, as a result of gunfire that killed so many. Time and again we have been told these are unusual circumstances and not likely to happen again.

Sadly, history has proven they have become all too common place. Can anyone believe that our hometown, the high school in our home city, is immune from this sort of violence? I don't believe so. Frankly, it is because there are many troubled children. That is a problem which needs to be addressed directly and seriously.

It is a responsibility that falls on the shoulders of parents first, classmates, teachers, principals, psychologists, counselors, those who see the warning signs, to bring these children to the attention of others. Troubled children are not new to society. They have been there for many, many years. Troubled children in my generation waited on the parking lot to punch you or they threw something at you; troubled children today find a gun. That troubled child moves from being a sad reality to a tragedy, a tragedy in multiple numbers, time and time again.

Today I come to the floor with several of my colleagues—Senator KENNEDY, Senator SCHUMER, Senator BOXER, and others—prepared to offer an amendment to this bill to say to my colleagues that protecting business is important; protecting children is more important. As important as the Y2K debate is to many business interests, families across America are not going to stay up tonight watching television and talk about Y2K; they may and they should talk about violence in schools and how it is becoming epidemic in America.

The legislation we were prepared to offer today, the Juvenile Gun Violence Prevention Act, has about eight or nine provisions. We had the amendment prepared and we had our cloture motion signed, by 16 Members of the Senate. We were going to make this a day for at least a debate, if not a political confrontation, as to why the Senate fails to consider that legislation at a time when America wonders if we have become impotent when it comes to dealing with violence in our schools.

I am happy to report a development occurred on the floor a short time ago which really has changed the face of this debate. Senator TRENT LOTT, the majority leader, the Republican majority leader, came to the floor. I understand he was apprised of our intentions and he made an announcement that within 2 weeks we will be able to debate these issues about school violence, guns, and related issues here on the floor of the Senate.

Some may say, Well, what else would you do in the U.S. Senate? My friends, for 2 years we have faced committees on Capitol Hill which basically will not report out any bills related to guns. We don't talk about that subject around here. It is as if it is somehow sacred and you can't bring it up and you can't debate it. That is why Senator LOTT's concession today that we will have this chance to vote on important legislation relative to our schools is so important across America.

I say to all those who follow the issue, my heart goes out to the victims and their families in Littleton, CO. It goes out, as well, to the other students whose lives will never ever be the same, having witnessed this horror and this violence. It goes out to students across America concerned about their schools.

How many more of our schools have to be desecrated by bullets and blood? How many more of our teachers and students have to be prepared to give up their lives at school to defend their classmates? How many more parents will have to search their memories to try to remember the last words they said to their child as he went off to his last day in school, his last day on Earth? How many more deaths? How many more funerals?

It is time now that America will come together and say to this Congress, as representative of the American people, Do something. We can't solve all these problems, we can't make every troubled kid normal again, but please, reduce the firepower of these children who have such twisted minds, these children who are bent on violence.

This legislation which we are proposing I hope will become bipartisan legislation. I am sorry to report that it will be almost historic if it is, but some Senators have stepped forward in the past from the Republican side to support this legislation. I hope some will show the courage to do that again.

This legislation addresses a number of points, some that are so obvious it is a shame we have to legislate. Should a gunowner be responsible for the safe storage of his or her gun? Should a gunowner who knows that children are in the house have to put the gun under lock and key or put a trigger lock on it? Sixteen States say yes, this is the law. If you don't, you, as a gunowner, will be held criminally responsible. We say this should be a national law. Mr. President, 13 or 14 children every day in America die by gun violence. Columbine High School focuses our attention on 1 day and 15 lives, but every single day there is a massacre spread across this country that doesn't capture our attention like Littleton, CO.

We also have a provision which some will find incredible. Did you know that currently under Federal law a child is prohibited, with few exceptions, from possessing and purchasing a handgun, but there is no prohibition against possessing and purchasing a semiautomatic weapon? That is currently the law. We hope to change it.

Did you know that if a firearm dealer willfully and knowingly sells a gun to a child in violation of the law, there is no automatic revocation of their license? I think there should be.

Did you know, as well, that at gun shows across America all of the provisions of the Brady law for background checks and waiting periods do not apply? We suspect—we are still waiting to hear—that one of the weapons used by these children in Littleton, CO, to kill the others was purchased through a straw purchaser at a gun show and given to the child. Is America unable to deal with this? I think we can, and we should.

Did you know you can buy firearms over the Internet? How in the world could you responsibly sell a firearm over the Internet, not knowing on the other side if the purchaser is 15, 16, 17 years old, or a former criminal, or someone with a history of violent mental illness? To me, these things seem so obvious.

I yield for a question from my colleague from California, who has been a supporter on this issue.

Mrs. BOXER. I thank my friend from Illinois for putting together this very important piece of legislation which has a number of fine ideas to protect our children. I associate myself with the Senator's remarks.

While we deal with the computer problem, we have essentially not been able to offer this bill today. It is hard for me to believe that. The majority leader said it would not be right to deal with this because we are still coping with the sorrow of Littleton, CO. The best thing we can do in the name of those children is to do something to stop this from happening again.

I had a question for my friend, because I want his reaction, his comment to this. In the 11 years of the Vietnam war, we lost 58,000 Americans, a tragedy that brought this country to its knees. Every institution was questioned. The country has never been the same. We are just getting over it.

In the last 11 years, I say to my friend, 400,000 people have been killed in this country by firearms. Let me repeat that: 58,000 killed in the 11 years of the Vietnam war; 400,000 killed in the streets of this country. That doesn't even count three times the number of people who wind up in hospitals, nursing wounds that will be with them for the rest of their life. That doesn't even put a dollar figure on a couple billion of dollars a year to pay for the wounds to those people. Does my friend think there has to be some outrage here?

The people in this country are looking for leadership. Our Chaplain led us in the most magnificent prayer I have ever heard him give, and he gives good prayers. I have to say to my friend, I have been praying for too many people who were gunned down, including one of my son's best friends who did nothing more than visit his wife in her law firm, when a man walked in with a TEC-9 —the same gun that was used by these kids—and mowed him down as he threw himself over his wife to save her life, which he did. He died.

Prayers are very important right now. We turn to God at these moments, but we also have to turn to ourselves. What the Senator is saying is, it is time for this Senate to do something about this problem.

I would like to get his reaction to those numbers I put out here. Again, I thank him for this opportunity to comment on his legislation.

Mr. DURBIN. I thank my friend and colleague from California.

My reaction is this: I am concerned about two things. I am concerned that the American people have given up on us. I believe they have come to the conclusion that for political reasons we cannot do the obvious; we cannot pass the laws to keep guns out of the hands of kids. I think they are wrong. I hope we can prove them wrong.

Certainly the record of the last few decades suggests that we have been blind to this carnage in our streets, people living in fear of walking down the street in Los Angeles or Chicago, kids living in fear of walking on the playground. There is a school on the west side of Chicago called the Austin Career Academy. When that high school is about to adjourn for the day, let the children go home, the police come and close the streets around the schools so that the gang bangers cannot drive by and shoot the children as they come out of the schools.

That is daily life in too many places in America. We can argue about what we can do and why the people should give up on this Congress. I hope they do not. But we cannot give up on our children, because if we do, we have failed our most fundamental responsibility.

I know this is tough, because some of our colleagues, even on the Democratic side and on the Republican side, have great concerns about the gun lobby and what they might do if they vote for any legislation. It is a tough vote, a hard vote, but I hope they will step back for a second and say we cannot allow this violence and killing to continue in American schools.

Mrs. BOXER. Will the Senator yield one more moment?

Mr. DURBIN. Definitely.

Mrs. BOXER. I want to pick up on that point because there is a gun lobby. We all see it, we all know it, there are a lot of bucks behind it. But there is another lobby out there, the people, and the people want us to do sensible measures to protect our children.

I want to make one last point to my colleague, and that is, in my home State of California, the largest State in the Union by far—34 million people—the No. 1 cause of death among children from the minute they are born until they are 18, the No. 1 cause of death is gunshots—No. 1 cause of death.

If we had a disease that was the No. 1 cause of death, we would be working on this floor feverishly until we addressed that disease. This is a disease.

I have to say to my friend, I watched him take on the tobacco lobby and win. There is not a time I do not get on an airplane and realize I do not have to smell that smoke and have that in my lungs that I don't think of him and his courage in that matter. When he came over here, I just knew reinforcements were coming for some of these tough issues, and this is one of them.

This is a tough one, but that is what we are here for. It is very easy to vote for the easy bills. It is easy to vote for "Children's Appreciation Day." It is easy to do that. It is a little tougher when you take on the gun lobby.

I hope we are judged by this. My experience is that people respect you, even if they might not agree with you, if you have the guts to do something about a problem.

I say to my colleagues on both sides of the aisle, please join with us. Some of these issues are so easy for you to vote for. For example, one of them you have in here says if a local district has a proposal in for more cops on the beat, waive the matching fund if the community police are assigned to the schools. That is one that does not even touch a gun. But today we are told by the majority leader that he believes it would be unseemly to act. That is his view. I respect it. I don't think it is unseemly to act in the wake of this tragedy. I think people want us to act in the wake of this tragedy.

Thank you. I yield back to my colleague.

Mr. DURBIN. Mr. President, I will close by saying I am happy that the majority leader, Senator LOTT, has made this commitment publicly on the floor of the Senate that within 2 weeks we will have debate on legislation such as I have described here. The important thing about that debate is not what is said on the floor of the Senate between Senators. What is important between now and that 2-week deadline is what is said by the American people to those who serve in the Senate.

For those who are watching the proceedings of the Senate or who read the RECORD, I hope you will understand that if you are not part of this debate, if you do not pick up your telephone, if you do not take a pen and write a letter, if you do not send an e-mail saying, "For goodness sake, do something about violence in our schools and the proliferation of guns in the hands of children," I can guarantee you that the outcome of this debate is going to be a disappointment to families across America.

Do not give up on Congress. This is an institution which is serving this country and all of the American families in it. The families have to come forward now. They have to be heard from. It is not enough to say the school year is coming to an end, so that will be the end of school violence. There will always be another school year, history tells us, sadly, always an opportunity for another tragedy. Let us learn something valuable from the suffering of the families in Littleton, CO. Let us vow, Democrat and Republican alike, that we will do everything in our power to reduce school violence and make this a safer place for our children.

I yield back my time.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time?

UNANIMOUS-CONSENT AGREEMENT—H. CON. RES. 92

Mr. CAMPBELL. Mr. President, I ask unanimous consent that, notwithstanding receipt of the resolution, the Senate now begin an hour of debate equally divided in the usual form with respect to H. Con. Res. 92, a resolution relating to the tragedy in Littleton, CO. I further ask unanimous consent that no amendments be in order to the preamble or resolution, and that immediately following the debate time, the Senate proceed to a vote on the adoption of the resolution, with no intervening action or debate.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I also ask unanimous consent to display three ceremonial Indian objects as I make my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENSE OF THE CONGRESS WITH RESPECT TO THE TRAGEDY IN LITTLETON, COLORADO

Mr. CAMPBELL. Mr. President, many of my colleagues in the Senate will speak on this resolution today. I know that the families and, indeed, all of Colorado appreciate their deep and heartfelt sorrow.

On my father's side, as you know, Mr. President, I am Cheyenne, so I would like to begin speaking in the manner of his people.

This fan comes from the eagle. The old people call the eagle the keeper of the Earth, the one that watches over the domain of the Grandfather Spirit.

This pipe carries the smoke with the words and the thoughts from the people who use it to the Creator.

This flute is used to carry songs of love, forgiveness, and brotherhood.

So, Mr. President, I hope that the voices of all the council fires and pipes send our pleas as Senators as we ask for guidance as we try to rid ourselves of violence in this Nation.

I would like the great winged brother that he has chosen as our national symbol of freedom and justice to oversee all of his children. Further, I would like the winds to carry the sweetness and harmony and tolerance of the flute to the Grandfather Spirit.

Mr. President, traditional Indian people do not believe that death is finite. Indeed, they believe that mortal remains return to Mother Earth from which they came, but the soul, which is the part of you that is timeless, goes on to the next world to be forever in the presence of the Great Spirit in a place that is absent of avarice and greed, devoid of hunger and sickness, barren of anger, jealousy, and hate. It is a place of goodness where springtime is forever.

That is the place where Indian people believe the innocent victims of Columbine High School have journeyed. Although their time on Earth was far too short, the elders remind us that the grace of the Creator made our lives so much better by allowing them to be with us for a time, however short.

Columbine High School will go on because our departed friends would have it so, but it will never forget.

I have heard the debate thus far on this terrible tragedy, and I have to ask: Are more laws the answer? I frankly do not know, Mr. President. Seventeen Federal laws and I think over 6 State laws were broken during that terrible tragedy. Would 1 more or 100 more have helped? I do not know.

I suppose there will be a rush to judgment. And I expect a torrent of proposed legislation, and perhaps some of it will help, perhaps not. But certainly I, as one Senator, will consider any proposal to make things better.

Mr. President, none of us have all the answers. But we know we cannot legislate tolerance. We cannot mandate that you love your neighbor. We can pass no law requiring Americans to respect each other. Those qualities are learned, as is hate and intolerance.

Government has its place, Mr. President, but so do churches, families, clubs, schools, teams, and indeed complete communities. I hope that we do not confuse who should do what. And let our actions reflect the Good Book at least as much as it does the law book. But above all, let us keep the memory of these innocent children and a heroic teacher alive as we strive for a solution.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Colorado.

Mr. ALLARD. Mr. President, I compliment my colleague, the senior Senator from Colorado, Mr. CAMPBELL, for his fine floor statement. I was especially touched when he brought in the meaning of what was happening in Colorado in relation to his forefathers, the Cheyenne people. It means a lot to me personally to hear those words, because I consider us part of one big family.

I do have a perspective that I would like to share with the Members of the Senate.

Mr. President, House Concurrent Resolution No. 92 is sponsored by TOM TANCREDO. The House of Representatives approved this resolution earlier today, exactly 1 week after Columbine High School was tragically ravaged by two of its students. The school and a large majority of its students live in the Sixth Congressional District. Congressman TANCREDO represents this district and lives a short distance from Columbine High School.

This resolution is intended to express our feelings of sorrow about the tragedy in Littleton, CO. This resolution is also intended to express our appreciation for those in the community who responded with courage and compassion, including the students themselves.

Today, the State of Colorado observed a moment of silence at 11:21 a.m. mountain daylight time. This was approximately when the terrorism began 1 week ago at Columbine High School.

Earlier today, the Senate joined Senator CAMPBELL and me in a moment of silence and prayer led by the Senate Chaplain. On behalf of Colorado, and especially the citizens of Jefferson County, I thank you for sharing in this gesture of respect and mourning.

My wife Joan and I attended the memorial service this Sunday, April 25, for those who were killed: Cassie Bernall, Steven Curnow, Corey DePooter, Kelly Fleming, Matthew Kechter, Daniel Mauser, Daniel Rohrbough, Rachel Scott, Isaiah Shoels, John Tomlin, Lauren Townsend, Kyle Velasquez, and their teacher, William "Dave" Sanders.

At the memorial service, we shared our profound sense of loss with Vice President GORE, Colorado Governor Owens, Congressman TANCREDO, the students, teachers, and parents of Columbine High, and the people of Jefferson County and Colorado.

I have never experienced anything that compares to the collective feeling of loss, sadness, and disbelief in Colorado. I would estimate that approximately 75,000 people attended the memorial service. Among those gathered in sorrow, Joan and I witnessed a strong belief in God. We prayed together and searched for answers.

During the past week, many of my colleagues have come to the floor to share their condolences and concern for the students and teachers who have lost their lives or who have been injured in this senseless tragedy. I do hope that our thoughts and prayers have helped to comfort the students, parents, and teachers of the Columbine High School community. Again, I offer my deepest sympathy to those who are suffering.

Our Nation continues to grieve with the families and friends of the killed and injured students and teachers. We are still attempting to understand what happened and why. People are trying to cope with the terror that has crept into our lives. It has become obvious at this point that there are no easy answers. We need to examine the problems facing our youth, but it is critical that we take time to carefully consider the solutions being offered.

There are things that society can do, but those who are looking for easy solutions should take a step back. The families, teachers, and students of Columbine, and the people of Colorado, need time to mourn their losses. We need to wait for law enforcement to finish their investigation. We should study other instances of school violence throughout America and look for a common thread.

We need to carefully evaluate all of the evidence and consider the possible solutions. In addition, it has been estimated that 17 laws were broken by the two students, and we need to evaluate what the current law should have done.

Mr. President, I ask unanimous consent to have a list of those 17 laws printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VIOLATIONS OF FEDERAL AND STATE LAWS BY THE ALLEGED PERPETRATORS OF THE CRIME AT COLUMBINE HIGH SCHOOL, LITTLETON, COLORADO

Details of the explosives and firearms used by the alleged perpetrators have not been confirmed by law enforcement authorities. The crime scene is still being examined and cleared. It is unknown how the alleged perpetrators came into possession of the explosives and firearms they used.

The alleged perpetrators, obviously, committed multiple counts of murder and attempted murder, the most serious crimes of all. And they committed many violations of laws against destruction of property, such as in the school building and the cars in the parking lot outside. All told, the prison sentences possible for these multiple, serious violations amount to many hundreds of years.

Additionally, in the course of planning and committing these crimes, the alleged perpetrators committed numerous violations of very serious federal and state laws relating to explosives and firearms, and, depending on details not yet known, may have committed other such violations. Cumulatively, the prison sentences possible for these violations alone amount to many hundreds of years. A partial list of those violations follows:

1. Possession of a "destructive device" (i.e., bomb). (Multiple counts.) Prohibited under 26 U.S.C. Chapter 53. Each violation is punishable by 10 years in prison and a $10,000 fine. Other explosives violations are under 18 U.S.C. 842.

Colorado law [18–12–109(2)] prohibits the possession of an "explosive or incendiary device." Each violation is a Class 4 felony. Colorado [18–12–109(6)] also prohibits possession of "explosive or incendiary parts," defined to include, individually, a substantial variety of components used to make explosive or incendiary devices. Each violation is a Class 4 felony.

2. Manufacturing a "destructive device" (i.e., bomb). (Multiple counts.) Prohibited under 26 U.S.C. Chapter 53. Each violation is punishable by 10 years in prison and a $10,000 fine.

3. Use of an explosive or incendiary device in the commission of a felony. Prohibited under Colorado law [18–12–109(4)]. A class 2 felony.

4. Setting a device designed to cause an explosion upon being triggered. Violation of Colorado law. (Citation uncertain)

5. Use of a firearm or "destructive device" (i.e. bomb) to commit a murder that is prosecutable in a federal court. Enhanced penalty under 18 U.S.C. 924(i). Punishable by death or up to life in prison. A federal nexus is through 18 U.S.C. 922(q), prohibiting the discharge of a firearm, on school property, with reckless disregard for the safety of another person.

6. Use of a firearm or "destructive device" (i.e., bomb) in a crime of violence that is prosecutable in a federal court. Enhanced penalty under 18 U.S.C. 924(c). Penalty is 5 years if a firearm; 10 years if a "sawed-off"

shotgun, "sawed-off" rifle or "assault weapon;" and 30 years if the weapon is a "destructive device" (bomb, etc.). Convictions subsequent to the first receive 20 years or, if the weapon is a bomb, life imprisonment. Again, a federal nexus is through 18 U.S.C. 922(q), prohibiting the discharge of a firearm, on school property, with reckless disregard for the safety of another person.

7. Conspiracy to commit a crime of violence prosecutable in federal court. Enhanced penalty under 18 U.S.C. 924(n). Penalty is 20 years if the weapon is a firearm, life imprisonment if the weapon is a bomb. Again, a federal nexus is through 18 U.S.C. 922(q), prohibiting the discharge of a firearm, on school property, with reckless disregard for the safety of another person.

8. Possession of a short-barreled shotgun or rifle. Some news accounts have suggested that the alleged perpetrators may have possessed a "sawed-off" rifle. (A shotgun or rifle less than 26" in overall length, or a shotgun was a barrel of less than 18", or a rifle with a barrel of less than 16".) A spokesman for the Jefferson County Sheriff's Office reported, possibly, at least one long gun with the stock cut off. Prohibited under 26 U.S.C. Chapter 53. A violation is punishable by 10 years in prison and a $10,000 fine.

Colorado law [18-12-102(3)] prohibits possession of a "dangerous weapon" (defined to include sawed-off guns). First violation is a Class 5 felony; subsequent violations are Class 4 felonies.

9. Manufacturing a "sawed-off" shotgun or "sawed-off" rifle. Prohibited under 26 U.S.C. Chapter 53. Each violation is punishable by 10 years in prison and a $10,000 fine.

10. Possession of a handgun or handgun ammunition by a person under age 18: Some news accounts report one alleged perpetrator as being 17 years of age. It is yet unclear what firearms were involved in the crime. A person under age 18 is prohibited from possessing a handgun or handgun ammunition, except for legitimate target shooting, hunting, and firearms training activities, and similar legitimate reasons.[18 U.S.C. 922(x), part of the 1994 crime bill.] A violation is punishable by one year in prison.

11. Providing a handgun or handgun or handgun ammunition to a person under age 18. Prohibited under the same provision noted in #4, above. Penalty of one year, unless the provider knew the gun would be used in a crime of violence, in which case the penalty is 10 years.

12. Age restrictions on purchasing firearms. Again, the age of the second suspect and how the alleged perpetrators came into possession of firearms are unclear. However, licensed dealers may sell rifles and shotguns only to persons age 18 or over, and handguns to persons age 21 or over. [18 U.S.C. 922(b)(1)]

13. Possession of a firearm on school property. Prohibited under 18 U.S.C. 922(q). Five year penalty. Colorado also prohibits a gun on school property. (Citation uncertain.)

14. Discharge of a firearm on school property, with a reckless disregard for another's safety. Prohibited under 18 U.S.C. 922q. Five year penalty.

15. Possession, interstate transportation, sale, etc., of a stolen firearm. Prohibited under 18 U.S.C. 922(i) and (j). A violation is punishable by 10 years.

16. Intentionally aiming a firearm at another person. Violation of Colorado law.

17. Displaying a firearm in a public place in a manner calculated to alarm, or discharging a firearm in a public place except on a lawful target practice or hunting place. Violation of Colorado law.

Mr. ALLARD. Whatever the solution, I am convinced that we will never alleviate the problem completely, but we certainly can reduce its occurrence.

It is hard to understand how two students can become so dysfunctional, but we need to continue to search for answers. There is no simple solution. We must pledge ourselves to do what we can. I ask that the Senate begin by approving this resolution.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I come to the floor this afternoon to join with my colleagues in an expression directed by House Concurrent Resolution 92, which deals with the situation that occurred in Columbine High School in Littleton, CO.

I come this afternoon with no answers, and I wish I had some. Like most of us, I have thought a great deal about the crisis from the moment we watched it unfolding on national television late last week. I guess in all of this, I have been struck by how quickly some people rush to explain what happened and offer solutions to prevent such a terrible crime from ever happening again. I wish I had a crystal ball and could do that. But that is not what has occurred; I don't have a crystal ball that can show all that clearly.

The investigation of the crime is not yet completed, and the community is still in shock. My guess is it is only natural to react by trying to make some sense out of all of this, to locate the exact point where something terribly, terribly wrong happened, to tell everyone to stay away from that point, and to pass a law that would keep everyone away from that point, so that it would shield us and our kids and our communities from harm. While it may be natural, my guess is that at this time it would be a mistake. It would be a mistake to designate the point and rush to judgment, because that judgment may be different tomorrow, based on the facts that are now unfolding.

I don't believe there is a Senator on this floor who has all of the answers. I am impatient to have more information, and I hope it will come out, because I would like to think that Columbine—the situation that happened in that high school is a point of time we will all stop and think about and deal with as an issue which we will never allow to happen again.

I just came off the Capitol steps a few moments ago from speaking to a marvelously beautiful group of students from Payette, and Parma, and Middleton, ID. They asked me, "Senator, what can you do to make our schools safer?" I said, "You know, I am not sure I know what to do, because those young men at that high school in Colorado broke 17 laws, State and Federal"—laws that say it is against the law to possess a destructive device, or a bomb; laws that say that manufacturing a destructive device is wrong and against the law; laws that say the use of an explosive or incendiary device in the commission of a felony is against the law. They broke all of those. The law was there and it didn't stop them.

How about setting a device designed to cause an explosion upon being triggered? That is against the law. It is a violation of State law in Colorado. It didn't stop what happened there in Littleton. There is a law regarding the use of a firearm or destructive device to commit a murder that is prosecutable in a Federal court. That is against the law. Yet, those two young men defied the law. The use of a firearm or a destructive device in relation to other activities is against the law.

I could read all 17 of these laws, and not one of them saved one child or that teacher, that coach, at that high school. Maybe if you had stacked all the laws against the front door, in book form, you would have blocked the entry of those kids with their bombs for just a moment in time, and that school might have been saved. But nobody did that. We could rush to judgment today and pass a lot more laws and take those books of laws and stack them up against the schoolhouse door. My guess is that not one more child in America would be safer.

Laws are important, and I am not suggesting they are not. They direct a civil society to, hopefully, do better things. But they need to be carefully-thought-out laws. My guess is that the breaking point is at hand, when America as a culture had better turn and look at itself and ask, "Why?"

When those kids asked me what I could do this afternoon, I asked them, "What are you, as students, prepared to do?" It "ain't cool" to rat on a fellow student. Peer pressure is such that young people don't talk about another young person with their principals or superintendents—even if the young person said, "I am going to kill somebody," or do something else wrong. It isn't cool. Yet, if you don't do something, maybe it is Columbine that happens.

I would like to see our schools become zones for education. Drug-free? Absolutely. Gun-free? Absolutely. But zones for education, not primarily socialization and the mixing and all of the kinds of things that go on in schools. Let's set some rules. How about a dress code? How about random inspection of lockers? If you are going to educate and you are going to make a safe haven for education, maybe it is time you bring discipline back to schools and you say to the bad actors: You are out.

I don't know that that is the answer, but I think it is time our society talks about it, because we have passed a lot of gun laws in the last decade in this Congress and children died last week in Littleton, CO, in spite of all those gun laws we passed, all those bomb laws we passed.

I don't think there is a Senator on the floor who is going to rush out and say it is against the law to buy a pipe—nor should they—or against the law to go out and buy a propane canister to fuel your barbecue. But those were tools used in bombs in Littleton's high school. There is no Senator who will do that, because there may not be any political bounce in it and it just would not make common sense.

So let us let the survivors mourn in Littleton, CO. Let us let that community heal. Let's let the law enforcement people try to make sense of what made these young men tick, by their diaries, by their web page, by their play-acting, by the evil that invaded their hearts. Then maybe we, as public people, can help reshape our very wonderful culture.

Yes, maybe it will take some changes in law. There is no disputing what I represent, and most people in this body know I am a strong supporter of second amendment rights. I am also a strong supporter of first amendment rights. I am not going to trample on those rights, and I am going to supply formidable debate and opposition to anybody who will on this floor try to reshape them in the name of safety and security. But I am willing to put those rights on the line, and I am willing to say—to a culture that has failed to recognize that along with rights comes responsibility—that it is now time to get responsible.

That is what I told those young people a few moments ago on the steps of their Nation's Capitol—that I was going to fight to secure for them the kind of freedoms my forebears had fought to secure for me; that I had accepted the responsibility that came with those rights and they, too, must; that passing laws in the U.S. Congress does not a safer world make, unless the laws are enforceable and unless people genuinely agree with them.

So I think it is appropriate that our leader has asked us to take pause, not rush to judgment, not play to the politics of the moment, but to take a deep breath and think awhile, let a community heal just a bit, speak to it in the form of the resolution that is now before us, allow the investigators to patch together this weird and terribly evil story. And then let's examine it as a Congress, as an American culture, and say to ourselves we must become more responsible—responsible as legislators, responsible as parents, responsible as a culture, in taking our rights in a way that demonstrates the responsibility that goes with them.

I say to the citizens of Littleton, CO, how terribly sorry I am. My wife and I mourn with them. We have three beautiful children and a grandbaby, and we are so glad that they are safe and happy today. We know there are parents in Littleton, CO, who have lost something that can never and will never be replaced. So I am pleased that today, as a Congress and as a Senate, we are speaking to the people of Littleton, CO, and then we will step back and allow the healing process to begin as the investigative work is completed. Then, and only then, is it right and proper that we engage. And I will not be a vehicle to obstruct that engagement. That would be wrong. But we will soon have a juvenile crime bill on the floor. That is the appropriate place to talk about how to deal with this issue, and from sound information make quality judgments about how we may help our culture reshape itself in a responsible and caring fashion.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that floor privileges for Angela Williams and David Goldberg be granted for the 106th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, as we consider this resolution before the Senate to remember those who lost their lives just one short week ago in Littleton, Colorado, we are once again reminded of an event which is heart-wrenchingly tragic and one that bears out the need for educators, parents, and government officials to work together to ensure that the classroom is a safe place for all students.

The tragic events last Tuesday at Columbine High School serve as yet another warning that something has gone terribly wrong in our nation. Schools are not the idyllic places that they once were. They are less and less safe havens, conducive to study, but, rather, increasingly, are proving to be unstable communities, teetering on the brink of violent outbursts.

It makes me long for the old high school which I attended and from which I graduated 65 years ago. It makes me long for the little two-room schoolhouse in which I began my studies along about 1923. Sometimes I think schools are too large these days. They don't allow for the personal attention that teachers could otherwise show students. They are conducive, I think, by their very largeness to the creation of gangs, hate groups, and so on.

The scene of screaming students rushing outside through schoolhouse doors, some hobbling or clenching a gunshot wound to the arm or leg, and others overwhelmed with fear for their own lives, has become all too familiar to this nation during the past few years. From West Paducah, Kentucky, to Jonesboro, Arkansas; Springfield, Oregon; and now to the community of Littleton, Colorado, gun shots have shattered the silence and tranquillity of an otherwise typical high school day, abruptly ending the innocence of youth, and launching families and friends into some of the most difficult days of life that no human being should have to confront.

We would have never dreamed of this kind of thing in my school days.

Mr. President, there is a crying need to do more to protect our children. But, the unfortunate reality of the situation is that there is no single-step panacea to prevent further bloodshed at schools across the country. One could make many suggestions. Many suggestions are readily obvious. But the problem of school violence does not begin and end on school grounds. It is much more pervasive. It reaches beyond the schoolyard gates, into our communities and into our homes.

It is unfortunate that we live in a country where criminals find ways to get around the law and do evil, but it happens. Hatred is a powerful demon that can draw people to do things we do not truly understand. I have seen it in my own lifetime, and, I try, whenever possible, to help teach young people to avoid such egregious mistakes. Of course, the young are not alone in the making of these mistakes. But mine is only one voice. But it is one voice.

I often take time out to talk with the pages here. I don't have to do it. Nobody makes me do it. Nobody tells me to do it. But I like to talk to these young people. These are fine young people, these pages of ours on both sides of the aisle. I often pause to take a half hour with them to talk about wholesome experiences, and to relate good stories from Chaucer, and from other great authors, as I feel that if I can do a little good with these young people here, who knows where this influence will stop?

While it is my intention to make any and all efforts to prevent this kind of tragedy before it visits another region of the country, it is essential that we take up the effort and the responsibility to raise our children, to nurture them, to protect them, to guard them as much as we can from these evil influences that are always ready to prey upon them, and it is my desire always to try to provide these young people with a solid foundation, to encourage them to engage in wholesome pursuits and to read from good literature, and in this way I think adults can help to provide them with a solid foundation—spiritually, emotionally, and intellectually. We have to indulge with caution any idea that there can be morality without religion. Protecting our Nation's children should be a team effort, not simply a matter of public policy.

If we ever have a hope of preventing violence in the classroom, parents must take an active role in their child's life and monitor their child's behavior for unusual actions or alarming conduct. Teachers carry similar responsibilities and must no longer "chalk up" unusual behavior to the simple conclusion of a student having a bad day. We have witnessed too many oversights like this which have snatched the lives of other innocent children caught in the line of fire.

Moreover, we should not be surprised, given the excessive and mindless violence—I tell you, it is excessive, because I see it when I turn on the television—mindless violence, excessive violence. We should not be surprised then, given the excessive and mindless violence infiltrating, permeating, the television airwaves and now the Internet, that we really have a problem in today's society. It is not a hidden fact that I am no fan of the muck that spews out over the tube or the obscenities rumbled by so-called actors and actresses in a TV drama, but there is little that we in Congress can do to regulate children from jumbling their brains with this nonsense.

Parents must no longer give their children free rein of the remote control or unmonitored access to dial up those polluted websites running rampant over the Internet. Children, with their inquisitive young minds, too often repeat what they see on TV or read about over the Internet, and with little guidance from parents, it is next to impossible to prevent this often fatal "copycat" action from recurring.

Probably most disappointing to me is that in watching the news recently, it seems that the tragic news of a school shooting has become somewhat of a feeding frenzy for the media to hit the airwaves with explicit details, often those that are too easily digested by a listening youngster experiencing emotional distress. It seems counterproductive, even dangerous, to offer what amounts to free advertising by reporting on the Internet websites that hand out free explanations on how to make a bomb or where to obtain a gun. Mr. President, when is enough enough?

Efforts to end school violence can be, and will likely be, undone by this practice of revealing too much information with little thought of the future implications. I urge the media to think about the possible consequences of their actions before trying to beat the other news team to the latest punch line. Supplying children with information that could lead to the perpetuation of school violence is not the solution. Children need not be confronted with all of the finite details of the gory pictures as they sit down to the breakfast table with their parents.

The tragedy at Columbine High School may be impossible to ever, ever truly understand. But that should not deter us from seeking answers and working for solutions. It is time to stop wringing our hands over this issue and take action so that we in Congress can support measures that might prevent a recurrence of this nightmare.

I am concerned that we may be approaching the day when our nation's students spend more time in the classroom thinking about the potential for a gun pop than a pop quiz. A day when teachers are too preoccupied with their own fear of a gun emerging into their classroom to teach their students the basic grammatical structure or algebraic formula properly. Today's children deserve the opportunity to get an education. Today's teachers deserve the opportunity to teach. They deserve this just as much as the children and the teachers of yesteryear. We must all do whatever we can to ensure that today's children and those of the future have an opportunity to excel academically in an environment free from guns, knives, and other weapons.

I look forward to working with Senator LIEBERMAN in the upcoming weeks to author legislation that would establish a National Commission on School Violence to help get at the root of this problem if that is possible. It is my hope that by joining forces between educators, children, parents, media, and others, we will gain a more vivid perspective on what leads to violent behavior behind the schoolhouse doors, and that we can begin to remedy this harrowing problem overtaking our nation's schools. I urge teachers and parents, church and civic leaders to do the same. This type of disaster can occur anywhere—we must act now if we are to prevent a replay of this nightmare in another American community.

I hope parents throughout the Nation are thinking soberly, soberly about this problem.

I took a piece of plastic clay
And idly fashioned it one day

And as my fingers pressed it still
It moved and yielded to my will.

I came again when days were past.
The bit of clay was hard at last.

The form I gave it, it still bore,
And I could change that form no more.

I took a piece of living clay
And gently formed it day by day.

And molded with my power and art.
A young child's soft and yielding heart.

I came again when years were gone,
He was a man I looked upon.

He still that early impress wore,
And I could change him nevermore.

There is a lesson in this for all of us. I hope we will learn it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HATCH. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 92) expressing the sense of Congress with respect to the tragic shooting at Columbine High School in Littleton, Colorado.

The Senate proceeded to consider the resolution.

Mr. BUNNING. Mr. President, I rise in support of the resolution and to express my deepest, heartfelt sympathy for the families of the victims of Columbine High School shootings.

At a time like this, words seem to lose their meaning, and there is little that we can say to adequately express our regret and sorrow. There is no way to explain the senseless violence that claimed the lives of the students and teacher in Littleton, and we struggle to understand and explain the inexplicable.

Schools are supposed to be safe havens where teenagers—children—are supposed to grow and learn, not plot to murder their peers. What happened in Colorado simply defies explanation or comprehension. During trying times like this, we must fall back on our faith. Our faith in God, and family, and community. Our beliefs have been shaken, and we must rely on each other and trust that the Lord will help see us through the confusing darkness that has descended on our Nation after this terrible catastrophe.

A similar tragedy occurred at a high school in Paducah less than a year and a half ago. Unfortunately, this is an experience that we in Kentucky have been through and we grieve with our friends in Colorado. The children of Colorado and their families will continue to be in our thoughts and prayers.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—99 yeas, 0 nays, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Moynihan

The concurrent resolution (H. Con. Res. 92) was agreed to.

The preamble was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 26, 1999, the federal debt stood at $5,591,807,374,069.84 (Five trillion, five hundred ninety-one billion, eight hundred seven million, three hundred seventy-four thousand, sixty-nine dollars and eighty-four cents).

Five years ago, April 26, 1994, the federal debt stood at $4,561,451,000,000 (Four trillion, five hundred sixty-one billion, four hundred fifty-one million).

Ten years ago, April 26, 1989, the federal debt stood at $2,756,180,000,000 (Two trillion, seven hundred fifty-six billion, one hundred eighty million).

Fifteen years ago, April 26, 1984, the federal debt stood at $1,485,043,000,000 (One trillion, four hundred eighty-five billion, forty-three million).

Twenty-five years ago, April 26, 1974, the federal debt stood at $471,530,000,000 (Four hundred seventy-one billion, five hundred thirty million) which reflects a debt increase of more than $5 trillion—$5,120,277,374,069.84 (Five trillion, one hundred twenty billion, two hundred seventy-seven million, three hundred seventy-four thousand, sixty-nine dollars and eighty-four cents) during the past 25 years.

DAIRY POLICY REFORM

Mr. KOHL. Mr. President, I would like to take this opportunity to discuss the direction of our nation's dairy policy. When Congress passed the 1996 Farm Bill, we passed the most significant reform of our agricultural system since the Great Depression. In that bill, we ordered USDA to update our outdated milk pricing laws—something that had not happened for 60 years.

In taking these market oriented actions to drag dairy policy into—if not the 21st century—at least the second half of the 20th century, Congress may have spoken more boldly that we were willing to act. Congress has tried to put the brakes on USDA's milk pricing reform efforts from the moment they began. And now, mere days after USDA announced the reformed system, there are those who are seeking to insulate their home states from it by legislating compacts to set the price of milk artificially high in their regions.

These actions cannot stand. Though I understand my colleagues desire to protect the dairy farmers in their regions, I cannot let them do so at the expense of the productive dairy farmers in the upper Midwest—or at the expense of a national milk pricing system that, for the first time in sixty years, is market oriented and fair.

Expanding the anti-competitive Northeast dairy compact would regionalize the dairy industry and institutionalize market distorting, artificially high prices in one area of the country—just as the rest of the country is moving toward a simplified and more equitable system.

Dairy markets are truly national in nature. My region of the country, the Upper Midwest, has learned this lesson all too well. We have seen our competitive dairy industry decline, damaged by the distortion caused by an outmoded milk marketing order system. That system requires that higher prices be paid to producers the farther they are from Wisconsin. Sixty years ago, when the Upper Midwest was the hub of dairy production and the rest of the country lagged far behind, this regional discrimination had some justification. It encouraged the development of a dairy industry capable of producing a local supply of fluid milk in every region. But today, that goal is largely accomplished, and the continuation of the discriminatory pricing policy serves only to fuel the decline of the dairy industry in the Midwest.

The new system proposed by USDA is not all that we in the Upper Midwest would want. But it is an improvement in the current system, and a move toward a national compromise on this divisive issue. It is a step forward.

The legislation introduced today to continue the Northeast Dairy compact is just the opposite—a step backwards. It would remove a region from the new national dairy pricing system and move toward a Balkanized dairy policy. It hurts consumers in the affected region—consumers who will pay artificially high prices for their milk. And it hurts our hopes of achieving long-overdue unity on dairy pricing reforms that are fair and good for all regions of the country.

For all of these reasons, I oppose the expansion of regional milk pricing cartels like the Northeast Compact, and I ask my colleagues to do the same. Lets enter the next millennium with a dairy policy that is market-oriented and consumer friendly—not one that ties us to the unjustified protectionism and unnecessary inequities of the past.

CELEBRATING MISSOURI HOME EDUCATION WEEK

Mr. ASHCROFT. Mr. President, as a parent and former teacher, it is a privilege for me to be able to recognize Missouri home schoolers, who will observe Missouri Home Education Week during May 2-8, 1999.

Home schooling has been legal in Missouri since the state's founding in 1821. Since that time, and especially in the last two decades, home schoolers have faced numerous challenges and successes.

Fortunately, legislators are increasingly recognizant of the importance of local decision-making and parental involvement in our children's education. Home Education Week reminds us that parents are the first and best educators of their children. Study after study has shown that parental involvement is the most important factor in a child's academic achievement.

It is, therefore, appropriate that we celebrate Home Education Week by acknowledging the hard work, dedication, and commitment to academic excellence of the more than 4,300 home school families in my home state. Recently, the Washington Post lauded the academic achievement of these families. The Post article describes a study of home-schooled children, stating that they "score well above the national median on standardized tests [and] often study above their normal grade level."

It was an honor for me to proclaim Missouri's first Home Education Week in 1989. Now, in 1999, I look forward to the continued success of Missouri home school families, and to working with them to promote the kind of freedom that encourages parents to take an active role in guiding the course of their children's education.

ANTITRUST SUITS AND SMALL BUSINESS

Mr. ABRAHAM. Mr. President, I ask unanimous consent that articles written by Karen Kerrigan and Raymond J. Keating of the Small Business Survival Committee, along with a letter addressed from Karen Kerrigan to certain Members of Congress, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ABRAHAM. The Small Business Survival Committee, or SBSC, is a nonpartisan, nonprofit small business advocacy group with more than 50,000 members. These materials give a small business perspective on recent actions of the Department of Justice's Antitrust division, and of the action against Microsoft in particular.

As the SBSC point out, we are in an era of renewed activism on the part of the Antitrust Division. Since 1994 that Division has pursued more than 274 antitrust cases. The Antitrust Division was set up to protect consumers and our free enterprise system. But these materials demonstrate that it is questionable whether this new activism is in fact helpful to small businesses and entrepreneurs.

In particular, the SBSC questions whether the government's action against Microsoft, along with the concomitant actions of the state attorneys general, will not actually hurt small businesses and entrepreneurs who have profited from Microsoft's innovative practice. Worse, significant harm may be done to our ability to compete and to our very system of free enterprise, by the draconian measures being put forward in these talks.

Breaking up Microsoft or worse yet subjecting it and its suppliers to government approved contracting procedures will destroy business flexibility and substitute bureaucratic empire-building for free market competition as the force behind new initiatives. This would be tragic for all Americans as it would deny us the economic growth, innovation and freedom that open competition has provided for so long.

I hope my colleagues will study these and other materials as we consider the proper course for antitrust law in our political and economic systems.

[From the Business Journal, January 18, 1999]

BIG ANTITRUST CASES WILL HURT 'LITTLE GUYS'

(By Karen Kenigan)

Small-business owners seldom go running to the federal government for protection when competition threatens their market position.

But that, unfortunately, has become the strategy for some big businesses who see their market share eroding due to aggressive competition from a rival.

The Antitrust Division of the Department of Justice is currently being used by America's top CEOs who give up on the marketplace, essentially using the government as a temporary cushion against bleeding market share.

But make no mistake, due to the desperate pleadings of such big corporations, small businesses as consumers, suppliers—and even competitors—of successful big companies under attack will suffer from this excessive meddling in the marketplace.

Headed by Joel Klein, the antitrust division is operating with renewed vigor. If you care to take a look at Justice's web site, it proudly lists more than 274 antitrust cases brought by the U.S. government since December 1994 (along with amicus curiae briefs in 31 other cases).

"The criteria for antitrust investigations or lawsuits seems to be if a company merges or wildly succeeds, then it may be ripe for antitrust action. When government moves against successful businesses, the entrepreneurial sector of the economy pays a price, too," said Small Business Survival Committee chief economist Raymond Keating.

Keating argues that antitrust actions generally seek to supplant the wisdom of consumers with government regulators as the final arbiter to protect politically connected businesses that fail to adequately compete. He says small businesses that have gained from the success and innovation of companies under attack—Microsoft Corp. being a good example—will ultimately lose from aggressive antitrust action.

Most troublesome is the permanent damage inflicted on the company under attack and the impact on its small-business suppliers.

Nobel Prize-winning economist Milton Friedman recently said that the companies of Silicon Valley that encouraged Justice action against Microsoft are displaying "suicidal" behavior. The door has been opened for new regulations in an "industry relatively free from government intrusions," he warned the industry at a CATO-sponsored event.

A new period has dawned in corporate America where some feel safe running to the government for protection and solace rather than responding to competition with better ways to serve consumers.

An activist antitrust division has helped to fuel this rather co-dependent behavior. Its doors are thrust open to all pleaders who wish to use the government to sideline or district the competition. A costly government investigation is one way to put the best brains of a business competitor into nonproductive status, warding off potential bad press and other fallouts that often accompany an antitrust challenge.

The government's pursuit of Microsoft is a bogus venture, according to Citizens Against Government Waste. In October, the group released a survey that showed 83 percent of the public views the case against Microsoft as a waste of federal and state taxpayer funds.

"With new evidence every day of the weakness in the government's case, it's only a matter of whether the government wants to wait 13 years, as it did in the IBM case," said CAGW president Tom Schatz.

According to the antitrust division's own literature, its work is supposed to be focused on protecting consumers and our system of free enterprise. What's becoming more clear is that its work is doing much more to thwart competition by protecting whiny competitors at the expense of free enterprise.

[From Small Business Reg Watch, December 1998]

IS ANTITRUST ANTI-ENTREPRENEUR?

(By Raymond J. Keating)

Once again, merger activity in the U.S. economy has accelerated. Among the proposed or consummated corporate marriages of 1998 are Chrysler Corporation and Daimler-Benz, American Online Inc. and Netscape Communications Corp., Deutsche Bank AG and Bankers Trust Co., Unum Corp. and Provident Cos., Tyco International Ltd. and AMP Inc., MCI Communications Corp. and WorldCom Inc., Cargill Inc. and Continental Grain Co., Bell Atlantic Corp. and GTE Corp., Wells Fargo & Co. and Northwest Corp., AT&T Corp. and TeleCommunications Inc., Exxon Corp and Mobil Corp., along with a host of others.

Of course, such mergers raise the antennae of government antitrust regulations at the U.S. Department of Justice (DoJ) and the Federal Trade Commission (FTC). These days, however, it does not seem to take very much to get the attention of the rather activist antitrust division headed by Joel Klein at the DoJ. Indeed, at the DoJ's website, the antitrust division lists 274 antitrust cases brought by the U.S. government since December 1994, along with Amicus Curiae briefs in 31 other cases.

And a proposed merger certainly is not required to warrant antitrust attention. For example, an antitrust case was filed in early October 1998 against Visa USA and MasterCard International. The FTC has filed suit against Intel Corp. And of course, DoJ is now in court against Microsoft Corp.

The criteria for antitrust investigations or lawsuits seems to be if a company merges or wildly succeeds, then it may be ripe for antitrust action. Of course, this problem springs from the combination of vague legislation (i.e., primarily the Sherman Act of 1890 and the Clayton Act of 1914) with zealous government lawyers and regulators.

While at first glance the issue of antitrust may seem remote to most small businesses and entrepreneurs, it does have an impact on and should be a concern to the entrepreneurial sector of our economy. In general, antitrust actions are anti-entrepreneur, and the reasons go far beyond the basic idea that the next Microsoft lurks among today's small or start-up firms, and will some day have to face the wrath of antitrust regulators.

Entrepreneurs as Consumers. Perhaps most obviously, small businesses are affected by antitrust regulation in their role as consumers. For example, small businesses are customers in almost every industry touched by antitrust actions—from telecommunications to computers to gasoline to grain to the Internet.

Any time our most successful businesses come under regulatory assault, consumers are bound to lose. Entangle companies in antitrust litigation and resources are diverted away from serving consumers, and instead put toward battling the government. Just ask IBM. The increased costs of government arrogantly overruling decisions made in the marketplace ultimately fall on the backs of consumers. After all, the consumer acts as final judge and jury in the marketplace. They ultimately decide the success or failure of mergers, who gains market share, and who loses market share. Transfer this power to government bureaucrats, and consumers—including small businesses—obviously suffer.

Entrepreneurs as Suppliers. In addition, government overriding the wisdom of millions of individuals in the marketplace directly hurts small business and entrepreneurs who supply goods and services to the firm under antitrust assault. Businesses who serve customers well and gain market share as a result, or those pulling off successful mergers, create new opportunities for entrepreneurs and small enterprises. Consultants, construction businesses, food services, dry cleaners, retail stores, and seemingly countless other suppliers grow up around these larger businesses. These smaller businesses inevitably get hit with the fallout from an antitrust attack on the larger companies.

Entrepreneurs as Competitors. Some might believe that smaller enterprises favor antitrust action as a means to hobble a dominant competitor. In fact, an overwhelming number of antitrust assaults begin with a faltering or less efficient firm trying to get the government to impede their successful competitor.

However, this most certainly is a case against antitrust action, not for it. The only possible beneficiary would be the firm seeking government protection, and any resulting advantage for that business would at best be temporary as the market would still be working to weed out inefficiencies and reveal their shortcomings—and justifiably so.

In general, the entrepreneurial sector of the economy gains nothing by having government step in and punish success, or dictate which companies are allowed to merge.

Entrepreneurs vs. Regulators. Indeed, any further empowerment of regulators does not serve the over-regulated entrepreneur at all. Government stepping in and dictating business practices, assaulting efforts to gain market share, and punishing success goes far in shaking the confidence in and of business. Under such circumstances, the business environment becomes inclement for all. And one can easily envision robust antitrust regulation spilling into other regulatory arenas.

Entrepreneurs and Economics. The fundamental problem with antitrust regulation is that it rests on unsound economics. In reality, the economy is not the sterile, neat model of perfect competition taught in economics textbooks and desired by government lawyers. Instead, it is a tumultuous, ongoing struggle among enterprises to create temporary monopolies through innovation, invention and efficiencies. Those temporary monopolies are subsequently attacked and surpassed by competitors. Entrepreneurs, unlike many in government, understand this rivalry between current and future competitors.

Indeed, it is difficult, if not impossible, to think of a true monopoly—i.e., one supplier in an industry with no real or close substitutes—ever emerging from the competitive marketplace. Where true monopolies have existed, it was the government that either created, aided, or protected it (e.g., telephony, electricity, and education). The vaunted idea of predatory pricing—whereby a business lowers it prices below cost in order to destroy competitors, monopolize the market, and then hike prices dramatically—fails the reality test. It's never happened. The potential losses such a strategy would have to incur would be enormous and unpredictable. And even if it were to eventually succeed, consumers would have benefited enormously, and subsequent price increases would bring competitors back into the market.

Antitrust regulation at its core is contradictory. It purports to protect consumers from evil monopolies and so-called "anti-competitive activity," but it is, in fact, consumers who make the final decisions in the market. In this light, antitrust regulation is revealed to be little more than another elitist government effort to protect us from ourselves. Antitrust actions generally seek to supplant the consumer with the government regulator as final arbiter in order to protect politically connected businesses who fail to adequately compete.

In the end, small businesses and entrepreneurs are not immune to the costs of government antitrust activism. None of us are.

EXHIBIT 1.

SMALL BUSINESS SURVIVAL COMMITTEE,
Washington, DC, April 13, 1999.

Hon. DENNIS HASTERT,
Speaker of the House,
U.S. House of Representative, Washington, DC.
Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR SPEAKER HASTERT AND SENATOR LOTT: The Small Business Survival Committee (SBSC), a nonpartisan, nonprofit small business advocacy group with more than 50,000 members, is very concerned about the growing antitrust activism exhibited by the U.S. Department of Justice. It often seems that an antitrust regulatory assault is launched simply because a business has served consumers well, become successful, and/or frustrated its competitors who now seek political remedies to their own economic challenges.

SBSC believes this is the case with the current antitrust assault against the Microsoft Corporation. Microsoft is the most successful U.S. company in recent memory. The firm gained market share by serving consumers well, not, for example, through any kind of government assistance. One would think that such a U.S. business exhibiting such global leadership would be praised, not punished.

You may be wondering, why should small business be concerned about the welfare of corporate giants and their battles with DoJ? As the attached report points out, what eventually happens with these various antitrust cases will have a dramatic impact on small businesses both as consumers and as entrepreneurs. I would even argue that renewed DoJ activism has helped to embolden the regulatory spirit, across-the-board, within the federal government.

What eventually happens with the Microsoft case-Whether it be more regulation, or one or more of the various "remedies" that have been publicly floated and discussed (most recently by the state AG's)—will have a deep and long-lasting impact on the high-tech industry. Small businesses, entrepreneurs and their workforce will be the ultimate losers—not to mention the economy and all consumers. The "remedies" being discussed by opponents of Microsoft, as well as the wish-list drawn up by the attorneys general who have joined the federal government's lawsuit are draconian-plain and simple. As a country whose free enterprise system has made the United States the envy of the world, SBSC is both ashamed and disturbed that these "remedies" are even being discussed.

The very notion of monopoly or monopoly power in today's dynamic, extremely fluid computer market is rather preposterous. Make no mistake, Microsoft competes against current, emerging and future competitors. Does anyone seriously doubt that it Microsoft slips and does not stay at the cutting edge. It will falter just like any business in a highly competitive industry?

In the accompanying materials, SBSC discusses many of these antitrust issues, as well as others. I particularly draw your attention to the report by our chief economist Raymond J. Keating which asks the question "Is Antitrust Anti-Entrepreneur?" The answer, as you shall see, is "yes."

Finally, I would like to mention two recent articles in the Seattle Times and New York Times which report on a wish list of punishments against Microsoft contemplated by the state attorneys general. I say the least, these are quite disturbing.

The 19 state attorneys general who joined the federal government's misguided antitrust lawsuit against Microsoft are considering several punishments if the government's lawsuit succeeds, including breaking the company into two or three parts based on product lines, breaking the company into three equal parts with each possessing Microsoft's source code and intellectual property, or forcing the company to license or auction off its Windows trademark and source code to other companies. Other proposals reportedly under consideration include extensive fines, giving government regulators ongoing access to the company's e-mail and documents, that Microsoft seek government approval before acquiring any software company, and forced standardization of Microsoft contracts.

These would be outrageous governmental intrusions into one of the top U.S. businesses in the world. If carried out, the precedents set for current and future businesses would be quite dangerous.

Unfrotunately, Microsoft has been cornered into a quagmire that no American company should be forced into by its own government. From our perspective the "settlement talks" now taking place are a bogus set up against Microsoft. Having approached "settlement" with reasonable alternatives to the draconian regulations and "remedies" sought by those hounding the company, the federal government and attorneys general will undoubtedly portray Microsoft as "unreasonable" and "greedy" because they will not forsake principles that could cause long-term damage to the industry. Of course, they owe their biggest competitors nothing since they are the ones who instigated the suit and prodded the DoJ in the first place.

This good-old boy gang up by the government and participating AG's is a farce and a waste of tax dollars. They have lost perspective, and their law-enforcement priorities are horribly misplaced.

I urge Members of Congress to review the following materials, and take a close look at current antitrust policies, which work against entrepreneurship, business, U.S. economic leadership and consumers. We believe the Congress has the obligation to ask why the DoJ is placing such a priority on the "get Microsoft" effort when more important law enforcement issues appear to be in the greater national interest.

Sincerely,

KAREN KERRIGAN,
President.

DAIRY COMPACTS

Mr. FEINGOLD. Mr. President, I rise in strong opposition to legislation introduced today by my colleagues Senator JEFFORDS, Senator LEAHY, Senator COCHRAN and Senator SPECTER. They have introduced a measure which will further aggravate the inequities of the Federal Milk Marketing Order system. Their legislation will make permanent and expand the Northeast Interstate Dairy Compact and will authorize the establishment of a southern dairy compact.

Despite the discrimination against dairy farmers in Wisconsin under the Federal Dairy policy known as the Eau Claire rule, the 1996 Farm Bill provided the final nail in the coffin when it created and authorized for 3-years, the existence of the Northeast Interstate Dairy Compact. The Northeast Interstate Dairy Compact sounded benign in 1996, but its effect has been anything but, magnifying the existing inequities of the system.

The bill which authorized the Northeast Interstate Dairy Compact established a commission for six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. This commission set minimum prices for fluid milk higher even than those established under Federal Milk Marketing Orders. Never mind that the Federal milk marketing order system, under the Eau Claire rule, already provided farmers in the region with minimum prices higher than those received by most other dairy farmers throughout the nation.

The compact, which controlled three percent of the country's milk, not only allowed the six States to set artificially high prices for their producers, it allowed them to block entry of lower priced milk from producers in competing States. To give them an even bigger advantage, processors in the region get a subsidy to export their higher priced milk to noncompact States. It's a windfall for Northeast dairy farmers. It's also plainly unfair and unjust to the rest of the country.

Mr. President, the Northeast Interstate Dairy Compact (NEIDC) is set to expire at the implementation of USDA's new Federal Milk Market Order system. According to the Omnibus Appropriations measure passed last year, the expiration date of the NEIDC is scheduled for October 1, 1999. Now, Members of Congress are pushing for an extension and expansion of the existing milk cartel and for the authorization of another.

To make clear the magnitude of this legislation on producers and consumers we need to only look at the numbers. Currently, three percent of milk is under a compact, conceivably, under this new measure, over 40% of this country's milk will be affected. More importantly, one hundred percent of this country's milk prices will be affected—in Wisconsin, prices will be adversely affected.

These compacts amount to nothing short of government-sponsored price fixing. They are unfair, and bad policy. Now, my colleagues would like you to make this compact permanent, expand it to include other states, and authorize a southern dairy compact. After three years, we know that dairy compacts:

Blatantly interfere with interstate commerce and wildly distort the marketplace by erecting artificial barriers around one specially protected region of the Nation;

Arbitrarily provide preferential price treatment for farmers in the Northeast at the expense of farmers in other regions who work just as hard, who love their homes just as much and whose products are just as good—maybe better in Wisconsin;

Irresponsibly encourage excess milk production in one region without establishing effective supply control. This practice flaunts basic economic principles and ignores the obvious risk that it will drive down milk prices for producers everywhere else in the country;

Raises retail milk prices on the millions of consumers in the Compact region;

Imposes higher costs on every taxpayer because we all pay for nutrition programs such as food stamps and the national school lunch programs that provide milk and other dairy products.

As a price-fixing device, the Northeast Interstate Dairy Compact was unprecedented in the history of this Nation. As a dairy cartel, it is a poor legislative fix and bad precedent to deal with low milk prices.

Wisconsin's dairy farmers are being economically crippled by federal dairy policies. It's time to bring justice to federal dairy policy, and give Wisconsin Dairy farmers a fair shot in the market place.

I urge my colleagues not to buy into the rhetoric surrounding this issue. I urge you to work together towards fair national dairy policy. A policy that provides all dairy producers a fair price for their commodity, a policy that allows all of this country's dairy producers to succeed on the basis of hard work and a good product.

I urge my colleagues to oppose this legislation and to join me in the fight against its passage.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT OF AN EXECUTIVE ORDER RELATIVE TO RESERVE MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY—MESSAGE FROM THE PRESIDENT—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

I have today, pursuant to section 12304 of title 10, United States Code, authorized the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, when it is not operating as a service within the Department of the Navy, under their respective jurisdictions, to order to active duty any units, and any individual members not assigned to a unit organized to serve as a unit, of the Selected Reserve, or any member in the Individual Ready Reserve mobilizations category and designated essential under regulations prescribed by the Secretary concerned. These reserves will augment the active components in support of operations in and around the former Yugoslavia related to the conflict in Kosovo.

A copy of the Executive order implementing this action is attached.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 27, 1999.*

MESSAGES FROM THE HOUSE

At 4:57 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 92. Concurrent resolution Expressing the sense of Congress with respect to the tragic shooting at Columbine High School in Littleton, Colorado.

ENROLLED BILL SIGNED

At 5:00 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 800. An act to provide for education flexibility partnerships.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2706. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC-2707. A communication from the Acting General Counsel of the Department of Defense, transmitting, proposed legislation relative to various management concerns; to the Committee on Government Affairs.

EC-2708. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Information Collection Budget of the U.S. Government for fiscal year 1999; to the Committee on Governmental Affairs.

EC-2709. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a notice of a vacancy in the OMB office; to the Committee on Governmental Affairs.

EC-2710. A communication from the Comptroller General of the United States, transmitting, pursuant to law, various reports issued or released during February 1999; to the Committee on Governmental Affairs.

EC-2711. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Government National Mortgage Association management report for fiscal year 1998; to the Committee on Governmental Affairs.

EC-2712. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual statistical report for fiscal year 1998; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-37. A resolution adopted by the City Council of Cincinnati, Ohio relative to awarding a gold medal to Rosa Parks; ordered to lie on the table.

POM-38. A petition from the Commonwealth of Puerto Rico; to the Committee on Energy and Natural Resources.

CERTIFICATION

After the conclusion of the General Canvass as disposed in Article 6.008 the Electoral Law of Puerto Rico and in conformity with Article 29 of Law 249 of August 17, 1998, the Plebiscite Law of December 13, 1998, we certify the following official results of the Plebiscite held on December 13, 1998.

ISLAND WIDE RESULTS

	Votes	Percent
None of the Above	787,900	50.3
Petition Number 3	728,157	46.5
Petition Number 4	39,838	2.5
Petition Number 2	4,536	0.3
Petition Number 1	993	0.1
*Others:	4,846	0.3

*Ballots in blank: 1,890; void: 2,956.

Registered Voters: 2,197,824.

Participation: 71.3%.

Total voting polls: 5,611 of 5,611 for a 100%.

POM-39. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Rules and Administration.

SENATE CONCURRENT RESOLUTION NO. 1617

Whereas, By act of Congress, each state is invited to provide and furnish statues, not exceeding two in number, of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services, such as the state shall determine to be worthy of national commemoration in a national statuary hall; and

Whereas, The state of Kansas has had one citizen, Dwight David Eisenhower, who stands alone in the history of this state in achievement of a distinguished career in both the civic and military services, a man whose destiny led him from a boyhood home in Abilene, Kansas, to lead the armies of his nation and those of the free world in one of the greatest and most historic military engagements of all time and to lead the people of his nation in peace as the 34th president of the United States; and

Whereas, Dwight David Eisenhower, citizen of Kansas, General of the Army, President of the United States and honored and respected friend of presidents, kings and leaders and peoples of the free world is eminently worthy of national commemoration in a national statuary hall; and

Whereas, The state of Kansas in years past did provide for the placing of two statues of distinguished citizens of Kansas in statuary hall; and

Whereas, One of such statues is of the Honorable George W. Glick, a man who although he did not hold national office or win national or international acclaim, was a most honored and distinguished governor and legislative and civic leader in the state of Kansas; and

Whereas, Governor Glick can best be honored by locating his statue in a place of honor in the capitol of the state of Kansas where it may be enjoyed by our citizens and visitors; and

Whereas, The people of the state of Kansas wish to furnish a statue of Dwight David Eisenhower for placement in Statuary Hall in the capitol of this nation, with such statue hopefully being provided by the citizens of the state of Kansas through the efforts of the Eisenhower Foundation, Inc.; and

Whereas, The creation of the statue of Dwight David Eisenhower depends upon the willingness of the trustees of the Eisenhower Foundation, Inc. to organize a solicitation through appropriate representatives of the civic, fraternal and patriotic organizations of this state and the handling by such trustees of the funds so solicited; and

Whereas, A suitable statue of Dwight David Eisenhower must be created by a gifted and experienced sculptor who should be chosen by a committee of select persons suitably qualified to recommend the selection of such sculptor, and the trustees of the Eisenhower Foundation should name such a select commission; and

Whereas, When an appropriate sculptor has been selected to create the statue of Dwight David Eisenhower, the trustees of the Eisenhower Foundation, Inc. would be suitable to contract with the sculptor with funds obtained as indicated in this preamble for the creation of such a statue; and

Whereas, When the statue of Dwight David Eisenhower is completed, necessary plans need to be made and action needs to be taken to transport the statue to Washington, D.C. for installation in Statuary Hall and for the return of Governor Glick's statue to Kansas for installation in the state capitol in Topeka; and

Whereas, Should the Eisenhower Foundation, Inc. be unable or unwilling to perform the functions described in this preamble, the responsibility for the creation and installation of the statue of Dwight David Eisenhower should be assumed by the Kansas Department of Commerce and Housing; and

Whereas, Kansas has another hero, Amelia Earhart, a native of Atchison, who as a pioneer for women in aviation lost her life under still unknown circumstances, as is a Kansas worthy of recognition by placing a statue of her in Statuary Hall. Further, it is appropriate that the statute of Amelia Earhart be substituted for that of another Atchison native, former U.S. Senator John James Ingalls, whose statute should be returned to Kansas for an appropriate placement: Now, therefore, be it

Resolved by the Senate of the State of Kansas, the House of Representatives concurring therein, That the legislature of the state of Kansas respectfully requests that the Congress of the United States return the statute of George W. Glick earlier presented by the state of Kansas for placement in Statuary Hall and accept in return, for placement in Statuary Hall, a statue of Dwight David Eisenhower, a citizen of the free world, and worthy of national commemoration in Statuary Hall; and

Be it further resolved, That the legislature of the state of Kansas, on behalf of the people of this state and on behalf of this state itself, respectfully requests the trustees of the Eisenhower Foundation, Inc. to appoint a commission of representatives of civic, fraternal and patriotic organizations of this state, and to convey to such commission a charge to organize a solicitation for funds for the creation of a statue of Dwight David Eisenhower as contemplated by this resolution. Such trustees are further requested to provide management assistance to such commission and to receive and employ the funds so obtained to acquire such statue for placement in Statuary Hall in the capitol of this nation. Such trustees are further requested to appoint a committee of persons suitably qualified to select a gifted and experienced sculptor to create a suitable statue of Dwight David Eisenhower. Such trustees are further requested to contract with such sculptor with funds obtained as indicated in this resolution for the creation of such statue. Thereupon such trustees are further requested to make the statue so created of Dwight David Eisenhower available for placement in Statuary hall, the same to then be owned by the Congress of the United States; and

Be it further resolved, That the City of Atchison and the Atchison Chamber of Commerce should be tasked to find funds for the costs of the creation, transportation and installation of the statue of Amelia Earhart in Statuary Hall and for returning the statute of Senator Ingalls to Kansas; and

Be it further resolved, That should be efforts of the Eisenhower Foundation, Inc. and the commission of representatives of civic, fraternal and patriotic organizations of this state be unable to fulfill the object of this resolution, and the City of Atchison and the Atchison Chamber of Commerce be unable to successfully fund the placement of a statue of Amelia Earhart in Statuary Hall and transporting the statue of Senator Ingalls back to Kansas, the Kansas Department of

Commerce and Housing is tasked to take action ultimately providing a statue of Dwight David Eisenhower and Amelia Earhart for placement in Statuary Hall; and

Be it further resolved, That the cost of the creation of the statue of Dwight David Eisenhower, as well as the costs for transporting the statue of Dwight David Eisenhower to Washington, D.C. and transporting the statue of Governor Glick to the state capitol in Topeka, plus incidental costs for installation of statues in their permanent locations and the essential costs of any unveiling ceremonies should be borne by the state of Kansas through the use of private or public funds; and

Be it further resolved, That the secretary of state is directed to transmit enrolled copies of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Kansas delegation in the Congress of the United States, the Governor and Lieutenant Governor of the state of Kansas and to each of the trustees of the Eisenhower Foundation, Inc.

POM–40. A joint resolution adopted by the Legislature of the State of Vermont; to the Committee on Appropriations.

JOINT HOUSE RESOLUTION

Whereas, Veterans' Administration (VA) hospitals provide medical care for veterans, including men and women, who have risked their lives to protect the security of our nation, and

Whereas, the mission of the White River Junction VAMROC is to "serve veterans and their families in a proficient, dependable and compassionate manner within an environment that focuses on quality health care, benefits & services, research & education and support of the Department of Defense," and

Whereas, in 1932, White River Junction was chosen by the Veterans' Administration as a site for a regional hospital which was then built on a 176-acre site donated by the Town of Hartford for that purpose, and

Whereas, building 1 was completed in 1938 and successive buildings have been built and the facility and its services have been continuously expanded and improved since that date, and

Whereas, the White River Junction VAMROC has steadfastly provided quality health care and efficient benefit administration to veterans who have served with dedication and courage to protect and defend the United States, and has provided solace and community to veterans and their families, and

Whereas, the White River Junction VAMROC has developed into an outstanding teaching hospital, utilizing cutting edge technology, and is an essential source of learning opportunities for medical students and physicians in training in a northern New England teaching hospital with the potential to encourage rural physician placement, and

Whereas, the White River Junction VAMROC has developed into a premier research facility, conducting studies on Gulf War illnesses, and delivery of cost-effective outpatient services, and

Whereas, the current and possible future funding reductions threaten to harm vital infrastructures that are indispensable for optimal patient care such as the in-patient surgical unit, anesthesia staff, medicine and psychiatry units, and

Whereas, the current financial crisis at the White River Junction VAMROC may be mitigated if new and creative funding options were explored, including innovative research on the delivery of health services to veterans, and

Whereas, the priority of serving veterans must be absolute and irrevocable, and must be the foundation for medical care at this hospital, regardless of any new models of health care delivery, and

Whereas, any eliminated services would be very difficult and costly to replace or restart and would threaten the level of care of other services of both in-patient and out-patient units, now therefore be it

Resolved by the Senate and House of Representatives, That the General Assembly urgently requests that the United States Congress maintain stable and permanent funding of the White River Junction VAMROC, and be it further

Resolved, That the Governor and the Vermont Congressional Delegation, are urgently requested to support the White River Junction VAMROC to strengthen its capacity to provide Vermont's veterans with medical care and benefit services, to serve as a premier teaching facility, and to engage in essential research of benefits to veterans and the practice of medicine in Vermont, and be it further

Resolved, That Vermont's Congressional Delegation in conjunction with the Veterans' Administration and veteran service organizations are requested to investigate the broadening of the White River Junction VAMROC patient base, provided that the priority of serving Veterans remains absolute and irrevocable, and be it further

Resolved, That the Secretary of State be directed to send a copy of this resolution to the President of the United States, William Jefferson Clinton, Vice President Albert Gore, Veterans' Administration Secretary Togo D. West, Jr., Vermont Governor Howard Dean, New Hampshire Governor Jean Shaheen, New Hampshire Senate President Clesson Blaisdell, New Hampshire House Speaker Donna Sytek, to each member of the Vermont and New Hampshire Congressional Delegation, and to all Veterans' organizations registered with the State Veterans' Affairs Office at 118 State Street, Montpelier, VT.

POM–41. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 3039

Whereas, employers pay a federal employment security tax under the Federal Unemployment Tax Act [68A Stat. 439; 26 U.S.C. 3301 et seq.] as a payroll tax that produces revenue dedicated solely to use in the federal-state employment security system; and

Whereas, employers' payroll taxes pay for administering the employment security system; providing veterans' reemployment assistance, and producing labor market information to assist in matching workers' skills with the employment needs of employers; and

Whereas, congressional appropriations have remained flat in Wagner-Peyser funding, despite adequate availability of funds from dedicated employer taxes because the Federal Unemployment Tax Act accounts are used for federal budget deficit reduction; and

Whereas, congressional appropriations have not kept pace with fixed costs of operating the employment security system, creating problems similar to the problems the gas tax creates for transportation; and

Whereas, states cannot support an infrastructure to administer the employment security system, provide veterans' reemployment assistance, and produce labor market information, without adequate, predictable resources; and

Whereas, delivering services with inadequate federal funding is a major challenge facing the State of North Dakota and Job Service North Dakota: Now, therefore, be it

Resolved by the House of Representatives of North Dakota, the Senate concurring therein, That the Fifty-sixth Legislative Assembly urges the Congress of the United States to enact legislation to return adequate funds to states to fund the employment security system and give a fair return to employers for the taxes employers pay under the Federal Unemployment Tax Act; and

Be it further resolved, That the Secretary of State send copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the news media of North Dakota, and to each member of the North Dakota Congressional Delegation.

POM–42. A joint resolution adopted by the Legislature of the state of Maine; to the Committee on Foreign Relations.

JOINT RESOLUTION NO. 1388

Whereas, We your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled, in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

Whereas, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the United Nations General Assembly on December 18, 1979, became an international treaty on September 3, 1981 and as of December 1997 has been ratified or acceded to by 161 nations; and

Whereas, although the United States is considered a world leader in human rights, supports and has a position of leadership in the United Nations, was an active participant in the drafting and is a signatory of the convention, the United States is one of the few nations that have not ratified the treaty; and

Whereas, the spirit of the convention is rooted in the goals of the United Nations and the United States, which seek to affirm faith in fundamental human rights, in the dignity and worth of the person and in the equal rights of men and women; and

Whereas, the convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based on sex against half of the world's population and the 161 nations that have ratified the convention have agreed to follow the convention prescriptions; and

Whereas, although women have made major gains in the struggle for equality in social, business, political, legal and educational fields, there is much more to be accomplished; and through its support, leadership and prestige, the United States can help create a world where women are no longer discriminated against and have achieved one of the most fundamental of human rights, equality; now, therefore, be it

Resolved, That We, your Memorialists, request the President of the United States and the United States Congress to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the President of the Senate or the equivalent officer in the 49 other states; the Speaker of the House or the equivalent officer in the 49 other states; the United Nations Secretary-General, Kofi Annan; and each member of the Maine Congressional Delegation.

POM–43. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Veterans' Affairs.

House Resolution No. 26

Whereas, The veterans who are treated at the Iron Mountain VA Medical Care Facility (VAMCF) have served our country with extreme dedication. They are deserving of our respect and care every day, not just on Veterans Day. We urge administrators and directors at the Veterans Affairs Health Administration to prevent the implementation of a policy that would greatly reduce the level of quality health care services for our veterans, especially in the Upper Peninsula and northern Wisconsin; and

Whereas, The Iron Mountain VA Medical Care Facility covers a patient service area of over 25,000 square miles. Veterans from the Upper Peninsula and northern Wisconsin depend on the full range of services provided by this facility. It is callous to ask veterans suffering from illness to travel approximately 300 miles (Sault Ste. Marie to Iron Mountain) and then another 200 miles (Iron Mountain to Milwaukee) by bus to receive care. This is what the Department of Veterans Affairs is asking of our veterans in the Upper Peninsula. In December of 1998, the VA bus broke down on the way to Milwaukee with 34 veterans who needed care. A second bus was called from Milwaukee to pick up the veterans and it also broke down. This is not a situation that facilitates a return to health; and

Whereas, There is a need for an increase of hospital beds in Iron Mountain, not a decrease. Several years ago, this hospital had approximately 200 beds. The decrease to the current 17 beds far surpasses the national decrease of VA bed utilization and places a tremendous hardship on our veterans and their families; and

Whereas, By providing quality outpatient services to veterans closer to their homes, the quality of care and the number of veterans served has been substantially improved. It does not make sense to reduce services to a facility that is providing much needed and necessary services. It is wrong to force our veterans to travel many hours, in harsh conditions, away from their families, and more appropriate to continue to provide the full range of services our veterans deserve at the Iron Mountain VA Medical Care Facility: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the Veterans Affairs Administration to prevent the reduction of hospital bed capacity at the Iron Mountain Veterans Administration Medical Care Facility; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, Dr. Togo West, Jr., Secretary, Veterans Health Administration, Dr. Kenneth Kizer, Undersecretary of Health, VA Administration, Dr. Hershel Gober, Deputy Secretary for Health, VA Administration and Dr. J. Cummings, Regional VA Network Director, Department of Veterans Affairs.

POM–44. A resolution adopted by the Legislature of the State of Montana; to the Committee on Environment and Public Works.

Joint Resolution 4

Whereas, it is widely believed that the grizzly bear is classified as "threatened" or "endangered" only as a result of an arbitrary designation of habitat areas by the United States Fish and Wildlife Service (USFWS) and that the grizzly bear is, in reality, neither "threatened" nor "endangered" because the State of Montana successfully maintained a viable, breeding population of grizzly bears for years prior to the arbitrary USFWS classification; and

Whereas, grizzly bear populations continue to thrive, breeding and maintaining their populations in suitable habitat in other areas; and

Whereas, the habitat in the Selway-Bitterroot Wilderness is considered to be an inadequate ecosystem for supporting grizzly bears; and

Whereas, predation by grizzly bears is known to impose uncompensated costs and hazards to livestock growers and other citizens; and

Whereas, enforcement by federal agencies of arbitrary and capricious rules and regulations devised to exclude any real or imagined intrusion or disturbance to grizzly bears in recovery areas has caused the loss of many millions of dollars in personal and corporate income, the loss of many jobs, the displacement of families, the loss of needed revenue to the State of Montana, and the virtual closing of large areas of national forest land in Montana to traditional uses, such as lumbering, driving for pleasure, gathering firewood, and berry picking; and

Whereas, the Selway-Bitterroot and Frank Church River-of-No-Return wilderness complex is the only remaining wilderness in the geographical area where wilderness travelers can pursue a wilderness experience without fear of encountering grizzly bears; and

Whereas, introduction of grizzly bears into the Selway-Bitterroot Wilderness will complicate or further frustrate efforts to increase populations of anadromous salmon that traditionally spawn in the rivers and streams of the Selway-Bitterroot Wilderness; and

Whereas, introduction of grizzly bears into the Selway-Bitterroot and Frank Church River-of-No-Return wilderness complex will further increase the rate of bear predation of the northern Idaho elk herd, a herd that is an important asset to outfitters, guides, and residents of western Montana and northern Idaho; and

Whereas, social benefits derived from the bear introduction program are drastically out of proportion to the costs to the public of capturing, transporting, examining, releasing, monitoring, and otherwise managing an introduced population of grizzly bears, and those funds are more urgently needed to help finance real and essential social programs; and

Whereas, programs undertaken under the authority of Public Law 93–205, the federal Endangered Species Act of 1973, including the grizzly bear recovery program, place the lives, property, and freedom of local citizens and visitors in jeopardy of the wrath of the United States government in the event of accidental or mistaken actions by citizens that could be judged as infringement on a listed species or the habitat of a listed species and further expand the body of laws and regulations of which United States citizens might become victims when applied: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana,

(1) That grizzly bears not be released into the Selway-Bitterroot and Frank Church River-of-No-Return wilderness complex as part of the federal grizzly bear recovery program.

(2) That control of grizzly bear populations by the United States Fish and Wildlife Service be ended and that the management of grizzly bears within the borders of Montana and Idaho be returned to the fish and wildlife agencies of those respective states.

(3) That the grizzly bear be removed from the list of threatened or endangered species, based on evidence of the viability of grizzly bear populations in Montana, Idaho, Wyoming, Alaska, and Canada.

(4) That if the United States government persists in its proposal to introduce grizzly bears into the Selway-Bitterroot and Frank Church River-of-No-Return wilderness complex and succeeds in placing grizzly bears in those areas, the United States government be held financially liable for any damages to livestock and other domestic animals and to property, for loss of life, and for personal injury arising from the actions of the grizzly bears and of United States government agents engaged in the grizzly bear recovery program, including economic losses suffered by individuals or communities as a result of actions related to the program.

(5) That the Secretary of State send copies of this resolution to the members of the Montana and Idaho Congressional Delegations, the Director of the United States Fish and Wildlife Service, the President of the United States Senate, and the Speaker of the United States House of Representatives.

POM–45. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Environment and Public Works.

House Resolution No. 17

Whereas, After considerable debate, Congress and the administration agreed in 1998 to a transportation measure that set place a formula for transportation spending. This agreement provided that unanticipated revenues would go to specific types of projects; and

Whereas, Historically low costs for gasoline have spurred a significant increase in gas tax revenue. In addition to the direct impact of the lower price per gallon while the tax per gallon is constant, the glut of oil in the marketplace has also encouraged the purchase and use of larger, less fuel efficient vehicles. As a result, gas tax revenues are higher than expected; and

Whereas, The administration has responded to the increased money available by proposing several new programs. A great number of these proposals are outside of the agreed upon provisions for transportation spending. The proportions and projects agreed upon provide a reliable tool for states in projecting how to meet future needs. It would be wrong for the federal government to ignore the agreement and the ability of the states to fill transportation needs as best serves their citizens: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and the Congress of the United States to refrain from divesting transportation money from the purposes and formula already in place; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-46. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works.

JOINT RESOLUTION 1492

We, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the members of the Congress of the United States, as follows:

Whereas, the Federal Government under the Clean Air Act requires the use of an oxygenate for gasoline at a minimum of 2% of content by weight; and

Whereas, the State has serious concerns about the presence of methyl tertiary-butyl ether or MTBE, an oxygenate in reformulated gasoline, in groundwater; and

Whereas, the prescriptive requirements in the Clean Air Act for oxygenate content limit our State's ability to address our groundwater contamination issues: Now, therefore, be it

Resolved, That we, your memorialists, respectfully urge and request that the United States Congress remove the requirement in the Clean Air Act for 2%-by-weight oxygenate in reformulated gasoline so that additional alternate fuel mixtures may be available for use in Maine; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

POM-47. A resolution adopted by the House of the Legislature of the State of Michigan; to be Committee on Finance.

HOUSE RESOLUTION NO. 14

Whereas, After a long and arduous effort, the states reached a settlement with several tobacco companies for damages to the public's health and to reform certain industry practices, including the impact of certain marketing efforts on children. The 1998 multi-billion dollar settlement extends over twenty-five years and includes the payment of money directly to the states and to funds established to address specific components of the settlement; and

Whereas, In the time since the settlement was reached, federal officials have raised various proposals for the federal government to claim portions of the settlement money. This possibility prompted legislation in the 105th Congress seeking to prohibit the federal government from seizing any state tobacco settlement funds. Legislation has been introduced in the 106th Congress, H.R. 351 and S. 346, to safeguard the states' money by prohibiting the Secretary of Health and Human Services from considering this money recoverable under Medicaid; and

Whereas, The settlement reached by the states and the tobacco industry was the result of risks, expenses, and initiatives of the states. They have every right to the funds to cover state health damages and costs. In carrying out the settlement provisions, the states must have the assurance that there will not be impediments to the settlement from any federal agency, including directives on how any of the funds can be spent. There can be no cloud of uncertainty hanging over the states as they project future activities in carrying out the directives of the agreement: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress to enact legislation to prohibit the federal government from claiming any tobacco settlement money from the states or directing how the states expend these funds; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-48. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance.

JOINT RESOLUTION NO. 1469

Whereas, the state of Maine settled its litigation against the tobacco industry on November 23, 1998; and

Whereas, the Federal Government, through the Federal Health Care Financing Administration, has asserted that it is entitled to a significant share of the state settlement on the basis that it represents the federal share of Medicaid costs; and

Whereas, the Federal; Government asserts that it is authorized and obligated, under the United States Social Security Act, to collect its share of any settlement funds attributable to Medicaid; and

Whereas, the state lawsuit was brought for violation of state law under theories, and the state lawsuit did not make any federal claims; and

Whereas, the State bore all the risk and expense in the litigation brought in State Court and settled without any assistance from the Federal Government; and

Whereas, the State is entitled to all of the funds negotiated in the tobacco settlement agreement without any federal claim; now, therefore, be it

Resolved, That We, your Memorialists, request that the President of the United States and the United States Congress work together to support and sign legislation to allow the states to keep their tobacco settlement funds; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; and to each Member of the Maine Congressional Delegation.

POM-49. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 22

Whereas, the states of the union, at their own expense and on their own initiative, filed and pursued the unprecedented civil litigation against the tobacco industry that resulted in the historic settlement agreement negotiated by the states and entered into on the twenty-third day of November, one thousand nine hundred ninety-eight; and

Whereas, the settlement agreement reached between the parties to the litigation was based on the past and future health care expenditures of the aggregate populations of each participating state and not solely for those states' Medicaid beneficiaries; and

Whereas, the government of the United States was not a party to any of the litigation against the tobacco industry, it did not assume any of the risk or incur any of the costs associated with the litigation; nor has it yet sought recovery of any smoking-related health care expenditures paid out under the Medicare program; and

Whereas, the Health Care Financing Administration has voluntarily suspended its efforts to recoup Medicaid matching funds from the states' tobacco settlement awards pending action by the United States Congress, which voluntary suspension may be revoked at any time; and

Whereas, the Administrator of the Health Care Financing Administration has publicly stated the ultimate intention of the federal government to recoup up to two thirds of the tobacco settlement funds from the states and to dictate how states may spend the remaining settlement funds left untouched by the federal government; and

Whereas, it would be unjust to allow the federal government to enrich itself at the states' risk and expense and, at the same time, reward itself for its own inaction with respect to recovering tobacco-related health care costs; therefore, be it

Resolved by the Legislature of West Virginia, That the Congress of the United States is requested to enact legislation amending the Social Security Act so that funds due the states as a result of the Master Settlement Agreement reached with the tobacco industry are exempted from recoupment by the Health Care Financing Administration and prohibiting federal interference with the states in deciding how to best utilize those settlement funds; and be it further

Resolved, That the Clerk of the House shall, immediately upon its adoption, transmit duly authenticated copies of this resolution to the Speaker and the Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, the members of the West Virginia Congressional Delegation, the Administrator of the Health Care Financing Administration, the Attorney General of the United States, and the President of the United States.

POM-50. A resolution adopted by the Senate of the Legislature of the State of Rhode Island; to the Committee on Finance.

SENATE RESOLUTION

Whereas, November 23, 1998, representatives from forty-six (46) states signed a settlement agreement with the five (5) largest tobacco manufacturers; and

Whereas, the Attorneys General Master Tobacco Settlement Agreement culminated legal action that began in 1994 when states began filing lawsuits against the tobacco industry; and

Whereas, the respective states are presently in the process of finalizing the terms of the Master Tobacco Settlement Agreement, and are making initial fiscal determinations relative to the most responsible ways and means to utilize the settlement funds; and

Whereas, under the terms of the agreement, tobacco manufacturers will pay $206 billion over the next twenty-five (25) years to the respective states in up-front and annual payments; and

Whereas, Rhode Island is projected to receive $1,408,469,747 through the year 2025 under the terms of the Master Tobacco Settlement Agreement; and

Whereas, because many state lawsuits sought to recover Medicaid funds spent to treat illnesses caused by tobacco use, the

Health Care Financing Administration (HCFA) contends that it is authorized and obligated, under the Social Security Act, to collect its share of any tobacco settlement funds attributable to Medicaid; and

Whereas, the Master Tobacco Settlement Agreement does not address the Medicaid recoupment issue, and thus the Social Security Act must be amended to resolve the recoupment issue in favor of the respective states; and

Whereas, in addition to the recoupment issue, there is also considerable interest, at both the state and national levels, in earmaking state tobacco settlement fund expenditures; and

Whereas, as we move toward final approval of the Master Tobacco Settlement Agreement, it is imperative that state sovereignty be preserved; now, therefore, be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations do hereby memorialize the United States Congress to enact legislation amending the Social Security Act to prohibit recoupment by the federal government of state tobacco settlement funds; and be it further

Resolved, that it is the sense of this Senate that the respective state legislatures should have complete autonomy over the appropriation and expenditure of state tobacco settlement funds; and be it further

Resolved, that the the Secretary of State be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the Honorable Bill Clinton, President of the United States of America; the President and the Secretary of the U.S. Senate; the Speaker and the Clerk of the U.S. House of Representatives; and to each member of the Rhode Island Congressional Delegation.

POM–51. A resolution adopted by the Senate of the Legislature of the State of New Mexico; to the Committee on Finance.

SENATE MEMORIAL 46

Whereas, on November 23, 1998, Representatives from forty-six States signed a Settlement Agreement with the, five largest Tobacco Manufacturers; and

Whereas, the Attorneys General Master Tobacco Settlement Agreement culminated legal action that began in 1994 when States began filing Lawsuits against the Tobacco Industry; and

Whereas, New Mexico and the other States that signed the Master Tobacco Settlement Agreement are currently making their initial decisions regarding the most responsible ways and means to use the Settlement Funds; and

Whereas, under the terms of the Agreement, Tobacco Manufacturers will pay two hundred six billion dollars ($206,000,000,000) over the next twenty-five years to the respective States, and New Mexico is projected to receive about one billion one hundred seventy million dollars ($1,170,000,000) of that amount; and

Whereas, because many State Lawsuits sought to recover Medicaid Funds spent to treat illnesses caused by tobacco use, the Health Care Financing Administration contends that it is authorized and obligated under the Social Security Act to collect its share of any Tobacco Settlement Funds attributable to Medicaid; and

Whereas, the Master Tobacco Settlement Agreement does not address the Medicaid Recoupment Issue, and thus the Social Security Act must be amended to resolve the Recoupment Issue in favor of the respective States; and

Whereas, as we move toward final approval of the Master Tobacco Settlement Agreement, it is imperative that State Sovereignty be preserved; now, therefore, be it

Resolved by the Senate of the State of New Mexico, That the United States Congress enact Legislation amending the Social Security Act to prohibit Recoupment by the Federal Government of State Tobacco Settlement Funds; and be it further

Resolved, That State Legislatures have complete autonomy over the appropriation and expenditure of State Tobacco Settlement Funds, and that the Federal Government not earmark or impose any other restrictions on the respective States' use of State Tobacco Settlement Funds; and be it further

Resolved, That copies of this Memorial be transmitted to the President of the United States of America, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives and each Member of the New Mexico Congressional Delegation.

POM–52. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Finance.

JOINT RESOLUTION

Whereas, on November 23, 1998, 46 states, U.S. territories, commonwealths, and the District of Columbia reached a multibillion dollar settlement with six tobacco companies to end pending civil actions brought by the states claiming as damages money spent treating residents for injuries caused by smoking; and

Whereas, the United States has asserted a claim to over one-half of the settlement money, claiming that much of the money to be received by the states amounts to Medicaid overpayments and, as such, can be "recouped" by the federal government; and

Whereas, the record-setting settlement was achieved by the states, territories, commonwealths, and the District of Columbia through their efforts and their efforts alone, the federal government having played no role whatsoever in the proceedings leading to the settlement or the settlement negotiations; and

Whereas, having played no role in the lawsuits and settlements, any attempt by the United States to "recoup" the damages paid by the tobacco companies amounts to a seizure of money to which the states, territories, commonwealths, and the District of Columbia have a moral and legal claim; and

Whereas, there is bipartisan support forming in the U.S. Congress for the introduction of legislation to keep the United States from making good on its claim for recoupment; and

Whereas, strong support should be shown by Montana for the Congressional efforts to prevent the United States from further asserting ownership of the settlement proceeds: now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the Montana Legislature convey to the U.S. Senate and House of Representatives its strong opposition to the taking by the federal government of any of the proceeds of the tobacco settlement. Be it further

Resolved, That the Legislature requests the Congress to enact legislation to keep the U.S. Department of Health and Human Services from further asserting or making good on a claim to the settlement proceeds. Be it further

Resolved, That the Legislature requests the Montana Congressional Delegation to work closely with those members of Congress who will sponsor legislation to see that the proceeds of the settlement be paid to and retained by the states. Be it further

Resolved, That the Secretary of State send copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Montana's Congressional Delegation.

POM–53. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 9

Whereas, Two years after filing suit against the tobacco industry, Texas' attorney general announced on January 16, 1998, that the industry had agreed to the largest settlement in the history of tobacco litigation; and

Whereas, Tireless negotiations between Texas and the defendants ensued, resulting in a memorandum of understanding signed in July 1998 that resolved all outstanding differences and settled Texas' lawsuit against the tobacco industry; and

Whereas, The federal government played no role in the litigation for Texas' $17.3 billion settlement with the tobacco companies and has declined to bring its own lawsuit against the industry, but now, through the Health Care Financing Administration, asserts that it is entitled to a significant share of state settlements on the basis that it represents the federal share of Medicaid costs; and

Whereas, Texas bore all of the risk and expense in the litigation and settlement negotiations, receiving no assistance from the federal government, and is entitled to all of the funds negotiated in the tobacco settlement agreement; and

Whereas, United States Senators Kay Bailey Hutchison of Texas and Bob Graham of Florida have introduced bipartisan legislation, S. 346, to prohibit the federal government from seizing any part of the tobacco settlement, and similar legislation, H.R. 351, has been introduced in the U.S. House of Representatives; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the Congress of the United States not to make federal claims against the proceeds of the Texas tobacco settlement; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–54. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Finance.

SENATE RESOLUTION NO. 6

Whereas, Following an effort that involved considerable expense, time, and risk, the states have reached a settlement with tobacco companies in response to litigation initiated to recover damages to the states related to the public's health. This lawsuit was based on state claims for costs they incurred related to tobacco and on long-term concerns for public health and the vulnerability of children. State laws on consumer protection, health, and other areas provided the foundation for the legal actions; and

Whereas, Throughout the process of litigation, the states bore the burdens of bringing the case, without the assistance of the federal government. The terms of the settlement provided for the states' responsibilities in directing certain amounts to specific programs to remedy problems caused by tobacco products; and

Whereas, In the time since the settlement was first announced and finalized, some units of the federal government have been making claims on portions of the tobacco settlement funds. The administration's claims are apparently based on efforts to recoup money channeled through the state for the federal component of overall Medicaid costs; and

Whereas, The federal government's efforts to claim portions of the states' tobacco settlement are inappropriate. The states, acting together and on the basis of damages to the states—not the federal government—earned this settlement. There are measures before the Congress that would prohibit federal agencies from trying to recoup funds as a result of this agreement: now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States to prohibit any agency of the federal government from recouping any of the tobacco settlement funds due the states; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–55. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance.

Assembly Joint Resolution No. 5

Whereas, The provisions set forth in 42 U.S.C. §415 for determining the primary insurance amount of a person receiving social security were amended in 1977 by Public Law 95–216; and

Whereas, Those amendments resulted in disparate benefits according to when a person initially becomes eligible for benefits; and

Whereas, Persons who were born during the years 1917 to 1926, inclusive, and who are commonly referred to as "notch babies," receive lower benefits than persons who were born before that time; and

Whereas, The payment of benefits under the social security system is not based on need or other considerations related to welfare, but on a program of insurance based on contributions by a person and his employer, and

Whereas, During the 105th session of Congress, H.R. 3008 and S. 2003 were introduced in the House of Representatives and the Senate, respectively, to provide compensation for the inequities in the payment of social security benefits to persons based on the year in which they initially become eligible for such benefits, but no action has been taken on such legislation; and

Whereas, The discrimination between persons receiving benefits is contrary to the principles of justice and fairness; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That Congress is hereby urged to enact legislation that provides for the payment of lump sums to persons who became eligible for social security benefits after 1981 and before 1992 and have received lower benefits as a result of the changes in the computation of benefits enacted by Public Law 95–216, as compensation for the reduced benefits they have been paid; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–56. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Finance.

House Concurrent Resolution No. 5015

Whereas, The State of Kansas is very concerned about the health and well-being of its senior and disabled citizens; and

Whereas, The State of Kansas believes that its senior and disabled citizens should have access to high quality, cost-effective home health care services; and

Whereas, Medicare beneficiaries needing the most care are being denied access to home health services as a result of medicare payment reforms; and

Whereas, The provisions of the Balanced Budget Act of 1997 establishing the interim payment system calling for payment cuts for medicare home health services will result in a cut back of those necessary services which will lead to increased utilization of more costly settings like emergency rooms, hospitals and nursing homes as well as shifting an enormous financial and time consuming burden to the families of the senior or disabled citizens; and

Whereas, The medicare home health cuts will most likely shift service needs and costs to more expensive state programs, especially long-term care facilities, thus resulting in an unfunded mandate to Kansas and resulting in greater expense to both medicare and medicaid: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature hereby requests Congress to rescind the provisions of the Balanced Budget Act of 1997 related to the interim payment system for medicare home health services; and be it further

Resolved: That the Secretary of State is hereby directed to send enrolled copies of this resolution to the President and President pro tempore of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each member of the Kansas Congressional Delegation.

POM–57. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Finance.

Joint Resolution No. 5

Whereas, the ever-increasing cost of prescription drugs and long-term care is beyond the income of most senior citizens; and

Whereas, 30 years ago the average monthly Social Security check would more than cover a month's stay in a nursing home as well as pay the cost of prescription drugs, while today the average monthly Social Security check will not pay for 1 week's stay in a nursing home; and

Whereas, prescription drugs can be purchased in either Mexico or Canada for one-fourth to one-third of the cost in the United States; and

Whereas, the cost of research and development of prescription drugs in the United States is so high that pharmaceutical companies must sell their product for as great a price as the market will bear in order to recoup some of those research and development costs; and

Whereas, billions of dollars are wasted because Congress will not allow Medicare to use competitive bidding in ordering supplies and equipment; and

Whereas, according to government estimates, Medicare improperly paid approximately $23 billion in the 1997 fiscal year because of fraud and abuse: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana:

(1) That the United States Congress is urged to enact legislation to place long-term care and prescription drugs in the Medicare program and that in order to pay for these changes to the Medicare program, a serious effort to eliminate fraud and abuse be inaugurated and that Congress give Medicare the right to use competitive bidding for purchasing prescription drugs and other supplies.

(2) That the federal government is urged to take serious measures to eliminate fraud and abuse wherever it may be found in the expenditure of federal tax dollars.

(3) That the United States Congress review the necessity for statutes and regulations that contribute to the high cost of research and development of prescription drugs in the United States and revise or eliminate those statutes and regulations that cause or contribute to the high cost of research and development of those drugs; be it further

Resolved, that the Secretary of State send a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and to each member of the Montana Congressional Delegation.

POM–58. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the Social Security system; to the Committee on Finance.

POM–59. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the decennial census; to the Committee on Governmental Affairs.

POM–60. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Commerce, Science, and Transportation.

Senate Resolution No. 9

Whereas, The fragile ecology of the Great Lakes has been threatened by new species of fish and plant life introduced into this water system by ships releasing ballast water. In recent years, the zebra mussel, ruffe, and goby have posed significant challenges to the delicate balance of the most important fresh water resource of North America and the largest and most accessible source of fresh water in the world; and

Whereas, With changing technologies in the shipping industry and in the ability to monitor and test water, there are opportunities to make progress in the effort to halt the introduction of more nonindigenous species into the Great Lakes. Congress can contribute enormously to this work through stronger legislation to prohibit the dumping of ballast water in the Great Lakes water system and grants to promote better compliance; and

Whereas, The quality of the Great Lakes will play a large role in shaping the future not only for Michigan and the United States, but for all of North America; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to strengthen measures to prohibit the dumping of shipping ballast water into the Great

Lakes and connecting waterways; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself, Mr. MACK, Mr. MURKOWSKI, and Mr. SANTORUM):

S. 881. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself, Mr. HAGEL, Mr. BYRD, Mr. CRAIG, Mr. ROBERTS, Mr. GRAMS, Mr. HUTCHINSON, Mr. ENZI, Mr. SMITH of Oregon, and Mr. MCCAIN):

S. 882. A bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 883. A bill to authorize the Attorney General to reschedule certain drugs that pose an imminent danger to public safety, and to provide for the rescheduling of the date-rape drug and the classification of a certain "club" drug; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. TORRICELLI, and Mr. HUTCHINSON):

S. 884. A bill to establish the National Military Museum Foundation, and for other purposes; to the Committee on Armed Services.

By Mr. BIDEN.

S. 885. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to provide incentives for the development of drugs for the treatment of addiction to illegal drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELMS:

S. 886. An original bill to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for the reform of the United Nations; and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. SHELBY:

S. 887. A bill to establish a moratorum on the Foreign Visitors Program at the Department of Energy nuclear laboratories, and for other purposes; to the Committee on Armed Services.

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. INOUYE):

S. 888. A bill to amend the Internal Revenue Code of 1986 to modify the air transportation tax changes made by the Taxpayer Relief Act of 1997; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. SANTORUM, and Mr. COCHRAN):

S. 889. A bill to amend the Internal Revenue Code of 1986 to provide tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE (for himself, Mr. ROBB, and Mr. FEINGOLD):

S. 890. A bill to faciliate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 891. A bill to amend section 922(x) of title 18, United States Code, to prohibit the transfer to and possession of handguns, semiautomatic assault weapons, and large capacity ammunition feeding devices by individuals who are less than 21 years of age, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. MACK, Mr. BRYAN, Mr. MURKOWSKI, and Mr. BREAUX):

S. 892. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Finance.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 893. A bill to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mr. SPECTER, Mr. COCHRAN, Mr. MOYNIHAN, Mr. SESSIONS, Ms. SNOWE, Mr. LOTT, Ms. LANDRIEU, Ms. COLLINS, Mr. KENNEDY, Mr. SCHUMER, Mr. SHELBY, Ms. MIKULSKI, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. DODD, Mr. BREAUX, Mr. THURMOND, Mr. CHAFEE, Mr. SMITH of New Hampshire, Mr. SARBANES, Mr. COVERDELL, Mr. CLELAND, Mr. GREGG, Mr. REED, Mr. KERRY, Mr. HELMS, Mr. BYRD, Mr. TORRICELLI, Mr. EDWARDS, Mr. LIEBERMAN, Mr. ASHCROFT, Mr. ROCKEFELLER, Mrs. LINCOLN, Mr. BIDEN, Mr. FIRST, Mr. BOND, and Mr. THOMPSON):

S.J. Res. 22. A joint resolution to reauthorize, and modify the conditions for, the consent of Congress to the Northeast Interstate Diary Compact and to grant the consent of Congress to the Southern Diary Compact; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 86. A resolution supporting the National Railroad Hall of Fame, Inc. of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. BOND, and Mr. MOYNIHAN):

S. Res. 87. A resolution commemorating the 60th Anniversary of the International Visitors Program; to the Committee on Foreign Relations.

By Mr. SMITH of Oregon (for himself, Mr. WELLSTONE, Mr. THOMAS, Mr. SARBANES, and Mr. BROWNBACK):

S. Con. Res. 30. A concurrent resolution recognizing the sacrifice and dedication of members of America's non-governmental organizations and private volunteer organizations throughout their history and specifically in answer to their courageous response to recent disasters in Central America and Kosovo; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. MACK, Mr. MURKOWSKI, and Mr. SANTORUM):

S. 881. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE MEDICAL INFORMATION PROTECTION ACT OF 1999

Mr. BENNETT. Mr. President, I rise today to introduce the Medical Information Protection Act of 1999. Trying to find the right balance between legitimate uses of health care data and the need for privacy has been a very difficult road to go down; however, I feel that great progress has been made and that the legislation that I am introducing strikes the right balance between the desire the patient has for increased confidentiality and the need our health care system has for information that will enable it to provide a higher quality of care. I am pleased that Senators MACK, MURKOWSKI and SANTORUM have joined me as co-sponsors of this legislation and I am hopeful that a number of other senators will soon join us as well. In addition, I am pleased to include in the record a list of groups that have come out in support of this legislation. I am grateful for the many comments and suggestions I have received from a wide variety of organizations and individuals.

Most of us wrongly assume that our personal health information is protected under federal law. It is not. Federal law protects the confidentiality of our video rental records, and federal law ensures us access to information about us such as our credit history. However, there is no current federal law which will protect the confidentiality of our medical information against unauthorized use and ensure us access to that same sensitive information about us. This is a circumstance that I believe should and must change.

At this time, the only protection of an individual's personal medical information is under state law. These state laws, where they exist, are incomplete, inconsistent and in most cases inadequate. At last check, there were approximately 35 states with 35 unique laws governing the use and disclosure of medical information. Even in those states where there are existing laws, there is no penalty for releasing and disseminating the most private information about our health and the health care we have received.

As our health care delivery systems continue to expand across state lines, efficiency, research advances and the delivery of the highest quality of care possible depend upon the flow of information. This year alone, a large number of states have either considered passing new legislätion or have attempted to modify existing laws. As states act to meet the concerns of their residents, the patchwork of state laws become ever more complex. If this trend continues, the high quality care and research breakthroughs we have come to expect and demand from our health care system would be jeopardized because health care organizations would be forced to track and comply with multiple, conflicting and increasingly complex state laws.

Clearly, in today's world, health information must be permitted to flow across state lines if we are to expect the highest level of health care. For example, in Utah, Intermountain Health Care (IHC), the largest care provider based in my state also provides care in four other western states. IHC currently maintains secure databases of patient information which each of its member facilities in Utah, Nevada, Idaho and Wyoming draw upon to provide and improve care. Requiring them to comply with multiple state laws does not add to the quality of health care they provide, but does add to the cost of health care they provide. Many IHC patients live in one state yet their closest hospital, clinic or physicians office is in another state. I am sure this example appears throughout the country in one form or another given the consolidation of the health care industry and the large percentage of us who live near state lines.

In addition, we are seeing an emergence of telemedicine and health care services over the internet that adds another degree of complexity to this entire circumstance. Technology is not only improving the quality of care and improving patient access to services, it is also making the need for one strong federal law more critical. The majority of providers, insurers, health care professionals, researchers and patients agree that there is an increasingly urgent need for uniformity in our laws that govern access to and disclosure of personal health information.

Mr. President, I remind my colleagues that if we do not act by August of 1999 the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires the Secretary of Health and Human Services (HHS) to put in to place regulations governing health information in an electronic format. Thus, we could have a circumstance where paper based records and electronic based records are treated differently. I do not believe Congress wants to protect one form of medical records and not another, and I do not think that we should permit the Secretary of Health and Human Services to implement regulations without further direction from the Congress. Congress should not neglect its responsibility and duty to legislate and provide appropriate direction to the executive branch. I urge my colleagues to work with me to pass legislation that would give HHS clear direction and provide each American with greater protection of their health information.

Mr. President, I ask unanimous consent that the bill and a list of groups supporting this legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medical Information Protection Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—INDIVIDUAL'S RIGHTS

Subtitle A—Review of Protected Health Information by Subjects of the Information

Sec. 101. Inspection and copying of protected health information.
Sec. 102. Amendment of protected health information.
Sec. 103. Notice of confidentiality practices.

Subtitle B—Establishment of Safeguards

Sec. 111. Establishment of safeguards.
Sec. 112. Accounting for disclosures.

TITLE II—RESTRICTIONS ON USE AND DISCLOSURE

Sec. 201. General rules regarding use and disclosure.
Sec. 202. Procurement of authorizations for use and disclosure of protected health information for treatment, payment, and health care operations.
Sec. 203. Authorizations for use or disclosure of protected health information other than for treatment, payment, and health care operations.
Sec. 204. Next of kin and directory information.
Sec. 205. Emergency circumstances.
Sec. 206. Oversight.
Sec. 207. Public health.
Sec. 208. Health research.
Sec. 209. Disclosure in civil, judicial, and administrative procedures.
Sec. 210. Disclosure for law enforcement purposes.
Sec. 211. Payment card and electronic payment transaction.
Sec. 212. Individual representatives.
Sec. 213. No liability for permissible disclosures.
Sec. 214. Sale of business, mergers, etc.

TITLE III—SANCTIONS

Subtitle A—Criminal Provisions

Sec. 301. Wrongful disclosure of protected health information.

Subtitle B—Civil Sanctions

Sec. 311. Civil penalty violation.
Sec. 312. Procedures for imposition of penalties.
Sec. 313. Enforcement by State insurance commissioners.

TITLE IV—MISCELLANEOUS

Sec. 401. Relationship to other laws.
Sec. 402. Conforming amendment.
Sec. 403. Study by Institute of Medicine.
Sec. 405. Effective date.

SEC. 2. FINDINGS.

The Congress finds that—

(1) individuals have a right of confidentiality with respect to their personal health information and records;

(2) with respect to information about medical care and health status, the traditional right of confidentiality is at risk;

(3) an erosion of the right of confidentiality may reduce the willingness of patients to confide in physicians and other practitioners, thus jeopardizing quality health care;

(4) an individual's confidentiality right means that an individual's consent is needed to disclose his or her protected health information, except in limited circumstances required by the public interest;

(5) any disclosure of protected health information should be limited to that information or portion of the medical record necessary to fulfill the purpose of the disclosure;

(6) the availability of timely and accurate personal health data for the delivery of health care services throughout the Nation is needed;

(7) personal health care data is essential for medical research;

(8) public health uses of personal health data are critical to both personal health as well as public health; and

(9) confidentiality of an individual's health information must be assured without jeopardizing the pursuit of clinical and epidemiological research undertaken to improve health care and health outcomes and to assure the quality and efficiency of health care.

SEC. 3. PURPOSES.

The purpose of this Act is to—

(1) establish strong and effective mechanisms to protect against the unauthorized and inappropriate disclosure of protected health information that is created or maintained as part of health care treatment, diagnosis, enrollment, payment, plan administration, testing, or research processes;

(2) promote the efficiency and security of the health information infrastructure so that members of the health care community may more effectively exchange and transfer health information in a manner that will ensure the confidentiality of protected health information without impeding the delivery of high quality health care; and

(3) establish strong and effective remedies for violations of this Act.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) ACCREDITING BODY.—The term "accrediting body" means a national body, committee, organization, or institution (such as the Joint Commission on Accreditation of Health Care Organizations or the National Committee for Quality Assurance) that has been authorized by law or is recognized by a health care regulating authority as an accrediting entity or any other entity that has been similarly authorized or recognized by law to perform specific accreditation, licensing or credentialing activities.

(2) AGENT.—The term "agent" means a person, including a contractor, who represents

and acts for another under the contract or relation of agency, or whose function is to bring about, modify, effect, accept performance of, or terminate contractual obligations between the principal and a third person.

(3) COMMON RULE.—The term "common rule" means the Federal policy for protection of human subjects from research risks originally published as 56 Federal Register 28.025 (1991) as adopted and implemented by a Federal department or agency.

(4) DISCLOSE AND DISCLOSURE.—

(A) DISCLOSE.—The term "disclose" means to release, transfer, provide access to, or otherwise divulge protected health information to any person other than the individual who is the subject of such information.

(B) DISCLOSURE.—

(i) IN GENERAL.—The term "disclosure" refers to a release, transfer, provision for access to, or communication of information as described in subparagraph (A).

(ii) USE.—The use of protected health information by an authorized person and its agents shall not be considered a disclosure for purposes of this Act if the use is consistent with the purposes for which the information was lawfully obtained. Using or providing access to health information in the form of nonidentifiable health information shall not be construed as a disclosure of protected health information.

(5) EMPLOYER.—The term "employer" has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(5)), except that such term shall include only employers of two or more employees.

(6) HEALTH CARE.—The term "health care" means—

(A) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, including appropriate assistance with disease or symptom management and maintenance, counseling, assessment, service, or procedure—

(i) with respect to the physical or mental condition of an individual; or

(ii) affecting the structure or function of the human body or any part of the human body, including the banking of blood, sperm, organs, or any other tissue; or

(B) pursuant to a prescription or medical order any sale or dispensing of a drug, device, equipment, or other health care related item to an individual, or for the use of an individual.

(7) HEALTH CARE OPERATIONS.—The term "health care operations" means services provided by or on behalf of a health plan or health care provider for the purpose of carrying out the management functions of a health care provider or health plan, or implementing the terms of a contract for health plan benefits, including—

(A) coordinating health care, including health care management of the individual through risk assessment and case management;

(B) conducting quality assessment and improvement activities, including outcomes evaluation, clinical guideline development, and improvement;

(C) reviewing the competence or qualifications of health care professionals, evaluating provider performance, and conducting health care education, accreditation, certification, licensing, or credentialing activities;

(D) carrying out utilization review activities, including precertification and preauthorization of services, and health plan rating and insurance activities, including underwriting, experience rating and reinsurance; and

(E) conducting or arranging for auditing services, including fraud detection and compliance programs.

(8) HEALTH CARE PROVIDER.—The term "health care provider" means a person, who with respect to a specific item of protected health information, receives, creates, uses, maintains, or discloses the information while acting in whole or in part in the capacity of—

(A) a person who is licensed, certified, registered, or otherwise authorized by Federal or State law to provide an item or service that constitutes health care in the ordinary course of business, or practice of a profession;

(B) a Federal, State, employer sponsored or other privately sponsored program that directly provides items or services that constitute health care to beneficiaries; or

(C) an officer or employee of a person described in subparagraph (A) or (B).

(9) HEALTH OVERSIGHT AGENCY.—The term "health oversight agency" means a person who, with respect to a specific item of protected health information, receives, creates, uses, maintains, or discloses the information while acting in whole or in part in the capacity of—

(A) a person who performs or oversees the performance of an assessment, evaluation, determination, or investigation, relating to the licensing, accreditation, certification, or credentialing of health care providers; or

(B) a person who—

(i) performs or oversees the performance of an audit, assessment, evaluation, determination, or investigation relating to the effectiveness of, compliance with, or applicability of, legal, fiscal, medical, or scientific standards or aspects of performance related to the delivery of health care; and

(ii) is a public agency, acting on behalf of a public agency, acting pursuant to a requirement of a public agency, or carrying out activities under a Federal or State law governing the assessment, evaluation, determination, investigation, or prosecution described in subparagraph (A).

(10) HEALTH PLAN.—The term "health plan" means any health insurance issuer, health insurance plan, including any hospital or medical service plan, dental or other health service plan or health maintenance organization plan, provider sponsored organization, or other program providing or arranging for the provision of health benefits. Such term does not include any policy, plan or program to the extent that it provides, arranges or administers health benefits pursuant to a program of workers compensation or automobile insurance.

(11) HEALTH RESEARCH AND HEALTH RESEARCHER.—

(A) HEALTH RESEARCH.—The term "health research" means a systematic investigation of health (including basic biological processes and structures), health care, or its delivery and financing, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge concerning human health, health care, or health care delivery.

(B) HEALTH RESEARCHER.—The term "health researcher" means a person involved in health research, or an officer, employee, or agent of such person.

(12) KEY.—The term "key" means a method or procedure used to transform nonidentifiable health information that is in a coded or encrypted form into protected health information.

(13) LAW ENFORCEMENT INQUIRY.—The term "law enforcement inquiry" means a lawful investigation or official proceeding inquiring into a violation of, or failure to comply with, any criminal or civil statute or any regulation, rule, or order issued pursuant to such a statute.

(14) LIFE INSURER.—The term "life insurer" means life insurance company as defined in section 816 of the Internal Revenue Code of 1986 .

(15) NONIDENTIFIABLE HEALTH INFORMATION.—The term "nonidentifiable health information" means protected health information from which personal identifiers, that directly reveal the identity of the individual who is the subject of such information or provide a direct means of identifying the individual (such as name, address, and social security number), have been removed, encrypted, or replaced with a code, such that the identity of the individual is not evident without (in the case of encrypted or coded information) use of key.

(16) ORIGINATING PROVIDER.—The term "originating provider" means a health care provider who initiates a treatment episode, such as prescribing a drug, ordering a diagnostic test, or admitting an individual to a health care facility. A hospital or nursing facility is the originating provider with respect to protected health information created or received as part of inpatient or outpatient treatment provided in such settings.

(17) PAYMENT.—The term "payment" means—

(A) the activities undertaken by—

(i) or on behalf of a health plan to determine its responsibility for coverage under the plan; or

(ii) a health care provider to obtain payment for items or services provided to an individual, provided under a health plan, or provided based on a determination by the health plan of responsibility for coverage under the plan; and

(B) activities undertaken as described in subparagraph (A) including—

(i) billing, claims management, medical data processing, other administrative services, and actual payment;

(ii) determinations of coverage or adjudication of health benefit or subrogation claims; and

(iii) review of health care services with respect to coverage under a health plan or justification of charges.

(18) PERSON.—The term "person" means a government, governmental subdivision, agency or authority; corporation; company; association; firm; partnership; society; estate; trust; joint venture; individual; individual representative; tribal government; and any other legal entity.

(19) PROTECTED HEALTH INFORMATION.—The term "protected health information" with respect to the individual who is the subject of such information means any information which identifies such individual, whether oral or recorded in any form or medium, that—

(A) is created or received by a health care provider, health plan, health oversight agency, public health authority, employer, life insurer, school or university;

(B) relates to the past, present, or future physical or mental health or condition of an individual (including individual cells and their components);

(C) is derived from—

(i) the provision of health care to the individual; or

(ii) payment for the provision of health care to the individual; and

(D) is not nonidentifiable health information.

(20) Public health authority.—The term "public health authority" means an authority or instrumentality of the United States, a tribal government, a State, or a political subdivision of a State that is—

(A) primarily responsible for health or welfare matters; and

(B) primarily engaged in activities such as incidence reporting, public health surveillance, and investigation or intervention.

(21) School or university.—The term "school or university" means an institution or place accredited or licensed for purposes of providing for instruction or education, including an elementary school, secondary school, or institution of higher learning, a college, or an assemblage of colleges united under one corporate organization or government.

(22) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(23) Signed.—The term "signed" refers to documentation of assent in any medium, whether ink, digital or biometric signatures, or recorded oral authorizations.

(24) State.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(25) Treatment.—The term "treatment" means the provision of health care by a health care provider.

(26) Writing and written.—

(A) Writing.—The term "writing" means any form of documentation, whether paper, electronic, digital, biometric or tape recorded.

(B) Written.—The term "written" includes paper, electronic, digital, biometric and tape-recorded formats.

TITLE I—INDIVIDUAL'S RIGHTS

Subtitle A—Review of Protected Health Information by Subjects of the Information

SEC. 101. INSPECTION AND COPYING OF PROTECTED HEALTH INFORMATION.

(a) General Rules.—

(1) Compliance with section.—At the request of an individual who is the subject of protected health information and except as provided in subsection (c), a health care provider, a health plan, employer, life insurer, school, or university shall arrange for inspection or copying of protected health information concerning the individual, including records created under section 102, as provided for in this section.

(2) Availability of information through originating provider.—Protected health information that is created or received by a health plan or health care provider as part of treatment or payment shall be made available for inspection or copying as provided for in this title through the originating provider.

(3) Other entities.—An employer, life insurer, school, or university that creates or receives protected health information in performing any function other than providing treatment, payment, or health care operations with respect to the individual who is the subject of such information, shall make such information available for inspection or copying as provided for in this title, or through any provider designated by the individual.

(4) Procedures.—The person providing access to information under this title may set forth appropriate procedures to be followed for such inspection or copying and may require an individual to pay reasonable costs associated with such inspection or copying.

(b) Special Circumstances.—If an originating provider, its agent, or contractor no longer maintains the protected health information sought by an individual pursuant to subsection (a), a health plan or another health care provider that maintains such information shall arrange for inspection or copying.

(c) Exceptions.—Unless ordered by a court of competent jurisdiction, a person acting pursuant to subsection (a) or (b) is not required to permit the inspection or copying of protected health information if any of the following conditions are met:

(1) Endangerment to life or safety.—The person determines that the disclosure of the information could reasonably be expected to endanger the life or physical safety of any individual.

(2) Confidential source.—The information identifies, or could reasonably lead to the identification of, a person who provided information under a promise of confidentiality to a health care provider concerning the individual who is the subject of the information.

(3) Information compiled in anticipation of or in connection with a fraud investigation or litigation.—The information is compiled principally—

(A) in anticipation of or in connection with a fraud investigation, an investigation of material misrepresentation in connection with an insurance policy, a civil, criminal, or administrative action or proceeding; or

(B) for use in such action or proceeding.

(4) Investigational information.—The protected health information was created, received or maintained by a health researcher as provided in section 208.

(d) Denial of a Request for Inspection or Copying.—If a person described in subsection (a) or (b) denies a request for inspection or copying pursuant to subsection (c), the person shall inform the individual in writing of—

(1) the reasons for the denial of the request for inspection or copying;

(2) the availability of procedures for further review of the denial; and

(3) the individual's right to file with the person a concise statement setting forth the request for inspection or copying.

(e) Statement Regarding Request.—If an individual has filed a statement under subsection (d)(3), the person in any subsequent disclosure of the portion of the information requested under subsection (a) or (b)—

(1) shall include a notation concerning the individual's statement; and

(2) may include a concise statement of the reasons for denying the request for inspection or copying.

(f) Inspection and Copying of Segregable Portion.—A person described in subsection (a) or (b) shall permit the inspection and copying of any reasonably segregable portion of a record after deletion of any portion that is exempt under subsection (c).

(g) Deadline.—A person described in subsection (a) or (b) shall comply with or deny, in accordance with subsection (d), a request for inspection or copying of protected health information under this section not later than 60 days after the date on which the person receives the request.

(h) Rules of Construction.—

(1) Agents.—An agent of a person described in subsection (a) or (b) shall not be required to provide for the inspection and copying of protected health information, except where—

(A) the protected health information is retained by the agent; and

(B) the agent has been asked in writing by the person involved to fulfill the requirements of this section.

(2) No requirement for hearing.—This section shall not be construed to require a person described in subsection (a) or (b) to conduct a formal, informal, or other hearing or proceeding concerning a request for inspection or copying of protected health information.

SEC. 102. AMENDMENT OF PROTECTED HEALTH INFORMATION.

(a) Right to amend.—

(1) In general.—Protected health information shall be subject to amendment as provided for in this section.

(2) Compliance with request.—Except as provided in subsection (c), not later than 45 days after the date on which an originating provider, employer, life insurer, school, or university receives from an individual a request in writing to amend protected health information, such person shall—

(A) make the amendment requested;

(B) inform the individual of the amendment that has been made; and

(C) inform any person identified by the individual in the request for amendment and—

(i) who is not an officer, employee, or agent of the person; and

(ii) to whom the unamended portion of the information was disclosed within the previous year by sending a notice to the individual's last known address that there has been a substantive amendment to the protected health information of such individual.

(b) Request of Originating Providers.—

(1) In general.—Protected health information that is created or received by a health plan or health care provider as part of treatment or payment shall be subject to amendment as provided for in this section upon a written request made to the originating provider.

(2) Special circumstances.—If an originating provider, its agent, or contractor no longer maintains the protected health information sought to be amended by an individual pursuant to paragraph (1), a health plan or another health care provider that maintains such information may arrange for amendment consistent with this section.

(c) Refusal To Amend.—If a person described in subsection (a)(2) refuses to make the amendment requested under such subsection, the person shall inform the individual in writing of—

(1) the reasons for the refusal to make the amendment;

(2) the availability of procedures for further review of the refusal; and

(3) the procedures by which the individual may file with the person a concise statement setting forth the requested amendment and the individual's reasons for disagreeing with the refusal.

(d) Statement of Disagreement.—If an individual has filed a statement of disagreement under subsection (c)(3), the person involved, in any subsequent disclosure of the disputed portion of the information—

(1) shall include a notation concerning the individual's statement; and

(2) may include a concise statement of the reasons for not making the requested amendment.

(e) Rules Governing Agents.—The agent of a person described in subsection (a)(2) shall not be required to make amendments to protected health information, except where—

(1) the protected health information is retained by the agent; and

(2) the agent has been asked in writing by such person to fulfill the requirements of this section.

(f) Repeated Requests for Amendments.—If a person described in subsection (a)(2) receives a request for an amendment of information as provided for in such subsection and a statement of disagreement has been filed pursuant to subsection (d), the person shall inform the individual of such filing and shall not be required to carry out the procedures required under this section.

(g) RULES OF CONSTRUCTION.—This section shall not be construed to—

(1) require that a person described in subsection (a)(2) conduct a formal, informal, or other hearing or proceeding concerning a request for an amendment to protected health information;

(2) require a provider to amend an individual's protected health information as to the type, duration, or quality of treatment the individual believes he or she should have been provided; or

(3) permit any deletions or alterations of the original information.

SEC. 103. NOTICE OF CONFIDENTIALITY PRACTICES.

(a) PREPARATION OF WRITTEN NOTICE.—A health care provider, health plan, health oversight agency, public health authority, employer, life insurer, health researcher, school, or university shall post or provide, in writing and in a clear and conspicuous manner, notice of the person's confidentiality practices, that shall include—

(1) a description of an individual's rights with respect to protected health information;

(2) the uses and disclosures of protected health information authorized under this Act;

(3) the procedures for authorizing disclosures of protected health information and for revoking such authorizations;

(4) the procedures established by the person for the exercise of the individual's rights; and

(5) the right to obtain a copy of the notice of the confidentiality practices required under this Act.

(b) MODEL NOTICE.—The Secretary, after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices, using the advice of the National Committee on Vital Health Statistics, for use under this section. Use of the model notice shall serve as an absolute defense against claims of receiving inappropriate notice.

Subtitle B—Establishment of Safeguards

SEC. 111. ESTABLISHMENT OF SAFEGUARDS.

(a) IN GENERAL.—A health care provider, health plan, health oversight agency, public health authority, employer, life insurer, health researcher, law enforcement official, school, or university shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of protected health information created, received, obtained, maintained, used, transmitted, or disposed of by such person.

(b) FUNDAMENTAL SAFEGUARDS.—The safeguards established pursuant to subsection (a) shall address the following factors:

(1) The purpose for which protected health information is needed and whether that purpose can be accomplished with nonidentifiable health information.

(2) Appropriate procedures for maintaining the security of protected health information and assuring the appropriate use of any key used in creating nonidentifiable health information.

(3) The categories of personnel who will have access to protected health information and appropriate training, supervision and sanctioning of such personnel with respect to their use of protected health information and adherence to established safeguards.

(4) Appropriate limitations on access to individual identifiers.

(5) Appropriate mechanisms for limiting disclosures of protected information to the information necessary to respond to the request for disclosure.

(6) Procedures for handling requests for protected health information by persons other than the individual who is the subject of such information, including relatives and affiliates of such individual, law enforcement officials, parties in civil litigation, health care providers, and health plans.

SEC. 112. ACCOUNTING FOR DISCLOSURES.

(a) IN GENERAL.—A health care provider, health plan, health oversight agency, public health authority, employer, life insurer, health researcher, law enforcement official, school, or university shall establish and maintain a process for documenting the disclosure of protected health information by any such person through the recording of the name and address of the recipient of the information, or through the recording of another mean of contacting the recipient, and the purpose of the disclosure.

(b) RECORD OF DISCLOSURE.—A record (or other means of documentation) established under subsection (a) shall be maintained for not less than 7 years.

(c) IDENTIFICATION OF DISCLOSED INFORMATION AS PROTECTED HEALTH INFORMATION.—Except as otherwise provided in this title, protected health information shall be clearly identified as protected health information that is subject to this Act.

TITLE II—RESTRICTIONS ON USE AND DISCLOSURE

SEC. 201. GENERAL RULES REGARDING USE AND DISCLOSURE.

(a) DISCLOSURE PROHIBITED.—A health care provider, health plan, health oversight agency, public health authority, employer, life insurer, health researcher, law enforcement official, school, or university, or any agents of such a person, may not disclose protected health information except as authorized under this Act or as authorized by the individual who is the subject of such information.

(b) APPLICABILITY TO AGENTS.—

(1) IN GENERAL.—A person described in subsection (a) may use an agent, including a contractor, to carry out an otherwise lawful activity using protected health information maintained by such person if the person specifies the activities for which the agent is authorized to use such protected health information and prohibits the agent from using or disclosing protected health information for purposes other than carrying out the specified activities.

(2) LIMITATION ON LIABILITY.—Notwithstanding any other provision of this Act, a person who has limited the activities of an agent as provided for in paragraph (1), shall not be liable for the actions or disclosures of the agent that are not in fulfillment of those activities.

(3) LIMITATIONS ON AGENTS.—An agent who receives protected health information from a person described in subsection (a) shall, in its own right, be subject to the applicable provisions of this Act.

(c) APPLICABILITY TO EMPLOYERS.—

(1) IN GENERAL.—An employer may use an employee or agent to create, receive, or maintain protected health information in order to carry out an otherwise lawful activity so long as—

(A) the disclosure of the protected employee health information within the entity is compatible with the purpose for which the information was obtained and limited to information necessary to accomplish the purpose of the disclosure; and

(B) the employer prohibits the release, transfer or communication of the protected health information to officers, employees, or agents responsible for hiring, promotion, and making work assignment decisions with respect to the subject of the information.

(2) DETERMINATION.—For purposes of paragraph (1)(A), the determination of what constitutes information necessary to accomplish the purpose for which the information is obtained shall be made by a health care provider, except in situations involving payment for health plan operations undertaken by the employer.

(d) CREATION OF NONIDENTIFIABLE HEALTH INFORMATION.—A person described in subsection (a) may use protected health information for the purpose of creating nonidentifiable health information.

(e) INDIVIDUAL AUTHORIZATION.—To be valid, an authorization to disclose protected health information under this title shall—

(1) identify the individual who is the subject of the protected health information;

(2) describe the nature of the information to be disclosed;

(3) identify the type of person to whom the information is to be disclosed;

(4) describe the purpose of the disclosure;

(5) be subject to revocation by the individual and indicate that the authorization is valid until revocation by the individual; and

(6) be in writing, dated, and signed by the individual, a family member or other authorized representative.

(f) MANIPULATION OF NONIDENTIFIABLE HEALTH INFORMATION.—Any person who manipulates nonidentifiable health information in order to identify an individual, or uses a key to identify an individual without authorization, is deemed to have disclosed protected health information.

SEC. 202. PROCUREMENT OF AUTHORIZATIONS FOR USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR TREATMENT, PAYMENT, AND HEALTH CARE OPERATIONS.

(a) AUTHORIZATIONS.—

(1) IN GENERAL.—With respect to each individual, a single authorization that substantially complies with section 201(e) must be secured to permit the use and disclosure of protected health information concerning such individual for treatment, payment, and health care operations, as provided for in this subsection.

(2) EMPLOYERS.—Every employer offering a health plan to its employees shall, at the time of, and as a condition of enrollment in the health plan, obtain a signed, written authorization that is a legal, informed authorization concerning the use and disclosure of protected health information for treatment, payment, and health care operations with respect to each individual who is eligible to receive care under the health plan.

(3) HEALTH PLANS.—Every health plan offering enrollment to individuals or non-employer groups shall, at the time of, and as a condition of enrollment in the health plan, obtain a signed, written authorization that is a legal, informed authorization concerning the use and disclosure of protected health information for treatment, payment, and health care operations, with respect to each individual who is eligible to receive care under the plan.

(4) UNINSURED.—An originating provider providing health care to an uninsured individual, shall obtain a signed, written authorization to use and disclose protected health

information with respect to such individual for treatment, payment, and health care operations of such provider, and in arranging for treatment and payment from other providers.

(5) Providers.—Any health care provider providing health care to an individual may, in connection with providing such care, obtain a signed, written authorization that is a legal, informed authorization concerning the use and disclosure of protected health information with respect to such individual for treatment, payment, and health care operations of such provider.

(b) Revocation of Authorization.—

(1) In general.—An individual may revoke an authorization under this section at any time, by sending written notice to the person who obtained such authorization, unless the disclosure that is the subject of the authorization is required to complete a course of treatment, effectuate payment, or conduct health care operations for health care that has been provided to the individual.

(2) Health plans.—With respect to a health plan, the authorization of an individual is deemed to be revoked at the time of the cancellation or non-renewal of enrollment in the health plan, except as may be necessary to conduct health care operations and complete payment requirements related to the individual's period of enrollment.

(3) Termination of plan.—With respect to the revocation of an authorization under this section by an enrollee in a health plan, the health plan may terminate the coverage of such enrollee under such plan if the health plan determines that the revocation has resulted in the inability of the plan to provide care for the enrollee or conduct health care operations.

(c) Record of Individual's Authorizations and Revocations.—Each person who obtains or is required to obtain an authorization under this section shall maintain a record for a period of 7 years of each such authorization of an individual and revocation thereof.

(d) Model Authorizations.—The Secretary, after notice and opportunity for public comment, shall develop and disseminate model written authorizations of the type described in subsection (a). The Secretary shall consult with the National Committee on Vital and Health Statistics in developing such authorizations. An authorization obtained on a model authorization form developed by the Secretary pursuant to the preceding sentence shall be deemed to meet the authorization requirements of this section.

(e) Rules of Construction.—

(1) Single authorizations.—An employer or health plan shall be deemed to meet the requirements of subsection (a) with respect to a spouse, child, or other eligible dependent if, at the time of enrollment, a single authorization under subsection (a) is obtained from the employee or other individual who accepts responsibility for health plan enrollment.

(2) Requirement for separate authorization.—An authorization for the disclosure of protected health information for treatment, payment, and health care operations shall not directly or indirectly authorize the disclosure of such information for any other purpose. Any other such disclosures shall require a separate authorization under section 203.

SEC. 203. AUTHORIZATIONS FOR USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION OTHER THAN FOR TREATMENT, PAYMENT, AND HEALTH CARE OPERATIONS.

(a) In General.—An individual who is the subject of protected health information may authorize any person to disclose or use such information for any purpose. An authorization under this section shall not be valid if the signing of such authorization by the individual is a prerequisite for the signing of an authorization under section 202.

(b) Written Authorizations.—A person may disclose and use protected health information, for purposes other than those authorized under section 202, pursuant to a written authorization signed by the individual who is the subject of the information that meets the requirements of section 201(e). An authorization under this section shall be separate from any authorization provided under section 202.

(c) Limitation on Authorizations.—

(1) In general.—Notwithstanding any other provision of Federal law, life insurers, and any other entity that offers disability income or long term care insurance under the laws of any State, shall meet the requirements of section 201(a) with respect to an individual for purposes of life, disability income or long term care insurance, by obtaining the authorization of the individual under this section.

(2) During period of coverage.—Notwithstanding paragraph (1), an authorization obtained in the ordinary course of business in connection with life, disability income or long-term care insurance under this section shall remain in effect during the term of the individual's insurance coverage and as may be necessary to enable the issuer to meet its obligations with respect to such individual under the terms of the policy, plan or program.

(3) Other authorizations.—An authorization obtained from an individual in connection with an application that does not result in coverage with respect to such individual shall expire the earlier of the date specified in the individual's authorization or the effective date of any revocation under subsection (d).

(d) Revocation or Amendment of Authorization.—

(1) In general.—Except as otherwise provided for in this section, an individual may revoke or amend an authorization described in this section by providing written notice to the person who obtained such authorization unless the disclosure that is the subject of the authorization is related to the evaluation of an application for life, disability income or long-term care insurance coverage or a claim for life, disability income or long-term care insurance benefits.

(2) Notice of revocation.—A person that discloses protected health information pursuant to an authorization that has been revoked under paragraph (1) shall not be subject to any liability or penalty under this title if that person had no actual notice of the revocation.

(e) Disclosure for Purpose Only.—A recipient of protected health information pursuant to an authorization under subsection (b) may disclose such information only to carry out the purposes for which the information was authorized to be disclosed.

(f) Model Authorizations.—

(1) In general.—The Secretary, after notice and opportunity for public comment, shall develop and disseminate model written authorizations of the type described in subsection (b). The Secretary shall consult with the National Committee on Vital and Health Statistics in developing such authorizations.

(2) Authority of insurance commissioner.—Notwithstanding paragraph (1), the insurance commissioner of the State of domicile of a life insurer may exercise exclusive authority in developing and disseminating model written authorizations for purposes of subsection (c).

(3) Compliance with requirements.—An authorization obtained using a model authorization promulgated under this subsection shall be deemed to meet the authorization requirements of this section.

(g) Authorizations for Research.—This section applies to health research only where such research is not governed by section 208.

SEC. 204. NEXT OF KIN AND DIRECTORY INFORMATION.

(a) Next of Kin.—A health care provider, or a person who receives protected health information under section 205, may disclose protected health information regarding an individual to the individual's spouse, parent, child, sister, brother, next of kin, or to another person whom the individual has identified, if—

(1) the individual who is the subject of the information—

(A) has been notified of the individual's right to object to such disclosure and the individual has not objected to the disclosure; or

(B) is in a physical or mental condition such that the individual is not capable of objecting, and there are no prior indications that the individual would object;

(2) the information disclosed relates to health care currently being provided to that individual; and

(3) the disclosure of the protected health information is consistent with good medical or professional practice.

(b) Directory Information.—

(1) Disclosure.—

(A) In general.—Except as provided in paragraph (2), a person described in subsection (a) may disclose the information described in subparagraph (B) to any person if the individual who is the subject of the information—

(i) has been notified of the individual's right to object and the individual has not objected to the disclosure; or

(ii) is in a physical or mental condition such that the individual is not capable of objecting, the individual's next of kin has not objected, and there are no prior indications that the individual would object.

(B) Information.—Information described in this subparagraph is information that consists only of 1 or more of the following items:

(i) The name of the individual who is the subject of the information.

(ii) The general health status of the individual, described as critical, poor, fair, stable, or satisfactory or in terms denoting similar conditions.

(iii) The location of the individual on premises controlled by a provider.

(2) Exception.—

(A) Location.—Paragraph (1)(B)(iii) shall not apply if disclosure of the location of the individual would reveal specific information about the physical or mental condition of the individual, unless the individual expressly authorizes such disclosure.

(B) Directory or next of kin information.—A disclosure may not be made under this section if the health care provider involved has reason to believe that the disclosure of directory or next of kin information could lead to the physical or mental harm of the individual, unless the individual expressly authorizes such disclosure.

SEC. 205. EMERGENCY CIRCUMSTANCES.

Any person who creates or receives protected health information under this title may disclose protected health information in emergency circumstances when necessary to protect the health or safety of the individual who is the subject of such information from serious, imminent harm. No disclosure made in the good faith belief that the disclosure was necessary to protect the health or safety of an individual from serious, imminent harm shall be in violation of, or punishable under, this Act.

SEC. 206. OVERSIGHT.

(a) In General.—Any person may disclose protected health information to an accrediting body or public health authority, a health oversight agency, or a State insurance department, for purposes of an oversight function authorized by law.

(b) Protection From Further Disclosure.—Protected health information this is disclosed under this section shall not be further disclosed by an accrediting body or public health authority, a health oversight agency, a State insurance department, or their agents for any purpose unrelated to the authorized oversight function. Notwithstanding any other provision of law, protected health information disclosed under this section shall be protected from further disclosure by an accrediting body or public health authority, a health oversight agency, a State insurance department, or their agents pursuant to a subpoena, discovery request, introduction as evidence, testimony, or otherwise.

(c) Authorization by a Supervisor.—For purposes of this section, the individual with authority to authorize the oversight function involved shall provide to the person described in subsection (a) a statement that the protected health information is being sought for a legally authorized oversight function.

(d) Use in Action Against Individuals.—Protected health information about an individual that is disclosed under this section may not be used by the recipient in, or disclosed by the recipient to any person for use in, an administrative, civil, or criminal action or investigation directed against the individual who is the subject of the protected health information unless the action or investigation arises out of and is directly related to—

(1) the receipt of health care or payment for health care; or

(2) a fraudulent claim related to health care, or a fraudulent or material misrepresentation of the health of the individual.

SEC. 207. PUBLIC HEALTH.

(a) In General.—A health care provider, health plan, public health authority, health researcher, employer, life insurer, law enforcement official, school, or university may disclose protected health information to a public health authority or other person authorized by law for use in a legally authorized—

(1) disease or injury report;

(2) public health surveillance;

(3) public health investigation or intervention;

(4) vital statistics report, such as birth or death information;

(5) report of abuse or neglect information about any individual; or

(6) report of information concerning a communicable disease status.

(b) Identification of Deceased Individual.—Any person may disclose protected health information if such disclosure is necessary to assist in the identification or safe handling of a deceased individual.

(c) Requirement To Release Protected Health Information to Coroners and Medical Examiners.—

(1) In general.—When a Coroner or a Medical Examiner, or the duly appointed deputy of a Coroner or Medical Examiner, seeks protected health information for the purpose of inquiry into and determination of, the cause, manner, and circumstances of a death, the health care provider, health plan, health oversight agency, public health authority, employer, life insurer, health researcher, law enforcement official, school, or university involved shall provide the protected health information to the Coroner or Medical Examiner or to the duly appointed deputy without undue delay.

(2) Production of additional information.—If a Coroner or Medical Examiner, or the duly appointed deputy of a Coroner or Medical Examiner, receives health information from a person referred to in paragraph (1), such health information shall remain as protected health information unless the health information is attached to or otherwise made a part of a Coroner's or Medical Examiner's official report, in which case it shall no longer be protected.

(3) Exemption.—Health information attached to or otherwise made a part of a Coroner's or Medical Examiner's official report, shall be exempt from the provisions of this Act.

SEC. 208. HEALTH RESEARCH.

(a) In General.—A person lawfully in possession of protected health information may disclose such information to a health researcher under any of the following arrangements:

(1) Research governed by the common rule.—A person identified in subsection (a) may disclose protected health information to a health researcher if the research project has been approved by an institutional review board pursuant to the requirements of the common rule as implemented by a Federal agency.

(2) Analyses of health care records and medical archives.—A person identified in subsection (a) may disclose protected health information to a health researcher if—

(A) consistent with the safeguards established pursuant to section 111 and the person's policies and procedures established under this section, the health research has been reviewed by a board, committee, or other group formally designated by such person to review research programs;

(B) the health research involves analysis of protected health information previously created or collected by the person;

(C) the person that maintains the protected health information to be used in the analyses has in place a written policy and procedure to assure the security and confidentiality of protected health information and to specify permissible and impermissible uses of such information for health research;

(D) the person that maintains the protected health information to be used in the analyses enters into a written agreement with the recipient health researcher that specifies the permissible and impermissible uses of the protected health information and provides notice to the researcher that any misuse or further disclosure of the information to other persons is prohibited and may provide a basis for action against the health researcher under this Act; and

(E) the person keeps a record of health researchers to whom protected health information has been disclosed.

(3) Safety and efficacy reports.—A person may disclose protected health information to a manufacturer of a drug, biologic or medical device, in connection with any monitoring activity or reports made to such manufacturer for use in verifying the safety or efficacy of such manufacturer's approved product in special populations or for long term use.

(b) Oversight.—On the advice of the National Committee on Vital and Health Statistics, the Secretary shall report to the Congress not later than 18 months after the effective date of this section concerning the adequacy of the policies and procedures implemented pursuant to subsection (a)(2) for protecting the confidentiality of protected health information while promoting its use in research concerning health care outcomes, the epidemiology and etiology of diseases and conditions and the safety, efficacy and cost effectiveness of health care interventions. Based on the conclusions of such report, the Secretary may promulgate model language for written agreements deemed to comply with subsection (a)(2)(C).

(c) Statutory Assurance of Confidentiality.—

(1) In general.—Protected health information obtained by a health researcher pursuant to this section shall be used and maintained in confidence, consistent with the confidentiality practices established by the health researcher pursuant to section 111.

(2) Limitation on compelled disclosure.—A health researcher may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to disclose protected health information created, maintained or received under this section. Nothing in this paragraph shall be construed to prevent an audit or lawful investigation pursuant to the authority of a Federal department or agency, of a research project conducted, supported or subject to regulation by such department or agency.

(3) Limitation on further use or disclosure.—Notwithstanding any other provision of law, information disclosed by a health researcher to a Federal department or agency under this subsection may not be further used or disclosed by the department or agency for a purpose unrelated to the department's or agency's oversight or investigation.

SEC. 209. DISCLOSURE IN CIVIL, JUDICIAL, AND ADMINISTRATIVE PROCEDURES.

(a) In General.—A health care provider, health plan, public health authority, employer, life insurer, law enforcement official, school, or university may disclose protected health information pursuant to a discovery request or subpoena in a civil action brought in a Federal or State court or a request or subpoena related to a Federal or State administrative proceeding if such discovery request or subpoena is made through or pursuant to a court order as provided for in subsection (b).

(b) Court Orders.—

(1) Standard for issuance.—In considering a request for a court order regarding the disclosure of protected health information under subsection (a), the court shall issue such order if the court determines that without the disclosure of such information, the person requesting the order would be impaired from establishing a claim or defense.

(2) Requirements.—An order issued under paragraph (1) shall—

(A) provide that the protected health information involved is subject to court protection;

(B) specify to whom the information may be disclosed;

(C) specify that such information may not otherwise be disclosed or used; and

(D) meet any other requirements that the court determines are needed to protect the confidentiality of the information.

(c) Applicability.—This section shall not apply in a case in which the protected health information sought under such discovery request or subpoena relates to a party to the litigation or an individual whose medical condition is at issue.

(d) Effect of Section.—This section shall not be construed to supersede any grounds that may apply under Federal or State law for objecting to turning over the protected health information.

SEC. 210. DISCLOSURE FOR LAW ENFORCEMENT PURPOSES.

A person who receives protected health information pursuant to sections 202 through 207, may disclose such information to a State or Federal law enforcement agency if such disclosure is pursuant to—

(1) a subpoena issued under the authority of a grand jury;

(2) an administrative or judicial subpoena or summons;

(3) a warrant issued upon a showing of probable cause;

(4) a Federal or State law requiring the reporting of specific medical information to law enforcement authorities;

(5) a written consent or waiver of privilege by an individual allowing access to the individual's protected health information; or

(6) by other court order.

SEC. 211. PAYMENT CARD AND ELECTRONIC PAYMENT TRANSACTION.

(a) Payment for Health Care Through Card or Electronic Means.—If an individual pays for health care by presenting a debit, credit, or other payment card or account number, or by any other payment means, the person receiving the payment may disclose to a person described in subsection (b) only such protected health information about the individual as is necessary in connection with activities described in subsection (b), including the processing of the payment transaction or the billing or collection of amounts charged to, debited from, or otherwise paid by, the individual using the card, number, or other means.

(b) Transaction Processing.—A person who is a debit, credit, or other payment card issuer, a payment system operator, a financial institution participant in a payment system or is an entity assisting such an issuer, operator, or participant in connection with activities described in this subsection, may use or disclose protected health information about an individual in connection with—

(1) the authorization, settlement, billing, processing, clearing, transferring, reconciling, or collection of amounts charged, debited or otherwise paid using a debit, credit, or other payment card or account number, or by other payment means;

(2) the transfer of receivables, accounts, or interest therein;

(3) the audit of the debit, credit, or other payment information;

(4) compliance with Federal, State, or local law;

(5) compliance with a properly authorized civil, criminal, or regulatory investigation by Federal, State, or local authorities as governed by the requirements of this section; or

(6) fraud protection, risk control, resolving customer disputes or inquiries, communicating with the person to whom the information relates, or reporting to consumer reporting agencies.

(c) Specific Prohibitions.—A person described in subsection (b) may not disclose protected health information for any purpose that is not described in subsection (b). Notwithstanding any other provision of law, any health care provider, health plan, health oversight agency, health researcher, employer, life insurer, school or university who makes a good faith disclosure of protected health information to an entity and for the purposes described in subsection (b) shall not be liable for subsequent disclosures by such entity.

(d) Scope.—

(1) In general.—The use of protected health information by a person described in subsection (b) and its agents shall not be considered a disclosure for purposes of this Act, so long as the use involved is consistent with the activities authorized in subsection (b) or other purposes for which the information was lawfully obtained.

(2) Regulated institutions.—A person who is subject to enforcement pursuant to section 8 of the Federal Deposit Insurance Act or who is a Federal credit union or State credit union as defined in the Federal Credit Union Act or who is registered pursuant to the Securities and Exchange Act, or who is an entity assisting such a person—

(A) shall not be subject to this Act to the extent that such person or entity is described in subsection (b) and to the extent that such person or entity is engaged in activities authorized in that subsection; and

(B) shall be subject to enforcement exclusively under section 8 of the Federal Deposit Insurance Act, the Federal Credit Union Act, or the Securities and Exchange Act, as applicable, to the extent that such person or entity is engaged in activities other than those permitted under subsection (b).

(3) Rule of Construction.—Nothing in this subsection shall be construed to exempt entities described in paragraph (2) from the prohibition set forth in subsection (c).

SEC. 212. INDIVIDUAL REPRESENTATIVES.

(a) In General.—Except as provided in subsections (b) and (c), a person who is authorized by law (based on grounds other than the individual being a minor), or by an instrument recognized under law, to act as an agent, attorney, proxy, or other legal representative of a protected individual, may, to the extent so authorized, exercise and discharge the rights of the individual under this Act.

(b) Health Care Power of Attorney.—A person who is authorized by law (based on grounds other than being a minor), or by an instrument recognized under law, to make decisions about the provision of health care to an individual who is incapacitated, may exercise and discharge the rights of the individual under this Act to the extent necessary to effectuate the terms or purposes of the grant of authority.

(c) No Court Declaration.—If a health care provider determines that an individual, who has not been declared to be legally incompetent, suffers from a medical condition that prevents the individual from acting knowingly or effectively on the individual's own behalf, the right of the individual to authorize disclosure under this Act may be exercised and discharged in the best interest of the individual by—

(1) a person described in subsection (b) with respect to the individual;

(2) a person described in subsection (a) with respect to the individual, but only if a person described in paragraph (1) cannot be contacted after a reasonable effort;

(3) the next of kin of the individual, but only if a person described in paragraph (1) or (2) cannot be contacted after a reasonable effort; or

(4) the health care provider, but only if a person described in paragraph (1), (2), or (3) cannot be contacted after a reasonable effort.

(d) Application to Deceased Individuals.—The provisions of this Act shall continue to prevent disclosure of protected health information concerning a deceased individual.

(e) Exercise of Rights on Behalf of a Deceased Individual.—

(1) In general.—A person who is authorized by law or by an instrument recognized under law, to act as an executor of the estate of a deceased individual, or otherwise to exercise the rights of the deceased individual, may, to the extent so authorized, exercise and discharge the rights of such deceased individual under this Act for a period of 2 years following the death of such individual. If no such designee has been authorized, the rights of the deceased individual may be exercised as provided for in subsection (c).

(2) Insured individuals.—In the case of an individual who is deceased and who was the insured under an insurance policy or policies, the right to authorize disclosure of protected health information may be exercised by the beneficiary or beneficiaries of such insurance policy or policies.

(f) Rights of Minors.—The rights of minors under this Act shall be exercised by a parent, the minor or other person as provided under applicable state law.

SEC. 213. NO LIABILITY FOR PERMISSIBLE DISCLOSURES.

A health care provider, health plan, health oversight agency, health researcher, employer, life insurer, school, or university, or an agent of any such person, that makes a disclosure of protected health information about an individual that is permitted by this Act shall not be liable to the individual for such disclosure under common law.

SEC. 214. SALE OF BUSINESS, MERGERS, ETC.

(a) In General.—A health care provider, health plan, health oversight agency, employer, life insurer, school, or university may disclose protected health information to a person or persons for purposes of enabling business decisions to be made about or in connection with the purchase, transfer, merger, or sale of a business or businesses.

(b) No Further Use or Disclosure.—A person or persons who receive protected health information under this section shall make no further use or disclosure of such information unless otherwise authorized under this Act.

TITLE III—SANCTIONS

Subtitle A—Criminal Provisions

SEC. 301. WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION.

(a) In General.—Part I of title 18, United States Code, is amended by adding at the end the following:

"CHAPTER 124—WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION

"SEC. 2801. WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION.

"(a) Offense.—The penalties described in subsection (b) shall apply to a person that knowingly and intentionally—

"(1) obtains protected health information relating to an individual from a health care provider, health plan, health oversight agency, public health authority, employer, life insurer, health researcher, law enforcement official, school, or university except as provided in title II of the Medical Information Protection Act of 1999; or

"(2) discloses protected health information to another person in a manner other than that which is permitted under title II of the Medical Information Protection Act of 1999.

"(b) PENALTIES.—A person described in subsection (a) shall—

"(1) be fined not more than $50,000, imprisoned not more than 1 year, or both;

"(2) if the offense is committed under false pretenses, be fined not more than $100,000, imprisoned not more than 5 years, or both; or

"(3) if the offense is committed with the intent to sell, transfer, or use protected health information for monetary gain or malicious harm, be fined not more than $250,000, imprisoned not more than 10 years, or both.

"(c) SUBSEQUENT OFFENSES.—In the case of a person described in subsection (a), the maximum penalties described in subsection (b) shall be doubled for every subsequent conviction for an offense arising out of a violation or violations related to a set of circumstances that are different from those involved in the previous violation or set of related violations described in such subsection (a).".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following new item:

"124. Wrongful disclosure of protected health information .... 2801".

Subtitle B—Civil Sanctions

SEC. 311. CIVIL PENALTY VIOLATION.

A person who the Secretary, in consultation with the Attorney General, determines has substantially and materially failed to comply with this Act shall be subject, in addition to any other penalties that may be prescribed by law—

(1) in a case in which the violation relates to title I, to a civil penalty of not more than $500 for each such violation, but not to exceed $5,000 in the aggregate for multiple violations arising from the same failure to comply with the Act;

(2) in a case in which the violation relates to title II, to a civil penalty of not more than $10,000 for each such violation, but not to exceed $50,000 in the aggregate for multiple violations arising from the same failure to comply with the Act; or

(3) in a case in which the Secretary finds that such violations have occurred with such frequency as to constitute a general business practice, to a civil penalty of not more than $100,000.

SEC. 312. PROCEDURES FOR IMPOSITION OF PENALTIES.

(a) INITIATION OF PROCEEDINGS.—

(1) IN GENERAL.—The Secretary, in consultation with the Attorney General, may initiate a proceeding to determine whether to impose a civil money penalty under section 311. The Secretary may not initiate an action under this section with respect to any violation described in section 311 after the expiration of the 6-year period beginning on the date on which such violation was alleged to have occurred. The Secretary may initiate an action under this section by serving notice of the action in any manner authorized by Rule 4 of the Federal Rules of Civil Procedure.

(2) NOTICE AND OPPORTUNITY FOR HEARING.—The Secretary shall not make a determination adverse to any person under paragraph (1) until the person has been given written notice and an opportunity for the determination to be made on the record after a hearing at which the person is entitled to be represented by counsel, to present witnesses, and to cross-examine witnesses against the person.

(3) SANCTIONS FOR FAILURE TO COMPLY.—The official conducting a hearing under this section may sanction a person, including any party or attorney, for failing to comply with an order or procedure, failing to defend an action, or other misconduct as would interfere with the speedy, orderly, or fair conduct of the hearing. Such sanction shall reasonably relate to the severity and nature of the failure or misconduct. Such sanction may include—

(A) in the case of refusal to provide or permit discovery, drawing negative factual inferences or treating such refusal as an admission by deeming the matter, or certain facts, to be established;

(B) prohibiting a party from introducing certain evidence or otherwise supporting a particular claim or defense;

(C) striking pleadings, in whole or in part;

(D) staying the proceedings;

(E) dismissal of the action;

(F) entering a default judgment;

(G) ordering the party or attorney to pay attorneys' fees and other costs caused by the failure or misconduct; and

(H) refusing to consider any motion or other action which is not filed in a timely manner.

(b) SCOPE OF PENALTY.—In determining the amount or scope of any penalty imposed pursuant to section 311, the Secretary shall take into account—

(1) the nature of claims and the circumstances under which they were presented;

(2) the degree of culpability, history of prior offenses, and financial condition of the person presenting the claims;

(3) evidence of good faith endeavor to protect the confidentiality of protected health information; and

(4) such other matters as justice may require.

(c) REVIEW OF DETERMINATION.—

(1) IN GENERAL.—Any person adversely affected by a determination of the Secretary under this section may obtain a review of such determination in the United States Court of Appeals for the circuit in which the person resides, or in which the claim was presented, by filing in such court (within 60 days following the date the person is notified of the determination of the Secretary) a written petition requesting that the determination be modified or set aside.

(2) FILING OF RECORD.—A copy of the petition filed under paragraph (1) shall be forthwith transmitted by the clerk of the court to the Secretary, and thereupon the Secretary shall file in the Court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have the power to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, remanding for further consideration, or setting aside, in whole or in part, the determination of the Secretary and enforcing the same to the extent that such order is affirmed or modified.

(3) CONSIDERATION OF OBJECTIONS.—No objection that has not been raised before the Secretary with respect to a determination described in paragraph (1) shall be considered by the court, unless the failure or neglect to raise such objection shall be excused because of extraordinary circumstances.

(4) FINDINGS.—The findings of the Secretary with respect to questions of fact in an action under this subsection, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Secretary, the court may order such additional evidence to be taken before the Secretary and to be made a part of the record. The Secretary may modify findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and shall file with the court such modified or new findings, and such findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, and the recommendations of the Secretary, if any, for the modification or setting aside of the original order, shall be conclusive.

(5) EXCLUSIVE JURISDICTION.—Upon the filing of the record with the court under paragraph (2), the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided for in section 1254 of title 28, United States Code.

(d) RECOVERY OF PENALTIES.—

(1) IN GENERAL.—Civil money penalties imposed under this subtitle may be compromised by the Secretary and may be recovered in a civil action in the name of the United States brought in United States district court for the district where the claim was presented, or where the claimant resides, as determined by the Secretary. Amounts recovered under this section shall be paid to the Secretary and deposited as miscellaneous receipts of the Treasury of the United States.

(2) DEDUCTION FROM AMOUNTS OWING.—The amount of any penalty, when finally determined under this section, or the amount agreed upon in compromise under paragraph (1), may be deducted from any sum then or later owing by the United States or a State to the person against whom the penalty has been assessed.

(e) DETERMINATION FINAL.—A determination by the Secretary to impose a penalty under section 311 shall be final upon the expiration of the 60-day period referred to in subsection (c)(1). Matters that were raised or that could have been raised in a hearing before the Secretary or in an appeal pursuant to subsection (c) may not be raised as a defense to a civil action by the United States to collect a penalty under section 311.

(f) SUBPOENA AUTHORITY.—

(1) IN GENERAL.—For the purpose of any hearing, investigation, or other proceeding authorized or directed under this section, or relative to any other matter within the jurisdiction of the Attorney General hereunder, the Attorney General, acting through the Secretary shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the Secretary. Such attendance of witnesses and production of evidence at the designated place of such hearing, investigation, or other proceeding may be required from any place in the United States or in any Territory or possession thereof.

(2) SERVICE.—Subpoenas of the Secretary under paragraph (1) shall be served by anyone authorized by the Secretary by delivering a copy thereof to the individual named therein.

(3) PROOF OF SERVICE.—A verified return by the individual serving the subpoena under this subsection setting forth the manner of service shall be proof of service.

(4) Fees.—Witnesses subpoenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district court of the United States.

(5) Refusal to obey.—In case of contumacy by, or refusal to obey a subpoenaed duly served upon, any person, any district court of the United States for the judicial district in which such person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Secretary, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evidence, or both. Any failure to obey such order of the court may be punished by the court as contempt thereof.

(g) Injunctive Relief.—Whenever the Secretary has reason to believe that any person has engaged, is engaging, or is about to engage in any activity which makes the person subject to a civil monetary penalty under section 311, the Secretary may bring an action in an appropriate district court of the United States (or, if applicable, a United States court of any territory) to enjoin such activity, or to enjoin the person from concealing, removing, encumbering, or disposing of assets which may be required in order to pay a civil monetary penalty if any such penalty were to be imposed or to seek other appropriate relief.

(h) Agency.—A principal is liable for penalties under section 311 for the actions of the principal's agent acting within the scope of the agency.

SEC. 313. ENFORCEMENT BY STATE INSURANCE COMMISSIONERS.

(a) State Penalties.—Subject to section 401, and notwithstanding any other provision of this title, the insurance commissioner of the State of residence of an insured under a life, disability income or long-term care insurance policy may exercise exclusive authority to impose any penalties on a life insurer for violations of this Act in connection with life, disability income or long-term care insurance pursuant to the administrative procedures provided under that State's insurance laws.

(b) Fail-Safe Federal Authority.—In the case of a State that fails to substantially enforce the requirements of title I or title II of this Act with respect to life insurers regulated by such State, the provisions of this title shall apply with respect to a life insurer in the same way that they apply to other persons subject to the Act.

TITLE IV—MISCELLANEOUS

SEC. 401. RELATIONSHIP TO OTHER LAWS.

(a) State and Federal Law.—Except as provided in this section, the provisions of this Act shall preempt any State law that relates to matters covered by this Act. Nothing in this Act shall be construed to preempt, modify, repeal or affect the interpretation of a provision of Federal or State law that relates to the disclosure of protected health information or any other information about a minor to a parent or guardian of such minor. This Act shall not be construed as repealing, explicitly or implicitly, other Federal laws or regulations relating to protected health information or relating to an individual's access to protected health information or health care services.

(b) Privileges.—Nothing in this title shall be construed to preempt or modify any provisions of State statutory or common law to the extent that such law concerns a privilege of a witness or person in a court of that State. This title shall not be construed to supersede or modify any provision of Federal statutory or common law to the extent such law concerns a privilege of a witness or person in a court of the United States. Authorizations pursuant to sections 202 and 203 shall not be construed as a waiver of any such privilege.

(c) Reports Concerning Federal Privacy Act.—Not later than 1 year after the date of enactment of this Act, the head of each Federal agency shall prepare and submit to Congress a report concerning the effect of this Act on each such agency. Such reports shall include recommendations for legislation to address concerns relating to the Federal Privacy Act.

(d) Application to Certain Federal Agencies.—

(1) Department of defense.—

(A) Exceptions.—The Secretary of Defense may, by regulation, establish exceptions to the disclosure requirements of this Act to the extent such Secretary determines that disclosure of protected health information relating to members of the armed forces from systems of records operated by the Department of Defense is necessary under circumstances different from those permitted under this Act for the proper conduct of national defense functions by members of the armed forces.

(B) Application to civilian employees.—The Secretary of Defense may, by regulation, establish for civilian employees of the Department of Defense and employees of Department of Defense contractors, limitations on the right of such persons to revoke or amend authorizations for disclosures under section 203 when such authorizations were provided by such employees as a condition of employment and the disclosure is determined necessary by the Secretary of Defense to the proper conduct of national defense functions by such employees.

(2) Department of transportation.—

(A) Exceptions.—The Secretary of Transportation may, with respect to members of the Coast Guard, exercise the same powers as the Secretary of Defense may exercise under paragraph (1)(A).

(B) Application to civilian employees.—The Secretary of Transportation may, with respect to civilian employees of the Coast Guard and Coast Guard contractors, exercise the same powers as the Secretary of Defense may exercise under paragraph (1)(B).

(3) Department of veterans affairs.—The limitations on use and disclosure of protected health information under this Act shall not be construed to prevent any exchange of such information within and among components of the Department of Veterans Affairs that determine eligibility for or entitlement to, or that provide, benefits under laws administered by the Secretary of Veteran Affairs.

SEC. 402. CONFORMING AMENDMENT.

Section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)) is amended to read as follows:

"(6) Individually identifiable health information.—The term 'individually identifiable health information' has the same meaning given the term 'protected health information' by section 4 of the Medical Information Protection Act of 1999.".

SEC. 403. STUDY BY INSTITUTE OF MEDICINE.

Not later than 2 years after the date of enactment of this Act, the National Research Council in conjunction with the Institute of Medicine of the National Academy of Sciences shall conduct a study to examine research issues relating to protected health information, such as the quality and uniformity of institutional review boards and their practices with respect to data management for both researchers and institutional review boards, as well as current and proposed protection of health information in relation to the legitimate needs of law enforcement. The Council shall prepare and submit to Congress a report concerning the results of such study.

SEC. 405. EFFECTIVE DATE.

(a) Effective Date.—Except as provided in subsection (b), this Act shall take effect on the date that is 12 months after the date on which regulations are promulgated as required under subsection (c).

(b) Applicability.—The provisions of this Act shall only apply to protected health information collected and disclosed 12 months after the date on which regulations are promulgated as required under subsection (c).

(c) Regulations.—Not later than 12 months after the date of enactment of this Act, the Secretary shall, in consultation with the National Committee on Vital and Health Statistics, promulgate regulations implementing this Act.

(d) Exception.—If, not later than 18 months after the date of enactment of this Act, the Secretary has not promulgated the regulations required under subsection (c), the effective date for purposes of subsections (a) and (b) shall be the date that is 30 months after the date of enactment of this Act or 12 months after the promulgation of such regulations, whichever is earlier.

Groups Supporting the Medical Information Protection Act of 1999

American Medical Informatics Association (AMIA).

Joint Healthcare Information Technology Alliance (JHITA).

Intermountain Health Care (IHC).

Premier Institute.

Association of American Medical Colleges (AAMC).

American Health Information Management Association (AHIMA).

Healthcare Leadership Council (HLC).

Federation of American Health Systems.

National Association of Chain Drug Stores (NACDS).

PCS Health Systems.

Academy of Managed Care Pharmacy.

Genentech.

Baxter Healthcare Corporation.

Biotechnology Industry Organization (BIO).

Eli Lilly and Co.

Pan Am and Wausau Insurance.

SmithKline Beecham.

Leukemia Society of America.

Kidney Cancer Foundation.

Mutual of Omaha.

American Hospital Association (AHA).

American Association of Health Plans (AAHP).

Cleveland Clinic Foundation.

First Health Group Corporation.

Health Insurance Association of America (HIAA).

Knoll Pharmaceuticals Co.

Lahey Clinic.

Mayo Foundation.

Pharmaceutical Research and Manufacturers Association (PhRMA).

American Society of Consultant Pharmacists.

Association for Electronic Health Care Transactions.

CIGNA.

Cleveland Clinic Foundation.

Express Scripts/ValueRx.

First Health Group Corporation.

Food Marketing Institute.

Humana, Inc.

Knoll Pharmaceuticals.
National Association of Manufacturers.
Pharmaceutical Care Management Association.
VHA Inc.
WellPoint Networks, Inc.
Blue Cross Blue Shield Association.
American Association of Occupational Health Nurses.
Merck & Co., Inc.

By Mr. MURKOWSKI (for himself, Mr. HAGEL, Mr. BYRD, Mr. CRAIG, Mr. ROBERTS, Mr. GRAMS, Mr. HUTCHINSON, and Mr. ENZI):

S. 882. A bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; to the Committee on Energy and Natural Resources.

ENERGY AND CLIMATE POLICY ACT OF 1999

Mr. MURKOWSKI. Mr. President, today I rise to introduce legislation cosponsored by Senator HAGEL, who is here, Senator BYRD, Senator CRAIG, Senator ROBERTS, Senator GRAMS, Senator HUTCHINSON, Senator ENZI, and, of course, Senator HAGEL.

This is a bill that deals with the issue of the potential climate change that we have heard so much about in this body over the last several months.

Our specific bill would do three things, Mr. President. First, the bill would create a new $2 billion research, development, and demonstration program designed to develop and enhance new technology to help stabilize greenhouse gas concentrations in the atmosphere.

This would be a cost-shared partnership with industry to spur innovation and technology so that we can use this technology and have it deployed in the United States, as well as have it exported around the world. Think about the tremendous advancements that have been made in technology in the last decade, Mr. President. Apply the same basis of need for that technology to be used to reduce greenhouse gases and address climate change. The necessity of doing this, Mr. President, is obvious.

We have seen discussed and examined the costs of Kyoto. The cost of complying with Kyoto is estimated to be up to $338 billion in lost gross domestic product by the year 2010. That equates to $3,068 per household by that year. So it is a substantial investment and deserves our attention now.

Our bill would improve the provisions in existing law which promote voluntary reductions in greenhouse gas emissions. Our emphasis remains on encouraging voluntary action and not creating new regulatory burdens.

Finally, our bill would establish greater accountability and responsibility for climate change and related matters within the Department of Energy by establishing a statutory office of global climate change. Somebody needs to be accountable in the Department of Energy for policies in this area. While the Secretary is ultimately accountable, we want to see greater program direction and focus in this area. It is justified, Mr. President, when we think of the costs associated with meeting the demands and requirements of Kyoto. We can do this and achieve this through technology, and it is an investment well spent.

Now, there are other commonsense approaches we continue to work on that we or others will later propose in separate bills or as amendments to this bill as we get into the debate. For example, we would like to protect the U.S. Global Climate Change Research Program from politics and ensure that it is conducting high-quality, merit-based, peer-reviewed science; we would like to remove regulatory obstacles that stand in the way of voluntary greenhouse gas emissions reduction; we would like to promote voluntary agricultural management practices that sequester, or trap, additional carbon dioxide in biomass and soils; we would like to promote forest management practices that sequester carbon. Mr. President, we encourage the growth of more trees.

We would like to promote U.S. exports of clean technologies to nations such as China and India, who are belching greenhouse gases and choking on their own pollutants. For this to be a global approach to a global issue, the developing countries must be engaged in the solution—unlike Kyoto, where there is a mandate that developing countries simply get a free ride. The recognition is—if you buy that logic—there is no net gain, no substantial decrease in emissions. Under our proposal, the technology would be applicable to the developing nations, so there would be a substantial net decrease in greenhouse gases.

Where sensible and cost effective, we would like to pursue possible changes to the Tax Code to promote certain activities or practices designed to reduce, sequester, or avoid greenhouse gas emissions.

These are all approaches that we plan to pursue, in a bipartisan manner, to address the issue of greenhouse gas emissions and potential climate change, because we believe the potential threat of human-induced climate change will best be solved on a global basis, and solved with technology and American innovation over the long term.

This is the reason we are engaging the developing nations to come aboard—by getting new technology into the marketplace, get it out there and installed and reduce emissions.

Compare our approach with that taken by the Kyoto protocol, which gives developing nations a free ride. Kyoto explicitly ignores the provision of the Byrd-Hagel resolution, which passed this Senate 95 to 0 in 1997.

We are, of course, a body of advice and consent. We gave the administration our advice 95 to 0, so they shouldn't expect our consent. Ninety-five Senators, Mr. President, rarely agree on anything. As a consequence, I think we have spoken relative to the merits of the treaty that was brought before us.

Although the President may seek short-term political gain in simply signing a treaty that imposes burdens long after his watch is over—and that is the applicability of these targets—these targets will come long after the current administration is gone. So it is very easy to set these targets, because this administration won't be held accountable. If the President chooses to ignore our advice, then I don't think he should expect our consent. That is kind of where we are now.

If we recall the Byrd-Hagel resolution, it said that all nations must be included in emission targets and that serious economic harm must not result—serious economic harm. But what serious economic harm? Mr. President, I suggest that a cost to this Nation of $338 billion in lost GDP in the year 2010 is significant economic harm.

Yet the Kyoto proposal does not include all nations. Only 35 industrial nations are subject to emission limits, even though the 134 developing nations will surpass them in emissions by the year 2015. Moreover, the Kyoto protocol's regulatory approach requires legally binding quantified emissions reductions of 7 percent below 1990 levels by the years 2008–2012. That is roughly a 40-percent decrease in emissions from our current baseline. We simply can't get there from here without endangering energy supply, reliability, or our economy.

According to the economic analysis of the Department of Energy's Energy Information Administration, if we were to adopt Kyoto, here is what American consumers could face in the year 2010:

53 percent higher gasoline prices;
86 percent higher electric prices;
Upward pressure on interest rates;
New inflationary pressures.
There goes your surplus.

At a recent hearing of the Energy and Natural Resources Committee, one witness testified that the economic downturn accompanying the Kyoto implementation would depress tax revenues, erase the surplus we have earmarked to shore up Social Security, and reduce the public debt.

With the Kyoto approach, we say goodbye to the budget surplus, goodbye to the hopes of saving Social Security, and goodbye to the economic prosperity in this country today.

What do we get for enduring this economic pain? Do we stabilize the greenhouse gas concentrations in the atmosphere under Kyoto? The answer is clearly no. Do we even reduce global greenhouse gas emissions? No, because any reductions by the 35 developed nations and the parties to the treaty would be overwhelmed by the growing emissions from the 134 nations that aren't covered by the Kyoto emissions limit.

That is what is wrong with Kyoto. Make no mistake about it, Mr. President, the Kyoto protocol is an expensive, short-term, narrowly applied regulatory approach that will erode U.S. sovereignty, punish U.S. consumers, and do nothing to enhance the global environment.

We are, with this bill and others that will follow, charting a different, a new, a progressive course. Ours is a long-term, technology-based, global effort. If human-induced greenhouse gas emissions are indeed changing the climate for the worse—and there remains substantial scientific uncertainty at this point—then we should act in a prudent manner to reduce, sequester, or avoid those emissions through technology.

I would like to address criticisms leveled by the administration about our bill that are based, I hope, on a misunderstanding.

A recent administration "fact sheet," after recognizing that there are "positive features" in the bill, and noting that it "makes improvements to current law" regarding voluntary efforts to curtail emissions, goes on to incorrectly erroneously state that our bill "rolls back energy efficiency and clean energy programs with a long history of bipartisan support."

The administration "fact sheet" is incorrect. Our bill does not roll back funding for renewable energy or energy efficiency. Instead, it authorizes $200 million per year in new money; it does not deauthorize any existing programs.

With that clarification, it would be my hope that the administration would support our bill and join us in a prudent, common sense approach to greenhouse gas emissions and climate.

Mr. President, I think I had 20 minutes under special orders this morning.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. I ask that the remainder of my time be available to my cosponsor, Senator HAGEL.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. MURKOWSKI. I thank the Chair. I thank my colleagues.

Mr. HAGEL. Thank you, Mr. President. I thank as well Senator MURKOWSKI.

Mr. President, I rise this morning to join my colleague and friend, the distinguished chairman of the Senate Energy and Natural Resources Committee, and the senior Senator from West Virginia, Senator BYRD, and other colleagues in introducing the Energy and Climate Policy Act of 1999. We offer this legislation because we believe it is time that Congress take a new, bipartisan approach to dealing with the issue of global climate change.

This legislation turns the debate away from unachievable, U.N.-mandated, arbitrary, short-term targets and timetables as dictated by the Kyoto protocol toward a long-term strategy that focuses on sound science, increased research and development, incentives for voluntary action, and public-private technological initiatives that are market driven and technology based.

Twenty-first century technologies, American ingenuity, and public-private cooperation—not U.N.-mandated energy rationing—should be, in fact, the focus of climate change efforts in the Congress. I hope Members on both sides of the aisle will join this effort.

Mr. President, this has never been a debate about who is for or against the environment. This has never been a partisan issue. I have not met one Member of the Senate—Republican or Democrat—who wants to leave their children a dirty and uninhabitable environment. We all agree that we have a responsibility to protect our environment. What this debate should be about is bringing some common sense—common sense—to this issue.

This bill that we are introducing today—the Energy and Climate Policy Act—brings some common sense to the issue of climate change.

Senator MURKOWSKI laid out a number of the more specific parts of our bill—accountability for one. We put this responsibility in the Department of Energy where there is someone "in charge."

Presently we have accountability for global climate change spread throughout the Government. It is in the White House. It is in the EPA. It is in the Departments of Commerce, Agriculture, Interior, and Energy. All of these organizations have their tentacles wrapped around this issue. So with this, we will focus on accountability, responsibility. Let's get the job done.

Second, this bill moves the current focus of climate change policy away from short-term, draconian energy rationing and cost increases mandated by the United Nations Kyoto protocol toward a long-term domestic commitment to research and development. As Senator MURKOWSKI pointed out, it adds significant Government funding in a private-public enterprise over the next 10 years. It focuses on real science, sound science.

Third, this bill continues Congress' commitment to supporting voluntary energy efforts to reduce, sequester, or avoid manmade greenhouse gas emissions. It does so by strengthening current law—not by creating new international, bureaucratic, governmental regimes in which we will all be accountable.

In short, among other things this bill does, we look at the entire picture—the consequences of our actions. That means including activities that naturally lower the levels of greenhouse gas emissions.

This bill also addresses the issue of whether such voluntary efforts are "real and verifiable"—Who enforces these kinds of mandates?—the role of agriculture, the role of industry, business, labor, and long-term standard of living consequences: How competitive are our products in the world markets?—market driven, technology based. We build on what is already the foundation of this great, free land and this great, free market economy.

This bill also allows all of our enterprises in this country to plan for the future and build commitments into outyear planning and investment decisions. Kyoto doesn't talk about that. Who finances these efforts?

This is the best way to deal with the issue of climate change: a long-term commitment based on American ingenuity, exports, scientific certainty, 21st century technology, and market principles.

By doing these things we can walk away from the disastrous path that this administration and the Kyoto protocol would lead us and focus our efforts instead on a positive, bipartisan, achievable commonsense approach.

I hope my colleagues will take a look at what we are introducing today. It is a bipartisan bill. It does make sense. I look forward to working with the Presiding Officer and others this year and into next year in crafting something that is achievable and workable and good for this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy and Climate Policy Act of 1999."

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Although there are significant uncertainties surrounding the science of climate change, human activities may contribute to increasing global concentrations of greenhouse gases in the atmosphere, which in turn may ultimately contribute to global climate change beyond that resulting from natural variability;

(2) the characteristics of greenhouse gases and the physical nature of the climate system require that any stabilization of atmospheric greenhouse gas concentrations must be a long-term effort undertaken on a global basis;

(3) since developing countries will constitute the major source of greenhouse gas emissions early in the 21st century, all nations must share in an effective international response to potential climate change;

(4) environmental progress and economic prosperity are interrelated;

(5) effective greenhouse gas management efforts depend on the development of long-term, cost-effective technologies and practices that can be developed, refined, and deployed commercially in an orderly manner in the United States and around the world;

(6) in its present form as signed by the Administration, the Kyoto Protocol to the United Nations Framework Convention on Climate Change fails to meet the minimum conditions of Senate Resolution 98, 105th Congress, which was adopted by the Senate on July 25 1997 by a vote of 95–0;

(7) The President has not submitted the Kyoto Protocol to the Senate for debate and advice and consent to ratification under Article II, Section 2, clause 2 of the United States Constitution and has indicated that the Administration has no intention to do so in the foreseeable future, or to implement any portion of the Kyoto Protocol prior to its ratification in the Senate.

(b) PURPOSE.—The purpose of this Act is to strengthen provisions of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) and the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.) to—

(1) further promote voluntary efforts to reduce or avoid greenhouse gas emissions and improve energy efficiency;

(2) focus Department of Energy efforts in this area; and

(3) authorize and undertake a long-term research, development, and demonstration program to—

(A) develop new and enhance existing technologies that reduce or avoid anthropogenic emissions of greenhouse gases;

(B) develop new technologies that could remove and sequester greenhouse gases from emissions streams; and

(C) develop new technologies and practices to remove and sequester greenhouse gases from the atmosphere.

SEC. 3. OFFICE OF GLOBAL CLIMATE CHANGE.

Section 1603 of the Energy Policy Act of 1992 (42 U.S.C. 13383) is amended—

(1) in the section heading, by striking "**DIRECTOR OF CLIMATE PROTECTION**" and inserting "**OFFICE OF GLOBAL CLIMATE CHANGE**"; and

(2) by striking the first sentence and inserting the following:

"(a) ESTABLISHMENT.—There is established by this Act in the Department of Energy an Office of Global Climate Change.

"(b) FUNCTION.—The Office shall serve as a focal point for coordinating for the Secretary and Congress all departmental issues and policies regarding climate change and related matters.

"(c) DIRECTOR.—The Secretary shall appoint a director of the Office, who—

"(1) shall be compensated at no less than level IV of the Executive Schedule;

"(2) shall report to the Secretary; and

"(3) at the request of the Committees of the Senate and House of Representatives with appropriation and legislative jurisdiction over programs and activities of the Department of Energy, shall report to Congress on the activities of the Office.";

(3) in the second sentence, by striking "The Director" and inserting the following:

"(d) DUTIES.—The Director"; and

(4) in subsection (c) (as designated by paragraph (2)), by striking paragraphs (2) and (3) and inserting the following:

"(2) participate, in cooperation with other federal agencies, in the development and monitoring of domestic and international policies for their effects of any kind on climate change globally and domestically and on the generation, reduction, avoidance, and sequestration of greenhouse gases;

"(3) develop and implement a balanced, scientifically sound, nonadvocacy educational and informative public awareness program on—

"(A) potential global climate change, including any known adverse and beneficial effects on the United States and the economy of the United States and the world economy, taking into consideration whether those effects are known or expected to be temporary, long-term, or permanent; and

"(B) voluntary means and measures to mitigate or minimize significantly adverse effects and, where appropriate, to adapt, to the greatest extent practicable, to climate change;

"(4) provide, consistent with applicable provisions of law (including section 1605 (b)(3)), public access to all information on climate change, effects of climate change, and adaptation to climate change;

"(5) promote and cooperate in the research, development, demonstration, and diffusion of environmentally sound, cost-effective and commercially practicable technologies, practices and processes that avoid, sequester, control, or reduce anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol for all relevant economic sectors, including, where appropriate, the transfer of environmentally sound, cost-effective and commercially practicable technologies, practices, and processes developed with Federal funds by the Department of Energy or any of its facilities and laboratories to interested persons in the United State and to developing country Parties to the United Nations Framework Convention on Climate Change, and Parties thereto with economies in transition to market-based economies, consistent with, and subject to, any applicable Federal law, including patent and intellectual property laws, and any applicable contracts, and taking into consideration the provisions and purposes of section 1608; and

"(6) have the authority to participate in the planning activities of relevant Department of Energy programs.".

SEC. 4. NATIONAL INVENTORY AND VOLUNTARY REPORTING OF GREENHOUSE GASES.

(a) Section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13385) is amended—

(1) by amending the second sentence of subsection (a) to read as follows: "The Administrator of the Energy Information Administration shall annually update and analyze such inventory using available data, including beginning in calendar year 2001, information collected as a result of voluntary reporting under subsection (b). The inventory shall identify for calendar year 2001 and thereafter the amount of emissions reductions attributed to those reported under subsection (b)."

(2) by amending subsection (b)(1)(B) and (C) to read as follows:

"(B) annual reductions or avoidance of greenhouse gas emissions and sequestration and carbon fixation achieved through any measures, including agricultural activities, cogeneration, appliance efficiency, energy efficiency, forestry activities that increase carbon sequestration stocks (including the use of forest products), fuel switching, management of grasslands and drylands, manufacture or use of vehicles with reduced greenhouse gas emissions, methane recovery, ocean seeding, use of renewable energy, chlorofluourocarbon capture and replacement, and power plant heat rate improvement; and"

"(C) reductions in, or avoidance of, greenhouse gas emissions achieved as a result of voluntary activities domestically, or internationally, plant or facility closings, and State or Federal requirements."

(3) by striking in the first sentence of subsection (b)(2) the word "entities" and inserting "persons or entities" and in the second sentence of such subsection, by inserting after "Persons" the words "or entities";

(4) by inserting in the second sentence of subsection (b)(4) the words "persons or" before "entity"; and

(5) by adding after subsection (b)(4) the following new paragraphs—

"(5) RECOGNITION OF VOLUNTARY REDUCTIONS OR AVOIDED EMISSIONS OF GREENHOUSE GASES.—In order to encourage and facilitate new and increased voluntary efforts on a continuing basis, particularly by persons and entities in the private sector, to reduce global emissions of greenhouse gases, including voluntary efforts to limit, control, sequester, and avoid such emissions, the Secretary shall promptly develop and establish, after an opportunity for public comment of at least 60 days, a program of giving annual public recognition, beginning not later than January 31, 2001, to all reporting persons and entities demonstrating, pursuant to the voluntary collections and reporting guidelines issued under this section, voluntarily achieved greenhouse gases reductions, including such information reported prior to the enactment of this paragraph. Such recognition shall be based on the information certified, subject to 18 U.S.C. 1001, by such persons or entities for accuracy as provided in paragraph 2 of this subsection. At a minimum such recognition shall annually be published in the Federal Register.

"(6) CHANGES IN GUIDELINES TO IMPROVE ACCURACY AND RELIABILITY.—The Secretary of Energy, through the Administrator of the Energy Information Administration, shall conduct a review, which shall include an opportunity for public comment, of what, if any, changes should be made to the guidelines established under this section regarding the accuracy and reliability of greenhouse gas reductions and related information reported under this section. Any such review shall give considerable weight to the voluntary nature of this section and to the purpose of encouraging voluntary greenhouse gas emission reductions by the private sector. Changes to be reviewed shall include the need for, and the appropriateness of—

"(A) a random or other verification process using the authorities available to the Administrator under other provisions of law;

"(B) a range of reference cases for reporting of project-based activities in sectors, including, but not limited to, the measures specified in subparagraph (1)(B) of this subsection, and the inclusion of benchmark and default methodologies for use in the reference cases for 'greenfield' projects; and

"(C) provisions to address the possibility of reporting, inadvertently or otherwise, of some or all of the same greenhouse gas emissions reductions by more than one reporting entity or person and to make corrections where necessary.

The review should consider the costs and benefits of any such changes, the impacts on encouraging participation in this section, including by farmers and small businesses, and the need to avoid creating undue economic advantages or disadvantages for persons or entities of the private sector. The review should provide, where appropriate, a range of reasonable options that are consistent with the voluntary nature of this section and that will help further the purposes of this section. The review should be available in draft form for public comment of at least 45 days before it is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives. Such submittal should be made by December 31, 2000. If the Secretary, in consultation with the Administrator, finds, based on the study results, that such changes are likely to be beneficial and cost effective in improving the accuracy and reliability of reported greenhouse gas reductions and related information, are consistent with the voluntary nature of this section, and furthers the purposes of this section, the Secretary shall propose and promulgate, consistent with such finding, such guidelines, together with such findings. In carrying out the provisions of this paragraph, the Secretary shall consult with the Secretary of Agriculture and the Administrator of the Small Business Administration to facilitate greater participation by small business and farmers in this subsection for the purpose of addressing greenhouse gas emission reductions and reporting such reductions."

(6) in subsection (c), by inserting "the Secretary of the Department of Agriculture, the Secretary of the Department of Commerce, the Administrator of the Energy Information Administration, and" before "the Administrator".

(b) The Secretary shall revise, after opportunity for public comment, the guidelines issued under section 1605(b) of the Energy Policy Act of 1992 to reflect the amendments made to such section 1605(b) by subsection (a)(2) through (4) of this section not later than 18 months after the date of enactment of this Act. Such revised guidelines shall specify their effective date.

(c) The provisions of subsection (a)(5) and (6) of this section shall be effective on the date of enactment of this Act.

SEC. 5. CLIMATE TECHNOLOGY RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM.

Subtitle B of title XXI of the Energy Policy Act of 1992 (42 U.S.C. 13471) is amended by adding the following new subsection—

"SEC. 2120. CLIMATE TECHNOLOGY RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM.

"(a) PURPOSE.—The purpose of this section is to direct the Secretary to further the goals of development and commercialization of technologies, through widespread application and utilization of which will assist in stabilizing global concentrations of greenhouse gases, by the conduct of a long-term research, development, and demonstration program undertaken with selected industry participants or consortia.

"(b) PROGRAM.—The Secretary, in consultation with the Advisory Board established under section 2302, shall establish a long-term Climate Technology Research, Development, and Demonstration Program, in accordance with sections 3001 and 3002.

"(c) PROGRAM OBJECTIVES.—The program shall foster—

"(1) development of new technologies and the enhancement of existing technologies that reduce or avoid anthropogenic emissions of greenhouse gases and improve energy efficiency;

"(2) development of new technologies that are able to remove and sequester greenhouse gases from emissions streams; and

"(3) development of new technologies and practices to remove and sequester greenhouse gases from the atmosphere.

"(d) PROGRAM PLAN.—

"(1) INITIAL PLAN.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with appropriate representatives of industry, institutions of higher education, Department of Energy national laboratories, and professional and technical societies, shall prepare and submit to the Congress a 10-year program plan to guide activities under this section.

"(2) BIENNIAL UPDATE.—The Secretary shall biennially update and resubmit the program plan to the Congress.

"(e) PROPOSALS.—

"(1) SOLICITATION.—Not later than one year after the date of submittal of the 10-year program plan, and consistent with section 3001 and 3002, the Secretary shall solicit proposals for conducting activities consistent with the 10-year program plan and select one or more proposals not later than 180 days after such solicitation.

"(2) QUALIFICATIONS.—In order for a proposal to be considered by the Secretary, an applicant shall provide evidence that the applicant has in existence—

"(A) the technical capability to enable it to make use of existing research support and facilities in carrying out its research objectives;

"(B) a multi-disciplinary research staff experienced in—

"(i) energy generation, transmission, distribution and end-use technologies; or

"(ii) technologies or practices able to sequester, avoid, or capture greenhouse gas emissions; or

"(iii) other directly related technologies or practices;

"(C) access to facilities and equipment to enable the conduct of laboratory-scale testing or demonstration of technologies or related processes undertaken through the program.

"(3) PROPOSAL CRITERIA.—Each proposal shall—

"(A) demonstrate the support of the relevant industry by describing—

"(i) how the relevant industry has participated in deciding what research activities will be undertaken;

"(ii) how the relevant industry will participate in the evaluation of the applicant's progress in research and development activities; and

"(iii) the extent to which industry funds are committed to the applicant's submission;

"(B) have a commitment for matching funds from non-Federal sources, which shall consist of—

"(i) cash; or

"(ii) as determined by the Secretary, the fair market value of equipment, services, materials, appropriate technology transfer activities, and other assets directly related to the proposal's cost;

"(C) include a single-year and multi-year management plan that outline how the research and development activities will be administered and carried out;

"(D) state the annual cost of the proposal and a breakdown of those costs; and

"(E) describe the technology transfer mechanisms that the applicant will use to make available research results to industry and to other researchers.

"(4) CONTENTS OF PROPOSALS.—A proposal under this subsection shall include—

"(A) an explanation of how the proposal will expedite the research, development, demonstration, and commercialization of technologies capable of—

"(i) reducing or avoiding anthropogenic emissions of greenhouse gases;

"(ii) removing and sequestering greenhouse gases from emissions streams; or

"(iii) removing and sequestering greenhouse gases from the atmosphere.

"(B) evidence of consideration of whether the unique capabilities of Department of Energy national laboratories warrant collaboration with those laboratories, and the extent of the collaboration proposed;

"(C) a description of the extent to which the proposal includes collaboration with relevant industry or other groups or organizations;

"(D) evidence of the ability of the applicant to undertake and complete the proposed project;

"(E) evidence of applicant's ability to successfully introduce the technology into commerce, as demonstrated by past experience and current relationships with industry; and

"(F) a demonstration of continued financial commitment during the entire term of the proposal from all industrial sectors involved in the technology development.

"(f) SELECTION OF PROPOSALS.—From the proposals submitted, the Secretary shall select for funding one or more proposals that—

"(1) will best result in carrying out needed research, development, and demonstration related to technologies able to assist in the stabilization of lobal greenhouse gas concentrations through one or more of the following approaches—

"(A) improvement in the performance of fossil-fueled energy technologies;

"(B) development of greenhouse gas capture and sequestration technologies and processes;

"(C) cost reduction and acceleration of deployment of renewable resource and distributed generation technologies;

"(D) development of an advanced nuclear generation design; and

"(E) improvement in the efficiency of electrical generation, transmission, distribution, and end use;"

"(F) design and use of—

"(i) closed-loop multi-stage industrial processes that minimize raw material consumption and waste streams;

"(ii) advanced co-production systems (such as coal-based chemical processing and biomass fuel processing); and

"(iii) recycling and industrial-ecology programs integrating energy efficiency.

"(2) represent research and development in specific areas identified in the program plan developed biennially by the Secretary and submitted to Congress under subsection (c);

"(3) demonstrate strong industry support;

"(4) ensure the timely transfer of technology to industry; and

"(5) otherwise best carry out this section.

"(g) ANNUAL PROGRESS REPORTS.—The Director of the Office of Science and Technology, in consultation with the Director of the Office of Management and Budget, shall prepare and submit an annual report to Congress that—

"(1) certifies that the program objectives are adequately focused, peer-reviewed and merit-reviewed, and not unnecessarily duplicative with the science and technology research being conducted by other Federal agencies and agents, and

"(2) state whether the program as conducted in the prior year addresses an adequate breadth and range of technologies and solutions to address anthropogenic climate change, including—

"(A) capture and sequestration of greenhouse gas emissions;

"(B) development of photovoltaic, high-efficiency coal, advanced nuclear, and fuel cell generation technologies;

"(C) cost reduction and acceleration of deployment of renewable resource and distrbuted generation technologies; and

"(D) improvement in the efficiency of electrical generation, transmission, distribution, and end use;

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2001 through 2010, to remain available until expended. This authorization is supplemental to existing authorities and shall not be construed as a cap on the Department of Energy's Research, Development and Demonstration programs".

SEC. 6. COMPREHENSIVE PLAN AND IMPLEMENTING PROGRAM FOR ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices designed to—

"(A) reduce or avoid anthropogenic emissions of greenhouse gases;

"(B) remove and sequester greenhouse gases from emissions streams; and

"(C) remove and sequester greenhouse gases from the atmosphere."; and

(2) in subsection (b)—

(A) in paragraph (2), by striking "subdivision (a)(1) through (3)" and inserting "paragraphs (1) through (4) of subsection (a); and

(B) in paragraph (3)—

(i) in subparagraph (R), by striking "and" at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, including—

"(i) the accelerated commercial demonstration of low-cost and high efficiency photovoltaic power systems;

"(ii) advanced clean coal technology;

"(iii) advanced nuclear power plant designs;

"(iv) fuel cell technology development for cost-effective application in residential, industrial and transportation applications;

"(v) low cost carbon sequestration practices and technologies including biotechnology, tree physiology, soil productivity and remote sensing;

"(vi) hydro and other renewables;

"(vii) electrical generation, transmission and distribution technologies and end use technologies; and

"(viii) bio-energy technology."

SEC. 7. DEFINITIONS.

For the purpose of this Act and the provisions of the Energy Policy Act of 1992 (42 U.S.C. 13381, et seq.) and the provisions of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901, et seq.) which statutes are amended by this Act, these terms are defined as follows:

"(1) Agricultural activity.—The term 'agricultural activity' means livestock production, cropland cultivation, biogas recovery and nutrient management.

"(2) Climate change.—The term 'climate change' means a change of climate which is attributed directly or indirectly to human activity which is in addition to natural climate variability observed over comparable time periods.

"(3) Climate system.—The term 'climate system' means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.

"(4) Greenhouse gases.—The term 'greenhouse gases' means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.

"(5) Greenhouse gas reduction.—The term 'greenhouse gas reduction' means 1 metric ton of greenhouse gas (expressed in terms of carbon dioxide equivalent) that is voluntarily certified to have been achieved under section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13385).

"(6) Greenhouse gas sequestration.—The term 'greenhouse gas sequestration' means extracting one or more greenhouse gases from the atmosphere or an emissions stream through a technological process designed to extract and isolate those gases from the atmosphere or an emissions stream; or the natural process of photosynthesis that extracts carbon dioxide from the atmosphere and stores it as carbon in trees, roots, stems, soil, foliage, or durable wood products.

"(7) Forest products.—The term 'forest products' means all products or goods manufactured from trees.

(8) Forestry activity.—

"(A) In general.—The term 'forestry activity' means any ownership or management action that has a discernible impact on the use and productivity of forests.

"(B) Inclusions.—Forestry activities include, but are not limited to, the establishment of trees on an area not previously forested, the establishment of trees on an area previously forested if a net carbon benefit can be demonstrated, enhanced forest management (e.g., thinning, stand improvement, fire protection, weed control, nutrient application, pest management, other silvicultural practices), forest protection or conservation if a net carbon benefit can be demonstrated, and biomass energy (using wood, grass or other biomass in lieu of fossil fuel).

"(C) Exclusions.—The term 'forest activity' does not include a land use change associated with—

"(i) an act of war; or

"(ii) an act of nature, including floods, storms, earthquakes, fires, hurricanes, and tornadoes.

"(9) Management of grasslands and drylands.—The term 'management of grasslands and drylands' means seeding, cultivation, and nutrient management.

"(10) Ocean seeding.—The term 'ocean seeding' means adding nutrients to oceans to enhance the biological fixation of carbon dioxide.".

Mr. BYRD. Mr. President, I join with my distinguished colleagues, Senators MURKOWSKI, HAGEL, CRAIG, HUTCHINSON, GRAMS, and ROBERTS, in cosponsoring the Energy and Climate Policy Act of 1999 which was introduced earlier today. The legislation provided in this bill is one of a number of options that the U.S. could undertake to improve energy efficiency and security and reduce greenhouse gas emissions. While the complex issue of climate change will not be solved by a single bill or action, this legislaiton provides additional funding for research and development for important programs that I have long supported, like clean coal technologies, an American-developed initiative. The bill would also take steps to coordinate and implement energy efficiency research as well as begin the process of better reporting greehouse gas reductions at the Department of Energy.

If substantial steps are going to be taken globally to reduce greenhouse gas emissions, we must accelerate the development and commercialization of new technologies, anticipate changing conditions, and encourage public/private partnerships. Both developing and industrialized nations must find ways to tackle this complex and multi-faceted problem. There is no single answer—there is no one silver bullet to fix this issue.

Any viable climate change policy must include efforts to develop cleaner and more efficient fossil fuel-based energy production in order to meet growing energy needs. Clean coal technologies must be a part of that solution. When one examines the increase in global greenhouse gas emissions over the next several decades, the utilization of clean coal technologies is essential. Nations that are serious about reducing greenhouse gas emissions in the long term, especially many of the largest developing nations like China, cannot ignore clean coal technologies.

In 1984, I proposed, and the Congress adopted, a $750 million Clean Coal Technology program. Originally, the program was designed to achieve long-term, real reductions in acid rain. Since then, the program has expanded, thanks to a joint government-industry investment of more than $6 billion. This investment has led to 40 first-of-a-kind projects in 18 states, including an array of high-technology ideas that can spearhead a new era of clean, efficient power plants which will continue to burn our nation's abundant coal resources. Much useful technology has resulted from this synergy of effort between government and private investment by incorporating leading-edge federal laboratories and practical business applications. More needs to be done, and the Energy and Climate Policy Act of 1999 seeks to fuel this synergy by encouraging more public-private projects in all areas of energy production and use. This boost will help to move ideas into reality.

It is critical that the U.S. find better ways to use our own energy resources by encouraging more research and development. These initiatives have both environmental and economic benefits. This bill provides an additional $200 million per year for ten years for research, development, and demonstration programs through competitive grants. It would also take further steps to coordinate and implement energy research and development. These programs build upon the many voluntary efforts that government at all levels and industry have already undertaken to improve energy use as well as to reduce, avoid, or sequester greenhouse gas emissions. All sectors of the economy should be able to benefit from these programs.

In addition to its many benefits at home, the clean coal technology program can also provide an economically beneficial and environmentally sound solution in the international market. According to the coal industry, coal production will continue to increase worldwide. Coal can be a cost-competitive source of fuel for electricity generation, but, like other fossil fuels, it will require improvements in its environmental credentials. Developing nations are currently searching for cost-effective ways to upgrade their older, higher-polluting power plants and to expand their power production capacity. These nations can learn from our experiences and utilize our new technologies to combat these problems. I note that during the recent visit of Chinese Premier Zhu Rongji, the U.S. and China both agreed that more should be done to employ clean coal technologies.

After 2015, China is expected to surpass the U.S. as the world's largest emitter of greenhouse gases. Global warming is a global problem. It is not just an American problem. It is not just a European problem. And as such, it requires a global solution. Industrialized nations' efforts to reduce our own greenhouse gas emissions will be for naught unless reductions are also made by nations like China and India. Coal will continue to be a major source of their energy production; therefore, clean coal technologies are essential to their responsible growth. The U.S. must support further efforts to encourage clean coal and other energy efficient technologies and to take them from the drawing board to the marketplace. Funding for these programs is pointless unless our government works in conjunction with the private sector to break down market barriers and prove the viability of such programs in the global market.

Research, development, and demonstration programs provide numerous benefits to improve air quality standards, increase our energy efficiency, and reduce greenhouse gases. While the intent of this bill is independent of the Kyoto Protocol, this legislation, in addition to its many other benefits, could help the U.S. in addressing climate change challenges that might result from the implementation of any future treaty.

In its present form, the Kyoto Protocol does not meet the conditions outlined in S. Res. 98, which passed the Senate on July 25, 1997; namely, it must include developing country participation as well as provide sufficient detail to explain the economic impact of such an agreement for the United States. I recognize that the Protocol is a work in progress. The international negotiations to bring it into compliance with S. Res. 98 will require perseverance and patience and are part of a long-term effort to address global climate change. The Administration has not submitted the Kyoto Protocol to the Senate for its advice and consent and has indicated it has no intention of doing so in the foreseeable future. the Administration has indicated that it needs at least two additional years to complete negotiations on the Buenos Aires Action Plan which includes negotiating major aspects of the Protocol such as developing country participation, emissions trading, the Clean Development Mechanism, and forest and soil sinks. The Administration has also pledged not to implement any portion of the Kyoto Protocol prior to its advice and consent in the Senate. I hope that that pledge will continue to be honored.

Over the last year and a half, a number of economic studies have been completed, but we have yet to see a comprehensive analysis of the Kyoto Protocol. I remain firmly convinced that it is critical that the United States knows in some detail the probable costs and benefits of the specific actions proposed to address global climate change.

In summary, improved resource use, energy efficiency and security, and global climate change will all be critical issues for every nation in the new millennium. Market-based solutions and research and development funding will play a vital role in addressing these issues. By cosponsoring the Energy and Climate Policy Act of 1999, I hope that U.S. firms can receive additional funding to help increase research and development for important new technologies. These initiatives, in addition to other market-based solutions, could provide vehicles for real improvements in energy efficiency as well as reductions in greenhouse gas emissions, and an important marketable solution for global participation in such reductions.

Mr. CRAIG. Mr. President, I rise today to join with my distinguished colleagues, Senators MURKOWSKI, HAGEL, BYRD, and others, in introducing the Energy and Climate Policy Act of 1999. I commend Chairman MURKOWSKI and Senators HAGEL and BYRD for their leadership on this very important legislation.

Sufficient scientific information and public interest exist to justify the encouragement and acknowledgment of responsible actions by private entities to reduce greenhouse gas emissions, even though all scientific, technological, economic, and public policy questions have not yet been resolved.

The global climate issue presents profound questions in these areas that require comprehensive, integrated resolution. Current scientific research, experimentation, and data collection are not adequately coordinated or focused on answering key questions within the United States, as well as internationally.

Moreover, public access to scientific, economic, and public policy information is severely limited. The public's right to know is not being satisfied. Open and balanced discussion leading to public support for best approaches to climate policy resolution is urgently needed.

This measure does not depend on future regulatory mandates, an approach preferred by the current Administration to reduce greenhouse gas emissions. It also provides a valid alternative to S. 547, the Credit for Voluntary Reductions Act, introduced recently by my friends and colleague Senator JOHN CHAFEE. The key difference between Senator CHAFEE's bill and our bill is that our bill is not dependent on the Kyoto protocol or any other regulatory mandate.

It is my belief, Mr. President, that voluntary measures should be encouraged through incentives rather than in anticipation of future domestic or international regulatory mandates.

Mr. President, I am also very concerned about the Administration's strong desire to drastically cut carbon and its seeming willingness to do so by whatever regulatory measure available. Demonstrative evidence of the Administration's thinking on this issue is contained in the April 10, 1998, EPA General Counsel memo to Carol Browner, describing EPA's authority to regulate carbon dioxide under the Clean Air Act.

This memo, in my opinion, clearly overstates EPA's authority to regulate pollutants under the Clean Air Act. Moreover, this memo is indicative of the Administration's penchant for finding regulatory fixes for problems. Its allies in this campaign are those in the international community who are either indifferent to, or against our economic interests. we all know, or should know, that at this moment in history, when you cap carbon you cap economic growth.

We need a whole new paradigm for handling this serious political issue. People care about it on all sides, and now Congress will be involved in this issue during this session. Let's get serious about the science and fully inform the American people so that whatever the outcome, they'll know that their government was working for them and not against their important economic interests.

Let's force the current Administration to stop politicizing science and get to the point where the issue is confidently understood. There is simply no compelling reason for our government at this time to force Americans to take preventive measures of uncertain competence against a problem that may or may not lie in the earth's future.

It is for these reasons that I, along with Senators MURKOWSKI, HAGEL, and others, are continuing to work on the next step in this very important response to the climate change issue—a more comprehensive proposal that will include provisions that address:

(1) Policy mechanisms for assessing the effects of greenhouse gas emissions;

(2) Accelerated development and deployment of climate response technology;

(3) International deployment of technology to mitigate climate change;

(4) The advancement of climate science; and

(5) Improving public access to government information on the broad spectrum of scientific opinion on the causes and effects of climate change.

Mr. President, significant greenhouse gas emission reductions can be achieved through voluntary measures that are warranted even as we answer yet unresolved key questions about the global and regional climates.

What is required now is an approach that will encourage public support for appropriate action. I believe this bill paves the way for such public support, and, by reasonably addressing the important economic and political issues associated with the current climate change debate, sets the proper tone for future discourse that will ultimately lead to a safe and economically prudent resolution of this highly charged issue.

Mr. GRAMS. Mr. President, I rise today to support the efforts of Senator MURKOWSKI and Senator HAGEL by cosponsoring the Energy and Climate Policy Act of 1999.

This legislation marks a turning point in how we address the potential problems associated with global climate change.

It addresses these potential problems not by mandating draconian reductions in energy use and hiking energy taxes, but by providing America's businesses and innovators with the tools they need to make long-term, substantive carbon dioxide emissions reductions.

One of the problems with the administration's support of the Kyoto Protocol is that while they have already agreed to legally-binding greenhouse gas emissions reductions, the GAO found last year that the administration does not have quantitative performance goals for the money they intend to spend on their intiatives.

In other words, the administration has agreed to a treaty with legally-binding reductions and they clearly want to spend a lot of money to reach those limits—but they don't have any idea how much of an impact all of their spending will have on emissions reductions.

This legislation says "let's take a different road." The Murkowski-Hagel bill will establish a new research, development and demonstration program that promotes technologies and practices which allow energy users to avoid or reduce greenhouse gas emissions.

Those technologies include alternative energy technologies, energy efficiency technologies, and technologies that take current energy production processes and make them better and more efficient.

The bill will also promote technologies that remove and sequester greenhouse gases from the atmosphere and emissions streams.

This bill is aimed at involving the private sector in our decisionmaking processes and bringing them to the table as well. It is aimed at putting American ingenuity to work whether it be in the home, at the business, or out on the farm. The Murkowski-Hagel bill simply says that we recognize our responsibility to reduce or sequester greenhouse gas emissions and we are taking substantive, long-term steps to that rising challenge.

The Murkowski-Hagel bill does not start from the premise that we are to blame for the theoretical impacts of global warming. It doesn't attempt to punish American businesses by forcing them to reduce their energy consumption or by bankrupting them through higher energy prices. This bill does not accept the long-held beltway view that Washington knows best. It recognizes that American businesses and individuals can do tremendous things when they are challenged to do better and when Government is their partner rather than their adversary.

I sincerely hope that all Members of the Senate can support this piece of legislation so that it can pass into law as soon as possible. I look forward to continuing to work with Senators MURKOWSKI and HAGEL and others interested to continue our efforts to both protect the environment and strengthen the American economy as we enter into the 21st century.

While I am here this morning, I would like to renew my request to President Clinton that he submit the recently signed Kyoto Protocol to the Senate for ratification. Mr. President, the United States Senate has clearly expressed its interest in this matter and its opposition to any attempts to implement the Treaty prior to Senate advice and consent.

In the 105th Congress, the Senate undertook a number of activities which illustrated these concerns. First, S. Res. 98 unanimously expressed the Senate's position on both the projected economic impacts of the Treaty and the participation of developing nations.

Second, in a series of measures, including the FY99 Energy and Water Appropriations Bill, the FY99 Department of Defense Appropriations Bill, the Strom Thurmond National Defense Authorization Act, and the FY99 VA, HUD, and Independent Agencies Appropriations Act, the Senate expressed its concern with any attempts at premature implementation and Administration actions which advance the provisions of the Treaty prior to Senate advice and consent. It is my understanding that the Administration has largely ignored the provisions of those pieces of legislation.

While President Clinton has long maintained that he will not submit the Treaty to the Senate prior to obtaining "meaningful" developing nation participation, his recent actions clearly demonstrate that he will not withdraw U.S. support, regardless of what the final agreement may be.

By signing the Treaty on November 12, 1998, while allowing an additional two years for continued negotiations on elements critical to the Treaty's impact on our nation, he has predetermined the outcome and weakened our nation's negotiating position. And despite the Senate's unanimous framework provided within S. Res. 98, there has been little substantive progress towards obtaining any "meaningful" participation among developing nations.

I can only conclude that the Administration's premature signing of this Treaty was based on political considerations that should never have been factored into such an important decision. Under no circumstances should a Treaty be signed until we agree with its principals. Just briefly, as I conclude, once a Treaty has been signed by the United States, it should immediately be sent to the Congress for ratification, not used for political purposes.

So again, I strongly urge the President to submit the Kyoto Protocol, which he has already signed, to the Senate for ratification. If he believes it is important enough to sign and to implement through backdoor tactics, then he should also believe it is important enough to for Congress, the people's voice, to have an opportunity to review it, debate it, and vote on its ratification.

I believe the Senate must have the opportunity to examine the Treaty now and debate it openly before the American people.

By Mr. BIDEN:

S. 883. A bill to authorize the Attorney General to reschedule certain drugs that pose an imminent danger to public safety, and to provide for the rescheduling of the date-rape drug and the classification of a certain "club" drug; to the Committee on the Judiciary.

THE NEW DRUGS OF THE 1990S CONTROL ACT

Mr. BIDEN. Mr. President, the best time to target a new drug with uncompromising enforcement pressure is before abuse of that drug has overwhelmed our communities.

That is why I introduced legislation in previous Congresses to place tight federal controls on the date rape drug Rohpynol—also known as Roofies—which was becoming known as the Quaalude of the Nineties as its popularity spreads throughout the United States.

My bill would have shifted Rohpynol to schedule 1 of the Federal Controlled Substances Act. Rescheduling is important for three simple reasons:

First, Federal re-scheduling triggers increases in State drug law penalties, and since we all know that more than 95 percent of all drug cases are prosecuted at the State level, not by the Federal Government, it is vitally important that we re-schedule.

Second, Federal re-scheduling to schedule 1 triggers the toughest Federal penalties—up to a year in prison and at least a $1,000 fine for a first offense of simple possession.

And, third, re-scheduling has proven to work. In 1984, I worked to reschedule Quaaludes. Congress passed the law, and the Quaalude epidemic was greatly reduced. And, in 1990, I worked to reschedule steroids, Congress passed the law, and again a drug epidemic that had been on the rise was reversed.

Despite evidence of a growing Rohpynol epidemic, some argued that my efforts to reschedule the drug by legislation were premature. Accordingly, I agreed to hold off on legislative action and wait for a Drug Enforcement Administration decision on whether to schedule the drug through the lengthy and cumbersome administrative process.

As I predicted, the DEA report on Rohpynol—handed down in November—correctly concludes that despite the rapid spread of Rohpynol throughout the country, DEA cannot re-schedule Rohpynol by rulemaking at this time.

The report notes, however, that Congress is not bound by the bureaucratic re-scheduling process the DEA must follow. Congress can—and in my view should—pass legislation to reschedule Rohpynol.

Sepcifically the report states: "This inability to reschedule [Rohpynol] administratively * * * does not affect Congress' ability to place [the drug] in schedule 1 through the legislative process"—as we did with Quaaludes in 1984 and Anabolic Steroids in 1990.

Let me also note that the DEA report confirmed a number of facts about the extent of the Rohpynol problem:

DEA found more than 4,000 documented cases—in 36 States—of sale or possession of the drug, which is not marketed in the United States and must be smuggled in.

"In spite of DEA's inability to reschedule [Rohpynol] through administrative proceedings, DEA remains very concerned about the abuse" of the drug.

"Middle and high school students have been known to use [Rohpynol] as an alternative to alcohol to achieve an intoxicated state during school hours. [The drug] is much more difficult to detect than alcohol, which produces a characteristic odor."

"DEA is extremely concerned about the use of [Rohpynol] in the commission of sexual assaults."

"The number of sexual assaults in which [Rohpynol] is used may be underreported"—because the drug's effects often cause rape victims to be unable to remember details of their assaults and because rape crisis centers, hospitals, and law enforcement have only recently become aware that Rohpynol can be used to facilitate sex crimes.

Nonetheless, "DEA is aware of at least 5 individuals who have been convicted of rape in which the evidence suggests that [the Rohypnol drug] was used to incapacitate the victim." "The actual number of sexual assault cases involving [the drug] is not known. It is difficult to obtain evidence that [the Rohypnol drug] was used in an assault."

I would also note that my efforts to re-schedule this drug have already had beneficial results: The manufacturer of Rohypnol recently announced that it had developed a new formula to minimize the potential for abuse of the drug in sexual assaults.

This is an important step. But pills produced under the old Rohypnol formula are still in circulation, and pills made by other manufacturers can still be smuggled in. Furthermore, the new formula will not prevent kids from continuing to ingest this dangerous drug voluntarily for a cheap high.

In short, stricter, Federal controls remain necessary; and DEA is powerless to respond to Rohypnol abuse until the problem gets even worse.

Therefore, I am reintroducing my bill to re-schedule Rohypnol in schedule 1 of the Controlled Substances Act. I urge my colleagues to support this effort to take action against this dangerous drug now, rather than waiting for the problem to develop into an epidemic.

My bill also places "Special K"—ketamine hydrochloride—a dangerous hallucinogen very similar to PCP, on schedule III of the Controlled Substances Act. Despite Special K's rising popularity as a "club drug" of choice among kids, the drug is not even illegal in most States. This has crippled State authorities' ability to fight ketamine abuse.

For example, in Federal 1997, two men accused of stealing ketamine from a Ville Platte, Louisiana veterinary clinic and cooking the drug into a powder could not be prosecuted under State drug control laws because ketamine is not listed as a Federal controlled substance.

Similarly, a New Jersey youth recently found to be possessing and distributing ketamine could be charged with only a disorderly persons offense.

Prosecutors are trying to combat increased Ketamine use by seeking lengthy prison terms for possession of the drugs—like marijuana—that users mix with Ketamine, but if it is just Special K, there's nothing they can do about it.

I am convinced that scheduling Ketamine will help our effort to fight the spread of this dangerous drug by triggering increases in State drug law penalties.

Without Federal scheduling, many States will not be able to address the Ketamine problem until it is too late and Special K has already infiltrated their communities.

Medical professions who use Ketamine—including the American Veterinary Medical Association and the American Association of Nurse Anesthetists—support scheduling, having determined that it will accomplish our goal of "preventing the diversion and unauthorized use of Ketamine" while allowing "continued, responsible use" of the drug for legitimate purposes. [Letter from Mary Beth Leininger, D.V.M., President of the American Veterinary Medical Association]

And the largest manufacturer of Ketamine has concluded that "moving the product to schedule III classification is in the best interest of the veterinary industry and the public." [Letter from E. Thomas Corcoran, President of Fort Dodge Animal Health, a Division of American Home Products Corporation].

Scheduling Ketamine will give State authorities the tools they desperately need to fight its abuse by young people—and end the legal anomaly that leaves those who sell Ketamine to our children beyond the reach of the law—even when they are caught "red-handed." I urge my colleagues to support this legislation.

In addition to raising controls on Rohypnol and Ketamine, the legislation I am introducing today would increase the ability of the Attorney General to respond to new drug emergencies in the future.

Our Federal drug control laws currently allow the Attorney General limited authority to respond to certain new drugs on an emergency basis—by temporarily subjecting them the strictest Federal control while the extensive administrative procedure for permanent scheduling proceeds.

But the Attorney General has not been able to use this authority to respond to the Rohypnol and Special K emergencies—because she does not have authority to—move drugs from one schedule to another, or to schedule drugs that the Food and Drug Administration has allowed companies to research but not to sell.

This amendment would grant the administration this important authority by—authorizing the Attorney General to move a scheduled drug—like Rohypnol—to schedule I in an Emergency; by applying emergency rescheduling authority to "investigational new drugs"—like Special K—that the Food and Drug Administration has approved for research purposes only, but not for marketing.

And by providing that a rescheduling drug remains on the temporary schedule until the administrative proceedings reach a final conclusion on whether to schedule. This legislation would give the Attorney General the necessary tools to respond quickly when evidence appears that a drug is being abused. I urge my colleagues to support the bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Drugs of the 1990's Control Act".

SEC. 2. ATTORNEY GENERAL AUTHORITY TO RESCHEDULE CERTAIN DRUGS POSING IMMINENT DANGER TO PUBLIC SAFETY.

Section 201(h) of the Controlled Substances Act (21 U.S.C. 811(h)) is amended—

(1) by striking paragraph (1) and inserting the following: "(1) If the Attorney General determines that the scheduling of a substance, or the rescheduling of a scheduled substance, on a temporary basis is necessary to avoid an imminent hazard to the public safety, the Attorney General may, by order and without regard to the requirements of subsection (b) relating to the Secretary of Health and Human Services, schedule the substance—

"(A) in schedule I if no exemption or approval is in effect for the substance under section 355; or

"(B) in schedule II if the substance is not listed in schedule I;"; and

(2) in paragraph (2)—

(A) by inserting "or rescheduling" after "scheduling" each place it appears; and

(B) by striking "for up to six months" and inserting "until a final order becomes effective".

SEC. 3. RESCHEDULING OF DATE-RAPE DRUG.

Notwithstanding section 201 or subsection (a) or (b) of section 202 of the Controlled Substances Act (21 U.S.C. 811; 812(a); 812(b)) respecting the scheduling of controlled substances, the Attorney General shall, by order, transfer flunitrazepam from schedule IV of such Act to schedule I of such Act.

SEC. 4. CLASSIFICATION OF THE "CLUB" DRUG "SPECIAL K".

Notwithstanding section 201 or subsection (a) or (b) of section 202 of the Controlled Substances Act (21 U.S.C. 811; 812(a); 812(b)) respecting the scheduling of controlled substances, the Attorney General shall, by order, add ketamine hydrochloride to schedule III of such Act.

By Mr. SARBANES (for himself, Mr. TORRICELLI, and Mr. HUTCHINSON):

S. 884. A bill to establish the National Military Museum Foundation, and for other purposes; to the Committee on Armed Services.

NATIONAL MILITARY MUSEUM FOUNDATION ACT

Mr. SARBANES. Mr. President, today I am introducing on behalf of myself, Mr. HUTCHINSON, and Mr. TORRICELLI, legislation to create a National Military Museum Foundation. The purpose of this legislation is to encourage and facilitate private-sector support in the effort to preserve, interpret and display the important role the military has played in the history of our nation. This legislation is, in my judgment, crucial at this particular moment in history, when we are on the verge of jeopardizing two-centuries worth of military artifacts and negating the possibility of such collections in the future.

It has been the long-standing tradition of the U.S. Department of War and its successor, the Department of Defense, to preserve our historic military artifacts. Since the days of the revolution to the conflict in Bosnia, Americans have been proud of the role that our military has had in safeguarding our democracy, and we have tried to ensure that future generations will know that role. Over the years we have accumulated a priceless collection of military artifacts from every period of American history and every technological era. The collection includes flags, uniforms, weapons, paintings and historic records as well as full-size tanks, ships and aircraft which document history and provide provenance for our nation and armed services.

In recent years, however, the dedicated individuals who identify, interpret, catalog and showcase those artifacts have found themselves shortchanged and shorthanded. With financial resources diminishing, not only are we cheating ourselves out of the military treasures currently warehoused out of public sight, but we are in danger of lacking the funds to update our collections with new items.

"A morsel of genuine history," wrote Thomas Jefferson to John Adams in 1817, "is a thing so rare as to be always valuable." Mr. President, today, significant pieces of our military history are being lost, shoved into basements, or subject to decay. With each year also comes less funding, and our artifacts are multiplying at a pace that exceeds the capabilities of those who are trying to preserve them. Since 1990 alone, the services have closed 21 military museums and at least eight more are expected to close in the next few years.

We cannot let this proceed any further. Military museums are vital to documenting our history, educating our citizenry and advancing our technology. More than 86 museums in 31 states and the District of Columbia daily instill Americans from veterans to new recruits to elementary school students with a sense of the sacred responsibility that military servicemen bear to defend the values that have made this country great.

Military museums teach our servicemen the history of their units, enhancing their understanding both of the team of which they are a part and the significance of the service they have pledged to perform. And when a museum makes history come alive to young children, those children learn for themselves that what this country stands for and the sacrifices that have been made to preserve the freedoms we often take for granted.

Many of our servicemen have learned their military history through these artifacts rather than textbooks, and many of our technological advances have come as a direct result of these artifacts. The ship models and ordinances at U.S. Naval Academy Museum in Annapolis, MD, for example, have been used by the Academy's Departments of Gunnery and Seamanship. It has also been reported that a study of an existing missile system, preserved in an Army museum, saves the Strategic Defense Initiative $25 million in research and analysis costs. These museums serve as laboratories where engineers can learn from the lessons of the past without going through the same trial and error process as their predecessors.

Yet without adequate funding, these benefits will be lost forever. According to a 1994 study conducted by the Advisory Council on Historic Preservation entitled, "Defense Department Compliance with the National Historic Preservation Act," the Department of Defense's management of these resources has been "mediocre," with the cause attributed to "inadequate staffing and funding."

More than 80 percent of the museums studied said their survival relies heavily on outside funding. When asked about their greatest needs, the response was nearly always staff and money. And those museums that reported sufficient staffing from volunteers nevertheless said that the dearth of funds for restoration and construction paralyzed them from fully utilizing the available labor.

According to the study, money is so tight that brochures and pamphlets are often unaffordable, leaving visitors with no explanations about the objects that have come to see. A young child might be duly impressed by the sight of a stern-faced general, but the historical lesson is greatly diminished if the child is not told the significance of the event portrayed or why the general looked so grim that day.

Perhaps most distressing, the study reported "substantial collections of rare or unique historical military vehicles and equipment that are unmaintained and largely unprotected due to lack of funds and available expertise." In addition, the museums were found to be struggling so much with the care of items already in house, that they were unable to accept new ones. With a new class of military artifacts from the Vietnam and Gulf Wars soon to be retired, one wonders whether those artifacts will be preserved. If we do not take action to save what we have and acquire what we don't, future generations will see these pockets of negligence as blank pages in the living history books that these museums truly are.

Only a Foundation can address these problems. The alternate solution—to press the services to devote more money to these institutions—is implausible in this budgetary climate. The Secretary of Defense must place his highest priority on the readiness of our forces. Closely allied to that priority is the effort to improve the quality of life for our citizens on active duty. And, as aging equipment faces obsolescence, the Secretary has indicated that the future will bring an increased emphasis on replacing weapons systems. By all realistic assumptions, the amount of funds appropriated for museums is likely to continue downward.

My bill recognizes the growing need for a reliable source of funding aside from federal appropriations. A National Military Museum Foundation would provide an accessible venue for individuals, corporations or other private sources to support the preservation of our priceless military artifacts and records. A National Military Museum Foundation could also play an important role in surveying those artifacts that we know to exist. Currently, these is no museum oversight or coordination of museum activities on the DOD level. A wide-ranging Foundation survey would therefore not only eliminate duplication, but would most likely discover gaps in our collections that must be filled before it is too late.

Under the proposed legislation, the Secretary of Defense would appoint the Foundation's Board of Directors and provide basic administrative support. To launch the Foundation, the legislation authorizes an initial appropriation of $1 million. It is anticipated that the Foundation would be self sufficient after the first year. This is a small price to pay to save some of our most precious treasures.

This legislation is modeled on legislation that established similar foundations, such as the National Park Foundation and the National Fish and Wildlife Foundation, both of which have succeeded in raising private-sector support for conservation programs. My bill is not intended to supplant existing Federal funding or other foundation efforts that may be underway, but rather to supplement those efforts.

The premise for establishing a national foundation is, in part, to elevate the level of fund raising beyond the local level, supplementing those efforts by seeking donations from potentially large donors. I also want to emphasize the inclusiveness of the Foundation, which will represent all the branches of our armed services.

Mr. President, statistics reveal that foundations established without the mandate of a federal statute and the backing of an established agency seldom succeed. With ever-diminishing federal funds, we cannot expect the Department to put our military museums ahead of national security. Truly, an outside source committed to sustaining our museums is imperative. I urge my colleagues to support this important legislation.

By Mr. BIDEN:

S. 885. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to provide incentives for the development of drugs for the treatment of addiction to illegal drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE NEW MEDICINES TO TREAT ADDICTION ACT OF 1999

Mr. BIDEN. Mr. President, today I am introducing the New Medicines to Treat Addiction Act of 1999, legislation that builds upon my efforts in previous Congresses to promote research into and development of new medicines to treat the ravages of hard core drug addiction.

Since the first call to arms against illegal drugs, we have learned just how insidious hard-core drug addiction is, even as the ravages of substance abuse—on both the addict and the addict's victims—have become ever more apparent. The frustration in dealing with a seemingly intractable national problem is palpable, most noticeably in the heated rhetoric as politicians blame each other for the failure to find a cure. What gets lost underneath the noise is the recognition that we have not done everything we can to fight this problem and that, like all serious ills, we must take incremental steps one at a time, and refuse to be overwhelmed by the big picture.

Throughout my tenure as chairman of the Senate Judiciary Committee, I called for a multifaceted strategy to combat drug abuse. One of the specific steps I advocated was the creation of incentives to encourage the private sector to develop medicines that treat addiction, an area where promising research has not led—as one would normally expect—to production of medicines. The bill I am introducing today, the New Medicines To Treat Addiction Act of 1999, will hopefully change that. It takes focused aim at one segment of the drug-abusing population—hardcore addicts, namely users of cocaine and heroin—in part because these addicts are so difficult to treat with traditional methods, and in part because this population commits such a large percentage of drug-related crime.

In December, 1989, I commissioned a Judiciary Committee report, "Pharmacotherapy: A Strategy for the 1990's." In that report, I posed the question, "If drug use is an epidemic, are we doing enough to find a medical 'cure' for this disease?" The report gave the answer "No." Unfortunately, now a decade later, the answer remains the same. Developing new medicines for the treatment of addiction should be among our highest medical research priorities as a nation. Until we take this modest step, we cannot claim to have done everything reasonable to address the problem, and we should not become so frustrated that we effectively throw up our hands and do nothing.

Recent medical advances have increased the possibility of developing medications to treat drug addiction. These advances include a heightened understanding of the physiologist and psychological characteristics of drug addiction and a greater base of neuroscientific research.

One example of this promising research is the recent development of a compound that has been proven to immunize laboratory animals against the effects of cocaine. The compound works like a vaccine by stimulating the immune system to develop an antibody that blocks cocaine from entering the brain. Researchers funded through the National Institute of Drug Abuse believe that this advance may open a whole new avenue for combating addiction.

Despite this progress, we still do not have a medication to treat cocaine addiction or drugs to treat many other forms of substance abuse, because the private sector is unsure of the wisdom of making the necessary investment in the production and marketing of such medicines.

Privarte industry has not aggressively developed pharmacotherapies for a variety of reasons, including a small customer base, difficulties distributing medication to the target population, and fear of being associated with substance abusers. We need to create financial incentives to encourage pharmaceutical companies to develop and market these treatments. And we need to develop a new partnership between private industry and the public sector in order to encourage the active marketing and distribution of new medicines so they are accessible to all addicts in need of treatment.

While pharmacotherapies alone are not a "magic bullet" that will solve our national substance abuse problem, they have the potential to fill a gap in current treatment regimens. The disease of addiction occurs for many reasons, including a variety of personal problems which pharmaco therapy cannot address. Still, by providing a treatment regimen for drug abusers who are not helped by traditional methods, pharmacotherapy holds substantial promise for reducing the crime and health crisis that drug abuse is causing in the United States.

The New Medicines To Treat Addiction Act of 1999 would encourage and support the development of medicines to treat drug addiction in three ways.

It reauthorizes and increases funding for Medications Development Program at the National Institute of Health, which for years has been at the forefront of research into drug addition.

The bill also creates two new incentives for private sector companies to undertake the difficult but important task of developing medicines to treat addiction.

First, the bill would provide additional patient protections for companies that develop drugs to treat substance abuse. Under the bill, pharmacotherapies could be designated 'orphan drugs' and qualify for an exclusive seven-year patent to treat specific addiction. These extraordinary patent rights would greatly enhance the market value of pharmacotherapies and provide a financial reward for companies that invest in the search to cure drug addiction. This provision was contained in a bill introduced by Senator Kennedy and me in 1990, but was never acted on by Congress.

Second, the bill would establish a substantial monetary reward for companies that develop drugs to treat cocaine and heroin addiction but shift the responsibility for marketing and distributing such drugs to the government. This approach would create a financial incentive for drug companies to invest in research and development but enable them to avoid any stigma associated with distributing medicine to substance abusers.

The bill would require the National Academy of Sciences to develop strict guidelines for evaluating whether a drug effectively treats cocaine or heroin addiction. If a drug meets these guidelines and is approved by the Food and Drug Administration, then the government must purchase the patent rights for the drug from the company that developed it. The purchase rights for the patent rights is established by law: $100 million for a drug to treat cocaine addiction and $50 million for a drug to treat heroin addiction. Once the government has purchased the patent rights, then it is responsible for producing the drug and distributing it to clinics, hospitals, state and local governments, and any other entities qualified to operate drug treatment programs.

This joint public/private endeavor will correct the market inefficiencies that have thus far prevented the development of drugs to treat addiction and require the government to take on the responsibilities that industry is unwilling or unable to perform.

America's drug problems is reduced each and every time a drug abuser quits his or her habit. Fewer drug addicts mean fewer crimes, fewer hospital admissions, fewer drug-addicted babies and fewer neglected children. The benefits to our country of developing new treatment options such as pharmacotherapies are manifold. Each dollar we spend on advancing options in this area can save us ten or twenty times as much in years to come. The question isn't "Can we afford to pursue a pharmacotherapy strategy?" but rather, "Can we afford not to?"

Congress has long neglected to adopt measures I have proposed to speed the approval of and encourage greater private sector interest in pharmaco therapy. We cannot let another Congress conclude without rectifying our past negligence on this issue. I urge my colleagues to join me in promoting an important, and potentially ground breaking, approach to addressing one of our Nation's most serious domestic challenges.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD, as follows:

S. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Medications to Treat Addiction Act of 1999".

TITLE I—PHARMACOTHERAPY RESEARCH

SEC. 101. REAUTHORIZATION FOR MEDICATION DEVELOPMENT PROGRAM.

Section 464P(e) of the Public Health Service Act (42 U.S.C. 285o–4(e)) is amended to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2000 through 2002 of which the following amount may be appropriated from the Violent Crime Reduction Trust Fund:

"(1) $100,000,000 for fiscal year 2001; and

"(2) $100,000,000 for fiscal year 2002.".

TITLE II—PATENT PROTECTIONS FOR PHARMACOTHERAPIES

SEC. 201. RECOMMENDATION FOR INVESTIGATION OF DRUGS.

Section 525(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa(a)) is amended—

(1) in the first sentence, by striking "States" and inserting "States, or for treatment of an addiction to illegal drugs,";

(2) in the second sentence, by striking "States" and inserting "States, or for treatment of an addiction to illegal drugs"; and

(3) by striking "such disease or condition" each place it appears and inserting "such disease or condition, or treatment of such addiction,".

SEC. 202. DESIGNATION OF DRUGS.

Section 526(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb(a)) is amended—

(1) in paragraph (1)—

(A) by inserting before the period in the first sentence the following: ", or for treatment of an addiction to illegal drugs";

(B) in the third sentence, by striking "rare disease or condition" and inserting "rare disease or condition, or for treatment of an addiction to illegal drugs,";

(C) by striking "such disease or condition," and inserting "such disease or condition, or treatment of such addiction,"; and

(D) by striking "such disease or condition." and inserting "such disease or condition, or treatment of such addiction."; and

(2) in paragraph (2)—

(A) by striking "(2) For" and inserting "(2)(A) For";

(B) by striking "(A) affects" and inserting "(i) affects";

(C) by striking "(B) affects" and inserting "(ii) affects"; and

(D) by adding at the end the following:

"(B) For purposes of this subchapter, the term 'treatment of an addiction to illegal drugs' means treatment by any pharmacological agent or medication that—

"(i) reduces the craving for an illegal drug for an individual who—

"(I) habitually uses the illegal drug in a manner that endangers the public health, safety, or welfare; or

"(II) is so addicted to the use of the illegal drug that the individual is not able to control the addiction through the exercise of self-control;

"(ii) blocks the behavioral and physiological effects of an illegal drug for an individual described in clause (i);

"(iii) safely serves as a replacement therapy for the treatment of abuse of an illegal drug for an individual described in clause (i);

"(iv) moderates or eliminates the process of withdrawal from an illegal drug for an individual described in clause (i);

"(v) blocks or reverses the toxic effect of an illegal drug on an individual described in clause (i); or

"(vi) prevents, where possible, the initiation of abuse of an illegal drug in individuals at high risk.

"(C) The term 'illegal drug' means a controlled substance identified under schedules I, II, III, IV, and V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).".

SEC. 203. PROTECTION FOR DRUGS.

Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended—

(1) in subsection (a), by striking "rare disease or condition," and inserting "rare disease or condition, or for treatment of an addiction to illegal drugs,";

(2) in subsection (b), by striking "rare disease or condition" and inserting "rare disease or condition, or for treatment of an addiction to illegal drugs,";

(3) by striking "such disease or condition" each place it appears and inserting "such disease or condition, or treatment of such addiction,"; and

(4) in subsection (b)(1), by striking "the disease or condition" and inserting "the disease, condition, or addiction".

SEC. 204. OPEN PROTOCOLS FOR INVESTIGATIONS OF DRUGS.

Section 528 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360dd) is amended—

(1) by striking "rare disease or condition" and inserting "rare disease or condition, or for treatment of an addiction to illegal drugs,"; and

(2) by striking "the disease or condition" each place it appears and inserting "the disease, condition, or addiction".

SEC. 205. CONFORMING AMENDMENTS.

(a) SUBCHAPTER HEADING.—The subchapter heading of subchapter B of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa et seq.) is amended by striking "CONDITIONS" and inserting "CONDITIONS, OR FOR TREATMENT OF AN ADDICTION".

(b) SECTION HEADINGS.—The section heading of sections 525 through 528 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa through 360dd) are amended by striking "CONDITIONS" and inserting "CONDITIONS, OR FOR TREATMENT OF AN ADDICTION".

(c) FEES.—Section 736(a)(1)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)(1)(E)) is amended—

(1) in the subparagraph heading, by striking "ORPHAN";

(2) by striking "for a rare disease or condition" each place it appears and inserting "for a rare disease or condition, or for treatment of an addiction to illegal drugs,"; and

(3) in the first sentence, by striking "rare disease or condition." and inserting "rare disease or condition, or other than for treatment of an addiction to illegal drugs, respectively.".

TITLE III—ENCOURAGING PRIVATE SECTOR DEVELOPMENT OF PHARMACOTHERAPIES

SEC. 301. DEVELOPMENT, MANUFACTURE, AND PROCUREMENT OF DRUGS FOR THE TREATMENT OF ADDICTION TO ILLEGAL DRUGS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"Subchapter F—Drugs for Cocaine and Heroin Addictions

"SEC. 571. CRITERIA FOR AN ACCEPTABLE DRUG TREATMENT FOR COCAINE AND HEROIN ADDICTIONS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall, in cooperation with the Institute of Medicine of the National Academy of Sciences, establish criteria for an acceptable drug for the treatment of an addiction to cocaine and for an acceptable drug for the treatment of an addiction to heroin. The criteria shall be used by the Secretary in making a contract, or entering into a licensing agreement, under section 572.

"(b) REQUIREMENTS.—The criteria established under subsection (a) for a drug shall include requirements—

"(1) that the application to use the drug for the treatment of addiction to cocaine or heroin was filed and approved by the Secretary under this Act after the date of enactment of this section;

"(2) that a performance based test on the drug—

"(A) has been conducted through the use of a randomly selected test group that received the drug as a treatment and a randomly selected control group that received a placebo; and

"(B) has compared the long term differences in the addiction levels of control group participants and test group participants;

"(3) that the performance based test conducted under paragraph (2) demonstrates that the drug is effective through evidence that—

"(A) a significant number of the participants in the test who have an addiction to cocaine or heroin are willing to take the drug for the addiction;

"(B) a significant number of the participants in the test who have an addiction to cocaine or heroin and who were provided the drug for the addiction during the test are willing to continue taking the drug as long as necessary for the treatment of the addiction; and

"(C) a significant number of the participants in the test who were provided the drug for the period of time required for the treatment of the addiction refrained from the use of cocaine or heroin, after the date of the initial administration of the drug on the participants, for a significantly longer period than the average period of refraining from such use under currently available treatments (as of the date of the application described in paragraph (1)); and

"(4) that the drug shall have a reasonable cost of production.

"(c) REVIEW AND PUBLICATION OF CRITERIA.—The criteria established under subsection (a) shall, prior to the publication and application of such criteria, be submitted for review to the Committee on the Judiciary, and the Committee on Education and the Workplace, of the House of Representatives, and the Committee on the Judiciary, and the Committee on Health, Education, Labor, and Pensions, of the Senate. Not later than 90 days after notifying each of the committees, the Secretary shall publish the criteria in the Federal Register.

"SEC. 572. PURCHASE OF PATENT RIGHTS FOR DRUG DEVELOPMENT.

"(a) APPLICATION.—

"(1) IN GENERAL.—The patent owner of a drug to treat an addiction to cocaine or heroin, may submit an application to the Secretary—

"(A) to enter into a contract with the Secretary to sell to the Secretary the patent rights of the owner relating to the drug; or

"(B) in the case in which the drug is approved under section 505 by the Secretary for more than 1 indication, to enter into an exclusive licensing agreement with the Secretary for the manufacture and distribution of the drug to treat an addiction to cocaine or heroin.

"(2) REQUIREMENTS.—An application described in paragraph (1) shall be submitted at such time and in such manner, and accompanied by such information, as the Secretary may require.

"(b) CONTRACT AND LICENSING AGREEMENTS.—

"(1) REQUIREMENTS.—The Secretary may enter into a contract or a licensing agreement described in subsection (a) with a patent owner who has submitted an application in accordance with subsection (a) if the drug covered under the contract or licensing agreement meets the criteria established by the Secretary under section 571(a).

"(2) SPECIAL RULE.—The Secretary may, under paragraph (1), enter into—

"(A) not more than 1 contract or exclusive licensing agreement relating to a drug for the treatment of an addiction to cocaine; and

"(B) not more than 1 contract or licensing agreement relating to a drug for the treatment of an addiction to heroin.

"(3) COVERAGE.—A contract or licensing agreement described in subparagraph (A) or (B) of paragraph (2) shall cover not more than 1 drug.

"(4) PURCHASE AMOUNT.—Subject to amounts provided in advance in appropriations Acts—

"(A) the amount to be paid to a patent owner who has entered into a contract or licensing agreement under this subsection relating to a drug to treat an addiction to cocaine shall not exceed $100,000,000; and

"(B) the amount to be paid to a patent owner who has entered into a contract or licensing agreement under this subsection relating to a drug to treat an addiction to heroin shall not exceed $50,000,000.

"(c) TRANSFER OF RIGHTS UNDER CONTRACTS AND LICENSING AGREEMENT.—

"(1) CONTRACTS.—A contract under subsection (b)(1) to purchase the patent rights relating to a drug to treat cocaine or heroin addiction shall transfer to the Secretary—

"(A) the exclusive right to make, use, or sell the patented drug within the United States for the term of the patent;

"(B) any foreign patent rights held by the patent owner with respect to the drug;

"(C) any patent rights relating to the process of manufacturing the drug; and

"(D) any trade secret or confidential business information relating to the development of the drug, process for manufacturing the drug, and therapeutic effects of the drug.

"(2) LICENSING AGREEMENTS.—A licensing agreement under subsection (b)(1) to purchase an exclusive license relating to manufacture and distribution of a drug to treat an addiction to cocaine or heroin shall transfer to the Secretary—

"(A) the exclusive right to make, use, or sell the patented drug for the purpose of treating an addiction to cocaine or heroin within the United States for the term of the patent;

"(B) the right to use any patented processes relating to manufacturing the drug; and

"(C) any trade secret or confidential business information relating to the development of the drug, process for manufacturing the drug, and therapeutic effects of the drug relating to use of the drug to treat an addiction to cocaine or heroin.

"SEC. 573. PLAN FOR MANUFACTURE AND DEVELOPMENT.

"(a) IN GENERAL.—Not later than 90 days after the date on which the Secretary purchases the patent rights of a patent owner, or enters into a licensing agreement with a patent owner, under section 572, relating to a drug under section 571, the Secretary shall develop a plan for the manufacture and distribution of the drug.

"(b) PLAN REQUIREMENTS.—The plan shall set forth—

"(1) procedures for the Secretary to enter into licensing agreements with private entities for the manufacture and the distribution of the drug;

"(2) procedures for making the drug available to nonprofit entities and private entities to use in the treatment of a cocaine or heroin addiction;

"(3) a system to establish the sale price for the drug; and

"(4) policies and procedures with respect to the use of Federal funds by State and local governments or nonprofit entities to purchase the drug from the Secretary.

"(c) APPLICABILITY OF PROCUREMENT AND LICENSING LAWS.—Federal law relating to procurements and licensing agreements by the Federal Government shall be applicable to procurements and licenses covered under the plan described in subsection (a).

"(d) REVIEW OF PLAN.—

"(1) IN GENERAL.—Upon completion of the plan under subsection (a), the Secretary shall notify the Committee on the Judiciary, and the Committee on Education and the Workplace, of the House of Representatives, and the Committee on the Judiciary, and the Committee on Health, Education, Labor, and Pensions, of the Senate, of the development of the plan and publish the plan in the Federal Register. The Secretary shall provide an opportunity for public comment on the plan for a period of not more than 30 days after the date of the publication of the plan in the Federal Register.

"(2) FINAL PLAN.—Not later than 60 days after the date of the expiration of the comment period described in paragraph (1), the Secretary shall publish in the Federal Register a final plan described in subsection (a). The implementation of the plan shall begin on the date of the publication of the final plan.

"(e) CONSTRUCTION.—The development, publication, or implementation of the plan, or any other agency action with respect to the plan, shall not be considered agency action subject to judicial review. No official or court of the United States shall have power or jurisdiction to review the decision of the Secretary on any question of law or fact relating to any agency action with respect to the plan.

"(f) REGULATIONS.—The Secretary may promulgate regulations to carry out this section.

"SEC. 574. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subchapter, such sums as may be necessary in each of fiscal years 2000 through 2002.".

By Mr. SHELBY:

S. 887. A bill to establish a moratorium on the Foreign Visitors Program at the Department of Energy nuclear laboratories, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF ENERGY SENSITIVE COUNTRY FOREIGN VISITORS MORATORIUM ACT OF 1999

Mr. SHELBY. Mr. President, today I am introducing a bill to impose a moratorium on the foreign visitors program at the Department of Energy's (DOE) nuclear laboratories. The bill prohibits the Secretary of Energy from admitting any person from a "sensitive country" to our national laboratories, unless the Secretary of Energy personally certifies to the Congress that the visit is necessary for the national security of the United States.

A "sensitive country" is a country that is considered dangerous to the United States and that may want to acquire our nuclear weapons secrets.

Mr. President, the Senate Intelligence Committee has been critical of the Department of Energy's counterintelligence program for nearly ten years. Beginning in 1990, we identified serious shortfalls in funding and personnel dedicated to protecting our nation's nuclear secrets. Year after year, the Committee has provided additional funds and directed many reviews and studies in an effort to persuade the Department of Energy to take action. Unfortunately, this and prior administrations failed to heed our warnings. Consequently, a serious espionage threat at our national labs has gone virtually unabated and it appears that our nuclear weapons program may have suffered extremely grave damage.

Now, the administration has finally begun to take affirmative steps to address this problem. While I welcome their efforts, I am disappointed that it took a some bad press to motivate them rather than a known threat to our national security. Nevertheless, the Department of Energy has begun the process of repairing the damage caused by years of neglect, but it will take time to make the necessary changes. In fact, it may take years.

In the interim, we must take steps to ensure the integrity of our national labs. I understand that a moratorium on the foreign visitors program may be perceived as a draconian measure. Until the Department fully implements a comprehensive and sustained counterintelligence program, however, I believe that we must err on the side of caution. The stakes are too high.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Sensitive Country Foreign Visitors Moratorium Act of 1999".

SEC. 2. MORATORIUM ON FOREIGN VISITORS PROGRAM.

(a) MORATORIUM.—The Secretary of Energy may not admit to any facility of a national laboratory any individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(b) WAIVER AUTHORITY.—(1) The Secretary of Energy may waive the prohibition in subsection (a) on a case-by-case basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States.

(2) Before any such waiver takes effect, the Secretary shall submit to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives a report in writing providing notice of the proposed waiver. The report shall identify each individual for whom such a waiver is proposed and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary's certification that the admission of that individual to a national laboratory is necessary for the national security of the United States.

(3)(A) A waiver under paragraph (1) may not take effect until a period of 10 days of continuous session of Congress has expired after the date of the submission of the report under paragraph (2) providing notice of that waiver.

(B) For purposes of subparagraph (A)—

(i) the continuity of a session of Congress is broken only by an adjournment of the Congress sine die; and

(ii) there shall be excluded from the computation of the 10-day period specified in that subparagraph Saturdays, Sundays, legal public holidays, and any day on which either House of Congress in not in session because of adjournment of more than three days to a day certain.

(4) The authority of the Secretary under paragraph (1) may not be delegated.

SEC. 3. BACKGROUND CHECKS ON ALL FOREIGN VISITORS TO NATIONAL LABORATORIES.

Before an individual who is a citizen of a foreign nation is allowed to enter a national laboratory, the Secretary of Energy shall require that a security clearance investigation (known as a "background check") be carried out on that individual.

SEC. 4. DEFINITIONS.

In this Act:

(1) The term "national laboratory" means any of the following:

(A) The Lawrence Livermore National Laboratory, Livermore, California.

(B) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) The Sandia National Laboratories, Albuquerque, New Mexico.

(2) The term "sensitive countries list" means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. INOUYE):

S. 888. A bill to amend the Internal Revenue Code of 1986 to modify the air transportation tax changes made by the Taxpayer Relief Act of 1977; to the Committee on Finance.

AIR PASSENGER TAXES ON FLIGHTS TO AND FROM ALASKA AND HAWAII

Mr. MURKOWSKI. Mr. President, today, along with Mr. AKAKA, Mr. STEVENS, and Mr. INOUYE, I am introducing legislation that will provide a measure of relief to the citizens of Alaska and Hawaii who must rely on air transport far more than citizens in the lower 48.

When Congress adopted the balanced budget legislation in 1997, one of the provisions of the tax bill re-wrote the formula for calculating the air passenger tax for domestic and international flights. As part of this formula change, Congress adopted a per passenger, per segment fee which disproportionately penalizes travelers to and from Alaska and Hawaii who have no choice but to travel by air.

The legislation we are introducing today would reinstate the prior law 10 percent tax formula for flights to and from our states. In addition, the $6 international departure fees that are imposed on such flights would be retained at the current level and would not be indexed. I see no reason why passengers flying to and from our states must face a guaranteed increase in tax every year because of inflation. We don't index tobacco taxes, we don't index fuel taxes; why should government automatically gain additional revenue from air passengers simply because of inflation?

Mr. President, this legislation requires that intrastate Alaska and Hawaii flights will be subject to a flat 10 percent tax if such flights do not originate or terminate at a rural airport in our states. In addition, the definition of a rural airport is expanded to include airports within 75 miles of each other where no roads connect the communities. This provision not only benefits Alaska, but many island communities throughout the United States. In many towns in Alaska, air transport is the only viable means of transportation from one community to another. There is no reason these airports should be denied the benefit of the special rural airport tax rate simply because our state does not have the transportation infrastructure or geographic definition that exists in most of the lower 48.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATIONS TO AIR TRANSPORTATION TAX CHANGES MADE BY TAXPAYER RELIEF ACT OF 1997.

(a) ELIMINATION OF INFLATION ADJUSTMENT FOR TAX ON CERTAIN USE OF INTERNATIONAL TRAVEL FACILITIES.—Section 4261(e)(4) of the Internal Revenue Code of 1986 (relating to inflation adjustment of dollar rates of tax) is amended—

(1) in subparagraph (A), by striking "each dollar amount contained in subsection (c)" and inserting "the $12.00 amount contained in subsection (c)(1)", and

(2) in subparagraph (B)(ii), by striking "the dollar amounts contained in subsection (c)" and inserting "the $12.00 amount contained in subsection (c)(1)".

(b) MODIFICATION OF RURAL AIRPORT DEFINITION.—Clauses (i) and (ii) of section 4261(e)(1)(B) of the Internal Revenue Code of 1986 (defining rural airport) are amended to read as follows:

"(i) there were fewer than 100,000 commercial passengers departing by air during the second preceding calendar year from such airport and such airport—

"(I) is not located within 75 miles of another airport which is not described in this clause, or

"(II) is receiving essential air service subsidies as of August 5, 1997, or

"(ii) such airport is not connected by paved roads to another airport."

(c) IMPOSITION OF TICKET TAX ON SEGMENTS TO AND FROM ALASKA OR HAWAII OR WITHIN ALASKA OR HAWAII AT RATE IN EFFECT BEFORE THE TAXPAYER RELIEF ACT OF 1997.—Section 4261(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following:

"(6) SEGMENTS TO AND FROM ALASKA OR HAWAII OR WITHIN ALASKA OR HAWAII.—Except with respect to any domestic segment described in paragraph (1), in the case of transportation involving 1 or more domestic segments at least 1 of which begins or ends in Alaska or Hawaii or in the case of a domestic segment beginning and ending in Alaska or Hawaii—

"(A) subsection (a) shall be applied by substituting "10 percent" for the otherwise applicable percentage, and

"(B) the tax imposed by subsection (b)(1) shall not apply.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 7 days after the date of the enactment of this Act.

By Mrs. HUTCHISON (for herself, Mr. SANTORUM, and Mr. COCHRAN):

S. 889. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Finance.

COMMERCIAL REVITALIZATION TAX ACT OF 1999

Mrs. HUTCHISON. Mr. President, today I am pleased to introduce, along with Mr. SANTORUM, and Mr. COCHRAN, the Commercial Revitalization Tax Credit Act of 1999. This bill is identical to the bipartisan and widely supported legislation I sponsored during the last session of Congress.

This measure will create jobs, expand economic activity, and revitalize the physical structure and value of residential and commercial buildings in America's most distressed urban and rural communities.

The bill provides a targeted tax credit to businesses to help defray the cost of construction, expansion, and renovation in these areas, and in the process will generate billions in privately based economic activity in those areas that need the most help in our country.

As we continue to look for ways to combat the decay of our inner cities and to raise the standard of living in many of our rural areas, I believe, and numerous studies demonstrate, that reversing the physical deterioration in America's cities has numerous and far reaching economic benefits. Revitalization in decaying neighborhoods lifts the hopes and expectations of the residents of those areas that economic growth and opportunity is coming their way. Indeed, one of the key recommendations of a top-to-bottom review of law enforcement in this city, our Nation's Capital, was to improve the many abandoned buildings in Washington, D.C. that create an atmosphere conducive to crime and despair.

The Commercial Revitalization Tax Credit Act will build upon the empowerment zone/enterprise community program that is now unfolding over 100 communities in the United States. Texas has five of these specially designated areas: Houston, Dallas, El Paso, San Antonio, and Waco, as well as one rural zone in the Rio Grande valley covering four counties. Not only will these cities qualify for the credit under my bill, but so will the 400 communities in the United States that sought such designation but were not selected. State-established enterprise zones and other specifically designated revitalization districts established by State and local governments will also be able to participate. In all, over 1,000 areas will qualify for this credit nationwide.

Our bill contains the following principle features: A tax credit that may be applied to construction amounting to at least 25 percent of the basis of the property, in designated revitalization areas; qualified investors could choose a one-time 20-percent tax credit against the cost of new construction or rehabilitation. Alternatively, a business owner could take a five percent credit each year over a 10-year period. Tax credits would be allocated to each state, according to a formula, with States and localities determining the priority of the projects. In all, $1.5 billion in tax credits would be allocated under this tax bill.

Mr. President, with a minimum level of bureaucratic involvement and through a proven tax mechanism, this initiative will make a significant difference in the lives of thousands of families in need and for the economies of hundreds of distressed urban and rural communities across this Nation.

I hope my colleagues will join me in supporting this sound and effective pro-growth initiative.

By Mr. WELLSTONE (for himself, Mr. ROBB, and Mr. FEINGOLD):

S. 890. A bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos; to the Committee on the Judiciary.

HMONG VETERANS' NATURALIZATION ACT OF 1999

Mr. FEINGOLD. Mr. President, I am pleased to rise today as an original cosponsor of the Hmong Veterans Naturalization Act of 1999. I commend the Senator from Minnesota [Mr. WELLSTONE] and our colleague in the House of Representatives, Congressman VENTO, for their commitment to this important issue.

I honor the service of the Lao and Hmong veterans to the United States, and appreciate the great personal risk they faced when they chose to help this country. I am pleased that many of them have chosen to make the United States, and my home state of Wisconsin, their adopted homeland.

In my view, Mr. President, this bill, which would expedite the naturalization process for 45,000 Lao and Hmong veterans and their spouses, is the least we can for the help repay the huge debt we owe these brave individuals. I have had the opportunity to meet many Lao and Hmong veterans and their families as I travel throughout Wisconsin. I am struck by the profound importance they place on becoming citizens of the United States. This bill would help them reach that goal.

By Mr. SCHUMER:

S. 891 A bill to amend section 922(x) of title 18, United States Code, to prohibit the transfer to and possession of handguns, semiautomatic assault weapons, and large capacity ammunition feeding devices by individuals who are less than 21 years of age, and for other purposes; to the Committee on the Judiciary.

THE JUVENILE GUN LOOPHOLE CLOSURE ACT

Mr. SCHUMER. Mr. President, I am introducing legislation today to close what I believe is a major loophole in our federal gun laws—a loophole which permits 18–20 year-olds to possess handguns, semiautomatic assault weapons, and large capacity ammunition feeding devices.

Firearms trace data collected as part of the Youth Crime Gun Interdiction Initiative (YCGII) paint a disturbing picture of crime gun activity by persons under 21. In the most recent YCGII Trace Analysis Report, the age of the possessor was known for 32,653, or 42.8 percent, of the 72,260 crime guns traced. Of these 32,563 guns, approximately 4,840, or 14.8 percent, were recovered from 18–20 year-olds. Indeed, the most frequent age of crime gun possession was 19 years of age, and the second most frequent was 18 years of age.

At the same time, according to the 1997 Uniform Crime Reports, the most frequent age arrested for murder was 18 years of age, and the second most frequent was 19 years of age. Those aged 18–20 accounted for 22 percent of all arrest for murder in 1997.

There are indications that the 18-year old girlfriend of one of the two gunmen involved in the tragic Littleton, Colorado school shooting purchased at least two of the firearms used in the attack. Handgun possession by persons 18 or over is not forbidden by Colorado law.

The 1968 Gun Control Act prevents federally licensed gun dealers from selling handguns to anyone under the age of 21. This ban does not apply to sales of handguns by unlicensed persons, however. Federal law only stops such persons from selling handguns to anyone under the age of 18—thus neglecting to ban sales to the 18–20 year-olds who account for such a significant portion of crime gun traces and murders. In another inexplicable oversight, federal law also fails to ban private sales of semiautomatic assault weapons and high-capacity ammunition feeding devices to persons even under the age of 18.

My bill would correct these flaws in our federal gun laws. It would ban sales by unlicensed individuals of handguns, semiautomatic assault weapons, and large capacity ammunition feeding divides to persons under the age of 21. Indeed, it would ban possession of these deadly weapons by persons under 21, with exceptions made for young persons who are members of the Armed Forces or National Guard or use these firearms in self-defense against an intruder to their residences.

This is a common-sense measure that will keep guns out of the hands of those most likely to use guns irresponsibly and dangerously. I urge the Senate to pass this bill into law soon. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Gun Loophole Closure Act".

SEC. 2. PROHIBITION ON TRANSFER TO AND POSSESSION OF HANDGUNS, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES BY INDIVIDUALS LESS THAN 21 YEARS OF AGE.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.";

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting ", semiautomatic assault weapon, or large capacity ammunition feeding device" after "handgun"; and

(B) in subparagraph (D), by striking "or ammunition" and inserting ", ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device"; and

(4) in paragraph (5), by striking "18" and inserting "21".

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. MACK, Mr. BRYAN, Mr. MURKOWSKI, and Mr. BREAUX):

S. 892. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Finance.

SUBPART F EXCEPTION FOR ACTIVE FINANCING

Mr. HATCH. Mr. President, I am today introducing legislation on behalf of myself, Mr. BAUCUS. Mr. MACK, Mr. BRYAN, Mr. MURKOWSKI, and Mr. BREAUX. This bill would permanently extend the exclusion from Subpart F for active financing income earned on business operations overseas. This legislation permits American financial services firms doing business abroad to defer U.S. tax on their earnings from their foreign financial services operations until such earnings are returned to the U.S. parent company.

The permanent extension of this provision is particularly important in today's global marketplace. Over the last few years the financial services industry has seen technological and global changes that have changed the very nature of the way these corporations do business both here and abroad. The U.S. financial industry is a global leader and plays a pivotal role in maintaining confidence in the international marketplace. It is essential that our tax laws adapt to the fast-paced and ever-changing business environment of today.

The bill we are introducing today would provide a consistent, equitable, and stable international tax regime for this important component of our economy. A permanent extension of this provision will give American companies much deserved stability. The current "on-again, off-again" system of annual extension limits the ability of U.S.-based firms to compete fully in the marketplace and interferes with their decision making and long-term planning. The activities that give rise to this income are long-range in nature, not easily stopped and started on a year-to-year basis. Permanency is the only thing that makes sense. After all, the vast majority of the provisions in the tax code are permanent; it is only a select few that are subjected to this annual cycle of extensions.

This legislation will give U.S. based financial services companies consistency and stability. The permanent extension of this exclusion from Subpart F provides tax rules that ensure that the U.S. financial services industry is on an equal competitive footing with their foreign based competitors and, just as importantly, provides tax treatment that is consistent with the tax treatment accorded most other U.S. companies.

This legislation provides the U.S. financial services industry the certainty that they will be able to compete with their foreign competitors now and into the 21st century. This is important to our future economic growth and continued global leadership of American companies in the financial services industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.

(a) BANKING, FINANCING, OR SIMILAR BUSINESSES.—Subsection (h) of section 954 of the Internal Revenue Code of 1986 (relating to special rule for income derived in the active conduct of banking, financing, or similar businesses) is amended by striking paragraph (9).

(b) INSURANCE BUSINESSES.—Subsection (a) of section 953 of such Code (defining insurance income) is amended by striking paragraph (10) and by redesignating paragraph (11) as paragraph (10).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of a foreign corporation beginning after December 31, 1998, and to taxable years of United States shareholders with or within which such taxable years of such foreign corporation end.

Mr. BAUCUS. Mr. President, today I am pleased to join my colleague Senator HATCH in introducing legislation to permanently extend the exception from Subpart F for active financing income earned on overseas business.

United States companies doing business abroad are generally allowed to pay U.S. tax on the earnings from the active operations of their foreign subsidiaries when these earnings are returned to the U.S. parent company. Until recently, U.S.-based finance companies such as insurance companies and brokers, banks, securities dealers, and other financial services firms, have not been afforded similar treatment. The current law provision that is intended to afford America's financial services industry parity with other segments of the U.S. economy expires at the end of 1999. Our legislation, intended to keep the U.S. financial services industry on an equal footing with foreign-based competitors, would make this provision permanent.

The financial services sector is the fastest growing component of the U.S. trade in services surplus (which is expected to exceed $80 billion this year). It is therefore very important that Congress act to maintain a tax structure that does not hinder the competitive efforts of the U.S. financial services industry. That would be the case if the active financing exception to Subpart F were permitted to expire.

The growing interdependence of world financial markets has highlighted the urgent need to rationalize U.S. tax rules that undermine the ability of American financial services industries to compete in the international arena. It is important to ensure that the U.S. tax treatment of worldwide income does not encourage avoidance of U.S. tax through the sheltering of income in foreign tax havens. However, I believe it is possible to adequately protect the federal fisc without jeopardizing the international expansion and competitiveness of U.S.-based financial services companies, including finance and credit entities, commercial banks, securities firms, and insurance companies.

This active financing provision is particularly important today. The U.S. financial services industry is second to none, and plays a pivotal role in maintaining confidence in the international marketplace. Through our network of tax treaties, we have made tremendous progress in negotiating new foreign markets for this industry in recent years. Our tax laws should complement, rather than undermine, this trade effort.

As is the case with other tax provisions such as the Research and Development tax credit, the temporary nature of the U.S. active financing exception denies U.S. companies the certainty enjoyed by their foreign competitors. U.S. companies need to know the tax consequences of their business operations. Over the last two years, U.S. companies have implemented numerous system changes in order to comply with two very different versions of the active financing law, and are unable to take appropriate strategic action if the tax law is not stable.

I ask my colleagues to join me in supporting this legislation, and provide a consistent, equitable, and stable international tax regime for the U.S. financial services industry.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 893. A bill to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels; to the Committee on Commerce, Science, and Transportation.

TRANSPORTATION WORKER TAX FAIRNESS ACT

Mr. GORTON. Mr. President, I rise today to introduce the Transportation Worker Tax Fairness Act. This legislation will ensure that transportation workers who toil away on our nation's waterways receive the same tax treatment afforded their peers who work on the nation's highways, railroads, or navigate the skies.

Truck drivers, railroad personnel, and airline personnel are currently covered by the Interstate Commerce Act, which exempts their income from double taxation. Water carriers, who work on tugboats or ships, were not included in the original legislation. This treatment is patently unfair. The Transportation Worker Tax Fairness Act will rectify this situation by extending the same tax treatment to personnel who work on the navigable waters of more than one state.

Mr. President, this legislation will have no impact on the federal treasury. This measure simply allows those who work our navigable waterways protection from double taxation.

This matter came to my attention through a series of constituent letters from Columbia River tug boat operators who are currently facing taxation from Oregon as well as Washington state. I am committed to pursuing this avenue of relief for my constituents, as well as hard working tug boat operators across the nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF CHAPTER 111 OF TITLE 46, UNITED STATES CODE.

Section 11108 of title 46, United States Code, is amended—

(1) by inserting "(a) WITHHOLDING.—" before "WAGES"; and

(2) by adding at the end the following:

"(b) LIABILITY.—

"(1) LIMITATION ON JURISDICTION TO TAX.—An individual to whom this subsection applies is not subject to the income tax laws of a State or political subdivision of a State, other than the State and political subdivision in which the individual resides, with respect to compensation for the performance of duties described in paragraph (2).

"(2) APPLICATION.—This subsection applies to an individual—

"(A) engaged on a vessel to perform assigned duties in more than one State as a pilot licensed under section 7101 of this title or licensed or authorized under the laws of a State; or

"(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one State.".

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mr. SPECTER, Mr. COCHRAN, Mr. MOYNIHAN, Mr. SESSIONS, Ms. SNOWE, Mr. LOTT, Ms. LANDRIEU, Ms. COLLINS, Mr. KENNEDY, Mr. SCHUMER, Mr. SHELBY, Ms. MIKULSKI, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. DODD, Mr. BREAUX, Mr. THURMOND, Mr. CHAFEE, Mr. SMITH of New Hampshire, Mr. SARBANES, Mr. COVERDELL, Mr. CLELAND, Mr. GREGG, Mr. REED, Mr. KERRY, Mr. HELMS, Mr. BYRD, Mr. TORRICELLI, Mr. EDWARDS, Mr. LIEBERMAN, Mr. ASHCROFT, Mr. ROCKEFELLER, Mrs. LINCOLN, Mr. BIDEN Mr. FRIST, Mr. BOND, and Mr. THOMPSON):

S.J. Res. 22. A joint resolution to reauthorize, and modify the conditions for, the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact; read the first time.

RE-AUTHORIZATION OF THE NORTHEAST DAIRY COMPACT AND RATIFICATION OF THE SOUTHERN DAIRY COMPACT

Mr. JEFFORDS. Mr. President, I rise today to introduce legislation to make permanent the Northeast Interstate Dairy Compact and to ratify a Southern Dairy Compact. I am so pleased to be joined by 38 of my colleagues as original cosponsors of this important legislation.

In 1996, Senator LEAHY and I fought an uphill battle and secured eleventh hour passage of this landmark legislation. We were met with resistance in every step of the legislative process, yet we succeeded in passing the Compact as a three-year pilot program.

The Northeast Compact has a proven record of effectiveness. All eyes have been on New England since the compact became law. The Compact has been studied, audited, and sued—but has always come through with a clean bill of health. Because of the success of the Compact it has served as a model for the entire country. Since the Northeast Compact was approved by Congress as part of the 1996 Farm Bill, it has been extremely successful in balancing the interests of processors, retailers, consumers, and dairy farmers by helping to maintain milk price stability.

The 1996 Farm Bill authorized the Dairy Compact for three years and was originally due to expire in April of 1999. Senator LEAHY and I, during the 1999 Omnibus Appropriations bill, included language that extended the life of the Compact for six additional months. The Compact will expire on October 1, 1999, unless congressional action is taken.

Mr. President, in addition to the six New England states, 23 states have either passed or are considering legislation for dairy compacts that would help both farmers and consumers in their states. During the past year Alabama, Arkansas, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia have passed legislation to form a Southern Dairy Compact. Florida, Georgia, Missouri, Oklahoma, Texas and Kansas are also considering joining the Southern Compact. The Oregon legislature is in the process of developing a Pacific Northwest Dairy Compact as well.

New Jersey, Maryland and New York have passed state legislation enabling them to join the Northeast Dairy Compact. Delaware, Pennsylvania and Ohio may also join if passed in their states. These states have recognized how dairy compacts can help provide stability to the price paid to dairy farmers for the milk they produce, while protecting the interests of consumers and processors. The Dairy Compact Commission that was established by the 1996 Compact legislation is made up of 26 members from the six New England states. The members, which are appointed by each state's governors, consist of consumers, processors, farmers and other state representatives.

The legislation being introduced today, establishes that the dairy compacts may regulate only fluid milk, or Class I milk. It ensure that the dairy compacts compensate the Commodity Credit Corporation for the cost of any purchases of milk by the corporation that result from the operation of the compacts. In addition, the legislation exempts the Woman, Infant and Children (WIC) program from any costs related to the dairy compacts. More importantly, the Daily Compact operates at no costs to the federal government.

A 1998 report by the Office of Management and Budget (OMB) on the economic effects of the Dairy Compact illustrates the Compact's success. The OMB reported that during the first six months of the Compact, consumer prices for milk within the Compact region were five cents lower than retail store prices in the rest of the nation. OMB concluded that the Compact added no federal costs to nutrition programs during this time, and that the Compact did not adversely affect farmers outside the Compact region.

Helping farmers protect their resources and receive a fair price for their products in vital to Vermont's economic base and, indeed, its very heritage as a state. Establishing a fair price for dairy farmers has been an ongoing battle throughout my time on Capitol Hill. Few initiatives in my long memory have sparked such a vigorous policy debate as the Northeast Dairy Compact. I am so pleased and proud at how industry and government leaders from throughout Vermont and the New England region pulled together to pass the Compact. I am also impressed by the tremendous coalition of support for permanent authorization of the Northeast and Southern Dairy Compacts.

The adoption of the Northeast Compact in 1996 simply could not have happened in Congress without the help and dedicated work for the veritable army of Compact supporters from throughout Vermont and the country. This year, our legislation again is supported by Governors, State legislators, consumers and farmers from throughout the country.

Mr. President, on March 5, 1999, the Basic Formula Price (BFP) paid to farmers dropped from $16.27 to $10.27, the largest month to month drop in history, bringing the lowest milk price in about 20 years to dairy farmers. In the beginning of April the full impact to farmers was $7.07 per hundredweight loss from December of 1998's BFP. This drop in price will have a severe negative impact on dairy producers from throughout the country. In New England, the Dairy Compact that currently exists will help cushion the price collapse, with no cost to the federal government.

Farmers from throughout Vermont and New England have praised the Compact for helping maintain a stable price. "Without the Northeast Dairy Compact, we would be in real trouble, the price drop would put a lot of people of out business." Simply it's a blessing—no, that's an understatement—it's a lifesaver".

Mr. President, earlier today, I joined several of my Senate and House colleagues on the Capitol lawn to announce the introduction of this important legislation. I was so pleased to see the support and interest for this bill. I urge my colleagues to support this legislation. Give the states their right to join together to help protect their farmers and consumers by supporting this bill.

Mr. LEAHY. Mr. President, I am proud to continue my support for dairy farmers by introducing legislation which will make permanent the Northeast Interstate Dairy Compact and will authorize the Southern Interstate Dairy Compact.

The Northeast Interstate Dairy Compact has proven itself to be a successful and enduring partnership between dairy farmers and consumers throughout New England, and we want to make sure that this partnership continues.

The Northeast Dairy Compact has done exactly what it was established to do: stabilize fluctuating dairy prices and keep New England dairy farmers in business. The Compact provides the perfect safety net for dairy farmers. When milk prices are high, dairy farmers receive no benefits. When milk prices are low, the Compact takes effect, providing temporary benefits to dairy farmers. Yet the Compact costs taxpayers nothing. I don't need to tell you that a zero cost is very unusual among farm programs.

The Compact makes a big difference in the lives of dairy farmers in New England. Since the Compact went into effect one and a half years ago, the attrition rate for farms has declined throughout New England. In fact, the Vermont Department of Agriculture recently announced that since July of last year, there has actually been an increase in farms in Vermont. Just a few years ago, an increase in the number of farms would have been unfathomable. Solid dairy prices coupled with the safety net of the Dairy Compact have caused a rebound in the dairy industry in New England. We can achieve similar success in the South with a Southern Dairy Compact.

Many of our allies from the South have watched the Northeast Dairy Compact survive several legal and political challenges. They have watched milk sales continue without interruption. They have seen the participation in the WIC nutrition program rise because of help from the compact. And, most important, they see how the compact provides a modest but crucial safety net for struggling farmers. They, too, want the same for their farmers and their farmers deserve the opportunity to create their own regional compact.

Compacts are state-initiated, state-ratified and state-supported voluntary programs. And the need for regional compacts has never been greater. Low dairy prices coupled with a disastrous decision on federal milk marketing reform have made the compact more important to us now than ever before. Our legislation is a huge step toward ensuring that the safety net of the Compact will continue.

The fight to continue the Northeast Compact and create the Southern Compact, however, will be tough. Opponents of regional compacts—large and wealthy milk manufacturers, represented by groups such as the International Dairy Foods Association—will again throw millions of dollars into an all-out campaign to stop the compacts. And they will say anything to stop it.

Some of the most common anti-Compact rhetoric that I have heard suggests that the Compact creates a barrier for trade between states within the Compact and states outside of it. On the contrary, as reported by the Office of Management and Budget, the Northeast Dairy Compact has in fact prompted an increase in interstate dairy sales—particularly for milk coming into New England.

Another common anti-Compact argument concerns the impact of the Compact on consumers. However, New England retail milk prices under the Dairy Compact continue to be lower on average than the rest of the nation.

Processor groups who are opposed to dairy compacts simply want milk as cheap as they can get it to boost their enormous profits to record levels, regardless of the impact on farmers. But at some point if a lot of dairy farmers go out of business, IDFA and others might regret what they have caused.

Make no mistake—I do believe that dairy processors deserve to make their fair share of income. However, the farmers that produce the milk deserve to make a fair living. And a fair living is what dairy compacts provide for farmers.

Compacts have been consumer tested and farmer approved, and I look forward to making them a permanent part of our dairy industry.

Mr. SPECTER. Mr. President, I join today with my colleagues from Vermont, Senators JEFFORDS and LEAHY, in introducing legislation to reauthorize the Northeast Dairy Compact and to authorize a Southern Dairy Compact.

This legislation will create a much needed safety net for dairy farmers and will bring greater stability to the prices paid monthly to these farmers. The fill authorizes an Interstate Compact Commission to take such steps as necessary to assure consumers of an adequate local supply of fresh fluid milk and to assure the continued viability of dairy farming within the compact region. Specifically, states that choose to join the compact would enter into a voluntary agreement to create a minimum price for milk within the compact region. This price would take into account the regional differences in the costs of production for milk, thereby providing dairy farmers with a fair and equitable price for their product.

This bill would authorize Pennsylvania, New Jersey, Delaware, New York, Maryland, and Ohio to join the existing Northeast Interstate Dairy Compact. New York, New Jersey, and Maryland have already agreed to join and the Pennsylvania State Legislature is currently considering compact legislation. Further, it would authorize states in the southern part of the country to form a similar compact to provide price stability in this region.

In order to ensure that this legislation does not provide a negative impact to low-income nutrition programs that use a large quantity of dairy products each year, the bill ensures that the Women, Infants and Children (WIC) program and the School Lunch program will not be required to pay higher prices for milk as a result of any action taken by the Compact Commission.

Over the past several years, I have worked closely with my colleagues in the Senate in order to provide a more equitable price for our nation's milk producers. I supported amendments to the Farm Bills of 1981 and 1985, the Emergency Supplemental Appropriations Bill of 1991, the Budget Resolution of 1995 and the most recent Farm Bill in 1996 in an effort to insure that dairy farmers receive a fair price. As a member of the U.S. Senate Agriculture Appropriations Subcommittee, I have worked to ensure that dairy programs have received the maximum possible funding. In the past four years alone, I have worked to obtain almost $1.1 million for dairy research conducted at Penn State University. I have also been a leading supporter of the Dairy Export Incentive Program which facilitates the development of an international market for United States dairy products.

In recent years, however, dairy farmers have faced the dual problems of a record high cost of feed grain and a record drop in the Basic Formula Price paid for dairy products. Prices have fluctuated greatly over the past several years, setting new record highs and lows, thereby making any long-term planning impossible for farmers. Most recently, after reaching an all time high in December of 1998, the Basic Formula Price for milk dropped $5.72 per hundredweight to a price of $11.62 for March 1999. These economic conditions have placed our nation's dairy farmers in an all but impossible position. In order to hear the problems that dairy farmers are facing first hand, I asked Secretary of Agriculture Dan Glickman to accompany me to northeastern Pennsylvania on February 10, 1997. We met a crowd of approximately 750 angry farmers who rightfully complained about the dramatic fluctuations in the price of milk.

Upon our return to Washington, in an attempt to bring greater stability to the dairy market, I introduced a Sense of the Senate Resolution on February 13, 1997 which passed by a vote of 83–15. The Resolution stated that the Secretary of Agriculture should consider acting immediately to replace the National Cheese Exchange as a factor to be considered in setting the Basic Formula Price for Dairy. I successfully attached an amendment to the 1997 Supplemental Appropriations Act which required the Department of Agriculture to replace the National Cheese Exchange, which had proven to be an unreliable source of price information, with a systematic national survey of cheese producers. As a result of this legislation, the Basic Formula Price increased from $12.46 in February of 1997 to $13.32 in February of 1998, which represented an increase of .86¢ per hundredweight over the course of the year.

Unfortunately, this action alone was not sufficient to bring long-term stability to the dairy market. Consequently, on April 17, 1997, I introduced legislation to require the Secretary of Agriculture to use the price of feed grains and other cash expenses in determining the basic formula price for milk. Further, on September 9, 1997, I joined with Senator FEINGOLD of Wisconsin in introducing S. Res. 119, which urged the Secretary of Agriculture to set a temporary minimum milk price that was equitable to all milk procedures nationwide and provided price relief to economically stressed milk producers.

When we began to see some momentum on the national level to reform the current milk pricing system, we were stopped by a Federal District Court, which in December of 1997 ordered the USDA to scrap the price differentials in the current milk pricing formula. This change would have had a major negative impact on the dairy farmers in Pennsylvania. In reaction to this decision, on December 4, 1997, I wrote to the federal judge, asking him to stay his decision striking down the current Class I dairy pricing formula pending appellate review. Sixty-five Congressman and twenty other Senators signed onto my letter and on December 5, 1997, the Judge granted the requested stay.

After this short victory, we received further bad news earlier this year, when Secretary Glickman released a new rule for setting the Basic Formula Price for dairy. While better than the proposed rule released last year, this new pricing formula will compound the already dire economic position of dairy farmers by removing an additional $196 million each year from the dairy industry nationwide.

Our nation's farmers are some of the hardest working and most dedicated individuals in America. In the past several years, I have visited numerous small dairy farms in Pennsylvania. I have seen these hard working men and women who have dedicated their lives to their farms. The recent drop in dairy prices is an issue that directly affects all of us. We have a duty to ensure that our nation's dairy farmers receive a fair price for their milk. If we do nothing, many small dairy farmers will be forced to sell their farms and leave the agriculture industry. This will not only impact the lives of these farmers, but will also have a significant negative impact on the rural economies that depend on the dairy industry for support.

Further, the large-scale departure of small dairy farmers from agriculture could place our nation's steady supply of fresh fluid milk in jeopardy, thereby affecting every American.

We must recognize the importance of this problem and take prompt action. I urge my colleagues to cosponsor this legislation as we continue to work in Congress to bring greater stability to our nation's dairy industry.

Ms. COLLINS. Mr. President, I rise today as a cosponsor of a Joint Resolution to reauthorize the Northeast Interstate Dairy Compact. I am proud to give my support to this measure and do so without hesitation because the New England Dairy Compact is a proven success that is critical to the survival of dairy farmers in Maine and New England.

First approved by Congress in the 1996 Farm Bill, the New England Dairy Compact already has a proven track record of quantifiable benefits to both consumers and farmers. The Compact works by simply evening out the peaks and valleys in fluid milk prices, providing stability to the cost of milk and ensuring a supply of fresh, wholesome, local milk.

Over the past eight months, in particular, the Compact has proven its worth. As prices climbed and farmers were receiving a sustainable price for milk, the Compact turned off, when prices dropped, the Compact was again triggered. The Compact simply softened and slowed the blow to farmers of an abrupt and dramatic drop in the volatile fluid milk market.

It is important to reiterate that consumers also benefit from the Compact. Not only does the Compact stabilize prices, thus avoiding dramatic fluctuation in the retail cost of milk, it also guarantees that the consumer is assured the availability of a supply of fresh, local milk. We've known for a long time that dairy products are an important part of a healthy diet, but recent studies are proving that dairy products provide a host of new nutritional benefits. Just as we are learning of the tremendous health benefits of dairy foods, however, milk consumption, especially among young people, is dropping. It is a crucial, commonsense, first step to reverse this trend, for milk to be available and consistently affordable for young families.

Finally, the Compact, while providing clear benefits to dairy producers and consumers in the Northeast, has proven it does not harm farmers or taxpayers from outside the region. A 1998 report by the Office of Management and Budget showed that, during the first six-months of the Compact, it did not adversely impact farmers from outside the Compact region and added no federal costs to nutrition programs. In fact, this legislation specifically excepts the Women, Infants and Children (WIC) program from any costs related to the Compact.

I would like to thank the Senators from Vermont for their leadership on this critical issue. I look forward to working with them to see this important resolution passed.

Ms. SNOWE. Mr. President, I rise today as a cosponsor of the Senate Joint Resolution not only in support of the reauthorization and modifications for the very successful Northeast Interstate Dairy Compact, but also to grant the consent of Congress for the formation of the Southern Dairy Compact. This issue is really a state rights issue more than anything else, Mr. President. Quite simply, it addresses the needs of states in two different areas of the country, one in the North and one in the South, who wish to work together within their regions for two different and totally independent dairy compacts—in the Northeast to continue and modify their current Compact, and in the Southeast where 10 states wish to work closely together—to form a compact for determining fair prices for locally produced supplies of fresh milk.

As recently as last September, the Congress sanctioned another interstate compact, one that allows states to set regional prices for a commodity. In passing the Texas Compact for the storage of low-level radioactive waste, the states of Texas, Maine and Vermont were given permission to jointly manage and dispose of their low level waste—and are free to set any price they wish for the disposal of the waste. Congress has now approved ten such compacts involving 45 states.

All we are doing here is continuing another states rights activity—dairy compacting, an idea whose time has now come throughout different regions of the country. Currently, New Jersey and Maryland have passed Dairy Compact legislation seeking to join the Northeast Compact. In addition. Delaware, New York, Pennsylvania, and Ohio have expressed interest in joining. A state may join the Compact if they are contiguous to a participating state and Congress approves its entry, and we are asking for Congressional approval to extend this right also to New York, New Jersey, and Maryland.

The Northeast Dairy Compact currently encompasses all New England states and builds on the existing Federal milk marketing order program for Class I, or fluid, milk, and only applies to fluid milk sold on grocery store shelves. As you may know, a federal milk marketing order is a regulation that already sets a minimum milk price in different areas around the country, of which the Northeast region is one, and is voluntarily initiated and approved by a majority of producers in each milk marketing order area, which places requirements on the first buyers or handlers of milk from dairy farmers.

Currently, the Northeast Interstate Dairy Compact allows the New England milk marketing order region to add a small increment to the Federal order price for that region, which is the floor price, so only the consumers and the processors in the New England region pay to support the minimum price to provide for a fairer return to the area's family dairy farms and to protect a way of life important to the people of the Northeast.

Mr. President, the Northeast Interstate Dairy Compact has provided the very safety net that we had hoped for when the Compact passed as part of the Freedom to Farm Act, the omnibus farm bill, of 1996. The Dairy Compact has helped farmers maintain a stable price for fluid milk during times of volatile swings in farm milk prices. In the spring and summer months of 1997 and 1998, for instance, when milk prices throughout most U.S. markets dropped at least 20 cents a gallon while consumer prices remained constant, the payments to Northeast Interstate Compact dairy farmers remained above the federal milk marketing prices for Class I fluid milk because of the Dairy Compact—and, I might add, at no expense to the federal government. The costs to operate the Dairy Compact are borne entirely by the farmers and processors of the Compact region.

Also, in considering what has happened to the number of dairy farms staying in business since the formation of the Dairy Compact, it is now known that throughout New England, there has been a decline in the loss of dairy farmers since the Compact started. This is a clear demonstration that, with the Northeast Interstate Dairy Compact, the dairy producers were provided a safety net—and when there has been a rise in the federal milk marketing prices for Class I fluid milk, the Compact has automatically shut itself off from the pricing process.

Mr. President, over ninety seven percent of the fluid milk market in New England is self contained within the area, and fluid milk markets are local due to the demand for freshness and because of high transportation costs, so any complaints raised in other areas about unfair competition are a bit disingenuous. In addition, the Compact requires the compact commission to take such action as necessary to ensure that a minimum price set by the commission for the region does not create an incentive for producers to generate additional supplies of milk. No other region should feel threatened by our Northeast Dairy Compact for fluid milk produced and sold mainly at home.

It should be noted that, in the farm bill conference in 1996, the U.S. Secretary of Agriculture was required to review the dairy compact legislation before implementation to determine if there was "compelling public interest" for the Compact within the Compact region. On August 9, 1996, and only after a public comment period, Secretary Glickman authorized the implementation of the Northeast Interstate Dairy Compact, finding that it was indeed in the compelling public interest to do so.

In addition, the Agriculture Appropriations Act for FY1998 directed the Office of Management and Budget (OMB) to study the economic effects of the Compact and especially its effects on the federal food and nutrition programs, such as the Womens, Infants and Children program. Key findings of the OMB study released in February of 1998, showed that, for the first six months of the Compact, New England retail milk prices were five cents per gallon lower than retail milk prices nationally. Also, the Compact did not add any costs to federal nutrition programs like the WIC program and the school breakfast and lunch programs. The GAO study also stated that the Compact economically benefitted the dairy producers, increasing their income from milk sales by about six percent, with no adverse affects to dairy farmers outside the Compact region.

Mr. President, the consumers in the Northeast Compact area, and now other areas around the country, are showing their willingness to pay more for their milk if the additional money is going directly to the dairy farmer. Environmental organizations have also supported dairy compacting as compacts help to preserve dwindling agricultural land and open spaces that help combat urban sprawl.

I ask for the support of my colleagues for the reauthorization of the Northeast Compact and the ratification of the Southern Compact.

Mr. SCHUMER. Mr. President, I am proud to join with 35 of my fellow Senators to introduce legislation to re-authorize the Northeast Dairy Compact and extend it to New York State. This legislation is vital to the Northeast Region and it will strengthen the economy of upstate New York.

The Compact may add a couple of cents to the consumer price of milk during months when the retail price of milk falls below a federally set minimum price, but it is a small price to pay to preserve the family dairy farm in rural New York.

The purpose of the Compact is to stabilize dairy prices and therefore enable small dairy farmers to budget their expenditures and plan for the future. The Northeastern Dairy Compact works by ensuring a minimum retail price for milk producers. The price paid to farmers for milk has fallen from $2.77 in 1960 to $1.36 in 1997. These low milk prices have forced many small farmers into insolvency over the years and have put the entire concept of family farms in peril.

The Northeast Dairy Compact will preserve the American tradition of local family farms in every region. I believe that this is a tiny price to pay to keep local farmers in business, and keep New York State's rural identity intact.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 51

At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 296

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 333

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 395

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997.

S. 434

At the request of Mr. BREAUX, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 487

At the request of Mr. GRAMS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 540

At the request of Mr. JOHNSON, the names of the Senator from Utah (Mr. HATCH) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to provide that housing assistance provided under the Native American Housing Assistance and Self-Determination Act of 1996 be treated for purposes of the low-income housing credit in the same manner as comparable assistance.

S. 704

At the request of Mr. KYL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 704, a bill to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

S. 746

At the request of Mr. THOMPSON, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 746, a bill to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 791

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 795

At the request of Mr. MCCAIN, the name of the Senator from Michigan

(Mr. ABRAHAM) was added as a cosponsor of S. 795, a bill to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 795, supra.

S. 823

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 823, a bill to establish a program to assure the safety of processed produce intended for human consumption, and for other purposes.

S. 836

At the request of Mr. SPECTER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 836, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services.

S. 873

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 873, a bill to close the United States Army School of the Americas.

S. 876

At the request of Mr. HOLLINGS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 876, a bill to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Nevada (Mr. REID) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE CONCURRENT RESOLUTION 30—RECOGNIZING THE SACRIFICE AND DEDICATION OF MEMBERS OF AMERICA'S NONGOVERNMENTAL ORGANIZATIONS AND PRIVATE VOLUNTEER ORGANIZATIONS THROUGHOUT THEIR HISTORY AND SPECIFICALLY IN ANSWER TO THEIR COURAGEOUS RESPONSE TO RECENT DISASTERS IN CENTRAL AMERICA AND KOSOVO

Mr. SMITH of Oregon (for himself, Mr. WELLSTONE, Mr. THOMAS, Mr. SARBANES, and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations.

S. CON. RES. 30

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes and commends the sacrifice, dedication, and commitment of those serving with, and those who have served with, American non-governmental organizations (NGO's) and private volunteer organizations (PVO's) that provide humanitarian relief to millions of the world's poor and displaced;

(2) urges all Americans to join in commemorating and honoring those serving in, and those who have served in, America's NGO and PVO community for their sacrifice, dedication and commitment; and

(3) calls upon the people of the United States to appreciate and reflect upon the commitment and dedication of relief workers, that they often serve in harm's way with threats to their own health and safety, and their organizations who have responded to recent tragedies in Central America and Kosovo with great care, skill and speed, and to take appropriate steps to recognize and encourage awareness of the contributions that these relief workers and their organizations have made in helping ease human suffering.

Mr. SMITH of Oregon. Mr. President, I rise today to submit S. Con. Res. 30, in order to recognize the sacrifice and dedication of members of America's non-governmental organizations and private volunteer organizations throughout their history and specifically in answer to their courageous response to recent disasters in Central America and Kosovo. I am pleased to be joined by Senators WELLSTONE, THOMAS, SARBANES and BROWNBACK as original cosponsors.

While much time on the Senate floor has been devoted to America's response to the natural disaster wrought by Hurricane Mitch in Central America and the human disaster wrought by the horrifying aggression in the Balkans, little has been devoted to those organizations conducting humanitarian relief efforts in those areas.

I am proud to note that several Oregon humanitarian organizations have been on the front lines in both Central America and the Balkans—particularly in Kosovo. Mercy Corps International based in Portland, Oregon, is one of the largest humanitarian agencies helping Kosovar Albanian refugees and first began work in that area in 1993. Over the past six years, the agency has provided more than $30 million in relief and development aid to 250,000 people in the area.

Whether it be providing food, blankets, clothing, hygiene and cooking utensils to the first onslaught of refugees, or managing refugee camps in Senekos, Mercy Corps International has made humanitarian aid a priority in a desperate situation.

In Central America, Mercy Corps' Hurricane Mitch relief efforts included evacuating thousands of children and families, delivering housing materials for tents and temporary shelter, and providing more than 200,000 pounds of food to the hungry and 60 tons of clothing and blankets to the homeless. I am truly proud of Oregon's Mercy Corps International.

Mercy Corps is not alone as a humanitarian presence in Oregon. Portland's Northwest Medical Team International has provided disaster response and emergency relief to refugees of wars and to victims of hurricanes, floods and famines. Each year, Northwest Medical Teams International recruits, equips and dispatches volunteer surgical, medical and redevelopment teams to areas of the world in need of this type of humanitarian aid and assistance.

Northwest Medical Teams International ships more than $50 million in humanitarian assistance to over 50 countries each year. Currently, Northwest Medical Teams International is helping to manage the flow of humanitarian aid and to assist refugees in the Balkans and is collecting donations for humanitarian aid in the region through its Kosovo Relief Fund.

These two Oregon humanitarian organizations embody what is good in America—the noble effort to reach out and help a neighbor in need, regardless of geography, cultural or linguistic differences. This outreach from non-governmental organizations deserves far more than this resolution, it deserves the sincere acknowledgment and thanks from each citizen of this country.

SENATE RESOLUTION 86—SUPPORTING THE NATIONAL RAILROAD HALL OF FAME, INC. OF GALESBURG, ILLINOIS

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 86

Whereas Galesburg, Illinois, has a profound link to the history of railroading beginning in 1849 when the Peoria and Oquawka Railroad organized;

Whereas the citizens of Galesburg supported a railroad to Chicago which was chartered as the Central Military Tract Railroad in 1851;

Whereas Galesburg and Chicago were joined by rail in 1854; as a result of this union, the Northern Cross Railroad joined the Central Military Tract Railroad at Galesburg;

Whereas in 1886 Galesburg secured the Atchison, Topeka, and Santa Fe Railway and became one of the few places in the world to possess 2 mega-powers of the railroad industry;

Whereas the National Railroad Hall of Fame, Inc. has been established in Galesburg and has reserved the name "National Railroad Hall of Fame" with the Secretary of the State of Illinois;

Whereas the National Railroad Hall of Fame, Inc. is organized and incorporated as a not-for-profit organization under the laws of Illinois;

Whereas the National Railroad Hall of Fame, Inc. filed a service mark registration with the Commissioner of Patents and Trademarks of the United States, covering the name and logo of the organization;

Whereas the National Railroad Hall of Fame, Inc. has applied for a charter under the State of Illinois;

Whereas the objectives of the National Railroad Hall of Fame, Inc. include—

(1) perpetuating the memory of leaders and innovators in the railroad industry;

(2) fostering, promoting, and encouraging a better understanding of the origins and growth of railroads, especially in the United States; and

(3) establishing and maintaining a library and collection of documents, reports, and other items of value to contribute to the education of future railroad students; and

Whereas the National Railroad Hall of Fame, Inc. has resolved to erect a monument known as the National Railroad Hall of Fame to honor men and women who actively participated in the founding and development of the railroad industry in the United States: Now, therefore, be it

Resolved, That the Senate supports the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

Mr. DURBIN. Mr. President, I rise today on behalf of myself and my colleague, Senator PETER FITZGERALD, to submit a resolution in support of the establishment of the National Railroad Hall of Fame in Galesburg, Illinois.

The state of Illinois has played a pioneering role in the growth of the railroad industry. In 1849, the Peoria and Oquawka Railroad was organized. The city of Galesburg joined Chicago by rail six years later in 1854. In addition, the Carl Sandburg College of Galesburg was one of the first colleges to establish an educational curriculum in railroading.

This privately-funded museum will help promote and encourage a better understanding of the origins and growth of the railroad industry. It will also highlight the efforts of men and women whose hard work and resourcefulness helped build one of the nation's best modes of transportation.

Already, the Illinois General Assembly, with the unqualified support of our state's new governor, George Ryan, has passed a resolution similar to the one I am introducing today. This resolution is also supported by major railways, railroad organizations, and rail employee organizations. Nineteen members of the House of Representatives have cosponsored an identical measure in the House. Approval by the Senate will be one more step toward establishing this museum.

Mr. President, I urge the Senate to pass this resolution in a timely fashion so that we can properly honor the railroad industry and its many pioneers.

SENATE RESOLUTION 87—TO COMMEMORATE THE 60TH ANNIVERSARY OF THE INTERNATIONAL VISITORS PROGRAM

By Mr. DURBIN (for himself, Mr. BOND, and Mr. MOYNIHAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 87

Whereas the year 2000 marks the 60th Anniversary of the International Visitors Program.

Whereas the International Visitors Program is the public diplomacy initiative of the United States Department of State that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961.

Whereas the purposes of the International Visitors Program include—

(1) increasing mutual understanding and strengthening bilateral relations between the United States and other nations;

(2) developing the web of human connections essential for successful economic and commercial relations, security arrangements, and diplomatic agreements with other nations; and

(3) building cooperation among nations to solve global problems and to achieve a more peaceful world;

Whereas during 6 decades more than 122,000 emerging leaders and specialists from around the world have experienced American democratic institutions, cultural diversity, and core values firsthand as participants in the International Visitors Program;

Whereas thousands of participants in the International Visitors Program rise to influential leadership positions in their countries each year;

Whereas among the International Visitors Program alumni are 185 current and former Chiefs-of-State or Heads of Government, and more than 600 alumni have served as cabinet level ministers;

Whereas prominent alumni of the International Visitors Program include Margaret Thatcher, Anwar Sadat, F.W. de Klerk, Indira Gandhi, and Tony Blair;

Whereas a new configuration of domestic forces has emerged which is shaping global policy and empowering private citizens to an unprecedented degree;

Whereas each year more than 80,000 volunteers affiliated with 97 community-based member organizations and 7 program agency members of the National Council for International Visitors across the United States are actively serving as "citizen diplomats" organizing programs and welcoming International Visitors Program participants into their homes, schools, and workplaces;

Whereas all of the funds appropriated for the International Visitors Program are spent in the United States, and such spending leverages private contributions at a ratio of 1 to 12;

Whereas the International Visitors Program corrects distorted images of the United States, effectively countering misperceptions, underscoring common human aspirations, advancing United States democratic values, and building a foundation for national and economic security;

Whereas the International Visitors Program provides valuable educational opportunities for United States citizens through special "Back to School With International Visitor" programs and events that increase the knowledge of Americans about foreign societies and cultures, and bring attention to international issues crucial to interests of the United States;

Whereas the International Visitors Program offers emerging foreign leaders a unique view of America, highlighting its vibrant private sector, including both businesses and non-profit organizations, through farm stays, home hospitality, and meetings with their professional counterparts; and

Whereas the International Visitors Program introduces foreign leaders, specialists, and scholars to the American tradition of volunteerism through exposure to the daily work of thousands of "citizen diplomats" who share the best of America with those foreign leaders, specialists, and scholars: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 60th Anniversary of the International Visitors Program and the remarkable public-private sector partnership that sustains it; and

(2) commends the achievements of the thousands of volunteers who are part of the National Council for International Visitors "citizen diplomats" who for 6 decades have daily worked to share the best of America with foreign leaders, specialists, and scholars.

Mr. DURBIN. Mr. President, today, Senator BOND and I are joining together in submitting a resolution commemorating the 60th anniversary of the International Visitors Program next year. The International Visitors Program is the State Department's public diplomacy initiative that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961.

The International Visitor Program has been wonderfully successful in meeting its public diplomacy mission. Thousands of rising leaders from other countries in government, business, labor, academia, and the arts have come to this country and met with their counterparts and with everyday Americans from all walks of life. They have learned about our democratic values and institutions, our entrepreneurial skills, and our culture.

Future foreign leaders have learned much about this country that has helped them shape their own, or that simply helped them understand this country's point of view. I wonder how many people in this country know the story of F.W. de Klerk's visit to the United States under the International Visitor Program, and how influential that visit was in his realization that apartheid in South Africa had to end. Perhaps more well known, at least in my part of the country, were the visits of Polish Solidarity Labor leaders who played a pivotal role in transforming Poland to the democratic country it is today. I am sure there are many more stories—most not so dramatic—but with tangible results all over the world. We will never know how many problems have been prevented because rising leaders had a better understanding of democracy, of our policies, and our culture.

Many up-and-coming political leaders come to visit Members of Congress and Senators while they're here. These meetings take a few minutes of my time, and I learn as much from my visitor as I hope he or she does from me. Volunteers always tell me that they, too, have learned much from their visitors, and we should not underestimate the value of this program as a two-way street that helps educate the volunteers, their children, and other people in their communities.

But I want to commend and thank those thousands of Americans who have opened their homes, their businesses, and their hearts to international visitors with such a tremendous impact on furthering international understanding. I deeply appreciate it that international visitors do not just come to Washington, but that the program takes them into our country's heartland so they can get a real education about our country, outside the Beltway, as they say. That means that volunteers from all over the country are critical for the success of the program.

I know in my own State of Illinois, there are six such volunteer groups in Chicago, Freeport, Geneseo, Paris, Sterling, and Springfield. I have heard first-hand the deep commitment many Illinoisans have to this program, because I know many enthusiastic volunteers. Because of the commitment of Illinois volunteers, our State is among the most active in the Nation in hosting international visitors, along with the much larger States of California and Texas.

But when we commemorate this anniversary I want to be sure that we're celebrating the contribution and commitment of the thousands of volunteers that make the program meaningful and successful.

AMENDMENTS SUBMITTED

Y2K ACT

McCAIN (AND OTHERS) AMENDMENT NO. 267

Mr. McCAIN (for himself, Mr. WYDEN, Mr. GORTON, Mr. ABRAHAM, Mr. LOTT, Mr. FRIST, and Mr. BURNS) proposed an amendment to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date; as follows:

Strike all after the word "section" and insert the following:

1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:'

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind; bystander liability; control.
Sec. 14. Liability of officers, directors, and employees.
Sec. 15. Appointment of special masters or magistrates for Y2K actions.
Sec. 16. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term "Y2K action"—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense is related directly or indirectly to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K failure.—The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) Government entity.—The term "government entity" means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) Material defect.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term "material defect" does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) Personal injury.—The term "personal injury" means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) State.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) Contract.—The term "contract" means a contract, tariff, license, or warranty.

(8) Alternative dispute resolution.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) General Rule.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) No New Cause of Action Created.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) Claims for Personal Injury or Wrongful Death Excluded.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) Contract Preservation.—

(1) In general.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) Interpretation of contract.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) Preemption of State Law.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) In General.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) Caps on Punitive Damages.—

(1) In general.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) Special rule.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting "smaller" for "larger".

(3) No cap if injury specifically intended.—Neither paragraph (1) nor paragraph (2) applies if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) Government Entities.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) In General.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) Proportionate Liability.—

(1) Determination of responsibility.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) Contents of special interrogatories or findings.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) Factors for consideration.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) Joint Liability for Specific Intent or Fraud.—

(1) In general.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) Fraud; recklessness.—

(A) Knowing commission of fraud described.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) Recklessness.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) Right to contribution not affected.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to

injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Notwithstanding subsection (a), if, upon motion made not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) PERCENTAGE OF NET WORTH.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) MORE PROTECTIVE STATE LAW NOT PREEMPTED.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSIBILITY.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence a legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it will take, or offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) State Law Controls Alternative Methods.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) Provisional Remedies Unaffected.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) Special Rule for Class Actions.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) Application With Rules of Civil Procedure.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) Nature and Amount of Damages.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) Material Defects.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) Required State of Mind.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) In General.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable State law.

(b) Economic Loss.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term "economic loss"—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) Certain Actions Excluded.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) Certain Other Actions.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c), whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) Defendant's State of Mind.—In a Y2K action other than a claim for breach of repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that elements of the claim by clear and convincing evidence.

(b) Limitation on Bystander Liability for Y2K Failures.—

(1) In general.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at issue;

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) Substantial privity.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) Certain claims excluded.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) Control Not Determinative of Liability.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

SEC. 14. LIABILITY OF OFFICERS, DIRECTORS, AND EMPLOYEES.

(a) In General.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) is not personally liable in any Y2K action in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during the 12 months immediately preceding the act or omission for which liability is imposed.

(b) Exception.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) made statements intended to be misleading regarding any actual or potential year 2000 problem; or

(2) withheld from the public significant information there was a legal duty to disclose regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) State Law, Charter, or Bylaws.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law in existence on January 1, 1999, that establishes lower financial limits on the liability of a director, officer, trustee, or employee of such a business or organization.

SEC. 15. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 16. Y2K ACTIONS AS CLASS ACTIONS.

(a) MATERIAL DEFECT REQUIREMENT.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NOTIFICATION.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including an estimate of the total amount that would be paid if the requested damages were to be granted.

(c) FORUM FOR Y2K CLASS ACTIONS.—

(1) JURISDICTION.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(2) EXCEPTION.—A Y2K action may not be brought or removed as a class action under this section if—

(A)(i) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(ii) the primary defendants are citizens of that State; and

(iii) the claims asserted will be governed primarily by the law of that State, or

(B) the primary defendants are States, State officials, or other governmental entities against whom the United States District Court may be foreclosed from ordering relief.

(d) EFFECT ON RULES OF CIVIL PROCEDURES.—Except as otherwise provided in this section, nothing in this section supersedes any rule of Federal or State civil procedure applicable to class actions.

LOTT AMENDMENT NO. 268

Mr. LOTT proposed an amendment to amendment No. 267 proposed by him to the bill, S. 96, supra; as follows:

Strike all after the word "section" and insert the following:

1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:'

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind; bystander liability; control.
Sec. 14. Liability of officers, directors, and employees.
Sec. 15. Appointment of special masters or magistrates for Y2K actions.
Sec. 16. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purpose of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term "Y2K action"—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense is related directly or indirectly to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store,

to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) Government entity.—The term "government entity" means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) Material defect.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term "material defect" does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) Personal injury.—The term "personal injury" means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) State.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) Contract.—The term "contract" means a contract, tariff, license, or warranty.

(8) Alternative dispute resolution.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) General Rule.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) No New Cause of Action Created.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) Claims for Personal Injury or Wrongful Death Excluded.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) Contract Preservation.—

(1) In general.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) Interpretation of contract.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) Preemption of State Law.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) In General.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) Caps on Punitive Damages.—

(1) In general.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) Special rule.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting "smaller" for "larger".

(3) No cap if injury specifically intended.—Neither paragraph (1) nor paragraph (2) applies if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) Government Entities.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) In General.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) Proportionate Liability.—

(1) Determination of responsibility.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) Contents of special interrogatories or findings.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) Factors for consideration.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) Joint Liability for Specific Intent or Fraud.—

(1) In general.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) Fraud; Recklessness.—

(A) Knowing commission of fraud described.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendent knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) Recklessness.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendent.

(3) Right to contribution not affected.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) Special Rules.—

(1) Uncollectible share.—

(A) In general.—Notwithstanding subsection (a), if, upon motion not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) Percentage of net worth.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) MORE PROTECTIVE STATE LAW NOT PRE-EMPTED.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The Written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSIBILITY.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence at legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it will take, of offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) STATE LAW CONTROLS ALTERNATIVE METHODS.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) PROVISIONAL REMEDIES UNAFFECTED.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) SPECIAL RULE FOR CLASS ACTIONS.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) Application With Rules of Civil Procedure.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) Nature and Amount of Damages.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) Material Defects.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) Required State of Mind.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) In General.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable State law.

(b) Economic Loss.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term "economic loss"—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) Certain Actions Excluded.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) Certain Other Actions.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c), whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) Defendant's State of Mind.—In a Y2K action other than a claim for breach of repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that elements of the claim by clear and convincing evidence.

(b) Limitation on Bystander Liability for Y2K Failures.—

(1) In general.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at issue;

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) Substantial privity.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) Certain claims excluded.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) Control Not Determinative of Liability.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

SEC. 14. LIABILITY OF OFFICERS, DIRECTORS, AND EMPLOYEES.

(a) In General.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) is not personally liable in any Y2K action in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during the 12 months immediately preceding the act or omission for which liability is imposed.

(b) Exception.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) made statements intended to be misleading regarding any actual or potential year 2000 problem; or

(2) withheld from the public significant information there was a legal duty to disclose regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) State Law, Charter, or Bylaws.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law in existence on January 1, 1999, that establishes lower financial limits on the liability of a director, officer, trustee, or employee of such a business or organization.

SEC. 15. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 16. Y2K ACTIONS AS CLASS ACTIONS.

(a) Minimum Injury Requirement.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NOTIFICATION.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including as estimate of the total amount that would be paid if the requested damages were to be granted.

(c) FORUM FOR Y2K CLASS ACTIONS.—

(1) JURISDICTION.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(2) EXCEPTION.—A Y2K action may not be brought or removed as a class action under this section if—

(A) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(B) the primary defendants are citizens of that State; and

(C) the claims asserted will be governed primarily by the law of that State, or

the primary defendants are States, State officials, or other governmental entities against whom the United States District Court may be foreclosed from ordering relief.

(D) This section shall become effective two days after the date of enactment.

LOTT AMENDMENT NO. 269

Mr. LOTT proposed an amendment to amendment No. 268 proposed by him to the bill, S. 96, supra; as follows:

Strike all after the word "section" and insert the following:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind; bystander liability; control.
Sec. 14. Liability of officers, directors, and employees.
Sec. 15. Appointment of special masters or magistrates for Y2K actions.
Sec. 16. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purpose of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term "Y2K action"—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense is related directly or indirectly to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term "government entity" means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the

item or service from operating or functioning as designed or according to its specifications. The term "material defect" does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) PERSONAL INJURY.—The term "personal injury" means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) STATE.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) CONTRACT.—The term "contract" means a contract, tariff, license, or warranty.

(8) ALTERNATIVE DISPUTE RESOLUTION.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH EXCLUDED.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) CONTRACT PRESERVATION.—

(1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) SPECIAL RULE.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting "smaller" for "larger".

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Neither paragraph (1) nor paragraph (2) applies if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) GOVERNMENT ENTITIES.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) PROPORTIONATE LIABILITY.—

(1) DETERMINATION OF RESPONSIBILITY.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) FRAUD; RECKLESSNESS.—

(A) KNOWING COMMISSION OF FRAUD DESCRIBED.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) RECKLESSNESS.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Notwithstanding subsection (a), if, upon motion not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) PERCENTAGE OF NET WORTH.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) Special right of contribution.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) Nondisclosure to jury.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) Settlement Discharge.—

(1) In general.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) Reduction.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) General Right of Contribution.—

(1) In general.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) Statute of limitations for contribution.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) More Protective State Law Not Pre-empted.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) In General.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) Person to Whom Notice To Be Sent.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) Response to Notice.—

(1) In general.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) Willingness to engage in ADR.—The Written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) Inadmissibility.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) Presumptive time of receipt.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) Failure to Respond.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence at legal action against that prospective defendant.

(e) Remediation Period.—

(1) In general.—If the prospective defendant responds and proposes remedial action it will take, of offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) Extension by agreement.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) Multiple extensions not allowed.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) Statutes of limitation, etc., tolled.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) Failure to Provide Notice.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) Effect of Contractual or Statutory Waiting Periods.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) State Law Controls Alternative Methods.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) Provisional Remedies Unaffected.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) Special Rule for Class Actions.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) Application With Rules of Civil Procedure.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) Nature and Amount of Damages.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) Material Defects.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) IN GENERAL.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable State law.

(b) ECONOMIC LOSS.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term "economic loss"—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN ACTIONS EXCLUDED.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c), whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach of repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that elements of the claim by clear and convincing evidence.

(b) LIMITATION ON BYSTANDER LIABILITY FOR Y2K FAILURES.—

(1) IN GENERAL.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) SUBSTANTIAL PRIVITY.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) CERTAIN CLAIMS EXCLUDED.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

SEC. 14. LIABILITY OF OFFICERS, DIRECTORS, AND EMPLOYEES.

(a) IN GENERAL.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) is not personally liable in any Y2K action in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during the 12 months immediately preceding the act or omission for which liability is imposed.

(b) EXCEPTION.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) made statements intended to be misleading regarding any actual or potential year 2000 problem; or

(2) withheld from the public significant information there was a legal duty to disclose regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) STATE LAW, CHARTER, OR BYLAWS.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law in existence on January 1, 1999, that establishes lower financial limits on the liability of a director, officer, trustee, or employee of such a business or organization.

SEC. 15. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 16. Y2K ACTIONS AS CLASS ACTIONS.

(a) MINIMUM INJURY REQUIREMENT.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NOTIFICATION.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including as estimate of the total amount that would be paid if the requested damages were to be granted.

(c) FORUM FOR Y2K CLASS ACTIONS.—

(1) JURISDICTION.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the

basis of all claims to be determined in the action.

(2) EXCEPTION.—A Y2K action may not be brought or removed as a class action under this section if—

(A) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(B) the primary defendants are citizens of that State; and

(C) the claims asserted will be governed primarily by the law of that State, or

the primary defendants are States, State officials, or other governmental entities against whom the United States District Court may be foreclosed from ordering relief.

(D) This section shall become effective six days after the date of enactment.

LOTT AMENDMENT NO. 270

Mr. LOTT proposed an amendment to amendment No. 267 proposed by him to the bill, S. 96, supra; as follows:

In the language proposed to be stricken, strike all after the word "Section" and insert the following:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind; bystander liability; control.
Sec. 14. Liability of officers, directors, and employees.
Sec. 15. Appointment of special masters or magistrates for Y2K actions.
Sec. 16. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purpose of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term "Y2K action"—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense is related directly or indirectly to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term "government entity" means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term "material defect" does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) PERSONAL INJURY.—The term "personal injury" means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) STATE.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American

Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) Contract.—The term "contract" means a contract, tariff, license, or warranty.

(8) Alternative dispute resolution.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) General Rule.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) No New Cause of Action Created.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) Claims for Personal Injury or Wrongful Death Excluded.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) Contract Preservation.—

(1) In general.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) Interpretation of contract.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) Preemption of State Law.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) In General.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) Caps on Punitive Damages.—

(1) In general.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) Special rule.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting "smaller" for "larger".

(3) No cap if injury specifically intended.—Neither paragraph (1) nor paragraph (2) applies if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) Government Entities.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) In General.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) Proportionate Liability.—

(1) Determination of responsibility.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) Contents of special interrogatories or findings.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) Factors for consideration.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) Joint Liability for Specific Intent or Fraud.—

(1) In general.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) Fraud; Recklessness.—

(A) Knowing commission of fraud described.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) Recklessness.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) Right to contribution not affected.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) Special Rules.—

(1) Uncollectible share.—

(A) In general.—Notwithstanding subsection (a), if, upon motion not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) Percentage of net worth.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) Other plaintiffs.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) Overall limit.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) Subject to contribution.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) Special right of contribution.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) Nondisclosure to jury.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) Settlement Discharge.—

(1) In general.—A defendant who settles a Y2K action at any time before final verdict

or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) MORE PROTECTIVE STATE LAW NOT PRE-EMPTED.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person .for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The Written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSIBILITY.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence at legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it will take, of offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) STATE LAW CONTROLS ALTERNATIVE METHODS.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) PROVISIONAL REMEDIES UNAFFECTED.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) SPECIAL RULE FOR CLASS ACTIONS.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) APPLICATION WITH RULES OF CIVIL PROCEDURE.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) NATURE AND AMOUNT OF DAMAGES.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) In General.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable State law.

(b) Economic Loss.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term "economic loss"—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) Certain Actions Excluded.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) Certain Other Actions.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c), whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) Defendant's State of Mind.—In a Y2K action other than a claim for breach of repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that elements of the claim by clear and convincing evidence.

(b) Limitation on Bystander Liability for Y2K Failures.—

(1) In general.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) Substantial privity.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) Certain claims excluded.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) Control Not Determinative of Liability.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

SEC. 14. LIABILITY OF OFFICERS, DIRECTORS, AND EMPLOYEES.

(a) In General.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) is not personally liable in any Y2K action in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during the 12 months immediately preceding the act or omission for which liability is imposed.

(b) Exception.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) made statements intended to be misleading regarding any actual or potential year 2000 problem; or

(2) withheld from the public significant information there was a legal duty to disclose regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) State Law, Charter, or Bylaws.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law in existence on January 1, 1999, that establishes lower financial limits on the liability of a director, officer, trustee, or employee of such a business or organization.

SEC. 15. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 16. Y2K ACTIONS AS CLASS ACTIONS.

(a) Minimum Injury Requirement.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) Notification.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including as estimate of the total amount that would be paid if the requested damages were to be granted.

(c) Forum for Y2K Class Actions.—

(1) Jurisdiction.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(2) Exception.—A Y2K action may not be brought or removed as a class action under this section if—

(A) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(B) the primary defendants are citizens of that State; and

(C) the claims asserted will be governed primarily by the law of that State, or

the primary defendants are States, State officials, or other governmental entities against whom the United States District Court may be foreclosed from ordering relief.

(D) This section shall become effective three days after the date of enactment.

LOTT AMENDMENT NO. 271

Mr. LOTT proposed an amendment to amendment No. 270 proposed by him to the bill, S. 96, supra; as follows:

In the language proposed to be striken, strike all after the word "1" and add the following:

SHORT TITLE; TABLE OF SECTIONS.

(a) Short Title.—This Act may be cited as the "Y2K Act".

(b) Table of Sections.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind; bystander liability; control.
Sec. 14. Liability of officers, directors, and employees.
Sec. 15. Appointment of special masters or magistrates for Y2K actions.
Sec. 16. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) Purposes.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purpose of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K action.—The term "Y2K action"—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense is related directly or indirectly to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K failure.—The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) Government entity.—The term "government entity" means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) Material defect.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term "material defect" does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) Personal injury.—The term "personal injury" means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) State.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) Contract.—The term "contract" means a contract, tariff, license, or warranty.

(8) Alternative dispute resolution.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) General Rule.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) No New Cause of Action Created.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) Claims for Personal Injury or Wrongful Death Excluded.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) Contract Preservation.—

(1) In general.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) Interpretation of contract.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) Preemption of State Law.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) In General.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) Caps on Punitive Damages.—

(1) In general.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) Special rule.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting "smaller" for "larger".

(3) No cap if injury specifically intended.—Neither paragraph (1) nor paragraph (2) applies if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) Government Entities.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) In General.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) Proportionate Liability.—

(1) Determination of responsibility.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) Contents of special interrogatories or findings.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) Factors for consideration.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) Joint Liability for Specific Intent or Fraud.—

(1) In general.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) Fraud; Recklessness.—

(A) Knowing commission of fraud described.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) Recklessness.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) Right to contribution not affected.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) Special Rules.—

(1) Uncollectible share.—

(A) In general.—Notwithstanding subsection (a), if, upon motion not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) Percentage of net worth.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) Other plaintiffs.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) Overall limit.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) Subject to contribution.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) Special right of contribution.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) Nondisclosure to jury.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) Settlement Discharge.—

(1) In general.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) Reduction.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) General Right of Contribution.—

(1) In general.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) Statute of limitations for contribution.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) More Protective State Law Not Pre-empted.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) In General.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) Person to Whom Notice To Be Sent.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) Response to Notice.—

(1) In general.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) Willingness to engage in ADR.—The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) Inadmissibility.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) Presumptive time of receipt.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) Failure to Respond.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence at legal action against that prospective defendant.

(e) Remediation Period.—

(1) In general.—If the prospective defendant responds and proposes remedial action it will take, of offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) Extension by agreement.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) Multiple extensions not allowed.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) Statutes of limitation, etc., tolled.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) Failure to Provide Notice.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) Effect of Contractual or Statutory Waiting Periods.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) State Law Controls Alternative Methods.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) Provisional Remedies Unaffected.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) Special Rule for Class Actions.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) Application With Rules of Civil Procedure.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) Nature and Amount of Damages.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) Material Defects.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) Required State of Mind.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) In General.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable State law.

(b) Economic Loss.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term "economic loss"—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) Certain Actions Excluded.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) Certain Other Actions.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c), whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) Defendant's State of Mind.—In a Y2K action other than a claim for breach of repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that elements of the claim by clear and convincing evidence.

(b) Limitation on Bystander Liability for Y2K Failures.—

(1) In general.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) Substantial privity.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) Certain claims excluded.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) Control Not Determinative of Liability.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

SEC. 14. LIABILITY OF OFFICERS, DIRECTORS, AND EMPLOYEES.

(a) In General.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) is not personally liable in any Y2K action in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during the 12 months immediately preceding the act or omission for which liability is imposed.

(b) Exception.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) made statements intended to be misleading regarding any actual or potential year 2000 problem; or

(2) withheld from the public significant information there was a legal duty to disclose regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) State Law, Charter, or Bylaws.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law in existence on January 1, 1999, that establishes lower financial limits on the liability of a director, officer, trustee, or employee of such a business or organization.

SEC. 15. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 16. Y2K ACTIONS AS CLASS ACTIONS.

(a) Minimum Injury Requirement.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) Notification.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including as estimate of the total amount that would be paid if the requested damages were to be granted.

(c) Forum for Y2K Class Actions.—

(1) Jurisdiction.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(2) Exception.—A Y2K action may not be brought or removed as a class action under this section if—

(A) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(B) the primary defendants are citizens of that State; and

(C) the claims asserted will be governed primarily by the law of that State, or

the primary defendants are States, State officials, or other governmental entities against whom the United States District Court may be foreclosed from ordering relief.

(D) This section shall become effective one day after the date of enactment.

INHOFE AMENDMENT NO. 272

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

At the appropriate place, insert the following:

SEC. . Y2K REGULATORY AMNESTY ACT OF 1999.

(a) Short Title.—This section may be cited as the "Y2K Regulatory Amnesty Act of 1999".

(b) Definitions.—In this section:

(1) Defendant.—

(A) In general.—The term "defendant" includes a State or local government.

(B) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(C) Local Government.—The term "local government" means—

(i) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(ii) any combination of political subdivisions described in clause (i) recognized by the Secretary of Housing and Urban Development.

(2) Y2K FAILURE.—The term "Y2K failure" means any failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions, however constructed, in processing, calculating, comparing, sequencing, displaying, storing, transmitting, or receiving date-related data, including—

(A) the failure to accurately administer or account for transitions or comparisons from, into, and between the 20th and 21st centuries, and between 1999 and 2000; or

(B) the failure to recognize or accurately process any specific date, and the failure accurately to account for the status of the year 2000 as a leap year.

(3) Y2K UPSET.—The term "Y2K upset"—

(A) means an exceptional incident involving temporary noncompliance with applicable federally enforceable requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(B) does not include—

(i) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(ii) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(iii) noncompliance to the extent caused by operational error or negligence;

(iv) lack of reasonable preventative maintenance; or

(v) lack of preparedness for Y2K.

(c) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(1) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(2) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(3) noncompliance with the applicable federally enforceable requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(4) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable requirements; and

(5) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(d) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this section, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in subsection (c) are met.

(e) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 30 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(f) VIOLATION OF A Y2K UPSET.—Fraudulent use of the Y2K upset defense provided for in this section shall be subject to penalties provided in section 1001 of title 18, United States Code.

(g) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Tuesday, May 4, 1999 at 9:30 a.m. to conduct an oversight hearing on Census 2000, Implementation in Indian Country. The hearing will be held in room 485, Russell Senate Building.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 5, 1999 at 9:30 a.m. to conduct an oversight hearing on Tribal Priority Allocations. The hearing will be held in room 485, Russell Senate Building.

SUBCOMMITTEE ON ENERGY, RESEARCH, DEVELOPMENT, PRODUCTION AND RESOLUTION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Subcommittee on Energy Research, Development, Production and Regulation of the Senate Energy and Natural Resources Committee and the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs of the House Committee on Government Reform.

The hearing will take place on Thursday, May 20, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony and conduct oversight on the Administration's FY2000 budget request for climate change programs and compliance with various statutory provisions in FY1999 appropriations acts requiring detailed accounting of climate change spending and performance measures for each requested increase in funding.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Colleen Deegan, Counsel, or Julia McCaul, Staff Assistant at (202) 224–8115 in the Senate. In the House, please contact Marlo Lewis, Staff Director, or Barbara Kahlow, Professional Staff Member at (202) 225–4407.

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research, Development, Production and Regulation.

The hearing will take place on Thursday, May 20, 1999 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 348, to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Colleen Deegan, Counsel, or Julia McCaul, Staff Assistant at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 27, 1999, at 9:30 a.m. in open session, to consider the nominations of Mr. Brian E. Sheridan, to be Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and Dr. Lawrence J. Delaney, to be Assistant Secretary of the Air Force for Acquisition.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Tuesday, April 27, 1999, at 9:30 a.m. on OMC/Truck Safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during session of the Senate on Tuesday, April 27, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 25, the Conservation and Reinvestment Act of 1999; S. 446, the Resources 2000 Act; S. 532, the Public Land and Recreation Investment Act of 1999; S. 819, the National Park Preservation Act; and the Administration's Lands Legacy proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. McCAIN. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, April 27, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 27, 1999 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Medical Records Privacy" during the session of the Senate on Tuesday, April 27, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Tuesday, April 27, 1999, at 10 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. McCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, April 27, 1999, in open session, to receive testimony on the threat of international narcotics-trafficking and the role of the Department of Defense in the Nation's war on drugs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. McCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, April 27, 1999 at 2:15 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "The Need for Additional Border Patrol at the Northern and Southern Borders."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE BUILDING OF SISSETON FIRE HALL

• Mr. JOHNSON. Mr. President, I want to take this opportunity to recognize an extraordinary group of citizens who came together to address their community needs in building a new fire hall. The old facility, which has served so faithfully for so many decades, had reached the limits of its productivity in February 1997, when the record snowfall created great stress on the roof. The need for action was immediate, and the Sisseton Community responded quickly. Members of the Sisseton Fire Department and Roberts County Rescue mounted a financial campaign to raise the additional money needed above what national, state, tribal, and local governments were able to provide. Fire fighters and rescue volunteers donated extra time by holding fundraising activities in addition to their fire and rescue responsibilities. Local businesses and individuals responded generously. The new fire hall is now a reality. It has become a true emergency operating center that the entire Sisseton community can look toward with pride.

I commend the entire community for this exemplary effort, and hold it up as a shining example of the sense of community which still exists in places like Sisseton, SD.•

MAESTRO COLMAN PEARCE

• Mr. COCHRAN. Mr. President, when the Mississippi Symphony Orchestra concludes its 54th season with its traditional "Pops Concert" in Jackson on May 7, Maestro Colman Pearce will retire after twelve years as music director and principal conductor. During his tenure, Pearce has brought life and vigor to the mission of the Mississippi Symphony Orchestra. He has projected enormous energy into the task of developing audiences from preschoolers to senior citizens, and all ages in between.

Maestro Pearce is a gifted conductor of international renown with a brilliant knowledge of musical styles and repertoire. He is an equally gifted pianist and composer. His keen Irish wit, personal charm, enthusiasm, and intellect, combined with a willingness to spread the joy of music whenever and wherever, and special gifts.

When Colman came to Mississippi in 1987, he found a group of superb players, an enthusiastic Board of Governors, and a loyal army of volunteers known as the Symphony League. He was aware of a financial deficit, of unrest among the musicians, and of declining audience support. Quickly garnering the support of the board, league and the musicians, Maestro Pearce forged ahead. After a few successful seasons, he led the orchestra into statewide status and it became the Mississippi Symphony.

Colman's musicianship, intellect, vision, and savoir faire have made him an appealing stage presence in venues beyond the formal concert halls. He has taken the MSO everywhere audiences can be found—ball parks, schools, city streets, shopping malls, theaters, lakesides, and beaches. Thousands of Mississippians have come to recognize Colman and the musicians by name and by instrument. They have identified with the Symphony as a Mississippi "product" of which they are proud. The Symphony has become an accessible commodity across the State.

Upgrading the quality of musical offerings, especially in formal concert halls, has been his major focus. However, he has expanded the goals and outreach to include programs at all levels:

Chamber Orchestra.—Twenty-eight core musicians present concerts within the regular season at Millsaps College Recital Hall and the Briarwood Presbyterian Church sanctuary. These concerts are viewed as "learning experiences" since the programs are always sprinkled with biographical data and interesting anecdotes about the composers whose works are being performed. Programming is innovative, often including contemporary music. Colman plays twentieth century music with flair, challenging the understanding and enjoyment of both the musicians and their audiences.

Children's Concerts.—More than 4,000 children in grades three, four, and five literally pack Jackson's city auditorium annually when Colman directs the special concerts. He assists teachers in area schools in the preparation of study materials to acquaint students with the program they will hear.

Kinderconcerts.—Programs are planned according to the attention span of pre-school children with emphasis on short classical and new music. Colman has featured the work of Mississippi composer Luigi Zananelli ("The Steadfast Tin Soldier"), and an adaptation of the Dr. Seuss classic, "Green Eggs and Ham", to the delight of the young audiences.

Academic and Performing Arts Complex.—This branch of the Jackson Public School system has been supported by Colman through lectures, by allowing students to attend orchestra rehearsals, and through invitations to music and dance students to actually perform with the Symphony.

Young Artist Competition.—In addition to showcasing young talent whenever possible, Colman has judged competitions, offering insightful feedback to contestants. Winners have often been invited to perform with the Chamber Orchestra.

Family Fun Concerts.—In addition to enjoyable and easy listening music performed by the Symphony, the concerts have featured other attractions, such as mimes, dancers, and storytellers, in a casual setting. Colman's final Family Fun Concert featured a performance of Walter Anderson's "Robinson the Cat," a work composed by Maestro Pearce in collaboration with mezzo-soprano Lester Senter Wilson.

Pops Concerts.—Old Trace Park at the Reservoir has been the scene of the Symphony Pops for many years, with residents of a five county area gathering on the shore (and in the water) for an early summer evening concert of semi-classical and popular music.

The Messiah.—Under the direction of Maestro Pearce, the Mississippi Symphony Orchestra has presented the "definitive" performance of Handel's Christmas classic in Thalia Mara Hall each December. Soloists are chosen from throughout the state, and choirs from the state's colleges and universities have been showcased. In recent years, the famed Mississippi Chorus has been featured.

A native of Ireland with an honors degree from the National University of Ireland, Dublin, Colman Pearce studied conducting with Franco Ferrara in Hilversum and Hans Swarowsky in Vienna. In 1965, he began a long association with the Irish National Broadcasting Organization, serving as Co-principal, Principal, and now Conductor Laureate of the Irish Radio and Television Symphony Orchestra (now called the National Symphony Orchestra.) In the years prior to accepting his position with the Mississippi Symphony Orchestra and since, he has maintained a busy schedule as a guest conductor in other parts of the United States, and in Brazil, Canada, Argentina, Germany, France, Belgium, Sweden, Spain, Iceland, Israel, Hungary, and in the United Kingdom.

Maestro Pearce will now concentrate upon his activities as a pianist, arranger and composer, his recordings of contemporary works, and upon guest conducting from his home in Dublin.

Colman leaves the Mississippi Symphony Orchestra financially sound, having established record setting season ticket sales and significantly broadened the orchestra's constituency.

When Colman came to Mississippi twelve years ago, he immediately accepted and embraced the best in Mississippians and set about adding value to the state through his development of the orchestra. With his Irish charm, good humor, talent, artistic commitment, and resourceful programming, he has also won the hearts of many Mississippians who now bid him "Goodbye, and Godspeed."•

TRIBUTE TO MR. GEORGE RING

• Mr. TORRICELLI. Mr. President, I rise today to recognize George Ring who is being honored by Catholic Community Services, the largest non-profit social service agency in the state of New Jersey. Headquartered in Newark, CCS serves more than 200,000 poor and disadvantaged citizens throughout northern New Jersey. George has been an ardent supporter of this organization and is most deserving of this honor.

George has served New Jersey and the nation in many capacities. After graduating from Seton Hall University, George joined the United States Army and served from 1966–1969 as a Platoon Leader, Company Commander, and General's Aide. He received multiple awards and citations for his service, including the Distinguished Service Cross, the Silver Star, Oak Leaf Cluster, and a Presidential Unit Citation.

After working several years in the banking industry, George co-founded Cross Country Cable, Ltd. This firm was involved in the ownership, construction and operation of cable television and microwave systems inside the United States and around the world. In 1995, he sold this company and formed a new company, Wireless Cable International Inc. George is the president and CEO of this new company.

George has been active at his alma mater and in his community. At Seton Hall University, he is a member of the Executive and Finance Committees of the Board of Regents and is a member of the Board of Trustees. He is also a recipient of the "Distinguished Alumnus Award" from Seton Hall University and Union High School.

In addition, George has served on the boards of several visual arts programs and symphony orchestras as well as New Jersey Public Broadcasting. He is a past President of the Watchung-Warren Rotary Club and has been active with local youth sports leagues. He has given his financial support to numerous schools and charities. Catholic Community Services has been one of the grateful recipients of George's generosity. He has spent countless hours fundraising on behalf of CCS. For his acts of philanthropy and his visible role in the community, I am proud to recognize George Ring as he is honored by CCS.•

HONORING PROFESSOR M. CHERIF BASSIOUNI

• Mr. DURBIN. Mr. President, as reports come in detailing the events in Kosovo, the "ethnic cleansing" and terror that has forced over a million people from their homes, sadness fills our hearts. Less than two weeks ago I traveled to the Balkans and visited a refugee camp, filled with thousands of people, that had been an empty field just weeks before. We are often so immersed in the accounts of those survivors who have lived through the suffering that we forget about the men and women who have dedicated their lives to ease this pain, and to bringing those who abuse human rights to justice.

Today, I rise to recognize M. Cherif Bassiouni of Chicago, Illinois for his selflessness and dedication to bringing those who commit crimes against humanity to justice. Professor Bassiouni, facing great personal risk and many obstacles, has visited many war-torn sections of Bosnia and Croatia, documenting the atrocities and crimes that have been committed there. His 3,500 pages of analysis, backed by 300 hours of videotape and 65,000 documents served as the foundation for the International Criminal Tribunal for the former Yugoslavia. Professor Bassiouni has also played a key role in the UN Convention against Torture.

Professor Bassiouni has often been a powerful voice insisting that violators of human rights be brought to justice. Professor Bassiouni is a Professor of Law and President of the International Human Rights Law Institute at DePaul University in Chicago. The global impact of his work, dating back to 1964, has led to the creation of the International Criminal Court. A citizen of both the United States and Egypt, Professor Bassiouni is known and respected around the world for his accomplishments. He is the President of the Association Internationale de Troit Penal and President of the International Institute of Higher Studies in Criminal Science.

Professor Bassiouni has accomplished a great deal in his effort to see that human rights are respected. In 1977, Bassiouni co-chaired the committee that drafted the U.N. Convention Against Torture. He was appointed the independent expert by the U.N. Commission on Human Rights to draft the statute establishing international jurisdiction over the implementation of the Apartheid Convention of 1981. Bassiouni was the Chairman of the U.N. Commission investigating international humanitarian law violations in the former Yugoslavia, work that led to the Ad-Hoc Tribunal on the Former Yugoslavia in the Hague. His many accomplishments led to his election in 1995 as Vice-Chairman of the U.N. General Assembly Committee for the establishment of the International Criminal Tribunal for the former Yugoslavia.

For his work leading to the establishment of the International Criminal Court, and for his dedication to protecting human rights, Professor

Bassiouni has been nominated for the 1999 Nobel Peace Prize. The nominating organization, the International and Scientific Professional Advisory Council of the UN has said that Professor Bassiouni was the "single most driving force behind the global decision to establish the International Criminal Court." This court prosecutes and brings to justice internationally, those who have committed crimes against humanity. His accomplishments in this field have caused Professor Bassiouni to be known as the "father of the International Criminal Court."

Professor Bassiouni has been a great asset to the people of all nations. It was his dedication and perseverance, in the face of great odds, that helped create an institution that holds accountable those who choose to commit human rights abuses. The vision of Professor Bassiouni has culminated in a system that ensures that those who commit crimes against humanity do not go unpunished.

Mr. President, M. Cherif Bassiouni has made an important difference in the battle against human rights abuses. It is my pleasure to rise today to pay tribute to his extraordinary work and to congratulate him on his Nobel Peace Prize nomination.●

TRIBUTE TO DOUGLAS MANSHIP, SR.

• Mr. BREAUX. Mr. President, Louisiana is today mourning the loss of a giant in the news media, Douglas Manship, Sr., the chairman emeritus of the Baton Rouge Advocate and the founder of WBRZ-TV in Baton Rouge.

Douglas Manship devoted nearly all of his 80 years to providing the citizens of Louisiana with timely, objective and thorough coverage of the day-to-day events of our state. In the process, he and his family have always set the standard for excellence in news reporting in Louisiana, winning dozens of statewide, regional and national journalism awards.

For most of this century, the Manship name has been synonymous with journalism in Louisiana. In fact, the school of mass communications at our state's flagship institution of higher learning, Louisiana State University, bears the Manship name and has already trained a generation of young journalists to follow the example of journalistic excellence set by Douglas Manship and his family.

Those of us who knew Douglas Manship knew him as someone totally committed to his community and just as dedicated to the daily dissemination of fair and objective news. In almost every way, Douglas Manship was what a journalist should be. He believed that a public given the facts on a particular issue would invariably make the right decision. And he fought tirelessly through his newspaper to throw open the closed doors of public bodies all over Louisiana so that citizens could become better informed about the important business that was being conducted in their behalf.

Of course, Douglas Manship's imminent fairness and objectivity didn't stop him from expressing his opinion and using his newspaper to champion a cause when he believed his state and his community could do better. In the early 1960s, long before other southern media leaders recognized the need for racial integration, Douglas Manship used his position at WBRZ-TV to bring Baton Rouge community leaders together to discuss ways to peacefully achieve racial integration. WBRZ's courageous advocacy on behalf of desegregation resulted in threats of violence against Manship and his station. But he never backed down. And I believe that Baton Rouge made great strides because of principled leaders like Douglas Manship who put the well-being of his community ahead of his economic interests.

Nothing distinguished Douglas Manship more than the strength of his character and his strong sense, as he put it, of who he was. "If there is any attribute that I have that has any meaning," he once said, "it is that I know exactly who I am. That's where you get into trouble . . . when you think you are something you are not. I believe that after all these years I have learned who I am, what my limitations are."

Mr. President, today we remember Douglas Manship as a principled community leader, a courageous and fair-minded journalist and a loving father and husband. I know that I join with the entire journalistic community of my state in saying that his presence and leadership will be sorely missed.●

HONORING THE ARMENIAN VICTIMS OF THE OTTOMAN EMPIRE

• Mr. FEINGOLD. Mr. President, I rise today to honor the memory of the 1.5 million ethnic Armenians that were systematically murdered at the hands of the Ottoman Empire from 1915–1923. The 84th anniversary of the beginning of this brutal annihilation was marked on April 24.

During this nine year period, another 250,000 ethnic Armenians were forced to flee their homes to escape the certain death that awaited them at the hands of a government-sanctioned force determined to extinguish their existence. A total of 1.75 million ethnic Armenians were either slaughtered or forced to flee, leaving fewer than 80,000 in what is present-day Turkey.

I have come to the floor to commemorate this horrific chapter in human history each year I have been a member of this body, both to honor those who died and to remind the American people of the chilling capacity for violence that, unfortunately, still exists in the world. It is all too clear from the current ethnically and religiously motivated conflicts in such places as Kosovo, Sierra Leone, and Sudan that we have not learned the lessons of the past.

The ongoing campaign of violence and hate perpetrated by Slobodan Milosevic and his thugs against the Kosovar Albanians is but the latest example of the campaigns of terror carried out against innocent civilians simply because of who they are. These people are not combatants and they have committed no crimes—they are simply ethnic Albanians who wish to live in peace in their homes in Kosovo. But, because they are ethnic Albanians, they have been murdered or driven out, their possessions have been looted, and their homes have been burned. Many more are hiding in the mountains of Kosovo, caught in a dangerous limbo, afraid to try to flee across the border to safety and unable to go home.

On April 13, we marked Yom Hashoah, the annual remembrance of the 6 million Jews who were exterminated by Nazi Germany. People around the world gathered to light candles and read the names of those who died. Today, let us take a moment to remember the victims of the 1915–1923 Armenian genocide, and all the other innocent people who have died in the course of human history at the hands of people who hated them simply for who they were.●

HOLOCAUST REMEMBRANCE AT TEMPLE BETH AMI

• Mr. SARBANES. Mr. President, I call to the attention of my colleagues the recent Community-Wide Memorial Observance of Yom HaShoah V'Hagvurah held at Temple Beth Ami in Rockville, Maryland. I had the privilege of participating in this Holocaust remembrance ceremony sponsored by the Jewish Community Council of Greater Washington. I commend Temple Beth Ami for hosting this annual event and the Jewish Community Council for providing the community in Maryland and the Washington, D.C. area with so many valuable services year-round.

The Holocaust represents the most tragic human chapter of the 20th century when six million Jews perished as the result of a systematic and deliberate policy of annihilation. Holocaust remembrance is an effort to pay homage to the victims and educate the public about the painful lessons of this horrible tragedy.

As my colleagues are aware, this month marks the 54th year since the beginning of the liberation of the Nazi death camps in Europe and the 56th anniversary of the Warsaw Ghetto Uprising. The occasion also is an opportunity to remember the plight of the passengers aboard the S.S. *St. Louis* who sought to rebuild their shattered lives outside Europe. Most of the 937 men, women and children who fled Germany on the *St. Louis* on May 13, 1939 were seeking refuge from Nazi persecution but were turned back months before the outbreak of World War II.

In his moving remarks at Temple Beth Ami, Benjamin Meed, the President of the American Gathering of Holocaust Survivors and a survivor himself of the Warsaw Ghetto Uprising, spoke eloquently before this assembly of the importance of overcoming indifference to genocide. Ben Meed has dedicated himself to working hard along with many other survivors to ensure that the memory of millions is still with us, and I believe that the United States Holocaust Memorial Museum is a fitting and exceptional tribute to his efforts. In his words, the Holocaust Museum is "the culmination of our devotion to Remembrance."

Mr. President, I ask unanimous consent that Benjamin Meed's remarks at Temple Beth Ami be entered into the RECORD at this point.

REMARKS BY BENJAMIN MEED

It is a special honor to be among such distinguished colleagues, especially Rabbi Jack Luxemburg, vice chairman of the Washington Jewish Community Council and the Rabbi here at Temple Beth Ami; and Manny (Emmanuel) Mandel, chairman of the Jewish Community Council's Holocaust Remembrance Committee.

In this lovely new sanctuary that in itself demonstrates the vibrancy of the Jewish community in our nation's capital, we unite with Jewish people everywhere to remember those who were robbed and murdered by the German Nazis and their collaborators—only because they were born as Jews.

Tonight, as we come together, we remember the people, places and events that shaped our memories: Memories of our "childhood," of our parents and siblings, of the world which is now so far away. We remember the laughter of children at play, the murmur of prayers at Shul, the warm love of our family gathered for Shabbos meals. That world was shattered by the German Nazis' war against the Jews, while the world of bystanders around us was indifferent.

Our memories are full of sorrow. Our dreams are not dreams, but nightmares of final separation from those we loved. Parading before us, when we sleep, are the experiences we endured—the endless years of ghettoes, labor camps, death camps, hiding places where betrayal was always imminent; the forests and caves of the partisans where life was always on the line. And no matter where we were, we were always hungry.

Each of us has our own story. Fifty-five years ago, during the Warsaw Ghetto Uprising, I was in Krasinski Square, just outside of the walls of the Ghetto. I usually spent my days in the zoo because I knew that the animals could not denounce me to the German Nazis or to their collaborators. To the animals, I was just another human being. But on this Sunday, as an "Aryan" member of the Polish community, I went to church together with the Poles.

As we came out of church into the Square, I heard the thunder of guns and the explosion of grenades and I could see that the Jewish Ghetto was on fire. It may have been a warm Spring day, but I stood frozen. In front of us in the Square, a carousel was turning around and around. The music attracted my Polish neighbors and their children. I watched in disbelief as they flocked to the merry-go-round, indifferent to the tragedy so nearby. With every cry for help from my Jewish people, tears swelled in my eyes. But the faces of those around me showed no concern, no compassion, not even any interest.

The memory of this scene haunts and enrages me. How was it possible for these people to act "normally" while Jews, their neighbors for hundreds of years, burned and died inside the Ghetto walls? But they were not the only ones to ignore our plight. Indeed, the entire world stood by. No doors were opened, no policies were changed to make rescue possible. Why? The question cries out for an answer across the decades.

If only there had been a State of Israel sixty years ago, how different this story could have been.

Tonight, we especially remember the passengers on the S.S. *St. Louis*—more than nine hundred men, women and children. Robbed of their possessions, stunned and hurt during Kristallnacht, and threatened with their lives, many of them were forced to sign agreements never to return to Germany. Out on the high seas, powerless to affect their outcome, these nine hundred people floated between political infighting and immigration quarrels, both in Cuba and the United States. Their fates were in the hands of others whom they did not know and with whom they had no influence. Finally accepted by four European nations, many of these passengers were swept into "the Final Solution" when Western Europe fell to Nazi Germany. Why were these nine hundred denied entry into this country? Why was this tragedy allowed to happen?

If only there had been a State of Israel sixty years ago!

This year our commemoration falls within the anniversaries of the discovery of Buchenwald concentration camp. On April 11, the troops of the United States 6th Armored Division rolled into the camp, just one mile outside Weimer, the birthplace of German democracy. They were followed by the 80th Infantry Division on April 12, just 54 years ago tonight. These were war-weary, war-hardened soldiers, but none of their fierce combat had prepared them for Buchenwald—nor for the hundreds of other such camps that American and Allied soldiers came across in their march to end the war in Europe.

We will always be grateful to these soldiers for their kindness and generosity, and we will always remember those young soldiers who sacrificed their lives to bring us liberty.

Many American GIs who saw the camps join with us in declaring that genocide must not be allowed to happen again. But despite the echoes from the Holocaust, it has—in Cambodia, in Rwanda, in Bosnia, and now in Kosovo.

We remember and our hearts go out to those who are caught in the web of destruction.

For many years, we survivors were alone in our memories. We spoke among ourselves about the Holocaust, because no one else wanted to hear our stories. Still, we believed that the world must be told—must come to understand the significance of our experiences.

Slowly, acceptance of our memories began—at first, only by our fellow Jews, who realized that what we had witnessed was vitally important to them. In time, other people began to understand the meaning and consequences of our experiences. They listened. We survivors were no longer silent presences. We became the bearers of tales—at once painful and precious.

We survivors are now publicly bearing witness. We are offering challenges to the indifference of Western governments, to the complicity of the Church, to the anti-Semitism of Christianity, and to the evil of the perpetrators, collaborators and—not the least—to the bystanders. The movement to remember and to record is being led by survivors who accept the burden that history placed upon us.

But whatever we know now, there is still so much that we do not know, we cannot know. There were the Six Million whose voices were silenced forever. We the few who survived must speak about them even though we cannot truly speak for them.

Although living in almost every state of this Union and following many professions, survivors are united by a common memory. We walk the byways of this great country, appreciative of its blessings of freedom and possibilities. We try to express our gratitude for life by the quality of our lives, offering hope and solace, and teaching the mystery of starting anew.

And now, over fifty years later, the world has come to Remember with us. In Germany, France, Austria, and England; in Colombia, Brazil, and Argentina; in Australia and New Zealand, as well as Canada, in Israel, and in our own beloved country, Yom Hashoah is on the calendar and commemorations are held in halls of honor. This is how memory is preserved—by determined, directed, dedication to remembering—by telling and retelling the stories of the holocaust.

You who live in this city are privileged to have the United States Holocaust Memorial Museum—the culmination of our devotion to Remembrance—to visit at your convenience. This extraordinary institution, the largest Holocaust Museum outside of Yad Vashem, has had more than twelve million visitors in just five years. People come from near and far, both within the United States and from around the world. This Museum represents the fulfillment of our pledge and more. It contains many documents and artifacts that testify about our experiences as well as photographs and notes from our loved ones. But more—it is an expression of the hope of every survivor—that no one anywhere in the world will ever have to endure what we did.

And what lessons did we derive from these horrible experiences? The most important lesson is obvious—it can happen again, the impossible is possible again. Ethnic cleansing, genocide, is happening as I speak. It can happen to any one or any group of people. *The slaughter in Kosovo and in other places must be brought to an end.*

Should there be another Holocaust, it may be on a cosmic scale. How can we prevent it? All of us must remain vigilant—always aware, always on guard against those who are determined to destroy innocent human life for no other reason than birthright.

Just as we survivors have dedicated ourselves to preserving memory and bearing witness, we are now equally determined to make certain, in the little time we have left, that all survivors live out their years in security and dignity. Most of us have accomplished a great deal, but there are those who have been less fortunate. As you know, some live in distressing circumstances. Many are forsaken, afflicted by illness, and, perhaps worst of all, they carry the nightmares of the Holocaust with them.

Although the government of Germany has acknowledged to some degree its responsibility for the robbery and murder of our people, the greatest in history, it has not fully assumed its obligations. Recently, some German companies admitted their use of Jewish slave labor during the Holocaust. The government and these companies have offered what they call reparations. But how can they ever provide compensation for our stolen real property, savings accounts, art, jewelry, and personal belongings—the gold in our teeth, the use of our skills and bodies, the pain and suffering inflicted upon each and every one of us? How can there ever be enough money to pay for the wrongful imprisonment, torture, starvation and murder of six million Jews—in their homes, on the streets, in fields and forests, in the gas chambers? Is there a way that they can restore our families, our youth, our health, our sense of personal security? Absolutely not!

Germany wants to project a new image to the world, but it cannot be allowed to buy the honor it deserted during the Holocaust. It must account for the horrible atrocities of its past. We must not permit Germany to shift the focus away from its moral and financial responsibility for the slaughter of our people, acts for which there is no statute of limitations. Germany will be eternally responsible for the murder of the Six Million.

At the least, Germany must provide appropriate care for the survivors of their atrocities who need help. More than anything, this is a moral issue. It is not welfare. It is not a business deal. It is a "debt of honor," as Chancellor Adenauer said many years ago.

Maybe the claims of Holocaust survivors are unprecedented; but so was the robbery and murder. We will not stop until Germany and all the other nations who participated in the extermination process fulfill their obligations. It is the right thing to do—for them and for us.

Let us Remember!

Thank you.●

MEASURE READ THE FIRST TIME—S.J. RES. 22

Mr. McCAIN. I understand S.J. Res. 22 introduced earlier by Senator JEFFORDS for himself and others is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 22) to reauthorize and modify conditions for the consent of Congress to the Northeast Interstate Dairy Compact, and to grant the consent of Congress to the Southern Dairy Compact.

Mr. McCAIN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR WEDNESDAY, APRIL 28, 1999

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Wednesday, April 28. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I also ask that at 10:30 a.m. the Senate begin a period of morning business until 12 noon with Senators permitted to speak for up to 10 minutes with the following exceptions: Senator LOTT, or his designee, 30 minutes; Senator DURBIN, 30 minutes; and Senator KERRY for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCAIN. For the information of all Senators, the Senate will convene at 10:30 a.m. and be in a period of morning business until 12 noon. Following morning business, the Senate will immediately resume debate on the Y2K legislation. I encourage my colleagues to come to the floor to debate this important issue. Further, the Senate may consider any other legislative or executive items cleared for action during today's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. McCAIN. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

LITTLETON

Ms. LANDRIEU. Mr. President, I am happy to note the overwhelming vote that just occurred to try, in some small way, to express the feeling of this body about the recent tragedy in Littleton, CO. It is a first step of perhaps many that will be taken to properly address this tragedy.

The massacre that occurred makes us all want to jump to action, because we are action-oriented individuals and an action-oriented body. That is why we are here—to do things. I think the tendency in a situation like this is to want to jump out and do things so we can prevent another tragedy in the future. The problem is, with that approach, this situation has actually raised more questions than it has provided answers.

I will share with Members some of the leading news articles this week. "Why?" Newsweek asks. "Why?" U.S. News & World Report asks. Again, a very important question that should be answered.

Time Magazine asked, What can schools do? Where were the parents?

These are all very, very important questions that should be answered.

It is important at this time in the Senate and in the House and within the leadership of this country to perhaps do a little bit more listening than talking, so we can help find answers as to why this tragedy happened in order to attempt to prevent it from happening in the future. This is not the first such tragedy. This is, unfortunately, a long line of recent incidents.

It may prompt some parents or some lawmakers to say ban all video games and movies. It could prompt some people to say ban all guns and bomb-making equipment everywhere in every instance. It could prompt others to either call for severe censure of the Internet or the abolition of the Internet.

I suggest, as respectfully as possible, that now may not be the time to push through laws or initiatives, either at the Federal or State level, before we can get some answers to these very troubling questions.

I am not suggesting that nothing be done—absolutely the opposite, that we do some things, but after we understand a little bit better why some of these things in these schools actually took place.

As an example, let me point out that when TWA Flight 800 exploded over Long Island, the Federal Aviation Administration and the National Transportation Safety Board spent over 2 years working around the clock, hauling wreckage from the ocean and methodically rebuilding this airplane, and an exhaustive investigation determined the cause. The FBI assigned 600 agents to the case and conducted 4,000 interviews with eyewitnesses, mechanics, people at the airport—anyone they could find who might be able to provide answers.

As a nation, we gladly undertook this massive effort so that millions of people who step on airplanes every day, who pack their suitcases and their briefcases and board airplanes, can feel secure that their Government is trying to keep them safe.

I suggest we undertake a similar effort, that we most certainly should spend the time and the resources to find out what happened in Colorado, in Mississippi, in Oregon, in Arkansas, so that these parents and children and other children can have some answers as to what happened and how we can prevent this before it spreads to more places in more States.

I am hopeful that as we talk among ourselves and hear from the public at home and listen more carefully, we think about the possibility of creating a strong bipartisan commission that is given the resources and the time to ask these questions and to find answers. Hopefully, a commission such as this could be led by some of the strongest Members on both sides of the aisle, to come up with the answers so we can craft the proper solutions. Some of them will be government solutions as in a Federal law; some will be government solutions at a State and local level; others will be solutions that can happen through our churches, our nonprofit organizations, our communities, and in every home in America.

I suggest now is not the time to rush into action, even though that is a natural tendency, but now is a time to listen. If we can spend millions of dollars and thousands of manhours to find out why airplanes explode, why can't we match that effort to find out why some children explode?

I look forward to working with the Members of this body to find the proper solutions to this critical challenge before our Nation.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic leader, pursuant to Public Law 101-509, the appointment of Elizabeth Scott of South Dakota to the Advisory Committee on the Records of Congress.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 10:30 a.m., Wednesday, April 28, 1999.

Thereupon, the Senate, at 5:47 p.m., adjourned until Wednesday, April 28, 1999, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 27, 1999:

DEPARTMENT OF STATE

JOYCE E. LEADER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

HOUSE OF REPRESENTATIVES—*Tuesday, April 27, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 27, 1999.

I hereby appoint the Honorable DOC HASTINGS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

E-RATE

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress is for the Federal Government to be a better partner with States, local government, business, and private citizens in promoting livable communities. This means helping our citizens guarantee their families they are safe, economically secure, and healthy.

While we give much attention to the physical infrastructure in livability, roads, housing, transit, environmental protection, there is another fundamental building block of a livable community and that is a healthy education system.

The Federal Government has, throughout our history, been a key partner with the States and local communities in education. Some mistakenly suggest that there is no Federal role. Yet from the Northwest Ordinance of 1789, which set aside land in each of the new States for educational purposes, to the GI Bill following World War II, to the important legislation in the 1980s that expanded educational opportunities to the disabled, the Federal Government has played an instrumental role in the development of American education.

One of the most important actions Congress has taken in the last 10 years to promote both the goal of quality education and connections to the broader world through the Internet is to be found in the Telecommunications Act of 1996. This Act mandated that some of the billions of dollars in savings for the telecommunications industry be returned to our community in the form of reduced rates for Internet access.

Known as the E-Rate, short for educational rate, it is part of the Federal Universal Service Fund. It provides a 20 to 90 percent discount on telecommunications services, Internet access, and internal connections for public schools, both public and private, as well as our library systems.

One of the major battles in the last Congress was to protect the E-Rate. There were some justifiable concerns about the initial start-up, but these were turned into political issues that threatened the future of the discount itself.

Others tried to turn it for partisan advantage, attacking the Vice President in his work to develop the information superhighway, characterizing the E-Rate as a "Gore tax." While it was a clever laugh line, it ignored the fact that the Universal Service Fund has been an accepted part of the Federal communication landscape for over 60 years.

Adding the E-Rate to this mechanism simply brought it up to date, to the modern challenges faced by both rural and urban America. It was exciting to be a part of a coalition that included educational advocates, farsighted members of the industry, libraries across the country, and over 100 Members of Congress who put their names on the line as part of that effort.

Although scaled back somewhat, and with some important adjustments and reform, we were able to hold the system intact. There were over 25,000 applications approved who received $1.66 billion.

Well, the word is in for this year. There are even more applications than last year, over 36,000 from around the country, more applications, and the total requests are over $2.4 billion.

Even though we successfully resisted efforts to eliminate the E-Rate in the last Congress, and even though public opinion polls show overwhelming support for it, we must not be complacent. Once again, there is legislation circulating in this session of Congress that would repeal the E-Rate and deny this essential program.

I am optimistic that we will prevail in protecting it. I am optimistic that this administration and this Congress will approve more money for school construction, and that we will do a better job being a partner to provide more teachers in our classrooms.

But it is essential, as we focus on education and livable communities, that we protect and enhance the capacity of every child in this country to gain computer skills and have access to the worldwide Internet connection.

INTERNATIONAL RELIGIOUS FREEDOM ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Mr. Speaker, 6 months ago today President Clinton signed the International Religious Freedom Act into law. The law mandates that within 120 days of enactment individuals shall be named to the Commission on International Religious Freedom created by the bill.

It has been 6 months since enactment of the bill, 2 months past the deadline, and the White House has still not named its three commissioners. Congress has done its part, but we are still waiting for the administration. When will the White House get serious about implementing this legislation?

In early February, the President spoke before a crowd of religious and political leaders from around the world at the National Prayer Breakfast. He praised the bill and he said he was proud to have signed it. But where is the implementation? Where is the enforcement? Where is the commitment?

The commission's first report on the condition of religious freedom around the world is due on May 1, this Saturday. Because the administration has wasted so much time in making the appointments, there is no way that the commission will meet that date, and it is unlikely that we will see a report this year. Another year wasted while people are being maimed, tortured, beaten, jailed and killed on account of their faith.

I believe it was the administration's intention to miss the May 1 deadline for the commission's report. This ensures this issue will not get a serious

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

examination by an independent entity as the bill intends. It ensures that the administration can continue to fudge the facts instead of taking serious actions against countries that refuse to protect the human rights of religious believers.

The administration never really liked this bill. Secretary Albright spoke out against the bill. Assistant Secretary Eizenstat criticized the bill. But once Congress overwhelmingly, Republicans and Democrats, passed the bill and sent it to the White House, the President had no choice but to sign it. Then he praised it. Now they are stonewalling it on the implementation. All talk, no action. That is how I would describe the action of this administration with regard to human rights: All talk and no action.

The administration's record on promoting human rights is miserable. China's Catholic priests and bishops are still in jail today and have been in there for decades, for decades, and nobody has been appointed to this commission; Protestant pastors and lay people, decades, and nobody has been appointed to the commission. Worshippers being imprisoned, fined.

Freedom House has said the already intense persecution of the underground church in China has intensified since mid-1998. There was no mention of this during the recent summit with the Chinese Premier. Neither was there any discussion about the fact that China has stopped all dialogue with the Dalai Lama over the future status of Tibet, or the Chinese Government-sponsored campaign to encourage Tibetan Buddhists to become atheists.

And I was in Tibet last year, and the persecution of the Buddhists in Tibet is horrible. It is more horrible than anybody realizes. And yet no one from this administration has taken the time to go to Tibet to see how the conditions are.

The church in Hong Kong is being squeezed. The war in Sudan, very little diplomatic effort, 2 million people, mainly Christians, who have been killed for their faith in the last 15 years, and this administration has done nothing. They cannot even appoint the people to the commission that we all passed in a bipartisan manner.

In Vietnam the situation is no better. And the administration has done nothing, nor have they appointed the people. In India, Pakistan, Indonesia, East Timor, atrocities taking place, and they do nothing.

There is so much going on around the world. There is no excuse for this commission not to be given a chance to do its work. That is what Congress, Republican and Democrat, wanted, that is what the American people wanted when it passed the International Freedom Religious Freedom Act, which has strong bipartisan support.

The House leadership, both majority and minority leadership, found time to name the 6 commissioners, and the leadership on both sides of the aisle supported this commission. Why cannot the administration find time to appoint these people?

I hope the administration will at least move to appoint people to the commission, 120 days late, on International Religious Freedom. Too much time has been wasted. The lives of innocent people are at stake every day in China, every day in the Sudan, every day in East Timor, every day in Indonesia, and yet 120 days they have missed the deadline.

They are basically in violation of the law. They have had 6 months. Because this administration has taken so long, my guess is that they will appoint people who are weak and ineffectual on this issue.

Mr. Speaker, I hope I am wrong. And if I am wrong, I will be glad to say they have appointed good people and decent people who care deeply about this. But please appoint someone. Appoint someone so the Commission can begin its action.

MEDICARE MUST NOT BE PRIVATIZED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, many in Congress have been on a campaign to scare America's seniors into believing that Medicare is going bankrupt. They say Medicare must be privatized in order to save it. Once again, Medicare privatizers and their Mediscare campaign are wrong. The trustees of the Medicare Trust Fund have just reported that Medicare will remain solvent through 2015, up from its earlier projection of 2008.

Those in Congress, the think tanks, and the Beltway pundits who want to privatize Medicare are wringing their hands over the trustees' latest report. They believe these new projections will lead Congress to do nothing towards reforming Social Security and Medicare. With the programs projected to last longer, we cannot rest on the our laurels, they say.

The real threat to Medicare, however, is not its alleged pending bankruptcy. That is not true. The real threat is a proposal just rejected by the National Medicare Commission to privatize Medicare and deliver it to the private insurance market.

Under a proposal soon to be introduced called premium support, Medicare would no longer pay directly for health care services. Instead, it would provide each senior with a voucher good for part of the premium for private coverage. Medicare beneficiaries could use their voucher to buy into the fee-for-service plan already in effect, sponsored by the Federal Government, or join a private HMO plan.

To encourage consumer price sensitivity, the voucher would track to the lowest cost private plan. Ostensibly, seniors would shop for the plan that best suits their needs, paying the balance of the premium and paying extra if they want higher quality health care. The proposal would create a system of health coverage but, most importantly, it would abandon Medicare's fundamental principle of egalitarianism.

Today, the Medicare program is income-blind. All seniors have access to the same level of quality care. The idea that vouchers would empower seniors to choose a health plan that best suits their needs is a myth. The reality is that seniors will be forced to accept whatever plan they can afford.

The goal of the Medicare Commission was to ensure the program's long-term solvency. The premium support proposal simply will not do that. Supporters of this voucher plan say it could shave 1 percent per year from the Medicare budget over the next few decades. But Bruce Vladeck, a former Medicare administrator, doubted it would save the Federal Government even one dime.

Efforts to privatize Medicare are, of course, nothing new. Medicare beneficiaries have long been able to enroll in private Medicare plans. Their experience, however, does not bode well in a full-fledged privatization effort.

□ 1245

These managed care plans are already calling for higher government payments, they are dropping out of unprofitable markets, they are cutting back on benefits to America's elderly.

Managed care plans obviously are profit-driven and they simply do not tough it out when their profits are not realized. We learned this the hard way last year when 96 Medicare HMOs deserted more than 400,000 Medicare beneficiaries because the HMOs were not meeting their profit objectives.

Before Medicare was launched in 1965, more than one-half of the Nation's seniors had no health insurance. Private insurance was then the only option for the elderly. But insurers did not want seniors to join their plans because they knew that seniors would use their coverage. The private insurance market has changed considerably since then but it still avoids high-risk enrollees and, whenever possible, dodges the bill for high cost medical services.

The problem is not malice or greed, it is the expectation that private insurers can serve two masters: the bottom line and the common good. Logically looking at the bottom line, our system leaves 43 million people without health insurance, 11 million of whom are children. Only Medicare can insure the elderly and disabled population because the private market has failed to do so.

If we privatize Medicare, we are telling America that not all seniors deserve the same level of health care. We are betting on a private insurance system that puts its own private interests ahead of health care quality and ahead of a balanced Federal budget.

The goal is simple, Mr. Speaker. Let us keep Medicare the successful public program it has always been.

THE PEOPLE'S RIGHT TO KNOW

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 19, 1999, the gentleman from Arizona (Mr. HAYWORTH) is recognized during morning hour debates for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I rise this afternoon, and first let me offer a debt of gratitude to my friend from Ohio who, in very Orwellian fashion, has offered the rhetoric of fear rather than facts that we will hear in Campaign 2000. Indeed, it is very revealing to now hear the "Mediscare" tactics of the left, to deny the fact that the very reason the Medicare trustees say that Medicare's life has been lengthened was because of the new majority's plan to save Medicare that we successfully enacted after the jihad that was waged against us, politically speaking, in 1996 with a liberal Mediscare plan.

It is also worth noting, while we are in the neighborhood, Mr. Speaker, that the bipartisan commission, headed by the gentleman from Louisiana in the other body, and the gentleman from California with whom I am pleased to serve on the House Committee on Ways and Means offered a variety of avenues that give seniors, our most honored citizens, a variety of choices. It is revealing that there are those who would like to limit the freedom of Americans to make choices in their own interests.

But I rise today, Mr. Speaker, to speak of another matter that goes directly to the core of our survival as a constitutional republic. It is, Mr. Speaker, the people's right to know. Mr. Speaker, in the very near future, it is my understanding that Johnny Chung will testify before the House Committee on Government Reform about contributions, political contributions the Communist Chinese Government made to the Clinton/Gore campaign and to the Democratic National Committee in 1996. It has been interesting, Mr. Speaker, to note the coverage, or perhaps lack thereof, of this important issue in the Nation's press.

Now, to be sure, Mr. Speaker, I understand full well the nature and the scope of the first amendment to the Constitution. Congress shall make no law abridging freedom of the press, nor would I ever advocate such a dereliction or disruption of our first amendment rights. But it is fair, Mr. Speaker, in the marketplace of ideas to ask my former colleagues in television, where will they be when Johnny Chung comes before the congressional committee to testify about these contributions?

We should also say in passing, a tip of the rhetorical hat is necessary to many publications, whether the New York Times, the Washington Times, the Los Angeles Times, the Washington Post, many mainstream publications who have chronicled the abuses.

But now, Mr. Speaker, it is time for my former colleagues in television to step up, specifically those news networks that are available via cable with 24-hour-a-day coverage. Without trying to set their agenda, but in the spirit of constructive criticism and open dialogue in a free republic, I would challenge the cable news networks, I would challenge public broadcasting, to follow the example of C-SPAN.

And from this vantage point I can say, Mr. Speaker, that we congratulate C-SPAN on 20 years of service to the American people, bringing to the people of our Nation an unvarnished, straight conduit of what happens in the halls of Congress, what happens on the floor of this House and what happens in the many committee rooms.

But I would welcome far more exposure of these hearings. Indeed, Mr. Speaker, one is tempted to look at the recent promotional campaign of the Public Broadcasting Service and the rhetorical question that is asked: "If PBS won't do it, who will?"

Indeed, I think of the recent past when I was a private citizen in the 1980s, the mid- to late-1980s, seeing on public television gavel-to-gavel coverage of the confirmation hearings of Judge Bork, the confirmation hearings eventually of Mr. Justice Thomas, and all the mainstream media scrutiny. How much more important it is then, Mr. Speaker, that the media devote its considerable energies and its agenda-setting ability to checking into these disturbing allegations that go to the very fabric of our constitutional Republic.

For, Mr. Speaker, if there are those both within and outside government who seek to influence decisions and policy for another government that wishes us ill, the consequences for our national survival are grave indeed.

COMPREHENSIVE ELECTRIC RESTRUCTURING BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, deregulation of the airlines, natural gas, railroads, telecommunications, and trucking industries yields annual savings equal to nearly 1 percent of America's gross domestic product. This Congress, we will attempt to craft a measure that will finally and successfully unleash competition and savings from utility reform, electric deregulation.

In recent years, competition has replaced regulation for the electric power industry in a number of nations, including the United Kingdom, New Zealand, Norway, Chile and Argentina. Many took a very long-term approach to this process. The United States faces a unique situation in that our electric power industry is largely already privatized. So we must focus on alternating our current system and effectively fostering more competition.

This should not be done through a Federal mandate. Clearly, we would be wise to make the State-mandated restructuring more efficient instead of imposing a separate Federal mandate. I see the ideal measure as one that fosters competition, avoids Federal mandates and lowers rates for all consumers. To create this legislation, we must eliminate outdated laws, inject fairness into the process, and delineate the proper roles of the Federal Government and State governments. But do not misunderstand me: Reforming the electric industry is no simple matter. This is an enormous undertaking. Congress considers the livelihoods of entire industries constitutional questions and the interests of the entire rate-paying public in addressing this very complex issue. Accordingly, we must address these points to fully realize the benefits of energy reform. Every consumer must benefit from this deregulation, not just the large industrial users of electricity. I am concerned that any rush in reforming the electric utility industry could result in large industrial users seeing greater benefits while residential users and small businesses would pay for that benefit.

We must honor past regulatory schemes and commitments and allow recovery of stranded investments. Electric utilities incurred "stranded costs" under a regulatory scheme not of their choosing. These utilities made long-term decisions based upon decades of regulation. To deny industry the recovery of these costs would go against the fairness I spoke of earlier. That being said, lower costs should be fostered by real deregulation and industrial and regulatory innovation, not by simply shifting costs. We should not merely "reshuffle the deck" to see who pays.

A significant hurdle to deregulation is the diverse nature of power generators, including public power providers, municipalities, investor-owned utilities, and power marketing associations. Reconciling these disparate views will be a monumental task, yet fairness demands that we produce a level playing field for all energy providers and transmitters.

So reforming the energy industry on a Federal level demands clarifying, simply clarifying the roles of the Federal and State governments. Where does the Federal responsibility end and the States' begin? The diverse situation among the States adds to these reform difficulties. Some States have always supported regulation, others have taken progressive stances, while still others, like my home State of Florida, enjoy the benefits of moderately priced electricity and see little need for major reform.

Eliminating the barriers to entry into the electric market is fundamental to this reform. We must repeal the Public Utilities Regulatory Policy Act, PURPA, and the Public Utility Holding Company Act, PUHCA, to ensure that any transition to retail competition is truly competitive. The entire efficacy of PURPA centered on the supposition that producing electricity would become more expensive. In fact, Mr. Speaker, it has become cheaper. Thanks to PURPA, Americans will pay $38 billion in higher electric bills over the next 10 years than they should.

Deregulation of the electric industry requires consideration of a myriad of factors. The stakes are very high, but so are the benefits. To that end, I am introducing today a piece of Federal legislation that will change all that. It is called the Electric Energy Empowerment Act of 1999. It will not mandate the States to act, but instead will empower and encourage them to enact measures providing these customers retail competition and choice.

My legislation amends the Federal Power Act to clarify jurisdictional boundaries between state and federal authorities, thus empowering the states to enact competitive retail electricity markets. As an incentive for the states to move forward, the legislation includes a reciprocity condition. Further, the legislation eliminates the existing federal barriers to competition: it encourages the establishment of independent transmission system operators, and it deregulates the wholesale market by making the FERC wholesale open access rules applicable to non-jurisdictional entities.

I think everyone will agree that we are inevitably moving toward an electricity industry based on competition, market force, and lower rates. This is certainly my goal as I introduce this legislation today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Reverend Charlie Martin, Indian Rocks Baptist Church, Largo, Florida, offered the following prayer:

Lord, we humbly pray for Your blessings upon our people today. America needs what only You can provide. We want Your will, we need Your direction, we desire Your peace, and we ask Your protection for all people. We read where You said, "If my people which are called by my name shall humble themselves and pray, and seek my face and turn from their wicked ways, I will hear from heaven and will forgive their sins and heal their land."

Please bring healing to America and to all of our world. For our leaders, O God, grant wisdom for each decision and bless their families with Your love. This we pray in the name of Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO PASTOR CHARLIE MARTIN

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, I am very proud to introduce today the chaplain who delivered our opening prayer. Pastor Charlie Martin is the pastor of the First Baptist Church of Indian Rocks, which is in Largo, Florida, which is right in the heart of the Tenth Congressional District that I have the privilege to represent.

Like many of my colleagues, I have an opportunity to visit with many churches throughout the district and throughout our State, and I must say that I have found no one who is more inspiring in their message and delivery of the Bible than Pastor Charlie Martin. He is a dynamic religious leader, and he makes going to church a lot of fun.

He delivers his messages in such an entertaining way that people clamor to come to the church to the effect that he has to have at least three services every Sunday morning. He is respected and loved in our community. His ministry is very unique. He reaches out to everyone. He has a community outreach program that goes far beyond the county limits of our county back home. It is worldwide, in effect.

Mr. Speaker, I would just like to mention an example of the worldwide outreach. Many of us know the problems of the people in Bosnia, the refugees and orphans that are housed with very little clothing, very little supplies. We called this to the attention of Pastor Charlie and he and the members of the church turned out in large numbers, collected an airplane full of shoes and sweaters and supplies for babies, and we had it delivered to Bosnia to the orphanages. That is just one example of many, many more.

As I said, Pastor Charlie is the pastor of our people, he is our pastor at home, and wherever I go throughout my congressional district, people are approaching me constantly saying, "Congressman, it is nice to see you in Pastor Charlie's church," or "Congressman, I am a member of Pastor Charlie's church," and everyone knows who Pastor Charlie is.

Now my colleagues have had an opportunity to meet him and have him here today. I am very proud to have him as our guest here today, Pastor Charlie Martin of the Indian Rocks Baptist Church in Largo, Florida.

THE TIME IS NOW FOR PRAYER IN OUR SCHOOLS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, another school tragedy, another scapegoat. This time it is guns. Littleton is not just about guns, parents or discipline. Littleton is much to do with Congress.

That is right. A Congress that allows God to be banned from our schools while our schools can teach about cults, Hitler, and even devil worship is wrong, out of touch, and needs some common sense.

It is time for Congress to look in the mirror, and it is time for Congress to allow local school boards to make those decisions.

TIME FOR REFORM OF THE SATELLITE HOME VIEWERS ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Second Congressional District of Nevada is a vast area containing about 110,000 square miles and 1.2 million people, many of whom are spread out over a large portion of rural Nevada.

So today I rise to support meaningful reform of the Satellite Home Viewers Act. Every American, no matter where they live, deserves access to their local television networks. Our office has received thousands of phone calls and letters from frustrated constituents in my home State. These honest, hard-working Nevadans are frustrated over the current Federal law which prevents them from receiving local programming with a satellite dish. They often ask, "Why will the Federal Government not let me watch my local news?" The only answer is because of outdated, misconstrued Federal regulations.

We need to reform the Satellite Home Viewers Act to reflect the changes in technology, to change the mistakes of the Federal Government and adhere to the needs of the American people. Today I urge my colleagues to join me in helping reform the Satellite Home Viewers Act.

WE MUST NOT PRIVATIZE SOCIAL SECURITY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, conservatives in the Republican Party are proposing that Congress privatize Social Security, turning it over to Wall Street, even though Social Security will be solvent at least until 2034.

Privatization in many parts of government has simply gone too far. The purpose of public prisons, for example, is to protect the public, to punish and to rehabilitate. The purpose of privatized prisons is to maximize profit by reducing staff and too often cutting back on security. The purpose of public medical systems is to provide the best health care possible to all people. The purpose of privatized medical systems is to maximize profit, often meaning that the quality of care is compromised.

The purpose of a public pension system, a public Social Security system is to provide a bedrock source of income for the elderly to keep them out of poverty. A privatized Social Security system would end that guaranteed income.

Mr. Speaker, we must not privatize Social Security. Let us keep Social Security the very important public program that it has been for 60 years.

MILITARY READINESS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the dishonest demagoguery about Social Security has begun. However, I continue to be troubled by the state of our military readiness. For years the Clinton administration has reduced spending for national defense while sending our troops on more and more deployments. The result, our military readiness has declined.

Case in point: A Lieutenant Junior Grade in our Navy was recently quoted as saying, and I quote, "It took us two days to complete what should have been a two-hour procedure for all of these reasons: We could not get a hydraulic test stand that worked correctly. The support equipment people could not fix the hydraulic test stand because they did not have the correct publications. The publications had not been updated to reflect the new tool requirements. Nobody knew how to operate the new test equipment. If we do not have the people or tools to fix the aircraft, then the aircraft cannot fly."

Mr. Speaker, we need to commit to restoring our military to a level capable of defending the United States of America. We need to support our troops, our young sons and daughters who lay their lives on the line to defend this great country.

WELCOME TO DELTA SIGMA THETA SORORITY

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute.

Mrs. JONES of Ohio. Mr. Speaker, I rise to welcome Delta Sigma Theta Sorority, Incorporated to Delta Days on Capitol Hill. If my colleagues will look up in the viewing area, there are some 550 Deltas here on the Hill. This is our tenth anniversary, and we have come to talk about issues that impact the African American community. Delta Sigma Theta is a sorority of 180,000 women nationwide with some 900 chapters.

Our colors are crimson and cream and red and white. Our national president is Marcia Fudge. The head of our Social Action Committee is Devarieste Curry.

There are two Members of the House that are members of the Delta Sigma Theta Sorority. They are my colleague, the gentlewoman from Florida (Mrs. MEEK) and myself. On behalf of the Congress, we welcome you to the Hill and we hope to hear all you have to tell us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentlewoman is reminded not to refer to the gallery, but to address the Chair.

KEEP U.S. TROOPS OUT OF KOSOVO

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, I would like to share some thoughts of one of my 12-year-old constituents on Kosovo, and I quote:

"I would like to know why our government is thinking about sending troops to Kosovo. This sounds a lot like a Vietnam type of war which lasted 9 years. I am 12 now, and if this lasts for 6 more years, then I might be drafted and have to go to war. In my parents' generation almost everyone knows someone who served in the Vietnam War. Not too many people speak highly of our involvement in Vietnam. I want to be a successful person and a good citizen when I grow up. I want to uphold those great ideals I read about in Washington, D.C. that our Founding Fathers set down in the Declaration of Independence, the Constitution, the Bill of Rights, as well as many other places. I would like my country to be seen as doing the 'right thing' or fighting for a 'noble' cause. Right now in Kosovo it does not look like that to all of the nations of the world.

"I visited the Vietnam War Memorial and the Korean War Memorial and toured Arlington National Cemetery. I saw monuments to thousands of Americans who gave their lives for freedom. My father spoke with me about the meaning of these monuments and the sacrifices Americans made during these conflicts. How Kosovo a part of that duty?"

To Justin Kawahara, I say that is an excellent question.

COMMITMENT TO END VIOLENCE IN OUR NATION

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, the tragedy in Colorado has saddened our country and has highlighted a deadly mix of violent imagery and guns. Addressing the cumulative effects of years of violent imagery means addressing issues on TV, in the movies, and on the Internet.

Dealing with children's access to guns and explosive materials is something we must do as a society. An effective, proactive response must include a willingness on the part of industry leaders to deal pragmatically with access to certain content on the Internet.

□ 1415

I strongly encourage the industry to begin a dialogue with parents and community leaders on this issue.

The reality is that the Internet has a Dickensian quality to it. It is the best of wires and the worst of wires, simultaneously. It has the ability to ennoble and enable, and at the same time to debase and degrade. It is time for our country to begin the discussion as to how we are going to resolve this tension in favor of the children in our society.

CANCER RESEARCH VITALLY IMPORTANT

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, I take this moment for very personal reasons. At this moment my mother, Enola, is recovering in a hospital in New Orleans, Ochsner Clinic, from her third very important cancer surgery.

In 1960 she was operated on for breast cancer, and survived that awful plague. In 1980 she was operated on for lung cancer, and survived that awful condition. Today the doctors reported to me just a few minutes ago that Mom has come through successful uterine cancer surgery with at least a 90 percent chance of recovery.

Mom, to you and to all the cancer survivors across America, what an inspiration you are to your family and to this country in the fights you wage against this awful disease.

To all who struggle in the fields of research, and who raise the monies and spend those critically short dollars to find a cure for this awful disease, I ask them to keep up their great work. They have given me my mother all these years, and I deeply appreciate them.

Mom, God bless you, and a speedy recovery, dear.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

SATELLITE COPYRIGHT, COMPETITION, AND CONSUMER PROTECTION ACT OF 1999

Mr. ARMEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1554) to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite, as amended.

The Clerk read as follows:

H.R. 1554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Copyright, Competition, and Consumer Protection Act of 1999".

TITLE I—SATELLITE COMPETITION AND CONSUMER PROTECTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Satellite Competition and Consumer Protection Act".

SEC. 102. RETRANSMISSION CONSENT.

Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) by amending paragraphs (1) and (2) to read as follows:

"(b)(1) No cable system or other multichannel video programming distributor shall retransmit the signal of a television broadcast station, or any part thereof, except—

"(A) with the express authority of the originating station;

"(B) pursuant to section 614, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section; or

"(C) pursuant to section 338, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section.

"(2) The provisions of this subsection shall not apply—

"(A) to retransmission of the signal of a noncommercial television broadcast station;

"(B) to retransmission of the signal of a television broadcast station outside the station's local market by a satellite carrier directly to its subscribers, if—

"(i) such station was a superstation on May 1, 1991;

"(ii) as of July 1, 1998, such station was retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code; and

"(iii) the satellite carrier complies with all network nonduplication, syndicated exclusivity, and sports blackout rules adopted by the Commission pursuant to section 712 of this Act;

"(C) until 7 months after the date of enactment of the Satellite Competition and Consumer Protection Act, to retransmission of the signal of a television network station directly to a satellite antenna, if the subscriber receiving the signal is located in an area outside the local market of such station; or

"(D) to retransmission by a cable operator or other multichannel video provider, other than a satellite carrier, of the signal of a television broadcast station outside the station's local market if such signal was obtained from a satellite carrier and—

"(i) the originating station was a superstation on May 1, 1991; and

"(ii) as of July 1, 1998, such station was retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code.";

(2) by adding at the end of paragraph (3) the following new subparagraph:

"(C) Within 45 days after the date of enactment of the Satellite Competition and Consumer Protection Act, the Commission shall commence a rulemaking proceeding to revise the regulations governing the exercise by television broadcast stations of the right to grant retransmission consent under this subsection, and such other regulations as are necessary to administer the limitations contained in paragraph (2). The Commission shall complete all actions necessary to prescribe such regulations within one year after such date of enactment. Such regulations shall—

"(i) establish election time periods that correspond with those regulations adopted under subparagraph (B) of this paragraph; and

"(ii) until January 1, 2006, prohibit television broadcast stations that provide retransmission consent from engaging in discriminatory practices, understandings, arrangements, and activities, including exclusive contracts for carriage, that prevent a multichannel video programming distributor from obtaining retransmission consent from such stations.";

(3) in paragraph (4), by adding at the end the following new sentence: "If an originating television station elects under paragraph (3)(C) to exercise its right to grant retransmission consent under this subsection with respect to a satellite carrier, the provisions of section 338 shall not apply to the carriage of the signal of such station by such satellite carrier.";

(4) in paragraph (5), by striking "614 or 615" and inserting "338, 614, or 615"; and

(5) by adding at the end the following new paragraph:

"(7) For purposes of this subsection, the term 'television broadcast station' means an over-the-air commercial or noncommercial television broadcast station licensed by the Commission under subpart E of part 73 of title 47, Code of Federal Regulations, except that such term does not include a low-power or translator television station.".

SEC. 103. MUST-CARRY FOR SATELLITE CARRIERS RETRANSMITTING TELEVISION BROADCAST SIGNALS.

Title III of the Communications Act of 1934 is amended by inserting after section 337 (47 U.S.C. 337) the following new section:

"SEC. 338. CARRIAGE OF LOCAL TELEVISION SIGNALS BY SATELLITE CARRIERS.

"(a) CARRIAGE OBLIGATIONS.—

"(1) IN GENERAL.—Subject to the limitations of paragraph (2), each satellite carrier providing secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station shall carry upon request all television broadcast stations located within that local market, subject to section 325(b), by retransmitting the signal or signals of such stations that are identified by Commission regulations for purposes of this section.

"(2) EFFECTIVE DATE.—No satellite carrier shall be required to carry local television broadcast stations under paragraph (1) until January 1, 2002.

"(b) GOOD SIGNAL REQUIRED.—

"(1) COSTS.—A television broadcast station asserting its right to carriage under subsection (a) shall be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier or to another facility that is acceptable to at least one-half the stations asserting the right to carriage in the local market.

"(2) REGULATIONS.—The regulations issued under subsection (g) shall set forth the obligations necessary to carry out this subsection.

"(c) DUPLICATION NOT REQUIRED.—

"(1) COMMERCIAL STATIONS.—Notwithstanding subsection (a), a satellite carrier shall not be required to carry upon request the signal of any local commercial television broadcast station that substantially duplicates the signal of another local commercial television broadcast station which is secondarily transmitted by the satellite carrier within the same local market, or to carry upon request the signals of more than 1 local commercial television broadcast station in a single local market that is affiliated with a particular television network.

“(2) Noncommercial stations.—The Commission shall prescribe regulations limiting the carriage requirements under subsection (a) of satellite carriers with respect to the carriage of multiple local noncommercial television broadcast stations. To the extent possible, such regulations shall provide the same degree of carriage by satellite carriers of such multiple stations as is provided by cable systems under section 615.

“(d) Channel Positioning.—No satellite carrier shall be required to provide the signal of a local television broadcast station to subscribers in that station's local market on any particular channel number or to provide the signals in any particular order, except that the satellite carrier shall retransmit the signal of the local television broadcast stations to subscribers in the stations' local market on contiguous channels and provide access to such station's signals at a nondiscriminatory price and in a nondiscriminatory manner on any navigational device, on-screen program guide, or menu.

“(e) Compensation for Carriage.—A satellite carrier shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local television broadcast stations in fulfillment of the requirements of this section or for channel positioning rights provided to such stations under this section, except that any such station may be required to bear the costs associated with delivering a good quality signal to the local receive facility of the satellite carrier.

“(f) Remedies.—

“(1) Complaints by broadcast stations.—Whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under this section, such station shall notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier is obligated to carry upon request the signal of such station or has otherwise failed to comply with other requirements of this section. The satellite carrier shall, within 30 days of such written notification, respond in writing to such notification and either begin carrying the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with other requirements of this section, as the case may be. A local television broadcast station that is denied carriage in accordance with this section by a satellite carrier or is otherwise harmed by a response by a satellite carrier that it is in compliance with other requirements of this section may obtain review of such denial or response by filing a complaint with the Commission. Such complaint shall allege the manner in which such satellite carrier has failed to meet its obligations and the basis for such allegations.

“(2) Opportunity to respond.—The Commission shall afford the satellite carrier against which a complaint is filed under paragraph (1) an opportunity to present data and arguments to establish that there has been no failure to meet its obligations under this section.

“(3) Remedial actions; dismissal.—Within 120 days after the date a complaint is filed under paragraph (1), the Commission shall determine whether the satellite carrier has met its obligations under this chapter. If the Commission determines that the satellite carrier has failed to meet such obligations, the Commission shall order the satellite carrier, in the case of an obligation to carry a station, to begin carriage of the station and to continue such carriage for at least 12 months, or, in the case of the failure to meet other obligations under this section, shall take other appropriate remedial action. If the Commission determines that the satellite carrier has fully met the requirements of this chapter, the Commission shall dismiss the complaint.

“(g) Regulations by Commission.—Within 180 days after the date of enactment of this section, the Commission shall, following a rulemaking proceeding, issue regulations implementing this section.

“(h) Definitions.—As used in this section:

“(1) Subscriber.—The term ‘subscriber’ means a person that receives a secondary transmission service by means of a secondary transmission from a satellite and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(2) Distributor.—The term ‘distributor’ means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

“(3) Local receive facility.—The term ‘local receive facility’ means the reception point in each local market which a satellite carrier designates for delivery of the signal of the station for purposes of retransmission.

“(4) Television broadcast station.—The term ‘television broadcast station’ has the meaning given such term in section 325(b)(7).

“(5) Secondary transmission.—The term ‘secondary transmission’ has the meaning given such term in section 119(d) of title 17, United States Code.”.

SEC. 104. NONDUPLICATION OF PROGRAMMING BROADCAST BY LOCAL STATIONS.

Section 712 of the Communications Act of 1934 (47 U.S.C. 612) is amended to read as follows:

“SEC. 712. NONDUPLICATION OF PROGRAMMING BROADCAST BY LOCAL STATIONS.

“(a) Extension of Network Nonduplication, Syndicated Exclusivity, and Sports Blackout to Satellite Retransmission.—Within 45 days after the date of enactment of the Satellite Competition and Consumer Protection Act, the Commission shall commence a single rulemaking proceeding to establish regulations that apply network nonduplication protection, syndicated exclusivity protection, and sports blackout protection to the retransmission of broadcast signals by satellite carriers to subscribers. To the extent possible consistent with subsection (b), such regulations shall provide the same degree of protection against retransmission of broadcast signals as is provided by the network nonduplication (47 C.F.R. 76.92), syndicated exclusivity (47 C.F.R. 151), and sports blackout (47 C.F.R. 76.67) rules applicable to cable television systems. The Commission shall complete all actions necessary to prescribe regulations required by this section so that the regulations shall become effective within 1 year after such date of enactment.

“(b) Establishment of Network Nonduplication Boundaries.—

“(1) Establishment of signal standard for network nonduplication required.—The Commission shall establish a signal intensity standard for purposes of determining the network nonduplication rights of local television broadcast stations. Until revised pursuant to subsection (c), such standard shall be the Grade B field strength standard prescribed by the Commission in section 73.683 of the Commission's regulations (47 C.F.R. 73.683). For purposes of this section, the standard established under this paragraph is referred to as the ‘Network Nonduplication Signal Standard’.

“(2) Establishment of improved predictive model required.—Within 180 days after the date of enactment of the Satellite Competition and Consumer Protection Act, the Commission shall take all actions necessary, including any reconsideration, to develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations to receive signals in accordance with the Network Nonduplication Signal Standard. In prescribing such model, the Commission shall ensure that such model takes into account terrain, building structures, and other land cover variations. The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available. For purposes of this section, such model is referred to as the ‘Network Nonduplication Reception Model’, and the area encompassing locations that are predicted to have the ability to receive such a signal of a particular broadcast station is referred to as that station's ‘Reception Model Area’.

“(3) Network nonduplication.—The network nonduplication regulations required under subsection (a) shall allow a television network station to assert nonduplication rights as follows:

“(A) If a satellite carrier is retransmitting that station, or any other television broadcast stations located in the same local market, to subscribers located in that station's local market, the television network station may assert nonduplication rights against the satellite carrier throughout the area within which that station may assert such rights under the rules applicable to cable television systems (47 C.F.R. 76.92).

“(B) If a satellite carrier is not retransmitting any television broadcast stations located in the television network station's local market to subscribers located in such market, the television network station may assert nonduplication rights against the satellite carrier in the geographic area that is within such station's Reception Model Area, but such geographic area shall not extend beyond the local market of such station.

“(4) Waivers.—A subscriber may request a waiver from network nonduplication by submitting a request, through such subscriber's satellite carrier, to the television network station asserting nonduplication rights. The television network station shall accept or reject a subscriber's request for a waiver within 30 days after receipt of the request. The network nonduplication protection described in paragraph (3)(B) shall not apply to a subscriber if such station agrees to the waiver request and files with the satellite carrier a written waiver with respect to that subscriber allowing the subscriber to receive satellite retransmission of another network station affiliated with that same network. The television network station and the satellite carrier shall maintain a file available to the public that contains such waiver requests and the acceptances and rejections thereof.

“(5) Objective verification.—

“(A) In general.—If a subscriber's request for a waiver under paragraph (4) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal that meets the Network Nonduplication Signal Standard, the satellite carrier and the television network station or stations asserting nonduplication rights with respect to that subscriber shall select a qualified and independent person to conduct a test in accordance with the provisions of section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with the provisions of such section (or any successor regulation) demonstrate that the subscriber does not receive a signal that meets or exceeds the Network Nonduplication Signal Standard, the network nonduplication rights described in paragraph (3)(B) shall not apply to that subscriber.

"(B) DESIGNATION OF TESTOR AND ALLOCATION OF COSTS.—If the satellite carrier and the television network station or stations asserting nonduplication rights are unable to agree on such a person to conduct the test, the person shall be designated by an independent and neutral entity designated by the Commission by rule. Unless the satellite carrier and the television network station or stations asserting nonduplication rights otherwise agree, the costs of conducting the test under this paragraph shall be borne equally by the satellite carrier and the television network station or stations asserting nonduplication rights. A subscriber may not be required to bear any portion of the cost of such test.

"(6) RECREATIONAL VEHICLE LOCATION.—In the case of a subscriber to a satellite carrier who has installed satellite reception equipment in a recreational vehicle, and who has permitted any television network station seeking to assert network nonduplication rights to verify the motor vehicle registration, license, and proof of ownership of such vehicle, the subscriber shall be considered to be outside the local market and Reception Model Area of such station. For purposes of this paragraph, the term 'recreational vehicle' does not include any residential manufactured home, as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402(6)).

"(c) REVIEW AND REVISION OF STANDARDS AND MODEL.—

"(1) ONGOING INQUIRY REQUIRED.—Not later than 2 years after the date of enactment of the Satellite Competition and Consumer Protection Act, the Commission shall conduct an inquiry of the extent to which the Network Nonduplication Signal Standard, the Network Nonduplication Reception Model, and the Reception Model Areas of television stations are adequate to reliably measure the ability of consumers to receive an acceptable over-the-air television broadcast signal.

"(2) DATA TO BE CONSIDERED.—In conducting the inquiry required by paragraph (1), the Commission shall consider—

"(A) the number of subscribers requesting waivers under subsection (b)(4), and the number of waivers that are denied;

"(B) the number of subscribers submitting petitions under subsection (b)(5), and the number of such petitions that are granted;

"(C) the results of any consumer research study that may be undertaken to carry out the purposes of this section; and

"(D) the extent to which consumers are not legally entitled to install broadcast reception devices assumed in the Commission's standard.

"(3) REPORT AND ACTION.—The Commission shall submit to the Congress a report on the inquiry required by this subsection not later than the end of the 2-year period described in paragraph (1). The Commission shall complete any actions necessary to revise the Network Nonduplication Signal Standard, the Network Nonduplication Reception Model, and the Reception Model Areas of television stations in accordance with the findings of such inquiry not later than 6 months after the end of such 2-year period.

"(4) DATA SUBMISSION.—The Commission shall prescribe by rule the data required to be submitted by television broadcast stations and by satellite carriers to the Commission or such designated entity to carry out this subsection, and the format for submission of such data.".

SEC. 105. CONSENT OF MEMBERSHIP TO RETRANSMISSION OF PUBLIC BROADCASTING SERVICE SATELLITE FEED.

Section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by adding at the end the following new subsection:

"(n) The Public Broadcasting Service shall certify to the Board on an annual basis that a majority of its membership supports or does not support the secondary transmission of the Public Broadcasting Service satellite feed, and provide notice to each satellite carrier carrying such feed of such certification.".

SEC. 106. DEFINITIONS.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating—

(A) paragraphs (49) through (52) as paragraphs (52) through (55), respectively;

(B) paragraphs (39) through (48) as paragraphs (41) through (50), respectively; and

(C) paragraphs (27) through (38) as paragraph (28) through (39), respectively;

(2) by inserting after paragraph (26) the following new paragraph:

"(27) LOCAL MARKET.—

"(A) IN GENERAL.—The term 'local market', in the case of both commercial and noncommercial television broadcast stations, means the designated market area in which a station is located, and—

"(i) in the case of a commercial television broadcast station, all commercial television broadcast stations licensed to a community within the same designated market area are within the same local market; and

"(ii) in the case of a noncommercial educational television broadcast station, the market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.

"(B) COUNTY OF LICENSE.—In addition to the area described in subparagraph (A), a station's local market includes the county in which the station's community of license is located.

"(C) DESIGNATED MARKET AREA.—For purposes of subparagraph (A), the term 'designated market area' means a designated market area, as determined by Nielsen Media Research and published in the DMA Market and Demographic Report.";

(3) by inserting after paragraph (39) (as redesignated by paragraph (1) of this section) the following new paragraph:

"(40) SATELLITE CARRIER.—The term 'satellite carrier' means an entity that uses the facilities of a satellite or satellite service licensed by the Commission, and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations, to establish and operate a channel of communications for point-to-multipoint distribution of television station signals, and that owns or leases a capacity or service on a satellite in order to provide such point-to-multipoint distribution, except to the extent that such entity provides such distribution pursuant to tariff under this Act."; and

(3) by inserting after paragraph (50) (as redesignated by paragraph (1) of this section) the following new paragraph:

"(51) TELEVISION NETWORK; TELEVISION NETWORK STATION.—

"(A) TELEVISION NETWORK.—The term 'television network' means a television network in the United States which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.

"(B) TELEVISION NETWORK STATION.—The term 'television network station' means a television broadcast station that is owned or operated by, or affiliated with, a television network.".

SEC. 107. COMPLETION OF BIENNIAL REGULATORY REVIEW.

Within 180 days after the date of enactment of this Act, the Commission shall complete the biennial review required by section 202(h) of the Telecommunications Act of 1996.

SEC. 108. RESULT OF LOSS OF NETWORK SERVICE.

Until the Federal Communications Commission issues regulations under section 712(b)(2) of the Communications Act of 1934, if a subscriber's network service is terminated as a result of the provisions of section 119 of title 17, United States Code, the satellite carrier shall, upon the request of the subscriber, provide to the subscriber free of charge an over-the-air television broadcast receiving antenna that will provide the subscriber with an over-the-air signal of Grade B intensity for those network stations that were terminated as a result of such section 119.

SEC. 109. INTERIM PROVISIONS.

Until the Federal Communications Commission issues and implements regulations under section 712(b)(2) of the Communications Act of 1934, no subscriber whose household is located outside the Grade A contour of a network station shall have his or her satellite service of another network station affiliated with that same network terminated as a result of the provisions of section 119 of title 17, United States Code.

TITLE II—SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS

SEC. 201. SHORT TITLE.

This title may be cited as the "Satellite Copyright Compulsory License Improvement Act".

SEC. 202. LIMITATIONS ON EXCLUSIVE RIGHTS; SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding after section 121 the following new section:

"§ 122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets

"(a) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS BY SATELLITE CARRIERS.—A secondary transmission of a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

"(1) the secondary transmission is made by a satellite carrier to the public;

"(2) the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

"(3) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

"(A) each subscriber receiving the secondary transmission; or

"(B) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

"(b) Reporting Requirements.—

"(1) Initial lists.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name in alphabetical order and street address, including county and zip code) all subscribers to which the satellite carrier currently makes secondary transmissions of that primary transmission pursuant to this section.

"(2) Subsequent lists.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the network a list identifying (by name in alphabetical order and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection.

"(3) Use of subscriber information.—Subscriber information submitted by a satellite carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

"(4) Requirements of stations.—The submission requirements of this subsection shall apply to a satellite carrier only if the network to which the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register shall maintain for public inspection a file of all such documents.

"(c) No Royalty Fee Required.—A satellite carrier whose secondary transmissions are subject to statutory licensing under subsection (a) shall have no royalty obligation for such secondary transmissions.

"(d) Noncompliance With Reporting and Regulatory Requirements.—Notwithstanding subsection (a), the willful or repeated secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided under sections 502 through 506 and 509, if the satellite carrier has not complied with the reporting requirements of subsection (b) or with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast signals.

"(e) Willful Alterations.—Notwithstanding subsection (a), the secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and sections 509 and 510, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcement transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the satellite carrier through changes, deletions, or additions, or is combined with programming from any other broadcast signal.

"(f) Violation of Territorial Restrictions on Statutory License for Television Broadcast Stations.—

"(1) Individual violations.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a television broadcast station and embodying a performance or display of a work to a subscriber who does not reside in that station's local market, and is not subject to statutory licensing under section 119, or a private licensing agreement, is actionable as an act of infringement under section 501 and is fully subject to the remedies provided by sections 502 through 506 and 509, except that—

"(A) no damages shall be awarded for such act of infringement if the satellite carrier took corrective action by promptly withdrawing service from the ineligible subscriber; and

"(B) any statutory damages shall not exceed $5 for such subscriber for each month during which the violation occurred.

"(2) Pattern of violations.—If a satellite carrier engages in a willful or repeated pattern or practice of secondarily transmitting to the public a primary transmission made by a television broadcast station and embodying a performance or display of a work to subscribers who do not reside in that station's local market, and are not subject to statutory licensing under section 119, then in addition to the remedies under paragraph (1)—

"(A) if the pattern or practice has been carried out on a substantially nationwide basis, the court shall order a permanent injunction barring the secondary transmission by the satellite carrier of the primary transmissions of that television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network), and the court may order statutory damages not exceeding $250,000 for each 6-month period during which the pattern or practice was carried out; and

"(B) if the pattern or practice has been carried out on a local or regional basis with respect to more than one television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network), the court shall order a permanent injunction barring the secondary transmission in that locality or region by the satellite carrier of the primary transmissions of any television broadcast station, and the court may order statutory damages not exceeding $250,000 for each 6-month period during which the pattern or practice was carried out.

"(g) Burden of Proof.—In any action brought under subsection (d), (e), or (f), the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a television broadcast station is made only to subscribers located within that station's local market or subscribers being served in compliance with section 119.

"(h) Geographic Limitations on Secondary Transmissions.—The statutory license created by this section shall apply to secondary transmissions to locations in the United States, and any commonwealth, territory, or possession of the United States.

"(i) Exclusivity With Respect to Secondary Transmissions of Broadcast Stations by Satellite to Members of the Public.—No provision of section 111 or any other law (other than this section and section 119) shall be construed to contain any authorization, exemption, or license through which secondary transmissions by satellite carriers of programming contained in a primary transmission made by a television broadcast station may be made without obtaining the consent of the copyright owner.

"(j) Definitions.—In this section—

"(1) Distributor.—The term 'distributor' means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

"(2) Local market.—The 'local market' of a television broadcast station has the meaning given that term under section 3 of the Communications Act of 1934.

"(3) Network station; satellite carrier; secondary transmission.—The terms 'network station', 'satellite carrier' and 'secondary transmission' have the meanings given such terms under section 119(d).

"(4) Subscriber.—The term 'subscriber' means a person that receives a secondary transmission service by means of a secondary transmission from a satellite and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

"(5) Television broadcast station.—The term 'television broadcast station' means an over-the-air, commercial or noncommercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations.".

(b) Infringement of Copyright.—Section 501 of title 17, United States Code, is amended by adding at the end the following new subsection:

"(f) With respect to any secondary transmission that is made by a satellite carrier of a primary transmission embodying the performance or display of a work and is actionable as an act of infringement under section 122, a television broadcast station holding a copyright or other license to transmit or perform the same version of that work shall, for purposes of subsection (b) of this section, be treated as a legal or beneficial owner if such secondary transmission occurs within the local market of that station.".

(c) Technical and Conforming Amendments.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 121 the following:

"122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local market.".

SEC. 203. EXTENSION OF EFFECT OF AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.

Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law

103-369; 108 Stat. 3481) is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 204. COMPUTATION OF ROYALTY FEES FOR SATELLITE CARRIERS.

Section 119(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

"(4) REDUCTION.—

"(A) SUPERSTATION.—The rate of the royalty fee in effect on January 1, 1998, payable in each case under subsection (b)(1)(B)(i) shall be reduced by 30 percent.

"(B) NETWORK.—The rate of the royalty fee in effect on January 1, 1998, payable under subsection (b)(1)(B)(ii) shall be reduced by 45 percent.

"(5) PUBLIC BROADCASTING SERVICE AS AGENT.—For purposes of section 802, with respect to royalty fees paid by satellite carriers for retransmitting the Public Broadcasting Service satellite feed, the Public Broadcasting Service shall be the agent for all public television copyright claimants and all Public Broadcasting Service member stations.".

SEC. 205. PUBLIC BROADCASTING SERVICE SATELLITE FEED; DEFINITIONS.

(a) SECONDARY TRANSMISSIONS.—Section 119(a)(1) of title 17, United States Code, is amended—

(1) by striking the paragraph heading and inserting "(1) SUPERSTATIONS AND PBS SATELLITE FEED.—";

(2) by inserting "or by the Public Broadcasting Service satellite feed" after "superstation"; and

(3) by adding at the end the following: "In the case of the Public Broadcasting Service satellite feed, subsequent to—

"(A) the date when a majority of subscribers to satellite carriers are able to receive the signal of at least one noncommercial educational television broadcast station from their satellite carrier within such stations' local market, or

"(B) 2 years after the effective date of the Satellite Copyright Compulsory License Improvement Act,

whichever is earlier, the statutory license created by this section shall be conditioned on certification of support pursuant to section 396(n) of the Communications Act of 1934.".

(b) DEFINITIONS.—Section 119(d) of title 17, United States Code, is amended by adding at the end the following:

"(12) PUBLIC BROADCASTING SERVICE SATELLITE FEED.—The term 'Public Broadcasting Service satellite feed' means the national satellite feed distributed by the Public Broadcasting Service consisting of educational and informational programming intended for private home viewing, to which the Public Broadcasting Service holds national terrestrial broadcast rights.

"(13) LOCAL MARKET.—The term 'local market' has the meaning given that term in section 122(j)(2).

"(14) TELEVISION BROADCAST STATION.—The term 'television broadcast station' has the meaning given that term in section 122(j)(5).".

SEC. 206. DISTANT SIGNAL RETRANSMISSIONS.

Section 119 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "(6)" and inserting "(5)";

(B) in paragraph (2)—

(i) by striking

"(2) NETWORK STATIONS.—

"(A) IN GENERAL.—Subject to the provisions of subparagraphs (B) and (C) of this paragraph and paragraphs (3), (4), (5), and (6)"

and inserting

"(2) NETWORK STATIONS.—

"(A) IN GENERAL.—Subject to the provisions of subparagraph (B) of this paragraph and paragraphs (3), (4), and (5)"; and

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(C) in paragraph (3), by striking "(2)(C)" and inserting "(2)(B)"; and

(D) by striking paragraphs (5), (8), (9), and (10) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(2) in subsection (d), by striking paragraphs (10) and (11).

SEC. 207. APPLICATION OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS.

Section 119(a) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting "the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals," after "satellite carrier to the public for private home viewing,";

(2) in paragraph (2), by inserting "the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals," after "satellite carrier to the public for private home viewing,"; and

(3) by adding at the end the following new paragraph:

"(10) STATUTORY LICENSE CONTINGENT ON COMPLIANCE WITH FCC RULES AND REMEDIAL STEPS.—Notwithstanding any other provision of this section, the willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a broadcast station licensed by the Federal Communications Commission is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and 509, if, at the time of such transmission, the satellite carrier is not in compliance with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast station signals.".

SEC. 208. STUDY ON TECHNICAL AND ECONOMIC IMPACT OF MUST-CARRY ON DELIVERY OF LOCAL SIGNALS.

Not later than July 1, 2000, the Register of Copyrights and the Assistant Secretary of Commerce for Communications and Information shall submit to the Congress a joint report that sets forth in detail their findings and conclusions with respect to the following:

(1) The availability of local television broadcast signals in small and rural markets as part of a service that competes with, or supplements, video programming containing copyrighted material delivered by satellite carriers or cable operators.

(2) The technical feasibility of imposing the requirements of section 338 of the Communications Act of 1934 on satellite carriers that deliver local broadcast station signals containing copyrighted material pursuant to section 122 of title 17, United States Code, and the technical and economic impact of section 338 of the Communications Act of 1934 on the ability of satellite carriers to serve multiple television markets with retransmission of local television broadcast stations, with particular consideration given to the ability to serve television markets other than the 100 largest television markets in the United States (as determined by the Nielson Media Research and published in the DMA market and Demographic Report).

(3) The technological capability of dual satellite dish technology to receive effectively over-the-air broadcast transmissions containing copyrighted material from the local market, the availability of such capability in small and rural markets, and the affordability of such capability.

(4) The technological capability (including interference), availability, and affordability of wireless cable (or terrestrial wireless) delivery of local broadcast station signals containing copyrighted material pursuant to section 111 of title 17, United States Code, including the feasibility and desirability of the expedited licensing of such competitive wireless technologies for rural and small markets.

(5) The technological capability, availability, and affordability of a broadcast-only basic tier of cable service.

SEC. 209. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on July 1, 1999, except that section 208 and the amendments made by section 205 shall take effect on the date of the enactment of this Act.

Mr. ARMEY. Mr. Speaker, both the Committee on Commerce and the Committee on the Judiciary have shared jurisdiction over H.R. 1554, the Satellite Copyright, Competition, and Consumer Protection Act. I would like to commend both committees for their fine work that they did in crafting this important consumer protection measure.

I especially want to commend the committee and subcommittee chairmen who worked out this compromise, the gentleman from Virginia (Chairman BLILEY) and the gentleman from Illinois (Chairman HYDE), and subcommittee chairmen, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from North Carolina (Mr. COBLE).

Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina (Mr. COBLE) and the gentleman from Louisiana (Mr. TAUZIN) each control 10 minutes of debate on this motion, and I further ask unanimous consent that the gentleman from California (Mr. BERMAN) and the gentleman from Massachusetts (Mr. MARKEY) control 10 minutes each on this motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the order of the House, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Louisiana (Mr. TAUZIN) each will control 10 minutes for the majority, and the gentleman from California (Mr. BERMAN) and the gentleman from Massachusetts (Mr. MARKEY) each will control 10 minutes for the minority.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, oftentimes we come to the Floor of the House of Representatives and discuss legislation whose impact on our constituents is somewhat nebulous and uncertain. Today is not one of those days. H.R. 1554, the Satellite Copyright, Competition, and Consumer Protection Act of 1999, will have a beneficial effect on the citizens of this country, whether they are subscribers to satellite television or not.

We have all been concerned about the lack of competition in the multichannel television industry and what that means in terms of prices and services to our constituents. I have received numerous letters and calls from my constituents distressed over their satellite service.

Many customers leave the store complaining that they cannot obtain their local stations through satellite service. Others feel betrayed when they have their distant network service cut off, having been sold an illegal package from the outset. Still others may have been outraged at the cost they pay for the distant network signals.

The time has come to address these concerns and pass legislation which makes the satellite industry more competitive with cable television. With competition comes better services at lower prices, which makes our constituents the real winners.

With this competition in mind, the legislation before us makes the following changes to the Satellite Home Viewers Act. It reauthorizes the satellite copyright compulsory license for 5 years. It allows new satellite customers who have received a network signal from a cable system within the past 3 months to sign up immediately for satellite services for those signals. This is not allowed today.

It provides a discount for the copyright fees paid by the satellite carriers. It allows satellite carriers to retransmit a local television station to households within that station's local market, just like cable does. It allows satellite carriers to rebroadcast a national signal of the Public Broadcasting Service.

Finally, it empowers the FCC to conduct a rulemaking to determine appropriate standards for satellite carriers concerning retransmission consent, network nonduplication, syndicated exclusivity, and sports blackouts.

The manager's amendment makes one correction to the introduced version of the bill. Language in section 206 of the bill addressing distant signal transmission has been omitted to reflect the clear removal of the unserved household definition in title 17, in favor of the network nonduplication provisions in title 47.

Additionally, I also want to thank the gentleman from Virginia (Chairman BLILEY) for his assurance that he will work with us to assure a provision concerning the linking of the section 122 license to the must-carry provisions of the bill when it is adopted in conference.

The legislation before us today is a balanced approach. We have spent the better part of 3 years working with representatives of the broadcast, copyright, satellite, and cable industries fashioning legislation which is ultimately best for our constituents.

The legislation before us today is not perfect, not unlike most pieces of legislation, but it is a carefully balanced compromise. It removes many of the obstacles standing in the way of true competition, yet does not reward those in the satellite industry for their obvious illegal activities concerning distant network signals. The real winners, therefore, are our constituents.

I want to thank the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), the ranking member, the gentleman from Michigan (Mr. CONYERS), as well as the subcommittee ranking member, the gentleman from California (Mr. BERMAN) for their support and leadership throughout this process.

I also want to recognize the contributions of the leadership of the gentleman from Virginia (Chairman BLILEY); the ranking member, the gentleman from Michigan (Mr. DINGELL); the subcommittee chairman, the gentleman from Louisiana (Mr. TAUZIN); and the ranking member, the gentleman from Massachusetts (Mr. MARKEY), who worked with us tirelessly to bring this to the Floor. I urge all Members to support this constituent-friendly legislation.

Mr. Speaker, much has been said about the rivalry between the House Committee on the Judiciary and the Committee on Commerce. It is a healthy rivalry, nurtured by jurisdiction.

Some accuse those of us on the Committee on the Judiciary of overly protecting and promoting good legislative issues relating to copyright, while others accuse those on the Committee on Commerce of overly protecting and promoting good legislative issues as it relates to telecommunications.

To these charges I respond, probably guilty as charged. Jurisdiction should be warmly embraced by the appropriate committees. Jurisdiction, conversely, should not be casually discarded by these same committees.

The jurisdictional issues do give rise to rivalry from time to time. Rivalry on occasion may be the bad news. The good news is this first legislative step that we are taking today, to the ultimately benefit of hundreds of thousands of our constituents.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1554, a bill to make substantial and important amendments to the Copyright Act and minor and tangential amendments to the Telecommunications Act. This bill before us today will afford more American consumers the opportunity to view copyrighted programming, a laudable goal that I heartily embrace.

At the same time that I endorse the competitive parity that we seek to achieve in this legislation between the satellite and cable industries, it is certainly the case that this bill does so at the expense of certain principles.

First, I have made no secret in the past of my distaste for compulsory licenses, yet this bill extends the satellite compulsory license for another 5 years.

On a related point, I strongly supported the approach in the 1994 Satellite Home Viewer Act amendments; namely, that the royalty fees paid by satellite services for programming obtained under the satellite compulsory license should be pegged to a fair market value standard. Yet, H.R. 1554 discounts the rate set by the Copyright Arbitration Royalty Panel and upheld earlier this year by the U.S. Court of Appeals for the District of Columbia.

Having said that, I support the bill before us today because I am a realist; because I believe that, on balance, the bill goes a long way towards resolving significant competing policy objectives.

Certainly by allowing satellite carriers to transmit a local television station to households within that station's local market, we mark major progress towards the goal of enhancing consumer choice without undermining the financial viability of local broadcasters.

This new local-to-local authority, which legally empowers the satellite carriers there to do what developing technologies now enable them to do, is probably the most important feature of this legislation. It is my hope that ultimately marketplace negotiations between broadcasters and satellite providers will serve as a mechanism for establishing the terms for delivery of that local signal.

Surely my colleagues on the other side of the aisle in particular would concur that private sector agreements are the ideal means for arriving at such terms. That is why I am particularly heartened that my colleague, the gentleman from Virginia, the distinguished chairman of the Committee on Commerce, has committed to joining us in conference to clarify that the "must carry" provision in section 103 of the bill should apply only when a satellite carrier avails itself of the satellite compulsory license.

By the same token, while it is important that multichannel video programming distributors have the opportunity to negotiate for retransmission consent, we do not in this bill subject the price or other terms and conditions of nonexclusive retransmission consent agreements to FCC scrutiny.

In the 16 years I have served on the Subcommittee on Intellectual Property, successive new members of the subcommittee have grappled with a complex web of compulsory licenses and the artificially-set royalty rates that accompany such licenses, all in the name of giving a leg up to so-called "fledgling industries".

But increasingly on the dais at subcommittee sessions I hear members asking why. I think that reaction is appropriate, and I encourage it. I urge my colleagues today to support H.R. 1554 because it provides the framework for achieving important policy objectives, and moves the legislative process forward.

But I hope in conference that we all take pains to make sure that our legislative product enhances and does not detract from the ability of the marketplace to achieve the principles of competition and consumer choice we all endorse.

I thank my colleague, the gentleman from North Carolina (Mr. COBLE) and his exemplary staff, in fact, the entire subcommittee staff, for their hard work on this bill. I look forward to working together as we move this bill to enactment.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the manager's amendment to H.R. 1554. I would like to begin by commending my counterpart on the Committee on the Judiciary, the gentleman from North Carolina (Mr. COBLE), and recognizing, indeed, that our competition and yet our cooperation has yielded today a very excellent product.

Yesterday he and I introduced H.R. 1554, the Satellite Copyright, Competition, and Consumer Protection Act, which represents the combined work of the Committee on Commerce and the Committee on the Judiciary. I want to thank all colleagues on both committees for working with us to craft a compromise, and in fact to craft such an important bill.

The bill makes substantial reforms to the telecommunications and copyright law in order to provide the American consumer with a stronger, more viable competitor to their incumbent cable operator whom we just completed the deregulatory process for this March. Cable is deregulated. It needs a competitor. This important legislation will provide cable with a real competitor.

Mr. Speaker, we saw similar important legislation on the Floor before. In 1992 my colleague and dear friend, the gentleman from Massachusetts (Mr. MARKEY) and I led the fight to the 1992 Cable Act on an issue called "program access." That fight was to make sure that we could critically jumpstart the satellite industry.

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Many noted that the program access amendment that was adopted in that fight revolutionized the video programming industry and launched the age of satellite direct-to-home video.

Today, the reforms we are considering are no less revolutionary in impact. Consumers today are pretty savvy. They now expect, indeed demand, their video programming distributor, whether it is a satellite company or a cable company or a broadcaster or whoever it might be, that they offer video programming that is affordable with exceptional picture quality.

Today, however, satellite carriers face legal and technological limitations on their ability to do so. These same limitations put satellite carriers at a competitive disadvantage to incumbent cable operators.

Even though broadcasters are experiencing a dramatic reduction in overall audience share compared to just a few years ago, the overwhelming number of consumers still want their local programming, the local television station, to provide services to them. Consumer surveys conclude that the lack of local broadcasting programming is the number one reason why consumers are unwilling to subscribe to satellite service and, therefore, limited to a single competitor, the cable operator.

The bill today we are considering is designed to put satellite television providers on that competitive equal footing; to provide compulsory license to retransmit the local broadcast signal in the satellite package; to make sure that retransmission consent must-carry rules apply; that nonduplication syndicated exclusivity and sports blackout protections are all included. In other words, to put satellite on equal footing with cable so consumers can have a real choice.

Mr. Speaker, this bill combines the telecom provisions of both the Save our Satellites Act and the Satellite Television Improvement Act. We, therefore, believe it is a great bill as a combination of our two committee efforts.

I want to join my colleagues in thanking the hard work of members on both committees, particularly the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, for his excellent leadership; to the ranking member, the gentleman from Michigan (Mr. DINGELL), who has always worked so well with us; to the ranking member of the Subcommittee on Telecommunications, Trade, and Consumer Protection, my good friend, the gentleman from Massachusetts (Mr. MARKEY), who is such a good partner with me on these important issues; to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary; to the chairman of the Subcommittee on Courts and Intellectual Property, the gentleman from North Carolina (Mr. COBLE), and to the ranking members, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN) of the Committee on the Judiciary, for their extraordinary cooperation.

This is bipartisan, bicommittee, and we are going to solve some awfully important problems for every American in the country who enjoys video programming in this country. I am pleased to work with my colleagues on this compromise and join them in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

I first want to begin by invoking the litany of saints who have worked on this legislation. No easy task. Many indulgences have been earned by Members and staff alike that can be cashed in, redeemed at a later point in their life, as evidence of their good faith in working together for the betterment of the public in general.

I want to thank the chairman of the full Committee on Commerce, the gentleman from Virginia (Mr. TOM BLILEY); the chairman of the full Committee on the Judiciary, the gentleman from Illinois (Mr. HENRY HYDE); to the gentleman from Michigan (Mr. DINGELL) and the gentleman from Michigan (Mr. CONYERS), the Michigan duo, who worked together cooperatively on this project; to the gentleman from California (Mr. BERMAN) and the gentleman from Virginia (Mr. BOUCHER) and their staffs as well.

I would also like to recognize my good friend, the gentleman from Louisiana (Mr. TAUZIN). As he pointed out, going back to 1992 we have tried to move the universe in a way, first, where the 18-inch dish satellite industry would be made possible. It was not before 1992, because this industry did not have access to HBO and Show Time and the other programming that is necessary to offer real competition to the incumbent cable monopolies in communities across the country.

If we want these 18-inch dish satellites to move from rural America and exurban America, the far reaches of suburban American, into suburban and urban America, so that people buy the dishes and put them out between the petunias, we have to give them the programming they want. In most of America they have already got their local TV stations. They can pick them up on their cable system but they cannot pick them up on their satellite dishes. They have to take in these national feeds of CBS, NBC, Fox.

What we do in this legislation, and I think the gentleman from Louisiana

(Mr. TAUZIN) should be congratulated on this, I have worked with him closely to accomplish the goal, is we make it possible for the first time for an 18-inch dish satellite owner to get their local TV stations over their satellite dish. Consumers can pick up their local channel 4, 5, 7, 25, 38, 68, with their local sports teams over their satellite dish.

Now, this is in an effort to balance two very important issues, localism and universal service. On the one hand, we want everyone to have access to television service, and that is why we were very flexible in allowing people to pick up over their satellite dishes these national fees. But as more and more people in the urban areas disconnected their cable system and bought a satellite dish, that meant they were disconnecting their local TV stations as well and the advertising revenues which these local TV stations need.

So here what we try to do is solve the problem using technology, which means that the local consumer can have universal access to their local TV stations using a new technology, an 18-inch satellite dish. Now, that is real progress. And the committees working together, I think, have formulated a bill which really will work for the overall betterment of consumers, giving them a competitor to their local cable system and I think forging a new revolution in technology and consumer choice in America.

Mr. Speaker, I want to congratulate all Members, and I especially want to thank my good friend, the gentleman from Louisiana, for working with me on this local-into-local issue, meaning a local TV station gets fed right back into the local market through their satellite transmitter, their satellite dish. I think it is going to cause a real revolution. I thank all involved.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from North Carolina (Mr. COBLE) has 5 minutes remaining.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume to reiterate what the gentleman from California said regarding the staff. The staff has indeed done exemplary work on this, and I failed to mention that earlier.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise today in support of the legislation introduced by my good friend, the gentleman from North Carolina (Mr. COBLE). This important legislation represents a much-needed compromise that will enable thousands of folks, many of whom live in my district, to continue to receive their network signals through satellite service.

For those who can receive their network signal over the air, this compromise will ensure that they get the antenna they need to receive a quality over-the-air signal. Finally, this bill will speed the roll-out of local-into-local satellite service by requiring a joint study by the Copyright Office and the Commerce Department on how to best deliver local-into-local into rural areas.

Mr. Speaker, this legislation provides a badly needed solution to a problem that cannot be delayed any longer. I urge my colleagues to support this important compromise and keep this legislation moving to provide relief to the hardworking Americans who deserve it.

Mr. COBLE. Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. Each of the other three managers have 6 minutes remaining.

Mr. BERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER), a distinguished member of the subcommittee and a member who has spent a long time working on this issue.

Mr. BOUCHER. Mr. Speaker, I want to express appreciation to the gentleman from California for yielding me this time. I am pleased to rise in support of the legislation and I also want to commend the bipartisan leadership of both the Committee on the Judiciary and Committee on Commerce and their staffs that have worked effectively in order to achieve this reform.

Thousands of my constituents and millions of rural residents throughout the Nation cannot receive an adequate signal from their local TV station. They typically live in mountainous regions where their receipt of a good local TV signal is effectively blocked by the obstructions between their homes and the local TV stations.

In 1988, we enacted the section 119 compulsory license that enables these residents to receive via satellite the network signals that they cannot receive from local stations. The legislation that we are approving today extends that license and creates a better means of predicting which homes can receive adequate local television signals.

It is my hope that this new standard and this new predictive model will put to rest the controversy that has long simmered between local broadcasters on the one hand and the satellite carriers and their customers on the other over which homes are eligible to receive satellite-delivered network signals.

The bill achieves another very important objective. It authorizes the uplink of local stations and the satellite delivery of those stations back into the market of their origination. This local-into-local service will enable the satellite industry to become a more viable competitor to the cable television industry, with Americans receiving the consequent benefits of market-established rates for multi-channel video programming. This new service will also increase the ability of local broadcasters to reach all of the homes within their service territories.

I am concerned, however, that the business plans of the carriers that have announced an interest in offering the local-to-local services extend only to the largest 67 out of 211 local television markets around the country. Under this plan, most of rural America simply will not receive the benefit of this local-into-local service.

To address this concern, the bill directs the Copyright Office and the Department of Commerce to conduct an in-depth study of the availability of local television signals in rural America. A report to the Congress with findings and recommendations is directed for the year 2000, and it is my hope that this examination will lead to constructive steps that, in turn, will assure the ability of more rural residents to receive high-quality local television signals.

I commend those who have authored this measure. I was pleased to participate with them both in the Committee on Commerce and the Committee on the Judiciary as we considered it, and I strongly urge its passage by the House.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Richmond, Virginia (Mr. BLILEY), and welcome the chairman and leader of the full Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 1554, the Satellite Copyright, Competition and Consumer Protection Act, as amended.

This bill, as others have said, represents the hard work and collaboration of the two committees, the Committee on Commerce and the Committee on the Judiciary, and I would like to express my personal appreciation to many Members who helped in bringing this legislation to the floor, including the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection; the gentleman from Michigan (Mr. DINGELL) the ranking member of the full Committee on Commerce; the gentleman from Massachusetts (Mr. MARKEY), the ranking member of the Subcommittee on Telecommunications, Trade, and Consumer Protection; the gentleman from Illinois (Mr. HYDE), the chairman of the Judiciary Committee; and my good friend, the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Courts and Intellectual Property.

Mr. Speaker, this is a significant bill because it will promote genuine competition in the video programming marketplace. For too long now consumers have sought competitive choices to their incumbent cable operators. Consumers today view satellite television as an effective substitute for incumbent cable system offerings. While satellite television currently delivers hundreds of channels of high resolution digital programming, consumers clearly see the lack of local broadcast programming as a reason not to subscribe. This bill will facilitate satellite-delivered local broadcast programming and, as such, shift satellite television into higher gear in its quest to compete with cable.

The timing of this legislation is particularly important because of the fact that the cable rate regulation expired on March 31 this year. I have often said that rate regulation has a sad history, given that rates continue to go up in spite of rate regulation. This is a better approach. It is a procompetitive solution to the cable's dominant market share.

Mr. Speaker, I again want to thank all of my colleagues for their steadfast support and commitment for enacting this legislation, and I urge my colleagues to support the bill.

Mr. Speaker, I would also like to suggest to my good friend, the chairman of the Subcommittee on Courts and Intellectual Property, that in the future, when we have a difference of opinion between his subcommittee and the Subcommittee on Telecommunications, Trade, and Consumer Protection, that he and I just settle it on the tennis court.

□ 1445

Mr. MARKEY. Mr. Speaker, could I inquire as to how much time I have remaining?

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Massachusetts has 6 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the only reason that I seek recognition at this time is because of an unfortunate omission in my original listing of saints that deserve credit and I just want it to be known that the honorable gentleman from North Carolina (Mr. COBLE) shall be known as "blessed HOWARD COBLE" after this proceeding because of his forbearance and understanding in this entire process.

At the end of the day, this is a very important, high-value public interest product which is in the well of the House being debated today; and it is in no small measure because of the work of the gentleman from North Carolina (Mr. COBLE), and I just wanted to recognize that publicly.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would be remiss if I did not express my thanks to the gentleman from Massachusetts (Mr. MARKEY) for those generous comments. I appreciate that very much.

Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON), a member of the committee.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of the Satellite Copyright, Competition, and Consumer Protection Act. The act is important to my constituents and the people of Utah.

A large number of my constituents cannot receive a clear television signal in their homes. Many of the rural residents of my district live in "B" grade or "White" areas and have long been isolated because of the geography of the district. They have installed home satellite dishes so they can receive news, educational, and entertainment programming that those who live in urban areas take for granted.

Unfortunately, despite available technology, many still do not have access to local network programming. This means they cannot be informed about their communities and State without installing an antenna or other additional equipment, and even then a clear signal is difficult. Rural residents should have the same convenient access to television programming as those who live in urban areas.

This bill will allow satellite broadcasters to transmit local programming to the rural residents of my district and across the country. Those living in rural areas will finally be able to receive the same broadcast service as those living in urban areas.

This bill also makes great strides toward increased competition in the television broadcast signal delivery industry. Satellite carriers should be allowed to carry the same stations and provide the same services as cable systems. Increased competition between providers will mean lower prices and improved service.

I urge my colleagues to vote in favor of H.R. 1554.

Mr. COBLE. Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise in support of H.R. 1554, the Satellite Copyright, Competition, and Consumer Protection Act. This is legislation which will stimulate competition, which will make available better service at better cost to our people.

I commend my friend, the gentleman from Virginia (Mr. BLILEY), the chairman of the full committee; the distinguished gentleman from Louisiana (Mr. TAUZIN); the gentleman from Massachusetts (Mr. MARKEY), chairman of the subcommittee; our distinguished ranking member; and their capable staffs for working together in a fashion which they did to help us achieve enactment of this legislation.

Mr. Speaker, I note my good friend the gentleman from Louisiana (Mr. TAUZIN) is standing. There is an issue which requires further clarification, and I would like to engage in a colloquy with my good friend from Louisiana (Mr. TAUZIN), the chairman of the subcommittee.

Mr. TAUZIN, I understand that Title I contains telecommunications provisions in the bill. It provides that a broadcast station cannot engage in discriminatory practices which prevent multichannel video programming distributors from obtaining the station's consent to retransmit its signal. I understand that this provision is intended to prevent exclusive contracts between a broadcast station and any particular distributor. Is that correct?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the understanding of the gentleman, as usual, is correct.

Mr. DINGELL. Mr. Speaker, reclaiming my time, I have a further question of my good friend.

Is this provision also intended to prohibit a broadcast station from negotiating different terms and conditions, including price terms, with different distributors?

Mr. TAUZIN. Mr. Speaker, if the gentleman would further yield, no. The bill goes beyond prohibiting exclusive contracts in only one respect. In order to prevent refusals by a station to deal with any particular distributor, the FCC is directed to bar not only exclusive deals but also any other discriminatory practices, understandings, arrangements and activities by the station which have the same effect of preventing any particular distributor from the opportunity to obtain a retransmission consent arrangement.

Mr. DINGELL. Mr. Speaker, a further question of my good friend.

Mr. Speaker, then is it my understanding and is it correct that a broadcast station could, for example, negotiate a cash payment from one video distributor for retransmission consent and reach an agreement with other distributors operating in the same market that contains different prices or other terms?

Mr. TAUZIN. Mr. Speaker, the understanding of the gentleman is correct. As long as a station does not refuse to deal with any particular distributor, a station's insistence on different terms and conditions in retransmission agreements based on marketplace considerations is not intended to be prohibited by this bill.

Mr. DINGELL. Mr. Speaker, one further question.

So if a station negotiates in good faith with a distributor, the failure to reach an agreement with that distributor would not constitute a discriminatory act that is intended to be barred by this section?

Mr. TAUZIN. Mr. Speaker, the gentleman is again correct.

Mr. DINGELL. Mr. Speaker, I urge enactment of the legislation.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. OXLEY), vice chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection.

Mr. OXLEY. Mr. Speaker, I rise to support this legislation and commend the gentleman from Virginia (Mr. BLILEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Illinois (Mr. HYDE), the gentleman from North Carolina (Mr. COBLE), the gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Michigan (Mr. DINGELL) for all their hard work in bringing this pro-competitive bill before us today.

The matter certainly is a timely one, as many of my rural constituents have difficulty with the network signals. And this legislation we are considering lowers copyright fees for distant network signals, provides for the transition to local-into-local satellite delivery of local broadcasts and contains other pro-competitive features.

I am also, Mr. Speaker, concerned that we should, now that we are passing this pro-competitive bill, make sure that consumers enjoy the benefits of competition in the market for video services. It is also vital to the development of competition that will lead the FCC to proceed with further deregulation of the cable industry by relaxing or eliminating rules that limit the number of homes that may be passed by a cable MSO.

The 1992 Cable Act's horizontal ownership limits were imposed in an era where consumers lacked the kind of choices that they have today. It is time that the FCC understand that the world has changed and makes the appropriate changes as necessary to provide more competition and at lower cost.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. COBLE) has 2½ minutes remaining.

Mr. COBLE. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, in December a U.S. District Court decision in Florida caused thousands of satellite television subscribers throughout my district up in Washington State to lose network service. The Federal Communications Commission claims that those subscribers are located inside an area where they can pick up the signals of their local broadcast stations with a simple rooftop antenna and do not need the satellite service.

Not necessarily true. In Washington State we have mountains, large trees and other obstacles that can block the broadcast signals. My constituents depend on satellite service for local news, weather, and local emergency reporting. That is why I commend the sponsors today on H.R. 1554.

This bill will provide relief for satellite customers by allowing satellite companies to broadcast local stations into local markets. Further, it will direct the FCC to develop a new method for determining television signaling intensity and impose a moratorium on the planned shutoffs.

Mr. BERMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS) ranking member of the full committee.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3 minutes.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from California for yielding me the time.

My colleagues, the reason we can bring a bill like this, of this complexity, under the suspension rules is because of the good work of our staffs and of our colleagues on the Committee on the Judiciary.

The gentleman from North Carolina (Mr. COBLE), the gentleman from California (Mr. BERMAN) the ranking member, and the other committee and its leadership all work together quite well. And I also want to compliment the members of the staff that did this, as well.

Obviously, there were many complexities. I am pleased that the way things have worked out. We are revising the satellite compulsory license law to allow companies to retransmit local news, weather, sports, safety announcements. In other words, local-to-local service can now be had and will allow the satellite industry, in addition, to compete with cable to get better services, more choices and lower rates for consumers.

We also carry the famous "must carry" provision, and that will ensure that satellite companies that choose local-to-local service will give their customers all and not just some of the local channels, thereby broadening the choice consumers have in programming.

As we approach the millennium and technology permits satellite and cable companies to deliver high-quality television programming, it is important that we in Congress continue to monitor these industries and make the appropriate reforms to make the playing field level and competitive and to keep the marketplace dynamic.

I can assure my colleagues that the Committee on the Judiciary is eager to continue its responsibilities in the area.

Mr. TAUZIN. Mr. Speaker, I yield 70 seconds to the gentlewoman from Wyoming (Mrs. CUBIN) who is actually a contributor to our committee's work.

Mrs. CUBIN. Mr. Speaker, as a Member who represents what is I consider the most rural district in the entire Congress, which is the whole State of Wyoming, I rise in support of H.R. 1554.

I do appreciate that the chairmen of the committees have made concessions on this rural issue. But there are, however, two measures that I think need to be addressed to make sure that adequate service is available to rural satellite viewers.

First of all, I believe that until the FCC adopts a comprehensive solution or replaces or modifies the 1950 standard for determining whether a household can receive an acceptable over-the-air picture, both DBS and C-band subscribers should be allowed to continue to receive distant network broadcast signals in lieu of the local signal.

The second issue that I am particularly interested in has to do with providing local-to-local service to rural America. Giving the satellite industry the right to retransmit local network signals into local areas will provide competition to cable systems and drive costs down for both cable and satellite service.

A significant number of constituents that I have do not have the choice between satellite and cable because the distances between homes and urban centers are not possible for cable.

So what I would like us to do is look very strongly into ensuring that we give satellite companies incentives rather than Federal mandates for providing local-to-local service.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) has 2 minutes remaining.

Mr. MARKEY. Mr. Speaker, again, I want to thank all of the Members who have involved themselves with their staffs in this issue, and everyone else in America who has written and called on this very important issue of their access to local television stations over their satellite.

□ 1500

This is a revolution that we are unleashing in today's legislation. We are going to make it possible for the first time for people to buy an 18-inch satellite dish and get their local TV stations over the dish. They will be able to disconnect their local cable company. For the first time they will have some other place to go. It will not just be out in rural America or in the deep suburbs with big backyards. It is going to be in urban America. This is going to be in house after house. In the most densely populated parts of our country, people are going to be able now to buy satellite dishes, 18-inch dishes, and know they get their local TV stations as well. I cannot imagine a bigger moment in the history of this video revolution than what we are doing here today.

I hope that when we get done with this legislative process and the President signing the bill, that the provisions we have included here on the House side are included, because the promise of today is something that is going to revolutionize the way in which America, and urban America especially, has access to all of the video programming being produced nationally and at a local television station level across our country. Again I want to thank all of the Members.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

This has been a special day. To all, I am appreciative, both on this floor and from all corners of this country. To close out, Mr. Speaker, to sum up, we are here because we are giving a break to the satellite carriers in order to help them compete. Under this bill these carriers no longer have to clear permission from copyright owners to retransmit their programming. They can retransmit without permission by availing themselves of a compulsory government license.

Normally, Mr. Speaker, I am averse to government license. But in this case to encourage competition, I endorse a limited license. In closing, I want to say that I join with the gentleman from California (Mr. BERMAN) in hoping for a return to the free market for copyright and a repeal of all these licenses in the future after competition has been assured.

Again, I thank all parties who have contributed, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BURR), himself a leader in the fight to get local television into satellite programming.

Mr. BURR of North Carolina. Mr. Speaker, I would like to also thank my colleagues on the Committee on Commerce and the Committee on the Judiciary for bringing this legislation to the floor. My interest in DBS technology began really last August when I first introduced a local-to-local bill. It appeared to me then as it does now that once the new technologies designed to facilitate transmission of local TV signals to their local markets are up and running, satellite television will provide a swift and viable competition to cable television. This in turn will allow customers to take full advantage of the open multichannel video programming market that is being created with cable deregulation. The bill we have before us today will not only bring this much needed competition to the market but it will alleviate some of the problems satellite TV viewers are experiencing as a result of the court decisions.

In closing, Mr. Speaker, I again want to thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from California (Mr. BERMAN) and the gentleman from North Carolina (Mr. COBLE). I am truly excited about the possibilities that can happen from this piece of legislation. This is truly a piece of legislation written with the American people in mind.

Mr. TAUZIN. Mr. Speaker, I yield myself the balance of my time.

I commend the Speaker pro tempore, first of all, whom I know wanted to speak from the House floor in support of this legislation for his handling of this matter today. I again thank the gentleman from North Carolina (Mr. COBLE) for his excellent cooperation as he has always exhibited with me and the members of our subcommittee and to thank the staff. We sometimes fail to do that. I want to make sure that both the minority staff and the majority staff on both committees are highlighted today because so much of this technical work is their hard work and product. I want to thank them for it. Finally, to join the gentleman from Massachusetts (Mr. MARKEY) in his exhortation that this indeed is a revolutionary moment in video programming. I want to thank all of my colleagues for coming together to make this happen, not for the satellite or cable companies but for the consumers of America because this truly is one of the best consumer protection bills we have passed in a good long while.

Mr. PAUL. Mr. Speaker, today we are faced with an unfortunate and false choice between two evils. The false choice is whether the government should ban voluntary exchange or regulate it—as though these were the only two options. More specifically, today's choice is whether government should continue to maintain its ban on satellite provision of network programming to television consumers or replace that ban by expanding an anti-market, anti-consumer regulatory regime to the entire satellite television industry.

H.R. 1554, the Satellite Copyright, Competition, and Consumer Protection Act of 1999, the bill before us today, repeals the strict prohibition of local network programming via satellite to local subscribers BUT in so doing is chock full of private sector mandates and bureaucracy expanding provisions. H.R. 1554, for example, requires Satellite carriers to divulge to networks lists of subscribers, expands the current arbitrary, anti-market, government royalty scheme to network broadcast programming, undermines existing contracts between cable companies and network program owners, violates freedom of contract principles, imposes anti-consumer "must-carry" regulations upon satellite service providers, creates new authority for the FCC to "re-map the country" and further empowers the National Telecommunications Information administration (NTIA) to "study the impact" of this very legislation on rural and small TV markets.

This bill's title includes the word "competition" but ignores the market processes' inherent and fundamental cornerstones of property rights (to include intellectual property rights) and voluntary exchange unfettered by government technocrats. Instead, we have a so-called marketplace fraught with interventionism at every level. Cable companies are granted franchises of monopoly privilege at the local level. Congresses have previously intervened to invalidate exclusive dealings contracts between private parties (cable service providers and program creators), and have most recently assumed the role of price setter—determining prices at which program suppliers must make their programs available to satellite programing service providers under the "compulsory license."

Unfortunately, this bill expands the government's role to set the so-called just price for satellite programming. This, of course, is inherently impossible outside the market process of voluntary exchange and has, not surprisingly, resulted instead in "competition" among service providers for government favor rather than consumer-benefiting competition inherent to the genuine market.

While it is within the Constitutionally enumerated powers of Congress to "promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries," operating a clearinghouse for the subsequent transfer of such property rights in the name of setting a just price or instilling competition seems not to be an economically prudent nor justifiable action under this enumerated power. This can only be achieved within the market process itself.

I introduced what I believe is the most pro-consumer, competition-friendly legislation to address the current government barrier to competition in television program provision. My bill, the Television Consumer Freedom Act, would repeal federal regulations which interfere with consumers' ability to avail themselves of desired television programming. It repeals that federal prohibition and allows satellite service providers to more freely negotiate with program owners for just the programming desired by satellite service subscribers. Technology is now available by which viewers will be able to view network programs via satellite as presented by their nearest network affiliate. This market-generated technology will remove a major stumbling block to negotiations that should currently be taking place between network program owners and satellite service providers. Additionally, rather than imposing the burdensome and anti-consumer "must-carry" regulations on satellite service providers to "keep the playing field level," my bill allows bona fide competition by repealing the must-carry from the already over-regulated cable industry.

Genuine competition is a market process and, in a world of scarce resources, it alone best protects the consumer. It is unfortunate that this bill ignores that option. It is also unfortunate that our only choice with H.R. 1554 is to trade one form of government intervention for another—“ban voluntarily exchange or bureaucratically regulate it?” Unfortunate, indeed.

Mr. HUTCHINSON. Mr. Speaker, I rise today in reluctant support of H.R. 1554, the “Satellite Copyright, Competition, and Consumer Protection Act.” This bill is the first step towards ensuring competition among the different telecommunications providers—including satellite, cable, and broadcasting. Under this bill, satellite companies are no longer banned from retransmitting local network signals back into local markets, providing customers with local news, sports, and entertainment.

Unfortunately, due to cost and a lack of technology, satellite companies are prevented from offering local service or spot beaming signals to all television markets. Assuming the satellite companies will move into the largest and most lucrative markets, rural areas will not benefit from this bill, and will not be able to receive their local networks via their satellite. With few options, satellite customers who live in rural areas will be forced to rely on T.V. top or giant roof top antennas to receive their local programming from the broadcast stations. Though these antennas receive quality signals for some people, I am very concerned about those individuals who live outside of a Grade “A” area or are prevented from receiving their signal for some other reason. Under this bill, this issue is partially addressed by instructing the FCC to determine whether new regulations are needed to gage signal strength. This bill also provides for a speedy review for individuals who contest that they cannot receive an adequate signal by antenna. However, while this bill does establish a moratorium on further signal shut-offs until December 31st of this year, I am concerned about the thousands of individuals in my District who are presently without broadcast television. This bill does not address their plight. While I appreciate the hard work that both the Judiciary and Commerce Committees have done, it is my hope that we can work together with the Senate to devise an equitable solution that will assist these consumer.

Mr. PACKARD. Mr. Speaker, I rise in support of H.R. 1554, the Satellite Home Viewer Act. Satellite television subscribers should have the same rights as cable subscribers when it comes to receiving network broadcast signals.

The Satellite Home Viewer Act will give satellite carriers the right to air local television broadcasts. This is very important to my district, where many citizens have to revert to purchasing a satellite dish for better reception. Without H.R. 1554, many still can't water their local news. They should be allowed to receive local television signals with a dish, just like they can with cable.

H.R. 1554 will provide a discount on copyright fees for network programming. This levels the playing field between satellite and cable industries, in turn promoting competition and lowering the prices for consumers.

I urge my colleagues to support H.R. 1554. It is time we open up the way for true cable competition and remove anti-customer barriers. Consumers have a right to greater choice of quality television programming.

Mr. BEREUTER. Mr. Speaker, this Member rises to support H.R. 1554, the Satellite Copyright, Competition and Consumer Protection Act, but that support is accompanied by reservations.

There are many good reasons to support this bill. It provides a way for satellite companies to carry local stations in rural areas and metropolitan areas. It requires satellite companies to accept the must carry provisions. It will expedite the waiver process for customers who do not receive local signals. And, it will encourage the increased competition that is necessary for all Americans to more fully benefit from the revolution in telecommunications.

This Member has heard from many Nebraskans who are frustrated about the restrictions in the Satellite Home Viewer Act that compel satellite carriers to stop transmitting network signals to their customers. We must provide a way for residents of rural areas to receive network satellite service. At present, satellites offer the best opportunity for increased competition with cable television systems.

Unfortunately, this bill includes a provision that will further an injustice that cable customers in some of our small, rural communities are already experiencing. For years, because of the Federal Communications Commission's enforcement of syndicated exclusivity and non-duplication rules, cable customers in certain small communities located in some state border areas have not been able to watch television programs produced by stations in their own state. Their cable systems are prohibited from transmitting the news and other programming that relates to the customer's own state. This bill applies those same restrictions to satellite companies, and makes no provision or exception for those small communities near state borders that are “blacked out” of their own state's news and sports.

In 1992, when the 102nd Congress considered the Cable Television Consumer Protection and Competition Act, this Member supported an amendment introduced by the gentleman from California (Mr. DOOLITTLE) that would have provided an exception for those few, but very important, communities.That amendment was withdrawn when the then-Chairman of the Telecommunications Subcommittee agreed to revisit the issue. Now, almost seven years later, those communities have not seen relief, and we are acting on legislation that will perpetuate their problem.

We must resolve the current satellite problems and this measure is intended to do that. But, those state-border communities have yet to see their problem resolved, and this Member assures them that he is preparing a bill that addresses that problem.

Mr. EWING. Mr. Speaker, I want to express my strong support for this legislation and to say it is long overdue. I have received hundreds of calls and letters from my constituents who are irate that they have lost their CBS and FOX stations from their satellites. It amazes me that the two industries involved could not resolve this issue between themselves. Both of them provide a service to consumers and they seem to have forgotten how to treat their customers.

The recent decision to remove network signals from at least 700,000 homes was poor judgment on the part of the industries involved and I believe they will suffer the anger of the many rural consumers who were victims of the battle between the broadcasters and satellite providers. No one has taken into consideration the thousands of rural households that simply cannot receive signals from their local networks with an antenna. It is not reasonable to expect rural consumers to settle for poor reception based on an arcane definition of who can and cannot receive local signals, when they are willing to pay extra for a better quality picture from their satellite provider.

That is why I believe that this legislation is a step in the right direction. The provisions that allow satellites to provide local network signals will protect local networks and allow rural consumers to receive quality signals. I am also happy to see a provision that requires the FCC to develop a new standard for determining whether a TV viewer can receive local station signals, and requires the satellite providers and broadcasters to bear the cost of on-site tests of viewer reception quality.

When I am disappointed that network signals will not be returned to the households which lost them, I do support this bill and hope that the Senate will take action similar legislation so that we can get network signals back to my constituents.

Mr. STEARNS. Mr. Speaker, I rise today in support of the Satellite Home Viewer Act. Many people deserve credit for their efforts in getting this bill to the House floor, especially my chairman in the House Telecommunications Subcommittee, Mr. TAUZIN, and the ranking Member in the Subcommittee, Mr. MARKEY.

Mr. COBLE also deserves many thanks for his work producing this bill.

As our colleagues in the House know, all of our constituents who subscribe to satellite services rightfully expert to receive their local television programming one way or another through their satellite carrier. Until today, our constituents have not had the ability to do so because satellite providers have not had the proper copyright authority to retransmit those signals.

The heart of this legislation gives the satellite provider the legal authority to carry the local television signals directly into consumers homes.

The other focus point of this legislation is how we manage the transition from today, where no consumers receive their local signals, to when they can. As our colleagues are aware, many consumers had been receiving network channels from television markets in other areas of the country because they could not receive their local signals.

Unfortunately, many if not most were receiving those signals illegally because they were within the reach of receiving an over-the-air signal from their local stations. Under current law, as was upheld in federal court, satellite customers can only receive a distant network signals if they reside outside a Grade B signal area for local markets or if they cannot receive a local signal because of topographical barriers.

But frankly, in our ever evolving high-tech world, being limited to yesterday's television technology is an anachronistic means of entertainment. The average viewer expects and demands to receive the clearest television picture and audio available. Over-the-air reception does not meet those expectations. That is why this legislation is critical for Americans subscribing to satellite programming.

I have two concerns remaining with the legislation, one that is dealt with and one that will hopefully be dealt with.

The first: If satellite providers started providing local signals today to consumers, they would not be close to being able to deliver every local channel in every local market. In fact, I believe that providers with their current satellite capacity would be able to deliver all the local channels in just a small handful of markets. These providers would basically have to pick and choose which local markets to serve, which will likely result in rural consumers not being able to receive their local channels.

This legislation tries to ease this carriage burden by granting satellite carriers a transition period until January 1, 2002 to comply with must-carry rules, which requires providers to carry all local channels in markets they choose to delivery local signals.

I think must-carry is a fair burden for satellite providers because cable operators have to exist under the same conditions. My fear stems from a worry that come January 1, 2002, if these satellite providers continue to lack the capacity to serve every market in the country, they will choose to ignore the smaller and more rural television markets, such as my sixth congressional district in North Central Florida.

With the efforts of Chairman TAUZIN, this legislation includes a requirement that the Register of Copyrights and the Assistant Secretary of Commerce for Communications and Information shall conduct a study and report to Congress no later than July. 1, 2000 primarily whether small and rural markets are being effectively served by their local signals.

I thank Mr. TAUZIN for including this study language and requiring them to report back to Congress by July 1 of next year, which will hopefully allow us time to make any necessary changes to aid consumers in these type of markets.

My final concern is in regard to satellite consumers who own C-Band dishes. A C-Band dish is the big satellite dishes we often see in rural areas. These were the first consumer satellite dishes on the market. Unfortunately, these dish owners are not granted a similar moratorium date that will be given to other satellite consumers to have until the end of this year before they lose their distant network signals.

There are over 70,000 C-Band owners in Florida alone and over a million nationwide. I hope as we move to Conference or before the bill returns to the House, this anomaly is corrected to allow an even moratorium for all satellite consumers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this bill, the Satellite Copyright, Competition, and Consumer Protection Act of 1999, which redefines the role of part of our telecommunications industry.

This bill is an important one for several reasons. First, because it provides the rules and regulations that will allow satellite service providers, like Prime Star and Direct TV, to compete for television services in areas that have until now, been traditionally dominated by cable companies.

This is because up until now, satellite service providers, unlike their land-based competitors, have not be allowed to rebroadcast local television signals. The result of this inequity has seriously undermined the ability of dish providers to provide meaningful competition to cable, notwithstanding the development of small dish-based systems that are more affordable than ever before. This inequity has only been further highlighted by cable companies, who in the spirit of American advertising, have waged a successful marketing war against satellite-based systems by point out the fact that even those customers with the finest satellite systems are still destined to be encumbered by old-fashioned "rabbit ear" antennas if they wanted to receive their regular local programming.

This bill rectifies this situation, by finally allowing satellite system providers to provide local television programming to their customers. This means that my constituents in Houston will be able to select between at least two services to satisfy their television needs—something that many of us have looked forward to for a long time. The fact that we are giving dish-providers the ability to rebroadcast local signals, however, does not come without additional responsibility. Under this bill, dish-providers will not be able to carry only those signals that stand to earn them a great deal of profit—they must also carry all of those local signals that are required of the cable companies. After all, this bill was designed in order to erase inequities, not further them.

Another mechanism in this bill that provides for an equal footing is the non-discrimination clause, which tells broadcasters that they must make their signals available for rebroadcast by cable and satellite companies. This prevents broadcasters from altering the landscape of competition in their markets by tipping the scales in favor of one side over the other by allowing them to choose whom will have the rights to rebroadcast their signals.

Having said that, although the debate on this bill, which came out of both the Commerce and Judiciary Committees, has been feverish at times, I believe we have reached an amicable situation to each of the interested parties involved. Most of all, however, I am convinced that we are addressing a topic that is vital to the comfortable living of our constituents. During debate on several of the more controversial provisions, we have received a great deal of mail from constituents, both satellite and cable customers, asking us to address this issue in earnest. I feel that with this bill, I can go back to Houston and reassure my community that relief is on the way.

I urge each of you to support this legislation, and to support meaningful competition for our constituents.

Mr. GILMAN. Mr. Speaker, I would first like to take this opportunity to thank my colleagues from the Commerce and Judiciary Committees for dedicating so much of their valuable time to this legislation.

Over the past few months I have received an overwhelming number of phone calls and letters from constituents who are outraged over the loss of their television stations. These families live in rural New York, among the peaks and valleys of the Catskill Mountains. They turned to the satellite industry to provide them with broadcast signals because cable service was not an option. Moreover, satellite service offered them the clear, unobstructed signal they could not receive from a rooftop antenna. These hard working families do not deserve to lose the quality of the only service they have the option of enjoying.

As a cosponsor of the original legislation, I support H.R. 1554, "The Satellite Copyright, Competition, and Consumer Protection Act of 1999." I watched the development of this bill closely and I am very grateful to the Members who have worked together to bring this legislation to the floor. H.R. 1554 is more than a quick fix; by focusing on competition rather than regulation, this legislation addresses the heart and future of this market.

Each year more Americans subscribe to satellite service. However, these Americans cannot always access their local news, weather, or community stations. H.R. 1554 brings to the table the same "must carry" requirements that Congress implemented on the cable industry. Local broadcasting serves a "public good" by providing community programming and local information. If satellite service is to become an equal competitor in the broadcast market, they must be held to the same set of standards as their competition.

Moreover, this legislation addresses the discrepancies in the present "graded contour system," which fails to recognize the topography of certain regions. This system has unfairly prohibited many of my constituents from continuing to receive certain broadcast signals because of the location of their home. Thankfully, this legislation will require the FCC to review and reconstruct this outdated system and return service to the those who rely on this service.

Once again, I want to thank Chairman BLILEY, Chairman HYDE, and all the members of the Commerce and Judiciary Committees for bringing this bill to the floor of the House.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1554.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARMEY) that the House suspend the rules and pass the bill, H.R. 1554, as amended.

The question was taken.

Mr. COBLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DECLARING PORTION OF JAMES RIVER AND KANAWHA CANAL TO BE NONNAVIGABLE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1034) to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and other maritime laws of the United States, as amended.

The Clerk read as follows:

H.R. 1034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The canal known as the James River and Kanawha Canal played an important part in the economic development of the Commonwealth of Virginia and the city of Richmond.

(2) The canal ceased to operate as a functioning waterway in the conduct of commerce in the late 1800s.

(3) Portions of the canal have been found by a Federal district court to be nonnavigable.

(4) The restored portion of the canal will be utilized to provide entertainment and education to visitors and will play an important part in the economic development of downtown Richmond.

(5) The restored portion of the canal will not be utilized for general public boating, and will be restricted to activities similar to those conducted on similar waters in San Antonio, Texas.

(6) The continued classification of the canal as a navigable waterway based upon historic usage that ceased more than 100 years ago does not serve the public interest and is unnecessary to protect public safety.

(7) Congressional action is required to clarify that the canal is no longer to be considered a navigable waterway for purposes of subtitle II of title 46, United States Code.

SEC. 2. DECLARATION OF NONNAVIGABILITY OF A PORTION OF THE CANAL KNOWN AS THE JAMES RIVER AND KANAWHA CANAL IN RICHMOND, VIRGINIA.

(a) Canal Declared Nonnavigable.—The portion of the canal known as the James River and Kanawha Canal in Richmond, Virginia, located between the Great Ship Lock on the east and the limits of the city of Richmond on the west is hereby declared to be a nonnavigable waterway of the United States for purposes of subtitle II of title 46, United States Code.

(b) Ensuring Public Safety.—The Secretary of Transportation shall provide such technical advice, information, and assistance as the city of Richmond, Virginia, or its designee may request to insure that the vessels operating on the waters declared nonnavigable by subsection (a) are built, maintained, and operated in a manner consistent with protecting public safety.

(c) Termination of Declaration.—

(1) In general.—The Secretary of Transportation may terminate the effectiveness of the declaration made by subsection (a) by publishing a determination that vessels operating on the waters declared nonnavigable by subsection (a) have not been built, maintained, and operated in a manner consistent with protecting public safety.

(2) Public input.—Before making a determination under this subsection, the Secretary of Transportation shall—

(A) consult with appropriate State and local government officials regarding whether such a determination is necessary to protect public safety and will serve the public interest; and

(B) provide to persons who might be adversely affected by the determination the opportunity for comment and a hearing on whether such action is necessary to protect public safety and will serve the public interest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1034, a bill to declare a portion of the historic canal system in Richmond, Virginia, to be nonnavigable for purposes of subtitle II of title 46, United States Code.

The Richmond canal system is part of a waterfront economic development project undertaken by the city of Richmond. This bill will allow the city to offer boat tours on the canal and to bring economic opportunities to downtown Richmond. The Coast Guard has reviewed the city's plans for the boat tours and has found no safety problems with the operation.

This bill reflects a bipartisan agreement worked out with the city of Richmond. It provides additional safety oversight of the Richmond Canal if that becomes necessary in the future. The gentleman from Virginia (Mr. BLILEY) is the primary author of this bill. It is through his leadership that we are here today. I certainly commend him for his tenacity in getting us to bring this legislation to the floor. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1034, a bill to designate a portion of the James River and Kanawha Canal in Richmond as nonnavigable for purposes of subtitle II of title 46, United States Code.

Mr. Speaker, this is a very noncontroversial bill. Its purpose is to allow the city of Richmond to regulate safety on this small body of water instead of the United States Coast Guard. The Kanawha Canal is about 1 mile long and 23 feet wide, with an average depth of 3 feet. As part of an urban renewal project, the city is going to have small boats taking passengers up and down the canal. This legislation will allow the city of Richmond to regulate the safety of the passengers on those vessels. If the Coast Guard finds that the vessels operated on these waters are built, maintained, or operated in a manner that does not protect the public, then the United States Coast Guard can revoke the nonnavigability determination and subject all of the vessels operating on the canal to full Coast Guard inspection and licensing of personnel. Because of the Coast Guard's safety expertise, the city of Richmond has committed to consulting with the Coast Guard before allowing any material changes to the construction, maintenance or operation of these vessels.

Mr. Speaker, I believe that this bill adequately balances the desire to promote tourism in Richmond with the need to ensure the vacationing public a safe boating experience on this canal. Therefore, Mr. Speaker, I urge my colleagues to support passage of H.R. 1034.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY), the author of this legislation.

Mr. BLILEY. Mr. Speaker, I rise today in support of H.R. 1034, a bill I introduced with the gentleman from Virginia (Mr. SCOTT) to declare a portion of the James River and Kanawha Canal nonnavigable for purposes of subtitle II of title 46 of the U.S. Code.

The city of Richmond along with Richmond's Riverfront Management Corporation, a nonprofit group of local business and community leaders, have been working for several years to redevelop downtown Richmond. Their local historic preservation efforts will promote much needed economic development in Richmond's historic downtown and serve as a boost to tourism in Shockoe Slip and along the Richmond Canal front.

The focal point of this renaissance is a Canal Walk along the Haxall and James River and Kanawha Canals. The city of Richmond and Riverfront Management Corporation hope to operate boat rides for tourists on the canals.

Despite being filled in with dirt for 50 years, the canal was considered a navigable waterway and under Coast Guard jurisdiction because of its past use, over 100 years ago, in interstate commerce. The James River and Kanawha Canal ceased to be used for interstate commerce in the 1880s. The Haxall is already nonnavigable because it originated as a millrace.

This is not a major waterway. The canal, as the gentleman from Mississippi pointed out, averages a depth of 3 feet. At one point it is only 24 inches deep. It has a width of approximately 23 feet. It is a controlled channel with a constant water surface elevation and water velocity.

The city of Richmond sought the oversight responsibility for the James River and Kanawha Canal, and Richmond's Mayor Tim Kaine has written me and the gentleman from Virginia (Mr. SCOTT) to ensure us the city takes its obligation in protecting public safety seriously.

Mr. Speaker, I include copies of the two letters from the mayor in the RECORD at this point.

CITY OF RICHMOND,
Richmond, VA, April 13, 1999.

Hon. THOMAS J. BLILEY,
Hon. ROBERT C. SCOTT,
Rayburn House Office Building,
Washington, DC.

DEAR MESSRS. BLILEY AND SCOTT: I want to express my appreciation on behalf of the City of Richmond to you for introducing H.R. 1034 to declare the James River and Kanawha Canal non-navigable. The time and energy that you and your respective staffs have given on behalf of this important economic development project are greatly appreciated.

I am writing to address certain concerns that have been raised by members of the Committee on Transportation and Infrastructure professional staff regarding the operation of canal boats on the James River & Kanawha Canal. As you know, members of your staffs and the committee visited Richmond yesterday to gain a first hand understanding of what this project entails.

The staff has expressed a desire to have a fuller understanding of the actions the City of Richmond will take after the canal is declared non-navigable to insure that boats operated on the canal are built, maintained and operated in a manner that will insure public safety. As you know, the Coast Guard has reviewed the design of the boats that will be used on this canal and found the design suitable for a passenger load of up to 40 people. The Coast Guard has also reviewed other aspects of the planned operation. As I understand it, the staff is not concerned with the operations as planned, but is seeking some assurance of how the city will address changes in operation that may be proposed at some time in the future.

It would be the city's intention to require that it receive notification from its franchisee (i.e. the Riverfront Management Corporation), of any material changes in the design or operation of canal boats on the James River & Kanawha Canal. The city would then utilize the provisions of section 2(b) of the current draft of legislation to seek advice and assistance from the Secretary of Transportation to enable the city to determine whether or not the proposed changes in operation or boat design were consistent with protecting public safety. The city would then exercise its authority under existing law to take appropriate action.

The city takes its obligation to protect public safety seriously and will make appropriate use of local, state, federal, and private sector expertise to insure that this project is operated consistent with protecting public safety. The canal redevelopment is of vital importance to the economic development of Richmond. The project is nearing completion and prompt passage of legislation is necessary.

I hope this letter will serve to clarify the manner in which the city plans to proceed once these waters are declared non-navigable.

Sincerely,
TIMOTHY M. KAINE, *Mayor.*

CITY OF RICHMOND,
Richmond, VA, April 20, 1999.

Hon. THOMAS J. BLILEY, JR.,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BLILEY: It was a pleasure speaking with you on Monday concerning the renovation and reopening of Richmond's Historic Canal System. We certainly appreciate your efforts to assist us with the Coast Guard regulation of the canal.

As we discussed, I will introduce an ordinance on Monday, April 26 mandating that the canal boats will carry no more than 40 passengers during operation. I expect that this ordinance will not encounter any opposition and should be passed at our meeting on May 10. Once the ordinance is passed, I will send a copy to you for appropriate distribution.

Thank you so much for assistance on this matter. We have waited a long time to reopen this historic resource and it will be a great benefit to generations of Richmonders.

Sincerely,
TIMOTHY M. KAINE, *Mayor.*

Mayor Kaine has also introduced an ordinance in the city council limiting the number of boat passengers to 40 in accordance with approved boat capacity by the Coast Guard. The city welcomes this responsibility and I believe has more than demonstrated their commitment to ensuring a safe and enjoyable boat ride for Canal Walk visitors.

It should be noted this bill does not waive Federal, environmental or labor laws. It also ensures that safety regulations are in place and gives the Secretary of Transportation the authority to revoke the nonnavigable designation if the Secretary determines the tour boat concessions are not being operated in the interest of public safety.

H.R. 1034 gives the city of Richmond the freedom to continue its efforts to rejuvenate an historic part of the city, bringing renewed economic opportunity to downtown Richmond and a new historical perspective for the enjoyment of tourists and Richmonders alike.

I thank the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Virginia (Mr. SCOTT) for their efforts in working to produce a common-sense bipartisan bill. I urge its swift passage by the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the bill, H.R. 1034, which I have cosponsored with the gentleman from Virginia (Mr. BLILEY). The legislation, H.R. 1034, declares a portion of the James River and Kanawha Canal in Richmond, Virginia, between the Great Ship Lock on the east and the city limits on the west as nonnavigable waters. The bill gives jurisdiction and authority of the canal to the city of Richmond for the purpose of operating boats along the canal adjacent to downtown Richmond.

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In the late 19th century the canal was used to transport commerce from other parts of Virginia on the James River and into the canal. The canal was eventually closed, and, as has been said, filled with dirt for many years. In 1973, a federal judge declared parts of the waterway nonnavigable. Nevertheless, due to its former use, to move commerce along the river, the Coast Guard has maintained that the canal has retained its technical classification as a navigable waterway.

Now the City of Richmond has redeveloped the area with Canal Walk, a project that will revitalize the area along the James River and Kanawha Canal. The canal, as has been stated, averages 3 feet in depth and has a width of approximately 23 feet when it opens, the city will use canal boats as a major attraction to draw tourists to the restored area of the river. The Canal Walk is expected to generate thousands of visitors who will enjoy numerous attractions and seasonal activities along the James River and Kanawha Canal, and it will play a valuable role in the revitalization of the river front.

This legislation makes clear that the City of Richmond may operate the boats on the canal with a number of accepted requirements and standards that will satisfy public safety concerns of Federal, State and local regulators. I would like to thank the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Mississippi (Mr. TAYLOR) for working in cooperation with the gentleman from Virginia (Mr. BLILEY) and myself in such an expeditious and bipartisan manner. H.R. 1034 has gained the unanimous support of the House Committee on Transportation, and I urge its acceptance by the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking minority member of the committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding this time to me. I, too, rise in support of H.R. 1034.

Mr. Speaker, I had concerns originally about this legislation as introduced, but those concerns have been addressed by an amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) during committee consideration of the bill. My primary concern was that the purpose of the introduced bill was to exempt vessels that would be operating on this stretch of the canal from all Coast Guard safety laws. Now these vessels would be transporting up to 35 passengers up and down the canal for admittedly a very limited distance, but those passengers would include small children, elderly persons, people in wheelchairs.

I was concerned also that the bill would exempt vessels from all other maritime laws of the United States, including the Jones Act and marine pollution laws, from my standpoint, a very unwelcomed precedent. In ordinary conduct of business the public has a right to expect that vessels they board will be safe, that is laws of the United States under which vessels operate will protect them.

Mr. Speaker, the primary purpose of these vessels is to serve the cause of tourism, and I am a very strong supporter of tourism. I chaired the Congressional Travel and Tourism Caucus for several years and advocated tourism. I want to see developments of this kind take place. This is a very ambitious, a very attractive waterfront development in the City of Richmond, which indeed started under the aegis of the gentleman from Virginia (Mr. BLILEY) when he was mayor there.

So I met with the gentleman from Virginia, and I expressed to him my concerns about the rather overly broad sweep of the language and was satisfied that the consequences of that language were not intended by any means by the gentleman from Virginia, nor the other gentleman from Virginia (Mr. SCOTT) who was the principle co-author of this legislation, and after rather extensive discussion, we came to a very clear meeting of the minds, that adjustments should be made. The gentleman went back to his City of Richmond, talked with the mayor and city council and came back with a narrowing of the scope of the bill so that the designation as nonnavigable applies to a very much smaller and narrower set of Coast Guard laws.

Second, the language provides for the Coast Guard to revoke the designation and make the vessels operating on the canal subject to safety regulations if the vessels are not built, maintained and operated in a manner consistent with public safety, the City of Richmond will be primarily responsible for ensuring that the vessels are operated safely, and third, the gentleman from Virginia (Mr. BLILEY) also worked out with the City of Richmond an agreement to consult with the Coast Guard before allowing any material change in the operation of the vessels on the canal. So the city is the primary line of defense and responsibility for public safety and common wield.

The Mayor of Richmond, in fourth place, has agreed to introduce a city ordinance restricting the carrying capacity of these vessels to 40 people, the maximum allowed under Coast Guard guidelines and recommendations.

Mr. Speaker, I think these four changes make this a very acceptable bill. I know it took a good deal of effort on the part of both the principle author and the co-author of the legislation to make these adjustments, but they are in the best public interest, and I appreciate their cooperation. I think the public will appreciate their concern and action on behalf of safety, and certainly we should all rest assured that the traveling public will have a very safe medium in which to enjoy the pleasures and the extraordinary history of this beautiful City of Richmond.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 1034, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1034, as amended, the bill just passed.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE TRAGIC SHOOTING AT COLUMBINE HIGH SCHOOL IN LITTLETON, COLORADO

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 92) expressing the sense of Congress with respect to the tragic shooting at Columbine High School in Littleton, Colorado.

The Clerk read as follows:

H. CON. RES. 92

Whereas on April 20, 1999, two armed gunmen opened fire at Columbine High School in Littleton, Colorado, killing 12 students and 1 teacher and wounding more than 20 others; and

Whereas local, State, and Federal law enforcement personnel performed their duties admirably and risked their lives for the safety of the students, faculty, and staff at Columbine High School: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns, in the strongest possible terms, the heinous atrocities which occurred at Columbine High School in Littleton, Colorado;

(2) offers its condolences to the families, friends, and loved ones of those who were killed at Columbine High School and expresses its hope for the rapid and complete recovery of those wounded in the shooting;

(3) applauds the hard work and dedication exhibited by the hundreds of local, State, and Federal law enforcement officials and the others who offered their support and assistance; and

(4) encourages the American people to engage in a national dialogue on preventing school violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentlewoman from New York (Mrs. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the veneer that separates civilization from barbarism, that separates good from evil, is very thin, and it appears everywhere to be wearing thinner. Last week it wore through in my hometown, and the evil seeped out and stole the lives of 12 innocent children and one valiant teacher at Columbine High School. Mr. Speaker, yesterday my son Ray gave me something he had written in response to this tragedy. I believe it is not just fatherly pride that compels me to read parts of it here today. I believe he eloquently captures the nature of the cultural abrasives that ever so relentlessly eat away at our national soul, and I would like to cite just a part of it:

"Do you believe in God?" "Yes, I believe in God."

"Seventeen year old Cassie Bernal's life ended with that answer. Our answers to the Columbine High School murders begin with the same question, and our answer must be the same as Cassie Bernal or the nihilistic fury unleashed by those two young murderers will surely prevail."

People search for meaning in these brutal senseless acts. People question the norms of a society in which monstrous violence can be countenanced. People question the righteousness, even the existence of a God who can allow such pain and violence into the world. These are valid, but unanswerable questions.

We can speculate and hypothesize, we can blame and vent, but in the end we know we cannot fathom the meaning of this event or presume to comprehend this evil. Nevertheless, our choice is stark: Do we believe in God or not? An answer to that question is the whole of what we take away from the Columbine massacre, for the answer means everything.

We either coast in the cultural currents of a facile nihilism, or we embrace God on our knees and pray for His grace and forgiveness. Nihilism or God, that is the choice. The comfortable in-between is now gone.

In reporting on Adolph Eichmann's 1960 trial in Jerusalem, philosopher Hannah Arendt noted the banality of evil; that is, how small, petty and unoriginal evil appears. She was speaking of Eichmann, a trivial bureaucrat who efficiently and systematically undertook the murdering of the Jewish people in Europe. Likewise here, evil's banality is made plain to us. Two disaffected punks have changed life in my hometown forever.

In the end my conclusions are unsatisfying and incomplete: sin is real, evil is real. The inscrutable evil of these men made perfect sense from within their world. If I do not believe, if we do not believe, then their nihilism is right, and even if we ourselves do not embrace it, we have no means to stop others from doing so.

Pray the Lord's mercy on us.

Stopping it is one thing, but where and how did it start? The comfortable, prosperous suburbs of Denver, Colorado should not foster such dark realities. Moreover, high schools have always had this same group of disaffected bright kids, who flirted with the darker regions of the culture. What changed for the diabolical fantasies of murder to be made real? No doubt a confluence of factors coalesced to make these young men's revenge fantasies turn into reality. I offer some comments on three factors in particular: the culture, technology and institutions.

THE CULTURE

Ours is a culture wrapped in cotton candy nihilism. Poses and attitudes of nihilism are struck and celebrated. The academy has its au courant ideologies. Feminism, postmodernism, structuralism, scientific materialism all presuppose a purposeless universe without any transcendent order where society is predicted on power and violence. Entertainment has its explicit nihilistic messages—the goth rock of Marilyn Manson and KMFDM—its ironically hip ones—the accomplished, but immoral, films of Quentin Tarrantino—and its implicit nihilism—Jerry Springer, or the titillation cum therapy of MTV's Loveline. Indeed, nihilism in a soft and weak form is everywhere.

Meanwhile, "adult society" complacently indulges the destruction of cultural traditions. Legal norms are in shambles—murderers and perjurers escape punishment, and civil justice has become an elaborate shakedown scheme. Rampant materialism fuels a vicious cycle of decadent consumption and unending labor. Finally, cynicism and lassitude are the "adult" responses to the widespread cultural decay.

Our culture not only whispers, but veritably screams, that anything goes. While this is the cultural undertow, the current at the surface holds up ideals that are betrayed almost immediately—democracy is in disrepair; big business alternately rentseeks of foists cultural rot onto a complacent public; and education is mind-numblingly dumbded-down and awash in psychological fads.

An idealistic (yes, idealistic) young man regarding this spectacle can easily be drawn into the depths of the undertow. It is a wrong, but facile, conclusion that all is power, and that the ideals of this country are fraudulent. Reinforce this with bombs, guns and music—and someone just might, indeed, did, snap.

TECHNOLOGY

The internet is praised for its promise and ability to connect people in ways hereto before unthinkable. The commercial and intellectual potential of the internet is a marvel. But there is a dark side to all this. An absolute majority of internet traffic is pornography. Subcultures that used to be isolated, can now connect and reinforce one another.

As I said before, the type of student that Harris and Klebold represent has always roamed the halls of American high schools. Such students endure cruelties and indignities in the remorseless culture of high school, but they do not end up killing their classmates and trying to blow up the school.

With the internet, however, instead of hanging out with a few like-minded outcasts in their parents' basement, these youths can log-on and interact with a whole underground world. These internet "communities" promote the ultimate in social atomization—a whole new self-created virtual identity. Wann-be Supermen could formerly only hear one-way communication through records and, for the semi-literate, books. Now, that communication is two way—bomb recipes can be exchanged, home pages can advertise and promote the rage, chat rooms can stiffen the resolve of would-be mad bombers.

INSTITUTIONAL

Columbine high school houses nearly 2000 students. The principal of the school has said that he didn't even know these two students; nor had he heard of the "trench coat mafia," the disaffected coterie of students to whom these men belonged.

It was easy for Eric Harris and Dylan Klebold to get lost at Columbine. They apparently did get lost, to all of our detriment.

The magnitude of 2000 student schools serves no educational purpose, but mainly an athletic one. Parents and students cannot hope to have a stake in a school of that size. In the same way that big business and big government depersonalizes, big education makes it easy for students to feel warehoused and adrift.

Who knows if a smaller school, with more particular attention would have changed these young men? It may well not have. But in this time when we talk about community, let us realize that communities start from the ground up, and are built on personal connection to a group, be it a family, a neighborhood, a church, or a school. Values are shared and friendship is shared in a real community.

Industrial-sized education does not serve community-building. Neither does an education monopoly that must meet the needs of the lowest common denominator.

CONCLUSION

Secular culture has no effective response to the nihilism of these young men, and the subculture from which they emerged. Therapy and "anger management" did not, and could not have, saved them. To the contrary, therapeutic interventions probably only further confirmed their view of our weak and feckless culture.

In reporting on Adolph Eichmann's 1960 trial in Jerusalem, philosopher Hannah Arendt noted "the banality of evil;" that is, how small, petty and unoriginal evil appears. She was speaking of Eichmann, a trivial bureaucrat who efficiently and systematically undertook murdering the Jews of Europe. Likewise here, evil's banality is made plain to us. Two disaffected punks have changed life in my hometown forever.

In the end, my conclusions are unsatisfying and incomplete; Sin is real; Evil is real. The inscrutable evil of these men made perfect sense from within their world. If I do not believe, if we do not believe, then their nihilism is right—and even if we ourselves do not embrace it, we have no means to stop others from doing so.

Pray the Lord's mercy on us.

Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, first I want to thank the gentleman from Colorado (Mr. TANCREDO) for bringing this important resolution to the floor. My thoughts and my prayers go out to all the victims and their families, and certainly my admiration goes out to all the heroic men and women who offered their support and assistance during this time of crisis.

As we mourn the victims of the tragic school shooting in Littleton, Colorado, I think we all come to realize that gun violence and violence in our schools can happen everywhere. It affects all of us on a daily basis. From Pearl, Springfield, Jonesboro, Littleton, Paducah kids are using guns to harm their classmates. Each and every day throughout our towns and our communities we lose 13 young children a day. That is an entire classroom every 2 days.

Mr. Speaker, over the last several years, I have had to stand here and talk about all the shootings, and it starts to wear one down because we realize the pain that all these families are going through, we realize all the pain that the whole community will start to go through, and yet we are seeing constantly more and more and more.

We here in Congress will be doing this resolution because every single Member of this body feels the pain, but I do believe that we also have a moral obligation to try and save other families from going through what they have in Colorado.

We do not have all the solutions. They are all complex. But I do believe that we should start to think about what we can do. I hope that I can look forward to working with all of my colleagues here today to solve the problems of our young people.

□ 1530

I know families across the Nation will join together to demand that politics be taken out of this debate. We must do what we can do to deal with children and guns. Too many children, too many parents and too many families have already suffered. Enough is enough.

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I rise today in support of House Resolution 148, offered by the distinguished gentleman from Colorado (Mr. TANCREDO), but with profound sorrow for the loss the community of Littleton has endured over the last 7 days. The horrible tragedy at Columbine High School has left an indelible mark in our hearts and heads, and I want to take this opportunity to express my deep sorrow for the students, for the families and for the friends affected by these grave acts of violence. The thoughts and prayers of every American are with the citizens of Littleton, Colorado, and the families and friends of the victims of school violence endured in other parts of the Nation.

I also offer my sympathy to the gentleman from that area who lives so close to it. I am sure he has been through a very difficult time as well.

Mr. Speaker, today I join this body in initiating a search for answers. We cannot take away the events of April 20. We cannot reclaim the lives that were taken or the hope that was lost. We cannot take away the fear that has been instilled in students, parents and teachers across the Nation, but we can search for answers, and we can take steps to make our society safer and smarter, and, in turn, less vulnerable to any reoccurrence of this tragedy.

In searching for answers, however, we must be careful to resist the temptation to pin our hopes on a quick fix. There is no easy solution and there is no single solution. We must face the fact that we have a society-wide problem. We have to look at every aspect of how our society functions to find solutions to this violence.

We must look at the images our children are exposed to in daily life, through movies, television, music videos, video games and on the Internet. We must look at gun control and the access children have to firearms. We must look at parents and their responsibility to be involved in the lives of their children. We must look at teacher training and school counseling to ensure that school personnel can identify and deflate problematic behavior. We must look at prevention and education in the earliest years of a child's life, and we must look at accountability and reforming troubled youth.

Violence is not a simple problem that we can expect our schools to solve alone. We have a societal problem, and it will take the work of schools, families, communities and every level of government together to find ways to reach alienated children and to find ways to prevent the tragic violence that was displayed in Littleton, Colorado.

As chairman of the Subcommittee on Early Childhood, Youth, and Families of the Committee on Education and the Workforce, I am working to ensure that Congress contributes to finding solutions to school violence and to making our society safer and smarter.

Again, I want to offer my heartfelt sympathy to the families and friends of the 15 individuals who died last Tuesday at Columbine High School in Littleton, Colorado. My thoughts are with you and will remain with you as we seek to rebuild our society.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, this tragedy touches all of us deeply. My district is only three blocks from Columbine High School. I know families who have students at Columbine. They are my neighbors and they are my friends. These students are also the future of our community. So there is immeasurable sorrow in Denver, in my home State of Colorado and throughout America.

The shootings at Columbine High School transcend party lines, political boundaries and geographic barriers. Each one of us here today shares the grief and sadness shared by parents and students in Littleton.

We struggle to find the words to say. But this tragedy is beyond words; really, it is beyond experience. It leaves us shaken and numb. We try to understand it, but it is beyond understanding. The unimaginable has happened. We are left trying to comprehend the incomprehensible. Somehow we must make sense of all of this.

Many of us went to high schools like Columbine. I went to Denver South High School in the turbulent 1970's, and Columbine is just a short drive from there. But I did not encounter executions in the library and bombs in the stairwells.

I knew students excluded by popular groups. The truth is, many Members of Congress probably would not have won popularity contests in high School. Yet what we are trying to confront today is the violent turn of our culture, the rationality behind students with guns, and the decision to use those guns on classmates and friends.

Sadly, we must conclude that this country has become more violent in the past quarter century. We are more accepting of violence. We are more tolerant of its manifestation. We have lost some of our natural anger against violence. Violence is glorified in the media, in songs, in movies, in books and on the web. We have lost some of our social cohesion, where neighborhoods are now just where we live, where cities have become impersonal places. We have received a steady diet of nihilism, cynicism and skepticism, with little understanding of how that divides us, fragments us and transforms us. Now we often hear of a murder or robbery and shrug our shoulders saying, "Oh, well, what can you expect?" But violence is not part of life. It is not inevitable. We know better, or at least we should know better. Mahatma Gandhi, Dr. Martin Luther King, Jr., Robert Kennedy, our own colleague JOHN LEWIS and others have preached the importance of nonviolence. When will we learn? When will we prize the wisdom of nonviolence over the hasty mistake of gunfire?

We must speak out against those who pedal violence to our young students. We must shine the light of truth on those who believe violence is the answer, when it is only failure. We must no longer accept violence as the way of life, when it can only end a life.

Many Americans look to this House as a barometer of our national attitudes and culture. Today, our sorrow and anger can make us more thoughtful, more dedicated and more forthright in addressing violence in this country.

I hope it will. I hope we remember how we feel right now in the days and months to come, when we have valuable opportunities to work with community leaders, clergy, educators and social workers to institute real dialogue toward nonviolent dispute resolution.

We also need to do whatever we can to eliminate the ability of young people to obtain guns. It is frightening that one-third of the high school students in this country know someone who owns a gun. A troubled youth without a gun is dangerous; a troubled youth with a gun is deadly.

Those who wish to address youth violence in this country cannot refuse to discuss limiting access to guns for kids if they truly care about solving this crisis in America.

As a member of this House, but, most importantly, as a mother and a resident of Denver and Colorado, I extend my deepest personal sympathies to the students, teachers and families at Columbine High School. Today, the country stands united in your grief. We all share in your tragedy.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I greatly thank my colleague for yielding me time and for giving all of us this opportunity to adopt this congressional resolution and speak to it, because we must now all transform our horror and our remorse and pain and the sympathy for these families, that we sense for these families, and for those innocent children, those innocent children cut down in the springtime of a happy youth. That is what our dialogue is about today.

It is in their names, the names of these children, and in their memory, that I stand here this afternoon to plead with my colleagues for action, and that this national school dialogue should result in enforceable legislation to reduce the threats of school violence.

Yes, now is the time to address, in a loving and deeply meaningful and constructive way, to find methods to reduce the potential of these types of horrors being visited, and that they not be visited on other communities, on other innocent children, on other families.

There is a lot that we do not know about the event that led up to last week's massacre, but we do know this: Apparently the schools, the local communities and the components of the juvenile justice system did not communicate. Therefore, they were unable to apply in an informed or systematic way the things that we know about youthful behavior, namely the early warning signs of deviant and dangerous behavior, and we were unable, therefore, to use the knowledge that we have to act to get these young people and their parents into therapeutic programs that recognize and treat the trauma that causes such anger and violent attacks.

Just 11 weeks before this horrific rampage, these two young people were released from the probation system, apparently with flying colors, according to the newspapers. At the same time, these two young people were working on a complicated plot to destroy 500 lives. Indeed, the deputy sheriff assigned to the high school said last night that he did not even know the two teens had been arrested a year earlier. Evidently the school authorities did not know of the arrests. Whatever the reasons, there was a failure. There was no action taken to monitor their behavior or to communicate with the parents.

Mr. Speaker, we need to refer and develop working therapeutic support systems to deal with this kind of sickness. Mental health therapy must be an active component of our juvenile justice system, and our schools must have the information they need to protect their students, to reach out to the parents, and give them the advice and counsel they so desperately need.

Finally, Mr. Speaker, I would simply say, we must do this with reverence in the names of those innocent children and their parents and the heroic teacher, David Sanders.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, my heart is heavy with shock and sorrow at the unspeakable violence at Columbine High School. Congress cannot pass a "magic" law to guarantee that our children are safe in their schools, but we must still act.

As a school nurse, I have repeatedly stressed the importance of school counseling, and I call on my colleagues in Congress to fully support a school coordinator initiative which will provide violence counselors in middle schools across the country. Trained counselors in our schools can and have demonstrated that they are able to spot troubled kids and help them resolve conflicts peacefully before they escalate into violence.

Sadly, Littleton, Colorado, is not the only place where young lives have been taken from us. This past week in San Luis Obispo, California, the bodies of two young women, local college students, were finally discovered and their alleged killer was finally arrested. I join the entire community of San Luis Obispo in expressing heartfelt sorrow to the families and friends of Rachel Newhouse and Aundria Crawford. Because of the heroic efforts of our local law enforcement, the painful ordeal of these families of waiting has ended.

These students in Littleton, Colorado, and San Luis Obispo, California, have died way too soon. We must now, across this country, come together in our resolve to ensure that they have not died in vain.

Mr. TANCREDO. Mr. Speaker, I yield 3½ minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, this past weekend I attended with the gentleman from Colorado (Mr. TANCREDO) the memorial service for the students and the teacher who died, and, as I looked over the sea of 70,000 grieving faces, I realized that the media has touched the utter devastation Coloradans and, indeed, most Americans feel in the wake of this brutal attack.

In shopping malls, grocery stores, public parks, churches and other venues across Colorado, people are grieving. They are moving slowly, they are talking in subdued voices, they are weeping at a moment's notice. There is unpalatable grief overwhelming the State of Colorado as we mourn the death of our children and friends and our neighbors.

☐ 1545

In the days following the attack, many have tried to assign blame or to identify a reason for the tragedy. Unfortunately, one cannot find a reason for something so senseless.

There have been calls to judgment and proposed quick-fix solutions to the problems that appear to plague some of our Nation's youth. A parade of commentators have appeared on television and radio shows, each trumpeting their own solution to ensure that such a tragedy never occurs again. There have been calls for more gun laws, stricter gun laws, armed school guards, armed teachers, school metal detectors, parental advisory boards and random student searches. While there is merit in some of these so-called solutions, I fear that we are missing the bigger picture. In fact, all of the guns and all of the bombs that were used in this brutal attack were illegal. There are already laws against them.

One commentator said these young people exercised very bad judgment. Very bad judgment? Very bad judgment is going the wrong way on an one-way street. Very bad judgment is to drink a little too much at a party, at a high school party. That is very bad judgment. These young men exercised evil. They were evil; they plotted evil, and they carried out evil, brutal acts of violence.

For over a year they methodically and systematically plotted this vicious attack, and as has already been indicated by the gentlewoman from New Jersey (Mrs. ROUKEMA), they intended a great deal more. They were going to kill at least 500 students. Then they were going to go into the neighborhoods. Then they were going to highjack an airplane and they were going to crash it into New York City. So obviously they lived in a fantasy world, an evil fantasy world during the process of that.

It is a tragic wake up call to all Americans, particularly adults, that there are children in this country who are so mentally ill and in such need of guidance that their only outlet for attention is by identifying themselves with deviant music, games, books, movies, even Adolph Hitler.

Mr. Speaker, to revere Lincoln and Martin Luther King is not the moral equivalent of revering Adolph Hitler, but unfortunately, too often in the name of tolerance we say this is okay. It should be no surprise that once a child is immersed in evil thoughts, evil actions often follow. As a society, we try to mask evil through tolerance. We tend to ignore the signs of deviant behavior because we think people have a right to engage in their corruptive activities and we must be tolerant. While people do have this right, it cannot come at the expense of others.

There are video games, movies, books, music that promote violence and corrode our society with a pervasive sense of evil, and we can no longer ignore these thoughts, activities and products in the name of tolerance. We need to call evil evil and take action against it. We cannot in our society tolerate evil.

We as a society and as adults need to pay more attention to our children. We need to reach out to our children before they reach for evil. We need to provide them with a moral framework from which they can guide their lives. Hopefully, by listening to our youth and learning who they are, we can identify those children who need help.

This is a tragedy that has deeply affected every community in my home state. My deepest condolences go to the city of Littleton, the students of Columbine High School, and especially the families of the students and teacher who were killed in last week's tragic shooting.

Yes; 13 died. Many more will never be the same. I ask for your prayers at this terrible time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MCCARTHY) for yielding me this time.

Mr. Speaker, I rise in support of the resolution offered by my colleague, the gentleman from Colorado (Mr. TANCREDO), which I am sure expresses the thoughts not only of the Colorado delegation, but of the entire House.

I want to acknowledge my colleague from Colorado (Mr. TANCREDO). He and I came to this body as freshmen this year and went through our orientation as new Members together. I hold a fond memory of that experience, and am profoundly saddened that a tragedy in our home State has been the occasion for our partnership on a legislative matter.

My guess is that parents all over America hugged their children a little tighter last night, and I am sure parents will worry just a little bit more as they send their children off to school tomorrow. We cannot allow what happened at Columbine High School to dampen our hopes for the future of America's schools or our children. It must remain an aberration and not a precursor of things to come.

In addition to offering our condolences to the families, friends and loved ones of those who were killed and injured in this awful crime, I think it is important for this body to speak with an unified voice in condemning such violence. It is also crucial for this body to offer leadership to the American people by initiating a thoughtful dialogue on the problem of gun violence in our schools.

Mr. Speaker, I hope, I pray that we as a Nation will respond to this tragedy by looking beyond our prejudices and our political leanings. This tragedy challenges us to place an even greater priority on the quality of the lives we build for all of our children. I urge adoption of this resolution.

Mr. TANCREDO. Mr. Speaker, I just want to say that I sincerely appreciate the comments of my colleague, the gentleman from Colorado (Mr. UDALL).

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Speaker, I would like to thank the gentleman from Colorado (Mr. TANCREDO) for sponsoring this resolution.

In the time that I have been here in Congress, the 4½ years that I have been here, I do not think I have met a gentleman with more compassion, more love or more care and concern than the gentleman from Colorado (Mr. TANCREDO) has shown me in the last few months since his election. What a sad thing it is to have to engage in this kind of a discussion on the floor at a time so short in his tenure in the House.

Words cannot express, they are completely inadequate to express, I think, the sorrow and the feelings that many of us here feel. So many of us who ran for this office did so because we wanted to come and we wanted to change the world. We wanted to be able to come and address all of the heartfelt problems of the people that we represent. We really wanted to make this a better place to live.

As so often happens when a tragedy like this occurs, we look at ourselves in the mirror through tear-stained eyes and we try to come up with answers that we can pose that will solve these problems. But they also seem so inadequate.

So I looked into the faces of my two high school students before I left, and I gave them an extra tight hug and I tried to place myself in the situation of these parents, and try as I might, I cannot. Our hearts go out to them.

Mr. Speaker, I know that all too often we try to use things like this as a way to move forward our issues. We try to use these senseless tragedies as points in a debate for gun control or for this or for that.

In fact, I was even going to try to reference some of them in a written speech that I had, and I have thrown it out because frankly I think the most important thing that we as a Nation can do right now is to pray. Pray to God Almighty that his compassion and love will be sent down on us and those families will feel his arms of mercy wrap around them. Because frankly, that is the only respite that we have. I offer my prayers and my condolences, and I hope they feel the love emanating from this body.

Mr. TANCREDO. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, my wife and I have four children who are all in different schools everyday. As we grieve for the parents of the children killed in Colorado, we also join every parent in America as we fear for the safety of our own children.

Congress must be a part of eliminating this danger, because one of the most important roles of government is to keep our citizens safe, especially our children. We must do more to protect Americans against senseless violence.

But our goal to make America safer cannot be achieved with knee-jerk solutions that are blurted out in haste every time there is a tragedy. So as we condemn this horrible act, let us also commit as a Congress and as a Nation to seriously study and seek to understand the causes of this violence and to develop a comprehensive plan to make our children safer and more secure in their schools.

But to get the right answers, we have to ask the right questions. And I hope one of the questions will be, have we created a spiritual void in our schools which is now being filled with drugs and sex and violence? It is clear there were very deep spiritual problems in this case. Yet, we prohibit the free participation in spiritual and religious activities in our schools. The sad fact is if a teacher had recognized these troubled youths and tried to counsel them with positive, life-oriented religious principles, that this teacher could very likely lose their job or end up in court.

Let us ask the right questions. Let us commit as a Nation to make our schools safer, and we can find the right answers.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself 6 minutes for the purpose of engaging in a colloquy with the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, if the gentlewoman will yield, I would be more than happy to engage in a colloquy.

Mrs. MCCARTHY of New York. Mr. Speaker, and certainly to my colleague who sits on the Committee on Education and the Workforce, in the past year we have been able fortunately to have so many different committee meetings to talk about the things that have been going on in our schools, and school violence as a whole. I personally found it very educational.

There is no one answer, there is not, but I did learn a lot, as a nurse, and certainly my colleague, the gentlewoman from New Jersey (Mrs. ROUKEMA), who talks about mental health.

Mrs. ROUKEMA. Mr. Speaker, in my role as a former teacher.

Mrs. MCCARTHY of New York. Yes, as a former teacher, if the gentlewoman would talk to us about mental health.

Mrs. ROUKEMA. Mr. Speaker, if the gentlewoman will yield, this is such a wide topic for discussion, but I would like to reference the mental health aspect of this, particularly in areas where I know that even the Department of Education a few years ago tried to deal with some of these aspects of student mental health and violence in the schools. They issued, and I do not remember exactly the year, I want to say maybe it was 1992 or 1994, a department brochure called the Early Warning Program and distributed it to school systems across the country.

Mr. Speaker, an early warning program description of mental health problems that are discernible in children in school is really not enough. If the school system does not have a team, guidance counselors, administrators, teachers and mental health professionals, maybe psychologists, maybe social workers, but with a psychiatric consultant to the school system who are able to review the early warning signs of students and some of the abnormal or violent behavior that they have displayed.

I guess another way of looking at it, in this particular case, as has been testified to by the school system and certainly the probation period, and looking at the yearbook, these students just did not turn up one day in their trench coat garb and talking the way they did; this had been a pattern for some period of time. And those are the kinds of early warning signs that teachers and really probation officers should be very conscious of and set up a system whereby they bring in, reach out to the parents in the community and work with them in a very private way to get them the advice and counsel that they might need.

□ 1600

Mrs. McCARTHY of New York. Mr. Speaker, I think that is something that we have learned. Because when we talk about how to handle, hopefully, the violence that we are seeing in our schools, I think we have learned an awful lot on our committee.

There are a number of factors, whether it is mental health and being able to pick up the signs at an early grade, which we have found a number of times in all the school shootings there were warning signs there; certainly to work with our young children and our teenaged children also, to say if they hear something that is going on, it is all right to go to an adult, it is all right to go to your friends or your parents, let someone know.

Mrs. ROUKEMA. I do want to add something also to what the gentlewoman has referenced here. These warning signs are out there, and people should be reporting.

This is not novel or new or innovative or crusading. There are numbers of school systems all across the country, and one was featured on national television within the past week in Wisconsin, and another one I know of through the gentleman from Pennsylvania (Mr. GOODLING), who is the chairman of the Committee on Education and the Workforce, in his home State of Pennsylvania who have some very advanced programs, or not programs, systems whereby the educational and the juvenile justice system reaches out to the parents and works up a therapeutic environment for these students.

It does not mean, and by the way, I am not denying what the gentleman from Colorado (Mr. HEFLEY) said that there is evil, there is evil. But what I am saying is that so much of this is subject to therapy, if properly diagnosed and properly seen at an early age with these young people.

I think there is so much knowledge out there, it would be unfortunate if in this national dialogue that this resolution is calling for, if we did not understand that this is almost central to an area of improvement that we can initiate almost immediately.

Mrs. McCARTHY of New York. I think we do have the knowledge here in Congress. We do have a very knowledgeable body. I think the information that has come to us over the years because of the violence we are seeing in the schools is something that we can address.

I think one thing that came back and forth, also on our committee hearings, in dealing with something like this is that the whole community has to become involved. It is the church, it is the school, it is definitely the parents. The parents have to learn how to be parents. They should stand up and say, I am going to be a parent.

I see today so many young people that want to be friends and not parents, and I think that is something they have to learn. So parenting skills are needed, also. There are a lot of things that we can do, and I think we can do it.

Mrs. ROUKEMA. There are resources throughout each community that can help the parents, the schools, and the correctionS officers, and most of all, bring a bright life for those young people who need our help.

Mrs. McCARTHY of New York. Mr. Speaker, the only thing further that I would like to say is that the majority of our schools are safe, and we have to keep them that way.

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I appreciate the gentleman yielding time to me.

Mr. Speaker, to all of my colleagues here and to the rest of this country, I would like to say that all of us in Colorado, and on behalf of the entire State, are very gratified by the outpouring of support and prayer from throughout the country.

Our Governor addressed the country just the day before yesterday about the tragedy, and I include for the RECORD his words.

The statement referred to is as follows:

> This is Governor Bill Owens of Colorado. A terrible tragedy occurred here in my home state this week. At Columbine High School in the town of Littleton, 15 people died in an outbreak of brutal and senseless violence.
>
> I know this tragedy has shocked and moved all Americans. I know that the victims and their families have the prayers and condolences of people from across the land. And, for that, though we grieve, we are grateful.
>
> We live in a nation that is the richest and freest on Earth—the richest and freest in history. Yet events like this one warn us there is a virus loose within our culture—and too many of our young people are susceptible to it. What happened to the two boys who committed these crimes?
>
> Why didn't anyone see where they were heading—and do something about it? There was no shortage of signs—from the clothes they wore, to the Internet games they played, to the "music" they preferred, to their expressed passion for Hitler, to their brushes with the law. They even made a video acting out their killing spree for a class project.
>
> Were we perhaps afraid of being "judgmental"? Afraid that criticizing them—and correcting them—would hurt their self-esteem? These were minors with criminal records. The guns and homemade bombs they carried onto school property, they carried illegally. Yet they had broken the law before—and they had been dealt with gently.
>
> And, perhaps the most important—and least asked question—is this: Why did these boys themselves not understand that what they were doing was wrong?
>
> Not just wrong but evil? Or if they did understand, why did they not have enough moral sense to stop themselves—to seek the help they needed from a parent, a relative, a clergyman or a doctor?
>
> We still have more questions than answers about what happened in Littleton on a sunny April afternoon. And the truth, I think, is that there are no easy answers—no quick solutions, much as we might wish there were.
>
> There is no one place on which we can lay all the blame—though some people will try to do exactly that. We do need to think about these things, and talk about these things—not as politicians and partisans and members of factions, but as parents and neighbors and fellow Americans who have a responsibility to preserve what's best in our community—and improve the rest.
>
> We do need to take a look at the sub-culture of violence, death, anarchy and incoherence that seems, in recent years, to have become so appealing to so many young people. We need to understand who and what feeds and profits from this dark subculture. And why is it that so many Americans patronize a mass media which all too often glorifies violence rather than condemns it?
>
> We need to ask ourselves: What is lacking in all too many of our children's lives—despite the freedom and prosperity they enjoy?
>
> And I would ask every parent in America: Do you know if your child has a homepage? Do you know what is on your child's homepage or whom they talk with on the Internet? If not, please find out. Please teach your children to discern from the good and bad on the Internet as well as on television, movies, and on video games—and if they can't—then parents should.
>
> And how can parents, religious leaders and, yes, political leaders, too, help fill the void—the black hole in these young souls that sucks in so much anger, hatred and cruelty? I know all this will be on my mind, and yours, for a very long time to come.
>
> I also know that this is a great country and that Colorado is a great state—and that we have met many challenges in the past and, with God's help, we will meet this challenge as well.

What the Governor said to the country and what we need to keep in mind is that such a profound tragedy as the one we have experienced in Colorado is one that needs to be considered within the context of our moral character as a Nation.

We are a Nation that seems more and more to be preoccupied with death and sex. Our children are confronted daily with the glorification of violence. The lines between tolerance and indifference have been almost erased in this country, for those of us as leaders, not just political leaders but community leaders of all sorts, through a sick evolution of political correctness seem to have become timid about asserting what is right and what is wrong, and speaking out strenuously about the difference between the two.

We have been warned about such occasions. The Apostle Paul almost 1,950 years ago, in a letter to the Romans, said, "Do not be conformed to this world, but be transformed by the renewing of your minds, so that you may discern what is the will of God—what is good and acceptable and perfect."

The dignity of human life is what we need to keep in mind. This is at the heart of the tragedy that took the country last week. There are some who believe human life is expendable, that it is a matter of someone else's choice or convenience or sometimes even amusement. But this is a bedrock issue for us as a country.

We have, in fact, enshrined the value of life right into our own Declaration of Independence. That Declaration, Mr. Speaker, says this: "We are endowed by our Creator with certain unalienable rights, and among them is the right to life." We need to be rededicated to that concept by the brilliance of the lives that have been lost.

Some suggest that we need new laws. The individuals who perpetrated this crime broke about 17 of those, and I would like to enter that into the RECORD, as well.

The material referred to is as follows:

VIOLATIONS OF FEDERAL AND STATE LAWS BY THE ALLEGED PERPETRATORS OF THE CRIME AT COLUMBINE HIGH SCHOOL, LITTLETON, COLORADO

Details of the explosives and firearms used by the alleged perpetrators have not been confirmed by law enforcement authorities. The crime scene is still being examined and cleared. It is unknown how the alleged perpetrators came into possession of the explosives and firearms they used.

The alleged perpetrators, obviously, committed multiple counts of murder and attempted murder, the most serious crimes of all. And they committed many violations of laws against destruction of property, such as in the school building and the cars in the parking lot outside. All told, the prison sentences possible for these multiple, serious violations amount to many hundreds of years.

Additionally, in the course of planning and committing these crimes, the alleged perpetrators committed numerous violations of very serious federal and state laws relating to explosives and firearms, and, depending on details not yet known, may have committed other such violations. Cumulatively, the prison sentences possible for these violations alone amount to many hundreds of years. A partial list of those violations follows:

1. Possession of a "destructive device" (i.e., bomb). (Multiple counts.) Prohibited under 26 U.S.C. Chapter 53. Each violation is punishable by 10 years in prison and a $10,000 fine. Other explosives violations are under 18 U.S.C. 842.

Colorado law [18–12-109(2)] prohibits the possession of an "explosive or incendiary device." Each violation is a Class 4 felony. Colorado [18-12-109(6)] also prohibits possession of "explosive or incendiary parts," defined to include, individually, a substantial variety of components used to make explosive or incendiary devices. Each violation is a Class 4 felony.

2. Manufacturing a "destructive device" (i.e., bomb). (Multiple counts.) Prohibited under 26 U.S.C. Chapter 53. Each violation is punishable by 10 years in prison and a $10,000 fine.

3. Use of an explosive or incendiary device in the commission of a felony. Prohibited under Colorado law [18–12–109(4)]. A class 2 felony.

4. Setting a device designed to cause an explosion upon being triggered. Violation of Colorado law. (Citation uncertain)

5. Use of a firearm or "destructive device" (i.e., bomb) to commit a murder that is prosecutable in a federal court. Enhanced penalty under 18 U.S.C. 924(i). Punishable by death or up to life in prison. A federal nexus is through 18 U.S.C. 922(q), prohibiting the discharge of a firearm, on school property, with reckless disregard for the safety of another person.

6. Use of a firearm or "destructive device" (i.e., bomb) in a crime of violence that is prosecutable in a federal court. Enhanced penalty under 18 U.S.C. 924(c). Penalty is 5 years if a firearm; 10 years if a "sawed-off" shotgun, "sawed-off" rifle or "assault weapon;" and 30 years if the weapon is a "destructive device" (bomb, etc.). Convictions subsequent to the first receive 20 years or, if the weapon is a bomb, life imprisonment. Again, a federal nexus is through 18 U.S.C. 922(q), prohibiting the discharge of a firearm, on school property, with reckless disregard for the safety of another person.

7. Conspiracy to commit a crime of violence prosecutable in federal court. Enhanced penalty under 18 U.S.C. 924(n). Penalty is 20 years if the weapon is a firearm, life imprisonment if the weapon is a bomb. Again, a federal nexus is through 18 U.S.C. 922(q), prohibiting the discharge of a firearm, on school property, with reckless disregard for the safety of another person.

8. Possession of a short-barreled shotgun or rifle. Some news accounts have suggested that the alleged perpetrators may have possessed a "sawed-off" shotgun or "sawed-off" rifle. (A shotgun or rifle less than 26" in overall length, or a shotgun with a barrel of less than 18", or a rifle with a barrel of less than 16".) A spokesman for the Jefferson County Sheriff's Office reported, possibly, at least one long gun with the stock cut off. Prohibited under 26 U.S.C. Chapter 53. A violation is punishable by 10 years in prison and a $10,000 fine.

Colorado law [18–12–102(3)] prohibits possession of a "dangerous weapon" (defined to include sawed-off guns). First violation is a Class 5 felony; subsequent violations are Class 4 felonies.

9. Manufacturing a "sawed-off" shotgun or "sawed-off rifle. Prohibited under 26 U.S.C. Chapter 53. Each violation is punishable by 10 years in prison and a $10,000 fine.

10. Possession of a handgun or handgun ammunition by a person under age 18: Some news accounts report one alleged perpetrator as being 17 years of age. It is yet unclear what firearms were involved in the crime. A person under age 18 is prohibited from possessing a handgun or handgun ammunition, except for legitimate target shooting, hunting, and firearms training activities, and similar legitimate reasons. [18 U.S.C. 922(x), part of the 1994 crime bill.] A violation is punishable by one year in prison.

11. Providing a handgun or handgun ammunition to a person under age 18. Prohibited under the same provision noted in #4, above. Penalty of one year, unless the provider knew the gun would be used in a crime of violence, in which case the penalty is 10 years.

12. Age restrictions on purchasing firearms. Again, the age of the second suspect and how the alleged perpetrators came into possession of firearms are unclear. However, licensed dealers may sell rifles and shotguns only to persons age 18 or over, and handguns to persons age 21 or over. [18 U.S.C. 922(b)(1)].

13. Possession of a firearm on school property. Prohibited under 18 U.S.C. 922(q). Five year penalty. Colorado also prohibits a gun on school property. (Citation uncertain.)

14. Discharge of a firearm on school property, with a reckless disregard for another's safety. Prohibited under 18 U.S.C. 922q. Five year penalty.

15. Possession, interstate transportation, sale, etc., of a stolen firearm. Prohibited under 18 U.S.C. 922(i) and (j). A violation is punishable by 10 years.

16. Intentionally aiming a firearm at another person. Violation of Colorado law.

17. Displaying a firearm in a public place in a manner calculated to alarm, or discharging a firearm in a public place except on a lawful target practice or hunting place. Violation of Colorado law.

Let me say this. On this House Floor, Mr. Speaker, there are great leaders whose sculptures are placed all around us. Moses looks at us from straight ahead, and he delivered us the most important and profound law of all. In his eyes and through God, we needed only 10: And the most direct is "Thou shalt not kill." That is a law that we should all, Mr. Speaker, live by.

Mrs. McCARTHY of New York., Mr. Speaker, I yield the balance of my time to the gentleman from Colorado (Mr. TANCREDO).

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Colorado (Mr. TANCREDO) is recognized for 3 minutes.

Mr. TANCREDO. Mr. Speaker, I thank my colleague, the gentlewoman from New York, for yielding time to me.

Mr. Speaker, I should say that having now lived through this horrible experience and participated in all of the events, as many as I could in Colorado, it has certainly touched my soul in a way that few other things that I have experienced in this Congress have.

Mr. Speaker, I assure my colleagues who have spoken to this point that I personally will be more than willing. I would be happy to look at any proposal, any idea anyone has to address this kind of issue, any solution. I yearn, I ache for a solution, just like anyone else in this Congress.

I fear so deeply, however, that what we can do here cannot even begin to touch or make a dent in the problem that has created Columbine High's tragedy. It is a problem that is close to home, close to home for all of us.

We must look in the mirror, every single one of us, for the real reason, for the real answer here, because we have created a culture in which a generation at least has grown up without the ability to look at life through the same sort of eyes that many other generations have, and without the ability to actually have a sense of worth, of value.

When I was younger there was a popular movie, "Easy Rider," and the characters in the movie spent the entire thing living the high life, literally and figuratively, on drugs. At the end, however, they looked up and said, we blew it. We blew it. That was the message that not too many people got.

But I must tell the Members, I look at our generation and I look at all the things that have happened, and I look at the life we tried to live and provide for our children, thinking it was the right thing, it was a life that we decided was not worthy of restrictions, that we would not impose them on our children, that we would be pals instead of parents, and we live the high life, and we blew it. We blew it.

I think of my neighbor, whose son cradled Mr. Sanders in his arms as the last breath left his body, and he said to my neighbor's son, "Please tell my family I love them."

And I think of the scars that that child now takes with him for the rest of his life, and not just the physical scars that we know are on there from the people who are surviving in the hospitals, but all the mental scars that we will have no idea, we will never know the depth of them. We will never know the extent to which they exist. We will never know how to treat or who to treat, because we will never know. We will not see with our eyes how they affect these children.

And I think to myself, for some children there is still hope, but we have to look at ourselves as families. We have to look in the mirror. There is nowhere else to go. As John Donne says, ask not for whom the bells toll, they toll for thee and for me.

I accept the responsibility, and I hope with all my heart and I pray to the ever-living God that he gives me the wisdom, and my colleagues, and my community, and the culture, the wisdom to know what action we individually can take so as to avoid a tragedy like this ever happening again. I pray for that wisdom.

Mr. DEFAZIO. Mr. Speaker, I am deeply saddened by the tragedy at Columbine High School in Littleton, Colorado. It brings back emotions my hometown experienced last year when a group of students at Thurston High School were shot by a fellow student. Last week's violent rampage was an incomprehensible and devastating act and I know my community joins me in sending our thoughts and prayers to the victims and their families in Colorado.

We can't legislate all solutions, but we can take prudent steps to help prevent similar acts in the future. As we learned in Springfield, the changes needed to prevent similar tragedies are going to require an enduring commitment from each and every one of us. Preventing youth violence depends on our ability to support children and families. Each of us needs to look for ways to do more to help our neighbors and communities. In small ways and large, we can all help keep our children and families safe.

Mr. FORD. Mr. Speaker, this nation is shocked and deeply affected by the lives that were lost in Littleton, Colorado on Tuesday, April 20, 1999, as a result of a senseless shooting rampage. We must work harder to deter violence and promote safety in our nations schools.

I agree with the President: We need to "wake up to school violence," and "if it can happen here, then surely people will recognize [t]he possibility that it can occur in any community in America, and maybe that will help us to keep it from happening again."

My prayers go out to the students, teachers, faculty, staff, and parents of students who attend Columbine High School and to the suburban Denver community rocked by this shooting rampage.

This nation has made little progress in the way of making our school and communities safer and preventing these horrific tragedies from reoccurring. In fact, this was the ninth such incident of tragic school violence in recent years.

Many schoolchildren have access to weapons and they do not have the support systems to deal with their grievances.

Yesterday was a poignant reminder to all of us that communities, parents and gun makers have an obligation to act responsibly to keep our communities and schools safer.

But, parents and communities should not have to meet these challenges alone. Government has a role in keeping products such as assault weapons off of our streets and out of the hands of schoolchildren.

I urge my colleagues from both sides of the aisle to join me in making our schools, our communities, and our nation safer.

Mr. BARCIA. Mr. Speaker, in the aftermath of the tragedy in Littleton, the nation has been splintered by blame and torn apart by finger-pointing. As we all try to decide who or what is to be blamed for the terror wreaked by two young men, the fabric of our national community is being shredded. While there is a need to find some concrete thing to be culpable for this horrible event it is important for us to stand united as one people, as one country, to support those who need it the most.

As a Congressman, but first as a citizen of this nation, I would like to express my sincerest condolences to the people of Littleton, Colorado. I would also like to express the condolences of my district, the Fifth District of Michigan. I have spoken with many constituents, and received many letters, from those who are deeply saddened by this horrific event.

After the healing has begun, after we have all decided that we are ready to proceed, we need to become involved in our young people's lives. We need to support and nurture them like the incredible resources they are. Whether at home or in school, adults as well as peers need to take a vital interest in their children, students and friends. The sadness, frustration and anger that these two young men felt should never again be dismissed. What a disgrace it would be to the memory of those children and their heroic teacher if we should let the lessons fade from our collective conscience. Littleton should not be the "worst school massacre in our nation's history," it should be the last school massacre in our Nation's history.

Mr. CROWLEY. Mr. Speaker, I rise today in tribute to the students of Columbine High School in Littleton, Colorado whose tragic deaths have shocked and saddened our nation.

The images coming out of Littleton, of grieving families and students, of terrified children and communities struggling to cope with the devestating loss of those dear to them, are becoming all too familiar. We saw them last year, in Jonesboro, in Springfield and in West Paducah.

Mr. Speaker, this tragedy has again dramatically highlighted the inadequacy of current gun control laws in preventing these types of senseless tragedies. Therefore, I believe it is vital that we strengthen our Nation's gun control laws to keep guns out of the hands of children and work to help our young people express their anger and feelings of alienation through words and thoughts, and not weapons.

Our nations schools are supposed to be a safe haven for students striving to reach their full potential in a safe and secure learning environment. Instead, with increased access and availability of guns to our nations youths, we are seeing our nations schools turn into war zones.

Mr. Speaker, it is also imperative that we do more in our communities to ensure that tragedies such as the one in Littleton never occur again. That is why I strongly support programs such as the Federal Safe Schools-Healthy Students Funds to help communities put in place comprehensive violence prevention programs.

These funds can be used for everything from establishing conflict resolution groups to hiring more mental health counselors, to establishing new mentoring programs, to installing metal detectors and other security equipment.

In addition Mr. Speaker, I would like to announce that this week the Department of Justice and Education will distribute 150,000 additional copies of early warning timely response; A Guide To Safe Schools.

The guide, written for teachers, principals, parents and others who work with young people, provides information on how to identify and respond to early warning signs of troubled youth that can lead to violence in schools.

Mr. Speaker, we can no longer turn a blind eye to the devastating impact that guns can play on our society.

We must be vigilant in our efforts to prevent further senseless gun related tragedies and make sure that no more children's lives are needlessly cut short.

By taking actions to prevent future acts of violence in our schools, we can best honor the memories of those who lost their lives.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand today to express my profound sadness concerning the tragic events of last week in

Littleton, Colorado. I would like to extend my deepest sympathy to the families of the victims of those horrific shootings. I support the Resolution that is on the floor today, and I hope that it will lead to a national dialogue on the need for mental health services for children.

Schools should be safe and secure places for all students, teachers and staff members. All children should be able to go to and from school without fearing for their safety. Unfortunately, we live in a time of metal detectors, mesh book bags and armed police in our schools. Instead of imprisoning our young people in school, we need to look into real solutions that will protect our children from harm.

This incident underscores the urgent need for mental health services to address the needs of young people. Without concerted efforts to address the mental health disorders that affect our children, we may witness even more terrifying violence in our schools.

The statistics on youth violence and adolescent death trends are startling: homicide deaths for teenagers between 15 and 19 accounted for 85% or 2,457 deaths by firearms and suicide rates have increased by more than 300% in the last three decades.

In addition, there has been a 1,000% increase in depression among children since the 1950s. This means that depression, one of the earliest indicators of poor mental health, is not being properly addressed. We must help our schools identify troubled children early and provide counseling for them before it is too late.

According to news reports, these young suspects were members of a group called the "Trench Coat Mafia." These young men felt that they were outcasts in the school community because they were teased constantly by the other students. The motive for this tragedy was reportedly revenge and racial prejudice. At the end of the day, 15 people were killed, including the two alleged shooters, who committed suicide.

I implore parents, teachers and the other adults who impact the lives of our young people to be on alert for the early warning signs of a young person who is troubled.

These warning signs include isolation, depression, alienation, and hostility. Recognizing these signs is the first step to ensure that troubled youngsters get the counseling and social skills training they need early to address their mental health needs before it is too late.

For the young people who witnessed this tragedy and survived, there is also a need for mental health services to help them make it through these difficult weeks ahead. The trauma of witnessing such an event will undoubtedly leave scars that may never fully heal. These children need counseling and support as well.

To the families and the community that has been devastated by this tragedy, our hearts and minds are with you at this difficult time. My thoughts and prayers are also with you.

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to support H. Con. Res. 92 and to express my condolences and sympathy to the victims' families and to the citizens of Littleton, Colorado, in the wake of the tragic shooting that occurred there last week. What can we as a Congress say to our children and their parents in light of such a devastating event? This resolution states that the House of Representatives "condemns, in the strongest possible terms, the heinous atrocities which occurred at Columbine High School in Littleton, Colorado; offers its condolences to the families, friends, and loved ones of those who were killed at Columbine High School and expresses its hope for the rapid and complete recovery of those wounded in the shooting; applauds the hard work and dedication exhibited by the hundreds of local, state, and federal law enforcement officials and the others who offered their support and assistance; and encourages the American people to engage in a national dialogue on preventing school violence."

It is important to pass this resolution and officially state our condemnation, condolences, and hope, and yet it is not enough. How will we, as individual Members of the House of Representatives, choose to act in response to this atrocity? Will we be satisfied with the passing of this resolution? We must not allow ourselves to believe that with this resolution, we have done all that we could. We must honor the memory of those that were killed: Dave Sanders, Kyle Velasquez, Matt Kechter, Corey DePooter, Steven Curnow, Isaiah Shoels, Rachel Scott, John Tomlin, Lauren Townsend, Kelly Fleming, Dan Rohrbough, Dan Mauser, and Cassie Bernall. I say their names aloud on this day, in this room, to honor their memory and to urge my colleagues to remember that this teacher and these children had bright futures that will never be realized.

Vice President AL GORE asked the community of Littleton at the memorial ceremony on Sunday, "Now, as we are brought to our knees in the shock of this moment, what say we?" I repeat this question to you, my colleagues. What say we in the shock of this moment, and what will we say as the shock passes and our lives go on, even as the lives of those thirteen have ended? Will we say, "No more!"? Or will we turn away from the harsh reality of the world we have helped to create and hide our faces from the dangers our children face every day?

We must provide for our children alternatives to violence and opportunities for creative expression which will allow them to deal with their anger and hurt in productive ways. A pilot educational intervention program being developed in the fifth district of Missouri is the E3 system—Emotional and Ethical Education for Children. This curriculum seeks to foster the emotional, cognitive, and ethical development of children through the arts. The E3 system utilizes the theory of multiple intelligences and the arts within the curriculum in order to increase test scores and decrease conflicts and violence. Strong arts programs in schools provide emotional outlets for children and teach them to deal with their emotions without resorting to violence. We must make arts in schools a federal initiative and an essential component to the solution we all seek.

I urge my colleagues to remember the shock of this moment as we debate and consider bills in the upcoming months that raise difficult questions regarding individual freedoms and the safety of our children. Let us put partisanship aside as we enter these debates, and let us each consider in our own hearts the responsibility that we hold for the children of this nation and their future.

Mr. EVERETT. Mr. Speaker, the Nation is reeling from a terrible tragedy. On Tuesday, April 20, Columbine High School in Littleton, CO, was taken over by two students with the apparent malicious and premeditated intent to kill and main students and teachers. Students fled from the building while others hid inside, hoping the gunmen would not find them. As we watched the scene unravel the intensity rose as we realized there were at least 25 students still inside the building. The scores of law enforcement officers could only wait outside the building sizing up the situation and figuring out how to rescue the students. We watched and prayed and began to realize that this could be our community.

The final count after the SWAT teams had fully searched the school was 15 dead and 20 wounded. The damage inflicted by these two disgruntled students is the worse we have seen in a series of school attacks. The pain of the situation reaches past our understanding and grabs our hearts. In a world where we must be strong, our frail humanity is awakened when something beyond our control happens. THe damage that has occurred in Littleton, CO, has touched every American family, and the healing process is only beginning.

Columbine High School will never quite be the same. Schools across the Nation are even at this moment figuring out how they can prevent something as horrible as this from happening to them. There is no way to heal the pain felt by the parents who have lost their children, and in our democratic society, there is not way for us to assure our students they will be completely safe at school. The tragedy of the situation is that there is no perfect answer. The innocence lost by our children can never be regained, and we can only place them in God's hands as we send them out into the world. My prayers go out to the community in Littleton, that God would grant them strength and peace in the midst of such an unfathomable nightmare.

Mr. GOODLING. Mr. Speaker, it is with a heavy heart that I rise in support of this resolution that we are considering today. A senseless and horrific tragedy has stunned the nation, shocked a community, and devastated countless families. The name Columbine High School will be forever remembered in tragedy. In horror, we watched the events of last Tuesday and even now we are in disbelief as we have learned of the magnitude of the devastation caused by two teenage boys turned violent murderers.

Unfortunately, this is not the first time we have seen children become deadly criminals and turn their violence against other students and their teachers. Jonesboro, Arkansas, Paducah, Kentucky, Norwalk, Connecticut, Pearl, Mississippi, Edinboro, Pennsylvania, and now Littleton, Colorado, are synonymous with violent school tragedy. Schools should be sanctuaries of education and a place of safety for our nation's children.

This resolution condemns in the strongest possible terms, the heinous atrocities which occurred; offers condolences to the families, friends and loved ones of those who were killed; expresses hope for the rapid and complete recovery of those wounded; and applauds the hard work and dedication exhibited by the hundreds of local, State and Federal law enforcement officials and others who offered their support. But, it is with hope that we ask, through this resolution, for a national dialogue to understand this tragedy and stop school violence from ever occurring again.

As a parent, an educator, and a Congressman, I can only imagine the pain and suffering of the families and my heart and prayers go out to them. It is my hope that we will find answers to preventing these heinous and senseless actions so that no other community must face the nightmare of Littleton.

Mr. JONES of North Carolina. Mr. Speaker, I have the honor of representing the citizens of the Third District of North Carolina. Like all Americans, my constituents back home offer their prayers for those that lost friends and loved ones in last week's tragedy at Columbine High School.

Mr. Speaker, in the past year and a half, at least 29 people have been killed as a result of school violence.

Just last week, 15 lives came to an abrupt end in an environment that is meant to foster learning and development.

Each time our nation experiences such a tragedy we ask ourselves why.

Some blame violence in the media, music, the Internet, children's access to guns, parental neglect, but the truth is, it is all of this and more.

Mr. Speaker, the answer lies with each one of us.

In today's culture, when children are no longer shocked by violence and have easy access to technology, we must call on the parents, educators, and students to work together to prevent another senseless tragedy.

If we can foster interaction between parents, teachers, and students—to recognize potential problems—we have a greater chance of keeping our schools safe.

It will take work and cooperation, but when we look at the lives cut short at Columbine High School, I think we can all agree it is worth the extra effort.

Mr. Speaker, today, my thoughts and prayers are with the community of Littleton, Colorado, as they begin their healing process.

As a tribute to the family and friends who lost loved ones, let us turn this tragedy into an opportunity.

I ask all Americans to take a greater interest and responsibility in the education of our children.

Help us work together so that our nation's students can once again look to school as a haven for learning.

God Bless the community of Littleton during this difficult time and God Bless America.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, "It's kind of sad that it's not surprising anymore."

Mr. Speaker, these are the words of a high school sophomore at Irving High School in my district. She was speaking about the brutal and horrific rampage where two high school youngsters armed themselves and began a violent killing spree at Columbine High School in Littleton, CO. When their campaign of terror finally ended, 16 students and teachers were dead. In addition, some 20 other students were wounded.

Mr. Speaker, not only did I find myself naturally shocked by this incident, I was even more shocked by the aforementioned response to it by this high school student. Indeed, violence has so penetrated the lives of our youth that the shock value over events like those in Littleton, CO, has worn off. Between ethnic cleansing in Kosovo and young gunmen targeting minorities and athletes at Columbine High School, we certainly find ourselves in an environment where violence is expected, is the norm, and is not surprising anymore.

Mr. Speaker, I would ask this mourning Nation to be more attentive to the thoughts and words of our young people. We must come together and address this deadly mix of violence and racism. If we do not, then our young people will become more jaded, disenchanted, and numb over the loss of life. If we do not address the root causes of hate, then violence will rule the day and cease to be surprising anymore.

Unfortunately, we have been lacking in our commitment, zeal, and work to combat hate and violence. That is why I understand the words of this high school student and others throughout the country that look at this loss of life through such a bleak prism. I certainly cannot blame them. Although the madness perpetrated by the assailants was unexplainable, the hate that motivated them was not.

Mr. Speaker, what must be explained to our youth is that we will make a concerted effort to understand them, teach them better ways to resolve their problems, and present more opportunities before them while removing guns from their lives

Mr. Speaker, I join my colleagues in the House of Representatives, my constituents of the 30th Congressional District of Texas and the entire Nation in sending my prayers and thoughts to the families and friends of those people taken away from them in this tragedy.

Mr. Speaker, I also pray for other young people who may feel shunned by society and filled with misunderstanding, hate, and a feeling of being losers. I pray that we can all instill in these youngsters a better sense of self-esteem and purpose. The two students who gunned down their classmates before killing themselves at Columbine High School felt that they were losers. It was that feeling of being losers that motivated them to create such a loss.

Mr. GILMAN. Mr. Speaker, the recent events at Columbine High School in Littleton, CO, marks another sad chapter in the many recent tragedies that have occurred far too frequently in our nations schools.

Too often today, we hear of acts of violence perpetrated in our schools by troubled youths. Equally too often, the reasons behind these acts eludes us, leaving parents, teachers and fellow students to search for the reasons.

The Columbine High School tragedy is a stark reminder we need to do all that we can in an endeavor to understand the motivations behind such acts in an effort to prevent future tragedies. We must also encourage parents and teachers to reach out to children whom they feel may be troubled to provide the help that they need.

While we may never know the true motivations behind the actions of Eric Harris and Dylan Klebold, we must do all that we can to ensure the safety of our schools so that teachers and students can attend class without fear.

I invite my colleagues to join in offering our condolences to the families, friends, and loved ones of those who were killed at Columbine High School and expressing hope for the rapid and complete recovery of those wounded in the shooting and also in recognizing the hard work and dedication exhibited by local, State and Federal law enforcement officials and others who offered their expert support and assistance to all affected by this tragic incident.

Mr. TANCREDO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 92.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 92.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

SATELLITE COPYRIGHT, COMPETITION, AND CONSUMER PROTECTION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1554, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARMEY) that the House suspend the rules and pass the bill, H.R. 1554, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 422, nays 1, answered "present" 1, not voting 9, as follows:

[Roll No. 97]

YEAS—422

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell

Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—1

Brady (PA)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—9

Aderholt
Brown (CA)
Clyburn
Engel
Moran (VA)
Pryce (OH)
Rangel
Slaughter
Wynn

☐ 1635

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unable to present today for rollcall vote No. 97. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1239

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1239.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 351

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 351.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ORDERING SELECTED RESERVE AND CERTAIN INDIVIDUAL READY RESERVE MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–51)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and ordered to be printed:

To the Congress of the United States:

I have today, pursuant to section 12304 of title 10, United States Code, authorized the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, when it is not operating as a service within the Department of the Navy, under their respective jurisdictions, to order to active duty any units, and any individual members not assigned to a unit organized to serve as a unit, of the Selected Reserve, or any member in the Individual Ready Reserve mobilizations category and designated essential under regulations prescribed by the Secretary concerned. These reserves will augment the active components in support of operations in and around the former Yugoslavia related to the conflict in Kosovo.

A copy of the Executive order implementing this action is attached.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 27, 1999.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AVIATION BILATERAL ACCOUNTABILITY ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to ask my colleagues to join me in introducing the Aviation Bilateral Accountability Act of 1999. This legislation will require congressional approval of all U.S. aviation bilateral agreements.

U.S. international aviation policy is determined by a series of bilateral aviation agreements. U.S. bilateral aviation agreements are executive agreements that are negotiated and signed by representatives from the Department of State and the Department of Transportation. Congress does not play any official role in the approval of these agreements.

On April 9, 1999, Secretary of State Madeleine Albright and Secretary of

Transportation Rodney Slater joined representatives from the People's Republic of China's aviation committee and agreed to a bilateral agreement between the United States and China. The dual agreement will govern aviation policy between the U.S. and China for the next 3 years.

The new agreement allows for a doubling of scheduled flights between the two countries over the next 3 years. This increases the number of flights from 27 per week for each country's carriers to 54 per week in the year 2001. The new agreement also allows an additional carrier from each country to be designated to serve the U.S.-China market in the year 2001.

Northwest Airlines, United Airlines, and Federal Express are the current U.S. carriers designated to serve the Chinese market. American Airlines, Delta Airlines, United Parcel Service and Polar Air Cargo have all expressed strong interest in serving the U.S.-China market and will no doubt compete vigorously to win the one additional carrier designation in 2001. The new U.S.-China aviation agreement also expands both direct and co-share service to more cities in both nations.

The new aviation agreement was agreed to after 18 months of long negotiations between the United States and the Chinese civil aviation authorities. The agreement was signed at the same time that China's Prime Minister was visiting the United States.

Many in the airline industry have praised the new agreement for expanding opportunities in the U.S.-China market. However, other industry members feel that the United States settled for too little too quickly. For example, United Parcel Service closely followed the negotiations and was particularly disappointed in the outcome.

The large U.S.-China market could easily accommodate additional carriers. In fact, even today, roughly 60 percent of the cargo that is transported between the U.S. and China is carried on third-country carriers, such as Korean and Singapore carriers.

□ 1645

At first, U.S. negotiators held firm to the position that at least two new additional U.S. carriers should be added to the U.S.-China market. However, unfortunately, the final agreement only allows for one additional carrier in the year 2001. Therefore, all U.S. carriers, both passenger and cargo, must compete for the single designation. United Parcel is not optimistic that it will win this designation because of the historical preference given to passenger carriers in such cases. Therefore, according to United Parcel Service, a new U.S. cargo carrier will not enter the U.S.-China market under the new agreement. This means that foreign cargo carriers will continue to benefit from the market at the expense of U.S. carriers and the U.S. economy.

I want to make it perfectly clear, however, I am not here today to criticize the new U.S.-China aviation agreement. Rather, I am here to point out that this agreement spells out how U.S. carriers will operate and compete in China for the next 3 years. China is the largest market in the world. It holds great trading potential for the United States. Yet the United States House of Representatives, the United States Senate did not play any official role in approving this agreement.

For this reason, I am once again introducing the Aviation Bilateral Accountability Act which will require congressional approval of all U.S. bilateral aviation agreements. Aviation agreements have tremendous long-term impacts on U.S. carriers, U.S. cities, U.S. consumers and the U.S. economy. In effect, these agreements are trade agreements that determine the amount of access the U.S. will have to particular foreign markets. Congress should not be excluded from agreements of such magnitude.

As Members of Congress, we represent those who will hopefully benefit from new aviation agreements—the businessman, the pleasure traveler, the consumer, and the flying public in general. Therefore, we should have the right to make sure that bilateral aviation agreements are negotiated to give U.S. consumers the most access to foreign markets, as the best price.

I once again urge my colleagues to join me in introducing the Aviation Bilateral Accountability Act.

CONGRATULATIONS TO RADIO STATION WGRE ON CELEBRATION OF 50 YEARS OF EXEMPLARY SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PEASE) is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, though it was not my purpose to address the aviation issues, I wish to associate myself with the remarks made by the gentleman from Illinois (Mr. LIPINSKI), the distinguished ranking member of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, a leader in advocacy for American aviation, its safety and for American carriers.

Mr. Speaker, 50 years ago last Sunday, a vision of student-oriented mass media became a reality on the campus of DePauw University in Greencastle, Indiana. On April 25, 1949, WGRE Radio began broadcasting as the first FCC licensed 10-watt educational station in the Nation. DePauw Professors Harold Ross and Betty Turnell founded the station based on an image of the mass media being an invaluable teaching tool. This founding vision has been the hallmark of WGRE's 50 years in broadcasting.

WGRE has been able to provide this teaching tool for its students while always being a community-oriented station. Throughout the station's history, WGRE has provided west central Indiana with diverse programming, meeting the needs of its listening audience. It has always made an effort to bring the listening audience programming it can use to become more well-rounded citizens. For example, during the station's earlier years, a complete opera series was broadcast to western Indiana. And now alternative music is in vogue, so the station complements this entertainment with around-the-clock news and sports coverage along with public affairs broadcasting.

WGRE has always been a full service FM radio station. Whether it be the music that fits the times, DePauw's sports broadcasts or local election coverage, WGRE has always tried to emphasize its diversity and the diversity of its mission. It is this diverse usage of the mass media that has worked to train 50 years' worth of WGRE DePauw University alumni. WGRE is proud of its alums that have used WGRE as a springboard to productive mass media careers, but WGRE is equally proud of its graduates who used the station as a tool to broaden their education on the way to pursuing careers outside of mass media.

Now run by a student board of directors overseeing the largest DePauw University extracurricular volunteer staff of over 200 students, WGRE hopes to continue to serve the Greencastle and west central Indiana communities. This community awareness continues to be manifested through the station's ongoing community outreach and fundraising activities. In recent years, WGRE has raised thousands of dollars for many causes, including the humane society and the local homeless shelter. This work has led to this station being the only college radio station nominated for a national broadcaster's community service award.

Currently at 91.5 FM on the radio dial, WGRE looks to have another 50 years of quality broadcasting recognized for its diversity and community orientation. The trail-blazing vision of Professors Turnell and Ross has grown into a bountiful mass media entity and dedicated to teaching its participants while serving the community.

Congratulations to the people of WGRE on the celebration of its 50 years of exemplary service.

CALL TO ACTION IN AFTERMATH OF LITTLETON TRAGEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have on a ribbon of dark blue color to associate myself with the grief of America and the grief of those in Littleton, Colorado.

It would seem that over these last couple of days, so many of us have had the chance to express ourselves in words. There is a difficulty in that, for words can be soothing but, Mr. Speaker, they are not action, they do not stop the tragedy of what occurred, they are fleeting in their comfort, and they leave us looking for solutions.

Today, I was very pleased to join the President and First Lady and many members of the Cabinet and many Members of this House of Representatives and the United States Senate to once and for all put some action behind these words. First of all, we acknowledged that the people of Littleton, Colorado, were burying their dead children and with the pain that they experienced, we offered for them a moment of silence, hoping to connect in some way with the pain of bearing a teacher and students, children that were loved, children with futures, the pain that was experienced by that community, we hoped we could connect to it. But we also felt compelled, as I have done in the past couple of days, to do something more.

And so the remarks that were made today were very strong in action. They were also strong in passion. I hope that we were heard not only by the Members and those in the audience but really by America, because one of the most important things that was said by the gentlewoman from New York (Mrs. McCARTHY), America must express its outrage by action and America should stand up along with those who care about the proliferation of guns and gun violence by children against another incident like this happening and more words being said.

The first, Mr. Speaker, was I asked last week that you convene those of us involved in children's advocacy groups, caucuses that are part of the House, so that we can talk to each other about what we can do for children. Last week I also amended the juvenile crime bill to be marked up in Judiciary to provide a provision that deals with mental health services. Two-thirds of America's children do not have mental health services. We do not have a way of intervening, of risk assessment, we do not have a way of prevention and treatment. We do not listen to our children. We lock them up but we do not get into their minds ahead of time to find out about the anger, the anguish and the pain.

But we must realize that guns kill, Mr. Speaker, as well. And today we took a stand to eliminate the evilness of what guns do with children. First of all, 250 million guns in America, almost one gun for every American. Today, the President unveiled a package to increase the age at which you could get a gun and to hold someone liable for selling a gun to someone under the age of 21; to also hold parents responsible for those children who get guns into their hands; to not allow gunrunning by limiting the gun purchases to one a month; to acknowledging the fact that yes, people kill but they use guns to kill.

And, therefore, Mr. Speaker, it is sad to note that the National Rifle Association was not standing with us. I am not against hunting, I am not against sports, using guns. I realize that we have freedom in this country, Mr. Speaker. But if we do not remove that culture of arguing the second amendment and that we need these guns for sports and we shoot ducks and other things and do not realize that we have got to get the assault weapons, we have got to get the proliferation of guns off the street, we have got to do something about guns in the hands of children. Now is the time. The moment is here, tragically.

I hope, Mr. Speaker, that we do not have to bury more children because we refuse to act. It is now time to ban guns from the hands of children, hold parents and adults responsible, move the age up to 21, stop buying guns and gunrunning, and ensuring, Mr. Speaker, that we do not have the bomb-making, if you will, recipes on the Internet, and that we do not allow our children to get guns in their hands.

Automobiles kill, yes, they do, Mr. Speaker, but most times it is classified as an accident. When guns are in the hands of individuals who are frustrated and angry and sad and in pain or just plain mean, they are intentionally used to kill people.

There is a time now, Mr. Speaker, to fight this gun siege and to end the tragic killings of our children. My sympathy to all of America. I ask that you stand up and be counted to make sure that we have a safer place for our children to live.

ON KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, it seems clear that the crisis in Kosovo is nearing a decision point. It is obvious that last weekend's NATO summit in Washington was a watershed. Now the administration and other NATO governments are talking openly of at least planning for the introduction of ground troops to secure Kosovo, something that the administration had until then denied it was even planning. Officials are using euphemisms like "troops in a nonpermissive environment," but the meaning ought to be plain.

At the same time, however, there have been high-level meetings between U.S. and Russian officials about the substance of Russian Envoy Viktor Chernomyrdin's mission to Belgrade over the weekend. There are contradictory reports coming out of Belgrade and Moscow about exactly what constitutes a basis for negotiation. The Russians are saying that a UN-authorized force that included elements from NATO would be acceptable to Milosevic, but Milosevic later denied he had agreed to that. But yesterday the Yugoslavian Deputy Prime Minister insisted that such an international force was acceptable.

NATO governments have downplayed the significance of the Russian peace proposal. But before we consider the step of introducing ground forces into a conflict that I believe was unwise for America to have become militarily involved in to begin with, we ought to test such peace proposals before we think about military escalation. Likewise, the UN Secretary General, Koffi Annan, is scheduled to travel to Moscow on Thursday for discussions on Kosovo. Such visits should not be spurned or belittled if they are constructive steps, however halting and uncertain, on the path to peace.

I strongly believe that America should seize opportunities for peace rather than to seek opportunities to escalate the violence. We have to honestly ask ourselves whether we would pursue the same policy if we could turn the calendar back to March 24. Our bombing did not initiate ethnic cleansing in the Balkans, but we have to be candid in recognizing that it aggravated what was already a humanitarian tragedy. An important element of the Hippocratic oath in medicine is, first, do no harm. If U.S. policy was based on humanitarian considerations, it has clearly failed on that score.

Having embarked on this policy, the United States has now assumed a moral obligation to get Milosevic to withdraw his forces from Kosovo. He should help return the refugees in an orderly manner and work with us to generally assist in reconstruction, along with all of our allies and friends throughout the world. Just as surely, we need to help Albania and Macedonia economically, for they are bearing the brunt of the refugee crisis. But we must ask ourselves whether military escalation is the best means of achieving that. I have come to the conclusion that military escalation is neither in the national interest nor can it achieve a stable, long-term peace in the region.

□ 1700

Those who have called for ground troops usually do not specify the goal. Is it to take Kosovo and occupy it for years, perhaps decades, against the threat of Serbian guerrilla warfare; or should the goal be to conquer Serbia with unforeseen consequences to wider Balkan instability, our relationship with Russia and our ability to respond to other regional flash points around the world? Do those who advocate such a course understand that it may take months to properly build up such an invasion and force? How much more misery and devastation will have occurred by then, and does that serve the interests of refugees and innocent civilians?

I am not impressed by foreign leaders who take it upon themselves to lecture the American people about where our duty lies or how we must not be so misguided as to slip into isolationism. This argument is simply not warranted in light of the history of the last 50 years or in reference to the present situation. Responsible internationalism does not mean we must be stampeded into using force when our national interest is not well defined and other means short of force have not been exhausted.

I plan to offer a resolution with my colleagues, the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Pennsylvania (Mr. GOODLING), a resolution that would neither mandate withdrawal on the one hand nor escalate the war and do a ground invasion on the other. This resolution would bar the introduction of ground forces from Kosovo and the rest of Yugoslavia. Why is such a course preferable? Because once having initiated hostilities, even if it was a policy based on flawed premises, we cannot simply walk away and wash our hands of the problem. The bombing has created certain facts: for our own policy, the perception of Yugoslavian government, and not least for the refugees. At the same time, however, we should avoid military escalation in a region where the only rational and durable solutions are political in nature.

I use the term "escalation" with good reason, because the parallels with Vietnam are striking. For that very reason this resolution would prohibit ground combat operations in Yugoslavia without specific authorization in law because the mission creep in Kosovo is similar to U.S. force deployments in the early stages of Vietnam. Viewed through the lens of history, our force buildup in the region and our edging towards ground combat operations could be the prelude to another Gulf of Tonkin incident. Members also should be aware that this resolution specifically exempts search-and-rescue missions.

But drawing a legislative bright line between bombing and boots on the ground is only one element of the solution. The problem is now bigger than Kosovo, and I believe America should actively encourage the mediation of a settlement before this crisis becomes a wider conflict. To the objection that mediation will not work, I say we will never know unless we, the United States, throw greater weight behind such efforts.

I do not underestimate the difficulties that are involved, but should Milosevic balk, we will retain the ability to apply military pressure from the air. Once a settlement is reached, an international force may be necessary to assist the refugee return and oversee reconstruction. We should be more flexible about the makeup of this force than we have been in the past. Rather than making its composition a non-negotiable end in itself, we should bear in mind that the international force is the means to an end; that means to an end, peace and stability in Kosovo where ethnic Albanians can live in safety and with autonomy.

Last week I urged the President to call for a special meeting of the G–8 countries to begin a formal effort to achieve a peaceful settlement. This G–8 meeting could help initiate a framework for a diplomatic solution of the crisis and begin to put in place the foundation for economic assistance to the region. Delegations from the Ukraine and other affected regional countries could also be invited. Such a meeting is only the beginning of a long and difficult process, but it is a step our country should not be afraid to take.

I am pleased that the President appears to be responding positively. This week Strobe Talbott, the Deputy Secretary of State, was dispatched to Moscow for discussions on Kosovo, and I hope that these talks are a prelude to the heads of governments of the affected countries making a concerted effort at a political settlement.

The United States can and should remain strongly engaged internationally because regional instability will not solve itself. But we must choose our tools very carefully, for the stakes do not allow for failure. I believe America needs to draw a careful balance between our military and diplomatic efforts. Right now there is an imbalance in favor of military means. While maintaining the option of military pressure from the air, we should avoid boots on the ground or rather boots in a Balkan quagmire. That is why the Fowler-Kasich-Goodling resolution is the right approach and deserves the support of this House. In the longer term, however, we should seek opportunities for a lasting and enforceable political settlement.

WISHING DR. DAVID STRAND OF ILLINOIS STATE UNIVERSITY A HAPPY RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EWING) is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I rise today in honor of a very good friend of mine, Dr. David Strand, to recognize his pending retirement as president of Illinois State University in Bloomington, Illinois. I would be remiss not to come here today to honor Dr. Strand, for throughout his long and distinguished tenure, spanning from 1978 until 1999 at the university at Normal, Illinois, Illinois State University, Dr. Strand has helped shape the lives of thousands of young men and women. Over the years graduates of Illinois State University have traveled far beyond the borders of Illinois and have spread out around the country to become some of the best and the brightest in their respective fields.

As doctors, lawyers, educators, business professionals and civic leaders, these men and women have gone on to help shape the United States into the prosperous, peaceful and strong Nation we are today. Dr. David Strand through his years of service helped make this happen, and for this we, as a Nation, owe him a debt of gratitude.

Mr. Speaker, too often we fail to realize the importance of talented educators like Dr. Strand. Not only has Dr. Strand maintained the integrity and high academic standards for the university, but as a classroom professor, a professor of education, David has mentored countless young teachers, those men and women who will in kind touch thousands of other young lives. Those teachers and their students will secure the future of our Nation far into the next century, this in part due to the efforts of Dr. Strand.

As a community leader, David has made a permanent mark on his community and our State. He has worked with the public libraries, the community concert association and the Boy Scouts, just to name a few. He has been honored on many occasions by numerous organizations for his many community and professional accomplishments.

Mr. Speaker, I am pleased to rise and recognize David Strand for the contributions he has made to Illinois State University and the Bloomington/Normal community. David Strand is indeed an administrator, an educator and citizen that we, as a Nation, can and should with one voice say "Thank you."

Mr. Speaker, I enter this statement into the CONGRESSIONAL RECORD so this and future generations of Americans can be aware of the numerous contributions of a man I am honored to call a friend, Dr. David Strand of Bloomington, Illinois, and I wish Dr. Strand a happy, healthy and enjoyable retirement.

Mr. Speaker, I rise today in honor of my good friend, Dr. David Strand, to recognize his pending retirement as President of Illinois State University in Bloomington, Illinois.

I would be remiss not to stand here today honoring Dr. Strand, for throughout his long and distinguished tenure spanning from 1978 until 1999 with Illinois State University, Dr. Strand has helped shape the lives of thousands of young men and women.

Over the years, graduates of Illinois State University, have traveled far beyond the borders of Illinois, and have spread out around the country to become some of the best and brightest in their respective fields.

As doctors, lawyers, educators, business professionals and civic leaders, these men and women have gone on to help shape the United States into the prosperous, peaceful and strong nation we are today. Dr. David Strand, through his years of service, helped make this happen, and for this, we, as a nation, owe him a debt of gratitude.

Mr. Speaker, too often, we fail to realize the importance of talented educators like David Strand. Not only has Dr. Strand maintained the integrity and high academic standards for the University, but in the classroom, as a Professor of Education, David has mentored countless young teachers—those men and women who will, in kind, touch thousands more young lives. Those teachers, and their students, will secure the future of our nation far into the next century. This is, in part, due to the efforts of Dr. Strand.

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I wish Dr. Strand a happy, healthy and enjoyable retirement.

MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCDERMOTT. Mr. Speaker, I welcome this opportunity to talk today about Medicare.

This is a program that we hear lots about in the news and in political campaigns, and people talk about it as though they all understood what they were talking about. I would like to talk a little bit about the program today and then talk about what all the excitement is about, what people are talking about, why they are talking.

The first thing that needs to be said about Medicare is that it is a success. People will talk about it: It is about to fail, it is going to collapse, it is the end of the world. But if you were active politically before 1965, the situation was very much different for senior citizens in this country.

I put this graph up because I think it is important to remember what it was like before Medicare. In 1965, 54 percent of senior citizens did not have health insurance. Less than half the people in this country had health insurance when they got to be 65. Today, in 1999, 99 percent of senior citizens are covered.

Now what that has done for not only the senior citizens, but their children and their grandchildren, has been enormous because it has had an impact on them both from a financial standpoint, but also from the standpoint of the security of knowing that, as a senior citizen, you have health care benefits, and you do not have to go to your kids and have your kids take care of you, and for that reason it has been an enormous success.

There are 39 million elderly and disabled people in this country who are on the Medicare program. We spent about $207 billion in 1997, and that is the last year we have good solid figures for; that is about 11 cents out of every Federal dollar goes for taking care of senior citizens in this country, and it amounts to about $1 and 5 of every dollar spent on health care in this whole country.

Now let me put up the second one here. Part of the reason why we have so much discussion about Medicare is it is such a big program. If we look at the Federal budget, and we can do a short budget course here, the biggest element of our budget is Social Security which takes 22 cents out of every dollar. Defense takes 15 cents out of every dollar, and then we come to the interest on the debt which is 11 cents on every dollar, and Medicare, 11 cents out of every dollar. So, Mr. Speaker, it is the third largest or fourth largest expenditure in the Federal budget. We spend 6 percent on a program called Medicaid, which is a State program for poor people's health, and all the rest of government is 35 percent.

So Medicare is an enormous program that is used by, as I say, 39 million people, both the elderly and the disabled.

□ 1715

You hear or read in the newspaper that Medicare is going to go broke, and you say to yourself, well, how could a program that is that valuable to so many people, spends that amount of money, how could it possibly go broke? What is it about this program?

I want to explain it, because it is easy when you are watching television and listening to people or reading the newspaper to not really understand what Medicare is. Medicare is actually two programs. The first program is Part A.

Now, in 1965, the problem was that they looked out and they said, "Senior citizens don't have any hospitalization, so we ought to put together a program for hospitalization for seniors." So Part A covers inpatient hospitalization, it covers skilled nursing facilities and it covers hospice care; and beneficiaries, senior citizens, pay a deductible and then they pay a certain amount of cost-sharing. They pay 20 percent of the bill when it comes, when they are in the hospital.

Now, when they were passing this bill through the House, it started out just as Part A. As it went along, Members of the House said, "This is dumb. Why are we passing a bill that will pay for senior citizens to go into the hospital, but do absolutely nothing for their doctor bills?"

So somebody said, well, "Let's add Part B." Part B includes the physician's cost, that is the doctor's payment, the laboratory costs, x-rays, outpatient services, mental health services, and Part B is paid for from the beneficiaries. Senior citizens pay a premium. Every senior pays $45.50 a month as part of their cost, and then they also pay the cost-sharing of various parts, 20 percent or whatever.

Now, here comes what the real problem is: How do we pay for that? Well, of course, the beneficiaries are paying something, but most of what is paid in by people, in Part A, 89 percent of the money comes from payroll taxes. That means everybody who is working is putting money into Part A. It is called a trust fund.

Over the years with that trust fund, we increased the amount. Everybody who is working pays 1.45 percent of your earnings into the trust fund, and the employer pays 1.45 percent of your salary into the trust fund. Those are the payroll taxes that are on your stub. So senior citizens' health care is being paid for by the workers today.

It used to be there were four or five workers for every senior citizen. In the future it is going to get down to the point where there are about two people working for every senior citizen drawing benefits out of this program. So when people say that the Medicare is going broke, they are saying that there are not going to be enough workers paying payroll taxes to pay for the benefits for hospitalization. It is only that part, Part A of Medicare, that is going broke or is not going to have enough money.

Now, on the other side, on Part B, on this side you remember I said everybody pays a $45.50 premium, so about 22 percent of Part B is paid by the premiums, by senior citizens themselves. They pay for it. Then 76 percent of it comes out of the Treasury of the United States.

Now, nobody can tell me that the Treasury of the United States, the richest country on the face of the Earth, is going to go broke. So when people talk about Medicare going broke, they are talking only about this part and not about Part B, because this part is not. There is no way we are not going to pay for the health care of our seniors in this country.

Looking at the last slide again, one of the ways in which we have dealt with this problem in the past has been to make adjustments in the Medicare program. We have made adjustments every year since 1965.

Every year a group of people called the trustees sit down and say, "What is the status of the trust fund, Part A?" They will say, "Well, it is going to go broke in 2 years," or, "It is going to go broke in 16 years," or, "It is going to go broke in 5 years." The Congress then meets every year and makes changes.

In 1987 we made a lot of changes. We said one of the things we are going to do to take the pressure off of Part A is move home health care from the payroll tax part over on to the general fund of the United States Government, the General Treasury. We have done that many times in the past.

Medicare does some other things which do not show on this chart because they are not related to senior citizens directly. Since this is the major medical program of the Federal Government, anytime we want to do something for senior citizens in this country, or for health care generally, we had a tendency in the past, before I got here in 1988 at least, to stick the program in here.

For instance, the financing of medical schools, it is called Graduate Medical Education, GME. We put that into Medicare, and everybody who goes into a hospital has a certain amount of their payment which is for the Graduate Medical Education. It pays for the interns, the residents, all the medical staff in the hospital.

We have also a program in there for all the hospitals that take care of people who do not have any health insurance. If someone in this country is sick, they pick them up, they take them to the hospital. The hospital cannot say, "No, we are not going to take care of you, take them out and leave them in the parking lot." They have a responsibility to take care of them, so they take care of them. Then where do they get the money to pay for that? Well, the money to pay for that comes out of something called DISH payments. It is the disproportionate share of people who do not have insurance. So we put that program in.

We have loaded up Part A with all these kinds of programs to make sure that we took care of what was a major medical need for the entire country. In this country, for instance, if you have your kidneys fail and you need to have dialysis or a kidney transplant, you are put right into this program. Everybody in this country who has kidney problems or kidney failure ultimately winds up in Medicare.

We have about 100,000 people who are covered by this program. If the program did not exist, they would have died. When I came out of medical school in 1963, if your kidneys failed, that was about it for you. Then they developed the dialysis machine and then kidney transplants, and, as those things developed over the course of time, they were added to the Medicare program. So it has been a program that has been adjusted every year for years and years and years, and has functioned very well.

It is not a generous program. It certainly is not a program that does not have a problem here and there, but it has raised the life expectancy of our senior citizens. It has taken away their fear about their ability to pay for their health care. It has taken the pressure off their children.

Their children, people my age, my mother is 89 and she is on this program. My father, 93, just died a few months ago. People like me, when I had to choose, shall I take care of my mother and father or put my kids through college, I did not have to make that choice, because Medicare took care of my mother and father, and I could pay attention to my kids. Medicare has simply wiped out the responsibility for most of us to take care of our parents or our grandparents, because Medicare has been so successful over the course of the years.

Now, the question comes, if there is a problem in Medicare, what should we do? Should we try and modernize the present system and continue to guarantee seniors what every senior citizen in this country has; that is, a list of benefits; or should we make a fundamental restructuring, throw away the old system or ease it out the door, so-to-speak, and bring in a new one, either for universal coverage or to a defined contribution?

These are two terms that anybody who is going to discuss Medicare really ought to understand. A defined benefit says that everybody who has the program, every senior citizen, whether they live in South Carolina or Texas or Washington State or New York, everybody gets the same benefits. It does not make any difference where you are.

This is an American plan. It says we are going to be fair to everybody; no matter who you are, where you live, what you look like, how much money you have, whatever, you are going to get the same plan. That is why Medicare has been so successful and has so much popular support for it, because people understand it is a fair program that covers everyone.

Now, if you are going to make a restructuring and you are going to in any way take away that defined benefit and replace it with simply a defined contribution, that is, then instead of guaranteeing people that they are going to get all the things that they presently get, you say to them, here is a voucher, here is X number of dollars, you take that money and go out and buy yourself a plan.

Now, I sat on the Medicare Commission for the last year, and what we talked about for that year was something called a premium support plan. I want to talk a little bit about that, but I see my good friend the gentleman from Texas (Mr. GREEN) is here, and the gentleman has some ideas. Tell me what you are thinking about.

Mr. GREEN of Texas. Mr. Speaker, I appreciate the chance to speak this evening. I thank the gentleman for not only his service on that Medicare Commission, but also for tonight, for this special order and some of the information you are imparting. I hope there are a lot of people out there listening, and those of us still in our offices will know, because what you are talking about with the difference in the defined benefit plan versus defined contribution was really one of the cutting edges on which you were talking about as a member of the Medicare Commission.

I know you talked about it earlier, but protecting Medicare should be on the top of not just the Democratic agenda, but all our agendas. Ninety-nine percent of our seniors are relying on this program for some type of medical assistance. You talked about some success we had. Over 39 million elderly and disabled Americans, 35 million elderly and 5 million disabled, receive Medicare. Before Medicare, almost half of the elderly were uninsured.

That was the fault of the market. No one could afford what the private sector wanted to charge a senior citizen for insurance. People could not afford it. That is why Medicare was created, and that is why it is so important that we talk about the policy debate like you are mentioning and we talk about how important the Medicare program is, because, to me, it ranks right up there with defense of the country, the Social Security system, education of our children and Medicare for our senior citizens.

It has been so successful. The life expectancy of people over 65 has increased over 20 percent, from 79 to 82 years in such a short time. Access to care has increased by one-third. Seniors are seeing doctors almost 30 percent more than they did before Medicare. Poverty has declined, because, again, we have a program that they do not have to spend themselves poor to have health care. There are seniors who have very little income who cannot afford the high cost of medical assistance, if it was not for Medicare.

The program is critical for those who face disability, as I mentioned. The gentleman talked about the dialysis, the kidney failure, the success we are having now under Medicare if you have kidney failure. At one time you were just sent home to die. Now you can actually live with dialysis that is available through Medicare.

We search for ways to protect the future of the program. It is estimated that approximately 35 percent of Medicare beneficiaries have no prescription drug benefit. I know a lot of people in my district have joined Medicare HMOs simply because that is what they needed. They needed some type of prescription drug benefit, so they joined HMOs. The problem is we now see a lot of the health maintenance organizations, HMOs, withdrawing from the market because they got in and thought they would make more money. I thought they were making plenty.

□ 1730

But they thought they would make more money, so they are drawing from certain portions of the market, rural areas; not necessarily from Houston where I am from, but I know it is happening in other parts of Texas.

We did a study in the district I represent on prescription medication and the almost double and sometimes triple the cost of prescriptions for senior citizens. I know when the gentleman was on the commission, that was one of the things that the commission members agonized over and said well, if we are going to reform Medicare, let us see if we can expand fee-for-service Medicare, where one does not make a decision to go to managed care just because someone needs the help, to have a copay on prescription drugs. That is pending legislation, and I hope Congress will consider it when we are dealing with Medicare.

I use an example, and I have said this thousands of times in my own district. My dad is 83 years old. I did not know his father. His father died before I was born. That was during World War II. My dad, though, his success is because he has had adequate health care since he has retired, since he has been 65, and so we are seeing that longevity individually and as a group, as I mentioned.

So that is what the benefits of Medicare are, and that is why it is so important. That is why I wanted to see the commission successful. But I did not want to see it successful with what I would see would take away Medicare from the guarantee that we have. It does not pay for everything; the gentleman and I know that. Prescription drugs is a great example; glasses. It does not pay for everything. I saw a bill that my mother-in-law receives from a physician and there are things that Medicare does not pay for. She has to pay for that. We understand, though, that it pays for so much and it pays for so much security for seniors to go to the doctor.

That is why I am proud to be with the gentleman tonight, and the gentleman's explanation of the defined benefit versus defined contribution. That is where the rubber meets the road, because in a district like I represent that is predominantly blue collar, they do not have that kind of income. Of course, I do not see how many people could afford, if we disregarded or eliminated Medicare right now, they could not go to the market and buy insurance. An actuary would say, if I am 67 years old, how much do you think they would want per month from me, $3,000 a month? How many people can afford that? The free market system is not available for Medicare recipients, for senior citizens, because it just cannot work. I think some people on the other side maybe have forgotten that, that the reason that we have Medicare is because one cannot use the free market system.

If I was in the insurance business, I would not want to sell to a senior citizen. They are going to have a lot of claims; they are elderly. We cannot make that kind of money unless we have a Medicare-type program. So again, I thank the gentleman for his service on this commission, but also for this evening and this afternoon for requesting this time to talk about it.

Mr. McDERMOTT. Mr. Speaker, one of the interesting things the gentleman is talking about is how much money senior citizens pay out-of-pocket. The average senior citizen spends $2,500 out-of-pocket.

Now, if we think about that, $2,500, that is a lot of money, but for those of us who are working it may not seem like very much. But if we think about it, almost half the seniors in this country have incomes less than $15,000, and there are almost 10 million widows in this country who live on less than $8,000 a year. So if someone is a widow and their husband had a job, and they were living on Social Security and the husband died and they get the residual benefit, that person is therefore making about $8,000; if that person has to take $2,500 out-of-pocket today, that leaves that person with $5,500 to live on.

Now, if we think it about, how in the world, I do not know what it is like in the gentleman's city, but I will tell my colleagues in my city $5,500 does not go very far when one has to get a house to live in and some food and pay for lights and telephone and maybe some clothes. So we are talking about a very hard life for these people if we say we are going to have to get more money out of them, which is what really this premium support program does.

Mr. Speaker, two-thirds of the savings from the Breaux-Thomas proposal was additional money taken from the beneficiaries. We are talking about half the senior citizens living on less than $15,000 a year.

So that is why it is very important to talk about who senior citizens really are, as though somehow we get the idea that they have this free ride on health care and they are just rolling in dough somewhere, that is not true. The facts simply are not there, particularly when Medicare does not cover prescription drugs. Anybody who looks at our program, or the program of most employers covers prescription drugs, but Medicare does not. That is why the President said, that is one of the benefits that ought to be added. If we are going to modernize the current system the way we do it, at least we have to put in prescription drugs.

So I appreciate the gentleman coming down.

I see another one of my colleagues, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I just wanted to thank the gentleman again for all that he has done to try to shore up and, as the gentleman says, make the case as to why we have to modernize Medicare. I know that the gentleman served for a few years on this Medicare commission. I want to commend the gentleman because the gentleman refused to accept this Breaux-Thomas proposal. I know we are hearing that it has been introduced in the House and there is an effort to try to push it here in the House of Representatives, but I am glad that the gentleman and enough of the other members of the commission voted against that, because otherwise it would have had the sort of stamp of approval, if you will, of the Medicare Commission, and it did not because it is not a good idea.

I totally agree with what the gentleman said about modernizing the current system. When I talk to seniors and to people who have been involved in Medicare over the years, they explain to me, and the gentleman might want to comment on this as well, that when Medicare started out, prescription drugs and some of the other things that are not covered really were not that important. In other words, there were not as many drugs available, people did not rely on drugs so much; they were not so much a part of sort of the preventive nature that they are today. It did not exist maybe 30-some years ago or when Medicare first started in the 1960s. The reason we need to modernize is because there were a lot of things that were not covered when the program started, like prescription drugs, that now have taken on vast importance. Therefore, we need to look at the system again to try to come up and see what is not covered.

One of the things that I hear from my senior citizen constituents so often is that most of them, or at least most of the ones that contact me, do buy some kind of Medigap coverage because of the gaps in the coverage in the current system. But the Medigap policies and the premiums for those are also going up significantly.

I saw some information about the increased premium costs for Medigap in the New York-New Jersey metropolitan area. They were much higher than inflation, significantly; sometimes 13, 14 percent increases on an annual base. So we do need to modernize. But what the gentleman is pointing out and what

I think is most important is let us modernize in a way that expands the benefit package, add prescription drugs, try to be conscious of the costs that so many seniors are incurring out-of-pocket.

I just want to say that some of the things that some of our colleagues on the other side have put forth, and I am not saying they are all that way, but some of the things that I have heard about increasing the age limit before one is eligible for Medicare, or means testing. Mr. Speaker, means testing may sound good to some people saying well, if one has a little bit more money, maybe one can pay more. I see Medicare as sort of like a contract, sort of like Social Security. People knew that they were going to get Medicare by paying into the system over the years, and it does not seem fair to me now to say at this stage well, okay, if you are above a certain income you have to pay more, maybe to the point where you do not get Medicare coverage at all and you have to pay completely out-of-pocket.

The other thing I wanted to say, and I am so glad that my colleague from Washington got into this, and that is that this Breaux-Thomas proposal, when we listen to some of the advocates for it, they make it sound so rosy, like it is such a great thing; it is going to save money for the Federal Government. One is still going to get the same benefits, the costs out-of-pocket are not going to go up. It is a lot of baloney.

The way I have looked at this thing, and I know we have talked about it before, the gentleman and I and others on our side of the aisle, just the opposite is true. The way I understand it, there will not be a defined benefit package, so it will not be clear at any given point that certain types of things would be covered, including prescription drugs. In addition, if one is in a fee-for-service plan, which most people like, where they basically can go to any doctor they want or they can go to whatever hospital they want or whatever emergency room, and the doctors just get paid out of Medicare, well, what they are going to do with this Breaux-Thomas proposal is say that if one is in a fee-for-service program, one is going to get a voucher and the Federal Government is only going to pay a certain amount. If the fee-for-service program, the premium for that program is above whatever the amount is that is established by whoever is in charge of this program in Washington, if one's fee-for-service plan is more than that, one is going to have to pay that difference out-of-pocket, so costs are going to go up for anybody who is in a fee-for-service program. What that means is unless one is a little wealthier, one is going to have to be pushed into managed care because one will not be able to pay and afford the traditional fee-for-service program; one is going to have to opt for a managed care plan.

A lot of people around the country, if they are in rural areas or in certain parts of the country, they do not have managed care plans, number one. In addition to that, many of my constituents are not happy with their HMO or managed care. Many of the HMOs in New Jersey have actually dropped out of Medicare and dropped the coverage, and seniors have been left where they have to look around and try to find some other coverage because the HMOs have gone bankrupt.

So pushing everybody into managed care may sound like a good idea to save money for the Federal Government, but it is not a good idea for senior citizens.

Mr. McDERMOTT. Mr. Speaker, the gentleman from New Jersey raises an interesting question. The Breaux-Thomas plan, when they figured out the finances of it in the Medicare Commission, only extended the life of the plan 2 years. The President, when he said we should put 15 percent of the surplus into the Medicare program, extended the life of the plan by 10 years. So the savings from this so-called defined contribution program, premium support, are really quite small, and the disruption is I think what people really do not understand.

Mr. PALLONE. Mr. Speaker, the gentleman makes a very good point, and that is, again I use the term baloney, because the advocates of this Breaux-Thomas plan are saying to us that it is going to save the Federal Government money, and I do not even believe it is going to do that, ultimately. I think the gentleman makes a very good point.

I am very supportive of the idea of using the surplus, 15 percent I guess is what the President has proposed, to shore up the Medicare program. I know that that is one thing that the Republican leadership has absolutely refused to accept, that they would use that 15 percent of the surplus.

Mr. McDERMOTT. Mr. Speaker, they never even gave us the figures on the Medicare Commission. We said, let us figure what impact would this have on the program, if we adopted the President's proposal of taking 15 percent of the surplus over the next few years and putting it into Medicare, and they would never have the staff even figure it out, because they were determined to move away from the present system and go to this premium support system where they just simply handed vouchers to everybody and then they have to make up the difference.

If we think about old people and we say well, if they have a voucher and they cannot buy what they need because of where they live is a high-cost area, where do they get the extra money? If they cannot take it out of their own pocket, they turn to their children or they do without.

Mr. PALLONE. Exactly, Mr. Speaker.

Mr. McDERMOTT. That should not be the result of what we do when we reform Medicare, is wind up with senior citizens being forced to either turn to their kids or do without, because not everyone has kids. My mother has four kids. We all live in Seattle. Everybody has a job, everybody is working. So my mother would be able to turn to us and we would gladly give her some extra money, but not everybody has four kids who are working, who can give them money. Or they may have four kids who are working, but they are trying to help their kid go to community college or whatever, and they do not have it to spare. So the middle class, the middle age person is going to wind up saying to themselves, should I help mother or should I help my kid?

Mr. PALLONE. Which is a terrible situation to be in, Mr. Speaker.

What I see happening with this Breaux-Thomas proposal, and I think also what the gentleman is trying to do when he says modernize the current system is just the opposite, which is that we do not want Medicare, which is a promise that if one is going to be 65 and one is going to be a senior citizen, that one is going to have their health insurance covered, we do not want it to become a system now where certain people get the benefits now and others do not, depending upon their income, or that the age goes up. We want to make sure that the promise is kept, that when one is over 65, that one is going to be a part of this program, that it is going to be a universal program that benefits everyone equally.

□ 1745

I think when the gentleman suggested that he wants to modernize it, he is concerned that already over the last 20 or 30 years that some of that has sort of disappeared, because certain benefits are not covered or we have to take more money out of pocket.

As the gentleman says, let us move in the opposite direction. Let us not move, as the Breaux-Thomas bill says, towards making even greater discrepancies between rich or poor, or based on age, but let us try to make it so we modernize the system and everybody gets the same coverage, and it is universal. I thank the gentleman.

Mr. McDERMOTT. Mr. Speaker, I see our colleague, the gentleman from Minnesota, is here, and I will bet I know what he is going to talk about. He comes from an area where some of the problems we have already been talking about have really impacted. It is an area where the payments are not high enough for managed care to go in. He also has larger rural areas where there are not managed care programs.

Am I close to being right, I would ask the gentleman? I yield to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I thank the gentleman for yielding. We share a common concern. The State of Minnesota, like several other Midwestern States and the State of Washington, has had a relatively efficient low-cost health care delivery system for many years.

When the Medicare program was created, I understand that they looked at the cost of health care for the average citizen or senior citizen in the county in which the person resided and said, if you would like to have a managed care program, we will provide a sum of money monthly to the firm that is providing managed care coverage for your health care.

So these areas of the Midwest or Washington started out at a relatively low monthly rate, whereas other areas of this country that did not have a low-cost, efficient delivery system, effective system for health care, had a high monthly average rate that seniors were paying for health care, and they were then offered the opportunity to go into a managed care program where the companies had this high, they call it AAPCC rate, as I understand it.

Mr. McDERMOTT. It is part of alphabet soup. It stands for average annual per capita cost of health care.

Mr. MINGE. Average annual per capita cost. And one thing I know that the gentleman and I have discussed several times is that over the years this discrepancy between what we experienced certainly in some of the rural areas in the State of Washington and what was experienced in other areas of this country became quite unfair.

I understand that in some areas of this country the managed care programs that seniors enrolled in would cover prescription drugs, eyeglasses, hearing aids, even the cost of transportation to the doctors' office. In our areas, we did not have that.

I am wondering, did the Breaux-Thomas Commission really look at this fundamental inequity that we have tried to end in the Medicare program, and did they have a way to end it? If they did not, is that not something that really the Commission should have undertaken?

Mr. McDERMOTT. As we see, I say to the gentleman from Minnesota, this is exactly the point. They did not have any reason to look at it. They did not care. They said, we are going to give a defined contribution. We are going to give the same amount of money to everybody in the country. If they can buy a lot of things in one place with it, they can get prescription drugs and eyeglasses, that is fine. Wonderful. If over here they cannot, well, that is the luck. If someone happens to live in a poor county, we do not care.

That is what is wrong with the defined contribution. That is why we have to stay with a defined benefit. We should define a program where if we are going to give prescription drug payments, it should not make any difference where one lives in Windom, Minnesota, or in Los Angeles, California, or Miami, Florida, or New York City, but someone should have the same set of benefits, no matter where they are. Anything less than that is not fair.

But the defined contribution just closes our eyes. It just says, I do not care. I do not see the differences. I am giving you all the same amount of money, so what are you complaining about?

Mr. MINGE. So it sounds like the discrimination that we have suffered from in our rural areas in the State of Washington would perhaps have just been flipped and we would have had discrimination in the other direction, and instead of solving a problem, we would have created another problem of discrimination among different areas of this country.

Mr. McDERMOTT. Yes.

Mr. MINGE. I am impressed with the gentleman's knowledge of geography. Actually, the community of Windom, Minnesota, is both in my district and where I have had a district office for over 6 years, and it is one of these communities that has an excellent hospital, it has doctors who are well-trained and provide first-class health care service, but at the same time the seniors in a community like that are unable, due to the current inequities in the system, of having the same level of benefits that seniors have let's say in Arizona.

One reason that this has been particularly harsh and difficult for many of us to accept or to understand is that if our more affluent senior citizens have the wherewithal to go to Florida or Arizona for the winter, they can become members of a managed care program and have all of these benefits that their less prosperous brethren who have to stay in Minnesota for that cold winter are not able to obtain.

So there is just a real disconnect when we think of trying to reform a health care system and somehow not being sensitive to the inequities of that type.

I really commend my colleague, the gentleman from Washington, for his work on the Commission. I know he came to Minnesota as part of the Commission activities, and I would certainly, with the gentleman, like to see a Medicare reform program both advocated by the Commission and embraced here by Congress, so we could chalk it up as one of the challenges that is on our plate that we really have a responsibility to address. I thank the gentleman for yielding to me.

Mr. McDERMOTT. The gentleman is welcome. I think that it is—I appreciate the gentleman's coming down and sharing his thoughts with us today, and I think that what people have to begin to look at is the specifics.

When somebody says premium support is a good idea, that sounds as if, as the gentleman says, it is a very attractive idea. Everybody gets the same amount of money all over the country. But as we know around here, the devil is always in the details, and the details of this program are, I think, the reason I wanted to come out here and talk about it, because sometimes issues go through the House of Representatives and they are sort of like bumper strips: If we can make a good slogan, then we think we understand. But if we actually look at what this program does and what they are talking about, we realize that it is not so good.

For instance, let me give one example. A senior citizen in Part B, that is the doctor's part, the doctor payments, pays a $100 deductible. So if he goes to the doctor the first time, whatever it costs he has to pay it himself until he gets the $100 deductible paid for, and then Medicare kicks in and covers the rest of the time.

If he goes all year and never goes to the hospital, all he would have to pay is that $100 deductible. Now, if he happens to get sick and goes in the hospital, the first day he is in the hospital he has to pay for, $746. So if somebody goes and sees the doctor during the year and has 1 day in the hospital, their deductible for the whole year would be $864.

Part of this defined contribution plan, this premium support idea is, well, that is too much, $746. Let us cut it down to $400. That sounds like a good idea until we figure if we never go into the hospital, suddenly our deductible has gone from $100 to $400, because we are going to have to pay every penny of our doctor's bills until we get up to $400.

I do not think that is a very good deal for a lot of old people. It would be a good deal if they wind up being sick and have to go into the hospital, but if they do not, if they just go and see the doctor, they are going to wind up paying $300 more.

Now, to figure what $300 is, that is about 10 bags of groceries, which, remember, we are talking about old people who are living on $8,000 a year, and we are saying they have to pay $300 more in premiums. How can that be a good deal?

That is why what I do not like about the Breaux-Thomas program is that two-thirds of the new money comes out of the pockets of the beneficiaries. It does not come from savings in efficiency in health care delivery, but rather, it comes right straight out of the beneficiaries.

Mr. MINGE. The gentleman has raised another point that I think is certainly important for us to emphasize. That is, the gentleman talks about groceries. I know that in talking with both physicians and with seniors in my area, that often seniors are making a choice between groceries and prescription drugs.

I hear this over and over. They are amazed at the cost of prescription drugs. They are struggling with how they can find the resources to pay for this, and often they feel that they have to make a decision, are they going to obtain those drugs which are necessary for the maintenance of their health, or are they going to short themselves on the grocery side?

Those are their two big sort of inflexible expenditures from the point of view of the larger public. Neither one is really a flexible expenditure. I would like to join the gentleman in really urging my colleagues to take up this question of prescription drugs and how do we deal with it in the Medicare program, and not see the program stumble on the financial side any further. It is really an enormous challenge, and I again would like to thank the gentleman for his work.

Mr. McDERMOTT. I had an experience myself with this whole issue of prescription drugs. The gentleman reminds me of it. I had an ear problem, and I went to see the doctor and he gave me a prescription, as you get when you go to the doctor. I went down to the pharmacist, and I know him, and he said to me, Jim, sit down. So I sat down, and I said, why are you asking me to sit down?

He said, well, this prescription that is for 2 weeks, medication for your ear, costs $385. Now, for most people $385 is a lot of money, and if you are one of these widows we are talking about, or the average senior citizen who lives on less than $15,000 in income, $385 is a lot of money.

He said, people come in here all the time, and they will stand there and they will say, well, why do you not give me half the prescription? Now, that means what they are doing is going home and taking half of the medication that has been prescribed for them. If they do not get better, they wind up having to go back to the doctor. And the doctor says, did you take the medication? They say, well, yes. But in fact they are not telling the doctor that they only took half of the prescription because that is all the money they had in their bank account or in their pocket or whatever, or they had to pay their rent or something else with the money that they did have.

This kind of dilemma for senior citizens is absolutely unacceptable, and it is why the President has taken the position that in modernizing the system as the President wants to do, first of all, he wants to put 15 percent into the program from the surplus, and secondly, he wants to have a prescription benefit.

Now, my colleague, the gentleman from New Jersey (Mr. PALLONE) raised the issue of how prescription drugs have increased in usage in medicine. When I got out of medical school in 1963, which was a couple of years before Medicare started, usually when people went to the hospital they would stay 3, 4, 5, 6 days, and if you had a hernia or you had a baby or most anything, it was not uncommon to stay in the hospital 3, 4, 5 days.

Today if you get to stay overnight you have got something pretty serious, because most things are done in 1 or 2 days in the hospital. In fact, the reason we passed a bill out here on the Floor making it absolutely the doctor and the mother's decision was that many of the HMOs had said that if a woman delivered a baby at 8 o'clock in the morning, she ought to go home at 6 o'clock at night with the baby under her arm. She was not even given one night in the hospital.

That pushing people out of the hospital has created two of the problems that we are now struggling with in Medicare. One is that prescription drugs, that is, people get pain medication and they get a variety of drugs, and they are supposed to go home and take care of it, sort of medicating themselves. And the second thing is that we wind up with lots of home health care.

Mr. Speaker, the home health care program is there because we do not keep people in the hospital. If one keeps somebody in the hospital, my father was 90 years old when he had his gallbladder taken out. When it was taken out, he was sent home 3 days later.

☐ 1800

Now, there is my mother, she is 89 years old, and she is supposed to take care of a 90-year-old man who has just had a major surgery. That is obviously not reasonable.

So we have designed a system in this country of home health visits. We have visiting nurses who come into the home and see people, maybe once, sometimes twice a day, to be sure that the bandage is changed or that the blood pressure is taken or whatever is necessary to make it possible for somebody to recuperate at home. If we did not do that, they would wind up back in the hospital at $600 or $700 or $800 a day. So there is a savings in putting people out in their home. It is more comfortable. It is more pleasant to be in our own home surroundings, but we may need some additional help.

Now, that program has been used all over this country in different ways. In the State of Washington and the State of Minnesota the average number of visits for any case is about 35 visits. In the State of Louisiana it is 170 visits. Now, we may ask ourselves, well, what is different with people in Louisiana from people in Washington or Minnesota? Well, the fact is that in those States where they have these long and large number of visits, they have been using the program to keep people from having to go into nursing homes. They have been delivering long-term care in the home, using the Visiting Nurse Service.

So the Congress gets all excited that here is this cost going out of sight within home health care and they say, well, we have to stop this. So what do they do in this defined contribution program; one of the ways they save money? They slap a 10 percent copay on anybody who has a visit at home. Right now there is no copay for a home health care visit.

What they are saying is, if the hospital throws someone out as quickly as they can, gets them home, then we will start taking 10 percent out of their pocket rather than the government paying for it. So what is happening here in this defined contribution is that we are giving only so much and everything else comes out of the individual's pocket. And if that individual does not have it in their pocket, well, that is tough. And we are going to have lots of people in this country who are not going to have the capability to take care of this additional cost to them as individuals.

Now, the Congress passed some years ago a bill to give people some help if they could not afford to pay the deductibles. It is called SLIMBY. That is just another one of the alphabet soup names for a program for old people, who do not have enough money, can go and get some help. But guess where they put that program to make it easy for old people? They put it down at the welfare office. They say to old people that all they have to do is go down to the welfare office and ask for some help.

Now, old people have got pride. Old people have worked hard all their life, they have taken care of themselves, they have paid their bills, they have raised their kids, they have paid their taxes and, at the end of life, when they cannot pay the deductibles on this program, they have to go down to the welfare office and ask for some help to pay for that.

Now, I proposed in the Medicare Commission something that I have been proposing before in the Committee on Ways and Means; that when someone registers for Social Security, and their income is known at that point, that when they are 65, if they do not have enough income to pay those deductibles, then they should be registered immediately in the program for help to pay for their deductibles. That was resisted in the commission. They left it down there in the welfare office. And I know senior citizens in my district who will not go down there because it makes them feel ashamed of themselves to have to go down and beg at the welfare office.

So if we are going to modernize this program and we are going to raise the deductibles and so forth, we have to make it user friendly for senior citizens who are living on less than $15,000 a year. We cannot expect them to say, well, I think I will go down to the welfare office and get some help.

We teach people in this country to be independent, to take care of themselves. We value that as a country. And the people who we are talking about right now are the people who lived through the Depression. They brought this country back from the Depression. They took us through the Second World War and they took us through the Korean War. Now we are saying to them that they did not do enough then and so we are going to make them go and beg for some more help just because they do not have anything more than their Social Security.

From my point of view that is not a good system. And when we modernize it, we have to make this an automatic benefit for people who are not capable of paying for it.

Now, there is an issue that the gentleman from New Jersey (Mr. PALLONE) raised, and that is this whole business of so-called means testing. "Means" means how much money we have. When we say somebody is a person of "means", it means he has money. So what some people say about Medicare is that what we ought to do is put a means test. Everybody, let us say above a certain point, should not get Medicare. They should just buy their own health insurance because they have enough money.

Now, we can say to ourselves, yes, that makes sense; why do we not do that? Well, where do we want to put that? Do we want to say that everybody who has $100,000 in income when they are 65, that they should buy their own insurance? Well, $100,000 is a lot of money; right? They ought to be able to handle it. Well, maybe we are a little short on dough here in the Congress so we lower the means test down to, say, 75,000; and the next year we are a little short on money and we say, well, let us take it down to 50,000; and the next year we are a little shorter and we get it lower.

The problem with the means test is that what it does, it creates two groups of people in this country, those people who get the benefit and those people who do not. I personally oppose a means test. I think if we come into this country and we pay our taxes and we participate to the best of our ability, we ought to get the program.

I feel the same way about Social Security. I do not care how much anybody has. If they paid into the Social Security system, they ought to get their money out. They ought to get their fair share out.

The reason is, and this is a principle of both Medicare and Social Security, they are social insurance programs. Just like our fire insurance we have in this country. We made the decision, I think it was in 1759, in Philadelphia, to have the first fire department. We said, we cannot save our own homes, so let us all, all of us in Philadelphia, get ourselves together, get a horse and wagon and some barrels, some water and some ladders, and if a house catches on fire, we will go put it out.

That is a social insurance system. That is what fire insurance is. Nobody wants to take advantage of that. Nobody says, well, gee, I hope my house catches on fire so I can get back some of the money that I have paid in in taxes to the fire department or to my fire insurance plan. Nobody wants to get their money back, but we have it there so that if a disaster strikes us, we have coverage.

If anybody stood up on the floor of the House here and said, I think if an individual's house has not caught on fire in the last 5 years they should not have to have fire insurance or pay any taxes for a fire department, we would think they were crazy. We would think they had lost their mind, because we know that nobody knows whose house is going to catch on fire and that is why we have this social insurance fire policy in our pocket.

Same thing is true about roads. We figured out we could not do roads by ourselves, that we had to do them as a national program. That is what Dwight Eisenhower did back in the 1950's, was to establish a national interstate system. And so we collect all the gasoline tax and we put it out there and we take care of the highways in this country.

We do the same thing with schools. We realized that in order to have a democracy, we needed to have an educated electorate, and so we have a system of schools.

Well, the same thing happened in the 1930's, when there was no money for people to live on and there were a lot of old people who had no pensions. We said we have to have a Social Security System, and Franklin Delano Roosevelt came in this room and said, we ought to have everybody have an account, and so everybody has a number. 358–28–7705 is my number. And everybody has an account. We put in our money every month, and when we get to be 65, there it is for us.

None of us knows how rich or how poor we are going to be when we get to be 65. We all hope that we will be very successful and be able to take care of ourselves without that Social Security money. But when we look at senior citizens and realize that 50 percent of senior citizens live on $15,000 or less, which is about the Social Security benefit in this country, we realize that for half the senior citizens, when they get to the end of life, that is all they have. They did not know that when they were 15 or 20 or 25 or 40 or whatever. But they put their money in, and when they got there, they had it.

The same is true about Medicare. That is why this is such an important program. There is a fascinating fact about this whole program which I think really drives it home to me as a physician, and I have seen it. We spend 70 percent of the money on 10 percent of the people, 10 percent of the senior citizens in the Medicare program. And none of us knows whether we are going to be a part of that 10 percent. That is why we have to protect the Medicare program with a defined benefit for everyone.

SOCIAL SECURITY REFORM IN THE 106TH CONGRESS

The SPEAKER pro tempore (Mr. HEFLEY). Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, in the last week there have been some very disturbing announcements about the status of Social Security reform in the 106th Congress, and I would like to express my severe disappointment that the majority leader in the Senate and possibly the Speaker of the House has backed away from a commitment that we ought to have here in Congress to make Social Security reform the number one priority for the 106th Congress.

I do not think that there is a Member of this institution, nor are there many in this entire country, who is not aware of the importance of addressing the financial crisis that is looming for Social Security unless we take steps to change the program and make it financially secure for the foreseeable future.

We can do this by modest changes here in 1999–2000; changes that we could implement over several years. They would not be painful if they are implemented in such a fashion and would share the cost among a generation or more of Americans. But if we continually postpone the reform effort, it will become more expensive, more contentious, and more of a crisis situation, which will be inadequate and enormously controversial when it occurs.

I do not think it is right that we in Congress point our fingers to the White House and say the President has not provided enough leadership. We here in Congress ought to be providing leadership on our own. We should not do it for fear of criticism. Certainly that is why we are elected, to make some tough decisions. And if by voting for and implementing Social Security reform it is more difficult for us to be elected the next time around, that too is something that we should face up to.

Tragically, there will always be another election. We never will reach the millennium, so to speak, when we have a free shot at reforming Social Security or something else without the controversy that accompanies the task.

I would like to urge that the majority leader and the Speaker work together with the minority leader in this body and the minority leader in the Senate to appoint a bipartisan group to come back to this body this summer with a Social Security reform package. It is certain to have elements in it that are not acceptable to one group or another but, on the other hand, at least we would be moving ahead. Such a bipartisan group ought to confer with the White House and attempt to develop a proposal that would have the support of the President.

I do not think today is too late. I do not think that the issue has somehow subsided. Yes, Kosovo has dominated the news, but people throughout America realize the importance of Social Security reform.

□ 1815

I would also like to emphasize that as we begin consideration of supplemental appropriations bills for the Kosovo crisis that we keep in mind that our historic pattern of using the Social Security surplus to pay for other programs will probably end up becoming a necessity in 1999.

Many of us on both sides of the aisle have identified this as an abuse that we can no longer tolerate. We ought to stop it in 1999. It ought to end now. No more borrowing from the Social Security trust fund for other Federal programs.

The budget resolution that we have adopted makes that point clear. Unfortunately, it is for the year 2000. Let us implement it now in 1999.

I have worked with my Republican colleague, the gentleman from California (Mr. HERGER), to propose that this practice be terminated. And I am going to be meeting with him again and proposing that we take steps that would be effective to make sure that, here in 1999, we protect this Social Security trust fund from any further raids.

We need to ensure, number one, that Social Security reform move ahead promptly; and number two, that we protect the trust fund from any further use.

ILLEGAL NARCOTICS AND SUBSTANCE ABUSE IN AMERICA

The SPEAKER pro tempore (Mrs. BONO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICA. Madam Speaker, my colleagues, I am pleased to come to the floor again tonight and will be coming to the floor each and every week I get the opportunity to talk about a situation that I think is our number one national social problem, and that is the problem of illegal narcotics and substance abuse in our Nation.

In this Congress, as many of my colleagues know, I was assigned a responsibility to chair the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform.

With that responsibility, I inherited a position that was really held by the former chair of the national security subcommittee on which I served, and the chair of that subcommittee was the honorable gentleman from Illinois (Mr. HASTERT), who is now Speaker of the House.

I may say at this time that the gentleman from Illinois (Mr. HASTERT) helped put back together our national effort to begin to address the problem of drug abuse, illegal narcotics trafficking, and address in a very serious fashion for the first time since this administration took office the problem of illegal narcotics that face our Nation and our community. So I am pleased to inherit that responsibility.

I am also troubled by that responsibility because the problem is so enormous. The scope of this problem, my colleagues, goes beyond anything we see on the nightly news. I know the attention of the Nation and the Congress and all Americans has been focused on the tragedy in Colorado; and certainly that was a tremendous human tragedy, with a loss of some 15 precious lives.

I know also, my colleagues, that the attention of the Nation and the Congress is focused today and tonight and will be this week on the situation in Kosovo, in harm's way. But my colleagues, a very, very serious situation faces this Congress, and that is what to do about the rising use of illegal narcotics, particularly among our young people and among our population across this Nation.

And it is not just a question of use. If there was not any damage, if there was not any result, people may very well turn their heads the other way and ignore the problem. But, my colleagues, the problem is absolutely enormous. Over 14,000 and possibly up to 20,000 Americans, depending on whose statistics we use, last year lost their lives in our Nation as a result of drug-related causes. This is an astronomical figure.

And I have said on the House floor since this President took office, approximately 100,000 Americans, the population of some of our larger cities in this country, have died at the hands and through the use and abuse of illegal narcotics and the tragedy that it has brought to their lives and to their families.

So tonight I am back again, with that responsibility, seeking answers; and tonight I plan to focus a bit again on the history of how we got into this situation and review that. Because I think it is important that we learn from the mistakes of the past, we learn from the mistakes of the Congress, we learn from the mistakes of this administration, we learn from the mistakes of this President and we try to improve on what we are doing both in policy and legislative action.

It is important, I think, also that we focus beyond the past at what we are doing as a Congress now, what programs have been instituted. I will talk about those briefly.

And then I want to talk about another subject that fits into the question of interdiction and stopping illegal narcotics in a cost-effective manner before they ever reach our shores so that we limit the shear quantity and supply of illegal hard narcotics coming into the United States of America. And that subject will deal tonight with the question of Panama and this administration's failed negotiations, this administration's failed planning and this administration's complete lack of response to a situation that confronts us in the next few days.

In fact, May 1 we must stop all flights from Panama and we are giving up all of our assets in the Panama Canal. I want to talk about how that affects our ability to conduct and advance surveillance, how it is going to cost the American taxpayers a huge sum of money to deal with the failed negotiations again of this administration.

Incidentally, I will be holding a hearing next week on the Panama Canal situation as it relates to the narcotics trafficking issue. But later in this month I will be holding a hearing on the question of drug legalization.

Since I have taken over as chair of this subcommittee, I have received many requests to look at decriminalization, legalization, and other alternatives to incarceration. And I think that that subject deserves a review by the Congress, a serious study, and an examination as to how we can better address this growing problem of the people who are affected through the problems of trafficking or use of illegal narcotics. So those are some of the topics I plan to discuss tonight.

I would like to go back to the situation for a minute. I hate to repeat this. But I have to review how we got in this situation. I think history records it first, so the American people pay attention to it second. And thirdly, that we do not repeat these mistakes.

The first thing that was done was by this administration and this President was to in fact, basically, throw out the window all of the programs that had been instituted back in the 1980s, first by President Reagan and then by President Bush, to address a problem that we had with the cocaine epidemic and some hard drugs coming into the country at the beginning of the 1980s.

Many programs were put into place and cost-effective programs: interdiction, eradication of illegal narcotics at their source in the country, interdiction as the drugs left that source country, use of the military, use of other

United States assets to try to stop illegal narcotics coming across into our borders and increasing the supply of hard drugs available.

Each of these programs in 1993, when the President controlled, of course, the White House as chief executive, had complete control and wide margins of majorities in both the other body and the House of Representatives.

What took place, again, was an error we should not repeat. The first thing he did was to cut the drug czar's office and budget dramatically. The next thing, and I think one of the most damaging things and something we are really feeling the ravages of across our Nation today, is our young people.

Our young people are smart, and when our young people hear a leader of the United States or someone who wants to be leader of the United States to say it just does not matter, they can do these things, something is wrong.

This President appointed a surgeon general, the highest health officer in the United States of America, to an important position of responsibility, Joycelyn Elders, who came up with this policy of just say maybe.

So we fail to have leadership from the President. We fail to have leadership from our chief executive medical officer of the Nation. And I think we are still suffering from that lack of direction, lack of message.

The message during the Reagan administration was very clear, "just say no." It was very simple but it was very direct, and even our young people understood it. But this just say maybe and then cutting the programs that were instituted, again under President Reagan and President Bush, to cost-effectively stem the tide, the shear tide, of illegal hard drugs coming into the Nation, these things were cast aside.

The military was taken out of the war on drugs. The Coast Guard's budget was cut dramatically, which protects our borders. I know in Florida we saw the Coast Guard budget dramatically cut around Puerto Rico. And that directly affected Florida, the citizens of Florida, because drug dealers started using Puerto Rico, without that protection, as an entry point for illegal narcotics.

Our State has been flooded, particularly with heroin, and we have experienced in central Florida and throughout Florida record deaths weekly through the use of heroin which is coming through that route.

Moreover, we saw something happen that should shake up every Member of Congress and every citizen of this country. The use of heroin by our teen population from 1993 to 1997 jumped 875 percent, use by teens of a very hard and deadly drug.

What was different about some of the narcotics that came into 1980, including marijuana, heroin, cocaine, was that in those days and that decade we had a very low purity level. The heroin that we have been seeing come into the United States both from Mexico, from Colombia and transited through other areas is of incredible purity, sometimes 80, 90 percent pure. Cocaine has also increased. And marijuana's potency has also increased.

So, particularly with heroin, we have seen young people mixing it with alcohol or some other substance or first-time users getting a dose of these high proportions of purity and not recovering, dying the most horrible deaths imaginable from their use and sometimes experimentation and addiction to heroin.

□ 1830

Madam Speaker, the cost of all this is absolutely astronomical. We are putting together right now a bill that will be close to $18 billion. I might say that this new majority, the Republicans, again under the direction of the gentleman from Illinois (Mr. HASTERT), put together all the programs that were dismantled, again the cost-effective programs of interdiction, close to the source, and first of all eradication at the source, very cost effectively. A few millions of dollars do an incredible amount of good there.

I use as an example what has taken place in Peru and Bolivia in the last couple of years. This new majority has worked with the leaders there, President Fujimori and President Hugo Banzer of Bolivia. We have, in fact, dramatically decreased the production of cocaine from those countries. Unfortunately, this administration has had a policy of trying to stop any aid, assistance, resources, helicopter, ammunition, anything to fight in the war on drugs, to Colombia; and Colombia has now become the major producer of heroin entering the United States. And also it was not in 1993 on the charts as any type of a producer of coca and is now the largest coca and cocaine producer in the world.

So the policy of this administration, in fact, has caused us to fail in a very important area, that is, Colombia, as a direct result of policies of this administration.

The second area where we are seeing actually the majority of hard drugs transiting into the United States is Mexico. I have spoken many times about the problems with Mexico, in absolute frustration. We have given Mexico trade assistance. We have backed them from a financial standpoint in all of the international financial agencies. We have been a good ally. We have opened up our border from a commercial standpoint. What we have gotten in return is a flood of drugs. Again a policy of this administration has been to certify repeatedly Mexico and its officials as fully cooperating in our effort to eradicate the production of illegal narcotics and the trafficking of illegal narcotics. By any measure, Mexico has failed to assist and fully cooperate as required under Federal law. But again this administration repeatedly certifies them, fails to hold their feet to the fire.

This Congress requested Mexico, time and time again, to aid in some simple request to curtail the drug trafficking. First we asked for extradition of major drug officials. Two years ago this month, this Congress passed a resolution by a rather wide margin, and we find that to date not really one major drug trafficker who is a Mexican national has been extradited from that country. We have asked Mexico to sign a maritime agreement so we could stop some of the drugs that are transiting through the seas off the coast of Mexico and dealing with Mexican nationals, and still they have not signed a maritime agreement. We have asked Mexican officials again to allow our DEA agents to protect themselves, actually to increase the presence of our DEA. We have a very limited force down there working with Mexican officials. Again these requests have been denied. Radar to the south to keep drugs coming from Colombia and Panama, transiting through the isthmus and up through Central America, again almost no action.

And then we have asked for enforcement of laws that the Mexicans have passed and actions against illegal narcotics traffickers in Mexico. What have we gotten in return? Our customs officials uncovered one of the most incredible banking scandals in the Western Hemisphere. It involved Mexican officials. This sting operation was conducted with full knowledge of the highest Mexican officials. Unfortunately, sometimes we cannot give them the entire story because corruption goes from the bottom to the top in that country, but they were aware of what was going on. Did they fully cooperate as required by our law to receive trade, aid, financial benefits? No, in fact they threatened to indict our United States customs officials who were involved in that operation.

Then if we look at the hard facts about Mexico and what it has done in the last year to deserve, again, extended United States trade and aid benefits and financial support, all the things we give them, what have they done? It is almost pitiful. The seizures of cocaine are dramatically down, over 30 percent in Mexico last year. And hard heroin and opium, also dramatic decreases in seizures by Mexican officials. The number of vessels that are seized has also decreased. We have seen the takeover of the entire Baja Peninsula which is now raging with narcoterrorists, 315 killed last year, some horrendous murders where they line up women and children and gun them down in these drug wars; and the Yucatan Peninsula where our President went to meet with President

Zedillo of Mexico. Totally corrupt. The Governor, we were promised, of the Yucatan Peninsula would be arrested, would be confined the minute he left office. We were told that they were not going to arrest him before he left office because Mexican law gives him immunity and it is difficult to prosecute. So they were going to go after this guy after, in fact, he left office. But our latest report is that he fled, the Governor of the Yucatan Peninsula, in Quintana Roo, left several days before he left office. Some reports have him on an island off of Cuba at this time.

So that is the kind of cooperation that we get really dirt kicked in our face. And some people turned a blind eye to it because of the trade relationship. Some people do not want to upset the Mexican Government.

What was astounding was we recently held a hearing on this subject and we will also be holding a hearing, I believe the week of the 11th of May for the information of my colleagues, on the situation in Mexico. But the last hearing we held, we had testimony of another Customs agent who testified that 1 out of 4 major Mexican generals, one Mexican general was trying to launder $1.1 billion. Where does a Mexican general get $1.1 billion, I ask?

So this is what we get in return. This is the policy of this administration. Unfortunately it has created a disaster. The disaster, as I said, will cost us over $18 billion, direct costs that we will be funding in the next few months.

The cost to the American society is estimated at a quarter of a trillion dollars. Drug and substance abuse costs the taxpayers, the citizens, all Americans, a quarter of a trillion dollars, $250 billion in social costs when we add in all the lost wages, when we add in the welfare, the social payments, the cost of the criminal justice system, the incarceration, not to mention the heartache and the deaths that have been incurred by so many by this tragedy.

So I wanted to review and I will continue to review the past errors of this administration. I do want to also say that I think it is important that we as a new majority be responsive to the errors that were made and correct them. I think we have done that.

Last year we have added over $1 billion, and I think in very cost-effective areas, to increase education almost $200 million, and that program is now underway. That program requires public service announcements which you may or may not be seeing on your television or in your media. Both newspapers and other forms of media should have that proposal.

I was concerned that our education effort was somewhat diminished in the past era of this administration. I was concerned that during, again, their control of the Congress and also the White House, that they did not pay proper attention to what should be done. I did propose, almost 4 years ago, legislation that would require an increase in public service announcements paid for really by those that hold Federal communications licenses. Each year if we look at it since 1990, those folks have lessened their public commitment, their public trust responsibility in my opinion, and should be doing more rather than less.

The White House proposed as an alternative to spend a rather large amount of money. We ended up with a compromise. For every one of the $190 million that the Congress has appropriated, we must have donated the equivalent time or resources towards these public service announcements and this education effort.

That is a small part of everything we have done. We have restored the cuts in the Coast Guard, we have restored the military's involvement in the interdiction effort. And most importantly and most cost-effectively, we are going back and making certain that the source countries, Bolivia, Peru, Colombia, Mr. Speaker, 99 percent of the cocaine comes from Bolivia, Peru and Colombia that is entering the United States. It is a no-brainer to use a few dollars to stop these drugs at their source from getting into the United States and penetrating our borders. So we can do that very cost-effectively, those things.

Again, the new majority has restored those programs and getting the assets to Colombia so that the new President, in working with General Serrano, the head of their national police force and others, that we can make a difference where those drugs are being produced and at their source, again so cost-effectively.

I believe that it is important, as I said tonight, that we also focus on the situation of those drugs that are coming in in huge quantities into the United States, and what is happening to our efforts to curtail those narcotics, again, source country I think is so important, and interdiction before they get to our borders.

Something that has been brought to my attention and I think should be on the radar screen of every Member of Congress and every citizen this week is the date of May 1. I say May 1 is an important date, because May 1 will be the day that the United States of America will no longer be able to have any flight operations in the Republic of Panama or the Panama Canal or at any of our bases there. This really is the result of an incredibly failed negotiation by this administration that most people have not paid much attention to. But the United States is about to turn over the keys and lower our flags on our bases and facilities in Panama as part of the Panama Canal transfer.

By the end of this year, the United States military will have returned property consisting of about 70,000 acres, not to mention the improvements thereupon, including one very expensive canal, plus 5,600 buildings. These assets are estimated with a value of $10 billion. So what President Carter started, President Clinton is finishing with a bang, that we have in negotiations totally lost any rights, any ability to have any presence in Panama.

Now, that might not be a big problem, Mr. Speaker, but, in fact, all of our forward-operating operations for the war on drugs, for our international surveillance over these areas I just described of Colombia, Peru, Bolivia where these drugs are coming from, from sources, not to mention where they are being transited from, every bit of our forward observation locations, every one of those and our ability to launch reconnaissance flights from there are ending this week, May 1.

□ 1845

Again, it is incredible that the negotiations which the administration and State Department and others said were coming along, were coming along, fell on their face. It was not until we took a congressional delegation down there several months ago to ask the status that we found out there were not even interim agreements.

In the past few weeks the administration has scurried and has managed to put together several interim agreements. Let me show you what we are facing with this situation.

All of our operations have been located, again, in surveillance on illegal narcotics production and trafficking from Panama. To deal with this situation we had hoped that the administration would negotiate some agreements with Panama to continue launching these flights there, and we have conducted annually some 15,000 flights there. We had 10,000 troops; we are down to 4,000 troops, and they will soon be out of that area and unable to conduct these flights or these operations.

Now, in addition to losing the $10 billion in assets, the buildings, the canal and a little bit of pride, what is absolutely incredible is the taxpayers are going to foot the bill to relocate these operations to a very big tune, and that is going to be $80 to $100 million dollars on an interim basis. Madam Speaker, this is so disorganized that they really do not know where they are going to house the folks who serve this country who are responsible for these flights.

But scary is if we look at this chart, this chart shows the ability of our operations, our forward operations, to cover the areas. If we took 100 percent as what we are covering right now for surveillance and observation, come the end of this week we may have just an incredibly reduced capability even with the interim agreements that are being signed with Aruba, and Curacao and Ecuador; we may at best some time in May get up to 70 percent, and even after we spend the $100 million, we will be lucky if we get to 80 percent.

So, we have gotten ourselves kicked out of the Panama Canal, lost our assets that our taxpayers have helped contribute, again, buildings and resources there, and we have also gotten our advance international narcotics Western Hemisphere forward surveillance operations and all flight operations canceled.

Most folks did not pay attention, but several weeks ago we turned over the keys to our naval operations, and that brings to mind something that I want to bring before the Congress, the House, tonight, and that is my concern about what has taken place, and I learned that in a meeting with our officials and also with others who have been involved in observing what is going on in Panama.

The situation in my estimation has the potential for a future disaster. This administration allowed our naval bases, former naval ports, of course to disappear, and the two ports in the Panama Republic have now really been turned over to others, and to describe what has taken place I want to read from an article that Robert Morton, and I do not want to say this, I want someone else to say this; but let me tell my colleagues what has taken place and quote from Robert Morton in an op-ed he did March 4, 1999:

"The Clintonesque government of Panama in effect sold Chinese rights to two prime, American-built port facilities that flank the Canal Zone both to the east and the west. The 50-year contract awarded Balboa, on the Pacific side, and Cristobal, on the Atlantic side, to a giant Hong Kong shipping firm, Hutchison Whampoa, Ltd. By any analysis this company, headed by Li Kashing, is an interesting operation."

And he goes on to report "Hutchison has worked closely with the China Ocean Shipping Co.," and that is COSCO, which we have heard about before, and let me go on, on shipping deals in Asia even before Hong Kong reverted to Beijing's control in 1997. COSCO, you may remember, is the PLA, and the PLA," is the Chinese Army, "PLA-controlled company that almost succeeded in gaining control of the abandoned naval station in Long Beach, California," and there was quite an uproar about that.

"Li Kashing has served on the board of directors of China International Trust and Investment Corp., a PLA," again, Chinese Army, "affiliated giant run by Wang Jun whose name may ring a bell. Yes, the very same Wang Jun enjoyed coffee at the White House in exchange for a modest donation to the Clinton-Gore 1996 slush fund," and let me continue here.

"As retired U.S. Navy Admiral Thomas H. Moorer testified before the Senate Foreign Relations Committee on June 16, 1998, 'My specific concern is that this company is controlled by the communist Chinese. And they have virtually accomplished, without a single shot being fired, a stronghold on the Panama Canal, something which took our country so many years to accomplish.'" That is one quote that I thought that the Congress should have on the record.

Another observation that I found that I thought was interesting about what is taking place in Panama was really expressed by a Panamanian last year who was running for president, and there is an election in Panama coming up. But this presidential candidate, and I will quote his comments and his concerns, and this is approximately a year ago:

A Panamanian presidential candidate has asked the U.S. Justice Department to investigate China's activities around the canal and the possibility of a quid pro quo between the Clinton administration and the Asian Communist power.

"Concerned about possible executive branch complicity and China's gatekeeper status at the Panama Canal, Panamanian presidential candidate William Bright Marine," and Marine is a dual U.S.-Panamanian citizen who was born and raised in the Canal Zone, I might add, but according to him, he wrote to the Justice Department on May 4 last year and said, "I have yet to speak with one single American who is not outraged at the fact that the Clinton administration has allowed Communist China to obtain control of U.S. ports, U.S. basis, and functions of the Panama Canal. They today, effectively control access to the Panama Canal."

This agreement could not have happened without the consent of the Clinton administration. The executive branch has been copied by my correspondence regarding communist China dating back to 1996. They cannot claim ignorance.

And just one more word on this from a retired Lieutenant General, Gordon Sumner, who also observed recently, and let me quote his quote:

"The deal grants a 2-year waiver of labor laws and veto rights over the use of abutting properties, in clear violation of the Panama Canal Treaty." A Hutchison lawyer by the name of Hugo Torrijos was also the head of the port authority that awarded the contract.

So these contracts have been let, these ports are already lost, and I am told confidentially and I am also told publicly that these tenders for control of these two ports were very corrupt tenders and, in fact, also greased with Red Chinese influence. In fact, Red Chinese influence in Panama is growing in many ways. Recently the Bank of China extended a 15-year, $120 million loan to Panama at 3 percent interest to finance the government's investment program.

So we have a situation where the Panama Canal, an important strategic asset to the United States, 13 percent of all the shipping, the international shipping and commerce, flows through the canal, and it has an incredible amount of trade that relies on the use of the canal, and this again this Saturday will be second turning over of the canal and its properties to Panama and a prohibition against any further flights by the United States in our war on drugs. This, in fact, is going to strain our Department of Defense's ability to keep a watchful eye on drug shipments and transit routes and will really hurt our efforts in eradicating drugs at their source, which again is, I believe, so cost effective.

Either more assets will be needed to provide the same relative level of coverage, or we are trying to do the same job with again a limited number of coverage areas, which I showed on the chart, and we will greatly diminish our ability to cover those areas that were previously cost effective. They were covered by our bases out of the Panama Canal and Panama Canal Zone, and again the taxpayers are going to pick up the bill for this $100 million to relocate these operations which will not be by any measures as effective, at least at the beginning on the short term will be somewhat disorganized, because this administration again has not completed any long term agreements, only short term.

And I am told that the next round of expenses that we can expect, in addition to this $100 million expense, will be a tab for up to $200 million for repairs and for improvements in the Ecuador situation. Even the Ecuador agreement, which is an interim agreement, is only a short-term agreement, and we will face a serious problem because that government right now of Ecuador and that country is undergoing some very difficult political and domestic turmoil.

It is sort of sad to think about it and reflect on it. President Bush about a decade ago sent our troops into Panama, and why did he do that? To stop drug trafficking, to stop the chief executive of that country, General Noriega, in his tracks as he was charged with illegal narcotics trafficking, money laundering and other offenses dealing again with the illicit drugs. Our troops went in there, our troops fought, wounded, and others lost in that effort, but we made an effort. We took that country back.

Now that was the approach of the previous administration to deal with a corrupt chief of state and others who were responsible for, again, illegal narcotics trafficking.

☐ 1900

General Noriega still sits in jail in the United States for those offenses.

This is the policy of this administration: to fail in a negotiation to maintain any of the assets, to maintain any of our locations or capability to launch a drug effort.

What concerns me tonight, my colleagues, is we are looking at some potential dramatic costs and disaster for the future. One of the things that the United States did when they went into Panama was to really help dissolve the military organization which was corrupt, which was the tool of General Noriega, and also involved in some of this illegal and corrupt activity.

We have in fact dismantled most of the military in Panama, leaving them with a weak national police force. What concerns me is that Panama has had on its border and within its border the FARC organization and a Marxist rebel group which are conducting operations, both from Panama now and also in Colombia. As they see the opportunity for corruption to take hold, as we lose control of any assets, any military presence in the Canal Zone, I think we are creating a vacuum, and I think some of these rebels from the south, again, will move further into Panama and create a very unstable situation.

So we may be back in Panama at great cost, at great sacrifice, in the future, but it is in fact the failed negotiations, again, that have gotten us into this situation, into this cost and into this potential for future activity by these Marxist guerrillas who are already located in Panama and, I think, again will take advantage of this.

Panama has always been a major narcotics route and it always will be because of its location as an isthmus and as a route linking South America and Central America and North America. Again, I believe that we are going to pay a very high price in the future by the decline of our ability to conduct advanced surveillance operations from the location we have had.

Panama historically has had a notoriously corrupt political class, and, again, we are faced with only a small police force to deal with this impending situation with the departure of the United States forces. Both the country and the canal, in my estimation, are in danger, and we are about to turn over this entire operation at great cost and great loss to the taxpayer. We will hear more about this in the hearing that we will be conducting next week as that action takes place on May 1.

I also want to just talk briefly tonight about the national debate that is raging on the question of use of illegal narcotics in this country. I said earlier, as chairman I have pledged to hold a hearing and will do that, I hope, later this month on the question of legalization and also decriminalization of illegal narcotics.

I myself do not favor that action by our government, by our Congress. In fact, what I think from what I have learned since taking over this responsibility and my past work on this issue is that sometimes tough enforcement, tough eradication, tough interdiction, does in fact work. I welcome the opportunity to have this debate before our subcommittee, but I must say that, again, all the evidence I see points to the contrary.

Let me just, as I may in closing, comment on what I have learned about the question of tough enforcement versus legalization. I have here a chart, and I will put it up here for a few minutes, and it is narcotics arrest index crime comparison for New York City.

This chart dramatically shows as the numbers of arrests for narcotics offenses increased, that in fact the incidence of crime dramatically was reduced. This is pretty dramatic, and it covers the period from 1993 to 1998 under the regime of Mayor Giuliani. So when drug arrests are enforced and executed, in fact crime goes down. The proof is in this chart and in these statistics, and I think is not refutable.

I would like to compare that. I got this chart from Tom Constantine, who is the United States Drug Enforcement Administrator. He looked at New York and saw a dramatic decrease in crime in that city. Then, by comparison, he looked for a city which had a more liberalized philosophy and tolerance of drug use and programs to provide alternative substances to drug users.

A great example, of course, is Baltimore. Baltimore in 1950 had a population of 949,000, and it had an addict population of 300. In 1996 it had a population which was reduced down to 675,000. It had 38,985 heroin addicts. Absolutely startling statistics. Again, a policy of liberalization, not the tough enforcement. New York's statistics are absolutely dramatic, not only the crime index that I showed you, but the loss of lives.

Let me, if I may, put up as a final exhibit this chart that shows the numbers of murders in New York City in 1993; nearly 2,000, 1,927. In 1998, I believe it is a 70 percent reduction, 629.

Therefore, I think that the question of legalization will be interesting. The question of decriminalization will be interesting. I think we do need to look at some other ways rather than incarceration for so many individuals who have ended up in our jails and prisons, nearly 2 million Americans at this point. But the facts are, my colleagues, that tough enforcement does work.

Madam Speaker, tonight I have had the opportunity to again raise before the Congress and the House what I think is our biggest social problem facing this Nation, 14,000 to 20,000 drug-related deaths last year across our land, hundreds of them across the district that I represent, with heroin, just tragic deaths, cocaine and other hard drugs that have taken their toll, particularly among our young people and across this Nation at great loss, not only in dollars and cents that the Congress must expend and public policy that demands, but also the incredible human tragedies.

I cannot describe how difficult it is to face a parent who has lost a son or a daughter in a drug overdose. I cannot describe the agony that they as a family must experience, to lose a loved one to this tragedy.

So as we focus on all the other problems, we cannot forget, again, what I consider is the major problem facing the Congress and this Nation, the social problem. I do feel confident about learning from the past, as I said, not making the mistakes of the past, putting our money on programs that work, that are cost effective, looking at some alternatives. And I welcome those suggestions from my colleagues and others that are interested in this subject so that we can do a better job for all Americans, and particularly for young Americans who are the biggest victims today of this epidemic facing our land.

Madam Speaker, I thank you for the opportunity to address the House tonight to talk about the subject of illegal narcotics and drug abuse.

CHANGING U.S. POLICY ON CUBA

The SPEAKER pro tempore (Mrs. BONO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 60 minutes.

Mr. DIAZ-BALART. Madam Speaker, distinguished colleagues, as I grieved along with the rest of America this last Sunday, this weekend, about the senseless bloodshed, the condemnable violence against innocent victims last week in Littleton, Colorado, and my heart goes out to the victims and their families, I was reading some news reports from various wire services. I noted two news reports that I placed copies of in my files.

One was titled "Portugal Concerned Young People Will Forget Coup of 1974." It is an Associated Press wire.

"Bloodless Action Toppled Dictator, Brought Democracy. Lisbon, Portugal. The coup was swift, bloodless and effective, so smooth and neat that as Portugal marks the 25th anniversary of the Army coup that brought it democracy, some citizens fear it is at risk of being forgotten. An older generation that lived under dictator Antonio de Oliveira Salazar's heavy hand, proudly recalls the courage of the dissidents and the outpouring of joy when disgruntled Army officers led the coup that toppled the dictatorship."

The article went on, "The coup paved the way for the country, Portugal, to join the European Union in 1986, a coming of age that accelerated the pace of change as development funds poured in and Portugal scrambled to make up for lost time. Portugal crammed into 10 years social and economic development that had taken other countries decades to accomplish."

Another news wire that caught my eye, and I filed it, read, "Two Bills to Seek End of Cuban Embargo. Senator CHRISTOPHER DODD, Democrat, Connecticut, will file a bill this week jointly with Senator JOHN WARNER, Republican, Virginia, seeking an end to the embargo in Cuba. At the same time, Representative JOSÉ SERRANO, Democrat of New York, will file a similar bill in the House," DODD said. DODD made the announcement Friday as the keynote speaker during the 17th Annual Journalists and Editors Workshop on Latin America held in Miami, Florida. "The time has come to lift the trade sanctions in Cuba," DODD said, adding that the embargo has been ineffective, counterproductive, inhumane and a failure.

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According to DOD, the 4-decade-old embargo has not yielded the result it intended.

I found an interesting contrast in the two articles, because during the decades-long dictatorships in Portugal and in Spain, or during the dictatorship of the 1960s and the 1970s in Greece, no one ever complained that the European Union, which was then known as the European Community, made it absolutely clear that its doors would remain closed, remain airtight; that there could be no conceivable entry into the European Union by Spain or Portugal or Greece until they were democracies. No one ever complained.

No legislative or diplomatic initiatives to say, let Spain and Portugal and Greece in, were ever initiated. No one filed bills in any of the democratic parliaments of Europe saying the Olivera Salazar regime in Portugal has lasted 50 years or the Franco regime in Spain has lasted 40 years; our policy of isolation has failed. Let us end their isolation, because they have lasted so long. No, no one ever filed bills or initiated initiatives such as those.

On the contrary, during the last year of Franco's dictatorship there was a mobilization in the international community to reimpose a blockade such as the one that the United Nations had imposed on Franco decades earlier. And at the time of Franco's death in 1975 in Spain, that posture, similarly at the time of the coup referred to in this Associated Press article in Portugal in 1974, that posture, that policy by Europe was decisive in the political openings and democratic transitions that took place in those countries that had long been oppressed by dictatorships.

Political parties were liberated. Political prisoners were liberated first. Political parties were legalized. Long-term exiles, those who had survived, were able to return. Along with the legalization of political parties came the legalization of the independent press and independent labor unions, and free elections were authorized, they were then organized, and then they were held. In other words, freedom returned.

That precisely is the goal of our policy with regard to Cuba. That is why we maintain a trade and tourism embargo on the Cuban dictatorship. That is why we deny the U.S. market to the Cuban dictatorship, a regime that has kept itself in power through terror and through repression for 40 years. Because first, we believe that it is in the national interests of the United States for there to be a democratic transition in Cuba. My colleague, the gentleman from Florida (Mr. MICA), who was just talking about the narcotics trafficking problem in this hemisphere, how for example the Mexican governor of the province of Quintana Roo, the Yucatan Peninsula, has just sought refuge. Just before he was about to be arrested for being a major drug trafficker, he sought refuge and he is in Cuba today, as is Robert Vesco and over 90 other fugitives on the FBI's Most Wanted List.

So we believe for many reasons that it is in the United States' national interest for there to be a democratic transition in Cuba. Second, we believe that just as in Europe, in the cases of the democratic transitions that occurred in Spain or Portugal or Greece, or in the transitions that took place in South Africa or Chile or the Dominican Republic, it is absolutely critical that there be some form of external pressure for a democratic transition to take place in Cuba once the dictator is no longer on the scene. Either because, like in the case of Franco in Spain, the dictator dies, or if it occurs through a coup, for example, like in Portugal, or by way of a coup followed by the death of a dictator, if it occurs as in Romania. However it occurs, whatever way it occurs, at the time of the disappearance from the scene of the Cuban dictator, that is when it will be absolutely critical for the U.S. embargo to be in place as it is today, with its lifting being conditioned, as it is by law, on three fundamental developments in Cuba.

Number one, the liberation of all political prisoners. Number two, the legalization of all political parties, independent labor unions and the independent press. And number three, the scheduling of free, internationally supervised elections. The exact same conditions that brought about the democratic transitions in Portugal and in Spain and in South Africa, and in Chile and in the Dominican Republic and in so many others.

At the time of the disappearance of the dictator in Cuba, the U.S. embargo, with its lifting being conditioned on those three developments, as it is by law, will constitute critical leverage for the Cuban people to achieve those three conditions. In other words, for them to achieve their freedom, like the South Africans and the Spaniards and the Chileans and the Portuguese and the Dominicans achieved theirs during the last four decades.

It should not seem that complicated. Wherever there has been some form of external pressure, there has been a democratic transition. Where there has been acquiescence, financing, trade, oxygen for the regimes such as in China, there is no democratic transition. It is very simple.

So when we see some asking for an end to the embargo against Castro now, before the three conditions, we have to then ask which of the three conditions do the Cuban people not deserve? Do they not deserve the liberation of all political prisoners, the legalization of political parties, the press, labor unions, or do they not deserve free elections? Which of the three conditions do the Cuban people not deserve? We must ask those who want to lift the embargo now, unilaterally.

There is another question. Why else, why in addition to the ethical reasons, in addition to the profound immorality of sitting by while our closest neighbors are ignored year after year after year, while they are oppressed year after year, decade after decade, by a degrading and humiliating military dictatorship that has implanted a system of economic and political apartheid against its own people. A system where people are thrown in prison for their thoughts, where refugees are killed for leaving the country without permission, the most glaring, horrible example being July 13, 1994 where a tugboat, an old tugboat full of refugees was systematically attacked and sunk, and over 40 women and children, along with some adult men, were murdered, over 20 children were murdered.

A system where, to use another example, the pharmacies, the drugstores, if a Cuban citizen has a child with a fever or another medical problem, they can only purchase medicines in the pharmacies if they have dollars and if they are foreigners. In other words, they have to get a foreigner to go in and purchase the medicine and they need a foreign currency, dollars, to be able to do that.

To cite a very well written report by the respected human rights organization PAX Christi Netherlands of February of this year, a system where the criminal code, even in its pre-February 1999 form, before the draconian new law that Castro had his public parliament pass that established up to 30 years in prison for peaceful pro-democracy activity; even before the February 1999 law, the criminal code was used as a means to silence political dissent by charging opponents of the regime with, for example, "contempt for authority" or "dangerousness" or "enemy propaganda."

In Cuba, where the judiciary is directly controlled by the communist party, the right to a fair trial is not guaranteed. Sometimes political proponents remain detained for prolonged periods, months, even years without any charge, much less a trial. And PAX Christi Netherlands continues in its Human Rights Report, February 1999, a list exists, drawn up by the Cuban Commission on Human Rights and Reconciliation, of approximately 300 political prisoners.

What is often overlooked, though, is that this is only a partial list. The Cuban Government does not disclose any data on the number of those imprisoned for political offenses such as rebellion, disrespect or enemy propaganda. Human rights organizations, therefore, will have to depend on other sources to report a political imprisonment to them. In actual fact, there are anywhere, and this is according to PAX Christi Netherlands, in actual fact, there are anywhere from 2,000 to 5,000 political prisoners.

There is an additional problem in the form of people that are in prison under the pretext of, for instance, economic offenses, while the real reason is political. We can only guess at the numbers, says PAX Christi Netherlands. And it continues: Prisoners are put under great psychological pressure and at times they are beaten up. Prison conditions are generally bad. Inmates are undernourished and have no blankets, sanitary facilities or legal representation. There are frequent reports of political prisoners being denied medical attention in the case of illness.

An example is political prisoner Jorge Luis Garci-Per'ez Antunez, 33 years old and imprisoned for 18 years, accused of enemy propaganda. In the beginning of 1999 he was brutally beaten to unconsciousness by prison officers. According to his sister, one of these officers at the prison stated that they were authorized to beat prisoners. Actually, Antunez is in a very poor state of health, as he is denied medical treatment for his injuries and for his illnesses, a kidney insufficiency, angina pectoris and hypoglycemia. Until this writing, his sister has not been allowed to give her brother the necessary medicines, from PAX Christi Netherlands, February 1999.

So why, in addition to the moral imperative, I was asking, is it in the national interest of the United States for Cuba to be free? I think it is important that we touch upon just a few of the reasons.

We in Washington have the ability to receive research from many so-called think tanks. They are institutes of research. One of the most respected and certainly well informed of those research institutes is the William Casey Institute of the Center for Security Policy. In a recent report, November 1998, they wrote, "American advocates of normalization contend that Cuba no longer poses any threat to the United States, and that the U.S. embargo is therefore basically an obsolete and harmful relic of the Cold War.

Unfortunately, this view, reports the Center for Security Policy, ignores the abiding menacing character of the Castro regime. This is all the more remarkable given the emphasis Secretary of Defense William Cohen, among other Clinton administration officials, have placed on asymmetric threats, the very sorts of threats Cuba continues to pose to American citizens and interests.

These include the following: Thanks to the vast signal intelligence facilities operated near Lourdes by Havana's and Moscow's intelligence services, facilities that permit the wholesale collection of sensitive U.S. military diplomatic and commercial data and the invasion of millions of Americans' privacy, the Cuban regime has the capability to conduct sustained and systematic information warfare against the United States. A stunning example of the potentially devastating consequences of this capability was recently provided by former Soviet military intelligence Colonel Stanislav Lunev. As one of the most senior Russian military intelligence officials to come to this country, Lunev revealed that in 1990 the Soviet Union acquired America's most sensitive Desert Storm battle plans, including General Norman Schwarzkopf's famed Hail Mary flanking maneuver, prior to the launch of the U.S. ground war on the Persian Gulf.

□ 1930

Moscow's penetration of such closely-guarded American military planning via its Cuban ally may have jeopardized the lives of literally thousands of U.S. troops in the event the intelligence had been forwarded to Saddam Hussein by then Soviet Premier Gorbachev.

By the way, Moscow pays $200 million to this day. Even though they get a lot of money from the U.S. taxpayers, they turn around and pay $200 million a year to Castro for the intelligence facilities that Moscow maintains in Havana.

Recent news reports have brought forth that the same types of concerns that existed during Desert Storm due to the intelligence-gathering operations in Cuba that the Russians maintain and the intelligence-gathering operations that Castro maintains with the help of the Russians, that these same concerns remain and have remained during our recent operations in Iraq and our current operation in Serbia.

The Center for Security Policy, in their report in February, 1999, continue talking about the Cuban threat, and specifically mention the following. According to a January 29 article in the Financial Times of London, drug traffickers have capitalized, drug traffickers, have capitalized on the increased flow of European and Latin American tourism and trade with Cuba in the post-Soviet period, as well as the Castro regime's rampant official corruption and its ideologically-driven desire to damage its economic enemies. These operations use Cuba both for a drug market for the tourists that go there, and as a favored cleansing route employed to reduce the opportunities for detection.

Several instances reported in the Financial Times of London illustrate this alarming development. For example, the frequency of drug cargoes dropped by air traffickers into Cuban waters for pick-up by smugglers more than doubled in 1998 over previous years.

On December 3 of 1998, a 7-ton shipment of cocaine bound for Cuba was seized in Columbia by the Columbian police. Further evidence of such offensive, albeit asymmetrical activities, and indications that the Clinton administration is finding this behavior to be inconvenient, and therefore to be suppressed, was presented in Robert Novak's syndicated column in the Washington Post on February 1, 1999.

Such is the concern of the Committee on International Relations, led by its chairman, the gentleman from New York (Mr. BEN GILMAN) about the actual status of Cuban drug running that the committee asked the State Department to place Havana on its narcotics blacklist.

For its part, the administration, in the person of the drug czar, General McCaffrey, has denied any suggestion that it is downplaying or concealing Castro's Cuba's involvement in narcotrafficking. But the problem is that they have not answered our concerns. They have not answered our concerns, Madam Speaker.

I sent a letter, along with the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Indiana (Mr. DAN BURTON), to General McCaffrey in November of 1996 on the issue of Castro's participation in the drug trade and the lack of a policy, even the lack of acknowledgment by the administration that it is going on.

We specifically said in the letter: "There is no doubt that the Castro dictatorship allows Cuba to be used as a transshipment point for drugs. We were deeply disappointed when DEA administrator Thomas Constantine, testifying before the House International Relations Committee in June, said that 'there is no evidence that the government of Cuba is complicit' in drug smuggling ventures. On the contrary, there is no doubt that the Castro dictatorship is in the drug business. Your appearance," this was addressed to General McCaffrey, "before the committee that day was also very disappointing on this critical issue.

"Castro and his top aides have worked as accomplices for the Columbian drug cartels and Cuba is a key transshipment point. In fact," in 1996, "sources in the DEA's Miami Field Office stated to the media that more than 50% of the drug trafficking detected by the U.S. in the Caribbean proceeds from or through Cuba.

"Since the 1980's, substantial evidence in the public domain has mounted showing that the Castro dictatorship is aggressively involved in narco-trafficking. In 1982, four senior aides to Castro were indicted by a Florida grand jury for drug smuggling in the U.S. They were Vice Admiral Aldo Santamaria, a member of the Cuban Communist Party Central Committee who supervised military protection for, and the resupply of, ships transporting drugs to the US; Ambassador to Columbia Fernando Ravelo, who was in charge of the arms for drugs connection with the Columbian M–19 guerillas and the Medellin Cartel; Minister Counselor Gonzalo Bassols-Suarez, assigned to the Cuban Embassy in Bogota, Columbia; and Rene Rodriguez-Cruz, a senior official of the DGI (Cuban Intelligence Service) and a member of the Communist Party Central Committee.

"In 1987, the U.S. Attorney in Miami won convictions of 17 South Florida drug smugglers who used Cuban military air bases to smuggle at least 2,000 pounds of Columbian cocaine into Florida with the direct logistical assistance of the Cuban Armed Forces. Evidence in this case was developed by an undercover government agent who flew a drug smuggling flight into Cuba with a MIG fighter escort. In 1988, Federal law enforcement authorities captured an 8,800 pound load of cocaine imported into the United States through Cuba. In 1989, U.S. authorities captured 1,060 pounds of cocaine sent through Cuba to the United States.

"Prior administrations have correctly identified the Castro regime as an enemy in the interdiction battle. As early as March 12, 1982, Thomas Enders, then Assistant Secretary of State for Inter-American Affairs, stated before the Subcommittee on Security and Terrorism of the Senate Judiciary Committee that 'We now also have detailed and reliable information linking Cuba to trafficking in narcotics as well as arms.'"

On April 30, 1983, James Michel, Deputy Assistant Secretary of State for Inter-American Affairs, testified before the Subcommittee on Western Hemisphere Affairs of the Senate Foreign Relations Committee. His remarks validated prior findings:

"The United States has developed new evidence from a variety of independent sources confirming that Cuban officials have facilitated narcotics trafficking through the Caribbean. . . . They have done so by developing a relationship with key Columbian drug runners who, on Cuba's behalf, purchased arms and smuggled them to Cuban-backed insurgent groups in Columbia. In return, the traffickers received safe passage of ships carrying cocaine, marijuana, and other drugs through Cuban waters to the U.S."

"On July 26, 1989, Ambassador Melvin Levitsky, Assistant Secretary of State for International Narcotics Matters, testified that, 'There is no doubt that Cuba is a transit point in the illegal drug flow. . . . We have made a major commitment to interdicting this traffic. . . . Although it is difficult to gauge the amount of trafficking that takes place in Cuba, we note a marked increase in reported drug trafficking incidents in Cuban territory during the first half of 1989.'.

"We are sure that while in Panama," we wrote General McCaffrey, "as Commander of the U.S. Southern Command, you became aware of General Noriega's close relationship with Castro, and of Castro's intimate relationship with the Columbian drug cartels.

"Because past administrations identified Cuba as a major transshipment point for narcotics traffic, it was integrated into the larger interdiction effort. By contrast, under the existing strategy" of this administration, "no aggressive efforts have been made to cut off this pipeline despite the growing awareness of its existence.

"In April, 1993, the Miami Herald reported that the U.S. Attorney for the Southern District of Florida had drafted an indictment charging the Cuban government as a racketeering enterprise, and Cuban Defense Minister Raul Castro as the chief of a ten-year conspiracy to send tons of Columbian cartel cocaine through Cuba to the United States. Fifteen Cuban officials were named as co-conspirators, and the Defense and Interior Ministries cited as criminal organizations." The indictment was shelved. It was placed in a drawer by the Clinton administration.

"In 1996, the prosecution of a drug trafficker, Jorge Cabrera, a convicted drug dealer, brought to light additional information regarding narco-trafficking by the Castro dictatorship. Cabrera was convicted of transporting almost 6,000 pounds of cocaine in the United States, and he was sentenced to 19 years in prison and fined over $1 million. Cabrera has made repeated, specific claims confirming cooperation between Cuban officials and the Columbian cartels. His defense counsel has publicly stated that Cabrera offered to arrange a trip, under Coast Guard surveillance, that would 'pro-actively implicate the Cuban government.'" That investigation was shelved. It was put in a drawer by the Clinton administration.

"Overwhelming evidence points," we continued in our letter," to ongoing involvement of the Castro dictatorship in narco-trafficking. The Congress remains gravely concerned about this issue." We ended the letter by saying, "We are deeply disappointed that the Administration continues to publicly ignore this critical matter."

General McCaffrey sent us back a form letter that he sends to schools and people who ask for the ability to have input throughout the country into the Nation's drug policy.

The chairman of the Committee on Government Reform in the House, the gentleman from Illinois (Mr. DAN BURTON) then sent a letter to General McCaffrey. I signed the letter, along with my colleague, the gentlewoman from Florida (Ms. ILEANA ROS-LEHTINEN):

"Dear General McCaffrey, we write in response to your letter," your form letter, "asking for comments in regard to updates." "We have included herewith a letter which we sent to you November 18, 1996. You subsequently replied to us with a form letter. . . .

"We hereby reiterate our request that you address the issue of the Cuban government's participation in narco-trafficking and take all necessary actions to end the Clinton Administration's cover-up of that reality.

"We look forward to receiving a specific and detailed response to the information and points raised in our correspondence. Thank you in advance for your personal attention to this request."

General McCaffrey wrote back saying that we had impugned his integrity or his commitment to the country, something that we never did. We remain focused on what we asked for.

As the gentleman from Illinois (Chairman DAN BURTON) stated in his reply to General McCaffrey on March 16, 1999, "Simply put, your response was insufficient. I unequivocally disagree with your assessment of the Cuban government," because the General maintains that the Cuban government is not involved with drug trafficking.

Despite all the evidence that he knows of and we provided publicly to him, it is part of the public record, he continues to say, no, the Cuban government is not involved with drug trafficking, and/or is unable to monitor or patrol its territory.

Chairman BURTON continued, "I have never questioned your service or dedication to our country. Your military career was long, and you indeed rose to four star (CINC) status, and I salute you for that."

That is not the issue. The issue is that we sent a detailed letter that I just read from the Congress of the United States, once again asking for what the policy is of the administration with regard to concrete evidence of decades-long participation by the Cuban regime in narco-trafficking into the United States; in other words, a systematic campaign to poison the youth in the United States.

What is the policy of this administration? It is not an issue of whether General McCaffrey had a good military record or not. Nobody is questioning that. It is, what is the policy of the administration now? Why is there an obvious attempt to cover up the involvement of the Cuban regime in narcotrafficking into this country?

The Center for Security Policy, in its February, 1999, report, stated, with regard to Cuba's two VVER 440 Soviet-designed nuclear reactors, that assurances from the Russian Ministry of Atomic Energy to the effect that these reactors are "in excellent condition and meet all contemporary safety requirements" are unconvincing.

The Center for Security Policy continued: "In fact, many Western experts, including the U.S., the General Accounting Office, and Cuban defectors from the Juragua complex have warned about myriad design and construction flaws.

"Among the items of concern are the fact that much of the facility's sensitive equipment has been exposed to corrosive tropical weather conditions for almost 6 years, and a large percentage of the structural components, building materials, and fabrication, for example, of critical welds, has been defective."

The Pentagon is currently constructing a so-called Caribbean Radiation Early Warning System, known as CREWS, around the southern United States downwind from these Cuban reactors. According to Norm Dunkin, the lead contractor on CREWS, this system will monitor the activity of the reactors being built in Cuba in the event of an accident. Mr. Dunkin states that the CREWS system would allow for an immediate response.

Now, just what that immediate response would be remains far from clear. We are talking about two Soviet-designed nuclear power plants that Castro is committed to completing in Cuba. So will this "early warning system" enable the mass evacuation of as many as 80 million Americans who might, according to U.S. official estimates, be exposed to Cuban radiation within days of a meltdown?

And even if that extraordinary logistical feat could be accomplished, what would happen to the food supply, animals, and property left behind? This is the Center for Security Policy in its report of 1999, February.

□ 1945

I think it is important, Madam Speaker, that we point out what we are talking about specifically here with regard to these Cuban power plants. These are Soviet-designed nuclear power plants. We just remembered the horrible accident at Chernobyl, where so many innocent lives were lost and radiation caused damage to millions and millions of people in the Ukraine. Well, what we are talking about here is Cuba. We are not talking about the Ukraine.

We are talking about Soviet-designed nuclear power plants. They are known as the VVER 440. Soviet designed nuclear reactors. There are two of them. Here. Here is Key West. Here are the nuclear power plants. We are talking about less than 200 miles. These reactors, the VVER 440s, were all shut down when the Soviet Union collapsed and the Iron Curtain came down in Europe. All of the newly-freed countries of Eastern Europe, without exception, starting with East Germany but going throughout the entire continent, immediately moved to shut them all down because they are inherently dangerous.

But in addition to that, engineers and workers who worked on the initial stages of these two Cuban nuclear power plants have testified here in Congress and before Federal executive agencies that not only are these plants defective because of their design but because of the great mistakes that were committed, the great flaws in the construction, the initial construction of these plants that Castro is determined to complete.

Now, according to the National Oceanic and Atmospheric Administration that prepared this chart for my office, if the winds happened to be blowing north, in this direction, where we are right now, here, Washington, D.C., and even further north, as far north as Pennsylvania and New York, within 2 days of an accident in one of these plants, or an incident, because the Cuban dictator would be able to create an incident if he would so decide, within 2 days, if the winds were blowing north, the radiation would expose most of the eastern coast of the United States.

If it were blowing in this direction, obviously, the central United States. It would take longer, obviously, to get to Texas and the West. But 80 million Americans reside in this area, and within 2 days, if the winds were blowing this way, if these plants were completed and if there were an accident, and we obviously had an accident in Chernobyl, we are not talking theory here, these are Soviet-designed plants, it would expose up to 80 million Americans to grave risk. And this chart, as I say, was provided by the National Oceanic and Atmospheric Administration.

We are all concerned about Kosovo. It is a great humanitarian crisis and tragedy, but this is here. These plants are less than 200 miles from the United States. What is the President doing? What is the Clinton administration doing to prevent this? Well, they have come forth with something called, as I mentioned before, CREWS, the Caribbean Radiation Early Warning System. I have never seen, to be diplomatic I will say, a less logical idea. Because this CREWS system, Caribbean Radiation Early Warning System, is designed to monitor the activity of these reactors in the event of an accident, this system would, quote, allow for an immediate response. The radiation would be picked up by the system.

Is that what our policy has to be? I think that is inconceivable. I think our policy needs to be a policy of simply letting the Cuban regime know that under no circumstances can those plants be completed. The United States of America has to make it clear to Mr. Castro that those plants cannot be completed. It means putting at risk, if they are completed, 80 million Americans plus the entire Cuban people, plus the neighbor, if the winds happen to go this way, Mexico. If the winds happen to go this way, it is Central America.

The United States has to be telling the Cuban Government that those plants will not be completed. But, no, the Clinton administration came up with CREWS, the Caribbean Radiation Early Warning System, that will allow for an immediate response because radiation will be detected if there is an accident. That is not acceptable.

I ask all of my colleagues and the American people watching through C-SPAN to contact their Congressman or Congresswoman and tell him or her that they must tell the President of the United States that he must unequivocally state that these plants, these nuclear power plants in Cuba, cannot, will not, under any circumstances, be completed. This is an issue of extraordinary importance.

With regard to the matters we are touching upon, which are why it is in the national interest of the United States, in addition to the moral prerequisites, the reasons for there to be a democratic transition in Cuba, Inside Magazine, Inside Magazine here in Washington, published an article last month and I would like to quote from it. It is a very brief article.

Fidel Castro was, quote, among the principal sponsors of international terrorist Carlos the Jackal, according to a former senior Cuban Interior Ministry official. Juan Antonio Rodriguez Menier, who has lived under police protection in the United States for the past 13 years, told investigators that Castro supplied Carlos, that is the name this well-known terrorist goes by, whose real name is Ilich Ramirez Sanchez, with money, passports and apartments in Paris.

Menier, this former Cuban intelligence official, alleges that the Cuban President, referring to Castro, organized drug trafficking in the United States, France, the Netherlands and elsewhere, and that Carlos was used by Castro to, "put pressure on and execute the people he designated." Carlos, this terrorist, is serving a life sentence in

France for the murder of two secret policemen and an informant.

These are what threats exist. What are the reasons, again, Madam Speaker? The question is, in addition to the moral imperative, what are the reasons why it is in the national interest of the United States for there to be a democratic transition in Cuba? Why do we have an embargo on Castro that provides not only the only sanction against his brutality but the only leverage for the Cuban opposition, for the Cuban people to achieve a Democratic transition once Castro is gone from the scene?

Why do we maintain an embargo? For all these reasons. Why is it in the United States' national interest for there to be a democratic transition in Cuba? For all these reasons that I have been mentioning.

There was an unprecedented act of state terrorism against American citizens a little over 3 years ago. Castro ordered his own air force, not talking about Carlos the terrorist, but his own air force to shoot down American civil planes over international waters. That is the only time it has ever been done. Not even Saddam or the North Koreans have done that.

Civilian planes over international waters by an act of state terrorism directly by an air force. The only time it has been done. It is unprecedented, as was noted by Judge Lawrence King in his wise and erudite decision in the U.S. District Court in the Southern District of Florida. In an unprecedented act, Castro ordered the murders by his own air force of U.S. citizens over international waters 3 years ago.

Well, sometimes it is important to go back and read what was said at the time. This is March 11, 1996, 3 years ago. Time Magazine. In an exclusive conversation with Reginald Brack, chairman of Time, Joelle Addinger, Time's chief of correspondence, and Cathy Booth, the Miami bureau chief, Castro tried to explain and justify shooting down two defenseless planes.

Question: What was the chain of command? Here is Castro's answer: We discussed it with Raul. That is his brother, head of the air defense forces in the military. We gave the order to the head of the air force. Castro continued saying, I take responsibility for what happened. Castro admits, he takes responsibility publicly for shooting down unarmed civilian aircraft over international waters. Unprecedented act of state terrorism.

Where is the administration? The Clinton administration signed the codification of the embargo, that is true, and ever since then has systematically waived every part of the legislation that the administration has been able to waive. Sometimes it is important to realize why things were done. We are not talking about 30 years ago but 3 years ago.

Now, Madam Speaker, it is important, I think, to go back to what the Center for Security Policy stated in its February 1999 report. Bottom line, it ended, the report, saying, "In short, Fidel Castro's Cuba continues to represent a significant, if asymmetric, threat to the United States. The Clinton administration needs to be honest with the American people about these and other dangers, perhaps including the menace of biological or information warfare, which the President says he has seized. The Clinton administration must dispense with further efforts to cover up or low-ball them. Under these and foreseeable circumstances, it would be irresponsible to ease the U.S. embargo, and thereby not only legitimate, but offer life support to the still offensively oriented Castro regime." That was the Center for Security Policy, February 1999.

Madam Speaker, I would ask how much time I have remaining.

The SPEAKER pro tempore (Mrs. BONO). The gentleman from Florida (Mr. DIAZ-BALART) has 14 minutes remaining.

Mr. DIAZ-BALART. The dictatorship in Cuba is economically bankrupt and obviously desperate. That is part of the danger, the desperation angle. For example, the fact that Castro would be so committed to completing two nuclear power plants whose design is so inherently faulty that everywhere where they had been completed in Eastern Europe they were closed down, proves he is desperate. He wants it complete, even those nuclear power plants.

The dictatorship is bankrupt and desperate. The clear signs of that, for example, are that just a few days ago he went to the Dominican Republic, where the very mediocre President of the Republic there, who falls all over himself when he sees Castro, literally, just about; he drools in admiration. Castro was there and all of a sudden his number two bodyguard, and it is important to know what these bodyguards are in the context of Cuban society. They are the ones who have everything the people do not have, starting with the food and all the privileges and benefits. His personal bodyguards. Well, his number two personal bodyguard defected; responsible for waking Castro up and taking care of his life. If he cannot trust his number two bodyguard, of the hundreds of bodyguards he has, who can he trust? Obviously, he knows, no one. That is a sign of desperation. That is a sign of where the dictatorship is.

People say, well, the policy has not functioned. What do they mean it has not functioned, when it has to be in place; conditioned, our embargo conditioned, its lifting conditioned on the three key developments that have to occur in Cuba, and that will occur in Cuba? In other words, the liberation of all political prisoners, legalization of political parties, labor unions and the press, and the scheduling of free elections. This is a desperate, bankrupt dictatorship that, obviously, everyone knows, even the supporters of the dictatorship, that it cannot survive the life of the dictator if we maintain the embargo, the leverage. Obviously, the dictatorship is desperate and bankrupt.

Now, there is something I need to say, because I think it is fair. The UN Human Rights Commission in Geneva passed a resolution this last Friday condemning the human rights violations by the Castro regime. And I want to publicly commend, congratulate and show my admiration for the Czech Republic, who was the prime sponsor of the resolution, and the Polish Government as well. In other words, the Czech president, Vaclav Havel, and Polish Prime Minister Jerzy Buzek, who were the prime sponsors of this resolution, this marvelous resolution, standing firm on the side of the Cuban people. And, really, those who voted for the governments, who voted for it, constitute a hall of fame and dignity at this time. And those who voted against it really constitute a hall of shame.

□ 2000

It only passed by one vote, by the way, but it passed. Obviously, too many people, when we realize it passed by one vote, are in the hall of shame. But, nevertheless, the hall of fame prevailed.

In favor: Argentina; Austria; Canada; Chile; the Czech Republic; Ecuador; France; Germany; Ireland; Italy; Japan; Latvia; Luxembourg; Morocco. By the way, I want to thank His Royal Highness King Hassan and the distinguished and brilliant Foreign Minister Mohammad Benaisa Benahista for their courageous stand. Norway; Poland; the Republic of Korea; Romania, that wonderful, heroic people; the United Kingdom, the United States of America; and Uruguay.

A significant development in this last year, because there was a defeat in this resolution a year ago, a significant development was the naming by Secretary Albright of Assistant Secretary Coe, Assistant Secretary for Human Rights. He did a wonderful job, and he is to be commended.

And then of course voting against, and I am not going to go into the entire list, but the fact that Latin American neighbors of the Cuban people, two of them voted against, Mexico and Brazil. The Mexican Government remains consistent in its policy of corruption in all aspects. And the new Venezuelan President, who wrote a letter by the way to Carlos the Jackal, the terrorist that I referred to previously, well, the new Venezuelan President wrote him a letter the other day congratulating him. That is the new President of Venezuela.

And then abstaining, in other words, those who say, yes, I see the horrible violations of human rights but I do not have the courage or the whatever to vote to condemn them, abstaining was Colombia, El Salvador, and Guatemala. They may not be in the hall of shame but they sure are near.

Madam Speaker, I think in addition to congratulating the people who those governments have voted for this resolution, and noting our disillusionment with those who abstained, and of course, our condemnation of those who voted against, I remain convinced that a great problem that the Cuban people face, the reason why there have been so many years of dictatorship there, one of the great reasons is the lack of press coverage.

I ask my colleagues, I ask the American people watching on C-SPAN, did they read or see coverage of Castro's bodyguard defecting, the No. 2 bodyguard of a dictator that has been in power for 40 years? Did they read about it, hear about it? Was it in the news?

Did they hear about this resolution that condemned the human rights violations? Did they read or hear about, did they see coverage about the crackdown that Castro was involved in against the Cuban people, the new law calling for up to 30 years of imprisonment for peaceful pro-democracy activity? Have they read about that? Have they seen coverage?

Do they know about the four best known dissidents in Cuba, the, in effect, Vaclav Havels and Lech Walesas of Cuba, who bravely refused freedom in lieu of prison and were just sentenced to long prison terms for writing a document asking for free elections and criticizing one-party government? Have they read about their names: Vladimiro Roca, Felix Bonne, Rene Gomez Manzano, Marta Beatriz Roque?

Had they heard about the prisoner that I referred to before, that PAX Christi Netherlands talked about his repeated beatings, a 33-year-old man condemned to 18 years in prison for peacefully advocating for democracy?

Had they heard about Jorge Luis Garcia Perez Antunez? Did they know about Oscar Elias Biscet or Leonel Morejon Almagro, who has been nominated by over 60 Members of this House for the Nobel Peace Prize, or Vicky Ruiz or the hundreds of other pro-democracy activists in Cuba, or the independent press who bravely each day fight for democracy or work to inform the world about the horrors, about what is going on?

Have they read about that? Or did they read about the Baltimore Orioles or the Harlem Globetrotters playing with Cuba's national teams? Is that what we read about? That is the only thing that the press covers with regard to Cuba. How cute, the Baltimore Orioles or the Harlem Globetrotters playing Castro's designated national team. That is the only coverage, in essence, with very rare exceptions.

It is time to help the internal opposition, Madam Speaker. A number of us are filing, we prepared legislation that basically tells the President of the United States, we in the Congress, we passed a law 3 years ago saying he is authorized to help the internal opposition in Cuba, to find ways to do it like we did in Poland, and he has not done it, and it is time that we do it and we are filing legislation to do so.

It is time that the world learn the names of the Vaclav Havels and the Lech Walesas of Cuba. It is time that the world be able to put faces to those names and names to those faces. It is time to help the internal opposition.

We will be filing this legislation. We need the support of our colleagues. It does not deal with the embargo. They can be pro-trade, anti-trade, or in the middle. They can stand for the Cuban people's right to be free by supporting this legislation that calls on the President to devise a plan, like was done by President Reagan in Poland, to help the internal opposition.

And we talk to those now members of parliament in Poland or the President in the Czech Republic and they will tell us what it meant when we had a President in the United States who stood with them and found ways to help them when they were dissidents and when they were being persecuted by their communist totalitarian regimes.

That is what we need to do in the case of Cuba. Cuba will be free. The Congress has always been on the side of the Cuban people. What we need is the President to speak up on this issue on these people 90 miles away, our closest friends, our closest neighbors, to stand on their side and against the repressor.

We need the administration to be heard. The Congress is heard, will continue to be heard, has been heard. And we are going to file our legislation, and we need the support of our colleagues. I know we have it, because always the Congress of the United States have stood with the Cuban people. And the Cuban people, when they are free, they will remember this Congress for having stood always for their right to be free, for self-determination, for freedom for dignity, for free elections and against the horrors of their 40-year totalitarian nightmare.

PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Madam Speaker, it is deja vu all over again. Delay patient protection, keep it from the floor, try to push it back in the legislative year so that time will run out, or load up a clean patient bill of protection with a lot of extraneous, untested ideas and then let it sink of its weight.

Madam Speaker, I would think that we would learn in this House that the American public is demanding that Congress address this problem. I recently learned, Madam Speaker, that the leadership of the House is not thinking about bringing patient protection legislation to the floor until October at the earliest. And I also learned, Madam Speaker, that the chairman of jurisdiction is considering adding a number of untested ideas to a clean bill of patient rights, things like health marts or association health plans, ideas which have not been tested, which could actually be harmful.

Why is this a disaster, Madam Speaker? Well, consider the case of little James Adams, age 6 months. At 3:30 in the morning his mother Lamona found him hot, panting, sweaty, moaning. His temperature was 104. Lamona phoned her HMO and was told to take James to Scottish Rite Medical Center. "That is the only hospital I can send you to," the reviewer added.

"Well, how do I get there?" Lamona said.

"I do not know. I am not good at directions."

So at about 3:30 in the morning Lamona and her husband wrap up little Jimmy, little sick Jimmy. It was raining out, terrible night. They get in their car. They live way on the east side of Atlanta, Georgia, about 20 miles.

About 20 miles into their ride they pass Emory Hospital's emergency room with a renowned pediatric medical center. Nearby are two more of Atlanta's leading hospitals, Georgia Baptist and Grady Memorial. But they did not have permission to stop, and they knew that if they did the HMO would stick them with the bill. So not being medical professionals, they thought, "We think we can get there in time."

They had 22 more miles to travel before they got to Scottish Rite. While searching for the hospital, James's heart stopped. Madam Speaker, think of what it was like for Mr. and Mrs. Adams, driving frantically in the early morning hours, trying to resuscitate and keep little Jimmy alive while they push on to the emergency room.

Well, they got him to Scottish Rite eventually but it looked like he would die. But he was a tough little guy, and despite his cardiac arrest due to delay in treatment by his HMO, he survived. However, he ended up with gangrene of both of his hands and both of his feet. The doctors had to amputate both of little Jimmy's hands and both of his feet.

All this is documented in the book "Health Against Wealth," and the details of baby James' HMO's methods emerged, and a judge who looked at this said the margins of safety of that HMO were razor thin. Madam Speaker, I would say about as razor thin as the scalpel that had to amputate little baby James' hands and feet.

Think of the dilemma this places on a mother struggling to make ends meet. In Lamona's situation, under last year's Republican task force bill, if she rushes her child to the nearest emergency room she could be at risk for a charge that is on average 50 percent more than what the plan would pay for in network care. Or she could hope that her child's condition will not worsen as they drive past other hospitals to finally make it to the ER that is affiliated with their plan. And woe to any family's fragile financial condition if this emergency occurs while they are visiting friends or family out-of-State.

Madam Speaker, cases like this are not isolated examples. They are not mere anecdotes. Madam Speaker, tell to little James today or to his mother Lamona, who I spoke to about a month ago, that James is just an anecdote. Those anecdotes, if we prick their finger, if they have a finger, they bleed.

Little James, with his bilateral leg amputations and his bilateral hand amputations, today with his arm stumps can pull on his leg prosthesis, but his mom and dad have to help him get on his bilateral hooks. Little James will never be able to play basketball or sports. Little James, some day when he marries the woman that he loves, will never be able to caress her cheek with his hand.

Madam Speaker, this is the type of disaster that the type of delay that we are seeing in this House and in this Congress in addressing this problem makes this a tragedy. Well, Madam Speaker, these cases have earned the HMO industry a reputation with the public that is so bad that only tobacco companies are held in better esteem.

Let me cite a few statistics. A national survey shows that far more Americans have a negative view of managed care than positive. By more than two to one, Americans support more government regulation of HMOs. The survey shows that only 44 percent of Americans think managed care is a good thing.

Do my colleagues need proof? Just remember the way the audience clapped and cheered during the movie "As Good As It Gets" when Academy Award winner Helen Hunt expressed an expletive, which I cannot repeat on the floor of Congress, about the lack of care her asthmatic son got from their HMO.

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No doubt the audience's reaction was fueled by dozens of articles and news stories highly critical of managed care. These are real-life experiences.

In September of 1997, the Des Moines Register ran an op-ed piece entitled "The Chilly Bedside Manners of HMOs" by Robert Reno, a Newsweek writer. Citing a study on the end of life care he wrote, "This would seem to prove the popular suspicion that the HMO operators are heartless swine."

The New York Post ran a week-long series on managed care. The headlines included, "HMOs Cruel Rules Leave Her Dying for the Doc She Needs."

Another headline blared out, "Ex-New Yorker Is Told, Get Castrated So We Can Save Dollars."

Or maybe you are interested in this headline: "What His Parents Didn't Know About HMOs May Have Killed This Baby."

Or how about the 29-year-old cancer patient whose HMO would not pay for his treatments? Instead, the HMO case manager told him to hold a fund-raiser. A fund-raiser? Madam Speaker, I certainly hope that campaign finance reform will not stymie this man's effort to get his cancer treatment.

To counteract this, even some health plans have taken to bashing their colleagues. Here in Washington, one HMO's ads declared, "We don't put unreasonable restrictions on our doctors. We don't tell them that they can't send you to a specialist."

In Chicago, Blue Cross ads proclaimed, "We want to be your health plan, not your doctor."

In Baltimore, an ad for Preferred Health Network assured customers, "At your average health plans, cost controls are regulated by administrators. At PHN, doctors are responsible for controlling costs."

Madam Speaker, advertisements like these demonstrate that even the HMOs know that there are more than a few rotten apples in that barrel. As the debate over HMO reform has evolved, there has been a great deal of focus lately on the question of who decides what health care is medically necessary. Simply put, most health plans extol the fact that they pay for all health care that is medically necessary. Consumers find this reassuring as it suggests that if they need care, they will get it. What plans do not advertise nearly as extensively is that plans usually reserve for themselves the right to decide what is and what is not medically necessary.

On May 30, 1996, Congress got its first glimpse at this issue. On that day, a small, nervous woman testified before the House Commerce Committee. Her testimony was buried in the fourth panel at the end of a long day about the abuses of managed care. The reporters were gone, the television cameras had packed up, most of the original crowd had dispersed. She should have been the first witness that day, not the last. She told about the choices that managed care companies and self-insured plans are making every day when they determine medical necessity. Linda Peeno had been a claims reviewer for several HMOs and here is her story:

> I wish to begin by making a public confession. In the spring of 1987, as a physician, I caused the death of a man.

She went on:

> Although this was known to many people, I have not been taken to any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred. I was rewarded for this. It brought me an improved reputation on my job and contributed to my advancement afterwards. Not only did I demonstrate that I could do what was expected of me, I exemplified the good company doctor, because I saved a half million dollars.

Well, Madam Speaker, as she spoke, a hush came over the room. The representatives of the trade associations who were still there averted their eyes. The audience shifted uncomfortably in their seats, both gripped and alarmed by her story. Her voice became husky and I could see tears in her eyes. Her anguish over harming patients as a managed care reviewer had caused this woman to come forth and bare her soul.

She continued:

> Since that day I have lived with this act and many others eating into my heart and soul. For me a physician is a professional charged with the care or healing of his or her fellow human beings. The primary ethical norm is do no harm. I did worse. I caused death. Instead of using a clumsy bloody weapon, I used the simplest, cleanest of tools, my words. This man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. The man's faceless distance soothed my conscience. Like a skilled soldier, I was trained for this moment. As the HMO would have me say, when any moral qualms arise, I was to remember, I am not denying care, I am only denying payment.

By this time, the trade association representatives were staring at the floor. The Congressmen who had spoken on behalf of the HMOs were distinctly uncomfortable, and the staff, several of whom subsequently became representatives of HMO trade associations, were thanking God that this witness had come at the end of the day.

Dr. Peeno's testimony continued:

> At the time, this helped me avoid any sense of responsibility for my decision. Now I am no longer willing to accept escapist reasoning that allowed me to rationalize that decision. I accept my responsibility now for that man's death as well as the immeasurable pain and suffering many other decisions of mine caused.

She then went on to list the many ways that managed care plans deny care to patients but she emphasized one particular issue, the right to decide what care is medically necessary.

"There is one last activity that I think deserves a special place on this list, and that is what I call the smart bomb of cost containment, and that is medical necessity denials. Even when medical criteria is used, it is rarely developed in any kind of standard, traditional, clinical process. It is rarely standardized across the field. The criteria is rarely available for prior review by the physicians or members of the plan. We have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry."

And after exposing her own transgressions, she closed by urging everyone in that hearing room to examine their own conscience. I remember her saying this very well.

She said,

> One can only wonder how much pain, suffering and death will we have before we have the courage to change our course? Personally, I have decided even one death is too much for me.

The room was stone cold quiet. The chairman mumbled, "Thank you, doctor."

Linda Peeno could have rationalized her decisions as many do. "Oh, I was just working within guidelines." Or, "I was just following orders." Or, "You know, we have to save resources." Or, "This isn't about treatment, it's really just about benefits."

Dr. Peeno refused to continue this denial and will do penance for her sins the rest of her life by exposing the dirty little secret of HMOs determining medical necessity.

Madam Speaker, if there is only one thing our colleagues consider before voting on patient protection legislation, I hope it will be the fact that no amount of procedural protection or schemes for external review can help patients if the insurers are legislatively given broad powers to determine what standards will be used to make decisions about coverage. As Dr. Peeno so poignantly observed, insurers now routinely make treatment decisions by determining what goods and services they will pay for.

The difference between clinical decisions about medically necessary care and decisions about insurance coverage are especially blurred. Because all but the wealthy rely on insurance, the power of insurers to determine what coverage is medically necessary gives them the power to dictate professional standards of care.

Make no mistake, Madam Speaker. Along with the question of health plan liability, the determination of who should decide when health care is medically necessary is the key issue in patient protection legislation. Contrary to the claims of HMOs that this is some new concept, for over 200 years most private insurers and third-party payers have viewed as medically necessary those products or services provided in accordance with what we would call "prevailing standards of medical practice." This is the definition used in many managed care reform bills, including my own, the Managed Care Reform Act of 1999.

The courts have been sensitive to the fact that insurers have a conflict of interest because they stand to gain financially from denying care and have used themselves clinically derived professional standards of care to reverse insurers' attempts to deviate from standards. This is why it is so important that managed care reform legislation include an independent appeals panel with no financial interest in the outcome. A fair process of review, utilizing clinical standards of care, guarantees that the decision of the review board is made without regard to the financial interests of either the doctor or the health plan. On the other hand, if the review board has to use the health plan's definition of medically necessary, there is no such guarantee.

In response to the growing body of case law and their own need to demonstrate profitability to shareholders, insurers are now writing contracts that threaten even this minimal standard of care. They are writing contracts in which standards of medical necessity are not only separated from standards of good practice but are also essentially not subject to review.

Let me give my colleagues one example out of many of a health plan's definition of medically necessary services. This is from the contractual language of one of the HMOs that some of you probably belong to: "Medical necessity means the shortest, least expensive or least intense level of treatment, care or service rendered or supply provided, as determined by us."

Contracts like this demonstrate that some health plans are manipulating the definition of medical necessity to deny appropriate patient care by arbitrarily linking it to saving money, not to the patient's medical needs. So on the surface some would say, "Well, what is wrong with the least expensive treatment?"

Let me give my colleagues one example out of thousands. As a reconstructive surgeon before I came to Congress, I treated children with cleft lips and cleft palates. Clinical standards of care would determine that the best treatment is surgical correction. But under this HMO's contractual definition, that plan could limit coverage to a piece of plastic to fill in that hole in the roof of that kid's mouth. After all, that plastic obturator would be cheaper than a surgical correction.

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However, instead of condemning children to a lifetime of using a messy plastic prosthesis, the proper treatment, reconstruction utilizing that child's own tissue, will give that child the best chance at normal speech and a normal life.

Paradoxically, insurers stand to benefit from misguided legislative changes that displace case law. An example is the legislation that passed this House last year and the GOP bill in the Senate that would have granted insurers the explicit power to define medical necessity without regard to current standards of medical practice. This would have been accomplished by allowing them to classify as medically unnecessary any procedures not specifically to be found necessary by the insurer's own technical review panel.

Think of that, Madam Speaker. The legislation that passed, the Republican legislation that passed this House last year explicitly gave to the HMOs, the ones that were abusing medical necessity in the first place, the ability by legislative language to determine exactly what they thought medical necessity should be, and the Senate bill would have even given insurers the power to determine what evidence would be relevant in evaluating claims for coverage, and would have permitted insurers to classify some coverage decisions as exempt from administrative review.

And I know, Madam Speaker, that many of our colleagues who supported those bills last year had no idea of the implications of the medical necessity provisions that were in those bills. Specifically, insurers now want to move away from clinical standards of care applied to particular patients, and they want to move to standards linking medical necessity to what are called population studies. On the surface this may seem sort of scientific or rational, but as a former medical reviewer myself who worked for many insurers, large and small, let me explain why I think it is critical that we stick with medical necessity as defined by, quote, clinical standards of care, unquote.

First, sole reliance on broad standards from generalized evidence is not good medical practice; second, there are practical limits to designing studies that can answer all clinical questions; and, third, most studies are not of sufficient scientific quality to justify overruling clinical judgment.

Now let me explain these points in a little more detail, and I also recommend an article on these shortcomings by Rosenbaum in the January 21, 1999, edition of the New England Journal of Medicine.

First, while it may sound counter intuitive, it is not good medicine to solely use outcome-based studies of medical necessity even when the science is rigorous. Why is this? Well, it is because the choice of the outcome is inherently value laden. The medical reviewer for the HMO is likely, as shown by the above-mentioned contract, to consider cost the essential value. But what about quality?

As a surgeon I treated many patients with broken fingers simply by reducing the fracture and splinting the part. For most patients this would restore adequate function. But for the musician who needs a better range of motion surgery might be necessary. Which outcome should be the basis for the decision about insurance coverage? Playing the piano or routine functioning?

My point is this: Taking care of patients involves much individualization and variation. Definition of medical necessity must be flexible enough to take into account the needs of each patient. One-size-fits-all outcomes make irrelevant the doctor's knowledge of the individual patient and is bad medicine, period.

Second, there are practical limitations on basing medical necessity on what are called generalized evidence, particularly as it applies to HMOs. Much of medicine is a result of collective experience, and many basic medical treatments have not been studied rigorously. Furthermore, aside from a handful of procedures that are not explicitly covered, most care is not specifically defined in health plans because of the number of procedures and the circumstances of their application, which are limitless.

In addition, by their very nature many controlled clinical trials study treatments in isolation. They are controlled studies, whereas physicians need to know the benefits of one type of treatment over another. Prospective, randomized comparison studies, on the other hand, are expensive. Given the enormous number of procedures and individual circumstances, if coverage is limited to only those that have scientifically sound generalized outcomes, care could be denied for almost all conditions. And come to think of it, Madam Speaker, maybe that is why the HMOs are so keen on getting away from prevailing standards of care.

Third, Madam Speaker, the validity of HMO guidelines and how they are used I think is very much open to question. Medical directors of HMOs were asked to rank the sources of information they use to make medical decisions. Industry guidelines generated by the trade associations representing health plans ranked ahead of information from national experts, government documents and NIH consensus conferences. The most highly ranked respected source, medical journals, was used by HMO directors less than 60 percent of the time.

And industry guidelines are frequently done by a group called Milliman and Robertson, a strategy shop for the HMO industry. This is the same firm that championed "drive through" deliveries and outpatient mastectomies. Many times these practice guidelines are not grounded in science but are cookbook recipes derived by actuaries to reduce health care costs, plain and simple.

Let me give two examples of the errors of these guidelines. A National Cancer Institute study released in June found that women receiving outpatient mastectomies face, quote, significantly higher, unquote, risks of being rehospitalized and have a higher risk of surgery-related complications like infections and blood clots. In 1997 a study published in the Journal of the American Medical Association showed that babies discharged within a day of birth faced increased risk of developing jaundice, dehydration and dangerous infections.

So there we have drive-through deliveries and outpatient mastectomies. The objectivity of medical decision-making requires that the results of studies be open to peer review. Yet much of the decision-making by HMOs is based on unpublished, proprietary, and unexamined methods and data. Such secret and potentially biased guidelines simply cannot be called scientific.

Now that is not to say that outcome-based studies do not make up a part of how clinical standards of care are determined, because they do. But we are all familiar with the ephemeral nature of new scientific studies such as those on the supposed dangers of alar.

Now clinical standards of care do take into account valid and replicable studies in the peer reviewed literature as well as the results of professional consensus conferences, practice guidelines based on government-funded studies, and guidelines prepared by insurers that have been determined to be free of any conflict of interest. But most importantly, they also include the patient's individual health and medical information and the clinical judgment of the treating physician.

The importance of this issue, Madam Speaker, cannot be over emphasized, and it can be found in a recent decision by the Tenth Circuit Court of Appeals. In the case Jones v. Kodak, the name Jones is particularly appropriate, I might add, because after this decision other health plans will rush to keep up with what their competitors are doing to the Joneses of this world. In any event, in Jones v. Kodak the Tenth Circuit Court of Appeals showed how ERISA, the Employee Retirement Income Security Act, and a clever health plan can work in tandem to keep patients from getting needed medical care.

Now the facts are relatively simple of this case. Mrs. Jones received health care through her employer, Kodak. The plan covers in-patient substance abuse treatment when medically necessary. Here we are, back at the medically necessary issue again. The determination as to whether a particular substance abuse service is medically necessary is made by American Psych Management, APM.

American Psych Management reviewed a request for in-patient substance abuse treatment and found that Mrs. Jones did not meet APM's protocol for in-patient mental health hospitalization. So the family pursued the case further, eventually persuading the health plan to send the case to an independent medical expert of the plan's own choosing for review.

The reviewer agreed that Mrs. Jones did not qualify for the benefit under the criteria established by the plan. But he observed that, quote, these criteria are too rigid and do not allow for individualization of case management, unquote. In other words, the criteria were not appropriate to Mrs. Jones' condition. But his hands were tied. The reviewer was unable to reverse APM's original decision.

So, Madam Speaker, Mrs. Jones sued for the failure to pay the claim. In affirming the trial court's decision to grant summary judgment to the defendants, the Tenth Circuit Court of Appeals held the following:

"ERISA's disclosure provisions do not require that the plan summary contained particularized criteria for determining medical necessity."

They also held: "The unpublished APM criteria were part of the plan's terms. Because we consider the APM criteria a matter of plan design and structure, rather than implementation, we agree that a court cannot review them."

So what does this all mean in layman's terms? Well, it means that a plan does not have to disclose the treatment guidelines or the protocols it uses to determine whether or not a patient should get care, and furthermore, any treatment guidelines used by the plan would be considered part of the plan design and thus are not reviewable by the court.

The implications of this decision, Madam Speaker, are, in a word, breathtaking. Jones v. Kodak provides a virtual road map to enterprising health plans of how to deny payment for medically necessary care. The decision is a clear indication of why we need Federal legislation to ensure that treatment decisions are based on good medical practice and take into consideration the individual patient circumstances.

Under Jones v. Kodak, health plans do not need to disclose to potential or even current enrollees the specific criteria they used to determine whether a patient will get treatment. There is no requirement that a health plan use guidelines that are applicable or appropriate to a particular patient's case.

Despite these limitations, Jones compels external reviewers to follow the plan's inappropriate treatment guidelines because to do otherwise would violate the sanctity of ERISA. And finally, plans following their own criteria, no matter how misguided, are shielded from court review since, as the court in the Jones case noted, this is a plan design issue and is therefore not reviewable under ERISA.

If Congress, through patient protection legislation, does not act to address this issue, many more patients will be left with no care and no recourse. Jones v. Kodak sets a chilling precedent making health plans and the treatment protocols untouchable. The case in effect encourages health plans to concoct rigid and potentially unreasonable criteria for determining when a covered benefit is medically necessary.

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That way, they can easily deny care and cut costs, all the while insulated from responsibility for the consequences of their actions.

For example, a plan could promise to cover cleft lip surgery for those born with that birth defect, but they could put in undisclosed documents that the procedure is only medically necessary once the child reaches the age of 16; or that coronary bypass operations are only medically necessary for those who have previously survived two heart attacks. Logic and principles of good medical practice would dictate that that is not sound health care, but this case affirmed that health plans do not have to consider medicine at all. They can be content to consider only the bottom line.

Unless Federal legislation addresses this issue, patients will never be able to find out what criteria their health plans use to provide care and external review. They will be unable to pierce those policies and reach independent decisions about medical necessity of proposed treatment using clinical standards of care. ERISA will prevent courts from engaging in such inquiries too. The long and the short of the matter is that, increasingly, sick patients will find themselves without proper treatment and without any recourse.

To illustrate these dangers, let me give you a hypothetical case. Imagine a plan that proudly states in its enrollment materials that it has the best mental health benefits in the field, and, in fact, their benefit package includes longer inpatient mental health benefits than other area insurers. But the plan contracts with a managed mental health care company who states that inpatient admission is only available if a person has unsuccessfully attempted suicide three times. This fact is not made known to the employer and it is not made known to the employee, who, by the way, may not have any option in terms of which plan he chooses.

So let us say an employee's son swallows a bottle of sleeping pills and is taken to the ER, where he is revived. Two days later the son tries to drink Drano, but is caught by his mother before ingesting any. The family calls the plan, asks for an inpatient mental health admission, but, using the "three tries" criteria, coverage is denied.

Unable to afford inpatient care themselves, the family returns home, hoping to keep a careful watch on this son, maybe to get him some outpatient counseling. But 3 days later, you know, three times a charm, the boy sneaks into the woods and, with a kitchen knife, he slits his wrists and bleeds to death.

What remedies would that family have? According to the court in the Jones case, none. The plan followed its own criteria. The Jones decision makes it clear that the written criteria for medical necessity are considered part of the contract, even if not disclosed to that family, and, no matter how unreasonable the criteria may seem to an independent review panel, that body is bound to decide the case based on whether the plan followed its own definition of medical necessity. And even if the plan's criteria for defining medical necessity is arbitrary and contrary to common medical practice, a court cannot review that matter because it is an issue of plan design.

Madam Speaker, the Jones decision is an HMO road map on how to deny medically necessary care at no risk, and Congress must pass legislation, and the sooner the better, to ensure that external reviewers are not bound by the plan's concocted definitions of medical necessity. Anything less than that is a mockery of legislation promising patients an independent external review.

Madam Speaker, I have introduced legislation, H.R. 719, the Managed Care Reform Act, which addresses the very real problems in managed care. It gives patients meaningful protections, it creates a strong and independent review process, and it removes the shield of ERISA which health plans have used to prevent State court negligence actions by enrollees who are injured as a result of that plan's negligence.

This bill has received a great deal of support and has been endorsed by consumer groups like the Center for Patient Advocacy and the American Cancer Society and the American Academy of Family Physicians. It has received strong words of support from groups like the America Medical Association and multiple other organizations.

Madam Speaker, we need to move this legislation. Every day that we wait, we have a similar circumstance to what happened to little Baby James. But I want to focus on one small aspect of my bill, specifically the way in which it addresses the issue, the Employee Retirement Income Security Act.

It is alarming to me that ERISA combines a lack of effective regulation of health plans with a shield for health plans that largely gives them immunity from liability for negligent actions. Personal responsibility has been a watchword for this Republican Congress, and this issue should be no different. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield entities from their responsibility only encourage them to cut corners. Congress created that ERISA loophole, and Congress should fix it.

My bill has a new formulation on the issue of health plan liability. I continue to believe that health plans that make negligent medical decisions should be accountable for their actions, but a winning lawsuit is of little consolation to a family who has lost a loved one. The best HMO bill assures that health care is delivered when it is needed.

Madam Speaker, I also believe that the liability should attach to the entity that is making medical decisions. Many self-insured companies contract with large managed care plans to deliver care. If the business is not making those discretionary decisions, they should not face liability, and that is a provision in my bill. But if they cross the line and they determine whether a particular treatment is medically necessary in a given case, then they are making medical decisions and they should be held accountable for their actions.

To encourage health plans to give patients the right care without going to court, my bill provides for both an internal and external appeals process that is binding on the plan, and an external review could be requested by either the patient or the plan.

I foresee some circumstances where a patient is requesting an obviously inappropriate treatment, like laetrile for cancer, and the plan would want to send the case to an external review that will back up their decision and give them an effective defense if they are ever dragged into court to defend that decision.

When I was discussing this idea with the CEO of my own Blue Cross plan back in Iowa, he expressed support for this strong external review. In fact, he told me that Iowa Wellmark is instituting most of the recommendations of the President's Commission on Health Care Quality and he did not foresee any premium increases as a result. Mostly what it meant, he told me, was tightening existing safeguards and policies. He also told me that he would support a strong independent external review system like the one in my bill, but, he cautioned, if we did not make the decision and are just following the recommendation of the review panel, then we should not be liable for punitive damages.

I agree with that. Punitive damage awards are meant to punish outrageous and malicious conduct. If a health plan follows the recommendation of an independent review board composed of medical experts, it is tough to figure out how they have acted with malice. So my bill provides health plans with a complete shield from punitive damages if they promptly follow the recommendation of an external review panel.

That, I think, is a fair compromise on the issue of health plan liability. I sure suspect that Aetna wishes they had had an independent peer panel available even with the binding decision on care when it denied care to David Goodrich. Earlier this year a California jury handed down a verdict of $116 million in punitive damages to his widow. If Aetna or the Goodriches had had the ability to send the denial of care to an external review, they could have avoided the courtroom; but, more importantly, David Goodrich might still be alive today.

That is why my plan should be attractive to both sides. Consumers get a reliable, quick, external appeals process which will help them get the care they need. They can go to court to collect economic damages like lost wages and future medical care, and non-economic damages like pain and suffering. If the plan fails to follow the external review decision, the patient can then sue for punitive damages.

Health insurers, whose greatest fear is $50 million or $100 million punitive damage awards, can shield themselves from those astronomical awards, but only if they follow the recommendations of an independent review panel, which is free to reach its own decision on what care is medically necessary.

I have heard from insurers who say that premiums will skyrocket. I think there is adequate evidence that that would not be the case. Last year the CBO estimated a similar proposal, which did not include the punitive damages relief of my bill, would only increase premiums around 2 percent over 10 years, and when Texas passed its own liability law 2 years ago, the Scott & White Health Plan estimated premiums would have to increase just 34 cents per member per month to cover the cost. Those are hardly alarming figures. The low estimate by Scott & White seems accurate, since only one suit has been filed against the Texas health plan since the law was passed. That is far, Madam Speaker, from the flood of litigation that the opponents predicted.

I have been encouraged by the positive response my bill has received, and think that this should be the basis for a bipartisan bill this year. In fact, the Hartford Courant, a paper located in the heart of the insurance country, ran a very supportive editorial on my bill by John MacDonald.

Speaking of the punitive damages provision, McDonald called it "a reasonable compromise." He urged insurance companies to embrace the proposal as "the best deal they see in a long time."

Madam Speaker, I include the full text of the editorial by John MacDonald for the RECORD at this point.

[From the Hartford Courant, Mar. 27, 1999]

A COMMON-SENSE COMPROMISE ON HEALTH CARE

(By John MacDonald)

U.S. Rep. Greg Ganske is a common-sense lawmaker who believes patients should have more rights in dealing with their health plans. He has credibility because he is a doctor who has seen the runaround patients sometimes experience when they need care. And he's an Iowa Republican, not someone likely to throw in with Congress' liberal left wing.

For all those reasons, Ganske deserves to be heard when he says he has found a way to give patients more rights without exposing health plans to a flood of lawsuits that would drive up costs.

Ganske's proposal is included in a patients' bill of rights he has introduced in the House. Like several other bills awaiting action on Capitol Hill, Ganske's legislation would set up a review panel outside each health plan where patients could appeal if they were denied care. Patients could also take their appeals to court if they did not agree with the review panel.

But Ganske added a key provision designed to appeal to those concerned about an explosion of lawsuits. If a health plan followed the review panel's recommendation, it would be immune from punitive damage awards in disputes over a denial of care. The health plan also could appeal to the review panel if it thought a doctor was insisting on an untested or exotic treatment. Again, health plans that followed the review panel's decision would be shielded from punitive damage awards.

This seems like a reasonable compromise. Patients would have the protection of an independent third-party review and would maintain their rights to go to court if that became necessary. Health plans that followed well-established standards of care—and they all insist they do—would be protected from cases such as the one that recently resulted in a $120.5 million verdict against an Aetna plan in California. Ganske, incidentally, calls that award "outrageous."

What is also outrageous is the reaction of the Health Benefits Coalition, a group of business organizations and health insurers that is lobbying against patients' rights in Congress. No sooner had Ganske put out his thoughtful proposal than the coalition issued a press release with the headline: Ganske Managed Care Reform Act—A Kennedy-Dingell Clone?

The headline referred to Sen. Edward M. Kennedy, D-Mass., and Rep. John D. Dingell, D-Mich., authors of a much tougher patients' rights proposal that contains no punitive damage protection for health plans.

The press release said: "Ganske describes his new bill as an affordable, common sense approach to health care. In fact, it is neither: It increases health care costs at a time when families and businesses are facing the biggest hike in health care costs in several years."

There is no support in the press release for the claim of higher costs. What's more, the charge is undercut by a press release from the Business Roundtable, a key coalition member, that reveals that the Congressional Budget Office has not estimated the cost of Ganske's proposal. The budget office is the independent reviewer in disputes over the impact of legislative proposals.

So what's going on? Take a look at the coalition's record. Earlier this year; it said it was disappointed when Rep. Michael Bilirakis, R-Fla., introduced a modest patients' rights proposal. It said Sen. John H. Chafee, R-R.I., and several co-sponsors had introduced "far left" proposal that contains many extreme measures. John Chafee, leftist? And, of course, it thinks the Kennedy-Dingell bill would be the end of health care as we know it.

The coalition is right to be concerned about costs. But the persistent No-No-No chorus coming from the group indicates it wants to pretend there is no problem when doctor-legislators and others know better.

This week, Ganske received an endorsement for his bill from the 88,000-member American Academy of Family Physicians. "These are the doctors who have the most contact with managed care," Ganske said. "They know intimately what needs to be done and what should not be done in legislation."

Coalition members ought to take a second look. Ganske's proposal may be the best deal they see in a long time.

Madam Speaker, it is also important to state what this bill does not do to ERISA plans. It does not eliminate ERISA or otherwise force large multistate health plans to meet the individual consumer protection and benefit mandates of each State. This is a very important point.

Just last week I had representatives of a large national company, headquartered in the upper Midwest, in my office. They urged me to rethink my legislation because, they alleged, it would force them to comply with the benefit mandates of each State and that the resulting rise in costs would force them to discontinue offering health insurance to employees.

Frankly, Madam Speaker, I was stunned by their comments, because their fears were totally incorrect and misplaced. It is true that my bill would lower the shield of ERISA and allow plans to be held responsible for their negligence; but, Madam Speaker, it would not alter the ability of group health plans to design their own benefits package.

Let me be absolutely clear on this point: The ERISA amendments in my bill would allow States to pass laws to hold health plans accountable for their actions. It would not allow States to subject ERISA plans to a variety of health benefit mandates or additional consumer protections.

Madam Speaker, there are other pressing issues that require our prompt attention. In particular, the crisis in the Balkans is becoming a humanitarian tragedy of unspeakable proportions. Congress should exercise its constitutional responsibility and decide whether to authorize the use of ground troops, and I am very pleased Congressman CAMPBELL will be bringing this to the floor tomorrow.

However that vote turns out though, we must not turn our backs on our own domestic problems. It would be irresponsible of Congress to ignore the people that are being harmed daily by medically negligent decisions by HMOs around the country. The need for meaningful patient protection legislation continues to fester every day.

□ 2100

And to repeat, Madam Speaker, I have recently heard that the leadership of the House is not going to allow debate on patient protection until October at the earliest. Why the delay? We could move this in committee next month. We could bring this to the floor before the August recess, and we should. The clock is ticking, Madam

Speaker, and patients' lives are on the line.

Madam Speaker, I look forward to working with all of my colleagues to see that passage of real HMO reform legislation is an accomplishment of the 106th Congress that we can all go home and be proud about. I urge my colleagues to cosponsor H.R. 719, the Managed Care Reform Act of 1999.

ALTERNATIVE SOLUTIONS FOR SOLVING THE CONFLICT IN KOSOVO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, I rise this evening to continue the discussion on the situation that we face in Kosovo, and what I think is an historic opportunity that hopefully we have not yet missed to solve that crisis without putting our troops into further harm's way.

In fact, today, Madam Speaker, the President called up 2,116 military reserve troops to active duty and authorized 33,000 reservists to be called up in the near future. The air war continues, the bombing and the destruction continues, yet the resolve of the Serbs seems to also continue with no end in sight.

Many of us are concerned that we do not have a solid plan to end the conflict and that we do not have a strategy to win the conflict. Therefore, this continuing escalation of the aerial assault on the former Yugoslavia causes a great deal of concern for our colleagues on both sides of the aisle.

Tomorrow, Madam Speaker, we are going to be asked to vote on one of several alternatives, including the War Powers Act resolution to withdraw our troops from the former Yugoslavia. A second alternative is to declare war against Yugoslavia, and a third option is an alternative that would have us say to the administration that no dollars can be expended for the insertion of ground troops unless the Congress has given its approval.

Now, we all know, Madam Speaker, that these resolutions may or may not pass, but this administration will continue on its course. They have not consulted with the Congress in the past; I do not think that is going to change. I think we are going to continue to see a movement that is aggressively pursuing the aerial campaign and eventually, perhaps, the insertion of ground troops. If that time comes, Madam Speaker, we face some very dangerous prospects.

One only has to look at history to understand how the Serbs stood up against Hitler from the period of 1941 to 1945. Even though the Germans had not only their 22 divisions but the help of 200,000 Croatians, Slovenian and Bosnian Muslim volunteer auxiliaries, they were able to repel Hitler, they were able to retain the control of their land and, in fact, in the end, they won a victory.

Now, I am not saying that if we get involved in a direct confrontation with Serbia that we cannot win. Make no mistake about it, we can. We have the finest fighting force in the world, and with the help of our NATO allies, I am sure we could prevail, but it would not be without cost. Furthermore, Madam Speaker, what really concerns me is the position that perhaps we will put the Russians in.

Russia has already indicated it will not honor our naval blockade that is designed to prevent additional oil supplies from getting into Serbia to resupply the military and the economy. Russia could be put into a position where it is asked to protect the resupply efforts to get food and necessary materials into Serbia. In either of those cases, we set up a situation where the United States and Russia could come into direct conflict, perhaps even hostile action, our troops against theirs, the NATO troops against the Russians and the Serbs. That would be catastrophic. Again, not because I do not think we would win that battle, because I think we would. But the toll that it would take in loss of life and the ending result of us then having to control the former Yugoslavia and partition it and the extensive amount of investment that we would have to make leads me to believe that that is not the right course for us to be taking.

Madam Speaker, there is an alternative. Almost one month ago I first proposed that alternative. In fact, in the first week of April I sent out "Dear Colleague" letters and a press release calling for this administration to involve the leadership in Russia in a more direct way, to get the Russian government and the Russian officials to help us bring Milosevic to the table. I felt very simply that Russia owed us that, partly because we are putting almost $1 billion a year into Russia's economy, all of which I support. We are providing food supplies to the Russian people. But I also think with that aid comes a responsibility for Russia to assist us in bringing Milosevic and the Serbian leadership to the table so that we can try to find a way to end this conflict short of an all-out ground war.

Interestingly enough, Madam Speaker, the Russians agree with us. In fact, Madam Speaker, Russia has made overtures to us that they would like to provide the assistance of both the government and the parliamentarians to help bring Milosevic to understand that this conflict must end and that he must agree to world opinion and the NATO guidelines that have been established to allow the Kosovar people to return to their homelands, to withdraw his troops, to agree to the ability of the Kosovar people to live without fear and intimidation and without the ethnic cleansing that has occurred, and to allow the establishment of a multinational ground force to monitor compliance with the peace agreement.

In fact, Madam Speaker, I did two special orders on April 12 and 13 where I outlined in great detail my concerns about the conflict and the need to get Russia involved. Well, Madam Speaker, we have had that opportunity and I want to outline that in detail tonight.

Over three weeks ago I was contacted by my friends in the Russian Duma. As my colleagues know, five years ago I asked for the support of then Speaker Gingrich to approach the Russian Speaker, Seleznyov on the day that he was sworn into the Speaker's position to propose the establishment of a new direct relationship between the parliaments of our two nations, the Russian Duma and the American Congress. The Russian side accepted and Speaker Gingrich and Minority Leader GEPHARDT also accepted, and for one year, working with my counterpart in the Russian Duma Vladimir Luhkin, the chairman of the International Affairs Committee and former Ambassador from the Soviet Union and Russia to the U.S., we met and established the parameters for our meetings. I made it crystal-clear that in all of our discussions with the Russians, all the factions, all of the political factions in Russia must be involved. Not just the mainstream factions like the Our Home Russia party, the Yabloko party, and the People's Power party, but also the Communists who in fact control the majority or the largest sector of the Duma in terms of votes. The regional coalition, the Agrarian faction and even the LDPR faction, which is the Liberal Democratic party of Vladimir Zhirinovskii. The Russians agreed to that.

Over the past five years, we have had numerous face-to-face meetings with our Russian counterparts in Moscow and in Washington. Time and again we have discussed difficult issues, trying to find common ground. Many times we have found areas where we can agree. Sometimes we found areas that we cannot agree. But we have developed a friendship and relationships that allow us to discuss difficult issues with a feeling of mutual respect and admiration.

So it was not surprising to me, Madam Speaker, that over three weeks ago senior leaders from the Russian Duma would approach me as they did, ask me to begin a dialogue of possible ways to avoid the escalation of the Kosovo conflict and to also find ways to try to bring an end to the situation on the terms established by our country and NATO.

Now, I was surprised, Madam Speaker, because I said to my Russian friends, send something to me in writing, over three weeks ago. These are the three foundations that they said they thought could be the basis of further discussion to resolve the conflict in Kosovo. Number one, that Russia would guarantee that there would be no more ethnic cleansing in Kosovo or the former Yugoslavia. Number two, that Serbia must agree to all NATO conditions, including the presence of international troops in the former Yugoslavia. Russia, however, suggested that the force be comprised primarily of countries not directly involved in the bombing of the former Yugoslavia, a point that I do not disagree with. The troops would agree to stay in Kosovo for at least a period of 10 years. And number three, the Russians proposed the establishment of an interparliamentary group that would include the United States, Russia, and NATO countries to be formed to help monitor compliance with all agreements. And, working together, this group would cooperate with the offices of the United Nations.

Madam Speaker, these initiatives and these ideas were proposed over three weeks ago by senior Russian parliamentarians. Immediately after I received this overture, so as not to convey the impression that I was somehow operating out of the bounds of the Government of the United States, I called the Vice President's top National Security Adviser, Leon Fuerth. I briefed him on what the Russians had proposed. In discussions with him, it was agreed that I should call Carlos Pascual from the National Security Council at the White House. I did that. I sent each of these men letters outlining what the Russians had said, what I responded, and the fact that I was going to engage the Russians to try to find some way to bring us together, to try to find a common conclusion and a successful conclusion to the hostilities in Kosovo.

In fact, Madam Speaker, the following week I called the Director of the Central Intelligence Agency, George Tenet, and in a phone conversation I briefed him about the offer made by the Russians that we begin serious discussions. Also that week, Madam Speaker, I talked to Ambassador Steve Sestanovich who works directly for Deputy Secretary of State Strobe Talbott. Sistanovic has been a friend of mine for some time involved in Russian issues, and he was someone who now has the responsibility for affairs in the former Soviet States.

I said to Dr. Sestanovich, I told him about our discussions between the Russians and myself, the exchange of communications, the telephone conversations we had, and I had further discussions on an ongoing basis that weekend with one of his top assistants, Andre Lewis. The whole purpose, Madam Speaker, was to let the administration know that my discussions with the Russians were meant to provide a constructive role in trying to find a way out of this conflict, a way that would allow the Russians to use their significant leverage to allow us to find a solution in terms of the Kosovo crisis.

Also that week, Madam Speaker, I approached two Members of Congress. Neither of them were Republicans. They were both Democrats, and they are good friends of mine, people who I trust and admire, and people who I know are also trusted by the administration: The gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. MURTHA).

□ 2115

The gentleman from Maryland (Mr. STENY HOYER) is my counterpart and colleague in the Russian Duma-Congress initiative. He and I travel to Russia together. He and I host the meetings with the Duma deputies when they come to Washington.

I went into the discussion with each of them about my efforts, and asked them to make contact with the administration to let the administration know my purpose. The gentleman from Maryland (Mr. HOYER) said he would talk to Secretary Talbott, and the gentleman from Pennsylvania (Mr. MURTHA) said he would try to talk to the President and/or Sandy Berger.

I took each of them at their words, and I am sure they did that, even though I heard nothing from either Sandy Berger nor from Deputy Secretary Strobe Talbott.

The discussions with the Russians continued, however, Madam Speaker, throughout that week and the weekend until finally the first Deputy Speaker of the Russian Duma, a good friend of mine, Vladimir Ryshkov, contacted me by telephone and made a verbal offer.

He said, Congressman, I think through our discussions that we may have an opportunity to find common ground. He said, I would like you to bring a delegation of Republicans and Democrats to meet with a delegation of Russian leaders in a neutral country. He suggested that we meet in Hungary, in Budapest.

He said, in having one day of discussions, that that could be followed, assuming we were in agreement, with a prearranged trip to Belgrade, where we would meet firsthand, directly, face-to-face with Milosevic to try to convince Milosevic that Republicans and Democrats and Russians across the spectrum were united in the understanding that Milosevic must agree to NATO's terms, and that it was in Serbia's best interests to come to the table and agree with the position taken by our governments and the NATO governments.

I said to first Deputy Speaker Ryshkov, I said, Vladimir, I want to you to do five things for me before I will even raise this issue with the leadership in the country and in the Congress.

I said, number one, I want to you to put that request in writing. Give me a letter from you, as the First Deputy Speaker, asking me to arrange such a meeting.

Number two, give me a list of the Russian delegates, the Duma deputies and party leaders who would be a part of the Russian side of this effort.

Number three, give me a date certain and an exact time when we would meet as a delegation face-to-face with Milosevic in Belgrade.

Number four, get me a meeting with our POWs, so that we can tell whether or not they are safe and whether or not they are in good health.

And number 5, travel with me, the entire Russian delegation, and the American delegation to a refugee camp of our choice in Macedonia, under the supervision of our military, so that you can see with us the horror and the terrible atrocities that have been committed by Milosevic and the Serbs on the people of Kosovo.

On Wednesday of last week, Madam Speaker, Ryshkov wrote back to me and agreed to all five requests that I made. He put the request in writing. He identified the Duma deputies that would be involved in these discussions.

It was an historic group: Ryshkov himself, a member of the Nash Dom faction, the party leader for Chernomyrdin's own party.

The second member was Luhkin, a leader in the Yablako faction, a mainstream pro-west faction. In fact, Luhkin said it would have been the first time ever that the Yablako faction would insert itself into the issue of Yugoslavia, but they thought it was so important that they engaged with us in the Congress on this issue that he would come himself for these meetings, both in Budapest as well as in Belgrade.

The third member of the delegation would be sharp an off, a senior Communist leader who would have the ear and would have the support of the Speaker of the Duma, Gennady Seleznyov, the Communist party leader who has the largest number of votes in the Duma, and he would in fact be able to represent that faction.

The fourth member of the delegation was Mr. Greshin, a member of the Peoples' Power faction, a very respected member of the Duma.

The fifth member would have been Sergei Konovalenko, the chief protocol officer of the Russian Duma and a good friend of mine.

That was the delegation, Madam Speaker, a solid group of progressive Russian leaders, not the hardline people that we have heard so much about in the past; not the people that Yeltsin referred to in the Duma as thugs and rogues, and not the people that we have heard in the West have been trivialized as nonplayers.

These are the future of Russia, good, solid leaders that want the same thing that we want in America: a stable country, stable economic growth, free democracy, and a closer, stronger relationship with the U.S.

The third request was for the date and time certain for the meeting with Milosevic. The Russians got that assurance from Milosevic's top aide. We were to have met face-to-face with Milosevic yesterday, Monday, at 1 p.m. in Belgrade. The Russians told me that they would not go into Belgrade, did they not have that commitment to meet face-to-face with Milosevic.

The fourth request was to meet with our POWs. The Russians certified to me that Milosevic had agreed with that request. We would have been the first body, even prior to the Red Cross, to meet with our POWs to make sure they were okay and to let them know that we had not forgotten them.

The last request was also agreed to. That was to have the five Russian leaders travel with us to a Macedonian refugee camp of our choice. In fact, I consulted with the State Department to obtain the location of the two most dramatic refugee camps, to let the Russians see the terrible problems that Milosevic has brought to bear on the people of Kosovo.

The Russians agreed to all of those issues. In fact, we were set up to do this this past weekend. We would have left the theater by going back to Sofia, Bulgaria. The American side would have come back to Washington. The Russians would have gone to Moscow. The following week we would have met in Washington to continue our discussions, a good-faith effort on the part of the Russians to find common ground.

Madam Speaker, all last week I could not get an answer from the administration. I called Sandy Berger three times. I told his staff what I wanted. I said I had briefed the administration, I had briefed the CIA, I had briefed the intelligence community, I had briefed the State Department, I had briefed the White House. I have not told any Republicans. This is a good-faith effort that I have gone to Democrats with to try to find a way to reach common ground.

Sandy Berger never returned my phone calls, and neither did Strobe Talbott, until I went to the gentleman from Maryland (Mr. HOYER) again and I said to my good friend and colleague, can you help us get a face-to-face meeting with Strobe Talbott? He said, I have talked to him. You need to call him.

On Thursday, after I had briefed the gentleman from Illinois (Speaker DENNY HASTERT) in the morning and asked for his cooperation, the response of the gentleman from Illinois (Speaker HASTERT) was that he was supportive, but that I should keep working with the administration, and I told him that I was.

About 12:30 on Thursday, I finally reached Strobe Talbott, and Deputy Secretary Talbott said, I will meet with you today. I said that I wanted to bring the gentleman from Maryland (Mr. HOYER) with me.

About 1 o'clock we traveled down to the State Department and had a sandwich with the Deputy Secretary of State, and for about 1½, Madam Speaker, the gentleman from Maryland (Mr. STENY HOYER) and I met with Strobe Talbott and three of his senior staff experts on Russia to discuss the initiative in detail.

I went through all the background. I talked about the purpose, that we were not going to Belgrade to negotiate because we were not representatives of the administration, we are not Secretaries of State. That was never our intent, and that would never be our desire.

We were there to present a common, unified front, Russian elected officials, American elected officials, in solidarity to Milosevic saying that this must end, and he must understand that as individuals who both supported the President and opposed the President, we now felt it important to give him one last chance to find a way to peacefully resolve this situation, or we would go back to America and use our collective voices to bring every ounce of energy we had in finding ways to solve this situation militarily.

After the briefing, Deputy Secretary of State Talbott responded that he did not think it was a good idea, and he gave us two reasons. He said, first of all, I am concerned for your safety. I responded, Mr. Secretary, I am concerned for my safety, as well. I would not do something that I felt inside of me was going to endanger my own life, let alone the lives of my colleagues.

I felt confident, I told him, that the Russians, in going with us, along with one of the senior advisers to Milosevic on the bus ride from Hungary, from Budapest down to Belgrade, would in fact make sure we were protected. And by having the U.S. Army as our escort, we knew full well that our military would be briefed as to our whereabouts.

The second issue that was raised by Deputy Secretary of State Talbott was, well, we think Milosevic may try to use you in this very laudable effort.

I said to Deputy Secretary Talbott, well, how would he use us? He said, well, he may try to say things that really are not your intent. My response was, Mr. Secretary, I have been in politics for 20 years. I understand that people try to use other people in politics. We were not naive.

And in fact, Milosevic only had one TV station operating. I said, how much spin can Milosevic create on our visit to Belgrade, when we were going to follow that visit by taking five of the senior leaders of the Russian political parties to a refugee camp where hundreds of western media, cameras, and reporters could photograph an interview, senior Russian officials holding the children of Kosovo refugees, speaking to the wives and daughters of husbands, fathers, sons and brothers who have been massacred by Milosevic?

Far better would we have had the western media report on our effort by that visit of the senior Russian officials than to worry about somehow Milosevic misinterpreting our attempt in going to Belgrade.

In fact, Madam Speaker, because Strobe Talbott saw that he could not convince me of his position, we ended our conversation after 1½ hours with him telling me that he would take the request of support to both Sandy Berger and to Secretary of State Madeleine Albright; that he was about to go into a meeting with the President, and he would meet with them prior to that meeting, and would call us back Thursday evening.

I had to move on this issue, Madam Speaker, because we were scheduled to leave on Saturday, if it was to come about. On Thursday night we got the word back from the State Department that it was the feeling of Secretary Albright and Strobe Talbott and Sandy Berger that we should not go to meet with the Russians, that we should not seize the opportunity to find a peaceful way to resolve this crisis.

I was extremely upset and frustrated. On Friday morning I held a press conference and announced the fact that I had called the Russians and told them that we were postponing our trip, much to our dismay. The Russians were devastated.

In fact, Ryshkov had a press conference, Luhkin had a press conference and talked about the initiative, and talked about the willingness of the Congress, Democrats and Republicans, to try to find common ground to end this conflict without additional American bloodshed, as well as bloodshed from other nations.

It was interesting, Madam Speaker, that I was scheduled at noon on Friday in advance to host the President of Ukraine for lunch. President Kuchma was in town, and as a leader of the Ukrainian American initiative, I had agreed with eight of my colleagues to host him in the lunchroom downstairs.

We did that, and following the luncheon we went to an adjacent room for a press conference. Several members of the President's party stood up and praised president Kuchma for coming to Washington for the NATO summit, to be a part of the partnership for peace effort.

One of my colleagues praised president Kuchma and said this, that President Kuchma and Ukraine are to be commended because they understand the role that America is taking, and they support the effort to try to find a solution to this crisis.

It is interesting, Madam Speaker, that when President Kuchma spoke, he gave his vision for a solution to the Kosovo crisis, which I will include in the RECORD.

The material referred to is as follows:

REMARKS BY PRESIDENT LEONID KUCHMA

> Congressman Oberstar, Congressman Lantos and members of the press: I am delighted to be here with you today and honored to receive the distinguished leadership award from the International Management and Development Institute. Since my election I have made it my goal to ensure that Ukraine becomes and is recognized as an important partner in the global community in all facets including security, trade and cooperation. Our close relations with the United States and Europe are particularly important during this difficult time.
>
> I have recently put forth a peace plan that calls for all sides to cease military action, a withdrawal of all Serbe security forces and a return of displaced persons under international supervision and protection. I am committed to working with all parties involved in the Balkan crisis including the United States and Russia to ensure a speedy and just resolution. I would like to express my confidence that we will continue to be partners in peace.
>
> Thank you.

President Kuchma from the Ukraine had exactly the same solution proposed by the Russians 3½ weeks ago that was praised by members of the President's own party at the press conference on Friday afternoon.

Very upset by the fact that we had to cancel or postpone the trip to meet with the Russians, over the weekend I continued to have a dialogue with my Russian colleagues.

□ 2130

Deputy Ryshkov came back and said he still had a desire to meet. I said that I thought that was something we should do, and on Monday morning of this week, yesterday morning, I proposed that this week we meet again; that this time we meet in a European capital, perhaps Vienna, perhaps Sofia, but a capital that is from a nonaligned area where both our Russian friends and Americans, of both Republican and Democrat persuasions, can come together and see if we cannot find common ground.

Madam Speaker, that meeting will take place on Friday, and at this point in time I believe it will be held in Vienna. We will meet in a frank and candid manner, informally. We are not representing the U.S. Government. We are not negotiating on behalf of this President. We are not negotiating on behalf of Secretary Albright. In fact, we are doing what Strobe Talbott suggested in our meeting on Thursday was proper and appropriate, and that is continuing a dialogue with our Russian colleagues in the Duma.

The dialogue will focus on whether or not we, as Americans, Democrats and Republicans, and Russians of the seven major factions in the Duma, can come together in a common solution that Russia can live with and that Russia feels they can convince Milosevic to accept and, at the same time, an agreement that retains the dignity and the respect of NATO and our government.

Madam Speaker, I think that is possible. I see the real difficult issue right now not in getting the Russians to agree that NATO's initiatives, its 5-point plan, should be agreed to. The Russians have already said that they understand the need for NATO to play that key role.

The key issue for the Russians and for Milosevic and the Serbs is their contention that the multinational ground force that is put into place to enforce the agreement should not include any ground troops from those countries that are currently bombing Serbia. Obviously, that includes the U.S. and Great Britain, because our two nations are flying almost 90 percent of the bombing sorties in the former Yugoslavia.

Now, Madam Speaker, personally, I do not have a problem with that. In fact, I think it is the right thing to do. If Britain and America are completing 90 percent of the bombing sorties, I think it only fair that the multinational force on the ground should be made up primarily of European countries, and, in this case, NATO countries.

Now, the Russians have even gone so far as to suggested where some of those troops might come from. They suggested Greece, the Netherlands, Poland, and Albania. They even suggested Russia itself would put troops in, if that be our desire. The key issue for us is convincing the Russians and having them convince the Serbs and Milosevic that the oversight of that international peacekeeping effort must involve NATO and must involve the U.S.

Madam Speaker, we have an opportunity to resolve this crisis without further bloodshed. I was hoping, Madam Speaker, that we would not have to vote tomorrow on these resolutions, because they are not the kind of resolutions that are constructive in this debate. I was hoping, and I proposed to our leadership and I am going to propose to the Committee on Rules, as I did to the Committee on International Relations today, that tomorrow we postpone the actual vote on these resolutions until next week, to give a delegation of this body a chance to reach out with our Russian colleagues to see whether or not we can come to agreement on a common agenda for peace that maintains and retains the dignity of NATO and the United States, and also allows Russia to play that critical role in leveraging Milosevic and the Serbs to come to the table.

I am confident that we can do that, Madam Speaker, because I understand the intensity of the Russians in their conversations with me. And I understand the fact that they are talking to some of Milosevic's most senior advisers, people who are helping to fund his regime in Belgrade, people who are supporting him politically. They now have come to the belief that we have to find some common way out of this situation, short of a continuation of this massive aerial assault and, eventually, the insertion of American and allied troops in what will be a costly and bloody ground war.

Madam Speaker, we should not lose this opportunity. The Russians have come to the table. I think we should take them up on this initiative.

Now, some would say, wait a minute; on Saturday Chernomyrdin was sent to Belgrade to discuss with Milosevic the terms of a possible settlement. We welcomed that, Madam Speaker. That was critically important. And, in fact, when I talked to Ryshkov I asked about that, and he said that Chernomyrdin was entirely supportive of the efforts of the Duma to work with us to continue to explore common ground. In fact, he also said that not only was Chernomyrdin supportive, but also supportive of the leader of the Communist faction Seleznyov; an unbelievable opportunity to bring all the factions together to try to find a common solution.

Those who follow Russia understand that Yeltsin right now is very unpopular. His popularity in Russia is below 10 percent. He only hangs onto his title but does not enjoy the broad-based support of the Russian people. Our administration, Madam Speaker, has been working for the last 7 years and up until this day with the Yeltsin government, with Chernomyrdin. Our initiative does not just stop with the Yeltsin government. We bring in all the other factions: the Communist faction, the Yablako faction, the Nosh Dom faction, the People's Power faction, the agrarians, the regional faction, and even the LDPR, and we present a broad-based coalition of the future of Russia. Not the past of Russia, not the Yeltsin government, which is on its way out this year, but the future of Russian government, those parties from where the leadership of Russia will come in the elections to be held later this year.

Our goal is to engage that new group of leaders to find a way that we can come together that retains the dignity of NATO and the dignity of our government. This was not, in any stretch of the imagination, an attempt to undermine the hard work being done by this administration. And I applaud the efforts that are now underway and the recent visit, after our meeting on Thursday with Strobe Talbott, the deployment of Strobe Talbott to Moscow over the weekend, where he has held meetings with Chernomyrdin.

What I am saying, Madam Speaker, is that this Congress can play and should play a legitimate role. We have an opportunity that we must not let pass by, and I would ask our colleagues to rise up with one voice to both Democrat leaders and Republican leaders and say the time for partisanship is over. We have a bipartisan opportunity, with Democrats and Republicans working together, to reach out to our colleagues in the Duma of all factions and find common ground to let the Russians exert their leverage over Milosevic to end this crisis in a peaceful way.

I see my good friend and colleague has arrived. He was one of those that I first went to last week after I went to the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. MURTHA). The third Democrat that I approached was the gentleman from Hawaii (Mr. NEIL ABERCROMBIE). He had just returned from Kosovo. He knew the situation firsthand. I value his judgment and his respect among his colleagues, not just on his side but in the entire Congress.

I wanted the gentleman from Hawaii involved. Along with the gentleman from Hawaii, I approached the gentleman from Illinois (Mr. ROD BLAGOJEVICH), and I did so because the Chicago Democrat is the only one I know of with an ethnic Serbian heritage. I felt it was critically important to have him involved in this effort as well. And I also approached the gentleman from New York (Mr. MAURICE HINCHEY) because he had accompanied me on a trip to Russia in December and I was impressed with his willingness to work with the Russians.

These were the five Democrats I approached, Madam Speaker, before I approached even one Republican. This was an attempt at bipartisanship, and I hope that we can continue to build momentum, to show the world that we do not want this to end up in war but we do want to resolve this conflict peacefully.

Madam Speaker, I yield to my good friend and colleague from Hawaii.

Mr. ABERCROMBIE. Madam Speaker, I thank the gentleman very much, and I particularly want to at this time commend the gentleman from Pennsylvania (Mr. WELDON), although I know he never looks for that kind of approbation because he is devoted to his duty here in the Congress of the United States, but, nonetheless, I want to indicate the great affection and personal regard I have for him, not only on the basis of his commitment to his duties but on the basis of his commitment to us here in the Congress and trying to resolve this issue in a manner that can be seen as honorable by all parties concerned.

I would like to enter, Madam Speaker, into a little bit of a dialogue with the gentleman from Pennsylvania on the basis that all of us who are consumed by this issue virtually daily now may be very familiar with the terms of our discussion, the terms of our dialogue, perhaps even the context within which we hope a dialogue will be taking place not only in the Congress but perhaps internationally as well; but not all of our colleagues necessarily may be familiar with all the terms and the individuals, all the particular contexts, and certainly those who may review the record and hear us speaking may not be entirely familiar. So what I would like to do, if it is all right with the gentleman from Pennsylvania, is perhaps engage him in a bit of discussion that will, hopefully, illuminate some of the details.

Mr. WELDON of Pennsylvania. Absolutely.

Mr. ABERCROMBIE. I think it is crucial for us to understand that this is not some kind of, even if it is bipartisan, it is not some kind of a bipartisan rump group that may have suddenly come together in an ad hoc way, attempting to substitute itself for either the State Department or the administration or, for that matter, the will of the Congress.

I think that is an accurate statement, and we need to flesh it out a little bit in order to make clear that that kind of an accusation or that kind of a conclusion that someone might draw superficially is inaccurate.

The reason I say that it is inaccurate is there not a Duma-Congress working group formally established between the Congress of the United States, the House of Representatives for certain, and members of the Duma that actually has a working relationship which, in fact, has been taking place over some period of time now, not only in Russia but in the very halls of the Congress.

Mr. WELDON of Pennsylvania. In fact, the gentleman is absolutely correct. As I mentioned at the outset, this initiative was supported initially by both Speaker Gingrich and the minority leader, the gentleman from Missouri (Mr. GEPHARDT), and has had the highest support of the senior leadership of the Russian Duma, Speaker Seleznyov. There was an exchange of letters and a formal process established.

The gentleman from Maryland (Mr. HOYER), is the Democrat co-chair; I am the Republican co-chair. We have met on a regular basis, twice a year, once in Russia, once in this country, and we have discussed serious issues that in some cases are really issues involving our two foreign affairs agencies in operations or issues involving the presidents.

Our role has never been to try to give the impression that we were speaking for anyone other than ourselves in that relationship.

Mr. ABERCROMBIE. So the individuals involved here have been those who have expressed an interest in trying to take up the challenge that has been presented to us with the ending of the Cold War in order to establish relations between Russia, not the former Soviet Union, but Russia and the Newly Independent States with the United States of America in a manner and in a context which will help to establish not only peaceful relations but relations which will help to bring stability.

Mr. WELDON of Pennsylvania. In fact, I would say to the gentleman that not only is that the case and that that has been our mission, I can provide for the record to any Member who would so choose, statements from former Secretary of Defense Perry, current Secretary of Defense Cohen, current Ambassador for the U.S. in Moscow, Jim Collins, and a whole host of other people who have issued praise for the work that we have undertaken in building long-term, more stable relationships because of our efforts.

In fact, when the gentleman from Maryland (Mr. HOYER) and I met with Strobe Talbott, he spent 10 minutes of that discussion praising us for the work that we have been doing, telling us how important that work is for his job at the State Department in negotiating with Russia, telling us how important it is for the President to have a supporting congressional group.

In fact, during the Gore-Chernomyridin Commission of 5 years ago, when we established this, it was Vice President GORE and Victor Chernomyrdin who had us stand alongside them, and said we are proud to see the formation of a formal working relationship because it is so critically important for solving the long-term problems we face.

And a further example of our efforts in the area of relations involving foreign affairs was when the Russian Duma did not support President Clinton's bombing of Baghdad and the bombing of Saddam Hussein.

□ 2145

I agreed on behalf of the administration to travel to Moscow and to meet with Duma deputies as a citizen and as a parliamentarian to convince them of why I was supporting the President. I was not there to negotiate. I was there to convince them of the President's position.

And when they came over to America, Luhkin chaired a six-member delegation from the Duma from all factions. The first stop he made after he landed at Dulles Airport was in my office. They spent 2 hours one night, where I dialogued with them, I showed them evidence, and I tried to convince them of the reason why I, as a Republican, supported the President and his position in dealing with Saddam Hussein.

So anyone that would somehow misconstrue what we are doing can be totally refuted by the facts.

Mr. ABERCROMBIE. So this is not, in fact, a paper organization or merely something that was signed for the pro forma effect, but rather a working relationship that, if I remember correctly, just this year had over in the Rayburn Building a formal meeting complete with simultaneous translators and minutes being kept of exchanges between the Duma and Members of the United States Congress.

Mr. WELDON of Pennsylvania. Madam Speaker, in fact, I would tell my colleague not only is he true and correct, but when I led a delegation in December to Moscow for our part of the exchange, we were the first western Democratic parliament to be taken into the Duma chambers while they were in session, not something that would never happen in this body because of our House rules.

The Speaker of the Duma who was conducting this session with the Duma members in attendance, and they seat 450 in that auditorium, saw us up in the balcony, stopped the proceedings, and announced that up in the balcony were the Democrat and Republican Members of the American Congress who were working together with the Duma deputies to find common solutions to common problems.

The Duma then gave us a standing ovation and stopping their proceedings in acknowledging our presence and the importance of our work.

Mr. ABERCROMBIE. And is not one of the reasons, then, that we are trying to pursue this particular course, regardless of the individual items right now which may not make up an agenda that we might want to present, is it not the case, then, that what we are trying to do here with what might be called a Balkan working group is to try to take advantage then of the good relations that have been built up, to try to take advantage of the opportunity that exists as parliamentarians, fellow parliamentarians, reaching out to them to ask for them to utilize their good offices in this instance?

It is not us dictating a particular set of terms or acting as some kind of front men for any particular stands or positions that have been concocted in one venue or another, but rather that we are making a good-faith effort to reach out to in this instance particularly members of the Duma, to ask them to utilize a diplomatic effort which has a long history, a long and honorable history, that is to say the utilization of good offices and in this instance with the Government of Yugoslavia?

Mr. WELDON of Pennsylvania. Absolutely. In fact, my good friend and colleague knows my reputation. I am one of Russia's strongest critics. In fact, it was not too long ago I was on this floor offering a bill strongly opposed by the administration that would in fact require us to deploy a national missile defense.

Mr. ABERCROMBIE. Yes. I had to explain myself ever since for supporting it.

Mr. WELDON of Pennsylvania. Many of our colleagues felt that this would endanger our relationship with Russia.

I am at one and the same time Russia's strongest critic on proliferation, on transparency, on strategic relationships. But I also consider myself their best friend.

The Russians believe in strength, consistency, and candor. When we are strong with them, when we are consistent, and when we are candid they want to work with us. Our relationship with the Russians has been built on that. And the reason why this is so critically important gets back to that first series of phone calls that were made to me.

Our Russian friends, the pro-Western leaders, were pleading with me saying, "CURT, you have to understand what is happening here. We have not seen the hostility toward America this bad since pre-1991. We are hearing people in the Duma who have been our friends say nasty things about America and are driving us to support the nationalists who are calling for more aggressive action on Russia's part."

They said, "You have to understand America. We are going to have our parliamentary elections this year. If this continues, you may well drive Russia into electing an entirely communist Duma and perhaps a reactionary leader of our country. That is the worst thing you want in America."

What they said is, "You have to assist us, help us find a way as supporters of our western involvement, as people who want to have stronger ties with your country, help us find a way to find that middle ground that lets you have the dignity you need and comes out with the kind of effort that you want to come out of this through NATO's negotiations but also lets us have a plan that we can convince Milosevic that he must accept."

That was the kind of message that was given to me by the Duma deputies who pleaded 3½ weeks ago for us to reach out with them and try to find this common solution.

Mr. ABERCROMBIE. In terms of our motivation, which I think is really sufficient just in the explanation that we have been giving right now on the basis of this dialog, I think that is more than sufficient to justify the effort being made.

But there may be some who are somewhat skeptical of the idea that this is a bipartisan situation or that, regardless of the sincerity that my colleague and I may have or others may have in association with this, that perhaps there is going to end up a situation in which blame will be cast and accusations will be made, fingers will be pointed.

But I think it would be fair to say, and I would be interested in the comments of my colleague or observations on my remarks, I think it is fair to say that we are concerned about whether or not this is going to work both from a practical military standpoint and from the idea also very, very important as to the future of NATO, the future of defense alliances, the future of the United States in terms of its credibility.

The initial premises upon which the military activity was instigated included the prevention of ethnic cleansing, or certainly its alleviation, the easing of tensions in the Balkan region, and the extension of the credibility of NATO as a defensive alliance.

And I think it is fair to say for many of us in the Congress, those premises are not only not being met but we believe that unless and until an alternative resolution can be found, those premises are being undermined if not actually thwarted or contradicted. And if this situation is not resolved, if we just continue on with the bombing so that the bombing becomes its own reason for being, then we will find ourselves in a situation in which the Congress, at a minimum, let alone the people of the United States, will find themselves in a position of having to passively stand by and let events get in the saddle and ride us.

Mr. WELDON of Pennsylvania. Absolutely. To get to the first point of the gentleman, the blame game has got to end. This should not be a time, with American troops in harm's way, that we pick partisan fights back and forth over who can blame the other side the most. We are where we are.

And I would say to the gentleman, I would say that probably 99, if not all of our colleagues, 99 percent of them agree with us that the end game is the same for all of us. We all think that Milosevic's activities have been outrageous. In fact, many of us think he should be held for war crimes that are being committed by the Serbs.

We all feel that this conflict must be ended while keeping the dignity and the coordination of NATO intact. We all want to have the reputation of the U.S. intact. Our end results that all of us want are the same. The question is, how do we get there?

Do we continue this massive aerial bombing campaign? Do we allow ourselves to slide into a ground war which could pose a direct confrontation between NATO and the U.S. and Russia, which would be dangerous, or do we try to find out using whatever means we have to figure if there is an alternative?

We have a means that no one else has, and that means was established 5 years ago. We did not approach the Russians. The Russians came to me 3½ weeks ago and they pleaded with me to reach out to see if we could find a new way. And in doing this, and I want to repeat this, I talked to no Member of the Republican party. Every contact I had for the 3 weeks that I was talking to the Russians in over 20 conversations and exchanges of information were with leaders from the administration, the intelligence community, the Security Council, or Members of the other side.

It was not until last week that I spent 5 minutes briefing the gentleman from New York (Mr. GILMAN) and then I briefed the Speaker of the House. They were the only two Republicans.

Mr. ABERCROMBIE. I was smiling a bit, because the Members of the other side, of course, are the Democrats, not the Russians.

That does highlight the point we are trying to make here that this is an effort being made by American parliamentarians with counterparts in the Russian Duma on the basis that we have a vehicle for discussion that is formally established and institutionalized between the Congress and the Russian parliament, known as the Duma, and that we want to take full advantage of that in the interest of peace.

Mr. WELDON of Pennsylvania. Absolutely, totally correct. Nothing else can be inferred from what we are doing. No one should raise the issue of armchair secretaries of State because that is not what we are about.

If we reach a conclusion in our discussions over the weekend with our Russian colleagues that they feel Milosevic will accept, we then have to come back and convince our Government that this is, in fact, something that they too can live with. That is not our call as to whether or not they will accept it. That is up to our Government to decide the ultimate position of the U.S.

But we do have the right as parliamentarians to negotiate with our counterparts along the lines of what we think will work but also what we think our administration would accept. If they do not accept it, that is their choice. If they do, all of us are better.

In fact, when I had originally planned to go over there, I had offered to take an employee of the State Department with me. Andre Lewis works with Steve Sestanovich and he was going to go with us so we would have a State Department spokesperson there.

I even went as far to say this to Strobe Talbott. I said, "If we go ahead with this, you script out what you want us to say and we will read your words." There was never an attempt to try to usurp the authority of the executive branch to do its job. We are simply using contacts that we have to go a different route.

And the reason why this is so important: For the past 7 years, the relationship between Russia and the U.S. has been primarily based on two people, the two presidents, Clinton and Yeltsin. And that was great when Yeltsin was strong. Yeltsin is no longer strong. And yet we did not pursue the other power centers in Russia the way we should have.

We did in our relationship. And our strength is in those other power centers, in those other factions who will provide the future leadership of Russia. And that is why what we are doing is so important because it complements the discussions that are being held between the White House and the Yeltsin, Primakov, Chernomyrdin effort in Moscow.

Mr. ABERCROMBIE. So while we expect the administration to do its job, we in the Congress have a job also, we in the Congress have a constitutional duty to perform, particularly when it comes to issues of war and peace, when it comes to deciding budgets and deciding directions and policies with respect to war and peace. That is, in fact, our obligation and our duty.

So it is important I think, then, as we move towards, hopefully, some opportunity to pursue the initiative that my colleague has outlined so well I think it is important that we then have as the bottom-line motivation to be understood, not only by our colleagues but by the American people, we have as the bottom-line motivation that we want the interests of the United States to be protected by all means, and there is no question about that, but that the interest of the United States of America in terms of not being an Imperial power, not being a 21st century version of old Rome, in terms of attempting to make a good-faith effort to secure the universal declaration of human rights in a meaningful way, to see to it that, as American power is exercised, it is exercised on behalf of peace and the poor and the helpless.

□ 2200

Those are not abstract philosophical elements as we see it, I believe. I think I am speaking for you as well as myself under these circumstances.

Mr. WELDON of Pennsylvania. Absolutely.

Mr. ABERCROMBIE. And those who are wanting to join with us in this effort with the Russians. We are not engaged in an academic exercise. What this is is carrying out our fundamental duty as Members of Congress, working together on behalf of the interests of the United States and the peace of the world, and to the degree, to any degree that we can advance that cause, I think then that it is our solemn and serious duty to carry forward with it. Now, I know that is acceptable to you. I hope it is acceptable to our colleagues. That is in fact our motivation, that is our interest, that is our intention. I trust that at the conclusion of tonight's special order and as we moved to the days ahead that we will be able to carry through on the task that we have set before us. My hope is that others will join us, that this is by no means an exclusive group or any kind of self-appointed points on any diplomatic spear or anything of that kind. We are just reaching out to one another in an open way with a working group based on the Duma-Congressional relationship that we hope will succeed in at least helping to form a foundation for a peaceful resolution of the current situation.

Mr. WELDON of Pennsylvania. The gentleman is absolutely correct. In fact, as he well knows, we had our first kind of like organizational meeting this evening at 7 o'clock or 8 o'clock down in the HC–6 room. We agreed that tomorrow night, we would have a second meeting and we would welcome any of our colleagues from either party to come in and sit down with us as we strategize the way to move forward. In fact, I would ask, Madam Speaker, to insert in the CONGRESSIONAL RECORD this Dear Colleague memo that I sent to every one of the 435 House Members today which outlines in detail exactly what we have done up until now.

The text of the memo is as follows:

APRIL 27, 1999.

DUMA-CONGRESS PEACE PLAN ON KOSOVO REBUFFED BY ADMINISTRATION; BI-LATERAL DISCUSSIONS CONTINUE

DEAR COLLEAGUE. As you may know, late last week I was forced to cancel a proposed joint mission to Belgrade by Russian and American members of the Duma-Congress Working Group. This trip would have been the culmination of a proactive effort by many of the top leaders in Russia to solve the Kosovo without resorting to ground combat. At the eleventh hour, Deputy Secretary of State Strobe Talbott informed me that the Administration did not support the trip. Without the support of my own government, I decided to cancel the trip.

I want to give the House a full accounting of the genesis of this proposed trip, and the painstaking efforts that were made to make it a success. I firmly believe that the Clinton Administration missed a potentially historic opportunity to bring this conflict to an end without further bloodshed.

THE DUMA'S PROPOSAL

The idea of a joint U.S.-Russian delegation to Belgrade was first broached in an e-mail to me from Sergei Konovalenko, the secretary of the Russian Duma, on April 8. He suggested the following be used as the basis for a joint U.S.-Russian peace proposal for Kosovo. I think you will agree that it is especially forthcoming:

1. Russia guarantees that there will be no more ethnic cleansing in Kosovo.

2. Serbia agree to all NATO conditions, including international troops in Kosovo. (Russia suggested, however, that the force be comprised primarily of countries not involved in the NATO bombing campaign.) The troops would agree to stay in Kosovo for at least ten years.

3. An interparliamentary group from Russia, the U.S. and NATO countries be formed to monitor all agreements. The group would be under the auspices of the U.N.

Amazingly, the Russians had proposed a peace agreement that complied with all the NATO demands.

The Russian parliamentarians, representing all the factions of the Duma, had just returned from a delegation trip to Belgrade. This delegation met with the entire Serbian high command, including extensive meetings with Milosevic himself. The Duma leaders felt confident that they (as friends of Milosevic) could get him to agree with these conditions.

The following week, I wrote to my Duma counterpart, Vladimir Ryzhkov (Deputy Speaker of the Duma, who would lead the Duma delegation) and made four requests of him. First, that an official invitation be extended in writing from the Duma, including the names of the entire Duma delegation. Second, that the trip to Belgrade include a face to face meeting with Milosevic himself. Third, that the Duma set up a meeting with the American POWs. Lastly, that the Duma delegation agree to accompany our delegation to a Kosovar refugee camp of our choosing.

On April 21, Deputy Ryzhkov wrote to me, with agreement on all issues.

THE DUMA VIEWPOINT

There are many reasons why the Russians were so proactive and engaging on such a crucial issue. First, these Duma leaders, many of whom are young, well-informed and realistic about the U.S. and the west, represent the future of Russia. The tottering, unpopular and reactive Yeltsin regime represents the past. Unfortunately, this Administration has embraced Yeltsin with all the misplaced fervor with which its predecessor embraced Gorbachev. Then as now, we cling to the current regime to the detriment of our relations with other emerging power centers in Russia.

In addition, these Duma leaders are extremely wary of the rising nationalist fervor that the conflict in Kosovo has triggered in Russia. The perception that Russia is unimportant to the Kosovo operation does not sit well with Russians accustomed to superpower status. The Duma leadership is worried that Yeltsin will respond to this nationalism by taking drastic actions that could further isolate Russia from the west.

It is therefore in Russia's interest to have this conflict over quickly. The Duma leaders are realists, however. They understand that NATO has the upper hand and will only end the conflict on terms of its own choosing. That is why they are willing to support an end to the conflict largely on NATO's terms.

ATTEMPTING TO WORK WITH THE ADMINISTRATION

Given this major breakthrough in the official Russian position, I immediately attempted to win Administration support for the joint effort. During that same week, I spoke with Leon Feurth of the Vice President's staff and NSC staff member Carlos Pascual.

During that same week, I briefed by phone CIA Director George Tenet and Ambassador Steve Sestanovich, the State Department official in charge of Russia and the Newly Independent States.

With this agreement in hand, I began to brief key Democrats to urge that they enlist the Administration's support. After several calls to National Security Adviser Sandy Berger went unreturned, Congressman Hoyer set up a face to face meeting with Deputy Secretary of State Strobe Talbott on April 22. That meeting lasted more than two hours. At that meeting Congressman Hoyer and I made clear that our goal and the Administration's goal was the same—to get Milosevic to agree to NATO's conditions. Period. We would not be there to negotiate. Our presence was critical only to demonstrate to Milosevic that Russia and the U.S. were united on this critical issue.

That same day, I briefed Speaker Hastert and Majority Leader Armey. The Speaker agreed to authorize the trip if the Administration did not object.

That evening, Deputy Secretary Talbott called to inform me that after discussions with the Secretary of State and the Secretary of Defense, the Administration would not support the joint delegation. I feel strongly that the Clinton-Gore team allowed a tremendous opportunity to slip through its fingers.

NEXT STEPS FOR U.S.-RUSSIAN COOPERATION ON KOSOVO

I cannot understand why the Administration would reject out of hand an offer by the Russians to help NATO achieve its goals. After spending the better part of a week urging the Russians to act constructively, our government rebuffed a good-faith effort by some of the top leaders in Russia to help end the crisis on NATO's terms. To say that I am puzzled would be an understatement.

Many Republicans and Democrats want to stay the course with the Russians. In fact, the Administration itself supported the idea of the two delegations meeting in a neutral country to work out a joint agreement which could then be presented to Milosevic.

I am inclined to pursue this option—and so are our Russian counterparts. To that end, I would like to form a special House Working Group on U.S.-Russian Cooperation on Kosovo to pursue specific initiatives to help us resolve the Kosovo crisis without a ground campaign. If you would like to join me in this effort, please contact me or Erin Coyle in my office at 5-2011.

Sincerely,

CURT WELDON,
Member of Congress.

I would encourage my good friend to invite those from his side and I will invite those from my side to join us in this effort. I think not only can we play a role in engaging the Duma to show them that we appreciate their good work, but hopefully to find a commonality between us. But I think by doing this, we send the signal to both the administration and other nations that we want to find a way to resolve this conflict that leaves respect for all of us and for NATO.

I called some of the NATO governments today, Greece, Italy, Germany. I told you about the Ukraine statement of President Kuchma, trying to ascertain what their feelings are. Surprisingly, many of our allies also want to retain the strength and dignity of NATO but also want to see the kind of efforts that we are doing succeed. They do not want to see this under any circumstance result in a ground war that causes significant loss of life and could well lead to a world conflict because of the potential confrontation of the U.S. with Russia. I think we are on the right track. We know where we are going. This is not some radical effort. I could have gone over to Belgrade on Sunday. I did not have to have the permission of our government.

DUMA-CONGRESS PEACE PLAN ON KOSOVO

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

Mr. ABERCROMBIE. Madam Speaker, I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank my colleague and friend for yielding.

I would just say that we could have gone that route. We could have gone into Belgrade. We could have done that as other people have done and as people are doing right now. Jesse Jackson, I understand, is over there right now without the support of this government. We did not do that. We chose the constructive route. We will continue that route.

I just want to say in closing, I want to thank my friend and colleague for his effort, because he has received criticism on his side as I have on mine. In the end we know we are doing the right thing.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2347

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 11 o'clock and 47 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1569, PROHIBITING USE OF FUNDS APPROPRIATED TO DEPARTMENT OF DEFENSE FOR DEPLOYMENT OF GROUND ELEMENTS OF U.S. ARMED FORCES IN FEDERAL REPUBLIC OF YUGOSLAVIA UNLESS SPECIFICALLY AUTHORIZED BY LAW; FOR CONSIDERATION OF H. CON. RES. 82, DIRECTING THE PRESIDENT, PURSUANT TO WAR POWERS RESOLUTION, TO REMOVE U.S. ARMED FORCES FROM POSITIONS IN CONNECTION WITH PRESENT OPERATIONS AGAINST FEDERAL REPUBLIC OF YUGOSLAVIA; H.J. RES. 44, DECLARING A STATE OF WAR BETWEEN THE UNITED STATES AND FEDERAL REPUBLIC OF YUGOSLAVIA; AND S. CON. RES. 21, AUTHORIZING PRESIDENT TO CONDUCT MILITARY AIR OPERATIONS AND MISSILE STRIKES AGAINST FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–118) on the bill (H.R. 1569) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless that deployment is specifically authorized by law; for consideration of the concurrent resolution (H. Con. Res. 82) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia; for consideration of the joint resolution (H. J. Res. 44) declaring a state of war between the United States and the Government of the Federal Republic of Yugoslavia; and for consideration of the concurrent resolution (S. Con. Res. 21) authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia, which was referred to the House Calendar and Ordered to be printed.

DEBATE ON YUGOSLAVIA RESOLUTIONS

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, I would simply like to say that we will begin at 10 a.m. tomorrow with what should be a full day of debate on these resolutions and look forward to seeing the House work its will in a very fair and balanced way.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGEL (at the request of Mr. GEPHARDT) for today and Wednesday, April 28, on account of mother's open heart surgery in New York.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today thru Friday, May 7, on account of back surgery.

Mr. WYNN (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

(The following Members (at the request of Mr. ISAKSON) to revise and extend their remarks and include extraneous material:)

Mr. GANSKE, for 5 minutes each day, today and on April 28.

Mr. KASICH, for 5 minutes, today.

Mr. SHADEGG, for 5 minutes, on April 28.

Mr. EWING, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ABERCROMBIE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 330. An act to promote the research, identification assessment, exploration, and development of methane hydrate resources, and for other purposes; to the Committee on Science, in addition to the Committee on Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 800. An act to provide for education flexibility partnerships.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 28, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1744. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1745. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Transportation Conformity Rule Amendment for the Transportation Conformity Pilot Program [FRL–6309–6] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1746. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [PA–107–4066c; FRL–6311–3] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1747. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Iowa [IA 059–1059a; FRL–6310–7] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1748. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Administrative Reporting Exemptions for Certain Radionuclide Releases [FRL–6309–3] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1749. A letter from the Program Analyst, Office of Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Restricted Areas R–2531A and R–2531B, Establishment of Restricted Area R–2531, and Change of Using Agency, Tracy; CA [Airspace Docket No. 98–AWP–30] (RIN: 2120–AA66) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1750. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 and A300–600 Series Airplanes [Docket No. 98–NM–106–AD; Amendment 39–11074; AD 99–06–10] (RIN: 2120–AA64) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1751. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes Equipped With General Electric CF6-80C2 Engines [Docket No. 96-NM-66-AD; Amendment 39-11070; AD 99-06-06] (RIN: 2120-AA64) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1752. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 98-CE-73-AD; Amendment 39-11069; AD 99-06-05] (RIN: 2120-AA64) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1753. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10 and MD-11 Series Airplanes, and KC-10 (Military) Series Airplanes [Docket No. 98-NM-55-AD; Amendment 39-11072; AD 99-06-08] (RIN: 2120-AA64) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1754. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 98-NM-238-AD; Amendment 39-11052; AD 99-05-03] (RIN: 2120-AA64) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1755. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3-60 and SD3-60 SHERPA Series Airplanes [Docket No. 97-NM-106-AD; Amendment 39-11071; AD 99-06-07] (RIN: 2120-AA64) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1756. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace and Class E Airspace and establishment of Class E Airspace; Kenosha, WI [Airspace Docket No. 98-AGL-62] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1757. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace and Class E Airspace and establishment of Class E Airspace; Rapid City, SD [Airspace Docket No. 98-AGL-64] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1758. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98-NM-105-AD; Amendment 39-11073; AD 99-06-09] (RIN: 2120-AA64) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1759. A letter from the Assistant Commissioner, Examination, Internal Revenue Service, transmitting the Service's final rule—Congressional Review of Market Segment Specialization Program (MSSP) Audit Techniques Guides—received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1760. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision in Oshkosh Truck Corporation v. United States, 123 F.3d 1477 (Fed. Cir. 1997)—received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1034. A bill to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States; with an amendment (Rept. 106–107). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 560. A bill to designate the Federal building located at 300 Recinto Sur Street in Old San Juan, Puerto Rico, as the "Jose V. Toledo United States Post Office and Courthouse"; with an amendment (Rept. 106–108). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 686. A bill to designate a United States courthouse in Brownsville, Texas, as the "Garza-Vela United States Courthouse" (Rept. 106–109). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 118. A bill to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building" (Rept. 106–110). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1121. A bill to designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse" (Rept. 106–111). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1162. A bill to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge" (Rept. 106–112). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. S. 453. An act to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the "Hurff A. Saunders Federal Building" (Rept. 106–113). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. S. 460. An act to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse" (Rept. 106–114). Referred to the House Calendar.

Mr. GILMAN: Committee on International Relations. House Joint Resolution 44. Resolution declaring a state of war between the United States and the Government of the Federal Republic of Yugoslavia (Adverse Rept. 106–115). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. House Concurrent Resolution 82. Resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia (Adverse Rept. 106–116). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 850. A bill to amend title 18, United States Code, to affirm the rights of United States persons to use and sell encryption and to relax export controls on encryption (Rept. 106–117 Pt. 1).

Mr. DREIER: Committee on Rules. House Resolution 151. Resolution providing for consideration of the bill (H.R. 1569) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless that deployment is specifically authorized by law; for consideration of the concurrent resolution (H. Con. Res. 82) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia; for consideration of the joint resolution (H.J. Res. 44) declaring a state of war between the United States and the Government of the Federal Republic of Yugoslavia; and for consideration of the concurrent resolution (S. Con. Res. 21) authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro). (Rept. 106–118). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 850. A bill to amend title 18, United States Code, to affirm the rights of United States persons to use and sell encryption and to relax export controls on encryption. Referred to the Committees on Armed Services, Commerce, and Intelligence (Permanent) for a period ending not later than July 2, 1999, for consideration of such provisions of the bill as fall within the jurisdictions of those committees pursuant to clause 1(c) and (f), and clause 11, rule X, respectively.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 850. Referral to the Committee on International Relations extended for a period ending not later than July 2, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE:

H.R. 1565. A bill to amend the Trademark Act of 1946 relating to dilution of famous marks, and for other purposes; to the Committee on the Judiciary.

By Mrs. FOWLER (for herself, Mr. Goodling, Mr. Kasich, Mr. Blunt, and Mr. Chambliss):

H.R. 1566. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless that deployment is specifically authorized by law; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING (for himself and Mr. Snyder):

H.R. 1567. A bill to amend the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 to eliminate the restriction on assistance to Azerbaijan; to the Committee on International Relations.

By Mr. TALENT (for himself, Mr. Stump, Mrs. McCarthy of New York, Mr. Evans, Mr. Quinn, Mr. Phelps, Mr. Moran of Kansas, Mr. Filner, Mr. Bartlett of Maryland, Mrs. Kelly, and Mr. Pascrell):

H.R. 1568. A bill to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. FOWLER (for herself, Mr. Goodling, Mr. Kasich, Mr. Blunt, and Mr. Chambliss):

H.R. 1569. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless that deployment is specifically authorized by law; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1570. A bill to create incentives for the People's Republic of China and India to adopt a policy of restraint with respect to its nuclear activities, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeLAURO:

H.R. 1571. A bill to designate the Federal building under construction at 600 State Street in New Haven, Connecticut, as the "Merrill S. Parks, Jr., Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. GORDON (for himself, Mr. Sensenbrenner, and Mr. Brown of California):

H.R. 1572. A bill to require the adoption and utilization of digital signatures by Federal agencies and to encourage the use of digital signatures in private sector electronic transactions; to the Committee on Science.

By Mr. GREEN of Texas:

H.R. 1573. A bill to amend the Immigration and Nationality Act to exempt elementary and secondary schools from the fee imposed on employers filing petitions with respect to non-immigrant workers under the H-1B program; to the Committee on the Judiciary.

By Mr. HILLIARD:

H.R. 1574. A bill to extend the inspection requirements of the Federal Meat Inspection Act to rabbits produced for human consumption; to the Committee on Agriculture.

By Mr. HINCHEY:

H.R. 1575. A bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 1576. A bill to amend the Truth in Lending Act to prohibit the distribution of any negotiable check or other instrument with any solicitation to a consumer by a creditor to open an account under any consumer credit plan or to engage in any other credit transaction which is subject to such Act, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HOSTETTLER (for himself, Mr. Norwood, Mr. Stump, Mr. Hayes, and Mr. Tancredo):

H.R. 1577. A bill to establish certain uniform legal principles of liability with respect to manufacturers of products; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOSTETTLER (for himself, Mr. Royce, Mr. McHugh, Mr. McCrery, Mr. Istook, Mr. Paul, Mrs. Chenoweth, Mr. McIntosh, Mr. Doolittle, Mr. Largent, and Mr. Bartlett of Maryland):

H.R. 1578. A bill to amend the wetland conservation provisions of the Food Security Act of 1985 and the Federal Water Pollution Control Act to permit the unimpeded use of privately owned crop, range, and pasture lands that have been used for the planting of crops or the grazing of livestock in at least five of preceding ten years; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Brown of Ohio, Mr. Thomas, Mr. Greenwood, Mr. Bilirakis, Mr. Dingell, Mr. Porter, Mr. Young of Florida, Mr. Stark, Mr. Camp, Mr. Ramstad, Ms. Dunn, Mr. Neal of Massachusetts, Mr. Portman, Mr. Kleczka, Mr. English, Mr. Lewis of Georgia, Mr. Weller, Mr. McInnis, Mr. Bilbray, Mr. Waxman, Mr. Hall of Texas, Mr. Callahan, Mr. Green of Texas, Mr. Dixon, Mr. Olver, Ms. Kilpatrick, Mr. Bachus, Mr. Baird, Mr. Baldacci, Mr. Bentsen, Mr. Blagojevich, Mr. Capuano, Mr. Cook, Mr. Davis of Illinois, Mr. Delahunt, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Hilliard, Mr. Inslee, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Kucinich, Mr. LaFalce, Mr. LaTourette, Mr. Larson, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. McGovern, Mr. Moakley, Mr. Ney, Mr. Oberstar, Ms. Pryce of Ohio, Mr. Riley, Mr. Rodriguez, Mr. Rush, Mr. Sessions, Ms. Schakowsky, Mr. Tancredo, Mr. Traficant, Mr. Sandlin, Mr. Shows, Mr. Vento, Mr. Weygand, and Mr. Becerra):

H.R. 1579. A bill to provide for payments to children's hospitals that operate graduate medical education programs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN (for herself, Mrs. McCarthy of New York, Ms. Waters, Mrs. Mink of Hawaii, Mr. Lantos, Ms. Woolsey, Mr. Kennedy of Rhode Island, Ms. Millender-McDonald, Ms. Lee, Mr. Conyers, and Mr. McGovern):

H.R. 1580. A bill to prohibit the sale of guns that have not been approved by the Secretary of the Treasury, and for other purposes; to the Committee on the Judiciary.

By Mrs. LOWEY (for herself, Mr. Shays, Mr. Lantos, Mr. Hyde, Mr. Conyers, Mr. Gilman, Mr. Gejdenson, Mrs. Morella, Mr. Moran of Virginia, Mr. Campbell, Mr. Brown of California, Mr. Franks of New Jersey, Mr. Lewis of Georgia, Mr. Costello, Mr. Clay, Mr. Smith of New Jersey, Mr. Bonior, Mr. Farr of California, Mr. Kennedy of Rhode Island, Ms. DeLauro, Mr. Dicks, Mr. Waxman, Mr. Weiner, Mr. Sherman, Mr. Frank of Massachusetts, Mr. Berman, Mr. Weygand, Ms. Pelosi, Mr. Doyle, Mr. Stark, Mr. Meehan, Mr. Filner, Ms. Kilpatrick, Mr. George Miller of California, Mr. Deutsch, Mr. Lipinski, Mrs. Mink of Hawaii, Mr. Abercrombie, Mr. Pascrell, Mr. Wexler, Mr. Gutierrez, Mr. Bentsen, Mr. Capuano, Mr. Blagojevich, Ms. Schakowsky, Mr. Tierney, Mrs. Maloney of New York, Ms. Lofgren, Ms. Slaughter, Mr. Pallone, Ms. Rivers, Mr. Neal of Massachusetts, Mrs. Tauscher, Ms. Eshoo, Ms. Woolsey, Ms. Roybal-Allard, Mr. Inslee, Ms. Baldwin, Mr. Udall of Colorado, Mr. Delahunt, and Mr. Luther):

H.R. 1581. A bill to end the use of steel-jawed leghold traps on animals in the United States; to the Committee on Commerce, and in addition to the Committees on Ways and Means, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 1582. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 1583. A bill to amend the Internal Revenue Code of 1986 to make permanent law the

$5,000 first-time homebuyer credit for the District of Columbia; to the Committee on Ways and Means.

By Mr. QUINN:

H.R. 1584. A bill to prohibit the distribution or receipt of restricted explosives without a Federal permit, and to require applications for such permits to include a photograph and the fingerprints of the applicant; to the Committee on the Judiciary.

By Mrs. ROUKEMA:

H.R. 1585. A bill to streamline the regulation of depository institutions, to safeguard confidential banking and credit union supervisory information, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 1586. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 1587. A bill to encourage States to establish competitive retail markets for electricity, to clarify the roles of the Federal Government and the States in retail electricity markets, to remove certain Federal barriers to competition, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Mr. TOWNS, and Mrs. CLAYTON):

H.R. 1588. A bill to amend title 11 of the United States Code to permit all debtors to exempt certain payments receivable on account of discrimination based on race, color, religion, national origin, or gender, and for other purposes; to the Committee on the Judiciary.

By Mr. WISE:

H.R. 1589. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to provide for the establishment of school violence prevention hotlines; to the Committee on Education and the Workforce.

By Mr. TANCREDO (for himself, Mr. HEFLEY, Mr. MCINNIS, Ms. DEGETTE, Mr. SCHAFFER, and Mr. UDALL of Colorado):

H. Con. Res. 92. Concurrent resolution expressing the sense of Congress with respect to the tragic shooting at Columbine High School in Littleton, Colorado; to the Committee on Education and the Workforce.

By Ms. PRYCE of Ohio (for herself, Mr. DELAY, Mr. HYDE, Mr. MCCOLLUM, Mr. EWING, Mr. GREENWOOD, Mrs. JONES of Ohio, Mr. SCOTT, Mrs. JOHNSON of Connecticut, and Mr. GOODLING):

H. Con. Res. 93. Concurrent resolution expressing the sense of the Congress regarding the social problem of child abuse and neglect and supporting efforts to enhance public awareness of this problem; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER (for himself, Mr. GILMAN, Mr. WOLF, and Mr. HALL of Ohio):

H. Res. 152. A resolution recognizing the commitment and dedication of members of America's humanitarian relief nongovernmental organizations and private volunteer organizations for their rapid and courageous response to recent disasters in Central America and Kosova, and of the local nongovernmental organizations and individuals in these regions with whom they work; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. GORDON, Mr. MEEKS of New York, and Mr. PALLONE.

H.R. 8: Mr. TAYLOR of North Carolina and Mr. EHLERS.

H.R. 49: Mr. WISE, Mr. WOLF, and Mr. EDWARDS.

H.R. 51: Mrs. MYRICK.

H.R. 82: Mr. TALENT, Mr. FOLEY, Ms. MILLENDER-MCDONALD, Mr. BLUNT, and Mr. PICKETT.

H.R. 110: Mr. SISISKY, Mr. GORDON, Mrs. THURMAN, Ms. WATERS, Ms. DELAURO, Mr. ANDREWS, and Mr. PICKETT.

H.R. 120: Mr. KANJORSKI.

H.R. 123: Ms. PRYCE of Ohio, Mr. FRANKS of New Jersey, Mr. SUNUNU, Mr. HOSTETTLER, Mr. MANZULLO, Mr. KUYKENDALL, Mr. NETHERCUTT, Mr. KOLBE, Mr. PETERSON of Minnesota, Mr. HANSEN, and Mr. CRAMER.

H.R. 163: Mr. LEWIS of Georgia and Ms. HOOLEY of Oregon.

H.R. 165: Mr. LEWIS of Georgia and Mr. WEINER.

H.R. 179: Mr. DOOLEY of California, Mr. TAYLOR of North Carolina, Mrs. MINK of Hawaii, Mr. KENNEDY of Rhode Island, and Mr. CONYERS.

H.R. 205: Mr. FARR of California.

H.R. 306: Mr. CRAMER, Mr. CUMMINGS, Mr. EVANS, Mr. JACKSON of Illinois, Mr. TRAFICANT, and Mr. WEINER.

H.R. 325: Mr. CLYBURN, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANTOS, Mr. SAWYER, and Mr. SCOTT.

H.R. 330: Mr. GARY MILLER of California and Mr. SALMON.

H.R. 380: Mr. SUNUNU, Mr. LUCAS of Kentucky, and Mr. LARSON.

H.R. 383: Mr. MCGOVERN and Ms. HOOLEY of Oregon.

H.R. 393: Mr. BERMAN and Mr. BROWN of California.

H.R. 398: Mr. DINGELL.

H.R. 399: Ms. BERKLEY.

H.R. 417: Mr. EVANS.

H.R. 443: Ms. ESHOO and Mr. UDALL of Colorado.

H.R. 483: Mr. BROWN of Ohio.

H.R. 516: Mr. DICKEY.

H.R. 518: Mr. DICKEY.

H.R. 557: Mr. KING.

H.R. 558: Mr. FOLEY.

H.R. 570: Mr. GARY MILLER of California.

H.R. 576: Mr. MEEKS of New York.

H.R. 577: Mr. GARY MILLER of California and Mr. BLUNT.

H.R. 582: Mr. WYNN.

H.R. 583: Mr. KILDEE.

H.R. 590: Mr. SANFORD.

H.R. 592: Ms. CARSON, Mr. CROWLEY, Mrs. KELLY, Mr. WATKINS, Mr. BUYER, Mr. STUMP, Mr. FORBES, Mr. ENGLISH, Mr. KING, and Mr. WEINER.

H.R. 625: Mr. GARY MILLER of California.

H.R. 644: Mr. BROWN of California.

H.R. 657: Ms. SLAUGHTER.

H.R. 682: Mr. LOBIONDO and Mr. MEEKS of New York.

H.R. 697: Mr. KINGSTON, Mr. WHITFIELD, Mr. GOODE, and Mr. NORWOOD.

H.R. 698: Mr. SUNUNU and Mr. NETHERCUTT.

H.R. 721: Mr. INSLEE.

H.R. 724: Mr. CROWLEY and Mr. BROWN of California.

H.R. 735: Mr. WHITFIELD.

H.R. 750: Mr. BARTON of Texas.

H.R. 753: Mrs. CLAYTON, Mr. WYNN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 775: Mr. WATTS of Oklahoma, Mrs. WILSON, and Mrs. JOHNSON of Connecticut.

H.R. 793: Mr. FLETCHER.

H.R. 817: Mr. PHELPS.

H.R. 828: Ms. KAPTUR.

H.R. 833: Mr. CASTLE, Mr. JOHN, Mr. NORWOOD, and Mr. SWEENEY.

H.R. 834: Mr. UDALL of New Mexico, Mr. CRAMER, and Mr. SIMPSON.

H.R. 838: Ms. STABENOW.

H.R. 842: Mr. SAWYER and Mr. MICA.

H.R. 845: Mr. MATSUI.

H.R. 850: Mr. CROWLEY.

H.R. 894: Mr. DEMINT and Mr. DAVIS of Virginia.

H.R. 920: Mr. CROWLEY and Mr. BROWN of California.

H.R. 925: Ms. SLAUGHTER, Mr. INSLEE, and Mrs. MEEK of Florida.

H.R. 959: Mr. FALEOMAVAEGA.

H.R. 960: Ms. SCHAKOWSKY and Mr. MOAKLEY.

H.R. 984: Mr. ARMEY, Ms. DUNN, Mr. SHAW, Mr. MCINNIS, Mr. DAVIS of Virginia, Mr. BOEHNER, Mr. MEEKS of New York, Mr. BLUMENAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGSS of Florida, and Ms. KILPATRICK.

H.R. 1020: Mr. GUTIERREZ, Mr. ROMERO-BARCELO, Mr. FROST, Mr. KLECZKA, Mr. MCDERMOTT, Ms. BERKLEY, Mr. MOAKLEY, Mr. ENGLISH, Mr. STRICKLAND, Mr. LAFALCE, and Mr. SANDLIN.

H.R. 1032: Mr. THUNE, Mr. LUCAS of Kentucky, and Mr. MCINNIS.

H.R. 1037: Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. CAPUANO.

H.R. 1069: Mr. HALL of Texas, Mrs. KELLY, and Mr. GUTIERREZ.

H.R. 1070: Mr. PETERSON of Pennsylvania and Mr. MOAKLEY.

H.R. 1080: Mr. BRADY of Pennsylvania.

H.R. 1081: Ms. SLAUGHTER.

H.R. 1082: Mr. CLEMENT, Mr. DEFAZIO, Mr. KOLBE, Mr. SHAYS, Mr. BISHOP, and Mr. JACKSON of Illinois.

H.R. 1083: Mr. COOKSEY, Mr. BLUNT, and Mr. SESSIONS.

H.R. 1084: Mr. TERRY and Mr. DAVIS of Virginia.

H.R. 1085: Mr. WHITFIELD, Mr. PHELPS, Mr. GUTIERREZ, Mr. GREENWOOD, Mrs. KELLY, and Mr. WYNN.

H.R. 1086: Mr. LEWIS of Georgia, Mr. LANTOS, and Mr. CROWLEY.

H.R. 1093: Ms. ESHOO, Mr. CONYERS, and Mr. LAFALCE.

H.R. 1102: Ms. ESHOO, Mr. MCHUGH, and Mr. GONZALEZ.

H.R. 111: Mr. WISE.

H.R. 1115: Mr. MOORE, Mr. GEJDENSON, Mr. OBERSTAR, Mr. EVANS, Mr. BEREUTER, Mr. DAVIS of Virginia, Mr. DIXON, Mrs. EMERSON, Ms. RIVERS, Mr. LEWIS of Georgia, Mr. DICKEY, Mr. HUTCHINSON, Ms. MCCARTHY of Missouri, and Mr. HILLIARD.

H.R. 1126: Mr. MEEKS of New York.

H.R. 1130: Mr. ALLEN.

H.R. 1142: Ms. DANNER, Mr. EHRLICH, Mr. ENGLISH, Mrs. MYRICK, Mr. DICKEY, Mrs. BONO, Mr. BARRETT of Nebraska, Mr. METCALF, Mr. NETHERCUTT, Mr. SESSIONS, Mr. DUNCAN, Mr. PICKETT, Mrs. EMERSON, Mr. TAYLOR of North Carolina, and Mr. DEMINT.

H.R. 1146: Mr. CRANE.

H.R. 1160: Mr. SNYDER, Mr. LANTOS, Mr. HALL of Texas, Mr. KUCINICH, Ms. KAPTUR, Mr. WYNN, and Mrs. KELLY.

H.R. 1163: Mr. DeFAZIO, Ms. LEE, and Ms. SLAUGHTER.

H.R. 1168: Mr. DELAHUNT, Mr. WYNN, Mr. WHITFIELD, Mr. BARCIA, Mr. LaFALCE, and Mr. OLVER.

H.R. 1180: Mr. SMITH of New Jersey, Mr. BARRETT of Nebraska, Mr. HINCHEY, Mr. PASTOR, Mr. KLECZKA, Mr. KIND, Mr. WEYGAND, Mr. MOAKLEY, Mrs. EMERSON, and Mrs. NORTHUP.

H.R. 1188: Mrs. MEEK of Florida and Mr. LaFALCE.

H.R. 1193: Mr. CROWLEY, Mr. EVANS, Mr. GUTIERREZ, Mr. KLINK, and Ms. DeGETTE.

H.R. 1215: Mr. DeFAZIO.

H.R. 1218: Mr. WICKER.

H.R. 1224: Mr. JEFFERSON.

H.R. 1244: Mr. LaHOOD, Mr. RYAN of Wisconsin, Mrs. NORTHUP, and Mr. NUSSLE.

H.R. 1245: Mr. ROTHMAN, Ms. KILPATRICK, Mr. BERMAN, Mrs. CHRISTENSEN, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mr. LaFALCE, Mr. McGOVERN, Ms. McKINNEY, Ms. NORTON, and Ms. ESHOO.

H.R. 1248: Mrs. CLAYTON, Mr. WEYGAND, Mr. ROTHMAN, Mr. FALEOMAVAEGA, Mr. BARRETT of Wisconsin, Mr. CARDIN, Mr. FARR of California, Mr. BRADY of Texas, Ms. SCHAKOWSKY, Mr. WYNN, Mr. GILCHREST, and Mr. POMEROY.

H.R. 1250: Mr. GUTIERREZ.

H.R. 1256: Mr. SESSIONS, Mr. NORWOOD, and Mr. LARGENT.

H.R. 1298: Mr. FROST and Mr. LaFALCE.

H.R. 1299: Mr. MINGE.

H.R. 1302: Ms. RIVERS.

H.R. 1313: Ms. SLAUGHTER, Mr. MATSUI, Mrs. MYRICK, and Ms. JACKSON-LEE of Texas.

H.R. 1317: Mr. MEEKS of New York, Mr. TALENT, and Mr. HINCHEY.

H.R. 1322: Mr. EHRLICH and Mr. HASTINGS of Washington.

H.R. 1325: Mr. BURR of North Carolina, Mr. CAMPBELL,, Mrs. CHRISTENSEN, Mr. COYNE, Mr. CUMMINGS, Mrs. EMERSON, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. MORAN of Virginia, Mr. OBERSTAR, Mr. SANDERS, Mr. SAWYER, Mr. UNDERWOOD, Mr. WAXMAN, and Mr. WOLF.

H.R. 1337: Mr. HERGER, Mr. COOK, Mr. WHITFIELD, Mr. HAYWORTH, Mr. HULSHOF, Mr. ENGEL, Mr. LaFALCE, Mr. BURR of North Carolina, Mr. STARK, Mr. CUNNINGHAM, Mr. KENNEDY of Rhode Island, and Mrs. MORELLA.

H.R. 1342: Mr. WEXLER, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mr. LaFALCE, Mr. TIERNEY, Mr. WEYGAND, Mr. NADLER, Mr. RYUN of Kansas, Ms. LEE, and Mr. CROWLEY.

H.R. 1354: Mr. THORNBERRY and Mr. BLUNT.

H.R. 1355: Ms. WOOLSEY, Mr. BLUMENAUER, Mr. BROWN of California, Ms. NORTON, Mr. WAXMAN, Mr. FILNER, Mr. PRICE of North Carolina, Ms. SLAUGHTER, Mr. BLAGOJEVICH, Mr. ALLEN, Mr. WU, and Mr. STARK.

H.R. 1366: Mrs. BONO, Ms. DUNN, Mr. BARR of Georgia, Mrs. KELLY, Mr. FRANKS of New Jersey, Mr. TIAHRT, Mr. REYNOLDS, Mr. FROST, Mr. RYAN of Wisconsin, Mr. COLLINS, Mr. ANDREWS, Mr. CLAY, Mr. WELLER, Mr. ARMEY, and Mr. BACHUS.

H.R. 1368: Mr. ROHRABACHER, Mr. METCALF, and Mr. GARY MILLER of California.

H.R. 1385: Mr. STRICKLAND, Mrs. MINK of Hawaii, Mr. RAHALL, Mr. LaFALCE, MR. COSTELLO, Mr. GILCHREST, Mr. SESSIONS, and Mr. OLVER.

H.R. 1395: Mr. REYES.

H.R. 1402: Mr. SISISKY, Mr. RODRIGUEZ, Mr. WYNN, Mr. McINNIS, Mr. ISAKSON, Mr. EVERETT, Mr. SHADEGG, Mr. TURNER, Ms. McCARTHY of Missouri, Mr. EDWARDS, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Mr. UDALL of New York, Mr. LUCAS of Kentucky, and Ms. STABENOW.

H.R. 1413: Mr. SANDERS and Mr. SCHAFFER.

H.R. 1425: Mr. DUNCAN.

H.R. 1441: Mr. WATTS of Oklahoma.

H.R. 1443: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1470: Mr. BARRETT of Wisconsin.

H.R. 1491: Mr. LaFALCE, Ms. LOFGREN, Mr. VISCLOSKY, Mr. BARRETT of Wisconsin, Mr. CLYBURN, Mr. RAHALL, and Mr. KLINK.

H.R. 1494: Mr. WHITFIELD.

H.R. 1495: Mr. McGOVERN, Mr. SANDLIN, Mr. GEORGE MILLER of California, Mr. KENNEDY of Rhode Island, and Mr. WYNN.

H.R. 1497: Mr. BALDACCI, Ms. DeGETTE, Mr. MEEKS of New York, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. NAPOLITANO.

H.R. 1505: Mr. COLLINS.

H.R. 1519: Mr. GUTIERREZ

H.R. 1525: Mr. DAVIS of Illinois, Ms. MILLENDER-McDONALD, Mr. WEINER, and Mr. MINGE.

H.R. 1549: Mr. ENGLISH, Ms. PELOSI, Mr. DINGELL, Mr. ROEMER, and Ms. KAPTUR.

H.R. 1554: Mrs. BONO, Mr. STRICKLAND, Mr. HILL of Montana, and Mr. NADLER.

H.R. 1556: Mr. ETHERIDGE, Mr. DeFAZIO, Mr. UPTON, Mr. CLEMENT, Mr. WHITFIELD, Mr. GILMAN, Mr. McHUGH, Mr. ENGLISH, Mr. HOBSON, Ms. RIVERS, and Mrs. Kelly.

H.J. Res. 9: Mr. SANFORD, and Mr. GOODE.

H.J. Res. 41: Mr. DEUTSCH, Mr. MEEKS of New York, and Mr. BAIRD.

H. Con. Res. 8: Mr. SHIMKUS.

H. Con. Res. 30: Mr. WICKER, Mr. BACHUS, and Mr. CAMPBELL.

H. Con. Res. 60: Mr. BROWN of California, Mr. BARRETT of Nebraska, and Mr. LEVIN.

H. Con. Res. 77: Mr. WICKER and Mr. LEVIN.

H. Con. Res. 78: Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. SHAYS, Mr. LUTHER, Mr. CARDIN, and Mr. BLAGOJEVICH.

H. Con. Res. 79: Mr. FRANKS of New Jersey, Mr. BOUCHER, Mr. RILEY, Mr. LoBIONDO, Mr. PAUL, Mr. PHELPS, Mr. WATKINS, Mr. ADERHOLT, Mr. HILL of Indiana, Mrs. BIGGERT, Mr. PASTOR, Mr. TURNER, Mr. BALDACCI, Ms. RIVERS, Mr. THOMPSON of California, Mrs. JONES of Ohio, Mr. WHITFIELD, Mr. KIND, Mr. HANSEN, Mr. CANADY of Florida, Mrs. MYRICK, Mr. ROGERS, Mr. JEFFERSON, Mrs. JOHNSON , of Connecticut, Ms. STABENOW, and Mr. NEY.

H. Con. Res. 82: Mr. SANFORD, Mr. GANSKE, and Mr. METCALF.

H. Con. Res. 84: Mr. BEREUTER, Mr. HULSHOF, Mr. KUYKENDALL, and Mr. MANZULLO.

H. Res. 41: Mr. BAIRD, Mr. DREIER, Mr. LEWIS of Georgia, and Mrs. LOWEY.

H. Res. 89: Mr. GEJDENSON, Mr. LaFALCE, Mr. WYNN, and Mr. ENGLISH.

H. Res. 109: Mr. KLECZKA, Mr. WISE, Mr. THOMPSON of Mississippi, Mr. SMITH of Washington, Mr. KOLBE, Mr. WICKER, Mr. MOORE, Mr. CLYBURN, Mr. HILL of Montana, Mr. BEREUTER, Mr. PHELPS, Mr. BALLENGER, Mr. WYNN, and Mr. NETHERCUTT.

H. Res. 115: Mr. GOODE, Mr. BLAGOJEVICH, Mr. TALENT, Ms. ROYBAL-ALLARD, Mr. BROWN of Ohio, Mr. ABERCROMBIE, Mrs. NAPOLITANO, and Mrs. MINK of Hawaii.

H. Res. 146: Mrs. MORELLA, Mr. MEEHAN, Mr. BOEHLERT, Mr. TIERNEY, Mr. GUTIERREZ, and Mr. GEJDENSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 351: Mr. CUMMINGS.

H.R. 1239: Mrs. CHRISTENSEN.

EXTENSIONS OF REMARKS

HONORING THE BERLIN AIRLIFT GRATITUDE FOUNDATION

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. CALLAHAN. Mr. Speaker, I rise today to pay tribute to the Berlin Airlift Gratitude Foundation.

The Berlin Airlift began on June 26, 1948. Hostilities increased between the Soviets and the western Allies over access to the city of Berlin. As a result, the Soviets denied Berlin all access to the western portion of the city that was controlled by the American, British, and French forces. Automobile and railroad transportation, as well as any water traffic, was prohibited leaving the 2.2 million residents of West Berlin helpless.

In response, the western Allies took flight in an effort to airlift food, fuel, raw materials, and other supplies to the hopeful citizens of Berlin. These deliveries soon began reaching 500–700 tons a day in the summer of 1948, and continued to expand throughout the 322-day blockade of Berlin. Persistence paid off as the Soviets lifted the land and water blockade on May 12, 1949, ending the dreadful blockade. It is not surprising that the airlifts continued even after the blocked ended in an effort to build supplies for the needy Berliners.

The Berlin Airlift Gratitude Foundation and its director, Mr. Heinz-Gerd Reese, have for the past 50 years preserved the memory and achievements of the Allies keeping Berlin free by way of the Berlin Airlift. The Berlin Airlift Gratitude Foundation and its members have provided the families of the 78 victims of the Berlin Airlift with financial assistance since 1959.

They have provided their full support in all Berlin Airlift reunions over the years, not only in Berlin, but all the bases in Germany that supported the Berlin Airlift. They have invited the veterans of the Berlin Airlift to visit Berlin at their expense to commemorate the 50th year of the Berlin Airlift on May 9–13, 1999. The highlight of the reunion will come on May 12, 1999, which is the anniversary of the official ending of the Berlin Airlift.

Through their efforts, they have honored those who served and hopefully enlightened future generations on how precious freedom is, and the sacrifices that must be made to achieve it. The Berlin Airlift Reunion to honor the veterans of the Berlin Airlift is also a tribute to citizens of Berlin for choosing freedom over communism and working under very difficult times and conditions to make the Berlin Airlift the great success that it was.

NORTHWEST INDIANA HISPANIC COORDINATING COUNCIL CELEBRATES ITS 11TH ANNUAL BANQUET

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. VISCLOSKY. Mr. Speaker, on Friday, April 30, 1999, numerous outstanding Hispanics from Indiana's First Congressional District will be honored for their notable contributions to Northwest Indiana. Several Hispanic students from local high schools as well as individuals and community organizations will be recognized at the Northwest Indiana Hispanic Coordinating Council's 11th Annual Banquet. The Hispanic Coordinating Council consists of several organizations that have committed themselves to improving the quality of life for the Hispanic residents of Northwest Indiana as well as providing an effective avenue for promoting Hispanic interests and their shared cultural heritage.

The students who will receive awards for Outstanding Academic Achievements include: Guillermo Amezcua, Clark High School; Crystal Bannister, Calumet High School; Alejandro Barraza, Thornton Fractional South; Patricia Campos, Andrean High School; Veronica Delgado, East Chicago Central High School, Adriana Dominguez, Whiting High School; Angela Espinoza, Indiana Academy; Nicholas Ferrer, Munster High School, Leonarda Gajardo, Bishop Noll High School, Esteban Gonzalez, Emerson School of Visual and Performing Arts; Melissa Hernandez, Morton High School; Linda Hinojosa, Merrillville High School; Adriana Lopez, Hobart High School; Samantha Martinez, Gavit High School; Cassandra Mateo, Portage High School; Amy Mendoza, Lowell High School; Angela Monsivais, Thomas A. Edison Jr.-Sr. High School; Danielle Ontiveros, Valparaiso High School; Eliezer Rolon, Thornton Fractional North; Lisa Russi, River Forest High School; Rebecca Spindler, Hanover Central Sr. High School; and Katharina Velez, Hammond High School.

The students who will receive awards for Outstanding Athletic Achievements include: Vanessa Bustos, Thornton Fractional North; John Cantu, Alex Ramos, and Mark Gonzalez, Hobart High School; Rosalinda Cedano, Bishop Noll High School; Katherine Flores, Calumet High School; Enrique Fontanez III, Portage High School; Rafael Gonzalez, Central High School; Antonio Greppi, Andrean High School; Francisco Hernanadez, River Forest High School; Paul Navarro, Merrillville High School; Cesar Rodriguez, Whiting High School; Nicholas Rodriguez Gavit High School; Alfonso Salinas III, Hammond High School; Patrick Santana, Thomas A. Edison Jr.-Sr. High school,; Ruben Trevino, Munster High School; Alfonso Vargas IV, Morton High School; and Benjamin Ybarra, Clark-Whiting High School.

The Council will also present the President's Award to Lou and Stella Torres. Leonor Velasquez will receive the Cesar Chavez Exemplary Service Award. The Outstanding Family Award will go to Ralph and Thelma Mora. Michael Lopez of East Chicago, Indiana, will receive the Community Service Award for his dedication and contributions to Northwest Indiana. Finally, the Humanitarian Service Award will go to the following organizations: Ameritech, Asociacion Benefica Hijos De Borinquen, National Conference of Puerto Rican Women, and the Puerto Rican Parad and Cultural Committee of Northwest Indiana.

Mr. Speaker, I ask you and my colleagues to join me in applauding all of the award recipients chosen by the Northwest Indian Hispanic Coordinating Council. All of these individuals are most deserving of the Honors bestowed upon them. Moreover, I would like to commend the Northwest Indiana Hispanic Coordinating Council for committing itself to the preservation of the Hispanic culture. Without the contributions of Hispanic-Americans, the rich, diverse, ethnically flavored culture of Northwest Indian would not be complete.

IN HONOR OF THE BAYONNE FAMILY YMCA AND THIS YEAR'S HONOREE, BAYONNE CHIEF OF POLICE, FRANK PAWLOWSKI

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Bayonne Family YMCA on its Seventh Annual Distinguished Service Awards Cocktail Party and this year's honoree Bayonne Police Chief Mr. Frank Pawlowski.

The Bayonne Family YMCA is a nonprofit organization that has taken the lead in addressing the social needs of the community. By providing essential services such as after-school programs, day care, temporary housing, and summer day camp, the YMCA has provided assistance to those in need or at risk.

Headed by Mr. Joseph Tagliareni, Chairman of the Child Care Program annual fundraiser, and Mr. Alan Russotto, Chairman of the Souvenir Ad Journal, the Bayonne Family YMCA will be hosting its seventh annual awards dinner on April 23. Each year the YMCA highlights the accomplishments of one member of the community for his or her dedication and exemplary leadership. This year the YMCA is honoring Bayonne Police Chief Mr. Frank Pawlowski.

A lifelong resident of Bayonne, Chief Pawlowski has committed himself to the betterment of the community. After serving his

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

country in the United States Army from 1962 to 1964, Chief Pawlowski returned to Bayonne where he began his thirty-four year career with the Police Department. While rising through the ranks, Chief Pawlowski served as Commander of the Detective Bureau, Commander of the Juvenile Aid Planning and Training Bureau, Administration Division Commander, and Patrol Division Commander.

Chief Pawlowski is a member of the New Jersey Police Chiefs Association, the National Police Chiefs Association, the International Association of Chiefs of Police, and is currently Vice President of the Hudson County Police Chiefs Association. In addition, for his remarkable efforts and commendable achievements, Chief Pawlowski has received two departmental commendations for outstanding police work and two excellent police service awards.

Both the Bayonne Family YMCA and this year's award dinner honoree Chief Pawlowski exemplify leadership and dedication to the Bayonne community. For these tremendous contributions to New Jersey and the incredible examples set as public servants, I am very happy to honor and congratulate the Bayonne Family YMCA and Chief Pawlowski.

A TRIBUTE TO O. LEWIS HARRIS

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to O. Lewis Harris on the occasion of his 20th Anniversary as the Executive Director of the Forest Hills Community House.

Lewis Harris joined the Forest Hills Community House in it's fourth year of operation. With a small budget and staff, he worked with the agency board, community leadership and elected officials to define the service role and mission for the organization, a task that continues to this day. A strong believer in community and coalition building, Lew Harris quickly became involved with Community Board #6 and was appointed as a member in the spring of 1979.

Lew Harris' strong interest and focus on community service led him to join the Queensboro Council for Social Welfare, the Queens Interagency Council for Aging. The Non-Profit Coordinating Committee of New York; The Council of Senior Centers and Services of New York City, and the New York City Coalition for the Aging on whose Boards of Directors he continues to serve.

Under Lew Harris' leadership, the Forest Hills Community House has developed a broad array of services for people of all ages. Today, the Forest Hills Community House operates more than thirty-five programs through nineteen different locations in Queens and provides services to more than 15,000 people annually. In the last twenty years, the Forest Hills Community House has gained a reputation for developing innovative and high quality services. Several Community House programs have also been identified as models for replication throughout New York City and beyond.

O. Lewis Harris has long been known as an innovator and beacon of good will to all those with whom he has come into contact. Through his dedicated efforts, he has helped improve my constituents' quality of life. In recognition of his many accomplishments on behalf of my constituents, I offer my congratulations to O. Lewis Harris on the occasion of his 20th Anniversary as the Executive Director of the Forest Hills Community House.

CELEBRATING THE OPENING OF THE ALLAN HANCOCK COLLEGE LOMPOC VALLEY CENTER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mrs. CAPPS. Mr. Speaker, I rise to bring to the attention of my colleagues the opening of the Allan Hancock College Lompoc Valley Center in Lompoc, CA. For years Lompoc and the Santa Ynez Valley have been in need of a permanent site for a campus and now that need has become a reality.

The Lompoc Valley Center of Allan Hancock College will serve 2,000 students and will offer courses in the sciences, business, technology, and the fine arts. Students will work in computer labs networked with fiber optic cable and will learn in classrooms that have multimedia presentation systems. The center also includes a high-tech computer graphics and animation lab. As we all know, the jobs of the 21st century will demand high-tech and computer related skills. Allan Hancock has the resources and the expertise to teach these important skills, so that students, regardless of age, can take on quality, well-paying jobs on the central coast when they graduate.

I am pleased to tell my colleagues that in the spirit of public/private partnerships, almost 80 percent of the onsite construction bids were awarded to local contractors. The developing and building of the center has been a community-based effort which stands as a model for our nation. I commend the countless people who contributed their time, energy, and vision to create this campus.

Mr. Speaker, I am honored to join Allan Hancock College and the people of the central coast to celebrate the opening of the Lompoc Valley Center. I congratulate the college and all who worked tirelessly to establish the center. I wish Allan Hancock College and the Lompoc Valley Center many years of success and prosperity.

TRIBUTE TO E. JAMES MONIHAN, USA DIRECTOR TO THE FEDERATION OF WORLD VOLUNTEER FIREFIGHTERS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to a hero in the firefighting community. E. James (Jim) Monihan. Jim Monihan is an outstanding, dedicated, and caring Delawarean with an abundance of accomplishments in this field. On behalf of the citizens of the First State, I would like to honor this outstanding individual and extend to him our congratulations on receiving the National Volunteer Fire Council's Mason Lankford Fire Service Leadership Award.

Family, friends and fellow firefighters can now take a moment to truly appreciate the contributions Jim Monihan has brought to the firefighting community. Since moving to Lewes, DE, in 1963, he has proven his ability to advance the quality of fire and emergency services throughout the country. This dedication to public service is rare among individuals. As President of the Lewes Fire Department, Jim arranged the purchase of nearly $250,000 in fire apparatus. He also chaired every committee within the department and served as the in-house ambulance instructor of 10 years. He later earned a statewide reputation in Delaware for his service as president and 1st vice president of the Delaware Volunteer Firemen's Association.

These local accomplishments were just the first steps for Jim along his road to success. His next advancement was to become the chairman of the National Volunteer Fire Council. During his tenure he orchestrated the growth of the NVFC from 18 states with 130 associate members to 44 delegate States with over 1,500 associate members. For the first time the NVFC received over $500,000 in Federal grants to help volunteer fire services nationwide. Since retiring as chairman of the NVFC, Jim has committed himself to being the legislative chairman for the NVFC to help devise their policy priorities.

Known for his expertise and excellence in his field, Jim has been asked to provide testimony for numerous congressional committees in support of such issues ranging from the environment to fire prevention. In addition, Jim has served on the Broad of Visitors for the National Fire Academy and has chaired the Joint Council of National Fire Service Organizations. Currently, Jim serves as the USA Director to the Federation of World Volunteer Firefighters, which helps to unite fire service personnel from over 100 countries. Showing his continued dedication and commitment to his community, Jim still leads the local Junior Firefighter Club activities and still responds to calls today.

Mr. Speaker, I salute E. James (Jim) Monihan for implementing many of the important policies and procedures that help guide fire personnel worldwide today. His selfless commitment to the cause of volunteer firefighters will have a permanent place in Delaware's volunteer fire service history.

The example Jim has set for volunteer firemen is one we hope all future volunteer firemen will strive to emulate. His dedication to the development of fire departments, volunteer and emergency services is truly commendable. As Delaware's Congressman, I would like to personally thank him for a tremendous job well done and for 40 years of exemplary service.

A TRIBUTE TO HEIDI CUYLER, AMBER LARRISON AND SARA TRUDEAU

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding service of three wonderful and gifted young ladies from California's beautiful high desert. Heidi Cuyler, Amber Larrison and Sara Trudeau have made remarkable contributions to the Vista Campana Middle School in Apple Valley as 3-year members of the Associated Student Body (ASB).

When Heidi, Amber and Sara decided to run for ASB 3 years ago, they were required to complete a rigorous process; the election, itself, is far from a popularity contest. Candidates must maintain a 3.0 grade point average, get letters of recommendation, write a statement explaining why they want to serve, and complete a personal interview. In addition, each candidate must give a speech in front of their peers before they are selected.

For most students between the ages of 10 and 13, let alone many adults, this would seem like much too much work just to plan student activities at the school. Most remarkable is that Heidi, Amber and Sara completed this process three straight years and were successful. According to Patti Stueland, the activities Director at Vista Campana Middle School, "They are my first and only officers up to this point to be a bulldog ASB Officer for all three years they have attended V.C.M.S."

In the 3 years that they served, these young ladies helped create and develop school assemblies, noon-time activities, school dances, spirit rallies, staff appreciation days, sold dance tickets, served as tour guides for school visitors, and publicized school events through the school bulletin. In addition, they have presented student body activities to the Parent, Teacher, Student Organization, at monthly staff meetings, and school board meetings. In these, and many more activities, Heidi, Amber and Sara all demonstrated tremendous leadership skills through public speaking and working with the local community. As a result of the work of these students. Vista Campana Middle School is recognized for having one of the most outstanding student activity organizations in the high desert.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the remarkable commitment and tremendous contributions of these three fine young ladies. Heidi Cuyler, Amber Larrison and Sara Trudeau have made a wonderful difference in the lives of those in their school and local community and it is only fitting that the House of Representatives recognize them today.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. MOORE. Mr. Speaker, on Thursday, April 22, I was unavoidably detained during rollcall vote No. 96, the motion to instruct conferees on H.R. 1141 offered by Mr. OBEY. Had I been present for this vote I would have voted "aye."

DONALD EDWARD WATSON

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. BORSKI. Mr. Speaker, I rise in honor of a truly dedicated public servant and my good friend, Mr. Donald Edward Watson. Donald Watson's commitment to his country and community in Philadelphia spans over four decades.

Don Watson graduated in 1953 from North Catholic High School and attended the University of Missouri. After his graduation from college he began his career in public service by enlisting in the U.S. Army. In 1962, he was honorably discharged with the rank of Sergeant.

After departure from the military, Don became active in both the politics and community of the City of Philadelphia. He was the committee person in the 35th ward for 35 years and also worked as the ward chairman. He dedicated 25 years of service to the office of the Register of Wills where his work showed high quality, attention and diligence. In the area of community public service, Don Watson excelled for 20 years as the president of the Summerdale Boys Club. He also dedicated 10 years of his time to Northeast Mental Health as a director on the board.

Despite his many commitments to public service, Don is deeply involved and dedicated to his family. Together, with his wife Carol, Don has two children, Terri and Joseph. Also, he has two beautiful granddaughters Lauren and Lindsay.

Don Watson is the type of citizen that strives to improve the city he is in, this not only has helped Philadelphia to prosper, but also the nation. I sincerely hope that Don enjoys his move into retirement and realizes how deeply his many years of dedicated service are appreciated.

IN RECOGNITION OF BILL ERWIN

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. BRADY of Texas. Mr. Speaker, I am proud to rise in recognition of a very special person to Bryan-College Station, Texas—a unique leader, Mr. Bill Erwin.

Not only recognized as a significant contributor to the community of the Eighth District of Texas, Bill is somewhat of a celebrity in the Bryan-College Station area. In fact, he has been supporting volunteer services in the Bryan-College Station area for thirty-five years. It is for these efforts that the Governor of the State of Texas awarded Bill with the Lonestar Achievement Award for his volunteerism and community service last month. I think his own words speak volumes for the attitude that won him this recognition. Upon hearing the news, Bill said, "this will be great for the community"—and great for the community he is.

Elected as the Volunteer of the Year and the Citizen of the Year by the Bryan-College Station Chamber of Commerce, he remains dedicated to bettering the community in which he lives, thus bettering the world. His list of credentials include serving as president for a number of non-profit organizations in the area, such as the United Way, Chamber of Commerce, Better Business Bureau, the Boys' and Girls' Clubs of the Brazos Valley, the Brazos Chapter of the Texas Manufacturers Association and the St. Joseph Foundation. It was said by Christine Shakespeare of the Texas Commission on Volunteerism and Community Service that the judges said "it was so amazing that whenever he identified a need he went to work to resolve it and that he didn't stop to wonder who was going to get credit for it" and that they were "honored to give this award to him because of the amount of work he has done."

Mr. Speaker, I commend Bill Erwin and those like him that take the time to give back to their communities more than they take for themselves. I, as well as the citizens of Bryan-College Station, applaud Bill for his tireless dedication and perseverance to serving this remarkable community. He has set an example for us all to follow.

INTRODUCTION OF THE DIGITAL SIGNATURE ACT OF 1999

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. GORDON. Mr. Speaker, today I am pleased to introduce the Digital Signature Act of 1999. The purpose of this legislation is to require the National Institute of Standards and Technology (NIST) to develop minimum technical standards and guidelines for Federal agencies to follow when deploying digital signature technologies. In addition, the legislation authorizes the Under Secretary of Commerce for Technology to establish a National Policy Panel for Digital Signatures to explore the factors associated with the development of a National Digital Signature Infrastructure based on uniform standards to enable the widespread utilization of digital signature systems in the private sector.

I want to make clear that this legislation is technology neutral. Rather it encourages federal agencies to use uniform criteria in deploying digital signature technology and to ensure that their system are interoperable. It also encourages agencies to use commercial-off-the shelf software (COTS) whenever possible to meet their needs.

By now, we are all aware of how the Internet is revolutionizing telecommunications and the business world. In less than ten years, the Internet has grown from a network linking a small, self-proscribed group of scientists to a telecommunication network linking millions of people around the world. The potential uses of the Internet seem unlimited. One of the most rapidly growing areas in electronic commerce. Statistics indicate electronic commerce was an $8 billion industry in 1998. Analysts now expect electronic commerce to explode into a $108 billion industry by 2003.

When the Internet was first developed, virtually all users were known to each other or they were easily identifiable. However, with the rapid growth of the Internet we have lost the ability to actually "know" who we are communicating with is who they say they are. In order to exchange sensitive documents or to do business transactions with confidence it is important that an electronic authentication system is developed through which both the sender and recipient can be uniquely identified. One type of electronic authentication which is both secure and provides unique identification of the sender and recipient of messages is asymmetric cryptography, commonly referred to as a digital signature.

I am not alone in my belief that digital signatures are a key element in the continuing growth of electronic commerce. The European Commission recently drafted a directive on a common framework for a comprehensive digital signature infrastructure. In addition, the Canadian government is already utilizing digital signatures for its transactions. These actions are designed to promote the growth of electronic commerce, but they will also enhance the position of European and Canadian companies that are developing digital signature systems. This is an attempt to become the world leader in electronic commerce.

In the United States, we have a number of companies which offer digital signature services. The States are beginning to enact a patchwork of laws on digital signatures that could inhibit the widespread use of digital signatures. While I don't believe the government should dictate any one digital signature system, we should develop a level playing field which will encourage rather than hinder the development of a truly national infrastructure. It is my intent that the Digital Signature Act be a first step in this direction. This legislation has two simple goals: (1) develop uniform guidelines for Federal agencies to follow when they use digital signatures and encourage agencies to maximize the interoperability of their systems; and (2) establish a national policy panel for digital signatures to begin a dialog on the development of a national digital signature infrastructure.

My legislation requires the National Institute of Standards and Technology (NIST) to develop minimum technical standards and guidelines for use by Federal agencies when developing their digital signature infrastructure and to give due consideration to the interoperability of their system. Whenever possible, the legislation encourages agencies to use commercial-off-the-shelf products.

Agencies are currently developing and beginning to deploy digital signatures technologies. However, there is little coordination between agencies to ensure that the standards they use are consistent and that the technologies that they deploy are interoperable. NIST is charged with developing, with input from industry, technical standards and guidelines which ensure that the agencies deploy digital signature infrastructures that are both secure and interoperable. If agencies develop a variety of incompatible systems, I believe the result will be to discourage the widespread use of this electronic authentication technique by making it more complicated rather than easier to conduct business with the Federal Government.

Agencies would be required to report back to Congress what they are doing to develop digital signature systems, and why, if applicable, they are not following NIST guidelines.

In addition, the bill requires NIST to develop minimum technical criteria for agencies' use for electronic certification and management systems, both "in-house" systems or if they use a private entity. Once again, this is an attempt to level the playing field among Federal agencies to promote the private sector development of these goods and services.

To promote a uniform environment for certification authorities, the bill establishes a national panel, under the auspices of the Department of Commerce's Technology Administration to develop model practices and procedures, uniformity among jurisdictions that license certification authorities, and uniform audit standards for certification authorities. This national panel, with broadly based representation from all stakeholders, will provide the coordination needed to put in place the national infrastructure that is a prerequisite for the widespread use of digital signatures.

In closing, I want to make clear that this legislation does not favor any digital signature system, but attempts to begin to create a minimum uniform framework for Federal agencies to make communicating with the Federal Government easier and more secure. I also want to make clear that this legislation is an outline or work in progress. The framework of the Internet is dynamic. It would be short-sighted to draft Internet related legislation that is static and unresponsive. I expect further refinements and will continue to work with industry groups, the States, the administration and other stakeholders as we move through the legislative process.

WALT AND MELODY GENTRY BRING JOY INTO THE LIVES OF MANY THROUGH THE ADOPT-A-WILD HORSE AND BURRO PROGRAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to commend my constituents from Mt. Vernon, IL, Walt and Melody Gentry, for using their love of horses to bring happiness to the lives of others.

Walt and Melody have spent the past 8 years educating others about the Bureau of Land Management's Adopt-A-Wild Horse and Burro program. Established in 1992, this program's objectives are to manage the population of horses and burros in the effort to protect them from dying from starvation or dehydration. Spending countless hours traveling over 30,000 miles, Walt and Melody have not only aided in many adoptions all over the Eastern United States, but have also adopted 18 of their own horses that they use to compete in horse shows and riding competitions.

In addition to Walt and Melody's compassion for these beautiful animals is their compassion for others in need. They have combined their love and appreciation for horses with their concern and eagerness to help others by performing many of these shows for disadvantaged youths. Through these events, these kids have an opportunity to interact with horses—something they wouldn't otherwise be able to do. In a time when children are often hungry for leadership and inspiration, the Gentry's have played a pivotal role by sharing the happiness they have found in the Adopt-A-Wild Horse and Burro program.

I would like to thank Walt and Melody Gentry for sharing the joy in their lives with these disadvantaged children. They are not only an inspiration for them, but for all of us who have so many joys to share.

IN HONOR OF THE WEEHAWKEN VOLUNTEER FIRST AID SQUAD ON ITS 30TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Weehawken Volunteer First Aid Squad for 30 years of dedicated service to the community.

The Weehawken Volunteer First Aid Squad was the first volunteer organization of its kind in Hudson County when it was organized in 1969. Over the last three decades, almost 400 volunteers have served the Squad, providing free and indispensable lifesaving ambulance and emergency medical service for Weehawken.

Because of the caliber and dedication of the volunteers, the Squad has an excellent two to three minute response time in emergencies. This remarkable accomplishment has not only allowed the Squad to respond to an estimated 40,000 distress calls but has made it responsible for saving countless lives in my district. In fact, the Squad the fastest response team of any emergency medical service in the state of New Jersey.

Long thought of as a strictly suburban service, the First Aid Squad showed that not only could a volunteer ambulance service operate in urban areas, but that they would prove to be an invaluable source of support to the residents of these communities. It was so successful in this endeavor that it prompted five neighboring towns to follow its lead in this important health service.

On May 7, 1999, the Squad will hold its 30th Anniversary Celebration where they will highlight these tremendous accomplishments, as well as to thank those who have assisted the organization through the years. The individual who will receive an Honorary Life Membership is the Mayor of Weehawken, Mr. Richard Turner. Mayor Turner, one of the Squad's greatest supporters, has been instrumental in recruiting new members, raising funds for a new ambulance, and in ensuring the opening of the Squad's state of the art headquarters in 1986.

The Weehawken First Aid Squad exemplifies leadership and professionalism. For its pioneering efforts in the field of emergency medicine and for 30 years of service to Weehawken, I am very happy to honor and salute the Weehawken First Aid Squad.

A TRIBUTE TO KEW GARDENS CIVIC ASSOCIATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Kew Gardens Civic Association, Inc., on the occasion of its annual meeting.

The members of the Kew Gardens Civic Association have long been known for their commitment to community service and to enhancing the quality of life for all Kew Gardens residents.

This year's annual meeting is a chance for all of us to celebrate the 85th anniversary of an organization that was founded in 1914 to represent the interests of homeowners in Kew Gardens. Under the dedicated leadership of retiring President Al Brand, the Kew Gardens Civic Association has seen its membership rise to more than 300 members.

The Kew Gardens Civic Association has routinely stood at the forefront of the battle to ensure that any new developments in Kew Gardens adhere to applicable zoning regulations and to prevent the illegal use of private homes for commercial purposes. In addition, the Kew Gardens Civic Association has established subcommittees to assist members in the resolution of problems with local, State, and Federal Government agencies.

The members of the Kew Gardens Civic Association elect their officers and governors each year at the organization's annual meeting in accordance with New York States' Not-for-Profit Corporation Law and the Association's By-Laws. The Board of Governors meets periodically to discuss member and community problems as well as to establish Association policy.

The members of the Kew Gardens Civic Association have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations to the Kew Gardens Civic Association on the occasion of its 85th anniversary.

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. VISCLOSKY. Mr. Speaker, I rise today to commemorate the 84th anniversary of the Armenian genocide. As in years past, I am pleased to join my House colleagues on both sides of the aisle in ensuring that the terrible atrocities committed against the Armenian people are never repeated.

The event we come together to remember began on April 24, 1915, when more than 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish government in Istanbul. By the time it ended in 1923, this war of ethnic genocide against the Armenian people by the Ottoman Empire claimed the lives of over half the world's Armenian population—an estimated 1.5 million men, women, and children.

Sadly, there are some people who still question the fact that the Armenian genocide even occurred. History is clear, however, that the Ottoman Empire engaged in a systematic attempt to destroy the Armenian people and their culture. The U.S. National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. That is one of the reasons we come together every year at this time: to remind the world that this event did indeed take place and that we must remain forever vigilant in our efforts to prevent all such future calamities.

I am pleased to report that a strong and vibrant Armenian-American community thrives in my district in Northwest Indiana. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and Northwest Indiana's strong ties to Armenia continue to flourish. Over the years, members of the Armenian-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband, Dr. Raffi Hovanessian, residents of Indiana's First Congressional District, who have worked to improve the quality of life in Armenia, as well as in Northwest Indiana. In fact, Dr. Hovanessian serves his country and his faith as the personal physician to His Holiness the Catholicos, enabling His Holiness to travel to Rome for the recent opening of the Armenian exhibit at the Vatican library—an event attended by His Holiness the Pope. Mrs. Hovanessian has worked to increase awareness of Armenian culture through her efforts to showcase the work of Armenian artists in exhibitions here in the United States. On a national level, their efforts together were integral to commemorate the 100th anniversary of the Armanian Apostolic Church of America, which has grown and thrived since it was established. They played a key role in raising $5 million for Armenian causes during His Holiness the Catholicos' recent visit to the United States to celebrate the historic event.

Two other Armenian-American families in my congressional district, Heratch and Sonya Doumanian and Ara and Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Dr. and Mrs. Doumanian have dedicated their lives to supporting Armenians both in this country and in Armenia. These distinguished citizens were actively involved in the observance of the 100th anniversary of Armenian independence and Dr. Doumanian was recently honored for his selfless endeavors with the Crystal Globe Award from the Asian-American Medical Society. I was privileged to be there when Dr. Doumanian received that acknowledgment of his innumerable contributions to his family and his faith.

The projects undertaken by these dedicated individuals, together with hundreds of other members of the Armenian-American community, have helped to finance many essential projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization, known as the Young Turk Committee, and became allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

While it is important to keep the lessons of history in mind, we must also remain eternally vigilant in order to protect Armenia from new and more hostile aggressors. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Turkey and other countries are attempting to break Armenia's spirit by engaging in a debilitating blockade against this free nation.

That is why three years ago, I led the fight in the House of Representatives to free Armenia from Turkey's vicious blockade by offering an amendment to the Fiscal Year 1997 Foreign Operations appropriations bill. Under current law, U.S. economic assistance may not be given to any country that blocks humanitarian assistance from reaching another county. Despite the fact that Turkey has been blocking humanitarian aid for Armenia for many years, the President has used his waiver authority to keep economic assistance for Turkey intact. My amendment, which passed in the House by a bipartisan vote of 301–118, would have prevented the President from using his waiver authority and would have cut off U.S. economic aid to Turkey unless it allowed humanitarian aid to reach Armenia. Unfortunately, my amendment was not included in the final version of the Foreign Operations appropriations bill and the Turkish blockade of Armenia continues unabated.

Furthermore, last month, I testified before the Foreign Operations Appropriations Subcommittee, as I have for each of the past several years, to request that the subcommittee maintain its practice of reserving one-third of NIS funding for the Southern Caucasus; sixty percent of those funds for Armenia, Georgia, and Azerbaijan; and no less than twenty-five percent of Southern Caucasus funds for Armenia alone. I also argued that the current ban on assistance to Azerbaijan should remain in place until Azerbaijan takes serious, demonstrable steps to ending their current conflict with Armenia, starting with an end to their own blockade.

Mr. Speaker, I would like to thank my colleagues, Representatives JOHN PORTER and FRANK PALLONE, for organizing this special order to commemorate the 84th anniversary of the Armenian genocide. Their efforts will not only help to bring needed attention to this tragic period in world history, but also serve as a reminder to remain vigilant in the fight to protect basic human rights and freedoms around the world.

PERSONAL EXPLANATION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. TANCREDO. Mr. Speaker, Thursday of last week, I returned to my home in Littleton, Colorado to pray for the victims of the shooting at Columbine High School. Had I been present, I would have voted "yea" on the motion to instruct conferees for H.R. 1141, the Supplemental Appropriations Bill (rollcall No. 96).

INTRODUCTION OF THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. GREEN of Texas. Mr. Speaker, today I introduced a bill to amend the American Competitiveness and Workforce Improvement Act. The legislation would simply extend the filing fee exemption fee to all elementary and secondary schools.

The American Competitiveness and Workforce Improvement Act increased the number of H1–B visas available over a series of years. This legislation also called for a $500 fee to be paid by the employer to file their H1–B visa application. However, this act also contained a provision that exempted institutes of higher education, non-profit research groups, and governmental research institutes from paying the filing fee. The exemption was afforded to these groups to help offset the cost of trying to employ talented workers from abroad.

I represent part of Houston, Texas. Back home my wife is an algebra teacher in Aldine High School. She recently told me of their teacher recruiting efforts. The Aldine Independent School District is much like other district on or near the border. These school districts are constantly searching for talented, experienced teachers for our children. School districts on or near the border will even try to recruit teachers from abroad, who are experienced, bilingual, and who would be a great addition to any school's staff.

The legislation I just introduced would extend the filing fee exemption to all of our schools and will give them the opportunity to recruit the most educated, talented, and experienced teachers for our students. By offsetting the cost of the application, our elementary and secondary schools could look to find the best teachers or specialists, and they could use the $500 filing fee to provide other education services for our schools.

A TRIBUTE TO ELVA AND JOSEPH RIBAUDO

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today to honor a very special couple Elva and Joseph Ribaudo. Elva and Joseph's love for each other, their community, and children exemplify the old-fashioned values this country was founded on. Recently they celebrated a milestone few couples reach. Elva and Joseph Ribaubo celebrated fifty years of marriage.

To mark the milestone, a party was recently held in Fresno, California, where over 60 people turned out to honor this wonderful couple. Among the quests were their two beautiful children and their four adorable grandchildren.

In 1952, three years after getting married, the young couple moved into their first house. They still live in that house 47 years later. As this century come to a close they have no plans of moving out of their beloved home. their devotion to this home, neighborhood, and community is unequaled.

Mr. Speaker, I ask you and my distinguished colleagues to join me in honoring Elva and Joseph Ribaudo. their steadfast love, their devotion to their community, neighborhood and home and their love of children are qualities every American should strive to duplicate.

TRIBUTE TO MR. ELOY AGUILAR

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. GONZALEZ. Mr. Speaker, I rise today to recognize the great public service career of one San Antonian. Over the past 25 years, Mr. Eloy Aguilar has served the constituents of the 20th district of Texas as district director for my predecessor and father, Henry B. Gonzalez.

Twenty-five years ago, Eloy began his career of service and over the years he has shown great dedication and commitment to the constituents of the 20th district and all the people of San Antonio. There have been countless changes since he began his career in 1974, but the one thing that has not changed is Eloy's dedication. He has devoted many hours, evenings and weekends to the work of the people. Though he had served the community of San Antonio for a quarter of a century and was ready for retirement, Eloy continued his role as district director for me during the transition from my father's lengthy term through the first months of my own.

In just a few days, Eloy will enter retirement. I take this opportunity to thank him for his tireless service to the constituents of the 20th district and to the Gonzalez family. His presence will be greatly missed. Eloy, we wish you all the best.

GUILLIAN-BARRE SYNDROME AWARENESS DAY, MAY 1, 1999

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. HOYER. Mr. Speaker, I rise today to share information about Guillian-Barre Syndrome Day on Saturday, May 1, 1999.

"GBS Awareness Day" is an effort to help educate the public and to focus attention on Guillian-Barre Syndrome. GBS is an inflammatory disorder of the peripheral nerves. It is characterized by the rapid onset of weakness and often, paralysis of the legs, arms, breathing muscles, and face. Although most people recover, this can take months, and some have long-term disabilities. It is important to note that GBS can develop in any person at any age, regardless of gender or ethnic background.

Although a great number of cases developed from the 1976 swine flu vaccine, almost 50 percent occur shortly after a viral infection such as a sore throat or diarrhea. This should bring home how susceptible we all are to this baffling disorder which is unpredictable and as of yet, it's cause is unknown.

In 1980, in response to the growing number of cases, Robert and Estelle Benson founded the Guillian-Barre Syndrome Foundation International. The foundation has developed 130 chapters to help serve the needs of patients, families, and friends while at the same time raise money to fund medical research. The foundation is proud to have on it's medical advisory board some of the world's leading experts on GBS, as well as physicians who themselves have the disorder.

One of GBS Foundation cofounders, Mr. Ralph Neas, has played a vital role in bringing awareness to the community through his work at the local Montgomery County Chapter. It is the mission of those who have been affected by this sometimes devastating disease to assure that everyone is aware of the established support system and to better educate the community on the facts and symptoms of Guillian-Barre Syndrome.

I congratulate the foundation on their efforts and wish them great success in their mission.

IN HONOR OF RICARDO DIAZ AND BOBBI MARSELLS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. BARRETT of Wisconsin. Mr. Speaker, today, I would like to share with my colleagues my appreciation and regard for Mr. Ricardo Diaz and Ms. Bobbi Marsells, of the Housing Authority of the City of Milwaukee. Today, Monday, April 26, 1999, the residents of Milwaukee's Hillside Public Housing Development are honoring Ricardo and Bobbi for their work to revitalize Hillside.

Ask anyone familiar with HUD's HOPE VI public housing revitalization program, and they'll tell you that Hillside's transformation wasn't just another 'revitalization'; it was more like a resurrection. In 1993, most of the residents in Hillside lived below the poverty line and had no earned income at all, the facilities were ugly and outmoded, the neighborhood was plagued with drugs and crime, and most public housing applicants preferred to wait longer for help than to move there. Today, earned income is way up, poverty and crime are way down, the design and appearance of the buildings and neighborhood are contemporary, attractive, and functional, and Hillside has a waiting list of eager would-be residents.

Hillside is special not just for Milwaukee, but as an example for the national of what public housing can be. Hillside shows us that revitalization means more than just, safe, structurally sound, and comfortable buildings. Hillside demonstrates that co-locating supportive services offered in partnership with committed, community-based organizations can help public housing residents to work their way out of poverty. Hillside also reminds us that removing design barriers like dead-end streets and tree-line screens, and actually integrating a public housing development into the surrounding neighborhood, can reduce crime and raise the quality of life for the residents of the development.

Many people contributed to Hillside's transformation, but the indispensable element, the driving force that made it happen, was the team of Ricardo Diaz and Bobbi Marsells. Ricardo and Bobbi helped political leaders convince HUD that the revitalization strategy was sound and they built and energized a coalition of local supporters. As a result, Milwaukee won a $47.5 million HOPE VI award that made Hillside' remarkable transformation possible. They also took a very personal and active role in the implementation of Hillside's HOPE VI project, and the end result is a reflection of their commitment and vision.

Ricardo and Bobbi were not content to stop at Hillside. They worked tirelessly over the past few years to help secure a $34 million HOPE VI grant to revitalize the Parklawn Public Housing Development. Today, they are planning Parklawn's transformation, and I am confident that a few years from now, Parklawn will reflect the same innovative vision that Hillside represents today.

Mr. Speaker, very few people can look back on a body of work and say that they helped change a whole community and set a new standard for the nation. Fewer people still can say that they're planning to do it again. Because of their determination, their devotion, their ingenuity, their charm, and their very, very hard work, Ricardo Diaz and Bobbi Marsells are among the those few. On behalf of the people of Milwaukee, I thank them for their efforts to make our city a better place to live.

IN HONOR OF THE TENTH ANNIVERSARY CELEBRATION OF THE SISTER CITY RELATIONSHIP

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. OSE. Mr. Speaker, I rise today in recognition of the tenth anniversary of the establishment of the sister city relationship between Yuba City, CA, an agricultural community which I represent, and Fujishiro, located in the Ibaraki Prefecture of Japan. Over the course of the last ten years, this relationship has allowed for educational, cultural, industrial, community and governmental exchanges which have benefitted the residents of both cities.

In July of 1989, a delegation from Fujishiro came to Yuba City and a declaration of intent to enter a sister city agreement was completed. Other visits ensued, culminating in a signing ceremony in Yuba City in November 1989. In February 1990, a Yuba City delegation traveled to Fujishiro for a similar joint signing. In the ensuing 10 years, there have been several exchange delegations of adults and students.

Sutter County Supervisor Dennis Nelson, President of the Sister City Association, has encouraged the relationship with Fujishiro in order to provide the citizens of both cities with a better understanding of each other through exchanges which enhance the educational and economic well-being of each city.

These exchanges have allowed hundreds of children and adults to have "once in a life time experiences" and to build friendships that span the Pacific Ocean, contributing to peace and prosperity by transcending cultural diversities through realizing our similarities and understanding our cultural differences.

The citizenry of Fujishiro-machi have provided vision, leadership and countless hours of volunteer time furthering the Sister City Relationship, providing significant cultural benefits not only to the Yuba City delegations, but also for the people of Fujishiro.

The International Friendship Association of Fujishiro was formed by involved citizens, businessmen and government leaders to promote the newly established Sister City Relationship between the two communities. I rise to recognize just a few:

Yasuo Kobayashi-san, Mayor of Fujishiro, has provided leadership through personal and civic involvement and pursuit to the goals of our Sister City Relationship. He has accompanied a number of delegations from Fujishiro-machi to Yuba City. His achievements in furthering the Sister City bond have awarded him great respect throughout the community in Yuba City.

Mamoru Sakamoto-san, President of the International Friendship Association of Fujishiro and former President of the Fujishiro Town Council, is recognized for his personal and civic involvement in pursuit of the goals of the Sister City relationship.

Yukio Takegasa-san, Secretary General of the International Friendship Association and a rice farmer, became acquainted with Sutter County as an exchange student and assured the success of the sister city relationship. Today, involved in international trade, he continues to frequent the Yuba City area many times a year.

Shin Kawaguchi-san, former president of the International Friendship Association of Fujishiro is recognized for his personal involvement and relentless pursuit of the goals of our Sister City Relationship by being awarded the honor of "Honorary Citizen" of Yuba City.

And lastly, it is fitting to pay tribute to Hisao Yoshida, the late mayor of Fujishiro, for his vision and leadership in the search for a sister city relationship. He accompanied early delegations from Fujishiro-machi to Yuba City to experience our lifestyle and build everlasting friendships.

Mr. Speaker, I ask my colleagues to join me today in congratulating the citizens of Yuba City, CA and Fujishiro, Japan, on their tenth anniversary as sister cities. I extend my best wishes to both cities as they celebrate the happy occasion this month in Japan, and wish them many more years of friendship, cooperation, and cultural exchange.

CONGRATULATIONS TO THE TRINIDAD TROJANS FOOTBALL TEAM

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. SESSIONS. Mr. Speaker, it is my pleasure to rise today in recognition of a group of young athletes from the Fifth Congressional District for an outstanding year in athletic achievement. On Saturday, December 12, 1998, the Trinidad Trojans became the first Henderson County high school football team to gain a state football championship in any division, by winning the six-man state championship game. This team of exceptional young athletes displayed the determination and tenacity required to achieve a perfect season by finishing the year with an unblemished record of 15–0.

I would also like to recognize the Trojans' Coach, Kevin Ray for guiding these young men through training, practice and each test they met on the gridiron. The lessons that we learn from our High School Coaches apply throughout our lives and will resonate with Coach Ray's players for years to come. Thank you Coach Ray for your leadership and for preparing these players to achieve such monumental goals. I wish you luck in the 1999 season and Godspeed to your graduating seniors. Way to go Trojans!

INTRODUCING THE DISTRICT OF COLUMBIA $5,000 HOMEBUYER CREDIT ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Ms. NORTON. Mr. Speaker, I have chosen today to introduce the District of Columbia $5,000 Homebuyer Credit Act of 1999, a permanent version of my $5,000 homebuyer credit, because Franklin Raines and the Fannie Mae have significantly increased the credit's value to D.C. residents by monetizing the $5,000 credit. This means that D.C. residents will be able to convert the $5,000 homebuyer credit to cash to help make the down payment on a house. The credit alone will be the down payment on a $100,000 house in the District. As a result, for a $100,000 house, no down payment will be necessary.

I am pleased that the President has already agreed to a one-year extension of the credit in his budget, and I am hopeful that Congress will approve this extension. The President acted because, like the Congress, he realizes that if the District is to regain permanent solvency, there is no substitute for rapidly increasing the number of residents. The indispensable increase in the home sales we are seeing in the city today cannot continue without a stable incentive that will be here for the foreseeable future. The tax base loss has been so devastating that the job before us is literally one of repopulation. The District has not yet regained a tax base sufficient to sustain the city. Its competitive position with the suburbs means it will not regain its tax base without very substantial incentives.

The $5,000 homebuyer credit, limited by income, has proven itself as cheap way for the federal government to have a large effect on reviving the city. The credit has been significantly responsible for the phenomenal result that D.C. is now number one in home sales in the country. Home sales in the District increased an extraordinary 50% last year, "the fastest pace in the nation," according to a local analysis. We have gone from 14,206 homesales in 1997, when the credit was enacted, to 21,406 last year. We have come from a few years back when people couldn't sell to today, when people can't buy. This is why Fannie Mae's effort to increase the supply of affordable housing and to monetize the tax credit are so welcome.

The $5,000 homebuyer credit, coupled with a rapid increase in housing stock and investment, are the best hope for increasing our population on a permanent basis. When people buy homes, they lay down roots and are less likely to flee. The District has already lost three times the population in this decade as the city lost during the entire 1980s, and D.C. is still losing population. The credit helped stimulate new population and could ultimately help turn the city's population loss around.

For years, I have searched for natural ways to increase revenue for the District. My large tax cut bill, the progressive flat tax, is a major leap forward and is still the most important initiative we could take to make the nation's capital thrive on its own. I will soon be announcing a bill to make the entire city an enterprise zone. It will spread citywide the lucrative tax breaks for D.C. businesses I won in the 1997 Taxpayer Relief Act.

However, as the city looks for revenue, it must not lose sight of the reality that there can be no permanent increase in revenue without a permanent increase in our population. Investment in housing is the best way to achieve not only a livable city in all eight wards, but a thriving city of taxpaying residents who own their own homes.

I urge my colleagues to support this legislation critical to the continued revitalization of the nation's capital.

WESTERN PROPANE GAS ASSOCIATION HONORED ON THE OCCASION OF THEIR 50TH ANNIVERSARY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. MATSUI. Mr. Speaker, I rise today to honor the Western Propane Gas Association on the auspicious occasion of their 50th anniversary.

Western Propane Gas Association has spent the last fifty years breaking down the barriers and building bridges between its members in the West and legislators in California and Washington. From legislative advocacy to economical insurance, its efforts promote industry awareness and provide a great service to their members and to the legislators representing our shared constituency.

Western Propane Gas Association maintains constant communication with state regulatory agencies through its interaction and lobbying. At the state level, WPGA is a pivotal voice at the California Assembly and Senate hearings, presenting the industry position on legislative topics. Through their Government Affairs Committee, WPGA informs its members of valuable federal regulatory alerts, safety bulletins and an industry specific bi-monthly newsletter. WPGA provides its members with professional and knowledgeable assistance on numerous issues that impact the propane industry.

Recently WPGA accepted the responsibility of managing the propane industry's interests in the growing field of Clean Air Alternate Motor Fuels. They assembled a Clean Fuels Task Force to bring their members research, testimony, and technical information from regulatory boards and engine manufacturers. WPGA's leadership in alternative fuel regulations is crucial not only to the success of their members, but also to the safety and preservation of its environment.

In addition to its legislative review and advocacy agenda, the Western Propane Gas Association also provides liaison advisory services to its members. For example, WPGA maintains contacts and facilitates interaction with statewide organizations such as the California Highway Patrol, the Air Resources Board, The Department of Industrial Safety, and many other local regulatory agencies.

In an industry where change is constant and technology is king, WPGA has taken a leadership role in developing standards for safety and training. The Association holds educational seminars on topics ranging from an Emergency Response Rollover Program and the Certified Employee Training Program to the Gas Check Program. WPGA also brings crucial situation training to its members through its Fire School Seminars. The fast-changing regulations and technologies of the propane and fuel industry needs a membership organization dedicated to upholding the highest standards of safety and service, and WPGA has proven its commitment to its industry and community.

Mr. Speaker, Western Propane Gas Association brings a united, regional voice for local businesses that might otherwise be lost amongst today's regulatory environment. I rise today to commend the organization and its members for their successes and offer my best wishes for the future.

IN RECOGNITION OF DR. DONALD DIX

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the enormous accomplishments and contributions made by Dr. Donald Dix of McLean, Virginia, a distinguished public servant who is retiring from the Department of Defense after 18 years of government service.

Dr. Donald M. Dix will retire as Director of the Office of the Director of Defense Research and Engineering. During this time, Dr. Dix managed two critical national technology programs—the Integrated High Performance Turbine Engine Technology program and the Integrated High Payoff Rocket Propulsion Technology program.

The Integrated High Performance Turbine Engine Technology (IHPTET) program aims to double the national turbine engine performance capability by the turn of the century. The F–117, B–2, F–15E, F–16C/D, and Tactical Tomahawk are possible because of the leading edge work of the IHPTET.

The objective of the Integrated High Payoff Rocket Propulsion Technology (IHPRPT) program is to double the national rocket propulsion capability by 2010. Systems such as the Evolved Expendable Launch Vehicle, X–33, AIM–9X, and Trident D–5 Life Extension are supported by the fine work conducted by the IHPRPT.

Dr. Dix's leadership on both of these programs have allowed this country to maintain its edge in these critical technology areas.

Mr. Speaker, I ask my colleagues to join me in thanking Dr. Donald Dix for his significant contribution toward maintaining this country's national security. I wish him well in his retirement and all of his future endeavors.

TRIBUTE TO PATRICK, MICHAEL AND SEAMUS DOYLE

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Ms. DANNER. Mr. Speaker, on behalf of my constituents, Peter and Virginia Doyle of Kansas City, Missouri, it is my privilege to bring to your attention the exemplary service of their three sons to the United States Army. Their sons are Major Patrick Doyle, Captain Michael Doyle, and Captain Seamus Doyle.

Major Patrick Doyle was commissioned as a Second Lieutenant in the Infantry upon graduation from the U.S. Military Academy, West

Point, in May 1988. He served as Platoon Leader in the 1st Battalion, 16th Infantry Regiment in Stuttgart, Germany. From there he was assigned as a Rifle Platoon Leader at the United Nations Command Security Force-Joint Security Area, Pan Mun Jom, Korea. His next assignment was at Fort Bragg, North Carolina. He commanded Delta Company, 1st Battalion, 325 Airborne Infantry Regiment. He is Airborne, Air Assault, and Ranger Qualified.

Major Patrick Doyle is currently assigned as a Foreign Service Officer and has completed Language Training at the Defense Language Institute, Presidio, Monterey, California. He recently completed his Masters degree in National Security Affairs at the Naval Post-Graduate School in Monterey and is now posted at the U.S. Embassy in Abidjan, Ivory Coast.

Captain Michael Doyle was commissioned as a Second Lieutenant in the U.S. Army Reserve upon graduation from the University of Kansas in May, 1990. While enrolled in the R.O.T.C. program at the University of Kansas, he spent six weeks in Troup Leadership Training in Korea. He attended the Officer's Basic Course at Fort Riley. He has served in various units as Platoon Leader and Executive Officer in both Kansas City, Missouri and Athens, Georgia. He is currently assigned as the S–4 at the 357th Corps Support Battalion in Athens, Georgia. Michael is employed by BellSouth Company as a Market Manager in Atlanta, Georgia. He received his Masters degree in corporate finance from Kennasaw State University, Atlanta, Georgia.

Captain Seamus Doyle was commissioned as a Second Lieutenant Artillery Officer upon graduation from the U.S. Military Academy, West Point, in May 1994. He attended the Field Artillery Officer Basic Course, and is Airborne, Air Assault, and Ranger qualified. He was assigned as a Fire Direction Officer and Platoon Leader in the 1st Battalion, 8th Field Artillery, 25th Infantry Division (light) at Schofield Barracks, Hawaii. Following the activation of 1–8 FA, he served as the 25th ID(L) Division Current Operations Officer. He is currently assigned as an Installation Plans Officer at Fort Carson, Colorado.

THE MERRILL S. PARKS, JR., FBI BUILDING

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Ms. DELAURO. Mr. Speaker, I rise today to introduce legislation that will name the soon-to-be completed Federal Bureau of Investigation building in downtown New Haven in memory of Special Agent Merrill S. Parks, Jr. It is an honor to do so.

Before his untimely death earlier this month, Merrill Parks served as special agent in charge for the State of Connecticut, a post he held since 1994. During his time in New Haven, Special Agent Parks gained the respect and admiration of local law enforcement, and it was at their suggestion, and the urging of those he served most closely within the New Haven FBI office, that the new FBI building bear his name.

During his 30-year career, Special Agent Parks battled organized crime in the FBI's New York Division and worked with the Drug Enforcement Agency in the fight against drugs. Before coming to New Haven in 1994, Parks served with distinction as the Assistant Special Agent in charge of the Houston, TX, division.

It is altogether fitting that agents based in New Haven will work in a building named for a man who exemplified the best in law enforcement. I would also like to include in the RECORD a letter of support from FBI Director Louis J. Freeh and to thank him for his support.

Most of all, I want to pass along my deepest condolences to the family of Special Agent Parks. I hope to see them in New Haven very soon when we officially unveil the Merrill S. Parks, Jr., Federal Building.

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION
Washington, DC.

Hon. ROSA DELAURO,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN DELAURO: I want to thank you for agreeing to sponsor legislation naming the new federal building that will house the FBI's New Haven Field Office after Merrill S. Parks, Jr. Merrill was, until his recent death, the Special Agent in Charge of the office, and a widely respected member of the local law enforcement community. He had a long and distinguished career with the FBI.

All of us at the FBI support this endeavor. It seems a fitting tribute to an agent who devoted his life to public service and public safety.

I am hoping that your leadership on this matter will ensure its swift passage. From all of us at the FBI, I want to again express our gratitude for your attention to this matter, and your continuing support for law enforcement.

Sincerely yours,
LOUIS J. FREEH,
Director.

HONORING MADELEINE APPEL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Madeleine Appel, who is this year's recipient of the Houston Chapter of the American Jewish Committee's Helene Susman Woman of Prominence Award. Helene Susman was a widowed mother of two who became the first woman from Texas admitted to the bar of the Supreme Court of the United States. When she died in 1978, she left a legacy of a commitment to Judaism, a belief in the importance of contributing to the community, and the need for individuals to act responsibly and with integrity at all times.

Madeleine Appel has demonstrated her commitment to her profession, community, and family in such a manner as to distinguish herself as a role model for other women to follow.

Madeleine Appel presently serves as administration manager in the Comptroller's Office of the City of Houston. Her work experience with the City of Houston has included a number of positions: administrator/senior council aide, Mayor Pro-Tem Office; Houston City Council from 1996–1997; senior council aide, Houston City Council member Eleanor Tinsley 1980–1995; and administrator, Election Central, ICSA. She has also worked for Rice University.

She began her career as a journalist working as an assistant women's editor and reporter at the Corpus Christi Caller and Times. Additionally, she worked as the women's editor and assistant editor for the Insider's Newsletter and as a reporter for The Houston Chronicle where she won the "Headliners Award.' She received her B.A. from Smith College in political science and graduated Magna Cum Laude.

Madeleine Appel's community involvement includes Scenic America, League of Women Voters of Texas, Houston Achievement Place, Jewish Family Service, League of Women Voters of Houston, Houston Congregation for Reform Judaism, Houston Architecture Foundation, American Jewish Committee, City of Houston Affirmative Action Committee, and Leadership Houston Class XII.

Madeleine Appel has been married for 36 years to Dr. Richard F. Appel and she is the proud mother of two sons and two daughters-in-law.

Mr. Speaker, I congratulate Madeleine Appel for her service to her community and to Houston. She is the best of public servants and an inspiration to others who want to engage in public service.

HONORING DANA WALSH FOR HER COMMUNITY SERVICE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. KING. Mr. Speaker, I rise today to honor and recognize Dana Walsh of Oceanside, New York for her outstanding fundraising efforts on behalf of the Cystic Fibrosis Foundation.

Miss Walsh is an eighth grade student at Oceanside Middle School where she proposed and coordinated a phone-a-thon which raised $3,000 for the Cystic Fibrosis Foundation. She was inspired to fight for those who suffer from Cystic Fibrosis upon learning that the median survival age is only 29. She spent weeks organizing the evening event and in the end, tripled her original goal.

In light of the numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Miss Walsh are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

HONORING PAULINE GOLDMAN

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Ms. BERKLEY. Mr. Speaker, I rise today to honor one of Las Vegas' most outstanding seniors on the occasion of her 78th birthday. Ms. Pauline Goldmann and her husband Bill retired to southern Nevada in June 1978. Although Bill died in 1991, Pauline remains one of the most active and influential seniors in Las Vegas. Throughout her life, Pauline has been a tireless advocate for working Americans. Among their many accomplishments in the battle for workers' rights, Pauline and Bill's first fight succeeded in allowing auto workers the right to leave the assembly line to use the restroom. Believe it or not, this was an unprecedented victory for auto workers. Pauline also organized the United Auto Workers Retirees Council, which remains one of Las Vegas' most vibrant and active senior groups. In addition, Pauline was instrumental in organizing the Paradise Democratic Club and the National Council of Senior Citizens, and she was a founding member of Seniors United. With all of these commitments, Pauline still finds time to be an active member of the Nevada Senior Coalition, the Executive boards of the Nevada State Democratic Party, and the UCLA Genealogy Board. Pauline was also appointed by Governor Bob Miller to serve on the Silver Haired Legislative Forum. This group, comprised of seniors from all over the state, makes recommendations to the State Government regarding senior needs and services. Pauline has been recognized by the AFL–CIO for her political volunteerism, as well as being named the Outstanding Grass Roots Democrat of 1991 by the Paradise Democratic Club. Pauline was also honored as the Family Care Giver of the Year in 1991 and was appointed to the White House Conference on Aging in 1995 by U.S. Senator RICHARD BRYAN. At the age of 78, Pauline is one busy lady, attending meeting after meeting in Las Vegas. She is well-respected and sets the highest standards of civic participation. Time and again, Pauline has proven her dedication to working families and seniors. Southern Nevada has the fastest-growing seniors population in the country, so, to all the new seniors moving to Las Vegas, I would like to say one thing—you could not be luckier to have someone as devoted as Pauline working on your behalf. At this time, I ask my colleagues to join me in honoring this outstanding senior who sets the standard for civic virtue, not only in Las Vegas, Nevada but throughout our Nation.

CONGRATULATIONS ON THE BIRTH OF SIMON LANIEL COPELAND

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today to welcome a brand new constituent to the Second Congressional District of North Carolina, Master Simon Laniel Copeland. Simon was born on March 31, 1999 to proud parents Tony and Monique Copeland and to big brother Elliot Laniel Copeland. I would like to congratulate the Copelands on the wonderful new addition to their family.

As a father of three, I know the immeasurable joy and pride that children bring into your life. Their innocence keeps you young-at-heart. Through their inquiring minds and child's wide-eyed wonder, they show you the world in a fresh, new way and change your perspective on life. A little miracle, a new baby holds all the potential of what human beings can achieve. Through this new life God has blessed the Copeland family.

I have known Tony Copeland for many years, and I know that he will be as wonderful a father to Simon and Elliot as he has always been a friend to me. I wish Simon and his family much love, joy, and success in life.

BLOOMFIELD CITIZENS COUNCIL AWARDS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a member of Pittsburgh residents who will be honored on April 30th with Bloomfield Citizens Council Awards. Every year, the Bloomfield Citizens Council gives out these awards to recognize members of the community who have, in some way, improved the quality of life in the Bloomfield neighborhood of Pittsburgh. I would like to take this opportunity to commend the 1999 award winners for their efforts to make Bloomfield a better place to live.

Ruth and Vic Infante have been selected as the 1999 recipients of the Mary Cercone Outstanding Citizen Award. This award is given to individuals who demonstrate "an unselfish commitment to others and a deep love for the community of Bloomfield." Ruth and Vic Infante have been actively involved in volunteer activities and community organizations like the Bloomfield Senior Center and the Bloomfield Citizens Council for more than 40 years.

A Community Commitment Award will go to Barry Deems who has worked for the last 14 years as Vice President of the Western Pennsylvania Hospital to promote good relations between the hospital and the community. His efforts to make the hospital's new facilities fit harmoniously into the surrounding community have been greatly appreciated.

Gloria LeDonne will receive a Neighborhood Loyalty Award for her dedicated work as a member, secretary, and president of the Bloomfield Business Association. She is to be commended for her ability to successfully balance the competing demands of running a business, actively involving herself in civic affairs, and raising a family.

Bernice Bianco Palmiere will receive an Excellence in Education Award for her 37 years of involvement in education. A graduate of Carlow College with a Masters Degree in education, she taught at St. Joseph School in Bloomfield for 27 years and served as Assistant Principle for seven of those years. She was also actively involved in the consolidation of three local Catholic schools.

An Excellence in Education Award will also be given to Virginia Gualdaroni DiPucci for a career in education stretching over thirty years. Mrs. DiPucci earned degrees from four local universities—the University of Pittsburgh, Indiana University of Pennsylvania, Duquesne University, and Carnegie Mellon University—and she used her education to serve local children, first as a teacher and later as a principal at local schools.

An Extra Mile Award will be presented to Bill Kovach for his efforts as a volunteer photographer for many local organizations. He has photographed countless community events for local papers like the Valley Mirror, the Allegheny Journal and the Daily Messenger. He provided a particularly important community service by documenting the 1987 train derailment. He has also volunteered this time to a number of local civic organizations.

Public Safety Awards will be given to C.O.P. Officer Kurt Kondrich and C.O.P. Officer W. Scot Green, who have worked diligently as Bike Patrol officers to prevent crime in Bloomfield and keep the community safe.

The Bloomfield Citizens Council will also present a number of awards for Christmas decorations this year. John Scanga will receive the Keeping Christ in Christmas Award for his Nativity scene display. Brian Scanlon will receive the Most Outstanding and Completely Decorated Home Award this year for putting Christmas lights on "anything that couldn't walk away." Phyllis Kutosky and Lucille Totorea—a mother-and-daughter team—will once again receive the Most Elaborate Property Decoration Award for decorating their long double lot. And finally, the Most Creative Design Award will be presented to Mark Wohlfarth for creating a 36-foot high outline of a white Christmas tree on a blank wall of his home and decorating it with large red bows. These five individuals all helped bring the joy of the holiday season to their neighbors.

In closing, let me just say that all of the individuals receiving 1999 Bloomfield Citizens Council awards have made important contributions to the quality of life in Bloomfield. On behalf of the residents of Bloomfield and the rest of the 14th Congressional District, I thank them for their efforts and congratulate them on their selection as recipients of 1999 Bloomfield Citizens Council awards.

COMPULSORY LICENSING IS NOT AN ASSAULT ON INTELLECTUAL PROPERTY RIGHTS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. BERRY. Mr. Speaker, I am thankful that today, by an overwhelming majority of 422 to 1, the House of Representatives passed H.R. 1554, the Satellite Home Viewer Act of 1999, which I supported. This legislation ensures that many of my constituents will continue to receive television network programing. The bill extends for five years compulsory licenses, which require superstations and distant broadcast stations to allow their signal to be retransmitted by satellite carriers. In order to promote competition, the bill sets specific prices at which the intellectual property owners, or broadcasters, will be paid for having their signal rebroadcasted.

It is ironic that even as we vote to allow compulsory licensing today, we are interfering in another country's attempt to address a public health crisis through giving consumers access to international markets and through the use of compulsory licensing. It is estimated 3.2 million South Africans are HIV positive, including 45 percent of its military. One in five South African pregnant women test positive for HIV. Access to affordable medicine is also a critical issue for the elderly and others suffering from chronic diseases and medical conditions. Prescription drugs are not currently an option for many patients in South Africa, where the drugs often cost more than they do in the United States. The 1997 per capita income in South Africa was estimated to be only $6,200 annually.

To address the problem, President Mandela and the South African Government enacted a law in 1997 to reform the country's prescription drug marketplace. The law amends the South African Medicines Act to allow prescription drugs to be purchased in the international marketplace where prices are lower. It would also allow compulsory licensing in some cases. Regulations implementing the law have not been implemented while the law is being constitutionally challenged in South African courts by drug makers in their country.

However, the pharmaceutical industry has persuaded the United States government to work to have the South African law repealed. In February, the United States Department of State released a report titled, U.S. Government Efforts to Negotiate the Repeal, Termination or Withdrawal of Article 15(c) of the South African Medicines and Related Substances Act of 1965.

While special interest groups have tried to convince members of Congress and the administration that implementation of the South African Medicines Act would cause violations of international intellectual property rights agreements, I have seen no evidence that such violations are likely to occur. Compulsory licensing is not an assault on intellectual property rights. Instead, it is part of the copyright and patent systems which enable the interest of the public to be served. Compulsory licensing is permitted under Article 31 of the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). In fact, French law authorizes compulsory licensing when medicines are "only available to the public in insufficient quantity or quality or at abnormally high prices."

Today, the House of Representatives wisely exercised its power to continue the use of compulsory licensing in the broadcast industry to allow consumers to have access to broadcast signals, that in many instances they would otherwise be unable to receive. Certainly, the United States government should recognize the need of a government to allow its citizens to have access to needed medicine in order to address a public health crisis and should not interfere with the situation in South Africa.

RECOGNIZING THE EFFORTS OF THE EMPLOYEES OF ROCKLAND COUNTY SEWER DISTRICT NO. 1

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize the efforts of the employees of Rockland County Sewer District No. 1 in collecting over 7 billion gallons of sewerage annually, treating it, and returning clean water to the environment and the community.

As the 106th Congress works to protect and provide clean water to the communities of our nation, we must not forget those who make our legislation a reality. Their dedication protects each one of us from the pollutants which threaten the health and welfare of our children and our families.

In this spirit, the employees of Rockland County Sewer District No. 1 will be celebrating "Water Week," from May 2nd through May 8th, 1999. This event will celebrate the way people are working to protect and improve our water. It will provide the citizens of Rockland County with tours and exhibits promoting clean water initiatives; and will recognize those individuals who have dedicated their lives to protecting their community water supply.

Once again, I would like to thank the employees of Rockland County Sewer District No. 1 for their hard work and continued dedication.

TRIBUTE TO VETERANS OF FOREIGN WARS OF THE UNITED STATES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to honor of the Veterans of Foreign Wars of the United States (VFW). The VFW is dedicated to protecting the rights and families of those who have served in the United States military. This year marks the 100-year anniversary of the VFW.

For over 200 years, the U.S. Armed Forces have fought for freedom and protected the natural born rights of every American citizen. Blood, sweat and tears of these men and women have built and solidified our great nation into a worldwide stronghold. In 1899, the Veterans of Foreign Wars of the United States established itself a defender of the American veteran. To ensure their protection, the VFW continually echoes the soldier's voices through the halls of Congress and stands tall for widows whose spouses died across vast oceans and in the depths of foreign jungles. The VFW promotes veterans not only in times of war, but also when they return from battle, in times of peace.

Mr. Speaker, I proudly rise to honor the Veterans of Foreign Wars of the United States. All Americans, past, present, and future, deeply appreciate their service and devotion.

CELEBRATING 300 YEARS OF THE SIKH COMMUNITY

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. MEEKS of New York. Mr. Speaker, on April 10th, this city was treated to the sight of the thousands of Americans of the Sikh religion marching through Washington to celebrate the 300th anniversary of the Sikh's most sacred event, the founding of the "Khalsa" (Community of Sikh believers). For Sikhs in this country and around the world, it was a sacred and inspiring day.

However, both the reporting of the march and several subsequent comments placed in the CONGRESSIONAL RECORD, made it appear as if the march was something it was not. For some reason, the comments in the newspaper and elsewhere made it appear as if the entire U.S. Sikh community was here to advocate separation from India, home of the world's largest Sikh community. This was simply not true. The Sikhs who came to Washington traveled here to show pride in their religion and their way of life. They came to celebrate the deep and abiding three-century heritage as found among the 22 million Sikhs worldwide.

It is a heritage that has enriched both this nation and the Sikhs home country, India. Sikhs have served at all levels of government in India, including the Presidency. They have played a key role in India's economic and military development. The vast majority of Sikhs are committed to India and its continued progress. The Sikh community is held in high regard by all Indians.

Sadly, a small number of Sikhs here seem to have been determined to pervert the purpose of the march. It was their intent to promote a narrow agenda—a partial dissolution of the world's most populous democracy, India. While this small minority is vocal and active, it is a very small minority of American and world Sikhs. But being active, it was their comments that got reported in the press and reprinted in the RECORD. What they espouse, a separate homeland for Sikhs has virtually no support in the Sikhs traditional homeland, the Punjab of India, and very little support here in the United States. And for good reason. Rupturing the territorial integrity of India invites greater instability in a region of the world where U.S. interests are best served by stability.

Mr. Speaker, the April 10 march showed the finest of America—freedom of religion, freedom of assembly, freedom of speech. The great numbers of Sikhs who visited our city recently came here to celebrate their religion and their way of life. Any suggestion that these Sikhs came here with a political agenda is incorrect and does a disservice to the community at large.

THE TAX EQUITY PRESERVATION ACT OF 1999

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. CRANE. Mr. Speaker, yesterday I introduced the Tax Equity Preservation Act of 1999, H.R. 1561, to repeal the Alternative Minimum Tax, the AMT, on individuals.

The AMT must be one of the most perverse provisions found in the entire complex of the Internal Revenue Code. Like many of the taxes designed to make Americans pay their "fair share" to the government, the AMT is very inefficient and subjects taxpayers to a form of double jeopardy.

Over the last few months as Americans prepared their 1998 tax returns, they faced an array of tax deductions, exclusions and exemptions which, depending on their circumstances, they could use to legitimately reduce their tax burden. For example, the Code includes personal and dependent deductions. In addition, Congress recently provided parents with a tax credit for each of their children to help with the cost of raising the kids. There are yet other tax credits available to help offset the cost of education such as HOPE Scholarships and Lifetime Learning credits. Taxpayers may also deduct their medical expenses when they exceed 7.5 percent of their income.

More and more taxpayers are finding that, after they fill out their tax forms and take all their legitimate deductions and exclusions, Uncle Sam is telling them that they did not pay enough taxes. They must then start all over with a new stack of tax forms and compute their Alternative Minimum Tax. Unfortunately, many of the deductions, exemptions and credits available under the ordinary income tax are not available, or are reduced, under the AMT.

For example, taxpayers subject to the AMT may not take personal and dependent exemptions. State and local taxes are exempt under the ordindary income tax, but not under the AMT. Tax credits for children and education credits cannot be used to reduce the AMT burden. Even the deductibility of medical costs is more restrictive under the AMT, with only expenses exceeding 10 percent of income eligible for deductions.

Although designed to prevent "rich" taxpayers from avoiding taxes, becuase the AMT exemptions and deductions have not kept pace with inflation, more and more middle income taxpayers are falling victim to the AMT. The AMT exemption amounts are only $33,750 for single filers and $45,000 for married couples filing joint returns. Congress last updated these in 1993 and did not index them for inflation.

The Tax Equity Preservation Act will relieve taxpayers from the burden of filling out two separate stacks of tax forms and paying higher taxes. Although we could help middle-income Americans by increasing the AMT exemptions and indexing them for inflation, that would only add more complexity to the Code. The better way to preserve tax equity is to simply abolish the AMT.

I commend H.R. 1561, the Tax Equity Preservation Act of 1999, to the attention of my colleagues and ask them to join me in the effort to repeal the AMT on individuals by cosponsoring this bill.

APRIL IS PREVENTION OF CRUELTY TO ANIMALS MONTH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. GILMAN. Mr. Speaker, April is Prevention of Cruelty to Animals Month. At this time each year, parents, teachers, and humane educators in small towns and large cities across America teach young people to take proper care of their family cats and dogs. They also teach them to spay and neuter their pets to prevent unwanted litters. The American Society for the Prevention of Cruelty to Animals has for more than 130 years taught us and our children these important lessons. Today, I ask the Congress to join with families, educators, veterinarians, and fine organizations such as the Prevent-a-Litter Coalition and the ASPCA, in urging the Postmaster General to issue a spay/neuter stamp so that this important message will appear on millions of pieces of mail in the year 2000. Millions of stamps means millions of messages, which will save millions of lives.

Prevention of Cruelty to Animals Month is also a most appropriate time, Mr. Speaker, for all of us in the Congress to support pending legislation which will help alleviate pain, fear and suffering in animals. I urge my colleagues to support HR 443, The Downed Animal Protection Act, which would require the euthanization at stockyards, feedlots, and auctions, of farm animals such as cows, pigs and sheep, if they have been so badly injured or weakened they can no longer walk on their own. I also urge for HR 453, the Pet Safety and Protection Act, which would make it more difficulty for family pets to be stolen and illegally sold to research facilities. More and more of our constituents are writing and asking for improvements in the way animals are treated. Accordingly, supporting humane legislation is a wonderful opportunity for all of us to be responsive to the American public in a positive, bipartisan way.

HONORING AND ANSWERING THE FOURTH DISTRICT OF COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to speak about Colorado's Fourth Congressional District and the opinions of my constituents concerning the direction their country is taking. Recently, I surveyed thousands of citizens about issues important to them. I would like to report to you the results of that opinion survey.

The survey asked, "What is the single most important issue facing our country today?" Respondents came back with a whole host of answers including tax relief, preserving social security, need for an effective missile defense system, the failing farm economy, too much government, high taxes, improving our children's education, etc. But the prevailing concern is a "lack of moral leadership," "honesty," "corrupt administration," "moral deterioration," "decline in ethics and morals," and "moral decay." This message was repeated over and over again. The people of Colorado understand the qualities our Founding Fathers identified in order to continue the stability of our Republic, requiring the cultivation of personal morality and responsibility, and courage to stand up for those values.

The number concerned for our country's moral leadership was followed closely by their outrage over President Clinton's decision to involve the U.S. military in Kosovo. Folks support a strong military but they urged our troops' return from the civil dispute in Kosovo. To date, I have heard from no one supporting this recent military venture of the President's.

The second question asked, "What is the single most important issue to you or your family?" The answers to this question mirrored those they believe are important to the country. They are demanding honorable and moral leadership of this country, believing it will cause a renewal of responsibility, morality and liberty in our society.

The survey continued, asking what people think is the biggest challenge for our schools. Responses included funds not reaching the classrooms; class sizes too big; worries over drugs and violence; Federal Government involvement in our local schools; lack of discipline and parental involvement; curriculum not teaching the basics; ridding the classrooms of the teachers union; need for school choice; and demand for more local control. While the concerns are varied, it is unanimous that people are concerned about the quality of education their children are receiving.

Fourth District Coloradans, more than two-to-one, oppose partial birth abortions and overwhelmingly oppose second amendment gun rights being restricted. But, perhaps the most compelling and almost unanimous response comes in support of requiring Congress to balance the budget and reform taxes.

The 105th Congress provided Americans with the first balanced Federal budget and the first budget surplus since 1969. Since the Republican Congress proved we can balance the budget, people want us to ensure we will balance the budget permanently. It is for this reason I am proud to sponsor H.J. Res. 1, the Balanced Budget Amendment Resolution of 1999. With a permanently balanced budget, the Federal Government will be forced to prioritize money for programs important to Coloradans.

Respondents differ on whether a flat tax or consumption tax would be best, but folks are almost unanimous in believing the IRS tax code should be abolished and Americans given much-needed tax relief. Without exception, no one asked for new taxes or new government programs.

Mr. Speaker, I am grateful for the response I received to the opinion survey. I shall consider this valuable input and share it with colleagues. Americans should keep in close touch with their elected officials. This way, we as public servants know our every move is being watched, and the measurement of our achievement depends upon the betterment of their life, and that of their families.

REGULATORY FAIRNESS AND OPENNESS ACT OF 1999

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. BOYD. Mr. Speaker, crop protection tools are necessary for family farmers to provide a safe and reliable food supply to the consumer and the Environmental Protection Agency (EPA) must use sound science to evaluate and determine which products are dependable and safe. If this is not accomplished, safe and useful crop protection products will be unavailable for use by the family farmer and the quality and affordability of wholesome food supply will be jeopardized.

For this reason, I joined several of my colleagues today in introducing the Regulatory Fairness and Openness and Act of 1999. This bipartisan legislation will give EPA the ability to address potential problems with the registration and re-registration processes for crop protection tools during the implementation of the Food Quality Protection Act of 1996. This bill ensures that the EPA has the capability to adequately evaluate and analyze all available, accessible data and information and to use the best science to determine which crop protection tools will be available for the family farmer. This Act does not change the FQPA standards for pesticide evaluations, it clarifies the processes employed for evaluation in order to allow for full and scientifically correct compliance with the requirements of the FQPA.

Without the Regulatory and Openness Act of 1999, many crop protection tools will be eliminated for use by agriculture, putting the farmers in the United States at a competitive disadvantage with foreign imports. These imports do not have to meet the strict regulatory requirements that our farmers must follow.

Further, if the EPA eliminates crop protection tools without allowing time for the development of new alternatives, family farmers will lose crops to pest infestations and the consumer will lose the quality and quantity of food available to them. This bill encourages and supports research into expanded information gathering on the use of crop protection tools and research into the development of new alternatives for managing pests in agriculture.

I urge my colleagues to support this very important legislation. The Regulatory Fairness and Openness Act of 1999 is important not only for agricultural America, but for all Americans. Through complete and thorough risk assessments of crop protection tools using actual and relevant data and sound science, the EPA and family farmers can continue to provide our country's citizens with the safest, most abundant food supply in the world.

THOUGHTS ON KOSOVO

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. SANFORD. Mr. Speaker, I rise today to share with you thoughts on Kosovo from a friend back home, retired Vice Admiral Al Baciocco. His insight as a military man speaks powerfully to the U.S. actions in the Balkans. I hope we will take the time to think through the lucid thoughts he offers.

To: HON. MARK SANFORD
From: Al Baciocco, VADM, USN (Ret), 747 Pitt Street, Mt. Pleasant, SC

DEAR MARK: As you reconvene in Washington, DC, and begin debate on many important issues, I hope that you will consider the current KOSOVO situation an issue of critical and major National Security importance. I have taken the liberty of providing you a copy of an item I wrote to other senior retired military friends a few days ago, reflecting on my feelings about this engagement we have become involved in. I have also provided a copy of one of the responses, this one especially poignant, which I received from other retired senior Admirals. I thought these items might be of interest to you—and perhaps useful in guiding your thoughts.

My somewhat wordy epistle follows:

"To all of John's (and my) Friends—

I worry that I am somewhere out in left field on this Kosovo disaster that we seem to be marching further into, despite continued opportunities for someone (anyone!) to speak up and bring the country to its senses! What we hear and see the Serb military and their leadership engaged in is grossly, morally wrong—beyond the limits of civilized toleration! Given that, it is correct that the United States and the rest of the civilized world be engaged in correcting this outrage—politically, at least; militarily, if necessary! However, the actual endeavor in which we are currently engaged—and the manner in which we have chosen (or allowed ourselves to be eased into) to carry out this endeavor is troubling.

Despite my long professional association with and personal respect for NATO—a mutual defense alliance with a proven track record for deterring aggression—I anguish that we are now engaged in a rather ambiguous mission to "deter with destruction" and to "punish" an offending European leader who clearly has no moral conscience or standards of conduct, with the United States virtually abdicating its visible position of leadership and allowing itself to be represented by a European (NATO) presence, with political and military leadership only vaguely understood by the American people and demonstrating only rather vague definition, judgment and experience. I am offended to find that briefings and statements describing this very dangerous situation are being provided by "glib" NATO political and military "spokesman", not by the elected and/or appointed, potentially-respected ranking officials of the United States. Granted, we have allowed ourselves to become involved and engaged in this NATO (European) show—albeit with some 75-80% of the resources, combat troops, munitions, and "target for ultimate blame" provided by the United States—but, if in fact this engagement is truly in the vital National Security interests of the United States of America, then the nation should hear this from its leaders, both political and military, every hour and every day of its duration. We must clearly understand why we are there; we must clearly be on the field exercising bold and realistic military judgment and direction; and we must be willing, in fact, must demand—through our processes—that our national leaders, both political and military, act and be held accountable for their Constitutional and moral responsibilities!

I am deeply troubled and honestly quite offended as an American that we are expected to feel good about seeing our forces calmly (and quite professionally) go about launching cruise missiles and bombs, however accurately guided, against what is perceived by the world as—and in fact, is—a fundamentally civilian infrastructure of a small, rather poor country—albeit led by a ruthless thug! We have seen this happen before in recent months—most of the time with ambiguous results, at best. All too often today, the general populace and the media seem to view the deployment and use of such military force with the same interest, fascination and concern as they view a "video game"! In my view, cruise missiles are becoming—perhaps have become—"TOO EASY" to use! Their use does not demonstrate a clear commitment of our nation's soul—and a clear commitment to the fray of a nation's soul is the only sign that history demonstrates will deter and influence a tyrant to quickly stand down from his adventure.

The National Soul is demonstrated by a willingness to commit "warriors" to the field, and to shed the blood of our young, if necessary, to achieve justice, freedom and what is morally right! Our nation was founded on these principles—and they should be overlooked, blurred, or discarded only at our peril. None of us were brought up believing that we were a nation that was capricious in the use of our military might. We were brought up as, and are a nation and a people of justice, of honesty, of principle founded on high moral ground! Have all of our men and women in positions of leadership and responsibility within our political and military hierarchy forgotten this? Has "political correctness" clouded their recall of history and our heritage, their judgment, and their courage?

We should answer the question as to the fundamental importance to the United States of America of the current situation and of our current endeavor in the Balkans. If the answer clearly measures up to the standards and principles our nation stands for, then we should openly, proudly and aggressively take the political and military lead, and complete the task—however long it takes—with our Soul and our "warriors" fully committed! If it does not, we should depart the field!

So much for "Views from the Low Country"! I hope my stream of consciousness (and conscience) is not too far off the mark!

Warm regards,

AL"

The response from another retired senior Admiral follows:

"Dear Al,

Right on the mark in my opinion. I share your views and I believe that a large number of the active duty senior leadership does as well. The military power of our country is being applied to solve the world's humanitarian problems and we are creating more problems in the process. The United States of America is no longer perceived as a protector of freedom, but it is now an enforcer of "our way of life." The image of the GI slogging through the mud or riding in the back of a jeep sharing some candy with the children of a devastated community has been replaced with cruise missiles launched from ships that are 500 miles away or from aircraft that nobody ever sees.

We need to stop this madness and return to the values that have made this country great. Tom Brokaw's book, The Greatest Generation, talks about these values and the men and women who not only believed in these values, but lived them as well.

Best regards,"

WE NEED TO DEFEND OUR FREEDOM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1999

Mr. SCHAFFER. Mr. Speaker, I have addressed this Congress a number of times regarding the very real and serious threat our country faces from ballistic missile attack. Very few citizens realize our nation, the world's only superpower, could not stop one single ballistic missile from striking American soil today. This is not due to a lack of technological capability, but rather, is a direct result of President Clinton's deliberate policy of vulnerability.

I have frequently and consistently engaged the President and his administration on this issue because I believe it is one of the most important ones facing our nation. No other issue deals so directly with the security and future of our democracy than one which concerns the very defense of our territory and our citizenry.

Today, I responded rather directly to a letter I received from Lieutenant General Lester L. Lyles, Director of the Ballistic Missile Defense Organization (BMDO), on March 12, 1999. In his letter, General Lyles acknowledged the clear and present threat to our nation, but failed to contradict, even once, the policy of assured volunerability established by the Clinton administration.

In composing this response, I consulted many colleagues who share my concerns. They have asked that the final draft be distributed to all Members.

Therefore, Mr. Speaker, I hereby submit for the RECORD, the full text of the letter I have today posted to General Lyles.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
April 15, 1999.

LT. GEN. LESTER L. LYLES,
Director, Ballistic Missile Defense Organization, Washington, DC

DEAR GENERAL LYLES: Your letter of March 12, 1999, and Defense Secretary Cohen's January 20, 1999 remarks regarding our ballistic missile defense program have made clear to the Congress the reluctance of the Clinton administration to defend the American people from the growing threat of long-range ballistic missile attack. Despite the clear and growing threat posed by long-range ballistic missiles, Secretary Cohen cannot even admit the need to deploy a ballistic missile defense.

The threats are obvious and commanding. On August 31, 1998, North Korea successfully tested a ballistic missile capable of striking the United States. In July 1998, the Rumsfeld Commission issued an alarming and erudite warning on the threat and proliferation of ballistic missiles. In April 1998, Pakistan's test of an intermediate range ballistic missile set off the May 1998 nuclear arms testing race between India and Pakistan. In July 1998, Iran tested an intermediate range ballistic missile, a step in its program for building long-range ballistic missiles to attack the United States.

During 1998, we learned China has 13 long-range ballistic missiles aimed at various American cities. We also learned China is building two new models of ICBMS which are road-mobile and capable of striking the United States. In February 1999, reports revealed China's active build-up of intermediate and short-range ballistic missiles threatening Taiwan, following in the footsteps of China's use of ballistic missiles to intimidate Taiwan in 1995 and 1996.

In 1998, in spite of grace economic problems, Russia continued construction on its new, road-mobile, long-range ballistic missile designed to pierce ballistic missile defenses, the Topol–M. In addition, Russia, operating under a decaying command and control structure, still possesses hundreds of ballistic missiles and thousands of nuclear warheads capable of destroying the United States.

The deployment of a ballistic missile defense is thoroughly warranted. The Clinton administration's policy to delay the deployment of a ballistic missile defense until the year 2005, or later, is incompatible with the purpose of the federal government's responsibility to provide for the common defense. I fear it will take a nuclear missile strike on American soil before this administration and the Ballistic Missile Defense Organization (BMDO) admits to the need to deploy a ballistic missile defense.

RECORD

In 1993, the Clinton administration inherited a balanced and sophisticated ballistic missile defense program utilizing space-based interceptors, high-energy lasers, and theater missile defenses such as Navy Theater Wide (Navy Upper Tier). These space-based programs were in an advanced state of development. For example, *Brilliant Pebbles* was ready to move into the acquisition stage, having acquired approval by the Defense Acquisition Board. The time-frame for *Brilliant Pebbles* deployment, assuming a program of modest acquisition streamlining, would have led to deployment before the year 2000, or perhaps sooner, according to former Strategic Defense Initiative Organization director, Ambassador Henry F. Cooper:

"In both the Space-Based Interceptor [*Brilliant Pebbles*] and other follow-on R&D areas, *the pace at which system concepts can be fully developed and fielded is set by the available funding—not the state of technology* [emphasis added]. Present schedules could be considerably shortened, perhaps up to half, if technology limited development programs were funded." [Ambassador Henry F. Cooper, *Summary of SDI Programs and Plans for Theater and National Ballistic Missile Defense*, January 4, 1993, p. 12.]

Furthermore, a March 15, 1995 letter from Dr. Edward T. Gerry to Senator Strom Thurmond confirmed the Space Based Laser program was entering a ten-year development and acquisition phase in a program using modest streamlining, as pointed out in Dr. Gerry's letter, signed by representatives of Lockheed Martin and TRW, which included a summary of the Space Based Laser program status and a ten-page attachment.

Had the Clinton administration vigorously funded and pursued these ballistic missile defense programs, including Space Based Interceptors, Space Based Lasers, and Navy Upper Tier, we would already have ballistic missile defenses deployed. Instead, in the nearly eight years of its tenure, this administration has gone out of its way to block deployment of a ballistic missile defense, fighting the will of Congress in the mistaken belief it is better to leave the United States vulnerable to attack than to defend our freedom and our lives.

The record is clear. After two full terms in office, Mr. Clinton will have failed to deploy any defense against long-range ballistic missile attack.

Moreover, his administration plans to delay the deployment of any National Missile Defense system until the year 2005 (this particular system would exclude much of our territory and assets), and plans not to deploy the Navy Theater Wide missile defense program until the year 2007.

President Clinton, through his actions, will ensure the American people remain undefended against the threat of long-range ballistic missile attack for five years or more after the end of his administration. This record deserves emphasis and understanding by every American. Despite a clear and growing threat from ballistic missile attack, this administration has ensured no defense in the short term, and a lasting legacy of little or no defense for years to come.

ARCHITECTURE

The only ballistic missile program even contemplated is limited in scope and intrinsically limited in effectiveness. Rather than vigorously pursuing a variety of ballistic missile defense technologies and basing modes to provide multiple opportunities for intercepting long-range ballistic missiles over the full course of their flight, the Clinton administration has instead limited our ballistic missile defense program to a single mid-course defense, foregoing the advantage of a boost phase defense.

The proposal for a mid-course defense consists of ground-based interceptors deployed at two sites, one in Alaska, and one in North Dakota, along with their associated radar. This defense, while situated for ballistic missiles coming over the North Pole, is misplaced to deal with the threat of ballistic missiles launched from sea, as in the case of Submarine Launched Ballistic Missiles.

The basic architecture of the Clinton administration's ballistic missile defense program forgoes the advantages of space-based defenses. Such a defense would provide global coverage and a boost phase defense capability ground-based interceptors do not possess. The administration's proposal also limits its effectiveness against countermeasures such as submunitions, which even the Director of the BMDO admits is an advantage in favor of a boost phase defense.

The Clinton administration is intentionally rejecting the advantages of space-based defenses under various guises, claiming either adherence to the ABM Treaty, a desire not to "weaponize" space (as if long-range ballistic missiles armed with nuclear warheads traveling through space are not weapons), or denial of the technological maturity, cost effectiveness, and quick deployability of space-based defenses.

To fortify its policy of non-deployment in space, the administration in early 1993 canceled the *Brilliant Pebbles* program to build and deploy Space Based Interceptors and reduced funding for the Space Based Laser program to a token. Even today's Space Based

Laser program is operating at a budget 10% or less than what is necessary to build a constellation of Space Based Lasers.

Furthermore, in overseeing the Space Based Laser program, the administration has delayed the necessary development steps, under the guise of waiting for new technology, rather than advancing it today using current technology. By consistently confusing management teams and contractors by transitioning from competition to a "community" team, and by de-emphasizing the goal of testing a Space Based Laser in space, the Clinton administration has greatly weakened the program. By placing the Space Based Laser in competition with the AirBorne Laser, rather than recognizing the unique and separate applications of each program, the administration will even further delay the development of Space Based Lasers.

In summary, the Clinton administration, despite inheriting over forty years of research and analysis into ballistic defense architecture, has yet to present or pursue the basic principles of an effective ballistic missile defense architecture, which includes multiple opportunities for intercepting a ballistic missile; continuous, global coverage to protect the entire United States; and a boost phase defense capability.

PROGRAM

It is no small matter the Clinton administration believes and maintains space-based defenses are less technologically mature than ground-based defenses. Certainly the administration is aware of America's space superiority over the past 40 years, particularly in the realm of payload transport and positioning. It is much easier to position in advance an interceptor in space than to booster launch one under extreme reactionary duress and severe time-constraints.

The deployment of interceptors or high-energy lasers in space provides continuous, global coverage—an advantage not shared by the BMDO's ground-based ballistic missile defense architecture. The BMDO is pursuing an architecture inherently limited in its capability and guaranteed to provide a sub-optimal defense.

According to prior cost estimates by the Strategic Defense Initiative Organization, the BMDO's proposed ground-based interceptor system, consisting of approximately 100 interceptors, can be expected to cost between $20–$30 billion. Yet, for $10–$20 billion, we could build a system of Space Based Interceptors, such as *Brilliant Pebbles*, which would consist of approximately 1,000 interceptors and include 10-year life cycle replacement. For an additional $20–$30 billion, we could build a constellation of Space Based Lasers providing a boost phase defense. But rather than endorse a cost-effective and technologically-feasible system of space-based defenses, President Clinton fervently argues against them.

The administration's method of relying on only one contractor team to develop its ballistic missile defense program, and postponing a deployment decision until after a 2000 test, virtually guarantees the only option America will have is a limited system at a later time. Should this one test fail, the United States would remain undefended and without further options to field a ballistic missile defense. Such a situation, wherein the very security and future of our nation could hinge upon a single, limited system of defense, is entirely unacceptable.

BOOST PHASE DEFENSE

The advantages of a boost phase defense, largely unrecognized by the BMDO's plan for a national missile defense program, are worthy of mention. These advantages include:

(1) Simplified target detection and identification, aided by the boosting missile's burning rocket and hot exhaust plume;

(2) Simplified identification and targeting due to the larger size of a boosting rocket over a hardened reentry vehicle traveling through the cold of space;

(3) Simplified target destruction because a boosting missile is under aerodynamic stress and is unarmored compared to a hardened reentry vehicle.

To these inherent advantages of a Boost Phase Defense is added the ability to intercept a ballistic missile before releasing its payload of multiple warheads, decoys, and/or clustered submunitions. A boost defense will greatly mitigate the difficulties encountered by an integrated ballistic missile defense downstream from the boost phase.

Yet, the administration has chosen not to pursue the development of a boost phase defense capability for a national missile defense.

SUMMARY

The Clinton administration opposes the deployment of a national missile defense. Whether cloaking its opposition in a limited, ineffective defense program, rejecting the advantages of space-based defenses by claiming technological infeasibility, restricting our ballistic missile defense program to ground-based interceptors, or adhering to an outdated and ineffective Anti-Ballistic Missile (ABM) Treaty, the record of this administration is clear—no ballistic missile defense for the American people.

The Clinton administration claims the ABM Treaty is the cornerstone of our "arms control" policy, even though the Soviet Union freely violated the ABM Treaty in its pursuit of a national missile defense and through its massive buildup of offensive nuclear missiles. The ABM Treaty is outdated, a fact which even its author, Henry Kissinger, has admitted. Yet, President Clinton, through the BMDO Congressional liaison, Commander John M. Pollin, is parading the ABM Treaty and its unratified amendments as a reason to delay the development of space-based defenses. [Commander John M. Pollin, There Are Limits on Sea-Based NMD, Naval Institute Proceedings, April 1999, pp. 44–47.]

The Clinton administration's policy of leaving the American people undefended from long-range ballistic missiles is dangerous, unconscionable, and indeed, an embarrassing chapter in our nation's history. We need to defend our freedom.

Very truly yours,

BOB SCHAFFER,
Member of Congress.

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